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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

SENATE—*Tuesday, September 28, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Father God, whose love never fails and whose grace is sufficient for all our need, in this moment set aside from daily duties, we pause to seek Thy wisdom and direction.

"Holy Spirit, truth divine, dawn upon
this soul of mine;
"Word of God and inward light, wake
my spirit, clear my sight.

"Holy Spirit, power divine, fill and nerve
this will of mine.
"By Thee may I strongly live, bravely
bear, and nobly strive.

"Holy Spirit, right divine, King within
my conscience reign;
"Be my Law, and I shall be firmly bound,
forever free."
—Rev. Samuel Longfellow.

Hear this our prayer, for Thy name's sake. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 27, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VACATING OF ORDER FOR SENATOR HARTKE TO SPEAK TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the distinguished Senator from Indiana (Mr. HARTKE) to proceed for 15 minutes this morning, which was granted on yesterday, be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEHUMANIZATION OF FOREIGN POLICY

Mr. MANSFIELD. Mr. President, an article was published in last Sunday's Washington Post entitled "The Dehumanization of Foreign Policy," written by Anthony Lake and Roger Morris.

It states in part:

> It is a world apart from piles of decomposing bodies in a ditch outside Hue or a village bombed in Laos, the burn ward of a children's hospital, or even a cemetery or veterans' hospital here.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DEHUMANIZATION OF FOREIGN POLICY

(By Anthony Lake and Roger Morris)

Once the shock of our experience in Vietnam wears off, we might let ourselves believe that it was all too extraordinary to be anything but an aberration. But the hard truth about the making of our Vietnam policy is that it was not really so unique at all. Leslie Gelb has well described how Vietnam was the product of conscious choice rather than high-level inadvertence. The system within the executive branch worked.

Our policy was not only the product of specific mistakes and the normal mechanical perversity of the system. It reflected a basic mental set—the way nearly all of us, in government and out, have been looking at international affairs and foreign policy.

Some readers of the Pentagon Papers, for example, have professed shock that in all those words, in all those options weighed and calculations made, there was so little mention of the enormous human costs and consequences of the policy—either here at home or in Indochina. But such costs and consequences are far too rarely weighed formally in major foreign policy decisions.

The Papers reveal that human costs were almost invariably approached in terms of their effect on public opinion here, or in making tactical decisions (as in choosing bombing targets). They were not formally considered in making the strategic decisions which determined our course of action.

Whether in the State Department, the Defense Department or the White House, whether in Democratic or Republican administrations, the same dehumanized pattern of decision making on all foreign policy issues has been evident. It is the way nations traditionally carry on their business in the world. Vietnam is only special for the United States in the sheer magnitude of wasted human suffering and the direct toll on our society.

BLOODLESS ABSTRACTIONS

The issue, then, is not the men or the particular period of this tragedy. We cannot forget our own enthusiasm when the architects of our foreign policies in the last decade came in to dispel the malaise of the Eisenhower years. And, even in retrospect they remain the epitome of what our society produces to manage its dealings with other nations. The blame the Presidents who heeded them is to dodge the harder question of why they (and so many of us at lower levels along with them) thought and acted as they did.

The answer to that question begins with a basic intellectual approach which views foreign policy as a lifeless, bloodless set of abstractions. A liberalism attempting to deal with intensely human problems at home abruptly but naturally shifts to abstract concepts when making decisions about events beyond the water's edge. "Nations," "interests," "influence," "prestige"—all are disembodied and dehumanized terms which encourage easy inattention to the real people whose lives our decisions affect or even end. This conceptual approach is shared in our school classrooms no less than in our bureaucrats' offices.

Then, too, there is the important influence of bureaucratic rules of behavior. The same bureaucracy which thinks of the world in abstract images, and which prizes at least the illusion of pragmatic decision-making, imposes a style of behavior on its members which precludes open and forceful concern with human issues. The men involved in making decisions on Vietnam in the early 1960s were aware of, and must have been privately concerned with, the human dimensions of their decisions. But such concern as they felt was not allowed to be included in their formal, written recommendations and analyses. It simply is not done.

A WORLD APART

This produces an all too vivid and tangible method and behavior. We remember, more clearly than we care to, the well carpeted stillness and isolation of those government offices where some of the Pentagon Papers were first written. The efficient staccato of the typewriter, the antiseptic whiteness of nicely margined memoranda, the affable, authoritative and always urbane men who wrote them—all of it is a spiritual as well as geographic world apart from piles of decomposing bodies in a ditch outside Hue or a village bombed in Laos, the burn ward of a children's hospital in Saigon, or even a cemetery or veterans' hospital here. It was possible in that isolated atmosphere, and perhaps psychologically necessary, to dull one's awareness of the direct link between those memoranda and the human sufferings with which they were concerned.

Reasonable, decent men around tables in those quiet, carpeted rooms simply cannot imply that the other fellow, who supports a "tougher" policy, is a heartless murderer. Subordinates do not wish to tell superiors that they will be acting immorally if they choose the "tougher" option. Policy—good, steady policy—is made by the "toughminded." To talk of suffering is to lose "effectiveness," almost to lose one's grip. It is seen as a sign that one's "rational" arguments are weak. So the human factor has been consigned, in the big decisions, to the column of "other considerations"—regrettably inapplicable because, as we are told so often, we are living in a tough, immoral world.

The implied choice is posed between "people" and the "effectiveness" of a policy. The imagined consequences in those abstract terms—prestige, interests, credibility—are unfailingly greater than the potential price people must pay.

This does not touch on the myriad of other influences that quarantine a decision from contact with the human consequences: the obsessive quality of bureaucratic infighting, the immersion in technical details, or the personal hesitations of men caught up in a career system.

THE HUMAN PRICE

How would a more humanistic foreign policy look? This obviously requires more study to see how specific policies would be affected. It would not necessarily always be more interventionist or isolationist or pacifist. It would have one essential element: It would require weighing human costs and benefits as one of the principal and unashamedly legitimate considerations in any decision. This does not mean simply adding a section on "Human Factors" to National Security Council option papers, in the same way that there is occasionally a pro forma attachment on "Congressional Reaction." These considerations are not somehow external, separable from the substance of a decision. In reality, human beings are what foreign policy, no less than domestic policy decisions—and government itself—are all about. When men sit around a conference table in Washington, or draft options in their quiet offices, this reality must be no less in their minds than the abstract and often fuzzy notions of "national advantage" in which we are accustomed to deal. These abstractions can only have meaning when considered in human terms. Now, they seem to have some grotesque life of their own.

Weighing human considerations does not mean that human costs can be avoided. No policy-maker could freeze himself into automatic inaction whenever faced by a decision which would involve suffering or death.

But we must face the magnitude of the human costs involved in some exchange of short-run sacrifice for long-run advantage. And we must never overstate future fears in order to justify or minimize the horror already with us. For example, invoking the fear of nuclear war or Communist world domination cannot be used to justify the hideous casualties in Indochina unless a far better case can be made that Armageddon would have followed an American failure to fight in Vietnam.

In government today, the assumption is that these choices rarely need to be formally posed, if at all, until domestic political opposition (and public opinion, informed by media coverage of the human tragedies involved) is stimulated to hinder or stop a particular policy. Even then, the question is how long the government can afford politically to continue to pursue its course of action.

THE OTHER SIDE

Thus the current administration believes that "interests" have amply justified the further death and suffering in Southeast Asia entailed in its plans for a slow and indefinite withdrawal from Vietnam. When the President evokes the "pitiful, helpless giant," he reflects what has been a national inability to see the other pitiable, helpless human side of the equation. There is a tragic and perverse high-mindedness in the continuing appeal to American men to die for intangible and often transient notions of international balances of power. In the end, such arguments are infinitely elastic. Since the methodology of thought is without humanistic restraints, there is no veto for human consideration anywhere along the way.

Yet marginal benefits of "interest" must yield at some point to human costs. That is the choice—the stopping point—we have never reached in Vietnam.

And so we face the prospect of a withdrawal which may substitute the dimly perceived horror of Laos-style bombing for the presence of American ground forces. We face the prospect of more soldiers, and many more innocent Asian civilians, dying to buy a "decent interval" which would partially preserve one notion of American prestige.

There are other examples outside Vietnam. This abstract approach accounts for raising the level of military aid to Latin American countries while economic aid and reforms for human welfare continue to languish. It also explains why we are ready to sell civilian aircraft to Portugal and South Africa which will almost certainly be used to support their racial tyrannies. It was the reason why we could obscure to ourselves and others—and thus contribute to—the awful magnitude of suffering and death in Biafra after its collapse in the civil war with Nigeria. And we made bloodless yet bloody calculations of "national interest" in deciding to keep supplying the arms to Pakistan which had been agreed upon before it undertook the savage repression in East Bengal.

We will be compounding the tragedy of Vietnam if we conclude that our policies there were wrong simply because they didn't work. It would be equally myopic to see in the Pentagon Papers only a tale of blunders and deception. A final, crucial lesson is that 'American foreign policy-makers find the courage to face—formally and explicitly—the human consequences of their decisions.

STUDENT REGISTERING AND VOTING

Mr. **MANSFIELD**. Mr. President, there is a good deal of discussion going on today about students voting, whether they should vote at the college or university which they attend or in their hometowns.

The University of Montana happens to be in Missoula, Mont.

An editorial published in the Missoulian, for Tuesday, September 7, 1971, entitled "Clearly Best" states in part:

> Missoula County Clerk and Recorder Veramae Crouse says that when University students try to register here they are encouraged not to. They know the issues better back in their home towns, Mrs. Crouse said, and that is the reason they are encouraged to register and vote back home.
>
> But if they assert that they not only live here but plan to live here, that Missoula has become their home, then no obstacle is placed to prevent their registering and voting in Missoula, she said.

Mr. President, this is a State and national problem. It is a good way to face up to the questions confronting our new voters recently enfranchised.

I ask unanimous consent to have the entire editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Clearly Best

The problem of where college students should register and vote is a hot problem in some places, but not here. Nor will it become a problem here unless some legal ruling throws present practice out of whack.

Missoula County Clerk and Recorder Veramae Crouse says that when University students try to register here they are encouraged not to. They know the issues better back in their home towns, Mrs. Crouse said, and that is the reason they are encouraged to register and vote back home.

But if they assert that they not only live here but plan to live here, that Missoula has become their home, then no obstacle is placed to prevent their registering and voting in Missoula, she said.

The problem has become a national problem due to the new constitutional amendment which extends the voting age to all persons 18 years old and older. These are the younger people, generally single and without households to head, even bachelor households, and where they should vote is a question bothering many public officials.

The problem is especially acute in small communities which contain large institutions of higher education. The fear is that the students will politically dominate some of those communities, committing them to expensive programs for which the minority of permanent residents will have to pay.

Last week United States Atty. Gen. John N. Mitchell said Congress should pass no law giving students the right to vote in their college communities. Such a law, he said, would discriminate against servicemen and others who must vote back in their home towns. He said, however, that his department would issue the states no guidelines concerning the matter.

At the opposite extreme, some communities use student population for census purposes and get grant money and legislative representation because of the students' presence. Students so counted should be allowed to vote in the communities which count them, said the Georgia state attorney general.

The entire matter should be left to the individual states. But it appears likely that the U.S. Supreme Court eventually will be asked to decide.

Meanwhile, Montana's practice seems best. It is likely that most newly-arrived students by choice will prefer to vote back home because that is where they know the issues and the candidates.

Yet after two or three years of spending most of their time in Missoula, a time of learning and often of political awakening, it would be natural if many shifted their registrations here. It is conceivable, but unlikely, that a student bloc vote will develop of such proportions as to significantly alter Missoula County elections.

The problem of the student vote in Missoula should not be much of a problem, and the present registration practice as outlined by Mrs. Crouse is clearly best.

ORDER OF BUSINESS

Mr. **SCOTT**. Mr. President, I yield back my time.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Under the order previously entered, the distinguished Senator from Virginia (Mr. Byrd) is now recognized for 15 minutes.

MILITARY PROCUREMENT AUTHORIZATION—SECTION 503

Mr. **BYRD** of Virginia. Mr. President, I shall speak briefly today in regard to section 503 of the military procurement bill.

Last week, by a vote of 46 to 36, the Senate sustained the action of the Committee on Armed Services in approving section 503. That section would end the dependency of the United States or Communist Russia for a vital defense material.

For the past 5 years, as a result of an embargo on trade with Rhodesia, the United States has not been able to purchase chrome ore from that nation. Chrome ore is a vital defense material essential for nuclear submarines, jet aircraft, and missiles.

The chief source of chrome ore is Rhodesia, but since that source has been cut off from the United States, this country now imports 60 percent of its chrome from Communist Russia.

The Committee on Armed Services did not regard this as a logical situation and, as a result, wrote section 503 into the procurement bill. An effort was made to strike that section from the bill.

The Senate took a vote on it last Thursday, and when the vote was counted it was 46 to 36 to sustain the action of the Committee on Armed Services.

Yesterday, the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), presented an amendment to the pending legislation which seeks to change section 503 and give to the President of the United States the option to determine whether this vital defense material, chrome ore, can be imported from Rhodesia.

I want to make a few comments in regard to the statements made yesterday by the distinguished Senator from Arkansas (Mr. FULBRIGHT).

As he told the Senate, his proposal would give the option to the President. In other words, the Senate is being asked not to make the decision itself, but to let the President make the decision.

Mr. President, I happen to be one of those Senators who feel that, through the years, the Senate and Congress have given too much power to the Chief Executive.

I was under the impression that the distinguished Senator from Arkansas was perhaps the foremost advocate in the Senate of the Senate's retrieving some of the power it has given to the executive branch in years gone by.

Certainly his speeches would indicate that he favors the Senate's reasserting itself in the field of foreign policy. Yet his proposal would go directly contrary to that. His proposal now is that the Senate not act on this matter but leave the determination in the hands of the President. Of course, following that kind of a course is the reason the Senate, over a period of time, has given away so much of its power.

The Senator from Arkansas favors the Senate's retaining power if he feels that the Senate will go along with his views. Apparently, however, he favors giving the President the power if he feels that the President will sustain the position which he, the Senator from Arkansas, favors.

Mr. President, it seems to me that the Senate should either have a policy of asserting the responsibilities and prerogatives of this body, or, if it does not want to do that, the alternative is to give those powers to the Chief Executive. I happen to agree with the assertions frequently made on the floor of the Senate by the distinguished and able and beloved majority leader, the Senator from Montana, that the Senate should face up to its responsibilities. I do not favor forfeiting these responsibilities and prerogatives.

I think the Senate should face up to its responsiblities in these matters. I do not favor taking the easy way out by turning the matter over to the President.

That is why our country has got itself in the fix that it is in now. The House of Representatives and the Senate—and I suppose the Senate is even more responsible in this regard than is the House of Representatives—have continually over the years abdicated its responsibilities to the Chief Executive.

It has done that with the same reasoning the distinguished chairman of the Foreign Relations Committee is using in the amendment which he submitted yesterday. He feels that the President of the United States will subscribe to his position on this matter. So he is willing to give him the power.

The Senate demonstrated this past week that it will not subscribe to the Senator from Arkansas' position in this matter. So he wants to take the power away from the Senate and the House of Representatives and give it to the President.

That is his privilege, of course.

However, in one way I think it is amusing that the proposal should be made by the distinguished chairman of the Foreign Relations Committee who, for the last 5 years, has been making speeches that advocate an opposite policy.

In another way, it is sad, in that I feel the Senate has made progress in the last 2 or 3 years in reasserting its responsibilities, particularly in the field of foreign policy.

Yes it is sad that one of the leaders in this fight has reversed his position and now wishes to turn the matter over to the President.

In the course of the debate yesterday, the distinguished Senator from Arkansas (Mr. FULBRIGHT) asked the Senator from Virginia, "Is it not a fact that the administration does not agree with the Senator from Virginia's view on this matter?"

Mr. President, the Senator from Virginia does not go around asking the administration whether it agrees or disagrees with his views.

The Senator from Virginia feels—perhaps incorrectly—that a U.S. Senator is supposed to give these matters some thought and then act in accordance with his convictions.

I am not here to represent the administration. I do not think any Senator in casting his vote is here to represent the administration, whoever the administration may be—Republican or Democrat. That is not the point.

I have no hesitancy in taking a course opposite from that which the State Department wants. I have been watching the State Department for a good many years. I watched it for many years as a newspaper editor. I have been watching it in recent years as a U.S. Senator. I have seen how many mistakes and errors the State Department has made. I am not going to be concerned with whether or not my views coincide with those of the State Department.

I am going to try to do what I think is logical and sound. And if it does not have the approval of the State Department, it is all right with me.

Mr. President, there is another aspect of this matter that I want to comment on. I also want to have printed in the RECORD a telegram which I received from the director of District 19 of the United Steelworkers of America.

I will read two short paragraphs and then ask unanimous consent that the text of the telegram be printed in the RECORD.

The telegram is from William J. Hart, director, District 19, United Steelworkers of America.

The telegram reads in part:

> I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry. If favorable disposition of the Byrd proposal is not obtained, there will be no specialty steel industry in Pennsylvania or the United States.

Mr. President, we need jobs in this country. Yet the course of action that the Federal Government has been following and will continue to follow, unless the amendment included in the pending measure by the Senate last week is retained, will be putting more people out of work. That is going in the wrong direction.

It seems to me that it is certainly not very logical for the Government to take a course of action that puts people out of work, the steelworkers of our Nation.

I am going to do what little I can to help protect the jobs of those steelworkers.

That is an additional reason for the proposal. It is not the main reason. The main reason is that we want to end the dependency of the United States on the Soviet Union for a vital defense material. That is the main reason. However, an additional reason is that by so doing we will protect the jobs of the steelworkers of our Nation.

I do not have an intimate knowledge of the steel industry. However, I accept the word of Mr. Hart, director of District No. 19 of the United Steelworkers, that unless the amendment is retained in the bill the jobs of the black and white people in this specialty steel industry will go down the drain.

I do not want to see more of those people made jobless.

Mr. President, I ask unanimous consent that the telegram to which I have referred be printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TARENTUM, PA.,
September 22, 1971.

Hon. HARRY F. BYRD, Jr.,
Old Senate Office Building,
Washington, D.C.:

I was in attendance on July 8, 1971, when Allegheny Ludlum Industries Inc. vice president E. F. (Andy) Andrews appeared before the African Affairs Subcommittee of the Foreign Relations Committee of the United States Senate in Washington, D.C. I fully endorse the position taken by Mr. Andrews. I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry. As you know Western Pennsylvania is the specialty steel capitol of the world and if the Pennsylvania specialty steel companies do not receive favorable disposition to the Byrd bill section 503 of H.R. 8687 or S. 1404, there will be no specialty steel industry in Pennsylvania or the United States, as a member of the executive board of the United Steelworkers of America I wish to be recorded as in favor of the Byrd bill Section 503 of H.R. 8687 or S. 1404 and I would appreciate any assistance you can render on this important subject.

Sincerely,

WILLIAM J. HART,
Director, District 19, United Steelworkers of America.

ORDER OF BUSINESS

The President pro tempore. Under the order previously entered, the Senator from Texas is recognized for 15 minutes.

Mr. COOK. Mr. President, will the Senator yield to me for a minute

Mr. BENTSEN. Mr. President, I am glad to yield to the Senator from Kentucky.

DEATH OF REPRESENTATIVE WATTS

Mr. COOK. Mr. President, it is with deep regret that I note the passing of the honorable Congressman from Kentucky, John Clarence Watts.

In the brief but abundant history of our great Nation there are few who have served with the dedication, humility and consistency of Representative Watts. A native of central Kentucky, John Watts chose to spend his entire life in the service of the good people of that area. Graduating from the law school of the University of Kentucky in 1927, private practice soon gave way to a permanent career in public service, first as a police court judge in his native Nicholasville, Ky., and later a county attorney, a State representative, majority leader in the State house, State commissioner of motor transportation and county party chairman. Elected to the U.S. House of Representatives in a special election in 1951, Congressman Watts worked quietly but industriously for over 20 years for both the people of his home State and the entire Nation. As the second ranking member of the House Ways and Means Committee and an active member of the Joint Committees on Internal Revenue Taxation and the Reduction of Federal Expenditures, the skill, judgment and conscious dedication which he displayed soon earned him the love and respect of all who knew or worked with him.

This Nation, the Congress and my State in particular will sorely miss John Watts, a man who served with all that he could give.

LEAVE OF ABSENCE

Mr. COOK. Mr. President, I ask unanimous consent that I be excused from attendance in the Senate today so that I may attend the funeral of the late Representative Watts of the Sixth District of Kentucky at Nicholasville, Ky.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE RESEARCH AND DEVELOPMENT

Mr. BENTSEN. Mr. President, I rise to express my deep concern about the cyclical manner of the boom-or-bust philosophy by which our research and development programs in this country have been handled for many years.

One of the most important areas of the Department of Defense budget is that of research, development, test and engineering. Our success therein can insure the future military capability of our country. Our failure could spell disaster.

Unlike some other areas, research and development requires continuity, for it builds on previously developed and carefully nurtured expertise.

I recently talked to a friend of mine who owned a factory that employed many top scientists. I asked him whether he would rather have his factory burned down or have his scientists disbanded, and later to try to bring them back to work. He said:

> The answer is easy. I would rather lose the factory. That is brick and mortar. I could recoup that in a year. But if these scientists and top engineers were dispersed across the country, to try to bring them back again would be much more difficult. Too often we fail to realize these people are a national asset.

There must be some continuity in our research and development program.

It cannot be expected to be productive if it is subjected to spasmodic attention. Scientific and technical capability in this area, once lost, is not easily regenerated. It is for this reason that I deplore the downward trend of our defense research and development budget over the last several years. This bill represents a reversal of this trend, and considers the need for continuing and building on vital research.

Some like to allege that research and development fuels the arms race. This allegation fails to recognize that research supplies our decisionmakers with options and insurance, not hardware. We absolutely must have those options; the alternative is nuclear holocaust or slavery.

Production of a specific weapons system requires a separate decision in which we in the Congress have a very definite role in assessing the implications of such a decision. It is the responsibility of all of us, however, to insure that we and future decisionmakers are not forced into untenable positions by shortsighted decisions made today.

Thus, a failure to adequately fund defense research and development today represents placing a lien on the future security of this country. To be sure, research and development does develop security options for future decisionmakers in the form of specific military systems but it also does much more than that and I would like to explore this briefly with you.

Research and development in one sense is the most important program of the Department of Defense. Coming from a State where the miracle of agricultural production is a reality, I think of research and development as being analagous to the magic of that industry. So it is that the seeds of research, wisely planted, provide the nursery from which our future weapons strength grows.

We spend billions of dollars to further our knowledge in every field of science, to pick and choose among these efforts and apply this knowledge to develop and improve our military weapons so that the future security of the United States will be guaranteed. Why, then, are we told by the leaders of the Defense Establishment that we are in danger of being overtaken by the Soviets in technology? The warnings of the Secretary of Defense, the Director of Defense Research and Engineering, and other high level officials of the Defense Department are ominous. They portend the resignation by the United States from its dominant role throughout the years in the development of superior weapons.

Let me be more specific. The appearance of Sputnik in 1957 came as a shock, a rude awakening. The United States was jolted out of its complacency in the manned space era. However, this was a field of technology which was entirely new and whose potential military significance was not clearly recognized. Belatedly, we applied our resources to match the Soviets. The cost, obviously, was much greater than it would have been had the United States followed a research program prior to the "crash" effort generated by sputnik, than if we had planning and continuity on this type program.

The dramatic use by the Egyptians in the Middle East war of a surface-to-surface missile with such devastating effect caused a shock which is still reverberating throughout our naval surface forces. This first appearance of the Styx missile should not have been a surprise. From a technologic point of view, the United States could have achieved this capability through the normal developmental process if our naval leaders had had the necessary resources. Unfortunately, the preponderance of our resources was used in the development of other naval capabilities during those years.

Research and development is the tool by which we create new technology from pure science. Technology which can serve to increase our security at lower force levels.

If we are going to cut back on defense or reduce our number of troops and go back to 2.2. million men while the Russians build their force to 3.5 million troops we must have superior technology and that calls for continuous research and development.

The research and development portion of our defense budget determines force quality while the remainder of the budget largely determines force quantity.

Hence, research and development must, be necessity, be out of phase with overall defense budget trends. Thus, as we seek to preserve force effectiveness or quality at lower force levels our research and development efforts, the determiner of force quality, must be expanded. In addition, research and development can and must be a vehicle for lowering costs and improving reliability of our military equipment.

If we are looking at a military budget in excess of $70 billion it is important that we have some thinking and planning before we make public commitments on our weapons systems, that we have a thorough job done in research and development in order to get our money's worth.

The use of prototype development, which promises to fulfill these objectives, is receiving well deserved emphasis now by the Department of Defense. Development of the AX close support aircraft is a case in point.

Last week we were talking about building three prototypes of the B-1. This is the type development that is necessary for us to have savings in this enormous program.

Research and development permits us to know what is possible and hence to respond in an orderly way to new threats. If one were to start from scratch every time a new threat appeared, the response would tend to be, more often than not, uncoordinated, lacking in specific direction and wasteful of the precious resources which we may seek to preserve by short-sighted budget cuts in the research and development area.

A continuing and vital research and development program also provides us with the reservoir of technical expertise which enables us to respond rapidly to operational needs as they develop, resulting often in decreased hazards for our men in the field.

Frankly, I have agreed with some cuts in the military and I voted for a great number of those cuts, but it is my strong belief that research and development is not the place to cut, that we absolutely must have continuity in this program in order that we can have problem solving men working in groups, developing the kinds of systems needed for the protection of this country.

Important as the above responsibilities of our defense research and development efforts are, we must recognize that research and development is not an area in which we compete solely with ourselves. The Soviets have made a massive and continuing commitment to technological superiority. Their achievements in high-yield weapons, heavy-lift helicopters and ram-jet engines have been truly impressive. Their defense research and development expenditures now exceed our own by the equivalent of almost $3 billion. This differential, coupled with their demonstrated scientific skill, if maintained over an extended period of time can only result in weapons systems of superior quality and performance in the hands of a formidable potential adversary. Scare talk? Yes, because after the evidence presented in testimony, I very much fear that we may fall behind.

I think we have parity in this situation today but if we compare the curves of United States and Soviet research and development spending and extrapolate them into the future we can see that they will soon be far beyond us in technology and technical superiority.

The secrecy of the Soviet system, unlike our own, does not permit us to examine their program to determine in what areas they may be focusing their efforts. Information concerning activities in the Soviet Union is certainly fragmentary. It is only by our broad technological competence, based on exploration of many technical alternatives in a variety of fields, that we can evaluate the implications of fragmentary intelligence, information, and determine the potential implications to our security. Hence, we must be armed with an adequate and continuing research and development effort if we are to prevent a technological surprise which could dramatically shift the balance of power. I think even those who sincerely disagree with the expenditure in this bill will concede that such a dramatic shift would invite adventures which would cost many times more than the request here.

In summary, as we seek to preserve force effectiveness at lower force levels—with reduced manpower, and this I support—I can think of no better vehicle than a strong, vital defense research and development program. I am convinced that the future security of this Nation is dependent on the research and development decisions which we make today. In the past several years we have seriously eroded the research and development base which took us so long to develop. It is now time to reverse this dangerous trend.

I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with each Senator limited to 3 minutes.

The Senator from Montana is recognized.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR MONDALE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the distinguished Senator from Virginia (Mr. BYRD), the distinguished Senator from Minnesota (Mr. MONDALE) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, how much time remains of the period for the transaction of routine morning business?

The PRESIDENT pro tempore. The time for the transaction of routine morning business has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for not to exceed 10 minutes.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

PRESERVATION OF HISTORIC MONUMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 377, S. 1152.

The PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1152) to facilitate the preservation of historic monuments, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 20, after the word "rehabilitation", to strike out "recreation" and insert "restoration"; and, on page 3, line 1, after the word "for", to insert "public"; so as to make the bill read:

S. 1152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(3) as section 203(k)(4) and by adding a new section 203(k)(3) as follows:

"(k)(3) Without monetary consideration to the United States, the Administrator may convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of United States in and to any surplus real and related personal property which the Secretary of the Interior has determined is suitable and desirable for use as a historic monument, for the benefit of the public. No property shall be determined to be suitable or desirable for use as a historic monument except in conformity with the recommendation of the

Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the Act entitled 'An Act for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (49 Stat. 666), and only so much of any such property shall be so determined to be suitable or desirable for such use as is necessary for the preservation and proper observation of its historic features.

"(A) The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior (i) determines that such activities are compatible with use of the property for historic monument purposes, (ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property, and (iii) approves the grantee's plan for financing repair, rehabilitation, restoration, and maintenance of the property. The Secretary shall not approve a financial plan unless it provides that incomes in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the grantee only for public park or recreational purposes. The Administrator may not authorize any uses under this subsection until the Secretary has examined and approved the accounting and financial procedures used by the grantee. The Secretary may periodically audit the records of the grantee, directly related to the property conveyed.

"(B) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) shall provide that all such property shall be used and maintained for historic monument purposes in perpetuity, and that in the event that the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interest of the United States.

"(C) 'States' as used in this subsection, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States."

Sec. 2. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is repealed.

The PRESIDENT pro tempore. Without objection, the amendments are agreed to.

Mr. PERCY. Mr. President, today we are considering a bill, S. 1152, designed to protect the preservation of certain historic monuments. The legislation has been presented by the administration as a desirable alteration in its conveyance procedures for Government historic properties.

The bill provides that, without monetary consideration, the administrator of General Services may convey to a State or local government any surplus real or related property, which the Secretary of the Interior has determined to be suitable for use as an historic monument for the benefit of the public and that appropriate and compatible revenue-producing activities may be permitted on that property.

Under the Surplus Property Act of 1944, surplus Federal properties are conveyed without cost to the States and local government for historic preservation. However, no commercial uses have been previously allowed. Because expenses of rehabilitation and maintenance in old buildings are especially high, preservation of a particular site may not be feasible unless some productive use can be made of the property or some portion of it. By allowing revenue-producing activities, it may be possible to maintain and develop certain historic monument sites that would otherwise be left to deteriorate. One example is the old U.S. Mint in New Orleans which sits idle. Funds to make the building a living museum could be provided from revenue-producing activities in the building itself.

Often, in the absence of funds, private interests have obtained these sites and been allowed to destroy them to make room for commercial ventures. S. 1152 would relieve the burden of renovation, and maintenance from the State and local government and place it on the monument itself. This concept may be called adaptive reuse. Through adaptive reuse a building may become self-supporting, while remaining under Government administration, by renovation for some appropriate activities which would provide funds for its maintenance and operation.

Determination of which activities are appropriate for preservation will be made by the Secretary of the Interior who approves the grantee's plan to repair, rehabilitate, restore and maintain the property. The responsible, professional judgment of the Advisory Board on National Parks which must report to the Secretary, would prevent any frivolous or improper use of the properties conveyed, as well as ensuring that only those monuments most worthy of preservation are considered for conveyance. The Administrator of the General Services Administration further approves the grantee's plan for financing and payment to the United States of the fair property value. A significant feature on the bill is that payment is required only from the income received from the revenue-producing use of the property, and then only after the grantee has recovered all costs of restoration and maintenance.

In allowing revenue producing activities, S. 1152 provides that any extra revenue produced by the monument above and beyond what is paid to the Federal Government shall be used by the grantee exclusively for park and recreational purposes. An advantage of this requirement, as opposed to a limitation that the money be used strictly for historic monument purposes, is that it might enable the local government to use the money for the upkeep of any recreational area within that particular political jurisdiction although the nearest historic monument or park might be in another city.

Two further improvements that S. 1152 offers over the existing legislation is that the new law would grant the real and personal property to a State or local government for use as a historic monument in perpetuity, abolishing the former 20-year limitation. Although the 20-year requirement is contained in current law, it has been the practice of GSA to convey such properties in perpetuity. This practice should be formalized to provide the long term protection which should be afforded historic properties.

In addition, S. 1152 removes the requirement that surplus properties must have a historic significance of 50 years prior to its being declared surplus. Elimination of the 50-year requirement is necessary to preserve sites related to the space program or the advances in atomic energy.

Mr. President, I believe that this bill is an important step toward Government responsibility in the area of historic preservation. It does not increase the responsibility of GSA to renovate and maintain historic buildings—meaning no additional cost to the Federal Government. What it does do is to make the donation of historic buildings more practical.

All too often in the past, historic monuments have been lost due to the lack of financial resources or public interest in their preservation. Monuments that illustrate the history of our country, the development of our architecture, the growth of the Federal Government, and the foundation of our cities have been thoughtlessly destroyed. Now we must look to a time when new and creative uses can be made of historic properties insuring their continued existence as historic reminders and as places of recreation and study for future generations. I am pleased at the need for such legislation indicated by the distinguished senior Senator from New York, Senator Javits. I urge that the Senate approve S. 1152.

Mr. JAVITS. Mr. President, I support S. 1152, Senator Percy's fine bill to facilitate the preservation of historic monuments.

The existing law—section 13(h) of the Surplus Property Act of 1944—permits the conveyance of surplus property determined by the Secretary of the Interior to be suitable and desirable for use as a historic monument, but the statute contains no authorization for any use of the property other than as a historic monument so that the essential revenue producing potentials of such buildings are not permitted. S. 1152 would repeal section 13(h) of the Surplus Property Act of 1944, thus permitting the conveyance of surplus property which is determined to be historically significant to the United States by the Secretary of the Interior, and for the first time would permit such property to be used for revenue producing activities which are determined by the Secretary to be compatible with the use of the property for historic monument purposes.

Many of our urban areas which are rapidly deteriorating contain buildings of great historic and cultural value, buildings which may be lost as our downtown areas continue to decline. To restore these buildings as empty monuments, however, does little to inhibit the decline of the neighborhood. If we are to reverse this process and save our cities, if we are to inject a new economic and social life into our downtown areas, we must enable innovative approaches which will stabilize those areas and restore the vitality of our urban environment. S. 1152 authorizes the conveyance of surplus property and permits such historic buildings to become an active part of the business and cultural life of its city. This creative reuse not only enhances the city, but preserves the building as part of the lifestyle of that city. Thus, this bill would permit the use of a historic building in a manner which would generate the necessary capital to preserve the building as well as its urban environment.

One example of the benefits to be gained from passage of such a bill exists in my own Manhattan, the New York City Customs House. This building, erected in 1901–07, is a seven-story stone building designed in the electric French style by Cass Gilbert, and is a gem of architectural design. Should this property be declared surplus, however, under the present law the city of New York could aquire the building but could do nothing with it. If S. 1152 becomes law, a device would be provided to establish the transferee's right to use the building for commercial purposes, which would support primary educational and cultural purposes. Thus a wide range of cultural and educational activities, including housing of museum exhibits in the great halls, conducting study programs, lectures and research programs could be established.

Such creative reuse of historical structures will certainly lead the way in preserving our urban areas as well as preserving monuments of great cultural and historic value.

It is quite fitting, in line with President Nixon's stated policy set forth in Executive Order 11593, that:

> The Federal Government shall provide leadership in preserving, retaining, and maintaining the historic and cultural environment of the Nation.

That such a bill as this one should have received such prompt consideration and reporting by the Senate Interior Committee and should now be brought to the floor of the Senate. I urge that this innovative and necessary bill be enacted into law.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

A letter from the Chairman, Commission on the Organization of the Government of the District of Columbia, Washington, D.C., transmitting, pursuant to law, a report of that Commission, to September 22, 1971 (with an accompanying report); to the Committee on the District of Columbia.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City of Beverly Hills, California, relating to excessive noise generated by aircraft; to the Committee on Commerce.

The petition of Faine B. McCoy, of Asheville, North Carolina, relating to S. 1874, the Children's Dental Health bill; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK (for Mr. Bible), from the Committee on Interior and Insular Affairs, without amendment:

S. 539. A bill for the relief of Grant J. Merritt and Mary Merritt Bergson (Rept. No. 92–379).

By Mr. BURDICK (for Mr. Jackson), from the Committee on Interior and Insular Affairs, without amendment:

S. 1151. A bill to authorize the Secretary of the Interior to revise a repayment contract with the San Angelo Water Supply Corporation, San Angelo project, Texas, and for other purposes (Rept. No. 92–380).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Nathaniel Davis, of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Chile;

Henry C. Catto, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary to El Salvador;

William G. Bowdler, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Guatemala;

Philip C. Halib, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Korea;

John E. Reinhardt, of Maryland, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Federal Republic of Nigeria;

Herman Kleine, of Maryland, to be an Assistant Administrator of the Agency for International Development; and

Leo Cherne, of New York, Thomas B. Curtis, of Missouri, Harry S. Flemming, of Virginia, and William French Smith, of California, to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT:

S. 2585. A bill for the relief of Wing Chung; and

S. 2586. A bill for the relief of Marta C. DeJesus. Referred to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 2587. A bill for the relief of Dr. Dilip Sen, his wife Swati Sen and minor child, Arundhuti Sen. Referred to the Committee on the Judiciary.

By Mr. McCLELLAN (for himself and Mr. Hruska):

S. 2588. A bill to amend chapter 73 of title 18, United States Code. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER (by request):

S. 2589. A bill to provide for the establishment of a National Weather Modification Regulating Commission to regulate all weather modification activities, and for other purposes. Referred to the Committee on Commerce.

By Mr. HART:

S. 2590. A bill for the relief of Bradley William Maga. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2591. A bill for the relief of Dr. Constante S. Avecilla. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2592. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes. Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 2593. A bill to establish a comprehensive national program of child nutrition and nutrition education. Referred to the Committee on Agriculture and Forestry.

By Mr. YOUNG:

S. 2594. A bill to amend section 805 of the Agricultural Act of 1970 relating to the storage of emergency hay harvested from set-aside acreage. Referred to the Committee on Agriculture and Forestry.

By M. McCLELLAN (by request):

S. 2595. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes", approved July 5, 1946, as amended. Referred to the Committee on the Judiciary.

By Mr. BROOKE (for himself, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Humphrey, and Mr. Montoya):

S. 2596. A bill to prohibit the imposition of inequitable residency requirements as a condition of voting for Senator, Representative, or Delegate. Referred to the Committee on Rules and Administration.

By Mr. ANDERSON (for himself, Mr. Fulbright, Mr. Scott, and Mr. Pell):

S. 2597. A bill to amend the Act of August 22, 1949 (63 Stat. 623), so as to authorize the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities. Referred to the Committee on Rules and Administration.

By Mr. CHILES:

S. 2598. A bill for the relief of Garvin L. D. McMakin, CT2, United States Navy. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. Cotton, Mr. Ervin, and Mr. Metcalf):

S. 2599. A bill to provide for the application of the prohibitions contained in the Sherman Act to the business of organized professional baseball. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 2600. A bill to authorize the involuntary recall of the Coast Guard Ready Reserve to duty in time of natural disaster. Referred to the Committee on Commerce.

By Mr. BIBLE:

S. 2601. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER:

S.J. Res. 160. Joint resolution amending the provision of law which denies Federal disaster assistance to properties which could have been covered by flood insurance but were not. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. FONG (for himself, Mr. BAKER, Mr. BIBLE, Mr. HOLLINGS, Mr. HUMPHREY, Mr. METCALF, Mr. MUSKIE, and Mr. PROXMIRE):

S.J. Res. 161. Joint resolution proposing an amendment to the Constitution of the United States with respect to the eligibility of naturalized citizens to hold the office of President. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S.J. Res. 162. Joint resolution to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLELLAN (for himself and Mr. HRUSKA):

S. 2588. A bill to amend chapter 73 of title 18, United States Code. Referred to the Committee on the Judiciary.

THE JURY INTEGRITY ACT OF 1971

Mr. McCLELLAN. Mr. President, I am today introducing for myself and the distinguished Senator from Nebraska (Mr. HRUSKA) the "Jury Integrity Act of 1971" to meet a problem that will arise assuming the proposed new Federal Rules of Evidence are promulgated. It also manifests my deeply held conviction that review of these rules and congressional action to remedy their defects or to block them altogether should not await their promulgation but should proceed at the same time that the rules themselves are under consideration by the Judicial Conference and its Committees.

My immediate fear is that proposed rule 606 would inevitably serve as an invitation to unscrupulous defense counsel and guilty defendants to bully and browbeat Federal jurors after the conclusion of the trial. The rule in question would overturn long established Federal precedent and permit a juror to impeach his verdict by testimony or affidavit as to all but his mental or emotional reactions in arriving at that verdict.

Mr. President, from the time of Lord Mansfield's application of the doctrine, "Nemo turpitudinem suam allegans audietur," to the testimony of a juror on his own misconduct in the landmark case of *Vaise* v. *Delaval,* 1 Term R. 11 (K.B. 1785), until the present day, the incompetence of the juror to impeach his own verdict has been well recognized. (See 8 *Wigmore* § 2354 (McNaughton Rev. 1961)). The reasons set out by the Supreme Court in *McDonald* v. *Pless,* 238 U.S. 264, 267–68 (1915) are ample and cogent to support the rule:

> Let it once be established that verdicts solemnly made and publicly returned into court can be attacked and set aside on the testimony of those who took part in their publication and all verdicts could be, and many would be, followed by an inquiry in the hope of discovering something which might invalidate the finding. Jurors would be harassed and beset by the defeated party in an effort to secure from them evidence of facts which might establish misconduct sufficient to set aside a verdict. If evidence thus secured could be thus used, the result would be to make what was intended to be a private deliberation, the constant subject of public investigation—to the destruction of all frankness and freedom of discussion and conference.

Mr. President, these are not idle fears. I have noted with growing concern the trend for ingenuous defense counsel and recalcitrant defendants to resort to any and all means they can to destroy our very system of justice. What day goes by that we do not hear of some new ploy, some new artifice, some new tactic of obstruction designed to harass and intimidate those charged with the administration of the rule of law?

Mr. President, fear is becoming an ever present factor in the administration of justice and it is no longer a stranger to the jury room. One of the jurors in the trial of the infamous Black Panther Bobby Seale is quoted as saying that the fear of the jurors in that case was so great that three jurors were trembling and shaking with the thought that they would be killed if they let their conscience and judgment guide their vote. The New York Times, May 28, 1971, p. 34, col. 1. Can we afford to tolerate new intrusions into the sanctity of the deliberative process of jurors that will only contribute to an increase of this sort of fear? Where will we find jurors brave enough to vote their consciences if they know that the sanctity of the juror room itself will be the routine subject matter of post-trial litigation in all major cases?

I am aware, of course, that reasons have been advanced to reconsider current Federal law and to permit a juror to impeach his verdict in certain instances. Indeed, I recognize that there are constitutional considerations in this area to which we must be sensitive. See *Parker* v. *Gladden,* 385 U.S. 363 (1966). But I remain unpersuaded that it is wise to permit the sort of broadgaged inquiry into the conduct of the jurors' deliberations in a criminal case that would be permitted by this proposed rule. There seems little need to concern ourselves with civil litigation as the incidence of bribery and jury intimidation is far more remote therein. It is because I am concerned that my judgment in this field will go unheeded that I propose this legislation today.

Mr. President, I cannot guarantee the outcome of the events now set in motion. It may well be that this rule will not be adopted by the court. I would hope that this will occur. It may well be that Congress will see fit to revise or block the adoption of this and other rules. Only future developments can tell how these issues will be faced and resolved. But I intend to do what is in my power to protect Federal jurors and the sanctity of their deliberations no matter how the issues are faced or resolved in the context of the rules.

Mr. President, the bill I introduce today would attempt to deter the sort of conduct that I would prefer to see forestalled by the retention of our current rules on jury competency. Essentially, the bill would criminalize any attempt on the part of a defendant in a criminal action or those acting in his behalf to communicate with any member of the jury which sat on his case during or after the conclusion of the trial, unless such were done under the supervision of the court. Any extra-judicial communication would be covered as the nuances of intimidation and influence are too subtle to be otherwise dealt with. At the same time, the way is left open for legitimate and controlled inquiry when such is deemed necessary to the course of justice.

I realize, Mr. President, that this bill is far from a perfect answer to the problem of jury harassment. It does not, for example, deal with the potentially abusive situation presented by permitting journalists and other newsmen to draw out of jurors statements which impune the integrity of the jury system. I am not convinced that a petit juror should be left wholly free to volunteer information to whomever he wishes. It might be better to place petit jurors under the same sort of secrecy that surrounds the grand juror. Judge J. Edward Lumbard in his John Randolph Tucker Lecture (Trial by Jury and Speedy Justice, 28 *Wash. and Lee Law Rev.* 309, 320 (1971)) observed:

> As we have seen, the jurors themselves are frequently put on trial in criminal case of public interest. In some cases this process has been continued after trial by questioning the jurors and asking them to make public statements. In my opinion, no court or judge should permit any questioning of jurors after the trial, except in those rare instances where counsel present to the court some good reason to believe that there has been criminal or grossly improper conduct which may have tainted the verdict. Jurors should be free to express their views freely and completely, whatever those views may be short of constituting criminal conduct such as bribery, coercion, or assault. The jury system can work satisfactorily only if jurors know and are assured that what they say in the jury room is confidential and not subject to exposure by any juror, except as the court may order for good reason. Accordingly, I recommend that by statute or court rule, trial judges should be required to instruct juries that they are under a duty to keep secret everything that happens in their deliberations, and to instruct counsel not to question jurors without court order, and that failure to observe these instructions will be treated as contempt of court.

But I am convinced that he should be free from embarassment and vexatious encounters. I realize that such a suggestion has constitutional overtones and raises a number of problems presented by the relationship between the rights of fair trial and free press. These questions can be developed in hearings.

It might be asked, too, not only whether the bill's coverage should be broadened, but whether it can be without becoming too broad. Can it be, for example, extended without necessarily criminalizing communications to a member of a juror's family? In a different vein, would it be a good idea to restrict it to situations in which a specific intent to harass or annoy is present? Would such a bill still be capable of being enforced? Should it apply to the government as well as the defendant? I do not now have answers to these questions, Mr. President, but I hope that they might be developed in the course of hearings.

Mr. President, I ask unanimous consent that the text of the Jury Integrity Act of 1971 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Jury Integrity Act of 1971."

SEC. 2. Chapter 73, Title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1512. Communication with petit jurors

"(a) Whoever, being or having been a defendant in a criminal case or an attorney, agent or other person acting on the defendant's behalf, questions, interviews or otherwise communicates with any juror with respect to the verdict or deliberations of the jury in such case, either before or after verdict or judgment in such case, except in the presence of and upon motion to the court with good cause shown, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

SEC. 3. The analysis of chapter 73 of Title 18, United States Code, is amended by adding at the end thereof the following new item:

"1512. Communication with petit jurors."

By Mr. HARTKE:

S. 2592. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes. Referred to the Committee on Finance.

THE FOREIGN TRADE AND INVESTMENT ACT OF 1972

Mr. HARTKE. Mr. President, to survive in the rapidly changing world economy of the seventies, America must take a new, hard look at its work trade position. Today, we face an international trade crisis which threatens the livelihood of most Americans and the status of this country as a world industrial leader.

The Foreign Trade and Investment Act of 1972 which I am introducing today, provides dramatic new tools for meeting this challenge. The events of the late sixties, and the more sweeping ones of recent weeks affecting our currency and balance of payments, prove that the old remedies have not worked. The textbook theories of the thirties and forties no longer apply in today's world of international trade. The pet explanations and panaceas of the past have not been effective in treating our trade sickness.

The danger signs are unmistakable: Heavy unemployment continues; our factories work well below capacity; inflation continues unabated—all at a time when other industrial nations are enjoying little unemployment, near peak production and rising standards of living.

If enacted, this bill would be a giant step toward restoring America's economic health and regaining balance in international trade and investment. Without it the heavy export of jobs, technology and capital by companies based in this country, will continue unabated. As well, the torrent of imports that has already wiped out whole industries will gradually erode our industrial base.

This present trend has been encouraged by our present trade and tax laws which make no requirement that free trade also be fair trade.

The Foreign Trade and Investment Act of 1972 seeks to protect the best interests of America against the worst practices of international corporations. It seeks to meet the challenge of foreign imports by better insuring that American manufacturers can compete equitably with foreign producers.

Specifically, the bill provides: First, that the special advantages for American businessmen who control factories overseas are removed from our tax laws. These advantages are outdated and only their removal will help stop the export of American jobs, American know-how, and American dollars.

Second, that the billions of dollars that have gone outside this country without concern for the well-being of American jobholders, or those who need jobs, will be subjected to new controls. The United States can no longer let other nations control the investment of American dollars.

Third, that the technology produced by American genius will be better supervised and controlled, so that American workers are more fully benefited from these advances.

Fourth, that the trade of the United States will be based on new tenets which recognize that we must produce a wide variety of goods within our own borders if we are to remain industrially self-sufficient. For this purpose, a new agency is established which would have wide authority to fix quotas on presently unregulated imports.

This new agency would represent American industry, labor and the public. The agency would set quotas based on the level of production during the 1965–69 period, when our economy was still moving ahead at home, the agency would not stop trade, nor would it set up a wall of price-increasing tariffs. Rather, it would establish a system whereby domestic industry would be gainsaved from unfair competition.

No one claims that every problem in the United States has been caused by the failure to act or to adopt new policies on international trade and investment. But no one can claim either that many of the problems in the industries affected by unemployment—the old and the new—are not intertwined with problems that have been developing from a lack of attention to the need for solutions to modern problems in trade and payments.

Americans know that new business forms have developed—often spawned by obsolete features of the tax laws. Multinational firms and banks—huge enterprises which produce different products in different countries while using a U.S. base for management—now span the globe. The bill treats this problem.

American taxpayers want a fair chance to reap the benefits of their tax dollars spent on American technology. But as fast as the technology for space or electronic equipment is developed and the patent is received, that technology is often transferred abroad—with the help of U.S. tax laws and the U.S. Government. The bill treats this problem.

American consumers want to buy imported products from time to time, and this bill will not stop such products from entering the country. But American consumers want to know where the imported unit and its parts were made and not be fooled by an American brand name on the front. Americans want to know that the American price they pay is related to the cost of the product—and not a windfall for importers and retailers.

There is no dispute that American businessmen and workers want to make goods in America for sale here. No one wants an economy of salesmen, for we know that a nation cannot be strong unless it has a strong base of productive industry. Right now, even though only 73 percent of U.S. industrial capacity is being used, the growth of many major companies continues and their profits increase because their production operations are abroad.

We see no reason to encourage this production abroad. Under current law, a U.S. corporation with a foreign factory receives credit against its U.S. tax for tax payment to a foreign government. But that same corporation cannot take credit against its U.S. tax for the State taxes it pays. This bill would end that loophole and make it equally advantageous to invest in Indiana as it is to invest in Ireland.

The bill also closes the loophole which now gives tax advantages for U.S. citizens who stay abroad 17 out of 18 months. The corporation with a foreign plant may continue to send its managerial personnel from the United States, but there is no reason to pay no taxes to the U.S. Government while he is abroad.

Similarly, the tax breaks or lack of taxes on licenses and royalties that U.S. firms enjoy abroad would be changed. The transfer of U.S. technology is a matter of concern to Government officials and trade experts and has led to congressional studies of the problem. This bill would help stop the export of American jobs due to transferred technology while those studies go on.

In short, the tax provisions of the Foreign Trade and Investment Act would end the giveaway of American jobs and tax dollars now created through holes in the tax law that encourage foreign production and technology transfers by U.S. firms.

In this bill the key word is production. If our economy expands, the rest of the world can continue to participate on an increasing basis. If our economy declines, the rest of the world must understand that America's problems at home need attention.

Those who suggest that the United States become a "service economy" have been unable to explain what they mean.

They seem to think that U.S. business wants to leave the country, that autoworkers do not want to make cars, that steelworkers do not want to make steel, that textile workers, garment workers, and aircraft employees will gladly give up their jobs. "Service" employment is not possible without a production base. When a parts plant shuts down, the people who work in the stores in the community lose their jobs. Service employment declines. The tax base is eroded, and public service jobs are lost. American workers are important to the United States—all kinds of workers, unskilled and skilled, professional, services and technical. Yet the more the United States ignores what has happened from the transfer of production out of the country since 1965, the less chance it will have to bring about full employment in the 1970's.

In sum, this bill would discourage American business investment abroad and limit the flow of imports into this country. We can no longer afford to export American jobs and technology at the expense of our own industry, all in the name of "free trade."

Mr. President, I ask unanimous consent that a section-by-section analysis of this bill, as well as a copy of the bill itself, be printed in the Record immediately following my remarks.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2592

A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Trade and Investment Act of 1972".

PREAMBLE

In order to accomplish the domestic and foreign policy goals of the United States, it is necessary to promote and maintain a fully employed, innovative and diversified production base in the United States. In recent years rapidly increasing imports, sometimes promoted by foreign government assistance or unregulated unfair trade practices, have all but eliminated certain domestic industries, and are threatening to destroy critical portions of the United States production base. It is the intent of Congress, in enacting this statute, to insure that this destruction does not occur.

To this end, this statute should be interpreted to insure that the production of goods which have historically been produced in the United States is continued and maintained. To the extent that production of such goods has been transferred abroad, it is the intent of Congress that this production be encouraged to return to the United States. Moreover, as new products are developed and marketed in the United States this legislation should be administered such that a fair proportion of such production is maintained in the United States.

TITLE I

Section 101. Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Sec. 102. Taxation of Earnings and Profits of Controlled Foreign Corporations

(a) In general.—Part III of subchapter N of chapter 1 (relating to income from sources without the United States) is amended by inserting after subpart H thereof the following:

"SUBPART I—CONTROLLED FOREIGN CORPORATIONS

"Sec. 991. Amounts included in gross income of United States shareholders.
"Sec. 992. Definitions.
"Sec. 993. Rules for determining stock ownership.
"Sec. 994. Exclusion from gross income of previously taxed earnings and profits.
"Sec. 995. Adjustments to basis of stock in controlled foreign corporations and of other property.
"Sec, 996. Records and accounts of United States shareholders.

"Sec. 991. Amounts Included in Gross Income of United States Shareholders.

"(a) Amounts Included.—

"(1) In general.—If a foreign corporation is a controlled foreign corporation for an uninterrupted period of 30 days or more during any taxable year, every United States shareholder of such corporation who owns (within the meaning of section 993(a)) stock in such corporation on the last day in such year on which such corporation is a controlled foreign corporation shall include in its gross income, for its taxable year in which or with which such taxable year of the corporation ends, its pro rata share of the corporation's earnings and profits for such year.

"(2) Pro rata share of earning and profits.—A United States shareholder's pro rata share referred to in paragraph (1) is the amount—

"(A) which would have been distributed with respect to the stock which such shareholder owns (within the meaning of section 993(a)) in such corporation if on the last day, in its taxable year, on which the corporation is a controlled foreign corporation it had distributed pro rata to its shareholders an amount (i) which bears the same ratio to its earnings and profits for the taxable year, as (ii) the part of such year during which the corporation is a controlled foreign corporation bears to the entire year, reduced by

"(B) an amount (i) which bears the same ratio to the earnings and profits of such corporation for the taxable year, as (ii) the part of such year described in subparagraph (A)(ii) during which such shareholder did not own (within the meaning of section 993(a)) such stock bears to the entire year.

"(b) Earnings and Profits.—For purposes of this subpart, under regulations prescribed by the Secretary or his delegate, the earnings and profits of any foreign corporation, and the deficit in earnings and profits of any foreign corporation, for any taxable year—

"(1) except as provided in section 312(m)(3), shall be determined according to rules substantially similar to those applicable to domestic corporations,

"(2) shall be appropriately adjusted for deficits in earnings and profits of such corporation for any prior taxable year beginning after December 31, 1971,

"(3) shall not include any item of income which is effectively connected with the conduct by such corporation of a trade or business within the United States unless such item is exempt from taxation (or is subject to a reduced rate of tax) pursuant to a treaty obligation of the United States, and

"(4) shall not include any amount of earnings and profits which could not have been distributed by such corporation because of currency or other restrictions or limitations imposed under the laws of any foreign country.

"(c) Coordination With Election of a Foreign Investment Company To Distribute Income.—A United States shareholder who for his taxable year, is a qualified shareholder (within the meaning of section 1247(c)) of a foreign investment company with respect to which an election under section 1247 is in effect shall not be required to include in gross income, for such taxable year, any amount under subsection (a) with respect to such company.

"(d) Coordination With Foreign Personal Holding Company Provisions.—In the case of a United States shareholder who, for his taxable year, is subject to tax under section 551(b) (relating to foreign personal holding company income included in gross income of United States shareholders) on income of a controlled foreign corporation, the amount required to be included in gross income by such shareholder under subsection (a) with respect to such company shall be reduced by the amount included in gros income by such shareholder under section 551(b).

"Sec. 992. Definitions.

"(a) United States Shareholder Defined.—For purposes of this subpart, the term "United States shareholder" means, with respect to any foreign corporaton, a domestic corporation which owns (within the meaning of section 993(a)), or is considered as owning by applying the rules of ownership of section 993(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such foreign corporation.

"(b) Controlled Foreign Corporation Defined.—For purposes of this subpart, the term "controlled foreign corporation" means any foreign corporation of which more than 50 percent of the total combined voting power of all classes of stock entitled to vote is owned (within the meaning of section 993(a)), or is considered as owned by applying the rules of ownership of section 993(b), by United States shareholders on any day during the taxable year of such foreign corporation.

"Sec. 993. Rules for Determining Stock Ownership.

"(a) Direct and Indirect Ownership.—

"(1) General rule.—For purposes of this subpart, stock owned means—

"(A) stock owned directly, and

"(B) stock owned with the application of paragraph (2).

"(2) Stock ownership through foreign entities.—For purposes of subparagraph (B) of paragraph (1), stock owned, directly or indirectly, by or for a foreign corporation or foreign estate (within the meaning of section 7701(a)(31)) or by or for a partnership or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person.

"(b) Constructive Ownership.—For purposes of section 992, section 318(a) (relating to constructive ownership of stock) shall apply to the extent that the effect is to treat any domestic corporation as a United States shareholder within the meaning of section 992(a), or to treat a foreign corporation as a controlled foreign corporation under section 992(b), except that—

"(1) In applying subparagraphs (A), (B), and (C) of section 318(a)(2), if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of a corporation, it shall be considered as owning all of the stock entitled to vote.

"(2) In applying subparagraph (C) of section 318(a)(2), the phrase '10 percent' shall be substituted for the phrase '50 percent' used in subparagraph (C).

"SEC. 994. EXCLUSION FROM GROSS INCOME OF PREVIOUSLY TAXED EARNINGS AND PROFITS.

"(a) EXCLUSION FROM GROSS INCOME.—For purposes of this chapter, the earnings and profits for a taxable year of a foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 991(a) shall not, when such amounts are distributed directly, or indirectly through a chain of ownership described under section 993(a), to—

"(1) such shareholder (or any domestic corporation which acquires from any person any portion of the interest of such United States shareholder in such foreign corporation, but only to the extent of such portion, and subject to such proof of the identity of such interest as the Secretary or his delegate may by regulations prescribe), or

"(2) a trust (other than a foreign trust) of which such shareholder is a beneficiary, be again included in the gross income of such United States shareholder (or of such domestic corporation or of such trust).

"(b) EXCLUSION FROM GROSS INCOME OF CERTAIN FOREIGN SUBSIDIARIES.—For purposes of section 991(a), the earnings and profits for a taxable year of a controlled foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 991(a), shall not, when distributed through a chain of ownership described under section 993(a), be also included in the gross income of another controlled foreign corporation in such chain for purposes of the application of section 991(a) to such other controlled foreign corporation with respect to such United States shareholder (or to any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder in the controlled foreign corporation, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary or his delegate may prescribe by regulations).

"(c) ALLOCATION OF DISTRIBUTIONS.—For purposes of subsections (a) and (b), section 316(a) shall be applied by applying paragraph (2) thereof, and then paragraph (1) thereof—

"(1) first, to earnings and profits attributable to amounts included in gross income under section 991(a), and

"(2) then to other earnings and profits.

"(d) DISTRIBUTIONS EXCLUDED FROM GROSS INCOME NOT TO BE TREATED AS DIVIDENDS.—Any distribution excluded from gross income under subsection (a) shall be treated, for purposes of this chapter, as a distribution which is not a dividend.

"SEC. 995. ADJUSTMENTS TO BASIS OF STOCK IN CONTROLLED FOREIGN CORPORATIONS AND OF OTHER PROPERTY.

"(a) INCREASE IN BASIS.—Under regulations prescribed by the Secretary or his delegate, the basis of a United States shareholder's stock in a controlled foreign corporation, and the basis of property of a United States shareholder by reason of which it is considered under section 993(a)(2) as owning stock of a controlled foreign corporation, shall be increased by the amount required to be included in its gross income under section 991 (a) with respect to such stock or with respect to such property, as the case may be, but only to the extent to which such amount was included in the gross income of such United States shareholder.

"(b) REDUCTION IN BASIS.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary or his delegate, the adjusted basis of stock or other property with respect to which a United States shareholder or a United States person receives an amount which is excluded from gross income under section 994(a) shall be reduced by the amount so excluded.

"(2) AMOUNT IN EXCESS OF BASIS.—To the extent that an amount excluded from gross income under section 994(a) exceeds the adjusted basis of the stock or other property with respect to which it is received, the amount shall be treated as gain from the sale or exchange of property.

"SEC. 996. RECORDS AND ACCOUNTS OF UNITED STATES SHAREHOLDERS

"(a) RECORDS AND ACCOUNTS TO BE MAINTAINED.—The Secretary or his delegate may by regulations require each person who is or has been, a United States shareholder of a controlled foreign corporation to maintain such records and accounts as may be precribed by such regulations as necessary to carry out the provisions of this subpart.

"(b) TWO OR MORE PERSONS REQUIRED TO MAINTAIN OR FURNISH THE SAME RECORDS AND ACCOUNTS WITH RESPECT TO THE SAME FOREIGN CORPORATION.—Where, but for this subsection, two or more persons would be required to maintain or furnish the same records and accounts as may by regulations be required under subsection (a) with respect to the same controlled foreign corporation for the same period, the Secretary or his delegate may by regulations provide that the maintenance or furnishing of such records and accounts by only one such person shall satisfy the requirements of subsection (a) for such other persons."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 864(c)(4)(D) is amended to read as follows:

"(D) No income from sources without the United States shall be treated as effectively connected with the conduct of a trade or business within the United States if it consists of dividends, interest, or royalties paid by a foreign corporation in which the taxpayer owns (within the meaning of section 958(a)), or is considered as owning (by applying the ownership rules of section 958 (b)), more than 50 percent of the total combined voting power of all classes of stock entitled to vote."

(2) Section 951 is amended by adding at the end thereof the following:

"(e) TAXABLE YEARS ENDING AFTER DECEMBER 31, 1971.—No amount shall be required to be included in the gross income of a United States shareholder under subsection (a) (other than paragraph (1)(A)(ii) of such subsection) with respect to a taxable year of a controlled foreign corporation ending after Deecmber 31, 1971."

(3) Section 1016(a)(20) is amended by striking out "section 961" and inserting in lieu thereof "sections 961 and 995".

(4) Section 1246(a)(2)(B) is amended by inserting "or 991" after "section 951" and by inserting "or 994" after "section 959".

(5) Section 1248 is amended—

(A) by striking out subsection (b);

(B) by revising subsection (d)(1) to read as follows:

"(1) Amounts included in gross income under section 951 or 991.—Earnings and profits of the foreign corporation attributable to any amount previously included in the gross income of such person under section 951 or 991, with respect to the stock sold or exchanged, but only to the extent the inclusion of such amount did not result in an exclusion of an amount from gross income under section 959 or 994.";

(C) by striking out in subsection (d)(3) "section 902(d)" and inserting in lieu thereof "subsection (h)", and by adding at the end of such subsection "No amount shall be excluded from the earnings and profits of a foreign corporation under this paragraph with respect to any United States person which is a domestic corporation for any taxable year of such foreign corporation ending after December 31, 1971."; and

(D) by adding at the end thereof the following:

"(h) Less Developed Country Corporation Defined.—For purposes of this section, the term "less developed country corporation" means—

"(1) a foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of section 955(c)(1) or (2), and

"(2) a foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less developed country corporation within the meaning of section 955(c)(1), and—

"(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of section 955(c)(1)(A); and

"(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in section 955 (c)(1)(B)."

(c) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to taxable years of foreign corporations ending after December 31, 1971, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) The amendments made by subsection (b)(4) shall apply with respect to sales or exchanges occurring in taxable years beginning after December 31, 1971.

SEC. 103. REPEAL OF FOREIGN TAX CREDIT ALLOWED CORPORATIONS

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of the United States) is amended—

(1) by revising subsection (a) to read as follows:

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer other than a corporation, who chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitations of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b). Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 56 (relating to minimum tax for tax preferences).";

(2) by revising subsection (b)(1) to read as follows:

"(1) CITIZENS.—In the case of a citizen of the United States, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and";

(3) by revising subsection (b)(4) to read as follows:

"(4) NONRESIDENT ALIEN INDIVIDUALS—In the case of any nonresident alien individual not described in section 876, the amount determined pursuant to section 906; and"; and

(4) by striking out subsections (d) and (e).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 78 is repealed.

(2) Section 535(b)(1) is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1) (C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(3) Section 545(b) (1) is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a) (4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a) (1) or 960(a) (1) (C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(4) Section 841 is repealed.

(5) Section 882(c) is amended by striking out paragraph (3).

(6) Section 884 is amended by striking out paragraph (4).

(7) Section 902 is repealed.

(8) Section 906 is amended—

(A) by striking out "and foreign corporations" in the heading thereof;

(B) by striking out in subsection (a) "or a foreign corporation" and "(or deemed, under section 902, paid or accrued during the taxable year)";

(C) by striking out in subsection (b) (3) "or 881 (relating to income of foreign corporations not connected with United States business)"; and

(D) by striking out subsection (b) (4).

(9) Section 904(g) is repealed.

(10) Section 960 is repealed.

(11) Section 1503 is amended to read as follows:

"SEC. 1503. COMPUTATION AND PAYMENT OF TAX.

"In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under section 1502 prescribed before the last day prescribed by law for the filing of such return."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

SEC. 104. DEPRECIATION ON FOREIGN ASSETS.

(a) EARNINGS AND PROFITS OF FOREIGN CORPORATIONS.—Section 312(m) (relating to effect of depreciation on earnings and profits) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) FOREIGN CORPORATIONS.—In applying paragraph (1) or (2) for purposes of computing the earnings and profits of a foreign corporation, the amount of depreciation which would be allowable for the taxable year with respect to any property shall be determined on the basis of the useful life of such property in the hands of such foreign corporation."

(b) DEPRECIATION ON PROPERTY LOCATED OUTSIDE THE UNITED STATES.—Section 167 (relating to depreciation) is amended by redesignating subsection (m) as subsection (n) and by inserting immediately after subsection (l) the following:

"(m) DEPRECIATION ON PROPERTY LOCATED OUTSIDE THE UNITED STATES.—In the case of any property which either is located outside the United States or is used predominantly outside the United States (other than property described in section 48(a) (2) (B) (i), (ii), (iii), (iv), (v), or (vi)), subsection (b) shall not apply and the term "reasonable allowance" as used in subsection (a) shall be an allowance computed under the straight line method on the basis of the useful life of the property in the hands of the taxpayer."

(c) EFFECTIVE DATES.—The amendments made by this section shall apply with respect to taxable years beginning after June 30, 1972.

SEC. 105. TRANSFER OF PATENTS, ETC., TO FOREIGN CORPORATIONS.

(a) RECOGNITION OF GAIN.—Section 367 (relating to foreign corporations) is amended by adding at the end thereof the following:

"(e) TRANSFER OF PATENTS, ETC., TO FOREIGN CORPORATIONS.—Notwithstanding any other provision of this subtitle, any grain realized on a transfer of a patent, an invention, model, or design (whether or not patented), a copyright, a secret formula or process, or any other similar property right to any foreign corporation in an exchange to which this section is applicable shall be recognized."

(b) EFFECTIVE DATE. — The amendments made by this section shall apply with respect to transfers of property made after the date of enactment of this Act.

SEC. 106. EXCLUSION FOR EARNED INCOME FROM SOURCES WITHOUT THE UNITED STATES.

(a) LIMITED OF EXCLUSION.—Section 911(c) (relating to special rules) is amended by adding at the end thereof the following:

"(8) Certain compensation not excludable.—No amount received for services performed—

"(A) for a domestic corporation or a domestic partnership. or

"(B) for a controlled foreign corporation (within the meaning of section 992(b)), may be excluded under subsection (a)."

(b) EFFECTIVE DATE. — The amendment made by this section shall apply with respect to amounts received for services performed after the date of enactment of this Act.

SEC. 107. SUBMISSION OF REPORT ON INTERNATIONAL TAX COMPLIANCE.

Not later than December 31, 1972, the Treasury Department shall submit to the Congress a report on the administration of the income tax imposed by the Internal Revenue Code of 1954 as it applies to business activities carried on outside the United States by U.S. corporations, whether directly or through foreign entities. Such report shall include, but not be limited to, a discussion and analysis of the enforcement and compliance problems encountered by the Treasury Department in such administration.

TITLE II—UNITED STATES FOREIGN TRADE AND INVESTMENT COMMISSION

SEC. 201. ORGANIZATION OF THE COMMISSION—MEMBERSHIP

(a) The United States Foreign Trade and Investment Commission (referred to in this subtitle as the "Commission") shall be composed of three Commissioners to be hereafter appointed by the President by and with the advice and consent of the Senate. No person shall be eligible for appointment as a Commissioner unless he is a citizen of the United States, and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of foreign trade and investment problems and efficiency in administering the provisions of this part. Not more than two of the Commissioners shall be members of the same political party. One member of the Commission shall be a representative of public interests, one shall be a representative of labor interests, and one shall be a representative of industrial interests.

(b) Terms of office of the Commissioners first taking office after July 1, 1972, shall expire, as designated by the President at the time of nomination, one at the end of every second year following July 1, 1972. The term of office of a successor to any such Commissioner shall expire six years from the date of the expiration of the term for which his predecessor was appointed, except that any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

(c) The President shall annually designate one of the Commissioners as Chairman and one as Vice Chairman of the Commission. The Vice Chairman shall act as Chairman in case of the absence or disability of the Chairman. A majority of the Commissioners in office shall constitute a quorum, but the Commission may function notwithstanding vacancies. No Commissioner shall actively engage in any other business, vocation, or employment than that of serving as a Commissioner.

(d) (1) Whenever, in any case calling for findings of the Commission in connection with any authority conferred upon the President by law to make changes in import restrictions, a majority of the Commissioners voting are unable to agree upon findings or recommendations, the findings (and recommendations, if any) of any one of the Commissioners may be considered by the President as the findings and recommendations of the Commission.

(2) Whenever, in any case in which the Commission is authorized to make an investigation upon its own motion, upon complaint, or upon application of any interested party, one-half of the number of Commissioners voting agree that the investigation should be made, such investigation shall thereupon be carried out in accordance with the statutory authority covering the matter in question. Whenever the Commission is authorized to hold hearings in the course of any investigation and one-half of the number of Commissioners voting agree that hearings should be held, such hearings shall thereupon be held in accordance with the statutory authority covering the matter in question.

TITLE III—QUANTITATIVE RESTRAINTS ON IMPORTS

SEC. 301.—QUANTITATIVE RESTRAINTS FOR 1972 AND SUCCEEDING YEARS.

(a) The total quantity of each category of goods (as defined in section 303 (f)), produced in any foreign country which may be entered during the calendar year 1972 shall not exceed the average annual quantity as determined by the Commission of such category produced in such country and entered during the calendar years 1965 to 1969.

(b) (1) The total quantity of each category of goods produced in any foreign country which may be entered during any calendar year after 1972 shall not exceed the sum of —

(A) the total quantity determined for such category for such country under subsection (a) or this subsection for the immediately preceding calendar year, and

(B) the increase (or decrease) applicable under paragraph (2).

(b) (2) (A) The Commission shall increase (or decrease) the total quantity of each category of goods produced in any foreign country which may be entered during any calendar year after 1971 by an amount which the Commission estimates is necessary in order to make the total quantity of imports in each category bear the same relationship to United States production of the goods in such category as existed during the period 1965–69.

(B) The Commission may make additional decreases in quotas where it determines that the level of imports provided for under this section is inhibiting the production of any manufactured product.

(C) Any increase (or decrease) under this paragraph for any category for any calendar year shall be the same percentage for all foreign countries.

(D) A determination shall be made under this paragraph for each category for each foreign country for each calendar year after 1972 without regard to the nonapplication (or partial nonapplication) of this subsection to such category for such country for such year by reason of subsection (d) of this section or Section 302.

(c) (1) Any annual quantitative limitation under subsection (a) or (b) shall be applied on a calendar quarter or other intra-annual basis if the Commission determines that such application is necessary or appropriate to carry out the purposes of this section.

(2) If the application of subsection (a) or (b) to any category for any foreign country begins or resumes after the first day of any calendar year, the amount of the quantitative limitation for such category for such

country for the remainder of such calendar year shall be the annual amount determined under subsection (a) or (b), adjusted pro rata according to the number of full months remaining in the calendar year after the date of such beginning or such resumption.

(d) The quantitative restraints provided for in this section shall not be applied to any category of goods for which the Commission has determined that * * *.

(1) a voluntary bilateral or multilateral government to government agreement has been entered into pursuant to section 302 which effectively limits imports of such category, or

(2) quantitative controls have been imposed pursuant to some other law, or existing government-to-government international agreement.

(3) failure to import the goods would cause long-term disruption of U.S. markets, or

(4) the domestic industry producing competing goods has consistently failed to make technological innovations required to remain competitive with foreign producers.

(e) Any quota established under this section for an item which is used in the production of goods in the United States, may be increased by the Commission to a level which will not inhibit the production of such goods.

(f) If, at any time, the Commission determines that any country quota established under this section will not be filled, it shall so inform the President, and shall distribute the quota among new or existing suppliers as the President may direct.

(g) Any action taken under subsection (d), (e), or (f) of this section shall not take effect before the 30th day after the day on which notice of such action is published in the Federal Register.

Sec. 302. Arrangements or Agreements Regulating Imports.

(a) The President is authorized to conclude bilateral or multilateral arrangements or agreements with the governments of foreign countries regulating, by category, the quantities of articles produced in such foreign countries which may be exported to the United States or entered and to issue regulations necessary to carry out the terms of such arrangements or agreements. In concluding any arrangement or agreement under this subsection, the President shall take into account conditions in the United States market, the need to avoid disruption of that market, and such other factors as he deems appropriate in the national interest.

(b) Whenever a multilateral arrangement or agreement concluded under subsection (a) is in effect among the countries, including the United States, which account for a significant part of world trade in the article concerned and such arrangement or agreement contemplates the establishment of limitations on the trade in the article produced in countries not parties to such arrangement or agreement, the Commission may by regulation prescribe the total quantity of the article produced in each country not a party to such arrangement or agreement which may enter.

Sec. 303. Administration.

(a) The rulemaking provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply with respect to proceedings under this chapter.

(b) All quantitative limitations established under this title or pursuant to any arrangement or agreement entered into under this title, all exemptions established under this title and all extensions or terminations thereof, and all regulations promulgated to carry out this title shall be published in the Federal Register. The Commission shall certify to the Secretary of the Treasury for each period the total quantity of each category of goods produced in each foreign country the entry of which is affected by such a quantitative limitation on importation; and the Secretary of the Treasury shall take such action as may be necessary to insure that the total quantity so entered during such period shall not exceed the total quantity so certified.

(c) There shall be promulgated as a part of the appendix to the Tariff Schedules of the United States, Annotated, all quantitative limitations and exemptions established under this title or pursuant to any arrangement or agreement entered into under this title and all quantitative limitations otherwise established pursuant to law, or to an agreement entered into pursuant to section 302.

(d) One year after the passage of this Act, and by July 1 of each succeeding year, the Commission shall publish a report to the Congress reviewing actions taken by it under this title during that year.

(e) The term "category" means a grouping of goods as determined by the Commission, for the purposes of this title, using the five-digit and seven-digit item numbers applied to such articles in the Tariff Schedules of the United States, Annotated, as published by the United States Tariff Commission. Groupings shall not be made that will adversely affect the assembly or production of any item or component in the United States.

(f) In order to make the estimate required by section 301(b)(2)(A) the Commission shall each year make an estimate of the United States production during the preceding U.S. fiscal year of the goods, commercially the same as those contained in each category of goods. Such estimate shall be based on the best information available at the time when the estimate is made, and shall be reviewed and updated annually. Such estimates of the U.S. production together with the resulting import quotas for the succeeding year shall be published by the Commission on or before October 1 of each year. The Commission shall change its estimates when it determines that existing estimates for that year are substantially in error.

(g) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(h) The term "produced" means manufactured or produced.

(i) The term "foreign country" includes a foreign instrumentality.

TITLE IV—AMENDMENTS TO THE ANTIDUMPING AND COUNTERVAILING DUTY ACTS

Sec. 401. Amendments to the Antidumping Act.

The Antidumping Act of 1921 is hereby amended to read as follows:

"Sec. 201. (a) Whenever a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value and an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, there shall be levied. collected, and paid on such merchandise, in addition to any other duties imposed thereon by law, a special dumping duty in an amount equal to the difference between the purchase price or the exporter's sales price and the foreign market value (or, in the absence of such value, the constructed value).

"(b) The United States Foreign Trade and Investment Commission (hereinafter called the "Commission") is hereby authorized to investigate complaint(s) filed with it on behalf of any industry by a firm or group of workers, to make such investigation as it deems necessary, and to issue orders to effectuate the provisions of this Act. Commission proceedings and actions under this Act shall be completed within four months of the filing of a complaint, and shall be in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code. Any final order entered in any such proceeding shall be made on the record after opportunity for a Commission hearing and shall be subject to judicial review in the manner prescribed in chapter 158 of title 28 of the United States Code and to the provisions of chapter 7 of title 5 of the United States Code.

"(c) Whenever the Commission has reason to believe or suspect from information presented to it, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value or, in the absence of such value, than the constructed value, it shall forthwith publish notice of that fact in the Federal Register and shall direct the withholding of appraisement reports as to such merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping has been raised by or presented to it, until the further order of the Commission, or until the Commission has completed its investigation in regard to such merchandise.

"Sec. 202. (a) Upon information of the issuance of an order by the Commission providing for the imposition of a special dumping duty, the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall, through the proper officers, impose the special dumping duty on all imported merchandise, whether dutiable or free of duty, of a class or kind prescribed in the Commission's order, entered, or withdrawn from warehouse, for consumption, not more that one hundred and twenty days before the question of dumping was raised by or presented to the Commission, and as to which no appraisement report has been made before such order has been made. (Plus conforming changes in subsequent sections.)

Sec. 402. Amendments to the Countervailing Duty Law.

The Countervailing Duty Law (Section 303 of the Tariff Act of 1930, 19 USC § 1303) Is Amended to Read as Follows:

Sec. 303. Countervailing Duties.

Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly or indirectly, and bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this Act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this Act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The United States Foreign Trade and Investment Commission is hereby authorized to investigate complaint(s) filed under this section or upon its initiative and to issue orders to effectuate the provisions of this section. Such orders shall be made on the record after opportunity for a hearing. Upon information of the issuance of an order by the Foreign Trade and Investment Commission, the Secretary of the Treasury shall, through the proper officers, impose the additional duty prescribed therein. Foreign Trade and Investment Commission proceedings and actions under this section shall be completed within four months of the filing of a complaint, and shall be in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code, and any final order entered in any such proceeding shall be subject to judicial review in the manner prescribed in chapter 158 of title 28 of the United States Code.

TITLE V—AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962—ADJUSTMENT ASSISTANCE

Sec. 501. Petitions and Determinations

Sec. 301 of the Trade Expansion Act of 1962 is hereby amended to read as follows:

"Sec. 301. Petitions and Determinations.

"(a) (1) A petition for tariff adjustment under section 1981 of this title may be filed with the Foreign Trade and Investment Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

(2) A petition for a determination of eligibility to apply for adjustment assistance under Part II of this subchapter may be filed with the Foreign Trade and Investment Commission by a firm or its representative, and a petition for a determination of eligibility to apply for adjustment assistance may be filed with the Foreign Trade and Investment Commission by a group of workers or by their certified or recognized union or other duly authorized representative.

(3) Whenever a petition is filed under this subsection, the Foreign Trade and Investment Commission shall transmit a copy thereof to the Secretary of Commerce.

(b) (1) Upon a request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition by the petitioner under subsection (a) (1) of this section the Foreign Trade and Investment Commission shall promptly make an investigation to determine whether, an article is being imported into the United States in such increased quantities, either actual or relative as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to the domestic industry producing an article which is like or directly competitive with the imported article.

For the purposes of section 301 (b) (I) of the Trade Expansion Act of 1962 (19 U.S.C. 1901 (b) (1)), as amended by this Act, the term 'industry' means the aggregate of those firms or appropriate subdivisions thereof which produce a product or component threatened by imports. Where the product or component is produced in a distinct part or section of an establishment, whether or not the firm has one or more establishments, such part or section shall be considered an appropriate subdivision.

(2) In making its determination under paragraph (1), the Foreign Trade and Investment Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, unemployment or underemployment, loss of fringe benefits, and decreased or stagnant wages.

(3) No investigation for the purpose of paragraph (1) shall be made, upon petition filed under subsection (a) (1) of this section, with respect to the same subject matter as a previous investigation under paragraph (1), unless one year has elapsed since the Foreign Trade and Investment Commission made its report to the President of the results of such previous investigation.

(c) (1) In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under part II of this subchapter, the Foreign Trade and Investment Commission shall promptly make an investigation to determine whether, an article like or directly competitive with an article produced by the firm is being imported into the United States in such increased quantities either actual or relative as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause, serious injury to such firm. In making its determination under this paragraph, the Foreign Trade and Investment Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities of the firm, inability of the firm to operate at a level of reasonable profit, unemployment or underemployment in the firm, loss of fringe benefits, and decreased or stagnant wages.

(2) in the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under part III of this subchapter, the Foreign Trade and Investment Commission shall promptly make an investigation to determine whether, an article like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities (either actual or relative) as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause, unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

(d) (1) In the course of any investigation under subsection (b) (1) of this section, the Foreign Trade Investment Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to produce evidence and to be heard at such hearings.

(2) In the course of any investigation under subsection (c) (1) or (c) (2) of this section, the Foreign Trade and Investment Commission shall, after reasonable notice, hold public hearings if requested by the petitioner, or if, within 10 days after notice of the filing of the petition, a hearing is requested by any other party showing a proper interest in the subject matter of the investigation, and shall afford interested parties an opportunity to be present, to produce evidence, and to be heard at such hearings.

(e) Should the Foreign Trade and Investment Commission find with respect to any article, as the result of its investigation, the serious injury or threat thereof described in subsection (b) of this section, it shall find the quantitative restriction on such article which is necessary to prevent or remedy such injury and shall make such modification of the quantitative restraints determined under title II of this Act as is necessary to put into effect the determination made under this section.

(f) (1) The Foreign Trade and Investment Commission shall report to the President the results of each investigation under this section and include in each report any dissenting or separate views. The Foreign Trade and Investment Commission shall furnish to the President a transcript of the hearings and any briefs which may have been submitted in connection with each investigation.

(2) The report of the Foreign Trade and Investment Commission of its determination under subsection (b) of this section shall be made at the earliest practicable time, but not later than six months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Foreign Trade and Investment Commission shall promptly make public such report, and shall cause a summary thereof to be published in the Federal Register.

(3) The report of the Foreign Trade and Investment Commission of its determination under subsection (c) (1) or (c) (2) of this section with respect to any firm or group of workers shall be made at the earliest practicable time, but not later than sixty days after the date on which the petition is filed.

(g) Foreign Trade and Investment Commission proceedings under this title shall be in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code. Any final order entered in such proceeding shall be made on the record after opportunity for a Commission hearing and shall be subject to judicial review in the manner prescribed in chapter 158 of title 28 of the United States Code and to the provisions of Chapter 7 of title 5 of United States Code.

Sec. 502. Presidential Action After Foreign Trade and Investment Commission Determination.

Section 302 of the Trade Expansion Act of 1962 is hereby amended to read as follows:

"Sec. 302. Presidential Action After Foreign Trade and Investment Commission Determination—General Authority

"(a) After receiving a report from the Foreign Trade and Investment Commission containing an affirmative finding under section 301(b) of this title with respect to any industry, the President may—

(1) provide, with respect to such industry, that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under part II of this subchapter,

(2) provide, with respect to such industry, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under part III of this subchapter, or

(3) take any combination of such actions."

(Plus conforming changes in subsequent sections)

TITLE VI—FOREIGN INVESTMENT AND TECHNOLOGY EXPORT CONTROLS

Sec. 601(a). The President is hereby authorized to prohibit any person within the jurisdiction of the United States from engaging in any transaction involving a direct or indirect transfer of capital to or within any foreign country or to any national thereof when in the judgment of the President the transfer would result in a net decrease in employment in the United States. The President is hereby authorized to issue regulations to effectuate this section.

(b) Any person who violates a valid regulation issued under authority of subsection (a) shall be liable to a fine of not more than $100,000 and imprisonment for not more than one year for each violation.

Sec. 602(a) The President is hereby authorized to prohibit any holder of a United States patent from manufacturing the patented product or using the patented process, or from licensing others to manufacture the patented product or using the patented process, outside the territory of the United States when in the judgment of the President such prohibition will contribute to increased employment in the United States. The President is hereby authorized to issue regulations to effectuate this section.

(b) The patent of any patentee who violates any regulation validly issued hereunder shall be unenforceable in the Courts of the United States.

TITLE VII—OTHER FOREIGN TRADE PROVISIONS

Sec. 701. Reports by the Export-Import Bank of Washington and other agencies.

(a) Section 635g of title 12 of the United States Code is hereby amended to read as follows:

"The Export-Import Bank of Washington shall transmit to the Congress semiannually a complete and detailed report of its operations. The report shall be as of the close of business on June 30 and December 31 of each year."

The report shall include detailed information from which a judgment can be made of the effects Bank operations are having on United States exports, imports and employment.

(b) Section 2394(a) of title 22 of the United States Code is hereby amended to read as follows:

"(a) The President shall, while funds made available for the purposes of this chapter remain available for obligation, transmit to the Congress after the close of each fiscal year a report concerning operations in that fiscal year under this chapter. Each such report shall include information on the operation of the investment guaranty program and on progress under the freedom of navigation and non-discrimination declaration contained in section 2151 of this title.

Each such report shall also contain a detailed review of the extent to which projects financed under any foreign assistance program are exporting their output to the United States, and the extent to which section 2370(d) of title 22 has been complied with.

(c) A new subsection C is added to section 2 of title 29 of the United States Code as follows:

"2c. The Bureau of Labor Statistics shall collect, collate and report at least once each year, or, more often if necessary, full and complete statistics on the conditions of workers employed by the United States Government and United States Corporations outside the territorial limits of the United States and the products and distribution of the products of the same. For purposes of this subsection a worker shall be deemed to be employed by a United States corporation if the business organization employing him is more than 10% beneficially owned or controlled by United States Corporations."

SEC. 702 (a) No producer, manufacturer or dealer shall ship or deliver for shipment in commerce any goods containing foreign made components unless such goods are clearly marked in a conspicuous place as legibly, indelibly and permanently as the nature of the article or container will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country or countries of origin of the foreign made components.

(b) No producer, manufacturer or dealer shall advertise for sale in Commerce any goods containing foreign made components unless such advertising clearly indicates to an ultimate purchaser in the United States the English name of the country or countries cr origin of the foreign made components.

(c) The Secretary of Labor is hereby authorized to issue such regulations as he deems necessary to effectuate this section.

(d) Whoever willfully violates this section shall be fined not more than $10,000 for each violation.

Sec. 703. (a) Schedule 8, part 1, subpart B of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out item 807.00;

(2) by striking out item 806.30;

(3) by striking out headnote 3; and

(4) by redesignating headnote 4 as headnote 3.

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the ninetieth day after the date of enactment of this Act.

SEC. 704. Section 481(a) of the Tariff Act of 1930 (19 U.S.C. 1481 (a)) is amended—

(1) by redesignating paragraph (10) thereof as paragraph (11);

(2) by striking out "and" at the end of paragraph (9); and

(3) by inserting immediately after such paragraph (9) the following new paragraph:

"(10) Such information as to product description as is required to be made a part of the entry by provisions of the Tariff Schedules of the United States Annotated issued pursuant to section 484(e) of this Act; and."

SECTION-BY-SECTION ANALYSIS OF THE FOREIGN TRADE AND INVESTMENT ACT OF 1972

TITLE I

Section 101. The bill would modernize the tax laws by ending certain tax incentives that now encourages U.S. firms to invest overseas.

Section 102. Taxation of earnings and profits of controlled foreign corporations.

Section 991 requires that earnings and profits from foreign investment be reported with a breakdown as to the source of the income (i.e.—from each country) for the year in which profits were earned; and that reported earnings and profits follow generally the rules now applied to corporations within the U.S., with adjustments for prior year's deficits, and exemptions for reporting of income where foreign legal restrictions make such reporting unrealistic or U.S. laws make such reporting unfair.

Section 992 defines the U.S. corporation as one with 10% or more of the foreign company's stock and defines "control" as ownership of more than 50% of the stock. It defines the foreign corporation with provisions for assuring that indirect control shall be included.

Section 993 establishes the mechanism for determining what is considered stock ownership, either direct or indirect.

Section 994 provides against double taxation by exempting income that has already been reported for taxes in the U.S. or abroad through a chain of relationships which would be taxed anyway. Proof is required for this exemption, so that information on relationships will be available.

Section 995 makes provision so that the U.S. stock has a taxable value related to the new provisions. The basis or the taxable value of the corporate stock will be adjusted by whatever amount is included or excluded in the gross income of the U.S. corporation. This assures that U.S. income abroad does not escape proper capital gains or other revenue collection. The adjustment in the "basis" may be upwards for inclusions or downward for exclusions.

Section 996. The Secretary of the Treasury shall issue regulations to require records and accounts to be maintained to enable the provisions to be enforced.

Section 3 repeals the tax credit now given U.S. firms abroad for payment of foreign income taxes. The credit is also ended for the taxes U.S. firms now pay on royalties received by the corporations for the use of patents outside the U.S. Thus the repeal of the foreign tax credit discourages both the foreign investment and the transfer of technology.

Section 4. U.S. firms are required to apply conservative depreciation rules in estimating their tax write-offs for foreign operations. This ends practices that encourage foreign investment by allowing firms to use unrealistic measurements of foreign costs of property, machinery, etc., in estimating depreciation of that machinery.

Section 5 ends tax-free treatment for U.S. firms' incomes from licensing and transferring patents to foreign corporations. This would discourage the export of technology by taxing income from such transfer.

Section 6 would end another unfair encouragement to foreign corporate operations by eliminating the tax advantages for U.S. business to expand abroad by giving special tax exemptions to their personnel who spend 17 out of 18 months overseas working for a foreign branch or other foreign subsidiary of a U..S firm.

TITLE II—ESTABLISHMENT OF THE FOREIGN TRADE AND INVESTMENT COMMISSION

A three man independent Commission is created to regulate U.S. foreign trade. The new agency, which would replace the Tariff Commission and certain elements of the Treasury, Commerce and Labor Departments, would have much more power to regulate imports than any of these agenices have under existing legislation.

The number of Commissioners is set at three; outdated language is removed; political balance is maintained and public, labor and industrial interests are to be represented.

The terms of the commissioners will be six years. One term will expire every other year.

TITLE III—QUANTITATIVE RESTRAINTS ON IMPORTS

In general quotas would be set on all imports, except (a) where there is a voluntary government to government agreement, or (b) where quotas are already imposed pursuant to existing law, or (c) where failure to import the goods would cause long-term disruption of U.S. markets (e.g. coffee, tea, bananas and other goods not produced in the United States), or (d) where the competing domestic industry has consistently failed to modernize its production facilities.

All other categories of goods would be subject to quotas set by the United States Foreign Trade and Investment Commission under guidelines established in the bill. For the first year (1972) the quotas would be equal to average annual imports during the period 1965–69. In succeeding years the quota would be increased or decreased in order to maintain the ratio between imports and domestic production which existed during the period 1965–69 as estimated by the Commission. The Commission would also have authority to increase the quota on any items which are necessary to the production of secondary goods in the U.S. to a level which will not inhibit U.S. production of the secondary goods.

The Commission is authorized to estimate the average annual imports, if necessary.

Imports in 1972 are limited to the annual average for 1965–69.

Changes in the import quota are mandatory as U.S. production goes up or down, so that imports of an item will always bear the same relationship to domestic production as existed in the period 1965–69. Thus, if overall imports were equal to 25% of domestic production during that period, the import quota would always be 25% of U.S. production.

Any quota for components or ingredients of goods produced in the U.S. may be enlarged, if necessary, in order to facilitate the production of goods in the U.S.

Section 302. If a country refuses to become a party to a voluntary agreement which the U.S. has signed with other supplying countries, the Commission may establish an involuntary quota at a lower level for that country, thus providing greater incentive to join the voluntary agreement.

Section 303 (a). This procedure is intended to assure procedural fairness.

Section 303(b). The Commission, rather than the Secretary of Commerce, will certify to the Secretary of the Treasury the amount of goods in each category which is to be entered.

The Commission will be required to publish an annual report of its actions.

Section 303 (e). The Commission may group five and seven digit TSUS categories for purposes of establishing the "categories of goods" to which quotas will be applied. This will permit greater flexibility in the administration of the quotas, and will make it unnecessary for the Commission to set a separate quota for each of the 10,000 seven digit items or for each of the 7,000 five digit items. The groupings shall not be made in such a way to adversely affect U.S. production of the items or components.

Section 303 (f). The Commission will be directed to make estimates of domestic production of the goods which are like or directly competitive with the imported goods in each of the quota categories it sets up. Since the quota categories are initially based on the TSUS, and since statistics on domestic production are collected on a different basis, it is almost certain that there will never be figures for domestic production which will exactly match the quota categories. Accordingly, in order to bridge this gap, and still keep imports tied to the level of domestic production, the Commission is given authority to estimate domestic production.

TITLE IV

In order to modernize the Antidumping Act, shorten the time required to process a complaint, and place the administration of the Act in one agency, it is necessary to make substantial changes in the law.

In general, the new Antidumping Act would make the following changes from existing law:

(a) one agency would make both the less-than-fair-value and injury determinations;

(b) the agency would be required to complete the entire proceeding within four months of the filing of a complaint;

(c) the agency proceeding would be on the record and subject to the Administrative Procedure Act;

(d) either party would be entitled to appeal to the courts from the agency decision.

Specific statutory changes are:

(1) Complaints are to be filed with the new Commission rather than the Treasury Department.

(2) New language makes clear that groups of workers may file complaints.

(3) Entire Antidumping proceeding must be completed in four months. Under existing law. the Tariff Commission is limited to three months for the injury determination but Treasury can take as long as it likes for the less-than-fair-value determination. Thus, under existing law, the total proceeding has sometimes taken more than two years.

(4) Actions of the Commission are made subject to the Administrative Procedure Act, thereby encouraging procedural fairness.

(5) Actions of the Commission are made subject to judicial review.

Sec. 402. This amendment would change the procedures under the Countervailing Duty Act to insure greater enforcement. Under the proposed Amendment, complaints would be made to the Commission rather than the Treasury Department, proceedings would be conducted under the Administrative Procedure Act, the Commission would be required to complete its action within four months (rather than no time limit under the existing law), and either party could appeal the Commission's decision to the Courts.

Specific changes are:

(1) Complaints are to be filed with the new Commission rather than the Treasury.

(2) Commission proceedings are made subject to the APA.

(3) A four month time limit is imposed.

(4) Either party may seek judicial review.

TITLE V

The existing Escape Clause—statute has been revised. While the establishment of quantitative restraints severely reduces the likelihood of escape clause action, there still remains the possibility of instances of serious injury.

In general the proposed amendments would transfer responsibility for administration of the Escape Clause from the Tariff Commission and the President to the U.S. Foreign Trade and Investment Commission. The Commission would investigate complaints by representatives of the domestic industries, including unions.

If the Commission determined that an industry has been seriously injured or is threatened with serious injury, it would determine what level of quota is required to remedy the injury and would put that quota into effect. The Commission's proceedings would be conducted in accordance with the Administrative Procedure Act and would be subject to judicial review upon petition by either party.

A specific definition of industry is provided. Specific statutory changes are:

(1) The new Foreign Trade and Investment Commission, rather than the Tariff Commission, would receive complaints and conduct investigations.

(2) The increased imports complained of need not be the result of trade agreement concessions.

(3) The statute could be invoked if imports are only relatively increasing. Thus, if imports are increasing their share of a declining market, it would be enough to invoke the Act.

(4) The increased imports need only "contribute substantially" to causing or threatening to cause serious injury. In the current statute increased imports must be the major factor in causing or threatening to cause the serious injury.

(5) The amendments make clear that the Commission is to consider loss of fringe benefits and stagnant wages as an element of serious injury to an industry.

(6) Under present law, if the Tariff Commission finds that an industry or firm has been seriously injured as a result of concession generated increased imports, it must find the amount of duty or quota which would be necessary to remedy the injury. Under the proposed amendment the new Commission could only impose quotas.

(7) Under existing law, the Tariff Commission merely sends its report to the President who decides whether or not to impose the import restrictions. Under the proposed amendment the Commission would have the power to impose the restrictions itself.

(8) Commission proceedings are made subject to the Administrative Procedure Act, and to judicial review.

(9) Since the new Commission will have power to impose quotas (and in appropriate cases will be required to do it), this option is removed from the President's powers. Under the amendment the President would only decide whether to grant adjustment assistance to the workers and firms in the industry.

TITLE VI

Existing foreign investment controls are based on authority granted to the President in the Trading With the Enemy Act to, inter alia, "prohibit any transactions in foreign exchange . . ." by banks during wars and other national emergencies (12 USC 95a). President Truman declared a state of national emergency in 1950 (Proc. 2914, December 16, 1950), which is deemed to continue to the present time, and provides the basis for present controls instituted in 1968 (Ex. O. 11387) for balance of payments reasons.

Section 601. The proposed statute is entirely new. It would create a new authority to regulate trans-national capital transactions whenever the President determined that employment in the U.S. would be decreased by the transaction. It would not depend upon the existence of a war or other national emergency. Violations of the Act or regulations issued under it would be punished by criminal penalties.

The basic concept is not new. The same concept that is applied here to employment already exists in presidential authority for balance of payments reasons.

Section 602. This section is also entirely new. It authorizes the President to prohibit any holder of a U.S. patent from producing the patented product abroad or from licensing someone else to produce it abroad. The penalty for violating the statute or regulations issued under it is that the patent becomes unenforceable in the U.S. Courts, the traditional remedy for misuse of a patent.

The effect of the Act would be to present a U.S. patentee with some very difficult choices if he wanted to produce his product abroad. Thus, if he held U.S. and Japanese patents on the same product, and he wanted to license someone to produce it in Japan, he could be ordered not to issue the license, primarily because it would not be in the best interests of the U.S., its citizens or its economic well-being. If he issued it anyway for his own profit, his patent could be declared unenforceable in the United States. This would permit other producers to make and sell the product in the United States without paying royalties. The effect is to protect U.S. Jobs and U.S. technology where it is felt to be in the best interests of the nation as opposed to a multinational corporation, for example.

TITLE VII

Title VII contains amendments to existing law and new material providing for the collection and publication of various types of foreign trade data. In addition, a new section requires that products containing foreign-made components be so labelled, and requires that advertising of such products also disclose that they contain imported components.

Specific statutory changes are:

(1) Future Exim Bank reports will be required to contain information from which a judgment can be made as to the effect its operations are having on U.S. exports, imports and employment.

(2) Future AID reports will contain a statement on the extent to which foreign aid financed projects are exporting their output to the U.S.

(3) The Bureau of Labor Statistics is directed to collect data on the conditions of employment of workers employed abroad by the U.S. Government and U.S. corporations.

(4) Goods containing foreign-made components must be so labelled.

(5) Advertising for goods containing foreign-made components must state that they contain foreign-made components, and list the countries from which the components came.

Section 703 repeals the provisions of the tariff code under which entire U.S. industries have moved assembly operations to Mexico, Taiwan, Hong Kong and elsewhere to utilize cheap labor. Presently companies can ship assembled units into the U.S. as a "made in U.S.A." items and pay only the duty for the "value added" by the cheap, non-U.S. labor.

By Mr. HUMPHREY:

S. 2593. A bill to establish a comprehensive national program of child nutrition and nutrition education. Referred to the Committee on Agriculture and Forestry.

THE UNIVERSAL NUTRITION AND NUTRITION EDUCATION ACT OF 1971

Mr. HUMPHREY. Mr. President, I am introducing today a bill to establish a truly comprehensive national program of child nutrition and nutrition education. I have entitled my bill the "Universal Child Nutrition and Nutrition Education Act of 1971."

This bill is somewhat similar to that introduced by Congresman Carl Perkins, Democrat, of Kentucky, earlier this year. It is the product of many months of work by the American School Food Service Association and others who are dedicated to the goal of providing an adequate level of nutrition and nutrition education for all the Nation's children.

I believe that this measure eliminates the incredible patchwork of limiting legislation, administrative regulations, and bureaucratic redtape that typify our present child feeding programs. These vital programs must not fall short—as they do today—of our desire to meet the nutritional needs of its children, regardless of their race, religion, residence, or income level.

My bill establishes a program which will be of great significance to the health and well-being of all our Nation's children. I believe it offers a sound and practical solution to the serious problem of poor diets and malnutrition that exists today among our Nation's children—rich and poor.

The three basic objectives of the bill are:

First, to provide all children with adequate nutrition, free of charge, or on the same basis as most other school system activities are now provided. Under this program, no child would be singled out or identified among his classmates as to his parents' income status in order to receive a school lunch or to participate in the child feeding programs covered by this bill.

Second, to provide for a nutrition education program to be conducted through State departments of education, to teach all children the principles and value of good nutrition. Evidence and surveys conducted by health and nutrition experts from throughout the country clearly indicate that ignorance is the basic cause of undernutrition and poor diets. Level of income itself does not guarantee an adequate level of nutrition.

Third, to strengthen and expand the administration of child feeding programs by State and local governments. As anyone who is familiar with this subject knows, our child feeding programs have been greatly expanded in recent years, with accompanying cumbersome administration and financial strain being placed upon State and local governments. The combination of these factors alone are today making it almost impossible for State and local governments to carry out the mandate of Congress that all needy children shall be provided with free or reduced school lunches. The present requirements of establishing minimum and maximum reimbursement rates for school lunches for the needy, the questions of transferability of funds from one fund to another, the use of section 32 and OEO moneys to help finance such programs and the increasing financial requirements which are being placed upon State and local government are all adding up to what could result in a complete breakdown of the child feeding programs that many of us have worked so hard to get established in this Nation.

Although my bill might be considered by some as a major departure from present and past legislative concepts and policies for child feeding programs, I am convinced that the Congress must move toward the adoption of such a program if it is to meet its obligations to provide adequate nutrition and nutrition education for all our Nation's children. The legislative efforts of Senators ELLENDER, TALMADGE, MCGOVERN, and other members of the Senate Committee on Agriculture and Forestry have contributed significantly to making this Nation aware of the needs connected with our child feeding programs. Thanks to the efforts of these men and others, child nutrition is now high on the Nation's list of priorities. However, their efforts have increasingly been frustrated by regulations issued by the Department of Agriculture which not only flaunt the intent and will of Congress, but violate its child feeding laws. I think that my bill will put an end to this bureaucratic usurpage of congressional mandates regarding these programs.

In that my bill would provide free lunches and meals to children regardless of the income status of their parents, there may be some people who will object to its enactment. Let me address myself to those concerns. I have already mentioned that health and nutrition experts from throughout this country have concluded, based upon scientific studies and surveys, that income alone is no guarantee of good child nutrition. Children from well-to-do homes often suffer from as much malnutrition as do children from low-income families. Furthermore, the importance of good nutrition can be seen on the impact it has on the ability of students to learn to maintain better health, to reduce absenteeism, and lower dropout rates.

As an example of this, Mr. B. P. Taylor, superintendent of the San Diego, Tex., Independent School District, in testimony before the Senate Committee on Agriculure and Forestry during hearings called by Senator TALMADGE to review the the adverse impact that proposed USDA school lunch regulations would have on the program, said that—

> The food program is an important part of our educational system. It is not enough to try to feed and educate the needy child; we must feed the hungry child and educate him . . . we strongly believe this (school lunch funding) is an investment in hungry children. We think it has in fact kept them in school and our records will so verify. It has not only kept them in school for an extra year. It has kept them in school until graduation time. . . . Our drop-out problem is almost nil in our school district and I think the food program has been a big contributing factor.

In a subsequent exchange between Senator CHILES and Mr. Taylor, the committee was told that the dropout rate in the San Diego School District had dropped from over 300 per year to less than 16 and Mr. Taylor said he attributed that directly to the availability of his free lunch program. Mr. Taylor also reported 6 years ago he had 450 children being pulled out of school by their migrant worker parents to accompany them in their pursuit of employment. Today, according to Mr. Taylor, that number has dropped to below 100. Why? Because the parents of these children want them to have the advantages of a decent diet, which they often cannot provide with their meager incomes. And, while they may principally be leaving them behind in school for that purpose, they know their children also will be receiving an education, due again in large part to the availability of an adequate diet which increases their alertness and physical ability to learn.

Recognition of the relationship between good nutrition and a child's ability to learn, and his capacity to develop both his mental and physical abilities has resulted in a number of rather spectacular changes in the child nutrition programs. Since 1966 we have seen the passage of the Child Nutrition Act, which established the school breakfast program and provided funds to help schools to buy equipment to start lunch programs. Other legislation was enacted to extend the lunch program to include child care centers and summer recreation programs. In addition, special legislation was passed in the spring of 1970 to provide emergency funding for the lunch program, and most recently Public Law 91–248 was enacted bringing major changes in the direction and impact of our child nutrition programs.

This progress has come about because the Congress has taken the leadership in initiating and approving measures to improve the health of our children through the expansion of the child nutrition programs. In the few short years since 1968, the number of needy children receiving lunches has risen sharply from less than 3 million to nearly 7.5 million children. Some 6,000 schools have come into the national school lunch program for the first time and are now offering nutritious lunches to all children in attendance. The school breakfast program has more than doubled in the past year and is now reaching a million children.

But these are simply major steps in the right direction because after 25 years of operation, only half of the Nation's children are now participating in the lunch program. I am convinced therefore, that we must now move in the direction of providing school lunches to all children free of charge on the same basis as all other school activities.

As a practical matter, local school systems have the responsibility for the child from the moment he enters the school door until he returns home. All of his physical needs are provided for except for food. Free textbooks are provided; physical education is provided free; free medical service is provided a child if he becomes sick; and, free transportation is provided if needed to get him to and from school.

Why, therefore, should we continue to consider the need for food at school as different from these other needs of children?

Let us also not lose sight of the fact that nearly all families having children in school or participating in these programs, pay taxes. The taxes paid by American families to their local, State and Federal governments are for services they want their governments to provide. While Americans have made it very clear through their representatives in Government, that they want this Nation to be fully responsive to the rights of the needy and less fortunate—especially regarding such basic needs as food, education, housing, and health care—they also expect certain services and benefits to be provided to all citizens, regardless of income level.

The principle of providing "universal" free education and other child services at school, regardless of income, race, creed, color or religion has long been established as a national commitment. Surely it is time to make a similar commitment to our Nation's children regarding something even more basic and essential; namely, food. We should not let dollars and cents stand in the way of sharing the abundance of food we produce in this country with out children.

The increase in Federal and State investment in child feeding programs which would be required by my bill would be repaid many fold by the benefits it would provide and the contributions it would make toward the improved overall development of our young. Healthy, well educated children are more likely to become healthy, responsible adults. However, without the assurance of adequate nutrition and nutrition education for our Nation's children, we can hardly expect these goals to be achieved.

Mr. President, I suggest that many of our Nation's children are not being reached by this program today, because the lack of financial resources and the administrative requirements of the program are such that many local school districts and students are discouraged from involvement or expansion of the program. As a result of current USDA regulations and the administration's desire to limit the amount of Federal money going into these programs, many school districts throughout the country are today faced with the likely prospect of having to reduce and eliminate their existing child feeding programs. States and local school districts have simply reached the limit of what they can financially contribute to these programs. Some have even taken money from their educational and teacher budgets to keep them operating at current levels.

The current financial crisis facing these programs at the State and local level today was clearly illustrated by Mr. John Perryman, executive director of the American School Food Service Association, when he appeared before the Senate Committee on Agriculture and Forestry during its hearings on the school lunch program.

Commenting on the anticipated $150 to $180 million loss to school districts as a result of the proposed USDA regulations affecting the operation and funding of the national school lunch program, Mr. Perryman said:

> Now, if we take the most conservative figure of $150 million, and if we could provide two meals for a dollar, which we cannot quite do, on the national average, which is 52.56 cents per meal, but if we could provide two meals for a dollar, then we are talking about 300 million meals, 300 million lunches taken out of the school lunch program during the current year, and these meals are taken from the poorest children. And this means 300 million times that a child will be in a school lunch room and see other children eat and not have a meal, or 300 million times that he will go to sleep at his desk, or 300 million times that he will not come to school at all, to the detriment of our $40 billion a year investment in education, and to the tragic detriment of the child himself.

Other shortcomings of the school lunch program include the identification and singling out of needy children for participation in the program. Such a requirement is degrading to both the child and his parents, regardless of whatever clever system might be devised to minimize others learning who is participating on a free or reduced basis. In addition, what about those children whose family incomes are just above the maximum income line which determines eligibility. They often remain out of the program, because the cost of lunches continues to go up beyond their family income. And then there is the family who can afford to pay, but whose child takes the money for his lunch and spends it for something else, usually without the parents knowledge. Add these factors to the others mentioned earlier and I believe we have a compelling case for the enactment of my bill to establish a comprehensive national free child feeding program in this country.

Mr. President, the President of the United States has defaulted on his commitment to feed all those who are hungry in America, but Congress has not and will not. Now I hope Congress will take the next important step, necessary, to insure that an adequate nutritional diet is provided to all our Nation's children, a right to which they are entitled as Americans.

I invite my colleagues in the Senate to join me in sponsoring this legislation if they wish to see an end to child malnutrition in this Nation and an abolishment of all the "wonderment" as to who is going to finance it—and at what level—and by whose rules. Let us settle these matters once and for all. Let us stop piecemealing this effort and establish a permanent, fully funded, and comprehensive Federal child feeding program in this Nation.

By Mr. McCLELLAN (by request):

S. 2595. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, by request of the Department of Commerce, a bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended.

The Trademark Act, as amended, requires that the prospective registrant of a trademark make actual use of the mark in commerce prior to applying for registration of the mark. It is contended that the inability of a business firm to apply for registration of a mark prior to actual use represents a considerable hardship and occasionally results in the loss of substantial sums of money devoted to sales and merchandising campaigns. The proposed legislation would permit potential users of marks to apply for registration on the basis of their intent to use a mark rather than its actual use. The date of application would be considered as equivalent to actual use under present law insofar as establishing rights relative to other actual or potential users of the mark. No actual registration, however, may occur until the mark has been used in commerce, nor can there be an assignment of the application prior to the use except in special circumstances.

Bills on this subject have been introduced in most recent Congresses. The bill which I am introducing today is identical to S. 3110 of the 91st Congress, with the exception of the fee schedule specified in section 7.

By Mr. BROOKE (for himself, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HUMPHREY, and Mr. MONTOYA):

S. 2596. A bill to prohibit the imposition of inequitable residency requirements as a condition of voting for Senator, Representative, or Delegate. Referred to the Committee on Rules and Administration.

Mr. BROOKE. Mr. President, as many as 40 percent of all the Americans who are eligible to cast a ballot in Federal elections do not vote. Congress has, for too long, ignored this shocking statistic.

The reasons for this massive absenteeism at the polls include illness, infirmity, absence from home on election day, and apathy.

But the principal reason why people do not vote is that the law prohibits them from voting. Authoritative studies, including those conducted by the Census Bureau and the Gallup poll, have shown that more than 5 million Americans were unable to vote in 1968, because of restrictive residency requirements.

We live in an increasingly mobile society where as many as 20 percent of all citizens change their residence each year. A 1-year—even a 6-month—residency requirement creates and perpetuates a roadblock to citizen participation in Federal elections which is unnecessary in these days of instant communication.

The problem is compounded by adoption of the 26th amendment which gives full voting rights to 10 million 18-, 19-, and 20-year-olds.

Mr. President, I believe that Congress should act this year to remove the outmoded and unfair registration barriers which exist in so many of our States. Our goal should be nothing less than a 100-percent turnout in the presidential and congressional elections of 1972.

Even before the ratification of the 26th amendment, it was clear that the problem of where students who are living away from home should register and vote would raise complex legal and practical problems throughout the Nation.

In the 3 months since the amendment became law, attorneys general in several States have issued advisory opinions, and local election officials have promulgated new rules to meet the myriad problems which have arisen when undergraduate students seek to register to vote in college and university towns and cities across the country. The supreme courts of Michigan and California, in landmark decisions, have ruled unconstitutional State laws which treat students differently than other potential voters.

In my judgment, the Michigan and California decisions will have a salutary effect—over the long haul—insuring equality and uniformity of treatment as prescribed by the Federal and State constitutions.

But in the interim we must face up to the fact that there is—and there will be—confusion, inconsistency and, yes, injustice as millions of eligible voters seek to add their names to the voting rolls.

Unless the Congress takes affirmative action to clear the way for full voter participation in 1972, we run the risk of massive voter disenfranchisement.

Our authority to act is clear. In what I am sure historians will record as the historic "breakthrough" in eliminating onerous State and local residency requirements, the Senate under Senator Barry Goldwater's leadership added a two-pronged amendment to the 1970 Voting Rights Act which, first, cut the residency requirement in every State to 30 days insofar as voting in presidential elections is concerned and, second, made it mandatory for the States to permit voting by absentee ballot for the Presidency. This reform, which I was pleased to cosponsor, has since been upheld by the Supreme Court.

On December 21, 1970, the late Mr. Justice Black, writing for the majority of the U.S. Supreme Court in *Oregon* v. *Mitchell*, 400 U.S. 118, stated the law with his usual clarity:

> Congress unquestionably has power under the Constitution to regulate Federal elections. The Framers of our Constitution were vitally concerned with setting up a national government that could survive. Essential to the survival and growth of our national government is its powers to fill its elective offices and to insure that the officials who fill those offices are as responsive to the will of the people whom they represent.

It is time, Mr. President, to extend that principle and practice to all Federal elections.

The bill which I introduce today would do exactly that. It addresses the eligibility, residency, and full voter participation issues which threaten to keep millions of Americans from the voting booth in next year's Federal election.

The bill has three provisions:

First, it permits every citizen to vote in any congressional primary or general election provided he has resided for at least 30 days within the State or congressional district in which the contest is being waged.

In addition, the bill gives each citizen the right to vote by absentee ballot in all primaries and general elections for Federal offices, assuming that he has met the residency requirements of the State and political subdivision in which the election is being held.

Finally, the bill establishes three criteria for determining that often ambiguous status—residency:

If the citizen has declared that the voting district in which he seeks to register is his residence for voting purposes, if he also declares that he is not registered to vote elsewhere, and if he has, in fact, resided within that voting district for at least 30 days preceding the primary or election, and if he meets the other State requirements, then he is an eligible voter and he must be permitted to register.

Unfortunately there are still States which do not permit voting by absentee ballot in some elections. I am sorry to say that my State of Massachusetts is one of those. In our mobile society of 1971, this is an abridgement of fundamental citizenship rights.

Primary elections in many States and in more congressional districts are decisive. When the sick, the infirm, students away at school, traveling businessmen, and vacationers are denied the opportunity to vote in these primaries, they are, in fact, disenfranchised.

The argument for uniformity and clarity in the registration and residency law was well-stated in 1965 by the late Mr. Justice Black, for a unanimous Supreme Court, in *Louisiana* v. *United States*, 380 U.S. 145, 153:

> The cherished right of people in a country like ours to vote cannot be obliterated by the use of laws. . . . which leave the voting fate of a citizen to the passing whim or impulse of an individual registrar.

Attorney General John Mitchell, in discussing the legal effects of the ratification of the 26th amendment and the respective roles of the Federal and State governments in protecting the rights of all voters, including those newly enfranchised, has said that—

> If Congress does wish to pass some enforcing law, we would hope that it would not discriminate in favor of or against students or any other voting group.

I strongly believe legislation is needed and that the bill which I am filing today meets the Attorney General's test. This bill has been drafted to conform with the landmark Supreme Court decision in Oregon against Mitchell insofar as it relates to the responsibility of the Federal Government vis-a-vis the State governments in regulating the electoral process.

This legislation is a supplement to, not a substitute for, several bills which have already been introduced, and are designed to facilitate the registration process by establishing new procedures through such departments as the Bureau of the Census, the Internal Revenue Service, or through active solicitation by the Federal Government.

As legislators, those of us who serve in the Congress have the responsibility of anticipating problems as well as attempting to resolve those which already exist. I am convinced that if Congress does not act affirmatively before the 1972 election in the areas covered by this bill, there will be confusion on a massive scale, and the election may be thrown into question.

Enactment of this bill would be a giant step toward solving past problems as well as avoiding future controversy.

I urge that prompt consideration be given to this proposal by the Senate Judiciary Committee, so that it can be acted upon prior to the forthcoming 1972 Federal elections.

Mr. President, I ask unanimous consent to place the following items in the Record: A copy of the bill, the editorial "College Students as Voters" which appeared in the Washington Post on September 18, 1971, and the Supreme Court decisions in Michigan and California which treat the subject of student registration and voting.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2596

A bill to prohibit the imposition of inequitable residency requirements as a condition of voting for Senator, Representative, or Delegate

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Voting Rights Act of 1965 is amended by—

(1) amending the section caption of section 202 to read as follows:

"RESIDENCE REQIUREMENTS FOR VOTING IN PRESIDENTIAL ELECTIONS";

(2) striking out section 202(h) and inserting in lieu thereof the following:

"(h) As used in this section, the term—

"(1) 'election' means a primary or general election, including, but not limited to, a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and an election held for the selection of delegates to a national nominating convention or to a caucus held for the selection of such delegates; and

"(2) 'State' means each of the United States and the District of Columbia."; and

(3) inserting after section 202 the following new sections:

"RESIDENCE REQUIREMENTS FOR VOTING IN CONGRESSIONAL ELECTIONS

"Sec. 203. (a) (1) No citizen of the United States who is otherwise qualified to vote in any Congressional election shall be denied the right to vote in such election because of the failure of such citizen to comply with any durational residency requirement of the State or political subdivision in which the election is held if he has registered to vote in such election and has resided in such State or political subdivision for the thirty days preceding the date of such election.

"(2) Each State shall provide by law for the registration or other means of qualification of any duly qualified resident of such State who applies, not later than thirty days preceding the date of a Congressional election, for registration or qualification to vote in such election.

"(b) (1) No citizen of the United States who is otherwise qualified to vote in any Congressional election shall be denied the right to vote in such election because he will not be physically present at the time of the election in the State or political subdivision in which the election is held if such citizen has complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

"(2) Each State shall provide for the casting of an absentee ballot for any such election by any duly qualified resident of such State who may be absent from his election district on the date of such election, and who has applied for an absentee ballot not later than seven days prior to such date and who has returned such ballot to the appropriate election official of such State not later than the time of closing of the polls in such district on the day of the election.

"(c) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed in this section.

"(d) As used in this section, the term—

"(1) 'Congressional election' means a primary election held for the selection of a candidate for nomination for election as Senator, Representative, or Delegate to the Congress, or a general or special election held for the election of a Senator, Representative, or Delegate to the Congress;

"(2) 'State' means each of the United States and the District of Columbia.

"DETERMINATION OF RESIDENCY

"Sec. 204. (a) No citizen who is otherwise qualified to vote in any Congressional election or in any Presidential election shall be denied the right to vote in such election on the grounds that he is not a resident of the State, Congressional district, or political subdivision in which such election is held if he declares such State, Congressional district, or political subdivision to be his residence for voting purposes, is not registered to vote in any other State, Congressional district, or political subdivision, and has resided in the State, Congressional district, or political subdivision in which he seeks to vote for the 30 days preceding the date of such election.

"(b) As used in this section, the term—

"(1) 'Congressional election' means a primary election held for the selection of a candidate for nomination for election as Senator, Representative, or Delegate to the Congress, or a general or special election held for the election of a Senator, Representative, or Delegate to the Congress;

"(2) 'Presidential election' means a primary or general election held for the nomination of a candidate for election as President, or for the election of a candidate as President, including, but not limited to, a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and an election held for the selection of delegates to a national nominating convention or to a caucus held for the selection of such delegates; and

"(3) 'State' means each of the United States and the District of Columbia."

Sec. 2. (a) Section 203 of such Act is redesignated as section 205, section 204 of such Act is redesignated as section 206, and section 205 of such Act is redesignated as section 207.

(b) Section 205 of such Act, as redesignated by subsection (a) of this section, is amended by inserting after "section 202" a comma and the following: "203, or section 204".

(c) Section 206 of such Act, as redesignated by subsection (a) of this section, is amended by striking out "section 201 or 202" and inserting in lieu thereof "section 201, 202, 203, or 204".

[June 29, 1971, No. 52953]

State of Michigan Supreme Court

Sally Wilkins, Jeanne D'Haem, Timothy A. Schultz, Jacob Eichenbaum, Carol B. Shalita, Neill H. Hollenshead, Kenneth W. Jendryka, and Kathleen McDonnell Jones, Plaintiffs-Appellants, v. John P. Bentley, Clerk of the City of Ann Arbor, Michigan, Defendant-Appellee.

Before the entire bench.

Swainson, J.:

Eight University of Michigan students were, upon timely application therefor, refused registration for the purpose of voting, by the defendant clerk. By this petition for writ of mandamus, they seek the right to register and vote in Ann Arbor. One plaintiff, Carol B. Shalita, was dropped prior to trial. The cause was tried on June 11 and 12, 1968, on the amended pleadings and the pretrial statement.

The opinion of the trial court was rendered on August 23, 1968, and judgment was entered on September 10, 1968. By consent of the defendant, plaintiffs Schultz and Jones were permitted to register and vote in Ann Arbor. By judgment of the court, plaintiffs Eichenbaum and Hollenshead were awarded the right to register and vote in Ann Arbor. Plaintiffs Wilkins, Jendryka and D'Haem were denied the right to register and vote in Ann Arbor.

The parties stipulated that the plaintiffs Wilkins, Jendryka and D'Haem are citizens of the United States and that at the time they had applied for voter registration were over the age of 21 years and had resided in the State of Michigan for more than six months. Each of them maintained an apartment in Ann Arbor and had habitually slept there. Each of them commonly kept his personal effects in his apartment and his regular place of lodging was in Ann Arbor. It is agreed that the trial court denied the plaintiffs-appellants the right to register and vote in Ann Arbor under the provisions of MCLA § 168.11(b). The Court of Appeals affirmed on the grounds that said subsection (b) aids in preserving the purity of elections and guards against abuses of the elective franchise by minimizing the possibility of a person voting twice in the same election. 24 Mich App 422, 427. We granted leave to appeal. 384 Mich 782.

MCLA § 168.11 provides as follows:

"(a) The term 'residence', as used in this act, for registration and voting purposes shall be construed to mean that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging. Should a person have more than one residence, or should a wife have a residence separate from that of the husband, that place at which such person resides the greater part of the time shall be his or her official residence for the purposes of this act. *This section shall not be construed to affect existing judicial interpretation of the term residence.* (Emphasis added.)

"(b) *No elector shall be deemed to have gained or lost a residence* by reason of his being employed in the service of the United States or of this state, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas, nor *while a student at any institution of learning,* nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison. Honorably discharged members of the armed forces of the United States or of this state and who reside in the veterans' facility established by this state may acquire a residence where the facility is located. (Emphasis added.)

"(c) No member of the armed forces of the United States shall be deemed a resident of this state in consequence of being stationed in any military or naval place within the state."

The part of subsection (b), dealing with students, has been defined by our Court to mean that a student must overcome a rebuttable presumption that he is not a resident in the locale of the institution of learning. *Wolcott* v. *Holcomb* (1893), 97 Mich. 361; *People* v. *Osborn* (1912), 170 Mich 143; *Attorney General* v. *Miller* (1934), 266 Mich 127. Plaintiffs contend that this statute violates the due process and equal protection clauses of the Michigan Constitution [1] and the United States Constitution.[2] We turn first to plaintiffs' contentions under the due process clause.

I

We deal here with the right to vote, labeled by the U.S. Supreme Court almost a century ago "as a fundamental political right, because preservative of all rights." *Yick Wo* v. *Hopkins* (1886), 118 US 356, 370 (6 S Ct 1064, 30 L Ed 220). The courts have closely scrutinized any law that interferes with fundamental rights to insure that they are not unduly vague or give local officials unfettered discretion.[3] In cases involving voter registration, the U.S. Supreme Court has struck down State laws which gave unfettered discretion to local officials. As Mr. Justice Black stated for a unanimous court in *Louisiana* v. *United States* (1965), 380 US 145, 153 (85 S Ct 817, 13 L Ed 2d 709):

"The cherished right of people in a country like ours to vote cannot be obliterated by the use of laws like this, which leave the voting fate of a citizen to the passing whim or impulse of an individual registrar."[4]

In a recent article concerning student voting, W. P. Bullard and J. Rice, "Restrictions on Student Voting: An Unconstitutional Anachronism," 4 Journal of Law Reform 215 (1970), the authors point out by analogy, that students face many of the same problems as found by others when faced with voter qualification tests:

"Although the voter qualification tests involved were used to disfranchise blacks, thus bringing into play the fifteenth as well as the fourteenth amendment, the inherent vagueness of the interpretation test and the imprecise criteria used by the registrars presented prospective black voters with a dilemma analogous to that faced today by students. Although students must demonstrate greater attachment to the university locale than must most other registrants, the quantum of required attachment is quite unclear."[5]

The authors point out that while the law defining voting residence for other citizens under MCLA § 168.11(a) (Stat. Ann 1971 Cum Supp § 6.1011[a]), is clear and unequivocal, the effect of the law, as applied to students, under subsection (b) varies from city to city and from local clerk to local clerk.

"Therefore, in Michigan, as well as in other states, the standards which students must meet in order to vote in the locality in which their college is located are extremely vague. In Michigan, the guidelines are so vague as to be tantamount to no standards; thus each registration clerk determines himself which factors will overcome the presumption against student registrability in his city."[6]

The record in this case amply supports this assertion. The Ann Arbor city attorney conceded in oral argument before this Court that while Ann Arbor uses an elaborate questionnaire before allowing students to register,[7] the city clerk of Detroit (where Wayne State University and several colleges are located) does not ask any special questions of student registrants.

At the trial, the plaintiffs were asked questions concerning bank accounts; where they obtained their support; whether they owned or leased property, and where they spent their vacations.[8] However, these questions concerning wealth,[9] property ownership,[10] and travel,[11] if used as criteria to establish residence for voting purposes are constitutionally impermissible.

We hold that MCLA § 168.11(b), insofar as it applies to students, does violate the due process clause of the Fourteenth Amendment of the U.S. Constitution. We further hold that said provision of MCLA § 168.11(b) violates art 1, § 17, of the 1963 Mich Const. Subsection (b), as it applies to students, is overly broad and grants a constitutionally prohibited discretion to local clerks in Michigan. The ability to exercise the precious right to vote cannot depend on whether a student attends school in a large city or a smaller town. *Reynolds* v. *Sims* (1964), 377 US 533 (84 S Ct 1362, 12 L Ed 2d 506).

However, if this were the only infirmity of the statute, we could correct this defect by issuing guidelines consistent with the Constitution. We, therefore, turn to plaintiffs' claim that subsection (b) violates the equal protection clauses of the U.S. and Michigan Constitutions.

II

Traditionally, statutes have been upheld as constitutional under the equal protection clause if they met the following test:

Footnotes at end of article.

"1. The equal protection clause of the Fourteenth Amendment does not take from the State the power to classify in the adoption of police laws, but admits of the exercise of a wide scope of discretion in that regard, and avoids what is done only when it is without any reasonable basis and therefore is purely arbitrary. 2. A classification having some reasonable basis does not offend against that clause merely because it is not made with mathematical nicety or because in practice it results in some inequality. 3. When the classification in such a law is called in question, if any state of facts reasonably can be conceived that would sustain it, the existence of that state of facts at the time the law was enacted must be assumed. 4. One who assails the classification in such a law must carry the burden of showing that it does not rest upon any reasonable basis, but it is essentially arbitrary." *Naudius* v. *Lahr* (1931), 253 Mich 216, 222-223.

However, a different test has been used in two separate types of cases. First, if the asserted classification was on the basis of race or other disfavored classification, the state has to meet "the very heavy burden of justification * * *." *Loving* v. *Virginia* (1967), 388 US 1, 9 (87 S Ct 1817 18 L Ed 2d 1010), and (p 11):

"At the very least the Equal Protection Clause demands that racial classification, especially suspect in criminal statutes, be subjected to the 'most rigid scrutiny,' *Korematsu* v. *United States*, 323 US 214, 216 (1944), and, if they are ever to be upheld, they must be shown to be necessary to the accomplishment of some permissible state objective independent of the racial discrimination which it was the object of the Fourteenth Amendment to eliminate."

The second group of cases requiring the higher standard involved the assertion of a fundamental constitutional right.

"But in moving from State to State or to the District of Columbia appellees were exercising a constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a *compelling governmental interest*, is unconstitutional." (Emphasis added.) *Shapiro* v. *Thompson* (1969), 394 US 618, 634 (89 S. Ct 1322, 22 L Ed 2d 600).

It can be stated without exaggeration that the right to vote is one of the most precious, if not the most precious, of all our constitutional rights. The U.S. Supreme Court has stated concerning the right to vote:

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right." *Wesberry* v. *Sanders* (1964), 376 US 1, 17-18 (84 S Ct 526, 11 L Ed 2d 481).

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." *Reynolds* v. *Sims, supra* at p 555.

The U.S. Supreme Court has applied the compelling interest test in recent cases involving the right to vote. Chief Justice Warren in *Kramer* v. *Union Free School District* (1969), 395 US 621 627 (89 S Ct 1886, 23 L Ed 2d 583), stated:

"Therefore, if a challenged state statute grants the right to vote to some bona fide residents of requisite age and citizenship and denies the franchise to others, the Court must determine whether the exclusions are *necessary to a compelling interest*." (Emphasis added.)

The compelling interest test has been applied with one exception [12] to all of the recent voting cases, including *Oregon* v. *Mitchell* (1970), 400 US 112 (91 S Ct 260, 27 L Ed 2d 272).

Thus, in determining whether MCLA § 168.11(b), as it applies to students, violates the Equal Protection Clause, we must apply the compelling State interest test. If the State is unable to demonstrate a compelling interest, that part of the statute must fall.

III

Although there is no case directly on point, the U.S. Supreme Court has dealt with the denial of the right to vote to various groups of people on several occasions in the past few years.

Carrington v. *Rash* (1965), 380 US 89 (85 S Ct 775, 13 L Ed 2d 675), involved a provision of the Texas Constitution which prevented servicemen from voting in state elections as long as they remained in the service. The court struck down the law as a denial of the Equal Protection Clause.

In *Kramer* v. *Union Free School District* (1969), supra, the Supreme Court invalidated under the Equal Protection Clause a New York law [13] which provided that only people who owned or leased property or parents with children in schools could vote in certain school district elections.

In *Cipriano* v. *Houma* (1969), 395 US 701 (89 S Ct 1897, 23 L Ed 2d 647), a Louisiana law which only allowed property taxpayers to vote on revenue bonds issued by a municipal utility system was declared unconstitutional. Likewise, an Arizona law permitting only real property taxpayers to vote at an election on the issuance of general obligation bonds for various municipal improvements was overturned in *Phoenix* v. *Kolodziejski* (1970), 399 US 204 (90 S Ct 1990, 26 L Ed 2d 523).

In *Evans* v. *Cornman* (1970), 393 US 419 (90 S Ct 1752, 26 L Ed 2d 370), the Court held that residents of the National Institutes of Health which is a Federal enclave in the State of Maryland must be allowed to vote in Maryland's elections.

Defendant contends that all of these cases are distinguishable because they involve an absolute denial of the right to vote whereas MCLA § 168.11(b), as it affects students, involves merely a rebuttable presumption against gaining residence.

This, however, is demonstrably not in fact true. Despite the treatment by the U.S. Supreme Court of *Carrington* as a case involving the denial of the absolute right to vote, it only involved denial of the right to vote in Texas.[14] All states allow servicemen to vote by absentee ballot. In contrast, because of the various civilian absentee voters' laws many students would be unable to register and vote anywhere. Several states make no provisions for absentee ballots,[15] and many others have extremely complicated provisions which discourage instead of encourage voting. Moreover with the exception of *Evans* v. *Cornman, supra*, the other cases heretofore cited also involved rebuttable presumptions. The voters could overcome the presumptions if they owned property or had children in *Kramer*, or if they paid property taxes in *Cipriano* and *Kolodziejski*. Their task in overcoming the presumption was no more difficult than that faced by many students under the provisions of MCLA § 168.11(b). If those voters were denied the right to vote in special elections, they still could vote for every office from president to local officials. Some students, however, cannot. Because of the interaction of the provisions of MCLA § 168.11(b) and the provisions of various state absentee-voter laws, the elective franchise is withheld from students. The ideal of one man-one vote dissolves into the harsh reality of one man but no vote.

Moreover, it is not mandatory that these plaintiffs demonstrate an absolute denial of the right to vote in order to require the State to show a compelling interest. Plaintiffs need only show that a burden has been placed on this precious right in order to avail themselves of the Equal Protection Clause. As Justice Frankfurter stated in *Lane* v. *Wilson* (1939), 307 US 268, 275 (59 S Ct 872, 83 L Ed 1281):

"The Amendment (Fifteenth) nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race."

The Equal Protection Clause likewise guards against subtle restraints on the right to vote, as well as outright denial. The U.S. Supreme Court in recent voting cases has been concerned about the more devious burdens that have been imposed on this most basic of all constitutional rights. In *Williams* v. *Rhodes* (1968), 393 US 23, 30-31 (89 S Ct 5, 21 L Ed 2d 24), the Court stated:

"But we have also held many times that '*invidious*' distinctions cannot be enacted without a violation of the Equal Protection Clause. * * * In the present situation the state laws place *burdens* on two different, although overlapping, kinds of rights—the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively. * * * So, also, the right to vote is heavily *burdened* if that vote may be cast only for one of two parties at a time when other parties are clamoring for a place on the ballot. In determining whether the State has power to place such unequal *burdens* on minority groups where rights of this kind are at stake, the decisions of this Court have consistently held that 'only a compelling state interest in the regulation of a subject within the State's constitutional power to regulate can justify limiting First Amendment freedoms.'" (Emphasis added.)

Thus, the fact that a burden is placed on the right to vote because of the rebuttal presumption contained in MCLA § 168.11(b), as applied to students, is sufficient to require the State to demonstrate a compelling interest.

IV

There are several interests that the State has asserted in cases of this type. The Court of Appeals held that MCLA § 168.11(b) aids in preserving the purity of elections by insuring that students will not vote twice. 24 Mich. App 427. However, the Court of Appeals did not analyze this problem under the compelling interest test. While it may be true that the provisions of subsection (b), as applied to students, does to some minor extent aid in this purpose, that is not sufficient to justify its constitutionality. As the U.S. Supreme Court stated in *United Mine Workers* v. *Illinois Bar Assn.* (1967), 389 US 217, 222 (88 S Ct 353, 19 L Ed 2d 426):

"We have therefore repeatedly held that laws which actually affect the exercise of these vital rights cannot be sustained merely because they were enacted for the purpose of dealing with some evil within the State's legislative competence, or even because the laws do in fact provide a helpful means of dealing with such an evil. *Schneider* v. *State*, 308 US 147 (1939); *Cantwell* v. *Connecticut*, 310 US 296 (1940)."

The Supreme Court in *Carrington* held that the prevention of transients from voting could not justify the Texas law. Moreover, our legislature has provided numerous sanctions which insure the sanctity and

Footnotes at end of article.

purity of elections. Some of the significant provisions include MCLA §§ 168.493, 168.495, and 168.499, which provide that a registrant's affidavit of qualification is enforced by misdemeanor sanctions if the registrant does not answer honestly; MCLA § 168.505 which provides that registration officers shall ascertain if the registrant is already registered in another township, etc.; MCLA § 168.508 which allows the clerk to transfer the registration of an elector upon the receipt of reliable information; MCLA § 168.510 which provides that clerks are notified monthly of persons over 21 who have died in the county; MCLA § 168.513 which provides that upon information that the elector has moved from the municipality the clerk may, after notice and time elapsed, cancel the registration, and MCLA § 168.515 which authorizes clerks to make a house to house canvass or "other means" to check correctness of registration cards. Finally, every voter before being given a ballot must execute an application showing his signature and address which is compared to the registration card "and if the same do not correspond the vote of such person shall be challenged." MCLA § 168.523.

Therefore, in view of this complete set of safeguards to insure the purity of the election process, we hold that MCLA § 168.11(b), insofar as it applies to students, is not necessary to insure the prevention of voting fraud.

The second asserted State interest is that of promoting a concerned and interested electorate. This same interest was asserted unsuccessfully in *Kramer, Cipriano, Evans* and *Kolodziejski*. The provisions of MCLA § 168.11(b), in regard to students, like § 2012 of the New York laws in *Kramer*, are not sufficiently drawn to insure that only voters who are primarily interested are allowed to vote. As Chief Justice Warren stated in *Kramer*:

"In other words, the classifications must be tailored so that the exclusion of appellant and members of his class is necessary to achieve the articulated state goal. Section 2012 does not meet the exacting standard of precision we require of statutes which selectively distribute the franchise. The classification in § 2012 permits inclusion of many persons who have, at best, a remote and indirect interest in school affairs and, on the other hand, exclude others who have a distinct and direct interest in the school meeting decisions." (p. 632)

Clearly, MCLA § 168.11(a) (the general voter registration statute) will allow many disinterested persons, by any criteria, to vote, while MCLA § 168.11(b), as applied to students, disenfranchises many interested and concerned citizens.

In *Evans, supra*, the court discussed at length the interests and concerns of the National Institutes of Health residents (p 424):

"Appellants do not deny that there are numerous and vital ways in which NIH residents are affected by electoral decisions. Thus, if elected representatives enact new state criminal laws or sanctions or make changes in those presently in effect, the changes apply equally to persons on NIH grounds * * *. Further, appellees are as concerned with state spending and taxing decisions as other Maryland residents, for Congress has permitted the States to levy and collect their income, gasoline, sales, and use taxes—the major sources of state revenues—on federal enclaves. See 4 U.S.C. §§ 104–110. State unemployment laws and and workmen's compensation laws likewise apply to persons who live and work in federal areas. See 26 U.S.C. §3305(d); 40 U.S.C. § 90. Appellees are required to register their automobiles in Maryland and obtain driver's permits and license plates from the state; they are subject to the process and jurisdiction of state courts; they themselves can resort to those courts in divorce and child adoption proceedings; and they send their children to Maryland public schools."

In *Phoenix* v. *Kolodziejski*, the court considered the relationship of property owners and those who rent property (like some of the appellants), and stated at p 210:

"Property taxes may be paid initially by property owners, but a significant part of the ultimate burden of each year's tax on rental property will very likely be borne by the tenant rather than the landlord since, as the parties also stipulated in this case, the landlord will treat the property tax as a business expense and normally will be able to pass all or a large part of this cost on to the tenants in the form of higher rent."

Turning to the facts of this case, we see that students have just as many connections with the community as those found by the Supreme Court in *Evans* and *Kolodziejski*. Students, like the National Institutes of Health residents, are included in the census determination of the state's congressional apportionment.[16] Students of course, are subject to the state's laws and regulations. Jury lists are chosen from lists of registered voters.[17] Thus, by denying students the right to register and vote, they are also denied participation in the time-honored Anglo-Saxon tradition of trial by a jury of their peers.[18] Students pay State income tax, city income tax (if any), gasoline, sales and use taxes. Michigan law provides a rebate on one-eighth of the sales tax revenue to counties and cities on a per capita basis[19] and a rebate of 20% of gasoline tax revenue on a combined population-highway mileage basis.[20] Clearly, without the students who are counted as residents for these purposes, the cities and counties would lose part of these rebates. As the U.S. Supreme Court has recognized,[21] property taxes are ultimately paid by renters such as some of the appellants. In addition, Michigan explicitly recognizes this fact by allowing all renters a 17% exemption on rent paid in lieu of the exemption that property owners receive for payment of property taxes.[22] Students with children can and do enroll them in the public school system, and, therefore, have more than a passing interest in the educational standards of the community.

The Federal government grants deductions on the Federal tax for state and local taxes in lieu of itemized deductions. These deductions vary from state to state.[23] Hence, if a student whose parents are from New York, goes to the University of Michigan and lives in Ann Arbor, he would take a deduction based on Michigan and not New York taxes. Thus, he is implicitly recognized as a Michigan resident for Federal tax purposes. The Federal government further provides community health service grants to the states based on population (which includes students).[24]

This list is not exhaustive but merely shows some of the numerous interrelationships between students, their local communities, and the State of Michigan. Moreover, there are other groups more transient than students who are not required to meet the provisions of subsection (b) as are students. According to the 1960 census, the largest group of transients were operative and kindred workers with craftsmen and foremen second, and professionals (including students) third.[25]

Thus, we hold that students cannot be denied the right to vote under the provisions of MCLA § 168.11(b) because of the State's interest promoting an informed and concerned electorate. There is every reason to believe they might be even better informed on current issues than other citizens.

V

Courts do not exist in a vacuum. They may take cognizance of facts and events surrounding the passage and purpose of legislation. *Traverse City School District* v. *Attorney General* (1971), 384 Mich 390, 405. As Mr. Justice Field stated in *Ho Ah Kow* v. *Nunan* (1879, USCC), 12 Fed Cases 252, 255:

"Besides, we cannot shut our eyes to matters of public notoriety and general cognizance. When we take our seats on the bench we are not struck with blindness and forbidden to know as judges what we see as men."

We thus may take judicial notice of extrajudicial material in recognizing other State interests. An article[26] in *The Wall Street Journal* of April 15, 1971, discusses the issue raised in this and similar cases around the country. A purported fear of the states involved is that the students would have a significant political impact if they were granted the elective franchise. The article quoted an Illinois State Representative as summing up the feelings of many citizens thusly: "'For goodness sakes, we could have these transients actually controlling the elections, voting city councils and mayors in or out of office.'" This fear of student voters overwhelming the townspeople at the polls was underlying the decision of our Court in *Wolcott* v. *Holcomb* (1893), 97 Mich 361, 367–368. However, what was constitutional in 1893 is not necessarily constitutionally acceptable today. As the U.S. Supreme Court stated in *Harper* v. *Virginia Board of Elections* (1966), 383 US 663, 669 (86 S Ct 1079, 16 L Ed 2d 169):

"Likewise, the Equal Protection Clause is not shackled to the political theory of a particular era. In determining what lines are unconstitutionally discriminatory, we have never been confined to historic notions of equality, any more than we have restricted due process to a fixed catalogue of what was at a given time deemed to be the limits of fundamental rights."

The court went on to point out that the segregation upheld in *Plessy* v. *Ferguson* (1896), 163 US 537 (16 S Ct 1138, 41 L Ed 256), was overruled a half century later. Likewise, the restrictions on the franchise accepted in the mid-nineteenth century are not necessarily to be tolerated today. Under the Michigan Constitution of 1835, only 21-year old white male citizens could vote.[27] The Constitution of 1850, by amendment, removed the restriction of race[28] and by an amendment to the 1909 Constitution, the restrictions based on sex were removed. Recently, Congress by statute,[29] and more recently by the adoption of constitutional amendment,[31] the voting age in all elections has been lowered to 18 years.

deTocqueville over a century ago stated:

"There is no more invariable rule in the history of society: The further electoral rights are extended, the greater is the need for extending them: for after each concession the strength of democracy increases, and its demands increase with its strength."[32]

We agree that it is no longer constitutionally permissible to exclude students from the franchise because of the fear of the way they may vote.

"'Fencing out' from the franchise a sector of the population because of the way they may vote is constitutionally impermissible. '[T]he exercise of rights so vital to the maintenance of democratic institutions,' (*Schneider* v. *State*, 308 US 147, 161) cannot constitutionally be obliterated because of a fear of the political views of a particular group of bona fide residents." *Carrington* v. *Rash*, *supra*, at p 94.

Fears have been expressed in the past when new groups have been granted the franchise, and these fears have proven to be largely unfounded. The fear that students will vote radically different from the bulk of the electorate is problematical at this point.[33] However, as the U.S. Supreme Court stated in *Williams* v. *Rhodes* (1968), 393 US 23, 32 (89 S Ct 5, 21 L Ed 2d 24): "Competition in ideas and governmental policies is at the core of our electoral process * * *." The right to vote means the right to vote for the candidate of one's choice regardless of ideology. As Justice Jackson stated in another case concerning the right of dissent:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in *politics,* nationalism, religion, or other *matters of opinion.*" (Emphasis added.) *West Virginia Board of Education* v. *Barnette* (1943), 319 US 624, 642 (63 S Ct 1178, 87 L Ed 1628).

The right to vote has been considered to be the most vital of our constitutional rights. The cry of the American revolution of "no taxation without representation" articulated the desire of the colonists to have a voice in selecting the officials who made the decisions affecting their daily lives. At the present time, these students in many instances are being taxed without being represented. Therefore, we hold the MCLA § 168.11(b), as it applies to students, is unconstitutional as a violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. We further hold that the provisions of MCLA § 168.11(b) applying to students are unconstitutional as a violation of art. 1, § 2, of the Michigan Constitution of 1963.

In the future, students must be treated the same as all other registrants. No special questions, forms, identification, etc., may be required of students.

Article 1, § 1, of the Michigan Constitution of 1963 states that, "All political power is inherent in the people." This power resides in all of the people, student and nonstudent, alike.

The judgment is reversed and the cause is remanded to the circuit court for further proceedings consistent with this opinion.

THOMAS M. KAVANAUGH,
THOMAS GATES KAVANAUGH,

FOOTNOTES

[1] Mich Const 1963, art 1, § 2, provides: "No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation."

Mich Const 1963, art. 1, § 17, provides "No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed."

[2] U.S. Const, 14th Amend, § 1, provides: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the Unitd States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

[3] See, e.g., *Kunz* v. *New York* (1951), 340 US 290 (71 S. Ct 312, 95 L Ed 280).

[4] See, also, *Schnell* v. *Davis* (1949), 336 US 933 (69 S Ct 750, 93 L Ed 1093), affirming 81 F Supp 872.

[5] Bullard & Rice, *supra,* at p. 221.

[6] Bullard & Rice, *supra,* at p. 220.

[7] For a comparison of some of the questionnaires used by city clerks for student registration, see Appendix, 4 Journal of Law Reform, pp 239–243.

[8] 4 Journal of Law Reform, pp 239–240.

[9] In *Harper* v. *Virginia Board of Elections* (1966), 383 US 663 (86 S Ct 1079, 16 L Ed 2d 169), the court struck down a poll tax as a classification based on wealth. Questions concerning bank accounts, support, etc., are similarly classifications based on wealth.

[10] See, also, *Kramer* v. *Union Free School District* (1969), 395 US 621 (89 S Ct 1886, 23 L Ed 2d 583); *Cipriano* v. *Houma* (1969), 395 US 701 (89 S Ct 1897, 23 L Ed 2d 647). These cases held that states cannot deny the right to vote to nonproperty owners.

[11] In *Shapiro* v. *Thompson* (1969), 394 US 618 (89 S Ct 1322, 22 L Ed 2d 600), the court struck down residency requirements for welfare recipients on the ground that they interfered with the right to travel, a fundamental constitutional right. Similarly, it is unconstitutional to deny the right to vote to students who exercise their right to travel and leave Ann Arbor for the summer.

[12] *McDonald* v. *Bd. of Comm.* (1969), 394 US 802 (89 S Ct 1404, 22 L Ed 2d 739).

[13] New York Education Law, § 2012 (Supp 1968).

[14] Bullard & Rice, *supra,* at p 232, fn 97.

[15] C. Smith, *Voting & Election Laws* (1960), pp 89–99.

[16] 398 US at 421 (90 S Ct at 1754, 26 L Ed 2d at 374).

[17] MCLA § 600.1310 et seq.

[18] *Glasser* v. *United States* (1942), 315 US 60 (62 S Ct 457, 86 L Ed 2d 680).

[19] MCLA § 205.75.

[20] MCLA §§ 247.660, 247.663.

[21] 399 US at 210 (90 S Ct 1994, 26 L Ed 2d 528). For a discussion of the problems of attempting to discern the long range effect of property taxes on property values, see 399 US at 211 and C. Shoup, Public Finance, 385–390 (1969).

[22] MCLA § 206.528(2) and Bullard & Rice, *supra,* at p 233.

[23] 1970 Federal income tax form; 1970 Optional State sales tax table.

[24] 42 USCA § 246(a)(3)(A). "The Student Vote," New Republic, 11 (Sept 19, 1970).

[25] J. Schmidhauser, "Residency Requirements for Voting and The Tensions of a Mobile Society." 61 MLR 823, 830, fn 10.

[26] A. Otten, "Should Collegians Vote at Home or at School?" *The Wall Street Journal,* April 15, 1971, (p 1).

[27] Constitution of 1835, art 2, § 1.

[28] Constitution of 1850, art 7, § 1.

[29] Constitution of 1908, art 3, § 1.

[30] Voting Rights Act amendment of 1970, 42 USCA 1973aa–73bb.

[31] On June 30, 1971, the State of Ohio became the 38th State to approve the amendment. The amendment became law upon the ratification of three-fourths of the States. U.S. Constitution, art 5.

[32] A. deTocqueville, 1 Democracy in America 57 (knopf. ed. 1956).

[33] Bullard & Rice, supra, at 236: "A recent American Council on Education survey of college freshmen showing that 44% considered themselves liberal and 20% moderate conservative demonstrates that students would not vote as a solid unit. New York Times, Dec. 22, 1970, at 16, col. 4."

[June 29, 1971, No. 52953]

STATE OF MICHIGAN SUPREME COURT

Sally Wilkins, Jeanne D'Haem, Timothy A. Schultz, Jacob Eichenbaum, Carol B. Shalita, Neill H. Hollenshead, Kenneth W. Jendryka, and Kathleen McDonnell Jones, Plaintiffs-Appellants, v. John P. Bentley, Clerk of the City of Ann Arbor, Michigan, Defendant-Appellee.

Before the entire bench.

Brennan, J. (Concurring):

I agree with the result reached by my Brother Swainson, but would base my opinion on statutory construction rather than constitutional grounds.

The rule is that if a statute can be construed so as to avoid constitutional invalidity, the constitutionally valid construction is to be preferred.

Const 1850, art 7, § 5, which contained a provision similar to MCLA § 168.11(b) (Stat Ann 1971 Cum Supp § 6.1011[b]), was the subject of divided opinions in this Court in *Wolcott* v. *Holcomb* (1893), 97 Mich 361.

The dissenting opinion by Chief Justice Hooker, concurred in by Justice Long concluded that the provision simply meant that a student was not to be deemed to have lost his residence *automatically* by reason of being a student. In short, Hooker and Long believed that the proviso gave the student an option, his intention in the matter being controlling. He said it this way:

"The true construction of this section should be just what its language imports, i.e., that being kept in an alms-house, or attendance at college, or employment in the service of the United States, or the navigation of the lakes or high seas, does not work a change of residence against the intention or desire of the individual." *Wolcott* v. *Holcomb, supra,* p. 371.

That construction of the act was wise, reasonable, just and proper. It should have been the majority opinion in 1893. It should be today.

If a student in residence is given the "Hooker option," all the senseless folderol of voter registration in some of our college towns would be dispensed with.

Hooker's words, written in dissent almost 80 years ago, need no gilding, but bear resonant repetition.

"the only reasons given for the construction contended for are that these classes are undesirable voters at the place of the asylum; that they pay no taxes, do no work for the benefit of the municipality, and have no interest in local affairs. The same may be said of many persons in all localities, and was probably as true of these before their admission as after. It is as true of those admitted from the locality of the asylum, who may vote under this section, as of those who come from a distance, who may not vote under this construction. It never has been a requisite to electoral rights that the citizen should pay taxes, do work for the benefit of the municipality, or evince interest in municipal affairs; nor does the right depend upon a wise or even honest exercise of the privilege of the ballot. Doubtless there are many whose votes could be dispensed with to the profit of their respective municipalities and the State as well, but the electoral franchise is based upon broader principles. There is no man so poor or low that he is not richer and manlier for his political equality, and the ballot is essential to the protection of the rights of all classes. Immediately a class or race is disfranchised, its members are deprived of an equal chance with their fellows. This proposition is so important a part of the foundation of our institutions that it should not be eliminated or weakened by any unnecessary construction of a constitution based upon civil liberty and political equality." *Wolcott* v. *Holcomb, supra,* pp. 370, 371.

I concur in reversal.

THOMAS E. BRENNAN,

[June 29, 1971, No. 52952]

Sally Wilkins, Jeanne D'Haem, Timothy A. Schultz, Jacob Eichenbaum, Carol B. Shalita, Neill H. Hollenshead, Kenneth W. Jendryka, and Kathleen McDonnell Jones, Plaintiffs-Appellants, v. John P. Bentley, Clerk of the City of Ann Arbor, Michigan, Defendant-Appellee.

Before the entire bench.

Williams, J. (Concurring with Brennan, J.):

I concur with my Brother Brennan. However, I agree with my Brother Swainson's constitutional analysis.

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[June 29, 1971, No. 52,953]

STATE OF MICHIGAN SUPREME COURT

Sally Wilkins, Jeanne D'Haem, Timothy A. Schultz, Jacob Eichenbaum, Carol B. Shalita, Neill H. Hollenshead, Kenneth W. Jendryka, and Kathleen McDonnell Jones, Plaintiffs-Appellants, vs. John P. Bentley, Clerk of the City of Ann Arbor, Michigan, Defendant-Appellee.

Before the entire bench.

Adams, J.:

I concur in reversal. There is no rational basis for treating students differently from other citizens in their exercise of the fundamental right to vote. The Michigan statute defining voting residence for all citizens provides that: "Should a person have more than 1 residence, * * * that place at which such person resides the greater part of the time shall be his or her official residence * * * ." MCLA § 168.11(a); Stat Ann 1971 Cum Supp § 6.1011(a).

For voting purposes, there is no rational basis for distinguishing between students who reside at a given locality for nine months of the year and non-students who reside in the same locality for nine months of the year. Requiring additional qualifications to vote which affect different groups unequally, whether by income, occupation, or employer, is a denial of equal protection. *Harper* v. *Virginia Board of Elections* (1966), 383 US 663 (86 S Ct 1079, 16 L Ed 2d 169); *Carington* v. *Rash* (1965), 380 US 89 (85 S Ct 775, 13 L Ed 2d 675); *Evans* V. *Cornman* (1970), 388 US 419 (90 S Ct 1752, 26 L Ed 370). Special treatment of students is an arbitrary and invidious discrimination against them in violation of art 1, § 2, Michigan Constitution, and amend XIV, United States Constitution. *Fox* v. *Employment Security Commission* (1967), 379 Mich 579.

PAUL L. ADAMS.

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA, IN BANK

Colette Jolicoeur et al., Petitioners, v. Emmery Mihaly et al., Respondents. S.F. 22826.

James Tabilio et al., Petitioners, v. Emmery Mihaly et al., Respondents. S.F. 22827.

Mark Steven Randell et al., Petitioners, v. James S. Allison, Registrar of Voters of the County of Los Angeles, Respondent. L.A. 29906.

In these proceedings we are called upon to determine whether the newly enfranchised young people of this state residing apart from their parents shall be treated like other voters for purposes of acquiring a voting residence or, on the contrary, shall be presumed to reside with their parents. We conclude that for state officials to treat minor citizens differently from adults for any purpose related to voting would violate the Twenty-Sixth Amendment to the United States Constitution. We also conclude that strong state policies require that voters participate in elections where they reside and, in accordance with California law permitting a minor to be emancipated for residential or other purposes, that California law requires that minors of 18 years of age or older be treated as emancipated and hence as adults for voting purposes in light of the Twenty-Sixth Amendment.

Petitioners are nine individual unmarried minors and two organizations. The nine individuals sought to register to vote in the jurisdiction they claim to be their actual permanent residence. Registrars of voters in the City and County of San Francisco, Alameda County, Santa Barbara County, San Diego County, and Los Angeles County refused to register the individual petitioners because they did not register at their parents' address, pursuant to the California Attorney General's opinion of February 17, 1971 (Opn. No. 70/213, 54 Adv. Ops. Cal. Atty. Gen. 7, 12), in which he concluded that "for voting purposes the residence of an unmarried minor [whether student or not] . . . will normally be his parents' home" regardless of where the minor's present or intended future habitation might be.

In reliance upon this opinion, respondent Mihaly told petitioner McConville, whose parents live in Argentina, that he could not vote in local elections at all unless he became a *married* minor. Petitioners Pang and Fruchtendler were told that they would have to register to vote in Hawaii and Arizona, respectively. The six other individual petitioners were told to register in other California jurisdictions up to 700 miles away from their claimed permanent residences. Petitioners Jolicoeur and King, who are fully self-supporting and work full-time, were told that these facts were irrelevant to their capacity to establish a legal residence for voting purposes. Petitioner Randell, who has *never* lived at his parents' current domicile, and is not familiar with any political issues pertinent to that area, was told that he must vote there and not where he lives.

Petitioners invoked the original jurisdiction of this court,[1] seeking writs of mandate directed to the respondent registrars ordering respondents to register petitioners according to the same procedures and qualifications that are followed with respect to adult registrants, pursuant to Elections Code, sections 14280–14292.[2]

The Twenty-Sixth Amendment: On June 22, 1970, President Nixon signed into law the Voting Rights Act of 1970 (P.L. 91–285, 84 Stat. 314), title III of which purported to lower the voting age to 18 for all federal, State, and local elections. After the United States Supreme Court held unconstitutional that part of title III which applied to nonfederal elections (Oregon v. Mitchell (1970) 400 U.S. 112, 118), Congress passed Senate Joint Resolution 7 on March 23, 1971, submitting a proposed constitutional amendment to the states for ratification, pursuant to article 5 of the federal Constitution. On June 30, 1971, Ohio became the 38th state to ratify the Twenty-Sixth Amendment to the United States Constitution, and it became law.

Section 1 of the Twenty-Sixth Amendment provides: "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied *or abridged* by the United States or by any State on account of age." (Emphasis added.)

The Twenty-Sixth Amendment prohibits abridging the right to vote on account of age. The word "abridge" means diminish, curtail, deprive, cut off, reduce (Webster's New Internat. Dictionary (3d ed. 1961) p. 6; Schermerhorn v. Local 1625 of Retail Clerks Int. Assn. (Fla. 1962) 141 So. 2d 269, 276; Piegts v. Amalgamated Meat Cutters, etc. (1955) 228 La. 131, 139, 81 So. 2d 835, 838; Gray v. Johnson (S.D. Miss 1964) 234 F. Supp. 743, 746). *Gray* is significant for its interpretation of similar language in the Twenty-Fourth Amendment, which forbids denial or abridgment of the right to vote on account of failure to pay a poll tax. The court in *Gray* held unconstitutional as abridging the right to vote a Mississippi statute which compelled persons exempted from the poll tax by the Twenty-Fourth Amendment to secure special receipts within a limited period of time. The burden put on exempted voters to obtain the special receipts was held to circumscribe, impair, and impede the right to vote.

Compelling young people who live apart from their parents to travel to their parents' district to register and vote or else to register and vote as absentees burdens their right to vote no less than the State of Mississippi burdened its poor people in *Gray*. Such young people would be isolated from local political activity, with a concomitant reduction in their political influence and information. The burden placed on youth would be different than that placed on other absentee voters. The youth, unlike other absentee voters, claims his current residence as his domicile but would be disqualified solely "on account of age."

Sophisticated legal arguments regarding a minor's presumed residence cannot blind us to the real burden placed on the right to vote and associated rights of political expression by requiring minor voters residing apart from their parents to vote in their parents' district. The Twenty-Sixth Amendment, like the Twenty-Fourth, Nineteenth, and Fifteenth before it, "nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise . . . although the abstract right to vote may remain unrestricted . . ." (Lane v. Wilson (1939) 307 U.S. 268, 275.)

An unmarried minor must be subject to the same requirements in proving the location of his domicile as is any other voter. Fears of the way minors may vote or of their impermanency in the community may not be used to justify special presumptions—conclusive or otherwise—that they are not bona fide residents of the community in which they live.

In Carrington v. Rash (1965) 380 U.S. 89, the United States Supreme Court was faced with a quite similar problem. There a Texas statute prevented persons entering the state as soldiers from acquiring a voting residence in the state while soldiers. The state claimed that military personnel might not make responsible use of the ballot, might vote in a bloc if under the dominating influence of a commanding officer, and, as transients without a stake in the future of the area, might vote against needed bond issues and property taxes. The court's answer was clear: Texas might restrict the franchise to bona fide residents, but it could not conclusively presume soldiers to be transients. To the state's claim that soldiers could "take over" a small town near the base, the court responded firmly: " 'Fencing out' from the franchise a sector of the population because of the way they may vote is constitutionally impermissible." (*Id.*, at p. 94.) *Carrington* obviously applies to minors as well as to soldiers.

Were there any doubt that the Twenty-Sixth Amendment is intended to compel adult treatment of minors for voting purposes, reference to the legislative history of the amendment would dispel it. It is clear from that history, which is entitled to "an important place in ascertaining the legislative intent" (Freedland v. Greco (1955) 45 Cal. 2d 462, 467; cf. Bourland v. Hildreth (1864) 26 Cal. 161, 180; Keeler v. Superior Court (1970) 2 Cal. 3d 619, 624), that Congress believed both that minor voters are entitled to be treated as adults for voting purposes and that voting in the youth's actual place of residence is essential to accomplishing a primary congressional goal of channelling youthful idealism through the political process.

The legislative history of title III of the Voting Rights Act of 1970 and the Twenty-Sixth Amendment reveals a rare consensus of concerns and objectives among Senators and Representatives who engaged in debate. Congressmen stressed three consistent themes: first, that today's youth is better informed and more mature than any other generation in the nation's history.[3] Second, Congress was influenced by the fact that over half the deaths in Vietnam have been of men in the 18–20 age group.[4] Third, and perhaps of paramount immediate importance, Congressmen

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Footnotes at end of article.

uniformly expressed distress at the alienation felt by some youths, and expressed hope that youth's idealism could be channelled within the political system.[5]

It would be impossible here to analyze fully the extensive hearings and debates held on whether to extend the vote to 18-year-olds.[6] One of the best and most concise guides to congressional intent is the Senate Report accompanying Senate Joint Resolution 7 (later enacted as the Twenty-Sixth Amendment), a report adopted by both houses of Congress by more than a two-thirds majority. (S. Rep. 92–26, 1971 U.S. Code Cong. & Admin. News 362.) "Reports of commissions which have proposed statutes that are subsequently adopted are entitled to substantial weight in construing the statutes. [Citations.]" (Van Arsdale v. Hollinger (1968) 68 Cal. 2d 245, 249.) That report makes the following "Case for 18-Year-Old Voting."

"First, these younger citizens are fully mature enough to vote. There is no magic to the age of 21. The 21 year age of maturity is derived only from historical accident. In the eleventh century 21 was the age at which most males were physically capable of carrying armor. But the physical ability to carry armor in the eleventh century clearly has no relation to the intellectual and emotional qualifications to vote in twentieth century America. . . . [¶] . . . Today more than half of the 18- to 21-year-olds are receiving some type of higher education. Today nearly 80 percent of these young people are high school graduates. It is interesting to compare these recent statistics with some from 1920, when less than 10 percent went on to college and less than 20 percent of our youngsters actually graduated from high school. [¶] Second, our 18-year-old citizens have earned the right to vote because they bear all or most of an adult citizen's responsibilities. . . . [¶] Third, these younger voters should be given the right to full participation in our political system because they will contribute a great deal to our society. Although some of the student unrest of recent years has led to deplorable violence and intolerance, much of this unrest reflects the interest and concern of today's youth over the important issues of our day. . . . [¶] The Committee believes that we must channel these energies into our political system and give young people the real opportunity to influence our society in a peaceful and constructive manner. . . . [¶] 'The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsibile stake in the future of the nation.' [¶] Thus the Committee is convinced that the time has come to extend the vote to 18-year-olds in all elections: . . ." (1971 U.S. Code Cong. & Admin. News at pp. 365–367.)

The committee did not ignore the importance of local elections, which are most affected by denying minors the right to establish a domicile of choice for voting purposes: "If the energy and idealism of the young are needed in elective politics, they are needed no less at the State and local level. [¶] Moreover, *many of the problems that most concern younger citizens are largely matters of local and State policy: the quality of education at all levels; the state of the environment; planning and community development. In these areas, participation of the young in local and State elections is particularly appropriate and necessary, and their point of view especially valuable in devising responsible programs.*" (1971 U.S. Code Cong. & Admin. News at p. 372; italics added.)

Finally, the report notes the confusion and delay that would be caused by a dual-age voting system. Hearings held in the Senate after the court's decision in Oregon v. Mitchell, *supra*, 400 U.S. 112, made clear what steps individual states might take to solve some of these administrative problems. Senate Report 92–26 recommends adoption of the Twenty-Sixth Amendment as one way of precluding individual states from embarking on several programs of which the Judiciary Committee strongly disapproved. Significantly, programs which would force youths to vote by absentee ballot or otherwise single them out came in for severe condemnation: *"A few States are at least considering the possibility of . . . requiring them to vote either in centralized locations or by absentee ballot. But this type of alternative has fostered criticism on several grounds. At least one voting official has criticized this type of segregation of the younger voters because it would give them less of a sense of participation in the election system, and they should not be removed from the heart of the process.* [¶] *Moreover, forcing younger voters to undertake special burdens—obtaining absentee ballots, or traveling to one centralized location in each city, for example—in order to exercise their right to vote might well serve to dissuade them from participating in the election. This result, and the election procedures that create it, are at least inconsistent with the purpose of the Voting Rights Act, which sought to encourage greater political participation on the part of the young; such segregation might even amount to a denial of their 14th Amendment right to equal protection of the laws in the exercise of the franchise."* (1971 U.S. Code Cong. & Admin. News at pp. 374–375; italics added.)

It is clear that respondents have abridged petitioners' right to vote in precisely one of the ways that Congress sought to avoid—by singling minor voters out for special treatment and effectively making many of them vote by absentee ballot. The Senate Report indicates that Congress not only disapproved of such treatment, but feared that it would give youth "less of a sense of participation in the election system" and "might well serve to dissuade them from participating in the election," a result inconsistent with the goal of encouraging "greater political participation on the part of the young."

Respondents' policy would clearly frustrate youthful willingness to accomplish change at the local level through the political system. Whether a youth lives in Quincy, Berkeley, or Orange County, he will not be brought into the bosom of the political system by being told that he may not have a voice in the community in which he lives, but must instead vote wherever his parents live or may move to. Surely as well, such a system would give any group of voters less incentive "in devising responsible programs" in the town in which they live. Only the most dedicated partisan would travel from Oakland to San Diego (or Tucson) in order to exercise effectively his first Amendment rights of political association and expression.

America's youth entreated, pleaded for, demanded a voice in the governance of this nation. On campuses by the hundreds, at Lincoln's monument by the hundreds of thousands, they voiced their frustration at their electoral impotence and their love of a country which they believed to be abandoning its ideals. Many more worked quietly and effectively within a system that gave them scant recognition. And in the land of Vietnam they lie as proof that death accords youth no protected status. Their struggle for recognition divided a nation against itself. Congress and more than three-fourths of the states have now determined in their wisdom that youth "shall have a new birth of freedom"—the franchise. Rights won at the cost of so much individual and societal suffering may not and shall not be curtailed on the basis of hoary fictions that these men and women are children tied to residential apron strings. Respondents' refusal to treat petitioners as adults for voting purposes violates the letter and spirit of the Twenty-Sixth Amendment.

California Law: California law also compels respondents to treat citizens of 18 years of age or older as adults for all purposes related to voting.

Petitioners sought to register at addresses they claim to be their residences for voting purposes. If petitioners *are* residents of the districts they claim, the integrity of our state's political system demands that they be allowed to vote in those areas. This is true for two reasons.

First, basic democratic principles require that citizens be able to participate in making decisions that intimately affect their lives. Forcing resident of one locality to vote in the elections of another locality denies to those voters the right to help determine the resolution of issues which vitally affect them, and eventually alienates them from the political process.

Decisions of this court (e.g., Castro v. State of California (1970) 2 Cal. 3d 223, 235–241) and the United States Supreme Court have made it clear that *all* bona fide residents substantially affected by the outcome of an election and capable of voting intelligently and responsibly in it should be allowed to vote. As stated in Kramer v. Union School District (1969) 395 U.S. 621, 626–627, "Statutes granting the franchise to residents on a selective basis always pose the danger of denying some citizens any effective voice in the government affairs which substantially affect their lives." (Fn. omitted.)

The rules announced by respondents not only would deny to some residents the right to vote where they live, but could also serve to give an unmarried minor a series of voting residences which he has never seen. The 18-year-old who lives and works in San Francisco for the three years he is a voting minor might well wind up voting in turn for the Mayor of Seattle, the Governor of Maine, and school bonds in Oshkosh, Wisconsin, only to be disenfranchised completely on the local level when his parents move permanently to Paris.

It may be objected that to allow unmarried minors to establish a domicile where they live may swell the rolls of college town electorates. It is contended that college students may "take over" a town by all voting the same way, that they are not "truly" residents in that many of them will move to other areas after they leave school, and that local governments have a legitimate interest in excluding such persons from the local polity.[7]

In many states special rules are applied in determining the voting residence of students. (Singer, *Student Power at the Polls* (1970) 31 Ohio St.L.J. 703, 721–723.) The underlying rationale of these various tests is that students are apt to be transient inhabitants of the community, little concerned about long-term policies and problems, and often may not pay local property taxes. (But see Note, *Restrictions on Student Voting: An Unconstitutional Anacronism?* (1970) 4 U.Mich.J.Law Reform 215.) The possible transiency, penury, or ignorance of students did not, however, impress the California Legislature, which has expressly provided that the law "shall not be construed to prevent a student at an institution of learning from qualifying as an elector in the locality where he resides while attending that institution, when in fact the student has abandoned his former residence." (Elec. Code, § 14283.) Student status is therefore a neutral fact in determining residence for voting purposes.

The Legislature has thus determined that differential treatment of students for voting purposes may not be condoned as a legitimate

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Footnotes at end of article.

governmental policy. No reason appears for construing differential treatment of minors in a more favorable light.

The second major evil accomplished by allowing or forcing voters to vote in districts not their own is that voters of other districts have inflicted upon them a voter with no stake or interest in the outcome of the election. The extent of the evil is not only that residents of California would be asked to decide issues in Arizona or Hawaii. Small towns in California would be especially affected by such a rule, since the number of young people from the town who have left for other areas may be substantial in comparison to the town's total population. Allowing unmarried minors who reside elsewhere to vote may effectively turn a small town over to the control of unconcerned outsiders. Over a century ago we recognized the wisdom of requiring voters to be residents of the jurisdiction: "[C]itizens . . . should not deal with public questions through the ballot box until they at least [have] the benefit of an opportunity to learn the public wants, of concerting measures the best calculated to provide for them, and of selecting proper men to carry those measures into effect; . . ." (Bourland v. Hildreth, *supra*, 26 Cal. 161, 179.) Allowing minors to vote at fictional residences would compromise the integrity of the political process.

In addition to these fundamental policies requiring that a person vote where he actually resides and not be compelled to vote at a fictional residence, there are further legislative policies which require that a minor residing apart from his parents be permitted to vote at his residence.

Although our statutes provide for absentee registration as well as absentee voting (Elec. Code, § 213), it is likely that individuals forced to vote in elections they care and know little about will be inclined not to register or vote at all. While the rational man might register in one county as well as another for purposes of a presidential primary, why should he register or vote in any local election when he knows nothing of the issues or candidates? Forcing voters to register at fictional residences would therefore frustrate the legislative intent "to promote and encourage voter registrations . . . to the end that registration may be maintained at a high level." (Elec. Code, § 201.)

The provisions of the Elections Code governing determination of residence for voting purposes also reflect the state policy of recognizing an actual rather than a fictional residence.

Section 14282 provides the general standard for determining an individual's domicile for voting purposes. It provides: "The residence of a person is that place in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning."[8]

The registrar obviously has the power not to register someone who is not a resident of the jurisdiction. But California law gives great weight to the voter's representation of where his domicile is. If a voter is challenged at the polls on the ground that he has not been a resident of the state, county, or precinct for a sufficient time, the precinct board may ask the voter only four questions. If the voter answers them with a "yes" or "no" which indicates he is a resident of the jurisdiction, the board must take his word for it and must allow him to vote. (Elec. Code, §§ 14243–14244.5.) Moreover, *"Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter."* (Elec. Code, § 14255; italics added.)

Section 14282 would normally govern the determination of petitioners' domiciles for voting purposes. Any presumption that a given class of persons are not residents of the place they live would contravene the spirit and text of the Elections Code. (Elec. Code, §§ 14255, 14282; see also §§ 14283, and 14290, allowing soldiers, students, inmates of institutions, and wives living apart from their husbands to acquire domiciles in the place they live.)

Respondent apparently do apply section 14282 in determining the residence of a married minor (who may be considered an adult for some purposes, but would still be a minor under state law for voting purposes; see Civ. Code, § 25). They appear to refuse as a matter of policy, however, to accept affidavits of residence from unmarried minors, unless the residence claimed is that of the parents. Even considering state law alone, this policy may be sustained, in light of the Elections Code, and the strong state policies discussed above, only if unmarried minors are generally incapable of having a domicile of their own. Subject to some unspecified objections, the Attorney General so believed (54 Adv. Ops. Cal. Atty. Gen., *supra*, at pp. 11–12), relying on Government Code, section 244, subdivisions (d) and (f), which provide that an unmarried minor's residence is that of his parents, and cannot be changed by his own act alone.[9]

The Attorney General has misapplied section 244 by failing to view it in light of other pertinent statutes and decisions governing parent-child relations. Specifically, under California law a minor may be emancipated partially or completely by his parents or by operation of law. It is possible that a minor of 18 years of age or older, living apart from his parents, will be emancipated for all purposes; it is substantially probable that he will be emancipated for purposes of residence; and the minor is necessarily emancipated for all purposes related to voting when he is given the vote in his own right, without regard to the consent of his parent or guardian. In light of this California law regarding the emancipation of minors, we conclude that minors over 18 years of age must be treated as adults for voting purposes, and the location of their domiciles may not be questioned on account of their age.

Although section 244 is couched in absolute terms, it has not been so applied. Our courts have long held, for example, that the minor's residence does not follow that of the parent when the parent has abandoned him. (In re Vance (1891) 92 Cal. 195, 198; In re Hawkins (1920) 183 Cal. 568, 575; Guardianship of Brazeal (1953) 117 Cal. App. 2d 59, 61; see also Harlan v. Industrial Acc. Com. (1924) 194 Cal. 352, 359–360.) Similarly, although section 244, subdivision (e) baldly states that "[t]he residence of the husband is the residence of the wife," the section has not been applied where the wife obviously maintained a separate domicile from that of her husband, to whom she was apparently happily married. (Lowe v. Ruhlman (1945) 67 Cal. App. 2d 828, 833.)

Section 244's proviso that an unmarried minor's residence is that of his parents and cannot be changed by his own act must be construed in light of other statutes governing parent-child relations. In particular, Civil Code, section 211 provides in pertinent part: "The parent . . . may relinquish to the child the right of controlling him. . . ." Such relinquishment constitutes emancipation of the minor, and may be express or implied, complete or partial, conditional or absolute. (Perkins v. Robertson (1956) 140 Cal. App. 2d 536, 540; 67 C.J.S., Parent and Child, § 86.) The emancipated child "is in all respects his own man." (Lachman v. Wood (1864) 25 Cal. 147, 151.) To the extent he is emancipated he becomes *sui juris*, with the same independence as though he had attained majority. (67 C.J.S., Parent and Child, § 87; see, e.g., Wadoz v. United Nat. Indemnity Co. (1957) 274 Wis. 383, 80 N.W. 2d 262, 265.) After consenting to the emancipation of a child old enough to work and care for himself, the parent has no right to custody or control. (Ex Parte Clark (1891) 87 Cal. 638, 642.) "A parent not entitled to the custody of a child has no right to control his residence." (Harlan v. Industrial Acc. Com., *supra*, 194 Cal. 352, 359–360; cf. Civ. Code, § 213.)[10]

Nor must a child be fully emancipated in order to acquire a domicile of choice. California law recognizes that emancipation for specific purposes is effective. (Martinez v. Southern Pacific Co. (1955) 45 Cal.2d 244, 253 [emancipation implied by circumstances]; Slater v. California State Auto. Assn. (1962) 200 Cal.App.2d 375 [partial emancipation implied] Perkins v. Robertson, *supra*, 140 Cal.App.2d 536 [partial emancipation implied]; Argonaut Ins. Exchange v. Kates (1955) 137 Cal.App.2d 158 [partial emancipation implied]. As stated in Cole v. Superior Court (1915) 28 Cal.App. 1, 6, "'the county of the husband's residence is [that] of the minor children, unless he has consented to their acquiring residence elsewhere, or has voluntarily relinquished his parental authority over them. . . .'"

Whether the minor has been emancipated for residential purposes is ordinarily a question of fact. (Martinez v. Southern Pacific Co., *supra*, 45 Cal.2d 244, 253.) Establishment of a separate abode is evidence of emancipation. (Spurgeon v. Mission State Bank, *supra*, 151 F.2d 702; Rounds Bros. v. McDaniel (1909) 133 Ky. 669, 118 S.W. 956; Ream v. Watkins (1858) 27 Mo. 516; see generally Annot., 165 A.L.R. 723, 740–742.)[11] In addition, it is common sense to believe that a good many minors over the age of 18 living apart from their parents *are* emancipated for these purposes. Eighteen is the age when most minors graduate from and leave school, when many get full time jobs and become self-supporting, when the state ceases to limit the number of hours they may work (Lab. Code, § 1172), when they may smoke cigarettes (Pen. Code, § 308), and when criminal proceedings begin to be brought in adult rather than juvenile courts. (Welf. & Inst. Code, § 604; Boches & Goldfarb, Cal. Juvenile Court Practice (Cont. Ed.Bar 1968) 35.) It is an age when males register for the draft and females may get married without the consent of either parent. (Civ. Code, § 4101.) A minor 18 to 21 years old who lives apart from his parents will usually consider his house to be home.

Not only is there a substantial likelihood that a minor over the age of 18 living apart from his parents has been emancipated for all purposes or at least for purposes of residence; it is also clear that when the minor is given the right to vote he is emancipated for all purposes relating to voting. Obviously, in giving the minor the right to vote, it was never contemplated that the parent or guardian should be able to control whether or not the minor should be permitted to vote or how he should exercise the franchise. It was necessarily the intention to accept him as a responsible member of the community, capable of participating in its political affairs, directing its policies, and choosing its leaders. For these purposes, he must be free entirely of parental control, and unless he is, the right to vote granted to him would be meaningless.[12]

The fundamental importance of the franchise, as both a symbol and a vital tool of our democracy, requires that every effort be made to apply uniform standards and procedures to all qualified voters equally. (Cf. 42 U.S.C. § 1971 (a)(2)(A).) In this case the strong likelihood that substantial numbers of voting minors living apart from their parents are emancipated for residential purposes, coupled with the necessity that minors given the vote be treated as emancipated for all purposes related to voting, persuades us that a minor 18 years of age or older must be treated as an adult for voting purposes, and that the location of his domicile may

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Footnotes at end of article.

not be questioned on account of age or occupational status.

We hold today that both the Twenty-Sixth Amendment to the United States Constitution and California law require respondent registrars to treat all citizens 18 years of age or older alike for all purposes related to voting. We do not imply that registrars may not question a citizen of any age as to his true domicile. However, the middle-aged person who obtains a job and moves to San Francisco from San Diego, and the youth who moves from his family home in Grass Valley to Turlock to attend college must be treated equally. Whether either of them acquires a new domicile or retains the old one is governed by sections 14280–14292 of the Elections Code. We hold only that registrars may not specially question the validity of an affiant's claim of domicile on account of his age or occupational status.

Let the peremptory writ of mandate issue directing respondent voting registrars to determine each individual petitioner's residence for voting purposes strictly in accordance with Elections Code, sections 14280–14292, and by the same standards, tests, and procedures as are applied to persons 21 years of age or older.

PETERS, J.

We concur:

TOBRINER, J.
MOSK, J.
SULLIVAN, J.

FOOTNOTES

[1] Petitioners could have sued to enforce their rights pursuant to Elections Code, section 350. Instead petitioners ask us to exercise our original jurisdiction (Cal. Const., art. VI, § 10; Rules of Court, rule 56(a)). We exercise such jurisdiction only in cases in which "the issues presented are of great public importance and must be resolved promptly." (County of Sacramento v. Hickman (1967) 66 Cal. 2d 841, 845.) Cases affecting the right to vote and the method of conducting elections are obviously of great public importance. Moreover, the necessity of adjudicating the controversy before the election renders it moot usually warrants our bypassing normal procedures of trial and appeal. Thus we have exercised our original jurisdiction where electors sought to qualify an initiative for the ballot (Perry v. Jordan (1949) 34 Cal. 2d 87, 90–91; Farley 1. Healey (1967) 67 Cal. 2d 325, 326–327), where a proposed local election would have violated the city charter (Miller v. Greiner (1964) 60 Cal. 2d 827, 830), and where an individual sought certification by the city clerk as a candidate for office. (Camara v. Mellon (1971) 4 Cal. 3d 714.)

No less speedy resolution of the issues presented by petitioners would be adequate here. The last day for registration for the November 2, 1971, election is September 9, 1971. The last day for registration for the June 6, 1972 election is April 13, 1972. It is highly unlikely that petitioners could secure a superior court decision and complete the inevitable appeals by either side from that decision in time to register for these elections.

[2] The remedy invoked—mandate—is appropriate. (Code Civ. Proc., §§ 1085–1086.) Voting registrars are public officers with the ministerial duty of permitting qualified voters to register. Mandamus is clearly the proper remedy for compelling an officer to conduct an election according to law. (Miller v. Greiner, *supra*, 60 Cal. 2d 827, 830; Partridge v. Devoto (1905) 148 Cal. 167; see also Zeilenga 1. Nelson (1971) 4 Cal. 3d 716; cf. Keane v. Mihaly (1970) 11 Cal. App. 3d 1037.) Mandamus is also appropriate for challenging the constitutionality of validity of statutes or official acts. (Metropolitan Water Dist. of Southern California v. Marquardt (1963) 59 Cal. 2d 176, 28 Cal. Rptr. 724, 729; Zeilenga v. Nelson, *supra*, 4 Cal. 3d 716; San Francisco Unified School Dist. v. Johnson (1971) 3 Cal. 3d 937.)

[3] See, e.g., Hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, 91st Cong., 2d Sess., at p. 130 (President Nixon); Cong. Rec., vol. 116, pt. 5, p. 6434, remarks of Sen. Goldwater; Cong. Rec., vol. 116, pt. 5, pp. 6434, 3392, and vol. 116, pt. 15, pp. 20180, 20187, remarks of various Congressmen re educational attainment of youth.

[4] See, e.g., Cong. Rec., vol. 116, pt. 5, p. 6111 (Sen. Kennedy), p. 6433 (Sen. Cook), vol. 116, pt. 15, p. 20171 (Rep. Stokes), p. 20173 (Rep. McCloskey, Jr.).

[5] See, e.g., Cong. Rec., vol. 116, pt. 15, p. 20175 (Rep. Ottinger), and p. 20163 (Rep. Anderson).

[6] See generally, Note, *Legislative History of Title III of the Voting Rights Act of 1970* (1970) 8 Harv.J.Legis. 123.

[7] The fear of a deluge is more theoretical than real. In Berkeley, for example, some 51,464 votes were cast in the recent municipal election. (Oakland Tribune, April 7, 1971.) Of 27,000 students at the University of California, no more than 9,000 (freshmen through juniors) are likely to be in the 18–20 age group. If typical registration percentages adhere, no more than 5,000–6,000 of these minors would register to vote. Even if every single one of these minors registered in Berkeley, which is highly unlikely, and even if every one then voted (which is more unlikely), the *vote* total would be increased no more than 10 percent, and the rolls an even lesser percentage. Nor, among this highly educated group, is it very probable that all 5,000 minors would vote the same way on any issue.

[8] Sections 14280–14292, and the preceding sections 14240–14255, concern challenges to any voter at the polls by the precinct board appointed by the board of supervisors. Since challenges are based only on failure to possess qualifications set forth in the affidavit of registration, e.g., residence in the jurisdiction, it is clear that these same standards for determining residence apply as well to the registrar of voters.

[9] Government Code, section 244, subdivision (d) provides: "The residence of the father during his life, and after his death the residence of the mother, while she remains unmarried, is the residence of the unmarried minor child, provided that when the parents are separated, the residence of the parent with whom an unmarried minor child maintains his place of abode is the residence of such unmarried minor child." Subdivision (f) further provides: "The residence of an unmarried minor who has a parent living cannot be changed by his own act."

[10] The great preponderance of authority from other jurisdictions similarly holds that an emancipated minor, being *sui juris*, may acquire his own domicile. (See, e.g., Bonneau v. Russell (1952) 117 Vt. 134, 85 A. 2d 569, 570; Cohen v. Delaware, Lack & Western R.R. Co. (1934) 150 Misc. 450, 269 N.Y.S. 667, 673–675; Bjornquist v. Boston & A.R. Co. (1st Cir. 1918) 250 F. 929, 932–933; Spurgeon v. Mission State Bank (8th Cir. 1945) 151 F.2d 702, 705, cert. den. (1946) 327 U.S. 782; Appelt v. Whitty (7th Cir. 1961) 286 F.2d 135, 137; 28 C.J.S., Domicile, § 12, p. 21; Rest., Conflict of Laws, § 31; Rest. 2d, Conflict of Laws, § 22.) As provided in Restatement Second of Conflict of Laws, section 22, comment f: "A parent has no power to control the domicile of an emancipated child. . . ."

[11] In Rounds Bros. v. McDaniel, *supra*, 133 Ky. 669, 118 S.W. 956, in particular, the child left home *without* express parental consent. The court held that the parent's failure to object constituted an implied emancipation, which would become irrevocable if the parent's inaction continued. Similarly, even where the father gave the child money with which to leave, but thereafter exercised no control over the minor's activities, and the minor lived in another state, an emancipation had occurred. (Johnson v. Gibson (N.Y.C.P. 1855) 4 E. D. Smith's Rep. 231.) (Cf. Grant v. Segawa (1941) 44 Cal. App. 2d Supp. 945, 949.)

[12] Since the minor is emancipated for all purposes relating to voting, we have concluded that petitioners may sue in their own right, and that it would be improper for us to appoint a guardian ad litem pursuant to Code of Civil Procedure, sections 372–373, and Civil Code, section 42.

CONCURRING OPINION BY WRIGHT, C. J.

Randell et al. v. *Allison*, L.A. 29906.

Jolicoeur et al. v. *Mihaly* et al., S.F. 22826.

Tabilio et al. v. *Mihaly* et al., S.F. 22827.

I concur in the majority opinion insofar as it is concluded therein that the places of residence of minor citizens of voting age are to be fixed in a like manner with the places of residence of adults, for purposes of determining the jurisdiction in which they are to vote. This result is *compelled* by clear language of the Twenty-Sixth Amendment which provides in pertinent part that the "right of citizens of the United States . . . to vote shall not be . . . abridged . . . by any State on account of age." [1]

It cannot be disputed that state-imposed restrictions which compel a minor of voting age to vote, if at all, only in the jurisdiction where his parents reside whatever his legitimate reasons for living apart from them, necessarily diminishes, curtails, reduces and accordingly abridges his right to vote *only on account of his minority*. The minor would thus be incapable of voting in the jurisdiction where he permanently and legally resides, while the adult is free not only to vote in such jurisdiction but to change the place where he votes when he changes his residence. No basis for justifying such an abridgment or discrimination on the right to vote, other than the minor's age or distinctions dependent thereon, has been suggested in the instant case. As the Twenty-Sixth Amendment expressly prohibits the described state conduct, we need not inquire further and to do so only emphasizes matters which should be of no concern to us.

There is no stronger statement of governing policy considerations in any particular circumstance than an express declaration embodied in our federal Constitution. Where, as here, such a declaration is manifestly dispositive of the single issue no good purpose is served by a concurrent examination of state or federal policies, or legislative histories, in an attempt to ascertain that the supreme law of the land must be adhered to because lesser policy considerations likewise require the same result.

Petitioners are entitled to their peremptory writ because the Constitution directs it, and we need and should not seek otherwise to justify such constitutional direction.

WRIGHT, C. J.

We concur:

MCCOMB, J.
BURKE, J.

[From the Washington Post, Sept. 18, 1971]

COLLEGE STUDENTS AS VOTERS

There appears to be a healthy and altogether welcome trend among the states to let qualified college students vote, if they want to, in the college communities where they live for the greater part of the year. Sixteen states and the District of Columbia have now moved in this direction. This trend runs counter to a widespread opposition manifested by state and local voting officials who prefer to require the young college voters to cast their ballots in the communities where their parents reside. The opposition remains formidable. It is, we think, inconsonant with the spirit and purpose of the 26th Amendment, which extended the right to vote to American citizens 18 to 21 years of age.

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[1] The majority correctly and, for purposes of the decision herein, conclusively holds that the "Twenty-Sixth Amendment prohibits abridging the right to vote on account of age. The word 'abridge' means diminish, curtail, deprive, cut off, reduce. [Citations.]"

Generally speaking residence is a matter of an individual's choice. He is domiciled in the place he considers home. He lives, in short, where he thinks he lives; and ordinarily that is where he votes if he is entitled to vote. The aim of the 26th Amendment was to treat citizens 18 to 21 years of age as adults, at least so far as voting is concerned. Many, probably most, of them will want to vote where they grew up and where their families live. A Gallup Poll taken in mid-July disclosed that only 29 per cent of persons 18-to-20 years old thought that college students should vote in the community where they attend college, while 65 per cent thought they should vote in the community where they came from. We can see no real justification, however, for treating them differently from other adults. They ought to be free to vote where their interest lies and where it is most convenient for them to vote.

In the 1970 Census, according to a study prepared by Common Cause, students were counted at the address where they were actually living on April 1—that is, at the address where they lived while attending school. And of course their residence at that address figured in the community's claims for representation in state and national legislatures and in formulas for allocation of federal funds to cities and states. Most of them, moreover, paid property taxes, directly or indirectly, in these college communities. Only about one-fourth of college students live in college-owned housing. The rest live with relatives or own or rent their own living quarters. A larger number than in the past are now married and living altogether independently of the families in which they grew up.

These facts afford a rebuttal, in part, to the contention that college students do not have the welfare of the college community at heart—that they might, for one example, raise taxes irresponsibly because they will not themselves be obliged to pay them. The argument cuts two ways, in any case. It may be said with equal force that young men and women cannot vote responsibly in a community from which they are absent during the greater part of the year and to which they may choose never to return. A small town might be markedly affected by the votes of young people who have left it to reside elsewhere for study or work, if their desire to vote where they are actually living is denied.

It is unfortunate that Attorney General John Mtichell told the nation's secretaries of state in a speech recently that the Justice Department would assume no role in shaping state residency laws as applied to newly enfranchised voters under 21. He is undoubtedly right in saying that Congress ought not to adopt legislation that would "require that students, or any other group of 18-to-20-year-olds, receive some special legislative dispensation or be the victim of some special disability." But if he can give this much guidance to Congress, it would be by no means amiss, we think, if he were to advise state election officials that their aim ought to be to treat 18-20-year-olds like any other adults and facilitate voting among them in conformity with the spirit of the 26th Amendment.

A unanimous opinion by the Supreme Court of California, overturning an opinion of California's Attorney General that unmarried, newly enfranchised 19-20-year-olds must register where their parents reside, stated the case with exceptional eloquence: "America's youth entreated, pleaded for, demanded a voice in the governance of this nation. On campuses by the hundreds, at Lincoln's Monument by the hundreds of thousands, they voiced their frustration at their electoral impotence and their love of a country which they believed to be abandoning its ideals. Many more worked quietly and effectively within a system that gave them scant recognition. And in the land of Vietnam they lie as proof that death accords youth no protected status. Their struggle for recognition divided a nation against itself. Congress and more than three-fourths of the states have now determined in their wisdom that youth 'shall have a new birth of freedom'—the franchise. Rights won at the cost of so much individual and societal suffering may not and shall not be curtailed on the basis of hoary fictions that these men and women are children tied to residential apron strings. Respondents' refusal to treat petitioners as adults for voting purposes violates the letter and spirit of the Twenty-sixth Amendment.

By Mr. MAGNUSON (for himself, Mr. Cotton, Mr. Ervin, Mr. Metcalf, and Mr. Spong):

S. 2599. A bill to provide for the application of the prohibitions contained in the Sherman Act to the business of organized professional baseball. Referred to the Committee on the Judiciary.

Mr. MAGNUSON. Mr. President, I introduce for myself and Senators Cotton, Ervin, Metcalf, and Spong a bill to remove the antitrust exemption that baseball presently enjoys because of the decision of the Supreme Court in *Federal Baseball Club of Baltimore* v. *National League of Professional Baseball.* (295 U.S. 200).

The reason for introduction of this measure results from a desire to accomplish two things: To compel baseball to operate subject to the antitrust laws, and to remove the judicially imposed advantage that baseball presently has over similar team sports—football, basketball, and hockey—which are not now exempt from the antitrust laws.

Recent decisions by the American League involving the transfer of the Washington Senators and the Seattle Pilots requires Congress to review the reasons for baseball's favored sport status. Last year, after the Seattle Pilots were transferred to Milwaukee, I introduced an identical measure. Because the bill was introduced late in the 91st Congress, hearings were not held. I believe that the recent transfer of the Washington Senators again raises the need for Congress to consider this question.

It is apparent that the nature of baseball has changed dramatically in the many years since organized baseball received antitrust exemption. It is our feeling that all aspects of baseball—including radio and television contracts, concessions, player-management relations, and all other relevant factors—should be reviewed in order to determine the wisdom of continuing to exempt baseball from antitrust laws.

In order for Senators to clearly focus on the issues raised by this bill, I will refer briefly to the past judicial and legislative history out of which baseball has maintained its favored position.

THE COURTS

In 1922, the Supreme Court ruled that organized baseball was not subject to the antitrust laws. *Federal Baseball Club of Baltimore* v. *National League of Professional Baseball Clubs* (259 U.S. 200). The Court found that the "business" of baseball was not "trade or commerce in the commonly accepted use of those words." In baseball, the Court reasoned, the interstate aspects were only incidental. Justice Holmes, writing for the Court, said—

> Personal effort, not related to production, is not a subject of commerce.

The Court was later to change this concept of interstate commerce, but not as applied to baseball.

In the Federal baseball case, the Court had under review a decision of a court of appeals overruling a judgment of the trial court which awarded treble damages amounting to $240,000 to the plaintiff (269 Fed. 681 (D.C. Cir., 1920)).

The complaint alleged that the provisions in the contracts of the players with the member teams of the leagues in organized baseball forbade them to contract with another club and prevented the Baltimore enterprise from acquiring their services. This contract provision is called the reserve clause. The court of appeals discussed the purpose of the reserve clause and its effects upon the plaintiff. It found that the reserve clause was necessary to preserve competition among the teams on the playing field and that the defendants had done no more than that in this case. The Court concluded that the interstate movement of the Baltimore club had not been affected by the use of the reserve clause and that any effect it might have had was incidental.

Some 30 years later, the Supreme Court upheld its ruling in Federal when deciding *Toolson* v. *New York Yankees, Inc.* (346 U.S. 356 (1953)). In reaffirming its decision, the Court stated:

> Congress has had the—Federal baseball—ruling under consideration but has not seen fit to bring such business under these—antitrust—laws by legislation.

The Court continued:

> Without reexamination of the underlying issues, the judgments below are affirmed on the basis of Federal Baseball—so far as that decision determines that Congress had no intention of including the business of baseball within the scope of the Federal antitrust laws.

In 1957, the Supreme Court was to limit the scope of its decisions in Federal Baseball and Toolson. In deciding *Radovich* v. *National Football League* (352 U.S. 445), the Court ruled that professional football was subject to antitrust laws.

In the previous year, the U.S. Court of Appeals in deciding Radovich had distinguished the Supreme Court's decision in *Toolson* and *International Boxing* and found that professional football was a team sport and, therefore, would be exempt from the antitrust laws while boxing, an individual sport, was not comparable (231 F. 2d 620 (oth. Cir. 1956)).

The Supreme Court stated that it was limiting the rule established in *Federal Baseball* and *Toolson* to organized baseball and that—as long as the Congress continues to acquiesce we should adhere to—but not extend—the interpretation of the act made in those cases.

The Court, realizing that its decision might result in discriminations between sports that operated substantially the same as baseball, specifically stated that the solution to the problem rested with the Congress:

> If this ruling is unrealistic, inconsistent, or illogical, it is sufficient to answer, aside from the distinctions between the businesses, that were we considering the question of baseball for the first time upon a clean slate we would have no doubts. But *Federal Baseball* held the business of baseball outside the scope of the act. No other business claiming the coverage of those cases has such an adjudication. We therefore, conclude that the orderly way to eliminate error or discrimination, if any there be, is by legislation and not be court decisions. Congressional processes are more accommodative, affording the whole industry hearings and an opportunity to assist in the formulation of new legislation. The resulting product is, therefore, more likely to protect the industry and the public alike. The whole scope of congressional action would be known long in advance and effective dates for the legislation could be set in the future without the injustices of retroactivity and surprise which might follow court action. Of course, the doctrine of *Toolson and Federal Baseball* must yield to any congressional action and continues only at its sufferance.

Thus the Court firmly rejected the suggestion that it extend the baseball decisions to other sports. Instead, the Court made it clear that any exemption for the organized professional team sports of football, basketball, and hockey must come from the Congress.

THE CONGRESS

The Congress has shown awareness of the problems created by the various decisions of the Supreme Court affecting organized professional sports and has given consideration to their antitrust aspects for 14 years. In that time a large number of bills have been introduced dealing with the status of professional team sports under the antitrust laws. Some of these bills sought to remedy the anomaly under which baseball was held to be outside the antitrust laws while other professional sports were declared within those laws.

In almost every session since 1951, bills have been introduced dealing with professional sports. The courts have clearly deferred to the Congress to resolve the issue—if it wishes.

As of this date, numerous hearings have been held, reports have been written and witnesses have testified, but Congress has never resolved the key issue: should baseball be given a favored status over all other professional sports. We believe the answer should clearly be: No.

By Mr. WILLIAMS:

S. 2600. A bill to authorize the involuntary recall of the Coast Guard Ready Reserve to duty in time of natural disaster. Referred to the Committee on Commerce.

AN EMERGENCY ROLE FOR THE READY COAST GUARD RESERVE

Mr. WILLIAMS. Mr. President, in the last Congress, I had the honor of sponsoring legislation which prevented a dramatic cutback in the strength of the Coast Guard Ready Reserve.

That legislation, an amendment to the Military Procurement Authorization bill, received widespread support in this House and subsequently was retained as part of the bill when it was signed into law.

A major reason I advanced for maintaining the Coast Guard Ready Reserve at approximately its existing strength was because of the vital mission that agency can perform in our war against pollution and environmental problems.

Today, I am pleased to offer a bill, S. 2600, which greatly would facilitate the use of our Coast Guard Ready Reserve for those duties.

Under this legislation, the President would be authorized to declare a "domestic emergency" in the event of a natural or man-made water-related disaster involving such problems as water pollution, storms, hurricanes, earthquakes, tidal waves, fires, explosions or other matters involving imminent danger to life and property.

Once the President has made such a declaration, the Secretary of Transportation could then activate Coast Guard Ready Reserve units.

In order to prevent any serious disruptions of a reservist's civilian life of hardships in the area of his employment, the bill places a limit of 30 days on the time a reservist can be activated in any 1 year. However, it would seem that any callups probably would be for a briefer duration.

Mr. President, the information I have been able to obtain indicates that the Coast Guard Ready Reservist is eager to perform this mission. These are areas in which they are trained and most certainly they are capable of fulfilling this mission.

Just recently volunteers from the Coast Guard Ready Reserve rendered expert service in the aftermath of an oil spill in Bayonne, N.J. And, this is not an isolated incident.

We are all aware of the magnificent service which the Coast Guard has performed in times of natural and ecological disasters.

This has been recognized in many ways.

Under the Water Quality Improvement Act of 1970, the Secretary of Transportation was given jurisdiction for pollution prevention and control in navigable waterways and coast areas. The Secretary has delegated actual operational functioning for his areas to the Coast Guard.

As coastguardsmen pass into the Active Reserve, they provide our Nation with a highly trained manpower pool to deal with situations which create grave threats to our environment, our property, and even our lives.

Mr. President, I would like to add that the Coast Guard itself has a proposal similar to that contained in this legislation. That proposal currently is being studied by the administration.

I would hope that that proposal would be made public by the administration so that information would be available to help in our consideration of this measure.

Mr. President, to give some idea of the scope of Coast Guard activities, I ask unanimous consent to have printed in the Record at this point in my remarks a summary of the Coast Guard's pollution and surveillance functions.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Coast Guard Pollution Control Functions

The Coast Guard has been concerned with and involved to some degree with pollution control efforts for many years. Under our general maritime law enforcement functions, we are responsible for the enforcement of various Federal laws on the high seas and in U.S. waters. These Federal laws include specific anti-pollution statutes such as the Refuse Act of 1899, the Oil Pollution Act of 1961, and the Water Quality Improvement Act of 1970 (PL 91–224). All of these involve activities of the Coast Guard. However, it was not until 1968 that a project was undertaken to assemble the various elements into one program. The first step was the creation in January 1969 of a separate Maritime Pollution Control Branch. A new program was established and elements of other programs were incorporated into it. The new program, based on existing legislation and interagency agreement, has been developed anticipating the enactment of additional pending legislation, which became reality with the signing of PL 91–224.

The Coast Guard's preventive activities include: regulatory measures aimed at prevention of spills from vessels, development and utilization of equipment to prevent spills from grounded and otherwise damaged tankers, prevention of pollution by shore facilities, formulation and enforcement of vessel sewage regulations, public education and international cooperation. We also have plans for offshore terminal regulations and are interested in vessel air pollution and the disposal of waste on the high seas. In addition, major Coast Guard programs, including Aids to Navigation, Bridge Administration, Commercial Vessel Safety, Port Safety, and Boating Safety, while primarily safety-oriented, obviously result in pollution prevention through the reduction of maritime casualties.

Coast Guard detection and response activities include: detection and surveillance of pollutant spills, investigation of pollution incidents, development and utilization of more efficient and effective cleanup methods. The National Oil and Hazardous Materials Contingency Plan is implemented by the National Response Center, pollution strike forces and administration of the Revolving Fund.

In a major effort to gain a more thorough understanding of the actual dangers presented by various pollutants, the Coast Guard carries on various pollution base line monitoring programs and also incorporates pollution research and monitoring into the Oceanographic, Ocean Station and Polar Scientific Operations programs.

The Coast Guard has traditionally emphasized cooperation with other government agencies in the national interest. This has been especially important in the pollution control field and will continue with the added thrust of the anticipated creation of EPA and NOAA. We are also aware of the Navy's willingness to provide resources for assisting in the national maritime environmental protection effort, and we are interested in arranging a cooperative allocation of responsibilities with them so as to make efficient use of all available resources.

EXAMPLES OF COAST GUARD MISSIONS WHICH ARE PRESENTLY UNDERGOING EXPANSION

1. Oceanography—Federal agencies (including DOD) as well as the business and academic communities are generating an ever-increasing demand for information concerning the physical characteristics and behavior of the oceans. Many Coast Guard vessels now assist in gathering oceanographic data in addition to performing other duties. Three Coast Guard cutters are now assigned

the primary duty of conducting oceanographic surveys.

2. Aids to Navigation—Increased commercial and recreational traffic in our harbors and waterways is resulting in increased demand for facilities to aid in conducting the mariner safely to his destination. New methods of radar monitoring, harbor traffic control and obstruction marking are being evaluated with a view to reducing navigational hazards.

3. SAR—The Search and Rescue workload, particularly in connection with recreational boating, grows heavier from year to year. Education and enforcement activities must grow apace. Presently developing approaches in this area are grant in aid programs to state governments to bolster state boating safety programs, the development and establishment at the Federal level of minimum safety standards for boats and related equipment, and the implementation of pilot programs to precisely measure the effect of Coast Guard efforts in boating safety, so that resources may be allocated to cost-beneficial programs.

4. Marina Environmental Protection Activities—The Water Quality Improvement Act of 1970 (PL 91-224) expands the Coast Guard's regulatory authority in the prevention of marine pollution through the discharge of oil into the navigable waters of the U.S. or the waters of the contiguous zone. It directed the formulation of a contingency plan to provide for the establishment of a strike force and a system of surveillance and notice which was published by the President in June 1970. The plan specifies that the strike force shall be furnished by the Coast Guard. In Executive Order 11548 the President delegated the following authority and responsibilities to SECTRANS, who is in turn expected to redelegate them to the Coast Guard:

(a) Regulatory authority to prevent discharges of oil from vessels or transportation-related on shore or offshore facilities.

(b) Regulatory authority governing inspection of oil carrying cargo vessels.

(c) Administration of the revolving fund established to pay for government clean-up of spills of oil or other hazardous materials.

(d) Enforcement authority in the boarding and inspection of vessels and facilities for which we have regulatory responsibility.

(e) Authority to clean up spills in the coastal area which are not properly cleaned up by the spillers.

(f) Direction of efforts to remove a substantial threat of oil spillage in coastal area including destruction of a vessel if necessary.

It is in this mission area, as well as in the occurence of natural disasters such as hurricanes and floods, that peacetime employment of the Coast Guard Selected Reserve appears most useful. Episodes of this nature would be typified by a short term requirement for manpower in excess of that normally available to the active duty Coast Guard in a specific area. Moreover, the additional manpower required must be trained in Coast Guard operating methods and must be available on short notice. The Selected Reserve in many cases would be the sole source of additional manpower meeting these criteria:

(a) Location—The Selected Reserve is an organized force already located at or near all major port/port complex sites and, therefore, ideally situated to provide support under the direction of cognizant active duty commands.

(b) Training—Port security units contain, in addition to port security/port safety skills, personnel trained in fire fighting, damage control, pump operations, boat operations, communications and law enforcement. With specific respect to oil pollution, the port security training curriculum presently used includes knowledge of Federal statutes, investigative procedures, collection of evidence, sampling and the reporting of violations.

(c) Availability—the Selected Reserve constitutes the Coast Guard's early response Reserve force for military mobilization. This quick response capability would be equally important to and available for domestic emergency.

By Mr. TOWER:

S.J. Res. 160. Joint resolution amending the provision of law which denied Federal disaster assistance to properties which could have been covered by flood insurance but were not. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. TOWER. Mr. President, recent seasonal tropical storms have left in their wake considerable property damage along the Texas coast. Destruction caused by the hurricane force winds notwithstanding, the most serious threat to property has stemmed from the torrents of rain which have fallen upon lands well past their absorption levels. Rising waters from the hours of continuous rainfall coupled with high tides have invaded coastal homes and business establishments, remained for several days, and then receded leaving behind flood damage calculated in the millions of dollars in addition to incalculable personal grief and sorrow.

Prior to enactment of the National Flood Insurance Act of 1968, there was no insurance coverage available to those who sought it. The private property insurance industry had concluded that it could not provide flood insurance on an economically feasible basis—at least during the early years of such a program—without Government assistance. Congress, therefore, recognizing the pressing need for flood insurance, enacted the National Flood Insurance Act of 1968, embodied within the Housing and Urban Development Act of 1968 as title XIII.

The flood insurance program under the 1968 act enables property owners to buy insurance against losses resulting from physical damage to or loss of real or personal property arising from floods occurring in the United States. The program is carried out in cooperation with private property insurance companies and through existing agents, brokers, and adjusting organizations.

Mr. President, this program of flood insurance performs an important function in that it permits individuals to purchase policies at premium levels which they can afford. However, there is a provision in the act relative to the purchase of the policies which causes me concern. It is provided in the statute that individuals and small businesses in an area eligible for flood insurance are precluded from receiving specified types of Federal disaster assistance, after the insurance has been available in their area for 1 year, to the extent that their losses would be covered by insurance. On the surface, this is a reasonable provision, preventing duplication of benefits for property loss covered under flood insurance policies. However, upon further examination a possible inequity becomes apparent.

Congress, in enacting the legislation, intended that there be a "reasonable" lapse of time from the date insurance became available in the particular area until the penalty provision preventing duplication of benefits should take effect. One need but examine the reports from the Department of Housing and Urban Development to see that very few have availed themselves of the opportunity to purchase flood insurance. In view of the need for insurance and the risk avoided by purchase of the policies, it becomes apparent that the program has not been adequately publicized at the local level. Due to the inadequate publicity, the statutory 1-year provision has not, in many instances, been a reasonable time period. Administration of the penalty provision at the present time would thus be most inequitable.

Mr. President, the joint resolution I introduce today would amend the provision of law which denies Federal disaster assistance to properties which could have been covered by flood insurance but were not. This resolution would postpone the applicability of the penalty provision until December 31, 1973.

The additional time made possible by adoption of this resolution will enable the Department of Housing and Urban Development in cooperation with local officials and insurers to better advertise the availability of flood insurance for those thousands who inhabit the flood-prone areas of our Nation. I feel that other provisions of the act require close examination, especially those which require implementation of local land use controls by December 31, 1971. Currently my staff is engaged in a series of discussions with locally elected officials representing cities and towns situated along the Texas coastal plain relative to the effect of implementation of such controls. Additional legislation might well follow from these discussions; however, in the interim, I surge the adoption of this resolution introduced today in order that many of the immediate inequities might be corrected and future inequities might be avoided.

Mr. President, I ask unanimous consent that the text of this resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 160

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of subsection 1314(a)(2) of the National Flood Insurance Act of 1968 shall not apply with respect to any loss, destruction, or damage of real or personal property that occurs on or before December 31, 1973.

By Mr. FONG (for himself, Mr. BAKER, Mr. BIBLE, Mr. HOLLINGS, Mr. HUMPHREY, Mr. METCALF, Mr. MUSKIE, and Mr. PROXMIRE):

S.J. Res. 161. Joint resolution proposing an amendment to the Constitution of the United States with respect to the eligibility of naturalized citizens to hold the office of President. Referred to the Committee on the Judiciary.

Mr. FONG. Mr. President, for long years, I have been in the forefront of the fight to treat all persons equally and fairly, especially all citizens of these United States.

Accordingly, I propose an amendment to the Constitution to permit not only natural born, but naturalized citizens, to be eligible for the Office of President of the United States.

The Supreme Court, in *Schneider* v. *Rusk*, 377 U.S. 163 (1964), holding invalid a statute which provided for loss of citizenship by a naturalized American who resided for 3 years in the country of his birth or former nationality, said:

> This statute proceeds on the impermissible assumption that naturalized citizens as a class are less reliable and bear less allegiance to this country than do the native born. This is an assumption that is impossible for us to make. Moreover, while the Fifth Amendment contains no equal protection clause, it does forbid discrimination that is so unjustifiable as to be violative of due process. . . . A native-born citizen is free to reside abroad indefinitely without suffering loss of citizenship. The discrimination aimed at naturalized citizens drastically limits their rights to live and work abroad in a way that other citizens may. It creates indeed a second-class citizenship.

The Supreme Court in *Rogus* v. *Bellei*, U.S. ——, decided April 5, 1971, cited Schneider against Rusk with approval and quoted therefrom to the effect that "the rights of citizenship of the native born and of the naturalized person are of the same dignity and are coextensive." (P. 19 of Slip Opinion, quoting 377 U.S., at 165.)

The Court, in the Bellei case, quoted the first sentence of the 14th amendment:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Much was made of the "14th amendment-first-sentence citizen" by Mr. Justice Blackmum in the Opinion of the Court in that case.

Yet the Constitution itself differentiates between the native born and the naturalized citizens.

Article II, section 1, clause 4 of the Constitution reads:

> No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President. . . .

Thus, naturalized citizens, being barred from the Office of President and by inference from the Office of Vice President, are declared to be less than natural or native born citizens—they are denied the privilege of serving their adopted country in the highest office it holds open to native born citizens.

Naturalized citizens are truly denied first-class citizenship.

Or, as Mr. Justice Blackmun calls them, "14th amendment-first-sentence citizens" are being denied "the rights of citizenship of the native born" which "are—deemed—of the same dignity and are coextensive" with the rights of naturalized citizens. (See *Schneider* v. *Rusk*, 377 U.S., at 165).

These naturalized citizens, like every citizen of the United States, are entitled to all the rights and privileges of citizenship afforded the native born.

This amendment to the Constitution would remove this disability from naturalized citizens. Naturalized citizens would be eligible for the Office of President.

Both the native born and the naturalized citizens of this country, I submit, are the poorer for thus being deprived of the opportunity to vote for the one person—be he native born or naturalized—whom they deem to be the best qualified person in the United States for that most exalted of offices—the Presidency of the United States of America.

Not only the native born and the naturalized citizens of the United States, but our Nation and the world may well be harmed by the disqualification of such naturalized citizens for the Office of President. The best qualified person may now be deemed a second-class citizen because of his being a naturalized citizen rather than a native-born citizen—and the United States and the world is deprived of his leadership.

All citizens should be given their fullest choice in the selection of the President—especially in these troubled times, it is essential that the best person be eligible for and elected to the Office of President.

No such artificial barrier as second-class, naturalized status, should prevent his being able to serve his country of adoption if he should be the choice of a majority of the citizens of these United States, his country of adoption.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 161

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after its submission to the States for ratification:

"ARTICLE —

"Notwithstanding the provision of clause 4 of section 1 of article II of the Constitution, a person who is a naturalized citizen of the United States shall be eligible to hold the office of President if he is otherwise eligible under such clause to hold such office."

By Mr. BENTSEN:

S.J. Res. 162. Joint resolution to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes. Referred to the Committee on Public Works.

Mr. BENTSEN. Mr. President, I am introducing legislation today to extend flood insurance and disaster relief to the residents of Texas communities damaged by hurricanes in recent years.

Many of my fellow Texans are ineligible for such assistance because of a failure to register for Federal flood insurance during a 1-year period allocated under previous legislation. I believe there were numerous reasons for this lack of registration, but mainly because of the failure to allow for sufficient notice by the Federal Government.

This proposed legislation would amend the present flood insurance program of 1968 and Disaster Relief Act to offer financial aid to those not currently covered by either of these Federal programs. It would assist those individuals with a financial burden incurred in reconstruction of homes and small businesses.

The legislation would extend the sign-up period for 1 more year and make available Small Business Administration loans under the provisions of the flood insurance program.

I am confident that this legislation will give to the people of Texas and other States ravaged by the hurricanes the initial boost to rebuild for the future.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 555

At the request of Mr. KENNEDY, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 555, to authorize the establishment of an older worker community service program.

S. 1124

At the request of Mr. WILLIAMS, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1124, to amend the Older Americans Act of 1965 to authorize a special emphasis on the transportation research and demonstration project program.

S. 1585

At the request of Mr. PERCY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1585, to amend title XVIII of the Social Security Act to provide for the coverage, under part A of such title, of certain drugs which are prescribed and furnished, whenever possible, by generic name.

S. 1597

At the request of Mr. HARTKE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1597, a bill to amend title 38, United States Code, so as to provide that increases in social security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows.

S. 2161

At the request of Mr. HARTKE, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of S. 2161, to amend chapters 31, 34 and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2360

At the request of Mr. WILLIAMS, the Senator from Nevada (Mr. CANNON) and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S.

2360, the Automobile Driver Education Act.

S. 2412

At the request of Mr. Allott, the Senators from Maryland (Mr. Mathias and Mr. Beall) were added as cosponsors of S. 2412, to amend the Urban Mass Transportation Act of 1964 to waive in certain cases the requirement that assistance provided under that act must be in furtherance of a program for a unified officially coordinated urban transportation system.

S. 2427

At the request of Mr. Williams, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 2427, the National Community Antenna Television Act of 1971.

S. 2482

At the request of Mr. Kennedy, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of S. 2482, the Indian Education Act.

S. 2497

At the request of Mr. Williams, the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of S. 2497, the Vietnam Children's Care Agency Act.

S. 2509

At the request of Mr. Scott, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 2509, to incorporate Pop Warner Little Scholars, Inc.

S. 2569

At the request of Mr. Williams, the Senator from Connecticut (Mr. Ribicoff) was added as a cosponsor of S. 2569, to permit the broadcasting of information on State-run lottery programs via television or radio.

SENATE JOINT RESOLUTION 79

At the request of Mr. Hartke, the Senator from Illinois (Mr. Stevenson), the Senator from Maryland (Mr. Beall), and the Senator from New Mexico (Mr. Montoya) were added as cosponsors of Senate Joint Resolution 79, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE JOINT RESOLUTION 157

At the request of Mr. Talmadge, the Senator from Minnesota (Mr. Mondale) and the Senator from North Carolina (Mr. Jordan) were added as cosponsors of Senate Joint Resolution 157, to assure that every schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

SENATE JOINT RESOLUTION 158

At the request of Mr. Weicker, the Senator from Wyoming (Mr. Hansen), the Senator from Oklahoma (Mr. Harris), the Senator from Kansas (Mr. Pearson), and the Senator from Michigan (Mr. Griffin) were added as cosponsors of Senate Joint Resolution 158, to declare May 6, 1972, "Clean Up America Day."

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 442

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. NELSON submitted an amendment, intended to be proposed by him, to the bill (S. 523) to amend the Federal Water Pollution Control Act, as amended.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENTS

AMENDMENT NO. 443

(Ordered to be printed and to lie on the table.)

Mr. HUGHES submitted amendments, intended to be proposed by him, to the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 444

(Ordered to be printed and to lie on the table.)

Mr. SAXBE (for himself and Mr. Hughes) submitted an amendment, intended to be proposed by them, jointly, to House bill 8687, supra.

AMENDMENT NO. 445

(Order to be printed and to lie on the table.)

Mr. EAGLETON (for himself, Mr. Anderson, Mr. Bayh, Mr. Case, Mr. Church, Mr. Cranston, Mr. Fulbright, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Javits, Mr. Kennedy, Mr. Mansfield, Mr. McGovern, Mr. Mondale, Mr. Proxmire, Mr. Stevenson, Mr. Tunney, and Mr. Williams) submitted an amendment, intended to be proposed by them, jointly, to House bill 8687, supra.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 425

At the request of Mr. Nelson, the Senator from Indiana (Mr. Bayh), the Senator from South Dakota (Mr. McGovern), the Senator from Michigan (Mr. Hart), the Senator from Alaska (Mr. Gravel), the Senator from Oregon (Mr. Packwood), the Senator from New Jersey (Mr. Case), and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of amendment No. 425, to H.R. 8687, the military procurement authorizations bill, 1972.

AMENDMENT NO. 430

At the request of Mr. Allott, the Senator from Arizona (Mr. Goldwater), the Senator from Washington (Mr. Magnuson), and the Senator from Nebraska (Mr. Hruska) were added as cosponsors of Amendment No. 430, to H.R. 8687, the military procurement authorizations bill, 1972.

ANNOUNCEMENT OF HEARINGS ON INDIAN LEGISLATION

Mr. BURDICK. Mr. President, I want to announce to the Senate, the Indian people, and other interested individuals, hearings on several Indian bills before the Subcommittee on Indian Affairs will be held during the month of October.

On October 7, 1971, the subcommittee will consider S. 1104, to provide for the disposition of funds arising from judgments in favor of the Confederated Tribes of the Colville Reservation; S. 2339, to provide for the disposition of judgment funds to the public of Laguna; and S. 2095, to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe.

On October 15, 1971, the subcommittee will consider S. 1101, to authorize the purchase, sale, and exchange of certain lands on the Kalispell Indian Reservation; S. 345, to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation; S. 925, to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe; S. 1115, to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nev.; and S. 1218, to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony.

On October 21, 1971, the subcommittee will consider S. 2408, to extend the life of the Indian Claims Commission.

On October 26, 1971, the subcommittee will consider S. 2250, to authorize grants for the Navajo Community College.

It is anticipated that Indian tribal and administraton officials will be the principal witnesses at the announced hearings.

All of the aforementioned will be open public hearings and each will commence at 10 a.m. on the dates indicated in room 3110, New Senate Office Building.

HEARINGS SCHEDULED ON EXECUTIVE ORDER WHICH EXPANDED THE POWERS OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. ERVIN. Mr. President, on October 5 and October 7, 1971, the Subcommittee on Separation of Powers, of which I am chairman, will conduct hearings on the President's Executive Order 11605, of July 2, 1971, relating to security requirements for Government employment.

Executive Order 11605 purports to give the Subversive Activities Control Board authority, upon petition of the Attorney General, to hold hearings to determine whether any organization or group is totalitarian, fascist, Communist, or subversive, or has the policy of "unlawfully advocating the commission of acts of force or violence * * *" or which "seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means."

It appears to me to be manifest that the real objective of the order is to empower the SACB to brand, as it sees fit, any organization, or group, as intellectually or politically dangerous to the established order. However, Mr. President, it is not the purpose of these hearings to investigate or discuss subversive activities, but, on the contrary, to consider whether the issuing of this Executive order was within the constitutional power of the President or whether it was, as I believe, an act of "legislating" on the part of the President. In my view, this Executive order is another in a long line of attempts on the part of the Executive to usurp duties which are reserved by the Constitution to the Congress.

These hearings will also consider my bill, S. 2466, which would prohibit the SACB from carrying out the duties purportedly given it by the President's Executive Order 11605, and Senate Resolution 163, which would express the sense of the Senate that the Executive order is "an attempt to usurp the legislative powers conferred on Congress by the Constitution."

Attorney General John N. Mitchell and SACB Chairman John W. Mahan have been invited to testify. Three of the subcommittee's consultants, Profs. Philip B. Kurland of the University of Chicago Law School, Ralph K. Winter, Jr., of Yale Law School, and Arthur S. Miller of the George Washington University National Law Center, will testify as well as question witnesses.

The hearings will be held in room 2228, New Senate Office Building, on October 5 and October 7, 1971, and will begin at 10 o'clock each day.

I invite all Senators and other interested persons to participate in this inquiry. The subcommittee's offices are in room 1418 New Senate Office Building, Washington, D.C., telephone 225-4434.

ADDITIONAL STATEMENTS

DEREGULATION OF RAILROAD RATES

Mr. TAFT. Mr. President, on March 3, I introduced S. 1092, the Modern Railway Transportation Act. One of the significant provisions of this measure involves the deregulation of railroad rates. In subsequently testifying before the Surface Transportation Subcomittee I pointed out the ICC was created in large part to prevent arbitrary and discriminatory rail rates. I stated, however, that the ICC has sometimes done exactly the opposite. Rates vary not only as to the commodity shipped but as to the direction in which the freight moves.

To ship synthetic rubber, for example, from Louisville, Ky., to New York for export, 834 miles, the rate in 1970 was 95 cents per hundredweight. But the rate for that same commodity from Louisville to Toledo, a distance of only 298 miles, was $1.18. In my judgment, a rate system under which it costs more to ship rubber 298 miles than 834 miles is arbitrary, discriminatory, and ill-conceived.

On March 5, 1971, Mr. Herbert O. Whitten, a transportation consultant for the Department of Transportation, wrote to me and estimated that—

> There are in existence 43 trillion railroad rates on file at the ICC . . . He wrote that he has personally measured the tariffs on file in the ICC tariff room and counted 4,300 feet of tariffs—without an index to the rates covered! This is equal to a stack 7½ to 8 times as tall as the Washington Monument and 3½ times as tall as the Empire State Building with its TV antenna!

On January 28, 1971, the Honorable Richard McLaren, Assistant Attorney General, Antitrust Division, stated:

> Under ICC rate-making proceedings, rates generally are allowed to rise to the level of the highest cost carrier in the market. For the most part, only inefficiency is rewarded in this protective atmosphere, and in the long run the nation's resources are seriously misallocated.

He concluded by stating:

> Of one thing I am sure, competition as a regulator has a far better track record than the administrative agencies.

I have maintained that railroad rate regulation has resulted in higher costs for shippers and customers. When rates are set by regional cartels, with the blessing of the ICC, it is the American consumer who has to pick up the tab.

My position on this has naturally raised questions on the part of some Senators who ask if deregulation would not simply allow the railroads to raise their rates even higher. In my own mind I believe that free and open price competition between railroads is the best protection for the consumers and shippers of this country. This view has now been confirmed by a recent study undertaken for the Brookings Institution by Prof. Thomas Gale Moore, of Michigan State University. The study will be presented to the Brookings Institution during the latter part of October and is currently in draft form.

Because this study has been alluded to in several articles published in the Washington Post, I believe that it should now be brought to the attention of the Senate.

While I may not concur in all of the positions reached by Professor Moore, I do concur in his basic conclusion:

> While not all of the costs have been identified and the figures are, at best, orders of magnitude, they do indicate that ICC regulation costs the economy billions of dollars. In 1968, with national income generated in transportation just over $27 billion, about one-fourth of that may be due to regulation. As a conclusion, therefore, it seems urgent that steps be taken to eliminating or reducing significantly regulation of surface-freight transportation.

I ask unanimous consent that the draft of Professor Moore's study, entitled "The Feasibility of Deregulating Surface Freight Transportation," be printed at this point in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

THE FEASIBILITY OF DEREGULATING SURFACE FREIGHT TRANSPORTATION

(By Thomas Gale Moore)

A large and growing body of literature has criticized the Interstate Commerce Commission and its regulation of surface freight transportation.[1] Study after study has pointed out the inefficiencies generated by the regulatory process, the effect of value of service rate making, and the effect of the controls on entry, investment and disinvestment. Much of this literature, however, has been qualitative rather than quantitative. Only Ann Friedlaender [1] [7] has attempted to quantify part of the cost of regulation on the economy. While most studies have indicated or suggested policy alternatives that would improve, in the author's opinion, the allocation of resources the analysis has tended to focus on existing problems rather than the alternatives. The objective of this paper, therefore, is two-fold. First to estimate the order of magnitude of the cost on the economy of regulation. Second, to consider a few major proposals for reducing or eliminating regulation and consider the costs of these alternatives and compare them with the present system.

EXISTING COSTS OF REGULATION

We can identify several kinds of losses that stem from regulation. First, regulation may increase costs within a particular mode. For example, regulation of trucking limits the ability of regulated trucks to secure backhauls; moreover, the legal restrictions on private and agricultural motor carriers force their trucks to travel empty a considerable portion of the time as well. Therefore, costs of motor carriers are increased above what is necessary to carry present loads. In the railroad industry, prohibitions on abandonment of uneconomic services also have inflated costs. For water carriers, the prohibition on mixing non-regulated with regulated tows or more than three non-regulated tows have also led to higher costs.

In other words, regulation has raised the cost of providing a given amount of service. This type of cost to the economy, Liebenstein [11] found tended to be more substantial than the traditional welfare triangle.

A second cost to the economy from regulation stems from any shifting of traffic from low cost modes to high cost modes. For example, if rail rates are raised relative to truck rates then some traffic which would be more economically carried by rail will be moved by truck. Potentially, regulation could shift traffic among all the modes: rail to water, rail to truck, truck to or from water, surface to air or vice versa, and all other modes to or from pipelines.

A third major cost of regulation stems from pricing above marginal costs—the traditional welfare triangle [6]. This is the allocative cost from the nonshipment of goods due to higher prices.

A fourth loss from regulation stems from distortions in other sectors due to locational and product price discrimination. Only Friedlaender [7] has ever attempted to quantify this loss. If for example, the rate for shipping scrap iron is higher relative to cost than the rate for shipping iron ores, then there will be less recycling of scrap iron than there would be if rates were based strictly on costs. As a consequence, more iron ore will be used by the economy and less scrap. Other distortions result from the general tendency to price the shipment of manufactured goods relatively high compared to cost while raw materials rates tend to be low compared to cost. This leads manufacturers in locating plants near their major customers rather than near the source of raw materials. Besides obviously misallocating resources, it leads to congestion in urban areas with severe external costs.

A fifth loss and possibly the largest, is the dynamic losses that stem from a reduction in incentives to innovate due to the regulatory process. If regulatory inertia and pricing umbrellas inhibit innovation, this can lead to higher costs and a less progressive industry than would exist in the absence of regulation. MacAvoy and Sloss [8], Gellman [29], and others [9] have argued that in fact regulation has held up major innovations, especially in railroading.

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[1] See [1], [2], [3], [4], [7], [8], [9], [10], [26], [28], [29], [34], [37], [38].

This paper will not attempt to estimate the losses stemming from distortions in other sectors or the dynamic losses from the introduction of innovations being held up by regulation. There does not seem to be sufficient data or information available to measure either of these distortions though Ann Friedlaender has made a start on estimating the distortion loss and MacAvoy and Sloss have given a good description of the dynamic losses that result from innovations. They estimated that the loss from simply not introducing unit coal trains was about $9 million each year that the innovations were held up [8, p. 61].

COSTS FROM INEFFICIENT PROVISION OF SERVICES

As Liebenstein has pointed out costs of producing a product or service in a noncompetitive situation may vastly exceed the lowest possible cost. Such costs are dead losses to the economy no matter what other misallocations exist. Clearly if a service can be provided with a smaller use of resources it will be desirable to do so. Any saving in resources can generate additional goods and hence a rise in real income. In other words, second best considerations do not hold [16]. As Mishan [17] has pointed out, it is always desirable to eliminate imperfections that lead to a smaller output.

Motor common carriers

Regulation has forced inefficient practices on common carrier trucking as has been pointed out by Nelson [10]. A 1941 study conducted by The Board of Investigation and Research [13] indicated that the certificate of convenience and necessity that carriers must always have indicate the routes or territories over which such operations may be conducted, the points to and from which the carrier may render its service, the commodities or classes of commodities which may be moved, and the extent to which the authorized movement is tied to specific highways routes and gateways.

Commodity restrictions have often been very narrowly defined. The Board of Investigation and Research Study indicated that 62% of the truckers have been limited to special commodities and 40% of those limited had been limited to one commodity or commodity class. Eighty percent had been restricted to six or less [13, pp. 20–32]. It should be obvious that such limitations impose major costs on common carrier trucking firms. In particular these restrictions make the filling of backhauls more difficult and thereby leading to the underutilizing of trucks.

About 70 percent of the regular route common carriers possessed less than full authority to serve intermediate points on their routes, while approximately $\frac{1}{10}$th had no authority to serve any intermediate point [13, p. 77]. Irregular route carriers were generally limited to radial service, which meant that their traffic had to be picked up and delivered to one or more specific points within a geographic region. Many such carriers had to operate through points that they could not legally serve; that is, they could not legally pick up and deliver goods within those areas. Regular route common carriers often had to follow circuitous routes and specific highways. The Board of Investigation and Research Study also found that a third of the inter-city truckers had return limitations with almost 10 percent having no authority to transport traffic on their return trip [13, p. 126].

Clearly these restrictions on the operating authority of motor carriers are very costly to the economy. In reporting on these restrictions, James C. Nelson concluded that "it is probably that a roughly comparable pattern is in existence today" [10, p. 393]. The Interstate Commerce Commission acknowledged to a Senate Small Business Committee in 1955 that the same type of restrictions were still in operation. There is no reason to believe that they have been diminished or abolished since.

Moreover, the ICC requires that merged companies follow the previously authorized routes of each company when shorter routes may be feasible. Thus to ship from the territory of one firm to that of the other, the trucks must go through the point or points where the territories overlap.

Adding to the cost of regulation is the tendency of motor carriers to practice nonprice competition mainly by increasing their capacity. Price competition is virtually impossible due to ICC regulation. Increased capacity permits a trucking firm to offer faster and more convenient service and therefore provides it with a competitive edge over other firms. This leads to excess capacity, lower load factors and more waste. However, such increases in service may not be net losses to the economy; there may be some gain to the consumer in better service.

In the middle 1950s, a series of court decisions led to the deregulation of trucking of fresh dressed poultry (1965) and frozen poultry (1966). A 1966 court decision held that frozen fruit and vegetables were exempt commodities under the ICC act. The impact of deregulation on rates and services was studied by the U.S. Department of Agriculture [14], [15]. The years 1952 and 1955 (under regulation) were compared with the fiscal year 1975 for fresh and frozen poultry. To measure the impact of deregulation on frozen fruits and vegetables, the Department compared 1955 to 1957.

The results of these studies indicated that rates fell and services improved. The rates on fresh poultry fell from 12 to 53 percent for different markets while the rates for frozen poultry declined 16 to 59 percent. The average rate reduction on fresh poultry was 33 percent and for frozen poultry 36 percent [14, pp. 65–66]. In addition stop-off charges were reduced or eliminated and the number of stops permitted was increased. For frozen fruits and vegetables the weighted average decline in rates was 19 percent while rail rates on the same products increased 6 to 14 percent [15, pp. 1–3]. Again stop-off charges were reduced substantially and the number permitted increased.

In collecting the data on rates, shippers were asked the advantages and disadvantages of regulated vs. unregulated carriage. While not proof that service was better under unregulated trucking, it is indicative that poultry shippers listed only 20 advantages of regulated carriage but 32 disadvantages while they found 82 advantages of unregulated and 54 disadvantages [14, pp. 47–53].

Since regulation has not improved service in the eyes of shippers, any increase in costs due to regulation can be considered a net loss. There is no reason to believe that the commodities deregulated by court decisions were atypical and that we cannot treat these commodities as a random sample of all commodities shipped by truck. Like Friedlaender [1, p. 74], we will, therefore, assume that rates would fall 20 percent generally if regulation of trucking were eliminated.

In 1968, total truck revenues of class I and class II common carriers were $9.6 billion [18 (1970), p. 141] [19, Table 37]. A fall of 20 percent in rates would reduce revenue, on the same volume, $1.92 billion. At this lower level of revenue, the industry would presumably cover its costs including a normal profit. Thus this decline in revenue must reduce monopoly profits and/or costs by a total of $1.92 billion. Any reduction in costs would be a real gain to the economy while a reduction in monopoly profits is simply an income transfer.

There are several ways to estimate what proportion of the reduction would be cost savings and what proportion would come from monopoly profits. In 1968, the value of tangible property less reserves for amortization of class I and II motor carriers certificates was $218 million [19, Table 2]. When a motor carrier purchases a certificate the cost goes into this account. Carriers at their discretion, however, can amortize this investment over a five year period. Figures from class I common carriers (general freight, intercity) suggest that about twenty percent has been set aside as reserves. Thus the gross value of these certificates would be $262 million. However this figure is clearly an underestimate since some of these certificates were purchased long ago or even may never have been sold.

If all trucking firms were continuously being bought and sold or if bookkeeping practices were not conservative but truly reflected the value of the firms' certificates, this number would equal the present value of the monopoly gains due to regulation. There is no doubt that it is an underestimate—how much of an underestimate, we don't know.

If investors in this industry must earn 10% before taxes, annual monopoly profits due to regulation would be $26.2 million. Even if investors demanded a higher rate of return before taxes of, say, 20% the annual amount is still fairly negligible. Subtracting this number from $1.92 billion would indicate the amount costs would fall with deregulation. In other words, the increase in cost due to regulation might be as much as $1.89 billion dollars; this is our upper estimate.

Another way to estimate the amount costs are inflated is to look at net profits in 1968. Some of these profits are in fact return on equity capital and therefore not true monopoly profits. Total assets of class I and II common carriers were $2.7 billion in 1968 [18 (1970, p. 142] [19, Table 37]. If the industry must earn 10% before taxes and it is entirely equity financed it would need $270 million a year to pay for its investment. Since net operating income was $499 million, $229 million would be left as the amount of monopoly profits. Subtracting $229 million from $1920 million indicates that cost might be inflated by $1.69 billion. If all of the $499 million were monopoly profits and there was no return due on investment then the minimum estimate of the increase in cost due to regulation would be 1.4 billion dollars.

Private trucking

Regulation imposes large costs on private trucking and unregulated farm trucking. Private trucking is in general prohibited from soliciting on a commercial basis traffic. Since few companies are in a position to utilize their trucks full both ways and since the normal flow of goods for a company would only be in one direction, backhauls will normally have to be empty. Similarly, farm trucking often brings goods from agricultural areas to consumer areas but there is little exempt agricultural goods flowing in the opposite direction. In other words regulation imposes considerable amount of empty backhauls on private and unregulated trucking, in addition to the costs estimated above for common carrier trucking.

In the absence of regulation private trucking should be able to secure the same proportion of backhauls—at least for long hauls—as common carrier trucking does now. Since regulation also imposes empty backhauls on regulated trucking, private trucking could probably do better in the absence of any regulation. A study done by the Department of Transportation gives the percent of empty backhauls by type of truck and by type of carrier, e.g., ICC regulated, private, etc. [20].

For short hauls, soliciting backhaul traffic would be unprofitable and therefore, only long haul private trucking can reasonably expect to seek and gain backhaul traffic in an unregulated market. Since most local traffic uses single unit trucks, while tractor-trailer combinations predominate in the long haul market our data are confined to the latter types of rigs. Table I sets forth the percent of trucks empty by type of vehicle and for private and ICC regulated. It also indicates the percent of truck miles that could be saved if private trucking achieved the same level of utilization as ICC regulated vehicles.

TABLE 1.—PERCENT OF EMPTY TRACTOR-TRAILER TRUCKS

	Private	ICC regulated	Percent capacity saved
Platform	40.9	35.9	7.8
Open-top vans	35.7	20.5	19.1
Vans	31.4	19.0	15.3
Insulated	30.5	21.1	11.9

Source: [20, table 1].

All sectors of the economy do not have equal opportunities to solicit backhauls. While manufacturing, trade, agriculture and forestry would be most able to take advantage of opportunities to compete for backhauls traffic, such sectors as contract construction and services probably would not be able to solicit backhauls as easily. Many types of trucks are so specialized that they can only haul particular goods which makes it difficult to secure backhauls. Consequently the analysis has been confined to the four types of generally used trucks: platform, open-top vans, vans, and insulated, non-refrigerated trucks.

The Census gives the number of truck miles for each of these types of trucks by sector of the economy, e.g., agriculture, manufacturing, wholesale and retail trade, and forestry [21, Table 27]. Table 1 indicates the percent of miles that would be saved with these types of trucks if each sector could secure the same rate of empty backhauls as ICC regulated common carriers. A rather old study done by the Highway Research Board of line haul trucking costs presents charts indicating how cost per vehicle mile varies with load; on this basis it appears that conservatively it costs $0.40 per vehicle mile to move a large truck [22, figures 18, 19, and 20]. With these data the additional miles that could be carried given the existing trucks could be computed and alternatively the additional savings in truck miles to carry the same shipments could be estimated.

It could be argued that trucks owned by forestry operators would be operating in areas where securing backhauls would be difficult. If such trucks are excluded then private trucking in manufacturing, trade, and agriculture could carry the same loads with a reduction of 390 million vehicle miles if they could achieve the same performance as ICC regulated. This amounts to about $150 million savings. Alternatively, if forestry trucks could do as well, the saving would be about 420 million vehicle miles or about $170 million. However, if all industry could achieve the average performance of ICC regulated trucks, the saving in vehicle miles would be about 2400 million and the dollar saving just under one billion.

Railroads

Waste due to regulation of railroads are obviously substantial. They are deterred from abandoning unprofitable routes and services. While the rental rates on freight cars appear to be so low as to provide an inadequate incentive for railroads to purchase freight cars, it does provide an incentive to hoard cars in order to provide better service to their customers. Regulation, MacAvoy, Sloss [18], Gellman [29] and others have pointed out, has deterred innovations in the railroad industry with the result that costs are higher than they would be without regulation. Passenger losses clearly have added to the costs of railroads. In general these costs are substantial, but quantifying them is difficult.

Ann Friedlaender, in a recent paper [7], has attempted to quantify these losses due to the excess capacity brought about from regulation of the railroad industry. She estimated a long run cost function based on cross-sectional data and a short run cost function based on time series data, and from these two cost functions she has computed a cost elasticity in the long run and a cost elasticity in the short run. She shows that:

$$E/E^* = \frac{dc/dx}{dc^*/dx} \cdot \frac{c^*}{c}$$

where E is the cost elasticity, c is total cost, x is output and the starred variables are long run. Then

$$c^*/c = (E/E^*)\,(mc^*/mc)$$

To make this expression operational, Mrs. Friedlaender assumes that marginal cost in the long run equals short run marginal cost and therefore concludes that the ratio of the elasticity must equal the ratio of the costs. However, it would be incorrect to assume that short and long run marginal costs are equal. If there is excess capacity, which is what she is trying to estimate, then marginal cost in the short run will be below marginal cost in the long run. Consequently her estimation technique appears to be incorrect. It should be noted, however, that using this technique she estimates the loss from excess capacity in 1969 to be roughly $2.4 billion.

I have used a somewhat different technique. Since the approach sketched below cannot be considered very definitive or exact, its main usefulness is to estimate the order of magnitude of the costs. Basically, I have attempted to estimate how much rail rates would fall on average in the absence of regulation. This decline in rates would produce a comparable fall in revenue for the same traffic, part of which would reflect lower costs and part less monopoly rents. To estimate how much rail rates would fall, it is necessary to predict the distribution of traffic in the absence of regulation. The assumption made is that railroads would secure the same volume of traffic, but to the extent they received more, rail rates would have had to decline further than predicted with a larger loss in revenue and hence higher cost savings.

There is a general belief that in the absence of regulation, rails would succeed in capturing additional traffic from trucks (1) (2). Friedlaender and Mayer et al. have argued that rail costs are considerably below truck costs for shipments greater than 200 miles and consequently much of the truck traffic that goes over 200 miles would move to rails in the absence of regulation.

This proposition seems questionable. First, the major competitive moves in recent years by railroads have been attempts to divert traffic from water carriers to rails rather than from trucks to rails. For example, in the years 1966 to 1970, the ICC decided and reported on in their annual report, 11 intermode cases (18, 1966–1970). Eight of these were attempts by railroads to attract traffic from water carriers. Only one was clearly an attempt by railroads to attract traffic from motor carriers while one was an attempt by trucks to attract rail traffic. The final case involved an REA attempt to attract pure truck traffic.

Second, it is widely recognized that regulatory commissions usually develop tendencies to protect the industries that they regulate from competition. Since the Interstate Commerce Commission up to 1955 was primarily concerned with the regulation of railroads, to the extent that the Commission was "captured" it would have been by railroad interests. Prior to the regulation of motor carriers, it was rail companies that were most vocal in urging their control. It seems likely, therefore, that the ICC would have continued since 1935 to protect the interest of the railroads. While regulation would have made the ICC concerned with trucking interests, the Commission would not have willingly sacrificed railroads. Without evidence to the contrary, the most reasonable expectation would appear to be that the ICC would attempt to balance the traffic so that rails and trucks would continue to secure the same share as they would have gotten absent regulation. But, in order to protect and increase profits both truck and rail rates would be pushed higher with the effect of diverting traffic to basically regulated water carriers. Hence a conservative conclusion is that absent regulation, railroads would carry at least the same total amount of traffic as they do under ICC jurisdiction. More likely railroads would actually increase the amount of traffic carried somewhat, perhaps even increasing their share.

There have been several studies of the demand for transportation by sector (23) (24). Most of these studies have serious imperfections. Because of better data, the best study is probably that of Alexander L. Morton of the Department of Economics, Harvard University, who estimated the demand for rail transportation and the demand for truck transportation. Mr. Morton was not very successful in achieving meaningful estimates of the cross elasticity of demand between rail and truck for the rail estimating equation. His truck demand equation is given below in equation (1):

$$\text{(1)}\quad \log \text{TK Vol} = \underset{(.343).}{-1.841} \log \text{TK Rate} \;\; \underset{(.126)}{+.932} \log \text{RR Rate} \;\; \underset{(.151)}{+2.323} \log \text{GNP}$$

We know from economic theory that there is a relationship between the cross elasticity of demand for two related services. The market cross elasticity of substitution between good one and two, n_{12}, can be written:

$$\eta_{12} = \eta_{12}{}^s - \eta_1{}^1 P_1Q_1/I$$

where

$$\eta_{12}{}^s$$

is the pure elasticity of substitution,

$$\eta_1{}^1$$

is the income elasticity of demand for good 1,

$$P_1Q_1$$

is total expenditure on good one, and I is total income. Now the pure cross elasticity of substitution between good one and two is related to the pure cross elasticity between good two and one by the following expression:

$$P_1Q_1\,\eta_{12}{}^s = P_2Q_2\,\eta_{21}{}^s$$

Consequently the market cross elasticity for one and two can be expressed as a function of the market elasticity between two and one as follows:

$$P_1Q_1\,\eta_{12} = P_2Q_2\eta_{21} + {}_2{}^1(P_2Q_2)^2/I - {}_1{}^1(P_1Q_1)^2/I$$

Now total freight revenue for common carrier trucking and for railroads are both approximately equal to $10 billion. Assuming as a first approximation they both equal $10 billion, we have the following relationship:

$$\eta_{12} = \eta_{21} + (\$10 \text{ billion/GNP}) \cdot \eta_1{}^1 - (\$10 \text{ billion/GNP}) \cdot \eta_2{}^1$$

Since GNP in 1968 was $865.7 billion, the ratio 10/865.7 is very small and as a first approximation we can say

$$\eta_{12} \approx \eta_{21}$$

Therefore, since we have a good estimate of the elasticity of substitution between trucks and rails of .93 we assume that the rail to truck elasticity is roughly the same—about 1. Using Morton's data and fixing the cross elasticity of demand at one, the demand for rail transportation was re-estimated. The results are presented in equation (2).

$$(2)\ \log \text{RR Vol} = \underset{(0.356)}{2.228} - \underset{(0.200)}{0.915} \log \text{RR Rate} + 1.0 \log \text{TK Rate} - \underset{(0.089)}{0.097} \log \text{GNP}$$

Under this new formulation the price elasticity of demand for rail rises to −0.915 and is not significantly different from −1. Consequently, we can conclude from the evidence, that a 20 percent decline in truck prices would necessitate an approximate 20 percent decline in rail prices to maintain volume.

Freight revenues in 1968 were approximately $10 billion for class I railroads. With a 20 percent fall in rates and the same volume of traffic, total rail revenue would decline to $8 billion. In order for the railroads to maintain the same profits as earned in 1968, which was not excessive by any manner of means, costs would have had to fall by $2 billion.

It is possible that much of the value of the assets of railroads are capitalized monopoly rents, although it does not seem probable since published profit rates have been very low compared to other areas for years and any monopoly rents would likely be small. Assuming, however, that half of the asset value of $27.7 billion reflects the capitalized value of monopoly rents railroads would have had to earn 2.44 percent on $13.8 billion to achieve the same rate of return as in 1968. Thus deducting these capital costs of $337 million from the $8 billion revenue would imply costs of $7.663 billion. Actual costs in 1968 figured on the same basis, were $9.332. The difference between the two is $1.7 billion; that is, costs would have had to fall by roughly $1.7 billion to allow railroads the same rate of return. As the high estimate of the amount costs might fall without regulation, we will accept Friedlander's estimate for 1969 of $2.4 billion of excess cost due to excess capacity.

WATER CARRIERS

The ICC proscribes towing regulated traffic and unregulated traffic in the same tow; towing more than three types of unregulated commodities by the same barge makes the shipment subject to regulation. Prior to 1967, a common practice was for non-regulated water carriers to put together barges of unregulated commodities. These tows were then subcontracted to a regulated carrier, under a regulated tow rate, to be hauled down stream. This practice provided a means of getting around the mixing rules. In 1967 the Supreme Court upheld an ICC ruling that this practice of mixing regulated and non-regulated barges in the same tow was illegal.

Karl Ruppenthal [26] estimated the impact of this new rule on costs in barge transportation. He studied five large carriers, and by simulation, computed the costs if they operated under the ICC edict. He made two estimates of the effect on cost per ton mile of this ruling. One estimate was based on the assumption that an economic tow can be put together with as few as seven barges; the other assumed eleven barges were needed. For the seven barge cutoff, he found that the cost per ton mile would have been 3.02 mills, whereas the actual cost in 1967 had been 2.3 mills. With an eleven barge cutoff, the cost per ton mile rose to 3.34 mills [26, p. 43]. Thus the long-run impact of this ruling is to add between $207 million to $287 million to freight costs. This underestimates the loss from regulation since prior to 1967 the practice followed was presumably not the lowest cost way to move commodities by water, but was made necessary by the ICC regulations and prohibitions on direct mixing.

PIPELINES

Unfortunately, there is no data that permits us to estimate the losses due to regulation of pipelines. Clearly, regulation induces the pipeline companies to maintain older pipes since they go into the rate base and permit larger earnings. However, the extent to which capacity is thereby inflated, leading to higher costs, is uncertain.

All of these losses are summarized in Table 2. As can be seen, the sheer waste involved in moving existing shipments by existing carriers is monumental. Of national income generated in rail, truck, and water transportation between 10 and 20 percent is unnecessary to provide the services. These are losses to the economy clearly. We cannot argue on second best considerations that these shouldn't be counted, because they involve using additional resources to provide the same service, not a shift of services from one class to another class.

These additional costs would not be pure waste if they reflected improved service. On the other hand, if regulation led to worse service, our figures are underestimating loss from regulation. As mentioned above, deregulation of trucking appeared to improve service. Clearly the effect of regulation on private trucking and on water carriers was not to improve service. It is possible that regulation improved rail service, but any improvement seems likely to be small. Since incentives are dulled for innovation, since incentives are low to purchase new freight cars, and since excess capacity in terms of branch lines must be carried that serve few, the improvement in service from regulation is probably negligible and may be actually offset by declines in service due to lack of competitive vigor of the industry.

LOSSES FROM SHIFTING OF TRAFFIC

Discussed above were the impact of regulation on the allocation of traffic between trucks and rails, and that it did not seem likely regulation had led to much of a shift from trucks to rails, though other studies have indicated otherwise. Meyer, Peck, et al. and Friedlaender [01] [02] have all concluded that substantial traffic travels by truck long distances that ought to travel by rail. The Charles River Associates did a study for the Department of Transportation that attempted to quantify the difference in costs including costs to the shippers and came to the conclusion that approximately 26 percent of the truck traffic—about 100 billion ton miles—would move by rails in the absence of regulation [27].

Friedlaender made estimates of the marginal cost of shipping per ton mile by rail and truck [01, Table 3.5, p. 51]. Except for higher valued commodities, marginal cost for shipping over 500 miles is at least one cent cheaper per ton mile by rail than by truck. Applying the one cent saving, we find a resource saving of $1 billion by shifting modes. Meyer et al., on the other hand, finds the differential for over 200 miles amounts to about two cents per ton mile, or a resource cost saving of approximately $2 billion [02, Table 39, p. 190].

Merton J. Peck estimated that rails could attract no more than 10 percent of truck revenue under deregulation [28]. He argued that shipment of bulk and agricultural commodities provide about 24 percent of regulated motor carriers' revenue and he guessed that rails could attract no more than half of that or about 10 percent. Since rates per ton mile on bulk commodities tend to be lower than average, his data would suggest that something over 10 percent of total common carrier ton miles would shift. Thus about 16 billion ton miles would be attracted to rails for a net saving of $160 million to $320 million.

In addition, traffic would be attracted from private and from unregulated agricultural commodity carriers. According to 1967 *Census of Transportation*, 29.2 billion ton-miles were moved by private truck [30, Table D]. Professor Peck claims that 5 percent or about 1.5 billion ton miles would shift. The saving on this reallocation would then be between $15 million and $30 million. He also claims that 25 percent of the agricultural commodity carriers revenues would shift. If we assume that the ratio of average revenue (1957–59) to ton-miles in 1968 is the same for ICC regulated trucking and for agricultural commodity carriers, then on the basis of Peck's data we can estimate that 28.4 billion tons would shift to rails for a saving in resources of $284 million to $568 million. Thus Peck's analysis suggests that the saving from a shift in traffic would range from $450 million to $900 million.

Table 2 presents our law, medium, and high estimates on the cost to the economy of regulation induced shift of traffic from rail to trucks. The low estimate is based on the hypothesis that there is no shift; no doubt there is some diversion even if the net shift in ton miles were zero, therefore this is an underestimate. The medium and high figures are based on Peck's estimates and the difference between the medium and high figure depend on whether the saving per ton mile is 1¢ or 2¢. If the Charles River Associates figure of 26 percent were correct the cost to the economy from the diversion in traffic might be as high as $2 billion.

Unfortunately, we're not able to measure the traffic shifted from rails to water carriers due to regulation, though undoubtedly some shift has occurred. Moreover, some traffic has no doubt shifted to pipelines from rails, since regulation has held rail rates up. Other traffic has shifted to nonregulated private trucking and possibly to air. However, the net impact of these shifts cannot be measured.

STATIC WELFARE LOSS

The last cost item necessary to estimate is the deadweight loss from noncompetitive pricing that results in the nonshipment of some commodities.

TABLE 2.—ESTIMATES OF THE ECONOMIC LOSS FROM ICC REGULATION

[In millions of dollars]

Type of loss	Low	Median	High
Inefficient use of:			
Common carrier trucks	$1,400	$1,690	$1,890
Private trucks	100	200	1,000
Rails	1,700	2,000	2,400
Water carriers	200	300	300+
Pipe lines	NE	NE	NE
Subtotal	3,400	4,190	5,590
Loss from traffic carried by:			
Trucks instead of rails	0	450	900
Water carriers instead of rails	NE	NE	NE
Pipelines instead of other modes	NE	NE	NE
Loss from traffic not carried	175	175	400
Total estimated	3,575	4,815	6,890

NE=Not estimated.

Source: Estimated by author.

Friedlaender estimated this loss at $300 to $400 million annually. Using Morton's demand equation as re-estimated by this author, a new estimate was made. Assume, as above, that rail rates would fall sufficiently to maintain rail traffic in the absence of regulation. In other words, rail prices would fall 20 percent as truck rates fell 20 percent. The net impact of these reductions in rates is to increase truck traffic by 18 percent. Since total truck revenues, class I and class II were $9.6 billion the total change in traffic revenue would be approximately $1.7 billion and the total welfare loss would be $175 million. This estimate is conservative since it does not allow for any increase in shipments by rail.

TOTAL LOSSES FROM REGULATION

Low, medium, and high estimates of the total losses from regulation are listed in Table 2. We have included Friedlaender's estimates as our high figures for the inefficient use of rails and for the loss from traffic not carried. For the low estimate of the loss from diversion of traffic from rails to truck we have put zero since it is plausible that there has been no substantial diversion. These estimates, as indicated above, tend to be conservative. Since these figures range from a low of $3.5 billion to almost $7 billion, and since a number of important costs are not estimated, it is possible, maybe even likely that the loss from ICC regulation is as high as $10 billion; it seems unlikely that it would be lower than $4 billion per year. Or, expressing it another way, as much as one-third of the income generated in surface freight transportation could be pure waste.

It must be recognized that all the estimates here are very crude. They are aimed at presenting the order of magnitude. However, it seems certain that the cost of the economy of ICC regulation exceeds $3 billion and is unlikely to be much over $10 billion. We know the range in which it lies, and it is expensive. In addition to these costs should be added the losses due to a slower rate of innovation and the losses elsewhere in the economy due to the misallocation in transportation. Friedlaender estimated these at only $12 to $41 million [07, p. 227].

It should recognized, however, that alternatives to regulation are also not costless. We cannot necessarily achieve the truly competitive solution in the transportation industry. While certain segments in the industry do appear to be characterized by purely competitive conditions, other segments such as pipelines, certain rail transportation, seem to have market structures more representative of monopoly or obligopoly than of a purely competitive market. Consequently, a perfect solution, i.e., Pareto optimum solution, is not necessarily feasible.

POLICY ALTERNATIVES

There are an infinite number of possible policy alternatives. Regulation could be changed in a wide variety of ways: more power could be given to the Interstate Commerce Commission; the Commission could be merged with other regulatory agencies such as the CAB and the Federal Maritime Commission; regulation could be relaxed; it could be abolished. Except for total deregulation, there are almost an infinite variety of possible alternatives within each category.

The evidence suggested to date, however, both in this paper and in other studies indicate that the regulatory process is primarily responsible for the wastes indicated above; the remedy for the evils, therefore, would be less regulation. It is, of course, conceivable that if the ICC were given complete dictatorial authority over the transportation industries, it could achieve any possible allocation of resources including the perfectly efficient solution. However, given the sorry record of the ICC, given the imperfections of commission regulation generally, given the imperfections of bureaucratic decision making, given the paucity of information and data to decision makers, it is almost inconceivable that even dictatorial powers would lead to a Pareto optimum solution, or even a reasonable second best.

It also does not seem likely that dictatorial powers for the ICC would improve matters; rather many of the costs of regulation are the direct result and the intended result of ICC regulation. The ICC intends to increase empty backhauls of private and agriculture trucking. It encourages the reduction of competition between and within modes. It requires the obvious wastes that stem from the limitations on trucking certificates; it has the power now to eliminate the worst wastes. Since the ICC does not change these practices, it seems unlikely that a newly constituted, more powerful ICC could make the changes.

It is of course conceivable that with new congressional direction some desirable changes might be made, but any important changes would be such as to permit market forces to play a larger role in allocating resources; in other words, to move toward regulation. The alternatives, therefore, that will be considered in the remainder of this paper are concerned with less regulation. Such alternatives can range from trivial modifications of ICC regulations to major changes such as abolishing the ICC entirely and moving to a completely free market.

PARTIAL DEREGULATION

There are a large number of partial deregulation policies that might be followed. We will concentrate on some of the main alternatives such as removing regulation of minimum rates, repealing the Reed-Bulwinkle Act, and deregulating trucking.

Removing minimum rate regulations

One of the most common suggestions for modifying of transportation is to remove minimum rate regulation. In 1962 President Kennedy, for example, a special message to Congress recommended "Extending to all . . . carriers the exemption from approval or presentation of minimum rates . . ." on bulk and agricultural commodities (54). It is often argued that maximum rate regulation is necessary to prevent the railroads from exploiting their monopoly power, whereas minimum rate regulations clearly prevent railroads and trucking firms from reducing their rates. While this appears to be plausible, minimum rate regulation is inseparable from maximum rate regulation. The courts have held and the law usually requires regulatory commissions to permit regulated firms to earn a fair return on their investment. In fact, it is economically necessary that firms earn at least the cost of capital if firms are to remain in business.

In the absence of minimum rate regulation, it would be conceivable and even likely, that at times some rates might be reduced below cost in certain markets with the result that the firms' earnings fell below the minimum. The regulatory commission would then have to permit higher rates in other markets. As has been shown by Averch and Johnson [31], such policies in fact are not only feasible, but could in fact be profitable. Thus, if there is to be meaningful maximum rate regulation, there has to be some control of minimum rates to insure that the railroads or the monopoly carrier does not reduce rates in competitive markets, leading to reduced profits which "justify" and require higher rates in the monopoly markets.

It would probably be better to abolish all controls over rates than to simply abolish control over minimum rates. With no control over rates there would not be an incentive to underprice competitive services to achieve higher rates on the monopoly service.

Repeal the Reed-Bulwinkle Act

The Reed-Bulwinkle Act authorizes the Interstate Commerce Commission to approve rate agreements made through rate bureaus by competing carriers. While such rate-making results in blatant cartel behavior, repeal of the Reed-Bulwinkle Act would not improve the situation greatly. The Commission has traditionally been interested in reducing or eliminating rate competition between and among carriers in transportation. It has used its powers to deter or prevent rate reductions especially if competing carriers would suffer; it has used its power to restrict and to limit entry of competing carriers; it has attempted to use its powers to increase the profitability of the firms in the industry.

Repeal of the Bulwinkle Act would make it a little more difficult for the Interstate Commerce Commission to restrict rate competition but it still would have the power to suspend rates that are considered too low. In other words, the Commission would still be able to prevent rate cutting and to insure uniformity of rates even in the absence of the Reed-Bulwinkle Act, since the Act just facilitates its efforts in these areas.

Moreover, repeal of the Reed-Bulwinkle Act would still leave truckers with empty backhauls, restricted certificates of convenience and necessity, and excess capacity and would thus not reduce the major losses found above. At most repeal of the Reed-Bulwinkle Act might be slightly helpful.

Deregulate trucking

A more extensive policy proposal is to deregulate the trucking industry. It has been widely agreed that the trucking industry could perform very well, that is in a socially efficient manner, in the absence of regulation. Entry costs without regulation would be minimal: a used truck, a driver's license, and a rented terminal-office is all that would be necessary. The number of trucking firms would be substantial. Meyer, et al. concluded that "so-called economies of scale would appear to be equally available to small and large firms" [02, p. 9]. Since the service offered is homogeneous, all of the necessary conditions or a highly competitive industry exist.

We don't have to depend, however, simply on theory to suggest that the trucking industry could perform well in the absence of regulation. It has been tried and works well.

The trucking industry was deregulated in Australia in 1954 and 1955 [33]. One study reported that the industry was entirely free of the "instability" and "destructive and wasteful competition" so frequently forecast as the probable outcome of an unregulated trucking industry.

Our neighbor to the north, Canada, has relied primarily on province regulation of trucking. Such regulation has ranged from virtually no regulation in some provinces to fairly strict regulation in others. The best evidence suggests that the trucking industry has had lower rates, about 0.87 cents per ton mile less, in the unregulated provinces than in the regulated ones [34, p. 347].

In the United States, there is clear evidence in the agricultural exemption that unregulated trucking can perform well. The principal shippers by unregulated agricultural trucking, farmers, have consistently and strongly, opposed bringing farm trucking under Interstate Commerce Commission regulation. Their objection is clearly based on a supposition that regulation would increase their costs and/or lead to worse service.

Department of Agriculture reports have indicated that unregulated rates generally reflect costs and that there had been ample capital investment to provide a growing capacity and to provide more efficient equipment [35]. The best proof of the viability of unregulated haulage is, of course, the beneficial results that stemmed from the court decisions reregulating poultry and frozen fruits and vegetables. Moreover, after Congress reimposed controls on frozen fruits and vegetables in 1958, a Department of

Agriculture survey indicated that increases in rates predominated and many shippers reported declines in service [36].

Thus deregulating trucking is a feasible alternative. Nevertheless, it is conceivable that deregulation of trucking could make resource allocation worse. Freight that could be moved by rail at cheaper rates might be shipped by truck since motor carrier rates could be expected to decline relative to rail rates. Consequently, deregulation of trucking by itself might lead to new misallocations of resources and to new costs on the economy.

Offsetting this loss would be rationalization of the trucking industry. Deregulation of trucking would eliminate the inefficiencies identified above as costing between $1.5 billion to $2.9 billion. Trucks would no longer be confined to carrying only specific commodities between specific points along specific routes; backhauls could be filled if traffic could be secured; and all of the inefficiencies imposed by the ICC on the trucking industry would evaporate.

An estimate of the amount of traffic to be diverted from rail to truck can be computed from equation (2). Assuming that truck prices fell an average of 20% and rail rates remained constant, the demand equation indicates that 20% of the 756.8 billion ton miles of commodities shipped by rail in 1968 would shift from rails to trucks [18, (1970), p. 78]. Thus, approximately 150 billion ton miles would shift from rail to trucks.

In 1967, the average freight revenue for intercity ton-miles was $.06645 [19, Table 16]. If prices decline 20% we will assume that average revenue would decline 20%. Presumably at the original rates some shippers were indifferent between shipping by truck and rail. At the 20% lower rate some others would be indifferent and those that were indifferent at the higher rate would now be shipping by truck. If we assume that the distribution of shippers who would shift from rail to truck is linear over the 20% decline in rates, then half of the reduction in price would be equal to the average cost to the economy of shipping by truck rather than by rail. The average added cost to the economy would therefore be $.006645 per ton mile. For 150 billion ton miles this amounts to roughly $1 billion.

As noted above, the cost of the regulation of trucking in terms of higher costs of operation was at a minimum $1.5 billion; consequently there would be a net gain from deregulating trucking alone. Moreover, it seems unlikely that rail rates would not come down if truck rates fell. The ICC would no doubt permit rails to reduce their rates in the face of a competitive trucking industry in order for them to maintain their traffic. If rails were not permitted to reduce rates then they would suffer a 20% loss of business. Given their large fixed costs and their weak profit position, a 20% loss in business would make most railroads look like the Penn Central. Thus the ICC would have to let railroads cut rates. Consequently, the net effect of reregulation of trucking would be positive and any loss due to shift or traffic would likely be small.

TOTAL DEREGULATION

Total deregulation of all surface freight transportation has been discussed. As the previous section indicated total deregulation of trucking is probably desirable since motor carriers would appear to have all the main characteristics of a highly competitive industry. Only 7.3 percent of the ton-miles that travel by water carriers are regulated [18, p. 78]. Therefore deregulation of water carriers would present few problems, especially since water transportation would also appear to have the characteristics of a workable, competitive industry. Freight forwarders are also regulated by the ICC but entry standards, at least until recently, have been lenient. In Canada, freight forwarders are unregulated and the industry behaves efficiently. Therefore, there would seem to be no bar to reregulate freight forwarders.

Pipelines, on the other hand, have the characteristics of a natural monopoly. The pipeline industry does not seem to have any real potential for competition. However, some inter-regional and intermodal competition does exist. The regulation, however, of oil pipelines is a separable problem. They could be continued under ICC jurisdiction, transferred to Federal Power Commission jurisdiction, or deregulated.

When railroads were made subject to Federal control, it was claimed that at least in some areas, they had a natural monopoly. In addition, it was claimed that railroads had excess capacity and were subject to large economies of scale; competitive behavior was, therefore, unstable. Historical research on railroad regulation has indicated that the railroads themselves supported regulation in an effort to stabilize cartel price fixing agreements [37] [38]. There seems to be no strong evidence or in fact any evidence that there were any substantial economies of scale beyond those already exploited by the large railroads in the 19th century.

Certainly any monopoly power of railroads today is considerably less than it was in the 19th century. Before 1920, the major monopoly power of the railroads lay in their exclusive control over short haul shipments, but in the short haul market today, the truck is a viable alternative. For only bulk, low-cost commodities shipped long distances do the rails have a predominant position.

Even for these commodities, where there is water transportation, the rails have little power. It was in shipping bulk commodities long distances prior to the turn of the century, that railroads competed most vigorously. Then, as well as now, railroads shipping bulk commodities long distances compete not only with other railroads, operating over the same route but with roads operating elsewhere. Wheat, for example, shipped from one region to a particular consuming center competes with wheat shipped from other regions by other railroads to the same center. When wheat or bulk commodities are also exported, then railroads must compete with roads shipping bulk commodities from different regions to different ports.

Table 3 sets out the market structure in railroad freight transportation from region to region. As can be seen, from most regions to most other regions there are three or more railroads competing. In some major pairs of producing and marketing areas such as the midwest and the south, ten to twelve railroads compete. There are a few areas, such as from the North Mountain states—Idaho, Wyoming, Montana—south to Utah, Colorado and Nevada, where there are only two railroads in direct competition and where there is no water transportation available. However, there is very little that moves between those areas. Most commodities that are either mined or grown in those areas are either shipped west or east to consuming areas. Table 3 indicates that while the railroad industry by itself can certainly not be characterized as purely competitive, it is probably in general no more concentrated than a number of manufacturing industries. With the availability of water competition in a number of markets and with ubiquitous trucks, an unregulated railroad industry would appear to be workably competitive.

TABLE 3.—MARKET STRUCTURE IN SURFACE FREIGHT TRANSPORTATION

From region	To region	Number of railroads	Availability of water transportation
New England	New York, New Jersey, Pennsylvania.	3	Yes.
New York, New Jersey, Pennsylvania	South	3	Yes.
	West	4	Some.
Mid-Atlantic (Virginia, Maryland, Delaware, and West Virginia).	North	3	Yes.
	South	3	Yes.
	West	5	No.
	Southwest	6	No.
South Atlantic (South Carolina, Georgia, Florida).	North	3	Yes.
	West	5	Yes.
Midwest (Michigan, Ohio, Indiana, Illinois, Wisconsin).	Southeast	5	No.
	Northeast	4	Some.
	South	10	Yes.
	Northwest	7	Some.
	Southwest	12	Do.
East South Central (Kentucky, Tennessee, Alabama, Mississippi).	North	10	Yes.
	South	5	Yes.
	East	6	No.
	Southeast	5	No.
	Southwest	6	Yes.
	Northwest	8	Some.
North Central (N. Dakota, South Dakota, Minnesota).	East	7	Do.
	South	4	Do.
	West	5	No.
Mid Central (Nebraska, Iowa, Missouri, Kansas).	North	4	Yes.
	East	12	No.
	South	6	Yes.
	West	6	No.
	Southeast	8	No.
	Northwest	3	No.
West South Central (Oklahoma, Arkansas, Louisiana, Texas).	North	6	Yes.
	West	4	No.
	East	6	Yes.
North Mountain (Idaho, Wyoming, Montana).	Northeast	5	No.
	South	2	No.
	West	3	No.
	Southeast (Nebraska)	3	No.
South Mountain (Nevada, Utah, Colorado, Arizona, New Mexico).	North	2	No.
	Southeast	4	No.
	Northeast	6	No.
	West	4	No.
	Northwest	1	No.
Oregon and Washington	East	3	No.
	South	1	Yes.
	South, East	1	No.
California	North	1	Yes.
	East	4	No.

Source: Moody's Transportation Manuel and [47, p. 716].

Potential problems

The literature on transportation has often claimed that deregulation, especially of railroads, would cause severe problems. It is feared that deregulation would lead to predatory pricing, price discrimination, and unstable competition.

Predatory Pricing Railroads might practice predatory pricing between themselves or against other modes. There is no real need to fear predatory pricing by railroads against trucks or barges. Entry is easy and not expensive. Consider the following example. Assume that if a railroad is pricing at marginal cost, trucks and/or barges can compete. Now, if the railroad tries to eliminate truck competition or barge competition by cutting prices below railroad costs, it will make losses. Suppose it succeeds in eliminating the competition, then as soon as its price returns to an economic level, truck and/or barge competition would reappear. There would be no way for a railroad to secure any kind of permanent or even temporary monopoly throughout predatory pricing. Consequently, predatory pricing would be a lost cause. On the other hand, if a railroad has a cost advantage, pricing below truck and barge costs would not be a predatory practice.

A more troublesome aspect of predatory pricing would be between railroads. Such a practice would be potentially more profitable and probably more difficult to detect than predatory pricing against other modes. Unlike the barge industry or the truck industry, new entry is virtually barred in the railroad industry. Without the power of eminent domain, it is inconceivable that a new company would be able to put together the right of way for new tracks. Unless the cause for a new entrant was overwhelming, it is unlikely that either the states or the Federal Government would grant such power to a potential new entrant. With entry effectively barred and unless there are substantial diseconomies of scale, the value of competing railroads would be greatest if combined into one road. Combined, the railroads could operate as a monopoly without the fear of new entry. Separately, they would have to compete with each other and there is a tendency even in the most well ordered cartel to cheat and to spend additional resources on nonprice competition.

On the other hand, if demand is contracting in the railroad industry, which in a relative sense it appears to be, then it may become uneconomic to have two railroads vying for the same traffic. Absent regulation and absent strong collusion, the railroads would have a tendency to compete down to short-run marginal costs which, under the circumstances, would be less than long run marginal costs. Thus, during contraction, losses would develop and continue until one railroad buys out the other.

How is this situation going to be distinguished from the situation where a railroad is in fact deliberately practicing predatory pricing? No railroad will admit that it is practicing predatory pricing and will simply claim that its lower prices are economic and also designed to attract traffic and gain a larger share of the market. If public policy permits the merger of failing railroads, then predatory pricing will be rewarded by merger and monopoly. On the other hand, if public policy bans horizontal acquisition, redundant capacity will be maintained long after it is economic in a market and existing firms will continue to suffer losses. In other words, it will become incumbent upon policymakers to determine when losses stem from inadequate traffic for the existing roads and when they stem from predatory pricing.

The question of the viability of competition in this industry, therefore, hinges on the extent of substantial economies of scale in railroading. There have been a number of studies on this subject using a variety of techniques. Professor Klein in his textbook reports on a study of railroad production functions; he found modest but statistically significant economies of scale in railroading based on 1936 data [39, pp. 226–236]. Professor Borts estimated cost as a function of output by size of railroad and by region of country [40] [41] [42]. He found no appreciable economies of scale and in fact no economies of scale for the larger railroads. He concluded that "increasing costs apparently prevailed in the East" [42 p.]. Griliches also estimated costs functions and concluded that if there are some decreasing costs, they are not prevalent in the East or among the bigger railroads" [43, p. 30]. Friedlaender simply fitted a Cobb-Douglas production function to cross section data on thirty-three railroads and found that the sum of the coefficients was equal to .97 [07, p. 233]. While all of these studies can be criticized, only the study based on pre-World War II data found economies of scale, at least for the larger railroads.

This paper presents some additional evidence tending to confirm the absence of scale economies among larger railroads in recent years. The basic model assumes a Cobb-Douglas production function for freight and a separate Cobb-Douglas production function for passenger services. Some of the factors in the freight production function also appear in the one for passenger services and some factors are specialized to moving freight or passengers. This model also assumes that the regulatory commission, the ICC that is, establishes the rates and hence the output and that the price of inputs is given to the railroads. Consequently, the model specifies that input prices. This model can be written as railroads minimize cost given output and follows:

$$(3)\quad F = aK_f^{\alpha_1}K_0^{\alpha_2}L_f^{\alpha_3}L_0^{\alpha_4}$$

$$(4)\quad P = bK_P^{\beta_1}K_0^{\beta_2}L_P^{\beta_3}L_0^{\beta_4}$$

where F is the quantity of freight shipped, P is the number of passenger-miles moved, K_f is the freight-specific capital, V_o is capital used jointly in moving freight or passengers, L_f is freight-specific labor, L_o is labor used jointly, K_P is passenger-specific capital, and L_P is passenger-specific freight. The coefficients a, b, α_1-α_4, and β_1-β_4 are constants. The railroads cost function, c, can be written as:

$$(5)\ C = r_fK_f + r_oK_o + r_PK_P + w_fL_f + w_oL_o + w_PL_P$$

The railroads, however, will not know actual freight traffic and actual passenger traffic until after the fact. Therefore the railroad tries to minimize cost given expected freight and expected passengers. That expected freight can be written as equation (6) and expected passengers as equation (7). Then actual freight equals expected freight times the random variable e^V and actual passengers will equal expected passengers times a random variable, e^W.

$$(6)\quad F = \bar{F}e^v = aK_f^{\alpha 1}K_0^{\alpha 2}L_f^{\alpha 3}L_0^{\alpha 4}e^v$$

$$(7)\quad P = \bar{P}e^w = bK_P^{\beta 1}K_0^{\beta 2}L_P^{\beta 3}L_0^{\beta 4}e^w$$

where F=EF and P=EP.

Assume Ev=O and Ew=O with constant variances of δ_v^2 and o_w^2. The railroad therefore attempts to minimize (5) subject to satisfying equations (6) and (7). The necessary conditions for this maximum are given in equations (8) through (15).

$$(8)\quad r_f - \lambda_1\alpha_1(F/K_f)e^v = 0$$

$$(9)\quad r_P - \lambda_2\beta_1(P/K_p)e^w = 0$$

$$(10)\quad r_o - \lambda_1\alpha_2(F/K_O)e^v - \lambda_2\beta_2(P/K_o)e^w = 0$$

$$(11)\quad w_f - \lambda_1\alpha_3(F/L_f)e^v = 0$$

$$(12)\quad w_P - \lambda_2\beta_3(P/L_p)e^w = 0$$

$$(13)\quad w_o - \lambda_1\alpha_4(F/L_o)e^v - \lambda_2\beta_4(P/L_o)e^w = 0$$

$$(14)\quad \bar{F} - aK_f^{\alpha_1}K_0^{\alpha_2}L_f^{\alpha_3}L_0^{\alpha_4}e^v = 0$$

$$(15)\quad \bar{P} - bK_P^{\beta_1}K_0^{\beta_2}L_P^{\beta_3}Lo^{\beta_4}e^w = 0$$

The pure exogenous variables in this model are F, P, and the input prices r_f, r_o, r_P, w_f, w_o, w_P. However, some of the inputs are determined solely by the production function they are embedded in, and some are jointly determined. The jointly determined variables, as can be seen by equations (10) and (13), are L_o and K_o. All the other variables are determined by the purely exogenous variables in their own production function.

For solving our simultaneous equation system, therefore, we have two endogenous variables, K_o and L_o, two completely exogenous variables, F and P, and four variables which are determined within each production function separately, and therefore not interdependent. A two stage least square model was run, therefore, to estimate the coefficients of K_o and L_o. The data used were as follows: F was net ton-miles of freight (revenue and nonrevenue) in 1968, K_f was freight-car-miles, K_o locomotive-unit-miles, L_f freight-specific labor, L_o all other labor, P passenger-miles, K_P passenger-car-miles, L_P passenger-specific labor [44]. The sample includes data for the 18 largest railroads in 1968 excluding the Penn Central.[1]

Our objective is to measure the extent of economies of scale in freight transportation. For this a Cobb-Douglas production function is particularly useful device in that the sum of the coefficients measure the degree of homogeneity of the production function and therefore the degree of economies of scale, if any.

A major problem with estimating our coefficients in that there is considerable intercorrelation among the variables. Simple correlation coefficients between the variables are normally above .9. Thus the standard deviations of the regression coefficients are increased and the reliability of the estimates of the coefficients are diminished. For example, a simple, naive approach would be to regress net freight ton-miles, revenue and nonrevenue, on capital and labor. Model 1 in Table 4 presents the results. The sum of the coefficients is 1.018 and is not statistically significant from one. The coefficient for labor, however, is small and not significantly different from zero. If railroads are paying labor the value of their marginal product then they should be receiving according to Model 1, 8 percent of the total receipts of railroads. They receive considerably more. So the size of the individual coefficients do not appear to be particularly reliable. The simple correlation between freight-car miles and all labor is .94. Note, however, that the coefficients do sum to approximately one.

Model 2 takes account of the simultaneous equation problem in determining all labor. As can be seen, the results are not greatly different from Model 1. The sum of the coefficients still is close to one.

A useful method for avoiding multicollinearity is to secure independent estimates of the value of some of the coefficients. Our model hypothesized that rates were set by the regulatory commission and input prices fixed to the railroad. Rewriting equation (8) we have:

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[1] The Penn Central was excluded because the data had been stolen from the ICC. However, since it was so much larger than the other railroads, it might have unduely biased the results in any case and probably would have been excluded in any case.

$$r_f \cdot K$$
$$r_f \cdot K_f = \alpha_1 \lambda_1 F e^v$$
$$\text{or } \frac{r_f \cdot K_f}{\lambda_1 F} = \alpha_1 e^v$$
$$\text{where } E\alpha_1 e^v = \alpha_1$$

The Lagrange multiplier, λ_1, is the marginal revenue from additional shipments. Given our assumptions, this equals price and so we can write that:

$$E\frac{r_f \cdot K_f}{TR_f} = \alpha_1 \qquad (8)'$$

In other words, the expected value of the ratio of the expenditure on freight-specific capital (or labor) to total freight revenue equals the coefficient.

From ICC records the expenditure in 1968 on freight specific labor was collected for the eighteen railroads. The ratio of this to total freight revenue computed and the result averaged. The average ratio was 0.081 with a standard error of 0.008; this value was then assumed for α_3, the coefficient for freight-specific labor.

The cost of freight-specific capital is the average rental rate per mile on freight cars in 1968. The Association of American Railroads (AAR) furnished the author the average daily freight car rental rate in 1968 ($3.271). This was converted to the rate per mile on the basis of the average miles per day per freight car [44, Tables 162 & 163]. The average rental rate per mile ($0.0531) is then r_f. Total expenditure on freight cars was taken to be $0.0531 times the number of freight car miles. Dividing this by freight revenue and averaging over all roads produces the expected value of α_1, .1758.

TABLE 4.—ESTIMATES OF RAILROAD PRODUCTION FUNCTIONS

Model number	Variables					Sum of coef.	R^2	F
	K_f	L_{tot}	L_f	K_o	L_o			
1. O.L.S.	0.936 (0.141)	0.082 (0.160)				1.018 (0.212)	0.965	207.9
2. 2 St. L.S.	0.904 (0.179)	0.121 (0.203)				1.025 (0.272)	.965	208.9
3. O.L.S.	0.932 (0.050)		[1] 0.081 [1] (0.008)			1.013 (0.051)	.961	199.2
4. 2 St. L.S.	[1] 0.176 [1] (0.061)		[1] 0.081 [1] (0.008)	0.700 (0.082)		0.957 (0.103)	.895	45.3
5. 2 St. L.S.	[1] 0.176 [1] (0.061)		[1] 0.081 [1] (0.008)	0.172 (0.167)	0.678 (0.198)	1.107 (0.264)	.941	59.8

[1] Computed independently of the regression.

Table 4 presents the results. Models numbers 1 and 3 ignore the simultaneous equation problem and simply estimate the freight production function directly. However, for equation 3, a_3 was predetermined before estimating the other coefficients. For models 2, 4 and 5 two stage squares were used to get unbiased estimates of the coefficients for L_{tot}, K_o, and L_o. In models 4 and 5, the predetermined values of a_1 and a_3 were substituted in the equation before estimating the other coefficients.

The results of these estimating techniques are summarized in the third column from the right entitled Sum of the Coefficients. As can be seen, all of the sums of the coefficients are roughly 1. None are significantly different from 1. All of the coefficients except one are slightly above 1, suggesting if anything that there are mild economies of scale.

Given the small size of the sample, the fact that data from only one year were used, the possibility of misspecification of the model, not too much confidence should be put in the absolute value of specific coefficients, but the sum of the coefficients is a more robust statistic and so these results help confirm the findings of other studies that economies of scale for large railroads are negligible. It would appear, therefore, that the viability of competition is not a problem.

Discrimination—Prior to the formation of the ICC, a major complaint was that the railroads practiced price discrimination. Some shippers received low rates; others were charged much higher rates. Some geographic areas received lower rates for shipping the same commodities the same distance or longer distances than other areas. The fear of railroad price discrimination lingers on, and past efforts to reduce regulation have founded on the fear that the roads would discriminate among and between areas and customers.

In a highly competitive market, there is no opportunity for discrimination. A firm that charged one customer more than another customer will find that their competitors will steal away their high-priced customers. Even in highly competitive markets, however, prices can fluctuate considerably due to the time of day and time of year. For example, in resort areas during peak demand periods, prices usually are considerably higher than during off-peak periods when they approach short-run marginal costs. Peak-load pricing, that is, pricing that varies with demand is not price discrimination. It leads to an efficient utilization of resources.

At least part of the alleged price discrimination of railroads probably results from a confusion between peak pricing and true price discrimination. The demand for transportation shifts seasonally. Often the demand is largely one-way. Thus, during the 19th century, commodities tended to flow from the Middle West to the East coast and little product returned, with the result that rates were often low on West-bound traffic and considerably higher on East-bound traffic. True price discrimination is charging a different price relative to short-run marginal costs for different customers or classes of customers. Such price discrimination cannot exist in competitive markets.

There should be no fear of price discrimination in motor carrier transportation. Competition would be vigorous; any firms attempting to price higher to one class of customers than another would simply lose their high priced business to more eager trucking firms. On the other side of the coin, large shippers are not in a position to force prices down below marginal costs, which is where rates would tend to settle in the absence of regulation. Since in a highly competitive market a trucking firm can get as much business as it wants at the going rates, no firm would carry products for less than marginal cost.

For similar reasons, water carriers would not practice price discrimination. They, too, are basicly a competitive industry where price would mainly reflect marginal cost; shippers would not be in a position to force prices below that. Nor would any carrier be in a position to charge more.

On the other hand, railroads may have power to discriminate. In some markets, railroads may have some monopoly power, giving them the power to charge some customers more than others. In addition, where railroads established rates above marginal cost, large shippers might be in a position to secure special low rates. Such has apparently occurred in the past; it is generally alleged that Standard Oil used to receive especially low rates from railroads. There is no reason to believe that an unregulated railroad would not be subject to similar pressure today with large shippers threatening to ship by competing roads if rate concessions are not made. Large shippers, however, could not force prices below short-run marginal cost and in the long run, all they could do would be to simply absorb the rent of railroad operations.

In other markets, railroads might have the power to charge higher rates to special classes of shippers. For example, farmers in isolated areas facing only one railroad might be charged considerably higher rates than similar shippers in areas serviced by several railroads. Since railroads would not want to charge so high a price as to drive shippers out of business, their monopoly power is limited. In general, even in those areas where they ostensibly have a monopoly, railroads are subject to competition. Normally, a railroad cannot affect the market price for a good, with the result that it cannot charge more than the difference between the market price and the opportunity cost of producing the product. In particular, the most railroads can do is to absorb the rents involved in locational decisions of shippers. That is, shippers who are located near markets or in particularly fertile areas can be charged more without forcing them out of business than can shippers in more marginal situations.

As these examples suggest, the primary problem is not with manufacturing, which can be done almost anywhere, but with the shipment of agriculture and raw materials. Farmers often reap large rents from their locational advantage. Nearness to market, fertility of the soil, and climate all provide rents to land owners. Much of these rents could be absorbed by monopolistic railroads, but from an efficiency point of view, this has little long-run allocative effect. Nevertheless, higher rates to such farmers make them poorer, a result which is likely to be politically unpalatable to the Government.

As was pointed out above, railroads no longer have monopoly power in the short haul market because trucks can compete well on a price and service basis for all but a few bulk commodities. Inasmuch as goods shipped from a region must compete with goods shipped from elsewhere, the monopoly power of railroads is limited in the long haul market as well. Consequently, there are few if any products shipped between any markets for which railroads would have much monopoly power.

In the absence of regulation, railroads would raise prices on those products where they had unexploited monopoly power and lower them on others. If railroads are fully exploiting their monopoly power at the moment, there will be no change in discrimination with the elimination of regulation. There is some evidence that suggests that railroads are already changing what the market can bear. Friedlaender has shown that in those areas where the railroads have no water competition, rates to ship the identical commodities for approximately the same distances tend to be higher than where water competition exists [1, Table 3.8]. This suggests that railroads are at least in part exploiting their monopoly power.

If the railroads are not exploiting their monopoly power now, it is surprising. Earnings of the railroad industry have been very poor for years and the Interstate Commerce Commission has been concerned. Given this concern, it seems probable that any railroad filing higher rates for a particular commodity would not find the ICC sustaining shipper objections. In May of 1967, most railroads in the country petitioned for the first general rate increase in six years [18, 1967, pp. 17 and 19]. Even though the railroad industry had for the fifth straight year "exhibited considerable improvement in most respects during 1966," the ICC granted the rate increase promptly [18, 1967, p. 57]. It does not appear difficult, therefore, for the railroad industry to secure rate increases. Individual rate changes for a particular commodity are usually even easier to secure. For example, of the 45,160 tariffs received from railroads by the ICC during fiscal 1967, only 158 were rejected [18, 1967, p. 112].

Deregulation might, therefore, lead to no or very few upward changes in rates, but there likely would be considerable reductions in many areas.

On the other hand, if any products are being carried at below cost, these rates would clearly rise. (Why didn't the railroads raise them before this?) Friedlaender and Meyer, et al., have pointed out a number of commodities are carried at below the ICC measured out-of-pocket costs [1][2]. On first glance, this suggests that some rates are being carried at less than cost. However, such an assumption is certainly not warrented on the basis of the data.

The ICC measure of out-of-pocket cost has little relationship to true marginal cost. The ICC says that out-of-pocket costs "include 80 percent of freight operating expenses, rents and taxes (excluding Federal income taxes) plus a return of 4 percent after Federal income taxes on 50 percent of the road property and 100 percent of the equipment used in freight service," [45, p. 4]. Since this sum has nothing to do with true marginal cost, no estimate can be made as to whether true marginal costs would be higher or lower than out-of-pocket costs. It is not even clear that relative out-of-pocket costs is an index of true marginal cost.

Price discrimination could basically take one of three forms in transportation: between commodities, between shippers, and between geographic regions. Even under ICC regulation price discrimination is quite prevalent. If out-of-pocket costs as measured by the ICC are at least an index of relative marginal costs, then the relationship of rates to cost differ widely from commodity to commodity. Table 5 shows the contribution to revenue Class 1 railroads by selected commodities relative to out-of-pocket costs for a number of large commodity classes for the year 1966. As can be seen, the contribution varies from 3.65 for ordinances and accessories to 0.97 for crude oil, an almost fourfold difference.

TABLE 5.—CONTRIBUTION TO CLASS I RAILROAD BURDEN BY SELECTED COMMODITY GROUPS, AND RATIO OF REVENUE TO OUT-OF-POCKET COST FOR THE YEAR 1966

Code	Revenue	O.P. cost	Contribution to burden	Ratio revenue to O.P. cost
01 Farm products	$870, 821, 800	$700, 674, 624	$170, 147, 176	1. 24283
08 Forest products	13, 114, 400	6, 038, 916	7, 075, 484	2. 17165
09 Fresh fish	2, 588, 300	2, 474, 548	113, 752	1. 04597
10 Metallic ores [1]	278, 084, 900	308, 262, 315	30, 177, 415	0. 90210
11 Coal [1]	972, 297, 800	961, 129, 793	11, 168, 007	1. 01162
13 Crude oil	4, 938, 200	5, 113, 708	175, 508	0. 96568
14 Nonmetallic ores	305, 510, 400	301, 639, 799	387, 061	1. 01283
19 Ordnance and access	45, 698, 200	12, 516, 478	33, 181, 722	3. 65104
20 Food and kindred products	948, 064, 000	868, 525, 346	79, 540, 654	1. 09158
21 Tobacco products	13, 937, 200	7, 632 596	6, 304, 604	1. 82601
22 Basic textiles	29, 607, 800	16, 809, 434	12, 798, 366	1. 76138
24 Lumber and wood	633, 965, 700	609, 732, 821	24, 232, 879	1. 03974
25 Furniture and fixtures	72, 636, 500	55, 047, 992	17, 609, 408	1. 31990
26 Pulp, paper and allied products	486, 455, 100	308, 663, 441	177, 791, 659	1. 57600
27 Printed matter	20, 279, 000	13, 933, 809	6, 345, 191	1. 45538
28 Chemicals and allied products	$762, 015, 200	$488, 608, 786	$273, 406, 414	1. 55956
29 Petroleum and coal products	192, 218, 300	181, 133, 643	11, 104, 657	1. 06120
30 Rubber	65, 527, 000	41, 894, 348	23, 632, 652	1. 56410
31 Leather	1, 585, 200	1, 199, 370	385, 830	1. 32169
32 Stone, clay, and glass products	432, 024, 900	308, 953, 776	123, 071, 124	1. 39835
33 Primary metal products	680, 784, 800	432, 482, 745	248, 302, 055	1. 57413
34 Fabricated metal products	185, 819, 700	122, 995, 148	62, 824, 558	1. 51079
35 Machinery (except electrical)	133, 494, 600	68, 655, 526	64, 839, 074	1. 94441
36 Electric machinery	120, 572, 300	78, 764, 759	41, 807, 541	1. 53079
37 Transport equipment	587, 414, 900	284, 657, 424	302, 757, 476	2. 06358
40 Waste and scrap	184, 220, 700	122, 119, 193	62, 101, 507	1. 50853
50 Total carload traffic [2]	8, 364, 986, 900	6, 461, 590, 894	1, 903, 396, 006	1. 29457

[1] Computed in accordance with Railform A, not by method used by ICC in burden studies, thus grossly overstated cost because does not account for unit trains lower cost per unit.

[2] Computed from TD–1 information not column totals.

Source: Computed by the U.S. Department of Agriculture from the 1966 1 percent weighbill data and Railform A and furnished the author at his request. Loss and damage payments for commodity groups for year 1965.

In the absence of regulation, as rates move towards costs because of competitive pressures, such discrimination would be reduced. Where trucks would be fully competitive, rates would approximate at least trucking costs. While discrimination between commodities would be reduced by reregulating transportation, there is little political gain in doing so and there may be little allocative gain as well. To the extent that discrimination is between non-competitive groups of commodities, the allocative effect would be small and might amount to no more than the $12 million to $41 million estimated by Professor Friedlander [07, p. 227].

A second form of discrimination is between shippers. Personal discrimination is specifically banned by Part I, Sec. 2 and 3 of the Interstate Commerce Commission Act. Total deregulation would presumably permit railroads to discriminate legally between shippers, though some extension of the Robinson-Patman Act could ban such practices.

Personal discrimination arises when different elasticities of demand for shipping by a particular carrier; while not true discrimination, different rates may be charged different shippers when marginal costs differ. The latter "discrimination" may occur simply because at one time the railroad has excess capacity while at another time it is operating close to capacity or it may occur due to the size of the shipments. The latter type of "discrimination" is not economic price discrimination and is desirable from an allocative point of view. In a competitive market, such "discrimination" may be common.

A greater problem is true personal discrimination that is based on shipper needs and alternatives. Where the shipper has good alternatives rates will be lower; where the shipper is largely restricted to a single carrier, a railroad can extract a monopoly profit. However, the railroad would not desire to put the shipper out of business and hence would be limited in its long-run ability to exploit captive shippers.

Personal discrimination may also arise as conditions change. In the face of excess capacity, railroads may offer reduced rates to receive a particular load. Such practices are common in other sectors of the economy and largely reflect the workings of a market place economy.

In the past, lower rates were often offered to secure big shipments and the little shipper was discriminated against. Today, trucks are much more efficient at carrying small loads than large loads with the result that the small shipment market is highly competitive. Large shippers, however, are not in danger of being exploited, since they can always divide shipments into smaller lots. Consequently, discrimination between shippers would seem to be no larger a problem in an unregulated transportation market than in manufacturing.

Geographical discrimination has several dimensions. It may involve charging more or relatively more over part of a route than for the whole route; it may involve discriminating between shipping regions or points of destination.

The short-haul provision of the Interstate Commerce Commission (Part I, Sec. 4) was designed to deal with the first dimension by prohibiting the charging of more for short hauls than for long hauls. As has been pointed out repeatedly above, trucks are a more viable alternative for short haul than for long haul and therefore rails are no longer in a position to charge significantly more for a short distance than for a long one.

Geographical discrimination between areas has been common in the past and continues to be so. Where there is good water transportation, rates have been forced lower than where good water transportation does not exist.[1]

Moreover, railroads have tended to soak up the geographical advantage of competing areas by having higher rates to the most advantaged region [47, pp. 490–511]. For example, rail rates relative to out-of-pocket costs (1961) for oranges and grapefruit are higher for shipments from Florida to the East coast region than from California to the East [46]. This differential has permitted

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[1] See [1, pp. 61–63].

California citrus fruits to compete on a price basis. The affect of this discrimination is to reduce the earnings of Florida growers and transfer some of the rents they would have received from being close to major consuming markets to eastern railroads. This pattern of geographic discrimination, that is charging higher rates to those closest to consuming markets, is common among primary products.

Export freight rates to Boston and Baltimore are identical from originating points like Pittsburgh, Cleveland, and buffalo even though the distance to the two ports is substantially different. Unless competition were sufficiently vigorous to drive rates down to costs, such discrimination would tend to continue in the absence of regulation. Railroads on the longest routes would be willing to drop rates to marginal costs in order to preserve or secure part of the export market. Unless rails servicing the nearer ports drop their rates to the point that other roads could not compete, some such discrimination would be inevitable.

Reregulation would lead to changes in prices and to new claims of discrimination. Commodity discrimination would no doubt be reduced; true personal discrimination would probably occur more frequently than with regulation; and geographic discrimination would probably not arise more frequently than with regulation and very likely would diminish as competitive pressures forced more rates towards costs.

In any case, some change in price structure can be expected with the elimination of regulation, and any change in price structure will impose costs on shippers. While some shippers will gain, others will lose. Even if all changes were downwards, those that received the smallest decreases or no decreases would feel worse off if their competitors were granted greater reductions.

Many of the costs imposed on shippers will be only transistory in that over time actions will be possible that will mitigate or avoid the effects of the changes. For example, rates on manufactured goods tend to be high relative to raw material rates. If, as might be expected, deregulation reduced rates for manufactured goods, firms would find their plants were located too close to major consuming markets and not close enough to raw material supplies for minimum cost operation. It would take time and would be costly for plants and labor to be relocated and for minimum cost operation.

In addition, some factories are located in areas served by uneconomic railroad branch lines, and would have to adjust to using truck services or moving the plant if railroads were free to abandon unprofitable service. Major shipping ports might find changes in their relative competitive position due to freight rate adjustments that more accurately reflected costs, although it seems probable that the effect on the competitive position of ports is likely to be much smaller than the impact of containerization which is concentrating shipping in a handful of ports.

While all of these results from deregulation are in the long-run interest of a more efficient use of resources, there is no doubt that all change is costly, and the transition from regulation to an unregulated status should be very carefully planned. The purpose of this paper, however, is not to focus on transitional costs, but on the desired public policy towards surface freight transportation.

JOINT OWNERSHIP OF SEVERAL TRANSPORTATION MODES

Deregulation of transportation would simply bring to the fore several antitrust policy issues. It would face the Justice Department with the problem of mergers between competing railroads—this problem was discussed above.

It would also force the antitrust authorities to develop a policy on vertical integration that would lead to transportation companies. The problem is simply that railroads have for years chafted at restrictions on their rights to enter other forms of transportation. They have claimed that by owning several modes they could combine their services to offer savings to shippers and better transportation. On the other hand, other modes have feared their entry and the Antitrust Division of the Department of Justice has viewed such integration as likely to lead to a reduction in competition.[1]

Any benefits that would come from common ownership would probably be small. If markets worked costlessly there could be no gains since if joint services would offer cost savings, independent companies would make arrangements to offer the joint services. The only problem would be to divide up the joint profits. Many of the reasons why markets would not operate costlessly and common ownership (vertical integration) may have savings, were set out in a recent article by Oliver Williamson [52]. As he pointed out, uncertainty as to future conditions may make long-term contracts difficult and continuous renegotiation of arrangements can be expensive. If expensive equipment is needed to facilitate intermodal transfers, common ownership may be the only practical market organization.

A major objection to vertical integration and specifically to intermodal ownership is that non-integrated firms may be excluded from the market and competition will "consequently" be diminished. If transportation were deregulated and railroads were free to enter the trucking and water carrier business, then it is claimed that independent truckers and barge owners would be excluded from joint traffic and many as a consequence would drop out of business.

Given the ease of entry (in the absence of regulation) into trucking and water carriage, railroads would never be able to threaten the competitive viability of either. Even if railroads attempted to monopolize a market by reducing rates below costs, all they could do would be to suffer losses themselves. As soon as rates were raised to remunerative levels, new competitors would appear.

On the joint rail/truck or rail/barge shipments the railroads could conceivably monopolize the carriage to their own subsidiaries. Would they do so and if they did so would it be harmful? Consider Diagram I where a railroad has a monopoly between points A and B and faces independent competitive trucking firms. Let marginal cost of carrying say a piggyback trailer from A to B be $20. On Diagram I (not printed in the RECORD) are indicated points C, C', C'' and D, D', D'' with the marginal cost of shipping from these points to other points, and also to the rail heads A and B (loading costs are neglected). Now a shipment from C to D entirely by truck has a marginal cost of $100 while to go piggyback by rail costs $30. A monopoly railroad could charge anything up to $90 for the carriage from A to B and secure the business. A shipment, however, from C' to D' would have an all truck marginal cost of $50 and the railroad to secure that business could charge no more than $40 for the A to B trip. If the railroad reduces its rates to say $39 to secure the C' to D' traffic it would forgo about $50 per trip on the C to D traffic. The judgment on whether to do so would depend on the relative traffic between the areas. The railroad could also compete for the C'' to D'' traffic since it has a $1 marginal cost advantage but it probably would not because it would have to forgo so much monopoly profits on other trips. In other words, the railroad not being able to perfectly price discriminate would forgo some traffic for which it is the low cost carrier.

The railroad, however, if it owned its own trucks and carried only its own trailers could price at $89 from C to D, $49 from C' to D' and $30 from C'' to D'' and secure all the business. This would be foreclosure but from an allocative point of view it would be preferable to the situation where it could only establish a single monopoly rate between A and D. This foreclosure would allow the railroad to perfectly price discriminate and capture all of the traffic for which the joint truck/rail/truck shipment is the low cost alternative.

Consequently we can conclude that railroads, particularly those in a monopoly situation, might try to foreclose the market but that at least from an allocative point of view such a step could improve the allocation of resources. Of course to the extent that it permitted higher rates to some markets it would reduce shipments which would produce allocative losses. These losses would probably be smaller, unless demand was very elastic than the misallocation stemming from a single monopoly rate.

On theoretical grounds, therefore, there would seem to be no objection to permitting railroads to own other modes. It probably would improve the allocation of resources.

Some idea of the outcome of a more permissive stance towards intermodal ownership can be secured by examining the Canadian system. The Canadians have permitted railroads to own other modes and as a consequence Canadian Pacific and Canadian National each operates a large railroad system, one of Canada's largest trucking firms, an international airline, and a major steamship line. No instance of foreclosure or attempts to monopolize have occurred.[1] Confirming the absence of attempts to monopolize is evidence from one of the major railroads indicating that less than 10 percent of that portion of piggyback service which could be monopolized by a company's own trucks (Plan I and II) is actual trailers owned by subsidiaries.[2] Moreover railroad ownership of trucking consists of less than 10 percent of the whole industry [53, p. 179].

While these observations do not appear to be consistent with the model presented above, the latter dealt with the situation where one railroad has a monopoly. In Canada, it would appear that neither road is in a position to monopolize; hence there is little gain from one railroad attempting to price discriminate by restricting traffic to its own trucks.

Some of the advantages of intermodal ownership may be indicated by the earlier large-scale introduction of piggyback service in Canada and that the first integrated multimodal shipments on the continent was established in 1947 on the White-Pass and Yukon route using truck bodies carried on truck, water carrier, and rail.

Consequently, while the advantages of unified ownership have probably been exaggerated, the drawbacks have too. It would seem on net that the gains would outweigh any losses and at least if regulation were relaxed on entry and rates, it should also be relaxed on multimodal ownership.

MODIFIED DEREGULATION

From an allocating point of view, it is probably true that complete deregulation is a desirable step; certainly it would be a vast improvement over the existing situation. Much of the waste, engendered by ICC regulation would clearly disappear. On the other hand, deregulation might lead rates on certain non-competitive routes to be raised, and, on the downward side, predatory pricing between railroads might occur. It is generally believed that railroads have considerable excess capacity [7] [48]. Such excess capacity might tempt railroads into pricing at short-run marginal cost considerably below long-run marginal cost with the result that rates would be quite unstable until the excess capacity was eliminated. While from an efficiency point of view, pricing at short-run marginal cost and the elimination of excess capacity, thereby, is desirable, it would be costly to the railroads and possibly to other forms of transportation and at a minimum would engender considerable political opposition.

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[1] See [53,] p. 179.

[2] Confidential data furnished the author.

While the need for change of the current regulatory system should be obvious to all and the desirability of moving towards less regulation obvious to everyone except those with vested interest in the existing system, complete abolision of regulation at the moment, no matter how desirable on efficiency grounds, remains unlikely to pass Congress. The political process tends to work carefully to preserve existing income distributions and vested rights. The people who would be hurt by abolishment of regulation are vocal and knowledgeable. The people who would gain from deregulation are less knowledgeable, are less vocal, and are more widely diffuse. Therefore, the political process will listen carefully to those who will be hurt.

Moreover, from an economic welfare point of view, it is not obvious that the political process is wrong. A dollar lost by one person cannot be equated with a dollar gain for someone else. A large number of individuals—truckers, barge line operators, etc.—would lose from deregulation. While their loss would be in absolute terms less than the dollar gain to shippers and consumers, an ethical judgment as to the desirability of the resulting income distribution is necessary before deregulation can be prescribed. Certain inefficiencies, however, are clearly so costly to the economy that they could be considered a net gain unless the resulting income distribution was horrendous. The increased cost of operations of trucks, railroads, and barge lines that stem from regulation are clearly in that category. Moreover, the impact of deregulation on income distribution is ambiguous for the economy as a whole. Consumers which include poor people would gain; truckers and barge line operators and some of their labor would lose at least in the short run.

This paper has identified three potential problems with deregulation: higher rates in any monopolized markets, increased price discrimination—especially between shippers, and predatory pricing. While none of these may occur, they are widely feared which explains why deregulation is so difficult to achieve politically.

Can we provide a legal framework that would produce most of the gains from deregulation but reduce the likelihood of monopolized markets, personal price discrimination, and predatory pricing? It must be recognized that any policy designed to deal with these dangers will impose costs which may be higher than the gains.

A possible means of providing a competitive environment for transportation and yet preventing some of the excesses that might result from complete reregulation would be patterning the system after the Canadian transportation regulatory legislation. To prevent predatory pricing, Canada prohibits pricing at less than variable cost of the movement; the method of determining variable cost is defined in the act. The Canadian legislation also allows the setting of maximum rates where a shipper ". . . has no alternative, effective and competitive carrier or carriers other than a rail carrier or carriers. . . ." In that case, a shipper can apply to the regulatory commission for a rate not higher than 250 percent of the variable cost of the movement. A shipper whose rate is so fixed must utilize it for all his relevant goods or pay damages.

One of the virtues of the Canadian legislation is that it limits maximum rate regulation to monopoly situations. Since the Canadian legislation was enacted in 1967, there have been only two complaints under the Captive Shipper Clause. The cases which involved a paper manufacturer and a wood pulp manufacturer are both pending before the regulatory commission. No minimum rate protests have been upheld to date.

The Canadian legislation requires the filing and publishing of all rates with a 30 days notice for increases and prohibits all rebates. Such publishing of rates limits the potential for personal price discrimination but at the same time makes implicit collusion easier between railroads.

A major problem with following the Canadian pattern is the difficulty of measuring costs. Clearly, one of the most important steps that could be taken to improve the allocation of resources in transportation besides reducing or eliminating regulation is to provide a meaningful ongoing cost analysis of transportation. A careful effort should be made to measure long-run and short run costs for a wide variety of product classifications and these figures should thereafter be computed regularly. With such data at hand it will be feasible to prove when a railroad was predatory pricing and when it was simply responding to the forces of the market place.

The Canadian system seems to work well and permits the railroads considerable discretion concerning their prices yet limits them from either predatory pricing or excessive monopoly pricing. U.S. legislation along the same line could reduce the political costs of deregulating transportation while still permitting genuine competition between modes and within modes in the transportation industry.

CONCLUSION

Only a hardened free-market advocate would claim that deregulating transportation does not present some problems. These would be some residual monopoly situations where railroads might price significantly above costs, some potential for personal price discrimination, and some situations which might lead to predatory pricing between railroads. However, monopoly situations would be rare and of no greater consequence than such situations in manufacturing. Nor is price discrimination likely to lead to greater problems in transportation than in other sectors of the economy. The railroad industry is certainly not much more concentrated than such industries as aluminum, copper, and automobiles. Yet oligopolistic competition is generally felt to be the only viable alternative in these industries. Thus it would seem feasible to deregulate entirely.

As suggested in the preceding section, however, some minimal regulation may be politically desirable and in fact could be justified on economic grounds for those fearful that railroad monopoly powers are greater than they would appear on the surface and that the problem of predatory pricing is more considerable than would be suggested by the above analysis.

Certainly the evidence seems to strongly support the proposition that there are no substantial economies of scale in any of the major modes of transportation, with the possible exception of pipelines, and that again with the possible exception of pipelines, a viable substantially unregulated industry could be a major improvement over the existing situation. An investigation of the cost of regulation in this industry suggests that they are in fact not only substantial, but monumental. While not all of the costs have been identified and the figures are at best orders of magnitude, they do indicate that ICC regulation costs the economy billions of dollars. In 1968, with national income generated in transportation just over $27 billion, about one-fourth of that may be due to regulation. As a conclusion, therefore, it seems urgent that steps be taken to eliminating or reducing significantly regulation of surface-freight transportation.

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Mr. TAFT. Mr. President, I am very much pleased that the Nixon administration is moving in the direction of deregulation with regard to surface transportation rates. The action which the administration is taking in this area was recently described in an article written by Robert T. Samuelson and published in the Washington Post. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Overhaul of ICC Readied—Transportation Regulation Would Be Cut

(By Robert T. Samuelson)

The Nixon administration is preparing to ask Congress for a fundamental overhaul of federal regulation of the trucking, railroad and barge industries.

The administration's proposal would significantly relax regulation in an attempt to stimulate more competition among trucks, railroads and barges and, thereby, force freight rates down.

Although the reform has been discussed since early this year, the White House is now apparently nearly ready to submit its legislation. A draft of the bill, obtained yesterday, indicates that the administration will urge congress to:

Eliminate "rate bureaus" as a vehicle by which truckers, railroads or barge firms can get together and agree on common national (or regional) freight rates for their industries. These rate agreements, now immune from anti-trust prosecution, can be approved, rejected or modified by the Interstate Commerce Commission.

Reduce the ICC's control over the number of truck lines that can haul freight over a specific route.

Relax the ICC's control of rates. Although the commission would still be able to reject carrier rate proposals, it could do so only if freight rates met one of two conditions: they failed to cover the carrier's costs on the low side; or, on the high side, they represented more than a 50 per cent margin of profit.

Economists have long argued that tight federal regulation has stifled competition in the transportation industry, resulting in higher freight rates. With the complete elimination of federal regulation—something the Nixon administration is not proposing—freight rates would drop about 20 per cent and shippers would save from $3 to $5 billion annually, according to one recent economic study done for the Brookings Institution.

Spokesmen for railroads and truckers have disputed such predictions, and strong opposition from transportation interests—particularly the truckers—is expected to the administration's proposal.

The railroads, truckers and barge lines have already submitted a substitute bill which would make up to $5 billion in federally guaranteed loans available to the surface transportation industry, but would not tamper with the wide power of rate-making bureaus.

The two bills are expected to become the center of a prolonged and bitter lobbying contest.

"I can't believe that it (the administration's proposal) will be enacted," one source said yesterday, predicting that shippers ultimately would join opposition to the bill.

Shipping interests have generally favored more competition among freight carriers, but the administration's legislation would limit the ICC's ability to hold back rate increases. During an inflationary era—when railroads and truckers have repeatedly clamored for higher rates—that change might leave shippers cold, this source said.

The administration's proposal would also weaken states' powers to control freight rates on shipments within their own states. Under the bill, carriers could request states to approve new rates once the ICC had accepted the rates. Under these circumstances, the states would have only four months to act (they have an indefinite period now) and carriers could appeal an unfavorable decision to the ICC.

SENATOR JOHN SHERMAN COOPER, OF KENTUCKY

Mr. SAXBE. Mr. President, in today's Washington Post, columnist Marquis Childs has written a perceptive piece centering on the distinguished senior Senator from Kentucky (Mr. Cooper). Mr. Childs notes that, among other things, Senator Cooper's record is in many respects unique in its scope and in the independence it reflects.

Mr. President, I could not agree more. I have followed Senator Cooper's lead more often on matters affecting this body than any other Senator. I believe strongly in his sincerity and ability. My respect for the senior Senator from Kentucky is perhaps heightened because, in many ways, our backgrounds are not dissimilar.

I ask unanimous consent that Mr. Childs' tribute to this remarkable Senator be printed in the Record.

Mr. MATHIAS. Mr. President, it is the unanimous judgment of the Senate that the senior Senator from Kentucky, John Sherman Cooper, is one of the finest men ever to serve here. Someone once applied to Senator Cooper the lines from Shakespeare "This was the noblest Roman of them all," and instead of being met with the derision that would have greeted such a description of most of us, it stuck. It was accepted, because it fit and everyone of us feels better that such a man serves here. His interest in a cause gives it both weight and dignity, and his support may not insure victory, but it guarantees serious consideration and thoughtful discussion.

It is good to know that these sentiments are shared by those outside the Senate. The most recent evidence of this is the column by Marquis Childs entitled "Senator Cooper—Son of Somerset" published in today's Washington Post. I join the Senator from Ohio (Mr.

Saxbe) in asking unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Cooper—Son of Somerset

(By Marquis Childs)

The recent bombing of North Vietnam, most massive in three years, is a manifestation of America's continuing involvement in a war deeply dividing the nation. On no one does this weigh more heavily than on the senior senator from Kentucky, a Republican, John Sherman Cooper.

Cooper's opposition to the bombing goes back to 1964. While voting for the Gulf of Tonkin resolution in August of that year, he said on the Senate floor that to be granted such broad powers the President was obligated immediately to search for ways to negotiate an end to the fighting and perhaps even to refer the question to the Geneva powers.

The following year and again in 1966 he drove hard for a stop to the bombing of the North. The weight of his influence had not a little to do with Lyndon Johnson's decision to negotiate and halt bombing in the North. The thousands of tons of bombs rained down north of the DMZ a few days ago is a grim commentary on the power that persists once the guns start firing.

In his opposition to the war and in every field Cooper's record is in many respects unique in its scope and in the independence it reflects. After his re-election in 1966 he said he would not seek another term and he repeated this several times.

Usually when an elected officeholder makes such an announcement the scramble to succeed him becomes a stampede. Petitioners from Kentucky, and among them are Democrats as well as Republicans, urge him to run again next year. They agree he could win with virtually no campaign.

Some of Cooper's close allies in the Senate despair over the way the power of the executive overshadows the Congress, and they point to the resumption of heavy bombing as proof. Cooper disagrees. It may be his Kentucky heritage of grit, but he does not give up for all his bruising encounters with power.

During the congressional recess he flew to Helsinki to get a reading on the Strategic Arms Limitation Talks (SALT). After lengthy conferences with the American delegation he brought back the word, now on the front pages, that an agreement limiting defensive weapons is likely before the end of the year. Cooper joined Sen. Philip A. Hart (D.-Mich.) to knock out funds for the antiballistic missile in the defense budget of 1969. They lost by a single vote. A second attempt the following year was defeated by 52 to 47. The Senator's present intention in light of a probable agreement is not to challenge the funds for ABM this year.

In 1958, in partnership with John F. Kennedy, then a Senator from Massachusetts, Cooper initiated the consortium of a half-dozen nations supplying aid to India and Pakistan. It worked well until the rivalry between Moscow and Peking accentuated the enmity between the states that share the subcontinent. Cooper was ambassador to India in 1955 and '56, between his service in the Senate for two short terms and his election in '57 to a full term.

At times, voting for civil rights measures, he runs afoul of his comparatively conservative constituency. His was one of three votes against the measure giving the Attorney General greatly broadened powers to wire-tap. Addressing the Louisville Chamber of Commerce a little later on pollution, as he finished a voice from the back of the hall boomed out:

"We want to know why you voted for crime the other day."

The senator, who has served longer in the Senate than Henry Clay, longer than any Kentuckian except Alben Barkley, can tell that kind of anecdote with the dry humor that is out of his roots in his home town of Somerset. When he goes back home, people line up to talk to him not just about politics but about their personal problems. For all his years in Washington, New Delhi and in New York at the United Nations, he is still the man from Somerset.

The other day Cooper had his 70th birthday. His knowledge and experience gave him a remarkable perspective on the political scene both at home and abroad. If he goes through with his intention of retiring, is this experience to be lost? The young today would reject anyone over the age of 25, or maybe 30. That loud, arbitrary cutoff denies the wisdom of men such as Cooper who have come through the struggle of our times bloody but unbowed.

TRIBUTE TO J. EDGAR HOOVER

Mr. ELLENDER. Mr. President, the Young Men's Business Club of Greater New Orleans is one of that city's most active and most civic minded organizations.

It is at the request of this group that I ask unanimous consent that the following YMBC resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, J. Edgar Hoover has completed 47 years of continuous and dedicated service to the United States of America, and

Whereas, J. Edgar Hoover, through hard work, sincere application and self-sacrifice, has risen to the leadership of the Federal Bureau of Investigation; and

Whereas, under his leadership the Federal Bureau of Investigation has become recognized as the most effective and reputable law enforcement agency in the world;

Now, therefore, be it Resolved that the Young Men's Business Club of Greater New Orleans, Inc., place its name on the public records as congratulating J. Edgar Hoover for his 47 years of devotion to effective and vigorous law enforcement and to the Federal Bureau of Investigation, which, under his leadership, has done more to protect our country from crime and subversion than we can ever fully appreciate or comprehend.

Be it further resolved that copies of this resolution be forwarded to J. Edgar Hoover, the Federal Bureau of Investigation, to all news media, to Louisiana Congressional Delegation with a request that it be entered into the Congressional Record.

PROBLEMS OF FRAUD IN WELFARE

Mr. TOWER. Mr. President, I was heartened by recent reports of Vice President Agnew's comments at the National Governors' Conference concerning the administration's welfare reform bill.

The Senator from Louisiana (Mr. Long), chairman of the Committee on Finance, reported to the Governors in very strong terms that H.R. 1 will not solve the problems of fraud or put welfare recipients back to work and indicated that the Finance Committee was far from satisfied with it.

Responding to Senator Long, the Vice President reportedly commented:

> There's a very distinct possibility . . . that we might find the middle ground.

Signaling an administration willingness to compromise on the measure.

I certainly hope this is the case. The views set forth by the President in his Labor Day speech and again in his recent message to the joint session of Congress, spelling out concerns over the welfare problem which would not be rectified by H.R. 1 and his announcement of his desire to postpone the effective date of the measure as part of his new economic program, presaged such second thoughts.

Chairman Long has proposed subsidies by low-wage workers and tax deductions for families who hire domestics at wages above the welfare level as part of an alternative program. Senator Curtis, a member of the committee, joined by myself and Senator Fannin, has proposed a plan for returning control of the welfare program to the States and localities, with Federal revenue-sharing grants to assist in financing the programs as an alternative to federalizing welfare.

If the Finance Committee is given ample opportunity to study these two alternatives and the administration is indeed willing to compromise in the interest of obtaining the best possible reform, I believe we may yet be able to find a solution to this desperate crisis which will deal adequately and justly with both the needy of our Nation and the American taxpayer. Equally as important, we may be able to resolve the problem in a way that strengthens our free-enterprise federal system of government rather than taking another step down the road to socialism.

I commend Vice President Agnew for opening the door and pray that it reflects the feeling of the administration.

Mr. President, I ask unanimous consent that the Washington Post article quoting the Vice President be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 14, 1971]

Agnew to Democrats: Back Nixon Program

(By David S. Broder)

San Juan.—Vice President Agnew today challenged the Democratic Party's governors to "put away partisan jockeying" and support President Nixon's economic policies. They replied by blaming him for the "worst economic crisis in a generation" and demanding that he be more "even-handed" in Phase 2 of the control program than in the current wage-price freeze.

The economic argument dominated a full day of private and public discussions among administration officials, congressional leaders and state executives here for the 63d annual National Governor's Conference.

Among the main developments:

Long-time advocates of revenue-sharing here were cheered by reports that House Ways and Means Committee Chairman Wilbur Mills (D-Ark.) might approve a version of that plan—not called by that name—which would put $5 billion a year in state and local treasuries.

Agnew signaled an administration willingness to compromise with Senate Finance Committee Chairman Russell B. Long (D-La.), who laid down a major attack on the Nixon welfare reform bill in a speech to the governors this morning.

Representatives of the administration lobbied behind the scenes to keep the Democrats, who took over majority control of the conference in last year's elections, from scuttling its support of Mr. Nixon's two key programs, revenue-sharing and welfare reform.

And Gov. George C. Wallace of Alabama served notice he will try to bring the controversial busing question before the conference at its final session on Wednesday.

The economic argument began when Agnew, in a major address to the morning session, defended the Nixon proposals as a "balanced program," fair to business, labor and consumers, and pleaded with the Democrats not to break the pattern of general cooperation he said had characterized the first month of the wage-price freeze.

His reply came eight hours later, when the Democratic caucus approved a statement blaming the President for taking a pro-business approach to solving an economic problem which they said has caused "widespread suffering and deprivation."

Maryland Gov. Marvin Mandel, who was elected as new chairman of the caucus, denied the statement was "a slap to anyone."

The Democrats plan to bring their resolution before the full conference on Wednesday, but with only 29 votes, they appear to be at least nine votes short of the three-fourths majority needed to suspend the rules and bring up a resolution not submitted 30 days in advance.

What some governors hailed as a breakthrough in the long fight for revenue-sharing was a staff proposal, drawn up by Mills' aides, for a two-part package of new federal aid to states, counties and cities.

As circulated here, one part would provide $3.5 billion a year to cities and counties for the next three to five years, for use at their discretion in certain broad areas of public need, excluding education.

The second part would be a permanent appropriation to the states, starting at $1.5 billion a year and possibly increasing as federal revenues increase, for any use they decide.

Governors who had been briefed on the plan said they had been told Mills indicated it might pass the Ways and Means Committee as early as next month.

Others, who recalled similar optimistic reports from Washington at previous governors' conferences, said they were skeptical that all the necessary agreements had been secured.

Representatives of the U.S. Conference of Mayors here, for example, said their organization had no accepted a provision that would reportedly permit a state to preempt 20 per cent of the local funds for a coordinated attack on regional problems.

The companion measure on the Nixon domestic program, welfare reform, was also the subject of a tug-of-war today. The Governors' Conference in the past has endorsed a phased federal takeover of all welfare costs and most of its members have supported the Nixon plan as a step in that direction.

But Long, whose Finance Committee holds the immediate fate of the house-passed measure in its hands, told the governors in strong terms today that the Nixon plan would not solve the problem of fraud or put welfare clients back to work, as most of them would like done.

His attack appeared to strengthen a wave of second thoughts about the Nixon plan, involving governors of both parties.

Long advocated his own alternative to the President's proposals—involving a range of subsidies to people who take low-wage jobs and quit the welfare rolls. Long also favors tax deductions for families who hire domestics at high enough wages to bring them above the welfare cutoff.

Comments from the governors after the speech indicated many of the conservatives shared his approach, but Massachusetts Gov. Francis W. Sargent (R) urged his colleagues to stay behind the Nixon plan, or to seek to increase its benefits, in hopes "we can get the states out of the welfare business."

Agnew, who followed Long to the podium at today's meeting, took a conciliatory line toward the Finance Committee chairman.

"There's a very distinct possibility, Senator," he said, "that we might find the middle ground." Agnew said that under any program of welfare, the administrators would have to confront the "public attitudinal problems which prevent the investigation of fraud . . . and be very courageous to take the steps to protect the taxpayers from abuses."

Then the Vice President made his plea to the governors—obviously aimed mainly at the new Democratic majority—that they not let "blind negativism" dominate their response to Mr. Nixon's new economic policy.

Praising labor, business and all elements of the public for "cooperating with the President" in the start of the 90-day wage-price freeze, Agnew sought to rebut three major arguments that Democratic economists and politicians have raised against the Nixon package.

The argument that an investment tax credit is not needed when American industry is operating at 73 per cent of capacity ignores the fact that "the unused capacity . . . for the most part is old, outmoded and inefficient," Agnew said.

In contradiction to those who claim the President's package gives more benefits to business than consumers, Agnew described it as "a balanced tax package" which "reduces taxes paid by individuals by $3.3 billion, and offers a tax credit of $2.7 billion to industry . . . and relieves consumers from some $2 billion in excise taxes."

"I do not see how, under any circumstances, the 'trickle down' appellation applies," Agnew said.

Finally, rejecting the suggestion that profits should be frozen along with wages and prices, Agnew asserted that "rising corporate profits are good for the average man and are needed more than ever by the poor."

By contrast, the Democratic resolution said the Phase 2 controls should assure that "whatever restraints on wages or other forms of personal income are balanced with commensurate restraints on profits, dividends, and interest rates." Ohio Gov. John J. Gilligan, the head of the drafting committee, said those "could include an excess profits tax," but did not necessarily require one.

OTHER REQUESTS

In other specifics, the Democrats called on the President or Congress to:

Grant a 7 per cent investment tax credit for new investment but cancel the liberalized depreciation allowances approved by the Treasury earlier this year. The President recommended a 10 percent tax credit on top of the faster writeoff.

Pass the welfare reform and revenue-sharing bills without further delay.

Make a special grant of $3.5 billion to states and cities to replace what they said were revenue losses attributable to last year's recession.

And release some $12 billion of appropriated funds the President has impounded, to accelerate construction of roads, housing and health facilities.

GENERAL MOTORS CHANGES DIRECTION

Mr. NELSON. Mr. President, the automotive world is buzzing this month over reports that the industry's and the planet's largest corporation, General Motors, is undergoing an historic reversal of management policy and corporate organization. The reports are to the effect that GM is changing from an organization and policy of coordinated decentralization to a policy and organization of total centralization.

General Motors has not confirmed these reports, in so many words; but the indications are strong that they are substantially correct. Automotive News, the distinguished independent newspaper of the industry, last week and again this week has published lengthy articles, to which many of its most expert and experienced reporters and editors contributed.

Because General Motors is so immense, anything it does is significant and deserving of careful scrutiny by the Senate. For that reason, I ask unanimous consent to have printed in the Record the following documents:

First. General Motors press release dated September 14, 1971.

Second. Article from the Wall Street Journal of September 15, 1971, headed "GM Chevrolet Division To Give Up Last Three Car-Making Facilities."

Third. Article from Automotive News of September 20, 1971, headed "GM Moves To Centralize All Operations."

Fourth. Article from Automotive News of September 20, 1971, headed "Whether in 1968 or 1971, GM Calls It 'Flexibility'."

Fifth. Article from the New York Times of September 22, 1971, page 65, headed "GM Reported To Centralize To Avert Antitrust Moves."

Sixth. A statement by myself, prepared at the request of Automotive News, captioned "Statement by Senator Gaylord Nelson on reported plans of General Motors Corp. to centralize its operations.

Seventh. Article from Automotive News of September 27, 1971, headed "GM Move To Centralize Faces Senate Scrutiny."

There being no objection, the items were ordered to be printed in the Record, as follows:

General Motors Corp. News Release

Sept. 14, 1971

Detroit.—Effective October 1, the GM Assembly Division will assume the administration of three assembly facilities currently operated by the Fisher Body and Chevrolet Motor divisions, it was announced today by James M. Roche, General Motors chairman.

This will bring to 18 the number of assembly plants under GMAD administration.

The three affected Fisher-Chevrolet facilities are the Willow Run plant at Ypsilanti, Mich., and the Lordstown, Ohio, and St. Louis, Mo., plants.

Mr. Roche said that the realignment of assembly plant management responsibility will permit greater flexibility in processing body and chassis operations.

The Willow Run plant assembles the Chevrolet Nova and Pontiac Ventura. The Chevrolet Vega is assembled at Lordstown, and standard size Chevrolets and Chevrolet Corvettes are assembled at St. Louis. Chevrolet and GMC vans are also assembled at Lordstown, and trucks for both divisions are assembled at St. Louis.

Joseph E. Godfrey, GM vice president and general manager of GMAD, announced the following management changes in connection with the realignment:

William S. Lemmer, manager GMAD-Fremont, Calif., to regional plant manager responsible for the operations of six GMAD plants. His headquarters will be at the GMAD Central Office, Warren, Mich.

Clifford J. Vaughan, manager Chevrolet-St. Louis, Mo., to manager GMAD-Fremont, Calif.

Patrick J. Coletta, manager GMAD-Leeds, Kansas City, Mo., to manager GMAD-St. Louis, Mo.

Darrel W. Kegerreis, production manager GMAD-Linden, N. J., to manager GMAD-Leeds, Kansas City, Mo.

Alvin B. Anderson, manager GMAD-Van Nuys, Calif., to manager GMAD-Lordstown, Ohio.

J. Charles Abernethy, production manager GMAD-Van Nuys, Calif., to manager GMAD-Van Nuys.

Orm F. Perkins, manager Fisher Body-Lordstown, Ohio, to manager GMAD-Willow Run.

Louis J. Biskach, manager Chevrolet-Lordstown, Ohio, to assistant to the manager GMAD-Lordstown.

William M. Steiner, manager Chevrolet-Willow Run, to production manager-trucks GMAD-Lordstown, Ohio.

John R. Gibbs, acting plant manager Fisher Body-Willlow Run, to production manager GMAD-Linden, N.J.

William F. Harden, Jr., executive engineer General Motors Overseas Operations Division, Detroit, to production manager GMAD-Van Nuys, Calif.

Frank D. Faga, manager Fisher Body-St. Louis, Mo., to production manager GMAD-Lakewood, Ga.

John F. Patete, production manager GMAD-Lakewood, Ga., to production manager GMAD-St. Louis, Mo.

Charles W. Coffey, general superintendent GMAD-Janesville, Wis., to production manager-passenger cars GMAD-Lordstown, Ohio.

Clyde K. Oran, divisional director of quality control, Warren, Mich., to production manager, GMAD-Willow Run.

[From Wall Street Journal, Sept. 15, 1971]

GM Chevrolet Division To Give Up Last Three Carmaking Facilities

ASSEMBLY DIVISION TO GET PLANTS, OBSERVERS CITE COST SAVINGS, POSSIBLE HEDGE AGAINST SPLITUP

DETROIT.—The huge Chevrolet division of General Motors Corp. will give up the last of its car-assembling operations Oct. 1, the company said.

In a brief announcement, GM said Chevrolet's last three car-assembly plants will be turned over to the General Motors assembly division on that date, leaving Chevrolet without an individual auto-assembly plant among its network of facilities. At one time, GM's divisions operated much like separate companies, each designing, building and selling its own cars.

The latest move, however, means that 18 of GM's 22 car-assembly plants will be operated by the assembly division. Only the "home" plants of Buick, Oldsmobile, Pontiac, and Cadillac will be operated by the car divisions. Similarly, the assembly division will operate all of GM's truck plants, except for the "home" truck plants of GMC truck division and Chevrolet truck.

Industry observers long have seen the moves to consolidate GM's car production under the assembly division as having two main purposes. First, by centralizing car building under it, the auto giant eliminates duplicate staffs and concentrates buying power, resulting in cost savings, while also giving GM flexibility to swing its production to various sized cars as demand changes.

Also important, in the view of some industry observers, is that by stripping Chevrolet of its assembly function. GM makes the big division less of a complete unit in itself. This could make it much more difficult for some future antitrust action to separate Chevrolet from GM, a plan that has been favored by some antitrust advocates over the years.

Although still GM's biggest division, Chevrolet has slipped in recent years, from generating 51.1% of GM sales in 1962 to 47% in 1969, GM's last full nonstrike year.

Although Chevrolet won't any longer assemble cars, it still will operate 23 facilities around the nation to manufacture engines, gears, bumpers and other car components. It also will retain full responsibility for the design, engineering and marketing of its cars.

The assembly plants to be transferred to the assembly division are the Willow Run plant, at Ypsilanti, Mich., the St. Louis, Mo., plant, and the newest GM assembly plant, the heavily automated Vega factory at Lordstown, Ohio.

GM said three Fisher Body plants, formerly run by the Fisher Body division at the locations of the Chevrolet plants, also will be transferred to the asembly division. Fisher Body, which produces car bodies in factories generally nearby to assembly plants, will operate its own plants only at the sites of the four remaining divisional "home" plants, a GM spokesman said.

[From Automotive News, Sept. 20, 1971]

GM Moves To Centralize All Operations

CONTRIBUTORS

Contributors to this report on General Motors included Hugh Quinn, John K. Teahen, Richard A. Wright, Helen Kahn, John E. Walsh, Robert M. Lienert and Robert M. Finlay

The most sweeping changes in General Motors history are putting a new face on the auto giant.

The corporation is moving on a deliberate course toward a strong centralization of operations that eventually will reduce and five passenger-car divisions largely to marketing arms.

It's taken GM more than 50 years of long hours and hard work to get where it is today, following the management precepts laid down by the late Alfred P. Sloan Jr., longtime GM boss and chief advocate of the company's celebrated modus operandi of "coordinated decentralization."

GM has long been the classic textbook example of a decentralized corporate structure.

Now the giant corporation definitely is swinging away from Sloan's original thesis to an operating plan that bears striking resemblance to those of GM's competitors, Chrysler Corp. and Ford Motor Co.

Carried through, the centralization will find GM operating with a single engine division, for example, supplying engines for all car lines; a single assembly division building the cars and supplying the finished product to the sales divisions.

Consolidation of other operations, now spread among various divisions, could result in single divisions for forgings, chasis, transmissions, suspension and so on.

But centralization involves more than just consolidation of certain manufacturing or assembly operations. GM, long a favorite target of would-be trustbusters and, lately, consumer advocates, who feel the company is too big, would become a hard nut to crack.

To date, 18 antitrust actions have been brought against GM. Eight were criminal indictments, resulting in six nolo contendere pleas and two judgments. Ten were civil complaints resulting in two decisions against GM, five consent decrees and three dismissals.

Under the Sloan system, each GM division was an autonomous profit center, and the general manager of each division was responsible for building his own organization, coordinating its efforts and planning its progress.

Passenger-car divisions had responsibility for product planning, engineering, manufacturing, assembly and marketing. Divisions were charged with showing a proper return of capital investment, just as a corporation would be outside the protective GM fold.

Chevrolet, the largest single producer of vehicles in the world, and the largest unit within GM, thus was a separate entity, all to itself, that might neatly be split off and enrolled as a dues-paying member of the Automobile Manufacturers Assn.

But no longer.

As of Oct. 1, Chevrolet will be out of the car-building business altogether, and some insiders believe that the next step will be to take away the home assembly plants of the other vehicle divisions—maybe within six months.

In the Oct. 1 move, announced last week, GM will take away Chevrolet's last three remaining car assembly plants. They will be reassigned, along with the adjacent Fisher Body facilities, to the fast-growing General Motors Assembly Division, which is headed by Joseph Godfrey, 56, a corporate vice-president.

The plants involved are at Lordstown, O.; Willow Run, Mich., and St. Louis.

The Lordstown case is interesting. In stripping Chevrolet of six plants in 1968, GM implied that the blow was softened by the fact that Chevrolet was given the responsibility for engineering, producing and distributing GM's new small car (Vega), which had been announced a few weeks before.

The production responsibility was short-lived. Vega is built only at Lordstown, and Lordstown is no longer a Chevrolet plant.

Only six weeks ago, Chevrolet lost its Norwood (O.) plant to GMAD. All that remains of the former Chevrolet assembly network is the plant at Flint, which builds trucks for Chevy and GMC Truck & Coach.

This means that Chevrolet no longer exists as a unified producer and marketer of passenger cars. Chevrolet now must buy its automobiles from a supplier, GMAD. And GMAD, on the other hand, could not operate on its own, since it has no retail sales outlets, or, for that matter, no internal wholesale organization.

GM President Edward N. Cole, the man who has skippered the corporation's course toward centralization, reportedly told a Greenbier conclave of top GM executives, some 10 years ago, that he would like to centralize operations to make it tougher for the Justice Department to break up the corporation.

Since then, the channel markers for this course have appeared, sometimes clearly, at other times shrouded in fog.

THE GM PHILOSOPHY

In October, 1968, GM submitted a statement to two subcommittees of the Senate Select Committee on Small Business, in which the corporation (how did GM wind up in a Small Business hearing?) said that "General Motors is an operating company, a single-business enterprise, not a holding company or a collection of independent operating units. The car divisions are not equivalent to independent companies and could not function on their own."

At the time of that Washington testimony, GMAD was gaining strength, and the course was beginning to appear more clearly on the charts.

By 1964, GM had integrated its intermediate car lines to a point of high interchangeability of parts. The full-size car lines reached that level with 1971 models.

The 1968 Small Business statement put forth GM's new philosophy of economies through centralization: "Higher volume production may justify expenditures on capital equipment which at least pay for themselves as the volume potential increases.

"Illustrative of this," the statement continued, "are the high-speed presses which, with a single set of dies, produce inner door panels for all General Motors regular size cars."

The statement cited another example: "Except for Cadillac Division, assembly operations by each car division of General Motors are integrated in part with some other division . . . Each division depends on development efforts and production carried on in other divisions and on central staff activities, coordination and management."

Since then, even Cadillac's operations have been interwoven with those of other divisions. The GMAD plant at Linden, N.J., now assembles Cadillacs, and the Cadillac Eldorado has the same drive train as Oldsmobile Toronado and the same body shell as Toronado and Buick Riviera.

In other words, where would a trust-buster draw the line?

The only plants operating outside the GMAD wing after Oct. 1, when the three Chevrolet plants officially move, will be the home plants of Buick, Cadillac, Oldsmobile, Pontiac and GMC Truck & Coach divisions and the Chevrolet truck plant in Flint.

As of today, GMAD operates 18 of the corporation's 24 assembly plants. The Pontiac, Oldsmobile, Buick and Cadillac home plants build only their own lines, but the GMC home plant assembles Chevrolet trucks as well as its own.

NEXT TO GO

If, as expected, all vehicle divisions lose their home assembly plants, it follows that their responsibilities in engineering, product planning, and component manufacturing also would be stripped away and reassigned to other GM units.

This already is happening. Engineering for front end sheet metal, now done individually by each passenger-car division, is being taken over by Fisher Body Division in the near future.

Product planning also has been transferred to a corporate staff activity at the GM Tech Center.

Chevrolet's Warren (Mich.) plant is tooling up to produce all the front control arms for all GM divisions, just as all disk brakes now are made in Flint. These operations, while now part of individual divisions, could easily become consolidated in some corporate manufacturing division.

The possibility of a single engine division looms as GM trims away the array of engines produced by the various divisions. Within a few years, GM will have only two V–8 engines (350 and 500 cubic inches), one six-cylinder engine and the four-cylinder powerplant now used in the Vega.

Integration of the corporation's truck operations already has been accomplished at all but the sales and engineering levels. Although GM persistently denies reports that it plans to merge the two truck divisions, the merger has taken place in product line and in production.

All medium, medium-heavy and heavy-duty trucks, carrying both Chevrolet and GMC nameplates, are assembled at the GMC plant in Pontiac. The Chevrolet plant in Flint—the last remaining Chevrolet assembly point—turns out pickups, the Blazer (Chevrolet) and Jimmy (GMC) utility vehicles and and Chevy and GMC suburban models.

Light-duty trucks for both divisions are produced at GMAD facilities across the country. The Chevrolet El Camino and GMC Sprint luxury pickups are assembled on Chevelle lines in the GMAD-Leeds plant in Kansas City, Mo.

Specifications for all comparable Chevrolet and GMC trucks are identical, although different options are available.

This melding of product identity of various GM divisions has contributed to the internal pressures for centralization. The Willow Run plant, which started out in the GM organization as the original Corvair plant, was converted by Chevrolet to Nova production.

But as the Nova body shell and components were made available to Pontiac Division for the Ventura II, the plant lost its Chevrolet identity. The same happened with the Chevrolet Camaro operation at Norwood, O., when the Pontiac Firebird was put into production.

MOVES UNDER PRESSURE

There is little doubt that GM's centralization course has been charted under pressure—pressure from Washington, pressure from rising costs of material and labor, pressure from the ecology and consumerism movements, pressure from the rigid engineering and quality standards laid down by safety and emission regulations, pressure from an everchanging marketplace. And, certainly, pressure from Ed Cole.

Cole's initial centralization plan might well have been prompted by a desire to forestall intervention by government trust-busters. The simplest, and most-heard plan, always has been to split off Chevrolet.

Cole might have stymied that possibility by taking away Chevrolet's assembly function.

The next step—a step already under way—is to peel off the division's manufacturing, which now encompasses everything from nodular iron castings to forging to metal stamping and fabricating. The division builds engines, axles, transmissions, in fact, just about everything except the car themselves.

But several of the Chevrolet manufacturing plants already are producing for the entire GM output, making them ripe for reassignment to a central operation, outside of Chevrolet.

Removing the engineering, product planning, manufacturing and assembly functions from the GM divisions will put the divisions on a par with the Ford and Chrysler sales divisions, making the GM divisional general managers, in effect, sales managers.

The top men at the two Chrysler vehicle divisions, in fact, carry the title of general sales manager, without the vice-presidential status.

Perhaps Chevrolet General Manager John Z. DeLorean was looking down the road when he said recently that he would like to get out of GM within a few years to devote himself to activities of a more productive nature.

Chevrolet Division employment now totals only about 96,000 persons, including some 86,000 in the plants. The Oct. transfer cost the division 14,300 employes.

CUTTING THE PIE

An insider at Ford says that Ford has been fearful, over the years, of any attempt to split off Chevrolet from the GM corporate family.

Not only would such an excision make Ford Motor No. 3, in the domestic rankings, it would mean that the new Chevrolet and the stripped-down GM would fight harder and, between them, corner perhaps 70 percent of the market, leaving a smaller slice of the pie for Ford and the other makers.

Both Ford and Chrysler had decentralized operations several years ago, and both companies found it necessary to integrate their production facilities.

Currently, Ford's North American Automotive Operations, under Executive Vice-President William D. Innes, reports directly to Ford President Lee A. Iacocca.

The product development group combines all car engineering, planning and research.

The manufacturing group includes an Engine and Foundry Division, General Parts Division and Transmission and Chassis Division as part of the Power Train Operations; and a Metal Stamping Division, Body Engineering Office, Automotive Assembly Division and Industrial and Chemical Products Division as part of Body and Assembly operations.

Ford sales channel through a wholly owned subsidiary, Ford Marketing Corp. The three domestic sales divisions—Ford, Lincoln-Mercury and Autolite-Ford Parts—are divisions of the marketing corporation, and not the parent Ford Motor Co.

None of the Ford sales divisions have responsibility for product planning, engineering, manufacturing, testing or assembly.

At Chrysler, U.S. Automotive Manufacturing and U.S. Automotive Sales are under separate group vice-presidents.

The sales divisions—Dodge Car & Truck and Chrysler-Plymouth report through Robert B. McCurry, U.S. automotive sales and service vice-president.

Under McCurry, such operations as field service, public relations, and sales promotion have been centralized, leaving the divisions with nothing more than sales and advertising functions. And, as McCurry has said in the past, he is the ad manager for the corporation anyway.

Chrysler provides its sales division with products from a single stamping division, a single assembly division and three centralized manufacturing divisions.

THE FIRST STEPS

The purist might scoff and say that centralization has been going on for several decades at GM—ever since the '30s when the corporation began building Buicks, Oldsmobiles and Pontiacs in plants at Linden, N. J., and South Gate, Calif.

The thesis bears examining. That long-ago program was spawned more by necessity than by any idea of centralization.

Buick, Oldsmobile and Pontiac needed outlying locations in order to speed deliveries to dealers and customers, but individual plants for the three divisions were not feasible because of low volume.

The same reasoning can be applied to the formation of the Buick-Oldsmobile-Pontiac Assembly Division in 1945. It consisted of the Linden and South Gate plants plus installations in Atlanta; Arlington, Tex.; Kansas City, Kans., and Wilmington, Del.

Many observers believe that a big step toward real centralization occurred in November, 1961, when Cole was promoted to group vice-president in charge of the car and truck divisions. Cole was elected to the GM board of directors at that time.

A major change was announced at the GM shareholders' meeting in May, 1963: President John F. Gordon disclosed that, starting with '64 model production, Chevrolets would be built in some B-O-P Assembly Division plants and that B-O-P models would be built in some Chevrolets plants.

At that time, there were seven B-O-P plants—the six mentioned above plus the brand new Fremont plant in the San Francisco Bay area. Chevrolet was then operating 12 assembly plants.

In 1965, the name of B-O-P Assembly Division was changed to General Motors Assembly Division. It was a logical step in view of the fact that those plants were also making Chevrolets.

GMAD was destined to become a mighty important name.

In November, 1968, GM announced a decision that had centralization written all over it. It was a many-sided action involving GMAD, Chevrolet, Fisher Body and Ternstedt. (Remember Ternstedt?)

By that time, Cole was president of General Motors.

Highlights of that 1968 shakeup were:

Six assembly plants were taken away from Chevrolet and given to GMAD.

GMAD almost doubled in size, growing from eight to 14 assembly plants. (It earlier had picked up Framingham, Mass., from Chevrolet.)

For the first time, the assembly unit was headed by a corporate vice-president. Formerly, the general manager of GMAD and its predecessor (B-O-P Assembly) had not been a GM vice-president.

Fisher Body lost its role in the six Chevy plants that went to GMAD. (Fisher Body produces stampings and components for bodies of all GM cars, but GMAD assembles the bodies used at GMAD plants.)

But Fisher Body made out pretty well. It acquired Ternstedt Division and its seven plants which make body hardware, parts and accessories.

Ternstedt had been GM's fourth largest domestic division, and all of a sudden it didn't exist any more. The three biggest domestic units, before and after the 1968 changes, were Chevrolet, Fisher Body and GMAD.

The Chevrolet-Fisher Body plants that went to GMAD in 1968 were in Atlanta; Baltimore; Janesville, Wis.; Kansas City, Mo.; Los Angeles, and Tarrytown, N.Y.

The centralization at GM hasn't been confined to the assembly plants. There has been consolidation at the divisional level, too.

Eight years ago, GM had 31 U.S. manufacturing divisions, including its non-automotive operations. Today there are 27.

Ternstedt no longer exists as a separate division. New Departure and Hyatt Bearings have been combined; so have Delco Products and Delco Appliance; ditto for Detroit Diesel and Allison.

A number of other divisions have new names but continue to operate as they did before.

Whether in 1968 or 1971, GM Calls It "Flexibility"

Detroit.—When General Motors transferred six Chevrolet-Fisher assembly operations to the GM Assembly Division in November, 1968, Chairman James M. Roche was quoted in the news release as saying that "the realignment of assembly plant management responsibilities will permit greater flexibility in processing body and chassis operations.

"This is especially important," he continued, "in view of the expanding number of passenger car models to serve individual customer preferences." At the time GM carried 145 models, down 11 from the previous model year.

When GM announced the transfer of three more Chevrolet-Fisher facilities last week, Mr. Roche was quoted as saying that "the realignment of assembly plant management responsibility will permit greater flexibility in processing body and chassis operations."

No mention was made, however, of the "expanding number of passenger car models."

GM, in fact, dropped nine models from its lineup going into the 1972 model year, with 125 available. Since 1968, however, GM has achieved even greater standardization of components, making integration of manufacturing and assembly more of an economic and operational practicality.

[From the New York Times, Sept. 22, 1971]

GM Reported To Centralize To Avert Anti-Trust Moves

(By Jerry M. Flint)

Detroit, Sept. 21—The centralization of the General Motors Corporation is tied at least in part to an effort to make the company more difficult to break up in antitrust actions, according to Automotive News, a trade publication.

There is no question that the centralizing of General Motors is under way and is being pushed by its president, Edward N. Cole.

The change in management direction is particularly noteworthy because the auto maker grew to be the largest manufacturer in the world under a system of decentralized operating divisions, and the management theories were created by Alfred P. Sloan Jr., who led G.M. as president or chairman from 1923 to 1956.

MARKET GROWTH CITED

Mr. Cole's own explanation for the drive to centralize G.M. operations has been tied to the growth of the market, the proliferation of vehicle types, the pressure for safety and pollution controls that need central direction and increasing costs.

The heart of G.M. operations is its car divisions. At one time these five divisions controlled the design, manufacture and sales of their vehicles, within guidelines set by the General Motors organization. Now, said Automotive News in an article in its Sept. 20 issue, these divisions appear to be turning into mere sales organizations.

For years G.M.'s competitors, the Ford Motor Company and the Chrysler Corporation, tried to imitate the G.M. divisional pattern, but both gave up finally setting up product-design, engineering and manufacturing units distinct from the car divisions, which became sales and service organizations. Now General Motors appears to be creating an organization more like its competitors.

Mr. Sloan, in his book, "My Years With General Motors," called the G.M. organization "a happy medium in industrial organization between the extremes of pure centralization and pure decentralization."

The General Motors Corporation had no comment on the Automotive News story or on questions about the centralizing process within the concern.

The article noted that the Chevrolet division of G.M. as of Oct. 1 would be out of the car-building business, turning its last car assembly plants over to the G.M. assembly division. This will give the assembly plants over to the G.M. assembly division. This will give the assembly division control of 18 of 24 G.M. assembly plants, and more are expected to follow.

Automotive News noted that some engineering and planning responsibilities, too, are being taken from individual divisions. Front-end sheetmetal, for example, now done by each division for its own vehicles, is to be taken over by the Fisher body division soon. Product planning is to be switched to the corporate staff at the General Motor Technical Center outside Detroit. The variety of engines is to be reduced so that "within a few years G.M. will have only two V–8 engines (350 and 500 cubic inches), one six-cylinder engine and the four-cylinder power plant now used in the Vega," the magazine said.

SPEECH IS CITED

In putting at least part of the reason for this change to an effort to stymie antitrust, Automotive News said that Mr. Cole "reportedly told a conclave of G.M. executives, some 10 years ago, that he would like to centralize operations to make it tougher for the Justice Department to break up the corporation," although the Government has never attempted to break up General Motors.

Mr. Sloan in his book said, "General Motors' long-term survival depends upon its being operated in both the spirit and the substance of decentralization."

Statement by Senator Gaylord Nelson on Reported Plans of General Motors Corporation To Centralize Its Operations

General Motors is apparently becoming more and more uncomfortable about the facts of life—its own life.

One fact is that, despite GM's frequent, forceful assertion that it is a single-line company, it is really a giant, multinational conglomerate. In its 19th annual report (1969), the Senate Small Business Committee made this observation:

While GM is most important as the maker of over half of the Nation's passenger autos, it is also the leading producer of trucks, buses, and locomotives—and automobile cigarette lighters. It makes at least 167 separate products other than cars. It is the 10th largest defense prime contractor.

Another fact is that GM is a larger power, in terms of money handled, than any but 22 sovereign nations of the world. It is a little smaller than Switzerland, but larger than Pakistan.

A third fact is that GM, despite these staggering statistics, has always acted and is still acting and obviously wants to go on acting as if the way it runs its business is no one's business but its own. It acts as if it ought to have the same rights of privacy as the family plumber or the corner grocer; but it knows that that belief, which it has held and cherished for so long, is under attack. There are increasing numbers here on Capitol Hill, for one place, who do not believe that the rules for moving around in traffic that are appropriate for a few kids on skates in a roller rink are also appropriate for a locomotive, an ocean liner or a Boeing 747, in the various "rinks" in which they move around.

But GM has always acted as if it had the right to pilot its leviathan through the business seas by the same rules as a 10-foot sailboat, insofar as letting out any meaningful information about itself is concerned.

The article in *Automotive News*—and it is a very good article—suggests that GM's management is fearful of the gathering clouds of opinion favoring divestiture of part of its empire, and that fear may be the main reason behind the present moves. I would share that suspicion, and add another. I think that the top management is also fearful of the gathering clouds of opinion, both on Capitol Hill and on Wall Street, that GM ought to begin to tell the world quite a bit more about how it makes all the money it makes.

Now, the issue of disclosure is not unrelated to the issue of divestiture, but it is a separate issue, one that you can believe in even if you don't believe in divestiture.

Back in 1968, my Senate Small Business Subcommittee on Monopoly and Senator Wayne Morse's Subcommittee on Retailing asked GM to give us some fairly broad-gauge information on costs and profits, by product lines and divisions.

We did not subpoena the information, we merely asked for it politely. GM politely declined. GM did not then and does not now think the public has a right to know how the Automotive Group is doing, separately, much less the Chevrolet Division. So far, public policy has been to let them get away with that arrogant attitude. But I think that GM thinks that public policy is going to change on that, and fairly soon. And so one reason for these shifts—perhaps a minor reason but still a reason—will be to make divisional reporting, when it comes, as confusing as possible and as little useful to competition as possible. The operating results of the General Motors Assembly Division, management may feel, will tell less that is meaningful and helpful, if they ever have to publish divisional results, than would the results of the Chevrolet Division as previously constituted, when it was really a separate complete auto company within a company.

If General Motors believes that there is going to be increasing pressure for less corporate secrecy and more corporate information disclosure, they are right. The Subcommittee on Monopoly will be starting hearings on corporate secrecy on November 9, and my hope is that those hearings will have an effect on public policy.

Eventually, I suspect and I certainly hope, we are going to have segmental financial reporting from the giant corporations of this country on the basis of standard industrial classifications, the SIC codes. That will be better than reporting on divisions or groups or any other arbitrary, changeable basis. The subcommittee's next series of hearings will ask economists and industrialists, union leaders and consumer advocates, auto makers and auto dealers to come in and tell why this country should or should not move out of the present era of giant corporation secrecy and into an era that we might call "the open society," an era when the giant, conglomerate corporations will have to live with the idea of "open profits openly arrived at."

I hope that GM is only changing its organizational structure for greater efficiency and cost savings. If so, more power to them. But to the extent that their purpose is to preserve and entrench their historic policies of secrecy, I predict that they will not succeed.

[From Automotive News, Sept. 27, 1971]

SECRECY HEARING, NOV. 9—GM MOVE TO CENTRALIZE FACES SENATE SCRUTINY

WASHINGTON.—The movements toward centralization at General Motors reported in the Sept. 20 issue of AUTOMOTIVE NEWS are expected to come under the scrutiny of Congress here later in the year.

Senator Gaylord Nelson, Wisconsin Democrat, said:

"If General Motors believes that there is going to be increasing pressure for less corporate secrecy and more corporate information disclosure, it is right."

Senator Nelson chairs the Senate Small Business subcommittee, which held extensive hearings on competition in the auto industry.

The committee is planning hearings on corporate secrecy to start Nov. 9.

Senator Philip A. Hart, Michigan Democratic and chairman of the Senate Antitrust subcommittee, has announced his intention to introduce legislation on economic concentration.

With reference to the AUTOMOTIVE NEWS article, Ralph Nader, who has been a gadfly to GM, commented:

"There was once a time that General Motors justified its oligopolistic dominance over the auto industry by pointing proudly to its separate manufacturing divisions; since they tenaciously competed, the firm claimed, no breakup was necessary.

"Now that GM has mooted that justification, a new reason arises from the ashes of the old: Not that a breakup is not necessary, but that it is impossible. Why? Because centralization supposedly presents the government with an unsolvable Solomon-like riddle—how to divide one in half."

Nader suggested that the government should invest the requisite manpower into an antitrust suit to break up GM, which, he said, is six to 16 times larger than the economies of scale require, "according to corroborating economic studies cited in The Closed Enterprise System (Pages 464–5)."

If a breakup can't be done under present law, new legislation should be found, Nader said.

Nelson asserted that GM is a "larger power, in terms of money handled, than any but 22 sovereign nations of the world—a little smaller than Switzerland but larger than Pakistan."

Nelson believes that giant business does not have the same "rights of privacy as the family plumber or the corner grocer."

The senator pointed out that the issue of disclosure is not unrelated to the issue of divestiture, but those who cannot believe in divestiture can believe in disclosure.

It was in 1968 that two Senate Small Business subcommittees asked GM "politely" for some fairly broad-gauge information on costs and profits, by product line and divisions and GM "politely" declined.

Nelson explained:

"GM did not then and does not now think the public has a right to know how the Automotive Group is doing, separately, much less the Chevrolet Division. So far, public policy has been to let them get away with that arrogant attitude.

"But I think that GM thinks that public policy is going to change on that, and fairly soon. And so one reason for these shifts—perhaps a minor reason but still a reason—will be to make divisional reporting, when it comes, as confusing as possible and as little useful to competition as possible.

"The operating results of the GM Assembly Division, management may feel, will tell less that is meaningful and helpful if they ever have to publish divisional results, than would the results of the Chevrolet Division as previously constituted, when it was really a separate complete auto company within a company."

During the November hearings, Nelson hopes to hear from union leaders, consumer advocates, auto makers and dealers to explain why the country should not move out of the "present era of giant corporation secrecy and into an era that we might call 'the open society,' an era when the giant, conglomerate corporations will have to live with the idea of 'open profits openly arrived at.' "

Nelson concluded: "I hope GM is only changing its organizational structure for greater efficiency and cost savings. If so, more power to them. But to the extent that their purpose is to preserve and entrench their historic policies of secrecy, I predict that they will not succeed."

Senator Hart considers restructuring industries as no more radical than a wage-price freeze and his intention has always been to promote competition through vigorous antitrust enforcement.

One of Hart's strongest beliefs—expressed on Aug. 7, 1971, at a Conference on Non-Technical Barriers to Innovation—is that bigness does not necessarily mean technological progress. He suggested that "bigness not only tends to detract from inventiveness, but also tends to stifle the inventiveness it encounters" and added:

"We need ways to restrict the growing surge toward concentration, ways to free up entry into markets for new competitors and ways to break up existing concentration."

REGULATION OF AIRLINE FARES

Mr. TOWER. Mr. President, the Wall Street Journal of September 20 contains a most interesting editorial on the problem of quasi-judicial agencies regulating fares. The article entitled "Room To Maneuver," concerns the Civil Aeronautics Board and airline fares, but could have easily been about a number of other regulatory bodies. As a part of my continuing concern with this matter, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 20, 1971]

ROOM TO MANEUVER

A few years ago, American Airlines President George A. Spater proposed in a speech to the Aero Club in Washington that the Civil Aeronautics Board give each airline the right to freely raise and lower fares within certain prescribed limits.

The troubles the airlines have undergone since Mr. Spater made his 1968 speech suggest that his idea was worth more serious consideration than it got from the CAB. It still is.

What Mr. Spater was saying was that there are enough airlines and enough planes to provide competition on nearly all the major routes in the country. So why not let the airlines compete?

The freedom to move rates would enable lines to test alterations in their fare structures that might help them fill up planes that are not profitably occupied, doing so quickly and unilaterally to meet changing conditions and needs. The financial fortunes of the carriers would then depend much more heavily upon their own ingenuity and agility in meeting the needs of the public. Under the present CAB-dictated rate structure, such fortunes depend more than anything else upon what kind of route structure the carriers have been dealt by the government.

The last few years have shown again that there are cycles of over-capacity in the airline industry during which it is vitally important to try to attract more business. Most major airlines are well along in converting to a new generation of aircraft, represented mainly so far by the Boeing 747.

The 747 has been found to be well over 15% more efficient in costs per passenger mile than the old generation of 707s, 720s, DC–8s and 880s. All that the airlines need to cash in on this very substantial technological gain is more business, both cargo and passenger. A passenger-carrying 747 can carry nearly as much in its cargo hold as a 707 hauling nothing but cargo, but some lines are getting only about a 15% load in the 747 cargo space on average.

Relatively small gains in either cargo or passenger load factors, or both, for the 747s could make a big difference in the financial status of the airlines. Usually the best way to get more business is to cut prices or at least to use discount prices to promote those parts of the business that are slack.

Under the present rigid CAB-controlled rate structure a technically advanced and highly efficient form of transportation is being underutilized. This is not only an economic waste but it also lowers the incentive for further technological advancement that could easily be within reach. The big Lockheed C–5, a military cargo plane, for example, while much maligned because of cost overruns, has great possibilities in commercial freight transportation that may go untapped because of too-restrained development of the air-freight market.

Another advantage of permitting more flexibility would be the demonstration that competition isn't such a terrible idea even in the transportation industry. Government regulators have insisted that transportation would be chaotic without their wisdom for so long that some people in the transportation industry may have come to believe them. They might benefit from substantial experience in the subject.

And if the airlines prove that they can handle the problems of pricing without government help, who is to say that the remainder of the transportation industry couldn't do the same thing? Once that point is proved there might well be some progress toward a complete deregulation of transportation, which is chained by regulations and red tape that ceased to have any reason for existence many years ago.

For the moment, however, we would settle for seeing the airlines get greater room to maneuver out of the difficulties that beset them. Flying on automatic pilot may be all right in sunny weather but when there are storms, planes should be in the hands of their pilots.

THE FREEZE AND BEYOND

Mr. SAXBE. Mr. President, some months ago, George P. Shultz, Director of the Office of Management and Budget, presented a little-noticed talk in Chicago. However, his speech caught the interest of a number of economists. Many of them criticized it, but some praised the speech as an excellent description of the economic policies followed by the Nixon administration. At that time, the thrust of the speech and of the administration's money policies was to slow inflation without severe economic decline by the use of moderate fiscal restraint, moderate monetary restraint, and a liberal dose of psychological persuasion.

I was one of many Senators who criticized this policy which stressed moderation rather than the establishment of a commission or some entity on wages and prices as well as action in increasing the productivity of the American economy.

Traditionally, inflationary forces have been offset by a reduction in Government spending and the moderation and stabilization of our economic forces. While our economy should not be fine tuned with a sledge hammer, I feel that with inflation almost out of control and during a very expensive war some more structured economic guidelines must be given priority.

Considering the complexity of the international monetary crisis, the Vietnam war, and our domestic unemployment problem, I applaud and welcome the President's 90-day freeze. It is my feeling that his new game plan aggressively combats these problems. Our trade enigma has been of growing concern. Economic recovery under the original Nixon plan might have worked out if our trade position and threatened balance-of-payments deficit had not been such a negative force on the economy. The positive action of the President is an affirmative step toward creating jobs, combating inflation, and dealing directly with the balance-of-payments problem as well as improving our international monetary policies.

More important, the President's new policy serves to stimulate confidence in the consumer as well as the worker. It encourages the consumer to spend rather than save, which spurs the business cycle of additional capital investment, new plant construction, and additional jobs.

We must have this additional investment to accomplish one extremely important element of any successful program. That element is productivity. It is unique in that it is the force that can lead an economic system out of a depression or stem runaway inflation. Increased productivity produces a higher rate of employment, more incomes, and increased demand. At the other end of the spectrum, in an inflationary economy, effective demand is greater than output and productivity must increase, supplying this ballooning demand and stabilizing prices.

I strongly feel that increased productivity can be obtained in this country by replacement of wornout machinery and equipment, if the President's tax package containing an investment tax credit is passed by Congress. Old equipment not only allows us to consume more than we produce, but is a severe disadvantage in the highly competitive international market. In short, we have been suffering from a recession-inflation economy. It is my feeling that productivity is the key to reviving our industrial leadership, allowing us to build new factories and to produce good products.

The President's policy is a first step to increasing productivity. I must emphasize here that the program is a freeze, not a set of controls. And, being a freeze for the period of 90 days, some inequities will exist. The freeze admits inequities but provides for adjustment over a long period of time. The President's freeze puts a lid on our economic system, slowing its momentum until we can instill consumer confidence in our products and production, thereby increasing our productivity, taking us out of the present recession—inflation economy and restoring our competitive position in the international marketplace.

On August 4, prior to the freeze, several other Senators and I urged the President to take more aggressive steps to combat our economic crisis, at that time we introduced two bills, S. 2413 and S. 2414.

The first establishes a National Commission on Wages and Prices specifically giving the President the power to set requirements as to Federal procurement, guarantees, loans, and grants to encourage compliance with the Commission's guidelines. The Committee on Banking, Housing, and Urban Affairs has scheduled hearings on the bill October 4 through October 8. I sincerely hope the legislation can play an important part in making phase II of the President's program a success.

In regard to increased productivity, I certainly agree with the administration. We must increase our output per worker per hour. Any phase II wage increases should be based on productivity. To accomplish this purpose, my fellow cosponsors and I feel that this measure would make an important contribution to increased productivity by encouraging more efficient practices, stressing maximum usage of technical and managerial talent and influencing wage and price changes. The legislation establishes a National Productivity Council coordinating with regional and local councils to revitalize the production base of our economy.

On September 16, the President outlined some firm restraints moving his game plan from a freeze to a more controlled economy allowing for more equitable adjustment for post-freeze complaints. It is clear that phase II will contain not only long-range controls, but standards for increases in wages, prices, and rents. Further, wage boosts will be tied to productivity.

I urge the administration to consider S. 2413 and S. 2414 as vehicles to effectively work out post-freeze differences among management, labor, and the individual taxpayer. A freeze of short duration can be administered on a no-exception basis, but to put teeth in future jawboning a rational more flexible approach must prevail during a longer period of controls. I am convinced, as are the other cosponsors of S. 2413 and S. 2414, that these bills provide an excellent start in the right direction. I sincerely hope that the Senate and the administration agree.

SUMMARY OF THE JOINT ECONOMIC COMMITTEE TESTIMONY ON ADMINISTRATION'S NEW ECONOMIC POLICY

Mr. PROXMIRE. Mr. President, the Joint Economic Committee has just concluded 15 days of hearings on the administration's new economic program. The testimony of the witnesses who appeared before the committee will be valuable to the Congress in considering legislation for phase II of the new economic program and in studying the long-run alternatives to fiscal, monetary and income policies. On September 8, 1971, I inserted in the Record the texts and summaries of statements from the first 7 days of hearings. The staff of the Joint Economic Committee has now prepared summaries of the testimony given the committee since September 8.

Mr. President, I ask unanimous consent that the staff summaries of the witnesses' prepared statements be printed in the Record.

There being no objection, the summaries were ordered to be printed in the Record, as follows:

Milton Friedman and Paul Samuelson

Professor Milton Friedman, Professor of Economics, University of Chicago, and Professor Paul Samuelson, Professor of Economics, Massachusetts Institute of Technology, generally agreed on the steps taken by the Administration on the international front, particularly with respect to the closing of the gold window and allowing the dollar to float.

Friedman was against any action by the United States to raise the price of gold. Samuelson would have no objection to the U.S. making a token change in the gold price if this were politically necessary to achieve the desired goal of quickly eliminating the 10 percent import surcharge and other protectonist devices. Both Friedman and Samuelson warned of the grave danger in continuing the surcharge for any extended period of time.

With respect to the new domestic program, Friedman and Samuelson differed sharply. Friedman felt the wage-price freeze was a mistake, that the economy was progressing satisfactorily and further stimulation by fiscal or monetary policies would only pile up inflationary forces which would be activated when the economy was once more decontrolled. He also applauded the President's cutback of Federal expenditures and receipts.

Samuelson held that the freeze was necessary, was working fairly well, and that it should be followed by an incomes policy with teeth in it. He recognized some stimulative impact from the President's fiscal program, but held that the "mix" of spending and tax cuts represented a distortion of the nation's priorities, with the tax cuts heavily oriented toward higher incomes, and the expenditure reductions reflecting postponement of needed aid to the poor and to localities in need of greater resources.

Samuelson noted that he had reviewed incomes policies in other countries and that on the basis of this study, he was convinced an incomes policy could be helpful for the U.S. He believed, moreover, that the authority to institute an incomes policy should be available at all times, even though it need not be invoked permanently.

Allen Ferguson

Dr. Allen Ferguson is an economic consultant who has extensive experience with the Federal Government. He served as an economist with the Office of Price Stabilization during the Korean War.

According to Dr. Ferguson the Administration's economic program is deficient in several respects. It does nothing to reduce concentration and monopolistic power. In fact it reduces competition through the import surcharge and the DISC proposal. The NEP uses a "trickle-down" approach with most stimulation directed at business, while the low income worker is ignored—no positive manpower program is proposed and welfare reform is postponed. The sectors of the economy most in need of assistance are bypassed by the NEP: the poor, the minorities, the cities and the depressed rural areas.

An alternative policy is proposed by Dr. Ferguson:

Prices and Wages.—Following the freeze wage-price standards should be announced which would be largely voluntary. However, the power of enforcement should be applied to large corporations and unions which are able to administer prices. The import surcharge and DISC should be rejected. The power of regulatory agencies to set prices should be suspended and government regulatory agencies should be reformed and eventually eliminated. The Antitrust Division of the Justice Department and the FTC should be strengthened through Congressional action.

Fiscal Stimulation.—With respect to business incentives, the investment tax credit should apply only to small firms and Congress should consider substitution of an undistributed profits tax for the corporate income tax. The emphasis of Phase II should be on the consumer and low income groups. Accordingly, welfare reform should be expedited, unemployment compensation programs should be expanded and individual income taxes, especially for low income groups, should be reduced.

ARNOLD A. SALTZMAN

Arnold A. Saltzman is president of the Seagrave Corporation in New York and served with the Office of Price Administration during World War II and the Office of Price Stabilization during the Korean War. Mr. Saltzman emphasized in his testimony that the economic crisis we are facing affords the opportunity to attack not only long-run economic problems but social and political issues as well.

With respect to the 90-day wage-price freeze, Mr. Saltzman argued that the freeze regulations perpetuate inequities, do not regulate interest rates or certain other commodities, encourage inefficiency and pose serious enforcement problems. The controls cannot be eliminated after 90 days, however, since to do so would create greater problems than existed on August 15.

The Phase II Policy proposed by Mr. Saltzman includes creation of an Economic Development Board which would have regulatory powers to correct imbalances in the economy. The board, appointed by the President, would also have an economic planning function. It would be able to affect prices, wages, interest rates, rents and resource allocations to achieve the broad objectives legislated by the Congress. The board would be assisted by an Advisory Council made up of representatives of labor, business, agriculture, and consumer groups.

JAMES TOBIN

James Tobin is a professor of Economics, Yale University.

Tobin emphasized that the United States and other major countries should take their time at arriving at new international monetary arrangements. He asserted the present floating system is perfectly viable and there is no urgency. The 10 percent import surcharge, according to Tobin may be useful as a bargaining tool in negotiations, but the United States should resist any demand to increase the dollar value of gold.

In Tobin's view, the chief problem in the domestic economy is stagnation. He urged that the tax changes recommended by the President should be modified to avoid any permanent revenue loss. He suggested that the auto excise tax be suspended for only one year instead of repealing it, and that the investment tax credit should be limited to a 7 percent rate for only one year also. The accelerated depreciation range should be abolished, and the investment tax credit should be limited to net rather than gross investment. Tobin believed it would be a mistake to postpone welfare reform or revenue sharing. In designing incomes price policies, he suggested that in any sector with high unemployment, no wage increase should be permitted regardless of the productivity guideposts. He hoped that under current circumstances, labor and management would give wage-price guidelines far more complete support than they did in the early '60s.

ARTHUR J. GOLDBERG

Past general counsel for several national labor unions, Secretary of Labor under President Kennedy, associate justice of Supreme Court, and U.S. Ambassador to the United Nations.

Ambassador Goldberg's first point of emphasis was on price and wage policies, where he argued that comprehensive rather than selective controls were necessary, that labor and management should participate in the agreed upon income stabilization program, and that policy should be embodied in a tripartite board. He also argued that profits should be controlled, and that the standard for policy should be stabilization of prices at levels that do not exceed the present ones, subject to equity adjustments, and wage increases should be linked with productivity growth.

In the international field, he argued that we should frankly acknowledge that the dollar is being devalued and move rapidly toward realigning international currencies so that the import surcharge can be removed.

With respect to the domestic tax proposals of the President's economic policy, Goldberg urged Congress to revise the proposal in the interests of fairness. He went on to say that if we are to move towards full employment we must make sure that tax relief is granted to workers and consumers as well as business. Finally, he said that this was the least appropriate time to delay much needed welfare reforms and financial assistance to our cities and states.

ARTHUR S. MILLER

Professor of law at George Washington University Law Center and expert in constitutional law.

Professor Miller presented a legal analysis of the President's NEP, concluding that it is invalid constitutionally and indefensible on the grounds of good public policy.

First, he argued that there is no doubt that the 10 percent surcharge on imports violates the General Agreement on Tariffs and Trade (GATT). Moreover, it represents a return to fortress America policies.

Second, he argued that the Economic Stabilization Act of 1970 was constitutionally invalid because it gives the President power to do virtually anything—the statute does not have standards that narrow the delegated power within reasonable boundaries. He also argued that this unregulated power cannot be justified by invoking war powers.

Finally, he argued that some specific interpretations of the Cost of Living Council were questionable and probably invalid. He focused on the abrogation of private contracts entered into prior to August 14th as an example.

He concluded in the note that Congress should play a more active role in setting legal guidelines to establish some sort of economic stabilization board.

SAMUEL LUBELL

Mr. Lubell is a noted public opinion analyst and author of the current book The Hidden Crisis in American Politics.

Mr. Lubell reported that his extensive interviews across the country indicated that the magnitude of the credibility gap has widened, that disenchantment with what government was doing had increased, and that these factors have great bearing on the success of the President's new economic program. He made the following recommendations for dealing with this fundamental malaise:

1. That any price and wage control program that follows the current freeze be established by law, with clearly stated principles and complete visibility. The operations should be conducted with the equivalent of a gold fish bowl, with tape recorders and telescopic photo lenses.

2. That tax incentives designed to stimulate industrial investment be supplemented by priority preferences for specific sectors of the economy, suffering from investment neglect, or where distortions of supply and demand cause price increases in excess of the general price level.

3. That some part of any proposed tax incentives be skimmed off for an accelerated anti-pollution effort, tied to the creation of an improve your country work program for the nation's youth.

4. That a new post be created—that of director of economic entry—charged with a double responsibility:

a. to coordinate all efforts to facilitate the employment of Vietnam veterans and young workers coming of age, as well as older workers who may be displaced;

b. To study all governmental policies and private economic practices, including the effects of wage-price negotiations, to judge and report publicly whether opportunities for entry into the economy are being reduced and how that is being checked.

5. That the relationship of strategic-defense policy to domestic economic policy be brought under constant, vigilant analysis by a revitalized Office of Emergency Planning, with new vigor and direction.

6. That the Administration arrange for the prompt publication of all papers of the National Security Council and other agencies that will give the public a full and clear picture of how the economic decisions relating to the war and our domestic economy were made.

LLOYD ULMAN

Director of the Institute of Industrial Relations at the University of California, Berkeley, and co-author of the authoritative book, "Wage Restraint: A Study of Incomes Policies in Western Europe."

Drawing upon his familiarity with incomes policies used in various European countries, Dr. Ulman made the following observations:

Incomes policy has been most successful as a short-run measure.

Only national emergencies have provided sufficient incentive for compliance. The avoidance of unemployment has been insufficient; the prospect of a faster rate of growth in real income has been insufficient; the prospect of redistributing income in favor of poorer groups has been insufficient.

Wage-price freezes are frequently marked by a drift of wages at the lower levels. The longer they run, the more probably it becomes that there will be an explosion.

There are certain advantages our system has over European ones. We have long-run, fixed-term collective bargaining agreements, and in our system the drift of wages over negotiated levels is minimized.

Short-run effectiveness of wage-price policies require two things:

1. active union cooperation
2. statutory legal enforcement authority

Union cooperation is dependent upon:

1. some protection in cost of living increases;
2. maintenance of equitable wage relationships;
3. special treatment for the lower end of the income distribution;
4. parity of treatment vis-a-vis non-wage incomes.

In order to succeed, an incomes policy must assure workers that they will receive a higher rate of increases in real wages with a lower rate of increase in non-wages than they would had in the absence of such a policy.

Although Dr. Ulman was pessimistic about past attempts at incomes policies, he believes that if they are sufficiently sophisticated, intelligent and thought fully carried out, they can be more successful in the future.

DAVID GINSBURG

David Ginsburg has had extensive experience with the problems inherent in wage-price control systems. He was General Council of the Office of Price Administration in World War II. As Executive Director on President Johnson's National Advisory Committee on Civil Disorders, he is also well aware of the dangers to society when society fails to develop programs of a fair, equitable and progressive nature. Ginsburg did not question the validity of the President's wage-price freeze action. Nevertheless, Ginsburg did think that, as a matter of public policy, the breath of the provisions is unwise and refuted assumptions that we are now moving into a very temporary system of controls.

The problems that we are facing today arise because of rigidities in the system. We, therefore, need price and wage stabilization because of those rigidities and because of the failure of competition in our system.

Mr. Ginsburg strongly supported the establishment of an Economic Stabilization Board with a Wage Stabilization Board and a Price Stabilization operating directly below it. It is essential to separate wage and price stabilization efforts. This is partly because the functions are different and it is partly to minimize the risk of that traditional partnership between labor and business which almost invariably operates to the detriment of the purchaser or consumer.

The Economic Stabilization Board, as seen by Ginsburg, should be the sole repository of legal power. Acting on appeals from the recommendations of the Price Stabilization Board and the Wage Stabilization Board there would be no appeals to or action by the President.

Final actions of the Economic Stabilization Board should be subject to enforcement by injunctions.

HAROLD R. SIMS

Harold R. Sims, Acting Executive Director of the National Urban League, provided useful information on the President's New Economic Policy as it relates to the members of minority groups and the poor.

Mr. Sims expressed grave concern over the crisis of unemployment in our cities and cited the President's action as hopeful in trying to avert economic calamity. He nevertheless warned that there is still some pessimism present that the action is too little and too late.

Tax cuts are of no value to those who are unemployed. We are not in a demand-pull inflation. The consumer is the key to recovery. We must now quickly grasp the opportunity to turn sagging employment and demand into a huge reservoir of services we so desperately need in schools, hospitals, clinics, forest, and in prisons and our outdated correctional system.

Welfare reforms and revenue sharing programs are also desperately needed to realign our national priorities. "Things" are being placed before "people" and this is intolerable.

Mr. Sims felt that the President's plan does little to help the blacks and the poor. Poorly paid workers are being told they must continue to exist on inadequate salaries for at least the next 90 days.

The President's program is well-intentioned but it falls far short of answering the needs of those farthest down the economic ladder. After the 90 days, the Nation should be looking forward to an American Domestic Marshall Plan, for nothing less can bring full employment and prosperity to all.

LEONARD WOODCOCK

President of United Automobile, Aerospace and Agricultural Implement Workers of America, UAW.

Mr. Woodcock was highly critical of the New Economic Policy saying that in itself it is a confession of the failure of the Administration's previous policy and the new policy is equally misguided.

Mr. Woodcock addressed his remarks to three major areas.

Taxes and Unemployment: The current level of unemployment is completely unacceptable. Tax cuts for low and middle income consumers would quickly provide jobs and close the gap between actual and potential GNP. The investment tax credit is a windfall for business, it will not stimulate investment beyond levels which would otherwise have been reached, and its contribution to employment will at best be marginal. Similarly ADR and the DISC proposal are tax "giveaways." In lieu of these, Mr. Woodcock submitted his own list of proposed changes.

Balance of Payments: The UAW supports the suspension of gold convertibility and the temporary import surcharge. To promote price competition with imports, Mr. Woodcock submitted a formula for a "Competition Promotion Tax."

Wage-Price Stabilization: There are inequities in the current freeze which must be adjusted as soon as the 90-day period ends. Following the freeze, the UAW supports a Price-Wage Review Board as set forth in HR–10592. A price and wage stabilization program will be acceptable to organized labor only if it is "voluntary and tripartite and applies equitably to all forms of income." To assure equity between wage and non-wage incomes, Mr. Woodcock proposed an Income Equalization Tax.

ROBERT V. ROOSA

Mr. Robert V. Roosa is a partner in Brown Brothers Harriman & Company. He served as Under Secretary of the Treasury for Monetary Affairs from 1961 to 1964.

With respect to incomes policy, Mr. Roosa favors creation of a tripartite board which would issue guidelines on acceptable wage and price increases. The board should have enforcement powers as long as inflationary pressures remain strong. The board should not act, however, until a full review of the proposed price or wage increase has been conducted. Mr. Roosa indicated support of the Okun plan that would allow wages to increase by the amount of increase in productivity plus one-half the cost-of-living increase of the previous year.

On the investment tax credit, Mr. Roosa favors reinstatement of the credit, but at a flat rate. It should help to preserve American competition with our trading partners.

The international policies recommended by Mr. Roosa are:

Prompt elimination of the import surcharge. While it was valuable in dramatizing international economic problems, it will become a destructive element if retained beyond 5 or 6 months.

Gold convertibility should not be restored. While Mr. Roosa would be willing to consider a change in the price of gold if convertibility is not restored, he wants to deemphasize the role of gold in the international monetary system.

The exchange rates should be expressed in terms of SDR's and the SDR's would be defined, for nominal purposes only, in terms of gold. If any change is to be made in the SDR price, it should be a joint decision of all IMF members and not a unilateral action of the U.S.

SENATOR PHILIP A. HART

Senator Philip A. Hart testified in his capacity as Chairman of the Senate Subcommittee on Antitrust and Monopoly.

Senator Hart said that new legislation is needed to control the monopoly power of large corporations if we are to restore price stability to the American economy. The wage-price freeze represents a radical departure from our past economic policies, and while it won't be retained permanently, the freeze signals a movement towards some permanent government power over private transactions.

The experience of the past 2 years has proved that fiscal and monetary policies are undermined by the pricing decisions of firms that actually control the market. The longer run solution to the inflationary spiral we are in lies in more effective application of antitrust measures. While the Sherman and Clayton Antitrust Acts are perfectly adequate tools, most Administrations have been reluctant to use them. Enforcement of antitrust laws is such a politically sensitive issue that a new Congressional mandate is needed.

Senator Hart suggested three possible alternatives to present authority:

A corporate licensing system that could deny permits to firms with undue economic power and monopolistic position.

A new enforcement commission with broad powers to break up existing concentration.

Addition of more stringent guidelines to old antitrust laws.

LAWRENCE R. KLEIN

Benjamin Franklin Professor of Economics University of Pennsylvania; Chairman of the Board of Trustees of Wharton Econometric Forecasting Associates; author of An Econometric Model of the United States, 1929–1952 and The Wharton Econometric Forecasting Model.

Dr. Klein's testimony summarized the results of a study of the possible effect of applying guidelines to profits as well as to wages. This study is described in greater detail in an article by Dr. Klein and Dr. Vijaya Duggal in the Wharton Quarterly, Summer, 1971.

The following assumptions were introduced into the Wharton simulation model of the U.S. economy: 1) Wages increase no faster than average productivity growth; 2) taxes on corporate profits are adjusted so that after tax profit per unit of capital also increases no faster than average productivity growth; 3) Any extra taxes collected in order to control profits are respent by the government so as to avoid any unwanted restraint on economic activity. The long range Wharton forecast based on these assumptions suggests that such a policy would substantially hasten a return to full employment with reasonable price stability. The model projects a reduction of unemployment to 3.5 percent by mid 1973, with the rate of inflation reduced to about 2 percent. Dr. Klein's statement did not address itself to how such a profits tax could be administered in practice or how the necessary variations in Federal spending to counteract variable tax receipts would be achieved.

Dr. Klein estimates that within a period of about five years price will have stabilized sufficiently that the profit tax will no longer be needed. Profits would stay within the guidelines without any formal policy of restraint. Thus he regards the profits tax proposal as a transitional rather than a permanent policy.

LAWRENCE B. KRAUSE

Senior Fellow, Brookings Institution, Senior Staff Economist, Council of Economic Advisers, 1967–1969. Author, Sequel to Bretton Woods: A Proposal to Reform the World Monetary System, Brookings, 1971.

Dr. Krause's testimony was addressed primarily to the international aspects of economic policy. He expressed the belief that a reasonably satisfactory exchange rate realinement could be negotiated fairly quickly and that the import surcharge should be abolished as soon as this was achieved. Fundamental reform of the international monetary system, which will take longer to achieve, could then be taken up in a better atmosphere.

Dr. Krause recommended that under a reformed international monetary system, the United States would not be obligated to convert dollars into gold, but would define the value of the dollar in terms of special drawing rights. Dr. Krause would prefer a system in which the par values of all currencies would be defined in terms of SDRs and in which official gold holdings would be replaced by SDRs. The system would also provide for wider margins around the par values of currencies and for a strengthened role for the International Monetary Fund. Existing stocks of monetary gold could be turned over to the IMF (in exchange for SDRs) and gradually sold by the IMF or the World Bank on the private market, with any profits being used for World Bank programs of aid to less developed countries.

Henry C. Wallich

Seymour H. Knox, Professor of Economics, Yale University, Member, Council of Economic Advisers 1959–1960. Consultant to the Dept. of the Treasury.

Dr. Wallich made the following suggestions with respect to international economic policy: the import surcharge, while it clearly should be temporary, should be retained long enough to obtain adequate new exchange rates; a new international monetary system should provide for wider bands and limited floats; short term capital flows might be reduced by requiring large multinational corporations to stabilize their overall foreign exchange positions; and only the U.S. "basic deficit" should have to be settled in reserve assets, with any additional deficit arising from short-term capital flows being settled in dollars.

With respect to price and wage stabilization, Dr. Wallich advocated a surtax on corporations which grant wage increases in excess of a wage guideline. Such a policy, he believes, would allow market forces to work in favor of wage and price restraint. With regard to profits, Dr. Wallich opposed any type of excess profits tax but suggested that, if such a tax were imposed, it should be based on aggregate profits as a percent of gross national product rather than on any attempt to judge the appropriate level of profits for individual firms.

Dr. Wallich supported the fiscal aspects of the Administration's new program both as providing the right amount of stimulus and the proper emphasis on investment. He argued that the tax system requires a permanent restructuring designed to give greater inducement to investment and that the investment tax credit will fill this need.

W. P. Gullander

W. P. Gullander, President of the National Association of Manufacturers, presented to the Committee his views as one of the leading industrialists of the Nation. Mr. Gullander has been president for the NAM for almost a decade. Prior to that, he held top-level positions at General Dynamics Corporation, Weyerhauser Company, and General Electric.

Mr. Gullander expressed the Association's contention that authority to control wages and prices should be vested in the Cost of Living Council rather than in a tripartite board. This position is based on the principle that governmental authority should be exercised by government officials. The members of the board, whoever they may be, should be instructed to act as representatives of the whole nation, rather than defenders of the narrow interest of some segment.

The NAM president pointed out that the price-wage freeze should be only temporary because the entire price- and wage-setting process is incompatible with a free enterprise economy.

Emphasizing the need for an easing of the tax burden on business, he urged the Congress to enact the investment credit as soon as possible. He could not think of any measures which would more directly assure long-term growth of output and employment and the improvement of productivity.

Mr. Gullander refuted parallelisms being drawn that since wages are being controlled, equity demands that there be some form of control on profits. He said that the correct parallelism is between wage controls and price controls. A productivity guidepost for wages, combined with a cost pass-through system for establishing price ceilings, seemed to insure balance and equity. An excess profits tax destroys the incentive for curbing costs and penalizes business expansion.

FOR A NATIONAL MOBILIZATION TO ATTACK DRUG ABUSE

Mr. HARTKE. Mr. President, several national opinion polls have confirmed that the American people consider drug abuse to be one of the three major problems facing our society. The principal force behind this concern is the fear of crime caused by addicts seeking money to maintain their habits and the lack of understanding of the different life styles followed by younger and older generations.

The major thrust of society's response to drug abuse has been to incarcerate the abusers. By putting them out of sight, we have sought to keep them from offending our sensibilities. Tragically, the harm caused to both society and to the individuals involved far outweighs any benefits of this approach. Disrespect for the law has been only one by-product. Our prisons themselves have become promoters of drug abuse, turning loose on society even more drug abusers.

We must make a serious commitment to fight drug abuse, but that commitment must be positive. It must emphasize education, treatment and rehabilitation, rather than incarceration and imprisonment. Recently, an article written by Jerry Finkelstein, chairman of the New York City Democratic Committee and publisher of the New York Law Journal, appeared in the New York Times. Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Unhooking Addicts

(By Jerry Finkelstein)

An astronaut, back from the moon, displays symptoms of an unknown disease. The disease spreads, killing many and permanently disabling most of those who contract it. What comes next?

Any science fiction fan knows that the President declares a national emergency and appoints a czar with plenary powers to meet the threat.

Men, money and materials would be coopted.

Red tape would dissolve.

All who could conceivably contribute to solving the problems would do so, willy-nilly.

The Manhattan Project, the New Deal and the space program would be dwarfed by comparison. And the finest minds, backed by the resources and power of our country, would solve the problems. The threat would be overcome.

That is fantasy. But is reality better? We have our own mutating Andromeda Strain in the opiates, barbiturates, amphetamines and hallucinogens. Cocaine has re-emerged and laboratories are inventing synthetics and derivatives faster than they can be outlawed. Instead of infection we have addiction.

Our present Andromeda Strain did not come from the moon or outer space. It comes from the poppy fields of Turkey via the laboratories of Marseilles, the hemp fields of Mexico, the chemical laboratories of great universities and from dozens of other sources. It is spread by human rats and lice rather than more primitive vectors. It does not kill quickly and cleanly nor disable neatly and tidily. It also degrades.

It is unnecessary to dwell on the scope of the drug crisis. Anyone who needs to be convinced that there is a drug epidemic must be a newly trained translator in Peking.

What do we actually have to meet the drug crisis? Piecemeal programs and minuscule financing. Temporizing statements and dangerous panaceas.

The lack of basic research is frightening. We know more about moon rocks than marijuana. Is it dangerous or not? Should we legalize it or class it with the hard drugs? Ironically, the only answer given as to why marijuana and other hallucinogens should not be legalized comes not from science but from history. Only two societies tolerated the widespread use of hallucinogens: the Arab, which then managed to turn the most fertile part of its world into a desert; and peyote-chewing tribes, whose noblest hour came as their hearts were ripped out as human sacrifices to foreign gods.

As to hard drugs, a current palliative is methadone, which, like heroin, is a derivative of opium. Even as a palliative, this is inadequate; and we must heed the nagging memory that the original use of heroin, as the authority Hindesmith notes, was "as a non-habit-forming substitute for opium or morphine or as a cure for drug addiction."

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace.

The United States has attacked many difficult problems and found solutions through massive injections of money and talent. Drug abuse should be approached in the same manner.

Why haven't the obvious steps been taken?

Cost should be no consideration. The Manhattan Project produced the atomic bomb—and radioactive isotopes are a mainstay of modern medicine.

The space program put men on the moon—and whole industries produce undreamt of products (including advanced prosthetics) as a result.

Can one conceive of the potential by-products of the war on addiction? Wholly apart from the heartbreak tragedies prevented, the crime and corruption uprooted, and the malaise of fear eliminated, we can predict priceless discoveries in biochemistry, psychology and many other fields.

Who would oppose any remotely reasonable steps taken?

Industrialists with billions lost annually from lowered productivity, absenteeism and theft?

Unions with their members fearful for their children?

Farmers with the infection now spreading to the most remote communities?

Churches?
Blacks?
Judges and lawyers?
Physicians?
Shopkeepers?
Liberals?
Conservatives?

Only organized crime would oppose a war on addiction.

How old are your daughters and granddaughters? I have two granddaughters and hope for more, I would revere any man who could wipe out addiction—and so would you.

> Polio crippled, but it did not debase. Cancer kills, but it does not degrade.
>
> We honored Drs. Salk and Sabin for conquering polio. A greater mantle awaits the conqueror of cancer.
>
> Why has no one made a name for himself as Mr. Anti-Addiction? Is it because the job of making any serious impact is too great for anyone but the President of the United States?
>
> The President has a unique opportunity. Already, with the freeze, he has established that he has the capacity for taking drastic action, together with the ability to accept ideas from others regardless of party. I pray that he will use his great powers against the common enemy of mankind and start to vanquish drug addiction now. We can't wait.
>
> Jerry Finkelstein is chairman of the New York City Democratic Party, and publisher of The New York Law Journal.

WHY THE IMPORT SURCHARGE IS NECESSARY

Mr. FANNIN. Mr. President, we are being told repeatedly that a continuation of the 10-percent import surcharge will bring dire consequences for the United States.

It is my belief that this surcharge must be maintained until we obtain the objectives outlined by the administration—reform of the international monetary system, an end to unfair trade practices and barriers, and a more equitable system of sharing the cost of free world defense.

The danger lies not in imposing or in maintaining the import surcharge, but in yielding before we have obtained the necessary reforms.

President Nixon proclaimed this surcharge on the recommendation of the Commission on International Trade and Investment Policy. This Commission, established on May 21, 1970, has examined the principal problems in the field of U.S. foreign trade and investment and was requested to produce recommendations designed to meet the challenges of the changing world economy.

The Commission stated that there was an urgent need for action and that first priority should be given to correcting certain of our immediate problems by the imposition of a uniform import tax.

Treasury Secretary Connally has repeatedly stated that the surcharge is necessary and will remain until our trading partners remove their trade barriers. I agree with this.

Mr. President, it is easy to see how the public can be misled by opponents of the surcharge. Consider the statements attributed to Hendrik Houthakker, a former member of the Council of Economic Advisers. He declared that the administration is being "entirely unrealistic" in its use of the 10-percent surcharge as an international bargaining weapon. Earlier Mr. Houthakker testified before the Subcommittee on International Trade of the Committee on Finance:

> The point I want to make is that imports not infrequently are blamed for developments of purely domestic origin.
>
> In fact there are relatively few important sectors of the economy where imports constitute a large enough percentage of supply to affect employment and profits to a serious extent. The notion that we are being flooded with imports will not bear examination. In 1967, the last year for which comprehensive data are available, there were only 25 four-digit manufacturing industries (out of a total of about 400) where imports accounted for 20 percent or more of total shipments; these 25 industries represented only 25 percent of the value of domestic shipments in all manufacturing. There is no reason to think that these figures will be very different for more recent years.
>
> Even though the impact of imports is frequently exaggerated, it remains true that the burden of adjustment may be too heavy for any particular industry to bear. This is why adjustment assistance may be necessary.

The testimony of Mr. Houthakker is directly contrary to the President's Commission on International Trade and Investment Policy and other witnesses before the Subcommittee on International Trade.

Mr. Houthakker appears to be telling us first, we really do not have a problem and, second, if we do, we can offer workers displaced by imports a form of unemployment compensation called "adjustment assistance." It is merely another form of temporary public welfare.

Fortunately, this country has finally recognized that we are in deep trouble in international trade—trouble far more severe and important to the Nation than the public had been led to believe. The traditional U.S. surplus on merchandise trade, relied upon to offset deficits on other accounts, has disappeared since its peak in 1964. Since that time the growth of U.S. imports has well outstripped the growth of exports and has led to a total deficit of $14 billion from 1966 through 1970.

The report submitted to the President by the Commission on International Trade and Investment Policy recommended a surcharge and the President has taken an obvious and much needed step to reverse our critical trade problem.

Mr. President, let us briefly explore some of the important factors which have had significant detrimental effects on merchandise trade.

First, the combination of the value-added tax and the related adjustment of border taxes imposed by the European Economic Community on imports. This system of taxation on imports allows the EEC to subsidize their exports by providing a tax rebate. For instance France has a border tax of up to 33 percent on most industrial products. The EEC appears to be moving to a uniform rate of 15-percent tax on imports and an equal rebate on exports. How does that compare with a mere 10-percent import surcharge?

Second, the variable import levies imposed by the EEC on agricultural imports. This system under which duties are assessed on food imports to bring prices up to the relatively high EEC level is equivalent to a tariff of 35 percent. This is higher than the agricultural tariff of any other industrial country. The variable levy also enables the EEC to subsidize their exports to third countries in competition with the United States. How does this compare with a mere 10-percent import surcharge?

Third, the closed Japanese market. Japan has one of the most highly protected markets in the world. With a closed domestic market insulated against foreign competition, domestic prices can be easily fixed at a high figure. Japan charges its own people more money for domestically consumed manufactured products than they charge for the same products shipped here, thus subsidizing their exports to penetrate and take over American markets. Now let us consider tariffs on two products that have been flooding this market—autos and television sets.

The Japanese can put a Toyota in the United States for $50 in duty while it costs us $450 to put a comparably priced car in Japan. From 1968 to 1972 the U.S. tariffs on imported television sets were to be reduced from 10 to 15 percent. During the same period the Japanese duty on imported sets was to be reduced from 24 to 11 percent. The Japanese later announced that tariff rates were to be cut to 7.5 percent. While this sounds encouraging, the fact remains that we cannot sell one TV set or auto in Japan. Hence, 7.5 percent of nothing is really no better than 24 percent of nothing. The tariff disparity of $450 to $50 for autos is considerable, yet this figure is meaningless when we consider that the Japanese have almost insurmountable barriers for American cars. How does this compare with a mere 10-percent import surcharge?

Fourth, in the area of export subsidies and incentives, our trading partners provide a whole host of subsidies such as direct export subsidies, rebates of taxes by virtue of exportations, preferred tax treatment, currency manipulations in favor of exports, export financing and insurance, and price supports.

These subsidies are verified when we compare the excess of domestic prices over export prices. Fred J. Borch, chairman of the board of General Electric Co., presented a table to the Subcommittee on International Trade showing how the governments of our trading partners help exporting industries at the expense of domestic consumers.

EXCESS OF DOMESTIC PRICE INDEXES OVER EXPORT PRICE INDEXES

(Expressed in percent)

	G. 1960	H. 1964	I. 1970
Japan	−20	+3	+33
Italy	−19	+5	+16
United Kingdom	−4	+1	+21
France	−10	−1	+18
Germany	−2	+2	+5
Canada	−7	+1	+2
United States	−3	0	+4

How does this compare with a mere 10-percent import surcharge?

Fifth, one of the least understood and underpublicized elements in foreign trade is the EEC discrimination toward Japan. The dominant purpose of the early U.S. negotiations was to open the markets of the EEC for the products of Japan.

In a display of goodwill the United States opened wider its markets for the products of Europe through tariff concessions in exchange for commitments by European countries to confer trade concessions upon Japan. While the liberalization of our import trade from Europe and Japan proved to be permanent, the intended concessions from Europe to Japan proved to be highly transitory. European nations reserved the right to impose quotas on imports from Japan to safeguard European industry and balance of payments. This reservation under article XXXV of the General Agreements on Tariffs and Trade has been systematically used by European nations to hold Japanese imports at bay, preventing the degree of inundation of European markets which has become commonplace in the United States. Thus, since most European countries now bar many categories of Japanese goods, that country resorts to exporting those goods on the relatively accessible market of the United States. As a result, the United States absorbs 30 percent of all Japanese exports whereas the EEC with double our population permits only 5 percent of Japanese exports to enter their market. Compare this action with the criticism leveled at this country by the EEC for the imposition of the 10-percent import surcharge.

Mr. President, for the first time in years this country has a lever to encourage our trading partners to eliminate the above inequities and unfair trade practices. Today our trading partners can stand on their competitive feet. It is in the U.S. interest to be more vigorous in insisting on trade reciprocity and negotiating a reduction in tariff and nontariff barriers. The 10-percent surcharge is the opening wedge to bring about such action.

INSURED EMERGENCY LOANS

Mr. TOWER. Mr. President, I am pleased to cosponsor with Senator Eastland and Senators Stennis, Allen, Dole, Bellmon, and Long Senate bill 2559, to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans.

The bill would authorize the Secretary of Agriculture to use the agricultural credit insurance fund to make Farmers Home Administration emergency loans and sell them as insured loans. The purpose of the bill is to assure adequate financing through FHA to farmers and ranchers suffering from crop failures as a result of a natural disaster. In the past, and under present law, emergency loans are financed by apportionments from the emergency credit revolving fund. When the amount of cash in the fund is not sufficient to meet unforeseeable demands arising from natural disasters declared by the Secretary or major disasters declared by the President, a supplemental appropriation act becomes necessary in order to provide assistance for the disaster victims. This bill would not only make it possible to shift the source of funding of the program from the public to the private sector but would also make available a more flexible method of funding which would be more appropriate to the sudden and unpredictable needs caused by disaster.

This past year has created a severe strain not only on the farmers and ranchers of this Nation but has required the President to request additional funds be made available to assure the survival of agriculture in many States.

The drought and flooding conditions in the southern coastal States are evidence of the perils faced by our farmers and ranchers. Should a delay in funding the emergency programs for disaster relief cause a delay in feeding livestock or planting crops, then our farmers could face missing an entire "crop year" effecting a serious economic problem. This bill will also enable the FHA to reconstitute farmers' obligations over a period that will enable them to overcome their disaster.

MORRIS KAPLAN

Mr. MOSS. Mr. President, Morris Kaplan, technical director of Consumers Union and a supporter of progressive consumer legislation died on September 15, 1971, at his home in New Rochelle, N.Y. For 25 years, Mr. Kaplan served as the technical director of CU taking on the task of directing the extensive testing program and insuring the accuracy and competence for which we look to Consumer's Union for guidance.

Mr. Kaplan was an outspoken champion of product safety legislation. We knew him well for the strength of his support for the Toy Safety Act and flammable fabrics legislation. Just last November, Mr. Kaplan demonstrated hazardous toys which were still on the market due to lax enforcement of the toy safety law. A lawsuit brought by Consumer's Union can be credited with bringing about increased vigilance on the part of the administrators of the toy safety legislation.

The public has suffered a great loss with the death of Mr. Kaplan. His enthusiasm, talent, and intuition made him a hero for the consumer. To his family I extend my sincere and deeply felt condolences.

GENOCIDE: PROWESS AND INGENUITY

Mr. PROXMIRE. Mr. President, war crimes are not new to man's experience. Indeed, it could be said that war itself is the ultimate war crime.

But what can be done? For ages men have tried to find a way to settle their differences without recourse to violence. but apparently no permanent solution has yet been found.

Meanwhile, as we continue to look, our latest advances in technological prowess combine with our natural ingenuity to give man the awesome power to terrorize, mutilate, and kill other men—on a scale vaster than his forebears had ever imagined.

Similarly, the crime of genocide has occurred in the past from time to time, and has been dutifully condemned afterward. As man has become more proficient in the art of war, the capacity of nations to commit genocidal acts has also become greater. Massacres which would have seemed deeply repugnant in more tranquil times now can be dwarfed by crimes of even greater immensity.

Genocide is inherently a crime of immense proportions—not one murder or two murders, but indiscriminate mass murder aimed against an entire ethnic, religious, or national group.

Perhaps we cannot abolish war at this time. But we can take steps which would constrain nations from genocide. We can establish genocide as a crime and create procedures for trying and punishing violators.

That is what the Genocide Convention does.

And that is why the Senate should ratify the Genocide Convention soon.

LOS ANGELES EMERGENCY COMMAND AND CONTROL SYSTEM

Mr. CRANSTON. Mr. President, the International Association of Chiefs of Police is holding its annual conference in Los Angeles this week. Mr. Jerris Leonard, the Administrator of the Law Enforcement Assistance Administration, will attend the conference and speak to its second general session today. During his stay in Los Angeles, Mr. Leonard will also receive a demonstration of the proposed Los Angeles emergency command and control system.

I took the opportunity to write to Mr. Leonard and urge immediate LEAA approval of Los Angeles' request for Federal funds for implementation of this vital program. I ask unanimous consent that the letter be printed in the Record.

To the remarks therein, I would like to add the following comments. I believe that the Los Angeles command and control system is an excellent example of the way in which military and aerospace technology can be applied to critical domestic problems. It was developed by one of the Nation's leading aerospace companies. During its implementation, unemployed engineers and scientists can be put back to work.

We should follow this first effort with other Federal spending which will encourage private industry to explore other ways to solve our problems here at home. If we abandon the tragic war in Vietnam and unnecessary expenditures of strategic armaments, we will have the money we need for more police systems like the one in Los Angeles, mass transit for our cities, and health care for our people, young and old.

But we will not solve our domestic problems if we continue to fund our programs in a piecemeal fashion. As long as each of the 50 States is forced to do its own research on police or other needed programs, we will be faced with duplication and our progress will be minimal. Instead, we must have Federal backing for pilot projects like the command and control system in Los Angeles. These will provide examples for other jurisdictions. In addition, we must develop central procurement systems that will reduce costs and at the same time allow quicker and more efficient implementation of vital domestic programs.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., September 24, 1971.

Mr. Jerris Leonard,
Administrator, Law Enforcement Assistance Administration, Attorney General Office, Washington, D.C.

Re LEAA Grant Application P71–209

Dear Mr. Leonard: Recently, at a hearing of my subcommittee on Production and Stabilization, I had the opportunity to receive testimony regarding the proposed Los

Angeles Emergency Command Control Communications System. To implement the system, the City has applied for a four year grant of $43,929,868 under the Law Enforcement Assistance Administration (LEAA), to be matched by $14,643,289 in City funds. Its first year request is $4,501,721.

I was tremendously impressed with this project and believe it will greatly improve law enforcement in the future. It is truly a space age communications system for today's police departments.

I am informed that you will soon receive a demonstration of this project. It is for this reason I am writing you now to urge approval and full funding of this vital program.

The project will be a national investment in improved law enforcement which almost certainly will pay dividends in more efficient police work and crime reduction in every state.

Police dispatch time will be reduced by 60%. Thus, more criminals will be apprehended faster. Costs will be lower. Officers' lives will be saved and citizens will be better protected. Police morale will be improved. And during civil disturbances or natural disasters such as floods or fires thousands of lives could be saved. (During the recent San Fernando Valley earthquake, for example, tens of thousands of residents had to be evacuated on an emergency basis. Police communications systems were already overloaded. If the proposed high-speed computerized communications system had been in existence, police calls could have been handled much faster and more efficiently.)

Los Angeles Police Chief Edward M. Davis had informed me that the system, when fully operational, will save the City $77 million over a ten-year period. This is in addition to less tangible benefits such as improved crime control, faster reaction to emergencies and police safety.

The savings will continue after the ten year period. Chief Davis estimates that the present manual communications system, utilizing standard two-way voice radio apparatus, will cost Los Angeles about $12 million a year to operate. The proposed computer system will cost only $5 million to operate.

Los Angeles has a huge geographical sprawl (463 square miles) and unique police communications problems. It is thus an ideal testing ground for development of new and needed communications systems.

In addition to geographic problems, Los Angeles has fewer policemen in ratio to population than heavier populated eastern cities. Its ratio is about two and a half policemen per thousand population versus four policemen per thousand in many large cities in the east.

Development of this system in Los Angeles obviously could lead to better utilization of police all over the nation.

Small as well as large cities could benefit from this system. There is no reason why entire counties should not be linked by central dispatch-communications centers. Fire departments could be included in these systems, providing dual advantages of savings and better civilian protection.

Last year I asked in a letter to police chiefs, sheriffs, and law enforcement officials all over my state to comment on their needs. The consistent response was the need to improved communications. I believe that the same needs exist in cities all over the country.

Once the first system is implemented in Los Angeles, it will be easier and cheaper to design and build similar systems in other cities. Thus the first steps taken in Los Angeles will mean better law enforcement in other parts of the nation.

The State of California has begun to develop its own statewide computerized communications system which already is proving highly successful. Local links to the state system will provide even greater law enforcement efficiency when cities and counties develop such systems.

But no city, hard-pressed as all of them are for funds to meet day-to-day operations, can invest many millions in new police communications network even though it can be shown that such an investment will eventually result in actual savings. For the fact is: this large amount of money simply is not there and there is no way to get it.

That is why it is so essential for the federal government to finance projects such as the Los Angeles Emergency Control Command Control Communications System.

I urge you and your staff to give this project your closest study.

I think you will agree with me that Los Angeles, after having looked at several different designs and performing cost tradeoff studies, selected this because it was the most effective and efficient. I strongly believe that the federal government must assist local governments through this form of revenue sharing, and I will support your efforts in providing our citizens better police protection and law enforcement. The Los Angeles proposal is a vital step in that direction.

Sincerely,

ALAN CRANSTON.

RESPONSIBILITY OF UNION LEADERS

Mr. FANNIN. Mr. President, recently my colleague from Arizona (Mr. GOLDWATER) addressed a meeting of the National Retail Merchants Association here in Washington.

In the speech, it was suggested that union leaders get in step with rank and file workers in supporting the wage-price freeze.

It also was proposed that unions accept the responsibility that they rightfully should have of helping improve the quality of workmanship in American products. There was a time when unions, or guilds as they were known in the old days, were interested in pride of workmanship. Anyone who was not qualified to do a job was drummed out of the corps. Now the only thing the unions seem to think about is how much money they can wring out of employers—and thus the public—in their next contract.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts of remarks made by Senator GOLDWATER on September 14, 1971.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS BY SENATOR BARRY GOLDWATER, OF ARIZONA, BEFORE THE NATIONAL RETAIL MERCHANTS ASSOCIATION, WASHINGTON, D.C.

WHAT ABOUT A FREEZE ON POOR WORKMANSHIP?

Mr. Chairman and honored guests, needless to say, I am delighted to be here today as I always am when it comes to the retail merchants. As most of you know, my interest stems, not from politics, but from a long and enjoyable experience as a retail merchant in my home State of Arizona. I know about your organization, and I know of your deep interest in the things that are going on in the nation's capital today which have such a direct bearing on your businesses and upon the welfare of your customers.

It is not my intention here today to attempt to play economist and to give you a long dissertation on my views about our nation's economic and monetary and financial problems.

Let it be sufficient to say that I am well versed in how the situation came about. For I was an eye witness to much of the extravagance and waste and irreponsibility which piled one Federal deficit on top of another during the Kennedy and Johnson years. I was one of those who raised my feeble voice in the cause of sound government financial policies and in warning about the run-away inflation which would follow the continual deficit financing by the Federal Government.

I am sure you realize that I am perhaps one of the last people on Capitol Hill who could be expected to sanction wage and price controls of any kind. But I recognize that the program outlined by President Nixon to correct long years of irresponsible economics in government was forced upon him by the weight of circumstances. I do not believe that the President of the United States had any choice. I believe the course he took was made inevitable by the inattention to sound financial policy which has characterized the Federal Government through much of the last 30 years.

It was time for drastic action. I can only say that the people of the United States are fortunate that when this time of decision was reached, they had in the White House a President who was unafraid to take the steps that were indicated, regardless of the consequences to his own political future or that of his political party.

Now today we find a nation which is overwhelming in its support of its President in a time of true national emergency. Cooperation has been given or pledged by most important individuals and groups throughout the length and breadth of the country.

But there are notable exceptions. For example, we find union leaders like AFL–CIO President, George Meany, and Longshoremen's Boss Harry Bridges doing their best to make the President's job more difficult.

At a time when an overwhelming number of the American people and an overwhelming number of rank and file labor union members are supporting the Administration and doing their best to cooperate, the union leaders who over the past years have played an important role in creating the mess are withholding offers of help. Indeed, we find Mr. Meany placing conditions on his organization's support. He has actually presented what can only be called a list of demands, including limitations on corporate dividends and profits, flexible wage guidelines, and a tripartite wage stabilization board with representation from labor, business, and the public.

When I read in the newspapers about Mr. Meany's arrogance and his demands, I am reminded of the time when John L. Lewis threatened to limit the United Mine Workers' support of the Roosevelt Administration in World War II unless his demands were met.

Now I'd like to make a suggestion to Mr. Meany. In fact, I'd like to make several suggestions to Mr. Meany. I should like to begin by suggesting that Mr. Meany join the majority of responsible American citizens in supporting his Government in a program aimed at helping all Americans, including union members and their leaders. I should like to remind Mr. Meany of the great strides his unions have made and how much the exorbitant wage demands by some unions contributed to the cost-price spiral.

Then I should like to ask Mr. Meany—while he is so busy making demands of the Federal Government and of the corporations and of the people—if he can't contribute something of his own. I should like to ask Mr. Meany whether he believes it might be possible to get some old-time pride in craftsmanship from the workers whom we pay so dearly. I wonder if it wouldn't be proper to ask Mr. Meany if he has done anything lately to bring about a situation where the American homeowner can get some fair workmanship and speed from the plumber he calls to fix a leaky faucet. I wonder if we couldn't inquire of Mr. Meany whether he sees any time in the future when a homeowner can hire a carpenter and get a decent job of work done for the exorbitant price he has to pay. I wonder if Mr. Meany's influence couldn't get the American people better mechanical work for repairs on their automobiles. I wonder if the union leaders who are showing such an arrogant, demanding face to a President struggling with a problem they helped to create might help improve the quality of American workmanship.

Ladies and gentlemen, I mean what I say. I no longer take the pride that my father and my uncle and my grandfather took in the quality of Yankee workmanship. I am not puzzled that we are encountering more and more competition from abroad. Let me say it like it is—foreign producers are making better products than their competitors in this country. And that goes all the way up and down the line. Better steel is made abroad. Better and cheaper automobiles are made abroad. Better radios, televisions, recorders, and other electronic items are made abroad.

It's about time that we ask for better work, especially from the workers in our highly unionized industries and crafts. And who better is there to ask than the men who beat their chests and proclaim so loudly that they speak for the American workingmen and that they have the welfare of all American workers at heart.

It is time for cooperation from everyone—not just a few. The retail merchants in this country are cooperating by adhering to the President's price-wage freeze. The blue collar workers are cooperating by acquiescing to the freeze on wages. Almost everyone in the country is cooperating with the exception of Mr. Meany and that special category of union leader who has so long felt he was above the rest of us. You will remember that the President in announcing his new economic policy asked the union leaders to cooperate by ending strikes that were then in progress for the duration of the freeze and in postponing any new work stoppages that might be coming up before the middle of November. The answer was a resounding "No." Mr. Bridges wasn't about to end his longshoremen strike on the west coast and other unions made it clear that they would not delay any strike action merely because the President of the United States had asked for it.

SENATOR WINSTON L. PROUTY

Mr. TOWER. Mr. President, I share the deep sense of loss that nearly everyone in this body feels upon the passing of our beloved friend, Win Prouty. There have already been quite a few who have chronicled his many achievements both in and out of the Congress. I wish to address myself to Win personally, which is the way I know him best. When I remember Win Prouty I think of his modesty, a modesty that cloaked a deep understanding of our political system, a modesty that helped develop his compassion for the elderly, the young, and the disadvantaged. I think also of his hard work and prodigious efforts. These Yankee virtues earned for Win the respect of all those who worked with him, both those who agreed with as well as those who disagreed with him. His quiet manner made possible a fine examination of problems that would not have been possible in a more heated situation.

Mr. President, Win Prouty was a friend of mine, and I shall miss him very much. He was, to me, the personification of the New England character which has added so much to the American heritage that we all cherish. He was living proof that hard work can and does bring success; that from a failure can come dynamic achievement; that we do not need to speak loudly in order to be heard. His dedication to ideals and principles that were of the highest order brought his proposals instant respect. When he spoke to us in his mild manner, everyone listened. When he admonished us, all would stop and review our positions. Now that he is gone from us, a stillness in the wind has vanished from this body, a reflective voice is no longer with us, a prudent evaluator of ideas and ideals will be missed.

Winston L. Prouty, rest in peace. Your example shall remain with us as a lasting memorial of the best of our Republic.

MILITARY RECRUITMENT—CREDIBILITY GAP WIDENS AS ARMY REFUSES TO ENLIST EXPERIENCED VETERANS WHILE CLAIMING MANPOWER SHORTAGE

Mr. PROXMIRE. Mr. President, in the days between July 1 and September 21—the period when the draft law was in limbo—Congress was subject to a series of dire warnings by administration officials, supporters of the draft in the Senate, and its friends, and allies elsewhere.

We were told that passage of the draft was essential for our national security. Warnings were given that we were falling far behind in voluntary recruitment. One Senator told us we were falling short by 6,000 recruitments a month. It was said that nine or 11 divisions outside Vietnam were unfit to fight due, in part at least, to the ending of the draft.

The Secretary of Defense sent each Senator a letter signed by the Joint Chiefs of Staff telling us that the failure to extend the draft was threatening the security of the Nation. We were told that the consequences of foregoing huge draft levies were to imperil not only the Army, but the Reserve and Guard units and, indeed, the defense of the free world itself.

PROPAGANDA OVERKILL

It now turns out that all of this was just another example of propaganda overkill—the reason the American people have lost faith in their institutions and why there is such a credibility gap in the Government, especially the Pentagon.

Now we learn that at the very time the official spokesmen of the Pentagon were shouting "wolf," the Army was actually turning away veterans who wanted to enlist.

The Army's recruiting command at Fort Monroe was sending instructions to its recruiters through the Army establishment that—

> There is no present need for the enlistment of prior service personnel.

Why, if the Army needs 20,000 men a month and was only recruiting 14,000 a month, were they turning away men with experience? In fact, due to their previous training, it would be far less costly to recruit men of experience than raw, untrained, men.

With the huge increase in pay voted by Congress which is shortly in the offing, many of these men could sign up even at lower grades than they left the military and still be way ahead in terms of pay and allowances.

CRISIS CONTRIVED

As numerous Senators pointed out on the floor of the Senate during the debate, much of the manpower crisis was contrived. As the Gates Commission report clearly indicated, with the institution of modern recruiting methods, better use of manpower, and reforms in the Army itself, the job of recruiting an all-volunteer Army should be a relatively easy job. In fact, what the Gates Commission said could be in effect by July 1, 1971, the Army has already postponed for 2 years.

But now we know that potential enlistees were actually turned away. This situation borders on the scandalous. It is yet another indication of the gap between what the Pentagon tells us and the truth.

I ask unanimous consent that an Associated Press article, published in the Washington Star of Saturday, September 25, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Manpower Crisis?—Army Rejecting Returnees as Laird Pushes Draft

While Secretary of Defense Melvin R. Laird was warning Congress of a serious military manpower crisis unless the draft was renewed, the Army was telling its recruiters to turn away veterans wanting to re-enlist.

"Current re-enlistments of individuals on active duty are sufficient to maintain the career-content of the Army under its reduced structure. Thus, there is no present need for the enlistment of prior service personnel from the civilian community."

These were the instructions in a Sept. 14 letter from Maj. Gen. A. H. Smith of the Army's personnel office to the recruiting command at Ft. Monroe Va. The orders then were passed on to recruiting offices across the country.

Four days earlier Laird wrote Senate Armed Services Committee Chairman John C. Stennis, D-Miss., urging immediate passage of the draft bill "in the interest of national security."

Laird said the readiness of the Army would be affected beginning in January by a shortage of trained men who could be assigned to units.

LAIRD'S LETTER

The bill renewing the draft for two years, was approved by the Senate Tuesday and is awaiting President Nixon's signature.

"There may be some seeming inconsistencies," Pentagon spokesman Daniel Z. Henkin conceded yesterday, "as manpower needs of the Army and the other services are realigned in light of continuing withdrawals from Vietnam and manpower reductions directed by Congress."

He added, "As we've said we need the draft to bring in new men and we also need to take actions to improve the over-all caliber of the armed forces while at the same time they are being reduced by more than a million men."

The Army is budgeted to shrink to 892,000 men by June, down from its 1968 Vietnam war peak of 1.5 million.

HIGH UNEMPLOYMENT

Henkin said Laird, who has been pushing the administration's effort to find jobs for returning Vietnam veterans, was unaware of the recruiting order. There are currently 310,000 Vietnam-era vetreans between the ages of 20 to 29 unemployed, according to the Labor Department. As a group they have the second highest rate of unemployment, 8.2 percent compared to the national rate of about 6 percent.

Gen. Smith's Sept. 14 order applies only to veterans wanting to come back into the service and not to young men signing up for the first time. The Army figures it will need 20,000 new men a month if it is to end reliance on the draft and become an all volunteer force by mid-1973.

But it would seem the Army would prefer taking veterans since they are already trained and the expense of training new men could thus be saved. This would be in keeping with arguments favoring an all-volunteer force which, proponents contend, would reduce personnel turnover by keeping men in service longer and thereby cut training costs.

"We still need people, there's no question about that," an Army spokesman said. "But we need enlistees for the combat arms. Otherwise we'll be top heavy with sergeants and no privates."

TOO MANY SERGEANTS

Veterans coming back into the service—20,000 did last year—would retain their old rank. A man with two or three years prior service would in most cases be a sergeant E-4 or E-5.

There are two exceptions to the order barring veterans. The Army will take back men trained in any of 18 critical job skills. Mostly in electronics, and those holding either of the three highest combat awards—the Silver Star, Distinguished Service Cross or Medal of Honor.

SENATOR WINSTON L. PROUTY

Mr. BENNETT. Mr. President, I wish to add my condolences to those already expressed by this body on the passing of our esteemed colleague, Senator Winston Prouty.

Senator Prouty came to the Senate in 1958, a member of my own party, yet adhered to no strict philosophy except that dictated by the strength of his own ideals. Senator Prouty exemplified the virtues of moderation, reason and consideration which are the hallmark of a statesman and a gentleman.

Senator Prouty's public career was quietly and efficiently distinguished. He participated in government at every level, from mayor of Newport, Vt., as a member and speaker of the Vermont House of Representatives, and finally, as a dedicated public servant in the House and here in the Senate.

Senator Prouty left his solid imprint on much of the legislation passed by this body. Few bills have been passed in the fields of education, social security, health care, labor, welfare, or commerce which have not included substantive contributions by this quiet, effective, hard-working legislator.

I was not privileged to serve on the same committees as our late colleague, but I do know he had a reputation for accuracy, efficiency, effectiveness and courage in his dealings here in the Senate.

Senator Prouty does not leave behind the legacy of an ambitious man, and I am sure he would not care to. His legacy is one of concern, compassion and effort in behalf of the principles and people he believed in.

And so, Mr. President, I join in reverencing the memory of our late colleague, and together with Mrs. Bennett, extend sincere sympathy and condolences to Mrs. Prouty and the Prouty family.

SENATOR HUMPHREY'S REMARKS TO CALIFORNIA LEAGUE OF CITIES

Mr. HUMPHREY. Mr. President, on September 27, 1971, I had the honor of addressing the annual conference of the California League of Cities. This year's meeting was held in San Francisco, and it featured panels and study seminars on transportation problems, social policy, and intergovernmental relations.

The California League of Cities is composed of municipalities of all sizes. However, no matter what the population, all the cities are faced with two crucial problems: providing quality basic services, and paying for quality basic services.

These are two themes I stressed in my remarks. I outlined financing strategy to assist "street level government" in the day in and day out task of providing services. Such a program must consider the need for both long term credit and immediate fiscal aid.

Mr. President, I ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

For many years, a popular television program began its evening broadcast with the words. "This is the City."

And for many years, Americans thought they knew what a city was . . . tall buildings . . . concrete . . . cars . . . trolleys . . . baseball games . . . and people, doing all kinds of things and going places.

But, this is not the city, the tall buildings are there, of course. And there are plenty of cars.

But in all too many instances, the spirit has gone out of our cities. And no matter how hard we try, we cannot seem to replace it.

This is our national tragedy.

We thought at one time that suburbia was an answer.

We were wrong. Look at Suburbia, with its miles of neon lights, traffic lights, and rings of highways. And, the suburbanite realizes all too clearly that the problems he thought he left in the city are fast catching up with him.

We thought at one time that the answer to ghettoization—with its poverty, racism, violence, and alienation—was massive social programs.

We know now that this is only part of the answer.

The ghetto dweller found out that when he worked through normal channels to obtain the benefits of new programs, seldom did anyone pay attention. If he led a protest though, he got action—but at a severe and often devastating price.

And, in our haste to solve the urban problems, those Americans living in rural areas truly become the people left behind.

In all that we have done, in all the social programs we have passed—there is one missing element:

There has been no looking ahead. There has been no attempt to get ahead of our problems.

Government and community leaders know that within 25 years, there will be an extra 100 million Americans.

This is as much a fact of the future as the decay and deterioration of cities and rural countryside is of the present.

Perhaps it is time to face up to the facts of American life. Time to ask hard questions:

What kind of life do we want? How can we achieve a better balance of growth? How can we design a national growth policy that will encourage better distribution of resources and population.

Let me answer this way:

We can and must design a National Growth Policy.

We can do what we must—we have no other choice but to fail.

We are a wealthy country—with resources and talent.

But, we are also confused. We know that affluence does not necessarily bring happiness, that leisure can mean boredom, and that we are in danger of becoming frozen in our own indifference.

We share an anger at things we cannot understand. And, we sense that many of our programs are often wasteful, stupid, and irrational.

We prescribe rules from the top-down—We tell cities how to manage their programs. And, in the process we prevent them from utilizing the full strength of local styles and initiatives. Our mayors end up playing second, third, and fourth fiddle to Federal bureaucrats.

I think this is wrong.

We are fighting a war in Laos, Cambodia, and in Viet Nam—a war that saps our energy and our will.

Surely we have learned our lesson—it is time to end this war.

This war has consumed our spirit and voided our moral strength. It has depleted our resources. And, it has diverted us from the ever-mounting tough problems here at home.

But, we have learned something from this war: We know that if there is something you want to do—then you will find the money.

I am willing to win the only war we ought to be fighting—the war against want, disease, ignorance, poverty, slums, and underdevelopment.

In plain and simple language, are we willing to mobilize Americans in a battle for a better life for our people?

We have been too slow, and it has taken too long to set our own house in order.

We have allowed local government to become a holding operation—a custodian of dreams rather than a cutting edge of social progress.

And, in the process, a nation-wide crisis of confidence in government has resulted.

I think this is sad.

For too long, we have spent more money on creating problems than we have on solving them.

And, in the process, we have become a nation that is privately wealthy, but publicly poor.

I believe this is wrong.

But, what are we going to do about it?

The 70's must be a Decade of Dynamic Domestic Development.

It must be a time when we focus our resources on the central figure of American life—the people.

It must be a time when we assist "Street Level Government"—the government closest to people—in the day-in and day-out task of providing services.

It must be a time when governments stop over-promising and under-performing.

It must be a time when people can call City Hall and have their sidewalks fixed, their apartments inspected, snow removed, dependable electricity, enough heat and garbage collected.

And so when we ask what are we going to do about it, our answer must be:

We are going to have a program for our communities that does not short-charge residents on services their tax dollars ought to buy.

And, we are going to have a realignment of federal dollars that returns money to the local communities where government and people are one and the some.

But, to even make a start, the United States must have a sound economy.

If there is one thing that is clear from all the recent debates over the economy, it is this: Our citizens are telling us that there must be more purpose to our economy than just buying, selling, or making profits.

They are also telling us with a loud and clear voice: We can not tolerate a policy that condones a nation-wide rate of over 6 percent unemployment. And, Californians are echoing the same words: They cannot tolerate a policy that condones a state unemployment rate of over 7 percent.

We must have an economy of job creation—not job destruction.

Jobs mean food on the table, clothing, and dignity. Jobs mean that families stay together.

And, to our cities, jobs mean vitality—an enhanced ability to pay for basic services.

And, we also need an economy without runaway inflation. Inflation robs us all. It hits cities particularly hard.

Inflation has accounted for over 40 percent of the total increase in local government outlays—only 25 percent was due to increased services.

An incalculable amount of damage to financial planning is done by inflation on one hand and recession on the other. Changes in the cost of providing government services increases 2 percent for each 1 percent rise in the general price level.

The consequences of this are apparent: inflation increases the cost of government faster so that revenues cannot keep up the pace. This means new taxes—or as usual, increased taxes.

But that is not all. By the end of this year, our current economic recession will have cost state and local governments over 7 billion dollars in lost revenues. It will cost the Federal Government over $35 billion, and it will cost all of us over $200 billion.

There has been a lot of talk about the economy lately. And, many of us have ideas different from those proposed by the President.

Right now, however, what is most important to local governments are the policies that will prevail after the 90 day freeze.

As far as local governments are concerned, the policies of Phase Two must clearly recognize that the financing of local government differs significantly from private industry. And, state and local government must be consulted prior to any announcement of Phase Two policies and on a continuing basis thereafter.

FISCAL PROGRAMS

A sound, healthy economy will provide the foundation for fiscal programs that can pay for basic services.

We need a financing strategy that goes to the heart of the urban crisis—our cities are overburdened by debt. They lack an expanding tax base, and they cannot pay for fundamental services.

I want to outline to you such strategy.

In May of this year, I introduced the National Domestic Development Bank Act of 1971.

The objective of my bill is to provide an alternative source of funds for new school, medical, and hospital centers, day-care centers, parks, waste disposal plants, playgrounds, and more.

Under this plan, cities and communities borrow money for faciliites at rates comparable to municipal bonds.

All lending activities will be regionalized, and the bank will emphasize decision making at the local level where the problems are known first-hand.

The National Domestic Development Bank will provide an orderly, continuous source of capital funds and long-term credit for our financially strapped communities.

And, I want to emphasize the importance of long-term credit.

We simply must have a credit and financing structure that will eliminate the present stop-start method of public finance that has resulted in a string of broken promises to our communities and increased costs.

The National Domestic Development Bank emphasizes community planning—planning that results in a decision to implement a project—not a decision to have another study.

It emphasizes multi-year financing—so that projects do not get half finished.

My proposal for a National Domestic Development Bank has been tested and found workable. It can do for American cities and local governments what the World Bank has been doing for other countries of this globe.

I say that if we can make long-term and generous loans to Rio de Janeiro and India, then we can make long-term and generous loans to American cities, villages, and towns.

The National Domestic Development Bank can help those large cities and counties, but what about rural areas?

We simply must turn some attention to rural America. It is from rural America that we have 30 million people migrating to the cities—depleting the city services, causing additional problems of poverty, and joblessness, and welfare.

It is with this in mind that I introduced companion legislation to the National Domestic Development Bank. This is a supplementary program for counties, and towns under 35,000 population. It is designed to supply them with a credit mechanism for building new learning centers, revitalizing community property, and spurring job development in the rural heartland.

Long-term credit—for both urban and rural America—can take the pressure off the indebtedness of cities, but it does not solve the problem of immediate basic services.

It does not tell the citizens watching two men walk on the moon why his services are so poor, why he has trouble getting to work, and why he is afraid to take an evening walk.

If we are going to have quality community services—then we have to change our regressive state tax structures and assure adequate dollar return from the federal government.

How equitable are our taxes?

Right now, the top ten percent of the income population in the United States receives 30 percent of the total income but pays only 9.8 percent of the total taxes.

On the other hand, the middle and moderate income groups receive only 11 percent of the income but pay 25 percent of the taxes. And, the lowest tenth of the population receive one percent of the national income, but pay about four percent of the taxes.

The tax structures in short, are out of joint.

Look at your own communities. Better than $6 billion is collected in California by the property tax—this is 35 to 40 percent of total local government revenue.

But, who gets hit the hardest from the property tax? It is the moderate income, the middle income, and the low income tax payer.

Public officials at all levels of government have an obligation to seek out ways to make taxing fair and reduce the crushing burden of property taxes.

The federal government can make a start by returning to local communities nothing less than $5 billion a year—money that belongs in the local community but is siphoned off by the national government.

Call it what you want—revenue assistance, revenue sharing, bloc grants, grants-in-aids—who cares what the title is. The important thing is where the money is.

And, I think we need it right now.

I am opposed to the President's delay of federal aid to our cities and states.

I also believe we can make urgently needed changes in our transportation program. If it is sound policy for the Federal government to pay 90 percent of the cost of an interstate highway system, then it is equally sound policy for the federal government to pay for the streets that lead off and feed into that system.

I am in favor of opening up the highway trust fund to full city participation—for street repair, for mass transit facilities, for construction, for maintenance, and for improving the transportation from the country to the city.

Finally, I believe we must reform the welfare system.

In California, cities are hit only indirectly by welfare costs. The counties have to pay the bills, but the city residents are still taxed for it. And, welfare costs are a drain on potential resources that the communities could use to pay for basic services.

Welfare reform has three purposes. First, to help those who really need help. Second, to retain and employ those who are capable of work. And, third, to alleviate the tax burden on county and city taxpayers.

All three are vital. That is why I am for welfare reform.

And, I regret the President's request to delay it for a year.

Our cause is urgent.

A report issued last week by the National Urban Coalition reported that "those who wield the power in America were not willing to take the drastic action necessary to make American cities liveable again."

And, it pointed once more to the frustration shared by "people of all ages and races, and incomes" over the way programs "disrupt and demean peoples' lives."

I ask you today to give of ourselves, to do what must be done to build liveable cities and develop rural America.

I ask you today to concentrate your energies on the services that make cities work.

I ask you today to leave this luncheon with a common goal:

We will succeed in dispelling frustration.

We will succeed in building liveable cities.

We will succeed in building a better rural America.

And, the anxiety of the past shall not crush out the promises of American life.

PRAISE FOR PRESIDENT NIXON'S PROPOSED TRIP TO MAINLAND CHINA

Mr. BROOKE. Mr. President, an editorial published in the Anchor, a publication of the Roman Catholic Archdiocese of Fall River, Mass., praising President Nixon's decision to visit Mainland China, has recently come to my attention.

I believe the words of two Popes, regarding efforts to break the logjams of history and to move toward peace and brotherhood, are eminently relevant to this situation.

I ask unanimous consent that the text of the editorial, entitled "A Pattern Changed," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A PATTERN CHANGED

The late Pope John often pointed out that when one is confronted with a tangled and complex problem there are several ways of attacking it. One way is to try to solve the problem by using all the resources of reason and discussion and prayer.

Another way, the Pope would indicate, is to change the pattern of the problem itself. Someone, he would say, must step in like a lumberman in the midst of a log jam on a Canadian river and pry out a key log, thus altering and, hopefully, changing the pattern to a degree that the problem would become more amenable to solution.

This seems to be the role that President Nixon has chosen in his decision to visit Red China.

Pope Paul hailed this action on Sunday as he spoke of "something big and new that is taking place which can change the face of the world."

It is to be hoped that this will happen.

But, at any rate, the pattern seemed to have changed.

And this change gives new optimism to hopes for world peace and brotherhood.

FBI SURVEILLANCE OF SENATOR GRAVEL'S ANCHORAGE OFFICE

Mr. GRAVEL. Mr. President, on Friday, September 24, 1971, I was informed by my official representative in Anchorage that agents of the Federal Bureau of Investigation either entered my local office or had someone enter my office for them.

I was further informed that certain office papers were removed and are now in the possession of the FBI.

Over the weekend serious confusion arose as to exactly what occurred at my Anchorage office. At this point all that is clear is that the FBI maintained surveillance of my office on Friday, September 24, and by the end of the day the FBI had possession of some of my office papers.

It is imperative that the confusion which has occurred be clarified and that the exact facts be ascertained. I am therefore considering seeking a Senate investigation of this incident through an appropriate Senate committee. My decision will be made shortly after I have had an appropriate opportunity to examine the sworn statements of those who were present in my office on the day in question.

KATHERINE "MOM" GREEN TO BE PULASKI DAY GRAND MARSHAL

Mr. WILLIAMS. Mr. President, the 35th Annual Pulaski Day Parade will be held on October 3d in New York City. This occasion has always been a proud and memorable event as it so fittingly honors the Polish nobleman and American Revolutionary soldier, Count Casimir Pulaski. It is appropriate that this parade reminds all Americans of the contributions made by Polish immigrants and their descendants to our American way of life.

But this year's parade will be especially significant. Not only is this the first time in the history of this special celebration that a woman has been choosen to be grand marshall of the parade, but the selection could not have been finer. Mrs. Katherine Green, of Elizabeth, N.J., better known as "Mom" Green to all who know and admire her, will hold the honored position of leading the Polish-American marchers up Fifth Avenue.

Ever since her arrival to this country from Poland in 1911, "Mom" Green has been remarkably active not only in Polish activities but in other civic organizations and functions as well. Her deep dedication to Polonia and her continuous efforts to aid those in need have gained her overwhelming respect and admiration.

In 1966, the Polish Merchants and Professional Association of Elizabeth, N.J., honored "Mom" Green with a testimonial dinner. This, again, was the first time such distinction had gone to a woman. And, following her selection as grand marshal, the City Council of Elizabeth demonstrated its appreciation of "Mom" Green's contributions with a fitting resolution. I ask unanimous consent that the city council resolution be printed in the RECORD.

Mr. President, in honoring the Pulaski Day Parade, I wish to express great appreciation to all Polish Americans and their contributions to this country, and extend special and personal congratulations and best wishes to New Jersey's "Mom" Green.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

By city council as a whole:

Whereas, City Council of the City of Elizabeth has learned of the selection of Mrs. Katherine Green, an Elizabeth businesswoman, as Grand Marshall of the Thirty-Fifth Annual Pulaski Day Parade in New York City on October 3, 1971; and

Whereas, Mrs. Green is the first woman to be so honored; and

Whereas, Mrs. Green has brought fame and honors to the City of Elizabeth; now, therefore, be it

Resolved that City Council of the City of Elizabeth hereby congratulates Mrs. Green on behalf of itself and all the citizens of Elizabeth and expresses its pride in her achievements; and be it

Further resolved that a certified copy of this resolution be forwarded to Mrs. Green and that this resolution be spread in full upon the minutes of City Council.

MIDAIR COLLISION PROBLEM

Mr. MOSS. Mr. President, since introducing my bill, S. 2264, dealing with the midair collision problem, there have been several significant developments in the area that I should like to bring to the attention of my colleagues in the Senate. S. 2264 would require all aircraft to be equipped with a collision avoidance system or proximity warning indication by January 1, 1973.

A time-frequency collision avoidance system now exists, jointly fostered by the Air Transport Association, Bendix, McDonnell Douglas and the team of Sierra Research/Wilcox Electric. These firms have collectively invested some ten million dollars in developing and successfully flight-testing airline and business aircraft anticollision hardware. The FAA is now conducting simulation tests to determine the effect of the CAS and its vertical escape maneuver on air traffic control procedures. The FAA also expects soon to request bids for the development of a ground station that can be used to synchronize precisely air borne equipment of the time-frequency type.

To be effective, the time-frequency system requires both aircraft involved in a midair collision threat to be outfitted with compatible equipment before either can be protected. Because many midair collisions have involved smaller aircraft, there is a great need to develop simple, low cost versions of a CAS suitable for general aviation.

McDonnell Douglas now has announced a Micro-CAS. This small general aviation version of the airline-sponsored time-frequency device is expected to sell for approximately $2,500 based on a production run of 1,000 units. Sierra Research Corp., also is currently working toward a time-frequency compatible system for general aviation whose design objective calls for a selling price of only $1,500.

In hearings scheduled for November 2 and 3, before the Senate Aviation Subcommittee, I am hopeful that we can be apprised further as to the status of anticollision avoidance systems so that Congress can take positive steps to protect the lives of America's air passengers.

A recent article by Philip J. Klass, published in Aviation Week & Space Technology, August 16, 1971, reviews the present status of anticollision avoidance systems. I recommend this informative article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANTI-COLLISION COST MAY BE $250 MILLION

(By Philip J. Klass)

Washington.—Growing concern over the mid-air collision problem is prompting congressional action, including a bill recently introduced in the Senate which would require all aircraft to be equipped with a collision avoidance system or proximity warning indicator by Jan. 1, 1973. A mandatory requirement would cost the U.S. airlines at least $250 million, based on dual equipment installations.

The bill, S–2264, was introduced by Sen. Frank E. Moss (D.-Utah), a member of the Senate aviation subcommittee, headed by Sen. Howard Cannon (D.–Nev.), which will hold hearings on the bill when Congress reconvenes next month.

All aircraft over 12,500 lb. would be required to install collision avoidance systems (CAS), while smaller aircraft would need less costly proximity warning indicators.

Recent hearings by the House Government activities subcommittee to appraise the status of anti-collision systems, provided the grounds for "cautious optimism," according to its chairman, Rep. Jack Brooks (D.-Tex.). But he cautioned that controversy over competing concepts could delay implementation and he warned that "time is critical."

In a concluding statement following the one-day hearings, Rep. Brooks called on the Federal Aviation Administration to select the best of the competing systems, indicating that Congress should not attempt to resolve the complex technical issues.

FLIGHT TESTS

The airline-sponsored time-frequency CAS, which has undergone extensive flight testing and computer simulation, has a significant lead over much of its competition in terms of demonstrated capability and early availability. The basic concept was reduced to operational hardware by McDonnell Douglas in the mid-1960s and has been in operational use since then for flight tests of the company's F–4 aircraft (AW&ST Apr. 25, 1966, p. 52.) Extensive flight tests of airline and business aircraft type hardware were conducted in 1968–69 using both jet and piston-engine aircraft.

The FAA is now conducting simulation tests at its Atlantic City facility to determine the effect of the CAS and its vertical escape maneuver on air traffic control procedures. Tests so far have demonstrated that the only potential problem might be in terminal areas which employ two parallel runways. However, results to date indicate that this probability can be resolved, FAA's Robert Buck told the subcommittee.

By the end of the current year, FAA Deputy Administrator Kenneth M. Smith said, the agency expects to "have the answers to enough questions to be able to recommend changes to the CAS or to the ATC system, or to both, which will allow safe utilization of an airborne collision avoidance system in conjunction with ATC."

Within a month, the FAA expects to request industry bids for the development of a ground station that can be used to synchronize precisely each airborne equipment of the time-frequency type, Buck said.

Sierra Research Corp, under FAA sponsorship, is studying the possibility of modifying existing distance measuring equipment (DME) stations so they could also provide the synchronization service. If this proves feasible, FAA will then determine what percentage of the operational synchronization stations will be the modified-DME type.

One indication of the FAA's increased efforts in the field of anticollision systems is that the agency has budgeted a total of $3.6 million for Fiscal 1972, compared to a total of $4.5 million that the agency has spent for this purpose over the past 15 years.

The time-frequency CAS is a joint airline/avionics development, fostered by the Air Transport Assn. Bendix, McDonnell Douglas and the team of Sierra/Wilcox Electric have collectively invested approximately $10 million in developing and testing flight hardware, in anticipation of a large potential airline and business aircraft market.

But, with the exception of Piedmont Airlines, which recently ordered the McDonnell Douglas CAS for its fleet of 12 Boeing 737s, the carriers have been slow to commit themselves, largely because of their current economic conditions. United Air Lines recently announced plans to install two McDonnell Douglas units on a Boeing 727 to conduct tests needed to obtain a supplemental type certification.

Airline CAS of the time-frequency type is expected to cost approximately $50,000. One reason for its moderately high cost is that each airline unit is designed to provide time synchronization automatically to general aviation aircraft with less complex equipment if the latter are out of range of a ground synchronization station.

Despite this, the time-frequency system is handcapped in being unable to offer an extremely low-cost version for the smallest general aviation aircraft. Because the time-frequency system, like its principal competitors, is a cooperative type, both aircraft involved in a mid-air collision threat must be outfitted with compatible equipments before either can be protected.

Since many mid-air collisions with airliners have involved smaller aircraft, the ATA has recognized the need to develop simple, lower-cost versions suitable for general aviation. Within two days after the House hearings, a Continental Airlines Boeing 707 collided with a Cessna 150 near Los Angeles but there were no fatalities.

PRICE TAG

When McDonnell Douglas launched the development of a smaller general aviation version a year ago, it was expected to sell for approximately $4,000. Now, having built a working model, which is expected to begin flight tests this fall, the company says its "Micro-CAS" can be sold for approximately $2,500. The figure is based on a production run of 1,000 units, the subcommittee was told by Anatole Browde, a vice president of McDonnell Douglas Electronics Co.

NASA's Langley Research Center is sponsoring a study with Sierra Research Corp. which is aimed at achieving a still lower-cost general aviation version. The target price is $1,500.

Spokesmen for Honeywell and RCA, which are working on basically similar types of anticollision systems that do not employ the time-frequency principle, recommended against its choice as a national standard. Both companies favor systems in which each aircraft interrogates every other within communications range, instead of using one-way communications in which each aircraft transmits in its exclusive time slot and all others listen, the technique used in the ATA system.

The principal advantage claimed for this two-way communications type CAS is that it is less complex than time-frequency and would permit simple, extremely low-cost units for small aircraft. Also, the Honeywell/RCA approach does not require ground synchronization stations. A potential problem is mutual interference in high density areas because of the large number of interrogations and replies from every pair of aircraft within communications range.

Honeywell's proposed collision avoidance system is an outgrowth of a proximity warning indicator (PWI) which the company developed for the Army Aviation Center at Ft. Rucker, Ala. Honeywell has built 285 of these PWIs for use on helicopters and small fixed-wing Army aircraft during instrument training exercises (AW&ST Aug 4, 1969, p. 109).

These units have now accumulated more than 250,000 hr. of flight use in high traffic density situations at Ft. Rucker, Honeywell's Robert J. Follen told the subcommittee. He added that "not a single false alarm or other adverse effects of any kind from multiple aircraft has been reported."

However, for the Army application, the equipment is designed to listen for replies to its own interrogation for only 1–3 microseconds, corresponding to aircraft within a 1,000–3,000 ft. radius. This by itself greatly reduces the potential interference problem from aircraft at greater distances. For a civil system, Follen said, the radius of sensitivity would need to be increased to 12 mi.

For subsonic jet transports, many observers believe that the radius of communications needs to be 20 mi. or more. Honeywell's own computer simulation analyses indicate that its system can operate without objectionable interference in terminal area traffic densities projected for 1995 (AW&ST Feb. 15, p. 46).

Honeywell has built several expanded versions of the original PWI which enhance its capability. One of these, now under evaluation by the Army, employs the same "tau" criteria used in the ATA system (separation distance divided by closure rate) to determine whether a collision threat exists. This serves to filter out targets which are not a threat so that the pilot is alerted only to other aircraft which might pose a hazard.

Honeywell calls this a collision warning system since it does not automatically determine the required evasive maneuver. However, Honeywell is confident that it can take the next step and expand the equipment into a full-fledged CAS.

Based on Honeywell's experience in producing flight hardware for the Army, the company has projected the following prices for different members of its anticollision equipment family:

Presence indicator, a simple beacon which would alert only other, more fully equipped aircraft: $350, based on a production quantity of 10,000 units.

Proximity warning indicator: $650, based on quantity of 10,000.

Collision warning system: $1,500, based on quantity of 5,000.

Full collision avoidance system: $4,500 based on quantity of 5,000.

RCA began work on its anti-collision concept, called Secant, in 1967, but has not yet constructed a complete system. This past July, RCA conducted its first flight tests in California using several of the basic interrogator/transponder elements and a signal correlation unit which would form the heart of the system. This correlator, plus the use of 24 different transmission frequencies, is expected to eliminate the interference problem, according to the company's analysis.

This same equipment, built at RCA expense, will soon be flight tested by the Naval Air Development Center, Johnsville, Pa. The FAA will monitor the test program, as it is also doing for the Army tests of the latest Honeywell design. During the NADC tests, as with the earlier RCA tests, a company-built simulator will be employed to create a high traffic density environment.

RCA proposes a family of Secant anticollision equipments, ranging from a simple presence indicator beacon to a fully automatic CAS. RCA's current price estimates, based on a production run of 50,000 units, are somewhat higher than the Honeywell figures for the simpler units and considerably higher for the more complex. However, the RCA figure for a full CAS is somewhat lower than the present time-frequency prices.

Honeywell's Ronald E. Erickson recommended that the government should establish its requirements for an anti-collision system and that a "competitive industry development program should be immediately started to develop, evaluate and adopt the system which best meets the guidelines in the most cost-effective manner."

ATA's senior vice president, Clifton F. von Kann, cautioned against delaying implementation of the existing time-frequency system in the expectation of getting "a better one" several years hence.

Van Kann emphasized that experience shows that it takes 5–7 years after a decision is made to deploy new equipment before a large majority of airspace users can outfit their aircraft.

Commenting on the Jan. 1, 1973, deadline in the Moss bill for mandatory use of anticollision systems, McDonnell Douglas' Browde recommended a more gradual timetable. Browde said that his company can deliver production equipments 16 months after receipt of orders.

SCHOOL LUNCH PROGRAM FALTERS

Mr. HOLLINGS. Mr. President, in May of 1969, the President of the United States declared that:

> The moment is at hand to put an end to hunger in America itself for all time.

The White House also promised in December 1969, that by Thanksgiving of 1970 every needy schoolchild would be receiving a free or reduced-price school lunch. Well, the Thanksgiving of 1970 has come and gone. And the events of the last few weeks have made a sad mockery of those promises. Even so notable an authority as Dr. Jean Mayer of Harvard, the man President Nixon named to head his White House Conference on Food, Nutrition, and Health, has accused the President of a "lack of leadership" which has "made a mockery" of these very promises to wipe out hunger. Not only does hunger persist in this Nation, but we now have chaos in our American school lunch program—the very program Mr. Nixon himself promised would reach every needy child. After all, the President did not promise that lunches would be provided only to a certain number of poor children. He did not promise lunch only to those children attending schools with adequate lunchroom facilities. He promised that every needy schoolchild would be served with a free or reduced-cost lunch. And now, with the start of school in 1971, the U.S. Department of Agriculture has issued school lunch regulations which make President Nixon's promises of 2 years ago even more of a sham. We know that more than 9 million schoolchildren would have been served a free or low-cost school lunch this year until the new rules were written. Now school lunch officials from throughout the Nation say they will be lucky to feed 6.6 million, about what they reached last year.

The situation is even more drastic in my own State of South Carolina. One of the things we are proud of is our school lunch program. We may be behind in many things, but in the efficiency and operation of this program, we lead the Nation. We are able to do this because of a capable, dependable and dedicated school lunch supervisor, Miss Kathleen Gaston. I am sad to report that Miss Gaston's hope of feeding nearly 300,000 needy children this school year now seems to be lost. Through the cooperation of school officials on all levels, plans had been carefully laid once again to lead the Nation in the percentage of eligible children reached by this program. Miss Gaston now says these plans will have to be laid aside. And why? It is because the Department of Agriculture, with the apparent approval of President Nixon, has played a cruel trick upon the children of South Carolina. We now know that under these new regulations, our State stands to be cut by nearly $10 million in the 1971–72 school year. I say that it is about time that there be a showdown between Congress and President Nixon on the issue of feeding hungry children. The Congress has issued a legislative mandate that these children be fed and has authorized the Department of Agriculture to expend special funds to meet this need.

I will join in a bipartisan movement in the Senate to seek approval of a joint resolution which will force the USDA and President Nixon to live up to these promises. This country can no longer afford the leadership which mouths political platitudes about feeding hungry children, then cuts back the money in the name of fiscal responsibility.

THE APOLLO 15 ACHIEVEMENTS

Mr. ANDERSON. Mr. President, Apollo 15, the fourth successful lunar landing mission, was the most rewarding to date from a scientific standpoint. This success was due in part to the experience gained from the earlier missions resulting in equipment innovations which permitted the astronauts longer lunar stay time and provided them with the mobility to traverse large areas of the lunar surface. The success was also attributable to superb preparations by the astronauts, their dedication to the scientific aspects of the mission and the fine integration of scientific and engineering efforts to achieve the greatest possible return from the Apollo 15 undertaking.

Mr. President, Dr. Fletcher, the Administrator of NASA, has sent me a summary of the Apollo 15 achievements in science and a number of statements from members of the scientific community giving their assessments of the Apollo 15 mission. I ask unanimous consent that Dr. Fletcher's letter along with the summary, statements, and other material be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION,
Washington, D.C., September 20, 1971.

Honorable CLINTON P. ANDERSON, *Chairman,*
Committee on Aeronautical and Space Sciences, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Apollo 15 was a very successful mission and has demonstrated man's ability to modify experiments in space and to use his ingenuity and creativity to its maximum.

The findings of Apollo 15 have apparently dazzled the minds of some of the most dedicated scientists.

Attached for your interest is a paper entitled, "Science on Apollo 15", and a sampling of thirteen statements from some of the scientists involved in this flight.

It is difficult to describe in a few pages the true significance of these scientific findings, however, I hope this gives you some feel for the scientific accomplishments of Apollo 15.

Sincerely yours,

H. DALE GRUBB,
Assistant Administrator for Legislative Affairs.

SCIENCE ON APOLLO 15

The moon, the only body in our solar system other than the earth which man himself can now explore, has long held the promise of revealing exciting, scientific discoveries. Man's seventh flight to the moon and fourth landing has been called a great scientific achievement. The first manned lunar landing, and each subsequent mission have added greatly to our store of new knowledge. Apollo 15 is expected to surpass by far any of the previous missions when the final analyses of all the data are carried out, because it had an expanded payload capability and because it was the first mission involving coordinated surface and orbital experiments.

The Apollo 15 mission has demonstrated, more than any previous manned flight, the value of man in space. The explicit and keen observations of the astronauts, combined with the analysis of material returned from the moon, have already led to new scientific discoveries. In addition to their roles as explorers, the crew diagnosed and corrected equipment malfunctions which permitted the successful completion of several important objectives that would have been lost had man not been present.

Exploration of the Hadley/Apennine landing site by the crew of Apollo 15 accomplished all of the primary mission objectives. The four geological targets of highest priority were reached. The lowest priority target, exploration of the North Complex, was omitted because of lack of time. Deployment of the geophysical station (ALSEP) was completely successful, and all experiments are operating as planned. A final high-priority objective, the return of a deep core sample, was also attained.

Some of the significant scientific aspects of the Apollo 15 mission are already evident, although it may well be several years before sufficient analysis and data correlation are in hand to appreciate fully the magnitude of this accomplishment. Several examples follow. The Apennine Mountains are now known to be layered, thus indicating that the history of the moon, prior to the formation of the Imbrium Basin some four billion years ago, was complex but evolving along processes similar to those already observed on the earth and moon. It is this early history in the evolution of a planet that has intrigued scientists, primarily because the comparable early history of the earth has been obliterated by later processes and cannot now be studied. A detailed understanding of the moon will thus lead to a better understanding about the earth, its origin and evolution, and perhaps even its mineral resources. The white crystalline rock described by Scott, may well be a piece of the early lunar crust which has never been conclusively identified among the samples returned from previous missions. This rock may prove to be the missing chemical link in understanding the early evolution of the moon. (Because of the importance of collecting this material, Apollos 16 and 17, among the many other scientific objectives to be accomplished, will continue the search, and hopefully will unravel the complex history of the moon through the study of the lunar highlands.) Another significant find was the bedrock collected at Hadley Rille. Samples of this bedrock will indicate the processes of formation of the Mare and, hopefully, the Rille itself. Finally, the deep core sample will allow us to study, layer by layer, a long period in the moon's past, from the present back perhaps a billion years in the moon's history.

Data now being telemetered from the ALSEP experiments left on the moon's surface are already disclosing new information about the moon's deep interior. Seismic events were recorded for the first time simultaneously on three instruments during the moon's recent perigee. The centers of these events are now being precisely located. Data from the second magnetometer, in conjunction with orbital magnetometer readings from the subsatellite, will now allow us to interpret the structure and thermal regime of the moon to its very core. Both of these interpretations, supported by data from the first heat flow experiment, will give us a firm starting point from which valid comparisons of the earth and moon can be made. A three station laser ranging retroreflector network has also been established. Precise measurements between the earth and these stations on the moon over many years will give us a better understanding of the interior structure of both bodies and eventually allow us to measure movements in the earth's crust.

A major factor in the Apollo Program's increase in capability for scientific exploration was the addition in Apollo 15 of the orbital science payload. This global survey technique adds a new dimension to the Apollo Program. From the data acquired, the moon's magnetic and gravity fields will be plotted, and physical and chemical maps will be compiled and correlated with large portions of the surface photographed.

The orbital geochemical sensors have demonstrated that we now have the capability to extrapolate our knowledge, obtained at the landing sites, to other areas of the moon, including the farside. The preliminary orbital data have already shown that Mare material is low in aluminum and high in magnesium relative to the Highlands. Radioactivity profiles obtained from orbit show relatively high levels over Imbrium. This is compatible with earlier geologic studies suggesting that the Fra Mauro material is ejecta from the Imbrium impact. Correlation of the orbital data with sample studies will lead to the understanding of the processes and events which have modified the moon. Orbital data have shown that in addition to distinct relationships between topography and chemical composition, there is a relationship between chemical composition and gravity profile as well.

In summary, Apollo 15 has established that a comprehensive scientific endeavor, including disciplines from both orbital and surface science, can materially add to the understanding of the history and composition of the moon. The crew was superbly trained and highly skilled and was thus able to focus on the important and on the unexpected—to help develop a new level of the understanding about our sister planet. The observed layering and organization of the lunar material in the Apennine Mountains and the Hadley Rille, together with the information from the third scientific station emplaced on the moon, as well as detailed measurements from lunar orbit, have already added many pieces to the puzzle about the origin of the moon, the earth, the solar system, and the universe.

Apollo 15 Scientific Achievements

ACHIEVEMENTS

Total distance traversed, 27.9 Km.

Total sample return, ∼80 kg.

Total EVA manhours, 37 hours.

First three-station lunar network of geophysical instruments: Passive Seismometer, Laser Ranging Retroreflector, Suprathermal Ion Detector.

First two-station lunar network of geophysical instruments: Lunar Surface Magnetometer, Cold Cathode Ionization Gauge, Solar Wind Spectrometer.

Solar Wind Composition Experiment exposure time doubled.

Deep core from lunar surface (∼225 cm.)

Layering of Apennine Mountains photographed and described.

Bedrock samples collected for first time.

First major science station in lunar orbit.

First comprehensive study of lunar chemical composition from lunar orbit.

First comprehensive study of lunar atmosphere from lunar orbit.

Orbital location of local lunar magnetic anomalies associated with craters.

Confirmation of chemical difference between Mare and Highlands.

High quality mapping photography.

Correlation of Laser altimetry with spacecraft doppler tracking measured the offset between Center of Mass and Center of Figure of moon.

Unique studies of galactic X-Ray Sources.

SURFACE EXPERIMENTS

Passive Seismic Experiment.
Heat Flow Experiment
Lunar Surface Magnetometer.
Suprathermal Ion Detector Experiment.
Solar Wind Composition.
Cold Cathode Gauge Experiment.
Laser Ranging Retroreflector.
Solar Wind Composition.
Lunar Geology Investigation.
Soil Mechanics Experiment.
Lunar Dust Detector.

ORBITAL EXPERIMENTS

Gamma-Ray Spectrometer.
X-Ray Spectrometer.
Alpha-Particle Spectrometer.
S-Band Transponder (CSM & LM).
Mass Spectrometer.
Bistatic Radar.
Subsatellite: Particle Measurement, Magnetometer, S-Band Transponder.
CM Window Meteoroid.
UV Photo Earth and Moon.
Gegenschein.

ORBITAL FACILITIES

61 cm. Panoramic Camera.
7.6 cm. Mapping Camera.
Laser Astimeter.

Dr. Leon Silver, Professor, California Institute of Technology, Co-Investigator, Lunar Surface Geology Experiment, Member, Preliminary Examination Team

Apollo 15 has yielded the most comprehensive sampling observations and photography of any lunar mission today. These should provide the basis for developing a more accurate understanding and should extend the effective known time span of the history of the moon. They should also extend our understanding of the physical nature of the moon to significant depths, perhaps to 10 km or more. We have probably moved a major step closer to understanding the evolution of the sister planetary body. The new clues to the chemical evolution of the moon can mean a closer understanding of how important chemical elements useful to man were concentrated on our own planet. Equally important, the deep core of the soil and the other cores and soil samples are the best record we have of the activities of our sun for the past several billion years. We share the effects of variations in solar activities with the moon and this record will provide knowledge vital to the well being of man who is so dependent on the activities of the sun.

Dr. Richard H. Jahns, Dean, Department of Earth Sciences, Stanford University, President, Geological Society of America

Beyond the more obvious elements of spectacular success, the Apollo 15 mission deserves special recognition in the context of scientific accomplishment. The return of records, materials, and descriptive information from a site of great geologic density was remarkable in scope and quality; it was an impressive "delivery of the goods" relative to scientific justification of the lunar exploration program.

More than this, Apollo 15 firmly demonstrated the wisdom of a *manned* lunar program. The astronauts handled an astonishingly large number of complex tasks, including some for which direct human input was uniquely required. Their presence on the scene yielded the best description and documentation of lunar features yet obtained, and it made possible some useful changes in procedure as responses to unexpected conditions. It is difficult to conceive of a comparable unmanned mission that would have been more than a pallid substitute in terms of results obtained.

The combination of a carefully selected site, exceptionally able and well trained astronauts, top quality equipment, and coordinated planning and back-up efforts paid off handsomely for science, and from Apollo 15 we should learn a great deal about lunar materials, features, and history. From it we may also learn something about the early history of the earth, which it is felt has been little more than conjecture.

Dr. Robert M. Walker, McDonnell Professor of Physics, Washington University, Principal Investigator, Lunar Sample Program

The Apollo 15 mission was clearly a milestone in human achievement. Perhaps most astonishing was the evident advance in scientific accomplishment over earlier missions. So many things were so much better that it is hard to single out any one improvement. The Lunar Rover made it possible to sample many important formations. The deep drill represents a quantum jump in our ability to understand the evolution of the lunar surface. The orbital experiment will make it possible to tie our ground observations to the moon as a whole.

The crew was simply great. The evident understanding of the scientific objectives speaks highly of their intelligence, their dedication, and, equally important, their excellent training. With this mission, scientific exploration of the moon matured. All involved have my heartfelt congratulations and my deepest thanks.

Dr. Larry A. Haskin, Professor of Chemistry, University of Wisconsin, Vice Chairman, Lunar Sample Analysis Planning Team, Principal Investigator, Lunar Sample Program

The Astronauts were very efficient and conservative in their efforts, which clearly reflects not merely the special interest of Scott and Irwin in the scientific aspects of their mission but also shifts in emphasis in Astronaut training. It was important to have Astronauts who understood the essence of the scientific needs of the mission to the point that they could make good decisions themselves while on the surface; it was also important that a group of groundbased scientists representing a range of disciplines could still influence their sampling activities. . . .

The opportunity for our representatives in Houston to be consulted during the surface activities about the suitability of or necessity at a given site for the collection of comprehensive samples was very important. . . . I have always been impressed that NASA could coordinate vastly complex hardware and so many people in order to get men to the moon and back. Now I am thanking you and your organization at MSC for also successfully coordinating our scientific needs deeply enough into mission planning to bring them to fruition on the lunar surface.

Dr. G. J. Wasserburg, Professor of Geology and Geophysics, California Institute of Technology; Principal Investigator, Lunar Sample Program; Member, National Academy of Sciences and National Research Council; Member, the U.S. National Committee for Geochemistry

Apollo 15 has initiated an advanced series of lunar missions with extraordinary success. This mission represents a quantum jump to a new state in lunar exploration. The skill and dedication of the astronauts in carrying out this endeavor in exploration and science is coupled with a major increase in mobility and versatility which will yield much more fruit in future lunar missions.

Dr. James R. Arnold, Professor of Chemistry, University of California, San Diego; Principal Investigator, Apollo Gamma Ray Spectrometer, National Academy of Science

The orbiting geochemical package on Apollo 15 represents the achievement of a dream of many years: mapping the chemical composition of a broad and representative part of the lunar surface. This was accomplished with a group of sensors (Gamma Ray, X-Ray, and Alpha Particle) mounted in the Service Module, which were in use through the period of lunar orbit, and on the way home. It is remarkable that we are learning much about the chemical composition of the backside of the moon, where samples will probably not be collected for decades. It is equally remarkable that we can obtain typical, or average composition over large regions, for example a mean for Mare Crisium, rather than that of samples from a local point.

This milestone has many implications for the future of lunar and planetary research. We can look forward to accurate chemical maps over the whole moon, including the polar regions where volatiles may be concentrated, and to mapping of Mars, Mercury, and the Asteroids.

Dr. Isidore Adler, Senior Scientist, Theoretical Studies Branch, Goddard Space Flight Center, Principal Investigator, Apollo X-Ray Spectrometer

"I find this probably the most exciting thing that has ever happened to me scientifically. Three things strike me as very significant.

1. We are getting chemical information about a large portion of the moon, far larger than one could hope to get by just going to the surface.

2. We are getting chemical and physical information about the backside of the moon which is probably inaccessible by any other means.

3. We have demonstrated very effectively, the power of this remote sensing technique and its significance to remote analysis of planetary surfaces, and perhaps its use in geochemical prospecting.

DR. GARY V. LATHAM, SENIOR RESEARCH ASSOCIATE, LAMONT-DOHERTY GEOLOGICAL OBSERVATORY, PRINCIPAL INVESTIGATOR PASSIVE SEISMIC EXPERIMENT

"With the successful installation of a geophysical station at Hadley Rille, the Apollo Program has for the first time achieved a network of stations on the lunar surface; a network that is absolutely essential for the location of natural events on the moon. The establishment of this network is perhaps the most important milestone in the geophysical exploration of the moon. The first event to be recorded on all three stations was manmade; the impact of the LM ascent stage near the Apollo 15 station. The now familiar rumble generated by this impact spread slowly outward and reached the Apollo 15 station in 28 seconds and the Apollo 12 and 14 stations, 1,100 km to the south in about seven minutes. The fact that this small source of energy was detected at such great range strongly supports the hypothesis that meteorite impacts are being detected from the entire lunar surface.

The SIVB impact from mission 15 extended the depth to which lunar structure can be determined by seismic methods to nearly 100 km. From these additional data, it now appears that a change in composition may occur at a depth of 25 km beneath the surface. If so, this would be strong evidence for the presence of a lunar crust, equivalent to the crust of the earth, and of about the same thickness.

DR. PAUL GORENSTEIN, SENIOR STAFF SCIENTIST, SPACE RESEARCH DIVISION, AMERICAN SCIENCE AND ENGINEERING, PRINCIPAL INVESTIGATOR, APOLLO ALPHA PARTICLE SPECTROMETER

Apollo 15 presented our first opportunity for an extensive study of the chemistry of the lunar surface. We have surveyed an area amounting to over 1,000,000 square miles with the Gamma-ray, X-ray, and Alpha Particle Spectrometers from the orbiting Command and Service Modules. We have successfully mapped the chemical composition of a substantial portion of the surface including regions on the farside of the moon. In particular, we have obtained the first compositional data on the backside. Significant differences in chemical composition between Maria and highland regions have been observed.

Within the regions surveyed by Apollo 15, we will be able to locate possible areas of unusual chemical composition, high radioactivity concentration, or sites of outgassing phenomena.

During the trans-earth coast, the X-ray spectrometer observed previously discovered X-ray objects deep in our galaxy. The X-ray emissions from these objects do not penetrate our atmosphere, so are observable only from space. By pointing the instrument at several of these objects for periods of up to one hour, we obtained the longest coverage to date. Ground based optical and radio observatories in the Soviet Union and Europe participated in simultaneous observation with Apollo 15 of two objects whose time varying light and radio emissions are detectable at the earth. Hence, we succeeded in obtaining unique and important data in the area of galactic X-ray astronomy. We have the data necessary for assessing the potential of the moon and near-lunar environment as a base for X-ray astronomy.

MR. WILLIAM L. SJOGREN, MEMBER, TECHNICAL STAFF, TRACKING AND ORBIT DETERMINATION SECTION, JET PROPULSION LABORATORY, PRINCIPAL INVESTIGATOR, APOLLO S-BAND TRANSPONDER GRAVITY EXPERIMENT

The data from Apollo 15 science will no doubt be continually bearing fruit for the next several years. The simultaneous, concentrated effort of so many disciplines will provide a unified understanding of the moon. This understanding is basic, for man must eventually leave this earth and inhabit other planets and solar systems. Man will not die like his mindless animal ancestors from eon to eon, for his search for truth and knowledge will certainly continue his existence.

Preliminary results from Apollo 15 science has been very illuminating. Gravity, seismic, chemical, thermal, and magnetic data are tying together beautifully. Some first farside data, other than photography, are now available. Correlation between these results will provide definite theoretical models of the moon. We can then appreciate what can and cannot be done with the moon to further our understanding of the other planets and of the earth itself.

DR. JOHANNES GEISS, DIRECTOR, PHYSIKALISCHES INSTITUT, UNIVERSITY OF BERNE, PRINCIPAL INVESTIGATOR, SOLAR WIND COMPOSITION EXPERIMENT

Congratulations to NASA for a mission of great scientific significance. The rocks collected with expertise by the Apollo 15 astronauts should reveal the sequence of events which formed Mare Imbrium and the Apennine Mountains during the early history of the moon. The record of the first billion years of the earth's history was essentially destroyed by its own geological activity. Investigations on the Hadley rocks together with geologic-geophysical observations should enable us for the first time to draw firm conclusions about this early epoch in the history of the solar system, and about the process of formation of planetary bodies. Apollo 15 has demonstrated the essential role man plays in the exploration and scientific investigation of the very complex solid bodies in the solar system.

Our Solar Wind Composition Experiment has collected solar matter over a period twice as long as in earlier Apollo missions. Consequently, we expect to obtain precise data on abundances in the sun of rare isotopes such as Neon-21 and Argon-38. By comparing isotopic and elemental abundance results from different missions we study acceleration and fractionation processes in the solar atmosphere. Presently we interpret the observed difference between the helium isotope abundances of meteoritic and solar matter as due to nuclear processes inside the sun. The difference between the neon isotopic composition in the sun and in the earth's atmosphere is due to gas losses from the latter. Since the Solar Wind is one of the principal sources of gas in the lunar atmosphere, our experiment establishes the rates of input to the lunar surface of gases which are found in the atmosphere of the moon.

I wish to thank you for the cooperation NASA has generously extended to our institute.

MR. FREDERICK J. DOYLE, RESEARCH SCIENTIST, MAPPING DIVISION, U.S. GEOLOGICAL SURVEY, TOPOGRAPHIC DIVISION, CHAIRMAN, APOLLO ORBITAL SCIENCE PHOTOGRAPHIC TEAM, PAST PRESIDENT, AMERICAN SOCIETY OF PHOTOGRAMMETRY

The orbital cameras flown on Apollo 15 are part of an integrated system which includes the cameras themselves, the spacecraft tracking, the Laser Altimeter, and the ground data reduction equipment and techniques. Simply in terms of information gathering ability, the Panoramic Camera is equivalent to sixty Lunar Orbiters, and the Mapping Camera to fifteen more Lunar Orbiters. The combination of Mapping Camera, Stellar Camera, Laser Altimeter, and tracking data will permit the precise location of any point on the moon's surface recorded by the cameras.

In addition to providing a cartographic base for location of the data recorded by the other Apollo orbital sensors, this information will permit inferences to be drawn regarding the departure of the moon's shape from spherical, the separation of the center of mass from the center of figure and the correlation of topographic features with gravity anomalies. These facts have geophysical implications regarding a hot or cold genesis for the moon, and the extent to which tectonic forces may still be operating.

DR. JOHN H. HOFFMAN, ASSOCIATE PROFESSOR, DIVISION OF ATMOSPHERIC AND SPACE SCIENCES, UNIVERSITY OF TEXAS AT DALLAS, PRINCIPAL INVESTIGATOR, APOLLO LUNAR ORBITAL MASS SPECTROMETER

Apollo 15 has given us an opportunity to observe the lunar atmosphere for the first time with an instrument designed to determine the composition and abundance of the gases associated with the moon. Preliminary results show an unexpectedly large population of gas molecules at lunar orbit altitudes. Many kinds of gases, from water vapor and carbon dioxide to many hydrocarbon molecules are observed.

In addition, the data covers a significant fraction of the moon's surface, and gives us an opportunity to search for volcanic type events that release gases into the atmosphere. One such event may already have been observed on the backside.

The Apollo 15 flight, with its abundant scientific return will certainly provide a much deeper understanding of the solar system, and hopefully is the beginning of a detailed scientific investigation of the moon.

SMOKING AND NONSMOKING SECTIONS FOR COMMERCIAL AIR CARRIERS

Mr. BENNETT. Mr. President, today I have written Mr. John Shaffer, Administrator of the Federal Aviation Administration, requesting that his agency step up its feasibility study of issuing mandatory regulations that would require commercial air carriers to provide smoking and nonsmoking sections for their passengers.

I recognize this has been done by a number of airlines on a voluntary basis, and I commend them for their efforts; however, because these are voluntary efforts, there is virtually no enforcement of the nonsmoking regulations. This has led to an increasing number of complaints from passengers who have specified that they wished to be seated in the nonsmoking section of the airplane only to find themselves seated beside someone who smokes. To someone who smokes this may seem a minor problem, but to those of us who do not, it can often mean several hours of irritation and discomfort. The unhappy aspect of this problem is that it could be resolved with a minimum amount of effort on the part of the airlines and at virtually no expense.

Mandatory regulations issued by the FAA would make it possible for a passenger who either by personal choice or because of health reasons could be assured of making the flight relatively free from the irritation of tobacco smoke. With the increasing capacities of the commercial airliners, it is becoming increasingly important that attention be given to the needs of both the smoker and the nonsmoker.

Another fact which has come to my attention in the study of this problem that has given added urgency to seeing these regulations implemented is the increase in tobacco consumption by the American people during the first 6 months of this year. Statistics recently released by the American Cancer Society and the Department of Agriculture show that Americans are smoking more than during the same period of time last year. For the first time in 5 years there has been an increase in the total consumption of tobacco. This comes as a surprise to many of us, particularly in light of the fact that there is increasing evidence that cancer, heart disease, and other respiratory ailments are directly related to smoking.

This increase has occurred despite the fact that all the cigarette advertisements were removed from radio and television on the first of January of this year. While the increase is small, only four cigarettes per person, the major reason for concern is that this may indicate a trend toward increased smoking. Hopefully, this will not be the case.

At this point I want to pause to make one thing clear. It is a personal decision whether one smokes or not—I would not want to do anything to interfere with this decision. However, I do believe that when smoking becomes an imposition or infringement upon the health and comfort of another individual, there is need for regulation.

It may also be of interest to note that there have been a number of campaigns started that would restrict smoking to certain cars on passenger trains, to limit it in waiting rooms of hospitals, bus stations, railroad terminals, and other public areas.

I sincerely hope that with the combined efforts of all concerned about the problems related to the mixing of smokers and nonsmokers in public places, we will be able to assist the FAA in prompt adoption of mandatory seating regulations and other reasonable solutions to problems of conflict in public areas.

REDUCING DEATH

Mr. MOSS. Mr. President, cigarette smoking continues to be a plague on our people. The merchants of death, exploiting both the genius of Madison Avenue and the inventiveness of new product managers have continued to bombard the American people with wanton invitations to ravish their health.

But we are faced with soaring costs of hospitalization and overflow crowding in our extended care facilities; there are not enough funds available to provide for the intensive care needed by the emphysema, cancer, and heart disease patients; and millions and millions of dollars are being paid from our social security funds to aid relatively young and otherwise productive people who are unable to use their skills due to disabling respiratory or heart conditions.

The best medicine for these problems is, of course, preventive medicine. Prevention cuts down on costs, it cuts down on agony, and it cuts down on disability. As we are all aware, the most significant and demonstrable form of prevention of lung cancer, oral cancer, heart disease and emphysema is abstinence from smoking. Just think of the hundreds of thousands of lives extended and the years of productivity conserved if people did not smoke.

After a long and spirited battle with tobacco interests, the Government has exerted its sovereign power to protect the health and welfare of its citizens through elimination of cigarette advertising in the broadcast media. And this legislation, which might be termed a triumph over greed and political power has succeeded in cutting the purse strings on a multimillion-dollar expense account and put an end to one of the most subtle and insidious influences ever to attack the thoughts of our young people.

What has been the effect of our ban on broadcast cigarette advertising? For one thing, children are no longer exposed to the allure of handsome men and elegant women filling their lungs with death-dealing smoke. Adults who are desperately trying to quit, no longer have their resolve shaken by the sight of men and women seductively indulging in self-pollution. We have had and will continue to have antismoking television announcements to remind those who continue in their folly. And in payment for decades of broadcast advertising of cigarettes, I believe that the broadcasters have a moral if not legal obligation to air anticigarette commercials until the residual effects of billions of dollars of cigarette advertising has been dissipated.

Unfortunately, members of the cigarette industry, despite their acceptance of the public verdict that the promotion of cigarettes on brodacast media is not in the public interest, show no signs of slackening their quest for new consumers through every conceivable promotional and marketing technique they can conjure up.

So where does Government go from here? It must change the economic and social benefits accruing to the tobacco economy. We must develop methods to deter the growing, processing consumption of the product. In the United States, a considerable portion of the economy of several States depends on tobacco for complete economic solvency. This must change. Even though tobacco history in the United States almost parallels the development of the Nation itself, this type of consideration must be overlooked.

We must prepare a long-range plan to eliminate tobacco as a staple commodity. The deceptive promotional tactics for the product must cease, the tar and nicotine content of the product must be reduced, and although those who depend on tobacco for their livelihood will be most disturbed, we must terminate their dependence on tobacco.

I have repeatedly tried to have legislation supporting this effort seriously considered by the Agriculture Committee, but without success. I have brought the problem directly to the floor through amendments to the Agriculture appropriations legislation which would strike out all subsidization for tobacco, but without success. Senator BROOKE has again introduced legislation modeled along the lines of my termination program, although more gradual, and I have joined with him in cosponsorship of that measure. But in all candor, I doubt if we will be successful in getting the Agriculture Committee to consider the legislation. So once again we are faced with the dilemma of the tobacco problem with little hope of overcoming the seemingly modest suggestion to discuss it in an intelligent fashion.

There are several areas and ways in which we can approach the subject. Some have been embodied in legislation which I have already proposed, other concepts will be in additional forthcoming legislation. But let us also look to voluntary efforts. In Canada, the cigarette industry has volunteered to limit tar and nicotine content to 22 milligrams and 1.6 milligrams per cigarette. Five brands of cigarettes exceed these levels and the manufacturers have stated that they will reformulate and decrease the levels.

Obviously this is a practical method of handling one aspect of the cigarette problem. My bill, S. 1454, would in effect bring about the same policy in the United States. Hopefully we will be able to hold hearings early in 1972 on S. 1454, and see a continued reduction in the tar and nicotine content of domestic cigarettes which fortunately has already been noted in some cigarettes on the market today.

Mr. President, I ask unanimous consent that an article concerning the Canadian cigarette situation published in the Wall Street Journal of September 22, 1971, to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CANADA'S TOBACCO INDUSTRY AGREES TO END CIGARETTE ADS ON RADIO AND TV NEXT JAN. 1

OTTAWA.—The Canadian tobacco industry, hoping to stall legislation action on a bill that would ban all cigaret advertising, says it will voluntarily end advertising on radio and television next Jan. 1. However, it will continue to buy advertising space in other media.

The bill calls for the all-media ban to go into effect next Jan. 1. But Health Minister John Munro has hinted that the government might be willing to delay the start-up date pending further talks with the tobacco and advertising industries.

The tobacco industry, represented by the Canadian Tobacco Manufacturers Council, also said it agreed to limit tar and nicotine content per cigaret to 22 milligrams and 1.6 milligrams respectively. Five brands surpass these levels, the council said.

They are Buckingham king-size plain end, Pall Mall king-size plain end, and Chesterfield king-size plain end, all made by Imperial Tobacco Products Co., a division of Imasco, Ltd.; St. Moritz premium-filter menthol, made by Rothmans of Pall Mall Canada Ltd., and Mannic king-size filter, made by Bastos Ltd., a small Quebec concern that isn't a member of the association.

Imperial makes Pall Mall cigarets in Canada under license with American Brands Inc.

and Chesterfields under license with the Liggett & Myers division of Loews Corp.

Imperial said it will reduce the tar and nicotine content of the three brands to at least the council's ceiling. Paul Pare, council president, also is president of Imperial.

But Bastos, which isn't a member of the council, said it may cut down the tar and nicotine in its Mannic cigarets but added that it's reluctant "to change anything unless the government pushes us."

The council said also that, effective next April 1, all cigaret packages will carry the admonition: "Warning: Excessive smoking may be hazardous to your health." The government bill calls for the warning to read: "Danger to health increases with amount smoked, avoid inhaling."

In 1969, the latest year for which figures were available, Canadian cigaret manufacturers spent a total of $25 million on all types of advertising. Some $7 million of this was spent on broadcast advertising.

According to the council, more was spent on such advertising last year and outlays increased again in 1971.

The council said it wants the cigaret-advertising ban confined to broadcasting "in line with the voluntary action taken in the United Kingdom and the legislative action in the U.S."

"We have no reason to believe the government has changed its mind" about the total advertising ban, Mr. Pare said. "Hopefully the revised advertising code will aid deferment of the bill. But that's a hope more than an expectation," he added.

The council said cigaret advertising won't imply smoking "promotes physical health," or "is essential to romance, prominence, success of personal advancement." All models in ads must be at least 25 years old, the council added.

TRIBUTE TO JUSTICE HUGO L. BLACK

Mr. WILLIAMS. Mr. President, like other Senators, I was disappointed when I learned of Justice Hugo L. Black's retirement from the Supreme Court on September 17, and very deeply saddened when I learned of his death Saturday.

Hugo Black's term, which began on August 19, 1937, and ended on September 25, 1971, was one of the longest in the history of our Nation's Highest court. Only two men—John Marshall and Stephen J. Field—served longer. I am confident that Justice Black's influence on both the Supreme Court and the Nation at large shall live on and remain a fitting monument to his life and philosophy. One cannot help but be awed at the thought that during his censure, Justice Black was associated with one-fourth of the Justices who have sat on the Court, and with one-third of the Chief Justices who ever served.

It might be considered trite to say that Hugo Black rose to great heights from a humble beginning, but that is precisely the case. He was born the son of a farmer and small storeowner in rural Alabama, and became one of the most respected and influential men in our country, and perhaps the world.

Justice Black was one of the principal architects in shaping the Supreme Court we have known since the 1950's. It was during this time that the guarantees of due process of law extended defendants in Federal courts, were extended to cover criminal defendants in other courts as well. This was accomplished through interpretation of the 14th amendment, which Justice Black had long argued was designed to make the Bill of Rights as binding upon the States as it is upon the Federal Government.

While Justice Black never persuaded the majority of his colleagues on the Court to fully accept this view of the 14th amendment, the Court did come to accept it to a large degree. Over the years the Court used the 14th amendment to invoke, one by one, the liberties guaranteed by the first, fourth, fifth, sixth, and eighth amendments, to protect individuals from actions of State and local governments.

The ideals of equality and democracy were certainly at the core of what Justice Black preached and practiced. He tended to trust Americans to handle their rights and responsibilities as citizens, and he viewed the first amendment as preeminent. Justice Black called this amendment—

> the heart of our Constitution, our Bill of Rights, and our Nation.

He saw in this freedom of speech and assemblage the ultimate means by which controversies inherent in a democracy could be settled peacefully under the rule of law.

The character and quality of Justice Black's work is rich ground for a lengthy discourse. However, it is undoubtedly true that brevity is in order at this time. Let me just say that there is now a great void in our National Government, a void which will not be easily filled.

MAGRUDER CORRIDOR

Mr. NELSON. Mr. President, Senator CHURCH of Idaho and Senator METCALF of Montana have recently introduced a bill to establish an Upper Selway Wilderness Area in the section of Idaho adjoining Montana known as the Magruder Corridor. The bill, S. 2390, would place 205,000 acres of timbered mountain land in wilderness status and would prevent the pollution of the Upper Selway River, a unit of our Wild River System, and the loss of the anadromous fish that spawn there.

Senators CHURCH and METCALF emphasize that the measure that they propose is needed to connect two major wilderness areas, the Selway-Bitterroot Wilderness Area on the north and the Salmon Breaks Primitive Area to the south. If the Magruder Corridor is maintained in wilderness condition, this large block of wilderness area will be maintained in much the condition as it was when Lewis and Clark crossed the Continental Divide in 1805.

Senators CHURCH and METCALF are to be complimented on their deep interest in this conservation measure and deserve the support of their colleagues.

I ask that an editorial by Mr. Bill Hall appearing in the Lewiston Tribune be printed in the RECORD for the information of my colleagues.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CORRIDOR BETWEEN TOWERS

Placing the 240,000-acre Magruder Corridor in the wilderness system would have a negligible effect on the timber industry of Idaho and Montana. But logging and road construction, if permitted in the area, could have a very expensive effect on the land in question.

Sens. Frank Church, D-Idaho, and Lee Metcalf, D-Mont., have offered a bill to designate the Magruder Corridor as the Upper Selway Wilderness Area.

In this era of urban encroachment on the last remaining wilderness, unnecessary carving on the Magruder Corridor would be unthinkable by itself. But there is also the matter of the headwaters of the Selway River, a stream that is among Idaho's most extraordinary and well worth the price of a handful of sawlogs to spare it from degradation.

Church points out that the potential timber in the area is quite small. The allowable cut would be only 6.4-million board feet, most of which would be milled in Montana.

Where it is milled doesn't matter if it is actually a crucial supply to help fill the nation's needs. But whether milled in Montana or Idaho, it is, according to Church, only a four-month supply of logs for one small mill.

That is not enough to warrant tearing up a section of wilderness considered priceless by thousands of the region's residents.

Unfortunately, the more America is urbanized, the more the citizens require these islands of sanity away from civilization, these healing stations away from the traffic jam, the alarm clock, the telephone and the polluted air. Yet the more urbanized we become, the less virgin territory we retain—unless steps are taken.

Church and Metcalf are taking steps to preserve the Magruder Corridor.

The Idaho senator is a foreign policy specialist, and it is no secret that his first priority in his personal career is to serve his nation in that field. And history may well look favorably upon Church and a dozen others in the Senate who have lifted America into a more mature and seemly posture of one of the great nations of the world.

But in the years to come, Church, and a few others, may be recognized for the special vision that caused Idaho's senator to embark a decade ago—before it was fashionable—upon the task of segregating so-called civilization from the remaining American outback. His work in the field of wilderness legislation and in designating wild and scenic rivers provides the hope that our grandchildren—though they may live during the week in nervous plastic towers—will be able to get away from it all on occasion and come to terms with the raw earth from which they sprang.

Church's pioneer work in that effort means stashing away some serenity as a balm for the pressured generations to come. That may be a more fundamental contribution to peace on earth than a Foreign Relations Committee hearing.

And Magruder Corridor will serve society better as it is—for healing—than as the source of more pulp to make more paper on which to print more forms to rot more minds in the offices of those who must fill them out.—B. H. Lewiston Morning Tribune.

S. 2432, THE COURT PRACTICE APPROVAL ACT OF 1971 AND THE PROPOSED NEW FEDERAL RULES OF EVIDENCE

Mr. McCLELLAN. Mr. President, on August 5 of this year, I introduced, on behalf of myself and my distinguished colleagues, the Senator from Nebraska (Mr. HRUSKA), the Senator from North Carolina (Mr. ERVIN), the Senator from West Virginia (Mr. BYRD), the Senator from Alabama (Mr. ALLEN), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND), S. 2432, the Court Practice

Approval Act of 1971. This proposed legislation would modify the present delegation of power to the Supreme Court of the United States to prescribe rules of practice and procedure applicable to the Federal courts sitting in criminal and other proceedings to insure adequate participation by the Congress in the rule formulation process. In my remarks on August 5, 1971—CONGRESSIONAL RECORD, page 29894—I noted that the bill was drafted to respond to a problem brought to light by the circulation of the Revised Draft of the Proposed Rules of Evidence for the United States Courts and Magistrates. It was dissatisfaction with those proposed rules that led me to examine the avenues open to the Members of this body by which they might express their criticism and make their voice heard; and it was in the course of that endeavor that I realized that the present statutory scheme affords inadequate opportunity for this body to consider the implications of any proposals put before it by the Supreme Court.

Mr. President, during the course of our recent recess, I forwarded to the chairman of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, a detailed statement of my positions on the more salient issues presented by the proposed rules. It is my judgment now that it would be helpful if hearings would be held by the full Committee on the Judiciary, not only on the Court Practice Approval Act, but also on the merits of any rules of evidence ultimately forwarded to the Supreme Court by the Judicial Conference. As the rules are processed, and if they become less controversial, it might be possible to separate them from the Court Practice Approval Act, but at this juncture, I am still of the opinion that they should be considered together. In this connection, I wish to draw to the attention of Senators my own observations and thoughts as well as those of the U.S. Department of Justice and those of the U.S. Attorney for the District of Columbia, which were also forwarded by letter to the Standing Committee.

These letters express a concern similar to my own with the rules in their present form. I was gratified, however, to learn from a distinguished member of the standing committee, Prof. Charles Alan Wright, of the University of Texas Law School, that any seeming disregard on the part of that committee for the expressed intent of the Congress in drafting the proposed rules, at least in reference to proposed rule 609, which deals with the so-called Luck question (see *Luck* v. *United States*, 121 U.S. App. D.C. 151, 348 F. 2d 763 (1965)), grew out of a good-faith misunderstanding of the intent of Congress itself. I take heart at learning, therefore, that the further development of these rules will take place with Professor Wright's good counsel and without this misunderstanding.

Nonetheless, the issues presented are momentous for the administration of criminal justice, and the debate on the merits of any such rules within the judiciary, Congress, and the Nation should be long and ample. Consequently, I express my hope that these remarks will engage the interest not only of my learned colleagues, but also of concerned citizens throughout the country.

Finally, I am informed that the rules were considered again by the Advisory Committee on Evidence over the Labor Day weekend and will be presented to the standing committee on the 30th of this month. A number of important and worthwhile changes have been made in the rules. In addition, the chairman of both the standing committee and the Evidence Committee and the reporter for the rules were kind and generous enough to meet with me here in Washington and to discuss with me many of my concerns. I recognize, of course, that what they said to me need not bind their colleagues on the standing committee, but they did express a willingness to take to the committee a number of additional modifications and clarifications that will strengthen the rules and meet many of the objections voiced here and elsewhere. The project is too important to have it aborted at this stage of its development. At the same time, we cannot afford to weaken the administration of criminal justice. I am hopeful, therefore, that an accommodation can be worked out on these matters. I know it will if the standing committee is itself as generous and considerate as its chairman and the chairman of the Evidence Committee. It is, I am told, not too late to convey comments to the standing committee and that copies of the last published draft of the rules may be obtained from and comments may be forwarded to Mr. William E. Foley, the Secretary of the Committee on Rules of Practice and Procedure, Judicial Conference of the United States, Supreme Court Building, Washington, D.C. 20544.

Mr. President, I note that the text of the proposed rules may be found at 51 F.R.D. 315 (1971), and I ask unanimous consent that the following documents be printed in the RECORD:

First, my letter of August 12, 1971, to Judge Maris;

Second, a letter from Deputy Attorney General Richard G. Kleindienst to Judge Maris accompanied by the Department of Justice's comments on the revised draft of the Proposed Rules of Evidence;

Third, a letter from Thomas A. Flannery, U.S. attorney for the District of Columbia, of August 6, 1971, to Judge Maris;

Fourth, a letter to me from Prof. Charles Alan Wright of August 13, 1971, my reply to him of September 2, 1971, and his response to me of September 13, 1971.

There being no objection the exhibits were ordered to be printed in the RECORD, as follows:

U. S. SENATE,
Washington, D.C., August 12, 1971.

Hon. ALBERT B. MARIS,
Committee on Rules of Practice and Procedure, Supreme Court Building, Washington, D.C.

DEAR JUDGE MARIS: I write to express my concern that the promulgation of the proposed Federal Rules of Evidence in their present form would seriously impair the administration of justice in the United States. In the main, I fully support your effort to secure for Federal courts compact, clear-cut, uniform, accessible and authoritative rules of evidence. But I must deprecate any effort which would go beyond such a codification, radically alter present law and further debilitate an already weak Federal system of criminal justice.

My comments here represent my initial opinions on the Rules as now drafted. With full public hearings, in which the drafters of the Rules could be heard and the criticism and suggestions of others solicited, I recognize that I might be persuaded that other positions on these various issues ought to be adopted. Nevertheless, I thought it perhaps wise to share with you my thoughts at this stage in your reconsideration of the proposed Rules.

RULE 103

Subdivision (a) of Rule 103 provides that error may not be predicated upon a ruling admitting or excluding evidence "unless a substantial right" of a party was affected.

I would assume that this Rule does little more than codify the harmless error rule. See, e.g., *Chapman* v. *California*, 386 U.S. 18 (1967). It would be helpful, however, if language were added regulating the notion of "substantial right" to the probable affect of the error on the verdict or finding. Such a provision is found in the *Model Code of Evidence* §§ 6(b) and 7(b). To the degree that rules of evidence seek to implement policies other than those immediately associated with the just determination of judicial disputes, it will always be possible to envision that a "substantial right" (e.g., the invasion of privacy associated with the use of the product of an unlawful wiretap) may have been violated, even though it had no impact on the final outcome of the proceeding. In such cases, a retrial would be a needless expenditure of public resources and further contribute to the massive problem of delay in our courts.

RULE 104

Subdivision (d) of Rule 104 limits the use that may be made of testimony of an accused given during a preliminary hearing on admissibility to "impeachment of clearly contradictory testimony by him at trial."

This provision appears to be an unwarranted extension of *Simmons* v. *United States*, 390 U.S. 377 (1968) and a narrowing of *Walder* v. *United States*, 347 U.S. 62 (1954). *Simmons* held that the testimony of an accused, establishing ownership of a suitcase, given on a motion to suppress, may not be used to establish guilt in the Government's case in chief; it says nothing about its use to establish guilt by rebuttal testimony after the defendant has put in an inconsistent defense (e.g., to rebut alibi witnesses not including the accused himself). *Walder* held that evidence obtained contrary to the Fourth Amendment may be used to unmask by rebuttal testimony affirmative perjury on collateral issues by an accused who testifies in his own behalf. Following and extending *Walder*, *Harris* v. *New York*, 401 U.S. 222 (1971), held that evidence obtained contrary to the Fifth Amendment may be used to unmask by impeachment on cross-examination perjury by an accused who testifies in his own behalf. Neither *Walder* nor *Harris* limits the use of such evidence to "clearly contradictory" testimony. I would suggest, therefore, that, in the absence of some compelling showing of need, "clearly contradictory" be changed to "inconsistent" and provision be made for the use of the evidence in cross-examination or rebuttal. If the purpose of a criminal trial "is to seek out and determine the truth or falsity of the charges brought against the defendant," *Lopez* v. *United States*, 373 U.S. 427, 440 (1963), the needless suppression of impeaching or rebuttal testimony ought to be avoided.

RULE 303

Rule 303 deals with the effect of presumptions in criminal cases. As you may be aware, proposed Rule 303 differs in its treatment of presumptions from Section 103(4) of the proposed Federal Criminal Code of the National Commission on Reform of Federal Criminal Laws, the Brown Commission. I would urge on you acceptance of the Brown Commission's draft, with one reservation to preserve current law while Congress is considering the issue.

In my judgment, Section 103(4) is superior to the draft of Rule 303 principally because it requires the court to instruct the jury that the "law regards the facts giving rise to the presumption as strong evidence of the fact presumed." Especially where statutory presumptions are at issue, any other course of action would deprive the jury of the special insight of experience that legally underpins the presumption itself.

For present purposes, however, I would recommend that the alternative formulation of the last clause of subsection (4)(a) be substituted for the black letter text of the Brown Commission's recommendation. See *Final Report of Commission, Comment* p. 159–60. This would be consistent with present law. See *Curley* v. *United States*, 160 F.2d 229 (D.C. Cir.), *cert. denied*, 331 U.S. 837 (1947). Since Congress will face this issue as it processes the recommendations of the Brown Commission, it would be preferable to avoid making a change in present law that might be itself so soon reversed. Every effort should be made to coordinate the consideration of parallel or identical areas of the law by those entrusted with parallel or overlapping responsibilities, and needless confusion by several changes in basic concepts in an already difficult area of the law ought to be avoided if at all practicable.

RULE 403

Rule 403 codifies the familiar principle that evidence, even though relevant, may be excluded if its probative value is substantially outweighed by such dangers as unfair prejudice, confusion of issues, delay, etc. Rule 403 also draws a distinction between those situations thought to require mandatory rather than discretionary exclusion.

In my judgment, this distinction is without foundation either in prior case law or in reason, and I would recommend to you that the Rule be redrafted along the liens of *Model Code of Evidence* § 303, where the discretionary character of the judgment to exclude is made explicit. See generally *McCormick* § 152 pp. 319–21.

I recognize, of course, that a distinction may be validly drawn between general applications of the principle and the situation where delay is the point at issue. My quarrel is not with this distinction, which the Advisory Committee note indicates at p. 31, is at the bottom of the division of Rule 403 into two parts. My difficulty lies with the failure of Subdivision (a) to see the ultimate issue in terms that emphasize the sound discretion of the trial judge and to uphold his ruling on appeal, absent abuse of discretion, in what will always be a balancing situation. I see no reason to purport to draw a hard and fast line that no one will be able to trace in practice. The adoption of the present draft would only provide criminal defendants with another standard ground for appeal and lead to more needless reversals and retrials in criminal cases.

RULE 404

Rule 404 deals with the inadmissibility of evidence of character or a trait of character to show conduct on a particular occasion. Subdivision (a)(2) makes possible, however, the use of evidence of the character of a victim of crime in instances where the accused first puts it in issue.

In my judgment, this exception is not broad enough as it is presently drafted. The cases are not without conflict, but it seems to me altogether reasonable, in at least homicide prosecutions, to permit the Government to rebut evidence of self-defense with proof of the man's character for peace and good order, even though the accused has not put the dead man's character directly in issue. Both *McCormick* § 160 p. 339–40 and 3 *Wigmore* § 63 n. 2 support this view, and I urge your acceptance of it.

Too little is said now in behalf of the victims of crime. When the dead man cannot speak in his own behalf, his good name in the community ought to speak for him, when either his character or his conduct is attacked by the accused.

RULE 410

Rule 410 reflects the familiar principle that pleas of guilty or otherwise, later validly withdrawn, cannot be subsequently used.

Two unwarranted changes, however, were introduced in Rule 410 from the March 1969 draft to the March 1971 version. The March 1969 draft limited the principle of unavailability to proceeding in which the person who made the plea was himself involved. The March 1971 version apparently broadens the Rule by omitting these words of limitation.

When it is not being used against the person who made it, it is difficult for me to perceive what policy is served by an unwillingness to use, for example, a voluntary plea of guilty and its accompanying *McCarthy* (394 U.S. 459 (1969) statements acknowledging guilt merely because the plea was later validly withdrawn. Proposed Rule 804(b)(4), criticized below would make admissible statements against interest under certain conditions. Would Rule 410 so qualify proposed Rule 804(b)(4) that the plea and public confession of A could not be used by B to exculpate himself, where A's plea was validly withdrawn and he died before he could be re-tried?

It makes sense to give meaning to the ability to withdraw a plea by prohibiting its subsequent use in such a fashion that would undermine the withdrawal itself. This is, of course, the thrust of the dictum of the Supreme Court in *Kercheval* v. *United States*, 274 U.S. 220 (1927) (withdrawn plea to be excluded in subsequent trial). But that salutary and necessary policy is distorted by the March 1971 drafts apparent willingness to write a rule that would suppress the truth. I suggest, therefore, the adoption of suitable language that would return the Rule to its original scope.

The March 1971 version would also expand the March 1969 draft by extending the dictum of *Kercheval* on pleas to *McCarthy* statements made by the accused to the court when it takes a plea under Rule 11 Fed. Rules of Cri. Proc. I deprecate the suppression of voluntary statements by courts charged with finding truth, but I recognize the force of the logic that would extend the scope of *Kercheval* to meet the new rituals of plea-taking that require factual inquiries by the court to guarantee the voluntary character of the pleas. Nevertheless, I suggest that a rule of simple exclusion goes too far. As I noted above in connection with Rule 104, there are instances involving impeachment or rebuttal testimony where truth should outweigh the desire to make meaningful the judgment that a plea ought to be able to be withdrawn effectively. Consequently, I suggest that suitable language be added to the Rule itself or that the commentary at least reflects that the scope of the exclusion is not without limitation.

RULE 502

Rule 502 creates a Federal privilege to refuse to disclose and to prevent the disclosure of reports required by Federal or State law to be filed by persons, associations or corporations, where such is provided in the Federal or State statute requiring the report to be filed.

I am somewhat troubled by the apparent scope of this new privilege. It apparently has no counterpart in the Model Code of Evidence. The cases cited in the Advisory Committee's Note, moreover, are not particularly enlightening. To uphold values found in the privilege against self-incrimination, it may be necessary to accord protection against disclosure of information required to be filed by an individual, but why extend the privilege to an association or a corporation? Neither comes with the protection of the privilege against self-incrimination. *Wilson* v. *United States*, 221 U.S. 361 (1911) (corporations); *United States* v. *White*, 322 U.S. 694 (1944) (unions). Where Federal law is at issue, Rule 501, of course, controls. Information privileged by Federal statute ought to be accorded appropriate status under the rules. But why should the rules incorporate wholesale State law? If the litigation were between private parties or civil in character, I might readily agree that due deference to policies grounded in Federalism ought to control. See *Wright, Federal Courts* § 93 p. 415. But the administration of Federal criminal justice has never been thought to be generally subject to State privileges. See *Funk* v. *United States*, 290 U.S. 371 (1933); *Wolfle* v. *United States*, 291 U.S. 7 (1934); *Rule 26 Fed. Rules of Crim. Proc.* Why should a required reports exception be carved out of this salutary general principle? I am not willing to suggest that in particular instances the courts ought not recognize such a privilege, but this should take place on a case by case basis; I would be reluctant to support a wholesale adoption of State law in this area without knowing quite what it was that was being adopted. *McCormick* § 149 pp. 311–12, for example, suggests that "in legislative halls when bills requiring such reports are proposed, the need for encouraging frank and full reports looms large to the proponents, but the judges and lawyers who would urge the need for truth in litigation are not alerted to oppose the privilege. The need might not be all that it appears to be. Consequently, I suggest that Rule 502 be deleted; it seems, in short, to hold out promise of more unforeseen difficulty than needed benefit.

Finally, in reference to the wording of the last sentence of Rule 502, I call your attention to the comparable and preferable language of 18 U.S.C. § 6002: "for perjury, giving a false statement, or otherwise failing to comply" with the statute.

RULE 504

Rule 504 adopts, subject to certain exceptions, in general Federal jurisprudence, not a doctor-patient, but a psychotherapist-patient privilege.

I am troubled by the omission in the Rules of any recognition of the general doctor-patient privilege. Although I recognize that the weight of scholarly opinion argues against its adoption, its support in the community is attested to by its inclusion in the *Model Code of Evidence* §§ 220–23 over the objections of the Reporter and Chief Consultant and its acceptance in a majority of states.

Nevertheless, because of my general opposition to any rule of evidence that suppresses the truth, I am willing, at least at this juncture, to see the rule written in its present draft form. It ought to be pointed out, however, that the shift in language from the March 1969 draft to the March 1971 version redefining "psychotherapist" from a doctor "who devotes a substantial portion of his time" to one "who devotes all *or a part of his time*" to psychotherapy virtually undermines your professed policy of not writing a general privilege. All doctors face and must treat in some fashion those whose illnesses are more psychosomatic than organic. If you are going to adopt the rule that you argue for, I would suggest, therefore, that you return to the language of the March 1969 draft.

RULE 505

Rule 505 recognizes in Federal criminal jurisprudence a limited privilege of a person to prevent his spouse from testifying against him.

Several aspects of this rule trouble me. The failure to write a rule protecting confidential communications seems a sharp break with tradition, but if a broad enough privilege against testimony is written, the same ground will be covered, at least in criminal cases, and the failure may not be crucial. But I am concerned that neither the text of the Rule nor the Advisory Committee Note offers any definition of "spouse." Compare *Model Code of Evidence* § 214(a). The matter could be handled either on the face of the Rule or in the comment, but it ought to be made unequivocal that the Rule is inapplicable where the marriage is a sham, *Lutwak* v. *United States,* 344 U.S. 604 (1953) or is at an end, through divorce or separation. See, e.g., *Barsky* v. *United States,* 339 F. 2d 980 (9th Cir. 1964).

If the rationale of the rule is the desire to achieve "the prevention of marital dissension and the repugnancy of requiring a person to condemn or be condemned by his spouse," Advisory Committee Note at p. 56, I find it strange, moreover, that Subdivision (c)(2) excludes events occurring prior to the marriage. Would not such testimony equally promote dissension and give rise to repugnancy? I would suggest, therefore, that this limitation be omitted to maintain consistency with your professed policy.

At the same time, I suggest that the testifying spouse be made the holder of the privilege. I recognize that *Hawkins* v. *United States,* 358 U.S. 74 (1958) may be cited for the contrary position, but if the rationale is the prevention of dissension, the goal is already beyond attainment where the spouse is willing to cooperate. To shut the mouth of a spouse willing to testify on the motion of the other is not to prevent or to heal a marriage break-up—that has already occurred—but to suppress the truth with no countervailing social gain. See *McCormick* § 66 p. 145. I note, too, that this is already the position that has been adopted by the Congress for the District of Columbia in 14 D.C. Code 306(a)(1964).

Finally, I would suggest a return to the original language of Subdivision (a) of the March 1969 draft, which writes the privilege in terms of "testifying against". No issue is presented of marital dissension or repugnancy where the spouse as such does not testify. The use of testimony taken from another proceeding, where the privilege did not obtain, ought to be permitted. In theory or practice, it differs little from well recognized exceptions to the doctrine of privileged communications, where the privilege is not to suppress the truth of a communication, but merely to prevent the testimony of the spouse from being compelled. See, e.g., *Dickerson* v. *United States,* 65 F.2d 824 (1st Cir. 1933) (trial of husband for murder of wife; letter of wife found by third person among her effects held admissible). Problems may be presented by testimony in grand juries, but there is an ample number of precedents in related areas to make practical the drawing of the necessary distinctions to protect a person from having to testify there against his spouse. See, e.g., *People* v. *Tomasello,* 21 N.Y. 2d 143, 234 N.E. 2d 190 (1967) (prospective defendant called before grand jury); see generally Birzon and Gerard, "The Prospective Defendant Rule and the Privilege against Self-Incrimination in New York," 15 *Buff. L. Rev.* 595 (1966).

Finally, I suggest that "or other similar statute" be added to Subdivision (c)(3). There are a number of statutes comparable to either 8 U.S.C. § 1328 and 18 U.S.C. §§ 242–24 in that they deal with prostitution or vice that might be logically added. See e.g., 18 U.S.C. § 1952. Coverage can be obtained over them by general language without fear that another one is overlooked by inadvertance.

RULE 506

Rule 506 recognizes a privilege for confidential communications made to a clergyman.

Few can quarrel with the motivation that leads to the adoption in Federal law of this privilege. Indeed, it may be a necessary implication of the First Amendment itself. Compare *United States* v. *Caldwell,* 8 Crim. L. Reptr. 2124 (9th Cir. 1970), *cert. granted,* 9 Crim. L. Reptr. 4028 (5–5–71). Nevertheless, I am troubled by the possible implications of extending it beyond its roots in the discipline or accustomed practice of a religious community. Compare the formulation of the privilege found in *Model Code of Evidence* § 219. I recognize, of course, that the role of a clergyman extends beyond the custom of confession. As the Advisory Committee Note indicates at p. 58, many "clergymen now receive training in marriage counseling and the handling of personality problems." But so do marriage counselors and social workers. If we are protecting confidential communications in these areas, why should the rule be limited to spiritual advisors? I am not willing at the present time to write a rule quite so broad. No defensible rationale for distinguishing between those who wear the cloth and those who do not in these sensitive areas suggests itself to me. Consequently, I would suggest that Rule 506 be given a much more narrow and defensible scope, along the lines of the *Model Code of Evidence* § 219.

On the other hand, should you go forward with the text of the present rule, I would seriously urge on you the need to recognize, at least in those areas beyond "penitential communications," see *Model Code of Evidence* § 219(1)(c), some sort of countervailing weight. As Rule 506 is now drafted, it is an absolute. Yet exceptions are recognized in Rule 504 to the psychotherapist-patient privilege and in Rule 503 to the lawyer-client privilege. At least where communications, not penitential in character, concern a mental illness and there is a need for hospitalization, see Rule 504(d)(1), or are in furtherance of crime or fraud, see Rule 503(d)(1), I can see no justification for writing the Rule in its present unlimited form.

It is fashionable in some quarters today, for example, for clergymen to protest real and imagined defects in our society, not through constitutionally protected speech or assembly, but through criminal conduct, sometimes dangerous not only to property but also to life and limb. I see no reason why the law should offer them a shield behind which they can seek to overturn unlawfully our traditional institutions free of legal responsibility. I urge on you, therefore, the need to rconsider the unwarranted scope of the present draft.

RULE 509

Rule 509 recognizes a Governmental privilege in military and state secrets.

As presently drafted, this Rule raises a number of serious issues in my mind, although I am not prepared, at this juncture, to venture an opinion on how I would approach these matters should they come before the Congress. As you may be aware, these issues are now the subject of extensive hearings before the Subcommittee on Separation of Powers in the Senate. Nevertheless, I should like to share with you some of my deep concerns.

As originally proposed in March 1969, the rule closely followed *United States* v. *Reynolds,* 345 U.S. 1 (1953), where the Government's right to withhold military information in a tort suit against it was upheld. The test under the March 1969 Rule was a "showing of substantial danger that the evidence will disclose a secret of state." "Secret of state" was defined in terms paralleling the *Model Code of Evidence* § 227(1). The March 1971 version, however, omitted this definition and subtly shifted the test; it would now require a showing of reasonable likelihood of danger that disclosure of the evidence would be detrimental or injurious of the national defense or international relations of the United States." The showing may be heard in chambers, but "all counsel are entitled to inspect the claim and showing and to be heard thereon."

I am concerned that you have withheld what you purported to recognize by setting up an unrealistic procedure for testing the claim. The Supreme Court itself in the *Reynolds* case reasoned that the procedure adopted to determine the validity of a claim must not "force the disclosure of the very thing that privilege was designed to protect." 345 U.S. at 8. I strongly urge you to return to the approach of the March 1969 draft and provide for an *in camera* procedure for testing the claim.

The Subcommittee on Criminal Laws and Procedures held extensive hearings and made an exhaustive study of the unhappy experience of the litigation surrounding the disclosure rule announced by the Supreme Court in *Alderman* v. *United States,* 394 U.S. 165 (1969) in the area of electronic surveillance. See generally my discussion in "Organized Crime Control Act (S. 30) or Its Critics: Which Threatens Civil Liberties," 46 *Notre Dame Lawyer* 57, 108–33 (1970). Our hearings and studies showed that "protective measures" are an illusion, and disclosure to counsel too often means disclosure to accused and the newspapers. It would be most unwise to go down that road again.

It is appropriate at this point to raise a related problem. The proposed rules do not contain an explicit rule parallel to *Model Code of Evidence* §228, which deals with official information not open to public disclosure. The Advisory Committee Note to Rule 509 at pp. 63–64 indicates that this omission was intentional. It may well be, however, that Rule 501, in fact, covers this situation, when it states except as "provided by Act of Congress" before it specifies that only those privileges set out in the Rules are recognized. As the Advisory Committee Note indicates, Congress has authorized heads of executive departments to control the information that they possess, and the courts have consistently upheld the validity of regulations dealing with disclosure against challenge in the context of the issuance of judicial subpoenae, see, e.g., *United States* v. *Ragen,* 340 U.S. 462 (1951), although the right to control that information is, of course, now limited under the Freedom of Information Act, 5 U.S.C. § 552.

I cannot say that I am enamored of an "official information" privilege in all its possible ramifications and in light of its many abuses, but it is too deeply imbedded in our history to dismiss it as merely a problem in relevancy, as the Advisory Committee Note does at p. 64. It deserves a more discriminating treatment.

On the other hand, I see no reason to accord "official information" a status equal to that of "state secrets." If an official information privilege is to be recognized—and I think that it should receive a more detailed treatment than the present Rule accords it—the Rules should meet the issue head-on and provide suitable definitions and procedures for its claim and determination. See *McCormick* §§ 145–47. Consequently, I urge on you the careful reconsideration of Rule 501 and its parallel problems.

RULE 510

Rule 510 recognizes the traditional informant's privilege.

The present version of Rule 510, however, raises a number of troublesome questions. Would "law enforcement" officer include a member of a legislative committee or its staff investigating conduct that may constitute a violation of Federal or State law for the purpose of developing legislation? My experience with the Permanent Subcommittee on Investigations leads me to suggest that any lack of clarity here ought to be resolved in favor of recognizing this dimension of the privilege.

Similarly, how narrowly would "information purporting to reveal a violation of law" be read? Many times informants provide information of a general intelligence character that cannot immediately be tied into a violation of a specific law. This is particularly true in subversive and organized crime investigations. Information also often leads not to a violation of law, but to the location of a fugitive. I trust that these situations would be protected by the privilege.

I recognize, of course, if the Government calls the informant, the accused ought to be able to elicit from him on cross-examination testimony as to his identity and background. See, e.g., *Alford* v. *United States*, 282 U.S. 687 (1931). On the other hand, when the accused calls a person as his witness, inquiry into such matters should be more restricted. See, e.g., *Beasley* v. *United States*, 218 F. 2d 366, 368 (D.C. Cir. 195 4), *cert. denied*, 349 U.S. 907 (1955). This distinction, in my judgment, is not given sufficient recognition in the language of Subdivision (c)(1). I suggest, therefore, the addition of an appropriate qualifying phrase.

As proposed in the March 1969 draft, Rule 510 basically codified the law as announced in *Roviaro* v. *United States*, 353 U.S. 53, 59 (1957). To obtain the informant's identity, the Rule provided that it was necessary to show that his identity was necessary "to a fair determination of guilt or innocence." The March 1971 version, however, introduced a subtle difference. Now the test is to be a "fair determination of a material issue." This is explained in the Advisory Committee Note at 66 as a change made necessary to adopt the rule to civil proceedings. Nevertheless, as so stated, despite the language to the contrary in the Advisory Committee Note at p. 66, it might well be read to set aside the Supreme Court's decision in *McCray* v. *Illinois*, 386 U.S. 300 (1967), where the Court upheld a refusal to disclose an informant's identity, where his testimony bore not on guilt or innocence, but on the propriety of an arrest without a warrant. I suggest, therefore, a return to the original language of the 1969 draft, duly qualified to apply to criminal proceedings, along with the addition of the new language, duly qualified as applicable only to civil proceedings.

It seems to me to be advisable, moreover, to adapt the *in camera* procedure of Subdivision (3) to the issues posed by Subdivision (2). The court ought to have available to it some mechanism whereby it can determine of what value the informant's testimony or identity would be on the issue of "guilt or innocence" or to a "fair determination of a material" issue. In addition, I wonder if dismissal should be the automatic remedy. Might it not be just as proper to strike one or more counts or to sever one or more defendants? The remedy you propose seems to me to be altogether too inflexible in the criminal context.

Finally, I am not sure that I understand the provision of Subdivision (3) that permits *all* counsel to be present at every stage that *any* counsel is permitted. I can envision situations where in the process of an *in camera* showing it would be necessary to have counsel for the Government present, but the procedure would be self-defeating if counsel for the accused was present. My remarks above in reference to Rule 509 need not be repeated fully here. My point is simply that too often today so-called "movement" lawyers draw no distinction between themselves and those they represent, and in organized crime prosecutions, even though a prominent lawyer will be retained, the ubiquitous "house counsel" will be present to handle special chores. The failure to recognize these realities of trial practice is most unwise.

At the same time, I see no reason to require all defense counsel to be present in all situations. Where the issue concerns only one of several defendants, why should it be necessary to run unnecessary risks by having all counsel present? In short, I would hope that on further reflection you could be lead to modify and to clarify these provisions, so that the procedure you adopt does not undermine the privilege you recognize.

RULE 606

Rule 606 deals with the competency of jurors as witnesses, either in the trial itself or to inquire into the validity of an indictment or verdict.

I have no objection to permitting jurors to testify that improper information came to their attention. This may be necessary to protect verdicts from improper influence, especially by the news media. This rule has deep roots in Federal practice. *Mattox* v. *United States*, 146 U.S. 140 (1892). But as I read the present draft of Rule 606, it would go further and permit the impeachment of verdicts by inquiry into, not the mental processes themselves, but what happened in terms of conduct in the jury room.

The mischief in this Rule ought to be plain for all to see. Judges need not explain their verdicts beyond the judgment and the opinion. Were it possible to overturn a decision because, in fact, it was not based on precedent, but bias, and this was an issue that could be litigated, it would indeed be brought before the courts. Present law, as I read it, wisely prohibits this sort of inquiry before it starts with jurors as it is unthinkable with judges. *Hyde* v. *United States*, 225 U.S. 347 (1912) (compromise verdict). *McDonald* v. *Pless*, 238 U.S. 264 (1915) (affidavit as to quotient verdict excluded). I do not believe it would be possible to conduct trials, particularly criminal prosecutions, as we know them today, if every verdict were followed by a post-trial hearing into the conduct of the juror's deliberations.

Should my views on this question not obtain, I would at least urge, for the sake of finality, that consideration be given to permitting testimony to support a verdict, when inquiry is made into conduct within the jury room. See *McCormick* § 68 n. 16 p. 149. Better no testimony at all, but if testimony is to come in, a principle of harmless error in fact ought to be recognized. I urge that you recognize that trials are human processes and that perfect trials, using lay jurors as the Sixth Amendment rightly commands, are an illusionary goal.

RULE 608

Rule 608 deals with the admissibility of evidence of character and the use of specific instances of conduct to attack the credibility of a witness, including the accused.

I question the departure from the traditional practice of not permitting an accused to buttress his character for veracity before it is attacked by the prosecution. See *McCormick* § 158 p. 334 n. 7. The question, however, is not of large moment. Of more concern to me is the apparent shift away from the sort of full and effective cross-examination envisioned by the Supreme Court in *Michaelson* v. *United States*, 335 U.S. 469 (1949) by the substitution of the phrase "clearly probative . . . and not remote in time" in Subdivision (b), in the March 1971 version for the term "relevant" in the March 1969 draft. Granted that abuse is possible, I would trust to the common sense, fairness and discretion of the trial judge under a general concept of "relevancy" before introducing unnecessary second guessing on an appeal on issues such as "clearness" and "remoteness." I urge, therefore, a return to the original language of the March 1969 draft; the present draft bespeaks too much of a lack of trust in trial judges.

RULE 609

Rule 609 deals with impeachment by evidence of conviction of crime.

I note that the March 1971 version rejects the position of the March 1969 draft and adopts the rule of *Luck* v. *United States*, 121 U.S. App. D.C. 151, 348 F. 2d 763 (1965).

I find it somewhat difficult to understand that less than eight months after the Congress, after full hearings and debate, specifically rejected *Luck* in the District of Columbia Court Reform and Criminal Procedure Act of 1970, P.L. 91–351 § 133 that it would now be suggested that it ought to be adopted for the entire Federal system.

Putting aside for a moment the intrinsic merits of the issue, I would suggest that this Rule be rewritten in terms of the March 1969 draft. If the 1970 Crime Act is to be overturned, I suggest that this is a question for the Congress to decide.

RULE 611

Rule 611 deals with the mode and order of the presentation of evidence, including the scope of cross-examination and the use of leading questions.

It may be debated that the shift from the traditional rule in Federal courts limiting the scope of cross-examination embodied in the March 1969 draft to the wide-open rule of the March 1971 version is a wise choice. But when it is coupled with the striking of "shall" in Subdivision (a) and the insertion of the weaker "may" in Subdivision (a)'s directive to the trial judge to control his own court room, I am convinced that it is unwise. At the very least, I would suggest that the Rule, not only give recognition to power of the judge to order the presentation of evidence, but also place upon him the unequivocal duty to see that it is done to avoid confusion and bring out the truth. Once again I am constrained to comment that your draft bespeaks of a lack of trust in trial judges.

RULE 612

Rule 612 deals with the production of writing used to refresh a witness' memory.

In the main, the rule is unobjectionable. I am troubled, however, about one of its features—that relating to documents examined *before*, rather than *at* trial—and its relation to the scope of cross-examination proposed in Rule 611, noted above.

As I understand it today, the controlling teaching in Federal courts is that of *Goldman* v. *United States*, 316 U.S. 129, 132 (1942), which does not permit the production of documents not used *during* the trial. The language of Rule 612, obviously, would set aside this practice. Coupled with the wide-open cross-examination of Rule 611, I do not see any meaningful limitation of the extent to which documents might be produced, or at least enterprising defense counsel might not call for. (The right to call for documents is not limited to the scope of the direct examination, but is phrased in terms of the "testimony of the witness.") Particularly in those cases touching national security information, where the witness may have refreshed his recollection so that his testimony in the trial would not reveal information that is classified and unrelated to the trial, I can foresee that this rule would introduce far too many tangential issues and raise endless matters for endless appeals and retrials; it would contribute so little to fair and effective cross-examination that I must question its wisdom.

All of this may be pointed out without noting that the Rule, as now written, flies directly against the policy of 18 U.S.C. § 3500, which sharply restricts not only pre-trial discovery, but also sharply limits the production of documents at trial. In this connection, I note that the Congress has most recently reaffirmed the policy of restricted discovery of Government documents and extended the scope of 18 U.S.C. § 3500 to cover grand jury testimony. P.L. 91–452 § 102.

I strongly urge, therefore, that the Rule be redrafted in line with both the teaching of *Goldman* and the policy of 18 U.S.C. § 3500.

Article VII: Opinion rules

Article VII of the Rules deals with opinion testimony, either by laymen or by experts.

In the main, it promises to increase the knowledge that will be available to the triers of fact. Consequently, it may be expected to enhance the system of justice.

In my judgment, however, it would also be helpful if the Rules contained provisions like those found in *Model Code of Evidence* §§ 404–08, dealing with notice and examination of expert testimony before it is given. In civil proceedings, there is, of course, now ample means for obtaining pre-trial discovery either for the Government or the accused. Given the special considerations there applicable, this may well serve the course of justice. However that may be, I see little justification for fear of the consequences of pre-trial notice and discovery by either side where the testimony is expert in charter, and no valid objection under the Fifth Amendment on the part of the accused. See *Jones* v. *Superior Court,* 58 Cal. 2d 56, 22 Cal. Rptr. 879, 372 P.2d 919 (1962) (medical testimony of accused in rape prosecution purporting to show impotency held discoverable). Given the increased latitude accorded expert testimony under the proposed Rules, there is all the more reason to guarantee that such testimony will be subject to the most searching cross-examination. The cause of truth will not be served if the result of the Rules is simply to turn over to the experts the trial of various issues. I urge you, therefore, to give careful consideration to these provisions of the Model Code.

Hearsay: Article VIII

Rule 801 contains definitions applicable in Article VIII, which deals with the hearsay rule and its various exceptions.

I am not sure of the significance of the omission from the March 1971 version of Subdivision 801(c) (2) (iv), dealing with transscripts of testimony, which was contained in the March 1969 draft. I assume that its coverage was duplicative of Subdivisions 801(c) (i) (inconsistent statements) and (ii) (consistent statement offered for rebuttal). To that degree, it was, of course, surplusage. The only area not covered by (i) and (ii) would be consistent statements not offered for rebuttal purposes. Consequently, the effect of (iv)'s omission was to place back within the definition of hearsay such statements.

This seems to be a reasonable modification of the March 1969 draft, which was perhaps too expansive in this regard. However, if the significance of the omission was to disapprove of the reasoning or result of *United States* v. *DeSisto,* 329 F.2d 929 (2nd Cir. 1964), *cert. denied,* 377 U.S. 979 (1965), cited in the Advisory Committee Note at p. 167, I would strongly urge that the language of the original text be restored. *DeSisto* contains, in my judgment, a highly persuasive analysis of the hearsay rule and should be followed in your efforts to make sense out of the law in this area.

Co-Conspirator Declaration Rule

I regret that you did not take the opportunity of the formulation of comprehensive rules of evidence to re-examine the present law dealing with the admission of the declaration of co-conspirators. Subdivision 801 (d) (v), as the Advisory Committee Note indicates at p. 104, follows uncritically the "accepted pattern." Here I would urge on you a re-examination of the law in this area. Consequently, I take the liberty of commenting more expansively on my understanding on the development of the hearsay rule and its various exceptions. What I suggest, however, is that the present requirement of "furtherance" be omitted and that two new ones be added: (1) a requirement of the presence of an independent circumstantial guarantee of trustworthiness, and (2) a requirement of relevancy to the character or the execution of the conspiracy itself.

My suggestion must first be placed in historical context. With the development of the witnesses in the common law trial of the 1600's, there developed a series of rules, as I am sure you are aware, each seeking to establish the truth of testimony. The witness must, as Chief Justice Vaughn put it in *Bushel's Trial* (1670) 6 How. St. Tr. 999, 1003, speak to "what hath fallen under his senses." The law then rightly wanted no part of second-hand information. Closely allied to this principle was the rule that demanded confrontation-cross-examination. Too many knew of the injustice done in *Raleigh's Trial* (1603), 2 How. St. Tr. 16, when Chief Justice Popham refused to produce Lord Cobham, the accuser. No precise date or ruling stands out as decisive, but the rule seems to have become fixed between 1675 and 1690.

This rule against hearsay, however, was not without exceptions. Sworn depositions could be used, as Raleigh himself conceded, "where the accuser is not to be had conveniently" (1603) 2 Hos. St. Tr. 16, 18. Nevertheless, with firm establishment of the exclusion of extrajudicial unsworn statements, the anomaly of the sworn statement stood out, and in *Fenwick's Trial* (1696), 13 How. St. Tr. 537, 618, the principle if not the rule carried the day, for it soon became "a fundamental rule (of) law that no evidence shall be given against a man, but in the presence of the prisoner, because he may cross-examine him who gives such evidence."

Today, of course, this common law rule is reflected in our Sixth Amendment, which guarantees "the accused the right to be confronted with the witness against him." Nevertheless, as 5 *Wigmore* § 1397 p. 130–31 put it:

> . . . this right of cross-examination thus secured was *not a right devoid of exceptions.* The right to subject opposing testimony to cross-examination is the right to have the hearsay rule enforced; for the hearsay rule is the rule requiring cross-examination. . . . Now the hearsay rule is not a rule without exceptions; there never was a time when it was without exceptions. There were a number of well-established ones at the time of the earliest constitutions, and *others might be expected to be developed in the future.* The rule had always involved the idea of exceptions, and the constitution makers indorsed the general principle merely as such. They did not attempt to enumerate exceptions; they merely named and described the principle sufficiently to indicate what was intended. . . . The rule sanctioned by the Constitution is the hearsay rule as to cross-examination, with all the exceptions that may legitimately be found, *developed, or created therein.* (Emphasis added)

He continued:

> The revision and extension of those exceptions is gradually progressing, and it is well to appreciate fully that there is in progress nothing inconsistent with constitutional sanctions. So bold are nowadays the attempts to wrest the Constitution in aid of crime, and so complaisant some courts in listening to fantastic and unfounded objections to evidence, that the permissibility of such changes should not be left in the slightest doubt. *Id.* at 135.

A large number of "exceptions" to the hearsay rule have thus evolved, permitting the admission of many extrajudicial declarations despite their inclusion within the term "hearsay." The number may be put at "ten to twenty," depending on the system of "classification." *McCormick* § 300 p. 626. Two examples are declarations against interest, see, e.g., *People* v. *Spriggs,* 60 Cal. 2d 868, 36 Cal. Rptr. 841, 389 P. 2d 377 (1964), and dying declarations, see e.g., *Mattox* v. *United States,* 156 U.S. 237 243 (1895) (dictum). Thus, for as long as there has been a hearsay rule, the boundaries of the "hearsay" definition and its "exceptions" have resulted in the admissibility of extrajudicial declarations in many situations where an oath, the presence of the trier of fact, or an opportunity to cross-examine was absent—and in some situations, such as dying declarations and declarations against interest, where *all three* factors were absent. Further, these rules have been held not to infringe the constitutional right of confrontation, on the ground that it embraces limitations and exceptions just as does the hearsay rule itself. See, e.g., *Douglas* v. *Alabama,* 380 U.S. 415, 418 (1965) (dictum); *Pointer* v. *Texas,* 380 U.S. 400, 407 (1965); *Kirby* v. *United States,* 174 U.S. 47, 61 (1899); *Mattox* v. *United States,* 156 U.S. 237 (1895).

Still more important is the fluidity of the hearsay and confrontation rules' contours and exceptions. Created by the courts through the process of common law adjudication, they have remained subject to judicial expansion, contraction, and restatement as learning and experience have advanced. Congress itself has amended the hearsay rule and exceptions, see, e.g., 28 U.S.C. §1733 (government records), and the rule-making process, too, has been involved. See, e.g., Fed. R. Crim. P. 27 (government records). Such expansion of admissibility is, in short, not inconsistent with the limitations of the Constitution. As Mr. Justice Cardozo wrote for the Supreme Court in *Snyder* v. *Massachusetts,* 291 U.S. 97, 107 (1934), "the exceptions [to the right of confrontation] are not even static, but may be enlarged from time to time if there is no material departure from the reason of the general rule." I propose one such expansion.

In the area of organized crime, the existence of a conspiratorial relationship is usually shown either by circumstantial evidence, by the testimony of a co-conspirator who has turned state's evidence, or by evidence of the out-of-court declarations or acts of a co-conspirator and of the accused himself.

Today, the co-conspirator declaration rule is unually framed in these terms: Any declaration by one co-conspirator, voiced in furtherance of the conspiracy and during its pendency, is admissible against each co-conspirator, subject to the laying of an independent foundation of the existence of the conspiracy and the accused's participation in it. "Development in the Law—Conspiracy," 72 *Harv. L. Rev.* 920, 983–84 (1959).

It is my suggestion that this existing hearsay exception be enlarged by substituting for the present requirement that the declaration be in "furtherance" of the conspiracy requirements that there be facts or circumstances from which the "trustworthiness" of the declaration may be inferred and that the declaration relate to the character or the execution of the conspiracy.

The Subcommittee on Criminal Laws and Procedures had such a proposal under consideration as part of S. 30, the "Organized Crime Control Act of 1970," now P.L. 91–452. Hearings were held on the proposal, and it received the endorsement of a number of witnesses. See generally *Measures Relating to Organized Crime,* Hearings before the Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, United States Senate, 91st Cong. 1st Sess. (1969). It was not processed by the Subcommittee as part of the final bill largely out of a feeling that piece-meal reform was unwise and that this and related endeavours might well await your work.

In support of the suggestion, I should like to draw your attention to the testimony in the hearings on the proposal of the Department of Justice and Professor Henry Ruth, then with the University of Pennsylvania Law School, now head of the Criminal Justice Coordinating Council in New York City. The Department fully supported the change and stated the need and justification for it in these terms:

The "co-conspirator's hearsay exception" is a firmly established exception to the general rule against the use of hearsay to establish criminal liability. *Krulewitch* v. *United States*, 336 U.S. 440, 443 (1949). The exception has come to rest in American jurisprudence on agency principles as articulated by Mr. Justice Story in *United States* v. *Gooding*, 25 U.S. (12 Wheat.) 460, 469 (1827), and the exception remains as yet unquestioned by the Supreme Court. See *Bruton* v. *United States*, 391 U.S. 123, 128 n. 3 (1968).

The rationale behind this proposed change apparently is that the "furtherance" requirement of this exception is of somewhat ill-defined meaning, but apparently an outgrowth of the agency rationale which is sometimes stated in terms of *res gestae* language, but which many other courts interpret so broadly as to apply to anything that relates to the conspiracy. Since this reduces the requirement to relevancy, and since all evidence must be relevant, it is reasoned that the "furtherance" requirement is thus eliminated in substance if not in form. This being so, it is felt that something more, namely, the element of trustworthiness should be required.

The logic of this argument is quite compelling, and the substitution of the element of trustworthiness of relevant evidence for the furtherance requirement would appear to be not only more realistic in terms of current judicial interpretation but also more consistent with the policy behind this exception to the general rule of exclusion of hearsay evidence.

Criminal law conspiracy principles have been most effective in organized crime prosecutions, and there can be no doubt that the "co-conspirator's hearsay exception" has been a vital factor in their success. The continued vitality of this co-conspirator rule is absolutely essential in conspiracy prosecutions of all types. Since the agency rationale which currently supports this exception is subject to increasing criticism by the courts and by the authorities in the field, it would seem only prudent to move away from this rationale toward a more realistic basis for the exception, that is from agency to trustworthiness.

The movement to eliminate the furtherance requirement began with Professor Morgan's examination of the soundness of the vicarious liability rationale in an article in 42 Harvard Law 461 (1929). As a result of Professor Morgan's article the furtherance requirement was eliminated both in the *Uniform Rules of Evidence*, 63(9), and in the *Model Code of Evidence*, Rule 508(b). It has also been approved by Professor McCormick, *Evidence*, Section 244 (1964).

The ambiguity of the furtherance requirement has caused considerable difficulty in the admission of testimony in conspiracy prosecutions, and more often than not a narrow construction of the term results in the exclusion of the Government's evidence. Few opportunities for appellate review of the principle have been occasioned since the Government has no right of appeal.

On the other hand, a conflict among the Circuit Courts exists in the cases of *United States* v. *Birnbaum*, 337 F.2d 490 (C.A. 2, 1964), where Judge Lumbard applies a strict agency construction to the furtherance requirement, and in *International Indemnity Company* v. *Lehman*, 28 F.2d 1 (C.A. 7, 1928), *cert. denied*, 278 U.S. 648, which is classically cited for the virtual abandonment of the furtherance requirement in favor of the test of relevancy.

In view of these authorities, then, and in view of the apparent reality that many courts have discarded the furtherance requirement in favor of relevancy, it would seem that this is an appropriate time to codify this principle. Perhaps an even more cogent reason for discarding the furtherance requirement which is based on agency and shifting the basis of the exception to trustworthiness, however, is the portent in several recent Supreme Court decisions, *Pointer* v. *Texas*, 380 U.S. 400 (1965); *Douglas* v. *Alabama*, 380 U.S. (415 (1965); *Barber* v. *Page*, 390 U.S. 719 (1968); and *Bruton* v. *United States*, 391 U.S. 123 (1968), that the Supreme Court may be moving towards re-examination of the present theory sustaining the admissibility of co-conspirator's statements based on agency principles. These cases, while dealing with co-conspirator's statements sought to be admitted after the termination of the conspiracy, indicate that the right to confrontation under the Sixth Amendment still permits some traditional hearsay exceptions, based upon necessity and trustworthiness. In view of these decisions, therefore, it would seem that this would be a prudent time to enact this provision. Hearings at 374–75)

Professor Ruth stated:

Existing law as to co-conspirator statements is founded upon the common law and in effect is a substantive extension of the agency doctrine that each conspirator is responsible for the acts of other conspirators in furtherance of the conspiracy. The theory rests upon a vicarious admission philosophy that each conspirator is an agent for the others and those others thereby adopt whatever each conspirator does and says in furtherance of one plan. Wigmore supports this theory against strong opposition from Morgan. See Wigmore, secs. 1079–1080a (3d ed. 1940). The furtherance principle was also retained in the California and New Jersey evidence codes adopted in 1965 and 1967 respectively.

On the other hand, the Model Code of Evidence and the Uniform Rules of Evidence omit the furtherance requirement in their practically identical Rules 508(b) and 63(9) (b) respectively. The Model Code provides:

"* * *

"(b) the party and the declarant were participants in a plan to commit a crime or civil wrong and the hearsay declaration was relevant to the plan or its subject matter and was made while the plan was in existence and before its execution was complete. * * *"

Four recent United States Supreme Court cases have re-examined hearsay exceptions insofar as admissibility at trial may conflict with the Sixth Amendment right to confrontation of witnesses at trial, a provision now applicable to the states. See *Pointer* v. *Texas*, 380 U.S. 400 (1965); *Douglas* v. *Alabama*, 380 U.S. 415 (1965); *Barber* v. *Page*, 390 U.S. 719 (1968); and *Bruton* v. *United States*, 391 U.S. 123 (1968). In addition, the Court has just granted certiorari in *Evans* v. *Dutton*, 400 F. 2d 826 (5th Cir. 1968). Each of the cases involve co-conspirator statements, but in each the statement sought to be admitted was made following the termination of the conspiracy. Thus, there is only a portent that the Supreme Court may be moving towards re-examination of admissibility of co-conspirator statements as vicarious admissions. The above cases do reveal applicable principles: (1) the confrontation doctrine is at the heart of a fair trial; (2) confrontation does not mean merely the right to cross-examine at some point of time; it includes a right of confrontation at trial where the jury can see the witness' demeanor; (3) the Sixth Amendment still permits some traditional hearsay exceptions, based upon necessity and trustworthiness; but a witness' unavailability at trial must be based upon cogent reasons and other indicia of strong reliability must be present.

Rejection of the furtherance requirement makes much sense to me. That requirement is necessary if one retains the vicarious admission theory. But that theory is quite strained in that authority to act for another does not necessarily imply authority to speak for another in those circumstances where such speaking is not in effect conduct in furtherance of the conspiracy. Reliability of the declarant seems really to be based upon a finding that a conspirator's statement is against his interest, whether that interest be penal, social or economic. And Title VII, in requiring the declaration to relate to the existence or execution of the conspiracy during the declarant's participation in it, moves towards this reliability. The further requirement of facts and circumstances implying trustworthiness builds upon the need for reliability. (Hearings pp. 337–38)

In addition, I note that the American Bar Association approved the elimination of the furtherance requirement when it approved the Uniform Rules of Evidence in 1953. See 30 *A.B.A.J.* 1029 (1953). Finally, the statutes of four states codify the rule omitting this requirement. See *Ga. Code Ann.* § 38–306; *Kan. Stat. Ann.* § 60–460(1); *Mont. Rev. Code Ann.* § 93–401–27(6); *Ore. Rev. Stat.* § 41, 910(6).

My suggestion could be implemented by substituting the following language for Rule 801(d)(2)(v):

"A statement by a co-conspirator of a party during the course of the conspiracy, relating to the character or the execution of the conspiracy, and there were facts and circumstances from which its trusthworthiness may be inferred."

The requirement of "relating," of course, speaks pretty much for itself. What I envision for the element of "trustworthiness" is not terribly different from the criterion now generally applicable in other hearsay exceptions. Corroboration by independent evidence would make it trustworthy. See e.g., *Smith* v. *United States*, 348 U.S. 147, 155 n. 3 (1954). It might have been voiced in circumstances making it especially credible. See, e.g., *Holt* v. *United States*, 94 F.2d 90 (10th Cir. 1937) (deathbed confession excluded as not in furtherance). Normally, however, that the statement was against the penal interest of the declarant himself ought to suffice. See *Model Code of Evidence* § 508, Comment p. 251. ("These statements are likely to be true [since they] . . . are usually made with a realization that they are against the declarant's interest.")

I have framed this suggestion as an amendment to Subdivision 801(d)(2)(v). And it could be rationalized there. However, it would seem far more logical to put it following Subdivision 804(d) where the requirement of "unavailability" would be fully applicable to it as an independent exception to the hearsay rule not founded on the doctrine of vicarious admission. See Testimony of Professor Ruth, *Hearings* at p. 338.

Statement against interest

In the main, I support the introduction into Federal law of the concept of declarations against not only material, but also penal interests. But I am seriously troubled with the scope of the Rule as it is now written.

Initially, it seems to me that the Rule ought to have some requirement of directness and immediateness. See *McCormick* § 253 p. 546. The rationale of the Rule is that such statements are trustworthy because people do not normally speak against themselves. This rationale is supportable to the degree that statement is directly and immediately against the declarant's interest, and conversely, unsupportable to the degree that the statement is merely indirectly or only remotely against a declarant's interest. We would be guaranteeing the trustworthiness of the evidence we admit if these thoughts were added to the rule.

Second, there ought to be some requirement that the fact asserted by the declarant be within the scope of his personal knowledge. See *McCormick* § 253, p. 546. The Supreme Court has been careful to accept hearsay in the context of showing of probable cause for search and seizure only where the declarant can reasonably be said to have had personal knowledge of that about which he speaks. See, e.g., *Spinelli* v. *United States*, 393 U.S. 410 (1969). We should do no less here.

Third, I believe that the rule goes too far when it accepts declarations against penal interest at their face value. I suggest that such declarations be admitted only when they are in such a form that they would qualify to convict the declarant himself. As you have phrased the Rule now, it will only apply to admit exculpatory evidence. It will not serve to admit incriminating evidence. (I will treat this aspect of the rule below.) On the assumption that this limitation is to remain, I think it unwise not to look more carefully at what you are proposing.

Holmes in his classic dissent in *Donnelly* v. *United States*, 228 U.S. 243, 277 (1913) did not argue for the admission of such declaration *simpliciter*. He suggested that Joe Dick's confession of murder should be admitted to exculpate Donnelly when it was "coupled with circumstances pointing to its truth." He added, too, that there should be "no ground for connecting Donnelly with Dick."

I would apply a rule of corroboration to such declarations as strong as the rule we now apply to confessions where introduced for the purpose of conviction. See *Smith* v. *United States*, 348 U.S. 84 (1954). In each case, we are proving by the declarant's statement that he committed a crime. All of the reasons which lead us to demand that confessions be trustworthy when we seek to convict by their use apply when an accused seeks, in effect, to convict another by such a confession in order that he himself may go free.

Next, because of the special danger associated with jail-house testimony used to exculpate, I would provide that the prosecution have the right to obtain from the court an instruction to the jury that where the declarant himself had been involved in the past in criminal offenses that his statement should be received and credited only with the utmost care because of the special danger of perjury and the virtually universal experience of the untrustworthiness of such declarations.

Lastly, I would omit entirely the last sentence of Subdivision 804(b) (1). On its face it does not state the law. *Nelson* v. *O'Neill*, 9 Crim. L. Reptr. 3184 (6-1-71) held that the use of a confession of a co-conspirator implicating the other defendant did not contravene the Sixth Amendment where the co-conspirator took the stand to testify, but disavowed the confession. When the principle of a declaration against interest is introduced, a witness should be, I suggest, considered "unavailable" if his present testimony is inconsistent with his prior confession, see *United States* v. *DeSisto*, 329 F.2d 929 (2nd Cir. 1964), *cert. denied*, 377 U.S. 979 (1965), and such a declaration against interest should then be fully admissible against a fellow accused, at least where the declarant himself was available for cross-examination. Consequently, I would suggest that, consistent with your decision not to write the Rules in terms of their constitutional implications, this last clause be omitted and that the question of what use, if any, declarations against interests should have in criminal proceedings as evidence against an accused be left up to the Supreme Court for constitutional resolution.

I regret that the pressure of the hearings now being held by the Permanent Subcommittee on Investigations into organized crime and other committee work prevented me from preparing and forwarding these comments to you earlier. I followed with interest the issuance of March 1969 draft of the rules; it was received in the Subcommittee on Criminal Laws and Procedures on April 15, 1969. My attention was not drawn to the March 1971 draft, however, until the first part of July; apparently no copy of the revised draft was sent to either my office or to the Subcommittee. In this connection, it would be appreciated if you could arrange to forward to me periodically the results of your deliberations as these Rules continue to be considered.

In conclusion, I would be remiss if I did not repeat that although the bulk of these comments are critical, I fully support your effort and feel that the Rules, as a whole, promise to aid the accurate and just resolution of controversy in our Federal judicial system.

ADDENDUM

You may find it useful to know that these comments were prepared without the benefit of the views of the Department of Justice forwarded to you on August 9, 1971, and I submit them to you without revision in light of the Department's comments. I have, however, now examined the Deputy Attorney General's letter and its attachment. While I cannot say that I concur in or support each of the Department's criticisms, I urge you to give them most careful attention. My own feeling of uneasiness when I first reviewed the revised draft of March 1971 has been reenforced and underscored by many of the Department's comments. It would be most unfortunate if the rules were forwarded to the Congress in a form with which the Department of Justice found itself in such substantial disagreement.

With kindest regards, I am

Sincerely yours,

JOHN L. MCCLELLAN.

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., August 9, 1971.

Hon. ALBERT B. MARIS,
Chairman, Committee on Rules of Practice and Procedure, Supreme Court Building, Washington, D.C.

DEAR JUDGE MARIS: Attached are the Department's comments on the Revised Draft of the Proposed Rules of Evidence for the United States Courts and Magistrates. These comments detail the Department's serious reservations concerning certain of the rules contained in the Revised Draft.

As you know, a Committee appointed by the Attorney General submitted comments to the Preliminary Draft. The Revised Draft indicates that many of the Departmental Committee's recommendations were rejected by the Advisory Committee. Moreover, the Revised Draft contains many important provisions which were not included in the Preliminary Draft and upon which the Department had no opportunity to comment. In these circumstances, we deem it imperative to place the Department's views before the Advisory Committee.

Several of the problems detailed in the attached report are of such overriding importance that they should be stated at the very outset.

1. Rule 509 Military and State Secrets.

This rule fails to recognize that the Government has a privilege not to disclose official information if such disclosure would be contrary to the public interest. See *Davis* v. *Braswell Motor Freight Lines*, 363 F.2d 600 (5th Cir. 1966); *Kaiser Aluminum & Chemical Corp.* v. *United States*, 141 Ct. Cl. 38, 157 F. Supp. 939 (1958).

By requiring that the Government must substantiate its claim of state secrets privilege by showing the likelihood of a danger that disclosure will result in detriment or injury to the national defense or international relations, the Rule fails to reflect the present state of the law as enunciated in *United States* v. *Reynolds*, 345 U.S. 1 (1953). A Governmental showing of a reasonable possibility that military or state secrets are involved would be consistent with *Reynolds*. Instead, the Revised Rule raises the possibility that in order to sustain its claim, the Government may be required to disclose the very information claimed as privileged.

The Revised Rule is also deficient in that it fails to authorize a procedure whereby the Government can make an *in camera* submission of information to the trial judge to enable him to make an informed judgment as to whether or not the claim should be sustained.

2. Rule 510 Identity of Informer.

Rule 510(a) limits the Government's identity of informer privilege to the identity of persons furnishing "information purporting to reveal a violation of law." Because informers provide intelligence information on a continuing basis, their value extends far beyond providing information purporting to reveal a violation of law. The privilege should be extended accordingly.

Under Proposed Rule 510(c) (1), the Government's privilege would be lost even if the informer was called as a witness by the defendant, thereby motivating a defendant to call witnesses primarily to ascertain those who may have been government informers.

In an attempt to accommodate the Rule to civil cases, the drafters, in subsection (c) (2) changed the test of dismissal for failure to reveal an informant's identity from the Preliminary Draft's "the issue of guilt or innocence" to a "material issue in the case." Yet, this accommodation requires a departure from the test outlined in *Roviaro* v. *United States*, 353 U.S. 53 (1957).

Subsection (c) (2) is also defective in that it fails to provide an adequate procedure for handling defense requests to learn the identity of informers. There is no reason why the Government cannot submit to the trial judge *in camera* the information needed to determine whether fairness requires that the Government be ordered to reveal the identity of the informer.

Subsection (c) (3) of the Rule, concerning the legality of evidence obtained on the basis of information received from an informer, narrows the test to one of the reliability of the informer. The correct test is one of credibility or reliability. *Aguilar* v. *Texas*, 378 U.S. 108, 114 (1964); *United States* v. *Harris*, 91 S. Ct. 2075 (1971).

3. Rule 609 Impeachment by Evidence of Conviction of a Crime.

By giving the trial judge discretion to permit defendants in criminal cases to testify without being impeached with prior convictions, the revised draft adopts the rule derived from *Luck* v. *United States*, 121 U.S. App. D.C. 151, 348 F. 2d 763 (1965). The *Luck* rule is not only inconsistent with the law in almost 90 percent of the states, but was overturned by the Congress in the District of Columbia, the only federal jurisdiction in which it existed. See District of Columbia Court Reform and Criminal Procedure Act of 1970, Pub. L. No. 91–358, § 133. In rejecting the *Luck* rule, the Congress found persuasive the fact that it had proved completely unworkable in the District of Columbia, as evidenced by the fact that the Bar Association of the District of Columbia in a 1970 membership-wide referendum supported the elimination of the rule.

4. The other rules commented upon raise, in total impact, significant problems in the fair and orderly procedures at trial and at pretrial hearings. In our view their adoption, without significant amendment, would impede the effective administration of justice.

We trust that our comments will prove helpful to the Committee.

Sincerely,
RICHARD G. KLEINDIENST,
Deputy Attorney General.

DEPARTMENT OF JUSTICE ANALYSIS AND RECOMMENDATIONS REGARDING REVISED DRAFT OF PROPOSED RULES OF EVIDENCE FOR THE U.S. COURTS AND MAGISTRATES

ARTICLE I. GENERAL PROVISIONS

Rules 101—Scope—Amendments to the rules of civil and criminal procedure

The Advisory Draft repealed all of Rule 43, F.R. Civ. P., except the first sentence: "In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by these rules" [*i.e.*, the Federal Rules of Civil Procedure].

Problem: There may be instances where the proposed Federal Rules of Evidence would allow testimony to be taken in written form or other than in open court. Under Rule 509 (b), [Military and State Secrets], for example, the "judge may take any protective measure which the interests of the government and the furtherance of justice may require." It should be made clear that, in devising protective measures, the judge is not restricted by Rule 43.

Recommendation: We suggest that Rule 43 should be revised to read:

"In all trials the testimony of witnesses shall be taken orally in open court unless otherwise provided by these rules *or the Federal Rules of Evidence*." [italicized portions added]

To avoid similar lack of clarity we recommend that Rule 26, F.R. Cr. P., be amended to read:

"In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by an act of Congress, or by these rules, *or by the Federal Rules of Evidence*." [italicized portions added]

Rule 104—Preliminary questions

Subdivision (c)—Hearing of Jury. This subdivision makes mandatory that hearings on the admissibility of confessions be conducted out of the presence of the jury. This provision is not objectionable *per se*. The subdivision provides further, however, that, "[*h*]earings on other preliminary matters shall be so conducted when the interests of justice require, *or, when an accused is a witness, if he so requests*" (emphasis added). The italicized material was added by the Advisory Committee:

Problem: Hearings out of the presence of the jury are both time consuming and cumbersome. In many instances evidence given during such hearings must be repeated before the jury, and much preliminary evidence may be heard by the jury without adverse effect. Considering these factors, we do not believe it advisable to give a defendant an unqualified right to testify out of the presence of the jury. We think such a rigid rule is particularly unwise since the consequences of failing to accord such an unqualified right to the defendant are not certain. For example, will this be "plain error" which produces a reversal? Must the defendant in every instance when a preliminary matter arises during the course of a trial expressly waive this right to testify out of the presence of the jury? Cf. *Johnson* v. *Zerbst*, 304 U.S. 458, 464 (1938); compare *United States* v. *Brown*, 428 F. 2d 1100 (D.C. Cir. 1970). These are but a few of the difficult and unsettled questions the proposed rule generates. In this setting we believe it would be a mistake to adopt a blanket rule depriving trial judges of their authority over the conduct of trials in this area. Whether to hold a hearing out of the presence of the jury depends on the posture of the evidence in each particular case. The determination to hold such a hearing is best left to the discretion of the judge.

Recommendation: We suggest the readoption of subdivision (c), as contained in the Preliminary Draft.

Subdivision (d)—Testimony by Accused. The first sentence provides: "The accused does not, by testifying upon a preliminary matter, subject himself to cross-examination as to other issues in the case."

Problem: The proposed rule may unduly subject the accused to cross-examination concerning the issue about which he testifies without the traditional limitation that the cross-examination must pertain to matters reasonably related to the subject matter of the direct testimony. See *Brown* v. *Walker*, 161 U.S. 591, 597–598 (1896); *Fitzpatrick* v. *United States*, 178 U.S. 304, 314–316 (1900); *Brown* v. *United States*, 356 U.S. 148 (1958). A motion may be made to suppress evidence recovered from two different seizures. Under the proposed rule, were a defendant to testify on direct as to one of the seizures, he might be subject to cross-examination on both since they relate to the "issue" of an illegal seizure.

On the other hand, the proposed rule could be construed to prohibit cross-examination on other issues in the case even if they were covered by the accused in his direct examination. For example, an accused testifying in support of a motion to suppress illegally seized evidence might refer on direct to matters which relate to the other issues in the case, such as a proposed alibi defense. A literal reading of the first sentence of Revised Rule 104(d) could preclude cross-examination on this aspect of the accused's testimony. At the very least it will invite litigation on the meaning and scope of this revised rule. Such litigation would be avoided by adoption of the traditional standard for cross-examination.

Recommendation: We suggest that the first sentence of subdivision (d) be amended to read as follows:

"The accused does not, by testifying upon a preliminary matter outside the presence of the jury, subject himself to cross-examination on matters not reasonably related to the subject matter of his direct examination."

It is also recommended that the second sentence of Rule 104(d) be entirely deleted. That sentence provides:

"Testimony given by him [an accused] at a hearing in which he is asserting a constitutional right, or any right to have evidence suppressed or excluded, is not admissible against him as substantive evidence but may be used for impeachment if clearly contradictory of testimony given by him at trial."

As the Advisory Committee's Note points out, "[t]he inadmissibility of the testimony of the accused is based on *Simmons* v. *United States*, 390 U.S. 377 (1968)." *Simmons* held that because of potential infringement of the Fifth Amendment privilege against self-incrimination the testimony of a defendant in support of a motion to suppress evidence on Fourth Amendment grounds "may not thereafter be admitted against him at trial on the issue of guilt unless he makes no objection." 390 U.S. at 394.

Subsequent to the release of the Revised Draft in March, 1971, the Supreme Court decided *McGautha* v. *California*, 91 S. Ct. 1454 (1971). In that case, the Court rejected the argument that a unitary trial in which a jury decided both guilt and punishment at the same time, violated the privilege against self-incrimination of a defendant who wished to testify as to punishment but not as to guilt. The Court made these comments about *Simmons*:

"The insubstantiality of the purely Fifth Amendment interests involved in *Simmons* was illustrated last Term by the trilogy of cases involving guilty pleas. *Brady* v. *United States*, 397 U.S. 742 (1970); *McMann* v. *Richardson*, 397 U.S. 759 (1970); *Parker* v. *North Carolina*, 397 U.S. 790 (1970). While in *Simmons* we relieved the defendant of his 'waiver' of Fifth Amendment rights made in order to obtain a benefit to which he was ultimately found not constitutionally entitled, in the trilogy we held the defendants bound by 'waivers' of rights under the Fifth, Sixth, and Fourteenth Amendments made in order to avoid burdens which, it was ultimately determined, could not constitutionally have been imposed. In terms solely of Fifth Amendment policies, it is apparent that *Simmons* had a far weaker claim to be relieved of his ill-advised 'waiver' than did the defendants in the guilty-plea trilogy. While we have no occasion to question the soundness of the result in *Simmons* and do not do so, to the extent that its rationale was based on a 'tension' between constitutional rights and the policies behind them the validity of that reasoning must now be regarded as open to question, and it certainly cannot be given the broad thrust which is attributed to it by Crampton [the defendant] in the present case (91 S. Ct. at 1469)."

The *McGautha* decision thus makes evident that the constitutional law with respect to the use of testimony specified in the second sentence of proposed Rule 104(d) is in a state of uncertainty and change may be imminent. This uncertainty in governing constitutional doctrine and the strong policy arguments for and against admissibility evident in the majority and dissenting opinions in both *McGautha* and *Simmons*, strongly militates against any statutory codification at this time.

The difficulty of drafting an appropriate rule in light of *McGautha* also merits consideration. Although *Simmons* is now limited to its result, proposed Rule 104 depends on its questioned rationale to exclude testimony given by an accused to protect noconstitutional as well as constitutional rights—an exclusion, we would emphasize, that is not covered by the *Simmons* rationale. The rule also precludes use of the testimony "as substantive evidence"; but it is doubtful that it as ever intended, even under the *Simmons* rationale, to exclude "as substantive evidence" prior testimony in prosecutions for perjury and false declarations. See *Harris* v. *New York*, 401 U.S. 222 (1971). Another question which would require resolution is whether the testimony can be used as impeachment only if "clearly contradictory" of trial testimony or, as is the traditional test for impeachment, one recommended in the Advisory Committee's Note to the Preliminary Draft, if inconsistent with the trial testimony.

Recommendation: We suggest that it would be inappropriate to adopt any evidentiary rule in this constitutional area and propose that Rule 104(d) be deleted. Of course, its deletion should not be construed as disapproval of that part of the proposal which recognizes the accepted case law approval of the use of prior testimony as impeachment. See *Walder* v. *United States*, 347 U.S. 62 (1954); *Harris* v. *New York*, *supra*.

Rule 107—Remainder of or related writings or recorded statements

Proposed Rule 107 authorizes an adverse party to require a party, who has introduced a writing or recorded statement or part thereof, to introduce "any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it." As the Advisory Committee's Notes observe, the purpose of this rule is to codify the "rule of completeness" so as to prevent the trier of fact from being mislead by introducing a part of a writing "out of its context." McCormick, *Law of Evidence*, § 56 (1954) [hereinafter cited as McCormick].

Problem: The language of proposed Rule 107 could, be utilized to usurp the function of cross-examination by permitting one party to disrupt the orderly presentation of evidence by the other by moving into evidence, under a claim of fairness, other documents which properly should be admitted only in its own case. This may well have a generally disruptive effect in orderly presentation particularly in complicated fraud and antitrust cases which involve a great number of documents. The upshot is that instead of preventing the jury from being misled—the aim of the Revised Draft Rule—the rule may have the opposite effect: *i.e.*, the disorderly and illogical presentation of evidence with consequent disruption and confusion.

Recommendation: In our view, the rule should be confined to requiring the offering party to place into evidence only whatever part of the same document "relates to the same subject matter." *See* McCormick, 132. The proposed test of fairness is vague and fails to provide the necessary guidance. Should the rare situation arise in which a jury is apt to be misled by a party offering into evidence one writing inextricably intertwined to another—such as a letter and a response—the judge is empowered to eliminate the confusion by his general control "over the mode and order of presenting . . . evidence" under proposed Rule 611(a).

We therefore suggest that proposed Rule 107 be amended to read as follows:

Rule 107. Remainder of Writing and Recorded Statement

When a part of a writing or recorded statement is introduced by a party, an adverse party may require him at that time to introduce any other part of the same writing or recorded statement which relates to the same subject matter.

ARTICLE III. PRESUMPTIONS

Rule 303—presumption in criminal cases

Since the Advisory Committee had originally drafted the rule concerning presumptions in criminal cases, the National Commission on Reform of Federal Criminal Laws submitted to the President and to the Congress its Final Report containing among its recommendations for a new federal criminal code, provisions dealing with presumptions and *prima facie* evidence. Those provisions appear in Section 103(4) and 103(5) and are explained at pages 5 and 6 of the Final Report and at pages 19 through 32 of the Commission's published Working Papers.

Problem: We believe that the National Commission's formulation has much to commend it: (1) it is framed to encourage judges to submit rational presumptions to juries in all cases where warranted by the state of the evidence; (2) it emphasizes the nature of the rational connection to the jury and clarifies the consideration to be given the presumption by the jury by providing that the jury shall be instructed that "the law regards the facts giving rise to the presumption as strong evidence of the fact presumed"; and (3) it treats the general subject with maximum clarity.

We therefore strongly commend to the attention of the Advisory Committee the National Commission's provision on presumptions, together with its alternative formulation of the last clause in subsection (4)(a).

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 403—Exclusion of relevant evidence on grounds of prejudice, confusion, or waste of time

Rule 403(a) requires the mandatory exclusion of relevant evidence if its probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues, or of misleading the jury.

Problem: We are opposed to an absolute standard of inadmissibility which would appear to require reversal on appeal whenever an appellate court disagreed with the trial court's exercise of discretion. It is generally recognized that this matter is best left to the discretion of the trial judge. See McCormick, p. 320 and authorities there cited. As McCormick observes at p. 320:

"Relevant evidence, then, is evidence that in some degree advances the inquiry, and thus has probative value *and is prima facie admissible* . . . This balancing of intangibles—probative values against probative dangers—is so much a matter where wise judges in particular situations may differ that *a leeway of discretion is generally recognized.*" (Emphasis added.)

The difficulty posed by the standard of mandatory inadmissibility is particularly compounded by its possible impact on the other Rules providing for the admissibility of evidence.

We also observe that Rule 403 has an additional defect in that it is divided into two parts. This division provides no guidance in the situation where a trial judge would find that neither the dangers enumerated in Rule 403(a) or (b) by themselves substantially outweigh the probative value of proferred evidence but taken together they do.

Recommendation: We suggest that Rule 403 be redrafted to eliminate the requirement of mandatory exclusion.

Rule 404—character, evidence not admissible to prove conduct; exception; other crimes

Subdivision (a) (2)—Character of Victim. The subdivision authorizes admission of evidence of a *pertinent* trait of character of the victim of the crime offered by an accused or by the prosecution in rebuttal.

Problem. Except by the word "pertinent" neither the Rule nor the Advisory Committee's Note distinguishes between those situations in which character evidence of the victim of a crime is admissible only if known by the accused and when it need not be known by the accused. See 1 Wigmore, *Evidence* (3d Ed 1940) [hereinafter cited as Wigmore] § 63; McCormick, § 160. For example, there are two generally recognizable purposes for which evidence of the character of a victim in a homicide case may be adduced. Such evidence may be introduced by the accused to buttress a claim of self-defense and to establish that the victim was the first aggressor. The second use of the reputation of the deceased for violence is to show a defendant's reasonable apprehension of immediate danger. For the latter purpose, such evidence is admissible only if the reputation of the deceased for violence was in fact known to the accused. By failing to take this distinction into account, the Rule may be construed as eliminating it. The possibility should be avoided by providing the necessary explanation in the Advisory Committee's Note.

Further, a number of leading commentators hold the view that in homicide cases where the accused relies on self-defense, the prosecution should be allowed in rebuttal to introduce testimony of the deceased's good reputation for peacefulness even if the defendant does not first introduce character evidence adverse to the deceased. McCormick, § 160 states in pertinent part:

"Wigmore and a growing group of courts have favored the view that whenever the accused claims self-defense and offers evidence that the deceased was the first aggressor, the state in rebuttal may produce evidence of the peaceful reputation of the deceased. To the present writer, this seems the wiser solution."

Recommendation: We suggest that full paragraph 3 of the Advisory Committee's Note, on page 33, of the Revised Draft, be expanded by the insertion of the following sentence after the citations to the first sentence: "With respect to the character of the victim, the limitation to pertinent traits of character, is intended, *inter alia,* to preserve the distinction between those situations in which the victim's character trait is admissible only if known to the accused and those in which the traits need not be known to the accused. 1 Wigmore, § 63; McCommick § 160.

The subdivision itself should be reformulated as follows:

"Evidence of a pertinent trait of character of the victim of the crime offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the deceased was the first aggressor."

Subdivision (b). It provides that evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. This is a correct statement of the law. 1 Wigmore, § 216; McCormick, § 157. Rule 404(b) also provides that such evidence such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. The Advisory Committee's Note emphasizes the "may" aspect of admissibility.

Problem: We are seriously disturbed by the modifier "may" since the general rule is that if relevant, such evidence *is* admissible and the normal "rule of exclusion is simply inapplicable." McCormick, 327. "[F]acts consisting of past misconduct, whether criminal or not, and being offered to show design, motive, intent, knowledge, or the like, . . . are admitted, then, whenever they are relevant otherwise than to character." 1 Wigmore § 216. Only if the probative value of these facts is substantially outweighed by the danger of unfair prejudice, are they properly excludable. Rule 404(b), accordingly, should be amended to reflect this rule of admissibility rather than the purely discretionary "may" which fails to provide appropriate guidance. Rule 404(b) should also be amended to make it more clear than it does now that the list of purposes it enumerates for which evidence of other crimes is admissible is not exhaustive.

Recommendation: The second sentence of Rule 404(b) should therefore be redrafted to read as follows:

"It is, however, admissible for other purposes, including but not limited to, proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, unless the probative value of this evidence is substantially outweighed by the danger of unfair prejudice."

Rule 405—Methods of proving character

Rule 405(a) provides that where admissible, evidence of character or a trait of character may be proved by opinion testimony as well as by reputation.

Problem: Authorization to use opinion testimony, though recommended by some text-writers, is contrary to present law and practice, which limits such evidence to reputation. *See* McCormick, pp. 334–35:

The reasons for the almost universal disfavor with which courts regard opinion testimony, were persuasively stated by the New York Court of Appeals in the leading case of *People* v. *Van Gaasbeck*, 189 N.Y. 408, 418, 82 N.E. 718, 721 (1907):

"If a witness is to be permitted to testify to the character of an accused person, basing his testimony solely on his own knowledge and observation, he cannot logically be prohibited from stating the particular incidents affecting the defendant, and the particular actions of the defendant which have led him to his favorable conclusion. In most instances it would be utterly impossible for the prosecution to ascertain whether occurrences narrated by the witness as constituting the foundation of his conclusion were or were not true. They might be utterly false, and yet incapable of disproof at the time of trial. Furthermore, even if evidence were accessible to controvert the specific statements of the witness in this respect, its admission would lead to the introduction into the case of innumerable collateral issues which could not be tried out without introducing the utmost complication and confustion into the trial, tending to distract the minds of the jurymen and before the chief issue in litigation."

Opinion testimony is objectionable for other reasons. Unlike reputation-evidence, which can be established by a limited number of witnesses and therefore is subject to control by the court, opinion testimony would be difficult to limit since it is the individual opinion which is relevant. As the Advisory Committee's Note makes clear, if a person is charged with a crime such as theft, the proposed opinion testimony rule would permit the accused's employer or a psychiatrist to give his opinion that the accused is an honest man. Such evidence of good character *by itself* "may be" sufficient to raise a reasonable doubt as to guilt and the jury is to be so instructed. *Michelson* v. *United States,* 335 U.S. 469 (1948). Moreover under present practice, the "may be" of *Michelson* has become the general practice with a jury being routinely so instructed once any evidence of good character is admitted. To permit acquittal on this ground—an employer's or psychiatrist's personal opinion as to honest—is in our view, an unwise rule of law.

Recommendation: We suggest that the authorization in Rule 405(a) to use opinion testimony to prove character or a trait of character should be eliminated. This can be accomplished by inserting a period in the first sentence of Rule 405(a) after the word "reputation" and deleting the rest of the sentence.

Rule 410—Offer to plead guilty; nolo contendere; withdrawn plea of guilty

The second sentence of Rule 410 excludes from evidence any statement made in connection with withdrawn pleas of guilty or *nolo contendere*. This second sentence was not included in the Preliminary Draft of March, 1969, but was added, without comment or explanation, in the Revised Draft.

Problem: Though it has been persuasively argued that withdrawn pleas of guilty should be admitted into evidence when freely and understandingly made (McCormick, § 242 and cases cited therein), the weight of authority, relying principally on the language in *Kercheval* v. *United States,* 274 U.S. 20 (1927) as opposed to its particular facts, precludes admissibility of such pleas.

Neither *Kercheval* nor other decisions or authorities cited in the Advisory Committee's Note support the exclusion of statements made in connection with pleas of guilty or *nolo contendere*. If a statement obtained in violation of *Miranda* but otherwise voluntary and reliable can be used as impeachment (*Harris* v. *New York,* 401 U.S. 222 (1971)), a voluntary statement made in open court, while represented by counsel, should also be admissible. Whatever the reasons for excluding the fact of a withdrawn plea, they should not apply to statements of an accused made freely and vountarily in open court.

Recommendation: We suggest deletion of the second sentence of Rule 410.

ARTICLE V. PRIVILEGES

Rule 503—Lawyer-client privilege

Problem: The rule is drafted to allow for the making of a confidential communication by a client to a "representative of the lawyer", but "representative of the lawyer" is defined less precisely than is necessary.

Recommendation: We suggest that paragraph (a) (4) be redrafted, as follows:

"(4) A representative of the lawyer is one employed to assist the lawyer in the rendition of professional legal services, *but does not include a person employed to testify as a witness whether or not that person actually testifies as a witness.*"

Although a similar disclaimer is contained in the Advisory Committee's Note (p 49), we think that such an important exception should more properly be made a part of the definition itself.

Problem: The revised rule further requires tightening in its definition of "confidential" communication. A man conversing with an attorney and knowing of the presence within earshot of "a casual disinterested third person" should not be heard to suggest that the conversation was confidential. § 95.

Recommendation: In order to define "confidential" communication more clearly and completely, and to facilitate resolution of disputes concerning the issue, paragraph (a) (5) should be modified as follows:

"(5) A communication is "confidential" *if made under circumstances reasonably justifying an expectation of pirvacy* and not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication."

A similar insertion should be made in the definitions of confidential communication in Rules 504 and 506.

Rule 504—Psychotherapist-patient privilege

The revised draft changes the definition in the original draft of "psychotherapist" (subsection (a)(2)), so that the term is no longer limited to the physician who devotes a "substantial" part of his time to the practice of psychiatry but includes a physician spending *any* time practicing psychiatry.

Problem: It is our view that the privilege should not extend to a physician practicing psychiatry only on an intermittent basis; it should be limited to the physician who devotes a substantial part of his professional service to the specialized practice of psychiatry. Our objection is based upon the consideration that all physicians as a practical matter do, in the course of treatment, give advice which may be labelled "psychiatric". Hence, the net result of the revised version of the rule would be the creation of a general physician-patient privilege which, as the Committee correctly notes, is not recognized in federal law or recommended in the authorities. On the other hand, the test of substantiality will allow courts a desirable latitude in applying the privilege and distinguishing between the regular practitioner and others.

Recommendation: We suggest that Rule 504(a)(2) be worded as in the Preliminary Draft.

Rule 505—Husband-wife privilege

The approach taken in the draft is essentially to make a spouse incompetent as a witness in a criminal case at the option of the defendant. This approach does not withstand analysis.

Problem: The principal reason that has been advanced for a husband-wife testimonial privilege is the overriding importance of preserving marital unity. It is patent however, that if a spouse is willing to testify for the Government in a crminal case, there is no marital harmony to preserve. And to recognize a privilege even when a spouse is willing to testify is to pay a price in competent evidence for no redeeming purpose.

"The privilege has sometimes been defended, after the manner in which we find reasons for inherited customs generally, as protecting family harmony. But family harmony is nearly always past saving when the spouse is willing to aid the prosecution. The privilege, in truth, is an archaic survival of a mystical religious dogma and of a way of thinking about the marital relation, which are today outmoded." McCormack, p. 145

The logical conclusion is that the privilege should lie with the spouse who is called to testify in the prosecution of the companion spouse. The decision in *Hawkins* v. *United States,* 358 U.S. 74 (1958), does not prevent adoption of such a rule. Indeed the rule we advocate is the rule Congress chose to adopt for the District of Columbia. 14 D.C. Code 306(a) (1964).

Recommendation: We suggest that Subsections (a) and (b) of Rule 505 be amended to read as follows:

"(a) *General Rule of Privilege.* A person has a privilege to refuse to testify against his spouse in a criminal proceeding.

"(b) *Who May Claim the Privilege.* The privilege may be claimed only by the person who is sought to be compelled to testify against his spouse."

Subsection (c) should be retained.

Rule 509—Military and State secrets

Section 509—This rule is drafted to recognize the evidentiary privilege concerning military and state secrets and to provide standards and procedures for its invocation.

Problem: In addition to our objections to the standards and procedures set forth relating to military and state secrets, a major problem raised by the proposed Section is that, while it in general recognizes the existing law concerning the governmental privilege as to military and diplomatic secrets, it rejects any recognition of the well established privileges against disclosing other information in the control of the Executive. In view of the provisions of Section 501 that there is no privilege unless it is recognized by the rules themselves, the Constitution, or by Statute, the lack of recognition of any such privileges effectively negates them. As previously urged, we believe that the rules should recognize that there is also a governmental privilege against disclosing official information if such disclosure will be contrary to the public interest. The rule should be broad enough to encompass a variety of recognized privileges of the Government, such as the privileges to refuse to disclose investigative reports and internal memoranda containing policy recommendations. As noted in *Capital Vending Co., Inc.* v. *Baker,* 35 F.R.D. 510 (D. D.C. 1964):

"The government has certain privileges in reference to disclosure or refusal to disclose certain documents that are not accorded to private individuals. For example, such a privilege exists specifically as to matters involving national defense or foreign relations with other governments. So, too, the Court is of the opinion that such a privilege exists with respect to documents that the government is using in connection with an investigation of possible violations of criminal laws."

See also *Kaiser Aluminum & Chemical Corp.* v. *United States,* 141 Ct. Cl. 38, 157 F. Supp. 939 (1958) (privilege not to disclose internal memoranda containing policy recommendations); *Davis* v. *Braswell Motor Freight Lines, Inc.,* 363 F. 2d 600 (5th Cir. (1968)).

We recognize, of course, that a basic principle of our democratic form of government is that most information in the control of the Executive Branch should be readily and fully available to the public generally and to individual litigants. At the same time, however, it is necessary to protect equally important rights. Paramount among these is national security, as recognized by the proposed rule. However, it is also important to protect individuals' rights of privacy with respect to information in Government files and to prevent, in the public interest, interference with the efficient operations of Government programs.

A. Official Information

The existence of a governmental privilege with respect to internal policy memoranda is based, of course, on the need to encourage candor in exchanges of views within the Executive branch. Government officials will tend to hedge or blur the substance of their opinions if they know that their opinions may be subject to subsequent disclosure in court. The rationale is set forth in the House Committee Report on the Freedom of Information Act (H. Rep. 1497, 89th Cong. 2d Sess. p. 10) and in the case law, and need not be elaborated further here. It is sufficient to note that a privilege not to disclose such matters is well-established in existing case law. See, *e.g., Freeman* v. *Seligson,* 405 F. 2d 1326, 1339 (D.C. Cir. 1968) and cases cited therein.

The Advisory Committee's Note expresses the view that the concept of relevancy will afford the government adequate protection from disclosure in this area. This seems doubtful. Under proposed Rule 401, evidence that has any rational relationship to a fact in issue is "relevant," the broadest possible standard. That the standards of relevance and the scope of the privilege as heretofore recognized by the courts are not co-exclusive is demonstrated by *Freeman* v. *Seligson, supra.* There the court held that certain documents must be produced under the relevancy standard of Rule 26(b) of the Federal Rules of Civil Procedure, subject to a showing that they were nevertheless privileged as "advisory opinions and recommendations submitted for consideration in the performance of decision- and policy-making functions." 405 F. 2d at 1339.

Equally compelling considerations dictate the need for a governmental privilege with respect to law enforcement investigative reports. Disclosure of such reports could seriously prejudice law enforcement by allowing a prospective defendant to know how much or how little information the government had about him. And, as Attorney General Jackson pointed out, in invoking Executive privilege with respect to a request from Congress for certain Federal Bureau of Investigation reports, disclosure "might also be the grossest kind of injustice to innocent individuals," since the reports included "leads and suspicions, and sometimes even the statements of malicious or misinformed people. Even though later and more complete reports exonerate the individuals, the use of particular or selected reports might constitute the grossest injustice, and we all know that the correction never catches up with an accusation." 40 Op. A. G. 45 (1941).

To be sure, as the Advisory Committee's Note points out, "the restrictions imposed on discovery, particularly in criminal cases," afford the government some protection from disclosure of law enforcement investigative reports. Under Rule 16(b) of the Federal Rules of Criminal Procedure and judicial constructions of the Jencks Act (*e.g., Palermo* v. *United States,* 360 U.S. 343 (1959)) defendants in criminal cases are not generally entitled to disclosure of investigative reports, except as to Jencks Act statements. However, these limitations on discovery do not apply to civil cases. As *Freeman* v. *Seligson, supra* at 1340, demonstrates, recognition of a privilege for relevant investigative reports appears to be the only way to prevent their disclosure in civil cases, says for application of the constitutional doctrine of Executive privilege.

While much of the information in the hands of the government which would fall into the third category of our proposal may be already protected by the Constitution, by statute, or by the criminal or civil rules, in many cases, the information has been protected by agency regulations rather than statute or by agency practice, or the need to protect information has been given recognition by the case law. Again, situations may arise which have not been anticipated by statute, rule, or regulation, but in which disclosure would have adverse effects upon both public and private interests. In these latter situations, there is a need to balance the competing interests—those of the litigant against those of the public generally and of the Government. These situations are best controlled not by detailed rules governing specific situations but by providing a standard within which such balancing may be made.

Thus, we would suggest that the proposed rule be redrafted to recognize except, with respect to intergovernmental advice, opinions, recommendations or investigatory files where policy considerations require a treatment in accordance with *United States* v. *Reynolds,* 345 U.S. 1 (1953), that the Government has a privilege not to disclose official information, if considering all the circumstances, discosure would be contrary to the public interest. Such a standard would give the courts broad discretion to weigh the public interest in nondisclosure of particular government information against the need of the particular litigant for that information. See, *Evidentiary Privileges Against the Production of Data Within the Control of Executive Departments,* 3 Vand. Law Rev. 73 (1949).

While our primary concerns are investigative reports and internal memoranda containing policy recommendations, the term "official information" should be broadly construed to include all the information under the control of a department or agency, except information as is available to the public under the Freedom of Information Act. In view of the fact that the judge will have discretion to order disclosure of such information, a broad definition of "official information" seems entirely reasonable.

B. Secrets of State

We agree, of course, that, as to Secrets of State, the government's privilege should remain absolute. Subdivision (a) of the revised draft of Rule 509 provides that the governmental privilege becomes operative "upon a showing of reasonable likelihood of danger that disclosure of the evidence will be detrimental or injurious to the national defense or the international relations of the United States." This differs from the preliminary draft which required a showing of "substantial danger that the evidence will disclose a secret of state."

The revised draft does not accurately reflect the present state of the law with respect to this privilege, as enunciated by the Supreme Court in *United States* v. *Reynolds,* 345 U.S. 1 (1953). In *Reynolds,* the Court held that a formal claim of privilege by the Secretary of the Air Force was sufficient to cut off further demands for the disclosure of certain documents, when it was made "under circumstances indicating a reasonable possibility that military secrets are involved." (345 U.S. at 11).

Two major concerns were expressed in the Court's opinion. The first concern was that allowing a bare unsubstantiated claim of privilege to become conclusive would constitute an abdication of judicial responsibility for the rights of individual litigants and would open wide the door for potential abuses of the privilege thus granted. Accordingly, the Court left open some area for appropriate judicial review of such claims of privilege, indicating that courts should balance the litigant's actual need for the information sought against the strength of the government's showing that disclosure might reveal military secrets. The Court articulated this standard of review, and underscored its limited extent, in the following passage:

"In each case, the showing of necessity which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate. When there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but *even the most compelling necessity cannot overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake. A fortiori,* where necessity is dubious, a formal claim of privilege, made under the circumstances of this case, will have to prevail. (345 U.S. at 11). (Emphasis added); *Totten* v. *United States,* 92 U.S. 105 (1875).

The Court's other concern was that if the Government were required fully to substantiate the claim of privilege to a court's satisfaction in every case, the result could very well be the disclosure of the privileged information in the course of validating the claim of privilege. ("The Court itself must determine whether the circumstances are appropriate for the claim of privilege, and yet do so without forcing a disclosure of the very thing the privilege is designed to protect." 345 U.S. at 8). Analogizing to similar problems raised by claims of the privilege against self-incrimination, cf. *Hoffman* v. *United States,* 341 U.S. 479 (1951), the Court reiterated its conclusion that judicial inquiry should be limited to the question of whether the privilege was claimed under circumstances indicating a reasonable possibility that state or military secrets were involved.

The revised subdivision appears to go contrary to the concerns expressed in *Reynolds* by requiring that the Government substantiate its claim of privilege by showing, not a reasonable possibility that military or state secrets are involved, which would be consistent with *Reynolds,* but the likelihood of a danger that disclosure will result in detriment or injury to the national defense or international relations. Thus, the present formulation of the rule raised the possibility that the Government may be required to disclose the very information claimed as privileged, or other sensitive information, in order to sustain its claim. This is precisely the situation which the Supreme Court wisely sought to avoid in *Reynolds.*

The Advisory Committee's Note purports to recognize the problem created by "the infringement upon security which would attend a requirement of complete disclosure to the judge, even though it be in camera." However, as presently drafted, the Rule may contemplate many situations where such infringement will occur, and unnecessarily. In summary, the present formulation of the privilege may very well require the government, in many situations, to disclose the information which it seeks to protect in the course of sustaining the claim of privilege.

Therefore, we proposed that the subsection be redrafted, insofar as military and state secrets are concerned, to include a definition of "Secret of State," and that the general rule of the privilege be redrafted to provide that "The government has a privilege to refuse to give evidence and to prevent any person from giving evidence upon a showing of reasonable likelihood that the evidence will disclose a secret of State."

We would suggest that the definition of secret of State utilize the phrase "relating to the national defense" since that phrase is used in 18 U.S.C. § 793. This would serve to emphasize that this phrase in the rule is to be construed as it had been in the statute, as a "generic concept of broad connotations, referring to the military and naval establishments and the related activities of national preparedness," *Gorin* v. *United States,* 312 U.S. 19, 28 (1941).

We further point out that while the comments correctly recognize that the showing required should be limited so as not to "jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone in chambers," *Reynolds* v. *United States,* 345 U.S. 1, 10, the comments fail to consider the weight that should be given to the fact that an item has been classified by the head of a department as affecting national security pursuant to Executive Order 10501. We, therefore, suggest that the following paragraph be added to the comments on subdivision (b) of our suggested draft:

"Since, by its terms, Executive Order 10501 imposes an obligation on department and agency heads to classify information pursuant to that order as affecting the national security, the fact that the information for which the privilege is sought has been so classified pursuant to Executive Order 10501 must unless such classification is clearly arbitrary and capricious be given conclusive weight in determining that it involved "state secrets." Any other procedure would result in substituting the judgment of the courts for the Executive judgment as to the classification of information, a result that would involve courts, in passing judgment on matters 'remote from the experience and competence of the judiciary' and would raise serious questions of the separation of powers doctrine, *Green* v. *McElroy*, 254 F.2d 944 (D.C. Cir. 1958) at 954, *reversed on other grounds*, 360 U.S. 474 (1959), *cf. Bailey* v. *Richardson*, 182 F.2d 46 (D.C. Cir. 1950), *affirmed by an equally divided court*, 341 U.S. 918 (1951); see *Van Knorr* v. *Miles*, 60 F. Supp. 962 (D. Mass. 1945). See also *Ogden* v. *United States*, 303 F.2d 724 (9th Cir. 1962), *cert. denied*, 376 U.S. 973; *Shoultz* v. *Laird*, 413 F.2d 868, *cert. denied*, 396 U.S. 962 (1969); *Epstein* v. *Resor*, 421 F.2d 930 (9th Cir. 1970), *cert. denied*, 398 U.S. 965 (1970), and *United States* v. *Reynolds*, 345 U.S. 1, all recognizing the power of the Executive with respect to the control of classified information."

While under this formulation, the judicial inquiry would be extremely limited, *cf. Epstein* v. *Resor, supra*, this is, as noted, consistent with constitutional concepts and with the judicial decisions in this area. Moreover, we would note that the sustaining of the privilege is followed by further judicial orders "which the interest of justice require," Subsection (d) of the proposed rule.

C. Procedures

Both the proposed draft and our recommended redraft provide that a claim of privilege must be made by the head of the department or agency. Such a procedure is appropriate where the privilege claimed is the absolute privilege to refuse to disclose secrets of state. We believe, however, that the attorney for the Government should be permitted to assert a claim of privilege as to "official information." Since such a claim is not absolute but depends upon the judge's determination that disclosure "would be contrary to the public interest," there seems little reason to require the head of the department or agency to assert the claim. Moreover, the department or agency will often have regulations governing the disclosure of information which the judge can use as a guide to the official agency position on disclosure, and the judge also has the inherent power to request an expression of the views of the head of the agency, if he has any doubt as to the propriety of the claim of privilege. Our recommended redraft provides for the two different procedures.

An additional problem arises from the fact that the proposed draft fails to provide a method for the government to make an *in camera* submission of information to the judge which would enable him to make an informed judgment as to whether or not the claim of privilege should be sustained. Yet, in some instances the value of the privilege would be lost if the government were required to make its showing in open court or to counsel. There seems little reason not to allow an *in camera* submission to be made in connection with a claim of privilege under this Rule, when such a procedure is allowed in testing a claim of privilege under proposed Rules 508 and 510 (c)(3). See Rule 16(e) of the Federal Rules of Criminal Procedure. Allowing such a procedure would provide the court with information necessary to a proper determination of a claim of the privilege which might not otherwise be available.

Finally, the comments to this rule include the following statements about Executive privilege:

"To the extent that executive privilege embodies a constitutional concept, it is beyond the proper scope of these rules. In any event, the level at which it operates is sufficiently lofty to allow the ordinary business of the courts to be handled without hindrance from problems engendered by it. The problem area is the departments and agencies."

We recommend that the second and third sentences be stricken. The import of the second sentence is unclear, since a claim of Executive privilege based upon the constitutional doctrine of separation of powers may be invoked with respect to requests for information from the courts as well as from Congress. It therefore seems inappropriate to speculate about the effect of the privilege on judicial proceedings. The third sentence suggests that the privilege only applies to information or documents in the possession of the President or his immediate staff. Such a suggestion would be incorrect. Historically, the constitutional doctrine of Executive privilege has been invoked in appropriate cases with respect to information and documents in the custody of the Executive departments and agencies. *See, e.g.*, 40 Op. A.G. 45 (1941), involving Attorney General Jackson's claim of Executive privilege with respect to certain Federal Bureau of Investigation reports.

Recommendation: To effect the above recommendations, and in addition to the amendments to the comments already set forth, we strongly urge that Rule 509 be redrafted:

Rule 509

Secrets of State, Intragovernmental Memoranda, Investigate Reports, and Other Official Information

A. Definitions

1. Secret of State. A "secret of state" is information not open or theretofore officially disclosed to the public relating to the national defense or the international relations of the United States.

2. Official Information. "Official information" is: (1) intragovernmental advice, opinions or recommendations submitted for consideration in the performance of decisional or policy making functions or (2) investigatory files compiled for law enforcement purposes or (3) information within the custody or control of a governmental department or agency whether initiated within the department or agency or acquired by it in its exercise of its official responsibilities and not otherwise available to the public pursuant to 5 U.S.C. 552.

B. General Rule of Privilege

The Government has a privilege to refuse to give evidence and to prevent any person from giving evidence upon a showing of reasonable likelihood of danger that disclosure of the evidence will disclose a secret of State, intragovernmental advice, opinions, recommendations or investigatory files or, in the case of other information, upon a showing that, considering all the circumstances, the disclosure would be contrary to public interest.

C. Procedures

The privilege for secrets of state may be claimed only by the chief officer of the Government agency or department administering the subject matter which the secret information sought concerns, but the privilege for official information may be asserted by any attorney representing the Government. The required showing may be made in whole or in part in the form of a written statement. The judge may hear the matter in chambers, but all counsel are entitled to inspect the claim and showing and to be heard thereon, except that, in the case of "secrets of State," the court, upon motion of the Government, may permit the Government to make such required showing in the above form *in camera*. If the court sustains the privilege upon an *in camera* showing, the entire text of the Government's statements shall be sealed and preserved in the court's records in the event of appeal. In the case of privilege claimed for "official information" the court may require *in camera* examination of the information itself. The judge may take any protective measure which the interests of the Government and the furtherance of justice may require.

D. Notice to Government

If the circumstances of the case indicate a substantial possibility that a claim of privilege would be appropriate but has not been made because of oversight or lack of knowledge, the judge shall give or cause notice to be given to the officer entitled to claim the privilege and shall stay further proceedings a reasonable time to afford opportunity to assert a claim of privilege.

E. Effect of Sustaining Claim

If a claim of privilege is sustained in a proceeding to which the government is a party and it appears that another party is thereby deprived of material evidence, the judge shall make any further orders which the interest of justice require, including striking the testimony of a witness, declaring a mistrial, finding against the government upon an issue as to which the evidence is relevant, or dismissing the action.

Rule 510—Identity of informer

This rule involves considerations of paramount importance to the Government.

Recognition of a Governmental privilege not to divulge the identity of informers necessarily carries with it recognition that informers play a major role in effective law enforcement. The exposure of informants will normally preclude their effectiveness in providing essential information which in many instances is not otherwise obtainable. Consequently, it is necessary to assure that the identities of informants are not revealed except where the countervailing considerations are extremely important. It must also be kept in mind in this connection that loss to the Government of a source of information is only a part of the problem and not the most important part. The privilege involves a matter directly involving human lives. Nor are we overstating this consideration. As noted in the testimony of former Attorney General Katzenbach, between 1961 and 1965 twenty-five of the government's informers in the organized crime field alone were murdered. (Testimony at *Hearings Before the Senate Subcommittee on Administrative Practice and Procedure of the Committee of the Judiciary on Invasions of Privacy*, 89th Cong., 1st Sess., pt. 3, p. 1158 (1965).) Since 1965 these incidents have persisted and present a real and continuing problem. Under these circumstances, we deem it essential to urge adoption of the protections that were lacking in the Preliminary Draft and are absent in the Revised Rule.

Problem: If subsection (a) of Revised Rule 510 were adopted, it is no overstatement that the consequences for the Government and to the public could be disastrous. Under the proposed Rule the privilege covers only persons furnishing "information purporting to reveal a violation of law." This limitation excludes a great number of very valuable informers. Many informers provide intelligence information on a continuing basis, especially in organized crime investigations. Their value goes far beyond providing information purporting to reveal a violation of the law. See, e.g., *United States* v. *Russ*, 362 F. 2d 843 (2d Cir., 1966), *cert. den.* 385 U.S. 923 (1966); *United States* v. *Coke*, 339 F. 2d 183 (2d Cir., 1964); *Schuster* v. *New York*, 5 N.Y. 2d 75; 154 N.E. 2d 534 (1958). Informers often assist in location and apprehension of wanted persons and in the utilization of other informers and undercover investigators.

Recommendation: Rule 510(a) is much too restrictive, and should be amended to read as follows:

"(a) *Rule of Privilege.* The Government of a state or subdivision thereof has a privilege to refuse to disclose the identity of a person who has furnished to a law enforcement officer information *relating to or assisting in an investigation of a possible violation of law.*"

Problem: Under proposed Rule 510(c)(1), the privilege would be lost if the informer appears as a witness even if called by the defendant. In our view the privilege should be lost only if the informer is called *by the Government*. When an informer testifies for the government, there is little or no added danger involved in revealing his role as an informer; no similar situation arises when a defendant calls as a witness a person who, unknown to the defendant, has been acting as an informer. As the proposal stands, a defendant might be motivated to call witnesses primarily to ascertain those who may have been government informers.

Recommendation: Its is important to the interests of the Government, while of no detriment to the legitimate interests of defendants, to change Rule 510(c)(1) as follows:

"No privilege exists under this rule if the identity of the informer or his interest in the subject matter of his communication has been disclosed to those who would have cause to resent the communication by a holder of the privilege or by the informer's own action, or if the informer appears as a witness *for the Government.*"

Problem: Subsection (c)(2) provides for dismissal of criminal proceedings when the Government elects to protect the identity of the informer and his testimony is necessary for a fair determination of the vital issues in the case. But the Rule, as drafted, does not provide adequate procedure for courts to use to meet such problems.

For example, a narcotics agent may testify that a certain person (an informer) introduced him to the defendant in a bar and that he and the defendant went to a table, alone, and discussed a narcotics deal. The defendant might admit to speaking alone with the agent in the bar but deny talking about narcotics. In such case, the Government should not be forced to reveal the informer's identity and role when the Government submitted information satisfying the court that the informant had not overheard the disputed conversation.

To assure that the Government will not improperly be required to elect, courts must make a careful inquiry into the facts to ascertain whether a fair trial can be had with the informer's identity kept secret. In short, dismissal should not automatically follow when the Government invokes the informer's privilege, nor should it be based on mere speculation or on an inadequate determination of whether disclosure is necessary. See *Lannom* v. *United States,* 381 F.2d 858, 861 (9th Cir. 1967), *cert. denied,* 389 U.S. 1041 (1968); *Miller* v. *United States,* 273 F.2d 279, 281 (5th Cir. 1959), *cert. denied,* 362 U.S. 928 (1960). A proper procedure for handling defense requests to learn the identity of informers is a vital part of a rule acknowledging the Government's privilege about an informer's identity.

Recommendation: We believe that Rule 510(c)(2) must contain an *in camera* procedure similar to that provided for in (c)(3) so that the Government can submit to the judge alone the information he needs in deciding whether fairness requires that the Government be ordered to reveal the informer. Such a procedure appears in the draft suggested below.

Problem: The original draft of Rule 510(c)(2), without mentioning civil cases, dealt with the consequences in criminal cases of the Government's electing not to divulge an informer's identity when his testimony would be necessary for a fair determination of "the issue of guilt or innocence." To deal with the problem in civil cases, the revised draft added a sentence to (c)(2) and changed the test from "the issue of guilt or innocence" to a "material issue in the case." Such an accommodation of terms—so as conveniently to embrace civil cases—involves a departure from the test enunciated in *Roviaro* v. *United States,* 353 U.S. 53 (1957), which test was quoted in the original Advisory Committee's Note.

Recommendation: The test for criminal cases should be expressed in terms of "the issue of guilt or innocence," and, comparably for civil cases, in terms of the "ultimate issues." Our suggested draft below incorporates these changes.

Problem: In a prosecution of several defendants, the informer's testimony could be necessary in determining the guilt or innocence of one or more but not necessarily all of the defendants. In such a case, dismissal should, of course, be considered only as to defendants as to whom the informer's testimony is necessary. This point could be clarified in redrafting the Rule to provide for the *in camera* inspection.

Recommendation: For the above reasons, we suggest that subsection (c)(2) be revised as follows:

"*Testimony on Guilt or Innocence* (*Criminal Cases*) *or on Ultimate Issue* (*Civil Cases*). If the Government invokes the privilege and the circumstances indicate that the informer may be able to give testimony necessary to a fair determination of the issue of guilt or innocence in a criminal case or of an ultimate issue in a civil case, the judge shall give the Government an opportunity to submit to the court *in camera* a written statement, preferably in the form of affidavits, containing any facts which may be relevant to the determination of whether the informer can, in fact, supply such testimony. If, after the Government has been afforded the opportunity to present such a statement, the judge finds that there is a reasonable probability that the informer can give testimony necessary to a fair determination of such issue and the Government elects not to disclose the identity of the informer, the judge in a criminal case on motion of the defendant shall dismiss the proceedings against him and the judge may do so on his own motion, and the judge in a civil case shall make such order as may be just. Written statements submitted for *in camera* inspection shall be sealed and preserved to be made available to the appellate court in the event of an appeal, and the contents thereof shall not otherwise be revealed without the consent of the government. All counsel shall be permitted to be present at any stage at which any counsel is permitted to be present."

Problem: Subsection (c)(3) of the Rule, which concerns the legality of evidence obtained on the basis of information received from an informer, makes the test one of the *reliability* of the informer. This is too narrow; the correct test is one of credibility or reliability. *Aguilar* v. *Texas,* 378 U.S. 108, 114 (1964); *United States* v. *Harris,* 91 S. Ct. 2075 (1971).

Problem: While we have no disagreement with the general concept of Rule 510(c)(3), since we understand the rule not to detract from the principle announced in *McCray* v. *Illinois,* 386 U.S. 300 (1967), but rather to afford an opportunity for the disclosure of additional information if the Government so chooses, the subsection seems far from a complete statement of the appropriate procedure. It would require disclosure of an informer's identity when the identity, as such, would not necessarily be meaningful. It is important both from the standpoint of the public and the Government that the rule on an informer's privilege be clear.

Recommendation: For the reasons given in the two preceding paragraphs, Rule 510(c)(3) should be redrafted to read:

"*Legality of obtaining evidence.* If information from an informer is relied upon to establish the legality of the means by which evidence was obtained and the judge is not satisfied that the information was received from an informer reasonably believed to be reliable or credible, he shall give the Government an opportunity to submit to the court *in camera* a written statement, preferably in the form of affidavits, containing any facts relevant to the question of the reliability or credibility of the informer. The judge may then make any order that justice requires. Written statements submitted for *in camera* inspection shall be sealed and preserved to be made available to the appellate court in the vent of an appeal, and their contents shall not otherwise be revealed without the consent of the government. All counsel shall be permitted to be present at any stage at which any counsel is permitted to be present."

Rule 511. Waiver of privilege by voluntary disclosure

Problem. The proposed rule would necessitate the finding of waiver every time the holder of a privilege is shown to have voluntarily disclosed a significant part of the privileged matter, except when such disclosure is made during communications that are also privileged.

The exception is too narrow. Courts should not be required to find that waiver automatically follows from voluntary disclosure of privileged matter. The proper test should grant the judge flexibility to assess all the circumstances surrounding the disclosure; in that way he can evaluate the primary issue whether disclosure is compatible with the existence of the privilege. See *United States* v. *Woodall,* 438 F. 2d 1317, 1324–1326 (5th Cir. 1971) (and authorities cited therein). It seems, *e.g.,* that cooperation between Federal and State investigators involving a disclosure of informers should not work a forfeiture of the government's privilege regarding informers (Rule 510 was revised specifically to cover the situation), so that the question of waiver goes clearly beyond the fact of voluntary disclosure.

We note also that the proposed rule does not clearly permit the interpretation, in accordance with the authorities and the presumed intent of the Advisory Committee, that the privilege may not be used as a sword but only as a shield, and hence may be waived by the holder of the privileged communication. See *United States* v. *Woodall, supra,* at n. 3, citing Wigmore, McCormick, the American Law Institute Mode Code of Evidence, and the Model Code of Evidence drafted by the National Conference of Commissioners on Uniform State Laws. This difficulty would be resolved by the formulation suggested below.

Recommendation: We recommend that rule 511 be redrafted as follows:

"A person upon whom these rules confer a privilege against disclosure of a confidential matter waives the privilege if he or his predecessor while holder of the privilege voluntarily discloses or consents to disclose any significant part of the matter *under such circumstances that it would be inappropriate to allow the claim of privilege.*"

The specific exception written into the draft for voluntary disclosures which are themselves confidential communications would be unnecessary under, and is therefore omitted from this formulation.

ARTICLE VI. WITNESSES

Rule 606—Competency of Jurors as Witnesses

Subdivision (*b*)—*Inquiry Into Validity of Verdict or Indictment.* The subdivision, by making a juror incompetent to testify concerning "the effect of anything upon his or any other juror's mind or emotions", suggests that a juror is competent to testify concerning all transactions during the jury deliberations.

Problem: The subdivision is a manifest departure from existing law concerning the extent to which jurors may impeach their verdict. The Supreme Court has drawn a distinction which permits a juror to testify that improper information came to the attention of the jury, *Mattox* v. *United States,* 146 U.S. 140 (1892), but precludes a juror from testifying about all other matters in the process by which the jury reached its verdict. *McDonald* v. *Pless,* 238 U.S. 264 (1915).

The Supreme Court summarized the rules concerning a juror's right to impeach his verdict in *Stein* v. *New York,* 346 U.S. 156, 178 (1953).

"Nor have the courts favored any public or private post-trial inquisition of jurors as to how they reasoned, lest it operate to intimidate, beset and harass them. This Court will not accept their own disclosure of forbidden quotient verdicts in damage cases. *McDonald* v. *Pless,* 238 U.S. 264. Nor of compromise in a criminal case whereby some jurors exchanged their convictions one issue in return for concession by other jurors on another issue. *Hyde* v. *United States,* 225 U.S. 347. If evidence thus secured could be thus used, the result would be to make what was intended to be a private deliberation, the constant subject of public investigation—to the destruction of all frankness and freedom of discussion and conference." *McDonald* v. *Pless, supra,* at 267–268.

We disagree with the comment in the Advisory Committee's Note, that there is a trend toward allowing jurors to testify about everything but their own mental process. Recent federal decisions show continued adherence to the rule that jurors cannot testify about irregularities in their deliberations. *Holden* v. *Porter,* 405 F.2d 878 (10th Cir. 1969); *United States* v. *Chereton,* 309 F.2d 197 (6th Cir. 1962); *Farmer's Cooperative Elevator Ass'n* v. *Strand,* 382 F.2d 224, 230 (8th Cir. 1967) *cert. denied,* 389 U.S. 1014 (1967); *United States* v. *Crosby,* 294 F.2d 928, 949 (2d Cir. 1961).

Strong policy considerations continue to support the rule that jurors should not be permitted to testify about what occurred during the course of their deliberations. Recent experience has shown that the danger of harassment of jurors by unsuccessful litigants warrants a rule which imposes strict limitations on the instances in which jurors may be questioned about their verdict. *See Miller* v. *United States,* 403 F.2d 77 (2d Cir. 1968) *modified on other grounds,* 411 F.2d 825 (2d Cir. 1969); *United States* v. *Driscoll,* 276 F. Supp. 333 (S.D.N.Y. 1967).

Recommendation: We suggest that Subdivision (b) should be redrafted to provide as follows:

"(b) Inquiry into Validity of Verdict or Indictment. Upon inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter of statement occurring during the course of the jury's deliberations or to the effect of any thing upon his or any other juror's mind of emotions as influencing him to assent or dissent from the verdict or indictment or concerning his mental process in connection therewith, except that a juror may testify on the question of whether or not extraneous prejudicial information was improperly brought to the jury's attention during the course of its deliberations. Nor may a juror's affidavit or evidence of any statement by him concerning a matter about which he would be precluded from testifying be received."

Rule 608—Evidence of character and conduct of witness

Subdivision (a)—Opinion and Reputation Evidence of Character. This rule deals with the use of testimony relating to the character trait of truth and veracity on the issue of the creditibility of a witness. This use of character testimony is distinct from the use of similar character evidence adduced to establish a defense or to negate an element of a crime, treated in Rule 405. Subdivision (a) departs from existing law in that it permits character testimony in the form of an opinion and in that it permits a testifying accused to buttress his credibility through character witnesses, without the necessity of a prosecutorial attack on his credibility.

Problem: We disagree with both aspects of the rule which, in our view, depart from the prevailing case law. The courts have consistently rejected proof of character by means of opinion. *See* McCormick, § 44, n. 3. The reason for this almost universal disfavor is that "[r]eputation evidence, though muted and colorless, is thought to have the advantage of avoiding distracting side-issues as to particular acts and incidents in the past life of the accused." McCormick, p. 334. In this connection, we refer to our comments with respect to Rule 405.

Recognizing the "enormous needless consumption of time which a contrary practice would entail," the Preliminary Draft specified that character evidence in support of a witness' credibility is admissible only after his credibility has been attacked. This view is amply supported by the case law and we urge readoption of that approach. Cf. *Mellon* v. *United States,* 170 F. 2d 383 (5th Cir., 1948); *United States* v. *Tomaiolo,* 249 F. 2d 683, 689 (2d Cir., 1957); McCormick § 49, p. 105, § 158, p. 334 n. 7; 4 Wigmore § 1124.

No precedent or reason justifies an exception when the accused testifies. This exception raises the specter of a long line of "oath-helpers," which the Committee itself commented on unfavorably on page 91, in its comments to Rule 704. Concerning this proposed exception, the comment to the Revised Draft notes on p. 75:

"The exception with respect to the accused who testifies is based upon the assumption that the mere circumstance of being the accused is an attack on character. It is consistent with the admissibility of evidence of good character under Rule 404 (a)(1)."

The mere fact that subdivision (a)(2) is "consistent with the admissibility of evidence of good character under Rule 404(a)(1)" lends no support to the proposal. It is one thing to allow a defendant to introduce character evidence in order to negate an element of the offense with which he is charged, as is the case under Rule 404(a)(1). It is quite another thing to allow a defendant to buttress his credibility as a witness if there has been no attack on his credibility, as is the case under the subdivision.

Recommendation: We suggest that the subdivision be redrafted as follows:

"*Reputation Evidence of Character.* The credibility of any witness including the defendant if he chooses to testify, may be attacked or supported by evidence in the form of reputation, subject to these limitations: The evidence may refer only to character for truthfulness or untruthfulness, and that evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by reputation evidence or otherwise."

Subdivision 608(b)—Specific Instances of Conduct. This subdivision relates to specific instances of conduct introduced for the purpose of attacking or supporting credibility of a witness. Except to the extent cross-examination is limited to inquiries concerning specific instances which are "clearly probative of truthfulness or untruthfulness," it restates the common law. The words "clearly probative of truthfulness or untruthfulness and not remote in time" appear for the first time in the Revised Draft.

Problem: We disagree with the Rule's limitation upon the range of cross-examination. In support of this provision, the Standing Committee noted: "Effective cross-examination demands that some allowance be made for going into matters of this kind, but the possibilities of abuse are substantial. Consequently, safeguards are erected in the form of specific requirements that the instances inquired into be clearly probative of truthfulness or its opposite and not remote in time." There is no precedent which supports the limitation suggested. The long-accepted test is whether the matter is *relevant to truthfulness.* McCormick § 42, p. 87; And this was the test contained in the Preliminary Draft of the Rule and we strongly urge its adoption.

By limiting the scope of cross-examination the proposed Rule would provide too free an opportunity to parade false or biased character witnesses. The substantial possibility of abuse under the accepted test of cross-examination, which the comment to the Revised Draft conjectures, is less significant that there assumed. McCormick, for instance, noted that reversals on this ground are exceedingly rare. McCormick § 158, p. 336, n. 19. The possibility of abuse is best guarded against by the now common practice of trial judges requiring cross-examiners to give their professional assurance that they have reasonable grounds to believe that such specific instances of misconduct here occurred; *United States* v. *Beno,* 324 F. 2d 582, 588 (2d Cir. 1963), *cert. denied,* 379 U.S. 880 (1964); *United States* v. *Giddins,* 273 F. 2d 843, 845 (2d Cir.), *cert. denied,* 362 U.S. 971 (1960); *Malatkofski* v. *United States,* 179 F. 2d 905, 913 (1st Cir. 1950); by the rule that inquiry concerning specific instances of misconduct made in bad faith may be the basis for reversal of a conviction; and by the inherent limitation of the common law that "[i]f the witness denies the alleged misconduct, the examiner 'must take his answer,' not in the sense that he may not further cross-examine to extort an admission but in the sense that he may not call other witnesses to prove the discrediting acts." McCormick § 42, p. 89.

Further, the suggestion that the instances of misconduct must not be "remote in time," see *Shailer* v. *Bullock,* 78 Conn. 65, 61 A. 65 (1905), is best served by leaving the matter to the discretionary control of the trial judge. *Simon* v. *United States,* 123 F. 2d 80 (4th Cir., 1941). *Michelson* v. *United States,* 335 U.S. 469 (1949), while it did not deal solely with evidence of character which affected credibility, discussed the remoteness issue. There the court sustained an inquiry on cross-examination concerning an arrest of the defendant twenty-seven years prior to trial. If a character witness stresses his long acquaintance with the reputation for truth and veracity of the person whose credibility he buttresses, permissible inquiry should be equally extended in time. This discretionary authority of the judge is best indicated by an appropriate cross-reference to Rule 403, as was done in the Preliminary Draft.

Recommendation: We suggest adoption of the subdivision as contained in the Preliminary Draft.

Rule 609—Impeachment by evidence of conviction of crime

Subdivision (a)—General Rule. The revised draft adopts the rule derived from *Luck* v. *United States,* 121 U.S. App. D.C. 151, 348 F. 2d 763 (1965). The proposed rule reads:

"(a) *General Rule.* For the purpose of attacking the credibility of a witness, evidence that he has been convicted of a crime, except on a plea of nolo contendere, is admissible but only if the crime (1) was punishable by death or imprisonment in excess of one year under the law which he was convicted, or (2) involved dishonesty or false statement regardless of the punishment, *unless (3), in either case, the judge determines that the probative value of the evidence of the crime* *is substantially outweiged by the danger of unfair prejudice.*" (Emphasis added).

The third clause was not contained in the Preliminary Draft.

The revised rule gives the trial judge discretion to permit defendants in criminal cases to testify without being impeached with prior convictions.

Problem: During the 91st Congress (1969–1970), both the Senate and the House of Representatives made a careful and thorough review of the operation of the *Luck* rule in the District of Columbia. Several proposals to modify and eliminate the rule were submitted to the Congress. Full hearings were conducted by both the Senate and House Committees on the District of Columbia. After consideration and debate, Congress expressly rejected the *Luck* rule. See District of Columbia Court Reform and Criminal Procedure Act of 1970, Pub. L. No. 91-358, § 133 (July 29, 1970).[1]

In reaching its decision to reject the *Luck* rule, Congress found the following reasons persuasive:

(1) The Department of Justice on July 11, 1969 submitted to Congress legislation to overrule the *Luck* case. The Department's major criticisms of the *Luck* rule were set forth by a Department spokesman. *Crime in the National Capital, Part 4, Hearings before the Senate Committee on the District of Columbia,* 91st Cong., 1st Sess., 1396–97 (1969):

"The obvious reason for permitting impeachment of witnesses by proof of conviction of crimes is to enhance the truth-seeking process of a trial. To arrive at the truth, the fact-finder, be it judge or jury, must assess the credibility of witnesses. It is difficult to conceive of evidence more probative on the issue of a witness' credibility than proof of conviction of a crime which reflects on honesty and veracity or which demonstrates a willingness to engage in conduct which entails substantial injury to and disregard of the rights of other persons or to the public. Preventing impeachment of a criminal defendant eliminates from the fact-finders consideration this highly probative evidence.

* * * * *

"In actual practice, the *Luck* doctrine . . . has proved totally unworkable, principally because no meaningful criteria exist to guide the trial court's exercise of discretion . . . Since no meaningful criteria do or can exist, appeal is encouraged."

(2) The Bar Association of the District of Columbia supported elimination of the *Luck* rule in the District of Columbia.

(3) The *Luck* rule is inconsistent with the law in almost 90 percent of the States.

Recommendation: In light of the fact that Congress specifically rejected the *Luck* rule, after finding the objections to it well-founded, it is recommended that the Committee on Rules of Practice and Procedure not incorporate the *Luck* rule into Rule 609. In lieu thereof, it is recommended that the Committee adopt the rule of impeachment enacted by the Congress of the United States in July, 1970, as part of the District of Columbia Court Reform and Criminal Procedure Act of 1970, Pub. L. No. 91-358, § 133 (July 29, 1970).[2]

APPENDIX

§ 14-305. Competency of witnesses; impeachment by evidence of conviction of crime.

(a) No person is incompetent to testify, in either civil or criminal proceedings, by reason of his having been convicted of a criminal offense.

(b) (1) Except as provided in paragraph (2), for the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a criminal offense shall be admitted if offered, either upon the cross-examination of the witness or by evidence aliunde, but only if the criminal offense (A) was punishable by death or imprisonment in excess of one year under the law under which he was convicted, or (B) involved dishonesty or false statement (regardless of punishment). A party establishing conviction by means of cross-examination shall not be bound by the witness' answers as to matter relating to the conviction.

(2) (A) Evidence of a conviction of a witness is inadmissible under this section if—

(i) the conviction has been the subject of a pardon, annulment, or other equivalent procedure granted or issued on the basis of innocence, or

(ii) the conviction has been the subject of a certificate of rehabilitation or its equivalent and such witness has not been convicted of a subsequent criminal offense.

(B) In addition, no evidence of any conviction of a witness is admissible under this section if a period of more than ten years has elapsed since the later of (i) the date of the release of the witness from confinement imposed for his most recent conviction of any criminal offense, or (ii) the expiration of the period of his parole, probation, or sentence granted or imposed with respect to his most recent conviction of any criminal offense.

(c) For purposes of this section, to prove conviction of crime it is not necessary to produce the whole record of the proceedings containing the conviction, but the certificate, under seal, of the clerk of the court wherein the proceedings were had, stating the fact of the conviction and for what cause, shall be sufficient.

(d) The pendency of an appeal from a conviction does not render evidence of that conviction inadmissible under this section. Evidence of the pendency of such an appeal is admissible.

Rule 611—Mode and order or interrogation and presentation

Subdivision (b)—Scope of Cross-Examination. This subdivision adopts a substantial change from the Preliminary Draft by making a witness subject to a cross-examination on *any matter relevant to any issue in the case, including credibility.* The Preliminary Draft had rejected this approach in the interest of the orderly presentation of evidence and restricted the use of cross-examination to the subject matter of direct examination and matters affecting credibility. Inquiry into additional matters, if permitted at all by the judge, was limited to the use of non-leading questions.

In support of the change, the Committee cites McCormick. A close inspection of the text of § 27 of McCormick's treatise, however, reveals the McCormick's discussion did not concern itself with the use of leading questions, but rather concerned itself with the scope of the inquiry on cross-examination.

Problem: The text of the Preliminary Draft, as well as the Revised Draft, indicates a desire not to restrict the cross-examiner entirely in his inquiry to the scope of the direct examination. In our judgment, the Preliminary Draft indicated a greater sensitivity to abuses implicit of McCormick's "wide open" rule. These abuses pertain to the use of leading questions, and the confusion which may result from a procedure permitting an opposing party to go into matters not necessary for the presentation of the case of the party proponent. Moreover, it is unfair to permit a party to adduce through leading questions evidence which properly belongs into the presentation of its own case. This unfairness is particularly manifest in situations where the witness is unfriendly to the party which called the witness and biased in favor of the cross-examining party. The Preliminary Draft recognized that a practice of limited cross-examination promotes orderly presentation of the case. This avoids confusion of juries and lawyers. The Preliminary Draft better served the doctrine that considerations of clarity in the presentation of evidence may outweigh even considerations of economy in the use of trial time.

Recommendation: We suggest adoption of the version of subdivision (b) contained in the Preliminary Draft.

Rule 612—Writing used to refresh memory

Rule 612 provides that an adverse party is entitled to have produced not only any document used by a witness to refresh his memory on the witness stand, but also any other document used prior to trial for the purpose of refreshing the witness' memory.

Problem: The Advisory Committee recognizes that the rule is a sharp departure from present practice which limits the right of inspection to documents which the witness uses to refresh his memory during the course of his testimony at the trial. We strongly oppose the extension of the inspection right advocated in the rule.

Under the discovery rules in Federal courts, discoverable material is ordinarily obtained by counsel prior to trial. The proposed rule would appear to compel production of material that would not otherwise be discoverable, unless the attorney preparing the witness had taken pains to assure that only material already available to opposing counsel was used in refreshing a witness' recollection. Such a rule would place a great burden on the government in many cases where, in preparing a government employee to testify, counsel might want to bring to the witness' attention classified reports or other privileged documents which would ordinarily not be discoverable by opposing counsel.

In addition, the proposed rule would create a severe practical problem. In the course of preparation for trial, especially in complex cases, privileged documents, such as internal memoranda containing recommendations and the like, may have been used to refresh a witness' recollection. Obviously, these documents should not be made available to a defendant. Further, cross-examination of witnesses may deteriorate into lengthy fishing expenditions on the part of counsel seeking to inquire what pieces of paper a witness has seen during the course of preparation for his testimony. Insofar as documents used to refresh a witness' recollection prior to trial may be statements of other potential Government witnesses the rule is a radical departure from the Jencks Act, 18 U.S.C. 3500.

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[1] A Conference version was reported to the Congress. H. Rep. No. 1303, 91st Cong., 2d Sess. (1970). The Conference Report contained an identical impeachment by prior conviction provision to that passed by the House of Representatives on March 19, 1970. The Conference Report passed the House of Representatives on July 15, 1970 by a vote of 332 to 64 and passed the Senate on July 23, 1970 by a vote of 54–33. 116 Cong. Rec. H6743–44, 91st Cong., 2d Sess. (daily ed. July 15, 1970); 116 Cong. Rec. S12029, 91st Cong., 2d Sess. (daily ed. July 23, 1970).

[2] The complete text of the new District of Columbia law on impeachment by evidence of conviction of crime is included in the Appendix. Our view requesting adoption of 14 D.C. Code 305, in lieu of subdivision (a), obviates the necessity for further comment with respect to subdivisions (c), (d) and (e) except for noting that 14 D.C. Code 305(b) (2) (A), the provision corresponding to subdivision (c), differs from that provision for the sake of consistency with 14 D.C. Code 305(b) (2) (B). An equivalent of subdivision (d) is omitted by implication in 14 D.C. Code 305, in line with the general policy against public disclosure of juvenile adjudications. Subdivision (e) is substantially incorporated in 14 D.C. Code 305(d). Concerning subdivision (b), we note that 14 D.C. Code 305(b) (2) (B), the equivalent provision, is more consistent with the Preliminary Draft and the rejection by *United States* v. *Simpson,* D.C. Cir. No. 23, 269 (November 17, 1970), of attempts such as in *United States* v. *McCord,* 420 F.2d 255 (D.C. Cir. 1969), to begin the measurement of the remoteness of a prior conviction as closely to the time of the judgment as possible. It is our opinion that 14 D.C. Code 305(b) (2) (B) is superior to both the Revised and the Preliminary Draft of subdivision (b) in that it takes into account the principle that recent misconduct revives incidents of prior misconduct. Cf. *Michelson* v. *United States,* 335 U.S. 469, 484 (1948).

We believe that the present discovery rules contained in the Federal Rules of Criminal Procedure, in conjunction with the Jencks Act and the prevailing rule granting access to documents used by a witness during his testimony to refresh his recollection, sufficiently protect any legitimate interest which a defendant may have. We agree with the rule formulated by the Supreme Court in *Goldman* v. *United States*, 316 U.S. 129, 132 (1942):

"We think it the better rule that where a witness does not use his notes or memoranda in court, a party has no absolute right to have them produced and to inspect them."

Recommendation: We suggest deletion of the words "either before or" from the text of the proposed rule.

ARTICLE VIII—HEARSAY

Rule 801—Definitions

Subdivision (*d*) (*1*) (*iii*) excludes from a definition of hearsay evidence of statements of a declarant in identifying a person which are made *"soon* after perceiving him." The commentary to this provision makes clear that the rule applies to corroborating testimony concerning a complaining witness' statements made at lineups or other identification procedures. Such testimony may consist of either prior consistent statements or hearsay, in the classic sense. Insofar as the proposed rule provides for admissibility, it is consistent with the decision of the Supreme Court in *Gilbert* v. *California*, 388 U.S. 263 (1967).

Problem: The qualification that the statement of identification must have been given "soon" after the declarant perceived the person whom he identifies, injects into the suggested rule a possible limitation upon which no court has passed. We understand the rule to mean that the identification must take place soon after the offense. There has been no decision requiring that lineups be held within a particular period of time after the commission of the offense.

Practical considerations militate against such a restrictive approach. The offender may not be apprehended or otherwise be subject to a lineup until a considerable time after the offense. The victim may be hospitalized as a result of an attack upon him and may not be able to attend a lineup until a considerable period after the event. Even if the proposed rule is read as implying that the statement of identification must have been made "soon" after commencement of the identification procedure, we regard it as unduly restrictive. Through fear of retribution, a complaining witness may not make a statement of identification until shortly before he actually testifies at trial, a considerable period of time after the identification procedure, as for instance in *United States* v. *Hinkle*, D.C. Cir. No. 24, 273 (July 19, 1971). Yet, even such a statement has some probative value in corroborating the in-court identification.

Recommendation: We suggest deletion of the word "soon" from the rule.

Rule 804—Hearsay exceptions: Declarant unavailable

Subdivision (*b*) (*4*)—*Statement Against Interest:* This rule extends admissibility to statements against penal or social interest.

The 1971 draft has improved the 1969 draft by substituting the word "disgrace" for the words "social disapproval".

Problem: However, the change does not eliminate the serious problems relating to admissibility of statements against penal or social interest. Our basic objection to statements against social or penal interest is that the standard is so vague as to be unworkable.

As the Advisory Committee note recognizes, it has long been established that at common law statements against penal interest are not an exception to the hearsay rule. In *Donnelly* v. *United States*, 228 U.S. 243 at 273 (1912), the Supreme Court said:

"Hearsay evidence, with a few well recognized exceptions, is excluded by courts that adhere to the principles of the common law. The chief grounds of its exclusion are, that the reported declaration (if in fact made) is made without the sanction of an oath, with no responsibility on the part of the declarant for error or falsification, without opportunity for the court, jury, or parties to observe the demeanor and temperament of the witness, and to search his motives and test his accuracy and veracity by cross-examination, these being most important safeguards of the truth, where a witness testifies in person, and as of his own knowledge; and, moreover, he who swears in court to the extra-judicial declaration does so (especially where the alleged declarant is dead) free from the embarrassment of present contradiction and with little or no danger of successful prosecution for perjury. It is commonly recognized that this double relaxation of the ordinary safeguards must very greatly multiply the probabilities of error, and that hearsay evidence is an unsafe reliance in a court of justice."

Illustrative of the problems is *United States* v. *Dovico*, 380 F. 2d 325 (2d Cir. 1967), *cert. denied* 389 U.S. 944, in which the Court stated:

"Judge Sugarman recognized that the statements would not be admissible as against penal interest, but felt that they would be against social interest. Judge Cooper, on the showing made on the second trial, held the statements not admissible as against social interest. With this ruling we agree.

"The only evidence of any effect on his standing in the prison community was Plattner's opinion, which Judge Cooper did not credit, and properly so, for in addition to Plattner's unreliability as a witness, it was quite plain that after Gangi's alleged statement, those alleged to have heard it, including Plattner, in the prison vernacular 'stood with' (accepted) Gangi in spite of it." [380 F. 2d at 327–328].

Accord, Scolari v. *United States*, 406 F.2d 563 (9th Cir. 1969), *cert. denied* 395 U.S. 981, in which an appellant was convicted of driving a car across the border with drugs concealed in the tires. The Court described the situation as follows:

"Scolari's defense was that he did not know that the drugs were there. At the trial he sought to testify that Judi Taylor told him that she put the items in the tire and that he was not a party to it. The evidence was excluded.

"Scolari urges that the testimony should have been allowed as an exception to the hearsay rule, on the ground that Taylor's declarations were against her penal interest. The weight of authority is against him." [406 F.2d at 563].

Unworkable vagueness, is compounded by the provision that statements against interest are admissible only when they are so far against the declarant's interests that "a reasonable man in his position would not have made the statement unless he believed it to be true." This injects an issue as to whether the determination should be made on an objective or subjective basis. We believe that the question should be left to the discretion of the courts.

The Advisory Committee comment with respect to Rule 804(b) (4) recognizes that the common law rule is not a bar in every case saying:

"The common law required that the interest declared against be pecuniary or proprietary but within this limitation demonstrated striking ingenuity in discovering an against-interest aspect. *Higham* v. *Ridgway*, 10 East 109, 103 Eng. Rep. 717 (K.B. 1808); *Reg.* v. *Overseers* of *Birmingham*, 1 B. & S. 763, 121 Eng. Rep. 897 (Q.B. 1861); McCormick, § 256, p. 551, nn. 2 and 3." [1971 draft, p. 130]

Recommendation: We suggest that the provisions relating to penal and social interest should be deleted. This would not mean that all such statements would have to be excluded as the comment to the proposed rule recognizes.

Also, the final sentence should be deleted. This sentence apparently is designed to deal with problems created by the decision in *Bruton* v. *United States*, 391 U.S. 123 (1968). Construed as a constitutionally required exception, the final sentence is too restrictive. The Supreme Court has recently decided that there is no Sixth Amendment violation where the codefendant declarant testifies as a witness and is subject to cross-examination. *Nelson* v. *O'Neil*, 91 S. Ct. 1723 (1971). *See also United States* v. *Boone*, 401 F. 2d 659, 663 (3d. Cir. 1968), certioraria denied *sub. nom. Jackson* v. *United States*, 394 U.S. 933 (1969). The problem should be left entirely to the courts.

We suggest that Rule 804(b) (4) should be redrafted as follows:

"(4) *Statement against Interest*. A statement which was at the time of its making contrary to the declarant's pecuniary or proprietary interest."

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., August 6, 1971.

Hon. ALBERT B. MARIS,
Chairman, Committee on Rules of Practice and Procedure Judicial Conference of the United States Supreme Court Building, Washington, D.C.

DEAR JUDGE MARIS: I am writing to register my objections to a number of the Proposed Rules of Evidence for the United States Courts and Magistrates contained in the Revised Draft released in March of this year. My objections are based not only on my experience as United States Attorney for the District of Columbia, but also on my experience for many years as an Assistant United States Attorney and a trial attorney in private practice.

I have been advised that the Department of Justice is preparing a more comprehensive report setting forth the most serious objections it has to the proposed rules. My failure to comment on all the rules discussed by the Department should not be construed, however, as indicating any disagreement on my part with its objections.

I shall discuss those rules to which I object as they appear in sequence in the Revised Draft.

1. PROPOSED RULE 104(d). PRELIMINARY QUESTIONS

The second sentence of Rule 104(d) provides:

Testimony given by him [an accused] at a hearing in which he is asserting any constitutional right, or any right to have evidence suppressed or excluded, is not admissible against him as substantive evidence but may be used for impeachment if clearly contradictory of testimony given by him at the trial.

I recommend that this sentence be deleted. This rule excludes as substantive evidence testimony given by an accused in open court while represented by counsel. Such an exclusion is clearly inconsistent with the function of a trial as a truth-seeking process.

The Advisory Committee's Note to this rule indicates that this exclusion is based on *Simmons* v. *United States*, 390 U.S. 377 (1968). In my view, however, the proposed rule goes far beyond *Simmons*. First, it extends the *Simmons* exclusion to testimony to assert *non*constitutional rights whereas *Simmons* involved only constitutional rights. Second, although the formulation of the rule in the Preliminary Draft of March, 1969, excluded such testimony only "on the issue of guilt at the trial,"—the language of *Simmons*—the Revised Draft extends the exclusion to us "as substantive evidence." This would apparently prohibit the use of such evidence in prosecutions for perjury and other similar offenses, a clearly objectionable result. Third, the proposed rule limits the use of the testimony as impeachment only if it is "clearly contradictory" of the accused's testimony at trial. I am aware of no rule which limits impeachment by use of prior statements or testimony to material that is "clearly contradictory." The standard test is whether or not the prior statement or testimony is inconsistent. *E.g.*, McCormick, *Law of Evidence*, § 34. I see no reason to depart from this standard test.

The above paragraph contains my objections to the rule as presently drafted. I also wish to bring to your attention a more fundamental objection, an objection which warrants deletion of the rule in its entirety. In May of this year, in *McGautha* v. *California*, the Supreme Court questioned the validity of the rationale of the *Simmons* case—that is, the concept that a "tension" between constitutional rights may justify on Fifth Amendment grounds exclusion of an accused's testimony to assert a constitutional right. Since this rationale, basic to the proposed rule, is now considered by the Supreme Court as open to question as a matter of constitutional law, it is, in my view, an inopportune time to try to codify the *Simmons* rationale. I therefore recommend deletion of the second sentence.

2. RULE 404. CHARACTER EVIDENCE NOT ADMISSIBLE TO PROVE CONDUCT; EXCEPTIONS, OTHER CRIMES

Rule 404(b) provides that while evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person to show that he acted in conformity therewith, it "may" be admissible for other purposes such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

The use of the word "may" indicates that the admissibility of such evidence is purely discretionary with the court and no guidance is provided to trial judges for the exercise of their discretion. As both 1 Wigmore, *Evidence*, § 216, and McCormick, § 157, make clear, however, if relevant to proof of motive, intent, knowledge, etc., evidence of other crimes *is admissible*. The only limitation placed upon the admissibility is that the person against whom the evidence is introduced is entitled to an instruction explaining the limited purpose for which the evidence is admitted.

A rule which makes evidence admissible only in the discretion of the court, with no guidelines for the exercise of discretion, can be expected to operate in such a way as to deprive a party to litigation of evidence which is highly probative of such critical issues as motive, intent, knowledge, etc. This is particularly so because judges, for obvious reasons wishing to avoid appellate reversal, will understandably be inclined to exercise their discretion to exclude the evidence, particularly in criminal cases in which the Government has no right of appeal. I recommend that the second sentence of proposed Rule 404(b) be redrafted to read as follows:

> It [proof of other crimes, wrongs, or acts] is admissible, however, if relevant to prove such matters as motive, opportunity, intent, preparations, plan, knowledge, identity, or absence of mistake or accident.

There is no need to add the right to a limiting instruction since that is provided for in Rule 106.

3. RULE 405. METHODS OF PROVING CHARACTER

Proposed Rule 405(a) and also Rule 608(a) permit proof of character, where relevant, to be by personal opinion in addition to reputation. Use of personal opinion to prove character is not permitted in the federal courts. *Michelson* v. *United States*, 355 U.S. 469 (1948). As McCormick observes (p. 334–35):

> Reputation evidence, though muted and colorless, is thought to have the advantage of avoiding side-issues as to particular acts and incidents in the past life of the accused.
>
> Opinion testimony, however, would inevitably lead to the introduction into a case of collateral issues which can only result in confusion and distraction of the jury from the main issues in dispute. Moreover, particularly as to moral traits of character, individual opinion is easily fabricated and difficult to cross-examine.

It can be persuasively argued that proof of character is both uncertain and distracting and, consequently, should not be allowed at all. If, however, character evidence is to be permitted, I oppose expanding the methods of proof and departing from the procedure set forth by the Supreme Court in *Michelson*.

4. RULE 505. HUSBAND-WIFE PRIVILEGE

Rule 505 authorizes a person to prevent his spouse from testifying against him in a criminal proceeding even if that spouse is willing to testify. I agree with the following comment about this privilege by McCormick (p. 145):

> The privilege has sometimes been defended, after the manner in which we find reasons for inherited customs generally, as protecting family harmony. But family harmony is nearly always past saving when the spouse is willing to aid the prosecution. The privilege, in truth, is an archaic survival of a mystical religious dogma and of a way of thinking about the marital relation, which are today outmoded.

Congress has previously provided by statute that in the District of Columbia a person has a privilege to refuse to testify against his spouse but that spouse cannot claim the privilege; only the spouse called to testify can. D.C. Code, § 14–306(a). This rule has operated fairly and effectively in the District of Columbia for over fifty years. I agree with this resolution by the Congress and recommend its adoption as the rule for the federal courts.

5. RULE 510. IDENTITY OF INFORMER

With the widespread growth of organized crime, the need for law enforcement authorities to have access to inside information and to preserve these sources of information makes it more imperative than ever that the law provide adequate procedures for protecting the identity of these sources. Disclosure of identity should be required, particularly in criminal cases, only when the strong public interest in the flow of information is substantially outweighed by the right of an accused to present his defense as to guilt or innocence.

While the case law as developed by the Supreme Court and the federal courts of appeal provides adequate safeguards for protecting the identity of informers, proposed Rule 510, in my view, would place some of these safeguards in jeopardy.

A. Rule 510(a) extends the informers' privilege only to informers who furnish information purporting to reveal a violation of law. There are other informers, however, who provide information concerning organized crime which does not specifically relate to a crime or violation of law. The information may relate to investigation involving a suspected violation of law. Such an informant's identity should not be disclosed. Section 510(a) should be redrafted, accordingly, to extend the privilege to informers who provide this kind of information.

B. Furthermore, proposed Section 510(c)(2) provides that if "circumstances indicate a reasonable probability that the informer can give testimony or information necessary to a fair determination of a material issue in the case," the informer's identity must be revealed upon pain of dismissal of criminal proceedings. The language used in *Roviaro* v. *United States*, 353 U.S. 53, 60–1 (1953) pertaining to disclosure of an informant's identity in criminal cases is whether disclosure "is relevant and helpful to the defense of an accused." This has been consistently construed by the federal appellate courts to limit disclosure to those situations, relating only to guilt or innocence of an accused, in which the informant has been an actual participant in or a witness to the offense charged, the factual situation in *Roviaro*. See *e.g.*, *Rocha* v. *United States*, 401 F. 2d 529 (5th Cir. 1968), *cert. denied*, 393 U.S. 1103 (1969); *Churder* v. *United States*, 387 F. 2d 825, 831–32 (8th Cir. 1968); *Lannom* v. *United States*, 381 F. 2d 858, 861–2 (9th Cir. 1967), *cert. denied*, 389 U.S. 1041 (1968); *Garcia* v. *United States*, 373 F. 2d 806, 808 (10th Cir. 1967); *United States* v. *Pitt*, 382 F. 2d 322 (4th Cir. 1967).

The proposed rule, in covering both civil and criminal cases, is too broad. In line with the above-cited cases. I therefore recommend that as to criminal cases disclosure be required only when relevant and helpful to the defense as to guilt or innocence, that is, when the informant is an actual participant in or a witness to the offense charged.

Section 510(c)(2) also fails to set forth an adequate procedure by which a trial judge can determine whether the test requiring disclosure has been met. A procedure must be set forth by which the judge can determine whether there is a reasonable probability that the informer can give the necessary testimony. This should be by an *in camera* proceeding in which the information is submitted to the court in written form. No counsel should be present unless all counsel are present. Moreover, disclosure must be based on facts, not speculation. *Lannom* v. *United States*, *supra*, at 861. As the Court of Appeals for the Fifth Circuit observed in *Miller* v. *United States*, 273 F. 2d 279, 281 (5th Cir. 1959), *cert. denied*, 362 U.S. 928 (1960):

> If the informer's relation to the acts leading directly to or constituting the crime may be assumed from a fertile imagination of counsel, the Government in practically every case would have to prove affirmatively that the informant had not done any such likely acts. Having done that, all would be revealed and the informer privilege, deemed essential for the public interest, for all practical purposes would be no more. 273 F. 2d at 281.

Finally, the proposed rule is subject to the interpretation that if the Government refuses to disclose an informant's identity in a multiple-defendant case, the proceedings are to be dismissed as to all defendants even if the anticipated testimony of the informant is not necessary to the defense of all the defendants. The rule should be redrafted to avoid this result.

C. Rule 510(c)(3) sets forth those circumstances in which an informer's identity must be revealed when the issue is not guilt or innocence, but the legality of the means by which evidence was obtained. The cases I have cited above indicate that disclosure is *not* required when an informer's information relates only to establishing probable cause, a holding consistent with prior decisions of the Supreme Court. *Rugendorf* v. *United States*, 376 U.S. 528 (1964); *McCray* v. *Illinois*, 386

U.S. 300 (1967). As the Supreme Court observed in *McCray*, 386 U.S. at 309 at 311–12:

> What *Roviaro* thus makes clear is that this Court was unwilling to impose any absolute rule requiring disclosure of an informer's identity even in formulating evidentiary rules for federal criminal trials. Much less has the court ever approached the formulation of a federal evidentiary rule of compulsory disclosure where the issue is the preliminary one of probable cause, and guilt or innocence is not at stake. . . .
>
> In sum, the court in the exercise of its power to formulate evidentiary rules for federal criminal cases has consistently declined to hold that an informer's identity need always be disclosed in a federal criminal trial, let alone in a preliminary hearing to determine probable cause for an arrest or search.

I therefore question the desirability of any rule permitting disclosure of an informer's identity when his information is unrelated to guilt or innocence. This is particularly so when the challenged evidence was obtained pursuant to a warrant.

If there is to be such a rule, I have the following comments. Under the proposed rule, if the Court is not satisfied as to the reliability of an informer whose information is used to establish probable cause, he may require disclosure of the informer's identity. The rule states only that disclosure "may" be *in camera*. I recommend that disclosure, if required, should *only* be *in camera*, with additional information establishing reliability or credibility provided in writing. The purpose is to satisfy the judge. When disclosure is unrelated to guilt or innocence, there is no justification for disclosure of identity to an accused.

This section as drafted also appears to permit the court to require disclosure without an alternative to the Government to decline and face dismissal. The availability of this alternative should be made clear, as it is in the preceding section.

Finally, Rule 510(c) (3) should be amended to make clear that information from an informer to establish probable cause is sufficient if the informer is reliable *or* credible. *Aguilar* v. *Texas*, 378 U.S. 108 (1964); *McCray* v. *Illinois, supra* at 311; *United States* v. *Harris*, ——— U.S. ———, decided June 28, 1971.

6. RULE 608. EVIDENCE OF CHARACTER AND CONDUCT OF WITNESS

Although proposed Rule 608(a) makes inadmissible evidence of the truthful character of a witness unless the character of the witness for truthfulness has been attacked, it provides an exception with respect to an accused in a criminal case who testifies in his own behalf. To my knowledge, this exception is without precedent. It was not included in the Preliminary Draft of March, 1969.

The only explanation provided for this addition is that merely being the accused in a criminal case "is an attack on character." I respectfully disagree with this explanation. A mere indictment is simply not an attack on the truthfulness of the accused as a witness. It may constitute an attack as to a particular character trait based on the nature of the offense charged, i.e., peacefulness in a charge of homicide, honesty in a charge of fraud. And in those situations, the defendant may, of course, defend with character evidence under Rule 405. But, except for a charge such as perjury, an indictment is unrelated to the accused's truthfulness.

I see no justification, therefore, for departing from the accepted rule that until the truthfulness of a witness is attacked, evidence of truthful character is inadmissible.

For the same reasons set forth in my comments on proposed Rule 405, I consider it unwise to depart from the federal practice of limiting proof of character to reputation. I oppose use of opinion testimony, particularly to establish a moral trait such as truthfulness.

7. RULE 609. IMPEACHMENT BY EVIDENCE OF CONVICTION OF CRIME

Rule 609(a) provides that a court may prohibit impeacement of a witness by proof of conviction of a crime if it finds that the probative value of the evidence is substantially outweighed by the danger of unfair prejudice. As the Advisory Committee's Note makes clear, this "provision finds its genesis in *Luck* v. *United States*, 121 U.S. App. D.C. 151, 348 F.2d 763 (1965)" a case which has given rise to a rule known as the *Luck* rule.

The operation of the *Luck* rule in the District of Columbia—the only District in which it has been in full force and effect for a substantial period of time—was intensively studied by the Congress in 1969 and 1970. Both the Senate District Committee and the House District Committee independently concluded that the *Luck* rule should be abolished. The recommendations of each of these committees that a judge should not have discretion to limit or exclude impeachment by proof of prior convictions was not challenged on the floor of either House of Congress and became law on July 29, 1970, and effective February 1, 1971. Public Law 91–358, Sec. 133.

Proposed Rule 609(a), therefore, is wholly inconsistent with recent legislation of the Congress which was enacted for the specific reason of overturning a decision which the rule attempts to reinstate. The proposed rule included in the Revised Draft is also wholly inconsistent with the conclusion arrived at by the Advisory Committee in the Preliminary Draft. As the Note to the Preliminary Draft makes clear, the Advisory Committee thoroughly considered and specifically declined to follow the *Luck* rule. It is also, in my view, highly significant, that the Bar Association of the District of Columbia, in a referendum participated in by nearly 1,400 lawyers, in February, 1970, voted to overrule the *Luck* decision. The Department of Justice recommended abolition of the *Luck* rule and I testified in favor of eliminating it before the Senate District Committee.

Since it became law in the District of Columbia, my office has found the rule to be wholly impractical and unworkable. This is so despite the attempt in *Gordon* v. *United States*, 383 F. 2d 936 (1967) two years after *Luck*, of then Circuit Judge Burger to set some guidelines for the exercise of the discretion given trial judges by the *Luck* rule and thereby bring some order out of the confusion that existed. Not only do judges vary tremendously in their application of *Luck*, but also the hearings required by *Luck* are time-consuming and increase the excessive congestion of the Courts. Furthermore, because the judges are aware of the close scrutiny their exercise of discretion receives on appeal when ever they permit impeachment, they tend to avoid the problem by excluding impeachment altogether. This result, as observed by the Advisory Committee in its Note to the Preliminary Draft, "enables an accused to appear as a person whose character entitles him to credence, when the fact is to the contrary." The *Luck* rule, as I testified before the Senate District Committee, impedes the pursuit of truth.

As was noted in the Report of the House District Committee, the rule is so unworkable that even appellate judges cannot agree among themselves. A rule which in five years has resulted in over thirty written appellate opinions, a significant number of them being split decisions, hardly merits the label of a rule.

For these reasons I recommend that with respect to impeachment by proof of prior convictions, the committee adopt the legislation enacted by the Congress in 1970 in the Court Reform and Criminal Procedure Act for the District of Columbia now found in D.C. Code, § 14–305 (Supp. IV, 1971).

8. RULE 611. MODE AND ORDER OF INTERROGATION AND PRESENTATION

Proposed Rule 611(b) departs from the rule in the Federal courts and the majority of the states which limits the scope of cross-examination of a witness to matters reasonably related to those testified to on direct examination. McCormick, *Law of Evidence*, § 21. The proposed rule is also inconsistent with the proposal contained in the Preliminary Draft which limits cross-examination "to the subject matter of the direct examination and matters affecting the credibility of the witness."

The Preliminary Draft proposal and the Federal Rule permit an orderly, logical presentation of evidence, first by the plaintiff or prosecution, then by the defendant. There are many situations, particularly with the expansion of immunity provisions (Title II of the Organized Crime Control Act of 1970, Public Law 91–452) in which a hostile witness is called to the stand by the prosecution for a limited purpose. Despite his limited direct testimony, the proposed rule would permit him to be cross-examined by leading questions wholly unrelated to his direct examination or his credibility. This is not only unfair to the party calling him but is also disruptive of an orderly presentation of a case. For its permits an astute opposing counsel to interrupt a party's presentation of its case and thereby confuse and distract the jury.

The only limitations on the operation of this rule is the phrase in 611(b) which permits a judge "[I]n the interests of justice" to limit cross-examination and the word in 611(c) "Ordinarily", which is intended to limit the right to ask leading questions on cross-examination. These limitations are, in my view, wholly inadequate to avoid the dangers I have specified in the preceding paragraph. The Advisory Note indicates that the existing rule creates excessive bickering in the courtroom as to what is the scope of the direct. With all respect, this has not been my experience based on many years trial experience in the courtroom. I believe far more harm will be done to the orderly presentation of evidence in both civil and criminal trials and the manner in which testimony is elicited by the proposed rule with its virtual unlimited right of cross-examination.

If there is a compelling need for a witness called for a limited purpose to complete his testimony in one trip to the witness stand, the judge can allow him to be examined as if on direct by opposing counsel, even though this interrupts the presentation of its case by the party calling him. The Preliminary Draft proposal authorizes it. I recommend that the Preliminary Draft Rule be retained and that proposed Rule 611 be modified accordingly.

9. This concludes my presentation of objections to particular rules of the proposed rules of evidence. Though an appropriate ruling on the admissability of evidence depends on the facts and circumstances of the particular case, I support the attempt to codify rules of evidence in order to promote uniformity and certainty in the administration of justice in the courts. Nevertheless, the objections, I have to the proposed rules, when considered together, are so substantial, that I feel obliged to observe that unless changed I am unable to support adoption of these rules.

Thanking you in advance for the consideration you have given my comments, with best regards,

Sincerely yours,
THOMAS A. FLANNERY,
U.S. Attorney.

THE UNIVERSITY OF TEXAS AT AUSTIN,
Austin, Tex., August 13, 1971.

Hon. JOHN L. MCCLELLAN,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: My attention

has been called to your remarks in the Senate on August 5th in connection with the introduction of S. 2432. I was interested in your speech because I am, and have been for more than seven years, a member of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, to which you made reference on that occasion.

I was hospitalized for a considerable time last fall after a knee operation. As a result, I did not attend either of the meetings of the Standing Committee at which the proposed Rules of Evidence were considered. I took no part, as is reflected in the report of the Standing Committee to the Judicial Conference, in any of the actions of the Standing Committee with regard to the Evidence Rules.

Though I took no part in all of this, I am concerned by your suggestion that in Rule 609, embodying a form of the *Luck* rule, the Standing Committee took a position that "Congress had recently specifically disapproved." In all of the years that I have been associated with federal rulemaking, there has been the utmost deference by the various committees to the will of Congress and I do not know of any instance in which a rule has been proposed that would be contrary to a recent expression of the view of Congress.

I do not understand Rule 609 to be an exception to this. The Conference Report accompanying S. 2601, the bill that became the District of Columbia Court Reform and Criminal Procedure Act of 1970, said:

> The language of the House amendment and the conference substitute is similar to the rule on impeachment recommended by the Advisory Committee on Rules of Evidence to the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. Should the Supreme Court of the United States subsequently promulgate as part of prescribed rules of evidence for all Federal courts a different rule of impeachment, the conferees suggest the appropriateness of Congress reconsidering the rule adopted in the conference substitute.

If I had been able to participate in the deliberations of the Standing Committee on the Evidence Rules, I would have read this language from the Conference Report as meaning that Congress was incorporating what the rulemakers were then proposing but that it recognized that the end result of the rulemaking process might be something quite different. On this reading, I would have thought that the Standing Committee, the Judicial Conference, and the Supreme Court were free to devise what they considered to be the best possible rule and were not limited by the provision adopted for the District of Columbia.

As you quite properly say in your remarks, "reasonable men can differ over the merits of the Luck rule." I know of no difference, however, on the proposition that the rulemakers should carefully heed the expressed will of Congress. I write you only to emphasize that my colleagues who made these changes in proposed Rule 609 could reasonably believe that they were not disregarding Congress in doing so.

Sincerely yours,

CHARLES ALAN WRIGHT,
McCormick Professor of Law.

SEPTEMBER 2, 1971.

Prof. CHARLES ALAN WRIGHT,
The University of Texas at Austin School of Law, Austin, Tex.

DEAR PROFESSOR WRIGHT: I did not see your kind note of August 13th until my return from Arkansas after the summer recess. It is for this reason that my reply to you has been so long delayed.

The language from H.R. No. 91–1303, 91st Cong., 2d Sess. 231 (1970), quoted in your letter, was not understood by the Congress to have the meaning you suggest, and, it is my understanding, your reading of it does not, in fact, reflect the intent of the conferees.

Both the Senate and the House passed bills in the 91st Congress that set aside the so-called *Luck* rule (121 U.S. App. D.C. 151, 348 F2d 763 (1965) which gave trial judges discretion, in the interest of avoiding undue prejudice, to permit criminal defendants to testify without impeachment by prior convictions. The Senate measure was passed by unanimous consent in December and consolidated in a more general bill in March (Cong. Rec., vol. 115, pt. 28, pp. 37183–37196; vol. 116, pt. 7, pp. 8913–8975). Although it set aside the so-called *Luck* rule, it did contain language limiting the character of the convictions that could be used for impeachment to those relevant to honesty or veracity. In contrast, the House measure allowed a broader approach; it was passed in March (Cong. Rec., vol. 116, pt. 6, pp. 8086–8221). Nevertheless, the record shows that during the debate Congressman Dennis of Indiana proposed that the House measure be limited in a fashion similar to the Senate measure, although he noted that his "amendment in nowise . . . [tried] to retain the *Luck* doctrine." (Cong. Rec., vol. 116, pt. 6, pp. 8151–8157.) The Dennis amendment, however, was defeated two to one. (Id at p. 8157). The *Luck* rule was not, therefore, the impeachment issue that divided the House and Senate. Division existed on the issue of relevancy not undue prejudice. This can be seen most clearly in the statement of Managers on the Part of the Senate, 91st Cong. 2d Sess. 24–25 (1970), which noted:

> Both versions of the bill on impeachment of a witness (notably the defendant) by evidence of prior convictions sought to curtail the case law authority for a trial court in its discretion to exclude evidence of conviction whenever the prejudicial effect of the evidence "far outweights" its probative value as to credibility. See *Luck* v. *United States*, 348 F. 2d 736 (D.C. Cir. 1965). The Senate version would have codified the District of Columbia case law requirement that such conviction reflect upon the honesty or veracity of the witness; but the conferees receded to the House position which allows impeachment by proof of any felony conviction or any misdemeanor involving dishonesty or false statement. The House version—which is the rule in most states and which is supported by a draft of the Advisory Committee on Rules of Evidence to the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States—is premised upon the conclusion that a felony conviction is "[a] demonstrated instance of willingness to engage in conduct in disregard of accepted patterns [which] is translatable into willingness to give false testimony."
>
> The recession by the Senate conferees was explicitly conditioned, however, upon a conference agreement to reconsider the rule on impeachment if the Advisory Committee's draft is substantially modified in the Federal rule adopted and promulgated by the Supreme Court. It would be clearly antithetical to have one rule for the District's local courts and a different rule for the Federal courts. The Senate conferees would indeed urge the appropriate judiciary subcommittees to reconsider this provision when the new Federal Rules of Evidence are adopted and become subject to congressional disapproval.

Consequently, you are mistaken, I suggest, if you feel that anything in the legislative history of P.L. No. 91–358 manifests a willingness on the part of the Congress to return to the *Luck* rule, and it is most unfortunate if a possible ambiguity in the House Statement contributed to the Committee's adoption of the *Luck* rule.

I was most disturbed to learn that you did not attend either of the meetings in which the proposed rules were considered and I had not realized that you took no part in the actions of the Standing Committee until you drew this to my attention in your letter. I am constrained to observe now, however, that my confidence in the March 1971 draft has been further undermined. I have long been aware of your admirable work in the area of Federal procedure and it was in no small part in reliance on the sound judgment and expertise of men such as yourself that I have been willing up until now to accept certain of the more radical changes proposed in the present draft of the rules.

With all the best, I am

Sincerely yours,

JOHN L. MCCLELLAN,
U.S. Senator.

THE UNIVERSITY OF TEXAS
AT AUSTIN,
SCHOOL OF LAW,
Austin, Tex., September 13, 1971.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: I am extremely grateful to you for your very helpful letter of September 2nd discussing the legislative history of that portion of P.L. 91–358 that deals with impeachment of witnesses by the use of prior convictions. I quite agree with you that the full history as you developed it and the statement of the Managers on the part of the Senate, which you quoted, do shed a different light than I had drawn from the statement of the House Manager. I do not now recall how I came to see the statement of the House Manager or why I saw it and not that of the Senate Manager. I had thought that perhaps I had relied for the legislative history on United States Code Congressional and Administrative News. I have it in my office and do frequently look only to it unless I am preparing a brief or an article for which the full legislative history is of importance. Quite often it will print only a report from one house and not the other. I looked this morning to see if that could explain my mistake but so far as I can find it never printed any legislative history on P.L. 91–358.

I appreciate very much the comments in the final paragraph of your letter. I am glad to say that I have now recovered completely from my knee operation and I will be present when the Standing Committee meets September 30th and October 1st. Do consider the evidence rules in the light of comments on the revised draft. I am sure that your concern will be given great weight by the Committee. I know that they will by me.

I have never had the pleasure of meeting you but I did get to watch you in action two years ago when I attended the hearings before the Judiciary Committee for three days hoping unsuccessfully to testify in support of Judge Haynsworth.

Sincerely,

CHARLES ALAN WRIGHT.

OBSERVATIONS ON U.S. DEFENSE SITUATION

Mr. GOLDWATER. Mr. President, as the Soviet Union pushes ahead on its massive program of military buildup, important new questions are being raised throughout the country on subjects such as the proper level of U.S. defense spending, the nature and disposition of our strategic forces as well as the whole subject of military bases.

Underscoring the importance of these considerations is the security of the United States of America and the security of our allies in the years directly ahead. It is important to understand that in all defense discussions this is the paramount consideration—it overshadows everything else. It renders academic arguments about spending priorities and about domestic problems such as education, health, housing, and welfare.

Because of this, I should like to draw the Senate's attention to some very timely and profound observations on our defense situation voiced recently by Gen. John D. Ryan, Chief of Staff, U.S. Air Force. I ask unanimous consent that General Ryan's speech of September 22, 1971, before the Air Force Association, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Gen. John D. Ryan, Chief of Staff, U.S. Air Force Association, September 22, 1971

I always enjoy these Air Force Association luncheons because they give me the opportunity to exchange thoughts with many of the people who help the Air Force do its job.

I have especially looked forward to this 1971 convention. As the Air Force Association Silver Anniversary Year draws to a close, the Air Force itself begins its 25th year of existence as a co-equal with its sister services. We have both come a long way.

Over the past quarter century, the Air Force Association has measured up to the tasks it set out to accomplish. Its support of aerospace power has been effective and unflagging. I know I speak for all in the United States Air Force when I express appreciation for everything the Air Force Association has done, and is doing, for us.

During these past twenty-five years, in the process of accurately portraying aerospace capabilities and doctrine, the Air Force Association has consistently shown a comprehensive understanding and awareness of the overall defense needs and problems of the United States.

If ever such an awareness were needed in this country, it is now. As the world has grown more complex, as America in general and the American military in particular have been indelibly marked by the war in Southeast Asia, and as we have begun to put together the forces and plans needed to support a strategy of Realistic Deterrence, there have arisen many differing points of view about what *is* happening now and what actions we can and should take.

One point of view sees this as a time when the United States is completely withdrawing from the world; another views the U.S. as solidly encamped around the world like Roman Legions.

One view hold that the strategic forces of both the United States and the Soviet Union are already capable of so much destruction that there is no point in spending any more money in this area; another suggests that we can maintain a strategic deterrent with fewer than our three current strategic forces.

Finally, because of pressing internal needs, one view sees current military spending as outrageously high in relation to domestic spending; another because of inflation, observes that current military budgets are low in relation to past defense spending.

There is always a potential hazard when views are presented without relationship to the total problem. These views are especially dangerous, in my judgment, because they are often put forth as guides to national security with such sincerity and good intentions that they gain a credibility which they may not deserve.

I have zeroed in on defense spending, strategic forces, and military basing for good reasons. First, there currently seems to be more discussion and more confusion about these areas than about any other.

Second, American security and the security of our allies directly depends on what happens in these areas.

Most of you are well-informed about defense and military matters in this country. You have got to be to do your job. As a result, you spend a good part of your time reading defense related articles and reports. And you are subjected to quite a few speeches on the topic. Many of you retaliate by making a few speeches yourselves.

How often in the past few years have you heard someone say that current defense spending is such and such a percent of the total federal budget; that we are now spending so many more (or less) billion dollars on defense than on domestic programs?

Or: Because of inflation, the dollars in this year's DoD budget are, in terms of buying power, lower than any budget since FY 62 or 54 or whenever?

There is nothing inaccurate about such statements. They are legitimate ways of describing defense spending. But that is the point. They are *descriptions of* this country's defense budget, not *prescriptions for* what we spend on defense.

There is no sacrosanct relation that defense spending must keep from year to year with previous budgets or with domestic spending. The long pole in the defense tent is our potential adversaries capabilities.

People must understand that the requests for funds first submitted by each of the services and then combined into the overall defense budget are based on the threat coupled with our defense policies for defending against the threat. Right now that threat is greater than any ever faced by the United States.

Our defense spending should be based on what we need to deter potential aggressor capabilities from being used against us or to overcome them if they are.

Granted, as a result of SALT or for some other reasons, the threat could be reduced and there could be a cutback in potential enemy forces. If so, we could make the necessary adjustments.

And, if such a situation does occur, the request for military spending will be determined, as it is now, by what we need to counter the threat to this country. Very likely in the near and long term future the number one priority for the American military will continue to be the deterrence of strategic nuclear war.

Under the present circumstances, with increasing costs and other inflationary trends and numerous domestic programs crying for support, many in the nation are in a mood to listen to anyone who has a proposal to reduce defense spending. One proposal often heard is that we don't need land-based missiles, sea-based missiles, and manned bombers. Since the issue concerns nothing less than our future national security, let's be somewhat discriminating before we take our savings—if any—and run.

The United States fundamental philosophy and strategy is to deter war. Our forces and policies are designed to keep war from happening by making the cost of war to an aggressor greater than his possible gains. The deterring effect of our forces must work regardless of the number of uncertainties which might exist in a crisis. Some examples of the uncertainties we face in structuring our strategic forces are:

The future capabilities of hostile nations and their intentions;

The ways a war could begin;

The performance of our weapons in combat; and

The tasks we may be asked to perform.

Because of these and other uncertainties, the United States relies on a mixed force of manned bombers, land and sea-based missiles known as the strategic Triad.

Each system has unique strong points which provide mutual support against either technological or military surprise. Technologically, the survival of bombers and the alert submarine force is insensitive to missile CEPs; therefore, bombers and the alert submarine force provide assurance against a crippling first-strike against our land-based missiles in case of a breakthrough in missile CEPs.

Bombers and land-based missiles being insensitive to antisubmarine warfare provide assurance against a breakthrough in anti-submarine warfare. Bomber survival however *is* dependent on adequate time between warning of an incoming missile and safe escape from its airfield. Thus, sea-based missiles and land-based missiles provide assurance against a breakthrough in negating our warning system.

Militarily—the Triad compounds and complicates enemy offensive and defensive problems and provides enough flexibility to respond to nuclear war or provocation below a general nuclear exchange. Offensively, an aggressor's attempt to destroy all elements of the Triad at the same time would fail because even the best possible attack would provide considerable warning to at least two elements and allow a substantial force to retaliate.

Defensively—a mix of bombers and missiles tasks enemy defenses to defend against both. Thus, a mix of forces on our part makes an enemy spend considerably more to get a certain level of defense. To put it another way, for a given enemy expenditure on defense, the U.S. does not need as many forces to do the job as we would if our forces were either all bombers or all missiles.

Because of the global nature of our economic and political interests, the deterrence requirement is not so narrow that a U.S. homeland defense strategy alone is sufficient. Deterrence of attacks on our allies, as well as on U.S. deployed strategic and general purpose forces, requires appropriate and credible responses. Within the Triad, any prospective aggressor will see that our forces include both protection against surprise attack and a capability to fight at many levels of war. For the foreseeable future, the Triad will provide the U.S. with a credible strategic deterrent, provided we maintain the viability of each leg.

In a period of near strategic parity and accelerated technological momentum on the part of the Soviets, the virtues of the Triad become even more important. It is the synergistic effect of all three elements of the Triad which adds assurance against the kinds of uncertainties we face in structuring our strategic forces. Assurance after all is really the same of the strategic game, now more than ever before.

As part of our determination to deter conflict at lower levels, or if such conflict does occur, to insure it does not escalate to strategic nuclear war, the United States currently stations air, ground and naval units at bases around the world.

Wherever it is in our national interest to deter war—whether accomplished by land, sea, or air forces—there will be a requirement for a system of main operating bases outside the CONUS. Any limitations of this requirement affect all our military forces. Naturally, my direct concern is with air bases.

I know some people suggest that political constraints during a crisis will not allow the Air Force to use bases in an increasing number of nations. Again this challenge must be considered in light of the total picture.

The technical argument is that base rights will not be granted. But it must be obvious that any nation desiring the assistance of the United States will make bases available.

Our overseas bases fall into two categories: Those with forces present 24 hours a day, every day of the year and those which serve as a resupply and staging location to allow the units it supports to operate elsewhere. Our allies who daily face potential aggression from large, neighboring forces, such as in Europe or Korea, are especially sensitive to this difference. Consequently, in some areas of the world, where our interest is vital, in-place forces are required as tangible evidence of the depth of our commitment.

I want to point out that this strategy has worked. When in the face of serious external aggression to our allies we have made firm commitments and have underwritten these commitments by garrisoning ground and air units in the sovereignty of our ally, there has been no aggression. NATO and post-1953 Korea are cases in point.

In other areas the assurance of our assistance is enough to deter aggression and we rely on our world-wide mobility capability as proof that we can, in fact, provide assistance quickly when necessary.

The Air Force is enhancing its world-wide employment capability. For example, we have demonstrated our bare base capability and can adapt it to a wide range of circumstances.

Ultimately, the location of our forces is determined by the location, type, and magnitude of the threat we must counter to successfully deter war.

I've talked about defense spending, strategic force mix and military basing and I keep ending up on the same note: the threat. Typical military thinking, you say. You bet it is.

Determination of how much we request, what kinds of forces we need, and where those forces are located has got to be based on the threat. This will remain as fundamental to our defense planning in the future as it has been in the past.

I have welcomed the opportunity to share my thoughts with you and look forward to visiting with many of you during the remainder of the conference.

LABOR CONDITIONS IN THE RESTAURANT INDUSTRY

Mr. WILLIAMS. Mr. President, the Subcommittee on Labor has been holding hearings on S. 1861 and S. 2259, the Fair Labor Standards Amendments of 1971. These hearings, which have been extensive, have included discussions and testimony of S. 1861 on the restaurant industry, particularly the provisions of S. 1861, which would eliminate the tip credit, the exemption from coverage of retail and services establishments that gross under $250,000 annually, and the overtime exemption currently applicable to hotel and restaurant employees.

As chairman of the Subcommittee on Labor, I have received from the Hotel & Restaurant Employees & Bartenders International Union, a resolution on this subject, passed at their recent convention.

I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Fair Labor Standards Act

Whereas, America's working poor need decent jobs with good wages, and deserve a living wage rather than government welfare payments, and are entitled to an adequate income to support themselves and their families, and

Whereas, the Fair Labor Standards Act recognized this right from its inception but has unfairly discriminated against the workers in the Hotel and Restaurant Industries by excluding them from receiving premium pay for overtime work, and, futher, by eroding the meager minimum wage paid with unwarranted deductions and deviations from that wage, and

Whereas, these deductions exist mainly for the convenience of the employers in this billion dollar industry, and meals and lodging are provided in order that workers may be available and present to serve customers as required, and has no bearing on the wage workers are entitled to receive under law, and

Whereas, an "allowance" for tips is grossly unfair and discriminatory, since tips vary greatly from establishment to establishment and vary according to time factors. Tips should not be a reason why employers should be permitted to pay sub-standard wages, and

Whereas, an allowance for such meals as a deduction from the minimum wage is grossly discriminatory and such meals are not even considered income for Federal income tax purposes, therefore, be it

Resolved, that the Hotel and Restaurant Employees and Bartenders International Union in convention assembled urge the Congress of the United States to delete all provisions that permit employers to discriminate against hotel and restaurant employees, and be it further

Resolved, that we urge the Congress to amend the law to insure that all workers be guaranteed the prevailing minimum wage, and be it finally

Resolved, that copies of this resolution be transmitted to the majority leaders of the Senate and House of Representatives, the Secretary of Labor, the Senate Committee on Labor and Public Welfare, the House Education and Labor Committee, the AFL–CIO, and to the press and all media.

SICKLE CELL ANEMIA

Mr. KENNEDY. Mr. President, sickle cell anemia and its unannounced attacks of painful crises is estimated to seriously affect 100,000 black Americans. All told, 2 million black people in this country are believed to be "carriers" of the sickle cell trait. But, shamefully, like most other things that only affect blacks, little has been done to change or improve life for sickle cell sufferers.

However, it now appears that due to the inspiration provided by researches like Howard University's Dr. Roland B. Scott and Dr. Angela Ferguson, long sought after help may soon be delivered to produce well deserved treatment, research, and education programs in the battle against sickled blood.

Later this week, I intend to join with the Senator from California (Mr. Tunney), the Senator from New Jersey (Mr. Williams), and the Senator from Massachusetts (Mr. Brooke) to introduce legislation authorizing $25 million each year for 3 years to support sickle cell assistance projects. The proposed legislation will provide Federal grants for hospitals, medical centers, and local health departments to establish sickle cell programs. It also encourages the development of assistance programs in Federal health agencies like the Veterans' Administration, the Public Health Service, and the Armed Forces, to include sickle cell detection and treatment procedures in their ongoing programs.

Black physicians and their patients have been struggling with the pain and exasperation of inadequate treatment facilities for sickle cell anemia for decades. Their efforts in terms of public education and awareness programs, have been most recently aided by the formation of parent groups that have emerged to offer comfort to other bewildered families of sickle cell victims.

At the same time, the black press has joined the campaign against the dread effects of sickling. Ebony magazine offers in its October 1971, issue a comprehensive description of the sickle cell anemia problem. Physicians, parents, students, volunteers, and prominent athletic stars are mentioned by Ebony as the principal workers in the fight against this crippling killer.

I believe the presentation made by Ebony magazine warrants the attention of this Senate, because it clearly sets forth the demanding challenge of combating a health crisis that has for too long suffered neglect and indifference because it dos not affect America's majority population.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Counterattack on a Killer," published in the October 1971 issue of Ebony magazine, and an editorial entitled "Finally the Blacks Are Facing the Facts."

There being no objection, the items were ordered to be printed in the Record, as follows:

Counterattack on a Killer: Blacks Fight To End Tragic Toll of Sickle Cell Anemia

Go to any hospital frequented by blacks and you will see them there. But it will be hard, if not impossible, for you to distinguish the sickle cell anemia patients from others. Some will be skinny, with drawn faces and yellow eyes. Others will be fat. (Some will wear the bandages from recent surgery on damaged bones or internal organs. Others will seem completely healthy except perhaps for a look of fear or resignation in their eyes. Because sickle cell anemia usually kills early, most patients you see will be children or young adults.

The one thing they will all have in common is the memory of excruciating pain. Those who are in the hospital are there usually because they have undergone a recent "crisis"—many of the red cells in their blood have changed in shape from fat doughnuts to elongated sickles which have clumped together to cut off blood circulation in knees, ankles, shoulders, stomach, brain or other areas. The patients' bodies have become cramped and contorted with pain until, mercifully, they have perhaps lost consciousness.

The genetic abnormality that causes sickling (it occurs mainly in black people, and far less frequently in Italians, Greeks and other peoples living around the Mediterranean Sea) may at one time have been beneficial. Sickled cells resist malaria, and persons who had them may have had a better chance for survival during malaria epidemics that have ravaged African populations. But today, its possible usefulness gone, sickle cell anemia remains a torturer and killer of blacks, a dread disease against which America's black communities are mounting a counteroffensive.

Sixty years have passed since sickle cell anemia was first identified and diagnosed, but it is only in the recent past that much headway has been made in controlling it. Much of the research done to combat the disease has been performed by black doctors in scraps of time stolen from their overburdened practices.

Though it had long been known that sickling occurred in blood cells that contain less than normal oxygen, it was not until 1945 that a young black Air Force lieutenant at Tuskegee Air Force Base, Dr. Allison B. Henderson, did the first studies of the effect of high altitude on black pilots. He showed then that apparently healthy young black men who had sickled cells in their blood might experience blurred vision and confusion under certain conditions. These men had sickle cell "trait"—that is, each had received from one of his parents a gene that caused some of his blood to sickle. Black doctors have urged for a long time that black armed service recruits be given tests for sickling along with the other tests that are administered when they enter. The need for this was emphasized strongly last year when four 21-year-old Army recruits lost consciousness during strenuous basic training at 4,000 feet altitude, and later died. All four were found to have a great deal of sickling in their blood.

"About one in every 10 American blacks carries the trait," says Dr. Roland B. Scott, a Howard University professor who has researched the disease more than 20 years. "Most of these carriers have very little sickling in their blood and have no trouble from it all during their lives. But if two trait carriers marry and have children, they can expect one out of four of their children to have the severe disease which we call sickle cell anemia."

At present, there is no cure for sickle cell anemia. Treatment consists mainly in cradle-to-grave care to avoid crises, and in relieving the pain and damage from crises when they occur. No drug has yet been proven to control the disease permanently without producing ill side effects. Some doctors say the only way to eradicate the disease is to "starve" it of victims—that is, make sure no more children are born who carry the trait. "We don't tell people with the trait not to marry and have children," says Dr. Peggy Alsup, who treates patients at Sydenham Hospital's sickle cell anemia clinic in Harlem. "But we want them to know beforehand what the chances are of their children having the disease, and what it will mean for their lives."

Finally, Blacks Are Facing the Facts

When Nathaniel Murray was born in 1917, few doctors had heard of sickle cell anemia—and fewer cared. One doctor near Perry, Fla., where Murray's family lived, advised Murray's mother to let the underweight, pain-racked child die because, said the doctor, "his bones are soft. He won't live long anyway."

For Murray those early years were the beginning of a life of chronic pain accentuated at times by excruciating agonies. Sometimes his stomach would swell until he thought it would burst. "The doctors thought I had gas," he says. "They told me to walk around swinging my arms. Sometimes I would walk so much that I would get tired and be walking in my sleep almost. I learned to dull the pain a little by putting two pillows on the bed and lying on them for hours, just staring." It was not until he was 21 and his family had moved to Pittsburgh that an exploratory operation showed that his spleen had burst, a common result of sickle cell anemia.

To the loneliness of his teen years, during which he had been unable to play with his healthy sisters and schoolmates, was added the frustration of an adult life in which he was "determined to stay off welfare" but failed in job after job because of sheer inability to stand the physical demands. "Nobody could tell me what to do to avoid getting sick. And it was almost impossible to make enough money even to take care of the medical expenses," he says. "I know how hard life can be for people with this disease. That's what inspired me to try to start this society."

Last year, with the help of community groups and doctors, Murray organized the Sickle Cell Society, Inc., in Pittsburgh. Struggling on a budget composed of small grants and contributions, its members (most of whom are sickle cell anemia victims) operate a round-the-clock service for victims and their families. They seek out sources of low cost medical supplies and appliances, counsel parents on problems they and their children can expect to face, present educational programs to convince people to have themselves tested for the trait and disease, and round up blood donors.

The Pittsburgh group is one of many that have sprung up in recent years in cities with large black communities. One of the largest, the Foundation for Research and Education in Sickle Cell Disease, based in New York City, was instrumental in setting up in a city hospital the first of five centers devoted exclusively to treatment of sickle cell anemia. The Foundation has given free blood tests to thousands of children in Head Start centers, and to passersby on ghetto streets. Its executive director, Dick Campbell, acknowledges that efforts so far are small compared to the great need. "But," he says, "at least blacks are realizing we have to fight this thing out ourselves."

Some aid may come through the efforts of Pittsburgh Pirates' home run hitter Willie Stargell who is organizing black athletes into a foundation to raise money to fight sickle cell anemia. The funds they raise will be channeled into research.

THE HIGH COURT: A TIME OF WEAKNESS

Mr. ERVIN. Mr. President, the Washington Post on Sunday, September 26, 1971, published an article entitled "The High Court: A Time of Weakness," written by Philip B. Kurland, professor of law and editor of the Supreme Court Review of the University of Chicago. In his article, Professor Kurland depicts with eloquence the characteristics of those Supreme Court Justices who acquire the status of greatness.

Incidentally, I cannot refrain from stating my conviction that Philip Kurland possesses the qualifications described by him through quotations from Judge Learned Hand and Justice Felix Frankfurter, and that he would go down in history as an outstanding Supreme Court Justice if any President possesses the wisdom to nominate him for such a post.

I ask unanimous consent that Professor Kurland's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The High Court: A Time of Weakness

(By Philip B. Kurland)

"And so the great man is gone." This was Justice Brandeis' response to the news of the death of Oliver Wendell Holmes. "And so the great men are gone." This must be the response to the news that both Justice Black and Justice Harlan have departed the court. For it was these two justices who, in recent years, assumed the mantles of intellectual leaders of the court. And, even in the Age of Aquarius, intellect is the stuff of which Supreme Court justices are made.

That the resignations of two justices whose judgments were so often in conflict should deprive the court of the same quality will seem strange only to those who measure votes and not reasons, who are concerned with ends but not means. For Black and Harlan, as for their great predecessors, the obligation of a high court judge was to resolve the issues brought to them only after recognizing and dealing with the complexities of the problems and not by ignoring them.

No matter who their replacements might be, the Supreme Court is likely to be a sadly debilitated institution for some time to come. For history has made it clear that great justices are made, not born; that experience on the Supreme Court is itself a necessary though not a sufficient condition for judicial eminence; that it takes time for any new appointee, however vast his prior judicial experience, to meet the extraordinary challenges that inhere in the job. No less accomplished justices than Charles Evans Hughes and Robert H. Jackson have given personal testimony that they felt inadequate to their task during their periods of apprenticeship.

The court, then, would seem to be moving into a condition unfortunately similar to that which resulted when the Roosevelt Court under Stone was transmuted into the Truman Court under Vinson. Indeed, conditions are worse. For during the Truman period the court had the strengths of Hugo Black and Felix Frankfurter and Robert Jackson. There is none left on the present court to carry the same traditions of greatness. Unless Justices Stewart and White, both of whom have the potential, emerge from the shadows to lead the court in justifying its conclusions by adequate reasons, the court may disintegrate into a purely political body whose decisions are merely euphemistic expressions of partisan preferences.

It has been said, and it is true, that justices often have a way of growing into their jobs. Justice Black was himself an example of that phenomenon. Unfortunately, this is not the usual pattern. For the most part, mediocrities appointed to the Supreme Court have remained mediocrities. To appoint a small man, with the hope—it certainly cannot be an expectation—that he will gain stature, is a far greater risk than the appointment of a man of talents who, admittedly, might squander them as some justices have done.

Judge Learned Hand once spoke of the appropriate qualifications of a great jurist. He said: "I venture to believe that it is as important to have a judge, called upon to pass on a question of constitutional law, to have at least a bowing acquaintance with Acton and Maitland, with Thucydides, Gibbon and Carlyle, with Homer, Dante, Shakespeare and Milton, with Machiavelli, Montaigne and Rabelais, with Plato, Bacon, Hume and Kant, as with the books which have specifically been written on the subject. For such matters everything turns upon the spirit in which he approaches the questions before him. The words he must construe are empty vessels into which he can pour nearly anything he will. Men do not gather figs of thistles, nor supply institutions from judges whose outlook is limited by parish or class. They must be aware that there are before them more than verbal problems; more than final solutions cast in generalizations of universal applicability. They must be aware of the changing social tensions in every society which make it an organism; which demand new schemata of adaptation; which will disrupt it, if rigidly confined." Such a judge as Hand prescribed was John Marshall Harlan.

Felix Frankfurter, too, spoke many times to the question of what makes the great jurist. On one occasion he said: "Human society keeps changing. Needs emerge, first vaguely felt and unexpressed, imperceptibly gathering strength, steadily becoming more and more exigent, generating a force which, if left unheeded and denied response so as to satisfy the impulse behind it at least in part, many burst forth with an intensity that exacts more than reasonable satisfaction. Law as the response to those needs is not merely a system of logical deductions, though considerations of logic are far from irrelevant. Law presupposes sociological wisdom as well as logical unfolding . . . A judge whose preoccupation is with such matters should be compounded of the faculties that are demanded of the historian and the philosopher and the prophet. The last demand upon him—to make some forecast of the consequences of his action—is perhaps the heaviest. To pierce the curtain of the future, to give shape and visage to mysteries still in the womb of time is the gift of imagination . . . These judges, you will infer, must have something of the creative artist in them; they must have antennae registering feeling and judgment beyond the logical, let alone quantitative, proof." Such a judge as Frankfurter prescribed was Hugo Lafayette Black.

Both the statements of Hand and Frankfurter and the judicial careers of Black and Harlan attest that to talk of "strict constructionists" is to use a meaningless phrase to cover some different criterion. The grand provisions of the Constitution—whether they be "due process of law," "equal protection of the laws," or "privileges and immunities of citizenship," whether they are "cruel and unusual punishment," "abridging the freedom of speech, or of the press," or "the right to a speedy and public trial"—are not susceptible to dictionary definition. These and many others are concepts that have to be adapted to each new development in a swiftly changing society. It is their connotations for today, not their denotations of yesterday, that must guide the Supreme Court to its decisions. Anyone who asserts that there can be "strict construction" of the Constitution is only displaying naivete about the Constitution and the role of the court as its expositor.

For some, "strict constructionist" means one who wishes to return to the rulings of an earlier era. For some, "strict constructionist" means one who readily jumps from the premise that courts cannot by themselves bring about social change to the conclusion that courts have no role at all to play in bringing about social change. For some, "strict constructionist" means only one who rejects the concept that the Constitution is a totally plastic document to be fitted to the whims of the justice appointed to interpret it. In short, there is no "strict construction" of the phrase "strict construction."

What ought to be recognized is that, in a day when more and more power over the lives and fortunes of every American is more and more concentrated in the national government—indeed, in the executive branch of the national government—the vital role of the court is to protect the individual against the incursions of the Leviathan. The court may well be the last bulwark of freedom as well as the schoolmaster of the nation. It would behoove a President of the United States to make his judicial appointments with cognizance of the important and difficult job that he is filling. It would behoove a President to rise above himself and not use the appointments for the satisfaction of partisan political objectives.

Alas, it has been too seldom true in the past, and it is not likely to be true in the immediate future, that quality will be the only measure of the men chosen for the high court. It matters little whether the new justices will vote the way their predecessors did. It matters much that they will perform their task in a way that will preserve the majesty of the law, for "law alone saves a society from being rent by internecine strife or ruled by mere brute power however disguised."

And so, as clerics who were divines before they became politicians used to say: "Let us pray."

POLLUTION CONTROL LOANS

Mr. NELSON. Mr. President, today I am introducing an amendment authorizing long-term low-interest Federal loans from the Environmental Protection Agency to small business firms that would suffer serious adverse economic effects in meeting water pollution control standards. The proposal would amend S. 523, a bill to amend the Federal Water Pollution Control Act. S. 523 is now being considered by the Senate Public Works Committee.

The primary aim of this amendment is to enable small firms which could otherwise continue to compete in the marketplace to meet pollution control standards without being placed in financial jeopardy.

The proposal is based on the conviction that we need not sacrifice either environmental standards or otherwise healthy business ventures in order to achieve clean water.

This measure would restrict the loans to small businesses as defined under the Small Business Act. It is already evident that the greatest impact of water pollution control spending will be on the small independent firm without readily available capital resources.

The amendment is based on a similar proposal I introduced in 1966 as one of a comprehensive package of pollution control bills. It authorizes an $800 million loan program and allows up to 20 years for repayment of the loan. The only interest on the loans—which could be up to 100 percent of the cost of the firm's construction of a needed pollution control facility on $2 million—would be that necessary to cover the loan's cost to the U.S. Treasury.

The measure proposes that the loan program be administered by the Environmental Protection Agency, based on the EPA's responsibility among other things for the Federal water quality program.

Strict safeguards are provided in the measure to assure that the loans can be made only according to the program's purpose and will be effective: First, facilities to be financed by the loans would have to be certified as necessary to meet State and Federal pollution control requirements. Second, the applicant would be required to show that without a loan, he could not meet pollution control standards and continue to operate, and that with the loan, he actually could.

Furthermore, an applicant would have to fully disclose the economic and environmental information deemed necessary by the EPA Administrator for deciding whether to grant the loan.

Also, while this measure provides a loan program for water quality projects, because it is proposed as an amendment to the water quality bill which amends the Federal Water Pollution Control Act, the same approach would also be appropriate for air quality projects required of small businesses and I will introduce a similar bill to the Federal air quality laws to provide this loan program.

Although current Federal studies will provide more data, the evidence is already strong that any economic adversity that may result from environmental controls will hit hardest at the small firm and its community and its workers, an element already being squeezed out in the cold in our economy by the persistent American drive for bigness at any price.

For instance, in a 1970 study of the economic impact of air pollution controls on the 1,376 foundries in the gray iron industry, the National Air Pollution Control Administration learned that the larger the size of the firm, the smaller the annual cost of pollution controls as a percent of profits before taxes.

In the gray iron industry, the study found the annual cost of pollution controls to be 59 percent of profits before taxes for the small firms—with a value of casting shipments under $0.5 million per year—to 11 percent for relatively large firms—value of more than $10 million in shipments.

In short, the NAPCA study concluded that pollution controls would weigh more heavily on small firms in this industry than on the large ones.

Current trends would only increase this disadvantage, they added:

> It would appear that the growth of larger foundries, the relative increase in casting prices, the relative decrease in raw materials prices, and the increasing profit and capital shares of the industry will allow larger firms to distribute the burden of air pollution control more widely.

Pollution controls are critically necessary. The alternative to an effective pollution control program is a massive environmental disaster. What must be recognized is that many otherwise viable small businesses cannot afford the immediate cost of the capital investment necessary to meet the pollution control standards, but could in fact manage the pollution control costs if given the benefit of low-cost, long-term loans. The concept is not new. Perhaps the best example of a remarkably successful low-interest, long-term loan effort is the Rural Electrification Administration.

When the otherwise healthy small independent firm is forced to close, the tax base of the community is further weakened, and workers and their families are often forced back into already congested metropolitan areas, contributing to a spiraling demand for services from already strained urban resources. Far too frequently, the result is not only a tragic waste of human resources, but a further strike against our ability to ever restore the quality of our now-chaotic environment.

Already, this country is confronted with the massive consequences of the growing cult of giantism in farming, in industry, in highway programs, in our cities, in almost every facet of our consumer society. Pursued in the name of profit and a supposed computerlike efficiency, the cult of bigness may well become mired down in its own weight, smothering the competition, the diversity, the individual participation that are fundamental aims of the quality of life for which this country has always worked.

The alternative to such incentives as extending pollution control loans would be waiving strict environmental standards where economic hardship could be shown. But the approach of giving variances to pollution controls based on economic grounds has long ago shown itself to be a risky course: All too often, the variances become a tool used by powerful political interests to obtain so many exemptions for pollution control standards and timetables on the flimsiest of pretenses that they become meaningless. In short, with variances, exceptions to pollution cleanup can become the rule, meaning further tragic delay in stopping the destruction of our environment.

In addition to the industrial pollution control loans proposed in this measure, we must also greatly increase Federal funding for the upgrading or construction of municipal waste treatment plants. Effective treatment at this key source is one of the major hurdles to our national clean water goal, and yet, with cities and States already staggering under gigantic demands for all services, efficient waste treatment could be more decades away without much greater Federal support. Recently, I reintroduced my proposal of 5 years ago to put the Federal funding of this vital part of the water quality effort on the same 90–10 basis as our Interstate Highway System. In addition to fulfilling the national commitment to water quality, this step could be as effective as any other method that could be devised to implement the tax sharing concept now being so widely discussed.

In regard to the 90–10 proposal, it is encouraging to note that the Senate Air and Water Pollution Subcommittee's water quality legislation would increase the Federal share to 75 percent, if States contribute 15 percent, totaling 90 percent Federal-State aid, certainly a big step in the right direction.

Also, incentives to recycle wastes in the most effective manner ought to be a part of any overall attack on the water pollution problem, and in this regard, it is heartening to see that in the water quality bill reported by the Air and Water Pollution Subcommittee, waste treatment management plans required by the act shall have "as a first priority, recycling of pollutants and the reclamation of water." It is important that this priority be reflected in the program of Federal grants in aids for municipal waste treatment systems and in the user charge system required under the bill.

To conclude, no one tool will get clean water in this country. The task is too complicated and too enormous for that. We must set effective standards and obtain compliance through efficient enforcement. The immense financial and technological resources to get the cleanup job done must be stimulated by a program of incentives to industry and direct financial aid to municipalities.

Among these incentives is the loan program I am proposing today, extending Federal aid to those small businesses who would be crushed economically in meeting pollution control requirements but who could make it otherwise. An important benefit of the proposal should be aiding in reconciling any potential point of conflict that might occur between the goal of a decent environment and the goal of a diversity in American life based on the opportunity for small business and small communities to endure and be vigorously competitive.

Mr. President, I will conclude with an analysis of this proposal. I ask unanimous consent that the text of the amendment be printed at the end of these remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF AMENDMENT PROVIDING FEDERAL WATER POLLUTION CONTROL LOANS TO SMALL BUSINESSES

Amendment, introduced to S. 523, would add a new section (28) to the Federal Water Pollution Control Act.

SEC. 28(a) Authorizes the Administrator of the Environmental Protection Agency to make loans to small business concerns for the construction of water pollution control facilities (including reconstruction, installation, or acquisition), or for changes in manufacturing facilities which would substantially reduce water pollution.

SEC. 28(b) Establishes the conditions, which include:

(1) The applicant submitting such information as may be required by the EPA Administrator to determine whether to grant the loan;

(2) Granting loans only for construction or changes certified by the State water pollution control agency and determined by the EPA Administrator as being necessary to conform with state and Federal water quality programs;

(3) Granting loans only if the Administrator determines that the applicant (A) would not be able to continue operations in conformance with state and Federal water pollution programs without the loan, and (B) that with the loan, the applicant would be able to continue operations in conformance with the programs, and (C) that the applicant would be able to repay the loan;

(4) Authorizing the loans to be made for a period not exceeding 20 years;

(5) Authorizing the loans to be made in an amount up to 100 percent of the cost of the water pollution control construction or changes on $2 million;

(6) Limiting the interest to that needed to cover the cost of the loans to the Federal Treasury;

(7) Authorizing additional conditions and requirements as the Administrator may require to properly carry out his functions pursuant to the Act.

SEC. 28(c) Provides definitions for the terms used in the amendment.

SEC. 28(d) Authorizes a loan program totalling $800 million.

THE DAY OF ATONEMENT

Mr. WILLIAMS. Mr. President, at sundown today, Jews throughout the world begin the observance of their holiest day, Yom Kippur, the day of atonement. It is a day dedicated to being at one with God. This year, even more so than in the past, upper most in the minds of our Jewish citizens, are two grave matters that must concern us all; the still unresolved Middle East crisis and the tragic plight of Soviet Jewry.

I know that my colleagues share with me a very deep concern. I will not burden them at this time with a recitation of the historical and moral imperatives in both these matters. Suffice it to say that on this holy day, I join with all the members of our Jewish communities throughout this Nation and throughout the world in praying for peace in the Holy Land and freedom for the Jews of Russia. At the same time, I believe it vital that our prayers be coupled with a renewed commitment by Jews and non-Jews alike to do all that is necessary, each as best he can, to achieve these two great goals.

PRISONERS OF THE INDOCHINA WAR

Mr. KENNEDY. Mr. President, this morning I had the privilege of visiting the Massachusetts delegation attending the national convention of the League of Families of Prisoners of War and Missing in Action now in session in Washington.

Many other Members of Congress have, I know, attended sessions of the league's convention. We have all been moved by the courage and spirit shown by these wives and mothers and fathers of American men captured or missing in Indochina. And we all certainly share in their frustration over the lack of progress that has been made in obtaining more humane treatment for, and the release of, all our men. Yet, despite frustrations and disappointments, these wives and parents continue their activities on behalf of their loved ones and set an example for all of us.

I found, Mr. President, that many of the league members I spoke with share the view of a growing number of Americans, that if we are to make any real progress in solving the prisoner-of-war problem—if we are to bring relief to our men held captive for so many years—it is incumbent upon our Government to negotiate an end to our participation in the war that imprisons us all.

For each day brings more tragedy as the list of Americans missing in action, and presumed captured, continues to grow. Just this year, dozens of new names were added to the list of young Ameriman men lost or captured in Indochina. As I have said before, the hard reality is that as long as this tragic war in Indochina continues, more Americans will become prisoners of war or missing in action.

Mr. President, none of us here—none of the members of the families—know all the answers. But we do know that the only way for us—and for them—to secure the return of our men is for our Government to begin to talk and to negotiate seriously with the other side in Paris.

I believe it is the responsibility of this Congress to assist in this process. That is why, Mr. President, I am in favor of the Mansfield amendment—of setting a date certain for our withdrawal from Indochina in order to set the stage for the difficult negotiations that will be necessary for the ultimate safety and return of all prisoners of war.

This view was expressed to me by the wife of the first resident of my State to be captured in the Indochina war—Mrs. Louise M. Mulligan, the wife of Capt. James A. Mulligan, Jr., USN, captured in North Vietnam since March 20, 1966. I attended a small press conference this morning where she formally expressed her support of the Mansfield amendment. I invite the attention of Senators to her very strong and very passionate statement and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FOR WHOM IS THIS WAR ENDING, MAY I ASK?

(By Louise M. Mulligan, wife of Capt. James A. Mulligan, Jr. USN, P.O.W. in North Vietnam since March 20, 1966)

There is no question that the war is winding down, or fading away is another terminology used. I hope the American people and our Congress realizes that although we are being bombarded with these encouraging phrases many families in this country are still receiving notices beginning: "We are sorry to inform you that your son was killed in action." For that man the war has truly ended. Talk to an army nurse serving in Da Nang and ask her about the number of casualties. You will find their work load is as heavy as ever. Look into the eyes of a young 20 year old son, who was 15 when his father left to go to war, and has been a prisoner of war for over five and one half years. Try to convince him the war is ending. This seems to be the war for the chosen few, is the end also going to be for the chosen few? Are more American lives to be expended for one man's dream of a generation of peace? You do not ask others to give of their lives to attain your ideals, especially when you are attempting to prove it in an area that has proved hopeless for generations.

The simple truth is that we must negotiate. When you don't win a conflict you negotiate for the best terms available. This is something new to this country. Have all our male leaders become so completely immasculated that they are going to continue to sacrifice the lives of our young Americans and label our POW's as expendable, rather than admit we did the best we could, but we did not win?

On March 6, 1970 several family members appeared before the Committee on Armed Services, telling our stories, begging, pleading with them to help our men. Congressman Rivers, at that time, assigned the problem to Congressman Zablocki's sub-committee for a solution. Would you believe a year and a half later Mr. Zablocki is still listening to testimony advising him that the treatment accorded the POW's is inhumane! How much longer is this charade of "concern" to continue?

Our men, for the most part, are career military men. But, nowhere in their oath, upon entering into the service of their country, does it state they will be willing to commit suicide nor be labeled as expendable. Their Commander-in-Chief has stated: "There will be no military victory." He then starts withdrawing troops without prior commitment to our men languishing in prisoner of war camps or the hundreds listed in a state of limbo, missing in action. (Try to explain that term to a three year old who has never seen her daddy.) Our President can withdraw all his combat troops, but what of the POW's and MIA's. His answer to that was a residual force until all prisoners are released. When this backfired, he was forced to admit that the administration would not abandon the South Vietnamese for "only" 339 men. Have you noticed how they change the figure from 1600, which is the total number of POW's and MIA's in Southeast Asia as listed by our Department of Defense, to 339, the number of prisoners listed by the North Vietnamese government, when it serves their purpose?

The cruelest hoax played on the families by this administration was in convincing them that if they created enough embarrassment to the North Vietnamese government they would release our men. All the publicity has helped some of the men certainly, but only the men held in the North. Mail increased for awhile, (no substantial mail has been received since March), more packages have been permitted for a year now and I am convinced treatment has improved—but the cruel fact is: are we any closer to their release?

The administration would like us to believe something is imminent. In fact, Dr. Kissinger has been intimating this at private meetings with the families since last February. Hence, many have been lulled into a state of unquestioning trust.

There are three elements that must share the burden of guilt for this conflict. First, the military leaders who allowed their men to be committed to a conflict they were not permitted to win. Second, the Congresses who have convened and recessed during the far too many years of this conflict and have abdicated their right to control this holocaust. Third, the administrations that have perpetuated this conflict.

It behooves this nation to raise a mercenary army if they are to commit their military men to political conflicts they are not permitted to win.

Indeed, cryptic comments by our President are not enough. The American people who are still sacrificing their sons and the POW/MIA families have a right to know if our men are to continue to sacrifice their lives to shore up a corrupt South Vietnamese government who is more concerned with its political future than the future of its people or country. Who among us dare betray his people in such a sacrificial manner?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The legislative clerk read as follows:

A bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Wisconsin (Mr. NELSON) is prepared to call up an amendment, but pending that and the arrival of the manager of the bill, the distinguished Senator from Mississippi, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, at the direction of the majority leader, I have discussed certain amendments to the pending military procurement bill with the authors of those amendments and the distinguished manager of the bill, as well as with the minority leadership. I, therefore, propose the following unanimous-consent agreement with respect to a time limitation on those amendments, with the understanding that as of this moment there is no agreement as to when all of the amendments will be called up. That will be discussed later.

Mr. President, with respect to the amendment which will be called up by the Senator from Wisconsin (Mr. NELSON), and which will be called up immediately, dealing with a 5-year Department of Defense study, I ask unanimous consent that there be a time limitation of 2 hours, to be equally divided between the distinguished author of the amendment, the Senator from Wisconsin (Mr. NELSON), and the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS), and that time on any amendment thereto be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill (Mr. STENNIS).

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object——

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, first, I want to inquire of the Senator when he contemplates that the amendment will be called up.

Mr. BYRD of West Virginia. Immediately or within the next 5 minutes.

Mr. STENNIS. Very well. The time request is for 1 hour to a side?

Mr. BYRD of West Virginia. Yes.

Mr. STENNIS. And that is the so-called 5-year plan?

Mr. BYRD of West Virginia. Yes, it is.

Mr. STENNIS. Very well.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

The ACTING PRESIDENT pro tempore. Is there objection to the request?

Mr. GRIFFIN. Mr. President, reserving the right to object, I wonder if I may inquire when the vote will be expected. It would be about 1:30 p.m. today. Is that right? That would be a very inconvenient time for Senators on this side of the aisle in view of the scheduled policy luncheon.

Mr. BYRD of West Virginia. If all time is taken on the amendment, there being a 2-hour limitation, the vote would occur at about 1:30 p.m. today.

Mr. GRIFFIN. I am going to object on behalf of the Senator from Colorado (Mr. ALLOTT). I almost have to do that. If other Senators were ready with amendments and if this objection were going to hold up proceedings of the Senate in any way, it would be different. But, as the distinguished assistant majority leader knows, this is a regularly scheduled meeting of all Republican Senators; and I wonder if he could not accommodate that.

Mr. STENNIS. There is another one today, I understand.

Mr. GRIFFIN. Could the vote be at 2 p.m. today? Would that be unreasonable?

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—if we are going to vote at 2 p.m. we might as well let the debate conclude at 2 p.m., or take a recess, if need be.

However, I want to say something before we get to the vote about having to wait around and beg people to come in with amendments. I say that with all deference to Senators, and without reference to any individual Senator. This entire legislative process is held up until this bill is passed. We have amendments here and they are important amendments and we should not have to wait around for Senators to call up amendments.

Mr. GRIFFIN. Mr. President, I want to associate myself with the statement of the Senator from Mississippi. In the past when we have run into this kind of situation Senators have been reminded that some other Senator could call up his amendment if he saw fit to do so. Whether we proceed in that way remains to be seen. I think Senators who have amendments should be prepared to call them up.

Mr. STENNIS. Mr. President, will the Senator yield further?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. I am willing to agree to several time limitations, if the Senator makes more requests, but I am not willing now to agree to certain days for those amendments to come up; that is, to skip over 2 or 3 days where we would have nothing to do. I am going to insist as far as I can that we have continuity here; and if we are not going to take them up, just recess for a day or so until someone is willing to call up amendments. Even after I agree on time, any time we are not doing anything I want to be able to talk about amendments.

The ACTING PRESIDENT pro tempore. Time would be controlled only after an amendment is called up.

Mr. BYRD of West Virginia. I thank the distinguished Senator and also the distinguished assistant Republican leader. I revise my request accordingly.

Mr. President, I ask unanimous consent that the vote on the amendment to be called up by the distinguished Senator from Wisconsin (Mr. NELSON), the amendment dealing with the 5-year Department of Defense study, occur today at 2 p.m., and that the time between now and 2 p.m. be equally divided between the mover of the amendment and the manager of the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

What about amendments to the amendment?

Mr. BYRD of West Virginia. It is my understanding I had already made that request. I should have repeated it. I do so now.

I ask that the time on any amendment to the amendment be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill, and limited to 30 minutes.

The ACTING PRESIDENT pro tempore. And all votes to take place at 2 p.m.?

Mr. BYRD of West Virginia. Not necessarily.

The ACTING PRESIDENT pro tempore. Will all votes on amendments to the amendment take place at 2 p.m.?

Mr. BYRD of West Virginia. The vote on the amendment in the first degree will occur at 2 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time not begin running on the Nelson amendment until it is called up by the Senator from Wisconsin (Mr. NELSON).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon disposition of that amendment, the amendment by the able Senator from Ohio (Mr. SAXBE) then be made the pending question. That amendment deals with the carrier aircraft. I ask unanimous consent that time on that amendment be limited to 2 hours, to be equally divided between the mover of the amendment (Mr. SAXBE) and the manager of the bill (Mr. STENNIS), with time on any amendment limited to 30 minutes, the time to be divided equally between the mover of the amendment in the second degree and the distinguished manager of the bill.

Mr. SAXBE. Mr. President, reserving the right to object, I have no objection to the time limit. As to being called up immediately after the vote at 2 o'clock, I would like to leave that pending until after the forthcoming meeting to be held at 12:15 today. Let us agree on the time, but leave out when it is to be called up.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

Mr. STENNIS. Mr. President, reserving the right to object, I want to make the same suggestion. I think the Senator has hit the nail on the head. That would be my suggestion on the other requests of the Senator from West Virginia. I will agree to the time limitation, but would not agree to leapfrogging over certain ones or jumping a day or two.

Mr. BYRD of West Virginia. Mr. President, may I say that I inadvertently included the time at which this amendment would be scheduled. The Senator from Ohio had asked that it not be scheduled for a particular time. So I remove that provision from my request.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Now I ask unanimous consent, Mr. President, that with respect to the amendment by the Senator from Missouri (Mr. EAGLETON), regarding the Main Battle Tank, the time on that amendment be limited to 2 hours, to be equally divided between the mover of the amendment (Mr. EAGLETON) and the manager of the bill (Mr. STENNIS), and with the same provision as with the Saxbe amendment with respect to amendments in the second degree.

Mr. STENNIS. Thirty minutes on amendments to the amendment, to be equally divided?

Mr. BYRD of West Virginia. Yes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Finally, Mr. President, I ask unanimous consent that with respect to the amendment to be offered by the Senator from Wisconsin (Mr. NELSON), the so-called Sanguine amendment, time on that amendment be limited to 2 hours, to be equally divided between the mover of the amendment (Mr. NELSON) and the manager of the bill (Mr. STENNIS), and that time on any amendments thereto be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the manager of the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NELSON. Mr. President, does the Senator wish to set a time for voting on that, or is that objected to?

Mr. STENNIS. Mr. President, at this time I would like to object, until we can get all these matters before us.

Mr. MANSFIELD. Mr. President, if the Senator will yield, these are the only two amendments as of now on which we are able to achieve a unanimous-consent agreement. It is my understanding that the distinguished Senator from Wisconsin (Mr. NELSON) is prepared to call his amendment up at the conclusion of the morning business and the morning hour tomorrow. So would the Senator give consideration to nailing this down?

Mr. STENNIS. Mr. President, I would rather reserve the right to object. I shall try, but I have not seen the amendment yet.

Mr. NELSON. Mr. President, let me raise this point. I am willing to accommodate any Senator here. I am calling this amendment up right now because there is no other amendment pending. I would rather call up the Sanguine amendment in the next 2 or 3 days, but if I am to call it up, I want to notify other Senators that the amendment is pending. That is what I would like to do, whether it is tomorrow or the next day. I am agreeable to any day. It is a very simple amendment and I would prefer to call it up in 2 or 3 days at my convenience rather than call it up at the convenience of the Senate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STENNIS. Mr. President, reserving

the right to object, if the Senator would state the difference between Sanguine I and Sanguine II, perhaps we could get at it that way.

Mr. NELSON. Yes. This amendment simply removes $2 million from the appropriation for Sanguine. It is the $2 million that the Navy requested to begin the exploration of a deep underground system. As the Senator knows, the Navy, 15 or 18 days ago, decided to back up from the request for that appropriation to bore holes a mile deep into the ground to explore the possibility of an underground system and asked that the money approved by the House and Senate be transferred and added on top of the research and development for the oncoming Sanguine project. I simply ask to take the $2 million out of the budget entirely.

Mr. STENNIS. That requires some study. I think after the conference which is to start in about 30 minutes we may be able to tell. I would like to see all of these together before I decide.

Can the Senator be ready this afternoon?

Mr. NELSON. No. I need to get a memorandum around to Senators. I would rather call it up Thursday.

Mr. STENNIS. How much time is there on the Sanguine amendment?

Mr. BYRD of West Virginia. Two hours, to be equally divided.

Mr. STENNIS. Very well. We can agree to take it up first thing in the morning.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NELSON. Mr. President, is this after the morning hour?

Mr. STENNIS. Yes.

The ACTING PRESIDENT pro tempore. Does the Senator amend his unanimous consent request to include the result of this colloquy?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the conclusion of the period for the transaction of routine morning business on tomorrow, the Chair lay before the Senate the unfinished business and that the pending question at that time be the so-called Sanguine amendment by the distinguished Senator from Wisconsin (Mr. NELSON).

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. What about the 2 hours?

Mr. BYRD of West Virginia. We already have that.

The ACTING PRESIDENT pro tempore. There are 2 hours on the amendment and 30 minutes on any amendment to the amendment, and it will be taken up tomorrow right after the routine morning business is completed.

The ACTING PRESIDENT pro tempore. The Chair is not quite clear about the first unanimous consent request. Under the current request, can that vote come before 2 o'clock on that amendment or amendments thereto?

Mr. BYRD of West Virginia. Mr. President, under the understanding that I have as the one who promulgated the request, votes could be had on amendments to the amendment prior to 2 o'clock.

The ACTING PRESIDENT pro tempore. Can be had?

Mr. BYRD of West Virginia. Yes, but the vote on the amendment in the first degree will be at 2 p.m. today.

The ACTING PRESIDENT pro tempore. The Chair thanks the Senator.

Mr. BYRD of West Virginia. I thank the Chair.

AMENDMENT NO. 441

Mr. NELSON. Mr. President, I send an amendment to the desk. This amendment is the one on which we have a unanimous consent agreement to take up tomorrow after the morning business.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed and will lie on the table.

ORDER OF BUSINESS

Mr. NELSON. Mr. President, I send to the desk for appropriate reference a bill to amend the Federal Water Pollution Control Act to provide for long-term low interest Federal loans from the Environmental Protection Agency to small business firms that would suffer serious adverse economic effects in meeting water pollution control standards.

I ask unanimous consent that a statement accompanying the bill be printed in full in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I shall not object—the Senator has been very patient and cooperative and congenial in all of our understandings with respect to unanimous-consent requests governing amendments to the pending unfinished business, so I shall not object to the conduct of morning business in this instance, even though the Pastore rule has not yet fully expired.

The ACTING PRESIDENT pro tempore. Without objection——

Mr. NELSON. I object. I do not like to see the rule violated, and it was a lapse on my part. I will submit this material later at the appropriate time. I am one of those who insists that the rules on germane business be complied with, and I am glad that the distinguished Senator reminded me.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 425

Mr. NELSON. Mr. President, I call up my amendment No. 425.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add a new section as follows:

SEC. 505. (a) The Committees on Armed Services of the Senate and the House of Representatives, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall conduct full and complete studies of the budget for the Department of Defense for the five fiscal years following the fiscal year in which this section is enacted. In carrying out such studies the committees shall consider, among other things—

(1) the projected amounts for such budget for such years under current strategies and foreign policies of the United States and under present world conditions;

(2) how the projected amounts for such budget for such years might be affected by changing world conditions or by the adoption of new or different strategies and policies by the United States; and

(3) the so-called five-year defense program of the Department of Defense, access to which the committees shall request.

(b) The committees shall report to their respective Houses the results of such studies together with such recommendations as they deem appropriate, including—

(1) levels of spending for defense purposes for the five-year period referred to in subsection (a) of this section; and

(2) ways in which the Congress might improve its ability to make sound decisions on future defense spending levels and ways of effectively implementing those decisions.

Such reports shall be included as a part of the reports made by such committees to their respective Houses on the military procurement authorization bill for the fiscal year beginning July 1, 1972, except that either committee may file its report at any time prior to the filing of the report on such military procurement authorization bill if it elects.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NELSON. Mr. President, I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 15 minutes.

FIVE-YEAR DEFENSE BUDGET STUDY

Mr. NELSON. Mr. President, we are looking at the wrong defense budget.

We are looking at the defense budget for fiscal year 1972, when we should be looking at fiscal 1973 and beyond.

As my remarks will show in detail, time has already robbed the Congress of much of its flexibility to make major decisions on the level of defense spending in fiscal 1972. It is now, in September, already too late to make any but marginal changes of a few billion dollars in the fiscal 1972 defense budget. Before we have finished with the two basic defense bills—procurement authorization and appropriations—this year, we will have lost even more of our flexibility in making major decisions.

Meanwhile, the administration is already far along in planning the fiscal 1973 defense budget, and it has been making the basic decisions on that budget without any significant congressional guidance. By the time the fiscal 1973 budget reaches us for consideration we will again have lost much of our ability to change it.

The central point of my remarks today is that, in order to effectively make decisions on the level of defense spending, Congress must look ahead, plan ahead, and perhaps even legislate ahead.

The ability of Congress to work ahead in this fashion will not be developed overnight. I am proposing today one step—a beginning—in this direction.

It is an amendment to the military procurement authorization bill by which Congress would instruct the Armed Services Committees of the House and Senate to:

Conduct studies on the 5-year outlook for the U.S. defense budget, something they have not done at all extensively to date.

Review the administration's own planning of the defense program and budget for the next 5 years.

Recommend levels of defense spending for the next 5 years.

Recommend ways in which Congress might further improve its ability to make fundamental decisions as to defense spending levels in the future.

Report these findings and recommendations as part of or prior to the next regular reports of the committees roughly a year from now.

CONGRESS IS LATE

As the following table shows, the regular defense appropriations bills generally are passed by Congress about half way through the fiscal year to which they apply:

	Fiscal year—			
	1965	1969	1970	1971
Authorization Act	June 5, 1967	Sept. 20, 1968	Nov. 19, 1969	Oct. 7, 1970
Regular Appropriation Act	Sept. 29, 1967	Oct. 17, 1968	Dec. 29, 1969	Jan. 11, 1971
Last Major Supplemental Appropriation	July 9, 1968	July 22, 1969	July 6, 1970	May 25, 1971

Midway in the fiscal year is very late to try to make substantial changes in a budget. Defense Department Comptroller Robert C. Moot discussed this in recent testimony before the Joint Committee on Congressional Operations:

> By that time, the Department has been operating for six months based on the continuing resolutions. Plans and work schedules are in being, covering at least the next several months—this involves deployments, combat operations, training rates, rebuild and transportation schedules, manpower programs, ship and aircraft operations, and so forth. At the same time, contractors are at work producing goods and services for defense. Industry manpower is engaged, parts orders and subcontracts have been let, and work is proceeding. Large parts of the Defense program are not subject to orderly change if decisions are delayed until the middle of the fiscal year.

Even the very beginning of the fiscal year may be too late, for practical purposes, to make major changes in defense spending for that year. Late last June Senators PROXMIRE, and MATHIAS sought unsuccessfully to place a $68 billion ceiling on defense outlays for fiscal 1972—a $7 billion cut from the administration's budget, or 9 percent. The Proxmire-Mathias amendment was placed on the continuing resolution, at the start of the fiscal year, precisely to avoid the argument that such large changes could not be made late in the year. However, one of the main arguments raised against the amendment on the Senate floor was that even at that early date in the fiscal year, cuts of that magnitude would be highly disruptive. Manpower would have to be reduced by layoffs rather than attrition. Contracts would have to be terminated with penalty payments and bases abruptly closed—all resulting in much inefficiency. The amendment was defeated 24 to 63. The incident seems to suggest that even at the beginning of the fiscal year Congress has lost much of its flexibility of decision.

Now, in September Congress can make marginal changes—for example cuts of $2 or $3 billion—in the fiscal 1972 defense budget, which no doubt have already been taken into account in Pentagon planning. But we have already lost our chance to realistically consider more major changes.

PENTAGON PLANS AHEAD

While Congress is looking at the fiscal 1972 defense budget, the administration is already far along in planning the fiscal 1973 budget, and is doing so without any guidance from Congress.

The administration's annual defense budget planning process consists of 27 steps. It begins in January with a 5-year defense program inherited from the previous cycle. It ends with the formulation of a new 5-year plan and its translation, just before Christmas, into a budget for the ensuing fiscal year. For the fiscal 1973 budget, this process began in January 1971. By the end of August 1971, 17 of the 27 steps had been completed. Included in the 17 completed steps were an analysis of strategic issues by the Secretary of Defense fiscal guidance by the Secretary of Defense indicating how much money could be spent in 1973 and following years; an outline of forces by the Joint Chiefs within these constraints; program objective memorandums from each of the services detailing changes in their force levels, support, and activities under these policies; and, most recently, program decisions by the Secretary of Defense which will lead to updating of the 5-year defense program to cover fiscal 1973–77. This will be followed by review by the Office of Management and Budget and presentation of the fiscal 1973 budget to Congress early in calendar 1972. This process actually looks even farther ahead than 1977. Step No. 13, completed at the beginning of July, consisted of a strategy paper by the Joint Chiefs dealing with a defense program from fiscal 1974 to 1981.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a list furnished by the Department of Defense outlining these 27 steps as they were conceived at the beginning of the budget cycle.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. With some minor changes, this list has been followed very closely through step 17 at the end of August. The actual completion dates of each step have been close to the planned action dates shown on the list.

This process takes place with no formal participation by Congress. The documents involved are regarded as internal papers of the administration and are not furnished to congressional committees dealing with defense. Nor do these committees appear to have sought them. Some information from the document is reflected in testimony to these committees by administration witnesses in closed session.

The most basic of these documents in terms of looking ahead is the annually updated 5-year defense program. So far as I have been able to determine, this has not been furnished to congressional committees even on a secret basis. The 5-year program included money totals for the Defense Department for each of the 5 years. These figures have not been included in the Secretary of Defense's annual report to Congress even in its classified information form. The Senate Armed Services Committee has received classified information from the 5-year program but not the document itself.

REORGANIZATION ACT

The Legislative Reorganization Act of 1970 requires legislative committees to estimate the 5-year costs of legislation they enact. To comply with this provision, Chairman F. EDWARD HÉBERT of the House Armed Services Committee wrote Secretary Laird last May asking for 5-year projections. Mr. Laird replied by citing the difficulty of making such projections:

> As you know, any projection of Defense financial resuirements beyond the budget year is extremely tentative at best. Such programs as may be proposed by Defense components have not been approved by the President nor have they been subjected to the thorough review and analysis by my staff to assure that they represent firm requirements supportable within the dollar levels that might be expected to be available to the Department of Defense in future years.

Mr. Laird went on to say:

> . . . I can also provide the general estimate that to support the 5-year forces contained in my Defense report on the fiscal year procurement and RDT&E in the range of $22–23 billion (in fiscal year 1972 dollars) would be required for each of the next 5 years.

The estimate covers only procurement and research and development—about a third of the defense budget—because those are the only major items covered in the authorization bill. The Legislative Reorganization Act exempts appropriations committees from making 5-year estimates. This exchange—and a similar exchange between Mr. Laird and the Senate Armed Services Committee—appear to be the closest Congress has come yet to estimating defense costs over the next 5 years.

TRADITION

Behind all this is a long tradition that the administration does not divulge budget figures until they are formally presented to Congress. The Office of Management and Budget has a governmentwide policy against such disclosures. Some believe this is the way it should be in a government of divided powers—that the executive should recommend, Congress approve, and that Congress has no business intervening in an administration recommendation before it is made. On the other hand, it can be argued that the need for Congress to look ahead requires some change in this tradition. Congress is in a serious box if, when the administration makes its recommendations, Congress has already lost much of its flexibility to entertain a range of possible decisions.

SECRECY

There is obviously a substantial question of military secrecy. No doubt a detailed breakdown of 5-year costs by program and element would tell other countries a lot about U.S. military forces and strategy in the future. But this should not stop committees from dealing with future costs in closed session. Also, it may be that a general discussion of overall 5-year defense costs could take place in public without loss of national security. If the projected budgets were budgets of restraint, it might be beneficial to disclose the general levels to the Soviet Union in hopes that it would follow equal restraint.

NEED FOR INFORMATION

Congress should have more information on the Defense Department's 5-year planning. More specifically:

The 5-year defense program budget totals for each year in actual and constant dollars.

The 5-year totals broken down by program, such as strategic forces, general purposes, intelligence and communications, airlift-sealift, and so forth.

In order for the budget totals to be meaningful, there should be an explanation of how they are arrived at. For example, one possible way is to assume a more or less arbitrary budget level. Another is to project actual programs and compute their future costs.

Five year projections of the defense budget as a percent of national product.

Five year projections of defense budget as percent of Federal budget.

The fiscal guidance being used in planning the fiscal year 1973 budget and beyond.

General budgetary policies being followed by the Defense Department. In general will the defense program in real terms be allowed to grow? Will the baseline grow or decline in constant dollars? Will any of the Vietnam saving, in terms of constant dollars, be transferred to the baseline?

Probably most of this information could be made public. It is possible that some should be given to Congress in classified form.

AMENDMENT

In addition, passage of this amendment would provide the impetus to start Congress in the direction of advance planning of defense budgets.

Studying the 5 year prospects of the defense budget will bring the Armed Services Committees into a kind of advance planning which now only the administration is doing. It will be a healthy thing to have these committees review the administration's own planning. The committees do not have to come up with complete, detailed 5-year defense programs all by themselves, but are only asked to make rather general recommendations as to the level of defense spending. They would have great latitude as to the nature of their recommendations.

The committees are also asked to consider how Congress may best deal with these problems in the future. Someday Congress may wish to legislate levels of defense spending or set defense policies years ahead, in addition to annually appropriating funds. Someday Congress may wish to adopt its own 5-year defense program, and then update it each year. It may wish to make more use of multiyear authorizations, or set limits on expenditures, or on total obligational authority—TOA. But just how we should go about it, is something that needs much more study.

It is sometimes said that, in order to really tackle basic defense issues, Congress would have to build itself a vast establishment of planners and systems analysts like the administration has. In my opinion this is an exaggeration. The basic thing Congress needs is to address the real questions, which involves looking ahead. If it looks at these questions, it will find it already has within its own establishment vast resources to find the answers.

I yield the floor.

PROGRAM/BUDGET REVIEW SCHEDULE, CALENDAR YEAR 1971

Item and action	Agency	Action date
1. Update 5-year defense program (FYDP)	C	Jan. 15, 1971.
2. Submit joint research and development objectives document (JRDOD).	J	Do.
3. Submit volume II, JSOP (fiscal year 1973–80), analysis and force tabulations.[1]	J	Jan. 18, 1971.
4. Issue tentative fiscal and force capability guidance (under study)	O	Feb. 5, 1971.
5. Submit comments on tentative fiscal guidance and provide force capability estimates.	J	Feb. 26, 1971.
6. Issue strategy guidance memorandum	O	Mar. 1, 1971.
7. Submit comments on tentative fiscal guidance and provide force capability estimates.	C	Mar. 8, 1971.
8. Submit DOD analysis of strategies, capabilities, and costs to DPRC/MSC.	OJ	Mar. 26, 1971.
9. Issue fiscal and capabilities guidance (FCG) to include selected requirements for analysis.	O	Apr. 19, 1971.
10. Submit joint force memorandum (JFM)	J	June 14, 1971.
11. Issue budget guidance for preparation of fiscal year 1973 budget estimates.	O	June 15, 1971.
12. Submit program objectives memorandum (POM) including machine-readable proposed program in FYDP format.[2]	C	June 28, 1971.
13. Submit volume I, JSOP (fiscal year 1974–81) strategic guidance (calendar year 1972 cycle).	J	July 1, 1971.
14. Submit final selected analysis	JC	July 14, 1971.
15. Start issue of Secretary of Defense tentative decisions	O	Aug. 1, 1971.
16. Provide comments on tentative decisions	JC	Aug. 1–27, 1971.
17. Issue program decision memorandum (PDM)	O	Aug. 31, 1971.
18. Update 5-year defense program (FYDP) responding to PDMs	C	Sept. 10, 1971.
19. Submit memorandum to NSC and OMB summarizing forces and capabilities used as a planning base for the fiscal year 1973 budget.	O	Sept. 20, 1971.
20. Submit annual budget estimates and back-up information	C	Sept. 30, 1971.
21. Start budget hearings	O	Oct. 5, 1971.
22. Start issue of program budget decisions (PBDS)	O	Nov. 1, 1971.
23. Provide comments (reclamas) on program budget decisions	C	Nov. 10, 1971 to Dec. 1, 1971.
24. Issue revised PBDs based on reclama comments	O	Nov. 16, 1971 to Dec. 15, 1971.
25. Conduct joint meeting with JCS and service secretaries to discuss major unresolved budget issues.	O	Dec. 6, 1971.
26. Issue revised PBDs based on budget issue review	O	Dec. 13, 1971.
27. Submit volume II, JSOP (fiscal year 1974–81) analysis and force tabulations.	J	Dec. 23, 1971.

[1] Also includes previous volume III, "Free World Forces."

[2] Technical details will be prescribed by ASD (SA).

Legend: O=Sec. Def.; C=Military departments and defense agencies; J=JCS; JC=JCS military departments, defense agencies.

The ACTING PRESIDENT pro tempore. Who yields time?

QUORUM CALL

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. How does the Senator want the time allocated?

Mr. NELSON. Equally.

The ACTING PRESIDENT pro tempore. Without objection, there will be a quorum call, with the time equally divided.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that two members of my staff, Charles N. Conconi and David E. Osterhout, be permitted access to the floor during the period of the debate over the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, as always, our friend, the Senator from Wisconsin, is very diligent and very sincere. He has endeavored greatly, through his amendment, to bring about a better situation with reference to the military budget and its annual cost each year. So anything that I say about its not being applicable is no reference to him, of course.

I reiterate my confidence in him and commend him very highly for his fine work. He has always been ready to do his work.

Mr. President, I wish that some planning along this line could have practical application. However, when we plan a 5-year foreign policy in advance and put the dollar figures on it—and it is just for budgetary considerations that we appropriate for 1 year at a time—it is a very difficult and, I think, an impossible situation.

First, Mr. President, let me illustrate. The provision reads that this mandate is to conduct full and complete studies:

> Of the budget of the Department of Defense for the five fiscal years following the fiscal year in which this section is enacted. In carrying out such studies the committees shall consider, among other things—
>
> (1) the projected amounts for such budget for such years under current strategies and foreign policies of the United States and under present world conditions;
>
> (2) how the projected amounts for such budget for such years might be affected by changing world conditions or by the adoption of new or different strategies and policies by the United States; and
>
> (3) the so-called five-year defense program of the Department of Defense, access to which the committees shall request.

Mr. President, in the first place, in our system of government we change Presidents every 4 years or, at least, we have a presidential election each 4 years. There is a constitutional mandate that a President cannot serve more than 2 terms. That in itself would be a roadblock that would be insurmountable. If we project a foreign policy for 5 years beyond a certain date for a President who, under the Constitution, is going to complete his term of office next year, or 2 years from now, we could speculate on the matter, and evaluations of that kind are made by the men in office and those who are coming in office. However, as far as getting anything definite and positive that we could tie down, it would be almost impossible. It would practically be impossible.

Another situation is that certainly the foreign policy for the legislative branch is set by the legislative committee or the Foreign Relations Committees of the two Houses and then the joint action of the Congress.

If the Armed Services Committee has an outline of a foreign policy for the next 5 years, that would be a ground rule and it would be a start toward our trying to make some evaluations within the sphere of the policy. However, we would be starting on this proposition really in the wrong place.

Our committee has to pass on a budget that is seeking to implement the foreign policy of the President that is currently in office, as approved or changed by the Congress. And we have this situation. There is one budget from which money is now being expended. Let us forget that we are in this continuing resolution period. There is a budget from which money is being expended at the present time. There is also a budget for another fiscal year that is being justified before the Congress. And we are debating the matter at the same time that the Budget Bureau is preparing the budget for a third year. So, we have the budgets for 3 fiscal years running here at the same time. That within itself makes it very difficult. It is difficult for the President, the Budget Bureau, the departments, and for Congress.

I am not just talking about the Armed Services Committee. I am talking about the legislative branch. We do fairly well. We do our best. We do fairly well to keep those three budgets separate and keep something in view. If we have to try and project a 5-year plan regarding a policy that the Armed Services Committee does not directly initiate and that is not directly molded even in the legislative branch, I think, first, that it would be almost a worthless sheet of paper, and second, I am afraid that it would be highly confusing.

I have tried to protect my thinking as chairman of the committee on matters that we are going to be confronted with, and other members of the committee do the same. I know that we weigh these matters the best we can. Then we come back here after a brief recess in January and find out how much out of line we are.

I have had some thoughts on this matter. I have tried to make geometric proportions as to the cost of manpower and the cost of weapons that are mentioned in the report.

Even with a paring down and a reduction of the cost and having fewer types of weapons so that we can improve something else and have a lesser number of men in uniform—and the military personnel has gotten to be more than half of the cost involved—and even allowing for those things which would constitute a reduction in our budget, when we go to adding the pulses involved—namely, the inflation and all the increased cost of technology and avionics and all of the things that go with it—I have to confess that I think the budget figures will increase for a few years yet in spite of the reductions we are making and in spite of the war that is going to end and is ending and the astronomical increase in cost of weapons. And part of that may involve a misjudgment as to a contract, but it is mainly due to inflation and the military requirements that these weapons are called on to perform.

With all due deference to our friend, the Senator from Wisconsin, I respectfully submit that the amendment is too ambitious and this matter would be applied too impractically for our committee to be able to carry this out. If it should become law, we could make some effort. However, it is like the alternative budget that the Senator had up for consideration before the Senate the other day. In spite of the good arguments he made, that proposal was voted down by the Senate after it had heard the proposal by a vote of 58 to 26.

Mr. President, I am requested now to be in another place. I am going to conclude in just a moment.

When we are fixing our foreign policy, like it or not, we know it has to be responsive to foreign policies of other countries, and right now this military is responsive in large part to what might be the plans of Soviet Russia. We have to be frank about that. How are we going to determine the foreign policies of other countries; for instance, China, and with nuclear weapons coming in. We hope there will be better policies with more downgrading of the military and military weapons. To put it all down in black and white 5 years ahead of what our policies will be and what their policies will be in these kinds of bills is virtually impossible.

Mr. President, I reserve the remainder of my time.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent with respect to the amendment to be offered by the Senator from Wisconsin (Mr. PROXMIRE) dealing with the F-14, that time on that amendment begin running immediately upon the disposition of the so-called Sanguine amendment tomorrow, which will be offered by the Senator from Wisconsin (Mr. NELSON), and that time on the F-14 amendment be equally divided between the mover of the amendment (Mr. PROXMIRE) and the manager of the bill (Mr. STENNIS), with time on any amendment to that amendment limited to one-half hour, to be equally divided between the mover of the amendment in the second degree and the manager of the bill (Mr. STENNIS), and that a vote occur on the F-14 amendment tomorrow at 5 p.m.

The PRESIDING OFFICER (Mr. HART). Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, what is the provision with repect to amendments to the amendment? Is it 30 minutes to a side?

Mr. BYRD of West Virginia. No. It is 30 minutes to be equally divided. Would the Senator prefer 30 minutes to a side?

Mr. STENNIS. No.

The PRESIDING OFFICER. The Chair wishes to inquire if there is to be a time limitation on the amendment itself.

Mr. BYRD of West Virginia. Yes. Time would begin running on the disposition of the Sanguine amendment tomorrow, the vote to be at 5 p.m.

Mr. STENNIS. The inquiry of the Chair was how much time there will be on the amendment itself.

Mr. BYRD of West Virginia. The way I phrased the request, it did not provide a definite time on the amendment. It would amount to something like 2 hours or 2½ hours.

Mr. STENNIS. Reserving the right to object, so many things could happen to delay the vote on the Sanguine amendment I wonder if we should lock in the F–14 amendment based on the Sanguine amendment.

Mr. BYRD of West Virginia. Very well. I rephrase my request in this fashion: I ask unanimous consent that there be not less than 2 hours on the F–14 amendment, to be equally divided.

Mr. STENNIS. Mr. President, reserving the right to object, what about amendments to the amendment?

Mr. BYRD of West Virginia. Time on any amendment to the amendment would be limited to 30 minutes, equally divided.

Mr. STENNIS. And that would possibly run it beyond 5 p.m.

Mr. BYRD of West Virginia. It could.

Mr. President, I rephrase my request.

Mr. President, I ask unanimous consent that tomorrow, immediately upon disposition of the so-called Sanguine amendment by Mr. Nelson, the F–14 amendment by Mr. Proxmire be made the pending question, and that time on that amendment be limited to 2 hours, to be equally divided between the mover of the amendment and the distinguished manager of the bill, provided further that time on any amendment thereto be limited to 30 minutes, to be divided between the mover of the amendment in the second degree and the distinguished manager of the bill.

Mr. JAVITS. Mr. President, reserving the right to object, I wish to be heard and to vote on this particular amendment and I cannot be present tomorrow for religious reasons. Does the leadership persist in its request?

Mr. BYRD of West Virginia. I made the request at the direction of the majority leader and I hope the Senator would not object.

Mr. JAVITS. I want to know if the Senator persists in it and then I will decide if I object in view of what I have just said.

Mr. BYRD of West Virginia. I am sorry the Senator puts it in that vein. I do not want to persist in anything, but I make the request.

Mr. JAVITS. I do not feel I should object but I wish to make clear that this is a very difficult time for me. I cannot be here. It is an amendment on which I wish to vote. I will do my utmost to make my views known and see if I can get a pair.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, I appreciate the statement of the Senator from New York I am in sympathy with his position and I appreciate the position he has taken.

Mr. JAVITS. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I will withdraw the request and make it later, if the Senator wishes to discuss it.

Mr. JAVITS. I think the facts are clear but I hope the leadership will enable me to arrange for a pair on the vote.

Mr. BYRD of West Virginia. Very well. The leadership will do all it can to accommodate the Senator from New York. I can appreciate the situation as he has explained it. Every effort will be made to secure a pair for the Senator from New York.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The Chair hears no objection, and it is so ordered.

Mr. BYRD of West Virginia. I thank the distinguished manager of the bill and the distinguished Senator from New York.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 1:30 p.m. today, that the time beginning at 1:30 p.m. be equally divided between the two sides in accordance with the previous agreement, and that the vote occur at 2 p.m.

The motion was agreed to, and at 12:28 p.m. the Senate took a recess until 1:30 p.m.

The Senate reassembled on the expiration of the recess and was called to order by the Presiding Officer (Mr. Cranston).

Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, how much time do I have left on this amendment?

The PRESIDING OFFICER. Each side has 12 minutes.

Mr. STENNIS. Mr. President, continuing my remarks on the bill where I left off, and with emphasis again on the fine work the Senator from Wisconsin has done on this and related matters. I point out with emphasis that the proposed amendment is another attempt to force upon only the Department of Defense, as distinguished from all other Government agencies, a requirement to develop and make available to the Congress additional budget estimates for the 5 fiscal years following fiscal year 1972. This is unworkable, and at variance with the requirements of the proven, long established Budget and Accounting Act of 1921.

A similar amendment, number 429, was proposed by the distinguished Senator from South Dakota on September 23, 1971, which would have required an alternative defense budget to be submitted for fiscal year 1973. After being debated, the convincing arguments made, including those of the distinguished Chairman of the Research and Development Subcommittee, the distinguished chairman of the Committee on Appropriations, the ranking Republican member of the Armed Services Committee, the Senators from South Carolina and Arizona, the amendment was defeated by a vote of 58 to 26.

Mr. President, there are numerous reasons why this amendment should be defeated, in addition to most of those stated during the debate on amendment 429. Let me briefly mention some of the more important of these.

The proposal would constitute a major amendment to the Budget and Accounting Act of 1921, and the Legislative Reorganization Act, both of which are under the jurisdiction of other committees. If it is the will of the Congress that the President submit budget requirements projected for 5 years into the future, then the proposal should be referred to these other committees, appropriate hearings held, and necessary legislation proposed to both Houses of the Congress for debate and consideration prior to enactment. It should be treated as a Government-wide problem and not for only one department of the Government. These are the legal implications.

Now, Mr. President, what are the practical considerations? I will repeat my comments of last week. The present budget is already 18 to 24 inches high and consume up to 2,000 finely printed pages. In addition, the testimony taken this year by the committee and subcommittee filled over 5,000 closely printed pages. And this is only on a single budget year. While the size of these volumes is one impressive measure of the amount of work performed, what is even more significant is the thousands of people and literally millions of man-hours which were spent during this past year in developing, reviewing, coordinating and obtaining approval of this monumental document. To multiply this requirement by adding four more budgets, even if it were otherwise possible, would require a corresponding increase in number of people. And then the congressional committees would have neither the people nor the time to handle the mountain of material submitted within the time available for congressional action.

Mr. President, the Department of Defense is perhaps the one agency of Government which is subject to more unknown influences of national and international scope, and changes in technology than any other agency. We have observed year in and year out the numerous major changes that are made necessary in the annual defense program, after the appropriations are enacted, which involve the entire complexion of our Armed Forces. Any single major change in the budget year usually has a much greater chain reaction in later years. For example, when the Air Force B–1 bomber was proposed in the fiscal 1971 budget, it was estimated that the fiscal 1972 requirement would be $569 million. However, when the fiscal 1972 budget was submitted, the amount had been reduced to $370.3 million, a decrease of $199 million, or 35 percent. The effect of this change in future year requirements obviously also would be significant. This is not a case of poor estimates, but rather, the refinement of estimates as a weapon system progresses into development. This is a very dramatic example which may not be too typical but it demonstrates how drastically requirements can change in just 1 year.

The Congress, Mr. President, has recognized the tenuous character of the Defense program. Procedures have been agreed upon and have been in effect for many years whereby the Congress is formally advised of major changes through established preprograming procedures. Both Houses have found this to be a satisfactory way of keeping control of changes in the Defense program; but at the same time such changes are recognized as being a fact of life.

The whole idea of preparing a 5-year Defense budget is impractical, Mr. President. In my opinion, it would be wholly unfair to impose on the President the burden of formulating budgets for 4 future fiscal years which, under the proposed amendment, would have to be based on "current strategies and foreign policies of the United States and under present world conditions." Why, world conditions today are so dynamic and fluid that even at the end of this fiscal year, it would be surprising if most of the events upon which our current budget was based came to pass. To forecast beyond that time in terms of the infinite detail required to prepare an annual budget would be utterly meaningless and wasteful.

My distinguished colleague from Wisconsin proposes, in his amendment, that the committee shall consider "how the projected amounts for such budget for such years might be affected by changing world conditions or by the adoption of new or different strategies and policies of the United States." Is my colleague really serious? I would be willing to state with little fear of contradiction that each and every Member of this 100-man body would have a different opinion of what changes will occur in world conditions during the next 5 years, let alone during each of those years. The same divergence of view could be expected on what new or different strategies and policies the United States should adopt during those future years. Does the distinguished Senator for a moment believe that there is either an easy formula or a pat science which can be used to grind this information out of a crystal ball?

Mr. President, let me depart for a moment from the proposed amendment to provide my colleagues with some insight into the deliberations of the committee. While the committee directs its review with greatest emphasis on the programs proposed for the budget years, it is highly sensitive to the significance of the amounts of money which will be required in subsequent years if the programs proposed by the Department of Defense are approved.

In the military procurement authorization bill, this attention is focused upon the major weapon systems which are proposed for development and procurement. For research and development programs, the justification material submitted in support of the authorization request includes an estimate of the additional amounts of money required beyond the budget year to complete the development of the major programs. In procurement, similar treatment is reflected in that the programs proposed for procurement in the budget year are priced out to show the total future year's costs to complete production. In addition to this, the Department of Defense, by agreement with the Congress, submits Selected Acquisition Reports—SAR—quarterly which provide a complete breakdown of all of the cost elements of the 38 major weapon systems, which is an excellent insight to the progress that these programs are making and a complete track of all changes which occur in these programs. This system will be continued.

In conclusion, Mr. President, I would assure my colleagues that the Committee on Armed Services will continue to exert its best efforts to review the programs proposed by the Department of Defense to eliminate all unnecessary requirements and to recommend the most austere defense procurement programs consistent with the requirements of our national security. The amendment proposed by my colleague from Wisconsin would serve no useful purpose in the attainment of this objective. In fact, it would jeopardize the ability of the members of this committee and their staff by impeding the highly competent manner in which they have fulfilled their responsibilities.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. Cranston). The Senator has 7 minutes remaining.

Mr. STENNIS. Mr. President, I do not think there is anything that underscores the complexity of this matter any more, of a 5-year budget proposal to be reported back by this committee, than that it requires the consideration and the measurement of a foreign policy, for instance, for 5 years hence, that has not yet been formulated by the executive branch of the Government, and an appraisal of the future foreign policy of Soviet Russia, for instance. They certainly have not made their estimates and their appraisals of their policies that far along, and if they have, they have not told us, and they will not tell us.

Let me emphasize, Mr. President, this is not by way of complaint, but this bill and this complete military budget require all these voluminous hearings and require a tremendous amount of research work by the staff members starting a year in advance. We are already working on the budget bill for next year, and this all culminates in a report that, with all due modesty on behalf of our committee, is 140 closely printed pages, which I respectfully submit is an outstanding document.

I am not just saying that. Leading members of our press representatives here in this city have brought this up many times, several of them this year and last year, about how much this report represents, and how illuminating it is, and that what it does not tell it gives them leads to.

So, Mr. President, we are talking about something that is beyond the capacity of our committees and staffs to possibly prepare and bring back in here, with any intelligence.

Mr. THURMOND. Mr. President, I rise in opposition to amendment No. 425, offered by the distinguished Senator from Wisconsin (Mr. Nelson).

This amendment would require the Armed Services Committee of the Senate and House to conduct studies of the Defense Department plans and budgets for the 5 years following the current fiscal year.

It would also require that the committees report to their respective Houses on the results of these studies along with proposals for levels of defense spending and ways Congress can improve its decisionmaking process.

Mr. President, there are several reasons why this amendment should not be favorably considered by the Senate. First, defense budgets for each of the next 5 years do not exist and would be impossible to construct.

Preparation of the fiscal year 1973 budget is nearly complete now in calendar year 1971. This process requires considerable planning in view of the fact that defense needs and resources are constantly changing. A large percent of the Pentagon employees spend months preparing this one budget. In my view it would be unrealistic to require the preparation of budgets for each of the next 5 years and submit them to Congress some 5 years ahead of schedule.

Second, this amendment would realine committee responsibilities as presently budgetary matters are under the purview of the Committees on Appropriations.

Such a major realinement of committee responsibilities should not be considered in the form of an amendment to the military procurement bill. The proper legislative procedure would be to offer this proposal as an amendment to the Budget and Accounting Act and the Legislative Reorganization Act—both of which are under the jurisdiction of other committees.

Third, the Senate Armed Services Committee considers all military requests in the context of how they affect future defense spending. For instance, in the XM–803 tank program the committee looks at the total tank program and how the money will be expended and when the equipment will be deployed on into the early 1980's.

Thus, in effect a look down the road is presently being taken by the Senate Armed Services Committee as it goes about the authorization process in defense programs. This approach takes into account the 5-year defense program which is actually a projection of manpower, weapons, and dollars.

Mr. President, in my view the Senate Armed Services Committee is operating in an effective and responsible manner. If this amendment is approved, I believe that, rather than solutions, the result would be confusion and problems. I urge the Senate to reject amendment No. 425.

Mr. TOWER. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. Yes; I yield the Senator 3 minutes. I am glad he is in the Chamber, and I would like to hear what he has to say.

Mr. TOWER. I associate myself with the remarks of my distinguished colleague from Mississippi. We in the Armed Services Committee unfortunately are not armed with crystal balls. We cannot see thus far into the future, and determine what our requirements are going to be 5 years from now. Indeed, foreign policy changes, and sometimes foreign policy changes very rapidly. I do not think we could accurately make these projections.

Too, very often our intelligence on Soviet weapons systems has been very much behind the achievement in certain states of the art by the Soviets. There have been times when we did not know the Soviets possessed a new and highly sophisticated weapons system until they rolled it out of the hangar and showed up at the Paris Air Show with it, or something like that. So we cannot know what Soviet technology is going to produce over a 5-year period, that might require development of certain military technical countermeasures on the part of the United States.

Therefore, anything that we would do in this line, in trying to project a 5-year budget, would be guesswork at best, and not inevitably educated guesswork. As a matter of fact, it would be uneducated guesswork. We do not know what our intelligence sources are going to tell us a year hence or 2 years hence. We do not know with certainty who will be in the White House 5 years from now. We do not know what turns American foreign policy may take. We do not know what might happen to the strategic arms limitation talks.

So I do not think this is realistic or practical. I wish it could be done. I think the amendment of the Senator from Wisconsin is well motivated, and I think I understand what he is trying to do. But I think it is just totally impractical to expect us to come up with anything like an accurate projection over a 5-year period, and, as the distinguished chairman of the committee has pointed out, the man-hours of labor that would have to go into a study of this type, I think, would be beyond the present capabilities of the Committee on Armed Services.

I therefore hope that the amendment of the Senator from Wisconsin will be rejected. I wish we could achieve what he seeks to achieve here, but I just do not think, in a practical way, that we can do it.

Mr. STENNIS. I thank the Senator very much. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. STENNIS. Mr. President, I yield my remaining time to the Senator from New Hampshire, and if the Senator from Wisconsin could spare him a little time it would be appreciated.

Mr. McINTYRE. Mr. President, I would like to add my strongest support to my distinguished chairman in opposing the proposed amendment number 425 to the fiscal year 1972 Military Procurement Bill. That amendment, if it were ever adopted, would cause a disaster.

If I could think of one, I would use a word stronger than frustration to describe the emotion which constantly weighs so heavily on the mind of anyone who is up to his armpits in the review of the Defense budget. If the distinguished Senator from Wisconsin could find the time to participate in the review of a single year budget, I am convinced that he would not propose such an amendment.

The Defense budget is the antithesis of cause and effect. The variables in this constantly changing world are so numerous, so diverse, and so unpredictable, that it never ceases to amaze me how even a single thread can be woven through the fabric of the annual defense budget. It is a tribute indeed to the remarkable capabilities of the civilian and military leaders in the Department of Defense that the budget presented to the Congress, in its vast array of detail, is so complete a document.

The proposed amendment raises a question of legislative procedure since it would constitute a major amendment to the Budget and Accounting Act and the Legislative Reorganization Act of 1970—both of which are under the jurisdiction of other committees which I am sure would have strong views with respect to the proposal. At several points, the amendment mentions the budget for the Department of Defense for 5 years into the future. There is no such budget, nor does the amendment specify how such a budget is to come into existence. The law now requires the President to submit a budget only for the upcoming fiscal year; this requirement would not be changed by the amendment. The amendment mentions that the Armed Services Committees will request access to the 5-year defense program. Even if such a request was successful, this 5-year program would be of questionable value. I understand that it is far removed from a budget as we would ordinarily use the term, and at best is only an internal but incomplete planning document.

The amendment, in short, cuts across several major pieces of legislation, and involves a major rearrangement of the assigned tasks of at least three separate committees of both Houses of the Congress. Before making such major changes in the way we do business, I believe we would want much more systematic consideration than will be possible on the floor of the Senate Chamber today.

As I understand it, the intent of the amendment would be to require the President to submit the Defense budget projections for the next 5 years, in considerable detail. This is not merely a matter of requiring the Executive to furnish information which now exists—it would require the development of such material expressly for this purpose, and it would entail a massive effort. The submissions would be meaningless unless approved by the President—indeed, I do not believe that we would accept them, nor would the Department submit them, without the President's approval. This would mean that the President would have to approve 5-year budget estimates for the Department of Defense, which he does not do today. He has not, for example, approved what figures may appear in the 5-year Defense program. The development of a budget for even 1 year is a massive, complex, and costly task. We would be multiplying the problem many times. In these projections, the Executive would have to make many assumptions in many areas. For example:

Technology;

International strategic developments;

Shifts in United States and alliance policies;

Pay rates and price levels;

Federal revenues, nondefense spending needs, and the state of the economy;

The degree of success in the development, production, and operation of key weapon systems.

All of these factors have a bearing on Defense budget levels, in total and in detail. Only one thing is certain—that is that conditions will change, and that the assumptions will have to be successively revised as we move along.

Let us take a very simple matter: rates of pay. In projecting the budget for 5 years, one obviously has to make some assumptions regarding pay raises. Let us use fiscal year 1972 Defense manpower levels to illustrate. If we assume the pay raises average 5 percent per year for the next 5 years, this would add $11 billion to the Defense payroll by 1977. If, instead we assumed 7 percent, the payroll would rise by $16 billion. That is a $5 billion difference associated with a mere 2-percent variation in pay raise assumptions.

Take another example. Federal civilian agency spending is currently running at about $160 billion per year. If it increases at 10 percent per year, for the next 5 years, it will be about $258 billion in 1977. At 12 percent per year, it would be $282 billion. There is a $24 billion difference, depending upon another 2-percent variation in the assumptions.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. McINTYRE. Will the distinguished Senator from Wisconsin yield me 2 minutes?

Mr. NELSON. I yield the Senator from New Hampshire 2 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly, with no time taken out, so we can ask for the yeas and nays?

Mr. McINTYRE. I yield.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McINTYRE. Mr. President, a $5 billion difference for pay, and a $24 billion difference in civilian agency spending, both depend upon 2 percent variations in the assumptions used. We could illustrate the same range of uncertainty with respect to price inflation, revenues, and other variables—all of which have a definite bearing upon defense budget levels. Two percent variations in the assumptions used can easily produce variations in the tens of billions of dollars. This is in addition to uncertainty as to technology, international developments, and performance of individual weapons.

These give some indication of the range of uncertainty with which the President would have to wrestle in projecting Defense budget levels for the next 5 years. Under the cirmustances, it is simply pointless to incur the massive costs of developing such budget estimates in great detail. The executive branch has not done so for its own purposes and, I submit, it would be a pointless and costly exercise for us as well.

The point may be made that the 5-

year defense program reflects future projections, and might be used to meet the purposes of the amendment. This observation would be incorrect, for two reasons: First, the 5-year defense program is not a budget. Second, there would be serious problems in presenting this material to the Congress.

The 5-year defense program reflects, as I understand it, projections of manpower, forces, major weapons, and dollar costs. These data are obviously of great importance for planning and programing within the Department of Defense. For example, if a certain type of aircraft is to be phased out in 1973, the Department obviously should not spend money in modifying the aircraft, or in related base alteration, training, and so forth. On the other hand, many parallel actions must go on with respect to new aircraft to enter the system, say, in 1974. There are obviously many uses for this 5-year program. But it is not a budget, because:

It is stated, generally, in prices and pay rates in effect each time it is prepared—it does not reflect future anticipated pay raises, for example, which alone would add $16 billion or more to some of the later years.

The programs beyond the budget year have not been approved by the President and, indeed, some of them could be significantly changed by the military departments or the Secretary of Defense before budget requests for a given year are even submitted to the President.

A good deal of important financial information, such as data on prior-year balances, is not reflected in the 5-year program at all.

In other words, one simply cannot move from the 5-year defense program to what could be called a budget request or projection for a given year. This program is simply not a budget, and massive efforts would be required—involving everyone from the President on down—to convert it into one.

Aside from this, consider what would be involved in making the 5-year defense program available to the Congress. Defense programs are very large and very intricate. There must be some means to provide balance and coordination among very varied activities—the number of close air support aircraft, for example, as against the number of ground units and their artillery or the mix of manpower, training, logistic, installation, and other support of a given weapon. Obviously, the President cannot decide all of these items in detail, 5 years into the future, including day-by-day revisions. The Secretary of Defense must, however, provide the services with some basis upon which to plan and to operate. He does this through the 5-year defense program. This program reflects the phase out and phase in of various types of ships, aircraft, and other weapons, military units, and so forth. Such a system is essential to the operation of the Department. Consider what it would become if every item therein had to be approved by the President for submission to the Congress. If the Department submitted the program in its present form, without Presidential approval, grave questions would be posed for both the Congress and the executive. I am not sure that they would submit it, or that we would accept it, on such a basis.

Even if the program was submitted, consider the complexities. The program changes several times a year. Would we try to track all the changes? Suppose that the program shows that certain communication sites, for example, will be phased out in fiscal year 1973, while others will continue throughout the period. Would we regard this as an ironclad commitment to phase out, or to continue, the locations involved? These examples could be multiplied. What is now an internal program document, serving a vital purpose, would be radically altered in content and in usefulness if all the details were to be presented to the Congress.

In short, before we consider requiring comprehensive 5-year projections, we had better proceed very carefully in such matters as the level of detail we would require, how we would plan to handle the material, and so forth.

I am puzzled, too, as to why the Department of Defense is singled out in this amendment. If we are concerned about long-run budget problems, our attention certainly must be focused primarily elsewhere. The amendment suggests a 5-year look ahead. Let us look back 5 years for a moment. From 1967 to 1972:

Defense spending is up $8 billion.

Nondefense spending is up $67 billion.

Of course, 1967 was a war year. If we move back to prewar, we find that, from 1964 to 1972:

Defense spending is up $25 billion.

Nondefense spending is up $90 billion.

I do not see anything in these figures to suggest that defense spending trends are the key to our future budget problems.

Finally, I would express my concern with the timing involved in the proposed amendment. The Armed Services Committee would have to complete their work on the 5-year projections before, or concurrent with, their work in the annual bill. It is now the end of September and we still have a considerable way to go on the annual bill alone. Only after work on that is completed can the Congress take up the appropriation request which, for 1971, was not enacted until last January. The proposed amendment would inject the 5-year projection into the process, introducing even further delays.

I must conclude, Mr. President, that this amendment raises far more questions as to the organization of the Congress, relations between the executive and legislative branches and within the executive branch, and sweeping amendments in existing law than can possibly be handled in the brief time available for floor consideration today. Even given the time to consider all of these matters in proper perspective, I have certain doubts that the Congress in due course would adopt the proposed amendment or even any part thereof.

I am convinced, Mr. President, that the proposed amendment would obstruct the orderly process which now exists in the Senate for the consideration of annual Defense budgets. I urge my colleagues to join me in voting against the proposed amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, the objection made to the amendment which would direct the Committee on Armed Services to project a 5-year defense budget is that it is very complicated.

Weapons systems competition between the major powers changes and may change abruptly. The foreign situation among the major powers may change rather abruptly. Therefore, it is not possible to project a defense budget 5 years in advance.

I submit, Mr. President, that the Defense Department does it now. They do not find it an impossible task to prepare a 5-year defense budget and then the next year project it 5 years ahead again, and the subsequent year project it 5 years ahead again, recognizing that circumstances change and they have to modify the projection each year. This is true of any budget projection, whether it be a budget projection of a State government's welfare program, whether it be a budget projection of a major city, or whether it be a 5- or 10-year projection in plans for budgeting of a corporation 5 years in advance or 10 years in advance. This is a process in which they all engage.

As to this specific proposal, I pointed out in my earlier remarks that the Department of Defense goes through 27 steps in its entire defense budget planning and programing. Step No. 13 of the Defense Department was completed at the beginning of July of this year, and it consisted of a strategy paper by the Joint Chiefs dealing with a defense program projected from fiscal 1974 to fiscal 1981.

I would think that one is entitled to question how it is possible that the Defense Department can project defense programs from 1974 to 1981 but, somehow or other, it is not within the competence of Congress, which has to appropriate the money, to do the same.

I simply do not think that is true. In fact, the Defense Department will not even give to the appropriate congressional committees the 5-year projections they are making for themselves. They much prefer the situation in which the budget comes to the floor of the Senate and we vote on it 2 or 3 months after the fiscal year has already begun.

The fiscal year for this procurement budget began on July 1. We will not be voting on this fiscal year's budget until perhaps mid-October, which means July, August, September, and October—3 and a half months—have expired since the beginning of the fiscal year to which this particular budget applies.

I suspect that the Defense Department people like that arrangement, because it forecloses any opportunity for real debate and it forecloses any opportunity for dealing with this budget in any flexible or meaningful way by Congress; because the argument, rightly so, is that it is too late to make any serious changes in this budget because the fiscal year is already underway and contracts are being made and commitments are made and, of course, you cannot make any dramatic or significant cuts, because the budget is already moving. That is correct, and that is the position Congress is in on every defense budget we deal with year after year.

I should like to call attention to something I mentioned earlier this morning. The Legislative Reorganization Act of 1970 requires legislative committees to estimate 5-year costs of legislation they enact. To comply with this provision, Chairman Edward Hébert of the House Armed Services Committee wrote Secretary Laird last May, asking for 5-year projections. Mr. Laird replied by citing the difficulty of making such projections:

> As you know, any projection of Defense financial requirements beyond the budget year is extremely tentative at best. Such programs as may be proposed by Defense components have not been approved by the President nor have they been subjected to the thorough review and analysis by my staff to assure that they represent firm requirements supportable within the dollar levels that might be expected to be available to the Department of Defense in future years.

Mr. Laird went on to say:

> I can also provide the general estimate that to support the 5-year forces contained in my Defense report on the fiscal year 1972 Defense budget, authorizations for procurement and RDT&E in the range of $22–23 billion (in fiscal year 1972 dollars) would be required for each of the next 5 years.

As I have said, the Defense Department makes the projections. Why should not the appropriate committees of Congress make 5-year projections, recognizing, just as the Defense Department does, that changing circumstances will require modification of those projections? So that on each succeeding year, the projection is extended for 5 years hence with whatever modifications are indicated due to the changing circumstances in the past year.

Mr. President, if Congress is going to have significant impact or influence and if Congress is going to have any control over the defense budget in any significant way, it will have to be dealing with projections in the future and not be confined to dealing with a budget for a fiscal year that has already begun by the time we begin to debate that budget.

Mr. President, I ask unanimous consent to have printed in the Record a detailed analysis of this proposal.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

THE FUTURE OF THE DEFENSE BUDGET

DRAFT OUTLINE

The defense budget to date

The Defense Department recently declassified Vietnam war costs for 1971 and 1972 in current and constant prices. This fills in many gaps in defense spending tables and makes it much easier to look at what has been happening to the defense budget in recent years and where it is likely to go in future.

The figures in terms of defense outlays in recent years are reproduced below:

CURRENT PRICES

	Fiscal year—					
	1964	1968	1969	1970	1971	1972
Outlays:						
Full cost, SEA		26.5	28.8	23.1	15.3	10.1
Incremental costs, SEA		20.0	21.5	17.4	12.0	7.8
Baseline force	50.8	58.0	57.1	60.5	26.5	68.2
Total outlays	50.8	78.0	78.7	77.9	74.5	76.0

CONSTANT (FISCAL YEAR 1972) PRICES

	Fiscal year—					
	1964	1968	1969	1970	1971	1972
Outlays:						
Full Costs, SEA		31.9	33.2	25.2	16.0	10.1
Incremental costs, SEA		24.3	25.1	19.1	12.5	7.8
Baseline force	75.8	75.6	71.0	69.0	67.1	68.2
Total outlays	75.8	99.9	96.1	88.1	79.6	76.0

With the help of these figures it is possible to see a number of trends:

1. **The cost of the Vietnam war is declining rapidly. The full cost of the war, measured in current (that is changing) dollars, has declined from $28.8 billion in 1969 to an estimated $10.1 billion in fiscal 1972.** The full cost includes forces and expenses now going into the war but which would still be present without the war. For example, some ammunition now being used in Vietnam would still be used in peacetime training, and some of the aircraft now flying in Vietnam would still make peacetime flights. The incremental war cost includes war expenses actually added to the budget. It is therefore the one to look at when considering how much can be saved as the war comes to an end. The incremental war cost, in current prices, has declined from $21.5 billion in 1969, to an estimated $7.8 billion in 1972—a drop of $13.7 billion.

2. But "inflation" is adding more to the defense budget than the Vietnam saving.

The figures, read vertically, show the impact of increases in pay and price scales on the defense budget. The 1964 baseline (or non-Vietnam) force cost $50.8 billion at that year's rates. At 1972 rates the same force would cost $75.8 billion. Therefore, what the Defense Department calls "inflation" added $25 billion to the baseline cost between 1964 and 1972. Between 1969 and 1972 (when the war dropped $13.7 billion) inflation added $17.4 billion to the total defense budget, according to the tables.

It is worth taking a look at just what this inflation is made of. Of the $25 billion 1964–1972 inflationary increase noted above, nearly $16 billion is related to pay and a little over $9 billion represents increased costs of purchases. The pay increases included raises voted by Congress (including those designed to move toward a volunteer armed force) and other raises tied automatically to the cost of living. The Defense Department's computation for purchase price increases is based on indices for the economy as a whole, and these in turn are influenced by defense. It is probable that some of the inefficiencies that go into procurement "cost overruns" have crept into the figure for "inflation". The extent of this needs further study.

3. The total defense budget, in current prices, has declined only slightly from the Vietnam peak. But measured in constant dollars, it has been squeezed back to close to the 1964 level (before the Vietnam Buildup) with the war still included. The baseline, or non-Vietnam, portion has grown in current prices. But in constant prices it is $7.6 billion below 1964, indicating a cut in the baseline defense program in real terms.

4. This has been accompanied by physical cuts in forces between 1964 and 1972—for example from 16⅔ to 13⅓ Army divisions; 24 to 16 attack and antisubmarine carriers; 24 to 15 carrier air wings; 119 to 105 Air Force tactical squadrons; 61 to 38 airlift squadrons; and 932 to 658 commissioned ships in the fleet.

5. At least through fiscal 1971, the Vietnam saving has not been used to build up the baseline force in real terms. But this saving has not become the kind of "peace dividend" for which some has hoped, available to increase domestic programs or to lower taxes, because it has been gobbled up by inflation on the overall defense budget.

The current price figures show that between 1969 and 1972 the incremental war cost declines $13.7 billion, but the total defense budget declines only $2.7 billion. From these figures alone it appears that $11.1 billion in Vietnam savings have been used to increase the baseline budget.

But the constant dollar figures show a decline in the war, the baseline and the total defense budget. Looking at it this way, the Defense Department argues that the Vietnam saving in real terms has been removed from the defense budget and has not been used to increase the real baseline.

While the constant dollar baseline has been declining each year through 1971, a $1.1 billion increase is shown for the first time between 1971 and 1972. To this extent, following the Defense Department's way of looking at it, a small part of the Vietnam saving is for the first time apparently going to be used to increase the baseline in real terms.

However, it is not yet known just what the true 1972 outlay figures will turn out to be.

One implication of all this is that for a number of years the Vietnam reduction has served as a cushion to offset inflation without requiring more drastic cuts in overall forces. But this cushion is now almost used up.

6. There has been a degree of change in national priorities. Between 1968 and 1972 the defense budget changes from 9.5% to 6.8% of the gross national product and from 42.5% to 32.1% of the federal budget as measured by the unified budget method.

On a federal funds basis, national defense including DOD military functions, MAP, AEC costs, Selective Service and emergency planning declined from 56.2% of the federal budget in 1964 to 43.8% in 1972. This excludes trust funds from the accounting. (p. 1168 House hearings)

Congress must look ahead

Are these the right priorities, the right percentages of national product and federal budget? Should the defense budget continue to decline in constant dollars in the years ahead? By how much? Should it stay the same or rise? These are questions to which Congress should address itself. In general there are four ways in which Congress can control defense—fixing the total budget, approving or denying individual weapons projects, setting overall force levels, and setting broad strategies and policies such as those involving U.S. commitments. To be effective, Congress must use all these approaches. If it only controls the money, then the strategic decisions are made by the administration. If it only controls weapons and forces, then the money gets out of hand. This paper concentrates on the budgetary approach, which is not to say the others are not also important.

DEPARTMENT OF DEFENSE—DEFENSE BUDGET, FEDERAL BUDGET, AND GNP FOR SELECTED YEARS

[Billions of dollars]

Fiscal years	GNP	Federal budget outlays: Net total	Federal budget outlays: Department of Defense	Federal budget outlays: Other	Federal budget outlays: Offsets [1]	DOD outlays as percent of: GNP	DOD outlays as percent of: Federal budget
1950: Lowest year since World War II [2]	$263.3	$43.1	$11.9	$31.2	NA	4.5	27.7
1953: Korea peak [2]	358.9	76.8	47.7	29.1	NA	13.3	62.1
1964: Last prewar year	612.2	118.6	50.8	70.7	−2.9	8.3	41.8
1968: SEA peak [2]	822.6	178.9	78.0	105.5	−4.6	9.5	42.5
1970: Last actual year	956.2	196.6	77.9	125.0	−6.2	8.1	38.4
1971: Current estimate	1,013.0	212.8	74.5	145.5	−7.2	7.4	33.9
1972: [3] Budget estimate	1,123.0	229.2	76.0	161.0	−7.8	6.8	32.1
Changes:							
1964 to 1972	+510.8	+110.6	[4] 25.2	+90.3	−4.9		
1968 to 1972	+300.4	+50.3	−2.0	55.5	−3.2		

[1] These amounts are undistributed intragovernmental transactions deducted from Government-wide totals. These include Government contribution for employee retirement and interest received by trust funds.

[2] In constant dollars, and as a percentage of GNP and the Federal budget.

[3] Lowest percent of GNP since 1951; lowest percent of Federal budget since 1950.

[4] 4.9 percent of the GNP growth during this period, and 21.8 percent of the increase in the Federal budget.

NOTE.—Page 1128, Hearings, House Committee on Appropriations, Department of Defense Appropriations for 1972, part 1.

To deal with the broad questions of national priorities and the defense budget. Congress must look ahead and possibly even legislate ahead. To what extent does Congress do this now?

1. When Congress acts on an annual defense appropriation, it is already too late to make anything but a marginal change in priorities for that fiscal year. As the following table shows, the regular defense appropriation bills are generally passed by Congress about half way through the fiscal year to which they apply:

	Fiscal year— 1968	1969	1970	1971
Authorization Act	June 5, 1967	Sept. 20, 1968	Nov. 19, 1969	Oct. 7, 1970
Regular Appropriation Act	Sept. 29, 1967	Oct. 17, 1968	Dec. 29, 1969	Jan. 11, 1971
Last major supplemental appropriation	July 9, 1968	July 22, 1969	July 6, 1970	May 25, 1971

Source: Testimony of Robert C. Moot, Department of Defense Comptroller, before Joint Committee on Congressional Operations.

Because of the lead time in planning budgets and forces, the Defense Department has little flexibility half way through the fiscal year to make major changes in its program. Now, in August, it is rapidly becoming too late for Congress to even *consider* the basic level of the fiscal 1972 defense budget, beyond making a marginal cut of a very few billion dollars, which the Defense Department has no doubt already anticipated.

Late last June Senators Proxmire and Mathias sought unsuccessfully to place a $68 billion ceiling on defense outlays for Fiscal 1972, a $7 billion cut from the administration's budget, or 9 percent. The Proxmire-Mathias amendment was placed on the continuing resolution, at the very beginning of the fiscal year, to avoid the argument of late legislation. But one of the main arguments raised against it on the Senate floor was that, even at that date, it would be highly disruptive of long planned programs, requiring major cuts in manpower, cancellation of procurement contracts, operation and maintenance reductions and base closings. The incident seems to suggest that even on the opening day of the fiscal year Congress has already lost much of its influence over broad priorities for that year.

2. At the present time, while Congress is looking at the fiscal 1972 defense budget, the administration is already far along in planning the fiscal 1973 budget, and is doing so without any guidance from Congress.

The administration's annual defense budget planning process consists of 27 steps. It begins in January with a Five Year Defense Program inherited from the previous cycle. It ends with the formulation of a new five year plan and its translation, just before Christmas, into a budget for the ensuing fiscal year. For the fiscal 1973 budget, this process began in January, 1971. By the end of July, 1971, 14 of the 27 steps had been completed. Included in the 14 completed steps were an analysis of strategic issues by the Joint Chiefs; strategic guidance by the Secretary of Defense; fiscal guidance by the Secretary of Defense indicating how much money could be spent in 1973 and following years; an outline of forces by the Joint Chiefs within these constraints; and Program Objective Memoranda from each of the services detailing changes in their force levels, support and activities under these policies. In September, the schedule calls for program decisions by the Secretary of Defense, and the updating of the Five Year Defense Program to cover fiscal 1973–1977. Then comes review by the Office of Management and Budget and presentation of the fiscal 1973 budget to Congress early in calendar 1972. This process actually looks even farther ahead than 1977. Step number 13, completed at the beginning of July, consisted of a strategy paper by the Joint Chiefs dealing with a defense program from fiscal 1974 to 1981.

This process takes place with no formal participation by Congress. The documents involved are regarded as internal papers of the administration and are not furnished to Congressional committees dealing with defense. Nor do these committees appear to have sought them. Some information from the documents is reflected in testimony to these committees by administration witnesses in closed session.

3. The most basic of these documents in terms of looking ahead is the annually updated Five Year Defense Program. As far as this office has been able to determine, this has not been furnished to Congressional committees even on a secret basis. The five year program includes money totals for the defense department for each of the five years. These figures have not been included in the Secretary of Defense's annual report to Congress even in its classified form. The Senate Armed Services Committee has received classified information from the Five Year Program but not the document itself.

4. The Legislative Reorganization Act of 1970 requires legislative committees to estimate the 5-year costs of legislation they enact. To comply with this provision, Chairman F. Edward Hébert of the House Armed Services Committee wrote Secretary Laird last May asking for 5-year projections. Laird replied by citing the difficulty of making such projections: "As you know, any projection of Defense financial requirements beyond the budget year is extremely tentative at best. Such programs as may be proposed by Defense components have not been approved by the President nor have they been subjected to the thorough review and analysis by my staff to assure that they represent firm requirements supportable within the dollar levels that might be expected to be available to the Department of Defense in future years." Laird went on to say that ". . . I can also provide the general estimate that to support the 5-year forces contained in my Defense report on the fiscal year 1972 Defense budget, authorizations for procurement and RDT&E in the range of $22–23 billion (in fiscal year 1972 dollars) would be required for each of the next 5 years." The estimate covers only procurement and research and development—about a third of the defense budget—because those are the only major items covered in the authorization bill. The Senate Armed Services Committee had a similar exchange of correspondence with Secretary Laird. The Legislative Reorganization Act exempts appropriations committees from making five year estimates. The above appears to be the closest Congress has yet come to estimating defense costs over the next five years.

5. Behind all this is a long tradition that the administration does not divulge budget figures until they are formally presented to Congress. The Office of Management and Budget has a government-wide policy against such disclosures. Some believe this is the way it should be in a government of divided powers—that the executive should recommend, the Congress approve, and that Congress has no business intervening in an administration recommendation before it is made. On the other hand it can be argued that the need for Congress to look ahead requires some change in this tradition. Congress is in a serious box if, when the administration makes its recommendations, Congress has already lost much of its flexibility to entertain a range of possible decisions.

6. There is obviously a substantial question of military secrecy. No doubt a detailed breakdown of five-year costs by program and element would tell other countries a lot

about U.S. military forces and strategy in the future. But this should not stop committees from dealing with future costs in closed session. Also, it may be that a general discussion of overall five year defense costs could take place in public without loss of national security. If the projected budgets were budgets of restraint, it might be beneficial to disclose the general levels to the Soviet Union in hopes that it would follow equal restraint.

Where is the defense budget going?

What clues are presently available as to the future course of the defense budget under present programs and policies? There are a few:

Laird's on-the-record estimate of $22–23 billion for procurement and R&D over the next five years in constant dollars is close to the recent level.

Laird is understood also to have made an in-house estimate that the 1972 outlay level—roughly $76 billion—when carried forward in constant dollars will provide a minimum but adequate defense program for the next five years under the word situation as it now appears and under present foreign policies and strategies. Put another way, the Defense Department appears to be contemplating a defense budget which will remain the same in constant dollars over the next five years, barring changes in situation or policy. However, there has been no public statement to this effect.

Since the gross national product and federal budget are growing, this would mean the defense share of both would continue to decline, probably reaching 6% or less of the national product in a few years and probably going below 30% of the federal budget.

Brookings Institution (Setting National Priorities, the 1972 Budget) projects present Nixon doctrine defense policies as resulting in a defense budget slightly down in real terms in five years, even after withdrawal from Vietnam. But it estimated this would represent about 6 per cent of the national output, compared with slightly under 7 per cent today. It outlined higher and lower defense budget options.

The net import of Brookings' review of the entire federal budget, and all its parts, in the future is that between now and 1976 very little "fiscal dividend" or new money to meet public needs, becomes available under present policies. Brookings indicates that those who believe various public needs should take higher priority must consider increases in taxes or taking funds from other parts of the budget.

It is in this context that Congress should look at whether the projected present defense program is the right level. To do this Congress must begin looking ahead now.

Recommendations

1. As a first step, we should request the Defense Department to make available more information on its defense budget projections. More specifically:

(a) The 5-year defense program budget totals for each year in actual and constant dollars.

(b) The 5-year totals broken down by program, such as strategic forces, general purposes, intelligence and communications, airlift-sealift, etc.

(c) In order for the budget totals to be meaningful, there should be an explanation of how they are arrived at. For example, one possible way is to assume a more or less arbitrary budget level. Another is to project actual programs and compute their future costs.

(d) Five year projections of the defense budget as a percent of national product.

(e) Five year projections of defense budget as percent of federal budget.

(f) The fiscal guidance being used in planning the FY 1973 budget and beyond.

(g) General budgetary policies being followed by the Defense Department. In general will the defense program in real terms be allowed to grow? Will the baseline grow or decline in constant dollars? Will any of the Vietnam saving, in terms of constant dollars, be transferred to the baseline?

Probably most of this information could be made public. It is possible that some should be given to Congress in classified form.

2. Congress should enact legislation to require its existing committees:

(a) To make specific studies of the future of the defense budget, particularly for the next five years.

(b) To specifically review the Five Year Defense Program and the documents involved in administration planning of the defense budget for years ahead, including the strategies, assumptions, and estimates contained in them.

(c) To look at the future of defense spending in terms of the overall federal budget and national economy.

(d) To formulate their own recommendations concerning the defense budget over the next five years.

(e) To investigate possible ways in which Congress, while retaining control over annual appropriations, could also increase its influence over future defense budgets in advance, perhaps by legislating ahead. (One possibility: multi-year authorization bills, annually revised, and covering the whole defense budget, while retaining annual appropriations.)

Probably the committees involved should be the Senate and House Armed Services Committees, although others are possible. Such legislation could be an amendment to the Procurement Authorization Bill.

3. One possible further step would be for Congress to enact legislation this year which would set or express substantive policies as to the defense budget for the next five years. This could take the form of:

(a) An expression of the sense of Congress as to general policies. For example that the defense budget in real terms should not increase and if possible should decline, that the defense percent of national output should continue to decline, that the percent of federal budget should continue to decline. Figures could be included on the goals.

(b) Legislation of a 5-year defense budget ceiling on outlays or total obligational authority. This idea has some serious problems, at least at the present time. If the ceiling is set at present levels it becomes a mandate not to cut. If it is set low it would have to be an arbitrary ceiling assuming conditions in the future that cannot now be known. Such legislation ahead, however, might be more realistic after thorough committee studies on the five year defense prospects. In view of this, it is not recommended now.

Broad sense of the Congress policies as in (a) above, might however be included in the legislation in Recommendation 2.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the pending amendment, the amendment by the Senator from Ohio (Mr. SAXBE), dealing with the Harrier aircraft, be made the pending question before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that the following cosponsors of the pending amendment, No. 425, be added:

Senators BAYH, MCGOVERN, HART, GRAVEL, PACKWOOD, and CASE.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

The hour of 2 o'clock having arrived, and under the previous order, the question is on agreeing to amendment 425, of the Senator from Wisconsin (Mr. NELSON).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BENTSEN (after having voted in the negative). On this vote I have a pair with the distinguished Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

On this vote, the Senator from Indiana (Mr. BAYH) is paired with the Senator from Alabama (Mr. SPARKMAN).

If present and voting, the Senator from Indiana would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent to attend the funeral of the late Representative John C. Watts.

The Senator from Kentucky (Mr. COOK) is absent by leave of the Senate to attend the funeral of the late Representative John C. Watts.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kansas (Mr. DOLE) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), and the Senator from Ohio (Mr. TAFT) would each vote "nay."

The result was announced—yeas 28, nays 54, as follows:

[No. 233 Leg.]

YEAS—28

Anderson
Burdick
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Mansfield
Metcalf
Mondale
Moss
Nelson
Pell
Percy
Proxmire
Ribicoff
Roth
Symington
Weicker
Williams

NAYS—54

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bible
Brock
Brooke
Buckley
Byrd, Va.
Cannon
Chiles
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Miller
Montoya
Pastore
Pearson
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Talmadge
Thurmond
Tower
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bentsen, against.

NOT VOTING—17

Bayh
Boggs
Cook
Cooper
Dole
Harris
Inouye
Jackson
Kennedy
McGovern
Mundt
Muskie
Packwood
Randolph
Sparkman
Taft
Tunney

So Mr. NELSON's amendment No. 425 was rejected.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STENNIS and Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 427

The PRESIDING OFFICER (Mr. ROTH). Under the unanimous-consent agreement the Senate will now consider amendment No. 427. On this amendment there will be 2 hours, divided evenly, to be controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from Ohio (Mr. SAXBE). The amendment will be stated.

The amendment was read as follows:

On page 8, line 5, strike out "$3,256,200,000" and insert in lieu thereof "$3,232,500,000".

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, will the Senator yield to me on my time, because I have to leave the Chamber?

Mr. SAXBE. I yield.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield the committee's time on this amendment to the Senator from Missouri (Mr. SYMINGTON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, this amendment concerns a provision which the committee wrote into the bill. I am compelled to be away from the Chamber for a part of the debate. I support the committee. The committee position was, being concerned about the technology of the Harrier, we provided that work on the engine and production would be in the United States. I understand the Senator from Ohio offered an amendment to change that.

I thank the Senator for yielding to me to make this brief statement.

PRIVILEGE OF THE FLOOR

Mr. SAXBE. Mr. President, I ask unanimous consent that my staff assistant, Michael Gertner, Senator MATHIAS' staff assistant, Sam Goldburg, and Senator PROXMIRE's staff assistant, Ross Hamchek, be present during the debate and vote on our amendment No. 427 to H.R. 8687.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, the Harrier is an operational vertical-short takeoff and landing—V/STOL—combat aircraft made by Hawker-Siddeley in the United Kingdom. Its single engine is manufactured by Rolls Royce. It will be used by the Marines as a close support aircraft. In this respect it is similar in mission to the AX and Cheyenne.

In a research paper prepared by Senator MATHIAS and Senator PROXMIRE and Congressman SEIBERLING it is recommended that Harrier production be discontinued after the current fiscal year, leaving 60 aircraft purchased out of the planned total run of 114. My amendment does not reach this issue. I favor the entire purchase of the recommended 114 Harrier aircraft. I only am attempting to limit the expense of domestic production which could run as high as $275 million over the cost of purchasing the plane from Great Britain.

The current bill authorizes $23.7 million for the start of domestic production. Production of the Harrier in the United States was considered by the Congress last year and rejected then. It was rejected again by the House Armed Services Committee in its deliberations on this bill. We should not initiate it now.

There have been three arguments offered in behalf of Harrier U.S. production. Let us consider these arguments in turn:

First, it has been suggested that domestic production of the Harrier would alleviate unemployment in the United States. This would be true, however, only in one small area, and it is not the purpose of the defense budget to regulate the national economy.

Second, it has been suggested that domestic production is needed to end U.S. dependence on a foreign source of supply for the Harrier. But there is no real likelihood that the British source of supply would be cut off. The Marines themselves and the Department of Defense are perfectly content with United Kingdom production of the Harrier. Moreover, it is unlikely that we could find American subcontractors for all the components which go into the plane.

Third, it has been suggested that domestic Harrier production could establish a technological base for future V/STOL development in the United States. The key to V/STOL development, however, is the engine, not the airframe. Yet at present no American company has expressed interest in domestic production of the Harrier's engine.

This is the central portion of the V/STOL development.

In addition, the Harrier was designed in the early 1960's and some of its technology dates back even further. We might get far more for our money if we concentrated on new prototype development efforts rather than Harrier production. It should be noted that a new Navy initiative in R. & D. for V/STOL propulsion for fixed-wing aircraft is already scheduled to commence in fiscal year 1972.

The main argument against production of the Harrier in the United States is the high cost likely to be incurred for the marginal benefits just cited. The Marines now estimate that the additional costs could run anywhere from $113.8 to $275 million, just for the basic airframe, depending on whether the airframe alone or the entire plane were produced in the United States. If we bought an additional 84 Harriers in the United Kingdom, their unit cost would continue to be $4.4 million. If we build only the airframe in the United States, this unit cost would rise to $5.8 million for the 84 planes. And if the entire aircraft were built here, it would rise to $7.8 million. In short, U.S. production would make the Harrier either three or four times as expensive as $2 million AX, depending on the degree of U.S. production.

Finally, of the total buy of 114 planes only 12 can be completely produced in the United States. This is a high price to pay—$275 million for 12 planes.

My interest in this stems not from a desire to do the Marine Corps out of what I consider to be a first-class airplane. I have seen this plane fly. I know its performance record. I believe it will do, in a limited way, exactly what the Marines want it to do. The payload is sacrificed tremendously when you have a short takeoff and landing airplane. In other words, one has to cut down on his fuel, on his radius of operation, on his bomb load or weapon load. Therefore, he loses a great deal of the advantage. I think the 114 planes they have intended for their present deployment is the limit of what they can use. They have no intention of increasing them, nor have they indicated any intention of increasing the 114.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr SAXBE. Mr. President, there is no desire on the part of the Marines to ask for additional planes. If this were going to be a big run airplane, it would be one thing, but it is a limited-design airplane. The limit is 114.

The characteristics of the plane are based primarily on its power unit. The power unit is changed to give it its upward thrust, and then as its speed increases, it becomes more horizontal so that the ultimate speed is reached. However, it is not a supersonic plane; it is a close support airplane, an extremely expensive close support airplane.

When we are already paying $4.4 million for a limited number of airplanes, I object to raising its price to $7.8 million.

In 1968, when the Defense Department elected to go to Hawker-Siddeley Co. of England to buy this particular airplane, if a mistake was made it was made then.

In 1969 and in 1970, when the budget was considered and the money was appropriated for the acquiring of these planes, perhaps this body made a mistake. Now we are half way into this program.

The figures are as follows: We appropriated $62.7 million to acquire 12 planes in 1970. We appropriated $86 million to acquire 18 planes in 1971. We are voting in this bill, and it will not be changed, nor is there any suggestion that it be changed, $110.3 million for another 30 planes. That means that all but 54 of those planes are already under order.

If the complete tooling were to be made to transfer funds to McDonnell Douglas at St. Louis, it would mean that only 12 complete planes, and no more anticipated, would be made in the United States.

If a mistake was made in giving the contract to Hawker-Siddeley to begin with, let us not compound this mistake by now moving it when we can have the construction of 120 planes.

The $275 million is not a lot of money when compared with the total amount of the defense budget, running into billions, but I assure you, Mr. President, $275 million is a lot of taxpayer's money to move production to St. Louis. I suggest that there are other ways that can be better utilized to spend this $275 million.

Now, as to the STOL capability, it has been suggested that only through the building of it could we adequately harvest the tremendous amount of work that has been done on V/STOL. It is true that it is the only operational V/STOL airplane in the world, but it was designed in the 1960's and its technology goes back even further.

We might get far more for our money if we concentrated on new prototype development efforts rather than Harrier production. It should be noted that a new Navy initiative in R. & D. for V/STOL propulsion for fixed-wing aircraft is already scheduled to commence in fiscal year 1972.

The main argument against production of the Harrier in the United States is the high cost likely to be incurred for the marginal benefits just cited. The Marines now estimate that the additional costs could run anywhere from $113.9 to $275 million.

I realize that St. Louis, like many other areas, needs economic relief and probably employment, but I suggest that this is a poor way to do it, and if St. Louis is in that situation, we had best vote the money to be distributed and not run it through McDonnell-Douglas.

I am not going to talk about the advantages and disadvatages of this plane. I am simply saying that the plane is under contract to be made in the United Kingdom, and if we want to change it, if we want to pay more than double the cost of the plane, and still use the Rolls-Royce engine, we will do something which I would consider here today as folly.

VISIT TO THE SENATE BY A MEMBER OF THE HOUSE OF COMMONS OF GREAT BRITAIN

Mr. SYMINGTON. Mr. President, I yield to the distinguished senior Senator from Virginia for the purpose of introducing a distinguished visitor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. I thank my friend from Missouri.

Mr. President, I invite the attention of the Senate to the presence on the floor today of a distinguished Member of the House of Commons of Great Britain. He has been a Member of the House for 25 years. He has served in many of the important portfolios, being at one time Chancellor of the Exchequer. He is now the Treasurer of the Labor Party of Great Britain.

I introduce to the Senate the Honorable L. James Callaghan, a Member of the House of Commons.

[Applause, Senators rising.]

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SYMINGTON. Mr. President, last year this airplane was first unanimously approved by the Senate Armed Services Committee, later unanimously approved by the Senate Appropriations Committee; and also unanimously approved by the House Armed Services Committee. It was rejected in conference with the Senate by the House Appropriations Committee.

I mention this because it was not until recently I knew the distinguished Senator from Ohio was going to object and I note he mentioned St. Louis several times in his remarks.

As a member of the Tactical Air Power Subcommittee, of which the distinguished Senator from Nevada is the chairman, we went into this matter thoroughly, and I would say an unfortunate impression left by the Senator from Ohio in the last sentence in his printed speech. He says:

> This is a high price to pay—$275 million for 12 planes.

Mr. President, that would imply that the engines were to be made in this country, as well as the avionics. That is not part of the plan. The correct figure is $113,800,000.

WHY THE HARRIER PLANE SHOULD BE BUILT IN THE UNITED STATES

As I mentioned, the tactical Air Power Subcommittee considered the question of domestic production of the Harrier very carefully this year during their review of the fiscal year 1972 authorization request. There were several very compelling reasons for our recommendation to phase Harrier production into the United States.

The first is the need to bring the technology of this V/STOL airplane into this country. We have spent over a half billion dollars on various attempts at vertical and short takeoff and landing airplanes; and none has been operationally viable or successful.

On the other hand, the British-built Harrier has evolved into an airplane that is now in routine service use in the Royal Air Force and in our first Marine Corps squadron here in the United States.

The Harrier uses the deflected thrust principle for its vertical takeoffs and landings. This requires a unique control system with special devices for stability augmentation during hovering and low-speed flight. The Harrier engine produces a thrust greater than the weight of the airplane through a special type of turbofan and ducting arrangement developed for this application. These technology advances will be imported directly into this country by phasing the production over to the United States.

At the same time, we also will be adding jobs for our aerospace production workers. I need not dwell on the problems that the aerospace industry has from the standpoint of the vast numbers of skilled workers who have been laid off at plants all across this land. All of us are familiar with the terrible problems our once gainfully employed and producing aerospace work force now face.

Surely this jobs factor should be weighed heavily by all of us when we consider the added cost of phasing Harrier production into this country.

Another reason for domestic production capability is that we will create our own sources of supply for the Harrier in order to sustain it in operation in our own forces. This will free us from dependence on foreign sources which could very possibly have many problems that would be beyond our own direct control.

Surely it is always wise for the United States to have support capability for its own military weapons systems.

The above reasons all carried great weight during discussions of the Tactical Air Power Subcommittee and also the full Armed Services Committee—I might add that the vote in the full Armed Services Committee was 12 to 1—when we discussed this production phaseover.

The benefits were felt to far outweigh the added costs. Accordingly, the committee recommended that $23.7 million be added to the Harrier authorization this year for this purpose.

Mr. President, there is almost nothing that cannot be purchased for less money abroad.

Mr. CANNON. Mr. President, will the Senator yield at that point?

Mr. SYMINGTON. I am glad to yield to the chairman of the Tactical Air Subcommittee.

Mr. CANNON. Is it not a fact that in the President's attempt to control the economy very recently, the added import duty imposed against foreign-made goods was, because they can be produced more cheaply abroad and, therefore, were outcompeting manufacturers in this country? Is that not the basic element of the issue?

Mr. SYMINGTON. As the able Senator knows, that is only too true. Twice the Senator from Ohio brought up the word "St. Louis." Yes, these planes would be built in St. Louis. As a former purchaser of machine tools, the center for much of that production is in Cincinnati. Engines are made in Columbus, Ohio—and we all know a lot of business comes out of Cleveland. To carry out the thinking behind this suggested amendment, why not build everything in Great Britain or Germany or Italy, where the rates are even less?

Mr. CANNON. Or Japan.

Mr. SYMINGTON. Right. Someone mentioned on television the other day that you can buy a Toyota in this country for some $2,000, but they cost $4,000 in Japan, and a Chevrolet over there costs $8,500.

Mr. President, I do not argue primarily from the standpoint of my great interest in people working in this country. We are talking about a military weapon, something to be used in time of possible war; and for the information of my colleague from Ohio, and as is well remembered by the distinguished Senator from Nevada, when the Marine Corps came and said, "We would like to take the money for Phantoms, and use it for Harriers because we think we have a better airplane for our mission," I said first, let us decide whether it was a better airplane. So I asked the Senator from Nevada to check out this assertion. He did. As a result, even though the Phantom was made in St. Louis, we voluntarily gave up that production to get the best plane for the Marine Corps, and the company bid successfully for the British Harrier rights.

I do not think the United States should rely entirely, in a new art like V/STOL, on what could happen in a foreign country. Countries that have been our allies in the past—the Soviet Union, Red China—are not considered so today. Countries the have been our enemies in the past—Germany, Japan—are not considered so today.

In addition, we would have no control over what might happen, say strikes: Should we put our entire future in the hands of a foreign country, on a weapon needed for our security. I know the distinguished Senator felt some of the people in the company in my State did not want this airplane to be built, and that that was one of the reasons he wanted to take the floor today with his amendment.

For the record, I assure him that after that came up, I found the company in question was much interested in building this plane for the figure mentioned.

Nearly every commercial airplane is a fallout from a military airplane. The 707, as but one illustration, represents the B-52 and the KC-135 tanker.

Despite the fact we are now building STOL fields all over the United States, so as to help handle problems incident to increases in air congestion, we have no STOL art of any kind in this country. That also should be considered at this time.

Therefore, Mr. President, with the premise anything can be built abroad for less money than in the United States, I hope this amendment is rejected.

Mr. SAXBE. I yield myself such time as I may require.

Mr. President, I am certainly aware that it is of great interest to have the business in St. Louis. It is of great interest that Cincinnati Milling Machine might be able to make some of these tools. It is of great interest that many of our subcontractors would be interested. But I point out that in changing this contract, the Defense Department has not been interested. They have not pushed this. No one from the Defense Department came in and said, "We would like to transfer this to St. Louis." In fact, in my consultations with the Defense Department, they say, "Look, we're not going to go in and ask for $9 million more for each plane for a dozen planes, because the die is cast. If a mistake was made, it was made in the past."

Second, we talk about the V/STOL characteristics and the fruits of this development which we could expect. Let me point out that the very guts of the V/STOL problem is the development of an engine; and by the very admission of the Senator from Missouri, who I admire very much—and who I am sure knows a great deal about this plane, as he does about many others—the engine would continue to be built by Rolls-Royce in England.

If the Defense Department had come forth and said it is in the interest of the development of V/STOL, it is for the development of economy, and it is in the interest of employment to transfer this contract to the United States, I am sure we would listen. If McDonnell Douglas had come in and said, "We can produce this plane and it is important to our future," we would listen. But, to my knowledge, no one has come before any committee of the U.S. Senate, or a subcommittee thereof, and advocated changing this contract, except the senior Senator from Missouri.

I submit that, while I am a member of the Armed Services Committee, I am anxious and willing to support every effort to build up the defense of this country. But I cannot in good conscience support what I consider to be a boondoggle. Suppose we set it at $113 million, which is the minimum. It takes $113 million and blows it on 12 airplanes. There are some 47 subcontractors of Hawker Siddeley that are producing for this plane.

I just cannot believe that if, for example, McDonnell Douglas got this contract, they would not still do business with these subcontractors, who are tooled up and are producing.

So what we would have would be the cost of an additional $9 million. This is not the total cost. This is additional, for assembling an airplane—assembling, if you please—initial construction of some airframe, by primarily taking a Rolls-Royce engine, taking the products of assembly subcontractors, and assembling them.

It is true that this administration and all of us are talking about the dollar flow, and we want to stop this. We do not want this money to go out of our country, and we want to right the balance of trade that has been discussed and has become out of focus. But I submit that at the cost of this, we would be better off to stop production, if necessary, because there is not that much uniqueness and difference in this airplane. But I do not suggest that.

We have made a deal, and we should keep the deal. As Lincoln once said:

> When you get a bad deal, you hug it all the harder.

So let us keep the deal we have, but let us not really make it worse by saying that just for the few remaining planes, we can transfer this to St. Louis to help our domestic economy. I do not believe that the people of this country—as we all know, they are very questioning about where the military dollar is going today—would tolerate such a thing. I cannot help believe that the reason for the silence by the Defense Department—in fact, their statements to me that they do not want this—reflects this, because they know that they could not justify such an expenditure to the American people.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, will the Senator yield

Mr. SYMINGTON. I yield.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, after consulting with the distinguished manager of the bill and with authors of the amendments to which I will shortly refer, and with the approval of the distinguished majority leader, I ask unanimous consent that, at the conclusion of the orders for recognition of Senators on tomorrow, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the disposition of amendment No. 435, which will be called up by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE)—the amendment dealing with the F-14—amendment No. 443, which will be called up by the Senator from Iowa (Mr. HUGHES), an amendment dealing with the ABM, then become the pending question; provided, further, that time thereon be limited to 1½ hours, the time to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill; provided, further, that time on any amendment to that amendment be limited to 30 minutes, to be equally divided and controlled by the mover of the amendment in the second degree and the distinguished manager of the bill.

Mr. MATHIAS. Mr. President, reserving the right to object, is it the anticipation of the assistant majority leader that the ABM amendment will be voted on tomorrow?

Mr. BYRD of West Virginia. Yes. After the expiration of the time thereon.

This has been discussed with the manager of the bill, the leadership on both sides of the aisle, and the author of the amendment, Senator HUGHES.

Mr. SYMINGTON. Mr. President, reserving the right to object, the situation with respect to the ABM is not clear.

Last year, an amendment was submitted by the distinguished senior Senator from Kentucky and the distinguished Senator from Michigan. I ask this question of the able assistant majority leader:

Is there only one ABM amendment that we are considering at this time?

Mr. BYRD of West Virginia. I am glad that the distinguished senior Senator from Missouri asked that question. There are two amendments dealing with the ABM, the second one of which would be offered by the distinguished Senator from Ohio (Mr. SAXBE), who is working with the distinguished senior Senator from Kentucky (Mr. COOPER) with respect thereto. It was my intention to follow the request just made with a request for limited time on that amendment also.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the time requested by the distinguished assistant majority leader not be taken out of the time set on the amendment of the able Senator from Ohio.

Mr. MATHIAS. Further reserving the right to object, I am wondering whether the Senator could withhold that for just a few moments while we discuss the impact.

Mr. STENNIS. Reserving the right to object, may I say to the Senator that I would be disposed to meet any special situation he had, but this has been worked out now as to the two ABM amendments with the authors of amendments and with the manager of the bill and those who are concerned. I hope he can bear with it. I have to leave the floor shortly.

Mr. BYRD of West Virginia. Will the Chair indulge me without the time being charged?

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that time is not being charged.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. MATHIAS. Mr. President, I have no further objection.

Mr. BYRD of West Virginia. I thank the distinguished senior Senator from Maryland.

Mr. President, I ask unanimous consent, upon disposition of amendment No. 433, which will be called up by the distinguished Senator from Iowa (Mr. HUGHES) on tomorrow, that the pending question before the Senate then be made the amendment No. 444 to be called up by the distinguished Senator from Ohio (Mr. SAXBE)—to which I alluded a moment ago—an amendment which also deals with the ABM, and that time on that amendment be limited to 2 hours, to be equally divided between the mover of the amendment (Mr. SAXBE) and the manager of the bill (Mr. STENNIS); and that time on any amendment thereto be limited to one-half hour, with the time to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that time on the amendment No. 438 dealing with Rhodesian chrome ore—an amendment which will be called up by the distinguished Senator from Arkansas (Mr. FULBRIGHT)—and when that amendment is called up before the Senate, be limited to 2 hours, to be equally divided between the mover of the amendment and the manager of the bill.

Mr. JAVITS. Mr. President, are we going now into tomorrow, or days after tomorrow?

Mr. BYRD of West Virginia. This would be for Thursday.

Mr. JAVITS. My understanding was that we were going to consider two amendments tomorrow.

Mr. BYRD of West Virginia. It is the intention of the leadership on both sides—the majority leader is here and can speak to the matter himself. There is an amendment by the distinguished Senator from Missouri (Mr. EAGLETON) dealing with the main battle tank–70 which will be called up following the transaction of the period for the transaction of routine morning business on Thursday.

Mr. JAVITS. That is all right. I am talking about the requests the Senator is now making. Are they new for tomorrow or the days after?

Mr. MANSFIELD. Tomorrow, and Thursday and Friday, insofar as we can, so that the Senate will be on notice. We had an unfortunate experience last Friday with only 51 Senators in town. It was nip and tuck. What we are doing now is trying to give the Senate as much advance notice as we can, so that Senators will be prepared.

May I say that, at the present time, it is my intention, following the disposal of the Eagleton amendment on Thursday, to call up the amendment seeking to terminate the war in Vietnam and Southeast Asia concurrent, of course, with the release of POW's and recoverable MIA's in the meantime.

Mr. JAVITS. If the Senator will yield further, I want to explain to the distinguished majority leader the absolute impossibility of my being here tomorrow. I interpose no objection to the two unanimous-consent requests. The Senate must go on and do its business. I was merely seeking information, that was all.

Mr. SYMINGTON. Mr. President, I appreciate the explanation given the distinguished Senator from New York and respectfully remind my colleagues that I still have the floor.

[Laughter.]

Mr. MANSFIELD. Excuse me.

Mr. BYRD of West Virginia. Mr. President, my request was not completed.

The PRESIDING OFFICER. The Senator will complete his request then.

Mr. BYRD of West Virginia. I ask unanimous consent, with the indulgence of my good friend from Missouri (Mr. SYMINGTON), that time on the amendment by the distinguished Senator from Arkansas (Mr. FULBRIGHT), which will deal with the Rhodesian chrome ore question, be limited to 2 hours, with the time to be equally divided between the mover of the amendment and the manager of the bill, and that time on any amendment thereto being limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill; with the understanding that the amendment be called up following the vote on the end-the-war amendment by the distinguished majority leader on Thursday.

Mr. JAVITS. Well, Mr. President, reserving the right to object, I am now informed that instead of two amendments, we are now into three; is that correct?

Mr. BYRD of West Virginia. No. Mr. President, we have already agreed to act on four amendments tomorrow.

Mr. JAVITS. Could I know what those are, please?

Mr. BYRD of West Virginia. Yes. Earlier today, the Senate agreed to consider the amendment by the distinguished Senator from Wisconsin (Mr. NELSON), the Sanguine amendment, immediately following the period for the transaction of routine morning business tomorrow. Upon disposition of that amendment, the amendment dealing with the F–14 would be called up by the distinguished Senator from Wisconsin (Mr. PROXMIRE) to be considered and disposed of.

Now, a few minutes ago, I propounded the request—which was agreed to—that the amendment by the distinguished Senator from Iowa (Mr. HUGHES), dealing with the ABM, become the pending business immediately upon disposition of the Proxmire amendment tomorrow, and that following the amendment by the Senator from Iowa (Mr. HUGHES), there be consideration of the Saxbe amendment, which also deals with the ABM.

Mr. JAVITS. So that the Senator has already obtained unanimous consent for 4 amendments on tomorrow; is that correct?

Mr. BYRD of West Virginia. Yes, Wednesday.

Mr. JAVITS. Now where are we? What day are we in now?

Mr. BYRD of West Virginia. I thought I made that clear. Now we are talking about Thursday. On Thursday, immediately following the period for the transaction of routine morning business, the Senate will proceed to the consideration of the main battle tank–70 an amendment to be called up by the Senator from Missouri (Mr. EAGLETON), with 2 hours on that amendment. Upon disposition of that amendment, the Senate will proceed to the consideration of the amendment by the distinguished majority leader on ending the war in Vietnam, on which there has yet been no time limitation agreed to, following which, if time remained on that day, the Senate would proceed to consider the amendment by the distinguished Senator from Arkansas (Mr. FULBRIGHT) dealing with Rhodesian chrome ore.

Mr. JAVITS. So that the chrome ore amendment, which I am very anxious to vote on, will not come until after tomorrow, is that it?

I would say to the Senator that I am not a bit desirous of impeding the business of the Senate, but I must hope that the leadership will consider, in these rather rapid fire unanimous-consent requests, that the rights of Senators may very well be prejudiced. I assume that, as is usual here, clearance is taking place among those who might be interested. I did express an interest and did understand that only two amendments would be taken up tomorrow. Now I find that there are four. I regret that. I cannot make any statement about it although it may be necessary in order to protect one's rights, to begin to do just that. But I know that at the time of the period for the transaction of routine morning business, just before I left the floor, I understood there would be only two amendments for tomorrow and that we were going down to 5 o'clock in the afternoon. Now I am faced with four amendments. I wish to serve notice that certainly I will object to anything further tomorrow. It is bad enough, especially knowing the circumstances, when everyone knows I cannot be here to deal with one amendment which is very important to me. It is very embarrassing that it is coming up tomorrow.

As I said, I am not standing in the way of the Senate's business, but I would hope that a certain amount of accommodation and understanding would obtain in respect of these matters.

Mr. BYRD of West Virginia. Let the record be clear that the distinguished Senator from New York did not secure any understanding from me with respect to limiting to two the number of amendments to be disposed of tomorrow. He undoubtedly received that understanding from someone, but not from me. I do not recall the Senator from New York having asked me anything about understandings.

Mr. JAVITS. I just spoke of the normal relationships among Senators because it is very well known that I cannot be here tomorrow. That is all I said.

Mr. BYRD of West Virginia. I continue to yield.

Mr. JAVITS. I would hope that a certain amount of discretion would be exercised in how much we just happen to bring up tomorrow. When I left here we had only two. Now there are four. I still have not objected but I only wanted to address that friendly thought to my colleague, and nothing more.

Mr. STENNIS. I want to thank the Senator from New York for his indulgence.

Mr. BYRD of West Virginia. Mr. President, I do not want the record to leave the impression that I had given the Senator from New York any understanding that there would be only two amendments on tomorrow.

Mr. JAVITS. I said no such thing.

Mr. BYRD of West Virginia. I thought the Senator from New York said that he had earlier understood from someone that there would be only two amendments tomorrow.

Mr. JAVITS. I said that when I left the floor there was no further commitment for more voting tomorrow. If I have anything further to say, I will say so loud and clearly.

Mr. BYRD of West Virginia. I understand.

Mr. MANSFIELD. Mr. President, may I say to the distinguished Senator from New York that we did try to clear all points in arriving at agreements. There will be no more than announced, if we finish that much on tomorrow.

The purpose, I reiterate, was to try to avoid the situation which was created on last Friday when 49 Senators were absent, so that we could give notice ahead of time so that Members might guide themselves accordingly.

As far as the amendment to end the war is concerned, no time agreement has been reached as yet. It is hoped that a time agreement may be reached possibly some time tomorrow, and in that way we could be assured of the stability of the program announced so far by the distinguished deputy majority leader. The very purpose behind it, I will assure the Senator from New York and the Senate, was to give enough notice ahead of time as to what the schedule would be.

Mr. JAVITS. Mr. President, I thank the Senator from Montana.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. SYMINGTON. Mr. President, before yielding to my colleague from Missouri, I would reply to two points brought up by the Senator from Ohio.

First, it is true the Navy did not ask for this airplane. The Navy has never looked on it with as much favor as has the Marine Corps.

One of the reasons we have an Air Force is because of the way their requests were handled formerly by the Army. I never said the Navy unqualifiedly backed this plane. All I did say was that the late great General McCutcheon felt it was extremely important to the Marine mission. Therefore, I was glad McDonnell Douglas won the license from the British company to build the plane.

Speaking of licenses, Pratt & Whitney and General Electric are both negotiating with Rolls-Royce for the licensing of this engine, the advanced Pegasus engine.

The aerospace industry needs this work here. These two engine companies apparently feel there is a future in domestic V/STOL, or they would not be trying to obtain these licensing rights.

I would present that $113 million is about one-half of 1 percent of the military procurement budget we are talking about, and it supplies employment over here.

Mr. President, I yield to my colleague from Missouri.

Mr. EAGLETON. Mr. President, I thank my senior colleague.

Mr. President, I rise in opposition to the Saxbe amendment, No. 427, and in support of the position of the Senate Armed Services Committee, as has been so ably articulated by my senior colleague.

Considerable free-world development effort has been in support of the position of the Senate Armed Service Committee expended over the past two decades to develop a practical V/STOL aircraft. Only one, however, has progressed to successful operational status. That is the AV–8A Harrier now built by the Hawker Siddeley Aviation Limited in the United Kingdom.

Harrier is a high-speed jet aircraft with a size and performance very close to that of the A–4 airplane which is the primary close air support aircraft of the Marine Corps. This size and performance have been found to be ideally suited for Marine Corps missions.

There are several advantages of the Harrier aircraft over the A–4. Its major advantage is that the Harrier not only has the high speed and firepower of the A–4, but it can also take off and land vertically like a helicopter. This enables Harrier to operate from substantially smaller and more austere areas than can the A–4 or any other conventional aircraft.

In December 1968, U.S. Marine Corps initiated a program to procure sufficient Harriers to provide this source of firepower to each of the three Marine combat divisions.

The original program for Marine Corps acquisition of Harriers was initiated during the fiscal year 1970 budget process. The Secretary of the Navy recommended to the Congress the procurement of 12 Harrier aircraft as the initial step in equipping three Marine attack squadrons of 20 aircraft each. The Harrier buildup would commence in fiscal year 1971 and would be offset by a corresponding reduction in Marine fighter aircraft squadrons. The Marines plan to give up one fighter aircraft squadron for each Harrier squadron acquisition. The fiscal year 1970 procurement costs were offset by a reduction in the Marine procurement of approximately 15 fighter aircraft. The scope of the Harrier program for the Marine Corps includes three tactical attack squadrons, one training squadron, and pipeline aircraft, for a total of 114 Harriers to be acquired in a 5-year period.

In connection with the fiscal year 1970 submission to the Congress for 12 Harriers, the House Armed Services Committee approved the purchase of the first 12 Harriers from the United Kingdom but concluded future Harriers should be produced in the United States. As a result of this statement of intent by the Congress, the Naval Air Systems Command encouraged Hawker Siddeley and other major contractors involved in the production of Harrier and its equipment to enter into license agreements with U.S. firms to bring production of the aircraft to this country. Hawker Siddeley Aviation, the prime United Kingdom contractor for Harrier, negotiated with U.S. aerospace contractors on a competitive basis for licensing rights for U.S. production of Harrier. After long survey of key U.S. companies, the McDonnell Douglas Corp. of St. Louis was chosen for the licensing rights. Subsequently, an agreement was signed which allows McDonnell Douglas to manufacture the Harrier airframe, aircraft spares, and associated ground support equipment. A very important part of the agreement is that McDonnell Douglas has the right to design and to manufacture new military aircraft based on Harrier technology. This clause in the licensing agreement makes Harrier a stepping stone to the future of U.S. V/STOL aircraft since the technology developed by the United Kingdom is available under this agreement in the United States.

The Senate Armed Services Committee is concerned that the Harrier V/STOL technology remains abroad.

Of the many technical approaches attempted to achieve V/STOL capability, only the deflected thrust used by the Harrier has developed to operational status. The Senate Armed Services Committee has recommended shifting production of Harrier to the United States for the last 2 years in order to acquire this technology.

Mr. President, the Senate Armed Services Committee has again recommended phasing the airframe production to this country and has unanimously recommended the addition of $23.7 million to start this production line shift, in addition to the Navy request for $102.3 million required to procure 30 Harrier aircraft in Great Britain. The total recommended for fiscal year 1972 by the Senate Armed Services Committee is $126.0 million for the Harrier program.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. SAXBE. I do not believe that was a unanimous vote in the Committee on Armed Services.

Mr. EAGLETON. Was the vote 12 to 1?

Mr. President, I ask unanimous consent to change the word "unanimously" to "overwhelmingly."

The PRESIDING OFFICER. Without objection, it is so offered.

Mr. EAGLETON. Mr. President, let me summarize the reasons which would support the position recommended by the Senate Armed Services Committee.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. EAGLETON. I am pleased to yield to my senior colleague.

Mr. SYMINGTON. Last year it was unanimously recommended by the Tactical Air Subcommittee, unanimously recommended by the full Committee on Armed Services in the Senate, unanimously recommended by the Committee on Appropriations in the Senate, and unanimously recommended by the House Armed Services Committee before losing out in conference with the House Appropriations Committee—it was a relatively small amount of money to maintain jobs over here in an industry where there probably have been more reductions than in any other. For example, this year the original request of the Air Force for planes was less than in any year since 1935.

Mr. EAGLETON. I thank my colleague for that useful observation, which puts the record in proper context.

Mr. President, I wish to summarize the reasons which would support the position recommended by the Senate Armed Services Committee.

It would provide a production capability with the United States for follow-on and expanded Harrier procurement.

It would provide a V/STOL technology to the United States, thereby accelerating the U.S. aerospace industry activity in V/STOL.

It would provide an engineering capability in the United States for solving engineering and service problems which could arise.

Importantly it would provide an increase in aerospace employment—not make work employment but rather employment geared to meeting a legitimate need—in the United States during a period of readjustment within this industry.

Mr. President, for 2 years the Senate Armed Services Committee has carefully considered the question of domestic production of the Harrier aircraft. On each occasion the committee has recommended U.S. production. I urge the Senate to adopt the committee position and to oppose amendment 427.

Mr. SYMINGTON. Mr. President, I thank my able colleague for his presentation, and yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, this amendment would strike from the military procurement bill $23 million to phase over to the United States the production of the airframe of the Harrier V/STOL aircraft.

The purpose of this program is to import some sound V/STOL technology to this country because it has significant military application, and U.S. developers have been unsuccessful in this field.

The Soviets have a number of good V/STOL aircraft and thus enjoy an advantage which could eventually turn up on some battlefield in the world.

The United States is buying 114 Harriers for the Marines, who wish to employ this aircraft in a close air support role for ground forces. Under the plan to import the airframe production work to the United States, the final 12 aircraft would be produced in this country.

Also, Mr. President, there are other benefits of this arrangement. More jobs would be created in the United States, and the Nation would not be dependent on another nation for an important piece of military equipment.

Mr. President, I urge my colleagues to reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SAXBE. Mr. President, I yield myself such time as I may require.

One of the interesting things that has developed in this matter is the fact that most of the people involved are well aware of the fact that this is not a very practical suggestion. The Department of Defense itself refused to take a stand in favor of this. In fact, when I directly asked the Secretary of Defense if he was interested in this he said, "I am not interested in it." He said it is impractical.

When I asked the vice president of McDonnell Douglas, he said, "We can not afford to get clogged up for 12 airplanes."

I wonder if the Senator from South Carolina is aware that only 12 airplanes would be made in this country because of the progress the program already has made. So we come down to the argument of the V/STOL characteristics and the fact that we need this technology. I question whether production of the Harrier is the proper vehicle for us to get into the V/STOL operation. While it is the only operational airplane in the world with V/STOL characteristics, the technology goes back a good many years; it is engine technology, it is not airframe technology, an engine that will continue to be made by Rolls-Royce.

But the main argument against production of the Harrier is the high production cost for marginal benefits. This is the reason the Marine Corps does not suggest changing the contract. They said—

> We are perfectly satisfied. We want 114 aircraft. We are getting them the way we want them and we do not think it would be practical for us to suggest we spend a couple of hundred million dollars more just to say that the last 12 were made in this country.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. CANNON. Does the Senator know of any other case where the Marine Corps, Air Force, or Navy suggested that it would be practical?

Mr. SAXBE. Yes. I think they have on domestic and foreign production.

Mr. CANNON. I would like to know of an example, if there is one. I am not aware of one. In other words, the services just determine if they want a particular weapon system. They never get into the field of who the contractor is or where it is produced. They would not in this case, and they have not in other cases that I am aware of.

Mr. SAXBE. Can the Senator suggest any aircraft made for major production for a major military unit?

Mr. CANNON. By a foreign government?

Mr. SAXBE. Yes.

Mr. CANNON. We purchase from Canadian Government on occasion.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. SYMINGTON. The only source for the Caribou is Canada. This is an extensively used airplane.

Mr. SAXBE. I do not question the Marines in the selection of this plane. I have seen it fly. It is a very capable plane. I feel the public should be advised that we are spending the equivalent of about 10,000 housing units which would provide considerable employment. We are spending the equivalent of about 10,000 housing units to transfer production of a limited number of aircraft. All they want is 114 aircraft. This is not a long-term production schedule. We are talking about 114 aircraft.

Mr. CANNON. Mr. President, will the Senator yield at that point?

Mr. SAXBE. I yield.

Mr. CANNON. I think the Senator will find that in many, many weapons systems, that decision has to be made at a later point in attempting to keep production lines open, for obvious reasons. We in our Tactical Airpower Subcommittee this year recommended in two instances keeping production lines open beyond the original projection because we foresee a need in the future for them. One was the EA–6B, in which we foresee a future need, and another was the F–111. With respect to this particular aircraft, if it works out as the Marines anticipate it will, I would say they will be back to ask for an additional number of aircraft at the proper time. If they do and we have opened a production line and the capability here in this country, obviously we would be at an advantage as well from the standpoint of supplying spare parts and equipment that are necessary to support an aircraft unit of this type.

Mr. SAXBE. Mr. President, I assure the Senator from Nevada, who has done a substantial amount of work on military procurement, that I made every effort to talk not only to people in the Marines but in the highest levels of the Defense Department. I said—

> I do not want to louse up any magnificent deal here in a long-range plane. Is there anybody over there in a position of authority who says this line should be extended? Is there anybody in the Department of Defense, anybody in the Marines, who thinks this is going to be a continued program and that we will need 200 or 300 of these planes?

The answer was "No." So all I can do is proceed on such information as I get, because I do not want to label something a "boondoggle" if it is a long-term thing that can be amortized; but when they do not come forward from the Defense Department, from McDonnell Douglas, or anywhere else and say so, it makes it hard to justify transferring it to build just 12 airplanes. We are aware of this. That is why I am saying the military-industrial complex catches enough trouble in this country from people who want to complain about it without giving them more fuel and ammunition, because I can see this thing scattered all over the newspapers of the country. They are going to say, for some reason the Congress of the United States elected to blow $120 million, or perhaps $200 million, on transferring a contract to a person who did not even want it very badly. That is what I am trying to call to the Senate's attention.

Now I want to talk on the V/STOL matter, and then I want to turn this over for a brief time to one of our illustrious associates. The V/STOL effort can be followed very effectively and developed because we have already spent half a billion dollars on V/STOL, on engines and on airplanes. We have come to the conclusion that, with the exception of a very narrow area of use—and this is primarily most adaptable to the Marine Corps—we give up too much payload to get the vertical take off capability and that the emphasis should be on short take off rather than give up this tremendous payload capability which has to be given up when we get a vertical take off. I think we need a few. The Marine Corps says 114. The Defense says that is enough.

Now I would like to yield such time as he may require to the Senator from Maryland (Mr. MATHIAS).

Mr. SYMINGTON. Mr. President, will the Senator yield to me?

Mr. SAXBE. On the Senator's time.

Mr. SYMINGTON. On my time.

With respect to the remarks purportedly made by the Secretary of Defense, the Deputy Secretary of Defense, who operates in logistics a great deal, said he would have no objection whatever to the planes being built in this country.

Mr. President, I would not have raised a certain situation on the floor if it had not been raised by the distinguished Senator from Ohio. When the Senator put in his amendment I did not discuss it with him, although naturally disappointed, because I thought this V/STOL aircraft should come to this country in the interest of national security.

The distinguished Senator from Ohio, as he would be the first to verify, came over on this side of the aisle last week and volunteered that a vice president of McDonnell Douglas had told him the Harrier was not desired for production by McDonnell Douglas, that they were not really interested in it.

Mr. President, that was a shocker. I had heard and had been written to and talked to differently. So I attempted to get the vice president in question. He could not be reached. I thereupon called the president of McDonnell Douglas, who said he was astounded to hear that observation because it could not be farther from the truth. The next morning, from the West Coast, this vice president called and denied having made any such statement to the Senator from Ohio. He said that they wanted the plane for his company, and wanted it very badly.

Whereupon I called the Senator from Ohio in an effort to give him this information, found he was out of town. So I wrote him stating what was the position of that McDonnell Douglas vice president.

I ask unanimous consent, as long as this matter has been brought up on the floor by the Senator from Ohio, that the letter written to the Senator be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 23, 1971.

Hon. WILLIAM B. SAXBE,
U.S. Senate,
Washington, D.C.

DEAR BILL: When on the Floor the other day you disturbed me a lot by mentioning that the chief reason you opposed the Harrier was that John Allen, Vice President of McDonnell-Douglas, had told you he was against it.

I felt pretty sure that you must have misunderstood him, checked immediately, and find that is true; and if your amendment was based at least in part on that observation from John, perhaps you would hold off because there is literally no STOL or V/STOL technology of any kind whatever in the United States, despite our having spent over half a billion dollars in R&D to that end.

It took me a little time to check this out with John, because he was in California as a result of a death in his family. Then I called you immediately, however, only to find you had gone to Ohio.

With appreciation for any consideration you felt you could give the above and every good wish,

Sincerely,

STUART SYMINGTON.

Mr. SAXBE. Mr. President, in that regard, I would just like to say that there was no misunderstanding as to what that gentleman told me. I understand it and he understands it. If he is still a vice president, I assume that he has been straightened out on this matter. But I want to certainly advise my colleague that there was no misconception about what he told me at the time I talked to him.

I yield to the Senator.

Mr. SYMINGTON. In defense of the gentleman in question, a good friend of mine, surely there could be a difference of opinion as to just what was said. This puts this man in a difficult position. I would hope the Senator from Ohio would take his word of honor to me that there was a misunderstanding because he is a man of honor and a great deal is involved.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I am rising to support the amendment of the Senator from Ohio, which does not mean that I disagree with the goals that have been outlined by the distinguished Senator from Missouri in any sense.

The Senator from Missouri has emphasized that he wants to see a greater priority given to V/STOL aircraft in the United States and an enhancement of our knowledge of V/STOL technology. That is what I want, and as I understand it, that is what the Senator from Ohio wants. So we are all meeting here with one goal in mind, and I think what we have to determine is the most effective way of reaching the goal.

My objection to the proposal in the bill, and the reason for my support of the amendment, has nothing to do with the Harrier itself. It seems to be a fine aircraft. It seems to be what the Marines want.

It has limitations. It operates in what you might call a leapfrog technique. It is not ideal. It has some limitation in its loitering capacity. But when you take all those things into account, it still is the plane that the Marines want, and they ought to have it.

I am not in any sense criticizing the plane or objecting to its procurement, even though I see some problems involved, far beyond the money question. But let me say that while $23 million is no insignificant sum to be saved, economy is not the sole or even the principal reason for this amendment. There are some problems with domestic production of the Harrier, because I think the question of the support facilities is raised, whether the airplane only or the complete aircraft program were chosen.

As I understand, the plan is to phase production gradually into the United States during the next year. For example, no parts would be produced; it would be an airframe only in the beginning, and from that point on would move to other aspects of aircraft production. During the interim period, what support problem would arise I am not prepared to say, and I doubt if anyone is prepared to say; but however that may be, I think there would be support problems.

But all of that, again, Mr. President, is beside the point as far as I am concerned. I agree with the Senator from Missouri that we ought to develop our own V/STOL technology. We have projected a very fine aircraft which would do just that, the AX. I think we ought to continue with the present procurement program of the Harrier, even though it is not from a domestic source, and at the same time increase the priority of and, if necessary, increase the funding on the AX. If we did that, we would do just what the Senator from Missouri, I think, wants to see done—expand, improve, and increase our V/STOL technology, which we all recognize as a very necessary next step in aviation development.

For that reason, Mr. President, I support the amendment of the Senator from Ohio.

Mr. SAXBE. Mr. President, I am willing to yield back the remainder of my time.

Mr. SYMINGTON. Mr. President, I yield whatever time he wishes to the distinguished Senator from Nevada.

Mr. CANNON. I thank the Senator for yielding.

I think this argument is pretty well in proper perspective. However, having served as chairman of the Tactical Air Power Subcommittee for several years, I just want to say we considered this matter thoroughly in committee this year, and we considered it last year as well. When the Marines first came forward with the idea of purchasing the Harrier and purchasing it from the United Kingdom, who were the only people making it at that time, and still are, we went into the matter quite thoroughly, because I, too, was concerned then about the advisability of buying a weapons system from abroad.

But the Marines came in and convinced us they wanted this new aircraft, they wanted to learn about its operational conditions, they were willing to give up the purchase of more than a like number of F–4's to acquire the new aircraft, and so we did go ahead with the approval of it. But, at the same time, we recommended that it be produced in this country.

We recommended that last year and we recommended it again this year, unanimously, from our Tactical Air Power Subcommittee.

I think, insofar as the arguments for it are concerned, there is no question but that our V/STOL technology should be improved in the United States. A few moments earlier, one of the opponents of this program pointed out that this aircraft had a limited capability from the vertical takeoff position. That is true, but the aircraft does not have to be operated from a vertical position; it can be operated from very short runways, and it has extended range and extended capability when that is done.

But the things that impress me most on this matter, Mr. President, are twofold. One is the creation of U.S. jobs in the aerospace industry at a time when it is very seriously depressed, and the other is the problem of freeing us from dependence on foreign sources of supply, even though they be friends at the present time.

There is no question but that any product we want to buy today probably can be purchased at a lesser cost in some foreign country than it can be produced in our own country, and that is for the plain and simple reason that we have recognized the responsibility to improve the lot of the American workingman. We have increased our minimum wages far beyond those existing in any foreign country today, and we have made it so that the people of our country can enjoy the fruits of their labors and live under better living conditions than is possible in many foreign countries.

I am sure, Mr. President, that the opponents of this program would not want to consider buying a major product from Russia, for example, and yet only a short time ago I had a member of a Russian trade mission try to convince me that they should be permitted to sell commercial aircraft in this country, to compete with our commercial aircraft industry.

It was pointed that they could sell the YAK–40 airplane, a very fine commercial aircraft, for less than $1 million a copy in this country. We could not buy the same aircraft from an American producer for $3 million a copy. Yet we are trying to protect American industry and they are not permitted to sell that aircraft in the United States today. But, if we want to buy a product at the lowest cost, we had just as well forget about the American manufacturer, and in turn the American laborer, and go ahead and try to buy them from some country that can produce them at a lesser cost.

I assure my colleagues that we did give this matter great consideration. We felt that there is some possibility that it may be necessary, or may be desirable, at a later point in time, to keep a production line open, and if it is, then, of course, the cost of moving this production to the United States would certainly be better amortized over a greater number of aircraft.

I do not know that that is going to be the case. But, as I pointed out earlier, in the year, we have recommended an extension of productive capability, rather than see it closed down at this point in time, for the reason that we might desire to have additional capability in the future.

So, Mr. President, I hope my colleagues will approve the position taken by the Tactical Air Power Subcommittee and by the Committee on Armed Services. I myself was disappointed that the House of Representatives would not go along with us last year when we made this recommendation. I hope that our colleagues in the House of Representatives as well will join us this year.

Mr. SAXBE. Mr. President, I certainly agree with what the Senator from Nevada says about the domestic production of these weapons. I do not think that we should put emphasis on foreign production when it puts people out of jobs, and so on.

But if a mistake was made, it was made when we made the decision to buy this airplane, back in 1968. We are not going to bail it out by buying 12 airplanes, and we are not going to bail it out if we still have to go to the subcontractor. Having made this deal, I think we should make a memorandum that we will not do it again.

The Defense Department recognizes the problem, but they do not recommend that we change this contract, because they could not, in good faith, come before our committee and say, "Well, we want to change this now," because you can imagine the howl that would go up when we said:

> You are the one who made this suggestion. Now you want to dump another umpteen millions of dollars in there to bail it out.

So I think, to get a direct look at the question, we should simply say that we have a contract. Can we afford to change it? We like the airplane. Can we change it in time to mean anything? I say no. Therefore, I think we should go through and fulfill our contract with them.

They are going to make the same amount of money whether they are made here or over there. But, certainly, it is going to make a tremendous impact upon our dollars when we are talking about $100 million to $275 million.

I yield back the remainder of my time.

Mr. SYMINGTON. Mr. President, I thank my able colleague, the Senator from Nevada, one of our foremost authorities in the field of tactical aviation.

As he said, we went into this matter carefully. We are not talking about 12 airplanes. We are talking about 84 airplanes. We are not talking about $275 million. We are talking about $113 million.

Mr. President, I was in my State yesterday where there was much talk about the problems of unemployment. I just do not know where we are going in this country, what the future is going to be. We have 25 million Americans currently below the poverty line.

We have tried to get the administration 5-year aid program, but were unable to do so. The staff of Foreign Relations accordingly has done a fine job in estimating what that 5-year program, economic and military aid to foreign countries will cost the American taxpayer. The estimate is for the next 5 years and amounts to $42 billion; $42 billion out of this country to go abroad in the next 5 years under present planning.

In summary, we are talking about $113 million for airplanes in the United States, for employment in an industry that has been seriously hurt. We are talking about a very small part of the overall budget for an airplane which the Marine Corps sold the Tactical Air Subcommittee as essential to their mission.

I yield back the remainder of my time.

Mr. SAXBE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. THURSDAY, SEPTEMBER 30, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes; that upon the completion of routine morning business, the Chair lay before the Senate the unfinished business, and that amendment No. 445, by the Senator from Missouri (Mr. Eagleton) be then made the pending question.

The PRESIDING OFFICER. There already is an order that the Senator from Virginia be recognized.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer. I misspoke myself.

I ask unanimous consent that on Thursday, immediately following any orders recognizing Senators, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of routine morning business on Thursday, amendment No. 445, by the Senator from Missouri (Mr. Eagleton), then be made the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that upon the disposition of amendment No. 445 on Thursday, the Senate then proceed to the consideration of amendment No. 437, by the Senator from Montana (Mr. Mansfield)—the end-the-war amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that on the disposition of amendment No. 437, hopefully on Thursday—and we expect it to be Thursday—the Senate then proceed to the consideration of amendment No. 438 by the Senator from Arkansas (Mr. Fulbright), the so-called Rhodesian chrome ore amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), the Senator from California (Mr. Tunney), the Senator from North Carolina (Mr. Jordan), the Senator from New Mexico (Mr. Montoya), the Senator from West Virginia (Mr. Randolph) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. Stennis) is absent on official business.

I further announce that, if present and voting, the Senator from Mississippi (Mr. Stennis) and the Senator from Washington (Mr. Jackson) would each vote "nay."

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh) would vote "yea."

On this vote, the Senator from Alabama (Mr. Sparkman) is paired with the Senator from Pennsylvania (Mr. Scott).

If present and voting, the Senator from Alabama would vote "nay" and the Senator from Pennsylvania would vote "yea."

On this vote, the Senator from New Mexico (Mr. Montoya) is paired with the Senator from West Virginia (Mr. Randolph).

If present and voting, the Senator from New Mexico would vote "yea" and the Senator from West Virginia would vote "nay."

Mr. COTTON. I announce that the Senator from Oregon (Mr. Packwood) and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Kentucky (Mr. Cooper) is absent to attend the funeral of the late Representative John C. Watts.

The Senator from Kentucky (Mr. Cook) is absent by leave of the Senate to attend the funeral of the late Representative John C. Watts.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Colorado (Mr. Allott), the Senator from Michigan (Mr. Griffin), and the Senator from Pennsylvania (Mr. Scott) are detained on official business.

On this vote, the Senator from Pennsylvania (Mr. Scott) is paired with the Senator from Alabama (Mr. Sparkman). If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Alabama would vote "nay."

The result was announced—yeas 40, nays 40, as follows:

[No. 234 Leg.]

YEAS—40

Aiken
Baker
Beall
Bennett
Boggs
Brock
Brooke
Buckley
Church
Cranston
Curtis
Dominick
Fannin
Fong
Fulbright
Goldwater
Gravel
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Humphrey
Javits
Jordan, Idaho
Kennedy
Mathias
McIntyre
Miller
Mondale
Nelson
Pearson
Proxmire
Roth
Saxbe
Schweiker
Stafford
Stevens
Weicker

NAYS—40

Allen
Anderson
Bellmon
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cotton
Dole
Eagleton
Eastland
Ellender
Ervin
Gambrell
Hartke
Hughes
Long
Magnuson
Mansfield
McClellan
McGee
Metcalf
Moss
Pastore
Pell
Percy
Ribicoff
Smith
Spong
Stevenson
Symington
Talmadge
Thurmond
Tower
Williams
Young

NOT VOTING—20

Allott
Bayh
Cook
Cooper
Griffin
Harris
Inouye
Jackson
Jordan, N.C.
McGovern
Montoya
Mundt
Muskie
Packwood
Randolph
Scott
Sparkman
Stennis
Taft
Tunney

So Mr. Saxbe's amendment (No. 427) was rejected.

Mr. SYMINGTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. EAGLETON. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the amendment was rejected—putting the question. The yeas appear to have it. The yeas have it. The motion to lay on the table is agreed to.

Mr. STENNIS. Mr. President, I regret very much that I could not be in the Chamber when the vote was taken on the amendment offered by the Senator from Ohio. I was called away on official business, and I missed getting back by a few minutes. If present, I would have voted against the amendment offered by the Senator from Ohio.

ISSUES RAISED BY SENATOR PROXMIRE

Mr. CANNON. On September 23, 1971, Senator William Proxmire submitted a press release to the news services and a 24-page document for the Congressional Record which made many firm comments and recommendations about Navy tactical aviation, carriers and the F–14 in particular. Many of those comments and recommendations are based on serious misunderstanding and had many inaccuracies. The overall picture of Navy carrier tactical air painted by Senator Proxmire is dangerous to national security if believed.

For the benefit of those who are responsible for the military posture of our Nation, the following comments address point-by-point the inaccuracies and misunderstandings of the material entered in the Record by Senator Proxmire.

I ask unanimous consent that the comparison statements be printed in the Record.

There being no objection, the comparison statement was ordered to be printed in the Record.

STATEMENT BY SENATOR PROXMIRE

Mr. President, a few days ago I said there were two basic questions which had to be answered in deciding whether to buy the F–14.

First, how reasonable is it to build an airplane, equip it with a terribly complicated and expensive air-to-air missile, and then stick it on an attack carrier to protect that carrier and its task force from the spectrum of threats the Soviets can throw against them?

SENATOR PROXMIRE—continued

Second, how reasonable is it to rely on that airplane, with all the performance compromises caused by carriage of that missile, as our next generation Navy fighter?

I tried to explain then why the Phoenix missile's fleet air defense mission makes little sense at all. What I want to show today is the fact that it makes even less sense to rely on the F-14 as our first-line Navy fighter of the future.

Here are a few reasons why:

Because a recent Pentagon study convincingly shows that the old F-4, modified only with leading edge slats, could out perform the F-14A at all speeds likely to be encountered in a dogfight;

Because it is almost certain that the F-14 would be no match for new Russian fighters which are likely to be produced over the next 5–10 years; and

Because the Navy could build at one-fourth the cost a new light fighter which could quickly put the F-14 to shame.

It is a basic, straightforward fact that the F-14 costs the most yet has the least performance of all the fighter options available to the Navy. Accordingly, our first priority is to start work now on a new light fighter development program for the Navy. If work were started this fall, new Navy prototypes could be ready for a fly-off in about two years. And in another two years the first production models would be ready for delivery to the fleet.

An equally important need is to scrap the F-14. The F-14 just can't hack it as a fighter. Therefore, there is no justification for keeping it going unless we want to buy a limited number of the planes—200 or so—for altogether different missions. But what missions?

SENATOR PROXMIRE—continued

Not Phoenix fleet air defense. The mission makes no sense and it could be performed by other aircraft anyway.

NAVY COMMENTS

The Navy is unaware of any internal or Office of the Secretary of Defense Staff study that shows the F-4 aircraft with slats to be superior to the F-14A in any of the performance parameters that comprise a superior "dog fighter". The Navy Fighter Study analyses, concurred in by the Naval Air Systems Command, conclude that the F-14A is significantly superior to the F-4 with slats in energy, maneuverability (P_s), sustained turn (g's), turn radius, rate of climb, and acceleration.

All analyses to date, including a National Aeronautics and Space Administration assessment, conclusively indicate the F-14A is superior to the known and projected Soviet threat. This coupled with the weapons flexibility of the AWG-9, Phoenix, Sparrow, Sidewinder and Gun capability of the F-14A provides the *only* fighter that will meet the Navy requirements in the 1972–80 time frame.

Cost must be related to mission success. The advanced capabilities of the F-14/AWG-9/PHOENIX weapon system provides the only means of assuring success on future air superiority missions. Effectiveness and need were the measures used to determine the value of this fighter option.

In view of the threat spectrum posed to our Naval forces, and to our country, it was decided to develop as soon as possible an aircraft/weapon system capable of meeting and defeating the existing sophisticated, missile-equipped Soviet fighter aircraft under electronic command and control, their subsurface and surface-launched anti-ship missiles, mobile SAM batteries, and their heavily-defended bomber aircraft equipped with long-range air-to-surface missiles. The choice of aircraft systems to develop was dictated by the capability of the threat spectrum defined and to which we must react. As stated above, all analyses to date conclusively indicate the F-14A is superior to the known and projected Soviet threat in the 1970–1980 time frame.

The threat is already in being and serious *now*, and is becoming more severe because Soviet investment in military technology has reached the payoff stage.

To ignore or doubt the severity of threat predictions and not adequately prepare to counter them is strategically unsound. Inherent delays in the development required to achieve an operational capability with a new fighter design are not acceptable to national security. If we do not face the facts realistically and introduce the advanced superiority possessed by the F-14 against the entire threat spectrum, the long-term costs will be immeasurable.

NAVY COMMENTS—continued

The Phoenix missile, carried on the F-14 has a real and required air intercept capability. An integral part of the F-14/AWG-9 Weapon System, Phoenix has been *designed* to cope with the *entire* air threat spectrum of the 1970–1980 time frame, ranging from low altitude (subsonic and supersonic) to high altitude Mach 3 weapons. These threat weapons include high performance fighter aircraft (Foxbat, Flagon, Fitter) carrying medium and long-range air-to-air missiles; surface launched cruise missiles (Styx and Shaddock); and supersonic bombers carrying long-range air-to-surface missiles (Kangaroo and Kitchen).

The AWG-9 Weapon Control System and the Phoenix missile have enjoyed one of the most successful test programs in the history of weapons development. The design and test phases have been closely monitored and participated in by operational people who will eventually use this weapon. Although not yet employed operationally, Phoenix tests to date demonstrate that all design performance requirements are being satisfied. Thus far, 42 missiles have been fired with unprecedented success against realistic threat target simulations. Many of these launchings were impossible to accomplish with any other known missile.

The weapons control system must be matched to an aircraft design of comparable aerodynamic performance to fully exploit the full capability of that system. The F-14 is that aircraft. It is equally capable in air intercept, combat air patrol, escort or in a dogfight. This versatility is only possible because of recent innovations, including its fan engine, the swing wing, maneuvering slats/flaps, and light alloys. The aircraft design has been evolving since 1959 and has benefited from the progress made since that time. F-14 aircraft are now flying successfully and rapidly exploring the entire aerodynamic envelope. It would be unsound today to cancel the program because it is expensive. The development of the atom bomb and the nuclear submarine were expensive but no strategic planner interested in the defense of this nation now questions their worth.

In considering other fighter options available, the Navy Fighter Study of 1968 thoroughly investigated the feasibility of installing the Phoenix missile control system in a new version of the A-6, and loading it with the Phoenix missile. The results indicate that the system could be put into the aircraft but that the subsonic characteristics of the A-6 would reduce the effectiveness of the system and the missile by a substantial

And we certainly don't need the F–14 for its interdiction bombing capability. We already have aircraft designed specifically for the interdiction mission which need escorts, not competitors, when they fly.

The third thing we should do is to put leading edge slats on a portion of the Navy's F–4 force. The cost would be minimal and it would give us a fighter better than the F–14A till the new Navy fighter came along.

These are the conclusions I hope to support today. Before they can be reached, three preliminary questions will have to be answered:

What is the role of Navy tactical air?

What is the Soviet fighter threat?

And just what capabilities do we want—and why—in a new Navy fighter of our own?

NAVY COMMENTS—continued

margin against the projected Soviet threat. The speed and rate of climb of the F–14 permits intercept to occur at maximum range and altitude, and serves to optimize the performance of the missile by giving it higher initial altitude and velocity. The A–6 is more vulnerable to attack by the incoming raid escort aircraft both prior and subsequent to launch of its weapons. The option of putting Phoenix on the A–6 was carefully considered but rejected for the reasons stated above.

It continues to be extremely difficult to obtain recognition that the F–14 has been designed, first and foremost, as an *air superiority* fighter and the design has never been compromised during its development. The F–14 has not been designed as a multimission fighter. The air-to-ground capability of the F–14 was not a dictating design requirement; such a capability exists, to a limited degree, as a "fall-out" from the other governing design features. The fact that the F–14 can carry air-to-ground ordnance does not in any way compromise the airframe or system design for its *primary* air superiority mission.

The story of the slatted F–4 is an interesting one. To produce a technically feasible slat installation for the Air Force and German F–4's a two position slat (either "in" or "out") is being developed. That two-position slat installation will not permit safe carrier landings for the Navy F–4J where landing speeds are critical.

A three-position slat is required for the Navy F–4J. That minimum installation is not the "simple addition" of a slat. It is essentially a new wing. The installation cost of a slatted wing for the carrier F–4J is far from minimal and adds slightly more than 1000 lbs., half a ton, to the overall nonpayload weight of the airplane.

The only performance area where the slatted F–4J is better than the present F–4J is in a slow-speed, turning fight. In all other mission areas it is degrading to performance, a thousand pounds degrading.

The F–14A has significantly better dogfight performance than *any* F–4 version, even in the slow-speed, turning arena:

40% better in Turn radius
27% better in P_s
21% better in Sustained "G"
21% better in Acceleration
20% better in Rate of Climb
21% better in Roll performance

I. THE ROLE OF CARRIER-BASED TACTICAL AIR SUPPORT

I argued a few days ago that the growing vulnerability of our carriers justified a reduction to nine in our overall attack carrier force level. There are two other considerations which reinforce this point.

NAVY COMMENTS—continued

The previous argument proposed that the United States Navy's combat capabilities be limited to meet only those threats to our national interests which came from countries other than the Soviet Union, because the Soviets are engaged in an extensive and expensive buildup, in quantity and quality, of their naval forces.

The repeated recommendation to cut the carrier force from 17 down to 9 would guarantee our inability to deter or to counter aggressive action by the Soviet Union or by any Soviet proxy. At these force levels we would certainly face the threat of intervention by a worldwide Soviet navy. Inability on our part to meet or overcome such a threat would amount to a large step toward second rate power status in world affairs.

Such an inevitable disaster can be better appreciated if it is understood how much weakness affects the foreign policy and the military strategy of the United States. In our effort toward peace and stable international relations, we are placing increased dependence upon our overseas allies to provide for their own defense, relying on the United States to provide the more sophisticated mobility forces and supporting arms if required. Of all the countries involved in treaties with the United States, only two of them border on the United States. All others are overseas nations, and there is no plan for our support of those countries by tactical ground or air forces which do not depend upon our free use of the seas. Any inter position or challenge by a Soviet navy that had been granted superiority by default through this recommended cut in our carrier force would nullify the strength upon which our strategy is based and would result in effecting surrender of our position of world leadership and trust.

Unless the United States can assure control of the seas against the most determined and capable opposition, our entire politico-military posture loses its credibility to friends as well as enemies. Once isolated, the United States would be denied a forward defense capability and our allies would be forced to seek accommodations with the Soviets or the Red Chinese. Sufficient evidence in peacetime of Soviet capability to do this in time of conflict would be enough to start the erosion of our alliances and compel our allies to come to some understanding with the U.S.S.R. Aircraft carriers constitute the margin of superiority of the United States Navy over the Soviet Navy. Only the aircraft carriers provide the essential umbrella of airpower at sea, without which other naval surface forces and merchant traffic could not operate. Without the carrier force we would lack any capability to control and use the seas.

One is the relative cost of land-based and sea-based tactical air support. Not surprisingly, Navy analysis shows the cost of the two to be about equal, while Air Force analysis concludes that sea-based support is several times more expensive. Depth of service rivalry notwithstanding, such a large disparity can exist only because of the difficulty in determining which costs—particularly in the areas of support requirements, shared defense costs, airlift, and the like—should be included in costing each alternative.

Most neutral observers would agree, however, that an individual sea-based wing is about 50 percent more expensive than a land-based wing composed of the same aircraft.

NAVY COMMENTS—continued

In April of this year the Weapons Systems Evaluation Group—neutral observers—completed a study wherein a methodology and comparison of costs of land-based tactical airwings with sea-based tactical air wings was developed. The study was done completely independent of the Services. The study shows the costs per wing for land-based tactical air to be from 1.1 to 1.6 times more expensive than sea-based air. The study included the support costs that have been the primary source of disagreement.

While this study shows that historically sea-based air has not been more expensive than land-based air, there is a fundamental point that should be made clear. It is illogical to base the number of carriers needed by the Navy on a direct comparison of land-based and sea-based costs. This is because * * * the two are militarily complementary systems, not competitive. Each system is needed. Each is employed where it is most effective: land-based air where suitable bases are available, carrier-based air where adequate land bases are not available. Any analysis to compare these complementary tactical air systems would be extremely sensitive to the contingency scenarios selected. Plausible scenarios can be applied which will favor the employment and effectiveness of either system singly or both in various combinations, thus reiterating their basically complementary nature as opposed to the universal primacy of either system.

One of the most neutral observers, in addition to being a recognized expert on the requirements for air support to ground forces, is Gen. Earle G. Wheeler, former Chairman of the Joint Chiefs of Staff. In his statement before the Joint Senate-House Armed Services Subcommittee on CVAN-70 aircraft carrier, General Wheeler explained:

> Now, this is an extremely complex problem and the reason it is complex is that you first have to calculate what you are going to charge off against the cost of land-based tactical air versus what you charge off against sea-based tactical air. And depending upon what you charge off, you come up with these varying figures.
>
> I must say that I don't regard any of these studies myself as being definitive and they certainly are not convincing to me as a basis for making a judgment as to the need for sea-based tactical air.
>
> I looked at this problem in the context of the fact that much of the world's surface is water. Our forces are designed to fight overseas, not on our own land mass. In all of the wars in which I have had personal experience, we have had access to the sea. In some cases, we have had our backs in the sea as we had at the Pusan perimeter, and I have found that sea-based tactical air power is a most versatile and a most useful weapon system.

And Navy planes are themselves more expensive at the present time. The Air Force, for example, has had no tactical air counterparts to the Navy's EA-6B electronic countermeasures plane or its E-2C reconnaissance aircraft.

The second consideration is Air Force development of a "bare base kit" which allows it to set up operations within a few days on very primitive airfields, with nothing more than a runway, parking areas, and a water supply of some kind. There are over 1,700 such airfields in non-communist countries throughout the world, with some in virtually every country. Thanks to the "bare base kit" the Air Force is now able to set up operations in many areas abroad more quickly than carriers can be moved there from the United States.

NAVY COMMENTS—continued

The A-4 is the most inexpensive aircraft in the inventory today. The A-7 and F-4 are common to both services. The cost of the F-8 is comparable to that of the F-104. The A-6 is considerably less expensive than the F-111. These are the airplanes that comprise the major portion of the Navy Tactical Air inventory.

The Air Force AWACS, a multi-billion dollar program, will be the counterpart to the Navy EA-6B and E-2C.

Military air bases require extensive facilities such as maintenance shops, barracks, fuel depots and ammunition dumps, to provide the maintenance and supply support for complex military hardware. Such facilities are not normally found at austere or abandoned airfields. The U.S. Air Force has developed and is presently procuring a mobile "bare base kit" which would provide the necessary support facilities required by a military airfield. This "bare base concept" has been demonstrated only on a limited short term basis, under ideal conditions in the United States, where extensive preparation of the "primitive" airfield was made in the interest of safety. The concept pre-supposes the availability of adequate airlift resources and that the airfield would be invulnerable to airborne or ground attack. After the host nation has granted permission to use an airfield, or after it has been captured, the bare base equipment can be moved in. However, for one tactical aircraft wing (approximately 90 aircraft—the equivalent of one carrier air wing) a kit includes over 6,000 people, 7,000 tons of cargo, and 2500 vehicles in its initial lift. It must be maintained by a daily logistic resupply of 3200 tons of consumables. This daily supply, if provided by airlift to the Mid-East for example, would require more than 76 C-5A transport aircraft. Since this is obviously impractical, overseas land bases are dependent on keeping the sea lanes open for logistic support. In many areas adequate air defense of our sea lanes, and air lanes over the sea, can only be provided by carrier aircraft.

In reality these airfields must be considered vulnerable to air and protective measures must be taken for aircraft and personnel.

The "temporary over-run" of all the jet capable airfields in South Korea could have been anything but temporary had the carrier-based airpower not been available to provide support for the defenders. As General Wheeler stated, "In some cases we have had our backs in the sea as we had at Pusan perimeter, and I have found that sea-based tactical air power is a most versatile and a most useful weapon system." That near tragic reminder of the unique capabilities of aircraft carriers led to the emergency build-up of the Navy's inadequate force of 7 attack carriers to a level of 19. But that was possible only because there were many relatively

This is not to suggest for a moment that we should eliminate carriers altogether. I recognize that land bases, even if offered, might be temporarily overrun.

And unsheltered land-based aircraft have a vulnerability problem of their own, as demonstrated in Vietnam, where large numbers of such aircraft have been destroyed on the ground, while carrier-based aircraft have operated from a sanctuary granted by the North Vietnamese. Moreover, if we were to institute the changes in carrier defense alluded to in my earlier remarks, carriers would become more competitive with land-based aircraft from a cost standpoint as well.

My only point is that nine carriers would give us the mix between land-based and sea-based tactical air support which a wise allocation of resources seems to require. And it is about time that we thought more about this in sizing our tactical air forces. Unfortunately, the main consideration in Southeast Asia has been to see to it that Navy and Air Force interdiction strikes have been divided up 50-50.

NAVY COMMENTS—continued

new carriers in "mothballs"—a far cry from today, when some of those same carriers are still operating but with no modern reserve to draw upon in a crisis.

The loss of bases is not the primary justification for a carrier fleet, however. Given a strategy based on rapid deployability of both land and sea forces, either land bases or sea bases must be available. With the current policy of continuous deployment of carriers to forward areas, the reaction time of one or more of the carrier strike forces is virtually zero. This capability cannot be maintained below programed carrier force levels.

When deploying TACAIR forces to land bases the following problem areas must be taken into account:

The acquisition of base rights can involve the United States in undesirable political commitments in addition to large investments and loans.

The U.S. presence is highly visible as a military manifestation—a factor which feeds "Yankee-Go-Home" sentiment in this era of rising nationalism.

Large numbers of military personnel with their dependents and the extensive facilities to accommodate them contribute to the outflow of gold problem.

Moreover, overseas bases in countries allied to the United States are not necessarily dependable from a long-range strategic aspect.

Bases can be lost by direct military action of enemy forces as happened during the Korean war.

Bases can be lost in peacetime as occurred in France where all U.S. tactical airbase privileges were revoked. It has recently occurred when the new regime in Libya revoked our base rights at Wheelus.

Bases can also be temporarily denied by reasons of political expediency on the part of a host nation. On at least one occasion, the denial of even emergency use of a base in a supposedly friendly country for the protection of U.S. nationals in a third country severely constrained our actions. Similarly, suspension of landing and overflight rights by a country which has been our staunch ally severely complicated deployment of land-based tactical air forces.

Concur.

This is indeed one of the key arguments in support of the carrier weapon system. More than 400 fixed-wing aircraft and helicopters have been destroyed on the ground in Southeast Asia. Over 4,000 additional aircraft and helicopters have been damaged by enemy ground attacks. These losses were suffered in a friendly host country in which bases were willingly offered (if we built them) and they were defended by large numbers of dedicated U.S. and allied ground forces.

In contrast, the "sanctuary granted by the North Vietnamese" to the aircraft carriers is rather prudent recognition of the demonstrated capabilities of the U.S. Navy not only to repel the threat of surface attack and land-based air, but more importantly its ability to dominate air inland while inflicting punishment. The downing of MIG fighters over their own inland sanctuary by long range guided missiles from a U.S. Navy cruiser in the Tonkin Gulf probably provided an additional appreciation of the multiple defenses of carrier task forces. Any U.S. Navy "sanctuary", if not hard won, is at the least a grudging concession to the superior strength of carrier task forces.

Here again, the primary argument for a greatly reduced carrier force is based on the misconception that sea-based airpower is used only in a land support role. As has been repeatedly stated by the Navy, the primary function of the aircraft carrier is the control of the sea. Without carriers, the United States would lack any capability whatsoever to control and use the seas. Against a large force such as the Soviet Navy, only the aircraft carriers provide the opportunity of quickly overcoming the threat. Therefore, the Navy requires adequate numbers of the most capable aircraft carriers we can build to meet the threat of worldwide Soviet naval power. More than 20 carriers are required to support the mission of sea control and the mission of projection of power ashore in support of land operations. As stated previously, with an insufficient number of carriers to meet the growing Soviet threat, our entire politico-military posture loses its credibility.

"The main consideration in Southeast Asia" is misrepresented. The Navy did not size its carrier force for a Southeast Asia and especially not for an air campaign constrained to jungle interdiction. Never-the-less, in the real-life situation of the war in Southeast Asia, the unified commander, Commander in Chief Pacific (CINCPAC), indicated that there was not enough land-based air to meet the needs for TACAIR in that theater, even after six years of war. He was asked by the Joint Chiefs of Staff to evaluate a proposal for replacing carriers with additional land-based squadrons. As Commander of a unified command, he was responsible for both the land-based and sea-based air forces. In January 1968 he submitted an analysis of the factors involved in such a trade-off from which he concluded:

The preceding analysis indicates that the disadvantages involved in a trade-off of CVAs for land-based air outweigh any advantages which might accrue; operational

However many attack carriers we decide to have, we will have to count on them to provide the full spectrum of offensive tactical air support missions—interdiction, air superiority, and close-air support.

To date, the Navy like the Air Force has given primary attention to the interdiction missions, notwithstanding the negligible results shown in Vietnam, Korea, and World War II. The A-6 and A-7 are its primary aircraft for interdiction strikes, and the F-14 itself has been given a considerable air-to-surface capability, at great cost both in dollars and dogfighting performance.

And perhaps the best indication of the Navy's limited affection for close air support was provided in this year's hearings before the Senate Armed Services Committee. When asked what aircraft the Navy would be using for close support in the next few years, Admiral Connolly replied:

"Well to a very large degree we will use A-7's, and as long as we have A-4's we will use A-4's, and we have used F-4's when it was necessary. And the Marines will be using the Harrier. And I wouldn't be surprised under some circumstances that they will load the F-14 up because it covers a lot of real estate and can carry a big load of bombs and under certain circumstances it might turn out that the F-14 would do close air support."

Unfortunately, the A-4 is the only aircraft at all suited to close support in the Navy's inventory, and as Admiral Connolly indicated, it already is being phased out. Once it is gone all the Navy itself will have for the mission is one interdiction aircraft and two fleet air defense fighters.

But air superiority is the subject today, and in many respects, the air superiority mission is more important than either close support or interdiction, since there is no way that either close support or interdiction aircraft can be made to influence land battles in progress unless we have air superiority in the first place.

The F-4 has been since 1961 and is now the air superiority fighter of the Navy, going through several different versions over the years. Originally developed by the Navy alone, it has been the front line fighter for the Air Force as well. But while Navy purchases ceased after fiscal year 1970, the Air Force bought some late-model F-4's last year and will do so again this year.

At present, the Navy has about two aircraft supporting the interdiction mission aboard its carriers for each F-4 fighter. In a relatively benign environment such as Vietnam, where we have encountered only a handful of Mig-21's, it is possible to live with this ratio. It would not be so, however, against a more numerous enemy fighter threat.

And our carriers can fully expect to counter such a threat, even if they are specifically ear-marked for wars not involving Soviet naval forces. The Soviets have long shown a willingness to make Mig-21's available to their allies. The new Mig-23, or Foxbat, is supporting the Egyptians in small numbers, and we can expect large quantities of new air superiority fighters to be exported also in the next ten years, especially if the Soviets continue their traditional emphasis on light, highly maneuverable fighter designs.

This is a central fact which it is important to fully grasp. Due to their high costs and technical complexity, there is no way that the Soviets can make available to their allies the spectrum of sophisticated threats with which they themselves threaten our carriers, such as large numbers of submarines with cruise missiles and acoustic homing torpedoes. What they can give their allies is a limited number of patrol boats with Styx missiles, some diesel submarines and obsolete naval bombers, and a large number of cheap, high performance fighters. What we need to counter these items is a less complex and more reliable kind of carrier defense and some high performance fighters of our own.

Just what is the current status of the Russian threat these fighters will have to counter?

II. THE SOVIET FIGHTER THREAT

An in-depth discussion of the Soviet threat is not warranted here, but three important observations should be made.

First, the Soviets have done more work on

considerations alone indicate that we should hold fast to our current flexible and balanced-basing arrangement. When we examine the high costs in money, men, and material along with the political and economic considerations, it is apparent that a trade-off is neither practical nor desirable.

CINCPAC is opposed to a cutback of CVA operations in the Tonkin Gulf in favor of land-based air in the current situation.

The full spectrum of offensive missions which the aircraft carriers and their air wings provide include the location, detection, identification and destruction of hostile forces on and beneath the sea and in the air, the destruction of such forces at their bases and destruction of the bases, establishment of air superiority anywhere in an area of naval operations, air support for amphibious assaults or for established shore based forces, and interdiction.

Navy fighter and attack pilots are trained and capable in a wide range of missions. In World War II, Korea and Vietnam. Naval Air responded to the threat with appropriate capabilities within the restrictions imposed.

Interdiction has by no means always received primary attention. In World War II great emphasis was placed on counter fleet operations. The success of Naval Air in this role was a primary factor in the success of our Pacific operations. Though interdiction received primary attention in Korea and Vietnam, current fleet training places emphasis on counter-ship strike capabilities.

Naval fighter and attack pilots are fully trained in the Navy/Marine system of close air support. Naval aircraft have historically been capable of long range, endurance, large ordnance loads and high accuracy, which are requirements of a good good close air support aircraft. However, the A-4 is not the only aircraft suited to close air support in the Navy's inventory. The A-7E has proven to be vastly superior to the A-4 in the close air suport mission, as it is in all others. The primary consideration for effective weapon system selection for close air support is suggested by the mission title—*close* aerial support to ground forces. It is evident then that delivery accuracy is paramount. The A-7E has repeatedly demonstrated a degree of weapon delivery accuracy twice as good as the A-4 aircraft. During a recent combat operation in Southeast Asia the A-7E was the only aircraft that was allowed to deliver ordnance within 50 meters of friendly forces. In addition to greater accuracy, the A-7E has the capability to carry over two and one-half times as much ordnance as the A-4 and five times as much 20 millimeter strafing ammunition. The other Navy attack aircraft, the A-6, also has superior bomb load endurance and accuracy. The A-6 has demonstrated, in combat, it is the world's most effective all-weather attack aircraft and is capable of all-weather close air support of troops.

Historically the Navy has developed aircraft and weapons with a broad spectrum of capabilities. A majority of the aircraft and weapons used in the Vietnam conflict were Navy developed. Naval Air is uniquely trained and equipped to respond to any level of conflict is most areas of the world.

The F-4 has served well since its introduction into the fleet. However, it is in some respects inferior to present Soviet-fighter aircraft and cannot be significantly improved without major redesign amounting to a new airplane and costing many millions of dollars. Even then it would be unable to counter operational Soviet fighters.

The mix of fighter and attack aircraft on our attack carriers is by no means fixed. This ratio can be varied as required by the Fleet Commander in each tactical situation. The only constraint is total aircraft assets.

Inasmuch as third country conflicts will most probably see us matched against Soviet technology and equipment in the form of aircraft, missiles, and electronics, there is no real diminution of the requirement for aircraft/weapon system sophistication. All of the aircraft that would be necessary for sea control and projection ashore missions in "worst case" conflicts (e.g., the F-14 and A-6 all weather aircraft) are equally applicable and necessary for contingency operations. Not only do we see a steady buildup in the quality and quantity of third country arsenals (UAR and North Korea are examples where the latest Soviet equipment has been seen) but we have also seen how rapidly Soviet technology can be imported and made operational (NVN SAM installations). The only difference between third country requirements and those needed to counter a direct Soviet threat is in the balance that would probably be desired between ASW and tactical aircraft.

No intelligent decisions can be made with regard to U.S. fighter requirements without a thorough discussion of the Soviet threat in order to sort out facts from assumptions.

the development of new fighter aircraft during the past twenty years than has the United States. As the Navy itself is fond of pointing out, albeit with some exaggeration (accomplished by counting as separate models all versions of each basic design):

> The Soviets, since 1954 when the F-4 was designed, have flown 18 new models of modern-type fighter aircraft. . . . The Soviet Union has concentrated on tactical aircraft specifically oriented for the air superiority role.

Second, the Soviets have approached the problem of new fighter design with a different design philosophy than the United States. As Air Force Secretary Seamans told the Senate Armed Services Committee in 1969:

> Since their appearance in the Korean War, Soviet-designed fighters have generally been more maneuverable and have had better acceleration than U.S. fighters. Our fighters, on the other hand, have had better radiuses of action, firepower, avionics, and payload.

The Soviets, in other words, have steered clear for the most part from the kind of complex avionics and armament gear which has not worked for us in Southeast Asia and about which I will say more later. Their own fighters, freed from the weight and drag of this equipment, have emphasized the maneuverability required for aerial dogfights.

Their fighters have also cost far less. For example, the F-4 costs about three times as much as its most direct Soviet competitor, the MIG-21, based on direct comparisons of the cost of U.S. aircraft of

NAVY COMMENTS—continued

The Navy agrees that the Soviets have done more work on the development of new fighter aircraft during the past twenty years than has the U.S. The U.S. National Intelligence Community agrees that since 1954 the Soviets have flown at least 14 different designs (Fresco, Flashlight, Farmer, Flipper, Fitter, Fishpot, Fishbed, Firebar, Faithless, Freehand, Fiddler, Flagon, Foxbat, and Flogger) to our one (the F-4.)

The Soviets have not steered clear of complex avionics and armament solely to emphasize maneuverability. They simply have lagged the U.S. in sophisticated fighter electronics and air-to-air weapons. They lag several years behind in avionics and microminaturization as amply evidenced by their space program. The deemphasis of complex avionics has been, to some extent, a necessity rather than a choice for the Soviets. We have hard intelligence that the Soviets are closing the gap rapidly and that at least six of their fighters carry radar guided missiles.

In the early period after WW II the Soviet design trend was to copy from the West but as Soviet capabilities improved the trend switched to native systems although most of the principles and components are well known to Western designers. The current trend is toward solid state design to achieve significant improvements in technical effectiveness and reliability. The use of solid state devices will not necessarily result in significant reductions in weight and volume since new electronic systems are expected to have added functions which will regain the weight and volume otherwise saved. Thus the Soviet trend will be toward stabilized overall electronic system weight but with significant increases in functions and capabilities.

Their present capability is about as good as our current Sparrow. Foxbat and future fighters will carry radar missiles with longer range than the improved Sparrow 7F but not nearly as capable as Phoenix. (This means the Soviets shoot first against a Sparrow equipped fighter or one with only Sidewinder and gun. The F-14 with Phoenix can get the all important first shot against the Soviet fighters.) Thus, the make-up of the Soviet threat is shifting from "Dog fighter only" toward balanced air superiority fighters like the F-14.

It is doubtful whether any U.S. manufacturer could build a MIG-21 for $800,000. But that is not really an issue. It would seem that economists would think that the costs of an F-14 and Phoenix should be more

comparable size and complexity. (I can't help noting that the $800,000 cost of a simple MIG-21 is the cost for only two of the six Phoenix missiles which would be carried by the F-14!)

Third, the fact remains that the Soviets have yet to develop a new tactical air-to-air fighter which is superior to the F-4. It appeared for a while that the new Foxbat, or MIG-23, might be such an aircraft, but it now seems clear that it is primarily a high altitude interceptor, rather than an air superiority fighter. As General Bellis, Air Force program manager for the F-15, told the Senate Armed Services Committee this year:

> The Foxbat, a high speed, high altitude aircraft, became operational with the Soviet air defense forces in 1970 and appears to have excellent capabilities as an interceptor or reconnaissance aircraft, but it has limited maneuverability and low dynamic pressure limit. Because of these limitations, the Foxbat does not represent an overwhelming tactical air combat threat, but does represent an impressive technological threat.

Calling the Foxbat "an impressive technical threat" is a nice way of saying that the Soviets can probably build a much better fighter. No doubt they can and will when they try. And a true successor to the Mig-21 is due any year now. It is important therefore that we design our own new generation of fighters not only to counter existing threats but to provide the greatest possible assurance that they will also be able to handle new Soviet aircraft we have not yet seen and probably will not see until a Domodedovo air show in the 1972-76 period.

III. THE MAIN INGREDIENTS OF AIR-TO-AIR SUCCESS

It would be possible to jump at this point directly to a discussion of the F-14's deficiencies as a fighter. I want to take the time first, however, to consider what basic performance features we need—and why—in *any* new fighters we hope to buy.

Too often we in Congress attempt to make decisions on important defense issues without asking basic questions of this kind. As a result, we get snowed under with statistical data and a variety of conflicting claims.

What I propose to do is to organize my discussion around six ingredients which are absolutely essential and two which matter far less to air-to-air combat success. To sup-

NAVY COMMENTS—continued

meaningfully compared to the costs of the targets that might be destroyed by MIG-21s or MIG-21 escorted bombers. For example a strike group of twenty or thirty men and several multi-million dollar U.S. attack planes enroute to their target should be protected by the best we can provide. F-14 with a balanced weapons load of Phoenix, Sparrow, Sidewinder, and guns simultaneously is the best we can provide at any price. And it is cheap compared to a $13 million Foxbat or a $31 million Backfire (if these planes were built in the U.S.).

The Foxbat is everything that Senator Proxmire and General Bellis say it is—and more. What they neglect to mention is that Foxbat can fly in a haven above 70,000 feet and none of our dogfighters can engage it. Armed with four new Soviet radar guided missiles it can fire with total impugnity at our attack groups if they are escorted by the light dogfighters, Senator Proxmire would substitute for the F-14. The F-14's Phoenix missiles will get to the high altitude haven that our aircraft can't penetrate and have a high probability of killing Foxbat before it can kill our planes.

Certainly the Soviets can and will build a much better fighter than Foxbat or Mig-21J. The Navy has carefully evaluated Soviet aims and technological capability to determine the performance characteristics of the next several Soviet fighters. The F-14 has been designed to maintain superiority over these fighters. A study ordered by Mr. Packard to determine if the F-14 and F-15 will be able to counter new fighters of 1975-85 is nearing completion. Preliminary results of this effort which uses all the latest analytical and measurement techniques verify that the F-14 will be able to effectively handle the new fighter of the 1972-76 period.

No Comment.

port my arguments I will rely wherever possible on concrete evidence from our actual experience in World War II, Korea, and Vietnam. The basic points are simple, and I'll do what I can to keep technical details to a minimum.

1) *Aircraft Maneuvering Performance*. The object of any aerial dogfight is to maneuver out of vulnerable positions and into positions suitable for weapons delivery.

Initially, fighters escorting attack aircraft over enemy territory are likely to be "bounced" by enemy aircraft from behind. (The term derives from the early days of aerial combat, when the air currents generated by closely approaching fighters actually caused the plane set upon to "bounce" in the air.) Accordingly, the first performance requirement for a fighter is sufficient hard turn capability to defeat such an enemy attack by maneuvering defensively out of the launch envelope of an enemy's missiles and guns. This capability is usually measured in terms of the number of "g's" the aircraft can pull while flying at dogfight speeds.

The next requirement is an ability to convert to an offensive position. What this requires is sufficient acceleration and turn capability to bring enemy aircraft into the effective launch envelopes of our own missiles and guns. Acceleration is determined essentially by the thrust of the engines and the weight and drag of the plane.

The speed at which these maneuvers take place is largely determined by the speed of the defender at the outset of the engagement. This is almost certain to be his cruise speed—the maximum sustainable with efficient use of fuel—and is at best high subsonic even for today's supersonic aircraft. The attacking aircraft will want to be somewhat faster, but his desired speed advantage will be limited both by the maximum closure rate at which he can still set up for weapons launch and by his recognition that the poor turning radius associated with excess speed could cause him to overshoot into a vulnerable position if the defender detected his attack and executed a successful defensive maneuver. The attacker will therefore want to maximize his own maneuvering capability in the low supersonic speed regime.

A real problem for today's fighters is the fact that hard maneuvers at these speeds produce drag which, together with the weight of the aircraft, forces them to lose speed and/or altitude. In our new fighters, improved maneuverability at dogfight speeds will have to be a prime requirement. From a design standpoint, it will be a function of adequate wing area and a thrust to weight ratio comfortably in excess of one. These features will be far more important than those required for a very high supersonic dash speed which is seldom useful and which extracts its price in other areas.

NAVY COMMENTS—continued

The object of any aerial combat, including dogfight, is to win. In 1917 Baron von Richthofen, writing on figher tactics, stated that a good flight leader must prevent surprise. The "Red Baron" understood air combat very well. Fighters in a tactical air battle strive to both gain surprise and to avoid being surprised. The first requirement for victory is to achieve an offensive position. We cannot wait to be "bounced."

When offense cannot be gained by surprise a dogfight develops. Hard turns, rapid climbing and diving flight and good acceleration are required to achieve and maintain offensive position.

The F–14A air superiority fighter is designed to embody all of the classical elements of air superiority. When compared to the F–4J it will engage in close-in visual combat with a 20 to 40% advantage in all parameters for maneuvering flight.

Some interesting points have been raised recently about the differences in performance, physical characteristics, and configuration of the F–14 in comparison to other "fixed wing" aircraft. In the Navy's view these are more probably two philosophical approaches to solve the same problem—meet the threat.

NAVY COMMENTS—continued

In addition to allowing for better inherent range performance under cruise conditions, and exceptional take-off and landing performance from carriers or short airstrips, the variable sweep feature of the F–14 allows maneuverability optimization to be achieved over a considerably expanded speed/altitude envelope. This is of primary interest in the lower altitude, lower speed regimes where combat experience and all computer and flight test simulations show aerial engagements to gravitate. Under these conditions, the wing of the F–14 would be extended forward to provide the lift and maneuverability increments achieved by the lower span loadings which are the aerodynamic benefits associated with an increased wing span. This lower loading along the wing span is a major contributing factor to the achievement of superior low speed, high "g" turning performance, and is not only a factor of wing loading or wing shape, as is often assumed.

Conversely, under those conditions when combat may be initiated at high speeds, and the ability to engage or disengage in the encounter could often prove of tactical advantage, the F–14's 68 degree wing sweep would obviously provide lower drag than a fixed lower (such as 45°) wing sweep, resulting in superior high speed and acceleration performance.

Sophisticated man-in-the-loop computer simulations of air combat between the F–14 and highly agile threat aircraft, conducted in government facilities have conclusively shown the ability of the F–14 to properly position its wing for all combat conditions encountered. The dynamic requirements of these combat situations were recognized during the design of the wing sweep mechanisms, and sufficient design margins have been incorporated to provide required sweep rates at load factors up to 7.5 "g".

Direct comparisons of "wing loading" and "thrust-to-weight" ratios can be misleading, as improper use of excess power can result in a tactical disadvantage. "Wing loading" may be improperly substituted for a more meaningful characteristic, lift efficiency. One measure of this efficiency is "span-loading", i.e., the ratio of wing lift to wing span. It is the correct measure of turning capability in the subsonic regime where 95 percent of combat occurs. A low span-loading yields low pressure drag at the high turning rates so important in close-in combat, thereby requiring less thrust to maintain the turn without losing speed. Along with buffet onset, roll rate and engine sensitivity of angle-of-attack, this span-loading is a driving factor in combat. By using a variable sweep wing, the F–14 achieves a very high lifting efficiency where turning combat occurs, and, when supersonic, low wing loading and low supersonic drag consistent with acceleration requirements.

It is important to realize that span loading, not wing loading, is the valid measure of maneuverability in the subsonic or low transonic speed region where most aerial combat occurs. The F–14's wing sweep program optimizes span loading for the environment encountered.

Finally, it is important to recognize that the advent of the air-to-air missile has actually put a premium on these traditional maneuverability requirements. In the old days one aircraft could bounce another and if unsuccessful in its attack, turn on full power and accelerate away from the limited range of aircraft guns. This tactic is today preceded by heat-seeking missiles which can at times be outmaneuvered but cannot be out-run. If an enemy aircraft today lit its afterburner and tried to accelerate away in level or diving flight, it would increase its IR signature by a large order of magnitude and becomes a sitting duck for a Sidewinder type of missile.

Our first requirement, then, is an aircraft which can both out-run and out-accelerate the enemy at all speeds encountered during a dogfight.

(2) *Stability and handling qualities.* A closely related need is an aircraft with good stability and handling qualities, since these factors are a prime determinant of a plane's actual as opposed to theoretical maneuverability. If a plane lacks stability and good handling qualities a pilot will be inhibited from using the full maneuvering capability it has, and his timing will also be affected in all dogfight engagements.

Unfortunately, many of our current fighters—the F-8, F-100, and F-4, for example—have had deficiencies in this regard which have led to restrictions on the realism of peace-time training exercises in an effort to avoid accidents. Despite these restrictions we have already lost over 90 F-4's in non-combat accidents. The great majority of these accidents have been from loss-of-control type problems, primarily spins and stalls.

(3) *Detection and Acquisition.* A Rand Corporation study indicates that roughly 50 percent of all aerial victories in World War II were achieved against unaware defenders, a figure which has probably increased since due to the high speeds of modern jets.

NAVY COMMENTS—continued

Achievement of reduced drag in turns via reduced span loading assumes good sustained turn performance even if the F-14A thrust to weight ratio is slightly less than 1.0. Under that circumstance, the only effect of reduced thrust to weight ratio is reduced acceleration capability which affects only the fighters ability to engage or disengage at will—not its ability to score a kill. As has been discussed elsewhere, the F-14A acceleration is superior to the MIG-21 and the F-4J. The F-14B when introduced will be even better.

It is perhaps more correct to say that, while the advent of the air-to-air missile has not eliminated the need for good aircraft maneuverability performance, it has added a new dimension to the definition of air combat. It has introduced a phase of long-range combat which most often will precede close-in combat and, in many cases, will remove the opportunity for close-in combat.

Hence, a predominant requirement for future fighter aircraft is to incorporate missile fire control systems to exceed the Soviet capability in these areas and win the long-range encounters as well. Since air-to-air missiles fly at speeds above Mach 3.0, the stated "requirement for an aircraft which can both out-run and out-accelerate the enemy," is beyond the current state-of-the-art of tactical fighter aircraft design, including particularly the "lightweight, cheap, and simple fighters."

Concur. And for that very reason the F-14 was designed to have excellent stability and handling qualities. Flight tests on the F-14A to date have verified this fact.

The F-14 design approach to combat superiority has been to provide a wing design and maneuvering aids (slats, flaps and glove vane) which give an extremely high maximum lift capability. This design approach which emphasizes control of wing flow breakdown yields maximum turn capability per unit wing area and a natural aerodynamic spin resistance.

NASA wind tunnel tests have shown that the F-14 provides good handling qualities throughout the aerial combat spectrum *without* stability augmentation. A stability augmentation system, similar to an augmentation system installed in any high performance airplane is incorporated in the F-14 in the pitch and yaw axis. An additional channel is provided in the yaw axis to insure minimum pilot workload and safety of operation at the high speed extremes of the envelope.

That some 50 percent of all aerial victories in WW II were achieved against unaware defenders is probably quite true, and certainly represents the tactic attempted, or desired by both adversaries in any form of combat. Our experience in Vietnam again has illustrated

A third important requirement, therefore, is an aircraft which is hard to detect but has excellent acquisition capabilities of its own.

The problem of minimizing one's *own* detection is quite straight-forward. The key factors, in order of importance, are lack of smoke trail, small physical size, a small radar cross section, and a low infrared signature. One of the problems with our present F-4 is that it has double the size of a Mig-21 and a smoke trail which can be seen for many miles.

The most important factor in detecting *enemy* aircraft is good visibility out of the cockpit, particularly over the sides and to the rear.

NAVY COMMENTS—continued

this point when, for a period of time, the North Vietnamese fighters were able to be vectored, under GCI control, to approach undetected to the rear of our aircraft for attack. Hence, it is most necessary that our aircraft incorporate "awareness" systems to provide long range, and essentially hemispherical, detection capabilities against attacking enemy fighters. Without such systems, the maneuverability potential of the aircraft about to be attacked is meaningless if prior warning is not available to the pilot to tell him when, and in what manner, to exercise this maneuverability.

Concur.

Smoke trails have been a serious factor, but this has now been overcome with the smokeless engines used in the F-14.

Excellent pilot visibility was emphasized in the 360° bubble canopy design of the F-14. However, to detect or acquire attacking enemy fighters under all conditions requires much more than visual ability of the crew. Assuming, for instance, that the crew knows *where* to look for an enemy fighter—a highly improbable situation without some form of external cues—very little time would be available for any evasive action to be taken. For example, at speeds of Mach 1 for both aircraft when approaching each other, only some 8-10 seconds would elapse between detection (on a clear day) and the time when the aircraft passed each other. This case also pre-supposes an enemy fighter which would not stand-off and launch the air-to-air missiles with which all first-line Soviet fighter aircraft are equipped. It is important to note that we have never engaged in combat with any such first-line Soviet aircraft, *yet!*, but the Foxbat is deployed to the UAR.

Hence, while visibility from the cockpit is a most necessary ingredient in fighter design—and this has been emphasized in the F-14—this capability is more required for maintaining visual contact *after* a close-in aerial combat has been initiated. The physical size of the fighter aircraft involved makes little difference in the visual detection factors noted, changing the above reaction times by only a few seconds at the most.

In the F-14, this problem is solved by the division of tasks between two people, sharing information unique to their aircraft, so that at least one pair of eyes is always in the head-up mode.

This two-man operation is especially suited to the sophisticated electronic environment. ECM is a head-down game, requiring patient

Also important are the presence of passive warning receivers on the plane and adequate use of ground-based radars.

Unfortunately, our own emphasis in recent years has been on complex and expensive high power-level radars in our planes themselves. It is worth spending a moment to see why this emphasis has been so unfortunate.

First, these airborne radars provide no protection against the most dangerous and difficult to detect enemy bounces, which are from under the sides or from the rear, since the radars sweep only in a narrow cone directly in front of the plane. This cone, it should be noted, is especially restricted for radars operating in a look-down mode. It is because of their narrow search patterns that these radars are no substitute for good visibility out of the cockpit with a pilot's unaided eyes.

NAVY COMMENTS—continued

attention to instrumentation if real targets are to be separated from the noise/deception background. No man-made complex is theoretically highly reliable sensors and processing equipment can solve the unpredictable challenges presented by the ever-changing combat environment. The tasks presented in these dynamic situations are divided between the pilot and MCO to allow for an orderly assessment of tactical challenges with a minimum amount of anxiety and excitement.

The pilot in a single-seat aircraft somehow must divide his attention between the outside and inside worlds while challenging the trend of deteriorating performances which will occur under the pressures of attack. The F-14 does not suffer from this problem since the second man can devote his time exclusively to sensor outputs. Also, F-14 radar detection is supplemented by either an IR sensor or a television sight unit (TVSU) which increases target identification ranges significantly in clear air daylight conditions.

The properly coordinated aircrew, a primary goal in Navy air combat maneuvering training, provides two sets of "eyeballs" for simultaneous forward and aft lookout and increased chances of keeping an opponent in sight during highly dynamic conditions. If faced with a choice of missions in a singly manned fighter, the comparatively static conditions of intercept role would be preferred.

It should be noted that "cheap, light weight fighter" advocates require a single piloted aircraft.

Concur.

To provide for satisfactory target detection and acquisition performance requires the use of electronic systems such as active-radar and passive electromagnetic warning systems, infrared systems, etc. Active, long-range radars and infrared systems are required to detect, and warn against, "passive" enemy aircraft which may not, at that particular time, have their radars operating. These are the only techniques by which such targets can be detected, tracked and then fire control systems activated to launch missiles against them. Unfortunately, the choice is not really ours to make whether we should, or should not, equip our fighters to carry such missiles and fire control systems—the Soviets already have made this choice.

It is not true that the AWG-9 radar search pattern is limited to a very narrow cone directly in front of the airplane. The cone has a very wide scan angle and can be searched by both sensors (radar and infrared) either slaved together or searching different volumes. Against a small fighter target, the effective horizontal scan pattern is more than 150 nm wide and 100,000 ft. high at maximum range. When penetrating enemy territory with a scan pattern of this dimension, the probative of detecting all approaching enemy aircraft is very high.

Second, these airborne radars have the unfortunate effect of broadcasting the plane's position for hundreds of miles around, thus negating all the other design features aimed at minimizing its detectability. That is why an important distinction must be drawn, as far as mechanical aids are concerned, between passive warning receivers on the plane—which do not alert the enemy to its position—and airborne radars which do.

It is because radar detection devices actively warn the enemy of their presence that they should be largely confined to ground-based sites. The Navy, it should be noted, can and has easily obtained the shipboard radar coverage needed to position our fighters for offensive operations in each of our major theaters—Europe, Korea, and Southeast Asia.

The deficiencies of high-power-level airborne radars have been amply demonstrated in Southeast Asia. Enemy pilots, directed from the ground, have been able to easily avoid their narrow search patterns and approach American fighters from behind. American pilots have been far too busy visually scanning their sides and rear to keep their eyes glued to their radar scopes. And they have often turned off their radars to avoid advertising their positions for hundreds of miles around.

NAVY COMMENTS—continued

The AWG-9 radar has been specifically designed to overcome the look-down deficiency as well as countermeasures vulnerability of older radars. The PHOENIX missile system has already demonstrated the capability to look down and shoot down into clutter in the most sophisticated countermeasures environment.

Escort studies conducted indicate that several F-14 maneuver choices are available to provide "all-around" coverage. Radar was developed to extend the limited range of the naked, "unaided" eye. The benefits derived from radar detection ranges extending to 100 miles versus "eyeball" detection limited to the immediate vicinity of your aircraft are obvious. Airborne radar is a superb complement to good cockpit visibility.

Anytime U.S. aircraft are flying over hostile territory, detection by enemy radars is assumed. This was especially true in North Vietnam, where a vast radar and intelligence network was in operation. It therefore made no difference whether the aircraft's radar was on or off. Protection is the reason for escorting strike aircraft with fighters. If the enemy is "scared away" by the presence of friendly radars, the mission has been accomplished.

There is a distinct difference between passive warning receivers and emitting airborne radars; however, the functional role of each receiver must also be understood. Passive warning receivers are not detection devices, but simply alert the aircraft that it is being illuminated by a radar. Radar is an active system, emitting a signal and receiving a returned signal, thus providing a detection capability. It should also be noted that passive detection devices are also employed in fighter aircraft, though the detection ranges are considerably less than an active system.

This point was discussed earlier. Additionally, to trade-off airborne radar, and with it the Phoenix and Sparrow missile capability and their associated standoff capability, confining radar to "ground-based sites" is not a logical rationale. The fighter weapons flexibility is then reduced to Sidewinder/guns, forcing every engagement to a dog fight, one-on-one environment, relying solely on shipboard radar and the eyeball for enemy detection and fighter positioning.

This point was discussed earlier. In addition, the pilot does *not* have to continually monitor the radar scope. The two-man crew concept employed by the Navy in the F-4, a pilot and radar intercept officer (RIO), and in the F-14, a pilot and missile control officer (MCO) has proven undisputably superior to a single-placed aircraft in all tactical situations. The pilot's eyes primarily stay out of the cockpit visually searching for aircraft, while the RIO or MCO control the sensors.

Radars are never turned off to avoid posi-

One final point should also be noted. In addition to their other problems airborne fighter radars have proven extraordinarily unreliable from a purely mechanical point of view. All in all, they have contributed only a tiny fraction of all enemy fighter detections throughout the long duration of the war.

(4) *Reliable and Lethal Weapons.* For the past twenty years, proponents of the air-to-air missile have argued that maneuvering combat would soon be obsolete. Fighter pilots would see each other only on their airborne radars (!) and engage by missiles at long range, without ever closing for a dog fight.

I have just discussed some of the problems with airborne radar acquisition, and since I have also dealt with many of our missiles' deficiencies in evaluating the Phoenix, I will only summarize them here, as demonstrated in our Southeast Asia experience.

First, due to the large number of aircraft over Vietnam and the impossibility of reliably separating enemy planes from Laotian airliners or Air Force planes not tied in on the Navy's communications system, few stand-off aerial battles have ever been fought.

Second, our missiles have never demonstrated the accuracy and reliability predicted by their manufacturers and first shown in artificial tests.

NAVY COMMENTS—continued

tion disclosure. As discussed earlier, the intelligence gained is far more valuable, than position disclosure in a hostile environment.

Radars installed in fighter aircraft have not proven "extraordinarily unreliable." Airborne radars are sophisticated, electronic systems that enjoy reliability similar to comparable ground radars. Full system capability is not realized 100 percent of the time, but no such system does. Several operational modes are incorporated to offset for degraded system operation.

The reliability of the F-4 weapons system equaled or exceeded the reliability of the less sophisticated F-8 weapons system.

In the AWG-9 radar, proper operation is assured through the use of the on-board digital computer that effectively tests the complete weapon system. These tests, called BIT or Built-In-Test, are selectable anytime by the MCO in flight or on the ground, and by maintenance personnel. Fault isolation is immediately available to expedite post-flight maintenance efforts. The lack of enemy fighter detections was principally due to a lack of "look down" capability. The later generation airborne radars (i.e., AWG-9, AWG-10) have improved the "look down" capability of airborne fighter radars.

General discussion—no comment

Phoenix could be employed anytime the operational commander deemed necessary since the self-imposed restrictions regarding the use of missiles when friendly aircraft were present would not necessarily pertain in future situations. Dramatic improvements in both identification of radar targets and the routing of air traffic through radar/navigational techniques can quickly be introduced that would assure the Phoenix stand-off launch capability. Also, Phoenix has demonstrated excellent performance under launch conditions not requiring stand-off.

During the early phases of the Vietnam conflict, the rules of engagement required mandatory visual identification prior to launch of our air-to-air missiles against enemy aircraft. Later, the Navy developed a command, control, and communication capability to obtain, without visual contact, positive identification of all friendly aircraft in a war zone. The unprecedented surveillance capabilities of the AWG-9 radar/IR sensors, coupled with the data link will make the F-14 a natural extension of this successful command and control environment.

Navy air and surface Tactical Data Systems will receive all F-14 sensor information for direct use in the network. In addition, the F-14 weapon system itself will include provisions for positive identification of friendly airplanes.

These unique capabilities, exercised with appropriate doctrine, will satisfy the positive air control and identification requirement to employ the Phoenix Missile in support of the fundamental missions of the attack carrier. At the long ranges desired for initial Phoenix launches, identification and "clear to fire" will be available. After attrition at standoff ranges, engagements at short range with remaining hostiles may, depending on the particular situation, require visual identification. Phoenix will have equalized the threat at long range to permit efficient use of short range weapons in a close-in visual identification encounter.

Radar guided missiles in Southeast Asia, (particularly Sparrow) have experienced problems in five distinct areas: (1) missile reliability; (2) aircraft weapon control system radar, and computer accuracy and reliability; (3) launch envelopes—many missiles were launched outside their guidance envelopes; (4) fuze effectiveness; (5) launcher reliability. Consideration of these factors has been continually emphasized in the design, test, and evaluation of the Phoenix missile. In addition, the Phoenix has been designed and integrated with an adequate aircraft environmental control system to minimize the potentially damaging effects induced by typical carrier operation.

(1) MISSILE RELIABILITY

Through means of the on-board digital computer, all six Phoenix missiles carried on each F-14 can be thoroughly tested in flight. This test, called MOAT, missile-on-aircraft-test, takes less than 20 seconds to effectively test each missile. Design and test of many Phoenix missiles to date demonstrates the overall missile reliabilty requirement will be met or exceeded in fleet use.

(2) AMCS OPERATION

Proper operation of the Weapon Control System (AWG-9) is assured through use of BIT (built-in-test) similar in operation and performance to the MOAT described previously. In dogfights, experience has shown that present operational aircraft radars may lose lock or intentionally break off to avoid being unfavorably engaged by another enemy plane. To overcome this problem, the Phoenix missile has a self-contained guidance mode, this permits the F-14 crew to launch and leave, providing one added degree of flexibility and safety.

Third, enemy aircraft have been able to outmaneuver our missiles by hard turns at normal combat g's.

(3) LAUNCH ENVELOPE

The Phoenix provides a launch zone more than four times as large in range as any other operational air-to-air weapon. The AWG-9 digital computer is used to generate steering commands and to predict when the F-14 is in a region that will satisfy missile guidance launch requirements. The digital program will accurately compute and display missile launch envelopes even in a maneuvering dogfight environment. Thus, the possibility of launching outside the missile envelope causing unsuccessful missile intercept is remote.

(4) FUZE EFFECTIVENESS

Most fuze problems in Southeast Asia were associated with non-directive semiactive radar fuzes tied to the missile radar guidance system, requiring illumination by the launch aircraft's radar. There is no protection provided from firing prematurely on false targets. The Phoenix missile fuze has taken these problems into consideration and corrective design features have been incorporated.

(5) LAUNCHER RELIABILITY

Of all the launching failures experienced in Southeast Asia, approximately one-half were because of the launcher and one-half of those resulted from lack of motor ignition after missile separation. A new launcher has been developed and integrated into the F-14 airframe. Problems, such as corrosion and handling in the Fleet environment, are being overcome in the new design.

In the test of forty-two guided missiles and three powered separation missiles, one motor ignition problem occurred. The design has been altered and verified to preclude recurrence of the problem.

The reliability of the AIM-7E/E-2 has not achieved the goals set for the missile. However, an aggressive reliability program during the past two years has appreciably increased Sparrow reliability. Sparrow production monitoring tests since July 1969 have demonstrated better than 82% reliability. The "dogfight" version of the SPARROW (AIM-7E-2), a modified design to cope with the air combat maneuvering environment, was just coming into the inventory in 1968 as the air war in Vietnam was closing and was never used against the MIG's. The success rate of Sparrows would have been significantly better had the AIM-7E-2 been available.

The AIM-7F, an advanced Sparrow, has improved reliability built in as a result of solid state construction and a unique firing mode. A dogfight capability has also been incorporated into the design. Current test programs demonstrate superior performance over the older AIM-7E-2.

Targets can be expected to use violent maneuvers in an attempt to escape air-to-air guided missiles. These tactics have proven to be effective against the SA-2 Russian surface-to-air missiles and the older U.S. air-to-air missiles that are maneuver limited and have exceptionally small launch zones (such as the AIM-9B/Sidewinder).

The Phoenix Missile has benefited from the experience in Southeast Asia being provided with a large launch zone, quicker response to target maneuvers and a modern fuze with a large warhead. Recent studies by the Navy and contractor demonstrate that these capabilities provide the Phoenix with the ability to counter evasive target maneuvers up to 8 g's at twice the range of the Advanced Sparrow (AIM-7F). This superiority results from the higher energy in the Phoenix at intercept, and the more efficient tail control design that conserves energy during missile maneuvers.

The current Aim-7E-2 and advanced Aim-7F have sufficient maneuvering capability to guide and intercept enemy aircraft maneuvering at normal combat g's (5-7). This has been demonstrated by both missiles.

An important factor in the evasive target maneuver tactic is the question of how will the enemy know when to commence evasive action. For instance, Sidewinder requires no radar. In the F-4B/J it is possible to lock-on a target providing an imminent launch indication anytime without firing a Sparrow missile. The same is true of the AWG-9 with the additional avantage that after the Phoenix missile is actually launched in a track-while-scan mode, the AWG-9 radar does not stop its scan to illuminate the target, but continues to sweep, illuminating all targets in the scan pattern, providing no indication of missile launch. Furthermore, the AWG-9 digital computer aids in the solution of the maneuvering target problem by providing steering signals and accurate launch zone displays to optimize the probability of launching inside the missile's envelope in a maneuvering environment.

Success in fighter missions can be achieved by not only killing targets, but causing them to waste fuel and range by conducting unnecessary and wasteful evasive maneuvers. While doing this, they can't launch missiles or reach their targets.

Fourth, missile performance has been substantially degraded by simple enemy countermeasures.

Electronic countermeasures and counter-countermeasures have greatly influenced military warfare in recent years. It is extremely unwise to publicly discuss the countermeasures capability of a missile which is presently in the U.S. inventory. However, in general terms, the Sidewinder is not susceptible to simple countermeasures.

The Sparrow has not shown itself susceptible to simple countermeasures.

And, contractor and Navy tests have been made on the entire Phoenix Missile and elements within the missile, using projected 1980 ECM threats and experimental ECM devices specifically conceived to defeat the

Fifth, radar missiles such as the Sparrow have greatly restricted aircraft maneuvering performance and positioning when employed, since it is necessary to set up and lock on to a target before launching them. In fact, the Sparrow had a minimum launch range so long our fighters often had to drop back to launch it after first closing for visual identification.

NAVY COMMENTS—continued

missile's circuits. The weapon successfully copes with all these ECM techniques.

A discussion of the degree of effort oriented toward making the Phoenix effective in the ECM environment will be helpful in understanding the Navy's emphasis in this area. An important item in the initial Navy specification for the Phoenix Missile was the requirement to operate in the severest ECM environment. To that end, the Navy developed a comprehensive threat definition, design, test, and evaluation program that would continually monitor the Phoenix capability versus the expected ECM environment. The Naval Air Development Center (NADC) was tasked to update the ECM threat description on an annual basis, using the latest intelligence data and information based on U.S. ECM technology. The Naval Ordnance Laboratory Corona was tasked to conduct an independent test of the Phoenix ECM capability. Their purpose was to determine system capability in not only the defined ECM environment, but, using their detailed knowledge of the complete Phoenix system, to design and build special experimental ECM devices that might defeat the system. The Naval Missile Center/Point Mugu (NMC) was tasked to monitor the ECM tests at Hughes and supply ECM gear that represented the best that any potential enemy could be expected to produce.

Hughes was, and is, required to conduct ECM tests on the early breadboard system, the first flyable models, the pilot production and production models, and after every significant design modification. After each series of tests, the information gathered is used to incorporate minor modifications in either the software (AWG–9 digital computer) or the missile's own built-in logic to insure no degradation across the complete ECM spectrum. A new series of laboratory and flight tests are scheduled this fall to reconfirm the system's ECCM (Electronic Counter-Countermeasure) capability. To date, in the opinion of NADC, NWC Corona, NMC, and Highes, no system has ever been designed or as thoroughly tested with as much consideration to ECM. The results indicate that the Phoenix Missile System in a tactical environment will have no significant ECM weakness.

In summary, the missile, through its inherent design and coupled with the highly capable AWG–9 Weapon Control System, promises to be virtually immune to the predicted enemy countermeasure threat.

Radar missiles have no effect on aircraft maneuvering performance or positioning. Semi-active missiles possess an all around, 360 degree, launch capability. The aircraft purposely maneuvers to a desired position for firing. That position is determined by the flight crew to achieve a tactical advantage.

Sixth, radar missiles such as the Sparrow have suffered from the same defect as airborne radar detection systems—an enemy is alerted to their use and encouraged to use evasive tactics and countermeasures.

It is simply incredible how much money we have wasted on almost totally useless air-to-air missiles. We have invested over $2 billion to date on the Sparrow, which has missed its performance predictions by a factor of ten, and almost as much on the complex infrared Falcon.

Yet Penatgon studies of our Southeast Asia experience convincingly show that aircraft guns are still the most effective weapon against enemy fighters. Only one of our earliest and simplest missiles, the infrared AIM–9D Sidewinder, has shown a roughly comparable performance, at a cost of $15,000 per missile. The much more complex radar Sparrow, at $40,000 per shot, has been about one-third as effective as the Sidewinder at almost three times the price. The Sparrow has been one-quarter as effective as fighter planes' cannons or guns; while costing 200 times as much per firing or 800 times as much per kill!

NAVY COMMENTS—continued

There is no restriction, only maneuvering flexibility associated with semiactive radar missiles.

The Phoenix possesses an additional capability termed "launch and leave". When fired in an active mode, Phoenix does not require target illumination by the launch aircraft.

In reference to the Sparrow minimum range, this was rarely a problem associated with the stern visual identification. However, in dogfight situations on the enemy aircraft's tail, Sparrow's minimum range was discovered to be too long. Modifications have been incorporated to reduce the minimum range to an acceptable level in the Sparrow 7E, 7E–2 and 7F.

Semi-active radar missiles do not emit a signal, therefore there is no way for an enemy to be alerted to missile launch. With active radar missiles that do emit their own signals, the enemy may know a missile has been fired, but the basic question in both cases is how the enemy will know when to commence evasive action.

As stated earlier, success in fighter missions can be achieved not only by killing targets, but causing them to waste fuel and range by conducting unnecessary evasive maneuvers. While executing these maneuvers they cannot launch missiles or continue to a target.

Countermeasures have been previously discussed.

Previously discussed under missile accuracy and reliability.

It is possible but extremely difficult to predict all eventual combat situations. The AIM–7E version of the Sparrow missile was originally designed for use against bombers, before the Soviets produced in quantity and exported the short-range highly maneuverable MIG's to their Satellites. Previously, including the Korean action, guns were the principal air-to-air weapon. The Korean action resulted in a 10 to 1 U.S. kill ratio using guns. Guns underwent the same development and refinement processes as missiles are today. For instance, the success rate of Sparrows would have been significantly better had the AIM–7E–2, just being introduced into the missile inventory in 1968, been available before the halt of offensive air operations in North Vietnam. The advanced Sparrow, AIM–7F, has demonstrated superior performance over the AIM–7E–2 in the current test program.

Sparrow production monitoring tests since July 1969 have demonstrated better than an 82% reliability. As a result of solid state construction and a unique firing mode, improved reliability will be realized in the

Admiral Connolly himself was quite candid about the state of our air-to-air missile arsenal in testimony this year to the Senate Armed Services Committee:

It is one of my chief worries. It seems to be easier to go to the moon than it is to get a good air-to-air missile, and this is one of the weaknesses of our situation in U.S. forces—has been for a long time. The best missile we have is still the latest version of the Sidewinder.

There can be no doubt, then, that aircraft cannons or guns and the infrared Sidewinder remain at this time the most—in fact the only—lethal and reliable weapons in our fighter arsenal. Moreover, our fascination with more complicated weaponry has prevented us from taking full advantage of their own potential for improvement.

(5) *Force Structure Implications.* However good our fighters, they must be available in sufficient numbers to deny the enemy a significant numerical superiority in combat situations. We could use such an advantage ourselves, both to saturate enemy defenses and to replace any losses suffered. Accordingly, even with budgetary conditions far less stringent than those existing today, cost would have to be seriously considered in evaluating our fighter options.

A related consideration is the number of combat sorties each option would actually deliver. Historically, highly complex and sophisticated aircraft have not only cost more to maintain and repair, but have also not been usable much of the time. It is a simple point, too often neglected, that an aircraft will do us no good in time of battle unless it is flying regularly.

NAVY COMMENTS—continued

AIM–7. The Navy has every reason to believe that Phoenix will achieve the desired performance and reliability.

The F–14 with its mixed weapon load (Phoenix, Sparrow, Sidewinder, and Guns) and superior fire control system will allow the Pilot and Missile Control Officer to select the proper and most effective weapon for each particular tactical situation thus increasing the overall kill probabilities.

These remarks have been addressed in the above discussions concerning target identifications, missile performance and reliability, maneuvering targets, countermeasures, and evolutionary missile developments.

Modern air combat between fighter aircraft will inevitably involve relatively few contestants. The short duration of any one discrete event, perhaps two minutes or less, as well as the high speed maneuvers preclude effective use of a large number of fighters at one given point in space and time. However, engagements can and do occur in rapid sequence. The fighters staying power in terms of fuel and weapons therefore must be a consideration. The F–14A has no peer in terms of internal fuel (mission range) nor in terms of numbers of weapons available. On a per sortie basis the F–14A brings more combat power to bear than any known alternative.

The number of combat sorties available then becomes an important consideration. Historically, it is not true that a given sortie rate can be directly associated with sophistication. The F–4 for example has equalled or exceeded the sortie rate of the less complex F–8 series of aircraft. The F–14A design includes maintenance features which were unknown when the F–4J was introduced. Progress has been made in the effective use of a sophisticated weapon system, and indeed must continue. Our opponents show every indication of continued progress in this area. The F–14A will fly more regularly and can be reserviced more rapidly than any preceding Navy fighter.

Under the present contract, 301 F–14A's will be procured and become operational in conjunction with operating squadrons of F–4's. When F–14 operational experience is gained and it in fact proves vastly superior

(6) *Pilot Skill.* No discussion of the main requirements of air-to-air success would be complete without a reference to this final factor. Unless our pilots are trained in peacetime to be highly proficient in the complicated tactics made necessary by changes in the technological aspects of aerial combat, no amount of technological superiority in our aircraft themselves will bring victory.

Unfortunately, we have historically given our pilots short shrift, preferring to spend money on new and complex equipment rather than investing in adequate pilot skill. Due to its insistence on expensive procurement programs in the face of the continuing budget pinch, the Navy has cut flying hours in its training programs for the past three years while continuing to invest heavily in airframe and electronics hardware.

Maneuverability, stability and handling qualities, detection and acquisition, reliable and lethal weapons, force structure implications, and pilot skill—these are the main determinants of air-to-air success.

I would like to talk for a moment now about two other factors, the lesser importance of which it is also essential to establish.

(1) *Payload/Range.* An aircraft's payload and range potentials are obviously interrelated, since one can trade off the one for the other by varying the mix of fuel and ordnance carried.

As far as fighters are concerned, payload is much less important than range. That we have traditionally given our fighters significant air-to-surface capabilities is just another indication of the contining fascination of the Navy and the Air Force with multimission aircraft and the interdiction mission. Both services, however, already have aircraft designed for this mission which need escorts, not competitors, when they fly.

Range is a more legitimate concern. But since excessive internal fuel requirements have a powerful effect in degrading the weight and the performance capabilities of air superiority fighters, it is important that our fighters be designed only with the range and combat fuel actually needed for combat operations. What they will need is sufficient range to escort attack aircraft on their missions or to provide decently sustained loiter over a battlefield.

NAVY COMMENTS—continued

to the F–4 and provides the best U.S. capability to meet the ominous and growing Soviet threat, the Navy, DOD and the Congress will then determine the final inventory.

The U.S. Navy enjoys the most efficient tactical air arm in the free world. Air crew training has been and will continue to be of utmost concern. The majority of the tactical aviation hardware in the United States has been developed by the Navy and training in the use of that hardware has not been short changed. The Navy has complemented this process with the most innovative air crew training program in the free world. Air combat maneuvering training is of prime concern and has been the basis for establishing the Navy Fighter Weapons School. The Navy developed Air Combat Maneuvering Range, which will afford pilots the opportunity to experience the rigors of air combat maneuvering in a training environment, is an extension of this effort.

The Navy does not insist on expensive procurement programs, but in fact demands the total exploitation of our country's potential to insure the availability of realistic weapons systems so vital to our national defenses. The cost of these systems is a result of our economy and reflects the standard of living of our people.

Concur.

The F–14 has been designed as an Air Superiority Fighter and no "trade-offs" have been made that would degrade this mission. The air-to-ground capability of the aircraft is a fallout of fighter design and is not in competition with the Navy's attack bombers. The fact still remains that the F–14 can escort and defend the A–6 and A–7 attack bombers to and from their targets more effectively than any aircraft that will be flying in the foreseeable future and it is the only aircraft that will be able to do that job from carriers against the opposition of the late 70's.

Navy experience, backed up by many studies and analyses, shows that the effectiveness of an air superiority fighter is determined by vehicle performance parameters (energy for maneuverability (P_s), wing loading, visibility, roll rate, radius, combat ceiling, time to accelerate, etc.) and by the effectiveness of the air-to-air weapons carried. The F–14A represents the optimum balance between vehicle performance, weapons, and many other parameters (such as vulnerability, flexibility of weapon mix, interaction with combat support environment, etc.) that determine the overall effectiveness of a fighter within the weighted value of various mission profiles.

The F–14 possesses excellent payload/range

(2) *All-Weather Avionics Systems.* Bad weather fighting is one of the most misunderstood aspects of the whole dog-fighting issue. It is assumed at times that special avionics systems have now been invented which give our fighters the capability to operate in bad weather as easily as in broad daylight. Unfortunately, this just isn't so, and a few words are necessary to put the problem in perspective.

In theory, there are two contingencies for which night and bad weather avionics systems in our air superiority fighters might be useful.

First, we might want them to permit fighter escorts of our own interdiction aircraft—Navy A–6's and Air Force F–111's—on their night bombing missions. Actually, our night and all-weather radar equipped F–4's have never performed a single such escort in Vietnam. They have not shot down a single MIG–21 at night or in bad weather during the entire duration of our involvement in Southeast Asia.

The reasons are simple. It is hard to hold formation in the dark to begin with and if one of our fighters were ever bounced by the enemy, it would be virtually impossible for him to join up again after the encounter. It must be recognized in this regard that the problem of identifying radar acquired aircraft is even more difficult at night than in the day, because closing for visual identification is so much tougher. As a matter of fact, one of the arguments the Navy makes for night interdiction missions is their low cost, precisely because they require no escorts.

Second, we might more rationally want all-weather avionics systems to defend against enemy all-weather attacks with their interdiction forces on battlefield areas where our own forces are engaged. But there are several points to be noted here.

To start out with, the Soviets have never developed a tactical all-weather attack capability. Since the few light tactical Beagle and Brewer bombers turned out in the late 1950's, they have not developed a single all-weather interdiction aircraft, and their Mig–21 fighters have no all-weather attack capability either. Under the circumstances, Soviet allies cannot be expected to have such a capability of their own.

NAVY COMMENTS—continued

capabilities, but they are only a part of the total design concept.

Concur that bad weather operations—in the air, on the sea, and on the land—are not as easy as in broad daylight.

The F–14 is capable of providing fighter escort for A–6's, A–7's, etc. under all-weather conditions. F–4's only occasionally performed such missions over Vietnam primarily because the enemy fair-weather fighters encountered there did not challenge at night or under bad weather conditions. This role, however, was most effectively handled by AAA's and SAM's.

Formation flying in the dark in an escort role is not a problem for trained military aircraft crews—it is often done in practice with formation lights out. It is worthy to note, however, that such flying is considerably facilitated by the presence of a second crew member and a radar, as in the F–14.

The problem of identifying a radar-acquired target at night, compared to daylight conditions, is really irrelevant since the same visual identification restrictions, if they are observed at all, apply to any target acquired by any means. A friendly IFF capability exists on our side, in addition to tactical doctrines which would be instituted governing the launch of missiles against "non-friendlies". The usual rebuttal that a "non-friendly" might be a neutral airline flying in a combat area assumes a degree of bravado in future airline crews and passengers which has not yet been exhibited—such a postulation cannot be allowed to dictate operational design requirements for our military aircraft designed to meet a Soviet threat.

The Soviets already have "all-weather" fighter and attack aircraft such as Foxbat, Flogger, Flagon, Flashlight, Blinder, etc., equipped not only with radar control systems, but "all-weather" air-to-air and air-to-surface missiles. Their Air Force consists of more than a second-rate Mig–17 & 21 type airplanes we faced in Vietnam and which seem to mesmerize the thoughts of some in their prognostications of future military operations. In addition, the Soviet all-weather surface-to-air (SAM) systems have already been most vividly employed for years, and their surface-to-surface and ship-to-ship missiles and radar systems are equally developed and operational. Any belief that such

Moreover, our own experience with all-weather avionics systems on our attack aircraft demonstrates that they simply do not provide the pinpoint accuracy needed against battlefield targets and are therefore limited to relatively ineffective use against fixed economics and strategic targets.

Finally, it is doubtful whether all-weather fighters could handle all-weather equipped attack aircraft in any event without considerable reliance on more traditional ground-based help. The friend or foe identification problem would be extremely serious over a battlefield at night. Moreover, the fighters would be at an initial disadvantage for acquisition purposes. While the attack aircraft would be homing in on fixed land-based targets, the fighter radars, with their narrow effective cones, would be searching.

All-weather avionics systems, then, are not needed on our fighters for the escort and battlefield protection missions just discussed. The only time they would really be useful is if the fighter were operating in a pure interceptor role, e.g., protecting a carrier from enemy attack. But the only nation which has an all-weather equipped heavy naval bomber force capable of even modest-sized attacks against our carriers is the Soviet Union, and I have already explained why we should not employ our carriers when Soviet naval forces are involved—even in good weather and broad daylight. Other nations will not have an all-weather equipped anti-carrier force to worry about. Their tactical bombers or fighters will have no such avionics, and their heavy bomber force will be either small and of World War II vintage or altogether nonexistent.

NAVY COMMENTS—continued

systems and capabilities do not exist in operational quantities in the Soviet forces, and therefore are not required in our military arsenal, would be most disastrous to the security of this nation if allowed to dictate the requirements for our military systems.

In terms of all-weather interdiction missions with radar systems, the A–6 aircraft has performed admirably in Vietnam under conditions when "fair" weather systems (A–4, F–8, etc.) could not fly. Current radar systems do not have the capability for so-called "pinpoint" accuracy against small battlefield targets but contrary to the statement made, such systems are most effective against the larger "fixed" economic and strategic targets. It is also of utmost importance to note that the F–14 radar system will have a significant "all-weather" long-range search and detection capability against the cruise missile boats and destroyers, and the cruise missiles themselves, which pose a most potent threat to our fleet and the merchant marine logistic supply lines it must protect.

When the enemy employs his increasing number of all-weather capable, missile-equipped fighters against our all-weather strike aircraft, the F–14 will be providing the air superiority protective umbrella. The F–14/AWG–9 with track-while-scan large search volume sensor is the only system that provides that capability. The F–14 doesn't have to fly with the strike group, but tactics already studied for the F–14 indicate a successful protective umbrella can be provided by the F–14/Phoenix from optimum separation distances to kill attackers who will be vectored to sneak stern attacks or any other attack direction. The search volume of the F–14 is at least five times that of the F–4 and is certainly not a "narrow effective cone".

On the contrary, whether or not the enemy has an all-weather capability does not dictate the requirement for all-weather Navy aircraft.

Weather plus darkness remain uncontrollable but none-the-less vital factors in a tactical air war. An escort fighter can quite easily be in weather while his opponent, a few minutes away, is not. Early knowledge of the position of probable enemy fighters is essential to the success of the escort mission.

In like manner, enemy fighter-bombers can fly through clouds or proceed at night to attack a carrier that has excellent weather. We cannot guarantee our fighters a clear sunlit air mass throughout a contested air space.

All tactical fighter missions, whether escort or air intercept, may be characterized by a series of tasks involving:

Navigation
Search
Detection
Identification

NAVY COMMENTS—continued

Track
Convert/Maneuver
Weapon Selection and Delivery

Most of these tasks may be identified with monitoring of the changing situation. The F–14 is equipped with the necessary fire control, communications and electronic warfare sensors to maximize the crew's awareness.

During offense missions over hostile territory, the enemy typically has the advantage of GCI control. He can therefore outnumber the penetrators in a localized area and utilize standoff air-to-air missiles prior to dogfight. The objective of the friendly escorts is to provide *protection for the strike force.* When encountering hostile standoff missiles, *the standoff engagement is crucial.*

Range advantage and multiple engagement capability is *mandatory* for survival of the strike force. F–14/Phoenix provides this superiority.

The F–14 may engage up to six targets simultaneously with AIM–54A missiles. If a "dogfight" occurs with the enemy survivors, the F–14 will enter the dogfight phase with much more favorable odds. The more than 2:1 advantage in missile launch range, along with the F–14's multishot and superior target detection capability, provides an air-to-air standoff capability unmatched by any known weapon system.

The F–14 weapon capability, as already demonstrated in extensive test programs, is essential to the success of the Navy fighter missions, including escort over hostile territory. For escort, it provides:

Necessary standoff kill capability to protect the strike force and improve dogfight odds.

Continuous air battle surveillance with track-while-scan and sophisticated data link, useful for tactical planning, CCM efforts, and strike-force/escort coordination.

Two crewmen for optimum task sharing, particularly in ECCM and in dogfight.

Multiple simultaneous attack capability to avoid saturation by hostile fighter forces.

"Stalking skills" in World War II night operations were used only because of the lack of air intercept tracking radars and missiles. "Stalking skills" have no application in the current or future air combat environment where even attacking bombers or ASM launch vehicles will be cruising at mach 2 to 3. A subsonic aircraft, such as the A–6, even if equipped with the Phoenix weapon system, would have an infinitesimal probability of achieving a firing position against the Foxbat at 75,000 feet and mach 2.8.

The need for a high performance interceptor with a long-range missile system was considered in the F–14 design. The capability has been incorporated as an overload condition so that the F–14 day air superiority role is not compromised.

One final point should also be noted. As proven by our extensive World War II experience (long before the days of sophisticated all-weather avionics) even clear night and marginal daylight weather operations require airframe and performance requirements quite different from those necessary for visual combat. They emphasize stalking skills rather than the violent maneuvers of aerial dogfights and require sufficient endurance, acceleration, and speed to overtake attack aircraft, but little maneuverability. Accordingly, if we wanted an all-weather fighter capability in a fraction of our force, existing airframes would suffice for the purpose—if we could develop avionics systems which worked well enough to justify their cost. The most important point is not to let the limited utility of such a capability serve as a justification for imposing weight and other design penalties which could compromise the performance actually attainable in a new air superiority fighter. Otherwise, the effect of our attempt to fight at night and in bad weather will be to give the enemy the day.

IV. A RATING OF THE F–14

This analysis of air-to-air combat will make it a lot easier to show why the F–14 is such an incredibly poor fighter candidate for the Navy. What I propose to do is to run through each of the items I have just discussed and to see how the F–14 measures up.

1) *Maneuverability.* Due to its small wing area and the many weight compromises associated with its complex avionics, its Sparrow and Phoenix missile carrying capability, and its large air-to-surface potential, the 54,000 pound F–14 will have dangerously low maneuverability. A few statistical comparisons will serve to make the point.

It has always been recognized that the F–14 would have a relatively poor hard-turn capability at dog fight speeds, less than a MIG–21 by a substantial margin.

NAVY COMMENTS—continued

The criticism of F–14 maneuverability seems to be based upon a superficial and uninformed concentration on wing area as the sole factor upon which maneuverability rests. A knowledge of maneuverability coupled with a study of the F–14 configuration would reveal the following:

1. Wing area is typically defined by NASA as the area bounded by the extension of the wing leading and trailing edges to the fuselage center line. The F–14 has more wing area than practically any tactical airplane flying today.

2. The variable wing sweep concept produces a configuration which may be adjusted for exactly the correct wing sweep angle at any flight condition. Wing span, which is the major factor in reducing drag in turns, is maximized at all flight conditions. When the wing is unswept (forward), its high lift streamwise airfoil section produces tight "hard" turns and yet, when swept, is typical of the razor-blade shape used to give low supersonic drag.

3. The F–14 designers, from the outset, recognized the importance of maneuvering aids to increase combat performance. The original F–14 proposal aircraft (October 1968) was equipped with maneuvering flaps and the leading edge "glove vane" or canard. Subsequently, upon Navy evaluation of the French Mirage "G" variable sweep prototype, maneuvering slats and flaps were evaluated to be much more effective on the thick, unswept high-lift, airfoil of the F–14 rather than on the highly swept thin F–4 wing—and due to structural wing depth, advantages are achieved at no weight penalty—which is quite contrary to the F–4 case. Ignoring these factors is like ignoring basic technological innovations such as the NASA Whitcomb wing—a low drag, high lift airfoil under intensive study for possible future incorporation into the F–14.

Sophisticated man-in-the-loop computer simulations of air combat between the F–14 and highly agile threat aircraft, conducted in government facilities have conclusively shown the ability of the F–14 to properly position its wing for all combat conditions encountered. Sufficient design margins have been incorporated to provide tactically required sweep rates up to the structural limit of the airplane.

The F–14, designed primarily as an air superiority fighter, is a weapon system that can shoot down long-range multi-raid aircraft and missiles as well as engage enemy fighters in close-in combat. Weight reducing

Moreover, its acceleration potential has been greatly dependent on successful development of the "B" engine, with its much better thrust rating than the "A".

As Admiral Connolly recently told the Senate Armed Services Committee:

The performance gap (between the two engines) is in acceleration, rate of climb, and service ceiling, not in top speed. It will affect that maneuverability because the B engine is going to have ability to send that plane straight up. This is a tactical realm that we have not yet worked in but I think the Air Force and Navy both are going to have spectacular possibilities opened up to them with the F-15 and F-14 having thrust to weight ratios that are about one or better to one.

Since Admiral Connolly spoke, the B engine production contract has been broken and the engine itself shelved, at least for the next two years and another 96 aircraft. What the Navy is left with is an aircraft which does not measure up well at all where maneuverability is concerned.

NAVY COMMENTS—continued

microminiaturization of avionics, balanced with aircraft and engine design, has eliminated performance penalties formerly associated with multi-mission fighters. Only one percent of the aircraft weight is sacrificed to make it possible to use the complete weapons suit of Phoenix, Sparrow, Sidewinder, Agile, a gun and air-to-surface weapons. A large part of that weight is in removable pallets not used for the "dog fight" configuration.

The Phoenix missile system complements the air superiority effectiveness of the F-14. The six Phoenix missiles and the external fuel will be carried as an over-load, that is, a reduction in load factor limits (from 6.5g to 6.0g) has been accepted. This design procedure saves weight and cost in the basic aircraft and retains full air superiority performance as a fighter. Said another way, it would be illogical to design the F-14 for "dog fighting" with six Phoenix missiles and extra fuel because this weapon load is for another purpose, i.e., to destroy a different enemy threat.

Navy performance estimates of the F-14 have been substantiated by an independent National Aeronautics and Space Agency assessment made at the request of Dr. John S. Foster, Jr., Director of Defense Research and Engineering. It was further concluded that the multimission performance estimates were attainable without degrading the pure fighter capability.

The F-14A at combat weight (gun and four Sparrows) will have a thrust-to-weight ratio of .85. Acceleration characteristics will be greater than the best Soviet Tactical fighter in production today. Furthermore, the F-14 with the Advanced Technology Engines will have a thrust-to-weight ratio greater than 1.1. Acceleration from .8M to 1.8M will take only 1.43 minutes; a significant improvement over the best Soviet fighter today.

Concur.

The F-14B engine has not officially been dropped from Navy plans for the F-14. Development of the engine is continuing and when fully developed and qualified the decision to incorporate it in the F-14 will be reviewed. Historically when better performance can be achieved in a tactical aircraft

The Air Force F-15 will have about a 40 percent advantage over the F-14A in acceleration and at least 60 percent better hard turn capability at dog fight speeds.

In fact, a recent Pentagon study convincingly shows that the old F-4, modified only with leading edge slats, could itself outmaneuver the F-14A. With these inexpensive slats, which could be deflected to improve turning performance and retracted to prevent drag during acceleration and climb, the F-4 would be able to both out-turn and outaccelerate the F-14A by as much as 10 percent for the most suitably equipped F-4 models. This is admittedly a small margin, but it is of devastating significance when we are thinking about replacing the F-4 with F-14's costing more than three times as much per plane.

It could prove equally devastating, in another way, if we relied on the F-14 as our frontline Navy fighter against Soviet MIG-21 successors which the F-4 itself won't be able to handle.

NAVY COMMENTS—continued

the capability has been incorporated. To quote one example; the F-4J differs from the F-4B through increased performance in the radar and increased thrust in the engines. Every objective analysis to date has concluded that the F-14A is a highly maneuverable and extremely effective air superiority fighter.

The issue is not whether these aircraft have sizeable advantages over each other. The issue is whether or not they can defeat the enemy throughout the total threat spectrum. The F-14A has superior system acquisition and weapons capability for the nonvisual or long range duel and greatly exceeds projected enemy capability in turn and acceleration performance for the close-in maneuvering combat. In a recent letter to Aviation Week, two professional fighter pilots stated, "While the F-14 with its increased performance and advanced weapons system is more than a match for the MIG-23 at any realistic fighting altitude, it is even more urgently needed to combat the improved weapons capability of the MIG-21 expected in the near future.

The F-4 with slats is simply an F-4 with slats—improved but still technologically and tactically inferior. Based upon data from the NASA 30 foot by 60 foot free flight wind tunnel tests, The F-14 produces 65% more turning lift (expressed in "g's") than the F-4 equipped with slats.

Navy flight tests of an F-4 equipped with slats proved that a "simple" installation was not satisfactory for use in a carrier approach, although combat maneuverability and flying qualities at low speeds were enhanced. A more effective design is currently being studied. After flight test results, cost and time are considered, a decision will be made on the F-4 slat retrofit program. However, even under optimum assumptions as to slat operation, the F-14A will always out turn and out accelerate the F-4.

Over the years the threat has risen. The Soviets have been busy developing new and advanced aircraft—particularly fighters and interceptors. They have introduced a new or an improved fighter into their operational inventory at the rate of one per year. In July 1967 the Soviets flew six new fighters plus major "block improvements" of three older ones in an airshow. Two of these new fighters, the Foxbat and Flagon A, are estimated to have performance comparable to the F-4 at low and middle altitudes but higher top speeds and higher ceilings.

The Soviets have also shown both ability and intention to create improved weapons and fire control systems. Their latest fighters appear to have all-weather all-aspect long-range air-to-air capabilities. Fiddler, Foxbat and Flagon A have large radomes to house new radar fire control systems.

(2) *Stability and Handling Qualities.* The poor maneuverability of the F-14 will be further compromised, moreover, by its poor stability and handling qualities.

The Flat Spin Problem. As pointed out by NASA's Langley Research Center almost a year and one-half ago, the F-14 is likely to be very susceptible to flat spins and probably unable to recover from them.

What happens, in essence, when an aircraft enters a spin is that control of the aircraft is lost during hard maneuvers and it spins downward. For most aircraft, such spins can be corrected by proper control actions and the aircraft can be saved, given sufficient altitude.

NAVY COMMENTS—continued

The F-4 has not been exposed to first line Soviet aircraft. The MIG-21 (Fishbed), the latest Soviet fighter exported to satellite countries, has demonstrated excellent maneuvering performance over North Vietnam. Superior U.S. pilot skill and weaponry, higher speed at low altitudes and electronic countermeasure equipment are among the reasons our fighters have been able to hold their own with the MIG's over Vietnam. We cannot expect these advantages to prevail against later Soviet aircraft or against Soviet pilots.

New Soviet fighters are not the only problems. The Soviets have developed and built other systems designed to attack surface targets at sea and on land. Badger and Blinder bombers can launch any of five guided air-to-surface missiles at ranges up to 150 miles. Most of these missiles have terminal homing. In addition, advanced surface-to-surface guided missiles have been developed and are in service in Soviet forces. These weapons are accurate and lethal—witness the Israeli Eilat incident—and can be launched from submarines, ships and shore installations. Thus, "the problem" is clear—an early solution is essential.

We must have a new fighter as soon as possible that is superior in air combat to the best Soviet fighters in close-in visual encounters and in stand-off or all-weather conditions. This fighter must be able to defeat enemy bombers, air-to-surface missiles and surface-to-surface missiles. This threat is already in being and serious *now.* It will become more severe as time goes by because Soviet investment in military technology has reached the payoff stage across the board.

The F-14 is that fighter.

Previously commented on.

NASA Langley did not point out that the F-14 would likely be very susceptible to flat spins. The NASA research referred to did not, in fact, assess spin susceptibility. The NASA vertical spin tunnel can only assess what fully developed spin modes exist for the aircraft and its recovery characteristics. Langley did report that the F-14 has only one spin mode, flat, and that recovery by use of controls only is doubtful.

Recent research by NASA, using a free flight technique in an open-throat wind tunnel revealed that the F-14 remains controllable to very high angles of attack (approximately 32 degrees for all sweep conditions) and that the nose departure characteristics which limits angle of attack is relatively gradual. Since this control angle of attack range is fifty percent higher than the angle of attack at which maximum usable lift is developed, spin susceptibility must be classified as low.

There are two reasons, however, why recovery from spins may well be impossible for the F-14.

First, when it enters a spin, it might easily suffer a complete loss of engine power (or flameout), due to irregularities in the air flow entering the engines. Fan-jet engines, like the F-14's, are particularly sensitive to air flow irregularities. In fact, previous versions of the engine actually used on the F-14A have experienced serious flameout problems in use on the F-111.

An aggravating factor is the F-14's variable wing design, since if engine power is lost there is no power to move the wings. The wing area of the F-14 is so small it might be impossible to land the plane at any time engine power was lost. This would certainly be the case if the wings were not in an optimum recovery position at the time the flameout occurred.

The Navy is already at work designing sensors to warn F-14 pilots of impending spins, but there is no real solution to the problem.

A spin recovery chute has been rejected because it would have a terrible impact on aircraft size and weight.

Design changes to lengthen the fuselage and increase the vertical tail would have the same effect and still might not be successful.

The Directional Stability Problem. NASA

NAVY COMMENTS—continued

The same NASA spin tunnel facility indicated the existence of an unrecoverable flat spin mode for the F-5 (T-38) design, but subsequent evaluations indicated that spin entry was virtually impossible. Spin losses of this airplane are non-existent. Conversely, the tunnel indicates that the F-4 is recoverable but over 100 F-4's have been lost in service due to spins!

The angle of attack achieved by the F-14 will be limited by either natural means or automatic control application to levels below that at which engine flameout will occur. Inadvertent flight excursions in an F-111 equipped with the TF30-P412 engine (not the original stall-prone TF30-P3) revealed the engines remained lit up to an angle of attack of 65 degrees under highly adverse sideslip conditions. The less sensitive inlet configuration of the F-14 also helps insure full power availability to the pilot throughout the combat envelope.

Since double flameout is highly unlikely as previously commented on, wing sweep capability will not be lost. The wing area of the F-14 with wings fully swept is larger than any tactical fighter flying today with the exception of Foxbat.

Spin tunnel tests and analytical spin studies indicate the aircraft will not enter a spin following nose departure if the lateral controls are neutralized or canard surfaces are deployed. The present intent is to equip the F-14 with positive automatic lateral control application to guide the pilot away from incipient spin conditions (not by cockpit indications). The F-14 has set upon a course of developing spin resistance, either automatically or by natural aerodynamics which is the recommended NASA approach for both the F-14 and F-15. It is also being applied, somewhat belatedly, to the F-111A. NASA has demonstrated the feasibility of preventing spins without maneuvering envelope restrictions through the use of automatic control application by means of tests on its radio-controlled F-111 drop model. Such tests will be conducted shortly on the F-14.

The NASA Langley spin tunnel tests have also been used to develop spin recovery capability for the #2 F-14A flight test aircraft. The spin recovery parachute permits unrestrained flight test evaluation of aircraft characteristics. The chute was never considered for production incorporation.

Concur. Such changes will impact aircraft size and weight with no significant effect. Fortunately, with the NASA-endorsed spin prevention approach, such changes need not be considered.

The comments on the alleged directional

and Grumman wind tunnel tests also indicate that the F-14 will have serious directional stability problems at transonic speeds and above. The Navy presently hopes to solve them with a stability augmentation system it is working on, but major design changes may be needed. These changes would involve increases in the size of either the vertical tail or ventral area.

Unfortunately, these changes would increase weight and drag and further degrade maneuvering performance. They could also make it completely impossible for the F-14 to land on a carrier with a full ordnance load.

The Navy will therefore undertake those changes only if they are essential, but is already arguing with Grumman over who might have to bear their costs. The Navy claims the directional stability problem is a deficiency which Grumman would have to rectify, while Grumman claims that any modifications would be new work for which an Engineering Change Proposal and adjustment of contract prices would be needed.

Any way you look at it, the F-14 will have stability and handling problems which will severely limit the realism of peacetime training exercises with the plane. Just how bad these problems will be it is still too early to say. But as I noted earlier, over 90 F-4's have already been lost in non-combat crashes, primarily in loss of control type accidents. And all indications to date say that the F-14 will have significantly worse handling qualities.

(3) *Detection and Acquisition*. In this area, the F-14 would have two relative improvements over the F-4—its relatively smokeless engines and its improved visibility out of the cockpit.

At the same time its large physical size would significantly increase its own susceptibility to detection, even when its airborne radar has been turned off.

(4) *Weapons*. For armament, the F-14 relies primarily on the Sparrow and Phoenix missiles, with all their attendant problems. A gun and Sidewinder capability will be present, but relegated to a secondary role, primarily because the F-14's limited maneuverability will make it difficult to employ these weapons.

It is important to note that while efforts are being made to solve our air-to-air missile problems, no clear solution is yet in sight. All indications are that the Phoenix will have even worse problems than the old Sparrow, and the new Sparrow—twice as expensive as the old—has had a disastrous test record to date which has kept it in development for more debugging.

I must admit, in all candor, that I have grave doubts whether some of the problems we have experienced will ever be solved.

I see no foolproof way of solving the friend and foe identification problem under conditions of stand-off launch.

I see no solution to the problem of countermeasures susceptibility.

And I also fear that future improvements in aircraft maneuvering performance may outdistance any improvements in the maneuverability of our air-to-air missiles. Since the airplane will always have the choice of what to do next, the time lag will always work against the missile. And since the missile will be going much faster than the plane, it will have to pull more g's to adjust, more than its own small wings may well allow.

In any event, it seems both wasteful and militarily dangerous to invest large sums in relatively unmaneuverable airframes which will be highly ineffective unless and until these armament problems are solved. We have really been putting the cart before the horse too long.

(5) *Force Structure Implications*. At a minimum of $16 million per copy, the F-14 has terrifying force structure implications. There is simply no way it could ever replace the F-4's now in our inventory on anything like a one-to-one basis. And the effects of its high investment costs would only be heightened when operating costs equal to them were tacked on every five years. Finally, the great complexity of the aircraft and its major components would maximize its time under repair.

NAVY COMMENTS—continued

stability problem are a clear example of creating confusion by mixing unrelated facts taken out of context. The news is also a bit stale since the directional stability problem was identified and solved at least 2 years ago.

NASA did recommend the use of triple redundant directional stability augmentation system to insure aircraft safety at maximum speed in the event of engine seizure, which was so catastrophic on the YF-12. The Navy and the contractor reached the same conclusion from their studies and adopted the recommendations. The system is, in essence, a yaw damper device typical of those used on virtually all military and commercial aircraft in use today. It provides complete aircraft stability up to its maximum speed without dependence on pilot action.

Rather than having a directional stability problem, the F-14 illustrates a commendable efficiency of design—providing superior stability and control characteristics without the heavy brute force approach of oversized vertical fins.

No fin geometry changes have been proposed by the Navy or contractor since contract inception.

There is no argument between the Navy and Grumman referred to in the thesis as no directional stability problem exists at this time.

All competent assessments of the F-14 handling qualities evidence generally superior flying qualities with or without stability augmentation systems operating. The possibility of an unrecoverable spin mode is accompanied by the probability of high spin resistance and action by the Navy and Grumman to incorporate positive automatic spin prevention, without maneuver restriction, if required. Just how good the aircraft is, is being amplified with each additional assessment of the various models and the flight article itself.

Comparisons with F-4 *are* available now. The same pilots are flying both the F-4 and the F-14—their report—no contest, the F-14 is the sweetest flying machine they have ever flown. NASA free-flight tunnel tests, which correlate well with aircraft flight results, show that F-14 handling behavior to high angles of attack is superior to the F-4—with or without the slats.

Concur.

There is no evidence to indicate that the radar cross section will be any different than any other U.S. tactical aircraft, and from a size standpoint the carrier deck spotting factor of the F-14 will be equal to the F-4.

The issues concerning F-14 weaponry and

NAVY COMMENTS—continued

associated tactical employment have been raised and discussed previously.

In summary, the F-14 has been designed and developed as a *balanced* weapon system. To accurately categorize weapons as primary or secondary, the tactical situation must be defined. Each weapon is optimized to a functional environment. For example, the "primary" weapons to achieve a standoff capability are Phoenix/Sparrow; Sidewinder/Guns in this case do become "secondary" weapons. The primary weapons in a close-in air combat maneuvering environment are Sidewinder/Guns, Phoenix/Sparrow being relegated to secondary status. However, Phoenix and Sparrow are also designed to provide an all-aspect weapon at close ranges.

Air-to-air missile evolution has identified weapon control system and missile improvements required to enhance missile reliability and performance. Older Sparrows have been modified and production monitored to realize considerable improvement. The new Sparrow incorporates state-of-the-art technological advances to overcome past problem areas. The Phoenix has evolved in an environment witnessing the first combat employment of air-to-air missiles. Benefitting from Southeast Asia experience and state-of-the-art technological advances, Phoenix tests to date, conducted under extremely realistic and demanding operating conditions, demonstrate that all major design performance requirements will be accomplished.

Advances in command and control procedures, communications, and self-contained target identification techniques do effectively overcome the identification of a target as friend or foe, permitting routine employment of the Phoenix standoff capability.

Effective solutions to possible countermeasures have been attained in Sparrow and Phoenix.

Demonstrations by Sparrow have exhibited sufficient maneuvering ability to guide and intercept enemy aircraft maneuvering at normal combat G's (5-7). Recent studies by the Navy and contractor demonstrate Phoenix capability to counter evasive target maneuvers up to 8 G's at twice the range of the Advanced Sparrow. Again, when to commence the evasive maneuver is the key point.

Previously commented on.

(6) *Pilots.* Because the F–14 measures up so poorly against the five main technological requirements for air air-to-air success, pilots have been understandably cool in their reactions to it. "Buy Mig-21's," one Navy pilot is said to have shouted at a meeting devoted to selling the F–14.

One of the reasons for the F–14's low performance and high cost is its emphasis on design features not essential to the air superiority mission.

I have no quarrel with its range, which will be better than a 30 percent improvement over the F–4.

But there is no justification for its large air-to-surface capability. And it is chocked full of all-weather avionics systems.

The F–14, then, is simply not the answer to the Navy's fighter needs. It indisputably costs the most, yet offers the least, of all the options available. But just what should the Navy do?

V. THE NEW LIGHT FIGHTER ALTERNATIVE

Despite the fact that it was already developing a sophisticated front-line fighter much superior to the F–14, the Air Force recently initiated a new light fighter prototype program.

The need for such a highly maneuverable light fighter has long been recognized in a variety of circles. It has been no secret that the Russians have found their $800,000 Mig-21's a suitable counter to F–4's costing and weighing three times as much. And the

NAVY COMMENTS—continued

It is unfortunate but true that the state-of-the-art in military aircraft design is never quite up to the desires of the user. This situation has existed since the dawn of military aviation and will surely continue. The development of a good aircraft and an advanced air superiority fighter is a process which involves the balancing of many requirements. Few aircraft are used in precisely the manner initially conceived and if too highly specialized, perhaps never used at all because the opponent changes his tactics.

Air supremacy is attained by achieving superiority in all tactical fighter roles. The offensive environment can vary from extremely hostile to relatively permissive. The measure of success achieved in this ever-changing environment varies with the degree of dominance sought. The initial phase of air superiority requires a favorable destruction or exchange ratio on the enemy's terms. Early detection for achieving first-shot and reliable systems for achieving the kill are the dominating requirements. Gaining this initial advantage permits operation of other elements of the tactical force, and these elements must be protected. The measure of success in this role is more demanding of the system as the air superiority fighter must defend itself and its supported elements in a well-coordinated attack against a well-coordinated ground and air defense.

The F–14 air superiority fighter is designed to embody all of the classical elements of air superiority and perform all of the essential roles consistent with superiority. The roles of sweep, escort, strike cover, air patrol, air defense and interception require (among others) early warning, endurance, speed, survivability, position advantage, maneuverability and the ability to act autonomously or in a controlled tactical environment. The weapon system is not tailored to a single mission, but will achieve superior kill ratios in all encounters versus the entire threat (including Foxbat). The threat ranges from maneuvering fighters through bombers and high performance cruise missiles.

The F–14 is equipped to accomplish all roles at virtually no penalty to performance in the classical close-in combat role associated with the "dog-fighter". This is achieved by:

Removable weapon rail/pallet for overload air defense and strike missions.

Automatic wing sweep positioning to reduce wing stress during overload, while retaining the ability to maneuver the aircraft to its basic limits.

The "built-in" penalty to the basic air superiority version is less than one percent of take-off weight.

Relative to the F–4J, the F–14A has 25 percent longer combat radius even when the F–4 is using a 600 gallon external tank. When both aircraft are compared using internal

fuel capacity only, the F–14A has a 75 percent longer combat radius.

The unique design of the F–14 permits the incorporation of a significant air-to-ground capability without penalizing its air superiority mission.

Weight and performance penalties are avoided by palletizing equipment for air intercept roles and air-to-surface missions. The added weight is carried only on these missions. Phoenix and air-to-surface ordnance are carried as overload, and only as the tactical situation dictates.

The problem is clear and so is the solution. We must have a new fighter, superior in air combat to present and postulated Soviet fighters, for close-in visual encounters and for stand-off all-weather conditions. In addition, the new fighter must be able to defeat the enemy air threats to naval forces: bombers and missiles. The threat is serious now. It will become more serious in the future.

Cost must be related to mission success. The advanced capabilities of the F–14/AWG–9/PHOENIX weapon system provides the only means of assuring success on future air superiority missions. Effectiveness and need must be the measure to determine value of the requisite investment. We could purchase the World War II F–6F for far less dollars than the F–4J requires, increase the quantity of aircraft in the Navy inventory, but not be effective against the current and projected threat.

A similar comparison can be made between the F–4J and the F–14. The F–14 will meet the threat; the F–4J will not, regardless of the quantities procured. With F–4J we would be forced to spend more money to attain needed performance levels. There is no known substitute way to accomplish the stated missions against the anticipated fighter, interceptor, and cruise missile threat.

We are already very late with a new fighter program to counter superior Soviet capabilities. The F–14/Phoenix system will meet our fighter needs through the 1970s and into the 1980s.

It is true that the Air Force recently initiated a new light fighter program; however, it appears that this program is aimed at augmenting the F–15, not replacing it and for possible sales as an international fighter. Primary armament probably is just guns and Sidewinder missiles with very limited avionics, limited range, and a single pilot. Such a fighter aircraft does not meet the basic requirements for U.S. fighter missions although it could augment more capable fighters in certain specialized instances.

There is no question that a highly maneuverable light fighter can be an effective short range defensive system and would be adequate, assuming that the enemy was cooperative and would agree to fight only in good weather, never at night, without elec-

French have been selling for less than $1.5 million a Mirage fighter which has delighted the Israelis, who have used the larger payload of the F–4 mainly on bombing missions.

Dissident voices have therefore been raised—by civilian critics, by F–4 pilots returning from Vietnam, and by top American fighter plane designers, such as Lockheed's C. L. "Kelly" Johnson. I ask unanimous consent to insert in the Record at this point the summary of an interview with Johnson which appeared in Aerospace Daily on January 7th of this year:

LOCKHEED'S KELLY JOHNSON DEPLORES SHRINKING U.S. FIGHTER STRENGTH

Cost of new fighters such as the F–14 and F–15 is so high that it is cutting down the number of fighters the U.S. would need in a major air war, according to C. L. (Kelly) Johnson, head of Lockheed's Advanced Development Projects office.

"The problem of numbers is a very fundamental one," Johnson said in a recent interview. The lesson is clear from Southeast Asia, but doing something about it will be difficult, since costs of new fighters are now up to $8–$14 million apiece, Johnson indicated.

And while numbers of U.S. fighters are declining, the Soviet Union keeps in operation about 6,000 fighters, "not counting the ones they give away," Johnson said.

Furthermore, the Soviet fighters are designed from the ground up to have the advantage over U.S. fighters. They have only half the range, armament and electronic gear, but double the wing area. This allows them to outmaneuver current U.S. fighters in many instances, Johnson said.

Johnson—designer of the P–38, P–80, F–94, F–104, and F–12—also feels the U.S. does not have enough types of fighters. "I'm not an exponent for the carpenter who has only one tool in his tool box," he said.

Johnson also feels that the idea of intentionally giving the opponent the "high ground" in an aerial battle is bad tactics. He says new fighters must have capability for great increase in speed to take the high ground.

In addition, the idea of "just being able to shoot a missile (from a U.S. fighter to hit a high-flying enemy fighter) will not be sufficient," Johnson said. "It hasn't been in the past."

The veteran fighter designer also challenged the theory that two engines are better than one for a fighter. "In time of war, twins are not safer than singles," he said. With twin-engine P–38s, the Army Air Force found it had "twice the chance of having an engine shot out and one half the chance of getting home after it was," he said. "When a P–38 engine was shot out, the plane was downed (by enemy fire) because it was moving so slowly."

NAVY COMMENTS—continued

tronic warfare and with short range missiles only. The Israeli Mirage's have been quite effective against the UAR Mig-21's in this environment over the Sinai. The Mig-21 can counter the F–4 in certain portions of its flight envelope. This was recognized in the 1967 time period when the VFAX, a multimission fighter concept, was discarded. At that time two options existed. Modify the F–4 to counter the threat or undertake the VFX (F–14) concept phase. The latter was chosen because the Navy determined at that time that a modified F–4 could not defeat the expected threat to aircraft in the mid 1970s. The on-going Navy Fighter Study in conjunction with NASA and DDR&E has reconfirmed the F–14A's superior dogfight capability over the F–4 with and without slats. As previously mentioned, the Mirage aircraft has achieved great success in the Middle-East conflict; however, the Mirage can neither carry the Sparrow missile (the primary armament of the F–4) nor as many bombs as the F–4 in the interdiction or close support role. The press has recently indicated that Foxbats have been flying reconnaissance flights over Israel.

Since none have been shot down is it not reasonable to assume that the F–4's and Mirage's are not capable of shooting one down?

The cost of the F–14 and F–15 fighters is higher than that of the F–4 aircraft developed fifteen years ago. However, the F–4 aircraft, when developed, was also more costly than the operational aircraft which existed then. The F–4 gave the Navy a plateau in combat and weapons system performance never before achieved. In a similar manner the F–14 provides a very significant increase in combat and weapons system performance over the F–4 and will outperform the projected Soviet threat aircraft in the 1970–1980 time period. The F–4 will not.

The Soviet Union seems to be maintaining its inventory at the 6,000 fighter level; however, there has been a significant increase in the number of sophisticated fighters equipped with longer range missiles, accompanied by a decrease in the number of day fighters. "The problems of numbers is a very fundamental one." What Mr. Johnson must mean is that with budget constraints, the more expensive the fighter the fewer the number that can be procured. At times during WW II the U.S. fought with inferior equipment and through tactics, pilot skill, tenacity and innovation, earned victory. Today we face a highly motivated enemy with a large numerical superiority in technically excellent but not in all cases superior weapons. Technical superiority must be given top priority in light of the developments and trends in the Soviet Union.

NAVY COMMENTS—continued

Over the years the threat has risen. The Soviets have been busy developing new and advanced aircraft—particularly fighters and interceptors. They have introduced a new or an improved fighter into their operational inventory at the rate of one per year. In July 1967 the Soviets flew six new fighters plus major "block improvements" of three older ones in an air show. Two of these new fighters, the Foxbat and Flagon A, are estimated to have performance comparable to the F–4 at low and middle altitudes but higher top speeds and higher ceilings.

The Soviets have also shown both ability and intention to create improved weapons and fire control systems. Their latest fighters probably have all-weather all-aspect long-range air-to-air capabilities. Foxbat has already appeared in the Middle East.

The F–4 has not been exposed to firstline Soviet aircraft. The MIG–21 (Fishbed), the latest Soviet fighter exported to North Vietnam, has demonstrated impressive performance. Tactics, skill and electronic countermeasure equipment are among the reasons our fighters have been able to hold their own with the MIG's over Vietnam. We cannot expect these advantages to prevail against later Soviet aircraft or against Soviet pilots.

New Soviet fighters are not the only problems. The Soviets have developed and have built other systems designed to attack surface targets at sea and on land. In addition, advanced surface-to-surface guided missiles have been developed and are in service in Soviet forces. These weapons are accurate and lethal—witness the Israeli Eilat incident—and can be launched from submarines, ships and shore installations.

The present trend in Soviet fighters is toward more range, armaments, and electronic gear at the expense of wing loading and close-in maneuvering capability.

The achievement of long-term air superiority requires the proper combination of system performance in order to provide tactical options to meet the changing environment. The balance achieved in the F–14 between performance, system integration, and a two-man crew provides superior performance plus long-range and stand-off missile capability. The F–14A utilizes the TF–30–P–412 engine, the most advanced engine that has been developed to date. The AWG–9 is the most advanced and versatile fire control system being developed in the free world.

When we have developed an engine with sufficient thrust to propel the fighter de-

Johnson has just submitted to the Air Force an unsolicited proposal for a high-wing, low horizontal tail modification of his F-104 Starfighter. He offered to build two prototypes of the new lightweight fighter—the X-27—for $35 million and to have them in the air within a year. The X-27, he told the Air Force, would be able to better the performance of the F-14, and he would design it so that it could be produced at one-third the cost.

Other unsolicited proposals were submitted shortly thereafter, and out of them grew the Air Force prototype program, now pointed toward the development of brand new fighter designs.

Until the Air Force took this initiative, it was well recognized in knowledgeable circles that new fighters superior to the F-14 could be designed at much better prices at the expense only of some dubious avionics and missile gear. But Pentagon officials usually refused to admit this basic fact.

NAVY COMMENTS—continued

signed to meet the future threat spectrum then a single engine design will be seriously considered as it has been in attack aircraft such as the A-7.

The X-27 is simply an airframe modification (a new wing with more area) to the F-104 which had inferior combat maneuvering performance compared to the F-4J and Fishbed aircraft.

No comment.

The question often asked concerning the desirability of a so-called "cheap, simple fighter" for the U.S. Navy, instead of the planned F-14, obviously implies, through some line of reasoning, that such a fighter would be "better" than the F-14. More to the point, it also implies that we enjoy the enviable position of being able to make such a choice, or, in essence, "choose our weapons". Nothing could be further from the facts of the issues involved.

Since the end of WW II, this country has maintained a tactical air force which has at times been required to try to quickly react to meet the capabilities exhibited—or publicized—by the enemy. The resulting activities have been analogous to playing "catch-up football". Our recent experience in SEA, against a second or third rate air force, has vividly shown the extreme and exasperating difficulties—and many failures—encountered in attempting to successfully engage enemy fighters when they were operating under the control of their air defense networks, and also in operating anywhere in the air spaces covered by their ground-based artillery or SAM's. These unforecasted obstacles to the expected ease of tactical operations of our own fighter aircraft arose not because of the "cheap, simple fighters" we encountered—and that is all they really were—but because of the manner in which a degree of sophistication was added to their tactics by the effective support of other enemy weapons and defense networks. But it is most interesting to note that, on the occasions early in the SEA conflict when these same "cheap, simple" enemy fighters *were* engaged without their GCI and SAM support, they were no match for the better weapon-equipped and more versatile U.S. fighters.

However, the threat we must face up to in the future is not typified by the threat we faced in SEA. Our greatest mistake in safeguarding the security of this nation would be to be mesmerized by the SEA

NAVY COMMENTS—continued

syndrome in defining the requirements for our next generation of fighter aircraft. There appears to be little disagreement on the alarming degree of technological advances in air-to-air and surface-to-air missiles, airborne command and control systems, electronic jamming techniques, etc., achieved by the Soviets and the most significant degree to which the build-up of their naval forces poses a threat to our fleet and the logistic supply lines it must protect. This situation is to be expected from even a simple examination of the magnitude of their continuing defense budget, and from the recognition of their dedication to the development of an offensive and defensive military capability second to none. In any possible future conflict between the Soviet and the U.S., or in any other conflict where first-rate Soviet military technology might be faced, there will not be time for "catch-up football". To prepare for such confrontations requires adherence to the advice and planning of military experts—not to the increasing number of "Monday morning quarterbacks".

Hence, in the light of the accepted nature of the spectrum of threats posed to our Naval forces—and to our country—an aircraft weapon system must be developed as soon as possible which will be capable of meeting—and defeating—the existing sophisticated, missile-equipped Soviet fighter aircraft under electronic command and control, their subsurface and surface-launched anti-ship missiles, mobile SAM batteries, and their heavily-defended bomber aircraft equipped with long range air-to-surface missiles. Only one of these (SAM) was faced in SEA. Unfortunately, the choice of the type of aircraft defense system to develop is not ours to make, but is dictated by the capability of the threat spectrum we can already define and to which we must react.

It is this level of threat capability for which the F-14 weapon system has been designed. By employing the highly efficient variable wing sweep technique and a high thrust-to-weight propulsion system, the F-14 can maneuver with—and outfight—the enemy's cheap, simple fighter when such combat conditions might occur. But, with the added combat capabilities provided by long-range air-to-air homing missiles, and electronic defensive techniques for enhanced survivability, the F-14 can successfully engage the new missile-equipped Soviet fighters much more likely to be encountered.

The associated "cost and simplicity" factors of the F-14 result from designing for the missions it must perform against these threats—they cannot be quantified beforehand then "an airplane" designed. To suggest the substitution of the "simple 'MIG Type', cheap" airplane for these missions is incongruous, and signifies either a complete misunderstanding, or unawareness, of the

	NAVY COMMENTS—continued
	potentialities *already in existence* in the Soviet military arsenal.
Indicative of the situation is the following exchange between the distinguished Senator from Nevada (Mr. Cannon) and Admiral Connolly during hearings this year before the Tactical Air Subcommittee of Senate Armed Services: *Senator Cannon:* Do you see any need for a high performance day fighter for the Navy, presumably a low-cost fighter, in the future: *Admiral Connolly:* I don't want to be facetious but I haven't seen a low-cost airplane for an awful long time.	Concur
Equally representative is the following statement by the Senator from Nevada (Mr. Cannon) during Senate floor debate on the F-14 in 1969: Let me make this point very clear. The navy experts have stated that if they designed an aircraft exclusively for air superiority without considering any other mission it would weigh only 600 pounds less than the present F-14. . . . I certainly am not attempting to convince any member of the Senate that the F-14 is a cheap aircraft. It is not . . . Unfortunately, we cannot go down to the local dime store and procure complicated weapon systems containing the highest sophistication.	Concur
The Air Force light fighter prototype program has now let the cat out of the bag. We don't have to go down to the local dime store. American designers can themselves give us first-rate fighters at prices competitive on the world market!	Previously commented on.
Admittedly, these fighters exist right now only on the drawing boards. There is every reason to believe, however, that when development work is finished, the Air Force will have fighter prototypes which score very well in all basic requirements for air-to-air success.	Previously commented on.
Their maneuvering capability will probably put the F-14 to shame. In all likelihood, they will show both acceleration and turning performance 80–100 percent better than the F-14A. In fact, they will probably be the first aircraft actually capable of executing dogfight maneuvers at supersonic speeds.	The Navy has studied lighter and simpler fighter designs, but has yet to find one which shows any potential of being superior to the F-14 in the total combat arena. While many individual, special purpose aircraft could be designed to cope with each threat, at each altitude, at each speed while using an optimum weapon for each engagement, it is obvious that an aggregate of such types would be far more costly than the F-14. If a better solution exists, it has yet to be proposed to the U.S. Navy.
They should be able to achieve this dramatic performance by rigorously eliminating all weight not essential to the mission of shooting down enemy aircraft and then replacing a small fraction of this weight with more wing area and more engine. They will probably weigh about 15,000-20,000 pounds—25,000-30,000 pounds, not 600—less than the F-14.	If these high performance fighters have thrust-to-weight ratios significantly greater than 1.0 and wing loadings less than 70 pounds per square foot their fighter escort radius on internal fuel with sufficient fuel for combat would be significantly less than the F-4.
Because they will be smaller physically than a MIG-21 and also have smokeless engines, they should be very difficult to detect. They will have good cockpit visibility, too, and they will carry no airborne radars when they fly.	These fighters would actually be about the same size as a MIG-21 and without some form of AI radar would be able to see their adversary at only about 2-3 miles. He could not operate effectively at night or in inclement weather. In any form of sophisticated environment he would be vulnerable to opposition fighters equipped with the simplest radar and missile.
For armament, they will forego the Phoenix and the Sparrow for the only reliable systems we have developed thus far—guns and the simple Sidewinder. At the same time, they will have the growth capability to carry more advanced passive missiles such as the Agile. Even if they came in at about double the $2.5 million per copy now expected if they are produced in quantity, they would still have about a 3 or 4 to 1 cost advantage over the F-14. In fact, their cost advantage in terms of sorties deliverable in combat could rise as high as 8 to 10 when their probable low maintenance times are considered.	Granted that Phoenix and Sparrow missiles would not be carried on a light weight fighter as previously discussed; however, without any radar, the ability to successfully bring the gun, Sidewinder or Agile missiles to bear, would be severely minimized. It has been estimated that the flyaway cost per copy of a light weight fighter would be more than twice the value indicated for an aircraft that could perform only a small portion of the fighter missions.
Their range will be a significant improvement over the F-4, and it could exceed that of the F-14 under maneuvering combat conditions. Finally, they will have only a modest air-to-surface capability and no complex all-weather avionics, at least in the standard version.	The range of these light weight fighters will be significantly less than the present F-4 aircraft in the fighter escort mission, and the F-14A has 75% more combat radius than the F-4J.
All in all, they are likely to be just what many of our pilots have long wanted to match the new Soviet fighters likely to be turned out during the next 5-10 years.	Previously commented on.
The Air Force is to be congratulated for undertaking this new fighter prototype program as a possible complement to the F-15. What is even more urgent is that the Navy undertake a similar program of its own.	As previously mentioned it has taken several years of tradeoff studies and threat analyses for the Navy to establish F-14 design criteria. The F-14A will provide the near term air superiority over the current Soviet inventory aircraft and, when introduced, the F-14B will provide the air superiority required through the 1980 time period.
Light high performance fighters would obviously be ideal for carrier use. Their small size would permit a spotting factor of less than one, i.e., it would be possible to accommodate about twice as many light fighters as F-14's in the same deck space. The slow takeoff and landing speeds permitted by their generous wing area and thrust would make them better suited to carrier takeoffs and landings than any current Navy fighters. And they would greatly alleviate the current inability of carriers to accommodate sufficient maintenance personnel to maintain today's complex first line aircraft. In fact, if the Navy failed to undertake a prototype program to meet its own requirements, the Air Force prototypes could prove eminently adaptable to Navy use.	The spotting factor of the Navalized version of the F-15 is 1.8 compared to 1.7 for the F-4J and the F-14A. Surprisingly, the Spot factor of a lightweight fighter design would be about 1.5 using the same calculation base. The reason is simple upon reflection. Both the Navalized version of an F-15 and the lightweight fighter, in spite of lower weight, are relatively long for low supersonic drag and have large wing areas for maneuverability—both of which contribute to spotting factor increase. Thrust is a relatively minor factor in carrier takeoff and landing speed determination since the overwhelmingly major acceleration/deceleration forces in catapulting/arresting are provided by the deck catapult and arresting gear mechanisms rather than the aircraft. Low Wing loading is certainly favorable to low carrier catapulting/arresting speeds. However, it is far from the whole story. A thin, highly swept leading edge fixed wing is notorious for its poor lifting capability per unit area at low speeds. Hence, it needs a takeoff/landing wing loading on the order

VI. CONCLUSIONS AND RECOMMENDATIONS

(1) Our single most important need is to start work now on a new light fighter development program for the Navy. The F-14 simply will not give us the new air superiority fighter our national security requires. It would almost certainly be no match for a new Russian fighter. And it could be put to shame by a new light Navy fighter of our own.

We could simply wait and hand the Navy an Air Force developed plane, but it would be better if we did not. A Navy program could give special emphasis to such things as spotting factor constraints and the rigors of carrier landings. Moreover, a second competitive prototype program at this time would give more design teams a chance to maintain and refurbish their languishing design skills. A second program would also provide insurance against not finding as superior a fighter as possible in the Air Force competition. And at a cost of less than $50 million for each of the two contractors in the Navy flyoff, we could well afford these benefits.

If work were started this fall, the new Navy prototypes could be ready for a flyoff in about two years. Another two years would probably then be required to make a final selection, initiate production, and make first deliveries to the fleet. This schedule would result in an initial operating capability date for a new light fighter in late 1975, little more than a year after the F-14 IOC date currently contemplated.

(2) An almost equally important need is to scrap the F-14. The F-14 simply cannot hack it as a fighter, so there is no justification for keeping the program going unless we wanted to buy a limited number of planes—perhaps 200 or so—for altogether different missions. But what missions?

Phoenix missile fleet air defense against the Soviet naval threat makes no sense at all. The Phoenix probably couldn't cope with the massed bomber attacks it was originally designed to meet, let alone the Soviet submarine-launched cruise missile and torpedo threat which has been growing in recent years. And if we insisted on wasting money on the fleet air defense mission, we could get by wasting less if we put the Phoenix on the A-6 or the new Sparrow on a modified

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of half that of the F-14 to remain competitive. The F-14A can be launched from a carrier without using after burning when there is zero wind over the deck. The F-4J uses afterburners and requires up to 32 knots of wind depending on the load. The F-14A can be landed on the carrier under no wind conditions. The F-4J must have at least 16 knots of wind. These elements of superiority markedly increase operational usefulness and safety.

As previously stated, a simple light weight fighter has been examined in depth and all analyses to date conclude that such a fighter as described by Senator Proxmire will not meet the Navy fighter requirements.

Exhaustive wind tunnel tests (in excess of 26,000 hrs) and numerous analyses by the Navy, NASA and the contractor indicate that the F-14 will possess the performance and capability to defeat the present and predicted threat from the stand off environment to the close in dogfight.

The Navy would welcome prototype development of airframes, engines, and weapons control systems if funding were made available to pursue a program that would be continuing and would result in newer and more capable aircraft at much closer time intervals than has been achieved in the past 15–20 years. The Soviets have provided an enviable example of a continuing prototype approach to air superiority.

The Navy concurs that a prototype *airframe* could be ready to fly in two years. This assumes that an already existing engine is available. The Naxy does not concur that Fleet deliveries could be made in four years. Experience over the years has conclusively proven that a totaly new airframe, engine and weapons control system development program requires 7-9 years from initial design phases to Fleet introduction. The F-14 which utilizes an existing engine and weapons control system will require nearly four years to Fleet introduction.

The F-14 is the only fighter under development that can meet the Navy's fighter requirements. Senator Proxmire alleges that the F-14 "can't hack it as a fighter" but offers no facts to substantiate his claim. The Navy would welcome the opportunity to examine in depth any data that would add substance to the Senator's statements.

The conclusions presented concerning the Phoenix missile have been discussed repeatedly and are without basis in fact.

The F-14 air-to-ground capability is limited to that which "falls out" of the inherent design. No attempt is made to be totally competitive with attack aircraft.

The F-14 is designed to fulfill the total Navy fighter requirement—not merely one segment of the problem. The emerging threat

F-4. Either of these combinations might do every bit as good a job as the F-14/Phoenix combination.

We certainly don't need the F-14 for its air-to-surface capability. We already have aircraft designed specifically for the interdiction mission, and as I said earlier, they need escorts, not competitors, when they fly.

The F-14 can't be justified either for its night and all-weather capability. It is more reliable avionics, not new high cost airframes, which we need if we want to perform this mission.

3) Also required, but far less urgent, are improvements in what our F-4's can do. Actually, there is only one option which deserves a go-ahead at this time.

We can and should put leading edge slats on a portion of the Navy's F-4 force. The cost would be minimal and it would give us a fighter superior, in fact, to the F-14A till the new light fighter came along. If we bought new planes in preference to modifying existing F-4J's, a carrier-capable version of the slats-equipped F-4EF now being sold to the Germans would probably be our best buy. The F-4EF has been stripped of the AWG-10 fire control system already on the F-4J and itself relies not on the Sparrow but on guns and the Sidewinder as its primary armaments. It would be lighter, more maneuverable, and almost $2 million less expensive than any other model we could buy.

Additional F-4 modifications could also be considered—new fire control systems to launch the new sparrow in the fleet air defense role, or better all-weather avionics. But the least we could do, if we took this route, would be to rigorously test all new systems involved before we went and stuck them on the planes.

(4) Finally, there is nothing wrong with low priority studies of the F-15 as a possible Navy aircraft. I fully recognize that it is a better fighter than the F-14 itself. At the same time, there is little it could add to the capabilities of a new Navy light fighter and modified F-4's working in combination. And a carrier suitable F-15 might turn out to be difficult to build and virtually as expensive as the F-14 has become.

Mr. President, the F-14 program is in many respects a microcosm of many of the problems which plague our defense establishment today:

initial cost estimates which later balloon;

the incredible inertia of ten year old ideas which have never been thought through;

the failure to test new systems before they have been deployed; and

the continued emphasis on multi-mission aircraft which do no mission well.

We won't solve all these problems just by instituting the recommendations set forth

NAVY COMMENTS—continued

dictates much greater capability in the Navy than now exists.

The F-4 aircraft has been improved throughout the years to give it more capability. The Navy agrees that the addition of slats and an improved digital AWG-10 would increase the effectiveness of the standard F-4J, but categorically denies it would be better in any of the "dogfight" parameters than the F-14A. The F-4EF does not approach the Navy's fighter requirements and represents a step back rather than a step toward meeting the threat.

In summary Senator Proxmire has not understood or refuses to accept the judgment and knowledge of the experts. The Navy has consistently designed, developed and produced successful tactical aircraft to meet this country's needs. Time will prove the F-14 to be yet another succesful Navy aircraft that provides the required capability.

An air superiority fighter aircraft cannot be simply described or compared on the basis of any single performance parameter. A high performance fighter should be judged as a "balanced" weapon system and the overemphasis of any single parameter can lead to many erroneous conclusions of relative merit. For example, maximizing thrust to weight leads to a rocket like solution; maximizing low wing-loading leads to a glider; maximizing speed and altitude leads to Foxbat like performance. A comparison and evaluation of tactical fighter capability is at best extremely here. But we will have made a pretty decent start.

NAVY COMMENTS—continued

complex and requires insight and experience in the balancing of total weapon system parameters. This "balancing" has been done in a thorough manner in terms of realistic technological forecasts for engines, avionics, aerodynamic design, materials, and structures. Of particular importance, in the design philosophy of the F–14, has been the emphasis on systematic growth in performance of an evolutionary family of aircraft to meet the estimated changes in the threat through the early 1980's.

AMENDMENT NO. 441

Mr. NELSON. Mr. President, I call up my amendment No. 441.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 9, line 10, strike out "$2,376,869,000" and insert in lieu thereof "$2,374,829,000 of which amount not more than $3,492,000 may be used to carry out research and development in connection with the Navy's Project Sanguine, and of which amount $150,000 shall be available only for carrying out an environmental compatability program in connection with the Sanguine project and of which amount $300,000 shall be available only for biological and ecological effects research in connection with the Sanguine project".

On page 9, between lines 15 and 16, insert a new subsection as follows:

(c) None of the funds authorized to be appropriated by this Act may be used to carry out any research and development work in connection with a deep underground system for the Sanguine project.

Mr. NELSON. Mr. President, there is a unanimous-consent agreement on this amendment for debate to begin after the morning hour tomorrow, to extend for 2 hours. The amendment proposes to remove $2 million from Project Sanguine.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. NELSON. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, there will be no further votes today. Time on the pending amendment by the Senator from Wisconsin (Mr. NELSON), amendment No. 441, will not begin running until tomorrow at the conclusion of routine morning business. There is a time limitation on that amendment of 2 hours, and the yeas and nays have been ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the amendment No. 430 by Mr. ALLOTT, the so-called pay amendment—which will not be called up until Monday—be limited to 3 hours, the time to be equally divided between the mover of the amendment, the Senator from Colorado (Mr. ALLOTT) and the manager of the bill, the Senator from Mississippi (Mr. STENNIS); and provided further, that time on any amendment to the amendment be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the manager of the bill (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, during the further consideration of the unfinished business (H.R. 8687), debate on each of the following amendments be limited and considered in the following order:

(1) On Wednesday, September 29, 1971, following the morning business, debate on amendment No. 441 by the Senator from Wisconsin (Mr. Nelson), be limited to 2 hours, to be equally divided and controlled by the Senator from Wisconsin and the Senator from Mississippi (Mr. Stennis).

(2) Following the disposition of the Nelson amendment No. 441, the Senate consider amendment No. 435 by the Senator from Wisconsin (Mr. Proxmire) with debate limited to 2 hours, to be equally divided between Senator Proxmire and the Senator from Mississippi (Mr. Stennis).

(3) Following the disposition of the Proxmire amendment No. 435, the Senate consider amendment No. 443 by the Senator from Iowa (Mr. Hughes) with debate thereon limited to 1 and ½ hours, to be equally divided between Senator Hughes and the Senator from Mississippi (Mr. Stennis).

(4) Following the disposition of the Hughes amendment No. 443, the Senate consider amendment No. 444 by the Senator from Ohio (Mr. Saxbe) with debate limited to 2 hours, to be equally divided between Senator Saxbe and the Senator from Mississippi (Mr. Stennis).

Provided further, That debate on any amendments to any of the above amendments be limited to 30 minutes, to be equally divided and controlled between the mover of the amendment and the Senator from Mississippi (Mr. Stennis).

(5) On Thursday, September 30, 1971, following the morning business debate on amendment No. 445, to be offered by the Senator from Missouri (Mr. Eagleton), debate be limited to 2 hours, to be equally divided and controlled between Mr. Eagleton and the Senator from Mississippi (Mr. Stennis).

(6) Following the disposition of the Eagleton amendment No. 445, the Senate will proceed to consider amendment No. 437 by the Senator from Montana (Mr. Mansfield).

(7) Following the disposition of the Mansfield amendment No. 437 the Senate will proceed to consider amendment No. 438 by the Senator from Arkansas (Mr. Fulbright), with debate limited to 2 hours to be equally divided and controlled by Mr. Fulbright and the Senator from Mississippi (Mr. Stennis). *Provided further*, That debate on any amendment to the above two amendments (No. 445 and No. 438) be limited to 30 minutes to be equally divided and controlled by the mover and the Senator from Mississippi (Mr. Stennis).

Ordered further, That on Monday, October 4, 1971, when the unfinished business is laid down, the amendment No. 430, by the Senator from Colorado (Mr. Allott) No. 430 be made the pending business and that debate thereon be limited to 3 hours, to be equally divided and controlled between Mr. Allott and the Senator from Mississippi (Mr. Stennis). Provided further, That debate on any amendment thereto be limited to 30 minutes, to be equally divided and controlled by the mover and the Senator from Mississippi (Mr. Stennis).

ORDER FOR ADJOURNMENT FROM FRIDAY, OCTOBER 1, 1971, TO 10 A.M., MONDAY, OCTOBER 4, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, OCTOBER 4, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following recognition of the two leaders under the standing order—or immediately following the orders for the recognition of Senators, if there be such—there be a period for the transaction of routine morning business with statements limited therein to 3 minutes, and that such period be limited to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PAY AMENDMENT OF SENATOR ALLOTT TO BE THE PENDING QUESTION ON MONDAY, OCTOBER 4, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine morning business on Monday next, the amendment No. 430 by Mr. ALLOTT, the so-called pay amendment, be then made the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRIS ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday, immediately following the recognition of the two leaders under the standing order, and at the conclusion of the remarks of the distinguished Senator from Virginia (Mr. BYRD), the distinguished Senator from Oklahoma (Mr. HARRIS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHY THE SENATE SHOULD SUSTAIN ITS VOTE ON THE CHROME AMENDMENT

Mr. BYRD of Virginia. Mr. President, the Senator from Arkansas (Mr. FULBRIGHT) has presented an amendment to section 503 of the pending legislation. There are three reasons why I feel the Senate should reject the proposal of the Senator from Arkansas and thus sustain the action which the Senate took last Thursday by a vote of 46 to 36.

First. By sustaining last week's action, the Senate would be ending U.S. dependence on Communist Russia for a strategic and vital defense material, namely, chrome.

Second. Sustaining the Senate's position of last week would help save jobs in a period of high unemployment. As evidence, I point to the statement, inserted several times in the CONGRESSIONAL RECORD, by the director, District 19, United Steel Workers of America, who says that unless the Congress takes such action, there will be no specialty steel industry in the United States. He expressed his deep concern for the jobs of the black workers and the white workers in that industry.

Third. The Fulbright proposal would give more power to the President and reduce the Senate's role in foreign policy. The Senate has made great progress in the last 2 or 3 years in reasserting itself and in facing up to its responsibilities. Senator FULBRIGHT'S proposal would reverse that trend and, as he states, give the option to the executive branch to proceed as it wishes. He would leave the determination in the hands of the President at the expense of the Senate.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I assume will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if no Senator desires recognition, I shall announce the program for tomorrow.

The Senate will convene at 10 a.m. tomorrow. Immediately following recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Senators CRANSTON, MATHIAS, CHURCH, MONDALE, and BYRD of Virginia.

Immediately following the orders for recognition of Senators tomorrow, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business tomorrow the Senate will resume consideration of the pending question, the amendment by Mr. NELSON, amendment No. 441, the so-called Sanguine amendment, on which there is a 2-hour limitation of time. A rollcall vote has been ordered on that amendment.

Upon disposition of the amendment by Mr. NELSON on tomorrow the Senate will proceed to the consideration of amendment No. 435, the so-called F–14 amendment, which has been introduced by Mr. PROXMIRE, with a time limitation thereon of 2 hours. Undoubtedly a yea and nay vote will occur thereon.

On disposing of the Proxmire amendment tomorrow, the Senate will proceed to the consideration of the ABM amendment to be offered by Mr. HUGHES, amendment No. 443, with a time limitation of 1½ hours, and with a rollcall vote undoubtedly to occur thereon.

On disposition of the Hughes' amendment No. 443 tomorrow, the Senate will proceed to the consideration of amendment No. 444, to be called up by Mr. SAXBE—which is another so-called ABM amendment—on which there is a time limitation of 2 hours. A rollcall vote is expected to occur thereon.

Senators are alerted to the fact therefore, that there will be at least three or four rollcall votes tomorrow.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, first, I thank the Senator from West Virginia and others for working out these schedules and helping greatly in reaching agreements. Obviously, tomorrow will be a very busy day with two votes on the ABM. The first of those two amendments will be an amendment to strike the ABM from the bill and the second one, if that one fails, and I expect it will, would propose to put on the shelf or in escrow funds for the ABM.

On Thursday, as I understand the Senator has already announced, the agreement is for a limitation of time on the modern tank amendment.

Frankly, I was hoping there would be an agreement worked out with reference to taking up the Mansfield amendment, which is the same amendment we had with reference to the draft bill, also on Thursday. If that is possible it will make for another full day.

Mr. BYRD of West Virginia. Yes; the Mansfield amendment will follow the battle tank amendment on Thursday. The majority leader expects to reach an agreement with respect to time on his amendment, and he will announce that tomorrow, I am sure.

Mr. STENNIS. I think if we get all of these matters finished and then have the session on Friday, the bill will not be finished but it will be a long way toward being finished.

Mr. BYRD of West Virginia. Yes.

Mr. STENNIS. I am very much encouraged by what has happened.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 37 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 29, 1971, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 28, 1971*

The House met at 12 o'clock noon.

The Rev. Paul G. Behling, pastor, Grace Lutheran Church, Bronx, N.Y., offered the following prayer:

Gracious Lord, You have granted us another day to love and serve You and our neighbor. We who represent the people of America come to You, for You have commanded us to pray and have promised to hear: Forgive our every failure as individuals, a Congress, and a nation. Turn us away from a love of money and a lust for power. Impart to us wisdom to know and do Your will. We pray especially for our enemies: Turn their hearts and grant that they with us may pursue peace. Give us confidence to believe that all things are possible with Your help, for without You we can do nothing.

Therefore, grant us this day Your blessing and benediction. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 174

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. John C. Watts, late a Representative from the State of Kentucky.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1733. An act to amend the act of September 26, 1970 (84 Stat. 884).

REV. PAUL G. BEHLING

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, the opening prayer in the House today was offered by my dear friend, the Reverend Paul Behling, pastor of Grace Lutheran Church located in my district in the Bronx.

Rev. Paul G. Behling was born on September 13, 1933, in Manhattan. Attended public schools in Yonkers, N.Y.; college, Concordia in Bronxville; seminary, Concordia, at St. Louis, Mo.

Churches served: St. Philip's, St. Louis, Mo.; St. Paul's, Dolton, Ill.; Trinity, Walden, N.Y. Presently, Grace Lutheran Church, Bronx, N.Y. Married, two daughters: Ruth, age 7, Esther, age 5. Member of Lutheran Church-Missouri Synod.

I am particularly pleased that the pastor is here today because he represents the caliber of men needed to preach the new ministry. I say "new ministry" because our society has changed so drastically in the past several decades that our religious leaders have been forced to seek new ways to bring religion into the community.

Religion has served an important role in the development of mankind and certainly plays a paramount role in the development of the individual. In today's impersonal world, such a focal point is all the more essential. This is especially so for our youth who have found themselves lost in a period of great national change and personal questioning. Thus it is for the new breed of ministers to bring religion into the community and the hearts of its members.

Since arriving in the Bronx, Pastor Behling has dedicated himself to this effort. He revitalized the Young Youth League of his church to help foster a strong moral and spiritual commitment in the children and to show them that religion is not only relevant, but essential in today's world.

His previous years at a mission church in Walden, N.Y., prepared him for a new mission at Grace Lutheran Church. He has opened the doors of the church to Alcoholics Anonymous, providing them a place to meet. But more than that he has dedicated his spiritual community to serving this needy segment of the temporal community in the true sense of Christian giving.

Pastor Behling strongly believes that if a church or a religion is to serve its people well, it must be a vital part of the community in which it is located. This he has done not only in aiding alcoholics or working with youth, but in every project he takes on. His congregation and the whole community are far better persons for having him amongst them.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE A REPORT ON H.R. 10367

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until midnight tonight, September 28, 1971, to file a report on H.R. 10367.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

OUR PRISONERS OF WAR AND MISSING IN ACTION NEED OUR HELP NOW

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CASEY of Texas. Mr. Speaker, along with many of our colleagues this morning I talked with wives, mothers and fathers, brothers, and former comrades in combat of those missing in action, and prisoners of war.

What can you tell them? They ask questions that are very difficult to answer. They said, "Is the United States the most powerful Nation in the world? If so, why can we not find out the condition of our prisoners of war? Why can we not prevail on the other countries we have helped rebuild, and helped maintain their own strength, to join us in seeing that the Geneva Convention is lived up to so that those who are over there as prisoners are properly looked after?"

They asked me—and I cannot answer—can you? Why is our top priority in the United Nations now working for the admission of Red China? Why is it not on their agenda every day to see that the prisoners of war of the United States and of other nations and those missing in action are accounted for?

Mr. Speaker, these people are frustrated and I am frustrated with them. I join with them in asking the executive department why more is not being done in behalf of these men who are being held prisoners under conditions no one knows, and in utter contempt of the pleas of all decent people of this world.

The wives and parents, with some justification, are beginning to believe that these men are being forgotten. That they are being considered as expendable so to speak, and we must not let this happen.

I urge each and everyone of you to join me in calling upon the President and all branches of the executive to use the strength of this Nation; and by that I mean its economic strength, its diplomatic strength, and, if necessary, its military strength for the return of our prisoners and the accounting for those missing in action. We must not fail them.

COLLEGE FOOTBALL IS NO. 1 ENTERTAINMENT

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, out in the great heartland of America, when autumn rolls around, college football is the No. 1 entertainment, inspiring strong loyalties and strong emotions.

For those of us in Oklahoma, this past Saturday was a banner day. Virginia Tech's football team ventured into Oklahoma, and returned home after taking a 24–16 licking from Oklahoma State University. The University of Oklahoma Sooners came East and handily administered a 55–29 defeat to Pittsburgh.

The icing on the cake was Tulsa University's storybook upset of mighty Arkansas, coming from 20–0 behind to drop the Razorbacks 21 to 20 and out of the top 10 in the national rankings.

Oklahoma and Oklahoma State are members of the Big Eight Conference, and that conference has clearly become the premier football conference in the United States. Big Eight teams are 17 to 5 winners over nonconference opponents this year. When Colorado best heavily favored Ohio State Saturday, it marked the 17th consecutive victory of a Big Eight team over Big Ten opposition.

The national rankings published this morning add to the warmth of already excited Big Eight fans. Nebraska is ranked No. 1; Colorado is ranked No. 6, and Oklahoma is ranked No. 8 in both the AP and UPI versions of the poll. When an eight-member conference places three teams in the top 10, it should prove something about the quality of the conference.

Mr. Speaker, this digression from the weighty matters of the day is pardonable, I believe, because those of us who must depend on the newspapers of this area must read sports writers who still labor under the misapprehension that the real power in football lies elsewhere. The record, of course, clearly shows it is in the Big Eight.

GUN CONTROLS IN THE DISTRICT OF COLUMBIA ARE FOR THE LAW ABIDING

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have noted from the local press that weapons dealers in the city of Washington report that sales of firearms are drying up. It is now virtually impossible to obtain a permit. The significance of this development is that the firearms generally available in sporting goods stores in Washington are weapons for hunting and offer home protection and are not for crime. Very few of the Saturday night specials, the cheap handguns, commonly employed by criminals are available in these establishments. Thus the fallacy of excessive gun control is again exposed. The only persons denied the right to own weapons are the law abiding citizens who want it for protection or for legitimate sport. Near the city of Washington within easy reach of the thugs or hoodlums are to be found the cheap handguns with which holdups are staged and policemen are killed. Is the District government blind to the real problem of gun controls or have they simply been taken in by the crowd that wants to take weapons away from all Americans?

THE LATE HONORABLE JOHN C. WATTS

(Mr. ANDREWS of Alabama asked and was given permission to address the

House for 1 minute to revise, and extend his remarks and include extraneous matter.)

Mr. ANDREWS of Alabama. Mr. Speaker, I was deeply saddened to learn of the death of my longtime friend and colleague, the Honorable John C. Watts.

John Watts was a powerful and highly effective Member of this body, and one who went about his duties in a quiet manner, without fanfare and the bright lights of publicity.

He worked long and hard for his country and for the people of his district in Kentucky. As a high ranking member of the Ways and Means Committee, he brought his sound judgment and knowledge to bear on the complex and far-reaching legislation handled by that committee.

John Watt's career in public service was always characterized by a high sense of responsibility. That career included service as a county attorney, membership in the State legislature, a post in the Governor's cabinet, and, finally, membership in the U.S. House of Representatives.

Through it all, those whom he represented received the best that John Watts had to offer, and what he had to offer was considerable indeed.

I shall miss my truly kind friend, John Watts. I shall miss the calmness and commonsense that he exhibited in times of great stress in this body. But, most of all, I shall miss my association with this good man and fine Kentucky gentleman.

Kentucky and the Nation are considerably poorer with the passing of John Watts.

Mrs. Andrews joins me in extending our deepest sympathy to his lovely wife and daughter.

SAIGON DICTATORSHIP

(Mr. JACOBS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch, would care to say he or she is willing from this day forward to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship? Other Americans are being ordered to do so.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 2

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tonight to file a report on the bill H.R. 2.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DO NOT SCRATCH THE BIG FOUR FOREIGN MINISTERS MEETING ON THE MIDDLE EAST

(Mr. MONAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I regretted reading in the newspapers this morning that Secretary Rogers had not come to New York for the projected meeting of the Big Four Foreign Ministers, and that the meeting had been canceled. I hope that this does not indicate any lessening of interest in the administration working to help bring about a negotiated solution of the difficulties in the Middle East. That important subject was to be on the agenda. It was expected that the ministers might be able to move the parties involved toward a settlement as a result of this effort. Certainly the time for settlement is gradually slipping away, and the long-term implications for the United States are grave and far reaching.

There was an opportunity, that is clear. I believe that the opportunity is still there, and I hope that the cancellation of this meeting will not mean that there will not be other meetings and further initiatives and I hope that Secretary Rogers and members of his department will move vigorously ahead to join with their counterparts in trying to bring about a settlement of this very difficult and dangerous situation.

BRIEFING ON SOUTH VIETNAMESE ELECTION

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, I have just come from a State Department briefing on the South Vietnamese presidential election. This briefing was called in answer to a resolution of inquiry which have requested the Department to disclose the full facts regarding the U.S. participation in the election.

Regrettably, this briefing, like the non-election, was a sham. They told us less than we learn in our daily newspapers. The State Department has obviously misled the Congress, deliberately hiding the truth from the American people as regards the Vietnamese election.

I opposed the resolution of inquiry when it was considered by the Foreign Affairs Committee. However, I shall support it on the floor on Thursday because the State Department completely reneged on its promise to tell the Congress about the events leading up to the one man presidential voting in South Vietnam.

I deplore the absence of even the most basic democratic processes in South Vietnam. It has become all too clear that the State Department is either unwilling or unable to admit its role in the events which have produced the totalitarian framework in South Vietnam.

I am deeply afraid that history will reveal the events in Vietnam in the past year to be as sordid and full of deceit as the Pentagon papers disclosed the events in past years to be.

THE ROLE OF THE STATE DEPARTMENT IN THE SOUTH VIETNAMESE ELECTION

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, I rise to inform the Members of the House that I will press for passage of my resolution of inquiry, House Resolution 595, when it is reported to the floor this Thursday. The resolution is directed to the Secretary of State and requests that he furnish the House within 7 days with the communications between the State Department and the Embassy in Saigon and between the Embassy in Saigon and the three principals in the election, Messrs. Thieu, Ky, and Minh.

It is the constitutional responsibility of the House to be informed as to the nature of this election and this Nation's involvement in it—particularly at a time when the majority of our constituents are asking that we withdraw from Vietnam immediately.

When the resolution of inquiry was introduced, it was referred to the Committee on Foreign Affairs, which in turn referred it to the State Department. In a letter to the chairman of the committee, dated September 22, David Abshire, the Assistant Secretary for Congressional Affairs, recommended against passage of the resolution and offered to brief interested Members of Congress as an alternative. Based upon the State Department's representation, the committee then voted against passage of the resolution.

A briefing was arranged. It was to be conducted by the desk officer who received all the communications from Saigon and saw all communications from the State Department to Saigon.

The briefing was held this morning for an hour and a half and attended by a dozen Members of Congress and staff representatives from about 75 other congressional offices. Unfortunately, the representatives of the State Department would not give us either the communications or their content. We received no more information than we have already received through the media, plus a few general observations and opinions of Vietnam desk officers.

Congress must no longer be left in the dark in this manner. We must demand that our right to know be respected, that our ability to perform our constitutional mandate be insured. I urge your support on Thursday for passage of the resolution of inquiry.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 10577, FOREIGN SALE OF U.S. PASSENGER VESSELS

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report on H.R. 10577, foreign sale of U.S. passenger vessels.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMERICAN PRISONERS OF WAR

(Mr. PIRNIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PIRNIE. Mr. Speaker, 7 years and 186 days have passed since the first American became a prisoner of war. We cannot forget. We must not forget. Every effort must be made; every avenue must be explored to obtain the release of the brave men held captive by the Hanoi Government. Our commitment to this goal is absolute.

PROVIDING FOR DELETION IN ENROLLMENT OF H.R. 4713

Mr. SISK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 42), providing for a deletion in the enrollment of H.R. 4713.

CALL OF THE HOUSE

Mr. FORSYTHE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 268]

Abbitt
Abernethy
Abourezk
Adams
Alexander
Anderson, Calif.
Anderson, Tenn.
Ashley
Badillo
Betts
Boggs
Brooks
Brotzman
Burleson, Tex.
Byrnes, Wis.
Carey, N.Y.
Carter
Cederberg
Celler
Chappell
Chisholm
Clark
Clawson, Del
Clay
Collier
Conable
Conyers
Corman
Cotter
Dent
Derwinski
Diggs
Donohue
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Frey
Fulton, Tenn.
Gallagher
Gaydos
Gibbons
Gray
Green, Pa.
Griffiths
Hansen, Wash.
Harrington
Hathaway
Hays
Hicks, Mass.
Hillis
Howard
Hunt
Ichord
Johnson, Pa.
Keating
Kluczynski
Landrum
Long, La.
Lujan
McMillan
Mathias, Calif.
Mazzoli
Mills, Ark.
Murphy, Ill.
Murphy, N.Y.
Myers
Passman
Pepper
Perkins
Pettis
Poff
Reid, N.Y.
Rodino
Rooney, N.Y.
Rosenthal
Rostenkowski
Ruth
Scheuer
Schneebeli
Seiberling
Snyder
Stanton, James V.
Steed
Stokes
Stubblefield
Stuckey
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Ullman
Van Deerlin
Waggonner
Whalley
Wyatt
Wydler
Yatron
Young, Fla.

The SPEAKER. On this rollcall 332 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR DELETION IN ENROLLMENT OF H.R. 4713

The SPEAKER. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 42

Resolved by the Senate (House of Representatives concurring), That the enrollment of H.R. 4713, the Clerk of the House of Representatives be authorized to delete Senate amendment numbered 5, which inserts at page 3, after the second line following line 6, a new section 7.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. ANDERSON of Illinois. Mr. Speaker, reserving the right to object, I am not constrained to object, but I do ask the gentleman from California if he is going to explain this matter to the Members of the House?

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, this is an attempt to get the matter straightened out between the House and the Senate dealing with an amendment of the Reorganization Act of 1970. If the Members will recall, a short time ago we agreed to certain Senate amendments in connection with a bill which we had previously passed, simply restoring the use of counterpart funds for use of committees by statute, which inadvertently had been left out of the reorganization bill. There was no controversy, and the matter did pass by unanimous consent.

The Senate then adopted certain amendments. They sent those back to the House, we accepted those amendments, but one of the amendments added by the Senate dealt with strictly their housekeeping arrangements and dealt with the age limits of pages in the Senate. They adopted an amendment which would have caused their pages to be the same age or require the same age limit as the House pages.

After the bill went back to the Senate, a question was raised by one Member of the other body, and objection was raised to that amendment which they, themselves, had adopted. This concurrent resolution would remove that amendment, which is what the other body seeks to do. It is simply in line with what the Clerk has just read, and would instruct the Clerk of the House to drop that amendment. We have no objection because it deals strictly with a housekeeping matter for the other body.

Mr. ANDERSON of Illinois. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, further reserving the right to object. Are we now engaged in stopping a fight in the Senate over an amendment? Is that what we would be doing here today with approval of this piece of legislation?

Mr. SISK. Mr. Speaker, if the gentleman will yield, this would simply permit the Senate to do what it wants to do apparently. This is a matter over which, of course, they have complete jurisdiction, having to do with the age limits of the Senate pages. We upon request of the Senate in this concurrent resolution simply will agree to what they now desire to do, which is to maintain their present age limits on Senate pages.

Mr. GROSS. Has the gentleman from California been assured that if we approve this legislation that we will have settled a fight between Members of the Senate?

Mr. SISK. If the gentleman will yield further, we have great difficulty in determining any future action or course of the other body. As I say, we have been requested to concur with them in this amendment. It does deal exclusively with matters over which they have jurisdiction. I would hope, of course, this would end this particular matter and permit this bill to get to the President, so he might sign it into law, and correct an inadvertence on our part.

Mr. GROSS. I would say to my friend from California that it is most intriguing to be cast in the role of referee in a fight between Members of the other body.

Mr. SISK. I appreciate the comment of my friend, the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the committee may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 10351, ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1971

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of my colleague from Tennessee (Mr. ANDERSON) I call up House Resolution 608 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 608

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10351) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points or order against sections 11 and 15 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments there to to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 608 provides an open rule with 2 hours of general debate for consideration of H.R. 10351. Economic Opportunity Act Amendments of 1971. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and, due to a transfer of funds, all points of order are waived against sections 11 and 15 of the substitute for failure to comply with the provisions of clause 4, rule XXI.

The main purpose of H.R. 10351 is to extend for 2 years the Act of 1964, as amended: $2,194,066,000 is authorized to be appropriated for fiscal year 1972 and $2,750 million is authorized for fiscal year 1973, $350 milllion is reserved each year for the funding of local initiative programs.

The eligibility requirements for participation in Headstart are raised to an annual family-of-four income of $4,500.

The comprehensive health services program is amended to authorize the Director to require payment for health services to persons not in the low-income bracket.

The director of the drug rehabilitation program is authorized to undertake special programs to promote employment opportunities for rehabilitated addicts.

Four percent of the funds appropriated each year are reserved for community action programs in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific. This is increased from 2 percent.

A private, nonprofit corporation to be known as the National Legal Services Corporation is established, the incorporation and initiation of which shall occur within 6 months after enactment of the legislation. An incorporating trusteeship is established to be composed of the presidents or their designees of the American Bar Association, the National Legal Aid and Defender Association, the Association of Law Schools, the American Trial Lawyers Association, and the National Bar Association. A 17-member Board of Directors for the Corporation will be appointed by the President, with the advice and consent of the Senate. The Corporation will take the place of the legal services program which has been operated by the OEO. In addition to funds reserved for the Corporation from appropriations for any fiscal year, such additional funds as may be necessary are authorized to be appropriated and shall remain available until expended.

The director of action for the foster grandparents program may approve assistance in excess of 90 percent of the cost of development and operation of such projects.

A new environmental action program is created to provide payment for low-income persons working on projects combating pollution and improving the environment and a new rural housing development and rehabilitation program is created to assist low-income families in rural areas.

The Director of OEO is forbidden to require non-Federal contributions of more than 20 percent of the cost of programs assisted and a 10-percent limitation is imposed on his authority to transfer funds earmarked for any program.

The 5-year national poverty action plan is required to be filed by December 31 of each year.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, I urge adoption of House Resolution 608 which provides for 2 hours of general debate on H.R. 10351 under an open rule, and waives two points of order. This rule will make in order consideration of the Economic Opportunity Act Amendments of 1971 which extend for 2 years the programs of the Office of Economic Opportunity at nearly $2.2 billion in fiscal 1972, and $2.75 billion in fiscal 1973. The bill also makes several significant changes in the programs carried out under the Economic Opportunity Act. These include the creation of a new environmental action program, a new rural housing development and rehabilitation program, and a new nonprofit, Independent Legal Services Corporation. In addition, the bill permits the Director of OEO to require payment for medical services provided under the comprehensive health services program, raises the general eligibility requirement for participation in Headstart to an annual family income of $4,500 for a family of four, and directs that priority be given to veterans and employers of veterans under the drug rehabilitation program while promoting employment opportunities for rehabilitated addicts. The bill also tightens certain restrictions and increases oversight and evaluation of OEO programs.

Mr. Speaker, when OEO Director Frank Carlucci testified in favor of this extension, he observed that his agency's programs are currently reaching nearly 50 percent of those Americans whose incomes place them below the poverty line, and he quoted President Nixon who has referred to the OEO as "the cutting edge by means of which government moves into unexplored areas." Mr. Carlucci went on to say that this extension will assure that there remains within the Federal Government "an agency serving as an active advocate of the poor, so that the thrust of the effort to eradicate poverty maintains its momentum." I fully agree with Mr. Carlucci that failure to extend this legislation would indeed undo much of the progress made to date and signal to the Nation that the Government was turning its back on those most in need of its assistance. We cannot and must not turn our backs on these people; we must continue our efforts to make it possible for our Nation's poor and low-income individuals to help themselves, and the OEO has been and should continue to be the "cutting edge" of this thrust.

Mr. Speaker, in the brief time remaining to me, I want to call special attention to title X of this bill which would transfer the legal services program of OEO to a new, independent nonprofit legal services corporation. As a cosponsor of a similar measure, I am extremely pleased that the committee has included this in this legislation. Such a reform has the backing of the administration and its Council on Executive Reorganization, the Legal Services National Advisory Committee, the ABA, and bar associations from across the country. This reform will assure that the legal services program for the poor is removed from political influence, thus enhancing the integrity of the lawyer-client relationship and the professionalism of legal services attorneys.

I think the committee is to be commended on arriving at a compromise between three separately sponsored legal services corporation bills—a bill which incorporates the best features of each proposal. The very fact that this bill was unanimously reported is an indication of the acceptability and advisability of this compromise approach. I have consequently joined with several of my colleagues in signing a letter urging adoption of title 10 without amendments. I am sure most of my colleagues will agree that the legal services program has given life to the concept of equal justice under law for millions of poor individuals who were previously denied full access to justice because of their financial condition. I am convinced that title 10 of this bill will further strengthen the legal services program and thereby enable the poor to obtain a meaningful resolution of their grievances and protection of their rights. I fully agree with the committee report which states that—

> It is in the public interest to encourage and promote the use of institutions * * * for the orderly redress of grievances and as a means of securing worthwhile reform * * * (and that) the Government must continue to play an important role to assist citizens to obtain legal representation regardless of the economic state.

In conclusion, Mr. Speaker, I urge adoption of this rule and passage of the 1971 Equal Opportunity Act amendments. Extension of this act will reaffirm our commitment to the policy declaration of the 1964 act that—

It is the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this Nation. * * *

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING THE DISTRICT OF COLUMBIA ELECTION LAW

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10784) to amend the District of Columbia Election Act, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Election Act (Act of August 12, 1955 (69 Stat. 699) as amended, D.C. Code, sec. 1–1100 et seq.) is amended as follows:

(1) Subsection (2) of section 2 is amended as follows:

(a) Clause (A) is amended by striking "one year period" and by inserting "six month period" instead.

(b) Clause (B) is amended by striking "twenty-one" and inserting "eighteen" instead.

(2) Paragraph (7)(A) of subsection (a) of section 10 is amended by striking out "on the twenty-first day following such election" and by inserting instead "on the twenty-eighth day following such election".

With the following committee amendment:

Page 1, strike out lines 7 through 10, and insert in lieu thereof the following:

"(A) Clause (A) is amended by striking out 'one-year period' and inserting in lieu thereof 'six-month period' and by inserting at the end thereof immediately before the semicolon ', except in the case of an election of electors of President and Vice President of the United States the period shall be thirty days'.

"(B) Clause (B) is amended by striking out 'twenty-one' and inserting in lieu thereof 'eighteen'."

Mr. HUNGATE. Mr. Speaker, this bill has three main points.

One is that in the District of Columbia election law it would change it as it now reads from 21 to 18 years of age. This is identical to the bill that passed the Senate.

The second point is that it would deal with the question of residency requirements in voting. Under the Voting Rights Act, the cases thereunder, to vote for President of the United States there is no right to require a residency requirement of more than 30 days. This would remain the same in the committee bill. There is a residency requirement, which is now 1 year in the District of Columbia.

This would be changed to shorten the period to 6 months. Only three States in the Union I believe have a shorter period of time and that is 3 months for residency.

This, too, would vary from the provisions as set up in the Senate bill which provides for a 30-day residency period. However, in the opinion of the committee, especially with reference to certain local elections such as electing a board of education, and after consultation with the District of Columbia Delegate regarding District of Columbia Delegate elections the 6 months residency period would better serve the public interest.

Then for runoff elections, the third change, there would be provided a period of 28 days for runoff elections. The Senate bill would give them from 2 weeks to 6 weeks and place the period to be established in the discretion of the Board of Elections.

Your committee thought that this represented an unnecessary discretion to be lodged in the Board of Elections and, possibly, as a result of political folderol they could either shorten or lengthen the time for such runoff elections. So, instead of that provision, we set a fixed period of 28 days for the time of the runoff. That extends the time from 21 days under the present law to 28 days. The Board of Elections has requested an extension.

Mr. Speaker, I believe that, generally, explains the provisions of this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Iowa.

Mr. GROSS. What are the normal or average requirements for residency across the country?

Mr. HUNGATE. That is set forth in our committee report, I would state to the gentleman from Iowa. For instance, in the State of Iowa it would be 6 months. In the State of Missouri it is 1 year, although the courts have held it cannot be that long. The shortest one about which I know I believe is the State of New York: 3 months. The State of Pennsylvania has a period of 90 days and there are no States which have shorter periods of time.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I would state to the gentleman that I would have read the report had I known the bill was to be called up by unanimous consent today, but I had no notification of that fact until this morning.

Mr. HUNGATE. I apologize to the gentleman for this short notice. However, the bill was scheduled originally for consideration yesterday. I know how very thorough the gentleman from Iowa is in attending to his duties with reference to legislative matters and I can understand his position.

I thank the gentleman for his contribution.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. FRASER OF MINNESOTA

Mr. FRASER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: Page two is amended by adding after line 12 the following:

"(3) Subsection (a) of section 8 is amended by adding at the end thereof the following new sentence: 'In the case of a petition nominating a candidate for the office referred to in clause (2) of the first section of this Act, if the rules of the political party of the candidate for whom such petition is being circulated require a statement on such petition indicating which prospective presidential candidate such candidate supports, or a statement indicating that he supports no prospective candidate, the Board shall affix such statement to such petition.'

"(4) Subsection (c) of section 8 is amended by adding at the end thereof the following new sentence: 'With respect to the ballot for any election for the office referred to in clause (2) of the first section of this Act, if the rules of a political party require the voters of such party to be informed on the ballot as to which prospective presidential candidate each candidate of such political party for such office supports, the Board shall indicate such commitment, or lack thereof, for each candidate on the ballot for such political party.'"

POINT OF ORDER RESERVED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER. The gentleman from Iowa reserves a point of order against the amendment.

Mr. FRASER. Mr. Speaker, let me say first of all that I think the bill that is now pending before the House is a good bill. It is a very modest one that will reset certain requirements with reference to the elections process in the District of Columbia. I support the bill. There was not any controversy about it in the committee. However, I am offering this amendment because it was embodied in another bill which was under consideration by the subcommittee but one on which they have not been able to spend enough time in order to give it thorough consideration.

Mr. Speaker, what this amendment would do would be to enable any of the political parties in the District of Columbia to adopt a rule which would then provide that the delegates to the national convention who are running in connection with that party to state their presidential preference, if they have one, or state that they have none on the ballot for better information to the voters.

We reviewed this in the committee, and I have taken it up with the various Members, and I think there is no particular objection to it. All it does is give added flexibility to either of the parties that choose to require by rule that the delegates should have this opportunity to state a preference for a presidential candidate, if they have such a preference, or to state if they are uncommitted that they are uncommitted. If the party does not choose to adopt such a rule, then of course it has no effect on the existing machinery. It simply provides additional opportunity to the party in the selection process by which it selects its national delegates.

I think it is a good provision, and one that would give the parties flexibility, which they will find helpful in their work.

I would be glad to respond to any questions about it, if I may.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I was one

of the Members on a point of order that was raised when we were in session when it was brought up, feeling that the bill itself was so important to the election process here in the District that it would be inadvisable to put anything in it that might be controversial, and I thought this might be controversial.

However, I must say that this is no different than the presidential primary approach that we take where there is a presidential primary, so I really do not have the feeling that I had in the committee because at that time I did not have the information that I thought I should have in order to make a sensible judgment on it.

So at this point I just want everybody in the House to understand what this does, so that we do not proceed blindly. It gives the election process here in the District a chance for either political party to have their delegates identified on a presidential basis, as I understand, so that the voters, when they vote, will know who they are voting for, and who the delegate is for in the presidential convention.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

Mr. GROSS. Is not the bill dedicated to the purpose of giving the right of franchise to 18-year-olds and above?

Mr. FRASER. I would yield to the gentleman from Missouri (Mr. HUNGATE) to answer that question.

Mr. HUNGATE. Mr. Speaker, there are three separate and basic points in the bill that came over from the Senate. We dealt with the same purposes. The gentleman from Iowa is correct as to the point of changing the voting age from 21 to 18 years in the statute.

The second point was as to the runoff provision which is currently 21 days. The Senate would grant discretion to go to 6 weeks. We thought that was too long, and we changed it to the 28th day.

The third feature of the bill dealt with the residency requirements. The Senate bill said that 30 days would be enough for the Board of Education. The House committee thought that perhaps a 6-month period would be more adequate. Whereas, for the presidential elections, which is the national law, to 30 days instead of a year.

Those were the three basic points when the bill came from the Senate.

Mr. GROSS. Mr. Speaker, I am concerned about the scope of the amendment offered by the gentleman from Minnesota (Mr. FRASER). It seems to me that it goes beyond the provisions of this bill for amendments to the election laws in the District as to candidates. Am I correct or incorrect in that?

Mr. FRASER. I think the gentleman from Missouri made it clear that there are three sorts of unrelated matters in the bill.

The SPEAKER. The time of the gentleman from Minnesota has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. FRASER was allowed to proceed for 2 additional minutes.)

Mr. FRASER. The gentleman from Missouri made it clear that there are three sort of unrelated matters which have as their common thread—trying to fix up the election machinery in the District. In that sense, it seems to me that the commonality of the bill, as it attempts to improve and modernize election procedures here, is, I think, consistent with that. I do no really think that it is a great issue of any kind.

The SPEAKER. Does the gentleman from Iowa (Mr. GROSS) desire to withdraw his point of order?

Mr. GROSS. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of a similar Senate bill (S. 2495), to amend the District of Columbia Election Act, and for other purposes, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2495

An Act to amend the District of Columbia Election Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Election Act (Act of August 12, 1955 (69 Stat. 699) as amended, D.C. Code 1–1100 et seq.) is amended as follows:

(1) Subsection (2) of section 2 is amended as follows:

(a) Clause (A) is amended by striking "one-year period" and by inserting "thirty-day period" instead.

(b) Clause (B) is amended by striking "twenty-one" and inserting "eighteen" instead.

(2) Paragraph (7)(A) of subsection (a) of section 10 is amended by striking out "on the twenty-first day following such election" and by inserting instead "not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding general election. At the time of announcing such determination the Board shall establish and announce the date of the runoff election, if one is required."

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE: Strike out all after the enacting clause of S. 2495 and insert in leu thereof the provisions of H.R. 10784, as passed, as follows:

That the District of Columbia Election Act (Act of August 12, 1955 (69 Stat. 699) as amended, D.C. Code, sec. 1–1100 et seq.) is amended as follows:

(1) Subsection (2) of section 2 is amended as follows:

(A) Clause (A) is amended by striking out "one-year period" and inserting in lieu thereof "six-month period" and by inserting at the end thereof immediately before the semicolon ", except in the case of an election of electors of President and Vice President of the United States the period shall be thirty days".

(B) Clause (B) is amended by striking out "twenty-one" and inserting in lieu thereof "eighteen".

(2) Paragraph (7)(A) of subsection (a) of section 10 is amended by striking out "on the twenty-first day following such election" and by inserting instead "on the twenty-eighth day following such election".

(3) Subsection (a) of section 8 is amended by adding at the end thereof the following new sentence: "In the case of a petition nominating a candidate for the office referred to in clause (2) of the first section of this Act, if the rules of the political party of the candidate for whom such petition is being circulated require a statement on such petition indicating which prospective presidential candidate such candidate supports, or a statement indicating that he supports no prospective candidate, the Board shall affix such statement to such petition."

(4) Subsection (c) of section 8 is amended by adding at the end thereof the following new sentence: "With respect to the ballot for any election for the office referred to in clause (2) of the first section of this Act, if the rules of a political party require the voters of such party to be informed on the ballot as to which prospective presidential candidates each candidate of such political party for such office supports, the Board shall indicate such commitment, or lack thereof, for each candidate on the ballot for such political party."

The amendment was agreed too.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10784) was laid on the table.

WEATHER MODIFICATION REPORTING

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 615 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 615

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6893) to provide for the reporting of weather modification activities to the Federal Government. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 615 provides for consideration of H.R. 6893, which, as reported by our Committee on Interstate and Foreign Commerce, would provide for the reporting of weather modification activities to the Federal Government. The resolution provides an open rule with 1 hour of general debate, after which the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider the amendment, in the nature of a substitute, recommended by the Committee on Interstate and Foreign Commerce, now printed in H.R. 6893, as an original bill, for the purpose of amendment under the 5-minute rule.

Mr. Speaker, the need for this legislation arises from the fact that there is today no central source of complete and reliable information on weather modification activities in the United States.

The term weather modification is defined in the bill as any intentional, artificially produced change in the composition, behavior, or dynamics of the atmosphere. Anyone engaged in weather modification activities would be required under the proposed legislation to report such activities to the Secretary of Commerce. However, I have been assured by the distinguished chairman of the Committee on Interstate and Foreign Commerce, Mr. STAGGERS, that a person who tries to cause rainfall by chanting, dancing, rubbing of sticks or ti leaves together, would not be covered by this reporting requirement, even if actual rain follows such rainmaking ceremonies.

It should be pointed out that H.R. 6893 does not authorize, prohibit, or regulate any weather modification activities. The law of the State or jurisdiction where such activities are conducted would still govern. The legislation here proposed would merely require a reporting of any such activity to the Secretary of Commerce, who would keep a record of weather modification activities and make the information available to the public to the fullest practicable extent.

Any person who willfully violates any provisions of this act, however, may be fined up to $10,000 upon conviction.

To carry out its provisions, the bill authorizes the appropriation of $150,000 for fiscal year 1972 and $200,000 for the fiscal years 1973 and 1974.

Mr. Speaker, I urge the adoption of House Resolution 615 in order that H.R. 6893 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 615 makes in order for consideration of H.R. 6893. The purpose of the bill is to require that all persons who engage in attempts at weather modification within the United States must report their activities to the Secretary of Commerce.

At the present time, although more than half the States have laws regulating weather modification activities within their jurisdiction, there is no central authority to which such activity need is reported. Nor is there any central authority charged with the responsibility of collecting and disseminating reliable information on the subject.

The bill requires that all persons who engage in weather modification activities must report such activity to the Secretary of Commerce. The frequency of reporting and the information required to be contained therein shall be prescribed by the Secretary.

The Secretary of Commerce is further authorized to compile records of weather modification activities in the United States, to publish summaries from time to time, and to make such information available to the public.

Any violator is subject to a fine of up to $10,000. The bill authorizes $150,000 for fiscal 1972 and $200,000 for each of fiscal 1973 and 1974.

The bill was reported unanimously and it is supported by the Department of Commerce.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6893) to provide for the reporting of weather modification activities to the Federal Government, in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill as follows:

H.R. 6893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. In order to provide for the acquisition and compilation of information concerning actual or attempted weather modification activities, each person, before engaging in and upon completion of any form of weather modification activity within the United States, including any possession or territory thereof and the Commonwealth of Puerto Rico, shall submit to the Secretary of Commerce a report at such time, in such form and containing such information as the Secretary may prescribe.

SEC. 2. As used in this Act—

(a) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, and any other organization, whether commercial or nonprofit, including State and local governments and agencies thereof, who is not performing weather modification activities as an employee, agent, or independent contractor of the Federal Government.

(b) The term "weather modification" means any intentional, artificially produced changes in the composition, behavior, or dynamics of the atmosphere.

(c) The term "territory" includes the insular possessions of the United States and also any territory of the United States.

SEC. 3. The Secretary of Commerce shall maintain a continuous record of weather modification activities, including attempts, and shall disseminate summaries periodically.

SEC. 4. The Secretary of Commerce may obtain from any person by regulation, subpena, or otherwise such information in the form of testimony, books, records, or other writings, may require the keeping and furnishing of such reports and records, and may make such inspection of the books, records, and other writings and premises or property of any person as may be deemed necessary or appropriate by him to carry out the provisions of this Act, but this authority shall not be exercised if adequate and authoritative data are available from any Federal agency. In case of contumacy by, or refusal to obey a subpena served upon any person referred to in this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 5. Any person who knowingly and willfully performs any act prohibited or knowingly and willfully fails to perform any act required by the provisions of this Act or any regulation issued thereunder, shall upon conviction be fined not more than $10,000.

SEC. 6. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

That, as used in this Act—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, any State or local government or any agency thereof, or any other organization, whether commercial or nonprofit, which is not performing weather modification activities as an employee, agent, or independent contractor of the Federal Government.

(3) The term "weather modification" means any intentional, artificially produced change in the composition, behavior, or dynamics of the atmosphere.

(4) The term "United States" includes the several states, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or insular possession of the United States.

SEC. 2. No person may engage, or attempt to engage, in any weather modification activity in the United States unless he submits to the Secretary such reports with respect thereto, in such form and containing such information, as the Secretary may by rule prescribe. The Secretary may require that such reports be submitted to him before and after any such activity or attempt.

SEC. 3. (a) The Secretary shall maintain a record of weather modification activities, including attempts, which take place in the

United States and shall publish summaries thereof from time to time as he determines.

(b) All reports, documents, and other information received by the Secretary under the provisions of this Act shall be made available to the public to the fullest practicable extent.

SEC. 4. (a) The Secretary may obtain from any person by rule, subpena, or otherwise such information in the form of testimony, books, records, or other writings, may require the keeping and furnishing of such reports and records, and may make such inspection of books, records, and other writings and premises and property of any person as may be deemed necessary or appropriate by him to carry out the provisions of this Act, but this authority shall not be exercised to obtain any information with respect to which adequate and authoritative data are available from any Federal agency.

(b) In case of contumacy by, or refusal to obey a subpena served upon any person pursuant to this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 5. Any person who knowingly and willfully violates section 2 of this Act, or any rule issued hereunder, shall upon conviction thereof be fined not more than $10,000.

SEC. 6. There are authorized to be appropriated $150,000 for the fiscal year ending June 30, 1972, and $200,000 each for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out the provisions of this Act.

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I move to strike out the requisite number of words.

The SPEAKER. The gentleman from West Virginia is recognized.

Mr. STAGGERS. Mr. Speaker, the bill before the House today is by any standard a modest one. It would merely require that persons who engage in weather modification activities in the United States must file reports on those activities with the Secretary of Commerce, or more specifically, the National Oceanic and Atmospheric Agency in the Commerce Department—NOAA. The Secretary would spell out this requirement in rules which he would issue under the legislation.

The Secretary would also maintain a record of weather modification activities in the United States and, from time to time, publish summaries thereof. Weather modification activities carried out by or for the Federal Government would not be subject to the legislation. Such information is available in environmental impact reports filed by Federal departments and agencies under section 102 of the National Environmental Policy Act of 1969.

All data received by the Secretary under the legislation would be made available to the public to the fullest extent practicable. Deliberate violations of the act, or rules issued under it, would subject the offender to a fine of up to $10,000.

As originally requested by the administration, the legislation provided for open-end authorizations. During the hearing on the legislation, a witness for the administration estimated that once the legislation was implemented, they would be able to use up to $300,000 a year to carry out the legislation. After looking into the matter the committee amended the legislation to authorize the appropriation of $150,000 for fiscal year 1972 and $200,000 each for fiscal years 1973 and 1974.

Mr. Speaker, weather modification is no longer the province of medicine men and flimflam artists. Today it is a science. We know that under certain conditions precipitation can be increased or redistributed and that fog can be dissipated. There is, today, hope that hail can be suppressed and that lightning and severe storms and hurricanes can be modified. But we need information about the effects of weather modification activities and that is what this legislation is designed to provide.

Let me emphasize, Mr. Speaker, that the bill does not authorize, prohibit, or regulate weather modification activities in any respect. Under the legislation that would remain a matter wholly within the control of the several States. At present, 29 States have various types of legislation relating to weather modification. But there is no place where information is available with regard to these activities. Yet, these activities can affect persons in adjacent States, and, for that matter nearby countries who are without effective recourse. They can distort the reliability of weather predictions and affect the reliability of other weather modification activities being carried out in nearby areas.

This is not an academic matter with me, Mr. Speaker. Some of my constituents, together with residents of adjacent Maryland and Pennsylvania, have formed the Tri-State Natural Weather Association. Many members of the association believe that secret cloud seeding was responsible for a recent period of drought in the Tri-State area. If this legislation had been in effect, it would have been an effective deterrent to any such cloud seeding activities which were not in conformity with State law.

For the information of Members of the House, I should also like to point out, Mr. Speaker, that from 1958 until 1968, reports on weather modification activities were required to be filed with the National Science Foundation. In reassessing the role of the Foundation, we took away this function from it, but unfortunately did not assign it to any other agency of the Federal Government. The legislation now before the House would correct this oversight.

Mr. Speaker, H.R. 6893 is recommended by the administration. In hearings before the Subcommittee on Communications and Power, no witness appeared in opposition to the legislation. It was reported unanimously by the subcommittee and the full Interstate and Foreign Commerce Committee. I urge its passage by the House.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, weather modification can be a scare term in many areas and to many people. It conjures up visions of manufactured weather and rivalry for its benefits. Actually weather modification activities have been going on for many years and the possibility of positive results is not remote.

For some years after 1958 the National Science Foundation supported a program of study and research in this field. This was done pursuant to a Federal law which was changed by the 90th Congress. While the National Science Foundation had authority to require reports from persons experimenting with weather modification, the latter change removed that authority and did not place it elsewhere within the Federal Establishment. Since 1968 there has been no Federal agency with the power to keep track of the activities of the would-be weather modifiers.

Twenty-nine States have laws of one kind or another concerning the practices used to induce or divert rain and snow. Maryland plainly forbids it.

The bill before us today merely grants new authority, this time to the Department of Commerce, to require reports from anyone who intends to take a flier at weather modifications. Such reports can be obtained both before and after the particular incident and thus there will be a record of all attempts and the results obtained. On the basis of such information, proper public policy can be formed. National and international implications of weather modification can be properly evaluated and more intelligently handled in the future.

The bill provides that the Department of Commerce will create regulations for the reporting of weather modification activities by individuals, corporations and even State and local governments. Failure to comply will subject violators to criminal penalties. It also becomes the duty of the Secretary to make the information that is contained in the reports available to the public to the fullest extent practicable.

Authorizations to cover the activities described in the bill are $150,000 for the first fiscal year, fiscal year 1972, and $200,000 for each of the next 2 years.

The administration sponsored this legislation and based upon the hearings and consideration of the committee there appears to be no opposition to it from any quarter. I recommend that the House approve H.R. 6893.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment to the Committee amendment.

The Clerk read as follows:

Amendment to the Committee amendment offered by Mr. Staggers: On page 5, line 20, strike out "hereunder" and insert in lieu thereof "thereunder".

Mr. STAGGERS. Mr. Speaker, this is just to correct a typographical error.

The SPEAKER. The question is on the amendment to the committee amendment offered by the gentleman from West Virginia.

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DOMESTIC AND INTERNATIONAL STUDIES AND PROGRAMS RELATING TO PATENTS AND TRADEMARKS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1253) to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1253

An act to amend section 6 of title 35, United States Code, "Patents", to authorize domestic and international studies and programs relating to patents and trademarks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of title 35, United States Code, is amended to read as follows:

"§ 6. Duties of Commissioner

"(a) The Commissioner, under the direction of the Secretary of Commerce, shall superintend or perform all duties required by law respecting the granting and issuing of patents and the registration of trademarks; shall have the authority to carry on studies and programs regarding domestic and international patent and trademark law; and shall have charge of property belonging to the Patent Office. He may, subject to the approval of the Secretary of Commerce, establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office.

"(b) The Commissioner, under the direction of the Secretary of Commerce, may, in coordination with the Department of State, carry on programs and studies cooperatively with foreign patent offices and international intergovernmental organizations, or may authorize such programs and studies to be carried on, in connection with the performance of duties stated in subsection (a) of this section.

"(c) The Commissioner, under the direction of the Secretary of Commerce, may, with the concurrence of the Secretary of State, transfer funds appropriated to the Patent Office, not to exceed $100,000 in any year, to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs for advancing international cooperation concerning patents, trademarks, and related matters. These special payments may be in addition to any other payments or contributions to the international organization and shall not be subject to any limitations imposed by law on the amounts of such other payments or contributions by the Government of the United States."

(Mr. KASTENMEIER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KASTENMEIER. Mr. Speaker, S. 1253 is an administration proposal. It was introduced at the request of the Department of Commerce. The bill passed the Senate on April 22, 1971, and was the subject of a hearing in May. The Judiciary Committee has approved it by voice vote.

The sole significant effect of S. 1253 is to authorize the Commissioner of Patents to spend not more than $100,000 annually, out of funds appropriated to the Patent Office, for payments to international intergovernmental organizations, for studies and programs for advancing international cooperation concerning patents, trademarks, and related matters.

Other provisions of the bill authorize the Commissioner to carry on studies and programs, himself or in cooperation with foreign patent offices and organizations, making explicit powers deemed already to be implied.

The funds would be transferred under direction of the Secretary of Commerce and with the concurrence of the Secretary of State.

The Department of Commerce advises that U.S. participation in cooperative international efforts in the patents and trademarks fields is vitally important to the business community. Heretofore the international role of the United States has been primarily that of membership in the Paris Convention of 1883.

The United States has now assumed a more active role. It was instrumental in establishing the World Intellectual Property Organization—WIPO—in the development of the Patent Cooperation Treaty of 1970, and in the establishment of the Committee for International Cooperation in Information Retrieval Among Patent Offices—ICIREPAT—among other international patent activities. The programs of the information retrieval group are important in coordinating the development of mechanized patent search systems.

NEED FOR AUTHORIZATION

The United States does not make voluntary contributions for the support of the programs of these agencies because it lacks statutory authority to do so.

The committee is advised that the inability of the United States to contribute to the support of these projects is a source of embarrassment, especially since the Soviet Union has recently paid its proportionate share, thus leaving the United States as the only major country which does not make money contributions. The major or class A countries, based on patent activity are the United States, United Kingdom, West Germany, the Soviet Union, and Japan. The purpose of the subject legislation is to correct this situation.

STAFF LOANS UNSATISFACTORY AND UNECONOMIC

In the past, we have contributed the services of personnel in lieu of cash, but this is unsatisfactory both to the international organizations and to other countries. Also it is expensive due to transportation expenses and other costs over and beyond salary incurred with respect to borrowed personnel. Thus, for calendar 1971, the suggested cash contribution of the United States for the Patent Cooperation Treaty and for the Information Retrieval Cooperation Committee—ICIREPAT—amounted to $51,289, but the actual cost of the two U.S. specialists detailed on loan exceeded $56,000 due to transportation, et cetera. We are advised that if this legislation is enacted the staff loans will be discontinued.

Mr. Speaker, the executive committee of the Paris Union has been meeting in Geneva to discuss budgetary needs and special contributions to various international projects. There is mounting objection to the contribution of funds in the absence of similar contributions by us.

WHY $100,000 MAXIMUM?

At the hearing on this measure the Commissioner of Patents was asked to justify the proposed maximum of $100,000 per year, in view of the fact that similar legislation introduced in the 91st Congress asked for only $50,000.

The Commissioner replied that the earlier legislation was drafted without the Patent Cooperation Treaty in mind, that treaty having been signed in June 1970. He also indicated that the amount to be requested of the United States in 1972 will be $42,000 for the Patent Cooperation Treaty and $19,000 for the information retrieval group—ICIREPAT. Conceding that these items, plus any unanticipated increases could be accommodated for less than $100,000, the Commissioner pointed out that even with this leeway, the Patent Office would have to justify its appropriations and its expenditures and, hopefully, would not be under the necessity of refreshing its authorization to appropriate within the next 5 years.

Mr. Speaker, I urge favorable action on the bill and I reserve the balance of my time.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks in the RECORD immediately prior to passage of S. 1253.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CIVIL LIBERTARIAN

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I have received a letter from the national legislative director of the American Civil Liberties Union conveying to me the "vast sense of relief" experienced by his organization since I now look upon myself as a "civil libertarian."

It does give me a certain sense of satisfaction to realize that I must have reached Mr. Schardt with the fact that I argued for the libertarian position in the debate that took place on the floor of this House in regard to the Emergency Detention Act. As I pointed out in the debate, the choice was not between liberty and wartime security measures, but a choice between liberty with wartime security measures and total reliance upon the whims of the executive branch of Government during the hysteria and emotions of a wartime emergency without either. History does prove, and I hope the debate did prove, that it was people who, like Mr. Schardt, claiming to be civil libertarians who insisted on the needless, senseless incarceration of the Japanese-Americans without any regard to their loyalty. Mr. Schardt's arch enemy, J. Edgar Hoover, did complain about this dastardly deed but the voices of the self proclaimed "civil libertarians" were strangely silent at that time.

The fact is, Mr. Speaker, that the Congress simply took the easy way out and left the whole question of detaining potential saboteurs up to the President as it was in 1942 when the shameful mass detention of the Japanese-Americans took place. The emotional issue dealt with false symbolism. The real issue was simply a question of government by man or government by law. The true civil libertarian always chooses government by law.

Mr. Speaker, the spokesman for the ACLU further urged me to make my libertarian credentials official by becoming a member of his organization. First of all, let me make it unequivocally clear that I have established my libertarian credentials beyond any doubt in the 11 years that I have served as a Member of this House. Further, it strikes me as strange and arrogant that ACLU feels that the only way a person can officially establish his libertarian credentials is to become a member of that organization. It is my belief that the overwhelming majority of our Nation's more than 200 million citizens are civil libertarians while ACLU can boast of a membership of only 160,000.

Mr. Speaker, I do want to say that I have agreed in the past with some positions taken by the ACLU, and it is possible that I might agree with some of their positions in the future. However, I must say in candor that it has become progressively more difficult to find ACLU positions with which I agree since they repealed the so-called exclusion clause or loyalty requirement in 1968. The 1940 resolution of ACLU prohibiting Communists, Fascists, and others supporting totalitarian dictatorships from serving on governing committees and holding staff positions was in keeping with a commitment to civil libertarian principles. Certainly, those who support any form of totalitarian dictatorship could have no interest in civil liberties.

ACLU, in my opinion, altogether too often confuses the words "libertarian" and "libertine." The words may sound alike but they have completely different meanings. The retired longshoreman and down-to-earth philosopher, Eric Hoffer, has said:

> When liberty destroys order, the yearning for order will destroy liberty.

This must not happen! Liberty should not be destroyed in the name of liberty as has happened so often in the past. Even the classic libertarian, John Stuart Mill, would place the limits of individual liberty at the point when one would infringe upon the rights of others.

The ancient wisdom of the Roman historian, Livius, bears serious reflection today:

> Liberty, when regulated by prudence, is productive of happiness both to individuals and to states; but when pushed to excess, it becomes not only obnoxious to others, but precipitates the possessors of it themselves into dangerous rashness and extravagance.

Mr. Speaker, I must respectfully turn down the offer of membership in the ACLU—not because I do not consider myself to be a civil libertarian, but because I have serious doubts about their libertarian credentials. In my letter of response to Mr. Arlie Schardt I have strongly counseled him to direct his organization in the direction of true libertarianism and to avoid the extremes of becoming libertines or anarchists. If he heeds this advice, I am convinced that the vast majority of all Americans as well as Members of Congress will gladly join his organization. At this point I would like to submit for the Record the letter I received from ACLU along with my response:

Committee on Internal Security,
Washington, D.C., September 28, 1971.
Mr. Arlie Schardt,
National Legislative Director,
American Civil Liberties Union,
Washington, D.C.

Dear Mr. Schardt: Thank you for your letter dated September 16, 1971, in which you express your sense of relief over my reference to myself as a civil libertarian and invite me to become a member of your organization.

Let me first express my profound hope that your letter indicates that you followed the debate on HR 234 and HR 820 and discovered that I was defending the civil libertarian position in this matter. As I pointed out the choice was not between liberty and war-time security but between liberty with war-time security and a reliance upon the whims of the executive branch in the hysteria that accompanies a war-time emergency. If the substitute bill, HR 820, which I offered on the floor would have been in effect prior to the start of World War II the massive detention of Japanese-Americans, advocated by such recognized libertarians as Earl Warren and Walter Lippman in the hysteria of war, could not have happened and the calmer opinion of such so-called authoritarians as J. Edgar Hoover would have prevailed. Certainly we all look back upon our treatment of the Japanese-Americans with shame.

I cannot determine if it is ignorance or arrogance that leads you to contend that the only way to obtain "official" status as a libertarian is to join your organization. Maybe you have overlooked the fact that there are over 200 million Americans in this country, the overwhelming majority of whom are civil libertarians, while your organization boasts of a membership of only 160,000.

Certainly, I have established my libertarian credentials beyond doubt in the eleven years I have served in the House of Representatives. In my opinion, your organization has often confused the libertarian position with the libertine position on a number of issues. It is for this reason that I must respectfully turn down your invitation to membership in ACLU. However, if you will redirect this organization in the direction of true libertarianism and avoid the extremes of libertinism and anarchism, I feel that the overwhelming majority of Americans would then feel free to join with you to work for this goal.

Sincerely,

Richard H. Ichord,
Chairman.

American Civil Liberties Union,
Washington, D.C., Sept. 16, 1971.
Hon. Richard H. Ichord,
Chairman, Committee on Internal Security,
U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: I was pleased to note that on page 19 of the Sept. 15 issue of *The New York Times,* you were quoted as describing yourself as a civil libertarian.

In view of the countless occasions in the past when our organization—which is dedicated solely to the protection of civil liberties of all persons—has found itself in a disagreement with positions advocated by you, I would like to convey the vast sense of relief which your statement has brought.

Heaven knows this nation urgently needs every civil libertarian it can muster in these days when so many Constitutional rights are in such constant danger from so many quarters.

I would therefore like not only to urge that bygones be bygones, I would also like to welcome you to the fold and urge that you make your status 'official' by becoming a member of the ACLU.

I am enclosing a flyer which doubles as an application envelope and a capsule summary of ACLU highlights through the past five decades. Also enclosed is a more complete booklet about ACLU accomplishments.

I sincerely hope you will decide to join the 160,000 Americans whose commitment has led them to actively support the ACLU. If I may be of further service, such as sending you a complimentary subscription to our monthly newspaper, I will be pleased to do so.

It would also be a pleasure to meet with you at anytime, at your convenience, or to offer the research facilities of our office to you on any civil liberties subjects where we might be of help.

Sincerely,

Arlie Schardt,
National Legislative Director.

VICE ADM. MEANS JOHNSTON, JR.

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, this past Friday marked the last day of duty for Vice Adm. Means Johnston, Jr., as Chief of Legislative Affairs for the Navy Department. During the 20 months he held this most important position, he gave tirelessly of his capabilities and knowledge in serving the Members of Congress and thus by our constituents. Admiral Johnston and the men and women who served under him always performed in a most competent manner in fulfilling their responsibilities. I am particularly pleased to pay tribute to this career naval officer since he is a native of my home State of Mississippi. I am sure my colleagues will join with me in thanking Admiral Johnston for a job well done and wishing him well when he begins his new duties as Inspector General of the Navy on November 1.

On January 20, 1969, Rear Adm. Means Johnston, Jr., came to the assignment as Chief of Legislative Affairs for the Navy Department from command of Cruiser-Destroyer Flotilla 10, then deployed with the 6th Fleet in the Mediterranean. Prior to that, he served a tour of duty as commander of the naval base in Newport, R.I. During that period, he simultaneously performed additional duty as commandant of the 1st Naval District with headquarters in Boston, Mass., for a period of 9 months.

Rear Adm. Johnston was recently nominated and approved for the rank of vice admiral. He will become the Inspector General of the Navy November 1.

Vice Admiral Johnston, a 1939 graduate of the Naval Academy, has enjoyed a distinguished career in the Navy, occupying positions of great responsibility. At sea, he has had 10 commands in the combatant forces. He saw action in both World War II and the Korean war. He was twice decorated in World War II for meritorious service while in command of the destroyer escort USS *Flaherty*. His ship participated in several successful actions against German submarines, including the famous engagement with and subsequent capture of the German U-boat 505 off the French west coast of Africa. This was the first man-of-war to be captured on the high seas since 1815. In the Korean war he was again decorated for service as commanding officer of the destroyer *Beatty*.

His assignments ashore have been uniformly important. He has served on the personal staffs of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Chief of Naval Personnel, and the Commander in Chief, Pacific. On one occasion he served as military adviser to the President's citizen advisers on the mutual security program headed by the late Mr. Benjamin F. Fairless. In addition he headed the Navy branch of the Plans and Operations Division on the staff of the Commander in Chief Southern Forces, Europe, a NATO command. He also served on the Secretary of the Navy's task force on military retention, and on the staff of the Director, Navy Planning, Programing, and Budgeting.

Pursuing a natural interest in the law, which was kindled by his father, Vice Admiral Johnston graduated with honors from the Georgetown University Law School. In addition, he is a graduate of the National War College.

Vice Admiral Johnston is the son of Mrs. Means Johnston and the late Means Johnston, of Greenwood, Miss. He is married to the former Hope Manning Larkin, daughter of Mrs. Sylvester P. Larkin and the late Sylvester P. Larkin, Sr., of Greenwich, Conn. They have two children, a 22-year-old daughter, Hope Larkin, and a 16-year-old son, Means III.

DRUG PROBLEM

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, it appears that the Department of the Army is undermining the President's program to achieve greater international cooperation in the stopping of illegal narcotics traffic.

When I was in Iran last month as part of a worldwide tour of narcotics treatment facilities, I learned from Government officials there of the great problems Iran has had in policing its borders against narcotics smuggling.

Iran, which is slightly larger than the State of Alaska, shares borders with the U.S.S.R., Iraq, Turkey, Afghanistan, and Pakistan. Like the United States, Iran has historically been a nation victimized by narcotics smuggling. In the 1950's Iran outlawed the cultivation of the opium poppy, but the only effect of this action was to increase dramatically the amount of illicit opium smuggling into the country from Turkey, Afghanistan, and Pakistan. In Iran today there are an estimated 500,000 to 600,000 opium addicts and approximately 50,000 heroin addicts, figures which give Iran and the United States the dubious distinction of being the world's leaders in the consumption of opiates. The Iranian Government is trying gallantly to stem an ever-growing tide of narcotics smuggling and addiction, but the Iranian police are undermanned and underequipped to adequately patrol the large Iranian border.

To enable it to more effectively police its border areas the Government of Iran has requested that the United States sell to Iran five helicopters which have been declared surplus by the U.S. Army in Iran. The Iranian Government has offered a price of $100,000 per helicopter, but the U.S. Army is refusing to sell for less than $200,000 and has threatened to remove the helicopters from the country unless this price is met.

Our Ambassador to Iran, Douglas MacArthur II, and the Department of State have requested the Department of Defense to lower its price to enable the Iranian Government to purchase the helicopters. I have written to the Secretary of Defense to inform him of the importance of these helicopters to the Iranian Government's attempt to patrol its borders against narcotics smuggling. As I stated in that letter, we should recognize that the interests of the United States are directly affected by the ability of the Government of Iran to decrease narcotics smuggling. The hard lessons of history and of our current narcotics problem should have taught us that no nation is an island protected against the scourge of narcotics smuggling so long as this smuggling continues unabated in other areas of the world.

The President has shown recognition of the need to stop international smuggling in various statements, most notably in his message to Congress on drug abuse on July 14, 1969, and most recently in a speech on the drug problem in Rochester, N.Y., on June 18, 1971. In that speech President Nixon stated that the administration had put stopping the drug traffic as the top diplomatic priority in the various countries where this traffic is a problem. This message has obviously not reached the Department of Defense.

It is with bitter irony that those of us who have some familiarity with the terrible drug problem which affects our country view this refusal to sell at a reasonable price equipment which an ally has requested for the purpose of patrolling its borders against narcotics traffic. A country which has wasted 4,500 helicopters in the tragedy of Vietnam and which is daily turning over millions of dollars in equipment to a government which is making a sham of the democratic ideals for which we are supposedly fighting should certainly be able to permit the sale of but five helicopters to be used in the cause of international cooperation against narcotics smuggling.

STRATEGIC STORABLE AGRICULTURAL ACT OF 1971—STATEMENT OF EUGENE MOOS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FOLEY. Mr. Speaker, one of the most knowledgeable and able spokesmen for agriculture in this country is Eugene Moos, of Edwall, Wash., who is an active wheat farmer, a former president of the Washington State Wheat Growers, and the current president of the National Association of Wheat Growers.

In a recent appearance before the Livestock and Grains Subcommittee of the House Committee on Agriculture, Mr. Moos pointed out the critical need for significant changes in the administration of the Nation's farm programs to avoid the disastrous impact from a dramatic increase in farm surpluses, especially in the key area of wheat and feed grains.

In his testimony, Mr. Moos not only spelled out the character of the surplus problem he foresees in the coming years, but detailed specific recommendations for corrective action.

Mr. Speaker, because the statement of Mr. Moos is of great importance and value, and because he is an acknowledged leader in American agriculture, I believe the full contents of his testimony deserve the widest possible consideration and dissemination. Accordingly, I include the text in this point in the RECORD:

STATEMENT OF EUGENE MOOS

Chairman Purcell and Committee members: I am Gene Moos a wheat producer from Edwall, Washington and the current President of the National Association of Wheat Growers. I am accompanied today by Jerry Rees our Executive Vice President. Our association represents wheat producers in our member states of Washington, Oregon, Idaho, Montana, Colorado, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

NAWG supports the establishment of a strategic reserve. By resolution of the membership we urge that a strategic reserve of wheat be maintained for purpose of national defense, an adequate food supply and emergency distribution; provided that the stocks will be isolated from the market at 100 percent of parity. The cost of such reserves should be charged to National Defense and other appropriate agencies serving the public interest, and not alone to the cost of farm programs.

In the discussion of the need for a reserve, I feel it is important to review the first year performance of the set-aside farm program and its impact on production and prices. Perhaps the single most distinguishing feature of the set-aside program is its flexibility—the options it provides allow the individual producer to utilize his acreage in a variety of ways. As Secretary Hardin told the Senate Agricultural Appropriations Subcommittee during hearings on USDA's 1972 budget: "We seek to make farm products more competitive and to help farmers reduce production costs through more efficient use of their total resources. Under the new programs, many farmers will have increased opportunities to make decisions on their own about what and how much they produce."

There can be little question that this guiding principle of the new programs has, in effect, given many producers the option of putting many more acres into production than previously—and, even more important, that many producers have exercised this option. Just how much additional acreage will be brought back into production as a result of this feature remains unknown, but the most recent crop reports strongly indicate a dramatic increase in production.

All wheat production in 1971 is forecast to be 18 per cent above 1970. The harvested acreage of all wheat was up approximately 9 per cent despite the fact that winter wheat which represents 60 per cent of all wheat produced actually showed a decline in harvested acreage. This clearly illustrates that Spring wheat and Durum which had a chance to respond to the flexibility of the set-aside program, responded with a 40 per cent increase in harvested acreage. Does this mean then that the U.S. will have a similar increase in winter wheat harvested in 1972? Let us hope not, even though a survey of member states of NAWG taken at a late August meeting of the Executive Committee in Denver shows a significant increase in planting intentions—something in excess of 20 per cent. This could mean 60 million acres of wheat harvested in 1972 even despite the increased set-aside requirement for the 1972 wheat crop. Multiplying 60 million acres by an average yield of 30 bushels an acre results in a potential wheat crop for 1972 of 1.8 billion bushels.

The case for feedgrains is quite similar with a significant increase in estimated production for 1971, partly due to increased acreage and partly due to higher than anticipated yields. As for estimating feedgrain production for 1972 there is little reason to believe there will be any less acreage planted in 1972 unless there is a significant increase in the set-aside requirement for 1972.

In terms of supply—carryover stocks of wheat at the end of the crop marketing year July 1, 1972 could be as high as a billion bushels. As for feedgrains, October 1, 1972 carryover stocks could be 50 million tons or higher. Although these carryover stocks of wheat and feedgrains will not set new national records, they could well set off a new generation of farm surpluses. Certainly they will be high enough to be a major market depressant, and there is little prospect that either wheat or feedgrain prices will be much above loan support levels during this marketing year. Set-aside exponents are on record indicating that guaranteed price supports are to be calculated at a level to support the cost of production. What this means then is that wheat and feedgrain producers would be condemned to total reliance on direct Government payments for their living costs.

These supply figures for 1971 are depressing enough but nothing like what they could be if production under the set-aside program in 1972 shows another significant increase. If the U.S. continues to build surplus stocks in 1972 under this program, it will take years of stringent acreage controls to absorb these excess stocks.

It is not hard to forecast the economic consequences to an industry already suffering from a severe cost-price squeeze.

A comparison of 1970 and 1971 wheat production in five major wheat exporting countries indicates the 1971 crop could be up about 575 bushels—18 per cent larger than a year earlier. The following comparisons are in millions of bushels with the 1971 estimates in parenthesis: Canada 332 (520) up 56.6 per cent; U.S. 1,378 (1,625) up 18 percent; Argentina 156 (180) up 15.4 per cent; Australia 293 (330) up 12.6 per cent, and the EEC 1,088 (1,170) up 7.5 per cent.

These production developments take on added significance when they are considered in conjunction with the "green revolution." Efforts to increase production in many underdeveloped countries through use of improved varieties and new cultural practices have been successful, and several nations now claim to have achieved self-sufficiency in grains. For example, India, who at one time imported nearly 200 million bushels a year from the U.S. expects to stop food grain imports by December of 1971 and does not plan to enter into any new PL-480 agreements after her current commitment expires next June.

Competition for available markets from our major competitors—Australia, Canada, Argentina and European Community—is certain to be intense during the current marketing year. The Foreign Agriculture Service indicates U.S. exports of wheat may decline by as much as 10 to 15 per cent.

Unfortunately, this bleak outlook for U.S. wheat exports comes at a time when our supplies are expected to increase substantially.

These then are the concerns of NAWG and all producers. Can the 1970 Agriculture Act be administered in such a way during the next two years as to reverse this accumulation of surplus stocks of wheat and feedgrains? NAWG believes this accumulation of stocks can be reversed but not unless the following things happen. One—the feedgrain set-aside requirement must be raised to at least 35 per cent with proportionate increases in the support payment while at the same time voluntary diversion payments must be made available for both wheat and feedgrains for 1972. The above recommendations will probably cost an additional billion dollars over and above anticipated farm program costs for 1972. We agree this is very expensive and difficult considering the present budget difficulties confronted by the Administration. However, we have to point out that in the absence of such an emergency effort to control the size of the 1972 crop, the U.S. will accumulate stocks of wheat and feedgrains to the point that economic disaster will threaten the farm community.

Two—The basic philosophy of the set-aside farm program must be changed from one of increased program flexibility designed to stimulate increased production to a policy that recognizes that the U.S. agricultural plant has the capacity to far over-produce domestic and export requirements for the foreseeable future. Adequate production controls continue to be a must, in fact with the increased use of both fertilizer and higher yielding varieties adequate production regulation of wheat becomes even more critical. In our opinion it was a major misjudgment to feel that management decisions can be reached individually by almost a million U.S. wheat producers to regulate production to demand. With this approach each producer must strive to produce a little more than his neighbor—more acres, better cultural practices, better varieties and more fertilizer.

Three—A major effort is needed to develop economical industrial uses for wheat and to promote these uses for industrial acceptance and utilization. This includes research, promotion teams and financial incentives.

Four—It is important that the U.S. present a more positive position in behalf of agriculture in negotiating trade rights with other countries and asserting these rights under current agreements.

Five—Positive action is needed to open West Coast ports for shipping and prevent a tie-up of Gulf and East Coast ports.

Six—Finally and certainly not the least in importance is the need for some type of reserve supply program for the regulated commodities. H.R. 1163 or some similar type of legislation must be enacted to protect both the consumer interest and the taxpayers' interest. The USDA experience this year in trying to anticipate the ups and downs of Mother Nature is the latest of a series of sorry experiences of this sort and pin-points the need for an adequate reserve program. Cost-wise a reserve program would be much less costly than the billion dollars NAWG believes is necessary to stabilize the production-supply situation in 1972. And of course that extra billion dollars would only buy production control for one year. Another point that must be considered is that an adequate reserve program would stabilize farm prices to the point where there would be some hope for producers being able to live off of what they receive in the market place rather than being dependent on the Federal treasury.

Mr. Purcell, I sincerely appreciate this opportunity to appear before your Subcommittee and to share with you the concerns and recommendations of the National Association of Wheat Growers with regard to the serious problems now facing agriculture. Mr. Rees and I will be pleased to respond to any questions you or other members of the Subcommittee might have at this time.

FORCED SCHOOL BUSING, A MAJOR POLITICAL ISSUE

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, forced busing to achieve a racial balance in public schools has become a major political issue in the United States. The Federal courts have extended the school desegregation and forced busing controversy far beyond the original Supreme Court ruling of May 1954. Now the conflict over forced busing has been extended to cities in the North, notably Pontiac, Mich., and Boston, Mass., which have lately been in the news. For the North the forced school busing ordeal is just beginning.

The forced school busing mess created by confusing and conflicting court decisions calls for congressional action, which might most effectively take the form of enactment of House Joint Resolution 651, of which I am a sponsor.

Mr. Speaker, I include at this point in the RECORD an excellent news article which reviews the state of the court created, forced school busing mess at the beginning of this school year:

BUSING CRISIS HITS A PEAK

A revolt is spreading against federal demands for massive busing to get "racial balance" in schools. Reports from many cities show why there are fears that school opening may be stormy.

After years of mounting controversy, the battle over busing has hit a new peak that threatens trouble for the opening of the school term just ahead.

It's a battle that involves more than 300,000 children in scores of cities and counties throughout the South—and many in the North as well.

It also involves President Nixon and Alabama Governor George C. Wallace.

Its outcome could affect next year's presidential election.

As school opening draws near, this is the situation:

At least 300,000 youngsters face federal orders—either by courts or by the Department of Health, Education and Welfare—to leave their neighborhood schools and ride buses to more distant schools in other neighborhoods. The purpose is to get more integration. Often it becomes an attempt to achieve "racial balance" in every school.

President Nixon has declared anew his opposition to such busing and—while pledging to carry out federal-court decrees—he has told his appointed officials to hold busing to the minimum required by law. Those who violate this instruction, a White House spokesman has hinted, may find themselves off the federal payroll.

Governor Wallace leaped at the opportunity provided by Mr. Nixon. The Governor personally ordered three Alabama school districts to defy federal directives that call for busing as a means of integration. He prepared legislation to bar use of State funds for such busing.

Echoes of '63? To many, the Governor's actions recalled the time in 1963 when Mr. Wallace "stood in the schoolhouse door" in a vain attempt to bar Negroes from entering the University of Alabama.

U.S. District Judge Sam C. Pointer, Jr., was not impressed by this latest Wallace stand. The judge said the Governor's orders were legally meaningless—a mere "exercise of free speech"—and he told the school boards they should obey the courts, not the Governor.

Whatever the legal effect, Governor Wallace appeared to have accomplished these political effects: He put the President on something of a spot by challenging him to follow up his antibusing words with antibusing action. And Mr. Wallace dramatized an issue with strong emotional appeal that could provide campaign ammunition if he decides to run for President again in 1972.

Confusion. Adding fuel to the dissension over busing is confusion as to what the law really requires. The Supreme Court last April ruled that "dual" school systems must be eliminated and upheld busing for reasonable distances if necessary to do that. But the High Court still left wide discretion to lower courts to determine how much busing—and how much of a racial mix—would be demanded in each community.

A new round of Supreme Court tests may develop to clarify such questions. Several school districts already have appealed for modification of court orders in line with the stand taken by President Nixon.

Two other Southern Governors—John Bell Williams of Mississippi and John McKeithen of Louisiana—were quick to announce their support of Governor Wallace in his fight on busing.

Fears are growing that all these developments could lead to bitter confrontations—and possibly violence—in many communities when schools reopen.

Reports from various cities show the problems—and attitudes—involved.

CORPUS CHRISTI, TEX.—This city, with the help of the U.S. Justice Department, won a Supreme Court delay of a district-court order that would require busing 15,000 of the public-school system's 46,000 pupils.

Corpus Christi has only 2,500 Negro pupils. But it has 20,700 Mexican Americans—and the lower court held they must also be mixed among other pupils. The Justice Department intervened to ask time for the appeals court to review this lower-court holding.

In granting the delay August 19, Supreme Court Justice Hugo L. Black said:

"It is apparent that this case is in an undesirable state of confusion and presents questions not heretofore passed on by the full [appeals] court, but which should be."

It was the Nixon Administration's own HEW—acting at the district court's request—which drew up the busing plan imposed on Corpus Christi.

A few weeks ago, the Nixon Administration disavowed another busing plan proposed by HEW for Austin, Tex.

Several other Texas cities, including Dallas, Houston and Fort Worth, also are scenes of dispute over busing.

It's a dispute of political significance in this big State with a key bloc of electoral votes. *Hundreds of thousands of Texans have signed petitions against busing.*

MOBILE, ALA.—*Integration of this city's schools brought disruptions and outbreaks of racial violence last year. Attendance fell. White students dropped out. Many entered private schools.*

This year, Mobile faces new problems. The city's integration plan was knocked out by the U.S. Supreme Court ruling of last April.

Mobile's new plan relies heavily on busing—*hauling thousands of black and white children out of their neighborhoods* in order to get as close as possible to a racial ratio of 65 whites to 35 blacks in individual schools. Despite all this busing there still will be many schools predominantly black and four all-black.

When the plan was ordered last July, a school-board statement said it would necessitate purchase of 83 buses at a cost of $516,000. But now Superintendent H. R. Collins says only "about one-third" of those buses will actually be required to carry out the new court order and others can be used to meet already-existing busing needs.

About 47,500 students within the city area will be affected by the new plan. Mr. Collins says he has no figures yet on how many will have to be bused as a result of the court order, but earlier he had given a rough estimate of "several thousand."

Superintendent Collins says of the new integration plan:

"It is not what everybody likes, and it represents concessions on the part of all—but it does bring about a unitary school system. And it is educationally sound."

Many parents—both black and white—are more critical. Students of both races also object to being bused away from their former community schools.

"We work all our life." Mrs. Millie Hobbs, a white member of an organization called Unified Concerned Citizens, tells of a niece who has been assigned to a school in the black ghetto, and says:

"We work all our life trying to get our children out of that, into a decent area. Then about the time we think we've got it made—wham!—they stick you right back into it."

H. C. Porter is spending $115 a month to send three children to private academies rather than let them be bused.

A white student, 16-year old Steve Mitchell, withdrew from Vigor High School, which was closed several days last year by racial disruptions. He says: "There was so much trouble it just wasn't safe to go there."

One Negro mother complained that "all the black kids are being bused out of their communities." J. T. Gaines, a black high-school principal, finds his school being closed, its 1,400 pupils assigned to five different schools.

A white teacher at Davidson High says the integration plan has completely disrupted the school, which is being put on a ratio of 60 whites to 40 blacks, with 700 blacks being bused in. Transfers took away many white pupils, including much of the band, 27 members of the football squad and the president of the student council.

"Blacks over barrel." Henry Rembert, director of an organization called ACT, has worked with black parents and teachers in an effort to smooth the transition. He says:

"They have the blacks over a barrel. *Last year there was so much trouble that neither white nor black children received any education.* The closing of black schools is definitely against us. But if we say, 'No, we won't go,' we'll just have another year of chaos."

JACKSONVILLE, FLA.—Local newspapers describe the Jacksonville school system as "the most bused in Dixie."

Here is why:

In the last school term 20 schools were "clustered" and "paired," with 5,200 pupils bused as a result.

In the school term soon to open, under a new court order, an additional 12,000 pupils will have to be bused, according to Francis Brown, a school transportation official.

Next year, in the 1972–73 term, "We expect to bus another 20,000 to 25,000," says Mr. Brown.

Jacksonville has the largest area—827 square miles—of any city in the United States. And most of this huge area is affected by the busing order. Even without busing for integration, thousands of youngsters must be transported simply because of the distances to be traveled. Last year, in all, 37,000 rode buses.

The average distance that pupils must ride on buses as a result of the court order is 10 miles, according to Mr. Brown—but some distances, he says, range up to 25 miles.

Needed: 250 buses. A shortage of buses is delaying full implementation of the new integration order, which would require 250 buses in addition to the 249 on hand. The city was able to obtain only 99 used buses in time for this school year.

Costs of transportation totaled 1.36 million dollars last year and are expected to rise to 2.2 million this year.

Double sessions will be required at all the elementary schools which will be receiving black pupils from seven schools being closed. *Some children in the same families will be going to school at different times.*

Most of those being transported in this year's phase of the stepped-up integration plan are black, since the phase which requires busing white pupils from outlying areas to center-city schools doesn't reach full effect until next year.

Negroes complain bitterly that their children are bearing the busing brunt.

Mrs. Eddie Steward, chairman of the education committee of the National Association for the Advancement of Colored People in Jacksonville, complains:

"Parents who work will have to make arrangements to get their children to afternoon school sessions. Many will have to pay nurseries or baby-sitters.

"It will be worth it if it means our children are going to get the same education as the whites. *But we do not feel that black schools need to be closed to accomplish this.*"

School Superintendent Cecil D. Hardesty gives this explanation:

"In order to make the plan work, we felt we had to close some all-black schools. People just are not going to send their kids into some of those high-crime areas."

NASHVILLE.—An appeals court refused on August 17 to delay a new integrated plan that will force Nashville to bus 51,000 schoolchildren this autumn—15,000 more than last year.

School authorities argued in vain that the plan ordered by a U.S. district court will require the purchase of 80 or more buses which cannot be obtained by the time school opens, and pupils will have to go to schools in shifts.

Appellate Judge George C. Edwards Jr., told the school board: "You are asking us to fly in the face of a unanimous Supreme Court decision."

NORFOLK, VA.—To cope with the new busing required by a U.S. court order, Norfolk *plans to run schools in four different shifts,* with starting times staggered between 7:45 and 10:10 a.m.

About 24,000 pupils are affected by court-ordered transfers aimed at improving racial balance. Norfolk lost 2,100 white students from public schools last year in its first year of busing.

SAVANNAH, GA.—With 3,000 bus riders added this year, Savannah is staggering its school hours. If an appeals court orders a new plan, 5,000 more will have to be bused—and more staggering of hours will be required. *Nearly 30,000 Savannah residents have signed antibusing petitions.*

MACON, GA.—U.S. District Judge W. A. Bootle on August 16 ruled this city "legally desegregated" in that "all racial barriers have been removed." He rejected further reshuffling of enrollments which would require busing.

NEW ORLEANS.—Nearby Jefferson Parish has been ordered by a federal court to start busing about 3,000 children over distances averaging seven miles.

To do this, the parish will need 30 more buses. And Governor McKeithen said on August 13 he will use all the authority at his command to prevent the use of State funds for forced busing.

JACKSON, MISS.—This State capital is under orders to start a desegregation plan which requires the busing of about 9,000 pupils at a cost estimated between $300,000 and $400,000.

Mississippi Governor Williams, in approving Governor Wallace's actions, said on August 13:

"George Wallace has drawn a line in the dust and I stand fully with him."

VIRGINIA BEACH, VA.—School Board Chairman J. W. Buffington has asked the Department of Health, Education and Welfare to revoke this city's busing plan in accordance with the guidelines announced by Mr. Nixon.

SAN FRANCISCO.—It is not only in the South that busing is a hot issue.

The city of San Francisco and a big group of Chinese parents have appealed to the Supreme Court to block a desegregation order by a federal judge that would require massive busing to mix white, black and Chinese pupils in school throughout the city.

McCULLOCH BACK IN ACTION

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCULLOCH. Mr. Speaker, before entering the hospital last December, I guided a bill through Congress to permit the historic riverboat *Delta Queen* to operate on the Ohio and Mississippi Rivers. Today, several weeks after leaving the hospital, I pick up where I left off—saving the *Delta Queen.*

It is great to be back in action. My doctors suggested that I take it easy for a few weeks and this time I am going to follow their suggestion. As a matter of fact, I might just go down to Cincinnati and take a ride on that old riverboat. Riding a riverboat can be a most relaxing experience, especially in the autumn. Mark Twain painted this picture:

> One cannot see too many summer sunrises on the Mississippi. They are enchanting. First there is the eloquence of silence, for a deep hush broods everywhere. Next there is the haunting sense of loneliness, isolation, remoteness from the worry and hustle of the world.
>
> And all this stretch of river is a mirror, and you have the shadowy reflections of the leafage and the curving shores and the receding capes pictured in it. Well, that is all beautiful; soft and rich and beautiful; and . . . you grant that you have seen something that is worth remembering.

The Fourth Congressional District which I represent does not border the Ohio River. However, my district is in the heart of the Great Miami Valley through which a tributary of the Ohio flows. This area has a background of history, song and story which go back to the creation of the Northwest Territory.

I have been serving Ohioans for over 30 years and I know that many people in and around my district have been enjoying this riverboat for nearly half a century. I am sure that many Ohioans as well as citizens from other river States across the Nation do not want to see the cessation of this great riverboat tradition. I might add that the legislation introduced today does not involve any expenditure of the taxpayers' money, but would only permit the *Delta Queen* to operate beyond 1973, subject, of course, to regular inspections by the U.S. Coast Guard.

I include a copy of the bill for the RECORD:

> A bill to exempt from certain deep-draft safety statutes a passenger vessel operating solely on inland rivers
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the next to last sentence of subsection (b) of section 5 of the Act of May 27, 1936 (46 U.S.C. 369(b)) is amended to read as follows: "After November 1, 1970, no passenger vessel of the United States of one hundred gross tons or over, having berth or stateroom accommodations for fifty or more passengers, shall be granted a certificate of inspection by the Coast Guard, unless the vessel is constructed of fire-retardant material, except that this requirement shall not apply to a domestic passenger vessel which has berth or stateroom accommodations for less than two hundred passengers powered by steam and paddlewheel and operates solely on inland rivers.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has 25 percent more elementary and secondary schools per 100,000 population than the U.S.S.R. and more than twice as many colleges and universities. Americans enrolled in institutions of higher learning outnumber Soviet by 3½ to 1.

PRAYER AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, in the days past, I have taken the liberty of addressing the House on the question of the prayer amendment. The adoption of this amendment would result in an amendment to the Bill of Rights in the Constitution. It would break down the great principle of religious freedom that we have enjoyed for so long.

Mr. Speaker, the Supreme Court decisions in Engel and Abington were correct when they held that the first amendment prohibited public schools from establishing religion and that the required saying of prayers constituted an establishment of religion within a constitutional sense. This decision is consistent with the Founding Fathers' intent when they composed the language of the establishment clause—to keep state and and church separate and independent.

The proponents of the school prayer amendment take issue with the Court's decisions primarily because they assume that the Court prohibited more than it actually did. The Supreme Court rulings bar only State-written, State-directed, or State-sponsored prayer. The right of the individual to pray independent of any State-sanctioned activity is not nullified by the Supreme Court decisions. Also, activities which do not constitute religious activities, such as the study of the modern history of religion, are unaffected by the rulings.

The language of the proposed amendments is inadequate to accomplish what the proponents want, and in general would create more problems than there are now. The Dirksen amendment of the 90th Congress, whose successors are Senate Joint Resolutions 32 and 40, and House Joint Resolutions 37 and 123 in the 92d Congress, permits nondenominational prayer. Who is to determine what is a nondenominational prayer? The divisive effect of religious groups lobbying at the State legislatures for their particular prayer version is exactly what the first amendment tried to avoid. And if the prayer is truly nondenominational, it would not be satisfactory to any religious group. The result might be a nondescript State religion developed in the public schools.

Leaders of 11 Protestant denominations—United Church of Christ, Evangelical United Brethren, African Methodist Episcopal, Disciples of Christ, Episcopal, Lutheran, Unitarian Universalist, Seventh Day Adventist, Methodist, and Southern and American Baptists—have indicated strong disapproval of permitting even voluntary prayers in the public schools. They argue that—

First, the first amendment to the Constitution should not be amended or "tampered with";

Second, already anyone can pray at anytime and anyplace;

Third, agents of the Government are not acting in their proper sphere when they provide for classroom religious exercises even if they do not dictate the content.

Fourth, it would be difficult to provide for prayer without some kind of compulsion either overtly or tacitly; and

Fifth, the 1963 Supreme Court decision has sanctioned teaching "about the Bible or religion in secular education."

Mr. Speaker, one of the best articles of the period so far in support of my position is in the Boston Sunday Globe of September 26 under the title of "Diminishing Religious Freedom." The editorial follows:

[From the Boston Sunday Globe, September 26, 1971]

DIMINISHING RELIGIOUS FREEDOM

In 1963 the Supreme Court of the United States ruled in two companion cases that public school Bible readings and recitations of the Lord's Prayer were unconstitutional. Such activities, the court held, were in violation of the First Amendment's prohibition against the making of any laws "respecting an establishment of religion."

In some quarters the decisions were taken as violations of the right of free exercise of religion, a right supposedly protected by the very same First Amendment. The court was widely reviled as "Godless" and hostile to the cause of religion.

But careful analysis showed otherwise. Not only had the court been extremely solicitous of the right of free exercise of religion in other cases, but it had made it clear that the government had no business favoring one religion over others, thereby depriving adherents of the others of their own freedom of worship as they saw fit.

What the court struck down in the Bible-reading and Lord's Prayer cases was not anyone's right to engage in these particular forms of religious worship. Citizens and groups remained totally free to read from the Bible and say prayers in their churches, their homes, and other places where these activities did not impinge on the religious freedom of contrary-minded citizens.

But the public schools, the court said in effect, should be neutral ground. Supported by taxpayers of all sorts of religious (and non-religious) persuasions, these schools ought not to be used as forums for the advancement of any particular faith.

Indeed, supporters of the Supreme Court asked, what happens to the school child, taught to revere the Koran or the Torah, when the Bible is read or the Lord's Prayer is recited in his classroom? Is he not confronted with the Hobson's choice of joining in the ceremony or being stigmatized as "different" by his classmates? And in either case is he not compelled to suffer an infringement of his freedom of religion?

Moreover, would not Bible readings and prayer recitations in the public schools stir up all kinds of religious divisiveness in society, making parents angry wherever their children were put under pressure to subject themselves to religious exercises of a kind other than those of their own choice?

Nor, argued the high court's supporters, would a "non-sectarian" exercise be right. Propagation of such a faith, as one observer has said, would be "a regression to Constantinianism, if not to the emperor-cult of pagan Rome, where a single attenuated religion was the universal test of civic belonging."

Ever since the Bible-reading and prayer decisions of the court were handed down, the Congress has resisted efforts to have it approve a proposed constitutional amendment nullifying these decisions. But now proponents of such an amendment have secured enough signatures to force a vote on the issue on the House floor as early as next November 8.

The amendment would specifically authorize "nondenominational prayer" in publicly-supported buildings by persons lawfully assembled there. This is a pernicious measure. It would have the effect of diminishing, not enhancing, religious liberty in the nation. And even worse, it would represent a tempting precedent for similar diminishment of all the other Bill of Rights freedoms which serve collectively to distinguish our society from those where tyranny, whether of the left or of the right, holds sway.

EFFECTS OF UTU SELECTIVE RAIL STRIKE ON ORGANIZATIONS IN THE FOREST PRODUCTS INDUSTRY

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 5 minutes.

Mr. HARVEY. Mr. Speaker, in concluding my statements on the effects of the recent UTU selective rail strike, I would like to submit the statements of two organizations in the forest products industry—the American Plywood Association and the Western Wood Products Association.

Because the forest products industry is localized and in many instances isolated, it was greatly affected by the rail strike which seemed to concentrate on the western region of the country. Lumbermen in the forests of Oregon and Washington rarely have a choice of railroads, and as the American Plywood Association indicated, 44 percent of the plywood produced in the United States is served by only one railroad. Alternative transportation is impractical and expensive because of the weight and volume of the products, and thus, when the rail service halts, so does the forest products industry.

During the first 2 weeks of the recent UTU strike, the Western Wood Products Association estimated that the total revenue loss of forest product shipments in the Western States amounted to $28 million. Oregon alone lost $19.4 million, but these figures do not represent the total loss. For every dollar generated by the forest industry, the Western Wood Products Association claims an additional $3 to $4 is added to the economy through support services. If these figures are correct, then loss of rail service in the forest products industry alone amounted to an economic setback of almost $100 million.

Mr. Speaker, this dramatic illustration of the effects of the 19-day selective rail strike on the forest products industry speaks for itself. We, in the Congress, cannot stand by and permit the Nation's economy to take such drastic beatings every time there is a rail or an air strike. We must act now to establish permanent mechanisms for the settlement of rail and air disputes. Any delay would be abdicating our responsibilities as representatives of the American people.

The statement follows:

AMERICAN PLYWOOD ASSOCIATION,
Tacoma, Wash., September 13, 1971.
Hon. JAMES HARVEY,
House of Representatives,
Washington, D.C.

DEAR MR. HARVEY: In answer to your letter of September 8, 1971, we have chosen to group your questionnaire together and treat our reply as a statement.

The American Plywood Association is a trade association and represents in excess of 80% of the plywood production in the United States. Our statements are based on replies received from our membership.

Approximately ⅓ of the total U.S. plywood production was stilled, due to the rail stoppage. This accounted for some 3,000 jobs, however, the effect is still being felt, due to severe boxcar shortages still affecting the same mills. The recovery period has been long, with no relief in sight.

Had the strike lasted two additional weeks, 79% of the total plywood, produced in the United States, would have come to a halt. To make more explicit our plight, the following is a quote by our Executive Vice President, Mr. Bronson Lewis, from our Management Report, dated July 30, 1971: "What we're really facing is an economic disaster which within a matter of days could paralyze the wood industry—the one remaining hope for recovery throughout the Pacific Northwest."

Our industry undoubtedly felt the raw, unmerciful affects of the strike, even more than the railroads or the union on strike!

The plywood industry, in the west, is for all practical purposes captive to rail transportation. Without rail transportation to move the product, production must stop. Curtailed production means a loss of jobs, a loss of jobs in an area where in many cases, the plywood mill is the major, if not the only employer.

Although several of our mills have a choice of railroad origin, many mills are captive to a single line. In fact 44% of the plywood produced in the United States, is captive to one railroad. This simply means that when that railroad stops, so does the production. The only alternative the mill has, is to shift to motor transportation, when available. As plywood must be loaded on flat bed equipment, due to size and weight restrictions, motor transportation is not always available or practical.

Throughout the plywood industry, inventory is normally maintained at 2½ weeks production. A seven day work stoppage, strangles the warehouse and production has to stop. Prior to the strike in question, the markets for plywood were not overly active, which has led to a continuing, near capacity inventory. When the strike hit, many mills found their warehouse jammed and were forced to stop production. Plywood is sold on a supply and demand basis, and when the supply is decreased, the demand will rise, forcing the price upward.

Wood chips, a by product of the wood industry, were hit hardest by the rail strike. Wood chip production is at a level, that the total is not consumed in the United States and therefore much of the production must be exported. There was and still is a longshore strike, which has all but stopped the movement of wood chips. Mills have stockpiled chips to their capacity, many mills (when the law permits) have had to burn chips.

The rail strike certainly had an impact on the plywood industry, an impact that will take time to overcome. We certainly hope that the congress of the United States can and will take remedial steps in this session, to put an end to the strike, as a means of collective bargaining within transportation companies. Strikes of this nature have a much bigger impact on third parties than they do on the two bargaining parties, which is unlike strikes within other industries.

We trust the information supplied was of some help to you. We fully support the position of the Forest Industries Council, as well as the position of the Transportation Association of America.

Very truly yours,
C. R. ELLENWOOD, Jr.,
Manager, Transportation Services.

WESTERN WOOD PRODUCTS ASSOCIATION,
Portland, Oreg., August 23, 1971.
Hon. JAMES HARVEY,
House of Representatives,
Washington, D.C.

DEAR MR. HARVEY: I have prepared data in answer to your request on the impact of the recent rail strike on our industry.

Listed below are responses in numerical

order as shown on your *Railroad Strike Impact* questionnaire.

1. The enclosed statements on daily revenue loss and percentage of goods shipped by rail and truck are indicative of the effects of the rail stoppage.

2. Alternate means of transportation was not available in states such as Oregon where rail service was virtually paralyzed.

3. Not available.

4. Figures not available.

5. The heavy volume moving by rail would preclude alternate means of transportation in future selective strikes without Congress granting relief from present restrictions on water and truck transportation.

6. A choice of carriers is very limited in Western states.

7. Refer to the statement on daily revenue loss.

8. For every dollar generated by the forest products industry, an additional three or four dollars is added to the economy through support services.

9. As a producing industry, stockpiling has no advantage since available storage areas would be quickly filled.

10. The continuation of operations during a rail strike would depend on the individual mills' storage capacity. Generally, storage facilities would be filled within a couple of days.

Immediate relief from the Jones Act during periods of selective strikes would shift some of the coastal production to cargo shipment.

The present weight and width limitation on truck shipments over the interstate highway system should be revised to reflect present highway conditions and motor transport capabilities. WWPA supported Senate Bill 2658, introduced by Senator Magnuson, on which hearings were held in February 1968. The bill proposed to increase the present 96" width to 102" and gross weight would be increased to a new limit by application of a formula that allows greater weight at which length and number of axles are increased. A revision of the present motor carrier standards would be most beneficial in helping to promote shipments of forest products via this mode of transportation.

We certainly appreciate your interest in the transportation of lumber to the market area. Interstate Commerce Commission Service Order No. 1064 issued August 11 to return boxcars to Western railroads is evidence of the car supply situation with which our industry is confronted in the aftermath of the rail strike. The orderly shipment of forest products is essential to meet the vital housing needs of our nation.

Sincerely,

WENDELL B. BARNES,
Executive Vice President.

Percentage of lumber shipped from Western States by rail, truck, and water

[In percent]

From Arizona:	
Rail	28.8
Truck	71.2
From California:	
Rail	42.7
Truck	54.7
Water	2.6
From Idaho:	
Rail	81.9
Truck	18.1
From Oregon:	
Rail	71.4
Truck	13.7
Water	14.9
From New Mexico:	
Rail	15.0
Truck	85.0
From Washington:	
Rail	66.1
Truck	23.2
Water	10.7
From Wyoming:	
Rail	62.8
Truck	37.2

Source: Western Wood Products Association Statistical Supplement, August 20, 1971.

ESTIMATED DAILY REVENUE (CASH FLOW) LOSS OF PRODUCT SHIPMENTS IN WESTERN FOREST PRODUCTS INDUSTRY DUE TO STRIKE OF RAIL AND LONGSHORE UNIONS (BASED ON WORKING DAYS)

DAILY SHIPMENT LOSS

Product and State	Rail	Water	Total (both strikes)
Lumber:			
Arizona	$47,840		$47,840
California	931,068	$60,588	991,656
Idaho	339,767		339,767
Oregon	2,217,908	496,260	2,714,168
New Mexico	19,550		19,550
Washington	103,054	169,776	272,830
Wyoming	7,642		7,642
Total	3,666,829	726,624	4,393,453
Plywood:			
California	184,545	NA	184,545
Idaho	56,808	NA	56,808
Oregon	1,577,863	NA	1,577,863
Washington	40,090	NA	40,090
Total	1,859,306	NA	1,859,306
Chips:			
California	26,136	19,247	45,383
Montana, Idaho and Washington	12,151	62,152	74,303
Oregon	83,795	135,511	219,306
Total	122,082	216,910	338,992
Grand total	5,648,217	943,534	6,591,751
Cumulative loss to date (July 30, 1971):			
West	28,240,000	18,870,000	47,110,000
Oregon	19,400,000	12,640,000	32,040,000

Compiled by: Western Wood Products Association, Yeon Building, Portland, Oreg.

A TAX CREDIT FOR HIGHER EDUCATION

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, the foundation of all great republics is the quality of the people who inhabit that nation. America has always been a great nation because its leaders and people have been progressive, honest, and educated. In our rapidly changing world, the need for a highly educated populous is becoming more urgent and apparent. However, as this need is increasing so is the cost involved in providing higher education for our people.

One of the hallmarks of American culture is the reliance of the individual on providing for his own needs. In the past, American students have both worked and attended school at the same time. However, this era is quickly passing. Because of the academic community's increasing demand on the student's time and the skyrocketing cost of education, the burden of financing the higher education of our youth has fallen on the parents, the university, and the Government. I believe that when one spends such a large sum to provide oneself or one's children with a higher education, that person is spending money in the national interest and it is only fair that the Nation try to ease his burden through our tax laws.

I am well aware that many of our graduating high school seniors are not going to college but plan to attend postsecondary schools such as business, trade, technical, and other vocational institutions.

The bill I am introducing today is a tax credit for higher education. It will apply to all those who attend an institution of higher learning, be it college, vocational school, or business school.

The tax credit will be available to anyone who pays the specific expenses of an individual to obtain a higher education. It will be available to students trying to put themselves through school. It will be available to parents trying to help their children through college and it will be available to anyone who contributes additional financial aid. Thus, this measure would help to create individual scholarships where the donor would receive a tax credit. Colleges and universities could encourage their alumni to give scholarships to deserving students.

The basic provisions of my bill are a 100-percent tax credit on the first $200 spent on the cost of higher education; 75-percent tax credit on the next $300; 25 percent on the next $1,000. In order to help equalize the benefits among different tax brackets, I am providing for a 1-percent reduction from the tax credit for those earning an adjusted gross income in excess of $25,000. Thus, as an individual reaches a higher tax bracket, the tax credit will be smaller for him than for an individual in a lower tax bracket.

Mr. Speaker, the Members who are cosponsoring this bill with me represent a wide variety of political philosophies. I am heartened by this broad-based support and urge early consideration of my bill.

O'CONNELL WOULD BE OUTSTANDING JUSTICE

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 20 minutes.

Mr. FUQUA. Mr. Speaker, the President of the United States is now considering nominating two members of the U.S. Supreme Court.

Seldom in our Nation's history has the opportunity been given a Chief Executive to fill two positions on the Court at the same time. I know that he considers this to be an extremely important task and that his decisions will shape the future of American law.

It is with a high regard for the task he faces that I have written to the President with the highest recommendation possible for the consideration of Stephen C. O'Connell, president of the University of Florida, Gainesville, for one of these positions.

President O'Connell served with distinction as a member of the Florida Supreme Court and carved out a distinguished record in the judiciary in that position.

Our board of regents, seeking a man to fill the demanding post of president of this great university, turned to O'Connell and his record since that time more than justifies their decision.

Steve O'Connell would bring to the Court level judgment and a wealth of experience in the law, the judiciary, and the academic world. He would be a credit to the Court.

As I pointed out in my letter to the President, Steve O'Connell has the respect of the people of our great State, and I wanted to give him the strongest possible recommendation.

CORDELL HULL CENTENNIAL OBSERVANCE RECALLS HIS ROLE AS FATHER OF UNITED NATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. Evins) is recognized for 15 minutes.

Mr. EVINS of Tennessee. Mr. Speaker, in the beautiful and historic Upper Cumberland Mountains of Tennessee the first tinges of autumn were reddening the maple trees clustered around a log cabin near Byrdstown, Tenn., when Cordell Hull drew his first infant breath on October 2, 1871.

During the recent recess of Congress I visited the Hull birthplace, and a century later the trees are again turning and the chill of autumn is in the air—but now the fame and works of this great man have transcended the endless cycle of seasons and have built a timeless monument to his accomplishments and achievements for world peace.

On the centennial anniversary of the birthday of Cordell Hull, my distinguished predecessor, other monuments to his memory and dedication are being announced. On October 2, the Cordell Hull Museum and Birthplace is being officially opened near Byrdstown. Many of his memoirs and memorabilia are on display at the museum, highlighting the career of this great Tennessean who served longer as Secretary of State than any other man.

In Nashville plans for the Cordell Hull Center for International Peace will be announced October 2. The building is to be constructed at Vanderbilt University.

At the Library of Congress in Washington a special exhibit has been arranged of many of Secretary Hull's official papers, documents, letters, speech drafts, memorandums, cables, and other fascinating mementos of his long and distinguished career of public service.

Cordell Hull came out of the Tennessee mountains to become one of the central figures in world history. He was described by President Franklin D. Roosevelt as "The Father of the United Nations." His Good Neighbor Policy in relations with South America will always bear his indelible imprint because by initiating this policy of good will he changed the attitude and relationship between the United States and our neighbors to the south.

In his first speech to the House on March 18, 1908, following his election, he articulated his basic policy of world trade and he later pursued this ideal with characteristic skill and determination. With patience and perseverance, his advocacy finally resulted in the enactment by Congress of the Reciprocal Trade Act and adoption of a policy of reciprocal trade with other nations.

Cordell Hull played a crucial role in strengthening the free nations prior to World War II and he negotiated patiently with the Japanese diplomats until the infamous attack on Pearl Harbor on December 7, 1941. During World War II Secretary Hull worked tirelessly in the background to maintain cooperation between the Allies while at the same time laying the foundations for the United Nations.

He participated in many international conferences, including the Moscow Conference with Premier Stalin of Russia in World War II.

Perhaps the most satisfying moment of his career came when he received the Nobel Peace Prize.

On that occasion he said in his acceptance speech:

> Peace has become as essential to civilized existence as the air we breathe is to life itself.

Cordell Hull, following service in the Tennessee General Assembly and as a circuit judge, was elected to Congress in 1907 and served six succeeding terms. He was elected to the Senate in 1930 and resigned to become Secretary of State, serving in that capacity from March 4, 1933 to December 1, 1944—a period of almost 12 years.

In 1944 President Roosevelt went to Bethesda Hospital where Secretary Hull was confined in failing health to plead with him to continue as Secretary of State. But this great American who worked 7 days a week for many years had exhausted his energy and his body—his physical strength was gone.

His mind, however, never lost its keenness and he received daily reports from the San Francisco Conference on establishment of the United Nations from his longtime friend and assistant Col. Carlton Savage.

Recently, as Representative from the district which elected Cordell Hull to Congress, I had the pleasure of revisiting the Upper Cumberland District—the Cordell Hull country—with Colonel Savage.

We walked in the paths of Secretary Hull's career—Byrdstown and Pickett County, the place of his birth: Celina and Clay County, Carthage and Smith County, Livingston and Overton County, Gainesboro and Jackson County, Cookeville and Putnam County, and Lebanon and Wilson County.

Cordell Hull is a legendary figure now—16 years after his death in 1955. In the storied Upper Cumberland District—still the Cordell Hull country—he is recalled with respect and reverence.

He was a man from the hill country of Tennessee who did good, in the parlance of the mountains.

He never forgot the early lessons he learned from his proud but humble beginnings.

Once, when talking to Russian Foreign Minister Molotov, he warned him against a policy of isolation by Russia. He said he knew a bully in Tennessee who abused people. Concluded Hull:

> He wound up by not having a friend in the world.

Cordell Hull was a brilliant diplomat and statesman—a great American—a dedicated apostle of peace whose contributions to our country and the world have left their impact and imprint on history.

Certainly it is fitting and appropriate that on the centennial of his birth we should remember this man, this circuit judge from Tennessee, who brought to the international diplomatic scene a new sense of fairness, honesty and integrity.

Mr. Speaker, on this centennial occasion of Cordell Hull's birth, I place in the Record herewith articles from the Washington Star and the Nashville Tennessean concerning the career and monuments in history of this distinguished Tennessean:

[From the Nashville Tennessean magazine, Sept. 12, 1971]

They Chased and Caught Their "Ghost"

(By Wendell Rawls, Jr.)

Into the midst of old men wearing bib overalls and straw hats and wire-rimmed glasses, a former diplomat who helped shape the United Nations chased a ghost.

A short, heavy man spat tobacco juice into the grass. He looked at the thin, silver-haired man approaching, then returned his attentions to a cedar stick and pocketknife peeling shavings beneath benches occupied by a dozen other Clay County Courthouse regulars.

"This is Carlton Savage," Congressman Joe Evins told the whittlers, lifting both arms towards the diplomat in introduction. Upon recognizing Evins the whittlers arose from the concrete benches and wicker bottom chairs. "He was a close friend and advisor to Cordell Hull and he's come all the way from Oregon to visit the land and the people of Cordell Hull."

For two days Carlton Savage had been chasing the ghost. The veteran statesman had served under six presidents from Calvin Coolidge to John Kennedy, and 10 secretaries of state from James Kellogg to Dean Rusk—but he thought Cordell Hull was the "greatest of them all."

Savage said he feels Hull looked on him "as the son he never had." Now, finally, Savage had come to the homeland of his adopted father to meander with another legendary politician through the humble environs of Middle Tennessee that traditionally have produced great men.

"What's Wayne Morse going to do?" one of the whittlers asked Savage, who was unable to suppress a look of surprise.

Savage mumbled something like "Well, I guess he'll have to do something different," obviously taken aback that the country fellow would so quickly relate former—and forgotten—U.S. Sen. Morse and Oregon, to which Savage's ancestors had traveled in covered wagons in the 1850s. Nevertheless, the 73-year-old State Department veteran joined the whittlers like a child jumps into a playground sandbox and the man in overalls handed him a cedar stick.

"I told you not to underestimate these folks," Evins reminded, pulling out his own pocketknife. "They know about things a long way from Clay County. You can't fool them. They keep up with what's going on." Now Evins had a stick and, like the man in bib overalls, he made long smooth strokes that left cedar ribbons curling off the end.

Evin's boyhood home in Smithville was three blocks from the DeKalb County Courthouse where he had spent endless hours listening to whittlers discuss politics while other boys played baseball. During his youth Evins made a trip to Washington with his father, a Tennessee State Senator, and they visited the office of Congressman Cordell

Hull. Evins set his course that day, in the tracks of Cordell Hull, toward a seat in the U.S. Congress, which he assumed in January, 1946, a little more than a year after Hull retired as Secretary of State.

Clay County Courthouse in tiny Celina was just one of the watering holes along the route Evins mapped out to stalk Hull's past through the hill country of the Upper Cumberland where Hull roamed before the center of his influence shifted to Washington. It was in Celina that Hull opened his first law office. He later served as Circuit Court Judge for Clay and a number of other counties before going to Congress.

But the four-day trek started for Savage in Lebanon, Wilson County seat and former site of Cumberland Law School which graduated such distinguished Americans as Sam Houston and Hull . . . and Joe Evins. The law school has since moved to Birmingham, Ala., and only a plaque planted in the ground in front of a new bank building reminds of the institution.

Evins bent before the plaque, removed a white handkerchief from a hip pocket and brushed away freshly cut grass to read the raised metal which tells that "the great Secretary of State Cordell Hull" was a graduate.

"It's like Daniel Webster said of Dartmouth," Evins said. "'Although small, there are those who love her none the less.' It was a school of statesmen . . . senators, ambassadors, governors, congressmen . . . great school . . . fine reputation . . . great deal of heritage . . . tradition."

Evins and Savage walked from the plaque to the dark blue Continental to continue their trip. After a few blocks Savage could not find his hat. "It must have fallen out of the car when we stopped back there," Savage said.

"That's alright, Carlton, we'll get you another one," said Evins, never one to be impeded. "Drive on, Charlie," he commanded to his aide, Church of Christ minister Charlie Gentry. Charlie drove on. Savage found his hat—crushed back into the back seat under the center arm rest.

"See, the land here is rocky and flat," Evins said, waving his hand toward the side window, oblivious to the condition of the hat. "As we move deeper in to my district (Tennessee's Fourth and with 21 counties the largest of the state's nine) it will become more hilly . . . lot of fine men came out of these hills and gullies."

"Mr. Hull told me he was born on a ridge between the Obey and Wolf rivers," Savage said. "I told him I was born in Oregon between Squirrel Hill and Sunnyside—that we should get along fine. And we did."

Savage, whose attitudes appear more of Eastern prep school origin than of Conestoga wagon, was assistant secretary of state under Hull for nine years. He had joined the State Department during the Coolidge administration and remained there in one capacity or another until his retirement during the Kennedy years.

Evidence of closeness between Hull and Savage was Hull's request that Savage arrange funerals for both the Secretary and his wife, Rose Frances Witz Hull. Savage telephoned daily from San Francisco to Hull at Bethesda Naval Hospital during the U.N. conference and when Hull compiled his two-volume memoirs, Savage was there to help.

"Although he was a generation older than I, we got along wonderfully," Savage said. "I think he looked on me as the son he never had. Tell me, Joe, are there many things named in honor of Cordell Hull?"

"Yes, Carlton," Evins intoned in his own inimitable oratorical fashion. "There is a dam named for Cordell, a building, a bridge, a hotel and 100 individuals in the upper Cumberland named for him. Matter of fact, I once had an opponent for Congress named Cordell Hull Sloan. He always emphasized the 'Cordell Hull' and minimized the 'Sloan.' Well, Carlton, tell us about Hull's relationship wtih F.D.R." Evins quickly diverted the subject away from himself as he is prone to do.

"They were not personal friends at all," Savage said. "But Roosevelt had great respect for Mr. Hull. Hull stood up to Roosevelt and you know that didn't endear anyone to the president. Roosevelt dominated everything around him, every meeting, every conversation."

Savage said he had a document, an article written in 1940, where Roosevelt said he would not run for a third term but would support Cordell Hull for President. Roosevelt later reneged and ran himself, of course.

"Hull would have been Roosevelt's successor rather than Truman," Savage said. "He was vastly more popular than Truman.

"I was with him at 4:30 a.m., Sept. 1, 1939, when Germany invaded Poland, and again moments after the Japanese bombed Pearl Harbor. He was a great man. He was always composed, serene."

"Yes," Evins said. "Cordell Hull was the last of the log-cabin statesmen. I asked him once what he considered his greatest achievement and he told me he probably was proudest of being elected chairman of the Clay County Democratic Party when he was 18 years old—too young to vote. He may have been the first of the 18-year-old voters."

"You know, Joe, Mr. Hull had a reputation for being very profane," Savage said. "But the strongest thing I ever heard him say was in reference to those who opposed his programs or to the lunatic fringe. He called them the 'Polecat element.' Do you ever use that expression, Joe?"

"No," Evins said. "Everybody knows what that means—it smells. See that little tobacco patch up on that hill?" Evins changed the subject again. "The sun shines on that patch. This is Cumberland River country where Hull had his farm. Aren't these pretty hills? The pioneers floated down the Cumberland from these hills into Nashville. This is big tobacco country."

"Mr. Hull charmed Stalin by explaining how he made flat boats in Tennessee with oak strip bindings," Savage said. "Stalin told him about the Russian method of binding with vines.

"Joe, you were talking about tobacco a moment ago. One time Mr. Hull invited some staff members to his apartment for a meeting. While waiting to begin, he told them how he was addicted to cigars when he was in Congress. Had one when he awoke and always had to put one out before entering the House chamber because you can't smoke there. Then he said, 'One day I decided it was a dirty, filthy, stinking habit and I stopped.' With that Mr. Hull passed out cigars. Only one man had enough courage to accept one."

The dark blue car twisted along the road from Lebanon to Smithville and Evins pointed out where his father was born.

"He was born in a little ole house in the hollow," Evins said. "He got married and moved up on the hill. I was born on the hill. That's progress."

"Do they have a mayor in Smithville?" Savage asked.

"Oh, sure," Evins said. "We have everything. Clean air, clean water, industry."

The car drove up to the front of Evins' white-columned home "nearly 100 years old," and a welcoming party composed of the mayor (Evins' cousin), the county judge (Evins' cousin) and the county historian (another Evins relative).

The trail of Cordell Hull led Savage and Evins from Smithville to Carthage, where there is a bust of Hull in Smith County Courthouse. The Cordell Hull Dam and Lock (built with $40 million appropriated from one of Evins' subcommittees) is there as is Cordell Hull Bridge and Cordell Hull Motel. On to Gainesboro where the two main streets are Cordell Hull Avenue and Gore Street (for former Sen. Albert Gore, who owns a feed store in Carthage and considerable farm land nearby). To Celina, where Hull not only opened his first law office, but where his parents are buried. To Livingston, where Hull's longtime secretary Miss Will Harris, 94, lives with a relative, and from whence came America's first Vietnam casualty. To Byrdstown near Hull's birthplace, and finally to Nashville and Tootsie's Orchid Lounge, citadel of country music.

Evins calls the area "historic country."

"What is it about this country, this soil that produces such good men, Joe?" Savage said. "There's Andrew Jackson, James K. Polk, Cordell Hull, Albert Gore, Joe Evins."

"Hard rock," Evins said, ignoring the compliment. "Hard rock produces good men and that's the main product of this country. Good men."

Both Savage and Evins are fascinated by heroes, "good men." Savage continually alludes to Sam Rayburn and Franklin Roosevelt and Cordell Hull. Apparently he idolized Hull. Sen. William Borah, of Idaho, "was the greatest orator I ever heard in the Senate." He praises John McCormack and former Texas Sen. Tom Connally. John Cash ("you can see in that face what he has been through") is his favorite singer.

Many of Evins' "heroes" are the same people, but, Savage said, "Joe is fascinated with heroes and he doesn't realize that to thousands of people he's one."

It was at Carthage that Savage was honored with a restaurant luncheon attended by about 30 old-timers who professed to have known Hull.

One, G. W. Allen, 93 years old, a former Smith County Judge and still a member of the Smith County Quarterly Court, confessed privately that he "didn't have much use for Judge Hull like some of these fellows I can't forget one of Hull's races for Congress. He was getting beat pretty bad, close to a thousand votes, but Morgan County returns were not in. And they got later and later gettin' in. When the Morgan County box finally came in, Hull carried it by a little more than a thousand votes. I never had much use for Judge Hull after the Morgan County box came in, but I felt I knew him very well, yes."

Ironically, on the restaurant wall there is an old newspaper political cartoon depicting Hull sitting on a stump and notching the butt of a smoking longrifle. Lying dead at Hull's feet are Sumner Wells, George Peek, Raymond Moley, Hank Wallace and "the Navy and War Departments' attempt to pass blame for Pearl Harbor."

The caption reads: "Feudin' with Cordell can be mighty unhealthful."

The 93-year-old man who recounted Hull's political affairs in Morgan County also recalled that feuding with Hull's father was equally "unhealthful."

"You know Judge Hull's daddy got into an awful fight with a man just over the line in Kentucky one time, and the man bushwhacked Judge Hull's daddy—shot him in the eye and put it out. Judge Hull's daddy came on back home and recovered, then he left one day, was gone a day or two and came back. Not long after that they found the Kentucky man dead."

In Gainesboro, where there is a 24-year-old mayor who was a former school teacher and pool room operator, and where the courthouse clock reads 11:30 on one side and 4:20 on the other, Savage was greeted by town fathers—and mothers—at Anderson and Haile Drug Co., at the corner of Gore and Main streets. The conversations centered on Joe Evins, who regularly carries the area 6–7–8 to 1, not on Cordell Hull who only convened court there 75 years ago. There was too much "Evins" in the conversation. Evins was ready to move on to the next stop.

On the curvy, roller coaster road from Gainesboro to Celina, Hull and Savage again reflected on Hull's folksy, log-cabin approach to matters.

"You know what a horseback opinion is, Carlton?" Evins asked. "Cordell Hull told me once in a typically simple answer, that a horseback opinion is talking before you get off your horse. Hull never did that. He was the hardest man in the world to get a direct yes-or-no answer from.

"When Hull was in the state legislature, a group of men tried. At exactly 12 noon by the house chamber clock, they asked Hull what time it was. Hull pulled out his pocketwatch, looked at it, looked at the clock on the wall, back at his watch, then turned to one of the men and asked:

"What time does your watch say?"

Then Evins told a "Hull" story that may have been told of every statesman since Thomas Jefferson.

"Another time he was traveling along one of the roads around here and there was a flock of sheep grazing in a pasture. The fellow driving commented that the sheep were 'freshly sheared, aren't they, Cordell?'

"'They appear to be on one side,' Hull answered."

During breakfast in Celina, Savage began talking about Hull's efforts to bring about world peace.

"Mr. Hull began working on a world peace concept as soon as World War II broke out," he said. "He worked tirelessly for a peace organization which turned out to be the United Nations. He really dedicated his life to peace. And I dedicated my life to the same thing when I entered the State Department. I really have worked all my life for world peace."

A physician of Puerto Rican descent sat beside Savage. He shook his head slowly.

"You weren't very successful, were you?" he said.

Savage looked into his plate. The answer was long in coming.

"No, doctor, I haven't been." Then Savage brightened. "But I'm patient. Mr. Hull was patient. Now Joe is not patient. He likes to get things done."

By the time Evins and Savage had reached Byrdstown they had chased the ghost of Cordell Hull to its Oct. 2, 1871, origin—a log cabin truly on a ridge between the Obey and Wolf rivers.

"Just over the ridge there's a cave," said Glenn Sells, a Byrdstown lumber dealer who managed Evins' 1970 campaign in Pickett County, and who restored Hull's birthplace. "Hull's daddy made his whisky in that cave. Of course it was an honorable profession in those days. It was a product sold just like flax and corn."

"Still is," said one in the group following Evins and Savage.

At the birthplace a two-room cabin with an upstairs loft, Savage sifted through accumulated memorabilia ready to be exhibited at the museum nearby. Evins was surrounded by townspeople and supporters—as he had been surrounded at every stop for four days.

Savage fingered through three or four pictures and mused aloud:

"You know, I came to Tennessee to see Cordell Hull country. I've been just about everywhere he's been. But this is not Cordell Hull country. It's Joe Evins country, now."

Evins overheard the last sentence.

"You about ready to go, Carlton? We need to be in Cookeville before dark."

[From the Sunday Star, Sept. 19, 1971]

REVIEWING THE RECORD OF CORDELL HULL

(By Robert K. Walsh)

The Oct. 2 centennial of the birth of Cordell Hull is memorable for more reasons than his tenure as Secretary of State from 1933 to 1945, longest in that cabinet office's history.

Hull, who died in 1955, took part in one of the most dramatic and angry moments in diplomatic annals on Dec. 7, 1941, "a date which will live in infamy."

A member of Congress from 1907 to 1933, Democratic National Chairman from 1921 through 1924, and head of the Department of State for 11½ years, the old fashioned Southern Democrat from Tennessee suffered in silence a keen disappointment when his good chance—if not promise—for the presidential nomination was suddenly dashed by President Franklin D. Roosevelt in 1940.

And despite a courtliness, dignity and patience that usually concealed anger, Hull accused Raymond Moley at the 1933 London Economic Conference of trying "secretly to undermine and destroy me."

The text of that sensational super-secret cable to President Roosevelt is available for the first time for the public to read. It and evidence of many other momentous or revealing episodes in Hull's remarkable public career, which won him the Nobel Peace Prize in 1945, stand out in a special exhibit in the Manuscript Division of the Library of Congress.

The display of documents, letters, speech drafts, official and personal memoranda, cables and other matter—including a signed cartoon sent to Hull by The Evening Star's famed editorial artist, the late Clifford K. Berryman, after the 1924 marathon Democratic national convention in New York City—is a mere fraction of the contents of Hull's voluminous papers and memoirs.

Yet those few are extraordinary both in their present interest and their value as historical source materials. The collection occupies several cases at the Manuscript Division's Reading Room on the third floor of the Library Annex. It will be open to the public Monday through Friday from 8:30 a.m. to 5 p.m. until the end of October.

Although not all of the papers originated with Hull, the entire exhibit centers on him and the main segments of his long career in public service.

Hull's official memo of his Dec. 7, 1941, confrontation with Japanese Ambassador Kichisaburo Nomura and Special Envoy Saburo Kurusu while Pearl Harbor was actually under attack has been described so many times that his castigation of his visitors came to be practically household words during World War II.

They still sound as scathing and startling when read today as they must have when Hull uttered them on that fateful Sunday afternoon 30 years ago in his office in the old State Department Building. The single page typewritten memo does not substantiate—but neither does it disprove—stories at the time that Hull also hurled at the two Japanese diplomats considerably less diplomatic language that would have stunned even the outspoken Tennessee back-country folk he knew when he was a boy.

"I must say that in all my conversations with you during the last nine months I have never uttered one word of untruth. This is borne out absolutely by the record," he told the Japanese envoys after reading their government's reply to his Nov. 26 note outlining a possible basis of negotiations for averting war.

"In all my 50 years of public service I have never seen a document that was more crowded with infamous falsehoods and distortions—infamous falsehoods and distortions on a scale so huge that I never imagined until today that any government on this planet was capable of uttering them."

NO COMMENT

Hull's memo grimly concluded: "The Ambassador and Mr. Kurusu then took their leave without making any comment."

While hardly on the same scale of world history, the exhibit's decoded cable that Hull sent to Roosevelt in 1933 concerning Moley will be news to many people today. A feud between Hull and Moley at the London Economic Conference was generally known and widely reported in the spring of 1933. But its intensity and the grave charges that Hull leveled against Moley apparently have never before been published.

The four-page message was classified "Strictly confidential to the President. No distribution to any person." It was accompanied by Hull's orders for decoding by only one designated official in the State Department.

Hull asserted that Moley professed friendship and loyalty to him as Secretary of State and as head of the American delegation to the London Conference but nevertheless bypassed him, assigned a woman employe to spy on him, questioned his official competence and otherwise attempted to end his usefulness.

Moley, who had been a Columbia University professor and became chief of Roosevelt's "Brains Trust" in the early years of the New Deal, was not a member of the United States delegation to the meeting on economic and monetary problems. He showed up in London in what has been described as "the vague role of President Roosevelt's liaison officers." He reportedly went about negotiating a currency stabilization agreement which Roosevelt later repudiated. Blame for the subsequent failure of the conference was placed on various persons by contemporaries as well as historians.

Whether or not Hull's version is accepted by Moley's supporters, Hull's cable left no doubt that he was completely convinced and deeply angered that Moley tried to do him in:

"It is most painful to have to report an attitude and course of conduct on the part of Professor Moley which has been utterly dumbfounding to me. . . .

"He sent along at least one woman from his office, who, according to reliable information, has consistently attempted to spy on my movements and make secret reports back to Moley. . . ."

Complaining that the press in London, Paris and elsewhere began to "dramatize Moley as coming to speak and act for you" (Roosevelt), Hull related how Moley went on "to negotiate directly" with British Prime Minister Ramsay MacDonald and others.

Finding that Roosevelt was being "personally charged with wrecking the conference," Hull informed the President: ". . . (I) was lucky enough, if I may say so, to be the chief single factor in preserving the conference and saving you from the outrage of being branded a destroyer. . . . Moley was secretly sending code messages to you about my incapacity to function here. He was at the same time pretending absolute loyalty of friendship and of official attitude to me. He does not know that I am aware of this fact and I only discovered it after he sailed (for the United States).

AMAZEMENT

"My regret only equals my amazement to discover the deliberate attempt of one I have implicitly trusted thus secretly to undermine and destroy me in my situation while openly professing friendship and loyalty."

In any event the record thereafter indicates no lack of mutual confidence between Roosevelt and Hull. Their personal friendship began as far back as the 1920 Democratic convention, where Roosevelt was nominated for the vice presidency. It grew stronger while Hull was Democratic national chairman and at the 1924 convention, with its fantastic and frustrating 103 ballots. It was solidified at the 1932 convention that put Roosevelt in the White House.

On July 3, 1940, the President invited Hull to lunch at the White House. There, according to Hull's handwritten recollection of the conversation, Roosevelt more than hinted for the first time that he would go for a then unprecedented third term.

In human interest and political significance Hull's memo of that White House luncheon is on a par with the memo on the Moley incident. It is even more significant from a what-might-have-been standpoint. It will surprise many readers today, if only because of Roosevelt's unflattering and unfair opinion of Wendell L. Willkie, the 1940 Republican presidential nominee.

It also indicates that Hull himself perhaps protested too much in telling Roosevelt that he really did not want to run for President even if Roosevelt retired after the third term.

"After I had talked of several departmental matters," Hull recalled in his memo, "The President suddenly said: "Well, let us talk some politics."

" 'You know, there are many people saying to me 'you can't afford to let us down.' I interjected that it was probably an avalanche. The President in saying this had a sort of impatient, incredulous tone, a tone deprecating the idea of running. . . .

"He said he did not believe Willkie was honest, that he represented a species of fascism or collectivism. (I just can't recall just how he technically phrased it.) He then got on to my strong and weak qualities as a candidate. He was extremely guarded compared to his former conversations."

Hull wrote that he interrupted the President to say that in any event "I was not to be considered; for many months my wife and I had agreed that I should go out of public service." According to the Hull memo, the President "proceeded to speculate on how he would run in November, with the conclusion that he could win unless the war should stop and in that event Willkie might defeat him and that he would not care except for the country's sake."

The exhibit contains communications to or from Woodrow Wilson, Col. Edward House, William Allen White, former Secretary of the Navy, Josephus Daniels, Ambassador William E. Dodd on the 1934 Hitler "blood purges" in Nazi Germany, British Prime Minister Anthony Eden, Soviet Foreign Minister V. M. Molotov, British Ambassador Lord Lothian on the exchange of American destroyers for British bases before United States entry into World War II, and documents relating to the organization of the United Nations in 1945 in San Francisco following the Dumbarton Oaks discussions here, the lend-lease program and the "good neighbor" policy with Latin American nations.

TAX LAW

Hull's maiden speech in the House on Mar. 18, 1908, epitomized his basic philosophy as a "free trader." He entitled it "Freer Trade Among Nations Through Reduction in Tariffs." In view of 1971 excursions with floating dollars and trade restrictions, the text of that speech makes for something more than musty historical reading, despite such oratorical flourishes as "The trusts are entrenched behind the walls of the protective tariff system. The flag of monopoly has always floated above the ramparts of protection."

His stand on that issue and his ability and versatility in so many other areas attracted the attention of F.D.R. more than 50 years ago and of President Wilson even earlier. So did his achievements and comparative popularity as Democratic national chairman during the years when his party's political and financial fortunes were at an especially low ebb.

There is, for instance, a letter from Wilson in 1922 after he left the White House. It shows considerable personal warmth as well as brimming measure of idealism on the need to obtain high caliber Democratic candidates for public office.

"We must fill our seats with gentlemen and men of honour and let the politicians get used to good company," Wilson wrote to National Chairman Hull. "I do not think that these considerations can be too earnestly and too imperatively pressed upon our party men everywhere. I know you will indulge me in these reflections."

Characteristically perhaps, the scholarly Wilson underlined in ink the word "imperatively" and used the spelling "honour."

Those who remember having met Cordell Hull can safely indulge in a reflection on his 100th birthday anniversary that he particularly treasured that Wilson letter.

Still more of a memorial to Hull is the copy of his Nobel Peace Prize acceptance speech, in which he declared for all time: "Peace has become as essential to civilized existence as the air we breathe is to life itself."

[From the Nashville Tennessean,
Sept. 19, 1971]

CORDELL HULL PEACE CENTER PLANNED HERE

(By Wendell Rawls, Jr.)

Plans will soon be announced for a $4 million Cordell Hull Center for International Peace, to be constructed near Vanderbilt University for use by all sectors of the Nashville community, it was learned yesterday.

Formal announcement of the plans is tentatively scheduled for Oct. 2, the 100th anniversary of the birth of Cordell Hull, famed secretary of state who devoted his life to world peace and who is credited with fathering the United Nations.

The project is designed to make Nashville an international center by bringing together the financial, business, academic, cultural and religious communities in a common purpose, with a physical facility for common identification.

The center concept was conceived by two Vanderbilt professors, Werner Baer and William O. Thweatt, and two officials of Commerce Union Bank's international banking department, Jerre Haskew, director of the department, and John Mousourakis, head of the department's Latin American and Mediterranean divisions.

More recently, several interested Nashvillians, such as Mrs. John T. McCall and Mrs. Warren Riegle, have joined in efforts to secure community support needed for the foundings of such a venture, Thewatt said.

The group envisions a facility which could provide:

Space for international trade shows, with rooms where foreign manufacturers could display wares for businessmen from the central South and other regions.

Space for private groups and foreign governments to arrange cultural exhibits.

Space for seminar rooms and a small auditorium where lecture series could be presented by major political and economic figures.

A library to house all aspects of world trade, including periodicals, trade journals, information on licensing, sales, joint ventures, plant locations, distribution of products and import-export data.

Office space for a customs house broker, a freight forwarding agent and perhaps a foreign exchange branch bank.

Facilities for a resident international law firm.

Lounges and possibly a small international restaurant catering both to students and to visitors.

Facilities for foreign language instruction, including English for foreign students and foreign languages for Nashville residents.

Office space for a physician to serve foreign students and their families.

Administrative headquarters for Cordell Hull scholarships in international affairs. The idea being to provide scholarships and Cordell Hull research professorships with money from endowments, as well as space for other students doing research in international affairs.

Headquarters for a new publication on world problems which would be competitive with the journal "Foreign Affairs," which usually represents the views of the "Eastern establishment" on international relations.

The housing of several international graduate programs presently sponsored by Nashville universities.

Space for guest rooms for visiting professors, businessmen and government officials.

"It is our belief that this plan for an International Peace Center in Nashville is both feasible and desirable," Baer said. "With the cooperation of interested community and university groups it can become a reality. Such an undertaking would be in keeping with the dynamic growth-oriented emphasis of Nashville's civic leadership."

"The business community needs to understand what the academic community has to offer and vice-versa," Haskew said. "There are more than 1,000 foreign students in Nashville, ready to exchange ideas on cultures and religions."

The originators of the idea hope to finance the venture with grants from national foundations and corporations, then depend on a "broad base of the local regional business community" for continued support.

The concept had been endorsed by the International Affairs Committee of the Nashville Area Chamber of Commerce and by numerous business leaders and prominent citizens, Haskew said.

"Economically speaking, the idea is particularly appealing when you realize that more than $600 million worth of goods was shipped out of Tennessee last year," Haskew said. "That is up from about $470 million five years ago. A like amount probably is imported each year, and both exports and imports create jobs.

"Most of Nashville's major industries engage in international trade and the three major banks are extending credit to finance international trade."

Nashville's churches have commitments all over the world, Thweatt said, and Nashville's universities have numerous programs operating in such countries as France, Germany, Spain, Brazil, Egypt, and Paraguay.

"There is a tremendous amount of international activity in Nashville," Baer said, "but there is nothing in Nashville to bring them together. No other city or university center in the region provides anything like it, either, and Nashville can do it first."

"The feeling of the group was that it was only fitting to name the center after Cordell Hull, a Tennessee native who devoted his lifelong energies to promoting international trade and understanding for world peace," Thweatt said, adding:

"We were delighted when Mrs. Kathleen Hull Ethridge, Hull's niece who cared for him during the final years of his life, enthusiastically endorsed this idea when we recently visited with her in Celina.

"We would like for the center to reflect the international spirit which Cordell Hull tried to promote throughout his lifetime. With sufficient financial support Nashville has the other necessary resources to bring this goal to reality."

PROPOSED SELECT COMMITTEE ON PENAL REFORM

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 1 hour.

Mr. PODELL. Mr. Speaker, the tragic events at Attica Prison earlier this month dramatically illustrate that our so-called corrections system is in urgent need of reform. Today I am introducing for appropriate reference a resolution to create a House Select Committee on Penal Reform that would be authorized to conduct a complete investigation of current conditions at Federal, State, and local penal institutions.

The carnage at Attica highlights the fact that we build and condone a system of despair and degradation in the name of "correction" and "rehabilitation." As horrifying as was the death of 42 civilians and inmates at Attica, it is more alarming to realize that Attica will happen again—perhaps at another place and another time—but it will happen again. It will happen again unless the American people face the fact that a major overhaul of our prison system is the only way to overcome its failure.

It is all too clear that for most offenders the term "correctional facility" is a gruesome euphemism. Prisons in the United States are usually little more than universities of crime, "graduating" growing legions of bitter and hateful individuals who have spent their time in jail polishing and refining their criminal techniques and who emerge from behind the concrete walls more motivated to commit crime than they were when they entered.

Two-thirds of the 200,000 inmates currently incarcerated in our Federal and State prisons are "alumni" of other institutions. Most startling, 80 percent of all felonies are committed by repeaters, those who have had prior contact with the criminal justice system. Indeed, according to the FBI's most recent Uniform Crime Reports, nearly 70 percent of all crimes committed in this country last year were committed by people with previous convictions. Moreover, of the 100,000 persons released from confinement each year and returned to society, 75 percent again commit serious crimes and return to confinement.

The principal reason for this extraordinarily high rate of recidivism—repetition of crime by individuals—is that penitentiaries in the United States are usually little more than warehouses of human degradation, stripping prisoners of their dignity, providing few useful skills that will enable convicts to find gainful employment in the outside world and offering woefully inadequate psychiatric and educational programs and facilities.

Richard W. Velde, Associate Administrator of the Law Enforcement Assistance Administration of the Department of Justice, recently gave a chilling description of the American prison system:

> Jails are festering sores in the criminal justice system. There are no model jails anywhere; we know, we tried to find them. Almost nowhere are there rehabilitative programs operated in conjunction with jails . . . The result is what you would expect, only worse. Jails are, without question, brutal, filthy cesspools of crime—institutions which serve to brutalize and embitter men, to prevent them from returning to a useful role in society.

Dr. Karl Menninger, a prominent psychiatrist, stated in his book, "The Crime of Punishment":

> I suspect that all the crimes committed by all the jailed criminals do not equal in total social damage that of the crimes committed against them.

It would be difficult to devise a better method of draining the last drop of humanity from an individual than confinement in most prisons as they exist today. Many prisons have large dormitory rooms with 100 beds or more where guards do not venture at night. Beatings, deaths, and suicides are frequent in the dormitories. Rape, robbery, and homosexuality are rampant, as marauding gangs and individuals pillage the dormitories and terrorize their fellow inmates.

Many prisoners would deeply understand the vivid description of penal life provided by the Russian novelist Dostoevsky, whose book "The House of the Dead," describes his devastating ordeal while imprisoned in Siberia.

If he died and awoke in hell, Dostoevsky reasoned, he would expect it to be no worse than life in prison. On his last night in jail, walking beside the fence that that had confined him for 4 years, Dostoevsky concluded that on the whole the men there were no better and no worse than people generally. Among them were exceptionally strong and gifted people. The waste of their lives was an intolerable cruelty. From his experience in prison he defined man as "a creature that can become accustomed to anything."

We in America spend more than $1 billion a year maintaining our archaic prison system. Ninety-five percent of all expenditures in the entire field of corrections in the United States goes for custody—iron bars, stone walls and guards—while only 5 percent goes for hope—health services, education, and developing employment skills.

As a consequence of the high rate of recidivism, the American taxpayer is grossly shortchanged in the investment of his tax dollar aimed at achieving criminal rehabilitation. In fact, if a private business had as poor a percentage of success and as high a level of cost as does our prison system, it would have difficulty surviving its first shareholders' meeting.

The American Correctional Association has estimated that it takes $11,000 a year to keep a married man in prison. This figure is based on the inmate's loss of earnings, the cost of keeping him in prison—$10.24 a day in Federal prisons and $5.24 a day in State prisons—the cost to the taxpayer if his family has to go on relief and the loss of taxes he would pay.

Medical and dental facilities are sadly lacking in prisons. The result is that many prisoners lose their sense of dignity by being forced to live with debilitating physical problems. For example, many prisoners are badly in need of dental work, but few receive adequate attention in prison. Personalities are shaped by such factors as the loss of teeth. The lack of the most fundamental medical services is a significant part of the dehumanizing daily existence of prison life that results in brutalization.

Our prison system also suffers from a staggering need for increased psychiatric and educational personnel. There are only 50 full-time psychiatrists for all American prisons, 15 of them in Federal institutions which hold only 4 percent of all prisoners. In adult penal institutions, there is only one teacher available for every 150 inmates, although fewer than 5 percent of the inmates of Federal institutions function at a 12th-grade level, and one psychologist for every 1,200 prisoners.

The acute lack of psychiatric and psychological personnel is particularly deplorable as studies have shown that most prisoners suffer from mental disturbances at the time they committed their crime.

Many ex-convicts revert to a life of crime because they have not received job training that would assist them in obtaining employment in the outside world. License plate and mop bucket manufacturing are two examples of prison vocations that bear little relation to potential jobs in private industry. Eighty-five percent of the inmates of Federal penal institutions lack any marketable skill when they leave prison.

Although much attention has been focused on the condition of our Federal and State prisons, a recent census of 4,037 local and county jails, conducted by the Law Enforcement Assistance Administration, revealed many problems that plague these institutions. Eighty-six percent of the county institutions or jails located in cities of 25,000 or greater population had no facilities whatsoever for exercise or recreation. Eighty percent lacked educational programs, while 26 percent were without visiting facilities. About 50 percent had no medical services. About 1.5 percent lacked toilets. In addition, 19,000 of the 98,000 cells in those jails were between 51 and 100 years old, and 5,416 of the cells were more than a century old.

The same survey also revealed that 52 percent of all inmates in city and county jails were held for reasons other than conviction of a crime. Almost all the inmates in this category were awaiting trial, many of them unable to raise the bail necessary for their release. The result is that prisoners who have not come to trial must sit idly, waiting months on end with no constructive activity available to them. During this purgatorial period of enforced idleness, they mingle with convicted criminals, often assimilating their views and lifestyles.

We have drawn an iron curtain in our minds, shutting out from our awareness the daily tragedy of life in America's prisons. Except when there are prison riots such as occurred at Attica, jail breaks or scandals, little thought, attention or concern is given to our correctional institutions and their inmates. It is time to recognize that repression is an inadequate substitute for rehabilitation. It is time the American people realized that punishment alone does not bring correction. We must awaken to the fact that the present system of criminal justice, in the words of the President's Violence Commission, "does not deter, does not detect, does not convict, does not correct."

It is not for humanitarian reasons alone that we must reform our corrections system. It is for our own safety. We have never faced up to the facts that most convicts will some day be released from the hellholes we call correctional institutions. They come out, as we have seen, more bitter, more disturbed, more antisocial, and more skilled in crime than when they went in.

Accordingly, if we are to break the vicious circle of recidivism, we will need to revolutionize our corrections program.

Twenty-five hundred years ago, the ancient Chinese Philosopher Confucius wrote:

> A journey of a thousand miles must begin with a single step.

An important initial step toward improving our detention centers would be the creation of a House Select Committee on Penal Reform. It is my earnest hope that Members of the House will give swift attention to this vitally needed measure and will join with me in calling for the establishment of such a Select Committee.

JOINT COMMITTEE ON NATIONAL SECURITY

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, we in Congress worry too much about the role of Congress in foreign affairs, and not enough about its competence. When that competence is achieved, the present imbalance between the executive and legislative branches will be improved, if not corrected.

One important way the competence of the Congress in foreign affairs can be improved is through the creation of a Joint Committee on National Security.

I have introduced legislation, H.R. 10899, to create such a committee. The same legislation has been introduced in the Senate by Senator HUMPHREY.

This joint committee would function in the national security field in a manner comparable to the operation of the Joint Economic Committee in the field of economics. Just as the Joint Economic Committee examines the annual economic report of the President, the Joint Committee on National Security could study and analyze the annual foreign policy messages of the President and the Secretary of State.

The Joint Economic Committee has become a respected forum for examining economic issues, and its recommendations have a substantial impact on the development of economic policy. The joint committee I propose could have the same impact on our national security policy.

Just as the Joint Economic Committee unifies the otherwise fragmented voice of Congress on economic policy, the Joint Committee on National Security would channel congressional opinion on foreign policy. It has been estimated that more than half of the 38 standing committees on Congress are involved in some aspect of our foreign policy. As a result, there is no way of knowing what the Congress thinks about a particular international issue. This joint committee will offer a centralized voice.

Its main responsibilities would be these:

First, to study and make recommendations on all issues concerning national security.

Second, to review, study and evaluate the Pentagon Papers and other documents covering U.S. involvement in Vietnam.

Third, to study and make recommendations on Government practices of classification and declassification of documents.

Fourth, to conduct a continuing review of the operations of the agencies intimately involved with our foreign policy, including the CIA and the Departments of Defense and State.

The committee's membership of 25 would include the Speaker of the House, the majority and minority leaders of both Houses, the chairman and ranking minority member of the Committees on Appropriations, Foreign Relations and Foreign Affairs, Armed Services, and the Joint Committee on Atomic Energy, plus three members of each House, two from the majority party and one from the minority, chosen by the Speaker and the President of the Senate.

There will be unavoidable problems in working out the relationships between such a new committee and the standing committees, but unless the Congress can overcome its own inadequacies and upgrade its mechanisms for handling national security issues, all hope fades of dealing with the executive branch on an equal basis.

The joint committee, by addressing itself to the broad issues that overlap the jurisdictions of the separate committees, would assist Congress in its participation in the decisionmaking process. It would provide a source of information independent of the executive which is absolutely necessary if the House and Senate are to fulfill their constitutional responsibility of acting as a "check and balance" to the President. Without a competence of its own, the Congress cannot make discriminating judgments between alternative programs and proposals.

It is not enough for the Congress to insist upon its prerogatives if it is not prepared to cope with its responsibilities. A Joint Committee on National Security will help it to cope. It will provide the expertise that is needed if Congress is to act more as a partner and less as an adversary in the development of national security policy. It can offer a mechanism to assure adequate consultation, rather than frequent confrontation, between the President and the legislature in the formulation of this policy.

HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS AND MOVEMENTS MEMORIALIZED

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, I have received from the executive secretary of the Third Marina Islands District Legislature a copy of that body's resolution No. 21-1971.

This resolution, expressing "sincere gratitude and appreciation" for our Foreign Affairs Subcommittee's work on the Micronesian Claims Act of 1971, mentions me by name as the chairman of the Subcommittee on International Organizations and Movements. But it also expresses appreciation for the role played by the other members of the subcommittee and I would like to add my voice to this expression of gratitude.

In addition, the House as a whole should be commended for the dispatch with which this long-delayed matter was acted upon in the 92d Congress.

The resolution follows:

RESOLUTION NO. 21–1971 OF THE THIRD MARIANA ISLANDS DISTRICT LEGISLATURE, SIXTH REGULAR SESSION

A resolution relative to expressing sincere gratitude and appreciation to Honorable Donald M. Fraser and members of the House Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee for the favorable support of the "Micronesian Claims Act of 1971"

Whereas, by virtue of the speedy action by the House Subcommittee on International Organizational and Movements of the House Committee on Foreign Affairs, the "Micronesian Claims Act of 1971" passed the Congress of the United States in record time; and

Whereas, the signing of Public Law 92–39 by President Nixon on July 11, 1971, will at long last set into motion the machinery to begin resolving a problem that has existed for too long; and

Whereas, a great deal of work by many people has gone into the introduction and passage of the "Micronesian Claims Act of 1971", and we on behalf of the people of the Mariana Islands District, wish to express our sincere gratitude and appreciation to the members of the House Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee for their very valuable assistance and speedy action;

Now, therefore, be it resolved by the 3rd. Mariana Islands District Legislature that its sincere gratitude and appreciation be and is hereby expressed to Honorable Donald M. Fraser and members of the House Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee for their favorable support of the "Micronesian Claims Act of 1971".

Be it further resolved that the President certify to and the Legislative Secretary attest the adoption hereof and thereafter transmit copies of the same to the members of the House Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee.

Passed by the 3rd. Mariana Islands District Legislature, August 18, 1971.

VICENTE N. SANTOS,
President.
DANIEL T. MUNA,
Legislative Secretary.

TRYING TO KEEP UP WITH SECRETARY MORTON'S FLIP-FLOPPING

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 15 minutes.

Mr. ASPIN. Mr. Speaker, we are all aware of the difficulties in keeping up with fast breaking events and keeping our public statements timely and relevant. That is never an easy task.

We are also aware that public officials, including Congressmen, occasionally change their positions on issues. This is certainly a public official's privilege and, probably, there ought to be more instances of such changes.

Just yesterday, however, my staff and I were victims of a switch of opinion by a public official, which to us was exasperating and went well beyond the bounds of openmindedness which the public has a right to expect from its officials.

On Monday morning, an article appeared on the front page of the Washington Post with the headline: "Alaska Oil May Flow Via Canada." That article quoted an interview with Secretary of Interior Rogers C. B. Morton which appears in the current issue of U.S. News & World Report. According to the AP story, the Secretary had "hinted strongly yesterday—Sunday—that all oil from Alaska's North Slope may ultimately go to market through Canada." The article also said that Morton "implied that it may be months before the decision" on whether the proposed Alaska pipeline would be built, is made.

Since I have been concerned with the Alaska oil issue, immediately after seeing the AP report in the Post, I prepared a statement praising Mr. Morton for his latest statements, which appeared to represent a significant shift in the Interior Department's position on the Alaska pipeline.

In that statement, I said that the Secretary's most recent statements "could have required considerable courage." I also said that Mr. Morton's statements could either be viewed as a very significant switch in Interior's approach to studying the Canadian alternative—

> Or it could also be viewed as the latest in a series of flip-flops Secretary Morton has gone through on whether the Interior Department will independently and thoroughly study a Canadian pipeline alternative. At the very least, the latest flip is on the right side, but I am hopeful that the Secretary's comments mean a lot more than that—

I said in my undelivered statement.

Unfortunately, before I could praise Mr. Morton for his latest flip, he had already flopped again. That afternoon, another AP report which appeared in the Washington Star under the headline: "Changes Clear Way for Alaska Pipeline," stated in its lead that—

> "The Interior Department may be able to make a favorable environmental report on the trans-Alaska pipeline because of changes agreed to by the proposed builders," Interior Secretary Rogers Morton said.

My news release praising Mr. Morton for his original statements as reported in the Post that morning, was in the process of being stapled by my staff for distribution. It had to be stopped, of course.

In following the Alaska pipeline issue since last January, I thought I had become accustomed to Mr. Morton's inconsistent and contradictory statements, of which there have been several. Nonetheless, I was still unprepared for this latest and most glaring inconsistency in a long line of glaring, inconsistent statements. Indeed, Secretary Morton's complete reversal in such a short span of time was a remarkable achievement, even for him. To use an analogy that should be understandable to all members of this Administration: Mr. Morton managed to lose 6 yards on a play on which he seemed to be falling forward for a first down. I can only hope that Mr. Morton's time record in overruling himself had no relation to the fact that both he and the President were in Alaska at the time the original AP story was published.

This is not the first time that Mr. Morton has flipped or flopped on the question of whether and how a Canadian pipeline alternative would be studied. Back in May, the Interior Secretary first said that Interior would undertake a comprehensive and independent study of the Canadian alternative. But, later he said that this would not be done. Instead, he said that he would ask the oil companies to talk with the Canadian government.

Once again, it appears clear that whatever studies are being done on the Canadian pipeline, the decision to go ahead with the approval of the Alaska route has essentially been made, which is what virtually everyone—both the oil companies and the Alaska pipeline's opponents—has believed all along.

The glimmer of hope that the decision on whether to construct the trans-Alaska pipeline had not been made in fact, as well as in theory, was quashed by Mr. Morton's reversal of himself—even before we could acknowledge that glimmer. Ever optimistic though, I have sent the following letter to Mr. Morton asking him to clarify his contradictory statements and to further detail how Interior intends to study the Canadian pipeline alternative. I send this letter to the Secretary with some trepidation, however, because I fear that his response, rather than clarifying things, will only serve to confuse them even more. Politics, however, is a risky business.

The letter to Secretary Morton follows:

SEPTEMBER 27, 1971.

Mr. ROGERS C. B. MORTON,
Secretary of the Interior,
Interior Department, Washington, D.C.

DEAR MR. SECRETARY: I was greatly confused by the apparent inconsistencies in the September 27 articles "Alaska Oil May Flow Via Canada" in the Washington Post and "Changes Clear Way for Alaska Pipeline" in the Washington Star. Some clarification on your part, especially concerning the study of a Canadian pipeline alternative would, I believe, be quite helpful.

First, do you plan to wait for research to be completed on the Mackenzie Valley pipeline before any decision is made on the Alaska pipeline? As I understand it, the Mackenzie Valley Pipeline Limited expects to have completed its research by the end of this year. Will the Interior Department evaluate the results of its research and, if so, how will that evaluation be done? Will the Interior Department independently evaluate the ecological aspects of the Canadian pipeline or will it rely primarily or wholly on the studies of the Mackenzie Valley Company and the recent Arco comparison of the Canadian and Alaskan pipelines?

Second, how do you plan to have the economics of the Canadian pipeline studied? Will an independent study be done? Specifically, how will the economics of the Canadian pipeline in relation to the Alaskan pipeline be studied and evaluated?

Third, will the Interior Department, the State Department, or both together, enter into negotiations with the Canadian government concerning the construction and operation of a Canadian pipeline? If so, approximately when do you expect these negotiations to take place?

I do not, of course, expect completely definitive answers to these questions at this time. However, I feel that some further details on how the Interior Department intends to proceed in the studying of a Canadian pipeline alternative would help greatly to clarify to the public and to Congress the Administration's approach to the whole Alaska oil issue.

Thank you very much for your attention. I look forward to hearing from you in the near future.

Sincerely,

LES ASPIN,
Member of Congress.

THE ADMINISTRATION'S MINORITY BANK DEPOSIT PROGRAM IS A DISAPPOINTMENT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, last October 2—a year ago—the Departments of Treasury and Commerce and the Office of Management and Budget announced a 1-year program to increase deposits in minority-owned banks by the very modest amount of $100 million. The Department of the Treasury was to raise $35 million in deposits from Federal agencies. The Department of Commerce was to be responsible for an increase of $65 million in deposits from private sector groups such as labor unions, foundations, and corporations.

October 1 is approaching. Yet in terms of actual deposits, the minority bank deposit program is only a little more than half way toward its goal of $100 million for the Nation's 36 minority-owned banks. This short-fall in performance is disappointing. It is particularly disappointing on the part of the Treasury, which is only some $22 million toward its quota of $35 million.

If the administration—from the President on down—had really gotten behind this program, the goal of $100 million could have been reached in less than a year. Instead, the program was allowed to drift for many months. As a result, only $5 to $7 million in Government deposits and $20 to $25 million from the private sector had been realized by midsummer this year, according to estimates of Dr. Edward Irons who until recently was executive director of the National Bankers Association.

Belatedly, and under public prodding by minority bank officials, the administration is now trying to make up for months of inaction. The Office of Minority Business Enterprises—OMBE—in the Department of Commerce currently estimates the increase in deposits under the program at some $53 million. By October 10, OMBE hopes to report $100 million in commitments. However, it estimates only $56 milion in actual deposits by that date. Under the most optimistic assumptions, the Treasury will still be some $10 million short of its $35 million deposit quota.

I would be inclined to say "better late than never" if the administration, and particularly the Treasury, acting vigorously on other fronts to aid minority banks and otherwise to encourage socially useful bank lending.

But here also, the record is disappointing. The Treasury, for example, despite prodding by 15 Democratic members of the House Banking and Currency Committee, stubbornly refuses to consider managing its $5 to $10 billion in tax and loan balances so that commercial banks benefiting from these interest-free balances will be induced to increase their lending in support of minority business, low and moderate income housing, student loans, and other public-interest enterprises.

The administration's minority bank deposit program has been a timid step in the right direction. Full performance on the promises of this program is overdue. Even more overdue is Treasury leadership to marshal the resources of the private banking community on the scale required to bring real relief to the capital-starved social programs and impoverished areas of this country.

FREE CHINA'S OPPORTUNITY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, current developments in the United Nations concerning the so-called China issue are being watched very closely by our citizens and officials alike. By all poll indicators, our citizenry fully supports official policy in retaining the fine representation of the Republic of China in the United Nations. On record, the Republic of China has observed its obligations in the U.N. scrupulously and with exemplary dedication. There can be no doubt about this. Her own achievements in economic progress, land reform, and economic aid, especially to numerous African states, are the envy of many a government in the free world, not to speak of most in the Red Empire.

A most interesting and striking article on this issue has been written by Dr. Lev E. Dobriansky of Georgetown University and also president of the Ukrainian Congress Committee of America and chairman of the National Captive Nations Committee. Titled "Free China's Opportunity," the article appears in the autumn issue of the Ukrainian Quarterly, a world-renowned periodical on Eurasian affairs which is frequently referred to by institutes both in the free world and the Red empire.

The article appears at a most opportune moment in showing the legal bases for the Republic of China's retention in the U.N. It also stresses the absurdity of paralleling the China issue with the Byelorussian and Ukrainian representation in the U.N., albeit it of puppet character.

At this moment I strongly recommend the article to the studied reading of our Members and our interested citizens:

FREE CHINA'S OPPORTUNITY

(By Lev E. Dobriansky)

President Nixon's plan to visit Red China had long been in the making. When the Peiping trip of Dr. Henry Kissinger, the President's advisor on national security matters, was revealed, it was undoubtedly a news spectacular. But for those who have these past ten years followed the thinking, pressures and literary output dealing with a "Two China" policy, some of which will be referred to here, the news clout of the Kissinger expedition scarcely carried any element of basic surprise. It was only the timing and secretive circumstances that produced the superficial surprise.

Looked at from one angle, the move after all is in conformity with the Administration's oft-repeated theme of "negotiation, not confrontation." It has almost Khrushchevian overtones of "peace and friendship," which the then Vice President Nixon was endlessly exposed to over ten years ago. The style is also of like character. Yet, still from another angle and in a more fundamental sense, this gesture represents a confrontation of negotiation, which in this make-believe period of confetti diplomacy is nothing more than the diplomatic dimension of the Cold War as practiced by the Russian totalitarians and the Red Chinese, and accepted in challenge by us. As Hungarian and other "satellite" sources put it, the clout of the revealed Presidential visit elevated the stage from "ping-pong diplomacy" to "baseball diplomacy." The next higher stage will be one of "football diplomacy," calling for intricate, calculated plays on both sides.

The immediate effects of the White House announcement regarding the Peiping trip were mixed, both here and abroad. In the course of my trip in Asia in mid-summer it was patently evident that doubt, uncertainty and even chagrin marked the reactions of both official and unofficial Free Asia, varying in degree from capital to capital, country to country. From Seoul down to Manila the prime complaint was the lack of prior consultation on the matter with America's Free Asian allies. On Taiwan, of course, a quiet bitterness was sensed and if the government of the Republic of China hadn't exercised a restraining hand, several outbursts of anti-Americanism would surely have occurred. They would have been understandable, too, in view of Free China's strong and unwavering loyalty to U.S. policy and interests in Asia. No matter where the writer went or with whom he consulted, the subject of prime interest was the President's decision to visit mainland China and the question, naturally, was "Why?" This was the sole question asked of the writer in a TV interview over the China Broadcasting System.

MULTIDIMENSIONAL ASPECTS OF THE PROBLEM

In attempting to answer this pressing question in the most rational and objective way possible, the writer obviously could not assign the weights given to the several considerations that doubtlessly led the White House to its decision at this time. Despite this, however, the major causal reasons for this action have been discussed, debated and examined for some time. In short, the problem has multidimensional aspects which the writer endeavored to explain in terms of the Sino-Russian conflict, the Vietnam War, the emerging power of Japan, the need for communication, and domestic political considerations.

Regardless of overlaying public utterances, the objective global context providing for this action is the intensive Sino-Russian conflict and its ramifications in both the Red Empire and the Free World. More than anything else, this objective context is the determining factor underlying the present move toward Red China. It was not without reason that the President visited first Bucharest and then Belgrade, and now is planning his trip to Peiping. For it has been no mystery that the intra-Red Empire conflict has extended into the Balkans with political orientations toward Peiping in Rumania, Yugoslavia and Albania. These Red states are under the shadow of the Brezhnev doctrine and its ruthless application as is Red China. A careful reading of the President's second foreign policy report to Congress unmistakably pointed in this direction with its repeated emphases on the growing tensions within the Red Empire. For example, "The Stalinist bloc has fragmented into competing centers of doctrine and power. One of the deepest conflicts in the world today is between Communist China and the Soviet Union."[1]

This fundamental context on the global level encompasses several other important factors. While all the diplomatic maneuvers are underway, steadily the Russian armed build-up on the borders of Red China continues. Some thirty to forty divisions are concentrated on this 4,000 plus mile border. The military pressure for a pre-emptive strike against Red China's nuclear installations is ever-present, preceded in fact by quite a number of Russian generals having been relieved or declared dead for reasons unknown. The deductive known reason was their desire to have the task done now rather than later. Red China is known to possess a stock of short-range IRBM's, but these are not as yet deliverable for distances covering Moscow and Leningrad. Needless to say, it won't be long before Peiping will possess these and a stock of ICBM's. Then, finally, the political factor of competition for leadership in the world communist movement enters into this deep conflict. As its new constitution and other points of evidence show, Peiping has no intention of renouncing the Maoist revolutionary animus. In the meantime, Moscow's policy of isolating Red China both geographically and ideologically is being exploded by the Nixon overture to Red China.

In addition to this basic reason for the President's new approach to China, there are secondary and tertiary reasons. Of secondary import is the Vietnam war, which from the military viewpoint is to all intents and purposes over. Recently, in Saigon, the writer received several briefings delivered by the South Vietnamese high command, and the confident manner by which his pointed criticisms were fielded represented a sharp contrast to the situation he experienced in Vietnam three years ago. The dominant problem today in that war-torn country is political. By all evidence, North Vietnam is militarily tired, new recruitments are slow, and the recent floods have shaken its economic structure badly. The danger in the whole situation rests in the possibility of Hanoi gaining its objectives at the political table, where it was not able to on the field of battle. In substance, it may seek the repetition of the '54 Geneva Conference when, despite the spectacular feat at Dienbienphou, its forces were generally prostrate.

Talk about a deal with Red China for a conference on Southeast Asia and an agreed-upon neutralization of the area has surfaced in the wake of the President's planned trip to Peiping. At the same time, the Red Chinese totalitarians have reiterated their stand that Hanoi pursue "protracted war" to final victory in Indochina. An August 13 Peiping radio broadcast beamed the promise of "full support to the Vietnamese people and the Indochinese peoples to carry on the war against U.S. aggression and for national salvation until complete victory. . . ."[2] These and similar statements may well be propa-

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Footnotes at end of article.

ganda plays to gain a conference and neutralization eventually, which paradoxically enough would provide a wide field for protracted warfare of a psycho-political type. Yet, considering the general weakness of both Red China and North Vietnam, there is no rational justification for such a deal. South Vietnam could well develop strongly in the path of South Korea, and between a formidable South Vietnam and Thailand stability and peaceful development can be assured in southeast Asia.

Another important reason affecting U.S.-Red Chinese relations is Peiping's fear of resurgent Japan. On the national scale, Japan today is the world's second economic power, and it is first among the Asian nations. Under the guise of Home Defense units, its military power is steadily developing, and certainly should Japanese confidence in the stability of U.S. policies wane, it won't take Tokyo long to convert itself into a major nuclear power. Moreover, a point oftentimes overlooked is the importance of a free Republic of China on Taiwan to the security of Japan. In light of these paramount facts and possibilities it is evident why Peiping fears a powerful Japan. However, at this stage this fear cannot be equated to that of Russia in the Soviet Union. In any case, it provides enormous bargaining leverage for the U.S.

Khrushchev is reported as having said "Mao Tse-tung has played politics with Asiatic cunning, following his own rules of cajolery, treachery, savage vengeance and deceit."[3] The course set by the President is, to say the least, one inviting considerable treachery from the Red Chinese. Nonetheless, given the other more essential aspects, it is a necessary confrontation for negotiation, to open up lines of communication, to allow for a variety of cultural and trade contacts, hopefully to deflate the revolutionary fervor of Peiping, and to challenge the Chinese totalitarians to display some observance of the rules of international conduct and behavior. This period in Sino-American relations as concern the mainland is not unlike that preceding U.S. recognition of the Soviet Union forty years ago, though certain substantial differences exist between the two. Put simply, an offer to talk is by itself no stamp of approval of the so-called People's Republic of China nor a slight to the valid legitimacy of the Republic of China.

A point stressed by the writer in his appearances on Taiwan is that President Nixon is no Johnson, Kennedy, Eisenhower, Truman or Roosevelt. His solid background of anti-communism distinguishes him from his predecessors. He is acutely alert to the political wiles and machinations of Red cold warriors, and in the circumstances of our domestic climate and moods is pursuing an admittedly treacherous course with superb confidence in his own ability to manage both the variables and imponderables of the global scene for America's own basic security. Four years ago, in an article published in *Foreign Affairs*, private citizen Nixon wrote: "The primary restraint on China's Asian ambitions should be exercised by the Asian nations in the path of those ambitions, backed by the ultimate power of the United States. . . . Only as the nations of non-Communist Asia become so strong—economically, politically and militarily—that they no longer furnish tempting targets for Chinese aggression, will the leaders in Peking be persuaded to turn their energies inward rather than outward. And that will be the time when the dialogue with mainland China can begin."[4] In essence, the Nixon doctrine appears in germinal form here.

Undoubtedly, other influences worked on the President in the direction of the general course he has set for himself as concerns Red China. A memorandum dated November 6, 1968, was submitted by several academicians to "President-Elect Nixon" on the subject of relations with China. The memorandum is studded with typical absurdities about "no-win" wars, the effects of the ABM system on more favorable relations with Peiping, the surrender of Matsu and Quemoy and about some sub-surface political forces in Taiwan. However, it charts a course for accepting "Peking's membership in the General Assembly and the Security Council while seeking simultaneously to preserve a General Assembly seat for Taiwan, whether as the Republic of China, an independent nation, or an autonomous region of China."[5] The last part of this recommendation sufficiently indicates the naive or sinister motivation of these academics. The President's and Secretary of State Rogers's declarations on abiding with our present commitments toward the Republic of China adequately dispose of these and other absurdities.

Finally, from the viewpoint of domestic politics, the disclosure of the President's intended trip decisively took the wind out of his opponents' sails. As many an editorialist pointed out last summer, had the presidential elections taken place then, Nixon would probably be reelected with ease. Each of his potential opponents couldn't help but praise the President's stride for "peace in our generation," a slogan that will resound more and more in the 1972 campaign. Plainly, it cannot be said, as some are prone to do, that the move toward talks with Peiping has been motivated by the President's desire for reelection regardless of its effects upon our national security. To entertain such an insular notion is to ignore the chief considerations as portrayed in the broader picture here. That several objectives can be realized by a single action, albeit directed in an area of global significance for both the United States and the Free World, is a most commendable feat in the art of political statesmanship. Especially is this so when the higher ends are not really endangered by the residual satisfaction of lower ends.

If this analysis is correct, the increasing amount of evidence flowing from Eastern Europe and the tensions growing there certainly fits into our interpretative pattern and assumes grave significance for imperialist Moscow. The expanded reception of the Red Chinese in Rumania, Yugoslavia and Albania has already been cited. The circulation of ideas in official circles for a Balkan alignment involving these three and Turkey and Greece to boot shows the extent to which the threat of the Brezhnev doctrine, or in other words, applied Russian domination has stimulated the fears of most Balkan capitals. The Rumanian Communist Party is well on record denying Moscow's right to lead the Communist movement and rejects the Brezhnev doctrine of limited sovereignty in these words: "It is the primordial international duty of each party to encourage no faction fights in another country."[6] On the other hand, Moscow's lackeys seek to dampen the impact of the President's invitation to visit Peiping. For example, the East German Communist Party newspaper *Neues Deutschland* accuses Red China of world ambitions in these words: "The demagogic cloak of Maoist propaganda has fallen, and the policy of Mao Tse-tung and his followers comes to light uncovered."[7] Out of Moscow characteristic drivel of this type flows: "The ultimate aim of Chinese foreign policy is to provoke a military conflict between the Soviet Union and the United States . . . and then build on the ruins."[8] Doubtlessly, the period ahead will abound with such comments.

THE "REALITY" OF RED CHINA

Before we consider the opportunity that all this has provided the Republic of China for a strong legal stand in the United Nations, a few observations are necessary in connection with the so-called imposing reality of Red China and the Byelorussian/Ukrainian analogy to the two China policy. In the drive to gain a seat for Peiping in the U.N., there has been a grossly unwholesome tendency to paint Red China as a great power, indeed as a super-power. As the writer states it elsewhere, "if reference can be made again to the issue of recognizing Peiping in whatever form, it is striking, indeed, how old illusions on 'reality,' 'prospective trade' and 'peace' nurtured forty years ago with regard to the USSR are muddling minds today in relation to mainland China."[9] For propaganda reasons the inflated myth of Red Chinese reality is understandable; from a factual point of view it represents the grossest misrepresentation of what is in essence a geographic expression. A huge population and geographical expanse clearly do not add up, in themselves, to a big power reality. On the contrary, lacking other essential factors, they attest to massive weakness.

Just as in the case of the Soviet Union the human cost of mythological communism in mainland China has long been known to be ghastly. What the Select House Committee to Investigate Communist Aggression assembled in data seventeen years ago, Robert Conquest has summarized recently as concerns the Soviet Union. Innumerable works have covered the genocide, murders and assassinations perpetrated by the Red Chinese totalitarians, and Richard Walker has presented a similar summary recently.[10] However, the latter's economic perspectives on Red China leave much to be desired. Both perform a valuable service in alerting or re-alerting free people as to the political types we are dealing with, and though in the case of Peiping the estimates of decimated lives may differ from a minimum of 34 million lives to 63 million in the last fifty years (and in the case of Moscow, from 40 to 80 million) the lesson of organized barbarity remains the same. The assassin background of Chou En-Lai—Murderer—should have tempering effects.[11] But whatever the effects, they will scarcely alter the drift of accommodation which must be shaped by a vivid realism toward this geographical expression.

On the scale of power ingredients, the so-called People's Republic of China is clearly not in the club of super-powers. The two successive convulsions of the past decade—the Great Leap Backward and the Uncultural Revolution—cost the PRC a whole decade of economic regression. One of the worst underdeveloped countries, the PRC can only show for itself an estimated gross product of $70 to $80 billion, or about 2/5 of Japan's GNP, and its per capita output ranges from $90 to $100, about only ⅓ of the Republic of China. Its food-population problem is a long-standing one, with an approximate output in grain production totaling 190 million tons for a population ranging from 680 to 775 million. As a pointed indicator, PRC's crude steel output approximates 15 million tons, as compared with 130 million for the U.S. and 116 million for the USSR. Its foreign trade turnover amounts to about $5 billion per annum, which is closely rivaled by the Republic of China and its population of about 14.8 million on Taiwan.

A recital of the normal aspects of the standard of living on the mainland—off the guided tourist tracks—is one of economic abomination, well exceeding those in other underdeveloped Asian areas. To be sure, progress has been made in nuclear and satellite development, but here, too, perspective should be shown toward this powerbadging stroke of technologic concentration. At this stage Red China possesses IRBM's, but not powered enough to reach Moscow or Leningrad. It's on the way for ICBM's, but to develop a complete delivery system will take years yet. Inroads in this area still are quite underdeveloped, as is, indeed, the entire economy.

• Footnotes at end of article.

THE BYELORUSSIAN/UKRAINIAN ANALOGY

Negotiations and dealings with Red China require a perspective attuned to the essentials given above. Basic weakness, not strength, is the hallmark of the PRC, and no inordinate concessions are necessary in the name of peace. Proper and accurate perspective in the argumentation of the China issue is also necessary with regard to the oft-repeated Byelorussian/Ukrainian analogy. About a year ago Senator Kennedy of Massachusetts argued that Red China should be admitted into the United Nations on the same basis as that enjoyed by Byelorussia and Ukraine. The latter are parts of the USSR, have separate representation in the U.N. as does the USSR as a whole, and are separately recognized by all other members in the world body. Therefore, each of the two parts of China as a whole should also be in the U.N. Recently, this has been raised by a noted columnist in this vein: "One argument is that the Soviet Union, for example, has two of its 'provinces' in the international organization."[12]

In truth, this argument is baseless and misleading. First, it ignores the fact that the United Nations *is* nominally the United Nations, constituted of nations which bear some form of statehood, ranging from the vacuous to the substantial. Second, notwithstanding rampant misconceptions concerning them, both Byelorussia and Ukraine are nations distinct from the Russian which is really represented in the form of the USSR. In sharp contrast, the Chinese on the island of Taiwan are a part of the same Chinese nation that embraces the Chinese on the mainland. Briefly, then, there is no national parallel here between the relations of Ukraine and Byelorussia and federated Russia and that of the Chinese in the province of Taiwan and those on the mainland.

Thus this argument has no valid application to the two China problem. There is no such thing as a two Russia arrangement in the U.N. The matter of legitimacy is also not pertinent to the drawn analogy. In all three cases—Russia, Ukraine and Byelorussia—fundamental illegitimacy rules. The admission of Red China would, however, militate against the legitimacy of the Republic of China as the sole representative of the Chinese nation in the U.N. It would neutralize it in the world body, but the legitimacy factor can be sustained by the United States and others by continued direct diplomatic relations with Taipei. Rationally pursuing this further, if direct relations were also extended to Peiping without any automatic severance of relations incurred by Taipei, the legitimacy of the latter still would be sustained. Aside from geographical and governmental differences, a more logical analogy here would be U.S. diplomatic relations with the USSR and also the Baltic legations. A change to this extent should presuppose some hard bargaining in the interests of both the U.S. and its free Asian allies.

THE U.N. AND FREE CHINA'S OPPORTUNITY

If one synthetically relates all the elements presented so far, it becomes evident that a splendid opportunity exists for the Republic of China to strongly defend its position in the U.N., to reinforce the principles of that world body, and to do all this without in any way embarrassing the U.S. or undermining its own legitimate status. First, the Lodge report, statements by the President, and Secretary Roger's declaration of August 2 underscore our opposition to the expulsion of Nationalist China in the event of Red China's admission. As the last put it, "the United States will oppose any action to expel the Republic of China or otherwise deprive it of representation in the United Nations."[13] The salient question is whether, without any economic, political or military recriminations, we would allow the Republic of China to defend its seats in both the Security Council and the General Assembly on the basis of the U.N. Charter itself.

The Fifth World Anti-Communist Conference, which was held last July in Manila, passed a significant resolution emphasizing certain provisions in the U.N. Charter which provide the legal basis for Nationalist China's defense. Some maintain that only this legal basis should be used in the defense, foregoing any political fight in view of the numbers stacked up against ROC. There is merit in this argument, but there is no reason why, for the record and as a tempering introduction to the strictly legal battle, ROC's ambassador should not recite objectively and dispassionately before the entire General Assembly and to the world the long record of Peiping's aggressions, genocide and barbarities, and then concluding with the question "I ask each and every one of the distinguished representatives present here whether in your moral conscience and in dedication to the declared principles of this world body you honestly feel Communist China is qualified and is eligible to become at this time a member of this organization?"

At this writing, when both Japan and Great Britain have indicated their intention to vote for Red China's admission regardless of ROC's expulsion, the need for an unfettered defense by Taipei is greater than ever, perhaps even for the U.S. to save face. A careful reading of the pertinent U.N. Charter provisions shows that ROC's case is air-tight and impregnable. Beginning with the matter of expelling a member, Article 6 expressly states: "A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendations of the Security Council."[15] Immediately two chief points emerge here: (1) persistent violation of principles and (2) Security Council recommendation.

Without doubt, any opponent of ROC would be hard pressed to offer even an iota of evidence substantiating the first point on the part of ROC. To the very contrary, the record of ROC in the U.N. and in the world is almost impeccable and steadily progressive. As one liberal columnist stresses, "There are 97 'countries' in the U.N. with smaller populations than Taiwan's, and it makes no sense, either in terms of these people's rights or the long-range effectiveness of the U.N., to throw Taiwan out."[16] His other powerful points on this exclusion as "a foolish step" away from universal membership, "Taiwan's extraordinary social and economic progress," its assistance to other nations, "especially the poorer nations of Africa," and Japan's world power qualification for a permanent seat on the Security Council deserve the most serious consideration. Furthermore, the present occasion is ripe for the public to recognize some essential facts concerning ROC, as, for example, its annual economic growth rate of over 10%, inflation of only 3% a year, foreign trade turnover of close to $4 billion, its model land-reform program and food production self-sufficiency, a well-balanced industrialization growth, a per capita income of $292, and impressive donorship of foreign economic aid.

Concerning the second point on Security Council recommendation, the repeated so-called Albanian proposal to seat Red China and oust ROC has been a repeated illegal attempt since no such recommendation has founded it. If any such recommendation were proposed in the Security Council, the Republic of China, as a permanent member, would veto it, a right guaranteed by Article 27. In short, then, since ROC has never violated the principles of the Charter, there is therefore no factual or legal ground for its expulsion.

On this matter of permanent membership, Article 23 specifically provides: "The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council."[17] The only legal process by which the permanent member title "The Republic of China" can be replaced by "The People's Republic of China" is by amending the Charter, as provided in Article 108. The article clearly states: "Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permament members of the Security Council."[18] Obviously, the key word here is "all," meaning that if ROC or the U.S. or both as "permament members" refuse to ratify the proposed, necessary amendment, the above change couldn't legally take place. Thus, by the provisions of the Charter itself, ROC cannot be removed from the Security Council. Arbitrary political judgments and actions toward such removal are only in crass violation of these articles and their legal provisions.

Turning now from the expulsion of members to the admission of new members, it is frequently held that these important questions are covered by Article 18 which in the Charter falls under the caption of "voting" and is thus procedural in character.[19] The article stipulates, for example, that each member of the General Assembly shall have one vote. It also specifies a two-thirds majority vote "on important questions," included among which are "the admission of new Members to the United Nations" and "the expulsion of Members." The so-called China question has in part been consistently played on the procedural points of this article. The seriousness of the present challenge demands, however, that the subject of Red China's admission be treated on substantive grounds rather than on procedural ones. And these are explicitly afforded in Article 4.

In Chapter II and under the caption "Membership," Article 4 quite clearly states: "1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations"; "2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council."[20] Applying the first part of this provision to Red China, it should be evident that the cumulative evidence of its aggressions and hostility, which the ROC ambassador would highlight in his introductory declaration, and the fact of the U.N.'s standing condemnation of Red China as "an aggressor" paint a rather misfit candidate for membership.

Based on these substantive grounds, the second part of the article is highly essential since the General Assembly decision is explicitly predicated "upon the recommendation of the Security Council." Plainly, any such decision presupposes this initial recommendation originating in the Security Council where, once again, the Republic of China has a permanent seat and also the right of veto. As indicated previously, Article 27 in the Charter guarantees this right, where, with reference to substantive rather than procedural matters, it expresses the guarantee in these words: "3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members."[21] The lack of concurrence on the part of the permanent members, of which ROC is one and sufficient unto itself, would nullify such decisions, substantively that of admitting Red China.

The Soviet Union has exercised this veto right against membership proposals, such as that of Nepal, and there is no principled or legal reason for the Republic of China to abstain from its proper and far more valid use in the case of Red China.

This legal foundation for ROC's defense of its position in the U.N. is more than adequate. However, being a state with a de facto population exceeding that of any of 97 other members in the U.N., ROC might also consider Article 19, dealing with financial delinquency of members and their right to vote in the General Assembly. If in this political scuffle many members of the U.N. should fail to observe the principles and Charter provisions of the organization, then there is no reason not to pull out as many plugs as the situation warrants. Very likely this may be unnecessary. The chief question remains: "Will ROC seize this opportunity to manifest its own established honor and integrity, to cause the U.N. to redeem itself in terms of its own Charter, and even perhaps to assist the U.S. in saving its own face?"

FOOTNOTES

[1] *Second Annual Presidential Review of United States Foreign Policy*, House Document No. 92–53, Washington, D.C. 1971, p. 2.

[2] Henry S. Bradsher, "Peking Affirms Support for Hanoi's Hard Line," *The Evening Star*, Washington, D.C., August 19, 1971.

[3] *Khrushchev Remembers*, Boston, 1970, p. 461.

[4] "How Nixon Signaled His China Policy Four Years Ago," *U.S. News & World Report*, Washington, D.C., August 16, 1971, p. 23.

[5] "Communist China Policy," *Congressional Record*, August 6, 1971, p. 30766.

[6] "Romania Urges Equality Despite Moscow Threats," *UPI*, Vienna, September 6, 1971.

[7] "China Seeks World Status," *Reuter*, East Berlin, August 24, 1971.

[8] *UPI*, Moscow, September 8, 1971.

[9] Lev E. Dobriansky, *The Geographical Expression of Mainland China: The Largest Captive Nation*. Congressional Record reprint, July 1971, p. 2.

[10] *The Human Cost of Communism In China*, Committee on the Judiciary, United States Senate, USGPO, Washington, D.C., 1971.

[11] "Chou En-Lai, Murderer," *Congressional Record*, August 6, 1971, pp. 30773–30775.

[12] David Lawrence, "A New Detente Shaping Up in Asia?", Column, August 16, 1971.

[13] Statement by Secretary of State William P. Rogers, August 2, 1971.

[14] "Britain Will Back Peking U.N. Seat," *The Evening Star*, Washington, D.C., September 11, 1971.

[15] *Charter of the United Nations and Statute of the International Court of Justice*, The United Nations, New York, pp. 6–7.

[16] Carl T. Rowan, "A Role for Taiwan in the General Assembly," *Sunday Star*, August 29, 1971.

[17] *Ibid*, p. 14.

[18] *Ibid*, p. 55.

[19] *Ibid*, p. 12.

[20] *Ibid*, p. 6.

[21] *Ibid*, p. 17.

EXTEND THE RENT FREEZE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RYAN), is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, it is almost incomprehensible that in this country one of the basic necessities of life—shelter—is becoming virtually nonaffordable for millions of Americans. Across the Nation, rentals have been spiraling upwards for years. Meanwhile, tenants have stood helpless—caught between the need for decent, adequate housing, and their increasing inability to afford that housing.

For some reason, homeowneship has always received the special blessing of Government. Homeowners receive Federal income tax deductions for the property taxes they pay. Similarly, they can deduct the interest costs they pay on their mortgages. The Federal section 235 homeownership program is geared to a 20-percent rent-income ratio. The Federal Housing Administration has served as the guarantor of billions in mortgages.

By contrast, tenants receive no tax deduction for their landlord's property taxes, even if those taxes are passed on to the tenants via rentals. The same applies to interest costs, and demonstration of how significant a role these play is the housing specialist's rule of thumb that each percentage point reduction in interest expenses translates into a rental reduction of $4.50 per room per month. Yet, the tenant receives no tax deduction for the interest expenses of his landlord, even though these are passed on to him in higher rentals. Finally, I would note that the analog to the section 235 program—the Federal section 236 rental assistance program—embodies a 25-percent rent-income ratio requirement, contrasting with section 235's 20-percent requirement.

In a different respect, also, tenants have been placed at a disadvantage. The law—both statutory and common—has always been far more ready to protect property ownership rights than tenant rights. Let me quote from a recent column by Sylvia Porter which appeared in the September 21 issue of the New York Post:

> (T)he typical tenant is helpless to get his landlord to make needed repairs . . . (M)any landlords reserve the right to evict their tenants for a wide range of good and bad reasons, to hike rents virtually whenever and by whatever amounts they choose, to enter rented houses or apartments more or less when the spirit moves them, to refuse to repay security deposits if they so wish, to refuse to perform certain repairs even in defiance of the lease . . . (I)n short, the attitude is what-are-you-going-to-do-about-it? . . .
>
> So medieval are our landlord-tenant laws that only a handful of states now require landlords even to provide "a place fit for occupation of human beings." Local penalties for violations of housing and health codes are still so frequently miniscule that badly needed repairs may be held up for months or even years. . . .

I recount these disparities between homeowners and landlords on the one hand, and tenants on the other, not for the purpose of disparaging the concept of homeownership. That is a status which all who aspire to it should be able to achieve. But, the fact is that one in three American families rents the apartment or home in which they live. And it is one of the ironies of this country, that a status so respected is so remote for so many by virtue of excessive costs and restrictive zoning. So I do recount this disparity, because I think it suitable preface to addressing an issue of such direct concern to so many: Soaring rentals.

I am most familiar with the rental situation in my own city—New York—but the problem is not confined to that city alone. Across the country tenants are facing a situation where they simply cannot afford decent rental housing.

Most recently, the situation has been exacerbated in New York State by the enactment of a very damaging vacancy decontrol law. This past July and early August, rents in New York City began to soar for newly decontrolled apartments.

The scene has been revealed as even bleaker by virtue of newly disclosed figures revealing that 93 percent of the tenants in New York City's 1.3 million rent-controlled apartments face rent increases on January 1, 1972. Nearly half of the tenants face increases of 45 percent to be levied in rises of 7.5 percent a year until new maximum rents are reached. This is the consequence of the misguided rent-control law adopted by the New York City Council last year.

The rent freeze which the President has promulgated offers relief for tenants across the Nation—but only temporarily. We must take advantage of this temporary respite and call, now, for permanent relief. I, for one, do not see how we can ignore this opportunity. In my own district, State, and city assisted housing—Mitchell-Lamas—are offering 3-bedroom rental units for $500 and more a month. And this is housing already receiving the benefits of governmental participation. Yet, these $500-a-month units are supposedly for moderate-income families. This is simply Alice in Wonderland figuring. What moderate-income family can afford $6,000 a year for rent?

There is an opportunity to obtain the permanent relief which is simply, starkly essential.

To that end, I have today introduced two bills which eight of my colleagues are joining me in cosponsoring. They are: Mrs. ABZUG, Mr. BIAGGI, Mr. BINGHAM, Mr. HALPERN, Mr. KOCH, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER.

Both bills extend the rent freeze until April 30, 1972. One of them—H.R. 10945—applies across the board to all rental and cooperative housing. The other—H.R. 10946—applies to all federally assisted and federally insured housing.

The Federation of New York Tenant Organizations, made up of some 25 tenant groups from all over New York City, has cogently made the plea for this legislation in a telegram it has sent to President Nixon:

> The recently formed Federation of New York Tenant Organizations representing more than 25 tenant organizations of social and economic strata from black, Spanish-speaking, and white neighborhoods appeal to you and solicit your direct intervention to maintain rent freeze after 90 day wage and price freeze ends.

Similarly, the Emergency Committee for the Rent Freeze, made up of some 25 tenant groups, is urging the same action. And, in fact, around the country, tenant organizations are beginning to press for extension of the rent freeze.

I make no claim that this legislation is the final answer. I must acknowledge that, regrettably, likelihood of its passage is dim. But—and this is extremely important—this legislation serves as a focus, a lever, to magnify the visibility of the severe rental situation. It must serve to activate the millions of tenants who have for so long stood by powerless and helpless.

I make no claim, either, that this legislation is perfect. It makes absolutely no exceptions for landlord hardship. So long as the wage and price freezes continue—and there has been much more talk of that on the part of the administration than of perpetuation of the rent freeze—the landlord cannot suffer, since his expenses are not rising.

I would expect to see subsequent legislation making some provision for legitimate landlord hardship. But—and again this is a very significant consideration—I expect to see legislation which recognizes, affirmatively and aggressively, the plight of the tenant. It is he who has been powerless—unorganized, without strong lobbying representation. It is time—long past time—that equity replace landlord tyranny.

The time is ripe. Let me quote from the column by Sylvia Porter which appeared in the September 21 issue of the New York Post:

> Across the Nation, petitions and rent strikes are becoming daily affairs. Tenants' unions are being formed everywhere and are bargaining militantly with their landlords for more and better services ranging from cleaner halls to tighter security measures.

I join with the tenants' organizations who are seeking, demanding, relief. Either passage of the legislation we have introduced, or comparable administrative action by the President, must be achieved.

Included in these tenants' organizations is the following list:

West Side Tenants Union.
Lincoln Towers Tenants Association.
Middle Income Residents Association.
Tenant Power for Queens.
Bronx Council on Rents and Housing.
Washington Heights Tenants Association.
Joint Action Committee of West Side Mitchell-Lamas.
Lenox Hill Neighborhood Association.
Westview Neighbors Association.
Citizens Committee of Washington Heights.
Claremont Avenue Tenants Association.
East Mid-town Tenants United.
Inwood Tenants Association.
Tenants Against Demolition.
Manhattanville Development Center.
LABOR.
Cyprus Community Center.
Simpson Street Development Association.
Tenants Patrol Group of Bronx Park-East.
104–76 Association.
Queens Open City.
Bengonhurst Tenants Council.
Brownsville Community Crisis Center.
RENA.
Chelsea Coalition on Housing.

REMOTE AREA COMMUTING EXPENSE DEDUCTION BILL

The SPEAKER. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 10 minutes.

Mr. RUNNELS. Mr. Speaker, today I am introducing legislation which would allow certain taxpayers to deduct their commuting expenses from their taxable incomes. The taxpayers affected would be those workers who must commute to a job site located 10 miles or more away from available housing.

In New Mexico, we have a good number of workers who are prevented by law from residing near their employment. In particular, we have people working on Indian reservations where non-Indian housing does not exist or on Government installations where civilian housing does not exist. Other workers are required to commute to job sites located in remote forest areas which are far removed from any living facilities whatsoever. In short, the large quantity of public and Indian lands in our State has imposed a unique but serious hardship on many of our workers. That is why I am introducing this legislation.

I hasten to point out that my bill will not apply to every worker who commutes more than 10 miles to work. I recognize that, with our economy in its present condition, the loss of general revenues which would result from such a proposal far outweighs those arguments presented over the years in favor of making all commuting expenses deductible. I have drafted my bill so that commuters to job sites located within 10 miles of available housing will not fall within its scope.

The matter of allowing a tax deduction for commuting expenses to remote job sites has been litigated by the Internal Revenue Service. Unfortunately, the Service has taken the position that it will not allow this deduction unless the Internal Revenue Code is amended to allow a specific deduction for this expense. The courts have ruled that the code does not presently provide for a remote site commuter expense deduction. Thus, legislation is in order.

The following is the main provision of the bill I am introducing today:

> In the case of an individual, there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred by the taxpayer during the taxable year in traveling to and from temporary, indefinite or permanent work at a site located ten miles or more away from housing available for use by the taxpayer (and his family, if any).

COMMONSENSE SAYS WE SHOULD TRADE WITH RHODESIA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, there is no valid argument to support a continuation of economic sanctions by the United States against Rhodesia and these sanctions should immediately be abandoned. I am pleased to note that the Senate, by adopting the Byrd amendment, has indicated dissatisfaction with the present situation. I feel that this action would be strongly supported in the House.

Those who support the U.S. punishment of this small country would have us believe Rhodesia, a nation smaller than California and with a total armed force of under 5,000 men, is a threat to world peace, because of certain domestic policies, chief among them being a government made up of a minority group.

If this be the chief reason for sanctions, then sanctions should be imposed against a majority of the member states of the United Nations and it could be remembered that the present administration in the United States came to power on something less than the will of the majority.

The people of Rhodesia always have been friends of the United States. There is no more dedicated nation on earth in the struggle against the Communist aim of world conquest.

Thus, Mr. Speaker, it is clear that Rhodesia—our friend—is being penalized, because of the meddling of the U.N. and because we allow that organization to lead us around by the nose.

It should be equally disturbing that senseless sanctions not only are costing the American public in terms of dollars, it also is threatening the very security of the United States itself.

Prior to sanctions, the United States was purchasing chrome ore from Rhodesia at $26 to $32 a ton. In addition to the many domestic uses for chrome, it also is a vital element in the construction of our own military planes, missiles, and nuclear submarines.

Where do we purchase chrome ore now that we have banned the Rhodesian ore?

We purchase more than 50 percent from Russia, and a price of from $65 to $70 a ton. Although it is denied, there are those who have reason to believe much of the chrome ore we purchased from Russia actually was mined in Rhodesia. The Rhodesians themselves have told me that despite marked increases in costs of production in recent years they can sell ore to U.S. firms at $40 per ton f.o.b. or deliver it to U.S. ports at $48 per ton. What a ridiculous situation, Mr. Speaker. We purchase a vital defense commodity from the nation whose aims for world domination pose the greatest threat to peace, when we could get the same ore from a friendly nation at less cost. There is more to the story. The Rhodesians want to purchase heavy equipment, machine tools, and weapons from the United States. Because we will not sell to them, these items are being purchased from France and other nations. Those countries also are signatories to the U.N. Charter, but their governments have the good sense to ignore unrealistic and unworkable provisos. American industries need the business.

It is time this absurdity ended. It is time Congress stepped into the picture. We should support proposals that strategic materials may not be purchased from a Communist nation when trade restrictions prohibit similar purchases from free world nations. We should also take the necessary steps to set aside in toto the sanctions which prevent free trade between our country and Rhodesia.

Mr. Speaker, it is time to deal in a realistic way with the problem of normal relations with Rhodesia. When we do this, free nations will gain in the struggle to keep peace in the world and to hold back the onslaught of communism.

The British are having second thoughts about their relations with Rhodesia. A British negotiating team was in Salisbury recently. The press in both countries have speculated in an optimistic way about a successful outcome. The family of free nations needs Rhodesia and Rhodesia wants to be an active member of the team. Commonsense says existing differences should be resolved without further delay. The United States should exercise the needed leadership to help bring this about.

CUNA CHOOSES NEW MANAGING DIRECTOR

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, Credit Union National Association—CUNA—the worldwide credit union trade association, has selected Herbert G. Wegner as its new managing director. Mr. Wegner replaces J. Orrin Shipe who resigned August 5 and subsequently has been appointed managing director of the Arizona Credit Union League.

Mr. Wegner honored me with a visit a few days ago and I was extremely impressed with his approach, background and dedication to the cause of credit unions. Although CUNA is headquartered in Madison, Wis., Mr. Wegner indicated to me that the greater part of the workload of that organization would be shifted to its Washington office.

Mr. Speaker, I have long been impressed with the type of people that are associated with credit unions, for they are among the finest people that I have ever known; and let me assure you that Herb Wegner truly fits into the category of my concept of a dedicated credit union official.

I am including in my remarks a story from the September 1971 issue of Key Notes, a publication of the Pennsylvania Credit Union League, which details the background of Mr. Wegner. Since CUNA International appears before many congressional committees, the background story of Mr. Wegner should serve as a preliminary introduction of him to Members of Congress.

CUNA Names New Managing Director: Herbert G. Wegner Pledges Full Support for League Programs

Herbert G. Wegner has been named managing director of the Credit Union National Association Inc. (CUNA) effective September 6.

Wegner, 41, has been regional director of the Latin American Regional Office (LARO) of the World Council of Credit Unions in Panama City, Panama, since 1964. He was responsible for the direction and supervision of credit union development and technical assistance programs throughout Latin America. LARO's operations cover 17 countries with 3,000 credit unions and 17 national federations.

Before joining LARO, Wegner had served as a special projects officer for the Peace Corps, evaluating overseas programs, recruiting volunteers and developing regional small industry projects in Latin America. Prior to that, he had been an international relations officer for the U.S. Agency for International Development in Ecuador and Washington.

A native of San Francisco, California, Wegner holds a degree in political science and international relations from San Francisco State College. He also studied at the Coro Foundation and the American Institute for Foreign Trade.

He served in the U.S. Navy from 1953 to 1957 as a patrol plane pilot and holds a commercial pilot's license with multi-engine and instrument ratings.

Wegner's wife Sustan and their three children are expected to move to Madison, Wisconsin, in the near future.

In accepting the managing directorship of CUNA, Wegner indicated that he would be at the "beck and call" of all segments of the movement.

NAMES FIRST PRIORITY

"As a matter of first priority," he said, "I want to mobilize all of our efforts to support and cooperate with Leagues to give them and their programs all the assistance they need and deserve in their efforts to serve credit union members."

Wegner assumes the duties carried out by Evert S. Thomas Jr., who had served as acting managing director since J. Orrin Shipe resigned April 5. Thomas continues as director of CUNA's Washington office. Shipe has since been appointed managing director of the Arizona League.

JERRY VOORHIS PROPOSES REFORM OF AMERICAN BANKING SYSTEM

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, since August 15 business and labor leaders, Members of Congress, and the public have commented on the merits and deficiencies of the President's new economic program. However, the long-run shortcomings in our monetary system have been largely ignored. While I am not discounting the necessity of stimulating the economy quickly through strong fiscal and incomes policies and a monetary policy to reduce interest rates, I am convinced that now is an opportune time to review and correct the basic monetary problems that have plagued our economy in the past.

Mr. Speaker, a trusted friend of mine whose judgment and advice I value highly, Jerry Voorhis, has submitted a statement on this subject to the Joint Economic Committee as part of the committee's review of the new economic program. Mr. Voorhis' statement is particularly useful since he has long been a student of our banking system both during his tenure in the House of Representatives and afterwards.

Mr. Voorhis advocates a reform that would return control of the banking system to the Federal Government, but that at the same time would also help restore a stable price level. He emphasized that—

> Banks should lend existing money. But, as the Constitution clearly requires, the money (or credit) of the nation should never be created by any private agency, but by an agency of the nation itself. It is the duty of Congress to provide for this by a carefully drawn statute.

This could be accomplished, according to Mr. Voorhis, by Government purchase of Federal Reserve Bank stock. The Federal Reserve should then become our national bank of issue. As Mr. Voorhis said—

> It should create Reserve Bank Credit as it does now. But that credit should be *credited* to the U.S. Treasury, not charged against it and the people as debt. As much such new credit should be created each year as is needed to keep our economy running at or near capacity—and no more than that. A stable price level could result.

Mr. Speaker, I include the excellent analysis presented by Mr. Voorhis at this point in the Record:

Statement on Inflation and Debt-Money, Presented to the Joint Economic Committee

(By Jerry Voorhis, Former Member of the House of Representatives)

Until this nation's monetary system is radically changed, inflation may well be the price of survival of our economic system.

If that statement is a shocker in these days of wage-price freezes and usurious interest rates—so be it!

In Old Testament times the Hebrews had a law that all debts were cancelled every seven years. They knew that a limitless piling up of unpayable debt could never be endured by any people.

In more modern times two different methods of freeing nations from an insupportable debt burden have been used.

One of these has been runaway inflation such as Germany used after World War I. It wiped out all indebtedness, public and private, and made possible a new start for the German economy. France and other countries have done almost the same thing from time to time.

In the United States the method used in the years before the New Deal was the "panic" marked by waves of bankruptcies, which did away with much of private debt if not that of the government.

One of the decisions of the New Deal period—scarcely recognized at the time—was a decision that the nation should never again go through a period of panic and widespread bankruptcy. Instead the government would go into debt to whatever extent was necessary to obviate the necessity of private bankruptcy.

This was the beginning of deficit financing to revive a sick economy.

We are still at it—only more so.

The Nixon deficit for fiscal year 1971 was about $23 billion. And it may go much higher than in 1972. In fact, Treasury Secretary Connally has estimated the deficit for fiscal year 1972 at $28 billion. The reason why the Nixon Administration plans to incur these deficits is precisely the same reason that prompted the action of the New Deal.

Now there are valid reasons why the Federal Government should incur a deficit in periods of unemployment and shortage of people's buying power.

But a serious and increasingly dangerous problem looms ahead because of *the way* in which deficit financing is handled.

For if the actual desirability—even necessity—of a sharp inflation is to be avoided, deficit financing should—and must be accomplished without increasing the public debt.

The Constitution of the United States requires that this be done.

So does every decent moral consideration.

So does the survival of an even partially "free" economic system.

And there is no reason whatsoever why we, the Federal Government of the United States, cannot inject additional buying power into the economy, when needed, without increasing the nation's debt and without the necessity of inflation.

As background let us see what has actually happened since the close of World War II.

In 1946 our national debt stood at $269 billion. Interest rates then were at reasonable levels so the interest bill was $5 billion.

When the Eisenhower Administration came to power in 1952 all the measures which had successfully held average interest rates on government securities—short and long term—at less than 2 percent, even during the war, were abandoned. And interest began to skyrocket. That skyrocketing has not stopped since.

Today, in autumn 1971, our national debt stands at $411 billion, about one and one-half times what it was in 1946. But interest on that debt will probably exceed $25 billion in this fiscal year, five times what it was in 1946! For comparison, that $25 billion is about eight times the amount which the Federal Government provides for education.

In 1968, the last Democratic year, interest on the public debt was $14 billion.

In 1969, the first Nixon year, it went to $16.9 billion. In 1970, it was $19.6 billion. And in fiscal year 1971, the year ending June 30, 1971, it is estimated to have exceeded $21 billion. For 1972, as has been said, it will probably top $25 billion.

That is almost a 50 percent increase in the debt burden in just three years of the Nixon Administration.

The reason, of course, has been the highest level of interest rates since the Civil War. Even short-term, 15-month, U.S. bonds have been carrying an interest rate of more than 6 percent.

Now during the years since World War II, price inflation has been continuous. It is true that during the early years of the 1960's under Kennedy's and part of Johnson's Administration, inflation was nominal—not more than 1.5 percent in any one year. But in 1965 as a result of a 4 to 3 decision of the Federal Reserve Board to boost its rediscount rate by some 12½ percent, interest rates began to climb precipitously. And so did inflation.

As interest rates climbed so did the rate of inflation, even as the false excuse for high interest rates was given that they were "necessary to curb inflation." The cold figures make that excuse ridiculous. The rate of inflation in 1965–66 was 2.4 percent, in 1966–67 it was 3 percent, in 1967–68 it was 3.7 percent, in 1968–69 it was 4.9 percent, and in 1969–70 it was 6.2 percent.

In a way it was almost fortunate for the American people that they had to endure a 5 percent to 6 percent price inflation in 1969 and 1970. They might have suffered an even worse fate.

For let us see what would have happened had there not been inflation in the post-war years.

The dollar has lost more than half of its buying power since 1946. In other words each dollar represents only half as much real wealth as it did 25 years ago, which makes debts somewhat easier to pay.

Had there not been this inflation in the post-war years, the real debt burden today would be double what it is. We would be paying, in terms of real wealth of the people, not $21 billion or $25 billion in interest on the national debt, but $42 billion or $50 billion.

Even the most ardent of debt merchants and debt apologists would be a bit staggered by such a figure. It would be a quarter of our total national tax payments! And be it never forgotten that the larger the debt, public and private, becomes, the more vulnerable our country becomes to any downturn in economic activity. So the government must resort to more and more drastic action to avoid the danger of a cycle of defaults setting in. But the remedy thus far applied has been, and is in the present crisis, to still further increase the mountain of debt!

This is, indeed, a gospel of despair.

Thus it almost seems that some fateful, and perhaps benign, hand has been pushing up our prices so we could live with our soaring debt and meet its exactions with cheaper dollars.

But the grim tragedy of the matter is that neither the inflation nor the staggering burden of debt are at all necessary.

The Constitution of the United States says: "Congress shall have power to coin money and regulate the value thereof."

Congress does no such thing.

Here is the heart of our trouble. Private banks coin our money and regulate its value.

In doing so they take from the government and people of the United States a large chunk of their sovereignty, a large chunk of the taxing power, and the key to a prosperous economy without inflation.

This is no sudden discovery of mine. The most unimpeachable authorities in the land have said the same thing. For example, in testimony before the Banking and Currency Committee of the House of Representatives, Marriner Eccles, then Chairman of the Federal Reserve Board itself, said this:

"In purchasing offerings of Government bonds, the banking system as a whole creates new money, or bank deposits. When the banks buy a million dollars of Government bonds as they are offered—and you have to consider the banking system as a whole—as a unit—the banks credit the deposit account of the Treasury with a billion dollars. They debit their Government bond account a billion dollars, or they actually create, by a bookkeeping entry, a billion dollars."

Here is how it works:

The private banking system of our country creates our money in the form of demand deposits on the banks' books. The reason it is able to do this is because no bank is required to have in its vaults anything like the amount of money which its depositors think they have in the banks.

Banks are only required by the Federal Reserve System, which the banks are sure they own, to have in their vaults anywhere from $1 to $1.50 for every $10 of demand deposits on their books.

Thus for every $1 or $1.50 which people—or the government—deposit in a bank, the banking system can create out of thin air and by the stroke of a pen some $10 of checkbook money or demand deposits. It can loan all that $10 into circulation at interest just so long as it has the $1 or a little more in reserve to back it up.

This is, of course, the "fractional reserve system" of banking. It is more or less controlled by the Federal Reserve System, whose only stock is held by the private banks of the Federal Reserve System, without a single share of such stock being held by the government or people of the United States, as should be the case.

Now let's see what happens to the Nixon $23 billion deficit for fiscal 1971. This deficit was caused by the economic recession, for the recession meant less earnings for businesses and individuals, hence less taxes collected by the government. So there is need to revive the economy by having the government put into the stream of commerce more money than it takes out. This, as always, is calculated to increase buying power and effective demand, and thus to get some of the 28 percent or idle productive capacity back to work.

It is important to remember that deficit financing is engaged in to bring about greater production, more employment, and more full use of productive capacity when much of it is idle. In other words we use deficit financing because we are confident that it will increase production, hence increase tax revenues, and hence *broaden the base of the nation's credit.*

Now to the extent that government bonds are sold for cash to individuals or to institutional *purchasers other than banks* the government is taking out of circulation approximately as many dollars as it will put back in when it spends the money.

To do any good, deficit financing must result in the creation of *new money,* and the use of it to increase mass buying power. Only if this happens will there be any stimulation of idle plants to go back into production, or more employment.

Under these circumstances what *ought* to happen is that the *credit* of this great nation should be drawn upon directly by the government—not that it should go more deeply into debt.

For the credit of this or any nation is squarely based upon and derived from the production of wealth by the nation as a whole and the power of the government to tax.

By whatever percentage it can be anticipated that production and hence potential tax revenues will increase as a result of deficit spending by that same amount the credit of the nation and its government will be increased. This same percentage of the volume of money previously in circulation should appear on the books of the Treasury as a credit entry to be drawn upon just like tax revenues. To do that would be nothing more than rational and proper bookkeeping. It would also be morally right bookkeeping.

But this is not what happens at all. Instead the sovereign government of the United States goes hat in hand to the private banking system and asks it to create the new money that the economy needs.

But not for nothing! No Sir! Despite the fact that it costs the banks considerably less than nothing to create the money in the form of brand new demand deposits or checkbook money; they are rewarded for such action by the receipt of very substantial interest from the taxpayers' pockets.

The government *gives*—the word is used advisedly—it *gives* to the banking system, including the Federal Reserve banks, government bonds, the debt of all the people. Interest bearing bonds, that is, bonds bearing as high an interest rate under today's regime as the banks decide to demand. Else they won't buy the bonds.

The banks "buy" the bonds with newly created demand deposit entries on their books—nothing more. It is fountain pen money and it is considerably *more* inflationary than would be the same amount of dollar bills created by the government, as will be explained.

Unlike other demand deposits which they create, the banks, by permission of an indefensible act of Congress, need have *no reserves at all* to back the demand deposits they create when the government bonds are given to them.

The deposits the banks create with which to own your debt and mine are backed by nothing *except the bonds themselves!* In other words, they are backed by the credit of the American people.

What the government has "borrowed" from the banks, what the people must for years pay high interest on, is nothing more nor less than the credit of the nation, which obviously the nation possessed in the first place or the bonds would be no good!

At long last, a few years ago the Federal Reserve made tacit acknowledgment of the facts just stated. As a direct result of logical and relentless agitation by members of Congress led by Congressman Patman, as well as by other competent monetary experts, the Federal Reserve began to pay to the U. S. Treasury a considerable part of its earnings from interest on government securities. This was done without public notice and few people, even today, know that it is being done. It was done, quite obviously, as acknowledgment that the Federal Reserve Banks were acting on the one hand as a national bank of issue, creating the nation's money, but on the other hand charging the nation interest on its own credit—which no true national bank of issue could conceivably, or with any show of justice, dare to do.

But this is only part of the story. And the less discouraging part, at that. For where the commercial banks are concerned, there is no such repayment of the people's money.

We said a moment ago that the banks buy the bonds for less than nothing. This is true because the bonds once acquired can be counted as reserves by the banks possessing them. And for every $1 of such bonds which the banks hold they can create roughly another $9 of demand deposits and lend them into circulation at interest.

Good business if you can get it.

Good business if any sovereign nation is foolish enough to give it to you.

When the commercial banks create money, as they do when they acquire government bonds, they levy a tax on every person in the United States. This is so because every new dollar that is created makes every dollar previously in existence worth somewhat less than it was worth before. This is the very heart of inflation.

It is also taxation without representation with a vengeance.

Until this system is changed our debt will continue to skyrocket without limit, and the fixing of debt limits by the Congress will continue to be an exercise in utter futility. And unless there is inflation to reduce the debt burden, it will become insupportable by the economy much sooner than would otherwise be the case.

What ought to be done?

Eventually, no doubt, banks should be required to actually have in their vaults a real dollar for every dollar their depositors think they have in the bank. This is called 100 percent reserves. But such a reform could not and should not be accomplished quickly. It could and should be realized by a gradual increase in reserve requirements for *demand* deposits (but not for savings deposits) over a period of years. Such increases in reserve requirements should be geared to the flow of money in the economy, as brought about by the creation of credits on the nation's books through a true national bank of issue.

Once this reform were instituted we, the people, would have to—and should—pay our banks honestly and fully for the very real service they render in servicing our accounts. But that would be a cheap price to pay for the establishment of a livable monetary system, in which the nation's supply of money would no longer be dependent upon ever-increasing debt.

Banks should lend existing money. But, as the Constitution clearly requires, the money (or credit) of the nation should never be created by any private agency, but by an agency of the nation itself. It is the duty of Congress to provide for this by a carefully drawn statute.

The stock in Federal Reserve Banks should be purchased by the government from their present private bank owners. The Federal Reserve should then become our national bank of issue. It should create Reserve Bank Credit as it does now. But that credit should be *credited* to the United States Treasury, not charged against it and the people as debt. As much such new credit *should* be created each year as is needed to keep our economy running at or near capacity—and no more than that. A stable price level could result.

Then and only then can we expect to overcome recessions, to put our people to work, and to do this without the danger of—indeed necessity for—the inflation, or the ever-increasing debt which are inescapable under the present monetary system.

ECONOMICS PROFESSOR CRITICIZES FEDERAL RESERVE FOR LACK OF SOCIAL RESPONSIVENESS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I have recently received a copy of an address on the Federal Reserve System delivered by Prof. William L. Casey, Jr., at Babson College, Babson Park, Mass. Professor Casey argues that the effect of Federal Reserve independence has been to make the System unresponsive to newly emerging social and economic needs. The impact of monetary policy on the economy is such that the System's insistence on the status quo has in many cases hampered the efforts of other Government agencies to meet these needs. As Professor Casey demonstrates, some of our economic and social problems are caused by the Federal Reserve itself as it pursues policies which represent the conventional monetary wisdom but which play havoc with areas of the economy such as housing and small business.

Mr. Speaker, Professor Casey's address is as follows:

THE FEDERAL RESERVE SYSTEM: A CASE STUDY IN INSTITUTIONAL UNRESPONSIVENESS

(By William L. Casey, Jr.)

In a 1964 publication Dr. Eric Berne amused the American reading public with a penetrating description of those "games people play." If a second edition is ever forthcoming, it will inevitably include the psychological and sociological parlor games played by those who relish the opportunity to interpret the motives and meaning of youthful discontent and disillusionment. Unfortunately, it has become more fashionable to critique the revolutionary outcries of the young than to look beneath the rhetoric for the underlying causes of alienation.

Certainly, our youth are problem-oriented; they are often criticized for focusing too much on problems and too little on solutions. To make such a criticism, however, is to miss the point completely. Despite the apparent arrogance of youth, one central fact of life is acknowledged by all; significant social change must be sponsored by those in power or by those with power. To expect the young to contribute in the rendering of solutions is to ignore the very essence of power. It is not the existence of problems that disturbs the young; rather it is the indifference and the insensitivity of those with the experience and the power to act. The rebellion is directed at institutional inertia and inaction at a time when social change is urgently called for.

Recognition of the potentiality of American society and concern for the value of human life have led a growing number of young to severely criticize contemporary institutions and institutional arrangements.

Of course, American social and economic institutions have always been subjected to criticism. After all, this form of criticism is one function of scholarship and the American experience has in no way been devoid of social commentary. However, institutions have too often been evaluated by their efficacy in achieving internally-determined goals. What is being questioned today is not the degree of success in achieving traditional goals but rather the validity of those goals *per se*.

Socioeconomic imbalance and inequity within our society are subjects of growing concern. Attention is being directed to the ways in which economic insitutions—including public insitutions—create and distribute income, wealth and power. The goals of these institutions are being scrutinized in light of social problems and social needs. However, few of today's social critics are so naive as to expect sudden drastic changes in institutional goals. A second fact of life is recognized in this regard; namely, that institutional arrangements inevitably breed inertia and that instiutional changes are painfully slow in evolving. Condemnations are reserved for those that are completely unresponsive to newly emerging social needs and conditions, as evidenced by the unwillingness to engage in self-examination.

The responsibility of periodic self-examination is clearly most appropriate in the case of the *public* institution since (1) it is commissioned to serve society and since (2) the needs of society change. Such an institution is the Federal Reserve System. At a time when a multitude of economic ills have beset the American economy, many of which are monetary in nature, it is appropriate to cast a critical eye on that institution that has assumed the responsibility of monetary control and regulation.

Of course, the Federal Reserve System has not been without critics. Throughout the history of the "System" economic journals have been filled with scholarly critiques of Federal Reserve policy. For the most part, unfortunately, scholars have accepted without question the validity of Federal Reserve goals and have focused their attention on the efficacy of policy measures designed to achieve them.

It might be argued, of course, that Federal Reserve goals are not internally established since the central bank is but an arm of Congress. Some claim that the Fed was given the responsibility of domestic monetary management by Congress and was commissioned to employ tools of monetary control for the purpose of minimizing economic instability and maximizing employment and economic growth. However, neither the Federal Reserve Act of 1913 nor the subsequent Act of 1935 explicitly contain such a commission. Explicit reference to the Federal Reserve responsibility for national monetary management was first made by the Governors themselves in the annual report that followed the 1935 enactment. The point is that Congress has never established a clearly-defined course or set of goals for the Fed to follow. Rather, Federal Reserve responsibilities today are the products of internal interpretations of Congressional enactments that left ample room for liberal interpretation.

This is not to say that central bank monetary management *per se* is unnecessary or undesirable, nor should the implication be made that the aforementioned goals, adopted by the Federal Reserve, are in any way inappropriate. But are these goals all-embracing? In an age of rapid social change new social and economic goals naturally emerge—goals that are achievable only if funds are available and are properly channeled into problem areas. The fact remains that the Federal Reserve controls and regulates the money supply and the availability of credit. It is undeniably true that the nature and direction of monetary policy significantly determine the channeling of funds throughout the economy. Of course, many other Federal agencies and institutions channel funds into the private sector of the economy, but, unlike the Federal Reserve, they cannot create money and they do not enjoy the same autonomy with respect to policy formulation and spending decision-making; their dependency on Congressional appropriations guarantees some degree of responsiveness to social wants and desires. The Congressional power over the purse, which the Federal Reserve escapes, establishes a chain of communication between the Federal agency created to serve society and the voting members of society who determine the composition of Congress.

The question of Federal Reserve autonomy has been argued *ad nauseam* but one fact is irrefutable; our central banking system is uniquely insulated from executive and Congressional pressures, which is to *say*, the normal chain of communication between those who serve and those who are served is simply non-existent. Federal Reserve independence *per se* does not create unresponsiveness or irresponsibilty; rather it is a condition that creates the potential danger. Unfortunately, there is growing evidence that this potential is being actualized.

Value judgments have been made and are being made by Federal Reserve officials on matters ranging from the mortgage market crisis of recent memory to the problem of structural unemployment. Unfortunately, the public is not given the opportunity to weigh the merits of Federal Reserve decisions and to translate words into actions through the power of elected Congressmen. Obviously, the Fed should have the right to disagree with specific Congressional recommendations; this is not the point. In reacting to Congressional appeals for change, however, they do have the obligation to argue their case openly, frankly and fully without retreating within the sanctuary of Federal Reserve autonomy.

The disturbing effect of monetary contraction during the late 1960's on the housing market is now a fact of history. It is also a fact that Federal Reserve officials vociferously opposed a wide range of Congressional proposals which were aimed at the heart of the problem. These included proposed Federal Reserve purchases of the obligations of the Federal Home Loan Banks, the Farmers Home Administration and the FNMA, proposed Federal Reserve loans to the Federal Home Loan Bank Board and a proposal to allow member banks to count investments in the securities of Federal housing agencies as part of their required reserves.

In arguing their case, Federal Reserve officials retreated quickly within the sanctuary of the "conventional monetary wisdom." Rather than carefully weighing the merits and weaknesses of such proposals, they chose merely to cite their real or imagined costs; i.e., that these programs would be discriminatory, would interfere with traditional monetary arrangements and would be costly in terms of the achievement of traditional monetary objectives.

In refusing to channel funds into specific sectors of the economy, the assertion that special policies of this type would interfere with general monetary management is not sufficient justification nor is it responsible. The fact that two policy goals may conflict does not justify the refusal to consider *even* the relevance of one or the other. The granting of special credits in support of the mortgage market may indeed interfere to some extent with general monetary policy but policy trade-offs are a fact of political life. The U.S. Government through A.I.D. grants soft loans to developing countries despite the adverse effect that this can have on our balance of payments.

Public welfare cannot be maximized unless all policy possibilities and implications are carefully considered and weighed. In refusing to seriously consider special purpose loans, the Federal Reserve has failed to defend its position. In refusing to reassess the validity of its policy goals in the light of newly emerging social and economic needs, the Fed has rendered a disservice to the public it serves.

Clearly, any Federal Reserve program designed to alleviate a special problem will be discriminatory in the sense that a resource reallocation effect will necessarily be produced if the program succeeds. This would hardly be a dramatic departure from traditional Federal Reserve practice since general monetary policy is by nature discriminatory. The tight money period of the late 1960's demonstrated this quite clearly. One example among many was the discriminatory effect on the small business sector. Since large corporations have built-in immunities against the ravishes of high and rising interest, they did not share equally in the cost of the Federal Reserve's campaign against inflation. Such inequity is built into the system. During periods of tight money large corporations are in a much better position to generate their own investible funds internally, whereas small businesses remain highly dependent on the availability of external funding, e.g., bank credit. Furthermore, since expected investment returns of large corporations are typically much higher than those of small businesses, high interest rates are clearly more damaging to the profit expectations of the latter than to those of the former.

It is illogical for the Federal Reserve to argue against the discriminatory effects of special loan programs while at the same time defending its general traditional policies which have proven to be equally discriminatory. It is difficult to imagine how Federal Reserve involvement with the housing market or with any other sector of the economy could be more discriminatory than the byproducts of its *special* relationship with the commercial banking community or of its *special* responsibilities to the Treasury.

The time has arrived for policy reassessment and the Fed must take the initiative in this regard. It is a mistake to assume that the initiative rests with Congress. Certainly, new policy goals and approaches could be written into law in the form of revisions to the Federal Reserve Act but, realistically, what is the probability of political success in the face of Federal Reserve opposition. In the arena of public debate, reform-minded Congressmen are no match for the army of Federal Reserve economists who are well equipped to defend the *status quo*. The perpetuation of Federal Reserve autonomy and a continued adherence to the conventional monetary wisdom are possible only because of the built-in technical and professional expertise within the system.

No one would argue that the Fed should not employ professionally trained experts. The argument is with the ways in which these skills are utilized. Considering the inefficacy of recent monetary policies, considering the discriminatory effects of recent policy on certain sectors of the economy, and considering our newly emerging social and economic needs, the time has come for a complete internal assessment of policy tools, policy approaches and policy goals.

A comprehensive, objective self-evaluation by the Federal Reserve may indeed justify continued adherence to the "conventional wisdom." New empirical evidence may indeed demonstrate that the adoption of new approaches or new goals would prove to be too costly in terms of the overall welfare of the American economy. Before such comprehensive self-studies are undertaken, however, *a priori* conclusion relating to the "undesirability" of fresh approaches must be rejected.

It is time for this servant of the people to account for its stewardship and to seek new ways to serve us better.

WOMEN UNITED FOR THE EQUAL RIGHTS AMENDMENT WITHOUT WIGGINS' AMENDMENT

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, since the House will soon be debating the equal rights amendment, House Joint Resolution 208 by Representative Martha Griffiths, I would like to call to the attention of all of my colleagues on both sides of the aisle a communication which has been sent to the Members of the 92d Congress by "Women United."

When the subcommittee of which I am chairman held the initial hearings on this proposal, representatives of this fine organization provided us with excellent insights into both the social and legal ramifications of a constitutional amednment to provide for equal rights for men and women.

Since I believe that the Members will find the following communication from "Women United" to be of considerable interest, I would like to insert it in the Record today.

Women United,
Washington, D.C., September 14, 1971.

Re Equal Rights Amendment expected to come up for action in early September.

To All Members of the 92nd Congress:

We seek your support of the Equal Rights Amendment without the crippling Wiggins amendment. The Wiggins Amendment is unacceptable to the women's groups including, among others, those listed on the attached sheet (Exh. A).

THE AMENDMENT AS APPROVED BY SUBCOMMITTEE NO. 4

Sub-committee No. 4, chaired by Congressman Don Edwards and comprised entirely of lawyers, had two versions of an Equal Rights Amendment before it when it heard over 800 pages of testimony (March–April, 1971). This Subcommittee reported out H.J. Res. 208 as introduced by Congresswoman Griffiths without change, viz.

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

On June 22 the full Judiciary Committee voted 19 to 16 to cripple the Equal Rights Amendment (as has been done in every Congress except the 91st). The crippling Wiggins Amendment reads:

"Section 2. This Article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people."

WHY THE AMENDMENT IS UNACCEPTABLE

The amendment is totally unacceptable because:

(1) It would freeze into the Constitution the hundreds of discriminatory labor standard laws the elimination of which is the very purpose of the Equal Rights Amendment, and Title VII of the Civil Rights Act.

LABOR LAWS

(2) It would retain and reinstate labor standard laws which have already been declared invalid under Title VII by several Federal Courts, causing endless litigations in our now already cluttered courts; and

(3) The word "reasonably" invites endless litigation as every lawyer will recognize.

THE DRAFT

(4) A Constitutional exemption of women from the draft could be a national disaster in time of atomic attack.

Some Congressmen in all sincerity seem to fear military life will be detrimental to womn. We would like to point out that the one President who recommended the enactment of the Equal Rights Amendment in his message to Congress January 16, 1957, was Dwight D. Eisenhower. That same President, who as General, had had first hand information on the place of women in the military service, stated:

"The platforms of both major parties have advocated an amendment of the Constitution to ensure equal rights for women. I believe that the Congress should make certain that women are not denied equal rights with men."

The advocates of the Equal Rights Amendment do not question that it would make women subject to the draft. At the same time they point out that women would be subject to the same deferments and exclusions as men, i.e. mothers, just as fathers; female students just as male students; ministers and other occupations; and 4F—women physically or mentally not capable for military service—would not be drafted. Combat duty would continue to be assigned by the Generals on the basis of physical capability and training. Military deferment should remain a flexible legislative right, not a Constitutional straitjacket which would result from the Wiggins Amendment.

DISCRIMINATORY INTERPRETATION OF 14TH AMENDMENT

While the Negro obtained his right to vote by the 15th Amendment in 1870, women did not obtain that right until 1920 by the 19th Amendment. Negroes (but not women) have achieved full Constitutional recognition under the 14th Amendment which reads in part:

"Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . ."

In this section the word "persons" has been interpreted by the Supreme Court to include Negroes but not women! Hence women are neither citizens nor persons. Yet Section 2 reads:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State . . ."

IS A WOMAN A PERSON?

Here, women were considered part of the "whole number of persons" and were thus citizens of the U.S. when it came to apportionment of representatives.

It is ridiculous that women are excluded or included at the whim of interpretation by the Courts. Moreover, the legality of the election of pre-1920 representatives was open to challenge along with the legislation they enacted, since the women whose numbers were recognized in the state's population were not permitted to vote as citizens of that state.

The right of all qualified citizens (persons) to participate fully in the power process is fundamental to any democratic society. The only right granted women under the Constitution is the right to vote. Women, in urging their cause, could well quote from the Declaration of Independence:

"In every stage of these oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury."

Women are uniting in a consciousness of their responsibility to participate in the decision making and ruling of their country. Don't force women to unite against men; let us unite together, men and women, to work for our common goal—the health and welfare of our country and its people.

Let this truly be a Government of the people, by the people and for the people.

Margaret Laurence,
Chairman.
Marguerite Rawalt,
Vice-Chairman and Counsel.

Exhibit A

The Equal Rights Amendment is supported by:

General Federation of Women's Clubs.
National Federation of Business and Professional Women's Clubs.
National Woman's Party.
National Association of Women Lawyers.
National Education Association.
United Automobile Workers.
American Medical Women's Association.
American Society of Woman Accountants.
American Women in Radio and Television.
National Association of Negro Business and Professional Women's Clubs.
Wisconsin Women's Conference AFL–CIO.
Women's Christian Temperance Union.
Professional Women's Conference.
D.C. Commission on Status of Women.
Association of American Women Dentists.
Presidents Eisenhower, Kennedy, Johnson, Nixon (as a candidate).
12 State Legislatures (N.Y., N.D., Minn., Md., Conn., Pa., Del., Mass., La., Calif., Fla., Neb.).
Council for Women's Rights.
League of American Working Women.
Citizens Advisory Council on Status of Women.
Task Force on Women's Rights and Responsibilities (President Nixon).
National Federation of Republican Women's Clubs.
American Association of College Deans.
National Organization for Women.
Women's Equity Action League.
Federally Employed Women.
Unitarian Universalist Women's Federation.
St. Joan's Alliance of Catholic Women.
Soroptimist Federation of the Americas.
American Society of Women Certified Public Accountants.
Women's Liberation Movement, New York, and District of Columbia.
Women's Bar Association of the District of Columbia.
Washington Forum.
Women's Bureau Conference—50th Anniversary.
Zonta—Cape Kennedy, Washington and other clubs.
American Association of Women Ministers.
National Democratic Committee.
Quota International.
American Society of Microbiology.
United Methodist Church—Women's Division.
American Nurse's Association.
American Home Economics Association.
American Association of University Women.

MANDATORY DRUG TREATMENT

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on May 10, I introduced H.R. 8216, the Armed Forces Drug Abuse Control Act in which I have been joined by over 50 cosponsors from both parties. The bill would establish a drug abuse control corps within each branch of the service, and would create a uniform amnesty program. The key feature of this legislation would require that no addicted serviceman be discharged until judged free of habitual dependence.

The thrust behind this latter section is that drug rehabilitation programs must be mandatory in order to be effective. The military recently discovered this when it decided to make help available to GI drug users on a voluntary basis. Between July 1 and September 10, 86,082 servicemen took urine tests and 4,440 or 5.15 percent showed positive reactions. During the same period, however, only 23 GI's volutarily agreed to treatment.

Fortunately, the Army reversed its policy following this trial period, and is now requiring mandatory treatment, as I have long advocated. Detected GI addicts must now receive rehabilitation treatment up until discharge.

However, my legislation would take this new directive one step further by requiring that addicts receive mandatory treatment beyond the time of their discharge. Drug dependent soldiers would not be released from the service until found free of dependence by medical authorities. The advantages of this are obvious. GI addicts can be more easily identified in the service, and then treated and cured before being returned to civilian life.

The President has asked for authority to extend for 30 days the tour of duty of any serviceman who is found to be a drug addict. I am pleased that the administration has accepted my basic position of treating GI's while still in the service. However, I am sure that most would agree with me that a 30-day period is completely inadequate to achieve effective rehabilitation. The addict would abstain during his 30-day mandatory treatment, knowing he would be discharged after a month. He could then return to a habit which he was never forced to quit.

I would like to include at the close of my remarks what I believe to be one of the finest editorials I have seen on this subject from the September 16 edition of the Bridgeport Post. The Post also believes that mandatory treatment is necessary, and that GI addicts must be treated before receiving their discharge. I urge my colleagues to give this editorial their thoughtful consideration, and then join me in working for passage of H.R. 8216.

The editorial follows:

[From the Bridgeport (Conn.) Post,
Sept. 16, 1971]

Mandatory Treatment

A few months ago when the drug plague among soldiers in Vietnam was brought to public attention, a debate ensued about how to treat the narcotics users. Representative John S. Monagan of Waterbury held strongly to the opinion that any rehabilitation program would have to be mandatory to be effective. He subsequently introduced legislation to retain and treat addicts in the service until they are cured.

The military took a different approach. It decided to make help available to drug users on a voluntary basis. The intentions were good but the results were not. Of the 4,440 soldiers found using hard drugs between July 1 and September 10, only 23 volunteered for treatment. A few days ago the Army admitted its failure and switched tactics.

Now it requires drug-addicted personnel to receive treatment prior to discharge. The Pentagon is also seeking legislation to authorize the military to extend by 30 days the tour of duty of patients who have not been cured.

This is progress in the right direction, but Mr. Monagan's plan makes even more sense. His bill, which is cosponsored by 54 lawmakers, would keep drug users in the service and in treatment centers until they are free of habitual dependence.

Mr. Monagan argues correctly that in many cases effective rehabilitation can take much longer than one month. A 30-day time limit would be an unfortunate mistake.

Hearings of the measures began today and will continue this month in a House Armed Services Subcommittee.

The facts have already borne out Mr. Monagan's contention that treatment must be mandatory. The next step is to make certain those who have fallen victim to narcotics while serving in the armed forces are given every chance—more than 30 days if need be—to resume normal lives.

INVOCATION BY DR. RICHARD C. HERTZ ON OCCASION OF PRESIDENT NIXON'S VISIT TO DETROIT

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, on Thursday, September 23, the President of the United States, the Honorable Richard Nixon, visited Detroit, Mich., and participated in a historic dinner of the Economic Club of that city. The President answered questions from a distinguished panel of local citizens for almost an hour with the program broadcast live on national radio networks and Detroit area television.

It was an outstanding program and Michigan was highly honored to have the President visit our State on this occasion.

The invocation, given by Dr. Richard C. Hertz, senior rabbi, Temple Beth El, Detroit, Mich., was superb in content and beautifully given. Because it appropriately set the stage for the President's participation, I am privileged to include the text as a part of my remarks.

INVOCATION BY DR. RICHARD C. HERTZ

Almighty God and Father of us all, Thou who guidest the destinies of men and nations under Thy supreme moral law; humbly we invoke Thy Divine blessing upon him who honors us with his presence, the President of the United States.

Enlighten with Thy wisdom and sustain with Thy courage him whom the people have set in authority. Guide him and guard him, we pray Thee, with wisdom and understanding, that he may lead the people of this nation and the peoples of the earth toward peace with justice. Implant the spirit of wisdom in his heart and in the hearts of all his counsellors and advisors, that they may uphold the peace of the realm, advance the welfare of the nation, and deal justly with all its citizens. Grant him strong health and spiritual strength that he may bring our nation closer to its historic dream of equality and brotherhood for all our citizens. Bless him with the satisfactions of acomplishment in the cause of world peace, so that the family of nations may find his leadership inspired by Thy Divine will, to "help perfect the world under Thy Divine sovereignty."

As a troubled nation awaits his message, we pray that we who gather here may find our minds enlightened and our spirits uplifted by the measure of him in whose hands rests the awesome power to alter the quality of life. We ask Thy blessing, too, upon all those associated with our nation's welfare and with the guardianship of our rights and liberties. May the message go forth from these walls which will reassure every man everywhere that he may ever continue "to sit under his vine and under his figtree with none to make them afraid." Amen.

INTRODUCTION OF FOREIGN TRADE AND INVESTMENT ACT OF 1972

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, the United States needs new and realistic solutions for the problems of today's rapidly changing world economy. Headlines in the newspapers show that all nations of the world are worried by recent changes. Realism demands that America try to answer questions Americans have a right to ask: What is the impact on jobs? What is the effect on the American standard of living? What kinds of jobs will my children have if America's productive base is continually lost? How can America remain a first-rate industrial power?

The Foreign Trade and Investment Act of 1972, which I am introducing today, provides new methods for helping this country to solve today's problems and answer today's questions. The rapid changes of the past 10 years, the international bankers' meeting this week, the newspaper stories of joblessness and trade losses—all these events of the recent past—show that such a set of new tools, a package of proposals, needs public attention.

The fact of needed answers is clear: America's trade position has been declining. Every section of this country has unemployment. Jobs are needed, but jobs are not there for millions of Americans. Production is needed, but production is down to less than three-fourths of its potential. The dollar will not buy as much as it did. High unemployment and rising prices are daily experiences in the United States.

While America faces these problems, other industrial countries are still doing well, with full employment, high production and a rising standard of living.

No simple answers will be enough. Complicated changes have been taking place: American jobs are being exported, as huge amounts of money are shipped abroad to build plants to make goods for sale in the United States. American jobs are being lost, also, because that foreign production often takes the place of possible U.S. exports. Products as varied as airplane parts and shoes, clothing and automobiles—all kinds of jobs are at stake.

A new kind of business has developed in the world, the multinational corporation, which can produce an auto engine in Germany, a transmission in England, a radio in Taiwan, assemble the parts in Canada and sell the final car in the United States.

A single firm now has a shoe plant in Spain, a retail store in another country, a paint factory in a third, and so on. What used to be called a "runaway shop" in New England, has changed in form and name and country. Spread throughout the world, the new business giants are called "conglomerates," or "multinational firms." The nations of the world have different laws from the United States, and different customs, and different ways of life. The old-fashioned runaway shop has become a global runaway, but the U.S. law is not designed to meet this new development.

This new development affects America in a manner different from the old "runaway shop."

Each country of the world makes its own tax and trade laws. The other countries can and do encourage U.S. firms to move into them. The old runaway shop was an occurrence within the United States, where Congress could set the tax and labor standards, and other legislation.

And something else is new: The kinds of industry that leave the United States are both the old and new—the textile industry and the electronics industry, the aircraft industry and the shoe industry. The speed and size of the change is a 20th century problem, affecting workers in every part of the United States.

As American taxpayers help industry develop new scientific wonders, the new technology is exported, along with jobs, to other parts of the world. U.S. consumers are paying American prices for American brand name products, often made by the cheapest labor in the world.

The new law tries to add jobs, increase manufacturing and preserve technology in a great many ways, because there are so many different kinds of changes occurring at the same time. It is not a perfect solution. It will need changes as it goes through the Congress, because new problems will raise new questions. But it begins to set up ways to meet the restrictive trade practices of other countries while assuring the maintenance of our own economy and our own standard of living.

The bill would substitute modern trade regulations for the old-fashioned Government practices that were designed for another period of American history. The bill recognizes that other countries are now strong and that the United States law needs to be firm and clear. The bill recognizes that airplanes can now transport parts of factories from one country to another, so that trade alone is not the issue. The bill tries to make sure that there is a combination of ways to solve complex problems. This is neither a free trade nor a protectionist bill. The bill recognizes that a world with computers and global banks and multinational firms needs new legislation designed to give Americans who live in our cities and towns across the Nation realistic solutions to their problems.

With all of these changes, the bill sets up the following new methods of handling change:

First, the tax laws of the United States which actually encourage businessmen to go abroad are amended to remove that encouragement. Some of these advantages were put into law when Americans were isolationists and did not want to trade. Now most of America's big companies, and many small ones, have plants or offices in other countries. The encouragement is no longer needed. Some of these tax provisions were put into the law before the new multinational firms started spanning the world in the mid-1960's. They need to be changed.

These changes can help stop the export of American jobs, of American technology, and of American capital. They can help establish fair choice for a U.S. business which wants to make goods in the United States by removing the advantages for producing abroad.

Second, the investment practices of U.S. firms abroad will no longer be allowed to funnel billions of dollars abroad to substitute for U.S. production without anyone keeping an eye on the purposes of the effects. The other countries of the world make many demands on American investors and make many provisions to regulate how American capital behaves in any country. This bill would prevent the operations of America's business ventures outside the United States from being a secret to the American Government and the public.

Third, the U.S. taxpayer and jobholder and businessman will be protected against the loss of America's production from the subsidized, unregulated export of technology. The bill does not stop technology flows. All countries of the world are closer together and technology will flow. But there will be a responsibility of the U.S. Government and U.S. business to make sure that the U.S. inventive genius and the U.S. mastery of know-how is not sent out to the world willy nilly, while the U.S. taxpayer and jobholder—whether he is a scientist or a production worker—foots the bill. The bill provides for supervision and regulation so that this Government will not be a "helpless giant" while other governments tell our companies what to do. This Government will no longer sit by and watch a company's desire for profits abroad weaken America's production and tax base at home.

Fourth, the present patchwork of legalistic, bureaucratic trade restrictions and regulations will be replaced by a modern regulatory mechanism to supervise trade into and out of the United States. This regulatory mechanism is based on the idea that this Nation should be able to make all kinds of products within its vast borders, just as other nations assure their citizens of all kinds of production. A new way of halting the export of jobs while assuring that the tide of imports will be stemmed has been designed and is in the bill. There is no precedent for this mechanism, but it is built on the past practices with an eye toward the future. The objective is to assure a fully employed, productive, U.S. economy for a nation with such resources in manpower and machinery.

The new mechanism will take effective shape only if the purpose is understood. The concept is that U.S. production and the nature of this economy has been eroded in recent years. This erosion must cease. The United States needs to employ skilled and unskilled workers—for a nation of over 200 million citizens—and to produce all kinds of products for the mass market that is here. That market will not be closed to the rest of the world. The idea of an impregnable wall is as outmoded as the idea of free trade. Other nations will have access to this market, but our Nation will not be required to lay waste its industrial base.

Unlike the frustrating past, when businessmen and labor groups vainly tried to get attention for their problems, while the Nation ignored the need for coordination of its trade practices, the new law will set up a brand new Trade and Investment Commission, with new responsibilities and new authority. It is not designed to merely reconstitute the Tariff Commission, which has ignored so many interests of all Americans for so long. It is designed to replace the hodgepodge bureaucracy which now makes sure that nothing is done in trade problems until it is too late, or, as far as American workers are concerned, that nothing is done in their interest. Labor will be represented on this Commission.

The new agency will represent American industry, labor, and the public. The three-man Commission will establish quotas on imports based on their relation to U.S. production in the years 1965–69. Its task is to make sure that U.S. production and jobs will be maintained, developed and expanded in a modern economy. The new agency will be given power to establish enough flexibility so that U.S. production and markets will not be disrupted nor jobs lost through technicalities and rigidities that now pervade the bureaucracy. That power is not unlimited or hidden from the public, because the law requires the Commission to make its activities known and to report on its decisions.

The new Foreign Trade and Investment Commission is designed to help keep trade moving without setting up a wall of tariffs that punishes or deceives the American consumer.

The new agency will be geared to remain current with the latest developments in trade and foreign production throughout the world as it affects the U.S. needs and situations within its borders. The United States will then be able to see to it that it enjoys all kinds of industry and the jobs that go with them within its vast borders.

Nor will the quota-setting authority in the statute result in the erection of an insuperable trade wall against foreign goods. Sometimes I get the impression the free trade lobby is describing the Great Wall of China when they talk about the effects of quota legislation, so carried away do they get. The program I am recommending today avoids this extreme. A cursory reading of the bill would indicate the number of exemptions contained therein which taken as a whole go a considerable distance to avoiding the disruptive impact predicted for a quota system by its opponents. In short, both quota authority and the specific exemptions have been designed in this legislation for the purpose of maintaining and restoring this economy, not to punish others. For the fact of life is that without a strong, well-balanced American economy, there can be no strong, well-balanced world economy.

To borrow a phrase we have all heard so often lately, this is an idea whose time has come. The events of the past months have proved beyond any doubt that the existing International Trade order is falling apart at the seams. It is creaking along, gasping for breath. It has proved its inability to respond to fundamental crises and seemingly permanent shifts in the balance of trade. The existing international agreements upon close examination can only be found wanting and lacking in flexibility. The letter of these agreements is defeating the spirit of the agreements, I am more and more convinced each day.

The whole point behind Bretton Woods was to usher in a new era of international cooperation and prosperity. The United States at the time possessed most of the chips and could afford to be generous and indeed entered into agreements which put it at a distinct disadvantage to other potential trading partners. Events since Bretton Woods have proved the wisdom of the arrangements entered into then, beyond anyone's wildest hope. The balance in favor of the United States has shifted dramatically to the point where today we can see the United States is at a distinct disadvantage, vis-a-vis, the other newly industrialized, highly competitive, nations of the world. It is now time to reexamine these institutions, these policies, in light of this dramatic shift of economic advantage. In short, the arrangements of the immediate postwar era have outlived their usefulness and there is need for a new order.

But even under existing, and I say outmoded, arrangements every signatory was assured that its domestic prosperity would not be held hostage to International Monetary Agreements; that every nation had the right to respond to internal domestic economic crises by resorting to emergency devices, vis-a-vis, other nations. In other words, Bretton Woods did not deny the most fundamental and inalienable right of all nations—self-defense. Recently the United States has given the impression of an economic giant with both hands tied behind its back and the impression has been created that it had surrendered its right to protect the economic conditions and wellbeing of its own citizens when it signed on the dotted line at Bretton Woods. I am convinced that our citizens have been forced to pay too high a price to enable our political leaders to continue to pay lipservice to pure free trade theory, while every other industrial nation in the world, at one time or another, has found it perfectly in order to suspend and change its international commitments in the name of domestic health and order. This is the background against which this legislation should be viewed by our friends abroad—not as an avoidance of international responsibilities and commitments, but as an adaptation within the framework of international cooperation to the changed facts of life.

No President of the United States ever signed an agreement to stand by and lose America's productive power. No amount of legalistic jargon will make that interpretation plausible. Both the agreement to establish the International Monetary Fund and the Agreement on Tariffs and Trade, GATT, entered into in the 1940's were signed in good faith in the United States. Both of these agreements have provisions that allow a nation, and that includes the United States, that has problems at home related to trade and investment, to protect these interests.

I am convinced that the time is right for the filing of this legislation. The papers yesterday reported yet another trade deficit for the United States—the fifth month in a row that this has occurred. At no other period in American history has this occurred. While I hesitate to bandy about a word such as "crisis," it is time we stopped being complacent and recognized the present situation for what it is. As I have predicted all along, once our dollar started fluctuating up and down in a manner which threatened the foreign holdings of American businessmen, bankers, businessmen, and Government experts are now meeting late into the night to try to come up with a solution. Prediction never has the force of fact, so I am not surprised that nothing has been done until now. But now there is hardly an American who is not aware that we are living in troubled times, from an economic viewpoint. Now all my constituents—all your constituents—know of these troubles firsthand. Millions of Americans are out of work. Hundreds of American communities from Maine to Florida, from New York to California, from Georgia to Washington, are economic disaster areas. My own State of Massachusetts has an unemployment rate higher than the national average. It is not just the old industries that are in trouble from cheap foreign competition. The new industries—what people thought was the hope of the future—are in trouble. Joining the shoe and textile workers in my State who have been pleading their case to no avail all these many years, are the electronics workers.

While no one listened in the past, now every town father is aware that the health of a local community depends upon full employment in order to keep open schools and enjoy the protection of police and fire departments. As the tax revenue has fallen off, everyone is learning that unemployment costs more than just unemployment compensation. This legislation is not creating the crisis or starting a trade war, but rather addressing itself to something that already exists. If something is not done and done soon, the crises or trade war predicted by opponents of quota legislation will be a lot worse.

Now, no one suggests that all of America's problems are caused by international trade and investment. But these are key elements to the health and well-being of any nation. This new legislation recognizes the reality of 1971: International trade and investment policies of this Nation do, in fact, affect the people of the United States in every city, every town, and every farm. This is not surprising in a world which has drawn closer. The policies and practices of our trading partners have a direct effect on production and jobs in this country. This effect has become more obvious and more pronounced than when our existing laws and legislation in this field were drafted.

The new Trade and Investment Act of 1972 is designed to modernize existing legislation. It closes the tax giveaway loopholes which have crept into law and contributed to our problems. I am not talking about a few unscrupulous individuals who have got rich quick because of these loopholes. What I am concerned about is the resulting outflow of billions of dollars, which in turn, have come to haunt us in the form of cheap foreign competition and loss of jobs for American citizens.

This legislation ends the period of unsupervised export of American capital and technology, which has helped produce a crisis for the United States and other countries. It sets up a sensible way of regulating trade so goods can be available to U.S. buyers without destroying their jobs and their buying power. It sets up an agency to be responsible to the Congress and the public so that trade and investment becomes publicly accountable and open to detailed examination and publicity. It directs the Government to make sure that information is collected on wages, employment, profits and sales abroad, as well as home. It gives the consumer, ultimately the one whose job is at stake, the right to know what he is buying and where it is made.

The Trade and Investment Act of 1972 calls for responsibility. It seeks to assure a healthy economy with jobs for all of its citizens. Those who want to rebuild the cities, those who want to improve their quality of life should join with those who are facing the prospect of losing jobs and the fact of job losses. Other nations have been able to keep track of their trade flows, their production, and their employment. Other nations have been able to modernize their government structures to serve their expanding public needs. It is time for the Nation with the great educational and productive genius to put its brains to work to make sure that this kind of legislation can be enacted.

IMPACT OF FEDERAL INSTALLATIONS ON SMALL BUSINESS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, as part of a series of hearings on the impact of Federal installations on small business, the Small Business Subcommittee on Small Towns and Urban Areas conducted a hearing recently on the effect on local small business of the Defense Department's plans to build and operate motels.

At field hearings held in Denver earlier this summer, the subcommittee heard numerous complaints from small businessmen that the Defense Department's construction of additional motel-like units on military bases constituted unfair competition and threatened to force some of them out of business.

In typical fashion, Subcommittee Chairman JOHN C. KLUCZYNSKI began an immediate and thorough investigation of the problem. High-level Pentagon officials were called to testify before the subcommittee, and I have no doubt that the investigation will continue until Chairman KLUCZYNSKI determines that the Federal Government is not needlessly intervening and competing with private enterprise.

Mr. Speaker, I commend the vigor with which Chairman KLUCZYNSKI has sought to offset the adverse effects of Federal installations on our communities. All of us, and particularly the small businessmen of America, are indebted to him. As ranking minority member of the subcommittee, I consider it a unique privilege to be a part of his efforts.

To underscore the importance of the September 16 hearing, I wish at this time to include the text of Chairman KLUCZYNSKI's opening statement in the RECORD:

IMPACT OF FEDERAL INSTALLATIONS ON SMALL BUSINESS

Today's hearing is a continuation of a series of hearings being conducted by this Subcommittee on the Impact of Federal Installations on Small Business. Previous hearings were conducted here in Washington on June 15, 16 and 17, 1971, and subsequently in the field on August 9, 10, 12 and 13, 1971.

We heard testimony during the course of the Washington, D.C. hearings which indicated that Federal installations may not be the blessing some communities anticipate. Due to the heavy demands on educational and municipal services and a corresponding tax exemption, Federal installations may in fact be an economic burden to a local community. Small businesses may be required to shoulder a larger share of local taxes in order for a community to furnish the necessary support services of an installation.

It is my opinion, therefore, that in light of these circumstances, the Federal Government has a clear responsibility to make aggressive efforts to off-set such an adverse impact of its installations.

It is interesting to note that the Boise Cascade study of Montgomery County, Maryland, presented to the Subcommittee during the Washington, D.C. hearings, showed that Federal installations have a negative cost/benefit ratio of .69, whereas hotels and motels showed a positive cost/benefit ratio of 1.59. Thus, for every dollar Montgomery County spent on account of Federal Installations, it received only 69c in tax revenue. On the other hand, for every dollar spent on account of hotels and motels, the County received $1.59. This appears to demonstrate how small businesses such as hotels and motels can off-set adverse effects of Federal installations.

During the course of the field hearings in Denver, Colorado, the Subcommittee received testimony to the effect that the Department of Defense, through the various military services, was constructing and operating motel-like units on military bases. It appears that the Federal Government's ownership and operation of motels is a direct entry by the Government into private enterprise. A privately owned motel pays taxes and returns profits to the local community, whereas a Government owned enterprise is exempt from state and local taxes and returns no profits to the local community.

It is my information that some 10,000 small businesses went bankrupt last year. The continued inflation and increase in unemployment, together with high interest rates, have made the plight of the small businessman more severe than ever. It has been my goal during my service in the Congress to promote and help small business. Small business has been the cornerstone of our free economic system, and I intend to assert every effort to help this country's small businessman.

Recent plans by the military services to expand and extend motel facilities on bases are of grave and serious concern to this Subcommittee in light of the impact such plans may have on small business. Let me make it clear that I wholeheartedly approve of temporary lodging quarters for our men in the service, where it is necessary. But needless intervention and competition by the Federal Government with private enterprise is unjustified. The Federal Government should help small business, not hurt it, and I hope the testimony we hear today will reaffirm that position.

PRESIDENT NIXON'S STATEMENT ON THE FAST BREEDER PROGRAM

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, on June 4 of this year, President Nixon, in an unprecedented energy policy message to the Congress, announced a national commitment to develop a liquid metal fast breeder reactor—LMFBR—by 1980. On that day I made a statement before this body complimenting the President on his overall energy message; and, in particular, stating my full endorsement and intent to cooperate in assuring that the atomic energy related portions of his program would have my full support.

Sunday, while visiting the atomic energy installation at Hanford, Wash., President Nixon observed that the cooperation hoped for on the part of the electric utility industry has been obtained and now permits a full go-ahead for the first demonstration plant to get underway. Further, the administration would soon be seeking authorization for a second LMFBR demonstration plant. I am particularly pleased with this latter point because I, and the Joint Committee on Atomic Energy as a whole, have from the beginning supported the idea that two or more demonstration plants should be started. This is necessary in order to provide a desirable element of competition in this undertaking, and it will contribute significantly to the necessary development of a viable industrial base which will form the foundation for the building of other plants to follow.

In the accomplishing of any long-term goal, there are a series of milestones along the way. In this particular instance we have passed some milestones and a number lie ahead. The President's commitment of June 4 is an important milestone, and his announcement yesterday is another one. I would like to compliment the members of industry and the representatives of the Federal Government who have been working on this effort in the interim. I compliment them on the work they have done to find a basis upon which to proceed. I urge them to continue to work hard so that the details of the cooperative arrangements for these demonstration plants can be worked out in order that the program can proceed on schedule. A utility company or group must take the lead, a reactor manufacturer must be selected, a site chosen, and the specific commitment for construction and operation of the first demonstration plant must be made. The 1980 goal will require a great deal of hard work—but it is achievable, and we must push forward so that construction can be started as soon as possible.

At the Fourth International Conference on Atomic Energy held earlier this month at Geneva, the Russians, British, and the French made clear that they recognized the importance of developing a fast breeder and that they have active construction programs underway on their own demonstration plants. We must not fall behind. This Nation was the first to operate an experimental fast breeder reactor. We should pursue vigorously the development of large, commercially attractive breeders for the production of the electrical energy needed by this Nation and, indeed, the entire world.

I am heartened by the President's announcement; I am heartened by the reports of cooperation from the industry. I compliment the new Chairman of the Atomic Energy Commission, Dr. Schlesinger, for his quick grasp of the importance and priority of this work and the actions he has taken to assure that the Commission moves along promptly in this important development.

I include the portion of the President's remarks delivered at Hanford pertaining to the LMFBR program at this point in the RECORD. Also I include an article which appeared in the September 27, 1971, issue of the Los Angeles Times:

Text of prepared statement given by President Nixon at Hanford, Wash., Sept. 26

I know that people in the Tri-cities area are aware of our national energy policy announced in my message of June 4, 1971.

At that time I called on the private sector to join Government in financing one demonstration liquid metal fast breeder reactor to begin to move this nation into an era of plentiful, clean and safe atomic power.

Today I am happy to be able to say that private industry has, according to our latest information, subscribed over $200 million for this important project. This assures that our first reactor can go into construction. Further, I have decided to order the authorization of a second liquid metal fast breeder reactor in order that we can move forward as rapidly as possible toward the achievement of our energy goals.

We are not today in a position to announce the locations of these experimental reactors, but those interested in the continued growth of the Pacific Northwest recognize the unique position which the Hanford reservation occupies in the future of atomic energy in our nation. I am confident that Hanford will continue to grow and that this area will most assuredly prosper as we move forward with the liquid metal fast breeder reactor and other energy programs.

[From the Los Angeles Times, Sept. 27, 1971]

NIXON VOWS TO PUSH FOR "CLEAN" REACTOR—SPEAKS AT HANFORD, WASH., NUCLEAR CENTER ON WAY TO MEET HIROHITO

RICHLAND, WASH.—President Nixon, heading Sunday for a meeting with the emperor of Japan, promised expanded development of peaceful nuclear energy "that is clean and does not pollute."

Mr. Nixon stopped here for a briefing at the Hanford Atomic Works. He said the new, fast flux test facility now under construction is a major advance in this program.

"This technology," he said in a statement, "will develop into the liquid metal fast breeder reactor, a process that will yield abundant energy that is clean and inexpensive."

The breeder gets its name from the fact that it produces more nuclear fuel material than it consumes.

Mr. Nixon stopped at Hanford on the way from Portland, Ore. to Anchorage, Alaska, where he will climax a three-day tour of the Northwest by meeting with Emperor Hirohito. It is the first time a Japanese emperor has visited foreign soil in more than 2,500 years of imperial reign.

TOTALLY NEW ERA

The meeting with the emperor indicates the beginning of a "totally new era in the relationship" between the United States and Japan, Mr. Nixon said.

"The people who were enemies," he said, "can and must be friends. Japan and the United States must never be enemies again."

The President said private industry's response to plans to develop a prototype fast breeder reactor had been so encouraging that the program would be expanded.

Instead of developing one prototype by 1980, Mr. Nixon said, the aim is to work up two, using different approaches in each of them.

Officials estimated that each of the fast breeder reactors would cost about $500 million.

His announcement was loudly applauded by a crowd of 15,000 at this nuclear research center.

Mr. Nixon said many people were afraid of nuclear power because of the destruction it could cause. But, he said, there was no reason for this fear and the power should be harnessed for peace.

The reactors will be built at separate locations, the President said.

While Mr. Nixon had promised a significant statement at the Hanford facility, he stopped short of saying the center would be the site of one of the projected reactors. He said sites for the reactor prototypes would be announced later.

He had committed the Administration last June, in a partnership with industry, to development of one such reactor.

He urged that it act swiftly.

EXPORT OF NUCLEAR REACTORS

Dr. James R. Schlesinger, Atomic Energy Commission chairman, told newsmen export of nuclear reactors and components already produce about $400 million a year from foreign sales and are expected to become an important producer of foreign exchange for the United States.

Sales should rise to $1 billion by 1975, $2 billion by 1980, and then level off at about $4 billion thereafter, Schlesinger said.

"Yes," the President interjected at that point, "think what the export of jet aircraft has meant to the United States."

At an airport reception at Portland, Mr. Nixon told a crowd behind a fence that he was approaching the meeting with Hirohito at a time when there are great opportunities for peace in the world.

Japan has been critical of the President's new economic program, especially the important surtax.

Mr. Nixon also accepted for his Anchorage stay an invitation to a reception in the home of the man he fired from his Cabinet. Former Secretary of the Interior Walter J. Hickel lost his job last Thanksgiving Eve and has just come out with a book that takes a few critical jabs at what happened to him during his sojourn in the Cabinet.

Dr. Henry A. Kissinger, one of the top presidential advisers, joined Mr. Nixon Sunday in Portland.

Emperor Hirohito Nagako and Empress are en route from Tokyo to Europe for a visit to seven other nations, and Alaska is a refueling stop going and coming.

Mr. Nixon served as a naval officer in the Pacific during World War II while Hirohito was commander-in-chief of all the imperial Japanese armed forces—including those that seized some of the remote Aleutian islands during the early days of the war.

In these times, U.S.-Japanese differences are more in the economic arena. For one thing, Japan is unhappy about the 10% tax Mr. Nixon imposed on imports as part of his new economic policy. The Japanese have called for its elimination and have talked of hitting back with taxes of their own.

But there also have been amicable developments in Japanese-American relations. Japan, for example, cosponsored the U.S. resolution to admit Communist China to the

United Nations while retaining a seat for the Nationalist Chinese on Taiwan.

And, in a move with conciliatory overtones, Mr. Nixon submitted to the Senate on Sept. 21, for ratification, an agreement to put Okinawa and related Pacific Islands back under Japanese sovereignty while reserving for this country the right to retain military bases there for "the mutual security of both countries."

Mr. Nixon's message to the Senate regarding the pact said that "it meets United States security needs and places our relationship with our major Asian ally on a more sound and enduring basis. It fulfills long-held aspirations of the Japanese people, including the people of Okinawa, for the reunification of these islands with Japan."

Court Upholds A-Test Protest

Anchorage, Alaska.—Only hours before President Nixon's scheduled arrival Sunday, the Alaska Supreme Court ruled that a protest group should be allowed to hold a demonstration against the planned nuclear test on Amchitka Island.

The Supreme Court ruled that the protestors should be allowed to hold their rally on a park strip several blocks away from and parallel to a motorcade route for the President.

The city of Anchorage had denied rally and march permits to the "Alaska Coalition Against Cannikin."

The protesters, who want the President to cancel the five-megaton blast nicknamed Cannikin, then challenged that the city ordinance used against them was unconstitutional.

On Friday Superior Court Judge James E. Hansen ruled that the ordinance was unconstitutional and the city took the case to the Supreme Court, asking for a stay of Hansen's ruling.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Forsythe) to revise and extend their remarks and include extraneous material:)

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Schwengel, for 5 minutes, today.

Mr. Harvey, for 5 minutes, today.

Mr. Blackburn, for 5 minutes, today.

(The following Members (at the request of Mr. James V. Stanton) to revise and extend their remarks and include extraneous material:

Mr. Fuqua, for 20 minutes, today.

Mr. Evins of Tennessee, for 15 minutes, today.

Mr. Podell, for 60 minutes, today.

Mr. Hamilton, for 10 minutes, today.

Mr. Fraser for 10 minutes, today.

Mr. Aspin, for 15 minutes, today.

Mr. Reuss, for 20 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Ryan, for 15 minutes, today.

Mr. Runnels, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances.

(The following Members (at the request of Mr. Forsythe) and to include extraneous material:)

Mr. Springer in three instances.

Mr. Scherle in 10 instances.

Mr. Ashbrook in two instances.

Mr. Schwengel in two instances.

Mr. Chamberlain in four instances.

Mr. Robison of New York in two instances.

Mr. Quie.

Mr. McClory in four instances.

Mrs. Heckler of Massachusetts in three instances.

Mr. Pirnie in two instances.

Mr. Derwinski.

Mr. Morse.

Mr. Conte.

Mr. Pettis.

Mr. Johnson of Pennsylvania.

Mr. Hosmer in two instances.

Mr. Wyman in two instances.

Mr. Thone.

Mr. McCloskey in two instances.

Mr. Harvey in two instances.

Mr. Michel in two instances.

Mr. Keating.

Mr. Broyhill of Virginia.

(The following Members (at the request of Mr. James V. Stanton) and to include extraneous matter:)

Mr. Scheuer in five instances.

Mr. Fisher in four instances.

Mr. Hamilton.

Mr. Griffin in two instances.

Mr. Boland.

Mr. Pucinski in six instances.

Mr. Eilberg in two instances.

Mr. Rodino.

Mr. Rarick in five instances.

Mr. Kastenmeier in two instances.

Mr. Ryan in five instances.

Mr. Rangel.

Mr. Bingham in three instances.

Mr. Abbitt.

Mr. Foley.

Mr. Dingell.

Mr. Fraser in five instances.

Mr. Sikes in five instances.

Mr. Biaggi in 10 instances.

Mr. Kluczynski in two instances.

Mr. Hagan in two instances.

Mr. Roe.

Mr. Pickle in five instances.

Mr. Wright in two instances.

Mr. James V. Stanton.

Mr. Dow.

Mr. Helstoski in two instances.

Mr. Edwards of California.

Mr. Minish.

Mr. Edmondson in two instances.

Mr. de la Garza in eight instances.

Mr. Patten in two instances.

Mr. Downing.

Mr. Miller of California in five instances.

Mr. Roy.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1733. An act to amend the Act of September 26, 1970 (84 Stat. 884); to the Committee on Merchant Marine and Fisheries.

BILL AND JOINT RESOLUTION PRESENTED TO PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 28, 1971, present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 10090. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes; and

H.J. Res. 782. A joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

ADJOURNMENT

Mr. JAMES V. STANTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 29, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1172. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting urgent requests for appropriations for fiscal year 1972 in budget authority and in proposals not increasing budget authority (H. Doc. No. 92–164); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Post Office and Civil Service. H.R. 3808. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; with amendment (Rept. No. 92–517). Referred to the Committee of the Whole House on the State of the Union.

Mr. CHARLES H. WILSON: Committee on Post Office and Civil Service. S. 932. An act to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates; with amendment (Rept. No. 92–518). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10577. A bill to authorize the foreign sale of certain passenger vessels; with amendment (Rept. No. 92–519). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 624. Resolution providing for the consideration of H.R. 8787, a bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives (Rept. No. 92–520). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 625. Resolution providing for the consideration of H.R. 10538, a bill to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961 (Rept. No. 92-521). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 626. Resolution providing for the consideration of H.R. 10729, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes (Rept. No. 92-522). Referred to the House Calendar.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10367. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes; with amendment (Rept. No. 92-523). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 2. A bill to establish a Uniformed Services University of the Health Sciences; with amendment (Rept. No. 92-524). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 10909. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

By Mr. ANDREWS of Alabama:

H.R. 10910. A bill to provide that the lock and dam referred to as the "Jones Bluff lock and dam" on the Alabama River, Ala., shall hereafter be known as the Robert F. Henry lock and dam; to the Committee on Public Works.

By Mr. ASHLEY (for himself and Mr. Aspin):

H.R. 10911. A bill to provide reimbursement for losses incurred by commercial fishermen, as well as allied sport fishing camps, as a result of restrictions imposed by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. BLACKBURN (for himself, Mr. Rarick, Mr. Lennon, Mr. Hechler of West Virginia, Mr. Schmitz, Mr. Mathis of Georgia, Mr. Davis of South Carolina, Mr. Harvey, Mr. Helstoski, Mr. Brinkley, Mr. Derwinski, Mr. Kemp, Mr. Yatron, Mr. Davis of Georgia, and Mr. Hastings):

H.R. 10912. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 10913. A bill to amend the Occupational Safety and Health Act of 1970 to exempt small farmers from its requirements; to the Committee on Education and Labor.

By Mr. BURKE of Massachusetts:

H.R. 10914. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

H.R. 10915. A bill to amend the Airport and Airway Development Act of 1970 in order to provide for more effective control of aircraft noise; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 10916. A bill to amend title 38, United States Code, to permit for 1 year, the granting of national service life insurance to certain veterans heretofore eligible for such insurance; to the Committee on Veterans' Affairs.

By Mr. DANIELSON:

H.R. 10917. A bill to provide an incentive for the production of motion pictures in the United States by excluding from gross income, for Federal income tax purposes, a part of the gross income derived from the distribution or exploitation of motion pictures produced in the United States; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. Morgan):

H.R. 10918. A bill to provide for cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EDMONDSON:

H.R. 10919. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments, annuity and pension payments under the Railroad Retirement Act of 1937, and payments under any Federal retirement program shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. ESCH:

H.R. 10920. A bill to provide Federal assistance to State and local governments for the purpose of developing and improving communication procedures and facilities with respect to the prompt and efficient dispatch of police, fire, rescue, and other emergency services; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 10921. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 10922. A bill to promote the economic well-being of the United States by providing authority to negotiate commercial agreements including the granting of Most Favored Nation treatment with countries having nonmarket economies; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mr. Byrne of Pennsylvania, Mr. Clark, Mr. de la Garza, Mr. Downing, Mr. Griffin, Mr. Grover, Mr. Jones of North Carolina, Mr. Karth, Mr. Keith, Mr. Kyros, Mr. Leggett, Mr. Lennon, Mr. Mailliard, Mr. Mosher, Mr. Mills of Maryland, Mr. Pelly, Mr. Stubblefield, Mrs. Sullivan, and Mr. Tiernan):

H.R. 10923. A bill to amend the Cargo Preference Law; to the Committee on Merchant Marine and Fisheries.

By Mr. GETTYS:

H.R. 10924. A bill to amend the Urban Mass Transportation Act of 1964, as amended, to prohibit financial assistance thereunder to any public transit authority engaging in charter bus operations outside the urban area within which it provides mass transportation service; to the Committee on Banking and Currency.

By Mr. JARMAN (for himself and Mr. Adams):

H.R. 10925. A bill to amend part V of the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to extend the time of payment of interest or principal of existing Government loan guaranty to a maximum period of 30 years; to the Committee on Interstate and Foreign Commerce.

By Mr. McCULLOCH (for himself and Mr. Abernethy, Mr. Clancy, Mr. Culver, Mr. Harsha, Mr. Hechler of West Virginia, Mr. Keating, Mr. Kuykendall, Mr. Mayne, Mr. McClory, Mr. Miller of Ohio, Mr. Mr. Minshall, Mr. Mollohan, Mr. Scherle, Mr. Stubblefield and Mrs. Heckler of Massachusetts):

H.R. 10926. A bill to exempt from certain deep-draft safety statutes a passenger vessel operating solely on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS of Maryland:

H.R. 10927. A bill to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Maryland, and for other purposes; to the Committee on Agriculture.

By Mr. MINISH:

H.R. 10928. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 10929. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10930. A bill to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, to raise the contribution base, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PIRNIE:

H.R. 10931. A bill to incorporate Pop Warner Little Scholars, Inc., to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 10932. A bill to amend the Public Health Service Act to provide for the establishment of a National Sickle Cell Anemia Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL (for himself, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Fauntroy, Mr. Hawkins, Mr. Metcalfe, Mr. Mitchell, Mr. Nix, Mr. Stokes, Mr. Badillo, Mr. Begich, Mr. Brasco, Mr. Bingham, Mr. Cleveland, Mr. Eilberg, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Koch, Mr. Matsunaga, Mr. Minish, and Mrs. Mink):

H.R. 10933. A bill making supplemental appropriations to carry out the lead-based paint poisoning prevention program for the fiscal year ending June 30, 1972; to the Committee on Appropriations.

By Mr. RANGEL (for himself, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Fauntroy, Mr. Hawkins, Mr. Metcalfe, Mr. Mitchell, Mr. Nix, Mr. Stokes, Mr. Pepper, Mr. Rees, Mr. Roe, Mr. Scheuer, Mr. Seiberling, Mr. Steele, Mr. St Germain, and Mr. Wolff):

H.R. 10934. A bill making supplemental appropriations to carry out the lead-based paint poisoning prevention program for the fiscal year ending June 30, 1972; to the Committee on Appropriations.

By Mr. RANGEL (for himself, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Fauntroy, Mr. Hawkins, Mr. Metcalfe, Mr. Mitchell, Mr. Nix, Mr. Stokes, Mr. Badillo, Mr. Begich, Mr. Brasco, Mr. Bingham, Mr. Eilberg, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Koch, Mr. Matsunaga, Mr. Mazzoli, Mr. Minish and Mrs. Mink):

H.R. 10935. A bill making a supplemental appropriation for the Secretary of Health, Education, and Welfare for detection and treatment of, and research on, sickle cell anemia; to the Committee on Appropriations.

By Mr. RANGEL (for himself, Mrs. CHISHOLM, Mr. CLAY, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. FAUNTROY, Mr. HAWKINS, Mr. METCALFE, Mr. MITCHELL, Mr. NIX, Mr. STOKES, Mr. PEPPER, Mr. REES, Mr. ROE, Mr. RYAN, Mr. SCHEUER, Mr. SEIBERLING, Mr. STEELE, Mr. VANIK, and Mr. WOLFF):

H.R. 10936. A bill making a supplemental appropriation for the Secretary of Health, Education, and Welfare for detection and treatment of, and research on, sickle cell anemia; to the Committee on Appropriations.

By Mr. ROGERS:

H.R. 10937. A bill to amend the Tariff Act of 1930 to provide for informal entry under regulations of certain educational articles manufactured in the United States; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 10938. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer to deduct the cost of commuting to work at a site where no housing is available within 10 miles; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 10939. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of Georgia:

H.R. 10940. A bill to establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THONE:

H.R. 10941. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers and firefighters killed in the line of duty; to the Committee on the Judiciary.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. BINGHAM, Mr. HALPERN, Mr. KOCH, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 10945. A bill to amend the Economic Stabilization Act of 1970, as amended, to direct the President to stabilize rentals and carrying charges through the period ending at midnight April 30, 1972; to the Committee on Banking and Currency.

H.R. 10946. A bill to amend the National Housing Act to provide that the rentals and carrying charges charged for accommodations in federally assisted housing may not exceed, for the period ending at midnight April 30, 1972, the levels at which rentals have beeen stabilized pursuant to Executive Order 11615; to the Committee on Banking and Currency.

By Mr. CAFFERY:

H.J. Res. 890. Joint resoltuion asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. HALPERN:

H.J. Res. 891. Joint resolution proposing an amendment to the Constitution of the United States of America providing a 4-year-term for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. NELSEN (for himself, Mr. BERGLAND, Mr. BLATNIK, Mr. FRASER, Mr. FRENZEL, Mr. KARTH, Mr. QUIE, and Mr. ZWACH):

H.J. Res. 892. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in FARMFEST—U.S.A. and the World Ploughing contest in September 1972; to the Committee on Foreign Affairs.

By Mr. PATMAN (for himself and Mr. YOUNG of Texas):

H.J. Res. 893. Joint resolution to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disaster, and for other purposes; to the Committee on Public Works.

By Mr. THOMPSON of Georgia:

H.J. Res. 894. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. COLLIER:

H. Con. Res. 410. Concurrent resolution expressing the sense of Congress with respect to the withdrawal of American troops from South Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HANNA:

H. Con. Res. 411. Concurrent resolution expressing the sense of the Congress with respect to certain claims of nationals of the United States against the Government of the Peoples Republic of China; to the Committee on Foreign Affairs.

By Mr. TALCOTT:

H. Con. Res. 412. Concurrent resolution expressing the sense of the Congress with respect to the designation of the years 1973 through 1978 as the World Environmental Quinquennium to involve all nations of the world in a global environmental research program of both national and international scope; to the Committee on Foreign Affairs.

By Mr. PODELL:

H. Res. 622. Resolution to create a Select Committee on Penal Reform; to the Committee on Rules.

By Mr. ROGERS:

H. Res. 623. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOW:

H.R. 10942. A bill for the relief of Thomas R. Jakmides; to the Committee on Armed Services.

By Mr. NELSEN:

H.R. 10943. A bill for the relief of Robert A. Carleton; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 10944. A bill for the relief of Mrs. Marie E. Yotz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

142. The SPEAKER presented a petition of the Grand Council, Order Fraternal Americans of Virginia, relative to unrestricted immigration; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

TWENTIETH CENTURY RENAISSANCE WOMAN

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. MILLER of California. Mr. Speaker, in the September issue of The Retired Officer appears an articled entitled, "Jacqueline Cochran: A Renaissance Woman for the 20th Century." Miss Cochran aptly fits the description; her interests are broad and she meets all challenges with the same energy and determination that has made her the world's outstanding woman flier. It has been my pleasure and privilege to know Miss Cochran for many years. All who know and work with her admire her enthusiasm for life, her deep religious convictions, and love for her fellowman. I want to join her legion of friends in honoring this great lady and commend to my colleagues the reading of the inspiring article which follows:

JACQUELINE COCHRAN: A RENAISSANCE WOMAN FOR THE 20TH CENTURY

According to a definition in the *Random House Dictionary of the English Language,* a Renaissance Man is "a present-day man with many broad interests who has the opportunity to indulge himself in them so as to acquire a knowledge of each that is more than superficial." That is Jacqueline Cochran, Colonel, USAFR-Ret.

Left an orphan at a very early age, Colonel Cochran grew up with poor foster parents in the South. Although her formal schooling stopped with the third grade, she had a natural curiosity to learn combined with an insatiable reading habit and she is today a well-educated woman who sits on the board of directors of George Washington University (in Washington, D.C.) and has four honorary doctors degrees.

At the age of eight she began a 12-hour night shift in a cotton mill at 8¢ per hour. Through a determination never again to be hungry or sleep on the floor, she became a highly paid beauty operator, a trained nurse and, in the 30's, established a cosmetics manufacturing firm that she developed into a multi-million dollar business.

Most Americans, however, will remember "Jackie" Cochran primarily as a pioneer in the field of aviation. Since she began flying in 1932, she has set many aviation records and was the first woman to break the sound barrier. During the war years she was the Army Air Corps' director of women pilots and has served her country since that time in many important capacities.

TRO recently had the rare opportunity to interview Jacqueline Cochran and bring to our readers some of the wise and sensible thoughts of a woman whose many accomplishments must surely be an inspiration to young and old alike.

EDUCATION

Colonel Cochran has definite ideas on the need for education and the type of education necessary. TRO asked: If you could remake our educational system to serve our youngsters better, what would you do? What *sorts of courses do you think would be most useful?*

"I'll put it this way. We have a great give-away program. We're one of the few countries in the world where you're not only *given* free education, but you are compelled to go. Whether you like it or not, you *have* to go. We graduate people from high schools who can neither read nor write.

"We must start, in my opinion, with the children. See that they're fed and housed—and not by welfare checks. These children some way, somehow, must be taken care of. Even if we have to put up a tent in the middle of the town to feed and house them.

"Now, they also should be *trained*—I'm not using the word 'education.' If one is capable, he must know how to read and write, add and subtract. Do certain simple things. Simple things can do an awful lot for one. You'd be surprised how few people can read and write—sometimes at a very high levels. People should be taught to read very fast—and *comprehend* what they read. I'm talking about the normal person—a C, not a B—just an average person. If they could do this, it would build their own ego up to where they could do all kinds of things.

"When a person finishes high school, he should know a trade and know one thing *well*, because none of us, in my opinion—unless we're awfully lucky—ever get to do what we want to do. We all think the other pasture is greener. One has to learn to discipline himself to do the thing he knows how to do very well indeed."

We asked about how to handle specially gifted children, those who are so easily bored by the average classroom.

"Maybe they should be put in special schools. We create special schools for idiots, we create special schools for the slow, we create special schools for everyone but the very gifted. And the very gifted—for there aren't very many of them in this world—should have a very special school where they can go and become the mental giants of this world. They're entitled to it. In my opinion, this is what education is all about. If they're specially gifted, they need very special circumstances under which to learn—all kinds of stimulation, everything in the world put at their feet."

AVIATION

One of the leading figures in the growth and development of modern aviation in this country, Colonel Cochran recalled how she got started flying.

"Some friends of mine one night said, 'Of all the things you want to do in your life, what are you *going* to do?' I said, 'I'm going to do *all* these things'—and I outlined my plans—definitely. (And I did everything I outlined.) Then they said, 'But you'd have to fly to do all that!' I responded, 'That sounds like a good idea.' (I had just read a book on How to Fly in Three Easy Lessons.) You know, it's funny—I'd never even seen an airplane on the ground in my life.

"Shortly after that I went out one Saturday morning and had my first free lesson, bought the course, soloed on Monday, went to Canada two weeks later—solo—and so a pilot was born!"

Since that time Jacqueline Cochran has established and still holds more international speed, distance and altitude records than any other person.

"I met Amelia Earhart's husband and he said, 'What do you want in aviation, little girl?' I said, 'To put your wife in the shade. Not only that—I'm going to be the *first* woman in the world to make Mach I!'

"At that time, nobody had ever heard of Mach I. I was lucky enough to know the great Dr. von Karman, who spent more than two years in our home. One time we were talking about speed and he said, 'Do you know what the speed of sound is?' I asked, 'No, what is it?' 'It's traveling 760 miles an hour at sea level at standard temperature.' I said, 'I'm going to be the first woman in the world to do it!'

"Then I asked, 'What's Mach II? I've got to do that one, too!' I did. I did both—the first human being, female, that did *both* Mach I and Mach II. In fact, I did 2.5 machs last go-round. This was solo—not with someone else. You go out and fly the airplane alone. You beat it almost to death and you beat yourself almost to death, too.

"But I've been a *good* pilot. I've done some *remarkable* things in flying. They're so incredible that I look back and I can't believe that I've done them. I feel like I'm a person outside of myself who's been flying these airplanes. But one *can*. You have to work 14 hours a day and become so disciplined that you can't believe you're that disciplined. I would never let anything interfere with what I had to do in flying—ever. It really has been my life—my passport to happiness."

Jackie Cochran and Amelia Earhart were very close, especially in the last few months before Miss Earhart's final flight. We asked about the books published recently suggesting that Amelia Earhart is alive, well and living in New Jersey.

"There is no truth that I brought her out of Japan. The New Jersey woman doesn't even look like Amelia—even an older Amelia. After all, she would have been high up in her 70's by now. The truth is, she and her navigator just plain couldn't find that island, ran out of gas and crashed in the Pacific."

As an aviator, Colonel Cochran tested many experimental aircraft. Regarding some areas of contemporary aviation, we asked: The SST—do you feel that the decision reached by Congress was a valid one or one based on emotionalism and politics?

"I think it's the most *terrible* thing that has ever happened to this country, aeronautically speaking. Now, I didn't like the way we went about awarding the contracts—but that's *my* opinion. And it's too long a story to tell.

"But nevertheless, the contract *was* awarded and it was practically finished—and a man by the name of Proxmire scuttled the whole thing! How *could* he do this to our country?"

Do you feel our space program is valuable?

"I think it's the greatest thing that's ever happened in the world. I can't think of anything we shouldn't do to promote it. People say, 'They're going to bring more rocks back?' Well maybe they should bring some soil back. Maybe we should do all *kinds* of things. They haven't touched the surface of what could be done."

Do you feel our defense system is adequate and if not, in what areas do you feel that we are weak?

"As far as I can determine, a great many of our people who hope—or are hopeful—that we have a good defense posture think we're way down the totem pole. That, if tomorrow morning somebody were to walk in on us—like China or Russia or the rest of these countries—we'd be in pretty bad shape. We have nothing—we have no bombers, we have nothing in space, we have nothing to defend ourselves with today. And, I think we're sitting back here on a pretty bad posture. But this is my opinion, based on my exposure and background."

BEING A CITIZEN

Flag-waving may not be fashionable today, but Jacqueline Cochran does it—and with style. She asked what our TRO reporter thought was the most horrendous crime that can be committed and then answered: "Treason is the worst crime that can happen to a nation—not only our nation, but *any* nation. Sabotage on a big scale, where, maybe, a whole factory of people is destroyed."

She continued to explain her views:

"People have to be devoted to many things—first of all to their country. I only have one little yardstick to go by and that's what I was able to *do* for myself and what I've been able to *do* for my country. I think I've earned my keep as a citizen. That's another thing that I beef about—one has to earn their right to *live!* You can't just arrive on this earth to make it filthy and dirty."

"Maybe you'll say, with the attitudes today, that a man shouldn't be in combat. I'd like to be in combat. It's our country and we should defend it and our principles."

MARRIAGE, WOMEN AND WOMEN'S LIB

In these turbulent times, any woman who can stay married 32 years to the same man (financier Floyd B. Odlum) and still be able to say, "I'm married to a fantastic, fabulous man, I mean, he's the most amazing person in the world!", *TRO felt was qualified to comment on marital relationships:*

"I think too many people start out—men and women—with the idea that they're going to make each other over. They're going to be different people and so on. They haven't really formulated a good concept of what marriage is supposed to be before they start."

What, do you think, is a woman's place in our society?

"Oh, women have a very important place. They rule the world! They've ruled kings. I don't know why people worry about woman's place!

"Women have the same intelligence as men, they have the same ability. But they should not forget that they're *women*. They should populate the world; they should have a women's place in the world or they're not going to be any good when they're 40.

"I am trying to say that we *all* have our place in life, but people have forgotten what their places are."

How can a wife help her husband's career?

"A wife, if her husband wants her to, can interest herself enough in his business to be a sounding board for his ideas. She can answer him or not answer him, whichever she finds out is helpful to him. She can have his home beautifully run so he can call her at a minute's notice and say, 'Sorry, dear, but I have to bring four people home for dinner.' A man who brings people into his home is proud of his home; he's proud of his wife or he wouldn't do that in the first place. She is being helpful—but not if she starts interfering or meddling.

"I've seen women who were very harmful, I thought, to their husbands' careers. In the first place, I think any woman who, at any time, meddles in her husband's affairs, goes to his office, gets involved with the people he employs or he has subordinate to him—or even 'sparks' the boss—is *for the birds!* I dont think a wife should ever interfere in her husband's business life or get involved with his business associates.

"Mr. Odlum had multiple companies that he controlled and we built our ranch—part of it—to take care of his business life. I hired a woman to do all of that. Many times I would never come out for dinner. If I did, I'd have a drink with him and go on about my way. Naturally, I had flying to talk about which didn't bother anybody—though I didn't talk about that very much either. Now, since he's retired, I meet some of these people I did like and they say, 'Gee, I didn't know you were such a warm, friendly person.' I reply, 'I don't interfere with my husband's business.' "

Although Jacqueline Cochran scoffs at the notion of Women's Lib ("Liberation? Liberated from what?"), *she nevertheless represents what probably every Woman's Libber would like to be: an independent personality, with her own identity very clearly sepa-*

rate from her husband and his career. In this vein, TRO asked: What do you feel about the opportunities open to a female in commercial aviation? Should she be restricted to the role of stewardess and not trained as a pilot, engineer, etc.?

"Today, to qualify a 707 pilot, the airlines spend somewhere near $200,000 on a man. To realize their investment, he must work all of the 20-plus years left before his retirement. A woman may want to have a family during that period. Would you want to fly behind a pregnant pilot? But women certainly could be trained as engineers."

What of a woman's physical stamina—can she perform usefully as an astronaut?

"I think women definitely have more stamina than men. Childbearing alone bears that out. Women can stand more pain. Imagine carrying that extra weight around for seven months!"

What do you feel about mixed (man and woman) space crews?

"It wouldn't work in the three-man crews. I've talked to the men and they don't like the idea. It barely works with the men. They would need more space than they have now—to walk around, more privacy, etc."

Do you think an all-woman crew could function as well, do the tasks the men do, etc.?

"I think so, yes. And the reason I say so: In World War II we had a problem with the B-26 Martin built. I put women in B-26's—150 of them. They did about 70,000 operational hours with one minor accident and not a single fatality. They were always all-women crews and they worked very well. It was a very difficult aircraft because we didn't understand it (it really wasn't difficult except that people didn't understand it), and they did extremely well.

"Then I had all-women crews, during work out in Camp Davis—which was highly secretive at that time—controlling aircraft over ranges where the ground crews could shoot them down. It was so dangerous you could run into the flack yourself. We never had a fatality—we never had anything happen. It was just marvellous!"

Another question—How do you think a woman would be as President?

"Well, we've had so many bad Presidents, they'd probably do as well as any other.

"It's a silly question, in a way. It's not a man's world, entirely—it's not a woman's world either! I'm really going to emphasize this: Anyone who has qualified to do a job and does his homework, it doesn't matter what his sex is."

And summing up:

"Women are very strong people. They're very amazing. Collectively, they're probably more amazing than men. But *no* woman could do without a man. I wouldn't want to live in a manless world, would you?"

YOUTH AND LIFE IN THE FUTURE

With daily headlines telling of youth and its disaffection with our current situations, TRO asked Colonel Cochran for her notions on why our young people seem to be so troubled:

"It starts back at home. There is no home life—the close-knit family life, the picnics together, the praying together, the living together and the thoughtfulness together. They're hunting and seeking because they don't *have* this. I don't want to use the word 'security,' but maybe it *is* a form of security.

"Oh, you can turn around and say, 'Well, it didn't happen to you. But you see, from the time I was 11 until I was about 14, I lived in an Orthodox Jewish home. They had six sons and their home was run and properly. The family ate together every night. I watched all this; it even gave me a stabilizing influence. Probably at the time I didn't realize it, but it was good.

"Children don't have too much goodness in their lives. They see their glittering parents and too many cars. Parents buy cars for the kids when they're 16 and they're off and running. They don't have time to be courteous.

"I don't know what's brought all this about, but there's something in the atmosphere that's not healthy, that isn't normal. Therefore, there's rudeness, neglect.

"But there is also love and tenderness and sweetness. I think we tend to focus on those who are not nice rather than on those who *are* nice. So I think there's still hope for us as a human race."

You have accomplished so many things in your life. How could a young person today accomplish as much as you have?

"You make your opportunities. You don't say, 'Gee, I'd *like* to do that.' You say, 'I'm *going* to do that!' I've only said I'd *like* to do something once in my life—and I failed. I just say I'm *going* to do it.

"One must know what they want. Most people wander in the dark. Why? You see, to me, marriage, children, these things are natural for people. But they don't always happen. If they don't happen, that's unfortunate—but it's not a tragedy.

"But people should not work *hard* unless they have a focal point. Something they want to accomplish. It doesn't matter whether it's for their country or for themselves or an organization. Then they have to work hard to do it. And they have to make up their mind to *do* it.

"People have to learn to curb their emotions, discipline themselves. There's a complete breakdown of discipline in this country. I cannot believe some of the things that are happening in our country. If a boy's AWOL today from the military, they sort of kiss it off. They shouldn't do that!"

She continued with another theme:

"You start school when you are six and finish when you are 20 or 21. Then you have a B.A.—a piece of paper in your hand. I don't know the percentage, but I would guess most of the people who get a straight B.A. are not prepared to make a living. They don't know how to go out and get a job and say, 'I can do this.'

"There are an awful lot of mundane jobs that no one, but no one, has ever built up. Now, take domestics. We don't build up this kind of job. We make it look as though there is something ugly about it. Well, there *isn't!* It's a completely normal job for people to do.

"We are so out of balance in our country. We act as though there's a stigma! Now as a youngster I've cooked for people and I don't feel a stigma! I've had every honor in the country and I'm delighted to say I've cooked for people, I've made their beds, I've nursed and I loved it! But people are not *taught* these things—to say it's wonderful to earn a day's keep."

SENIOR CITIZENS

With an eye to the more specialized problems of our members, TRO asked: Do you think we are making adequate use of our older citizens who are still in good health?

"I don't think there is such a thing as a numerical age. We have to have a numerical versus a physical age and we should be judged accordingly. I think that when the gong sounds—say when 65 years old—and you are healthy and well, you've still got great talents to give to people—helpful talents—you shouldn't just be shut off. I also think, with all my heart, that until we finally determine numerical versus physical age, we're going to go on losing great gold mines of talent in our country.

"I know a man who had about two years to go with an airline. He'd raced, he was a great pilot, he'd worked on his farm and he was physically fit—he looked about 45. But at 60 years old—bingo! Now he's testing airplanes. Today he's 65 and he's still testing! Why should an airline be denied this talent?

"I've seen people who were 45 that were very old in flying (it's the only place I've observed it). But at 45 years old they were old men. What that is, whether it's chemistry or whatever, I don't know. But I've seen people old at 45 and I've seen people young at 60."

To try to give Jacqueline Cochran in microcosm in these few pages just is not possible. She is many people in one person—the aviatrix who took unbelievable chances and even today holds international and national records that have never been beaten; the cosmetics executive who built and ran a million-dollar business for over 25 years; the little girl from the poor South who has never lost her wonder and enthusiasm for life in spite of her success, the famous people she has known and the awards she has won—including our country's Distinguished Service Medal, the Distinguished Flying Cross (three times) and the Legion of Merit from our own country, and the Legion of Honor from France, to mention a few; the worldly lady who is the friend of Presidents and statesmen—these are all "Jackie" Cochran. But she is more than that. She is wholly a woman for her times.

U.S. DEPENDENCE UPON RUSSIA FOR CHROME ORE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 28, 1971

Mr. BYRD of Virginia. Mr. President, the Nation's press has taken commendable interest in the question of the dependence of the United States upon Russia for most of its imports of chrome ore.

Last week the Senate, by a vote of 36 to 46, defeated an amendment which would have removed from the military procurement bill section 503. This section would permit resumption of chrome imports from the world's leading source of chrome, the African nation of Rhodesia.

On August 26, the Jefferson City, Mo., Post Tribune published an interesting editorial maintaining that it is inconsistent for this Nation to continue its boycott of Rhodesia while opening trade and other relations with Communist China.

On August 27, the Forrest City, Ark., Times Herald published an editorial supporting legislation to end the ban on imports of Rhodesian chrome.

Furthermore, on September 1, in the Birmingham Post-Herald, a letter to the editor from Mr. George W. Crocker, of Tuscaloosa, took the same position.

These expressions are in addition to dozens of others which have come to my attention in recent weeks.

I ask unanimous consent that the text of these items be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Birmingham (Ala.), Post-Herald, Sept. 1, 1971]

Immoral Policy

The present foreign policy of the U.S. government is immoral and insane. Our government is locking arms in friendship with our enemies, while spitting in the face of our friends. It seems that a firm, anti-Communist government is the only type government which our State Department and Congress will not tolerate.

To attempt to destroy a government which is maintaining domestic tranquility and preserving the liberties of its inhabitants is immoral. However, this is the policy our government is following in regard to Rhodesia. This small nation of 5 million people is one of the most prosperous countries in Africa, and its people—both black and white—enjoy liberty. Yet, we join with the Communist controlled United Nations in an effort to impose on Rhodesia, a system of government which has brought chaos and pro-Communist dictatorships to much of Africa.

Our treatment of Rhodesia is not only immoral, but it is detrimental to the interest of the United States. Senator Harry Byrd states that our country "faces an imminent and serious shortage of chrome." The shortage of this vital metal is a direct result of the boycott of Rhodesian chrome. Communist Russia is now furnishing much of our chrome ore at greatly inflated prices. To become dependent on an enemy for a critical defense material, as we are doing, is insane!

Peaceful Rhodesia is treated as an outlaw nation because she has certain voter qualifications which prohibit immediate rule by a grossly unqualified majority. Contrast the Nixon policy toward Rhodesia with his recent support of the Red Chinese regime, and you will find that the President is not an anti-Communist.

George W. Crocker,
Tuscaloosa.

[From the Jefferson City (Mo.) Post Tribune, Aug. 26, 1971]

Nixon's New China Policy Reopens Issue on Rhodesia

President Nixon has inadvertently reopened debate on another area of United States foreign policy with his recent overtures of reconciliation with Communist China.

How, observers are asking, can the President reconcile our continued participation in the United Nations' economic boycott of the African nation of Rhodesia while opening trade and making other conciliatory steps toward Peking?

While the Nixon Administration's new stance toward Red China does not embrace the Mao Tse-tung regime ideologically, it in effect no longer regards Peking's domestic or international policies to be so offensive as to warrant continued boycott of Red Chinese products or its membership in the world body.

As a result, some members of Congress are asking, "Why, then, do we continue to boycott Rhodesian products, some of which (especially chrome) are vital to our national defense?" It's a good question, worthy of an answer from the White House.

In comparison to China Communist Party Chairman Mao, Rhodesian Prime Minister Ian Smith stands like an angel. Moreover, Rhodesia has long been a friend of the United States. On the other hand, Red China continues to be an enemy of this nation despite its bid for concessions.

Of particular concern on Capitol Hill is the fact that as a result of the anti-Rhodesian sanctions, the U.S. is now heavily dependent upon Soviet Russia, another enemy, for chrome ore. Since the UN sanctions in 1967, the United States has been buying 60 per cent of our chrome from the U.S.S.R. at about $75 per ton. Prior to the sanctions which were pushed by Great Britain, we were buying the same percentage from American-owned companies in Rhodesia at $25 per ton.

Despite inflation, it is obvious the Soviet Union is taking Uncle Sam (American taxpayers) for a financial ride.

Several months ago, Sen. Harry F. Byrd (I-Va.) introduced a proposal which would end the Rhodesian boycott relative to chrome. The Byrd amendment provides that in the event the U. S. is importing a material deemed by the Office of Emergency Preparedness as a "strategic commodity" from a Communist source, there shall be no law against importing the same material from a non-communist source. In fact, the U.S. should end all economic concessions against Rhodesia.

One would have thought the Byrd proposal would sail through Congress. Not so! The liberal Senate Foreign Relations Committee, headed by color-blind J. William Fulbright, tabled the measure. Fortunately, the Armed Services Committee tacked the Byrd amendment to a military procurement bill scheduled to be voted on in the fall. Sen. Byrd is hopeful of Senate passage. House approval seems certain.

But the issue doesn't end there.

In view of his new policy of "normalizing" relations with Red China, President Nixon should end all economic sanctions against Rhodesia. Furthermore, we believe he owes the American people an explanation for this obvious double standard—one in which we disdain our friend and the other where we are moving to grant concessions to an enemy of freedom—Communist China.

[From the Forrest City (Ark.), Times-Herald, Aug. 27, 1971]

Today's Editorial: End the Boycott

Sen. Harry F. Byrd Jr., Independent-Va., has introduced a piece of legislation which is vital to the future of the United States as a free nation.

Byrd's bill provides simply that importation of strategic materials from a Free World country cannot be prohibited so long as imports of the same commodities are permitted from a Communist country.

The purpose of this provision is to correct an almost insane situation which has been permitted to develop and which now endangers America's capacity to defend herself in case of Soviet aggression. This is the refusal of the United States to buy chrome ore, vital to defense production, from Rhodesia, and its increasing reliance upon none other than Russia for this strategic material.

The United States refuses to trade with Rhodesia because it is ruled by a minority government and allegedly is a threat to international peace. As a consequence, the U.S. now buys a major portion of its chrome ore from the Soviet Union, a country which is ruled by a brutal one-party dictatorship and constantly instigates threats to world peace.

The result is that the United States has made its defense production dependent upon the very nation we are supposed to be defending ourselves against. Dependence now is estimated at more than 50 per cent. It will go higher to the point of paralyzing American defenses unless our elected representatives stir themselves.

Byrd's legislation would have the effect of reopening trade with Rhodesia and easing the Soviet grip on America's defenses. The issue is nothing less than our survival as a free and independent nation, but official Washington today is so caught up in false hopes of peace that neither the administration nor Congress will act unless they hear from the people.

THE STATUS OF RETURNABLE CONTAINERS IN YONKERS, N.Y.

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. BIAGGI. Mr. Speaker, the Mayor's Environmental Committee for Action of Yonkers, N.Y., recently made a survey of the availability of nonreturnable beverage containers in their area. They also compiled some interesting cost analyses of returnable versus nonreturnable containers.

Several Members, including myself, have introduced legislation to ban nonreturnable bottles and cans from the marketplace. We often hear manufacturers argue that consumers choose the nonreturnables over the returnables. The most startling information in the survey is that there is very little choice afforded the consumers. For example, only half the stores surveyed offered soda—and only one brand at that—in returnable containers; and only 13 percent offered in popular sizes.

I commend the study to my colleagues to aid them in their continuing analysis of environmental legislation.

The study follows:

Report on the Status of Returnable Containers in Yonkers

Non-returnable beverage containers are becoming an everincreasing problem. From an environmental standpoint, disposable cans and bottles are a drain on our natural resources. Appropriate space for their disposal is becoming scarce. "Throw-away" containers are also a large part of our litter and solid waste problem. The taxpayer bears the cost of the collection and disposal of this refuse. Considering these problems, it has been generally agreed that recycling is the only long-term solution.

Based on the premise that recycling is a necessity, we wanted to determine how it could best be encouraged. Obviously, the best way to promote recycling is to have returnable bottles available with a deposit high enough to encourage their return. The first part of this report, then, will deal with the availability of returnable containers in the city of Yonkers.

In order to determine which Yonkers stores carried returnable beverage containers, those food stores listed in either the Westchester or Yonkers telephone directories were contacted by phone. Also contacted were the local A&P, Finast, and Grand Union chain stores that were not listed in the directories. Without disclosing that a survey was being taken, we inquired as to whether they carried returnable beverage containers and, if so, which brands and in what size containers. A total of 106 stores were surveyed, with the following results:

From the following table, it can be easily seen that beverages in returnable containers are *not* readily available in Yonkers. Only half of those stores surveyed carried any returnable bottles and even these were limited in size and brand. Just one store carried money-back bottles for soda other than Coca-Cola, and only 13% of the groceries offered Coke in returnable bottles smaller than 26 oz. Neither diet soda nor beer could be found in returnable containers.

RESULTS OF SURVEY

[In percent]

	Yes	No
(a) Stores carrying returnable containers	50	50
(b) Chain stores carrying returnable containers	86	14
(c) Small stores carrying returnable containers	40	60
(d) Stores carrying Coke in returnable containers	50	50
(e) Stores carrying returnable Coke not in 26 oz. containers	13	37
(f) Stores carrying other soda (not Coke) in returnable containers	1	99
(g) Stores carrying diet soda in returnable containers	0	100
(h) Stores carrying beer in returnable containers	0	100

After determining that beverages in returnable containers are severely limited in Yonkers, methods were considered for increasing their availability. Discussions with store managers have shown that they will not voluntarily increase the selection of returnable beverage containers. An alternate solution to this problem would be to ban non-returnable containers through the legislative process. Although the environmental benefits of such a bill cannot be contested, too great a cost to the consumer would be undesirable. The second part of this study will consider the difference in prices between returnable and non-returnable beverage containers.

A random sample of 53 stores was taken from the original list for collecting the information used in this study. MECA volunteers went to each of the stores to determine the prices of the following six items (where available): six-pack (16 oz.) returnable bottles of Coke; two 26 oz. returnable bottles of Coke; eight-pack (16-oz.) no-return bottles of Coke; two 32 oz. no-return bottles of Pepsi; six-pack (12 oz.) no-return cans of Pepsi; six-pack (12 oz.) no-return cans of Coke. The average price and the average price per ounce of the six items were calculated.

	Average price	Per ounce	S.R.P.[1]	Per ounce
(a) 6-pack (16 oz.) returnable bottles[2]	$1.09	$1.13	$0.79	$0.82
(b) 2 26-oz. returnable bottles[2]	.58	1.04	.49	.94
(c) 8-pack (16 oz.) no return bottles[2]	1.64	1.28	1.45	1.18
(d) 2 32-oz. no return bottles[3]	.74	1.16	1.09	1.70
(e) 6-pack (12 oz.) no return cans[2]	1.13	1.57	1.03	1.48
(f) 6-pack (12 oz.) no return cans[3]	1.12	1.56	.99	1.24

[1] Suggested retail price.
[2] Coke.
[3] Pepsi.

Contrary to expectations, the items with *returnable* containers cost *less* than those with non-returnable containers. Coca-Cola was used for price comparison because it was the only brand that stores offered in returnable containers. Pepsi was used for its similar quality and container sizes and for statistical reasons (see Appendix C). The manufacturers' S.R.P. was used for its statistical equivalence to prices found in chain stores.

	Returnable	Nonreturnable
(a) Average cost per oz. (S.R.P.[1])	$0.88	$1.24
(b) Average cost per 12 oz. (S.R.P.[1])	10.46	14.86
(c) Average cost per oz. (survey)	1.09	1.34
(d) Average cost per 12 oz. (survey)	13.08	16.08

[1] Suggested retail price.

The average price for twelve ounces was computed because that is the most abundant size beverage container. The possible savings for Yonkers' consumers in purchasing only returnable containers can be calculated from this information.

	Survey	S.R.P.
(a) Average savings per 12-oz. bottle (cents)	3	4.4
(b) Average savings (percent)	23	42
(c) Annual savings to Yonkers consumers (millions)	$1.6	$2.3
(d) Annual savings family of 4	$32	$46

[1] Suggested retail price.

The actual savings are probably somewhere between the result of the survey and that of the manufacturers' suggested retail price, which is close to the average price found in chain stores (see Appendix C). Although a $1.6 million savings is considerable, it can be seen as a conservative amount. This is due to the much larger marketing volume of chain stores, which increases the probable consumer savings. The figures were calculated by multiplying the average savings per bottle by the 53 million beverage containers Yonkers consumers buy annually.

CONCLUSION

The Yonkers consumer does not now have a real choice between returnable and non-returnable beverage containers. Industry states that the consumer has chosen disposable bottles over returnables. The truth is that this choice has been made by the food stores and not the consumers. If you want beer, diet soda, or regular soda other than Coke, you must buy non-returnables. If you want to buy Coke in returnable bottles smaller than 26 oz., you will have to do much searching to find a store that carries them. With a little effort, you can probably find returnable Coke in 26 oz. bottles, but for a citizen unwilling to damage the environment with empty cans and bottles, this is not much of a choice.

For environmental reasons, it is very advantageous to promote recycling through the use of returnable bottles. Even if returnables *did* cost more, it would be worth a few cents extra in order to reduce the environmental problem, *but returnable containers do not cost more money—they are cheaper*. Returnable bottles are as much as 42% less expensive. This equals 4.4¢ per twelve ounce container. Yonkers' consumers could save as much as $2.3 million annually if they used only returnables. That equals $46 a year for a family of four.

Usually, economic arguments run contrary to environmental arguments. In this case, we can save money and help the environment at the same time. All we have to do is require that all beverage containers be returnable. This will permit us to take advantage of a rare opportunity.

A NATIONAL COMPUTERIZED ADOPTION PROGRAM

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, September 28, 1971

Mr. GRIFFIN. Mr. President, recently I announced my intention to offer an amendment to the omnibus social security and welfare reform bill to establish a computerized national adoption information exchange program.

Such a program would help to solve a nationwide problem. In some communities there are many would-be parents—but not children available for adoption. In other areas, many children are available for adoption—but there are no prospective parents interested in adopting them.

Such a nationwide information exchange program, utilizing modern computer technology, could be particularly helpful in finding homes for minority group children, those of mixed racial backgrounds, and youngsters with physical or psychological handicaps.

Recently, I received a thoughtful letter from Mr. and Mrs. Dwight McMurrin, of Ann Arbor, Mich., who have experienced serious difficulties in their efforts to adopt a child. Their experience underscores the need for a national adoption network.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANN ARBOR, MICH.,
September 19. 1971.

Senator ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: I read in a Detroit paper recently about your proposal for a computerized adoption exchange. How very much in need our family is for just such a service. We began our adoption proceedings in October 1970, with the Michigan Social Service Department in Ann Arbor. Little did we dream that a year later we would still be waiting for a black or bi-racial boy, between 1½ to 3 years old.

We have made personal telephone calls to places as far away as Amarillo, Texas; St. Louis, Missouri; Chicago, Illinois; Richmond, Virginia; and as close as Toledo, Ohio. This has all been in a vain search to locate a child after getting a lead through Time Magazine, newspaper articles, or referrals. We are unwilling to give up, but dread the thought of another year's wait. Surely some agency in the U.S. has a child waiting for the love and security our family has to offer.

We can continue this desperate search throughout other States or sit back and wait until our agency turns one up. In the meantime, the child we seek lingers on another year without permanent parents. Since my husband is a Junior High School Teacher and myself a former Elementary School Teacher, we know how detrimental it can be for a child to be shuttled from foster home to foster home.

Please work hard and get Congress to approve your amendment for a computerized adoption information exchange program. We know of several other Michigan families, like ourselves, who have already waited one and two years for racially mixed children. This indicates the supply is not being matched with the demand. Our family is discouraged with waiting.

Sincerely,
Mr. and Mrs. DWIGHT MCMURRIN.

QUAKER OATS CO. HIGHLIGHTS SOCIAL AWARENESS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. McCLORY. Mr. Speaker, a highly informative article appeared recently in the Chicago Daily News—attesting to the awareness of the Quaker Oats Co. of the social problems of our society.

This example which has been set by Quaker Oats Co. is one which American industry generally should consider following.

Mr. Speaker, I am proud that many of the officers and employees of the Quaker Oats Co. reside in my 12th Congressional District of Illinois, and that this Illinois-based company is providing significant leadership in behalf of a better America and a better world.

Mr. Speaker, the article, reproduced from the June 24 edition of the Chicago Daily News, follows:

Social Awareness Profits Company: Quaker Oats Project Teaches Nutrition to Poor

(By David Hall)

In 1966 Quaker Oats Co. was running a program where its employees spent two hours once a week, tutoring children on Chicago's South Side.

The Quaker workers noticed that many of the 8-to-12-year-old children kept falling asleep during the early evening sessions.

The reason was hunger. Many of the children hadn't eaten since breakfast.

"We found we weren't really doing much to teach nutrition," said Thomas F. Roeser, director of public affairs at Quaker.

So in that year, Quaker contracted with home economist and teacher Mrs. Velma Hines Dixon to work on the problem.

Predictably, she found that hunger and malnutrition was caused by poverty. But she also found a surprising lack of knowledge on how to plan proper meals.

Mrs. Dixon worked through community organizations and churches. She held classes, often in the apartment of one of her pupils. What she taught was basic meal planning and nutrition—with the emphasis on help for the low-income homemaker.

Her programs have included trips with students to local markets, where she held classes on shopping. She has taught some 500 persons under the program.

Quaker now has Mrs. Dixon working with the Chicago Department of Human Resources, teaching persons to carry on nutritional-education programs among poor people.

This Quaker Oats program has been little publicized in an era when corporations are grabbing for every chance to link themselves with concern for the consumer.

Little publicity also has been given to Quaker's underwriting of Sesame Street for showing on television in Chicago, Buffalo, N.Y. and Washington, D.C. The company is spending $100,000 a year to bring this acclaimed educational show to pre-school children. And in Chicago, the Sesame Street 5-hour rerun on Saturday morning is shown opposite some commercial TV shows sponsored by Quaker Oats.

The company is active politically, too—without apologies.

"We have the basic corporate policy that when there is a public issue that involves us, we'll respond," said Robert Thurston, vice president-corporate affairs.

In the current session of Congress, Quaker is actively supporting a bill sponsored by Rep. John Erlenborn (R-Ill.). The Elmhurst lawmaker would establish a statutory office of consumer affairs in the White House and create a consumer-protection agency within the Federal Trade Commission.

The company encourages its plant managers to write or call a congressman in their district when a piece of legislation that Quaker is interested in is being considered.

Roeser says: "We have always believed we should support legislation rather than oppose it—where we can."

The company would prefer to see private industry increase its efforts to reform and police itself. But Roeser acknowledged that too often, trade associations have "become vehicles to tell an industry what bills they should oppose next."

Quaker, through one of its top officers, played a large part in an ambitious effort to bring effective self-regulation to advertising. Company vice president Victor Elting Jr. has spent most of the last year developing the program.

The plan sets up a National Advertising Review Board of 50 members (including non-advertising representatives). The board will work to prevent false advertising and to guide in such matters as taste. The board has empowered itself to recommend action by the Federal Trade Commission, where voluntary compliance cannot be gained.

Although many men in the advertising business worked on the program, Elting is credited with providing the key stimulus.

On its own, Quaker has adopted a comprehensive policy on nutrition, and how it must be explained through product labeling and advertising.

Here are two relevant excerpts from the policy:

"To the extent permitted by the law, the company will label all products which make a significant nutritional contribution to the diet with ingredient information."

"The advertising and promotion policy prohibits nutritional claims unless the product makes a significant contribution to the diet. It also prohibits the illusion of nutritional claims by implying excessive physical or psychological benefits or using such words as 'supercharged.'"

Why is Quaker oats such an "involved" company?

"It sounds trite, but it's good business," said Thurston. "We're still in business to make a profit. Nothing we do compromises that objective."

"There is often a basic misunderstanding of what it takes to make a buck today," Thurston said. And he clearly believes that a company that does not take into account the social impact of its business might not be around much longer in today's political climate.

PROPOSAL FOR RECONFIRMATION OF FEDERAL JUDGES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 28, 1971

Mr. BYRD of Virginia. Mr. President, in recent editions of the St. Louis Globe-Democrat, the Natchez, Miss., Democrat, and the Anderson, Ind., Herald, editorials were published discussing the merits of my proposal that Federal judges be subject to reconfirmation by the Senate every 8 years.

These and other editorial expressions are stimulating a healthy debate on this subject.

I ask unanimous consent that the text of the editorials be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the St. Louis (Mo.) Globe-Democrat, Sept. 9, 1971]

To Restore Reason to Federal Bench

The suggestion by Sen. Henry Byrd that the Senate review the qualifications of federal court judges every eight years merits serious consideration.

Under the existing laws, federal judges are appointed for life. They do not have to stand for reconfirmation, giving them powers not associated with other members of the judiciary.

It is Byrd's contention that periodic review is needed because in recent years federal judges have increasingly ignored "the unwritten canon of judicial restraint . . ."

The conservative minded independent from Virginia said too many members of the federal bench have assumed more and more power, with some undertaking administrative and political authority.

"The revolution which began in the Supreme Court has permeated the lower federal courts," Byrd said. "Judges of these courts have, in many cases, arrogantly assumed unto themselves the prerogatives of lords of the Middle Ages. Nothing exists in our system at present to control these judges . . ."

The Virginia senator charged that too often the hallmark of the modern court has been power, not reason.

It is opportune that Byrd's suggestion comes at a time when the Supreme Court is not under the gun. His proposal can be considered in a cool and objective manner, as it should be. Rational construction of the federal bench is needed now more than perhaps at any time in our history.

[From the Natchez (Miss.) Democrat, Sept 7, 1971]

Commend Harry Byrd, Jr.

The Legislature of the neighboring State of Alabama has adopted a resolution commending U.S. Senator Harry F. Byrd, Jr., of Virginia for his proposal to limit the terms of federal judges through a constitutional amendment.

Judges now serve life terms but Senator Byrd would make them subject to reconfirmation by the Senate every eight years after a review of their performances.

The Alabama Legislature's resolution voiced growing nationwide resentment of usurpation of power by many federal judges who trespass on authority reserved to the states and to the executive and legislative branches of federal government.

As Senator Byrd said in proposing his constitutional amendment plan to limit judicial power, many federal courts in recent years have apparently acted under the pretense that the Constitution is whatever they say it is at the moment.

Prayer has been swept from our schools; the historic right of a state legislature to redistrict itself has been abolished; sociological theories have replaced written laws and traditional equity powers have been enlarged to allow rule by judicial whim.

Sentor Byrd's arguments in behalf of his proposed constitutional amendment raise logical points which our own Senators Eastland, Stennis and other concerned statesmen have been stressing in tireless efforts for reform.

In casting aside the traditional doctrine of judicial restraint federal courts have assumed what often amount to dictatorial powers. Since they are not accountable anyone, it is certainly in order for Congress and the American people to impose realistic restraints.

[From the Anderson (Ind.) Herald, Sept. 12, 1971]

Federal Judge Reconfirmation—

Sen. Harry Byrd of Virginia, an Independent, has proposed a constitutional amendment that would allow the U.S. Senate to reconfirm federal judges every eight years. They are currently appointed for life.

In making his proposal the senator said: "It is time we made federal judges more responsible to the people. Too many have assumed more and more power—and have run rampant in asserting authority over the daily lives of all Americans . . . In recent years the federal courts have acted under the premise that the Constitution is whatever the judges say it is."

We feel that Byrd's amendment would be a wise move because in recent years most federal judges have ignored what the senator terms "the unwritten canon of judicial restraint, as expressed by such great justices as Holmes, Brandeis, Hughes, Cardozo and Frankfurter."

This restraint, he says, "was one of our most hallowed legal principles."

As is the case with most lifetime appointments, the federal judgeships have long been considered somewhat sacred. Quite often federal judges continue to serve beyond an age when their reasoning is sound. In other instances, some younger men have used the posts to gain power and rather than rule on the basis of the law have used the federal bench to enforce their own personal views.

Sen. Byrd notes that "Prayer has been swept from our schools; the historic right of a legislature to redistrict itself has been abolished; sociological treaties have replaced the common law; tradition equity powers have been enlarged to allow rule by judicial fiat."

Mr. Justice Cardozo once said that if judges are permitted to substitute their personal sense of justice for rules of law, the rein of law will end and the rule of benevolent despots will begin. He was so right. We are witnessing just such a happening in many areas today.

It is obvious that in too many cases we are witnessing the modern court ignoring reason to exert power. A perfect example are the rulings recently in several federal courts about busing of school children.

Indianapolis can be cited as one of those instances where unless busing, against the will of parents and students of both races, just for the sake of attaining a racial balance on a large scale, has been ordered.

Since people have the freedom to select the neighborhood in which they live, why wouldn't it be wiser and more reasonable to rule on the school integration issue on a school district basis—that is, seeing that the ratio of black and white students in each school is equivalent to the ratio of black and white school age children residing within that district—be just as fair and a lot more practical?

Byrd, bolstering his argument for the amendment, said: "The revolution which began in the Supreme Court has permeated the lower federal courts. Judges in these courts have, in many cases, arrogantly assumed unto themselves the perogatives of lords of the Middle Ages. Nothing in our system at present exists to control these judges. They have lifetime appointments. Their passions of the moment are unrestrained."

Citing instances, Byrd said some judges have even undertaken administrative and political authority.

One court ordered a state to forego the election of a local officials, though the issue never had been presented to the court by any of the parties involved.

"One federal judge," Byrd said, "has stated that he is contemplating the consolidation of the school systems of two counties and one city. If this can be done, what is to prevent the judicial enforcement of total mergers of cities and counties?"

Naturally the judges will oppose such an amendment because they do not wish to be required to answer for their decisions. They will argue that making them immune from reconfirmation allows them to make their rulings without though to any outside pressures.

The basic premise of that reasoning is sound and that is undoubtedly one of the reasons their appointments were originally for life. But, on the other hand, judges are human. Some are weaker than others. Some want justice and others want power. And, all too often permanency in a position brings out the despot in an individual. That is what has been happening in some of our federal courts.

Sen. Byrd's proposal should be given very serious consideration.

SUPPORT OF H.R. 10784

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, I am pleased to be a cosponsor of this bill, which will amend the District of Columbia Election Act of 1955, as amended, in several important and timely respects.

The first provision of this bill will amend the residency period required for voter qualification in the District of Columbia. The present District of Columbia Election Act provides in part that a qualified elector—that is, one who is qualified to register to vote—must be a U.S. citizen who has resided or has been domiciled in the District of Columbia continuously since the beginning of the 1-year period ending on the day of the next election. This 1-year residency requirement has been in effect since this law was originally written in 1955, and until quite recently it was considered to apply to voting in all elections in the District of Columbia. Two recent developments, however, have upset this concept of a uniform residency requirement, and thrown the system of voter registration in the District into confusion.

I wish to point out that under present law, voters in the District of Columbia are entitled to participate in elections for President and Vice President, for the District of Columbia Delegate to the House of Representatives, for members of the Board of Education, and, in addition, and in May of each presidential election year in party primaries to elect local party officials, delegates to the presidential nominating conventions, national committeemen and committeewomen, and on so-called party questions. As I have stated, the residency requirements in all these elections has been 1 year, until in the past year.

The first change in this uniform 1-year requirement occurred in June of 1970, when the Congress enacted Public Law 91–285, which determined in effect that in the case of presidential elections, a durational residency requirement of more than 30 days was "constitutionally abhorrent." In that legislation, the Congress directed that each State provide by law for the registration of its duly qualified residents on the basis of a 30-day residency requirement, for presidential elections; and that legislative edict specifically included the District of Columbia in the definition of "State." Hence, this act included a clear congressional statement of policy, at least, that the 30-day residency requirement should apply to presidential elections here in the District of Columbia, as in all the States.

The second event which affected the existing residency requirement occurred in November of 1970, when the U.S. District Court for the District of Columbia, in its decision on the case of Lester against Board of Elections, held that the 1-year residency requirement for voting in the elections for nonvoting District of Columbia Delegate to the House of Representatives was unconstitutional. As a result of this decision, a number of people who had not lived in the District of Columbia for as long as a year registered and voted in the initial primary and general elections for District of Columbia Delegate in January and March of this year. As a matter of fact , although the court did not specify any definite period of residency less than 1 year which might be imposed for voters in Delegate elections, the District of Columbia Board of Elections decided to adopt a 30-day period as the standard. At this time, however, this policy is not a matter of law.

At this time, therefore, the registration and participation of voters in the District of Columbia in the various elections in which they may vote is subject to three different requirements—30 days for participation in the elections for President and Vice President, some indefinite period less than 1 year for elections of District of Columbia Delegate to the House of Representatives, and 1 year for elections of Board of Education members and for the party primaries. This conglomerate situation obviously will cause confusion and difficulty on the part of the election officials and the voters alike.

In order to alleviate this problem, the first section of H.R. 10784 provides a 30-day residence requirement for voters in the elections for President and Vice President, in accordance with the congressional mandate referred to above; and a requirement of 6 months of continuous residence for all other elections.

I regard these provisions as both adequate and reasonable. As for the 30-day requirement of residence for participation in the elections for President and Vice President, aside from the fact that this is virtually a compliance with the dictates of Federal law, inasmuch as the issues involved in these elections are national in nature and scope, they are readily understandable by all people regardless of their place of residence. For this reason, I can see no difficulty with the 30-day period of residence in this connection. Since all the other elections held in the District of Columbia are purely local in nature, however, I feel strongly that this same 30-day period of residence would not be adequate to assure that the voters could have the opportunity to become sufficiently informed as to the issues and the candidates in these elections for members of the Board of Education, the District of Columbia nonvoting Delegate to the House of Representatives, and the various issues in the party primaries. Hence, I believe that the requirement of 6 months of residence for participation in these elections of a local character is a proper one.

These provisions for residency requirements will at least reduce the confusion and multiplicity of registration books to a considerable extent, and also will put the District in compliance with the 1970 amendments to the Voting Rights Act and with the U.S. court decision in the Lester case.

The second provision of H.R. 10784 will reduce the minimum age required in the District of Columbia Election Act for voter participation in the District of Columbia from 21 years to 18 years of age.

Public Law 91–285, which was approved in June of 1970, amended the Voting Rights Act to provide that citizens who are otherwise qualified to vote, and are at least 18 years of age, may vote in Federal elections held on or after January 1, 1971. Then on July 5, 1971, the certification of the 26th amendment to the U.S. Constitution extended the franchise to 18-year-old citizens in all elections.

Hence, this provision in H.R. 10784 is pro forma, and merely a technical change to make the District of Columbia statute conform to existing law.

The third and final provision of H.R. 10784 will extend the date for runoff elections for candidates for the District of Columbia Board of Education from 21 days after the general election as presently specified, to 28 days subsequent to such general election.

I am not surprised that this period of 3 weeks between the general election and a runoff in the case of school board candidates has proved too short. The law permits any candidate to petition the Board of Elections for a recount of the votes at any time within 7 days after the Board has certified the results of the election, or he may petition the U.S. Court for the District of Columbia during that same period of time to review the election results. Since it takes the Board of Elections several days normally to certify the results of the election, it is obvious that such a petition either to the Board or to the court, if filed 7 days after such certification, would actually occupy at least half of the 21-day period before the runoff election would have to be held. And only after the completion of such a recount or review would it be possible even to know whether or not a runoff would be called for, and if so, which candidates would be eligible to compete in the runoff. Thus, little time indeed would remain for the Board of Elections to prepare for the runoff and for the candidates to campaign for such election.

In the case of elections for District of Columbia Delegate to the House of Representatives, the District of Columbia election law provides that the Board of Elections may set the date for a runoff election at any time between 2 and 6 weeks after certification of the results of the general election. However, I do not believe that this provision would be suitable in the case of School Board elections, as has been provided in S. 2495 recently approved by the Senate. In the first place, runoff elections are much more likely to be necessary for School Board candidates, partially because in such an election the leading candidate must receive a majority of the votes cast in order to avoid a runoff, whereas in an election for District of Columbia Delegate, a candidate must receive only 40 percent of the vote in order to be elected. The uncertainty as to the date for such a runoff election, when the Board of Elections has the option of a 4-week period within which to schedule the runoff, is undesirable in my opinion, from the standpoint of the Board as well as that of the candidates themselves. If one candidate should wish the runoff to be held as early as possible, and the other wished more time for campaigning, then the Board of Elections would be subject to criticism and charges of favoritism regardless of the date determined for the runoff. By contrast, the 28-day period set by H.R. 10784 is both adequate and reasonable.

It is inevitable that the District of Columbia Election Act will have to be amended from time to time. It is a relatively new law, and its provisions are, of course, subject to trial and error. The amendments provided in H.R. 10784 are to some extent the result of experience gained in the relatively few elections which have been held under this act, and to some degree the result of other legislation and certain court decisions. All these provisions are timely, and constructive efforts to meet these changing conditions.

Mr. Speaker, I urge the support of my collegues for the passage of this proposed legislation.

OVERHAUL OF NATION'S WELFARE SYSTEM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 28, 1971

Mr. BYRD of Virginia. Mr. President, ever since the administration first put forward its proposal for a major overhaul of the Nation's welfare system, the distinguished Senator from Louisiana (Mr. Long), chairman of the Committee on Finance, has made a number of sound suggestions and contributions to the debate on this subject.

In an interview with Mr. Frank Van der Linden, Washington bureau chief of the Nashville Banner, Senator Long once again has offered cogent observations about the administration's welfare plan.

I was especially impressed with this comment by Senator Long in the interview:

> Now we will try to pass some real welfare reform legislation, not that scheme which would make welfare more attractive than work.

I think that comment by Senator Long sums up much of the objection which many members of the Finance Committee, and indeed many people all across the country, have with regard to the administration's plan. Senator Long is proposing a plan of his own as a substitute for the administration's proposal. He outlines the essentials of this plan in the interview with Mr. Van der Linden.

I ask unanimous consent that the text of Mr. Van der Linden's article, "Nixon Tax Cut Package Next," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Nashville (Tenn.) Banner, Sept. 7, 1971]

Nixon Tax Cut Package Next

(By Frank Van der Linden)

Washington.—President Nixon's welfare reform bill is being sidetracked in the Senate, at least until 1972, to make way for the new "Nixon Express"—his tax-cut package aimed at stimulating the economy.

The senators are going along with the President's request that Congress postpone the effective date of the welfare bill for a year, and his revenue-sharing plan for three months. These are major items in the $4.7 billion Federal spending cut which he ordered to offset the revenue loss from the tax reductions.

Some Senate Finance Committee members, who bitterly oppose the President's welfare bill to guarantee a $2,400 annual income for each family of four, are delighted to delay it until next year, and perhaps even later.

"We were going to delay it anyhow," Chairman Russell Long said with an ironic laugh. "It's nice of the President to take the pressure off. Now we will try to pass some real welfare reform legislation, not that scheme which would make welfare more attractive than work."

Sen. Harry F. Byrd, Jr., the Virginia Independent on the committee, said: "Nixon has taken the graceful way out. He has acknowledged that his new welfare program would be inflationary and expensive, costing about six billion dollars a year. Now we should drop the whole thing."

Long said Congress agreed with the President that the present Aid to Families with Dependent Children is "a mess" and must be reformed. AFDC recipients have skyrocketed from 3,073,000 in 1960 to 9,660,000 in 1970.

But the Louisiana senator said figures from the Department of Health, Education and Welfare indicated the children on welfare would rise still further, to 19 million, while the total of people on the welfare rolls would jump from 13 million to 26 million, under the Nixon plan.

The House of Representatives passed the welfare bill last June, despite opposition by conservatives who said it would cost too much and liberals who said it would give the poor too little.

The measure also requires that able-bodied welfare recipients must register and accept jobs offered to them. But one insisted those requirements were "a farce," because "the Labor Department's record in placing welfare recipients in jobs is very, very poor."

The Louisiana senator proposes a new approach—to supplement the wages of low-income workers.

He said: "This is how my new bill would work: Say a father is earning $1.40 an hour but still can't earn enough to support his family. We would add sixty cents to make that $2 an hour. His check from his employer would include a voucher for the Federal supplement. It would be a reward for working, not for loafing.

"There are jobs all over America, begging for people to fill them," Long went on. "People should take those jobs, even though they may be called 'menial.' If a man will do the honorable thing, my bill would add to his earnings. Under the Administration bill, he would lose about eighty cents of each dollar he earned, because the family assistance payments would be reduced accordingly."

Long proposes to split the House-passed welfare package and have the Senate approve the sections "we can agree on," including a five per cent increase in Social Security benefits, while postponing Nixon's Family Assistance Plan into the dim, distant future.

He also plans action on the President's new tax-cut package as soon as it comes over from the House, which is expected to enact it in late September.

It's three main points are:

(1) A speed-up in personal exemption increases and higher deductions, estimated to provide individual taxpayers with $4.8 billion per year, effective January 1.

(2) Repeal of the seven per cent excise tax on automobile sale, to be retroactive to August 15.

(3) A tax credit of 10 per cent for one year, and a five per cent credit for ensuing years, on investments in new American-made equipment and machinery.

ATTACKS ON LAW ENFORCEMENT OFFICERS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. PATTEN. Mr. Speaker, my district has been saddened, because we have had three police officers shot by armed robbers in the past week. Two of these men have died, and the third one is in serious condition. The result is that many of our good people are looking for answers.

I am pleased to place in the RECORD a statement by the wife of one policeman, Mrs. Edward Sneed, of Edison, N.J., who, like many others, would be very anxious to do something about this situation:

WHO ARE THE LAWS PROTECTING?

Today, I attended the funeral of the Police Officer who was killed, or to be quite frank, brutally, uselessly murdered! I was filled with mixed emotions for his family and those who loved him, and hatred for the laws that are indirectly responsible for this tragedy. If you are asking why, I'll tell you.

This needn't have happened, if, and I might add, the if's are numerous.

If, the Police were issued proper and adequate equipment rather than those they now use, which are inferior.

If, the windows of the patrol cars were bullet proof, as are those of the higher echelon, the police face dangers untold and unknown every hour they are on duty and off as well. Are their lives meaningless because they are only patrolmen? Are they more easily replaced? If you think this, then ask some of their wives and those women who were made widows, how they feel?

If, the courts and the law stood behind the police, where they rightfully belong, and backed them up with any and all charges the patrolman brings against a criminal offender, instead of trying to win a popularity contest, at the expense of the patrolmen. Do you wonder then, why there is no respect for the policemen and the law they try to uphold?

If, the court laws did not protect the criminal with a law, that is beyond being called ridiculous, that every law offender arrested, be given his "constitutional rights," lest he be freed of any and all charges. A criminal offender does not warrant any rights, he forfeits these rights, the minute he engages in breaking the law. He is, and should be treated for what he is, a criminal offender!

If, the judges who sit in judgment of these offenders, would bear in mind that the law breaker before them is not there for jaywalking, but on charges that warrant severe punishment. They would also be wise to eliminate from their vocabulary the sentences of "on probation, and sentence suspended." Is our need for a Police Force to have the Patrolmen apprehend these offenders, only to have them released to society, by lenient judges and laws that now work in reverse? That being, protect the guilty and punish the innocent? For that is precisely what has just happened to these two patrolmen, who were very conscientiously doing their job, with inadequate equipment, I might add! One was murdered and the other seriously wounded, because of a law that made it possible for a degenerate ——— ———, who was in prison for commiting a murder, and was serving a life sentence, mind you now, not a death sentence, as he justly deserved, but a life sentence! He was also, after too short a time made a trustee! Had he been given the death sentence, he justly deserved, he would not have been in the convenient position, to have committed his second murder. Are the courts now satisfied?

The biggest and most hideous error the courts can make, is to approve and pass the abolishment of the capitol punishment law! With the approval of this law, the crime rate can only go one way, and that is up! Which is where it's going.

If a person, regardless of who he is related to, be it the congressman, the governor, or the President, commits an act of breaking the law, he should be treated accordingly, and not have the law changed to protect him from punishment.

Now, I ask you, who has the free rein in your community, in controlling the crime rate. Is it the criminal offender or the law enforcers?

As citizens of your community, you have not only the right but the means to demand tighter laws, laws that will protect you against these degenerate offenders, many of which are repeating offenders who escape their just punishment through the legality and protection of the courts!

Petition your officials, the congressmen, senators, governors, and the President himself! Insist that the police be given, once again the power and authority that he might be better able to do the job that he is qualified for, to uphold the law and make your community a safer place, that you might raise your children in safety! Demand that they untie his hands, so that he can do his job! Demand also more efficient equipment, protection of bullet proof windows, sentences that fit the crime, a tighter gun control, capitol punishment and anything I might have omitted!

It not only is your right, but it is your duty, to demand these issues, for your community. Do your part in helping the law enforcers of your town achieve the means to make it safer for you! Lest you lose sight as to who or what a Policman is, I'll tell you.

He is the one you call when your child is hurt, ill, or lost. He is the one you call when your neighbor looks at you disapprovingly, when your being abused in any way. He is the one who leaves his family on holidays, that they celebrate alone, he is out in weather ranging from a sweltering 100 degrees to sub-freezing, ice slicked roads to torrential downpours. Weather, you yourself wouldn't go out in, but when you need help, you expect him to answer your call and solve whatever problem you hand him. He acts as many things to you, he is a sense of security, a clergyman, a referee and countless other professions he must fill in for. He is someone that is held up to ridicule, demeaned personally, verbally abused, and harrassed. But he continues to answer your call for help. But please bear in mind, he is also a human being with feelings and the right to live!

If you think I feel strongly about these men and the issue involved, well I do! My husband is a patrolman, and like many other police wives, take pride in what he is and stands for. But he is also, the father of my children, and I want neither to be a statistical widow, nor do I want my children to be fatherless.

Believe me a flag, that a widow receives is a small comfort to her, and by far, not an even exchange.

HOW WE CAN REDUCE OR ELIMINATE THE NEED FOR THE DRAFT IN THE ARMY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. DOWNING. Mr. Speaker, we are all concerned over the correct solutions to problems regarding our national defense, especially the methods for achieving adequate manpower strength within our defense structure. After having recently spent many hours on legislation extending the selective service draft system for an additional 2 years, the Congress is especially aware of the many problems involved in establishing an effective program for attracting and retaining capable and willing military personnel. An individual who has had vast experience in such matters, Gen. Bruce C. Clarke, retired, has recently shared his thoughts with me on how we can reduce or eliminate the need for the draft, and I share his ideas with my colleagues at this time by having them inserted in the RECORD:

HOW WE CAN REDUCE OR ELIMINATE THE NEED FOR THE DRAFT IN THE ARMY?

1. Congress establishes the size of the United States Army.

2. It then supports measures to raise the numbers it authorizes.

3. The Policy of the Administration is:

(a) To do everything practicable to make military service attractive in order to encourage enlistments and reenlistments.

(b) To fill the deficit by an equitable Selective Service System in being.

4. The Army's attitude is to do everything practicable to support the Administration's policy. Increasing the percentage of enlistees in the Army is to the Army's and our country's benefit, even if we do not fill 100% of the requirements in that way.

5. Improving *leadership* in the Army is a part of the Army's policy for a Modern Volunteer Army.

6. We can cut the number necessary to be drafted to the extent that we can fill our requirements by reenlistments and enlistments. Every man who reenlists or enlists reduces the Draft by one.

7. The Army will do its best to increase enlistments and is dedicated to doing that, but since enlistment is a personal matter whereby the young man signs a contract to serve his country, he must receive a great part of his motivation to enlist from congressmen, senators, educators, the media, clergy, his family and his neighbors. When all effectively carry out the part they must play, the Draft can gradually be reduced to zero.

8. There must be an effective cooperative effort between the military and the public to secure the enlistments necessary to reduce or eliminate the Draft. The Army is and will continue to do its part in this effort.

9. The Army needs our people to do their part in this national effort.

SPECIAL ORDER: JUSTICE HUGO BLACK

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. MIKVA. Mr. Speaker, a great guardian of our constitutional process passed away last week. I plan to take a special order for Monday, October 4, in order to pay tribute to the late Justice Hugo Black.

I would welcome the participation of any of my colleagues who wish to join in the commemorative special order.

U.N. MEMBERSHIP

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. HARVEY. Mr. Speaker, last Monday, several colleagues and I rose to support House Concurrent Resolution 322, sponsored by the gentleman from Missouri (Mr. HUNGATE). This resolution calls for the United States to initiate and to support high-level studies for the review of the United Nations Charter. As I pointed out in my remarks at that time, one of the most pressing areas for Charter review is that of admission to the General Assembly. Prof. Stephen M. Schwebel of the School of Advanced International Studies, the Johns Hopkins University, was written on this very same subject in the Washington Post for September 26, 1971.

Professor Schwebel contends that if the U.N. is to continue as a viable world organization, the policy of universal admissions should be taken in hand. He says:

> The Assembly's stock tends to depreciate as the bonds of its membership widen. Universality is not to be confused with ubiquity.

As a possible solution to this dilemma, Schwebel speaks of associate membership in the United Nations for the mini-states, an idea that I believe worthy of consideration.

I commend this excellent article to my colleagues and insert it in the RECORD at this point:

QUESTION OF RULES FOR "MEANINGFUL U.N. MEMBERSHIP"—WHAT SHOULD THE U.N. DO ABOUT THE MINI-STATES?

(By Stephen M. Schwebel)

Fifty years ago, the Assembly of the League of Nations demonstrated a lot more sense than did the General Assembly of the United Nations last week. The issue then, as now, was the status of the mini-states.

Liechtenstein was denied admission to the League by a vote which followed upon a report made to the assembly. That report stated that "Liechtenstein has been recognized de jure by many states. She has considered a number of treaties . . . The Principality of Liechtenstein possesses a stable government and fixed frontiers . . . There can be no doubt that juridically the Principality of Liechtenstein is a sovereign state, but by reason of her limited area, small population, and her geographical position, she has chosen to depute to others some of the attributes of sovereignty . . . Liechtenstein has no army. For the above reasons, we are of the opinion that the Principality of Liechtenstein could not discharge all the international obligations which would be imposed on her by the covenant."

The General Assembly of the United Nations has just voted to admit Qatar to membership (along with Bahrein and Bhutan). The unanimous recommendation of the Security Council on which this action was based shows no signs of the judiciousness which characterized the League's proceedings of 1920. By 1920, Liechtenstein had been more or less independent for 200 years; by 1971, Qatar had been independent for some weeks. The population of Liechtenstein (not a U.N. member any more than it was a League member) is about 21,000; that of Qatar, about 80,000. Qatar's approximately 4,000 square miles—only an approximation, since its frontiers, unlike Liechtenstein's, not only are not stable but not even fully delineated—are much more than Liechtenstein's 62 square miles. They are also far less fertile. Liechtenstein is highly industrialized and richly agricultural; its gross national product compares favorably with Qatar's (which is based virtually alone on oil); it has no illiteracy and Qatar has much. It has had long if limited experience in international relations; Qatar virtually none.

Why the difference in result? Why are the established European mini-states largely out and the new Asian and African mini-states increasingly in?

It cannot be because the mini-states currently in vogue are any more able to carry out the obligations of the Charter of the United Nations than the older mini-states were able to carry out those of the League Covenant. On the contrary, the obligations imposed upon U.N. members are much greater than those imposed on members of the League.

The essential theory of the covenant was that the League Council would adopt decisions on the basis of unanimity (apart from the disputants) but that the League Members themselves would be left to apply the League Covenant in the light of the findings of League organs. The essential theory of the United Nations is that the Security Council, on which only the five permanent members have a veto, can bind all members, large and small, to take the action the council decides upon to maintain or restore international peace and security.

The activities of the United Nations are far more diversified, intensive and expensive than were those of the League. The burdens of meaningful U.N. membership are much more substantial than were those of the League. This is illustrated by the fact that it is U.N. practice for members to maintain permanent missions at its headquarters; this was not the custom of the League. Its relatively episodic program did not demand them.

Membership in the United Nations, Article 4 of the Charter provides, is open to "peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations."

What sort of judgment is it that moves the organization to conclude that Qatar or Bahrein (population, 195,000, area, 231 square miles) are able and willing to carry out the obligations of the charter—to "fulfill in good faith the obligations assumed by them in accordance with the present charter," such as the obligation to give the United Nations "every assistance in any action it takes in accordance with the present charter . . ."? Or that the Maldive Islands, admitted to membership in 1965—population, circa 100,000, capacities to do most anything international, virtually zero—can fulfill charter obligations? If the United Nations did not have the improvident rule of paying the cost of transport of five delegates from each member to each General Assembly, there is room for doubt about whether the Maldives could mount the resources to ferry a delegation to New York to cast the equal vote it there enjoys with the United States and the Soviet Union.

When the representative of the United States in the Security Council unwisely supported the admission of the Maldives, he wisely stated: 'Today many of the small emerging entities, however willing, probably do not have the human or economic resources at this stage to meet this second criterion [the ability to carry out charted obligations]. We would therefore urge that Council Members and other United Nations members give early and careful consideration to this problem in an effort to arrive at some agreed standards, some lower limits, to be applied in the case of future applicants for United Nations membership."

Secretary General U Thant expanded upon this theme in 1967. "I would suggest," he submitted in his annual report, "that it may be opportune for the competent organs to undertake a thorough and comprehensive study of the criteria for membership in the United Nations, with a view to laying down the necessary limitations on full membership while also defining other forms of association which would benefit both the 'microstates' and the United Nations."

In December of that year, the United States addressed a letter to the president of the Security Council referring to these remarks of the secretary general, suggesting that the time had come to examine the question in terms of general principles and procedures and further suggesting that the council's dormant Committee on Membership be revived to that end.

But little—apart from production of an able study on the subject by the U.N. Institute for Training and Research (UNITAR)—has happened since. The Security Council has talked, but not acted. The sole refreshing fact in this dismal history is that stalemate, for once, seems to be the fault neither of the Soviet Union nor France. As far as can be gleaned, resistance to curbing the continuing influx of mini-states lies in London, and in its perception—or that of its former Colonial Office—that its remaining colonies now out, and its former colonies now in, will be offended if emerging mini-states are denied U.N. membership. And it is likely that the British are right in believing that many members of the General Assembly welcome additions, however minor, to their majorities. The fashion is decolonization at all costs (especially if they are paid by the developed states); and how independent can a new nation be without the status symbol of a U.N. vote?

To be sure, a very few mini-states have exercised a restraint which has escaped the United Nations. Western Samoa, which became independent in 1962, has refrained from applying for membership, despite a population and area exceeding that of a few U.N. members (137,000; 1,097 square miles). And independent Nauru, with a population of some 6,000 and an area of about 8 square miles, also has not applied for membership, though its phosphates give it perhaps the highest per capita income in the world.

What is to be done about the rest—if not those already in, the score of more of "bits and pieces" of dissolving empires that may come in if the present absence of standards is maintained?

First, such territories should be encouraged not to opt for independence where they lack the resources and the situation property to maintain it. Here, much though not all, depends on the attitudes dominant in United Nations organs. Those attitudes have not been adequately responsible; the emphasis upon independence as the only respectable alternative to colonialism has been, though not total, excessive.

Second, independence should not be equated with U.N. membership. Samoa has set a standard which others should apply. The United Nations can render technical assistance, the World Bank can invest, the U.N. Specialized Agencies can give their specialized services, to small territories which are not U.N. members. Indeed, mini-states could have an observer or even an associate, non-voting status at the United Nations—without charter amendment, and without the burdens of membership.

Third, if mini-states nevertheless continue to apply for membership, and if standards regulating their admission continue to elude United Nations consensus, the United States should abandon consensus. Acting with the support of as many members as it can attract, it should develop the secretary general's case for calling a halt to the admission of mini-states. As necessary, it should use its veto in the Security Council to block the admission of additional mini-states, at any rate pending the establishment of acceptable minimal standards for admission.

The issue is of consqeuence if the General

Assembly is to be of consequence. The Assembly's stock tends to depreciate as the bonds of its membership widen. Universality is not to be confused with ubiquity. The case for seating the Peoples Republic of China, or admitting the divided states of Germany, Korea, and Vietnam, adds nothing to the case for admitting more mini-states. The value of the two-thirds majority, once a safeguard for the larger states, and the larger minorities, progressively cheapens as the ability of minor states to dispose of General Assembly votes grows. U.N. resolutions can increasingly be adopted by states lacking the responsibility for implementing them. That cannot be to the benefit of effective international organization. If the United Nations cannot bring itself to act in its own larger interests, then the United States should bring itself to act in the United Nations' larger interests, ideally, that's what the veto is for.

IS THERE A MILITARY MANPOWER CRISIS?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. RARICK. Mr. Speaker, all of us in the House have had the experience of receiving a constituent request from a veteran who wishes to return to active service, making the necessary inquiries in his behalf, and seeing the military turn down this volunteering veteran for some reason or other.

Yet, and this is most strange, this Congress passed on September 21 and sent to the President a bill extending the military draft.

The military insists that the draft is necessary to avoid a manpower crisis, yet often refuses the request of a veteran to return to active service. We also frequently see trained servicemen given "early outs," or a discharge before the end of their service obligation.

This is, on the face of it, contradictory and raises the question of the present purpose of the military. Is the military mission to provide a trained force to defend this country, or is it being exploited as a means to indoctrinate young men? Approaching this same question from the economic standpoint causes many people to wonder if the new military exists simply to combat unemployment and check inflation.

I include a related news article detailing this contradiction between what the military says and what it does at this point in the RECORD:

The article follows:

[From the Evening Star, Sept. 25, 1971]

MANPOWER CRISIS?—ARMY BARS VETERANS AS LAIRD PUSHES DRAFT

While Secretary of Defense Melvin R. Laird was warning Congress of a serious military manpower crisis unless the draft was renewed, the Army was telling its recruiters to turn away veterans wanting to re-enlist.

"Current re-enlistments of individuals on active duty are sufficient to maintain the career-content of the Army under its reduced structure. Thus, there is no present need for the enlistment of prior service personnel from the civilian community."

These were the instructions in a Sept. 14 letter from Maj. Gen. A. H. Smith of the Army's personnal office to the recruiting command at Ft. Monroe Va. The orders then were passed on to recruiting officers across the country.

Four days earlier Laird wrote Senate Armed Services Committee Chairman John C. Stennis, D-Miss., urging immediate passage of the draft bill "in the interest of national security."

Laird said the readiness of the Army would be affected beginning in January by a shortage of trained men who could be assigned to units.

LAIRD'S LETTER

The bill renewing the draft for two years, was approved by the Senate Tuesday and is awaiting President Nixon's signature.

"There may be some seeming inconsistencies," Pentagon spokesman Daniel Z. Henkin conceded yesterday, "as a manpower needs of the Army and the other services are realigned in light of continuing withdrawals from Vietnam and manpower reductions directed by Congress."

He added, "As we've said we need the draft to bring in new men and we also need to take actions to improve the over-all caliber of the armed forces while at the same time they are being reduced by more than a million men."

The Army is budgeted to shrink to 892,000 men by June, down from its 1968 Vietnam war peak of 1.5 million.

HIGH UNEMPLOYMENT

Henkin said Laird, who has been pushing the administration's effort to find jobs for returning Vietnam veterans, was unaware of the recruiting order. There are currently 310,000 Vietnam-era veterans between the ages of 20 and 29 unemployed, according to the Labor Department. As a group they have the second highest rate of unemployment, 8.2 percent compared to the national rate of about 6 percent.

Gen. Smith's Sept. 14 order applies only to veterans wanting to come back into the service and not to young men signing up for the first time. The Army figures it will need 20,000 new men a month if it is to end reliance on the draft and become an all volunteer force by mid-1973.

But it would seem the Army would prefer taking veterans since they are already trained and the expense of training new men could thus be saved. This would be in keeping with arguments favoring an all-volunteer force which, proponents contend, would reduce personnel turnover by keeping men in service longer and thereby cut training costs.

"We still need people, there's no question about that," an Army spokesman said. "But we need enlistees for the combat arms. Otherwise we'll be top heavy with sergeants and no privates."

TOO MANY SERGEANTS

Veterans coming back into the service—20,000 did last year—would retain their old rank. A man with two or more years prior service would in most cases be a sergeant E-4 or E-5.

There are two exceptions to the order barring veterans. The Army will take back men trained in any of 18 critical job skills. Mostly in electronics, and those holding either of the three highest combat awards—the Silver Star, Distinguished Cross or Medal of Honor.

MAJ. GEN. LAVERNE WEBER ASSUMES COMMAND OF ARMY NATIONAL GUARD

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. EDMONDSON. Mr. Speaker, another outstanding Oklahoman has been selected for a position of national leadership. Maj. Gen. LaVerne Weber of Lone Wolf, Okla., State commander of the National Guard for the last 6 years, has been chosen to head the U.S. Army Guard forces.

General Weber will assume command in mid-October of the more than 400,000 national guardsmen, after beginning his career in World War II as a Marine Corps private and receiving promotion to the rank of second lieutenant in 1945. Following the Korean war, during which time he served with the 45th Division of the activated Oklahoma National Guard and advanced to the rank of major, LaVerne Weber returned and took a full-time post with the Oklahoma Military Department. He was appointed Oklahoma State Adjutant General in 1965, and since that time has served with the highest distinction as Oklahoma's top-ranking military official.

Mr. Speaker, the increasingly important role of the U.S. Military Reserves is becoming well recognized by both the Congress and the administration, and I can think of no higher honor for General Weber than his selection at this critically important time to assume command of the Army National Guard.

His unquestioned integrity, excellent leadership skills and thorough dedication make him remarkably well qualified for his new command position. I know all Oklahomans regret the loss of General Weber's services to our State, but at the same time, I also know that each and every Oklahoman feels pride in seeing him selected for this important national leadership post.

TAX CREDITS FOR COLLEGE STUDENTS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. MINISH. Mr. Speaker, I am today reintroducing legislation I sponsored in the 91st Congress to provide a tax credit for college tuition expenses.

Under this proposal, a credit of up to $325 per year would be allowed for qualified taxpayers financing a college education. The full credit would be provided to taxpayers with incomes at or below $15,000 a year. Over $15,000 the credit would be reduced gradually until it disappeared completely for those earning more than $25,000. However, persons financing more than one college student could receive a credit for each student.

This legislation is designed primarily to assist low- and moderate-income families who are finding it increasingly difficult to meet the soaring costs of higher education. Average costs this year for tuition, room, and board at public colleges have reached almost $1,500. At private schools, the annual cost now is well over $3,000. Moreover, the U.S. Office of Education estimates that tuition alone will increase by 25 percent at public institutions of higher learning and by 38 percent at private institutions over the next 10 years.

Tax credits would also be allowed, under my bill, for vocational and business schools and they would be available to students working to put themselves through school as well as parents financing their children's education.

Mr. Speaker, passage of this legislation would constitute a worthwhile investment in our Nation's future. Education is our greatest natural resource—it provides the hope for the future and is responsible for the achievements of the past.

AMCHITKA AND TRIBALISM

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. HELSTOSKI. Mr. Speaker, the impending underground nuclear explosion on Amchitka Island in the Aleutians has been the subject of much controversy. I am one who strongly opposes such a test and who feels that its far-reaching ramifications should be of concern to us all.

In my view, Norman Cousins' editorial in the September 25, 1971, issue of the Saturday Review entitled "Amchitka and Tribalism" presents an excellent discussion of this issue and similar questions in their inescapably global context. I wish to share the editorial with my colleagues:

AMCHITKA AND TRIBALISM

What is most characteristic of modern man is not his power but his powerlessness, not his ability to mobilize vast force but his inability to protect himself against it.

Consider the plan of the United States to detonate underground a nuclear bomb with the equivalent force of five million tons of TNT—a bomb 250 times more powerful than the explosive dropped on Hiroshima. The projected site of the explosion, Amchitka Island in the Aleutians, is closer to Canada, Japan, the Soviet Union, and China than it is to the continental United States. Citizens of those countries and, indeed, citizens from all over the world have expressed alarm. They have cited the apprehension of scientists over possible radioactive leakage into the atmosphere or the sea, with consequent effects of unpredictable damage to the food chain and to all forms of life. They are also worried that the explosion may trigger earthquakes or tidal waves.

These apprehensions may be wholly correct or wholly incorrect or partially incorrect. This is not what is most important. What is most important is that no impartial authority now exists for determining the validity of the charge or for protecting the human interest where it comes into conflict with the national interest. Where do human beings go to register their concern over possible harm to their habitat or to their lives that may be caused by a powerful nation? Do they go to the United States government itself? It is the United States government that proposes to do the exploding. The United States government is not an impartial authority in determining the accuracy of charges made about the risks of the Amchitka test. It is not a court of appeals. The President of the United States may bow to the weight of world public opinion and call off the tests, but this does not change the bizarre fact that no supreme court or agency exists in the world today for considering questions that apply to the safety and welfare of mankind as a whole.

Should human beings bring their concern before the International Court of Justice? This court tries to resolve disputes between nations. The name of the agency is misleading. It is not in fact a court. It has no statutory law behind it and no enforcement machinery to support it. It is an arbitration agency that functions only in those cases where all parties to a dispute are willing to turn to it. Its decisions are not binding.

What about the United Nations? The United Nations has authorized a far-reaching world conference in Stockholm next year for the purpose of dealing with the mounting threats to the world environment. It is difficult to see how tests of nuclear explosions, whether in the air, sea, or underground, and by whatever nation, can be excluded from any consideration of world environmental hazards. But the Stockholm conference will have no authority to direct the United States, or the Soviet Union, or France, or China to forego future nuclear tests.

Here, then, is the tragic flaw in the organization of human society. The ultimate need on earth is for the protection and presservation of life. Yet, no workable authority exists beyond the nation. The nation arrogates to itself the authority and the power to decide what it does not only inside but outside its borders. What it does inside or outside its borders may constitute, as the Amchitka test illustrates, a possible danger to other people and to the world environment as a whole. But there is no legal process by which such danger can be averted. In a larger sense, there is no legal process by which human destiny can be protected and served.

The newspapers recently carried prominent accounts of a meeting of American and Soviet scientists for the purpose of "tuning in" on the universe. The meeting considered ways in which scientists could monitor the universe for signals from planets possibly intelligence and advanced communication skills. If contact with other planets should in fact be made, and if the earth-dwellers are able both to send and receive information, what shall we say about our life on earth? shall we say that we have developed a human intelligence to a point where we need fear only ourselves, that the most extensive exercise of collective brainpower is directed not to human needs but to ever-more advanced techniques for killing off humans, that the natural environment is being fouled at a prodigious rate, and that the earth-dwellers have never outgrown their tribalism, of which national sovereignty is an all-powerful manifestation?

Despite the historians, there has been only one age of man. It is the age of primitive man. The beginning of the age of civilized man, when it comes will be marked by his political, philosophical, and spiritual awareness of himself as a member of a world species with world needs and with the capacity and desire to create world institutions to meet these needs. Humankind need not sacrifice the nation to create such institutions. It need only recognize and assert an allegiance of humans to one another beyond national boundaries and to do those things in the human interest that the nation as an organization is incapable of doing.

The present mode of life on earth is madness, which is nonetheless lethal for being legal. Rational existence is possible, but it calls for a world consciousness and a world design. People who develop the habit of thinking of themselves as world citizens are fulfilling the first requirement of sanity in our time.

URBAN TRANSPORTATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

ADDRESS OF REPRESENTATIVE K. LEROY IRVIS, MAJORITY LEADER OF STATE OF PENNSYLVANIA HOUSE OF REPRESENTATIVES ADDRESS BEFORE FIFTH ANNUAL CONFERENCE ON URBAN TRANSPORTATION, PITTSBURGH, PA., SEPTEMBER 8, 1971

Good morning ladies and gentlemen. I am honored to appear before you, a group of people who have gathered from all over the world to discuss transportation in terms of mobility and freedom. Freedom to move—mobility—is in my opinion a subject of critical importance in our society and it is one in which I have been deeply involved for sometime.

"Freedom" is a state of being at liberty rather than in confinement or under physical restraint. Mobility is defined as the movement of people in a population, as from place to place, from job to job or from one social class to another. It is rather striking isn't it how similar the two definitions are. It all fits very nicely—if you have transportation, you have mobility and if you have mobility you have one of the essentials of freedom.

Man has always been limited to some extent by his mode of transportation. Our horizons were rather small when the world that we knew was restricted by how far we could walk. With the invention of the wheel, and the sail, and the wing, the world became larger, rounder and most importantly, a much more enjoyable place to inhabit. There is a definite relationship between the process of civilization, the development of man, and the discovery of more efficient ways of moving around in our environment. It is not a semantical game—if you or I or anyone else is going to be free in any sense of the word we must first be mobile.

It is, therefore, not surprising in this restless land dedicated from its inception to freedom, that we are the most mobile population on earth. Why, ask almost anyone and he will tell you nearly everybody in the United States has at least one car and we have accordingly developed a nationwide preoccupation with the construction of highways to carry these universally owned automobiles.

Well, I have some extremely disappointing news for anyone holding this belief. More than one third of our population, some 78 million people, do not possess this package of instant freedom, the automobile. These people must rely upon public transportation or they get no transportation at all. They are too poor, or too young, or too old, or handicapped and they are the ones who ride the buses—or try to—and for the most part they are the inhabitants of our cities.

It is a fact not often enough understood that 80 per cent of our entire population lives in one per cent of our land area, our major metropolitan areas. This being so, just who are we subsidizing when we invest tremendous sums of public money to make it convenient to drive an automobile between New York and San Francisco? No one commutes daily between these points even if they do possess an automobile. One has to question the wisdom of investing so much public tax money to serve such a small percentage of the public.

I, for one intend to ask a lot of pointed questions, as long as I live in a city, as long as I represent the public and as long as I know children who live in the city but have never been downtown because there is no convenient or economic or even available means of getting there.

Only a few years past our cities were a source of national pride—great centers of culture, commerce, and growth. With the advent of the automobile age, the skilled worker, the man with the mobility options, deserted the city for the suburbs. Our city populations were suddenly isolated islands of the poor and unskilled, virtually imprisoned by their immobility. Even their places of employment—manufacturing, warehousing, hospitals, and department stores had moved to the suburbs beyond their economic reach and frequently beyond their extremely limited mobility. So there they sit and fester in the rotting cores of our cities, with the shopping center, the job opportunities, the decent housing tantalizing them just beyond their reach. Small wonder that frustration has sometimes boiled over into antisocial acts. Is it not predictable that certain city streets are not safe to walk at night?

This pattern, this situation, is worsening. The solution requires a multi-level approach but we had better not neglect one of the most fundamental methods of combating the problem—mass transit. And the systems that we develop must not only serve the commuter coming from the suburbs, but also the inner-city traveler and the worker whose job opportunities are outside the city limits.

If we do not, all of the expensive job training programs and far-sighted employee hiring policies will be ineffective. It must first be possible for the trained and deserving worker to get to the place of employment else the training is all bitter ashes. We must not become so enraptured with ideals that we forget the little realities necessary to make the ideal possible.

And as long as we are discussing reality we had better consider the revolutionary possibility of making public transportation really public. Mass transit should be as public as the police force, the school system or the fire department. No one has to pay the fire department a fee before it extinguishes a fire. Why should a person, who probably can least afford it have to pay a fare for public transportation? It is inconsistent to continue to demand a fare for something that became publicly owned chiefly because the fare box could no longer support private enterprise.

Children locked in ghettoes, families who would travel if they could travel, commercial interests seeking employees and expanded markets, and suburbanites now divorced from urban involvement—all would share in the open avenue of communication and commerce provided by a really free public and modern systems of transportation.

And let us admit that the myth of the self-sustaining system has been exploded. No modern mass transit system can be self-sustaining.

Looking beyond the pocketbook, let us consider also that the most effective way to eliminate the congestion and pollution of the automobile jamming our city streets is to make mass transit truly competitive, that is make it frequent and free.

Free—yes I like that word. I like that state of being at liberty rather than in confinement. I like the idea of an open mobile society—one in which every man will be able to move from place to place, from job to job, and from social class to another. It all fits rather nicely—if a society can build adequate and available transportation it has mobility and if it has mobility it has an element of freedom—and isn't that the real reason of all ages have always struggled and fought and sacrified so that man can be free?

A VERY PERSUASIVE CASE FOR REPEAL OF THE 7 PERCENT FEDERAL EXCISE TAX ON AUTOMOBILES

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the Ways and Means Committee will soon be bringing to the floor for consideration legislation to help implement the President's new economic program. Included in the bill will be the repeal of the 7-percent Federal excise tax on automobiles. During the committee hearings former Postmaster General, Arthur E. Summerfield, Sr., and his son, Arthur E. Summerfield, Jr., both automobile dealers of longstanding experience, made a very persuasive case for the need for this long overdue tax reform. Any one having any questions as to the desirability of taking this action, I believe, would profit from examination of this testimony. Consequently, I am placing it in the Record so that it may have the wider circulation that it deserves.

The testimony follows:

STATEMENT OF HON. ARTHUR E. SUMMERFIELD, SR., AND ARTHUR E. SUMMERFIELD, JR., FLINT, MICH.

Mr. SUMMERFIELD, Sr. Thank you very much.

Mr. BYRNES. Mr. Chairman?

The CHAIRMAN. Mr. Byrnes.

Mr. BYRNES. I want to join with you in welcoming General Summerfield here. We all remember his labors in the vineyard of Government, and they continue, really, in his interest in the welfare of the country.

The CHAIRMAN. Mr. Chamberlain?

Mr. CHAMBERLAIN. Although Mr. Summerfield and his son are no longer constituents of mine, it was my privilege to represent the area of Flint, Mich., in the Congress for 8 years prior to our last redistricting and I became well acquainted with them both and want to join in welcoming them to the committee.

The CHAIRMAN. Mrs. Griffiths?

Mrs. GRIFFITHS. I am happy, too, to welcome you, Mr. Summerfield, I wish, myself, that you were back down there delivering the mail. Things get worse every day.

The CHAIRMAN. It did move faster; didn't it, Mrs. Griffiths?

Mrs. GRIFFITHS. It certainly did.

Mr. CHAMBERLAIN. I think we all agree to that.

Mr. SUMMERFIELD, Sr. Thank you.

Mr. Chairman, and distinguished members of this committee, my name is Arthur Summerfield, Sr., and I have been an automobile and truck dealer for 42 years in the city of Flint, Mich. With me is my son, Arthur E. Summerfield, Jr., who has been a motor vehicle dealer and my partner for 25 years in Flint, and for the past 11 years in Gary, Ind.

We are here today representing ourselves, our employees—275 men and women—and our customers as witnesses to urge repeal of the 7-percent excise tax on new automobiles, retroactive to July 15, 1971, as proposed by Congressman Charles E. Chamberlain and Congresswoman Martha Griffiths of Michigan, along with all other members of the Michigan delegation who joined in introducing H.R. 9816.

We are indeed grateful for the opportunity to appear before this committee and congratulate you, Chairman Mills, for the dispatch with which you called these hearings. We commend this committee for its efforts to provide measures to stimulate the economy, lower unemployment and stem the rising tide of inflation. Passage of H.R. 9816 would serve to help achieve all of these aims.

IMPORTANCE OF THE MOTOR VEHICLE INDUSTRY

The motor vehicle industry has long been regarded as a bellwether of the national economy—a drop in vehicle sales generally is the first indication of economic decline while renewed sales volume usually heralds the beginning of a recovery period.

The importance of the economic activity generated throughout the Nation by the manufacture of motor vehicles cannot be overemphasized. The motor vehicle manufacturing industry purchases goods and services from some 50,000 supplier firms and is the greatest single consumer of the products of other great industries such as steel, rubber, coal, iron, aluminum, and many others.

It is estimated that more than 13 million persons—holding one of every six jobs in the Nation—are employed in highway transport industries. Over 800,000 businesses are directly dependent on motor vehicle use for their continued existence.

ECONOMIC SITUATION IN JULY 1971

When H.R. 9816 was introduced 8 weeks ago, the economic situation facing our Nation gave cause for grave concern. Inflation was gathering momentum at a time of rising unemployment, balance-of-payments deficits, heavy overseas spending, and widespread discounting of our currency. The economy was faltering and consumer confidence remained low.

We could ill afford then—nor can we now—to have the motor vehicle industry, a prime creator of jobs and of spendable income, also falter.

Yet on July 7 unsold new 1971 automobiles in dealers' hands, domestic cars only, reached a record high of more than 1,800,000 cars in a declining market. Many dealers, already stretched financially, certainly were in no position to order and arrange payment for additional new cars.

The domestic vehicle industry was clearly reaching the very limit within which we could hope to maintain even the present level of production and unemployment in this country. Increased competition from abroad, coupled with mounting costs for labor, material, and mandatory safety and ecology requirements, presented an ominous set of circumstances, truly indicating a crisis in the automobile industry, and that cast serious doubt on the industry's ability to continue as an economic nucleus of this Nation.

THE THREAT TO JOBS FROM FOREIGN COMPETITION

The impact and problems of our present situation are beyond the control of the business community alone. During the past year, sales of cars from abroad rose to 14 percent of total U.S. sales and are now running about 16 percent for the first 6 months of 1971. In July, 18 percent of the total cars sold in this country and as of August 21, this very month, 21.98 percent of the automobiles sold to American customers were imported from other nations. On this basis of a 10-million-car year, this means 1,600,000 vehicles.

This percentage shows definite signs of increasing at an even faster rate, and without help from you the aggressive distribution plans of foreign car manufacturers could well cause them to actually dominate the American car market. Import sales are running 40 percent and more on the west coast of the

United States, and 20 percent on the east coast of the United States—and both German and Japanese companies are now greatly expanding their distribution in the greatest car market in the country—the great Middle West.

As dealers of domestic cars and trucks, we must compete against vehicles built in Japan where labor wage scales are reported to be one-quarter of the wage scales that exist in this country. We must also compete with vehicles built in West Germany where wages approximate half of the wages that are paid in this country. This, of course, results in unequal competition and is reflected in the automotive employment trend in each of the three countries.

For example, according to the U.S. Department of Labor, direct employment in the manufacture of motor vehicles in this country declined by 91,000 jobs last year. But in West Germany, jobs in the motor vehicle industry climbed from 560,000 in 1969 to 731,000 this year. Current Japanese employment figures are not available but it is noted that from 1960 to 1969 the number of jobs in Japan's transportation manufacturing rose from 514,000 to 754,000. We do not think that this Nation and its jobholders can stand to have this exporting of our jobs continue. The current high level of unemployment here is in no small part due to other American industries falling victim to the same circumstances as those faced by the automobile industry. This has resulted in nearly all of the goods, such as electronics and many other products, formerly produced here, now being manufactured by other nations and exported to us.

Dealers of domestic cars and our employees have been among the first to feel the thrust of this competitive disadvantage.

During 1970 and early 1971, approximately 850 domestic automobile outlets have been lost. An average dealer employs 25 persons and has an annual payroll of $175,000 so this decline in dealerships has meant the loss of some 21,000 jobs and $148 million in employee income.

You have already heard estimates on the favorable impact on new jobs from Secretary Connally resulting from the increased manufacture of more cars. To this should be added at the very least two employees per dealer or 56,000 new job opportunities.

For these reasons, we urge a favorable report from this committee and immediate enactment of legislation to eliminate the excise tax on new automobiles. This action is noninflationary. It will stimulate the economy and in particular it will generate jobs for our American citizens and workers.

BENEFITS FROM EXCISE TAX REMOVAL

The automobile excise tax was first enacted in 1917 and has remained with us almost continuously ever since as a so-called luxury tax and/or war measure. Other consumer durable goods such as radios, televisions, washers, refrigerators, et cetera, have been cleared of this outdated tax but, despite the welcome action for relief by this committee in 1965, it still remains to discriminate unjustly against every new car buyer in the average amount of $200. Passage of this bill, retroactive to July 15, 1971, would return to purchasers of new vehicles since that time an average of $200 in cash. We emphasize—the rebate would be to the car buyer, not to the automobile dealer, and not to the manufacturer, and it would not be inflationary.

Any question as to whether this tax saving will be passed on to new car buyers should be answered by the record. A Federal study ordered by President Johnson in 1965 after the tax on automobiles was reduced from 10 percent to 7 percent showed that the tax reduction was indeed passed on to the purchaser. The Bureau of Labor Statistics also showed at that time a similar reduction in used car prices benefiting the consumer who generally needs economic help the most. I also understand that the presidents of the major domestic manufacturers have written to Congressman Chamberlain, and probably to many others, committing their companies to passing this tax reduction on.

As we view it, removal of this tax would have a twofold impact—it would help create and maintain new jobs through increased motor vehicle production and it would make available additional noninflationary funds for consumer use.

Repeal of this tax also would in some measure improve the competitive position of domestic car dealers despite the fact that imported products would share in the excise tax elimination. With our vehicles costing more to build, the tax is presently levied on a higher figure that it is for imports.

We feel that it is logical and safe to say that reduced prices on automobiles will have a lowering effect on the Consumer Price Index and that this will tend to reduce the pressure of the wage-price spiral.

REASON FOR REMOVAL OF EXCISE TAX ON LIGHT TRUCKS

At this time, we also would urge this committee to take action for the repeal of excise taxes on light duty trucks.

The popularity of these vehicles continues to grow annually primarily because of their use for personal transportation and for recreational purposes. A recent study shows that 18 pecent of the Nation's households own one of more trucks with two-thirds of these used for nonbusiness reasons. For many families, particularly those in rural areas, these light duty trucks provide the sole means of transportation.

Here, again, lower production costs in other countries has led to the importation of more and more vehicles seeking to capture even this expanding market. The same arguments for tax relief made earlier for automobiles are equally applicable for light trucks.

SUMMARY

In summing up, Mr. Chairman, and members of the committee, we strongly feel that repeal of these automotive excise taxes in total would have the greatest all-around benefits of any single action to stimulate our economy. The effect on new job opportunities in vehicle manufacturing, auto dealerships and supplier industries, on creation of more favorable balance of payments, on reduction of trade deficits, on consumer price indexes, and on spendable income would extend to every corner of this Nation, and, in our opinion, would have no inflationary impact.

We stand ready as citizens and as businessmen to support this committee in any way we can to advance this program to restore the economic health of the Nation. We recognize that the responsibility of this committee and of Congress is indeed great, and we are confident, based on your record and experience, you will prove equal to the task of providing the leadership so urgently needed to help steer our Nation on a constructive and realistic course, a course designed to eliminate inflation, provide full employment, and restore confidence and stability in our economy both home and abroad.

Thank you, Mr. Chairman, and members of the committee. If my son or I can answer any questions, we will be very happy to try to accommodate you.

The CHAIRMAN. General, we appreciate having both of you with us, we especially appreciate the opportunity, General Summerfield, of meeting your son.

Mr. Burleson?

Mr. BURLESON. Mr. Chairman.

I was very glad to note that you recommend that light trucks ordinarily referred to as pickup trucks be included in the excise tax removal. Not to include them with passenger cars in the removal of the tax would be grossly discriminatory.

You mentioned recreational use of light trucks. Would you also propose that campers—the body built on the chassis, not a trailer—be included?

Mr. SUMMERFIELD, JR. Yes, sir. In our own discussions we have had on it we felt that the inclusion of the pickup trucks up to and including the so-called ¾-ton pickup truck which comes to about a 7,500-pound gross vehicle weight would take in about 99 percent of the recreational vehicles and including the slide-in type of camper that slides into and onto a pickup body.

We, ourselves, have had no discussions on the excise tax on the body itself. I don't know, frankly, if they are paying an excise tax today like the vehicles are. I don't think that the recreational body itself which is a separate unit—I am not sure that they even pay a tax today.

The CHAIRMAN. They do not pay that tax. Just recently we made that change in that respect.

Mr. Betts?

Mr. BETTS. Mr. Summerfield, I have just one comment, more than anything else. Your presentation has been very helpful in several lights. I am thinking particularly of this question of passing the benefits of the tax back to the consumer. The other day when Mr. Nader was here, and I am not sure that you are acquainted with his testimony——

Mr. SUMMERFIELD, SR. I have read it, sir.

Mr. BETTS. He was quite emphatic in trying to point out that benefits of the tax would never get back to the purchaser of the car. I think you have answered that pretty effectively. As I understand it, President Johnson initiated a study which pretty well nailed down the evidence that tax reduction actually gets back to the consumer; is that correct?

Mr. Nader made that rather emphatic statement. I think that is really one of the burdens you have to meet.

Mr. SUMMERFIELD, SR. Mr. Congressman, I, of course, read Mr. Nader's comments, as I have been reading many of his comments in the past. I, for one, first as a citizen and, second as an automobile dealer and as someone who is interested in this country resent very much people making irresponsible statements before this fine committee, this most important committee, that are not based upon fact, which impinges upon the integrity of the people engaged in the automobile industry. It is an honorable business. It is managed, operated, and participated in by honorable people. I don't know of anyone that is more interested in being constructive in trying to help this industry and this country at a time when facts should be known and actions taken, accordingly, than this industry. There is a full page ad of General Motors in which they specifically state, and if I may I will read, "who will receive the refund if the excise tax is repealed." If Congress follows the recommendations of the President, General Motors will pass along the full amount of this excise tax reduction to purchasers who took delivery of the new General Motors cars between August 15 and the date the tax is repealed. That is both the 1971 models and the 1972.

And a similar ad only in stronger terms was printed several days prior to this by the American Motors Co.

I can't conceive of any automobile dealer or any automobile manufacturer not recognizing the will of the Congress of the United States as well as the Presidency and not returning this amount.

There is nothing in the record to indicate we have ever done otherwise.

Mr. Betts. I mentioned that, Mr. Summerfield, because I was sure you would want to answer it. I think it well that your answer is in the record.

Personally, I am on your side. I was a little amazed at the statements that Mr. Nader made. I think you have answered it very satisfactorily as far as I am concerned, and I want you to know that I appreciate it, too.

Mr. Summerfield, Sr. Thank you, sir.

Mr. Summerfield, Jr. Congressman Betts, I think it might be good since this thing was brought up by a previous witness to read into the record maybe not the whole thing because time is fleeting, but at least the title and date and initial paragraph to which our testimony referred.

November 29, 1965, released by the Office of the White House Press Secretary, memorandum to the President from Gardner Ackley, Council of Economic Advisers, on excise tax reduction 1966 model automobiles.

"The Bureau of Labor Statistics has completed its survey and prices of new model automobiles. It reports that manufacturers and retailers are fully passing on to the consumer the benefit of lower excise taxes and have reduced prices fractionally in addition to that. The BLS valuation makes allowance for quality changes."

(The full memorandum appears below:)

"[Office of the White House Press Secretary (Austin, Tex.), November 29, 1965]

"MEMORANDUM TO THE PRESIDENT FROM GARDNER ACKLEY, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, ON EXCISE TAX REDUCTION—1966 MODEL AUTOS

"The Bureau of Labor Statistics has completed its survey of prices of new-model automobiles. It reports that manufacturers and retailers are fully passing on to consumers the benefit of lower excise taxes and have reduced prices fractionally in addition. The BLS valuation makes allowance for quality changes.

"Earlier reports to you have covered the prices of other products subject to excise-tax reduction, including 1965-model cars. They showed that approximately 90 percent of last July's excise tax reduction was passed on to consumers.

"The study is being conducted by the BLS at the request of the Council of Economic Advisers and the Treasury Department. The full text of the BLS report is attached.

"REPORT FROM BUREAU OF LABOR STATISTICS, DEPARTMENT OF LABOR ON PRICES OF 1966 MODELS OF AUTOMOBILES

"*Manufacturers' introductory prices* of 1966 models of new passenger automobiles averaged 0.7 percent lower than introductory prices of comparable 1965 models, after adjustments were made for changes in quality. This comparison represents prices in both years before addition of Federal excise taxes. Prices actually paid by dealers to manufacturers have been lowered further this year by the amount of the excise tax reduction (3 percentage points—from 10 to 7 percent) which became effective June 22, 1965. Thus, the full amount of the tax cut still is being passed on by the automobile manufacturers as a whole, and they have reduced prices fractionally, in addition. This action continues the moderate downward trend of new car prices at the manufacturers' level which has extended since 1959, when account is taken of improvements in the quality of new automobiles from year to year.

"*Retail dealers'* list prices of 1966 models of new passenger cars in October 1965 not only reflected the reduction in the Federal excise tax that became effective June 22 (about 2.1 percent on the retail price), but they showed a further decline of approximately 0.8 percent from prices of comparable 1965 models after adjustments were made for quality changes. Effective prices to consumer buyers were lowered correspondingly, since dealer concessions from list prices were as large or larger than they had been on 1964 and 1965 models at the time of their introduction.

"Thus, new car dealers are continuing to pass on the full amount of the Federal excise tax reduction and, in addition, they are giving their customers the benefit of a fractional price reduction by manufacturers. The result is that retail prices of new cars continue to trend moderately downward, as they have since 1959, with allowance for quality improvements in new models from year to year."

NEW AUTOMOBILES

Make and model	1966 models priced for— CPI	WPI
General Motors:		
Chevrolet Impala, 2-door sport coupe	×	×
Corvair Monza, 2-door sport coupe	×	×
Chevelle Malibu, 2-door sport coupe	×	×
Buick Le Sabre, 2-door sport coupe		×
Pontiac Catalina, 4-door sedan	×	×
Ford:		
Galaxie 500, 2-door hardtop	×	×
Fairlane 500, 4-door sedan		×
Falcon Futura, 4-door sedan		×
Mercury Monterey, 2-door hardtop		×
Mustang, 2-door hardtop	×	×
Chrysler:		
Plymouth Fury III, 4 door sedan	×	×
Plymouth Belvedere II, 4-door sedan		×
Plymouth Valiant 200, 4-door sedan	(1)	×
Dodge Polara, 4-door sedan	(2)	×
American Motors: Rambler Classic 770, 4-door sedan	×	×
Imports:		
English Ford Cortina deluxe, 2-door sedan		×
Renault Dauphine, 4-door sedan		×
Volkswagen, Model 113, 2-door sedan	×	×
Fiat 1100 D, 4-door sedan	(3)	

[1] Priced as alternate to Rambler in a few cities.
[2] Priced as alternate to Plymouth in a few cities.
[3] Priced as alternate to Volkswagen in a few cities.

I think it is also pertinent that the price index as put out by the Labor Department at that time also shows a corresponding decrease in used-car retail prices which had a very beneficial effect on the cost index that the country was looking at every month at that time.

In addition, this is an intensely competitive business in which dealers generally in the last 4 or 5 years have averaged about a 2-percent before tax profit on their sales and any dealer, manufacturer or combination that would somehow try to price himself $200 a unit or any fraction of that over the competitive market would be out of business in a whale of a hurry, in our personal opinion, anyway.

Mr. Betts. Thank you very much.

Mrs. Griffiths (presiding). Are there further questions?

Mr. Gibbons?

Mr. Gibbons. I know it is a very competitive business. I have a great respect for your business because one of my most beloved friends has been an automobile dealer all his life and I have cousins who are dealers.

What will happen to the used-car market? Are prices going down in the used car market?

Mr. Summerfield, Jr. Yes, sir. The first problem, if you want to call it that, is that we do have a problem in the retail end of the business. We have not made a lot of public comment or complaints about it like maybe some other people that are affected by the price freeze, but, naturally, this has already had a lowering effect on what we can sell a particularly late model used car for, and all of us are going to take a rather substantial loss on our current inventories, a one-time thing only. Here we have to make an assumption, for instance, that the price freeze stays on, sir. Then if the excise tax is removed, the invoice price on new cars will be lowered correspondingly $200 a unit. Thus, of course, is bound to have the effect of impacting what the used cars will sell for in the market. This is what happened in 1965 and 1966.

So that it should have a beneficial effect for the used-car buyer as well as for the new-car buyer.

Mr. Gibbons. All used-car prices will continue to come down and the dealer is going to absorb all that difference when you bring it in there? It is pretty hard in a business where the margin is only 2 percent.

Mr. Summerfield, Jr. That is right, sir. We would undoutedly have allowed less for particularly a late model used car. In the used car trade, in this business of course, there is as much attention paid to the condition of an individual car as to whether it is in identical make, model, color, or optional equipment. The profit picture again of the dealer industry in 1965, 1966, and 1967 showed a slight decrease in profits after 1965 rather than an increase. So we absorbed a good portion of it. It is a little hard to say because every car is different. That is not a cop-out. That is just the situation as to what we would be allowing.

Mr. Gibbons. I don't want to argue with you, but I want to tell you an example that happened to me. I pride myself in trying to buy cars pretty reasonably. So I usually know what I want and usually have to have a car that is ordered in the factory because I do a lot of traveling in my business. I have compared prices in the Washington area with the same trade-in. I ordered a Chevrolet station wagon right out of the book and there is a $600 difference in the price that I got. It seems to me that the only place that the dealer made the change was either in the amount of profit that he was giving up to me, for which I would be very grateful, or he was making a vast change in the value of my trade-in.

I did all this shopping in one day and took the lowest one and saved $600. So that it just seems to me that what you are going to do is if the prices don't go up is really take a bath in the used car market. Am I right?

Mr. Summerfield, Jr. May I answer this way: The dealer who apparently tried to lower the price of the used car allowance as far as he did didn't get the business. You gave the business to someone else.

Mr. Gibbons. He is still in business and has been in business for a long time in the Washington area.

Mr. Summerfield, Jr. He would have to compete more closely than he or he couldn't stay in. The point is that he didn't get the business.

Mrs. Griffiths. I particularly enjoyed hearing you, and I think you brought real facts. I bitterly regret that I was not present when Mr. Nader testified. I would be very interested if he would turn his powers upon the effect of his statements on the gain for some cars and particularly since I believe he has never said anything concerning Toyota. What is the effect of the gain for Toyota in his attack upon American cars and European cars? I think that would be quite interesting to know what the effect is. If he is not actually in the pay of some other companies, I think he should be asked to answer those questions.

Mr. Summerfield, Sr., I couldn't agree with you more, Congressman. I have spent a good many years of my life in this city and before the various committees. It distresses me greatly to see such witnesses as you have just mentioned appear before these congressional committees and usually with television exposure where he makes these unfounded charges that are presenting a false image to the American people of the industries of this country. They go mostly unchallenged and the harm that has been done is beyond calculation to the confidence of the people of this country and others in the industries of this Nation as well as the people who own them. I hasten to say, too, that many people have the image that, for instance, the automobile industry is a big faceless giant as a result of such comments as he has made when in reality these corporations are people, they are owned by millions of individual stockholders including a large percentage of the employees themselves.

It is too easy to identify a big corporation as a certain machine when in reality it is all of us and when you permit that to continue to expand and make a Roman holiday atmosphere before congressional committees with a whole nation listening, the destructive results of that kind of exhibitionism is beyond calculation, and I am so grateful to you for calling attention to it.

Mrs. GRIFFITHS. I can't understand the foundation of it. Who makes the inquiries? Who produces the facts? How does he pay them? Where is he getting paid if he is not being paid by another manufacturer to make the attack? I don't really understand it, and I don't think you have to have even an engineer to point out to you the unsafety of a foreign-made car on an American road.

There is a woman in this Congress whose nephew was killed in a foreign-made car not because the car did anything but a truck passed him and the suction from the truck knocked him off the road. Unfortunately it didn't kill him instantly; they ran up thousands of dollars in bills before he died before ever coming out of a coma. But anybody ought to be able to make a little resume of how many people in a foreign-made car involved in an accident have survived the accident and, believe me, I would say it is very, very few, particularly on a major highway.

Why doesn't he examine this? I don't understand the whole system.

Would you like to ask a question?

Mr. CHAMBERLAIN. Yes, Madam Chairman, I would.

I regret that we are having a quorum call because I had several questions I wanted to have answered. However, Mr. Summerfield. I would say that you have made an eloquent statement. Having sponsored legislation for many years to repeal the automobile excise tax I have reviewed the arguments for such action from time to time but never have I found a more complete and reasoned statement than you have presented.

The first question that I had was regarding the pass-through to the consumer and Mr. Betts has raised that question and it has been adequately answered. I have discussed the repeal of this tax with many people recently. I have heard the argument, "Why do we repeal this excise tax on automobiles? The automobile industry has just reported that profits in the automobile industry are high, and that they have done very well during the first 6 months of this year."

Do you have any answer for that, Mr. Summerfield?

Mr. SUMMERFIELD, Sr. Yes; a very simple answer, Congressman. I stated a moment ago in my prepared statement that we had in the hands of dealers 1,800,000 automobiles. Those cars had been sold to the dealers not to the public. The corporation statements for the first 6 months, of course, reflected the profits that they made on the 1,800,000 automobiles that we had unsold in our hands of which we still have upward of 1 million automobiles of 1971 models on our hands, something close to 1.5 million on our hands. So that the statements of the automobile manufacturers released as of that time as they were do not reflect the situation insofar as the cars never having been sold to the public but have been recognized in their statements.

Mr. SUMMERFIELD, Jr. Today, Congressman, according to Automotive News, the industry is going to build its 6 millionth car of the year and it is also estimated that the domestic car inventory is roughly 1.5 million so that, therefore, 1 out of 4 is yet unsold: This, of course, is one of the reasons for our feeling of alarm, that the apparent on-the-surface economic health of the automobile manufacturers as reported for the first 6 months is quite misleading.

Mr. CHAMBERLAIN. But you are telling us that even though these vehicles are unsold, the manufacturer has, in fact, been paid for this car.

Mr. SUMMERFIELD, Jr. Yes.

Mr. CHAMBERLAIN. He has his profit.

Mr. SUMMERFIELD, Jr. Yes.

Mr. CHAMBERLAIN. And you have to get yours.

Mr. SUMMERFIELD, Jr. Yes.

Mr. CHAMBERLAIN. This leads, Mr. Summerfield, to my next question. That was with reference to the current sales position. We are told that it appears to be good and recent reports say that sales are up. Maybe this is because of the recommendation of repeal by the President. I would hope that that has had a salutary effect on sales, but with sales being up why is there a need for this? Why shouldn't we just rock along as we are because we need the revenue? What is the urgency, in your judgment, for repealing this tax? How do you answer that?

Mr. SUMMERFIELD, Jr. The sales prior to President Nixon's message were not as healthy as they are now. In our own personal experience in the two agencies there was a very dead spot for 5 or 6 days because of the shock and the confusion in the marketplace so far as the excise taxes going to be rebated and so on. Roughly, on the 21st or 22d of August, at least in our two places, and as later reported in Automobile News, business did improve because of the statements that excise tax on cars purchased in this period would be rebated and there was, of course, a feeling that cars were a better bargain. At the same time, even the present rate of sales is not going to stimulate the economy or take care of this big inventory. There is going to have to be an additional rate of sales.

In the meantime, this import penetration rose to 18 percent in the month of July and 21.98, almost 22 percent in the month of August, so that all is not well.

Mr. CHAMBERLAIN. Mr. Summerfield, we are running out of time because of the quorum call, and I must conclude. I want to join Mrs. Griffiths in commending you particularly for addressing yourselves to the problem of the foreign import. I, myself, feel that this is a problem that we have neglected for much too long.

Do you have any further comments than those embodied in your statement that you wanted to pass on to the committee about the threat of foreign imports to the U.S. market?

Mr. SUMMERFIELD, Sr. Yes, I have. I like to tell it as it is. We have already seen in the last few years what has happened in, for instance, the television industry for the reason that we did not meet head on to the problem of the competition from overseas. So that today practically all television sets that we have in our homes or places of business, most of them, in most part, are manufactured in Japan and assembled over here in this country, and sold to the American people.

You can take industry after industry where that has happened and what is developing here, if I may say, is that we are getting into a situation economically that can have rather dire results in the future if we continue to permit this to happen. We can no longer afford to export jobs in the automobile industry, or the television industry, or the radio industry, not to mention any of the other industries of this country.

What has happened to the steel production in this country, and I can go on and on.

We who have lived quite a long time remember some of the things that have happened in years past when we have allowed ourselves to be in a position where foreign competition got so keen that the basic fabric of this Nation and our whole economy was in danger and what happened? I don't want to use the word. But I do not want to see foreign nations accomplish their objectives of making, for instance. Japan, for instance, the No. 1 industrial country in this world at the expense of America.

As far as the automobile industry is concerned, it was born here. It was conceived here. It was developed by the genius of American workmen. We built the industry for the whole world, and to sit cautiously by and not recognize some of the things that we may well have to seriously consider in the months immediately ahead of us, I think, would be a serious mistake.

We know what is happening in Europe today. And who rebuilt those nations? The American taxpayers to the extent of probably to upward of $140 billion.

Now, they will use the very devices and engineering genius and material and financial help that this country gave them to destroy the very substance of this Nation. I think the people of this country better wake up to what is happening.

Mr. CHAMBERLAIN. I share your view, Mr. Summerfield, and commend you again for your statement.

Thank you very much, Madam Chairman.

Mrs. GRIFFITHS. Thank you very much for being here.

This committee will recess until 2 o'clock.

Mr. SUMMERFIELD, Sr. Madam Chairman, are we supposed to return at 2 o'clock?

Mrs. GRIFFITHS. No.

Mr. SUMMERFIELD, Sr. Thank you very much indeed.

(Whereupon, at 12:45 p.m., the committee recessed, to reconvene at 2 p.m., the same day.)

AIR FORCE CHIEF OF STAFF ADDRESS

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. PIRNIE. Mr. Speaker, I was privileged to join with members of the Air Force Association last Wednesday, in a luncheon honoring the Chief of Staff of the Air Force, Gen. John D. Ryan. AFA claiming a membership of over 100,000 was celebrating its 25th anniversary. General Ryan's remarks are particularly noteworthy during these troubled times. It is important that we do not fail our obligations to preserve and protect our great country. I am confident his comments will be found most convincing:

REMARKS BY GEN. JOHN D. RYAN

I always enjoy these Air Force Association luncheons because they give me the opportunity to exchange thoughts with many of the people who help the Air Force do its job.

I have especially looked forward to this 1971 convention. As the Air Force Association Silver Anniversary Year draws to a close, the Air Force itself begins its 25th year of existence as a co-equal with its sister services. We have both came a long way.

Over the past quarter century, the Air Force Association has measured up to the tasks it set out to accomplish. Its support of aerospace power has been effective and unflagging. I know I speak for all in the United States Air Force when I express appreciation for everything the Air Force Association has done, and is doing, for us.

During these past twenty-five years, in the process of accurately portraying areospace capabilities and doctrine, the Air Force Association has consistently shown a comprehensive understanding and awareness of the overall defense needs and problems of the United States.

If ever such an awareness were needed in this country, it is now. As the world has grown more complex, as America in general and the American military in particular have been indelibly marked by the war in Southeast Asia, and as we have begun to put together the forces and plans needed to support a strategy of Realistic Deterrence, there have arisen many differing points of view about what *is* happening now and what actions we can and should take.

One point of view sees this as a time when the United States is completely withdrawing from the world; another views the U. S. as solidly encamped around the world like Roman Legions.

One view holds that the strategic forces of both the United States and the Soviet Union are already capable of so much destruction that there is no point in spending any more money in this area; another suggests that we can maintain a strategic deterrent with fewer than our three current strategic forces.

Finally, because of pressing internal needs, one view sees current military spending as outrageously high in relation to domestic spending; another because of inflation, observes that current military budgets are low in relation to past defense spending.

There is always a potential hazard when views are presented without relationship to the total problem. These views are especially dangerous, in my judgment, because they are often put forth as guides to national security with such sincerity and good intentions that they gain a credibility which they may not deserve.

I have zeroed in on defense spending, strategic forces, and military basing for good reasons. First, there currently seems to be more discussion and more confusion about these areas than about any other.

Second, American security and the security of our allies directly depends on what happens in these areas.

Most of you are well-informed about defense and military matters in this country. You have got to be to do your job. As a result, you spend a good part of your time reading defense related articles and reports. And you are subjected to quite a few speeches on the topic. Many of you retaliate by making a few speeches yourselves.

How often in the past few years have you heard someone say that current defense spending is such and such a percent of the total federal budget; that we are now spending so many more (or less) billion dollars on defense than on domestic programs?

Or: Because of inflation, the dollars in this year's DoD budget are, in terms of buying power, lower than any budget since FY 62 or 54 or whenever?

There is nothing inaccurate about such statements. They are legitimate ways of describing defense spending. But that is the point. They are *descriptions of* this country's defense budget, not *prescriptions for* what we spend on defense.

There is no sacrosanct relation that defense spending must keep from year to year with previous budgets or with domestic spending. The long pole in the defense tent is our potential adversaries capabilities.

People must understand that the requests for funds first submitted by each of the services and then combined into the overall defense budget are based on the threat coupled with our defense policies for defending against the threat. Right now that threat is greater than any ever faced by the United States.

Our defense spending should be based on what we need to deter potential aggressor capabilities from being used against us to overcome them if they are.

Granted, as a result of SALT or for some other reasons, the threat could be reduced and there could be a cutback in potential enemy forces. If so, we could make the necessary adjustments.

And, if such a situation does occur, the request for military spending will be determined, as it is now, by what we need to counter the threat to this country. Very likely in the near and long term future the number one priority for the American military will continue to be the deterrence of strategic nuclear war.

Under the present circumstances, with increasing costs and other inflationary trends and numerous domestic programs crying for support, many in the nation are in a mood to listen to anyone who has a proposal to reduce defense spending. One proposal often heard is that we don't need land-based missiles, sea-based missiles, and manned bombers. Since the issue concerns nothing less than our future national security, let's be somewhat discriminating before we take our savings—if any—and run.

The United States fundamental philosophy and strategy is to deter war. Our forces and policies are designed to keep war from happening by making the cost of war to an aggressor greater than his possible gains. The deterring effect of our forces must work regardless of the number of uncertainties which might exist in a crisis. Some examples of the uncertainties we face in structuring our strategic forces are:

The future capabilities of hostile nations and their intentions;

The ways a war could begin;

The performance of our weapons in combat; and

The tasks we may be asked to perform.

Because of these and other uncertainties, the United States relies on a mixed force of manned bombers, land and sea-based missiles known as the strategic Triad.

Each system has unique strong points which provide mutual support against either technological or military surprise. Technologically, the survival of bombers and the alert submarine force is insensitive to missile CEPs; therefore, bombers and the alert submarine force provide assurance against a crippling first-strike against our land-based missiles in case of a breakthrough in missile CEPs.

Bombers and land-based missiles being insensitive to anti-submarine warfare provide assurance against a breakthrough in anti-submarine warfare. Bomber survival however *is* dependent on adequate time between warning of an incoming missile and safe escape from its airfield. Thus, sea-based missiles and land-based missiles provide assurance against a breakthrough in negating our warning system.

Militarily—the Triad compounds and complicates enemy offensive and defensive problems and provides enough flexibility to respond to nuclear war or provocation below a general nuclear exchange. Offensively, an aggressor's attempt to destroy all elements of the Triad at the same time would fail because even the best possible attack would provide considerable warning to at least two elements and allow a substantial force to retaliate.

Defensively—a mix of bombers and missiles tasks enemy defenses to defend against both. Thus, a mix of forces on our part makes an enemy spend considerably more to get a certain level of defense. To put it another way, for a given enemy expenditure on defense, the U.S. does not need as many forces to do the job as we would if our forces were either all bombers or all missiles.

Because of the global nature of our economic and political interests, the deterrence requirement is not so narrow that a U.S. homeland defense strategy alone is sufficient. Deterrence of attacks on our allies, as well as on U.S. deployed strategic and general purpose forces, requires appropriate and credible responses. Within the Triad, any prospective aggressor will see that our forces include both protection against surprise attack and a capability to fight at many levels of war. For the foreseeable future, the Triad will provide the U.S. with a credible strategic deterrent, provided we maintain the viability of each leg.

In a period of near strategic parity and accelerated technological momentum on the part of the Soviets, the virtues of the Triad become even more important. It is the synergistic effect of all three elements of the Triad which adds assurance against the kinds of uncertainties we face in structuring our strategic forces. Assurance after all is really the name of the strategic game, now more than ever before.

As part of our determination to deter conflict at lower levels, or if such conflict does occur, to insure it does not escalate to strategic nuclear war, the United States currently stations air, ground and naval units at bases around the world.

Wherever it is in our national interest to deter war—whether accomplished by land, sea, or air forces—there will be a requirement for a system of main operating bases outside the CONUS. Any limitations of this requirement affect all our military forces. Naturally, my direct concern is with air bases.

I know some people suggest that political constraints during a crisis will not allow the Air Force to use bases in an increasing number of nations. Again this challenge must be considered in light of the total picture.

The technical argument is that base rights will not be granted. But it must be obvious that any nation desiring the assistance of the United States will make bases available.

Our overseas bases fall into two categories: Those with forces present 24 hours a day, every day of the year and those which serve as a resupply and staging location to allow the units it supports to operate elsewhere. Our allies who daily face potential aggression from large, neighboring forces, such as in Europe or Korea, are especially sensitive to this difference. Consequently, in some areas of the world, where our interest is vital, in-place forces are required as tangible evidence of the depth of our commitment.

I want to point out that this strategy has worked. When in the face of serious external aggression to our allies we have made firm commitments and have underwritten these commitments by garrisoning ground and air units in the sovereignty of our ally, there has been no aggression. NATO and post-1953 Korea are cases in point.

In other areas the assurance of our assistance is enough to deter aggression and we rely on our world-wide mobility capability as proof that we can, in fact, provide assistance quickly when necessary.

The Air Force is enhancing its world-wide employment capability. For example, we have demonstrated our bare base capability and can adapt it to a wide range of cvircumstances.

Ultimately, the location of our forces is determined by the location, type, and magnitude of the threat we must counter to successfully deter war.

I've talked about defense spending, strategic force mix and military basing and I keep ending up on the same note: the threat. Typical military thinking, you say. You bet it is.

Determination of how much we request, what kinds of forces we need, and where those forces are located has got to be based on the threat. This will remain as fundamental to our defense planning in the future as it has been in the past.

I have welcomed the opportunity to share my thoughts with you and look forward to visiting with many of you during the remainder of the conference.

H. R. GROSS, THE CONSCIENCE OF UNCLE SUCKER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. MICHEL. Mr. Speaker, the August edition of the Washington Monthly magazine contains an article about our esteemed colleague, the gentleman from Iowa, the Honorable H. R. GROSS. The article, written by Mr. Jacques Leslie, captures the spirit and character of H. R., as we all affectionately like to refer to him, about as well as anything that has ever been written or said about him. I would only hope that it might be included in any literature or pamphlets that might be received on a regular basis by the political science departments of colleges and universities across the country.

I am reminded of a quotation from the great Patrick Henry which, despite the long span of years since it was spoken, applies perfectly to the gentleman from Iowa:

> Standing true: It is human to stand with the crowd; it is divine to stand alone. It is manlike to follow the people, to drift with the tide; it is God-like to follow a principle, to stem the tide. It is natural to compromise conscience, and follow the social fashion for the sake of gain or pleasure; it is divine to sacrifice both on the altar of truth and duty.

I salute my friend from Iowa—I am proud to serve in the Congress with him and wish him many more years of dedicated service to his district, and more importantly, to the country.

I insert the article from Washington Monthly in the RECORD at this point:

H. R. GROSS: THE CONSCIENCE OF UNCLE SUCKER

(By Jacques Leslie)

Long before the word was fashionable in left-wing circles, Harold Royce (H. R.) Gross, Republican congressman from Iowa's Third District, was preaching impending Apocalypse like a backwoods circuit rider. Now that one disaster after another is befalling the nation, Gross' vision no longer seems far-fetched. His consequent dilemma is comparable to that of a doctor who would like to heal but has a certain vested interest in illness nevertheless. Gross is in favor of averting doom, to be sure, but if it does come, he'll have the satisfaction of a prophet whose predictions finally have come true. There are worse ways to end a career.

Apocalyptic feelings are not the only thing Gross has in common with his left-wing counterparts. Like them, he has frequently inveighed against wasteful federal spending and the frightening power of the federal bureaucracy. He refers to the Pentagon as "Fort Fumble" and has words of praise for A. Ernest Fitzgerald, who exposed the $2-billion cost overrun on the C-5A. But Gross is anything but a liberal. He has built his reputation on a combination of uncompromising integrity, sophisticated understanding of House parliamentary procedure, a roughhewn, ridiculing sense of humor, and an unquestioning belief in the wisdom of a balanced budget.

Called by some "the watchdog of the federal treasury" and by others "the abominable no-man of the House," Gross cultivates the idea that he is a principled loner, an exception among men who have taken to heart Sam Rayburn's maxim, "To get along, go along." In the 91st Congress for example, Gross voted against President Nixon more often than all congessman serving a full two-year term, opposing him on 58 per cent of all roll-call votes. (The average House member opposed the President 29 per cent of the time.) To Gross, ineffectiveness is practically evidence of virtue: "I don't care in committee or on the floor of the House whether I'm the sole vote. If I'm firmly convinced that a bill is bad, or enough of it is bad to overbalance whatever good may be in it, why I'll vote against it," Gross says. "You lose these fights. While you enjoy winning, it doesn't bother me to be in the minority as I have been a great many times."

Among the programs Gross has unsuccessful opposed are foreign aid, the Peace Corps, all salary increases for congressmen from the time they received $12,500 a year (they now get $42,500), most congressional junkets, and the United Nations. When Gross loses, he occasionally resorts to sarcasm. A few days after President John F. Kennedy's death, when House members were considering a bill to pay for burial expenses, Gross rose on the floor to ask if the cost of the eternal flame at Arlington was included in the bill. When a bill to reimburse New York City for its expenses during Khrushchev's 1960 visit to the UN passed, Gross said on the floor, "I swear I think that what we ought to do is pass a bill, if that is necessary, to remove the torch from the hand of the Statue of Liberty and insert in lieu thereof a cup—a tin cup."

GOTHIC RADICAL

The front room of Gross' office gives fair warning of what lies within. One sign on the wall says "Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody." Another says, "There is always free cheese in a mousetrap." And another, "Error of opinion may be tolerated where reason is left free to combat it.—Thomas Jefferson." The last quotation is particularly apt, for, like Jefferson, Gross is a Francophile and an Anglophobe, and believes farmers are extraordinarily virtuous. He appears to have burrowed deeply into anti-establishment individualism—down through George Wallace and the racist flag-wavers, past Jerry Rubin and the underground left, around by tunnels occupied by Thoreau, Calhoun, and small farmers, and back through Andy Jackson to Jefferson. An example of his attitude towards France appears in his newsletter in a eulogy of Charles De Gaulle. Gross writes, "He was a nationalist and he put what he conceived to be the best interest of France above all other considerations. Would that we could find a President of the United States who would do as much!" Gross finishes his article by saying, "His coffin, made of rough oak timber, cost $63."

Looking like an American Gothic in glasses, Gross is a slight man with a booming voice. Born on a farm in Arispe, Iowa, in 1899, he never finished high school. After serving in the Army first under General John J. Pershing at the Mexican border and then in France in World War I, he studied at the University of Missouri School of Journalism but did not receive a degree. For the next 15 years he worked as a reporter and editor for various Iowa newspapers, then put his voice to use as a newscaster for radio station WHO in Des Moines. Known as "the fastest tongue in radio," Gross could speak 200 words a minute in a clear, solid tone. The man who introduced the future congressman and did his commercials was Ronald Reagan.

Gross first ran unsuccessfully in the Republican primary for governor in 1940, then in 1948 was elected to Congress from Iowa's Third District, which has not been represented by a Democrat since 1934. Gross' only close call came in 1964, when the Johnson landslide swept out all other Iowa Republican congressmen. Gross won that election by 419 votes. In 1968 he considered running for the Senate against Harold Hughes, but says he decided against it because of his advancing age (he is now 72).

Some observers think of Gross as an unmitigated clown, a "Caliban" who "has exploited and profited from every rigid prejudice in the State of Iowa" and "has an invincible incapacity for growth." A look at the newsletter he sends out weekly to 9,000 Iowa subscribers does not entirely dispel that notion. In it, the United States is referred to as "Uncle Sap," "Uncle Sucker," "Uncle Sugar," and "Uncle Handout"; *The Washington Post* is a "far-out left-wing newspaper"; credit cards are known as "plastic money"; and Martin Luther King "can foment trouble with the same facility that he advocates 'peace.'" He relates jokes about the Office of Economic Opportunity and hippies and, after mentioning a news account about President Johnson tossing beer cans out of his car as he sped around his Texas ranch, suggests that "Home on the Range" be changed to "Foam on the Range."

On occasion, Gross uses ridicule to make his colleagues squirm because they spend money so freely. When, for instance, Rep. Frank Thompson's bill to establish the National Foundation on the Arts and Humanities was brought to the floor for passage, Gross introduced an amendment to make sure that the Foundation would provide for belly dancing. He specified that he meant: "the irregular jactitations and/or rhythmic contraction and coordinated relaxations of the serrati, obliques, and abdominis recti group of muscles—accompanied by rotatory undulations, tilts, and turns timed with and attuned to the titillating and blended tones of synchronous woodwinds." Gross later admitted to the chamber that he had received technical assistance in drafting his amendment from Rep. Durward G. Hall, the only proctologist in Congress.

Not all of Congressman Gross' legislative humor demonstrates a light touch, however. When the House was considering a bill to control and exterminate rats, Gross asked on the floor, "It would be interesting to know how many children are bitten by squirrels that they feed and try to handle. On the basis of that, does anyone suggest a program to exterminate squirrels?" Partially as a result of Gross' opposition, the bill was scuttled.

Gross is in turn the frequent object of barbs from other congressmen. Observing that Gross has not left the United States since he fought in France in World War I and is opposed to congressional junkets, Reps. John Ashbrook and Frank Thompson sponsored a resolution last year to create a committee consisting only of Gross with the task of inspecting U.S. economic and military aid expenditures throughout the world. The committee was to be called the "H. R. Gross Special Congressional Investigating Committee."

Junketing congressmen often send Gross postcards from the countries they visit. "Paris is great! Wish you were here!" a typical card says. Rep. Morris Udall says he sent Gross a letter asking him to join a junket, and added, "Rome is ready for you." Udall says Gross wrote back saying, "The damn trouble is that I'm not ready for Rome."

Even President Johnson has joined in the needling. After giving his last State of the Union speech before a joint session of Congress on January 15, 1969, Johnson told reporters that he had seen tears in Lady Bird's eyes during the speech, and afterwards asked her why. Mrs. Johnson, who was sitting in the House gallery with her 19-month-old grandchild, Patrick Lyndon Nugent, said the child had been waving his bottle around, causing her to fear that "it would slip and hit H. R. Gross right on top of the head." President Johnson added, "I guess she felt that every Congress should have one H. R. Gross. I guess she wanted to preserve him."

THE TECHNIQUES OF OBSTRUCTION

Yet for all the kidding Gross receives, he is praised by a large number of congressmen on both sides of the aisle. Of 17 congressmen asked their opinion of him, only one failed to indicate respect for his efforts. For example, Rep. Silvio Conte, whose political persuasions are far to the left of Gross', says, "I think he performs a hell of a great service for the Congress." The conventional wisdom among representatives is that it is important to have one person like Gross in each Congress, but that if the House were filled with Grosses, it would be unworkable. He introduces relatively few bills each session and does not play a particularly active role in the shaping of legislation in committee. Instead, his function is essentially negative. Whereas most members pay detailed attention to bills within their committees, Gross is the only congressman who makes a concerted effort to read the entire contents of every bill, regardless of committee or calendar, that reaches the House floor. This is no mean feat, since in the 91st Congress, for example, 2,951 bills, many of them several hundred pages long, were reported to the floor.

Gross is constantly on the lookout for wasteful appropriations, self-serving arrangements among members, or ambiguous legislation. When he is unclear about some bill, he asks a question, and the response about the legislation's intent is then a matter of record. If the answer does not satisfy him, he may turn to his array of procedural gimmicks to delay or prevent the bill's passage, to ensure that other members know what they are voting on, or to get a record vote. He is generally well prepared, he is a good debater and expert parliamentarian, and his questions are germane. Because congressmen generally have a well-developed fear of embarrassment on the House floor, the knowledge that Gross is perenially there ready to challenge them has stimulated many to be well prepared themselves.

The most famous of Gross' techniques is the quorum call. He believes that all congressmen's first responsibility is to be on the floor when the House is in session, and therefore has no qualms about calling a quorum at any time. Though no statistics have ever been compiled on the subject, it is possible that the congressman from Iowa has called more quorum calls than any congressman since the founding of the Republic. During one six-month period, from January to June 1962, Gross called more than half of the 60 quorum calls put on in the House. Now, because a few other congressmen, notably Reps. Hall, Ashbrook, and William Scherle, have taken up his cause, Gross asks for relatively few quorum calls. Several years ago, Hall called a quorum simply to honor Gross' birthday. On another occasion, Rep. Tom Rees, angered by two quorum calls (one by Gross) which had been called during a meeting of the liberal Democratic Study Group the day before, made a speech on the House floor against "capricious and senseless use of quorum calls which have little or no relationship to the important matters which this Congress has at hand. As soon as Rees finished his speech, Gross made a point of order that a quorum was not present.

Because it takes half an hour to read through the list of House members, the quorum call can be used to delay action on a bill. Gross defends his use of it, saying, "How else can you make a point? Suppose you get up and you're pushed around by the Speaker or whoever is presiding. This is one way of letting them know that you don't like it. . . . The point is that I think they [other congressmen] ought to be on the House floor. I don't know whether they're in their offices or playing golf or in the gymnasium or in the swimming pool. . . . I'm using the quorum call just as they use it, and if they're on the floor, I can't get a quorum call."

Other congressmen disagree. They believe they can spend much of their time more productively in their offices than on the floor and say that Gross can afford to spend so much time there only because he does not take an active part in the writing and shaping of legislation. "I'd like to know where I'd be if I spent as much time on the floor as he does," says Rep. Udall. "If you insisted that all 435 members be there all the time, it would be an incredible waste of time."

Another of Gross' techniques is the objection to unanimous consent requests. The House handles much of its business, particularly scheduling, private bills, and assorted matters of secondary interest, through unanimous consent. When it is used, the objection of one member is enough to defeat a motion. Congressman Gross employs this technique to combat the "Tuesday-Thursday Club," comprised of congressmen who arrange to have unimportant business scheduled on Friday and Monday so that they can go home four days at a stretch. Gross has frequently used unanimous consent objections to block long weekend recesses or the scheduling of unimportant bills on Friday, thereby transforming the Tuesday-Thursday Club into the Tuesday-Friday Club. Asked if Gross had ever put a monkey wrench in his plans, Carl Albert, now the Speaker of the House, said, "There have been so many times, I can't recall."

Another dilatory procedure is the motion to "strike the enacting clause." This can be used only when all time for discussion of an amendment has expired. By moving to "strike the enacting clause," a congressman gets five more minutes of debate time, followed by a vote whether or not to kill the bill. Because this motion must be made in writing, Gross always carries copies of it in his pocket.

To some extent Congressman Gross benefits from the mystification that surrounds House parliamentary procedure. House procedure is codified in four sources: the Constitution, the House rules, Thomas Jefferson's *Manual*, and the 11 volumes of precedents of the Speakers and Chairmen of the Committees of the Whole. Gross has made himself an expert on House procedure and advises new members that the first thing they should do is learn the rules. "I can see some congressmen who've been here for several terms who don't even know the working rules of the House. . . . Some of them are pitiful, some of them never engage in debate, never get into any issues. That's their business, but nobody can tell me that the country wouldn't be better served if more of them were staying on the floor of the House and knew what the hell was going on."

Rep. Udall, who ran unsuccessfully for House Majority Leader in January and has co-authored a book called *The Job of a Congressman*, believes Gross over-emphasizes the importance of the rules. "It's a myth that the rules are so tough and complicated. The gimmicks Gross uses you could teach a guy in a week or two."

Because of Gross' willingness to use all the parliamentary procedures at his disposal, he is something of an alien power to the leadership of both parties. One congressman cites House Minority Leader Gerald Ford as saying, "There are three parties in the House—Democrats, Republicans, and H. R. Gross." Many committee chairmen try to iron out possible differences with Gross by notifying him of their intentions in advance. Some congressmen report that they have changed legislation in committee to anticipate Gross' objections on the floor. Thus, though Gross rarely has the votes to back up his convictions, he does have a negative influence, a veto power, over some aspects of legislation.

THE GADFLY AS FREAK

The basic article of Gross' faith is summed up in his bill, H.R. 144 (a gross equals 12 dozen), which he has introduced annually for more than a decade. The bill is invariably assigned to the Ways and Means Committee and never heard from again. It calls for, essentially, a balanced budget and the gradual retirement of the national debt. Deficit spending is not only responsible for the nation's present economic difficulties, Gross says, but also, "We're plastering the generations to come with mortgages that will never be paid off. We're putting them under an unbelievable handicap. And all this is having its effect on the moral fiber of the country. . . . The main reason why we will go into a crisis will be financial. At least that will be the spring board."

Gross is aware that his view of deficit spending is a distinctly minority one. "All you have to do," he says, "is get up and ask them [other congressmen] when they're going to give consideration to paying on the federal debt, and they look down their noses or smile at you as though you're some sort of a freak standing down in the well of the House. I can see it. My vision isn't getting any better with age but I can see them around on the floor. 'What the hell, you must be nuts!' "

Estimates of what Rep. Gross has "saved" American taxpayers range from millions to billions of dollars, but not everyone agrees that the amount saved always justifies the scuttling of the programs. Certainly some of Gross' proposed economies are reasonable. One example is a bill he has introduced this year to prohibit junkets by lame-duck congressmen. In the past such trips have been authorized as a kind of farewell present to non-returning congressmen.

But Gross is opposed not only to lame-duck junkets, but the great majority of other junkets as well. When asked if he thought any junkets might have an educational value worth their expense, Gross said, "Oh, some, of them might, but all too many of them are in the nature of pleasure trips." While that statement is probably true, many congressmen believe Gross' efforts in preventing junkets are a bit overzealous and a perfect reflection of his own provincialism.

Nevertheless, some of Gross' objections to junkets seem unquestionably justified. In July, 1969, Gross blocked a unanimous consent request to skip a House session on the day of the Apollo 11 launching so that Congressmen could accept free government transportation to Cape Kennedy to observe the moonshot. Gross said he was "unable to find any reason at all why a substantial amount of money should be spent" to transport the congressmen and their families to Florida. Because of his objection, the House was forced to meet on the day of the launching anyway.

Among the projects Gross has opposed are the Rayburn House Office Building, Robert F. Kennedy Stadium, and the D.C. Aquarium. He voted against a bill to appropriate $76,000 to outgoing Speaker John McCormack for office space; he blocked House passage of a bill authorizing a $500,000 study of the proposals for the United States to convert to the metric system; he blocked a $1,500 expense allowance for the congressional physician. Some charge that Gross is concerned only with trivial appropriations, while ignoring the huge sums meted out annually to agencies like the Department of Defense. Last year Gross voted against the appropriation bills for the Departments of Commerce, Housing and Urban Development, Interior, Justice, Labor, Post Office, State, Transportation, Treasury, and Health, Education and Welfare; he voted against appropriations for the Office of Education, foreign aid, independent offices, the Madison Building of the Library of Congress, the National Foundation on the Arts and Humanities, and the Smithsonian Institution. But he did vote in favor of the largest appropriation bill of all, $66.6 billion for the Department of Defense, because "in this business I would prefer to make an error on the side of what I conceive to be national security, the ability to retaliate, the ability to live in a nuclear holocaust." Gross says he believes some of the $66.6 billion is spent wastefully, but because so much necessary information is classified, "unless you're a member of the House Armed Services Committee, how in the hell can you know whether it's justified or not?"

Gross hopes the numerous examples of wasteful spending he has found will have a symbolic effect on the public. "It's a hell of a lot clearer picture when you're dealing with $850,000 than with $70 billion when you can't get a handle on it." But once armed with the knowledge that the government is wasteful, what is the public supposed to do? Gross doesn't know. "All we can do is try to hold members of Congress to account for the results obtained from the expenditure of [for example] $70 billion [on defense]. Eventually it shows up in one way or another. It may be a hell of a long time, and those who are the most responsible may be beyond the reach of the public, but there's no easy answer to this."

GURGLING IN THE WASTELAND

If Gross is not a sophisticated political theorist, then he is a dedicated moralist who has joined in attacks on Abe Fortas, Adam Clayton Powell, and Bobby Baker. As a result of his accusation that Max Kampelman, a Johnson appointee to the post of chairman of the District of Columbia City Council, was involved in a $4-billion international deal that "reeks of incompetence or fraud or both," Kampelman withdrew his name and Johnson was forced to appoint someone else.

The Congressman gets much of his information on wasteful spending and unethetical activities through tips from reporters. Clark Mollenhoff, the Washington bureau chief of the Des Moines *Register*, who calls Gross a "genuine liberal," says he frequently gives bits of information to Gross resulting in seven to ten stories a year. "We've got something going all the time," Mollenhoff says. He gives a perhaps inflated estimate that from 20 to 40 other reporters also give tips to Gross, who makes the accusations public when he feels sure of their accuracy. Gross' two chief assistants, Bob Case and Julian Morrison, are both former reporters themselves, but the Congressman denies that this is anything more than a coincidence.

By Washington standards Gross leads a spartan existence, so much so that some believe he finds the concept of pleasure offensive. While he labors on Capitol Hill during the day, his wife is at home reading and underlining for him. By the time he returns home, she has put the material she thinks he should read on a table next to his easy chair. At the end of the evening, if there is time, the couple plays a game of cribbage, then goes to bed. Gross has boasted of the fact that he does not own a tuxedo, nor his wife an evening gown. Several years ago he expressed shock that the Reverend Bill D. Moyers, special assistant to President Johnson, danced the watusi and frug at a party at the Smithsonian Institution. Gross himself infrequently indulges in fresh-water fishing, his only hobby. Known privately as a gentle, gracious man, his friends include former Senator Eugene McCarthy, who once reflected on Gross: "He has always proceeded with good spirit."

Gross gives the impression of a gruff, hard-bitten, non-nonsense curmudgeon, but this is to some extent a pose, a self-protective device. During an interview in his office, he is interrupted by five loud rings announcing a House session at noon. He stops for a moment and says, "That could ring once, and you could hear it, and you'd be put on notice that there was to be a session of Congress at noon, but it rings five times. There's an old story in the Navy: 'If it moves, salute it; if it stands still, paint it; and if you write about it, make 10 copies.'" Then, without a trace of a smile, he returns to his original subject. Rep. Frank Thompson says that after he acknowledged Gross' birthday on the floor of the House last year, Gross met with him at the rear of the House chamber. Gross first upbraided Thompson for mentioning his birthday, then smiled for a moment and said, "Thanks."

Several congressmen believe Gross has mellowed over the years. Following the death of Rep. Robert J. Corbett in April, Gross became the ranking minority member of the Post Office and Civil Service Committee. Rep. Edward J. Derwinski, who ranks immediately behind Gross in both the Foreign Affairs Committee and Post Office and Civil Service Committee, says, "H.R. has already done more in a month than Corbett did in years. He consults with us. He's had meetings. He's considerate of all the members. He's an extremely attentive ranking member to his people. I think he recognizes he has a responsibility to the other members of the party. He's no longer H. R. Gross the gadfly, he's H. R. Gross the ranking member." Derwinski says that when a junket proposal in the Post Office and Civil Service Committee came up, "He could have made it more uncomfortable if he wanted to. But he just went through the motions of opposing as we passed the travel resolution. He no longer has the same vehemence as he did before." Morris Udall, who is also on the Post Office and Civil Service Committee, says, "Responsibility is sobering. Gross is not being as unreasonable as was feared." Gross denies that he has mellowed.

SLOUCHING TOWARD IOWA

With his constant attendance on the House floor, his careful consideration of every bill, his careful consideration of every bill, his desire to truly debate legislation on the floor, and his relatively minor role in committee work, Gross probably comes closer to embodying the grade school textbook's conception of a congressman than any other member. A literalist, Gross believes he is doing what the framers of the Constitution had in mind.

In his newsletter Gross once cited approvingly a statement by Barry Goldwater: "The challenge is not to find new or different truths, but to learn to apply established truths to the problems of the contemporary world." Gross embodies the old values that he thinks are disappearing from America: simplicity, frugality, integrity, diligence, and God-fearing religiosity. We have gone wrong, he thinks, in allowing an all-encompassing federal bureaucracy to control our lives and diminish our freedoms.

Rep. Otto Passman, one of Gross' admirers, accurately describes the thrust of Gross' efforts in Congress: "I came out of the free enterprise system, but it seems that now we are on the road to socialism. The government will control people's lives from cradle to grave, and the people won't fight it because they haven't experienced democracy. With socialism, putting people on the dole, you paralyze initiative and deaden incentive. There's never been a democracy that's lasted more than 200 years, and this country is 181 years old now. Gross has slowed down the trend to socialism from a walk to a crawl, but he hasn't stopped it."

To Gross, that rough beast slouching towards us is socialism. He prides himself on having identified the animal for us, and if he could, he would slay it. But he is no fool, and he knows that parliamentary gimmicks are no match for this beast. Consequently, even accolades like the following, from Rep. William J. Scherle, one of Congress' more determined reactionary members, do not cheer him: "It's intersting to find out how many times this renowned scholar has predicted what was going to happen, how year after year his statements have come true, but not only that, how many people have to eat crow . . . I think that anybody who ever gets the books and papers of H. R. Gross probably will own one of the most gratifying gifts anybody could ever receive."

In a few years Gross will retire to his home in Waterloo. It is easy to imagine him there, trying to live the leisure life that a man with a career of hard work behind him is entitled to. He'll go to church on Sundays and play cribbage at night. He'll read the papers, and see the evidences of Uncle Sucker's latest follies, and hope for a few more years before the beast reaches Iowa.

CHILD CARE ARRANGEMENTS IN OTHER COUNTRIES: SWEDEN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. FRASER. Mr. Speaker, in anticipation of the child-care legislation which will soon be before this House, I would like to share with my colleagues some of the recent studies done on day care in other countries. We often neglect to learn from the development and growth of institutions in other nations. Because the United States is something of a latecomer to the field of day care, I think it might be valuable to learn more about the day-care institutions of the Soviet Union, Israel, Sweden, France, and Eastern Europe.

While not all child-care practices of these countries are applicable to the problems of the United States, certainly the Soviet Union and the countries of Western Europe face similar problems as industrialized nations with highly developed systems of technology, education and mass communications.

In the next few days I will submit for inclusion in the Record studies of child care in the Soviet Union conducted by Urie Bronfenbrenner, one of the foremost authorities in comparative studies of the United States and the Soviet Union's educational systems, and a series of studies of child-care arrangements in East Germany, Czechoslovakia, Hungary, Israel, and France.

The following report on child-care centers in Sweden was obtained by one of my staff members who recently made a tour of day-care facilities in Sweden. The author, Siv Thorsell is a consultant to the Swedish Government on child-care centers.

I was particularly struck by the fact that the different facilities in Sweden are referred to as child-care centers. This in many ways reflects the difference in emphasis between a child-oriented and time-oriented system. Much of the "day care" terminology we use seems to be concerned only with time rather than children.

The fact that child-care centers are a necessary part of a society in which family patterns are constantly shifting is a growing element in the Swedish attitude toward child-care centers. As Mr. Thorsell points out in his conclusion:

> The view that children need both the preschool and the home is now gaining acceptance in Sweden. It is unreasonable to demand that the parents should meet all the child's needs, still less that the mother should accept responsibility for the child's upbringing to the extent she does now. This responsibility must be shared by both parents, both of whom need outside support.

For Children's Minds—Not Just to Mind the Children by Siv Thorsell from a report entitled "Before School Starts" available from the Swedish Institute, Hamngatan 27, P.O. Box 7072, S-103 Stockholm, Sweden. (The Swedish Institute is a nonpolitical organization chartered to run cultural and exchange programs with other countries and to furnish information on Swedish subject matter of general interest.)

The article follows:

FOR CHILDREN'S MINDS—NOT JUST TO MIND THE CHILDREN

(By Siv Thorsell)

For their personal development, children need the stimulating contacts and outside impulses offered by our child centres.

Should preschools (day-nurseries and nursery schools) look like the home, and function in the same way as the home? Obviously, they must offer children what is valuable in a good home environment; they must offer protection, food and warmth, security and human contact. That is to say they must satisfy certain fundamental physical, emotional and social needs. There are also certain things that modern homes are unable to provide to a sufficient degree; the children have limited opportunities of making contact with others, and it is often difficult to meet their need for intellectual stimulation. The home, the residential environment, is the result of many compromises in which the children's interests tend to suffer. Preschools can offer a children's environment in the true sense, thus becoming not only a sort of reserve home but also an amusing and stimulating "place of work".

Swedish preschools are classified as either day-nurseries or nursery schools. The day-nurseries look after children for five or more hours when parents are at work, while the nursery schools usually receive children in groups for three hours. After a long period of stagnation, the number of day-nurseries has begun to increase steadily. The need, however, is still far greater than the supply. Nursery schools have expanded considerably ever since the war and continue to outnumber the day-nurseries, but there are still relatively few of them. At present, roughly half of all Swedish children below school age can attend a nursery school or day-nursery for a year or more before starting school.

In recent years, the Government has taken a number or measures to stimulate the provision of day-nurseries. The state grants available have been increased on two occasions, and the state now provides considerable sums towards the erection and maintenance of day-nurseries and free-time centres for school children. As will be mentioned below, day-nurseries, nursery schools and free-time centres are jointly referred to as "child centres."

A Royal Commission has been formulating the aims of activities at nursery schools and day-nurseries. The Commission is also to propose a basic pedagogic programme for preschools. The next stage of its work will be to study the possible introduction of a compulsory, public preschool system, which will allow all children within a certain age range to attend part-time or full-time.

This account is mainly a description of the situation at present; the scope, activities, administration, financing, and staff of Swedish preschools. It concludes with an attempt to describe the possible scale and nature of activities in the future. There is strong support not only for an expansion of the day-nurseries, but also for a broadening of activities so as to guarantee every child the opportunity to attend a preschool. Actual activities at these schools are also the subject of lively discussion, and an attempt will be made to outline certain views that have been put forward.

SWEDISH PRESCHOOLS

Swedish preschools do not at present offer any direct preparation for the schools, and provide very little in the way of actual teaching. The term preschool, in this context, includes as mentioned both the full-time "day-nursery" and the part-time "nursery school".

In the *day-nurseries* the children of gainfully employed parents are looked after. The children spend at least five hours a day at the nursery. Ages range between six months and seven years, but departments for the youngest children are not available at all nurseries. Nurseries accepting children under the age of two are concentrated mainly to the three main cities of Stockholm, Göteberg and Malmö. The number of children who can be accepted, however, exceeds the official number of places, since a surplus intake of 20 per cent is allowed.

How far have we succeeded in meeting the requirements of working parents for organized supervision and care of the type provided at day-nurseries? From January 1, 1969, such activities are subsidized by the state. It is generally believed that the family day-nurseries will help fill the gap for a reasonably short period, and that they will decline in importance as more regular day-nurseries are built. The emphasis on day-nurseries stems mainly from their being the safest and most reliable solution for both the children and their parents, providing the staff, premises, equipment, toys and pedagogic aids that will create the most stimulating environment, one which will promote the children's development socially, emotionally and intellectually.

Nursery schools, as I have said, are considerably more common than day-nurseries. In principle, they should cater to children between the ages of four and seven, but the majority of children attending nursery schools at present are six-year-olds, and access to nursery schools varies from district to district. The predominance of six-year-olds is caused by the short supply in relation to the demand. Only a few cities and municipalities provide preschools on sufficiently large a scale to allow acceptance of children from the age of five, permitting them to attend for two years.

As a rule, a nursery school or department of a nursery school will take a group of about twenty children in the morning, and another group of twenty in the afternoon. One nursery school teacher is usually responsible on her own for a nursery school or department of a nursery school within a child centre, as compared with two teachers for each day-nursery department. The individual child will spend about three hours a day at the nursery school, five days a week. These schools follow the regular division of the year into terms, which means that they do not function during the summer (for about three months), or around Christmas and the New Year.

Child centres is a term used jointly for day-nurseries, nursery schools and free-time centres and will be used frequently in this booklet. *Free-time centres,* which are to be found so far mainly in Stockholm, look after the younger schoolchildren during the part of the day when they are not at school. It is still more common for day-nurseries and nursery schools to be separate, but the institutions now being built often combine both forms of activity. In a few cases, free time centres for schoolchildren have been combined with a day-nursery and/or nursery school.

From preschool to school

Swedish children start school in their seventh year but can receive special permission to start earlier. For a number of years, a "school-readiness test" has been given to all children before they start school. Previously, a child who was found insufficiently mature could be kept waiting for an additional year, during which he was permitted at best to attend a nursery school. The system now being introduced means abandoning the "school-readiness test" and also means that all normally gifted children should start school at the regular time. If necessary, children with difficulties should be taught in a special "school-readiness class" or receive special instruction while attending a normal class. Children, for instance, who have difficulties in learning to read can obtain assistance in a "remedial reading clinic." Instead of constructing the school in a given way and trying to fit all children to this pattern, attempts are now made to create a school to fit the children, with a maximum of individualized teaching. The whole concept of "readiness for school" is being abandoned. It is not intended that children who have difficulty in keeping up should have to repeat a whole year; instead, assistance must be made available at the points where the child encounters particular difficulty.

Free-time centres for schoolchildren are considered to be a great value, especially for younger schoolchildren whose parents are working, since children during their first years at school attend for only a few hours a day. In the first grade children attend 19 hours a week, in the second 20 hours a week and in the third 25 hours a week.

Institutions for young children are not simply "parking places"—they must function also as pedagogic centres.

Many people hesitate to refer to day-nurseries and nursery schools as "institutions." An institution is regarded as something closed and isolated, which is the last thing we want our preschools to be. Unfortunately, in Sweden as elsewhere, the special facilities provided for young children are often "closed," in the same way as the majority of homes. Schools are also closed institutions. Morever, the new type of school is being made increasingly open to the outside world.

Community planning has not catered particularly to the needs of children. The new districts being built are for the most part purely residential areas, in which very little goes on. The shops are placed in the big centres. Places of work of all kinds, such as offices and workshops, are concentrated in the centre of town or in special industrial areas. Many believe that a residential area should provide an everyday environment which is above all friendly to children, a place with playgrounds, recreation grounds and other places where children and adults can meet. An incipient interest in such aspects of our environment has shown us that the residential areas now in existence, and under construction, by no means meet requirements. It should be borne in mind here that Sweden, which enjoys a relatively large land area in relation to population, has experienced in recent decades a large-scale migration to the urban areas. Up to the mid-19th century Sweden was very much of an agrarian society. Not until the beginning of the 1930's did industry and services take the lead over agriculture. Today almost half the Swedish population is engaged in these sectors while the percentage occupied in agriculture and forestry has fallen to about 10 percent.

Child centres (including free-time centres for schoolchildren), with the opportunities they offer for activities and contacts with the outside world, have an important function to fulfill. The requirements thus far made of the physical plant have related to such elementary and of course very important aspects as spaciousness, a situation at ground level, satisfactory daylight lighting, adequate sanitation, and sensible planning.

General regulations of this type have been published by the National Board of Health and Welfare, the ultimate supervisory authority in this field. The Board has also specified in detail how premises should be arranged. It is stipulated, for instance, that there should be an indoor play surface of at least 32 sq. ft. per child—preferably more. The outside surface available should be about 160—110 sq. ft. per child—preferably more. The minimum total play surface of the nursery schools is 110 sq. ft.

The Board recommends that child centres should be housed in separate buildings, particularly in the case of day-nurseries. A child centre can also be arranged on the ground floor of a larger building, provided that an outdoor playground can be made available directly adjoining the centre. Sample drawings for the use of local authorities and others have been published by the Board, which has also approved a number of "type solutions" submitted by the manufacturers of prefabricated buildings. Many of the child centres now being built are housed in free-standing prefabricated premises of this kind. It is not unusual, however, to use existing detached residences.

It is also emphasized that child centres should be as flexible as possible, so that they can be used if necessary for other purposes than originally intended. This is because requirements in residential areas shift so rapidly, in new areas there is a great need of premises for preschool children, but in a few years the emphasis can be on facilites for schoolchildren. It must then be easy to adapt premises so that they can be used for older children.

The Board's recommendations also stress that the preschool premises should be homelike. The nursery schools are a supplement to the play environment of the home, while the day-nurseries and free-time centres also are a substitute for care in the home. The preschools (and even free-time centres) must thus be able to function as homes, but also offer something more than this. This brings us to the actual aims of the preschools, and how they are to be realized.

PRESENT AIMS OF THE PRESCHOOL

According to the Board's recommendations, preschools are to provide a complement to upbringing in the home, at the same time offering children contacts with other environments and preparing them for the demands of school life. It is emphasized that the preschools should work in close contact with the home.

The day-nurseries, and the free-time centres, are a necessary condition for many mothers to take employment. The Board's recommendations further state that the nursery schools "can also give housewives the time off from their children that they need to organize their housework in a practical manner". It should perhaps be added that the Board has neglected to stress that housewives also need time off, not only for housework but also for their own sake—to be able simply to relax, to study, meet their friends, etc.

The purpose of upbringing is to promote the development of children's personalities and their social adjustment, and in this respect both the nursery schools and day-nurseries are to function as a complement to the family. Their pedagogic programme is entirely identical. What the day-nurseries offer in addition is daily care, meals and rest, and a longer period of play outdoors.

The Board's pedagogic recommendations emphasize particularly the role of the preschools in promoting independence and social adjustment. The children learn to function together in a group. According to the Board it is important also "that the children should jointly obtain certain basic knowledge of conditions outside the home, for instance by excursions or field trips. Such experiences can be pedagogically exploited in group work or free creative work of different kinds".

STAFF

Day-nurseries are staffed by nursery school teachers, children's nurses and—in some cases—instructors in child care. (Apart, of course, from staff not directly concerned with the children.) The number of children per staff member varies between age groups. The principle is that there should be fewer children to a department, the younger they are. In day-nurseries, two nursery school teachers should be attached to each department, in addition to the principal. If nursery school teachers are unobtainable, qualified children's nurses can be employed. Apart from kitchen staff and similar help, there should be one staff member to every five children. If the day-nursery has a department for babies (6–24 months), which is where the nurses normally work, then the personnel requirement is one staff member to every four children.

In a nursery school with one department in the morning and another in the afternoon, activities are the responsibility of only one nursery school teacher.

At a large number of child centres there are also trainees who require practical experience for admission to a nursery school teachers' training-college as part of their course. Such trainees, however, cannot be counted as staff for the purpose of meeting the Board's requirements.

Further assistance at the child centres is provided by child visitors, who also look after, in the home, sick children whose parents are at work. Such child visitors are employed by the local authority, but not directly attached to any child centre. Their services are provided via municipal "domestic aid committees." This form of service is not yet offered on any major scale.

Nursery school teachers undergo two years of training at state nursery school teachers' training colleges. Entrance requirements are the nine-year compulsory school and certain practical experience as school trainees. At present there are 14 nursery school teachers' training colleges in different parts of Sweden.

The training of children's nurses (nursery nurses) can comprise either a one-term course in the care of small children, plus practical experience among younger preschool children, or a thirty-four week course covering the care of both babies and small children.

Instructors in child care, who are qualified to become the principals of homes for babies or of day-nurseries with special departments for babies, undergo special training lasting for three years. Requirements for admission to such training include the nine-year compulsory school, domestic science school, and training as a children's nurse.

ADMINISTRATION AND FINANCES

Preschools (both day-nurseries and nursery schools) are under the supervision of the National Board of Health and Welfare, which is under the Ministry for Health and Welfare. The regional authority is the county administration and the local authority is the municipality.

A number of large municipalities, which run preschools on a large scale, employ consultants or inspectors who are responsible for coordinating the activities of day-nurseries, nursery schools, free-time centres, and child-minding, including the training and administration of assisting staff. In Stockholm the mental health organization also has a preschool team to assist staff in the field of mental health.

A preschool can be under the local authority, an association, a company, or a private association or person. As shown by the following table, most day-nurseries are under the jurisdiction of the local authority. Nursery schools too and usually under the local authority, but quite a few are run by associations, in most cases with the help of local authority grants. Anyone setting up a child centre can obtain a state "starting grant" and cover most other initial costs by a state loan.

Starting grants are available for premises arranged so that they can be used for the supervision of children throughout the day, or for at least five hours a day. The recreation of day-nurseries and free-time centres is thus subsidized by the state, and the same is true of institutions functioning as both day-nurseries (and/or free-time centres) and nursery schools. Generally speaking, child centre premises attract both a grant and a loan, if the disposition and fixtures of the building are planned for group activities by children, and all the children accepted can stay there for a minimum of five hours a day. Those setting up a child centre must also undertake to make all places available for activities lasting for at least five hours per child per day. This means that the institution must offer cooked food and facilities for rest and sleep. If these conditions are met, nursery school departments are also eligible for grants and loans.

Child centre premises should be planned in consultation with the Board of Health and Welfare; it also determines the number of places, which must always be set in a given relationship to the space available and its disposition.

Grants towards the establishment of nursery schools can be applied for from the State Inheritance Fund. If the nursery school is in a residential area eligible for state loans, then a state housing loan can be obtained.

In the case of state grants towards running expenses the requirement, again, is that activities cover at least five hours per child per day. It is also assumed that they will be under the supervision of qualified staff, and that the premises will be suitably equipped. If a given institution, for instance, has both day-nursery and nursery school departments, then a grant for current operations will be paid on the basis of all places, provided that at least two-thirds are utilized for supervision the whole day, or for at least five hours a day. State grants have been structured in this way because the state is concerned primarily with providing help to gainfully employed parents.

NEW DEVELOPMENTS

The state's opportunity to influence the building of day-nurseries lies in the generous provision of grants for erection and maintenance. Both grants and loans have been offered on a greatly increased scale during the sixties, and have contributed immensely to the accelerated rate of expansion.

A driving force has been the "Central Committee for Cooperation" appointed in 1963. It consists, among others, of representatives from the Board of Health and Welfare, the Labour Market Board, the Board of Education, the Association of Swedish Local Authorities, the Swedish Employers' Confederation and the Swedish Trade Union Confederation. This committee is actively concerned with studies and information. Information, which is aimed directly at the local authorities, relates to population changes, employment, female participation in the labour market, and the technical, economic and organizational factors involved in the planning and building of day-nurseries and free-time centres. In 1964, a scheme was initiated to create County Committees for day-nurseries and free-time centres. These latter, which are now in operation in several counties, promote the growth of child centres within their respective areas.

Child centres and service to promote equality between the sexes

Underlying the strong increase in the number of day-nurseries is the intensive discussion being waged about equality between the sexes. This discussion has brought out latent needs that have long existed. Those women with young children who want and need to take gainful employment must have a real opportunity to do so, and it is realized that the best long-term solution is the provision of day-nurseries and free-time centres.

At the same time, it has been emphasized how one-sided it is to assign responsibility for the care and upbringing of children primarily to women, and hardly at all to men. Progressive opinion aims at a more even distribution of responsibility and rights between men and women in respect of work in the home, and participation in the life of the community at large. Day-nurseries, free-time centres, and rational personal and family services, are an important aid in solving this problem. However, the parents of small children must also be offered generous terms in respect of leaves of absence and shorter working hours, without this leading to discrimination in respect of their future careers and current and future social benefits (unemployment benefits, pensions, sickness benefits, etc.). It has been made clear that, inevitably, "having children costs money"—but that it should not necessarily be a burden to the parents for the whole of their life as it generally is at present, at least for the women. Mothers are now asked to sacrifice their personal and financial independence, possibilities of advancement, improved earnings, interesting jobs, civic duties, etc., simply because tradition has assigned them practically total responsibility for children and housework. Stockholm, which has a relatively high number of day-nurseries, was the first town to set a definite target for expansion, namely that at least 80 per cent of the children of working parents should have access to a day-nursery. This target has already been reached in some districts.

The same standard is recommended by the Central Committee for Cooperation. The realization of such a target would mean about 80,000 day-nursery places in Sweden, as compared with the 16,000 or so in existence. According to forecasts of future participation rates on the labour market, over 100,000 places in day-nurseries must be available by 1975 if the 50 per cent rule is to be fulfilled. About 2,700 new places have been created in the past year (1967/1968). Even if growth continues to accelerate slightly, it is hardly probable that the Committee's recommendations can be realized.

A COMMON PRESCHOOL SYSTEM IN THE FUTURE

For those children who cannot obtain places—whether both or only one parent is at work during the day—the question can arise of making it possible, on a much larger scale, for a child to attend preschool for part of the day over several years. The Swedish Central Organization of Salaried Employees has demanded such a reform. It wants to make it compulsory for all local authorities—with strong support from the state—to offer all children the possibility of attending preschool for at least two years. As already mentioned, this question is now being considered by a Royal Commission. The directive given to this Royal Commission emphasizes that the aim of educational planning in recent years has been to offer a good school education regardless of the district of residence, financial status of the parents, and other circumstances. It is stressed that this process of democratization should be broadened to cover circumstances influencing the initial position of the child on starting school.

This will make great demands on the preschool system, and probably require some change in its aims and the structure of its activities. This, however, is something that the Commission must first consider. Even if the question does not arise of making a fixed curriculum, the Commission's directive suggests that there is reason to compile more concrete recommendations on the nature and structure of activities. Studies made on the effect of attending a preschool suggest that it is often relatively slight in the case of children from families that are well-off and themselves make an effort to promote the child's development, i.e. largely families with a good education. In the case, however, of children from less adequate environments, the effect of preschool attendance is marked. It is striking how the consequences of these findings have been ignored. To begin with, it is obvious that children from different environments get a very different start in life—a situation that could be improved by a real investment in preschools. Secondly, these studies suggest that children generally have a development potential that is not exploited either by the homes or by our present type of preschools. It can be suspected that the adults determining the conditions under which our children grow up—by virtue of their position as parents, teachers, or public officials—do not really know what is best for the children. In many countries, the preschool is a more conservative institution than the school. This is natural enough, since the younger the child, the greater the degree of control that adults can exercise. Also, preschools in Sweden—and in other countries—are not subject to the same reformatory zeal and interest on the part of informed opinion. Nor does the legislation provide for the same supervision as in the case of schools. However, the view that children need *both the preschool and the home* is now gaining acceptance in Sweden. It is unreasonable to demand that the parents should meet all the child's needs, still less that the mother should accept responsibility for the child's upbringing to the extent she does now. This responsibility must be shared by *both* parents, *both of whom* need outside support.

OUTREACH PLAN REACHES HARBOR TERRACE YOUTHS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Juvenile Delinquency Prevention and Control Act of 1969 authorized HEW to provide funds for communities striving to better conditions for youth development.

In Fall River, these funds have gone to the Outreach program, sponsored jointly by the Family Services Association and the Fall River YMCA. The program has been scoring many successes in providing a healthier community for the inhabitants at the Harbor Terrace housing project. I submit this Fall River Herald News article which tells of these endeavors and their successes:

[From the Fall River (Mass.) Herald News, Aug. 11, 1971]

OUTREACH PLAN REACHES HARBOR TERRACE YOUTHS

Harbor Terrace is the scene of a new social service experiment, sponsored jointly by the Family Service Association and the Fall River YMCA.

The Family Service Outreach Program is an unusual instance of federal funding to private agencies. Also, it marks one of the first examples of interagency cooperation for youth development and delinquency prevention.

Concerned equally with the youth and the parents of Harbor Terrace, Outreach takes what Family Service Association executive director Donald J. Emond calls "a new approach." Its aim is first to find out what the project residents really need, and then to work for personal development and improved communication among the residents and the social organizations which exist to serve their various needs.

According to Emond, one of the most effective ways to help people with common life problems is to "provide positive models." This is where the Outreach staff comes in.

Richard Desrosiers, Outreach director, spends most of his time at Harbor Terrace. The young social worker, a Tiverton resident, first became involved in this city through work study programs during his student days at Providence College.

Desrosiers worked for several months with former Family Service staff member Robert Sutton, who established youth programs at several housing projects, and drew up the proposal for the Outreach federal grant. Sutton, now with the Child Protective Services in Hyannis, is still a consultant to the Outreach program. He returns to the city once a week.

In continuing the work begun by Sutton, Desrosiers is assisted by a 15 member staff, including professionals, Neighborhood Youth Corps members, and volunteers. Among the Outreach workers are Miss Vicky Larsen of Somerset and Miss Kathleen Ryan of this city. Assisting agencies include the Boy Scouts and Girl Scouts, and the First Baptist Church, which has lent its arts and crafts "funmobile."

An unprecedented bright light on the Outreach horizon is a grant of $24,100 received this summer from the federal Department of Health, Education and Welfare. The granting office is the HEW Youth Development and Delinquency Prevention Administration.

Outreach summer activities include handball, baseball, archery, swim sessions at the YMCA, fishing trips to the Taunton River, and two weeks of day recreation at Camp Noquochoke.

Harbor Terrace mothers are invited to swim at the Y and to join their children at camp. The mothers are the first to say that something new has happened in the daily atmosphere of the housing project.

"The kids have something to look forward to, and they think the world of Dick," a mother said. Another mentioned that her teenage son is involved in the program as a Youth Corps worker. "They learn many new skills, and find their way to good jobs afterward," she said.

Outreach worker Wayne Harris knows the needs of the people well. Now 22, he has lived at Harbor Terrace since he was 3. Athletic. yet easy-going, he guides many of the sports events, and is on 24-hour call for counselling.

Russell Babcock, director of the YMCA, stopped by at Harbor Terrace for a talk with Desrosiers and Harris. "The federal government should spend more money to aid such programs as this, conducted by responsible organized private agencies," he said.

In programs such as Outreach, the federal government is giving a needed boost to agencies which have long experience in service to people, performing key jobs quietly from year to year, the YMCA director said.

Many Harbor Terrace children live in homes lacking a father's presence. They welcome the arrival of Desrosiers, clustering about him and telling him about their daily concerns. One little girl offered him a gift, a book of matches she had picked up. "But they're all wet," he said, accepting them in a gentle, joking tone. "Oh, no, they work," his small friend assured him.

Another concrete proof of Outreach effectiveness is the fact that juvenile court referrals have recently decreased by 66 per cent in the Harbor Terrace neighborhood.

Desrosiers noted that minor criminal activity is often the result of an individual's failure to perform in a structured social atmosphere.

"Not everyone learns how to work with rules. That's why our main teaching function is to reach out to the kids on their own level and help them to learn how to relate to each other, how to lose, and how to win," said the counsellor.

We also want to decrease the strain in institutional ties," he said, looking forward to the school year, and speaking of a possible school liaison component. Outreach workers would help parents to approach teachers with confidence, for increased mutual understanding of the children's situations and needs.

The strength of the program is enhanced by the 75-year experience of the Family Service Association which, as Emond said, will continue to operate, whether or not it receives large government fundings.

Family Service is a United Fund agency. As such, it has continuity, along with a solid core of professional expertise on social, legal, and welfare problems. "We are essentially a family counselling agency," Emond said.

Family Service officials regret that the Outreach program cannot, at this point, be set up in all the city's housing projects. Paying tribute to the groundwork accomplished by Sutton, Emond said that FSA had overextended itself in the past, trying to serve several projects at once with limited funding and staff.

"Now, realizing how much attention is needed, we would rather be effective in one project.

CONSUMERS NEED A GUARANTY ON GUARANTEES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. ROSENTHAL. Mr. Speaker, no one really expects that every product on the market will be absolutely perfect and never break down. That would be silly. But there is no danger of that happening. In fact, it seems that just the opposite may be true. The level of shoddiness is rising to greater and greater heights. And while the quality of the product is diminishing, there is a simultaneous increase in the difficulty consumers face in getting defective merchandise fixed.

One gets the distinct impression that American business is ashamed of the merchandise it produces and sells; otherwise it would not be so reluctant to stand behind its work. Most guarantees and warranties the American people receive on the products they buy are not worth the paper they are printed on. I am sure everyone in this room can cite several personal experiences with product warranties that did not quite cover what they were supposed to or were understood to.

There is the television set that has spent more time in the shop than in your home. The car that seems to have a built-in timer that makes it break down the day after the warranty expires. The "no-strings" guaranty that simply requires you to send the product back to the manufacturer for free repair even when the shipping costs more than the item did when new. And on and on and on, ad nauseum.

These are some of the inconveniences and abuses consumers are forced to endure daily. The issue of consumer protection is essentially an issue of honesty.

Time and again buyers are faced with confusing procedures, unreasonable time delays, and exorbitant, hidden charges in their efforts to get defective products repaired. Sometimes these problems result from deliberately vague or misleading wording. Other times they are a result of a manufacturer's or seller's reluctance to provide adequate repair procedures and facilities. In any case the consumer is the one who suffers.

Examples of this kind of activity are numberless. For instance, a well-known piano manufacturer, Baldwin, "agrees to promptly repair or replace without charge any part which is found to be defective." However, the piano must be delivered to their factory or other place designated by them "and the transportation costs borne by the purchaser." If a repair facility is not close at hand the transportation expense can be enormous. To ship a piano, for example, from Baltimore to Washington, D.C., where Baldwin does have a repair facility, a person would have to pay out of his own pocket between $75 and $100. This assumes of course that the manufacturer's facility is that close. Imagine the expense of shipping your favorite piano to Cincinnati, Baldwin's main repair facility. It could be cheaper to throw it away and buy a new one.

The tire industry is another offender. While companies advertise at "list prices" they rarely sell at these prices. In fact, the actual sale price may be as much as 50 percent below list. Under their prorating system, if a tire is faulty, credit toward the purchase of a new one is calculated as a percentage of the tread left. If half the tread is left, the consumer generally pays half the price—the list price—of a new tire, not half the current going market price. So, if he is charged 50 percent of the list price, the value of the guaranty is diminished, if not corrupted.

These abuses are also widespread in the auto industry. Consider the case of the motorist with a cracked exhaust manifold. Does his warranty cover this? Of course, the dealer says, unless the damage was caused by a rock which flew up under the car and hit the manifold, which is on the top part of the engine. The chances of such a freak happening are minute. If the cause of the broken manifold is such an unusual accident, the customer winds up paying about $45; if it is a defective part, the company pays. Now try and guess what the dealer is going to tell the customer who wants his manifold fixed.

Perhaps the worst offense lies in the hidden labor costs. Buyers are told that merchandise will be repaired and parts replaced free of charge. However, the purchaser must pay the cost of labor. Picture the surprised buyer, when he is forced to pay $45 to repair a refrigerator worth only $50.

Warranties are only as good as the manufacturer's willingness to stand behind them. Unfortunately, the batting average of business is frighteningly close to zero. To say the least, it is disappointing. Rather than stand behind their work, too many manufacturers would rather hide behind a veil of vague, unsteady, noncommittal evasiveness. Fraudulent and misleading guarantees cost the consumer millions of dollars every year.

That is why I have introduced H.R. 5037, the Consumer Products Warranty and Guaranty Act. The Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce is currently holding hearings on this subject and hopefully will soon report out a strong bill that will give consumers the protection they need and deserve.

My bill is a guaranty on guarantees—and a strong, meaningful one. It provides, for the first time, real and significant protection against fraudulent or misleading guarantees and warranties. There are a number of significant provisions which I would like to point out. **This bill:**

First, extends supplier liability to all guaranteed items with a value of $5 or more. How many Americans have had a $5 shirt, a $7 coffee grinder, an $8 iron, a $9 electric clock or a $10 wristwatch fall apart a month after its purchase? How many Americans have written to manufacturers seeking satisfaction, only to be told that their warranty does not cover that particular repair? Consumers are lost in a maze of legalistic loopholes that laymen cannot and should not be expected to understand.

Second, it forces suppliers to specify in writing any parts or repairs which are excluded in the terms of the guaranty; requires them to specify in writing a step-by-step list of procedures which the consumer must take to recover losses; and directs them to set a deadline for making the needed repairs.

They would be required to go on record, standing behind the integrity of their product.

Third, calls upon the manufacturers to disclose the kind of coverage buyers are getting.

Too many consumers have returned defective merchandise to the factory only to find that their warranty does not cover the particular repairs needed. Too many buyers have ended up paying for a certain percentage of the labor not covered by their particular agreement. H.R. 5037 puts an end to this. Under the provisions of this bill, buyers will know from the beginning whether or not theirs is a full or partial guaranty. They will be sure of the costs they will meet in seeking repairs on merchandise they have purchased.

In summary, Mr. Speaker, I would like to say that H.R. 5037 is another step toward granting the American consumer full equality in the marketplace, something he woefully lacks. It forces the maker to be fair and honest in his dealings with the buyer.

FEDERAL HEALTH BENEFITS LEGISLATION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. HOGAN. Mr. Speaker, the Subcommittee on Retirement, Insurance, and Health Benefits of the Post Office and Civil Service Committee today commenced hearings on pending health benefits legislation.

As a member of that subcommittee and as the sponsor of three bills relating to the Federal Government's contribution to employees' health benefits, I ask that my testimony before the subcommittee be included in the RECORD at this point:

TESTIMONY OF THE HONORABLE LAWRENCE J. HOGAN

Mr. Chairman, in coming to testify before this Subcommittee, on which I serve, in support of legislation to increase the Federal Government's contribution to health benefits' coverage, I feel almost as though I'm bringing coals to Newcastle. I note that four members of the Subcommittee, including our Chairman, are co-sponsors of both H.R. 7807 and H.R. 9620 which we are considering today. In addition, during the hearing of this Subcommittee on June 23, 1971, I was pleased to note that several of the other members of the Subcommittee, while not sponsors of the legislation themselves, do indeed support it.

I feel, Mr. Chairman and fellow members, as though I've been this route before. This is undoubtedly due to the fact that very early in my first term in Congress I introduced H.R. 10593 to authorize the Federal Government to pay 100 percent of the cost of certain minimum benefits which would be provided for all employees, annuitants, and their families. I re-introduced this legislation on January 29 of this year and it is now before us as H.R. 2586.

I think I have come to realize, Mr. Chairman, in the nearly three years that I have served in the Congress, that my 100% bill is a goal for which to strive but the steps toward that goal must be taken gradually. For this reason, I also cosponsored during the 91st Congress H.R. 16968 which would have authorized a 50% contribution, allowing the Federal Government and the Federal employee to share the health benefits burden equally.

We are all aware, Mr. Chairman, what happened to that bill. Although the House of Representatives passed a 50% bill, the conference committee diminished the contribution from an equal 50–50 share to a 40–60 share with the employee assuming the larger burden. For this reason, on April 27, 1971, just two years after introducing my first 100% bill, I cosponsored H.R. 7807 to try once again this year to increase the benefits to the 50–50 level which the House approved last year.

Through this brief resume of legislative activity, I have stated the recent history of health benefits legislation. If we go back into the earlier history of this program we find that when the Federal employees' health benefits program was being set up in 1960, it was thought that the Federal Government would pay approximately one-half of the cost of the premium. The assumption was that the majority of employees would opt for the low—rather than for the high benefit plan. However, the great majority, 85 percent currently, of employees choose the high-benefit option and the Federal Government's share of the cost was about 38 percent when the program became effective in 1960.

Except for some low-option plans and certain self-only enrollments, the contribution by the Federal Government has never equaled the proposed 50 percent of the total cost. In fact, it has never exceeded 38 percent of the overwhelming majority of employees until Public Law 91–418 authorizing the 40% contribution became effective on January 1, 1971.

I stated earlier that the House of Representatives last year originally passed the 50% bill but that the conference committee, pressured with the threat of a Presidential veto, reverted to a 40% contribution. I share your view, this comparability concept necessarily ministration's view has changed somewhat during the past year with regard to the need for this increase. On February 18 of this year, President Nixon called on private employers to provide 65 percent of the cost of basic health insurance coverage for employees as of July 1, 1973, and 75 percent of the total cost three years later.

In view of this statement, I was pleased to join the chairman in introducing H.R. 9620, which we are also considering today. H.R. 9620 would increase the Federal Government's contribution from 40% to 55% upon enactment and thereafter increase the contribution by 5% each year until reaching 75% of the average of the subscription charges. This bill, in my view, is a foresighted, gradualistic approach to the need for updating the health benefits program to keep step with the rising cost-of-living, and the rising cost of medical expenses and insurance premiums.

The Congress has been committed for some years to the concept of Federal employee pay comparability with private industry pay. In fact, last year we were successful in seeing the enactment of Public Law 91–656, the Federal Pay Comparability Act of 1970. In my view, this comparability concept necessarily should include Federal employee fringe benefits as compared with those in private industry. In many companies in the private sector, management pays the entire amount of medical insurance premiums. The Federal Government is lagging in this area where it should lead.

Mr. Chairman, I would obviously prefer to see H.R. 2586—my 100% bill—become law. However, looking at our present economic and legislative situations realistically, it is more likely that H.R. 9620, which would authorize a gradual increase to 75%, would receive favorable action. In the event that neither of these alternatives is acted on, I believe the least we can settle for is H.R. 7807, increasing the contribution to the 50% level which, as I said earlier, was already approved by the House of Representatives on July 9, 1970.

Thank you, Mr. Chairman, for the opportunity to present my views.

FREDERICK M. LANGE SPEAKS ON "OUR GIVE AND TAKE WORLD"

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. WRIGHT. Mr. Speaker, since 1956 Frederick M. Lange, president of the Dallas Community Chest Trust Fund, has been going to all parts of the world at the invitation of foreign governments and officials to tell of our methods of raising funds for privately supported community agencies. He recently delivered a most enlightening lecture entitled, "Our Give and Take World," to the Austrian Committee for Social Work. This address contains an informative discussion of the partnership which exists in this country between tax-supported social welfare agencies and our many voluntary agencies.

Mr. Speaker, I am indebted to my good friend, Chris Semos, a State representative in neighboring Dallas County, for calling Mr. Lange's excellent speech to my attention, and I place it in the RECORD so it may be shared by my colleagues:

OUR GIVE AND TAKE WORLD

(By Frederick M. Lange)

Our world today, beset by problems wherever you look, has had many adjectives used to describe it. They range from "unsettled" to "wide and wonderful", and they cover all the intermediary areas in between.

The one I want to talk to you about is our "give and take" world. Never has the phrase meant so much to so many people of our planet, and economists say that the basic, life-sustaining needs of millions of our people can only increase in this new decade.

It is this sobering thought that, ideally, would make every nation take a more careful look at its planning for the future. These plans naturally will evolve around the reason for any nation's being—its people. In my country, the people stand first and foremost . . . the theory being that what is good for the people is good for the nation as a whole.

And so, to bolster this foundation, there have been a number of important steps taken in the past 100 years involving action at the federal or national level, the state level and the county level of government. It may be expressed simply: Helping those who, for one reason or another, cannot help themselves. These include the physically and mentally handicapped, the underprivileged children, the aged, and many other groups that have somehow lost their solid footing on today's economic highways.

For roughly 300 years, local government carried this heavy responsibility in the United States. Then 100 years ago, many state governments moved into the picture, placing in their own constitutions laws to help care for the needy. Forty years ago, when a great economic depression swept the United States, local and state governments became helpless and turned to the national government for help.

It might sound as though this weighty problem has been a sort of "bouncing ball" thing between local, state and national government. In truth, it has been relegated through the years to whichever branch of government could best handle the situation at the time. In 1935, for example, financial help from the federal or national government for our needy citizens became a permanent thing in the United States with the establishment of our national social insurance program (following 55 years later, the pioneer program in Austria) plus our national public financial assistance programs for the aged, blind, handicapped, and dependent children. In addition to the tax-supported social welfare aegncies, we have many voluntary agencies. Most, but not all, of these agencies are working together under one banner—the Community Chest—to raise millions of dollars each year.

How well do our federated fund-raising agencies do their job, and do they really raise millions of dollars for the needy? In 1969, Federated Campaigns, by whatever name, in 2600 cities and towns across the United States raised almost 816 million dollars to provide the money needed by voluntary health and welfare agencies in addition to their income from fees for service.

Since the advent of our Social Security Program in 1935, to which I have just referred, voluntary and government agencies in the United States work and cooperate much like the tenants of an ant hill or a bee hive. But—it is so important—today the private agencies are able to concentrate on preventive work. They try to keep critical situations from developing.

It has, if anything, made stronger the partnership between the national and state government and the individual citizen. There are advisory boards and auxiliaries, constantly working, always seeking to stay close to the thoughts and problems of the individual—and especially at the state and local levels. These agencies want to stay close to the people, and to keep alert to their changing needs—and they do just that.

It works both ways. The citizens participating—serving on advisory boards and committees—get the opportunity they need to learn how these tax-supported agencies function. Thus, the entire program is coordinated, and in such a way that wasted effort is minimized.

It is this working together that actually is the secret to success in this particular field. Here is just one example: The most outspoken and influential members of our own Dallas Juvenile Department are the women and men who give their time as unpaid volunteers to help in certain phases of juvenile work. This is the way they get to know what the agency does and needs—and so they are able to speak intelligently to officials of the Juvenile Department, and to those who allocate funds to it. When they speak, people listen.

Such a working partnership encourages efficiency.

A moment ago, we mentioned prevention programs, and a large portion of donations in the United States goes for such programs. Prevention means precisely what it says—prevention of problems that may affect large segments of the population economically and in many other ways.

Imagine the support people of the United States give to such groups as the Boy Scouts, Girl Scouts, Young Men's Christian Association, Young Women Christian Association, youth centers, recreation centers, day camps, overnight camps, and the like. But are these necessary social welfare programs that merit such support?

We think they are—and primarily because through constructive youth activities they help build sounder bodies, minds, and personalities. Trained in one or more of these groups, young people have a better chance to become independent adults who can cope with life and its problems.

Call it, simply, an investment in people.

Looking carefully at the preventive nature of any social service program, it is easy to conclude that any comprehensive program that does not have a preventive aspect is only half complete. While first emphasis should be given to helping people in trouble now—we must also look ahead and try to help people so that they will not get into serious trouble in the first place. Development of strong minds and bodies lessens vulnerability and preserves human values—which essentially are the main goals of any social service program.

The great strength of voluntary efforts at welfare in the United States comes from religious roots. Spiritual values are a prime part of the foundation of our entire program, and you can couple this with a basic, fundamental belief in the freedom and dignity of man.

Studies, analyses and diagnoses of social welfare programs have been made repeatedly in the United States, and especially in the last 50 years. The conclusion most often reached is that problems of people and the services they need to remedy them fall mostly into four categories. First, the need for basic living essentials—such as food, shelter and clothing.

Second, ill health, or the need for medical care.

Third, social maladjustments, or the need for counselling to solve personal difficulties.

And fourth, the need for recreation or leisure time activities in order to maintain mental health.

My own life has been dedicated to the principles of Federated giving. I have directed the gathering of more than $200 million in voluntary gifts for various philanthropic purposes. I have also served as consultant for campaigns raising a like sum, and after all these years, I am more convinced than ever that the principle embodied in any United Fund or similar organization—joining together to meet the needs of our people—is the most effective way to lend the most help to the greatest number.

Each community—or each country—unquestionably is best qualified to determine operational principles of its own united fund, or its own community chest. It depends upon resources, needs, outlook, and mood of the individual locale—and still there are a few underlying principles which could serve as basic guides to all. I hope to be able to discuss these with you while I am here, in your country.

I have talked about the recognized need for helping people to help themselves, but to complete the picture you really should know something about the history of welfare in the United States. Today, our voluntary and government agencies work side by side toward this end—they have a division of interests and a division of jurisdiction, and it likely is this very flexibility that makes our own programs so successful.

The widespread movement in the Community Chest organization in the United States was noted during the first World War. The urgent need for welfare services, both at home and overseas, resulted in many service organizations—and since they all appealed to the general public for financial support, and overpowering by-product was confusion. More than 400 communities organized what were, in those years, called war chests, and they all had definite financial goals. Many of these war chests developed later into peace time community chests.

It was soon noted that these federated or united drives garnered more money for their causes than had ever been previously raised by the organizations soliciting funds independently.

Success of these federated drives can be pointed to in terms of dollars. In 1940, only 561 Chests or United Giving Organizations raised $86 million. In 1961 Community Chests and United Fund campaigns in 2255 United States communities raised $497 million for use by some 30,000 participating agencies. In 1969 federated fund-raising campaigns raised $816 million in the United States for support of 31,500 social welfare organizations. You will note, sometimes Federated Giving is called a Community Chest and sometimes a United Fund; it is left to each city to choose its own name. We chose United Fund for our operating fund and Community Chest Trust Fund for our permanent fund, which I head as president.

Let's look at the Dallas County United Fund which, in 1970, raised its goal of $8,499,500. The working labor force in Dallas County totals 500,000—and the 12,000 volunteer solicitors received pledges from 230,000 of those in the labor force. Most of the 73 agencies belonging to the Dallas County United Fund have, at one time or another, tried to handle their own fund drives independently. But finding this difficult, they sought out the fraternity and security and numerical power of the United Fund.

Certainly, the first goal of any federated drive must be the raising of money. But there are many other important aspects—one of the greatest is education of the general public about community welfare needs. Another is the encouragement of widespread participation of citizens who work as volunteers. Still another value is the assistance given agency programs through a sharing of their problems with citizen leaders and the resulting citizen guidance.

It follows, too, that composition of the board and executive committee is vital. Since they represent the community, these key people vouch for the efficiency and integrity of the organization itself. Such people lend confidence.

Naturally, I cannot stand here and tell you how your specific fund-raising campaign should be organized. But I can give you guide-lines, indicating some of the earlier steps to be taken—and especially if they have been successful in campaigns elsewhere.

When you talk to people about giving their own money—they themselves have to be certain that every aspect of this giving is convenient and fair. In the United States, the campaign organization is usually divided into divisions according to the major groupings of possible contributors—and this is based on their type of business and, most important, on their ability to give. In the United States, there is great cooperation from many business firms and from labor unions; for example, a worker can pledge an annual amount of money and arrange to have this particular amount deducted from his regular paychecks by the month or by the week. At the worker's request, his employer will handle the paperwork and automatically send the deduction to the United Fund or Community Chest.

In my city, most salaried workers are encouraged to give one hour's pay per month. It is called their "fair share". People in higher income brackets are naturally asked to give more generously.

So that no questions go unanswered, the United Fund sets up a speakers bureau. Comprised of people who know the answers to most questions about voluntary giving, these speakers give talks in simple and appealing terms before civic, professional, and employee groups.

The local campaign in the United States is helped tremendously by our national or federal government, primarily through our income tax laws. Under these, a corporation may make tax-free gifts for charitable purposes up to five percent of profits. Individuals can make tax-free gifts of 20 to 50 percent of adjusted income.

Federated giving is big business—and it must function on a year-round basis. A paid staff receives monthly financial reports and activity reports from each agency, receiving funds, helping to make possible budget control through the year. In the spring of each year in the U.S., leading local citizens serve on what is called "the citizens' budget committee"—an appointive committee that is divided into four subcommittees to handle different kinds of agencies. The subcommittees commonly are: Public health and medical services, group work and recreation services, family services, and children's services.

Budget needs are carefully examined once a year—there are conferences between agency representatives and its particular budget committee group, representatives of the staff of the Community Chest, and also of the Community Welfare Council. The work of this Community Welfare Council is to help coordinate the many welfare activities in Dallas, and its work is financed by the Community Chest.

This Community Welfare Council includes in its membership all major health, welfare and recreation agencies—regardless of how they are supported. It is responsible for gathering information so that the community knows—First, which welfare problems need most attention . . . Second, which problems are changing . . . Third, which agencies can best give the needed service, and Fourth, how these needed services can be given most effectively and efficiently and with the least amount of duplication.

In summing up, let me say this: There are many ways in which the people of the world need help, and there are many ways in which it can be done. My country feels that its hard-working, conscientious, very aware Community Chest has proven itself.

Whatever other differences there may be throughout the world, most of our peoples have one common denominator—one thing that makes us all alike. It is concern—concern for our children, concern for human beings helping each other to live—and to live with dignity and purpose.

Dallas had its first successful Community Chest Campaign in 1941. There has never been a failure, although the goal has jumped from $550,000 to $8,500,000. Certainly, it has involved a lot of hard work by tens of thousands in those years . . . but education of the community to its own needs has been a most important factor.

Begin your own education program with a small, but selective, group of leaders in your community. Be certain that the group is comprised of ladies and gentlemen who, when they speak, are listened to. Let them carry the message of the Community Chest to the public. I believe you will agree with me that the process which I tried to outline contributes much to our community life. It is far more than merely a check on the validity of the agencies' requests. It keeps fund-raising costs low; it makes for greater efficiency; it reduces irritation on the part of the givers; it helps to keep balance among the many types of social service agencies, and it has educational, social and spiritual values.

In Dallas we are convinced that the democratic way of life is the best of all. We are convinced that the quality of our democracy depends upon our standard of values. Through our work we dedicate ourselves to the finest and most precious aspects of our way of life. There is no question in our minds but that this program, hand in hand with the church, strengthens the foundations of the system of government under which we live.

BELLA S. ABZUG: REMARKS ON INTRODUCTION OF BILL TO AID TRANSPORTATION FOR THE ELDERLY AND THE HANDICAPPED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mrs. ABZUG. Mr. Speaker, the elderly and the handicapped are often isolated and unable to fully use services in their communities. Use of public transportation systems is often not possible for persons confined in wheelchairs or needing individual assistance due to their physical or emotional handicaps.

I am today introducing a bill to amend the Urban Mass Transportation Act to enable the Secretary of Transportation to provide grants to nonprofit groups who are able to provide such transportation. These groups would be capable of transporting these people from their homes to hospitals, shopping centers, and recreational and cultural activities. Not only would this enable them to enrich their lives, but it would allow them to be independent and to do many of the things they were never able to do on their own.

This amendment would also raise the percentage of Urban Mass Transportation Act funds provided for meeting the special needs of the elderly and the handicapped from 1½ to 2 percent, which would increase the authorization for these purposes by $15 million.

Mr. Speaker, I believe that this legislation is urgently needed, and I hope that it will receive the support it deserves. I ask unanimous consent that the text of the bill be printed in the RECORD at the close of my remarks.

The bill follows:

H.R. 10909

A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants and loans—

"(1) to States and local public bodies and agencies thereof for the specific purpose of assisting them in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons, with such grants and loans being subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a) and being considered for the purposes of all other laws to have been made under such section; and

"(2) to private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly and handicapped persons for whom mass transportation services planned, designed, and carried out under paragraph (1) are unavailable, insufficient, or inappropriate, with such grants and loans being subject to such terms, conditions, requirements, and provisions (similar insofar as may be appropriate to those applicable to grants and loans under paragraph (1)) as the Secretary may determine to be necessary or appropriate for purposes of this paragraph.

Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 2 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs)."

A SPECIAL QUESTIONNAIRE FOR THE PEOPLE OF THE 23D CONGRESSIONAL DISTRICT OF PENNSYLVANIA

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, because of the emergence of several very important issues facing the Nation, I have decided to send a special questionnaire to the people of the 23d Congressional District of Pennsylvania.

The format of the questionnaire is as follows:

QUESTIONNAIRE

THE LETTER

DEAR FRIENDS: Congress has returned for the Fall Session to face new issues arising from President Nixon's dramatic decision to visit Peking, China, and his 90-day Freeze of Wages, Prices, and Rents.

Because of the importance of these actions I have issued this special Interim Questionnaire in order to obtain your views. For a prompt response I am utilizing for the first time a card form which can rapidly be counted by a computer.

Thanking you for your co-operation, I am

Sincerely yours,

ALBERT W. JOHNSON.

INSTRUCTIONS

In answering the questions below and on the reverse side, push out the appropriate box with a sharp pencil. Remove the punched tabs from back of the card, and mail to: Congressman Albert W. Johnson, 1424 Longworth House Office Building, Washington, D.C. 20515.

STATISTICAL INFORMATION REQUESTED

Age: a. 18–21; b. 22–29; c. 30–45; d. 46–65; e. over 65.

Occupation: a. Wage Earner; b. Salaried Employee; c. Businessman; d. Professional; e. Farmer; f. Housewife; g. Retired; h. Other.

Voting Preference: a. Republican; b. Democrat; c. Independent.

THE QUESTIONS

1. Do you favor President Nixon's efforts in trying to establish friendlier relations with Mainland China?
2. Do you favor the President's proposed trip to Mainland China?
3. Would you favor the admission of Mainland China to the United Nations, provided Nationalist China retains its seat in the United Nations?
4. Would you favor the admission of Mainland China to the United Nations, even if the result is Nationalist China's withdrawal or removal from the United Nations?
5. Do you favor extension of the 90-day Price-Wage-Rent Freeze Order beyond November 13, 1971?
6. Do you favor a freeze on interest rates?
7. Do you favor a limit on profits?
8. Do you favor imposition of the 10% Import Tax?
9. Do you favor the repudiation of the promise to buy back U.S. dollars abroad with gold?
10. Do you favor the 10% tax credit for one year on the cost of new machinery and equipment to expand jobs and modernize U.S. plants?
11. Do you favor an Amendment to the U.S. Constitution which would require that no public school student shall because of his race, color, or creed be assigned to or required to attend a particular school?

The questionnaire also contains a picture of myself with the Capitol in the background.

I will be very much interested in the results of this survey, which will be tallied by a computer.

NEBRASKA'S SATURDAY AFTERNOONS

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. THONE. Mr. Speaker, the weekly ratings of college football teams are available today and Nebraska's Cornhuskers not only continue as No. 1 in the Nation but dominate it as never before. In the United Press International rankings Nebraska received 33 of 35 first-place votes. Dick Cullum, columnist for the Minneapolis Tribune, recently paid tribute not just to the Nebraska team but to Nebraskans in general, writing:

> Lincoln, Nebr., the Midlands of America, where the Big Eight teams play their football, is the last stand of Joe and Jane College. This is the land of the old culture and ideals, patriotism and honesty and such stuff."

The September 20, 1971, Norfolk, Nebr., Daily News, edited by Emil Reutzel, published an editorial quoting from Mr. Cullum's column and praising the Nebraska No. 1 spirit. Mr. Speaker, I include the editorial at this point in the Record:

Nebraska's Saturday Afternoons

The enthusiasm of Nebraskans for the Cornhuskers has attracted nationwide interest. A recent Sports Illustrated article highlighted the Big Red phenomenon which only gained impetus with the No. 1 ranking among college teams and was not begun with that prestigious recognition.

We cannot testify that there is nothing like it elsewhere, but one who has is Dick Collum, columnist for the Minneapolis Tribune. These were his words penned a weeek ago, before the Saturday contest which found Minnesota and Nebraska competing. They were partially reprinted in the Sports Den Saturday.

"Lincoln, Neb., the Midlands of America, where the Big Eight teams play their football, is the last stand of Joe and Jane College.

"There are huge college crowds in other areas, at Ohio State and Stanford and Louisiana State. But those have become more matter-of-fact in their attitudes toward the game. Each ticket holder acts his age. Even the students, whatever their emotions, don't get warmed up to the drama much before the kickoff.

"In the Midlands students aren't saying, 'After all, Dad, there are more important things than football.' Because, down here, there aren't.

"This is the land of the old culture and ideals, patriotism and honestly and such stuff.

"A native meeting guests at the airport while waiting for the Oregon team's plane to arrive says, 'Leave your typewriter there (on an unattended baggage claim area) and we'll pick it up on the way back.'

" 'Will it be safe?' the guest asks.

" ' Oh, sure. Why not?' the host replies; and it is.

"It is possible to tolerate this venture into the past for a little while, before returning to the realities of metropolitan living; but too much of it might leave one altogether behind the times."

Mr. Cullum's work is a little overdrawn, perhaps, but there is enough of the truth in all of it to get the picture: There is a stadium where the football can still be returned after the extra-point kick and the drunks are hauled out without riots—if any appear in the first place; where a receiver can muff the ball and not get booed; an opponent wins cheers for a good performance.

There are far more important things than football taking place in Lincoln, in Nebraska and all over the world on Saturday afternoon. But there is nothing wrong with the fact that on such afternoons they are momentarily forgotten.

CHOOSING A CANCER STRATEGY

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. ROY. Mr. Speaker, I would like to call the attention of my colleagues to an excellent editorial which appeared yesterday in the Washington Star. Under the headline "Choosing a Cancer Strategy," the editorial sets forth a brief but well-thought-out synopsis of the current debate over the organizational details of the attack on cancer.

As a member of the Subcommittee on Public Health and Environment, it has been my privilege to participate in the hearings on "the strategy to be used in this scientific assault," as the editorial puts it. Chairman Paul Rogers deserves the gratitude and admiration of us all for the manner in which he has conducted the hearings and his insight into the significance of the debate.

The first element in a drive against cancer or any disease or problem, of course, is the will to commit manpower and material resources to the struggle. Unless an efficient organization is present, however, many of these precious resources will be wasted.

In addition, it must be kept in mind that cancer is not alone on the list of diseases which must be conquered. Efforts to find a cure for this killer must not be allowed to retard research in other fields.

For these reasons, the debate over the future position of the cancer-fighting agency takes on much more than technical significance. It is in this light that the editorial in the Star becomes a welcome addition to the dialog on the subject:

Choosing a Cancer Strategy

There is no doubt by now that the 92nd Congress will launch the costliest drive in history for the conquest of cancer. Everybody is pushing for it; the President and his natural opposition on the Hill are allied in this purpose. But there is one critical argument—about the strategy to be used in this scientific assault.

Representative Paul G. Rogers of Florida has, as we hoped he would, mounted a stiff challenge to the strategy approved by the Senate when it passed a hefty cancer-crusade bill in July. Rogers, who heads the House health subcommittee, served notice a few days ago that he will oppose the Senate's plan to substantially divorce a proposed new cancer-fighting agency from the National Institutes of Health.

Rather than do that, he insists, Congress should strengthen the National Cancer Institute, a unit of the NIH which is presently the chief cancer research instrumentality. He has strong backing in this from professionals, some of whom are testifying in hearings now being held by the subcommittee. No convincing argument has been heard for detaching the cancer enterprise, and there are plenty of good reasons for leaving it with the NIH.

Under the Senate-passed bill, the new cancer agency would in some vague way be related to the NIH, while becoming independent and directly accountable to the President. As Rogers said bluntly in opening his hearings, the bill's language specifying an NIH connection "doesn't really mean anything." The cancer effort essentially would be on its own, competing with other disease programs, and separate heart, arthritis and other agencies probably would be demanded in short order if that happened. Such fragmentation can only weaken the NIH and defeat its concept of complementary research. Cancer scientists should have easy and constant access to basic research findings in other wings of the NIH. An interchange of discoveries between the institutes is essential.

The Senate plan for an independent approach is a cancer spectacular that would dazzle the public at the outset, but it also might impede rather than speed up the fight against the disease. The country has no need for a new cancer agency. It already has one of high repute that can be readily expanded, without damaging the National Institutes' well-integrated research system.

While the Senate-passed bill has administration support, there may be room for compromise on the organizational aspects. HEW Secretary Elliot Richardson defended the separate-agency idea before Rogers' subcommittee last week but said he would "not want to be in the area of foreclosing anything" the panel might recommend. There is hope, if Rogers and other like-minded representatives persist, that the cancer program will be firmly attached to the NIH when it finally emerges, and that a painful mistake will have been prevented.

THE PROPOSED INDIAN PEAKS WILDERNESS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. QUIE. Mr. Speaker, during the congressional recess, it was my privilege to spend time in the Arapaho National Forest in Colorado.

The Indian Peaks area is located within the Arapaho National Forest and I believe the peace and tranquillity of its undisturbed splendor should be preserved in our national wilderness preservation system.

I submit for the reading of my colleagues an article from the July issue of Colorado magazine describing this unusually beautiful area.

A bill has been introduced by Congressmen Brotzman and McKevitt which would instruct the Secretary of Agriculture to review this area to determine its suitability for incorporation in the wilderness system.

After reading the article describing this area, I am hopeful a majority of my colleagues will join me in favoring passage of this legislation.

Indian Peaks—Backpackers Happy Ground

Apache, Arapaho, Pawnee, Kiowa, Paiute, Navajo, Shoshone—the mountains tower as proud and as wild as the Indian tribes whose name they bear. These are the granite chieftains in a land whose lofty scenery and outstanding recreational values have aroused a public clamor for its inclusion in the National Wilderness Preservation System.

The Indian Peaks are 75,000 acres of high-country splendor—a scant 60 miles from Denver, and almost on Boulder's back doorstep. Here unusually steep mountains rise sharply to 13,500 feet and beneath these spires lies a wonderland of fragile Alpine tundra, turquoise lakes, rushing streams and dense forests. Here, too, is the largest concentration of glaciers in all of Colorado—a total of 10.

More than 40 of the lakes yield treasures of native, brook, rainbow and brown trout and are connected by a 100-mile network of hiking and horseback trails. These routes are readily reached from seven major access points and form an intriguing network of loops which weave back and forth across the Continental Divide over four scenic timberline passes.

For more than 40 years the US Forest Service has actually managed Indian Peaks like a true wilderness. No roads penetrate the area and other signs of human encroachment are nil. And yet this natural wonderland exists without official status or any guaranteed permanent protection. Miners, lumbermen and other commercial interests lurk hungrily for a chance to place a despoiling foot in the door. And a prominent State senator argues loudly for a highway which would slice the very heart out of the area.

Sixteen miles long and averaging nine miles in width, Indian Peaks straddles the Continental Divide from the southern boundary of Rocky Mountain National Park on the north to Rollins Pass on the south. Its location places it at the hub of an area of intense recreation pressure from the nearly 1,500,000 people compacted between Denver and Fort Collins.

Each weekend thousands of people whose interests run the gamut of outdoor activities stream westward out of Denver in search of just such a mountain sanctuary. This crush of humanity has already wreaked havoc upon public lands along the Front Range from Pikes Peak to the Wyoming line. Campgrounds are crowded; roadways are clogged with vehicles and a mass of litter trails in the wake.

The impact of this pressure has been keenly felt by other readily accessible wild areas. The Rawah Wilderness west of Fort Collins has long shown the wear and tear of excessive use, and now the Gore Range-Eagles Nest Primitive Area northwest of Dillon has begun to buckle under the strain. Great scars have appeared on the soil and vegetation around the high mountain lakes. Trails are eroding from overuse and the blackened remains from thousands of campfires pock the land. Already forest rangers have begun to speak of a permit system to limit access, or at least to spread the visitations over a wider area.

Concerned outdoorsmen feel that Indian Peaks must be given permanent official designation to help distribute Colorado's spiraling demands for recreation.

For this very reason, there is a flurry of Congressional activity to give Indian Peaks the same protective status of other wild areas with which it has so much in common.

On March 11, 1971, Colorado Representatives Donald Brotzman and Mike McKevitt introduced in the House of Representatives a bill which instructed the Secretary of Agriculture to review Indian Peaks as to its suitability for preservation as Wilderness. An identical measure was given the Senate by Colorado Senators Gordon Allott and Peter Dominick.

Should Congress approve the measure, the Agriculture Department would, through the administrative arm of the U.S. Forest Service, initiate a study to define the wilderness potential of Indian Peaks. Such a study would set the stage for possible official Wilderness designation in the future.

The Brotzman bill specifies a 75,000-acre Indian Peaks Wilderness—a substantial increase over the 55,000 acres presently included in the Forest Service management area.

The difference suggests a debate similiar to the Eagles Nest Wilderness hearings held in 1970. Both sides agreed on the basic wilderness character of the central area and the need to preserve it. The clash came over which parts of the fringe to include.

With Indian Peaks the argument arises over a sizable 15,000-acre parcel on both sides of the Divide south of Arapaho Pass, and many minor boundary variations along the edges.

The larger area contains many small pockets of privately-owned land. The Forest Service prefers simply to exclude these. But many conservationists—including Brotzman—feel such scenic and undeveloped private holdings should be part of any future wilderness.

One gets the impression, however, that the Forest Service will quarrel much less over this major addition than over lesser boundary variations.

"We believe boundaries have to be defensible," says Don Biddison, supervisor of the Arapaho National Forest where two-thirds of the present 55,000 acres lie. The remainder, on the east side of the Continental Divide, is in the Roosevelt National Forest. "A Wilderness boundary must have some geographic base—a ridge, a stream or the like—so there is no doubt where it lies," Biddison continues, implying that the conservationists are trying to squeeze undefinable borderlands into the wilderness.

In truth, there would not be even the opportunity for debate were it not for the foresight and diligence of the Forest Service over the past four decades. In 1927, famed Denver conservationist Arthur Carhart, then a Forest Service landscape engineer, took a special liking to Indian Peaks.

"One morning just at daybreak," Carhart recalls, "I emerged from my tent atop one of the many ridges. I watched in awe as the dawn glow swept over the plains; the entire land seemed to come alive in one great burst of light. Then, turning around, I discovered everything west of the mountains still in total darkness. It was as if some magic veil had been drawn across the world, and it was one of the most awe-inspiring sights of my life."

Soon Carhart proposed a special Indian Peaks management area of 47,000 acres to be established under administrative order, and not long thereafter, Forest Ranger D. O. Johnson took over. From 1930 to 1937, he directed much of the work on the fine hiking trails which now crisscross Indian Peaks.

Johnson also is responsible for getting thousands of sheep out of the area during that period. "I got a good chewing from the assistant regional forester for doing it," he recently laughed, "but these dang sheep never should have been up in that country to begin with."

Finally in 1965, Indian Peaks was expanded to its present 55,000-acre size. More important, the 1965 decree closed the entire area to motorized travel of any kind, a move which further enhances its primitive character and the hope of official Wilderness status.

The Forest Service is proud of its record in Indian Peaks and sees no reason why it should not simply go on managing the area just as it has.

"Even if Indian Peaks were declared a Wilderness overnight, there would be no significant change in its management," Biddison asserts. "I really don't see why the area has to be designated. People have been receiving a wilderness experience here for years."

Wilderness advocates do not doubt the Forest Service's sincerity in maintaining Indian Peaks, but are quick to point out that outside pressures often have a way of upsetting even the best intentions.

A classic example is the on-again, off-again proposal for a trans-mountain highway linking Grand County and Middle Park with Boulder and the East Slope. One of the most touted plans would send the highway up out of Boulder to a tunnel under the Continental Divide at 11,906-foot Arapaho Pass. This route would then wind down Arapaho Creek on the West Slope, past Monarch Lake and on into Granby. To build such a roadway would carve the heart out of some of the very best wilderness. Biddison terms the prospect of a road gouged down Arapaho Creek as "unthinkable."

Yet the road has a powerful proponent in Fay DeBerard of Kremmling, President Pro Tem of the Colorado Senate. DeBerard's maneuverings on behalf of the highway typify political pressure that can swarm around a potential wilderness. Moreover, they also amply demonstrate how public funds can be squandered on something the people probably don't want in the first place.

In early 1970 DeBerard rammed a resolution on his highway through the Senate. It called for a feasibility study of the Arapaho Pass route—at a cost of $50,000. The well-known Chicago firm of DeLeuw, Cather and Company was commissioned to do the job.

Nothing more was heard about the route until the consultants submitted their findings. Two facts stood out: 1) the road would cost a whopping $181.7 million to build, and 2) another route along the northern rim of Rocky Mountain National Park was by far the best for the northern Colorado highway.

DeBerard was incensed and promptly moved to discredit the report. He charged that DeLeuw, Cather and Company knew nothing about mountain highways in the first place. He budged little on his proposed route through Indian Peaks. In the midst of this furor, it was also revealed that the cost of the study had ballooned astronomically to $170,000—to which one official sighed "money down the drain."

The highway proposal presently lies dormant but conservationists are only too aware that such matters have a way of reviving themselves at the behest of certain powerful and persuasive politicians. They'd like to see the area made an official Wilderness before something like "DeBerard's Folly" comes along to spoil it.

THE GROWING RUSSIAN NAVAL THREAT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. CRANE. Mr. Speaker, most Americans still live under the assumption that theirs is the most powerful navy in the world. Many remember the text book descriptions of the United States as a sea power and the Soviet Union as a land power, and many are slow to change these old assumptions, once true but to our great peril, true no longer.

In recent years the Soviet Navy has expanded dramatically. Today it approaches a position of dominance in the Indian Ocean and in the Mediterranean

Sea. The Soviet base in the North Atlantic, at Murmansk, is the largest of all Russian naval bases. Early in July, a fleet of Soviet, East German, and Polish warships maneuvered in the Skagerrak, the waterway linking the North and Baltic Seas. Norwegians and Danes watched from the shore, and at the same time a much larger Soviet fleet—guided missile cruisers and destroyers, submarines and bombers—fought a simulated battle against a NATO fleet. After that, troops from 31 amphibious ships swarmed ashore. The landing was on Russian soil but within easy eyesight of watchers at Norway's northern tip. Simultaneous Soviet naval maneuvers along Norway's southern and northern approaches also worry NATO officers.

Our allies in the North Atlantic are expressing increasing alarm at Soviet growth and strength in that area. The Danish newspaper, Kristeligt Dagblad, recently featured a headline, "Norwegians Fear the Russian's Northern Fleet." It noted that Murmansk has become the largest naval base in the world, with 15 new submarines with 16 atomic rockets. Murmansk is now one of four major Soviet naval bases, and is the largest. On the Kola Peninsula there are almost 50 airports and landing stations. Since World War II, the population has grown from 290,000 to 800,000 and Murmansk has become a big city. This is all due to naval activity.

In an important interview in the September 13, 1971, issue of U.S. News & World Report, Adm. Elmo R. Zumwalt, Jr., U.S. Chief of Naval Operations, stated:

> The Soviet navy is dramatically more powerful than it was 10 years ago . . . if the United States continues to reduce and the Soviet Union continues to increase, it's got to be inevitable that the day will come when the result will go against the U.S.

Asked if the Soviet Navy outguns the U.S. Navy, except for carrier-based aircraft, Admiral Zumwalt noted:

> If the United States today suddenly decommissioned all of its aircraft carriers, we would lack any capability whatsoever to control and use the seas.

Admiral Zumwalt also pointed out that—

> They have 3 times the number of submarines that we do, and they are building at roughly 2½ times the rate we're building.

Arguing against the facts that our Navy is adequate to meet our defense needs, the Congress reduced the Navy budget submitted by the President by $2 billion in 1971. Admiral Zumwalt said:

> That represented a serious setback in our capability. There are indications that the Congress will reduce the President's budget in 1972. If that happens, then once again our capability will take a further reduction.

All those who naively believe that our present defense capacity and rate of growth is adequate for the Nation's defense needs should read with care the words of Admiral Zumwalt.

I wish to share this interview with my colleagues, and include it in the RECORD at this time:

WHERE RUSSIAN THREAT KEEPS GROWING: INTERVIEW WITH ADM. ELMO R. ZUMWALT, JR., U.S. CHIEF OF NAVAL OPERATIONS

Q. Admiral Zumwalt, what shape is the U.S. Navy in?

A. There are pluses and minuses.

With regard to personnel, we are generally better off from a quality standpoint. Our re-enlistment rates have improved. However, we're not as strong in numbers because we've been required to make major reductions in personnel—down from 692,435 officers and men a year ago to 622,500 now.

Nor are we as strong from the standpoint of ships, because we have also made major reductions there as well. Whereas we had 769 naval ships a year ago, we are down to 700 today. We also have 770 fewer aircraft than a year ago.

So we have gained qualitatively with regard to people; lost quantitatively with regard to people, ships and aircraft.

Q. Has this been because of the cost of the Vietnam war?

A. The effect of the Vietnam war has been, in essence, to cost us the equivalent of about a generation of shipbuilding. What increases there were in Navy budgets have been spent largely on attrition aircraft, bombs, bullets and increased operating expenses.

If you look at the years 1962 through 1972, in its shipbuilding appropriations the Navy was down to less than a billion dollars per year at a time when we should have been spending 3 billion dollars a year on new ships. We need that much if we are to replace our 75-billion-dollar plant every 25 years.

Q. Compared with 10 years ago, is the Navy a stronger or a weaker force?

A. Weaker in some categories and stronger in others.

With regard to the submarine force, the Navy is stronger than it was 10 years ago because we've been able to continue our nuclear-construction program, using nuclear submarines to replace the much less capable diesel submarines.

On the other hand, the number of aircraft carriers has been dramatically reduced, and this has meant major reduction in our strength. We are down from 24 to 16 carriers.

The number of escorts has been dramatically reduced. And although there have been qualitative improvements as new ships have been built, the improved quality has not been adequate to make up for the reduction in numbers that we've lost.

Q. Against that background, Admiral, what has happened to the Navy's responsibilities worldwide? Have they tended to shrink in this period?

A. No. In my judgment, the Navy's responsibilities are greater than they've ever been before. We've always been the nation's first line of defense.

You will recall that during the Korean War it was the Navy carrier air support that made it possible for us to hang on to the Pusan perimeter as our bases were overrun in South Korea, and it was the Navy-Marine Corps amphibious landing at Inchon that outflanked the North Koreans and drove them out of the South Korean Peninsula.

During the Southeast Asia war, naval carriers carried the large fraction of the action while we were building our air bases ashore in the first year.

At the present time, under the Nixon Doctrine it is clear that the high-technology services—air and naval power—are going to be required increasingly to come to the support of indigenous armies of our allies. I would have to say that the Navy's mission is greater than it has been in the past, as I understand the Nixon Doctrine.

Q. Does the Soviet Navy worry you?

A. The Soviet Navy is dramatically more powerful than it was 10 years ago. You can trace, almost to the moment, the point at which the Soviets began their tremendous construction program in two fields: one to achieve strategic nuclear parity, and the other to achieve a strong naval capability with the results of the lessons they learned in the Cuban missile crisis.

In the ensuing years since the Cuban missile crisis, they have devoted a tremendous amount of their resources to the acquisition of a submarine fleet which outnumbers ours by 3 to 1 and which is outbuilding us at an appreciable annual rate. They have acquired air power increasingly capable of coming to grips with ships at sea because they are increasingly picking up airfields around the Eurasian littoral. They have built surface ships that have been optimized with the surface-to-surface missile against our surface ships.

Q. If there were a showdown with the Soviet Navy at sea, what would be your prediction as to the outcome?

A. This is, of course, a very speculative question, but I think that no matter who does the analysis he would conclude that if the U.S. continues to reduce and the Soviet Union continues to increase, it's got to be inevitable that the day will come when the result will go against the U.S.

Mr. Nixon pointed out in a press conference on July 30, 1970, a point that I think is most perceptive about sea power, and that is the dramatic difference between what the Soviets need—as basically a land power—and what we need—as basically a maritime power.

Their vital interests require a large Army and Air Force to protect the Eurasian heartland. Our vital interests require a capability to control and use the seas to hold together the maritime alliance of which we're a part.

The Soviets don't need a Navy superior to ours to protect their vital interests. They only can aspire to have a Navy larger than ours for purposes of interfering with our vital interests.

Q. Is the Soviet Union doing well in the Mediterranean—challenging our superiority?

A. Yes. As a matter of fact, the Soviet Union has just recently—on May 27, 1971—negotiated, probably for some very suitable price, a 15-year treaty of friendship and cooperation that may well assure their continued use of Egyptian naval and air bases in the United Arab Republic. They may not be successful in communizing the Government of the U.A.R., but they have been successful in achieving a very firm geopolitical position.

Q. We keep hearing that the Soviets want to drive east of Suez into the Indian Ocean, an area the U.S. has stayed pretty clear of. Is that your appraisal?

A. Yes. It's exactly what I would be doing if I were running the Soviet empire and if I had the same ideology that they have. They have several goals in going into the Indian Ocean:

In the first place, the presence of their ships there in much larger numbers than ours gives them the same opportunity to convert this presence, coupled with an aggressive foreign policy, into the acquisition of port capabilities that they've been able to achieve in the Mediterranean and in the Red Sea.

Second, it helps them complete the encirclement of Communist China, which I'm sure is a national objective of theirs.

Q. Would opening the Suez Canal help that purpose?

A. Definitely. It would bring their Black Sea Fleet many thousands of miles closer to its home ports.

Q. Wouldn't use of the Suez Canal bring the Indian Ocean closer for the U.S. fleet, too?

A. The figures are roughly 9,000 miles closer for the Soviets and roughly 2,000 miles closer for us. That would be the case if one believes that we could get through the Suez Canal in times of crisis. I'm not sure that we could.

Q. Is it also true that some U.S. aircraft carriers are too big to go through the Suez Canal?

A. That's also correct.

Q. There are reports that, as the Vietnam war winds down, some of our Pacific Fleet may go into the Indian Ocean. Is this likely?

A. This is a political judgment that has to be made—and hasn't yet been made. U.S. naval ships are able to go anywhere any time.

Q. What do you have in the Indian Ocean area now?

A. We have maintained a World War II seaplane tender and two World War II destroyers there for a number of years.

The Soviets have come from a presence much less than that to maintenance, on the average, of eight to nine ships at any one time in the Indian Ocean.

Q. What kind of new base are you building on the atoll of Diego Garcia, south of India?

A. A very austere communications facility.

Q. Could it be developed into something more substantial if the decision were made?

A. There are no plans to do so.

Q. When you talk about the presence of our fleet and their fleet in the Indian Ocean, what do these ships do—call at ports and generally show the flag, or sail around in maneuvers?

A. They do both. It's the visible presence of naval power that has such tremendous impact on littoral nations.

For example, the North Atlantic Treaty Organization nations on the southern flank of Europe all unanimously feel that the presence of the U.S. Sixth Fleet is their guarantor against encroachment by the Soviet Union, and that's why it's so desperately important for this country to maintain sufficient naval strength to keep our commitments in the Sixth Fleet—and also in the Seventh Fleet in the Western Pacific.

Q. In this regard, it is said that if a situation similar to the 1958 Lebanon crisis recurred, the U.S. Sixth Fleet would not be able to act as forcefully now as it did at that time because of the presence of the Soviets in the Mediterranean. Do you agree with that?

A. No. You will recall that during the Jordanian crisis last year President Nixon made the decision to reinforce the Sixth Fleet with a third carrier task force, and the U.S.S. *Guam* embarked Marines—and the crisis abruptly abated.

There were, of course, other things that happened at the same time that made a contribution, but it's clear to me that, as the President stated on Sept. 29, 1970, "the power and the mobility, the readiness of the Sixth Fleet in this period was absolutely indispensable in keeping the peace in the Mediterranean."

This was one of those cases where the capability of the United States to deploy naval and Marine power on the international seas, without having to obtain base rights from anybody, made the difference.

Q. Admiral, getting back to relative strengths, is it true that the Soviet Navy outguns the U.S. Navy, except for carrier-based aircraft?

A. Let me answer this way:

If the United States today suddenly decommissioned all of its aircraft carriers, we would lack any capability whatsoever to control and use the seas. We have a very, very capable weapons system in the aircraft carrier—particularly in the nuclear-propelled aircraft carrier with its ability to maintain very high speeds at all times and to be constantly ready—100 per cent ready—to go the minute the decision is made and with the capability to outrange the surface-to-surface missile of the Soviet ships.

Q. Of the 16 U.S. carriers in commission, how many are nuclear-powered?

A. We have one operating, two building. We badly need a fourth. We're going to be making the most vigorous possible case for it. It's obvious the decision rests on higher authority both in the executive branch and within the Congress.

Q. Do you have enough escort ships capable of keeping pace with these nuclear carriers?

A. We need more escort ships as well.

Q. Do you have any interest in using helicopter carriers, the way the Soviet Union does?

A. We're in the process of designing at present a sea-control ship—a ship that will be in the 12,000- to 20,000-ton range and will carry helicopters and vertical-takeoff-and-landing aircraft.

These can in no way be considered a substitute for aircraft carriers. They will have a very limited—practically zero—capability to project our power inland, as our carriers have had to do to save us in Korea and Southeast Asia. But they will make a significant contribution to the protection of convoys and of task forces which are confined to a given geographical area—by defending against both the submarine and the aircraft, and the missile coming from either that aircraft or that submarine.

Q. Is it possible that weapons are coming along that will make the carrier much more vulnerable than it is now?

A. One of the most overstated claims, in my judgment, is the vulnerability of the carrier. None of the oldest class of carriers which we have remaining in the fleet today—the *Essex*-class carriers which were in World War II—was ever sunk.

Many of them took as many as five or six hits by the first guided missile in history—the Japanese kamikaze aircraft—carrying payloads equivalent to the warheads of the current surface-to-surface missiles. And many of them took several torpedo hits. In every case, within a relatively short period, they were back in action—frequently an hour later. When the time came, they went back to port for repairs.

Since that time, the modern class of carriers, all but three of which are of postwar construction, has been given much more protection—heavier armor, more compartmentation, much better damage control—so that, although our carriers will take hits, they will have a very high degree of survivability.

The nuclear carrier *Enterprise* suffered a fire, you will recall, and nine 1,000-pound bombs exploded. Had the *Enterprise* needed, she could have been back in action within a couple of hours.

Q. A new nuclear carrier is priced at 800 million dollars. How do you justify spending that much for one ship?

A. One has to ask oneself how much we have spent for the privilege of having the equivalent of the aircraft carrier—that is, a land-based airfield—in an overseas area where we need it.

For example, Wheelus Air Force Base in Libya had a relatively brief lifetime before the U.S. was asked to leave, and yet the costs for that airfield during its lifetime were probably very comparable to the cost of a nuclear aircraft carrier for its 40-year life cycle.

Furthermore, that aircraft carrier has the capability to be anywhere in the world as the geopolitical situation changes, and not just in one portion of the African desert.

As we consciously shift to a posture in which we expect our allies to provide their own indigenous capabilty, the best way to have the assets rapidly capable of concentration to support one particular ally which may be beleaguered is to have your airfields seaborne.

Q. Do most members of Congress share this feeling?

A. No. There are many who do, but many are not convinced.

I think the thing the Navy has to do is to continue to make the case. The facts clearly speak for themselves. In the Jordanian crisis, as an example, the only airfields capable of being used were those airfields at sea—the carriers.

Could I take two or three minutes to deal further with this? I think it is important to look at the capabilities that the Navy has.

The first capability is our contribution to the strategic nuclear deterrent of the nation. In the past this has been the Polaris-missile-carrying submarine. It is being converted now to Poseidon, which will give us an invulnerable component of the over-all deterrent through the '70s, and we are designing a follow-on system for the '80s. Increasingly in the future, we are going to have to rely on our sea-based systems.

We then have conventional roles which we carry out. One is our peacetime overseas presence—the kind of thing we have been talking about: sea control and the projection of power overseas.

We control the seas with our aircraft carriers, capable of sinking surface ships, surfaced submarines, shooting down aircraft and, with our F-14 aircraft, shooting down the missiles from any one of those enemy sources. We use our killer submarines, our attack submarines, our destroyers.

We project our power also with the aircraft from our carriers capable of projecting 600 and 700 miles inland, with our Marines capable of being projected from our amphibious force, and with our merchant marine, which in Southeast Asia had to carry 96 per cent of the millions of tons required to support ourselves and our allies and which, even after the completion of the purchase of the very fine C-5A aircraft, will be required to carry 94 per cent of the logistics to go on the surface of the seas. Even the aviation gas to get that C-5A aircraft home so that it can carry a usable load overseas has to go in surface ships.

Q. Admiral, if the aircraft carrier is so important, why don't the Soviets have any?

A. The Soviets started out way behind. Their first priority was to scramble frantically to get a capability to deal with our superior Navy. That meant building submarines, and it meant building surface ships which would be expendable but capable of firing a surface-to-surface missile in a first strike against our carriers—hopefully to create enough damage that they could try to come in and finish up with submarines and aircraft.

We are doing a number of things to negate this—a whole host of things such as our own surface-to-surface missile. We're working hard on antimissile defense, and of course our carriers have a very high degree of invulnerability.

Q. Is the biggest threat still the Soviet submarines?

A. Yes, because they have 3 times the number of submarines that we do, and they are building at roughly 2½ times the rate we're building.

Q. What progress has been made in antisubmarine defenses?

A. We continue to improve our techniques. In my judgment, we know everything that we need to know in order to deal with the threat. Our problem is to retain adequate forces to deal with it.

We have the antisubmarine aircraft—the aircraft operating from land bases, the antisubmarine aircraft operating from our aircraft carriers—we have the antisubmarine escorts, we have our attack submarines, all of which are capable collectively of dealing with this threat if we are permitted to retain adequate numbers.

Q. Are you going to have adequate numbers under the budget that you now are preparing?

A. The Congress reduced the Navy budget submitted by the President by 2 billion dollars in 1971. That represented a serious setback in our capability.

There are indications that the Congress will reduce the President's budget in 1972. If that happens, then once again our capability will take a further reduction. I don't know the size of the cut, so I can't judge how much capability addition we will lose.

Q. Does the advent of the Soviet nuclear-submarine force make the defense problem vastly more difficult?

A. Yes. They are faster, they're capable of remaining submerged for longer periods of time, and they are therefore more of a threat than the diesel submarines.

Q. Does that suggest that we might be losing ground?

A. The question has to be answered in two frames of reference: We have made the qualitative progress, and we have the know-how. The question is whether or not we will be permitted to retain the force levels necessary to do the job—and that is a question that I can't answer.

Q. Talking about know-how, are you satisfied with the Navy's research programs?

A. I am. We need to continue always a vigorous research-and-development program in order to stay ahead, because the Soviets are always making improvements in their submarine capabilities. But qualitatively I am satisfied with our present superiority. If we had the force levels to go with it we would have no problem.

Q. A couple of ideas have been talked about recently: first, putting the land-based Minuteman missile at sea and, second, possibly sending our antiballistic missiles to sea to make them less vulnerable to a surprise attack. Do you see any virtue in either of these ideas?

A. Both of these ideas get into the field of strategic nuclear balance, and that is something that is currently under negotiation in the strategic-arms-limitation talks with the Soviets. I think it would be preferable for me not to discuss that.

Q. Is there an official policy against your talking about strategic systems?

A. None other than the obvious fact that when you have diplomatic negotiations going on, the better part of valor for a military man is to keep his mouth shut.

TRAWLERS THAT NET INTELLIGENCE

Q. Admiral, what do you think about these Soviet trawlers operating off our coasts?

A. They are there to collect all kinds of intelligence—everything from the most sophisticated kind of electronics intelligence to picking up debris dropped over the side of our ships.

Q. What do you mean by "electronics intelligence"?

A. They record everything that they can hear in the electromagnetic spectrum—that is, our radars, radios and so forth. They're interested in getting information on everything we have in our order of battle ashore and at sea and in the air: what kinds of radios we use, what kinds of frequencies; what kinds of radars we use, what their frequencies are—things of that nature.

Q. Has the Navy been keeping a pretty close watch on the possibility that the Soviets may still try to build a submarine base in Cuba? And why did they try to build one in the first place?

A. We keep a constantly close eye on it.

What the Soviets would have gained had they achieved a base in Cuba is a capability to maintain about one third more missile submarines on station than they are now able to maintain.

They also would have violated the agreements originally arrived at between Chairman Khrushchev and President Kennedy at the time of the Cuban missile crisis. And, therefore, I think President Nixon took a very important and bold and courageous step in insuring that these understandings were not violated.

Q. Are you sure that the Soviet Union in fact doesn't have a submarine base in Cuba?

A. Quite sure.

Q. Do you keep close track of the number of Soviet subs in the Gulf of Mexico or off our other coasts?

A. I think I should limit myself to the statement that we do know that they are there—that the Soviets do maintain missile submarines off our coasts.

Q. Are they increasing the number of missile submarines off our coasts?

A. They obviously have, since they used to have none and now they have some.

They are also building the new *Yankee* class at a fantastic rate.

Q. If a Soviet submarine were to fire a missile from 100 miles offshore in the Atlantic toward Washington, D.C., would there be any defense against that kind of attack?

A. Yes. The best defense is to have your own missiles at sea where they can't be damaged by such an attack. I'm speaking about the threat of retaliation. In my judgment, it is the very best answer we have.

Q. Do you mean that antisubmarine-warfare devices won't really protect you 100 per cent of the time?

A. No—because it takes time to sink submarines, and it takes only a very few seconds to get missiles off. Therefore, if an enemy nation decides to strike first it is going to be able to get its missiles off before you're able to move in for an antisubmarine kill.

Q. On another subject, Admiral: If we go to an all-volunteer military service, is this going to affect the kind of recruiting you've been able to do? Can the Navy maintain the kind of qualitative improvement you talked about if there's no draft to encourage men to enlist?

A. First, it's absolutely clear that we had to have a two-year draft extension. There was zero prospect of achieving an all-volunteer force while continuing to fight the South Vietnam war with the large number of men required at its peak.

Second, having gotten the extension, all of the service chiefs must do their very best to try to achieve the capability to get nothing but volunteers by 1973. We all know that the three services that are all-volunteer at the present time—Navy, Marines and Air Force—are only all-volunteer because there is a draft.

Third, I'm not able to perceive how rapidly the country will recover from its typical, cyclical postwar syndrome which involves a considerable number of our people having a rather negative image of the military. And unless that is corrected there will be lots of disinclination for the young man to volunteer to join the military force. He's got to feel that it's an honorable, worthwhile profession.

Fourth, I don't know whether or not the pay scales will have been made adequate by that time.

Q. Doesn't the pay-scale increase in the proposed extension of the Selective Service Act seem to be a fairly healthy one?

A. The pay increase is very heavily oriented to attracting the new man—and hasn't yet made a significant increase in the pay of the man who has finished his first tour and is considering whether or not to re-enlist.

Q. Can you give us any idea of how many men do reenlist after completing one tour?

A. During the last six months of calendar 1969 it was 9.5 per cent. During the last six months of calendar 1970 it was up to 16 per cent. In February and March of this year it was 20 or 21 per cent. We need 35 per cent.

Q. How do you account for the increases so far?

A. I think it's a combination of factors: continuing emphasis on the need to improve conditions of life, begun by my predecessor and continued by me—both of us working for a Secretary of the Navy who is very interested in this field; in part the result of the economic downturn, and in part the result of the fact that there is a certain percentage of men who, when their country gets into the kind of trouble we're in, are patriotic enough to decide, "By golly, I'm going to give it another go!"

Q. Are you getting those higher retention rates in the highly skilled ratings that you need?

A. No—that's one of our problems. We're doing better the less-skilled ratings and not as well in the ratings involving much more technical education because those young men obviously can draw much higher salaries on the outside, and it's more difficult to compete with civilian industry. This is true of all the services.

Q. What about the officer corps?

A. In the officer corps we have three primary categories in the line—submariners, aviators and surface officers.

The retention of submarine officers has been improving as a result of some improvements in the conditions of their detailing and as a result of a bonus we're now able to pay nuclear submariners as a result of legislation passed a year or so ago.

In the case of our aviation officers, retention rates are also improving.

As for the surface officer, the retention rates are not improving. These are the officers who take the largest impact from the continuing long deployments of our surface ships in foreign waters.

PEACE BY MILITARY STRENGTH

Q. You spoke a moment ago about a "postwar syndrome" as a matter of concern. Would you elaborate on that?

A. I think there is a significant minority who feels that the military services and military personnel are simply no longer relevant in the modern world.

Fortunately, I believe that a respectable majority still continues to understand that, as the President has suggested, you can only have a generation of peace by maintaining the necessary military strength.

Q. Is this minority feeling gaining ground?

A. We have been going through a period when it has been spreading. I'm not able to perceive when the pendulum will swing back.

We do know that historically we've gone through this kind of period after each war. Vietnam is now the longest and most unpopular war in our history. It may take a little longer for the pendulum to swing, but I believe that it clearly will, given the tremendous efforts that the President and the Secretary of Defense are making to insure that the people understand, and given the fact that if we continue to weaken ourselves it will be quite obvious from the way in which the world community begins to destabilize that we must do more to maintain our military strength.

Q. Admiral, as your fleet goes down in size can you reduce your shore establishment and save money which you could put into new weapons systems?

A. Yes, we could and should reduce our shore establishment as our fleet comes down in size. We cannot, however, save great amounts. One of the problems is that in the first year you save almost nothing because there are significant closing costs. But I would say, as a crystal-ball guess, that if we were able to close all those bases that we ought to close, we could save something on the order of a quarter of a billion dollars per year.

WE NOW EXPECT MORE FROM ALLIES

Q. Does the Nixon Doctrine hold out some substantial hope of being able to abandon some of your bases in the Far East, for example? Could you scrap them all and move back to Pearl Harbor?

A. I would hope that the day would never come when the United States is forced to fall back to Pearl. You remember that's where we started when we had to begin the long, costly fight all the way back across the Western Pacific after the attack against us at Pearl Harbor.

The forward basing that we now have is going to change somewhat in concept. That is, under the Nixon Doctrine we've come to expect much more from our allies' contributing to their own strength.

But we are always going to want bases in some areas overseas as a substitute for a much larger and more expensive number of forces that we would have to maintain in order to keep our ships supplied, and so forth.

Q. So you're not seriously thinking of falling back over the next three to five years?

A. No. As far as the Navy is concerned, I believe we're going to want to maintain bases in most of the countries where we're now based. There will be some retrenchments, but none of major proportions.

Q. Several years ago there was talk of building some fairly large bases in Australia. Has this gone by the board?

A. There's nothing currently on the horizon with regard to the Australians. The Australians are doing some base improvements on their own.

Q. Some Australians talk about an alliance—a naval grouping of Japan, Indonesia, Australia—to protect trade routes through the Malacca Strait into the Indian Ocean. Is that at all feasible?

A. Under the Nixon Doctrine we will make every use of Allied forces that are available in any kind of a crisis situation.

If, for example, there were a crisis involving, say, the Indonesian area and if the President determined that our national interest required it, or the Indonesians felt threatened and joined with us in management of that crisis, certainly any forces they had would be welcomed.

We have treaty commitments with the Japanese and with the Australians, and the President has stated that treaty commitments would be honored.

Q. Are you happy about the pace at which the Japanese are picking up their naval defenses?

A. I think the Japanese Navy has made significant progress. They started from a very, very low figure, as you know. I would hope to see them do more in the years ahead.

Q. One final question: Is it not a fact, Admiral, that the Russian Navy has not been tested in battle since the Russo-Japanese War almost 70 years ago?

A. Not quite a fact. The Russian Navy had some engagements in World War I and in World War II. They did a relatively pitiful job.

They have certainly demonstrated a much greater degree of professionalism in the last quarter of a century, and a very rapidly increasing degree of professionalism in the last 10 years.

I consider them a first-class professional outfit.

PANAMA CANAL: STATE DEPARTMENT DISHONESTY EXPOSED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. RARICK. Mr. Speaker, one of the truly vital issues now before the Congress is the future of the Panama Canal—its sovereign control and its major modernization. Panamanian efforts to gain control of this strategic waterway apparently encouraged by certain elements in our Government has placed U.S. control of the canal in such peril as to arouse the people of our country despite the silence of the mass news media; and they have flooded the Congress with protest against the projected giveaway at Panama.

Fortunately, this Nation does have publicists of outstanding ability and independence who cannot be cowed. Among them is Maj. Gen. Thomas A. Lane, an experienced officer of the U.S. Army formerly on the staff of General MacArthur and an author of distinction.

In a recent column he analyzes a State Department memorandum on the current Panama treaty negotiations with a refreshing degree of forthrightness. His comments are so pertinent and timely that I quote them as part of my remarks and urge that it be read by all Members of the Congress:

NIXON TAKES WRONG TACK IN PANAMA

WASHINGTON.—I have before me a Department of State memorandum on Panama Canal Treaty negotiations which illustrates the sorry quality of U.S. diplomacy in this Nixon era.

This memorandum states that "The basic U.S. treaty objectives established by President Johnson in 1964 and supported by Presidents Hoover, Truman and Eisenhower were to maintain U.S. control and defense of a canal in Panama while removing to the maximum extent possible all other causes of friction between the two countries." That statement is dishonest. It represents the Johnson policy as a continuation of the policies of his predecessors when it is in fact an historic reversal of their policies.

Presidents Hoover, Truman and Eisenhower were adamant about maintaining U.S. sovereignty in the Canal Zone. The sovereign may grant concessions and he may abolish concessions; but when he gives up sovereignty, he surrenders all final authority, submitting himself to the new sovereign.

President Johnson said in 1964, "Today we have informed the Government of Panama that we are ready to negotiate a new treaty. . . . It should recognize the sovereignty of Panama. . . ." That statement opened the negotiation of three treaties transferring sovereignty to Panama, providing for a new administration of the Canal and establishing a defense of the Canal by the United States. These treaties were not submitted to either government for ratification.

The memorandum continues, "President Nixon has established negotiating objectives similar to those of President Johnson in 1964, modified by developments since 1967. Continued U.S. control and defense of the existing canal are non-negotiable U.S. requirements in a new treaty." This is the dishonesty—the implication that the U.S. can control or defend the canal after transferring sovereignty over the Canal Zone to Panama.

The control and defense of territory are powers of sovereignty. When the sovereign contracts the exercise of these powers to another entity, it may unilaterally abrogate the contract with or without cause. In 1956, Egypt unilaterally abrogated a contract for the building and operation of the Suez Canal which had been in operation since 1869.

If the United States transfers sovereignty over the Canal Zone to Panama, it delivers control and defense of the canal to Panama. Any treaty arrangements for U.S. sharing in control or defense will be subject to unilateral cancellation by Panama. Panama could denounce these treaties and negotiate with the Soviet Union or Red China to operate and defend the Canal. The United States would then be forced to choose war or withdrawal. If it resorted to force to preserve this vital waterway, it would be acting in violation of international law, because it had surrendered sovereignty.

The inane quality of our statecraft is expressed in the purpose of removing "causes of friction between the two countries". A diplomacy which seeks to remove causes of friction with other countries invites those countries to make new demands (causes of friction) upon the United States. The policy is self-defeating.

Diplomacy should promote fair and equitable relations with other nations. It must have clear objectives to which it will adhere whether the other countries concur or not.

U.S. sovereignty over the Canal Zone is in all respects a fair and reasonable arrangement. It is essential to the continued secure operation of the canal. It made possible an undertaking which has brought great benefits to Panama. It is the duty of diplomacy today, as under Presidents Hoover, Truman and Eisenhower, to inform Panama firmly that while administrative arrangements are subject to reasonable adjustment, U.S. sovereignty over the Canal Zone will be as enduring as the canal itself.

It is the duty of Panama to accept this arrangement in good grace and cooperate in our common interest. If Panama becomes hostile, the United States should discharge all Panamanian employees and administer the Zone with American citizens. That is the eventuality for which sovereignty must be preserved. We don't want it to happen; but it is a better prospect than making war against Panama to recover by conquest rights which we have surrendered through diplomatic stupidity.

PROVIDING FOR TIMELY SETTLEMENT OF CLAIMS AGAINST CHINA

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. HANNA. Mr. Speaker, as we move into a new era of relationship with the government of mainland China, I feel it appropriate to consider the residue of our past contacts and associated problems in an effort to evolve the cleanest possible slate on which to build. It is in this endeavor that I introduce today a sense of the Congress resolution calling for the timely settlement of outstanding claims under the International Claims Settlement Act of 1949.

A large body of American citizens suffered significant financial loss when property they owned was confiscated by the current mainland China government without compensation or even any attempt at due process. To the present time the People's Republic of China has given no indication that these claims, properly processed under the laws of the United States, will be honored.

We have the means at hand, Mr. Speaker, to resolve this issue, in the form of frozen People's Republic of China assets in the United States which could be utilized to satisfy any rightful claims. Our Government has recognized its obligation under international law in not releasing these moneys to either claimant. However, if in fact our President is anticipating laying a new groundwork for normalcy between these governments, one condition should be the satisfaction of established claims and, likewise, if appropriate, the release of any excess funds to the People's Republic of China to which it has a claim.

At this point, Mr. Speaker, I present the text of my resolution for insertion in the Record:

H. Con. Res. 411

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Government of the United States shall not make any concession to, or enter into any agreement with, the Government of the Peoples Republic of China until such government has expressed agreement to arrange for equitable settlement of all claims of nationals of the United States against such government received and determined by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949.

PRESENT AND FUTURE OF THE NEW TOKAIDO LINE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Present and Future of the New Tokaido Line

(Graphs and illustrations not printed in the Record)

(Address September 8, 1971, Before Fifth International Conference on Urban Transportation, Pittsburgh, Pa.—Hideo Shima, President, National Space Development Agency of Japan)

1. Operating results of the New Tokaido Line in the past six years.

(1) Route of the line, Distance and running time between stations.

As shown on Fig. 1 (not printed in the Record).

(2) Yearly increase in passenger traffic.

Passenger traffic on the line has shown a big increase from year to year. In the five year period from 1965, the year after the line was opened, to 1970 the number of passengers carried grew 2.8 times, from 31 million to 85 million. This means that only in the one year of 1970, as much as 85% of the population of Japan rode on the New Tokaido Line, and that the line carried an average of 230,000 passengers per day in that year. The greatest number carried on the line so far in one day was 520,000 on May 5th (Monday), 1969.

(3) Average distance of travel on the line.

The average distance of travel per passenger on the line is longer in the case of the Hikari train which stops at two intermediate stations and shorter with the Kodama train which stops at all the 11 intermediate stations. The rise in 1970 (1st half) is considered to have been caused by the EXPO.

(4) Contribution to EXPO '70 transportation.

The EXPO was held in Osaka from March to September, 1970. During this period the New Tokaido Line played an indispensable role in transporting the huge number of visitors, without a single accident, and was acclaimed as the "moving pavilion of Japan".

Total Visitors to EXPO, 64 million.

Visitors using JNR trains, 22 million (34%).

Of above figure, visitors using New Tokaido Line, 9 million (14%).

(5) Passenger analysis.

As shown on Fig. 5 (not printed in Record).

(6) Impact of the New Tokaido Line on the region served.

The New Tokaido Line, the first commercial high-speed railway in the world, has cut the time-distance between Tokyo and Osaka into half, making it possible to go and return between any point along the line in a day. This facilitation of travel has had an economic and social impact on the region served by the line and on the nation as a whole.

a. Change in passenger flow pattern.

The inauguration of the line served to actualize the potential transport demand, bringing about a great increase in the volume of middle-distance passenger traffic such as between Tokyo and Osaka, and between Tokyo and Nagoya, changing the passenger flow pattern.

b. Qualitative change in passenger traffic.

There is not much difference in the time spent when travelling by the New Tokaido Line and by airplane, but rail fare is only half of that for air, and besides, it is safer and more punctual on the New Takaido Line. This has popularized the line. For business men in Tokyo and Osaka it has become the practice to leave in the morning, do business at the other end and return the same day, using the line. Also, admission tickets to large theaters in Tokyo have come to be put on sale in Nagoya and Osaka. Thus, the traffic for business as well as private purposes has undergone a qualitative change.

c. Change in tourist resort geography.

Inauguration of the New Tokaido Line has changed the geography of the tourist resorts along the line. Before, Atami was considered as a resort for the people of Tokyo, but on account of the line, it is now readily accessible from the Osaka area. This is also the case with Kii Shirahama which used to be frequented by the people in the Osaka area, but is now readily accessible from Tokyo. In particular, there has been a big increase in the visitors to the sightseeing spots in the Tokai Region midway between Tokyo and Osaka. On the other hand, the New Tokaido Line has made travelling to convenient that more and more tourists are making day trips to these resorts without staying there overnight, affecting the hotels.

d. Impact on regional economy.

By using an econometric model (dynamic inter-regional input-output model), a measurement was made to find out the extent the New Tokaido Line contributed to the growth of the national economy. According to this measurement, it is estimated that in 1966 the gross regional product increased by 150,000 million yen in the Tokai Region around Nagoya, by 123,000 million yen in the Kinki Region around Osaka, by 117,000 million yen in the Kanto Region around Tokyo, and by 423,000 million yen in gross national product, compared with what the case would have been if the line had not been built. This means that the New Tokaido Line greatly accelerated the concentration of industries in the Tokai and Kinki Regions. Likewise, the line brought about a concentration of the working population in the areas served by the line. Of the national increase of 186,000 in working population, it is estimated that the Tokai Region accounted for 68,000, Kanto Region 57,000, and Kinki Region 50,000.

(7) Operating results.

a. Number of trains and traffic volume.

The line was opened with 30 round trips per day, but this was increased to 101 round trips on weekdays in October 1970. Altogether, 350 million passengers have been carried on the line in the six year period after its opening.

b. Great reduction in train delay.

In the early stage some train delays were experienced, but as the performance of rolling stock and facilities as well as rail tracks became stable and with the implementation of measures for prevention of natural disasters, there has been a great reduction in train delays.

c. No passenger casualty.

There has not been a single passenger casualty since opening of the line.

(8) Maintenance.

a. Maintenance of rolling stock.

Inspection ranges from the simple daily trip inspection to the general inspection which is carried out after each 720,000 km of operation with all the parts disassembled. Thus, there are different kinds of inspections in accordance with the distance of run. Also, to assure safe operation at high speed, extra care is taken in inspecting the running gear with specially provided inspection equipment. The main kinds of inspection and their interval are as follows:

(1) Trip inspection: At Tokyo or Osaka Car Depot, each 48 hour.

(2) Intermediate inspection: At Tokyo or Osaka Car Depot, each 30,000 km.

(3) Bogie truck inspection: At Osaka Car Depot, each 240,000 km.

(4) General inspection: At Hamamatsu Workshop, each 720,000 km.

Besides, the performance and characteristic of the ATC (automatic train control) equipment are inspected at each trip inspection and at intermediate inspections when all parts are inspected without disassembling them. As to the axles, they are inspected by ultra-sonic flaw detectors during intermediate inspection. Further, computers are used extensively in conducting final checks after general inspection for greater reliability and to shorten the work process.

b. Maintenance of track.

To keep the tracks fit for high-speed operation, there have been set up 4 track maintenance depots, and under these depots there have been placed 12 track maintenance subdepots, 7 mechanized track maintenance subdepots and 54 track inspection gangs at 10 km intervals. The maintenance system consists of the inspection and the actual maintenance work, each being specialized. It is the function of inspection to ascertain track conditions for safe operation and to secure the necessary data for planning the actual maintenance work. This is carried out by the daily car vibration test and patrol by car, daily patrol on foot, periodic general inspections and the track irregularity inspection by high-speed track inspection car once every 10 days. The maintenance plan is set up based on the inspection results and the actual maintenance work is conducted either by JNR itself or by contract, using large machines.

c. Maintenance of electrical facilities.

To maintain the electrical facilities of the New Tokaido Line in a good condition, 4 electrical facilities maintenance depots and 10 subdepots have been set up along the line. These depots and subdepots carry out the inspection and repair work at night. In addition, a system of inspection employing statistical control methods has been set up for greater reliability, based on studies and experiences of the past six years. Further, to see how electrical facilities are actually functioning during train operation, a testing car for the purpose is operated about once every week at the same speed as commercial trains. The measurements made by the car are sent to the electrical facilities maintenance depots in the form of immediate reports, weekly reports and monthly reports and these reports are used in carrying out inspection and repair work and in strengthening the facilities.

(9) Financial results.

The New Tokaido Line started to make a profit from the third of operation and in fiscal 1969 the operating ratio (100 × expense/revenue) of 52% was attained.

(10) Effect on the old narrow gauge Tokaido Line.

With the opening of the New Tokaido Line, the number of daytime express trains was greatly reduced on the old narrow gauge Tokaido Line, and in place, more local passenger trains and freight trains were operated, thus increasing commuter and freight transport capacity which had been badly needed.

2. Plan for construction of nationwide high-speed railway network.

(1) Characteristics of high-speed railways.

The New Tokaido Line was opened on October 1, 1964, and six years have elapsed since then. In the meantime, the line brought about a great change in the travel pattern. It became common for business men to go from Tokyo to Osaka, or vice versa, and return the same day. Also, the line made Hakone and Atami easily accessible from the Osaka area and the same with Kyoto and Nara from the Tokyo area.

It is considered that the remarkable growth of traffic on the New Tokaido Line is due to the recognition by the people of the following merits of the line.

a. Safety.

Being guided by rail, the railway is very much suited to the application of safety measures by electronic and other techniques. Especially in the case of a railway like the New Tokaido Line, the entire right of way is segregated from road traffic, and further, a very high degree of safety can be attained by transforming the railway into a plant industry through adoption of the automatic train control system and automatic disorder detecting devices and other means. Accordingly, there has not been a single casualty on the New Tokaido Line.

b. Capability for mass transport.

The capability for mass transport is a great merit of the railway, this being especially so in the case of a high-speed railway like the New Tokaido Line. This capability has been amply demonstrated during EXPO '70 and by the fact that as many as 520,000 passengers were carried on the line in a single day. By coupling a number of cars together, the railway can carry large volumes of traffic in one movement, a feat which would be difficult to accomplish by road or air transport. In this connection, according to a comparative study of the transport capacity by rail (high-speed) and road (expressway) in Japan, it was found that the capacity by rail was twice as much as that by road per hour and four times greater per meter of width of the right of way, and that the average speed was two to three times higher.

c. Speed.

The New Tokaido Line has changed the old image of the railway and its high speed can meet the needs of modern society. Besides, with respect to accessibility to the city center, the railway is more advantageous than air transport and this helps to reduce the travel time between city centers. A comparison of the time taken to travel between Tokyo and Osaka by different means of transport is shown in the Fig. 12.

FIGURE 12.—TRAVELING TIME BETWEEN TOKYO AND OSAKA BY DIFFERENT MEANS OF TRANSPORT

Means of transport	Between	Time required	Access time	Total
High-speed railway (Hikari train)	Tokyo and Shin-Osaka	3 hours 10 minutes		3 hours 10 minutes
High-speed bus	Tokyo and Shin-Osaka	8 hours		8 hours
Airway	Tokyo and Osaka	50 minutes	Tokyo 60 minutes; Osaka 25 minutes; waiting time at airport 20 minutes	2 hours 35 minutes

d. Punctual service.

In road transport, the flow of traffic is being impeded on account of road congestion, and at the airport, prolonged waiting time for landing is becoming chronic due to shortage of airport space. On account of these causes, it is becoming more and more difficult to secure punctual road and air services.

On the other hand, in a modernized high-speed railway system, it is possible to assure punctual operation of trains by means of a well-equipped automatic train control system. The New Tokaido Line is a case in point. Moreover, depending on future technical development, there is the possibility of complete automation of train operation. At least, by adopting cab signals as in the case of the New Tokaido Line, train operation will hardly be affected by fog. Further, in the case of the new high-speed railway network to be built in Japan, if adequate measures are taken with respect to the snow problem, punctuality of train operation can be assured in all weather.

In other words, it can be said that what appealed to the people were the safe, comfortable and fast service of the New Tokaido Line, the location of the terminals in the city centers and the freedom from worry about the availability of seats made possible by frequent operation of trains.

Thus, by cutting the time-distance between Tokyo and Osaka into half and bringing the whole area served by the New Tokaido Line into a day trip zone, the impact of the line has been large, indeed.

(2) Formation of an integrated transport system.

The rapid growth of economy and the advancement of transport technique have greatly expanded the interflow of people, goods and information, and it is most likely that this trend will continue in the future. In order to be capable of meeting the demands of a more prosperous future society, there will be the need of forming a new transport system which will make the most of the strong points of each mode of transport. This new transport system should be integrated on a nationwide scale, and by coordinating the function of rail, road and air carriers for linear, area-wise and inter-point transport respectively, a transport structure most effective from the national economic standpoint should be formed.

(3) The need of modern high-speed railways in the integrated transport system.

In forming an integrated transport system, it will be necessary to see that each means of transport will be able to display its strong points and to coordinate their services so that the most effective system may be established.

High-speed railways are superior to road and air transport in the field of mass transport over middle and long distances. According to studies made so far, the characteristics of each means of transport can be summarized, qualitatively.

Fig. 15. (not reproduced) shows the trend in a conceptual distribution of passengers among airway, expressway and high-speed railway; according to which a peak in long distance, short distance and middle distance is noticeable in the respective means of transport. Thus, by having the expressway and airway undertake mainly short distance and long distance transport respectively, and the high-speed railway taking over that part between the two, an effective transport system can be formed.

In this sense, there is the need to construct high-speed railways as an essential part of the new transport system as advocated in the New Comprehensive National Development Plan of the Government.

(4) Effect of high-speed railways.

The following effect can be expected upon construction of high-speed railways in the framework of an integrated transport system:

a. Effect on the welfare of the people.

The construction of a nationwide high-speed railway network will greatly reduce the traveling time between principal cities and thereby enlarge the people's range of action in a day. As a result, the cultural and social status of regional cities will rise, lessening the difference between metropolitan and regional cities. As people will be able to enjoy the living standards of a metropolis while residing in a regional city where the living environment is good the trend of over-population in metropolitan areas and under-population in regional areas will be mitigated, promoting effective land usage.

Figure 16 shows the traveling time from Tokyo and Osaka to the other principal cities upon completion of the high-speed railway network.

FIG. 16.—TRAVELING TIME TO MAIN CITIES FROM TOKYO AND OSAKA UPON COMPLETION OF HIGH-SPEED RAILWAY NETWORK

	Time required			
	Present		Future	
	Hours	Minutes	Hours	Minutes
Between Tokyo and—				
Sapporo	17	20	5	50
Morioka	6	00	2	30
Sendai	3	50	1	40
Niigata	4	00	1	30
Kanazawa	5	20	1	50
Between Osaka and—				
Kagoshima	13	40	4	20
Kumamoto	10	00	3	30
Hakata	8	20	2	50
Hiroshima	4	10	1	40
Kanazawa	3	00	1	30

A huge amount of time can be saved upon realization of a high-speed railway network, and it is estimated that this would amount to 130 million man-hours in 1968 and 1,290 million man-hours in 1985 if passengers hitherto transported on the old narrow gauge lines were to be transported on high-speed lines. In terms of working population this is equivalent to 60,000 and 600,000 respectively. This time-saving effect of the high-speed railway will help to reduce the labor shortage and increase spare time, thereby having a great effect on the living conditions of the people.

In connection with public welfare, what is becoming all the more urgent is the solution of environmental problems. The level of the economy of Japan has risen considerably in recent years and so has her international economic standing. Personal income has risen and the supply of consumer goods has become plentiful. On the other hand, the sudden growth in economy has brought about a high concentration in population and industry, and where social capital could not adequately meet the situation, the problem of environmental disruption arose.

In the field of transport, this is seen in traffic jams, air pollution from exhaust gas, traffic accidents and noise.

With a railway like the New Tokaido Line, however, there is no problem with respect to air pollution and traffic accidents, and besides, as such a railway would ordinarily be built right into the city center, the problem of congestion of secondary transport means to the city center, as in the case of air travel, would not arise.

In short, modern high-speed railways can provide safe transport, free from public hazard, over middle and long distances. This will in turn serve to facilitate the dispersion of industries, correct regional disparities, and promote the realization of a more affluent society by satisfying the lesiure purpose demand which is bound to grow in the future.

b. Effect on regional development.

The construction and improvement of transport facilities, including high-speed railways, will not only have the direct effect of increasing the volume of passenger and freight traffic making use of such facilities, but by affecting regional industry, they will also exert an indirect effect from the national economic standpoint. According to an estimate made on the effect of the opening of the New Tokaido Line on regional development, it was found that economic indices such as those on capital stock, value of production and income rose considerably in the regions directly affected by the opening of the line. As an example, in Fig. 17 there is shown the production value of the different industries in the Tokai Region (around Nagoya).

In this way, the opening of high-speed railways accelerates the economic activity of the regions served by them. Therefore, with the extension of such lines throughout the country, the economic activity in the various regions served will become more brisk and this will help to solve the problem of over-and-under-population, promote regional development and contribute to the economic development of the nation as a whole.

FIG. 17.—EFFECT OF NEW TOKAIDO LINE ON PRODUCTION VALUE OF DIFFERENT INDUSTRIES IN TOKAI REGION

[In 100,000,000 yens]

	Production value in 1970(a)	hat part of (a) estimated to have been attributable to New Tokaido Line (b),	Ratio (b)/(a)×100 (percent)
Primary industry	3, 089	112	3. 6
Secondary industry	81, 206	3, 343	4. 1
Tertiary industry	27, 546	866	3. 2

c. Effective usage of the old narrow gauge railway.

With the construction of high-speed railways, the express passenger train service on the old narrow gauge lines will be taken over by the new lines, making way for separate usage of the lines, that is, passenger service on the new line and freight service on the old line. This will mean that there will be less variation in train speed on the old line, thereby simplifying train operation for greater efficiency and larger transport capacity.

As a result, it will become possible to make big improvements in the services of the old line such as by expansion of modern container and freightliner services and by mitigation of commuter train congestion. In addition, the old line can provide supplementary services to the new line. Particularly, in regard to the freight service on the old line, it will be possible to transform it into a new system capable of flexibly meeting customer demands, quick delivery and punctual service.

(5) Nationwide high-speed railway network project.

a. Line under construction (New San-yo Line).

The new Tokaido Line thus giving a very successful result is now being extend 560 km westward over Osaka towards Hakata, the center of Kyushu industrial area, along the Seto Inland Sea.

The construction is well on schedule and the section Osaka-Okayama will be duly opened to the traffic on April 1972.

FIG. 19—NEW TOKAIDO LINE AND NEW SAN-YO LINE, CONSTRUCTION COST AND EXTENSION BY STRUCTURE

Lines	Construction cost (approximate) (million yen)	Length (km)				
		Total	Tunnel	Bridge	Viaduct	Bed road
New Tokaido Line	3, 800	515. 8	68. 6	57. 1	115. 8	274. 3
Percent		(100)	(13)	(11)	(23)	(53)
New San-yo Line:						
Shin-Osaka/Okayama	1, 700	161. 8	57. 0	17. 9	70. 2	16. 7
Percent		(100)	(35)	(11)	(44)	(10)
Okayama/Hakata	4, 800	398	210	14	84	90
Percent		(100)	(53)	(3)	(21)	(23)

b. Lines to be constructed and those proposed.

It was under the foregoing circumstances that the "Law for Construction of Nationwide High-speed Railways" was enacted in May, 1970. The law has its objective the construction of high-speed railways on a nationwide scale.

Based on this law, in January, 1971 a basic plan was formulated for construction of the following high-speed lines:

New Tohoku Line (between Tokyo and Morioka).

New Joetsu Line (between Tokyo and Nugata).

New Narita Line (between Tokyo and Narita).

At the same time, it was proposed to have the following routes included in the high-speed rail network:

Tokyo—Toyama—Osaka.

Morioka—Sapporo.

Hakata—Kagoshima.

In April, 1971 the construction plan was decided upon for the New Tohoku, Joetsu and Narita Lines aforementioned and instruction was given to commence their construction. Figure 18 shows the three lines to be constructed and those proposed.

c. Outline of the three lines to be constructed.

FIGURE 20.—DEMAND FORECAST AND NUMBER OF TRAINS

	New Tohoku line		New Joetsu line		New Narita line	
	Traffic volume per year [1]	Number of trains per day	Traffic volume per year	Number of trains per day	Traffic volume per year [1]	Number of trains per day
1976	75	[2] 70	35	[2] 50	6	[3] 90
1985	163	[4] 110	78	[4] 80	12	[2] 90

[1] In 100,000,000 passenger-kilometer.

[2] 12 car trains.

[3] 6 car trains.

[4] 16 car trains.

Note: Traffic volume and number of trains for both ways.

FIGURE 21.—SHORTENING OF TRAVELING TIME

	Distance (km)	Time required—			
		By present line (a)	By high-speed railway	Time shortened (b)	Percentage shortened (b/a)
New Tohoku line (between Tokyo and Morioka)	[1] 500	6:00	2:30	3:30	[1] 60
New Joetsu line (between Tokyo and Nugata)	[1] 300	4:00	1:30	2:30	[1] 60
New Narita line (between Tokyo and Narita)	[1] 70	1:00	0:30	0:30	[1] 50

[1] Approximate.

Increase in added value (gross regional and national product).

The estimated increase in added value due to the construction of these high-speed railways is shown in the following table:

FIG. 22.—INCREASE IN ADDED VALUE (GROSS REGIONAL AND NATIONAL PRODUCT) ON ACCOUNT OF HIGH-SPEED RAILWAYS

[In 100,000,000 yen]

High-speed railway and region	Actual figure for 1965	Estimate for 1985	
		In case high-speed railways are not built	Increase attributable to high-speed railways
New Tohoku Line:			
Tohoku	15, 000	60, 000	+1, 900
National	266, 000	1, 213, 000	+900
New Joetsu Line:			
Kanto	107, 000	528, 000	+1, 100
National	266, 000	1, 213, 000	+300

Notes: 1. In terms of 1960 prices. 2. Direct effect from investment has been excluded.

(iv) Estimated construction cost: New Tohoku Line (Tokyo-Morioka), 800,000 million yens. New Joetsu Line (Tokyo-Nugata), 560,000 million yens. New Narita Line (Tokyo-Narita), 200,000 million yens.

d. Main technical developments to be conducted.

In consideration of the time factor relating to the construction and completion of the nationwide high-speed railway network, the following standards used for the New Tokaido Line, that is,

—Gauge, 1,435 mm.

—25,000 volt A.C. system with overhead current collection.

—Multiple unit system.

will be used for the new lines to be constructed for the nationwide network, but to attain higher speed and greater efficiency, technical development with regard to increasing speed, prevention against snow hazard, systemization of operational control, reduction of maintenance need and other aspects will be promoted.

(i) Maximum speed.

By improving track facilities, making car bodies lighter, improving the running performance of bogies and by other means, technical development is under way for attainment of the maximum speed of around 250 km/h.

(ii) Prevention against snow hazard.

To overcome snow hazard, research and technical development will be promoted on the following:

Improving the insulation of machinery and appliances and cold-and-snow-proof rolling stock.

Measures relating to icing of overhead line.

Detection of weather information and transmission thereof.

Reducing the need of track maintenance and making the track snow-free.

As the projected New Joetsu Line will run through a district where there is over a meter of snowfall in a day and over four meters of snow accumulation on the ground, the above-mentioned measures will be adopted on a large scale. At cuts where there is likely to have snowdrifts and in station compounds where snow removing is not easy, snowsheds and other protective facilities will be provided. For the tracks between stations the usage of the open floor type elevated track structure and other means as well as the removal of snow by frequent running of passenger train with snow plough are being studied.

As there will be comparatively less snow along the route of the New Tohoku Line, it is considered that measures for the New Joetsu Line will suffice for this line.

(iii) Track structure.

To enable higher train speed and reduction in maintenance need it is planned to adopt solid bad tracks, and for the purpose, research and development work will be conducted on their structure, supporting system and rail fastening.

(iv) Electrical facilities.

Work will be carried out to develop a device for automatic compensation of voltage change and the double compound catenary.

(v) Train operation system.

In line with the policy for speedy and safe operation, computers will be used in combination with ATC and CTC to develop the Computer Aided Traffic Control System (COMTRAC System) for quick preparation and transmission of the most suitable train operating schedule to meet fluctuations in transport demand as well as to adjust the movement of trains when their normal operation is disrupted, and further, to enable automatic control of the routes in all such cases.

(vi) Structure of rolling stock.

Besides the measures to be taken for higher speed, train control and prevention of snow damage, semiconductors and higher polymer will be used to reduce the need of maintenance and light alloys employed to make the cars lighter.

e. The islands of Japan as measured by a time scale.

Upon the completion of the nationwide high-speed railway network in the future, travelling time will be shortened and the islands of Japan, as measured by a time scale, will shrink as shown in the following figure (not reproduced).

3. Concluding remarks.

With the development of motor vehicles and aircraft the share of the railway has gone down, making many people think that the railway is an outmoded means of transport on the way to decline. However, it has been amply demonstrated by the New Tokaido Line that a new railway system capable of providing high-speed, comfortable, safe and punctual mass transport at low cost in all weather can meet the needs of the new age.

System engineering technique was put to maximum use with respect to the rolling stock, ground facilities, safety and train operation facilities and other aspects of the New Tokaido Line to create a new railway worthy of a plant industry. As such, the line has had a great economic and social effect, and on account of the new demand induced, the financial showing of the line has been extremely good. Thus, the line has been well received by the people of Japan as well as by the visitors from abroad.

Along with the growth of the economy in recent years, excessive concentration of the population and industries is taking place in metropolitan areas and the opposite phenomenon is seen in the regional localities. To put an end to this trend and make the land of Japan a more pleasant place to live in, the Government is now drawig up a plan for the formation of an integrated transport system, and the high-speed railway network will become an essential part of the system.

It is certain that the popularization of high-speed ground transportation systems, including modern high-speed railways, not only in Japan but in other countries as well, will, with necessary modification to meet each country's needs, bring imense benefits to all the people of the world.

VIET ELECTION A FARCE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. ROSENTHAL. Mr. Speaker, the one-man presidential "election" planned for this Sunday in South Vietnam is an insult to every American, Vietnamese, and allied soldier who has been killed or wounded trying to help the people of that nation win the right of self-determination.

In a charge stage-managed by the American Ambassador, President Thieu is conclusively demonstrating for all the world to see how corrupt his regime really is and how immoral it is for the United States to continue supporting his government.

President Thieu, to placate his more friendly critics, has said that those people who oppose him can indicate it by, in some way, deforming their ballots. He even has offered to resign if a majority of the votes are cast against him.

What he does not say is that it is his handpicked village chiefs and election officials who turn out the voters and count the ballots. And many of these persons, the ones responsible for showing people how to vote against Thieu, have said they will do no such thing.

It is this kind of democracy for which we have given the lives of 50,000 of our best young men—plus several hundred thousand more wounded and maimed—have bled our economy nearly to the breaking point and have seen the fabric of our Nation rent by domestic upheaval.

This farcical election is further evidence why we must immediately withdraw all American forces from Southeast Asia and cease our support of the corrupt Saigon government.

THE QUADRIPARTITE AGREEMENT ON BERLIN OF SEPTEMBER 3, 1971, AND THE FOREIGN SERVICE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. ASHBROOK. Mr. Speaker, during the last 5 years I have on several occasions called attention to serious personnel problems in the Foreign Service. My reason for doing this was primarily because the evidence available indicated that there was an intimate connection or correlation between these personnel problems and the general issues of our foreign policy, our national security and even the relations between the State Department and Congress.

Whatever the original causal connection between these personnel issues and these general national security issues, I was struck with the fact that whenever there was a deep crisis in our foreign policy, there appeared to be a crisis also in the Foreign Service personnel system. The two appeared so regularly together, that they constituted what in scientific language is called a syndrome. Whenever one appears, the other also appears.

The most recent such syndrome concerns the so-called Quadripartite agreement on Berlin of September 3, 1971.

As you will recall, this agreement was negotiated and signed with great secrecy. When its terms were finally announced, the State Department claimed that it represented a major diplomatic victory for the United States, that it eliminated the occasions for future Berlin crises, and that it would help achieve stability and peace.

The ink was scarcely dry on that quadripartite agreement, when a major dispute immediately broke out between the West German Federal Republic and the East German regime as to what the "agreement meant." Certainly, the State Department had given the American people such clear assurances about the purposes and content of that agreement, and the solemnity with which all parties viewed it, that such a disagreement immediately after signing hardly was conceivable.

In order to document the origins of the current dispute over the treaty, I request permission to place into the Record two items which has appeared in the press in the last week. The first is a news item which appeared in the Washington Post on September 23, filed by that paper's foreign correspondent in Bonn, John M. Goshko. It indicates the nature of the dispute about the Berlin agreement of September 3, 1971.

The second is an article which appeared 3 days earlier, on September 20, 1971, in the monthly magazine Tactics. This article not only analyzes comprehensively the terms of the Quadripartite agreement of September 3, 1971, but also reveals the concessions which the United States made to the Soviet Union and the East German regime. It is in this light in which the current dispute over Berlin should be seen.

Tactics states that the legal experts it has consulted have concluded that this quadripartite agreement is a "disaster" for the West. In fact, the magazine claims the disaster is—

> More severe than those of the Yalta and Potsdam agreements, or the building of the Berlin Wall.

I believe every American should read these two reports together. Together they explain fully the terms of that accord and place them in the perspective of other national foreign policies which are still emergent.

There is another reason why every American should read these two articles together. This is because Tactics reports the names of the authors of the Berlin agreement and the influences they have had on its formulation.

In this connection, I should like to remind the Members that during the last several years I have repeatedly called their attention to the "selection out" or firing of John Heminway by the State Department. His last assignment in the Foreign Service and State Department was as the Berlin desk officer in Washington, responsible for communicating our Berlin policies to the field. While in that post, he concluded that two of his superiors were no longer implementing the established foreign policy of the United States in Berlin. When he called this fact to the attention of senior State Department officials, he was "fired" through "selection out." His case is still under review in the executive branch to ascertain whether "malicious and untrue statements" were used in producing his "selection out."

It is quite clear to me that if Mr. Heminway had continued to be the Berlin desk officer, the problems and misunderstandings with which we are confronted today in Berlin would not have arisen.

Aside from the personalities involved in the Tactics article, the treaty-making aspects of Quadripartite agreement are of immense importance. Is the agreement, as Tactics claims, in actuality a treaty under the classification of an agreement? If so, I am sure the U.S. Senate will find this issue of great interest. Just recently the Senate Foreign Relations Committee released a study by the Foreign Affairs Division of the Library of Congress entitled, "The Senate Role in Foreign Affairs Appointments" which deals with "the role of the Senate in making appointments relating to the conduct of foreign policy." In the preface to the study the chairman of the Senate Foreign Relations Committee, Senator FULBRIGHT, stated that "a study of the constitutional powers to make treaties and executive agreements is ready to be undertaken." If the charges made in the Tactics article concerning the Quadripartite agreement are correct, perhaps a review of this agreement will provide interesting material for the upcoming study.

The two above-mentioned items follow:

[From the Washington Post, Sept. 23, 1971]

Germanys Break Off Talks About Berlin

(By John M. Goshko)

Bonn.—The latest effort to resolve the deadlock between the two Germanys over implementation of the four-power Berlin agreement was broken off today after only 30 minutes of discussion.

This abrupt ending to the meeting in East Berlin repeated the pattern that has been evident ever since the "inner-German phase" of the Berlin negotiations began earlier this month. No date was set for the next meeting.

The four-power agreement, signed on Sept. 3, will not become final until East and West Germany agree on the practical steps necessary to implement its provisions.

However, these talks, being conducted principally by West German State Secretary Egon Bahr and his East German counterpart Michael Kohl, have been stalled from the outset over differences in interpreting the agreements text.

In particular, they have been arguing over a German-language version of the agreement. A German translation had been agreed to by all parties before the Sept. 3 signing, but the East Germans have since contended that they are not bound by that and have tried to substitute their own translation.

Armed with its text, East Germany has insisted on interpreting the agreement to mean that it can negotiate separate accords with the authorities in Bonn and in West Berlin on access to the city and East Germany. Bonn has insisted on a single German-level access agreement to be negotiated by West Germany.

Last week Chancellor Willy Brandt visited Soviet Communist Party leader Leonid Brezhnev, and is believed to have asked for his assistance in making the East Germans more cooperative. Brandt is understood to have reminded Brezhnev that Bonn's treaties with the Soviet Union and Poland cannot be ratified until the Berlin accord is complete.

Although the Bonn government will not even admit that the matter was discussed, the impression is that Brandt received satisfactory assurances from the Soviets. Informed sources here say, however, that no change can be expected in the Bahr-Kohl talks until they have gone through several more sessions.

This was underscored by Bahr today on his return to West Berlin. He told reporters that he and Kohl were still at an impasse over the German text, and said: "In the circumstances, it was not possible to continue the factual negotiations on traffic questions.

On the other side, the East German news agency ADN issued a report accusing Bahr of delaying tactics. It said Kohl "regretted the West German attitude and reiterated East Germany's willingness to conclude the negotiations quickly.

U.S. Policy Reversal Includes W. Germany as Well as China

(By the Insider)

While world capitals have been preoccupied with the potential disaster to the free world from President Nixon's upcoming trip to Peking, an actual disaster already has taken place in Europe. Legal experts say this disaster is "more severe than those of the Yalta and Potsdam agreements, or the building of the Berlin Wall."

Its official name is the "Quadripartite Agreement on Berlin of Sept. 3, 1971," actually signed on Sept. 4, and is also referred to as the Berlin Accords, the Berlin Agreement, and more realistically, the Berlin Treaty. As a matter of fact, it is a six-power treaty binding on the United States, France, the United Kingdom, Soviet Union, Western Federal Republic of Germany, and the Eastern, so-called German Democratic Republic.

In effect, it is the peace treaty ending World War II, on terms reflecting practically a total victory for the Soviet Union. So far as American foreign policy is concerned, it extends to Europe the same concepts and principles as did the American policy shift in Asia from the free Republic of China to Communist China.

CAPITULATIONS REJECTED BY PRECEDING PRESIDENTS

In the same manner as we have abandoned Free China as the sole, legitimate spokesman and heir to Chinese national statehood, the United States under this treaty abandons its support of the Federal Republic of Germany as the sole legitimate successor to German statehood.

Through this treaty, the U.S. State Department, with the endorsement of the White House, has reversed 25 years of American foreign policy initiated by President Truman, sustained by President Eisenhower; and preserved even by Presidents Kennedy and Johnson despite all the efforts of their pro-Soviet advisors to appease the communist bloc.

A decisive concession that even President Kennedy was not prepared to make now has been granted to the Soviet Union and the East German regime. There are today three Germanys.

They are the Federal Republic, our ally; the East German so-called German Democratic Republic, the Soviet puppet, and an extraordinary equity called "the sectors of West Berlin, "which has no international standing, and at best will be no more than a new Danzig.

As Danzig was the immediate cause and pretext for World War II, this new, unstable "sectors of West Berlin" may well have within it the seeds of World War III.

Supposedly, all this was done in the name of international peace and a reduction of tensions in Europe. Just as supposedly, the seating of Red China in the Security Council was to be done in the name of international peace and a reduction of tensions in Asia.

What, in fact, does the Berlin accord of Sept. 3 provide? The agreement affects Allied rights both in Berlin and in Germany as a whole.

First, and for the first time, the accord legally recognizes the legitimacy of the Berlin Wall by omitting all reference to the Soviet "sector" of Berlin, or even to the eastern sector of Berlin. Instead of these clear political and legal terms, the treaty describes the Berlin sector as "areas bordering" on the Western sectors of the city. Thus even that earlier distinction which the United States made between Berlin's Soviet sector and the Soviet zone of Germany has been eroded.

SERIES OF CAPITULATIONS

Secondly, while totally bowing to the Soviet Union on the issue of the Soviet sector, the United States and its Western allies also have capitulated to the Soviet positions by admitting there is no such thing even as West Berlin.

Up to Sept. 3, the Allies had steadfastly insisted that there was a single Berlin governed by a single allied body, the Kommandatura, which the Soviet Union was boycotting because the Western Allies had refused to allow the Russians to paralyze that body by vetoes within it.

In the Sept. 3 accord, the United States conceded the Soviet position, and admitted there was no such thing as a single body, but solely three sectors in West Berlin. Consequently, the term, "West Berlin," which

President Kennedy substituted for the term, "Berlin," after the building of the Berlin Wall, no longer has any legal or political meaning, and is reduced solely to a geographic expression, with no significance.

On top of these major concessions, the Western Allies collectively and individually acknowledge that while they have no rights in the Soviet sector, the Soviet Union does have rights in each of the Western sectors of Berlin equal to the rights each of them enjoy in the other Western sectors.

That is, the Soviet Union has the same rights in the French sector as the United Kingdom and the United States have. Or reciprocally, the Soviet Union has the same rights in the U.S. sector as the French and United Kingdom governments have.

These Soviet rights are to be exercised through the Soviet consulate general which, under the terms of the agreements, must be accorded the same rights in each Western sector that each Western power accords to the consulates of the other two Western powers in its own sector.

Even this is not the end of the concessions to the Soviet Union. Up to now, the three Western powers, to emphasize the fact that they were acting legally as a single entity, have issued passports—travel documents—to Berlin residents from a single allied office, irrespective of the sector in which the residents lived. This allied travel office was located in the office of the quadripartite Allied Control Council in the American sector of Berlin.

Under this treaty, no Berlin resident traveling to the Soviet Union or any Soviet bloc country will receive such a document. Instead, he will receive a so-called "passport," issued by the Federal Republic, into which is stamped the legend, "issued in accordance with the Quadripartite Agreement on Sept. 3, 1971."

This is the most humiliating document ever imposed on Western Germany by the Soviet Union and by West Germany's allies, because by issuing such a document to West German residents, the Federal Government of West Germany will be acting "in a consular capacity." This means it formally and solemnly recognizes that Berlin is not now and will not in the future be part of West Germany.

West Berlin thus becomes foreign soil to West Germany. This is precisely what the Soviet Union has been seeking by all possible means for 25 years.

FRUIT OF ROGERS-KISSINGER WORK

This development, in light of the Rogers-Kissinger doctrine of appeasement of communist states, will disconcert but not surprise informed observers. The question arises, however, as to why and how the Western, republican government of Willy Brandt could legally and politically agree to it.

The fact is that the Brandt government, in agreeing to this Berlin accord, did so in a manner that violated the West German Constitution. The Federal Republic's Constitution clearly distinguishes between the office of the federal President, in whom the function of national sovereignty is incorporated, and the office of the prime minister, the chancellor, which only reflects the role of governments, as they come and go under the electoral process.

Consequently, the claim of the Federal Republic to be the sole, legitimate bearer of statehood—nationhood—is not incorporated in the offices of the government, in Willy Brandt's as chancellor, but in the office of the President, Gustav Heinemann, as head of state.

He is elected by the Bundesversammlung, the national congress that consists of all the members of the Bundestag, equivalent to the U.S. House of Representatives, and the Bundesrat, similar to the U.S. Senate. Acting jointly, as an electoral college, they elect the President.

In contrast, the chancellor is elected solely by the Bundestag. The composition of the Bundestag is determined by popular vote according to proportional representation. The members of the Bundesrat are appointees of the "laender," or states.

Hitherto, the national congress met in West Berlin, usually flown in by American planes, and there elected the national President. But under the new agreement, the American government, Western allies, and West German government that sits at Bonn, all formally and solemnly agree that the President can no longer be legally elected in Berlin.

This, too, is one of the major objectives which Moscow has been fighting for during the past quarter of a century.

This phenomenal reversal of all past American foreign policy, remarkably enough, did not come about because of any current Berlin crisis. In fact, there was no crisis in Berlin at all. The reasons, therefore, are not to be found in pressures coming from Moscow but in the secret, "privileged" internal documents of the State Department and the White House.

The Berlin accord of Sept. 3, 1971 is the result of the Rogers-Kissinger appeasement of the Soviet Union and Red China. This is the primary source.

Besides William Pierce Rogers and Henry Alfred Kissinger, its main authors are Helmut Sonnefeldt, special adviser to Kissinger, Martin J. Hillenbrand, assistant secretary of European affairs in the State Department, James S. Sutterlin, director of German affairs in the State Department, and Jonathan Dean, counsellor for political affairs in the American Embassy in Bonn.

Sonnenfeldt leaked information to Nelson Rockefeller and Kissinger when engaged in intelligence research in the State Department. This is related to the secret group that has consistently worked towards an appeasing arrangement with the communist nations. Sonnefeldt, like Kissinger, is German-born and a refugee. As a Soviet expert in the State Department, Sonnenfeldt assured President Kennedy that Moscow would never place missiles in Cuba. Although lacking foreign service, Sonnenfeldt was appointed by President Nixon in August, 1970 to be foreign service officer, class 1, a top position. He still lacks foreign service. His relationship to Kissinger is sufficient!

PROTEGE OF AMBASSADOR BEAM

Hillenbrand is a protege of Jacob Beam, ambassador to Moscow, whose Warsaw embassy became notorious for its sex and spy scandals.

Serious security charges were raised when Sutterlin was promoted to foreign service officer, class 1, in 1968. Dean has long been an advocate of strong Soviet-American ties and a dismantling of the North American Treaty Organization (NATO).

These officers, and others with their outlook, succeeded to positions of power following the elimination of several American foreign service officers from key posts on the German desk in the White House, the State Department and at Bonn, who had been accurate on Soviet encroachment, and recommended that we resist red expansion in Europe through traditional American policies.

Significantly, the Berlin agreement of Sept. 3, 1971 was brought about without any role in it being filled by the American Mission in Berlin, which is known to regard it as "disastrous."

Equally significant, a purge similar to that carried out on the German desks also took place among the China experts in the State Department. Indeed, the rationale for the retention and even elevation of the most pro-Marxist and appeasing element in the State Department—the holdovers—is to be found in the fact that only they would tolerate such deals.

The short and even crude shrift given to those who did not fit into this category is understandable only from this standpoint.

SHOVED BY U.S. TOWARD REDS

U.S. policy seems designed, in effect, to give our friends no alternative but to reject us and join our enemies, as has been the world pattern. One needs only to look at the map, and try to make any sense out of the no-win, self-destructive manner in which our military have been hamstrung by no-win policy in Viet Nam, as it was in Korea.

So far as the so-called principal beneficiaries of this agreement—the West Berliners—are concerned, they no longer even know whether they are German nationals any more.

When they travel to the Soviet Zone or to any other country, they must have two documents—one the worthless passport and the other an identity card issued by the local authorities in the district of the sector where they live.

Should they accidentally have any problem with the police in a communist country, the East German, communist government has as much claim to handle their case, in the specious role of their "protector," as the West German government.

This cynical arrangement also is the fruit of the Sept. 3, 1971 agreement. If the Nixon administration were determined to push West Germans into the red embrace, such steps would be the obvious procedure. The success of this sort of maneuver can be attributed to highly skilled exploitation of the so-called "pragmatic approach" of the U.S. government, and its obsession with present opinion polls and the upcoming national elections.

If these West Germans are prudent, under the circumstances described, and want effective consular services, they will find it advisable not to even show the new, so-called quadripartite, West German "passport." Can anyone believe seriously that once a West Berliner is "protected" by the East German, communist government, that this person thereafter will be left alone? He certainly will be expected to reciprocate the services that he has been rendered, and give evidence of loyalty to his new "protectors."

He will know, too, that basically, he has to thank the U.S. government for his predicament, for without it, the nefarious deal could never have been put over.

This American role even has come out on the floor of the Congress. If a Democratic administration were in office, there would have been a tempest over it.

But the fact of it being a Republican administration has stymied most critics in the Republican Party, and allowed only decorous whispers of it to come up, as in the colloquy on the Senate floor on Sept. 17 between Hugh Scott (R-Pa.), as minority leader, and Mike Mansfield (D-Mont.), as majority leader.

Mansfield, referring to "the Berlin accord," said: "The President played a very significant personal part at a critical point in bringing that to fruition."

This was an extraordinary revelation that was not referred to by any of the news channels. By it, though, the astute Mansfield was pinpointing the responsibility for history, and future American elections, as the opportunity arises.

Thus we have outlined the supposed great benefit gained for stalwart West Berliners under the Rogers-Kissinger doctrine. We have a warning in this, too, of the kind of benefit that awaits the Chinese people, on the Chinese mainland as well as on Taiwan, under the same Rogers-Kissinger approach.

OUTDOES EVEN MACHIAVELLI

This secret diplomacy extends even farther, as a capitulation, than in the dark days of Machiavelli.

Actually, it is unconditional surrender by the U.S. government, as demonstrated by the unprecedented consent it has given, sight unseen, to a still unwritten paragraph in the Sept. 3 agreement, entitled:

"Final Quadripartite Protocol."

The section, numbered 2, declares:

"The four Governments proceed on the basis that the following agreements and arrangements concluded between the competent German authorities shall enter into force simultaneously with the Quadripartite Agreement: (to be filled in after agreements concluded.)"

In practice, under such circumstances, "competent German authorities" means the German Soviet regime, for the West Germans, left adrift this way, are in no position to assert themselves. The East Germans already simply have refused to admit the West German representatives to discussions on this matter.

In addition to the American officials mentioned, the principal authorship of the Berlin treaty rests with Egon Bahr, special political adviser to Willy Brandt. He met secretly several times with Henry Kissinger and Helmut Sonnenfeldt in Washington.

Following these meetings, he communicated secretly with Soviet officials with whom he has had contacts for more than 20 years. Bahr's main political goal is reputedly to reunify German as the principal ally of the Soviet Union, to drive the United States out of Europe, and to establish a Berlin-Moscow Axis.

So far as the U.S. Congress is concerned, it simply has not been provided with information by the Nixon administration, and has had to depend on the American press for what it knows. The press, though, has at best acted as a mouthpiece for the official line, much as does Tass news agency.

Tass portrays the deal as a victory. But the American newspapers and radio-television conceal this claim, describing the deal as a great, American diplomatic achievement.

Actually, the Berlin action by U.S. authorities has produced a treaty of prime importance to the United States. Congress has the right and responsibility to receive full information and to engage in discussion and debate of it before it goes into effect.

Congress, instead, has been glaringly humiliated by learning about it after signing, and then primarily from the press.

U.S. IS BOUND BY IT

Indeed, the treaty already is in effect, even in its unfinished state, through semantic hocus-pocus by the Executive Office. The word, treaty, is replaced by its synonym, agreement. Yet it is binding on the U.S., just as if recognized for what it is, a treaty. As such, it falls within the purview of Congress.

If such procedure is allowed to prevail, it puts the Congress into the category of a sounding board and a rubber stamp, as with the so-called parliaments of communist countries. Congress has the responsibility of demanding that a treaty, under whatever name it passes, be handled as a treaty, or be invalid.

Otherwise this extended capitulation would set the legal precedent for parallel action in Asia, as well as in the Middle East. Withdrawal is not just from Vietnam, but is becoming total retreat.

PERSECUTION OF RUSSIAN JEWS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. ROSENTHAL. Mr. Speaker, tomorrow, the Jewish Day of Atonement, Yom Kippur, is the 30th anniversary of the slaughter at Baby Yar of 70,000 Kiev Jews by the Nazis.

What it means to the Jews of Kiev, in the Russian Ukraine, is described by one of them who succeeded in passing his written message to the West beyond the reach of the Soviet security authorities.

Persecution of the Jews in Russia did not end at Baby Yar nor when the Germans were driven out. It continues today. The Jews of the Soviet Union are virtual prisoners. Those who seek to emigrate to Israel or the United States or elsewhere may instead find themselves in jail. Or they may be the objects of other forms of prosecution and persecution, such as losing their job or their home. Their crime is the faith of their fathers. They are unable to practice their religion, read their literature, observe their ancient traditions, and know the richness of their cultural heritage.

The writer of the accompanying article tells what it is to be a Jew in the Soviet Union 30 years after Baby Yar. His message, translated from the original Russian, follows:

"Here, in Kiev, Baby Yar Has Become Our Western Wall"

On September 29, 1941, in Kiev, at Baby Yar, on the eve of the Jewish Holy Day, *Yom Kippur,* the Germans began the execution of 70 thousand Kiev Jews. September 29 this year again coincides with *Yom Kippur.* It is a thirtieth anniversary that must be remembered in this Yom Kippur, for Baby Yar will forever remain the symbol of our martyrdom and of the deadly danger threatening Soviet Jewry today. The 30-year-old history of Baby Yar reflects the whole post-war history of that part of our people which is called Soviet Jewry.

At the end of the war and during the first post-war years, Baby Yar remained the living evidence of the horrible catastrophe which overtook the Jewish people during the years of the Second World War. At that time it did not occur to anybody to deny the truth that 70 thousand Jews had been done to death at that place. Indeed, this figure was officially fixed by the Soviet authorities in the materials of the State Commission for Investigation of German crimes in Kiev, and later in the speech of the Public Prosecutor of the U.S.S.R. at the Nuremberg trials. It was even decided to immortalize the memory of Baby Yar, and the Kiev architech Vlasov was engaged in designing the project of such a memorial.

But then came the beginning of the bloody campaign against the Soviet Jews and their culture at the end of the 1940's, when the best representatives of Soviet Jewry were put to death in the torture chambers of Stalin and Beria, when the word Jew disappeared from the everyday vocabulary of the Soviet people, and when the Jewish people itself was supposed to disappear, too, and with them the memory of Baby Yar. For a whole decade the scene of the bloody tragedy was turned into a latrine and into a dump of the city's refuse and sewage. In 1951 it was decided by the authorities to eliminate Baby Yar, to raze everything to the ground and to establish there a sports complex with a stadium and a swimming pool.

The protest of the writer Victor Nekrasov and of the few who supported him, found no attentive ear. The speed of razing Baby Yar was expedited. A strange thing then happened.

In the spring of 1961 Baby Yar became the scene of a new tragedy. The hastily silted soil, moistened further by the spring flood of that year, broke a protective dyke and a deluge came down upon the lower part of the neighboring city of Kurenevka.

"Baby Yar takes revenge"—so said then the people of Kiev.

The desecrated remains of the murdered Jews, the bones and the skulls, suddenly came to the surface from the depths of the earth and froze on the surface of the immobile sand and clay-silted river. This is the Baby Yar the poet Evgeny Yevtushenko saw in the summer of 1961. The poem written by him afterward spread all over the world and caused a profound stir. It was sensed by everyone except the new tormentors of Baby Yar, and was felt by we Soviet Jews. A change of plans was announced: instead of a stadium they promised a recreation park.

The sixties are now called the turning point in the history of Soviet Jewry. During these years the Jews of the U.S.S.R., and Jewish youth in the first place, required consciousness after the numbness and the fear of the previous decades. Step by step, they started to struggle for the restoration of their national rights, for their honor and for their dignity.

The authorities had wanted to force us to forget who we are and what we stand for. We were deprived of our language and our history; deprived of our heroes and martyrs; the names and the graves were taken from us. We had to get all of these back. On September 29, 1966, the Jews of Kiev held their first mass meeting at Baby Yar. This was five years ago, on the 25th anniversary of the massacre.

From that day on Baby Yar has become not only the symbol of the tragedy of the Jewish people and of the profanation of the memory of the fallen; it has become the symbol of our faithfulness to the heritage of our fathers; the symbol of our persistence and resoluteness to uphold our rights and our national dignity.

The speeches of the writers Victor Nekrasov and Ivan Dzuba at that gathering in Baby Yar are evidence of the understanding and the sympathy shown by the democratic public of the Soviet Union with our aspirations as Soviet Jews.

The Soviet authorities became obviously afraid of the consequences. They made urgent efforts to restore some initiative and to neutralize the implications of that assembly of September 29, 1966.

On November 5, 1966 a stone maker was placed at Baby Yar, with a promise to erect there a memorial to the "Soviet citizens, residents of the city of Kiev." Now, every year, a "formal" gathering is held near the spot. But each year the meeting itself, the place and the time of its calling are never communicated to anyone but a narrow circle of people selected specially for this purpose.

Neither on the stone marker nor at these meetings is any mention made of the 70 thousand Jews who perished here. Only a number of specially "commissioned" Jews are annually dragged out to the tribune to dance dutifully to the strangers' orchestration and to abuse to loud applause the "Israeli aggressors."

And even while this is going on the original plan of establishing here a sports complex, which had supposedly been shelved because of the pressure of the government, is now being stubbornly carried through. In the autumn of 1968, on the very eve of the anniversary of Baby Yar, the first stage of the sports facility—a swimming pool, a basketball court and a tennis court—was ceremoniously handed over to the D.C.O. (Voluntary Sports Society), "Vanguard." A football field, although without stands, was erected as far back as 1965. (By grizzly coincidence, after the completion of the executions in 1941, when the tortured bodies were scarcely covered with a thin layer of earth, the Nazi S.S. played football at this very place.)

The provocative and infamous erection of the sports complex in the face of the promise to erect a memorial to the "Soviet citizen" and the "formal" meetings held in Baby Yar each year, can deceive no one, least of all our Jewish youth. Each year now, on the anniversary of the massacre, the Jewish youth assemble in the evening after work in Baby Yar. In spontaneous tribute, they pay true homage to the memory of their fallen brethern.

The authorities have of course sought to repress this assembly. In 1968 the Kiev engineer Boris Kochubyevsky was arrested and later sentenced to three years at a labor camp, for his speech at Baby Yar. Kochubyevsky was accused of having dared to speak of thousands of Jews killed in Baby Yar and of having asserted publicly his right to remember it and to speak about it. The Court defined his remarks as anti-Soviet propaganda and Boris Kochubyevsky was convicted.

But this severe reprisal, intended to frighten others, had no effect. In 1969 candles suddenly were kindled in the dark all over Baby Yar, and a white-blue Magen David, interwoven with flowers, was laid on the site. The police and the K.G.B. forced the people to blow out the candles and arrested three suspected of having laid the Magen David wreath. This time the authorities limited themselves to extrajudicial repressions. But these too had no effect.

Then, in 1970, an attempt was made to exclude the Jews altogether from Baby Yar. Under various pretexts, an attempt was made to send out of town to other cities everybody who was suspected of participation in the events at Baby Yar. Those young Jews who nevertheless came were met by police cordons and by the K.G.B. in civilian clothes. They tried to prevent the laying of the wreaths with their Hebrew inscriptions. They tore them from the people's hands. But our youths of Kiev showed their defiance and, despite the provocations, paid due homage to Baby Yar. And just as the authorities cannot take our Jewishness away from us, so they cannot take Baby Yar away from us.

That is why in the spring—on "Yom Hazikaron" (Memory Day to the fallen), and in the summer—on the day of *Tisha B'Av*, in the autumn—on the anniversary of the executions and on "Erev Yom Kipur", Jews now come to Baby Yar. We do so with a hope and with the faith in the bright future of our people.

Here, in Kiev, Baby Yar has become our Western Wall, our most cherished place.

On September 29, 1971, Baby Yar will be thirty years old.

REVENUE SHARING: IS THERE A BETTER WAY?

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. PETTIS. Mr. Speaker, the concept of general revenue sharing has been much discussed and debated. The Ways and Means Committee has heard extensive public testimony on various facets of revenue sharing.

One of the most unique proposals has come from Lt. Gov. Ed Reinecke of California, a former distinguished member of this august body. I commend to the analysis of my colleagues the Lt. Governor's suggestion of "reverse revenue sharing." It merits much consideration and certainly opens up a whole new area of debate on this issue.

The statement follows:

"REVENUE SHARING: IS THERE A BETTER WAY?" BY LT. GOV. ED REINECKE, CALIFORNIA

The United States today is faced with a continuing conflict between two sets of important values and beliefs. One philosophical approach urges greater efficiency in government and improvement in public management by greater centralization of governmental power in fewer hands. The other urges dilution and decentralization of political and government power in order to insure democratic control over the exercise of government power, and responsiveness to the will of the people. The latter philosophy holds that people should be allowed and encouraged to solve problems for themselves, and not have the government do everything for them. People should be allowed to develop their full capacities for self-reliance.

This conflict of values is at the heart of the debate over revenue sharing. The allocation of revenues and taxing power determines to a very large extent which of these sets of values we support at any one time. This is because money gives government power. The concentration of this power in the hands of a few national officials has a broad impact. The concentration of power in the hands of many local officials has less impact, but creates greater confidence in the citizen. The static, institutionalized bureaucracies that tend to develop in governments far from the people breed distrust in the citizen, particularly the young citizen.

The American system of a *balanced federalism* was designed to insure our citizens the benefits of both an efficient government able to deal with problems of broad scope, as well as a democratic government, responsive to the will of the people. The genius of the American system of federalism is that it allows for continual readjustment in the balance of governmental powers. This constant state of flux, however, also lends itself to frequent attempts by partners in the system to assert more power. For the last thirty years the national government has exerted itself by taking advantage of the fiscal limitations of states and localities. Only the national government has the power to create money and incur massive debts. Most States and local governments are constitutionally prevented from operating on deficit budgets. With the flow of tax revenues to Washington, D.C. has gone the political power which once resided, close to the people, in their State and local governments.

In the American federal system the States are the pivotal institution. The United States Constitution makes this plain by reserving to the States all powers not specifically and narrowly defined for the national government. The States, in the minds of the authors of the Constitution, were the sovereign units of government. Actual political power rested in them. They delegated certain powers to the national government in the Constitution. And have subsequently delegated certain powers to local governments by state constitution and statute. From the earliest days of colonization the States have been recognized as the legitimate heirs of political power.

It is in the institution of State government that we find the balance between the values which motivate us to seek for a government responsive to the popular will, and at the same time for a government which is powerful enough to cope with public problems in an efficient manner.

The States have failed, however, to exercise their inherent powers. They have become timid and intimidated. It is time that we, as leaders of State government, exert our potential and bring the powers of government back closer to the people.

The present debate over revenue sharing reflects an increased concern over the financial problems of state and local governments. It is recognized that governments need money to operate and provide services desired by the citizen. The proposals now in Congress call for sharing, by the national government, of revenues collected by the Internal Revenue Service, with state and local governments. Various formulas for allocation are proposed. The President's proposal is for a certain percentage of national revenues to be automatically allocated to states and localities. Another proposal is for the granting of a tax credit applied to federal taxes for all state taxes paid. Chairman Wilbur Mills of the House Ways and Means Committee, drawing upon a recommendation of the national Advisory Commission on Intergovernmental Relations has urged that the Federal government take over the collection of all state taxes, and simply rebate to the states the revenues which they would have collected for themselves.

In determining methods for sharing revenues it is important that the balance of the federal system be preserved. It would be a serious mistake for the States to be by-passed in any formula for distribution. We must not yield to a solution out of hasty expediency and ignore this opportunity to restore fiscal balance to the system of federalism.

I am proposing a better way to rebalance the federal fiscal system. I urge that we seriously consider reversing the roles of the national and state governments. We should allow the State to take over the collection of all income taxes. The present national income tax system could be combined with the tax systems of the States. Each State would be required to share a portion of its revenues with the United States government. A formula could be worked out to insure that all services which are properly the function of the national government will be supported by adequate revenue sharing from the States. The costs for all other domestic services, such as education, health and welfare, transportation, housing, recreation and environmental quality control, and so on, would then come directly out of the budgets of each State government. This is where the Constitution intended that these problems be solved. The State would have a far superior source of revenue than they do now. We could save billions of dollars now wasted in federal administration of hundreds of grant-in-aid programs. We could keep the revenue dollars close to the people they are supposed to serve instead of sending them far away to Washington, D.C. and they have to fight the bureaucratic red tape to get a little back.

The States have been more active and creative in the tax field than has the national government. States have been forced, because of their present limited revenue base, to raise taxes 410 times in the last decade. During the same period the federal government, because of its superior tax base, actually reduced taxes five times. Forty-four states have some form of income taxation, and would be able immediately to assume responsibility for collection of the income tax now going to the national government. The other States are now debating legislation to impose income taxes.

State income tax systems are already completely coordinated with the federal system in most states. Information on federal and state income tax returns is computerized and is easily exchanged between jurisdictions. The State of California tax system is every bit as efficient as the Internal Revenue Service. IRS personnel are now located in every State. Their expertise could be phased into a state collection operation very easily. Auditing of tax returns could be done by a single state agency, instead of the duplicative system we now have.

Proponents for the federal government-to-state government revenue sharing plans argue that because of the superior revenue of the federal government (they collect 93 percent of all income taxes) their proposal is the better way. However, the superior revenue system of the federal government is really a very major part of the problem of fiscal imbalance in the system, and not part of the solution. So long as the national government continues to occupy the vast majority of the tax field and usurp the revenues, the States and localities will continue to lag behind. The federal system will continue out of balance. Political power will continue to gravitate to Washington, D.C. at the expense of the States, the local governments, and the people. And the social problems of our day will continue to go substantially unsolved.

By returning the taxing power to the States, we will be returning political power to the people, and with it the power to solve their own social problems. Support for all other American social action agencies, like our churches and charitable organizations, comes from the people. These institutions are close to those who support them. Our government should be the same.

Chairman Wilbur Mills has expressed his opposition to federal-to-state revenue sharing because, he asserts, it separates the power to tax from the power to spend. The federal government would continue to tax, and the State would spend under the President's revenue sharing plan. My proposal for reverse revenue sharing would keep these two powers in the same hands, closer to the people. The States would both tax and spend.

As noted above, Mr. Mills has proposed that the federal government take over the collection of all state taxes as well as all federal taxes. He argues that this is primarily a move for greater government efficiency. With 100 percent of all income tax revenues in its hands, how long would it be before the federal government began imposing conditions and guidelines on the turn of the funds collected for the States? The experience of the poorly administered federal categorical grant programs must serve as a warning of what could happen. Since Chairman Mills believes that the power to tax and spend should be in the same level of government, it would appear that he is proposing a vast expansion of the federal government functions, at the expense of the States.

My proposal for revenue sharing by the States would mean more money for each State and its subdivisions. Under the revenue sharing proposal now in the Congress there is only an assurance that no State will receive *less* than it is now receiving in federal grants-in-aid. There is no attempt to provide *more* revenues to States or localities. For most States this is not much help. For example, in California, the total federal aid for the State, local governments and individuals in fiscal year 1969 was $2.8 billion. Yet, Californians paid the federal government in fiscal year 1969 $16.8 billion in taxes.

Under my proposal States would be in a much better position to aid their local governments financially. The present system of local governments dealing directly with the federal government creates serious problems of intergovernmental relations. The maze of federal regulations imposed by bureaucrats on recipients of grants could be eliminated. When the States share their revenues with the political subdivisions, only State law enacted by the elected legislature should apply and govern the recipients. In our State, 67 percent of the budget in fiscal year 1970 was allocated to local units of government. This amounted to $4.8 billion. That is nearly a third of the whole revenue sharing program proposed for the entire country.

The seriousness of our present situation of fiscal imbalance is well illustrated by a comment made recently in a U.S. Treasury Department report issued at the request of a Senator. The report listed various deductions allowed to taxpayers on their income tax returns. It then concluded that these deductions "*cost the government* $44 billion last year".

The remarkable arrogance of this remark is an indication of the power which the national government presumes as its own. The deductions which taxpayers take on the tax returns do not cost the federal government anything because it is not the government's money in the first place. The money belongs to the ordinary people in this country who did the work to earn it. To say that these deductions are a *cost* to the government assumes that all the money belongs to the government.

The situation is really the other way around. The government is a huge cost to the public, for which it does not get value received. By returning the taxing and spending power of government to the States, where the people can keep a closer control on its use, we can assure a balanced, effective, and responsive system of government at a lower cost to the citizen.

Let us be courageous enough to face squarely the basic problem and not simply look for a one or two percent solution for the sake of momentary expediency. To decentralize the political and fiscal power now centralized in Washington, D.C. is to give greater reality to the democratic principles on which this republic was founded.

JIM HERRIMAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. PICKLE. Mr. Speaker, I would like to take this opportunity to reflect on a distinguished career Federal worker who is retiring on November 1, after 32 years of public service with the U.S. Department of Labor.

James L. Herriman leaves the Government as Director of Policy and Procedures in the Office of Wage and Employment Standards of the Wage and Hour Division.

It is often that we fail to note the unselfish and dedicated Federal worker—the one who completes not only appointed and required tasks with dispatch and efficiency but goes the "extra mile" to perform services with compassion and effectiveness.

Such an employee is Jim Herriman. His outstanding record deserves recognition not because it is expected or wanted but because it is deserved and should be recognized as an example for others who aspire to truly dedicated public service.

A native of Granite, Colo., he is a graduate of Washington University in St. Louis. He entered Government service with the Labor Department's Wage and Hour and Public Contracts Division in 1939 as an investigator in San Antonio, Tex.

Except for a 6-year stint as a staff sergeant during World War II with the 4th Armored Division in the European theater of operations, Mr. Herriman has remained with the Department of Labor.

Following military service, he held positions of field office supervisor in the Department's Dallas regional office and also served as Assistant to the Regional Director in both Dallas and Chicago.

From 1959 to 1963, he served as director of the San Juan area office with jurisdiction in Puerto Rico, the Virgin Islands, and the Panama Canal Zone.

During that time he was responsible for the planning, direction, and coordination of the administration and enforcement of the Fair Labor Standards Act and Walsh-Healy Public Contracts Act. He also supervised staff work for the industry wage order program and provided services to the Tripartite Industry Committee, which had been appointed by the Secretary of Labor to recommend Wage rates for Puerto Rico and the Virgin Islands.

His dedication to duty at this post was coupled with an unequaled ability, utilized to its utmost for the betterment of Government service. Such a combination—unflagging devotion to duty and an uncanny mental capacity—is the record of his work in Puerto Rico.

Mr. Herriman returned to Dallas in 1963 as Deputy Regional Director, a position he held for 2 years prior to his assignment in Washington.

During the past 6 years, he has been responsible for the development, maintenance, implementation, and evaluation program for enforcement of the labor standards laws. This work affects enforcement activities in some 10 regional offices and covers additionally more than 100 area offices and over 1,000 compliance officers.

To this new assignment he carried know-how and enthusiasm and under his guidance labor regulations met the challenge of unparalleled growth in this country.

His incisive mind served him well while he unraveled the tangled knots of the seemingly irreconcilable forces of labor and management. Yet, at the same time, he always has been a warm, personable human being devoted to his family and his church.

Jim Herriman has chosen voluntarily to leave the ranks of the Federal Government and we shall miss him for the good qualities he takes with him.

I am proud to report that Mr. Herriman and his lovely wife, Vivian, who has been an includable member of our own staff, plan to return to Texas to make their home in my district.

Mr. Herriman is my friend as well as a real gentleman and a truly great American. We all owe him a debt of gratitude for the unselfish contributions he has made to our way of life and to this country.

AMENDMENT TO OFFICE OF ECONOMIC OPPORTUNITY BILL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. SCHEUER. Mr. Speaker, I intend to offer an amendment to the Office of Economic Opportunity bill which would permit the Director to utilize an additional $50 million for new programs to serve the poor, particularly the invisible elderly poor, who are being pathetically underserved by the current program.

Support for an amendment of this type can be found in the testimony of Mr. William C. Fitch before the Committee on Education and Labor. As executive director of the National Council on the Aging, a voluntary nonprofit agency which helps to develop programs and services on behalf of and with the elderly, Mr. Fitch is particularly well-qualified to speak of the needs of our senior citizens. I commend Mr. Fitch's testimony to my colleague and I hope that they will support my amendment.

The text of Mr. Fitch's testimony follows:

TESTIMONY OF WILLIAM G. FITCH

I am William C. Fitch, Executive Director of the National Council on the Aging. I am accompanied by Mr. Jack Ossofsky, the Council's Deputy Director, who coordinates our various projects, including one for the Office of Economic Opportunity. We are pleased once again to have the opportunity to appear before your Committee and to participate in its deliberations.

For those who may not know, permit me to say that our organization is a voluntary non-profit agency serving public and private groups at the National, Regional, State and Local levels in the development of programs and services on behalf of and with the elderly. We are a technical agency made up of concerned people from various disciplines working with the elderly. We provide training, technical assistance, materials and consultation to groups seeking to know more about, and to improve the conditions of life of the elderly. We have been in operation for twenty years.

The subject matter of this hearing is of vital concern to us, and to the elderly on whose behalf we work. The future of the Office of Economic Opportunity, the scope of its mission, the size of its budget, its place in the Federal establishment are matters of great importance to the elderly and to our nation. So are its specific programs which are or need to be directed at the poor who are old.

That the elderly have a stake in the future of our nation's antipoverty efforts is readily understandable from an examination of those who make up the poor. While most studies indicate that the number of those in poverty decreased in recent years, all studies agree that Americans aged 65 and older increased among the poor. The Senate's Special Committee on Aging in its report, "Economics of Aging" declared that between 1968 and 1969, poverty increased among those 65 and over by 200,000, and by some 12,000 for those from 60 to 64.

While the elderly constitute not quite one out of every ten Americans, they make up 20 percent of all the poor. Close to five million Americans 65 and older were living in poverty in 1969. There are no indications that this trend will soon abate.

While the cures of poverty of the elderly, those poor who have grown old and those old who have grown poor, relate to circumstances often beyond the resources and control of the Office of Economic Opportunity, it is nonetheless fair to look for leadership from this agency in fighting the war on poverty in this sector too. It is fair, too, to examine the portion of its resources devoted to dealing with the needs of the elderly and those approaching their senior years. (If we include those age 55 and above we find that they represent one-third of all the poor.) It is important in approaching the future of this agency to see if it has given adequate priority to this group and also whether or not the Congress gave the agency the wherewithal with which to do the needed job.

NCOA is in a unique position to participate in this discussion. During the last six and a half years NCOA has served as an OEO contractor providing technical assistance, training and consultation to the agency. We have worked closely with the agency at all levels, including the local level helping assess needs, developing programs and seeking sources of funds for those programs. We have assisted in developing many of OEO's innovative projects and have on occasion conducted such projects.

We value our opportunity to serve OEO, and at the same time we value our role as an independent voluntary agency concerned with the elderly. Both privately and publicly we credit OEO with its successes and are critical of its weaknesses. Our goal is to be constructive and to enable this agency to best serve the elderly. Our comments today are made in that spirit.

Since its inception the elderly who make up a maxi-portion of the poor have received a mini-portion of the funds and resources of the OEO. The reasons for this are varied. Some of the early OEO pioneers, and some who are there today, felt that the purpose of the agency was to break the cycle of poverty for the young; that it was too late to do so for the old. This argument we consider immoral. It coldly dumps the elderly on society's scrap heap and overlooks the fact that those turning 65 may have 14–16 or more years of life ahead of them. It overlooks the fact that the elderly can contribute, often wish to work, and need to be seen as a national resource—not only as a problem. It overlooks, too, the fact that someone, sooner or later, must pay for creating a scrap heap, whether in terms of environmental ecology or human ecology.

Others at OEO and some in the Congress felt that the major problems of the elderly were financial and could be dealt with only through increased social security, old age assistance and the like. While there is some merit to giving priority to meeting the income needs of the elderly, this argument overlooks the fact that some of those needs can be met through employment, of the type created and tested in antipoverty programs for younger groups—and in some cases for the elderly. This argument also overlooks the fact that in dealing with poverty, money is the major medicine but not the only one. Services, social services, health services, community outreach; linkages to other agencies, educational and social programs, and transportation and nutrition programs; these, too, are needed by the elderly and these are areas in which OEO can play a major role on behalf of the older poor. In time, under the terms of the SOS section of the law, but with limited funds, OEO began to deal with these matters.

It must, however, be noted that the low priority for the elderly in the programs developed by OEO was not totally the fault of that agency. The Congress in writing the legislation, and later amending it, gave first no emphasis to the elderly, and then emphasis, but no appreciable funds for these efforts. Consequently the earmarks, when they were made for the Senior Opportunity and Services Program, as an example, started with about 2 million dollars and rose only slowly to 6.8 million. Now the request is for some 8 million dollars. While the elderly benefit to some extent, it is hard to document the extent, from other OEO intergenerational programs in the areas of health, employment, legal services, etc. The fact remains that out of some 2 billion dollars in the whole appropriation, only some 8 million is sought for clearly identifiable programs to serve one-third of all the poor, the elderly.

We would urge therefore that the past history of OEO in the field of aging is not solely the fault of the agency's administrators. We, the citizens and the Congress left it to the agency to carve out roles and funds for the elderly, often at a time when major portions of those funds were earmarked for other purposes or were being curtailed.

We would urge therefore that a clearer Congressional mandate be given to OEO to enable it to live up to the requirements already in the Act. We believe this can be done only with the allocation of clearly identifiable funds for programs for the elderly; new funds not taken from other sections of the OEO budget that would undermine other programs of the agency. New funds which can be used only to fund new programs for the elderly.

Now it is true that many Community Action Agencies developed special programs for the elderly out of their local initiative funds. Many of these proposals were rejected at the regional level because, they said, aging had no priority. Mind you, these were locally developed programs. In other instances, in the last two years in particular, SOS funds were often used to pay for aging projects previously established using local initiative dollars. This resulted in an apparent use of the SOS funds but in no new programs. It served to ease the dollar pressures of the CAA's whose other funds were being curtailed. We believe this to have been encouraged by OEO and to have been contrary to Congressional intent.

It is for these reasons, too, that we emphasize an adequate start in funding SOS programs with clear language that cannot be misunderstood; that this new money is only for new programs.

We believe, from reports of our own staff around the country that there are now "ready and in the pipeline" proposals for aging programs, and new ones which are being developed that would require a 50 million dollar earmark. This figure is based on projects currently in CAA's, some submitted to OEO regional offices but not funded, due to lack of funds or lack of priority, as well as an assessment of needs in communities visited by our staff and others.

This figure would not change the balance of funding for the aging completely, but would make it possible for OEO to start correcting an inequity in the coming fiscal year, and provide a base on which to build in the second year.

Now the question presents itself: is OEO capable of putting such funds to proper use? We believe that it is. In fact, it is perhaps a minor miracle that in spite of all the obstacles and the lack of resources, as much has happened on behalf of the elderly as has. Many of us tend to overlook in the flood of concern about this agency's operations and its future, that it developed and undertook such programs as Medicare Alert, which signed up over 4 million older people in the Medicare Program in a few short months, employing 14,500 older people to do so, and involving 20,000 volunteers. We overlook the Foster Grandparent Program with its employment of thousands of older people and service to thousands more of the more disabled children. Many of the model programs funded by other agencies, public and private, stemmed from OEO R & D programs and that even the mainstream, Senior Service Corps and Green Thumb projects, were OEO programs delegated to the Department of Labor.

Recent studies of the SOS programs point to the fact that local community Action Agencies when given a green light to serve the elderly, when aided by competent technical assistance, and when notified that some funds would be forthcoming have undertaken to serve their older residents. Some have used local initiative funds for this purpose, but as those funds are reduced most have used SOS funds to finance their aging projects.

Our work with the Community Action Agencies has convinced us of this willingness to innovate, to launch significant new programs and to make careful assessments of needs prior to seeking new projects. And the needs have been documented time and again. Our own study for OEO, Project FIND, in which we subcontracted with 12 CAA's to employ older people and interview the elderly poor documented the vast needs to this sector of the population. We are pleased to submit a copy of that report to the Committee. Most of those needs and most of the new services fall readily into the language of the Senior Opportunities and Services section of the Act.

The major obstacle to implementing these services is lack of funds.

Our own experience in the delivery of training and technical assistance underscores the growing interest of CAA's in serving the older poor. In the year 1970, for example, our agency under its contract with OEO provided training to 9,241 staff, board and clients of OEO. In addition we provided assistance to 528 different agencies during this same year.

Much of this training and assistance related to finding non-OEO sources of support for programs for the older poor because so little was available in SOS budgets and because local initiative funds were being cut back. There is evidence, too, that the SOS funds attract a higher proportion of non-Federal share than any other programs of OEO.

This is a reflection of the fact that programs for the elderly run by CAA's gain more public support than other programs. The investment of Federal dollars in aging programs through the CAA's, if this pattern can be maintained, can offer a higher return in other support, and more good will for this Federal effort than other such programs.

Of course, to make proper use of new funds and even to assure equitable involvement of the elderly in present programs a reexamination of OEO's staffing of aging programs is needed. At present, the Assistant Director of OEO, who we believe is earnestly attempting to change the Agency's posture in this field, is nonetheless wearing several additional hats. The Legislative history, we believe, makes it clear that the Congress intended that the Assistant Director be responsible for supervising the OEO activities in the field of aging and corodinating the whole Federal effort on behalf of the older poor.

The assistant Director's task, as it was recently reorganized, includes four different areas of OEO concern, including aging. There is also no evidence that any significant attempt has been made to stimulate and coordinate Government-wide efforts on behalf of the older poor.

Secondly, the total staff devoted to serving one-third of the nation's poor and seeing they get a fair share of all OEO's programs consists of four people at the headquarters level in addition to the Assistant Director, and some of these are also saddled with other responsibilities. In each regional office there is only one coordinator of aging programs, who also invariably wears several other hats.

This staff of perhaps 15 people, most of them with other responsibilities, represents the total OEO aging staff. Compare this with the hundreds deployed to start the Head Start Program when priority and funds were made available for pre-school age children. This not to be critical of the Head Start effort, it is rather to place in juxtaposition the two extremes of the age continuum and how we regard them and serve them at OEO and in the Congress.

In presenting its concerns regarding adequate attention and funds for the elderly, NCOA is not unaware of the other issues confronting this Committee and the nation regarding the future of OEO. We believe OEO can, given the resources, do an even better job, but we are not among those who believe that the agency has not made a major contribution to all of our understanding about poverty and to improve the lives of many of the poor including many of the older poor.

The new concepts evolved by OEO regarding outreach by public and private agencies; the emphasis on local citizen participation in policymaking roles; the sharing of common concerns and joining in constructive community action by the most deprived; the new careers concept and others are concepts and programs pioneered by OEO. Some of the new approaches made many people uncomfortable at times; some actions on occasion went beyond their goals, but on the whole, we believe they contributed well to the American scene. Indeed the R & D function of OEO when tied to a significant operating agency, made a healthy and lasting impact on America, one that requires support and continuity. Till now we've only laid the foundation.

Even in the field of aging is this true. No other branch of government undertook so many new approaches to seek ways of reaching and serving the older poor. In spite of limited staff and in spite of low priority and lack of funds, the aging scene has benefitted from the needed changes and new approaches OEO pioneered. When most other agencies were prepared to continue to brush the older poor, the most isolated and needy under the rug, the OEO message about priority for the poor jarred them into recognizing that old approaches to the old were no longer acceptable. OEO's role, prodding us and leading us to double our efforts on behalf of the poor, must be maintained and its efforts on behalf of the older poor strengthened.

We have mentioned conducting one major R & D project for OEO documenting the needs of the older poor. Its report called "The Golden Years. . . . A Tarnished Myth," describes the conditions of life of over 50,000 older people, most of them poor. Other older poor people were trained to interview and assist them. That report notes many kinds of programs that are needed and can be developed to serve the older poor, like those located by Project FIND. However, if the results of an R & D project can't get translated into operations, tested further on a larger scale and then where appropriate spun off, the results of the R & D will be wasted. There is regrettably much evidence of this to be found in other aging programs where R & D is far separated from operations or because no budget exists to implement what has been learned. We urge that Community Action and other operating arms not be severed from the agency but be the means of assuring implementation of the R & D findings.

Furthermore, we firmly believe that the advocacy role of OEO should not be lost. We, in the voluntary sector, see this as an appropriate role for ourselves, but we also see the validity of a government spokesman, a special pleader if you will, for national priorities. And such a priority must be the elimination of poverty.

Again in the field of aging, who is to speak in government for the most deprived of the elderly? The Administration on Aging sees its role as working for all the elderly and thereby giving no special priority in most matters to the older poor. In addition, that agency is itself undergoing major budget and structural surgery. We see a proper role for OEO to work and speak on behalf of the older poor and we would like to see that role strengthened rather than weakened.

Ladies and Gentlemen, we urge you on behalf of the senior community service aides employed through OEO's efforts in community service roles in Portland, Oregon; in Portland, Maine; in San Antonio, Texas; and in Paintsville, Kentucky, to strengthen OEO's programs so they can employ and serve more of the elderly in more places. We urge you on behalf of SOS participants in the far-flung counties of Missouri who enjoy transportation services to health facilities, who work in now self-supporting home health agencies, who have a senior center to attend and who get a home delivered meal at low cost as a result of OEO programs, to support more such services for the older poor in other parts of the nation. And we urge you on behalf of voluntary agencies all over the nation to maintain and expand our nation's efforts to eliminate and alleviate poverty, and not to let the achievements of the last seven years go to waste. Let us improve what needs improving. Let us build on this effort.

Specifically, we urge the continuation of the Office of Economic Opportunity for at least two more years. We urge the appropriation and earmarking of $50 million for new programs for the older poor. We urge that adequate full-time staffing at national and regional levels be provided for the units dealing with aging. We recommend that steps be taken to assure that the elderly are equitably served by all OEO programs and that clear priority be given to service to the elderly so that local communities wishing to serve them are enabled to do so. We would urge the Office of Program Development to design and test new ways of meeting the needs of the elderly and that successful projects then be built into the ongoing programs of the Office of Operations.

Most important of all, keep this agency going, to give hope to America's poor that they will not be abandoned.

IMF TO DEVALUATE POPULATION AS WELL AS DOLLARS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. RARICK. Mr. Speaker, most of us felt that the International Monetary Fund, which is presently meeting in Washington, was primarily involved in devaluation of the U.S. dollar. Few realize that the international bankers were also interested in devaluation of the U.S. population.

Strange as it may seem, Robert Strange McNamara's World Bank reported to the IMF that its activities in the promotion and financing of birth control policies—which must necessarily include sex education, abortion, and other perverse activities—have slowed population growth in the U.S.

And the American people will have no more control over the buying power of their money—the fruit of their toil and savings—than they will over the sanctity of their home and the minds and bodies of their own children so long as we tolerate the rape of our institutions by these international one-world socialist regulators.

I include pertinent newsclippings, as follows:

[From the Washington Daily News, Sept. 28, 1971]

U.S. SLOWS UP—POPULATION GROWTH UNABATED OVERSEAS

(By Robert Dietsch)

Population growth has slowed in the United States but the "people boom" continues unabated overseas even tho a growing number of countries officially have adopted birth-control policies.

A World Bank study showed today that the population of poor countries in Africa, Asia and Latin America "will continue to grow rapidly for several decades, perhaps . . . reaching nearly 10 billion." Other studies show that the populations of most developed countries also continue to grow relatively rapidly.

In the United States, however, recent studies show young couples are having fewer children than usual and the population growth rate may approach zero by the turn of the century.

World Bank President Robert McNamara told the bank's annual meeting yesterday that even if couples in poor countries limit their families to two children each, by the year 2040 the populations of those countries will total nearly 14 billion, compared to 2.6 billion today. The entire world population today is an estimated 3.4 billion.

Mr. McNamara, defense secretary in the Kennedy and Johnson administrations, said when he took the World Bank post in 1968 that the international lending institution would help member nations with family planning.

But since then, the bank has made only three loans in the population control field, two to Trinidad and Tobago and one to Tunisia. These loans total $10 million. The bank's overall loans last year alone totaled $1.9 billion.

However, the bank is processing about six more family planning loans, including one to India.

More than 22 poor countries now have adopted official population planning policies. Mr. McNamara called this trend encouraging, but he conceded: "Only in a handful of developing countries is the population perceived by the top political leadership as a matter of high priority. It is in part due to the absence of strong political support that the measurable effect to date of population planning programs on fertility rates is insignificant."

The continuing rapid growth of population in poor countries aggravates the food and malnutrition problem. The Food and Agricultural Organization, a UN agency, has estimated that more than 300 million children from the poorer countries suffer what the agency called "grossly retarded physical growth."

[From the Evening Star, Sept. 28, 1971]

New Money Setup Proposed, Downgrading Dollar's Role

(By Lee M. Cohn)

A new international monetary system downgrading the role of the dollar was proposed today by finance ministers of the leading nations.

Instead of relying on dollars as monetary reserves, the system would shift gradually to special drawing rights—artificial reserves issued by the International Monetary Fund.

By controlling the volume of special drawing rights (SDRs), the IMF could evolve into a world central bank, operating at the international level as the Federal Reserve Board operates in influencing the U.S. economy.

The outline of a consensus of overhauling the monetary system began to emerge in speeches at the second session of the annual joint meeting of the IMF and the World Bank.

In additon to presenting their ideas for long-range monetary reform, the finance ministers joined in urging prompt negotiations to settle the immediate monetary crisis by realigning currency values and removing the surcharge—additional tariff—imposed on imports by President Nixon.

Delay could be disastrous for the world economy, they said. Valery Giscard D'Estaing, France's finance minister, warned that the world may be heading into a recession, partly because of monetary disorder.

Giscard and most of the other speakers called on the United States to join in the realignment of currencies by directly devaluing the dollar through an increase in the official price of gold, instead of insisting that other countries handle the whole job by raising their currency values.

WARN OF PROTECTIONISM

All the speakers warned that the import surcharge and other U.S. measures aimed at reducing the U.S. trade deficit have created the danger of escalating protectionism throughout the world as other countries try to protect their positions.

"The cumulative spreading of respective trade practices would be a disaster for all of us," warned Edgar J. Benson, Canada's finance minister.

In an obvious dig at the United States, Benson said: "Even those who depend relatively little on world trade could not escape the widespread frustration and political turmoil that would be spawned by a shrinking of world commerce."

Anthony Barber, Britain's chancellor of the exchequer, presented the most detailed proposals for a new system in which SDRs—nicknamed paper gold—would largely supplant the dollar in monetary reserves.

The IMF began to issue SDRs in 1969 to supplement dollars and gold in international reserves. Countries need reserves to settle balance of payments deficits, and to support the value of their currencies.

The new system being discussed would greatly enlarge the role of SDRs. The role of the dollar would be limited primarily to commercial transactions and intervention to exchange markets.

This curtailed role for the dollar would reduce the economic dominance of the United States in the world, and would enforce discipline on the U.S. balance of payments, because it no longer would be so easy to spend and invest more abroad than could be earned from foreign sources.

However, there might not be much effect on the economic situation of average Americans.

Barber observed that many experts believe it would be "desirable to move away from the use of national currencies as reserve assets, and that the way forward lies in the development of the SDR."

"The SDR could become the main asset in which countries hold their reserves," he said. "Eventually—it would no doubt take time—the SDR could become the major element, with currency holdings largely confined to working balances."

Referring to the potential evolution of the IMF as a central bank, Barber said the SDR system would require "the controlled creation of adequate but not excessive world liquidity (money and credit) without reliance on the deficit position of one or more countries."

The Federal Reserve Board in the United States and central banks in other countries have as their main responsibility just such control of money and credit.

U.S. DEFICITS BLAMED

Barber's reference to reducing reliance on the deficits of particular countries was an allusion to the present system, in which U.S. balance of payments deficits provide dollars for the reserves of other countries.

There now is universal agreement that chronic U.S. deficits have flooded the world with dollars and must be reduced. This has led to the search for new reserves that could be controlled cooperatively.

If the system is shifted from dollars to SDRs, Barber said, a procedure will be needed to retire existing dollar reserves.

He suggested creation of an SDR account in the IMF. Dollars would be deposited in the IMF in exchange for issuance of SDRs.

The SDR also would serve as the denominator for par values of currencies, Barber said. That is, the German mark, the British pound, the U.S. dollar and other currencies would be defined as so many SDRs or some fraction of an SDR.

COULD CHANGE PARITY

The dollar has served as the denominator for par values, and the dollar in turn has been linked to gold through the U.S. offer to buy and sell gold at the fixed price of $35 an ounce. But this system has broken down because President Nixon has suspended gold sales, and most currency values now are fluctuating—or floating—in market trading.

If SDRs served as the denominator, Barber said, the United States would be able to change the dollar's parity in the same way as other countries can change the value of their currencies.

With SDRs gradually becoming the main monetary reserve, he said, the dollar and other national currencies still would be used for ordinary commerce and for intervention in markets to stabilize par values. He said the role of currencies other than the dollar for these purposes might grow.

U.S. officials also have discussed the possibility of a greater role for SDRs and a diminished role for the dollar, but they have not spelled out details or committed themselves.

Treasury Secretary John B. Connally postponed his policy speech until tomorrow or Thursday. He and other U.S. officials are probing the bargaining positions of the other nations in bilateral talks during the meeting.

Giscard, the French finance minister, was less explicit than Barber in discussing monetary reform, but he did cautiously suggest an enlarged role for SDRs.

He proposed "a composition of international liquidities which would, together with gold, assign a diminishing role to reserve currencies and a growing one to what I will term 'objective liquidities,' such as SDRs."

ASKS END TO FLOATERS

Mario Ferrari-Aggradi of Italy and Mikio Mizuta of Japan joined in proposing some form of SDR system to reduce the role of the dollar and make the world economy less suceptible to American policies.

All the speakers from leading countries urged an early end to floating currencies and a return to relatively fixed par values. But there was general agreement that, after new parities are established, currency values should be allowed to fluctuate in market trading within somewhat wider margins than the 1 percent above and below par permitted by IMF rules.

[From the Washington Post, Sept. 28, 1971]

Monetary Chiefs Urge Fast Action on Dollar: IMF Leaders Told Delay Hits Poor Nations

(By Frank C. Porter)

Poor nations could be losers if the wealthier countries don't put their monetary house in order fast, and massive efforts beyond this are needed to keep them from falling back further during the Second Development Decade.

This was the dual warning brought before the top financial and economic leaders of 118 nations yesterday by Pierre-Paul Schweitzer, managing director of the International Monetary Fund, and Robert S. McNamara, president of the World Bank.

Attention had been riveted on the big powers over the weekend. On Sunday the United States and nine other industrialized nations softened their positions unexpectedly and took the big first step toward resolving the money impasse touched off by President Nixon's New Economic Policy on Aug. 15.

Thus, ironically, the big news of the Bank and Fund's 26th annual meeting occurred before it even got under way yesterday morning.

If the less developed countries (LDCs in economists' jargon) had felt neglected they could squirm yesterday under the spotlight of McNamara's gloomy prognosis of increasing overpopulation, malnutrition, unemployment and maldistribution of income among two thirds of the world's people.

"And the lesson of the last decade (the First Development Decade) has been that we cannot simply depend on economic growth alone to solve these problems," said McNamara, who served as Defense Secretary under Presidents Kennedy and Johnson.

Americans who fret about an unemployment rate of 6 per cent could also squirm as McNamara estimated the unemployment rate at 20 to 25 per cent in the poorer nations—about the peak U.S. rate during the Great Depression of the 1930s.

McNamara counseled programs of population planning, an attack on malnutrition, agrarian reform, reordering of policies that presently favor the rich at the expense of the poor, stepped-up foreign aid, and a dramatic increase in the exports of manufactured goods by the poorer countries.

Schweitzer stressed the urgency of swiftly forging a new and stable monetary order to replace the one that died when Mr. Nixon decided to cut the dollar's ties to gold.

With fixed exchange rates gone and currencies now floating in value, the protective restrictions being erected daily by individual nations may be progressively harder to dismantle, thereby making a solution all the more difficult, he said.

Schweitzer said he is particularly concerned about the impact of the present situation on the poorer nations.

"The present exchange-rate uncertainties add a new and serious impediment to the development efforts of these countries, which also must contend with the effects of the U.S. import surcharge and the cuts in U. S aid," he said.

"All this is not an auspicious beginning for the Second Development Decade, when developing countries have the task of finding new avenues of productive employment for their growing populations."

Once again, Schweitzer exhorted "all the major countries involved" to make "a contribution" to the realignment of currencies so that they will have an appropriate relationship to gold "and, what is perhaps more important, to SDRs and reserve positions in the Fund."

SDRs are the special drawing rights, or "paper gold," creaded by the IMF several years ago to supplement gold and major currencies for settling accounts among nations and to serve as reserve assets.

Since the value of SDRs is fixed in terms of gold and since the price of monetary gold is pegged to the dollar (at $35 an ounce), as the dollar falls in value in relation to other currencies such as the mark and the yen, so would the value of SDRs.

This is what Schweitzer fears. So his remarks yesterday served as yet another prod to the United States to increase the price of gold to maintain the value of SDRs—a move this country has so far resisted.

U. S. Treasury Secretary John B. Connally Jr., who had distressed other finance ministers with his unyielding position in London only 10 days ago, called "the present situation an unparalleled opportunity for constructive initiative."

In brief welcoming remarks to the 1,200 Bank and Fund governors, alternates, advisers and observers, Connally said he would not minimize the dangers in what some regard as a time of crisis.

But "if we but seize the historic chance that we now have, we can build a financial system as well adapted for the next quarter century as our predecessors at Bretton Woods built for the quarter century just concluded," he said.

THEME ECHOED

The theme was echoed by Karl A. Schiller, West Germany's minister for economic affairs and finance, and co-chairman of the boards of governors for the Bank and Fund.

"A major jolt of this nature can act as a powerful catalyst for comprehensive reform," he said. "In the clouds that have gathered in recent weeks, this possibility of creating a fully viable international monetary structure may be seen as a silver lining—or perhaps I should rather say a lining in SDRs."

But Schiller also had sobering words about the plight of the undeveloped world:

"The standard of living . . . still in alarmingly low. The fight against hunger and protein deficiency is still far from being won. Life expectancy in developing countries continues to be low, infant mortality rate high. Unemployment and underemployment have increased. Distribution of incomes and property is widely unsatisfactory. The share of developing countries in world exports is declining."

McNamara later filled in some chilling statistics:

Even if the developing countries were able to reduce births to an average of two per couple in 50 years, their present population of 2.6 billion would increase nearly fourfold to almost 10 billion. But only in a handful of developing countries is the population problem perceived by top political leadership as a matter of high priority."

About one of every five babies in large areas of India dies in its first year and the proportion of children who die between one and two years of age in the United Arab Republic is more than 100 times higher than in Sweden. Beyond this malnutrition in those who survive stunts physical and mental growth, reduces adult productivity and is a major barrier to human and economic development.

"And yet, despite the evidence that with a relatively small per capita expenditure of resources major gains can be achieved, there is scarcely a nation in the developing world where a concerted attack on the problem is under way."

The First Development Decade was successful in aggregate terms with developing countries exceeding the target of an annual growth on real gross national product of 5 per cent. But the increase was so unequally distributed among countries, regions and people "that it has finally created a reaction against growth as the primary development objective and a demand for greater attention to employment and income distribution.

Most public investment in the poorer countries favors urban areas, and in the neglected rural areas the bigger and richer farmers get most of the assistance. Land reform is justified not just for equity reasons but because smaller farms can be more efficient—if their owners get the necessary help.

THE CHIEF STEPS DOWN

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. EDMONDSON. Mr. Speaker, one of America's great Indian leaders, Chief W. E. "Dode" McIntosh of the Creek Indian Tribe, recently stepped down from office after serving for 10 years as one of the most eloquent and dedicated spokesman for America's first citizens.

Chief McIntosh is a longtime personal friend, and I can think of no single individual in our Nation who has done more to advance the cause of the American Indian. A man of great sincerity and dedication, Chief McIntosh has always worked to achieve solutions to the problems of his people, and he has worked toward this end with singular energy and perseverance.

Tulsa Tribune State Editor Mac Bartlett recently paid a glowing tribute to the life and accomplishments of Chief McIntosh, and I include Mr. Bartlett's story at this point in the RECORD:

THE CHIEF STEPS DOWN

(By Mac Bartlett)

The Chief has stepped down, but don't count him out.

The 78-year-old Waldo Emerson (Dode) McIntosh, head of the Creeks for 10 years, has waged too many battles in behalf of his—and other—tribes to turn his back on future Indian programs.

"I have worn out five Buicks and one Dodge trying to help the Creeks," the peripatetic Tulsan remarked recently.

He omitted, however, reference to frequent air trips, many at his own expense, to fight for Indian causes in Congress or before top officials of the Bureau of Indian Affairs.

He neglected also to mention his hours spent writing or telephoning government men, soliciting their aid for the "First Americans."

The chief admittedly is tired of "looking after 40,000 or more" Creeks and their financial problems. He has listened patiently to their troubles and has vigorously sought solutions.

Next month he is shifting leadership to Claude A. Cox, 58, of Okmulgee. Cox was elected to a four-year term Tuesday and will be installed Oct. 7.

"The Chief," born in Tennessee, was the youngest of four sons of A. G. (Chessie) McIntosh, the first Indian lawyer permitted to practice in federal courts.

The father gave all his sons nicknames and "Dode" was the moniker—with no significant meaning—that he passed on to the youngest. "Dode" is half Creek, half Scot.

The father came to Indian Territory in 1901 to practice law and to serve as tribal superintendent for the Creeks and Seminoles. Later he became superintendent of public schools in McIntosh County, named for the McIntosh family.

From his boyhood days in Checotah until the present, "Dode" McIntosh has pursued a wide variety of jobs.

Graduate of Checotah High School and Eufaula Normal School, the Tulsan became a $65-a-month school teacher. Old-timers may recall the slightly built young teacher who traveled several miles daily by horseback to the "Snowdrop School," six miles north of the present site of Fountainhead Lodge.

He recalled "Teaching the ABCs and through the seventh grade" for two years.

Next he ran for and was elected city clerk of Checotah, a job which paid $75 monthly.

World War I interrupted the tribesman's city service. He became a first sergeant in the infantry.

From 1924 until 1942 when he moved to Tulsa, McIntosh worked as a lumberyard manager, as a real estate salesman and as an insurance man at Miami, Okla. He is a former Democratic chairman in Ottawa County where he became acquainted with many Oklahoma political figures as they conducted statewide campaigns.

Moving to Tulsa as a district manager for the old Home Owners Loan Corp., "Dode" widened his political friendships. Later he was to serve as Tulsa County treasurer, county assessor and as tag agent.

The Tulsan was serving as county treasurer when he was appointed Creek leader in October 1961 on the recommendation of then-Interior Secretary Stewart Udall.

He relinquished the county post in 1962 to devote full time to being chief, a job which pays only $3,600 annually.

"My father was the one who started me on trying to do something for the Creeks," McIntosh related. "You see, I'm the fourth member of the family to become a chief."

His first years as leader were frustrating, but McIntosh, a fast-moving individual who refuses to take no to most tribal demands, began winning support in high government circles.

The chief, who refers to his and his tribe's friends as "the best," feels major accomplishments of his 10 years may include:

1—Education, including construction of a $2 million dormitory and low-cost housing complex at Eufaula.

The dorm is designed to accommodate 128 Indian children, mostly Creeks from broken homes who attend public schools in Eufaula.

2—Four successful Creek tribal claims for land acquired by the government. One, involving some 2 million acres in Seminole County, will mean about $30 for each enrolled Creek early next year.

3—Improvement in housing and health facilities especially in rural and depressed areas of the Creek Nation.

4—More jobs for Creeks through a long-range industrial program. One such plant, a pottery facility, is being built near Checotah.

"One of the things we've done to reduce sickness among our tribesmen is to improve sanitation by drilling wells and putting in septic tanks. We have made water safe for consumption," he continued.

"Another achievement came with the help of Rep. Ed Edmondson (D-Muskogee). He introduced my suggested bill wherein all lands and impounded monies of restricted Creeks who died without heirs would revert back to the Creek tribe.

"I went before both the House and Senate committees on Indian affairs to testify. Both recommended passage about three years ago over the protests of the Washington office of the Bureau of Indian Affairs.

Passed by Congress and signed by President Johnson, the measure became law during the session in which it was introduced.

"Last year other tribal leaders had Rep. Edmondson introduce the same bill to include them. It passed and President Nixon signed it."

McIntosh, who has twice served as president of the Intertribal Council of the Five Civilized Tribes (Creeks, Choctaws, Cherokees, Seminoles and Chicakasaws), is critical of the Bureau of Indian Affairs in Washington.

"Unless it is forced to do so, the BIA will never surrender its complete domination of the Indian tribes in the nation," he asserted.

"I would like to see appropriations for Indians, instead of going for overhead in Washington, be sent to the area offices and superintendents who know the Indians and live with them.

"Virgil Harrington (Muskogee area office director) is an example of a good official. He has great vision and strives to make the Indian self-sufficient."

The chief says Washington officials for "too many years" have employed Indians only in "lower echelon jobs."

The chief visited Scotland in 1964 to attend a highland gathering of the Mackintosh Clan, near Aberdeen.

While there, among 2,500 clan members from all parts of the world, the Creek leader, wearing his striking Indian headdress with 109 eagle tail feathers, stole the show. He plans to return for another assembly of his clan in 1972.

The Tulsan presented the Lord Provost of Edinburgh with a gold key from the City of Tulsa. Presentation ceremonies got a big play in the Scot press.

McIntosh and his wife, Lulu, are fine pianists. They play regularly at home with one of their sons, Bill.

Two other McIntosh sons, Nocus and Chinnubbie, reside in Tulsa. The only daughter, Mrs. John W. Lee, lives in Riverton, Wyo.

The chief's oldest son, W. E. Jr., was killed in a California airbase crash while training for service in World War II.

The chief is especially proud of being voted an honorary member of the Rotary Club of Tulsa in August 1967.

M. M. Hargrove, head of the business administration school at the University of Tulsa, made the presentation speech, citing the chief's tribal accomplishments.

Hargrove said, in part:

"Each of us recognizes that a man can live among us and have his many outstanding achievements and talents unknown; and each of us knows, too, how much better it is to give even a rosebud of recognition to the living rather than a blanket of roses of respect to the departed."

For Dode there has been much hard work. But there have also been many roses.

THE NORTHERN IRELAND SITUATION—A REPORT NO. 6

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. BIAGGI. Mr. Speaker, during my continuing series on the Northern Ireland situation, I hope to focus attention on those problems that never reach the public eye through the mass media. My daughter Jackie and her friend, Carol Nolan, recently spent 3 days in Northern Ireland. For the next three reports, I will discuss my daughter's remarks on her visit.

In the first part of her report, she talks about the living conditions she observed while there. The startling thing about the report is the impression one gets that she is in a war-torn country. Bombings, gunfire, stop-and-search procedures, barricades and much more are a daily fact of life there. Yet the British maintain it has troops in Northern Ireland only to keep the peace.

In the next few weeks I will be reintroducing my resolution calling for a plebiscite of all the Irish people to determine the question of reunification. I hope this series will help each of my colleagues decide to join with me at that time.

The report follows:

REPORT OF JACKIE BIAGGI—PART I

The Ardoyne Relief Committee, housed in the Holy Cross School for boys, Belfast, was the basis of operation for our stay in Northern Ireland. It took only a short time to get the feel of what is really happening there for no sooner had we arrived at the school than a middle-aged woman was brought in in a state of hysteria. Someone had sent her a bullet in the mail with a warning to leave her home or suffer the consequences. When I attempted to take her picture, she became even more hysterical, fearing that the picture would be used against her. I will never forget the look of terror on her face nor the look of despair on the face of Mrs. Margaret Quinn—a former resident of Farrington Gardens, whose home of 31 years had been burnt to the ground by protestants. They burnt their own homes so that "those fenian bastards won't move in." Only Mrs. Quinn's story had a slight twist to it—for it was a British soldier who was responsible for the destruction of her house—the butt of a gun against a gas line, a match and it was all over. Rows and rows of houses burnt to the ground. It was like a grade B movie made real. Near the site of the destruction was one of several British military posts and in our attempt to photograph the soldiers, trucks, barbed wire, etc., we must have tapped somebody's free nerve ending for as we got in the car with our photographer and were driving away three British soldiers came running down the street—rifles ready for action. Since there was no one else on the street, we assumed they had an eye on our photographer friend. But this incident was really an innocuous one, considering the fact that we were told later by soldiers in another part of the city we could take pictures "at the risk of being shot." One doesn't like taking chances, especially in a city where the tension is so great that a car backfiring was responsible for the death of a civilian by an army officer. With this as in introduction to Belfast we returned to the school, where our first meal there, we later learned, had been stolen food. Small wonder, when you took a look at the supply room. Although the school had a capacity for forty families, I still kept wondering to myself, how the seven families that were there could even manage on the meager amount of food or how they could live under the threat of snipers shooting into the school. But this was enough for the first day. Besides, it was getting dark and we wanted to get back to our hotel before the real action started. For a "quiet" weekend, there was still enough noise during the night with guns and bombs going off to give even an old Audie Murphy flick competition. Listening to the incredible noise outside, I understood full well why they nicknamed downtown Belfast "boom boom town." But we were lucky because fate deemed somehow or other that one of those bombs was to go off in the building *next* to ours—*not* in our hotel. Thank God for small favors! Considering that in the course of three days there were two soldiers shot—several bombings and raids on several of the Catholic areas, we were lucky indeed.

METHADONE: ADDICTS' CURE OR CURSE?

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. EILBERG. Mr. Speaker, drug abuse, especially heroin addiction, is one of the most serious problems facing this country today.

Heroin addiction has reached almost epidemic proportions and its cost in human lives and property threatens to destroy our cities.

Because of the magnitude of this threat and its consequences there have been attempts to find immediate and sometimes simplistic solutions.

Unfortunately, there are no easy, one-shot answers to drug addiction. We must use every means available to deal with the problem and we must develop a wide range of possible treatments and methods of rehabilitation.

However, when a successful treatment is found it is often declared a cure-all and it becomes a panacea.

This is what has happened with the methadone maintenance programs. Methadone has worked for some people, but it has had disastrous results for others. There is a storm of controversy now raging over its use.

Because so many irresponsible methadone programs have been set up, this form of treatment could possibly be curtailed and consequently be unavailable to the addicts who could benefit from it.

In an article in the Sunday, September 26, 1971, edition of the Philadelphia Inquirer, Patricia McBroom, one of the newspaper's science writers presents an excellent picture of the problems and controversy surrounding the use of methadone.

Perhaps if we understand why methadone is now almost part of the problem instead of the solution we can prevent similar occurrences in the future.

For this reason and with the unanimous consent of my colleagues, I enter in the RECORD this article:

METHADONE: ADDICTS' CURE OR CURSE?

(By Patricia McBroom)

Methadone, the controversial treatment for heroin addiction, has spread like wildfire across the face of America.

Snapped up by the public, the medical community and political leaders who are under pressure to find solutions for the addiction problem, methadone has in a few short years suddenly become a primary treatment for heroin addicts.

Last year, some 4000 addicts were being maintained on methadone nationally; now there are about 10,000 and the number is due to increase rapidly in the next few years.

Rather than legalize heroin, following the British example, the United States has embraced methadone, another form of legalized narcotic addiction.

This has occurred despite the fact that the medical community responsible for controlling methadone is badly split over the pros and cons of this therapy.

Experts interviewed for this story who criticized methadone often requested that they not be quoted because of possible professional repercussions.

The medical field, in short, has a tiger by the tail and it isn't clear yet what the outcome will be.

National policy, being established in the White House by the new Special Action Office for Drug Abuse Prevention under Dr. Jerome Jaffe, rests on the belief that hard core heroin addicts will not accept a drug-free life, so methadone will have to be the major answer for them. This policy aims at controlling addiction rather than curing it by providing addicts with a legal source of narcotics and thus reducing the addict's crimes and improving the productiveness of his life.

But many experts say this decision was made too soon. They maintain it isn't clear yet whether addiction is an incurable condition, calling for widespread administration of methadone.

They also charge that methadone has been oversold and carries with it serious problems:

The drug is as addictive as heroin.

Methadone has a tendency to leak into the black market, becoming yet another opiate of abuse.

Methadone programs in Philadelphia and elsewhere have been far less successful than the original New York experiments that generated the national move to methadone.

Methadone by itself does nothing but support the addict's habit and even methadone advocates say the programs should have counseling, vocational and other services along with the drug—a policy which is difficult to follow in practice with the pressure to get large numbers of addicts on methadone as soon as possible.

Of major cities, Philadelphia was one of the least prepared to leap into methadone so soon.

Dr. Jacob Schut, who last month took over direction of Philadelphia's largest methadon program—run by the West Philadelphia Mental Health Consortium for about 1000 addicts—frankly admitted the program is a "monster."

It grew so fast it outstripped the capacity of medical and therapeutic personnel to keep up with the numbers and provide the vocational and counseling services that are supposed to come with a methadone program.

"The program started cautiously with 10 selected patients in 1967," said Dr. Schut. "Then it grew to 30, 100, 300 patients. Community pressure, patient pressure and political pressure made this grow to 950," said Dr. Schut.

"The pressure continues. I cannot close the doors."

Dr. Schut is now evaluating the program's therapeutic needs to request more money for badly needed non-drug services.

Nevertheless he said he doesn't regret what happened and even unsuccessfully petitioned a federal agency recently to double the program.

Dr. Schut and others working with methadone have in their favor an argument that is hard to beat: No matter what the disadvantages of methadone, it is far sight better than the original heroin addiction.

Methadone differs from heroin in its length of action and that one factor accounts primarily for its medical usefulness.

Instead of heroin's five to six hours, methadone effects last 24 hours, so that the addict is not going through cycles of sleepy euphoria and withdrawal sickness several times a day. At first the addict may feel high on methadone, but gradually he becomes accustomed to the dose and euphoria disappears.

With a legal source of drugs, the addict can get out of the heroin hustle and hold down a job, which many methadone patients—but not all of them—are doing.

Stabilized on daily doses of methadone, the addict can function in near normal capacity. He usually won't get a kick out of heroin because his nerve cells are already satiated with methadone.

"This so-called blocking" effect of methadone is in principle like preventing a man from getting a kick from scotch by keeping him drunk on gin.

However, the opiate drugs are not incapacitating like alcohol is nor do they cause the physical damage that alcohol does over the long run.

How many addicts on methadone are actually taking advantage of their opportunity to escape from the criminal hustle and become productive is a question that inspires heated debate.

Methadone advocates consistently claim that the majority of addicts have lower arrest and higher employment rates once they are in programs.

Critics just as consistently attack these statistics, claiming that the arrest-employment figures are based on the addict's own report—a somewhat biased source of information.

"It's like saying. 'You give me methadone, I'll tell you what you want to know,'" said one critic.

Dr. Frederick Glaser, part of a three-man team at Eastern Pennsylvania Psychiatric Institute selected to do a state-wide evaluation of drug abuse programs, also questions the data. "I'm not satisfied that studies demonstrate conclusively that methadone diminishes the amount of crime committed by addicts or enhances their employment."

To such criticism, California's Dr. John Kramer, who will soon become assistant director to Dr. Jaffe at the White House, answered rather heatedly:

"Without presenting super-objective data, there is no question in my mind as to the fact that individual addicts (on methadone) are far better off than they were, they get arrested less frequently, they don't feel high, they are physiologically normalized, they go to work and they steal less often."

In Philadelphia, Irving Soloway, research director of the consortium program, said arrest figures are not considered very reliable here, but employment data shows that 60 percent of the addicts don't have jobs when they enter the methadone program, whereas only 40 percent are unemployed after six months on methadone.

With 1000 addicts, that represents a gain of 200 jobs—a substantial improvement but less impressive than the 80 percent success rate claimed by the original methadone researchers—Drs. Vincent Dole and Marie Nyswander in New York.

Urine analysis of addicts in the consortium program would suggest that roughly half of the addicts are still using heroin regularly, which will provide a high if the addict waits 24 hours until the effects of methadone wear off and then shoots up. Another ploy is to use heroin on weekends and sell the weekend dose of methadone, which addicts are allowed to take home. Weekdays they must swallow the methadone in the clinic.

If these urine analysis figures are to be trusted (they also are challenged), it means 500 addicts are still in the heroin hustle even while on methadone.

Looked at another way, it means 500 are out of the hustle and that's better than none.

The truth seems to be that methadone is helping many people, but it's no panacea and its further expansion carries undeniable risks.

Methadone is a dangerous drug and the dose that maintains an addict could kill an intolerant individual.

It almost killed two small children in Philadelphia who mistakenly drank the Tang orange juice which contains the addict's methadone dose, and did kill a 5-year-old in New York.

In addition, street deaths from methadone are now appearing as the drug circulates widely on the black market.

New York had nine reported methadone deaths in 1970. This month a University of Pennsylvania doctor reported two cases of methadone overdose, of which one died.

Programs also carry the risk of addicting people who are not actually hooked on heroin, even though they think they are.

Illicit heroin may be cut so much that some addicts, particularly young ones, don't get enough opiate to become addicted.

The only study on the question, done in 1950, indicated that 50 percent of those who used heroin were not physically addicted.

But Dr. Roger E. Meyer of Boston University and a consultant to the Special Action Office, questioned the relevance of that figure today. He said it is impossible to determine how many addicts are not truly addicted.

Dr. Meyer also said he does not think the problem of putting pseudo-addicts on methadone is a serious one for most programs, because these are screened out of the program.

Other experts said, however, that such screening is not being done. Addiction is typically established through medical histories (the addict's recount) and urine analysis, which reveals only that heroin was taken.

True addiction can only be established by having the addict show withdrawal symptoms.

No methadone source contacted in this story was following such a procedure.

The Federal Food and Drug Administration recently suggested that addicts be tried on other treatments first before being placed on methadone to screen out the people who are not really hooked.

In any case, the FDA suggestion fell on

rocky soil. Pennsylvania for instance, has neither the programs nor the hospital beds yet to handle 500 addicts, much less than 1500 or more patients already on methadone.

"We don't have enough beds for detoxification to do drug-free programs," said Dr. Catherine Hess, state narcotics adviser in the Health Department. "At last count there were 100 beds in the whole state for detoxification," (including all drug and alcohol abuse), she said.

Nor do federal plans at the White House envision trying all addicts on other programs first. According to Dr. Meyer, plans are aimed at giving addicts a choice of a variety of treatments, both drug free and methadone maintenance, but with the expectation that most hard core addicts will choose methadone.

According to Dr. Hess and Dr. William Wieland, who is coordinating Philadelphia's program at the Office of Mental Health and Mental Retardation, both state and local plans here are following the same course.

There is, however, no doubt about a patient's addiction to methadone. The typical maintenance dose—100 milligrams a day—is a large dose of opiates, deliberately high enough to prevent the addict from getting enough heroin to overcome its effects.

"It's hell," said Morgan Shuler, an ex-addict with Philadelphia's Diagnostic and Rehabilitation Center. Shuler, an addict for 20 years, said he was once addicted to methadone and it took him 27 days to kick the habit (as compared to six or seven days for heroin). It was like having the flu for 27 days. It gets into your bones. My knees, my elbows, everything just ached. It hurt to do anything."

Like everyone else in the drug abuse field, Shuler has strong feelings about methadone maintenance. His are anti. "I'm prejudiced," he said, "I don't like it."

Shuler said many heroin addicts fear kicking the methadone habit so they won't buy black market methadone unless "things are tight with heroin."

Despite state efforts to clamp down on the methadone flow into illicit channels by making it illegal for private physicians to prescribe the drug, Shuler claimed methadone is still as easy to buy in Philadelphia as a pack of cigarets. He said a vial of methadone costs from $5 to $15.

Shuler also said many addicts, particularly young ones, don't realize methadone is a narcotic, even though they may be told by clinic doctors.

"The only thing the young guy is thinking about is not having to go through withdrawal, so he thinks 'I'll get methadone.' He doesn't realize he's going to have to go through it with methadone. You can tell him the truth, he still thinks he's smarter than you; he thinks there's some way around it."

At the consortium program, addicts sign a consent form explaining that methadone is an addicting drug.

So far, however, few addicts are coming off methadone maintenance, so withdrawal hasn't become a major problem—yet.

Withdrawal will be done in the consortium program if the addict requests it, but few do.

At Mantua Halfway House, a private methadone program in Philadelphia with about 200 patients, eventual withdrawal from drugs is a major thrust of the program, said its medical director, Dr. Kermit Gosnell.

Dr. Gosnell said he doesn't expect more than a quarter of his addicts to need methadone for more than a year. "There is such a strong feeling toward detoxification that addicts may convince themselves they're ready before they are," said Dr. Gosnell, who makes addicts come seven days a week for their methadone to keep them uncomfortable with their addiction.

But this philosophy is an exception among methadone programs. Most accept the idea of indefinite maintenance. Moreover, if withdrawal from drugs is the eventual aim, methadone may not be the best way to approach it. A followup study of 21 addicts detoxified in the consortium program revealed the disheartening fact that 90 percent went back to opiates within six months.

A variety of drug free programs operated by the Federal Government and New York state are achieving greater success than that.

These are civil commitment programs and so attract the addicts willing to commit themselves to several years of outpatient rehabilitation plus six months at installations like the big federal facility in Lexington.

Of some 1,300 addicts treated through the Federal Government, a soon-to-be-published study shows that 13 percent are free of drugs altogether and of the remainder 80 percent are drug free 80 percent of the time.

"This is working," said Dr. Carl Chambers, director of research for the New York State Narcotics Addiction Control Commission. "What we must find out is who it's working with and how we can do it better."

Also waiting in the wings are the narcotic antagonists—drugs that truly block the effects of opiates, but which have no opiate or addictive qualities themselves. One such drug, naloxone, is viewed as the most promising of these, but several years of tests are still needed before the drug is ready for general use.

Again, the antagonists are seen as appealing only to a minority of addicts—perhaps 20 to 30 percent of them—who are young, not fully addicted or willing to give up opiates.

At both the local and national level, authorities are gearing up a variety of drug programs, using antagonists, therapeutic communities, day hospitals, halfway houses and other approaches to meet the epidemic of drug abuse.

Despite these alternatives (all more expensive than methadone) the system is being heavily weighted toward methadone maintenance for the majority of urban hard core addicts, because it has been decided they will not stick with any other choice.

Whether this is true or not, it may well be a self-fulfilling prophecy, as thousands of addicts discover they are expected to be opiate dependent for life.

The question of what legalized narcotic addiction will do for or to the country is now impossible to predict.

If it does not make a substantial impact on crime, the political rational for pressing so quickly to methadone may collapse or even backfire.

At best, methadone will serve as a temporary harbor to handle the addicted masses until the nation can develop a range of approaches hopefully aimed at getting the majority off drugs altogether, using methadone only as a last resort for addicts who can't profit from other treatment.

At worst, it could become a medical scandal, an expedient way of handling drug addiction by supporting addicts on a legal habit in ever-expanding numbers, with all the attendant risks of a growing black market in methadone.

Heroin was once used to treat morphine addicts before it became a drug of abuse. The question in many minds is: Will methadone be the same?

LOUIS A. TOEPFER

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. JAMES V. STANTON. Mr. Speaker, all those interested in the furtherance of education will be pleased to learn, as I was, that Louis A. Toepfer, a distinguished scholar and an authority on the law, has agreed to accept the position of president of Case Western Reserve University—one of the Nation's renowned institutions of higher learning—at Cleveland, Ohio.

Mr. Toepfer was elected to the post by the university's board of trustees, although he had requested that he not be considered a candidate. The Presidential Search Committee of the Board of Trustees proceeded to screen the qualifications of some 200 other persons, finally concluding that no one else measured up to Mr. Toepfer's qualifications. They approached him with the offer and, fortunately for the students and faculty and everyone else concerned, he relented.

It was Mr. Toepfer's own performance that had made it so evident he was the best choice. Since last fall, he had been acting president of the university. In 1966, he was named dean of the university's law school.

During his tenure as acting president, Mr. Toepfer has faced a full range of academic, financial and planning challenges.

He has been concerned with issues and concepts which will affect the university for years to come—among them the reorganization of several of the university's faculties and the examination and modification of the undergraduate collegiate structure.

He has developed, with the cooperation and assistance of the deans and provosts, the plan to turn around the university's 4-year history of increasing costs and mounting deficits. This plan calls for a sharply reduced deficit for 1971–72 and a commitment to a balanced budget for 1972–73.

Prior to joining the university, Toepfer had been associated with the Harvard Law School for 19 years, including 16 years as vice dean. His professional interests include maritime law, legal services for the poor, and criminal law.

A native of Sheboygan, Wis., Toepfer received the A.B. degree, magna cum laude, from Beloit College in 1940, and the LL.B degree from Harvard Law School in 1947. He is a member of the American, Ohio and Cleveland Bar Associations, a trustee of the Cleveland Legal Aid Society, and chairman of the Managing Committee of the American Bar Association's Fund for Legal Education.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

BLACK NONSENSE

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. DE LA GARZA. Mr. Speaker, recently I came across an editorial in the Crisis, a publication of the National Association for the Advancement of Colored People, entitled "Black Nonsense." I wish to bring it to the attention of my colleagues in the House of Representatives since I feel it is worth reading:

BLACK NONSENSE

The new cult of blackness has spawned many astounding vagaries, most of them harmless, some of them intriguing and others merely amusing. One which has recently gained a measure of academic and foundation recognition is not only sheer nonsense but also a cruel hoax which, if allowed to go unchallenged, can cripple generations of black youngsters in their preparation to compete in the open market with their non-Negro peers.

The New York Times and the Daily News report that New York City's Brooklyn College has enrolled some 50 Negro students in a course in "black" English taught as their native language by Miss Carol Reed, described by the NEWS as "a young linguist who heads the language curriculum research project at Brooklyn College." The project is financed by a $65,000 Ford Foundation grant.

It appears that Miss Reed (and she is not alone in this fantasy) is trying to transform a vernacular which is more regional than racial, i.e., more southern than Negro, into a full-fledged distinct language which the college offers as a course. This language is merely the English of the undereducated with provincial variances in accent and structure from locale to locale throughout the English-speaking world. One might as well call the cockney of the London East Enders or the speech patterns of the Appalachian whites separate languages. The so-called black English is basically the same slovenly English spoken by the South's under-educated poor white population.

What our children need, and other disadvantaged American children as well—Indian, Spanish-speaking, Asian, Appalachian and immigrant Caucasians—is training in basic English which today is as near an international language as any in the world. To attempt to lock them into a provincial patois is to limit their opportunities in the world at large. Black children can master Oxonian English as well as any WASP child of the English Midlands. But each has to be taught the language. No one is born speaking "black" cockney, pidgin, standard or "white" English. Children learn to speak what they hear and are taught. Let our children have the opportunity, and be encouraged, to learn the language which will best enable them to comprehend modern science and technology, equip them to communicate intelligently with other English-speaking peoples of all races, and to share in the exercise of national power.

Black parents throughout this nation should rise up in unanimous condemnation of this insidious conspiracy to cripple their children permanently. It is time to repudiate this black nonsense and to take appropriate action against institutions which foster it in craven capitulation to the fantasies of the extreme black cultists and their pale and spineless sycophants.

Let the black voice of protest resound thunderously throughout the land.

We should heed the eloquent plea of this editorial, for too many in trying to help lose sight of reality and in the end result retard rather than enlighten our children. This is too precious and sacred a trust to be experimenting with.

INTERDEPARTMENTAL TASK FORCE ON PCB'S

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. RYAN. Mr. Speaker, on April 9, 1970, I requested that the Council on Environmental Quality undertake immediately to coordinate the efforts of all appropriate Federal agencies in regard to safeguarding the public from the hazards of a persistent, highly toxic, industrial chemical—polychlorinated biphenyls—PCB's. Therefore, I was most interested to learn that such an interdepartmental task force relating to this problem finally has been established and will be coordinated through the Council on Environmental Quality and the Office of Science and Technology.

Although I believe it to be extremely unfortunate that it took recent occurrences of massive food contamination to stimulate the Government to take this much needed and long overdue endeavor, I am hopeful that the creation of this task force signals a new awareness on the part of the Federal Government as to the threat to health posed by this dangerous chemical. Hopefully, this task force will now take every possible action to insure that our environment and our health are effectively protected from the dangers of PCB contamination.

At this point I include in the RECORD an article by Richard Lyons that appeared in the New York Times on September 23 relating to this situation.

The article follows:

A DDT-LIKE LIQUID STUDIED FOR HAZARDS

(By Richard D. Lyons)

WASHINGTON.—Officials of seven Federal agencies are expressing increasing concern over the possible health hazards of a colorless, odorless liquid named PCB that some scientists hold to be even more dangerous than DDT, to which it has a close chemical resemblance.

Large amounts of PCB, perhaps tens of thousands of tons, are used annually as insulating fluids and as a means of transferring heat from one mechanism to another, such as in electrical transformers, because it has an extraordinary ability to stand up under heat. PCB, which has the consistency of molasses, can withstand temperatures of up to 1,600 degrees Fahrenheit. It is also used in noncarbon copying paper, paints and pesticides.

In the last few months large amounts of PCB, or polychlorinated biphenyl, have been found in chickens, eggs, turkeys, salmon and fish meal.

This led the President's Office of Science and Technology and his Council on Environmental Quality to form a study group two weeks ago to investigate the presence of PCB in food and other compounds.

Since mid-August at least three scientific meetings have extensively discussed PCB, including a session of Nobel laureates in Goteborg, Sweden. The scientists concluded that PCB "concentrations may reach levels sufficient to damage ecosystems irreversibly on a worldwide scale before the damage is recognized."

"Their entry into the marine environment should be curtailed to every practical extent, even if this requires constructions on their production and use," the Goteborg statement added.

William D. Ruckelshaus, head of the Environmental Protection Agency, noted in an interview today that "it is the sudden accumulation of information about PCB that gives us concern because it is used so widely in the environment."

The agency is part of the PCB study group, which also includes representatives of the Departments of Commerce, Agriculture, Interior, and the Food and Drug Administration.

Dr. Charles C. Edwards, F.D.A. Commissioner, also said in an interview today that the study group had been convened at his agency's request "because we realized that PCB was a hell of a lot bigger problem than that of the F.D.A. alone."

James D. Grant, the deputy F.D.A. Commissioner, said, "We want PCB out of the food supply, but we don't yet regard it as an imminent hazard to health."

The chemical has been in use for 40 years. Like DDT, it resists decomposition and hence persists in the environment for years. DDT and PCB are so alike chemically that until several years ago it was almost impossible to detect one from the other by microchemical analysis.

Because of this heretofore undetectable difference, much of the environmental contamination by DDT is believed to have been caused by a combination of DDT and PCB.

To date, there has been only one episode linking PCB with health hazards to humans. Three years ago in Japan five persons died and about 1,000 were afflicted with a severe skin disease named chloroacne because a rice cooking oil had been contaminated by PCB.

There have also been indications that some pregnant women who became ill later then had babies with birth defects.

Dr. Robert Risebrough, an authority on PCB who is a professor at the University of California at Berkeley, told a Senate Commerce subcommittee last month that two babies were stillborn and "all showed symptoms" of PCB poisoning.

Yet Dr. Risebrough and other authorities have raised the possibility that PCB in itself may not be harmful to humans, but that the culprit may be a chemical byproduct named chlorinated dibenzofuran. This chemical is believed to be capable of causing birth defects to fowl, fish and perhaps rats.

Mr. Grant said that chlorinated dibenzofuran, a chemical akin to the herbicide 2, 4, 5-T, has been found in samples of PCB manufactured outside the United States, but not within. The chemical may be either a decomposition product of PCB, or a contaminant associated with the making of the parent product.

IMPURITY FOUND RECENTLY

The effects of chlorinated dibenzofuran and its link with PCB are not clearly understood. It was only last year that a Dutch scientist, Dr. J. G. Vos, found the impurity.

The Monsanto Company of St. Louis, which is the only American manufacturer of PCB, has been conducting a two-year study of the effects of the chemical on rats and dogs. A company spokesman said that no ill effects had yet been detected.

He added that the company was taking steps to insure that products containing PCB were not sold to food manufacturing and processing companies. Yet he refused to divulge the amount of the chemical being made.

Other sources have estimated, however, that the annual production is on the order of tens of thousands of tons. PCB is also made in Europe, Asia and the Soviet Union.

A report of the DDT advisory committee that was given to Mr. Ruckelshaus two weeks ago noted:

"It appears that the most serious chronic PCB contamination is in fish and fish-eating birds. Apparently PCBs are widely distributed among marine birds which are the terminal carnivores of a complex mesh of food chains in the sea . . . . Most of the acute residues of PCBs found to date can be attributed usually to inadvertent or accidental industrial causes."

In recent months as many as 88,000 chickens, 50,000 turkeys and tens of thousands of eggs have been destroyed because of PCB contamination of feed for fowl.

Over the last two years Representative William F. Ryan, Democrat of Manhattan, has been seeking to have the chemical banned. He complained that until recently no Federal agency would heed his call for an investigation of the substance.

"I think this is a real disregard for the public health and welfare," he said today.

MISSISSIPPI'S LOW CRIME RATE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. GRIFFIN. Mr. Speaker, I would like to call the House's attention to the low crime rate in Mississippi. This annual pleasure is occasioned by the publication of the FBI's Uniform Crime Report for 1971 which shows Mississippi to have a crime rate lower than 48 States and the District of Columbia.

The crime rate in Mississippi is only 863.4 incidents per hundred thousand population and is exceeded only by North Dakota, with a rate of 846.1. Mississippi's low rate is less than one-third of the rate of 2,740.3 for the Nation as a whole.

Of course one criminal is one too many but the significance of Mississippi's low rate, at 863.4, is glaringly obvious when compared with those mythical havens of learning and light such as New York City with a crime rate of 5,200.0, or San Francisco, Calif., at 5,329.3, or with the Nation's Capital, Washington, D.C., having a crime rate of 4,110.7 per hundred thousand residents.

The credit for this accomplishment can go directly to Mississippi's hardworking and dedicated force of city police, sheriffs, constables, highway patrol, and her citizens. It is to their everlasting credit that they are able to provide an environment in which every criminal act is not regarded as a "product of society" and every criminal is not treated to the luxury of being merely "sick" and in need of treatment.

The result, Mr. Speaker, is a stable society with respect for law and order in which law enforcement officials are given the necessary community support and cooperation to bring criminals swiftly to justice.

In the face of discriminatory attacks upon the good name of the State of Mississippi, I recommend our critics improve their own home States before so quickly condemning another.

YOUNG AIDES WILL HELP TEENS END BAD "TRIPS"

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, in view of the many criticisms of modern American youth, so often unjustified, it was with considerable pleasure that I read a refreshing and uplifting report in the Boston Herald-Traveler, September 27, concerning an innovative and constructive approach on the part of the youth in my 10th Congressional District toward meeting the epidemic of drug addiction. Dr. Steven Baron, assistant administrator at the Newton-Wellesley Hospital, of which I have the honor to be a trustee, in cooperation with the Newton-Wellesley-Weston Multi-Service Center, the Weston and Wellesley Youth Centers, and the Weston-Wellesley Hotline, and junior and senior members of Wellesley and Weston High Schools have joined hands in offering new hope to youth desperate to overcome drug addiction, but overwhelmed by its paralyzing effects. These high school volunteers are serving as aides in the emergency room at the Newton-Wellesley Hospital weekends to encourage and strengthen the resolve of their peers confronted with this tragic plight.

With the hope that other communities will benefit from this truly meritorious and commendable program, I am pleased to insert the article which appeared in the Boston Herald-Traveler:

NEW SERVICE AT NEWTON-WELLESLEY HOSPITAL: YOUNG AIDES WILL HELP TEENS END BAD "TRIPS"

(By Barbara Rabinovitz)

The youthful drug user, strung out or overdosed and in need of medical attention, will soon find his peers offering him assistance in the emergency room of the Newton-Wellesley Hospital.

Some 20 juniors and seniors from Wellesley and Weston High Schools will begin a three-week training session next Monday in preparation for assuming duties as counselors to young people suffering the effects of drug abuse.

With the high school volunteers acting as a buffer between hospital personnel and drug abuse patients, organizers of the program hope to eliminate the fear of reprisals or misunderstandings they say has deterred many potential drug abuse patients from seeking medical care at a hospital.

"Many of them see the hospital as part of the sterile establishment—pale colors, bright lights, nurses in uniform. Or they're afraid we'll call the police, or that they'll be shoved into a room, the door closed, and that will be the end of it," explained Steven D. Baron, assistant administrator for professional services at Newton-Wellesley Hospital, during an interview.

"You could tell a kid who'd call about a friend who was overdosed to get over to the hospital. And they'd usually ask, 'What else can we do?' "

Baron and representatives of four other agencies, the Newton-Wellesley-Weston Multi-Service Center, the Weston and Wellesley Youth Centers, and the Weston-Wellesley hotline, have joined forces in establishing the program. Their goal: "We just want young people on drugs to know that they can walk in here and get treatment like anyone else with an injury or illness," Baron said.

The young volunteers, with their parents' permission, will be on duty on Fridays and Saturdays from 7 p.m. to 2 a.m. They will obtain from the patients certain medical data, such as what drug was taken and in what dosage, and will relay that information to the doctors and nurses.

But the primary role of these non-professionals in the emergency room will be to provide a listening ear for the youth who needs to be talked down from a bad trip.

Sometimes that can take a few hours, sometimes days. "The nurses and doctors don't have that kind of time," Baron said. "If they have a cardiac arrest case come in, they have to take care of that."

On the theory that "the chances of a nurse or a doctor sitting in a white uniform talking down a kid are nil," according to Baron, the volunteers will be dressed in their everyday garb.

The training will enable the high schoolers to offer their services to other agencies involved. They will know how to man hotline telephones and organize youth center activities, as well as counsel patients in the hospital.

"We want this program to provide continuity of care. Up to now, kids were treated and sent back out onto the street. Now they'll be encouraged to maintain contact with the counselors and use other agencies," said Baron.

As to the effectiveness of the program the administrator speculated: "The young people are the only ones that seem to be able to help. Peers help peers. They help them to get on drugs. They help them to get off."

MR. UDALL AND POSTAL SERVICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. DERWINSKI. Mr. Speaker, Mr. Udall's partisan attack on the Postal Service for its choice of managing underwriters, and their choice of counsel, has no basis in fact and is completely uncalled for. The unfounded inuendoes with which his statement is so liberally laced are purely political. His inferences are wrong and improper.

I have reviewed with the Postal Service their procedures in making their selections and the reasons for their choices. I am completely convinced that that choice is justified on the basis of sound business judgment and was not influenced by political considerations. All five firms are leaders in their industry and the combination of their particular talents will afford the Postal Service as strong a sponsorship as could be achieved.

Mr. Udall has not alleged any act of misconduct, as indeed he could not in view of the record. He raises questions of the appearance of impropriety based on incorrect facts, apparently with little effort to verify these facts. The Postal Service has promptly and completely replied to all of Mr. Udall's requests for information. There is not a shred of evidence to support any claim of wrongdoing.

Men of good will in both parties fought long and hard to take the Post Office out of politics. It is deplorable that Mr. Udall, who in the past supported this cause, has now seen fit to revert to playing politics with postal affairs.

This partisan action has all the earmarks of a purely political attack as a prelude to next year's election. It is certainly not just a coincidence that this report was issued on the same weekend that Mr. Udall entered the vice-presidential sweepstakes by endorsing Mr. Muskie for President.

IN-DEPTH STUDY OF HIGHWAYS IN UNITED STATES IS INITIATED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. BINGHAM. Mr. Speaker, for a number of years, many of us in the Congress have been troubled by the priorities that have been established in America's transportation policy. I have introduced a number of proposals to study the problem of transportation in America and to encourage greater emphasis on mass transit systems.

Today, I would like to report that a new initiative in this area is being undertaken by the Council on Economic Priorities. CEP is a private, nonprofit organization which publishes information on corporate conduct in many fields. Currently, CEP is conducting an in-depth study of highways and the highway trust fund, focusing on both the corporate and political forces which shape national highway and transportation policy. I am pleased to add that several student interns from George Washington University, working in my office this fall, will be aiding in researching the project.

The following is an item which appeared in the June–July 1971 issue of the Economic Priorities Report, describing the project:

COUNCIL NEWS—NEW CEP STUDY

CEP has initiated an in-depth study of highways in the U.S. It will explore two basic questions:

(1) Who are the major corporate beneficiaries of the federal highway program? In addition to corporations deriving benefit from highway building—such as construction, asphalt and cement firms—the study will focus on those gaining from highway use, such as petroleum, automobile and trucking firms.

(2) What are the relationships between these business interests and the federal government? This portion will focus upon the techniques used by corporate interests to foster additional highway building; the organizations which represent these industries and companies, and the history and operation of the Highway Trust Fund.

The CEP study will also look into broader questions such as what a highway is and does, what the economic and social impact of highway construction and use is on the U.S., and whether highways breed more highways and more auto traffic.

Director of the study is Goody L. Solomon, consumer writer and former editorial consultant to the President's Committee on Consumer Interests.

CONGRESSMAN JOHN G. DOW TOURS FORT DIX EXTENSION FACILITIES

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. DOW. Mr. Speaker, last Friday, September 24, I spent the day at Fort Dix, a good part of it in the detention stockade. Numbers of cases of soldiers in trouble there, and indeed the report of one death, have come across my desk. I visited Fort Dix in order to see what problems young men from my district encounter in the Army.

The disciplinary part of Fort Dix consists of a personnel control facility, where the men are not confined, and a stockade, where they are. These units seem to be orderly and trim, both in their physical appearance and in the conduct of the men being held, as well as the Army staff in charge. The officers are well aware of the individual human problems as well as the painful significance of the detention system within the Army and our American society.

Both the men held in detention and the Army staff are part of a system that permits trouble to generate, but has no real solution to offer.

The men in detention at Fort Dix are not criminals. Almost to a man, the charge against them is absence without leave—AWOL. I spoke to the men in the presence of officers and also separately by myself.

Out of 20 men, I found that 19 had been AWOL because of family problems. Two-thirds of the family problems involved money. In some cases the records of the men were lost or held at faraway bases where they had served. This meant they received no pay.

While the officers at Fort Dix said there were generally ways of advancing money to needy men, it seems that the men are frequently mistrustful of officers and do not ask for help when it might be forthcoming. So the men in the personnel control facility often go AWOL again to reach their families. Consequently they wind up in the stockade with more black marks against their records.

The new military pay raise, set to go into effect on October 1, would ease some of these grevious financial burdens. However, no one seems to know whether the raise will be held back owing to the wage-price freeze.

Lacking money, men in the facility have been selling their blankets in the nearby community. As a consequence, the facility recalls all blankets in the morning and reissues them at night. Thus complaints that came to me in Washington indicated that men had difficulty in getting blankets. I cite this blanket problem, not because it is the worst, but because it is a good example of how one set of troubles at Fort Dix pyramids into another.

In my judgment, drugs are a real problem at Fort Dix, but not the overriding problem. The overriding problem is the inability of some men to take Army life when they are beset with difficulties existing in their families.

A certain few just cannot take Army life, in any case. I found some, in solitary cells, who asked to be there because it protected them from the pressures outside which they could not stand. One man in solitary was trembling out of a death fear. Another had attempted suicide earlier in the day.

The rules of the Army require either court martial—and punishment—for men who have gone AWOL for extended periods; or else offenders receive discharges in the less than honorable categories. Here trouble may arise when a man to be discharged does not yet have his papers from Vietnam or wherever he was when he went AWOL. Thus he waits in limbo for the paper-hunting process to straighten itself out. Perhaps he will get into more trouble while waiting. The vaunted computer capacities of the services are of little help.

Some of the men claim that offenses far more serious than AWOL are punished less severely. Perhaps AWOL is serious because it offends the Army, the institution itself, whereas manslaughter offends against someone else.

At any rate, the offending soldier and even the staff officers who want to do the correct thing, are caught in the rigid meshes of a vast and impersonal institution.

So this is why men are held at Fort Dix and why so much distress results from it.

I would like to offer some brief conclusions which I am passing on to Secretary of Defense Melvin Laird and Army Secretary Stanley Resor.

The family troubles that beset the young men come to light first when they are in their original service units. It is my impression that many of these men are embittered because their company officers refused to listen to them or to help them. From these experiences it is clear that not a few of the men distrust the officer class. I would say that all company officers should be directed to listen and help when a man says he has family problems.

Men who have lasting family difficulties should not be held in the Army. The cost and attention necessarily focused on these so-called troublemakers is not worth the benefit of keeping them.

Certainly they ar held and punished as a measure of fairness to the men who stay in service, who grin and bear it. Yet the military services cannot fulfill their missions unless the men serving are satisfied and reasonable happy to stay in any case. I hope the forthcoming pay increase will ameliorate this situation.

Also, the Army must whip its computer system into line so that instantaneous printout of any man's up-to-date record is available at every teletype station. When men are in grave difficulty relating to their families, their future as written on the discharge papers, and their honor, it is inexcusable that their trials should be compounded by missing papers.

Like American prisons generally, the detention facilities at Fort Dix, where there are essentially no real criminals, is another example of men trapped in a system that is far too big and is ill-designed to reckon with human sensibility.

The failure of the military concept in Vietnam, the suspicion that it does as much harm to men as it does benefit, the fact that now after years of the draft and years of the war, the condition of the Army is a worry to its most devoted members, calls for a profound rethinking and readjustment of the military's place in American society.

Instead of considering it purely for the military mission, we must weigh it as part of our social and economic fabric when these are torn by the military presence. In this light, its mode of operations and its master policies must be redefined.

"ZONED FOR DISEASE" — CHILDHOOD LEAD POISONING IN MILWAUKEE AND CHICAGO

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. RYAN. Mr. Speaker, a particularly significant 1-hour television program was broadcast by public television station WMVS in Milwaukee, Wis. The program, an investigative report on the childhood lead poisoning problem in Milwaukee, Wis., was produced by John Owen, who was also the reporter who conducted the interviews recorded in the program.

Focusing on childhood lead poisoning as an urban environmental problem, the program, entitled "Zoned for Disease," profiles several cases of lead poisoned children in Milwaukee, showing the condition of the homes in which they live and examining the treatment available at local hospitals. The program studies the lead poisoning screening program and data clinic in Chicago, Ill., where Dr. Herbert Slutsky, coordinator of the project, explains its effectiveness. Alternatives available to Milwaukee are set forth. Dr. Frederick Blodgett, of Milwaukee Children's Hospital, discusses what the city is doing with present resources, and Dr. E. R. Krumbiegel, Milwaukee Commissioner of Health, explains the city's proposed lead poisoning program. The program concludes with a 10-minute reaction session. Guests are Milwaukee Alderman Mrs. Vel Phillips and Joseph Mangiamele, professor of urban affairs at the University of Wisconsin-Milwaukee.

This program, as all discussions of childhood lead poisoning, depicts the tragic devastation being visited upon children living in dilapidated housing, where the lead-tainted paint and plaster chips which fall from the walls and ceilings are picked up and eaten by innocent, unknowing youngsters.

I commend the transcript of "Zoned for Disease," which I am including in the RECORD, to my colleagues. The specific cities involved are Milwaukee and Chicago. But they could be any cities—large or small—throughout this country.

In addition to the production and reporting performed by John Owen, other participants in the preparation of "Zoned for Disease" were Ron Salak, director, and Phillip Powers, cinematographer.

The transcript of "Zoned for Disease" follows:

"ZONED FOR DISEASE"—CHILDHOOD LEAD POISONING IN MILWAUKEE AND CHICAGO

INTRODUCTION: FILM MONTAGE

A series of Sound-on-Film clips are seen at the beginning of the program. Audio is as follows:

Mrs. STAPLES (Mother of Lead Poisoned Child): Well, when I saw him, he was peeling them off with his nails, but the day that I noticed him doing this and got him away from out there, out here, he was very active that morning and that evening he took a temperature all of a sudden so that made me thought lead. We always after him about putting even his dirty hands in his mouth, or open a bottle or just tasting or anything that he wants to see what it is, you know.

Dr. LAWRENCE KAMMHOLZ (Director of the Lead Poisoning Clinic, Milwaukee Children's Hospital and Clinical Instructor in Pediatrics at the Medical College of Wisconsin): Because if a child goes back to the same environment, he is going to pick up more lead and come back worse than he was before. So we have to insure that the child is out of the problem area.

Mrs. NUNLEY (Mother of Lead Poisoned Child): Every place that I go to is worse than the one I'm in. Not only that, there was big holes in the walls and the paint was peeling off.

Dr. HERBERT SLUTSKY (Coordinator of Lead Poisoning Program in Chicago): Visit a State Institution for the insane and take a look at children in essence who can only be best described as calling them vegetables, total brain damage, significant maximum brain damage caused by ingestion of plaster painted with lead paint.

TEXT

REPORTER. Before this summer is over, 400,000 small children will get lead poisoning in neighborhoods like this one. If not reached quickly enough, many will die from it; 200 did last year. Though it is what many experts consider to be a totally preventable disease, lead poisoning right now claims more children than did polio before the Salk Vaccine was developed. And the poor can't get away from the lead paint threat. Most of the newer lead-free suburbs are zoned to keep large low income families out. So the poor end up with their own perverse zoning arrangement: exclusive rights to lead poisoning. Their neighborhoods might as well be *zoned for disease.*

David is now nine. He celebrated his seventh birthday two years ago by being admitted to the Southern Wisconsin Colony and Training School in Union Grove. David is mentally retarded, and lead poisoning is one of the reasons that he's here. Nationally, six to eight thousand children each year become mentally retarded as a result of lead poisoning, and the experience of Chicago tells us that there is probably an alarming number of children in Milwaukee who have suffered brain damage. A follow-up study in Chicago revealed that of 425 children treated for lead paint poisoning, 38% were diagnosed to be mentally retarded. It will cost tax payers an estimated $225,000 to support David in this institution for the remainder of his life; it might have cost as little as $1,000 to treat David for lead poisoning and to remove the lead from his home.

Another frightening possibility must be faced too. What if the children we label slow learners are failing because of the damage done to them by lead? These children assigned to this special education class at Palmer Jr. High School have never been checked for lead poisoning, and yet it cannot be dismissed as a possible cause of their learning problems. Multiply their numbers nationally and you arrive at a potentially staggering figure of lead poisoning casualties who in turn become educational casualties.

Over 100 lead poisoning cases have been recorded in Milwaukee in the last three years and an additional twenty so far this summer. But that figure is meaningless unless you understand that it shows only those children treated at hospitals. At that point they become statistics. But since no screening program exists here, we really don't know how many children are lead poisoned. Based on results of screening programs elsewhere, we can estimate that between five and ten percent of the children at risk—those between one and six living in high lead areas—are lead poisoned.

The symptoms are hard to detect. Parents don't know if their child is sick or just listless. Two year old Ladell Drew has been hospitalized twice for lead poisoning, but his mother would not have known had Ladell not swallowed one of her tranquillizers.

Mrs. DREW (Mother of Lead Poisoned Child). His attitude with the children was he played with them but he tried to play, you know, real rough, and like I say stumble a lot and sometime he just sit up and get real quiet, you know, and he'd look down at people, you know, he wouldn't look at them right, just look down, and his eyes would go up, and besides that his eatin' habits were alright, you know, he, like I told the doctor, he ate pretty good, you know. There wasn't any real big effects, you know, just small ones that I noticed, you know, but I didn't even know why they were, until I took him out there and they asked me a lot of questions about how he was, you know, acting, if he was, you know, acting strange; not too much, he didn't, you know.

REPORTER. His eyesight, has that been any result at all from lead poisoning, do you know?

Mrs. DREW. Yes, well this is what they tell me. Dr. Chan at Children's Hospital, that's what she tells me—that she explained to me what the lead poisoning can do, that it can cause brain damage, affect the eyes and, you know, whatever, and she says, you know, she wondered why he look like that and I told her, I said, well, as far as I know of it, it's just something that he acquired, that he, you know, and I never knew why and I didn't even try to find out, cause, to me, I never noticed him going down real far to pick up things, you know, before, so she had him take an eye examination and the doctor there he didn't say anything, just said he was a little cross-eyed so when he was in the hospital for the seven days they took more tests and they ran extra tests on him and they found out that he was farsighted so, she said he'd have to have glasses and I couldn't believe a two year old kid who wears glasses. The thought of it!

REPORTER. Do you think your son's been rescued in time?

Mrs. DREW. Ya, I do. Yes, I do. And I'm, you know, it's bad that he took my nerve pill, but I'm glad that he did, you know, cause, like I said. . . .

REPORTER. That's the way you found out that he had lead poisoning.

Mrs. DREW. Lead poisoning, yea, or he'd be dead, you know, and I'd never know or he could continue eating the paint and I'd never know anything about it, you know, so I'm thankful. I guess it was the Lord's way of showing it, you know, something was wrong. And I've talked to another girlfriend of mine; her son the same thing, and she found out accidentally her child ate some furniture oil and that's the only way she found out, you know, I, you know, it's hard to detect, she kept taking him for checkups and all that.

REPORTER. Almost all of the known lead poisoning cases in Milwaukee have been treated at Children's Hospital. Dr. Frederick Blodgett is the Director of Clinics at Children's and Professor of Pediatrics at the Wisconsin School of Medicine. Blodgett has spent many years working with lead poisoning and was instrumental in New Haven, Connecticut in developing a comprehensive lead poisoning program there.

Dr. FREDERICK BLODGETT. It's usually the child that has an infection or some other kind of problem that brings him to the hospital. Then in the process of questioning and learning about the child's history we ask if he eats paint—if they have ever noticed this. This is highly suspicious and we look for lead poisoning.

REPORTER. Is this frustrating for you: realizing that you're only seeing the tip of the iceberg?

BLODGETT. Yes, it is frustrating; it makes us realize that there are many children that don't get recognized as early as would be in their best interests.

REPORTER. If so many children are presumed to be suffering from lead poisoning, why are so few brought in?

BLODGETT. I think that it may be the symptoms that the child has—pain in the abdomen, constantly irritable behavior, weakness pallor—are just not recognized as being due to any abnormality in his health, and that therefore he doesn't get to the hospital where it could be recognized.

REPORTER. Until recently, all children with high blood levels had to be hospitalized. There were no provisions for treating them on an outpatient basis. Fortunately, Federal money does cover most of the medical costs for poor families under Title 19 of the Medicare bill. But a family of six near the poverty level with an income over $4700—they will have to pay their own expenses that could run as high as $1000. Now Children's Hospital runs a monthly Lead Poisoning Clinic open for treatment of follow-up cases and examination of suspected lead poisonings. Blood tests and X-Rays form the basis for treatment. And social workers are also available for counseling sessions with parents.

Mrs. NUNLEY (Mother of Lead Poisoned Child). He got a piece of paint chip in his eye and I brought him in because I couldn't get it out, and when I brought him in, they took him up to the Eye Clinic and got the paint chip out and they asked me had he been eatin' it, and I said yes and brought him back down to Medical and then I had to carry him up to X-Ray and . . .

KAMMHOLZ. The eye doctor then was aware of the lead poisoning problem?

Mrs. NUNLEY. No.

KAMMHOLZ. Apparently?

Mrs. NUNLEY. No. No, he didn't.

KAMMHOLZ. Well, at least he suggested that he be tested. Had you known that he was eating any before?

Mrs. NUNLEY. Well, not really, until I seen something white around his mouth.

KAMMHOLZ. Uh huh, when was that, that you first noticed?

Mrs. NUNLEY. Gosh, about six weeks. Every place that I go to is worse than the one I'm in.

KAMMHOLZ. Every place that you go to is worse? You mean there's chips laying around and . . .

Mrs. NUNLEY. Not only that; there was big holes in the wall and the paint is peeling off and . . .

KAMMHOLZ. Uh huh, do you have anybody that can give you any help to find a decent place? Or do you have a social worker or anything like that?

Mr. NUNLEY. I have a case worker.

KAMMHOLZ. You have a case worker, huh? (To aides) Has she been approached at all? Does anybody know?

Mrs. NUNLEY. No.

KAMMHOLZ. Has Social Services been contacted yet about Mrs. Nunley? Well, this is a difficulty; we must find a home for the child that is free of these conditions, and this is very difficult at times. But this is a not uncommon problem; we get into the problem and then we go back into the same house that is causing the problem. Are you able to keep an eye on the child all the time?

Mrs. NUNLEY. Yeah. I'm able to keep an eye on him all the time.

KAMMHOLZ. What do you do when you see him eating paint chips?

Mrs. NUNLEY. I just stop him and slap his hands, lately. . . .

KAMMHOLZ. Has he seemed to respond to this at all?

Mrs. NUNLEY. To tell you now, well, since he's come home from the clinic, he's I mean from the hospital, he doesn't bother it anymore. I guess he got enough of those shots, and me out here.

Dr. STEVE SHELOV (Fourth Year Medical Student at Milwaukee Children's Hospital): This is the X-Ray of Duane Nunley when he was admitted to the hospital, and I'm not sure that you can appreciate, but there are little specks, white solid specks in his intestine that show up here and up here and also over here, and these indicate areas of lead, lead containing particles, probably plaster chips which were ingested by him and which would be, several days after this, absorbed by him into his blood stream and which would add to the lead burden, which meaning the amount of lead that he has in his body at the time. The treatment which he then had to undergo, in 5 days in the hospital, was to have the amount—this lead—and his intestines cleaned out, really, using a type of cathartic, so that this amount of lead would not be absorbed, and then he was given a series of 5 days of injections of a type of substance which combines with the lead and allows it not to be harmful to the child.

ALAN WOLKENSTEIN (Social Worker): It's these kinds of things that I would cover as a social worker in working with the family, and I wasn't able to interview mother when Duane was in the hospital so this is really our first chance, and I think there are some real definite kinds of things to be looked into, and Duane was eating other things than paint. Right mother?

Mrs. NUNLEY. Junk off the floor and wood and. . . .

WOLKENSTEIN. O.K. Crayons? Now equally significant was that the other kids didn't do this. . . .

Mrs. NUNLEY. No.

WOLKENSTEIN. Just this child, your youngest one.

Mrs. NUNLEY. Right.

REPORTER. In many cities, community groups have organized their own fight against lead poisoning, impatient with the time it takes government's wheels to turn. In Milwaukee, the 27th Street People Free Health Center has started a limited screening and treatment program. Now relocated at 1348 North 27th Street, the Center is in the process of organizing community people to distribute leaflets about lead poisoning and then hopefully to convince the parents to permit screening of their small children.

Identifying the child and treating him is only one part of the lead poisoning problem. Far more important is what to do about the source of lead—the home. And, lead poisoning, unlike our other diseases, is rooted in all of the conditions that have created our ghettos. Poor families, crowded into deteriorating homes owned by absentee landlords, many of whom do only the minimum required of them.

Then, too, many of these families move often and it's difficult for owners and government agencies to catch up with the family to do something about the home. But something must be done or the child falls victim to the same conditions, and too many of the cases treated by doctors at Children's Hospital are repeats.

In Milwaukee, the responsibility for deciding what to do about getting the lead out of the home is a shared one. Different bureaus of the same department—the Department of Building Inspection—must make separate inspections and investigations. First health specialists from the Environmental Health Bureau go into the home to determine the source of the lead poisoning, in this case, the home of two year old Marvel Staples.

Mrs. STAPLES. He has a friend that lives on the second floor and they, the two of them, get together and they like to go up here in the hallway and play because we're cleaning the apartment. This is right where I think Marvel picked up this. Here they take the comb, they take their toys and they go up and down the steps and they chop. But this is where I think Marvel got tasting from.

REGINALD SMITH (Inspector, Environmental Health Bureau). There is plenty of loose and flaking paint on the wall here.

Mrs. STAPLES. Yah, he like to take his finger and do this, you know, and. . . .

SMITH. We try to take as little plaster as possible because we have found that the plaster that doesn't contain lead will only serve to dilute our sample. We are looking forward to the time when we have an instrument that we can apply directly to the wall which will give us the lead content in the paint directly without having to go through an extensive laboratory analysis of the paint. Generally, we try to gather about a gram of sample here to give the chemist enough to work on. And what we often look for is peeling paint where it's at the level of where a small child could reach it and bite on it. Commonly this is on the porch railing that you see here and the paint in some areas is loose and flaking and easily accessible to a 3 year old or 4 year old. If, first of all, when we investigate one of these cases we find that there is perhaps a violation of the housing code with regard to the exterior maintenance and some of the interior as well, we refer this to the agency responsible for enforcing the housing code. And they make their inspections and issue the orders that are necessary to bring the dwelling into compliance.

REPORTER. Would you consider this a violation of the housing code?

SMITH. I would think that this certainly borders on it.

REPORTER. Smith's samples then go to the health bureau's laboratories for analysis. There, lab specialists can determine exactly how much lead was in the chips that Marvel Staples was eating. Smith and the health inspectors take samples of anything that might have a considerable amount of lead and sometimes the results are surprising. The samples taken at Marvel Staples' home turned up a toothpaste tube that registered 98% lead. But that is an isolated case—the most damaging evidence is in the chips themselves and the tests confirm that the Staples' West Garfield home was ripe with lead.

Seven to ten days later, the **average** time it takes the health bureau to complete an inspection and to get its samples analyzed, still another government agency must enter the picture, the Building Maintenance Inspectors. They have the power to judge whether housing conditions noted by health inspectors, in their opinion, violate local housing ordinances and to recommend what course of action the landlord should take. There are no specific provisions in local ordinances dealing with lead poisoning so the building inspectors decide whether to apply section 51—the loosely worded provision that establishes minimum standards for maintenance of housing in Milwaukee. The Building Maintenance Bureau's Ralph Malecki contends that his staff members perform their jobs aggressively and fairly.

Ralph Malecki (Assistant Supervisor, Building Maintenance Bureau). Our men, when they do get in, have to make a judgement, and we train them to make judgements. They have to set some sort of standards in their mind when they get this job as to what is clean and what is dirty. They must know the difference certainly between litter and dirt. Again, Mr. Owen, this is all symptomatic: these things go hand in hand. We don't find many lead poisoning cases outside the inner city.

Reporter. But the houses aren't forty years old, are they?

Malecki. That's correct. That's correct. In some areas they are, but there again, they have been maintained.

Reporter. Are you implying it's a people problem?

Malecki. Yes, it's a people problem.

Reporter. Are you sufficiently tough in this department?

Malecki. I think our record in court speaks for itself. Last year we had over 2,000 court cases, and this is something that's hard to explain too. We've been in the business literally from 1958 on and our court cases are going up. The amount of court cases . . .

Reporter. These aren't just lead poisoning?

Malecki. No, these aren't just lead poisoning, but to answer your question . . .

Reporter. How many of these are lead poisoning, do you feel?

Malecki. I can think of only one this year. I could be mistaken, there might be more, but I can think of one that was as a matter of fact dismissed in court.

Reporter. In the federal grant proposal, the portion of it prepared by this department, you talk about relying on 1127 in the Milwaukee Code. . . .

Malecki. Yes.

Reporter. Something that's not been done too extensively before. If this is available, why haven't you used it? And why have you continued to use section 51 which is more lenient?

Malecki. I think because we weren't aware of the lead poisoning situation until actually about a year ago. We had no communications, or very few up till now. In my experience, in 10 years, with the department, I have had only one, working in the field, that I remember. It's just something that has come to light. It's something certainly that has been identified, and there is this hiatus. What it's about I don't know, but again we're just like firefighters and policemen: we come out only after the fact.

Reporter. Why this additional step? Why couldn't we work it out in Milwaukee where your health inspectors could do everything at one time?

Dr. E. R. Krumbeigel (Commissioner of Health). Well, I don't know if you are aware of the fact that the responsibility for enforcement of the housing code was vested with the Milwaukee Health Department until, I believe, it was the 21st of December of 1968, at which time the responsibility for enforcement of the housing code and all of the personnel associated with enforcement were transferred to the Building Inspection Department as a part of a more wide spread consolidation, which also involved the Fire Department. Now I opposed some aspects of this type of consolidation and if you want to ask me why it happened, I think I would have to refer you to the Common Council.

Reporter. Wouldn't you agree that this is a rather awkward additional step, that this could be done by your inspectors?

Krumbeigel. Yes, I certainly agree, but, of course, I did not recommend the transfer and I agree with you that it does pose some problems, because the same individual from the Health Department who goes in to obtain the paint scrapings or the plaster material and evaluate the lead hazard, if he had the legal authority as he would have had prior to 1968, he could then issue the notices or prepare the notices for issuance right at the same time.

Reporter. But there is considerable question about the quality of the repair work done by landlords and whether or not the Building Maintenance Inspectors do bring sufficient pressure on them. After the Staples family moved out of their West Garfield house, another family with two small children moved in.

Malecki. I myself went by the house and talked to the District Inspector. By the time he got there, the Staples family had already moved and to his knowledge the source—the hall and the porch—had been taken care of in the interim between the Staples moving—going to their other place. . . .

Reporter. But has it been taken care of now?

Malecki. To the best of my knowledge, I'm quite sure.

Reporter. Taking of it resulted in this repair job. In the back stairs area, that had been a major source of lead poisoning for Marvel Staples, the landlord simply repainted the peeling surface instead of scraping, sanding and then repainting. Buckets were left in the kitchen, and, in the bedroom; this potentially dangerous lead paint condition was ignored. This was taking care of it, and it satisfied the Building Inspector. There are other examples.

Mrs. Drew. Look at this place, I mean it's still chipping and peeling off and when the child comes outside, I got to watch him so he don't get any of this stuff off of here, you know, to make sure he don't get anymore and it's supposed to be done and I want to know why it isn't.

Reporter. How about inside where he got the lead poisoning initially?

Mrs. Drew. Well, inside, it's not done either and it's got to be done.

Reporter. What does the landlord say when you mention this?

Mrs. Drew. All he says is he's not supposed to do it. He said, no, they didn't tell me to do this; all they told me was to paint the windowsill. So that's all he painted and that's coming off again, you know, and I don't think it was done properly.

Reporter. You think Ladell is in any danger of getting it again?

Mrs. Drew. Yes, I do. I mean, I have to watch him but still I can't watch him 24 hours, he's got to play, but I can't tie him down. He might do it again, you know, and it's supposed to be lead-free paint and all this and why it isn't and how come it's not done like they said it's supposed to be done. Cause, you know, it's a problem to have to worry about him all the time and I want him to be able to go out and play like he wants to without me saying Ladell don't do this, Ladell, don't do that, you know. Can't go by the window or anything. I don't know why they don't do it right, you know. Like the Building Inspector and the Health Department and all them—they're supposed to be on the man's case about it and I don't know if they're doing their job or not, you know. It's possible they're not doing it.

Reporter. But, you feel the net result is that you're afraid for Ladell?

Mrs. Drew. Yes, I am, yes, I am. And I talked to the lady; I talked to her last week and told her about it and she said it's not her job to do this. She said five years ago the house was painted, so big deal. It's got to be painted again.

Reporter. The landlord, Mrs. Anthony Farina, was asked to comment on film about Mrs. Drew's statement. She declined to do so, saying that she had done everything the Building Inspector had told her to do. But some landlords do more than is expected of them. Mrs. Nunley, who complained that every place she moved was worse than the last, got this response. The landlord removed every possible threat of lead poisoning to her small son Duane by paneling the entire house.

Disturbing, too, is the fact the bureaucracy seems to get in the way of removing the lead. In a number of cases, this reporter found that the Building Maintenance Inspection Bureau on Madison Street could produce no copy of the report and recommendations forwarded to them by the Environmental Health Inspectors. Yet, the health bureau's files showed the copies had been sent to him.

Still the Building Inspectors apparently had communicated with landlords because in some cases completed work was indicated. But there were also a number of examples of cases that showed nothing had been done and no record even of the inspections being made.

What about the communication between your department and the Health Department? In checking your files, I find that so many cases that we looked at there that there wasn't a copy of the letter that supposedly comes to your department from the Health Department. How can you make an investigation if you don't have the information?

Malecki. I can't really explain the gap in communications. It could be any number of things; human error, misfiling. Too often we just don't find out about it. However, Dr. Krumbiegel had initiated action to solicit federal aid in this program whereby we would be part of a team working throughout the city.

Reporter. Now, that's still pretty much in the future and assumes a lot of things—federal funding. But at present, don't you feel then that there is a problem because how can you then take action on a home if you don't have the information from the Health Department?

Malecki. That's quite correct. I don't know how to explain it. If we had these things—if we got these things just as soon as from Children's Hospital and/or the Health Department after their tests, we'd send a man out there running.

Reporter. Have you taken steps to try to find out why there is this gap?

Malecki. Yes, I have taken . . . I got to go off the record. Yeah, and nothing comes of it. I wish that this would, uh . . . can this be cut out?

Reporter. Well, I'll just ask you the question again and you'll just have to answer it then. Have you taken steps to try to find out why there is a gap here in communication?

Malecki. Yes, I have taken steps to do this on an informal basis. There has been no correspondence through departments. But, yes, we have at least consulted some people in the Health Department that we feel might be responsible.

Krumbiegel. Well, I think the inspections were made by the Building Inspection Department and, certainly, they did receive communications from this department. They would not have known that they should go out and look at them if they did not receive a communication.

REPORTER. But why this?

KRUMBIEGEL. As I understand the problem when the communications from the Health Department go to the Building Inspections Department, they are turned over to the District Inspector to alert him of the need to go out and visit the premises and they do not end up back in the Building Inspection file.

REPORTER. There is much Milwaukee can learn from Chicago's six year old lead poisoning program. Next to New York it screens and treats more small children than ony other city in the country. Both those inside and outside the Daley organization will tell you that regardless of what you think about the Mayor, you have to acknowledge his comment to a lead poisoning program and the fact that he backed up that commitment with money, money initially diverted from other federal programs along with corporate money that he raised.

When the screening and treatment program began, health officials found that 5% of the children there were lead poisoned. Now wider screening and faster treatment have resulted in less than a 2% rate of lead poisoning in Chicago.

Dr. Herbert Slutsky, an epidemologist with the Chicago Board of Health, coordinates the lead poisoning program for the city.

Dr. HERBERT SLUTSKY. (Epidemologist, Chicago Board of Health): In Chicago, since 1966, we have evidence on the basis of our screening program and for the last few years we have been screening approximately 50,000 children a year, that of 50,000 children last year in Chicago approximately 10% of those children had an elevated blood lead level.

REPORTER. What does that mean to their future?

SLUTSKY. It could, in essence, really, if not checked, could very much mean that they would have no future or their future would be such that in our society they would never be a producer, they would only be a taker. The key is to get to the child before he develops serious symptoms or symptoms of lead poisoning. Now, the Health Department reaches these children through "outreach people" and I believe in Chicago we have demonstrated the value and utilization of "outreach people" such as the community representatives who are assigned to urban progress centers, basically social action oriented centers.

REPORTER. What we see here?

SLUTSKY. What we see in this center here, the Montrose Urban Progress Center, serving primarily a Spanish speaking community.

REPORTER. Chicago's lead clinic is open twice a week and the night this report was filmed, over 125 children from the largely Spanish speaking Northwest side of Chicago either came or were brought to this Center to have blood samples taken. The doctor takes about 10 cc's of blood for the lead test. This amount of blood permits health officials to run other tests too; sickle cell in Black areas. And also they can see if present immunization levels are adequate.

Some health officials—including some in Milwaukee—are skeptical about this blood testing system. They feel that by taking this much blood they scare the children and they make it impossible to get them back for further treatment. But if there is pain, it's fleeting, and the children we observed seemed to cry more from what they expected than what they felt.

Full scale screening programs like the one in Chicago don't automatically guarantee success in preventing lead poisoning tragedies. And several weeks ago Chicago recorded its first lead poisoning death of the summer. But at least Chicago's "outreach people" out in the communities doing the screening, know their neighborhoods well enough to keep track of potential lead poisonings.

Many times it means convincing the parent that eating paint chips is harmful; that they must stop their children from doing it.

This was this "outreach workers" third visit to this transplanted Appalachian family's home. Six year old Michael had already been treated for lead poisoning once, but the mother had not brought him back for follow-up tests. What the "outreach worker" found—along with Dr. Slutsky—who doesn't normally make these visits—was a shocking example of a child who may already be beyond help.

SLUTSKY. That tastes better to me than that plaster. Do you ever suck your thumb, Mike? I was a thumb sucker, I sucked a thumb a long time.

MICHAEL'S MOTHER. I've never had a thumb sucker.

SLUTSKY. All right, now, Michael, you've been eating plaster in this bedroom. Now, will you show me Michael, where you've been eating plaster, show me on the wall where you've been eating plaster. Uh huh, that one. Any other place on that wall you've been eating plaster? What do you do when you eat the plaster? Do you pick it out of the wall? Do you? Really?

MICHAEL. I take a hammer and crack it.

SLUTSKY. You take a hammer and crack it. Where else do you pick? Do you pick any plaster up on the floor?

MICHAEL. When I crack it, I take it around.

SLUTSKY. Oh, I see, and then what do you do when you crack it? What do you do with it?

MICHAEL. I eat it.

SLUTSKY. You eat it. Do you like the taste of it? Right! What does it taste like? Does it taste sweet? Does it? Do you like to chew it? Show me in your mouth, where do you do, put it in your mouth? Huh? Where do you sleep, Michael? Right over there? When you're in bed do you ever chew any plaster, eat any plaster in bed? Really? Where? Where do you do that at, Michael?

MICHAEL. Over there.

SLUTSKY. Where? Over here? Show me where, son! Come show the doctor where. I know that's your bed, but show me where is your plaster? Where do you hide the plaster? Do you hide any plaster by you, underneath there? And then when you are in bed, what do you do, reach under there and take it out? Well, how do you get it?

MICHAEL. I keep it under there.

SLUTSKY. You keep it under there! Uh huh, o.k. How old are you Michael? Five? Four? You gonna be. When are you going to be five? In July?

REPORTER. While Chicago has a tougher, more specific ordinance dealing with lead poisoning, the problem there, as elsewhere, is enforcement. The lower courts are overloaded and housing violations don't take top priority. So, removing the lead from the home remains a monumental problem. But Chicago has begun experimenting with a procedure that sidesteps the courts, permits the building inspectors to take action immediately on landlords who don't make repairs. And, importantly, one inspector, not two from different bureaus, handle lead poisoning cases.

SLUTSKY. When we first started the expanded screening program, we were amazed, continually amazed at the fact that the overwhelming majority of parents had no knowledge as to the cause of lead poisoning. In the last five, six years, we have carried out extensive, educational program through "outreach people" the community representatives, working out of their assigned urban progress centers such as we have observed here at the Montrose Urban Progress Center today.

REPORTER. What about literally getting the lead, the lead out of those walls?

SLUTSKY. The Building Department in Chicago is an aggressive, action oriented program designed to assist landlords, motivate landlords, to bring their properties in compliance with the code, especially if investigation reveals that lead is present in a residential dwelling in excess of more than 1%. The Building Department stands prepared to assist landlords, providing them with the advice on how to get about making repairs. Urban progress centers are holding rap sessions with landlords, assisting them also, providing advice under Building Department direction and guidance and how to make the necessary repairs. And, if necessary, if the landlord, for some reason, does not make the necessary repairs, then the Building Department in the City of Chicago contracts for services with a nonprofit organization which will actually go into the apartment, make the necessary repairs and then the City of Chicago bills the landlord for the cost of the renovation for the services provided by the, by this organization.

REPORTER. Chicago has also taken the leadership in exploring what many lead poisoning experts feel is the key to understanding why many kids eat paint chips in the first place: the condition of pica. This mysterious craving for non-nutritional substances, paint and plaster being the most common. But surprisingly enough, there has been virtually no research done on pica and that makes the study underway in Chicago right now that much more significant. Here in Milwaukee, Dr. Blodgett firmly believes that pica is a major factor in lead poisoning.

REPORTER. Then if we solve pica, will we solve lead poisoning? If we found out exactly what caused pica?

BLODGETT. Well, we would go a long way toward solving it, but lead poisoning can come from a high content of lead in the water and in food, and through inhalation of fumes from factories burning lead.

REPORTER. But, what about the basic ingestion problem?

BLODGETT. The basic ingestion problem we'd solve and that's the major source.

REPORTER. Well, then, what about all these other efforts? Are they meaningless, absent of a corresponding effort to solve pica?

BLODGETT. You mean efforts to improve housing? I think not, I think that efforts to get lead away from places where children can get it is a very worthwhile thing. A lot of pica can be indulged in satisfactorily and safely as long as it does not contain harmful substances. Many paints are produced that don't contain lead and therefore are safe to use in houses.

REPORTER. How much do we really know, then, about pica?

BLODGETT. We know that it's a very common trait especially among children; that most children outgrow it, that, I guess, beyond that we don't really know very much about the psychological factors that lead to it.

REPORTER. Well, then, there are more factors than just the basic nutritional deficiencies?

BLODGETT. Yes, there are studies that show clearly that even when nutritional deficiencies have been corrected, pica may still continue.

REPORTER. Why?

BLODGETT. Perhaps because it has certain psychological satisfactions to children, just as smoking and other things with the mouth do for adults. I would think that these factors are important in the child's tendency to put things in his mouth, that he enjoys sucking on them, or chewing them, or likes the taste, and that gets some satisfaction from this.

REPORTER. The Federal Government has played a confusing game with cities like Milwaukee eager to take advantage of the recently passed Federal Lead Paint Poisoning Bill, a bill authorizing the spending of over thirty million dollars in the next two years to help local communities develop comprehensive lead poisoning programs. But as it happens, all too often, the bill was never funded; no money for 1971, and reportedly the Department of Health, Education and Welfare has asked for only two million dollars for 1972. That wouldn't stretch very far divided up between the 50 cities already applying for lead poisoning money. In anticipation of Federal funds, Dr. Krumbeigel has helped put together a comprehensive lead poisoning proposal, but he seems to have counted much too heavily on the availability of Federal money.

REPORTER. With the very unlikelihood of money, how are you going to get your program funded?

KRUMBEIGEL. Well, this is a very serious problem. Of course we could look toward the city of Milwaukee General Treasury in the hopes that the Common Council would appropriate some money—the amount—and carry out our program. However, because of the rather strapped financial condition in which the city finds itself, I'm not very optimistic about our ability to acquire the funds out of purely local taxation funds to mount what I would regard as an effective program. This leaves us then with the alternative of operating a program that would have some meaning, but would not attain the scope and tempo that I feel a real meaningful program should attain.

REPORTER. Have you tried to solicit private money as seed money? Apparently Chicago, along with several other cities, did this in conjunction with some other efforts. Have you tried that?

KRUMBEIGEL. No, we haven't tried that. We have been, of course, putting our eggs in the federal hope basket up to this point and until we find what we can get, it would seem rather futile for us to attempt to look for local money. There are many reasons for that; first of all the way we have laid out the program here it would encompass a period of five years, and I think that if one must focus on elimination of the sources of lead poisoning in the home and unless this is done, of course, the whole program becomes relatively futile viewed from a long range viewpoint.

REPORTER. Pursuing that point, what then is it going to take to perhaps get through the Common Council a much more stringent ordinance dealing with lead poisoning as a health hazard?

KRUMBEIGEL. Oh, I don't think there's a real problem there at all. I think the Common Council here would be willing to enact any type of reasonable legislation as long as they did not have to appropriate the money to carry out the program.

REPORTER. Where Dr. Krumbeigel rejects the idea of raising private funds to start a limited screening and detection program, others including Dr. Slutsky, insist it ought to be done, that it would demonstrate to the Federal Government when money is available that Milwaukee has first tapped all sources here. And most important, some children might be reached before permanent damage is done to them.

Others have suggested using Model Cities funds for lead poisoning. And certainly the machinery is here to involve community residents in a screening program. It's just unfortunate that so many known cases and suspected lead poisoning cases are outside the target area.

Other cities have seen fit to pass specific local ordinances declaring lead poisoning a major health hazard and spelling out clearly what must be done to make certain that no child is permitted to return to the same house where he got lead poisoning without repairs first being made.

But Milwaukee could fashion its own innovation too, for example, FHA could require all contractors to de-lead rehabilitated homes that are subsidized by Federal money.

Other forms of lead poisoning have also gotten considerable publicity in recent weeks, most notably lead poisoning caused by lead exhaust from cars. Now both the Surgeon General and the National Academy of Science documented lead exhausts effects on poor children who live near freeways. Other isolated cases include the toothpaste tube case reported earlier and the lead pencil poisoning in New York City.

But the overwhelming problem remains lead paint poisoning, and we don't do anything about it. If the victims were middle class kids, we must ask ourselves, would we continue to tolerate it? Our apathy about lead poisoning demonstrates too why poor people aren't too excited about the environmental movement. If environmentalists mean what they say about improving the quality of life for everyone they would protest lead poisoning the same way they protest mercury poisoning and extinction of the bald eagle. But until the time that lead poisoning becomes a major issue, these poor children will suffer the consequences and remain part of the city that might as well be: Zoned for Disease.

STUDIO DISCUSSION

REPORTER. Alderman Phillips, you're chairman of the Health-Traffic Committee and a member of the Common Council. Could the Council come up with the money for as serious a problem as this appears to be?

Alderman VEL PHILLIPS. Oh, I think we could. I, of course, you know, that the cities are in desperate need in so far as money is concerned, but I think it's a matter of where you want to put your priorities. And I think that they could come up with the money necessary. Actually, it's $350,000, which isn't a great deal of money; at least not for this kind of thing.

REPORTER. Would you be willing to take the leadership in something like this?

PHILLIPS. Oh, very definitely, very definitely. It's the more you know about it, the more you recognize that it really has reached epidemic proportions, and I think that the thing that amazes me most is that it's an entirely preventable disease and it's entirely manmade, and like many other things, it hits those sections of the community least able to deal with it; so I think that it's something that all too few people know a lot about. And there's no question in my mind that with the proper money and with education, we could lick it.

REPORTER. Professor Mangiamele, as an expert in Urban Affairs, a Professor of Urban Affairs and a City Planner, what does the city do when it's strapped in something like this? There are so many problems, so many priorities. Where does the city turn to for money? If it can't get Federal funds immediately, what else can it do?

MANGIAMELE. Of course, funds—the question of funds is a very difficult question as to where the city turns. Generally, the city will, if it doesn't have money, can't change its priorities, as was mentioned earlier, it has to turn to other sources. I think Model Cities money was mentioned at one time, and one of the problems when you earmark funds, you can't turn it, turn it back. For example, I'm not sure that I'd be for the income sharing program that's being talked about now, but if we had that kind of money from the Federal Government, without any strings attached like there is in Model Cities, we could turn to that source for money. It was mentioned that Model Cities money would be available, but these poison belts are outside of the area. If there were some money coming from the Federal Government or if there were emergency money set up, then this could be done. For instance, if we could look at this as a completely, in a medical, take a medical approach to a social problem, that you had to concentrate your efforts on it, you had to take the money from someplace else. That means a changing of priorities.

PHILLIPS. But the thing is; now for example, you said on the show that in the—really it's just so, I don't know, despicable, really when government gives all the rhetoric and passes this kind of legislation as it did on the 14th of January and then doesn't appropriate any money to fund it, you know, so what does it mean? It means absolutely nothing. But if we just dealt specifically with say Model Cities money . . . by the way we have not really filed an application. Dr. Krumbeigel says that our application for funds are ready to go, but Chicago's office has told us not to do it, because we have no money. But when you think that—and I don't know exactly how much; maybe $50,000, maybe it's $100,000, that goes into the producing of a Model Cities newspaper; can you imagine? As far as I'm concerned, that really shows where we put our priorities. Now, what good does it do to have a newspaper telling the people what they're getting or not getting in Model Cities when you could take that money and maybe save some lives with a program like the lead poisoning. I think that's an absolute, or at least a very good example of where we set our priorities.

MANGIAMELE. Well, I agree that the setting of priorities is very important in lives. If we were concerned about saving the lives of individuals in our own families, we'd put that as top priority.

PHILLIPS. Yeah, a newspaper, a Model Cities newspaper, in competition with the Black newspapers in the Model Cities area, as a matter of fact, taking things from them, when it could be going to the lead poisoning program.

MANGIAMELE. When you have things like brain damage occurring . . .

PHILLIPS. Right.

MANGIAMELE. And there's the likelihood of brain damage occurring, all our resources ought to be aimed at that . . .

PHILLIPS. Everything.

MANGIAMELE. And even housing, as much as I think that housing's a high priority, even that takes secondary priority to the actual loss or endanger, any kind of endanger to existing life.

PHILLIPS. Of course, there are other little things, like the film shows, that I think it's very important that the bureaucratic hangups, the trouble you have with getting landlords, really making them, forcing them to take care of that kind of thing, the tie-up in the courts, the whole bit; that all can be done; but more than that you need public attention, you need education and you need money, and when I see good Federal funds going towards something like a Model Cities newspaper or even this program where they're going around doing some kind of investigation as to the need for housing, you know. I can't remember that program, but there again, what do we need an agency set up to do statistics on whether or not we need better housing? We need that like we need a hole in the head.

REPORTER. It occurs to me too that there are many laws already on the books to be enforced, and we mentioned in the report and perhaps didn't clarify it enough, they've found, now, a new provision of the ordinance, Section 1127, and this might be of interest to you because it says, "whenever any nuisance, source of filth, or cause of sickness shall be found in private property, the Common Council or the Inspector of Buildings may order the owner or occupant, thereof, at his own expense, to remove this within 24 hours." So the Common Council apparently could take a more active role if other agencies wouldn't.

PHILLIPS. I fear, but, there has, first of all it says may order, but you . . . if that is so, you still have to get the actual Building

Inspection Inspectors Office or the Health Department to clamp down. You notice in your film, one of the gentlemen, I think from the Building Inspection said that the landlord had taken care of it when actually the landlord had not taken care of it. You see. So we've grown accustomed to, you know, not really following through in thinking that it's taken care of. You know, I think, and I certainly don't want to monopolize the conversation, but I guess I feel strongly about it, because it's like any other thing: like narcotics for example. That is not a new problem in the Black community, in the slum areas. This lead poisoning thing is directly a part of the ghetto life, of poor housing and all that kind of thing and until it effects, and if, only if it effected the white middle class America, would people really get excited about it.

MANGIAMELE. I would think right after this program, there should be something very specifically done in the Council, either a resolution or an ordinance passed to go all out to eliminate the . . . the lead paint poisoning, the effect it has. Because it's like a time bomb that was set in the 30's, that's now easily, very slowly giving off this toxin. And I think this ought to be done just as if you were the police force were to go out at a riot. Nobody would question where the money was coming from. The police force would be sent out. The Fire Department would be sent out when there's . . . when there's that kind of thing. This is that same kind of crisis where the city . . .

PHILLIPS. That's not a . . . that won't do any good, Joe I'm sorry . . .

MANGIAMELE. The city ought to go out and do something about this. . . .

PHILLIPS. All right, well then you need more than a resolution or anything like that, that's just paper rhetoric, the same thing that the Federal Government did . . .

MANGIAMELE. But they ought to direct somebody to . . .

PHILLIPS. You can't, that means nothing unless you've got some money, it simply means nothing . . .

REPORTER. Why doesn't, local government . . .

PHILLIPS. It simply means nothing, that's just beautiful rhetoric that we could sit here and say I'll pass, I'll introduce a resolution and this and that, but it won't mean anything.

MANGIAMELE. But where does the, where does the city get its money when the police work overtime for, because of riot situations?

PHILLIPS. Fine . . .

REPORTER. But you're saying you can get $350,000 locally.

PHILLIPS. Oh, I think that, I think if the proper educational program was put through, if people really are alerted, community people to what—how dangerous and how bad this is—then I think we could get the $350,000 in the budget, yes. Really when you think about it, as I said, a lot more money that that goes to a lot less important things, you see. Oh, I do.

MANGIAMELE. But, in other words, we can scrape it out of other things, too, and . . .

PHILLIPS. Right, we can dig it and get it, but it won't mean anything for me to introduce . . . it would pass; of course, it would pass, but the money, you have to have the money to back it up, you see. And I think I get personally weary of a lot of talk and no action, but that's all you got when you got the . . . can you imagine saying that we need 30 million to go to the cities and then the Federal Government putting nothing in 1971 and then putting . . . saying they're going to give 2 million in 1972.

REPORTER. Well thank you very much. We're going to have to interrupt at this point. We hope to see some action in the Common Council. Thank you very much, both of you, for joining us on this special program. I'm John Owen. Good night.

CLOSING MONTAGE—VOICE OVER CREDITS

Audio is as follows:

Mrs. STAPLES. Well, when I saw him, he was peeling them off with his nails, but the day that I noticed him doing this and got him away from out there, out here, he was very active that morning and that evening he took a temperature all of a sudden so that made me thought lead. We always after him about putting even his dirty hands in his mouth or open a bottle or just tasting or anything that he wants to see what it is, you know.

KAMMHOLZ. Because if a child goes back to the same environment, he is going to pick up more lead and come back worse than he was before. So we have to insure that the child is out of the problem area

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ART OF THE (ENVIRONMENTAL) POSSIBLE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. ROBISON of New York. Mr. Speaker, the recent flurry of charges and countercharges over the administration's willingness to impose statutory pollution requirements, beclouds the hard facts of President Nixon's environmental record. As is perhaps becoming more clear, pollution abatement is not a simple matter to be solved by fiat, but rather a precarious balance between the Nation's health and welfare and the ability of the public and private sectors to finance pollution abatement, and the development of an essential spirit of cooperation between all concerned citizens and those who must do the hard and expensive work of controlling environmental contaminants.

The already impressive list of the Nixon administration's achievements may have created expectations which dismiss the political and economic realities to be dealt with each time new standards are formulated or new regulatory arms are created. But things are not that simple, and a good discussion of the not-so-simple process of environmental policy appears in the following New York Times article by Gladwin Hill, which I insert for the benefit of my colleagues:

NIXON'S POLLUTION FIGHT—CONTRADICTORY TACTICS RAISE QUESTIONS, BUT A RECORD OF SUCCESS IS FOUND

(By Gladwin Hill)

LOS ANGELES.—A standard police technique for eliciting information from reticent persons under interrogation is known as the "Mutt and Jeff" tactic.

Two officers, one harsh and one concilatory, take turns in the questioning. Ultimately, through the interplay of fear and gratitude, the subject is inveigled into a degree of cooperation he initially resisted. Either by accident or design, a similar pattern has unfolded in the Nixon Administration's efforts to ameliorate industrial air and water pollution.

William D. Ruckelshaus, whom President Nixon appointed head of the Environmental Protection Agency, has willy-nilly assumed the "tough guy" role although he is personally unusually affable.

Mr. Ruckelshaus is the one who almost daily brandishes a metaphorical fist at various quarters of industry. Telling them they must shape up and promulgating stern standards for them to shape up to.

MORE THAN ONE JEFF

By contrast, various Administration luminaries take turns playing the "Jeff" role of soothing and reassuring industry and deploring what are depicted as undue pressures on it to clean up.

President Nixon himself, like the chief of detectives who pops in and out of the room to reinforce which ever phase of the interrogation seems to need it, oscillates in protean fashion between the militant and conciliatory roles.

Recurrently, as in his State of the Union speeches and various messages to Congress, he has issued ringing calls for environmental reform.

At other times, he has sought to mollify industry, by such moves as creating the National Industrial Pollution Control Council, an "advisory" panel of big business executives through which industry can tell its troubles to Government.

A vignette of the environmental Mutt and Jeff act occurred last February during a visit of pollution control council leaders to the White House. First they were sternly lectured by Mr. Ruckelshaus on the need to abate pollution, then moments later they were reassured by Mr. Nixon that nobody was going to "beat industry over the head" or make it a "scapegoat" for pollution.

The developing web of legislative and administrative moves against polluters is regularly counterpointed by conciliatory gestures. One week it will be a White House representative urging Congress to go slow on letting citizens sue polluters. The next week it will be Henrik Houthakker, a former Presidential economic adviser, saying we must be careful about the "social costs" of curbing pollution.

STANS BACKS INDUSTRY

The leading practitioner of the Jeff role is Secretary of Commerce Maurice H. Stans, who at least once a month leaps conspicuously to industry's defense.

In May he told a businessmen's convention that "business is 99.44 per cent pure"—a figure that does not quite agree with the Council of Environmental Quality's assessment of factory effluents.

In June, Mr. Stans told a chemical association that the new Clean Air Act showed "complete disregard for economic factors" and contained "unrealistic technological demands."

Last Thursday he told a petroleum industry group that the nation was moving too fast and too stringently against things like DDT, phosphates and automobile fumes.

Some environmental zealots have suggested that all this zigzagging reflects crass hypocrisy or duplicity in the Administration's purported solicitude for environmental reform.

This contention, however, has some formidable factual obstacles to hurdle. For regardless of whether it is attributable to good intentions, good luck or irresistible trends, The Nixon Administration has compiled a historic environmental record.

Bobbles like being on the losing side in the supersonic transport controversy are eclipsed by many pulses—implementation of the National Environmental Policy Act, establishment of the Council on Environmental Quality, creation of the Environmental Protection Agency, halting of the Everglades jetport and cross-Florida canal projects, suspension of the Alaska pipeline and many another item.

And, monthly, weekly, or even daily blasts by Secretary Stans against the Clean Air Act, for all the applause his words may evoke from business conventions, do not alter the terms of the act a whit.

Some politically oriented observers see Mr. Nixon as methodically trying to rack up Brownie points with both sides in pollution abatement hassle for the 1972 election.

Others, more familiar with the Mutt and Jeff tactic, see the contradictory themes in environmental reform as a textbook exercise in the politician's "art of the possible"—the reconciling of conflicting interests to obtain some forward motion.

EQUAL EMPLOYMENT OPPORTUNITIES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. DINGELL. Mr. Speaker, as an alumnus of Georgetown University Law Center I was especially pleased to note an excellent article which recently appeared in the Georgetown Law Weekly written by my good friend and distinguished colleague from Michigan, Congressman WILLIAM D. FORD. The article appeared on September 15, which incidentally, was the week during which the outstanding new law center was dedicated.

This article discussed the need for enforcement procedures for the Equal Employment Opportunity Commission and outlined the provisions of the bill, H.R. 1746, which was then pending before the House of Representatives.

Unfortunately, this body failed to adopt many of the provisions discussed in this article, and many of the problems to which Congressman FORD referred continue to exist.

I insert the text of Congressman FORD's article at this point in the CONGRESSIONAL RECORD:

REPRESENTATIVE FORD OUTLINES 1970 EEOE ACT PROVISIONS

The Equal Employment Opportunities Enforcement Act of 1971 is scheduled for action in the House of Representatives this week. The basic purpose of this legislation is to grant the Equal Employment Opportunity Commission (EEOC) authority to issue, through well established procedures, judicially enforceable cease and desist orders. The bill would also broaden the EEOC's jurisdiction to provide relief for millions of additional employees and consolidate federal equal employment tools under the Commission.

Those of us in Congress who have consistently advocated the measures contained in this bill feel that passage of this legislation at this time is vital in order for this country to fulfill its obligation to provide equal employment opportunities for all its citizens.

CHARGES INCREASE EMPLOYMENT DISCRIMINATION

The Equal Employment Opportunity Commission was established under the authority of Title VII of the Civil Rights Act of 1964. Title VII declared the right to be free from discrimination by employers, employment agencies and labor organizations and created the EEOC to oversee the enforcement of this right. Under the authority of Title VII, the Commission was not given the power to issue judicially enforceable orders but, instead, its role was limited essentially to the function of conciliation.

The EEOC became effective on July 2, 1965, and since this time has made heroic efforts to reduce discrimination in employment. However, the experience of the past six years has demonstrated that the machinery created by Congress in 1964 has been unsuccessful in ending the job discrimination which continues to pervade our system.

An examination of the statistics with respect to the progress of equal employment opportunities clearly demonstrates that the voluntary approach has failed to eliminate employment discrimination. During the first six years of its existence, the Commission received more than 81,000 charges. Of these, 57,714 were recommended for investigation. Of this number approximately 56% involved complaints of discrimination because of race, 23% because of sex and the remainder involved charges of discrimination because of national origin or religion.

The number of charges has steadily increased every year since the inception of the EEOC. In Fiscal Year 1971, charges received by the Commission numbered more than twice as many as in Fiscal Year 1968 and almost four times as many as the number received in its first Fiscal Year, 1966. The evidence is overwhelming—the incidence of employment discrimination, despite the optimistic expectations which accompanied the enactment of the Civil Rights Act of 1964, has not declined.

The need for enforcement of the rights created by Title VII cannot be disputed. There is nothing in existing law which would lead anyone to expect that the present trend of rising employment discrimination will be reversed. With the limited authority available to it, the EEOC can hardly be expected to produce any better results in the future than it has in the past. Despite its continued efforts, the past record of accomplishment of the EEOC is quite disappointing in terms of eliminating discrimination, and this lack of achievement can be traced directly to the lack of enforcement power. For instance, of the 51,714 charges recommended for investigation by the Commission during its first six years, reasonable cause was found in over 63% of the cases. Yet, because of its lack of enforcement powers, the Commission was only able to accompilsh totally or even partially successful conciliation in less than half of these cases.

LEGISLATIVE HISTORY

The Equal Employment Opportunities Act of 1971 does not represent the first attempt to provide the EEOC with enforcement powers. In fact, legislation designed to provide the Commission with "cease and desist" power has been introduced in every Congress since the enactment of the Civil Rights Act of 1964.

The most recent unsuccessful attempt to provide the Commission with enforcement powers occurred in the 91st Congress. In August 1970, we reported a "cease and desist" authority bill out of the House Education and Labor Committee, and the Senate passed a similar bill in October 1970. However, the House Rules Committee refused to clear the legislation for consideration on the floor of the House of Representatives, and the measure died at the end of the 91st Congress, despite a last minute attempt to free the bill from the Rules Committee by means of a discharge petition.

On June 2 of this year, the House Education and Labor Committee reported out the Equal Employment Opportunities Act of 1971 after defeating a series of amendments offered by Republican members of the Committee. The most comprehensive amendment, offered by Rep. John N. Erlenborn (R.-Ill.), is expected to be offered on the floor as a substitute for the Committee bill. The Erlenborn substitute would provide for court enforcement power rather than "cease and desist" power for the Commission. The substitute bill also contains provisions which would restrict the amount of back awards, make Title VII an exclusive remedy, and prohibit class actions.

ADDITIONAL PROVISIONS

Those of us in the House of Representatives who support the Equal Employment Opportunities Enforcement Act of 1971 feel that this legislation is one of the most comprehensive and vital improvements ever proposed.

In addition to strengthening the EEOC's authority, the bill would also broaden the scope of the Commission and consolidate existing federal equal employment tools.

The jurisdictional coverage of the EEOC would be broadened to include employees of State and local governments. Educational related employees—primarily teachers—would also be covered under the new provisions. There are presently approximately 10.1 million persons employed by State and local governments and 2.1 million teachers employed by public elementary and secondary schools. Under present law, these employees are exempt from the provisions of Title VII.

In consolidating other presently existing federal equal employment tools under the EEOC, the Equal Employment Opportunities Enforcement Act of 1971 would: transfer the functions and responsibilities of the Office of Federal Contract Compliance from the Department of Labor to the EEOC; make the EEOC responsible for insuring equal employment opportunities throughout the federal civil service system; and transfer the Attorney General's authority to initiate "pattern or practice" suits to the EEOC.

The transfer of the functions of the Office of Federal Contract Compliance would be particularly desirable in light of the fact that the OFCC is addressed to the same basic mission as the EEOC—the elimination of discrimination in employment. Since this is the exclusive mission of the EEOC, those of us who support the present legislation feel that the functions of the OFCC could be better performed by the EEOC and will result in the improvement of both the contract compliance program and the Title VII program.

Making the EEOC responsible for ensuring equal employment opportunities throughout the federal civil service system would also be a great improvement over the existing system. Presently, the Civil Service Commission is responsible for the Federal government's equal employment opportunity program. In essence, this means that the agency responsible for administering government hiring policies is the same agency charged with the responsibility for investigating and passing judgment on government hiring policies. It is obvious that any system which permits an agency to sit in judgment over its own practices and procedures, which themselves may raise questions of systematic discrimination, contains a built-in conflict-of-interest.

The third provision of the bill relating to the consolidation of federal equal employment measures is the section dealing with the transferal of "pattern or practice" suit authority from Civil Rights Division of the Department of Justice to the EEOC. In considering this provision, the Committee on Education and Labor determined that, due to increased responsibilities in areas such as public accommodation, public facilities, schools, housing, discrimination in federally assisted programs and voting discrimination, the Civil Rights Division has been limited in the number and the nature of suits which it has been able to file. For these reasons, the Committee has determined that the Justice Department has been unable to pursue Title VII suits with the vigor and intensity necessary to reduce the wide-spread prevalence of systematic discrimination and that the authority to initiate "pattern or practice" suits could be utilized to a greater extent if it was vested in the EEOC.

BASIC PURPOSE: ENFORCEMENT OF EXISTING LAWS

In summary, the Equal Employment Opportunities Enforcement Act of 1971 is by far the most far-reaching, comprehensive bill to be considered by Congress in the area of enforcement of equal employment opportunity laws. Yet its basic purpose is merely to provide better assurance for the enforcement of presently existing laws, rather than to create any new ones.

The rights created by this bill are procedural in nature rather than substantive. The major feature of the Equal Employment Opportunities Enforcement Act would merely empower the EEOC, after it has exhausted the procedures which are now available to it for achieving voluntary compliance, to issue complaints, hold hearings, issue cease and desist orders against illegal discriminatory employment practices, and seek enforcement orders in the Federal Courts. It should be noted that similar powers are presently exercised by most federal regulatory agencies, and that it is only logical and equitable to provide minorities and women with the same forms of protection by the EEOC that we now provide for consumers through the Federal Trade Commission, investors through the Securities and Exchange Commission, and workers through the National Labor Relations Board.

The time has come to bring an end to job discrimination once and for all, and to ensure every citizen the opportunity for the decent self-respect that accompanies a job commensurate with one's abilities. The Equal Employment Opportunities Act of 1971 can help provide the assurance that protection of the rights of millions of Americans sought by Title VII of the Civil Rights Act will be accomplished once and for all.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. FRASER. Mr. Speaker, at the recently concluded Minneapolis health hearings, testimony was received from Mr. John F. Lannon, the administrator of Divine Redeemer Memorial Hospital in South St. Paul, Minn.

The following statements indicate the important role that Catholic hospitals play in providing medical care in the United States. The objectives and philosophy for Catholic hospitals is extremely well developed in the following statements:

STATEMENT OF OBJECTIVES: THE CATHOLIC HOSPITAL ASSOCIATION

OBJECTIVE I

To provide leadership to Catholic health organizations in the promotion of Christian community and the dignity of man.

1. By identifying social and ethical concerns to which Catholic health organizations should address themselves.

2. By encouraging deliberate programs of concern and commitment in response to human needs.

3. By providing services to assist Catholic health organizations to define and respond to their communities' needs.

OBJECTIVE II

To analyze and interpret to Catholic health organizations trends and developments in the health field.

1. By identifying and establishing ongoing contact with centers of information on health problems and progress made in meeting health needs.

2. By collecting, analyzing, and interpreting pertinent data which will be of assistance to Catholic health organizations.

3. By dissemination through appropriate media the analysis and interpretation of such data:

OBJECTIVE III

To contribute to the development and provision of optimal health programs and services by Catholic health organizations.

1. By giving guidance in achieving effective corporate organization and legal structures.

2. By giving direction in the improvement of institutional organization and management.

3. By assisting in upgrading and expanding the criteria for measurement of standards of care.

4. By encouraging and promoting innovations and experiments in methods of providing programs and services.

OBJECTIVE IV

To represent and express the interests of Catholic health organizations to private and public agencies and organizations.

1. By referring appropriate matters to the United States Catholic Conference for guidance and counsel.

2. By presenting the Association's position to other health organizations and agencies.

3. By expressing the particular concerns of Catholic health organizations to religious and civil authorities.

A PHILOSOPHY FOR CATHOLIC HOSPITALS

In this seventh decade of the twentieth century it is important for Catholic hospitals to re-evaluate their objectives and functions that they may direct their resources most effectively toward the goals which are properly theirs. This statement, then, is both a standard and measure of purposes recorded in terms of the continuing health needs of modern society.

1. Catholic hospitals are an integral part of the work of the Church. They are the extension of Christ's mission of mercy.

2. Catholic hospitals recognize man's unique composition of body and soul. Their concept of total care, therefore, embraces the physical, emotional and spiritual needs of each patient.

3. The primary objective of Catholic hospitals is to maintain and restore health.

4. As Christ's love for man impelled the Church to establish hospitals, so they, in turn, must serve all men in charity, regardless of race, creed, or financial status.

5. Total care can be attained only through a formal organization which utilizes principles of management long embodied in the operation of the Church and generally accepted and refined by private institutions.

6. Hospital management has an obligation to provide those it serves with the best possible care through the best available resources.

7. The governing board, with proper medical advice, has an obligation to select for the medical staff, qualified and conscientious physicians, and to give them the coöperation and assistance necessary for the practice of good medicine. It is also important to provide an adequate and competent staff of nurses and technical personnel.

8. The continued competence of personnel at all levels and in all areas is an obligation of justice for hospitals, because they render care through people.

9. Hospital personnel deserve in justice to be treated with respect for their personal worth and dignity; therefore, Catholic hospitals should work toward a program of compensation and working conditions which reflects the spirit of social justice.

10. Donations made to a hospital and moneys received for patient care belong in justice to the hospital. They may not be diverted to other purposes.

11. Each hospital has an obligation to further education and research according to available resources.

12. Each hospital is a community facility and should actively participate in community planning for health and medical care facilities and should operate in accord with the needs of the community it serves.

This *Philosophy* was one of several resolutions passed by delegates to the 47th Annual Convention.

STATISTICS CONCERNING CATHOLIC HOSPITALS IN THE UNITED STATES, 1969

Number of hospitals	796
Short term general	632
Short term general with long term care unit	127
Short and long term special	37
Number of beds	159,608
Short term	152,296
Long term	7,312
Number of admissions	5,579,589
Number of patient days	47,620,741
Short term	44,886,885
Long term	2,733,856
Births	659,490
Average percent of occupancy	79.1
Average length of stay (days)	8.2

	Number	Percent
Distribution of bed size:		
Under 50 beds	90	11.3
50 to 99 beds	133	16.7
100 to 199 beds	242	30.4
200 to 299 beds	159	20.0
300 to 399 beds	90	11.3
400 to 499 beds	49	6.2
500 beds and over	33	4.1

Administrators in Catholic hospitals:	
Lay	150
Religious	646
Average number of personnel per bed	2.2
National average for voluntary nonprofit hospitals	2.2
Average number of personnel per bed:	
Catholic	2.2
All voluntary nonprofit	2.2
Average number of personnel per patient (based on daily census):	
Catholic	2.6
All voluntary nonprofit	2.8

THE CATHOLIC HOSPITAL ASSOCIATION,
St. Louis, Mo., November 23, 1970.

DEAR ADMINISTRATOR: The Report of the 1970 Annual Meeting of the CHA House of Delegates, sent to all CHA members early in July, 1970, included the *Statement on Respect for Life* which has been approved by both the CHA Board of Trustees and the House of Delegates. The *Statement* was also published in the June 10 *CHA Convention Daily* and in the August issue of HOSPITAL PROGRESS. A copy of the *Statement* is attached. I am bringing the *Statement* to your attention again for four reasons:

First, the relatively large number of questions we are receiving from member institutions concerning abortion and the CHA position on this issue indicate that the *Statement* may have been overlooked by or not brought to the attention of individuals in leadership positions in member institutions. We hope that this re-distribution of the *Statement* will resolve many of these questions.

Second, we recommend that, in accordance with a suggestion in the *Statement*, each institution review and discuss the *Statement*, if it has not already done so. Each hospital board could climax this analysis by officially re-affirming the institution's commitment to give witness to the dignity of human life and its refusal to cooperate in the termination of innocent life. Once the institution's board has officially made and publicized it to all its publics, including the medical staff, we urge the institution to establish inservice education programs for all hospital personnel to explain its philosophy regarding respect for life. Many member institutions have already taken or are about to take the steps outlined above. We urge all member institutions to do likewise.

Third, we urge all members to cooperate with local, state, and regional groups that are promoting respect for life.

Fourth, the National Conference of Catholic Bishops issued a *Declaration on Abortion* at their meeting in Washington, DC, November 18. The Bishops' *Declaration*, which reaffirms their stand against abortion, has been publicized by the daily news media and will be published in full in the December issue of HOSPITAL PROGRESS. The strongly worded *Declaration* has drawn well-deserved attention and merits the support of CHA member institutions.

If you have any questions or suggestions concerning the above comments or the attached *Statement*, I would like very much to hear from you.

Sincerely yours,
SISTER MARY MAURITA, RSM,
Executive Director.

RESOLUTION OF THE CATHOLIC HOSPITAL ASSOCIATION, APPROVED BY THE BOARD OF TRUSTEES, CINCINNATI, OHIO, JUNE 8, 1970

Whereas the Board of Trustees of The Catholic Hospital Association has adopted this day a Statement of Respect for Life, therefore,

Be it resolved, That the House of Delegates at its 55th Annual Convention recommits its membership to give witness to the dignity of human life. We are conscious that our membership faces grave problems in states where abortion is permitted. As an Association we will support and assist membership in protecting their right to refuse to cooperate in the termination of innocent life.

STATEMENT ON RESPECT FOR LIFE: THE CATHOLIC HOSPITAL ASSOCIATION

INTRODUCTION

The Catholic Hospital Association, with headquarters in St. Louis, Missouri, is a nonprofit, national organization of nearly 900 Catholic sponsored hospitals, nursing homes, and related health care facilities located throughout the United States. Membership is voluntary.

We believe in God. We believe that He created man. We believe that man has an immortal soul and an eternal destiny both here on earth and beyond his life on earth. We believe that man transmits life. He does not create it. Our moral precepts with respect to abortion are founded on the Commandment: "Thou shall not kill."

As an Association we have continually attempted to fulfill our responsibility to promote the dignity and worth of life, and to protect the right to life. Our individual and group efforts in the health care apostolate reflect this responsibility and concern for the person.

ABORTION AND THE RIGHT TO LIFE

The Catholic Hospital Association is greatly concerned with the growing general acceptance of abortion and the many attempts and successes of removing all prohibition of abortion from our legal system. The acceptance of abortion as a convenient way for a woman to terminate the life of her child has enormous implications. "The destruction of any human life is not a private matter but is the concern of every responsible citizen."[1] This belief, as stated by the Second Vatican Council, reads: "For God, the Lord of Life, has conferred on men the surpassing ministry of safeguarding life—a ministry which must be fulfilled in a manner which is worthy of man. Therefore from the moment of conception life must be guarded with the greatest care. . . ."[2]

The root issue upon which we take our stand against abortion is the existence of a defenseless human life. Its inviolability must be respected among civilized people. Abortion to prevent the birth of an unwanted child may seem to be humanitarian in particular situations, but it undermines the right to life. Historically, abandonment of reverence for human life in any form has resulted in the usurpation of authority over life with dire consequences for the human race. In this regard, the Second Vatican Council states: "Everyone should be persuaded that human life and the task of transmitting it are not realities bound up in this world alone. Hence, they cannot be measured or perceived only in terms of it, but always have a bearing on the eternal destiny of men."[3]

The God-given gifts to man of life itself and the transmission of life carry with them the moral obligation of reverence for human life, and a responsibility to protect the right to life, particularly the right to defenseless life.

All human life should be accorded a special protection under the law before, as well as after birth.

Therefore, in a spirit of ecumenical social involvement with those who share these convictions, with solicitude for the welfare of all mankind, and urged by the charity of Christ, the Catholic Hospital Association takes and will defend its stand on the right to life from the earliest stages of its development.

PROFESSIONAL UNIT CITES SPOKANITE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. FOLEY. Mr. Speaker, I bring to the attention of this House, an article entitled, "Professional Unit Cites Spokanite," outlining the distinguished community service of Dr. Delbert F. Small, an eminent anesthesiologist, from Spokane.

Dr. Small's efforts in teaching and demonstrating mouth-to-mouth resuscitation and external heart massage is a credit to the medical profession and the inland empire community as well as to himself.

The article which follows appeared in the Spokane Chronicle of September 15, 1971:

PROFESSIONAL UNIT CITES SPOKANITE

Dr. Delbert F. Small, Spokane anesthesiologist, will receive the fourth Distinguished Service Award ever given by the Washington State Society of Anesthesiologists.

The award, a certificate and life membership in the Society, will be made Saturday night during the annual meeting of the Society in Ocean Shores.

The award is given partly in recognition of Dr. Small's extensive work in teaching and demonstrating mouth-to-mouth resuscitation and external heart massage, Dr. Richard L. Pokorny, Spokane anesthesiologist who submitted the nomination, said.

Dr. Small has given more than 250 demonstrations to service clubs, parent-teacher organizations, and professional groups.

He helped set up a teaching program with School District 81 that now is operated by district teachers.

Dr. Small, who began practicing medicine in Spokane in 1948, does the demonstration on a mouth-to-mouth resuscitation film made five years ago and distributed by the Spokane County Medical Society. The film has had such demand that three copies have been worn out and a fourth has been ordered.

Dr. Small was featured in a picture page demonstration of the first aid technique published by The Chronicle June 16, 1967, and reprinted several times for distribution.

Dr. Small holds a medical degree from the University of Kansas School of Medicine. He was made an honorary member of the Inland Empire Academy of General Practice in 1961, and is an honorary member of the North Spokane Rotary Club. Serving his second term on the board of trustees of the Spokane County Medical Society, he is former vice president of the State Society of Anesthesiologists.

THE DURFEE THEATER AND EDWARD LIDER

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, the many residents of Fall River and its environs who through the years have enjoyed the often spectacular and frequently moving entertainment programs presented at the Durfee Theater in Fall River have noted with some nostalgia the announcement that the Durfee Theater is closing its doors.

This announcement was made known recently in a very poignant column in the Fall River Herald. As the final curtain falls and ends one memorable chapter in the history of Fall River theatrical and cultural life, thanks to Mr. Edward Lider, whose direction in recent years has made the Durfee Theater equal to its reputation, another chapter begins. Mr. Lider has announced that he is opening up twin theaters, both located in the downtown district of Fall River, which will carry on the traditions of the Durfee Theater.

In speaking of the cultural life of Fall River, and of the Durfee Theater, and itse counterparts, it would be difficult not to focus upon the name and work of Edward Lider. He has for quite some time been a highly active and widely respected community and civic leader, and an enormous debt of appreciation is owed him for his many civic contributions to the well-being of Fall River and the general community. A native of New Bedford, and a graduate of Dartmouth College, and Harvard College, Mr. Lider has been associated with the Fall River Theater Corp. for 21 years, operating theaters in Fall River, Westport, Dartmouth, Somerset, Seekonk, Fairhaven, and in New Hampshire as well, all of which have benefited through his active involvement in social and community affairs, suggested by his direction of the Yamian's Family Foundation, a charitable foundation. Mr. Lider has been most active in the Belmont Country Club, and, an avid sports enthusiast, he enjoys tennis and golf, when time is available from his civic preoccupations. He is a member of the board of governors of the Theater Owners of New England, and president of the Head Agents Alumni Fund of Dartmouth. He also serves on the president's council of Brandeis University.

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[1] Statement on Abortion, National Conference of Catholic Bishops, April 22, 1970.

[2] Vatican II Pastoral Constitution—The Church in the Modern World 51 p. 255.

[3] Vatican II Pastoral Constitution—The Church in the Modern World 51 p. 256.

The many fine and worthwhile endeavors which he has encouraged and in which he has participated reflect the greatest of credit upon him.

The article from the Fall River Herald follows:

THE DURFEE THEATER AND EDWARD LIDER

It began 42 years ago with the Marx Brothers comedy, "The Coconuts." And Tuesday night, the long association of Nathan Yamins Enterprises Inc. with the Durfee Theatre, ends.

Edward Lider made the announcement today. He said the lease will not be renewed. It's a matter of economics and a trend that has produced the closing of many of the country's big movie palaces.

The building is owned by the William Durfee estate. Mayor Mitchell said heirs had talked to him about the city's acquisition of the property for use as a municipal auditorium.

This was the latest overture. Before that, said the mayor, the discussion centered on use of the Durfee Theatre site and its subdivision within the block, as the location for the new city hall.

"That would have involved purchase and relocation of tenants," the mayor said, "and we dropped it."

Mrs. William Thurber of Barrington, spokesman for the estate, said efforts will be made to rent the theatre. She said she regrets Lider's decision not to renew the lease, in view of the long association that Nathan Yamins Enterprises Inc. had with the Durfee family.

A new heating and air conditioning system is needed at the Durfee, along with extensive renovations.

Lider said that from his standpoint, it would not be a practical investment. "In the first place," he explained, "we were only tenants. And we have to be realistic, too. The day of the big movie house is over. The Majestic and Loew's State have closed in Providence. It's the same almost everywhere. The trend is to build and operate smaller auditoriums—the cinema concept."

He has expansion plans for the Center Cinema, wholly owned by the Yamins chain. He said he hopes to develop it into a four cinema complex. Linder said the project would be timed for incorporation in the central business district redevelopment program.

John J. McAvoy and Miss Maureen Harrington, who have run the Durfee Theatre operation for Lider, will go to the Center, both with higher executive responsibilities.

Lider said McAvoy will be a vice president in the corporate structure, in charge of promotion and public and community relations.

Center Cinema facilities will be available for community agency use, just as the Durfee Theatre.

The Durfee, in addition to being a movie house, was also used for school graduations and other civic programs.

The Durfee opened with a gala premiere of "The Coconuts" on Aug. 31, 1929. At that time it was considered the showpiece of New England movie houses, with 2,300 seats, making it one of the largest in the region.

Its grand foyer was designed in a Moorish motif, reproducing in detail part of the Alhambra Palace in Spain.

In addition to the Marx Brothers movie, opening night also had a stage show, a military review by Shayne's Cadets.

One of the highlights of a Durfee movie program was the organ concert preceding it.

In 1963, Lider inaugurated a live show policy, too, bringing touring companies of Broadway shows to Fall River, along with concert attractions.

Overall, 36 of these shows were presented. The first was "The Sound of Music," and the last production, offered last spring, was "1776."

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. FRASER. Mr. Speaker, Mr. Doug Shaw, representing the Blue Cross/Blue Shield organization discussed the drawbacks of only adding more money to the health system without a commitment to improve services and redistribute them. He testified at the hearings I recently held in Minneapolis. He maintains that the programs under the Department of Health, Education, and Welfare are uncoordinated and the result is a duplication of services focusing on different age groups.

As a means to improve the system, Blue Cross is engaged in an experimental project which contracts out health care to different facilities, a hospital or a clinic, for example. This experimental program may have important results and should be carefully watched as movements are made to reform our health care system.

Mr. Douglas M. Person and his wife were able to attend the hearings in Minneapolis and provided the following letter setting forth their views in some detail. Since Mr. Person's letter bears directly on a concern of Mr. Shaw's, I am enclosing it at this point. I commend the very articulate statement of Mr. Person to all of my colleagues:

ST. PAUL, MINN.,
March 1, 1971.

Hon. DONALD M. FRASER,
United States House of Representatives,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN FRASER: My wife and I were privileged to sit in the audience at your health hearings at the Minneapolis Public Library on February 26 and 27, 1971.

You are to be commended for arranging such a session for persons to air their concerns about the health system in the United States. There is an ever-increasing need for meaningful dialogue between citizens and their elected officials.

As a professional health researcher I am deeply concerned about health of all citizens. There is a strong need to maintain a degree of pluralism in the health system combining the best of both the public and private sectors. In addition, the Health Maintenance Strategy holds considerable promise for effecting long-needed changes in the health system.

I know only too well the enormous tax burden middle income persons bear. I can not urge you strongly enough to seek to develop a health care delivery system which places major emphasis on top quality health care at the *lowest* possible cost. I think that HMO's are surely a significant step in that direction.

The Blue Cross and Blue Shield organizations have demonstrated administrative expertise and I would encourage you and other Congressmen and Senators to include them in the administration of any national health plans which are enacted.

I would encourage you to consider the publication of the testimony provided at your health hearings. I think many persons could benefit from reading, at their leisure, the various points of view presented. If you do have the proceedings published, I would very much appreciate a copy.

Best wishes to you in your efforts to restructure the health system and in your many other activities in the United States House of Representatives.

Sincerely yours,
DOUGLAS M. PERSON.

A MESSAGE WORTH PROCLAIMING

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. HARVEY. Mr. Speaker, it is a great pleasure to bring to the attention of my colleagues an exceptional address by the Reverend Harold W. Kaser, pastor of the First Presbyterian Church, Saginaw, Mich. I do so primarily because I feel it is a special message from one who serves in an exalted position and it carries meaning to those of us who also serve. I would also mention that it was Reverend Kaser's first sermon at First Presbyterian Church, which has been my home parish for over 20 years. It was my privilege at one time to serve as a church trustee there.

Based on his first sermon, I would judge that First Presbyterian Church is in excellent hands as it meets the challenging future. Reverend Kaser, who first accepted the call to First Presbyterian last May, was ordained July 6, 1944, and served three Presbyterian churches in Pennsylvania before a 16-year stop at Coshocton, Ohio, Presbyterian Church. A native of Ohio, Reverend Kaser is a graduate of Muskingum College, New Concord, Ohio, and was graduated from Princeton Theological Seminary, Princeton, N.J. He and his wife Winogene have four children, three of whom are married and one in college.

Reverend Kaser's sermon, entitled "Proclaiming the Testimony of God," follows:

"PROCLAIMING THE TESTIMONY OF GOD"
I CORINTHIANS 2:1–5

Ever since Sunday, May 23, when I walked into this sanctuary to accept the call to be your pastor (and almost fell down the steps as I entered), I have been wondering what I would say to you on this first Sunday in the pulpit. When one is called to be the pastor of some 2,000 people, he ought to tremble. I tremble, not because God is too small, not because the Christian faith is of no significance. but I tremble because of the frailty of this human vessel.

When it comes to being human, the pastor is no exception to the rule. He often finds his bread very soggy, and his stairs very steep. And I want you to know from the beginning that at least this pastor's feet are made of clay.

When I ascended the steps to this platform this morning I reminded myself that this pulpit was once dedicated to the preaching of Good News—the Good News about God and Man. I assure you it shall remain that way as long as I am here. I also reminded myself that this pulpit has been hallowed by consecrated men of the ministry who have stood here long before my time. When I think of all that this church means to you and your families, and all that the Holy Spirit has done here, I can only say with the Apostle Paul, "Who is sufficient for this?"

And yet, in the providence of God, it is now my time to stand here and to preach the gospel. I do not expect to preach it in clever words of human wisdom, but I earnestly pray that I may preach it with sincerity and conviction. So I say, such as I have I give to you.

I cannot begin my ministry here without paying tribute to my predecessors who have laid the foundation upon which we may now build. My prayer is, not that today, or even in a year, I will be able to accomplish all they did, but as the years go by, you will give me a place in your heart also.

I have never felt it proper to preach a sermon without a text. My text this morning is from Paul's letter to the church in Corinth, where he reminded them of the purpose of his coming to them. These are his words:

"When I came to you, brethern, I did not come proclaiming to you the testimony of God in lofty words of wisdom. But I decided to know nothing among you except Jesus Christ and him crucified." (I corinthians 2:1–2)

Paul had a way of getting straight to the heart of the gospel. The testimony of God is that Jesus Christ was crucified for our sins, and that he rose again for our salvation. This is the good news that we are asked to receive. It is not necessary that it be preached in lofty words of human wisdom, but that we speak it and live it from a convinced mind and a committed heart.

There are three things about this text I wish to discuss, and in discussing them give you some idea of my hopes and plans as we work together in this church.

First, let me say something about the message, "For I decided to know nothing among you except Jesus Christ and him crucified." For 2,000 years the church has given to the world the message and the life of Jesus Christ, who has been described as "the fairest among ten thousand, the bright and morning star." The message began in the midst of unusual circumstances, for when Jesus came there was no fanfare of trumpets, no waving of flags, no big parade, and then someone announcing, "enter the king." When Jesus began his ministry he announced it in these words:

"To preach good news to the poor . . . to heal the broken hearted, to preach deliverance to the captives, and recovery of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord." (Luke 4:18–19)

The world of that time was not used to that kind of message. It knew the tramping feet of the Roman legions, the power of the ancient Caesars, the cruelty of Herod the Great, and the prestige of ancient Tyre and Sidon. Yet, after almost 2,000 years, the Roman legions are now buried in the dust, Caesar and Herod are remembered only in history, Tyre and Sidon are places where fishermen dry their nets.

On the other hand, the good news about Jesus Christ continues to thrill us so that our heart leaps up and our feet want to march for God. It is true, as Jesus said, "And I, if I be lifted up from the earth, will draw all men to myself." So it is that this Jesus Christ comes to us in our time. Peter Marshall used to say that he comes "like a tap on the shoulder, or like a tug on the coat sleeve." Indeed, our hearts are restless until they rest in him.

There is a significant passage in Luke, Chapter 3, which reads:

"In the fifteenth year of the reign of Tiberius Caesar, Pontius Pilate being governor of Judea and Herod being Tetrarch of Galilee . . . Annan and Caiaphas being the high priests, the word of God came unto John . . . in the wilderness . . . and he went out preaching repentance and faith."

I want to update that passage to read as follows:

"In the third year of Richard Nixon's presidency, when Milliken was governor of Michigan, and Chou-En-Lai was premier of China, at the time of the wage and price freeze, when the legislature was considering a change in the tax structure for the support of public education, and while we were making an agreement regarding Berlin, the word of God came to a congregation of people in Saginaw, Michigan, and they went out preaching repentance and faith."

Such is the gospel which comes to us in this time and in this place. Now, as far as my preaching this gospel is concerned, I have never felt it my privilege to preach anything from the pulpit which I did not first of all believe myself. Nothing I say will be said simply because I have an axe to grind. I shall never ask anyone to do anything which I am not willing to do myself. If, what I say from this pulpit seems costly at times, it is because our Lord himself paid a considerable price. Salvation is free, but it is never cheap. So, I say again, in the words of Paul, "I come, having decided to know nothing except Jesus Christ, and him crucified."

Second, Paul not only had a message, he also had a method. "I was with you in fear and much trembling and my speech and preaching was not with enticing words of human wisdom." If Paul had to say that, what else is there for me to say? Paul, who reasoned with the philosophers on Mar's Hill; Paul, who stood before King Agrippa and accused him of sin and asked him to repent; Paul, who was the great missionary of all times; Paul, who could write, "now abideth faith, hope and love, but the greatest of these is love."

That Paul reminded the Corinthians that his preaching was not human wisdom. I remind you that my preaching will not win oratical contests, nor will it contain the wisdom of all the ages; I hope, however, it will not be dull and plodding. I can only ask that you allow me to interpret the Word of God as the Spirit reveals it to me.

I shall never ask or expect that you agree with everything I say. I am not "Sir Oracle, and all other dogs must keep silent." I do ask that you share with me in the privilege of baptizing and instructing your children and young people, of counselling those who are seeking a Christian solution to their problems, and of bringing comfort to those who mourn.

I want you to know that I seek God's guidance and strength for my work. Gladstone once said, "It is the business of every statesman to find out which way God is moving for the next fifty years, and then seek to follow him." I shall always try to find out which way God is wanting to move in this community, and then endeavor to guide this church in that direction. And because no one can do everything himself, I shall always welcome the help and support of every person in this congregation. Everyone here has a contribution to make and each contribution will be important. Nor is it my policy to cater to special groups of people. The ground is level at the foot of the cross. And I shall consider everyone of equal importance.

Finally, let me say something about the people. Paul said that all of what he did was done to the end that the people's faith would not stand in the wisdom of men, but in the power of God. That is the only way a strong church can be built. I have not the least desire to build a church around myself. That would only invite failure. I have every intention to do all I can to help you build your faith in the power of God. "He is our refuge and strength, a very present help in time of trouble."

In conclusion, I want you to know that I consider it an opportunity and a privilege to be your pastor. I thank you for the opportunity and assure you that I shall not abuse the privilege. I appreciate the warmth with which you have received us, the eagerness you have shown already in wanting to be the church of Jesus Christ, and I pray God's blessings upon all of us in our labors of love.

Praise be to God. Amen.

PARLIAMENT AND LIBERTY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. McCLORY. Mr. Speaker, during the recent Interparliamentary Union Conference in Paris, France, which I had the opportunity to attend as a member of the United States delegation, a thought-provoking and meaningful editorial appeared on page 1 of the French newspaper, Le Monde. The article is entitled "Parliaments and Liberty" and calls appropriate attention to the distinction between the parliamentary bodies in our western free world societies and those which are elected in the communist oriented nations as well as in some of the underdeveloped countries.

In addition, the editorial notes the significance of the IPU and the opportunities for useful communication which this organization provides. I am pleased to attach a translation of the article from the September 4, 1971 issue of Le Monde:

PARLIAMENTS AND LIBERTY

Is it really the rule of Parliaments in the world today to "defend liberty", to "react to the excesses of technocracy', and to function as "a bulwark against the inevitable tendency of the Executive power to yield to the convenience of uncontrolled authority," as Mr. Pompidou said in Versailles on Thursday before the fifty-ninth conference of the Inter-Parliamentary Union? One can only applaud these purposes, but it is very necessary to note that actually the facts differ greatly from these nobel ambitions and that the only thing that the seven hundred parliamentarians, who met in Paris for the purposes of this conference, have in common is that they are the guests of the French Government.

How, indeed, can we compare the role of a parliamentarian in France and in Ethiopia, in Belgium and in Spain, in the USSR and in Israel, in the United States and in Kuwait, in Denmark and in the Philippines—all States that are full members with the Inter-Parliamentary Union very few of whom can pass for models of democracy? Quite recently Morocco, which can hardly aspire to this title, was admitted to membership in the organization, while President Thieu's veto at the departure of certain Opposition parliamentarians for Paris once again attracted attention to the election manipulations in South Vietnam. It is further necessary, to note that most of the sessions of the Union begin by discussions on subjects far removed from this contribution to the "development of democratic institutions" that was stated first and foremost in the statutes of this organization.

The multiplication of these "anomalies", precisely, has led to those running the Union to tone down the point that is far too greatly contradicted by the facts. The draft presented at this session reforming the statutes calls for elimination from Article One of the word "democratic" and its replacement by "representative" institutions. The fact that one of the delegations that opposed this charge is that of . . . South Korea proves, if need be, that everything is relative as regards democracy. As, moreover, no one up to the best informed has suggested a better recipe for setting up "representative" institutions than free elections, one does not see where change that has been contributed will diminish the fundamental hypocrisy on which the entire edifice rests.

It is true that the countries in which a genuine parliamentary democracy functions are no more than an island in the developed area of the planet. The problems of the Third World, experience has shown, certainly have not found all their solutions in authoritarian regimes, nor has democracy á la Western succeeded.

Would it be necessary then to eliminate from the Union, by a rigorous definition of the role of the parliaments, all the countries with a doubtful regime, and to accentuate even more the gap between industrialized nations and underdeveloped countries? The organization permits useful contacts among parliamentarians of all continents. Without displaying undue optimism, one cannot refuse to admit that these exchanges may encourage some of them to show themselves more active in their own country and to favor there, were it only indirectly, the respect for or the development of liberties.

Finally, these sessions generaly afford an opportunity, if not for resolving the world problems—the U.N. itself cannot do much there—at least for enlightening the parliamentarians on aspects that generally escape them in the always limited and often passionate setting of local assemblies. Thereby, these debates are not entirely useless to the mission of "peace and cooperation among the peoples" that also the Inter-Parliamentary Union has assigned to itself.—Translated by Elizabeth Price.

PUTTING THE FOX IN CHARGE OF THE CHICKEN COOP

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. ROSENTHAL. Mr. Speaker, at a time when millions of consumers are in desperate need of better representation at the Federal level, President Nixon has moved in the opposite direction and established an 80-member businessman's "Council for Consumer Affairs."

The Council will not only allow businessmen to gain firsthand information on consumer policies and activities which would be advantageous to the business interest, but the creation of the Council is an obvious misallocation of priorities in the utilization of valuable administrative energy.

If President Nixon was truly alined with the consumer interest, the administrative energy would have been channeled toward consumer representation, not business representation.

My bill to create a strong independent Consumer Protection Agency, H.R. 14, and similar measures are opposed by the President. He apparently would rather have consumer opponents determine consumer needs, than permit consumers themselves to have any meaningful representation. The President's approach is something akin to putting the fox in charge of the chicken coop.

I am inserting in the RECORD at this point, an article from Consumer Federation of America News, which appeared in Co-op Consumer recently:

CONSUMER FEDERATION BLASTS NIXON'S NEW "BUSINESS COUNCIL"

The Consumer Federation of America has taken a strong position in opposition to President Nixon's recently established 80-member businessmen's "Council for Consumer Affairs."

This action—by executive order—must be challenged. In doing so, it is time to seriously and publicly question the President's promise and blueprint for "bringing us together."

In setting up the "National Business Council for Consumer Affairs," the President has elevated the status and influence of business on government far beyond the present pinnacle already enjoyed by this top-level vested interest.

Although we often suspect business and industry control government, we are certainly not alone is charging that business is the dominate power in government decision-making, whether it be in the U.S. Food & Drug Administration, the Federal Trade Commission, the U.S. Agriculture Department, or any of the other numerous regulatory agencies whose job is to enforce and regulate in the public interest.

Congressional investigations reveal that business and industry already dominate the federal system of advisory groups involving 1800 committees, 20,000 members, 4400 staff people at an annual minimum $75-million cost to the taxpayers.

Not only do business representatives run committees and advise ranking federal officials, industry attorneys line up like fleets of Cadillacs to lobby Congress to defeat or dilute beyond meaning all consumer protection legislation. They appear daily in opposition to effective government regulation and enforcement. And business already has its own chief protection agent at the right hand of President Nixon in the person (with full U.S. department and budget) of Commerce Secretary Maurice Stans.

Do consumers have a champion in the federal establishment? Does anyone in government speak for the consuming public? No, but we do have legislation in the hopper to provide us with a strong consumer advocate. We need the independent consumer protection agency now!

Back to the President's newest council.

President Nixon seems to be saying business should get an even better deal. The biggest businesses of all will advise him on federal, state and local consumer issues. As we see it, in order to advise, they will have an unprecedented inside track on information, policies, and actions which can be turned to their own self-interest.

Actually, the President's new strategy to assure "equity in the marketplace", as he puts it, is as consistent and insensitive to consumer needs as his opposition to our legislative priorities. He does not want an independent consumer protection agency, for example, with a consumer advocate representing the public in government operations. President Nixon opposes establishment of an independent product safety commission to assure that safe goods are on the marketplace. In both instances, President Nixon says in effect that if Congress insists on setting up these new functions, they should not have independent status. He proposes burying them is existing agencies that have either failed or been unable to do an effective job for consumers.

The President opposes federal auto insurance reform. He says, "let the states do it if it must be done." He's fighting us on setting up a better health care system. He opposes consumer class action without a Justice Department "trigger." The list mounts.

It is impossible to understand the President's action. Is he simply blind to the public's interest? Is he attempting to inject so much more business influence in the federal governemnt that consumers will be stripped of even present inadequate defenses? Is he really setting up an impenetrable lobby to kill consumer protection legislation in Congress?

If this Council fulfills the functions set out by the President, every time CFA appears before a congressional committee or government agency to represent you, business will appear to present an alternative proposal—more, it will say, in the public interest.

It is imperative that this cavalier treatment of consumers be repudiated decisively. One way is to insist that an independent consumer protection agency be established.

ELECTION FOR SOUTH VIETNAM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. MIKVA. Mr. Speaker, there had been an election scheduled for this Sunday in South Vietnam. However, for all practical purposes, that election has been called off because there is but one candidate for the presidency, the incumbent. The best description for this forthcoming nonevent would be to to call it a "nonelection."

The incumbent has eliminated his two potential opponents, but has agreed to resign if he does not get 50 percent of the vote only after severe pressure from the United States and his own legislature. That concession is just a facade, as one of the eliminated opponents, Gen. Duong Van Minh, pointed out:

> President Thieu has written the electoral law. Now he will organize the election. He prints the voting cards and the ballots. He has the keys to the ballot boxes. He will count the votes. He will draw up the returns. He will proclaim the results. He can decide beforehand how many per cent of the votes he wishes to have, and he can rectify the figures to match 50 per cent or any other percentages he wishes to have. That is a joke, a very big joke.

The U.S. Government has taken a rather curious position throughout all of this. We have always proclaimed our concern that the people should have the opportunity to determine who will govern them. That opportunity has been sabotaged—not by the Vietcong—but by the President of South Vietnam.

In the face of this impending political hoax, the administration has heroically defended its attitude of "neutrality" in the election. Unfortunately, "neutrality" in this case has amounted to a tacit approval of the corruption and the heavy-handed rule of the Thieu government in Saigon. South Vietnam somehow has strayed far from the principles of democracy that the American presence there was supposed to guarantee.

At the very least, this country should force the government in South Vietnam to postpone the election. The National Assembly in Saigon already has recommended that, even though President Thieu has said he is determined to hold the "election." The nonelection episode is but another piece of evidence that this country's involvement in Southeast Asia has been a failure, a very disastrous failure. The United States should admit that and set a date for withdrawal so that this dismal chapter in American history might be ended without more lives being lost.

There should be no doubt by now that the great majority of people in this country favor a speedy withdrawal. Any number of national polls have indicated so, not to mention the volume of antiwar mail that my colleagues and I receive each day.

A Chicago group, called Business Executives Move for Vietnam Peace, now has added to the weight of that evidence. For its survey, the organization picked precincts that had voted for the President and the incumbent Congressmen in the last election. The results of the survey indicate a change in voter attitude—in favor of ending the war this year.

I think that the Members of Congress might find the results of the poll interesting, and I am submitting those results with a letter of explanation from the project director of Business Executives Move for Peace in Vietnam.

The articles follow:

BEM—BUSINESS EXECUTIVE MOVE FOR VIETNAM PEACE

DEAR CONGRESSMAN: We are writing to report to you the results of a BEM-sponsored survey just completed in supposedly hawkish precincts in the Chicago metropolitan area on voter attitudes toward a firm 1971 troop withdrawal date in Vietnam. The survey shows that 72.7% of voters *in precincts President Nixon carried in 1968* will vote against the President and their congressman unless those officials move to withdraw "all U.S. military personnel . . . out of Vietnam, Laos and Cambodia by December 31, 1971."

BEM canvassers worked in districts represented by congressmen who voted against the Nedzi-Whalen Amendment. The canvassing method was to work house to house in precincts selected because they voted for the President and the incumbent congressman at the last elections. All canvassers were volunteers; also all are residents of the districts they worked. No professional politians of either party took part.

The canvassing took place during July and August. A total of 3804 voters in six congressional districts marked ballots, with 2765 (72.7%) marking for the Dec. 31st deadline and 1039 (27.3%) voting approval of the President's current policy.

Following are the district results:

District No.	Congressman	Incumbent's percentage				
		Districtwide vote, 1970	1970 vote in percents worked for survey	BEM survey 1971	Survey percent against Congressman	Size of sample
5	John Kluczynski (Democrat)	68.8	62.3	17.4	82.6	1,143
	(Nixon vote in 1968) (statewide)	51.6	52.5	17.4	82.6	1,143
10	Harold Collier (Republican)	62.2	68.0	35.7	64.3	160
12	Robert McClory (Republican)	62.1	66.8	33.5	66.5	562
13	Philip Crane (Republican)	58.0	51.8	26.9	73.1	936
14	John M. Erlenborn (Republican)	65.5	70.5	37.3	62.7	268
15	Mrs. Charlotte Reid (Republican)	68.9	77.0	28.8	71.2	285

5TH DISTRICT

Basically a Chicago district, the 5th stretches out the southwest side south of the Sanitary & Ship Canal to bedroom-factory suburbs like Stickney and Justice. The district includes the old Stock Yards, Midway Airport and Mayor Daley's home. Our workers canvassed in eight precincts, one in the 14th Ward (a Democratic stronghold), two in the 15th (Gage Park), four in the 23rd (Garfield Ridge), and one in the town of Burbank. Both President Nixon (in 1968) and Rep. Kluczynski (in 1970) carried all eight precincts; there was also a substantial vote for Gov. Wallace in these precincts. Those sampled in the 25th precinct of the 15th Ward, three blocks from Congressman Kluczynski's home, voted 156–12 for the Nedzi-Whalen date.

10TH DISTRICT

West Cook County suburbs. It ranges geographically from Des Plaines and Park Ridge on the north to LaGrange Park at the southern border. Our workers canvassed in Oak Park (three precincts), River Forest (one), Park Ridge (one), Maywood (two), Brookfield (one), Bellwood (one) and LaGrange Park (one). All 10 precincts were carried both by President Nixon and Rep. Collier. Proviso Township, Pct 23 (LaGrange Park), closest to Rep. Collier's home, showed a 55–50 majority for Nedzi-Whalen.

12TH DISTRICT

Lake and McHenry counties, and two northwest Cook county townships. It includes suburbs, exurban towns, and farms. Our six precincts are split between Lake County (Lake Forest, Libertyville, and Deerfield) and McHenry County (two in Crystal Lake and one, partly rural, in McHenry). All six precincts were carried both by President Nixon and Rep. McClory. Shields Township, Pct 9, in Lake Forest, closest to Rep. McClory's home, showed a 140–32 majority for Nedzi-Whalen.

13TH DISTRICT

North Cook County suburbs, from the Lake west to Schaumberg. Our workers canvassed in 15 precincts: Wheeling (One), Northfield (one), Elk Grove Village (one), Glenview (one), Evanston (four), Morton Grove (two), Lincolnwood (one), and Skokie (one; and three in "Evanston P.O." precincts); 12 of the 15 were carried by Rep. Crane, and all were carried by President Nixon. In Precinct 4 of Elk Grove Village, Congressman Crane's home town, the sampling was 71–34 in favor of Nedzi-Whalen.

14TH DISTRICT

DuPage County (far western suburbs) and the Joliet panhandle of Will County. Our workers canvassed in six precincts, excluding Will County, which was carried in 1970 by Rep. Erlenborn's Democratic opponent. Work was done in Wheaton (one), Elmhurst (one), Villa Park (two, including the new Brandywine subdivision), and Lombard (two). All six precincts were carried both by President Nixon and Rep. Erlenborn. Pct. 85, York Township, in Elmhurst where Congressman Erlenborn lives, turned out 44–25 for Nedzi-Whalen.

15TH DISTRICT

Kane, DeKalb, Kendall, Grundy and LaSalle counties, including exurban cities, downstate towns, a huge state university and farm country. Our workers canvassed in two precincts: Geneva and rural Blackberry Township of Kane County. Both were carried by Rep. Reid and President Nixon. We also included some ballots signed at the Kane County fair last month.

DON'T CONFUSE ME WITH THE FACTS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. MICHEL. Mr. Speaker, human nature being what it is, I suppose we must expect another celebration of "Earth Day" again next year, but I would have thought that by now this particular fad might also have gone the way of the narrow tie.

If the "Environmental Holiday rites" are held, it appears highly probable that Professor Keith Frye of the Department of Geophysical Sciences at Old Dominion University in Norfolk, Va., will not be invited to participate.

Although he was not invited last year he has probably sealed his fate for certain now, eliminating any slim chance he might have had by sharing his thoughts on environmentalism with the world through yesterday's issue of the National Observer. However, I don't think he will lose any sleep over it.

His article, entitled "Don't Confuse Me With the Facts—A Teacher's Sad Tale of Ecology Activists," relates a series of experiences with the ecology movement that I'm sure have been suffered by others as well as Mr. Frye.

Two paragraphs in his essay especially caught my attention, because I think they really sum up the problem very succinctly:

> The environment has become—to some—a personal as well as a popular crusade, but, unfortunately, too much emphasis is placed on the crusade and too little on the environment. Unfortunately, because when ignorant zeal is the major weapon turned against ignorant indifference, not much progress can be expected.
>
> * * * * *
>
> The defense frequently offered for environmentalists, especially for youthful environmentalists, is that they are sincere and well-meaning individuals who see something wrong with the world and are intent on doing something about it. The same excuse could be offered for the Spanish Inquisitors, but, at least, they knew their theology.

Mr. Speaker, the energy and enthusiasm of our young people constitute a powerful social force which can be tremendously constructive or destructive depending on its direction. I think Mr. Frye's observations clearly underscore the need for redirection of this energy into more substantive examination of our environmental problems—toward more research and less rhetoric.

It's true that mobilization of public opinion is an important factor, but this in itself will accomplish little. As Mr. Frye points out, work, not student hurrah is needed to develop the sophisticated environmental sciences necessary to harmoniously accommodate our industrialized civilization to our environment.

I believe all my colleagues in the House will be interested in the following article:

[From The National Observer (Ill.), Oct. 2, 1971]

DON'T CONFUSE ME WITH THE FACTS—A TEACHER'S SAD TALE OF ECOLOGY ACTIVISTS

(By Keith Frye)

The average environmentalist knows as much about environmental science as the average Jesus freak knows about theology. And both prefer to keep their ignorance.

I have reached this discouraging conclusion after three years of trying to teach a university undergraduate course on environmental science.

The environment has become—to some—a personal as well as a popular crusade, but, unfortunately, too much emphasis is placed on the crusade and too little on the environment. Unfortunately, because when ignorant zeal is the major weapon turned against ignorant indifference, not much progress can be expected.

BACKED BY CHAIRMAN

Although I have always been interested in my personal environment, it was not until the fall of 1968 that it became apparent to me that environment might become a national issue and a national cause. I then took note of the fact that the sciences dealing with our environments were, and still are, highly fragmented and scattered through many university departments. My response to this observation was to draw up an outline for a course that would survey the various parts of science that pertain to our habitat on the earth, and would show the interrelationships of the world system. Since I had the active assistance of my department chairman, the dean of sciences and the provost soon were convinced of the need for this new course.

The student response to the course, first offered in the fall of 1969, was dismal. Out of a total student body of around 8,000, only 7 signed up for instruction about the environment that semester. In subsequent years, I ended up with fewer than 10 students each time the course was presented. I offered the course in summer school, and it was canceled for lack of interest.

NOT "IN"

Even if I were the worst public speaker teaching at the university, the worst organized lecturer, and the professor believed by the students to be the least fair in distribution for grades, only lack of interest in the subject matter of the course could account for this state of affairs.

I do not believe that I am the worst or the least—but environmental science is a science course, and science does not seem to be *in* this year. The response of the concerned student appears to be, "My mind is made up, do not confuse me with facts."

Of the students who have passed through my course on environmental science, the most attentive were the ones who wanted to know what all this environmental hullabaloo was about, while the class cutters and assignment shirkers were those supposedly committed to doing something about the state of the world. The "committed" students seemed determined to wallow vicariously in the sins of their elders; what they wanted was vivid description of environmental degradation committed by our species. They lost interest when horror stories were not forthcoming.

RAISED HANDS—BRIEFLY

I asked one of my classes how many of its members would be interested in obtaining a degree in environmental science; two students raised their hands. When I began to list the courses that would be required, those two hands quickly dropped.

Every college or university staff has its legions of environmental experts, but I was soon read out of that not-so-select campus group. My offense, it appears, was that I did not have the correct attitude, did not adhere to the proper line.

During a symposium on pollution problems, at which I was asked to deliver a prepared lecture, I had the temerity to suggest that most of our environmental ills result from lack of planning. I suggested that good, county-wide management of land usage could result from planning based upon adequate geologic studies of the nature of the area in question and of its underlying bedrock. I cited examples from New York, from Michigan, from Illinois, and from California where this had been done successfully. To me, this was exciting; some people were doing the right environmental things. The audience reaction was stony.

POPULAR HORROR

Another speaker was a big hit with a talk about population problems in South America, India, and China, and about his vasectomy. Dire predictions of horrific results, to be anticipated because of rampant population growth in remote and impoverished parts of the world, are always popular. But how can American citizens control the population explosions in those places with anything short of the bomb?

On another occasion I sat on a panel, in company with two oceanographers, to discuss natural resources and their exhaustion. We discussed what natural resources are, which ones we have in abundance (iron and coal), which ones are already in critically short supply (silver and mercury), and what the economic and technical response has been to those in short supply (substitutions). During the question-and-answer period, one young women repeatedly and somewhat hysterically demanded to know how we could talk like that, so calmly when the Atlantic Ocean was polluted.

After the discussion, a very studious looking young man approached me and asked when I expected doomsday to come. I was startled, but he patiently explained that he wanted to know the date of the end of the world so that he could plan for it. He did not seem to think much of a scientist who could not give him the date of an event that he was certain would terminate his life.

LECTURES AND HARD ROCK

In April 1970, my university joined with the rest of the schools in the country to celebrate Earth Day. We had displays, movies, poetry sessions, lectures, and hard-rock music—the lectures alternating with the hard-rock music in the same hall. The hirsute lovers of hard rock fled the lectures and a group of concerned older citizens fled the music as best they could. The older audience bombarded me with questions far more perceptive than any I had been asked by my students.

The talk I gave at our first Earth Day celebration suggested how a modern, industrialized civilization might integrate itself comfortably with the natural world. I was not invited to have any part in the Earth Day celebration for 1971. Since I do not have any pet theory on how and when the world will end, I do not have the attitude proper to a speaker chosen to make a return appearance at the Environmental Holiday rites. Anyone, any scientist, who does not talk glibly about impending catastrophies to the human species does not appear to be showing the proper sincerity about the environment.

Harmoniously accommodating our highly industrialized civilization to the outside world will be an engineering feat worthy of the name *Homo sapiens*. And more than exhortation will be needed to make accommodation genuinely harmonious. The environmental sciences have not yet developed adequate sophistication to lay the foundations for comprehensive environmental engineering. Work, not student hurrah is needed to acquire full comprehension of how the world system operates and how we might best fit into it.

The defense frequently offered for environmentalists, especially for youthful environmentalists, is that they are sincere and well-meaning individuals who see something wrong with the world and are intent on doing something about it. The same excuse could be offered for the Spanish Inquisitors, but, at least, they knew their theology.

THOSE THAT HAVE TO POLLUTE TO SURVIVE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. ROBISON of New York. Mr. Speaker, if 1970 was the "Year of Environmental Awareness," and 1971 the "Year of Environmental Action," 1972 is already promising to be the year of environmental procrastination. Now that environmental problems have been more or less defined, and an institutional framework for solving these problems has been created, we are approaching a period when concerted action and measureable results are in order. Nobody likes hard work, but that is what it will take to suppress environmental contaminants; and most of us especially dislike hard and expensive work.

The Council on Environmental Quality has cautiously estimated that it will cost $105 billion to carry on an effective antipollution program through 1975. Even when officials boast of a $1 trillion gross national product, the sum $105 billion gives a jolt, and causes one to stop, and ponder and begin to rationalize.

The question for 1972 is, how much rationalization can be tolerated, and how long should it continue. How long a time should be spent discussing the cost-benefit ratio of environmental protection, the effects of antipollution expenditures on the economy, or on jobs, or on whatever other variable is thrown into the discussion?

Answers do not come easily, but perhaps such thoughtful articles as the recent analysis by Richard J. Cattani of the Christian Science Monitor can help spare us a too-leisurely debate. His conclusions are direct and the priorities he sets contend with most of the points which could be argued If it is evident, as Mr. Cattani states, that sound environmental policy is also sound economic policy, we may not need to launch into a full-scale exposition of economic variables. And, if it is accepted that those who have to pollute to survive should simply find another line of work, then pollution abatement programs can proceed effectively in an environmentally oriented free-enterprise system.

I am happy to bring Mr. Cattani's article to the attention of my colleagues:

[From the Christian Science Monitor]

ROAR-AHEAD RUCKELSHAUS AND WAIT-A-MINUTE STANS

(By Richard J. Cattani)

One trusts President Nixon appreciates the political capital he laid up for himself in appointing William Ruckelshaus to run the Environmental Protection Agency last fall.

Bill Ruckelshaus might be embarrassed by all the nice things people in Washington are saying about him: even veteran Democrats and environmental visionaries in Congress like Rep. John Dingell of Michigan ("He seems to be the classical honest man who doesn't need to fear anyone because he does what he thinks is right") and Sen. Gaylord Nelson of Wisconsin ("Ruckelshaus has been doing remarkably well"). Outside of government, environmentalists say Ruckelshaus has "guts and savvy."

This approval is based on such actions as the stiff air quality standards his agency put out in April, and his ultimatum to Atlanta, Cleveland, and Detroit to stop polluting nearby waters with inadequately treated sewage. This Ruckelshaus activist image redounds to the credit of the man who appointed him, Mr. Nixon.

But praise isn't given out without a price in Washington. And in the case of Mr. Ruckelshaus, there are riders on the plaudits which imply reservations about the administration's environmental intentions.

Some environmentalists are convinced that shop-running is not one of Mr. Ruckelshaus' long suits, as it is of, say, an Elliot Richardson at Health, Education, and Welfare. The EPA has 6,000 employees. It has been moved about several times and has not yet settled in its own home. Even when it does later this summer, it is not expected quickly to become efficient. It was put together by taking people from other departments and agencies who are trained along the lines of the sectarian thinking of where they came from. Outsiders are not impressed with many of the second-line EPA management men.

But the biggest worry of environmentalists is that the White House deck is stacked against Mr. Ruckelshaus, that between him and the President are a thicket of Cabinet and staff men whose instincts are chiefly protective of the polluter, not the polluted on—that, in effect, "economics" may be gaining the day against effective environmental action.

The case for moderating the government's environmental effort is a plausible one. The country is coming out of a recession. The rate of economic recovery has been disappointingly slow. Inflation continues. Unemployment is high—and expected to stay high up to the November, 1972, elections. And while the polls show that, Vietnam aside, the environment is a number two issue, the economy is still number one.

Thus when the automakers say pollution abatement equipment, at $300 a car, for 10 million units a year will cost consumers $3 billion, an administration attuned to rising prices could be expected to turn an attentive ear. Or if an industry says it will have to shut down plants because abatement orders would make operations unprofitable, an administration worried about jobs might be expected to look twice.

But it's a fallacy that, on balance, sound environmental policy is not also sound economic policy. It is.

There is a decisive economic advantage in ending pollution. The Council on Environmental Quality, for instance, says the cost of air pollution in terms of the GNP can be pegged at roughly $16 billion a year, and the cost of ending it at but $4 billion a year—a four-to-one cost/benefit ratio. Even more to the point, the new technologies required to fight pollution create new industries—which create new jobs and expand economic activity. Most of the higher costs on products will be at the expense of the consumer's wallet, not the company's profits. At least that has been the case with federal auto safety laws.

This is not to deny that in the short run the government's environmental actions will result in job displacements and press some companies hard. And this should not be taken lightly. But the fact remains that most plant closures will occur in industries that are on the rocks anyway. Those that have to pollute to survive should switch to some other line of activity. The need here is to come up with a package of tax breaks or other aids for industries not too marginal to be saved. There should be no cave-in on the issue of whether the country is economically better off clean than dirty. It unarguably is.

Part of the problem with the White House's credibility on the environment lies in certain activities of Commerce Secretary Maurice Stans. He is of course fulfilling his Cabinet division's role to serve as advocate of industry's interests, as he should. And on the surface one can buy the position he outlined in his recent speech before the National Petroleum Council: "If we fix the right priorities—if we integrate our environmental, technological and economic interests—*all* of them can be served, without one dominating the other." But this "fairness" passage rests in a speech whose basic inclination is apologetic for industry; it cautions the nation, literally, to "Wait a minute" in its environmental thrust.

Frankly, given the laws on the books or in preparation, or the past or planned actions of the Environmental Protection Agency, America's environmental program is already prudent enough. The admittedly tough-air-quality standards set by the EPA, for example, are not beyond the capability of industry groups to meet. And among communities even New York City, with probably the biggest air-quality challenge, expects to meet upcoming deadlines using the available technologies. Some communities like Los Angeles say they will not be able to meet the deadlines, but this is thought to be more a reflection of their will than of their ability to succeed.

Mr. Stan's speech compares unfavorably with a similar talk given before another oil group a few weeks earlier by Sydney Howe of the Conservation Foundation. Mr. Howe also gave industry credit for what it was doing and spending on environmental precautions. Yet he showed how some industries were unwisely bucking the environmental trend while others were taking constructive advantage of their predicament. For instance, the American Petroleum Institute he addressed was running a $4 million ad campaign, in part justifying its Alaskan oil ambitions, and saying "A country that runs on oil can't afford to run short." But at the same time, according to Mr. Howe, New York City's Consolidated Edison Company was announcing that thereafter it would "advertise only to promote the conservation of electricity by consumers."

The nature of the White House decision process also gnaws at outsiders' confidence in the administration's environmental intentions. There is a technical question of how the Freedom of Information Act should apply to that process. Outside environmental groups and many congressmen would like made public all reports which spell out the positions of various agencies and staff factions. But much of this information has not been forthcoming. And there is confusion over how much, by law, should be. This frustrates those who want to monitor developments closely. It raises fears that political tradeoffs may be eating away at environmental program support in the White House.

Already the administration has lost environmentalist points by having backed the Alaska pipeline before any meaningful ecological impact study had been made. The question inside the administration was always *how* to build the pipeline, never whether. And its support for the SST was based on other than environmental grounds.

There are signs that Mr. Ruckelshaus is now meeting quite a contentious atmosphere in the White House. At this point, observers think he is holding his own against "economic" pressures. His political future, of course, may ride with his success in holding his ground while not publicly scoring against his adversaries.

To take an overall reading at this date, it is only fair to say the Nixon administration has more pluses on its environmental record than minuses. It has a strong legislative program in Congress—perhaps not as strong as some might wish, but strong enough for this stage in the game. It should be given credit for coming around on such issues as fuller funding for municipal sewage systems. The Council on Environmental Quality, the environmental policy resource board for the administration, is ably staffed, another reflection of the White House's intentions.

And, as with the SST and Alaska pipeline, it might be too much to expect under any administration, especially one traditionally with a business constituency, for all the victories to go to the environmentalists, even all the vital ones.

But again, one trusts that President Nixon appreciates the political capital at hand in his EPA chief and the record to date. One trusts he will not risk his administration's environmental credibility by seeming to back both roar-ahead Ruckelshaus and wait-a-minute Stans.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. FRASER. Mr. Speaker, an innovative way to restructure our health system is presently being attempted in Minneapolis. At the hearings I conducted recently, Mr. Charles Bellows testified on the Bakken concept.

The Minneapolis Medical Center was formed by the partial consolidation of five health centers; Mount Sinai, Lutheran Deaconess, and Abbott-Northwestern Hospitals, the Kenny Rehabilitation Institute, and the Children's Health Center, the latter being now under construction. Representatives of these health centers are discussing possible implementation of the Bakken concept. The plan is to provide a profitmaking corps common to all hospitals. Progress with this idea will be interesting to watch, especially with the growing concern over health reform. The following statement describes the Bakken concept in more detail:

Minneapolis Medical Center, Inc.,
Minneapolis, Minn., February 26, 1971.
Re: Delivery of Health Care Services.
Hon. Donald M. Fraser,
Federal Court Building,
Minneapolis, Minn.

Dear Don: The Minneapolis Medical Center (MMCI) consists of Mount Sinai, Lutheran Deaconess, and Abbott-Northwestern Hospitals, the Kenny Rehabilitation Institute and the Children's Health Center now under construction. These health care organizations (MMCH), often referred to as "the Chicago Avenue Complex" was formed three years ago in an effort to combat skyrocketing health care costs through consolidation, sharing of services, both clinical and supporting, and increased efficiency in the delivery of all phases of health care. It has been, at least, a start.

Earl Bakken, currently chairman of the MMCI Board, has developed what is customarily referred to as the "Bakken Concept." The most recent summation of this Concept (February 1971) entitled "An Innovative Method of Structuring and Financing a Medical Center" is submitted to you and to your staff as perhaps one answer, or a part of the overall answer, to many problems which the health care industry must face and answer. All MMCH participants have not yet taken a final position on the Bakken Concept. However, MMCI directors are of the opinion that this innovative approach should be carefully considered by you and your staff as Congress zeros in on the federal government's role in reforming and financing the delivery of health care services. In essence, the proposal is to create a profit-making core which will include virtually all services common to the existing hospitals, thus creating mass with efficiency but at the same time preserving the identities of the separate voluntary organizations in terms of STAFF and patient care, and providing an innovative method of attracting capital. (See pp. 7–8 of booklet for Concept as such.)

Whether in terms of the Bakken Concept, in whole, in part or in spirit, MMCH participants are of the opinion that increased dollar input alone won't necessarily produce a better health care system. Every separate segment of the entire health care system in metropolitan Hennepin County, public and private, must be integrated into a restructured health care system. To do better that which has been done in the past will not of itself provide the answer despite more dollars—industry and/or government provided. "Rewards" must be granted to that system which keeps our people healthy and out of hospitals. Third-party reimbursement, whether federal or privately oriented, should focus on such "rewards." But the federal government alone isn't the answer.

The challenge of the '70s to restructure our health care system can be met only if "health providers" such as MMCH and their top-flight professionals, make their voices heard in Washington, their actions coordinated at home through a central but local agency such as the newly-created Metropolitan Health Board, and their skills, experience and local power directed toward the new health care system of the '70s.

Sincerely,
Charles S. Bellows,
Vice Chairman, Minneapolis Medical Center, Inc.
A. Kenneth Peterson,
Executive Vice President, Mount Sinai Hospital.

HOUSE OF REPRESENTATIVES—*Wednesday, September 29, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

In Thee, O Lord, do I put my trust: Let me never be put to confusion.—Psalms 71: 1.

Dear Lord and Father of mankind, our Rock of Refuge in every time of need, we come before Thee with the realization that we have not handled wisely the life Thou hast given us. We have done those things we ought not to have done and we have left undone those things we ought to have done. We would laugh and love, yet we often complain and condemn. We would be honorable and honest, yet we wear masks of acceptance and approval. We would reach out to others in faith and fellowship, yet we shrink behind walls of caution and compromise.

Forgive our foolish ways, reclothe us in our rightful minds, renew our spirits that we may begin to live more confidently and more creatively for the welfare of our country and the well-being of all mankind. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 3 to a bill of the House of the following title:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8866) entitled "An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1152. An act to facilitate the preservation of historic monuments, and for other purposes.

RED COMMUNIST CHINA AND THE U.N.

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY of New York. Mr. Speaker, as we all know, the United Nations General Assembly meeting in New York will soon consider the question of seating Red Communist China and the future of the Republic of China as a member of that organization. The question of the admittance of Red Communist China seems moot at this point since the administration has already expressed its willingness to go along with such a move.

I must confess, Mr. Speaker, that I am at a loss to fathom the convolutions in the White House that have brought us to this point of embracing an avowed enemy and turning our backs on a friend of long standing who deserves better. I cannot understand how we can afford to abandon our friends on Taiwan, friends who, as charter members of the U.N., have joined us for so many years in fighting Communist domination of Asia. If we abandon the Nationalist Chinese now, what kind of image do we present to Asia and the rest of the world? Are we to be believed in anything we do or promise? Certainly our track record of late provides little reason for others to trust us.

In essence, are we not sacrificing our image, our morals, and our ideals to accept an enemy as a fellow into an organization which accomplishes little or nothing, talks much and extravagantly and wastefully spends more? Since the American public pays the tab for almost half of the cost of that East River debating society it seems to me they should have some say on how their Government conducts itself within that body. Who knows, perhaps a majority of our people are fed up with paying for an anti-American sounding board. Perhaps they want out or perhaps they would like a complete reassessment of our monetary and moral support of the United Nations. Would that be so bad, the American international stuffed shirts to the contrary notwithstanding?

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON H.R. 10835, UNTIL MIDNIGHT THURSDAY

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the House Committee on Government Operations may have until Thursday midnight to file a report on H.R. 10835, a bill to establish a Consumer Protection Agency.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CROSS-FLORIDA CANAL AN ECOLOGICAL PLUS

(Mr. BENNETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, at page 28415 of the CONGRESSIONAL RECORD there is some material that was brought to my attention this morning, and it throws doubt upon some of the people from the Florida delegation being for the continuation of the Cross-Florida Barge Canal. I want to make it crystal clear that never has there been any faltering on my part in support of the continued construction and completion of the canal. There is disagreement in the Florida delegation concerning the proposed canal but I and many, probably most, of the delegation favor building the canal or at least a fair hearing in Congress on its merits. I will do everything I can, unless Congress repeals it after hearings open to all, to have it built, because, I believe, it is in the national defense interest, and in the economic interest of our country, and that it is an ecological plus, not a minus figure in ecology.

The apparent purpose of the inclusion at page 28415 was to create a record of congressional intent unfavorable to the continued construction of the canal. Congressional intent cannot be created by such extraneous matters, however; but congressional intent is to be found in the hearings and legislative debate on the floor. The hearings show strong support by myself and others in support of using the appropriations this year for continued construction and completion of the canal. The debate on the floor most conclusively shows the congressional intent has not been changed from the policy of completing the canal. Congressman SIKES on July 29, 1971, when the bill was under debate on the floor inquired of the chairman "whether there is any intent in this measure to change the previous congressional authorization for the construction of the canal." To which the chairman replied in the debate: "I would answer my friend, none whatsoever. That would come from the authorizing committee."

CONFERENCE REPORT ON H.R. 8866, SUGAR ACT AMENDMENTS OF 1971

Mr. POAGE submitted the following conference report and statement on the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-527)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Sugar Act Amendments of 1971".

SEC. 2. Section 101 of the Sugar Act of 1948, as amended, is amended—

(1) by striking out "the Virgin Islands," in subsection (j);

(2) by amending subsection (o) to read as follows:

"(o) The term 'continental United States' means the States (except Hawaii) and the District of Columbia."; and

(3) by adding at the end thereof the following new subsection:

"(p) The term 'mainland cane sugar area' means the States of Florida and Louisiana."

SEC. 3. Section 201 of the Sugar Act of 1948, as amended, is amended to read as follows:

"ANNUAL ESTIMATE OF CONSUMPTION IN CONTINENTAL UNITED STATES

"SEC. 201. (a) The Secretary shall determine for each calendar year, beginning with 1972, the amount of sugar needed to meet the requirements of consumers in the continental United States and to attain the price objective set forth in subsection (b). Such determination shall be made during October of the year preceding the calendar year for which the determination is being made and at such other times thereafter as may be required to attain such price objective.

"(b) The price objective referred to in subsection (a) is a price for raw sugar which would maintain the same ratio between such price and the average of the parity index (1967=100) and the wholesale price index (1967=100) as the ratio that existed between (1) the simple average of the monthly price objective calculated for the period September 1, 1970, through August 31, 1971, under this section as in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971, and (2) the simple average of such two indexes for the same period.

"(c) For purposes of subsection (b)—

"(1) The term 'parity index (1967=100)' means the Index of Prices Paid by Farmers for Commodities and Services, including Interest, Taxes, and Farm Wage Rates, as published monthly by the Department of Agriculture.

"(2) The term 'wholesale price index' means such index as determined monthly by the Department of Labor."

SEC. 4. (a) Section 202(a) of the Sugar Act of 1948, as amended, is amended to read as follows:

"(a)(1) For domestic sugar-producing areas, by apportioning among such areas 6,910,000 short tons, raw value, as follows:

"Area	Short tons, raw value
Domestic beet sugar	3,406,000
Mainland cane sugar	1,539,000
Hawaii	1,110,000
Puerto Rico	110,000
Total	6,910,000

"(2) To or from the sum of 4,945,000 short tons, raw value, of the quotas for the domestic beet sugar and mainland cane sugar areas there shall be added or deducted, as the case may be, an amount equal to 65 per centum of the amount by which the Secretary's determination of requirements of consumers in the continental United States pursuant to section 201 for the calendar year is greater than or less than 11,200,000 short tons, raw value. Such amount shall be apportioned between the domestic beet sugar area and the mainland cane sugar area on the basis of the quotas for such areas established under paragraph (1) of this subsection in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971.

"(3) Notwithstanding the foregoing provisions of this subsection, whenever the production of sugar in Hawaii or Puerto Rico in any year results in there being available for marketing in the continental United States in any year sugar in excess of the quota for such area for such year established under paragraph (1) of this subsection, the quota for the immediately following year established for such area under such paragraph shall be increased to the extent of such excess production, except that in no event shall the quota for Hawaii or Puerto Rico, as so increased, exceed the quota which would have been established for such area at the same level needed to meet the requirements of consumers under the provisions of this subsection in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1962. Whenever sugar produced in Hawaii or Puerto Rico in any year is prevented from being marketed or brought into the continental United States in that year for reasons beyond the control of the producer or shipper of such sugar, the quota for the immediately following year established for such area under paragraph (1) of this subsection and the preceding sentence shall, within the limitations of the preceding sentence and section 207, be increased by an amount equal to (A) the amount of sugar so prevented from being marketed or brought into the continental United States, reduced by (B) the amount of such sugar which has been sold to any other nation instead of being held for marketing in the continental United States.

"(4) Beginning with 1973 or as soon thereafter as the quota or quotas can be used, there shall be established for any new continental cane sugar producing area or areas a quota or quotas of not to exceed a total for all such areas of 100,000 short tons, raw value, subject to the requirements of section 302 of this Act."

(b) Section 202(b) of such Act is amended to read as follows:

"(b) For the Republic of the Philippines, in the amount of 1,126,020 short tons, raw value."

(c) Section 202(c) of such Act is amended—

(1) by striking out paragraph (2);

(2) by amending paragraph (3) to read as follows:

"(3) For individual foreign countries other than the Republic of the Philippines and Ireland, by prorating the amount of sugar determined under paragraph (1) of this subsection, less the amounts required to establish a quota as provided in paragraph (4) of this subsection for Ireland, among foreign countries on the following basis:

"(A) For countries in the Western Hemisphere:

"Country	Per centum
Cuba	23.74
Dominican Republic	12.80
Mexico	11.32
Brazil	11.04
Peru	7.90
West Indies	4.12
Ecuador	1.63
Argentina	1.53
Costa Rica	1.38
Colombia	1.36
Panama	1.29
Nicaragua	1.29
Venezuela	1.23
Guatemala	1.18
El Salvador	.86
British Honduras	.68
Haiti	.62
Bahamas	.54
Honduras	.24
Bolivia	.13
Paraguay	.13

"(B) For countries outside the Western Hemisphere:

"Country	*Per centum*
Australia	5.02
Republic of China	2.09
India	2.01
South Africa	1.42
Fiji	1.10
Mauritius	.74
Swaziland	.74
Thailand	.46
Southern Rhodesia	.37
Malawi	.37
Uganda	.37
Malagasy Republic	.30

"(C) Notwithstanding the provisions of subparagraphs (A) and (B), for the calendar year 1972 the proration for Panama shall be 0.85 per centum and for Malawi shall be zero per centum and the proration for the other countries named in subparagraphs (A) and (B) shall be increased proportionately."; and

(3) by amending paragraph (4) to read as follows:

"(4) For Ireland, in the amount of 5,351 short tons, raw value, of sugar. The quota provided by this paragraph shall apply for any calendar year only if the Secretary obtains such assurances from such country as he may deem appropriate prior to September 15 preceding such calendar year (October 31, 1971, for the calendar year 1972) that the quota for such year will be filled with sugar produced in such country."

(d) Section 202(d) of such Act is amended—

(1) by striking out "that are members of the Organization of American States" in paragraph (1)(A)(ii);

(2) by striking out "quotas then in effect for such countries" in paragraph (1)(B) and inserting in lieu thereof "percentages stated therein";

(3) by striking out "the Bahama Islands, Bolivia, Honduras, and" in paragraph (3);

(4) by striking out "August" and inserting in lieu thereof "June" in paragraph (4); and

(5) by striking out "1965" each place it appears in paragraph (6) and inserting in lieu thereof "1971".

(e) Section 202(e) of such Act is amended by inserting "or under section 408(c)" after "subsection (d)(1) of this section".

(f) Section 202(f) of such Act is amended to read as follows:

"(f) Whenever any quota is required to be reduced pursuant to subsection (e) or because of a reduction in the requirements of consumers under section 201 of this Act, and the amount of sugar imported from any country or marketed from any area at the time of such reduction exceeds the reduced quota, the amount of such excess shall, notwithstanding any other provision of this section, be charged to the quota established for such country or domestic area for the next succeeding calendar year. Sugar from any country which at the time of reduction in quota has not been imported but is covered by authorizations for importation issued by the Secretary not more than five days prior to the scheduled date of departure shown on the authorization shall be permitted to be entered and charged to the quota established for such country for the next succeeding calendar year."

(g) Section 202(g) of such Act is amended to read as follows:

"(g)(1) The Secretary is authorized to limit, on a quarterly basis only, the importation of sugar within the quota for any foreign country during the first quarter of 1972 if he determines that such limitation is necessary to achieve the objectives of the Act.

"(2) The Secretary is not authorized during the last three quarters of 1972 and the full year 1973, or in any year thereafter except as provided herein, to limit the importation of sugar within the quota for any foreign country through the use of limitations applied on other than a calendar year basis.

"(3) In order to attain on an annual average basis the price objective determined pursuant to the formula specified in section 201 of this Act, the Secretary shall make adjustments in the determination of requirements of consumers in accordance with the following provisions: (A) the determination of requirements of consumers shall not be adjusted whenever the simple average of the prices of raw sugar for seven consecutive market days is less than 4 per centum (or, in the case of any seven consecutive market day period ending after October 31 of any year and before March 1 of the following year, 3 per centum) above or below the average price objective so determined for the preceding two calendar months; (B) the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective whenever the simple average of prices of raw sugar for seven consecutive market days is 4 per centum or more (or, in the case of any seven consecutive market day period ending after October 31 of any year and before March 1 of the following year, 3 per centum or more) above or below the average price objective so determined for the preceding two calendar months; and (C) the determination of requirements of consumers for the current year shall not be reduced after November 30 of such year, but any required reduction shall instead be made in such determination for the following year. If in the twelve-month period ending October 31 of any year after 1972 the average price of raw sugar is less than 99 per centum of the price objective determined pursuant to the formula set forth in section 201 (except in the twelve-month period ending October 31, 1973—97 per centum) then, with respect to each subsequent calendar year, the Secretary is authorized after November 30 of the preceding year to limit, on a quarterly basis only, the importation of sugar within the quota of any foreign country during the first or second quarter, or both, or such subsequent year if he determines that such limitation is necessary to achieve the objectives of the Act.

"(4) The Secretary is not authorized to issue any regulation under this Act restricting the importation, shipment, or storage of sugar to one or more particular geographical areas.

"(5) The imposition of limitations on a quarterly basis under this subsection shall not operate to reduce the quantity of sugar permitted to be imported for any calendar year from any country below its quota for that year."

Sec. 5. (a) Section 204(a) of the Sugar Act of 1948, as amended, is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following:

"The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him but in any event not less frequently than each sixty days after the beginning of each calendar year, determine whether, in view of the current inventories of sugar, the estimated production from the acreage of sugarcane or sugar beets planted, the normal marketings within a calendar year of new-crop sugar, and other pertinent factors, any area or country will not market the quota for such area or country.";

(2) by striking out "If" in the second sentence and inserting in lieu thereof "Whenever" and by striking out "will be unable to" in such sentence and inserting in lieu thereof "will not";

(3) by amending the first proviso in the second sentence to read as follows: "*Provided,* That any deficit resulting from the inability of a country which is a member of the Central American Common Market to fill its quota or its share of any deficit determined under the foregoing provisions of this subsection shall first be allocated to the other member countries on the basis of the quotas determined pursuant to section 202 for such countries:";

(4) by striking out "will be unable to" in the third, fifth, sixth, and eighth sentences and inserting in lieu thereof "will not";

(5) by striking out the tenth and eleventh sentences and inserting in lieu thereof the following: "In determining and allocating deficits the Secretary shall act to provide at all times throughout the calendar year the full distribution of the amount of sugar which he has determined to be needed under section 201 of this Act to meet the requirements of consumers.";

(6) by striking out "quotas then in effect" wherever it appears and inserting in lieu thereof "quotas determined pursuant to section 202"; and

(7) by striking out "47.22" wherever it appears and inserting in lieu thereof "30.08".

(b) Section 204 of the Sugar Act of 1948, as amended, is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding the foregoing provisions of this section and section 211(c), if the Secretary determines that Hawaii or Puerto Rico will be unable to fill its quota established under section 203 for marketing for local consumption on a day-to-day basis, he shall allocate a total amount of sugar not in excess of such deficit to the domestic beet sugar area or the mainland cane sugar area, or both, to be filled by direct consumption or raw sugar, as he determines to be required for local consumption."

Sec. 6. Section 205(a) of the Sugar Act of 1948, as amended, is amended by striking out the third sentence and inserting in lieu thereof the following: "The Secretary is authorized in making such allotments, whenever there is involved any allotment that pertains to a new or substantially enlarged existing sugar beet processing facility serving a locality or localities which have received an acreage allotment under section 302(b)(3) or that pertains to a sugar beet processing facility described in section 302(b)(9), to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for reasonably efficient operation of any such sugar beet processing facility during each of the first three years of its operation."

Sec. 7. Section 206 of the Sugar Act of 1948, as amended, is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) If the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico of any sugar-containing product or mixture or beet sugar molasses will substantially interfere with the attainment of the objectives of this Act, he may limit the quantity of such product, mixture, or beet sugar molasses to be imported or brought in from any country or area to a quantity which he determines will not so interfere: *Provided,* That the quantity to be imported or brought in from any country or area in any calendar year shall not be reduced below the average of the quantities of such product, mixture, or beet sugar molasses annually imported or brought in during such three-year period as he may select for which reliable data of the importation or bringing in of such product, mixture, or beet sugar molasses are available.

"(b) In the event the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico, of any sugar-containing product or mixture or beet sugar molasses will substantially interfere with the attainment of the objectives of this Act and there are no reliable data available of such importation or bringing in of such product, mixture, or beet sugar molasses for three consecutive years, he may limit the quantity of such product, mixture, or beet sugar molasses to be imported or brought in annually from any country or area to a quantity which the Secretary determines will not substantially interfere with the attainment of the objectives of the Act. In the case of a sugar-containing product or mixture, such quantity from any one country or area shall not be less than a quantity containing one hundred short tons, raw value, of sugar or liquid sugar."; and

(2) by adding at the end thereof the following new subsection:

"(d) Notwithstanding the foregoing provisions of this section, the Secretary shall each year, beginning with the calendar year 1972, limit the quantity of sweetened chocolate, candy, and confectionery provided for in items 156.30 and 157.10 of part 10, schedule 1, of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption in the United States as hereinafter provided. The quantity which may be so entered or withdrawn during any calendar year shall be determined in the fourth quarter of the preceding calendar year and the total amount thereof shall be equivalent to the larger of (1) the average annual quantity of the products entered, or withdrawn from warehouse, for consumption under the foregoing items of the Tariff Schedules of the United States for the three calendar years immediately preceding the year in which such quantity is determined, or (2) a quantity equal to 5 per centum of the amount of sweetened chocolate and confectionery of the same description of United States manufacture sold in the United States during the most recent calendar year for which data are available. The total quantity to be imported under this subsection may be allocated to countries on such basis as the Secretary determines to be fair and reasonable, taking into consideration the past importations or entries from such countries. For purposes of this subsection the Secretary shall accept statistical data of the United States Department of Commerce as to the quantity of sweetened chocolate and confectionery of United States manufacture sold in the United States."

SEC. 8. Section 207 of the Sugar Act of 1948, as amended, is amended—

(1) by striking out "such year" in subsection (a) and inserting in lieu thereof "the preceding year";

(2) by amending subsection (b) to read as follows:

"(b) The quota for Puerto Rico established under section 202 for any calendar year may be filled by direct-consumption sugar not to exceed an amount equal to 1.5 per centum of the first eleven million short tons, raw value, of the Secretary's determination for the preceding year issued pursuant to section 201, plus 0.5 per centum of any amount of such determination above eleven million short tons, raw value, except that 126,033 short tons, raw value, of such direct-consumption sugar shall be principally of crystalline structure."; and

(3) by striking out subsection (c).

SEC. 9. Section 209(a) of the Sugar Act of 1948, as amended, is amended by striking out "from Hawaii, Puerto Rico, the Virgin Islands, or foreign countries," and inserting in lieu thereof "from any foreign country or any other area outside the continental United States".

SEC. 10. Section 211(a) of the Sugar Act of 1948, as amended, is amended by striking out "continental United States" and inserting in lieu thereof "United States, including Puerto Rico,".

SEC. 11. Section 212 of the Sugar Act of 1948, as amended, is amended by striking out "sugar or" in clauses (1) and (2) and inserting in lieu thereof "direct consumption sugar or".

SEC. 12. (a) Section 302(b) of the Sugar Act of 1948, as amended, is amended—

(1) by adding at the end of paragraph (1) the following: "In establishing proportionate shares for farms in the mainland cane sugar area, the Secretary may establish separate State acreage allocations, may determine and administer the proportionate shares for farms in one State by a method different from that used in another State, may include in such State allocation an acreage reserve to compensate for anticipated unused proportionate shares, may make conditional allocations to farms from such reserve and establish conditions which must be met in order for such allocations to be final, may make an adjustment in a State's allocation in any year to compensate for a deficit or surplus in a prior year if the actual amount of unused proportionate shares in such State for such prior year was larger or smaller than such anticipated amount of unused proportionate shares, and, in establishing State allocations and farm proportionate shares, may use whatever prior crop year or years he considers equitable in his consideration of past production.";

(2) by adding at the end of paragraph (2) the following: "The personal sugar beet production history of a farm operator who dies, or becomes incapacitated, shall accrue to the legal representative of his estate or to a member of his immediate family if such legal representative or family member continues within three years of such death or incapacity the customary sugar beet operations of the deceased or incapacitated operator. If in any year during this period sugar beets were not planted by such legal representative or member of the family, production history shall be credited to such year equal to the acreage last planted by the deceased or incapacitated farm operator.";

(3) by amending paragraph (3) to read as follows:

"(3) In order to make acreage available for growth and expansion of the beet sugar industry, the Secretary, in addition to protecting the interests of new and small producers by regulations generally similar to those heretofore promulgated by him pursuant to this Act, shall allocate as needed from the national sugar beet requirements established by him, during 1972, 1973, and 1974, the acreage required to yield not more than a total of 100,000 short tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugar beet processing facilities. Allocations shall be for a period of three years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value, of sugar. The acreage so allocated shall be distributed on a fair and reasonable basis to new and old sugar beet farms to the extent that it can be utilized without regard to any other acreage allocations to States determined by the Secretary. At the time the Secretary allocates acreage for a new or substantially enlarged existing sugar beet processing facility for any year, which determination shall be made as far in advance of such year as practicable, such allocation shall thereby be committed to be in effect for the year in which production of sugar beets is scheduled to commence or to be substantially increased in the locality or localities determined by the Secretary to receive such acreage allocation for such year, such determination by the Secretary shall be final, and such commitment of acreage allocation shall be irrevocable upon issuance of such determination of the Secretary by publication in the Federal Register; except that if the Secretary finds in any case that the construction of new or the substantial enlargement of existing sugar beet processing facilities and the contracting for processing of sugar beets has not proceeded in substantial accordance with the representations made to him as a basis for his determination of acreage allocation, he shall revoke such determination in accordance with and upon publication in the Federal Register of such findings. In determining acreage allocations for a locality or localities serving new or substantially enlarged existing sugar beet facilities and whenever proposals are made to construct new or to substantially enlarge existing sugar beet processing facilities in two or more localities (where sugar beet production is proposed to be commenced or to be substantially increased in the same year), the Secretary shall base his determination and selection upon the firmness of capital commitment, the proven suitability of the area for growing sugar beets and the relative qualifications of localities and proposals under such criteria. In making his determination under the preceding sentence, the Secretary shall give a preference to any processing facility located or to be located in or adjacent to growing areas where processing facilities were closed during 1970 or thereafter if he finds that sugar beets can and will be grown in sufficient quantity and quality to make the production of sugar beets and the operation of such facility successful. If proportionate shares are in effect in either of the two years immediately following the year for which such initial acreage allocation is made in any locality, the Secretary shall adjust the initial allocation in the same proportion as the State's acreage is adjusted from its acreage of the year in which such initial allocation was made.";

(4) by amending paragraph (4) to read as follows:

"(4) The allocation of the national sugar beet acreage requirement to States for sugar beet production, as well as the acreage allocation for new or substantially enlarged existing sugar beet processing facilities, shall be determined by the Secretary after investigation and notice and opportunity for an informal public hearing.";

(5) by striking out "in any local producing area" in paragraph (5);

(6) by amending paragraph (9) to read as follows:

"(9) The Secretary is authorized to reserve from the national sugar beet acreage requirements established by him for the 1972, 1973, and 1974 crops of sugar beets the acreage required to yield 25,000 short tons of sugar, raw value, for any sugar beet processing facility which closed during 1970, if he is satisfied that such facility will resume operations and will be operated successfully and that the area which will serve such facility is suitable for growing sugar beets. The Secretary shall allocate the acreage provided for in this paragraph to farms on such basis as he determines necessary to accomplish the purposes for which such acreage is provided under this paragraph."; and

(7) by adding at the end of such subsection a new paragraph as follows:

"(10) The Secretary shall credit to the farm of any producer (or to the producer in a personal history State) who has lost a market for sugar beets as a result of (A) the closing of a sugar beet factory in any year after 1970; (B) the complete discontinuance of contracting by a processor after 1970 in a State; or (C) the discontinuance of contracting by a processor after 1970 in a substantial portion of a State in which the processor contracted a total of at least 2,000 acres of the 1970 crop of sugar beets, an acreage history (or production history) for each of the next three years equal to the average acreage planted on the farm (or by the producer) in the last three years of such factory's operation or processor's contracting, and any unused proportionate share shall not be transferred to other farms (or producers)."

(b) Section 302(c) of such Act is amended to read as follows:

"(c) In order to enable any new cane sugar producing area to fill the quota to be established for such area under section 202(a)(4), the Secretary shall allocate an acreage which he determines is necessary to enable the area to meet its quota and provide a normal carryover inventory. Such acreage shall be fairly and equitably distributed to farms on the basis of land, labor, and equipment available for the production of sugarcane, and the soil and other physical factors affecting the production of sugarcane. The acreage allocation for any year shall be made as far in advance of such year as practicable, and the commitment of such acreage to the area shall be irrevocable upon issuance of such determination by publication thereof in the Federal Register, except that, if the Secretary finds in any case that construction of sugarcane facilities and the contracting for processing of sugarcane has not proceeded in substantial accordance with the representation made to him as a basis for his determination of distribution of acreage, he shall revoke such determination in accordance with and upon publication in the Federal Register of such findings. In making his determination for the establishment of a quota and the allocation of the acreage required in connection with such quota, the Secretary shall base such determination upon the firmness of capital commitment and the suitability of the area for growing sugarcane and, where two or more areas are involved, the relative qualifications of such areas under such criteria. If proportionate shares are in effect in such area in the two years immediately following the year for which the sugarcane acreage allocation is committed for any area, the total acreage of proportionate shares established for farms in such area in each such two years, shall not be less than the larger of the acreage committed to such area or the acreage which the Secretary determines to be required to enable the area to fill its quota and provide for a normal carryover inventory."

SEC. 13. Section 303 of the Sugar Act of 1948, as amended, is amended by striking out "which cause such damage to all or a substantial part of the crop of sugar beets or sugarcane in the same factory district (as established by the Secretary), county, parish, municipality, or local producing areas,".

SEC. 14. Section 307 of the Sugar Act of 1948, as amended, is amended by striking out "Puerto Rico, and the Virgin Islands" and inserting in lieu thereof "and Puerto Rico".

SEC. 15. Section 403 of the Sugar Act of 1948, as amended, is amended by adding at the end thereof a new subsection as follows:

"(c) Whenever the Secretary determines that such action is necessary to protect the interests of the United States, consumers of sugar, or the exporters or importers of sugar, he is authorized to require, in accordance with such rules and regulations as he may prescribe, any or all shipments of imported sugar to be weighed by persons not controlled, directly or indirectly, by any person having a direct financial interest in such sugar."

SEC. 16. Section 404 of the Sugar Act of 1948, as amended, is amended by inserting before the period at the end of the first sentence the following: "and, except as provided in sections 205 and 306, to review any regulation issued pursuant to this Act in accordance with chapter 7 of title 5, United States Code".

SEC. 17. Section 408(c) of the Sugar Act of 1948, as amended, is amended to read as follows:

"(c) In any case in which a nation or a political subdivision thereof has, on or after January 1, 1961, (1) nationalized, expropriated, or otherwise seized the ownership or control of the property or business enterprise owned or controlled by United States citizens or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or (2) imposed upon or enforced against such property or business enterprise so owned or controlled, discriminatory taxes or other exactions, or restrictive maintenance or operational conditions (including limiting or reducing participation in production, export, or sale of sugar to the United States under quota allocation pursuant to this Act) not imposed or enforced with respect to the property or business enterprise of a like nature owned or operated by its own nationals or the nationals of any government other than the Government of the United States, or (3) imposed upon or enforced against such property or business enterprise so owned or controlled, discriminatory taxes or other exactions, or restrictive maintenance or operational conditions (including limiting or reducing participation in production, export, or sale of sugar to the United States under quota allocation pursuant to this Act), or has taken other actions, which have the effect of nationalizing, expropriating or otherwise seizing ownership or control of such property or business enterprise, or (4) violated the provisions of any bilateral or multilateral international agreement to which the United States is a party, designed to protect such property or business enterprise so owned or controlled, and has failed within six months following the taking of action in any of the above categories to take appropriate and adequate steps to remedy such situation and to discharge its obligations under international law toward such citizen or entity, including the prompt payment to the owner or owners of such property or business enterprise so nationalized, expropriated or otherwise seized or to provide relief from such taxes, exactions, conditions or breaches of such international agreements, as the case may be, or to arrange, with the agreement of the parties concerned, for submitting the question in dispute to arbitration or conciliation in accordance with procedures under which final and binding decision or settlement will be reached and full payment or arrangements with the owners for such payment made within twelve months following such submission, the President may withhold or suspend all or any part of the quota under this Act of such nation, and either in addition or as an alternative, the President may, under such terms and conditions as he may prescribe, cause to be levied and collected at the port of entry an impost on any or all sugar sought to be imported into the United States from such nation in an amount not to exceed $20 per ton, such moneys to be covered into the Treasury of the United States into a special trust fund, and he shall use such fund to make payment of claims arising on or after January 1, 1961, as a result of such nationalization, expropriation, or other type seizure or action set forth herein, except that if such nation participates in the quota for the West Indies, the President may suspend a portion of the quota for the West Indies which is not in excess of the quantity imported from that nation during the preceding year, until he is satisfied that appropriate steps are being taken, and either in addition or as an alternative he may cause to be levied and collected an impost in an amount not to exceed $20 per ton on any or all sugar sought to be imported into the United States from such nation for the payment of claims as provided herein. Any quantity so withheld or suspended shall be allocated under section 202(d)(1)(B) of this Act. With respect to any action taken during 1961 in any of the categories set forth in this subsection, the provisions of this subsection relating to levying and collecting an impost shall apply only if the President so determines."

SEC. 18. (a) Section 412 of the Sugar Act of 1948, as amended, is amended to read as follows:

"TERMINATION

"SEC. 412. The powers vested in the Secretary under this Act shall terminate on December 31, 1974, or on March 31 of the year of termination of the tax imposed by section 4501(a) of the Internal Revenue Code of 1954, whichever is the earlier date, except that the Secretary shall have power to make payments under title III—

"(1) under programs applicable to the crop year 1974 and previous crop years, if the powers vested in the Secretary otherwise terminate on December 31, 1974, or

"(2) under programs applicable to the crop years preceding the calendar year in which the tax imposed under section 4501(a) of the Internal Revenue Code of 1954 terminates, if the powers vested in the Secretary otherwise terminate before December 31, 1974."

(b) Section 4501(b) of the Internal Revenue Code of 1954 (relating to termination of tax on manufactured sugar) is amended by striking out "June 30, 1972" each place it appears therein and inserting in lieu thereof "June 30, 1975, or June 30 of the first year commencing after the effective date of any law limiting payments under title III of the Sugar Act of 1948, as amended, whichever is the earlier date".

SEC. 19. The provisions of this Act shall become effective on January 1, 1972, except that the amendments made by sections 3, 4, 5, and 7(2) of this Act shall become effective on the date of enactment of this Act for purposes of actions relating to 1972 and subsequent years.

And the Senate agree to the same.

W. R. Poage,
Thomas G. Abernethy,
Thomas S. Foley,
Page Belcher,
Charles M. Teague,
Managers on the Part of the House.

Russell B. Long,
Clinton P. Anderson,
Herman E. Talmadge,
Wallace F. Bennett,
Carl T. Curtis,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to H.R. 8866 struck out all after the enacting clause and inserted in lieu thereof the Senate language.

The conference agreement is a substitute for both the House language and the Senate amendment. The important differences between H.R. 8866 and the Senate amendment and the resolution of these differences by the conferees follow:

I. ALLOCATION OF DOMESTIC QUOTAS

The pattern of distribution of quotas to domestic areas was identical in both the House and Senate versions, except for 1974, when the House would have increased the Puerto Rican quota to 1 million tons, while the Senate retained it at 855,000. The conference substitute adopted the Senate version, thus making a domestic quota allocation as follows:

[Short tons, raw value]

Area:	*Conference substitute*
Domestic beet sugar	3,406,000
Mainland cane sugar	1,539,000
Hawaii	1,110,000
Puerto Rico	855,000
Virgin Islands	0
Total	6,910,000

II. ALLOCATION OF FOREIGN QUOTAS

The following table shows the individual country quotas under the conference substitute:

FOREIGN SUGAR QUOTAS UNDER CONFERENCE DECISIONS COMPARED TO HOUSE AND SENATE VERSIONS OF H.R. 8866

[Short tons, raw value]

Producing area	Present act distribution [1]	House bill [2]	Senate bill [3]	Conference substitute [3]
Total domestic areas	6,410,000	6,410,000	6,285,000	6,285,000
Mexico	557,748	537,545	590,894	561,581
Dominican Republic	545,481	525,737	659,874	634,874
Brazil	545,581	525,737	577,905	547,905
Peru	435,087	418,982	391,839	391,839
West Indies	188,777	192,251	204,520	204,520
Ecuador	79,370	80,774	79,084	80,774
French West Indies	59,384	0	63,868	0
Argentina	67,102	76,050	67,062	76,050
Costa Rica	64,217	65,185	71,110	68,610
Nicaragua	64,217	65,185	64,217	64,217
Colombia	57,723	73,688	61,047	67,368
Guatemala	54,115	55,265	59,835	58,350
Panama	40,406	41,567	40,406	41,567
El Salvador	39,682	40,151	43,964	42,693
Haiti	30,305	30,704	30,305	30,704
Venezuela	27,419	36,845	61,025	61,026
British Honduras	13,752	33,537	14,874	33,537
Bolivia	6,494	17,005	6,193	6,193
Honduras	6,494	11,005	6,494	11,750
Bahamas	10,000	33,537	10,000	27,000
Paraguay	0	15,116	0	6,193
Western Hemisphere	2,893,254	2,881,866	3,104,517	3,016,751
Australia	203,785	206,025	196,162	203,785
Republic of China	84,910	85,844	81,734	84,910
India	81,514	82,494	77,973	81,514
South Africa	60,003	60,300	57,745	57,745
Fiji Islands	44,719	44,806	43,034	44,719
Thailand	18,681	18,844	14,152	18,681
Mauritius	18,681	30,150	17,761	30,150
Malagasy Republic	9,623	15,075	9,223	12,149
Swaziland	7,359	30,150	7,084	30,150
Malawi [2]	0	0	0	0
Uganda	0	15,075	0	15,075
Eastern Hemisphere	529,275	588,763	504,868	578,878
Philippines	1,362,120	1,314,020	1,300,264	1,314,020
Ireland	5,351	5,351	5,351	3,351
Total Foreign	4,790,000	4,790,000	4,915,000	4,915,000
Total	11,200,000	11,200,000	11,200,000	11,200,000

[1] Distribution of foreign quotas under present act as recommended to the Senate Finance Committee by the administration.

[2] For 1973 and subsequent years the quota for Panama would be increased to 62,947 tons and a quota would be established for Malawi of 15,000 tons and other quotas reduced proportionately. Reflects the allocation and proration of 500,000 tons of domestic deficits to foreign countries.

[3] Reflects the allocation and proration of 625,000 tons of domestic deficits to foreign countries.

The quotas under the conference substitute, as indicated by the foregoing table, are based on estimates of sugar consumption of 11.2 million tons. These quotas further assume that Puerto Rico will fail to produce its quota allotment by 625,000 tons and that this deficit would be prorated among the Philippines and Western Hemisphere nations according to the formula specified in the conference agreement.

Other significant differences in foreign quota allocations

Panama: Under the House bill the quota for Panama would be increased to 62,947 tons beginning in 1973. The Senate amendment did not provide this statutory increase. The conferees agreed to the House version.

Malawi, Uganda, and Paraguay: The House bill established a 15,000 ton quota for Malawi beginning in 1973, a 15,075 ton quota for Uganda in 1972, and a 15,116 ton quota for Paraguay in 1972. The Senate amendment provided no quotas for these countries. The conference substitute adopts the House provision for Malawi and Uganda and sets the Paraguay quota at 6,193 tons.

Bahamas: The House bill added the Bahamas to the list of countries sharing quotas (and deficits and growth) on a percentage basis and increased its quota from 10,000 tons to 33,537 tons. The Senate amendment retained existing provisions of law and continued the constant 10,000 ton quota on the Bahamas. The conference substitute sets the quota at 27,000 tons and permits the Bahamas to share in future deficits and growth as provided in the House bill.

Philippines: Under the House bill which based calculations on a 500,000 ton domestic deficit the Philippine quota was set at 1,314,020 tons. Under the Senate amendment which was calculated on the basis of a 625,000 ton domestic deficit this quota was set at 1,300,264 tons. Using the same basis for calculation as the Senate amendment the House bill would have provided a Philippine quota of 1,361,020 tons. The conference substitute adopts the House bill's basic quota of 1,126,020 tons for the Philippines and sets that nation's share of the deficit at a level (30.08 percent) that will give the Philippines a quota of 1,314,020 tons, the amount originally proposed under the House calculations.

French West Indies: The House bill eliminated the quota for the French West Indies. The Senate bill would have restored the quota to the French West Indies but also would have assessed a fee against so much of the sugar imported from the French West Indies as would be equal to the amount by which the French West Indies fails to fill its share of the French EEC quota, the fee being an amount equal to the U.S. premium. The conference substitute eliminates the quota for the French West Indies.

III. PRICE FORMULA AND CONSUMPTION ESTIMATE

The Senate amendment accepted the principle of the "corridor mechanism" for determining quota adjustments, as adopted by the House, with the following changes:

(A) Reduced from 4 percent to 3 percent the ranges within which prices could fluctuate before the Secretary must change his consumption estimate.

(B) Omitted the subjective criteria which would have been overridden (but retained in the law) by the price formula in the House bill.

(C) Clarified the price objective formula in the House bill by referring to the "farm prices paid index (1967=100)" instead of the "parity index."

In regard to these changes, the conference substitute provides as follows:

(A) It retains the 4 percent corridor mechanism of the House bill for 8 months of the year, but for the 4-month period (November, December, January, and February) it adopts the Senate 3 percent provision. The reason for this change is to afford mainland cane producers greater price protection during their principal harvesting months.

(B) The conferees adopted the Senate version which deleted the subjective criteria from existing law.

(C) The conference substitute uses the term "parity index (1967=100)" and clarifies it by reference to the specific statistic which is published monthly by the U.S. Department of Agriculture.

IV. PUERTO RICO

The Senate amendment modified the House provisions on Puerto Rico as follows:

(A) The Senate amendment retained Puerto Rico's quota at 855,000 tons for 3 years instead of raising it to 1,000,000 tons in 1974 as provided by the House bill. The conferees agreed to the Senate versions but agree that in 1974, when this legislation expires, the Congress should carefully examine the Puerto Rican quota. The conferees further note that present law (Section 202(a)(3) of the Sugar Act as amended by this bill) provides that when the productive capacity in Puerto Rico increases, the marketing quota shall increase to a quantity no higher than the quota in effect prior to the 1962 amendments to the Act, an amount which is well in excess of the 1 million tons proposed in the House bill.

(B) The House bill further restricted sugar imports from Puerto Rico when the Secretary's consumption estimate exceeds 11 million tons to 0.5 percent of the excess consumption estimate. The Senate amendment preserved existing law on refined sugar, allowing Puerto Rico to ship refined sugar within its quota up to an amount equal to 1.5 percent of the Secretary's consumption estimates. The conference substitute adopts the House provision.

V. ALLOCATION OF DEFICITS

There were two differences in the allocation of deficits:

(A) *Discretionary Allocation of Deficits*

The Senate amendment eliminated the President's authority in present law to distribute deficits in a discretionary manner, when in his judgment such a distribution would be in the "national interest." The House bill retained the present law provision. The conferees agreed to the House version.

The conferees note that under the proposal of the Administration to follow the quota structure of present law with minimal change, the Philippines would have received a quota of 1,362,120 tons. In retaining the President's authority to allocate deficits under section 204(a) of the Sugar Act, the conferees point out that he will have the authority to allocate additional portions of deficits to the Philippines if he determines that such action would be equitable and in the national interest.

The conferees were advised that on August 12, 1971, the Department of Agriculture issued an emergency request for 100,000 tons of sugar, 87,000 tons of which would come from foreign countries. This emergency request was rescinded on August 18, but in the interval, three Central American countries, Costa Rica, Guatemala, and Honduras, chartered the necessary vessels, incurred great expense and effort, and planned to ship raw sugar to the United States. Because the quota for these nations for 1971 had already been filled, the effect of the emergency order has been to cause financial hardship to these nations solely because of their prompt response to the Department's emergency request. It is the intention of the conferees that in exercising his discretion to allocate deficits in sugar shipments from any nation if he finds it to be in the national interest, the President should make allocations to these countries out of forthcoming deficits (either in 1971 or in 1972) in an amount sufficient to relieve the hardship.

(B) Allocation of deficits—Time element

The Senate concurred in the House provision on requiring the Secretary to determine and allocate deficits in October of the preceding year and at least every 60 days after the beginning of a quota year, but included an amendment requiring a review on December 15 preceding the beginning of the quota year. The conferees agreed to the Senate version.

VI. CUBAN RESERVE

The House bill reduced the Cuban reserve by more than half, from 50 percent to 23.74 percent, thus reallocating 761,861 tons permanently to other foreign nations (except the Phillipines or Ireland). The Senate amendment preserved the Cuban reserve at 50 percent of imported sugar from foreign countries (except the Phillipines, Ireland, and the Bahamas) as in current law. The conferees agreed to the House version.

VII. ORGANIZATION OF AMERICAN STATES

The House bill repealed the so-called "OAS Bonus" clause, which reserves all growth in the Cuban reserve to countries in the Western Hemisphere which are members of the Organization of American States, and allocated future growth in the Cuban reserve to all countries in both hemispheres. The Senate amendment differed in that it distributed increases in the Cuban reserve, stemming from requirements in excess of 10 million tons, to all supplying countries in the Western Hemisphere (other than the Bahamas.) Under present law, only those nations which are members of the Organization of American States participate. The conference substitute adopts the Senate provision adding the Bahamas to the list of nations which are permitted to participate in the Cuban reserve.

VIII. MAXIMUM LIMITATION

The House bill contained no limitations or ceilings on foreign-country quota allocations. The Senate amendment provided a maximum limitation on quotas of 1.5 million tons to the Phillipines and Cuba (in the event Cuba rejoins the free nations of the world and regains its quota) and 800,000 tons on all other nations. The limitation would not have applied to sugar acquired pursuant to the discretionary authority of the Secretary enabling him to secure sugar from whatever source is available in times of emergency. Under the Senate provision, in the event a country's entitlement exceeded its maximum limitation, the excess would have been considered a deficit and would have been allocated in the same manner as deficits are allocated under the law. The conferees agreed to the House version, but point out that in the future the United States does not intend to become overly dependent on any one source of supply for sugar. In this regard, future sugar legislation might contain a statutory ceiling similar to that proposed in the Senate amendment.

IX. CONFECTIONERY QUOTA

The House bill contained no quota provision on confections. The Senate amendment provided for a quota on confections beginning in 1972 equal to the larger of (1) the average total quantity of sweetened chocolate and confections in tariff classifications affected which are entered in the 3 prior years, or (2) 5 percent of the total amount of sweetened chocolate and confections in tariff classifications affected which are sold in the United States during the most recent year for which reliable data are available. The conferees agreed to the Senate version, but determined that the quotas should apply on an overall quantity basis and not to articles entered under each tariff classification specified. Moreover, the conferees noted that this quota will be in effect only for the period of this extension of the Sugar Act.

X. NEW AND ESTABLISHED BEET AREAS

(A) The House bill authorized acreage to produce up to 100,000 tons of beet sugar to be set aside from the area's quota for localities with new facilities or enlarged plants. The Senate adopted a clarifying amendment making it clear that the 100,000 ton allocation pertained to the life of the extension of the Act and not to successive increases of 100,000 tons in each of 3 years during the extension. The conferees agreed to the Senate version.

(B) The Senate amendment also gave the Secretary discretionary authority to allocate up to 25,000 tons in addition to the 100,000 tons otherwise earmarked for new areas to a Maine factory, but *only* if he were satisfied that the venture could be successful and that sugar beets could be profitably grown. There was no comparable provision in the House bill. The conferees agreed to the Senate version.

(C) The House bill provided that "priority shall be given" to facilities closed since 1970 in making the determination of who receives the additional acreage allotments. The Senate amendment deleted this provision. Both versions provided that the determination should be based in part on "the proven suitability of the areas for growing sugar beets * * *." The conference substitute deletes the priority language of the House bill, but replaces it with language giving a preference to any facility located or to be located in or adjacent to growing facilities which were closed during 1970 or thereafter when the Secretary finds that sugar beets can and will be grown in sufficient quantity and quality to make the operation of such facility successful.

XI. SUGAR BEET FARM HISTORY

The House bill protected for 3 years the history of a producer in a portion of a State where a processor had contracted 4,000 acres of the 1970 crop. The Senate amendment reduced the 4,000 acre test to a 2,000 acre test to safeguard the production rights of producers in smaller locations. The conferees agreed to the Senate version.

XII. PROPORTIONATE SHARES IN MAINLAND CANE AREA

The House bill made no change in present law which provides that the Secretary shall administer proportionate shares in the mainland cane area uniformly in Florida and Louisiana. The Senate amendment authorized the Secretary to administer proportionate shares in the mainland cane area differently in Florida and Louisiana. The conferees agreed to the Senate version.

XIII. INDEPENDENT WEIGHMASTERS

The House bill contained no provision on independent weighmasters. The Senate amendment would have allowed the present dependent weighmasters to continue to serve the people they are now serving but would require, with that exception, that in the future weighmasters not be associated with brokers or refiners of sugar. The conference substitute authorizes the Secretary to issue appropriate regulations regarding the weighing of sugar to insure program integrity and public protection if he deems such action necessary.

XIV. PAYMENTS CUTOFF PROVISIONS

The House bill provided that in the event of any limitation on payments, both the powers of the Secretary under the Sugar Act and the sugar excise tax would terminate. The Senate amendment clarified the House bill to provide that payments would be made with respect to the crop year immediately preceding the year of termination of the tax, but not for the year in which the termination of the tax occurs. The conferees agreed to the Senate version.

XV. EFFECTIVE DATES

The House bill provided effective dates for various provisions of the bill. The Senate amendment was identical in substance except with regard to the expropriation amendment. The conferees agreed to the House version with a technical clarifying amendment relating to the confectionery quota.

XVI. EXPROPRIATION

The House bill made the mandatory provision in present law discretionary with the President. It would also allow him to suspend part of a quota rather than all of it and would make clear that limiting participation of a U.S. citizen in the production or sale of sugar to the United States under a quota allocation is a restrictive condition sufficient to invoke the statute. The House bill also contained authority for the President at his discretion, either in addition or as an alternative to cutting the quota, to levy a special tax (up to $20 per ton) on any or all sugar from the offending country, the proceeds of which would be used to reimburse persons whose property was expropriated.

The Senate amendment adopted a number of changes in the House provision on expropriation and limited its application to past actions. In addition, the Senate amendment proposed for the future a new, more automatic, anticonfiscation provision. Under this new procedure, an aggrieved party, after failing to receive adequate compensation under provisions similar to existing law, could appeal to the U.S. Tariff Commission which, after a full investigation, would reach a determination on the questions of seizure and adequate compensation within a 6-month period.

The conference substitute adopted the House version with the following changes:

(A) Expropriations occurring on or after January 1961 would be eligible for relief through Presidential action.

(B) The $20 per ton impost limitation is specifically made applicable to the West Indies, as well as other nations.

In agreeing to the expropriation provisions, the conferees take note of certain claims by American business against foreign governments which have not been settled. Some of these involve companies which have been expropriated. Others involve companies which have satisfactorily performed contract work and have not been paid. The conferees wish to make their intention clear and unmistakable that these claims must be satisfactorily settled with expedition. The Congress is mindful of the fact that this is a 3-year extension of the Sugar Act. Sugar-supplying countries are therefore put on notice now that their record of settlement of outstanding claims by U.S. citizens will be a factor in future Congressional determinations of quotas.

XVII. WAGE-PRICE FREEZE AND THE SUGAR ACT

On August 15 the President issued Executive Order 11615 imposing a freeze on wages and prices. The purpose of this Executive Order is to limit prices for commodities to the highest price for which sales of the commodity were made during the 30-day period preceding the Executive Order. The Sugar Act, too, is a price control mechanism. Its purpose is to stabilize prices of sugar in the interest of consumers, farmers, and processors.

It has come to the attention of the conferees that administration of the President's Executive Order may have the effect of disrupting the orderly operation of the Sugar Act by establishing different price ceilings for different processors of raw sugar solely on the basis of when sugar cane is harvested, processed, and marketed as raw sugar. This disruption could lead to inequities among processors and to unjust enrichment of refiners who purchase raw sugar from mainland raw sugar processors frozen to price structures which existed under the Sugar Act in the spring of 1971 or the fall of 1970 when these last sold raw sugar.

It is the feeling of the conferees that if Executive Order 11615 and the Sugar Act can be construed together to eliminate inequities and unjust enrichments, such a construction would be in order. The conferees are further of the opinion that if the raw sugar price ceiling were frozen in all cases at the price at which raw sugar was sold during the 30-day period preceding the issuance of Executive Order 11615, it would facilitate the administration of the Sugar Act and the achievement of the price objective stated therein.

W. R. POAGE,
THOMAS G. ABERNETHY,
THOMAS S. FOLEY,
PAGE BELCHER,
CHARLES M. TEAGUE,
Managers on the Part of the House.
RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN E. TALMADGE,
WALLACE F. BENNETT,
CARL T. CURTIS,
Managers on the Part of the Senate.

SOLICITATION FROM A POOR REPUBLICAN BOY FROM IOWA

(Mr. GROSS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, during the August recess I was the recipient of two rather unusual letters, one from Mr. Lawrence O'Brien, chairman of the Democrat National Committee, of course soliciting me for funds, and the other from Treasurer Jay C. Leff, of the Pennsylvania Democrat State Committee, soliciting me for funds—$100 for a ticket to a Democrat dinner in Pennsylvania in October.

I am mystified, Mr. Speaker, by the attention, solicitation, and affection which these Democrats apparently hold for a poor old Republican country boy from Iowa.

FURTHER LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have taken this time for the purpose of asking the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS) if there is any change in the announced program for this week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in reply to the inquiry of the distinguished gentleman from Michigan (Mr. GERALD R. FORD) it had been my intention to announce that we are adding to the program for tomorrow, H.R. 10538, which extends the authority for insuring loans under the Consolidated Farmers Home Administration Act.

This bill was on the suspension calendar earlier this week, and had to be removed because of the untimely death of our late colleague, the gentleman from Kentucky (Mr. Watts). It is necessary to call this bill up because the authority which the bill grants expires as of tomorrow. So we are quite hopeful that we can call the bill up and pass it on tomorrow.

Mr. GERALD R. FORD. I thank the gentleman.

CALL OF THE HOUSE

Mr. HOLIFIELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 269]

Abbitt
Abourezk
Abzug
Adams
Alexander
Ashley
Badillo
Betts
Biaggi
Boland
Bolling
Bray
Brinkley
Brooks
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Celler
Chappell
Clark
Clawson, Del
Clay
Conte
Conyers
Cotter
Culver
Davis, S.C.
Dent
Derwinski
Diggs
du Pont
Edmondson
Edwards, La.
Eilberg
Esch
Eshleman
Evins, Tenn.
Flynt
Foley
Fraser
Frelinghuysen
Gallagher
Garmatz
Gibbons
Grasso
Halpern
Hansen, Wash.
Harrington
Hathaway
Hébert
Hicks, Mass.
Hillis
Hunt
Karth
Keith
Koch
Long, La.
Lujan
McClure
McKinney
Mailliard
Mathis
Melcher
Mikva
Murphy, Ill.
Murphy, N.Y.
Myers
O'Neill
Podell
Poff
Powell
Price, Tex.
Rangel
Rarick
Robinson, Va.
Rosenthal
Roy
Roybal
Ruppe
Sandman
Sarbanes
Saylor
Scheuer
Shipley
Skubitz
Stanton, James V.
Stokes
Thompson, Ga.
Van Deerlin
Ware
Whalley
Whitehurst
Wilson, Bob
Wolff
Wydler
Wyman
Yates
Yatron

The SPEAKER. On this rollcall, 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 10947, REVENUE ACT OF 1971

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight to file a report on the bill H.R. 10947, the Revenue Act of 1971, and that separate views may be included.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PROVIDING ADDITIONAL FUNDS TO COMMITTEE ON EDUCATION AND LABOR

Mr. THOMPSON of New Jersey, from the Committee on House Administration, submitted a privileged report (Rept. No. 92–532) on the resolution (H. Res. 607) to provide additional funds to the Committee on Education and Labor to study welfare and pension plan programs, which was referred to the House Calendar and ordered to be printed:

H. RES. 607

Resolved, That the expenses of a special investigation and study of welfare and pension plans to be conducted pursuant to H. Res. 213, by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $100,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $20,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Such $100,000 shall be available and allocated to the General Subcommittee on Labor in connection with its present study and investigation of private pension and welfare funds pursuant to H.R. 1269 and related bills. Particular need has been demonstrated to conduct a professional study of vesting, funding, portability, benefit insurance, fiduciary responsibility, adequate disclosure, and other aspects related to the effectuation of private pension and welfare plans as a meaningful supplement to the social security system.

The General Subcommittee on Labor, through the Committee on Education and Labor, shall report to the House as soon as practical during the present Congress the results of its investigation and study with such recommendations as it deems advisable.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day next week to consider a joint resolution making a supplemental appropriation for fiscal year 1972 for Federal unemployment benefits and allowances, Manpower Administration, Department of Labor.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, would the gentleman from Texas be good enough to give us a brief explanation of what is proposed by his request?

Mr. MAHON. Mr. Speaker, I am glad the distinguished gentleman from Iowa has asked that question because it was my intention to speak to the point.

The President on yesterday sent a request, which I assume originated in the Department of Labor for a supplemental appropriation in the sum of $270,500,000 for compensation benefits for veterans and various other people who come within the purview of the law to get unemployment compensation benefits. The original 1972 budget estimate which was sent to the Congress last January was $274,500,000. That was provided in the regular bill for 1972, but it was a bad miscalculation of the amount required.

As we all know, unemployment has been very severe, especially in certain areas, and under the basic law it is mandatory that unemployment compensation be paid to those entitled to it. We are told that in early October they will be out of funds.

The budget request from the President states—

> Present data indicate that remaining fiscal year 1972 funds will run out in early October 1971.

So I now am making the request that on any day next week it may be in order to consider a joint resolution making a supplemental appropriation for this purpose. It is of such urgency from the standpoint of exhaustion of currently available funds that it cannot be held until the closing bill is presented some weeks from now.

Mr. GROSS. Is not the present request an almost duplicate of last year when a supplemental was asked for the same purpose about the same time last year, perhaps a little later? Is that not true?

Mr. MAHON. I do not remember the exact details, but there was a request to take care of unanticipated requirements for unemployment compensation, and Congress passed such a supplemental appropriation for fiscal year 1971.

Mr. GROSS. Again it was the same story; is that correct?

Mr. MAHON. The gentleman is correct.

Mr. GROSS. That seems to make it a rather "common fall or winter complaint," does it not?

Mr. MAHON. It is true that unemployment escalated to a greater degree than had been anticipated. These funds are legally due the veterans and other beneficiaries. So we have no alternative under the basic law but to provide them, as I see it.

Mr. GROSS. And there are probably more veterans coming back and leaving the service, is that not true?

Mr. MAHON. That is correct.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION MAKING FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day after October 5, 1971, to consider a joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, this, I take it, is an extension of the several continuations we have had; is that correct?

Mr. MAHON. We have had two continuing resolution in respect to the current fiscal year. This would make the third. The present one expires October 15. An extension is needed because we have four annual appropriation bills which have not cleared the House or the Congress because there is not adequate legislative authorization at this time. The authorization bills are being considered by the appropriate committees in both houses and on the floor of the other body.

The authorization bill for defense, for example, is under active consideration today on the Senate floor.

Mr. GROSS. I would say that apparently most of the hangup is over in the other body; is that not true?

Mr. MAHON. That is correct, but I would add that the other body has this year done a splendid job in expediting the handling of the appropriation bills which we have sent over to it.

Mr. GROSS. I think the gentleman is saying they have done a better job in some respects than perhaps they did in previous years, but they are still dragging their feet. Does the gentleman not agree with that?

Mr. MAHON. The problem is not with the appropriation bills in the Senate—not at all. The problem is with the lack of legislative authorization relating to the defense bill and to the military construction bill—which is in conference, I should add—and to the foreign aid bill. That is where the main problems are. Under the rules, in the absence of authorizations, the Appropriations Committee of neither body is in a position to act at this time.

Mr. GROSS. All right, but that amounts to foot-dragging no matter how you spell it out, whether authorization or appropriation.

Authorizations bills must first be passed unless we are going to get a waiver of the rules, and I do not advocate that process, and I do not think the gentleman does either, where it can possibly be avoided.

Does the gentleman have any idea how far it is proposed to extend the continuing resolution on this next trip through the House?

Mr. MAHON. That question has already been under some discussion with the leadership on both sides of the aisle, including the Speaker and the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Michigan (Mr. FORD) and the gentleman from Ohio (Mr. Bow) as well as others. A decision has not been made as to the expiration date for the next continuing resolution. The request now is simply that we be authorized to call up a continuing resolution for action by the House on any day after October 5. As I indicated, the present continuing resolution expires on October 15, and we want to act on the necessary extension in a timely way.

Mr. GROSS. I would suggest to the gentleman that he make the continuing date so that we will not have to go through this performance a fourth or fifth time this year. I suggest he make the expiration date of the continuing resolution December 24. We just might be in the clear by Christmas Eve.

Mr. MAHON. It is hard to predict what may develop, but many of us are hoping it will be a much earlier date.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. BOW. Mr. Speaker, further reserving the right to object, and I shall not object, I think the leadership must help in determining what date the resolution should be, but I do not quite agree with my distinguished friend, the gentleman from Iowa, about not getting these bills through. We have passed some of these authorizations in the House, but in the other body the distinguished leader has now offered an amendment to the military procurement bill, which may drag on for some time. I do not know, but it seems to me since the House has acted on some of the authorization bills, that we would do well, perhaps, to get a rule and go ahead and pass the appropriation bills, so this House can move along and get into some sort of 3-day adjournments if we have to, so we may finish up the work of the House. The Appropriations Committee has practically completed all of its hearings and is ready to move. All we need is the authorization or a rule to get the bills through. I think all the Members, perhaps with a few exceptions, agree that it would be well if we would finish up the work of the House and let the other body do what it will, as the gentleman says, they may drag their feet.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thought the gentleman from Ohio understood my remarks were directed to the foot-dragging in the other body. I was not being critical of the House, because the House has approved or adopted most of the authorization bills. I was in no way reflecting on the House.

Mr. BOW. I understood the gentleman very well. But I did understand the gentleman to say he might be opposed to a rule, so we might pass these bills. My feeling is that since we do have the position where we have passed the authorization bills, the House has done its job.

We have practically finished all the hearings in the Appropriations Committee and are ready to move, but I can see no reason why, under the authorization bills passed in the House, we should not go ahead and get a rule waiving the provisions of the House and pass our bills and finish up the work, and get through with our work so we can move along, and if they want to drag their feet in the other body, let them do so.

Mr. GROSS. If the gentleman will yield further, I do not like waiving the rules—and I do not believe the gentleman does either.

Mr. BOW. I do not.

Mr. GROSS. I do not like that as an accepted way of procedure in the House of Representatives, but I, too, would like to get away for three days as Members of the other body frequently do. Perhaps I would not have to fish through the ice this winter, if able to get away before everything freezes over.

Mr. BOW. I agree with the gentleman. I think we could finish the work of the House, and I believe the leadership of the House is anxious to complete our work, but we are going to be held up again by the delays in the other body.

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from New Jersey.

Mr. PATTEN. To be realistic, do we not have to wait for the second phase of the wage and price freeze, which we probably will not get until after November 30?

I should like to go home for 2 weeks, while we are holding our elections, and come back after November 8 and be available for work.

We did not do anything Monday. We did not do much yesterday. We will probably do less today. I would rather be home now. I know I am going to be here in December.

Why can we not recess for 3 days, for a couple of weeks, until this is done, and let us be ready here in December for the new economic proposal in phase II, which is going to take a great deal of time.

We are going to be here for Christmas; and have no doubt about it.

Mr. BOW. The point which the gentleman from New Jersey is making is a point the gentleman from Ohio is not able to answer. That answer would have to come from someone in leadership. I would go along with the gentleman.

I should like to see the House, which has expedited the authorizations and expedited the appropriations, finish its work and get things out of the way, so that we can have 3-day recesses.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 22, 1971:

H.J. Res. 850. Joint resolution authorizing the Honorable CARL ALBERT, Speaker of the House of Representatives, to accept and wear the Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

On September 25, 1971:

H.R. 234. An act to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

On September 28, 1971:

H.R. 6531. An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

REPORT ON HIGHWAY SAFETY AND TRAFFIC AND MOTOR VEHICLE SAFETY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–165)

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed with illustrations:

To the Congress of the United States:

Safety on the Nation's roads and highways is a subject which affects virtually our entire population. Everyone who drives or who rides in a motor vehicle, everyone who walks on and crosses the roadways has a very high stake in the promotion of traffic safety. But safety measures and remedial programs can succeed only if they have the active support of governments at every level, of business and industry, and of the general public.

In previous years, two reports have been submitted to the Congress which separately described the administration of the two principal laws in this important area: the National Traffic and Motor Vehicle Safety Act of 1966 and the Highway Safety Act of 1966. This year a single general summary report has been prepared concerning the operation of these laws. Two separate, supplementary volumes—one for each of the laws—contain additional and more detailed information.

It is my hope that the Highway Safety and the Traffic and Motor Vehicle Safety Annual Reports for 1970 will do much to increase public understanding of this pervasive menace to life, limb, and property. The summary report in particular tells a great deal about what must be done to fight this danger. It discusses the enormous toll of highway accidents in both human and financial terms, and indicates some favorable effects of remedies instituted since the 1966 legislation was passed. In addition, it describes the lifesaving nature of programs which are now receiving priority attention, tells about the major efforts in 1970 to develop and enforce motor vehicle safety standards, and reports on efforts to expand and improve State highway safety programs in accordance with Federal standards. The report also touches on some of the basic research projects which are advancing the technology of automotive and highway safety.

As I transmit these Reports to the Congress, I emphasize again the commitment of this Administration to advance the cause of highway safety. With the cooperation of the Congress, we can continue to make great strides in this critical field.

RICHARD NIXON.

THE WHITE HOUSE, *September 29, 1971.*

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1971

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10351) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10351, with Mr. ROONEY of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 1 hour, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, more than 7 years have now passed since Congress committed itself and the Nation to a boldly experimental program in behalf of the American poor.

Passage of the Economic Opportunity Act of 1964 marked the beginning of a coordinated drive by Federal, State, and local governments and private agencies on the problems of poverty.

It established, at the highest level of Government, an agency to serve as spokesman for the underprivileged, the chronically jobless, and for the defeated and forgotten.

That legislation rejected, for the first time anywhere as far as I know, the idea that poverty is man's natural condition.

It was a testament to our belief that the United States is a strong, compassionate country with the resources and the will to hold open the door of opportunity to all of its citizens.

Now, for the third time since becoming chairman of the Committee on Education and Labor, I am privileged to come before you with legislation to extend the life of the Economic Opportunity Act for an additional 2 years.

H.R. 10351 was considered at length by the committee, and on August 4 it was ordered reported by a vote of 32 to 3. For legislation born in controversy and vigorously challenged throughout its two previous renewals, this near-unanimity almost suggests the millennium.

I think it is no overstatement to say that the United States has accepted the challenge of the 1964 act. The novel idea of an agency to speak for the poor, to be an innovator and a tryer of new ideas, has proved its worth with the American people. Such opposition as there might be appears to go more to tactics than to strategy.

No prudent or truthful man could stand in this Chamber today and tell you that the Office of Economic Opportunity is the perfect agency, or that its programs are without blemish.

I can, in all truth and prudence, tell you that we of the Congress and the people in the executive branch who operate the agency have learned a lot the last 7 years.

Some of the initial programs might have been poorly conceived and badly managed. Others, good at the start, might have worn out their usefulness.

But there has been a constant effort on the part of both the Congress and the executive to trim and prune and tighten and perfect, until today we have a tighter act and a different agency than we have had in the past.

The measure before you makes additional changes, some of which I will presently discuss. The important thing to consider is the endless drive to improve the OEO mechanism so it can better serve the needs of the poor, and the overall objectives of American society.

No one on the Committee on Education and Labor wants a sloppy agency or a wasteful one. Lengthy hearings, the printed record of which run to more than 3,000 pages, have probed deeply into the needs of the poor and into how those needs are being met by the OEO.

The committee believes the OEO has more than justified its existence, and should be rechartered for an additional 2 years.

The bill before you today authorizes $2,194,066,000 for the present fiscal year, and $2,750,000,000 for the fiscal year ending June 30, 1973.

The fiscal 1972 authorization is some 6.7 percent above the budget recommendation of $2,056,000,000, but the committee felt that the $138 million increase is more than justified by the pressing needs of these specific programs: Headstart, day care, emergency food and medical services, Follow Through, rural housing development, environmental action, local initiative, and others. The committee feels this is where the increased funds should go.

Notwithstanding the budget, this authorization only barely permits a standstill situation. It represents only a 5.3-percent increase over funds appropriated for fiscal year 1971. The erosion in dollar value that had taken place before the President's August 16 economic policy reversal statement has already discounted this increased authorization to a point at or even below last year's appropriation level.

It is unthinkable to me that existing program levels in this field should actually be reduced in fiscal year 1972. In a season in which it is deemed right and proper for Congress to bail out large corporations that have gotten into difficulty, it hardly seems appropriate that we should cut back on programs that help the poor bail out themselves.

Mr. Frank Carlucci, who was Director of the Office of Economic Opportunity during committee hearings on this bill, asked for flexibility with respect to moneys authorized for his agency's programs. He, like the Democratic and Republican directors who have gone before him, felt he could do a better job than the Congress in earmarking funds to specific OEO programs. That may be, and I do not want to argue the merits of the proposal in this particular situation.

Nevertheless, the committee has proposed to give the OEO Director the flexibility he wants, and has not followed the practice of earmarking, with one exception. We do propose a reservation of $350 million for each of the 2 fiscal years involved for local initiative under title II of the act.

HEADSTART

One of the features of the new bill involves the eligibility requirements for participation in the Headstart program. You will recall 2 years ago we broadened the act to permit the participation of children of families above the poverty level, and authorized the Director to establish a schedule of fees for these children. This bill raises the general eligibility requirement for Headstart participation to an annual family income of $4,500 for a family of four. This simply means that the Director may not establish general eligibility rules which require payment for children below this income category.

In the committee report, it is made clear that we hope the Director will continue to give preference to the neediest children. The flexibility given to him by this amendment is intended to permit participation of the near-poor, those whose incomes hover perilously close to the poverty level.

Headstart remains one of the most popular, and at the same time, one of the most effective programs undertaken by the Office of Economic Opportunity. As Dr. Edward Zigler, Director of the Office of Child Development to which Headstart is delegated, said in testimony before the committee last March:

> There can be little doubt that Headstart has met many of the intellectual, social, and health needs of the children it has served; or even more important, however, Headstart enhances the quality of life of the deprived preschool child every day he is in the program—The Headstart program represents one of the best expressions of our Nation's concern for its children.

This assessment is echoed throughout the testimony, and in my own contacts with people from all across this land.

COMPREHENSIVE HEALTH SERVICES

In another program, the committee bill contains a significant amendment to comprehensive health services. Recognizing that there are in this country many near-poor families living in areas presently served by a comprehensive health services facility, the bill before us would permit the provisions of health services to this group, with the understanding that such persons may be required to pay for those services. This, in effect, does the same thing in comprehensive health services that we did in Headstart in 1969—make it available, at an appropriate fee, to the near poor.

DRUG REHABILITATION

The committee bill makes other amendments to the special emphasis program section of the act. It directs that priority be given to veterans and employees of significant numbers of veterans in special programs to promote employment opportunities for the rehabilitated drug addicts, and to aid employers in dealing with addiction and drug abuses among the formerly hard core unemployed.

ENVIRONMENTAL ACTION

The committee bill authorizes a new program called "Environmental Action." Under this special emphasis program, low-income people would be paid for working on projects designed to combat pollution and to clean up a rapidly degenerating physical environment in America. This I personally believe to be potentially one of the most beneficial steps yet taken by the Congress to deal with the environmental problem. Why cannot we use the otherwise unemployed poor to help clean up the mess that afflicts so many of our urban and rural areas? They can be usefully employed in removing solid wastes, in clearing streams, in carting away all of the unsightly old automobile carcasses that choke the roadways and creeks in many places. They can carry out projects designed to upgrade water supplies and to improve the movement and processing of sewage. They can plant trees, improve our parks, and help reclaim lands which have sustained ecological damage from strip mining and other forms of man-generated or natural destruction.

Of course most, if not all, of this work is expected by the committee to be done in public areas that will have a substantial impact upon the total community.

Although I have dwelt upon the environmental aspects of this program, I certainly do not intend to imply that it is less than an employment program. The primary aim of environmental action is to promote jobs for poor people. The strong secondary aim is to help patch up and nurse our environment back to health. In this way, persons on such a program can do good while doing well.

Because this is a new program, and because it comes at a time of lean prospects for OEO funds, I would hope the agency would not spread the money so thinly as to make the results negligible in the total community. A lesser number of projects in carefully chosen locations would be more desirable, I think, in that the results could demonstrate the beneficial impact of this new legislation. If it works, and I believe it will, I hope to see this special emphasis program broadened in the future.

RURAL HOUSING

The committee bill before you also contains a new program in the field of rural housing. We have included this, recognizing that the condition and shortage of decent housing available to low-income families in rural areas is one of the most critical matters facing the country. It is also one of the most neglected because the homes of the rural poor are too often isolated up in the mountain hollows, or screened by the woods or the mesquite, and far away from the affluent corridors served by the interstates and the expressways. Public housing is not the answer to this particular problem, because these people are country folk. They like the elbow room afforded by their remote residence. To them the concept of wall-to-wall or gable-to-gable urban living is both alien and intolerable.

There is genuine need for new housing, and for the rehabilitation or repair of old.

While this is a new program under this name, it does not constitute an entirely new field for the Office of Economic Opportunity. The agency now funds some 40 or 45 housing development corporations across the country, to say nothing of the housing work it is carrying on for migrants and Indians.

The committee does not intend or contemplate that this will be a major new housing program. The modest $10 million suggested for it is the best guarantee of that. This is a modest rural program, aimed at a special housing problem in which existing housing legislation simply has not proved effective. It is confined to the rural areas and limited to rural housing development. The committee felt it should have special identity.

LEGAL SERVICES

The measure before us today proposes to add a new title X, the National Legal Services Corporation, to the existing Economic Opportunity Act.

The present legal services program is one of the several special emphasis programs housed under title II of the act. This program was initiated to make sure that the poor of our country had access to legal advice and representation, to legal counseling, and to knowledge of their legal rights and responsibilities. Too often in the past we have seen the poor denied justice because they were ignorant of the remedies available to them. Except in unusual and extraordinary circumstances, this program has been limited to civil representation in noncriminal cases.

Our committee has been impressed and, I think, surprised by the broad spectrum of support which the legal services program has gathered.

The President has proposed establishment of a separate corporation—citing "the sluggishness of many institutions at all levels of society in responding to the needs of individual citizens" as "one of the central problems of our time."

The President's Commission on Executive Reorganization strongly recommended that a private nonprofit corporation be established to administer the legal services program.

The American Bar Association is its strongest champion.

The report of the committee on H.R. 10351 lists on pages 28 and 29 some of the organizations which support the corporation concept. And the hearings of the Committee on Education and Labor on the poverty legislation are replete with testimonial support.

The proposed new title X is a compromise agreed upon by the committee after lengthy consideration of two major alternatives. One, H.R. 8163, was the administration bill. The other, H.R. 6360, was the so-called Steiger-Meeds bill, a bipartisan proposal. Both measures proposed to establish an independent, nonprofit corporation to administer the program.

Although the two approaches had some basic differences, those differences were resolved in the compromise version which the committee adopted and which now constitutes title X of the bill.

The most difficult issue involved the makeup of the corporation's board of directors. Agreement was finally reached on a compromise which combines the principle of representation for legitimately interested groups with the principle of presidential freedom to choose and nominate the board members.

As it now stands, the President has complete flexibility and discretion in the nomination of seven board members, of the 17-member board, subject only to the requirement that three of them be lawyers. His nomination of four members from the client community is subject only to the requirement that he give due consideration to the recommendations of the Advisory Council. He may, however, reject these recommendations entirely. He chooses all other six members of the board from lists provided by the judicial conference, the law schools, and the bar associations. If no name on a list suits him, he may call for a new list.

The final committee version of the bill prohibits any lobbying by project attorneys. It also prohibits their participation in partisan politics and elections, and nonpartisan elections as well.

The proposed title X limits representation by project attorneys to persons who are "members of the client community," a phrase we intend to cover only those unable to obtain private legal counsel because of inadequate financial resources.

On the matter of criminal representation, the committee labored long and earnestly to achieve a compromise. We wound up with a recommendation forbidding criminal representation except in extraordinary circumstances—

> Where, after consultation with the court having jurisdiction, the Board has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available under the legal services program.

As far as I am personally concerned these extraordinary circumstances had better be rare indeed. The committee fully intends that this exception be made only in genuinely, repeat genuinely exceptional circumstances.

And so, with these strictures, the Committee is ready to cut the umbilical cord with the legal services program, and launch it as an independent entity. With it go the hopes that it lives up to its promise to cut the price tag from full justice to the poor.

TECHNICAL CHANGE

These are the major programmatic changes in the Economic Opportunity Act as contemplated by H.R. 10351. There are, however, several technical and procedural changes which have been suggested by the hearings, and by the Committee's oversight of the legislation over the past 7 years.

PUERTO RICO FUNDS

The first of these involves the allotment of funds to Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific, for local initiative and special emphasis programs. Heretofore, this has been 2 percent of the available funds for these programs. The committee bill felt this should be raised to 4 percent, an estimated $16 million.

NON-FEDERAL SHARE LIMIT

Under the existing act, Federal assistance to a community action agency or other entity to operate a local initiative or special emphasis program is limited generally to 80 percent of the approved program cost. The Director may, at his option, reduce the Federal share and require a higher percentage of local agency funding.

After taking testimony on this point from a number of witnesses, the committee feels that this sword of uncertainty hanging over the head of the community action agencies with respect to these programs should be removed. Accordingly, the bill before you contains an amendment limiting the Director's authority to require more than a 20-percent local share of the funding. It must be made clear, however, that this does not infringe upon a local agency's prerogative to contribute more than 20 percent if it wishes. And the local agency retains the option as to whether the non-Federal contribution shall be in cash or in kind.

STATE ECONOMIC OPPORTUNITY OFFICES

Oversight hearings held by the committee turned up instances in which a State economic opportunity office was in violation of the Economic Opportunity Act. It was learned that OEO auditors had discovered abuses by a State office, and misuse of funds provided under the act. The General Accounting Office reported similar violations.

The committee therefore proposes an amendment providing that if a member of a community action agency board files an allegation with the Director of the OEO that a State Office is in violation of the act or any rule, regulation or guideline promulgated under the act, the Director shall immediately investigate the charge. If the charge is validated, the State office is given reasonable opportunity to take appropriate action. If no such corrective action is forthcoming, the Director is required directly to terminate any further assistance to the State office with title II funds.

This committee has always felt, and still feels, that the State economic opportunity offices have a necessary and important role to play in the poverty program. Most have justified that trust and have performed excellent service on behalf of their people.

The OEO has in recent years enlarged the role of the State offices in the evaluation of community action programs. Unfortunately, I cannot report that this enlargement of activity has been matched in every instance by an enlargement of trust and confidence on the part of the CAA's for their State offices. Nor could the findings of this committee, of the OEO auditors, and of the General Accounting Office be counted upon to restore complete amity.

A rereading of the act establishing the State economic opportunity offices and of the voluminous hearings conducted by the Committee on Education and Labor in the course of three OEO renewals, should remind those in authority that the intended role of the State offices is cooperation and assistance, not harassment of local agencies. The abuse of discretion, the ignoring of Federal law and regulation, and the disregard of the purposes of the Economic Opportunity Act ought to merit the prompt attention of the OEO Director and his aides.

I for one certainly hope that the amendment contained in this bill will remedy the defect once and for all. If it does not, subsequent oversight hearings by the Committee on Education and Labor will no doubt recommend an additional specific.

FAIR DISTRIBUTION OF OEO FUNDS

Another instance in which oversight hearings have produced a recommendation for change is found in the amendment to section 244 of the act. An ad hoc subcommittee heard a claim that one segment of the poverty community was not receiving its fair share of benefits under the act because of the dominance of another segment in the local poverty population. To correct this situation, the committee has approved an amendment requiring the Director to assure that financial assistance be distributed on an equitable basis throughout the community served.

RULES AND GUIDELINES

For a considerable period of time—perhaps ever since OEO was established—Members of the Congress and of the committee have heard complaints from local elected officials and managers of the community action agencies that the various program guidelines, rules, regulations and forms were confusing, suffocating, or even subversive of the intent of the act.

In an effort to remedy this situation somewhat, the committee approved an amendment requiring that it and its opposite member, the Senate Committee on Labor and Public Welfare, be furnished copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated under the act at least 30 days prior to their effective date.

Far from proposing that the appropriate committees of the House and Senate be given a veto over such rules, regulations, guidelines, and so forth, the intent of this amendment is merely to keep the committees informed of agency proposals, and abreast of the alleged proliferation of "red tape" about which local officials are complaining.

Parenthetically, if this requirement and the attendant knowledge that other eyes are seeing and other ears are hearing does happen to result in a diminishing flow of such documents, I doubt that anyone on the committee will be tragically grieved.

OTHER PROGRAMS

In this discussion, I have dealt almost exclusively with the changes proposed by the Committee on Education and Labor in the existing Economic Opportunity Act.

But I do not wish to imply any lessening of interest in or support for the ongoing programs of the OEO.

JOB CORPS

The Job Corps continues to meet a genuine need among poor youngsters in the 14-to-21 age bracket. From my own personal standpoint, I regret the diminshed emphasis placed upon this program since its delegation to the Department of Labor 2 years ago. The hasty and unwise closing of many ongoing centers in 1969 slammed shut the door of opportunity in the faces of many youngsters. Alternative provision was not made for these disadvantaged youngsters, notwithstanding the claims at the time.

The promise to develop quickly some 30 new inner-city or near-city residential manpower centers—made before the committee in 1969 by the Secretary of Labor—has not been fulfilled. I do not know how many are actually in being today, but when the Assistant Secretary of Labor for Manpower testified before the Committee on the 1971 Amendments, he said 10 large centers had been opened with a capacity of 2,555. The opportunity once held out to all of those hundreds of other youngsters has gone glimmering.

The administration has proposed some $40 million in new Job Corps money over last year for fiscal 1972. The committee is delighted to concur and that recommendation is contained in the bill before the House today.

NEIGHBORHOOD YOUTH CORPS

The Neighborhood Youth Corps is not affected by the present legislation, except that the committee feels an additional $12,500,000 authorization should be in order, bringing the total recommended for fiscal 1972 to $375 million.

MAINSTREAM

Operation Mainstream, a tremendously effective program for chronically unemployed adults and the older poor in rural areas, likewise continues under this legislation. The committee has, however, recommended $50 million for this activity, an increase of $11,200,000 over the budget.

DAY CARE

A day-care program was authorized under the Economic Opportunity Act, and funds have previously been authorized for its support. These funds have never been made available. There seems to be little opposition to the call for day care and child development funds to be increased drastically now, and the President, in his family assistance plan, is on record for a day-care component at some $400 million annually. The committee feels that a minimum of $25 million should be authorized immediately under the day-care component of the Economic Opportunity Act.

Mr. Chairman, I commend H.R. 10351 to the House, and urge its swift passage.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the gentleman for yielding.

Just this week it was my pleasure to visit a Job Corps camp in McCreary County, Ky. I found there that many young people, both black and white, who had been disadvantaged in their youth, were receiving excellent training, and I found the morale of that group of people to be high.

We see there young people who have never had an opportunity for an education receiving general education and also vocational education training which will fit them for a better life after their service there.

Mr. Chairman, I think the Job Corps is doing a wonderful thing, particularly in this area.

Also, I would like to state that I believe that the Neighborhood Youth Corps is helping the disadvantaged youths; those who could not go to high school by any other means are assisted under this program to go, and are educated.

I think it is extremely helpful so far as the Headstart program is concerned, and without a doubt it is very good.

Operation Mainstream has been helpful. As I understand, it came after the Happy Pappy program, as it was called at that time.

In that program, although the men did not receive the guidance that they should, and were not in many cases engaged in meaningful work—yet, the money that they received did help the poor children to go to school and to stay in school.

Those parts of the program I certainly support.

The CHAIRMAN. The gentleman from Kentucky has consumed 10 minutes.

Mr. PERKINS. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I will answer the first part of the question of my colleague from Kentucky by stating that in the Job Corps we are authorizing for the fiscal year 1972 only the amount of money that is presently in the President's budget—$210,287,000.

On the concentrated employment program we are authorizing $120 million, the same amount that is in the President's budget.

Neighborhood Youth Corps we have increased from $362 million in the Presidents' budget up to $375 million—an increase of $12,500,000.

There is an increase in Operation Mainstream which the gentleman has specifically referred to from $38,800,000 in the President's budget up to $50 million—or an increase of $11,200,000.

To my way of thinking the Administration is starving some of these most worthy programs by underfunding. But it is my hope that this money will not be transferred around to other programs, and that every dime we authorize for these most worthy programs will be expended by the administration in administering these programs.

These programs, coupled with those under local control, make a great contribution to our efforts to provide economic opportunity to the poor.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Is not local control one of the difficulties in a certain county in Kentucky that I have been reading about so much lately?

Mr. PERKINS. I do not know. Perhaps the gentleman has read about some problems in eastern Kentucky or maybe in Floyd County.

Mr. GROSS. At least one county in Kentucky was widely publicized. Is that Floyd County?

Mr. PERKINS. That is Floyd County. But in that county a majority of the people wanted to run the comprehensive health services program and it was interrupted by a small minority. That is what has taken place. Now they are in the process of electing three delegates to represent the poor countywide, and I think that will answer all questions involved in connection with a comprehensive program for Floyd County.

Mr. GROSS. Will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Kentucky (Mr. CARTER) used the designation "Main Spring." The gentleman from Kentucky (Mr. PERKINS) talks about "Mainstream." Do we have both Mainstream and a Main Spring programs? Is there anywhere a glossary of all of these various organizations within the poverty program?

Mr. PERKINS. Let me say to my distinguished colleague from Iowa that the Mainstream program is constituted mostly of elderly people who otherwise are unemployable. They work for counties and municipalities, performing public service that would not otherwise be performed.

Mr. GROSS. Then is there a Main Spring program?

Mr. PERKINS. I yield to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. I thank the distinguished gentleman for yielding. Things are not always what they seem. I did not say "Main Spring." I said Mainstream, as the distinguished gentleman in the well realizes, and I must say that this is a worthwhile project.

Mr. PERKINS. Let me thank the gentleman for his contribution.

Mr. CARTER. I thank the gentleman.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman I rise in support of H.R. 10351, to extend the Economic Opportunity Act for an additional 2 years. While there are certain provisions in the bill reported by the Committee on Education and Labor about which I have some questions, for example, the new program in housing which was adopted by the committee, basically the committee bill is one that can legitimately be supported by all Members of the House of Representatives.

I believe it is important to understand at the outset that the Office of Economic Opportunity has gone through a significant shift in its thrust and in its operation.

I believe that the leadership which has been given to OEO, both by former Director Don Rumsfeld and the Director who recently was promoted to the Office of Management and Budget, Frank Carlucci, has done more for OEO than any other single action that has been taken by the Congress or by the administration.

I cite specifically, Mr. Chairman, the effort that has been made to tighten administrative control over local community action agencies, to defund those that were not adequately or responsibly expending governmental funds, and the actions that have been taken to change the thrust of OEO from an institution designed for confrontation to one, as I believe is the intent of the Congress, of cooperation. It is that key of cooperation that has been the most important change in the operation of local community action agencies and the whole agency itself, for that matter, across the United States, because it is only with that kind of cooperation between all levels of Government, between governmental officials and those who are disadvantaged, between local officials who have in the end the responsibility for programs far in excess of those operated by the Office of Economic Opportunity, that we can insure there is the ability to mobilize the resources in behalf of the poor in the United States.

I believe the changes which have taken place within the agency, within the operation of the local community action agencies, have been for the better. I believe they have done an excellent job in insuring that the intent of the Congress was carried out, and that the reason why this bill comes before us today without minority views is in large part a tribute not only to what I call a lower profile on behalf of the agency but also because the agency has done its work well in insuring there was this redirection and that the intent of the Congress was fulfilled in areas where heretofore it had not been, and in insuring there was an opportunity of the poor to participate fully in the operation of those programs funded and operated under this act.

Thus, the Economic Opportunity Amendments of 1971 and the extension for 2 years can, in my view, insure that this program continues to operate effectively. I have every confidence that the new Director, Mr. Sanchez, will bring the same kind of leadership and responsible activity that has been characterized in the leadership provided both by Mr. Rumsfeld and by Mr. Carlucci.

There is one title in this bill, Mr. Chairman, to which I should like now to turn, and that is title X.

Title X of the Economic Opportunity Amendments of 1971 establishes a nonprofit corporation to carry out the legal services work that is now administered by the Office of Economic Opportunity. This part of the legislation is the product of a unique and truly joint effort.

During the past 8 months—since the day in February when the President's Advisory Council on Executive Organization first suggested that a public nonprofit corporation would be the best possible institutional setting for the legal services program for the poor—and since the day in March when a bipartisan group of Members first set forth a proposal outlining a model for such a Legal Services Corporation—more than 130 Members of Congress, Republicans and Democrats alike, have played a part in shaping and promoting the legislation that is before us today. The product of these efforts has received the support of a united Committee on Education and Labor.

The committee report's description of title X is a good one. The report calls it: "the result of extensive good faith efforts on the part of Members on both sides of the aisle to resolve honest differences of opinion as between the supporters of the two major bills introduced on this subject." The two bills were H.R. 6360, a bipartisan measure first offered by Mr. MEEDS and myself, Mr. BIESTER, Mr. BRADEMAS, Mr. CONABLE, Mr. CLAY, Mr. ERLENBORN, Mr. WILLIAM FORD, Mr. PREYER of North Carolina, and Mr. RAILSBACK, and H.R. 8163, the administration bill offered by Mr. QUIE, Mr. GERALD R. FORD, Mr. ERLENBORN, Mr. DELLENBACK, and Mr. POFF.

The two legal services proposals shared a very basic concept—we agreed with the findings of both the Ash Council and the American Bar Association's Standing Commtitee on Legal Aid and Indigent Defenders; namely, that granting corporate status to the legal services program would give the program greater professional accountability as well as greater visibility to the poor, and, in so doing, it would signal recognition of the principle that full access to our legal system should be denied to no individual simply because of inadequate personal means. In the words of the ABA's committee report:

> [The Corporation] presents an opportunity to the nation to make a lasting unequivocal commitment to the concept of justice for all.

A number of basic differences nevertheless existed between the two proposals for a corporation. The committee bill has resolved all of these differences with adjustment in the positions of both sides. Restrictions are included, greatly limiting the degree to which project attorneys may engage in political and lobbying activities, for example. Similarly, assurances are built into the legislation. On the issue of the board of directors, the principle of representation for all groups legitimately interested in the program is combined with the principle that the President should choose the Legal Services Corporation board members.

The Corporation's board of directors is comprised of 17 members appointed by the President with the advice and consent of the Senate in the following manner: one from the courts, seven from the general public, three of whom are to be attorneys, two from the client community, two from among former project attorneys, one from the association of law schools, and four from the organized bar—that is, from the largest associations: the American Bar Association, the National Legal Aid and Defender Association, the National Bar Association, and the American Trial Lawyers Association. The President retains maximum flexibility as to whom he nominates.

In the 6 years of its existence, the Legal Services program has served the Nation as well as the poor: the program has given to poor people an appreciation of the law as a force for good. It is widely recognized as a means of redressing legal grievances through our system of courts and laws.

As President Nixon said in an eloquent message to Congress on May 5, 1971:

> Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

Title X of the committee bill will assure the preservation of the strength of this program and its professional integrity as well. The fact that the committee was able to reach agreement on this legislation—with the continued strong support of both Republican and Democratic members of the committee—is a good sign that the Legal Services Corporation is not a partisan issue.

Free and open access to the law is neither radical, liberal, nor conservative. Our system of adversary justice simply can never work unless there are real adversaries; our system of representation by counsel cannot work if one party has no counsel; indeed, our system of justice cannot succeed unless all of our people, including the poor and the powerless, have full and genuine confidence in the legal system.

The Legal Services Corporation will preserve the professional integrity of the legal aid program. And, more importantly, it will preserve the integrity of our system of government. I support its adoption and pray for its success.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I would be happy to yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

With reference to this matter of the Legal Services Corporation one of the chief criticisms of the Legal Services operations under the OEO, as I understand it, has been that it has not simply served to aid the poor who might have legal problems, as I think the Congress intended, but it has gone out and sought and encouraged these people to attack the institutions of our society, and that sort of thing.

Now, I am wondering, if there is any virtue to that criticism, as to whether the proposal to remove it from all political control, which is suggested as a basis for the new approach, will really help meet that criticism, or whether it might be that the complete removal and independence of the corporation might increase and enhance these problems?

Mr. STEIGER of Wisconsin. May I say to the gentleman from Indiana that I think the intent of the Congress at the time the Legal Services program was established in OEO was quite clear. It was not limited to simply providing legal assistance in the case of personal legal problems for indigents, but to insure that there was a broad range of representation given to those who otherwise would be unable to receive legal services. I cite for example, the need to bring suits against governmental units that were not abiding by the law, or in the case of the elderly who might otherwise not have an opportunity to obtain legal services to appeal their social security case or veterans who might have legal problems with the Veterans' Administration and its rulings.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. STEIGER of Wisconsin. So, my response to the gentleman from Indiana is that the legal services program now operating in OEO and that which I think would be operated under the new Corporation would be consistent with the intent of the Congress, with the full range of services being available to those who otherwise would not be able to receive them because their income was not adequate.

Mr. DENNIS. Mr. Chairman, if the gentleman will yield further, I, of course, realize that a governmental entity should not be exempt by any means from the filing of suits where it violates the law. I do not think that should be done. But I wonder if the idea behind these legal services was that they should not only bring suits when a problem of this kind was brought to their attention, but whether it was contemplated by the Congress for them to go out and stir up complaints and say to their clients that they do have a suit which they can bring.

Mr. STEIGER of Wisconsin. I recognize that there is that criticism in the record which we have in the committee. I think the committee has done an outstanding job in assessing this program and has found very little of that kind of abuse with reference to the solicitation of cases. Basically, the legal services program as it has been operated has insured that it is responsive, representative and knowledgeable of the kind of problems that have come to it and as a result of that the cases that are brought to its attention are brought by those who cannot afford legal representation.

Mr. DENNIS. Mr. Chairman, if the gentleman will yield further, it is my understanding, from a reading of the bill, that the lawyers engaged in these legal services are supposed to be governed by the ordinary canons of professional ethics.

Mr. STEIGER of Wisconsin. That is correct.

Mr. DENNIS. There is a general statement to that effect contained in the bill. I have read it. However, I find no specific prohibition against the type of solicitation I have referred to. Of course, one of the basic canons of professional conduct is against solicitation.

Would the gentleman be disposed to accept an amendment which, frankly, I am thinking of offering, which would specifically write in a prohibition against solicitation and which stated that no business would be handled which was the result of such solicitation?

Mr. STEIGER of Wisconsin. I would have to see the language that is proposed before I could give the gentleman an answer one way or the other. But my best judgment would be that that kind of an amendment is unnecessary; that the canons of ethics are clearly applicable and—although I am not a lawyer—but as I understand the law of the canons of ethics govern the solicitation of cases.

I think that that would be more than enough to govern that kind of situation.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman and members of the Committee, I rise in support of this legislation and, like the gentleman from Wisconsin (Mr. STEIGER), would like to utilize my time speaking about title X.

As the gentleman from Wisconsin correctly pointed out, this legislation which now appears before us in the product of the painstaking negotiations and good faith compromise between several conflicting views. I would like especially to extend my appreciation to the gentleman from Wisconsin (Mr. STEIGER), the gentleman from Minnesota (Mr. QUIE) and to the gentleman from Illinois (Mr. ERLENBORN).

Two bills, as the gentleman from Wisconsin pointed out, went into the House. There were some 86 cosponsors of legislation proposed by the gentleman from Wisconsin (Mr. STEIGER), and myself.

After several months of negotiations we were able to bring before the Committee on Education and Labor this compromise, and were able to bring from the

Committee on Education and Labor this compromise pretty much intact.

It sets up and provides for an Independent Legal Services Corporation. Now, the success of the Legal Services in OEO I think is beyond question. In fiscal year 1971, 1.2 million cases were handled by Legal Services attorneys. Contrary to some people's views, 99 percent of those cases were handled for individuals, only 1 percent represented class actions. There are presently some 2,000 Legal Services lawyers across this Nation representing poor people. Approximately 270 programs operate in every State of this Union except in North Dakota. The success rate has been I think phenomenal, and as a person who formerly practiced private law I am very envious of the record which the Legal Services lawyers have achieved. They have won 70 percent of their cases. They have settled 15 percent of their cases, and they have lost or have on appeal 15 percent of their cases.

But Legal Services has not been free of controversy, and it has not been free of criticism. Some of this criticism I think has been justified. Far more of it, I feel, has not been justified. Since it has not been free of controversy or free of criticism it has not been free of political pressure.

Mr. Edward L. Wright, president of the American Bar Association, said before our committee:

> Recurring attacks on the Legal Services program have helped shape our view that the Legal Services program should be provided a new and independent home. * * *
>
> The main focus of the association and its authorized representatives has been the protection and continuation of the program in a framework through which the lawyer could serve his clients to the extent of his professional responsibility and the ethical mandates of the profession. The maintenance of this professionalism is absolutely essential for the success of any Legal Services program.

It seems to me, Mr. Chairman and members of the committee, that it is particularly important that in our judicial system we maintain the kind of legal service program which is free of political influence. Because by its nature, it is controversial. One does not have perhaps a big problem with voting for a bill to furnish legal services in criminal action. But in a specific instance, it could be a politically tough thing to do in a locality on an ad hoc basis. So we are always going to have controversy. We are always going to have criticism of any kind of legal services program that is really doing what it should be doing.

It seems to me that if justice under the law means anything, it means we are going to be undertaking unpopular causes. It means that the poor are going to receive the kind of representation from lawyers that those who can afford to pay are going to receive. This is equal justice under the law and it means that we are going to disagree sometimes with the individual case.

But if our judicial system is to function and if the poor are really to have all of the rights that all citizens in this Nation have, then they must have equal access to the courts. That is what this program is all about..

This program and the concept of an independent public-service corporation has been suggested and backed by the American Bar Association, by all of the National Bar Associations, the Esch committee, as the gentleman from Wisconsin mentioned, the advisory groups appointed by the President to advise the legal service within the Office of Economic Opportunity, and many other supporters. Many of them are listed in the committee report.

So that is what this bill does. It sets up a public service Legal Service Corporation. It is empowered to carry out functions which are presently being carried out within the OEO under the Legal Services program there, to provide financial aid for the individual local Legal Service program; to conduct research, training, and provide technical assistance; to provide financial assistance for legal education for minority and for the economically disadvantaged; and to coordinate these programs—to collect the information and to disseminate the results among the various legal services—that is—local Legal Service programs.

It prescribes policies to preserve the highest standards of the legal profession.

The gentleman from Indiana, and I wish he had remained here, asked a question about solicitation. These lawyers under this program will be covered by the code of professional responsibility just like any other lawyer in this Nation and the solicitation of cases is specifically prohibited under the code of professional responsibility.

The board, or the National Legal Service Corporation, is under this legislation allowed to set up local programs to provide at the local level Legal Service programs that will serve the poor in those areas.

What are some of the safeguards? Some of the criticism that has been leveled, as I have said, has been justified. We have taken great pains to provide safeguards in this bill.

The first safeguard, it seems to me, is a majority of the board that runs these local Legal Services programs is required to be attorneys—a majority of the board. So you can look to your local bar association. That is where these people are going to come from. The measure requires that the State bar in the State where the program is located have 30 days' notice of the funding of any program. It requires the establishment, again at the local level, of guidelines for the programs, including eligibility of clients, the conduct of attorneys, and again in areas that have been very touchy, guidelines for appeals.

Again the gentleman from Indiana was talking about people going out and looking for cases. We provide in this legislation—indeed we require—that unless the individual Legal Services attorney represents a client or is requested by the legislative body before whom he appears, there can be no legislative advocacy; in other words, he cannot go out and stir up a controversy and get cases, as the gentleman from Indiana asks. We provide an absolute prohibition against political activity. This act is even tougher than the Hatch Act, because we cover nonpartisan political activity.

As I said earlier, the local Legal Services program will be required to establish guidelines for appeal, not to tell the individual lawyer what case he may appeal or what case he may not appeal, because that would be an absolute violation of the Code of Professional Responsibility and violate the relationship of attorney and client, but to establish guidelines under which appeals should be carried out.

This legislation establishes a 17-member board and, very frankly, this was the big problem in reaching the compromise we have. There were some who wanted the President to have absolute authority in the appointment of the board members without being required to accept recommendations from without. And there were some who wanted the President to have very little authority in the selection of these members. I think the compromise which we bring to this floor today maintains the integrity and independence of the Legal Services Corporation, and yet allows the President to have the kind of input that a President of the United States should have in setting up this Legal Services Corporation. Six of the members will be members who are recommended by the Judicial Conference and by various bar associations. They are listed in the bill; so there can be no mistake. Four of the members will be appointed by the President after due consideration to nominations made to him by the client community, that is to say, the people to be served, and by project attorneys. And in seven appointments he will have absolute discretion. Maybe I should say almost absolute. Three of the seven must be attorneys. That is the only stricture on that selection.

It seems to me we have brought to this House legislation which carries out the very purpose and intent of establishing independent legal services, and it should be remembered that the primary function is to provide legal services to poor people who would not be able to afford it, thus making all of the rights of Americans available to those people.

To this date and prior to the Legal Services Corporation being in the Office of Economic Opportunity, I think they were deprived of access to the courts. In the final analysis, the purpose of this legislation is to insulate the Legal Services Corporation from political pressure without isolating it from the problems of the poor. I think the bill does this, and I urge the members to support it.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, I am concerned about the provision which provides for funds of the corporation being used in criminal cases. I would like to ask the gentleman why it was thought necessary to make any exception and provide such funds in criminal cases. Is there not adequate provision in the criminal courts, both Federal and State, to see that indigent people do have adequate criminal defense?

Mr. MEEDS. There are a number of reasons, and as the gentleman properly points out, the provision of criminal defense is primarily a job for State and local courts.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman from Washington 2 additional minutes, so he may respond to the gentleman from Iowa.

Mr. MEEDS. There are two primary reasons. First of all, because it is difficult to tell sometimes when we start representing a person, whether we are representing him in a civil or a criminal matter. We, therefore, felt that in those instances where the determination could not be made early, the individual attorney might be in violation of a strict prohibition against criminal representation. So it is our clear intent that as soon as it is identified as a criminal matter, the man then should get away from it and get out of it. In some States, for instance, it is a criminal violation to remain on a leased property after one has received notice that he must quit. If a Legal Services attorney were to represent that kind of person, he would be in violation of a strict prohibition.

Mr. MAYNE. If the gentleman will yield further, I think the gentleman will find he is opening a can of worms in making this exception, and that there is a very good public policy involved in not having Legal Services attorneys in criminal cases.

Mr. MEEDS. The gentleman will also observe that the exception we have made is only after the board consults with the court and determination is made that the person will not receive representation unless that is done, so again this is providing ample protection.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman from Washington 1 additional minute.

Will the gentleman yield to me?

Mr. MEEDS. I yield to the gentleman from Kentucky.

Mr. PERKINS. It was the view of the committee that ordinarily the attorneys would not participate in criminal cases except in exceptional circumstances, and these exceptional circumstances must be where the court makes a decision that the defendant needs representation from the Legal Services, and the board of directors must rule. So we have safeguards in here to make sure that we are not, except in exceptional cases, defending in criminal cases.

Mr. MEEDS. The gentleman from Kentucky is absolutely right. This is not the individual Legal Services attorney's judgment or his opinion. It has to be the Board, after consultation with the court which says the person will not receive adequate representation.

Mr. QUIE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this is the first time in the history of OEO that the Education and Labor Committee has reported out a bill in which there are no minority views. We have reached an agreement on this legislation, and are pretty much in support of what was reported to the House. I am hopeful that we will be able to expedite the matter with the least number of amendments tomorrow, under the 5-minute rule, when we begin the amendment process.

Our action indicates to me—that in the past 2 or 2½ years the Office of Economic Opportunity has been doing an excellent job and we are pleased with the work they have done. I might give special commendation to the former Director, Frank Carlucci, who is no longer there, for the very outstanding work he did. He is a very dedicated individual, with a great sensitivity for the poor, and a courageous individual who straightens out some of the inequities that existed in programs around the country.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I omitted to state that we had the wholehearted cooperation of the minority. The gentleman from Minnesota (Mr. QUIE) and all the Republican Members made considerable contributions to this legislation and its improvement. I certainly appreciate the cooperation we have received in bringing before this committee a bipartisan bill, and this is a bipartisan bill.

I want to thank the gentleman in the well for his great efforts in that regard.

Mr. QUIE. I thank the gentleman from Kentucky.

Mr. Chairman, the bill before us today calls for a 2-year extension of the Economic Opportunity Act. There are a few new programs that are in the bill which is before us, but I believe we can say these do not represent a major expansion of the Agency. The programs that are a part of this bill are small, and will meet the needs that some of the poor have found to be unmet. This is why we added them.

I guess the most significant change in the bill is the establishment of a National Legal Services Corporation. For many years I, along with many of my colleagues in the House, have contended that the legal services for the poor, which attempt to bring equal justice for all, is both valuable and necessary to preserve our democratic system.

While I supported the concept, I have always felt that the legal services program should not have its future based on the fate of the Economic Opportunity Act. It is so important that it stand by itself. I have looked around the executive branch of the Government, to see where we would transfer it, and there just did not seem to be any place where it would naturally fit. Certainly it would not fit in the Justice Department, where they would be in effect pleading cases against their own Department.

So this National Legal Services Corporation was recommended by two pieces of legislation. First, there was a group of Members of the House who introduced legislation for a Legal Services Corporation and, second, the administration which had a bill to do the same thing.

The major controversy arose over the make-up of the Board of Directors. The Board under the administration bill would have been entirely appointed by the President; and the Board, under the other bill, would have had a fraction appointed by the President and the remainder appointed by bar groups and constituency committees and legal services attorneys committees themselves.

I, along with many of my colleagues felt that if the present Legal Services attorneys, and others who might be appointed served on the board there would be a conflict of interest. Therefore we provided that former attorneys could serve on the board and in this way resolved that question.

What we have really done is to compromise the two bills in such a way that the inherent principle of both pieces of legislation were maintained.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 additional minutes.

Mr. QUIE. I think it is always good when you can resolve differences in the committee and reach an agreement. Sometimes that cannot be done and you have to fight it all out all the way through the House and then again in conference.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I am glad to yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding, before we passed on to some other subject, in order that I might revert for just a moment to the point which was raised by the gentleman from Iowa a moment ago with reference to criminal cases.

I think the impression was left here that the Corporation would in no way involve itself in criminal cases unless the court had given prior approval.

As I read the language of the bill which appears at the bottom of page 36, I do not think that impression is accurate.

The bill says:

> (f) No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the board has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

In other words, you are required to consult with the court, but you do not have to have the court's permission. The Board, after consultation, still determines, for itself alone whether or not these circumstances exist, and whether or not it should intervene.

Mr. QUIE. I read the language in the same way as the gentleman from Indiana. If you want that legislative history and indicate that is not the intent, I would be glad to yield to someone if they want me to do so. However, I believe the gentleman reads the language correctly.

I might say on this matter that provision was not in the bill on which we originally had an agreement. There was an amendment offered in the committee which provided for this exception to handle criminal cases. Our feeling was that we should have no exception at all and there should be a flat prohibition against the handling of criminal cases. The committee decided differently. I would prefer a blanket prohibition.

I might say to the gentleman that if the House concurs with the committee it will not cause me to vote against the bill because I think it rather narrowly limits the bill and I do want to indicate how I would vote if such an amendment is offered.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. As I read the language, I do not think the Legal Services Corporation's board of directors would recommend that they participate in a criminal case after consultation with the court if the court has suggested otherwise. Am I correct in that assumption?

Mr. QUIE. I would say that if the board was made up of individuals which I think the President would appoint I think that you might be correct, but I think some of the other gentlemen are looking down the road when the board is not the kind of a board that we intended. There might be differences of opinion on the board that might prevent the handling of criminal cases and I would say to the gentleman that I am not too worked up about the matter. I would hope that the President would never appoint anybody on the board who would permit them to handle criminal cases, except in exceptional circumstances.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I thank the gentleman from Minnesota for yielding. I would like to say that I certainly agree wholeheartedly with his interpretation of this language, and also the interpretation given by the gentleman from Indiana (Mr. DENNIS). It does still give the Board the power to override the recommendations of the Federal judge after mere consultation with him. I think the gentleman from Minnesota is very sound in his view that it would be a big mistake to use these funds in criminal cases, because in any event, there are adequate provisions in the State and local laws to provide criminal defenses for indigent defendants.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. QUIE. Mr. Chairman, I yield myself 5 additional minutes.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding to me, and this is more or less in response to the questions raised by the gentleman from Iowa (Mr. MAYNE), with respect to criminal actions which are permitted under exceptional and extraordinary circumstances.

If I read the report correctly, and this is based in part upon my statements during the committee hearings and in the committee markup, that the Board to which we are referring as perhaps making an exception under these unusual and extraordinary circumstances, is in fact a local board, and not the National Board of Directors.

And the point and purpose of that was to insure that one-half of the local board is composed of attorneys at law locally organized and locally situated. It would seem to me that those people in consultation with the court would make a more objective determination as to whether or not a criminal action should be defended than a Federal board located in Washington who is not familiar with local situations and local personnel. So that was my intention, I might say to the gentleman from Minnesota, that there be this final step of decision making by local people prior to the enactment or prior to the excitement or any reaction on the part of the local legal services.

Mr. QUIE. I would say to the gentleman from Kentucky that if it is the intention to mean the local board, I would be more strongly opposed to it. I have some real question as to whether some people on the local boards could make the right decision.

Mr. MAZZOLI. I believe the gentleman from Minnesota did pursue that point in committee, and did so very eloquently, but I did want to explain that to the gentleman from Iowa (Mr. MAYNE).

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I agree with the gentleman that it would be a better policy to have a flat prohibition in criminal cases. Do I understand the gentleman from Minnesota, the ranking member of the committee, will offer such an amendment when we read the bill under the 5-minute rule?

Mr. QUIE. No, I did not say that I would offer it. I said I would support it, and I expect that one of the gentlemen who are raising the questions today undoubtedly will offer such an amendment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I address this inquiry to the Chairman of the Committee, since it is quite clear that the ultimate decision does lie with the board after consultation with the court, and since the gentleman says that normally he thinks that the board would not intervene unless the court agreed, and I think normally that would be true; but how would the gentleman feel about an amendment which read that the board would not intervene unless the court had concurred?

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, the Legal Services Corporation is not set up to defend criminals, or to defend criminal cases. We provide services for the poor in general, and only make an exception in criminal cases where the governing authorities and the board have determined that the defendant is not properly being defended, after consultations with the court.

That, in my judgment, is the exception, and the only way this provision will be construed. If the court sets forth to the board after consultation that in his opinion they had an attorney who was competent and experienced, and that all the rights of the defendant were being safeguarded, then in my judgment the board would not undertake to make a ruling, or, I mean, make a judgment to the contrary.

Mr. DENNIS. Under the language in the bill, the board could decide to go ahead in spite of the court's judgment.

Mr. PERKINS. I think that would be an arbitrary viewpoint, if the board made a decision contrary to the recommendation after consultation with the court.

Mr. DENNIS. The question I am asking the very distinguished chairman is whether he would object to an amendment which would make clear that the board could not go ahead contrary to the advice of the court.

Mr. PERKINS. Certainly, we will agree to an amendment of that kind.

Mr. DENNIS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. QUIE) has expired.

Mr. QUIE. Mr. Chairman, I yield myself 5 additional minutes.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

May I go back to the point raised on the question as to which board would make the judgment under extraordinary circumstances for handling criminal cases.

I recognize that in the committee report it is somewhat unclear as to whether or not it is the board of the corporation or the local board of a funded agency. I would have to say in all honesty, in view of the location of section (f) on page 36, in terms of its being an amendment to the section dealing with the activities of the corporation, it was my understanding at the time this amendment was offered in committee that it was the board of the corporation that made this decision as to whether or not to allow representation in respect to any criminal proceeding and not that it be a local board.

I would not like to see us in the position of having a local board make this decision. That would run contrary to the present OEO statute which allows the Director of the OEO to make the order. I think it is clearly superior to have it in the hands of the corporation.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. MAZZOLI. In response to the question of the gentleman from Wisconsin, I direct his attention to the last full sentence in the first paragraph on page 34 of the committee report.

That last full sentence is as follows:

> It is the intent of the Committee, however, that the local legal services governing board should be permitted to make exceptions in individual cases where substantial reason exists for a deviation from the general prohibition.

I can understand why, perhaps, the gentleman was, in view of the swirling nature of the mark-ups, perhaps somewhat confused as to what I was trying to get across. But my intention was to make it a local governing body. This is all stated in the report and this is not subject to any misunderstanding—the committee report itself is clear.

Mr. QUIE. But I think we should bear in mind what the author of the amendment intended and what is in the committee report. I agree with the gentleman from Wisconsin.

As to the national board, I would have more confidence there. I think it should be taken into consideration by any Member when we are considering any amendment.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

I would although point out that the committee report refers to the "local legal services board"—it is not so specified in the act in subparagraph (f) on page 36.

There was no discussion, as I recall, in the committee as to the meaning of "the board"—as to whether it was a local service or a national corporation board. The way it appears in this paragraph in the first line, it refers to the corporation and then without qualification says "the board." I think it is subject to the interpretation that it means the board of the corporation. That is the way I construe it. So I would say, at best, the decision is left up in the air and unresolved.

Mr. QUIE. That is right. I think it ought to be clarified.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. MAYNE. I thank the gentleman for yielding. I would just like to have a little further clarification as to what the responsibility of a judge is in these criminal case situations. I believe the fact to be that the court has a very clear responsibility under existing State and Federal law to see to it that a defendant charged with a criminal offense does have adequate counsel, and not to unload it onto the Legal Services Corporation. They should do that under existing laws. That is their responsibility, and we should not put something in this legislation which invites them to get out from that responsibility, shifting the burden from criminal statute representation to the legislation we are considering today, which essentially is for representation in civil litigation.

Mr. QUIE. I would say the gentleman makes the most important point as to why there should be a prohibition against the handling of criminal cases by Legal Services attorneys, Mr. Chairman, that when we get back into the House I shall get permission to include with my remarks material which will give the Members precedents on the makeup of other national boards appointed under other laws: they will include independent administrative agencies, Government-owned corporations and nonprofit corporations, because undoubtedly the question of the makeup of the board will be an item that the Members will consider tomorrow. Therefore in considering the legislation Members will have some understanding of what has already been done with other agencies and corporations.

So that my colleagues might have a clear picture of the Corporation and the Board of Directors, there will be 17 members appointed by the President with the advice and consent of the Senate selected in the following manner:

One member—from list of nominees submitted by the Judicial Conference of the United States.

Seven members—from individuals in the general public, three of whom must be attorneys admitted to the bar.

Two members—from persons eligible for assistance under this title, after having given due consideration to the recommendations of client members of the Advisory Council.

Two members—from among former legal services project attorneys, after having given due consideration to the recommendations of the attorney members of the Advisory Council.

One member—from list of nominees submitted by the Association of American Law Schools.

Four members—from lists of nominees submitted by the American Bar Association, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers Association, in accordance with procedures established by the incorporating trusteeship.

It must be clear that it is the intention of the committee through this compromise that the President will make all of the final decisions on who will be selected and that the President may reject all lists submitted to him until he finds individuals who are acceptable to him.

Some of the other provisions of this bill will be to absolutely prohibit project attorneys from participating in political activity, including nonpartisan elections; to prohibit outside practice of law by legal service attorneys, except where specifically authorized under guidelines established by the Corporation. It insures that services will be provided for clients whose incomes are below the poverty guidelines; and specifically limits the lobbying by project attorneys to those cases where they are representing a client.

Many Members have expressed the feeling through the years that legal service attorneys should not be allowed to provide representation to any clients in criminal matters because this was a responsibility of the States and local jurisdictions. The administration's bill had a flat prohibition against project attorneys providing any such representation, the other bill did not. The committee adopted language similar to existing law forbidding criminal representation except in extraordinary circumstances "where, after consultation with the court having jurisdiction, the Board has determined that adequate legal assistance will not be available under the Legal Services Program."

It is the specific intention of the committee that this exception be made only in genuinely exceptional circumstances. As I said earlier I would prefer no authority to handle criminal cases.

Although I feel the compromise does not include everything that I had wanted, it does go a long way toward meeting our objectives in providing a rational and workable legal services program.

So that Members may understand other boards that have been established for other independent administrative agencies throughout the Federal Government, I am inserting at this point the following charts which show the makeup, number and manner of appointment for directors of the individual bodies of independent administrative agencies and Government-owned corporations.

Name, statutory authority and year of enactment	Purpose of agency	Number of directors or members, how appointed, term	Restrictions on appointment	Fiscal 1970 estimated appropriation (millions)
INDEPENDENT ADMINISTRATIVE AGENCIES				
Administrative Conference of the United States, 5 U.S.C. 571-576 (1964).	Develop improved Federal administrative procedures.	Council consists of chairman, Presidentially-appointed for 5-year term (conferred by Senate) 10 others appointed by President for 3-year terms.		$0.25
American Battle Monument Commission, 36 U.S.C. 121 (1923).	Erection, maintenance, design of battle monuments.	Chairman, and vice-chairman, 9 commissioners, 1 secretary at pleasure of President.	Secretary: officer of Regular Army	2.621
Appalachian Regional Commission, 40 U.S.C. App. 1 (1965).	To improve Appalachian Region	13 members, cochairman elected by membership (6-month term) and Federal cochairman selected by President.	Members are representative of 13 States.	.89

Name, statutory authority and year of enactment	Purpose of agency	Number of directors or members, how appointed, term	Restrictions on appointment	Fiscal 1970 estimated appropriation (millions)
Atomic Energy Commission, 42 U.S.C. 20 11 et seq. 1946).	Concerned with development, use and control of atomic energy.	4 members plus chairman appointed by President at pleasure of President.		$2,223.685
Commission of Fine Arts, 40 U.S.C. 104, 106 (1910).	To give advice on matters of art	7 members chosen by President for 4-year terms.		.115
Delaware River Basin Commission, 75 Stat. 688 (1961).	Development of Delaware River Basin	Federal members and U.S. Commissioner appointed by President.		.2
Equal Employment Opportunity Commission, 42 U.S.C. 2000a.	To end employment discrimination and to increase employment opportunities for minority groups.	5 members chosen by President, 5-year terms.	Maximum 3 from one political party	13.247
Farmers Land Banks, 12 U.S.C. 641 (1916)	To make agricultural loans	Board of directors of individual banks elected by members (borrowers).		
Federal Home Loan Bank Board, 12 U.S.C. 1437 (1955).	Supervision of Federal home loan bank system, Federal savings and loan system, and Federal Savings and Loan Insurance Corporation.	3 members appointed by President for 4-year terms.	No more than 2 from 1 political party	8.4
Federal Mediation and Conciliation Service, 29 U.S.C. 172 (1947).	To assist in settlements of labor disputes	Director appointed by President		9.018
Federal Reserve System, 12 U.S.C. 221 (1913)	To provide for establishment of Federal Reserve Banks, to furnish an elastic currency, etc.	Board of Governors appointed by President. 7 members for 14-year terms.	Not more than 1 from any Federal Reserve district.	
Foreign Claims Settlement Commission, 22 U.S.C. 1621–42; 50 U.S.C. 2001–16; 68 Stat. 1279 (1954).	To determine claims of U.S. nationals against foreign governments for compensation for losses and injuries sustained by them.	3 members by President for 3-year terms		.706
Indian Claims Commission, 25 U.S.C. 70 (1946).	To determine claims by Indians against the U.S.	Chairman and 4 commissioners by President for indefinite term.	At least 3 must be members of the bar of the Supreme Court of the United States. Maximum 3 from either political party.	.85
National Aeronautics and Space Administration, 42 U.S.C. 2451 (1958).	Space Research and Operations	Administrator by President		3,734.926
National Credit Union Administration, 12 U.S.C. 1752 (1970).	Chartering, supervising, and examining Federal credit unions.	Administrator and chairman by President to serve at pleasure of President; 1 member from each of 6 credit unions to serve for 6 years by President.		
National Foundation on the Arts and Humanities, 20 U.S.C. 951 (1965).	Encourage and support national progress in the humanities and arts through studies and grants.	Chairman, national endowment for arts, national endowment for humanities, and 7 other named officials.		[1] 17.910
National Endowment for the Arts, 20 U.S.C. 954 (1964).	Provide financial assistance for the arts	Chairman appointed for 4 years and 26 members appointed by President for 6 years.	(1) Private citizens knowledgeable in the arts, (2) practicing artists, civic leaders, others engaged in the arts, distributed among major art fields.	
National Endowment for the Humanities, 20 U.S.C. 956 (1965).	Provide financial assistance for the humanities	Same as arts endowment	Selected on basis of scholarship, creativity, and in a manner to provide comprehensive views of scholars and practitioners in the humanities. President requested to give consideration to recommendations made by leading organizations concerned in the humanities.	
National Science Foundation, 42 U.S.C. 1861–75 (1950).	Strengthen research and education in science	24 members by President for 6 years; Director by President for 6 years.	Eminence in the natural or social sciences selected to provide a cross section of views. President requested to consider nominations of certain specified groups.	438.951
Railroad Retirement Board, 45 U.S.C. 215–28, 351–67 (1935).	Administers retirement, unemployment and disability benefits to railroad employees.	3 members appointed by President for 5 years.	1 from employee recommendations, 1 from carrier recommendations, 1 chairman from neither.	1,699.504
Renegotiation Board, 50 U.S.C. App. 1211 (1951).	Eliminate excessive profits derived by contractors and subcontractors in connection with national defense program.	5 members by President		4.11
Subversive Activities Control Board, 50 U.S.C. 781 et. seq. (1950).	Hold hearings to determine if organization is a Communist front or dominated.	5 members by President, 3-year terms	Maximun. 3 from 1 political party	.401
U.S. Arms Control and Disarmament Agency, 22 U.S.C. 2551 (1961).	Further arms control disarmament	1 director, 1 deputy director by President, 15 members by President.		9.5
United States Information Agency, Reorganization plan No. 8, 1953.	Accomplish United States and foreign policy by influencing attitudes in other nations.	1 director, 1 deputy, director by President		180.603
United States Tariff Commission, 39 Stat. 795. (1916).	Advisory, fact-finding agency on tariff, commercial policy and foreign trade.	6 members by President for 6 years	Maximum 3 from same political party	4.139
Veterans Administration, 46 Stat. 1016 (1930)	Administers laws providing benefits for veterans.	Administrator by President		8,396.277
GOVERNMENT-OWNED CORPORATIONS				
Banks for Cooperatives, 12 U.S.C. 1134 (1933)	Source of permanent credit to farmer cooperatives.			
Commodity Credit Corporation, Executive Order 6340 (1933), 15 U.S.C. 714 (1948).	Administers price support and stabilization programs.	Chairman—Secretary of Agriculture, 6 members appointed by President.		4,161.237
Export-Import Bank, Executive Order 6581 (1934), 12 U.S.C. 635 (1945).	To aid in financing and to facilitate exports and imports and the exchange of commodities between United States and other countries.	Chairman (president of bank), vice chairman (vice president of bank). 3 additional members by President at pleasure of President.	Maximum 3 from 1 political party	
Federal Crop Insurance Corp., 7 U.S.C. 1501 (1938).	Insures crops against unavoidable losses	5 appointed by Secretary of Agriculture, serving at his pleasure.	3 employees of the Agriculture Department (1 of whom is to be manager), 2 others experienced in insurance	21.996
Federal Deposit Insurance Corp., 12 U.S.C. 264, 1811–31 (1933).	Provide insurance for bank deposits	Comptroller of the Currency and 2 members appointed by President, 6 years.		−332.599
Federal Intermediate Credit Banks, 12 U.S.C. 1021 (1923).	Loan money to and discount agricultural paper for organizations which lend money to farmers.	Members of the several farm credit boards		
Federal Prison Industries, Inc., 18 U.S.C. 4121 (1948).	Administers prison work programs	6 Directors by President at will of President	Representatives of industry, labor, agriculture, retailers, consumers, Secretary of Defense, Attorney General	−9.750
Federal Savings & Loan Insurance Corporation, U.S.C. 1724 (1934).	To insure the safety in thrift and home financing institutions.	Federal Home Loan Bank Board		
Panama Canal Company, Stat. 1076 (1948)	Maintain and operate the Panama Canal	Secretary of Army, Governor of Canal Zone, Under Secretary of Army; 10 others chosen by Secretary of Army.		
St. Lawrence Seaway Development Corporation, U.S.C. 981 (1954).	Operates and maintains St. Lawrence Seaway in conjunction with St. Lawrence Seaway Authority of Canada.	Administrator and Deputy Administrator by President. Advisory Board (5) by President.	Maximum 3 members of Board from 1 political party.	.702
Tennessee Valley Authority, U.S.C. 831 (1933)	To speed the economic development of the Tennessee Valley region.	3 members by President for 9 year terms		50.532
U.S. Postal Service, Stat. 10 (1789) 39 U.S.C. 301 (1872)	To operate postal service	9 members appointed by President; these 9 appoint a Postmaster General and Deputy Postmaster General who serve on board.	No more than 5 from 1 political party	(2)

Name, statutory authority and year of enactment	Purpose of agency	Number of directors or members, how appointed, term	Restrictions on appointment	Fiscal 1970 estimated appropriation (millions)
NONPROFIT CORPORATIONS				
American National Red Cross, U.S.C. 1 (1905)	Medium of relief anc communication between people and Armed Forces; to relieve disasters.	Board of Governors, 50; 30 by chapters, 12 by Board itself, 8 by President. All for 3 years.	Minimum 1, maximum 3 of Presidential appointees must be from armed services.	(3)
Corporation for Public Broadcasting, U.S.C. 396 (1967).	To facilitate the development of noncommercial educational TV and radio.	15 by President for 6 years	Maximum 8 from 1 political party. Eminent in field of cultural, civic affairs, broad cross section.	$15.0
Smithsonian Institution, U.S.C. 41 (1846)	For the increase and diffusion of knowledge among men.	Members: President, Vice President, Chief Justice and members of Cabinet; Board of Regents—Vice President, Chief Justice, 3 Senators, 3 Congressmen, 6 private citizens appointed by joint resolution of Congress, 6-year term.	Private citizens, 2 from District of Columbia, others cannot be from same State.	49.306
American Printing House for the Blind, Inc., legislation (1858) U.S.C. 101	Assists in education of blind by distributing braille books, talking books, and other educational aids.			1.404
National Technical Institute for the Deaf, U.S.C. 681 (1965).	Postsecondary career trainitg for the deaf	12 by Secretary of HEW plus Commissioner of Education, Commissioner of Vocational Rehabilitation, temporary board on establishment.		2.851
Model Secondary School for the Deaf, U.S.C. Code 31–1051 (1966).	Secondary school for deaf	Gallaudet College		.766
Gallaudet College, U.S.C. 231, 235 (1857)	College for the deaf	1 Senator appointed by President of Senate, 2 from House appointed by Speaker of House, both for 2-year terms. 18 private citizens appointed by Board itself.		5.124
Howard University, U.S.C. 121 (1867)	University primarily for black students	27; 3 by alumni for 3 years, 2 by faculty for 2 years, 2 by students for 1 year, remainder by Board itself for 3 years.		52.264
Overseas Private Investment Corp., U.S.C. 2191 (1970).	To mobilize and facilitate participation of U.S. foreign capital and skills in the economic and social progress of less-developed friendly countries.	11 directors, chairman is administrator of AID, 1 is President of the corporation, 6 by President of United States for 3 years, 5 by President at pleasure of President.	Of 6 by President for 3 years, none can be officials or employees of United States, 1 must be experienced in small business, 1 in organized labor, 1 in cooperatives. Of 5 by President, all must be Government officials.	37.5
FEDERALLY CHARTERED PROFIT-MAKING CORPORATIONS				
COMSAT, U.S.C. 731 (1962)	To operate a communication satellite system	3 by President for 3 years, 6 by communication common carriers stockholders for 1 year, and 6 others by stockholders for 1 year.		
Federal National Mortgage Association, U.S.C. 1717 (1934).	To provide liquidity for mortgage investments by dealing in same.	15; 5 by President, 10 by stockholders, all 1 year.	Presidential appointments must include 1 from home-building industry, 1 from mortgage lending industry, 1 from real estate industry.	
National Corporation for Housing Partnerships, U.S.C. 3931 (1968).	To encourage private investment in low and moderate income housing.	3 directors appointed by President, 12 by stockholders.		

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[1] Divided between arts and humanities fund.

[2] New entity.

[3] None.

So that Members may better understand, I am inserting those sections from three totally different pieces of legislation which pertain specifically to the makeup of the board. As you will note from the charts as well as the laws themselves, there is substantial precedent and, in fact, legislative guidance to illustrate that the President should have, and has in over 95 percent of the cases, the sole right of choice and final selection:

CORPORATION FOR PUBLIC BROADCASTING

"(c)(1) The Corporation shall have a Board of Directors (hereinafter in this section referred to as the 'Board'), consisting of fifteen members appointed by the President, by and with the advice and consent of the Senate. Not more than eight members of the Board may be members of the same political party.

"(2) The members of the Board (A) shall be selected from among citizens of the United States (not regular fulltime employees of the United States) *who are eminent* in such fields as education, cultural and civic affairs, or the arts, including radio and television: (B) shall be selected so as to provide as nearly as practicable a broad representation of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation.

NATIONAL SCIENCE FOUNDATION

SEC. 4. (a) The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio. In addition to any powers and functions otherwise granted to it by this Act, the Board shall establish the policies of the Foundation.

(b) The Board shall have an Executive Committee as provided in section 7, and may delegate to it or to the Director or both such of the powers and functions granted to the Board by this Act as it deems appropriate.

(c) The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, research management or public affairs; (2) shall be selected solely on the basis of established records of distinguished service, and (3) shall be so selected as to provide representation of the views of scientific leaders in all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific or educational organizations.

NATIONAL FOUNDATION FOR THE ACTS

"SEC. 6. (a) There shall be, within the National Endowment for the Arts, a National Council on the Arts (hereinafter in this section referred to as the 'Council').

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, who shall be Chairman of the Council, and twenty-six other members appointed by the President who shall be selected—

"(1) from among private citizens of the United States who are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts;

"(2) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and

"(3) so as collectively to provide an appropriate distribution of membership among the major art fields.

The President is requested, in the making of such appointments, to give consideration to such recommendations as may, from time to time, be submitted to him by leading national organizations in these fields.

The bill before us today also authorizes $2.194 billion for fiscal year 1972 and $2.750 billion for fiscal year 1973. This is higher than the President's original budget requests for EOA programs in fiscal year 1972. The intent of the committee is to allow the administration to have as much flexibility as possible in utilizing this money. It did not set mandatory "earmarks" as the Senate did, but the committee has introduced a new concept in legislation which it calls "moral earmarking."

The committee did set one statutory reservation on local initiative programs, which is consistent with the level of spending that the administration has already projected in that area. The moral earmarks are recommended authorization levels and do not, I repeat, do not have the force of the law as the Senate bill's earmarks do. The Senate's earmarks are of considerable concern to many of us in that the restrictions on the use of funds are so great that, if actually passed into law, they would force the President to cut his proposed budget or even eliminate research and development program, which he feels should be the chief aim of the agency.

There is one other very significant difference between the House and Senate bills which has a direct bearing on the acceptability of this legislation. As most of my colleagues are aware, the House Education and Labor Committee has over the past 2½ years been working on a bipartisan child development bill. That bill has passed the full committee and is awaiting a rule by the Rules Committee. The EOA extension before us today does not contain child development legislation, but does extend and continue the successful Headstart program. The Senate, on the other hand, has incorporated a child development bill into their version of the EOA as a new title V. The Senate bill would replace the current Headstart program with a nationwide network of child development centers.

I feel the concept that we have incorporated into the bill now pending before the Rules Committee to direct our funds toward those who are culturally and socially disadvantaged takes into consideration that there are children in our society who, although not the poorest of the poor, still need the benefits such a program can provide.

Of concern to me, Mr. Speaker, is that the Senate bill allows that any community, city, town, hamlet or village, regardless of size, is eligible to become a prime sponsor and establish one of these programs. If such a provision were to be adopted by the full Congress, I think it would be a disaster for all programs, and the bureaucratic monstrosity that would result under such a provision would certainly doom the entire program to failure.

The bill reported out of our committee would limit prime sponsorship to those communities with a population of 100,000 or more. Our bill does not go below 100,000 because we felt that to directly fund the number of potentially eligible programs, if the figure were less, would be impossible. With a 100,000 figure, we are talking about 150 cities or combinations of units of local government. If we were to drop below the 100,000 population figure to 25,000 or above for cities, we would be talking about approximately 1,800 programs, plus 50 States, plus territories, plus combinations of units of government. It is conceivable that under the Senate-passed bill, the Federal Government will receive applications for approximately 10,000 to 40,000 facilities which do not yet exist, and from a strictly administrative point of view, this would be unmanageable.

From what I have been able to observe at the State level as well as in the Federal Government, we must begin to pay attention to those problems if we are to use our scarce resources effectively to meet people's real needs.

Accordingly, the delivery system proposed in the committee bill would utilize a relatively small number of prime sponsors as the primary vehicle for channeling Federal funds to child care programs. Whenever possible, prime sponsors would be State governments, large city general purpose governments, or federally recognized Indian tribal organizations. The prime sponsor of a child development program would have broad responsibility for submitting a plan to HEW for approval, receiving a direct grant from the Federal Government, and reviewing, approving, funding, and monitoring individual projects within the areas over which it has jurisdiction.

The prime sponsor will be the vehicle for securing funds, will establish a Child Development Council—CDC—which in turn develops a comprehensive plan for services for the area it will serve. There may be 10, 50, or even 100 individual programs within the area served by the CDC. But each program, regardless of size, will have a Local Policy Council—LPC—made up primarily of parents of children served by that individual program. The subcommittee recognized the value of parents as a resource that could effectively be utilized in developing local programs, but it was the intention that an LPC be advisory for the particular program through which it was established. The committee felt that the LPC's should assist in designing the local plan, in determining the amount of funds needed, and give their recommendations for funding to the full CDC. Fifty percent of the CDC's membership will come from the LPC's, with the other 50-percent being appointed by the prime sponsor. One-third of the total membership must be parents of children served by the child development programs.

I am hopeful that, when the child development bill does come before the House, this position will be sustained. I am also hopeful that the House will have an opportunity to work its will on a separate piece of child development legislation before we go to conference on the Economic Opportunity Act. I think that every Member should have an opportunity to express his feelings, through his vote, and that we should go to conference with the mandate of this House.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 10351, the Economic Opportunity Amendments of 1971.

Extension of our antipoverty program for 2 more years, as provided by this legislation, is essential. H.R. 10351 would authorize the appropriation of $2.2 billion for fiscal year 1972 and $2.8 billion for fiscal year 1973 to expand and continue this vital program.

With increasing unemployment, we greatly need the existing programs as well as the new special emphasis programs, environmental action and rural housing, which are authorized by the bill. Indeed, I feel that programs to alleviate poverty deserve far greater budget priority as compared to weapons expenditures and other such purposes than now afforded.

While I support the adoption of H.R. 10351, I have grave reservations about the provision transferring legal services for the poor from the Office of Economic Opportunity to a new National Legal Services Corporation. I consider this as another effort to further dismantle the poverty program by removing from it a program which has been working well.

The stated objectives are lofty—removal of these services from partisan politics; and the creation of an independent agency which will be nonprofit and work solely on behalf of poor clients. Under this new organization, we are told, legal counsel will no longer be subjected to the pressures of political tampering.

Our Committee on Education and Labor did improve the proposal submitted by the administration, which would have given the President complete discretion in choosing legal services board members as well as place an absolute prohibition on attorneys taking criminal cases. Under the bill as reported, there will be a 17-member Board of Directors appointed by the President—with the advice and consent of the Senate—having at least two members from the poor, two from former legal service project attorneys, and seven from the general public. Representation in criminal cases would be possible in extraordinary circumstances.

Despite these improvements, the basic change to an independent corporation I believe is ill-advised. The plain fact is that we are creating another separate and independent agency which will not be responsible to the Congress and thus to the public. All our experience shows that such independent agencies quickly shed the restraints of congressional opinion and act in ways never envisioned even by the original sponsors. By the time we learn this, however, it is too late to exercise control.

We were persuaded by all of the promises and platitudes of Postal Corporation advocates to abandon our public postal service in favor of a closed independent corporation. We were told that there would be better service and less cost, and a removal of "politics" from the system. Instead, we find that the head of the Postal Corporation is the same political appointee named by the President to head the former Post Office Department; the cost of mail to the consumer has risen sharply; service has deteriorated and many previous services have been curtailed; once-prosperous publications are folding; political clearance is required for postal employees; and in general there has been a decline in the quality of mail service in the United States. Not surprisingly, former backers of the Corporation are now sponsoring legislation to repeal the Postal Corporation Act.

I believe that under a legal services corporation, notwithstanding its support by many of the same public interest organizations which supported the Postal Corporation, we will find many of the same adverse effects. The influence of those who have long sought to weaken legal services will be pronounced. The Corporation will be able to quietly establish procedures not subject to congressional approval. Poor clients who are refused adequate counsel or whose programs are ineffective will be unable to petition Congress for redress on the grounds that this would constitute political meddling in the policies of an independent agency.

I believe that under the existing system, legal services has an effective champion in the committees having jurisdiction over this program in the House and Senate. These committees have taken an active interest in the program and worked to improve it as well as to prevent the imposition of weakening changes. Under an independent agency, this protection will be severely impaired.

In short, I honestly believe that legal services for the poor could be seriously affected under the Corporation without opportunity for this Congress to intervene. I do support the overall legislation and intend to vote for it but I do object to this potentially harmful and unnecessary change. The program as it exists is working well and I believe it should be allowed to continue as it is presently constituted.

I regret to note that most legal services lawyers support this change of status. I, of course, deplore the political meddling on the local level which occurred in the California rural legal services program, but its solution came about because of aggressive oversight actions on the part of the committees of Congress having responsibility for this program.

Let us not overreact by changing the entire program because of a few isolated problems which occurred.

I hope that we will give careful consideration to these reservations.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. Mazzoli).

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I thank my colleague.

I rise to endorse very strongly the provisions of H.R. 10351 and to commend the distinguished gentleman from Kentucky, the chairman of our committee (Mr. Perkins) for his great leadership in bringing this bill to the floor.

Mr. MAZZOLI. Mr. Chairman, I think it has been very clear from the first few minutes of debate today that we have a controversial section in the OEO Extension Act. This is, of course, the Legal Services. We have talked for a few moments this afternoon about the feelings we have concerning the Legal Services program. Some of our committee generally are for it, and some are against certain provisions but will support it generally.

I think it is important to talk for a moment about the bill. It is controversial, and there has been some misinformation about it. I think that is all the more reason why Members should sit calmly and think about it deliberately and deliberatively, because this is the only way we can understand what the Education Committee attempted to do here.

We have talked about the national directors and about the local boards and councils which act as advisory groups. We have talked about the criminal services.

I would like to make mention of the fact again that it was my intention, in putting the amendment on in the committee, to provide that the local board itself, those who are closest to the situation locally, will make the determination, with the counsel and advice of the court, in deciding whether or not extraordinary and unusual circumstances are present in a case, so that Legal Services could render legal assistance in criminal cases.

When the committee met and talked about this bill, there were three or four areas of main concern. But the two main proponents got together and came up with a compromise bill.

We talked for a while about the board of directors. The best handling appeared to be that represented in the committee bill. It gives the President full flexibility in his appointments, and at the same time all interested groups are represented on the board of directors.

The lobbying activities, which have been generating concern at the local level, have been largely curtailed, if not outright eliminated, by the strictures placed on these activities in the committee bill.

Client eligibility was a problem. Some wanted the near-poor to be handled on a fee basis. The committee decided eventually to abandon that and to provide services only to the indigent, which is presently the case with the OEO.

Then again we have the question of criminal representation. Some members of the committee wanted a flat prohibition and some members of the committee decided there should be no limitation whatever on criminal services. The compromise was reached wherein there would be criminal services provided only under extraordinary circumstances shown. I believe that was a healthy change.

The Members might be helped by hearing some information about my State of Kentucky. There is no legal defender service in the State of Kentucky. Therefore, an indigent person does not have such services available by law.

Now, the State and the members of the bar, of which I am also a member, have a responsibility to provide services pro bono, for free, for the public's benefit.

Many of us have read decisions in the papers, in which the courts have reversed findings of guilt below, and have exonerated and freed defendants who were defended by appointed attorneys but not defended adequately.

We can sympathize with our fellow members of the bar. They have to make a living. Therefore, what time is left over frequently is the amount of time given to the representation of the indigent poor.

It would seem to me that it would be very helpful, and would be in the public interest, to provide legal services to the poor under the circumstances of extraordinary need.

It would also appear to me that we ought to be very anxious to have quick trials in criminal cases, as is now urged by the law enforcement agencies. Because, then the public will be better served.

It would seem to me that having attorneys to represent the poor in criminal matters, when occasional and extraordinary circumstances obtain, we might be able to avoid reversals in courts of appeals which free people who are guilty, which free convicts. This would generally help on the law and order situation in the Nation.

Finally, Mr. Chairman, I should like to commend the distinguished chairman of our committee and the members of the committee, the chief sponsors of the legal services bill, the gentleman from Washington (Mr. Meeds) the gentleman from Wisconsin (Mr. Steiger) and many others, for putting their heads together and coming up with an acceptable compromise.

I urge the committee to adopt the bill.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Erlenborn).

Mr. ERLENBORN. Mr. Chairman, I want first of all to address myself to the title relative to the Legal Services Corporation, which has been amply explained on the floor by other Members who have appeared and spoken before me. I would merely want to commend the gentleman from Wisconsin (Mr. Steiger), the gentleman from Washington (Mr. Meeds), the gentleman from Minnesota (Mr. Quie), and others who have worked so long and hard to resolve the differences between the two separate proposals that had been introduced to accomplish the formation of this Corporation.

I believe those differences really were minimal. The two approaches both had the same basic objective in mind; that was to create the separate Legal Services Corporation, to see that proper legal services were available to the indigent.

I feel that the safeguards which have been explained, which are included in this title in the bill before us, are safeguards we all would want, and make the Legal Services Corporation program even somewhat better than the program now being operated under OEO.

Mr. Chairman, I would like to address myself to another question so that we might have some legislative history on it.

I am pleased that the bill now pending before us does not earmark funds, as the Senate bill does. But on page 11 of the committee report, in listing the funds that are authorized and the purposes for which these authorizations are to be used, there is an item of $33 million for the VISTA program. In the bill which was passed by the other body, where an earmarking was made, the item which corresponds to the $33 million as contained in our bill was in the amount of $45 million. The reason for this discrepancy I think should be made apparent. Earlier this year we adopted a presidential reorganization plan creating a new agency called ACTION. One of the constituents making up that agency is the program VISTA that had been previously operated under OEO.

In urging approval of his executive reorganization proposal, President Nixon also announced that he was going to request an additional $20 million authorization for the new Action agency, and a part of that he stated would go, in the sum of approximately $12 million, to the Vista portion of Action's functions.

I would point out to the members of the Committee of the Whole House on the State of the Union that in order to accomplish this funding there is no separate authorization for Action at the present time. The funding must flow through present authorizations. I would think it probably would be necessary for us in the conference to increase the total authorization in this bill to include the additional $12 million that is in the Senate bill for Vista funding.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Kentucky.

Mr. PERKINS. The gentleman is absolutely correct. Vista was transferred out of the poverty bill earlier in the year into Action. We had to authorize the VISTA program in the Economic Opportunity Act and for that purpose only and the only purpose we mentioned VISTA was just to give them the authority to operate in Action and to get the extra authorization they will have to have in order to do that and that will have to be done in conference. We did not earmark it, with the exception of one reservation with reference to Action. However, we have an understanding, and have so stated in the report, that the amounts of money that we have already authorized for the various programs should be applied to those programs and, therefore, we do not have the extra money authorized in the House bill for VISTA but we will have to increase the authorization for that specific purpose in conference in the event we do it.

Mr. ERLENBORN. I thank the gentleman, because I believe that is what we will have to do and I am glad that we do have that public understanding.

Mr. Chairman, I yield back the balance of my time.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. I thank the gentleman for yielding.

Mr. Chairman, I rise at this time, as I have on so many occasions in the past, to express my total and vigorous opposition to the continued existence of the Office of Economic Opportunity.

No other agency in the history of this Government has come close to attaining the notoriety that has characterized OEO almost from its inception.

OEO has earned the enmity of a great many people in the Fifth District of North Carolina and throughout the Nation, as a result of its fiscal mismanagement, its frequent misrepresentation of its own achievements, and a tragic assortment of scandals.

It is not enough that this program casts the Federal Government in a bad light, especially when OEO was conceived as a noble effort to assist the less fortunate in our society.

It is these very people who were supposed to benefit from this program who have been deceived and maneuvered and actually hurt the most.

They have been promised things that could not be delivered. They have been used shamefully by some OEO officials on the local and national levels as pawns of emotionalism in efforts to secure more funds or more favorable recognition.

And they have been hurt because of the fact that, as a result of OEO's controversial image, the generous compassion of many Americans—which is vital to success in this kind of effort—has been seriously compromised by the widespread belief that their tax dollars are being squandered by this agency.

Too often, it has been proven that the economic opportunities generated by this program are those enjoyed by OEO staff members on both the national and local level.

And too infrequently has it been proven that increased economic opportunity is enjoyed by the agency's clientele.

Mr. Chairman, once again I call for the dismantling of the Office of Economic Opportunity, for the redistribution of what worthwhile programs may have somehow survived under this program, and for a complete reappraisal of what this Government's responsibility and assistance to the poor should be.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, the extension of and amendments to the Economic Opportunity Act are necessary to give 2 years of life to some vital programs. We in the Congress can use this time to develop viable alternatives to administration proposals that some of these programs be phased out.

Although I can quarrel with the drift of some of these programs, there are certain elements which should and must be preserved. Therefore, I commend the Education and Labor Committee for recognizing the worth of such programs as the Job Corps, green thumb, community action, day care centers, Neighborhood Youth Program, JOBS and others including the experimental program for rural development.

The Job Corps is a specific case in point.

Under the earlier revenue sharing proposals sent down from the administration, the Job Corps could have faced a slow but certain death. This legislation today gives us 2 more years to prove our case that Job Corps does, indeed, do the job of taking disadvantaged youth off the streets and out of the jails and teach them a trade or a profession.

Mr. Chairman, the Gary Job Corps Center just outside San Marcos, Tex., is proof positive that we can successfully train our young people for productive life.

The Gary Job Corps Center consistently leads the Nation in developing young leaders from young losers.

The Gary Job Corps Center consistently ignores the potential threat of extinction and continues to push ahead with progressive programs for out-of-work, unskilled, untrained youngsters.

At installations like Gary, we have the rare opportunity to remold youngsters into citizens who will put something back into the system instead of taking from it.

I personally have appreciation for the Gary officials and the corpsmen themselves for their ability to produce under stress. It is to their credit that they continue their education programs even in the shadow of the administration's ax, which has been hanging over their heads almost constantly for the last 2 years.

We feel that Gary is one of, if not the best Job Corps center in the Nation, and it is no idle claim. In thumbnail form, let me sketch our progress:

In the 6 years of its operation, Gary has trained and graduated over 30,000 young men.

Our job placement has been highly successful. This year we have placed over 70 percent of the young men in jobs. One year, nearly 88 percent found work to match their skills. This percentage gets better all the time as more data is accumulated. In fact, business and industry leaders are actually recruiting on the Gary campus. They like our graduates; they like their training, skills, and performance.

This year, some 2,756 are enrolled at Gary and again this year, we lead the Nation in the lowest cost per corpsman—$4,610. Even with this low cost, we have developed a wide range of skills and educational courses—some 34 different courses in all.

Importantly, the boys are accepted by the surrounding communities. This did not come easy, the boys had to earn their respect. And they earned it in very tangible ways such as: levelling the ground so a new elementary school could be built; digging out a sanitary land fill for the city of San Marcos; numerous parks and recreation developments; shrubbery work around the courthouse and more.

Our linkage program with nearby schools is remarkable in its success. Daily, more than 80 students from San Marcos, Hays County, and Luling come to Gary for 3 hours of instruction. The local school authorities recognize the value of Gary instruction and equipment.

I am hopeful that the House will extend this worthwhile OEO program.

Mr. RYAN. Mr. Chairman, I rise in support of H.R. 10351, providing for the continuation of programs authorized under the Economic Opportunity Act. I must, however, confess that there are several aspects of this legislation which I would like to see considerably improved, and to that end, I shall be working to urge improvement in the House-Senate conference of this legislation.

H.R. 10351 authorizes a 2-year extension of the Economic Opportunity Act of 1964, establishes two new programs, amends others, and, very importantly, transfers the legal services program to a new independent, nonprofit corporation. Appropriations are authorized of $2.2 billion for fiscal year 1972 and $2.8 billion for fiscal year 1973—a 6.7 percent increase over the amount recommended by the administration.

Of the $1.2 billion for community action programs which this bill authorizes, $350 million is earmarked for the local initiative program. The Office of Economic Opportunity is prohibited—and this is very important and very much appropriate—from requiring non-Federal sources from contributing more than 20 percent in cash or kind toward a community action program. This provision thereby prevents the administration from requiring an increase in the local share to support these programs.

H.R. 10351 also increases the number of families eligible to participate without charge in the Headstart program by raising the general eligibility requirement to a higher level—that is, any family of four with an annual income not exceeding $4,500 can now participate.

The two new programs created by this bill are the environmental action and rural housing special emphasis programs. The environmental action program provides paid jobs for low-income people to work on projects designed to combat pollution and improve the environment, and is very much similar to the proposal I first enunciated on the floor of the House last year when the bill creating the Youth Conservation Corps was being debated. The provision concerning the rural housing program authorizes appropriations of $10 million for fiscal year 1972 and $15 million for fiscal year 1973 for a new program to improve existing housing and buy new housing in rural poverty areas.

Another important provision is that concerning State economic opportunity offices. Under the current administration, these offices have sought to aggrandize their power, and curb citizen and community participation—the basic tenets underlying the Economic Opportunity Act, as originally enacted in 1964. In H.R. 10351, provision is made for a procedure whereby a member of a community action board may file an allegation with the Director of the Office of Economic Opportunity, in Washington, concerning a violation of the Economic Opportunity Act by a State office.

I should like to discuss briefly the environmental action special emphasis program created by the bill before us, inasmuch as this embodies in legislation an approach with which I have been particularly concerned. In considering the bill creating the Youth Conservation Corps on June 15, 1970, I said:

> (T)he ecology of our cities is in dire straits, and here too youth can participate. Provide money for them to build vest pocket parks. Provide money for youths to work on rehabilitating old buildings. Provide money to maintain city parks. Provide money to clean up shorelines. Provide money to build neighborhood pools. In every one of these endeavors, you can participate. And, what is more, they will have the benefit of being able to use and enjoy the fruits of their own work, done in their own neighborhoods and cities.

The environmental action program created by section 6(c) of H.R. 10351 would enable low-income persons to "be paid for working on projects designed to combat pollution or improve the environment." The program activities would include: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment and the improvement of the quality of life in urban and rural areas.

I would particularly note the committee report language—House Report No. 92-471—at page 20:

> The effort is to be directed at the restoration and improvement of the environment as it affects the quality of life in urban and rural areas, particularly in those areas where there are high concentrations of poor people.

Needless to say, in light of my long espousal of such an approach, I very much endorse the environmental action program embodied in H.R. 10351. It is particularly welcome in light of the only minimal efforts thus far made by the executive to pursue such an approach. In fact, the only even similar program was that conducted during the summer, and known as SPARE—summer program for action to renew the environment.

SPARE was a subprogram of the Neighborhood Youth Corps, and was conducted this summer for the first time, in approximately 50 cities across the country. It involved 9,000 to 10,000 young people. Although SPARE was classified as an in-school program, so far it has been conducted only during the summer. Activities of individuals working in this program ranged from beautification of city parks to cleaning up vacant lots to recycling trash, or working in recycling centers. SPARE participants, also according to the Environmental Protection Agency, established rat control programs, conducted lead-based paint surveys, worked in connection with environmental health programs, etc. Program participants received supplemental environmental education courses in conjunction with their work.

While the SPARE program was a welcome beginning response to my urging creation of an urban-oriented ecology manpower program, it certainly was not enough—particularly since it only operated during the summer. The environmental action program created by H.R. 10351 is a much better, thorough step.

Another very important provision in H.R. 10351 is section 6(b). This provision authorizes the Director of the Office of Economic Opportunity to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts and assisting employers in dealing with addiction and drug abuse problems among formerly hard core unemployed so that they can be maintained in employment. Special priority is to be given to veterans and employers of significant numbers of veterans.

It is very clear that the cycle of poverty is a devastating one. Many people turn to alcoholism and drugs because they perceive such bleak opportunities for themselves in a society which provides too few jobs for them, and too many jobs which are demeaning and deadend.

Thus, this new approach embodied in section 6(c) is very much on the mark.

Another very important point is the emphasis in the committee report that the income-eligibility requirements for OEO programs should not adversely affect the rehabilitation process for low-income addicts and drug abusers. As the committee report states at page 19:

> While the total rehabilitation process may realistically require two to three years of outpatient counselling and follow-up support to prevent recidivism (or to intervene very early if the client begins to return to drug use), a successful program is in fact designed to enable the client to be gainfully employed before the end of the first year, thus rendering him ineligible by virtue of income to continue to receive services that are necessary to his long term success.

Another commendatory step taken by the Education and Labor Committee is section 10 of H.R. 10351, which broadens the authority to provide for assisting the migrant and seasonal farmworkers in the attainment of self-sufficiency and well-being by "participating in available Government employment or training programs." The words "employment or" are new; they open up increased opportunity for a segment of our population which has been consistently victimized.

Part B of title V of the Economic Opportunity Act, as amended, authorizes a day care program. This program has never been implemented. The bill before us provides $25 million to finally begin this long overdue, urgently needed program. I know that the committee has been working on major day care legislation, under the leadership of the distinguished Member from Indiana (Mr. BRADEMAS). I am gratified to be a cosponsor of the original legislation introduced, and on which the committee's work has been premised. But, until that program is enacted into law, that which exists under existing law must be funded and implemented. The $25 million provided by H.R. 10351—actually only a pittance compared to what is needed—is at least a beginning.

Certainly a major aspect of H.R. 10351 is the creation of a new title X, establishing a National Legal Services Corporation.

As a sponsor of the bipartisan bill—H.R. 6363—to create such a Corporation, I am pleased to see this action taken. Unfortunately, the compromise worked out and embodied in title X is not as strong as the original legislation which I joined in sponsoring, but hopefully some strengthening will occur in conference as a result of the Senate's having passed a similar, but stronger, proposal.

Even as a compromise, title X does accomplish the enormously important step of creating an independent, nonprofit corporation. This is essential to insulate the legal services program from the political assaults which have been leveled against it by the administration.

Title X establishes a 17-member board of directors with staggered 3-year terms appointed by the President, with the advice and consent of the Senate, from several sources. This is in contrast to the administration-backed proposal, which would give the President complete discretion in choosing legal services board members. Under title X, the 17 members are to be chosen by the President from the following sources:

One member from a list of nominees prepared by the Judicial Conference of the United States;

Two members from persons eligible for assistance, after having given due consideration to the recommendations of attorney members of the Advisory Council;

Two members from former legal service project attorneys after giving due consideration to the recommendations of attorney members of the Advisory Council;

Four members from lists of nominees submitted by the American Bar Association, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers Association;

One member from a list of nominees submitted by the Association of American Law Schools; and

Seven members from individuals in the general public, three of whom must be attorneys admitted to the bar.

The legal services program will be supervised by a 16-member Advisory Council, equally divided between clients and project attorneys.

Unfortunately, some bars are erected to activities by legal services attorneys. For example, the title prohibits the attorneys from engaging in lobbying activities except in the case where the attorney is engaged in the actual representation of a client or requested to do so by a legislative body. I think the case against this restriction is well put in the New York State Bar Association's August 1971, analysis, entitled "Proposed Legislation Authorizing Creation of a National Legal Services Corporation":

> It is common practice for private attorneys to assist clients with lobbying and the preparation of lobbying materials, to communicate with legislative bodies and to testify before legislative committees. To allow less of the Legal Services attorney on behalf of his clients means that some commonly accepted legal services are denied to indigents. Some of the most effective advances on behalf of poor people have in the past resulted from changes in statutory law—changes which often have made unnecessary expensive and protracted litigation.

Another unfortunate provision is that prohibiting project attorneys from participating in both partisan politics and elections and nonpartisan elections. In the bill, of which I am a cosponsor, the sole prohibition in this area was that—

> The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

I believe the restriction on individual attorney activities is unwarranted.

Notwithstanding the lessened strength of the compromise National Legal Services Corporation, its establishment cannot be gainsaid. It is an essential step, and one which I urgently support.

One of my major concerns regarding the bill before us is its failure to authorize sufficient amounts of funds. The committee report itself states:

> There is not a single program authorized or being carried out under the Economic Opportunity Act that is meeting the needs of more than a fraction of the eligible poor people. The hearing record is replete with sound recommendations for a substantial expansion of each and every poverty program based upon actual program needs.

Yet, despite the demonstrated need for "substantial expansion," H.R. 10351 does not provide that expansion. This is a very serious and unfortunate shortcoming. I realize, of course, that this deficiency stems from the meager budget requests from the administration, and that any effort to greatly exceed these requests would probably consign H.R. 10351 to defeat. However, this deficiency must force us to work that much harder to forge the coalition of Members who can vote for and pass legislation which does much more to meet the needs of the poor. This is particularly urgent in light of the administration's economic and spending policies, which have resulted, for the first time in a decade, in an increase in the number of persons living in poverty. The number of poor persons increased by 1.2 million in 1969 and 1970—an increase of 5.1 percent.

Some of the specific figures show just how poorly the needs of the poor are being served. There are more than 5.5 million senior citizens living in poverty. Yet, for the senior opportunities and services program, the administration requested a bare $8 million. The committee increased this to $12 million, but that is still far, far too little.

The administration requested only $376.5 million for Headstart. The committee increased this by $13.5 million, yet, as the committee acknowledges in the committee report:

> Under current eligibility standards there are an estimated 1.6 million children in need of Head Start services. About 20% of the eligible children are currently being served. The 4.5% increase proposed by the Administration budget over the amount obligated in fiscal year 1971 will scarcely keep Head Start at last year's level of operation.

Certainly, even the additional $13.5 million added by the committee is a mere drop in the bucket.

Other programs are also seriously underfunded. And this is unconscionable. We have drastically failed to meet the needs—basic needs—of millions of Americans. H.R. 10351 is important legislation. But—and the repetition of this statement may become monotonous, but it is deadly true—we must do more.

Mr. SCHEUER. Mr. Chairman, I have no doubt that the House will pass, by an overwhelming margin, the Economic Opportunity Act Amendments of 1971. In its 7 years of existence, the Office of Economic Opportunity, though often caught in a whirlpool of controversy, has effectively developed imaginative programs to "eliminate the paradox of poverty in the midst of plenty." This is a worthy program and certainly deserves congressional support.

Today, I wish to discuss two long-standing OEO programs and one entirely new one contained in the committee bill. The New Careers program began as an amendment to the Economic Opportunity Act of 1964 with the twin goals of increasing the employment and career mobility of the poor, and developing new, uniquely qualified manpower for human services. Tens of thousands of the disadvantaged, unemployed, and recipients of welfare have succesfully completed new careers programs across the country. Legislative oversight hearings conducted by Representative AUGUSTUS HAWKINS' Special Field Hearing Subcommittee No. 1 have confirmed the unquestionable success of new careers in providing jobs for low-income persons leading to broader career opportunities. It is clearly one of the most successful and effectively designed manpower training and employment programs operated by the Federal Government.

New Careers has directed Federal dollars to the heart of the poverty problem—the need for meaningful, well-paid employment. It has provided persons disadvantaged by educational, training, or other credential limitations with new entry routes to human service jobs through the coordination of training and work with special arrangements for educational and supportive services. It has redesigned and restructured jobs and is thus largely responsible for the concept of the "paraprofessional " who assumes many of the tasks which formerly burdened professionals. Finally, it has created new job ladders with built-in opportunities for realistic career advancement for New Careers workers, completely avoiding the "dead-end, leaf-raking" jobs which the President rightly finds so abhorrent.

Because of these features, the new careers program has heightened relevance in view of the recent proposals for manpower training and employment programs, such as the emergency public service employment program, and the opportunities for families program of the welfare reform bill. These programs can profit and build upon the successful new careers model to provide meaningful job opportunities for the unemployed, disadvantaged, and recipients of welfare.

The Office of Economic Opportunity has also developed a unique program to provide design and planning assistance for the poor. While most of the programs of OEO have dealt primarily with the legal, educational and health problems of the poor, the worsening state of their everyday environment has been sadly neglected. Conditions in urban slums and remote rural areas continue to deteriorate. Housing is overcrowded and inadequate, expressways and renewal projects destroy neighborhoods with little or no plans for adequate restoration or relocation. In this setting, the poor are defenseless. They are lost in the maze of planning jargon and procedures.

These citizens should have access to design and planning assistance just as they now have access to legal services and health care. This assistance would serve to help them understand the terms and processes of community development as well as to translate their needs and desires into working plans for that development. With these services available, communities would have the opportunity to make constructive contributions to the physical/environmental development of their neighborhoods. These contributions can result in plans which can be implemented and which are responsive to the needs of the community.

In order to provide communities with this type of assistance, OEO granted research and demonstration funds to three existing community-based architectural and planning workshops known as Community Design/Development Centers—CDC. These were: Architects Renewal Committee in Harlem—ARCH—in New York City, San Francisco Community Design Center, and Urban Planning Aid—UPA—in Boston.

The OEO funds were used by the centers only for day-to-day operating expenses and served as a catalyst to harvest the voluntary services of professional architects, planners, and engineers to work directly with community people.

These three centers are among 73 now operating in 56 cities across the Nation. Staffed by architects, planners, engineers, and other design professionals, the centers work on projects varying from minor renovation work on individual dwelling units to the development of comprehensive planning documents for the future growth of neighborhoods. This unique combination of technical assistance, social planning and community organization, has become the hallmark of the Community Design/Development Center movement.

The OEO funding of the three design and planning centers has been a clear success as an OEO evaluation report on the combined project, "Community Design Centers—What We Have Learned," March 1971, states:

> They have done an effective job of helping community groups bring about changes in public plans and policies. They have aided the poor in producing those changes by constructive rather than destructive methods, by negotiating rather than rioting. They are beginning to show that they can help community groups develop to the point where they are their own advocates and planners.

However, since OEO no longer believes these successful programs can be classified as research and demonstration projects, they will not be refunded by the Office of Program Development in the coming year. Implicit in this decision is an endorsement on the part of OEO that these Community Design/Development Centers have proved themselves and proven the design and planning assistance concept.

Aside from OEO funding of the three centers, no other satisfactory source of funds has been found to provide design and planning services to the poor. Without any national funding, the centers across the country have had to rely on the sporadic support of local foundations and private contributions.

In this fiscal year, five centers were able to obtain from the Department of Housing and Urban Development, comprehensive planning grants through their regional or State planning authority. But too often, these funds were bogged down by local bureaucracies and redtape, thus severely hampering the performance of the centers on their contracts. In addition, this HUD 701 program only provides funds for specific projects and does not represent a source of daily operational revenue. This limits the ability of a center to respond to other issues and needs arising in the community.

I insert brief summaries of the activities of several Community Design Development Centers in the RECORD at this time:

COMMUNITY DESIGN/DEVELOPMENT CENTERS

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN CALIFORNIA

1. San Francisco, Calif., Community Design Center, Charles B. Turner, Jr., Director, 215 Haight Street, 94102, 415/863-3718.

Scope: January 1967; 2 community based workshops; broad based architectural and planning workshop.

Budget: $192,000 from OEO in 1970; small contributions from AIA chapter.

Staff: 4 full-time paid staff members, 4 part time staff, 1 VISTA and 2 students; plus 35 active volunteers.

Projects: Completed projects taken on by CDC, both workshops, include the following: architectural services for the Hospitality House in the Central City area; technical assistance to the United Filipino Association on the International Hotel; rehab of a 42 unit apartment house (236 project) for the Asian Housing Area Development Corporation; feasibility study and cost estimates on child care center in Chinatown; open space design for public housing project in Chinatown; planning a 2000 unit, new and rehab housing and community facilities for T.O.O.R.; Model Cities Planning Training Workshops for the Mission Coalition's Planning Committee; training program for W.A.P.A.C.; and numerous other feasibility studies, housing surveys, cost estimates and training programs.

Comments: The San Francisco CDC is a department of the U.C. Extension, but with a "community" majority on its board of directors.

2. Richmond, Calif., Richmond Community Systems Design Center, Virgus Streets, Director, 765 Market Street, 94804, 415/233-1301.

Scope: Started in 1969; workshop working in one community, serving city-wide architectural preliminaries through construction.

1971 Budget: University of California Extension funds ($5,000) expire July 1971. Presently seeking other source of funds.

Staff: 3 full-time, 1 state job trainee and 1 Univ. of California student on part-time/work study program.

Projects: Primarily involved with planning and construction of housing, furniture, design and teaching youths about architecture and photography and increasing their design skills.

3. Los Angeles, Calif., Urban Workshop,[1] Eugene Brooks, Exec. Dir., 1673 E. 108th Street, Watts, California 90059, 213/566-6101.

Scope: 1965; located in Watts community with national focus; comprehensive architectural and planning services.

Budget: $65,000/HUD 701 special projects contract; other smaller project contracts.

Staff: 3 paid staff/4 part-time consultants.

Projects: community design and planning workshops for community access and exposure; consultant for Watts Renewal Proposal, Greater Watts Model Cities, and other city agencies; 36 units 221(d)3 now completed; consultants to community on regional service core study for S. Los Angeles; relocation housing due to highway; rehab of 400 seat community theater; comprehensive regional and community planning for L.A. county.

Comments: necessitated taking several planning-consultancy contracts across the country in order to support community projects in Watts.

4. Los Angeles, California, Los Angeles CDC, Margot Siegel, AIA, Vol. Director, 8919 Harratt Street 90069, 213/276-5015.

Scope: Started 1968; operates in several neighborhood offices for city-wide service; developed architectural preliminaries through working drawings (for small projects).

1971 Budget: $1,250 from AIA and AIP chapters; $1,000 from Appel Foundation; $1,000 from USC. Proposals have been submited to HUD for both 701(b) (Special Projects) and HUD 314 (Urban Renewal Demonstration). Since they are applying for year-end funds and the available amounts are in question, they presented three alternatives ranging from $105,000 to $59,000. To date there has been no responses to these proposals.

Staff: 25 volunteer professionals (including architects, planners, economists, engineers); some students.

Projects: Several community facilities initiated and some now constructed, including community centers and playgrounds, private residential construction and renovation.

5. San Diego, California, San Diego, CDC, Bruce Dammann, AIA, Vol. Director, 3603 Fifth Avenue, 92103, 714/296-1372.

Scope: Started in 1969; community-based in Model Cities area, providing advisory assistance on housing proposals to non-profit organizations within Model Cities area such as YWCA and YMCA.

1791 Budget: $1,900 from AIA chapter; proposal submitted to Model Cities for half-year funding of $2,500. The outlook is dismal. Plan to submit a full-year proposal for $52,000 beginning December, 1971.

Staff: If proposal approved will have full-time director and secretary. Presently have volunteer director and staff from local architects and planners.

Projects: If Model Cities proposal is accepted, an OJT (On-the-Job Training) program for minorities will be initiated, an educational program for individuals in school and community in general will be begun. Plans will be developed for non-profit businesses within Model Cities area. Presently working with Model Cities in housing development.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN COLORADO

1. Denver, Colorado, Environment, Inc.,[2] Bernard Jones, President, P.O. Box 2985, 80201, 303/222-1258.

Scope: 1968; architect's offices; city-wide and regional services; architectural preliminaries through working drawings (for small projects), neighborhood planning.

1971 Budget: Approximately $500 from local foundation and dues.

Staff: Over 20 volunteer professionals (architects, planners, economists, sociologists); 5 University of Colorado architect students.

Projects: Various community facilities rehabed; several neighborhood planning (including urban renewal) and zoning projects; housing for migrant workers.

2. Denver, Colorado, Community Design Center, George L. Keith, Coord./Admin., 2745 Downing Street, 80205, 303/893-3102.

Comments: Recently received Model Cities funding for workshop and staffing to coordinate volunteer professionals.

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[1] Gene Brooks is also Chairman of the Nat'l. CDC Council of Seven as well as a member of the AIA's National Task Force on Professional Responsibility to Society.

[2] Environment, Inc. is a member of the national Community Design/Development Centers Council of Seven.

COMMUNITY DEVELOPMENT CENTERS IN CONNECTICUT

1. New Haven, Conn., Black Workshop, Wendeall Harp, General Coordinator, 1086 Chapel Street, New Haven, Conn., 06510, 203/777–5280.

Scope: September 1969; centrally located workshop, serving several local communities; architectural and planning workshop controlled by students at Yale University.

Budget: $10,000 from Yale University; $5,000 from planning projects in 1970.

Staff: 2 VISTAs, 5 paid students (University Work-study) and 4 other architect/planning students.

Projects: 7 community facilities have completed construction; 3 residences (rehabilitation) and 3 other community facilities are now in construction.

COMMUNITY DEVELOPMENT CENTERS IN HAWAII

1. Honolulu, Hawaii, Hawaii Community Development/Design Center, Hugh Burgess, AIA, Director, Suite 510, 119 Merchant Street, Honolulu, Hawaii, 96813.

Scope: June 1970; downtown office serving state-wide; architectural preliminaries through working drawings (on small projects), community planning.

Budget: American Institute of Architects chapter and University of Hawaii.

Staff: Full-time director; volunteer architects from American Institute of Architects chapter and architectural students from University of Hawaii.

Projects: Schematics for 22 acre campsite development; community facility rehabilitations; community plan for a small town.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN ILLINOIS

1. Champaign-Urbana, Ill., Community Action Depot, Dick Williams, Director, 118 N. First Street, 61820.

Comments: Started in September 1969; storefront workshop for University of Illinois architecture and planning students.

2. Chicago, Illinois, Uptown Community Development Center, Rodney Wright, AIA, Vol. Director, 1050 W. Leland Avenue, 60640, 312/334–5435.

Scope: March 1968; located in Uptown Community; architectural schematics and community planning.

1971 Budget: $1,800 from American Institute of Architects chapter.

Staff: A VISTAs; 10 volunteer professionals (including architects, planner, engineer).

Projects: Much of Uptown CDC involvement has revolved around a community college campus which the city proposed for Uptown and which would have forced relocation of many families. Alternative plans were developed and relocation housing data gathered which resulted in changes in the campus plans. In addition, several community facilities have been rehabed and studies/feasibilities for new and rehabed housing has been submitted to the Housing Authority. "The Village", a comprehensive plan of 12 blocks, was developed with the community to guide future development.

Comments: Much of the alternative plans and comprehensive neighborhood planning was done under a grant to Rodney Wright, Assoc. from the Community Renewal Society of Chicago.

Also, currently running drafting training program for 15 local youths with $60,000 from State Employment Agency (Federal Manpower Training Program).

3. Chicago, Illinois, Black Architects Collaborative, Charles Smith, Chairman, 4 East Huron Street, c/o Environment Seven, 60611, 312/787–0083.

Scope: 1968; centrally located office with two community workshops; architecture and planning work on community oriented projects; training programs.

1971 Budget: Funds from local architects (1969); materials from University of Illinois, Circle Campus.

Staff: Volunteer architects and students.

Projects: Comprehensive planning for Garfield and Douglas communities; renovation of training school for Garfield; organization; drafting training program for youths of K.O.C.O. (Kenwood-Oakland Community Organization) in 1969.

Comments: Soon to begin workshop in Lawndale (June 1971) for contract with West Side Contract Buyers League for Housing Rehab (@$800,000) under HND Sec. 312 Program.

4. Peoria, Illinois, Community Design/Development Centers, Robert Shanks, AIA, 233 Jefferson Building, 61602, 309/673–3215.

Comments: 1969; volunteer architects.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN IOWA

Des Moines, Iowa, Architects Council—Community Design/Development Centers, Ken Bussard, 913 Bankers Trust Building, 50309, 515/288–1093.

Scope: 1969; architects' offices; city-wide services of design schematics.

1971 Budget: $500 from American Institute of Architects chapter.

Staff: 6 volunteer architects.

Projects: Schematics provided for non-profit housing development corporation, first unit now under construction.

COMMUNITY DEVELOPMENT CENTERS IN KENTUCKY

1. Lexington, Kentucky, Lexington Community Design/Development Centers, Don Wallace, AIA, 710 West High Street, Lexington, Kentucky, 40508 606/255–0739.

Scope: October 1969; architects' offices for city-wide and regional (Appalachia) services; architectural feasibilities and schematics for non-profit housing development corporations.

Staff: Volunteer architects.

Comments: Assisting University of Kentucky Environment Workshop.

2. Lexington, Kentucky, Mountain Institute, Lou De Luca, Faculty, Department of Architecture University of Kentucky, Lexington, Kentucky, 40506, 606/258–9000, ext. 2329.

Scope: September 1969; university located; concentrating on regional (Appalachia) services; architectural and planning services.

Budget: University in-kind (Faculty).

Staff: University faculty (including architecture, law, etc.) and students.

Projects: Neighborhood planning and community facilities; working in Appalachian town on proposal to expand town with land fill from nearby highway construction.

3. Lexington, Kentucky, Pralltown, Development Corporation, David Edrington, 189 Prall Street Lexington, Kentucky, 40508, 606/255–9501.

Scope: September 1969; workshop in community; neighborhood planning and architectural services.

Budget: 1 staff salary from Council of Neighborhood Organizations.

Staff: 1 full-time architect; several volunteer architects including 1 who is practically full-time.

Projects: Playground designed and built; comprehensive neighborhood plan for 150 family neighborhood of Pralltown; housing advice.

Comments: This project started with five architecture students from University of Kentucky; two of these have remained after graduating. The community successfully petitioned the city for urban renewal and designation based on the plans developed by the students and the community; the community will maintain control of urban renewal decisions.

4. Lexington, Kentucky, (R.A.D.A.R.), Research, Analysis, Design of Alternate Recommendations, John Stearman, c/o McLoney, & Tune, Architects, 340 S. Broadway, Lexington, Kentucky, 40508.

5. Louisville, Kentucky, Community Service Team, Wenonah Chamberlain, c/o Jasper Ward, 131 West Main Street, Louisville, Kentucky, 40202.

Comments: Began in 1968; volunteer architects neighborhood studies and rehab assistance; tied in with local housing development corporations.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN MARYLAND

1. Baltimore, Maryland, Neighborhood Design Center, David O'Malley, AIA, Volunteer Director, 206 East Biddle Street, Baltimore, Maryland, 21202, 301/539–6385.

Scope: Neighborhood Design Center technical assistance services are available free upon request to any organized community group in Baltimore City or the surrounding counties who cannot afford to hire planning and design assistance. These services can range from identifying basic community deficiencies, through applications for official financial assistance, to the initial design of the facility. Also, a training program has been developed and recruitment is underway for twenty individuals who will participate in a sixteen-month work-study training program, utilizing both architectural and planning offices and the local community college.

1971 Budget: $5,000 from the Baltimore Chapter of The American Institute of Architects; $2,000 from the national and local chapters of the American Institute of Planners.

Staff: 1 full-time paid community coordinator; 3 VISTA volunteers; approximately 50 volunteer professionals who are active in determining policy and providing assistance on individual projects.

Projects: Work with the Riggs Ave. Improvement Association in researching their neighborhood and developing a long-range plan upon which to base future development activities; professional advisory assistance to the Berea Community Council in developing strategies and programs for improving housing conditions in their community; interior design and resource development assistance to the EAA Neighborhood Youth Council in development of a Teenage Coffee House; assistance to Concerned Citizens for Cultural and Recreational Development in preparing a graphic presentation which will be used to get local people to volunteer time in a pilot recreation program; 33 similar programs for other community groups.

2. Prince Georges and Montgomery Counties, Maryland.

Comments: The Potomac Valley Chapter of The American Institute of Planners provided community planning assistance to the Cedar Heights Civic Association in December, 1970. The possibility of a suburban Community Design/Development Center is being investigated.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN MASSACHUSETTS

1. Boston, Mass., Urban Planning Aid, Inc., Charles Dehnatil, Act. Director, 407 Highland Avenue, Somerville, Mass. 02143, 617/625–9411.

Scope: 1966; Community locations (3 offices) Lynn, Mass.; services in health, housing, employment and transportation.

1971 Budget: $258,000/OEO; Field Foundation.

Staff: 26 paid staff, multi-disciplinary (Health, employment, transportation, housing, media specialists).

Projects: Evaluation and feasibility studies on transportation systems (highways), rehab (city-wide) and urban renewal; emphasis on comprehensive community development.

2. Boston, Mass., Urban Field Service, Mania Seferi, Faculty, Director, Harvard Graduate School of Design, 56 Boylston

Street, Cambridge, Mass. 12138, 617/547–9861.

Scope: 1968; centrally located workshop serving metro. areas; planning and research services.

1971 Budget: $25,000 from Stern Foundation (in 1970); university in-kind (faculty).

Staff: 2 full-time staff; 5 part-time; 50 students, including about 20 architects, others are lawyers, economists, sociologists.

Projects: Alternatives to urban renewal and transportation plans; recreation facilities, drug users' center; housing studies, tenants' rights issues.

3. Boston, Massachusetts, Community Design/Development Centers, Russell Palmiter, AIA, Vol. Director, c/o Operational Mainstream, Boston Society of Architects, 320 Newberry Street 02115.

Comments: Started in 1970; volunteer architects; already involved with some community facility projects.

COMMUNITY DEVELOPMENT CENTERS IN MICHIGAN

1. Detroit, Michigan, Detroit Community Design/Development Center, Roderick Warren, AIA, Director, c/o Detroit Chapter, AIA, 28 W. Adams Avenue, Detroit, Michigan 48226.

Scope: 1970; working out of American Institute of Architects chapter office; architectural preliminaries through working drawings (on small projects).

Budget: Directors' salary paid by AIA chapter.

Staff: Full-time director; volunteer architects.

Projects: Several community facility projects; comprehensive physical plan with Action House area near municipal airport.

2. Detroit, Michigan, Community Design/Development Center, Jim Chaffers, Graduate Students, Department of Architecture, University of Michigan, Ann Arbor, Michigan, 48104.

Scope: September 1969; University involvement with Grass Roots Organization Workers (G.R.O.W.) Community Organization.

Budget: University in-kind (faculty).

Staff: 1 graduate, 5 undergraduate architecture students.

Projects: Development plan for 40 block neighborhood; plan has since been accepted by City Council as part of Detroit Master Plan; now developing specific projects within neighborhood.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN MINNESOTA

1. Minneapolis, Minnesota, Community Design/Development Centers of Minnesota, Al French, AIA, Ex. Director, 118 East 26th Street, 55404, 612/824–1282.

Scope: April 1968; workshop (shared with University of Minnesota Urban Education Center) in Model Cities neighborhood but offering state-wide services; architectural preliminaries through working drawings (for small projects), community planning.

1971 Budget: $10,000 from state American Institute of Architects; $1,000 from University Urban Education Center; $850 from two local art institutions.

Staff: Volunteer professionals (including architects, planners, engineers, etc.).

Projects: Several community facilities rehabed (including American Indian cultural center); feasibility studies for small supermarket owner; Saturday morning curriculum on "Architecture of the Man-Made Environment" conducted by architecture students from University of Minnesota and Community Design/Development Centers for local youths.

2. Minneapolis, Minnesota, Urban Education Center/U. of Minn., Roger Clemence, Faculty, 118 East 26th Street, 55404, 612/824–1282.

Scope: September 1969; workshop in Model Cities area; architectural services.

1971 Budget: $12,000 from university's Urban Education Center.

Staff: Faculty and approximately 30 students from Univ. of Minn. (17 architects, others are journalists, sociologists); 1 VISTA.

Projects: Neighborhood planning; housing and community facilities.

Comments: The Center shares space with and coordinates operations with American Institute of Architects supported Community Design/Development Centers of Minnesota.

COMMUNITY DEVELOPMENT CENTERS IN MISSOURI

1. Kansas City, Missouri, CCC (Community Consultation Center), Myles Stevens, Faculty, Director, School of Architecture, University of Kansas, Lawrence, Kansas, 66044, 913/864–4281.

Comments: Started in 1969; architecture students working out of workshop in community.

2. St. Louis, Missouri, Community Design Workshop, Allen Levin, Faculty, Director, School of Architecture, Washington University, St. Louis, Missouri, 63130, 314/863–0100 ext. 4504.

Scope: 1969; university located workshop; architectural and planning services.

Budget: $99,000 from Danforth Foundation (in St. Louis) for 3 years.

Staff: 1 full-time and 1 part-time faculty; 10 architecture students.

Projects: Developed workable program for Kinlock community under HUD 701 grant; comprehensive plans for two North St. Louis communities; working on implementation of "Project Rehab" in East St. Louis.

Comments: Working with the city-wide, OEO-funded Citizens' Volunteer Corps (CVC) which includes 4 VISTA architects and some volunteer architects from the AIA chapter.

Also operating drafting training program for local youth—ASTP/Architecture Skills Training Program—with OEO and HEW Title I funds.

COMMUNITY DEVELOPMENT CENTERS IN NEW JERSEY

1. Camden, New Jersey, Camden Community Design/Development Center, Van Bruner, AIA, Volunteer Director, 506 W. Park Boulevard, Haddonfield, New Jersey 08033, 609/854–5258.

Scope: January 1970; architect's office; area wide service; architectural preliminary designs.

Budget: None.

Staff: 5 volunteer architects.

Projects: Rehabilitation of old theater converted to a church, preliminaries.

2. New Brunswick, New Jersey, People's Workshop, Michael Sena, Graduate Student, 130 Bayard Street, New Brunswick, N.J. 08901, 201/247–2632.

Scope: 1969; workshop located in one community serving city-wide and small adjacent towns; architectural and planning services.

Budget: Princeton University paying workshop rent and expenses; New Jersey AIA supplying some funds.

Staff: Architecture students from Princeton; some volunteer architects from American Institute of Architects.

Projects: Several community projects; housing schematics developed for one group in New Brunswick now seeking funding.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN NEW YORK

1. New York, New York, Architects' Renewal Committee in Harlem, Inc., ARCH,[3] Arthur L. Symes, Exec. Director, 221 W. 116th Street, 10026, 212/666–9130.

Scope: May, 1965; community location; broad based planning and architectural workshop.

1971 Budget: $240,000 from OEO for operations; $100,000 from HUD/701 Special Projects for comprehensive planning in Harlem; $192,000 from HUD/Open Space; $150,000 contract with NYC Board of Education; $25,000 from Tri-State and OPC.

Staff: 13 full time professional staff members.

Projects: Neighborhood planning and architectural services for 17 block area of East Harlem Triangle, presently in first phase of implementation; neighborhood planning and architectural services for 20 block area of West Harlem Morningside district, preliminary development; five 5-story buildings rehabed,now seeking construction funds; architectural plans for community law office (new construction) and day care centers; planning survey of parks and recreational spaces for Harlem.

Comments: ARCH began as a volunteer workshop with the New York City American Institute of Architects chapter; has since developed into a full-time staff operation. The oldest and one of the foremost of the Community Design/Development Centers.

Operated a training program for 2 years funded by The Ford Foundation in which 45 Black and Puerto Rican youths went through one-year remedial/pre-architecture/working program; 15 have gone on to universities, 30 to jobs program, no longer funded. The NYC/AIA was involved with this program by supplying jobs with firms and scholarships for univ. studies. ARCH's working premise is to prepare the community to plan totally for itself.

2. New York, New York, Puerto Rican Workshop, Harry Quintana, Director.

Scope: June 1968; workshop in East Harlem community; comprehensive architectural and planning services.

1971 Budget: $5,000 from Center for Community Change; $10,000 HUD 701 Special projects; various local fundation funds for $40,000 and American Institute of Architects for $1,000 thru 1970.

Staff: 3 staff.

Projects: 5 vest-pocket parks; addicts rehabilitation center; housing feasibility study for Con Edison sites; programming input into urban renewal school project.

Comments: Workshop formerly called Real Great Society/Urban Planning Studio; has had a program with CCNY, Pratt and Columbia schools of architecture to place minority students in Workshop for course credits.

3. New York, New York, Architects Technical Assistance Center, The (TATAC), Joshua Lawrence, Exec. Director, 20 West 40th Street, 10018, 212/594–0259.

Scope: June, 1970, workshop space donated by NYC American Institute of Architects chapter; city-wide services; architectural design schematics.

1971 Budget: $15,000 from NYC Urban Coalition.

Staff: 1 full-time; volunteer architects.

Projects: Many community facility projects, especially Day Care Centers developed for submission to city agency, several since funded for construction.

Comments: Proposal submitted to Model Cities Agency for $30,000, awaiting approval.

4. Brooklyn, N.Y., Pratt Center for Community Improvement, Ron Shiffman, Faculty, Director, 244 Vanderbilt Avenue, 11205, 212/622–2200.

Comments: Started in 1969, workshop at Pratt Institute with students from several departments; HEW Title I funds.

5. Syracuse, New York, Man-Build, Inc., Sheldon Williams, Director, 102 Cortland Avenue, 13202, 315/475–5767.

Comments: Started in 1969; workshop (paid for by donations) to serve city-wide; volunteer architects and some Syracuse University architecture students; several community facilities and houses rehabed.

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[3] ARCH is a member of the National Community Design/Development Centers Council of Seven.

6. Troy, New York, TAP, Inc. (Troy Professional Assistants), Vince Lepera, Director, 43 Hutton Street, 12180, 518/274-3050.

Scope: March 1969; workshop located in the community it serves; comprehensive architectural services.

1971 Budget: $10,000 from Howard & Bush Foundation; $5,000 in donations from area businesses and churches; $43,500 state planning grant.

Staff: 4 work-study and 4 course credit architecture students from RPI.

Projects: 3 recreation parks, 2 now completed; planning for infill housing units for 15 block area (state grant); rehabing 15 residences; arterial highway alternative proposal.

Comments: Though this is a student-manned workshop, the board of directors is comprised primarily of community residents.

COMMUNITY DEVELOPMENT CENTERS IN NORTH CAROLINA

1. Raleigh, North Carolina, Community Development Group, Henry Sarnoff, Director, School of Design, North Carolina State University, Raleigh, North Carolina, 27607, 919/755-2206.

Scope: 1969; university workshop serving communities throughout the State; architectural, planning and research services.

Budget: University in-kind funds.

Staff: 3 paid staff, 3 volunteer professionals, (psychologist/sociologist) and 16 architecture students.

Projects: Two demonstration, low-income houses designed and constructed, one shown at the State Fair; providing unit and site plan schematics for two housing authorities; developing site selection criteria for housing authorities across the state; developing program criteria for pre-school child development centers for statewide use; preliminaries for proposed, minority owned shopping center; several community facilities designed, two constructed.

Comments: Requested by citizen groups and local agencies to provide positively oriented technical assistance throughout the State; all projects are conducted in cooperation with The Agriculture Extension Service and Urban Affairs and Community Service Center.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN OHIO

1. Cleveland, Ohio, Cleveland Design Center,[4] Paul M. Cheeks, Director, 136 The Arcade, 44114, 216/241-8111.

Scope: January 1970; centrally located to serve city-wide; comprehensive architectural and planning services.

1971 Budget: $50,000 from Cleveland, NOW! for 1970; $67,550 from local foundations; $5,000 from local American Institute of Architects chapter.

Staff: 5 paid staff members; 6 VISTA's (3 of whom are architect planners); American Institute of Architects volunteers and students from Kent State University.

Projects: Preliminary work on 118 units of housing thru Operation Rehab (eventually 2500 d.u.s); 701 housing units (rehab) for H.O.P.E., Inc., 3 units under the Cleveland Metropolitan Housing Authority Turnkey III program are presently under construction; design of a secretarial school for the Community Fighters for Housing Large Families; designs and feasibility studies for El Hasa Temple's housing for the elderly; mobile home study for the Cleveland American Indian Center, Inc.; coordination of the "Architectural Enrichment Program for Black Students"; evaluation of modular housing in the Lee-Seville area; and involvement with the Cleveland Urban Learning Community's program for high school dropouts.

2. Dayton, Ohio, Dayton Design Center, Ray Brown, Director, c/o Model Cities Hsg. & Urban Dev. Corp., 505 Bolander Avenue, 45408, 513/222-3441.

Comment: March 1971; has recently entered Model Cities contract which hired coordinating staff for volunteer architects from American Institute of Architects chapter for Community Design/Development Centers effort in Model Cities area.

3. Cincinnati, Ohio, Connection, Bruce Goetzman, Faculty, No. 207 Paramount Bldg., 920 E. McMillan Street, 45206, 513/751-1956.

Scope: September 1968; workshop located in one community, primarily serving that community.

1971 Budget: $500 from American Institute of Architects chapter; workshop donated space; University of Cincinnati in-kind (faculty).

Staff: 2 faculty members plus 10 architecture and planning students from the University of Cincinnati.

Projects: Numerous renovations for various community facilities assistance to individual homeowners; operating community art classes; preparing guidebook to city services for communities' use.

Comments: Connection has been hindered by the University's co-op program which cause a turnover of students every 3 months; more continuity is now provided with one student on continuous work study.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN PENNSYLVANIA

1. Philadelphia, Pennsylvania, Architects Workshop,[5] Augustus Baxter, Exec. Director, 2012 Walnut Street, 19103, 215/561-2370.

Scope: January 1968; centrally located with 7 branch mini-workshops; comprehensive architectural and planning services.

1971 Budget: $70,000 from American Institute of Architects, local foundations, United Fund and small commercial contributions; $50,000 from The Ford Foundation; $50,000 from HUD/701 Special Projects fund.

Staff: 5 paid staff members with 10 VISTAs working in mini-workshops; 2 students from the Great Lakes Colleges Association; and more than 200 volunteer architects, engineers, landscape architects, planners, artists and lawyers.

Projects: The Workshop has been engaged in over 150 projects; housing projects which are currently under construction or about to enter construction, include: the Parkway Apartments, a 40 unit, 236 rehab project for Germantown Homes, Inc., 10 units of 235 duplex houses for Holy Trinity Enterprises, Inc., 50 townhouses and apartments for the Philadelphia Chinatown Development Corporation, and 48 row-houses, by the HOPE Development Corporation, for the East Frankfort Housing and Improvement Association area: 10 comprehensive neighborhood planning projects (3 have received major Urban Renewal and NDP fundings); housing feasibility studies, several awaiting FHA approval; several feasibility studies for commercial developments one with support from local banks; over 25 various rehabs of community facilities, most taken through to construction; 10 recreation parks, most taken through to construction.

Comments: The Philadelphia Architects Workshop is the best example of a local chapter of American Institute of Architects commitment and involvement in a Community Design/Development Center.

2. Philadelphia, Pa., Univ. of Penn/Urban Workshop, Ron Bedford, Faculty, Director, Dept of Architecture, 19104, 215/594-8321.

Scope: September 1969; community located workshops and planning services.

1971 Budget: University in-kind (faculty).

Staff: 2 faculty members; students.

Projects: neighborhood planning and housing (esp. rehab) in the Tioga-Nicetown community (which has 2 VISTA architect/planners); also assisting Mantua community.

3. Philadelphia, Pa., The Young Great Society/Architecture & Planning Center, Peter H. Brown, Co-Director, William D. Riley, Jr., Co-Director, 3420 Brandywine Street, 19140, 215/EV 7-4700.

Scope: April 1969; located and working in Mantua community; comprehensive architectural service.

1971 Budget: $40,000 from Dept. of Commerce (EDA) in 1970; $30,000 from The Ford Foundation for operational costs; $30,000 for Job Training Program from the Philadelphia Urban Coalition; $150,000 in contracts for several projects.

Staff: 10 full-time professional staff; 1 VISTA; 2 students from Univ. of Penn.; 10 volunteer professionals and 3 trainees.

Projects: 28 units of 236 rehab constructed; 14 units of 235 rehab constructed; 52 units of 236 rehab in progress; 122 units of new 236 in progress; various rehab and new constructions of community facilities; urban renewal plans completed for Glassboro, N.J.; NDP housing plan for Mantua completed; plans completed for a middle school in Mantua.

Comments: YGS is a partnership specializing in community work.

4. Pittsburgh, Pennsylvania, Architects' Workshop, Sam Jamrom, AIA, Vol. Director, 5995 Penn Circle South, 15206, 412/363-4442.

Scope: 1969; workshop centrally located for city-wide services; architectural preliminaries through working drawings (for small projects), neighborhood planning.

1971 Budget: $1,500 from American Institute of Architects chapter.

Staff: 5 VISTAs, volunteer architects.

Projects: Several community facility projects; housing study, land planning, and alternative public school site study in three separate communities. Coordinating with Community Design Assoc.

5. Pittsburgh, Penn., Community Design Association, Troy West, President, 2012 Wylie Avenue, 15210, 412/232-3118.

Scope: February 1968; workshop in the Hill community; comprehensive architectural services.

1971 Budget: $23,000 contract with Urban Renewal agency; $13,000 Carnegie Mellon University; Scaife Foundation for $16,000 thru 1970.

Staff: 5 full-time architects; 1 VISTA; 1 Carnegie Mellon student; 1 high school student; several community organizers, attorneys and engineers available when needed.

Projects: various housing and community facility rehabs (incl. Court of Ideas, community meeting area); 3 new housing systems developed using community construction methods (incl. Our Way project for 400 units); 24′ x 40′ map of Hill community done by community itself; scattered site housing study (Urban Renewal contract)

COMMUNITY DEVELOPMENT CENTERS IN WASHINGTON

1. Seattle, Washington, Environmental Works, Dale E. Miller, Project Coordinator, 1401 N.E. 40th Street, Seattle, Washington, 98105, 206-543-8700.

Scope: April 1970; workshop located in one community but works city wide: preliminary design small projects taken through construction.

Budget: $5,000 from H.E.W. grants; $5,000 from city and country; $1,200 from American Institute of Architects and individuals.

2. Tacoma, Washington, Tacoma Community Design Clinic. Alger Beal, AIA, 4216 North Mason, Tacoma, Washington, 98407.

Scope: June 1970; workshop in one community (until recently, since closed for lack of funds) for city-wide services; offering architectural preliminaries through working drawings (for small projects) and neighborhood plannnig.

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[4] The Cleveland Design Center is a member of the National Community Design/Development Centers Council of Seven.

[5] Architects Workshop is a member of the National Community Design/Development Centers Council of Seven.

Budget: Rent for workshop was paid by American Institute of Architects chapter. Recently funding $55,000 through Model Cities.

Staff: 10 volunteer architects; 1 VISTA (non-architect).

Projects: Several community facilities rehabed, one new facility project now in working drawings.

Comments: Proposal submitted to Model Cities Agency with tentative approval; awaiting funding.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN WISCONSIN

1. Milwaukee, Wisconsin, Architects Concerned in Walnut Improvement Council, Lillian Leenhouts, AIA, Walnut Improvement Council House, 2201 West Vine Street, 53205, 414/933-5356.

Scope: May 1969; workshop located at WAICO (Walnut Improvement Council) community center; neighborhood planning, achitectural feasibilities through working drawings (on small projects).

1971 Budget: Donations.

Staff: 12 volunteer architects; 1 architecture student (University of Wisconsin at Milwaukee); 10 volunteer professionals (planners, lawyers, engineer).

Projects: Developing neighborhood master plan of 40 block area to encourage residential development; model of neighborhood built to encourage public involvement; 3 new homes have been built.

As these summaries indicate, the scope and range of services provided by these community design and planning organizations are tremendous and reflect the varied needs of the people they serve.

I have been very impressed by the achievements of these centers and am very pleased by the highly favorable evaluations given the program by OEO. Hopefully, some means can be found to continue their worthy efforts.

The third program to which I would like to call the attention of my colleagues is an amendment which I succesfully offered in the Education and Labor Committee. This amendment creates a new emphasis in OEO's drug addiction programs on new approaches to the rehabilitation of addicts, with a special priority for veterans.

There is no need to dwell on the seriousness of the drug problem in this Nation today. Its seriousness is now acknowledged by all. However, there is one aspect of the problem, treatment, and rehabilitation, which has not received the serious attention and study it deserves.

Previous legislation has focused upon the medical aspects of treatment, ignoring its social and psychological aspects, while "rehabilitation" has not even been defined in the statutes which have been enacted to date. We have created, in effect, an "aftercare gap."

Those who have seriously studied the treatment of drug addicts acknowledge the existence of this "aftercare gap." For example, Dr. Beny J. Primm who heads the very successful Addiction Research and Treatment Corporation in Brooklyn's Bedford-Stuyvesant, has pointed out that addicts who have managed to end their physical addiction to drugs must learn new ways to handle their emotions if they are to remain drug free. Learning to obtain a job and to do a job well is central to this process.

Yet, we have barely begun to develop programs that can effectively help the ex-addict obtain a job and keep it. As Dr. Primm has said, jobs for the ex-addict are our "toughest problem."

The Office of Economic Opportunity's Office of Health Affairs, through its Division of Addiction, Alcoholism, and Mental Health, has made a beginning, however. The Office has researched and developed two combined addict rehabilitation manpower training programs, both soon to go into operation. I was pleased to offer an amendment, which was accepted in committee, to direct OEO to expand and intensify its efforts to rehabilitate addicts. Due to the interdisciplinary nature of this problem, the Office of Economic Opportunity is the place where this crucial aspect of this terrible problem must be researched and developed. It has made a start and the committee bill not only directs that these efforts be continued, but directs that they be given further encouragement and support.

My amendment is designed to give increased attention and priority to this search for innovative solutions to the problem of rehabilitation of narcotic addicts. Moreover, it specifically directs that preference be given to veterans. Certainly this is the least we can do for men who have returned home to fight a personal war against drug addiction induced by their almost accidental participation in the most unpopular war in our history.

By discussing these three programs, I in no way intend to denigrate the other programs of the Office of Economic Opportunity. The program is a truly important and, in many respects a uniquely effective one. I know that my colleagues will support it.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of the Economic Opportunity Act Amendments of 1971.

No longer is there any issue whether the Economic Opportunity Act should be continued. The act has provided the resources for thousands of people to bring themselves up by their own bootstraps. More important it has enabled these same people to organize and maintain their own self-help programs, giving them a stake in their community they never had before.

An extension of the Economic Opportunity Act will guarantee that more than 260,000 children can continue in year-around Headstart programs and more than 200,000 children can take advantage of special Headstart summer programs.

Headstart is one of the most successful individual programs ever passed by the Congress. For many years black, as well as white, children of low-income families fell increasingly behind in both urban and rural schools. As each school year began, these children, through no fault of their own, found themselves farther and farther behind their economically better-off classmates. Low-income families, for economic as well as cultural reasons, had been unable to provide the same preschool training and atmosphere in the home that children from middle and higher income families received.

Last year, a survey showed that, out of a group of children from families with similar incomes, those who had received Headstart training did better in every succeeding grade than those not enrolled in the program. In addition, the later job success of those receiving Headstart training also was higher. The obvious conclusion is, if we start early enough, we can rescue people from the cycle of poverty; we can develop citizens who can contribute to their community rather than fostering generation after generation of welfare recipients.

By extending the Economic Opportunity Act we can also guarantee that the Neighborhood Youth Corps can continue to provide thousands of work-training opportunities for young people who need them most, especially during this present high unemployment period.

Certainly there is no question that there is a tremendous need for the extension of comprehensive health services among lower income groups.

Recent studies, as well as testimony before the Committee on Education and Labor, disclosed that prior to EOA, health services among low-income groups were almost nonexistent. Under the comprehensive health service program, early medical care and preventive medicine can be made available to people who, primarily because of their economic position, have suffered a disproportionately high incidence of sickness and disease.

My congressional district in northern Hudson County, N.J., is a highly urban and congested area. In spite of the fact that it is made up of different groups, who have retained their ethnic identities—Italian, Irish, Jewish, Negro, and most recently Puerto Rican and Cubans—my constituents have a long history of working together. They have been able to take tremendous advantage, therefore, of OEO's Community Action program.

Under the direction of Nicholas Mastorelli, the North Hudson Community Action program has developed into one of the most successful and productive community action agencies on the eastern coast. Indeed I am sure it compares favorably with any community action agency in the entire country. The "let's do it ourselves" attitude which has been generated in the community is ample proof to me that many of the urban problems that we face can be solved if the city's Federal tax revenues can be returned to people who understand its specific problems and are provided sufficient direction as to congressional purpose.

The North Hudson Community Action program has organized young people in the community to take part in pollution clean-up programs as well as North Hudson CAP's "Operation Generation Gap." This latter program gives young people the opportunity to help senior citizens in an effort to not only assist older citizens who cannot get out to shop or do housework, but also to develop understanding between older and younger citizens. One older citizen from my district wrote to say:

> I am writing you to commend you on the program "The Generation Gap." It was a marvelous thing for shut-in people as myself. I really loved it very much. The girls that I had to take me shopping were wonderful; couldn't be better. I would appreciate it very much if it would start soon again in the near future. I will repeat again, it was a wonderful thing.

In addition to programs for young and old people, as well as the Headstart program, the North Hudson Community Action program has taken advantage of the Economic Opportunity Act to develop programs which meet the specific needs of northern Hudson County. Perhaps the greatest strength of the Economic Opportunity Act is that it allows communities to provide for their own unique needs.

Mr. Chairman, as a member of the Education and Labor Committee, I can testify that the successful experience of the Economic Opportunity Act in Hudson County is not dissimilar from other areas in the country. Communities want to help themselves and the Economic Opportunity Act provides them with the resources to provide for their own circumstances.

I urge my colleagues to support the committee bill.

Mr. PERKINS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 10351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1971".

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10351) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who desire to extend and revise their remarks in connection with the Economic Opportunity Amendments of 1971 may have that privilege.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DESIGNATION AS MEMBER OF JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Ways and Means:

WASHINGTON, D.C.,
September 29, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Pursuant to section 8002 of the Internal Revenue Code of 1954, the Honorable James A. Burke, of the Committee on Ways and Means, has been designated as a member of the Joint Committee on Internal Revenue Taxation to fill the vacancy created by the death of the late Honorable John C. Watts.

Sincerely yours,
WILBUR D. MILLS,
Chairman.

THE HONORABLE HUGO LAFAYETTE BLACK

(Mr. JONES of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Alabama. Mr. Speaker, with the passing of Justice Hugo LaFayette Black, our country has lost a spirited and forceful magistrate. Many of Alabama's sons and daughters have earnestly sought to add to the total fabric of our land, but I can think of none who has strengthened the pattern and the cloth so deeply as did Mr. Justice Black.

He traveled a long road from the poor hill country of Alabama to a place of honor on our Nation's supreme tribunal. He never forgot his acquaintance with the short and simple annals of the poor, and his total life reflected his remembrance.

Although his daily work involved consideration of perplexing constitutional issues of transcending importance, he maintained a close and astute interest in the political life of his home State which he had served with considerable distinction as a U.S. Senator for more than 10 years.

While the demands on his time were many, Mr. Justice Black was always pleased to receive visitors from Alabama. For many who were awed by the formal dignity of the Supreme Court setting, his friendly and open manner was an unexpected contrast. He had a deep and abiding affection for Alabama and her people. His vast store of knowledge concerning current State and local affairs was an indication of the breadth of his interests.

Yet, his greatest devotion was reserved for the Constitution and the nation which it created. He has written:

> I have thoroughly enjoyed my small part in trying to preserve our Constitution with the earnest desire that it may meet the fondest hope of its creators, which was to keep this nation strong and great through countless ages.

No small part of his respect for the Constitution was his awareness of the opportunities our system of government had afforded him and countless others.

He never flinched in applying the protection of the Constitution to ideas regardless of whether he personally embraced or abhored them. He acknowledged the controversy raised by his efforts to follow the literal meanings of the words of the Constitution and the history of their adoption. As a result of his awareness, he took care to write and speak in plain language so that his reasoning would be clear to those who would look beyond the cliches.

Because Mr. Justice Black now takes his place in history with the select handful of those most influential legal scholars of this Nation, many words have been written about him and his work.

His impact was such that many more will be written about him in the future. The comments on his life and his work to make the Constitution as meaningful to others as it was to him could fill volumes.

Through the years his friends have admired his courage and his contributions to the meaning and significance of our Nation.

As I extend my sincere sympathy to his wife and family in their great personal loss, it is my hope that they may find comfort in the brilliant record of service established by Justice Hugo LaFayette Black.

A CALL TO EXCELLENCE BY HARRY REASONER

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

(Mr. MAYNE. Mr. Speaker, during the past 3 months it has been my privilege to hear two speeches by the distinguished commentator of the American Broadcasting Co., Mr. Harry Reasoner. The first was the principal address at the dedication of Joe Reasoner Dam in Humboldt, Iowa, on June 20. Harry Reasoner was born in nearby Dakota City in Humboldt County and returned with other members of the Reasoner family to honor his uncle Joe Reasoner, still an active sportsman and conservationist, for whom the dam is named.

More recently, on September 8, I was in the audience when Harry Reasoner addressed the annual meeting of the Sioux City Chamber of Commerce. His analysis of the decline of excellence in American life and his call for a new national commitment in pursuit of excellence on that occasion deserve a much wider hearing than it was possible for them to receive from the capacity audience in Sioux City. I recommend them for most careful consideration to my colleagues in the Congress and to all Americans interested in preserving and strengthening our free society. I, therefore, include the complete text of Mr. Harry Reasoner's speech to the Sioux City Chamber of Commerce at this point in the RECORD:

ADDRESS TO SIOUX CITY CHAMBER OF COMMERCE BY HARRY REASONER, SEPT. 8, 1971

We're all going to celebrate a birthday in five years—that is if we're all still around to celebrate anything. . . .

This country's going to be 200 years old. It doesn't sound very old. Not when you consider the ancient ruins in Greece and the pyramids in Egypt.

There are Europeans living in homes which predate the establishment of this country.

In terms of human history, 200 years is the blink of an eye.

But in terms of the history of nations, 200 years is an all-but-unprecedented achievement. The United States has the second oldest continuing government in the world.

Under that stable, enduring government, we have gained more prosperity for more people than any other society in history.

And now, with our two hundredth birthday coming up—and I don't mean that personally for any of us—I think it's a good time to take stock, see where we are and maybe set some goals for where we ought to be going.

At superficial first glance, we look pretty good. Our populace is educated, our wealth immense, our cities are prime achievements of modern technology. The skyscrapers, clean and new, rise like glass and steel trees in a man-made forest.

But take a closer look. Many of the trees in that forest are artistic disasters, badly planned, inhuman in scale, sterile, too plain to be called ugly.

And what of the men and women who work in those upended ice cube trays? What of the unspeakable trials they put up with each day to travel to and from those towers? For some, commuting is harder work than working.

That's just one of the incongruities of life in America today.

There are others.

That economy I mentioned is the most efficient, consumer-oriented economy ever devised by man. It has given more people more goods than the 18th Century proponents of the free market would have dreamed possible. But that forward-charging economy has left in its wake a class of abjectly poor, living in hovels which would disgrace an underdeveloped country.

We have organized the resources and talent necessary to put men on the moon—not once, but four times. Yet we can't even get our passenger trains to run—much less to run on time.

And as a solution to that problem, Railpax, the new transportation entity was created by the Federal Government. The first thing it did was change its name to Amtrak. And then it proposed to fix matters by simply eliminating trains.

That's like curing colds by giving the patient pneumonia. It's an admission of defeat.

(Incidentally, my Italy expert tells me the perhaps apocryphal tale about how Mussolini got the trains to run on time. During his regime, Mussolini had the trains leave their station of origination early—before the scheduled departure time. The longer the trip, the more prematurely the departure. This resulted in an impressive on-time record at the final destination. And once passengers got used to showing up thirty or forty minutes before their train was due to leave, the system worked pretty well. I hope Railpax/Amtrak doesn't hear about it).

We have the best-informed mass public of all times, thanks to the technological developments in radio and television and to to the speedy distribution methods of mass-circulation newspapers and magazines. Yet we have the news media under attack from two sides—from those who'd rather not hear the truth but tranquilizing distortions instead and from others—including a number within our own profession—who want us to drop our goal of objectivity and deliver tirades instead of facts.

We have worked hard so that our children don't have to wonder where the next tank of gasoline for their cars is coming from—much less having to worry about where the next meal is coming from. And, yet, we have hundreds of thousands—perhaps millions—of our most thoughtful youth alienated, discontented, rejecting the material wealth we've expended our energies to produce for them.

(I'm not so sure they'd be that quick to reject material comfort if they weren't terribly sure that it would remain available, no matter what their attitude. It's one thing to decry the idolatry of the automobile, it's quite another for the family 18-year-old to give up the family car for Saturday night dates.)

Am I painting a grim picture?

Yes, but . . .

I'm not a member of the doomsday crowd. They are that growing number of quite successful magazine and book writers—who live principally in New York City—and who make upwards of six-figure incomes by writing about the wall of doom we're building about the wall of doom we're building around ourselves.

Of course, in New York City, it's a little easier to see imminent doom than it is in some other parts of the country.

We have doomsday ecologists, doomsday urbanologists, doomsday consumerologists and doomsday political scientists. And, of course, there is a corps of doomsday journalists—generalists in this gloomy field who hop from threat to threat in their chronicling of the decline and fall of America.

Professional doomsdayers are a sophisticated lot. They usually choose a date for the ultimate demise of this country (if not the entire world) well beyond their anticipated creative lives. That way they can go on making a living and not predict themselves out of business.

Back in the early days of the Republic, a doomsday sect in Philadelphia made the mistake of picking a date in the foreseeable future for the end of the world. When the day came, the adherents gave all their worldly goods to their skeptical neighbors, donned white robes and mounted a hill to wait for the end.

After a long while, the sky blackened, lightning crackled and a terrific rainstorm began. It was the deluge. The robed doomsdayers were grimly satisfied.

When the rain stopped, the soaked believers had become soaked unbelievers. They wandered off that hill, searching for those neighbors they'd given their worldly goods to.

Well, I don't want to put the people who decry the waste of our environment and the shoddyness of our consumer goods and the tendency toward mendacity in government in the same camp with the unfortunates who endured that world-ending thunderstorm atop a Philadelphia hill so long ago.

We do, after all, have our problems.

But I'm not so sure that the disease is terminal. Certainly there is a lot of medication the patient can take.

The problem is, we're having more than a little trouble—as a people—deciding what the medicine should be. In fact, sometimes we have trouble identifying the illness—although the symptoms are obvious.

Division is nothing new in this country. Not everyone sided with General Washington and the Continental Congress during the Revolution.

The Tories were less than grandly treated when American independence was secured. This dissident element had its lands expropriated and many were forced to flee this newly-founded land of freedom because of their political views.

Since that time we Americans have been a contentious people.

We had the Whiskey Rebellion—one of the few causes some would say was worth fighting for—the violent activities of both slaveholders and abolitionists, the bloody Missouri-Kansas border war, the Civil War draft riots and—of course—that most difficult test of all, the Civil War itself.

That spasm cost 617,000 lives, North and South.

And it did not quell divisiveness in the nation. Emerging from that bloodbath were regional antagonisms which are only now beginning to subside.

The regional divisiveness was augmented by the violent birth of the labor movement, by the populist movement, by the gold-silver-bimetalic debate.

In the early years of this century, and again after the First World War, there was a massive Klu Klux Klan conspiracy which cost hundreds of lives and terrorized entire communities.

There was the radicalism born of the poverty and frustration of the Depression years and the civil rights clashes of the 1950s and 1960s when discriminatory traditions were successfully challenged and a small, sometimes grudging start was made toward granting long-denied rights.

We've been this divisive route before. We've survived, as a nation, strains which destroyed weaker societies and crumbled lesser governments.

There's nothing unusual about division in American life. What is unusual is the set of circumstances under which we face today's divisions.

For one thing, we no longer have a frontier. Once, there was a place a man could go with his wife and family to escape other men. There was a place where divisive ideas wouldn't reach. There was an area in this country where bare survival took so much effort, dissention became an unaffordable luxury. There was a place to go when you used up the resources of the place you were in.

That's gone today.

And not only are we frontierless, but the technology which helped us conquer the frontier—speedy travel and communications—has insured that no dissident movement remains localized any more. While it once took months for a man to travel from coast-to-coast—and years for ideas to make the journey—today a man can breakfast in New York and lunch in Los Angeles and he can transmit his thoughts there even faster—without ever leaving New York.

I don't think we can ease our problems by annexing Canada and calling it our frontier. Nor can we help ourselves by turning our backs on communications technology. The facts of the filled-in frontier and scientific and engineering development are very real. They won't go away and it would be foolish to deny them.

Technology, handled in humane ways, ought to be able to help us.

We've got something else making today's problems more serious than yesterday's numbers—numbers.

We've suddenly become conscious of how many people there are and of the limitations of our resources. There are more of us all the time. And all of us feel we are entitled to everything everyone else has—if not a little more. The pressures of number has made clear the impossibility of the dream of infinite economic growth in a world with quite finite resources.

We are already too many for the sort of life we'd like to live. We can have quantity or quality, not both. And at present the quantity is beginning to squeeze a lot of the quality out of our country.

There are clear signs that our institutions are suffering. And we suffer with them.

The first and foremost agony, I think, is the war. It damages everything connected with it. The government's credibility is lessened, business and industry ethics are questioned, the education establishment is under assault because of it. And perhaps the most serious casualty of the war is the pride of our military services.

I don't think anyone can find an opinion poll taken in the last year which doesn't clearly indicate that the majority of us have had it with the war in Southeast Asia.

Yet we remain there.

Now I am not a member of the group that believes our involvement there started for wholly bad reasons, or that the aims and principles at stake were always hopeless. But they are now. Logic says end it and get on with the problem of healing America. Yet, in defiance of logic, it continues.

How do we get out? Well, I like President Nixon's answer when someone asked how we could possibly extricate our troops. He said, you call the Navy and tell them to have the boats there Tuesday morning.

He went on to amend that quip, but I like the unedited version.

The war has bred a totally depressing political dialogue—or maybe two-sided harangue is more accurate. From the extremes of right and left come a kind of ineffable self-righteousness, a priggishness of ideology which is totally without humor.

It seems to me there is an overdose of solemnity in some of the current discussion. If a man believes in something so much that he can't laugh at it, I immediately dismiss him from serious consideration. There is no great answer to everything. No one has the ultimate truth in a satchel.

I find it sad that the young revolutionaries can spout "racist imperialism" with the same grim determination that a Bircher uses when shouting "fluoridation."

Also depressing are the love revolutionaries. They're almost as offensive as their political brothers. Their grinding emphasis on love is awful. Love, after all, can be talked to death.

I'm reminded of a British film producer working in San Francisco on a story of the early hippie community there. He had had it, he said. If one more hirsuite denizen of Haight-Ashbury came up to him to philosophize, he was going to say, "Love off, Buster."

I share that feeling. Just as the constant discussion of food by gourmets ruins meals for us ordinary gluttons, so this overdiscussion of love kind of kills that appetite, too.

There are enough grotesqueries in American life today without making love grotesque, too.

There are grotesque fashions—for both men and women:

Purses for men. Men's fur coats. These are grotesque. I've often felt tempted to ask men wearing fur coats if they didn't feel their masculinity was under assault. But I've resisted the impulse. I suppose I'm just afraid one of them would hit me with his purse.

Women's fashions are disastrous, too. If the theory is correct that the appearance of a nation's women reflects the strength and buoyancy of that nation, we may be in as much trouble as the doomsdayers think.

Despite the love revolutionaries—or maybe because of them—someone is out to destroy sex. And he's doing pretty well at it. I give it another five thousand years at the most.

We've also got grotesque cities for our grotesquely-dressed men and women to live and work in. The cities just don't seem to work as basic communities. People gathered in them originally for safety and convenience. Neither feature remains.

Our cities aren't the only things that don't work. Have you tried making a telephone call in New York City recently? Or sending a telegram anywhere?

I've got an American automobile—I'll spare the manufacturer by not naming the brand—which is so badly designed that its front wheels go out of alignment every time it hits a bump.

Now they've managed to hide the windshield wipers—those unsightly, but utilitarian pieces of hardware—and the radio antenna. But they can't build a front end. Maybe they need more practice. We've only been building cars in this country for fifty years or so.

You'd think cars would be perfect—or at least excellent—by this time. Just as you'd think the telephones would work a lot better than they did when Don Ameche made that first telephone call to Watson, his assistant, in the movies so long ago.

I won't beat a dead horse—the dead iron horse—of our railroads. Suffice it to say they're unspeakable. And now the airlines are trying to get into the spirit of things and close the gap by treating passengers only slightly worse than freight.

I suppose they don't build cars and run cities and utilities and transportation systems the way they should because the professionals have discovered that there are nicer, cleaner things to do than come to grips with the issues.

As an example, not too long ago an officer in one of the oldest and most successful private agencies dealing with family problems told me: "We're getting out of the direct service game." That means they are no longer going to deal with family problems; they are instead going to go to meetings with other professionals and talk to them about *how* to deal with family problems.

We talk and study, rather than *do*. The trend would be laughable were it not so costly.

Come to think of it, it sometimes *is* laughable. For example, I was told of a two-year study commissioned by some furniture manufacturers who were concerned about the vast amount of breakage in furniture shipment. The experts duly came up with a conclusion: when you handle furniture in shipment, you should be more careful.

And then there was the study conducted by the scientist who tried to determine why so many old men married young women.

It turned out—well, you all know how it turned out.

If our professionals are reluctant to take action, our Congress is absolutely paralyzed by the prospect of doing something—*anything*.

Mark Twain, Will Rogers and—to a decidedly lesser extent—I, have just about exhausted the humor in that situation. As you can see, Congress has been a joke so long it's getting tough for us latter-day comics to get a chuckle out of it.

It's also hard to get a chuckle because I don't think people are listening anymore. Or they're listening and not hearing. Inattentiveness, long a national vice, is becoming a plague.

Take my mail, for example. I got one lengthy letter, addressed to me, care of NBC, discussing a piece that Morley Safer did for "60 Minutes" on CBS. And—from a more attentive viewer—I got a letter criticizing a commentary on our Evening News program. Unfortunately, it wasn't one of my commentaries the viewer took exception to, it was one of Howard K. Smith's.

Now I will do almost anything for Howard, but he doesn't need me to defend his comments. I'm too busy replying to Morley Safer's fans to take time out to do that.

I don't mean that no one is listening—or hearing. One alert viewer wrote me—properly addressed and referring, properly, to something I had said on a certain night. The letter began: "Dear Mr. Reasoner, Your comments last night were up to their usual standard. Stupid and misleading."

I just wish more people paid attention like that.

Perhaps people don't listen anymore because so much of what is said isn't English. It's some new, cheapened language in which words don't mean what they used to and meanings change retroactively to meet situations.

I don't know what to call the new language. But I think it probably got its start in 1949 when the Departments of War and Navy became the Department of Defense—and war stopped being an activity of the federal government.

From that date on the use of euphemism escalated. Escalate, by the way, is one of the great new non-words in the new non-language.

In recent years, an invasion has become an incursion; a deficit budget has become a full employment budget; an air raid has become a protective reaction strike; censorship of the news media has become an embargo and the Post Office became the Postal Service, but it still takes a letter three days to get from one end of Manhattan Island to the other. That, of course, renders worthless the word "service" in Postal Service.

Language pollution isn't restricted to the government, either. The computerization of the English language has left us with such non-words as input and output and turnpike toll tickets which are impossible to read for all the holes punched in them.

In conversational English, a casual survey reveals that the phrase "you know" is inserted every seven words by at least 95 per cent of all Americans under the age of 30.

"You know" is prevalent among, but not exclusive to the young. The only good thing about it is that it has replaced "like."

Three years ago when someone came back from demonstrating in Washington, he told his bewildered father, "It was like a real drag, man." Now he says, "It was quite a, you know, experience. It was very, you know, important." The father remains bewildered.

Bewilderment seems to be sweeping the nation—like a, you know epidemic.

Now I don't want to leave you with a totally bleak picture of America five years before its two hundredth birthday. There are some hopeful signs, too. We ought to note them and encourage them.

Take that Postal Service. There is the promise—and that's all it is at this stage—that the Postal Service will establish next-day delivery for airmail letters between major cities—if they're not too far apart. This will be a major step toward reestablishing some of the high standards of 1935.

And there are our courts which—in recent months—have shown that even the most politically unpopular can still receive a fair trial—despite their courtroom demeanor and the melodramatics of their attorneys.

There are the public servants—unfortunately, I think, a minority—who still interpret their job as serving the public. Somehow, this dedicated band continues to do its job although all around them it sees public and private executives who won't execute and second-class, second-rate work being rewarded with first-class, first-rate money. Somehow the true public servants continue to resist the idea that being first-class is not very fashionable in the United States anymore. May their tribe increase—and soon.

Another encouraging sign: the right of privacy is reasserting itself. This means people are beginning again to treasure their individuality. We are getting tired of being treated as numbers by big government, big business and big bill collectors.

The concern—the very genuine concern—for the environment is another hopeful indication that maybe we're not falling down the deep, bottomless pit of self-destruction after all.

You can tell this is a real concern: like most crises this one can't be solved by discussion. And people *are* taking action. Corporations are doing something. State legislatures are doing something—in my state, Connecticut, phosphate detergents have been banned.

And even Congress is bestirring itself to think about holding hearings to consider planning to do something.

We may not poison ourselves after all. We may somehow find a way out of our own garbage.

Companies have started recycling centers where they pay money for returned bottles and cans. Now the money just isn't enough to motivate the residents of an affluent society to turn in their empties for profit, so the fact that these recycling centers are jammed is an indication that something other than the profit motive is at work here.

People really care. And they're not only doing something about it personally, they're demanding government do something, too.

There are sure to be some ecology profiteers, but that's okay. If someone can make money cleaning up the environment, it only goes to prove there's a real demand that it *be* cleaned up.

And since not a few fortunes were made befouling the environment, there ought to be some reward for those who help us right the situation.

Our ecology-consciousness started with the young and that brings me to another hopeful sign.

Once you get past the dullards who fancy themselves revolutionaries and once you tune out the rhetoric, you find a pretty nice generation of kids who are concerned with where we're going and why we're going there.

It's encouraging to see them search for new values—even if they're doing it while we support them in the manner to which we've accustomed them.

Maybe we should take a page from the youngsters—all of us. Maybe we ought to seek some new values, ourselves.

If the phrase hadn't been so worked over it's become meaningless, I'd talk about reordering our priorities.

I won't.

Instead, I'll suggest something a little different—a new frontier. A frontier of the mind.

I'm an empiricist. Oversimplified, empiricism means trying to get along in a world we never made and only dimly understand. Perhaps my philosophy can best be summed up as the belief that there are very few causes in the world worth killing anyone for.

We empiricists are always looking for little areas of agreement which permit some small progress.

Empiricists are all the time saying dull things like, "Okay, so you can't end the cold war tomorrow. Is that any reason for not cleaning up the sidewalks?"

Empiricists also don't waste time and energy with recriminations for past lapses—they look to the future.

So let's look to the future and find some sidewalk we can agree to clean up.

How about concentrating on excellence? That car of mine which goes out of alignment every time it hits a bump, that airline that treats people like machine parts and machine parts like people, that post office or service which delivers special delivery mail a day after first-class mail—all of those are evidences of a decline of excellence in American life.

Let's reverse that. Let's pursue excellence. Let's not settle for second best in anything. Let's make excellence our new frontier.

By what I don't necessarily mean excellent things—although if we're going to have things, they should, by all rights, be excellent. I mean excellence in every aspect of our life. Even an excellent Congress—if that's not mutually exclusive.

Certainly the frontier of excellence isn't physical. It's no place to move. It's a frontier of the mind, as I said. But then Middle America isn't a geographical location either—despite the opinion of that Maryland Easterner, the Vice President, who chose *my* home state of Iowa to launch his attack on the wicked Eastern national news media and we wicked, Eastern newsmen. Middle America is a state of the mind. The frontier of excellence can be, too.

We've got five years until our national birthday. If we keep up the pressure, maybe we can have that frontier of excellence filled in by then, just as the western frontier has been filled.

Where do we go after that? I don't really know. But invite me back in 1976 and I'll come up with something.

Thank you.

POLITICAL NEWS MANAGEMENT BY LABOR DEPARTMENT AND NIXON ADMINISTRATION

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, it has been evident, since the current administration assumed office, that it cared more for its public image than the substance of good government.

There are more public relations types in the executive branch now than ever before. There have been continual efforts from downtown to shape and control news emanating from Washington, obviously to make the poor performance by the Nixon administration look better to the American people.

But sugar coating can just do so much to better the taste of arsenic.

I note with outrage, but little surprise, the news today that the White House is replacing Bureau of Labor Statistics personnel with political appointees—whose role will be to try and fool the American public and to put a veneer of hope on the poor showing on the President's fiscal policies.

This substitution of news charlatans for trained economists is another example of the emptiness of the current administration's economic record. If the emperor does not think everyone knows he has no clothes on, the emperor is more foolish than I thought.

The Foreign Operations and Government Information Subcommittee held hearings in April and has prepared a report on the earlier Nixon action regarding the Bureau of Labor Statistics—the administration's decision to discontinue monthly briefings by career experts for the press on employment and unemployment statistics.

The subcommittee's efforts were hampered by the refusal of the Secretary of Labor to appear before the subcommittee—a form of inpertinence that this Congress has been forced to endure—but the record is clear that the first action regarding the press briefings and today's report are no more than crass attempts to manipulate the news. And that the faith of the people in their Government has once more been dashed for political expediency.

This announcement of yesterday now explains clearly why Secretary Hodgson was so unwilling to testify under oath before the subcommittee on this subject, since the plans for the sacking of career BLS experts by the administration would have surely been revealed.

Mr. Speaker, I include the text of the article from this morning's Washington Post at this point in the RECORD:

ANGERED BY JOBLESS REPORTS—NIXON OUSTING LABOR ANALYSTS

The Nixon administration is bringing hand-picked political appointees into the Bureau of Labor Statistics to interpret wage, price and employment data, displacing career technicians who incurred White House displeasure last winter.

It is another chapter in a continuing controversy which the administration claims stems from the technicians being exposed to embarrassing policy questions. Critics charge, on the other hand, that the technicians' analysis of economic trends conflicted with the roseate interpretations put out by White House spokesmen.

A major victim of what the government calls a reorganization—and the critics call a purge—is Peter Henle, chief economist in charge of analysis. He is scheduled to leave BLS for a post with a private research foundation. He has refused to comment on the move.

Also affected is Harold Goldstein, assistant commissioner of labor statistics for manpower and employment. It was understood his job is being split in two with Goldstein assigned to presumably non-controversial long-range analysis.

Goldstein, who used to conduct monthly briefings for the press on employment and unemployment statistics, played a key role in the incident which culminated in the controversial abandonment of these briefings.

Last March, BLS reported that unemployment dropped from 6.0 to 5.8 per cent (it has since risen to 6.1 per cent). But some unfavorable developments—a contraction in the number of jobs and a decline in the average work week—caused Goldstein to call the February picture "sort of mixed."

At practically the same time Secretary of Labor James D. Hodgson was calling the February report, "favorable," "hopeful," and "indeed heartening." It was an open secret that the White House and Hodgson were miffed with Goldstein.

Two weeks later the government dropped its monthly briefings on both the job figures and the consumer price index.

Administration sources explain that the shakeup in BLS, which is slated to take place Nov. 1, is only the result of a long-planned reorganization of government statistical services set forth in a federal publication in July.

Under this, a new Office of Data Analysis will be established in BLS. It will have the responsibility, formerly borne by Goldstein and other top career technicians, for the analysis and interpretation of the consumer price index, employment and jobless figures, productivity statistics and the like.

There have been persistent reports that this job will be filled by an unidentified University of Texas economist recommended for the job by Sen. John G. Tower (R-Tex.).

At the same time there were similar reports that Goldstein's present functions will be taken over by John Myers, an economist for the Conference Board, a research organization supported mainly by business.

But Geoffrey H. Moore denied yesterday that these appointments have been made, although he confirmed that the Bureau is going through a reorganization.

It was made clear that the present data-gathering functions of the bureau will not be affected, only analysis.

Congressional sources said they had been told a number of BLS professionals will receive reductions in grade as a result of the reorganization and some employees are being encouraged to retire. There was one report that an under secretary for statistics would be created in the Labor Department but there was no confirmation.

Advised of the impending BLS shakeup, Chairman William Proxmire (D-Wis.) of the House-Senate Joint Economic Committee, charged that the Nixon administration "would bring in analysts whose conclusions would be subordinated to the political interests of the administration."

Proxmire, who strongly protested abandonment of the briefings and has summoned BLS officials to explain price and unemployment figures before his committee in their absence, said:

"After Nov. 1, when the Bureau of Labor Statistics provides an analysis of the latest economic figures, it will be what the administration wants the publc to believe about the figures, not what objective economic experts believe they signify."

In another development yesterday, it was learned the Census Bureau will take what perhaps is the first public opinion poll conducted by the government itself about its own policies.

The poll was ordered by the Cost of Living Council, headed by Treasury Secretary John B. Connally Jr. The questions are designed to determine Americans' knowledge of the details of the 90-day wage-price freeze, how it has affected them, how effective they think it is, and whether they think it is fair.

A copy of the questionnaire for interviewers' use and obtained by The Washington Post also asks a number of personal questions—income, education, employment status and whether the person polled belongs to a labor union.

The latter question brought an explosive reaction from the AFL-CIO.

A federation spokesman, told about the survey, said "we think it's pretty obvious that this is a continuation of a campaign to drive a wedge between the leadership and the membership of labor to prove their (the administration's) ill-founded claim that George Meany is out of step with its membership."

After AFL-CIO President Meany criticized the freeze for alleged inequities, an administration leader suggested he is "out of step" with his members.

On learning of the poll, another labor official said "it strikes me as 1984 and doublethink."

It was reported that the questions will be asked of those making up part of the sample for the quarterly survey on consumer buying intentions conducted by the Census Bureau. The total sample is about 17,000, but since the freeze poll will involve only those about to be dropped from the sample after six surveys to make room for new interviewees, the number is expected to be a bit less than 3,000.—FRANK C. PORTER.

FORCED SCHOOL BUSING AGONY BEGINS IN THE NORTH

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, in June 1971, the Secretary of Health, Education, and Welfare said that many people in the North would resist application in their communities of desegregation measures which they felt were entirely right for the South. The Secretary proposed large-scale busing of pupils between schools in the North—an activity undoubtedly not wanted by most of the people living there.

Within the last 2 weeks the public press has reported events in Pontiac, Mich., and in Boston, Mass., which have shown the tragic results of attempts to force busing of pupils to achieve racial integration in those cities. The agony over forced school busing has begun in the North. Prompt passage of House Joint Resolution 651, of which I am a sponsor, would initiate action which would prevent the North from experiencing the turmoil which the South is already suffering over this matter.

Mr. Speaker, I insert in the RECORD at this point an article quoting the Secretary of Health, Education, and Welfare concerning the issue:

[Washington Star, June 4, 1971, p. A5.
(Excerpts—emphasis added)]

RICHARDSON LAMBASTS NORTH FOR INTEGRATION "HYPOCRISY"

Elliot L. Richardson, secretary of health, education and welfare, today followed President Nixon's lead in lambasting the North for "hypocrisy" on school desegregation.

Asked whether he agreed with Nixon's charge—made during a recent trip to Alabama—that there is a "hypocritical, double standard" in the North on school desegregation, he said:

"Yes, there is. *There are a lot of people in the North who feel in effect, that the Supreme Court cases, as applied to the South, are entirely right and appropriate, but who would resist the same requirement in their own communities. . . .*

SYMPATHETIC VIEW

"The situation has reached the point in which one can only regard with sympathetic understanding the problems for the South of having already taken steps that achieved more desegregation than the North and having to go farther."

Richardson's point was not that desegregation should be slowed down in the South but that more needs to be done in the North.

He said that "on the face of it," the only way to achieve substantial desegregation where there are large concentrations of blacks in Northern urban areas is with "large-scale busing of pupils between schools."

He pointed out that the South is being required under recent Supreme Court decisions to go to busing, non-contiguous zoning and school pairings to achieve more desegregation.

He said the courts have been able to do this because the South has had segregation by law and the courts have had a basis for requiring it to change.

HOUSING PATTERNS

"You don't have that basis for exercise of power in the North," Richardson said, because the segregation there has been the result of housing patterns rather than official policy.

He said it has been much harder for HEW to make a case of deliberate segregation against school districts in the North because you "have to prove it." On the other hand, it has been accepted by the courts that in the South segregation has been officially approved.

He said he doesn't know what the courts will do about bringing the de facto segregation of the North into the same arena as de jure segregation of the South, but he added:

"I don't think that forever we can or should accept the widespread situation where there is a grouping by race."

Asked whether he agreed with Nixon's statement that he looked with "utter contempt" on those who push desegregation in the South but resist it in the North, Richardson said: "Yes, I know a lot of people of whom this could be said."

THE MANSFIELD AMENDMENT: APPROPRIATE BIRTHDAY GREETINGS TO A POW

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, today is the birthday of Lt. Comdr. Rodney Knutson whose home is in Billings, Mont., but who has been a prisoner of war in Hanoi since October 17, 1965. Lieutenant Commander Knutson is 32 years old today, and 6 of those 32 years have been spent as a prisoner of war.

He probably has little chance to celebrate his birthday today, but I think it is appropriate that we here in the House of Representatives take note of this occasion and send him our word that Americans have not forgotten him, or the rest of the prisoners of war, or the Americans missing in action in Southeast Asia.

The best birthday greetings we could send Lieutenant Commander Knutson that will be beneficial to him and his comrades is the adoption of the Mansfield amendment to withdraw from Vietnam conditioned on the release of American prisoners of war.

Lieutenant Commander Knutson is a navigator. On a bombing mission on that day in 1965 when his aircraft was shot down and he and the pilot parachuted to safety on the ground, very few of us anticipated that in 1971, almost 6 years later, our country still would be floundering to find an end to the war and the compassionate release of prisoners held by Hanoi.

The Mansfield amendment addresses itself to our responsibilities to these men such as Rodney Knutson, who have been identified by Hanoi as prisoners, and to the missing in action. Contingent on their release, the resolution sets a time for our withdrawal from the war.

Lieutenant Commander Knutson cannot be aware of my birthday greetings to him today, but I encourage my colleagues in the House to examine the Mansfield amendment and to support it so the day may come quickly when all the prisoners held by the enemy in Southeast Asia will be freed.

THE COMPREHENSIVE CHILD DEVELOPMENT ACT

Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, today I introduce, on behalf of myself, as chairman of the Select Education Subcommittee of the Committee on Education and Labor, and the distinguished ranking minority member of the subcommittee, the gentleman from New York (Mr. REID), a bill to establish and expand comprehensive child development programs in order to make comprehensive services available to all children.

The bill I today introduce is identical to a bill ordered reported to the House by the Committee on Education and Labor on September 23.

Following these remarks, the bill, together with some material explaining it, will be printed in the RECORD.

Mr. Speaker, I take this action as a way of advising Members that I plan to offer the exact text of this bill as an amendment to title VB of the Economic Opportunity Act when H.R. 10351 is read for amendment tomorrow under the 5-minute rule.

I should note, Mr. Speaker, that the Senate has already passed its version of the Economic Opportunity Act amendments and that the Senate version of the bill contains a comprehensive child development title. The action I propose to take tomorrow, therefore, would enable a House version of the comprehensive child development bill to be considered in any conference.

H.R. 10952

A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Child Development Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS, DIRECTION TO ESTABLISH PROGRAM

SEC. 101. The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

CHILD DEVELOPMENT PROGRAMS

SEC. 102. Funds appropriated under section 108 may be used (in accordance with approved applications) for the following activities:

(a) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

(b) establishing, maintaining, and operating child development programs, which may include activities such as—

(1) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

(2) food and nutritional services (including family consultation);

(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

(4) programs designed to meet the special needs of minority groups, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home;

(5) a program of daily activities designed to develop fully each child's potential;

(6) other specially designed health, social, and educational programs (including after-school, summer, weekend, vacation, and overnight programs);

(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

(9) preservice and inservice education and other training for professional and paraprofessional personnel;

(10) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

(11) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children; and

(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

(c) staff and administrative expenses of local policy councils and child development councils.

PRIME SPONSORS

SEC. 103. (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:

(1) any State; or

(2) any unit of general local government—

(A) which is a city with a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government with a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which the Secretary determines has general governmental powers substantially similar to those of a city; or

(3) any combination of units of general local government having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary which proposes to operate programs authorized by this Act through contract with public or private nonprofit agencies or organizations including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of Indians, employers of working mothers and local public and private educational agencies and institutions, serving or applying to serve children in a community or neighborhood or other area possessing a commonality of interest; or

(4) an Indian tribal organization; or

(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection (a) in the event that (A) such unit (or combination of units) of general local government either has not submitted an application pursuant to this section within one hundred and twenty days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 104 within two hundred and forty days of said implementation during the first fiscal year in which this title is funded or earlier than ninety days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (8) of this section not to be satisfactory implementing a child development plan which adequately meets the purpose of this title, (B) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families, or (C) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged children, pre-school-age children, or children of working mothers or single parents residing in the area served by a prime sponsor designated pursuant to paragraphs (1) through (4) of this subsection.

(b) In the event that a State, a city, a unit of general local government, a county or other unit of general local government, any combinations thereof, or an Indian tribal organization have not submitted a plan under section 104 or the Secretary has not approved a plan so submitted, or where the Secretary has withdrawn authority under section 103 or where the needs of migrants, pre-school-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund programs, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

(c) Any State, unit or combination of units of general local government or Indian tribal organization that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served shall provide for—

(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 104. Each Local Policy Council shall elect at least one representative to the Child Development Council; and one-half of the members of such Council shall be elected representatives of Local Policy Councils. The balance shall be appointed by the chief executive officer of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or, pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 105 designed to fulfill that plan, and is authorized to approve applications for funding by the Child Development Council.

(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, Indian tribal organization, or any local educational agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965 of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 104, for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activities, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of programs assisted under this title: Provided, That such delegate agency will be ultimately responsible for its actions to the Child Development Council and will cooperate with the Local Policy Councils.

(d) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a) (5) in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a) (5);

(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

(3) provide for the establishment of a local policy council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

(e) (1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a city or an Indian tribal organization which is eligible under paragraph (2) or (4) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall approve the application of the city or the Indian tribal organization.

(2) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a unit of general local government which is a county or combinations of units of local government which is eligible under paragraph (2) (B), or (3), of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the State or unit of general government which he determines will most effectively carry out the purpose of this title.

(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor or is acting as prime sponsor serving a geographic area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

(4) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

(5) When a unit (or combination of units) of a general local government has maintained a pattern of exclusion of minorities or insensitivity to the needs of economically disadvantaged citizens, or when substantial objections are raised by representatives of minorities or the economically disadvantaged to the application of such units (or combination of units) for prime sponsorship, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged people.

(f) The Governor or appropriate State agency shall be given sixty days to review applications for designation filed by other than the State, offer recommendations to the applicants, and submit comments to the Secretary.

(g) Except as provided in subsection (c), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such application including a statement of the reasons therefor;

(2) sixty days in which to submit corrective amendments to such application or undertake other necessary corrective action; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(h) (1) If any party is dissatisfied with the Secretary's final action under subsection (g) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation, such party may, within sixty days after notice of such action, file with the United States Court of Appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

COMPREHENSIVE CHILD DEVELOPMENT PLANS

Sec. 104. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 103(c) only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

(1) identifies child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

(2) meets the needs of children in the prime sponsorship area, to the extent appropriate and feasible, including (A) priority programs for pre-school children 5 years of age and under, (B) before and after school programs, and (C) infant care programs as well as insuring the availability of child care services for the children of single parents or working mothers who must work or attend school or other employment related training or educational activities on night shifts of night sessions;

(3) gives priority to providing child development programs and services to economically disadvantaged children by reserving for such children from such funds as are received under section 109 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a) (1) of the Economic Opportunity Act of 1964; and by reserving no less than 65 per centum of the remainder of its allotment under section 109 for child development programs and services for those children of families having an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor;

(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers;

(5) provides, insofar as feasible, that such programs under this Act will be approved only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection;

(6) provides that (A) no charge for services provided under a child development program assisted under the plan will be made with respect to any child whose family has an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor, except to the extent that payment will be made by a third party (including a Government agency) which is authorized or required to pay for such services; and (B) such charges will be made with respect to any child who does not qualify under (A) in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a Government agency) is authorized or required to make payments for such services;

(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education of or other services to handicapped children, will make such services available, where appropriate, to programs approved under the plan;

(8) provides that insofar as possible, persons residing in communities served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

(10) provides comprehensive services to meet the special needs of minority groups, Indians and migrant children, with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home;

(11) provides equitably for the child development needs of children from each minority group residing within the area served;

(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

(14) provides for direct parent participation in the conduct, overall direction and evaluation of programs;

(15) provides to the extent feasible for the employment as both professionals and paraprofessionals of persons resident in the neighborhoods from which children are drawn;

(16) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(17) provides that, to the extent appropriate, programs will include participation by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

(18) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

(19) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

(20) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary schoolchildren, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222 (a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

(21) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area appropriate, and particularly for such coordination when appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(22) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

(23) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

(24) provides assurance satisfactory to the Secretary that the non-Federal share requirements will be met;

(25) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

(26) sets forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulation;

(27) provides that consideration will be given to project applications submitted by public, private, nonprofit, and profitmaking organizations with emphasis given to ongoing programs, and that (A) comparative costs of providing services shall be a factor in deciding among applicants, and (B) such organizations must meet the standards for service under authority of this title; and

(28) provides that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them;

(29) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one percentum of the cost of the project).

(c) No comprehensive child development plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this Act or under section 222(a)(1) of the Economic Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) any educational agency or institution in the area to be served responsible for the administration of programs under section 222(a)(2) of the Economic Opportunity Act has had an opportunity to submit comments to the prime sponsor and the Secretary;

(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian tribal organization, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

(d) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

SEC. 105. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 103 (c) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant workers, Indian organization, private organization interested in child development, labor union, or employee and labor-management organization, which submits an application meeting the requirements of subsection (b).

(b) A project application submitted for approval under this section shall—

(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

(3) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(4) provide assurance that any person employed on such project, except for volunteers participating under section 104(a)(17), shall be paid no less than the prevailing rate of pay for such employees in the area in which the project is to be carried out, *Provided that*, in no case shall such employee be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206);

(5) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 104.

(c) The appropriate Local Policy Council may conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding. Further, the Local Policy Council may appeal to the Secretary any action or decision by the Child Development Council which the Local Policy Council feels does not meet the intent of this Act.

(d)(1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 103(a)(5), which submits a project application meeting the requirements of subsection (b).

(2) Such financial assistance may be provided from the funds alloted under section 109 to the prime sponsorship area in which the section 103(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 103(a)(5)(B) such financial assistance may be provided from the funds reserved pursuant to section 109(a)(1).

(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

Sec. 106. (a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

(f) in the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than one per centum of the cost of the project).

PAYMENTS

Sec. 107. (a)(1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of providing child development programs. The Secretary may, however, in accordance with regulations establishing objective criteria, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged persons.

(2) The Secretary shall pay to each prime sponsor approved under section 103(a)(5)(B) 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

(3) The Secretary shall pay to each prime sponsor approved under section 103(a)(4) 100 per centum of the costs of providing child development programs for children on federally recognized Indian tribal organizations.

(b) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union and employer contributions: *Provided*, That fees collected for services provided pursuant to section 104(a)(6) shall not be used to make up the non-Federal share, but shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allotment under section 104(a)(3);

(c) If, in any fiscal year, a prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

AUTHORIZATION OF APPROPRIATIONS

Sec. 108. There is authorized to be appropriated for the fiscal year ending June 30, 1973, and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title.

ALLOTMENTS AMONG PRIME SPONSORS

Sec. 109. (a) The Secretary shall first reserve the following from the amount appropriated under this title:

(1) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be made available to prime sponsors under section 103(a)(5)(B);

(2) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children who are members of Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian tribal organizations for programs serving such organizations so that the amount apportioned to each such organization bears the same relationship to the total amounts reserved pursuant to this paragraph that the number of children who are members of such organization bears to the total number of children residing who are members of all such organizations;

(3) a sum, not in excess of 5 per centum thereof, for use by him, for purposes of this Act; and

(4) a sum, not less than 7 per centum thereof, for use by him, to guarantee special services to handicapped children pursuant to the purposes of this Act.

(b) The Secretary shall allot the remainder of the amount appropriated under this title (after making the reservations required in subsection (a) among the States in the following manner:

(1) 50 per centum thereof so that the amount allotted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a) (1) and (2);

(2) 25 percentum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the number of children through age 5 in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2);

(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the total number of children of working mothers and single parents in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2).

(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State.

(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under subsection (c), in proportion to the original allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallotted among the States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallotted to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

(h) If the allotment to any State under subsection (b) for any fiscal year ending before June 30, 1973, is less than the amount received by it, and by public and private agencies in the State, during the fiscal year 1971 under the Economic Opportunity Act of 1964 (other than section 221 thereof), and title IV of the Social Security Act for purposes for which assistance may be provided under this title (as determined by the Secretary), then there shall be allotted to each such State from sums appropriated to carry out this subsection (and such appropriations are hereby authorized) the amount by which its allotment under subsection (a) from such appropriations is less than such amount so received in such fiscal year.

OFFICE OF CHILD DEVELOPMENT

SEC. 110. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

SEC. 111. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance, to be known as the Federal Standards for Child Development Services.

(b) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies for organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

SEC. 112. (a) The Secretary shall within sixty days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 111.

(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act.

(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance or in which programs receiving Federal financial assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

SEC. 113. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

(b) The Secretary may require then, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State, unit (or combination of units) of local government of a public school system shall agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

REPEAL, CONSOLIDATION, AND COORDINATION

SEC. 114. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this Act, the following statutes are amended, effective July 1, 1973:

(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children, but not operation of child development programs for children."

(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children."

(5) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children."

(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

(c) The day care and other child development services furnished or required as a part of the Social Security Act shall be day care services made available under this title. The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to insure that suitable child development programs under this Act are available for children receiving aid or services under State plans approved under the Social Security Act to the extent that such programs are required for the administration of such plans and the achievement of their objectives, and that there is effective coordination between the child development programs under this Act and the programs of aid and services under such Act.

(d)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child development facilities".

(2) Section 203(j)(3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child development facilities",

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child development facilities,", and

(C) by inserting after "public health purposes" in the second sentence the following: ", or for the operation of child development facilities,".

(3) Section 203(j) of such Act is amended by adding at the end thereof the following new pragraph:

"(8) The term 'child development facility' has the meaning given in section 201(b)(1) of the Comprehensive Child Development Act."

TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

SEC. 201. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and child development programs.

(b) For the purpose of this section—

(1) The term "child development facility" means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

(2) The terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretray finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 112 of this Act.

(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

(6) that in the plans for such child development facility due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one per centum of the cost of the project).

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

SEC. 301. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence. "There is additionally authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.".

SEC. 302. Section 205(b)(3) of the National Defense Education Act is amended as follows, by adding after the word "nonprofit" the phrase "child development program," by striking out "and (C)" and inserting in lieu thereof the following: "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (D)".

SEC. 303. The Secretary of Health, Education, and Welfare is authorized to provide directly or through grant, contract or other arrangement for the training of personnel employed, preparing for employment or volunteering for work in a program funded under the Act.

SEC. 304. There is authorized to be appropriated for the purposes of section 303 the sum of $5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

SEC. 401. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies, and

(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

(A) provides that the child development program shall be administered under the direction of the agency commission;

(B) provides that the program will meet the Federal interagency standards for child development;

(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

(D) provides for a scale of fees based upon the parents' financial status; and

(E) provides for competent management, staffing, and facilities for such program.

(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the official or officials in charge of the agency or agencies whose employees will be served by the child development program.

SEC. 402. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably evaluated, fees collected from parents, union and employer contributions.

(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

SEC. 403. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year, the sum of $5,000,000.

TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

EVALUATION

SEC. 501. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal involvement in child development which shall include—

(1) enumeration and description of all Federal activities which affect child development;

(2) analysis of expenditures of Federal funds for such activities;

(3) determination of effectiveness and results of such expenditures and activities; and

(4) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

(c) The Secretary may enter into contracts with public or private nonprofit or profit agencies, organizations, or individuals to carry out the provisions of this section.

SEC. 502. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

SEC. 503. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

TECHNICAL ASSISTANCE

SEC. 504. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 103.

(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPC's, for expenses relating to development, submission, and planning for implementation of child development plans and project applications.

(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

SEC. 505. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

DECLARATION AND PURPOSE

SEC. 601. It is the purpose of this title to focus national research efforts to attain a fuller understanding of the processes of child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

NATIONAL CENTER FOR CHILD DEVELOPMENT

SEC. 602. (a) There is established in the Office of Child Development an agency to be known as the National Center for Child Development (hereinafter referred to as the "Center").

(b) The activities of the Center shall include—

(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

(2) evaluation of research findings and the development of these findings into effective products for application;

(3) dissemination of research and development efforts into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

(4) production of informational systems and other resources necessary to support the activities of the Center; and

(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

GENERAL AUTHORITY OF THE CENTER

SEC. 603. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this title;

(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination, or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

(d) to acquire by purchase, lease, loan, or gift, and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 501;

(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ANNUAL REPORT

SEC. 604. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during Supplemental or dissenting views and recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

COORDINATION OF RESEARCH

SEC. 605. (a) Funds available to any department or agency of the Government for the purposes stated in section 501 or the activities stated in section 502(b) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title;

(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 501.

AUTHORIZATION OF APPROPRIATIONS

SEC. 606. There are authorized to be appropriated such sums each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

TITLE VII—GENERAL PROVISIONS

ADVANCE FUNDING

SEC. 701. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PUBLIC INFORMATION

SEC. 702. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 703. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

SEC. 704. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

SEC. 705. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

SEC. 706. The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

DEFINITIONS

SEC. 707. As used in this Act—

(a) "child development programs" means those programs which provide the educational, nutritional, social, health, and physical services neeed for children to attain their full potential; nothing in this or any other provision of this Act shall be deemed to authorize or require medical or psychological examination, immunization, or treatment for those who object thereto on religious grounds except where such is necessary for the protection of the health or safety of others;

(b) "children" means children through age 14;

(c) "economically disadvantaged children" means children of families having an annual income below the cost of family consumption of the lower living standard budget as determined by the Bureau of Labor Statistics of the Department of Labor or who are recipients of Federal or State public assistance;

(d) "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

(e) "program" means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided:

(f) "parent" means any person who has day-to-day responsibility for a child or children;

(g) "single parent" means any person who has sole day-to-day parental responsibility for a child or children;

(h) "working mother" means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

(i) "minority group" includes persons who are Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term "Spanish-surnamed American" includes any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

(j) "bilingual" includes persons who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term "bilingual family" means a family in which one or both parents are bilingual;

(k) "Secretary" means the Secretary of Health, Education, and Welfare; and

(l) "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

THE COMPREHENSIVE CHILD DEVELOPMENT ACT

QUESTIONS AND ANSWERS TO COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

Question. What are child development programs?

Answer. Child development programs are those services which provide for the physical, emotional, social and cognitive development of children. They may be full day, half day, after school, weekend, overnight or hourly programs; they may be provided in centers, such as day care or Head Start, in schools or in homes. Child development programs may be designed to work directly with the child or through his parents; they may include services for youth and prospective parents to teach them the fundamentals of child development.

Question. What may be funded as part of Child Development programs?

Answer. A variety of services may be funded as part of the child development program, including day care services, preschool services, special services designed to improve the home environments of children and to involve the family in the child's development, special services designed to identify physical, mental and emotional barriers to full participation in child development programs, and services to meet the special needs of handicapped children. Funds may be used to carry out a program of daily activities, to provide food and nutritional services, including family consultation, to provide social services, to provide medical, psychological, educational and other appropriate diagnostic services, and services to ameliorate handicaps. Funds may also be used to plan and develop programs, to establish and to maintain them. Funds may be used for rental, remodeling and renovation, alteration, or construction of necessary facilities and the acquisition of equipment and supplies.

Question. What Federal agency will have responsibility for administering the Child Development Program?

Answer. The Office of Child Development, within the Department of Health, Education and Welfare will be the principal agency for administering the child development program. Responsibilities include the approval of child development plans, and the coordination of programs and other activities relating to child development.

Question. Are services expected to meet Federal standards?

Answer. All services provided are expected to meet a set of program standards which shall be applicable to all programs providing child development services with Federal assistance. These shall be known as the Federal Standards for Child Development Services.

Question. Who is eligible to receive child development services?

Answer. Child development services may be provided for all (0–14) children needing and benefitting from such services. Particular emphasis is given to the provision of special services for handicapped children, Indian and bilingual children, children in migrant families and children in economically disadvantaged families.

Question. Are families required to pay for child development services?

Answer. No charge for child development program services will be made with respect to any child whose family's income is below the poverty level or for families whose annual income is below the lower budget for a four person urban family (presently $6,960); charges will be made with respect to a child whose family's income is above the above levels only in accordance with the parent's ability to pay a fee as determined by a fee schedule established by the Secretary. Any third party, including a government agency, which is authorized or required to pay for services for a child, will be charged.

Question. Who may receive funds to operate child development programs?

Answer. Applications for funds to operate child development programs may be submitted by any public or private nonprofit or profit organization or group. Applications are to be made to the agency designated to develop and implement the child development plan.

Question. What proportion of the total costs will the Federal government pay?

Answer. The Federal Government will pay to each State an amount not to exceed 80% of the cost of providing child development services (except when the Secretary deems it necessary to waive such matching).

Question. How may the non-Federal share be provided and what form may it take?

Answer. The non-Federal share of costs of programs under this title may be provided through public or private funds and may be in the form of goods, services, or facilities, or from union or employer contributions. If, in any fiscal year, a program provides non-Federal contributions exceeding its requirements such excess may be applied toward meeting the requirements for such contribution of other such programs for the same fiscal year.

Question. Will any State receive less Federal funds for child development services?

Answer. Each State is guaranteed an allocation at least equal to the aggregate amount received by it, and by public and private agencies in the State, during the fiscal year 1972 under the Economic Opportunity Act (Headstart) and Title IV of the Social Security Act for child development services.

Question. How are State allotments determined?

Answer. After deducting no greater than 5% of the total appropriation for use of the Secretary, a proportionate amount for Indians and Migrants as they relate to other disadvantaged groups, and at least 7% for handicapped services, of the remaining funds: 50% will be allocated to States on the basis of the proportionate number of families in poverty in the State to all States; 25% will be allocated on the basis of the number of children with working mothers in the State as compared to all States; 25% will be allocated on the basis of the proportionate number of children under age 6 in the State to all States.

Question. What is the relationship of the Child Development bill to Head Start?

Answer. 1. Head Start allows 10% non-disadvantaged to participate in its program. The Child Development bill extends services to all children but with a priority to the disadvantaged.

2. The Head Start program allows children of parents whose income is less than the poverty level ($3,900) to participate in the program without charge. All others must pay, including the near poor.

The Child Development bill would allow children whose families have an annual income below Lower Budget for a four persons urban family established by the Department of Labor (presently $6,960) or less to participate free. All other children would be required to pay a fee based upon a fee schedule established by the Secretary and upon the ability of the parents to pay.

3. The Child Development bill encourages a socio-economic mix. The socio-economic mix is not a requirement of the Head Start program.

National Center for Child Development and Education

Question. What is the purpose of this
Answer. It is the purpose fo this Center to
Center?
focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes, to develop effective programs and research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

Question. Is the Center responsible for reporting on its activities to the Congress?

Answer. The Center shall make an annual report to Congress, summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during the preceding year, and make recommendations as it may deem appropriate. Supplemented or dissenting views and recommendations, if any, shall be included in this report.

Question. What funds are available to the Center for coordination of research?

Answer. Funds available to any department or agencies of the government for research related to the purposes of the Center shall be available for transfer with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds are provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

Question. What other provisions are made for research?

Answer. The Secretary of Health, Education, and Welfare shall integrate and coordinate all child development research, training and development efforts including those conducted by the Office of Child Development and by other agencies, organizations and individuals.

A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction.

Question. Why have you not conducted enough hearings on the child development bill. In particular, why have you not included mothers and Head Start mothers?

Answer. On the contrary, the Select Subcommittee on Education has conducted the most extensive child development hearings ever of either House of Congress. During the last Congress we held 17 days of hearings in Washington and around the country. In that time, we heard from many experts and authorities in the field which also included mothers and Head Start mothers. The conclusion of hearings this year on the child development bill added an additional 3 days. The subcommittee has visited research laboratories, day care centers and homes where child development programs were taking place. It is very hard, therefore, to understand the criticism made.

Question. Why weren't the hearings more representative of the population to be served?

Answer. Individuals who testified:

Akers, Milton, executive director, the National Association for Education of Young Children.

Auerback, Mrs. Stevanne, Professional Assistant for Urban Education to the Assistant Secretary/Commissioner of Education, HEW (accompanied by: Mrs. Ellen C. Fagins, Mrs. Pauline Adams, and Art Bessener).

Ballard, John H., executive director of Welfare Council of Metropolitan Chicago.

Bettelheim, Dr. Bruno, early childhood specialist, University of Chicago.

Breathitt, Hon. Edward T., president, American Child Centers, Inc., Nashville, Tenn., accompanied by panel.

Bronfenbrenner, Dr. Urie, professor of psychology and human development, Cornell University.

Bruner, Dr. Jerome, professor of psychology, Center for Cognitive Studies, Harvard University.

Caldwell, Dr. Bettye, director, Center for Early Development and Education, Little Rock, Ark.

Carmichael, Mrs. Oliver C., Jr., chairman, Community Planning Division, United Community Services of St. Joseph County.

Chisholm, Hon. Shirley, a Representative in Congress from the State of New York.

Coleman, James, professor of social relations, Johns Hopkins University.

Cooke, Dr. Robert, professor of pediatrics, Gibbon Foundation, and Mr. William Cohen, and Mr. Arnold Osborn.

Cooney, John Ganz, executive director, accompanied by: Dr. Edward Palmer.

DeHon, LaVaughn, director, Headstart program, Vincennes, Ind.; Mary Lee Jones, director Headstart program, York, Pa., Mary Frances Copeland, president, New Jersey Federation of Headstart Parents, Newark, N.J.; and Jean Dever, Headstart parent, Boston, Mass.

Breathitt, Edward T., president, American Child Centers, Ind., statement of.

Caldwell, Dr. Bettye, director, Center for Early Development and Education, Little Rock, Ark., essay entitled, "The Rationale for Early Intervention".

Carmichael, Mrs. Oliver C., Jr., chairman, Community Planning Division, United Community Services of St. Joseph County, prepared statement of.

Cooke, Dr. Robert E., Given Foundation, professor of pediatrics, Johns Hopkins University of Medicine, statement of.

Cooper, Miss Margaret L., University of Kansas, Lawrence, Kans.: Narrative account of the film "A Shoe Is To Tie", prepared statement of.

Dubnoff, Mrs. Belle, director, Dubnoff School for Educational Therapy, North Hollywood, Calif., statement by.

Egbert, Dr. Robert L., director, Follow Through Program, and Dr. Richard Snyder, chief, Planning, Research, and Evaluation Section, Follow Through Program, statement of.

English, W. E., manager, Equal Opportunity Planning Control Data Corp., statement of.

Feldman, Lawrence C., executive director, Day Care and Child Development Council of America, Inc., statement by.

Finley, Murray H., vice president and manager, Chicago Joint Board, Amalgamated Clothing Workers of America, AFL–CIO, prepared testimony of.

Fischer, George D., president, National Education Association, statement of.

Fishman, Dr. Jacob R., professor of psychiatry, Howard Universtity College of Medicine, president, National Institute for New Careers: Biography of. Statement of. Friedman, Richard E., executive director of the Better Government Association, prepared statement of.

Gallagher, Dr. James, Deputy Assistant Secretary/Commissioner for Planning, Research, and Evaluation, HEW, statement by.

Geer, William C., executive secretary, the Council for Exceptional Children, Arlington, Va., statement of.

Ginsberg, Mrs. Leon M., specialist in early childhood education:

"Some Unmet Needs Related to the Education and Care of Young Children," an article entitled.

Statement of.

"Why Day Care," an article entitled.

Goldberg, Ned, field consultant, National Federation of Settlements and Neighborhood Centers: Appendix A.—Task Force on Day Care. Appendix A–1.—New Programs of Day Care. Appendix B.—Resolution. Appendix C.—Current Membership. Appendix D.—Status of Reading Skills in the Philadelphia Schools.

Statement of.

Gordon, Ira J., director, Institute for Development of Human Resources, College of Education, University of Florida, statement of.

Gray, Susan W., director, DARCEE, letter to

Chairman Brademas, dated December 11, 1969.

Grosett, Mrs. Marjorie, director, New York Day Care Council: Biography of.

Statement of.

Hansen, Hon. Orval, a Representative in Congress from the State of Idaho, statement of.

Jacobs, Hon. Andrew, a Representative in Congress from the State of Indiana, "A Miracle Overlooked," transcript of film entitled.

Jones, Mrs. Cynthia C., first vice president, Parent Cooperative Preschools International, and president, Maryland Council of Parent Participation Nursery Schools, Inc., statement of.

Martin, John B., Commissioner, Administration on Aging, Social and Rehabilitation Service, HEW.

Megel, Carl J., director of legislation, American Federation of Teachers.

Messick, Samuel, Educational Testing Service, Princeton, N.J.

Mikva, Hon. Abner, a Representative in Congress from the State of Illinois.

Miller, Dr. James O., director, National Laboratory of Early Childhood Education, University of Illinois, Dr. Sue Gray, Miss Margaret Cooper, and Mrs. Roland Hurst.

Naisbitt, John, president, Urban Research Corp.

Neutra, Dr. R. J., Los Angeles, Calif.

Ney, Richard, vice president and member of the Management Committee of Universal Education Corp.

Nocella, Sam, international vice president, Amalgamated Clothing Workers of America, and manager of the Baltimore Regional Joint Board.

Panel on Various Structures of Early-Childhood Programs: Private enterprise contractor, Richard Ney, vice president, Universal Education Corp.; parent-run cooperative, Mrs. Dorothy Pittman, director, West 80th Street Cooperative Day Care Center; "Linked" programs with early elementary grades, Dr. Bettye Caldwell, Center for Early Development and Education, Little Rock, Ark.; Parent Vouchers, Dr. James Coleman, Johns Hopkins University; and "Mini" programs in children's homes, Sister Mary James, community teacher program, Rochester, N.Y.

Pittman, Mrs. Dorothy, director, West 80th Street Cooperative Day Care Center.

Rambusch, Nancy McCormick, founder of American Montessori Society.

Riessman, Frank, director, New Careers Development Center, New York University.

Robinson, Dr. Wade, director, Central Midwestern Regional Educational Laboratories, St. Ann, Mo., accompanied by Miss Lois Blackwell and Mrs. Barbara Tyler.

Ryan, Mrs. Edward, national PTA chairman for legislation, National Congress of Parents & Teachers.

Samuel, Howard, Amalgamated Clothing Workers of America, accompanied by panel.

Scott, Mrs. Pertina, a working mother.

Sealey, Leonard, Great Britain, well-known early childhood expert.

Shedd, Dr. Mark, and Milton Goldberg, Philadelphia public schools; Washington Butler and Ned Goldberg, a panel consisting of.

Sugarman, Jule, Acting Director, Office of Child Development and Children's Bureau, HEW, accompanied by Sam Granato.

Thomas, Edna, president, Newark Day Care Council.

Tuteur, Mrs. Muriel, director, Amalgamated Clothing Workers Day Care and Health Care Center.

Wagner, Marsden G., M.D., chairman, Committee on Early Child Care of the American Health Association.

Ward, Tony, former director, East Harlem block schools.

White, Sheldon, professor of educational psychology, Harvard University.

Winston, Sam, director, Hansel Center, South Bend, Ind.

Prepared statements, letters, supplemental material, etc.: Akers, Milton E., executive director, National Association for the Education of Young Children, biography of. Auerbach, Mrs. Stevanne, professional assistant to Dr. William Green, Special Assistant for Urban Education to the Assistant Secretary/Commissioner of Education, HEW: Recommendations. The need for day care for Federal employees in the Washington metropolitan area. Ballard, John H., executive director of Welfare Council of Metropolitan Chicago, prepared statement by.

Dubnoff, Mrs. Belle, director, Dubnoff School for Educational Therapy, North Hollywood, Calif.; and Gary Kornfein, project director, Project ME, Dubnoff School.

Dubrow, Evelyn, legislative representative, International Ladies' Garment Workers' Union.

Egbert, Robert L., director, Follow Through program, and Richard Snyder, Chief, Planning, Research, and Evaluation Section, Follow Through program.

English, William, Equal Opportunity Planning Control Data Corp.; Mrs. Kate Bulls Lafayette, director, KLH Day Care Center, Cambridge, Mass., and Mrs. Raymond Williams, mother, from the KLH Day Care Development Center, Cambridge, Mass.

Feldman, Larry, director, Day Care & Child Development Council of America.

Fishman, Jacob R., M.D., professor of psychiatry, Howard University College of Medicine, and president, National Institute for New Careers, University Research Corp., accompanied by Paula Parks.

Friedman, Richard E., executive director of the Better Government Association.

Gallagher, Dr. James, Deputy Assistant Secretary/Commissioner for Planning, Research, and Evaluation, Office of Education.

Geer, Dr. William C., executive secretary, the Council for Exceptional Children; Dr. Freeman McConnell, director of the Bill Wilkerson Hearing & Speech Center; and Frederick J. Weintraub, assistant executive secretary, Council for Exceptional Children.

Gibbons, Hon. Sam, a representative in Congress from the State of Florida.

Ginsberg, Mrs. Leon, president, National Committee for the Day Care of Children.

Gordon, Helen, child coordinator, Portland Metropolitan Steering Committee.

Gordon, Dr. Ira, Institute of Human Resources, University of Florida.

Grossett, Mrs. Marjorie, director, New York Day Care Council.

Hallsted, Harry, Baltimore, Md.; William Cohen, Wheaton, Md.; and Fred Kendall, Silver Spring, Md.

Jacobs, Hon. Andrew, a Representative in Congress from the State of Indiana.

James, Sister Mary, community teacher program, Rochester, N.Y.

Johnson, Dr. Amos, trustee of the Family Health Foundation of America and the University of North Carolina.

Johnson, C. Kenneth, day care specialist, Pennsylvania Department of Welfare.

Jones, Mrs. Roger H., vice president, Parent Cooperative Preschools International.

Keliher, Dr. Alice V., teacher, author, adviser to Head Start Parent-Child Centers and the Office of Education.

Kirk, Mrs. John G., president, Day Care Council of Westchester, Inc., accompanied by Dr. Raverra, dean, Manhattanville College, and Mrs. Singletary.

Koch, Hon. Edward, a Representative in Congress from the State of New York.

Koontz, Elizabeth Duncan, director, Women's Bureau, U.S. Department of Labor.

LaMendola, Clark, director, Community Planning Division, United Community Services.

Little, Mrs. Dorothy.

Lourie, Dr. Reginald, president, Joint Committee on Mental Health of Children.

Lumley, John M., assistant executive secretary, legislation and Federal relations. National Education Association (accompanied by: Mrs. Mary Condon Gereau, legislative consultant, National Education Association).

Martin, Edwin W., Jr., Acting Associate Commissioner, Bureau of Education for the Handicapped, Office of Education, Department of Health, Education, and Welfare accompanied by panel.

Johnson, Dr. Amos, trustee of the Family Health Foundation of America, and of the University of North Carolina: "Child Health Services Committee. Medical Assistance Advisory Council: Summary." an article entitled. Statement of.

Keliher, Dr. Alice V., biography of.

Kirk, Mrs. John G., president, Day Care Council of Westchester, Inc.: "Major Issues, Problems and Challenges Facing Preschool Education and Day Care," an article entitled. Statement of. Supplement to testimony.

Koch, Hon. Edward I., a Representative in Congress from the State of New York, statement of.

La Fayette, Mrs. Kate Bulls, executive director, KLH Child Development Center, Inc., statement by.

Lumley, John M., assistant executive secretary for legislation and Federal relations, National Education Association, letter to Congresswoman Mink, dated March 4, 1970, enclosing excerpt from the Federal Register.

Martin, Edward W., Jr., Acting Associate Commissioner. Bureau of Education for the Handicapped. Office of Education, HEW: "Selected Data From Project Proposals," a report entitled. Statement of.

Martin, John B., Commissioner, Administration on Aging, statement of.

Megel, Carl J., director of legislation, American Federation of Teachers, statement by.

Mikva, Hon. Abner J., a Representative in Congress from the State of Illinois, statement of.

Miller, Dr. James O., director, National Laboratory on Early Childhood Education, University of Illinois, statement of.

Mink, Hon. Patsy T., a Representative in Congress from the State of Hawaii, statement of.

Neutra, Dr. Richard and Dion, Los Angeles, Calif., prepared testimony of.

Naisbitt, John, president, Urban Research Corp., prepared statement of.

Piers, Dr. Maria, and Mrs. Loraine Walack, codirectors, Erickson Institute, prepared statement of.

Rambusch, Mrs. Nancy McCormack, founder, American Montessori Society, views on preschool education and day care.

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Evaluation and technical assistance

Question. What are the provisions for evaluation?

Answer. Evaluation—The Secretary shall through the Office of Child Development, make an evaluation of Federal involvement in child development in specific areas. The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of the Act.

The Secretary may enter into contracts with public or profit agencies, organizations, or individuals to carry out provisions of this section.

The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

Such information as the Secretary may deem necessary for purposes by the annual evaluation shall be made available to him upon request, by the agencies of the executive branch.

Question. What are the provisions for Technical Assistance?

Answer. The Secretary shall, directly or through grant or contract, make technical assistance available to agencies and organizations participating or seeking to participate in programs under this Act on a continuing basis to assist them in developing and carrying out child development plans under Section 103.

Payments under this section may be made (after necessary adjustments in the case of grants on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

Section-by-section analysis

Comprehensive Child Development Act

Section 2—Statement of Findings and Purpose. States (a) the finding of Congress that (1) millions of children are suffering from lack of child development services; (2) comprehensive child development programs should be available to all children; (3) priority to preschool children with greatest economic and social needs; (4) no mother may be forced to work in order for children to receive services; (5) such programs must be undertaken by partnership of parents, community, local and State governments.

(b) The purpose of the act to establish and expand comprehensive child development programs, building on the Head Start experience, with emphasis on economically disadvantaged and including children of working mothers and single parents, involving parents and community groups in the decisionmaking process, and establishing the legislative framework for eventual universally available child development programs.

Title I—Comprehensive Child Development Programs

Section 101 authorizes the Secretary of Health, Education, and Welfare to direct programs.

Section 102—Child Development Programs. Lists activities for which funds can be provided, including: planning and development of programs; establishing, maintaining and operating comprehensive programs with a broad range of activities; design acquisition, construction, alteration, renovation or remodeling of facilities including mobile facilities; training programs for professionals, paraprofessionals, parents, older family members and prospective parents; public information activities; child advocate staff and administrative expenses.

Section 103—Prime Sponsors. Authorizes any State, city over 100,000, county over 100,000, combination of units of local government over 100,000, or Indian organizations to serve as prime sponsor. Secretary designates such prime sponsor upon receipt of application which (1) establishes a Child Development Council (CDC) to plan, conduct, coordinate, and monitor programs one-half of members to be elected representatives of Local Policy Councils, the balance appointed by chief executive to be broadly representative of the community; at least one-third of total membership must be parents of economically disadvantaged children; members select chairman; (2) establishes Local Policy Councils (LPC's) elected by parents of eligible children to serve appropriate subdivisions within the prime sponsorship area; determines needs and priorities within its area, encourages and approves project applicants and recommends them to the CDC; (3) delegates administrative responsibility to an appropriate local agency.

Authorizes a public or private nonprofit agency or organization to become a prime sponsor if the appropriate unit of local government has not submitted an application or is out of compliance; or such sponsorship is for year round migrant program; or if Secretary determines such prime sponsor is necessary to meet the needs of children in an area.

Authorizes the Secretary to fund anyone he deems necessary in order to serve the children in a particular area, including rural areas without regard to population.

Secretary to give application of cities of 100,000 or representatives of an Indian tribal organization who apply preference over the State application.

Provides opportunity for State to comment on all applications for designation; notice and hearing before Secretary makes adverse decision on designation, and judicial review or Secretary's final action.

Section 104—Comprehensive Child Development Plans. Requires submission by CDC and Secretary's approval of a Comprehensive Child Development plan before a governmental prime sponsor may receive financial assistance. Such plan (1) identifies needs and goals and describes purposes for which funds will be used; (2) meets the needs of children in the area including infant care and before and after school programs; (3) gives priority to economically disadvantaged children served under Head Start by reserving funds equal to funds expended in the prime sponsorship area under Head Start and title IV Social Security in fiscal year 1972 and then reserving 65 percent of the remainder of the prime sponsor's allotment for children whose families have an annual income below lower budget for a four person urban family established by the Department of Labor; (4) gives priority thereafter to children of single parents and working mothers; (5–6) provides free services for children referred to in (3) and fees on a sliding scale for others; (7) cooperative arrangements required of State and local agencies serving the handicapped; (8) provides jobs and training insofar as possible for residents of the community; (9) provides insofar as possible for socioeconomic mix in centers; (10–11) provides for special needs of minority, bilingual, migrant and Indian children in the area; (12) assures benefits for children in nonpublic preschool and school programs; (13) coordinates programs so family members relate to each other during the day; (14) provides for parental participation in plans and programs; (17) provides for employment to extent feasible of professional, paraprofessional and volunteers, including parents, senior citizens, students, other children, and those preparing for child development careers; (18) provides for dissemination of program information in language of parents; (19) eliminates barrier of State teacher certification standards; (20–23) assures coordination with schools and with other child development programs in the community; (24) assures payment of the non-Federal share; (25) provides for fiscal control and fund accounting procedures; (26) provides for continuing evaluation, analysis of needs and reports to the Secretary; (27) emphasis to on-going programs; (28) provides for voluntary participation; (29) provides for assurance of consideration and architecture and design and inclusion of works of art.

Gives opportunity for comment to Governor, major or community action agencies, Head Start agencies and educational agencies; provides for notice and hearing before adverse decision, or plan by Secretary.

Section 105—Project Applications. Authorizes funding by CDC of a qualified public or private agency which submits an application to run a child development program, which provides comprehensive services for children served, assures adequate personnel, and meets the appropriate provisions of the comprehensive child development plan. The CDC shall conduct public hearings on project applications.

Authorizes funding by Secretary of a nongovernment prime sponsor designated under section 103 which submits a project application.

Section 106—Additional Conditions for Programs Including Construction. Allows construction only of facilities essential to provide child development services, where use of existing facilities is shown to be not practicable. Provides for 20-year use of facility for child development programs or return of proportionate value of facility to the Federal Government. Applies Davis-Bacon law. Authorizes Secretary to establish interest rates of construction loans, with a 3 percent minimum rate. Provides grants and loans for construction limited to 50 percent of total cost except for private nonprofit groups, limits construction to 15 percent of total allotment to prime sponsor and limits construction to 7½ percent of total.

Section 107—Payments. Provides 80 percent Federal share (with allowance for Secretary to pay up to 100 percent if necessary to provide services) of costs to prime sponsor of programs for economically disadvantaged children, 50 percent Federal share of cost to prime sponsor of programs for children not economically disadvantaged; 100 percent Federal share of migrant and Indian programs. Provides that non-Federal share may be in cash or kind including fees paid by parents.

Section 108—Authorization of Appropriations. Provides open-ended authorization with no funding levels established.

Section 109—Allotments. Reserves for Secretary funds for migrant and Indian programs at a ratio equal to the ratio of such children to total number of economically disadvantaged children in the Nation; at least 7 percent for the handicapped; 5 percent for Secretary's discretionary use, with the remainder apportioned among the States as follows: (1) 50 percent according to the ratio of economically disadvantaged children in the State, (2) 25 percent according to the ratio of children through age 5; (3) 25 percent according to the ratio of children of working mothers and single parents. Allots State's apportionment among prime sponsors according to the same formula.

Provides for reallotment of unused funds among prime sponsors and among States. Assures that no State or local government reduces its expenditures for child development or day care.

Provides that no State shall receive less than it received during fiscal year 1971.

Section 110 establishes Office of Child Development (OCD) to be principal agency in HEW to administer this act.

Section 111 provides for promulgation of Federal Standards of Child Development Services, applicable to all programs receiving assistance under this act.

Section 112 provides for promulgation of Minimum Uniform Code for Facilities, which replaces State and local standards for all facilities which receive assistance under this act or in which programs which receive assistance under this act are operated.

Section 113 provides for maximum utilization of existing Federal, State, and local public facilities, including school buildings, for child development programs.

Section 114 repeals, consolidates, and coordinates existing child development programs, effective July 1, 1973.

Title II—Facilities for child development programs

Authorizes a program of mortgage insurance for child development facilities, administered by the Secretary of HEW, to provide a source of funds in addition to the direct grants and loans authorized in title I for construction of such facilities.

Title III—Training of child development personnel

Section 301 authorizes $20 million each for programs to train professional child development personnel and for programs to train paraprofessional child development personnel under the Higher Education Act.

Section 302 authorizes NDEA loans and forgiveness for training of full-time teachers in child development programs.

Section 303 authorizes training grants to individuals and child development programs.

Section 304 authorizes $5 million annual appropriation for section 203.

Title IV—Federal Government Child Development Programs

Authorizes direct grants to establish and operate programs for children of Federal employees. Authorizes $5 million to operate program.

Title V—Evaluation and Technical Assistance

Authorizes OCD to evaluate Federal involvement in child development and to provide technical assistance to prime sponsors and project applicants. Authorizes such funds as necessary to carry out such activities.

Title VI—National Center for Child Development and Education

Establishes National Center within OCD to conduct, coordinate, and disseminate research on child development. Authorizes $20 million to operate the Center.

Title VII—General Provisions

Section 701 provides for advance appropriations and advance funding of programs.

Section 702 assures public information without charge.

Section 703 prohibits Federal control.

Section 704—No discrimination on the basis of sex.

Section 705 defines the terms used in the act to insure accurate interpretation of its intent.

EFFORTS OF HEW TO CLOSE DOWN DRUG ADDICTION TREATMENT FACILITY

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, for more than a year now the Department of Health, Education, and Welfare has been trying to close down one of two drug addiction treatment facilities in the face of a crisis in drug addiction, and to close or transfer eight Public Health Service hospitals in the face of a medical crisis.

The House and the Senate have both passed resolutions stating that each wanted these hospitals kept open and operating under the management of PHS, and have passed appropriations to do this.

HEW has, however, proceeded to work against the expressed intent of the Congress and do away with those hospitals.

While HEW apparently pays little attention to congressional intent, it became obvious yesterday that HEW will tolerate no opposition within its ranks.

Dr. Willard Johnson, the director of the Seattle, Wash., hospital has been relieved of his post and recalled to Washington, D.C., for the simple reason that he vocally defended his position that the Seattle hospital should not be closed or transferred. For this, he will lose his job, although the Subcommittee on Public Health and Environment, in a meeting with the directors of these hospitals told them personally that it wanted all information and opinions without censure from the administration.

On the very day that the directors were called in to Washington, they were told not to volunteer information. At our meeting, we on the subcommittee made it clear that we wanted all information.

The heavy-handed attempt by HEW to muzzle opinion is the basest form of closed thinking.

To accomplish the goal of closing these hospitals, HEW has hurriedly sent instructions into the field that a plan for transferring the hospitals to other than PHS management be drawn up and submitted.

The planning groups were instructed not to consider the retention of the hospitals and improving them. Nor did they consider the cost of any proposed transfer of these hospitals. It is obvious that one can find some group in any city which would be willing to take over the hospitals if the government would pay all the bills.

The attempt to create one-sided evidence to back up the administration's plan to dispose of these hospitals was so obvious that many advisers openly stated that there was too much information missing to endorse the plans.

I do not think the Congress will stand for this charade. I do not feel the Congress will condone the fear politics which is so evident in the recall of Dr. Johnson.

The Public Health and Environment Subcommittee will closely follow these developments and will take appropriate action if necessary.

CONTINUE BUY AMERICAN POLICY

(Mr. NIX asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NIX. Mr. Speaker, I am introducing today legislation to amend the Buy American Act of 1933 to make it clear that the Congress did not intend this law to proscribe similar legislation enacted by the States and affecting their agencies and political subdivisions.

As you know a Federal court has recently invalidated the California law requiring that State's agencies and local governments to give preference to domestic goods over imported products. The court interpreted the Federal statute as having preempted the field in this area of legislation.

I am sure it was not the intention of the Congress to foreclose State action in this field. Rather the 1933 act sought to provide additional employment for American workmen and production facilities by requiring Federal agencies to give preference to domestic goods which were within 6 percent of the price of the competing foreign goods.

We are now in the most serious economic situation our country has faced since the 1930's. It is highly inappropriate for us to allow State incentives for domestic preference to be struck down, when we are being asked to pass major legislation to create new jobs through investment tax credits and other tax relief.

The President in his request for reinstatement of the investment tax credit has asked that it be applicable only to purchases of U.S.-made machinery and equipment. At the same time he has imposed a 10-percent surcharge on the importation of foreign goods, including industrial equipment.

I think it is equally important that our State and local governments support domestic production and domestic jobs when the prices of U.S.-made goods are generally competitive with imports. We should allow our States to continue to give prefence to domestic goods when they are priced within a few percentage points of the foreign goods. The small extra costs in purchasing will more than be made up in the additional jobs and additional tax revenues generated by buying American.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. There are more than one and one-half times as many doctors per 100,000 population in the United States as in the Soviet Union.

PANAMA CANAL ZONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, by the Hay-Bunau-Varilla Treaty of 1903, it was agreed by the Republic of Panama and the United States that the United States would be granted by the Republic of Panama full sovereign rights, power, and authority in perpetuity over the Canal Zone for the construction, maintenance, operation, sanitation, and protection of the Panama Canal. It was further agreed that these sovereign rights and power would be those of the United States exclusively.

During Johnson's administration, the United States conducted negotiations with Panama which resulted in the proposal of treaties by which the United States would have relinquished its control over the Canal Zone and the canal and would have given both to the Republic of Panama.

Because of its strategic location, the Panama Canal has become of supreme defensive importance to the United States, and cannot be allowed to fall into unfriendly hands. If this were allowed to happen, it could even lead to a situation similar to the Cuban missile crisis.

So, Mr. Speaker, it is easy to see that the most sure way of protecting American security is to see that U.S. power and sovereign rights in the Panama Canal Zone are in no way weakened or abrogated.

PAINT INDUSTRY OPPOSES GOVERNMENTAL ACTION TO PROTECT CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, I rise at this time to address a matter which has recently been put before every Member of this House. On September 20, the National Paint Trade Association began an assault on my efforts to ban lead-based paints from household uses as a hazardous substance. It is unfortunate that the paint industry—so anxious to protect its own interests at the expense of the public good—has embarked on such a course.

Under other circumstances I would not deign to respond to this attack. But since the real issue is such a grave one—the lives and health of hundreds of thousands of small children—I must respond, even at the risk of dignifying the biased statements of a vested interest group which is placing dollars above lives.

A letter, dated September 20, has been sent by the National Paint, Varnish, and Lacquer Association, Inc., 1500 Rhode Island Avenue, Washington, D.C., to every Member of the House. I quote the first nine lines:

> DEAR CONGRESSMAN ———: I believe you are most anxious to serve the public interest by solving the real problem regarding lead-based paints (removal of old paints applied to walls more than 30 years ago). Recent statements in the CONGRESSIONAL RECORD, especially those of Representative Ryan on September 14th (at p. 31823), do not achieve this end.
>
> I am especially concerned about the statement: "One percent lead is itself dangerous, and in light of recent New York findings, it is clear that industry self-regulation is inadequate." There is no universally accepted scientific data nor human experience to show that the low levels of lead (1% or less), as used in today's interior paints, has caused any actual harm to the consumer—today or in future generations. . . .

Thus, the national paint lobby accuses me of not serving the public interest, and it charges me with uttering falsehoods.

Let me make this clear. The public interest which I perceive is the safety of small children, not large paint companies. The statements I have made are correct; they are accurate; and the spurious rebuttal essayed by the National Paint, Varnish, and Lacquer Association is, to be blunt, pure bunk. I reject it out of hand.

What is more, I challenge this organization to put its money where its mouth is, and join with me in pressing the Food and Drug Administration to issue the proposed regulation for which I have petitioned and which would ban all lead-based paints from household uses. Under the administrative procedure, after issuance of this proposed regulation, critiques by all interested parties would then be in order before the final act of promulgation.

Let us get this issue fully before the public, and let the medical and scientific experts present their case. The result will be clear. The paint association's position will collapse.

First let me go through the scientific argument. I do not pretend to be a scientist, but in the course of my work over the last several years in pushing through to enactment the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, and then in working to obtain funding of the act—$7.5 million by virtue of Public Law 92-80—I think I have gained some acquaintance with the expertise in the field.

The National Paint, Varnish, and Lacquer Association in its letter, states:

> There is no universally accepted scientific data nor human experience to show that the low levels of lead (1% or less) as used in today's interior paints, have caused any actual harm to the consumer—today or in future generations.

I would venture to say that it would be somewhat difficult to have human experience of "actual harm" when we are speaking about children yet unborn. That is beside the point, however. The association's argument is one premised foursquare on ignorance. It might be phrased this way: "We know that a .45-caliber pistols kills at 100 feet. But we have a .22-caliber rifle, and there is no universally accepted scientific data nor human experience to show that it kills at 40 feet." Of course there is not, but any reputable scientist, any person with plain commonsense, could extrapolate from one set of known facts to the consequences which will arise under another set of like facts.

This spurious half-truth reasoning from ignorance which the paint lobby is attempting to foist upon the Members of Congress is, in fact, an insult to every Member. It implies that Congressmen are stupid, but the real result is revelation of the stupidity of the paint association.

But let me go into the scientific material itself. The point ot the whole issue is this: Children develop lead poisoning as the result of ingesting, and retaining in their systems, lead. The lead is contained in lead-based paints. The issue is not how much lead the paint contains; the issue is how much the child ingests. And, no matter how much the paint industry would wish it otherwise, a paint chip of 10 layers of paint, each having 1 percent lead, constitutes a danger. It constitutes a danger because the child is ingesting 10 times what the industry itself claims as the maximum safe level—one part lead to 99 parts other material. The other parts will pass out of his system. At least a part of the lead will remain in it.

It is widely known that the adult system absorbs the daily intake of lead at the rate of 10 percent. This has been established by Dr. Julian Chisolm, associate professor of pediatrics, Johns Hopkins University School of Medicine, and associate chief pediatrician, Baltimore City Hospital. I might also add that Dr. Chisolm is one of the leading experts in the country on childhood lead poisoning.

Now, assuming the rate of absorption to be the same in children—and actually, on the basis of calcium absorption tests, it is more likely to assume that the rate of absorption in children is greater—a child ingesting 1 gram of lead-based paint at the 1 percent level will daily have an intake of 10,000 micrograms of lead, of which 1,000 micrograms will be absorbed. In addition, the child will be taking into his system another 14 to 269 micrograms of lead from other environmental sources—that is, air emissions from automobiles, lead deposited on the ground from these emissions, lead in the food he eats, and so forth. These figures are derived from the study conducted by Dr. Ronald E. Engel for the Environmental Protection Agency, and entitled "Health Hazards of Environmental Lead."

Now we introduce the studies of Dr. Kehoe, another leading expert in the field of childhood lead poisoning. In his study Dr. Kehoe found that an adult man fed 3,000 micrograms of lead daily, in addition to the usual amount in his diet, achieved a blood lead level after 4 months of 50 micrograms lead per 100 grams whole blood. It was estimated that he would have achieved a toxic level of 80 micrograms lead per 100 grams whole blood if feeding had continued for 4 additional months. As citation, I point to Dr. Kehoe's study, published in volume 24 of the Journal of the Royal Institute of Public Health Hygiene—1961.

As Dr. Engle has assumed, this would be 43 micrograms per kilogram body weight in a 70-kilogram man. If a child weighing 10 kilograms ingested lead to the same degree as Kehoe's subject, as Engle has suggested, then a proper assumption is that a daily supplement of 430 micrograms lead over that taken in from the air, food, and so forth, would produce toxicity within 8 months.

But—and here is a crucial fact—a child ingesting a 1-gram chip of 1-percent lead-based paint would have a daily intake of 24 times 24—the amount of Dr. Kehoe's subject. Obviously, this child would very quickly develop lead poisoning. I would note, moreover, that the Surgeon General, in his report issued in 1969, stated, as a national standard, that anything over 40 micrograms per 100 milliliters of blood represents undue absorption of lead. The level of 80—to which I earlier referred—is only that enormously high level when the child has reached the stage of being an immediate medical emergency.

I know this is complicated. Let me restate it this way. The Philadelphia Department of Health has run studies and established that the average weight of a 1-square-centimeter paint chip from an old house is 90 milligrams. This equals 90,000 micrograms. If we assume, as the national association would have us do, that 1-percent lead is safe, then, using this 90,000 figure, we would find that a 1-square-centimeter chip of 1-percent paint contains 900 micrograms. Now, a square centimeter is about the size of a dime. Dr. Chisolm has testified that ingestion of old paint in the amount of two or three adult thumbnail sized—for example, dime sized—pieces will produce lead poisoning within a few months. That is old paint. But, assuming all the layers of the chip were just 1 percent lead, this would still constitute ingestion by the child of some 2,700 micrograms daily—almost as much as the amount which would have resulted in the poisoning of the full-grown subject in the Kehoe study—with the retention of 270 micrograms in the system daily.

This situation is truly frightening in light of the new standard developed by an ad hoc committee of lead poison experts working with HEW who have just recently determined that a daily lead intake of 3,000 micrograms is the most that a child can ingest without harm. The child is already ingesting 1,000 micrograms in his daily diet, leaving only 2,000 micrograms to be brought in by other sources.

In sum, 1-percent lead-based paint is, as I have said, dangerous.

A recent article in the August 6, 1971, issue of Science magazine very clearly articulates all this. The article, entitled "Lead Poisoning: Risks for Pencil Chewers?" discusses the hazards of the paints with which pencils are coated. The author, Joe Pichirallo, quotes Barry King, science adviser to the Bureau of Community Environmental Management, a division of the Department of Health, Education, and Welfare:

> Although the percentage of lead in the latter brands was below the safety standard of 1 percent, the project directors contend the tested pencils are still dangerous. The important consideration, according to Barry King, science advisor to BCEM and one of the project directors, is that the actual amount of lead (weight) is sufficient to induce lead poisoning. "Percent lead content of the paint," states the report (by BCEM), "is not, per se, a satisfactory criteria; the health hazard for a child ingesting a paint chip is related to the amount, specifically the weight, of the lead he ingests." . . .

Mr. Pichirallo continues in the article—and this goes directly to the national association's false contention:

> Recently some experts on lead poisoning have begun to dispute the adequacy of the 1 percent lead safety standard. A lead content of 1 percent is recognized as safe by the American Standards Association and is specified in several municipal ordinances as the maximum amount of lead permissible in paints. However, the recent concern about the 1 per cent standard has prompted several cities seriously to consider ordinances banning all but a trace of lead in paints.
>
> Opponents of the 1 percent standard argue that the main criteria for determining hazardous lead conditions should be the weight of the lead in paint and the total number of lead sources available to a person. Their concern is with a person's total daily ingestion of lead rather than with the percentage of lead in particular items.

Still another relevant source is a not-yet officially published study, entitled "Airborne Lead in Perspective," and prepared by the Committee on Biologic Effects of Atmospheric Pollutants of the Division of Medical Sciences, National Research Council, National Academy of Sciences. At pages 111–112, the scientists report:

> In 1955, the American Standards Association developed a standard specifying that paints for toys, furniture, and the interior of dwellings should not contain "harmful quantities" of lead. The standard, now known as ANSI Z66.1, limits the lead content to less than 1% lead in the final dried solids of fresh paint. This excludes lead pigments . . . but it does not necessarily eliminate other lead additives in the total paint formulation. . . . Several prototype portable nondestructive detectors for *in situ* detection of lead in housing surfaces are now available. Their use can simplify and greatly speed detection. Because the detectors measure the amount of lead in 10 or more layers of paint, they provide a more useful value in terms of the dose of lead contained in multilayered flakes of paint of various thicknesses. For example, 10 layers of paint containing 1% lead would contain 10 times as much lead per unit area as one layer containing 1% lead, although both the 10-layer and the one-layer paint flake would give a concentration of 1% by traditional gravimetric analysis. One report showed four paint fragments with a surface of approximately five square centimeters weighing 2.68 g. and containing 9.5% lead, or 254 mg. of lead; had these fragments contained 0.95% lead, their removal would not have been required under the 1% gravimetric standard, although they would have contained 25 mg. of lead.

I have cited some experts—Dr. Kehoe, Dr. Chisolm, Dr. Engel, and Barry King. Let me cite some others. Dr. Marvin Cornblath, professor and head of the Department of Pediatrics at the University of Maryland School of Medicine, states, by letter of September 23, 1971, to me:

> In my professional opinion, I am certain that 1% lead in paint can be dangerous particularly when multiple layers accumulate and ingestion occurs over a period of months.
>
> Normal lead intake from normal food and drink in a young child never exceeds 200 micrograms a day. On the other hand, one chip of 1% lead paint weighing one-thirtieth of an ounce (1 gram) would contain 10 mg. or 50 times the amount normally ingested by a young child throughout the day.

By telegram of September 25, 1971, Michael Blumenfeld, deputy health services administrator, New York City, has informed me:

> In our opinion interior paint containing more than 1 percent lead is dangerous and that in light of recent New York City Department of Health findings it is clear that the paint industry's self regulation to prohibit the manufacture and distribution of paint with more than 1 percent lead has been inadequate.

Another leading expert in the field of childhood lead poisoning—Dr. Laurence Finberg, professor of pediatrics, Montefiore Hospital and Medical Center, New York—has written to me by letter of September 24:

> I understand that there have been some recent statements indicating that paint containing one per cent lead is not dangerous when applied to household surfaces. This is clearly not true. By the time that multiple

coats of paint have been applied to the same wall, the lead content of painted plaster can be easily toxic to a toddler.

So long as the index for safety is going to be expressed as a percentage concentration, the figure would have to be reduced to probably less than a tenth of one per cent in order to consider such substances suitable for painting interior walls.

I would also quote from the testimony of Michael R. Lemov, General Counsel of the National Commission on Product Safety when he testified before the Subcommittee on Housing of the House Banking and Currency Committee on July 23, 1970, regarding the original legislation which led to the Lead-Based Paint Poisoning Prevention Act, Public Law 91–685. Mr. Lemov stated, at pages 243–246 of the hearings:

I might point out, as the chairman of course is familiar, the voluntary American industry standard for lead for interior use in paint is 1 percent by weight. In England it is interesting to note that the standard for lead in paint for children's toys has been reduced by 0.5 percent or one-half of the American standard. . . .

The present voluntary industry standard of 1 percent, American National Standard Z66.1–1964, was formulated in 1955, when that was the practical limit in detecting lead content. But lower levels can now be detected by methods such as the atomic absorbence test and such lower levels of lead used for paint with no warning labels can also accumulate faster than can be excreted by children. The use of any lead at all (except for minute traces) can be controlled by the manufacturers within the existing state of the art. . . . The real solution to this problem is a mandatory Federal safety standard for paint which prohibits the use of lead, except for limited industrial uses where lead serves a significant purpose—such as rust inhibition, where the ingestion is likely.

Dr. Carlos B. Zilveti, director, maternal and child health, New Haven Department of Health, has also expressed his professional opinion concerning 1-percent lead-based paints. By letter of September 24, 1971, Dr. Zilveti has written to me:

I feel that the Secretary of Health, Education, and Welfare as provided in Section 2 (q) (1) (A) of the Federal Hazardous Substances Act (June 1967) should ban any lead-bearing paint on the basis of the overwhelming evidence that the presence or further introduction of such paint in households creates a potential health hazard which cannot be prevented by cautionary labelling alone. Therefore, the protection of the public health and safety can be adequately served only by keeping such substances out of the channels of interstate commerce (Sec. 2(q) (1) (B)).

Dr. Zilveti has also submitted a "Statement in Support of Congressman Ryan's Petition To Ban the Use of All Lead Paints From the Household," which I include at this time:

September 23, 1971.

Statement in Support of Congressman Ryan's Petition To Ban the Use of All Lead Paints From the Household

This statement is presented in support of Congressman Ryan's efforts urging the Food and Drug Administration to ban *all* lead paints from the household as these are known to be hazardous products.

Lead-bearing paints, even in concentrations under one per cent (of the total weight of the contained solids) can and do produce severe lead poisoning if sufficient quantities are ingested. The attached photographs illustrate the massive ingestion of painted plaster by a New Haven child. Though the paint contained only 0.28 per cent of lead as Pb, his blood lead level rose to 0.10 mg. per cent which denotes biochemical evidence of universal lead intoxication.

Approximately one third of the childhood lead poisoning in New Haven, Connecticut has been traced to lead-bearing paint used on exterior surfaces, while the remainder originated from interior paint which many times contained only one per cent of lead or even less.

The gradual build up of lead in humans due to the cumulative properties of lead are well known and, therefore, constitute another strong reason to totally ban lead in paints.

Under the Federal Hazardous Substances Act (15 U.S.C.) and its amendment the "Child Protection and Toy Safety Act of 1969" (P.L. 91–113), toxic paints are considered unsuitable products for coating surfaces if a hazard to public health is imminent. According to the Code of Federal Regulations 191.1, any substance which causes death in laboratory animals within 14 days after ingestion of a dose of 50 mg. or less per kg. of body weight is considered *highly toxic*. The effects of environmental lead exposure in man are well known with smaller concentrations of lead and since human data takes precedence, within the meaning of the Federal Hazardous Substances Act and the existing epidemiologic knowledge of the public health hazards that any lead-bearing paint represents, we urge that all household paints containing *any* lead compounds be banned as containing hazardous substances.

Lead poisoning with its devastating effects upon the individual and the community can be prevented and eventually eliminated only through meaningful legislation and proper enforcement of existing legislation.

Respectfully submitted.

Carlos B. Zilveti, M.D., M.P.H.,
Director, Maternal and Child Health,
New Haven Department of Health.

In light of this medical and scientific support for the view expressed in the petition filed with the Food and Drug Administration that even 1 percent lead paint is dangerous; in light of the rather unique approach the paint industry has adopted to deal with the issue of children's health; and in light of the FDA's desire—I am sure—not to appear to be surrendering to certain industry interests, I am today calling upon the Commissioner of the Food and Drug Administration to issue the proposed regulation requested by the petition.

I have filed this petition along with Joseph A. Page, associate professor, Georgetown University Law Center; Edmund O. Rothschild, M.D., assistant attending physician, the Memorial Hospital for Cancer and Allied Diseases, New York City; Jack Newfield, assistant editor, the Village Voice; Mary Win O'Brien, student, Georgetown University Law Center, and Anthony Young, student, Georgetown University Law Center.

The issuance of the proposed regulation will give all interested parties full opportunity to produce scientific and medical evidence, rather than mere unsupported rhetoric.

In addition, in light of the Food and Drug Administration's failure thus far to take action on the petition, I am calling upon the National Paint, Varnish, and Lacquer Association, Inc., to join with me in calling for the proposed regulation's issuance. Certainly, if the paint industry is so satisfied with its position, it should welcome an opportunity to publicly lay its evidence before the public and the Federal Government, in order to assure whatever action is most appropriate to protect the health of innocent youngsters who look to government, and responsible industry, to safeguard their needs.

At this point, I include in the Record the letters which I have sent to Commissioner Edwards, of the Food and Drug Administration, and to Robert A. Roland, executive vice president of the National Paint, Varnish, and Lacquer Association, Inc., and signer of the letter which has been sent to my colleagues:

September 27, 1971.

Hon. Charles Edwards,
Commissioner, Food and Drug Administration, Rockville, Md.

Dear Commissioner Edwards: As you know, I have joined in filing with the Food and Drug Administration a petition requesting issuance of a regulation banning all lead-based paints from household uses. Obviously, this petition has generated considerable interest on the part of the paint industry, inasmuch as the National Paint, Varnish, and Lacquer Association, Inc., has undertaken to send a letter to every Member of Congress criticizing my efforts in this regard.

I believe the petition stands on its own merits, and that quick affirmative action on the part of the Food and Drug Administration is necessary. In light of the paint industry's recent expressions of opposition, I believe that any lesser action on the Administration's part can be interpreted in no other way than a surrender to the industry's vested interests.

Thus far, I have received no response regarding the petition. For that reason, I am now writing requesting immediate issuance of the proposed regulation, so that the issue may be fully and accurately aired. Numerous experts—including federal employees—have stated clearly their professional opinions that even one percent leaded paint is dangerous. Delay on the Administration's part can only continue that danger.

Looking forward to your Administration's prompt action, I am,

Sincerely,

William F. Ryan,
Member of Congress.

September 27, 1971.

Mr. Robert A. Roland,
Executive Vice President, National Paint, Varnish, and Lacquer Association, Inc., Washington, D.C.

Dear Mr. Roland: It has been brought to my attention that your association has, by letter of September 20, over your signature, sent a letter to every Member of the House of Representatives criticizing my efforts to bring an end to the danger of lead-based paint poisoning. In your letter, you have stated your belief that "the public interest can best be served by compliance with voluntary labeling in keeping with the existing ANSI Standard Z66.1 and the recently passed Federal law (the Lead-based Paint Poisoning Prevention Act)."

Obviously, our perceptions of the public interest differ, in light of my having joined in filing a petition—of which you are aware—with the Food and Drug Administration to ban all lead-based paints from household uses. I might add that my view of the dangers of even one percent leaded paint is shared by numerous medical experts, some of whom I quote in a speech which I will be delivering before the House either tomorrow or the next day.

I have no desire to engage in rebutting your contentions. I shall leave that to the experts. What I am interested in is your Association's willingness, in light of the approach you have taken to this issue, to publicly join with me and my co-petitioners in urging the Food and Drug Administration to issue the proposed regulation in question. Following such issuance, any experts the paint industry might wish to bring forward would of course be able to comment—in terms of scientific fact and opinion, rather than public criticism offered without any supportive evidence on the suitability of such a regulation.

In sum, I request the Association to join with me—in a joint letter to be sent by me and the Association—in urging affirmative action on the issuance of the regulation. I look forward to your response to my request.

With best regards,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

THE SOVIET UNION IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, some of the more dramatic political and strategic gains of the Soviet Union in the post-World War II period have been in the Middle East. In an area where Russia had few interests and certainly no real policy in 1945, she now has a deep involvement. In assessing the role of the Soviet Union in the Middle East, it is useful to see both how Russia's policies and involvement in the area evolved and what is the balance of opportunities and risks for the Soviet Union in the area today. Regardless of one's perspective on Soviet foreign policy, no one could, in the early 1950's, perceive what would happen in the Middle East.

The Soviet Union, in approaching the third world, has sought generally to be able to do precisely what the United States and other powers do. In each area, her first goals were to make a presence and then try to obtain equal status with other powers. Other goals, such as eliminating great power competitors, and dominating the region, come later, if at all. For the Russians do realize that exclusive client states can be both expensive and hard to control. The question remains as to why Russian policies have been so successful. The answer lies less in their vague goals and specific policies and more in taking advantage of circumstances. A review of her Middle East policies reveals that that strategem is just as incoherent and piecemeal as much of the U.S. global strategy.

RUSSIAN INVOLVEMENT UNTIL 1945

Until the mid-1950's, Russian efforts in the Middle East were concentrated on the northern tier—Turkey and Iran—and the Arab world was not very important. Traditional policy, inspired by an "Eastern Question" mentality, emphasized Russian interests in Istanbul and the Balkans. All other areas, that is, the Arab world and even the Mediterranean Sea, were secondary interests to an overriding czarist desire to control the Turkish Straits and thereby prevent foreign entry into the Black Sea.

The Soviet October Revolution increased policy emphasis on Iran and Turkey and a desire for good state-to-state relations in order to neutralize those states. Soviet interwar policy also tried to stimulate uprisings against the British and the French who had both substantial presence and interests in much of the Middle East. The ineptness of Soviet policy in this period resulted directly from her intention to pursue her policies through small minority-oriented Communist parties. In the final analysis, however, Soviet quiessence in the Arab world resulted from little interest in the area. Interests and opportunities are related, and the lack of the former narrows the range of the latter.

Despite recent attempts to the contrary, the Nazi-Soviet 1940 negotiations did not represent any change in Soviet policy. Those abortive negotiations do not support the notion of a concerted Soviet interest in reaching the Indian Ocean through the Arab world. Molotov's concerns were much nearer to home, especially the Turkish straits and Finland.

1945–55

The initial phases of the cold war completely isolated Turkey and Iran from any possible Soviet initiative and, in a sense, prompted Russia to go over the northern tier to the Arab world.

Oddly enough, in the first decade of the post-World War II period, Soviet initiatives in the Middle East were confined mainly to support of the 1947 partition plan for Palestine and helping the Zionists in Palestine to obtain Czechoslovakian arms. The Soviet Union's support of the Zionists in this period was not a ploy but a direct result of her main policy interest which concentrated on driving the British out of the Middle East. Palestinian Jews, rather than Arab nationalists, were, in the Soviet view, better able to deal with getting the British out. We see from this early period a very low enthusiasm for the Arab nationalist movement—an enthusiasm which remains low today. Soviet leaders have always been suspicious of nationalist liberation movements which get results without struggles.

FIRST PHASE OF INVOLVEMENT: MID-1950'S AND THE SEEDS OF CHANGE

Joseph Stalin's death and the 20th Party Congress in 1956 afforded the Soviet Union an opportunity to reorient her policies and initiate certain doctrinal changes. The dangers of foreclosing a chance to change policies at a time of leadership unpheaval in the Soviet Union induced some Russian leaders to initiate policy changes, especially toward developing countries.

In the Arab Middle East, the breakthrough was the arms deal with Egypt, called the Czech arms deal at the time so as to minimize direct Soviet involvement. This change was not a reconsideration of policy but a creative adaptation to the political situation in the area.

It was the threat of the U.S.-engineered Baghdad Pact, a multilateral, defensive alliance, that activated Soviet policy and set the stage for her policy of today. Russia loathed the Pact, particularly because it raised the possibility of having her southern flank ringed with nuclear bomb-carrying planes of the West. To President Nasser and the Egyptian Government, the pact had a polarizing effect on the Arab world and entrenched the West at a time when complete economic and political independence was the goal of an increasing number of Arabs. The momentary common objectives of Egypt and Russia—to undermine Iraq, the mainstay of the Baghdad Pact, and to remove the West from the area—joined these two states in 1955. The arms Nasser obtained helped him circumvent the West at a time when Egypt considered it in her vital interest to be able to counter Israeli attacks similar to the 1955 Gaza raid. For the Soviet Union, the arms deal was embarrassing and indeed she termed the pact a "strictly commercial arrangement" to end Egyptian exclusive support on the West for arms.

The underlying theme of Soviet policy in this period, then, was opposition to the Baghdad Pact. The Russians were seeking emulation of Egypt's defiance of the West and not of Egypt's type of regime. Capitalism was still the cornerstone of the Egyptian economy and her embryonic agrarian reform movement was hardly a full-scale socialist venture. Despite the Russian decision to build the Aswan Dam, Khrushchev did not, at this time, see Nasser as an ally. It is useful to remember that at the time of the Suez war of 1956, Russia did not have any military power in the area and the Soviet navy was only recently moving from a concern for a high sea military capability toward submarines. Military action in 1956 would not have produced any results for the Soviet Union.

SECOND PHASE: 1956–67

The 1956–58 period represents the start of a second phase of Soviet involvement in the Middle East, a phase dominated by the success of her initial objectives. The Suez war of 1956 effectively eliminated, for a while at least, France and England as Middle East powers, and the Iraqi Revolution of 1958 ruined the Baghdad Pact.

But the Suez war did more. It led the Soviets to perceive a pattern of recurrent traits about Arab-Israeli crises.

First, such crises tended to exasperate relations between the Arabs and the West.

Second, the Soviet Union could not control President Nasser. Indeed, Premier Bulganin heard about the nationalization of the Suez Canal on the radio. Although the Russians endorsed nationalization and egged the Egyptians on, they sat on the sidelines in October 1956 when the British, French, and Israelis attacked Egypt.

Third, the Suez crisis enhanced the position of the Soviet Union, and with the British eliminated from the area, Russia faced only the United States in the Middle East.

Finally, whereas the Russians had conceived of the Arab-Israeli issue as a nationalist struggle prior to Suez, the conflict was now considered a struggle of the Arabs against imperialism.

Another important key of this second phase of Soviet activity in the Middle East was a clear indication by the Russians in the late 1950's and early 1960's that they thought Egypt was the most important country in the area despite increased Soviet presence in Syria and Iraq. While the Soviet Union was dismayed about the imprisonment of Egyptian Communists in the late 1950's, she became much happier with internal events in Egypt after the 1961 nationalizations. In this period, we also see continued Russian dislike for Arab nationalism and unity: relations with Syria and Egypt were strained during the United Arab Republic 1958–61 era. It can be postulated that the greater the Arab cooperation and the greater the feeling for Arab unity, the less the ability of the Soviet Union to increase its prestige and influence in the Arab World: This same trait is descernible in 1971 as Egypt, Libya and Syria, and perhaps Sudan, move towards some federation.

Another important maxim of Arab politics to emerge during this period concerned the relative uselessness of local Communist parties to the Soviet Union in her quest for increased influence and prestige in the Arab World. The fragmented nature of the parties in Syria, Iraq and Egypt, Russia's three main clients at that time, and their inability to acquire a wide base of public support was a source of embarrassment to Russia. To support the parties openly was to alienate central governments and not to support them at all was anathema to any Communist. In short, although local Communist parties are becoming increasingly irrelevant to the Soviet Union's position in the Middle East, some support must be shown for local Communists as the recent events in the Sudan would suggest.

THIRD PHASE: 1967 TO 1970

Like the Suez war, the 6-day war of 1967 enhanced the Soviet position in the Middle East. But whereas in 1956, Bulganin and the Russians may have egged Nasser on, in 1967 the Soviet Union played a somewhat greater role in provoking war. It seems, in particular, that she accepted and encouraged Egyptian and Syrian moves in Sinai and the Golan Heights and did not correct some of the many pre-June Egyptian statements like "the Soviet Union will stand with us in battle." What remains unclear is when the Soviet Union lost control of events.

More significant than the Soviet Union's role in provoking war was its radical underestimation of the nature and volatility of Arab politics. Besides miscalculating the balance of power in the area, the Soviet Union did not realize how provocative Syrian and Egyptian moves in April and May of 1967 or the escalations that occurred were.

Perhaps the most encouraging reaction of the Soviet Union to the June 1967 war can be seen in the changes in diplomacy. Indeed, her first reaction to the start of the June war was to use the "hotline" to Washington in an effort to avoid any confrontation. The whole pattern of diplomacy after 1967 shows the differences with the period preceding 1967: U.N. debates for Resolution 242, Glassboro, 4-power talks, 2-power talks, have dominated the international scene.

POST-1967 ERA

While circumstances have led the Soviet Union to seek greater diplomacy with other big powers in the area after 1967, the situation was also used by Russia to try to enhance its position in the Middle East. Several points should be made:

First. The Russians decided immediately after the 1967 war to reconstruct and continue to supply her defeated Arab clients. This was done to keep her options open and to protect past investments.

Second. The Russians have enlarged the scope of this policy. South Yemen, Yemen, and Sudan now have extensive ties with the Soviet Union but none have a client relationship with Russia, similar to that of Syria, Iraq, and Egypt.

Third. The Soviet Union continues to lack a high degree of political control over Arab countries with which she has extensive ties. The recent events in the Sudan and Egypt are cases in point.

Fourth. There has been, since 1967, a growth of Soviet communications in the Middle East, particularly her air and maritime units.

Fifth. Russia has also entered the Arab oil world and now has oil interests in Syria and Iraq.

Sixth. The Soviet Union sends arms to more than 10 Arab countries and, more significant, at least six states are committed to the Soviet Union for spare parts.

Seventh. The Soviet moves to beef up its Mediterranean squadron is indicative of a desire to improve her overall military potential in the area. Interestingly enough, the initial impetus for this Soviet move came in 1964 when Russia saw the need to cover the U.S. forces in general and the Polaris submarine in particular. It should be noted that this Soviet buildup was defensive rather than offensive in nature and that it was an antiattack, antisubmarine phase.

Eighth. Increased assets in the area increased the need for greater presence. The military presence was important and significant in all three services, but it is significant that Soviet air presence in the immediate post-1967 war period was minimal. Indeed, Soviet air support in the Yemen civil war was pulled back immediately after the loss of a Soviet pilot. At that time, the Soviet Union was disinclined to have her men involved directly in combat despite TU–16 Soviet-piloted reconnaissance planes.

FOURTH PHASE: 1970 ON

The deep penetration raids by Israel into Egypt in late 1969 and early 1970 forced on the Soviet Union a big decision which seems to have been taken in January 1970 during President Nasser's secret Moscow trip. This decision led to the introduction of an integrated air defense system which Soviet leaders thought was needed to save their men in Cairo. SAM sites, missile units, networks of air bases, new Mig 23's and Foxbats, all with Soviet personnel, changed the character of Russia's presence in Egypt and her status in the Middle East. This increased military involvement gave Russia a new range of opportunities with many more varied instruments.

Another key to the post-1970 fourth phase of Soviet involvement in the Middle East has been the institutionalization of Soviet presence. In Egypt, this took the form of a treaty of friendship and cooperation signed in May 1971. For the Soviet Union, this new period witnesses the presence in the area of over 10,000 Russians, mostly military technicians. In terms of Kremlin politics, this presence means that there are bureaucracies in Russia with a stake in events and performances in the Middle East. As such, they represent a lobby in the Soviet Union for a certain position and involvement.

OPPORTUNITIES AND RISKS

In this fourth phase, the Soviet Union has a number of possible objectives and opportunities in the Middle East which she must balance with many risks existing in the area. Some of her objectives might be:

First. Reduce further or eliminate the U.S. position in the Arab world.

Second. Promote the demise of pro-West, moderate Arab governments in Jordan and Saudi Arabia, in particular.

Third. Obtain greater influence over Middle East oil so as to determine the terms on which Western Europe gets its oil rather than cut it off.

Fourth. Help speed the British withdrawal from the Persian Gulf and try to replace British in the gulf instead of permitting a U.S. presence.

Fifth. Use position in Middle East to try to neutralize further Western Europe and the northern tier of Turkey and Iran.

Sixth. With an open Suez Canal, try to extend influence eastward, particularly into the Indian Ocean.

Seventh. Use Middle East and North Africa as base for African operations in such countries as Tanzania, Somalia, and Zambia.

Eighth. Create in the Middle East a noncontiguous sphere of influence.

Despite these opportunities, the Soviet Union's position in the Middle East is fraught with many dangers. Some are:

The chronic instability of some of her client regimes and the prospect that client regimes may be overthrown.

The increased Soviet presence in the Middle East since 1967 has weakened some regimes. This increases the Soviet Union's stake without increasing her role as the final arbiter over acts of those client states.

If the military solution of the Arab-Israel conflict fails, social and political pressures may both bring down these regimes and demand new policies of which the Soviet Union may not approve.

Clients may betray the Soviet Union because they see the United States, other western powers, or even China, as the only way to solve the Arab-Israel problem. While recent moves of Egypt might suggest such a pattern, the apparent lack of progress of the U.S. current peace initiative would minimize the likelihood that other states will turn to the United States for support.

Any real settlement of the Arab-Israel conflict that reduces the need for a big military machine will lessen the Arab countries' interest in and need for Soviet materiel. This could reduce Soviet posture in the area.

On the other hand, a military confrontation contains many risks and dangers for Russia. If she participates directly in such a war, she risks a bigger war. If she does not enter the fray, she risks being thrown out of the area.

At some point, the costs of Soviet involvement in the Middle East will have to be explained to the people in the Soviet Union. So far, their economic and military involvement has produced little real socialism and even fewer tangible results.

These risks and opportunities aside, the Soviet Union would, it seems, prefer a political solution of the Arab-Israel conflict that would give the Soviet Union credit in the Arab world and give the United States nothing.

ASPECTS OF PRESENT SOVIET POLICY

The Soviet Union is pursuing—not a policy of military conquest—but a political strategy designed to weaken U.S. influence and establish the Soviet Union as the preeminent power in the Middle East. In pursuit of this strategy, the Soviet Union will use propaganda, diplomacy, economic and military aid and, to a lesser degree, local Marxists. At the same time, the Russians have shown reluctance to get into a situation which would pit Soviet forces against the United States.

Much of present Soviet policy in the Middle East is ambiguous and in flux, although the Russians do have some well-articulated positions. But what remains most difficult for the Soviet Union is to determine how peace in the Middle East can be achieved and her interests maintained at the same time.

The Soviet Union supports U.N. Resolution 242 and considers the resolution the basis for peace in the Middle East. But in her interpretation of Resolution 242, she emphasizes, along with the Arab States, the immediate need for Israeli withdrawal from occupied territories, including Jerusalem. Her continued call for a just and lasting peace in the Middle East is usually, however, coupled with a denunciation of the "dangerous" American-Israeli alliance which prevents peace.

While the Soviet Union did, in early 1970, become increasingly friendly toward the Palestine Liberation Movement, she was before 1970 and is now giving little active financial or military support to the movement although the Soviet Union does deem it necessary for any Middle East peace settlement to bring justice to the Palestinian people. Obviously, the Russians adopted a "wait-and-see" attitude toward the guerrilla movement and wanted to support the movement only if it succeeded.

The Soviet Union's relations with Israel have been both weak and strong, depending on many related factors. Although Russia gave Israel early recognition and support in 1948, relations have deteriorated since the late 1950's. In short, there is no greater anathema for the Communist movement in general and the Soviet Union in particular than pan-nationalisms, like pan-Turanism, pan-Islami or Zionism—all of which appeal to segments of the Soviet population. The Soviet Union finds it difficult to accommodate the goals of the Zionist movement and the greater the appeal of Zionism to Soviet Jewry, the greater the tensions in Soviet-Israeli relations.

In recent years the Soviet Union found it useful to have better relations with the Arab States and since 1967 she has had no relations with Israel. The lack of such ties, however, has limited the Soviet Union's ability to be an honest broker in peace negotiations—a role she played so skillfully in the mid-1960's in the Indian-Pakistan dispute. In the last couple of months, there has been many Israeli-Soviet contacts and increased Israeli-Soviet relations seem natural and imminent. Renewed relations might be a harbinger of a Soviet peace initiative in the Middle East.

While the Soviet Union was a firm supporter of Dr. Gunnar Jarring's peace mission, her enthusiasm for the U.S. peace initiative for an interim Egyptian-Israeli agreement has been minimal. Whereas the United States has maintained that final Egyptian-Israeli frontiers must be decided by the parties themselves, the Soviet Union demands that the Gaza strip, Sharm el-Shaykh, and all of Sinai be returned to Egypt. The Soviet Union continually chides the United States for calling for peace while simultaneously supporting Israel militarily.

The frustrations of all peace efforts since 1967 suggest that there will be no settlement until the United States and the Soviet Union recognize each other's legitimate interests in the Middle East and cooperate on the ground rules of peace negotiations. Such cooperation will not win the trust of the parties to the dispute unless both powers have good working relations with all parties to the dispute and each power is willing not to impose a peace nor to seek personal political gain from such a peace. But, while the United States has looked with favor on improved Israeli-Soviet relations, the Russians have publicly warned Arab regimes about contacts with the United States because only Russia, they say, will bring Arabs the peace they want.

Unfortunately, military buildups in the region and the lack of any arms control efforts have helped to hamper peace efforts much more than any rhetoric. While France and Israel might have been responsible for the initial phases of the arms race in the Middle East in the early 1950's, the Soviet Union supplied the Arab world with about $2 billion worth of military hardware up to 1967, and in the 2 years subsequent to the June 1967 war, the Soviet Union equalled that figure. Over that same period, 1954 to 1967, Russia extended about $2 billion worth of economic credits, only about half of which were claimed. This means that Soviet military aid has been about four times economic assistance. There have been indications recently that Lebanon might become the eleventh Arab country to seek Soviet military assistance. This assistance to the Arab world, combined with the Soviet Union's naval buildup in the Mediterranean in the last 3 years, raises justifiable questions as to what the Soviet Union wishes to accomplish in the area.

The Soviet Union's policy toward her various Arab friends, however, does not provide a useful index of her ultimate goals in the area. Her continued and continual delicate exchanges with and warnings to Arab leaders support the hypothesis that her position is fragile and changed circumstances tomorrow could eliminate many of her gains in the Arab world today. The Soviet Union emphasizes her support for Egypt, its new President Anwar al-Sadat, and Egypt's "positive role in the Arab world and in the international arena." Such words of praise are less forthcoming in Soviet commentaries on the more unstable regimes in Syria and Iraq, to say nothing of Soviet reluctance to become tied to the regimes in Yemen, South Yemen, Libya, and the Sudan—her other so-called Arab Socialist friends.

The May 1971 Soviet-Egyptian Treaty of Friendship and Cooperation reaffirms Soviet respect for Egypt as the leading Arab country but it is still too early to conclude whether the treaty served as a basis for more arms deliveries or increased Soviet presence in Egypt.

Russia's strong support for President al-Sadat and Egypt has not extended to the recent move toward a Federation of Arab Republics—which will include, at least initially, Egypt, Syria, and Libya. Ever since 1958, Russia has shown a degree of disdain for Arab nationalism. She did not like the 1958–61 union of Syria and Egypt because her relations with and control over these states suffered. Indeed, the handwriting on the wall suggests that the greater the inter-Arab State cooperation, the less the need for Soviet support. The converse is also true.

CONCLUSION

The greatest question marks concerning current Soviet policy in the Middle East are: First, does the Soviet Union want war, peace, or stalemate on the Arab-Israeli issue; second, how far will the Russians go to protect their conception of their interests in the area; and third, how is Middle East policy decided in the Soviet Union. The institutionalization of Soviet presence has meant, as mentioned above, that bureaucracies in Russia have a stake in Soviet presence in the Arab world. But the coats of the hawks and doves in the Kremlin remain obscure as do any differences within Soviet leadership on Middle East policy. As Soviet military and economic investment in the area continues without tangible results, there will be a growing pressure in the Soviet Union to reevaluate the relative benefits of this heavy financial commitment.

The Soviet Union has accomplished a lot in the Middle East during a period of stalemate on the Arab-Israel issue: The Russians have an extensive military and economic presence and stake there; they are a Mediterranean power for the first time in their history; United States and Western influence has been diminished; and they have improving relations with two neighbors, Iran and Turkey, which were formerly enemies.

If the Soviet Union opts for continuing her present policies, it means that the Russians have fewer apprehensions about a stalemate in the Arab-Israel conflict than about war or peace. While the Soviet Union does want the Suez Canal open, it is opposed to an interim settlement that gives the United States credit. A final settlement poses greater potential problems. It would, in their eyes, remove the major incentives that attract the Arabs to the Soviet Union today—Arab quest for military supplies and political support in the Arab-Israel conflict. War also presents a grave alternative for Russia's position; war is costly; an Arab defeat is embarrassing; and a confrontation with the United States should be avoided at all costs.

A stalemate in the Middle East makes the Soviet Union less apprehensive only because it represents the status quo. From the Russian viewpoint, there is little need to rock the boat if they can persuade the Arabs not to pursue war and if they cannot project what their role would be in the Middle East in peacetime. It would seem, then, that the Russians, in reaching the tentative conclusion that there is no need to rush to a settlement, are operating against the better interests of their Arab clients and the United States. The latter delights the Soviet Union, but there is no assurance that the Arabs will continue to view the Middle East the Soviet way. The implications of a continued stalemate are many: the Soviet Union will continue to refuse to enter into any arms control agreement in the area; U.S. interests might be further diminished; and the Soviet Union will continue to have predominant influence in the Arab world. However, this situation which the Russians might covet so much at present depends on their precarious relations with their Arab clients, the Arab resolve to make peace and the success of negotiations for a settlement.

At present the interests of the Soviet Union and the United States in the Middle East are both similar and dissimilar. The Soviet Union's interests are much more strategic and military and less economic, hence her concern over her influence in the Middle East in peacetime. The U.S. interests are more economic and cultural and less strictly military. Both have highly political interests when the Middle East is seen in terms of global strategy and communications. And the symbols of influence and prestige in the area are many. While the Aswan Dam in Egypt and the Tabqa Dam under construction in Syria have won the Soviet Union many plaudits, the role of the American University of Beirut and several U.S. supported educational institutions in Israel and Egypt in building present and future elites cannot be underestimated.

At the present there are also differences in strategy: the Soviet Union has, to date, pursued her interests in the Middle East by supporting the Arabs while the United States has strived to maintain a balance between Israel and the Arab States. The greater successes of the Soviet Union recently might suggest that balanced policies do not bring success. However, recent realizations by the Soviet Union that it must improve its relations with Israel, if she is to be an honest broker or mediator in the Middle East conflict and play the mediating role Russia likes to play internationally, suggest only short-term gains can be made by choosing sides and long-term interests necessitate greater options and more balance.

Recent politics in Asia would indicate that another force must be entered into the big power equation in the Middle East. China, with interests in many Arab countries and a declared policy of support for Palestine resistance groups, might well challenge Russia in the one area of the third world where the Soviet Union has gained substantial access and influence. For the United States, such a situation can only increase her options in an area where they seem to be running out quickly. We have, moreover, already seen in the last couple of months the effect of President Nixon's proposed trip to Peking in the diplomatic map of Asia. And we may well see in the coming months a changed diplomatic map in the Middle East. In an area where politics have been dominated by the confrontation of two powers, the increased presence of a third power from Europe or Asia can only reduce tensions.

CHAIRMAN MILLS OUTLINES CONSTRUCTIVE PROGRAM OF FISCAL RELIEF FOR STATE AND LOCAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, I commend to the attention of Members recent remarks on revenue-sharing by our colleague from Arkansas (Mr. Mills), the distinguished Chairman of the Ways and Means Committee, before the Annual Conference of the League of California Cities on September 27, 1971 in San Francisco.

The chairman carefully reviews the defects in the administration's general revenue-sharing plan. He goes on to outline principles of an alternative plan of fiscal relief for State and local government, which I believe could command widespread support.

Among the principles the chairman emphasizes, and I heartily applaud them, are these: preservation of congressional prerogatives to control spending through a program of limited duration supported by specified sums rather than a certain percentage of the Federal income tax base; distribution among cities and local governments according to need; and encouragement of progressive State income taxes.

It is my hope that in coming weeks, the State and local governments will act on the constructive suggestion of the Chairman and work out the details of a program based on the principles he has outlined.

I include herewith the text of Mr. Mills' remarks:

Remarks of Honorable Wilbur D. Mills, Before Annual Conference of League of California Cities, September 27, 1971, San Francisco, Calif.

It is a pleasure to have the opportunity to speak to an audience consisting of representatives of the League of California Cities and their friends. Proposals for Federal aid to States and cities, including the Administration's general revenue sharing plan, have been debated at great length both throughout the country and also before the Committee on Ways and Means of the House. I would like to share some thoughts with you in regard to these proposals. You may not agree with some of the things I will have to say.

As I have said before, my colleagues and I on the Committee are keenly aware that if our Federal system of government is to continue, State and local governments must function on a sound financial basis. Those of us on the Committee have been taking a realistic and constructive look at what might reasonably and appropriately be done to achieve these ends. It is time for everyone to do this. And by the same token, it is time that we abandon proposals that merely lead up blind alleys and that merely perpetuate and even accentuate present problems despite large revenue costs.

The Ways and Means Committee has devoted considerable attention to this problem. In June, we held extensive public hearings on the Administration's general revenue sharing proposal. Over 100 public and private witnesses appeared and the record of their testimony covers over 1,500 pages and fills 8 volumes. The vast majority of the groups which testified—and we heard from all segments of the economy—were strongly opposed to the President's proposal. During most of July and early August, we considered in depth in executive session a very substantial volume of factual and analytical material made available on this and related proposals by the Administration, individual Members of Congress, representatives of State and local governments and various private experts. Our consideration of this subject is not yet complete.

We have deferred our deliberations on the fiscal problems of State and local governments because of two reasons: First, the need to give prompt consideration to the Administration's tax proposals in the new economic program; second, to comply with the President's own recommendation that any revenue sharing proposal be deferred as to its date until next year.

However, careful study of the extensive evidence that has been presented to us has, if anything, reinforced the initial reaction on the part of a substantial majority of the Committee that the Administration's revenue sharing plan is not the answer to the financial problems of the State and local governments. As a result we must look elsewhere for a solution.

Revenue sharing has too many basic deficiencies, both as to principle and as to application. It makes no attempt to reach the financial root of the State and local government problems; it makes no attempt to apply Federal funds where they will do the most good. Instead it would pour money out indiscriminately to all State and local governments without regard to need and without making any attempt to encourage State governments to meet their own problems by improving their tax systems. As a result, it would be a wasteful and inefficient form of Federal aid.

In its study of the problem, the Committee has found that there is diversity in the financial position and problems of the various State and local governments.

The experts generally have concluded that the financial problems of State and local governments when they are looked at in total are quite manageable. It is only when individual local governments are examined do problems become apparent. These studies make it clear that the problems are not universal and therefore the benefits need not be universal.

Moreover, there are clearly very substantial variations in tax effort, especially among the various States in raising revenue. Actually, in 1969, if all States and their localities made the same tax effort that was made by the average of the ten States with the highest tax effort, State and local governments would have raised an additional $18.6 billion. This, of course, is close to four times the amount of aid that is proposed by the Administration under its revenue sharing proposal. Moreover, the fact remains that at the present time there are still eight States which do not impose income taxes and five more States which impose only very limited income taxes.

I am sure I need not point out that State and local governments are not unique in having financial problems. For the fiscal year 1971, the Federal deficit was $23 billion on a unified budget basis. And for the current fiscal year, 1972, the deficit is conservatively estimated at over $28 billion. In other words, in just two years, the Federal Government can be expected to pile up deficits even on a unified budget basis exceeding $50 billion.

In saying what I have I do not mean to take a negative attitude. But, in my opinion, with the limited resources available to the Federal Government, I believe this indicates we must be quite selective in whatever aid is provided and not just pass it out broadside as the Administration desires.

I would also like to remind you that the Federal Government is already giving substantial aid to State and local governments. Between fiscal 1959 and fiscal 1971, Federal grants-in-aid to State and local governments rose from $6.7 billion to an estimated $30.3 billion. Another form of assistance is the exemption of interest on State and local bonds, which alone cost the Federal Government about $2 billion in 1969.

The fact that State and local taxes may be deducted for Federal income tax purposes, in practice, also represents another form of financial assistance to the States and localities. It means, in effect, that the Federal Government is absorbing part of the burden of the State and local taxes.

In addition, although the Administration has recommended deferral of H.R. 1 until 1973, we should not forget that this legislation, which has already passed the House, would relieve State and local governments of an estimated $1.6 billion of annual public welfare costs in its early years of operation through the Federal assumption of the basic provision for needy families with children and for aged, blind, and disabled persons. This aid should be still more important in future years. Also, the Administration has a proposal before the Congress making provision for health care which could well save the States as much as 1.7 billion in Medicaid costs.

While I believe what I have said indicates that the Ways and Means Committee and the Federal Government have not been unresponsive to the needs of State and local governments, I should say that based on our study I am not adverse to giving further aid in cases of demonstrated need. However, I believe that any plan for Federal aid which aims at a satisfactory solution will necessarily have to recognize the fundamental differences in the needs of local governments on the one hand and State governments on the other hand. The local units often are not large enough in terms of financial resources to resolve their economic problems. The flight of middle-income and high-income people to the suburbs, in many cases, has left the core cities—and often poor suburbs and counties as well—with a severe fiscal burden of providing education, police and fire protection, and welfare and hospital services to large numbers of relatively low-income people. In addition, overlapping layers of local government have fragmented authority among different units, reducing their power to deal adequately with specific problems of local government.

For these reasons, I personally would not be opposed to providing Federal grants to local governments to aid those cities and counties which face truly acute immediate problems and which can prove their need. However, we must avoid the mistakes of the Administration's revenue sharing proposal.

Let me reiterate some of these problems. Essentially, the Administration's revenue sharing plan distributes funds among the cities and localities on the basis of their tax collections—in other words, local governments whould share in the funds regardless of their need. In fact, wealthy communities would receive a relatively larger share of the funds than poor communities because they would have a larger tax base and could collect relatively large amounts of taxes even if their tax effort were relatively small.

The basic concept underlying revenue sharing, namely, that the Federal Government should collect taxes and then hand them over to the State and local governments to spend without any strings is wrong. In effect, this procedure divorces completely the responsibility for raising revenue from the spending of revenue. As a consequence, there would be no balance of priorities between taxing and spending.

The Federal Government's fiscal problems would also be increased by the way in which the total amount of revenue sharing funds to be distributed would be determined. The proposal bases the amount of the Federal aid on a specified portion of the Federal income tax base. In my opinion, tying the amount of aid to Federal tax receipts would be a serious mistake. It would add to the so-called "uncontrollable" Federal expenditures. These already amount to a large portion of the Federal budget. To add to this a percentage of a Federal revenue source which can be expected to grow would deprive future Congresses of the freedom of choice in determining whether this growth element should be used for aid to the localities or whether some other expenditure category had become more important. As a matter of principle, it is essential that we keep our options open so that future Congresses can assign priorities to spending in the light of developments and changing conditions.

Finally, revenue sharing does nothing to encourage State and local governments which are in financial difficulties to help themselves. It merely grants them funds without encouraging them to take steps to improve their financial situation themselves, and so merely perpetuates the fundamental fiscal problems of these governmental units.

Because of these grave and inherent defects, the Administration's revenue sharing proposal is a wholly unsatisfactory and patently political solution to granting aid to State and local governments. If Federal aid is to be granted—and in view of limited Federal resources, this depends on the priorities assigned to the various competing demands for Federal funds—then we must develop a new and fundamentally different approach that avoids the basic defects of revenue sharing.

First, the grant should be only for a limited number of years. This will give Congress an opportunity to review the program after it has been in operation a few years to see whether it should be discontinued, modified, or continued as it is.

Second, the aid should be distributed in a way that varies the amount of the financial aid according to the need of the local government. One possible approach to this objective would be to vary the amount of the grant not only with the population of the local government but also with the number of its low-income families. This would avoid the defect of revenue sharing which spreads the available funds to all cities and local governments on the basis of the revenue raised from their own sources.

Third, the total amount to be distributed to the cities and other localities should be set at some specified sum rather than tied to a specified portion of the Federal income tax base along the lines of the President's revenue sharing proposal.

Fourth, the distribution to the cities and local governments should be made for the purpose of financing expenditures, which are recognized as fulfilling national high priority needs. These need categories for which the funds could be spent should, it seems to me, be sufficiently broad so that there would be flexibility to meet varying needs of the different communities.

But, with Federal revenue as severely limited as it is, it seems important to me that any funds the Federal Government raises be spent for what the Congress recognizes to be high priority purposes. This recognizes the important principle that the same level of government that raises the revenue should also have an important voice in deciding how that revenue is to be spent. This is essential if there is not to be a distortion of priorities between taxing and spending.

We will be receptive to a formal statement from the cities and the counties through your organizations by resolution or other formal means as to the high priority purposes which you would include in such a proposal.

Now, turning to the States, because of the difference in the needs of State and local governments, I do not believe that it would be appropriate for the Federal Government to provide direct grants to the States along the lines of those that I have just described as a possibility for the cities and local governments. As I have already suggested, the primary objective of any Federal assistance to States should be to encourage them to help themselves by increasing their tax effort. How best to do this poses a difficult question. I do not, at this time, have any final or conclusive answers. But there are different possible approaches which are worthy of serious consideration.

First, the Federal Government could aid the States by helping them to collect their income taxes under so-called "piggyback" arrangements. This would provide substantial savings of administrative costs to the State governments by making available the Federal Government's relatively efficient income tax collection procedures. It would also decrease the opportunities for tax evasion because of the more comprehensive coverage of the Federal system. In addition, there is likely to be as much as $1 billion in first year tax savings to the States in a Federal withholding system.

There would also be a gain for the taxpayers because they, in effect, could file both tax returns at one time—based on Federal tax or taxable income.

A second possibility which deserves consideration would be to make a payment—some have suggested a credit against Federal income tax liability—for some specified portion of State income taxes collected. The purpose of these payments or credits would be to encourage the States to make greater use of income taxes to secure revenue to meet their essential needs. These payments would, of course, not be of immediate assistance to those States which do not now make use of income taxes or which make relatively little use of such taxes. For such States temporary assistance in the form of direct Federal payments for a limited period of time would permit them to receive help during the period they considered the adoption of income taxes.

I want to emphasize again that I merely offer these approaches as possibilities for future action. The Committee has as yet made no decisions on these matters. The Committee would be receptive to receiving formal advice from the States through their organizations as to whether they would desire this aid.

Finally, I want to emphasize that when the Ways and Means Committee adjourned for the summer recess, we planned to continue our consideration of Federal aid to State and local governments on September 8, making this the first order of business. However, the President's urgent request for us to consider tax changes to spur our lagging economy in a way which will not increase inflation has made it necessary for us to give this matter priority. This, too, is a problem in which States and local governments have a very real interest. In 1970, these governmental units suffered a loss of $3.5 billion in tax receipts because a depressed economy curtailed their tax base and their tax receipts. The restoration of our economy to a high growth rate will in itself help to improve the financial position of State and local governments.

After our consideration of the pending tax proposals, the Ways and Means Committee plans to consider proposals relating to national health insurance which, of course, are of vital concern to the Nation and this, too, is a matter of fiscal importance especially to State governments. As a result, there will be some time before the Committee can resume its consideration of proposals for Federal aid to State and local governments. I am hopeful, however, that the State and local governments will use this time to work out the details of the type of program I have tried to outline to you. In my opinion, there are few things which could be more helpful in arriving at a satisfactory solution to this problem than such a realistic and constructive approach by the State and local governments.

PRESIDENT NIXON'S FREEZE ON FEDERAL WAGES BEYOND FREEZE PERIOD UNFAIR TO FEDERAL WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. Speaker, on Monday I introduced House Resolution 621, a resolution calling for the disapproval of the President's proposal to postpone the scheduled January 1, 1972, adjustment in pay for most Federal employees. I did this to indicate my strong support for House Resolution 596, an identical measure which was introduced by the distinguished gentleman from California (Mr. WALDIE) and a number of other Members and which was approved last week by the House Post Office and Civil Service Committee.

Mr. Speaker, I accept the proposition that Federal employees should be expected to make sacrifice comparable to employees in the private sector; but the President's proposed order would lock Federal workers into a much greater sacrifice.

The President has already announced that the outright freeze on increases in wages, prices, and rents would not be continued beyond November 15. Ironically, he has also announced that he expects Federal classified employees and members of the uniformed services to accept frozen wages 7½ months beyond November 15, 1971. Under his plan, there would be absolutely no raises for these Federal workers until July 1, 1972. The obvious inequity of placing Federal employees in such a disadvantageous position is totally unacceptable.

In a recent thoughtful editorial, the New York Times pointed out that—

> We have little sympathy with the notion that any group of public employees—state, local or federal—should be exempt from the general freeze. But neither do we see any justification for putting them under special handicaps of the type involved in the President's proposal that Federal workers be denied promised pay increases after the freeze.

When the general freeze is lifted in November, Mr. Speaker, a substantial number of price increases are inevitable. But the 4.8 million employees affected by the President's proposal, both civilian and military, will find their incomes frozen for more than a half year in the face of these rising prices.

This is simple injustice, Mr. Speaker, and my resolution will eliminate it. I urge my colleagues to review this issue objectively, and support the resolution when the vote is taken early in October.

TELEPHONE EXCISE TAX REPEAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, today I am introducing a bill which would repeal the 10-percent telephone excise tax.

This tax was imposed on local telephone service in 1941 as a "temporary" wartime measure which would provide a means of raising revenue to carry out our war effort. Back in 1941 the tax was imposed for the additional purpose of discouraging the use of our overburdened telephone system and of easing the demand for new equipment which was quite scarce at the time.

Many years have passed since this "temporary" tax was imposed on this Nation's telephone users. Our telephone system is the most advanced in the world. Equipment shortages are now a thing of the past. Our President tells us that he is winding down our war effort in Vietnam. In short, even the Vietnam war no longer provides an excuse for continuing this "temporary" tax.

Another reason originally given for the imposition of this tax was that telephones were considered to be a luxury in the early 1940's. Here again, we have a reason for the tax which no longer exists. Today the telephone is a vital necessity to our entire Nation. Our business community would grind to a halt if telephone service were to be interrupted for an extended period of time. The need for the telephone in the home is equally important, especially in emergency situations. In spite of this fact, we continue to be taxed on a vital necessity.

The history of this tax is replete with broken promises to the American taxpayer. The Revenue Act of 1943 increased the 1941 tax and specifically provided that these increases would expire 6 months after the end of World War II. The Excise Tax Act of 1947 extended the rates indefinitely. The American taxpayer received some relief in 1954 when the tax was reduced. Minor reductions were made in the Excise Tax Technical Changes Act of 1958. In 1959, Congress again provided for a termination of the tax in the Tax Rate Extension Act of 1959. However, in keeping with past practice, the tax was continued through a series of yearly extensions until 1965. Once again Congress started to reduce the tax on a gradual basis through the Excise Tax Reduction Act passed in June of 1965. However, past practice soon prevailed and the Tax Adjustment Act of 1966 restored the tax at its 10-percent rate. At that point the tax was scheduled to be repealed in 1969. As in the past, the tax was not repealed. Extensions were made in the Revenue and Expenditure Control Act of 1968, the Tax Reform Act of 1969, and most recently in the Excise, Estate and Gift Tax Adjustment Act of 1970.

At present, the 10-percent rate will be in effect until January of 1973. A gradual reduction is then scheduled to take place until the tax will supposedly be terminated in 1982. At that point we will have had a "temporary" tax which will have lasted over 40 years.

Mr. Speaker, I think it is time we repealed this "temporary" tax. The taxpayers of America are sick and tired of being taxed at a rate of 10 percent on the use of their telephones. The Vietnam conflict can no longer be used as a pretext for this "temporary" wartime tax. President Nixon has finally realized that this Nation's economy is in serious trouble. The root of some of those troubles is our antiquated and outdated patchwork of taxation measures. The bill I am introducing today would be an ideal first step toward a complete overhaul of our entire tax system.

EULOGY ON JUSTICE HUGO L. BLACK OF THE U.S. SUPREME COURT

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, I would like at this time to praise the name and the memory of that great American, Justice Hugo L. Black of the U.S. Supreme Court, on the occasion of his passing.

The country has known few such men of conscience and of law, and his outstanding record as a Justice on the Bench of our highest Court renders him one of the great men of our time.

When the country was torn by the Great Depression of 1929–1933, Hugo Black was a Member of the U.S. Senate, from the State of Alabama. As such, he led the battle in the Senate for passage of the New Deal legislation that restored the National economy to an even keel. In 1937, he was appointed an Associate Justice of the Supreme Court, and his remarkable judicial career was underway.

For 34 years, the simple devotion of Hugo Black to the Constitution served as an instrument in the interest of the oppressed. The Supreme Court and all our courts were required by constitutional decree, he fervidly maintained, to fight all kinds of tyranny and to protect the interests of the individual.

Although he frequently dissented in major Supreme Court decisions, he also spoke for the entire Court in some of its more significant pronouncements of recent times.

He was the author of the 1947 ruling permitting the use of public funds to transport children to parochial schools; the 1952 decision outlawing seizure of the steel mills, by Executive Order; the 1962 ruling against prayers in public school classrooms; the 1963 decision guaranteeing legal counsel to all criminal suspects charged with serious crimes; the 1963 ruling upholding the constitutional rights of citizens to retain their citizenship until they choose on their own to renounce it; and the 1970 decision upholding the right to vote, in all Federal elections, of citizens who are 18 years of age or older. In every case, Justice Black spoke in the interest of the private conscience, and the right of conscience to protection from governmental supervision.

For many years he found himself in a small minority on the Supreme Court, on issues of free speech and the scope of the Bill of Rights. In time, however, the Court came over to adopt his point of view on many major matters, and there are those who attribute the controversial, liberal, reformist nature of the so-called Warren Court to the influence of Justice Black more than to any other source.

Justice Black was one of the outstanding judges of American history. He had the essential quality of a judge, the inner strength permitting independence. He devoted his life to the Supreme Court of the United States, and did not care what Presidents, politicians, or newspaper editors thought of him. He was his own man, motivated by the word and spirit of the Bill of Rights.

He was a great man in a world so needful of great men, now as never before.

To his wife, Elizabeth, and his son, Hugo, Jr., and Sterling Foster and to his daughter, Martha Josephine of Hackensack, N.J., I extend my deepest sympathy and most heartfelt condolences.

EULOGY ON HON. JOHN C. WATTS OF THE KENTUCKY SIXTH DISTRICT

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HELSTOSKI. Mr. Speaker, with great regret, I note the sudden demise of the Honorable John C. Watts of the Kentucky Sixth District, a man of many talents, and the good friend of many in this Chamber.

For 20 years, John Watts represented the people of the Lexington area, in central Kentucky, in a manner that rendered him a leader in Democratic Party circles and a leader in the House. As second-ranking member of the Ways and Means Committee, and the close friend and confidant of Chairman WILBUR MILLS, he rendered countless important contributions to landmark legislative achievements in the areas of taxation, trade, social security and welfare legislation.

Preceding his entrance in politics, John Watts was a lawyer, a farmer, a banker, and a police judge. In politics, he served initially as a county attorney before winning election to the Kentucky House of Representatives, where he rose to the position of majority leader. At one time, he held the post of county chairman of the Democratic Party, and was briefly commissioner of motor transportation for the Commonwealth of Kentucky.

Sent to Congress in a special election, in 1951, he brought to Washington a talent for quiet, effective legislative operations, looking to the best interests of his district and the country. He was one of those quiet men who shun the limelight and get things done, with great effectiveness.

As a member of the Joint Committee on Internal Revenue Taxation, John Watts established himself as an expert, and was called upon constantly for advice in matters touching on taxation of every kind. He also became thoroughly familiar with tariff problems and attracted some attention in 1965, as a leader in the successful battle to amend tariff legislation, reducing the amount of duty-free liquor permitted entrance to the country on the person of tourists returning from abroad.

In all his operations, political and personal, John Watts had a way of winning friends and molding the popular opinion. He was a potent force in all his undertakings and a man of the greatest honor and integrity.

His loss to Congress and the country is great indeed.

PCB'S: THE FDA'S RESPONSE

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Food and Drug Administration Commissioner Charles Edwards today held a press conference to help establish perspective on the problem of the contamination of our environment and our food supply by a persistent, highly toxic, industrial chemical—polychlorinated biphenyls—PCB's.

Indeed, there is considerable public confusion and misunderstanding as to the extent and severity of the hazards posed by PCB's. But this confusion is not as Dr. Edwards suggests the result of "a few alarmists seeking headlines." Quite the contrary, it is the direct result of the Food and Drug Administration's unconscionable failure to deal candidly with the public in regard to this matter.

For the past 2 years, I have been attempting to get the appropriate Federal agencies to take the necessary preventive actions that would have insured that this chemical would not contaminate our environment and our health. But in an almost unprecedent display of disregard for the welfare of our citizens, that administrative action was not forthcoming.

The results of this failure have been tragically apparent in the repeated massive contamination of our food supply by PCB's—contamination that has infected milk, turkeys, chickens, shell eggs, catfish, broken egg products, and a wide variety of packaged foods.

FDA's response to these incidents—incidents which it could have prevented—was to attempt to hide them from the public. When these occurrences finally were brought to public attention, what was FDA's response? Did it alert the public that it had established guideline levels because PCB's, while not presenting an immediate danger of acute toxicity, were extremely pervasive, persistent poisons which accumulate in body tissues and, at threshold concentrations at present unknown, constitute a severe threat to health? Did it tell the public that, almost by definition, any ingestion of these poisons would contribute to that accumulation, and that the guidelines were established for just that reason? Did it inform the public, when FDA knew that contaminated products had reached the market, that it should be on the lookout for these products and avoid them?

The answer is no. Rather, FDA officials have repeatedly attempted to lull the public into a false sense of security.

The fact of the matter is that, despite the recurring incidents of PCB-contamination, the Food and Drug Administration has made no effort to make full disclosure to the public, nor has it undertaken those actions necessary to insure that such occurrences will not be repeated.

Despite Commissioner Edwards' assurances at today's press conference that the FDA is taking "specific, adequate and positive steps" to safeguard the public from the dangers of PCB-contamination, neither he nor his staff could elaborate upon what these steps are further than that they are identical to the practices undertaken voluntarily by industry months ago—practices which led to, rather than prevented, the massive contamination of food in a 12-State area in the Southeast United States.

What these steps amount to is a continued reliance on industry to police itself and the voluntary restriction of PCB production to closed system uses. Unfortunately, there are no true closed systems, and that is all too well documented by the PCB leakage from a closed system application in Wilmington, N.C. In his statement this afternoon, Dr. Edwards rejected outright the need and "in fact the feasibility" for a ban on this chemical. Although conceding PCB's require control—control FDA is unwilling to exercise—Commissioner Edwards went on to say that such a ban "would not be in the best interest of the consumer."

Quite the contrary is the case. The only thing that will insure that future contamination from PCB's does not occur is to eliminate them totally—as proposed in my legislation H.R. 10085. Certainly this is not very complex given the fact that there is one sole domestic manufacturer of polychlorinated biphenyls: Monsanto Co. Perhaps such a ban would not be in the best interests of Monsanto, but it would be the best way to protect the interests of the consumer. And in my book the consumer comes first.

Commissioner Edwards ended his statement by rejecting the idea that crisis headlines are justified to meet the situation as we know it today. I agree that scare headlines are not the answer—what is needed is preventive action by the responsible Federal agencies and full and timely disclosure of any and all food adulteration and contamination to the American public.

And for some reason, those two items were overlooked by Commissioner Edwards today.

SENATOR BAYH SPEAKS ON AMERICAN SOCIETY

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I am including in the Record an address delivered by the junior Senator from Indiana, Birch Bayh, on September 13, 1971, on the occasion of freshman orientation at George Washington University:

An Address by Senator Bayh

It seems to me that young people are asking basic questions that concern the values and direction of American Society: For example:

What kind of Society do we have that:

Forgets its old; neglects its poor; sentences its "criminals" to jails that offer more punishment than rehabilitation; and lets 20 to 30 million of its own citizens live lives of quiet desperation in hunger, alienation, and poverty.

What kind of society do we have that:

Places a social, economic and political chastity belt around many of its women; plays politics with its Blacks; ignores its blue-collar workers; avoids its Chicanos and keeps its first real Americans living in P.O.W. camps, seventy-five years after the last battle.

What kind of society do we have that:

Confuses quantity with quality and bigness with goodness; equates a high Gross National Product with the good life; refuses to tune in its economic system with its ecological system.

What kind of society do we have that:

Taxes its poor and middle class more than the rich; often protects Big Business at the expense of the consumer; gives away thousands of dollars to rich corporate farmers for not growing crops; spends almost 50¢ out of every tax dollar for the military; subsidizes and saves corporations like Lockheed but ignores the 11,000 small businesses that close every year; adheres to a rather dubious philosophy of "socialism for the rich, free enterprise for the poor."

What kind of society do we have that:

Hunts down political scapegoats but cuddles the large corporations that engage in graft, price fixing and pollution; that talks constantly about law and order but fails to enforce certain laws relating to civil rights; that totally ignores the rights of those students who lost their lives at Jackson and Kent States.

What kind of society do we have where:

The Justice Department is more interested in domestic politics than in equal justice under law and tries to make us believe that the only way we can make our streets safe and our homes secure is by depriving citizens of a trial by jury, jailing peaceful demonstrators, tapping our telephones or spying on our public officials.

What kind of society do we have:

That continues to waste lives in a futile and insane war in Vietnam, and where, if you want the real truth from your government about that war, you have to steal it.

What kind of society do we have:

That pays private corporations millions in cost overruns for weapons systems that are usually obsolete and defective by the time they are finished; spend billions for an ABM system that probably won't work to protect decaying cities that, for the most part, aren't fit for human habitation; that hoards, in the form of nuclear stockpiles, the explosive power of eight tons of TNT for every man, woman and child in the entire world, annually spends $410.00 per capita for every American for the military, and still has the audacity to ask for more.

What kind of President do we have:

Who would rather spend his time talking about a few welfare cheaters instead of our vast inequality of income of our 5.5 million unemployed; would rather discuss dissent and dissenters than the many problems and issues that creates the dissent and engulf this country; would rather *not* talk about the crisis in our classroom, the crisis in our courts, the crisis in our cities, the crisis in our Congress, and most importantly, the crisis of our conscience.

What kind of President do we have:

Who talks about bringing us together but sends Spiro Agnew across the land to articulate suspicion, create division and magnify distrust; who seems more concerned with the politics of the next election instead of the problems of the next generation.

What kind of society do we have?

Some of you might insist that it is a totalitarian society, which it is not. Others would rather cop out and believe that it is an incurable society, not worthy of saving. But, more of you, I think, would say that it is a sick or insane society, which in part it is. But regardless of how you describe it these faults are Our problems, this land is Our land and this Society, this Society that we have just described, is Our Society.

For we should remember that just as we are a country with distorted values and insane priorities, we are a country capable of change. Indeed, the greatness of America lies not only in what we are, but in what we can become.

But some of you may not see it this way. Some of you have been fooling yourselves into believing that change is not possible, that nothing can be done. Such thinking is not only false and dangerous; it is a cop out. For it is always easier to hate and despair than to love and build. We must remember that cynicism, apathy and withdrawal are diseases to be avoided, for there is no alternative to hope.

History will judge us not by what we oppose, but rather by what we propose. To accentuate the positive, however, is not an easy role. It requires the courage to champion difficult causes. It demands the vision to see and to occupy new frontiers. It asks its leaders to place people and purpose above politics and profit and to bridge the gap between promise and performance.

One begins where one is. Social problems—war, hunger, racism, alienation—these are not indigenous to the United States alone, but to the world. There is alienation in the Soviet Union and in Brazil; racism in Nigeria, India and Poland. Hunger and hatred, unfortunately, permeate the globe.

I'm not excusing our record, I've spent a great deal of my time in the Senate trying to change the direction of this country. I've made some mistakes, but I've tried. I strongly believe that a man's reach would exceed his grasp, that one can be a critic without being a cynic and that a person should be a doer and not just a talker. (I also feel that I would change places with no man, society or time.)

We have made some progress:

We stopped the SST, that flying monument to ignorance, from being built.

We defeated the President twice when he tried to put two unqualified jurists, including a racist, on the Supreme Court.

We finally made democracy a little more possible for 11½ million young Americans by granting them the right to vote.

We helped educate ⅔ of our population who now realize with us that we should get out of Vietnam by the end of this year.

And so finally, I would suggest to you young people today that our objective is clear, we must all work together to change a system and a people that have to change if we are going to survive. For *I believe* with William Faulkner that the basest of all things is to be afraid. *I believe* with Justice Brandeis that the greatest menace to freedom is an inert people; *I believe* with Allison Krause that "flowers are better than bullets," and I join, hopefully with you, in believing that we must all work together, everyone in this room, to build a society where love, compassion and reconciliation are more possible.

BLACK LUNG BENEFITS BILL

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, H.R. 9212, the black lung benefits bill to be taken up by the House on Monday under suspension of the rules, is an attempt to make adjustments to the Federal Coal Mine Health and Safety Act that have been indicated as necessary during the first 18 months of the act's administration.

This legislation has the support of both management and labor in the coal mining industry.

I ask leave to have printed in the Record a letter I have received from Mr. Joseph Moody, president of the Bituminous Coal Operators' Association, an organization representing producers of by far the greater part of the Nation's bituminous coal.

Bituminous Coal
Operators' Association, Inc.,
Washington, D.C., September 21, 1971.
Hon. Carl D. Perkins,
House of Representatives,
Washington, D.C.

My Dear Representative Perkins: The House of Representatives is scheduled to take up on Monday, September 27, under suspension of rules, H.R. 9212, a bill proposing four changes in Title IV of the Federal Coal Mine Health and Safety Act of 1969, which provides for benefits to miners suffering from coal miners' pneumoconiosis.

The Bituminous Coal Operators' Association, Inc., representing coal companies producing about 70 percent of the Nation's bituminous coal, and which serves as bargaining agent for the industry in labor-management relations, urges the passage of this legislation. The bill would remedy several inequities in the present Act, and would make for a more orderly transition from Federal to State administration of the black lung benefit program.

Briefly stated, the bill as reported by the House Committee on Education and Labor would:

(1) Extend benefits to "double orphans," that is, children of deceased parents who had been drawing compensation.

(2) Clarify language of the present law relating to Social Security disability benefits so that there can be no reduction in total disability benefits which a miner might be drawing when he qualified for black lung compensation.

(3) Extend for two years the timetable for transferring from the Federal government to the States the responsibility for providing black lung benefits to beneficiaries. This additional time is urgently needed to enable the States to pass necessary legislation and establish administrative machinery to take on this new and complex task.

(4) Authorize the use of diagnostic techniques in addition to X-ray in determining eligibility for benefits.

This proposed legislation would bring greater equity and stability to the black lung program, and we hope that you can see your way clear to vote for it.

Sincerely,

Joseph E. Moody,
President.

BLACK LUNG BENEFITS BILL

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, if my information is correct, suspension day has been rescheduled for Monday, October 4. That means the House will have an opportunity to speed the passage of H.R. 9212, amending the black lung benefits section of the Federal Coal Mine Health and Safety Act.

My purpose in addressing the House today is to deal with only one of the four major purposes of the bill. That purpose is to insure that a coal miner's claim for benefits may not be denied solely on the basis of a chest X-ray.

Testimony before the General Subcommittee on Labor, portions of which are quoted in House Report No. 92–460, clearly established that X-ray alone cannot always establish the existence of pneumoconiosis, or black lung. Frequently miners who have shown no X-ray evidence of the disease are found, in an autopsy, to have contracted the disease.

With this point in mind, I ask leave to have printed in the Record a letter I have received from Dr. Gordon Harper, M.D., who is associated with the Children's Hospital Medical Center in Boston, Mass., and an article by Dr. Harper entitled "Coal Worker's Lung Disease." I also ask leave to include a statement by a number of physicians who participated in a seminar on pneumoconiosis held earlier this month in Beckley, W. Va.:

The Children's Hospital
Medical Center,
Boston, Mass., September 24, 1971.
Representative Carl D. Perkins,
House Office Building,
Washington, D.C.

Dear Sir: I have recently seen a copy of HR 9212 and of Report #92–460 concerning proposed amendments to the Federal Coal Mine Health and Safety Act of 1969.

The extension of benefits to "double orphans" of fathers who died with pneumoconiosis can only be applauded. The extension of the period during which federal benefits will be given also deserves support.

I write with particular reference to the medical criteria for determining the presence of pneumoconiosis. As the enclosed article indicates, this issue has been of some concern to me and to a number of other doctors.

As testimony lead your committee to conclude, the use of rigid X-ray criteria to determine pulmonary disability in coal miners cannot be supported medically, and has prevented large numbers of disabled miners from receiving benefits to which Congress felt they were entitled by virtue of decades of hard work in the mines.

Accordingly, Section 4 of HR 9212, barring the denial of benefits solely on the basis of a chest roentgenogram, deserves full support, and the Committee deserves credit for bringing this important reform before the whole Congress.

There is a further problem with the administration of the 1969 law, however, which HR 9212, as reported out by the Committee, will not rectify.

Many miners and former miners have disabling pulmonary impairment which cannot properly be called "coal-dust pneumoconiosis." They are presently being denied benefits under the same thrifty but narrow interpretation of the law which gave rise to the X-ray requirement. These hundreds and thousands of men are too short of breath to get about, let alone work, but they will still be turned down for federal benefits, even if HR 9212 is enacted, unless Congress spells out that it intends this legislation to benefit *all* miners with work-related pulmonary impairment, not just those with the more spectacular "black-lung" pneumoconiosis. This is not just a medical word game, nor is it as complicated as it seems at first.

Many physicians who have cared for and studied coal miners have found them susceptible to a *variety* of lung conditions which a single term like "pneumoconiosis" does not encompass. Some of these have been recognized for decades, like silicosis; others, like difficulty in moving oxygen from the lungs to the bloodstream, have only been described more recently. They are not so uniquely related to coal-mining as is the characteristic "black-lung," proverbially (and often literally) full of coal dust, but they occur in coal miners in proportion to the years they spend underground, and so are a work-related condition. Their causes, too, involve other factors besides coal dust, like silica dust from sand, and harmful gases from cable and motor fires; these affect the miners' lungs in ways still to be precisely defined. Medical science still has many unanswered questions in this area.

One former miner, who grew short of breath just standing and talking and who has been denied black lung benefits, expressed his own bewilderment in terms many doctors would agree with, when he told me, "I don't know where it came from, but I know what I've got."

The point is simply that many such breathless men are presently incapacitated by pulmonary insufficiency which is just as disabling and just as related to their exposure underground as is the specific entity coal-dust pneumoconiosis, but they will still be excluded from benefits under HR9212 unless Congress instructs those administering the law to include them.

I prepared the enclosed review of this topic as background for a group of doctors who traveled to Beckley, West Virginia, two weeks ago to examine such men. The group released the enclosed statement. The names of the members of the group are attached. Rather than try to establish a list of specific diseases for which miners should be compensated the group avoided that morass and concluded that benefits should reflect how much a man is impaired, not what diagnosis we can fit him into. Otherwise, he (and his family) would be paying for the incompleteness of our knowledge. What we *do* know now without further study, is that many men are too short of breath to work after decades in the mines; medical advice hardly seems necessary to decide that they deserve benefits.

The Black Lung program, we feel, will remain both medically unjustified and cruel and arbitrary to the nation's miners until it makes benefits go to men according to how limited their lungs are, and not according to the presence of that one of the several kinds of pulmonary impairment which miners acquire underground which we decide is the "right" one.

Your truly,

Gordon Harper, M.D.

Coal Worker's Lung Disease

(By Gordon Harper, M.D.)

In 1969 Congress, responding to public awareness of "black lung" among coal miners, and recognizing that the condition crossed the lines of states whose individual workmen's compensation programs might in any case be inadequate, included in the Federal Coal Mine Health and Safety Act of that year a program of "black lung" benefits to be administered by the Department of Health, Education and Welfare. Medical advice was sought in drawing up both the legislation and the regulations subsequently published by the Secretary of the Department of Health, Education and Welfare.

Such advice was given, although many questions about the etiology, pathogenesis and diagnosis of coal worker's pneumoconiosis remain unsettled. They have been reviewed most recently by Bouhys and Peters (1970). Unfortunately, however, the medical definition of black lung which was codified in 1969/1970, vaguely in the statute and more precisely in the subsequent regulations, took the narrow rather than the broad path through this medical uncertainty, with the result that the law today both distorts what we know medically about the lung diseases which coal miners acquired and also fails to achieve Congress intention—to get assistance to disabled miners.

The problem arose from the assumption that coal miners acquire only one kind of respiratory disease, namely, coal dust pneumoconiosis, characterized pathologically by coal dust accumulation, fibrosis and focal emphysema, functionally by obstructive insufficiency and radiologically by discrete or conglomerate densities. "Pneumoconiosis", in fact, combines the Greek roots for lung and dust, reflecting the assumption that coal dust is what is harming the lung. From this assumption, a corollary seemed to follow—namely, that all miners with pulmonary disease acquired in the mines could be identified by a chest film, and the extent of their disability determined by spirometry.

Following this assumption, the Act speaks of only one kind of respiratory disease among miners, "pneumoconiosis," which it defines as a "chronic dust disease of the lung arising out of employment in an underground coal mine." The law directs the Secretary of the Department of Health, Educatiton and Welfare to prescribe standards for determining whether disability is due to pneumoconiosis but does not establish any criteria for establishing whether pneumoconiosis exists.[1] In the regulations, this loose statutory definition of "pneumoconiosis" was pegged to specific radiologic criteria: "A finding of the existence of pneumoconiosis may not be made in the absence of . . . a chest roentgenogram (showing the defined densities), an autopsy, or a biopsy." Ventilatory studies are used to establish disability, once radiological pneumoconiosis is found. Other criteria were appended to the regulations, again to be used once the radiologic pneumoconiosis was demonstrated, but in practice these play little role.

A miner today, therefore, must have pneumoconiosis by chest xray to be considered for federal benefits and a given FEV$_1$ or MVV to qualify as totally disabled and actually receive the benefits. There are no "black lung" benefits for miners with less than total disability. Do these requirements fairly reflect what we know about the respiratory diseases which coal miners acquire? The literature suggests not.

While a unitary notion of coal workers' lung disease was established in the 40's and 50's by English workers, studies in this country have increasingly found several syndromes of pulmonary disability in miners, which correlate poorly with each other and with both tissue and xray evidence of pulmonary coal dust. They have concluded that miners suffer from more than a single pathologic process due to dust. It is worth looking at their findings in detail.

Stoeckel, Hardy et al (1962) studied intensively thirty former miners who had sought medical help for pulmonary symptoms. They found "patterns not of pneumoconiosis alone but syndromes which include bronchitis, radiologic pneumoconiosis, and varying degrees of respiratory insufficiency as measured by lung function study." Concluding that "more than one insult has been at work in producing the illness of these thirty men," they chose "the broad title of respiratory disease of miners rather than pneumoconiosis to describe the disabling disease of these U.S. soft-coal miners." They emphasized other etiologic factors besides coal dust, including irritant gases, silica and cigarette smoking. Of particular relevance here, they found men with impaired ventilation and diffusion, without radiologic signs of pneumoconiosis. And their patients with bronchitis showed loss of function "irrespective of xray or pathologic evidence of pneumoconiosis." Conversely, four patients with pneumoconiosis had normal pulmonary function for age.

These findings were extended epidemiologically by Hyatt et al (1964). They studied a carefully selected sample of several hundred present and former miners in Raleigh County, West Virginia, and obtained numbers large enough to evaluate the relative contribution to pulmonary disability made by several factors: years underground, years at various jobs, and smoking. They concluded. "Even though smoking definitely impairs pulmonary function, the impairment of pulmonary function by years worked underground is clear and separate from the effect of smoking." Moreover, they isolated the effect of coal dust, measured in radiologically diagnosed pneumoconiosis, and found that pulmonary functions were increasingly impaired the longer the men had worked underground, regardless of the presence or absence of radiologic pneumoconiosis. Even when chest films were normal, this trend held true. They concluded, "Since progressive impairment of pulmonary function occurs in relation to years of underground mining even in the absence of pneumoconiosis, it may be that harmful underground agents other than dust are responsible or that dust affects the lungs in ways other than by producing pneumoconiosis."

This clinical and epidemiological evidence that coal miners acquire forms of pulmonary disability quite apart from radiologic pneumoconiosis was supported by pathologic studies done by Naeye and Dellinger (1970). They reviewed autopsies on former miners and calculated indices of change due to coal dust and of that due to other factors and showed that the coal dust macule and its complications were only a part of the pathology present. Specifically, chronic cor pulmonale and focal emphysema correlated with dyspnea (by history), whereas coal dust accumulation did not. "It is not surprising," they concluded, "that pulmonary insufficiency can often be found in men with only minimal roentgenographic evidence of pneumoconiosis. Roentgenograms primarily detect the lesions associated with the dust macule and its complications; disability as manifested by dyspnea seems mainly related to bronchitis, superimposed bronchiolar and alveolar wall destruction, and chronic cor pulmonale."

Further clinical and laboratory confirmation has come with Rasmussen's demonstration of impaired oxygen transfer, unrelated to radiologically demonstrable pneumoconiosis, in his large series of coal miners (1971, Amer Rev Resp Ds). Also, by showing impaired oxygen transfer in miners who have never smoked cigarettes, he has laid to rest the old argument that cigarette smoking is to blame for most such disability, which Hyatt et al challenged back in 1962 (1971, J Occup Med).

If pulmonary disability, reflected in clinical symptoms, impaired ventilatory studies, and increased alveolar-arterial oxygen gradients, occur in coal miners in proportion to the years they have worked underground, irrespective of xray changes of pneumoconiosis, it seems medically unjustified to restrict disability benefits to these coal miners who happen to have acquired a certain kind of abnormal chest film (and obstructive insufficiency) along with whatever other pulmonary disease they have.

A practice unsupported by the medical literature appears not only unscientific but also cruel toward the men the law was meant to benefit. In one coal "camp" after another, one can see men with thick chests and deep coughs. They have worked in the mines, as one observer said, "till their bodies quit." Their lungs, as essential to living as the heart itself, have been scarred, thickened or overexpanded in ways that they can never recover from. Nor can our medical science do much more than make a diagnosis. One former miner said, speaking of the "sweetheart" mine where he worked (on a piecework basis) after he was too short-winded to work in a union mine, "there were nights I went down there when I coudln't hardly get a breath, but I knew I had to load a cart or a cart and a half, or I wouldn't have anything to take home."

Solely on the basis of a chest film—without even a history being taken or a physical examination performed—such men are currently being denied, by the hundreds and thousands, the black lung benefits which Congress voted for them.[2] Such practice should offend us all as doctors; the denial of benefits to men too short of breath to walk half a flight of strairs should offend us all as citizens.

There are still questions to be answered in this field, we readily admit. Effects of varying dust concentrations, of various jobs, of differing grades of coal, of variations in silica content, and of the various gases present underground—the influence of all these factors has yet to be sorted out, and the consequent pathological processes better understood. We have yet to understand, too, whether the various clinical syndromes described reflect the same set of agents, in varying combinations, or whether discrete disease entities, yet to be identified, are responsible. The role of genetic or immunologic factors in the host is also still to be defined.

But those whose lungs have already been damaged should not have to wait for relief while we define every detail of the pathophysiology which has done them in; research on such a disease takes on a macabre cast if we cannot guarantee while it is being done that its victims enjoy the full benefits of our present knowledge.

There will be medical controversy, as there has been in the past, about all aspects of this problem. There will be cries to do more research now, before changing the law. But the existing literature already establishes a scientific basis for rejecting the present narrow criteria. We know enough now, without further reseach, to state that coal miners acquire, from their work underground, a variety of forms of pulmonary disability broader than those recognized by chest film and FEV1. Nor does the literature support the old dodge of blaming the victim's smoking habits; granted that miners smoke an unhealthy number of cigarettes, there is still, as Hyatt et al and Rasmussen have shown, a separate and identifiable effect of mining work per se on the miners' lungs.

Coal miners' lung disease is just that: damage to the lungs acquired during and attributable to work in underground coal mines. It should be compensable as such.

We urge Congress and the Social Security Administration to take appropriate action to widen the criteria for pulmonary disability among coal miners. The law should be flexible enough to permit the addition of new criteria as these become medically acceptable; it should be firm enough so that overly strict regulations do not once again subvert the legislative intent.

Unfortunately, we cannot promise that bringing the law and regulations into line with what we know medically about respiratory disease in coal miners will make the administration of that law—the determination of eligibility—any easier for the Social Security Administration. On the contrary, fair determination of disability will surely be a harder and more expensive task than taking a chest film. But this will not be the first time hard work has been required in the coal country.

In closing, we note that the present benefits program compensates only for total disability. Even administered generously, such a graveyard program offers help only when all of a man's working ability has been drained from him. It is no substitute for a program which would protect the health of miners, a program which would not reward but *prevent* the destruction of a man's lungs: by enforcing standards,[3] by looking for early pulmonary disease, by getting such men out of the mines and into other work while they can still breathe, and by making the coal industry liable, as other industries are liable, for work-related disability. None of this is now done.

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[1] Opacities on a chest film greater than one centimeter in diameter, or "massive lesions" on autopsy or biopsy (singularly impractical alternatives for living men with pulmonary impairment) are presumed to be evidence of total disability due to pneumoconiosis in those suffering from a chronic dust disease of the lung, but they are not *necessary* criteria.

[2] Conversely, because chest films and pulmonary disability correlate poorly, there are other men with minimal dyspnea but advanced radiologic changes now receiving benefits. While fairness demands attention to this abuse of the system as well, we are more concerned with those who are in need and receive no help than with those who receive unwarranted help.

Preventive medicine has yet to reach the coal country; as a society, we have yet to stop burning miners along with the coal.

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DOCTORS' STATEMENT CONCERNING LUNG DISEASE OF COAL MINERS, BECKLEY, W. VA., SEPTEMBER 1971

1. Consideration of existing criteria for compensable respiratory disease of coal miners forces us to conclude that:

(a) There is a diversity of pulmonary diseases and conditions associated with coal mining for which the rigid definition of "pneumoconiosis" (possessing as its *sine qua non* a radiologic lesion) is not tenable.

(b) That disability resulting from work-associated respiratory disease, after appropriate review, be compensated.

(c) That criteria for eligibility for all work-associated pulmonary disease be based upon *functional impairment* rather than solely upon anatomic or radiologic criteria.

(d) That eligibility be based upon either total or partial disability and compensation graduated accordingly.

(e) In assessing disability consideration must be given to the nature of the coal-workers' experience in which mining is often the only work for which these men are prepared.

2. We believe that the present regulations and administrative policies are unduly and unnecessarily restrictive:

(a) In limiting the initial qualifying diagnostic criteria to X-ray, biopsy and autopsy evidence.

(b) In denying consideration of the data concerning the applicant's respiratory functional status including history, physical examination and laboratory findings.

(c) By recognizing primarily spirometry as a measure of disability while excluding equally valid functional measures of disability.

(d) By failing to provide a comprehensive medical evaluation as part of the reconsideration and appellate process.

Dr. Bertram Carnow, Professor of Preventive Medicine and Chief of the Division of Environmental Health, Abraham Lincoln School of Medicine, University of Illinois; Medical Director of the Tuberculosis Institute of Chicago and Cook County; Chest Consultant and Director of the Respiratory Clinic, Union Health Service, Chicago.

Dr. John Rankin, Professor of Medicine and Chairman of the Department of Preventive Medicine, University of Wisconsin.

Dr. Harry Lipscomb, Professor of Physiology and Director of the Xerox Center for Health Care Research, Baylor College of Medicine, Houston.

Dr. Robert L. Nolan, Professor of Medicine and Chairman of the Division of Public Health and Preventive Medicine, West Virginia School of Medicine.

Dr. Harold Levine, Director of Chest Service, Cook County Hospital; Associate Professor of Medicine, Abraham Lincoln School of Medicine, University of Illinois.

Dr. Milton Levine, Associate Professor of Medicine and Preventive Medicine at Rush Medical School of Presbyterian-St. Luke's Medical Center.

Dr. Walter Morgan, Associate Professor of Public Health and Preventive Medicine, West Virginia University School of Medicine.

Dr. William C. Sugg, Jr., Co-director of Pulmonary Clinic at Charlotte (North Carolina) Memorial Hospital.

Dr. Edward Landis, Jr., Co-director of Pulmonary Clinic at Charlotte Memorial Hospital.

Dr. Carl Lyle, Former Executive Secretary of the Health Care Committee of the Appalachian Regional Commission.

Dr. William Porter, internist.

Dr. Gordon Harper, pediatrician.

CHRONICLE OF RETREAT: NIXON LOSING BUDGET BATTLE

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, the public memory is short. But it may not if President Nixon seems to believe in making his various pronouncements on the economy. Fortunately, the public memory is sharpened from time to time by a visit to a grocery store, a look at one's bank balance or, in more precise terms, a column such as the one by Robert S. Boyd, chief of the Washington bureau of the Knight newspapers.

The Boyd column of September 24, 1971, detailing the gaps, then the abyss, between the President's promise and performance, is set forth below.

[From the Detroit Free Press, Sept. 24, 1971]

NIXON LOSING BUDGET BATTLE

(By Robert S. Boyd)

WASHINGTON.—Like King Canute of old, President Nixon has been fighting a losing battle to hold back a sea of red ink.

The President took office pledging to balance the federal budget. Since then, he has been forced into a step-by-step retreat into greater and greater deficits.

First he gave up on balancing the budget in the old-fashioned traditional way—where the government spent no more money then it took in.

Then he adopted the so-called "full employment" budget, which allows the government to spend as much as it would have collected if business was booming—even though spending exceeds actual revenues.

And now, finally, he has been driven to abandon even the "full employment" concept and accept massive federal deficits unequalled since the height of World War II.

This year and next, our Republican President will preside, reluctantly, over a $50 billion jump in the national debt.

Even at that, Mr. Nixon has had to resist pleas from agency officials who wanted to spend even more, and some Democrats who urged even greater deficits to stimulate the economy.

Here is the chronology of the President's fiscal retreat:

Feb. 2, 1970—Mr. Nixon's first budget of his own making, for the fiscal year 1971 (beginning July 1) goes to Congress. It projects a surplus of $1.3 billion.

"I have pledged to the American people that I would submit a balanced budget for 1971," Mr. Nixon says. "The budget I send you today—the first for which I bear full responsibility as president—fulfills that pledge."

May 19, 1970—even before fiscal 1971 began, Mr. Nixon has to give up his dream of a balanced budget. Rising spending and shrinking revenues change his forecast from a surplus to a $1.3 billion deficit.

July 18, 1970—only 18 days into the fiscal year, Mr. Nixon sends a special message to Congress saying that big spending bills and sagging tax collections were rapidly swelling the deficit. Prophetically, he warns that the present trend would produce "a massive deficit" for 1972.

In this message Mr. Nixon first publicly proclaims his conversion to the "full employment" budget.

"I am not suggesting that the federal government should necessarily adhere to a strict pattern of a balanced budget every year," he says. "At times the economic situation permits—even calls for—a budget deficit.

But then the President goes on to draw a firm line against excessive deficits.

"There is one basic guideline for the budget," he says, "which we should never violate: Except in emergency conditions, expenditures must never be allowed to outrun the revenues that the tax system would produce at reasonably full employment (later defined at 4 percent unemployment)."

Jan. 29, 1971, Mr. Nixon now estimates the 1971 deficit at $18.6 billion.

For fiscal 1972, he submits a budget with a deficit, in traditional terms, of $11.6 billion. He justifies this, however, by arguing that it would have been balanced at full employment. In fact, he estimates a razor-thin "full employment" surplus of $100 million.

July 28, 1971—the White House reports that the 1971 deficit finally wound up at $23.2 billion. Unofficially, administration officials say the 1972 red-ink figure will be almost as bad.

Aug. 6, 1971—A congressional committee estimates the 1972 deficit at $22.4 billion—almost double the January estimate.

Sept. 8, 1971—Treasury Secretary John Connally says the 1972 deficit would be between $27 and $28 billion.

He blames it mainly on falling tax collections, due largely to lower corporate profits, and to a lesser extent on higher spending.

This red-ink figure tops the post-war record of $25.1 billion set under President Johnson in 1968.

Sept. 9, 1971—Budget Director George Shultz, confirming Connally's deflict estimate, admits this would mean that the budget would be unbalanced—even under the full-employment concept—by at least $8 billion. Shultz calls this a "potent danger signal."

The President's last line of fiscal defense—the supposedly inviolate full-employment barrier—had been breached.

"THE NEWS TWISTERS" TELLS THE STORY OF TV BIAS

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, charges of political bias have been hurled against the TV networks on virtually every controversial issue that has arisen during the past two decades or more. The blasts by Vice President Agnew are unique only because of their success in stinging the network executives to reply, albeit inadequately.

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[3] A study last year in Kentucky found the *mean* coal dust concentration in 108 mines doing continuous mining to be more than four times the federal standard.

A forthcoming book, "The News Twisters," by Edith Efron, can mark a turning point in the fairness of TV political coverage. It provides devastating factual documentation and analysis of network bias which TV critics, both left and right, can use for a long time to come. Not just another book, this study should have a momentous effect upon the TV reporting of future election campaigns.

Allen Drury, the Pulitzer Prize-winning political novelist, characterized the Efron work as—

> A vitally important book about one of the most deadly serious problems confronting America. The author does not present arguments—she presents facts, damning and conclusive. Every citizen should read this book. Nothing more important has been written on why the country is the way it is, in a long, long time.

Sidney Hook, the noted civil libertarian professor at New York University, said:

> Granted that the public media should be free and uncontrolled, we have a right to require that they be fair and responsible. If they are unfair and irresponsible, it makes it difficult to preserve their freedom. Miss Efron's study, based on very impressive documentation, raises this question in an acute and challenging way. It deserves wide and careful attention by all who are interested in public affairs.

Since 1949, the Federal Communications Commission has required that broadcasters comply with the "Fairness Doctrine," but no objective standards have been provided to measure the neutrality or nonpartisan nature of the radio or TV output. Miss Efron's content analysis, which took 3 years of work, is a major step in that direction.

The 1968 presidential election campaign was the focus of the Efron study. From September 16 to November 4, all weekday news programs from 7 to 7:30 p.m. of the three major television networks were tape-recorded and then transcribed. The record consisted of over 100,000 words each for ABC, CBS, and NBC. Using this mass of raw data, Miss Efron selected 13 issues and classified every story about each as "pro" or "anti," compiled the material in research volumes, and then counted the pro and anti words for each issue. The issues—and the resulting 26 volumes of news and opinions—were: pro-Humphrey, anti-Humphrey, pro-Nixon, anti-Nixon, pro-Wallace, anti-Wallace, pro-U.S. policy on the Vietnam war, anti-U.S. policy on the Vietnam war, pro-U.S. policy on bombing halt, pro-Vietcong, anti-Vietcong, pro-black militants, anti-black militants, pro-white middle class majority, anti-white middle class majority, proliberal, antiliberal, proconservative, anticonservative, proleft, antileft, prodemonstrators, antidemonstrators, proviolent radicals, and antiviolent radicals.

The results show that the 1968 network news coverage was:

Overwhelmingly slanted against Nixon;

Strongly slanted against the Johnson policies regarding the Vietnam war and the bombing halt;

Consistently used to attack the white middle class as racist, ignorant, and authoritarian;

Systematically used to rationalize political violence by black militants and new left radicals.

President Nixon, addressing the National Association of Broadcasters after the election, wryly remarked:

> Certainly, I am the world's living expert on what television can do for a candidate, and what it can do to a candidate as well.

Query? Since this powerful medium was so decisively slanted against Nixon, how come he won the election?

This is a good question, one reminiscent of the four Franklin D. Roosevelt elections when F.D.R. was overwhelmingly opposed by the press of the Nation. Of course, neither the press nor TV operate in a vacuum; other factors are important. In the case of the press of the Roosevelt era, there was a sharp distinction between the editorial stance of the large newspapers and their news columns which tended to present straight news reporting. Reader surveys showed that there was much less interest in the editorials than in the news.

Two factors help explain the election of Nixon despite the TV slanting against him. One is that the slanting in favor of Humphrey was not as great and it varied among the networks. In fact, taking the total number of words of all three networks about Humphrey, about half were for him and half against him. This is a far different proportion than the roughly 9 percent for Nixon as compared with 91 percent against him. NBC, for example, had more bad than good to say about Humphrey. Ergo, the networks were overwhelmingly against Nixon but only half and half for Humphrey.

The second factor is that there is a reservoir of listener resentment about TV and a tendency to disbelief. One indication of this was the widespread immediate and favorable response to Vice President Agnew's criticisms of television's coverage of political and public affairs.

Miss Efron's results will be less than comforting to the vast majority of black Americans. The 1968 network evening news programs stereotyped blacks as thug-revolutionaries, violent criminals upon whom network reporters lavished sympathy and used to threaten whites, at the same time being indifferent to black victims of black crime. Blacks of intellectual and moral distinction and great achievement were largely kept off the air. The black community was presented as monolithically racist, proseparatist, and proviolence. Evidence was also presented by Miss Efron that network reporters equated the concept of law and order with racism—thus reinforcing the racist view that all blacks are lawless.

Network coverage of the new left was ambivalent. This expressed itself in the form of support for black militancy and antiwar protests, at the same time suppressing new left thought. When not submerged or hidden in a sentimental white stereotype of restless adolescence, New Left ideology was expressed by slogans, shouts, and mob scenes, not in the reasoned form of ideas, theories, and goals. These were ruthlessly excluded from the airways, at least during the 7 to 7:30 p.m. news programs. On the whole, the new left fared very well in view of its small numbers.

The author shows that the protests of middle-class whites, blacks, and revolutionaries against the networks are not mutually contradictory and that they do not cancel out to constitute fairness, as the network executives would like to claim. As John Chamberlain remarked—

> Miss Efron shows that TV reporting and editorializing have been incapable of departing from the crudest and laziest sort of stereotypes.

Miss Efron illustrates with specific examples 33 techniques by which network newsmen slant stories. Here are a couple of examples picked at random: CBS on September 17 attacked Nixon for being unyoung, unhandsome, and unsexy, although neither of the other middle-aged candidates was criticized by this or any other network on such grounds. Miss Efron refers to this as the double-standard attack.

Another example: on October 1, an NBC reporter mocked a congressional hearing about alleged Yippie violence and joked about the events at the hearing, communicating his view that such an investigation is laughable. Miss Efron labels this slanting by, "humor, sarcasm, satire, and irony."

Other forms of slanting documented by Miss Efron included covert editorializing by attributing a reporter's own ideas to an external source. This can take the form of "mindreading" so that the reporter pretends to be reporting the views and feelings of individuals, small groups, crowds, entire socio-economic classes, inhabitants of large geographical areas, and whole races. The odd thing is that this preposterous mindreading invariably results in opinions that support democratic, liberal, or leftist causes. Frequently anonymous sources are quoted, that is experts believe, observers point out, and so forth. Equally odd is the fact that these anonymous sources also echo the network reporters' liberal-leftist bias.

The way the networks keep opinions they do not like off the air is simply to omit, evade, or suppress them. On October 24, for example, ABC reported on a riot at Berkeley. As Miss Efron found—

> All language, all emotions, all attitudes, all values, all purposes reported on, were those of the rioters. The sole perspective transmitted was theirs. One would not have known that anyone else existed, either at the university, in the city, in the State or in the country, who had a different perspective on the situation.

The book contains many other examples and devices for slanting.

"Do the Networks Know What They Are Doing?" is the title of one penetrating chapter. Miss Efron answers by citing statements from network newscasters and executives—most of them made before Mr. Agnew's famous speech in 1969.

Miss Efron shows that, despite a great deal of confusion, the broadcasting leaders know that news is slanted. Everyone knows that selectivity is necessary since broadcast news time is limited. Many realize, further, that when choices as to what to include and what to exclude are based upon only one general point of view, biased news is an inevitable result.

As David Brinkley said in 1954—

> News is what I say it is. It is something worth knowing by my standards.

Viable solutions to the problems raised by Miss Efron are not easy either for the networks or civil libertarians to accept. Her suggestions are bound to be controversial but they are worthy of serious consideration.

Endorsements for the book have come from spokesmen of the political left and political right. Dr. George Weinberg, a radical writer for the underground press, called the News Twisters—

> A fantastic, shocking book. It proves beyond any doubt that the networks are politically biased—and that they are lying about it. Even when the slanting is for causes I favor, I find the degree and nature of the bias horrifying.

William F. Buckley, Jr., editor of the right-wing National Review, declared—

> Miss Efron's extraordinary finds are the basis for a new ethic in broadcast news. Surely this volume will be the lodestar of reform. Miss Efron is the Ralph Nader of broadcasting, which will never be the same again, and should not.

Mr. Speaker, at this point I insert in the Record two articles by well-known columnists of opposite persuasion which indicate the interest that has been expressed in this new book.

A Fairness Doctrine Is Needed

(By John Roche)

Well, Dr. Frank Stanton of CBS has been spared a trial for contempt of Congress and—unless some security risk at the network leaks the "CBS Papers"—we shall never know exactly how the "Selling of the Pentagon" was put together. As has been suggested here before, this is just as well—there is enough snooping in our society already. And besides CBS has changed its rules in effect proclaiming that while it is not guilty it won't again play games with interviews.

Yet conceding that Harley Staggers' subcommittee went off the reservation in this particular instance the fact is that the investigators were trying to put a handle on a notably slippery billiard ball: bias and distortion in the presentation of news. And when the networks claim that they are just like newspapers and have the same constitutional protection they have gone well beyond the First Amendment as it is generally interpreted. Indeed, the Supreme Court has sustained the right of Congress to require "fairness" from both radio and TV stations.

This is a crucial distinction. Newspapers are private property and have the right to be as biased as they choose. If you don't like one paper's position you can always buy another. Radio and TV stations on the other hand are utilizing public property—the air waves and channels—and if all you get is the same pitch from all the networks, you can either believe it or turn it off. To prevent any one viewpoint from dominating these publicly owned media Congress passed and the Federal Communications Commission is supposed to enforce the "fairness doctrine" which requires that all sides of controversial questions be presented. And presented fairly.

The legitimate and constitutional concern of Congress then is not with such esoteric questions as were raised in the "Selling of the Pentagon," nor should it be with the paranoidal issue of the political viewpoints of the TV editors or commentators.

It is simply this: Is the news presented fairly? No more, no less. The trouble with this standard is the absence of accepted criteria of fairness and the lack of objective techniques of measurement.

However a land-mine is shortly going to explode. Miss Edith Efron of "TV Guide" decided back in 1968 that there must be some, way of empirically evaluating "fairness" in TV network news. So she got three tape-recorders and had transcribed all the daily prime-time news features on the three networks from Sept. 16 to election eve Nov. 4, 1968. As issues she chose the presidential race and ten associated matters including Vietnam policy, black militants, demonstrators and the white middle class. She then took this mass of material—over 100,000 words per network—and broke it down in terms of "for" and "against" e.g., Hubert Humphrey, Richard Nixon, George Wallace or black militants or the war.

Without going into details here the result is a volume, "The News Twister" (to be published in September by Nash) that should make quite a stir. It is a devastating indictment of unfairness of treatment by all three networks. Without an independent investigation of her data and methods, it is impossible to issue a final verdict on her charges. But the point is that she has put a handle on that billiard ball, has provided a prima facie case of private news-management.

In other words, what Miss Efron's charges merit is thorough sophisticated and nonpartisan investigation by Congress of the extent to which its stewardship as set forth in the "fairness doctrine" has been evaded. It might be added that this is not a matter of grinding any special axe—she suggests that the New Left was treated as unfairly as the war in Vietnam!

These Days: The 1972 TV Campaign Reporting Will Be Different

(By John Chamberlain)

Vice President Spiro Agnew has hurt the credibility of the big TV networks with his what-for lectures, but everything he has said will pale into relative insignificance next week when a block-buster book, "The News Twisters" (published by Nash of Los Angeles), hits the stands. Written by Edith Efron of TV Guide, whose interview with commentator Howard K. Smith surely tipped Agnew off to the vulenerability of the networks' news coverage, the book presents evidence that the TV reporting of the 1968 campaign was just about as onesided as a match between Muhammad Ali and my 7-year-old granddaughter. I am not indulging in hyperbole when I say this; I am merely recognizing the irrefutable nature of Miss Efron's araingment.

The girl has left nothing to chance. What she did was to set three tape recorders to work for seven weeks during the autumn of 1968, transcribing all the 7–7:30 p.m. prime time ABC, CBS and NBC network shows. The big issue of the day was, of course, the Nixon-Humphrey Presidential race. But there were various subissues, such as the Vietnamese War, the "kids," racism, the black militants, and the WASPS (or white Anglo-Saxon Protestant middle class). Taking some 100,000 words per network, including what the reporters, the politicians and a gaggle of public personalities had to say, Miss Efron started counting, breaking everything down into "for" and "against."

The tabulations leave a telltale smear of egg over the faces of practically everyone connected with TV news policy. Nor will anyone from CBS's Frank Stanton on down to his office boy be able to issue credible denials. The reason is that Miss Efron has included her taped stuff in her book as appendix matter. The reader, if he so chooses, can do his own counting. It's all out in the open.

In a short column I can only summarize what Miss Efron proves. President Nixon, of course, had his own share of the prime time, and so did the Republican-Conservative politicians. But the point is that the network reporters and editorialists were virtually unanimous in assaulting the mind, and morality and the character of Richard Nixon. As Miss Efron shows, the network reporters in alliance with the Democratic-Liberal politicians portrayed Hubert Humphrey "as a talkative Democratic Saint studded over with every virtue known to man." Nixon, on the other hand, was pictured not as a human being but as "a demon out of the liberal id." This is Miss Efron's qualitative evaluation, and her picturesque words may seem loaded, but they take off from that murderous quantitative count of the appendix material.

The count on the 1968 subissues is equally devastating. Liberals emerge from the tabulations of the TV reporting and editorializing as good people without race prejudice. Conservatives, on the other hand, are bad, and crawl with anti-Negro phobias. America is a bad country that oppresses blacks. The blacks who react violently are justified in attacking whites. Leftists are funny people and harmless. The "kids" on the campuses have "noble motivations and moral goals" even when they are burning graduate school dissertations and throwing the deans downstairs.

Again, there is much, much more to this arraignment than Miss Efron's own say-so. It is the quantitative tabulation of the appendix stuff that uncovers the network "party line."

I have only scratched the surface in this effort to present what John F. Kennedy would have called "the thrust" of Miss Efron's book. Incidentally, her count on the taped reporting shows that it is not only the conservatives and the middle-class whites who got a raw deal on the 7–7:30 p.m. shows of September–October, 1968. Negroes who disassociated themselves from the Black Panthers were left out in the cold. So, for that matter, were those members of the New Left who had philosophical reasons for following such prophets as Herbert Marcuse and Paul Goodman. Counting from those tapes, Miss Efron shows that TV reporting and editorializing have been incapable of departing from the crudest and laziest sort of stereotypes.

The interesting thing is that Miss Efron comes from within the "Establishment." She has been, at various times, a staff writer on the New York Times Sunday Magazine, managing editor of the Special Editorial Departments of Look Magazine, and Central American correspondent for Time and Life magazines. In pre-"Papa Doc" Duvalier times she organized the first journalism school at the University of Haiti. True, she once studied in a course I gave at the Columbia University School of Journalism in the early Forties. But I was a liberal then, albeit an evolving character, so I can't be accused of making her a conservative. As a matter of fact, her book is not ideological at all; it is simply honest reporting of what can be done within the present "liberal" ethos to evade the FCC "fairness doctrine" while giving lip service to it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ROY (at the request of Mr. BOGGS), for today, on account of a death in family.

Mrs. ABZUG (at the request of Mr. BOGGS), for today, on account of religious holiday.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER of West Virginia, for 60 minutes, on Tuesday, October 5, 1971; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. FORSYTHE) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to address the House and to revise and extend their remarks and include extraneous mat-

Mr. RYAN, for 15 minutes, today.

Mr. HAMILTON, for 30 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. MATSUNAGA, for 5 minutes, today.

Mr. RUNNELS, for 5 minutes, today.

Mr. SIKES, for 30 minutes, on October 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. QUIE and to include extraneous matter in remarks made during general debate today.

(The following Members (at the request of Mr. FORSYTHE) and to include extraneous matter:)

Mr. BELL.

Mr. MCCLOSKEY.

Mr. MCCLORY in two instances.

Mr. DUNCAN in two instances.

Mr. CARTER in two instances.

Mr. QUIE.

Mr. RAILSBACK.

Mrs. HECKLER of Massachusetts.

Mr. COLLINS of Texas in three instances.

Mr. VEYSEY in two instances.

Mr. SCHMITZ in two instances.

Mr. CONTE in two instances.

Mr. STEIGER of Arizona.

Mr. POFF.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. DIGGS in three instances.

Mr. JACOBS in two instances.

Mr. RYAN in three instances.

Mr. BEGICH in five instances.

Mr. CARNEY in three instances.

Mr. ROSENTHAL in five instances.

Mr. TEAGUE of Texas in eight instances.

Mr. ASHLEY.

Mr. CELLER.

Mr. ANDERSON of California in five instances.

Mr. COLMER in two instances.

Mr. BEVILL.

Mr. DENT in two instances.

Mr. O'HARA in two instances.

Mr. DRINAN.

Mr. EDWARDS of California.

Mr. LONG of Maryland in three instances.

Mr. BURKE of Massachusetts in three instances.

Mr. VANIK in two instances.

Mr. FULTON of Tennessee in two instances.

Mr. NIX.

Mr. PICKLE in two instances.

Mr. GRAY.

Mr. SYMINGTON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1152. An act to facilitate the preservation of historic monuments, and for other purposes; to the Committee on Government Operations.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1253. An act to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, September 30, 1971, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of conference. Conference report on H.R. 8866; with an amendment (Rept. No. 92–527). Ordered to be printed.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 1763. A bill to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home (Rept. No. 92–528). Referred to the Committee of the Whole House.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 2082. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; with an amendment (Rept. No. 92–529). Referred to the Committee of the Whole House.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 8653. A bill to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota (Rept. No. 92–530). Referred to the Committee of the Whole House.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 9346. A bill to convey certain federally owned land to the Twenty-nine Palms Park and Recreation District; with an amendment (Rept. No. 92–531). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 607. Resolution to provide additional funds to the Committee on Education and Labor to study welfare and pension plan programs (Rept. No. 92–532). Referred to the House Calendar.

Mr. MILLS or Arkansas: Committee on Ways and Means. H.R. 10947. A bill to provide a job development investment credit, to reduce individual income taxes, to reduce certain excises taxes, and for other purposes (Rept. No. 92–533). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SEIBERLING: Committee on the Judiciary. H.R. 5586. A bill for the relief of Vito Serra; with amendments (Rept. No. 92–525). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 6342. A bill for the relief of Carmen Maria Pena-Garcano; with an amendment (Rept. No. 92–526). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS of Arkansas (for himself and Mr. BYRNES of Wisconsin):

H.R. 10947. A bill to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 10948. A bill to make permanent the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, and to reflect in such provision the social security benefit increases enacted in March 1971; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama:

H.R. 10949. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. ASPINALL (for himself, Mr. EDMONDSON, Mr. SAYLOR, Mrs. HANSEN of Washington, Mr. MCCLURE, Mr. DENT, Mr. MCDADE, Mr. WYATT, Mr. HOLIFIELD, and Mr. PRICE of Illinois):

H.R. 10950. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BLATNIK:

H.R. 10951. A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS (for himself and Mr. Reid of New York):

H.R. 10952. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. CARNEY:

H.R. 10953. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 10954. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 10955. A bill relating to education in the District of Columbia; to the Committee on the District of Columbia.

H.R. 10956. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, in order to promote increased traffic safety, and for other purposes; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mr. Begich, Mr. Burton, Mr. Corman, Mr. Gude, Mr. Halpern, Mr. Mikva, and Mr. Ryan):

H.R. 10957. A bill to establish and equal employment opportunity program for the protection of employees of the Library of Congress; to the Committee on House Administration.

By Mr. GARMATZ:

H.R. 10958. A bill to amend the Tariff Schedules of the United States with respect to the duties on stainless steel sheets and on articles made from such sheets; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 10959. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. HELSTOSKI:

H.R. 10960. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 10961. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to encourage investment, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Ways and Means.

By Mr. HICKS of Washington:

H.R. 10962. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped because of such handicap; to the Committee on Education and Labor.

By Mr. HULL:

H.R. 10963. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 10964. A bill to require the Corps of Engineers to replace or repair certain sewage systems or facilities damaged in the course of the work of the Corps of Engineers; to the Committee on Public Works.

By Mr. MORSE:

H.R. 10965. A bill to amend the Internal Revenue Code of 1954 to provide that the cost of maintaining a retarded child in a professionally qualified custodial institution shall be deductible as a medical expense; to the Committee on Ways and Means.

H.R. 10966. A bill to amend the Internal Revenue Code of 1954 to provide for additional personal exemptions for disabled dependents; to the Committee on Ways and Means.

H.R. 10967. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses paid for the care of a disabled dependent, including a mentally retarded dependent, without regard to the 3-percent floor; to the Committee on Ways and Means.

H.R. 10968. A bill to amend the Internal Revenue Code of 1954 to provide that the cost of maintaining a retarded child in a professionally qualified custodial institution shall be deductible (without regard to the 3-percent floor) as a medical expense; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 10969. A bill to amend the Buy American Act in order to make clear the right of any State to give preference to domestically produced goods in purchasing for public use; to the Committee on the Judiciary.

By Mr. OBEY (for himself and Mr. Culver):

H.R. 10970. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 10971. A bill to amend the National Flood Insurance Act of 1968 to postpone (until December 31, 1977) the date by which an area must adopt adequate land use and control measures to qualify for flood insurance coverage (and to give it until the end of 1974 to show that it will do so), to amend the Small Business Act to reduce to 3½ percent the maximum permissible net interest rate on SBA disaster loans to homeowners, to provide that a person's lack of flood insurance coverage will not prevent him from receiving disaster assistance, to require that State and local officials keep their citizens informed on the flood insurance program, and to provide for Federal cooperation with states and localities in the prevention of flood problems; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 10972. A bill to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. POAGE (for himself and Mr. Vigorito, Mr. Dow, Mr. Burlison of Missouri, Mr. Mathias of California and Mr. Zwach):

H.R. 10973. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

By Mr. QUIE:

H.R. 10974. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 10975. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 10976. A bill to amend the Internal Revenue Code of 1954 to repeal the communications tax, effective January 1, 1972; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 10977. A bill to amend the Communications Act of 1934 to prohibit intrastate harassing or obscene telephone calls; to the Committee on Interstate and Foreign Commerce.

H.R. 10978. A bill to amend the Internal Revenue Code of 1954 to increase personal exemptions after 1973 by an amount based on annual variations in the Consumer Price Index; to the Committee on Ways and Means.

H.R. 10979. A bill to repeal the manufacturers excise tax on farm trucks; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 10980. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. YATRON:

H.R. 10981. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

By Mr. BYRNE of Pennsylvania:

H.J. Res. 895. A joint resolution to authorize the President to proclaim October 9, 1971, as "Gen. Casimir Pulaski Day"; to the Committee on the Judiciary.

By Mr. FRASER:

H.J. Res. 896. A joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. HAMMERSCHMIDT:

H.J. Res. 897. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on Judiciary.

By Mr. MIZELL (for himself, Mr. Andrews of Alabama, Mr. Camp, Mr. Collier, Mr. Dickinson, Mr. Fisher, Mr. Fountain, Mr. Hammerschmidt, and Mr. Hillis):

H.J. Res. 898. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. ANDERSON of Tennessee:

H. Res. 627. Resolution to express the sense of the House of Representatives in the case of Truong Dinh Dzu, of the Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. BLACKBURN:

H. Res. 628. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY of Texas:

H.R. 10982. A bill for the relief of Yu Ching Wei Cheng; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 10983. A bill for the relief of Marilyn Fitzsimmons; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 10984. A bill for the relief of Shui Chong Kwan; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 10985. A bill for the relief of Milton E. Nix; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 10986. A bill for the relief of Luigi and Maria Carmen Maiorino; to the Committee on the Judiciary.

SENATE—*Wednesday, September 29, 1971*

The Senate met at 10 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, King of Kings and Lord of Lords, from whom all power and rulership proceeds, we beseech Thee to look with favor upon all who serve in the Government of the United States. Imbue them with the spirit of wisdom, goodness, and truth; and so rule their hearts and bless their endeavors that law and order, justice and peace may everywhere prevail. Preserve us from public calamities, from physical dangers and moral pollution; and especially wilt Thou forgive all our national sins and failures.

Help us, O Lord, to maintain an honorable place among the nations. Make us strong and great in the fear of God and the love of righteousness, so that having been blessed, we may become a blessing to all nations, to the glory of Thy name.

Through Jesus Christ. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., September 29, 1971.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.
>
> ALLEN J. ELLENDER,
> *President pro tempore.*

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1253) to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 42) providing for a deletion in the enrollment of H.R. 4713.

The message further announced that the House had passed the bill (S. 2495) to amend the District of Columbia Election Act, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 6893) to provide for the reporting of weather modification activities to the Federal Government, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6893) to provide for the reporting of weather modification activities to the Federal Government was read twice by its title and referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 28, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF LEGISLATIVE REORGANIZATON ACT OF 1946

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4713.

The ACTING PRESIDENT pro tempore laid before the Senate the message of the House of Representatives which was, that the House agree to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, and 10 to the bill (H.R. 4713) entitled "An Act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies."; that the House agree to the amendment of the Senate numbered 3 to the aforesaid bill with the following amendment:

> "In subsection (b) of Senate amendment numbered (3) on page 5 of the Senate engrossed amendments insert: *or by the Clerk of the House* immediately after "by the Secretary of the Senate".

And that the House agree to the amendment of the Senate to the title of the aforesaid bill.

Mr. SCOTT. Mr. President, I take this time merely to say that I understand this has been cleared with the Senators who are interested on our side, and I have no objection.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with new reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

AMBASSADORS

The second assistant legislative clerk proceeded to read sundry nominations of ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The second assistant legislative clerk read the nomination of Herman Kleine, of Maryland, to be an Assistant Administrator of the Agency for International Development.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania (Mr. SCOTT) desire to be heard?

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from California (Mr. CRANSTON) is now recognized for not to exceed 15 minutes.

CHANGE IN ORDER OF RECOGNITION OF SENATORS

Mr. BYRD of West Virginia. Mr. President, if the Senator from California will yield briefly for a unanimous-consent request, I ask unanimous consent that the respective positions of the distinguished Senators from Minnesota (Mr. MONDALE) and Virginia (Mr. BYRD) in connection with the orders for recognition today, as they were requested yesterday, be reversed, so that the Senator from Minnesota (Mr. MONDALE) will be recognized preceding the Senator from Virginia (Mr. BYRD).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RULE XXII

Mr. CRANSTON. Mr. President, when I first came to the Senate, I voted with fellow Senators who tried, unsuccessfully, to change rule XXII so that only three-fifths of the number of Senators present and voting could limit debate instead of the two-thirds still required for cloture.

In the nearly 3 years that have passed since that vote, I have gained a deeper understanding of the value of unlimited debate and a pragmatic appreciation of the importance of retaining the two-thirds rule under contemporary circumstances.

I shall vote to keep rule XXII unchanged if the question comes up again when the new Congress convenes in January 1973.

A number of factors have contributed to my new thinking: The institution of the two-track system, which makes it possible for Senators to conduct unlimited debate on an issue without holding up the work of the Senate on other matters; the ease with which the two-thirds vote—once thought to be so difficult to attain—has been attained in recent months, and the flexibility of some Senators who were once thought to be inflexible on the principle of cloture.

Just 4 months ago there were 12 veteran Senators who had never voted for cloture through an aggregate total of more than 200 years service in this body. Today there are only three.

But the event that triggered my decision to announce at this time that I shall oppose making it easier to invoke cloture occurred a week ago yesterday when, by the margin of a single vote, we were denied an opportunity to continue a debate that could have delayed extension of the draft act at least until the administration accepted the Mansfield amendment. On the very first try, two-thirds cloture was clamped on two of the most critical issues confronting our Nation today.

My disappointment turned to dismay when I discovered that among those voting for cloture were Senators who strongly opposed the draft and others, who strongly supported the Mansfield amendment to end our military involvement in Vietnam.

Despite their deep convictions on one or both of these issues, they opted to shut off debate—and to force a vote which they knew would continue the draft and kill the Mansfield amendment—simply because they did not like filibusters, or thought we had talked long enough.

I think it is time some of us take a new look at what we are doing. When our dislike for filibusters becomes more important to us than our distrust of the draft or our revulsion with Vietnam, then we ought to take another look at the filibuster, and its legitimate use.

I do not consider the filibuster horrendous; I think the draft and Vietnam are far worse. I look upon the filibuster as a means, not an end. When it can be used to good purpose, I support it and I shall use it as long as the rules of the Senate permit it. When it is used against ends that I favor, I shall oppose it. But it is the ends—the issues—that will determine what I will do, not my biases for or against the filibuster.

There were others that Tuesday who also took that same pragmatic approach. Among them, and joining the anitfilibuster Senators, were men who favor the draft and oppose the Mansfield amendment. Some of them had never voted for cloture before; they did this time. They were practical men, using the legitimate legislative tools at their disposal to achieve the goals that they desired.

Some of us might take a lesson from these men. We should not permit our traditional — and perhaps anachronistic—opposition to the filibuster to cloud our judgment when we are asked to vote on crucial national issues. I believe we should vote the way we feel about those issues, not the way we feel about cloture or about limited and unlimited debate.

The issue of cloture is a dead issue except once every 2 years, at most. The time for Senators to vote their views of cloture is when the question of cloture is relevant; that is, when a proposal to change rule XXII is before the Senate at the beginning of a new Congress. From then on, it seems to me, Senators should vote on the substance of the matter before the Senate and the country.

And if a cloture vote is before the Senate, I think Senators should vote for or against cloture depending on whether they are for or against the bill being debated and whether they believe desirable objectives might be attained if debate is allowed to continue. We should not vote for cloture automatically as though it were only a procedural matter. More important things may often be at stake.

A number of other Senators also are rethinking their position on cloture in the light of recent developments. I have asked them and others to join with me today in a public discussion—a Senate seminar, if you will—of this basic question.

I have suggested that we hold this discussion now, rather than a year or 16 months from now, because we in the Senate and people throughout the Nation need time to think this thing through. Many of us may have held views for a long, long time which may now need revision. Sometimes that does not come easy. I hope the questions we raise here today will be picked up and explored further in schools and political clubs and discussion groups throughout the Nation in the months to come.

In the meantime, many more vital matters will be coming before the Senate which may confront the membership with the same sort of choice they faced on September 21—whether to base their vote pragmatically and practically on the issue at hand or whether to cast a philosophical vote against the filibuster even at the expense of losing a substantive issue in which they deeply believe.

I hope our discussion today will persuade them to vote according to their convictions and not according to procedural concepts born in the days of the great civil rights struggles.

The filibuster, which has been opposed by many legislators during the past four decades, may turn out to be a most useful tool for a more effective Congress in the coming years. During the 1930's, the 1940's, the 1950's, and most of the 1960's, the filibuster was mainly used to block civil rights legislation. But both before that time and since, the filibuster has served useful social purposes.

As early as 1841 Senate liberals engaged in extended debate for 14 days in an effort to abolish the Bank of the United States, an institution which heavily benefited the wealthy. In 1863 the Senate filibustered a bill to suspend the writ of habeas corpus. In 1879 a 4-day filibuster halted repeal of Reconstruction election laws designed to insure enfranchisement of southern blacks.

A ship subsidy bill introduced in 1907 was filibustered by Senators who felt it would benefit only a limited number of wealthy interests. In 1908, Senator LaFollette, always a champion of progressive causes, led a 28-day filibuster against the Vreeland-Aldrich emergency currency law which shored up securities to the benefit of big business. A successful filibuster by Senator Owen in 1911 led to the admission of the State of Arizona over conservative objections to the initiative, referendum, and recall provisions of its constitution. Another filibuster in 1919 was successful in defeating an oil and mineral leasing bill which would have unfairly favored the oil industry. Once again, in 1925, Senators filibustered another proindustry bill, President Harding's ship subsidy proposal.

During all those years, the filibuster was used by both conservatives and liberals and by coalitions of legislators for regional or cross-factional purposes to which no easy label can be attached. For instance, the Silver Purchase Act of 1893 to repeal the unlimited coinage of silver was filibustered by Senators from both the West and the South—the West because they mined the silver, the South because they favored cheaper money. And isolationists drawn from among liberals and conseratives, Democrats, and Republicans defeated President Wilson's proposal to arm merchant ships—a defeat which, incidentally, led to the adoption of rule XXII.

We are all too familiar with the experience of more recent years when the filibuster earned its present reputation as an agent for blocking civil rights legislation. But change began in the 1960's. There was a filibuster against the Comsat bill in 1962 and another against the reapportionment of State legislatures in 1964. Beginning with the lengthy debate over the ABM in 1969, a debate that was almost but not quite a filibuster, the procedure has since been used almost exclusively either in support of progressive measures or against legislation which was not in the best interests of the American people.

These past several decades have also seen a revolutionary and menacing increase in executive power in nations throughout the world. The wide currency of the word "dictatorship" in modern times is frightful evidence of that fact.

There is no dictatorship in the United States. President Nixon is not a dictator. Nor was President Johnson. Or Jack Kennedy, or Ike, or Harry Truman, or FDR.

Still, no one will deny that there has been a rapid and accelerating concentration of executive power in this country since at least the early 1930's. That concentration continues unabated. It constitutes a compelling danger in an age of computers, wiretaps, and nuclear missiles.

Power concentrated in a single man—or in a single branch of government—is potential inimical to freedom. Especially when that man possesses the powers and the prestige of Commander in Chief.

In critical areas of foreign policy—particularly in matters relating to the launching of wars, the conduct of wars, and the terms to be set for the ending of wars—this Nation is trending perilously close to becoming a constitutional dictatorship.

Meanwhile the Congress, which some of our Founding Fathers feared would be the strongest branch of Government, has instead become the weakest—deferring time after time to the superior knowledge and even the superior responsibility which the executive department claims for itself. The courts, to their credit—and to the Nation's salvation—have not been as deferential to the presidential will as have we.

In an understandable but exaggerated effort to strengthen the President's hand in foreign policy and national security, the Congress has given the executive department an iron fist that threatens not only foreign enemies but conceivably the liberties of the American people.

Congress has the power, whenever it chooses to use it, to slow and perhaps block altogether, precipitous, unwise or unconstitutional action by an all-powerful President. It also can arouse the American people to the danger—perhaps the surest deterrent to tyranny that the Congress possesses.

Freedom of speech is the touchstone of liberty. In the Senate, unlimited freedom of speech is democracy's ultimate weapon.

Through unlimited debate, the Senate can delay government action where delay is the better part of wisdom. The people want, and should have, an activist government. But all too clearly, not everything the Federal Government does is wise, nor is it always done well or at the best time. Our times demand that we in government act decisively, but not hastily; forcefully, but not imprudently.

Governmental delay can be healthy. So can governmental inaction. There are things the Federal Government has done that it should never have done at all. And many of us are still suffering as a result. The best thing one can do about a bad law is to defeat it. The next best thing is to try to keep it from coming to a vote if it looks like it is going to be passed and it involves a basic issue of major import to the Nation.

Delay and inaction need not be signs that the system is failing. They could be signs that the system is working the very way the Founding Fathers intended it to work.

Unlimited Senate debate can be a tool for moderation; it can force compromise in instances where one side or another is so powerful that it feels it need not make any concessions, no matter how reasonable the concessions that are sought may be.

Unlimited Senate debate can be a unique instrument of public—and congressional—enlightenment. The Congress is the only branch of the Federal Government that opens much of its decisionmaking processes to the public. The executive department conducts too many of its arguments in private, privileged sessions and then announces only the final result—with no hint, if it can possibly help it, that a difference of opinion had ever existed. Justices thrash out and try to reconcile their differences in closed chambers. And though they subsequently make public their dissenting views as well as majority opinions, the public is never allowed to participate in a Supreme Court debate and influence the Justices' final decision while the critical decisionmaking process is still going on.

Not so with the Senate. Once committees and conferences have acted, our debates, our arguments, our differences are right out in the open. The public can participate in and influence our decisionmaking process. But the extent to which they can do so effectively depends on how long our debates go on. The shorter the prevote debates, the less the opportunity for the public to influence that vote; the longer the debate, the greater the public influence.

As extended debate gives the public more opportunity to influence the Senate, so it gives the Senate a fair chance to inform the public and awaken its concern over issues it may be misinformed about, or not informed about at all. This process takes time, especially if it means counteracting one of those massive public relations jobs by the White House or the Pentagon. And doubly so if it means counterbalancing the executive department backed by other segments of massive, concentrated power in our society.

Unlimited debate in the Senate can help work the will of the majority. The will of the majority of the people, that is. Because of the distinctive makeup of the Senate—with representation determined by State rather than population—a view held by a majority of the people in the Senate at any given time and on any given issue may not represent the view of the majority of the people of the country. I think that clearly is the case with the Vietnam war and the draft. I think that closing debate on the draft extension along with the Mansfield amendment on Vietnam thwarted the wishes of the majority of Americans.

Nonetheless, the value of unlimited debate that surely transcends all other benefits is the protection that it affords minority rights. And protecting minority rights is where the action is, democratically speaking. Some people mistakenly think that democracy simply means the will of the majority. But that is only part of the story. The majority of the Russian people, for example, probably support their government. Does that make the Soviet Union a democracy? Not in my book, nor in any American's book.

Democracy to me and to most Americans means majority rule plus constitutional limits on governmental powers and guaranteed protection of minority and individual rights. Those are the things you do not get in Russia. Imagine somebody trying a filibuster in the Soviet Presidium.

But none of this is to be taken to mean that I oppose any limit whatever on debate. Some issues involving basic democratic principles should be filibustered forever if that proves to be the only way to prevent an unconstitutional invasion of our liberties. But such knockdown, drag-out fights occur only rarely if ever in America.

Other issues may need to be debated at great length, until an acceptable compromise can be forced. But I will not hesitate to vote cloture to limit debate if I believe that will serve the best interests of the Nation.

The two-thirds rule has substantial constitutional precedence, but it is neither sacred nor immutable. I would never vote to change rule XXII to permit a simple Senate majority to shut off debate and deprive a minority of its rights to free speech. But should the time come when there is a better balance of powers between the executive and legislative branches of government and less concentration of powers in a few hands in our society generally, I would once again be willing to reconsider my position and, in the interest of speeding up the business of government inside and outside the Senate, vote to make it easier to obtain cloture. Say, by a three-fifths vote.

But that time is not now.

Mr. SCOTT. Mr. President, will the distinguished Senator yield?

Mr. CRANSTON. I am delighted to yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. The disinguished Senator from California has made a very interesting contribution to the thinking on this subject.

I do grieve at the somewhat sad and woeful conditions involved in shooing the ancient dogma into the doghouse. I do not know how many share my views, but in a way I have been able in a unique way to be critical about liberals and conservatives over the years.

I would suggest with respect to the guiding principle of getting on with the Senate business—which, of course, is a big problem for the distinguished majority leader and me—that I will continue to adhere to the recommendation of such reforms as would expedite the Senate business with a due and careful and continuing regard for the rights of each individual Senator.

I do not think that changes in rule XXII are to be viewed in the light of whose ox is gored, whether conservatives or Southern Democrats on civil rights issues or the liberals on an issue which they conceive not to have been fully stretched to its outermost limits until the fabric of the Senate itself seems to be worn through so that one can see daylight through it. I will continue to advocate such legislation as appears wise to me from time to time.

I congratulate the Senator from California, however, because he has given further light on an interesting subject, namely that sometimes rules which seem to operate for the advantage of one group of people in the Senate actually operate for the advantage of another. In doing so he has extended our understanding of the matter. I thank the Senator for it.

Mr. CRANSTON. Mr. President, I thank the Senator very much for his thoughtful remarks. I am grateful to him for participating in this discussion.

Mr. President, I would like to respond by saying first, with respect to whether we should always put the label on dogmas of liberal or conservative, that I, like the Senator from Pennsylvania, seeking to examine principles and procedures, sometimes liberal and sometimes conservative, so-called.

Under the leadership of the Senator from Pennsylvania and the Senator from Montana the Senator has found it possible to continue an extended discussion on another system, or the two-track system. The Senate has found it easy to invoke cloture on the Senate if that happened to be the will of two-thirds of those present and voting.

I believe that sometimes the will of the Senate is best served by not acting rather than by acting and thus protecting the interests of the minorities, particularly in these times when so much power is in the hands of some in our society. That has caused me to do much thinking on this matter.

There is also one other point that I hope we can get across in these discussions. If people want to change XXII and vote on whether a filibuster or an unlimited debate is popular or unpopular, the time to do that is in the opening days of a new session of the Congress.

I hope that Senators will be guided by the issue in their votes when rule XXII is before the Senate.

I would be willing at the proper time to support a change in rule XXII to a majority of three-fifths, but not to a simple majority.

Mr. SCOTT. Mr. President, I do thank the Senator from California as well as the centrists of the Senate. I do want to make clear that I am equally in accord with the liberal dogma or the conservative catalysts.

I thank the Senator.

Mr. CRANSTON. Mr. President, I thank the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. At this time the Senator from Idaho is recognized for 15 minutes.

Mr. CHURCH. Mr. President, the purpose of this colloquy is to revisit rule XXII. One cannot return to an old argument without risking the embarrassment of having to "eat his own words."

It is said of Winston Churchill that he was once asked if it were true that he often had to eat his own words.

"Very often," replied Churchill. "And, on the whole, I have found them a rather wholesome diet."

Such is the risk entailed in reconsidering the part rule XXII is currently playing in the life of the Senate.

But first one must consider the role the Senate itself is playing in the political life of the Nation. If these are times, as I believe them to be, when changes in our public spending habits are called for, there is little evidence that the Senate will initiate those changes. If the Federal budget needs to be drastically reshaped, the record suggests that the Senate is more likely to resist, than to expedite the alterations.

This tendency to maintain the established order arises not so much from old voting habits as from the way the Senate itself is structured. Under our committee system, each executive department of the Government finds its champion in the committee which exercises legislative jurisdiction over its affairs. The Armed Forces Committee becomes the protector of the Pentagon, the Committee on Agriculture becomes the defender of existing farm programs, the Foreign Relations Committee becomes the guarantor for perpetuating foreign aid. In this manner, Congress tends to institutionalize the status quo.

I sometimes think the Senate resembles a fudge factory, where we shape each piece, slicing a little here, adding a little there, but where the recipe never changes and the candy stays the same. Whenever the big interests line up together, by which I mean big government, big business, and big labor, they seem always able to command a majority, no matter how unprincipled or outrageous their legislative proposal might be.

The ACTING PRESIDENT pro tempore. The time of the Senator from California has expired. The Senator from Idaho is now speaking on the time of the Senator from Maryland. The Senator from Maryland is recognized.

Mr. CHURCH. Mr. President, will the Senator from Maryland yield to me such time as is necessary for me to complete my statement. It should not take more than another 3 minutes.

Mr. MATHIAS. I am happy to yield to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CHURCH. But occasionally, if the public interest is being too badly mauled, a determined minority in the Senate, by resort to rule XXII, can engage in a delaying action that often will force concessions and sometimes will even result in the rejection of the measure contested.

During this session, I have watched it happen on three important legislative measures:

First. The supersonic commercial air transport, the SST. Opponents of this boondoggle employed rule XXII to buy vitally needed time—successfully as it turned out—to mobilize public opinion against the SST. The project was finally shelved, though it would clearly have been approved, had it been rushed to passage.

Second. The Lockheed Aircraft loan guarantee. This proposal was reported to the Senate in the form of a Big Business Relief Act. Any insolvent business, however badly mismanaged, if big enough, could obtain Government credit and thus avoid bankruptcy. It was a kind of socialism-for-the-rich, free-enterprise-for-the-poor program. Again, a resort to rule XXII forced a compromise. Lockheed got its guaranteed loan, but the right to raid the treasury was not extended to big business generally.

Third. The draft extension. In respect to this bill, rule XXII proved least effective. Cloture was imposed twice, once in June and again this month. But an access to extended debate enabled opponents of the draft to delay its renewal for several months. And the effort to resist the second cloture attempt failed by only one vote.

On theory alone, a logical and compelling case can be made for amending rule XXII. I could repeat the arguments I myself have made in the past urging modification of the rule. But, the rules of the Senate, like the law itself, may have less to do with rationality than with experience. And the experience of these past 18 months states a strong case for the retention of rule XXII in its present form.

I do not derogate the arguments made in favor of changing rule XXII. I, myself, made them, believed them, and urged their acceptance. But as a sitting judge once remarked to a lawyer pleading before him:

> I remind you, Counselor, that we are confronted with a *condition*—not a theory.

Mr. President, I thank the Senator very much for yielding to me part of his time.

Mr. MATHIAS. Mr. President, responding to the suggestion of the distinguished Senator from California that rule XXII is a proper subject for some open discussion in the Senate and some open discussion in the country, I am reminded a little bit of a story told to me some years ago by a Member of the other body, Governor Tuck of Virginia. Governor Tuck lived in the town of South Boston, Va., where he said a great many of the people were Baptists, and before they would have a baptismal ceremony by a river in that locality they would send out the young men and the older boys to put sticks in the river so that the little ones would not get out over their heads. Governor Tuck used to say that was the process of measuring the water.

Mr. President, I think that is very properly what we are doing here today. We are measuring the water.

The very first vote I cast as a Member of Congress was a vote to enlarge the Rules Committee in the other body, one of those painful experiences which membership in Congress involves; very painful. But I think that vote, which I recall today, is not without some interest with respect to rule XXII, because it illustrates the fact that institutions within Congress, as well as Congress, change in relationship to the times and circumstances.

When Speaker Cannon, who was known as Czar Cannon, was in his heyday in the House, he ruled it with an iron hand. It was a great liberal thing, a great progressive reform to set up the Rules Committee as an alternative to the iron rule of the Speaker. Yet we find over a period of 50 or 60 years the Rules Committee had become known as the citadel of reaction; that it was necessary to reform the Rules Committee by enlarging it and weakening the power of its chairman. Instead of being the great instrument of reform, as originally conceived, it had become an obstacle to a reasonable rate of legislative progress.

I think that is the kind of situation we deal with here. There is an ebb and flow in legislative institutions; there is an ebb and flow in the effectiveness of the rules by which we govern ourselves. I think the existence of this ebb and flow gives great weight and force to the words just spoken here by the minority leader, the distinguished Senator from Pennsylvania, who abjured both liberal dogma and conservative catalysts, if I remember his words exactly. I think that is right.

I do not think this is a question for dogma. I do not think this is a question for rigid consistency. It is a question of commonsense. There are some very fundamental principles at stake here.

If this Republic, as founded, had depended entirely on majoritarian rule, there would not be any purpose in measuring the water this morning—if a simple majority always ruled. But it is a part of the organic law of this Nation that a simple majority is not always sufficient to carry the day. There are occasions when more than a majority is required.

Amendment of the Constitution, for example, requires more than a simple majority of the American people or of the States. The overriding of a veto by the President requires more than a simple majority.

So that this Republic is not founded purely and simply on the concept that a majority alone will rule, and the reason for that is a sound reason, because in this Nation above all other nations the rights of individuals are guaranteed and protected—protected against the Government as well as against the intrusions upon their rights by other private citizens. The rights of minorities are protected against the tyrannies of majorities.

This is, of course, the original rationale for rule XXII. We find, however, that rule XXII has, on the occasions in which it has been used since 1841—some 60 occasions—impeded the orderly conduct of the business of the Senate, sometimes for high purposes and worthy motives, and sometimes perhaps for less high purposes and less worthy motives. So we have a conflict—a conflict between the concept of rule XXII as one of the protections of minorities and rule XXII as an obstacle to the logical and reasonable flow of Senate business.

I think it is useful to consider the way that the rule has worked. The records indicate that at least 63 important pieces of legislation have been delayed or defeated by filibusters in the past. Between 1876 and 1916 at least 82 appropriation bills failed of passage by the direct or indirect result of filibusters. And since 1960, which is perhaps the period that ought to be of greatest pertinence to our discussion, the measures that were either defeated or delayed by filibusters include civil rights bills, voting rights bills, COMSAT, home rule for the District of Columbia, right to work, the reapportionment amendment, campaign funds financing, open housing legislation, the confirmation of Messrs. Fortas, Haynesworth, and Carswell, the Cooper-Church amendment, the abolition of the electoral college, the family assistance plan, the shoe and textile import quotas, and the financing for the SST.

I think that this list, in which the impact of rule XXII has been felt, is sufficiently impressive a list of events and issues in our own time that we can see that we are dealing here with a very volatile and explosive subject.

We were fixed so long in our concept of the filibuster as, you might call it, almost a regional weapon that I think the American people associate the filibuster and rule XXII with the old-fashioned Member of the Senate who is rotund, wears a black suit and a black hat and a black string tie, and pince-nez glasses on a black ribbon. But obviously that is not an adequate description any more. The rule is being employed by Members from all of the States, or from a wide variety of States, at any rate. Its application is far broader than previous experience would indicate. It is being utilized to prevent hasty action. It is being utilized to protect the interests of minorities, whether here in the Senate or in the country. And I think you have to consider very carefully what the impact of altering the rule would be and what the impact of abolition of the rule would be.

In a large measure, this is not a housekeeping problem for the Senate. In a large measure, this is going to affect what the Senate does with the Nation's business. What can be useful about the suggestion of the Senator from California is that we discuss it openly so that we may focus public attention on the question. As we focus public attention on it I hope we will stimulate discussion and debate so that we can consider not only this rule and how it affects the conduct of business in the Senate, but will consider the principle which underlies this rule. This principle built into our Government does not always follow the majoritarian principle, which reflects the fact that this is a government dedicated to guaranteeing the rights of individuals, and that as this philosophy is considered and discussed and debated, there will feed back to us here in the Senate from across the country the feeling and the sentiment and the contemporary judgment of the American people on the way that this question should be resolved when the new Congress meets in January of 1973.

Mr. CHURCH. Mr. President, the distinguished junior Senator from Georgia has indicated his intent to participate in this discussion, and I am happy to yield to him such time as he may require.

Mr. GAMBRELL. Mr. President, on this question of rule XXII, I would simply like to state that I believe it is an important development that these distinguished Senators have brought before the Senate for further consideration the importance of rule XXII in our system.

Senators will recall that my arrival here was about a month later than the convening of Congress, by virtue of my having been appointed to succeed the late Senator Russell, who was one of the great defenders and advocates of rule XXII.

At the time I arrived here, the question before the Senate was the proposed amendment of rule XXII; and by application of rule XXII and the extension of debate thereunder, rule XXII eventually survived unchanged. I think it was important that it did survive, and I voted against cloture, I think four times, in order to avoid the amendment of rule XXII.

The distinguished Senator from Maryland listed 10 or 15, or maybe more, important issues which, over a period of years, had been delayed and had been subjected to extended debate under rule XXII. The distinguished Senator from Idaho mentioned several issues which have been debated during this session of the Senate and this Congress. But it was interesting that neither of them mentioned that rule XXII itself had been the subject of extended debate, and that it in fact had survived as a result of that extended debate.

I think it is important, in considering this matter, that we look, not to see whose point of view prevailed or whose point of view was defeated as a result of the extended debate, but to the fact that there was a debate, and the fact that there was discussion and there was public attention focused and concern brought to bear, and in some cases a compromise or amelioration of views.

I might say further that I think a

subject which is deserving of some discussion and debate, and which will no doubt be brought on for some extended debate during this session of Congress, is the question of enforced busing of schoolchildren throughout the country. As that issue is brought more and more into focus by various court decisions and administrative rulings, not only throughout the South but in many parts of the country, I think there will be growing recognition of the need for widespread and extended consideration of the desirability and advisability of that policy and that practice.

I have here, and will seek recognition to ask unanimous consent during the morning hour to have printed in the RECORD, a letter and an enclosed resolution from the State school superintendent in Georgia on this subject, and as I have stated, at an appropriate time in the future in this session there will be an opportunity for some further discussion of this very important and critical issue.

I thank the Senator from Idaho for yielding me his time.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GAMBRELL. I believe this is on the time of the Senator from Idaho.

Mr. CHURCH. I yield.

Mr. LONG. It seems to me that the best argument against changing rule XXII is that it never really has been given a trial. The reason I say that is because there are some of my southern colleagues—and I say this with all deference and all admiration and love of them—who have refused to vote for cloture, no matter what the circumstances, on the theory that it was wrong to shut off debate, ever.

It seems to me that the Senate and every Member of it must recognize that there is such a thing as rule XXII, which does permit the shutting off of debate by a two-thirds majority, and give the thing a fair trial. But so far it would appear to me that when a case can be made for closing off debate, we are able to shut off debate, and that is really about all one has a right to expect and to ask of any rule on debate limitation.

Personally, I feel that as much as people are entitled to be heard, the time comes when it is within the power of two-thirds of the Senate to shut off debate. In view of the fact that I must recognize that those who might differ with me have that weapon available, I, personally, claim it for myself.

Mr. GAMBRELL. I agree 100 percent with the remarks of the Senator, and I thank him for adding them.

Mr. CHURCH. Mr. President, I yield such time as remains to me to the distinguished Senator from Minnesota (Mr. MONDALE).

The ACTING PRESIDENT pro tempore. Under that agreement and under the previous unanimous-consent agreement, the Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, since coming to the Senate, I have viewed a change in rule XXII as one of the most crucial issues of congressional reform. Basically it has been my position, and continues to be, that rule XXII's provision that two-thirds of those present and voting are required to vote cloture permits paralysis of the legislative process. Thus, I have consistently supported past efforts to amend rule XXII. This is still my position, and I will continue to support efforts to change rule XXII.

When I first came to the Senate, I cosponsored a measure to close off debate with 51 percent of the vote of the Senate.

The longer I am here, the more I feel that this would be an unwise policy, and I will no longer support a rule which allows a simple majority to close off debate.

As I see it, it is an issue between the ability to paralyze, on the one hand, and the ability to require full ventilation of an issue, on the other. In my opinion, there are crucial issues which demand full consideration by the Senate—the kind of full consideration that no other institution in this country is capable of giving. Such consideration requires extended debate.

For example, the Senate spent approximately 6 weeks in 1969 debating the military authorization bill, and I believe that debate was the turning point toward a more efficient U.S. military policy. In contrast to this, the House debate on the same measure was limited to 4 hours, and that cannot be sufficient time to fully consider a measure of that magnitude, with all its profound underlying policy questions.

Increasingly, it seems to me, the Executive, under both political parties, has been pursuing a policy which often borders on deceit but which almost routinely borders on a very careful and sophisticated effort to suppress information.

The Pentagon papers certainly set forth very disturbing truths about the tragedy of our policies in Vietnam and in many ways sharply contradict the public impressions that were permitted to exist during the buildup of that tragic war. The effort to suppress the printing of the truth about our involvement in Vietnam contained in those documents brought about the first official effort in the history of the United States to invoke prepublication censorship—an effort by our Government to censor what the American people could learn about that issue. I am convinced that the Government was far more concerned about hiding the truth from the American people than they were about preventing the disclosure of secrets to the Russian people. They wanted to defend themselves from being embarrassed. That cannot be the proper role of this Government or any of us in this body.

The very foundation of a vital democracy involves full and candid disclosure. I say this because I do not know of any other body that is even remotely capable of prying the truth out of the Executive or any major business—or out of any other organization, for that matter—except the U.S. Senate. A primary way to do that is through extended debate, through the willingness of a band of Senators, who sense that the public has not been fully advised and informed, to stand up and debate an issue and to try to pursue strategies that force the disclosure of information.

One cannot pick up a newspaper on any day without seeing evidence of this policy. Once again, I say it is not a partisan issue. I think the Pentagon papers tell us something about the past administration.

Just this morning, the paper discloses that the administration is firing the highly professional leadership of the Bureau of Labor Statistics; and they are going to have a sort of political cleansing process by which a politically sensitive officer will tell the American people how good the economy really is.

Just a few months ago, the Department of Agriculture decided to play down its traditional parity statistics and developed a new one that tells the farmers, who are in the midst of a depression, that they are really doing pretty well after all.

That may be considered permissible politics—I suppose it is—but I think it underscores the decided and growing effort on the part of the Executive to suppress news that is not favorable. This Government can only work when we are told of all the news, the good and the bad, so that the American people might decide which course they must follow. These examples are almost limitless, and I am afraid the situation is getting worse.

Therefore, I think we need a cloture rule which strikes a balance—one which insures that the Senate will not be prevented from carrying out its business and, at the same time, allows and permits the fullest possible debate. I believe that the two-fifths rule, or some similar formula for invoking cloture strikes this delicate balance.

Even though I favor reform of rule XXII, I sympathize with the position of Senators CHURCH, CRANSTON, MATHIAS, and others who are reassessing their position on this issue. In recent months, those opposed to the filibuster, including myself, have used this tactic as a last resort in trying to stop the tragic war in Vietnam and in preventing a stampede toward a ruinous, protectionist trade policy. I see nothing inconsistent in this. For too long now, those of us who favored a reform in rule XXII have taken the position that it would somehow be wrong to engage in or to threaten a filibuster. But I believe that as long as the two-thirds requirement exists, any Member of the Senate should feel free to take advantage of it.

Perhaps, as more and more Senators decide to rely on the advantages inherent in rule XXII, those who have opposed reform will realize that the filibuster cuts two ways, that it can frustrate their aims just as it has frustrated the aims of others in the past. The invention will have turned to plague the inventor.

With this realization, there may be a real chance of modifying rule XXII and adopting a fairer and more realistic formula for invoking cloture.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. CRANSTON. I am delighted that the Senator from Minnesota has been rethinking the matter of rule XXII, along with others of us in the Senate, and that he has come to the conclusion that it would be unwise to move to a simple majority rule for voting cloture. That, plainly, would be the most dangerous thing we might do in this regard, and we would lose all opportunity to slow down decisions that should be slowed down, to perhaps block decisions that should never be made, and to have the opportunity we now have in the Senate to arouse the country before we come to a decision in this body.

I am also delighted that the Senator from Minnesota some time back recognized that, while the rule exists, it is wise to use it in a cause in which he believes deeply and which is important to our country, and that he is not one of those who will refuse to do anything except vote "yes" on a cloture motion simply because that ties into his deeper views about rule XXII itself.

The Senator from Louisiana made the very same point, and I am delighted that he did. I should like to point out to the Senator from Louisiana that there has been a change, also, on the part of Senators from his part of the country. Statistically, it is very interesting that as of June, there were still 12 Senators in this body who had never voted cloture on any issue, no matter what it was. That number has now been reduced to three, since the Maryland Senator saw that the tides of change are blowing in this body in a number of ways with respect to this issue and this rule. The Senator from Maryland spoke of measuring the water in a very interesting way. He spoke of his experience with the Rules Committee in the other body in the first vote he cast in that body on the matter of enlarging the Rules Committee. In some ways, many of us who come new to this body find that the first or second votes we cast relate to rule XXII and the views on changing that rule.

In the same way, there is another controversial matter in this body and across the country, that of seniority. I think that we should recognize the seniority system was in part adopted in both bodies to stop tyranny, that is, the tyranny of a single man or a group of men in determining the composition of the committee structure. I do not want to inject the issue of seniority into this debate, but I would point out that the reasons for doing something in terms of rules and procedures are sometimes lost because of other times and other developments. We should look back upon the real reasons for rule XXII and the real uses to which rule XXII can be put when the rule is before this body for consideration.

I am delighted that the Senator from Idaho (Mr. CHURCH) joined in this discussion, because he has been one of the finest and most effective leaders in past battles on rule XXII, seeking to change it. The fact that he had the greatness within him to recognize the change that has developed, and his readiness to indicate his change in this debate, has made a tremendous contribution, I think, to our deliberations here.

I hope that all of this together will add up to an opportunity for many Senators to rethink this matter in terms of guiding their behavior between now and when rule XXII is before this body once again, or just until that time where the issue would not be how we feel about that rule but the issue before this body in terms of what this body will do when the rule comes up when the new Congress convenes.

Mr. MONDALE. The problem we have is a difficult one. It is not one that lends itself to an easy formula. How do we retain in the Senate this unique power, which I think does not exist in any other parliamentary body in the world and which perhaps has contributed more strength to this body than anything else—that is, the ability to slow down, to delay, and—to put it frankly—to hold up decisions until the views of one-third of the Senate are accommodated.

This has often permitted the full exploration of an issue; and upon the exploration of that issue, there often has resulted a different public policy, once the truth is known. Sometimes, in my opinion, it has been used capriciously, but that is what the rules are for. They can be used legally for whatever purposes they may serve.

I am not yet prepared to say that we should abandon the effort to diminish the percentage for invoking cloture—because I think the two-thirds rule means that one-third of the Senate can block anything which it desires to block. I think that is too small a percentage.

What the percentage should be precisely, I do not know; but my personal judgment is that one-third to too small. Forty percent may be closer. That is still a high hurdle to achieve.

If we look at the percentages by which we were elected, we will find that very few of us were elected by 60 percent; but I think we will all admit that we were the ideal choice. [Laughter.]

Mr. MATHIAS. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. MATHIAS. It seems to me, in this discussion, that we should also direct our attention to alternatives, that is, to a modification of rule XXII, whether by other parliamentary procedures which are available, such as moving the previous question, which is a procedure with a long history, going back to the House of Commons at Westminster in England, or whether there are still further alternatives. This might all be made a matter of public scrutiny and public discussion. I think that would be a very valuable addition to the legislative procedures here in the Senate.

Mr. MONDALE. I agree wholeheartedly with the Senator from Maryland on that. Such a discussion might also include the issue of seniority.

Mr. CRANSTON. I agree with the Senator from Maryland that we should consider alternatives. There may well be wise alternatives and gradations of approaches that would enhance the actions and ability of the Senate to act or to prevent action without sacrificing the ability we presently have to protect minorities and slowing down and perhaps blocking action that should not be taken.

I am delighted that the Senator from Minnesota (Mr. MONDALE) said he is not yet ready to vote for anything other than a three-fifths vote on cloture. That indicates he is still in the process of thinking on this matter. Perhaps he will come all the way over to the views some of us have been presenting this morning, sometime in the future.

SUGAR ACT AMENDMENTS OF 1971—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report which reads as follows:

CONFERENCE REPORT (S. REPT. No. 92–381)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Sugar Act Amendments of 1971".

Sec. 2. Section 101 of the Sugar Act of 1948, as amended, is amended—

(1) by striking out "the Virgin Islands," in subsection (j);

(2) by amending subsection (o) to read as follows:

"(o) The term 'continental United States' means the States (except Hawaii) and the District of Columbia."; and

(3) by adding at the end thereof the following new subsection:

"(p) The term 'mainland cane sugar area' means the States of Florida and Louisiana."

Sec. 3. Section 201 of the Sugar Act of 1948, as amended, is amended to read as follows:

"ANNUAL ESTIMATE OF CONSUMPTION IN CONTINENTAL UNITED STATES

"Sec. 201. (a) The Secretary shall determine for each calendar year, beginning with 1972, the amount of sugar needed to meet the requirements of consumers in the continental United States and to attain the price objective set forth in subsection (b). Such determination shall be made during October of the year preceding the calendar year for which the determination is being made and at such other times thereafter as may be required to attain such price objective.

"(b) The price objective referred to in subsection (a) is a price for raw sugar which would maintain the same ratio between such price and the average of the parity index (1967=100) and the wholesale price index (1967=100) as the ratio that existed between (1) the simple average of the monthly price objective calculated for the period September 1, 1970, through August 31, 1971, under this section as in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971, and (2) the simple average of such two indexes for the same period.

"(c) For purposes of subsection (b)—

"(1) The term 'parity index (1967=100)' means the index of Prices Paid by Farmers for Commodities and Services, including Interest, Taxes, and Farm Wage Rates, as published monthly by the Department of Agriculture.

"(2) The term 'wholesale price index' means such index as determined monthly by the Department of Labor."

SEC. 4. (a) Section 202(a) of the Sugar Act of 1948, as amended, is amended to read as follows:

"(a)(1) For domestic sugar-producing areas, by apportioning among such areas 6,910,000 short tons, raw value, as follows:

"Areas	*Short tons, raw value*
Domestic beet sugar	3,406,000
Mainland cane sugar	1,539,000
Hawaii	1,110,000
Puerto Rico	855,000
Total	6,910,000

"(2) To or from the sum of 4,945,000 short tons, raw value, of the quotas for the domestic beet sugar and mainland cane sugar areas there shall be added or deducted, as the case may be, an amount equal to 65 per centum of the amount by which the Secretary's determination of requirements of consumers in the continental United States pursuant to section 201 for the calendar year is greater than or less than 11,200,000 short tons, raw value. Such amount shall be apportioned between the domestic beet sugar area and the mainland cane sugar area on the basis of the quotas for such areas established under paragraph (1) of this subsection in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971.

"(3) Notwithstanding the foregoing provisions of this subsection, whenever the production of sugar in Hawaii or Puerto Rico in any year results in there being available for marketing in the continental United States in any year sugar in excess of the quota for such area for such year established under paragraph (1) of this subsection, the quota for the immediately following year established for such area under such paragraph shall be increased to the extent of such excess production, except that in no event shall the quota for Hawaii or Puerto Rico, as so increased, exceed the quota which would have been established for such area at the same level needed to meet the requirements of consumers under the provisions of this subsection in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1962. Whenever sugar produced in Hawaii or Puerto Rico in any year is prevented from being marketed or brought into the continental United States in that year for reasons beyond the control of the producer or shipper of such sugar, the quota for the immediately following year established for such area under paragraph (1) of this subsection and the preceding sentence shall, within the limitations of the preceding sentence and section 207, be increased by an amount equal to (A) the amount of sugar so prevented from being marketed or brought into the continental United States, reduced by (B) the amount of such sugar which has been sold to any other nation instead of being held for marketing in the continental United States.

"(4) Beginning with 1973 or as soon thereafter as the quota or quotas can be used, there shall be established for any new continental cane sugar producing area or areas a quota or quotas of not to exceed a total for all such areas of 100,000 short tons, raw value, subject to the requirements of section 302 of this Act."

(b) Section 202(b) of such Act is amended to read as follows:

"(b) For the Republic of the Philippines, in the amount of 1,126,020 short tons, raw value."

(c) Section 202(c) of such Act is amended—

(1) by striking out paragraph (2);

(2) by amending paragraph (3) to read as follows:

"(3) For individual foreign countries other than the Republic of the Philippines and Ireland, by prorating the amount of sugar determined under paragraph (1) of this subsection, less the amounts required to establish a quota as provided in paragraph (4) of this subsection for Ireland, among foreign countries on the following basis:

"(A) For countries in the Western Hemisphere:

"Country	*Per centum*
Cuba	23.74
Dominican Republic	12.80
Mexico	11.32
Brazil	11.04
Peru	7.90
West Indies	4.12
Ecuador	1.63
Argentina	1.53
Costa Rica	1.38
Colombia	1.36
Panama	1.29
Nicaragua	1.29
Venezuela	1.23
Guatemala	1.18
El Salvador	.86
British Honduras	.68
Haiti	.62
Bahamas	.54
Honduras	.24
Bolivia	.13
Paraguay	.13

"(B) For countries outside the Western Hemisphere:

"Country	*Per centum*
Australia	5.02
Republic of China	2.09
India	2.01
South Africa	1.42
Fiji	1.10
Mauritius	.74
Swaziland	.74
Thailand	.46
Southern Rhodesia	.37
Malawi	.37
Uganda	.37
Malagasy Republic	.30

"(C) Notwithstanding the provisions of subparagraphs (A) and (B), for the calendar year 1972 the proration for Panama shall be 0.85 per centum and for Malawi shall be zero per centum and the proration for the other countries named in subparagraphs (A) and (B) shall be increased proportionately."; and

(3) by amending paragraph (4) to read as follows:

"(4) For Ireland, in the amount of 5,351 short tons, raw value, of sugar. The quota provided by this paragraph shall apply for any calendar year only if the Secretary obtains such assurances from such country as he may deem appropriate prior to September 15, preceding such calendar year (October 31, 1971, for the calendar year 1972) that the quota for such year will be filled with sugar produced in such country."

(d) Section 202(d) of such Act is amended—

(1) by striking out "that are members of the Organization of American States" in paragraph (1)(A)(ii);

(2) by striking out "quotas then in effect for such countries" in paragraph (1)(B) and inserting in lieu thereof "percentages stated therein";

(3) by striking out "the Bahama Islands, Bolivia, Honduras, and" in paragraph (3);

(4) by striking out "August" and inserting in lieu thereof "June" in paragraph (4); and

(5) by striking out "1965" each place it appears in paragraph (6) and inserting in lieu thereof "1971".

(e) Section 202(e) of such Act is amended by inserting "or under section 408(c)" after "subsection (d)(1) of this section".

(f) Section 202(f) of such Act is amended to read as follows:

"(f) Whenever any quota is required to be reduced pursuant to subsection (e) or because of a reduction in the requirements of consumers under section 201 of this Act, and the amount of sugar imported from any country or marketed from any area at the time of such reduction exceeds the reduced quota, the amount of such excess shall, notwithstanding any other provision of this section, be charged to the quota established for such country or domestic area for the next succeeding calendar year. Sugar from any country which at the time of reduction in quota has not been imported but is covered by authorizations for importation issued by the Secretary not more than five days prior to the scheduled date of departure shown on the authorization shall be permitted to be entered and charged to the quota established for such country for the next succeeding calendar year."

(g) Section 202(g) of such Act is amended to read as follows:

"(g)(1) The Secretary is authorized to limit, on a quarterly basis only, the importation of sugar within the quota for any foreign country during the first quarter of 1972 if he determines that such limitation is necessary to achieve the objectives of the Act.

"(2) The Secretary is not authorized during the last three quarters of 1972 and the full year 1973, or in any year thereafter except as provided herein, to limit the importation of sugar within the quota for any foreign country through the use of limitations applied on other than a calendar year basis.

"(3) In order to attain on an annual average basis the price objective determined pursuant to the formula specified in section 201 of this Act, the Secretary shall make adjustments in the determination of requirements of consumers in accordance with the following provisions: (A) the determination of requirements of consumers shall not be adjusted whenever the simple average of the prices of raw sugar for seven consecutive market days is less than 4 per centum (or, in the case of any seven consecutive market day period ending after October 31 of any year and before March 1 of the following year, 3 per centum) above or below the average price objective so determined for the preceding two calendar months; (B) the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective whenever the simple average of prices of raw sugar for seven consecutive market days is 4 per centum or more (or, in the case of any seven consecutive market day period ending after October 31 of any year and before March 1 of the following year, 3 per centum or more) above or below the average price objective so determined for the preceding two calendar months; and (C) the determination of requirements of consumers for the current year shall not be reduced after November 30 of such year, but any required reduction shall instead be made in such determination for the following year. If in the twelve-month period ending October 31 of any year after 1972 the average price of raw sugar is less than 99 per centum of the price objective determined pursuant to the formula set forth in section 201 (except in the twelve-month period ending October 31, 1973—97 per centum) then, with respect to each subsequent calendar year, the Secretary is authorized after November 30 of the preceding year to limit, on a quarterly basis only, the importation of sugar within the quota of any foreign country during the first or second quarter, or both, of such subsequent year if he determines that such limitation is necessary to achieve the objectives of the Act.

"(4) The Secretary is not authorized to issue any regulation under this Act restricting the importation, shipment, or storage of sugar to one or more particular geographical areas.

"(5) The imposition of limitations on a quarterly basis under this subsection shall not operate to reduce the quantity of sugar permitted to be imported for any calendar year from any country below its quota for that year."

SEC. 5. (a) Section 204(a) of the Sugar Act of 1948, as amended, is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him but in any event not less frequently than each sixty days after the beginning of each calendar year, determine whether, in view of the current inventories of sugar, the estimated production from the acreage of sugarcane or sugar beets planted, the normal marketings within a calendar year of new-crop sugar, and other pertinent factors, any area or country will not market the quota for such area or country.";

(2) by striking out "If" in the second sentence and inserting in lieu thereof "Whenever" and by striking out "will be unable to" in such sentence and inserting in lieu thereof "will not";

(3) by amending the first proviso in the second sentence to read as follows: "*Provided*, That any deficit resulting from the inability of a country which is a member of the Central American Common Market to fill its quota or its share of any deficit determined under the foregoing provisions of this subsection shall first be allocated to the other member countries on the basis of the quotas determined pursuant to section 202 for such countries:";

(4) by striking out "will be unable to" in the third, fifth, sixth, and eighth sentences and inserting in lieu thereof "will not";

(5) by striking out the tenth and eleventh sentences and inserting in lieu thereof the following: "In determining and allocating deficits the Secretary shall act to provide at all times throughout the calendar year the full distribution of the amount of sugar which he has determined to be needed under section 201 of this Act to meet the requirements of consumers.";

(6) by striking out "quotas then in effect" wherever it appears and inserting in lieu thereof "quotas determined pursuant to section 202"; and

(7) by striking out "47.22" wherever it appears and inserting in lieu thereof "30.08".

(b) Section 204 of the Sugar Act of 1948, as amended, is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding the foregoing provisions of this section and section 211(c), if the Secretary determines that Hawaii or Puerto Rico will be unable to fill its quota established under section 203 for marketing for local consumption on a day-to-day basis, he shall allocate a total amount of sugar not in excess of such deficit to the domestic beet sugar area or the mainland cane sugar area, or both, to be filled by direct consumption or raw sugar, as he determines to be required for local consumption."

SEC. 6. Section 205(a) of the Sugar Act of 1948, as amended, is amended by striking out the third sentence and inserting in lieu thereof the following: The Secretary is authorized in making such allotments, whenever there is involved any allotment that pertains to a new or substantially enlarged existing sugar beet processing facility serving a locality or localities which have received an acreage allotment under section 302(b) (3) or that pertains to a sugar beet processing facility described in section 302(b) (9), to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for reasonably efficient operation of any such sugar beet processing facility during each of the first three years of its operation."

SEC. 7. Section 206 of the Sugar Act of 1948, as amended, is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) If the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico of any sugar-containing product or mixture or beet sugar molasses will substantially interfere with the attainment of the objectives of this Act, he may limit the quantity of such product, mixture, or beet sugar molasses to be imported or brought in from any country or area to a quantity which he determines will not so interfere: *Provided*, That the quantity to be imported or brought in from any country or area in any calendar year shall not be reduced below the average of the quantities of such product, mixture, or beet sugar molasses annually imported or brought in during such three-year period as he may select for which reliable data of the importation or bringing in of such product, mixture, or beet sugar molasses are available.

"(b) In the event the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico, of any sugar-containing product or mixture or beet sugar molasses will substantially interfere with the attainment of the objectives of this Act and there are no reliable data available of such importation or bringing in of such product, mixture, or beet sugar molasses for three consecutive years, he may limit the quantity of such product, mixture, or beet sugar molasses to be imported or brought in annually from any country or area to a quantity which the Secretary determines will not substantially interfere with the attainment of the objectives of the Act. In the case of a sugar-containing product or mixture, such quantity from any one country or area shall not be less than a quantity containing one hundred short tons, raw value, of sugar or liquid sugar."; and

(2) by adding at the end thereof the following new subsection:

"(d) Notwithstanding the foregoing provisions of this section, the Secretary shall each year, beginning with the calendar year 1972, limit the quantity of sweetened chocolate candy, and confectionery provided for in items 156.30 and 157.10 of part 10, schedule 1, of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption in the United States as hereinafter provided. The quantity which may be so entered or withdrawn during any calendar year shall be determined in the fourth quarter of the preceding calendar year and the total amount thereof shall be equivalent to the larger of (1) the average annual quantity of the products entered, or withdrawn from warehouse, for consumption under the foregoing items of the Tariff Schedules of the United States for the three calendar years immediately preceding the year in which such quantity is determined, or (2) a quantity equal to 5 per centum of the amount of sweetened chocolate and confectionery of the same description of United States manufacture sold in the United States during the most recent calendar year for which data are available. The total quantity to be imported under this subsection may be allocated to countries on such basis as the Secretary determines to be fair and reasonable, taking into consideration the past importations or entries from such countries. For purposes of this subsection the Secretary shall accept statistical data of the United States Department of Commerce as to the quantity of sweetened chocolate and confectionery of United States manufacture sold in the United States."

SEC. 8. Section 207 of the Sugar Act of 1948, as amended, is amended—

(1) by striking out "such year" in subsection (a) and inserting in lieu thereof "the preceding year";

(2) by amending subsection (b) to read as follows:

"(b) The quota for Puerto Rico established under section 202 for any calendar year may be filled by direct-consumption sugar not to exceed an amount equal to 1.5 per centum of the first eleven million short tons, raw value, of the Secretary's determination for the preceding year issued pursuant to section 201, plus 0.5 per centum of any amount of such determination above eleven million short tons, raw value, except that 126,033 short tons, raw value, of such direct-consumption sugar shall be principally of crystalline structure."; and

(3) by striking out subsection (c).

SEC. 9. Section 209(a) of the Sugar Act of 1948, as amended, is amended by striking out "from Hawaii, Puerto Rico, the Virgin Islands, or foreign countries," and inserting in lieu thereof "from any foreign country or any other area outside the continental United States".

SEC. 10. Section 211(a) of the Sugar Act of 1948, as amended, is amended by striking out "continental United States" and inserting in lieu thereof "United States, including Puerto Rico,".

SEC. 11. Section 212 of the Sugar Act of 1948, as amended, is amended by striking out "sugar or" in clauses (1) and (2) and inserting in lieu thereof "direct consumption sugar or".

SEC. 12. (a) Section 302(b) of the Sugar Act of 1948, as amended, is amended—

(1) by adding at the end of paragraph (1) the following: "In establishing proportionate shares for farms in the mainland cane sugar area, the Secretary may establish separate State acreage allocations, may determine and administer the proportionate shares for farms in one State by a method different from that used in another State, may include in such State allocation an acreage reserve to compensate for anticipated unused proportionate shares, may make conditional allocations to farms from such reserve and establish conditions which must be met in order for such allocations to be final, may make an adjustment in a State's allocation in any year to compensate for a deficit or surplus in a prior year if the actual amount of unused proportionate shares in such State for such prior year was larger or smaller than such anticipated amount of unused proportionate shares, and, in establishing State allocations and farm proportionate shares, may use whatever prior crop year or years he considers equitable in his consideration of past production.";

(2) by adding at the end of paragraph (2) the following: "The personal sugar beet production history of a farm operator who dies, or becomes incapacitated, shall accrue to the legal representative of his estate or to a member of his immediate family if such legal representative or family member continues within three years of such death or incapacity the customary sugar beet operations of the deceased or incapacitated operator. If in any year during this period sugar beets were not planted by such legal representative or member of the family, production history shall be credited to such year equal to the acreage last planted by the deceased or incapacitated farm operator.";

(3) by amending paragraph (3) to read as follows:

"(3) In order to make acreage available for growth and expansion of the beet sugar industry, the Secretary, in addition to protecting the interests of new and small producers by regulations generally similar to those heretofore promulgated by him pursuant to this Act, shall allocate as needed from the national sugar beet requirements established by him, during 1972, 1973, and 1974, the acreage required to yield not more than a total of 100,000 short tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugar beet processing facilities. Allocations shall be for a period of three years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value, of sugar. The acreage so allocated shall be distributed on a fair and reasonable basis to new and old sugar beet farms to the extent that it can be utilized without regard to any other acreage allocations to States determined by the Secretary. At the time the Secretary allocates acreage for a new or substantially enlarged existing sugar beet processing facility for any year, which determination shall be made as far in advance of such year as practicable, such allocation shall thereby be committed to be in effect for the year in which production of sugar beets is scheduled to commence or to be substantially increased in the locality or localities determined by the Secretary to receive such acreage allocation for such year, such determination by the Secretary shall be final, and such commitment of acreage allocation shall be irrevocable upon issuance of such determination of the Secretary by publication in the Federal Register; except that if the Secretary finds in any case that the construction of new or the substantial enlargement of existing sugar beet processing facilities and the contracting for processing of sugar beets has not proceeded in substantial accordance with the representations made to him as a basis for his determination of acreage allocation, he shall revoke such determination in accordance with and upon publication in the Federal Register of such findings. In determining acreage allocations for a locality or localities serving new or substantially enlarged existing sugar beet facilities and whenever proposals are made to construct new or to substantially enlarge existing sugar beet processing facilities in two or more localities (where sugar beet production is proposed to be commenced or to be substantially increased in the same year), the Secretary shall base his determination and selection upon the firmness of capital commitment, the proven suitability of the area for growing sugar beets and the relative qualifications of localities and proposals under such criteria. In making his determination under the preceding sentence, the Secretary shall give a preference to any processing facility located or to be located in or adjacent to growing areas where processing facilities were closed during 1970 or thereafter if he finds that sugar beets can and will be grown in sufficient quantity and quality to make the production of sugar beets and the operation of such facility successful. If proportionate shares are in effect in either of the two years immediately following the year for which such initial acreage allocation is made in any locality, the Secretary shall adjust the initial allocation in the same proportion as the State's acreage is adjusted from its acreage of the year in which such initial allocation was made.";

(4) by amending paragraph (4) to read as follows:

"(4) The allocation of the national sugar beet acreage requirement to States for sugar beet production, as well as the acreage allocation for new or substantially enlarged existing sugar beet processing facilities, shall be determined by the Secretary after investigation and notice and opportunity for an informal public hearing.";

(5) by striking out "in any local producing area" in paragraph (5);

(6) by amending paragraph (9) to read as follows:

"(9) The Secretary is authorized to reserve from the national sugar beet acreage requirements established by him for the 1972, 1973, and 1974 crops of sugar beets the acreage required to yield 25,000 short tons of sugar, raw value, for any sugar beet processing facility which closed during 1970, if he is satisfied that such facility will resume operations and will be operated successfully and that the area which will serve such facility is suitable for growing sugar beets. The Secretary shall allocate the acreage provided for in this paragraph to farms on such basis as he determines necessary to accomplish the purposes for which such acreage is provided under this paragraph."; and

(7) by adding at the end of such subsection a new paragraph as follows:

"(10) The Secretary shall credit to the farm of any producer (or to the producer in a personal history State) who has lost a market for sugar beets as a result of (A) the closing of a sugar beet factory in any year after 1970; (B) the complete discontinuance of contracting by a processor after 1970 in a State; or (C) the discontinuance of contracting by a processor after 1970 in a substantial portion of a State in which the processor contracted a total of at least 2,000 acres of the 1970 crop of sugar beets, an acreage history (or production history) for each of the next three years equal to the average acreage planted on the farm (or by the producer) in the last three years of such factory's operation or processor's contracting, and any unused proportionate share shall not be transferred to other farms (or producers)."

(b) Section 302(c) of such Act is amended to read as follows:

"(c) In order to enable any new cane sugar producing area to fill the quota to be established for such area under section 202(a)(4), the Secretary shall allocate an acreage which he determines is necessary to enable the area to meet its quota and provide a normal carryover inventory. Such acreage shall be fairly and equitably distributed to farms on the basis of land, labor, and equipment available for the production of sugarcane, and the soil and other physical factors affecting the production of sugarcane. The acreage allocation for any year shall be made as far in advance of such year as practicable, and the commitment of such acreage to the area shall be irrevocable upon issuance of such determination by publication thereof in the Federal Register, except that, if the Secretary finds in any case that construction of sugarcane facilities and the contracting for processing of sugarcane has not proceeded in substantial accordance with the representation made to him as a basis for his determination of distribution of acreage, he shall revoke such determination in accordance with and upon publication in the Federal Register of such findings. In making his determination for the establishment of a quota and the allocation of the acreage required in connection with such quota, the Secretary shall base such determination upon the firmness of capital commitment and the suitability of the area for growing sugarcane and, where two or more areas are involved, the relative qualifications of such areas under such criteria. If proportionate shares are in effect in such area in the two years immediately following the year for which the sugarcane acreage allocation is committed for any area, the total acreage of proportionate shares established for farms in such area in each such two years, shall not be less than the larger of the acreage committed to such area or the acreage which the Secretary determines to be required to enable the area to fill its quota and provide for a normal carryover inventory."

SEC. 13. Section 303 of the Sugar Act of 1948, as amended, is amended by striking out "which cause such damage to all or a substantial part of the crop of sugar beets or sugarcane in the same factory district (as established by the Secretary), county, parish, municipality, or local producing areas,".

SEC. 14. Section 307 of the Sugar Act of 1948, as amended, is amended by striking out "Puerto Rico, and the Virgin Islands" and inserting in lieu thereof "and Puerto Rico".

SEC. 15. Section 403 of the Sugar Act of 1948, as amended, is amended by adding at the end thereof a new subsection as follows:

"(c) Whenever the Secretary determines that such action is necessary to protect the interests of the United States, consumers of sugar, or the exporters or importers of sugar, he is authorized to require, in accordance with such rules and regulations as he may prescribe, any or all shipments of imported sugar to be weighed by persons not controlled, directly or indirectly, by any person having a direct financial interest in such sugar."

SEC. 16. Section 404 of the Sugar Act of 1948, as amended, is amended by inserting before the period at the end of the first sentence the following: "and, except as provided in sections 205 and 306, to review any regulation issued pursuant to this Act in accordance with chapter 7 of title 5, United States Code".

SEC. 17. Section 408(c) of the Sugar Act of 1948, as amended, is amended to read as follows:

"(c) In any case in which a nation or a political subdivision thereof has, on or after January 1, 1961, (1) nationalized, expropriated, or otherwise seized the ownership or control of the property or business enterprise owned or controlled by United States citizens or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or (2) imposed upon or enforced against such property or business enterprise so owned or controlled, discriminatory taxes or other exactions, or restrictive maintenance or operational conditions (including limiting or reducing participation in production, export, or sale of sugar to the United States under quota allocation pursuant to this Act) not imposed or enforced with respect to the property or business enterprise of a like nature owned or operated by its own nationals or the nationals of any government other than the Government of the United States, or (3) imposed upon or enforced against such property or business enterprise so owned or controlled, discriminatory taxes or other exactions, or restrictive maintenance or operational conditions (including limiting or reducing participation in production, export, or sale of sugar to the United States under quota allocation pursuant to this Act), or has taken other actions, which have the effect of nationalizing, expropriating or otherwise seizing ownership or control of such property or business enterprise, or (4) violated the provisions of any bilateral or multilateral international agreement to which the United States is a party, designed to protect such property or business enterprise so owned or controlled, and has failed within six months following the taking of action in any of the above categories to take appropriate and adequate steps to remedy such situation and to discharge its obligations under international law toward such citizen or entity, including the prompt payment to the owner or owners of such property or business enterprise so nationalized, expropriated or otherwise seized or to provide relief from such taxes, exactions, conditions or breaches of such international agreements, as the case may be, or to arrange, with the agreement of the parties concerned, for submitting the question in dispute to arbitration or conciliation in accordance with procedures under which final and binding decision or settlement will be reached and full payment or arrangements with the owners for such payment made within twelve months following such submission, the President may withhold or suspend all or any part of the quota under this Act of such nation, and either in addition or as an alternative, the President may, under such terms and conditions as he may prescribe, cause to be levied and collected at the port of entry an impost on any or all sugar sought to be imported into the United States from such nation in an amount not to exceed $20 per ton, such moneys to be covered into the Treasury of the United States into a special trust fund, and he shall use such fund to make payment of claims arising on or after January 1, 1961, as a result of such nationalization, expropriation, or other type seizure or action set forth herein, except that if such nation participates in the quota for the West Indies, the President may suspend a portion of the quota for the West Indies which is not in excess of the quantity imported from that nation during the preceding year, until he is satisfied that appropriate steps are being taken, and either in addition or as an alternative he may cause to be levied and collected an impost in an amount not to exceed $20 per ton on any or all sugar sought to be imported into the United States from such nation for the payment of claims as provided herein. Any quantity so withheld or suspended shall be allocated under section 202(d) (1) (B) of this Act. With respect to any action taken during 1961 in any of the categories set forth in this subsection, the requirements of this subsection relating to levying and collecting an impost shall apply only if the President so determines."

SEC. 18. (a) Section 412 of the Sugar Act of 1948, as amended, is amended to read as follows:

"TERMINATION

"SEC. 412. The powers vested in the Secretary under this Act shall terminate on December 31,1974, or on March 31 of the year of termination of the tax imposed by section 4501(a) of the Internal Revenue Code of 1954, whichever is the earlier date, except that the Secretary shall have power to make payments under title III—

"(1) under programs applicable to the crop year 1974 and previous crop years, if the powers vested in the Secretary otherwise terminate on December 31, 1974, or

"(2) under programs applicable to the crop years preceding the calendar year in which the tax imposed under section 4501(a) of the Internal Revenue Code of 1954 terminates, if the powers vested in the Secretary otherwise terminate before December 31, 1974."

(b) Section 4501(b) of the Internal Revenue Code of 1954 (relating to termination of tax on manufactured sugar) is amended by striking out "June 30, 1972" each place it appears therein and inserting in lieu thereof "June 30, 1975, or June 30 of the first year commencing after the effective date of any law limiting payments under title III of the Sugar Act of 1948, as amended, whichever is the earlier date".

SEC. 19. The provisions of this Act shall become effective on January 1, 1972, except that the amendments made by sections 3, 4, 5, and 7(2) of this Act shall become effective on the date of enactment of this Act for purposes of actions relating to 1972 and subsequent years.

And the Senate agree to the same.

Russell B. Long,
Clinton P. Anderson,
Herman E. Talmadge,
Wallace F. Bennett,
Carl T. Curtis,
Managers on the Part of the Senate.

W. R. Poage,
Thomas G. Abernethy,
Thomas S. Foley,
Page Belcher,
Charles M. Teague,
Managers on the Part of the House.

Mr. LONG. Mr. President, the conferees appointed by the Senate met with their counterparts in the House and have reached a settlement of the differences between the House and Senate versions of the Sugar Act. Generally speaking, I think we managed to agree on many of the best features in the Senate and House versions, although I am frank to say that I had to yield on an amendment which I felt very strongly in favor of dealing with foreign expropriations of U.S. property. In yielding on this matter, I reserved my rights to offer this expropriation amendment on another piece of legislation.

In spite of losing this expropriation amendment, the conference agreement is a good compromise worthy of approval by the Senate. The allocation of foreign quotas is fair to both the large domestic supplying countries in the Caribbean area as well as the smaller developing countries in Latin America and Africa.

Some of the Members will be happy to know that the conferees agree to substantial quotas for several black African nations which heretofore have not received any quotas. The distinguished chairman of the Subcommittee on African Affairs, Senator GALE McGEE, specifically asked me about this matter during the Senate debate, and at that time I promised we would do what we could in conference.

I am happy to report that these countries now have quotas approximately equal in total to the quota provided South Africa, which was a bone of contention in the Senate.

I ask unanimous consent to submit for the RECORD a table showing the distribution of foreign quotas under the conference agreement as compared with the present act distribution, and the Senate and House versions of this bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FOREIGN SUGAR QUOTAS UNDER CONFERENCE DECISIONS—COMPARED TO HOUSE AND SENATE VERSIONS OF H.R. 8866

[Short tons, raw value]

Producing area	Present act distribution [1]	House bill [2]	Senate bill [3]	Conference decisions [3]
Total domestic areas	6,410,000	6,410,000	6,285,000	6,285,000
Mexico	557,748	537,545	590,894	561,581
Dominican Republic	545,481	525,737	659,874	634,874
Brazil	545,581	525,737	577,905	547,905
Peru	435,087	418,982	391,839	391,839
West Indies	188,777	192,251	204,520	204,520
Ecuador	79,370	80,774	79,084	80,774
French West Indies	59,384	0	63,868	0
Argentina	67,102	76,050	67,062	76,050
Costa Rica	64,217	65,185	71,110	68,610
Nicaragua	64,217	65,185	64,217	64,217
Colombia	57,723	73,688	61,047	67,368
Guatemala	54,115	55,265	59,835	58,350
Panama [2]	40,406	41,567	40,406	41,567
El Salvador	39,682	40,151	43,964	42,693
Haiti	30,305	30,704	30,305	30,704
Venezuela	27,419	36,845	61,026	61,026
British Honduras	13,752	33,537	14,874	33,537
Bolivia	6,494	17,005	6,193	6,193
Honduras	6,494	17,005	6,494	11,750
Bahamas	10,000	33,537	10,000	27,000
Paraguay	0	15,116	0	6,193
Western Hemisphere	2,893,254	2,881,866	3,104,517	3,016,751
Australia	203,785	206,025	196,162	203,785
Republic of China	84,910	85,844	81,734	84,910
India	81,514	82,494	77,973	81,514
South Africa	60,003	60,300	57,745	57,745
Fiji Islands	44,719	44,806	43,034	44,719
Thailand	81,681	18,844	14,152	18,681
Mauritius	81,681	30,150	17,761	30,150
Malagasy Republic	9,623	15,075	9,223	12,149
Swaziland	7,359	30,150	7,084	30,150
Malawi [2]	0	0	0	0
Uganda	0	15,075	0	15,075
Eastern Hemisphere	529,275	588,763	504,868	578,878
Philippines	1,362,120	1,314,020	1,300,264	1,314,020
Ireland	5,351	5,351	5,351	5,351
Total foreign	4,790,000	4,790,000	4,915,000	4,915,000
Total	11,200,000	11,200,000	11,200,000	11,200,000

[1] Distribution of foreign quotas under present act as recommended to the Senate Finance Committee by the Administration.

[2] For 1973 and subsequent years the quota for Panama would be increased to 62,947 tons and a quota would be established for Malawi of 15,000 tons and other quotas reduced proportionately. Reflects the allocation and proration of 500,000 tons of domestic deficits to foreign countries.

[3] Reflects the allocation and proration of 625,000 tons of domestic deficits to foreign countries.

Mr. LONG. Mr. President, there are several other matters which I think merit some discussion. You will recall that when the Senate debated the candy amendment I urged the senior Senator from Illinois to offer an amendment to strike the quotas on candy which I personally felt were not justified and which I opposed in committee. The Senator chose not to do so. When we got into the conference, the House very quickly wanted to recede on that matter and, obviously, the Senate conferees were in no position to argue against a quota provision which the full Senate had approved. Consequently, the candy quota provisions are in the conference agreement. I will say, however, that these quota provisions are going to be in effect only for the life of the Sugar Act, which will expire in 1974, and that, under this quota, there is some room for imports to grow. I do think it is unfortunate, however, that we have legislated a quota for an industry where imports are only 4 percent of domestic production while not providing relief for other industries whose imports are much greater.

Mr. President, the compromise agreed to contains many other provisions which are fully explained in the conference report. If any Senator has any questions with respect to them, I will be happy to respond.

There is one matter of some importance to the administration of the sugar program which has come up since the Senate acted on the bill. I refer to the wage-price freeze announced by the President on August 15. The wage-price freeze should apply to the sugar program, and indeed it does. This is entirely proper and in keeping with the theory of wage-price ceilings. However, I point out that the wage-price ceiling and the Sugar Act can be construed in a manner which creates inequities and unjust enrichments causing virtually impossible administrative problems.

On the other hand, they can be applied in a manner which eliminates inequities and unjust enrichments, treats everyone fairly, and facilitates the orderly administration of the Sugar Act. The conferees on the bill studied this matter and concluded that the orderly procedure would be to freeze all raw sugar prices at the level at which raw sugar moved during the 30 days preceding the President's announcement.

I ask unanimous consent that the full statement of the managers on this matter be printed in the Record at this point.

There being no objection, the statement (an excerpt from the conference report) was ordered to be printed in the Record, as follows:

XVII. Wage-Price Freeze and the Sugar Act

On August 15 the President issued Executive Order 11615 imposing a freeze on wages and prices. The purpose of this Executive Order is to limit prices for commodities to the highest price for which sales of the commodity were made during the 30-day period preceding the Executive Order. The Sugar Act, too, is a price control mechanism. Its purpose is to stabilize prices of sugar in the interest of consumers, farmers, and processors.

It has come to the attention of the conferees that administration of the President's Executive Order may have the effect of disrupting the orderly operation of the Sugar Act by establishing different price ceilings for different processors of raw sugar solely on the basis of when sugar cane is harvested, processed, and marketed as raw sugar. This disruption could lead to inequities among processors and to unjust enrichment of refiners who purchase raw sugar from mainland raw sugar processors frozen to price structures which existed under the Sugar Act in the spring of 1971 or the fall of 1970 when these last sold raw sugar.

It is the feeling of the conferees that if Executive Order 11615 and the Sugar Act can be construed together to eliminate inequities and unjust enrichments, such a construction would be in order. The conferees are further of the opinion that if the raw sugar price ceiling were frozen in all cases at the price at which raw sugar was sold during the 30-day period preceding the issuance of Executive Order 11615, it would facilitate the administration of the Sugar Act and the achievement of the price objective stated therein.

Mr. LONG. I might say that this sugar bill substantially revises the method for adjusting sugar supplies and makes variations in the quantity of sugar available depend solely on price changes. With prices not permitted to vary, the Secretary of Agriculture may find himself hard pressed to assure adequate supplies of sugar as our consumption increases.

In my judgment, he should have sufficient flexibility to make certain that no sugar shortages occur during the continuance of wage-price controls. I urge the Cost of Living Council to carefully study the sugar program and to work with the Department of Agriculture in an effort to avoid sugar shortages detrimental to the interest of consumers.

Mr. President, I yield to the distinguished senior Senator from Utah, the ranking Republican on the Finance Committee, who is one of the most knowledgeable men in the U.S. Senate on this and many other subjects.

Mr. BENNETT. Mr. President, I thank the distinguished Senator from Louisiana, chairman of the Committee on Finance. We worked long and hard on the Sugar Act, and I believe the results are quite satisfactory to all the segments of the sugar industry as well as to the consumer. The conference agreement would allocate quotas of 6.9 million tons to the beet and cane producers on the mainland and in Hawaii and Puerto Rico in an equitable manner, and would provide room for growth in domestic production of both beet and cane sugar. At the same time, foreign nations will receive in their own right a quota of 4.3 million tons, roughly 38 percent of our domestic consumption. In addition, because of the expected shortfalls in Puerto Rican production, foreign nations will receive an additional deficit allocation of 625,000 tons, bringing their total quotas up to 4.9 million tons. These quotas are generally provided on the basis of performance, although in several instances the conferees agreed to provide sugar quotas for countries who have not been part of the program under prior Sugar Acts. Thus, as the chairman pointed out, the black African States of Malawi and Uganda will get new sugar quotas, and Swaziland will receive a substantial increase in its quota.

The conference agreement, like most other conference agreements, is a satisfactory compromise between the Senate and House versions. The chairman of the Finance Committee did an excellent job of moving the conferees ahead to resolve their differences in a compromising attitude. I know that he personally felt very strongly about preserving his own amendment dealing with expropriations but he was very magnanimous in yielding on this point.

I believe this compromise provides the Senate with a good bill, one which is worthy of Senators' support, and I hope it will be promptly agreed to.

The ACTING PRESIDENT pro tempore (Mr. Hollings). The question is on agreeing to the conference report.

The report was agreed to.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. Hollings). The time of the Senators from California and Minnesota has now expired.

At this time, the distinguished Senator from Virginia (Mr. Byrd) is recognized, under the previous order, for 15 minutes.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—SECTION 503

Mr. BYRD of Virginia. Mr. President, I address myself to section 503 of the military procurement bill, H.R. 8687. Section 503 would end the dependence of the United States on Communist Russia for a vital defense material, chrome ore.

The distinguished Senator from Arkansas (Mr. Fulbright) has presented an amendment to section 503 which will be voted on either today or tomorrow. The Fulbright proposal would strip the Congress of the power to act and give that power to the President of the United States.

It seems to me that this is a matter that Congress itself should express itself on. The Fulbright proposal goes contrary to the trend in the Senate over the past 2 or 3 years to cease giving more power to the Chief Executive. It goes contrary to the desire of many of us for the Senate to reassert itself in the field of foreign policy.

I think that is what the Senate should do. It should not turn over to the President these vital decisions, decisions that appropriately shall be made by the legislative branch.

Mr. President, in regard to the matter of sanctions against Rhodesia, banning trade with Rhodesia, I was very much impressed with the speech made by the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott). That speech is printed on page 33078 of the Congressional Record for September 23, 1971.

In the course of his remarks, the distinguished Senator from Pennsylvania said:

> First, there are legitimate and important national security considerations involved in reliance on the Soviet Union for more than 60 percent of our national needs for chrome.

I agree with that statement, as did the vast majority of the members of the Committee on Armed Services which wrote section 503 into the pending legislation.

Mr. President, I quote further from the remarks of the distinguished minority leader, the Senator from Pennsylvania:

> Second, the Rhodesian sanctions are economically damaging to U.S. interest. The stainless steel industry is being hard pressed by imports, much of which, we believe, are based on Rhodesian chrome which is bootlegged to foreign steel producers at lower costs.

There again I feel that the Senator from Pennsylvania is accurate and correct in his assertion.

The specialty steel industry in his State of Pennsylvania is being very hard hit by this embargo on chrome from Rhodesia.

I read into the Record yesterday and on one day last week a telegram which I had received from the director of district 19 of the United Steelworkers of America in which he stated that unless section 503 is enacted into law, the specialty steel industry in the United States will go out of business and thousands of black and white workers will be made jobless.

Mr. President, I read further from

the speech by the distinguished Republican leader of the Senate:

> Third, the rising prices of chrome ore, which result from Russian domination of the world market, are costly, inflationary, and damaging to the U.S. chrome industry, the ferroalloys industry and the stainless steel industry.

There, again, I think that the distinguished Senator from Pennsylvania is on sound ground. It ties in with the views of the director of District 19 of the United Steelworkers of America. The present embargo on chrome from Rhodesia is having—and if it is continued will have—a very damaging effect on the jobs of the Americans who work in the specialty steel plants throughout our Nation. Many of them are in Pennsylvania. However, many are in other States as well.

The point raised by the distinguished Republican leader in his speech of September 23 is an excellent point.

The fourth point which he raised also is a significant one. I want to read the comments of the Senator from Pennsylvania into the RECORD at this point. The Senator from Pennsylvania said:

> Fourth, the Rhodesian sanctions can probably be regarded as a failure. Economic sanctions have never been a particularly successful diplomatic weapon. The Rhodesian sanctions now have been in effect more than 4½ years without achieving their objective. Furthermore, exports of chrome ore and chrome products have never been a major factor in the international trade of Rhodesia—less than 2 percent of Rhodesia's presanctions exports—and removal of the sanctions on chrome would not have a significant effect on the Rhodesian economy or on the effectiveness of the U.N. sanctions.

The Senator from Pennsylvania next makes another extremely important point. I, too, made the same point. However, the Senator from Pennsylvania made it much better than I did. I therefore want to read his comments into the RECORD at this point. The Senator from Pennsylvania said:

> The sanctions were imposed by the Security Council and must be lifted by the Security Council. Russia or any other Security Council member could veto a Security Council resolution aimed at ending the sanctions and leave the issue hopelessly muddy and confused. If the U.S. Government bases its decision solely on the U.N. action, it could be trapped by a veto.

The senior Senator from Pennsylvania (Mr. SCOTT) is so right in his assertion.

As the Senator from Pennsylvania points out, it is necessary, if we are ever going to change these sanctions against Rhodesia, that it be done by the United States itself.

As a matter of fact, the sanctions were put on unilaterally by the United States. The Security Council cannot put on the sanctions per se. The Security Council can urge and recommend that a country embargo trade with another nation. However, the United Nations by itself cannot enact sanctions against another country.

The U.S. sanctions against Rhodesia were put on unilaterally by one individual, the President of the United States, about 5 years ago.

Mr. President, I want to end by quoting a statement made on September 25, 1969, by the able and beloved senior Senator from Vermont (Mr. AIKEN) in regard to a comment on Senate Resolution 205.

This resolution introduced by the Senator from California (Mr. CRANSTON) and the Senator from Vermont (Mr. AIKEN) dealt with another matter. It dealt with the question of recognition of foreign governments, but in the course of his remarks the distinguished Senator from Vermont had this to say:

> Rhodesia has been mentioned. I think it is ironic for the United States to discontinue its purchases of precious minerals—titanium, platinum, and chromium—from Rhodesia, thus forcing Rhodesia to put those minerals on the world market, where they can be purchased by Russia and sold to us at a substantial profit. It does not make sense. In private business, that would not be considered good business at all.

I agree with him 100 percent.

The Senator from Vermont has so much good commonsense, which fact is recognized by all his colleagues in the Senate, that I felt I wanted to read those excellent remarks of his which were made on September 25, 1969, into the RECORD.

Mr. President, I conclude by summarizing the reasons I feel the Senate should reject the proposal of the Senator from Arkansas and sustain the action the Senate took last Thursday by a vote of 46 to 36.

First. By sustaining last week's action, the Senate would be ending U.S. dependence on Communist Russia for a strategic and vital defense material, namely, chrome.

Second. Sustaining the Senate's position of last week would help save jobs in a period of high unemployment. As evidence, I point to the statement, inserted several times in the CONGRESSIONAL RECORD, by the director, District 19, United Steel Workers of America, who says that unless the Congress takes such action, there will be no specialty steel industry in the United States. He expressed his deep concern for the jobs of the black workers and the white workers in that industry.

Third. The Fulbright proposal would give more power to the President and reduce the Senate's role in foreign policy. The Senate has made great progress in the last 2 or 3 years in reasserting itself and in facing up to its responsibilities. Senator FULBRIGHT'S proposal would reverse that trend and, as he states, give the option to the executive branch to proceed as it wishes. He would leave the determination in the hands of the President at the expense of the Senate.

ORDER OF BUSINESS

Mr. LONG. Mr. President, I ask unanimous consent that I might proceed on a point of personal privilege for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Louisiana is recognized.

PERSONAL STATEMENT OF SENATOR LONG

Mr. LONG. Mr. President, some days ago I saw an article in Jack Anderson's column, apparently from someone in the office of Mr. Gordon Rule, if not Mr. Gordon Rule himself—I notice he was quoted in the article—inferring that members of the Louisiana delegation brought improper influence.

I know what a Senator is supposed to do and I know what a Senator is not supposed to do. I am here to affirmatively insist that I have done what a Senator should do as his duty, no more and no less.

If anyone is guilty of improper conduct, it is Mr. Gordon Rule, both for publicizing himself unjustifiably and impugning the honor and integrity of four members of the Louisiana delegation, of which I include myself.

The facts here are that the Avondale Shipyard is perhaps the most efficient shipbuilder in the United States. It has received all sorts of decorations, honors, and accolades for the efficiency and high-quality performance of the firm and the integrity of its officers and employees. That firm was one of those firms awarded a large contract for building destroyer escorts. During the course of performance on a 24-destroyer escort program there were many change orders, greatly increasing the cost, and providing the Navy with a much more efficient combat-ready service than the original specifications required.

In 23 years I do not recall that firm ever requesting this Senator to express himself one way or the other on the settlement of the many complex controversies that existed on the many, many ships that had been built for the merchant marine and the U.S. Navy.

More than a year ago, Mr. Zac Carter, who is one of the most highly regarded businessmen in Louisiana, said he thought it would be his sad duty to call upon his Louisiana delegation to seek justice. The Navy disagreed that it owed Avondale Shipyard $71 million, and the matter had been held up more than a year by Gordon Rule. The interest on that money, for which they had not been reimbursed, would be $5,680,000 a year. It has now been 2 years that the firm has been denied any payment of its claim, and that would be $11,360,000 in interest expenses lost.

All of the subcontractors are calling on the company to make an effort to pay them. The firm is in default in paying the subcontractors. It was pleading that the matter be settled.

On December 1 of last year, the two Senators from Louisiana and the two Congressmen from the New Orleans districts signed a statement asking that this matter be acted upon and decided. About 8 months later, the president of the firm explained his problem to me. I can only judge the facts as I know them, but I know of no more reputable businessman in my State or in the Nation.

I placed a call to the Secretary of the Navy in the privacy of my office, with no one present but me. I tried to address myself to the Secretary of the Navy as politely as I know how, and I said that this matter had been held up too long. I said that it is a firm which is doing a good job, which is performing efficiently, and it could lose a great deal of money on a contract on which it should expect fair settlement, if only because of the interest expense for which it could not be reimbursed.

I only know the facts presented by the firm, and it is a reliable firm. Mr. Rule would like to have the whole matter gone through again and have a great deal of additional proof.

People have to do business by the rules as they find them. The Navy has already settled with the Todd Shipyards for two similar contracts and has made a more favorable award than the Avondale firm is seeking.

Mr. Rule, it seems, wants records and information of a sort that shipbuilders do not usually keep and which are not available. The Avondale firm has stated there is no way to support the Avondale claim any more than the Todd claims, but they supported their claim as well as the Todd claim was supported.

Those are the facts on which this Senator complained about the 2-year delay in this matter. The Secretary of the Navy was most polite. He was so polite, in fact, that I gained the impression he agreed with what I had to say.

I notice that according to the newsstory Rear Adm. Nathan Somenshein, head of the Naval Ships System Command, denied that any improper pressure was brought to bear on anyone.

I state affirmatively that any time any department of the Government does business in such a way that a contractor is denied payment of money that he is owed for 2 long years without any way under the law he can recover the interest expense which could well be 16 percent or more, that is an outrage and disgrace to the Government, and it tends to make all contractors bidding for future Government contracts bid a higher figure, sufficient to include the cost of interest on their money during the years they will be denied payment for money they are owed.

Those are the facts as I understand them. I invite a public hearing anywhere and I welcome the opportunity to testify publicly under oath about this matter with respect to everything I know about it.

I highly resent this man Rule, whom I have never met, never seen, had no knowledge of, did not know he even existed until this matter came up. I think I am entitled to a contrite apology but, wherever I meet him, I will try to be as polite as I can be to one who has offended me needlessly.

Anything he knows about me he would have to know secondhand. I would like to ask him politely why it is necessary for these people to wait 2 years for a settlement of a claim they are obviously entitled to be paid for. I have no idea whether the $71 million is the correct figure, but obviously the Navy owes these people a large amount of money and has owed it for 2 years. These people are irretrievably injured and should be paid. I am ready to testify on oath before anyone that no improper influence was used.

Any constituent in the United States who has suffered this kind of delay in the settlement of this matter has a right to complain to any Senator. If I were such a constituent and I complained to my Senator and he turned a deaf ear to my proper complaint that I had been done an injustice costing me millions of dollars by any incompetence or any inefficiency in the United States Government, I would not vote for him.

ORDER OF BUSINESS

The PRESIDING OFFICER. There will now be a short period for the transaction of routine morning business, with each Senator limited to 3 minutes.

FORCED BUSING OF SCHOOLCHILDREN

Mr. GAMBRELL. Mr. President, several days ago I addressed the Senate on the question of forced busing of schoolchildren. Today I hold in my hand a letter addressed to me by the State superintendent of schools of the State of Georgia, The Honorable Jack P. Nix, furnishing me a resolution adopted by the State board of education in Georgia, stating that it sincerely solicits my support in the implementation of the position expressed in this document by the State board of education.

Enclosed is a copy of a letter addressed by Mr. Nix to President Nixon outlining the board's position and also enclosing the resolution which I have referred to.

I ask unanimous consent that the letter addressed to me, with its enclosures, be included in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GAMBRELL. Mr. President, the resolution concludes with the provision that this State board of education—

> Totally and unequivocally rejects the concept or idea of transporting or busing school children away from their homes to attend school.

The resolution also recites that—

> Quality education is available to most Georgians only through a strong and viable system of public education and that anything that tends to weaken this system should and must be opposed by this Board.
>
> That one of the most desirable characteristics of a community school is that it engenders community and personal pride.
>
> That community schools give individuals lasting roots so necessary for survival and happiness in this complex age.

I suggest that one of the points that has been overlooked in the discussion of this subject is the importance to an individual schoolchild and also to his parents of participating in a community school. A school, like a church, like a civic club, in fact like the Government itself, is an enriching element in any community. An opportunity to participate in one's community, rather than be transported and be transferred to another community, is an important matter.

I would like to also emphasize this part of the letter written by the State superintendent of schools in Georgia to President Nixon:

> As State Superintendent of Schools for the State of Georgia and Executive Officer of the State Board of Education, I can assure you that we have expended our energies unnecessarily in recent years in administering inconsistent rules and regulations from Federal officials, as well as inconsistent court orders issued by the district and circuit courts.
>
> It is now time for you, as President, and officials in the judicial branch of government, to remove the confusion in the application of the Civil Rights Act. I believe the people of the South are more than willing to abide by a neighborhood concept without any discrimination whatsoever with regard to race, color or creed.

Mr. President, I yield the floor.

EXHIBIT 1

STATE OF GEORGIA,
DEPARTMENT OF EDUCATION,
Atlanta, Ga., September 21, 1971.

Hon. DAVID GAMBRELL,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR GAMBRELL: The State Board of Education has instructed me to provide you with a copy of the attached resolution and letter transmitting it to the President of the United States.

I sincerely solicit your support in the implementation of the position expressed in this document by the State Board of Education.

With warm personal regards, I am

Sincerely,

JACK P. NIX,
State Superintendent of Schools.

Enclosures.

STATE OF GEORGIA,
DEPARTMENT OF EDUCATION,
Atlanta, Ga., September 21, 1971.

Hon. RICHARD M. NIXON,
The President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: After careful and sincere deliberations, the Georgia State Board of Education adopted a position statement relative to the bussing of children as a means of integrating public schools. On behalf of the State Board of Education, a copy of this resolution is being transmitted to you with the request that you, as President of the United States, carefully consider the contents of this document.

As State Superintendent of Schools for the State of Georgia and Executive Officer of the State Board of Education, I can assure you that we have expended our energies unnecessarily in recent years in administering inconsistent rules and regulations from federal officials, as well as inconsistent court orders issued by the district and circuit courts.

It is now time for you, as President, and officials in the judicial branch of government, to remove the confusion in the application of the Civil Rights Act. I believe the people of the South are more than willing to abide by a neighborhood school concept without any discrimination whatsoever with regard to race, color or creed.

Mr. President, the school children of this Nation represent the most important resource of these United States. Won't you please make it possible for us to provide for the educational needs of all children.

Sincerely,

JACK P. NIX,
State Superintendent of Schools.

RESOLUTION OF THE GEORGIA STATE BOARD OF EDUCATION

Whereas, the Georgia State Board of Education has the responsibility for providing leadership and direction to public education in this State, and

Whereas, this Board is committed to the honorable discharge of our duties as we understand them to be, and

Whereas, we believe:

1. That the only justification for the existence of a public school system is to provide

an academic climate conducive to scholastic achievement which in turn allows young people to function as responsible adults in a free society.

2. That, while the ability to achieve scholasically varies with the talents of each individual, nevertheless the ultimate development of these talents is drastically affected by any program that interferes with the learning process.

3. That quality education is available to most Georgians only through a strong and viable system of public education and that anything that tends to weaken this system should and must be opposed by this Board.

4. That one of the most desirable characteristics of a community school is that it engenders community and personal pride.

5. That community schools give individuals lasting roots so necessary for survival and happiness in this complex age.

6. That school children should never unnecessarily be exposed to physical danger and that such exposure is unavoidable while riding on streets and highways.

7. That no person can dispute the fact that funds for the operation of public school systems are limited and that these funds, therefore, must without fail be used to provide quality education for every person of school age in this origin and that any expenditure of these funds which does not accomplish this aim is and must be opposed by this Board.

8. That the only sensible place for any child to attend school in this State is at the school nearest his residence offering the curriculum meeting that child's needs and that any argument to contrary must yield to good judgment and common sense as applied by local boards of education.

Therefore, be it resolved:

1. That this Board totally and unequivocally rejects the concept or idea of transporting or bussing school children away from their homes to attend school, and

2. That the Executive Secretary of this Board is directed to provide a copy of this resolution to the President of the United States, the Secretary of the Department of Health, Education and Welfare, the United States Senators and the members of the United States House of Representatives representing this State, the Governor of the State of Georgia and the members of the General Assembly of the State of Georgia.

Passed and adopted by the Georgia State Board of Education in regular session in Atlanta, Georgia, this the 16th day of September, 1971.

REPRESENTATIVE RICHARD H. POFF OF VIRGINIA HIGHLY QUALIFIED TO SIT ON SUPREME COURT

Mr. TAFT. Mr. President, among a number of distinguished candidates being considered for the current Supreme Court vacancies, a man with most outstanding qualifications is Congressman RICHARD H. POFF of Virginia.

It has been my privilege and pleasure to serve and work with DICK POFF over a number of years in connection with the work in the House of Representatives on legislation relating to the field of the judiciary and constitutional problems. For a period of 2 years DICK POFF served as chairman of the House Republican Task Force on Crime, of which I was deputy chairman.

I had the great privilege of working with him on many proposals relating to very difficult problems in connection with increasing crime in this country.

In my opinion, it is indisputable that Congressman POFF is one of the finest lawyers serving the Congress at the present time and that his wealth of experience in legislative matters would give to the court a desperately needed dimension in the important field of legislative interpretation, a quality which it has unfortunately lacked.

RICHARD POFF is an outstanding candidate for the Court and I urge that the President give favorable consideration to submitting his name for this post. The Nation will be the gainer.

(Mr. GAMBRELL thereupon took the chair as Presiding Officer.)

Mr. BYRD of Virginia. Mr. President, I would like to associate myself with the remarks just made by the distinguished and able junior Senator from Ohio in regard to Representative POFF of Virginia. I appreciate the keen interest of the Senator from Ohio in this native son of the Commonwealth of Virginia. I, too, feel that RICHARD POFF has demonstrated during his career the judicial temperament which I think is so important in an appointee to the Supreme Court.

He has demonstrated that he feels that a member of this High Court should interpret our laws, and not attempt to make the laws. He is what one might call a strict constructionist in his view of the Constitution.

I feel that the sentiments expressed by the able junior Senator from Ohio are sentiments which are concurred in by the vast majority of the people of Virginia. Congressman POFF, although by political affiliation a Republican, has demonstrated that he puts the public interest ahead of partisan political considerations.

As an independent Democrat, I am in thorough agreement with the Senator from Ohio that were the President of the United States to nominate Congressman RICHARD POFF for a position on the Supreme Court, the President would be choosing a man whose record indicates that he has the judicial temperment, the legal attainments, and judicial restraint that would cause him to render effective and distinguished service as a member of the Nation's highest Court.

The PRESIDING OFFICER. Is there further morning business?

NEVER LET THE PRESIDENT CRAWL

Mr. GOLDWATER. Mr. President, the statement that the Senator from Massachusetts (Mr. KENNEDY) made to the relatives and friends of America's prisoners of war on Tuesday to the effect that "if necessary, he would have crawled into the room" to convince the North Vietnamese and Vietcong to release our prisoners is disgusting. It is tragedy enough for the wives, families, and friends of our brave servicemen imprisoned in Southeast Asia to endure the hardship and despair of separation, without being exhorted to demand that the President of the United States crawl to the Communist enemy to seek their release. The Senator's comment is an insult and a disgrace.

Our POW's have done their duty for their country and are presently held captive by the most barbaric, inflexible, and vicious enemy the United States has ever dealt with. This Nation, as well as countless of our friends around the world, has done everything reasonably possible to secure the release of our servicemen. We have done everything possible to secure access for the International Red Cross to inspect their prison camps. We have done everything possible to seek a transfer of our prisoners to a neutral third country for internment until hostilities cease. In President Nixon's own words—

> We are checking every possible lead, and are running out every indication that the POW's might be released.

It is a "special Presidential priority."

A new low in the politics of opportunism has been reached by Senator KENNEDY in seeking to exploit the misfortune of the POW's and their families for a newspaper headline. He deserved the negative reaction he received from his audience and in my estimation owes them and the American people an apology. The Senator underscored his ignorance of the entire issue when he responded to the question, "What would you do about the MIA's" by asking the meaning of "MIA."

No President of the United States has ever gone crawling to the enemy for any reason, and I am absolutely certain that our POW's, despite their misery, would never approve of it. I am certain that the 45,000 American servicemen who have given their lives in Southeast Asia would never approve either—nor would their families or the American people. The history of this Nation has been a proud one and will continue to be worthy of our forefathers notwithstanding the mindless exhortations of supposed leaders like Senator KENNEDY. The day the President of our great Nation has to crawl to a savage enemy like the Vietcong or the North Vietnamese, or to anyone else for that matter, will be the day that America ceases to be the great Nation that she is.

I call upon Senator KENNEDY to retract his statement and to tender an apology to the families and friends of the POW's and to the American people. If he wishes to level criticism for the plight of the POW's and, in fact, for the hundreds of thousands who have been wounded and killed in Southeast Asia, then I suggest that he direct it at the two previous administrations which escalated the war and the violence, and sent these brave men off to their fate. He should remember who sent our men there and more importantly, who is bringing them home.

And to the many thousands of Americans who have relatives or friends interned somewhere in Southeast Asia, I say that the President is doing all he can to secure the release of the prisoners. I can assure you that he would never "crawl to the enemy" as Senator KENNEDY suggests. He would not because the POW's would not want him to, and because he is convinced that would never get our men home.

President Nixon meant what he says when he told his audience that he would never let them down. I have faith in that pledge and judging by the reactions he received, the families of the POW's do too.

ORDER FOR RECOGNITION OF SENATOR TUNNEY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the remarks by the distinguished Senator from Oklahoma (Mr. HARRIS), concerning which an order has already been entered, the distinguished Senator from California (Mr. TUNNEY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHILES ON THURSDAY, OCTOBER 7

Mr. BYRD of West Virginia. I ask unanimous consent that on Thursday of next week, October 7, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Florida (Mr. CHILES) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following letters, which were referred as indicated:

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on grants vesting title to equipment, for the fiscal year 1971 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT OF AD HOC STUDY GROUP ON GOVERNMENT USAGE OF SOFTWARE PRODUCTS

A letter from the President, Association of Independent Software Cos., McLean, Va., transmitting, for the information of the Senate, a report of an ad hoc Study Group on Government Usage of Software Products, dated September 1971 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HOLLINGS):

A resolution adopted by the executive board, California Lathing & Plastering Contractors Association, Inc., Los Angeles, Calif., relating to basic research in building regulations; to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with an amendment:

S.J. Res. 157. Joint resolution to assure that every schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act (Rept. No. 92-382).

SUGAR ACT AMENDMENTS OF 1971—CONFERENCE REPORT (S. REPT. NO. 92-381)

Mr. LONG, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, submitted a report, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

John W. Ingram, of Illinois, to be Administrator of the Federal Railroad Administration; and

Clarence Morse, of California, to be a Federal Maritime Commissioner.

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Raymond Telles, of Texas, to be a member of the Equal Employment Opportunity Commission;

Andrew A. Aines, of Virginia, and Catherine D. Scott, of the District of Columbia, to the members of the National Commission on Libraries and Information Science; and

J. Stanley Marshall, of Florida, Susan N. Crawford, of Illinois, Bernice M. Hetzner, of Nebraska, and Angelo M. May, of California, to be members of the Board of Regents, National Library of Medicine, Public Health Service.

Mr. WILLIAMS. Mr. President, as in executive session, I also report favorably sundry nominations in the Public Health Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Gordon Allen, and sundry other candidates, for personnel action in the Public Health Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TAFT (for himself, Mr. NELSON, Mr. SAXBE, Mr. SCOTT, and Mr. SCHWEIKER):

S. 2602. A bill to provide for the certification of certain historic barns and to provide a tax credit for the costs of maintaining the exterior appearance and structural soundness of such barns. Referred to the Committee on Finance.

By Mr. BURDICK (for himself and Mr. STEVENS) (by request):

S. 2603. A bill to amend the Act entitled "An Act to provide for the rehabilitation of Guam, and for other purposes", approved November 4, 1963. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 2604. A bill to improve the operation of the Government by providing for reports by the President with respect to any appropriated funds which are impounded. Referred to the Committee on Government Operations.

By Mr. KENNEDY:

S. 2605. A bill to authorize the Secretary of the Interior to conduct a study with respect to certain islands in the State of Massachusetts to determine whether such islands should be made a part of the Cape Cod National Seashore. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 2606. A bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2607. A bill to amend the Federal Aviation Act of 1958, as amended, to clarify Federal jurisdiction and preemption for Federal economic regulation wherever, through Federal certification, any particular market has been brought within the ambit of the national air transportation system. Referred to the Committee on Commerce.

S. 2608. A bill to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2609. A bill to amend the Federal Aviation Act of 1958 so as to assure opportunity for the Board's participation and representation in certain court proceedings through its own counsel as a matter of right and to provide for all review of Board actions in the Courts of Appeals. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2610. A bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2611. A bill to amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards. Referred to the Committee on Commerce.

By Mr. RANDOLPH (for himself and Mr. JACKSON):

S. 2612. A bill to establish policy and principles for planning the use of the water and related land resources of the United States. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH, from the Committee on Public Works:

S. 2613. An original bill to extend the Federal Water Pollution Control Act, as amended, for one month. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT (for himself, Mr. NELSON, Mr. SAXBE, and Mr. SCOTT and Mr. SCHWEIKER):

S. 2602. A bill to provide for the certification of certain historic barns and to provide a tax credit for the costs of maintaining the exterior appearance and structural soundness of such barns. Referred to the Committee on Finance.

Mr. TAFT. Mr. President, for years our conservation efforts have been largely directed toward the preservation of the wilderness. As important as these efforts are, I think we must recognize the need to preserve some of the artistic, historical, and architecturally unique buildings which have graced our Nation's landscape and have become so much a part of the great heritage of this country. I think that this is particularly true with some of our Nation's barns.

As the suburban sprawl of hot dog stands, used car lots, and gasoline stations devours our countryside, the rural charm of this country is being gradually destroyed.

To an equal degree economic forces weigh in favor of replacing old, artistic barns with new structures which give up much of the beauty of America's past.

The beauty of these barns is nowhere more apparent than in the Amish sections of Ohio, Pennsylvania, Indiana, and Wisconsin. Much of the beauty and the great joy of New England lies in the barns which grace that landscape. These barns were created in an era when people took great pride in their work. They are a great part of our Nation's heritage and should not be allowed to pass from the American scene.

To replace an old, artistic barn with a corrugated metal building is just as much a destruction of our environmental beauty as a pizza stand in Glacier National Park.

Today I am introducing for appropriate reference, a bill to authorize the Secretary of the Interior to certify barns 40 years of age or older which he determines are of historic, architectural, or artistic significance because of their location, construction, or exterior appearance. This bill provides that as to barns so certified, the owners will be allowed a 10-percent tax credit for funds expended in maintaining their exterior appearance and structural soundness.

I am pleased that the following Senators join in cosponsoring this measure: Senator Nelson, Senator Saxbe, and Senator Scott.

The beauty of the American countryside must be preserved. It would be a mistake to think this can all be done within the context of our wilderness programs. In my judgment we must act now to see that the grace, charm, and artistic talent which these barns represent are preserved as a part of our American heritage.

By Mr. BURDICK (for himself and Mr. Stevens) (by request):

S. 2603. A bill to amend the act entitled "An Act to provide for the rehabilitation of Guam, and for other purposes," approved November 4, 1963. Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, for myself and the senior Senator from Alaska (Mr. Stevens), by request, I send to the desk a bill to amend Public Law 88-170, as amended, which authorized a rehabilitation program for the Territory of Guam.

In 1962, Guam was struck by devastating typhoons which inflicted extensive property damage upon the military, civilian, and governmental sectors of the Guam community. The destruction brought about by Typhoon Karen, as well as the aftereffects of hostilities on Guam during World War II, made it imperative that Federal assistance be made available to the citizens of the territory. By the enactment of Public Law 88-170, Congress authorized a loan and grant fund of $45 million for the construction of sanitation facilities, water, power, and other essential services on Guam. In 1968, Congress extended the rehabilitation program by increasing the funds to a ceiling of $75 million and extended the repayment to a period of 30 years from the time funds were made available to the local government. Only $6.3 million remains available to Guam of the total $75 million authorized, and these funds will be exhausted in fiscal year 1973. However, the reconstruction will not be completed. Only 12 of the 19 villages presently have water and sewer facilities. There is a desperate need for additional classrooms in Guam's school system, for increased airport facilities, and urban renewal programs.

I might add, Mr. President, that I was in Guam for several days in May 1971, and I had an opportunity to see many facilities constructed there with Federal funds already made available, and I can attest to the fact that the money has been put to wise use.

By letter of September 10, 1971, the Honorable Carlos Camacho, Governor of Guam, has requested that I introduce legislation increasing the ceiling of the Guam rehabilitation program from a level of $75 million to $120 million. This matter has been discussed with me by Guam's elected representative in Washington, Antonio Won Pat. Pursuant to this request, I am introducing this legislation today, along with my colleague on the Territories Subcommittee, Senator Stevens. It is my intent, upon receipt of appropriate departmental reports, to hold hearings on the measure, at which time Governor Camacho and officials from Guam will be afforded an opportunity to appear and give our subcommittee a full report on all expenditures of moneys that have been made available to Guam to date, together with a comprehensive plan and program for the use of the additional $45 million they are seeking.

Mr. President, I ask unanimous consent to have printed in the Record Governor Camacho's letter of September 10, which sets forth in some detail the need for increased rehabilitation funds.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Territory of Guam,
Offices of the Governor,
Agana, Guam, September 10, 1971.
Hon. Quentin N. Burdick,
Senate Office Building,
Washington, D.C.

Dear Senator Burdick: This is in reference to Guam's need for an extension of the Rehabilitation Act funds under Public Law 88-170, as amended by Public Law 90-511—for which we are seeking your assistance.

As you may recall, the U.S. Congress in 1963 enacted Public Law 88-170 authorizing an appropriation of $45 million for the rehabilitation of Guam following Typhoon Karen which had destroyed 90 percent of Guam's public facilities. By 1968, these funds were almost exhausted, yet it was apparent that the objectives of the law were only partly accomplished, and that an extension of funding was necessary to enable Guam to continue her reconstruction efforts. Thus, in September 1968, amending legislation (Public Law 90-511) sponsored by yourself, and Senators Moss and Metcalf of the Interior Committee, was enacted authorizing an additional appropriation of $30 million, bringing the total authorized for reconstruction purposes up to $75 million.

Of the $75 million authorized or appropriated to date, 46% has been appropriated or earmarked for the construction of schools; 27% for the implementation of the water, sewerage and power systems; 19% for the construction of the Commercial Port, the Air Terminal and industrial parks; and 8% for village improvements.

As of this date, $6.3 million is all that remains of unappropriated funds for rehabilitation purposes for Fiscal Year 1973, whereas our rehabilitation projects for 1973 alone will require an investment of $10 million. If projects initiated with Rehabilitation Act funds are to be completed, an additional sum of $45 million in federal funds will be required during the planning period 1973-1977 which the Territory is unable to raise.

The overall Government of Guam capital improvements needs for the period 1973-1977 amount to $311 million (including $10.4 million for repayment of the Rehabilitation Act loans), as compared to total anticipated revenues for capital improvements of only $37.5 million. Taking into account the availability of income from self-financing projects and federal grant-in-aid programs which could total approximately $134.7 million, the Government of Guam is left with $37.5 million to meet capital improvements needs of $176.3 million.

The additional $45 million now requested under the terms of the Rehabilitation Act will be necessary to continue the construction of the sewerage system, the water system, public schools, village improvements and the expansion of the Guam International Air Terminal—all of which items were included in the original list of fifty construction projects to be financed with Rehabilitation Act funds.

As of this date, only 12 of the island's 19 villages have adequate sewerage systems, whereas Guam's Comprehensive Wastewater Plan was designed to provide an integrated sewerage system covering the entire island in a series of scheduled increments. Rehabilitation Act loans are now needed for seven more villages to match funds available for sewer construction under Title VII of the Housing and Urban Development Act of 1965 (HUD), since Guam herself is unable to raise the necessary amount.

The construction of Guam's water system also follows a carefully scheduled plan for each village, and, like the wastewater system, is dependent upon Rehabilitation Act loan funds to match funds available under the HUD program. The total cost of the village sewerage and water systems alone amounts to $38 million.

The cost of school construction is a continuing burden to the Government of Guam which must provide facilities for a rapidly growing local population as well as for the children of military dependents and civil service contract employees. The cost of constructing the necessary number of classrooms based upon predicted student enrollment for the period 1973-1977 will amount to $56.5 million, of which $23.2 million is sought in Rehabilitation Act funds.

Of the seven villages known to be in urgent need of urban renewal, only two have been funded to date for extensive reconstruction. Over 70 percent of the houses in the remaining five villages are reported to be in substandard condition. Thus Guam must raise $6 million during the next five years to match available HUD funds for village improvements, which are estimated to cost a total $26 million.

Daily flights of the 747's, the growing demands of businessmen, tourists and visitors, additional carriers utilizing the Guam International Air Terminal, and the increased utilization of air freight as a means to import goods to Guam, require the extensive expansion of existing airport facilities at an estimated cost of $32 million during the next five years. Guam will need to draw upon approximately $2 million from Rehabilitation Act funds to enable her to raise the required amount.

The territory's inability to raise sufficient funds for the above projects is due to the fact that the economy is developing at the extraordinary rate of from 15% to 20% per annum—as compared to a normal healthy growth rate of from 5% to 10% per annum for most developing areas. As this implies, the demand upon public revenues for the expansion of the island's infrastructure is heading towards a peak during the next five to ten years. After this period, the rate of economic growth should level off and decline. This in turn should alleviate the abnormal drain upon public funds and place Guam in a favorable position to help herself and independently raise capital for further construction.

An infusion of capital into Guam's infrastructure at this critical time would raise the island's economy to the level where it will attain a large measure of stability and independence. This, we believe, is the desire of the U.S. Congress—that Guam will ultimately wean herself of heavy financial dependence upon the U.S. Treasury. A final infusion of $45 million into her public facilities under the terms of the Rehabilitation Act should definitely help to achieve that goal.

It should be mentioned that with the growth of the economy, since 1967 the per capita income on Guam has increased from $1,939 to $2,495. The increase in goods and services now available to the community has made possible a standard of living taken for granted by most American communities. With the continued growth of the economy, it is anticipated that per capita income by 1977 will have increased to $4,532, and that the average Guam resident will, for the first time, enjoy all the amenities and comforts of a standard American home.

In order to enable Guam to realize her many potentials, I am once again turning to you for assistance, and requesting you to introduce an amendment to the Rehabilitation Act. Knowing the deep interest that you have taken in the progress of this island over a number of years, I am convinced that the combination of your knowledge of our problems and your sincerity could successfully persuade the U.S. Senate to consider a final amendment to the Rehabilitation Act favorably. For your information, I am also calling upon the assistance of Congressman Phillip Burton to sponsor the bill through the House.

The amending legislation which I am requesting you to submit on Guam's behalf would raise the ceiling on Rehabilitation Act funds from $75 million to $120 million—which equals an addition of $45 million and encompasses a five-year planning period (1973–1977). You might wish to emphasize in your justification for this amendment that of the $75 million already authorized for Guam, no less than $43 million is to be repaid at prevailing interest rates over a period of 30 years from the date of appropriation; that to date a total of $4,066,792.21 has already been repaid, of which $938,625.25 represents principal, and $3,128,165.96 interest. Of the $45 million additionally requested, it is anticipated that approximately $30 million will also constitute loans.

My office would be happy to furnish you with any additional data or reports you may require to support and justify the introduction of an amendment to the Rehabilitation Act. I, myself, our Washington Representative, Mr. Antonio B. Won Pat, and Senators Leonardo S. N. Paulino, Chairman of the Committee on Finance & Taxation, Joaquin A. Perez, Chairman of the Committee on Rules, and Pedro D. Perez, Member of the Minority Group, of the Eleventh Guam Legislature, who have been involved in the formulation of our request for an extension of funds, will stand by in readiness to appear and testify before the Committee on Interior and Insular Affairs, and any other appropriate body requiring testimony. Meanwhile, my gratitude for your assistance and cooperation.

Sincerely yours,

CARLOS G. CAMACHO.

By Mr. HUMPHREY:

S. 2604. A bill to improve the operation of the Government by providing for reports by the President with respect to any appropriated funds which are impounded. Referred to the Committee on Government Operations.

THE FEDERAL IMPOUNDMENT INFORMATION ACT

Mr. HUMPHREY. Mr. President, the Nixon administration has frozen more than $10 billion in congressionally approved funds which are badly needed to help millions of Americans. The President has taken this action without informing the public or the Congress. His administration has not disclosed the extent of the freeze or told Congress exactly what programs have been frozen.

Mr. President, I am today introducing the Federal Impoundment Information Act. This legislation is critically needed in order to correct a fundamental flaw in the system of separation of powers between the legislative and excutive branches of government.

This legislation is not primarily directed to the issue of whether or not the President has the constitutional right to impound funds. My distinguished colleague from North Carolina (Senator ERVIN) has been very concerned with this issue and has been doing an excellent job examining the complex constitutional questions involved. Both Senator ERVIN and I have been working on legislation in this important area. I was pleased to see that he introduced an impoundment procedures act which limits the power of the President to impound funds for more than 60 days without congressional approval.

The issue which this bill reaches is whether the President should be permitted to not spend funds appropriated by the Congress without full and timely disclosure to the Congress and to the public.

Today, neither the public—whose money is being impounded—nor the Congress—who originally approved these expenditures—are informed when the President decides to use the impoundment device.

I was shocked to learn that the Office of Management and Budget has not even informed the Senate and House Appropriations Committees of how much currently has been impounded and in which programs. It seems to me that if any Member or committee of Congress should have an accurate tabulation of what I understand to be more than $10 billion of frozen funds, it would be these committees.

How can the Congress appropriate funds responsibly without having the full details of the administration's impoundment actions?

In connection with the legislation I am introducing today, my staff and I have been attempting to obtain from OMB the current level of impoundments as well as an up-to-date list of frozen funds by agency and account. As of today, the Director, the Deputy Director, and the congressional liaison officer of the Office of Management and Budget have not complied with what I consider to be a most legitimate request.

My efforts to obtain this information started a week ago on September 22. On September 24, I sent a telegram to George Shultz asking his personal assistance in this matter.

I ask unanimous consent that my telegram to the Director of the OMB be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Hon. GEORGE P. SHULTZ,
Office of Management and Budget,
Executive Office Building,
Washington, D.C.:

On September 22, at my direction, my staff requested that OMB furnish me with the current level of funds impounded by the President as well as an updated list of impounded funds by agency and account.

I need this information for legislation which I plan to introduce on September 28 concerning the entire impoundment process.

Neither the Office of your Deputy Director nor your legislative liaison officer have been able to comply with my legitimate request, despite my numerous inquiries.

I would appreciate your personal assistance in seeing that this information is promptly supplied to one.

HUBERT H. HUMPHREY,
U.S. Senate.

Mr. HUMPHREY. Mr. President, I have received no answer to the telegram.

Mr. President, I believe that the more than $10 billion now being frozen by the Nixon administration attests to a shameful record of neglect of the urgent needs of this Nation.

These frozen funds could mean new jobs in communities where unemployment is at record levels, desperately needed new housing, modern schools, and sewage facilities for towns where they are now inadequate.

The multibillion-dollar freeze still in effect means that millions of Americans are not receiving from the Federal Government what their elected officials duly appropriated after careful consideration in the normal legislative process.

The legislation I am offering would require the President to notify promptly the Congress and the Comptroller General of the United States when appropriated funds are partially or completely impounded. In his notification report the President would be required to include the following: First, the amount impounded; second, the date on which the funds were ordered to be impounded; third, the date the funds were impounded; fourth, any department or establishment of the Government to which the impounded funds woud have been available for obligation except for such impoundment; fifth, the period of time during which the funds are to be impounded; sixth, the reasons for the impoundment; seventh, to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

Mr. President, too often we forget that when appropriated funds are impounded by the executive branch, millions of people are affected, the plans of many States and cities have to be quickly changed and the economies of many areas disrupted.

All of us in Congress have a right to know immediately when the President impounds money—whether the funds were for a special milk program for schoolchildren or the construction of low-rent public housing.

It is true that the Office of Management and Budget sends a quarterly report of impounded funds to the House Appropriation Committee or supplies such a report to a member of that committee upon request. But this is not sufficient. Information supplied to one congressional committee every 3 months is not often enough.

Why should not all Members of the Congress have this information immediately when the President takes this action?

Why should not the public know about these frozen funds?

Why must they learn about them when the impact of the President's action finally reaches their community or neighborhood?

Mr. President, the relationship between the Congress and the President is a delicate one. I believe that the balance between the two branches is dangerously biased in favor of the Executive when there is no statutory provision for congressional and public notification when funds are impounded by the President.

This is why I have authorized the legislation I am introducing today. I am not willing to accept the fact that I must learn by reading the newspapers that programs which have moved through the various stages of the legislative process and which have been funded by the Congress cannot be implemented, because the funds have been frozen for an indefinite period.

Mr. President, I believe that any President might more carefully consider his action on freezing funds if he knew that his decision would be known immediately by the Congress and by the American people.

Mr. President, I am speaking of Executive accountability. No President has the right to hide important decisions affecting millions of people behind a bureaucratic curtain. There is a public need to know and a right to know. The time has arrived when Congress must act to redress an imbalance and to open for public view a system that has been hidden far too long.

I ask unanimous consent that the Federal Impoundment Information Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2604

A bill to improve the operation of the Government by providing for reports by the President with respect to any appropriated funds which are impounded

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Impoundment Information Act".

SEC. 2. Title II of the Budget and Accounting Procedures Act of 1950 is amended by adding at the end thereof the following new section:

"REPORTS ON IMPOUNDED FUNDS

"SEC. 203. (a) If any funds are appropriated and then partially or completely impounded, the President shall promptly transmit to the Congress and to the Comptroller General of the United States a report containing the following information:

"(1) the amount of the funds impounded;

"(2) the date on which the funds were ordered to be impounded;

"(3) the date the funds were impounded;

"(4) any department or establishment of the Government to which such impounded funds would have been available for obligation except for such impoundment;

"(5) the period of time during which the funds are to be impounded;

"(6) the reasons for the impoundment; and

"(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

"(b) If any information contained in a report transmitted under subsection (a) is subsequently revised, the President shall promptly transmit to the Congress and the Comptroller General a supplementary report stating and explaining each such revision.

"(c) Any report or supplementary report transmitted under this section shall be printed in the first issue of the Federal Register published after that report or supplementary report is so transmitted."

By Mr. KENNEDY:

S. 2605. A bill to authorize the Secretary of the Interior to conduct a study with respect to certain islands in the State of Massachusetts to determine whether such islands should be made a part of the Cape Cod National Seashore. Referred to the Committee on Interior and Insular Affairs.

Mr. KENNEDY. Mr. President, I am introducing today legislation to provide for a study of the possible extension of the Cape Cod National Seashore to include Nantucket Island, Tuckernuck Island, Muskeget Island, Martha's Vineyard Island, No Man's Land, the Elizabeth Islands, the Monomoy Island. We are all of us familiar with the success of the landmark legislation, the Cape Cod National Seashore signed into law by President Kennedy on August 7, 1961.

But time has passed and the very success of that legislation has pointed out the urgent lack of similar legislation for the islands. It seems most appropriate to conduct a study at this time to see if this very workable and successful solution should be extended to include the several islands lying off the cape.

Prior to the passage of the Cape Cod National Seashore legislation, Federal participation in conservation, preservation, or recreational development was limited to federally owned lands. By the 1950's, it was clear that if some of the most beautiful and historic areas were to be saved from rampant overdevelopment, from misuse or overuse, from lack of planning of uncoordinated planning, then the Federal Government must involve itself in preserving privately owned lands. The act establishing the Cape Cod National Seashore provided for acquisition of 27,650 acres of land with an appropriation of $16 million.

In order to protect landowner rights and at the same time assure preservation of the very best of our scenic resources, a very delicate formula was worked out to everyone's benefit. The Federal Government did not step in to take over homes and villages; families were not shuffled around; no one was forced to sell their property for less than it was worth.

Cooperation between the Federal Government, the local municipalities, and the very active participation by citizen groups assured that zoning regulation, scenic easement, limited condemnation rights were implemented with a minimum infringement on residential rights and maximum consideration for their concerns.

Only last year additional funds were appropriated by the Congress to facilitate the acquisition of additional available lands for incorporation into the seashore. An additional 7,500 acres enabled us to move forward with final planning for the Cape Cod National Seashore, plans for improved transportation and recreational facilities and new programs for the off season.

The success of the Cape Code National Seashore legislation can be measured by the status of that immeasurably beautiful spot today. Almost without exception everyone is pleased with the result—those who live on Cape Cod and those who visit the cape during the summer months—those most interested in commercial development and those concerned with preservation of the land. We have struck a delicate balance which has worked uncommonly well.

Over 3 million people visit Cape Cod National Seashore each summer and of these visitors most do not leave Cape Cod without visiting one or more of the outlying islands. It is to these islands that we direct our concern today.

The islands off Cape Cod which hold the greatest potential for growth and development are of course those large islands which are the most beautiful and prized aesthetically. And many of these are beginning to show the face of disastrous lack of planning, commercial overdevelopment, and sometimes cynical lack of forsight. The legislation I am introducing today would provide for a study of Nantucket Island, Tuckernuck Island, Muskeget Island, Martha's Vineyard Island, No Man's Land, the Elizabeth Islands, and Monomoy Island with the result that we have a plan for the islands' future.

While the 1970 Department of Interior study indicates that for the most part development on Martha's Vineyard and Nantucket "has been tasteful, retaining the islands' essential character," only a week ago an article in the New York Times by Anne Simon suggests that the balance "is suddenly errupting." Mrs. Simon states that a comprehensive study which has been completed states that Martha's Vineyard will have contracted environmental terminal cancer by 1975. The mail that I receive indicates that there has been some sudden and not wholly tasteful commercial development in recent months. Martha's Vineyard totaling 63,000 acres and Nantucket Island—30,341 acres—are the largest islands in the group and carry the greater potential for either overdevelopment or programed recreation.

The Elizabeth Islands include seven large and at least 12 small pieces of land totaling 8,268 acres separating Buzzards Bay from Vineyard Sound. All but two of these islands are administered under several trusts which protect their natural environment—cars are barred except for service vehicles and riding and hiking are the pleasures as well as the means of transportation. These islands should provide some valuable insight into what can be accomplished with controlled development.

In August 1970, the Department of the Interior indicated that the Elizabeth Islands, Martha's Vineyard Island, and Nantucket Island should be put under study to determine if a national seashore trust or "other protective status" would be in the best interests of the citizens who live there. An island trust would be administered by a commission with Federal, State, and local representatives. This group would be responsible for planning and development in the interest of protecting the islands.

My legislation today calls for a study to determine if the best method of protection lies in an extension of the Cape Cod National Seashore. It is my hope that in the 6 months of study a definitive resolution can be made—that we will know if the island trust, or extention of the seashore, a combination of both, or some other form of controlled development is the best way to accomplish what we all desire.

All of the proposals have their vigorous proponents and each proposal has tremendous merit. I would hope that immediate action on this bill would elicit massive citizen comment. The citizens and representatives of this area are most anxious for a judgment from the Department of the Interior as to which method appears to hold the best hope for the islands' future.

And I hope that during the 6 months of study, citizen participation will be active and extensive in making known the feeling and desires of the island people. Surely no one knows better what needs to be done or has better suggestions on how to do it than the concerned citizens themselves. We have learned in another area of the Commonwealth of Massachusetts what citizen participation in planning can accomplish—the Mount Holyoke unit of the Connecticut historic riverway. Those residents have spent a great deal in time and effort in meeting, discussing, planning, and making certain that their representatives knew their wishes. The result is a landmark piece of legislation which has had citizen participation at every level, at every step along the way. It is most clearly their legislation embodying their hopes.

During these 6 months we will try to obtain all the data that has been gathered recently which illustrates either the extent of the problem or possible solutions. This information should be disseminated to the residents and citizen groups who wish to participate in the study process.

A Senate Interior Committee report on Cape Cod in 1961 reported the following:

> But more important was the development of a new industry, a service-based economy generated by the needs of entertaining summer visitors. This industry, which received its impetus from the scenery of the Cape, its climate, white sandy beaches, the tranquil isolation from busy industrial centers, and the quaint atmosphere of villages long associated with seafaring and seaside life, grew rapidly. It is continuing to grow today, but in many instances at the expense of the Cape's natural assets. The open spaces sought by the fatigued city dweller for mental relaxation are being converted into new accommodations, while restaurants are replacing wharves, and barns are becoming gift shops.

That same kind of process is underway today. But there is a difference this time—we do not have years to study the problem, we have months—and we do not have years to reverse the trend, we have months. So let us not waste this precious time.

We have long ago accepted the notion that recreation and scenic beauty are not reserved for the wilderness and the country. We appreciate that scenery can be both convenient and beautiful. We know that those who need the solace and peace and pleasure of our natural beauty most are the city dwellers, those crowded into the urban population centers. Thirty million people live within a 1-day drive of Cape Code and the islands. Unfortunately, it is that which is closest to us that we sometimes fail to see in our endeavor to preserve and protect. But while time and pace have taken their toll on the islands, the residents have been alert to the horrendous possibilities for the future.

How often do we think of our land and water, our seashores and islands as fragile things—but we are fast learning a disastrous lesson. These things are precious and fragile and within our power to make enduring.

Mr. President, I ask unanimous consent that at the conclusion of my remarks the text of this bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 2605

A bill to authorize the Secretary of the Interior to conduct a study with respect to certain islands in the State of Massachusetts to determine whether such islands should be made a part of the Cape Cod National Seashore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to conduct an investigation and study with a view to determining whether any or all (or any part thereof) of the following islands should be made a part of the Cape Cod National Seashore:

(1) Nantucket Island;
(2) Tuckernuck Island;
(3) Muskeget Island;
(4) Martha's Vinyard Island;
(5) No Man's Land;
(6) The Elizabeth Islands;
(7) Monomoy Island; and
(8) other appropriate outlying islands from Cape Cod, Massachusetts.

(b) On or before the expiration of the one hundred and eighty day period following the date of the enactment of this Act, the Secretary of the Interior shall report to the Congress the results of such investigation and study, together with his views and recommendations.

SEC. 2. There is authorized to be appropriated the sum of $1,500,000 to carry out the purposes of this Act.

By Mr. MAGNUSON (by request):

S. 2606. A bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CIVIL AERONAUTICS BOARD,
Washington, D.C., September 3, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate.,
Washington, D.C.

DEAR MR. PRESIDENT: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings."

The Board has been advised by letter from the Office of Management and Budget dated August 27, 1971, that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

WHITNEY GILLILLAND,
Acting Chairman.

S. 2606

A bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 (c) of the Federal Aviation Act of 1958 (49 U.S.C. 1371) is amended by:

(1) Amending the heading of such section to read as follows: "Notice of Application; Contemporaneous Consideration"; and

(2) Inserting "(1)" immediately after "(c)" and by adding at the end thereof the following new paragraph:

"(2) Contemporaneous consideration of applications may, in the Board's discretion, be afforded by assigning applications for consolidated hearings and decisions or by assigning such applications for separate hearings followed by simultaneous decision; *Provided,* That applicants excluded from a particular hearing are allowed to participate therein as intervenors, adduce evidence, and cross-examine adverse witnesses: *Provided further*, That contemporaneous consideration is not required in a proceeding for the consideration of applications for a particular type of service within a defined area or over a described route segment where applications (or portions of applications) not proposing service of such type within such area or over such segment are excluded by the Board and new authorizations granted in such proceeding provide for a mandatory stop at any point marking the boundary of the defined area or common to any application (or portion thereof) which is excluded. Direction or refusal by the Board to consolidate any application for hearing with any other application, or otherwise to provide contemporaneous consideration thereof, shall not be subject to review prior to the issuance of an order granting such other application in whole or in part. The Board shall not be required to hold, prior to a hearing on any application, a preliminary hearing on the question of whether any other application filed pursuant to this section should be heard together with the application noticed for hearing, or whether such other application should otherwise be afforded contemporaneous consideration. The burden of establishing that applications should be consolidated for hearing or given contemporaneous consideration shall be on the person making request therefor. As used in this subsection, the term 'application' shall include an investigation instituted by the Board upon petition or complaint or upon its own initiative to alter, amend, modify or suspend a certificate pursuant to section 401 (g)."

SEC. 2. Section 1006(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1486) is amended by adding at the end thereof a sentence reading as follows: "Orders of the Board directing or refusing consolidation or contemporaneous consideration of applications filed under section 401 of this Act shall be subject to review only at the time prescribed in section 401(a)(2) of this Act."

SEC. 3. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Sec. 401. Certificate of public convenience and necessity." is amended by striking out "(c) Notice of Application." and inserting in lieu thereof "(c) Notice of application; contemporaneous consideration."

STATEMENT OF PURPOSE AND NEED FOR A DRAFT BILL TO AMEND THE FEDERAL AVIATION ACT OF 1958 SO AS TO CLARIFY THE POWERS OF THE CIVIL AERONAUTICS BOARD IN RESPECT OF CONSOLIDATION OF CERTAIN PROCEEDINGS

One of the most persistent problems the Board has encountered, particularly in large area route proceedings, has been the contention of applicants at the consolidation stage, based on the doctrine of *Ashbacker Radio Corp.* v. *F.C.C.*, 326 U.S. 327 (1945), that they are entitled as a matter of legal right to consolidation of particular applications. Such an applicant usually asserts that the grant of an application which the Board proposes to hear will preclude a subsequent grant of its own application, and that the Board therefore must also hear its application in the proceeding and accord it comparative consideration. In many instances in the past, refusal by the Board to consolidate has resulted in an appeal to the courts from the consolidation order, with a request that the court stay further procedural steps in the Board proceeding pending disposition of the petition for review. The bill is designed, *inter alia*, to resolve these problems.

This matter has been the subject of consideration and recommendation by the Administrative and Judicial Conferences of the United States. In its 1962 final report (Recommendation No. 20), the Administrative Conference recommended that the Federal Aviation Act be amended. First, the Administrative Conference recommended that the Board should be allowed to give contemporaneous consideration of applications, when required, by assigning various of the applications for separate evidentiary hearings and then consolidating them for simultaneous decision by the Board. This recommendation was made subject to the condition that applicants excluded from a particular hearing should be allowed to participate therein as intervenors, adduce evidence, and cross-examine adverse witnesses. Second, the Administrative Conference recommended that when the Board considers applications for service within a defined area or over a described route segment, the Board is not required to consolidate certain applications if it provides that new service must make a mandatory stop at a point marking the boundary of the defined area or common to the excluded applications. Lastly, the Administrative Conference recommended that the Board should not be required to hold a preliminary hearing on the issue of consolidating applications. Subsequently, the Judicial Conference of the United States also endorsed the recommendation of the Administrative Conference (see Report of the Proceedings of the Judicial Conference of the United States, September 22–23, 1965 (H. Doc. No. 356, 89th Cong., 2d Sess., p. 68)).

The legislation amends section 401(c) of the Federal Aviation Act of 1958, relating to certificate proceedings, so as to reflect in substance these recommendations of the Administrative and Judicial Conferences, and makes a technical amendment to section 1006(a) of the Act, relating to judicial review of Board orders.

By Mr. MAGNUSON (by request):

S. 2607. A bill to amend the Federal Aviation Act of 1958, as amended, to clarify Federal jurisdiction and preemption for Federal economic regulation wherever, through Federal certification, any particular market has been brought within the ambit of the national air transportation system. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, at the request of the Air Transport Association of America which represents the Nation's scheduled, certificated airlines, I introduce a bill by request to amend the Federal Aviation Act to clarify Federal jurisdiction over the economic regulation of air carriers operating in the national air transportation system.

The certificated, scheduled air carriers seek this revision because at the present time the U.S. Civil Aeronautics Board has no authority to regulate air carrier operations which are entirely intrastate in character, even though this intrastate air transportation may be an integral part of the national air transportation fabric.

While I do not necessarily endorse this bill, it is of interest to my committee because of the proposed further refinement of the role to be played by the U.S. Government, through the CAB, and the State governments with respect to economic regulation of air transportation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2607

A bill to amend the Federal Aviation Act of 1958, as amended, to clarify Federal jurisdiction and preemption for Federal economic regulation wherever, through Federal certification, any particular market has been brought within the ambit of the national air transportation system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958, as amended, is further amended by inserting a new section 418 as follows:

"INQUIRY INTO BURDEN ON AIR COMMERCE

"SEC. 418. The Board may upon its own initiative or upon request of any person, investigate and determine whether the engagement of any common carrier in transportation by air between two points within the same state of the United States constitutes or will consitute an undue burden on air commerce, or is otherwise inconsistent with the policy set forth in Section 102 of this Act. If the Board shall find, after notice and hearing, that such engagement constitutes or will constitute such undue burden or is otherwise inconsistent with the policy so set forth, it shall order such carrier to take such action as may be necessary, in the opinion of the Board, to prevent such effect.

By Mr. MAGNUSON (by request):

S. 2608. A bill to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers, and ask unanimous consent that the letter of transmittal, statement of purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2608

A bill to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407 of the Federal Aviation Act of 1958 (49 U.S.C. 1380) is amended by redesignating subsection (e) thereof as subsection (f), and by inserting therein a new subsection (e) reading as follows:

"DEPRECIATION ACCOUNTING

"(e) The Board may prescribe for air carriers the classes of property for which depreciation charges may properly be included under operating expenses, the method of depreciation accounting, the rate or rates of depreciation which shall be charged, the depreciation period and the residual value, with respect to each of such classes of property, classifying the air carriers as it may deem proper for this purpose. The Board may, when it deems necessary, modify the classes and rates so prescribed. To the extent that the Board shall have exercised its authority under the foregoing provisions of this subsection, air carriers shall not charge to, or in any form include under, operating expenses any depreciation charges other than those prescribed by the Board, or employ a method of depreciation, depreciation period, or residual value other than those prescribed by the Board."

Civil Aeronautics Board,
Washington, D.C., September 3, 1971.
Hon. Spiro T. Agnew,
President of the Senate, U.S. Senate, Washington, D.C.

Dear Mr. President: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers."

The Board has been advised by letter from the Office of Management and Budget dated August 27, 1971, that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,
Whitney Gillilland,
Acting Chairman.

Statement of Purpose and Need for a Draft Bill To Amend the Federal Aviation Act of 1958, so as To Authorize the Civil Aeronautics Board To Regulate the Depreciation Accounting of Air Carriers

In common with other regulatory acts, section 407(d) of the Federal Aviation Act directs that the Board shall prescribe a system of accounts to be kept by air carriers. However, it has been held that the Board lacks the authority (possessed by the other regulatory agencies with respect to the persons subject to their jurisdiction) to regulate the depreciation accounting of air carriers. Consequently, the legislation vests this ancillary power in the Board.

Under the authority of section 407(d) to "prescribe the forms of any and all accounts," the Board has proceeded, since its establishment, to prescribe the uniform system of accounts required to be kept by all certificated air carriers. The controlling purpose of such a uniform system of accounts is to provide the Board with financial statements which fairly reflect the financial condition of the air carrier on the one hand, and the operating results of the carrier for a given period of time on the other. The purpose of the system of accounts is to prescribe uniform practices which will provide, in general substance, comparable information in respect to each of the various carriers subject to the accounting regulations. Financial statements would, of course, be useless to the Board unless they fairly reflected the actual condition of the carriers and the actual operating results of the services performed for the period reported.

Since the enactment of the Civil Aeronautics Act in 1938, the Board has, in general, prescribed rates of depreciation as a part of its subsidy rate-making process. While air carriers continued to be dependent upon subsidy, their books were conformed with the depreciation rates prescribed by the Board. The depreciation rates thus established were used both for accounting and rate-making purposes and few problems involving the lack of uniformity of depreciation accounting practices developed. However, with the emergence of a large part of the industry from dependence upon subsidy, the determinations by the Board of depreciation for rate-making purposes were less frequently adopted by the carriers for accounting purposes. This tended to undermine the value of the Uniform System of Accounts and reports filed with the Board thereunder because they no longer reflected the depreciation determinations by the Board. The lack of conformance with the Board's determinations of depreciation rates and the lack of uniformity of depreciation practices for accounting purposes among different carriers seriously undermined the value of the reports filed by the carriers for regulatory purposes.

In recognition of this need, and in connection with the establishment of an adequate uniform system of accounts, the Board undertook to prescribe the depreciation accounting practices of air carriers by the issuance of appropriate regulations (E.R. 224, adopted November 18, 1957). The courts held that the Board lacked authority to prescribe depreciation accounting practices. *Airlines et al.* v. *C.A.B.*, 257 F.2d 229 (C.A.D.C., 1958), *cert. denied,* 358 U.S. 881. Consequently, in order that the Board may effectively carry out its functions with respect to the depreciation accounting practices of air carriers, legislation is essential. Reliable and comparable financial data from which to appraise the true financial condition and operating results of the various air carriers are necessary to effective regulation. This cannot be readily obtained under the Court's interpretation of the Act which permits the carriers full liberty to account for depreciation in accordance with any method they elect.

The bill would bring the powers of the Board in the area of depreciation accounting in line with powers expressly given to the Interstate Commerce Commission, the Federal Power Commission, and the Federal Communications Commission (see 49 U.S.C. sec. 20(4), sec. 220(c) and sec. 913(d); 15 U.S.C. 171h(a); 16 U.S.C. 825a(a); and 47 U.S.C. 220(b)).

By Mr. MAGNUSON (by request):

S. 2609. A bill to amend the Federal Aviation Act of 1958 so as to assure opportunity for the board's participation and representation in certain court proceedings through its own counsel as a matter of right and to provide for all review of Board actions in the courts of appeals. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 so as to assure opportunity for the Board's participation and representation in certain court proceedings through its own counsel as a matter of right and to provide for all review of Board actions in the courts of appeals, and ask unanimous consent that the letter of transmittal, statement of purpose and need be printed in the Record with the text of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2609

A bill to amend the Federal Aviation Act of 1958 so as to assure opportunity for the Board's participation and representation in certain court proceedings through its own counsel as a matter of right and to provide for all review of Board actions in the Courts of Appeals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1006(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1486(a)) is amended by striking out the period at the end of the first sentence therein and adding the following: ": *Provided,* That orders of the Board, including rules and regulations, shall be subject to review in accordance with the provisions of sections 2341–2351 of title 28, United States Code."

Sec. 2. Section 1008 of the Federal Aviation Act of 1958 (49 U.S.C. 1488) is amended by striking out the words "Board or," and ", as the case may be,".

Sec. 3. Chapter 158 of title 28, United States Code, is amended as follows:

(a) Section 2341(3) of that title is amended by:

(1) deleting the word "and" at the end of subsection (3) (B);

(2) deleting the period at the end of subsection (3) (C) and substituting "; and"; and

(3) adding at the end of subsection (3): "(D) the Board, when the order was issued by the Civil Aeronautics Board."

(b) Section 2342 is amended by:

(1) deleting the word "and" at the end of subsection (3);

(2) deleting the period at the end of subsection (4) and substituting "; and"; and

(3) adding at the end of the section: "(5) all final orders of the Civil Aeronautics Board made reviewable by section 1006(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1486(a))."

Civil Aeronautics Board,
Washington, D.C., August 23, 1971.
Hon. Spiro T. Agnew,
President of the Senate, U.S. Senate, Washington, D.C.

Dear Mr. President: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend the Federal Aviation Act of 1958 so as to assure opportunity for the Board's participation and representation in certain court proceedings through its own counsel as a matter of right and to provide for all review of Board actions in the Courts of Appeals."

The Board has been advised by letter from the Office of Management and Budget dated August 16, 1971, that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,
Whitney Gillilland,
Acting Chairman.

Statement of Purpose and Need for a Draft Bill To Amend the Federal Aviation Act of 1958, To Assure Opportunity for the Board's Participation and Representation in Certain Court Proceedings Through Its Own Counsel as a Matter of Right and To Provide for All Review of Board Actions in the Courts of Appeals

The judicial review provisions of the Federal Aviation Act do not expressly provide that the Board may participate in court proceedings through its own counsel as a matter of right. Moreover, the Department of Justice takes the position that the Board's participation in court proceedings is dependent upon its acquiescence and consent by reason of the provisions of section 1008 of the Act (49 U.S.C. 1488) which provide that "[u]pon request of the Attorney General, the Board * * * shall have the right to participate in any proceeding in court under the provisions of this Act."

In this connection, the House Oversight Committee recommended in 1959 that "[e]ach Commission should be allowed, as a matter of right, to participate and be represented in judicial proceedings involving the statute and regulations which it administers" (H. Rept. No. 2711, 85th Cong., 2nd Sess. 10 (1958)). A number of major regulatory agencies, such as the Federal Communications Commission, the Federal Maritime Commission, and the Atomic Energy Commission, have a clear right under the Hobbs Act to appear and be represented as a separate party in judicial review proceedings, which are under the general control of the Attorney General.

The Board believes that as an independent regulatory agency it too should have the right to appear and be represented as a separate party in court proceedings involving review of Board orders. Where conflicts of opinion have arisen with the Department of Justice regarding pending Board litigation, the Board on occasion has been deprived of the opportunity of making its views known to the court. Moreover, conflicts of interest may arise between the Department and the Board in circumstances in which the Department has participated as a party litigant in the Board proceeding in which the order under review was entered, and, even where there has been no such participation, as to policy matters such as antitrust considerations, overall questions of desirable procedures, and the like. Hence, it is essential, as recommended by the House Oversight Committee, that the Board be able to make its position known in addition to that of the Department of Justice. Such a procedure would allow the Board properly to carry out its functions and responsibilities, and at the same time permit the Department of Justice to make known to the court any policy considerations which it deems desirable or necessary in the public interest.

As to the matter of judicial review, the Hobbs Act specifically provides procedures under which non-hearing determinations may be reviewed in the Court of Appeals. At the present time, rule-making determinations of the Board having the force and effect of orders and entered without an evidentiary record are directly reviewable in the Federal District Courts rather than under the statutory provisions provided for review of Board orders. See *Arrow Airways, Inc.* v. *C.A.B.*, 182 F.2d 705 (C.A.D.C., 1950), *cert. denied*, 340 U.S. 828 (1950). On the other hand, an order *applying* a regulation to a specific factual situation is reviewable in the Courts of Appeals, and, as an incident to such review, the Court of Appeals also will pass upon the validity of the regulation. These alternate methods of challenging regulations have led to uncertainty and confusion which should be corrected, and all review of Board actions should be provided in the Courts of Appeals.

The bill accomplishes the foregoing objectives by amending sections 1006(a) and 1008 of the Federal Aviation Act, relating, respectively, to judicial review of Board orders and to the Board's participation in court proceedings, and by amending the Hobbs Act (28 U.S.C. 2341, *et seq.*).

By Mr. MAGNUSON (by request):

S. 2610. A bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs, and ask unanimous consent that the letter of transmittal, statement of purpose, and need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2610

A bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That section 1002(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(c)) is amended to read as follows:

"(c) If the Administrator or the Board finds, after notice and hearing, in any investigation instituted upon complaint or upon their own initiative, with respect to matters within their jurisdiction, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Administrator or the Board shall issue an appropriate order to compel such person to comply therewith, including an order directing restitution for compensation collected for air transportation, or for any service in connection therewith, which is greater than the rates, fares and charges applicable thereto under tariffs lawfully on file with the Board."

SEC. 2. Section 1007(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended to read as follows:

"(a) If any person violates any provision of this Act, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit issued under this Act, the Board or Administrator, as the case may be, their duly authorized agents, or, in the case of a violation of section 401(a) of this Act or an order directing a person to make restitution for compensation collected for air transportation which is greater than the rates, fares, and charges applicable thereto under tariffs lawfully on file with the Board, any party in interest may apply to the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this Act, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees, and representatives, from further violation of such provision of this Act or of such rule, regulation, requirement, order, term, condition or limitation, and requiring their obedience thereto."

CIVIL AERONAUTICS BOARD,
Washington, D.C., September 3, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs."

The Board has been advised by letter from the Office of Management and Budget dated August 27, 1971, that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,
WHITNEY GILLILLAND.
Acting Chairman.

Enclosure.

STATEMENT OF PURPOSES AND NEED FOR A DRAFT BILL TO AMEND THE FEDERAL AVIATION ACT OF 1958 SO AS TO SPECIFICALLY PROVIDE THAT REMEDIAL ORDERS ISSUED BY THE CIVIL AERONAUTICS BOARD IN ENFORCEMENT PROCEEDINGS MAY REQUIRE THE REPAYMENT OF CHARGES IN EXCESS OF THOSE IN LAWFULLY FILED TARIFFS

Under the Federal Aviation Act, the Board, in its discretion, presently may entertain complaints against violations of the Act, including ones that charges have been collected in excess of those contained in effective tariffs, and may issue orders requiring air carriers to cease and desist from exacting such overcharges. However, the Act does not in terms authorize the Board to also order the carrier to repay the overcharges. The Board requires, therefore, as an incident to the issuance of cease and desist oders and for purposes of granting full relief, the authority to order restitution where charges are in excess of tariff ones.

The bill is not designed to establish the Board as a forum for adjudicating private claims for overcharges. Rather, the Board would retain its present discretionary authority as to whether it should entertain a complaint or leave the complainant to its judicial remedies. However, in circumstances in which the Board does entertain a complaint alleging tariff violations, the Board should be empowered to provide full relief by directing the repayment of any overcharges rather than relegating the complainant to its judicial remedies. For example, such authority is particularly desirable in light of the greatly expanded scope of group travel activities where it is possible that relatively slight overcharges with respect to individual passengers may not justify individual suits by them but where the aggregate amount involved may constitute a sizable sum which would constitute unjust enrichment to the carrier if retained by it. It should be emphasized that the bill does not result in the granting of reparations authority beyond that necessary to provide full relief to passengers and shippers by requiring air carriers to refund charges in excess of lawfully filed tariffs.

The bill amends section 1002(c) of the Act, relating to the entry of compliance, orders, and section 1007(a), relating to judicial enforcement of Board orders, in implementation of the proposal.

By Mr. MAGNUSON (by request):

S. 2611. A bill to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards, and ask unanimous consent that the letter of transmittal and statement of purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2611

A bill to amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish the National Bureau of Standards," approved March 3, 1901 (31 Stat. 1449) as amended, is further amended by adding the following section:

"SEC. 18. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations."

SEC. 2. Such Act is further amended by striking the period at the end of paragraph (19) of section 2, by inserting a comma in lieu thereof and by adding the following:

"And including the use of National Bureau of Standards scientific or technical personnel for part-time or intermittent teaching and training activities at educational institutions of higher learning as part of and incidental to their official duties and without additional compensation other than that provided by law."

SEC. 3. Such Act is further amended by revising the first sentence of section 3 to read as follows:

"The Bureau is authorized to exercise its functions for the organizations of which the United States is a member; for governments of friendly countries; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States or friendly countries engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments: Provided that the exercise of these functions for international organizations, governments of friendly countries and scientific societies, educational institutions, firms, corporations, or individuals therein shall be in coordination with other agencies of the United States Government, in particular the Department of State.

SEC. 4. Such Act is further amended by deleting in section 14 the figure "$40,000" and substituting in lieu thereof the figure "$75,000."

SEC. 5. Such Act is further amended by revising section 15(b) to read as follows:

"(b) the care, maintenance, protection, repair and alteration of Bureau buildings and other plant facilities, equipment and property."

SEC. 6. That portion of the Act of April 29, 1926 (44 Stat. 356; 40 U.S.C. 14a) which relates to the National Bureau of Standards is hereby repealed.

THE SECRETARY OF COMMERCE,
Washington, D.C., September 15, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of this proposed legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

AMENDMENTS TO ORGANIC ACT OF NATIONAL BUREAU OF STANDARDS: STATEMENT OF PURPOSE AND NEED

INTRODUCTION

The Organic Act of the National Bureau of Standards is the Act of March 3, 1901, as amended (31 Stat. 1449; 15 U.S.C. 271–278g). The National Bureau of Standards (NBS) is a principal focal point in the Federal Government for assuring maximum application of the physical and engineering sciences to the advancement of technology in industry and commerce. To this end NBS conducts research and provides central national services in three broad program areas and provides central national services in a fourth. These are: (1) basic measurements and standards, (2) materials measurements and standards, (3) technological measurements and standards, and (4) transfer of technology.

The proposed amendments to the Organic Act would permit the following improvements in the fiscal and administrative practices of NBS for more effective conduct of its research and development activities:

1. Appropriation of funds to remain available beyond one fiscal year.
2. Clarification of authority to engage in teaching and training activities in areas of special NBS competence.
3. Clarification of authority to perform services for international organizations and governments of friendly countries and their institutions.
4. Increase monetary limitation relating to construction and improvement of NBS buildings and facilities from $40,000 to $75,000.
5. Clarification of authority to provide care, maintenance and protection of the buildings and property of NBS.

This bill proposes to add section 18 to the Organic Act as well as amend and revise portions of sections 2, 3, 14 and 15 of that Act. The bill would also repeal that portion of a 1926 statute which would become superfluous upon the enactment of the proposed revision of section 15 of the Organic Act. The intent of and need for each amendment and revision are explained in the paragraphs which follow.

Section 18. Appropriation availability

The proposed section 18 would provide statutory authorizations for appropriations for NBS to be on a multiple year basis or to be without fiscal year limitation. The final determination whether to limit the availability of an appropriation is made when the Congress acts on the appropriation bill, but an appropriation bill providing for a departure from single-year availability would be subject to a point of order if an authorizing statute had not previously been enacted. The proposed legislation is, therefore, merely a first step that must be taken before the question of extended appropriation availability can be raised with the Appropriations Committees.

Most research and development appropriations for other agencies are provided as "no-year" funds, available until expended. Their justification is found in the uncertainties inherent in research programs, the high incidence of unpredictable factors that compel readjustment of program activity, and the need for flexibility to permit prompt response to changed circumstances.

The reasons in support of the request to appropriate research funds on a no-year basis are set forth below in a summary of some of the pertinent NBS situations.

1. Problems of obtaining or developing essential equipment or recruiting essential scientists will often delay implementation of an initial stage of a research project. If the funds budgeted for that first stage are available only for one fiscal year and cannot be used that year, they are lost to the project and must be replaced in the succeeding year by all or part of the funds programmed for the second stage of the project. If the funds could be carried over from the first year, at least some of the lost time might be made up by doubling up of effort during the second year.

2. The opportunities to hire high-potential scientists and engineers frequently arise at the most inopportune time in the budget cycle. Because the academic year closes at about the same time as the fiscal year, recruitment commitments are often needed just at the time when appropriation requests are being considered by the Congress. The uncertainty about appropriation levels frequently prevents timely recruitment commitments. If appropriations could be carried forward to the succeeding year, funds could be set aside to assure the financing of the new staff members long enough to permit other adjustments in the succeeding appropriation if that becomes necessary.

3. The orderly and efficient planning for the initiation of given tasks or equipment purchases is best served by following a particular decision-making sequence. However, the rigid deadline on availability of funds often requires a deviation from that sequence because postponement of the decision means the loss of the funds and, thus, elimination of the task or purchase.

4. Program expansions, especially in times of recruiting difficulty, such as those described above, involve problems of budgeting that are aggravated by the single-year availability of funds. It would be much more efficient and desirable to budget for the first 12 months or first full stage of a research project, even though this would cross over into a second fiscal year.

Amendment to section 2 authority to teach

The proposed amendment to paragraph (19) of section 2 of the Organic Act would clarify the authority of NBS to engage in teaching and training activities in areas of special NBS competence. In particular, it would enable NBS scientific and technical personnel under certain circumstances to teach at educational institutions of higher learning as part of their official duties. The amendment would provide a needed clarification of the authority to publish and distribute scientific and technical data presently permitted by the referenced paragraph (19). Such clarification would serve as a further means of diffusing the technology of NBS. It would serve also to facilitate, when needed, the establishment of cooperative arrangements with educational institutions. Thus, arrangements similar to that involving the highly successful Joint Institute for Laboratory Astrophysics (JILA), which NBS established in cooperation with the University of Colorado some years ago, could be consummated with greater ease because of a more appropriate legal framework in which to operate.

The activities authorized by paragraph (19), section 2, of the Organic Act are among the most important services offered by NBS. This authorization provides the basis for the extensive program of publications, exhibits, and demonstrations through which the science and technology evolved at NBS are transferred to the scientific and industrial community. It permits NBS to compile and diffuse general scientific and technical information of importance to science and industry, and not elsewhere available, in addition to reporting the results of NBS studies.

Experience has indicated that one of the most effective ways to accomplish this transfer of highly technical knowledge and skills is through teaching and training activities. In recent years, NBS has conducted numerous special training courses designed to be of benefit to a variety of professional fields ranging from computer specialists to State weights and measures officials. During the past ten years, approximately 1200 trainees from 48 countries spent anywhere from a few days to several months in NBS laboratories under the auspices of the Agency for International Development and similar organizations. In addition, NBS annually joins in the sponsorship of numerous symposia designed to acquaint scientists and engineers with the latest developments in technical fields that are within the sphere of competence and responsibility of NBS.

NBS has a long history of close and profitable contact with universities. There has been active collaboration between NBS and university scientists on numeorous research efforts. NBS has benefited greatly from its postdoctoral fellowship program and has made extensive use of visiting scientists and consultants drawn from university faculties. Members of the technical staff of NBS and university staff members have lectured at each others institutions, and a large number of NBS employees have obtained advanced degrees, utilizing projects carried out under the direction of senior NBS scientists to meet thesis requirements.

Certainly the most unique and one of the most rewarding of these collaborative efforts began with the establishment in 1962 of JILA, in cooperation with the University of Colorado. At that time, it was determined that this Nation's objectives in space and in other emerging fields of science and technology required a substantially increased research effort in the measurement problems peculiar to hot gases and stellar atmospheres. Moreover, there were few scientists in this country trained in this highly specialized field known as "laboratory astrophysics," and there was no academic institute devoted primarily to such research and training of students. While NBS had some unique talents and facilities in this field, it was concluded that the expansion of research and training activities needed to meet national goals could only be accomplished in an academic setting. Accordingly, JILA was established in cooperation with the University of Colorado on the campus of the University. Here, Government and university scientists, together with distinguished visiting scientists from all over the world, have worked in close collaboration to produce outstanding research results and an exceptional center for graduate study in this specialized field. In its relatively brief history, JILA has already achieved an international reputation.

A key element in the success of JILA was the administrative determination that NBS scientists at JILA be permitted to participate in teaching activities as part of their official duties. This was considered essential in view of the particular objectives and circumstances associated with that program. The university for its part contributes research support by graduate students to NBS projects.

The proposed legislation would clarify the authority of NBS and facilitate the development of other joint programs similar to that created under the agreement with the University of Colorado, but not necessarily structured as JILA. Individual members of the staffs of appropriate universities and NBS would be identified with a given program, and would adopt joint research and education goals, but initially at least would not be housed together, as under the JILA arrangement. The technical content of the program would be based on the common interests of the collaborating members. Appropriate steps would be taken to assure that NBS, not NBS personnel would receive any compensation that may be provided for the efforts expended by NBS personnel in preparing for and conducting classroom and laboratory instruction.

The program and facilities of the NBS make it an extremely appropriate laboratory for university collaboration. The work of NBS runs the gamut from very basic research to thoroughly applied technology including a wide range of activities of interest to both science and engineering departments of many universities. The benefits to be derived from such collaborative efforts would flow not only to the graduate students, to whom most of the teaching efforts of NBS would be directed, but also to NBS. It is now well recognized that graduate research is an integral part of the training process, that the quality of teaching is generally enhanced when the teacher is himself engaged in research activities, and that the quality of research is often improved when the researcher is involved in teaching bright, inquisitive students.

Indeed, as was stated in "Scientific Progress, the Universities, and the Federal Government," the President's Scientific Advisory Committee Report of 1960:

"We believe that research, learning, and teaching are deeply connected processes which should be kept together, whenever possible. Not all basic research should be—or could be—performed in our universities but where it is done separately, special efforts should be made to take advantage of its educational value. We note that the separate installations which do the best work are, as a rule, those which have a close and effective connection with academic centers."

Such collaboration, involving participation of selected members of the NBS technical staff in university functions, would:

(1) Encourage active participation of outstanding university scientists in NBS programs,

(2) Bring university scientists into natural and effective contact with national goals and problems,

(3) Serve as an excellent recruitment device of fresh young people for NBS, by bringing NBS teaching staff into intimate contact with large numbers of graduate students during their critical early career years,

(4) Serve as a recruitment incentive for mature scientists who desire to maintain academic contacts and feel that such activities are a definite career stimulus and enhancement to scientific productivity, and

(5) Serve to advance the quality and caliber of applied research and engineering at NBS and elsewhere, an area in which the universities, too, feel they are lagging behind national responsibilities.

Amendment to section 3

The proposed revision of section 3 of the Organic Act would clarify the authority of NBS to perform its services for international organizations of which the United States is a member and for friendly countries and their institutions. At present, NBS has specific authority to exercise its functions only for the Federal Government, State and local governments, and for institutions and firms within the United States.

The increasing complexity of modern measurement techniques combined with the increasing cost of facilities required to calibrate and standardize measurement instruments which are a vital part of international commercial, technological, scientific, and defense activities has created a growing need for NBS under direction from the Department of Commerce to provide calibration, measurement, and other specialized services to certain international organizations and to friendly foreign countries. Moreover, the position of the United States as a leader in the international community in science and technology requires it to take an active part to encouraging international standardization.

For many years NBS has cooperated with the national standards laboratories of other nations, both directly in cooperation with the Department of State, and indirectly through the International Bureau of Weights and Measures. NBS also has cooperated with various other foreign scientific institutions which are engaged in studies of direct interest to NBS or other agencies of the U.S. Government. These exchanges of scientific information and special measurement services have been encouraged as an essential part of the responsibilities of the NBS and the Department for the correlation of our national measurement system with those of other nations, and for the precise determination of important physical constants.

In recent years, however, there have been increasing requests for NBS assistance from a variety of sources in other countries including commercial laboratories, as well as government and academic institutions. Some of these requests have been accommodated under the basic authority and responsibility of the Department of Commerce to foster and promote international trade as set out in 15 U.S.C. 1512. For example, foreign laboratories now purchase about $345,000 worth of standard reference materials per year from NBS. These are samples of highly characterized materials prepared and sold by NBS for use in a variety of scientific and technological operations such as checking chemical analysis, temperature, color, viscosity, heat of combustion, and various basic properties of materials. Reference materials of this sort provide an important basis for determining the nature and quality of many products sold in international trade. The industrial technology of the United States is certainly one of the largest items exported by the U.S. in foreign trade. Examples are: design and construction of oil refineries, steel mills, petro-chemical complexes, nuclear power plants. Basic to the operation of all of these are sophisticated process control analytical equipment such as emission spectrographs for the control of steel-making, nuclear instrumentation for controlling power reactors, etc. All of these instruments require careful and continual calibration by standards. The best standards in the world for steels of all types are those made and certified by NBS. They are designed for and work best with U.S. analytical equipment which gives the United States a predominant and highly competitive position in this area of world trade. Hence, providing foreign customers with convenient access to the same reference materials used by the producers of American products is beneficial to the economic interests of the United States. The sale of these reference materials to foreign countries now amounts to approximately 30% of NBS' total activity in this area. An increase in such sales would help to combat the adverse gold flow which the United States has long sought to stem.

Similar reasons exist for NBS to extend its calibration and measurement services to foreign and international organizations. For example, friendly foreign purchasers of the highly sophisticated scientific and technological measurement instruments produced in the United States should be able to obtain calibration services from NBS when suitable services are not available in their own country. However, in view of the limitations implied in its Organic Act, NBS generally has restricted such assistance to requests from other national standards laboratories, and to requests endorsed by other Federal agencies, such as the Department of State. Such an endorsement provides a clear legal basis for NBS to provide the service under its responsibility for assisting other Federal agencies.

In view of the increasing importance to the United States of international trade, and the very significant role of measurements and standards in facilitating such trade, it is now essential that NBS have greater flexibility in responding to the growing number of requests for its assistance from foreign and international sources. In particular, the extension of calibration and related measurement services to underdeveloped countries can be an important factor in encouraging the use of U.S. produced instruments and equipment in their laboratories and emerging industries. Moreover, through their adoption of measurement devices and techniques compatible with U.S. practice, the way is cleared for a continuing fruitful exchange of goods and services with the United States.

The need to facilitate international trade and commerce is also the basic reason that NBS services should be available to international organizations and friendly foreign governments concerned with the development of the technical standards and specifications that increasingly influence the course of international trade. These international standards can have profound long-range effects on this country's overseas markets, and it is essential that the unique technological competence of NBS be available to support U.S. interests during their development.

The proposed clarification of the authority of NBS would enable it to respond more rapidly and effectively in those situations where its services can make an important contribution to U.S. objectives in international trade and international scientific programs. These services would be provided selectively when they are not available elsewhere, and are essential to U.S. objectives. It is not the intention of NBS to extend its services automatically to all foreign customers.

It also should be understood that NBS would not expect to make any significant change in its well established practices of coordination and cooperation with the Department of State as a result of enactment of the proposed legislation. NBS staff members are participants in meetings of many international organizations concerned with measurement standards and numerous other technical subjects related to NBS responsibilities. Experience has indicated that the assistance of the Department of State is invaluable to NBS in these matters. Accordingly, the proposed new authorization would continue and strengthen this practice by requiring that the Secretary of Commerce coordinate, with the Department of State and other agencies of the United States Government as appropriate, his participation in and the carrying out of international activities.

Finally, the services of NBS normally are provided on a reimbursable basis. The proposed legislation would not alter this procedure. The technical assistance provided to the commercial laboratories of other nations under the proposed authority will be at no additional cost to the United States. The authority would be subject to existing rules and regulations and to such others as the Secretary of Commerce may publish.

Amendment to section 14

The proposed legislation would increase the monetary limitation on construction and improvements of buildings and facilities of NBS to $75,000. At present, the limit on such construction or improvements is $40,000 unless specific provision is made for construction or improvements in the appropriation concerned.

The monetary limitation was originally established in 1950 at $25,000 and increased to $40,000 in 1958. The present limitation has, over the past 12 years, become steadily more burdensome in light of the increasing cost of construction work and material and in meeting the expanding needs of NBS in fulfilling its mission. While specific appropriation authority is sought for extensive construction and improvement of the buildings and facilities of NBS, it frequently is not possible to anticipate relatively minor construction and improvement needs so as to include such items in the specific appropriation request.

Accordingly, unless an increase in such monetary limitation is obtained, undue delay is encountered until the specific appropriation authorization is obtained even though the construction work in question is comparatively small. To avoid this situation, it is desired to raise the mentioned $40,000 limitation to $75,000. The proviso presently in the statute requiring specific provision in the appropriation concerned to construct buildings or make improvements in an amount in excess of the monetary limitation would remain unchanged under the proposed amendment to this section of the Organic Act.

Amendment to section 15

The proposed legislation would amend section 15(b) of the Organic Act with respect to protection of the property of NBS. A portion of the Act of April 29, 1926 (44 Stat. 356; 40 U.S.C. 14a) gave to the Secretary of Commerce the responsibility for "the care, maintenance, and protection of the *buildings occupied by the Bureau of Standards* of the Department of Commerce *in the District of Columbia* . . ." (Italic added.).

NBS has now virtually completed the move of its offices and staff from its site in the District of Columbia to its new facilities at Gaithersburg, Maryland. NBS has also maintained for some years a large installation at Boulder, Colorado. The withdrawal therefore of the activities of NBS in the District of Columbia and the establishment of its major operations at Gaithersburg takes on added importance with regard to providing for the care and protection of the buildings and property of NBS.

The proposed legislation would amend section 15(b) of the Organic Act by granting to the Secretary of Commerce the authority to provide care, maintenance and protection of the buildings and property of NBS without limiting such authority to buildings located in the District of Columbia as is now stated in the 1926 statute cited above. The authority granted by the Amendment would be combined with the Secretary's present authority to undertake the repair and alteration of the buildings and plant facilities of NBS. As the authority granted by the proposed amendment would include the lesser authority now held by the Secretary under the 1926 statute, this legislation would repeal the referenced portion of the Act of April 29, 1926.

By Mr. RANDOLPH (for himself and Mr. JACKSON):

S. 2612. A bill to establish policy and principles for planning the use of the water and related land resources of the United States. Referred to the Committee on Interior and Insular Affairs.

Mr. RANDOLPH. Mr. President, I am introducing today, for appropriate reference, a bill to establish policy and principles for planning the use of the water and related land resources of the United States. The distinguished Senator from Washington (Mr. JACKSON) joins me in the introduction of this important legislation.

The need for this legislation results from the inability of the Water Resources Council to carry out its functions as delineated by the Congress. I am not, however, accusing the Council of any dereliction of its duties under the Water Resources Planning Act, because its failure to act is due entirely to the unreasonably long period of review by the Office of Management and Budget. Therefore, I feel it necessary for Congress to act in this matter. The water resource programs authorized by the Committees on Public Works and Interior and Insular Affairs are directly affected by the policy and principles developed by the Water Resources Council.

The bill which I introduce today for myself and my able colleague from Washington, was drafted at my request by the Director of the Water Resources Council. It represents, generally, the findings and recommendations of the Council's special task force.

As the Members of this body know, Congress established the Water Resources Council at the time it enacted the Water Resources Planning Act of 1965. By that act, the Council is charged with the responsibility of establishing criteria for the formulation and evaluation of Federal water and related land resource projects.

The criteria presently used by the agencies was developed prior to creation of the Council and is set forth in Senate Document No. 97, of the 87th Congress. These guidelines have not been altered by the Council, except for a revision in the discount rate formula made in 1968. This change resulted in an immediate increase in the discount rate and the rate has been increased each year since that time. The higher discount rate and the lack of consideration of "secondary benefits," although their use is specified in Senate Document 97, resulted in fewer projects being found economically justified. As a consequence, many worthy water resource projects located throughout the Nation are not eligible for Federal assistance.

As an aftermath of the change in the discount formula, the Council received many comments from congressional and other water resource interests. All emphasized the need for better evaluation procedures, and many cited the inadequacies and inconsistencies of the present procedures used to evaluate benefits and costs of proposed water resource projects.

Responding to demands for a review of the adequacy of existing criteria, the Council set up a special task force to study the problem. The revised criteria subsequently developed by the task force provides for evaluating projects on the basis of these objectives: National economic efficiency, regional development, environmental and social well-being. Following the recommendations of the task force, it was expected that the Council would take action to establish the new criteria at an early date. However, this has not been the case. More than a year has passed during which time the proposed guidelines have been under review by the Office of Management and Budget, but there is no indication that action will soon be taken to implement the recommendations of the task force. Therefore, I feel that Congress must take the initiative in this matter if we are to have an on-going Federal water resources development program.

Mr. President, I ask unanimous consent that the bill, together with a section-by-section analysis, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2612

A bill to establish policy and principles for planning the use of the water and related land resources of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. This Act may be cited as the "National Water and Related Land Resources Policy Act."

DECLARATION OF POLICY

SEC. 2. It is hereby established as national policy that planning the use of the water and related land resources of the United States shall be undertaken and conducted so as to achieve the objectives of national economic development, environmental quality, social well-being, and regional development, in accordance with the provisions of this Act.

(a) Planning for the use of water and land resources in terms of these multiobjectives will be conducted so as to identify alternative plans of action and to provide information needed to improve the public decision-making process in choosing among alternative plans.

(b) The Water Resources Council will carry out this policy by establishing, after such consultation with other interested entities, both Federal and non-Federal, as the Council may find appropriate, and with the approval of the President, standards and procedures which provide for Federal participation with States and others in the preparation, formulation, evaluation, review, revision, and transmission to the Congress of plans for regions, river basins, and Federal and Federally assisted water and land resource programs and projects. Such procedures may include provision for Council revision of plans for Federal projects intended to be proposed in any plan or revision thereof being prepared by a river basin planning commission.

STATEMENT OF OBJECTIVES

SEC. 3. Existing or projected needs and problems expressed by the people through their local, State, regional, or national institutions have created a need for water and land resource management and use. These needs and problems are of such a multigovernmental nature that their resolution requires cooperation and coordination by many levels of government and private interests.

(a) The overall purpose of water and land resource planning is to reflect society's preferences for attainment of the objectives defined below:

(1) To enhance national economic development by increasing the value of the Nation's output of goods and services and improving national economic efficiency.

(2) To enhance the quality of the environment by the management, conservation, preservation, creation, restoration, or improvement of the quality of certain natural and cultural resources and ecological systems.

(3) To enhance social well-being by the equitable distribution of real income, employment, and population, with special concern for the incidence of the consequences of a plan on affected persons or groups; by contributing to the security of life and health; by providing educational, cultural, and recreational opportunities; and by contributing to national security.

(4) To enhance regional development through increases in a region's income; increases in employment; and improvements of its economic base, environment, social well-being, and other specified components of the regional objective.

(b) No one objective has any inherently greater claim on water and land use than any other. The principles embodied in this Act do not imply the relative priorities to be assigned among the above multiobjectives in plan formulation and evaluation. However, such principles do provide for a systematic approach by which the general public and decisionmakers can assess the relative merits of achieving alternative levels of satisfaction to several objectives where there may be conflict, competition, or complementarity among them.

DEFINITION OF BENEFITS AND COSTS

SEC. 4. Plans for the use of water and land resources have benefits and costs that affect more than one of the multiobjectives.

(a) Benefits of a plan are defined as positive (beneficial) contributions toward the accomplishment of the multiobjectives.

(b) Costs of a plan are defined as negative (adverse) effects on the multiobjectives.

(c) National economic development benefits and costs, environmental quality benefits and costs, social well-being benefits and costs, and regional development benefits and costs are to be measured in quantitative units or qualitative terms appropriate to a particular objective.

(d) The multiobjectives are not mutually exclusive with respect to benefits and costs, and final decisions as to the recommended plan will be made by considering the differences among alternative plans as to their beneficial and adverse effects on all objectives.

Section 5. Benefits.

(a) *National Economic Development.* National economic development benefits are increases in the value of the output of goods and services and improvements in national economic efficiency resulting from a plan. These benefits are:

(1) The value to users of increased outputs of goods and services;

(2) The value of output resulting from external economies; and

(3) The value of output resulting from the use of resources otherwise unemployed or underemployed.

(b) *Environmental Quality.* Environmental quality benefits are contributions resulting from the management, preservation, or restoration of one or more of the environmental characteristics of an area under study or elsewhere in the Nation. The measures used to describe these benefits will vary, depending on the specification of the environmental characteristics.

The benefits of a plan may include but are not limited to:

(1) Management, protection, enhancement, or creation of open and green space, wild and scenic rivers, lakes, beaches, shores, mountain and wilderness areas, estuaries, or other areas of natural beauty;

(2) Management, preservation, or enhancement of especially valuable archeological, historical, biological, and geological resources and selected ecological systems;

(3) Enhancement of the quality of water, land, and air by control of pollution;

(4) Prevention of erosion and restoration of eroded areas; and

(5) Preservation of freedom of choice to future resource users by actions that minimize or avoid irreversible of irretrievable effects.

(c) *Social Well-Being.* Social well-being benefits resulting from a plan are contributions to the equitable distribution of real income, employment, and population; contributions to the security of life and health; provision of educational, cultural, and recreational opportunities; and contributions to national security. These benefits may occur in the area under study or elsewhere in the Nation. The measures used to describe these benefits will vary but when possible will be in dollars, other quantitative units, or qualitative terms.

These benefits include but are not limited to:

(1) Increased real income of persons or groups defined as being relevant to evaluation of a plan;

(2) Contributions toward achieving specified goals for population dispersal and urban-rural balance through improved distribution of population and employment opportunities;

(3) Enhancement of the security of life and health by reducing risk of flood, drought, or other disaster and by minimizing hazards to health and safety;

(4) Improvement of conditions contributory to attainment of economic stability;

(5) Provision of educational, cultural, and recreational opportunities; and

(6) Contributions to national security by providing reserve capacities in water resource systems and protection against interruption of the flow of essential goods and services at times of critical need.

(d) *Regional development.* Regional development benefits of a plan include positive contributions to specified components of the regional development objective and the benefits to the region of achieving national economic development, environmental quality, and social well-being objectives.

(1) Where the regional development objective includes increases in regional income, the benefits are:

(1) The value of increased outputs of goods and services from a plan to the users residing in the region under consideration;

(ii) The value of output to users residing in the region under consideration resulting from external economies;

(iii) The value of output in the region under consideration resulting from the use of resources otherwise unemployed or under-employed; and

(iv) Additional net income accruing to the region under consideration from the construction or implementation of a plan and from other economic activities induced by operations of a plan.

(2) Where the regional development objective relates to regional employment, the benefits include but are not limited to increases in the number and types of jobs resulting from a plan.

(3) Where the regional development objective relates to regional economic stability, the benefits include but are not limited to improvements in the regional economic base.

(4) Where the regional objective relates to enhancement of environmental quality, or to social well-being, the benefits include those defined above under the components of these objectives, if and insofar as they have special reference to the region under consideration.

Section 6. Costs.

(a) *National Economic Development.* National economic development costs of a plan are:

(1) The value of resources required for a plan;

(2) Losses in output resulting from external diseconomies; and

(3) Losses in output from resources displaced and subsequently unemployed.

(b) *Environmental Quality.* Environmental costs are consequences of a proposed plan that result in the deterioration of relevant environmental characteristics or reduce freedom of choice of resource users in the area under study or elsewhere in the Nation. These include but are not limited to:

(1) Inundation, adverse alteration, or decreases in use of open and green space, wild and scenic rivers, lakes, beaches, shores, mountain and wilderness areas, estuaries, or other areas of natural beauty;

(2) Inundation, deterioration, or disruption of especially valuable archeological, historical, biological, and geological resources and ecological systems;

(3) Deterioration of quality of water, land, or air resources;

(4) Increased erosion; and

(5) Irreversible and irretrievable commitment of resources which minimizes or precludes the freedom of choice of future resource users.

(c) *Social Well-Being.* Social well-being costs of a plan are adverse consequences on the components of this objective in the planning area and elsewhere in the Nation. Social well-being costs includes but are not limited to:

(1) The reduced real income of persons or groups, defined as being relevant to evaluation of a plan, due to taxes, reimbursement

charges, and other adverse economic effects of a plan;

(2) Adverse concentration of population or employment contrary to specified goals;

(3) Increases in hazards to life, health, or safety;

(4) Adverse effects on economic stability;

(5) Adverse effects on educational, cultural, and recreational opportunities; and

(6) Overloading capacities of water resource systems and increasing the risk of interruption in the flow of essential goods and services needed for special requirements of national security.

(d) *Regional Development.* Regional development costs of a plan include the adverse effects to specified components of the regional development objective and the costs to the region of achieving the national economic development, environmental quality, and social well-being objectives.

(1) Where the regional development objective relates to regional income, these costs are:

(i) The value of resources contributed from within the region to achieve the outputs of a plan;

(ii) Payment through taxes, assessments, or reimbursement by the region for resources contributed to the plan from outside the region;

(iii) Losses in output resulting from external diseconomies to users residing in the region under consideration;

(iv) Loss of assistance payments from sources outside the region to otherwise unemployed or underemployed resources residing in the region under consideration; and

(v) Loss of net income in the region under consideration from other economic activities displaced by construction or operation of a plan.

(2) Where the regional development objective relates to regional employment, the costs include but are not limited to decreases in the numbers and types of jobs resulting from the development.

(3) Where the regional development objective relates to regional economic stability, the costs include but are not limited to adverse effects on the regional economic base.

(4) Where the regional objective relates to enhancement of environmental quality or to social well-being, the costs include those detailed above under those headings if and insofar as they have special reference to the region under consideration.

GENERAL EVALUATION PRINCIPLES

Section 7. General Setting.

(a) Full employment will be assumed except where local areas of chronic unemployment, underemployment, or other conditions indicate otherwise.

(b) Plan formulation and evaluation will be based on national and regional projections of employment, output, and population and the amounts of goods and services that are likely to be required. Actual or projected needs for water and land resources will be related to these projections.

(c) Plans will take into account established Federal, State, and local government standards and goals for the quality of the environment, social well-being, or regional development.

Section 8. Measurement of Benefits and Costs. Benefits and costs of each alternative plan will be determined by comparing the conditions expected with the plan to the conditions expected without the plan. Since substantial changes may be expected even in the absence of the plan, care should be taken that this fact is properly reflected in plan formulation and evaluation.

Section 9. Price Relationships. When prices are used in evaluation they should reflect the real exchange values expected to prevail over the period of analysis. For this purpose, relative price relationships and the general level of prices prevailing during the planning study will be assumed to hold generally for the future, except where specific studies and considerations indicate otherwise.

Section 10. The Discount Rate. The interest rate to be used in plan formulation and evaluation for discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis shall be based upon the average rate of interest payable by the Treasury on interest-bearing marketable securities of the United States outstanding at the end of the fiscal year preceding such computation which, upon original issue, had terms to maturity of 15 years or more. Where the average rate so calculated is not a multiple of one-eighth of 1 percent, the rate of interest shall be the multiple of one-eighth of 1 percent next lower than such average rate.

Section 11. Consideration and Comparison of Alternatives.

(a) A range of possible alternatives to meet needs and problems, including types of measures and alternatives capable of application by various levels of government and by nongovernmental interests, should be studied. These alternatives should be evaluated or judged as to their contribution to the multiobjectives.

(b) Plans, or increments thereto, will not be recommended for Federal development that, although they have positive contributions to the multiobjectives, would physically or economically preclude alternative non-Federal plans which would likely be undertaken in the absence of the Federal plan and which would more effectively contribute to the multiobjectives when comparably evaluated according to the provisions of this Act.

Section 12. Period of Analysis.

(a) The period of analysis will be the lesser of (1) the period of time over which the plan can reasonably be expected to serve a useful purpose or (2) the period of time when further discounting of benefits and costs will have no appreciable effects on design.

(b) Appropriate consideration will be given to long-term environmental and social well-being factors which may extend beyond periods significant for analysis of national economic development or regional development benefits and costs.

Section 13. Scheduling.

(a) Plans should be scheduled for implementation in relation to needs so that desired multiobjective benefits are achieved effectively.

(b) Benefits and costs, occurring according to different patterns in time, are affected differently by the discount process when plans are scheduled for implementation at alternative future times. Therefore, plan formulation should analyze the alternative schedules of implementation to identify the schedule that would result in the most desirable mix of contributions to the multiobjectives when the benefits and costs of a plan are appropriately discounted.

Section 14. Risk and Uncertainty.

(a) Risk is characterized by a distribution of events occurring according to reasonably well-known probabilities, even though their sequence and time of occurrence cannot be determined. Frequency analysis in hydrology, where long records are available or can be mathematically simulated, is an example of predictable risk. In such situations, it may be necessary to choose between planning for average or probable conditions and planning for extreme events. When this is done, the nature of the choice and its relationship to the multiobjectives will be clearly stated. Predictable risk, based upon past experience, should not be divorced from predictable or foreseeable trends which would alter probabilities based solely upon previous experience.

(b) Uncertainty is characterized by the absence of any known probability distribution of events. This is often the situation in water resources planning. The nature of uncertainty associated with the planning study, strategies proposed to deal with uncertainty, and their impact on the multiobjectives should be reported. In addition, sensitivity analysis may be employed to analyze uncertain situations.

Section 15. Sensitivity Analysis. Plans should be examined to determine their sensitivity to data availability and to alternative assumptions as to future economic, demographic, and technologic trends. Selected alternative projections and assumptions that are reasonably probable and that, if realized, would apprecably affect plan design or scheduling should be analyzed.

Section 16. Updating Plans. Because of rapid change in social, economic, technologic, physical, and other factors, a plan that is not implemented within a reasonable time after completion will be reviewed, as provided in the standards established under section 2, to ascertain whether it continues to be the best alternative to achieve the multiobjectives.

FORMULATION OF ALTERNATIVE PLANS

Section 17. Plans will be directed to meeting current and projected needs and problems as identified by the desires of people in such a manner that improved contributions are made to society's preferences for national economic development, environmental quality, social well-being, and regional development.

(a) These plans should be formulated to reflect national, regional, State, and local needs or problems.

(b) Multiobjective planning of water and land resources under this Act is a part of broader public and private planning to meet regional and local needs and to alleviate problems. Therefore, planning for water and land resources should be carefully related to other regional or local planning activities and should include active participation of all interests.

(c) Plans for water and land resources will focus upon the specified components of the multiobjectives desired for the designated region, river basin, or local planning setting. These are expressed in terms of projected needs and problems identified if each planning setting.

(d) The planning process will include the following major steps:

(1) Specify components of the multiobjectives relevant to the planning setting;

(2) Evaluate resource capabilities and expected conditions without any plan;

(3) Formulate alternative plans to achieve varying levels of contributions to the specified components of the multiobjectives;

(4) Analyze the differences among alternative plans which reflect different emphases among the specified components of the multiobjectives;

(5) Review and reconsider, if necessary, the specified components for the planning setting and formulate additional alternative plans as appropriate; and

(6) Select a recommended plan based upon an evaluation of the tradeoffs among the various objectives.

Section 18. Specification of Components of the Multiobjectives.

(a) At the outset and throughout the planning process, the responsible planning organization will consult appropriate Federal, regional, State, and local groups to ascertain the components of the multiobjectives that are significantly related to the use and management of the resources in the planning setting. These will be expressed in terms of needs and problems.

(b) Explicit consideration will also be given to components of the multiobjectives declared to be in the national interest by the Congress or by the executive branch through the Water Resources Council.

(c) Specified components will be reviewed and reconsidered as planning proceeds.

(d) The specified components will be defined so that meaningful alternative levels of achievement are identified. It is intended that this will facilitate the formulation of alternative plans in cases where there may be technical, legislative, or administrative constraints to full achievement of objectives.

Section 19. Evaluation of Conditions Without Plan. The identification of the specified components of objectives will necessarily involve an appraisal of future economic, environmental, and social conditions expected without the plan as compared with those desired by people for the planning area. In addition, a sufficient inventory and appraisal of the water and land resource base of the planning area will be necessary.

Section 20. Formulation of Alternative Plans. The planning process involves an evaluation of alternative means including nonstructural measures to achieve desired objectives in the context of water and land resources.

(a) Based upon identified needs and problems, alternative plans will be prepared and evaluated in the context of their contributions to the multiobjectives. This involves comparisons among objectives, and it will be necessary to formulate alternative plans that reflect different relative emphasis among the objectives for the planning setting.

(b) The number of alternative plans to be developed for each planning effort will depend upon complementarities or conflicts among specified components of the objectives, resource capabilities, technical possibilities, and the extent to which the design of additional alternative plans can be expected to contribute significantly to the choice of a recommended plan.

(c) Because planning staffs are limited, emphasis should be placed on examination of those water and land use plans which may have appreciable effects on objectives.

(d) Appropriate methods and techniques for estimating benefits and costs will be used to provide reliable estimates of the consequences and feasibility of each alternative plan.

(e) In cases where the tradeoffs among objectives are judged to be significant in the context of either national priorities or more localized priorities, an alternative plan will be formulated to emphasize the contributions to each such objective. One such alternative plan will be formulated in which optimum contributions are made to the national economic development objective.

(f) Alternative plans will provide for identifying the full range of the tradeoffs among significant conflicting objectives. Investigation of alternatives should not be limited, however, to those emphasizing specific objectives lest an overall best plan be overlooked.

(g) Four tests will be applied in the formulation of any given alternative plan:

(1) The acceptability of the alternative plan to the public and compatibility with institutional constraints;

(2) The effectiveness of the alternative plan in meeting component needs of the multiobjectives;

(3) The efficiency of the plan in meeting component needs of the multiobjectives and a demonstration that the plan represents the least-cost means, considering all adverse effects, of achieving such component needs; and

(4) The completeness of the plan in accounting for all investments and other required inputs or actions.

Section 21. Analysis of Alternative Plans.

(a) The display of beneficial and adverse effects for each alternative plan will be prepared so that the differences among alternatives can be clearly shown and accurately analyzed.

(b) The analysis will provide the rationale for the selection of a recommended plan and the underlying evaluation of the various alternative plans, and will provide the information on which the planning organization and others can base judgments as to the most desirable mix of beneficial effects on objectives as compared with the adverse effects.

(c) The tradeoffs among alternative plans should be displayed as fully as possible to facilitate administrative and legislative review and decision.

Section 22. Reconsideration of Specified Components of the Multiobjectives. As planning proceeds, the specified components will be reviewed and reconsidered as appropriate.

(a) This reconsideration may result from new information, revised projections, changes in policy, or technological innovations.

(b) Reconsideration of components may result in modifying alternatives or developing additional alternative plans.

Section 23. Selection of a Recommended Plan. From its analysis of alternative plans, the planning organization will select a recommended plan.

(a) The plan selected will reflect the importance attached to different objectives and the extent to which different objectives can be achieved by carrying out the plan.

(b) The recommended plan should be formulated so that benefits and costs to objectives reflect, to the best of current understanding and knowledge, the priorities and preferences expressed by the public at all levels to be affected by the plan.

(c) A plan will be recommended only if in the judgment of the planning organization the total benefits (monetary and nonmonetary) to all objectives are equal to or exceed the total costs (monetary and nonmonetary) to all objectives.

(d) In addition to the recommended plan with supporting analysis, other alternative plans embodying different priorities among the desired objectives will be presented in the planning report. Included with the presentation of alternative plans will be an analysis of the tradeoffs among them. The tradeoffs will be set forth in explicit terms, including the basis for choosing the recommended plan from among the alternative plans.

SYSTEM OF ACCOUNTS

Section 24. The Council will establish a system of accounts that displays benefits and costs of each plan to the multiobjectives and provides a basis for comparing alternative plans.

(a) The display of beneficial and adverse effects toward each objective will be prepared in such manner that the different levels of achievement to each objective can be readily discerned and compared, indicating the tradeoffs among alternative plans.

(b) For purposes of accounting for the regional development objective, a standard set of regions will be established by the Council. The system of accounts will display the benefits and costs in the region under consideration in relation to the other parts of the Nation. The use of this set of regions will not, however, rule out the use of other regions whose delineations are important in measuring beneficial or adverse effects on specified components of the regional development objective.

COST ALLOCATION, REIMBURSEMENT, AND COST SHARING

Section 25. Cost Allocation.

(a) On the basis of the identification provided for in the system of benefit and cost accounts, an allocation of appropriate costs shall be made when an allocation of costs is required for purposes of establishing reimbursement levels, pricing policies, or cost sharing between the Federal Government and non-Federal interests.

(b) All objectives and components of objectives shall be generally treated comparably in cost allocation.

Section 26. Reimbursement and Cost Sharing. Reimbursement and cost-sharing policies shall be directed generally to the end that identifiable beneficiaries bear an equitable share of costs commensurate with benefits received in full cognizance of the multiobjectives.

FORMULATION OF NATIONAL PROGRAM AND PRIORITIES

Section 27. (a) The policy and principles set forth in this Act apply to alternative plans for individual projects, regions, or river basins. The evaluation, systematic display, and comparison of alternative plans for a project, region, or river basin will be used as the basis for selecting a recommended plan.

(b) A national program for Federal and Federally assisted water and land resource activities will be formulated establishing priorities among recommended plans for projects and river basins or regions. The system of benefit and cost accounts, together with other criteria, such as available budget resources, national policy toward the environment or regional development, and public and private investment alternatives, is intended to provide a basis for formulating such national programs and establishing such priorities.

PROGRAMS AND ACTIVITIES COVERED

Section 28. This Act, and the standards and procedures established pursuant thereto, applies to Federal participation in comprehensive regional or river basin planning of water and land resource development whether carried out—

(a) By river basin commissions established under the Water Resources Planning Act.

(b) By entities performing the functions of a river basin commission, including, but not limited to, such entities as—

(1) Federal-interstate compact commissions;

(2) Federal-State interagency committees;

(3) Federal-State coordinating committees;

(4) Federal-State development commissions;

(5) Lead Federal agency with special authorization for comprehensive planning; and

(6) Coordinated Federal technical and financial assistance to State comprehensive water resource planning.

Section 29. This Act, and the standards and procedures established pursuant thereto, also applies to the following water and land programs, projects, and activities:

(a) *Federal programs and projects:*

(1) Corps of Engineers civil functions;

(2) Bureau of Reclamation projects;

(3) Federally constructed watershed projects;

(4) National recreation areas;

(5) Wild and scenic rivers;

(6) Wetland and estuary projects;

(7) Federal waterfowl refuges; and

(8) Tennessee Valley Authority.

(b) *Federally assisted programs:*

(1) Federal grants to State, interstate, or intrastate entities for planning water and land resources;

(2) Federal assistance to State and local government sponsored watershed programs;

(3) Federal assistance to regional, municipal, and rural waste treatment systems;

(4) Federal assistance to regional, municipal, and rural water supply systems;

(5) Federal assistance to State and local flood plain management;

(6) Federal assistance to State and local programs for management of wetlands, shores, and estuarine areas; and

(7) Federal assistance to State and local development of water-based recreation.

(c) *Federal licensing activities:*

(1) Federal Power Commission licenses that involve or affect water use;

(2) Atomic Energy Commission licenses that involve or affect water use; and

(3) Other Federal licensing activities that involve or affect water use.

IMPLEMENTATION

Section 30. (a) The Water Resources Council will establish standards and procedures pursuant to Section 2(b) of this Act, and through other direction and guidance to affected agencies facilitate efficient conduct of planning activities.

(b) The Council will include in such standards and procedures provision for coordination among Federal and State agencies and among public and private interests affected by water and land resource plans.

(c) The Federal agencies subject to the provisions of this Act will submit their agency procedures to the Council for review as to consistency with this Act and the Council's standards and procedures adopted pursuant thereto.

(d) The Council will specify procedures for public participation in the planning process and for the review and transmission of planning reports to States, Federal agencies, and the Congress. The Council will also provide for review of project studies to determine their relationships to regional and river basin plans and their conformance with the Council's standards and procedures.

(e) The Water Resources Council will facilitate the implementation of the provisions of this Act by fostering the training and development of manpower, the application of mathematical and other planning tools for increased efficiency in planning, and needed research to support the planning efforts.

EFFECT ON EXISTING LAW

Section 31. Section 103 of the Water Resources Planning Act, 79 Stat. 245, 42 U.S.C. 1962a-2, and Section 209 of PL 91-611 are hereby superseded.

Section 32. Except for Section 31, nothing in this Act shall be construed as superseding, modifying, or repealing existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water and related land resources or to exercise licensing or regulatory functions in relation thereto, except as required to carry out the provisions of this Act; nor to affect the jurisdiction, powers, or prerogative of the International Joint Commission, United States and Canada, the Permanent Engineering Board and the United States Operating Entity or Entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

Section 33. Pending approval and implementation of the new standards and criteria set forth in this Act by the Water Resources Council, the report of the Special Task Force to the Water Resources Council, dated July 31, 1970, published in Senate Public Works Committee Print No. 92-20, shall be the basis for evaluating water resources projects.

NATIONAL WATER AND RELATED LAND RESOURCES POLICY ACT

A SECTION-BY-SECTION ANALYSIS

Section 1. The short title was chosen to emphasize the broad scope and purpose of the bill and its national importance.

Section 2 declares a national policy that explicitly includes the four objectives recommended by the Task Force, requires identification of alternatives, and states in summary form the scope of activities covered by the bill. This section also directs the Water Resources Council to carry out the policy of the bill by establishing, with the approval of the President, standards and procedures. In this respect the section is intended as a substitute for the present Section 103 of the Water Resource Planning Act and the language and substance of the two Sections is very similar. Section 31 formally makes the substitution.

Section 3 states the four objectives in fuller form than does the earlier policy declaration. This Section also declares the important policy principle of balance, that "no one objective has any inherently greater claim . . . than any other," and that the bill does not imply priorities among the objectives. With the exception of subsection (b), which is based on the "Standards" the language of the Section is substantially the same as that in the "Principles."

Sections 4, 5 and 6 define benefits and costs under each of the four objectives. The language of the Task Force "Principles" report has been slightly modified in the bill to clarify the report's intent with respect to the inclusiveness of the definitions.

Sections 7 through 16 state general evaluation principles with respect to measurement of benefits and costs, price relationship, discount rate, alternatives, period of analysis, scheduling, risk uncertainty, sensitivity analysis, updating plans, and other matters. Except for Section 10 on the discount rate, which is taken from S. Doc. 97, and certain minor adaptations to the bill form, the language of these sections is identical to that in the Task Force "Principles" document.

Sections 17 through 23 are provisions dealing specifically with the formulation and selection of alternative plans that contain varying "mixes" of the components of the multiobjectives. Specification of components of the multiobjectives, evaluation of conditions without the plan, formulation of alternative plans, analysis of alternative plans, reconsideration of specified components of the multiobjectives, and plan selection are covered.

The language of these sections, with only minor modifications, is identical to that of the "Principles," except for subsection 20(g) which is based on the "Standards."

Section 24 directs the Council to establish a system of accounts that displays costs and benefits of each plan in terms of the multiobjectives, and to establish a standard set of regions for accounting for the regional development objectives. The section is practically identical to the "Principles".

Sections 25 and 26 deal with cost allocation, reimbursement, and cost sharing. They are intended to put objectives and components of objectives on a generally comparable basis for cost allocation, and to establish the policy that identifiable beneficiaries should generally pay for benefits received. It is important to note, however, that these sections are qualified by Section 32, and do not purport to change existing statutory rules for cost sharing and reimbursement. The language of these sections is practically identical to that in the "Principles" document.

Section 27 provides for the formulation of a national program for Federal and Federally assisted water and land resource activities.

Sections 28 and 29 define the coverage of the bill in terms of programs and activities affected. It is recognized that the enumerations in Sections 28 and 29, taken from the "Standards" document, adds to the length of the bill. However, it was considered important to be clear and specific on this important point.

Section 30 provides for implementation of the bill, directing the Council to establish standards and procedures pursuant to Section 2(b) of the bill and to take certain other actions to insure implementation of the policies and provisions of the bill. This Section is based on the language of the "Standards" document.

Section 31 states explicitly the effect of the bill in superseding Section 103 of the Water Resources Planning Act and Section 209 of PL 91-611. As mentioned in the commentary on Section 2 above, most of the substance of Section 103 is carried over into this bill in Section 2.

Section 32 is a savings clause modeled upon the language of Section 3(c) of the Water Resources Planning Act. It is intended to make clear that the bill is to be in addition to, rather than in derogation of, other statutory provisions in such acts as:

Appalachian Regional Development Act of 1965 (Public Law 89-4).

Federal Water Project Recreation Act of 1965 (Public Law 89-72).

Water Resources Planning Act of 1965 (Public Law 89-80).

Public Works and Economic Development Act of 1965 (Public Law 89-136).

Water Quality Act of 1965 (Public Law 89-234).

Northeastern Water Supply Study in 1965 (Public Law 89-298).

Clean Water Restoration Act of 1966 (Public Law 89-753).

Department of Transportation Act of 1966 (Public Law 89-760).

Wild and Scenic Rivers Act of 1968 (Public Law 90-542).

National Flood Insurance Act of 1968 (Title XIII, Public Law 90-448).

Estuary Protection Act of 1968 (Public Law 90-454).

National Environmental Policy Act of 1969 (Public Law 91-190).

Environmental Quality Improvement Act of 1970 (Public Law 91-224).

Section 33. This Section provides that pending implementation of the standards and criteria as provided for in Section 30 of the bill, the report of the Council's Special Task Force, Senate Public Works Committee Print No. 92-20, shall be used by the Federal Water Resources Agencies in evaluating water resource projects.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 346

At the request of Mr. PEARSON, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 346, the Rural Job Development Act.

S. 1307

At the request of Mr. RANDOLPH, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1307, to increase employment opportunities for middle-aged and older workers, and for other purposes.

S. 1699

At the request of Mr. MAGNUSON, the Senator from Iowa (Mr. MILLER) and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 1699, the Environmental Financing Act of 1971.

S. 1874

At the request of Mr. MAGNUSON, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 1874, to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes.

S. 2497

At the request of Mr. WILLIAMS, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2497, the Vietnam Children's Care Agency Act.

S. 2529

At the request of Mr. HRUSKA, the Senator from Kentucky (Mr. COOPER) and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 2529, to incorporate Junior Achievement, Inc.

S. 2581

At the request of Mr. MAGNUSON, he was added as a cosponsor of S. 2581, to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action.

S. 2599

At the request of Mr. Magnuson, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 2599, to provide for the application of the prohibitions contained in the Sherman Act to the business of organized professional baseball.

SENATE JOINT RESOLUTION 112

At the request of Mr. Brock, the Senator from Georgia (Mr. Gambrell) was added as a cosponsor of Senate Joint Resolution 112, to provide for equal treatment of all children in the matter of school admissions.

SENATE JOINT RESOLUTION 117

At the request of Mr. McIntyre, the Senator from New York (Mr. Buckley), the Senator from Idaho (Mr. Church), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE JOINT RESOLUTION 125

At the request of Mr. Dole, the Senator from Nebraska (Mr. Hruska), the Senator from Minnesota (Mr. Humphrey), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), the Senator from New Mexico (Mr. Montoya), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of Senate Joint Resolution 125, to designate October 5, 1971, as "The Day of Bread."

SENATE JOINT RESOLUTION 157

At the request of Mr. Talmadge, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of Senate Joint Resolution 157, to assure that every schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

SENATE JOINT RESOLUTION 158

At the request of Mr. Weicker, the Senator from South Carolina (Mr. Thurmond), and the Senator from Oregon (Mr. Hatfield) were added as cosponsors of Senate Joint Resolution 158, to declare May 6, 1972 "Clean Up America Day."

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENTS

AMENDMENT NO. 446

(Ordered to be printed and to lie on the table.)

Mr. Proxmire submitted an amendment, intended to be proposed by him, to the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 438

At the request of Mr. Fulbright, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of amendment No. 438, to H.R. 8687, the military procurement authorizations bill, 1972.

HEARING SCHEDULED FOR NOVEMBER 15 ON INTERIOR DEPARTMENT'S PROPOSED OIL SHALE LEASING PROGRAM

Mr. JACKSON. Mr. President, the Committee on Interior and Insular Affairs will conduct a 1-day hearing November 15, at 10 a.m. in room 3110 of the New Senate Office Building, to review the proposed oil shale leasing program of the Department of the Interior and to take testimony on S. 2510, a bill to establish a corporation for the development of new energy sources.

The energy requirements of the United States dictate that the Congress must carefully examine the potential of oil shale development as well as all other potential energy sources for supplying the growing energy needs of the Nation. In June of this year, the Department of the Interior announced a proposed program for oil shale leasing. Articles in the trade journals within the last week, however, have noted that there has been little industry interest in the Department's proposed program for oil shale leasing.

The committee will want to review the prospects for the proposed leasing program, the technology for converting oil shale into petroleum products, and the provisions of the proposed leases. Matters of special interest to the committee include the provisions which have been made for protection of the environment, for avoiding monopoly control over the oil shale resources, and for insuring a fair return to the Federal Government for the use of public resources.

The hearing will have a dual purpose. First, it will provide the Minerals, Materials and Fuels Subcommittee, presided over by the Senator from Utah (Mr. Moss), an opportunity to consider S. 2510 as an additional method of investigating the feasibility of commercial development of oil shale resources. Second, pursuant to Senate Resolution 45, the hearing will provide the Interior Committee an ex officio member of the Commerce and Public Works Committees and the Joint Committee on Atomic Energy an opportunity to review the role of federally owned oil shale resources in the context of a National Fuels and Energy Policy.

NOTICE OF HEARINGS OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, in accordance with the requirements of section 11(a) of the Legislative Reorganization Act of 1970, I announce that the **Select Committee on Equal Educational Opportunity will hold** hearings on October 5, 6, and 7 at 10 a.m. in room 1114 of the New Senate Office Building.

On October 5 the committee will hear the president of the American Federation of Teachers on the subject of educational finance.

On October 6, the committee will hear the school superintendents from five school districts on the need for financial aid for the transportation of pupils.

On October 7, the committee will hear from Profs. Michael Kirst of Stanford University and Stephen Bailey of Syracuse University for Federal aid to disadvantaged children.

ADDITIONAL STATEMENTS

BIRTHDAY CONGRATULATIONS TO SENATOR ELLENDER, PRESIDENT PRO TEMPORE

Mr. ALLOTT. Mr. President, it is a great pleasure to join with other Senators in offering the most heartfelt birthday congratulations to my able friend and colleague, the President pro tempore of the Senate, the distinguished senior Senator from Louisiana, Allen J. Ellender.

Senator Ellender was born during President Benjamin Harrison's administration. He first went into public service in his home State during President Wilson's first term. He has served in the Senate under six Presidents.

All of us who serve with him on the Appropriations Committee are aware of the energy and dedication with which he pursues his many and important Senate duties. We wish him good health and happiness in all his future endeavors.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. BURDICK. Mr. President, one of the most perplexing problems that has faced our relationship with the citizens of the Trust Territory of the Pacific Islands has been the resolution of their long-standing claims resulting from hostilities in those islands during World War II.

It will be recalled that the islands of Truk, Peleliu, Saipan, and Tinian were focal points in the retaking of the Pacific area by U.S. Armed Forces. The indigenous population of those and other islands of Micronesia suffered the loss of personal property and relatives as innocent victims of a war in which they had no direct part. These events took place more than 25 years ago, but the individuals who suffered the losses have yet to be recompensed.

Largely through the efforts of the distinguished Senator from Washington (Mr. Jackson), who is chairman of the Committee on Interior and Insular Affairs, legislation has been enacted in the 92d Congress to provide for the establishment of the Micronesian Claims Commission, charged with the responsibility of hearing and adjudicating all of the pending Micronesian claims.

In recognition of Senator Jackson's

major contribution to the enactment of this important legislation, the Mariana Islands District Legislature has adopted a resolution commending him for his efforts. I ask unanimous consent that the resolution, No. 24–1971, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THIRD MARIANA ISLANDS DISTRICT LEGISLATURE—RESOLUTION No. 24–1971

A resolution relative to expressing sincere gratitude and appreciation to Honorable Henry M. Jackson and Member of the Senate Committee on Interior and Insular Affairs for their favorable support of the "Micronesian Claims Act of 1971"

Whereas, by virtue of the speedy action by the Senate Committee on Interior and Insular Affairs, the "Micronesian Claims Act of 1971" passed by the Congress of the United States in record time; and

Whereas, the signing of Public Law 92–39 by President Nixon on July 11, 1971, will at long last set into motion the machinery to begin resolving a problem that has existed for too long; and

Whereas, a great deal of work by many people has gone into the introduction and passage of the "Micronesian Claims Act of 1971", and we on behalf of the people of the Mariana Islands District, wish to express our sincere gratitude and appreciation to the members of the Senate Committee on Interior and Insular Affairs for their valuable assistance and speedy action;

Now, therefore, be it resolved by the 3rd. Mariana Islands District Legislature that its sincere gratitude and appreciation be and is hereby expressed to Honorable Henry M. Jackson and members of the Senate Committee on Interior and Insular Affairs for their favorable support of the "Micronesian Claims Act of 1971"; and

Be it further resolved that the President certify to and the Legislative Secretary attest the adoption hereof and thereafter transmit copies of the same to the members of the Senate Committee on Interior and Insular Affairs.

SENATOR WINSTON L. PROUTY

Mr. TAFT. Mr. President, I was deeply saddened by the untimely passing of our distinguished colleague Winston L. Prouty.

I was privileged to serve with Win for a brief time on the Committee on Labor and Public Welfare. He was a dedicated and most effective member of that committee. He was a man who knew and deeply understood the pulse of our Nation.

He empathized with the elderly and was instrumental in passing legislation to provide for their own self-respect and social betterment.

For 20 years Win Prouty has quietly championed the causes of the poor, the sick, and the handicapped. He deeply understood and felt the need to open the doors of our educational institutions to the less fortunate.

He led the fight for the 1970 passage of the increase in social security benefits and was studying proposals for national health insurance when death took him.

He was a humanitarian, an outstanding legislator, and a man of the highest character. He will be missed by this body, by those who so greatly benefited by his work, by his home State of Vermont, and by his country.

I will truly miss his wise and dedicated counsel.

Mrs. Taft and I extend our deepest sympathy to his wife Jennette and members of the Prouty family.

GENOCIDE: PRESTIGE ON THE LINE

Mr. PROXMIRE. Mr. President, it seems that few of our governmental institutions have been able to maintain their integrity and high reputation among the people amidst the chaos and confusion of the last few years. But the Senate Foreign Relations Committee is an exception. The committee has earned the respect of concerned citizens across the country for its leadership on the issue of the war, investigating its causes and possible solutions to the conflict.

Last spring the committee acted on another front when it reported the Genocide Convention to the Senate floor with a recommendation that the Senate ratify the convention. Ratification, as well as ending the war, would make an important contribution to peace in the world. In its concluding remarks the Foreign Relations Committee report states:

> Genocide has become a word in altogether too common usage.

Indeed, the very act of genocide has become altogether too common in our century.

For this reason, civilized man demands that steps be taken to prevent the crime of genocide from ever occurring again. That, Mr. President, is why it is time for the Senate to ratify the Genocide Convention soon.

At this point I ask unanimous consent to insert the concluding comments of the Foreign Relations Committee report in the RECORD.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

CONCLUSIONS

Genocide has become a word in altogether too common usage. The committee therefore has been careful in this report to narrow its meaning and not to overstate the scope of the convention. We have been concerned largely with describing what it does not do. We find no substantial merit in the arguments against the convention.

Indeed, there is a note of fear behind most arguments—as if genocide were rampant in the United States and this Nation could not afford to have its actions examined by international organs—as if our Supreme Court would lose its collective mind and make of the treaty something it is not—as if we as a people don't trust ourselves and our society. The rhetoric of the opponents, and to a degree the proponents, has obscured what a modest step the convention represents.

Philosophical, moral, and constitutional questions have been raised which go far beyond this modest step and probe man's relationship to his fellow man and the responsibilities of governments to protect the rights of their citizens. These questions appear inherent in the area of human rights treaties and legislation, and it is good that they are raised, because they serve to lift our sights to what is really at issue here, an attempt to curb the excesses of mankind. As our planet becomes more crowded, man's behavior towards his fellows must be governed by standards ever higher and more humane. This treaty seeks to set a higher standard, of international morality and should be judged on that basis.

This higher plane of viewing the convention is suggested in the following statements of our Presidents:

The words of President Truman in submitting the Genocide Convention in 1949 still hold true:

"By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice."

The words of President Kennedy, in submitting three related human rights treaties, also apply:

"The day-to-day unfolding of events makes its ever clearer that our own welfare is interrelated with the rights and freedoms assured the peoples of other nations. * * * There is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny."

And finally, the committee concurs with the words of President Nixon:

"I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever."

The committee, therefore, earnestly recommends to the Senate that, subject to the understandings and declarations, the Senate give its advice and consent to ratification of the Genocide Convention by an overwhelming vote. Respect for the feelings of mankind, expressed by the 75 ratifications to date, should lead to no less.

HANOI CREDIBILITY NEAR ROCKBOTTOM

Mr. DOLE. Mr. President, recent contradictory statements by the government of Hanoi have once again demonstrated the North Vietnamese total lack of sincerity in regard to achieving meaningful negotiations concerning the release of U.S. prisoners of war.

Nguyen Thanh Le said on September 16 in Paris that conditions for the release of American prisoners being held by the North Vietnamese and the Vietcong were both military and political. This means, the total withdrawal of all U.S. armed forces and the cessation of U.S. support for the present Government in Saigon. These concessions would have to be made to the North Vietnamese Government before any prisoners would be released.

Previous misinterpretations of North Vietnamese spokesmen indicated that U.S. prisoners would be released at a time the United States set a time certain for troop withdrawal have now been dispelled.

It is clear that the North Vietnamese have no intention of reaching any agreement at this point. Their only intent, which is equally clear, is to create frustration and confusion among all those vitally concerned with the welfare of American prisoners of war and missing in action. Their families and loved ones along with the POW's and MIA's are being subjected to this cruel mental anguish for no purpose other than to gain hoped for political advantage for the North Vietnamese Government.

An article by Rowland Evans and Robert Novak, published in the Washington Post of September 26, 1971, descriptively outlines the recent maneuvering of the North Vietnamese. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hanoi's Whipsaw in Paris

(By Rowland Evans and Robert Novak)

The whipsaw now being used so effectively by Hanoi to undercut President Nixon's negotiating posture at the Vietnam peace talks in Paris, already near rock-bottom, has now severed the last strand of credibility here in what the Communists seem to be saying in Paris.

Indeed, the deliberately misleading, ambiguous triple-speak emanating from the peace negotiators at Paris, who represent both Hanoi and the Vietcong "provisional government" in South Vietnam, rung a surprising confession of mental anguish from The Washington Post's Jonathan Randal at the Sept. 16 briefing by Hanoi's Ngu-yen Thanh Le.

Pressing Le for an explanation of the stark contradiction between what South Dakota Sen. George McGovern said he had learned about the Communist settlement plan a few days earlier, and what chief Hanoi negotiator Xuan Thuy had said to U.S. Ambassador William Porter on Sept. 16, Randal exclaimed to Le:

"Do you understand why we no longer understand anything? Do you understand the confusion in our minds? Either things are not clear or I am a fool, and if I am a fool I am ready to withdraw from active life."

Randal, The Post's chief correspondent in Paris, is no fool. His mental anguish accurately reflected the growing credibility gap between what the Communists have been telling such unofficial peaceseekers as McGovern, a Democratic presidential candidate, and what they have been telling Porter and the U.S. government.

Ever since the unveiling on July 1 of Hanoi's seven-point peace plan, peace-bloc leaders in the U.S. Senate such as McGovern have been hounding President Nixon to set a date for U.S. troop withdrawals, as demanded by point one of the peace plan. If he would only do that, they proclaim, the Communists would release U.S. prisoners of war in a percentage ratio equal to U.S. troop withdrawal.

Thus, emerging from his own negotiating sessions with Xuan Thuy and Thuy's Vietcong colleagues on Sept. 10 and 11, McGovern said: "There is no doubt in my mind whatsoever that our prisoners will be released if we withdraw our forces. Mr. Xuan Thuy . . . confirms the July 7 New York Times statement by Mr. Le Duc Tho (a Hanoi politburo member) that such an arrangement can be carried out before consideration of a new government in Saigon"—which is demand number two of the Communist peace plan.

It has been the official U.S. position since July 1 that Hanoi in fact was demanding U.S. agreement on *both* points one and two as preconditions for the release of American POWs. But always, in *ex parte* negotiations with U.S. politicians and interviews with the press, the Communists had gone far out of their way to encourage the view that troop withdrawals alone would lead to prisoner release. By seizing on just such wisps of encouragement, as McGovern did in his Sept. 12 press conference and many other politicians have similarly done, unofficial negotiators have led the American people to believe that Mr. Nixon was deliberately stalling the July 1 Communist peace overture.

Thus, McGovern said on Sept. 13: "It is not the other side (the Communists) which links point one and point two in the seven-point program. Those two points . . . are linked by the Nixon administration but not by the (Communist) delegates with whom we discussed this matter yesterday."

That was Sept. 12. Just four days later, reporter Randal made his confession of mental anguish. Its root cause was Nguyen Thanh Lee's flat assertion in the press briefing: "There are two fundamental problems: the military (withdrawal of U.S. troops) and the political (an end of U.S. support for the present government in Saigon), which *are tied to one another.*"

In other words, no prisoner release until Mr. Nixon (1) sets a date for total withdrawal and (2) agrees publicly to end U.S. support for the present government in Saigon. That's not what McGovern thought he was told, but it stands as the official Communist position until the whipsawing starts on something else.

TRIBUTE TO BERT LANCE, DIRECTOR, GEORGIA HIGHWAY DEPARTMENT

Mr. GAMBRELL. Mr. President, Bert Lance, the director of the Georgia Highway Department, was recently the subject of a fine editorial written by Hubert Lee, editor of the outstanding Southern business review Dixie Business. Mr. Lance is a devoted son of our State, a dedicated public servant, and a close personal friend of mine. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Highway Director

In the March 1937 issue our front cover was devoted to the feature:

Story of Georgia's School Superintendent By T. J. Lance, President of Young Harris College.

It featured the late Dr. W. D. Collins.

On the cover of the November issue, I featured the Georgia Highway Department.

Jim Gillis was a member.

Old memories came back when Gov. Jimmy Carter picked Dr. Jack Lance's son Bert Lance as director of Georgia Highway Board after my friend Jim Gillis resigned.

Young Harris was also in the news when W. O. DuVall received the Medallion.

Bert Lance joined the Calhoun National Bank in 1951 and was President when Governor asked him to head Highway.

He is a member of the Calhoun Rotary Club, where in 1954 I was privileged to install Editor J. Roy McGinty in the South's "Hall of Fame for the Living."

Bert was born in Gainesville, Ga. June 3, 1931, the son of a great educator, Dr. T. J. and Annie Rose Erwin Lance.

He attended Emory University, U. of Ga. School of Banking of the South at LSU and Stonier Graduate School of Banking at Rutgers.

DIRECTORATES

He is a director of Astro Dye Works, Inc., Edward Lacey Mills, Calhoun Chemical and Coating Co., Crown Crafts, Inc. Modern Fibers, Inc., Shaheen Carpet Mills Multi-Developer, Inc. and Tice Yarns, Inc.

In 1950, he married Labelle David. They have four sons, Thomas B. Lance, Jr., David Jackson, Stuart Austin, and Claude Beverly.

Bert is a leader in church, civic, educational and scouting activities.

He is a member of Sigma Chi, Gridiron Secret Society, Young Presidents', Georgia State C. of C., Atlanta Athletic Club, Atlanta Commerce, Coosa Country, Dalton County among many.

He is second vice president of the Georgia Bankers Association and is one of the most respected and liked bankers I know.

One of the first things the Highway Board did was to pass four measures to aid city road building.

"It is a new day . . . a day some of you board members have been looking forward to for a long time," Lance said.

Board members Alex Smith, of Atlanta and Jack Embry, of Decatur, were happy.

We are proud of Bert Lance and wish him all the best.

THE NEED TO KEEP AMERICA STRONG

Mr. DOMINICK. Mr. President, recently, Mr. Willard F. Rockwell, Jr., chairman of the board and chief executive officer of North American Rockwell Corp., spoke before the World Affairs Council of Los Angeles on the subject of the need to keep America strong. In his speech he emphasizes the shocking figures on America's retreat to second-class status.

As we proceed with the debate on the procurement authorization bill, it is particularly appropriate that Mr. Rockwell's remarks be brought to the attention of the Senate, as they emphasize once again the points previously made by Senator Stennis, Senator Buckley, Senator Brock, myself, and others that no foreign policy can work without credible muscle to back it.

Mr. President, I ask unanimous consent that Mr. Rockwell's remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record. as follows:

National Defense: Key to Future Peace

(By Willard F. Rockwell, Jr.)

Ladies and Gentlemen,

It was just four weeks ago that President Nixon, speaking in a time of crisis, said, "The United States is the strongest economic country in the world. We intend to keep it that way."

No one disputed that statement.

We are the strongest economic power in the world, and we are going to continue in that position.

But speak of national defense, and it's a different story.

This country's military prowess is slipping into a gray zone, surrounded by a sea of unfavorable statistics. In national defense we're no longer first. And we're reluctant to admit that we're Number Two when compared to the military strength of the Soviet Union.

Recently Senator James Buckley summed up the background for that downward transition in these words: "Since 1965 the Soviet Union has launched and sustained a truly extraordinary increase and modernization of every important area of its strategic forces."

"The United States," the Senator continued, "is rapidly reaching a point in the nonstrategic areas where we will soon no longer have the military capacity to back up our foreign policy decisions." End quote.

The Senator's words can't be dismissed as a local observation for home town consumption. Impartial observers are now reporting that the scales are tilting against America in world military power.

The International Institute for Strategic Studies announced two weeks ago in London that the Soviet total of intercontinental ballistic missiles is now one thousand five hundred and ten as compared to one thousand and fifty-four for the United States.

That was just part of the statistics the Institute furnished.

Military manpower in the United States now stands at 2.7 million compared with a peak figure of more than 3.5 million in 1968.

Since 1965, however, the number of men in the Soviet armed forces has steadily increased from 3.1 million to almost 3.4 million.

Around the entire world the Institute reports on military activity of significance to the United States.

Defense budgets increased in all but a few countries—and one of these few countries was the United States.

The eight Communist Warsaw Pact countries increased their defense spending, and during the year past those countries increased their numerical superiority over NATO forces.

Even China was in the upward surge. That country, according to the Institute report, has continued to improve its military production in both quality and quantity. Its first nuclear submarine is under construction.

Gentlemen as responsible Americans, we have a duty to speak out on this danger threatening the safety and the future of America.

We have a duty to get involved.

The kind of a military establishment we should have, its strength and effectiveness, and its cost are major problems that concern all of us.

I don't believe that grave warnings from responsible leaders should be shrugged off. And the gravest of all was sounded some months ago by President Nixon's Blue Ribbon Defense Panel, and I quote:

"It has become increasingly clear that if observable trends continue, the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people." End Quote.

Strangely enough there are some people in this country who are alarmed, not at the danger of national insecurity, but at the decibel count in the warning itself.

Recently a leading newspaper cautioned the President to speak softly when recounting the dangers of Soviet military might, lest he lose credibility with Americans against the time when he would really want to prod the nation into taking adequate defensive steps.

Speaking softly doesn't assure credibility. All of us know the river of words both at home and abroad that preceded the drastic economic measures the President was forced to take last month. When the inevitable happened, we still couldn't believe that the economists meant what they were saying all along.

Soft words aren't going to be the lever that will stop the slide of our military effectiveness.

It's going to take drastic action by our legislators and a willingness by the American people to accept the spending of large sums of money.

Let me give you some facts from a parallel experience when American industry tried the "quiet-words-of-warning" approach in alerting this nation to our global trade problems during the past decade.

For years we warned about our declining world trade position in ball and roller bearings, textile machinery, sewing machines, phonographs, tape recorders, radios and televisions, and automobiles.

Who listened?

Who listened to the warnings that someday most radios and black and white televisions sold in this country would be imported?

After ten years, here are the facts: foreign plants make 91 percent of the radios sold in the U.S. They make 51 percent of the black-and-white TV sets; and they make almost 18 percent of the color sets.

Who listened when the first warnings were made that foreign textile machinery and textiles were a threat?

A depressed American textile machinery industry today is confronted by the fact that over 70 percent of all the new knitting machinery sold in this country in the last few years has come from abroad.

Who listened to the admonitions that those "funny little foreign cars" someday wouldn't be so funny to unemployed American auto workers?

This year approximately one million six hundred thousand foreign cars will be sold in America. That represents four hundred thousand non-existent American jobs.

That was industry's experience with the don't-rock-the-boat approach.

What's going to be the nation's experience in the realm of strategic defense? How long are we going to be passive spectators as our military establishment slips through the gray area into the Number Two position?

Gentlemen, it was the writer Max Lerner who said, "History is written by the survivors."

This country is going to survive. The question is, what kind of history are we going to write?

If we follow the admonition of the newspaper I mentioned, not to upset the people with depressing statistics on Soviet military might—then I'm afraid the day will come when we'll be standing on the docks of San Francisco waiting for our latest shipment of military fighter planes inbound from Japan.

We'll be over in Hoboken, checking off our military transport planes as they're shipped in from France.

We'll be accepting delivery of our tanks hot off a production line in Germany.

Because that's the trend.

And it's coming about because there are elements in this country that seem dedicated to the dismantling of a great cooperative effort, the teamwork of our military leaders and American industry.

I don't know how the past twenty-five years of cooperation between American industry and the military will finally be equated.

But I do know, during that period, this country was able to do something denied a great many countries. America was able to plan for the future without the restraint of threatening nations. We were challenged once—in 1962—and we won the showdown of military might, the final, decisive word in foreign policy.

That's no longer true. Our military establishment is deteriorating and the situation is getting worse. As Senator Buckley said, we may no longer have the military capacity to back up our foreign policy decisions.

In the words of Admiral Elmo R. Zumwalt, Chief of Naval Operations, "Our ship construction has declined. Go out and look at our ships—old tin cans and cruisers built in World War II. See for yourself how patched up they are."

And Lieutenant General William E. DePuy, assistant vice chief of staff of the Army, in a Life Magazine interview said, "Aside from Vietnam we can't put a full-strength corps in the field. We're so short of money we have hundreds of trucks on blocks because we can't afford to keep them running."

As for the Air Force, the Chief of Staff, General John R. Ryan, sums up its need in one word, "Modernization."

And Dr. John S. Foster, director of defense research and engineering, paints a revealing picture with this one sentence, "The B–52s are about 17 years old and they'll be more than 25 years old before we can replace them with the B–1 bomber."

Gentlemen, in 1950, would you have risked the defense of the nation on a fleet of aircraft built in 1925?

Do you realize that the average ship of the U.S. Navy is equivalent, in age, to the old four-stacker destroyers we gave away to Britain in 1940?

The deterioration has been headlined as "Our Four-Star Military Mess."

What's the cause?

It could perhaps be expressed in one word—disappointment.

Disappointed Americans increasingly perceive the war as a stumbling block to tackling the problems confronting us at home.

Because of that disappointment some Americans have pointed an accusing finger at American industry—at least that part of it visibly engaged in major Department of Defense contract efforts.

It's probably no exaggeration to say that had we been successful in "winning the war in Vietnam" there would have been no strident opponents of the so-called military complex.

And there would not exist in this country today a cult that is, advertently or inadvertently, sapping the strength of America, It's the old cry of a "profitable war".

Actually the war in Vietnam has been just as much a dragging burden on business as it has been for all of America.

What are the facts?

The American economy, according to the New York Times was on the rise prior to our country's escalated presence in Indochina, back in 1965.

From that point on, the economy stopped growing and began to turn downward.

In 1965 we were nearing full employment. But Vietnam bred inflation, and the Times said: "Coming on top of a fully employed economy, the war deprived America of resources, both human and material, needed for housing, education and other social expenditures and worsened the economic lot of most businessmen and workers."

The Times also quoted an analysis by Professor Robert Eisner of Northwestern University which showed how costly and "unprofitable" the Vietnam War has been to business—a loss of approximately 113 billion dollars in five years. In addition, the men who were conscripted would have earned $82.5 billion more had they not gone to war. Their presence at home would have been that much more of a market for business.

Figures presented by the Times showed that corporate profits fell by 16.8 percent between 1965 and 1970 while in the five previous years they had risen by 61.2 percent.

American industry doesn't need war to prosper.

Industrial America has achieved its greatness while standing on its own two feet. It has served the defense effort of this country, and it has served it well—but it has not been dependent upon it.

America's industrial greatness is in its buildings, its machinery, its highway and transportation systems. But most of all its greatness centers on capabilities and skills in a hundred thousand manufacturing plants in every state of the Union.

America's strength, spelled out in Gross National Product, is in wealth born of production and creativity, more than a trillion dollars worth.

Only four percent of the wealth resulting from that gigantic, nation-wide effort goes for the procurement of arms.

By contrast, Communist China, the country on President Nixon's next international itinerary, spends twelve percent of its gross national product on armaments.

Britain, with all her economic woes, manages to contribute six percent of her Gross National Product to defense. West Germany and France contribute four percent to theirs.

On the other hand, when you look at that part of the world where most of the adversaries and potential adversaries are located, you get a strikingly different picture. The Communist World countries devote very large shares of their Gross National Product to production of armaments. The Soviet Union, for example, budgets fifteen percent to twenty percent.

And the rest of the Communist bloc, from

Pyongyang and Hanoi to Tirana, Prague, and Havana, all devote to armaments upwards of 10 percent or more of their Gross National Product, considerably more than we do in the United States.

Yet so clouded at times has the atmosphere been with ridiculous misrepresentations that even the most knowledgeable people have lost their perspective.

A national news magazine said that 21 percent of the nation's blue-collar workers and 16 percent of its white-collar workers "rely," and I quote, "on military spending."

The facts are quite different. Instead of 32 million of our work force involved in defense-related industry, 2.2 million are so engaged!

That means less than 3 percent of our 79 million workers are engaged in defense-related industries.

And those 2.2 million Americans responsible for supplying the artillery, for fashioning the aircraft, and for building the naval ships aren't walled off in isolated, monolithic areas. They're part and parcel of industrial America. There is *no* distinction.

Defense Department contracts and subcontracts are spread among thirty-five thousand prime contractors and two hundred thousand suppliers and subcontractors in every part of this country.

If I can give my company as an example, at North American Rockwell our defense contracts are supported by more than seven thousand suppliers. Every state in the Union, without exception, contributes in some measure to the fulfillment of our Department of Defense contracts.

The strident opponents of the military industrial cooperation haven't hesitated to question the integrity of our national leaders.

The concern for the defense of America among our legislators should be and is a matter of their own deep personal conviction. Nothing, and I repeat nothing, but the safety of America should influence the voting of men who have such grave responsibilities.

And that is exactly what is happening in Washington.

The incidental location of defense businesses in the constituencies of Senators and Representatives has not influenced their voting records.

Several of the most outstanding spokesmen for reductions in military expenditures and for dovish positions on defense and foreign policy came from areas with very large defense-related contracts!

The states with the biggest defense contracts within their borders have some of the most ardent doves representing them in Congress.

This subject was recently reviewed by the Congressional Quarterly Almanac.

In its summation, the Congressional Quarterly said that those who oppose or support defense spending can only be separated according to their basic views, or to their basic conservative or liberal points of view, and *not* according to the fact of whether or not defense installations or defense plants are located on the home turf.

The integrity of our legislative leaders is beyond question. America is safe in their judgments on our national defense needs.

Events are changing rapidly. New and more reasoned perspectives are coming to the fore in America.

I believe the mood of the country is changing.

I believe there is a better understanding of just what our country's tradition of military and industrial cooperation is all about.

I believe Americans know how urgent it is to defend this cooperation against misguided, misinformed or frankly deliberate paranoic criticism.

I believe that more and more we'll be hearing sober appraisals and recommendations such as those of Senator Buckley.

"I submit," he said, "that as a starter we must proceed with accelerated programs to complete the development and deployment of such advanced strategic weapons as the existing programs for the Air Force B–1 bomber.

"We must also develop the Navy's undersea long-range missile systems.

"At the same time, we must support a much more serious level of research and development into ways of reducing United States vulnerability to strategic attack.

"To continue to fall behind," the Senator concluded, "is to invite a technological Pearl Harbor."

Gentlemen, a few hours ago, we flew over from the East Coast.

As the plane lifted across the San Bernardino mountains to the Los Angeles basin, we could see the entire cosmopolis spreading in panorama. It's one of the most breathtaking sights in all the world.

We could see a great slice of America—the schools, the universities, the military installations, the aircraft factories, the Navy ships off Long Beach, the homes that spread from Riverside to the ocean and the rocket engine sites beyond Canoga Park.

And that was only one city, in only one state of all America.

Multiply that sight a thousand times, and you have a human and technical treasure whose equal has never before been assembled on the face of this earth.

It's our responsibility to safeguard that national treasure.

Gentlemen, we can be once again, the greatest strategic power in the world.

We *can* pull out of this downhill, second-place, gray area.

We can be the survivors who will write the history of this coming decade.

We can, once again, rebuild a defense shield that will enable us to plan for a peaceful future in a less than tranquil world.

Thank you.

MAGAZINES PUBLISHED BY THE DEFENSE DEPARTMENT

Mr. FULBRIGHT. Mr. President, there has come to my attention an interesting article by Bernardine M. Kopec in the August 1971 Armed Forces Journal entitled "The DOD Magazine Empire."

The article contains a wealth of little known facts and figures about the vast number of magazines published by the Defense Establishment. The author, after 2 years of research—although unable to pry all of the pertinent facts out of the Pentagon—estimates that at least 371 different magazines are published by DOD and the various services at a total cost of over 57 million. The article says:

> But no one in the Pentagon has bothered to count the magazines, much less add up their cost.

Little, of any, of the costs are charged against either the public affairs budget or the "command information" program according to the article, thus causing a vast understatement of the costs of both the public and the internal information programs. Only 2 percent of the circulation of the magazines is paid, the author found, and "the few subscribers who do pay to read what DOD prints simply add to the taxpayers overall bill" by getting heavily subsidized subscription rates.

Mr. President, at long last the Pentagon's public relations apparatus is being given closer scrutiny in Congress. This article shows that the DOD publishing business needs to be given a hard look by the appropriate committees of Congress. When the Government is facing a deficit of $28 billion-plus for this fiscal year, it makes little sense to allow this kind of waste of the taxpayers' money to continue.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DOD MAGAZINE EMPIRE

(By Bernardine M. Kopec)

No one in the Pentagon says he knows how many magazines the defense establishment prints at taxpayers' expense. The total number, and their cost, seems to be a better kept secret than the "Pentagon Papers" were, even before *The New York Times* got hold of them.

Would you believe 25? 50? 75? 100?

How about 371?

That's how many magazines we may be talking about. Magazines—not pamphlets, technical manuals, regulations, or phone directories: magazines.

An exhaustive Journal survey, underway for more than two years, shows just how much our national military strategy seems to hinge on the printed word:

The Army, Navy, and Air Force publish 78 magazines for Service-wide distribution, according to their own data compiled for The Journal;

Department of Defense officials, queried repeatedly since last November, claim they are unable to provide any such list of the additional magazines which it publishes for DoD-wide circulation (the list was still being "compiled" at Journal presstime)—but The Journal can name at least seven;

Thus, the total number of Pentagon-sponsored magazines is at least 85.

That's just the tip of the iceberg.

Not quite as visible are so-called "field publications"—magazines, not pamphlets, technical manuals, etc.—published by subordinate commands:

The Navy says it has 91;

Army and Air Force officials say they don't keep track;

But if these two services have the same ratio of field-to-headquarters periodicals as the Navy does, the DoD magazine empire includes 85 headquarters and 286 field magazines—a total of 371. The stack is about three feet high.

Official figures suggest that the tab is modest.

The best cost estimates available from the Pentagon cover "printing" expenses for the Service headquarters periodicals—$3.567-million a year. (The Navy did not have the cost for six of its 27 Pentagon-sponsored magazines.)

Only the Army had any estimate of "editorial" costs—$879,134 for 13 Service-wide magazines.

None of the Services could estimate such "overhead" costs as office space, telephone or travel expenses, employee fringe and retirement costs, or administrative expenses.

However, a conservative Journal extrapolation from the few Service figures available, combined with overhead experience from a 228-magazine cross-section of the nation's business press, shows that DoD's magazine empire doesn't come cheap:

For just the 85 headquarters magazines, the bill is over $13-million a year.

For all 371 magazines, the tab would be more like $57-million.

The $57-million estimate is intriguing—since DoD claims that it spends only about $42-million a year for its entire public affairs program, *including* the "command information" activities under which many, if not most, of the 371 magazines are sponsored.

DoD's magazine empire is no small potatoes on other counts as well: if the 371-magazine estimate is valid, military publishers are turning out better than:

Eight times as many magazines as the nation's biggest trade magazine publisher (Cahners Publishing, with 46 titles—Modern Railroads, Boating Industry, Traffic Management, etc.).

Sixteen times as many titles as the nation's largest publisher of consumer magazines (Davis Publications, with 23 titles—Ellery Queen's Mystery Magazine, Hunting Guide, Science & Mechanics, etc.).

The tighter DoD's budget gets, the more the Pentagon seems to rely on a Maginot Line of magazines to defend the nation:

In FY 67, the Navy's printing bill, just for its headquarters magazines, ran $632,272; in FY 70, it totaled $855,021—an increase of 25% in three years.

Last November, President Nixon sent a notice to all federal agencies directing them to eliminate unnecessary public relations programs; in March, the Army announced the publication of two new magazines.

Two years ago the Navy announced that it would have an "intensive" review of "department periodicals," weeding out those that did not come up to standards or contribute efficiently to "completion of mission." The Navy has abandoned the plan. Limited time, money, and people made it easier, apparently, just to go on publishing.

Three years ago, the authoritative Ayer's Standard Periodical Directory listed 80 DoD publications; its latest edition shows 110 (some are not magazines; Ayer's lists include the Pentagon's quarterly telephone directory—not included in the Journal survey—and several DoD/Service reports published either on an annual or an irregular basis). Compared with this 37½% increase, the Pentagon's work force has been cut back 13% in the same period.

The Pentagon's penchant for magazines contrasts dramatically with other federal agencies: the State Department doesn't publish any. (Its four quarterly "periodicals" are a phone directory, foreign service list, diplomatic list, and biographical register of top-echelon staffers. The Department of Defense has comparable publications, but they are not included in the Journal's tabulation of DoD's 371 magazines.)

Other key findings in the Journal survey show that:

Distribution of many of the DoD-sponsored magazines is virtually unlimited. *The Naval War College Review,* a slick quarterly "field" publication printed with appropriated funds (taxpayer money), has a circulation of 13,800 (up 72% from 8,000 three years ago); if every officer entitled to get a free copy wanted one, the magazine's circulation would exceed 59,000. The example is not untypical.

Only about 2% of the magazines' circulation is paid.

There is no estimate available of whether or not DoD's hundreds of magazines—with an average circulation per issue approaching 50,000—are even read.

The few subscribers who do pay to read what DoD prints simply add to the taxpayer's overall bill: in one typical instance, a Service magazine has a printing cost alone amounting to $15 a year for its free circulation list. When editorial and overhead costs are included, the cost tops $25 a year. You can buy a year's subscription from the Government Printing Office for $3 a year. Earlier this year, the same magazine—it calls itself a "newsletter"—published a 12-page special anniversary issue, not including a four-color cover: that's exactly the size of *Playboy's* mammoth August issue! (The extra cost of the special anniversary issue is *not* included in the $25-per-year estimate given above.)

There are no standards or criteria laid down by Service or DoD headquarters for whether or not a subordinate command can or should publish its own magazine, at taxpayers' expense.

Many of the magazines compete both in editorial content and in circulation with Service association magazines printed by nonprofit institutions (the Army publishes its monthly *Aviation Digest,* competing with *Army Aviation,* published by the Army Aviation Association of America; ironically, the Director of Army Aviation contributes a monthly article to the latter, but not to the Army's own house organ.)

If America's soldiers, sailors, and airmen have any reading time left over after culling through DoD's magazine empire, they can turn to 1,038 newspapers published by the Pentagon at taxpayers' expense (or by contract with civilian publishers who can count on a special DoD group for canned news items and even canned editorials: one New York publisher makes a bundle printing 153 such newspapers every week; they are distributed free for him at Service posts, camps, and stations and carry as much commercial advertising as he can cram into them).

Ironically, DoD's magazine empire is exploding at a time when civilian and military manpower in the Department of Defense is decreasing. It seems that no effort is being made to proportionately reduce the Pentagon's press run. JOURNAL research surfaced only one instance when a publication was discontinued: the *Digest of U.S. Naval Aviation Weapons Systems,* a 56-page monthly which suspended publication last year. The Army, however, has overcompensated for the loss of one Navy magazine: as recently as March, it announced in *one* month the publication of *two* new magazines—*Parameters* and *The Engineer*. These two titles, both "field publications," are not included in the Army's official listing of its 13 Service-wide magazines.

In recent months increasing attention has been focused on government expenditures for information programs. Last November President Nixon sent a notice to all federal agencies telling them to eliminate "self-seeking propaganda and public relations programs." The Office of Management and Budget (OMB) was to follow up on this directive and make sure cutbacks were reflected in departments' budget requests for FY 72.

More recently, the CBS airing of "The Selling of the Pentagon" criticized the Defense Department's public affairs activities. The program is easily the most critical examination to date of the Pentagon's *external* information programs.

However, in the rush to examine public relations activities aimed at the civilian population, DoD *internal* information programs are almost always overlooked. The Department of Defense and the individual Services all direct a steady stream of literature to their personnel even ignoring the countless bulletins, regulations, directives, and technical manuals issued the number of magazines aimed at the Serviceman, and paid with taxpayer money, is growing at a malthusian rate.

The Journal's recent survey of DoD publications is limited to magazines—defined in Navy regulations as "any publication issued twice or more often in any 12-month period with continuing policy as to format, specifications, content, and purpose." The samples ranged from four-page mimeographed newsletters (*Army Personnel Letter, WAF Newsletter*) to slick magazines wrapped in four-color covers (*Airman, Soldiers*).

PROLIFERATION PROBLEM

No single office—DoD, Budget Bureau, congressional committees, Government Printing Office—seems to have a complete picture of the vast scope of the Pentagon's publishing empire, which is spread out among a myriad of different commands and agencies.

During the Johnson Administration, the Bureau of the Budget, which must approve any new government-funded magazine, directed an extensive examination of all government publications. Within six months 500 pamphlets printed by various federal agencies were dropped—at a $3-million savings. But a Budget bureau spokesman told The Journal: "Within a short time, there were just as many publications. There is no question publications have a way of proliferating."

The General Accounting Office has just undertaken its own survey of military publications, but won't discuss it. GAO is likely to be stunned—not only by the vastness of the Pentagon's publishing business, but also by the miniscule, fragmented amount of information available from those who oversee Pentagon spending.

THE NUMBERS ADD UP, UP, AND UP

The tip of the DoD magazine iceberg includes five weeklies/bi-weeklies, 47 monthlies/bi-monthlies, and 33 quarterlies. This 85-magazine total is compiled from: (1) official lists provided by the three Services; (2) the Standard Periodical Directory, a yearly compilation of publications (magazines, annuals, directories, etc.) by subject matter; and (3) Journal research.

According to statistics provided by the Army, Navy, and Air Force, the breakdown by Service is as follows: Army, 13 magazines (excluding the two new publications, *Parameters* and *The Engineer*), the Navy, 27, and the Air Force, 38.

Despite repeated requests over a period of several months, Pentagon officials could not provide a list of magazines published by OSD for all its personnel. The most recent Journal inquiry brought the response that such numbers are "currently being compiled," but it would be "some time" before they were ready. But a simple glance at Government Printing Office racks shows seven department-wide magazines, such as *Commanders Digest* and *Defense Management Journal.*

The average circulation per issue runs from 33,230 for Air Force publications to 135,765 for the Army. Average yearly printing and distribution costs vary from $20,814 per Air Force magazine to $147,775 per Army magazine.

With few exceptions, circulation and cost data are not available for magazines published by subordinate commands, military units in Vietnam, and Service schools. In fact, only the Navy bothers to keep track of their numbers—91. If this approximate 1-to-3 headquarters-to-field ratio holds true for the other Services and DoD, an additional 286 magazines are printed by field activities.

Official cost figures provided by the three military Services show a printing and distribution cost for 72 magazines at over $3.5-million. Extrapolating from these numbers, the printing bill alone for all 371 magazines published by DoD would run to more than $18-million.

Editorial salaries take an even bigger chunk out of any magazine's operating budget. Only the Army provides editorial costs for its 13 Service-wide magazines. Two years ago, in FY 70, this totaled $879,134. Extrapolating, one arrives at $1,758,268 for the Navy (double the number of magazines, hence double editorial costs), and $2,637,402 for the Air Force (almost three times as many magazines as the Army). If these calculations are correct, total editorial costs for all of DoD's 371 magazines would run more than $25-million. Navy and Air Force editorial estimates may be an overestimation, since some of their magazines share editorial staffs and are small newsletters. However, the estimate may be low, given recent federal salary increases.

Finally, there are the not inconsiderable "overhead" costs to cover office rental, equipment and supplies, telephone service, and employee fringe benefits. In 1968, American Business Press surveyed 228 trade publications and found that these costs ran 33% of printing and editorial costs combined. On this basis, overhead for DoD's magazine empire runs about $14-million a year. The total bill? $57.82-million a year.

But no one in the Pentagon has bothered to count the magazines, much less add up their cost.

THE NATION'S NO. 1 PUBLISHER

DoD's magazine empire is huge by any standard. The State Department, whose civilian personnel are scattered worldwide performing duties almost as diverse DoD personnel, lists only four periodicals: a diplomatic list, a foreign service list, a telephone directory, and a biographical register of top-echelon staffers. All are quarterlies. There are no personnel newsletters, retirement news, or safety tips, comparable to the Service publications. Moreover, the State Department publications can hardly be regarded as "magazines" by the Navy definition stated previously. The Pentagon's phone directory, senior officer lists, and biographical registers are not included in the DoD magazine count estimated here.

Davis Publications and Cahners Company, the nation's largest publishers of consumer and trade magazines, respectively, are small-time operators compared with the Pentagon's publishing house.

Some of DoD's magazines are in direct competition with commercial publications: *Army Aviation Digest* with *Army Aviation*, *Soldiers* with *Army*, for example. Most of the military associations (Navy League, Association of the U.S. Army, Air Force Association) publish high-quality, general information magazines for members and interested subscribers. If DoD suspended such "duplicate" publications, Service personnel could opt to subscribe to the civilian publication—if they felt the contents were that necessary or entertaining.

DoD's military magazines run the gamut from four-page newsletters with shoestring budgets ($100 for 2,000 copies of the Air Force's four-page quarterly *Perspective*) to the three Services' mass circulation magazines comparable in a very general sense to *Look* and *Life*. Aimed at all members (including ROTC and reserve components) of the Army, Navy, and Air Force, *Soldiers* (formerly *Army Digest*), *All Hands*, and *Airman* try to provide information in an entertaining way, hopefully improving morale and retention rates. There are the more elite "thinking man's" magazines (*Air University Review, Naval War College Review, Military Review*) that serve as an outlet for the ideas of more senior personnel. Finally, each Service publishes magazines for various specialist fields such as retired or Reserve personnel, doctors, lawyers, engineers, and chaplains.

The different Service corps have traditionally expended much effort to instill a separate identity in their members. An individual is not a doctor, but a Navy doctor; not any engineer, but an Army engineer; not "just" a pilot, but an Air Force pilot. Pentagon officials argue that magazines are a relatively inexpensive but effective way of raising morale and promoting Service pride.

EDITORIAL MEAT, OR PABLUM?

Perhaps the only safe thing to note about the editorial content of DoD's magazines is that it won't win any contest for controversial or investigative reporting—with the possible exception of the war college quarterlies. Much of their content is a bland promulgation of Service policy or explanation of new regulations. Human interest stories in the field publications provide the most colorful reading matter.

This fetish to print only "safe" news is not new to the Defense Department's magazine empire. In 1863 Lincoln's Secretary of War, Edwin M. Stanton, learned that James Russell Lowell and other patriots were planning to publish an independent military journal (our own, then known as the Army and Navy Journal); he tried to forestall its publication by announcing that he would publish instead an official Army and Navy Gazette. His editorial product left its readers cold, and the magazine ceased publication after about a year.

DOD'S "IMPOSSIBLE DREAM"?

Initially, there is probably justification for each magazine that is begun. But this *raison d'etre* doesn't seem to get reviewed later. It seems that once a publication is established, it becomes easier to expand operations, rather than to maintain the magazine at its initial size or to eliminate it when no longer needed. One DoD source admitted that consolidating or cutting back magazines can be an "impossible dream."

Spokesmen for each Service admitted that in most cases the existence of *field* magazines is controlled almost entirely at the local level. The commanding officer decides if he wants a magazine and how he is willing to pay for it. Service officials contacted by The Journal could cite no official regulations that establish any criteria, for whether or not a new publication is justified. The frequency, circulation, and color and paper costs of these magazines seem to be limited only by the money a commander is willing to divert from other budgets. As one Navy official puts it: "Anyone can publish a magazine, if he has the money."

With military personnel spread all over the globe, Service spokesmen argue that "something" is needed to keep the various special interest groups informed of developments in their field. More personal forms of communication are impractical; officially worded directives may be ignored. Magazines, say DoD officials, may be the most economical means of "getting the word out."

A comparison of Army, Navy, and Air Force magazines indicates some striking incongruities. For example, both the Navy and Air Force publish a magazine for their Chaplains, *Navy Chaplain Bulletin* (16-page quarterly) and AF's *Chaplain Newsletter* (four pages 10 times a year); the Army does not. If magazines *are* necessary to maintain the high morale of Navy and Air Force chaplains, GAO may find it difficult to understand why a similar publication is *not* needed for the Army Chaplain Corps.

There are suprising differences between Services for production costs of similar magazines. The Navy publishes the *Navy Supply Corps Newsletter* for its 5,300 Supply Corps officers. *Up-date* serves the Army's 6,071 Quartermaster Corps officers.

A one-woman, part-time staff produces *Up-date* on an irregular basis at the Army Quartermaster School, Ft Lee, Va. (although plans are now underway to change the typewritten, 20-page newsletter into a quarterly). Contrast *Up-date* with the monthly *Navy Supply Corps Newsletter*, printed on glossy lithocoated paper.

Normally, the *Newsletter* is limited to 72 pages per issue, but several cost restraints were lifted for its anniversary edition this past February. The result? A 176th anniversary edition running 212 pages, plus a four-color cover—exactly the size of *Playboy's* mammoth August issue.

The cost of the extra 144 pages was not available; but Navy officials say a four-color cover alone adds an extra $650 to the monthly printing bill. The *Newsletter* has two full- and one part-time civilian staffers, who produce an attractive, well-written journal.

The FY 70 printing and distribution budget for the *Newsletter* was $79,000; dividing just this cost by the number of Supply Corps officers indicates that the Navy annually spends approximately $15 per man—an expensive subscription price as magazines go. When personnel and overhead costs are added, that "per reader subscription cost" would probably run closer to $25 per year. Yet the magazine sells for only $3 per year at the Government Printing Office.

The question arises: are Navy Supply Corps officers over-informed, or are Quartermaster officers under-informed?

The large amount of information aimed at Supply Corps officers makes it seem that the military medical community is being overlooked in the Pentagon's publications enterprise. In all there are some 44,000 men and women serving in the Armed Forces as doctors, nurses, dentists, veterinarians, and biomedical technicians. Yet each Service provides only *one* magazine for all medical personnel: *Army Medical Department Newsletter* (32-page quarterly), *United States Navy Medicine* (56-page monthly), and *The USAF Medical Service Digest* (40-page monthly). Even within the military medical community disparate amounts of information emanate from headquarters: the Navy community receives 672 pages annually, the Air Force, 480, and the Army, 128. Is the Navy doctor five times more knowledgeable than his Army counterpart?

COSTS DIFFICULT TO DETERMINE

No one knows just how much all of these magazines cost—but it's a safe bet that their costs spiral upwards each year. As just one for instance, the Navy's printing bill has gone from $633,272 for 24 magazines in FY 67 to $855,021 for 21 magazines in FY 70. This difference of $221,749 converts into a 25% increase in printing costs over three years.

Based on a sample of 10 Air Force magazines (the only ones for which detailed, recent data on free versus paid circulation was available), paid subscriptions account for only 2% of the total circulation of DoD's magazine empire.

It's not just Service-wide magazines, but also *field* publications that often show evidence of generous funding. Some are printed on glossy paper, have four-color covers, and are replete with pictures—many in color. Most field publications are geared toward the "morale rationale" and are therefore filled with "human interest" stories, not hard news.

Some field magazines, however, manage to survive with minimal cost to the taxpayer. *Infantry*, published at the U.S. Army Infantry School at Ft. Benning, is such an example All but a few hundred of its 17,000 readers pay for the magazine, in contrast to the principally free distribution of other military publications. *Infantry's* printing costs and three civilian salaries are paid entirely by the money raised by subscriptions. The only budget item paid by the taxpayer is the salaries of eight military personnel on *Infantry's* staff.

The Jagged Sword, published semi-annually for members of the 1st Signal Brigade (APO San Francisco), offers its readers an in-depth look at the brigade's operations in Southeast Asia. Although it uses color, numerous pictures and glossy paper, the magazine greatly reduces printing costs by being set in Tokyo, Japan.

Service-wide magazines work on a budget subject to upper echelon review. Probably the most expensive, in terms of printing costs, are the three mass-circulation magazines—*Soldiers, All Hands*, and *Airman*. *Soldiers* leads the list with an annual printing bill of $452,658 for a 72-page monthly. *Soldiers'* circulation is 283,000. *Airman* has an annual printing bill of $225,000 for 175,000 copies distributed monthly. *All Hands*, which usually uses two colors (it made an exception for a recent four-color cover photo of CNO Admiral Elmo Zumwalt), spends $165,000 annually for printing. *All Hands'* limited use of color, along with fewer pages and smaller press runs, partially explains why its printing bill is only one-third of *Soldiers'*.

By far the most widely circulated publication in all three Services is *The Army Reserve Magazine*. Quarterly it sends 1.25-million copies to Reservists and ROTC members, for the other eight months its press run is reduced to 460,000 copies. Reservists, unlike active-duty personnel who have daily access to bulletin boards, office newsletters, and other timely media, must get practically all of their military news from such magazines. *The Army Reserve Magazine's* annual printing budget comes to $687,384.

HIGH QUALITY, LOW COST EXCEPTIONS

Not all Service magazines are this expensive to produce. The *Army Personnel Letter* and the Navy's *Officer Personnel Newsletter* are high quality, low cost publications. Color is limited; the copy is "unjustified" (as opposed to justified copy, where there is an even margin on both sides of the column, e.g. The Journal); few, if any, photos are included, and less expensive pulp paper is used. These quarterly personnel newsletters contain hard news, which most military personnel can find only in such places as The Journal or Army Times publications. The solid reputation of both personnel newsletters leads their regular readers (which includes most Army and Navy careerists) to base much of their personal career planning on information obtained in the publications.

The *Army Personnel Letter* often has more hard news on its six pages than the more ambitious, more entertaining, more glossily produced *Soldiers*. The two magazines have slightly different purposes, but both are aimed at getting information to the entire Army community. The combined annual printing/distribution/editorial costs for *Soldiers* are $653,427, for the *Army Personnel Letter*, $39,200. Their different approaches to the same group would provide an interesting cost-effectiveness comparison: no one in the Pentagon has made it.

Although the Air Force lists the greatest number of magazines—38—it does not follow that it spends the most. Nearly half of these magazines (16) are 16 pages or less per issue. Out of these 16, nine run only four pages (e.g., *The AF Officers' Career Newsletter, Chaplain Newsletter, WAF Newsletter*, to name a few). The FY 71 printing costs of these nine four-page magazines came to only $26,650. Moreover, the four-page *AF Policy Letter for Commanders*, with a press run of 50,000, accounts for $19,000 of the $26,650. Most of the smaller magazines further reduce production costs by not using photos and color, using unjustified copy, and printing on less expensive pulp paper—yet they get their message to the intended audience. Inexpensive publications *can* be produced by the Services.

A LOADED QUESTION—ARE MAGAZINES READ?

No one seems to know if DoD's magazines are read. One Army source notes that asking a commander if a publication under his jurisdiction is read usually brings assurances that, "Of course, it is." The commander's reply, cautions the Army official, is molded by the old "preference for picture in print" syndrome. Asking the publisher this question brings the same affirmative response—but then, no one wants to lose his job.

This leaves only the reader—but again, it's a loaded question. The Joint Congressional Committee on Printing requires that mailing lists be checked annually. Postcards are sent out asking the recipient of the DoD magazine if he wants to remain on the mailing list. All he must do is check yes or no and drop the pre-stamped postcard into a mailbox. This is a dubious way of gauging reader interest, since approximately 98% of military periodicals are distributed free. Few "subscribers" getting a free magazine are going to say they're no longer interested: The mailing label serves as a new kind of DoD status symbol.

One knowledgeable former DoD official offered The Journal his plan to test the need for any publication, government or non-government. He suggests a good test would be to determine how many readers would pay for any subscription they're currently receiving free. Even if the fee were a nominal one of two dollars, the feedback would give some indication of just how widely the magazine was read. No one seems to be buying his suggestion.

"PUBLISH OR PERISH"?

Too often, it seems, a magazine is published year after year without any higher authority asking if the need for it still exists—if it ever existed. The Navy two years ago announced plans for a "Quadrennial Intensive Review of Departmental Periodicals." Stated simply, every few years each departmental periodical would be studied "for format, content, propriety, distribution and effectiveness in compliance with regulations and completion of mission." Those publications that did not come up to standards would be improved or weeded out. Limited time and personnel, said a spokesman, forced the Navy to abandon the plan.

Some DoD periodicals serve a worthwhile purpose. Many Service magazines—both the expensive and inexpensive—are professional, high-quality publications. It would be as foolish to abolish all as it is to continue unquestioningly all of the 371 (more or less) now being printed.

Following are some subjective observations falling out of the research for this article:

Production costs are not tightly controlled. Higher offices should demand justification for each factor (Paper quality, use of color/photos, number of pages per issue, press run, etc.) that increases the printing bill unnecessarily.

None of the Services have very good control over their publishing business. Too many decisions are left to lower levels. From The Journal's contact with the separate Services during research for this article, it appears that the Navy is the most efficient manager of its publications. Journal queries to Navy offices usually brought prompt answers that indicated someone was keeping track of facts and figures. The same questions at Army offices brought answers, in some instances, only after a six-month wait. OSD offices still have not replied.

There are disparities in the rationales for publications—both within and between the Services. Special interest groups are ignored in different Services; within Services different groups receive unequal treatment.

Few magazines provide hard news. More emphasis is placed on the subjective goals of raising morale and providing Service identity. Hence, it becomes difficult to evaluate if a magazine is fulfilling its intended purpose.

Other than the annual postcard sent to the reader—a rather dubious technique—no effort is made to see if DoD's three-foot-high stack of magazines is being read.

The question is not whether the magazine's staff is doing a good job; the important question is, are they doing a job that doesn't need to be done?

Many of the numbers cited in this article are extrapolations—not official figures—and therefore can be questioned. But they're better estimates than the ones the Pentagon doesn't have. The point remains: the Pentagon publishing house is a costly business. Just how costly—no one who should seems to know.

Out of the ink, paper, and noisy presses, the Pentagon seems to have gained a new principle of war: Publish or Perish.

Or perhaps it's rediscovered an old military maxim: the pen is mightier than the sword.

GUIDELINES FOR GOVERNMENT PUBLICATIONS

The Joint Congressional Committee on Printing, established 3 August 1846, regulates the printing, binding, and distribution of all government publications. Its authority extends from the standardized desk and wall calendars found in all government offices to the weight, size, and quality of congressional stationery.

Present Committee Chairman is Senator B. Everett Jordan (D–NC). Other members are: Senators Robert P. Griffin (R–Mich) and James B. Allen (D–Ala); Representatives Wayne L. Hays (D–Ohio), Samuel L. Devine (R–Ohio), and John Brademas (D–Ind).

The latest edition of the Committee's *Government Printing & Binding Regulations* (April 1971) contains the following regulations relevant to Defense Department publications:

Journals, magazines, periodicals, and similar publications—"The head of an executive department, independent agency or establishment of the Government, with the approval of the Director of the Bureau of the Budget, may use . . . such sums as are necessary for the printing of journals, magazines, periodicals and similar publications he certifies . . . to be necessary in the transaction of the public business required by law. . . ."

Central service—"Heads of departments shall maintain under their direct supervision a central printing and publications management service with responsibility for the conduct of a coordinated program controlling the development of materials to be printed, and the procurement, production, and distribution of printed matter."

Commercial advertisements—No government publications "shall contain any advertisement inserted by or for any private individual, firm, or corporation."

Color printing—"The Committee recognizes that printing in two or more colors generally increases costs." Therefore, all multicolor printing should "contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included."

BUT A CUTBACK IN PUBLIC PRESS BUYS

When President Kennedy became piqued with the *New York Herald Tribune* he stopped the White House subscriptions. It is not suggested that some of the Services are cutting back their procurement of periodicals because of a "bad press," but cutting back they are.

The cuts will hardly affect the general press but surely will have some impact on low-circulation specialized periodicals. And, interestingly, the cuts in the purchase of outside publications carrying independent opinion come at a time when Service and DoD house organs, which invariably carry party lines, are proliferating at an alarming rate. Observers view the trend as further withdrawal by the Services into the womb of isolation away from the mainstream of American life resulting from an un-won, unpopular war and a return to all-volunteer forces. The Army, the Service most affected by the downward turn in public sentiment, is cutting the most.

The Army, in the Pentagon, has been spending $115,000 yearly for periodicals. The Army Library, which serves the whole Pentagon, gets about $60,000 and the Department of the Army staff about $55,000. Up to a 50% cut is being sought with most of it probably coming from the staff's allotment.

In the Navy the Office of Chief of Information, which must monitor many publications to note what is being said about the Navy, budgeted $4,000 for FY 71. This figure reflects a continuing 5% per year cut over the past few years. In FY 72 CHINFO will be "sharply cut," official sources say. Office of the Chief of Naval Material, which increased its publications buy in FY 71 some 20% over FY 70 to almost $9,000, will also slash its buy in FY 72.

The Air Force, on the other hand, has always had a tradition of being public relations conscious and well informed. It is increasing the funds budgeted for Air Staff's procurement of periodicals some 20% from a yearly $55,000 to $64,000 in FY 72.

AND THERE IS STILL MORE TO READ

For the serviceman who still has time for some reading after digesting the Service magazines that might pass through his hands—there's no need for despair. There are 1,038 newspapers—base, ship, overseas, civilian enterprise—to fill any leisure hours that may remain.

DoD Handbook No. 5120.4–M, which covers regulations for military newspapers, divides such papers into two classifications:

(1) Armed Forces newspapers—"published by a military organization or Defense Agency activity with appropriated or non-appropriated funds."

(2) Civilian enterprise publications—"published by commercial publishers under contract with Department of Defense activities and intended for Department of Defense military or civilian personnel."

The breakdown of newspapers for each Service is as follows:

	Armed Forces	Civilian enterprise	Total
Army	475	42	517
Navy (including Marines)	238	49	287
Air Force	138	96	234
Total	851	187	1,038

The Handbook states that all "DoD components are authorized to establish and maintain Armed Forces newspapers in support of their respective internal information programs and for the information and morale of their personnel." Except for various local news items (the number probably depends on the size of the local staff), most of the news is obtained from the American Forces Press Service (AFPS), and from individual Service equivalents.

AFPS, a kind of military AP or UPI, forwards without charge weekly military news, art, feature material, and canned editorials to editors of Soviet newspapers. The two pages of material come ready to be clipped for immediate use. The forerunner of AFPS, the Camp Newspaper Service, was begun during WWII as a supplement to editors of camp publications. Its twofold mission has remained the same: (1) to fill the needs of Service editors for news, art, and features; and (2) to support the objectives of the Department of Defense. The original 400 subscribers of AFPS have grown to 1,500 newspapers, television and radio stations. AFPS, currently under DoD's Directorate for Armed Forces Information and Education, has an annual operating budget of $95,000.

The major difference between civilian enterprise papers and official DoD publications is that no appropriated funds may be used to pay for publishing costs of the civilian papers. The publisher, hopefully, makes his money by selling ads.

ESCAPE CLAUSE

The Handbook states, however, that "nonappropriated funds may be used to buy copies for distribution to personnel when there is good evidence that there is not sufficient revenue from other sources to make publication feasible." There seem to be no figures available on how often this escape clause is used. The civilian enterprise publisher furthermore can distribute his paper "through official channels without cost . . . provided this will not require additional expenditures of appropriated funds."

Civilian enterprise newspapers, usually low budget operations, use press releases prepared by various DoD agencies, the AFPS clipsheet, and even on some occasions "canned" editorials supplied by the government. Although the DoD Handbook notes that the publication is "not subject to military control with respect to content," the commander responsible for the contract with the civilian publisher "may suggest the positioning of editorial matter and military photographs within the newspaper."

THE TIP OF THE ICEBERG—MAGAZINES APPROVED AT PENTAGON LEVEL

	Army	Navy/ USMC	Air Force	Service totals	DOD	DOD totals
Frequency of publication:						
Weekly, biweekly	0	1	3	4	1	5
Monthly, bimonthly	11	17	16	44	3	47
Quarterly	2	9	19	30	3	33
Total number of magazines	13	27	38	78	7	85

	Army	Navy/ USMC	Air Force	Service totals	DOD	DOD totals
Annual cost (dollars in millions):						
Printing	$1.92	$1.09	$0.79	$3.80	$0.34	$414
Editorial	.88	1.83	2.57	5.28	.47	5.75
Overhead	.92	.96	1.11	2.99	.29	3.28
Total annual cost	3.72	3.88	7.17	12.07	1.10	13.17

NOTES

Number of magazines by frequency: All figures supplied by Services. DOD figures by Armed Forces Journal.

Annual costs: Printing costs as supplied by Services, except for the Navy, where costs for 6 magazines of the 27 listed were not provided; Navy printing costs for all 27 have been extrapolated on the basis of Navy figures, $855,021 for 21 magazines. DOD printing costs extrapolated on basis of Service averages.

Editorial costs were available only from the Army, $879,134 for 13 Servicewide magazines. Other editorial costs were estimated on the basis of the Army's average editorial cost per magazine.

Overhead includes office space, telephone, employee fringe and retirement benefits, administrative overhead, travel, equipment rental, etc. No Service or DOD estimates were available. Therefore, these costs were estimated on the basis of a copyrighted 1969 survey by American Business Press, Inc., showing that general and administrative costs for 228 commercial trade magazines amounted to 33 percent of printing and editorial costs, combined.

PRESIDENT NIXON'S ADDRESS TO THE NATIONAL LEAGUE OF FAMILIES

Mr. DOLE. Mr. President, one of the most difficult and frustrating aspects of the war in Indochina is the plight of the nearly 1,500 Americans who are being held as prisoners of war or who are listed as missing in action in North and South Vietnam, Laos, and Cambodia.

Countless efforts by this Nation and other governments and by many public and private figures throughout the world have met with virtual futility in seeking to assure release, or at the bare minimum, humanitarian treatment, for these brave men. The Nixon administration has, from the very beginning, devoted every possible resource to achieving these goals—in Paris at the formal negotiations, through intermediaries and through private channels. The response from the enemy, however, has been duplicitous, contradictory, misleading—and singularly devoid of any indication that they are willing to discuss prisoners and missing men in good faith.

In and of itself this intransigence and insensitivity on the enemy's part would be disheartening enough to the families of these men and to those who bear the responsibility for leading this Nation and attempting to terminate the war in an honorable way which offers hope of rescuing the captives. However, there have been some who have preyed on the anxieties and frustrations of the parents, wives, brothers, sisters, and children of the prisoners missing and upon a war-weary people's desire for peace. They have said that the President has abandoned the prisoners and that he has rejected possible avenues for their release. They have raised false hopes and made irresponsible charges for the shallow benefits of personal publicity and momentary notoriety.

These charges are false. They are malicious. And they do no service to the 1,476 missing and captive American fighting men, their families, and the leaders in this country, who—unlike their opportunistic critics—are charged with the heavy responsibility of providing for the safety and security of this Nation and the men who defend it.

Last evening at the annual meeting of the National League of Families of Prisoners and Missing in Southeast Asia, President Nixon clearly and forthrightly stated his commitment to these family members and to their men. So that there may be no mistake over that commitment, nor the intensity of the President's devotion to it, I ask unanimous consent that the text of the President's remarks be printed in the Record at this point.

There being no objection, the release was ordered to be printed in the Record, as follows:

Remarks of the President at the Annual Meeting of the National League of Families of American Prisoners and Missing in Southeast Asia

Mrs. North, Mr. Secretary, all of the distinguished guests who are at the head table and all of those who are in this audience:

I have spoken in this room many times over the past, believe it or not, 24 years, starting as a Congressman. I can assure all of you that this brief remark that I will now address to you is spoken more from the heart, I think, than anything I have ever said before.

The Secretary of Defense—and I have had an opportunity to read his remarks and endorse them—will address you later. He will tell you what we have been doing, what we are doing, what we hope to do with regard to the great objective in which all of you and all of us are interested, and that is obtaining the release of all of our POW's and missing in action wherever they may be in Southeast Asia.

But I wish to underline what the Secretary will tell you by indicating the personal commitment of the President of the United States. As you can imagine, whoever holds the office of the Presidency cannot take upon himself all of the various assignments that come across his desk. Much must be delegated.

I want each and every one of you to know, however, that from the time in the White House Library, at Christmas time, 1969, I met a group of wives and one mother of some POW's and missing in action, from that time, as the Secretary of Defense can tell you, and the Secretary of State can tell you, I have considered the problem of obtaining the release of our POW's and missing in action as being one that has Presidential priority.

I can assure you that every negotiating channel—and now I say something here that I am sure all of you will understand—including many private channels that have not yet been disclosed, have been pursued, are being pursued and will be pursued.

I can assure you that with regard to this problem, that whenever any matter comes to the attention of the Secretary of Defense, or the Secretary of State, from a Senator or Congressman or the rest, it is brought to my desk and we run out the lead, whatever it may be.

You know the tragedy we have found so often—hopes are raised and then dashed, because we are dealing here with a savage enemy, one who has no concern for humanitarian ideals.

But on the other hand, we believe that it is essential to check every possible lead; we don't care where it comes from. We are doing that.

I have personally ordered that and we will continue to do so, and I believe that we will eventually succeed in our goal. That is my commitment that I make to all of you.

Now, I have delayed your dinner too long, but I would like to add one other rather personal note. Many times when I travel around the country, people—particularly young people in school—will say, "You know, Mr. President, that must be a terribly awesome responsibility to serve as President of the United States." And people sometimes feel that all of the great burdens of the world are on the shoulders of the President and that the responsiblities are indeed awesome. I would be less than candid if I were not to say that the responsibilities are heavy.

But let me tell you something: Any day that I sometimes feel that it has been a rather hard day and that I have had to make some real tough decisions, and I haven't had very much support, and any time I begin to feel a bit sorry for myself, I think back to that day just before Christmas in 1969.

I think of airports where children have come up and said, "My daddy is missing in action." I think of the wives who I have seen and the mothers and the rest. I think of their courage and what they have done and what they have given for their country, and then I realize my job isn't all that hard.

I am just so proud of how great you have been and I am not going to let you down.

PUERTO RICAN RESOLUTION TO CONGRESS

Mr. SCHWEIKER. Mr. President, on Monday of this week. I was privileged to attend a meeting of representatives from Puerto Rican communities from many different States, including leaders from the Council of Spanish Speaking Organizations in my own State of Pennsylvania.

They had come to Washington to discuss issues with their elected representatives, and to present a resolution to the full Congress outlining their concerns. Their principle objective is to join all American citizens in sharing equally in the effort to solve our country's problems, and I commend them for their constructive approach in making their grievances known through such a meeting and resolution.

Many Senators already know that one immediate concern of members of the Puerto Rican community is to have full and active representation in the operation of the Cabinet Committee on Opportunities for the Spanish-Speaking People and to have a representative of the Puerto Rican community in one of the responsible positions on the committee staff. At a time when confidence in the capacity of government to deal effectively with many of our problems is questioned in some circles of society, it is encouraging to meet with a group of people who seek to join with our Government to work out answers in a constructive and positive fashion, and I feel that they should be provided the opportunity for responsibility on the Cabinet Committee.

Mr. President, the resolution presented at this meeting was directed at the entire Congress and contains many detailed points. I am studying these details. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION TO THE CONGRESS OF THE UNITED STATES BY THE NATIONAL PUERTO RICAN LEADERSHIP

Whereas, On December 30, 1969, the President of the United States signed into law the bill S. 740, promulgated as Public Law 91–181, establishing a Cabinet Committee on Opportunities for the Spanish Speaking People to assure that federal programs reach all Mexican-Americans, Puerto Rican-Americans, Cuban-Americans, and all other Spanish Speaking and Spanish-Surnamed Americans, and, to provide the assistance to seek out new programs that may be necessary to meet problems unique to these persons, and

Whereas, The Cabinet Committee on Opportunities for the Spanish Speaking People was created by the Congress to operate at the Cabinet level as the sole federal agency expressly charged with the task of assuring equal opportunities to *all* Spanish Speaking Americans, thus ending attitudes and discriminatory practices through which these people's rights as citizens, and, as human beings, have been, and, are systematically ignored, neglected, and/or, given the lowest priority, and

Whereas, The Congress, in order to make more effective the impact of the aforesaid Cabinet Committee in discharging its congressional mandate, provided that the Secretaries and Heads of the ten (10) Departments and Agencies of the Executive Branch, most concerned, shall be members of the aforesaid Cabinet Committee on Opportunities for the Spanish Speaking People, and

Whereas, Upon the establishment of the aforesaid Cabinet Committee on Opportunities for the Spanish Speaking People, it was placed under the Chairmanship of Mr. Martin Castillo, a Chicano gentleman from California, who apparently succeeded in getting himself appointed as one of those "individuals who are recognized for their knowledge of and familiarity with the special problems and needs of the Spanish Speaking People," as Public Law 91–181 requires, but who finally proved to be out of step with the true problems of the Non-Chicano Spanish Americans, and, more importantly, decidedly hostile to the interests of the Puerto Rican-Americans, as evidenced by his failure to respond to their needs and by their exclusion from his Staff, and

Whereas, the Puerto Rican Americans did not oppose the appointment of this first Chairman, Mr. Martin Castillo, because of their habitual sense of respect for the judgment of those entrusted by the public with the sensitive function of appointing its servants, and

Whereas, experience has proven to the Puerto Rican community that despite the Congressional mandate to assure equal opportunities for all Spanish Americans embodied in Public Law 91–181, the Cabinet Committee chaired by Mr. Martin Castillo, systematically and deliberately denied the Puerto Rican Americans and other Non-Chicano Spanish Americans equal participation in the benefits accruing from the establishment of this Cabinet Committee, and

Whereas, the first Chairman, Mr. Martin Castillo, resigned on December 31, 1970, due to many complications of his own making, and in the wake of many warnings from Puerto Rican Americans that his attempt to maintain a permanent monopoly of power was essentially a self-defeating, flagrant infringement of the Congressional mandate providing for a system of fair participation in the administration of the Cabinet Committee on Opportunities for *ALL* Spanish-Speaking Americans, and

Whereas, in the absence of a Chairman from January 1, 1971, another Chicano by the name of Antonio Rodriquez, descended upon the Cabinet Committee, on or about the middle of March 1971, proclaiming publicly that he had been appointed Executive Director of the Cabinet Committee by Mr. Robert H. Finch at the White House, and that he and Mr. Finch were in charge of all matters pertaining to this Cabinet Committee, and

Whereas, the aforesaid Mr. Rodriquez immediately demonstrated hostility to the Puerto Rican interests and a total disregard of the Congressional mandate to accord the Puerto Ricans and other Non-Chicano Spanish-Americans the fruits of this legislation, and

Whereas, the aforesaid Mr. Rodriquez, among his other deficiencies during the period of his open control of the Cabinet Committee appeared to devote most of his time to extensive travel, at public expense, in the promotion of his candidacy for permanent appointment as Chairman, and

Whereas, in early July, 1971, Mr. Rodriquez publicly acknowledging that he was no longer in consideration for the Chairmanship, and, asserting the support of his White House Sponsors for Mr. Henry Ramirez, another California Chicano, for that office; again publicly asserted that the aforesaid Mr. Ramirez would have him, Rodriguez, "running the show in the Cabinet Committee," and

Whereas, a dispassionately objective review of the administration of the activities of the Cabinet Committee on Opportunities for the Spanish Speaking People to date forces the conclusion that equal opportunities for the Puerto Rican interests have been and are being sacrificed to political expediency and the personal aggrandizement of the Messrs. Antonio Rodriguez and Henry Ramirez in total disregard of Public Law 91–181, and the directives of President Nixon to improve the status of *ALL* Spanish Americans, and

Whereas, such violation of the law and Presidential directives continue in that the *third Chicano Head* of the Cabinet Committee on Opportunities for the Spanish-Speaking has arrogated unto himself, as did his predecessors, the power to ignore the Puerto Rican demands for justice and the absolute power to "reorganize out" of the staff of that Committee any advocate of the interests of the Puerto Rican Americans, and

Whereas, the Chairman-designate, Mr. Henry Ramirez, in the effort to blunt *valid Puerto Rican criticism* and to obscure the real issue, i.e., *the Puerto Rican right to absolute parity in the affairs of the Cabinet*

Committee on Opportunities for the Spanish Speaking People, is luring to his staff in positions which cannot disturb the Chicano monopoly, certain Puerto Ricans who are not recognized, as required by Public Law 91–181, "for their knowledge of and familiarity with the special problems and needs" of the Puerto Rican community, and

Whereas, this policy, i.e., of excluding Puerto Rican leaders who are recognized for their expertise in Puerto Rican matters from the Cabinet Committee, *emphasizes the general exclusion of Puerto Ricans from policy-making positions of any consequences in the Federal Government* and, thereby, the denial to Puerto Ricans of any opportunity, as has been granted to other minority groups, to sensitize and make responsive the Federal establishment to the unsatisfied needs of the Puerto Rican American community in its efforts to more effectively combat poverty and its fellows: crime, delinquency, drug-addiction and the consequent moral degradation, and

Whereas, the denial of equal opportunity for Puerto Rican Americans in the Cabinet Committee must be juxtaposed with the hard fact that the Puerto Rican Americans occupy the lowest paid jobs doing the most menial labor while Offices of Special Concern are being created at the highest level in the Federal Government to work more effectively for the economic and social improvement of *ALL* the Spanish-Speaking Americans but are, consideredly, unconcerned with the needs of the Puerto Rican community, and

Whereas, the deliberate exclusion of Puerto Ricans from the Cabinet Committee, and their general exclusion from policy-making positions in the Federal establishment, needs must be contrasted with the stated aims of the President of the United States in his authorization of a 16-point program, administered by the Civil Service Commission to increase the employment opportunities of *ALL* Spanish-Speaking Americans, and, the fact that, the aforementioned Presidential directive, notwithstanding this program, directed by Chicanos, apparently is increasing job opportunities *only* for *those other than Puerto Ricans*, and

Whereas, the federally sponsored efforts to foster minority capitalism reflects the general governmental neglect of the Puerto Rican Community in that of the approximately 100,000 business enterprises owned and operated by Spanish Americans in the nation, the Puerto Rican ownership represents a minimal fraction thereof, and

Whereas, the exclusion of Puerto Rican Americans from the Cabinet Committee on Opportunities for the Spanish-Speaking People and the general exclusion of Puerto Rican Americans from any policy-making position in the upper levels of the Federal Government forces the conclusion that any such positions available to those of Spanish origin and/or tongue are reserved to a certain segment of the Spanish-surnamed community, and

Whereas, these enumerated denials of equal opportunities to the Puerto Rican Americans has had the net result of brutally leaving the Puerto Ricans devoid of any representation and/or power to bargain for a just and fair share of the Federally assisted programs for public assistance, housing, manpower, education, health services, migrant labor, community action programs, etc., designed to eradicate poverty and its collateral effects among all Americans, including *Puerto Rican Americans*, and all other Spanish American groups.

Whereupon, the Puerto Rican National Leadership, in representation of the Puerto Rican American Community, has taken cognizance of the public testimony of Mr. Antonio Rodriguez before the Senate and House Committee on Government Operations on the bill H.R. 7586, a bill to authorize appropriations for the operation of the Cabinet Committee on Opportunities for the Spanish-Speaking People, and respectfully request:

1. The General Accounting Office be instructed, forthwith, to conduct an exhaustive audit of the management and the use of public funds by Mr. Antonio Rodriguez, and, the veracity of the testimony of Mr. Rodriguez before these Committees.

2. The General Accounting Office be instructed, forthwith, to conduct an exhaustive investigation into the use of public funds for the operation of the Cabinet Committee on Opportunities for the Spanish-Speaking People; its use of consultants, the gross preponderance of which is Chicano, at the rate of $100.00 per day, plus travel expenses, while the 35 permanent statutory-authorized positions are unfilled except for a Chicano cadre, excluding *ALL* other Spanish-Speaking Americans from any policy-making positions.

3. The General Accounting Office be instructed, forthwith, to inquire into the circumstances surrounding the retention by Mr. Antonio Rodriguez, during his tenure as de-facto Executive Director of the Committee, of Mr. Martin Castillo as a Consultant after the forced resignation of Mr. Castillo; the utility of the work of Mr. Castillo and its pertinence to the Spanish-American Community; the retention of Mr. J. B. Casas as a Consultant to the Committee after his resignation as Legal Counsel to the Committee; the association of Mr. Casas with the law firm of Mr. Castillo in the State of California; the tasks assigned Mr. Casas, and the degree of his "expertise" in matters pertaining to the Puerto Rican and/or other Spanish-Speaking communities.

4. The General Accounting Office be instructed, forthwith, to investigate the "special" circumstances surrounding the appointment of any Consultants by Mr. Antonio Rodriguez, and, the subsequent elevation of these consultants to membership on the Advisory Counsel to the Cabinet Committee on Opportunities for the Spanish-Speaking consel.

5. The General Accounting Office be instructed, forthwith, to inquire into the circumstances surrounding the reorganization of the Cabinet Committee on Opportunities for the Spanish-Speaking People, announced by Mr. Henry Ramirez in the Cabinet Committee Newsletter, September 13, 1971, abolishing the position of Executive Director, so as to preclude the appointment of a Puerto Rican, thus preserving the Chicano monopoly in the Cabinet Committee.

6. The Senate Committee on Government Operations reject the nomination of Mr. Henry Ramirez as Chairman of the Cabinet Committee on Opportunities for the Spanish-Speaking People.

7. A. The Senate Committee on Government Operations positively assert its disposition to confirm a Puerto Rican as Chairman of the Cabinet Committee on Opportunities for the Spanish-Speaking People, thus mending the rift in the Spanish-Speaking Community caused by the greedy exploitive policies of the predecessor Chairmen.

B. Failing this historical opportunity for benefiting the *WHOLE* of the Spanish-Speaking Community, the Senate and House Committees on Government Operations should, forthwith, proceed to the consideration of the amendment of Public Law 91–181 to transform the Cabinet Committee on Opportunities for the Spanish-Speaking People into the Cabinet Committee on Opportunities for Mexican-Americans, and, *the immediate establishment of a separate Cabinet Committee on Opportunities for Puerto Rican Americans.*

The National Puerto Rican Leadership Conference.

ECONOMIC DAMAGE CAUSED BY TRANSPORTATION CRISES

Mr. PACKWOOD. Mr. President, on Tuesday, September 28, Mr. Clarence Palmby, Assistant Secretary of Agriculture, testified on behalf of the Department of Agriculture in favor of the proposed Emergency Public Interest Protection Act of 1971. I listened to this testimony and thought it strongly pointed up the tremendous problems to agriculture, as well as to the entire Nation, caused by the lack of a workable mechanism for settling labor-management disputes arising in our national transportation system.

I think Secretary Palmby's statement with its documentary evidence of the damage and potential damage to our economic well-being caused by these transportation crises will be interesting and informative to all Senators. I ask unanimous consent that the testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement by Assistant Secretary of Agriculture for International Affairs and Commodity Programs Clarence D. Palmby, September 28, 1971

The U.S. Department of Agriculture strongly supports the proposed Emergency Public Interest Protection Act of 1971 as a reasonable effort to deal with disputes between labor and management which arise in the transportation industries.

America's farmers depend for their very livelihood on our national transportation system, as indeed do all of our industries and consumers. However, our national transportation system is now being critically impaired because we lack a workable mechanism for quickly and equitably settling labor-management disputes. We fully realize that work stoppages are only one part of the transportation crises facing this nation. But we *must* find a better way to deal with labor disputes if we are to have the transportation system that a strong and growing U.S. economy requires.

Most of our people live far away from the farms that produce most of the food and fiber they need. Because we have had good transportation and marketing systems, our farmers are able to produce where soil, climate, and economic conditions are most favorable. The food is then shipped rapidly and efficiently to the great Metropolitan centers where it is needed. If our transportation system is stopped for any length of time, this represents an intolerable threat to the public. It is also an intolerable threat to farmers who may be unable to market their crops.

There is another vital reason for our concern about transportation tie-ups—and this is the effect of transportation stoppages on this nation's balance of payments through our agricultural exports. President Nixon recently told a joint session of this Congress that economic progress in the world has dramatically altered the relationships between the U.S. and other great trading nations, and that "we are now being challenged to protect the value of the dollar and to learn once again to be competitive."

Farmers have long known they must compete and have known how to compete as indicated by the fact that we are the world's largest exporter of farm products. Agricultural exports reached a new high of $7.8 billion last year. And farm exports contributed more than $6 billion to the nation's commercial trade balance last year. Without the favorable ratio of farm exports to imports, our balance of payments would have reached the crisis stage long ago.

But farmers are aware that their competitive position is in jeopardy—through no fault of their own—if they cannot depend on our transportation industries to move their farm products. In world markets, our crops have to compete directly with commodities from other countries . . . and if buyers cannot depend upon getting a dependable quality of U.S. products, they will buy what they need from others.

The present West Coast dock strike offers a prime—if tragic—example of what can happen. While our farmers sit by—helpless to act—they see much of their foreign market going right down the drain. For the months of July and August, an estimated $215 million worth of farm products, which would have moved through West Coast ports, could not be delivered. About $40 million of that amount was in fresh fruits and vegetables—perishable products that cannot wait for a strike to end . . . and 60 percent of that business is lost and will be difficult—if not impossible to regain.

Wheat that would normally be moving to our leading single country customer, Japan, is piling up in elevators and even spoiling on the ground, because it cannot be shipped. The Japanese, who have been trying to diversify their farm product purchasing because of the threat of transportation stoppages from this country, are making other arrangements to buy wheat from Australia and Canada. Our agricultural attache in Tokyo reports the known loss of U.S. agricultural export business with Japan because of the strike totaled $7.7 million for one 2-week period in July.

The West Coast dock strike cannot be viewed as an isolated instance. We've had rail strikes and threatened rail strikes averted only by last-minute Congressional intervention. And right now we face the threat of a strike of Gulf Coast ports—which would be even more of a catastrophe for agriculture. As important as West Coast ports are to U.S. farmers, the Gulf Coast ports are even more vital. Last year nearly half of our agricultural exports were shipped from Gulf Coast ports.

So as we debate this issue today, the combine sickle bars are busily clipping through the fields of Corn Belt and the Plains States, harvesting the biggest crops of grain and soybeans in this Nation's history. Millions of bushels of these commodities are normally destined for export through the Gulf ports. Farmers are counting on these export sales to keep them in business. Elevators and rail and barge lines have carefully planned how to move these tremendous crops to terminal elevators to await the ships which even now may be at sea. In Europe and the Orient, U.S. businessmen are negotiating sales contracts that will bring badly-needed cash flowing into the United States.

The mere threat of the strike has already hurt. Elevators are reluctant to buy the farmer's newly-harvested crops because they don't know when they can ship the commodities, or what kind of market losses and price drops may occur even if they can eventually ship. Foreign buyers are looking for other sources of supply—in case of the strike.

The 115-day strike at Gulf Coast ports two years ago offers a good example of how a transportation strike can hurt—not just the farmers but the entire economy of the nation. When the strike began, our farm exports had been trending up for several years. At the end of 1969, however, our farm export totals were $570 million short of the previous year.

A U.S. Department of Labor task group studying the effect of this strike noted . . "most U.S. (agricultural) exports face competition from nearly identical commodities. Even soybeans, (a leading U.S. agricultural export) face competition from other oilseeds and their products. Inability to make delivery will mean loss of a particular sale, but need not mean permanent loss of the market. However, loss of a particular sale will often make it more difficult to repenetrate the market. For example, millers adjust their grist to the specific type of wheat they are using; once they have shifted from say U.S. wheat to Australian or Argentinian wheat, shifting back involves both costs and inconveniences. Shifting back to soybeans from some other oilseed will involve comparable problems."

Partial estimates of business *lost* by U.S. farmers *during* that strike: *Soybeans:* 10 million bushels of beans and 300,000 short tons of soybean meal—valued at $50 million—lost to fish meal, rapeseed, peanuts, and palm oil. Competitors benefitting were Peru, Argentina, India, Africa, Malaysia, and China. *Feed grains:* 900,000 metric tons, valued at $58 million; France benefitted by 300,000 tons of corn. *Wheat:* 30 million bushels, valued at $50 million, lost to Australia and Argentina. *Meat and Meat Products:* 20 million pounds, representing about $5 million, replaced in part by Argentina. *Rice:* 3 million cwt., worth $29 million, replaced primarily by Thailand. *Cotton:* 200,000 bales, worth $39 million, with Sudan, UAR, Brazil, Peru, and Colombia benefitting.

At this critical time as we try to get our economic house in order, we cannot afford these continuous threats to our transportation system. Dependability is a vital factor in building and holding export markets.

As a nation we must begin to think seriously about the economic cost of not being able to settle our transportation disputes without loss to farmers, to our entire economy and to our nation's competitive position in world markets.

I urge the fullest support of this proposed legislation—now—in the belief that it will help us accomplish the important goals set out recently by President Nixon.

HON. GEORGE BUSH, AMERICAN AMBASSADOR TO THE U.N.

Mr. MATHIAS. Mr. President, on September 19 the Washington Sunday Star published an informative article by William L. Ryan about my old friend, the distinguished American Ambassador to the United Nations and former Representative from Texas, George Bush. I heartily commend this report to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ENVOY

(By William Ryan)

UNITED NATIONS, N.Y.—The way he tackles diplomacy, Ambassador George Bush doesn't really have to be an athlete in top condition. But it helps.

The former Navy flier who will pilot U.S. policy through the U.N. session starting this week finds that a 16-hour working day has become more rule than exception.

Evidently he thrives on it. His enthusiasm for the job seems to have infected his entire staff at the 12-story U.S. mission building across the street from the U.N. complex.

The session opening Tuesday will, among other things, consider the complex question of China's representation. In his first General Assembly appearance as ambassador, Bush has a tough assignment: to champion President Nixon's "two Chinas" policy, which both Red China and the Nationalists on Taiwan reject.

How will it work out? Bush says that if the two-Chinas policy does not succeed, it will not be for lack of trying on his part.

"Some people are saying the United States isn't really trying very hard to keep Taiwan in, but if that's so, nobody's told me about it," he says.

Bush's remarks to an interviewer suggested two outstanding traits: loyalty and irrepressible optimism. He is loyal—some say to a fault—to President Nixon and frequently quotes him in conversation. And his personality is such that pessimism for Bush would seem next to impossible.

George Herbert Walker Bush, 47 years old, is a self-made Texas oil millionaire. He had been transplanted to Texas, however, from New England, and he combines shrewd Yankee humor with Texas affability.

As a Republican congressman from Texas, Bush once was considered a strong possibility for the 1972 Senate race. He still looks to some Republicans like a prospective answer to the Democrats' acquisition of New York's Mayor John Lindsay.

VOTE GETTER

He has the engaging manner of a natural-born vote-getter.

"I sure wish he was a Democrat," a Democratic leader was once heard to murmur wistfully.

President Nixon noted the potential in a bantering way last February when Bush was sworn as ambassador. Nixon recalled how President William McKinley had lost an Ohio race and gone on to become president, "but I'm not suggesting what office you should seek and at what time."

What about political aspirations as of now? Bush grinned.

"In this job I am not a political person. I can't be. You can't indulge in political partisanship in this job. If you asked me could I conjure up a set of facts involved in the elective political process, I would have to admit that, yes, I am still a political animal and keep my interest in elective politics. But there's no time here to think of such things.

"As a cabinet member, of course I keep up with domestic affairs and would be prepared to discuss domestic and international issues. But I am a strong believer in the policies President Nixon is embarked on now in the United Nations, and he is entitled to total advocacy here."

The President gets it; Bush does not spare himself.

The ambassador rises at about 7 and switches to a news program which takes exactly 12 minutes. That's how long Bush stays on his exercycle.

"The exercycle session is boring. Nobody wins, nobody loses, no competition, and I hate every minute of it, but I feel I ought to do it. I don't ever eat much breakfast and I leave my apartment at the Waldorf about 8, to be driven to the mission. I get here every morning about 8:10."

The ambassador's 11th floor office commands a view of the U.N. complex. The walls have photographs of the President, vice president and secretary of state, the U.S. astronauts on the moon and various Bush family scenes. On a table near a window is a bust of Abraham Lincoln, and near the desk is an old globe on a stand, which Bush calls "the antique."

For an informal conversation, Bush abandons his desk and seats himself in an easy chair. Recently back from a stay at a vacation retreat in Maine, he looks tanned and relaxed. But as he talks, the relaxed manner fails to hide the fact that he is a bundle of energy. Glasses pushed back on his head, he pops out of his chair, reaches the desk in a couple of long strides and fishes out his appointment calendar.

"First thing in the morning, my secretary, Mrs. Aleene Smith, brings me the morning's telegrams to read and I have a session with my executive assistant, Tom Lias."

He thumbs the desk calendar and chooses a typical day. It includes the morning staff meeting, appointment after appointment with ambassadors and U.N. officials, luncheon engagement, receptions in the evening, and a formal dinner. Invariably at least one dinner and one reception must be attended. Sometimes two or three diplomatic receptions occur on the same day and he must make all of them. He regards that as devotion "above and beyond the call of duty."

"I try to get to bed by 11:30 if possible, but often my calendar is so filled that I fall behind in my work and have to take it home with me."

He travels frequently to Washington for Cabinet meetings and other chores, to say nothing of speaking engagements around the country. So it helps to be physically fit.

Bush was born June 12, 1924 at Milton, Mass. His father is Prescott S. Bush, an investment banker who served as U.S. senator from Connecticut in 1952–62. His maternal grandfather was George Herbert Walker, donor of the international golf trophy, the Walker Cup.

Bush's family moved to Greenwich, Conn., the year he was born. The ambassador remembers with a trace of awe the imposing figure of his tall and handsome father presiding as moderator over Greenwich's town meeting.

Bush still was in prep school at the time of Pearl Harbor.

On the day he turned 18 he enlisted in the Navy, and before he was 19 had his commission and wings as a Navy pilot. He flew torpedo bombers from a carrier in the Pacific and was shot down off the Bonin Islands. Luckily, he spotted a U.S. submarine and swam for it; "I set a new record for free style."

Bush left the Navy as a junior grade lieutenant in 1945, with a Distinguished Flying Cross and three air medals. He completed his education, emerging from Yale in 1948 as a Phi Beta Kappa with an economics degree. With his bride of 1944, the former Barbara Pierce of Rye, N.Y., he headed for Texas, made Houston his home and entered the oilfield supply business. Eventually he founded Zapata Petroleum Corp., an international drilling contract firm and Zapata Offshore Co.

HOUSE RACES

The "political animal" in him would not be denied. He ran successfully in 1966 and 1968 for Congress from Texas, 7th District. He was critical of rockbound Republican conservatives, feeling that the party should be dynamic and not frightened of change.

"Would you consider yourself a sort of liberal conservative?" he was asked.

"People in Texas used to ask me that in the campaigns," he replied. "Some even called me a right-wing reactionary. I like to think of myself as a pragmatist, but I have learned to defy being labeled. I don't object, particularly, but I feel labels mean different things to different people, and it's impossible to make them objective. What I can say is that I am a strong supporter of the President. If you tell me what he is, I can tell you what I am.

"I exercise some discretion, of course, but I would not exercise any that would conflict with the President's policies. If I did find myself in conflict with them, my conscience would dictate that I get out. If I couldn't support the President's policies with enthusiasm, vigor and energy, then the United States and its President would be underrepresented here."

As ambassador, Bush must entertain extensively at his Waldorf Hotel suite, but the Bushes always have been enthusiastic hosts.

"Barbara likes it," he says. "We like people. We have a feeling of friendship and mutual respect when we deal with the various ambassadors."

In those encounters he likes to keep the atmosphere informal and avoid an atmosphere of "diplomatic stuffiness. There's a place for protocol," he said, "but it can be overdone."

As ambassador, Bush cheerfully admits his lack of a diplomatic background, but feels any critics on that score should withhold judgment until his first U.N. assembly session ends in December. He admits he has changed his mind on some things, including the China question. Seven years ago he was quoted as saying that if Peking ever should be voted into the United Nations the United States should get out.

"That was 1964, a long time ago," he observes. "There's been an awful lot changed since . . . A person who is unwilling to admit that changes have taken place is out of things these days. President Nixon is not being naive in his China policy. He is recognizing the realities of today, not the realities of seven years ago."

Bush approaches his job from the standpoint that his first duty is to his own country.

"If I became an international civil servant, that would be wrong. What is going to make the United Nations stronger is its function as a melting pot for different viewpoints. The United States should be strongly represented and we should try to bring out what's good about our country, be prepared to stand up in behalf of our country whenever necessary."

At the same time he is an eager salesman for the U.N. ideal. He wants to stimulate interest in it around the world, possibly by means of a U.N. session once in a while in another country.

"For example, let's see what happens if a U.N. session is held in a Communist bloc country. Why not let others see what the problems are, what it means? It could revitalize the whole organization. The costs would be high, but if the Olympic games, for instance, can be taken to Tokyo, why not the United Nations to another country?"

MINERS' DELIGHT, ATLANTIC CITY, WYO.

Mr McGEE. Mr. President, the State of Wyoming boasts of many eating establishments of not only outstanding quality but also unique in their setting.

One of these adventures in culinary excellence is the Miners' Delight, located at the site of the ghost town of Atlantic City. Ed Christopherson, in a recent edition of the New York Times, wove a delightful tale of his experiences at this restaurant, which is operated by the Paul Newmans.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT IS IN A GHOST TOWN MILES FROM NOWHERE, BUT WHAT A MEAL

(By Ed Christopherson)

LANDER, WYO.—To get to what may be the most remote dining adventure in the United States, you take a road that climbs through spectacular mountains to an obscure turnoff on the summit, some 30-plus miles south of here.

After an additional plunging three-mile ride over gravel you pass a sign "Entering Shoshone National Forest." Finally you're over a hill and into the old gold mining town, only slightly resurrected, of Atlantic City, Wyo.—the site of the Miners Delight, where for $6.50 (and no questions answered) you can enjoy a meal that's memorable in this steak-and-lobster-tail country.

In this ghost town gulch—whose population is down to 10 persons from an 1870 high of 2,000—the Miners Delight holds forth in the chinked log structure that used to be the Carpenter Hotel.

A QUIETER ENVIRONMENT

The restaurant is run by Paul and Georgina Newman, who a decade ago left careers in New York for the quieter environment of Wyoming. With only the dinner-time help of a neighbor, Rusty Webb, a high school sophomore who helps wait on guests at the ticking-covered tables, they cook, serve and clean up after as many as 36 diners.

"They never know what the hell they're going to eat," Mr. Newman said, with a twinkle of satisfaction as he put down the phone. Reservations are required and he'd just told a curious caller that they hadn't decided what they were going to serve. In a sense this was true.

"If it's a heavy night, we may have to switch from coq au vin to breast of chicken under glass," he explained.

DRINKS BEFORE DINNER

When the diners began to arrive, Gina Newman, petite in a long gown, with her hair drawn back, welcomed them and showed them into the bar. Mr. Newman, looking like a distinguished yacht captain in a blue blazer and a turtle-neck shirt, doubled as bartender and wine steward. Rusty served freshmade guacamole with corn chips to go along with the drinks.

Cows grazed in the twilight outside as the guests moved leisurely into the dining room. They were served manicotti, salad with special roquefort dressing, supremes de volaille sous la clóche and parfait for dessert.

The Miners Delight is open Wednesday through Sunday evenings, and the menu, which changes daily, includes blanquette de veau, tournedos with bernaise, rock cornish hen under glass, shrimp Stevenson, etc.

"As long as it's creative we enjoy it," Mrs. Newman remarked. Their only compromise with local dining prejudice is a reluctance to serve lamb, of which the Newmans are personally fond.

In the nineteen-fifties, the Newmans—regulars at "21," etc. were participants in the New York scene, with an apartment at 47 East 61st Street. Mr. Newman was an executive vice president at the Kudner agency, working on General Motors accounts, and his wife was executive editor of Living for Young Homemakers.

The Newmans first visited the town in 1958, when, at the suggestion of a doctor friend, they headed out for a fishing vacation at the Carpenter Hotel.

Miss Ellen Carpenter, then in her 70's, greeted the stylishly-garbed New York magazine editor with, "You can sleep in Cabin No. 1. The broom's here, the mop's there and the bucket's in the meat house."

Miss Ellen got the meals but the guests did the dishes. "During that month I wore out three pairs of rubber gloves," Mrs. Newman recalled.

Jim Carpenter, a prospector and the proprietor of the hotel, spent the month fishing with them—not as a guide, but because he liked to fish.

In the early nineteen-sixties high blood pressure forced Mr. Newman to take a year off. After six months in Mexico, they gravitated to Lander where Paul told Gina, "I'm not ever going back, I'm not going to die on Madison Avenue." Mrs. Newman said she "got passing-out drunk" over his decision and stayed in bed for two days. When he again said he meant it, Mrs. Newman had an answer ready: "I want to buy the Carpenter Hotel," she insisted.

"That's why we're here and not in the Virgin Islands," Mr. Newman said.

"After a couple of years we decided to try to make some economic sense out of it, and began planning a gourmet dining room," he continued.

"I didn't marry any man to be a cook," Mrs. Newman said. "But in New York we were like ships that passed at LaGuardia, and to fill the time while Paul was in Detroit, I enrolled in James Beard's Cooking School. Paul would come along when he was in town. Later we went to Dione Lucas's New York cooking school, too."

ENROLLED IN SCHOOL

One summer Mr. Newman took a six-week sauce course at the Sorbonne while his wife worked on a French chalet story for her magazine.

"When we told people we weren't going to serve steaks, they said we wouldn't make it," Mr. Newman said. "We're the highest-priced restaurant in the area. We don't give a choice of menu. The nearest customer is 35 miles away.

"But during the winter, when we're closed, they must get tired of steaks. Because on May 1, when we open for the year—if the roads are clear—there's a real rush of people. This May our business quadrupled."

The Newmans work at an easy pace in the hotel's remodeled kitchen. They cook on a standard kitchen electric range and a coal-burning stove. In the remoteness of their scene they have trouble getting supplies but finally have gotten Safeways in Lander to stock things like ricotta cheese and other special items.

"We're somewhat at the mercy of the meat and the ingredients," Mr. Newman said. "But we have the advantage of having eaten well and knowing good food. Maybe sometimes we burn the butter, but we know what we're trying for."

CRIED EVERY OTHER DAY

At first Mrs. Newman said she felt isolated in Wyoming. "I cried every other day for two years," she said. "When we went back to New York for the first time in four years and heard Beverly Sills we came back and there was nobody who even knew who she was. But now we keep getting interesting people from all over and I love it and Paul feels well."

Winters we're ski bums," she continued. "Paul cheffed for two winters at Park City [Utah], and one season at Aspen. Last snow season we spent at Steamboat Springs. This year, after we close at Christmas, Paul's thinking of taking the cordon bleu course in Paris."

RACE REALINEMENT BY BUSING

Mr. BROCK. Mr. President, does each of us recall the sense of pride we experienced in high school when we earned a spot as a class officer, a position on a top-flight athletic team, or as a member of an award winning band? Can we imagine what a really traumatic experience it would represent to be told that after all our efforts the prize would not be ours to enjoy—because some court decided there were too many of our race in the school, and thus we had to be transferred?

One such case is graphically narrated in the story from the Nashville Banner headed "Busing Realines Young Musicians." I ask unanimous consent that the article be printed in the Record. It merits our attention.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Nashville Banner, Sept. 22, 1971]

Busing Realines Young Musicians

(By George Ene)

The extensive busing of Metro students has silenced four high school bands and scattered dozens of young musicians who were rezoned under the court-ordered directive.

Phased out because of the busing plan were bands from Cameron, Central, Cumberland and Isaac Litton.

Two other bands, Donelson and Two Rivers, were broken up as a direct result of the opening of the new McGavock Comprehensive High School.

Principals said most band members and cheerleaders reassigned to their schools were absorbed into their groups.

Of the 17 high school bands in Metro Nashville, the new McGavock marching unit is largest—150 strong. Hume-Fogg is the only school which does not have a band because it lacks facilities.

"We will be marching approximately 150 bandsmen in the beginning," said James Meely, principal of McGavock South—one of the four principals at the ultra modern educational plant in Donelson. "Before next year, it will be close to 200."

SCHOOL COLORS

The school colors—red, white and blue—were selected this summer by a student advisory committee made up of juniors, according to Chester LaFever, executive principal at McGavock.

"The students are going to vote on a name," LaFever explained.

Meely said the bulk of McGavock's bandsmen came from Donelson, Two Rivers and Cameron high schools—a few from Antioch and Glencliff.

"In choosing cheerleaders, we appointed three and one alternate from each school," Meely said. "Priority was given to seniors, and in the case of Two Rivers, we had to drop down and pick up a junior. All these students were cheerleaders last year."

At Hillsboro High, Principal N. Taylor Hagan said he picked up a number of band members from Cameron and Central.

"We are going to have about 74 members in the marching band this year," Hagan said. "Last year, we had about 60 in the band."

One cheerleader, who was elected co-captain at Cameron, has been added to the Hillsboro corps.

SCHEDULE PROBLEMS

"The real hangup here is that we are not able to get all the members in the band together at the same time because of our five-period schedule," Hagan explained. "But we are doing our best and it's working out well. We think we are going to have a good group."

Another problem at Hillsboro is band uniforms—most are worn out.

"We don't have enough of the right sizes and we are trying to make some other arrangements for uniforms," Hagan said. "We are thinking along two lines—altering the basic uniform so that we can have everyone alike, and attempting to find some other uniforms nearly like ours so they will blend in with the rest of them."

East High did not lose any band members or cheerleaders to other schools, in fact it picked up several musicians who Assistant Principal Hillary Martin says "are learning the marching routines and are expected to be incorporated into the band, depending on their musical ability."

TWO BANDS AT EAST

There are two bands at East—the 80-member marching unit (No. 1 band) and the primary band, made up of about 25 ninth and 10th graders, in addition to a few others who transferred from other schools.

"We picked up one cheerleader from Maplewood," Martin said. "Another student from Maplewood also was offered a spot on the cheerleading squad. She came to school and talked with me, but she has not reported for classes."

Five to eight Hillwood bandsmen are now tooting their horns in the 80-member Bellevue High marching band, according to Principal Buford Moran.

"We had approximately 64 last year," Moran said. "I don't believe we picked up any cheerleaders. We have nine."

The Joelton High band and cheerleaders, who were not affected by the busing order, are "in pretty good shape."

That's the word from Principal Doyle Smith, who said "the band and cheerleaders are about the same as last year."

DUPONT HIGH

Dupont High is in the same boat with Joelton—no crosstown busing, but its band this year is a little smaller because the ninth grade was phased out.

Principal Buford Jewell said the school has seven cheerleaders this year and about 64 musicians in the band.

The North High band expects to have 60 to 70 members this year, compared with about 50 last year.

"We received several bandsmen from Litton and Cumberland," Principal Riley Elliott said. "But we lost a good number of students to other schools. I'm sure this also includes a good number of bandsmen rezoned primarily to Maplewood, Glencliff and Stratford."

Elliott said North also picked up a couple of cheerleaders who were at Cumberland last year.

About 36 bandsmen from phased out Isaac Litton and a few musicians rezoned from North are now playing in the 80 to 85-member Stratford High band, according to Principal G. Bruce Sartor.

"Our band is a little smaller this year," Sartor said. "We lost a lot of kids who would have been in the ninth grade."

CHEERLEADERS

Five of Stratford's 12 cheerleaders were reassigned from Litton.

"If they were zoned to us, they are cheering," Sartor explained. "We opened up everything to them. If a student was in a position of leadership elsewhere, we honored it.

Goodlettsville High lost about 150 students to allow more room for the remaining students, but in the shift it lost 20 to 25 bandsmen to Madison and a few to Maplewood, Principal James Barrick said.

"The president of our student body was rezoned to Madison," Barrick said. "I understand he was given an opportunity to serve on the student council."

One cheerleader also was rezoned to Madison.

Goodlettsville had around 90 students in its band last year. This year it will have 65 to 70.

SENATOR DOLE REASSURES FAMILIES OF WAR PRISONERS

Mr. HANSEN. Mr. President, all of us this week, I am sure, were visited by some members of the families of those stouthearted American men who are held prisoner under inhumane conditions by the Communist forces in Southeast Asia.

I was honored by the visit of Mrs. Theodore Gostas, of Sheridan, Wyo., who has been a leader in my State and in the Nation of the very steadfast movement to achieve the release of these men, and to secure humane treatment for them while they remain captives. Major Gostas, her husband, has been a prisoner for too many years. Mrs. Gostas, with her great courage and faith, is typical of the heroic wives and mothers of the American men known to be prisoners or missing in action.

The distinguished Senator from Kansas (Mr. Dole) had the honor on Monday to address this great group of Americans, the families of those captive or missing. His words were consoling to these people, and he emphasized that President Nixon "has unequivocally stated a number of times that American forces will remain in South Vietnam until our men have been released."

Mr. President, I ask unanimous consent that the text of Senator Dole's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS TO THE FAMILIES OF THE POW'S AND MIA'S

I appreciate what an ordeal you have been through, an ordeal which continues and whose end cannot be foreseen.

You have gone through a long period of agony, not the least of whose torments has been the uncertainty of what has happened to your loved ones, to say nothing of what might happen to them in the future.

The North Vietnamese acceded to the Geneva convention in 1957. This convention, as you know, was designed to assure humane treatment for prisoners of war. The Communists have cynically flouted this convention and, in so doing, have acted as if they actually enjoyed doing so.

Not only that. The enemy has behaved toward you almost as cynically and cruelly as toward the prisoners. Recent events, I think, have demonstrated conclusively that the Communists never had any intention of releasing their captives without a complete and speedy surrender by the United States in Vietnam. Hanoi demands such an abject capitulation by the United States that, in my opinion, many of those now called for an end to the war would immediately reverse their positions and criticize the terms of surrender. Moreover, this surrender could be the prelude for the butchery of the Vietnamese and others in Laos and Cambodia who have opposed the North Vietnamese and their designs. This butchery could end up with millions dead and the blood bath would take its place in history with those carried out by Hitler and Stalin.

NEVER INTENDING TO AGREE

What are the facts? The Communists have played the familiar cat and mouse game with you and, finally, convinced that the United States will not surrender in Vietnam, have made it brutally plain that they never had any intention of agreeing to any reasonable plan for release of your kinsmen.

Furthermore, they have misled prominent and sincere Americans with hints that they would be flexible on the prisoner of war issue and would compromise on their seven points for the settlement of the Vietnam war, a document which not only called for the United States to capitulate but to grovel before the enemy.

For example, Senator George McGovern of South Dakota, told reporters in Paris on September 11 that he had been assured by top Communist negotiators in Paris that the enemy *would agree* to separate the question of U.S. troop withdrawal from the political future of South Vietnam, including their demand for the cessation of support for South Vietnamese President Thieu. He made his statement after what he said were six intensive hours of conversation with Xuan Thuy, the top Hanoi negotiator, and Dinh Ba Tri, deputy Vietcong delegation chief. McGovern also said that his informants had said that the Communists would not insist on cessation of American financial aid for the Saigon government, or arms shipments to it, as a condition for freeing our prisoners.

COMMUNIST DOMINATION

As if deliberately to refute and embarrass Senator McGovern, who relied on what the Communist spokesmen had told him, the Hanoi delegation in Paris on *September 16,* stated that it stood by all seven of the points in its so-called peace proposal of July 1, 1971. The statement continued that the *two most* important of the seven points were *withdrawal* of all U.S. troops and allied troops in 1971 and the *dismantling of U.S. Military bases.* The withdrawal, the Communists said, must include advisers and technical personnel. The other point stressed that President Thieu must be thrown out of office and a Government set up which, in effect, would have North Vietnamese approval—meaning a Communist dominated regime.

HANOI TOUGHENS TERMS

In the Washington Post, Jonathan C. Randal said under a Paris dateline of September 16 that the Hanoi negotiators had toughened their peace terms, adding:

Nguyen Thanh Le, Hanoi's press spokesman at the stalemated peace talks drove home the change by insisting the Vietcong's seven point peace program 'forms a whole' and that it was 'indispensable to reach agreement on the whole' package program.

More optimistic impressions voiced by Senator George McGovern (D.-S.D.) and a hitherto unquestioned statement by Le Duc Tho, a Hanoi Politburo member, were left in shreds.

Furthermore, the Hanoi delegation in Paris left in "shreds" their propaganda campaign which has led many of you to believe that fixing a date for the withdrawal of American troops from South Vietnam in 1971 would bring your loved ones home quickly.

Let me say here and now that the history of our negotiations with North Vietnam proves that only the Communist belief that they cannot win the war will bring the release of the American prisoners of war. The alternative is acceptance of the seven points, which means complete surrender. Even this might not bring your husbands, fathers and brothers home, for the seven points and their meaning could be argued about for months and even years after the Communists had achieved their objective of conquering South Vietnam following a surrender without precedent in all American history.

HANOI PROPAGANDA MISLEADING

Hanoi's propaganda on the prisoner of war issue has been skillful and sustained and has fooled, as I have stated, many Americans who want peace and the release of the men held in Communist prison camps. Clark M. Clifford, Secretary of Defense under Lyndon Johnson said on July 11, 1971, that *he had reason to believe* that all this country had to do to get the prisoners back was to set a date for the withdrawal of our military forces from Indochina. *He did not* name the persons with whom he talked. However, all indications were that his information came from North Vietnamese spokesmen in whom he had confidence. The Clifford proposal was supported by Averell Harriman, a most distinguished American, who was the American chief negotiator in Paris during the early peace negotiations with Hanoi.

A few days earlier, an experienced New York Times correspondent, Anthony Lewis, wrote under a Paris dateline that a "high ranking North Vietnamese leader (Le Duc Tho, Hanoi member of the Politburo) says that the new Communist offer to return American prisoners of war if American forces are withdrawn by the end of 1971 *is not dependent* on a political settlement in South Vietnam". This was the statement which *Mr. Randal* had referred to in the article I have quoted in part.

I do not mention Mr. Clifford, Mr. Harriman and Mr. Lewis for the purpose of embarrassing them. Many others as well known and who are earnestly trying to find a way to free the prisoners believed the North Vietnamese propaganda.

The outcry for the release of the prisoners in return for fixing a withdrawal date for American forces rose in volume after President Nixon said that a residual force would be maintained in Vietnam as long as American soldiers were imprisoned by the Communists. I do not wonder that some of the anxious families were deceived into thinking that this country, since it is steadily withdrawing troops from Vietnam, should fix a date for getting our men out altogether so that their loved ones could come home.

Now, however, the pretense that the prisoners of war would be sent home if only we would set a date this year for troop withdrawal has been completely abandoned.

As I indicated, the Communist delegation in Paris almost immediately acted as if deliberately seeking to discredit Senator McGovern and others who have been led to believe that release of your husbands, fathers and brothers, could be affected by simply tying it to the return of all American troops.

PRISONERS USED AS PAWNS

In other words, the Communists have duped Americans who believed their propaganda about their American captives. They have used our prisoners as pawns.

I will not go into details about the convention which provides, among other things, that representatives of the International Committee of the Red Cross or other neutral intermediaries, may inspect the prison camps to see how the captives are being treated. They have made a mockery of every article of the Convention which provides for humane treatment of prisoners of war. Moreover, our men have been denied mail privileges, gifts sent to them at Christmas have been returned, and in 1966, North Vietnam paraded captured American servicemen through the streets of Hanoi, announcing that it intended to try them as war criminals. The resultant world furore apparently changed their minds about the trials. The list of crimes perpetrated against the POW's does not end with those I have mentioned but is lengthy and extremely depressing.

Most of the news which the United States has had about the POW's comes from a vehement antiwar group in New York, among whose leaders are the activists David Dellenger and Mrs. Cora Weiss. Ostensibly, this group has been established as a liaison committee with the American prisoners. In reality, it exists as a vehicle for Hanoi propaganda and it supports, almost without deviation, the Communist line in Vietnam.

COMMUNISTS USE PRISONERS FOR POLITICAL ADVANTAGE

This group has given out the names of some 475 men which it says are prisoners. But over 1500 Americans are either prisoners of war or are missing in action. If the Weiss-Dellenger Committee has a pipeline into Hanoi, why are we not told something about the men unaccounted for. Once again, it seems clearly evident that the Communists are interested in the prisoners only to gain some political advantage from them. We are dealing with an enemy which has no consideration whatever for American prisoners as human beings. Nor do they have any consideration for your feelings, save to try to take advantage of your agony and suffering.

POW/MIA ISSUE GIVEN PRIORITY ATTENTION

As I am sure you already know, the President has indicated many times in his public statements that the POW/MIA issue will be given top priority attention by his Administration and settled separately from the political questions. He believes this is in the best interest of our men.

Toward that end, we and the Republic of Vietnam have often proposed to the Communist side the reciprocal release of prisoners of war held by both sides. In their statements of October 7 and December 10, 1970, the President, Ambassador Bruce and South Vietnam's delegate in the Paris meetings proposed the release of all North Vietnamese prisoners of war held outside South Vietnam. Hanoi's leaders and the other Communist authorities in Indochina have rejected all such offers.

In addition, the Republic of Vietnam has, with our support, on a number of occasions released prisoners of war. We deeply regret that North Vietnam has not responded to these prisoner releases.

URGE NORTH VIETNAM TO COMPLY WITH GENEVA CONVENTION

The United States has appealed privately and publicly to not only signatories of the Geneva Convention on prisoner treatment, but to all member countries of the United Nations in order to force the North Vietnamese to comply with the Convention. Statements containing paragraphs excerpted from the Convention have been made by Administration spokesmen at the U.N. General Assembly, and resolutions have been adopted by the United Nations and by the U.S. Congress. These resolutions call upon all parties to any armed conflict to comply with the terms of the 1949 Geneva Convention.

We have constantly emphasized that the North Vietnamese should, at a minimum, permit international inspection of the POW camps in North Vietnam, furnish a complete listing of all the POWs now held in North Vietnam, and permit regular communication between the POWs and their families.

While our efforts have been generally unsuccessful in forcing North Vietnam compliance with the Convention, we have effectively prevented the North Vietnamese from trying U.S. POWs as war criminals. We have also observed that the North Vietnamese in the face of an international outpouring of humanitarian concern, have gone to some length to project the image that the POWs are receiving adequate care. These are small but positive interim contributions to the welfare of our POWs.

PRESIDENT NIXON SEEKS FREEDOM FOR OUR MEN

Other indications of the extent of the Administration's concern can be found in the special missions of Frank Borman and Postmaster General Blount and the dramatic rescue mission at Son Tay. Finally, the President's statement of support for South Vietnam's proposal that the POWs be interned in a neutral country is just one more example of how President Nixon intends to leave no stone unturned in seeking freedom for our men.

President Nixon believes that the present policy of withdrawl of U.S. forces steadily and by orderly states, as the South Vietnamese are strengthened, keeps an incentive for Hanoi to negotiate a political settlement and/or an early prisoner release. The President believes this policy is in our best national interests and the surest way to bring about an honorable peace for the peoples of Indochina, as well as the surest way to get our men back. I don't have to remind you that he has unequivocally stated a number of times that American forces will remain in South Vietnam until our men have been released.

A TRIBUTE TO THE NATIONAL LEAGUE OF FAMILIES OF PRISONERS OF WAR AND MISSING IN ACTION

Mr. BROCK. Mr. President, it has been my privilege to work with the families of our servicemen missing in action or known prisoners of war in both legislative bodies of Congress in their efforts to influence the North Vietnamese and others holding these men to abide by the Geneva Convention on the treatment of war prisoners.

I have the highest admiration for the courage, faith, and love of country which sustains them in this continuing ordeal. This knowledge of the bravery of wives and children, and mothers and fathers, prompts my gratitude that the President of the United States chose to make a personal visit to the dinner meeting of the National League of Families of Prisoners of War and Missing in Action to reassure them that their Government is tireless in its efforts on behalf of their loved ones even though those efforts have been rendered fruitless by a ruthless enemy. I ask unanimous consent that the President's remarks by printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE ANNUAL MEETING OF THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

Mrs. North, Mr. Secretary, all of the distinguished guests who are at the head table and all of those who are in this audience:

I have spoken in this room many times over the past, believe it or not, 24 years, starting as a Congressman. I can assure all of you that this brief remark that I will now address to you is spoken more from the heart, I think, than anything I have ever said before.

The Secretary of Defense—and I have had an opportunity to read his remarks and endorse them—will address you later. He will tell you what we have been doing, what we are doing, what we hope to do with regard to the great objective in which all of you and all of us are interested, and that is obtaining the release of all of our POW's and missing in action wherever they may be in Southeast Asia.

But I wish to underline what the Secretary will tell you by indicating the personal commitment of the President of the United States. As you can imagine, whoever holds the office of the Presidency cannot take upon himself all of the various assignments that come across his desk. Much must be delegated.

I want each and everyone of you to know, however, that from the time in the White House Library, at Christmas time, 1969, I met a group of wives and one mother of some POW's and missing in action, from that time, as the Secretary of Defense can tell you, and the Secretary of State can tell you, I have considered the problem of obtaining the release of our POW's and missing in action as being one that has Presidential priority.

I can assure you that every negotiating channel—and now I say something here that I am sure all of you will understand—including many private channels that have not yet been disclosed, have been pursued, are being pursued and will be pursued.

I can assure you that with regard to this problem, that whenever any matter comes to the attention of the Secretary of Defense, or the Secretary of State, from a Senator or Congressman or the rest, it is brought to my desk and we run out the lead, whatever it may be.

You know the tragedy we have found so often—hopes are raised and then dashed, because we are dealing here with a savage enemy, one who has no concern for humanitarian ideals.

But on the other hand, we believe that it is essential to check every possible lead; we don't care where it comes from. We are doing that.

I have personally ordered that and we will continue to do so, and I believe that we will eventually succeed in our goal. That is my commitment that I make to all of you.

Now, I have delayed your dinner too long, but I would like to add one other rather personal note. Many times when I travel around the country, people—particularly young people in school—will say, "You know, Mr. President, that must be a terribly awesome responsibility to serve as President of the United States." And people sometimes feel that all of the great burdens of the world are on the shoulders of the President and that the responsibilities are indeed awesome. I would be less than candid if I were not to say that the responsibilities are heavy.

But let me tell you something: Any day that I sometimes feel that it has been a rather hard day and that I have had to make some real tough decisions, and I haven't had very much support, and any time I begin to feel a bit sorry for myself, I think back to that day just before Christmas in 1969.

I think of airports where children have come up and said, "My daddy is missing in action." I think of the wives who I have seen and the mothers and the rest. I think of their courage and what they have done and what they have given for their country, and then I realize my job isn't all that hard.

I am just so proud of how great you have been and I am not going to let you down.

FORCED BUSING OF CHILDREN

Mr. BAKER. Mr. President, on September 22 my colleague from Tennessee (Mr. BROCK) and I, accompanied by the mayors of Memphis, Nashville, and Chattanooga, spent 2 hours with Attorney General Mitchell and Secretary of Health, Education, and Welfare Richardson for the purpose of discussing the very serious problems posed in the State of Tennessee by court-ordered school desegregation plans requiring large-scale forced busing of schoolchildren. The discussion was frank and useful.

Among the various remedies to the situation that were discussed at the meeting was the alternative of intervention by the Justice Department in one or more school desegregation cases with the hope that the Supreme Court might be persuaded through a forceful presentation of logic and the law that the busing of schoolchildren for the purpose of achieving an artificial racial balance is not, in fact, required by the 14th amendment to the Constitution.

I was heartened to learn yesterday that the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN), has also met with the Attorney General to urge his Department's intervention. The problems raised by forced busing are by no means limited to the southern region of this country, and the opponents of forced busing are by no means segregationists or reactionaries. I know of few men who have taken so enlightened and progressive a role in the field of civil rights for all Americans as has the distinguished junior Senator from Michigan. His record shows that. But forced busing is not an issue of civil rights, as we have known that term.

Busing is a national problem of major proportions and one that is likely to grow rather than diminish in the months and years ahead, unless the Federal judiciary is able to clarify what is now a situation characterized only by bitterness and confusion. I am grateful to Senator GRIFFIN for his contribution to the national debate on school busing. I ask unanimous consent that Senator GRIFFIN's September 24 statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT

DETROIT, MICH.—U.S. Senator Robert P. Griffin today issued the following statement:

Most parents, black and white, want quality *and* equality in educational opportunity for their children.

Those goals can eventually be reached if we make sure that job opportunities are really equal; that housing opportunities are really equal; and if we reform the system of financing education so that the quality of education available to children of poorer families is raised to the level of education available to the wealthy.

As one who wants to make more and more progress toward racial equality and an integrated society, I am deeply concerned that forced busing solely for the purpose of achieving racial balance is counter-productive. Instead of helping in the effort to promote better race relations, it is resulting in more bitterness and more polarization. Unfortunately, forced busing is greatly accelerating the flight to the suburbs and beyond.

Along with President Nixon and Senator Muskie, I don't like forced busing. And that is the position of the overwhelming majority of the people, black and white.

I don't believe I have to say that I am, and have been, for equal rights and against discrimination. During my 15 years in Congress I've had the opportunity to support and vote for every civil rights bill that has become law since Reconstruction days following the Civil War.

I also believe the laws of the land must be enforced—even those we do not like—and court orders must be observed, including those that are being appealed. I deplore the criminal acts of the few who resort to violence and take the law into their own hands. They should be swiftly prosecuted.

I know that most people are willing to obey the law—even laws they don't like. But in fairness it is essential that they know exactly what the law requires.

Recently Chief Justice Burger indicated that some district courts are going beyond constitutional requirements in ordering forced busing. The position of the President of the United States is at odds with what seems to be the position of the Court.

Needless to say, there is too much confusion at present, and it is important to have clarification as soon as possible.

There are a number of suits involving forced busing which are on their way to the Supreme Court right now. At present, the Justice Department is not a party to these suits.

For example, I refer to suits affecting Pontiac, Michigan and Nashville, Tennessee.

Yesterday I met with Attorney General Mitchell. I suggested and urged that the Justice Department intervene in these cases and perhaps others. Because the public is so important, I do not believe the Justice Department should remain on the sidelines and leave the arguments to counsel for private parties. Such a move makes sense, particularly since the Administration already has a position which has been spelled out by the President.

While I would hope that forced busing could be kept to a minimum, I want to reiterate a position I took in 1967. I would not favor a cut-off of federal funds for voluntary busing.

The magnet school program in the City of Detroit is a good example of how busing can be an important part of a voluntary program to improve the quality of education.

Back in 1967, Senator Dirksen offered an amendment which read as follows:

"No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance."

I offered an amendment to his amendment which read as follows:

"Following the word 'imbalance' and before the period at the end of the amendment, insert the following: 'unless such use is in accordance with a policy formally and freely made by the affected State or by the affected local educational agency without the exercise of direction, supervision or control with respect thereto by any Department, agency or officer of the United States.' "

I disagreed with Senator Dirksen at that time because he wanted to cut off federal funds for *voluntary* busing as well as forced busing.

HEALTH CARE COSTS AND PHYSICIANS' INCOME

Mr. KENNEDY. Mr. President, on September 13, the New York Times published two significant articles concerning the soaring cost of medical care in this country.

The first article, a major analysis by Richard Lyons, entitled "Dilemma in Health Care: Rising Cost and Demand," computes the increases in health care charges over the years in a variety of categories, and discusses some of the possible reasons behind the increases. In today's inflated economy, the increasing cost of good medical care is a problem of serious proportions. The reasons cited by Mr. Lyons range from inflation and our larger population to modernization of medical techniques, high drug costs, and the spiraling medical fee-insurance rate syndrome. Though some hospitals and private physicians have practiced time and money saving techniques, it is obvious that we have a long way to go before we achieve maximum quality health care at a reasonable cost to the consumer.

The second article, entitled "Doctors' Median Income—$40,550—Spurs Fee Debate," written by Nancy Hicks, contrasts the average yearly earnings of a physician in America to that of professionals in other fields. The article states, among other things:

> Doctors are the highest paid workers in the country, even when salaries are adjusted for business expenses, hours of work, and delayed earning power.

In spite of the fact that the consumer equates high fees with better service, we are still faced with the difficult problem of obtaining quality health care delivery and health maintenance for people of lower income levels, and it remains an ever-worsening dilemma.

Mr. President, because of the growing public interest in the problems of health care in America, I believe that these two articles would contribute to better knowledge and understanding of these problems. I therefore ask unanimous consent that they be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DILEMMA IN HEALTH CARE: RISING COST AND DEMAND

(By Richard D. Lyons)

WASHINGTON, September 12.—A decade ago, one medical group in Manhattan charged $35 for a basic physical checkup; today it charges $65. In those same years the going rate for an appendectomy in New York rose from $485 to $1,175 and the cost of an average hospital stay, for the nation as a whole, rose from $265 to $785.

Indeed, Americans are spending money on health care as if there were no tomorrow.

And while almost everyone is complaining about spiraling health care costs, most of the same people—rich and middle class as well as poor, insurers and providers as well as consumers—are also demanding more and better health care no matter what it costs.

The statistics for medical costs, at a time when accumulated inflation has swollen most economic indicators, are staggering. This year Americans—through their own pocketbooks, their Federal, state and local governments, and their health insurance companies—will spend almost $80-billion for such things as 15 million operations, two billion prescriptions and the salaries of the five million people who provide health care.

One conservative Federal estimate sets the nation's total health bill by 1980 at $156-billion, which would be 8 per cent of the gross national product and over five times the peak annual cost of the Vietnam war.

"I think medical care is going to be the Vietnam of the nineteen-seventies—billions and billions of dollars going into a quagmire," says Dr. Frederic Bass, a health planner at the University of Pennsylvania.

In this era of inflation, no other item on the Consumer Price Index has risen so fast over the last decade as health costs. In the last four years alone, they have climbed 30 per cent.

Hospital rates have risen five-fold. Today they are hovering at about $100 a day, an unthinkable sum a decade ago. But a decade from now, according to some projections, hospitals may be charging $1,000 a day. At one Boston hospital, a bed in the intensive care unit for respiratory diseases now costs $425.75 a day.

Such statistics provide only a partial picture, however. Behind them there is a long period of dramatic progress in medical technology and, along with it, an unquantifiable but almost tangible rise in public expectations. And at the conjunction of all these factors are two fundamental questions:

If, theoretically, good health care is now possible for everyone, then how can the nation rationally allow anyone to go without it? But if, practically, the cost of good health care continues to rise so steeply, then how can the nation maintain even its present standards for long without going bankrupt?

Personal "horror stories" of the financial and emotional costs of illness are seemingly endless: A New York couple is financially ruined by the medical costs of a son paralyzed by a football injury; an elderly black couple in Mississippi spend one-third of their meager Social Security check on medicine; a Californian undergoes a kidney transplant to save his life, yet does not have the funds to buy the drugs to keep it viable.

Ranging from Robert Ball, the director of the Social Security Administration, to Paul Stark, the head of a defunct Federal health center in Prestonburg, Ky., many medical administrators feel that the country is either spending too much money on health care or is not getting its money's worth.

The reasons for this surge in spending include:

Inflation, which accounts for half the recent rise in health costs.

More Americans, 20 million more in the last 10 years.

Medicare and Medicaid, which accelerated the demand for services and helped to drive up their prices.

A philosophical shift to the new general opinion that health care is a right of every American, not just a privilege of birth or money.

More sophisticated medical techniques, such as open-heart surgery, that lead to better medical care but at greater cost.

Unionization of hospital workers, which gives higher salaries and more costly fringe benefits to a group that has been among the lowest paid in the nation for decades.

There are other reasons, but they are much harder to document with numbers. Critics of the national health care system—many call it a nonsystem—say it has and is creating vast inequities. For example, in New York City it is at times almost impossible to find a hospital bed, but half the beds in San Francisco hospitals are empty and more hospitals are opening there.

The critics hold that there are vast inefficiencies in the prescription of drugs, the payment for health insurance and the services provided by both hospitals and doctors. For example, a favorite remark of Senator Edward M. Kennedy, the Massachusetts Democrat who is the chief Congressional critic of the health care system, is that there are more neurosurgeons in his home state than there are in the British Isles, which have 10 times the population.

Another trouble is that the flood of new money into health care has not been matched by an increase in efficiency. In fact, it seems to have acted in reverse in some permutation of Parkinson's law.

"It costs more and more all the time to stand still," says John G. Veneman, Under Secretary of Health, Education and Welfare. Mr. Veneman and other Nixon Administration officials were appalled by health costs when they took office, but Federal expenses have continued to shoot up despite their efforts.

Where does all the money go? Principally to hospitals, doctors, drugs, medical appliances, nursing homes and, as overhead, to the health insurance companies such as Blue Cross and Blue Shield that spread the risk of becoming ill.

Portions of the health care pie are divided roughly this way: 40 per cent for hospital care; 20 per cent for doctors' services; 10 per cent for drugs; 6 per cent for dentists' services, and 4 per cent for nursing home expenses. The remaining 20 per cent is divided among such items as medical research, construction of facilities, and administration.

Nearly every critic of the health care system believes Americans are spending too much money on drugs. Dr. Henry E. Simmons, chief drug officer of the Food and Drug Administration, estimates that "Americans spend half a million dollars a year on drugs for which there is no valid proof of efficacy."

Just recently the F.D.A. succeeded in removing from public sale a drug named Panalba after a legal battle that ran on for years. During that time consumers were spending $30 million a year on the product, even though Federal judges as well as Federal scientists had found it to be ineffective.

HIGH DRUG PROFITS

While drug prices have not risen dramatically, the pharmaceutical industry reaps the highest profits in terms of return on investment—20 per cent—of any large segment of American industry. Congressional investigations have revealed huge profits in some specific drugs—of over 1,000 per cent in isolated cases—yet drug companies have successfully turned back most attempts to reduce prices.

Another factor is doctors' fees. "You can't reform the health care system unless you delve into the pocketbooks of doctors," says Dr. Robert D. Eilers, director of the Leonard Davis Institute of Health Economics. He notes that one medical group recently hired a surgeon for a salary of $85,000 a year "plus bonuses."

Doctors, the most highly paid professionals in the country, earn a median income of $40,550 a year—after expenses but before taxes—according to one calculation. Only 1 per cent of Americans earn as much as this. Federal economists estimate that doctor's fees are almost 70 per cent higher than they were in the late nineteen-fifties, a rise almost double that of the Consumer Price Index.

Yet doctors have their own economic problem. Premium rates for medical malpractice insurance, for example, have been soaring. One New York surgeon said he paid an annual premium of $50 when he started practice in 1950. He expects that next year's premium will be $5,050, a hundred times as much. This expense he passes along to the consumer in the form of higher fees.

HAVE TO PUT THE CRUNCH ON

Despite all the complaints about drug costs and doctors' fees, most of the grumbling over the rise in health costs has been directed at hospitals. For hospitals have been getting the lion's share of health expenses.

The most common criticism has been that the hospitals have never had the incentives needed for them to effect economies. In addition, most hospitals are controlled by doctors who are unfamiliar with the modern management practices that might curb costs.

"Hospitals are the problems, but Blue Cross hasn't pushed them hard enough," says Dr. Herbert S. Denenberg, the new Pennsylvania insurance commissioner. "You have to put the crunch on someone if you're going to control medical costs."

In a rare effort to force economies, the insurance commissioner rejected a $73-million premium rate increase request from Blue Cross of Greater Philadelphia, which has been awarded an annual increase for the last quarter century. He wants to retain Blue Cross, but force it in turn to force hospitals to effect economies.

Dr. Denenberg, one of the new breed of reformers in the health care field and a friend of Ralph Nader, the consumer advocate, also accuses the other private insurance companies of "just shoveling money back and forth—they have not paid attention to cost and quality controls."

The Pennsylvanian is one of 20 new state insurance commissioners who have taken office in the last year. Many of them are determined to force economies in health costs. Others include Kenneth Deshetler, Ohio's director of insurance, and John F. O'Leary, chairman of the Massachusetts rate-setting commission.

Mr. O'Leary wants state and Federal agencies to intervene to force down hospital costs and some states, including New York, Maryland, California and Pennsylvania, are considering the creation of hospital rate setting commissions similar to those that regulate transportation, electric and gas rates.

Gordon Chase, head of the New York City Health Services Administration, accuses hospital leaders of using "quality of care" to "obscure inefficiency, obsolescence and traditional ways of operating which will not stand close scrutiny."

Three-quarters of all hospital bills are paid through Blue Cross, which was specifically created to perform the task. Yet Blue Cross has gone almost unregulated. Congressional investigators found recently that some local plans were paying the country club dues of Blue Cross executives, while others were paying for executives' vacations in Hawaii.

The national president of Blue Cross, Walter J. McNerney of Chicago, conceded that the hospital insurance plan "has not done everything as well as it should" to hold down hospital rates. "We have not been sufficiently self-critical and innovative," he adds.

How could hospital costs be brought down? The Good Samaritan Health Service in Phoenix found a way by amalgamating a group of 10 hospitals, thus doing away with duplicating services and overhead. The group saved $90,000 last year by buying all its insurance as a package. Common laundry services and the standardization of linens and uniforms all would help, but relatively few groups of hospitals have done this.

Costs could also be constrained by clusters of hospitals if individual institutions were assigned specific tasks, such as delivering babies and performing open-heart surgery, rather than each offering a full range of services.

Keeping people out of the hospital is uniformly acknowledged as the most effective method of holding down costs.

The patient population of Philadelphia State Hospital dropped from 6,400 to under 3,000 in recent years, aided by the creation of the West Philadelphia Mental Health Consortium, a group of nine community mental health clinics.

Dr. Robert Leopold, the consortium's director, says that while costs per patient are $6 a day at the health centers, they are $15 a day in the state hospital. The Philadelphia program, one of only a few in the nation, "shows that psychiatric patients can be treated near their homes outside the hospital and at far less cost," Dr. Leopold says.

Large cost savings are also possible through the operation of what are known as prepaid group practice plans, of which the most familiar are the Kaiser foundation groups of California, Oregon, Hawaii, Colorado and Ohio.

By stressing preventive medicine, that is, treating potentially serious medical conditions before they can grow into costly diseases, persons enrolled in the Kaiser groups spend less than half as many days in hospitals are other Americans. Premiums for Kaiser care are also less than comparable insurance plans, while the annual increase in premium rates has been less than elsewhere.

The money-saving potential of providing preventive services, such as periodic physical examinations and flu shots, has been demonstrated by the Group Health Cooperative of Puget Sound in Seattle, which was started in 1947 and now provides health care for 140,000 peopole.

Last year the group health cooperative spent only $37 per member on hospitalization. This compares with $112 for the average American. Yet almost the same amount of money was spent for both groups for physicans' fees and outpatient services such as laboratory tests and X-rays. The lesson would seem to be that preventive medicine, properly run, can substantially reduce costly hospitalization.

A Federal takeover of health delivery systems, as occurred in Britain, has been advocated by some groups here. But at least two experiments with Federal funding in this country have indicated that it is little better economically than the system it is meant to replace.

In Prestonburg, Ky., one such project was canceled by the Office of Economic Opportunity after investigators found it to be not only delivering few services but also "totally corrupt." More than half of the $4-million spent on the project went for the salaries of courthouse cronies and overhead expenses.

Another federally funded project, the Martin Luther King Health Center in the Bronx, spends $75 per patient visit, far more than it would cost to treat a person in a doctor's office.

The Nixon Administration is spending $45-million on what might be one partial solution to the health cost problem—the health maintenance organization. The H.M.O., as it is known, has been praised by the President as the prime new method of organizing health care delivery for quality and economy.

H.M.O.'s, a few of which are now in operation, use groups of doctors and facilities to treat the health needs of thousands of persons living in specific areas. In his health message of last February, Mr. Nixon also proposed a $300-million loan guarantee program to start dozens of H.M.O.'s. If the Administration has its wish, 80 per cent of all Americans will be enrolled in H.M.O.'s by the end of the decade.

This percentage is viewed as wildly optimistic even by those health care experts who say that reform of the system is absolutely necessary to bring better medical care to more people at less cost.

One of the new breed of reformers who are leading the attack against wasteful and inept practices in the health care field is Dr. Denenberg of Pennsylvania. Dr. Denenberg is the type of free wheeling challenger of the medical establishment who, according to one critic, makes Ralph Nader "look like Louis the Fourteenth."

"The health delivery system is so full of glaring inefficiencies and abuses that it is easy to give up in despair," says Dr. Denenberg. "For example, the providers of health care saddle the public with unnecessary, underutilized and duplicated services which not only produce astronomical costs, but also often deliver low quality care."

The complaints come from within the medical establishment as well. Dr. Edwin L. Crosby, president of the American Hospital Association, says the nation has too many hospital beds. And one of the truisms of medical practice holds that too many operations are being performed on too many people.

The result, according to Dr. Murray Hunter, medical director of a clinic in Fairmont, W. Va., is that "for a dollar today we're getting 50 cents worth of health care—if it were done right we'd get 80 cents worth."

Another problem is that merely increasing the money spent on health care does not necessarily lead to better-quality care. As Dr. Donald Harrington, director of the San Joaquin Medical Foundatiton in Stockton, Calif., puts it: "An open checkbook often leads to bad work."

Yet some doctors seem to be benefitting by such an approach. Dr. Lowell E. Bellin, New York City's first deputy health resources commissioner, says: "If after two years in private practice a doctor isn't clearing $35,000 a year, you should strap an electoencephalograph to his brain to find out why."

DOCTORS' MEDIAN INCOME ($40,550) SPURS FEE DEBATE

(By Nancy Hicks)

There is probably no more emotional, controversial or complex issue in the current debate over health care reform than the earning power of the physician.

Critics of doctors' high salaries—the organized poor, health consumer groups, some economists and many doctors themselves—say it is unconscionable that one professional group of 334,000 individuals should earn a median income of $40,550 a year or more.

They cite such current practices as the use of incorporation to allow doctors tax and pension benefits, which the Internal Revenue Service has opposed but has been unable to stop, and fee fragmentation, which might mean that last year's flat-fee checkup is now broken up into individual charges that add up to more than the old fee, with no announced increase.

Doctors say their critics fail to take into account the long years of study, internship and even "apprenticeship" before a doctor can begin to earn a good living. They also cite the high cost of a medical education, and doctors' long working hours and their responsibilities.

HIGHEST PAID WORKERS

Whatever the merits of the arguments are, a look at the available figures shows that doctors are the highest-paid workers in the country, even when salaries are adjusted for business expenses, hours of work and delayed earning power.

During the last two decades, the cost of doctors' services has risen at a rate almost double the increase of the Consumer Price Index, Federal economists have estimated. This is in direct contrast to the trend in the post-World War II era, when doctors' fees lagged behind the cost of living.

In the last decade, doctors' fees have risen faster than any other medical cost except hospitalization, and there are no figures on which to estimate the proportion of hospital operating costs that go to interns, residents, chiefs-of-service, physician-administrators, salaried physician-researchers and to a growing number of salaried staff specialists.

In general, figures for recent years are relatively scarce. The Bureau of Labor Statistics does not keep data on doctors' incomes as it does, say, for office workers'. Most information comes from the journal, Medical Economics, from individual surveys by economists or professional societies, or from the Census Bureau or the Social Security Administration, neither of which has current figures available.

According to the continuing survey of Medical Economics, the median income of physicians under 65 in private practice in 1969 was $40,550 a year, after expenses but before taxes. A comparable survey by the American Medical Association showed an average annual income of $35,510 in 1968. By way of contrast, lawyers' average income, according to a 1970 survey by the American Bar Association was $27,960 a year.

REASONS FOR HIGH INCOMES

There are various theories that attempt to explain why doctors' earning power is so great.

The first is the Adam Smith principle of supply and demand, which says that doctors earn more because they are in short supply. Estimates of manpower shortages in medicine range up to 50,000 trained physicians, a shortage that some critics attribute in part to past efforts of the A.M.A. to keep the supply limited.

In 1910, when the influential Flexner Report of Medical Education called for an increased emphasis on science in medical education—there were 164 doctors per 100,000 population in this country. In 1967, there were 130 per 100,000, up from 124 per 100,000 in 1963.

More than a decade ago Lee Loevinger, an Assistant Attorney General in the Kennedy Administration, tried to figure out why doctors were earning more money than lawyears.

Mr. Loevinger attributed the differential to the stringent controls over accreditation that physicians had maintained. These led to the certification of fewer schools, he said, and therefore, to the graduation of fewer doctors.

An attempt has been made to reverse this trend. Twenty new medical schools have been created over the last 10 years. The number of graduates increased by 33 per cent in 1967, when compared to 1950.

POLICIES EFFECTS PERSIST

But the effects of old policies are still being felt. Although the number of physicians who graduated has increased, the general population has also increased by 30 per cent during the same period. And an analysis of last year's medical school applications showed that the schools rejected for lack of space a total of 100,000 "qualified candidates," twice the number of the estimated shortage.

Although most doctors must now undergo about 10 years' post-high school education, the American physician in the mid-1960's completed an average of 17.5 years of education. This was compared to 17.3 years for dentists, 17.4 years for lawyers and judges and 17.1 years for clergymen.

Based on 1960 census figures, which do not reflect the post-Medicaid surge in all medical costs, the net average lifetime earning for doctors was $717,000, compared to $589,000 for dentists, $621,000 for lawyers and $175,000 for clergymen.

The Census Bureau took these same figures and ranked 321 occupations according to their median annual incomes. Physicians placed first, followed by bankers, dentists, professors of medical sciences and lawyers. Clergymen were 245th on the list.

Another analysis of the same figures was made by a team of economists who tried to take the census figures and compute "real earnings," if the costs of education, including tuition and living expenses, were taken into account. By rank, and without giving figures, they concluded that on this basis dentists earned the most. Physicians were fifth and lawyers were 14th, after toolmakers and draftsmen.

The growing number of medical specialists is another acknowledged factor in the high incomes of doctors. Specialists charge an average of two to three times the fee of the general practitioner.

According to a Department of Commerce survey, 26 per cent of the nation's physicians were specialists in 1929. In 1959, 46 per cent were. An April, 1969, study by the American Academy of General Practice said that only 21 per cent of the nation's doctors were general practioners.

The 1970 continuing survey of Medical Economics showed that 11 per cent of the general practitioners, 13 per cent of the internists, 19 per cent of the obstetricians and 22 per cent of the general surgeons in private practice sampled earned $60,000 a year or more. This compared with 5 per cent of the pediatricians, the so-called workhorses of medicine.

In the end the important question is not how much a doctor charges or earns, in the view of medical economists like Anne R. Somers of Princeton, for the affluent consumer who equates high fees with high quality will almost always pay what he is charged without complaint.

The real focus of attention, according to Mrs. Somers, should be on how doctors' present economic status may become an obstacle to attempts to make good health care more widely available, especially to the poor.

SENATOR MILLER SPEAKS ON DRUG PROBLEMS

Mr. GRIFFIN. Mr. President, last Friday, September 24, Iowa's senior Senator, Jack Miller, delivered a most timely and meaningful address at the banquet and graduation ceremonies of the training school sponsored by the Federal Bureau of Narcotics and Dangerous Drugs, in Des Moines, Iowa. It is significant, I believe, that the graduates came both from large cities and small rural communities from States comprising the Midwest.

I ask unanimous consent that Senator Miller's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS BY U.S. SENATOR JACK MILLER

It is a pleasure for me to be with you for this banquet as you wind up a two-week program, which I am sure has been a worthwhile experience for each of you.

I am particularly pleased to have this opportunity to express my admiration and support for the work you have done and will be doing in the problem area considered by many to be the most crucial facing our nation.

I fear no challenge when I say that the day is long past for the unhelpful hand-wringing, the expressions of hopelessness, and even the reaction of panic which have been associated with the mention of narcotics and dangerous drugs.

One only has to pick up a daily newspaper to know that the drug abuse problem has reached epic proportions, and that no community, however large or small, and no family, however rich or poor, is immune.

Law enforcement officers . . . parents . . . teachers . . . youth . . . the community as a whole must meet this challenge or we will find the drug culture becoming a way of life, feared but accepted, because our will to resist and our moral fibre will have decayed.

The problem is deeply traumatic because statistics indicate that, to a significant extent, drug abuse and addiction are especially prevalent among our youth—those who will have a great deal to say about our country's future.

We cannot afford, therefore, to underestimate the urgency of the current drug crisis; nor can we afford to temporize in responding to this crisis. Our response must be varied, because the problem has many facets. It must be both scientific and humane. And it must be absolute. There can be no compromise. Either we get the problem, or it will get us.

I recognize that medical scientists are not in full harmony over the means of treating the victims of drug abuse; and there is too much controversy over the social and law enforcement aspects of the problem. What is needed more are results. The old story of the patient dying while the experts argued over how and when to operate is relevant. Those who would hope for simplistic solutions or easy solutions will be disappointed, for there are and will be none. If they wait, they will only lay a foundation for more injuries, more deaths, and more chipping away at our society's foundations.

Alvin Toffler, writing in his best-selling book, *Future Shock,* laid out a shocking picture of the future:

"In the three short decades between now and the twenty-first century," he wrote, "millions of ordinary, psychologically normal people will face an abrupt collision with the future. Citizens of the world's richest and most technologically advanced nations will find it increasingly painful to keep up with the incessant demand for change that characterizes our time. For them, the future will have arrived too soon."

I would suggest that he was not being as prophetic as he was facing the realities of today and applying them to the future in the expectation that we will fail to head off the major problems of today, including that of drug abuse.

I hope he is wrong. I am optimistic enough to believe he is wrong. There are plenty of signs to give us confidence—groups like this; good, dedicated people working on the problem and wonderful cooperation from the press media; our interest in ecology and the preservation of our environment; the efforts being mounted against our pollution problems; the enactment of legislation and programs that are designed to turn our youth away from the evils of drugs and into constructive channels, which will help them to play a meaningful role in changes—good changes—in our society.

I see hopeful signs in the back-to-religion movement among many of those who previously had been wasting their energies and intellects on drug experimentation. I see hopeful signs in the new music which is becoming fashionable—where the lyrics are more significant than the beat, lyrics containing the message of turning off the drug habit and returning to God, and getting across the idea that love of one's fellow man, soul and religion are more important than the illusory world of drugs. If you have listened to such popular music as "Oh Happy Day," "Put Your Hand in the Hand of the Man," "Amazing Grace," "My Sweet Lord," you'll know what I am talking about. Johnny Cash's popularity underscores what I mean.

Perhaps I am indulging in wishful thinking, but I believe a lot of young people are looking at the drug use syndrome as stupid; and they aren't turned on by those who indulge in the syndrome. Although they may have a tolerant or sympathetic attitude.

All of these signs are favorable. But they are only signs. We have a dreadfully long way to go. Those who want to see drug abuse flourish so they can make a fast buck aren't going to throw in the towel without a fight.

We must reexamine the concept of family life, to see that its strengths of an earlier age are maintained and adapted to meet the stresses and strains of today's social problems.

We must reexamine the educational system, to see that adequate attention is given to the personal development of your youth, many of whom have the feeling that they are only regarded as computer numbers by the system.

We must work with our youth, not tune them out; we must listen to them, for they do have something to say. And we must do more to bring them into the front lines of this fight against drugs, especially those who have won the battle against addiction. This will be more effective than any approach relying only on older people, no matter how experienced and dedicated.

We—the so-called "establishment," if you will—must become more understanding of the problems of youth and the reasons why they are turning to drugs. And I believe that their involvement in meaningful social problems or other areas of interest where they can see that they are making a contribution to a better community, a better country, a better world—this will help fill a void that drugs might be used to try to fill.

At the same time, we must do more to replace a fear of being caught with an appreciation of the dangers of the drugs themselves. The latter is a far more effective deterrent.

While the State of Iowa has taken several progressive steps in combatting the drug problem, one is especially noteworthy because it promises to do more to close the so-called generation gap than any other step that has been taken. I am talking about legislation which establishes that a youth or student counselor is a "party to privileged communication." Only three other states—Michigan, Nebraska and Indiana—have a similar law.

This means that drug-troubled students can turn to their counselor for help and guidance to work on their problem without fear of being turned in to the authorities.

However, this is only one step in effectively reaching the potential or actual user of drugs.

Iowa is to be commended for other actions it has been taking: the development, within our counties, towns and cities of *"rap" centers* where the young people can meet and discuss problems with their own peer group as well as with professional people; the creation of *crisis centers* designed for emergency action; setting up of "hot lines" that serve both as listening posts and as points of initial contact for those seeking assistance; and the pushing of educational programs on drug abuse prevention in schools and homes. In addition, one should call attention to the actions being taken by numerous private organizations, such as the distribution of drug information and presentations to schools and meetings of parents.

Our state is also to be commended for the enactment of a uniform controlled substances act, making it more difficult for a pusher while at the same time providing for rehabilitation of the user . . . for its establishment of metropolitan narcotic enforcement units in several areas of the state . . . for its establishment of a state narcotics enforcement bureau . . . for its creation of treatment centers . . . and for its regional information centers; also for its enlistment of both public and private hospitals and physicians in performing in- and out-patient drug abuse treatment.

But there is still more to be done.

There is need for updating education and procedures within our school systems, and I am talking now not only about Iowa but all the states. For example, are those who lecture on drugs in our schools merely going through the formalities by telling the students to stay away from drugs, without pointing out the effects of drugs on individuals and society? Do drug courses take on the form of an occasional school-wide assembly, accompanied by a scare film on drug abuse?

Lecturing on the evils of drugs is not enough. To develop an effective program, we must be aware of why the person gets hooked in the first place. A reformed addict can be extremely effective. The young people know he knows.

We need more research to get the answers to some interesting but hard-to-answer questions:

For example, is there a relationship between parental drinking, smoking or pill-taking in the home and drug use among young people?

Is there a direct relationship between taking of drugs and the fact that friends take them—a sort of peer pressure? Some think there is, but why don't all friends submit to peer pressure?

Is there a relationship between use of drugs and boredom, a failure to be able to channel energies into constructive channels? And if there is, how is that boredom to be overcome?

Finally, we should realize that a lot of young people probably know, or at least think they know, more than we do about drugs. They don't need information they already have. But they probably need communication that has a personal touch, with relevance to their life style and a bearing on their future. Such communication is a lot more challenging than giving a set lecture!

How many of us have been guilty of not doing our "kid homework," as Ron Sampson so aptly put it in a column on drug use in the September 9th issue of the *Ankeny Press-Citizen?*

His concluding thought also will be mine, for it sizes up the situation very well: He wrote—

"So give them a chance . . . don't make them turn on to drugs . . . let them turn on to you."

THE LOSS OF SENATOR PROUTY

Mr. BROCK. Mr. President, the death of Senator Winston L. Prouty, of Vermont, was a great loss to the America he loved so much. It will be difficult for all of us to visualize the U.S. Senate without his presence, for we loved and admired his strength, stability, grace, and skill.

As a public servant, he has served his party and his Nation well. He has a multitude of friends in the Senate, serving on both sides of the aisle, who deeply respected his infinite store of knowledge of the legislative process he loved so well.

The Senate, the administration, the Republican Party, the State of Vermont—but, most important, the Nation and its people—will miss his leadership and his zest for life. His record and his indomitable spirit are monuments to the qualities of leadership and character which he embodied and to which we all aspire. His passing from the political scene leaves a void of great dimension.

His integrity, his faith in America and God, his legislative leadership, his humanity and compassion will never be forgotten.

Mrs. Brock joins me in extending our deepest sympathy to Mrs. Prouty and his family in their time of sorrow.

TIME FOR ACTION

Mr. DOLE. Mr. President, Secretary of Agriculture Clifford M. Hardin at noon today issued the following statement on the effect on the farm prices of dock work stoppages:

U.S. farmers are losing business every day and are continuing to suffer a tragic loss in income from prices that are depressed because their products can't move to market.

Right now wheat that ordinarily would be moving to Japan is piling up in elevators and spoiling on the ground because of the westcoast dock strike. Perishable fresh fruit and vegetables can't wait for the strike to end, and this business will be completely lost.

As these products pile up it adds to the burden of supplies that seek an outlet here at home—and this depresses U.S. farm prices. Further, the transportation tie-up forces foreign buyers to look elsewhere for their supplies—which causes an immediate loss in our sales and sets up trade relationships between foreign buyers and new sources of supply that will be hard to break.

Right now there is the threat of a strike in gulf ports. That would be even more of a catastrophe for the Nation's farmers. Even now the mere threat of a strike is hurting. Elevators are reluctant to buy the new crop because they don't know when they can ship the commodities—and they know that if the ports are tied up, prices on the supplies they hold will drop lower.

This is particularly hard on farmer's prices and the Nation's farmer's right at the time when they have record harvests to move to market.

It would be a disaster to the Nation's farmers if gulf coast ports were to be tied up for any length of time. A previous gulf coast strike in 1969 turned around an upward trend in farm exports: Export totals dropped $570 million under the previous year. Soybeans, feed grains, wheat, cotton, meat and meat products all lost substantial sales.

President Nixon said on Saturday, "We cannot tolerate a continuation of this pattern of delay and slow progress toward an ultimate settlement of the westcoast longshoremen's strike. The time is overdue for the parties involved to live up to their responsibilities to the American people."

I join the President in asking that the patricipants in this strike on the westcoast, and the one threatened on gulf ports listen to the appeals of their fellow Americans to move food and farm products at this critical time. At this moment we are engaged in a national effort to control inflation, restore our competitiveness in international trade, and improve our balance of payments. It is time for all of us to look up to this challenge and respond to it.

BROOKSIDE GARDENS, MONTGOMERY COUNTY, MD.

Mr. MATHIAS. Mr. President, Brookside Gardens was established by the Maryland Park and Planning Commission in nearby Montgomery County, Md., and dedicated just 2 years ago, but already this botanical garden attracts thousands of visitors. In dedicating the garden, Representative GILBERT GUDE, called the facility a "plant dictionary" and, indeed, it contains an educational selection of plants of economic importance, such as banana and chocolate plants, of ornamental grass specimens from around the world, and of many trees and shrubs.

I ask unanimous consent that the status report on the garden and on plans for additions, such as a fragrance garden for the blind and a 12-acre area for an extensive collection of plant materials from the nursery of the late Adolph Gude, a gift of the Gude family, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

BROOKSIDE GARDENS, A COMMUNITY BOTANICAL GARDEN

The great botanical gardens of the world reached their peak during the Victorian era. Throughout the first half of the twentieth century many were in a period of stagnation and decline. In recent years, with a growing public awareness and concern for the living things which surround us, a renaissance has occurred which not only has given new life and direction to existing arboreta and botanical gardens but has given rise to the community botanical garden.

Such a community botanical garden was opened to the public two years ago in Montgomery County, Maryland. Located on a 35 acre site within Wheaton Regional Park, Brookside Gardens serves a dual function in the community by providing the public aesthetic enjoyment and educational facilities.

The Maryland-National Capital Park and Planning Commission began preliminary plans for Brookside Gardens more than ten years ago, with the actual construction phase of the project starting in 1967. The project was given added impetus through a federal grant which was administered through the Maryland Department of Forests and Parks.

From the beginning, Brookside Gardens has received strong community support from garden clubs, schools, civic organizations and the public at large. Brookside has proved to be one of the most enthusiastically received projects ever undertaken by the Maryland-National Capital Park and Planning Commission.

To the thousands of visitors who come to Brookside each year, one of the outstanding features is the tropical conservatory-greenhouse with its landscaped garden of tropical flowering trees and shrubs complete with a stream and waterfall. Here the visitor will find a wealth of color each day of the year. School groups are especially interested in the tropical plants of economic importance such as bananas, coffee, chocolate, black pepper and vanilla. Home owners and apartment dwellers can see plants which can be grown in their homes. Four times a year, special shows are held in the conservatory. These include a Christmas display with poinsettias and cyclamen, an Easter display of lilies hydrangeas, and primroses, a spring display of cineraria, calceolaria, fuchsias and freesias, and in late fall the conservatory is alive with color provided by thousands of chrysanthemum flowers.

The public is welcome to enter the adjacent propagation greenhouse, which is a working greenhouse where the plants are actually started. Here they can see the progression of a plant from its beginnings as a seed, cutting or bulb to maturity. On view, also, are examples of the latest techniques and equipment used in plant propagation, these have application for the home gardener too. These greenhouses provide the visitor a unique visual and educational experience.

Surrounding the greenhouse complex are a number of garden areas, as well as collections of trees and shrubs. Among them is a formal garden designed in the old European style. Here the visitor will find pools, fountains, wide paved walkways, formal hedges and a gazebo. The garden is planted with a large variety of annuals and perennials which give a continuous display of color from early April through October.

A demonstration garden has been constructed in which annual flowers are planted side by side in blocks for easy identification and comparison. The home gardener can see those annuals which do best in the Washington metropolitan area as well as some plants which are being tested and evaluated for adaptability to this area. Plants of recent introduction are also on display. Throughout all of the gardens and greenhouses, the plants are identified by labels which give their scientific and common names, family and habitat.

An Azalea and Rhododendron garden covering more than one and one-half acres is located in a natural woodland setting under a canopy of pine and dogwood trees. When this garden is fully developed, it will include more than 500 varieties of azaelas and rhododendrons.

A garden that always evokes comment is the ornamental grass garden planted with specimens from around the world. The various sizes, unique textures, and subdued colors of this garden contrast with the bolder colors in the formal gardens above.

Collections of trees and shrubs have been planted including hollies, dogwoods, witch-hazels, crabapples, oriental cherries, and maples, with others to follow in the future. Such planting serve to acquaint the homeowner with the many plant materials that are available to him as well as research specimens to determine which plants will do best in this area.

Four new gardens are scheduled this year, a fragrance garden for the blind, a rose garden, a wildflower garden, and the Adolph Gude collection. Most gratifying is the enthusiastic support of citizens and community groups for these new projects. The garden for the blind will be built around a system of fountains designed to splash in rhythmical patterns and will make use of plants with scented flowers and foliage. The plants will be described by the use of braille labels, large print signs and tape recorders. Plants for this garden will be donated by a local nurseryman, while the fountains and tape recorders are the projects of two local garden clubs.

The rose garden will serve to display those varieties best suited to the Washington area, and will include current introductions as well as some of the old fashioned roses. One of the country's outstanding hybridizers and a resident of Montgomery County has offered to supply without charge the plants for this garden.

A low lying but ecologically interesting portion of Brookside is being developed as a natural area. The indigenous plants will be supplemented with wildflowers and ferns suitable to such an environment. The land for this garden is mostly level with a tree canopy and includes a stream that borders with the nature center next door. Another of our local garden clubs is helping with this project, and they were recently recognized with a regional award from the Sears Roebuck Company for their work on this project.

A fourth new addition to Brookside will be located on twelve acres set aside to receive an extensive collection of specimen plant materials from the nursery of the late Adolph Gude, a gift of Mr. Gude's family. Adolph Gude was one of the pioneer nurserymen in Montgomery County, and the garden bearing his name will be one more indication of the interest of the citizens of this county in gardening and beautification.

Brookside has not neglected the direct educational approach to its public. Scheduled tours and demonstrations are given to interested persons, while staff members are available to answer the hundreds of questions received each year. A horicultural reference library is open to the general public and contains a broad spectrum of books and periodicals on gardening and horticulture. Space for classrooms and directed study in gardening and horticulture in a much-needed propagation complex is being planned for the future. Time and money will be required for these and other important additions, but growing needs and public interest augur well for the continued development oof this much-needed facility in suburban Maryland.

REPORT ON SECURITIES STUDY HEARINGS

Mr. WILLIAMS, Mr. President, on September 21, the Subcommittee on Securities held its initial hearing in its study of our Nation's securities markets. In my opinion, this hearing was extremely productive in informing us as to the current attitudes of the SEC and other agencies on several important questions relating to commission rates and institutional membership.

Surcharge on small transactions: While the SEC eliminated the surcharge on small transactions when it approved a new commission rate structure last week, I was disappointed to learn that the new rates on small transactions will approximate, and in many cases exceed, the present rate including the surcharge. In fact, there are a number of aspects of the Commission's release announcing approval of the New York Stock Exchange's new rates which concern me, and on which I plan to request further explanation.

High charges on small transactions are in my opinion a significant factor in discouraging trading in securities by small investors. A dramatic improvement in the efficiency of the industry is of the utmost importance if small transactions are to be handled profitably at reasonable rates. This in turn requires modernization of the industry's operations, a problem to which we will turn our attention in this week's hearings.

Fixed against competitive rates: The testimony submitted to us by the New York Stock Exchange indicates that 3 months' experience with competitive rates above the $500,000 level has not produced any serious dislocations in the operation of the NYSE market or the allocation of business among member firms. The NYSE and the SEC, however, both indicated a reluctance to take the next step in reducing the ceilings on fixed rates until they have figures showing the results of 6 months experience with competitive rates. I was pleased to have Chairman Casey's commitment that he expected to complete his study on the effect of competitive rates above the $500,000 level by December 31, and that a decision will be made early next year on the extension of competition to a broader range of transactions. The testimony we received from two major institutional investors strongly reinforced my previous conclusion that this step will be the most effective means of reducing the pressure for institutional membership. We shall watch the SEC's actions closely, since any substantial delay may raise the question of the need for direct congressional action to resolve the issue.

In subsequent testimony, Donald T. Regan, the chairman of Merrill Lynch, suggested June 30, 1973, as a target date for elimination of fixed rates on all transactions. He suggested that steps be taken immediately to bring the benefits of competition not only to institutions but also to small investors who do not wish to avail themselves of the full range of brokerage services which are covered by the present rates. He indicated that, if rate-fixing were eliminated today, Merrill Lynch would be prepared to execute transactions for public customers, without ancillary services, for substantially less than the current rate.

I urge Mr. Regan, together with any other industry leaders who may be concerned with offering this kind of economical service for small investors, to formulate promptly a proposal for an experimental execution service to investors, eliminating ancillary services, on which there would be no fixed minimum rate. This proposal should contain appropriate safeguards so that it would not be misrepresented to unsophisticated investors or used to entice them into unwarranted trading or speculative activities. I would also hope the SEC would give prompt and sympathetic consideration to any such proposal.

Antitrust questions: Chairman Casey noted in his testimony the Commission's obligation to take antitrust laws and principles into account when passing on stock exchange rules which have anticompetitive effects. However, he suggested that, once the Commission had found that regulatory needs outweighed the anticompetitive effects of a particular rule, a court which was asked to review the validity of the rule under the antitrust laws should not make its own determination of the issue, but should refer the matter back to the Commission for reconsideration. I am not aware of any support for this position in the reported cases, and I am extremely concerned about any suggestion that would deprive the courts of their traditional power to adjudicate antitrust questions. Without the spur provided by diligent application and enforcement of the antitrust laws, the incentives to modernization and efficiency through the operation of competitive forces in the securities industry would be greatly reduced. This is an incentive which the industry can ill afford to lose at the present time.

Further hearings on operational problems: On September 30 and October 1, the Subcommittee on Securities will receive testimony dealing with proposals to eliminate or immobilize stock certificates and to improve other aspects of the industry's operational capacities.

On September 30, we expect to hear from three authorities on the industry's paperwork problems:

Mr. Russell Morrison, president, Standard & Poor's Corp.;

Mr. Junius W. Peake, partner, Shields & Co.;

Mr. Eli Weinberg, partner, Lybrand, Ross Bros. & Montgomery.

On October 1, we expect to hear from representatives of organizations which have been engaged in various aspects of the efforts to modernize the industry's operations:

Mr. John Meyer, chairman, Banking and Securities Industries Committee—BASIC—accompanied by Mr. Herman W. Bevis, executive director, BASIC;

Mr. Gordon S. Macklin, president, National Association of Securities Dealers, Inc.—NASD—accompanied by Mr. David H. Morgan, president, National Clearing Corp.;

Mr. Phillips M. Montross, president, Midwest Stock Exchange Clearing Corp., accompanied by Mr. George Becker, chairman of the executive committee, Midwest Stock Exchange.

Mr. John H. Perkins, executive vice president, Continental Illinois Bank & Trust Co. of Chicago.

SCHOOL LUNCH REGULATIONS

Mr. HUMPHREY. Mr. President, I am shocked to learn that President Nixon and his Department of Agriculture have ignored the needs of hungry schoolchildren around the country in refusing to change the new school lunch regulations published on August 13. In standing by these regulations, the administration has ignored the mandate of the law.

They have ignored the advice of school lunch officials around the country.

They have ignored a letter signed by myself and 43 other Senators, as well as several individual letters from Congressmen and Senators.

They have ignored the pleas of the congressional committee chairmen who are responsible for school lunch legislation.

They have reneged on a promise made by President Nixon in 1969 when he pledged to put an end to hunger among American schoolchildren.

There can be no doubt that the regulations of the U.S. Department of Agriculture will destroy the school lunch programs of many needy school districts. I have been flooded with mail from around the country which indicates that local school officials will be unable to carry on their program of feeding needy children if the regulations are not changed.

It is difficult to understand how the President expects his promise of feeding every needy child be fulfilled when he refuses to pay more than 35 cents per meal. In many cities around the Nation it costs over 60 cents to prepare and serve a school lunch.

The regulations which set the reimbursement rate at 35 cents were published on August 13, only a few days before many schools opened their doors.

These schools had no source of funding to turn to. It is impossible to raise local tax revenues on such a short notice. The school districts are precluded from raising the prices of lunches served to paying children by the President's wage-price freeze.

Therefore, many schools are faced with only one alternative—to cut back or eliminate their program of providing free meals to needy children.

School districts that desperately need a fair reimbursement for free and reduced price meals are thrown into a fiscal crisis by the President's refusal to provide minimum revenue to reimburse the cost of school lunches for the needy.

The Committee on Agriculture and Forestry held hearings on the new regulations last week. We heard from a number of witnesses who would be adversely affected by these regulations.

One witness, a superintendent of a poor school district in Texas, indicated that he would have to cut back on his academic programs in order to continue needs of hungry school children.

A representative of the Buffalo school system indicated that at the proposed rate of reimbursement, the city of Buffalo would have to suspend its feeding program some time during the coming winter.

I sat and listened to those witnesses talk about the insurmountable problems that the new regulations would create for the people who are trying to feed hungry children. The more I listened, the angrier I got.

I do not feel that the American people or their representatives in Congress will tolerate such a callous disregard of the needs of hungry schoolchildren.

As one Member of the Senate, I intend to do everything within my power to see that the President is forced to change his mind. I cannot tolerate a set of national priorities which allows billions of dollars to waste in military programs, a system which permits thousands of wealthy people to pay little or no income tax, and at the same time denies hungry schoolchildren even one good meal every day.

It is time that the President made up his mind whether his commitment to end hunger among American schoolchildren means anything.

It is time for Members of Congress to decide whether our commitment to feed every needy child, spelled out in Public Law 91–248, can be circumvented by the budget cutters in the White House.

If we do not mean our promise to the American people, we should wipe it from the statute books.

If the President does not mean to keep his promise to the American people, he should issue a public retraction. It is small wonder that many Americans have little faith in their public officials.

But I have faith that Members of Congress will not permit such a breach of trust. I believe that Congress will require that the law be complied with. As one Member of Congress, I shall do my part.

Today the Committee on Agriculture and Forestry, by a vote of 8 to 5, approved the resolution of our distinguished chairman, Senator TALMADGE and his colleague, Senator GAMBRELL, to direct the Secretary of Agriculture to make available sufficient funds to carry out the purpose of Public Law 91–248.

The resolution also provides that the maximum reimbursement rate under section 11(e) of the National School Lunch Act shall not be less than 40 cents.

I ask unanimous consent that the text of the resolution and the amendment thereto, including the explanation of the amendment, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

To assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

Whereas it appears that under the proposed apportionment of funds available for special assistance under section 11 of the National School Lunch Act for the fiscal year ending June 30, 1972 (including funds appropriated by section 32 of the Act of August 24, 1935, and made available for that purpose), only six States will receive more than 30 cents in such assistance per free or reduced price lunch; and

Whereas it appears that this amount per lunch is not adequate to enable States and schools to continue to participate in the school lunch program and to achieve the objectives of the National School Lunch Act, particularly that of providing a free or reduced price lunch to every needy child: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use so much of the funds appropriated by section 32 of the Acts of August 24, 1935 (7 U.S.C. 612c), as may be necessary, in addition to the funds now available therefor, to carry out the purposes of section 11 of the National School Lunch Act and provide a rate of reimbursement which will assure every needy child of free or reduced price lunches during the fiscal year ending June 30, 1972. In determining the amount of funds needed and the requirements of the various States therefor, the Secretary shall consult with the National Advisory Council on Child Nutrition and interested parties. Funds expended under the foregoing provisions of this resolution shall be reimbursed out of any supplemental appropriation enacted for the purpose of carrying out section 11 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

AMENDMENT TO S.J. RES. 157

At the end of the resolution add the following:

SEC. 2. Funds made available by this joint resolution shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced price lunches, and such funds shall be apportioned and paid as expeditiously as may be practicable.

SEC. 3. The Secretary of Agriculture shall immediately upon enactment of this resolution determine and report to Congress the needs for additional funds to carry out the school breakfast and nonfood assistance programs authorized by sections 4 and 5 of the Child Nutrition Act of 1966 during the fiscal year ending June 30, 1972, at levels which will permit expansion of the school breakfast and school lunch programs to all schools desiring such programs as rapidly as practicable.

SEC. 4. Section 11(e) of the National School Lunch Act is amended by adding at the end thereof the following: "Such maximum per meal amount shall in no event be less than 40 cents; and the Secretary shall establish a higher maximum per meal amount for especially needy schools based on such schools' needs for assistance in providing free and reduced price lunches for all needy children.

EXPLANATION

This amendment would—

(1) Make it clear that the funds provided by the resolution would be apportioned in a manner that will best enable schools to provide lunches to needy children, rather than in accordance with the section 11 formula,

(2) require these funds to be apportioned and paid as expeditiously as practicable,

(3) require the Secretary to determine and report to Congress the needs for additional funds for fiscal 1972 for the school breakfast and nonfood assistance programs, and

(4) provide that the maximum reimbursement rate under section 11(e) of the National School Lunch Act shall not be less than 40 cents.

NATIONAL REFERENDUM ON BUSING

Mr. BROCK. Mr. President, the well-known commentator Jeffrey St. John recently posed a very pertinent question over the CBS network program "Spectrum" when he asked, "Should the United States have a national referendum on school busing?"

If we could, indeed, go to the polls and vote on this emotional issue today, all indications are that the proponents of the neighborhood school would win hands down by at least 75 percent to 25 percent. I ask unanimous consent that Mr. St. John's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

CBS SPECTRUM

(By Jeffrey St. John)

This is Spectrum on the CBS Radio Network. I'm Jeffrey St. John with my personal viewpoint: Should the United States have a national referendum on school busing? More, after this message.

The late Oscar Wilde observed, "Democracy means simply the bludgeoning of the people by the people for the people."

The forced busing of school children during the current school year fits perfectly Oscar Wilde's words. The proponents of school busing say they are forcing their nefarious doctrine on the nation in the name of equality and democracy. Well, democracy used to mean the will of the majority. But the school busing advocates are, in reality, a totalitarian minded minority—forcing their will on a majority of American parents who reject busing.

Significantly, proponents of school busing fear to put this explosive issue to a national referendum. Which is why they have circumvented the will of the majority by using the courts to enforce busing. The recent violence over busing is symptomatic of the frustration of American parents who oppose busing. Their frustration, if not relieved, will further inflame passions and eventually escalate into more violent clashes.

Recognizing this potential for violence, Senator William Brock of Tennessee introduced what may prove to be a safety valve for these frustrated parents. He has introduced, with the backing of 12 other U.S. Senators, a constitutional amendment that could serve as a national referendum on the school busing issue. The amendment reads simply, "No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school." Naturally, the elected representatives of both the Senate and House would need to approve the amendment, as would the States. Such a process seems the most equitable and democratic way to resolve the explosive issue of school busing. The pro-busing advocates, however, have been silent about Senator Brock's proposal. When he introduced the proposed constitutional amendment the Tennessee Republican pointed out that the Supreme Court in 1954 prohibited pupil assignment to schools on the basis of race. Now, the proponents of school busing have chosen to ignore the 1954 ruling.

The busing issue has ignited in a majority of Americans, black, white, and even Chinese, a deep and angry resentment. If we wish to resolve this issue peacefully, let us put it to the acid test of a national referendum via Senator Brock's constitutional amendment.

THE U.S. TRADE PROBLEM

Mr. HANSEN. Mr. President, the recent 90-day wage and price freeze, the 10-percent surtax on imports, and the other proposals President Nixon made last month have been enthusiastically greeted by a great majority of Americans.

Worldwide, the acceptance of the surtax on imports and the floating of the dollar has been less than joyful.

The United States has suffered its fifth consecutive monthly deficit in international trade in August adding up to a cumulative deficit for the year of $936 million compared to a surplus of $2.2 billion for the same period of 1970.

The trade deficit was, of course, a major reason for the President's new economic policies. One of those who has for years warned of the impending crisis in U.S. international trade—and it is no longer impending, it is here—is the president of the Nationwide Committee on Import-Export Policy, Mr. O. R. Strackbein.

A recent issue of the Wall Street Journal, one of the Nation's greatest newspapers, contains an article written by Mr. Strackbein in support of a ceiling on imports.

On the same page of the Journal, an editorial entitled "Our Over-the-Hill Economy" summarized the opposing views of the Journal to what they term the "protectionism of quotas."

Mr. President, in view of the highly controversial aspects of this question of U.S. trade policy and events that have followed the President's action of August 15, including the current meeting here of International Monetary Fund and the World Bank, I ask unanimous consent that Mr. Strackbein's article and the Journal editorial be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal,
Sept. 24, 1971]

THE CASE FOR A "CEILING" ON IMPORTS

(By O. R. Strackbein)

The need for a new trade policy has been borne in upon us in recent months by the successive monthly trade deficits we have suffered since last spring.

The harsh reality of our weak competitive position in the world, including our own market, was recognized in August when the President proclaimed a supplemental duty of 10% on roughly half of our total imports, and cut the dollar loose from gold internationally.

In our trade, neither the action taken, nor anything so far contemplated by the administration in the form of trade legislation, has thus far reflected recognition of a far more basic affliction that plagues our economy. This is the changed competitive position of American industry in relation to imports, and the far-reaching implications of this change. To understand this change will require a review of our economic history of the past century.

TWO IMPORTANT CONDITIONS

Mass production had its origin in this country. Its economic potential depended on two important conditions: (1) fair competition as an antidote to monopoly and as assurance of passing reduced costs attributable to technology to the consumers, and (2) increasing mass purchasing power.

Our inventiveness and energy assured technological progress if incentive beckoned. The efficacy of fair competition was clearly perceived and resulted in the Sherman Anti-Trust Act (1890) and later in the Clayton and Federal Trade Commission Acts and yet later in the Robinson-Patman Act.

The automobile industry, especially as represented by Henry Ford, provides the classical example in the development in this country of the uniquely productive system that brought us to world industrial leadership. Ford's insight led him to tie the fortunes of mass-production to the mass-market or consumer purchasing power. He introduced the $5-a-day wage as an earnest fee of his faith.

A third element for the success of the vision was selection of products that were likely to enjoy an elastic demand, i.e., products so far acceptable to potential consumers that these would buy more and more of them as the price came down. Essential goods do not answer to this description. The demand for them is inelastic. Food is an example. The number of stomachs is limited by the population. Nonessential goods that cater to human needs and desires (especially to ease, comfort, convenience, beauty and social prestige) once discovered or invented, are prime candidates for mass consumption if the price is sufficiently reduced.

After the unbelievable success of the automobile, a vast array of other products followed suit. Household appliances of all kinds, washers, driers, refrigerators, the telephone, radio, television; luxury wearing apparel, sports and recreational items, proliferated over the land to the point of saturation. The great moving power in this phenomenal process was the rich mass market that could be reached if the price was progressively brought down. We needed no imports to develop our mass market for goods of all varieties. Our enterprising manufacturers had only to behold what the mass market had meant to one product after another and then go and do likewise.

Indeed, we depended on new products and their conquest of the mass market to absorb the annual crop of new workers. If a new product initially cost $5,000 few customers would be found and little new employment would be generated. If the price was cut in half, or to a quarter, many more units could be sold. Sales were better yet if the price could be brought down to $500, and still better if it dropped to $100. A jackpot awaited the successful industrial genius.

Employe compensation, as recognized by Henry Ford, provides the great bulk of purchasing power if it keeps pace with rising productivity. Thus instead of looking upon wages as a necessary evil, to be kept as low as possible, as the early British economists saw it (Ricardo, Mill and others), American economists began to see them as the greatest of market constituents. Our laws began to reflect this recognition—so much so, in fact, that, with the addition of social welfare and other burdens (such as national defense) industrial costs of production became highly inflexible in this country except on the upward slope. Almost no competitive maneuverability remained. Great pressure developed for automation and worker displacement.

This process, indeed, was relied upon to strike additional layers of income on the way to the mass market. Such is the nature of a truly elastic demand that consumption will grow distinctly faster than job displacement if prices are brought down within reach of the income levels of potential customers.

MILLIONS OF JOBS GENERATED

Without being explicitly conscious of it our enterprising product developers and merchandisers generated millions upon millions of jobs in this country by finding likely products and awakening the latent demand for them, reducing costs by mass production and then reaping the monetary reward.

Thus did our unique system come to lead the world. After World War II the other leading industrial nations, having seen the magic of our technology and business methods, embraced the system and adopted it with generous help from us.

Before long we were faced with an unpalatable fact: The other countries embraced our mass production but were reluctant to put into effect Ford's vision, namely rising wages as an absorbent of the volume of goods produced. While foreign wages did rise, they did not close the gap between them and us. Thus with lower wages and soaring productivity, foreign producers came to enjoy a widening gap between their unit costs and ours. Because their home purchasing power was inadequate they looked abroad for a market. We offered the most attractive of all.

The response of our industries was natral. They began heavy direct foreign investment—up to some $75 billion by now. Thus they enjoy the low foreign wage levels and rapidly rising productivity. Beyond that, many industries licensed use of their patents by foreign producers.

As a result any prospective new industry in this country has in the past few years come to stand before a wholly different prospect from the past. No longer does a mass market beckon—not because the potential is not there but because the new industry can no longer call it its own. Outsiders can beat it in any race to the mass consumer market.

What then of the expansion and the new jobs that previously could be anticipated with confidence? How readily will our capital venture into so uncertain a future?

The accustomed climate of 1910–1955 is gone. It will not return of its own account.

INFLEXIBLE BURDENS

Trussed in the inflexible burdens imposed by legislation and other factors in this country, thus making labor-displacement as a means of becoming or remaining competitive the only alternative, willing capital sees the foreign scene as a beckoning alternative. The mass market (consumers) characteristically smiles on merchandisers who offer the more attractive bargains. These are less and less of the native variety and more and more the foreign. Our mass market is diverted to serve as an outlet, not for innovaters and entrepreneurs at home, but the foreign based.

Our economy is being outflanked, upset and consumed by the very forces to which it gave birth and by ironic generosity handed over to other countries. We are driven to ever greater dependence on service activities rather than production even though we still have the most productive machine in the world.

Is there an alternative? If we can restore the former climate we can hope to reopen the doors to expanding employment. The restoration can be assured if we set a ceiling on the share of our market imports may supply and thus prevent their heading us off at the pass that leads to the mass market. This share might differ from product to product and provide reasonable flexibility.

In such a restored climate our industry could resume the course of cost and price reductions with both new and old products that enjoy an elastic demand, and thus restore to our system its employment-generating motivation.

Failure to understand the dilemma posed by the silent reversal of the international competitive tide which in time will leave our economy beached, will bedevil and even embitter our international relations, while an understanding of it will open the way to fruitful adjustment.

OUR OVER-THE-HILL ECONOMY

In adjoining columns O. R. Strackbein paints a dreary picture of the U.S. economy, a view that may seem to be confirmed by recent events. Business has been sputtering along well below capacity, unemployment has been discouragingly high, and the U.S. has been having growing troubles with foreign competition.

Mr. Strackbein, an ardent spokesman for the new protectionism, feels that this country has simply encouraged and permitted too much of that foreign competition. In the process, he says, American industry has lost a major asset: domination of a huge domestic market.

It's certainly true that the domestic mass market has had much to do with the rapid growth of American industry. (In passing, it should be noted that free trade within the United States has made possible both the mass market and the industrial growth.)

We would concede, too, that other nations have made vast strides in technology, frequently with U.S. help. As President Nixon has been stressing lately, moreover, other countries seek unfair advantage over America by clinging to artificial exchange rates that favor their exports and discourage imports from the U.S.

When all that has been said, though, we still think Mr. Strackbein's solution smacks of defeatism. What he is saying, essentially, is that the U.S. should rope off much of its domestic market solely for domestic producers since, in his view, American companies will never again be able to compete on equal terms with foreign firms. Implicit in this plan, of course, is a renunciation of all foreign markets in favor of foreign companies.

This sounds quite a lot like the stagnation arguments of the 1930s: there's not much hope for much more expansion, so we had better content ourselves with dividing what we have.

The argument was wrong in the 1930s, and it's wrong now. Many of the U.S. companies that have been going abroad have gone not so much in search of cheap labor as in pursuit of what they see as a greatly expanding international market. Gradually, often painfully, the economic nationalism that has served the world so badly for several centuries has been giving way to a new internationalism.

Common Market countries discovered that, once they lowered the trade barriers among themselves, they had a huge domestic mass market of their own. After they made the discovery and began to profit from it, they unfortunately became rather protective about it, taking a tack somewhat similar to the one Mr. Strackbein now urges for the U.S.

The U.S., for its own selfish interest if nothing else, needs to encourage the rest of the world to continue to find and benefit from the virtues of freedom. To do so it will have to show the rest of the world that the 10% import surcharge is only temporary, that this country does not intend to reverse the progress toward freer trade that has been made over the past four decades.

Looking toward the increased competition that would ensue, the U.S. does indeed have some problems extending beyond unrealistic exchange rates, problems that need correction. Careless financial policies have permitted inflation to boost prices of exports and make imports more attractive. Government policies overly friendly to unions have made it difficult, if not impossible, for American producers to keep labor costs under control.

A significant part of the problem, finally, is that great American industrial asset: the domestic mass market. Many American producers came to take that market almost for granted. As a result, they relaxed—in research and development, in salesmanship, in simple management techniques. And foreign companies began to clobber them.

Around the world there is an enormous mass market opening up, one that can aid and abet many thousands of producers, both in this country and abroad. If less-developed countries get easier access to the world market for their raw materials and other products, they will also become bigger customers in the market.

Given reasonable federal financial and labor policy, we're convinced that many American companies can compete quite successfully in a swiftly expanding world market. Unlike the protectionists, in other words, we still aren't persuaded that the American economy is irretrievably over the hill.

IMPORTATION OF CHROME ORE OR CHROMITE

Mr. McGEE. Mr. President, during last week's debate on section 503 of the Military Procurement Authorization Act, the distinguished senior Senator from Virginia (Mr. BYRD) submitted a telegram from a Mr. William Hart, who identified himself as a member of the executive board of the United Steelworkers of America. Mr. Hart expressed support for section 503, which, in effect, would permit the United States to unilaterally breach the United Nations embargo against Rhodesia for the purpose of importing chrome ore or chromite.

Although Senator BYRD's comments relative to Mr. Hart's telegram and the manner in which it appeared in the RECORD were not misleading, I do believe that many Senators who voted on my amendment to delete section 503 did so in belief that the United Steelworkers did indeed support section 503.

In a letter from I. W. Abel, president of the United Steelworkers, he emphasized that Mr. Hart's telegram neither was endorsed by the executive board of the steelworkers, nor did it reflect the position of the steelworkers. Mr. Abel went on to say that the United Steelworkers of America supported the intent of the embargo and its continuation.

I feel that Mr. Abel's letter to me clarifies the steelworkers' position on this matter for those Senators who may have believed otherwise. I ask unanimous consent that Mr. Abel's letter be printed in the RECORD.

In conjunction with the same matter, I have also a letter from Mr. David Abshire, Assistant Secretary of State. I ask unanimous consent that it also be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STEELWORKERS OF AMERICA,
Pittsburgh, Pa., September 29, 1971.

Hon. GALE W. McGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McGEE: Recently the Senate debated a provision of the Military Procurement Authorizations Act, 1972 (H.R. 8687), reported out by the Senate Armed Services Committee, which would permit the United States unilaterally to breach the United Nations' embargo against Rhodesia for the purpose of importing chrome ore or chromite. Because of the official social and racial injustices perpetrated by the Rhodesian government against its citizens, the UN applied the economic solution of an embargo until such time as that government through negotiations would correct such indignities. The impact of the embargo, as far as chromite is concerned, is that the American ferroalloy producers have increased their purchases of Russian chrome ore from a level of 33 per cent in 1966 to a level of 58 per cent in 1971.

During the floor debate on your amendment to delete this morally indefensible section and to maintain the embargo, Senator Harry Byrd (Va.) read a telegram from a Mr. William Hart, who specifically identified himself as a member of the executive board of the United Steelworkers of America, in support of the effort to destroy the effectiveness of the embargo. Let me assure you that his telegram neither was endorsed by the executive board of nor does it reflect the position of the Steelworkers.

The United Steelworkers of America supports the intent of the embargo and its continuation. We feel that as a nation, and in conjunction with other nations, we must be socially concerned about basic human justice and, if need be, sustain an economic price for that conviction. Furthermore, this is one of the few occasions on which the United Nations acted as the moral conscience of the world. Its effort, therefore, should continue to have the support of this country if the purpose of a United Nations organization is to be meaningful. To break the embargo on this item will surely lead to a breaking of the embargo on other items.

Arguments on the floor indicated that the Senate Foreign Relations Committee had previously rejected this measure; that fully three years before the embargo we were already importing almost 40 per cent of chromite from Russia (49 per cent in 1963); and that there is a governmental request to release 1.3 million tons of chrome from the strategic stockpile, thereby belying any charge of strategic shortage of this mineral.

However, as regards to the threat of job loss in the specialty steel industry in Pennsylvania or elsewhere, it is in no way affected by the importation of chromite from Russia. Our problem in that industry is due to the inordinate levels of specialty steel imports from Japan and Europe and not to the source of chromite imports. To correct the specialty steel trade imbalance we have supported steel quota legislation and/or voluntary agreements. However, the importation of chrome ore from Russia does not aggravate the importation of specialty steel. It certainly did not do so in the three years prior to the embargo.

The ferroalloy industry is also beset by ferroalloy imports. We have supported their contention before the Office of Emergency Preparedness for quota relief. But the relief was to be directed against ferroalloy imports, for example ferrochrome, and not the ferroores, for example chromite, upon which the industry depends. The lack of access to Rhodesian chrome ore fields does not affect the volume of chrome ore imports. The fact that some ferroalloy producers own properties in Rhodesia should not sway the United States decision to maintain the embargo.

Our problems, therefore, in the specialty steel industry and the ferroalloy industry can be solved by quota controls and not by breaking the Rhodesian embargo on chrome ore. We hope that this untimely and socially indefensible provision of H.R. 8687 will be dropped either in conference or by further action by the Senate. The price of human dignity should not be measured in terms of the cost of chromite in the United States market.

Sincerely yours,

I. W. Abel,
President.

Department of State,
Washington, D.C., September 13, 1971.
Sen. Gale W. McGee,
U.S. Senate,
Washington, D.C.

Dear Senator McGee: A section in the Military Procurement Authorization bill now under consideration by the Senate (Sec. 503 of H.R. 8687) would have the effect of exempting US chrome ore imports from the mandatory UN sanctions on Rhodesia. Passage of that Section could seriously undercut efforts at this time to find a more permanent resolution of the Rhodesian problem and to bring an end to the related UN sanctions. As long as the possibility of a solution to the problem exists, we feel it is in our foreign policy interests to do nothing which could set back current efforts. Section 503 of the bill, by suggesting a weakening of US support for the current sanctions against Rhodesia, could unfortunately have this effect.

While not apprised of the details, we are advised that, at the present time, a genuine possibility of a United Kingdom-Rhodesian agreement may be in the offing. On August 2, 1971, Sir Alec Douglas-Home, British Foreign Secretary, said in Parliament, "We are seeking to ascertain whether an acceptable basis for negotiations exists; meanwhile sanctions will continue."

While the sanctions have not been uniformly applied, they have had a substantial and serious effect on the Rhodesian economy and represent the principal pressure by the international community on Rhodesia to come to an agreement with the United Kingdom.

It has been our consistent policy to support British efforts to bring the Ian Smith regime to an acceptable agreement. Preliminary contacts between British Government representatives and Rhodesian officials began several months ago. Their objective was to determine whether a sufficiently broad basis existed for formal negotiations. These contacts were followed by the visit of a high-level British delegation to Salisbury for further talks in June. From the information available to us, those talks in turn resulted in further progress. There are now indications that a settlement may be within reach; the chances for such an outcome look better than at any time since 1968.

It is the view of the Department, confirmed by our talks with the British Government, that passage of Section 503 of H.R. 8687 at this time would adversely affect the current UK-Rhodesian contacts and prospects for an early settlement. Any weakening of the U.S. stance on sanctions could suggest the beginning of an erosion of international support for the position on Rhodesia adopted by the Security Council. This position is an important continuing element in the efforts at a more permanent and internationally acceptable solution to the Rhodesian problem.

Department officers have, of course, testified before your sub-committee on other basic reasons for which we believe continued US support of the sanctions program is in the national interest.

Yours sincerely,

David M. Abshire,
Assistant Secretary for Congressional Relations.

ANTITRUST EXEMPTION OF PROFESSIONAL BASEBALL

Mr. SPONG. Mr. President, on Tuesday, I was pleased to cosponsor with Senators Magnuson, Cotton, Ervin, and Metcalf a bill to remove the unique antitrust exemption that professional baseball enjoys today. I am hopeful that the Senate Judiciary Committee will broaden the scope of its present hearings on a proposed basketball merger to include consideration of this baseball legislation (S. 2599) and to review the whole professional sports scene.

The most recent cause for concern about big business baseball was the transfer of the Washington franchise to Texas. But, even if this action had not been taken, I would have urged Congress to take a very close look at baseball's favored status under the antitrust laws and to consider what actions should be taken to assure representation of the public interest in these matters.

Like many other organizations engaged in interstate commerce, baseball has become big business. But unlike any other big business in America today, professional baseball enjoys complete immunity from the strictures of antitrust legislation. It is time, I believe, for Congress to end its long silence on this matter.

Mr. President, I ask unanimous consent to have printed in the Record a statement I made before the Subcommittee on Antitrust and Monopoly on September 23, 1971.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator William B. Spong, Jr., Before the Senate Antitrust and Monopoly Subcommittee, September 23, 1971

Mr. Chairman, I would like to take this opportunity during the committee's consideration of proposed basketball legislation to comment on the status of professional sports today. I do so as a life long sports enthusiast.

It is because I am a fan that I am disturbed by the growing domination of the field by big business interests and big business psychology. Clearly, profit making is an important side of the game. However, if it is all-important, there is serious question about the claim of organized sports to special consideration under the antitrust laws and its right to other forms of public support it receives.

The Committee today is considering legislation to authorize the merger of the two professional basketball leagues, but the issue involved affects all professional sports. As the Chairman noted in his opening remarks, organized sports asks to be treated as a monopoly. The questions posed are what public interest justifies such a monopoly position and what conditions should be imposed in exchange for this valuable great?

Nowhere is that issue more focused than in the case of major league baseball which is unique among all organized sports in being totally outside the antitrust laws. It is to that subject that I want to direct my remarks today.

As the members of the Committee know, the American League owners Tuesday night agreed to the movement of the Washington Senators baseball franchise to Texas. I was distressed by that decision and by the manner in which it was made. While I do not have the details of what transpired at the meeting, it does not appear that baseball's obligation to the community was a consideration of any consequence at all. Yet it was the Washington community which provided the team with its identity. Public monies helped to build the stadium in which the team played and to underwrite the municipal services which supported the entire operation, and despite discouraging records, the people of this area supported the team by their attendance.

It is true that the turnout this year has been disappointing, but considering the standing of the team that was not altogether surprising. However, looking over the long history of major league baseball in Washington—some 71 years—I think the fans have shown extraordinary loyalty and support. As one example, the Senators drew 918,000 fans in 1969 despite finishing fourth in their division, some 23 games out of the lead. That was a better attendance record than Chicago, Cleveland, California, Oakland, Seattle and Kansas City. Last year, Washington's attendance was a very credible 820,000.

Despite all this, the community had no say in the loss of this valuable franchise and it does not appear that its interests were weighed.

How is it that a small group of men can deprive the Nation's Capital of its team and decide where next to bestow the valuable franchise rights. The answer quite simply is that Congress has not acted to spell out the responsibility of organized baseball to the public. This silence has been construed by the courts as a positive intent to exempt baseball from the laws which affect other professional sports and other big businesses.

Beginning in 1922 when the Supreme Court ruled that organized baseball was not in interstate commerce (*Federal Baseball Club of Baltimore* v. *National League of Professional Baseball Clubs,* 259 US 200) the Court has followed a very narrow application of *state decisis* in this matter. The character of baseball has radically changed since 1922. Today it is clearly involved in interstate commerce. The courts, however, have declined to overrule the initial finding on grounds that Congress's failure to act, despite repeated invitations to do so, expressed an intent to exclude baseball from the operation of antitrust laws. "If there is evidence in this field which now warrants application of the antitrust laws it should be by legislation" the Court said in *Toolson* v. *New York Yankees* (346 US 356).

In its *Radovich* v. *National Football League* decision of 1957 (352 US 445), the Court conceded that the 1922 decision was "a ruling which at best was of dubious validity," but nevertheless insisted that "as long as the Congress continues to acquiesce, we should adhere to—but not extend—the interpretation made in those cases (*Federal Baseball* and *Toolson*)."

Mr. Chairman, clearly the courts have invited Congress to act and clearly the situation demands that we review our responsibilities. The time has come in the development of organized baseball for Congress to protect the public interest and to review the unique immunity that baseball enjoys. Decisions which so deeply affect the public should no longer be left in the hands of a few wealthy club owners acting to maximize their return on investment. The public, too, has an investment in this matter.

On the morning before the decision was made to transfer the Washington Senators, the distinguished sports columnist Red Smith succinctly stated the proposition that faced the owners in that Boston hotel room. He asked: "Will the American League honor the principle established in the Seattle case—that men who take over a franchise and fail with it should be reimbursed for their losses, relieved of their burdens, and rewarded for their incompetence with a quick profit."

We now know how the owners answered this question. And, while the decision Tuesday concerned the Washington Senators, the decision next year or the year after could affect any city now holding baseball franchises—Cleveland, New York, even some day Dallas-Fort Worth itself.

I do not believe mismanagement should be rewarded. It is time that the interest of fans and of the sport itself be given equal weight with the interest of business.

Mr. Chairman, I have taken note of your proposed amendment to create a federal commissioner of athletics to oversee the activities of all professional sports, including baseball. While I have reservations about involving the federal bureaucracy in professional sports, I, nevertheless, agree that the situation demands representation of the public interest. I hope this Committee will expand its hearings to consider this broader issue, inquire into the recent history of baseball franchises, as well as end the long silence of Congress on the subject of baseball's favored status.

SOVIET UNDERGROUND NUCLEAR EXPLOSION

Mr. BAKER. Mr. President, at approximately 2 a.m., eastern daylight time, September 27, 1971, seismic signals from Novaya Zemlya, a nuclear test area in the Russian Arctic, indicated that the Soviet Union had detonated an extremely large nuclear warhead. Initial indications were that the test was in the range of 2 to 4 megatons.

This is apparently the second in a series of similar nuclear tests, the previous one detected on October 14, 1970, on Novaya Zemlya Island.

Tom O'Toole, in the Washington Post of September 28, speculates that the Soviet Union is conducting ABM warhead tests. I expect that he is probably right. O'Toole opines that the Soviets want to get their ABM testing out of the way before SALT negotiations resume and attributes to the United States a comparable reason for the Cannikin test in Amchitka next month. I ask unanimous consent that Mr. O'Toole's article be printed in the Record at the conclusion of my remarks.

There can be no doubt now about the urgent importance the Soviets attach to the development and testing of an effective active defense system. There is little doubt in my mind that the Soviets are far ahead of us in this task.

I, of course, cannot speculate for the reasons the Soviets chose to undertake underground nuclear tests of these very large weapons now or whether they relate to SALT. However, I think it is clear that the Cannikin test is not so related since the October 1971 date for the test was planned early in 1969, long before the SALT negotiations were undertaken.

I fully understand the concern of many for the possible effects of the detonation of a very large nuclear device underground, or any place else for that matter, but I think the careful, meticulous planning and testing in preparation for Cannikin has minimized the likelihood of any environmental impact. As reported by the press, some criticism of the content of the environmental impact statement filed for Cannikin has been expressed by some. One of our distinguished colleagues recently was heard to say that in that regard that he wondered if anyone had ever written an environmental impact statement on a preemptive first strike on the United States by a foreign power.

In any event, it seems clear that the Soviets are well along in the testing of warhead designs for their ABM's, and that especially now that negotiations are active and optimistic at SALT, we dare not fall behind in our development of an active defense system and that Cannikin has been carefully prepared.

I hope the shot will occur on schedule in October. I think it is vital to the future stability and peace of the world.

There being no objection, the article was ordered to be printed in the Record, as follows:

Huge Soviet Underground Blast Recorded on Island in Arctic

(By Thomas O'Toole)

The Soviet Union yesterday conducted a large underground nuclear explosion that might have been a test of a warhead for its Galosh antiballistic missile.

The test, which took place on the Arctic island of Novaya Zemlya at 2:04 a.m. EDT, was recorded by United States seismic instruments as a force equal to between two and four megations, which is 2 million to 4 millions tons of TNT.

This would make yesterday's Soviet test the second largest underground nuclear explosion in history. The largest was a Soviet test on Novaya Zemlya last Oct. 14, recorded by the U.S. Atomic Energy Commission as a force between three and six megatons.

The Soviet test came at a time when the U.S. is preparing to conduct an underground weapons test on the Aleutian island of Amchitka. The projected U.S. test is to have a force of five megations, making it the largest U.S. underground test and at least as large as last year's record Soviet blast.

Code-named Cannikin by the AEC, the U.S. test—scheduled for sometime in the last two weeks of October—is to be the first test of a warhead for the Spartan antiballistic missile.

U.S. sources said that yesterday's Soviet test was probably a test of an ABM warhead, either for the 200 mile-range Galosh or for an advanced and longer-range version of Galosh.

One reason the Soviet Union and the United States may be conducting ABM warhead tests at this time is to get them out of the way prior to resumption in November of the SALT negotiations.

INCREASED TRAIN SERVICE TO NEW ENGLAND

Mr. PELL. Mr. President, I am delighted to announce that Amtrak is planning a significant increase in rail passenger service in the Northeast Corridor.

As one who has long advocated increased rail passenger service in our country's urban corridors, I commend Roger Lewis, president of Amtrak, and other officials of Amtrak for their decision to increase rail service in the Northeast Corridor and to improve service connections in other parts of the country.

It is my own belief that increased service in our country's urban corridors will result in a significant increase in Amtrak's revenues and provide significant relief to the urban traveler in our country's congested megalopolises.

I ask unanimous consent that the letter from Roger Lewis announcing increased rail service be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

September 29, 1971.

Hon. Claiborne Pell,
U.S. Senate,
Washington, D.C.

Dear Senator Pell: The suggestions you made in your letter of the 10th of September for improving service in the Northeast Corridor were excellent.

Your suggestions reduced to writing those you made to me orally in our conversation of six weeks ago. I assured you then that we would take your suggestions very seriously. I can report to you that we have done so, and that effective with the new schedules which will become operative around the middle of November:

(1) Improved standard equipment will go into service in the New York-Boston portion of the Northeast Corridor.

(2) Every effort is being made to obtain a sufficient number of reliable power units so that schedule delays can be avoided during the coming winter months.

(3) With two exceptions, trains via the Shore Line route between New York and Boston will make the run in 4½ hours or less.

(4) Frequencies between Boston and New York will be increased from eight to eleven trains in each direction; ten trips in each direction will operate via the Shore Line. The eleventh trip will operate via Springfield and Worcester (replacing a present trip which operates between New Haven and Boston via that route tied into a Shore Line train at New Haven.

(5) There will be a total of fourteen trains a day to/from New England via the Penn Station Gateway, five more than at present. As mentioned above, ten of these will operate to/from Boston via Providence, one to/from Boston via Worcester, two to/from Springfield and a new Metroliner service between New Haven and Washington.

(6) With minor unavoidable exceptions, schedules are being regularized in and out of New York and out of Boston and Providence so that the average man can commit them to memory.

(7) Whereas there are now only six through services per day north and south through New York, this will be increased to nineteen as follows:

6 NB, 5 SB through trains Boston-Washington via Providence.

1 NB, 1 SB through train Boston-Washington via Springfield.

1 NB, 1 SB through train Springfield-Washington.

1 NB, 1 SB additional through train Springfield-Washington after December 17.

1 NB, 1 SB through *Metroliner* New Haven-Washington.

(8) Metroliner services between Washington and New York have been better coordinated with Boston schedules to permit good connections. We except to be able to effect cross platform connections in most instances at Penn Station, N.Y.

(9) Through service without changing trains between New England and the South will be instituted in two stages. First, through service via the Southern Railway to Atlanta, Birmingham and New Orleans, and via the C&O to Charlottesville, White Sulphur Springs, Cincinnati and Chicago will be inaugurated. Second, through cars between Boston and both coasts of Florida will begin around the middle of December.

It will also actually be possible to ride from New England through to Los Angeles on the tri-weekly transcontinental sleeping car via the Southern Railway.

We greatly appreciate the help you have been to us not only in improving service in the Northeast Corridor, but in making constructive suggestions for improving services generally. We are grateful for the confidence you have expressed in Amtrak's ability and determination to reverse the dismal recent history of railway passenger service, and to establish in the United States a modern, efficient, and enviromentally acceptable intercity rail passenger service to serve our travelling public.

With kindest regards,

Sincerely,

Roger Lewis,
President.

ATTICA AND PRISON REFORM

Mr. HARTKE. Mr. President, too often it takes a severe crisis to provoke serious efforts to achieve long-overdue change. The recent tragedy at Attica has caused our Nation to take cognizance of the fact that our prisons are infected with neglect and decay. There have been calls for a return to the hard line, but proponents of that view ignore the fact that it is the hard line which has caused the current crisis.

For decades we have been content to place those who have violated society's laws out of sight. We have imprisoned for punishment rather than rehabilitation. That has been the easier and less costly approach for society, but in the long run it has caused more trouble and more expense than all of the alternatives combined.

At this time when we consider what should be done to avoid future prison riots, an address by Chief Justice Warren E. Burger entitled "Correction Systems That Do Not Correct" is most appropriate. The speech, given last year, was recently reprinted in the New York Law Journal. Mr. President, I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Correctional Systems That Do Not Correct

(By Warren E. Burger)

In this setting where we have been reminded of some of the old truths that have guided mankind in the Western World for more than 2,000 years, it seems fitting to talk again about the problems we have in dealing with those who break our temporal laws and are in need of correction.

I discussed with you last year on this same occasion our correctional systems that do not correct and how our national trait of impatience has distorted our approach to the problems of prisoners and rehabilitation. Our approach has much in common with what clergymen call their "Sunday Christians." In the field of treatment we are to a large extent "Sunday Christians." We profess a commitment to rehabilitation of delinquents but we do not practice it very much. Many of us speak of it at Bar association gatherings, and I suspect most people including legislators would agree on what we ought to be doing in terms of the objectives. To state the objective is simple. All rational people would agree that we want to have the prisoner leave prison with an ability to make an honest living by his own effort and with the will or motivation to do just that.

DECENT, ENLIGHTENED

We can all agree with that for at least two reasons. It is the decent and enlightened thing to do—and we all want to be decent and enlightened—and in addition it is the sensible and profitable thing to do because it would save precious lives and billions in the cost of crime. The *Wall Street Journal* recently told that investment analysts looking for new profitable business estimated that Americans—individuals and corporations—now spend at least $2 billion a year on plant and home protection and crime control alone.

This money is spent for protection from the people who, for the most part, are "graduates" of the noncorrecting correctional systems I spoke of. What a paradox it is that we spend these billions on private police forces, millions on the defense of persons accused, and yet have so little regard for the need to change the people we send to our prisons.

This is why it would be sensible, apart from any humane motive, to break this destructive cycle of criminal lives.

But an enlightened society that professes adherence to our great Western traditions ought to rest its policies and programs for human being on a higher plane than simply sound business or good policy. And yet we can rejoice that on this problem sound business principles and high ideals will carry us to the same conclusion: a concern to restore the subject to useful life.

We have come a great distance in recent years in bringing the early stages of criminal justice to a point where no person charged with a serious offense is without the protection that only a lawyer can give. The ABA has had a major part in this with defender programs and the Criminal Standards Project.

PROGRESS CITED

Now in this past year the ABA has taken a most significant step by creating the Commission on Corrections and Correctional Facilities with former Governor Hughes of New Jersey as chairman of a most distinguished commission. At last, we have taken a first step to move ourselves away from a system which has concentrated too much on contention and too little with concern for the consequences of a determination of guilt.

The creation of this commission may in future be seen as the point when our thinking as lawyers entered a new phase—one in which we see criminal justice as a spectrum beginning with arrest, through the court processes and then covering the entire custodial period and supervision after release.

Our national trait of impatience to get results probably helped take us to pre-eminence as a great industrial power as it made us first to reach the moon. But impatience for quick results does not contribute to reforming wayward people whether they are in or out of prison.

I have a suggestion to propose to you and it is this: that you make it a point to visit the penal institutions in your own state to see first hand what lies behind prison walls and what we do to rehabilitate and reform the people we send there. All too often you will find yourself in a building a century old, with little or no recreational facilities—and this is terribly important when you see how many of the inmates are young and vigorous men. The library, if any, it likely to be inadequate. The educational programs are limited and vocational training is likely to be out of date. All too often you will find two men in a cell six or seven feet by ten feet in dimension—a cell built for one prisoner long, long ago.

Counselling by well trained personnel or psychiatrists and psychologists will be limited and far less, for example, than is found in Sweden, Denmark or Holland.

If what you find in your state is better than this, count yourself and your state fortunate.

FACILITIES SUBSTANDARD

All correctional systems in this country have approximately 200,000 prisoners in custody and many on parole. Most of those in custody are in gravely substandard institutions and those on parole have inadequate supervision because of lack of probation officers.

Can you conceive of any important business enterprise in this great industrial nation being run this way with little or no concern for the quality of performance or output? The American people would not tolerate the conditions that exist in most prisons if they could see them and see the frustration, the waste and the absence of facilities and programs to change men who are there.

But let me turn away from any analogy to business and self-interest and recall the stories of the Prodigal Son and the ninety and nine who did not stray, and then the rejoicing that attended the one who strayed but returned to the fold. Here, surely, we see that we have not practiced what we have preached.

In this complex, troubled and baffling world perhaps we need to turn our thoughts more often to the simple parables of the Bible. If we use them as a guide we will find a way to do something better than we now do in our institutions of correction. And again, I urge each of you to visit your own institutions and see what you as a citizen are responsible for in dealing with one of the major factors in a rising crime rate.

A SALUTE TO SENATOR ELLENDER ON HIS 81ST

Mr. PERCY. Mr. President, I belatedly add my congratulatory comments in recognition of Senator Ellender's 81st birthday. I was regretfully in Illinois at the time celebrating my own 39th birthday for the 13th year in a row. I am pleased to be able to extend best wishes to Senator Ellender on this occasion.

I think that this year I finally learned the secret of his longevity: Cajun cooking. It has been my pleasure to several times accept his kind invitation to delight in the fare prepared by his own hands, a delicious combination of gumbo and pralines. I know now what accounts for the chairman's spirited lease on life.

But if the secret of Senator Ellender's longevity is not Cajun cooking, it must be his buoyant and energetic approach to life. Having had the opportunity to serve under his leadership on the Appropriations Committee, I am convinced that this is the means by which he has survived with such enormous success his 35 years in the Senate. Senator Ellender is an inspiration to many of us who must still be considered "newcomers" in comparison to his record. I wish him a very happy 81st birthday and many more such anniversaries in the future.

EQUAL RIGHTS FOR WOMEN

Mr. HARTKE. Mr. President, once again we have reached that time of the legislative year when there is discussion about the need to guarantee the rights of women. A democratic society cannot tolerate arbitrary discrimination without thereby weakening its own foundations. That has been the undeniable lesson of history, and that is the lesson this Congress is being asked to recognize by passing the equal rights amendment.

I recognize that many questions have been raised about this amendment, but I am afraid that most of the arguments posed by these questions are fallacious and mere stalling tactics. The amendment does not prohibit reasonable classifications based upon sex. Instead, it proscribes discrimination—arbitrary discrimination—because of sex. Any argument which suggests that the passage of this amendment will eliminate those classifications based on sex which are reasonable and necessary ignores the history of the equal protection clause of the 14th amendment.

Recently, the Governor's Commission on the Status of Women in Nebraska adopted a resolution in support of the equal rights amendment as it is expressed in Senate Joint Resolution 79, which I introduced on April 1 of this year. Mr. President, I ask unanimous consent that the statement of that commission be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

GOVERNOR'S COMMISSION ON THE STATUS OF WOMEN, LINCOLN, NEBR.

To the Honorable Members of the United States Congress.

To the Honorable Members of State and Local Commissions on the Status of Women.

To Governor J. James Exon, State of Nebraska.

To State Senator William H. Hasebroock, Speaker, Nebraska Legislature.

We believe the action taken at the August 28, 1971 meeting of the first statutory Nebraska Governor's Commission on the Status of Women will be of interest to you. We urge your support of the Equal Rights Amendment in its original form.

Thank you,

MRS. HELEN HAGGIE,
Chairman.

* * * * *

Whereas, the Nebraska Commission on the Status of Women is by statute a commission established to develop the potentials, interests and talents of Nebraska citizens.

Whereas one of the stated objectives of the Commission is the equality of opportunities for men and women,

Therefore be it hereby resolved, the Nebraska Commission on the Status of Women go on public record favoring the Equal Rights Amendment in its original text, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

* * * * *

YEARS OF INTERNATIONAL SERVICE BY RICHELIEU CLUB

Mr. McINTYRE. Mr. President, it gives me a great pleasure to share with Senators the record of 15 years of fine service by the Manchester chapter of the Richelieu Club—an international service organization spanning three continents and many thousands of members.

Founded in 1956 as the very first such club in the United States, the Manchester chapter has distinguished itself on many occasions by its selfless devotion to the service of its community. It has certainly always personified the great French ideals of liberty, fraternity, and equality.

In just a few short years, the Richelieu Club, of Manchester, has made itself felt as a contributing part of the city in many areas.

It sponsors a baseball and hockey league for the children of the city. It has taken the assistance of needy children as its main work, sponsoring many children who would otherwise not be able to afford it, at summer camps in my State.

It has regularly donated special hospital equipment to be used by underprivileged and disabled children.

It donates time and money to the girls club and Boy Scouts, sponsoring one troop of Boy Scouts from St. Peter's Orphanage.

It works with the Salvation Army around Christmas time. It regularly sets aside days for its members to donate blood.

Mr. President, the group is perhaps best known in Manchester for the annual summer beach party. Each summer, members of the Richelieu Club takes all of the orphans in the city—from St. Peter's, St. Patrick's, and the Manchester home—and take them to the beach for a day of sun, games, and prizes.

Mr. President, the Manchester Richelieu Club was recently honored when one of its own, Mr. Louis I. Martel, was elected president of the international organization. He is the first U.S. citizen to serve fully as president of the Richelieu international clubs, and I believe it is altogether fitting that the first U.S. president should have come from the first club established in the United States.

Mr. President, I want Senators to know how proud I am of this club. I want them to know what a fine service they perform—not just in Manchester, N.H., but all across the world. I want to warmly congratulate them on their 15th birthday.

STREAM DAMAGE

Mr. HARTKE. Mr. President, a stream's history can be traced by studies of its biological inhabitants. Unfortunately, with almost all of our Nation's waters such studies would not only trace historical development, but would serve to confirm the damage which man's work has done to his natural environmental inheritances.

An article written by Phil Ault, of the South Bend Tribune, attests to the plight of our waters and is but one of many discouraging stories to be told. I hope that articles like this will prompt action allowing us to write an environmental history with a happy ending.

Mr. President, I ask unanimous consent that Mr. Ault's informative article, entitled "Disappearing Clams Reveal River's Plight," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Tribune, South Bend, Ind.]

DISAPPEARING CLAMS REVEAL RIVER'S PLIGHT

(By Phil Ault)

The St. Joseph River is a stream for patient men. They are in evidence along its banks every summer day, quietly sitting at the water's edge while their lines drift in the current, only rarely tugging taut at the bite of a fish.

Those who frequented the river in the summer of 1970 often saw another patient man at work. Sometimes he was scraping the muddy shore with a rake. On other days he was in a boat, or bent over in close scrutiny of the river bottom, digging up an occasional object by hand.

Dr. Clarence F. Dineen of the biology department of St. Mary's College was collecting specimens of mollusks—clams and snails—in a study of the river.

Relatively little scientific examination has been made of the river that wanders from Michigan down through Indiana, through the cities of Elkhart, Mishawaka and South Bend, and then northward into Lake Michigan. Fishermen know the lore of the river's shallows and currents, and where the best specimens can be caught. Experts of the Indiana and Michigan Electric Co. can expound in detail about the seasonal rates of water flow in the stream. But not much has been recorded about the hidden living organisms that inhabit the river's bottom and edges, whose presence can be a barometer of the stream's well-being and state of pollution.

Dr. Dineen spent much of the 1959 summer digging up specimens of mollusks from the St. Joseph River watershed, the main stream and its tributaries. In 1970, he devoted his summer to probing the same area again for comparison purposes. His work in the main river was concentrated in the stretch that flows through Indiana, from the state line north of Bristol to the point where the river flows back into Michigan north of South Bend.

What Dr. Dineen found was surprising. During the 11-year span the number of species of bivalves existing in the river was reduced by half, from approximately 20 to 10.

The number of individual mollusks in the various species decreased correspondingly.

The St. Joseph River simply isn't the happy homestead for clams that it once was, especially when it is remembered that half a century and more ago the river supported a small pearl button industry using clams taken from its bottom.

In a paper published in the Proceedings of the Indiana Academy of Science, Dr. Dineen offered comments on why this change has taken place. Much of it, he reports, is due to a change in river habitat. The bivalves need a stable habitat with firm sand and nonpolluted water, along with plankton for feeding and calcium carbonate in the water to build their shells.

"New bridges, roads, retaining walls, and landfills have destroyed many stable habitats," he explained. "Many of the small tributaries of the St. Joseph River have been diverted into ponds and small lakes."

High speed motorboats and water skiers also disturb the clam beds.

This rolling of the river's banks and bottom has changed the temperature of the water in some places. When the river flow is more sluggish and at lower levels, as during a drought, the water temperature rises. This harms the clams, which prefer cooler water.

Sediment from erosion, agricultural practices, and housing developments has muddied the waters.

Man-made pollution contributes to the decline, too. "Domestic sewage and industrial wastes, in spite of recent abatement measures, have considerable influence on the molluscan populations."

Dr. Dineen explained, "Pollution of the river is not only from human causes, but from sediment. It cuts the algae and food supply in the stream. While from the standpoint of human pollution, the St. Joseph is improving, it is getting worse from sediment."

An abundance of clams helps to purify a river because they suck in organic material in the water, digest it, and recycle the water into purified form.

The changing conditions in the river bottom have led to a decline in the carp population, while the more desirable smallmouth bass and catfish are on the increase, he has found. The fewer carp, the better for clams, because carp wallow around on the river bottom and stir up the sediment.

It may be news to those patient men who succeed in pulling fish from the St. Joseph's waters that these fish are the transportation system for clams, the underwater buses on which they hitchhike rides to new areas in the river.

Few people look upon the clam as one of nature's more exotic products, but for those who study its habits there is fascinating evidence of the rhythm and ingenuity of the natural cycle.

There are male and female clams, of necessity, but only a clam can tell the difference from looking at the shell. After developing in the mother's gills, the little clams go out into the watery world as glochidia varying in length from an infinitesimal 1/500th of an inch to 1/50 of an inch.

Cast loose from their mother, the brood numbering from 100 to 3,000 sinks to the river bottom Passing fish stir up the bottom and the glochidia hook onto them. They must do so within a few days, or perish.

Having become the unwitting host to these tiny creatures—a large fish may carry as many as 3,000—the fish obligingly walls them off by growing a tissue called a cyst. The infant clams ride along as the fish swims up and down the river, for 30 to 200 days, then drop off. If they happen to land in hospitable river bottom, they survive and thrive.

Fresh water clams such as those taken from the St. Joseph River are edible if properly prepared, but the effort is hardly worthwhile because they are not exactly nectar for the gods. Piles of shells left around old camping grounds showed that the Indians ate them, probably by baking. A boiled freshwater clam has approximately the consistency of shoe leather.

To an expert the shell of a clam reveals significant facts. The rings on the shell indicate the mollusk's annual growth, which is concentrated in spring and summer. Clams live as long as 13 years. Even a creature as secretive and unobtrusive as a clam has its enemies in nature. Dr. Dineen has found piles of shells along the St. Joseph that have been opened by raccoons and muskrats, which eat the soft matter inside. Catfish and sheephead are among the piscatorial enemies of the clam. Turtles and mink also are clam hunters.

Along with the Latin names, the species of clams found in this area bear more earthy commonplace names such as the purple warty-back, the fat mucket, the lady finger, and the pocketbook.

The shiny inside of the shell is the nacre, or mother of pearl. It is this material that makers of pearl buttons used before synthetic materials destroyed the trade in the 1950's. Several species of clams found in the St. Joseph are suitable for button making, although their numbers have diminished sharply.

Starting in the 1890's and continuing until about 25 years ago, a substantial button making industry operated along the lower stretch of the St. Joseph. Berrien Springs was the center of the trade.

Flat bottomed scows about 12 feet long with clamming devices attached to their sides were used to collect clams from the lower river. The shells of the commercially valuable species, which are the ones with sufficiently thick shells of the proper color, were purchased from clam diggers for up to 5 cents a pound. As late as 1929, the Michigan Department of Conservation sold 250 licenses a year to clammers on the St. Joseph.

The buttons were cut from the pearly inside of the shell by a dealer in Berrien Springs. Properly cut, a medium size clam shell produced approximately 20 half-inch buttons or 14 three-quarter inch ones, or about 100 to 140 a pound.

This button business diminished as the number of suitable clams did until its death in the early 1950's.

For hunters of freshwater clams, there is always the possibility that an opened shell will reveal a pearl inside. Pearls of excellent quality have been reported taken from Michigan mussels, but the finds are too rare to justify organized searching.

Single pearls can indeed bring a great price, one having sold for $10,000. They are formed inside the shell as the muscular mantle secretes material around a foreign object such as a grain of sand that penetrates to the inside. This object is covered with mother of pearl the same as the lining of the shell.

The Japanese have developed the cultured pearl industry, making oysters produce pearls to order by the artificial insertion of material to form a nucleus.

Surprisingly, many of the best Japanese cultured pearls have nuclei taken from clam shells dug from the bed of the Wabash River in Indiana. Shells from the Wabash have an extraordinary translucence which makes them desirable for this highly specialized use.

Clam shells without blemish dug from the Wabash are cut into small cubes. When placed between rotating discs with an abrasive, the cubes are worn down until they become spheres about one fourth inch in diameter. From one to five years are required for a Japanese oyster implanted with a fragment of Hoosier clam to produce a cultured pearl, but when it does so, the product is of superior quality.

The clams of the St. Joseph River system claim no such exotic role, but for Dr. Dineen and other biologists they tell a discouraging story of what man's works have done to the stream we inherited and abused.

EMERGENCY TRANSPORTATION STRIKES

Mr. GRIFFIN. Mr. President, the current west coast dock strike is a good example of the severe and far-reaching effects of strikes affecting transportation of goods.

In this case innocent parties—particularly farmers and consumers—are suffering from a labor dispute over which they have no control.

This strike, like recent railroad strikes, illustrates the need for comprehensive legislation to deal with crippling strikes in the transportation industries, including the longshore and maritime industries.

I introduced such legislation on behalf of the administration last February, and I am pleased to note that during the past few weeks a subcommittee of the Labor and Public Welfare Committee has been holding hearings on my bill, S. 560, and others. Hopefully, these hearings will produce effective legislation.

Mr. President, I ask unanimous consent that a statement issued today by the Honorable Clifford M. Hardin, Secretary of Agriculture, concerning the dock strike, be printed in the Record.

I also ask that testimony which has been presented in support of S. 560 by Assistant Secretary of Agriculture Palmby, Labor Secretary James D. Hodgson, Transportation Secretary John A. Volpe, and Deputy Director of Inland Traffic, Military Traffic Management and Terminal Service, Department of Defense, Paul R. Chagnon, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Secretary of Agriculture Hardin

Washington, September 29.—Secretary of Agriculture Clifford M. Hardin at noon today issued the following statement on the effect on farm prices of dock work stoppages:

"U.S. farmers are losing business every day and are continuing to suffer a tragic loss in income from prices that are depressed because their products can't move to market.

"Right now, wheat that ordinarily would be moving to Japan is piling up in elevators and spoiling on the ground because of the West Coast dock strike. Perishable fresh fruit and vegetables can't wait for the strike to end, and this business will be completely lost.

"As these products pile up, it adds to the burden of supplies that seek an outlet here at home—and this depresses U.S. farm prices. Further, the transportation tie-up forces foreign buyers to look elsewhere for their supplies—which causes an immediate loss in our sales and sets up trade relationships between foreign buyers and new sources of supply that will be hard to break.

"Right now there is the threat of a strike on Gulf ports. That would be even more of a catastrophe for the nation's farmers. Even now, the mere threat of a strike is hurting. Elevators are reluctant to buy the new crop because they don't know when they can ship the commodities—and they know that if the ports are tied up prices on the supplies they hold will drop lower.

"This is particularly hard on farm prices and the nation's farmers right at a time when they have record harvests to move to market.

"It would be a disaster to the nation's farmers if Gulf Coast ports were to be tied up for any length of time. A previous Gulf Coast strike in 1969 turned around an upward trend in farm exports; export totals dropped $570 million under the previous year. Soybeans, feed grains, wheat, cotton, meat and meat products all lost substantial sales.

"President Nixon said on Saturday that 'we cannot tolerate a continuation of this pattern of delay and slow progress toward an ultimate settlement' of the West Coast longshoremen's strike. 'The time is overdue for the parties involved to live up to their responsibilities to the American people.'

"I join the President in asking that the participants in this strike on the West Coast, and the one threatened on Gulf ports, listen to the appeals of their fellow Americans to move food and farm products at this critical time. At this moment, we are engaged in a national effort to control inflation, restore our competitiveness in international trade, and improve our balance of payments. It is a time for all of us to look up to this challenge and respond to it."

Testimony in Favor of S. 560 the Emergency Public Interest Protection Act: Statement by Assistant Secretary of Agriculture for International Affairs and Commodity Programs, Clarence D. Palmby, September 28, 1971

The U.S. Department of Agriculture strongly supports the proposed Emergency Public Interest Protection Act of 1971 as a reasonable effort to deal with disputes between labor and management which arise in the transportation industries.

America's farmers depend for their very livelihood on our national transportation system, as indeed do all of our industries and consumers. However, our national transportation system is now being critically impaired because we lack a workable mechanism for quickly and equitably settling labor-management disputes. We fully realize that work stoppages are only one part of the transportation crises facing this nation. But we *must* find a better way to deal with labor disputes if we are to have the transportation system that a strong and growing U.S. economy requires.

Most of our people live far away from the farms that produce most of the food and fiber they need. Because we have had good transportation and marketing systems, our farmers are able to produce where soil, climate, and economic conditions are most favorable. The food is then shipped rapidly and efficiently to the great Metropolitan centers where it is needed. If our transportation system is stopped for any length of time, this represents an intolerable threat to the public. It is also an intolerable threat to farmers who may be unable to market their crops.

There is another vital reason for our concern about transportation tie-ups—and this is the effect of transportation stoppages on this nation's balance of payments through our agricultural exports. President Nixon recently told a joint session of this Congress that economic progress in the world has dramatically altered the relationships between the U.S. and other great trading nations, and that "we are now being challenged to protect the value of the dollar and to learn once again to be competitive."

Farmers have long known they must compete and have known how to compete as indicated by the fact that we are the world's largest exporter of farm products. Agricultural exports reached a new high of $7.8 billion last year. And farm exports contributed more than $6 billion to the nation's commercial trade balance last year. Without the favorable ratio of farm exports to imports, our balance of payments would have reached the crisis stage long ago.

But farmers are aware that their competitive position is in jeopardy—through no fault of their own—if they cannot depend on our transportation industries to move their farm products. In world markets, our crops have to compete directly with commodities from other countries . . . and if buyers cannot depend upon getting a dependable quality and quantity of U.S. products, they will buy what they need from others.

The present West Coast dock strike offers a prime—if tragic—example of what can happen. While our farmers sit by—helpless to act—they see much of their foreign market going right down the drain. For the months of July and August, an estimated $215 million worth of farm products, which would have moved through West Coast ports, could not be delivered. About $40 million of that amount was in fresh fruits and vegetables—perishable products that cannot wait for a strike to end . . . and 60 percent of that business is lost and will be difficult—if not impossible to regain.

Wheat that would normally be moving to our leading single country customer, Japan, is piling up in elevators and even spoiling on the ground, because it cannot be shipped. The Japanese, who have been trying to diversify their farm product purchasing because of the threat of transportation stoppages from this country, are making other arrangements to buy wheat from Australia and Canada. Our agricultural attache in Tokyo reports the known loss of U.S. agricultural export business with Japan because of the strike totaled $7.7 million for one 2-week period in July.

The West Coast dock strike cannot be viewed as an isolated instance. We've had rail strikes and threatened rail strikes averted only by last-minute Congressional intervention. And right now we face the threat of a strike of Gulf Coast ports—which would be even more of a catastrophe of agriculture. As important as West Coast ports are to U.S. farmers; the Gulf Coast ports are even more vital. Last year nearly half of our agricultural exports were shipped from Gulf Coast ports.

So as we debate this issue today, the combine sickle bars are busily clipping through the fields of Corn Belt and the Plains States, harvesting the biggest crops of grain and soybeans in this Nation's history. Millions of bushels of these commodities are normally destined for export through the Gulf ports. Farmers are counting on these export sales to keep them in business. Elevators and rail and barge lines have carefully planned how to move these tremendous crops to terminal elevators to await the ships which even now may be at sea. In Europe and the Orient, U.S. businessmen are negotiating sales contracts that will bring badly needed cash flowing into the United States.

The mere threat of the strike has already hurt. Elevators are reluctant to buy the farmer's newly harvested crops because they don't know when they can ship the commodities, or what kind of market losses and price drops may occur even if they can eventually ship. Foreign buyers are looking for other sources of supply—in case of the strike.

The 115-day strike at Gulf Coast ports two years ago offers a good example of how a transportation strike can hurt—not just the farmers but the entire economy of the nation. When the strike began, our farm exports had been trending up for several years. At the end of 1969, however, our farm export totals were $570 million short of the previous year.

A U.S. Department of Labor task group studying the effect of this strike noted . . . "most U.S. (agricultural) exports face competition from nearly identical commodities. Even soybeans, (a leading U.S. agricultural export) face competition from other oilseeds and their products. Inability to make delivery will mean loss of a particular sale, but need not mean permanent loss of the market. However, loss of a particular sale will often make it more difficult to repenetrate the market. For example, millers adjust their grist to the specific type of wheat they are using; once they have shifted from say U.S. wheat to Australian or Argentinian wheat, shifting back involves both costs and inconveniences. Shifting back to soybeans from some other oilseed will involve comparable problems."

Partial estimates of business *lost* by U.S. farmers *during* that strike: *Soybeans:* 10 million bushels of beans and 300,000 short tons of soybean meal—valued at $50 million—lost to fish meal, rapeseed, peanuts, and palm oil. Competitors benefitting were Peru, Argentina, India, Africa, Malaysia, and China. *Feed grains:* 900,000 metric tons, valued at $58 million; France benefitted by 300,000 tons of corn. *Wheat:* 30 million bushels, valued at $50 million, lost to Australia and Argentina. *Meat and Meat Products:* 20 million pounds, representing about $5 million, replaced in part by Argentina. *Rice:* 3 million cwt., worth $29 million, replaced primarily by Thailand. *Cotton:* 200,000 bales, worth $39 million, with Sudan, UAR, Brazil, Peru, and Colombia benefitting.

At this critical time as we try to get our economic house in order, we cannot afford these continuous threats to our transportation system. Dependability is a vital factor in building and holding export markets.

As a nation we must begin to think seriously about the economic cost of not being able to settle our transportation disputes without loss to farmers, to our entire economy and to our nation's competitive position in world markets.

I urge the fullest support of this proposed legislation—now—in the belief that it will help us accomplish the important goals set out recently by President Nixon.

Statement of James D. Hodgson, Secretary of Labor, Before the Subcommittee on Labor, Senate Labor and Public Welfare Committee, on the Transportation Industry, June 15, 1971

Mr. Chairman and Members of the Subcommittee: I am glad you have given me this opportunity to be with you this morning to discuss the Administration's proposal to deal with the problem of emergency labor disputes in the transportation industry. It was just last month that I was here discussing with you the crisis brought about by a threatened walkout of the railway signalmen. As the President said in his Message to Congress of May 17th concerning that crisis—

> The time has long since passed for active consideration and action by the Congress on the proposals which I have twice presented to it to resolve emergencies such as this in an equitable and conclusive manner and, thus to preclude the necessity of congressional action on each individual dispute.

The examination which this Subcommittee begins today will, and must, I believe, result in much needed statutory reform in a critical area of labor relations policy:

Reform which will redound to the benefit of labor and management, alike;

Reform which will ease the burden on the Congress and the courts;

Reform which will rationalize labor relations in the transportation industry, serve the public need for critical services and enhance free collective bargaining in one of our Nation's most basic industries.

The members of this Subcommittee are very aware of the extraordinarily difficult time experienced in recent years in transportation industries in general, and the railroad industry in particular, in the negotiation of collective bargaining agreements. The Railway Labor Act has proven incapable of establishing a meaningful collective bargaining atmosphere. The Taft-Hartley Act—though its record is clearly better—has not always been able to prevent national emergency work stoppages in the sectors of the transportation industry it covers.

It is to correct these deficiencies and to provide more effective protection for the public against the harmful, disruptive effects of major work stoppages in the transportation industry that I am here today to urge passage of S. 560, the Administration's Emergency Public Interest Protection Act.

To understand the critical situation in which we find collective bargaining in the transportation industry, let us look at the historical experience we have had over the years with the Taft-Hartley Act and the Railway Labor Act. To make a judgment on these two statutes we must ask the question—how effective have they been in providing a climate for the private settlement of labor disputes in the transportation industry?

Turning first to the Taft-Hartley Act, we find that most major industries except railroads and airlines are subject to its emergency procedures.

Briefly, these procedures empowers the President to appoint a Board of Inquiry when he believes that a work stoppage or a threat of one imperils the Nation's health or safety. After the Board of Inquiry has reported on the issues involved in the dispute, the President may direct the Attorney

General to petition a Federal District Court to enjoin the strike for an eighty-day cooling-off period. During the eighty-day period, the Board of Inquiry makes a second finding of fact and the employees are given the opportunity to vote on the employer's last offer.

If at the end of the eighty-day period, the parties still have not resolved the dispute, the injunction expires—the string runs out. Unless the parties voluntarily agree to continue negotiation there will either be a strike or Congress will have to be asked hastily to enact ad hoc legislation proscribing any work stoppage. In its twenty-four year history, these Taft-Hartley emergency disputes provisions have been invoked twenty-nine times. In four instances, the disputes were settled before an injunction was issued. With respect to the remaining twenty-five disputes, thirteen were settled within the eighty-day cooling-off period and twelve were settled afterward.

Of those settled after the expiration of the cooling-off period, five of the twelve were settled without resort to a strike while seven were settled after strikes of varying duration. Of the seven disputes involving strikes, six occurred in the longshore and one in the maritime industries. Among these were a three-month shutdown of Pacific Coast shipping and several partial and total shutdowns of East Coast ports whose duration ranged from ten days to three months.

It may be concluded from this brief statistical history that the Taft-Hartley emergency disputes provisions warrant high marks for its successes. With the exception of longshore and maritime industries, it can be credited with preventing many potential and actual work stoppages some of which could have had a deleterious effect on the health and safety of the country.

Therefore it is not our position that the framework provided by the Taft-Hartley Act for encouraging collective bargaining has collapsed or has been unresponsive to the public interest. Rather, we believe that this framework can serve as a basis upon which to build a more effective and responsive structure for the transportation industry.

Let use now turn to the other side of the ledger and review our historical experience with the Railway Labor Act. As you know, the Railway Labor Act is the older of the two statutes and provides emergency procedures for work stoppages in the railroad and airline industries. When a railroad or airline and its employee bargaining representative are unable to resolve their differences in negotiations, the National Mediation Board is empowered to enter the bargaining on its own initiative, and work to assist the parties. If unsuccessful the Board is required to proffer voluntary arbitration to the parties. If either refuses, the Board issues a written notice that its mediation efforts have failed and withdraws from the case. For the next thirty days, the parties may neither strike nor lockout.

Should the National Mediation Board decide that a strike or lockout threatens major disruption to essential transportation services nationally or in any section of the country, it may so inform the President. The President may in his discretion appoint an Emergency Board to study the conditions surrounding the dispute, ascertain the positions of both parties and make recommendations for settlement. A strike or lockout is proscribed for up to thirty days while the Emergency Board studies the dispute and for an additional 30 days following its report. If at the expiration of this period no settlement has occurred, then the options available to the President are narrowed to requesting special legislation from Congress or letting a work stoppage occur.

How well have these procedures encouraged collective bargaining and dispute-settlement during the forty-five year history of the Railway Labor Act?

It should be noted at the outset that there have been only three nationwide rail strikes, each lasting but a few days and only one major airline strike lasting forty-three days.

But beneath this statistical tranquility lies a history of deadlock and discord, replete with Presidential seizures, evermore emergency legislation by the Congress, and the expenditure of uncounted hours and manpower resources in efforts to resolve these disputes and protect the public interest.

The history of the Act reveals that its machinery has failed time and time again. Only strong individually applied measures by the Chief Executive and Congress have averted major rail disruptions.

In 1943, President Roosevelt seized the railroads and arbitrated a dispute that the machinery of the Act had failed to settle. In 1946, President Truman seized the railroads and a strike still occurred. In that dispute, President Truman even asked Congress for the authority to draft the strikers.

In both 1948 and 1950, seizures and injunctions were again employed to avert a nationwide rail strike.

More recently the Railway Labor Act has been buffeted by some of the most tumultuous labor disputes in its history. In 1967, the wage dispute between six shop craft unions and most of the major rail lines forced Congress to act no less than three times to avert a nationwide rail strike. The "Firemen Manning" dispute first came to Congress in 1963 at which time a Joint Resolution requiring arbitration of the dispute seemed to settle the matter. Since that time, however, the issue has been reopened in bargaining and has resulted in litigation; the basic dispute remains unsettled and is subject to strike action at any time.

Congress acted again to legislate a settlement, without strike, in the Shop Craft negotiations of 1970. Again in December of 1970, Congress halted a nationwide strike involving three nonoperating unions and the United Transportation Union. The dispute involving the UTU is now subject to strike action. In the Signalmen's dispute of a few weeks ago, Congress was called upon to act to avert a nationwide strike, at least until October, 1971.

Over the history of this Act, we can actually point to 190 emergency boards being created to deal with transportation crises; this is an average of more than four per year.

Thus, while only a few major rail strikes have occurred during the history of the Railway Labor Act, the national trauma which accompanies each such crisis brings with it economic disruption, bitterness, and public disenchantment with the collective bargaining system. We have seen this especially in the last two years, where one threatened shutdown has followed another and where the governmental processes could respond only through another and where the governmental processes could respond only through last-minute efforts to stave off disaster. This activity clearly shows that our nation cannot sustain a nationwide disruption of essential service and therefore has effectively removed from labor one of its most powerful economic weapons, the national strike.

We must develop a better system for dealing with labor relations problems in the transportation industry. I think S. 560, the Emergency Public Interest Protection Act, is a good bill and can do the job. I would like this morning to discuss this bill with you—the philosophy which shaped its provisions and why we feel it is superior to other alternatives.

In developing this proposal, there were essentially two routes open to us: a procedure aimed at terminating emergency work stoppages once they have begun or the development of a proposal, the primary emphasis of which is to encourage settlement without such a stoppage but providing the means for terminating emergencies in the event that they do occur. In our judgment the latter approach is more sound and is consistent with the two objectives stressed by the President in submitting this proposal to the 91st Congress.

The first is that the health and safety of the nation must be protected against damaging widespread stoppages.

The second is that collective bargaining should be as free as possible from Government interference and that any legislation should serve to enhance, rather than reduce, the incentives to such bargaining.

With these factors in mind, the emergency disputes provisions of the bill would build on the Taft-Hartley Act, supplying the President with three new options for all transportation industries which would be available at the end of the present Taft-Hartley procedures. The options are:

(1) extension of the cooling-off period;

(2) partial operation of the troubled industry; and

(3) a procedure of final-offer selection.

To create a new climate for collective bargaining, the bill would also substantially reform the procedures of the Railway Labor Act.

(a) It would require that collective bargaining agreements run for a specified term.

(b) It would substitute private grievance and arbitration procedures during the term of agreements and would abolish the National Railroad Adjustment Board.

(c) In place of the present emergency provisions, the procedures under the amended Taft-Hartley Act would apply, and the mediation function of the National Mediation Board would be transferred to the Federal Mediation and Conciliation Service.

In addition, the bill also eliminates the provision in the Railroad Unemployment Insurance Act which allows striking railway employees to secure unemployment compensation benefits and establishes a National Special Industries Commission to make a comprehensive study of industries subject to emergency disputes.

In determining what procedures would be desirable for dealing with emergency situations, it is our view that the mere availability of a carefully selected range of options will yield a degree of uncertainty as to the possibility and the type of governmental intervention, and will influence the disputants to bargain earnestly from the beginning of the dispute.

Thus, each option has been selected not only as an effective response to a specific type of situation, but also as one element in a total package of options, the purpose of which is to encourage the parties to bargain and, thus, to settle the dispute themselves short of emergency work stoppages.

The President would also have greater flexibility in dealing with emergency disputes; several alternatives would be available to him to tailor action to the needs of specific situations. Under the Administration's proposal, the President is only empowered to deal with disputes which threaten national health and safety, as in the present Taft-Hartley provisions. This is deemed more desirable in terms of furthering private bargaining than the present Railway Labor Act procedure which may be activated by a regional emergency.

In sum, the proposal establishes options which will deal effectively with emergencies so as to protect the Nation's health and safety and which, intrinsically and by reason of their multiplicity and form provide an incentive to collective bargaining.

Accordingly, when national health and safety is threatened, the President would have the authority, subject to Congressional veto, to choose any one, but only one, of the following three options after the eighty-day cooling-off period has run its course.

First, he would be authorized to order an additional thirty-day cooling-off period in which no strike or lockout would be permitted. An extended cooling-off period might be used when it appeared that the parties were close to an agreement when time ran out on them. For instance, if settlement prospects were near and the circumstances were such that the parties were reluctant to agree voluntarily to an extension of time, this option could be selected. Also, there might be times when the President, electing neither partial operation nor final offer selection, would want to delay a work stoppage up to thirty days while Congress considered the matter.

Second, the President could appoint a Board to determine whether partial or selective operation of the troubled industry could be implemented. The Board would determine the scope of the partial operation which could be in effect for a period of not more than 180 days. Its task would be to determine by means of a hearing whether and under what conditions partial operation of the affected industry would be consistent with the provision of service minimally necessary to the national health and safety. Two conditions are imposed on partial operation. One is that the Board must believe that the economic pressure resulting from the partial shutdown would be sufficient to encourage the parties to resolve the dispute. The other is that partial operation must not place a greater economic burden on any party than would a complete shutdown. Before and during the period of partial operation, no change could be made in the terms and condition of employment, except by agreement of the parties or action of the Board. Where substantial bargaining is obviously necessary and the use of the traditional strike and lockout pressures would be beneficial to the furtherance of negotiations consistent with the national health and safety, such an option might well be selected.

Third, the President could select a procedure which provides for the empaneling of a Final Offer Selection Board whose task would be to determine by means of a hearing which final offer, submitted by a party to the dispute, shall comprise the collective bargaining agreement between the parties. Preliminary to this process, each party would be directed by the President to submit one or two final offers, as the parties wish, to the Secretary of Labor. Each final offer must amount to a complete labor contract, resolving all the issues in the dispute. After the submission of offers, there would occur a mandatory, five-day period of bargaining. If the dispute remains unresolved at the end of this period, the Board would determine which final offer is the most reasonable. Such offer, without alteration, would comprise the collective bargaining agreement of the parties.

The "final offer selection" alternative is one of the most innovative concepts in the labor law field. It would have the effect, when chosen by the President, of forcing the positions of the parties closer together since it requires a selection without modification of the most reasonable offer of a party.

The parties would be pushed toward the middle ground—the zone of disagreement would be narrowed—because the penalty imposed for a party's maintaining an extreme position would be the likelihood of rejection of its offer by the Panel. The presence of this option will encourage collective bargaining in the early stage of negotiation, thus providing greater possibility of an early settlement.

In selecting the options to place at the President's disposal, it was our goal to develop a range of alternatives which would encourage settlement of the dispute by the parties themselves. It is the purpose of our new statutory structure to limit government intervention in free collective bargaining to an absolute minimum consistent with the public interest.

This philosophy led to the formulation of the range of options that you find in the Administration's bill, and led to the rejection of certain other proposals.

For instance, compulsory arbitration is not included among the options because of the "position distancing" influence it exerts on the bargaining process. It is inconsistent with a philosophy of our options, that of encouraging collective bargaining, narrowing the issues and the zone of disagreement, and of limiting government intervention to a minimum. The threat of compulsory arbitration tends to maximize rather than minimize the differences between the parties since the general expectation is that the arbitrator tends to split the difference between the parties. Some observers have argued that if compulsory arbitration were mixed among other options, these effects would be somewhat diluted. However, in this sense "final offer selection" has the opposite effect from compulsory arbitration in that it has a tendency to narrow the issues and stimulate collective bargaining, and the inclusion of compulsory arbitration would clearly diminish the true value as a possible option.

Similarly, we decided against the inclusion of a so-called "seizure" provision. We foresee grave problems with any plan which provides for government takeover and operation of a part of the transportation industry during a crisis situation. The inherent difficulty is in designing a system of seizure that would encourage collective bargaining; that is, one which exerts sufficient pressure on both sides without advantaging one side or the other.

As a companion to the emergency disputes provision of the bill, and equally important, is the reform we propose for the Railway Labor Act.

The procedures of the Railway Labor Act which most obviously undermine, rather than strengthen, collective bargaining are the bargaining and emergency disputes provisions of the Act. Under the procedures of the Act, collective bargaining agreements are not required to have termination dates and are unchangeable by either side unless and until the procedures of the Act are fulfilled; that is, formal notice, conferences, mediation, and finally, release by the National Mediation Board. Until the Board determines that a settlement cannot be reached through mediation, the parties are barred from resorting to strike or lockout. Often these procedures result in "negotiation" for months or years, thus, unreasonably deferring employee wage and benefit increases and carrier operating changes. The result is hardening of positions, and inevitable delay, all with no discernible termination date to bargaining. The combination of these two factors makes effective bargaining increasingly difficult and helps explain the failure of the process and the ultimate reliance upon governmental action to resolve disputes.

What is needed are procedures that will serve to provide an incentive for real voluntary negotiation—and to assist the parties in resolving their disputes rather than serving as a steppingstone for further governmental intervention.

The Administration's bill would make major changes in these procedures. Specific contract termination dates would be required. Parties desiring a change in the contract would be required to serve written notice thereof at least prior to the expiration date of the contract. After expiration of the contract, the parties would be free to resort to self-help, and if that action threatened national health and safety, the emergency provisions of Taft-Hartley, as amended by this bill, would be available.

In addition, and of particular importance in establishing an effective collective bargaining atmosphere, our proposal seeks to equalize the economic pressures of any strike, and, thus increase the incentive to agree in order to avoid a strike. The bill, therefore, eliminates the provisions of the Railroad Unemployment Insurance Act which allows striking railroad employees to secure unemployment insurance benefits.

Thus, our proposal eliminates unreasonable delay and creates the salutory pressure of a meaningful deadline, all in furtherance of the collective bargaining process.

Presently, grievances arising under the provisions of existing collective bargaining agreements are handled in the railroad industry by the National Railroad Adjustment Board, a government-supported board. Our proposal would eliminate the Board over a two-year period and replace it with a private grievance and arbitration mechanism, not only to eliminate government intervention but also to reduce the strains on the bargaining relationships between labor and management occasioned by the Board's case backlog which is estimated to exceed 3,000 cases.

If the provisions of this bill are to be effectively utilized and improved, it is important to understand why these labor crises affecting the national health and safety tend to be concentrated in certain industries. It is essential that we establish a better framework of information on this problem.

For this reason, we have proposed in our bill that a Special Industries Commission be established to study and make recommendations to the President as to the best ways to remedy the weaknesses of collective bargaining in industries marked by critical labor relations problems.

In summary, we believe that the most effective approach to this problem is one which will support and strengthen free collective bargaining in the nation, that will provide for a minimum of government interference with that process and yet provide a range of measures to protect the Nation's health and safety. We consider this a matter of the highest priority and urge prompt and favorable action on S. 560.

As the President reiterated in his most recent Message to Congress recommending the enactment of the Emergency Public Interest Protection Act:

> I urge that this time we not wait for the next emergency, but rather join together in acting upon it now.

STATEMENT OF JOHN A. VOLPE, SECRETARY OF TRANSPORTATION, BEFORE THE SUBCOMMITTEE ON LABOR, COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, REGARDING THE EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1971, THURSDAY, SEPTEMBER 16, 1971

I appreciate the opportunity to be here today to testify on S. 560, the Emergency Public Interest Protection Act of 1971.

In the weeks preceding Congress's recess last month, this country was experiencing a series of selective railroad strikes. While that dispute has been settled, the basic problem of labor relations in the transportation industry still remains.

As Secretary Hodgson testified before this Committee, to preserve the Railway Labor Act will only serve to enmesh us in further labor disputes in this troubled industry. Let me only remind the Committee that less than two weeks from today the congressionally imposed cooling-off period for the signalmen's strike ends. As of today, it is uncertain whether we must eventually return to the Congress to ask for emergency relief.

Let me tell you why the Administration believes we must act, and act now. As you know, labor relations within the railroad and airline industries are governed by the Railway Labor Act of 1926. Since the passage of the Act, 190 emergency boards have been convened to deal with transportation crises. During just the last two years, Congress has had to act three times following the failure of efforts under the Railway Labor Act to bring about final resolution of work disputes.

In comparison, the emergency provisions of the Taft-Hartley Act have only been needed 29 times since its enactment in 1947. Further, on only 7 of these 29 occasions did a strike actually resume after the cooling-off period.

Faced with the failure of the Railway Labor Act and the relative success of the Taft-Hartley Act, the course of this Administration was clear. No longer should the commerce of this country be allowed to grind to a halt. Therefore, last year the President proposed innovative legislation dealing with emergency disputes in the transportation industry. Our proposed measure is based on Taft-Hartley, but reaches beyond it to incorporate new techniques to enhance collective bargaining. It would place under the emergency disputes provisions of that one statute all transportation industries.

The bill covers three major areas where we have found shortcomings under the Railway Labor Act.

The first deals with bargaining and arbitration procedures. Collective bargaining agreements under the Railway Labor Act are not required to have termination dates and call for a complex series of negotiations before they can be altered. The Administration's proposal would require specific contract termination dates and written notice of desired contractual changes at least 60 days prior to that date. After expiration, the parties could resort to self help until an emergency situation imperiled the national health or safety.

Likewise, under the Railway Labor Act a National Railroad Adjustment Board arbitrates grievances. This process is so slow and inefficient that the Board's backload is currently more than 3,000 cases. The Administration seeks, therefore, to phase out the Board in favor of a private grievance and arbitration mechanism.

The second element of the legislation is built on the successful emergency procedures of the Taft-Hartley Act. Under Taft-Hartley, and under our proposed legislation, when a threatened or actual strike or lockout imperils the national health or safety, the President may appoint a board of inquiry to examine the issues and submit a report to the President. After receiving this report, the President may seek an 80-day injunction against a strike or lockout. As I mentioned, this cooling-off mechanism has been followed by a resumption of a strike only seven times.

Lastly, while Taft-Hartley has been quite successful, there have been instances when a further step was needed. We have remedied this defect with the addition of three new Presidential options at the end of the 80-day cooling-off period. One would be an additional 30-day cooling-off period. This option would undoubtedly be employed in situations where the parties have already reached an agreement in principle and only need a short time more to negotiate final details. A second Presidential option would be to appoint a partial operation panel which would designate certain essential goods and require them to be moved. Partial operation could be in effect for as long as 180 days. Finally, the President could exercise a third option called the "final offer" option. If he chose this latter option, each party would be required to submit a final offer and an alternative final offer. These final offers would be submitted to a board which would choose the most reasonable. The final offer procedure, one of the most innovative new ideas in labor relations, is directed toward driving the parties together during collective bargaining. Faced with having a neutral panel choose in its entirety the most reasonable offer of the four presented to them, each side would be encouraged to put forward the most reasonable offer. The legislation provides for a 5-day bargaining period to follow the submission of the final offers so that the parties, realizing how close they might be, would voluntarily settle without the need for outside action.

The President, in recommending the enactment of this measure, said on February 3 of this year:

"The urgency of this matter should require no new emphasis by anyone; the critical nature of it should be clear to all."

* * * * *

"I believe we must face up to this problem, and face up to it now, before events overtake us, and while reasoned consideration is still possible."

* * * * *

"The legislation I propose today would establish a framework for settling emergency transportation disputes in a reasonable and orderly fashion, fair to the parties and without the shattering impact on the public of a transportation shutdown."

I have, Mr. Chairman and Members of the Committee, been Secretary of Transportation now for almost three years. I have seen the shattering impact on the public which the President spoke of, and I have experienced the frenzied activity needed to resolve transportation strikes, even on a temporary basis. During just the last 19 months this nation has been faced on four separate occasions with the dilemma of potential nationwide railroad strikes. In the spring of 1970, Congress averted a strike by legislative action, first by postponing the strike for 37 days and then by enacting legislation that imposed a settlement. We were less fortunate the other three times.

In December of 1970 and this past May, the country experienced two short-lived strikes which, but for the speedy action of the Administration and the Congress, would have crippled the nation. This summer, as I have said, we experienced a series of selective strikes whose cumulative effect fell just short of a national emergency. It is clear that any such disruption would have a serious impact on our efforts to stabilize and improve the economy. To end the strike in May, Mr. Chairman, the Administration proposed and the Congress enacted emergency legislation. If the effect of the selective strikes earlier this summer had become more serious, or moved into a nation-wide shutdown, it is clear we would have had to come to the Congress again.

Both the Congress and the Administration recognize that permanent legislation is necessary to prevent the continual recurrence of such stopgap legislative efforts. Our proposal is meant to do just that. We cannot continue to ask the Congress to decide these issues on an *ad hoc* basis. That is why we are now proposing a mechanism for resolving disputes—one which allows labor and management to bargain out their differences without economically crippling the nation. This legislation is meant to tell labor and management that they can have flexibility in their bargaining, but at the end there must be a final settlement. We are not telling them what the terms must be—we are merely saying that they must reach an agreement.

I should like to make one thing clear. This is not a pro-management bill, nor is this a pro-labor bill. It is a bill, as its title states, in the public interest. It is a bill which is meant only to protect the people of this nation from becoming the innocent victims of a labor-management dispute within a single industry.

I have been on both sides of the labor/management fence. As an owner of my construction business, I was management. I was privileged to serve for two years as Massachusetts chairman of the Labor-Management Relations Committee of the Association of General Contractors of America and for seven years as a member of the Association's National Labor-Management Relations Committee. As the Committee knows, however, I started as a plasterer's apprentice, and, in fact, I still hold an honorary lifetime membership in the International Plasterers Union. As a result, I feel that I understand many of the problems of labor/management negotiations and I am confident that this bill enhances the incentives for negotiation and the prospects for voluntary settlement.

The question has been raised as to why we have singled out the transportation industry for special legislation. There is no other industry where the effects of work stoppages have such a devastating effect on our national welfare. Simply stated, the transportation industry is the lifeline of our nation's economy. Each mode plays its important part—be it trucking, airlines, railroads, or maritime—each catering to the kind of business it can most efficiently and effectively serve. The other side of the coin, however, is that if one mode is shut down, the other modes cannot easily take up the slack. For example, the transportation of steel or automobiles cannot readily be shifted to other modes on short notice if the railroads go on strike. Likewise, there is no modal substitute for rapid coast-to-coast passenger transport by airplane. It appears that one of the prices we pay for the specialization in our transportation industry is that we are dependent upon it functioning as a whole. The shutdown of one of our transportation modes, or a substantial portion of any mode, unbalances the entire system, and has an impact upon the national health or safety. The severity of this situation calls for special remedy.

This, then, is the problem. We are faced with an industry which does not manufacture a product, but makes possible the manufacturing of almost all products. Transportation is the link which binds our many material sources to our industries; it is the link which binds our industry to the consumer. In short, it makes possible the free flow of goods and services which is the keystone of our economic system.

The public interest precludes our allowing that process to flounder, yet our commitment to the essential fairness of the collective bargaining system precludes our altering it any more than is absolutely necessary. What the Administration proposes, therefore, merely enlarges the options open to the President to facilitate and encourage fruitful collective bargaining.

Mr. Chairman, the President has reiterated his recommendation that the Emergency Public Interest Act be enacted. The Administration recognizes the need for this legislation. We cannot continue to live from crisis to crisis. We all know that hindsight is better than foresight, and we must take advantage of our hindsight to plan for the future. This is what we as a government owe to the people. We strongly urge its enactment.

Thank you very much. I will be pleased to answer any questions the Committee may have.

Statement of Paul R. Chagnon, Deputy Director of Inland Traffic, Military Traffic Management and Terminal Service, on S. 560, S. 594, S. 832, S. 1093, and S. 1934, 92d Congress Before the Committee on Labor and Public Welfare, U.S. Senate

My name is Paul R. Chagnon. I am Deputy Director of Inland Traffic for the Military Traffic Management and Terminal Service (MTMTS). MTMTS is a single manager agency operating under the Secretary of the Army performing commercial traffic management functions for all elements of the Department of Defense. The functions of logistics and traffic management are essentially divided among the shippers, the Army, Navy, Air Force, and Marine Corps, who decide what (or who) is to be transported, where the transport is to be furnished to, and when it must arrive. MTMTS provides the traffic management advice as to how the commercial transportation service is procured and used. Our scope of responsibility is limited to the continental United States, except for household goods which is a worldwide responsibility.

My personal qualifications lay in the area of domestic freight traffic management; however, I have developed data in the fields of passenger traffic and export and ocean terminal operations for the committee's use. Accordingly, I will attempt to answer or develop the answers for whatever questions the committee may have in these areas.

Since 1967, we have experienced eight rail strikes, one major motor carrier strike, 11 airline strikes, 5 longshoreman strikes, and 4 ocean strikes that have required action on our part to insure a minimal impact on DOD traffic. It is recognized that these are not complete figures as some local work stoppages never come to our attention. Those that did come to our attention did not create a substantial impact. This was due to diversions to other means of transport, cooperation of labor and management to handle defense traffic, and normally only brief work stoppages. The length of the strike is, however, the most critical factor.

The ability of alternate modes to satisfy emergency requirements is limited. An example of motor carriers' ability to supplant rail carriage of ammunition demonstrates this. The capacity of a truck is normally limited to 40,000 pounds of ammunition. Up to 120,000 pounds can be loaded in a rail car. This means we would need as many as three times the number of trucks as rail cars. Between 150 and 200 rail carloads are necessary for a shipload of ammunition. Therefore, some 450 to 600 trucks would be required for a ship. This creates an extreme demand for trucks which even if obtainable would severely clog up the ammunition plans and ammunition ocean terminals which are most efficiently operated with rail service.

On the other hand, rail service cannot satisfy some needs we have for trucks. This is best demonstrated in the supply of perishable foods to the consuming posts, camps and stations. Motor carriers provide a scheduled, door-to-door delivery of mixed frozen and chilled perishables which is designed to satisfy the individual consumption requirements and refrigerated storage capability of the post involved. Railroads are not normally able to provide this "retail" type service because of facilities problems. While ultimate delivery from rail facility to user probably could be arranged it is inefficient and more expensive.

The question of internal DOD movement capability naturally rises in this connection. We have in existence a military owned vehicle plan which provides for the use of vehicles assigned to units throughout the United States. We believe that only the barest essential cargo could be accommodated by these vehicles and that at the sacrifice of other essential activities. Our estimate that was included in the report required of the DOD in PL 92–17 was that possibly ten percent of defense rail traffic could be moved under the military owned vehicle plan if all other training operations were curtailed.

The second mitigating factor in easing the impact of strikes on DOD is labor-management cooperation. Our experience has been that whenever it was possible both labor and management have attempted to exempt military traffic from strikes. This has been most successful where our traffic could be isolated as in longshoremen strikes where special piers could be set aside or in ocean strikes where full shiploads could be marshaled. In these cases labor and management have agreed to conduct special operations in order to continue the flow of military supplies.

Motor carrier service has been continued during strikes in special cases where clearance procedures have been established through local organizations. These procedures have been hampered by reports of violence and consequent reluctance of drivers to operate even though cleared by union officials.

During strikes railroads normally attempt to handle defense traffic utilizing supervisory personnel. However, due to the scarcity of operationally qualified supervisors, operations are possible only for a short period. Here too, unions have agreed to handle defense traffic in limited fashion where it could be isolated, such as switching into ammunition terminals.

During a recent airline strike, DOD found itself with more than normal charter service as labor and management agreed to continue charter operations for the military. Military aircraft have a one-time lift capability of over 100,000 passengers within CONUS if committed solely to passenger movements. This is considerably more than the daily average of 7,000 military passengers traveling via commerical air. The use of all or part of this military lift, when commercial air operations have stopped, is contingent on other military priorities.

The third liimting factor of impact is duration of the strike. The following is an excerpt from the DOD report pursuant to PL 92–17 concerning the 17 May rail strike:

"While a short duration strike of one week or less would impact the Defense Department very little, a prolonged strike lasting beyond seven to ten days would begin to seriously affect the Department as the strike duration increased. Primary impact would be evidenced by a shutting-down of TNT production plants. This impact would be compounded with shortages of aviation fuel, coal and fuel oil as a rail strike approached 30 to 45 days. Major projects and/or programs susceptible to disruption, delay and/or increased cost in a prolonged strike would include weapon and vehicle production and deployment; naval fleet support, defense housing, training, ecological undertakings and construction within the United States and overseas."

The final area of impact which I believe will interest the committee is the interruption in movement of sensitive materials. When materials such as firearms and ammunition of certain types are caught in transit by a strike they are highly vulnerable to theft. As the committee is aware such losses have been the subject of interest at all levels of Government and are viewed with great concern. We devote considerable effort to arrange following reports of such movements when a strike is forthcoming. If such shipments are frustrated action is taken to provide protection either through local law enforcement bodies or through military guards. Thus far, we know of no losses of this material due to strikes. However, the possibility of loss is at its highest level when shipments are frustrated at points with unpredictable protective capability.

The Department of Defense favors the "Emergency Public Interest Protection Act" which was proposed to the Congress by the President and introduced as S. 560 because it treats disputes which arise throughout the entire transportation industry, not just railroad transportation. This bill, in our opinion, provides the necessary framework for dealing with national emergency disputes for the entire transportation industry, which includes railroads, airlines, longshoremen, and trucks. S. 560 is therefore the most responsive to the requirements of the Department of Defense.

I will attempt to answer questions in these areas the committee desires further information on. Also available for the committee's use is statistical data from the MTMTS Progress Report for the Fourth Quarter FY 71, which contains comprehensive information on defense traffic.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER (Mr. Byrd of Virginia). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

> A bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 441

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 441) of the Senator from Wisconsin (Mr. Nelson), on which there is a time limitation of 2 hours, to be equally divided.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. NELSON. I yield myself 15 minutes.

Mr. President, there is an error in the amendment in the computation of the total figures. That error is on line 8. The figure in the amendment reads "$2,374,829,000." The figure should read "$2,374,804,000." It is a computation error of $25,000. I ask unanimous consent to have the amendment corrected.

The PRESIDING OFFICER. The Chair asks for a clarification. Would the Senator from Wisconsin state the line in the printed version?

Mr. NELSON. It is in line 9.

The PRESIDING OFFICER. Would the Senator use the printed version and indicate the page and line?

Mr. NELSON. In the printed version it is line 2, and the figure in the amendment is "$2,374,829,000." The figure should read "$2,374,804,000."

The PRESIDING OFFICER. Without objection, the modification will be made.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that two members of my staff, Mr. Ron Way and Mr. David Osterhout, have the privilege of the floor during the course of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, amendment No. 441 is the pending business. Is that correct?

The PRESIDING OFFICER. Amendment No. 441 is the pending business.

Mr. NELSON. Mr. President, the amendment provides that:

> Not more than $3,492,000 may be used to carry out research and development in connection with the Navy's Project Sanguine, of which amount $150,000 shall be available only for carrying out an environmental compatability program in connection with the Sanguine project, and of which amount $300,000 shall be available only for biological and ecological effects research in connection with the Sanguine project.

And, further:

> None of the funds authorized to be appropriated by this Act may be used to carry out any research and development work in connection with a deep underground system for the Sanguine project.

Mr. President, it will be recalled that the Senate last Wednesday voted on another amendment to H.R. 8687 dealing with Project Sanguine. That amendment, which lost by a vote of 45 to 35, would have withheld all research and development funds for the Sanguine system until a final environmental impact statement is completed as required by the National Environmental Policy Act and until a technical review, to determine whether this communications project will work, is completed by the National Academy of Sciences and the National Academy of Engineering.

Although the amendment before us today also deals with Project Sanguine, it is substantially different from the previous amendment.

This amendment will not in any way interrupt the ongoing research and development program by the Navy. Rather, it will simply hold the level of spending on Project Sanguine to the level originally requested by the Navy when the military budget was submitted to Congress in mid-January.

As I explained on the Senate floor last Wednesday, Project Sanguine has been in the research and development stage since 1958. Since then, nearly $50 million have been spent on this project.

When the Navy presented its Sanguine budget to the Congress last January, it included a line item for what it called deep underground research. The Navy explained that it was going to study the feasibility of burying this very large antenna in a network of tunnels several thousand feet underground. At least part of the work would consist of drilling core holes in the Laurentian shield bedrock to determine the feasibility of a deep underground system, presumably as a substitute for the shallower system.

To conduct this deep underground research, the Navy requested a total of $2,140,000 out of the total budget request of $5,557,000. The remainder of the money in the budget, $3,417,000, is to be spent on continuing research and development on the shallow, 6-feet deep system and the environmental effects of installing and operating that shallow system.

When the Navy appeared before the Senate Armed Services Committee on April 5 and the Appropriations Committee on April 20, the Department's Assistant Secretary for Research and Development, Dr. Robert Frosch, outlined the overall budget including the $2.14 million for the deep underground research.

At about the same time that this testimony was being heard, a team of scientists at the University of Wisconsin was just completing a major task of reviewing the technology for Project Sanguine. Independent of this study, another scientist at the University of Kansas at Lawrence, Dr. Albert Biggs, a widely recognized antenna expert, was engaged in a similar study.

Both reports concluded that Project Sanguine would not work with the power input levels announced by the Navy. The Wisconsin report, by the Wisconsin Committee for Environmental Information, said it would take so long to send messages via Project Sanguine that the signal could easily be jammed by another country.

I considered these reports to be serious enough to warrant an independent technical review to determine whether, in fact, this project would work. I asked the Navy to seek such an independent evaluation. And the Navy agreed. That evaluation will be done by the National Academy of Sciences and the National Academy of Engineers. They have just begun or are about to begin their current studies.

Dr. Frosch notified me on May 14 that he had requested the National Academy of Sciences and the National Academy of Engineering to conduct a technical review of Project Sanguine. This technical review will seek to determine whether the shallow system—buried 6 feet in the ground—is in fact a workable system. Until that question is settled it does not make any sense to spend money exploring the feasibility of a deep underground system buried possibly a mile deep. Apparently the Navy now agrees on this point and has abandoned its request for this purpose, but has requested that this $2 million now be added on top of its budget for research on the shallow system. This request has not been justified before any committee of either House and should be deleted from the budget.

On July 31, I wrote a letter to the chairman of the Senate Appropriations Committee, Mr. ELLENDER, and outlined my concern about approving the Sanguine budget while the very serious, unresolved technical problems were scheduled to be reviewed by the National Academy of Sciences and the National Academy of Engineering.

During the week of September 5, I decided to offer an amendment to the military procurement authorization bill to withhold funding for development of Project Sanguine until both the environmental impact statement and the technical review were completed. A public announcement outlining the essence of this amendment, and its rationale, was made that same week.

On September 10, the Navy hand-delivered a message to my office that it was all but abandoning the deep underground research, because of unexplained technical problems associated with the effort. The $2 million requested for this research no longer was needed, the Navy said.

However, rather than deleting the $2 million from the budget, the Navy simply transferred that money to the $3.5 million for research and development of the shallow Sanguine system.

The military budget was submitted to Congress in mid-January. This budget contained the appropriation for Project Sanguine, including the $2 million research of a deep underground system.

The Sanguine budget, including the deep underground research, was discussed on April 5 before the Senate Armed Services Committee and again on April 20 before the Senate Appropriations Committee.

Similar hearings on this same military bill, including the same budget for Project Sanguine, were held on the House side.

On June 17, the military budget was approved by the House. This budget contained the line-by-line budget for Sanguine that was outlined before the several committees in both the Senate and House.

Then on September 10, nearly 5 months after the Navy testified on Project Sanguine before the two Senate committees, and nearly 3 months after the military bill had been approved by the House, the Navy suddenly revised its budget for Project Sanguine by transferring the $2 million for deep underground research and adding that amount to development of the shallow Sanguine system.

By this time, the military procurement bill already had been reported out of the Armed Services Committee and sent to the Senate for action.

In effect, the Navy has substantially increased the research and development effort for the shallow Sanguine system without, bothering to present Congress with any justification whatsoever for it, on top of their original request which is almost 75 percent increase in research and development on the shallow system, without one word of justification before any committee of either House.

This amendment would not in any way interrupt research and development for Project Sanguine, the shallow system. All it would do is hold spending on this project to the same level that was requested by the Navy itself, and require the Navy to give back to the public treasury the $2 million they have publicly said they do not need, but would like to hold on to in order to almost double the research and development budget on the shallow system. This amendment simply removes from the budget the $2 million that the Navy itself has said that it no longer needs.

Certainly, the Navy is capable of planning ahead for a single year on a research and development project that is as advanced as is Project Sanguine.

In this case, the Navy has said that it needs $3.5 million for research and development of the shallow Project Sanguine for fiscal year 1972. That is what they told the appropriate committees in the House and Senate. That is the budget they ought to be held to and they should not be able to come in here and almost double their budget without one word of justification for it.

Mr. President, I ask unanimous consent that a detailed description of the Sanguine budget be inserted at this point in the RECORD. This description includes the Navy's original request for research and development of Project Sanguine, the revised requested announced less than 3 weeks ago on September 10, and the line-by-line dollar figures taken from these two requests and incorporated into the pending amendment.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

PROJECT SANGUINE BUDGET FOR FISCAL YEAR 1972

[In thousands]

Item	A Original request	B Revised request	C Figures for Senator Nelson's amendment
1. Program management, system engineering support, and communication design consultation	$1, 110	$1, 485	$1, 110
2. Receiving antenna and receiver subsystem design	705	1, 260	705
3. Interference mitigation program environmental compatibility program, staff support	350	467	350
4. Facility design and site research:			
(a) Surface survivable system	427	798	427
(b) Deep underground system	2, 140	200	000
5. Test facility operation	325	300	300
6. Biological/ecological effects research	200	300	300
7. ELF propagation/atmospheric noise measurements	300	747	300
Total	5, 557	5, 557	3, 492

NOTES

Column A.—The budget request for Sanguine outlined by the Navy to Senate Appropriations and Armed Services Committees, and the budget approved by the House on June 17.

Column B.—The Navy's revised budget, announced on September 10.

Column C.—Senator Nelson's amendment would take the Navy's lowest budget figures for each line, except it would strike all money for deep underground research (line 4 b). Also, it would take the highest figure for environmental studies (line 6) because it is generally agreed that much more effort in this area is needed.

Therefore, the Nelson amendment would allow $3,492,000 for Sanguine development, a reduction of $2,065,000 from the budget request of $5,557,000.

Mr. NELSON. Mr. President, in brief explanation, this amendment takes the lowest budget figures for each line of the two budget requests for Sanguine submitted by the Navy—with two exceptions.

One is in the item for deep underground research. The Navy has said that there are certain technical problems associated with deep underground placement of the Sanguine antennas, and accelerated research in this area is not needed. However, the Navy has left $200,000 in the deep underground research area. My amendment would strike all funds for this effort.

The second is in the area of environmental effects research. Here, both the Navy and independent scientists agree that much work has to be done to determine the effects of installing and operating the Sanguine system. In its original budget the Navy requested $350,000 to conduct the necessary environmental effects research. In the revised budget of September 10, the Navy requested an additional $100,000 for this item.

My amendment would accept the highest request, the $100,000 additional, for environmental research.

Therefore, the pending amendment would allow $3,492,000 for continued research on Project Sanguine and eliminate the $2 million for deep underground exploration which the Navy itself concedes it does not need.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 38 minutes remaining.

Mr. NELSON. Mr. President, how did we get down to 38 minutes? I yielded myself 15 minutes. Was the quorum call charged equally to both sides?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 54 minutes remaining.

Mr. STENNIS. Mr. President, I shall be quite brief. I am going to ask the Senator from Texas, who is well prepared in this field and on this amendment, to proceed next.

Let me say to the membership of the Senate that this is an important matter. Frankly, however, it is rather difficult to explain before a body of 100 Members.

This is in the field of research and development. I just want to point out that in the Department of Defense submission of the budget this year, there were 475 separate programs representing this vast research and development program and something like 2,000 projects. Those 2,000 projects break down into 30,000 tasks and work units.

The Research and Development Subcommittee of the Senate Armed Services Committee has actually plowed through all of these pages and all of these items, either the members of the subcommittee or the very competent staff members of the committee. We are able to give answers and analyze these items. We know something about all of them.

This involves the Sanguine Project which is one out of 30,000 tasks that comprise the great volume of individual efforts. It is necessary to have this vast research and development program, of course. This amendment affects only $2.14 million of the $5.557 million requested for Sanguine.

This Sanguine project relates, in my terms, to fleet communications, communications between the shore and strategic nuclear submarines; and trying to improve those communications and make them less vulnerable to detection and destruction. It is essentially research. It is almost what we might call basic research in this field.

There could not be anything more important than communications at sea between the shore and submarines, one with another. Under our continuing resolution, $1 million of the $2.140 million has already been obligated.

That is just the practical side of the matter.

Mr. President, I am glad to yield to the Senator from Texas such time as he might desire. How much time would the distinguished Senator from Texas like?

Mr. BENTSEN. Mr. President, I ask the Senator from Mississippi to yield me 20 minutes.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from Texas. If he desires 25 minutes, I will yield him 25 minutes.

Mr. BENTSEN. Mr. President, the expression "beating a dead horse" comes to mind when Project Sanguine again is the subject of a restrictive amendment proposed by my distinguished colleague from Wisconsin. I find it difficult to understand why a program, which the Navy considers to be of such importance, because it promises to provide an emergency communications link with our strategic nuclear submarine force, is singled out for such treatment. This is even more perplexing, because the program is only in the concept formulation or study stage at a relatively modest cost and is restricted this year to answering the questions of technical significance.

The Senator's concern for the environmental implications is well understoood and appreciated.

He has made his position abundantly clear during the debate on his previous Sanguine amendment No. 426, which, incidentally, was defeated on September 22, 1971. By its action in defeating that amendment, the Senate agreed with the fact that the Navy is complying with the requirements of the National Environmental Policy Act of 1969 and that the question of technical feasibility was being appropriately covered by a technical feasibility review being conducted jointly by the National Academy of Sciences and the National Academy of Engineering. This review is expected to be completed by the end of October 1971. As I stated during the debate on the previous amendment, the Navy advises that it is confident that the review will confirm the technical feasibility of Project Sanguine. The $5.5 million requested in fiscal 1972 will support the completion of the concept formulation phase of this program and will provide for nine separate environmental studies which will once and for all put to rest the concern that there may be hazards involved as a result of this program if it proceeds into development. These funds also provide for supporting research efforts which are incidental to completion of this phase of the program.

The proposed amendment would reduce the amount requested for Project Sanguine for fiscal 1972 by $2,065,000, from $5,557,000 to $3,492,000. It also provides that of this reduced amount, $150,000 will be used for an environmental compatibility program and $300,000 will be used only for biological and ecological effects research. It also prohibits the use of funds for research and development in connection with a deep underground system for the Sanguine project.

The President recently has approved a program of $100 million to support a concerted national effort to overcome cancer. The need for this is widely recognized and accepted. There is no assurance that the expenditure of these funds will provide the solution. Still, it is only by exerting these efforts and working on numerous alternatives that we can hope to find the tenuous answer to this dread disease. In the process of doing this work there is no doubt that substantial amounts of money will be used for work which will prove to be fruitless. Blind alleys are normal and to be expected in any program in research and development which explores the unknown. Ultimately a cure for cancer will be found, but it will only be because the trial and error approach has been applied extensively and over a long period of time in the process.

In the case of Project Sanguine there is a recognized need for an emergency communications capability to reach out strategic nuclear submarine forces in a matter of minutes during a time of emergency or war. All other communications facilities may be destroyed or jammed. The need clearly justifies the effort in this case. The $5.5 million requested for fiscal 1972 will answer the question as to whether the Sanguine approach is a feasible solution. The survivability of this Nation is as important as the physical health of this Nation.

I see no point, Mr. President, in restating all of the arguments that were made in the debate on the previous amendment, although much of what was stated at that time applies to the issue at hand. For those of my colleagues who would be interested in reviewing the voluminous detail which was placed in the Record at that time, 1 would refer them to the Record of September 22, 1971, pages 32876 through 32903.

At this point, Mr. President, let me briefly review the sequence of events which relate to the changes that have occurred in this program since it was presented to the Congress last January. Project Sanguine is included as part of the program entitled "Fleet Ballistic Missile Control System." This program contains two projects, Project X1508 Fleet Ballistic Missile Control System Gryphon—shore to ship—and X1511 Fleet Ballistic Missile Control System Hydrus—ship to shore. Project Sanguine is one of several tasks within Project X1508, which is directed toward a development of shore to ship, secure, communication systems for command and control of deployed fleet ballistic missile forces. The $5,557,000 requested for Project Sanguine is part of a $12,107,000 requirement for Project X1508, which in turn is part of a $14,804,000 requirement for the program Fleet Ballistic Missile Control System.

I have explained this in detail, Mr. President, because it points up a very basic characteristic of the entire research and development program. The total research and development program for the budget year contains 475 separate programs. These are divided into 2,000 separate projects which in turn are broken down into 30,000 separate work units and tasks. The proposed amendment, therefore, has singled out one item in a listing of 30,000 items which are included in the pending bill. Mr. President, the committee was sufficiently interested in Project Sanguine that questions were raised on this program during the formal hearings which were held on this bill. I would refer my colleagues to page 2696 in part 3 of the hearings published on the fiscal year 1972 authorization request. At that time, April 6, 1971, Dr. Frosch, Assistant Secretary of the Navy for Research and Development, appeared before the Research and Development Subcommittee in support of the Navy program. In response to specific questions he explained Project Sanguine and indicated its current status. Mr. President, I ask unanimous consent that that portion of the hearings relating to Project Sanguine be printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senator McIntyre. Last year there was much publicity and some public objection to the Sanguine electromagnetic field which was represented by an Elf test facility in Wisconsin. Concern was that these tests could have some effect upon the population and electronic equipment in that area. How has this been resolved? Is the program continuing on schedule?

I refer to an article here which we will include in the record, from the Milwaukee Journal of the 27th of February 1971.

(The article follows:)

[From the Milwaukee Journal, Feb. 27, 1971]

Report Asks New Study of Sanguine

Madison, Wis.—A study by persons outside the US Navy of the need for Project Sanguine and a comparison with possible alternatives have been called for in a report by the University of Wisconsin Industry Research Program, part of the UW Graduate School.

The report said no one knew what effect the Navy's proposed communications project in northern Wisconsin would have on plants, animals and humans. Much more study and positive information is needed before any system is built, according to Thomas J. Murray, who prepared the report.

"Preliminary studies about effects on organisms are inconclusive, have been made at much higher power than a final system would use and appear, in some cases, not to have been well done," the report said.

It also said persons involved on each side of the controversial issue had shown more concern for forcing their point of view on others than for evaluating the facts. The project has been sharply criticized by conservationists.

Other comments in the report were that the system probably could be built without the installation process causing a large disturbance to the area and that its interference with power and telephone lines could be corrected effectively, but it would be expensive.

Dr. Frosch. What we have in Wisconsin is a test setup which is very much like a set of powerlines with a power station and which we are using to test the propagation of communications to our submarines at sea and to examine the effect that such an antenna would have on powerlines, telephone lines, local biology, and so on. It is precisely a test system to find out what, if anything, the effects are and what needs to be done to mitigate them.

The evidence so far is that there are some things that need to be done to power and telephone lines to prevent problems. To my knowledge there is no evidence of any biological effects, and indeed, we would not expect them since, as I say, we expect the antenna system to be very much like the powerlines that already run through the area.

There have been a number of what I would characterize as fairly wild assertions about what this is, whether it works and what its effects might be. I think we have been able to answer questions either by mail or in hearings.

Senator McIntyre. Is the program continuing on schedule?

Dr. Frosch. Yes.

Senator McIntyre. And you say the matter has now been resolved?

Dr. Frosch. Well, I would say that some of the reports have been resolved. I do not believe we have satisfied all of the people who have made assertions.

Senator McIntyre. Are these people primarily conservationists?

Dr. Frosch. There are some conservationists, some technical people, some people who have, I must say, some fanciful ideas as to what it is going to do. We are trying to satisfy the local people by providing information. The program is R. & D., it is not deployed nor has a decision to deploy it been made.

Mr. BENTSEN. Mr. President, it is significant that the specific questions which were asked involved the environmental effects upon the population and electronic equipment in Wisconsin as well as the status of the program. Several other statements made by Dr. Frosch are significant and bear repeating at this time:

> To my knowledge there is no evidence of any biological effects, and indeed we would not expect them since, as I say, we expect the antenna system to be very much like the power lines that already run through the area.
>
> There are some conservationists, some technical people, some people who have, I must say, some fanciful ideas as to what it is going to do. We are trying to satisfy the local people by providing information.

And finally Dr. Frosch says—

> The program is research and development, it is not deployed nor has a decision to deploy it been made."

It is apparent from the above, Mr. President, that despite the fact that this was one out of 30,000 tasks and work units in the budget the committee considered it to be of sufficient importance that it undertook to pose a series of questions to determine the status of the program.

It is clear from the preceding testimony, Mr. President, that the statements made by Dr. Frosch this past April clearly indicate a sensitivity to the environmental aspects of this program, and an intent to continue to examine that aspect of the program to the ultimate satisfaction of all interested parties. Equally important, and a fact which is not changed as of today, is that this program is in its early stage of research and development. The funds requested for fiscal 1972, I must repeat, are to be used only for concept formulation and related tasks. The Navy has neither the intention nor authority to proceed beyond this phase during this fiscal year. If the progress in this program proves satisfactory from a technical point of view, if the environmental implications are not unacceptable, and if the Navy and the Department of Defense are convinced that this program should proceed to the next phase of development, the Congress will have adequate time to consider all of these facts when the authorization request is submitted for fiscal year 1973.

The detail of the program proposed for Project Sanguine when the fiscal 1972 budget was submitted consisted of eight separate items aggregating $5,557,000. One of these, in the amount of $2,140,000, was planned to be used for the design of facilities and site research for a deep underground system.

A series of studies which have been conducted since the budget was submitted resulted in a determination that the effort planned for the deep underground system should not be pursued and the $2,140,000 which had been planned for that purpose was reapplied under the authority available to the Navy to perform other important tasks under Project Sanguine.

With a highly technical and illusive issue at stake, it seems to me that research teams ought to be given a chance to pursue a number of avenues in their efforts to solve the problem. Some of these will undoubtedly prove to be cul de sacs; they should not be expected to find an open freeway on every first try.

I request unanimous consent to have a chronology of the events and decisions relating to the deep underground effort inserted in the RECORD at this point.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1972 BALANCE OF PLANNED OBLIGATIONS FOR SANGUINE

Task	Amount	Committed	Planned obligation
Propagation research (Naval Research Lab)	$25,000	Yes	Sept. 1971
Nuclear effects studies (Office of Naval Research)	100,000	Yes	Nov. 1971
ELF measurement equipment (National Bureau of Standards)	20,000	Yes	Sept. 1971
Receiving Antenna Research (Contractor)	300,000	(1)	Oct. 1971
SANGUINE studies on multisite locations and concepts (Contractor)	117,000	(1)	Nov. 1971
Cable research, land use planning, engineering support and general projects studies. (Various contractors and Navy laboratories)	576,000	No	Oct.-Dec. 1971
Total	1,138,000		

[1] In process.

FISCAL YEAR 1972 OBLIGATIONS FOR SANGUINE

Task	Amount	Obligated
Systems Engineering and Technical Support (MITRE Corp.)	$600,000	Aug. 2, 1971
Test Facility operation and maintenance (Nav Elex Mid West Division)	300,000	July 20, 1971
Design support for ELF receivers and natural parameters (Naval Research Lab.)	80,000	July 19, 1971
General R. & D. work in natural parameters, receivers, receiving antennas, and general submarine support (Naval Underwater Systems Center)	870,000	Aug. 3, 1971
Environmental program support and research (IIT Research Institute)	415,000	Aug. 25, 1971
Site selection evaluation and criteria. Measurement of conductivity (GTE/Sylvania)	165,000	Sept. 9, 1971
Program management support, systems engineering studies (Computer Sciences Corp.)	191,000	Aug. 25, 1971
Facilities design and research including survivable components and power generation (Office of Naval Research)	698,000	July 27, 1971
Biological/Ecological Research (Office of Naval Research)	300,000	Sept. 17, 1971
Design consultation, receiver design, field measurements, and other theoretical studies (MIT/LL)	800,000	Sept. 8, 1971
Total	4,419,000	

Mr. BENTSEN. Mr. President, the new work to be performed with the funds diverted from the deep underground effort is partially under contract with the remainder to be placed under contract by December 31, 1971. That new work is an essential integral part of the redirected Sanguine project and must be performed at the same time as the other work contained in the program to provide the timely answers needed to decide whether the program should proceed beyond the concept formulation phase into the validation phase.

The Senator has stated in a letter that has been sent around to his colleagues that he does not think this would be the case, that it would not interrupt the ongoing Sanguine research and development, but I think this is clearly not the case; that it would prohibit us from taking advantage of some of the other means of research which should be done in trying to arrive at an acceptable answer.

The amendment proposed by the Senator from Wisconsin would disrupt this plan and unnecessarily delay the concept formulation phase of this program. It is possible that if such a reduction as he proposes is made the continuation of this program may be in jeopardy because some work already underway would have to be terminated and the program completely reevaluated to determine if it is feasible to continue.

When a football team is on the offense, they are given not one, but four downs to try to move the ball; if a running play fails, they can try a pass; if they cannot move the ball into the end zone, they can try to kick a fieldgoal. In short, they have a number of options available and more than one chance to succeed. This same principle ought to apply to research and development.

I strongly urge my colleagues to join with me in opposing the proposed amendment.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield.

Mr. PASTORE. Is the Senator actually saying that when the Navy decided to abandon the deep Sanguine program it then decided to broaden the scope of research with reference to the shallow Sanguine program?

Mr. BENTSEN. Let me rephrase it, if I may. When the request was originally made for the Sanguine project, it was my understanding that the request from the Navy to the Department of Defense was something in excess of $11 million to try to accomplish the objective, and they proposed many alternative avenues of research. This request the Department cut down to—something in excess of $5.5 million.

Mr. PASTORE. It was cut down by whom?

Mr. BENTSEN. It was cut down by the Department of Defense prior to the request to our committee.

This means that there were a number of other possible alternatives that were cut out, because they felt at that time that the deep hole process would be the most favorable one. They disproved that. They wanted to go back to expanding the research and substitute other avenues of research for it.

Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I must say that I admire the great ingenuity of the distinguished Senator from Texas in his presentation. It is, I think, the best defense of a defenseless proposition that I have ever heard on or off the floor of the Senate.

Mr. President, there is no explanation that can be made here on the floor of the Senate as to why the Navy needs to add this $2 million on top of the $3.5 million that it originally requested except that, like any bureaucracy in any government in the world, the last thing they would conceivably do is create the horrible precedent of returning $2 million to the taxpayers' pocket that they do not need.

When they found out that they could not defend drilling holes 1 mile deep in the Laurentian Shield in the northern part of my State—and they made that decision on September 9, the day before they announced it—they collapsed and abandoned the proposal. But would they give the taxpayer his money back? No, no. They add it on top of the justification they made for the shallow system before two committees in the House of Representatives and before two committees in the Senate, and they take that $2 million and throw it on top, almost doubling the research and development for the various specific proposals in their Sanguine budget.

I will tell Senators why they did not keep it in there. I announced on September 5 that we were going to fight this proposal on the floor of the Senate, and the question that I raised that the Navy could not answer then, and cannot answer now, and cannot send an answer down here in its defense for anyone to repeat, is this: What sense does it make for the Navy to go before two committees of each House and ask for $2 million to start exploring the feasibility of a deep underground system anywhere from 1,000 feet to 5,000 feet deep in solid rock when, in fact, the technological feasibility of the shallow system 6 feet deep is in serious question? It is questioned by a group of distinguished scientists at the University of Wisconsin, and it is questioned by Dr. Albert Biggs, of the University of Kansas. The Navy apparently considered the criticisms serious because when I advised the Navy that these scientists have raised serious questions about the feasibility of the shallow system and suggested that the issue ought to be submitted for independent evaluation to the National Academy of Sciences the Navy agreed. Now the question of the feasibility of the shallow system is under consideration by the National Academy of Sciences and the National Academy of Engineers.

So it is easy to see what an impossible position they were in when they were going to have to come up here and defend exploring the feasibility of a deep underground system when they could not prove as of this date that a system 6 feet underground would work.

That is why that item came out of the budget. There is no other reason for it. But once they gave up on that, they could not stand the idea of giving $2 million back to the taxpayers.

I would like to have somebody stand up here on the floor and tell me what happened when the Navy went before two committees of the House of Representatives and two committees of the Senate on item 1 that was attached to their original request. They said—

> We need $1,110,000 for program management, system engineering support, and communication design consultation.

This is not a new project. Project Sanguine has been going on in Wisconsin since 1967. So they have been looking at this budget and planning every single year. Now they come in and ask for $1.1 million for program management, system engineering support, and communication design consultation.

What happened, that suddenly, on September 10, they decided they had better have $1,485,000 for that purpose? What was their justification? Did they explain that to any committee? Can they explain it here on this floor?

No, they cannot. But as we go through the items, it is a most amazing coincidence that what they add on to the various items adds up to exactly the $2 million that they were going to spend on deep underground exploration.

So now we go to the next item. They came to the appropriate committee of the House and Senate and said—

> We need $705,000 for receiving antenna and receiver subsystem designs.

Seven hundred and five thousand dollars. I assume they justified it before the two committees.

What happened, however, that on September 10, suddenly, instead of $705,000, they changed their figure to $1,260,000 for receiving antenna and receiver subsystem design?

When they came before the appropriate committees of both Houses, they asked for $350,000 for the interference mitigation program—environmental compatibility program and staff support. Well, suddenly on September 10, they raised that to $467,000.

Then for biological-ecological functions, they increased their figure $100,000.

In the original budget, they asked for $427,000 for surface survivability system. When they dropped the $2 million, suddenly, on September 10, surface survivability system jumps from $427,000 to $798,000.

Did the Navy explain to any committee why it was that they made the mistake of not asking for the $798,000 in the first place? No. It is just a division of the $2 million to add on top of what they did not request, did not justify, and do not need; and I think it is nothing short of ridiculous for this body to be permitting bureaucracies to take taxpayers' money and spend it as they wish, without any review whatsoever. That is the trouble with our budgeting process around here.

The distinguished Senator from Texas tells us that the Navy says there are not any serious environmental problems. Let us examine that claim.

In March 1971, the Navy issued a draft (and the Navy insists it is only a draft) Environmental Impact Statement on Project Sanguine. One part of the report said:

> During the approximately four years of environmental research that has been conducted under the Project Sanguine ECAP (Environmental Capability Assurance Program), and the recently-completed Sanguine System Design Studies as well, no permanent or long-term adverse environmental effects which cannot be avoided have been identified.

Now, let me read a statement from a group of distinguished environmentalists from the University of Wisconsin, in response to what the Navy said in March.

In August 1971, the Wisconsin Governor's Ad Hoc Committee of Scientific Experts on Project Sanguine commented:

> We take strong exception to the intent and wording of this entire section, most especially to the first paragraph (quoted above). How could long-term adverse environmental effects be identified or deemed nonexistent when no such studies were conducted? There have not been "four years of environmental research" having to do with biological or ecological compatibility. There are virtually no studies which have been reported to us in written form—

And I assure you there are none reported to me either—

> which provide biological or ecological assurance even on short-term basis. There are certainly none which provide long-term assurance. This has been a point of contention by the Environmental Standards Subcommittee of the Wisconsin Project Sanguine Committee throughout the period of study. . . . (this entire section) is a gloss-over of nonexistent or shoddy investigation of biological and ecological problems and cannot be allowed to stand unchallenged.

That is a statement by a group of distinguished scientists at our University of Wisconsin. I ask unanimous consent to have printed at this point in the Record a two-page paper entitled "Project Sanguine," with statements by the Navy and refutation by scientists at the University of Wisconsin.

There being no objection, the statement was ordered to be printed in the Record, as follows:

PROJECT SANGUINE

I. In December, 1970, the Navy issued an Environmental Compatibility Assurance Program (ECAP) status report on Project Sanguine. The abstract of the report concluded:

"The results of research presented in this report show that a Sanguine system compatible with the environment can be designed. Research will continue to provide further documentation and to assure that a system can be installed and operated without affecting the present environment."

II. In May, 1971, the Wisconsin Governor's Ad Hoc Committee on Project Sanguine, consisting of several environmental experts with the University of Wisconsin and the state's Department of Natural Resources, commented:

"Such a statement (quoted above) is supported neither by experiment nor by documented review of previous research of other organizations. The question of biological compatibility, especially with chronic exposure of Sanguine fields, is still completely open."

(The Navy has neither acknowledged nor attempted to refute the Committee's comment.)

III. March, 1971, the Navy issued a *draft* (and the Navy insists it is only a draft) Environmental Impact Statement on Project Sanguine. One part of the report said:

"During the approximately four years of environmental research that has been conducted under the Project Sanguine ECAP (Environmental Compatibility Assurance Program), and the recently-completed Sanguine System Design Studies as well, no permanent or long-term adverse environmental effects which cannot be avoided have been identified."

IV. In August, 1971, the Wisconsin Governor's Ad Hoc Committee of scientific experts on Project Sanguine, commented:

"We take strong exception to the intent and wording of this entire section, most especially to the first paragraph (quoted above). How could long-term adverse environmental effects be identified or deemed nonexistent when no such studies were conducted? There have not been 'four years of environmental research' having to do with biological or ecological compatibility. There are virtually no studies which have been reported to us in written form which provide biological or ecological assurance even on short-term basis. There are certainly none which provide long-term assurance. This has been a point of contention by the Environmental Standards Subcommittee of the Wisconsin Project Sanguine Committee throughout the period of study. . . . (this entire section) is a gloss-over of nonexistent or shoddy investigation of biological and ecological problems and cannot be allowed to stand unchallenged."

V. Even a research organization under contract by the Navy recommended further environmental studies on Project Sanguine. In November of 1970, the Hazleton Laboratories, Inc., of Falls Church, Virginia, issued a report to the Navy summarizing results of its short-term laboratory experiments on the biological effects of electro-magnetic fields. Some pertinent conclusions of the Hazleton study:

Possible but inconsistent blood pressure and rectal temperature elevations in dogs;

possible increase in the dominant *lethal* mutation rate in the fruit fly (normally used in mutation studies); possible growth inhibition in one of three plant species used in studies; some avoidance reaction to electrical fields by turtles and fish; declines in populations of four major classifications of soil arthropods at both test and control sites.

The Hazleton report recommended to the Navy:

Additional studies to determine safety limits for the extremely low frequency electrical and magnetic fields, including investigations of effects on other species of plant seeds and the effects on several other aquatic animals; the fruit fly mutagenesis study be expanded and carried out immediately—"The implications of these results are too important to be neglected;" careful studies on how the blood pressure and body temperature of dogs exposed to electrical fields is affected; "finally, because aquatic organisms are so intimately in contact with voltage gradient appearing in water, it would be important to investigate possible reproductive effects in the aquatic animal."

(It is important to note that the northern Wisconsin area is generally forested, with abundant streams and lakes.)

VI. In addition to environmental questions about Project Sanguine that are outstanding, there are several serious questions about the basic technology that will be used in the system. The Navy contends that transmission of extremely low frequency radio waves is the best technology.

In February of 1971, however, the Defense Marketing Survey (DMS), a private organization which monitors defense programs and contracts, issued a short report on the status of Project Sanguine. It concluded with these remarks:

"A year ago DMS forecast that LF (low frequency) and VLF (very low frequency) would eventually replace ELF (extremely low frequency, which is Project Sanguine) in the survivable communications concept. We see no reason to change that projection."

The next enclosure goes into further detail on the technical problems associated with Project Sanguine. It is a Congressional Record reprint in which Senator Nelson discusses the conclusions of two scientific reports that Project Sanguine will not work.

After these important reports were published last spring, Senator Nelson asked the Navy to seek an independent technical review to determine the feasibility of Project Sanguine. On May 14 of this year, the Navy notified Senator Nelson that the National Academy of Sciences and the National Academy of Engineering had been asked to undertake such a review. The review panel is being assembled at the present time, but its work is far from complete.

Mr. NELSON. The distinguished Senator from Texas stated for the Record that my amendment was cutting $2 million out of the Sanguine budget. I think the Record ought to be perfectly clear on this. My amendment affects only $2 million that the Navy now says that it does not want for deep underground exploration. My amendment permits to remain in the bill every single dollar, right to the penny—and a little more, in fact—that the Navy asks for, for continued research and development on the shallow underground system. It is their figures. It is their request that they presented to two committees of the House and two committees of the Senate.

So I would hope the Senator from Texas would not seriously suggest that I am cutting their budget, with possibly fatal results. If this cut were fatal to the program, it would be due to the incompetence of the planners, the Navy planners who asked for that amount of money and are getting exactly what they asked for. All I am trying to do here on the floor of the Senate is to prevent the Navy from taking $2 million and, willy-nilly, almost double their budget, above the requests that they made in both Houses of Congress. I think it is time we prohibit these bureaucracies from taking the taxpayers' money and spending it in that fashion.

Mr. BENTSEN. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. I am glad to yield 5 minutes to the distinguished Senator from Texas.

Mr. BENTSEN. In listening to the distinguished Senator from Wisconsin, who says he in no way wants to impede the bill or impede the Sanguine project, I am reminded of the boy who was fishing in a stream down in south Texas, who caught a catfish, took it off the hook, and was trying to hold that slippery catfish in his hand. It kept slipping out of his grasp. He had a knife in the other hand.

Finally, he said, "Hold still, little catfish, I'm not going to hurt you, all I'm going to do is gut you."

Mr. NELSON. Mr. President, will the Senator yield for one moment?

Mr. BENTSEN. No, I did not interrupt the distinguished Senator. Let me collect my thoughts.

Mr. NELSON. I was just going to say I thought that was the best answer I had heard thus far to the criticisms I have been making.

Mr. BENTSEN. Perhaps I had better reevaluate my answer, then.

I think what the Senator from Wisconsin is missing, again, is the fact that you must have flexibility in a research and development program. If you put the Navy, the National Health Institutes, or any of the agencies charged with major development programs in a posture where, every time they start down a blind alley, that they have to come back to the Senate of the United States, they would be spending all of their time here.

I think we are in agreement on the fact that there is a recognized need for an emergency communications system from shore to submarines in times of national emergency or war. I cannot help but think back to the search for a vaccine when we were trying to isolate the polio virus, and I can remember the long years of work, the fantastic effort that went into it, and the millions of dollars that were expended throughout this country in that search.

Literally thousands of people identified themselves with the task, working years for a solution. Here was a recognized need. But the answer was a nebulous one and was not certain. But after all these years of research, all these years of effort, we finally came up with the Salk vaccine.

Again, we are talking about research and development. We have a recognized need, and one on which I think we are in agreement.

I believe that the survivability of this Nation is just as important as the health of this Nation. I think this is one of the facets of the survivability of this Nation, that we be able to have this kind of instantaneous communication system with what we have said is one of our greatest deterrent weapons, the nuclear submarine today; that they must be directed from the shore in time of war; that we establish communications; and this, we think, is one of the ways it can be accomplished.

But let us find that solution. We have budgeted a significant amount to achieve the target, and we will go down many a cul-de-sac before we find that freeway. This is where we need help.

Mr. President, I yield back the remainder of my time to the distinguished Senator from Mississippi.

Mr. STENNIS. I yield myself 5 minutes.

Mr. President, this question involves, to a degree, the whole system we have in the committee about reprograming funds.

I have already referred to the fact that within this research and development field we have 475 programs which consist of approximately 2,000 projects broken down into 30,000 tasks and work units.

The question that the Senator from Wisconsin very forcibly raises is about the authority of the Navy, after they have abandoned in part a project of this kind, to carry the money over to another part of the same program. This money they are using, which they propose to use in a somewhat different way, is all within the Sanguine project. We have the system to take care of the great number of items for reprograming. Reprograming applies when the Navy—or the other services—wants to transfer money from one program to another program within the 475 programs I mentioned. Then they have to get permission from the committee for all increases in research and development amounting to $2 million or more; it has to be approved. These are the important items.

The simplest comparison I can think of offhand would be money that is appropriated to build a Navy warehouse under the military construction program, and they find they do not need it, and they want to use it to extend a runway instead. They have to obtain congressional approval to reprogram, because that is a transfer from one program to another. We have that rule and we follow it strictly.

If it was going to be spent in some other way, but still on that warehouse, they would not have to get reprograming approval, not so long as they kept it within the authorized program.

The shifting of funds within the Sanguine program does not constitute a reprograming and therefore requires no congressional approval. We cannot actually supervise 30,000 separate tasks within just one part of the bill. A regular reprograming action, which is not the case in the Sanguine question, has to be looked into by the House Armed Services Committee, the House Committee on Appropriations for Defense, the Senate Committee on Armed Services, and the Senate Appropriations Committee for Defense. So it is quite an undertaking. These committees have hearings and they take testimony. So it is quite a job, more than just casual bookkeeping. It cannot all be done by the staff members. A great deal of time is spent on these reprograming actions, and it is work that is necessary and highly valuable to the Senate.

Again, the nature of the Sanguine program is research from beginning to end; and research means stopping and starting and exploring and evaluating and going up a false alley or going up one that looks good. It is similar to the man who hires a lawyer and says, "Look into the law. Check this out and see if it is legal." The lawyer cannot run and look at one thing and come back and say, "This is the answer." On close answers, he must exhaustively examine the precedents, the statutes, search his mind for an opinion, confer with his partners, if he has any.

We have here the figures supplied by the subcommittee with respect to most of the detail of this project. We have for example, a heading "Program Management, System Engineering Support and Communication Design Support," with 29 items. In a moment, I will ask unanimous consent to insert this in the Record. It shows the change in the detail of original amount and the amount that is presently in the program.

For example, item 13 reads: "E-Field Receiving Antennas," original, $80,000; and it has been reduced to $50,000. Item 14, "H-Field Receiving Antennas," was planned at $150,000, and it is $200,000. But it is all within the Sanguine project.

When we appropriate the money, approve it, that carries with it in law the authority to shift it around within that project when, in the opinion of the Navy, the facts justify it. Someone has to make a judgment on it. If this amendment is adopted, important work will be cut out. That will be an effective cutoff. That will say, "Positive action—take it out."

These matters have to be handled some way, and that is the way we are handling them. If someone wants to propose a better system, we will be glad to consider it. It requires an agreement, though, with these four congressional committees; and, as I have said, there is plenty of work to do under the present reprograming procedures.

Mr. President, I ask unanimous consent to have printed in the Record a chart showing the 29 different items, giving the actual figures—thousands of dollars—as to the original plan and then the present plan.

There being no objection, the chart was ordered to be printed in the Record, as follows:

	Program management, system engineering support and communication design support		Receiving antennas and receiver subsystem design		Interference mitigation program/environmental compatibility		Facility design and site research surface survivable		Deep underground		Test facility operation		Biological-ecological research		ELF propagation/atmospheric noise measurements		(Thousands)	
	Original	Present	Original	Present	Original	Present	Original	Present	Original	Present	Original	Present	Original	Present	Original	Present	Original	Present
1. System engineering	900	1,225															900	1,225
2. Communication design support	210	210															210	210
3. Natural parameters and receiving system support		50	50														50	50
4. Environmental program support					350	417											350	417
5. SANGUINE cable investigations							100	100									100	100
6. Hard rock excavation development									120	0							120	0
7. Survivable facilities design							252	303									252	303
8. Air entrainment development							75	95									75	95
9. EMP studies of facilities									0	100							0	100
10. Deep underground site investigations									1,900	0							1,900	0
11. Power generation development							0	300	120	0							120	300
12. Deep underground design studies									0	100							0	100
13. E-field receiving antennas			80	50													80	50
14. H-field receiving antennas			150	200													150	200
15. On-hull antenna development			175	415													175	415
16. ELF antenna development for aircraft			10	35													10	35
17. ELF antenna development for surface ships			15	30													15	30
18. Receiver design and simulation			225	230													225	230
19. Advanced omnidirectional antenna			0	300													0	300
20. Biological-ecological research													200	300			200	300
21. Forest service support and on site surveys											25	0					25	0
22. Test facility operation and maintenance											300	300					300	300
23. ELF propagation measurements															200	505	200	505
24. Atmospheric noise measurements															100	0	100	0
25. Electric field probe development					0	20											0	20
26. Conductivity measurements															0	25	0	25
27. Other site surveys															0	137	0	137
28. Telephone mitigation effort					0	30											0	30
29. Previous contract claim on natural parameter															0	80	0	80
Total:																		
Original	1,110		705		350		427		2,140		325		200		300		5,557	
Present		1,485		1,260		467		798		200		300		300		747		5,557

Mr. STENNIS. Mr. President, I yield the floor.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator has 24 minutes.

Mr. NELSON. I yield myself 5 minutes.

Mr. President, I think everything I have to say on the merits of this amendment has already been said.

I have very high regard for the chairman of the Armed Services Committee and the distinguished Senator from Texas. I realize that this is a huge budget, the largest budget we deal with in Congress. This is a relatively insignificant amount of money out of a huge budget. I realize that it is not possible for every detail respecting every dollar being spent to be carefully monitored by committee staffs or members of committees in Congress. All I have done here, however, is to offer an amendment, in a clear-cut case, where there is no argument whatsoever on the merits, to eliminate $2 million that the Navy itself does not want for the purpose they requested it. No one on the floor of the Senate has responded on the merits of the issue raised by my amendment. If the Navy asks for $2 million for deep underground exploration and abandons that program, why should not the money go back to the taxpayers instead of just adding $2 million to the budget the Navy requested itself and considered perfectly adequate.

The Senator from Mississippi and the Senator from Texas talk about flexibility in the budget. Is it not remarkably strange that the flexibility here is exactly, to the dollar, the amount of money they decided they did not need for deep underground exploration, but needed to add it at this late date, on top of the budget for the shallow system?

The only thing we are dealing with is a bureaucracy which does not want to give back the $2 million it decided it no longer needed for the purpose it was authorized.

Maybe it is a little old fashioned to be here on the floor of the Senate arguing about $2 million. I am arguing about it because they do not need it, and, therefore, we should not appropriate it.

I would like to say to the Senator from Texas, respecting the environmental studies, that there were no plans at all for any environmental studies. They were going to lay that grid in northern Wisconsin without environmental studies. There was no law requiring an environmental study at that time. There was no intent to make any environmental studies until I raised the question in 1968 and insisted on environmental studies because this project poses a serious environmental threat to a large area of my State. The Navy commissioned a study of $150,000 or thereabouts with the Hazelton Laboratory. The day they announced the $150,000 for the environmental studies I announced that it was totally inadequate, that there was no way to make a serious environmental study with only $150,000. That turned out to be correct because they are asking for over $400,000 for continued studies this year.

I conclude by saying that I have heard not one single word of justification for letting the Navy keep this $2 million instead of returning it to the Treasury.

Two things can be said about it. One is that they just cannot stand the idea of giving the $2 million back to the Treasury. The other is that the planners are incompetent to plan a budget. It is one case or the other. Either they cannot stand the idea of giving the money back, or they are incompetent in their budget planning. This matter has been before us for several years in a row—the same items, the same program that they are testing out. There is nothing new whatsoever in it.

I do not know why the Armed Services Committee would spend 10 seconds on the floor of the Senate defending the Navy on this $2 million.

I do not understand it, quite frankly.

Mr. President, how much time do I have left?

The PRESIDING OFFICER (Mr. Gambrell). The Senator's time has expired—the 5 minutes. Nineteen minutes are left. The Senator yielded himself 5 minutes just now, which have expired.

Mr. NELSON. Then I have how many minutes left?

The PRESIDING OFFICER. Nineteen minutes.

Mr. NELSON. I thank you, Mr. President.

Mr. BENTSEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. BENTSEN. The distinguished Senator from Wisconsin has alleged that it is a remarkable coincidence that after they abandoned the deep test, the budget request remains the same. It is not a coincidence at all. This was a specific amount of money allocated to achieve an objective, to get an instantaneous communications system with a nuclear submarine fleet in time of emergency or in time of war.

I think that, in this instance, the Navy is actually to be commended as to its sensitivity to the problem, as to its willingness to adapt to a better approach, to try to resolve the problem with an expansion of its alternative effort on the shallow system.

Mr. President, are we going to force the Navy or the DOD into a straitjacket where, once they have submitted a proposal on research and development, an alternative later should prove to be more attractive, and the odds look better, to the last ditch to try to prove something in spite of lessening odds, in the hope that they will have a breakthrough?

I think that is the more economical approach to research and development. Trial and error is basic to research and development.

Mr. President, I think the failure here is the failure on the part of the distinguished Senator from Wisconsin to understand the basic concept of fluidity in research and development, and the fact that when the budget proposes an amount to achieve an objective, we are not talking about production models going down a production line which may suddenly fail and we then choose an alternative weapon system. Here we are groping with many unknowns, trying to find a way.

If we brought before the Senate every instance of failure in research and development, we would be spending our time on nothing else but such problems.

Mr. President, we are beating a dead horse when we talk about this deep underground work. It has been abandoned, it is true, because it does not work; but they think they have an alternative which is better and will accomplish the objective.

I commend the distinguished Senator from Wisconsin in his efforts and his concern for the environment. I do not question for a moment that he has contributed to the fact that the nine environmental studies are being made; but again, I also commend not just the distinguished Senator from Wisconsin but also the Navy on its sensitivity in this regard, and for its concern in trying to pursue a project that will not be harmful to the environment and the ecology.

Once again, let me say that all these studies will be accomplished at the time it comes back before us, where we will have a chance to decide whether it is or is not harmful to the environment—because there are nine studies being made and because it is technically feasible as shown by the research performed to date; when we consider the fiscal year 1973 budget, and then, we can decide whether we want to implement the program and go forward.

The decision, again, will be made here in the Senate, and will be based on a great deal more research than has been completed up to this point.

Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I invite attention once again to the fact that the amendment does not interfere at all with the flexibility of the Navy. All the amendment says is that if the Navy abandons the project and tells us it does not need the money, it should not be permitted to take that money and pile it on top of their present Sanguine research and development program.

The fact is, they did not need it. They have gone through four committees over a period of months and have asked for $3.4 million for the shallow underground system.

That is all they want. That is their budget. It is not my budget. Their total request for the shallow system is left in the bill under my amendment.

The Navy has not completely abandoned the deep underground system. They have just abandoned $2 million of it. They would save, for some work or other, $200,000 for some unspecified purpose respecting the deep underground system.

I think the environmental studies will indicate serious environmental disturbances as a consequence of the shallow system.

I am saying that we should not give them the $2 million they did not ask for, and do not need.

Mr. President, is the distinguished Senator from Texas prepared to yield back his time?

Mr. BENTSEN. Mr. President, the distinguished senior Senator from South Carolina wants me to yield him some time.

Mr. President, I yield 4 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 4 minutes.

Mr. THURMOND. Mr. President, I wish to support the arguments made by the distinguished Armed Services Committee chairman (Mr. Stennis) and the distinguished Senator from Texas (Mr. Bentsen) in opposition to amendment No. 441 with reference to the Sanguine project.

This project has been described as a program which promises to provide a vital link for emergency use in communicating with our strategic nuclear submarine fleet under the oceans of the world in time of critical need. There is no assurance at this stage of the program that it will prove to be technically feasible or progress to a full development effort. However, the very existence of this Nation may well depend on our ability to communicate with our nuclear submarine fleet in time of emergency or in time of war. We cannot afford to forgo any possibility of insuring that such a capability will exist when the need arises. Thus, the Senate would be unwise to delay or otherwise impede a program which holds out the hope of providing this Nation with such an important capability.

The amendment proposed by the distinguished Senator from Wisconsin, Mr. Nelson, would delay this program. This program has evolved over a period of years to the point where a great body of research and technology has been accumulated. This now serves as a sound foundation to progress through the concept formulation stage in which the program is now involved.

The Navy is to be commended for its management of this program and in adjusting the direction in which the program is pointed to accommodate the necessary changes which must occur in any program entailing such new technology. The very essence of research and development is change. A program that does not reflect change in the early stages of research and development is stagnant and does not conform with the normal pattern one might expect.

The Navy is proceeding with vigor in the execution of this program. Over $4 million of the $5.5 million has already been obligated. The remaining funds are earmarked for specific work and will be obligated before the end of December 1971. It would be unwise to interfere in any way with the continuity of this program as it is being run by the Navy.

Mr. President, I cannot emphasize too strongly the importance of this program, and I would encourage all of my colleagues to express their support of these arguments by voting to defeat the proposed amendment.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I am prepared to yield back the remainder of my time if the distinguished Senator from Texas is agreeable to yielding back his time.

Mr. BENTSEN. Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment, as modified, of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), and the Senator from North Carolina (Mr. Jordan) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. McGovern) is paired with the Senator from North Carolina (Mr. Jordan).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from North Carolina would vote "nay."

On this vote, the Senator from Indiana (Mr. Bayh) is paired with the Senator from New Mexico (Mr. Montoya). If present and voting, the Senator from Indiana would vote "yea" and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oregon (Mr. Hatfield), and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from New York (Mr. Javits) is necessarily absent because of religious observance.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Utah (Mr. Bennett) and the Senator from Maryland (Mr. Mathias) are detained on official business.

The result was announced—yeas 44, nays 42, as follows:

[No. 235 Leg.]

YEAS—44

Anderson
Beall
Boggs
Brooke
Burdick
Case
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Fulbright
Gravel
Griffin
Hart
Hartke
Hughes
Humphrey
Jackson
Kennedy
Long
Mansfield
McGee
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Spong
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NAYS—42

Aiken
Allen
Allott
Bellmon
Bentsen
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Magnuson
McClellan
McIntyre
Pastore
Pearson
Pell
Scott
Smith
Sparkman
Stafford
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—14

Baker
Bayh
Bennett
Harris
Hatfield
Inouye
Javits
Jordan, N.C.
Mathias
McGovern
Miller
Montoya
Mundt
Ribicoff

So Mr. Nelson's amendment (No. 441), as modified, was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Pell) laid before the Senate a message from the President of the United States submitting the nomination of Elmer F. Bennett, of Maryland, to be an Assistant Director of the Office of Emergency Preparedness, which was referred to the Committee on Armed Services.

REPORTS ON HIGHWAY SAFETY AND TRAFFIC—MESSAGE FROM THE PRESIDENT (H. DOC. 92-165)

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the President of the United States:

To the Congress of the United States:

Safety on the Nation's roads and highways is a subject which affects virtually our entire population. Everyone who drives or who rides in a motor vehicle, everyone who walks on and crosses the roadways has a very high stake in the promotion of traffic safety. But safety measures and remedial programs can succeed only if they have the active support of governments at every level, of business and industry, and of the general public.

In previous years, two reports have been submitted to the Congress which separately described the administration of the two principal laws in this important area: the National Traffic and Motor Vehicle Safety Act of 1966 and the Highway Safety Act of 1966. This year a single general summary report has been prepared concerning the operation of these laws. Two separate, supplementary volumes—one for each of the laws—contain additional and more detailed information.

It is my hope that the Highway Safety and the Traffic and Motor Vehicle Safety Annual Reports for 1970 will do much to increase public understanding of this pervasive menace to life, limb, and property. The summary report in particular tells a great deal about what must be done to fight this danger. It discusses the enormous toll of highway accidents in both human and financial terms, and indicates some favorable effects of remedies instituted since the 1966 legislation was passed. In addition, it describes the lifesaving nature of programs which are now receiving priority attention, tells about the major efforts in 1970 to develop and enforce motor vehicle safety standards, and reports on efforts to expand and improve State highway safety programs in accordance with Federal standards. The report also touches on some of the basic research projects which are advancing the technology of automotive and highway safety.

As I transmit these Reports to the Congress, I emphasize again the commitment of this Administration to advance the cause of highway safety. With the cooperation of the Congress, we can continue to make great strides in this critical field.

Richard Nixon.

The White House, *September 29, 1971.*

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1253) to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks.

The enrolled bill was subsequently signed by the President pro tempore.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. ALLOTT. Mr. President, the Mansfield amendment is frequently referred to as an "end the war" amendment. It is no such thing.

Indochina was ablaze with fighting for two decades before the first American died there. And the fact of the matter is that the U.S. Congress is powerless to end the fighting in that region.

This is a hard, cruel fact, but hard, cruel facts are the ones that we must face like adults.

There is only one nation that can end the fighting in Indochina. That is the nation that is waging aggressive war in four nations—South Vietnam, Laos, Cambodia and Thailand That nation is North Vietnam.

What the United States can do is to disengage itself from the combat in Indochina. This can be done constitutionally and properly by the Commander in Chief, the President. And that is precisely what he is doing.

Of course the Senate can pass amendments of dubious constitutional wisdom and of no practical use. These amendments generate confusion, not peace.

Of course the Congress, exercising its power of the purse, can cut off all aid to all the nations currently defending themselves against North Vietnam's aggression. The Congress could do this, but it will not. It will not do this because that would be ungenerous and cruel.

It would be ungenerous because we are a powerful nation that can afford to give material help to those who want to help themselves. It would be cruel because it would undo and mock the valiant sacrifices of American fighting men in Indochina.

The fighting in Indochina will continue until the North Vietnamese lose their appetite for aggression. The non-Communist nations of Indochina will continue to resist, whether or not we help them. But whether or not they will be successful depends on whether or not we help them.

So that is where we stand now.

The President has moved us into the final stage—the final hours—of our combat involvement in Indochina. He has done this without the use of Senate amendments. He will complete the task without the help of such amendments.

I will vote against this amendment for four reasons. It hinders rather than helps our efforts to secure the release of our men who are prisoners of war or who are missing in action. It is constitutionally dubious. It does generate confusion, not peace. And it does nothing for the morale of our allies in Indochina who are now carrying the burden of the fighting.

AMENDMENT NO. 435

The PRESIDING OFFICER. Under the previous order, the Chair will now lay before the Senate amendment No. 435 by the Senator from Wisconsin, for himself and the Senator from Indiana (Mr. HARTKE), which the clerk will read.

The legislative clerk read the amendment, as follows:

On page 8, lines 5, 6, and 7, strike out "$3,256,200,000 of which not to exceed $801,600,000 shall be available for an F–14 aircraft program of not less than 48 aircraft" and insert in lieu thereof the following: "$2,454,600,000".

On page 10, between lines 4 and 5, insert a new section as follows:

"SEC. 203. (a) None of the funds authorized to be appropriated by this or any other Act may be obligated or expended for research and development purposes in connection with F–14 aircraft program except to the extent necessary to terminate and settle contractual obligations for research and development entered into prior to the date of enactment of this Act.

"(b) All funds appropriated to carry out research and development in connection with the F–14 aircraft program which remain unexpended after the termination and settlement of existing contractual obligations shall be credited to the miscellaneous receipts account of the Treasury. Upon the termination and settlement of such contractual obligations, the Secretary of the Navy shall report to the Committees on Armed Services of the Senate and the House of Representatives regarding the amounts necessary to terminate and settle such obligations and the amount of unexpended funds returned to the Treasury as required by this section."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, I am happy to yield to the majority leader without losing my right to the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to make a unanimous-consent request on amendment No. 437.

As the Senate will recall, it was agreed yesterday to have a vote on four amendments not only today but also tomorrow, starting with amendment No. 445, to be offered by the distinguished Senator from Missouri (Mr. EAGLETON). That was to be considered on the basis of a 2-hour limitation.

The next amendment, No. 437, was to be debated but without any limitation on time, and following that there would be the Fulbright amendment, No. 438, on which there is a 2-hour limitation.

At this time—I think all parties have been consulted, all corners have been covered—I ask unanimous censent that on amendment No. 437 there be a limitation of 3 hours, to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS), manager of the bill, and the Senator from Montana now speaking.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I left out a very important part.

I ask unanimous consent that there be a limitation of 30 minutes on any amendment offered to the amendment, the time to be equally divided.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not expect to object—for the information of Senators interested, would the Senator give an estimate as to what time we expect to convene and the intervening time before we get to vote on those amendments?

Mr. MANSFIELD. Yes, indeed. The Senate will convene at 10 o'clock tomorrow morning. There are three orders for recognition of Senators, 15 minutes each, and for a morning hour of not to exceed 15 minutes which may be, if circumstances warrant, extended.

Then the amendment by the distinguished Senator from Missouri, having to do with the MB tank will be offered, under a 2-hour limitation. There will be a rollcall vote.

Next, amendment No. 437, on which the Senate has just agreed to impose a time limitation will be called up. The debate will take place for a period of not to exceed 3 hours. At the end of that time there will be a rollcall vote.

Following the disposition of that amendment, the Fulbright amendment will be called up. There is a 2-hour limitation on that, and there will be, as I understand, a rollcall vote on that amendment.

Mr STENNIS. I thank the Senator.

Mr. MANSFIELD. Mr. President, I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Chair, and I thank the Senator from Mississippi.

The unanimous consent agreement reads as follows:

Ordered, that, during the further consideration of the unfinished business (H.R. 8687), debate on each of the following amendments be limited and considered in the following order:

(1) On Thursday, September 31, 1971, following the morning business debate on amendment No. 445, to be offered by the Senator from Missouri (Mr Eagleton), debate be limited to 2 hours to be equally divided and controlled between Mr. Eagleton and the Senator from Mississippi (Mr. Stennis).

(2) Following the disposition of the Eagleton amendment No. 445, the Senate will proceed to the consideration of amendment No. 437 by the Senator from Montana (Mr. Mansfield), with debate limited to 3 hours, to be equally divided and controlled by Mr. Mansfield and the Senator from Mississippi (Mr. Stennis).

(3) Following the disposition of the Mansfield amendment No. 437, the Senate will proceed to the consideration of amendment No. 438 by the Senator from Arkansas (Mr. Fulbright). with debate limited to 2 hours, to be equally divided and controlled by Mr. Fulbright and the Senator from Mississippi (Mr. Stennis).

Ordered further, that on Monday, October, 4, 1971, when the unfinished business is laid down, the amendment No. 430, by the Senator from Colorado (Mr. Allott), be made the pending business and that debate thereon be limited to 3 hours, to be equally divided and controlled between Mr. Allott and the Senator from Mississippi (Mr. Stennis).

Provided, that debate on any amendment to any one of the above amendments be limited to 30 minutes, to be equally divided and controlled by the mover and the Senator from Mississippi (Mr. Stennis).

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. I ask unanimous consent that the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Indiana (Mr. HARTKE) has led the fight on this program for a number of years. It was only in his behalf that I put the amendment in, and I expect him to make the principal speech on it a little later. I shall speak quite briefly, as I have already spoken at considerable length on this F–14 program.

Mr. President, the reasons why I am opposed to the F–14 are as follows:

A threshold consideration—and that only—is the cost of the plane. Everybody knows that its estimated unit cost has increased from $11.5 to $16.7 million since the beginning of the year. And that figure does not include the inevitable cost of a future Grumman bailout or the new engines which the planes will eventually need.

The Navy knows that these additional costs will be incurred. It knows, too, that more than 300 new fighters will be needed. But it refuses to accept the political risks involved in coming clean now about the true cost status of the plane.

In reality, the F–14 will be the most expensive fighter plane ever built. It will cost three to four times as much as the F–4 fighter it is intended to replace. Its missiles alone are likely to cost more than any enemy fighters it will face. The 10-year systems cost for a 300-aircraft F–14 program will likely be $15 billion.

Another threshold consideration in its own right is the Grumman bailout which lies ahead—on next year's purchase if not this year's. We have just bailed out one large aerospace company. We cannot do the same for another if we want to introduce any integrity into the procurement contract bidding system. Grumman is facing a projected loss of $367 million today for a 300-aircraft program because during the final months of contract negotiations for a 463-aircraft program it reduced its bid by $474 million in order to land the contract. Buy-ins of this kind simply should not be rewarded.

But these are admittedly threshold issues. One cannot cancel a program every time the cost goes up or it turns out that a buy-in has occurred. At times the system may be needed and there may be no alternative available. But we do not need the F–14. And we do have a suitable alternative.

The Navy's strongest justification for the F–14 is the fact that it is the only Navy fighter candidate which can carry the Phoenix missile, with which the Navy hopes to protect its carriers.

But carriers today are growing ever more vulnerable. It is highly doubtful that they can be protected against submarine torpedo attack and against cruise missiles fired from submarines, surface ships, and bombers.

To face up to this fact is not to surrender control of the seas to the Soviets. It is to free resources to counter the real Soviet threat to our sealanes—the new submarines which the Soviets are presently building at a much faster rate than we.

And the Phoenix itself is a disaster. It is so expensive—$40,000 per shot—that it has been test fired only 42 times in the 10 years of its development for fear of dissipating assets. I said before and I say again that it would be countermeasured and outmaneuvered if it worked at all under combat handling conditions.

Let us look at the countermeasures point. For reasons of classification I cannot specifically discuss the means by which the Phoenix can be countermeasured. I have here in my hands, however, an unclassified English translation of a Russian textbook on the principles of jamming and electronic countermeasures. The textbook explains on a theoretical level precisely how a pulse doppler radar and its associated missile can be jammed. This textbook is actually used in the training of U.S. Air Force tactical ECM specialists at Nellis Air Force Base. What it says was confirmed by hardware tests of the Phoenix at the Naval Weapons Center's Corona Laboratories, tests which the Navy has now "forgotten."

And if we really wanted the Phoenix despite its high cost and probable low effectiveness, we would not need the F–14 to get it. We could put it instead on the A–6, an aircraft with all the range payload and loiter needed in a fleet defense interceptor.

So much for the F–14's strongest justification.

As a fighter, the F–14 is no better, according to some recent studies, than the F–4 fighter it is intended to replace. In all probability, it will be no match for new Soviet fighters likely to be developed during the next 5 years. And it could be put to shame by a new light Navy fighter of our own.

The F–14 will have the poor maneuverability it does because it will be weighted down with the same complex avionics and air-to-air missiles which have been countermeasured, outmaneuvered, and often barred from use for the last 5 years in Southeast Asia.

In fact, its main dogfight weapon will be a new $100,000-per-copy version of the Sparrow missile, earlier versions of which in Vietnam have proven one-quarter as effective against enemy aircraft as our fighter planes' cannons or guns, while costing 200 times as much per firing or 800 times as much per kill.

Perhaps most frightening are the force structure implications of the F–14. Viewed realistically, it is an exercise in gold-plated unilateral disarmament.

Since the mid-1950's, we have bought some 1,500 F–4 and F–8 fighters for the Navy and the Marine Corps inventories. With the F–14 four times as expensive as these planes, there is no way we could hope to replace them with F–14's on anything like a 1-for-1 basis. If we replaced them with only the 300 F–14's on which the Navy is now officially planning, we would have a force structure only one-fifth its former size.

Other countries, meanwhile, are continuing to maintain their force levels by turning out light high performance fighters at a cost they can well afford. Consider the implications if our potential enemies maintained their fighter inventories while ours shrunk to one-fifth its present size.

The U.S. Navy would soon have one-half as many fighters as the North Koreans and only one-tenth as many as the Chinese. And some of these planes would soon be better fighters than the Navy's F–14.

We would have spent far more than our adversaries for far fewer fighters of very marginal ability. And they would have spent less yet achieved a numerical superiority which could be devastating in some future crisis. If we wish to pursue unilateral fighter disarmament, we can do so more cheaply than by buying the F–14.

Actually, we need a new Navy fighter and we need one in considerable numbers. That is why we should abandon the F–14 for a new light fighter prototype program modeled after the program the Air Force recently initiated. A new light fighter could outturn and outaccelerate the F–14 by 80–100 percent. And it could carry both the AIM–9D Sidewinder missile and advanced passive missiles such as the Agile to complement its maneuvering capability. We could buy 700 such light fighters for much less than the cost of 300 F–14's.

These, then, are the reasons why I oppose the F–14.

Mr. President, one final point.

The F–14 is as poor a plane as it is in large part because of the Navy's insistence of repeating with the F–14 the same mistakes it made in development of the F–111B. There are really only two differences between the planes. The F–14 costs about 50 percent more than the F–111B and it is a fiasco which is truly the Navy's own. In virtually all other respects, the two planes might as well be twins.

One of the most perceptive analyses of the similarities of the two planes—and the troubles which lay ahead for all of us—was contained in Chairman GEORGE MAHON's House Appropriations Committee report on the Department of Defense appropriations bill for fiscal 1969. What makes the analysis in question so perceptive is the fact that it was written, in July 1968. The F–111B has just been canceled and the Navy was about to embark on a replacement for it. That replacement was known then as the VFX, but it soon became the F-14.

The House Appropriations Committee's report began by noting the similarities between the VFX and the aircraft it was replacing. The VFX was to have the same TF-30 engine, the same Phoenix missile system, virtually the same avionics system, and the same variable sweep wing as the F-111B. As the report noted:

> It was these basic components of the F-111B which were the source of a number of the problems relating to the weight, cost, and engineering difficulties encountered with that aircraft.

The Senator's 10 minutes have expired.

Mr. PROXMIRE. I yield myself 1 additional minute.

The report also noted that the new aircraft would be a plane combining the fleet defense interceptor, air-to-ground, and air superiority fighter roles of the F-111B:

> Apparently there is little difference between the original operational requirement contemplated for the F-111B and that now contemplated for the VFX.

It would be the same plane, the report noted, but it would probably cost more:

> . . . the latest estimated unit cost for the VFX-1 for production aircraft, as well as for unit costs which include development costs, are in excess of comparable F-111B costs. The latest estimated average fly-away cost of the F-111B aircraft was determined to be $8.2 million.

The report went on to question the new plane's Phoenix missile capability. It raised the same questions that I have raised in the course of this debate: If we really want the system, why not put it on an existing aircraft?

> The Navy has conducted several studies in this respect which demonstrate the capability of existing A-6 aircraft to accommodate the system. The studies also show that a modified version of this aircraft would be even more versatile and still accommodate the system.

The report concluded with a warning to the Navy and the implicit plea for reconsideration:

> Commonsense dictates a very careful approach to the development of Navy fighter/interceptor aircraft and the deployment of the Phoenix missile system, lest the nation encounter another F-111B type program. It is apparent that the economy and wisdom of proceeding with complete development of the VFX-1 at this time is extremely questionable, to say the least.

But the Navy did not reconsider, the Congress has not yet acted, and thus we are in the mess we face today. But there is still time to kill the F-14. There is still time to stop this exercise in gold-plated unilateral disarmament.

The PRESIDING OFFICER (Mr. Brock). The Senator's minute has expired.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield myself 2 additional minutes, and I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I want to say to the Senator that he has made this case—and the press has made it—in a most effective manner. But I must say that I am very discouraged by the attention that the Senator is getting in the Senate. There are five Senators in the Chamber, I believe, and this has been typical on all these matters involving the major elements of the military procurement program.

I believe the particular program the Senator is talking about involves approximately $9 or $10 billion, if they go through with it as planned.

I think the Senator is making a very fine statement. I was preparing to make a statement, but it seems rather futile to make it, with nobody here to listen to it. I commend the Senator for his persistence.

I ask the Senator this question: Is there anything in this plane that resembles the F-111? Is there any characteristic that is similar to it? Was it not designed as a dual-purpose plane and did it turn out to be almost a complete failure?

Mr. PROXMIRE. Yes, as I have said, the F-111B was virtually identical.

Mr. FULBRIGHT. And was it not a complete failure?

Mr. PROXMIRE. It certainly was.

Mr. FULBRIGHT. Did not the Committee on Government Operations look into it very thoroughly and examine it? Yet, in spite of that, did not the Defense Department insist upon building it and did not Congress support it?

Mr. PROXMIRE. That is correct. The Appropriations Committee of the House said that it was the very basic components of the F-111B which gave it the problems—those very basic components that are in the F-14.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. I yield myself 2 addititonal minutes.

Mr. FULBRIGHT. Can the Senator explain to me why, after that experience, they now insist on repeating almost the same type of concept?

Mr. PROXMIRE. I cannot explain this.

Mr. FULBRIGHT. Is there any reason the Senator can give as to why they cannot learn from a mistake of that kind? That mistake cost roughly $5 billion, did it not? Not less than that.

Mr. PROXMIRE. It cost somewhat less than $5 billion.

Mr. FULBRIGHT. Not much less.

Mr. PROXMIRE. It cost billions of dollars.

Mr. FULBRIGHT. Is it not generally agreed that it is a failure?

Mr. PROXMIRE. Certainly, the conclusion of Congress is that it was. The program was discontinued.

Mr. FULBRIGHT. As promilitary as the House is, they did not authorize the F-14, did they?

Mr. PROXMIRE. They did not. There is no money in the bill that came from the House for the F-14.

Mr. FULBRIGHT. How does it happen to be in this bill? What is the Senator's explanation?

Mr. PROXMIRE. This Senator cannot explain the reasoning that went into putting the F-14 in the bill. I tried my best to discover it. We had some discussion of this on the floor. Several members of the Armed Services Committee who put it in are available, and I am sure that on their time they will give some kind of answer to the Senator from Arkansas. I am waiting for the explanation.

Mr. FULBRIGHT. The Senator has given a great deal of attention to this and has had his experience with Mr. Fitzgerald and others about similar programs. I am at a loss as to why this type of program, in view of the F-111, can now be brought back for funding. It is absolutely incredible to me, especially in light of the mission it is supposed to perform, which is to protect aircraft carriers. Is this plane designed to protect aircraft carriers from submarines?

Mr. PROXMIRE. It is my understanding that it is designed to protect aircraft carriers from fighter planes, from missiles, and so forth.

Mr. FULBRIGHT. Is not the real threat to aircraft carriers from submarines?

Mr. PROXMIRE. It is my understanding that combating submarines is one of its purposes. It is also my understanding that the F-14 is not capable of doing that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I yield myself 2 additional minutes.

Mr. FULBRIGHT. I think the Senator is quite correct. The F-111 was not capable of doing anything but crashing. That is about the only thing I can remember reading about it. Every time it crashed, they grounded it. I think they are all grounded now, are they not?

Mr. TOWER. No, they are not.

Mr. FULBRIGHT. What are they doing with them? Are they in museums?

Mr. TOWER. No. As a matter of fact, the F-111 is the finest target penetration aircraft in anybody's inventory anywhere in the world. I think the Senator from Nevada will substantiate that.

Mr. FULBRIGHT. If it is all that good, why is the F-14 needed?

Mr. TOWER. It is a different mission. The F-14 is an air superiority aircraft. The F-111 is a target penetration aircraft.

Mr. PROXMIRE. It is my understanding that the F-111 was grounded a few months ago, but it may have been permitted to fly again since that time.

Mr. TOWER. It has the best safety record of any system in the inventory.

Mr. FULBRIGHT. Most of its life, it has been grounded because of crashes. I have seen that in the newspapers.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I cannot yield on my time. I am happy to let the Senator respond on his own time.

Mr. FULBRIGHT. I wanted to make a few comments of my own, but I thought that since the Senator has dealt with this problem more than anyone else in the Senate he could make a few more pointed comments about the similarity of the F-111 and the absurdity of that program. They discontinued using it in Vietnam because it was not suitable, and crashed, too often. It has all been in the newspapers. They could not classify it.

Mr. PROXMIRE. I thank the Senator from Arkansas. I will be glad to yield to him later. I have promised to yield to the Senator from Indiana, who has been the principal sponsor of this amendment for years.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point two commentaries on the F–14. One is the complete text of the House Appropriations Committee language to which I have been referring. The other is an article published in Newsday, a Long Island newspaper in Grumman's own backyard, which was written in January 1970. It is entitled "Grumman's F–14 Boondoggle: Up, Up, and Away," and it is another perceptive observation from the past of the troubles which have now arrived.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE APPROPRIATIONS COMMITTEE REPORT ON THE FISCAL YEAR 1969 DEFENSE APPROPRIATIONS BILL (DATED JULY 18, 1968)

Subsequent to the submission of the budget estimates the Secretary of Defense, upon the recommendation of the Navy, approved a change to the fiscal year 1969 research and development program. This revision provided $30,000,000 for contract definition for a fighter/interceptor aircraft, known as "VFX-1", as a possible alternative to the procurement of F–111B aircraft. The proposal of the Department of Defense contemplated that a final decision on the specific aircraft to be developed would be made on or before March 1, 1969. Subsequent to this action, the authorizing legislation eliminated further development and procurement of the F–111B. The Committee has approved the revised program as requested by the Secretary of Defense and the Navy for the VFX–1. Funds are also included in the amount of $55,000,000 for continued research, development, test and evaluation of a variety of components for this prospective weapons system. These components were a portion of the former F–111B program which will be common to the VFX–1, as presently contemplated. A discussion of the Navy fighter/interceptor programs, including both the F–111B and the proposed VFX–1, will be found beginning on page 274 of Part 6 of the Committee hearings.

Navy aircraft requirements have been a matter of increasing concern and complexity sinc the F–111B program first encountered developmental problems. It became apparent that increased weight and other problems would seriously degrade the fighter capability of this aircraft. In 1966, the Navy conducted a comprehensive fighter aircraft study to evaluate naval requirements for the 1970's. This study reduced the requirements for certain F–111B Phoenix-equipped aircraft and replaced them with additional F–4 fighters. It was contemplated that the F–4 would remain in the inventory as a principal fighter aircraft until a new fighter termed the "VFAX" could be developed in the mid-1970's. The VFAX concept envisioned a highly-maneuverable aircraft with a multi-mission radar, giving it both an air-to-air and air-to-ground attack capability. The air-to-air capability was to consist principally of an advanced Sparrow missile system termed "AWG–10." The principal item for this new aircraft was to be a new light-weight engine contemplated to be developed and delivered by mid-1970. A similar aircraft is now referred to as the VFX–2.

In 1967, the Navy and interested aircraft manufacturers began to look elsewhere than the F–111B for means to accommodate the Phoenix missile system. The VFAX designs were examined with the idea of utilizing a similar airframe to accommodate the Phoenix missile system and the TF–30 P–12 engine designed for the F–111B. Several aircraft manufacturers subsequently developed and presented proposals to the Navy for aircraft of this general type.

The Secretary of Defense submitted his revised program to the Congress requesting contract definition funds for an aircraft of the type described above which would incorporate the TF–30 P–12 engine, the Phoenix missile system, the major portion of the F–111B avionics system, and probably a variable sweep wing.

It was these basic components of the F–111B which were the source of a number of the problems relating to the weight, cost and engineering difficulties encountered with that aircraft.

The comparison of the two aircraft does not stop with these components. The original operational requirement for the F–111B described it as:

"An all weather carrier-based airborne weapons system for gaining and maintaining air superiority in fleet operating areas and in Navy and Marine Corps objective areas. A secondary capability is to perform air-to-ground missions in support of amphibious and land warfare."

Testimony before the committee disclosed that,

"The combination of missile interceptor capability and ability to perform the close-in air-to-air combat maneuvering of a general-purpose fighter is what is planned for the VFX."

Apparently there is little difference between the original operational requirement contemplated for the F–111B and that now contemplated for the VFX.

Testimony before the committee also disclosed that the latest estimated unit cost for the VFX–1 for production aircraft, as well as for unit costs which also include development costs, are in excess of comparable F–111B unit costs. The latest estimated average fly-away cost of the F–111B aircraft was determined to be $8.2 million.

A highly-critical parameter for carrier-based fighter aircraft of the type contemplated in the VFX–1 program is total weight. A major difficulty of the F–111B program was the increasing weight of the aircraft. The Phoenix missile system, the engine, and the avionics system were principal weight factors of the F–111B. As has been pointed out, the present VFX–1 proposal contemplates the continued use of these same components. The decreased weight contemplated for the VFX–1 is proposed to be achieved principally through the elimination of the pilot ejection capsule developed for the F–111B and the increased use of light-weight but more expensive metals for the airframe. The original F–111B design did not contemplate the use of an ejection capsule; that was added at a later date to insure increased pilot safety. Any failure to meet the weight objectives of the VFX–1, such as that encountered in the F–111B development program. could seriously jeopardize the contemplated effectiveness of this aircraft.

The Navy has recently requested a reprogramming of prior year funds to permit it to proceed with requests for contract definition proposals to the aircraft industy. Despite reasonably detailed studies, the VFX–1 is still a paper aircraft.

The Navy believes it is possible to introduce the VFX–1 into the fleet approximately 12 months or so after the anticipated fleet introduction of the F–111B and to introduce the more advanced VFX–2 fighter by the mid or late 1970's. The Navy has, however, been overly optimistic in the past with reference to both costs and delivery schedules of aircraft. An excellent example of this is described in the recent hearings before the Committee beginning at page 183 of Part 3 and at page 479 of Part 6 of these hearings. This testimony discloses fantastic price increases in the estimated cost of the OV–12A aircraft. This aircraft proposed for procurement by the Navy supposedly would be a military version of a rather simple existing commercial-type aircraft.

There are other aspects of the VFX concept which disturb the Committee. It is contemplated that the VFX–1 will be equipped with the Phoenix missile. Structural strength must be provided throughout the aircraft to accommodate this system. This aircraft evidently is to be used for both Navy and Marine Corps fighter/interceptor requirements. If so, this means that all Marine Corps aircraft of this type will be equipped with the Phoenix missile. Thus, each would have to be equipped with a costly fire control system and suffer the weight disadvantage of the Phoenix missile system. On the basis of testimony before the Committee and previous Navy fighter requirement studies, there are obvious questions as to whether the Marine Corps needs the Phoenix missile system and whether it is required for all Navy fighter aircraft of this type. There is also a question of whether or not adequate consideration is being given to equipping a portion of these fighters with the lighter-weight Sparrow or advanced Sparrow missile system.

If the long-range and sophisticated Phoenix missile system is required for fleet defense as urgently as has been indicated by testimony before the Committee, should not consideration be given to utilizing existing aircraft or modifications thereof to deploy this system with the fleet at the earliest practicable moment? The Navy has conducted several studies in this respect which demonstrate the capability of existing A–6 aircraft to accommodate the system. The studies also show that a modified version of this aircraft would be even more versatile and still accommodate the system.

Would it be more logical for the VFX–1 aircraft to be designed around the AWG–10 advanced Sparrow system, thus potentially reducing weight and cost? Is it practicable to proceed with the deployment of the Phoenix missile system on an existing aircraft or a modified version thereof and to proceed with the maximum speed possible to the development of the VFX–2 aircraft weapons system, including the new light-weight engine?

Common sense dictates a very careful approach to the development of Navy fighter/interceptor aircraft and the deployment of the Phoenix missile system, lest the nation encounter another F–111B type program.

It is apparent that the economy and wisdom of proceeding with complete development of the VFX–1 aircraft at this time is extremely questionable, to say the least. Funds have therefore been included in the accompanying bill only as outlined above. Contract definition will establish more precisely the ability of industry to build the VFX–1 within the characteristics, cost, and time schedules as desired by the Navy and estimated by prospective contractors in this phase. The prospective difficulties and large costs facing this program require careful study of the contract definition proposals by industry and by Navy and Defense Department experts.

The Committee will expect the Navy and the Department of Defense, with the cooperation of the aircraft industry, to carefully and realistically approach the problem of providing a superior fighter interceptor aircraft for Naval and Marine Corps aviation at a realistic cost. Should a decision be reached subsequent to the contract definition phase to proceed with the development of the VFX–1 aircraft, this Committee would have no objections, and would expect, the Department of Defense to request supplemental funds through the regular executive channels. Funds should be requested not only for development, but for advance procurement requirements not presently contemplated by the Navy proposals but which are required as additional assurance that this aircraft can be deployed in an adequate timeframe.

The Committee will expect the Navy, the Joint Chiefs of Staff, and the Secretary of Defense to carefully examine the proposed VFX-1 concept and other alternatives so that the program resulting from these studies and the detailed evaluation of the various contract definition proposals will provide the Navy with the proper air superiority fighter and interceptor aircraft required to meet potential threats to the fleet, and other Navy and Marine Corps aviation requirements envisioned for the 1970's.

MAJOR MILITARY PROGRAMS

This section of the report is intended to describe briefly U.S. military forces in terms of their principal military missions, rather than in the form of budget categories for which appropriations are made.

The table below lists the major military force programs in the fiscal year 1969 Department of Defense budget requests for the Titles contained in the bill. The Committee's proposed changes are summarized in a single entry at the bottom.

Department of Defense—Major military programs as applicable to titles, I, II, III, and IV

[In millions of dollars]

Major military program	*Fiscal year 1969 budget estimates*
Strategic forces	9, 196
General purpose forces	34, 665
Intelligence and communications	6, 233
Airlift and sealift	1, 810
Guard and reserve forces	2, 921
Research and development	5, 031
Central supply and maintenance	7, 108
Training, medical and other general personnel activities	9, 397
Administration and associated activities	1, 492
Military assistance funded by Department of Defense	1, 976
Subtotal	79, 829
Deduct:	
Adjustment for retired pay accrual	—90
Proposed legislation	—75
Total obligational authority	79, 664
Deduct:	
Financing adjustments	—1, 090
Proposed appropriation transfers	—1, 500
Estimate, new budget (obligational) authority	77, 074
Changes recommended by Appropriations Committee	—4, 834
New appropriations in accompanying bill	72, 240

GRUMMAN'S F-14 BOONDOGGLE: UP, UP AND AWAY

(By Ernie Volkman)

"We need the F-14 like we need a hole in the head."—Navy pilot.

There are some quarters of the Navy Department where Grumman Corp., has the sanctified status of the Church of the Nativity.

That is not especially unusual, considering that Grumman for years has had a reputation for building dependable combat aircraft, meeting often difficult design conditions inherent for carrier planes. Ask some of the old salts sitting behind desks in the Pentagon what they think of Grumman—especially if they flew "Hellcats" in the Pacific during World War II. They almost get misty-eyed.

However, like all love affairs, this one has occasional blind spots, and they can be terribly expensive. Today's lesson in that ancient truth of love and war goes under the name of F-14, a new multimission carrier jet aircraft upon which Navy and Grumman people alike lavish praise.

Unfortunately, the American taxpayer is generally unaware that the F-14 is: (1) an awful hodge-podge of everything that's wrong in modern American combat aircraft design; (2) a flat contradiction of what many of the Navy's own combat pilots recommend; and (3) an expensive (more than $20 billion) proposition that does not meet any present or projected Soviet threat.

EVENTUAL COST

The most interesting aspect of the F-14 is its eventual cost—provided you can weed it out from a confusing blizzard of often contradictory cost figures. Last month Congress appropriated $266,500,000 for research and development. That's for 12 planes—six test prototypes and six production models. But the bill taxpayers may eventually get for all the F-14s to be built will be a whopper.

For example, under its five-year defense plan, the Pentagon wants 287 F-14s at a cost, according to Sen. John Stennis (D-Miss.), chairman of the Senate Armed Services Committee, of $15,500,000 each—totally, about $4.5 billion. But Sen. Howard W. Cannon (D-Nev.), of the same committee, has said the F-14 would cost $6.4 billion for 463 aircraft. Sen. Barry Goldwater (R-Ariz.) two months ago had the Navy help him prepare a statement saying 716 F-14s would cost $7.6 billion.

The Pentagon only adds to the confusion. Its Office of Systems Analysis tries to price weapons systems on a 10-year basis as a way of predicting relative costs. That office has done such a study for the F-14, but says it's classified. Reportedly, they estimate about $25 billion for the F-14 in its A, B and C versions (about 800 planes over a 10-year period).

The total is significantly higher than any of the assorted cost figures from the Navy. The reason is that the Navy estimates F-14 costs at $8,000,000 per plane on a "fly-away" basis—the basic cost of building the plane and flying it off the carrier deck.

But it's a misleading figure, because it does not include research and development, spares, initial production and other support costs. Nor does the figure include costs of the plane's complex missile and avionics systems. Considering the F-14's cost strictly on a "fly-away" basis is like saying your car cost $1,500 not including insurance, operations, interest, etc.

Actually, the Navy has already said it wants at least 716 aircraft and 1,200 eventually to replace its aging F-4 "Phantom." The common rule of thumb on aircraft procurement is that 10-year direct operating costs of a modern combat aircraft are double its "fly-away" costs. That means the taxpayer would pay about $16,000,000 each in actual costs for the F-14. Consider what 1,200 planes would cost. Consider also that these are really conservative figures and do not consider the possibility of higher costs if the F-14 hits expensive development or production snags—as has nearly every modern major weapons system.

The F-14 might even be worth the money if it had any hope of being a good airplane. The F-14 does not. Its design flatly contradicts what the veterans of air battles over North Vietnam have been telling the Navy: We need a true air superiority fighter, a plane built for the sole purpose of "dogfighting" at any altitude against the light and highly maneuverable Soviet-built fighters, such as the MIG-21, best in the world of its type.

But the F-14 repeats the fundamental error of the F-4 and the F-111: A plane designed to perform a number of missions. The F-111 can't do anything right. The F-4 performs its multiple missions adequately, but none well. Classified Pentagon studies show the F-4, weighted down with navigation, missile and radar systems, was almost useless in dogfights at close range.

LOADED DOWN

The F-14 is also loaded down with electronics gear for its several missions, including a Soviet bomber-launched missile threat that many experts doubt will exist by 1973, when the F-14 is due to join the fleet. The Navy insists the F-14 will also be an air superiority fighter, but many pilots disagree. In fact, during the annual Navy Fighter Pilots Symposium held last year, objections to the F-14 were so outspoken, Navy brass restricted public discussion on what the pilots said.

The Navy insists on compromising the air combat performance of its planes by multipurpose specifications and hybrid designs. There is some question, moreover, whether all the F-14's components will even work.

All of this is particularly galling in light of the fact that the Navy rejected an alternate plan advanced by some in the Pentagon for a true air superiority Navy fighter, at a third what the F-14 will cost.

Aside from the question on the F-14's military merits, there is the larger question of whether this nation can continue to afford paying out billions for weapons systems of dubious value except to the industries who directly benefit.

Mr. PROXMIRE. Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I understand that the Senator from Indiana is agreeable to allowing me to proceed.

Mr. HARTKE. Yes.

Mr. FULBRIGHT. He would rather speak a little later.

Mr. PROXMIRE. How much time does the Senator from Arkansas wish?

Mr. FULBRIGHT. Seven or eight minutes.

Mr. PROXMIRE. I yield 7 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I strongly support the amendments—Nos. 435 and 436—introduced by the Senator from Wisconsin (Mr. PROXMIRE), along with the Senators from Indiana and Oregon (Mr. HARTKE and Mr. HATFIELD), in regard to the Navy F-14 fighter plane.

I believe the Senate should halt further expenditures for this ill-advised program, the most costly fighter plane in history and one of very questionable merit.

Mr. President, we have a rare opportunity here. Ordinarily, on those infrequent occasions when the Senate does take a bold step and delete or reduce funds for one of these extravagances, the money is eventually restored in the conference committee at the insistance of the House. However, in the case of the F-14, the House has already deleted all the proposed procurement funds. Therefore, we have the chance to follow the House and eliminate this item altogether.

I cannot recall when an item of this consequence was in a situation in which the Senate action would be decisive. I deeply regret that many of my colleagues are not present to listen to the Senator from Wisconsin in particular and to the Senator from Indiana, because if they were aware of the facts about this plane, I have no doubt they would vote to delete it. Unfortunately, they are not here. I suppose they will simply take the word of the representatives of the Pentagon and there will be no opportunity for them to know what they are voting on. I deeply regret that.

The Committee on Armed Services has recommended $228 million for research and development on this plane and $806 million for the procurement of 48 aircraft. This is a program of considerable magnitude—better than $1 billion just for fiscal 1972. When I consider all the public service programs which so desperately need funds—and we are scratching around for a few thousand dollars to help some school districts in my State—this billion dollars takes on some real meaning.

If I might review the history of the F-14 briefly, this contract was awarded to the Grumman Aerospace Corp., in February 1969. Five contractors submitted designs and prices in October 1968. In December 1968, the competitors were reduced to two. Shortly before the final evaluation of bids, Grumman reduced its bid by a substantial amount, and on February 3, 1969, it was awarded the contract.

Only 2 years after the contract was awarded, however, the Grumman Corp. was already forecasting significant financial losses for itself. Meanwhile, the price tag per plane was ballooning toward $20 million—it is already over $16 million. And one of the features of the F-14 was supposed to be its use of already developed engines, avionics, and air-to-air missiles, which, we were led to believe, would hold down costs. Further, the number of planes to be produced has been scaled down—not unwisely I might add, although we are getting less planes for more money. Additionally, the program is already some months behind schedule.

As the chairman of the House Armed Services Committee said on June 15 in a remarkably straightforward comment during that body's consideration of the program:

> It was ascertained by the committee's review that the F-14 was experiencing technical difficulties and cost-increase problems.

Originally the F-14A was to be the first model in a series. The F-14B was to offer an engine of higher thrust and lower weight, and the F-14A was, in effect, a stepping stone. The Navy contemplated converting to the F-14B as soon as it was available. However, let me quote from the report of the Committee on Armed Services on the F-14B:

> Research and development problems have arisen which, although not desirable, are not unexpected and will take more time to resolve. Therefore, the Navy will purchase more F-14As.

Mr. President, it seems to me we are being asked to appropriate vast amounts for a questionable plane, with a questionable mission. The cost is steadily mounting at a time when we are hard pressed to provide funds for vital domestic programs. The cost of just one plane is in the $16 to $20 million range. In Arkansas now we have roughly this amount in pending and unfunded requests for grants and loans for development of water and sewer systems for small communities under the Farmers Home Administration. Likewise, we have $20 million in pending, unfunded projects under the urban renewal neighborhood development program.

Mr. President, I could cite numerous examples of where this money is needed and could be more wisely spent. We simply cannot afford to continue to throw money down this bottomless pit.

The Washington Post said in its excellent editorial:

> (The F-14) . . . is pretty much a textbook case of what can go wrong in weapons planning—from the drawing board on.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an editorial published in the Washington Post for today, entitled "The F-14: Is This Plane Really Necessary?"

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, in connection with this program which is so questionable, and in connection with others which are so dubious, I do not hesitate to remind the Senate of some of the competing projects which are now being neglected.

In anticipation of this debate, I had some preliminary estimates made with regard to what is happening on domestic programs in my State, which is a relatively small State, with a population of under 2 million. I cite some examples of how much money is needed in my State to fund projects of a vital nature:

PRELIMINARY SUMMARY OF UNFUNDED PROJECTS IN ARKANSAS

DEPARTMENT OF AGRICULTURE

Farmers Home Administration Water and Waste Disposal Systems for Rural Communities: Loans and grants are made to public and nonprofit organizations primarily serving rural residents to plan and develop domestic water supply and waste disposal systems. $8,967,000 in grants; $11,760,000 in loans; 133 unfunded applications, $20,727,000 total.

School Lunch Program: Cash grants to assist States to initiate, maintain, and expand nonprofit food service programs for children to improve child nutrition.

Proposed regulations issued by the Department of Agriculture reducing the amount reimbursed to school districts for lunches for needy children will mean a loss of $987,000 for Arkansas.

DEPARTMENT OF COMMERCE

Economic Development Administration: The function of EDA is the long-range economic development of areas with severe unemployment and low family income problems. It aids in the development of public facilities and private enterprise to create new, permanent jobs. (Public works grants and loans; business loans for industrial and commercial facilities; guarantees for private working capital loans; and technical, planning, and research assistance for areas designated as Redevelopment Areas.)

$16,000,000 approved and unfunded in pending EDA projects in Arkansas. Director says that $50,000,000 per year could be used if available.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Figures represent money requested, not necessarily approved)

Home Ownership Assistance Program (Sec. 235): Provides a home buying subsidy to lower-income families by providing for the payments periodically by the Federal Government to the mortgagee, which serve to reduce interest costs. This reduction in the interest costs effectively lowers monthly payment requirements and permits a greater number of lower-income families to participate in the home buying market.

3,300 units pending, $2,824,800.

Rental Housing (Sec. 236): Authorizes interest reduction subsidy payments by the Federal Government, which in effect reduce the rental charge to the tenant. The payments that are made to the mortgagee on behalf of the tenant reduce interest costs to one percent, thereby reducing the amount of rent that it is necessary to charge the tenant to cover the monthly cost of the project.

2,973 units pending, $2,081,100.

Section 236 Rent Subsidy: Up to 40% of the units in Sec. 236 projects can receive rent supplement assistance.

595 units pending, $535,500.

Section 221(d)(3) rent subsidy: The housing provided under this program is privately owned, privately operated, and primarily privately financed. Eligible tenants are required to pay at least 25% of their income towards the rental rate and any deficiency is made directly by the Federal Government to the project owner.

2,160 units pending, $3,240,000.

Water and Sewer Grants: This program provides grants to construct community water and sewer facilities that are basic to efficient and orderly areawide community growth and development. Grants cover up to 50% of land and construction costs for new facilities.

16 applications pending, $2,477,541.

Public Facilities Loans: This program provides long-term loans to finance the construction of needed public works: construction of water and sewage facilities, gas distribution systems, street improvements, public buildings (excluding schools), recreation facilities, jails, and other public works.

6 applications pending, $1,102,529.

Neighborhood Facilities Grants: This program provides grants to aid in the construction and/or rehabilitation of multi-service neighborhood centers which offer a wide range of community services. Facilities must create, extend or improve existing health, welfare, social education, cultural and recreation services in the neighborhood.

7 applications pending, $793,492.

Low-rent Public Housing: This program provides loans and annual contributions which permit public agencies to provide decent, safe, and sanitary housing for low-income families at rents they can afford.

96 projects, 5,000 units pending, $87,000,000.

Urban Renewal Neighborhood Development Program: This program provides a new method of undertaking urban renewal plans and activities.

14 applications pending, $20,000,000.

HUD total $120,564,952.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Student Financial Aid: This program establishes loan funds at public and nonprofit private American colleges and universities, accredited post-secondary business schools, and technical institutions to permit undergraduate and graduate students to complete their education.

Dollar value of unfunded applications, $1,003,604.

Community Mental Health Centers: This program provides grants to help finance the building and initial staffing of community mental health centers. To qualify, a center must offer at least these five services: inpatient treatment; outpatient treatment; partial hospitalization; emergency services; and consultation and education.

Fort Smith Center (approved but unfunded) $323,152.

School Construction: This program provides (1) assistance to local education agencies for constructing schools in districts that have had a substantial increase in enrollment due to Federal activities; (2) assistance to school districts with substantial numbers of pupils who live on Federal property; and (3) direct payments to local education agencies for maintenance and operations of schools in districts that are financially burdened by activities of the Federal Govt.

Dollar value of unfunded applications, $1,474,900.

Students in Low-Rent Housing: $113,519.

HEW total: $2,918,373.

DIRECT LOANS

Small Business Administration: This program provides funds that may be used to construct, expand, or convert facilities; to purchase building equipment and material; for working capital. When other forms of financing are not available, S.B.A. will consider making a direct loan (not to exceed $100,000).

The SBA office in Arkansas has discouraged direct loan applications because of lack of funds.

OFFICE OF ECONOMIC OPPORTUNITY

Family Planning: This program provides grants to make available family planning services to low income persons in areas having high concentrations or proportions of poverty. Among the services that can be supported are clinical, education and counselling, outreach, and referral.

Dollar Value of unfunded applications, $911,380.

Emergency Food and Medicine: This program provides grants to make available on a temporary basis basic foodstuff and medical services to counteract conditions of starvation or malnutrition among the poor.

Dollar Value of unfunded applications, $421,775.

Others; Community Action Program: This program helps local communities mobilize human and financial resources for combating poverty.

Dollar Value of unfunded applications, $1,015,193.

OEO total, $2,384,348.

AMTRAK

Amtrak provides no passenger service in the state of Arkansas.

Mr. President, a recital of these unfunded projects in Arkansas, and I'm sure the same situation exists in other States, highlights to me the fact that, for some reason, Government seems unable to relate the basic needs of our citizens—to the need for a program such as we are considering now. We seem to be developing a kind of psychology that everything in the military field must have first priority. Our people are as much concerned about pure water and pollution by waste disposal as anything before us today, yet these projects are ready to be built but remain unfunded.

Mr. President, in answer to the plea that planes such as Lockheed's, and others, should be funded because of employment, I believe that the employment which would be provided by the $20 million for water and sewage projects alone would be much higher per dollar invested than would money to construct the F–14.

Mr. President, we have been down this winding, dead-end road before. Surely we can change directions and help get this Nation back on the track with a logical and rational allocation of our resources.

I know that it is not easy to go against the Pentagon on these matters. We have tried on many occasions and seldom been successful. Due to the leadership of the Senator from Wisconsin (Mr. PROXMIRE) and others, however, we have a well-documented case against the F–14 and the situation should be sufficiently clear that there should be no question about rejecting these funds.

Mr. President, an interesting article appeared in the National Observer for October 2, entitled "Laird Readies Bigger Arms Request."

The article, by Mr. Jude Wanniski, says:

> . . . Laird and his staff now seem uncommonly confident that . . . they will be able to present such a compelling case that public and congressional opposition to defense spending will recede. "I think this talk about budget cutting will be something of the past as far as the Congress is concerned once they realize the significance of the tremendous momentum of the Soviet Union," says Laird.

I would submit, Mr. President, that the "momentum" we ought to be concerned about is the momentum of the defense budget which just keeps going and growing. And, as I have often remarked, it is truly amazing how frequently these dire predictions emerge at just the time when Congress is considering military appropriations. In the interim, when Congress is considering other matters, we hear about how much progress is being made in the SALT talks and in our relations with other nations.

The article by Mr. Wanniski goes on to state that—

> Much of the steam has gone out of the Pentagon critics in Congress.

In regard to the efforts to make cuts in this procurement bill, he writes:

> . . . At the outset the effort seems disorganized and spiritless, and few observers of the Senate give the doves much chance to make a respectable showing on any of the issues involved.

Mr. President, I do not believe those of us who are trying to restore some balance to our national priorities are spiritless. We may well be frustrated at times, and perhaps even a little cynical. But we feel strongly enough about these matters that we will continue to persist in our efforts, and I am convinced that we enjoy the increasing support of the American people.

Of course, when all the resources of the Pentagon are arrayed against the few Senators and their staffs who are taking the lead on a particular amendment, it is not exactly an even match. Today we consider the F–14; tomorrow the battle tank. Next week something else completely different. Meanwhile we are all involved in committee work on still other subjects. In view of all this it is difficult to counter the power of the Pentagon. However, as I stated earlier, I believe Senator PROXMIRE and others have done a superb job of documenting the case against the F–14.

I cannot fail to say, however, that I was quite impressed by the rather extensive rebuttal to the case against the F–14 placed in the RECORD by the Senator from Nevada (Mr. CANNON) on September 24 and again on September 28. I was not convinced that this material effectively refuted Senator PROXMIRE's case. I was impressed by the sheer volume of it and the speed with which it was prepared by the Pentagon. It is only regrettable that such resources as went into preparing these rebuttals could not have been used more constructively.

It almost looks as if it is an effort to smother the Senate in information—a case of verbal overkill. Perhaps the strategy is to make it all appear so complicated and technical that we will all throw up our hands and say we have not got time to study all this, so take the Pentagon's word and go ahead. If this is the strategy, it is a subterfuge that will not work, because the case against the F–14 is all too clear.

Finally, Mr. President, I cannot help contrasting this avalanche of information on the F–14 with the printed hearings of the Committee on Armed Services consideration of military procurement authorization in 1969. In reviewing the early development of the F–14 program, I find this enlightening exchange in the printed hearings for April 2, 1969, during the testimony of Vice Adm. Thomas F. Connolly:

> Senator CANNON. OK, now let's go to the F–14 a moment.
>
> Admiral, what is the Navy's total cost estimate for the research and development and production of the F–14?
>
> Admiral CONNOLLY. Our plan with the Grumman Aircraft Engineering Co. is to buy [deleted] aircraft total. To do this the R.D.T. & E. would be [deleted] million, and the total procurement would be [deleted] billion; making the program about [deleted] sir.
>
> Senator CANNON. About [deleted] billion, is it not?
>
> Admiral CONNOLLY. About [deleted] billion, sir.
>
> Senator CANNON. So the total program, if you are permitted your [deleted] aircraft, does that include that [deleted] aircraft?
>
> Admiral CONNOLLY. Yes, sir.
>
> Senator CANNON. In your first buy?
>
> Admiral CONNOLLY. Yes, sir.
>
> Senator CANNON. Or does it mean [deleted]?
>
> Admiral CONNOLLY. It does include it, and as I explained to you in the special subcommittee, this also includes escalation at [deleted] percent per annum over the next [deleted] years.
>
> Senator CANNON. So that the total program, if you get what you request, would be just under [deleted] billion?
>
> Admiral CONNOLLY. Yes, sir.
>
> Senator CANNON. [Deleted] billion?
>
> Admiral CONNOLLY. Yes, sir.
>
> Senator CANNON. Now briefly, what will the F–14 do that the canceled F–111B will not do in the Fleet Air Defense role?
>
> Admiral CONNOLLY. I think the biggest single thing that it will do that the F–111B will not do is that it will get out, if you launch from the carrier, you can get out to the incoming raid in much quicker time, in maybe about [deleted] the time, sir. That is the one most important thing that it will do in Fleet Air Defense.
>
> Now the second most important thing that it will do, it can dog-fight in defense of the

fleet, using its close-in missiles and its gun. These two things the F-111B was deficient in.

Senator CANNON. Those are the two principal things?

Admiral CONNOLLY. Those are the ones; yes, sir.

Mr. President, I ask unanimous consent to have printed in the RECORD a fact sheet on the F-14, as well as the article I have already referred to, published in the National Observer for the week ending October 2, 1971, entitled "Laird Readies Bigger Arms Request," written by Jude Wanniski.

There being no objection, the fact sheet and article were ordered to be printed in the RECORD, as follows:

WHY THE F-14 SHOULD BE STOPPED

We agree that a new Navy fighter is needed, but it should not be the F-14. Here's why:

1. *Mission:* The F-14 cannot adequately protect Navy carriers from the threats it is designed to meet. Even if it worked perfectly, the F-14's Phoenix missile system could be saturated by enemy attacks. It is more likely that the Phoenix will be countermeasured, outmaneuvered, and in fact will seldom work at all under combat handling conditions.

2. *Costs:* The F-14 promises to be the most expensive fighter plane ever built. It will cost four to five times as much ($16 million each) as the Navy's present F-4 fighter ($3-4 million each) which it is designed to replace. At present the investment cost of 300 planes is officially estimated at more than $5 billion. And this estimate does not include the cost of the new engines the planes will eventually need or the cost of a Grumman bail-out. F-14 costs have already risen from $11.5 million each to $16.7 million since the beginning of the year. They will eventually reach $20 million. We should not walk into another Lockheed-style bailout.

The F-14's Phoenix missile is the most expensive air-to-air missile ever built. It costs $400,000 per shot, 10 times as much as the next most expensive missile now in our inventory. The six Phoenix missiles an F-14 will carry will cost $2.4 million. That is the approximate cost of 3 Mig-21's and one of our F-4 fighters.

3. *Capabilities:* The F-14's primary mission is to be a new air superiority fighter. Yet recent Pentagon and contractor studies show that it is no better than the Navy's F-4 fighter which it is intended to replace. It will be no match for new fighters the Soviets are likely to develop during the next five years. It is impossible to build a good fighter which can also carry the Phoenix missile.

4. *Security Implications:* Purchase of the F-14 would be an exercise in gold-plated unilateral disarmament. Since the Mid-1950's, we have bought roughly 1,500 F-4 and F-8 fighters for the Navy and Marine Corps inventories. If we replaced these planes with a new generation of only 300 F-14's, we would be left with an inventory only one-fifth its former size. The U.S. Navy would have half as many fighters as the North Koreans and one-tenth as many as the Chinese. A future crisis would find us at a sharp numerical disadvantage.

5. *Sunk Costs:* Yes, we have already invested over $1 billion in the F-14's development. But it would cost us $4 billion more to finish buying the planes and another $10 billion to operate and maintain them until they are 10 years old. Over 90 per cent of the F-14's cost still lies ahead.

6. *Alternatives Available:* The Air Force now estimates that its light fighter would cost $3 million per copy in production. It would also to perform the F-14 by 80-100 per cent. If a similar Navy program were undertaken, we could buy 700 planes and maintain them for 10 years for under $7 billion. And the new fighter could be available by late 1975, one year after the date now projected for the F-14.

And if we wanted to try to protect the Navy's carriers with the Phoenix missile, we could put that missile on another plane whose sole function would be carrier protection. The A-6 would be the best candidate, at a cost one-third the cost expected for the F-14 itself. Since the A-6 is an existing plane, it could be available as early as the F-14. And since it is built by Grumman, which makes the F-14, it would boost employment there.

The House has already deleted all F-14 production funds from this bill. If the Senate acts on our amendment, the F-14 will be dead.

[From the National Observer, Oct. 2, 1971]

SOVIETS QUICKEN PACE, HE WARNS: LAIRD READIES BIGGER ARMS REQUEST

(By Jude Wanniski)

The word at the Pentagon: Time is running out on the Strategic Arms Limitation Talks (SALT) with the Soviet Union. Unless agreements are reached within the next few months, Defense Secretary Melvin Laird will ask for major and costly additions to the U.S. strategic arsenal to keep pace with what he calls "the tremendous momentum" of the Soviet arms build-up.

What's more, Laird and his staff now seem uncommonly confident that if it comes to that, they will be able to present such a compelling case that public and congressional opposition to defense spending will recede. "I think this talk about budget cutting will be something of the past as far as the Congress is concerned once they realize the significance of the tremendous momentum of the Soviet Union," says Laird.

The Pentagon chief hasn't revealed any new numbers on where the Russians are now. He'll present these early in 1972 in his budget request for the coming fiscal year. But he does say the Soviets are already exceeding the projections that he thought possible when he made his last defense-posture statement in March.

FLEET PARITY BY 1974

At the time, he said, U.S. defense planners expected the Soviets would have 1,500 land-based intercontinental ballistic-missile (ICBM) launchers by mid-1972. And the Soviets were producing Y-class nuclear attack submarines, those comparable to the Polaris, at a rate that would give them parity with the U.S. fleet by 1974. The United States has 1,054 ICBMs and 41 Polaris subs.

The concern is not that the Soviets will be able to match the U.S. strategic force, but that, in the absence of a SALT agreement, there's no telling how far the Russians may go. "It appears," says one Defense Department official, "that they are interested in something more than a mutual balance of terror; they're looking for superiority, as strong a hand as they can hold to be able to advance, psychologically and politically, their national objectives."

Few believe Moscow seriously thinks it might somehow be able to reach a first-strike capability—the ability to so overwhelm the U.S. nuclear deterrent that retaliation would be limited and "acceptable" to Russia. Rather, it's thought the Soviets hope to build a military strength of such impressive depth—both strategic and conventional—that it would provide a formidable underpinning for political initiatives.

"I'D HAVE TO SEE HIS NUMBERS"

Laird's warnings about the momentum of the Soviet build-up were given added credence recently by the International Institute for Strategic Studies, the authoritative London-based research body. It had much the same assessment. Nevertheless, some Pentagon critics on Capitol Hill are suspicious, believing Laird may be using scare tactics to keep his defense budget—now before the Senate—from being cut. Most Pentagon critics assert that the United States possesses a nuclear "overkill" so great that it is inconceivable the Soviet build-up would make any difference, whatever its dimensions. "I'd have to see Laird's numbers before I'd let him get me upset," says one Senate skeptic.

Of course, despite all the gloomy reports from Helsinki on the agonizingly slow pace of the SALT talks, which last week adjourned until November, the White House still hopes for a breakthrough before the end of the year. President Nixon announced on May 20, with a fanfare that in retrospect seems to have been overdone, that Washington and Moscow had agreed at the highest levels to conclude an agreement this year on antiballistic-missile (ABM) systems and "on certain measures with respect to the limitation of offensive strategic weapons."

The fifth round of the SALT talks ended in Helsinki last week. U.S. Ambassador Gerard Smith said the prospects were good for an agreement limiting strategic weapons when the talks resume in Vienna on Nov. 15.

If the SALT talks do not produce such an agreement soon, the President will have to expect some political embarrassment, no matter how vigorously Laird suggests the Russians have acted in bad faith. Mr. Nixon's Democratic adversaries, especially those campaigning for the Presidential nomination, will be prepared to argue that he let an agreement slip through his fingers. As they have in the past, Sen. Edmund Muskie and Sen. Hubert Humphrey can assert that the Administration should have been willing to accept the limitation on defensive weapons that the Russians have offered. Sen. Henry Jackson of Washington has been arguing from the other direction that the President has not been tough enough in negotiating with the Russians.

One of the main obstacles at SALT is the Soviet reluctance to limit construction of their Polaris-type submarine fleet. It appears the Russians would come to terms on the number of land-based ICBMs, since they now have half again as many as the United States. But U.S. defense planners have been arguing that a limit on the number of submarines is essential to any agreement. Some Navy forecasts suggest the Russians want to go to 60.

SPEEDING THE PACE

Should the submarine issue force delays on a meaningful agreement into next year and beyond, it is almost certain the Pentagon will want to speed up the U.S. pace in the arms race. At the least, Laird will probably want a U.S. commitment to build a new supersonic bomber, the B-1, now in research and development. He would also likely ask a speed-up in the ABM deployment effort, and perhaps a crash effort in development of a new submarine called Undersea Long Range Missile System (ULMS), also currently in research and development.

These specifics are not mentioned publicly, but Laird has already given Moscow an idea of what he has in mind by stating that the fiscal 1973 defense budget request will be on the order of $80 billion.

Since the current year's budget request of $76 billion includes Vietnam costs of more than $10 billion, costs that are expected to drop sharply in the year beginning next July 1, the Laird figure of $80 billion suggests a hefty boost for weapons procurement, modernization, and research and development.

It is one thing to talk of an $80 billion defense budget and another to get it through Congress, especially in a Presidential election year—one in which most of the President's potential Democratic adversaries are urging a recording of national priorities away from the Pentagon.

Vice President Spiro Agnew bore in on this issue last week, accusing Senators Muskie, Humphrey, George McGovern, and Edward Kennedy of "reckless and appalling" statements advocating cuts in the defense budget. In his sharpest remark, the Vice President said: "None of them, I am sure, would draw any comfort from the fact that Gus Hall, general secretary of the Communist Party, USA, agrees fully with the oft-stated goal of forcing a U.S. withdrawal from Vietnam and further 'reordering' the nation's priorities." He added, "To say that we are drifting toward imminent peril, to say that our national survival is at stake, is no exaggeration."

The Laird people, though, believe the tide of criticism the Pentagon has had to absorb in recent years has already receded and that happier days are ahead. "The only reason so many people came together to fight the military-industrial complex was Vietnam," says a top Defense Department official. "Vietnam is no longer a burning issue and next year it won't be an issue at all. Laird has always known the only way to be able to make the necessary repairs to our national defense policy was to first get rid of Vietnam."

PENTAGON UNSCRATCHED

Some of this may be wishful thinking. But there is evidence that much of the steam has gone out of the Pentagon critics in Congress.

It took 4½ months of debate for the two-year extension of the draft to get through the Senate. But when the debate finally ended last week after a cloture vote, and the bill was passed and sent to the President, the Pentagon hadn't been scratched. None of the major assaults on Administration defense policy was successful: the end-the-war amendment, the amendment to bring the troops home from Europe, the amendment to cut $6 billion from the defense budget.

Additionally, it seemed the Senate doves are getting tired battling the Pentagon. When it completed the draft bill, the Senate took up the defense procurement authorization bill, which contains $21 billion for weapons and research. In 1969 and 1970, the debate on the procurement bill led to clashes between the doves and the defense establishment; in 1969 the doves came within a single vote of denying the President his ABM system. The debate thus far has been lethargic.

M'GOVERN CONCEDES

The first major amendment proposed was that of South Dakota Democrat McGovern, who wanted to cut $339,000,000 from the funds to develop the B–1 bomber. After a few hours of *pro forma* discussion, with never more than a dozen senators present, McGovern conceded defeat by allowing a voice vote. His amendment was easily shouted down.

Debate on the bill is likely to continue for another few weeks. Wisconsin Democrat William Proxmire, who has been a leader in these annual skirmishes, has joined Indiana Democrat Vance Hartke in an attempt to eliminate funds for the Navy's new F–14 fighter-bomber. Missouri Democrat Thomas Eagleton will try to eliminate research funds for the Main Battle Tank. There probably will be another amendment to cut ABM funds, another to end the Vietnam War in four or six months, another to bring troops home from Europe.

But at the outset the effort seems disorganized and spiritless, and few observers of the Senate give the doves much chance to make a respectable showing on any of the issues involved.

Still, Proxmire can take some satisfaction in knowing that it is harder to cut into the defense budget these days because of the efforts he and his colleagues have made in the past. Before he even brought the bill to the floor, chairman John Stennis of the Armed Services Committee clipped $1.1 billion from the Pentagon's request. Knowing the Proxmire forces await, Stennis makes sure he has a bill he can comfortably defend.

His defense can be fairly comfortable now because of the SALT talks. Many of the controversial budget items are those, like the B–1, ULMS, and the ABM, that are still principally in the development stage. He can argue, as he did in defending the B–1, that "we're all hopeful about SALT. I'm not skeptical. But I know the amount of money for this program will be a mere pittance in value compared to what the time element could be if things went wrong in SALT and thereafter."

After all, according to the Stennis reasoning, if there is somehow a SALT agreement before time runs out on the Pentagon's planning schedule, many of these development programs can be scrapped. If not, Melvin Laird will be asking Congress for production decisions that will make these costs seem insignificant. "The next fiscal year is the big decision year," says Senator Stennis.

Mr. FULBRIGHT. Mr. President, I believe that the Senate and House have lost sight of the demands of the great mass of the people of this country. We must bring into this equation the needs of our people at home as against these far-out and questionable experimental planes. The F–14 is certainly an experimental plane involving a great deal of money. The idea of spending $16 million—it probably will be $20 million—for one plane, a fighter plane, seems absurd on its face. I am unable to understand how this program ever came to be recommended to the Senate, especially in view of the fact that the House itself refused to take it.

Mr. President, I once again commend the Senator from Wisconsin (Mr. PROXMIRE) as well as the Senators from Oregon (Mr. HATFIELD) and Indiana (Mr. HARTKE) for their leadership on this amendment.

I hope that the Senate will follow the advice of these gentlemen who have made such a great contribution to the study of this and other weapons systems which are threatening to drain this country of its resources. These extravagant expenditures have already drained it to the point where we now have a domestic budget deficit of $25 billion this year, and the estimate is another $25 billion for next year.

I hope that the Senate will follow the advice of the Post editorial today and—

> Send the Navy back to the drawing board to come up with either an improved F–4 or a new fighter plane that is not too costly to be purchased in adequate numbers and that has a reasonable chance of performing a valid function.

Mr. President, I hope that the Senate will support the pending amendment.

EXHIBIT 1

[From the Washington Post, Sept. 29, 1971]

THE F–14: IS THIS PLANE REALLY NECESSARY?

For the past 10 days or so the Senate has been considering a variety of amendments to the $21 billion military procurement bill, and the debate will continue for some time. Most of the amendments have been designed to trim or eliminate authorizations for specific weapons systems. So far, none has succeeded. Whether or not they should have, and whether or not the string of amendments yet to come should be approved, it seems to us that the vote on one amendment—possibly to be taken today—is crucial and that the amendment should be passed. We refer to the move to eliminate from the fiscal '72 budget some $800 million in funds for the purchase of 48 tactical aircraft that go by the name of the F–14. This air-to-air-missile-bearing Navy fighter plane is pretty much a textbook case of what can go wrong in weapons planning—from the drawing board on.

The F–14 is meant to fulfill the mission of protecting our aircraft carriers against Soviet bombers and fighter planes in any prolonged conventional war we might have with the Soviet Union. It is thus to be equipped with the Phoenix air-to-air "standoff" missile for dealing with Soviet bombers and it is also supposed to have the characteristics—speed, maneuverability, and so forth—that would be necessary to engage Soviet fighter planes. Two large questions loom over the vote that now faces the Senate. One is whether a plane is needed at all to fulfill this particular mission. The other is whether the F–14 is the right plane to fulfill that mission if it is indeed a realistic or legitimate one.

It is our opinion, based on the argument and testimony so far concerning the F–14 that its mission is at the very least a dubious one. We are inclined to credit the widespread view that in any conflict such as that for which the F–14 is designed—i.e., prolonged conventional warfare with the Russians who have the only aircraft that would make such plane necessary—the F–14 would be unable to protect U.S. carriers from the main threat they would face, namely Soviet torpedoes and cruise missiles. The very notion that carriers would have a useful role to play in this particular kind of conflict is questionable, and to invest in this plane before the future size and shape of our carrier force has been determined seems impractical and reckless to say the least.

More to the point, even if the F–14's mission could be justified, it would be far from obvious that the F–14 as we are about to know it is the plane for the job. In endeavoring to create a plane that could fulfill two different functions—that of fighter and that of launch platform for the Phoenix air-to-air missile—the Navy and Grumman Aerospace appear to have wrought a plane that can likely fulfill neither very well. Owing to the requirements for the Phoenix missile, for example, the F–14 is a relatively slow and inadequate fighter plane. And the Phoenix missile which it is meant to bear is still in the throes of 10 years worth of trouble that has plagued it. The F–14 is less adequate as a fighter plane than the modified F–4 which it would replace. What is especially interesting about this point is that it will cost four times as much. Current estimates are $16.7 million per plane, and each firing of the Phoenix—if it can be made to function properly in this aircraft and if its mission has any point in the first place—will cost around half a million dollars. The F–14 program, as Senator Proxmire has observed, "is in many respects a microcosm of many of the problems which plague our defense establishment today: Initial cost estimates which later balloon; the incredible inertia of 10-year-old ideas which have never been thought through; the failure to test new systems before they have been deployed; and the continued emphasis on multi-mission aircraft which do no mission well."

Though the Senate Armed Services Committee in its careful report on the military procurement bill recommended procurement of these planes, it can hardly be said to have done so in a spirit of enthusiasm. It restricted purchase to 48 planes, the minimum possible under the terms of the contract with Grumman, and made its principal argument the fact that it would be even more expensive to buy the planes under any renegotiated terms. As it happens, the administration—if it is authorized to go ahead with the purchase—will have to do so by Oct. 1 to observe the contract's terms. Thus the Senate vote has a double urgency. The F–14

> has too many attributes of another great defense turkey to be approved at this time by the Senate. We believe the Senate should send the Navy back to the drawing board to come up with either an improved F-4 or a new fighter plane that is not too costly to be purchased in adequate numbers and that has a reasonable chance of performing a valid function.

Mr. CANNON. Mr. President, I yield myself such time as is necessary.

First, I am going to discuss the F-14 Navy fighter program, but in line with the discussion between the Senator from Wisconsin and the Senator from Arkansas, I thought perhaps I should set the record straight to some degree with regard to their comments on the F-111.

The exchange of information they had shows that a little information can sometimes be a dangerous thing.

I have never seen so much misinformation put out on this general subject of the F-111 and the F-14, which is not supported by the facts, as I heard them mention in this discussion.

Yesterday, with regard to the F-14, I placed in the RECORD a statement rebutting point by point the comments made by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Before I start on my F-14 remarks, I want to comment on the exchange which took place here a few moments ago.

First, the distinguished Senator from Arkansas (Mr. FULBRIGHT) pointed out what a tremendous failure the F-111B program was. He said that the F-111B airplanes had been grounded more than half the time because of difficulties.

Well, Mr. President, let me go a step further and say that the F-111B's were not grounded more than half the time because they were never built. The F-111B was a project that was not carried out.

In the tactical air force today we have authorized the purchase of F-111's with differing models—the A, the D, the E, and the F—for 429 aircraft.

Also authorized was the F-111B for a total number of 76 for the Strategic Air Command.

Also built were 24 F-111 planes for Australia and two F-111K's for the United Kingdom.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CANNON. I will in a moment.

Mr. President, the F-111's that we have built and operated have been the most successful airplane and certainly the finest in the free world today. It was intended as a fast, deep-penetrating aircraft that could penetrate without extensive aircraft cover.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CANNON. I gladly yield now to the Senator from Arkansas.

Mr. FULBRIGHT. The Senator mentioned Australia a moment ago. A member of the Australian Government was visiting here last year. He indicated that they were very unhappy because we wanted them to accept the F-111 when they did not want to do so. He personally told me that was a fact.

Mr. CANNON. If he personally told the Senator from Arkansas, I assume that is so.

We built 24 F-111C's for the Australian Government.

Mr. FULBRIGHT. They have not taken delivery.

Mr. CANNON. The Australian Government has borrowed the F-4 from us pending the resumption of the F-111 which, as I understand it, was a political problem.

Mr. FULBRIGHT. Mr. President, that representative of the Australian Government made it very clear to me that they did not want the F-111's. They wanted the F-4. But they had already paid us $200 million and they wanted to get out of it. This man was very upset about our attitude. We were insisting on their taking a plane which they did not trust and did not want.

Mr. CANNON. I cannot speak to that point.

Mr. FULBRIGHT. They have not taken them yet; is that correct?

Mr. CANNON. The Senator is correct. They have not taken them yet. The 24 F-111C's are still retained by us. And the F-4's have been loaned to the Australian Government.

As I pointed out earlier, the F-111 project, which the Senator from Arkansas said was a great failure because they have been grounded more than half of the time, have actually never been used. That is the type of misinformation put out with respect to the whole debate concerning the F-14.

Mr. President, I would like to discuss the F-14 Navy fighter program. A great deal has appeared lately in the press, and undoubtedly a great deal remains to be spoken and written about this important program in the weeks and months ahead. I think by and large this is for the good because it is an important program and deserves thorough and impartial analysis.

It is my earnest purpose today to try and set forth the facts concerning this program. Most importantly I shall attempt to place the facts in perspective as there has been considerable confusion and misunderstanding concerning this vital program.

Senator STENNIS requested the Tactical Air Power Subcommittee, of which I have had the pleasure of serving as chairman for the past 3 years, to thoroughly review this program in conjunction with the administration's fiscal year 1972 budget request. The subcommittee made every effort to be as thorough as possible.

There are several reasons why the subcommittee felt this program required our special interest. They are: First, the F-14 is one of the highest in priority not only to the Navy but also to our overall national security interests; second, the magnitude of the administration's request this year for $1.034 billion—$228 million for R. & D. and $806 million for procurement—required the most careful scrutiny; third, the prime contractor notified the Navy on March 31, 1971, that future performance under the contract "is commercially impracticable under the existing terms and conditions"; and fourth, the first F-14 aircraft was lost on its second flight in December 1970, which impacted substantially on the test program.

I shall discuss these issues as well as other germane considerations. In particular, I hope to clarify the record on the cost situation, which has been the subject of considerable confusion and misunderstanding.

The F-14 program was initiated in 1968 when the Congress denied further funds for the F-111B—that the Senator from Arkansas referred to a few moments ago—which was the Navy version of the TFX. The primary mission of the F-111B was to provide Fleet Air Defense—FAD—of Navy carrier task forces. The Navy in recognition that the F-4 would not last forever as an excellent fighter gave the F-14 a new and controlling mission of air superiority. Hence, the two prime missions for the F-14 are first, air superiority and second, Fleet Air Defense, in that order.

THE THREAT AND THE REQUIREMENT

The Tactical Air Power Subcommittee reviewed the potential threat to our national security for the foreseeable future. This, of course, is represented by the actions of the Soviet Union in recent years toward the development and production of a whole new arsenal of weapon systems. They have made great strides across the whole spectrum of military warfare. In ICBM's they now have over 1,500 to our 1,054. In submarines they have an advantage substantially more than 2 to 1 including continued rapid production of *Yankee*-class nuclear submarines similar to our Polaris submarines; plus frequent modernization of its formidable ground forces.

In tactical fighters the Soviet Union has introduced a new operational fighter into its inventory on the average of every 2 years—an achievement that the United States has not even closely matched or attempted to duplicate. Also, and unfortunately, we generally learn rather late in the game what new development efforts the Soviet Union is pursuing until such time as it is airborne and nearly ready for production. I merely refresh the Senate's memory that during the July 1967 Soviet air show, they flew several new fighters and improved models that we knew little if anything about previously.

It is clear to me that the United States must definitely take every possible action to maintain air superiority. We must not relinquish the skies of any potential battlefield to the enemy. Otherwise our ground forces who rely on invaluable support from the air would be placed in a very dangerous and vulnerable position Secretary Packard, as recently as July 14, 1971, confirmed that the F-14 was needed to meet the Soviet threat.

The Senator from Arkansas raised the question that the House did not approve the F-14 program this year. The Senator is correct. They did not approve it for the plain and simple reason that the Secretary of Defense was undertaking a further review of the program at that particular time. We asked that they review it in great detail and come back and report to us.

I note that the Senator from Mississippi is present in the Chamber. I would like to ask him if he now has a response from the House as to its present position from the chairman of the House Armed Services Committee with respect to that program.

Mr. FULBRIGHT. Mr. President, will

the Senator yield? He mentioned my name.

Mr. CANNON. I will yield in a moment. I want first to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I do have a letter from Representative HÉBERT, chairman of the Armed Services Committee of the House, in which he gives unqualified support for the F-14 in view of the facts existing now and as reflected in the bill. The letter is dated September 27 and was received last night.

I will discuss it in some detail and have it printed in the RECORD when I am recognized.

Mr. CANNON. I am delighted now to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, Australia has declined to accept delivery of those planes which were built for them. Those planes are still in our inventory. Does the pending bill itself not carry further appropriations for further F-111's, and why is that so when the mission for which they were designed has proved to be so unrealistic?

Mr. CANNON. The Senator proceeds on a false premise. In the first instance, the mission for which the plane was designed is not unrealistic. The mission for which it was designed is very real. The airplanes are made for a specific purpose and are being used constantly for that purpose.

Mr. FULBRIGHT. Are they being used in Vietnam?

Mr. CANNON. They are not being used in Vietnam.

Mr. FULBRIGHT. That is what I meant. They tried them out.

Mr. CANNON. The operations in Vietnam did not call for the use of that particular plane.

Mr. FULBRIGHT. Where are they used?

Mr. CANNON. The principal purpose for which the F-111 was designed was for use, if necessary, in central Europe for the deep penetration of Russia. In the event we were engaged in a conflict with that great nation, we needed an airplane that could proceed at great speed, carrying a heavy load, without having heavy fighter protection over it, and get in and out. That is what it was designed for. It is the fastest airplane in the world today on the deck. It can go in and get out. It has very precise navigation equipment that permits it to go at extremely low altitude without a heavy load of fighter protection over it and get in and out.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. GOLDWATER. Mr. President, I might add that there is also a bomber version of the F-111 being used by the Strategic Air Command. In fact, it is the only modern bomber we have in our fleet. It is capable of delivering any weapon we have in the category that bombers carry.

This aircraft, as the Senator noted, is not only the fastest aircraft at low levels, but also it has the most precise following radar of probably any other bomber so equipped in the world. Sixteen preselected targets with their coordinates can be put in and the plane will automatically fly to those preselected targets.

I had the pleasure last Saturday of flying a mission in the F-111. I did not believe in this airplane when former Secretary McNamara first brought it out. I did not believe it would fill the job. But I am happy that the Air Force is sold on it, both the Strategic Air Command and the Tactical Air Command. It is one of the most superb aircraft ever produced.

Mr. FULBRIGHT. Is it not a fact that when it was used in Southeast Asia it would crash and they stopped using them? It is all right to fly it over the plains of Arizona where there is nothing to obstruct it, but it did not work in Vietnam.

Mr. GOLDWATER. I flew it over Arkansas and that land is flat.

Mr. FULBRIGHT. There are lovely rolling hills in Arkansas.

Mr. CANNON. Mr. President, who has the floor? I had yielded to the Senator from Arizona. I do not wish to use all of my time now.

The PRESIDING OFFICER. The Senator from Nevada has the floor, and he yielded to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wanted to point out that the missions they flew in Vietnam were not successful; the airplane at that time was not ready for combat, and it was sent over there against the advice of the Air Force. I can imagine the difficulty they had flying at night and in bad weather in Vietnam where it rains 11,000 feet above sea level. The airplane today, with trained crews could perform those missions without any problems at all.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. CANNON. I yield on the Senator's time.

Mr. HARTKE. I wish to ask a question.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, I shall need only 1 minute in order to ask a question.

I am not one to argue about the F-111, but with respect to the F-14, the Senator talks about the report that is under study, and that was not contained in the House bill. Is that correct?

Mr. CANNON. No, that is not what I said. I said at the time the House acted the Secretary was reviewing whether we should go ahead. He completed that review subsequent to the House action and made the recommendation to our committee that the program be approved and carried out, and subsequent to that, Representative HÉBERT, chairman of the Armed Services Committee in the House, wrote to the Senator from Mississippi (Mr. STENNIS) and urged that the Senate approve the program based on the report of the Secretary of Defense.

Mr. HARTKE. What is the date of that letter?

Mr. CANNON. September 27.

Mr. HARTKE. I thank the Senator.

Mr. CANNON. That is a fairly recent date.

Mr. President, the Congress must have the foresight to recognize the actual and most predictable threats to our national security in the mid-1970's and beyond as well as those that exist today. The reason, of course, is quite simple. We cannot buy time with money. It takes years to develop modern weapon systems. Quite obviously no one wants to "wake up" some morning and be told that we should have acted more wisely in years gone by.

I want to emphasize, Mr. President, that I do not consider myself a "sabre rattler" in any sense of the word. I do not want our Government to purchase any weapon system or hardware that is not essential. I fully appreciate the atmosphere that exists today for economy. I also believe we should have economy in government but not "at any price." I feel we must tread carefully lest we take precipitous actions for which the penalty may be a grave one indeed. Therefore, I shall be compelled to speak out from time to time when I feel the scales of economic austerity improperly outweigh those of national security.

BRIEF CASE HISTORY OF F-14 BACKGROUND

The Navy and Grumman Aerospace Corp. signed the F-14 contract in February 1969 with their "eyes wide open." No one was forced to sign the contract. It was a fixed price incentive contract. It provided for the research and development phase as well as firm fixed price options for additional lots of production aircraft covering an 8-year span. The basic contract quantity was for 469 aircraft. However, the Navy could legally increase or decrease this quantity by 50 percent as to any given lot number.

It is important to recognize that the Grumman Corp. has the contract for the development and production of the F-14 and delivers the completed aircraft to the Navy. However, the Navy purchases the engines and the avionics systems and provides them to Grumman as Government-furnished equipment.

The Navy has ordered 38 F-14 aircraft through fiscal year 1971, namely six aircraft in fiscal year 1969, six aircraft in fiscal year 1970, and 26 aircraft in fiscal year 1971. This constitutes the first three lots under the contract. Officials of the Grumman Corp. told the subcommittee staff in May 1971 that it would realize a profit on the first three lots.

The administration request this year was for 48 aircraft and $806 million in procurement funds plus $228 million for R. & D.

I want to emphasize a point, Mr. President, that is frequently overlooked. The 48 aircraft requested this year represent lot IV under the contract. The option for lot IV calls for a "base" quantity of 96 aircraft. As I indicated, the Navy can increase or reduce the "base line" quantity by 50 percent and still maintain the integrity of the contract. It is extremely important to bear in mind, therefore, that the request for 48 aircraft consequently represents the minimum buy. If the Navy ordered a lesser quantity of F-14's this year, the option prices contained in the existing contract would be null and void, and the contract to all intents and purposes would be broken.

The important result would be that the Navy and Grumman would have to negotiate new prices for all subsequent F-14 purchases. Testimony presented to the subcommittee indicated that if the contract were broken, the Government would be required to pay substantial additional sums to purchase the remaining F-14 aircraft. The explanation is simple. The company would claim and probably receive compensation from the Government for the added costs it is incurring over and above its original estimates when it signed the contract with the Navy. The added costs are due to rapid inflation, a reduced business base, and design changes. Estimates provided the subcommittee indicated the cost of procuring 313 aircraft could rise in the neighborhood of $1 billion.

It was the subcommittee's conclusion, therefore, that it was vital for the Government to maintain the integrity of the contract as long as possible in order to protect the Government's interest and that of the taxpayer.

We do not desire to put any company in a position of serious adverse financial consequences. However, it remains to be factually demonstrated that the company's projected loss on lot IV and subsequent lots will materialize to the degree projected. As a matter of fact, our testimony showed that the company would most probably remain profitable as a corporation through the production of lot IV even though it might sustain sizable losses on the production of the lot IV aircraft. It is also important to remember, Mr. President, that lot IV which we recommend for approval this year, will actually be produced by the company during calendar year 1973. At this point in time there is little accurate visibility as to what the company's situation will be in calendar year 1974 and beyond. That is why the current studies underway by the Navy and GAO at the contractor's plant will be so valuable and helpful. Their objective is to conduct a "should cost" study and analyze the validity of the contractor's pessimistic financial outlook. Their findings will enable the Congress to reach a sound judgment relative to future procurement decisions.

I and the members of the Senate Armed Services Committee were vitally interested in whether the Grumman Aerospace Corp. would respond affirmatively on October 1, 1971, when the Navy is to exercise the lot IV option for 48 aircraft under the contract. This was discussed with Deputy Secretary of Defense Packard during his appearance on July 14, 1971, before the committee. He took this up with the company. Quite obviously the Congress needed positive assurance from the company that it would honor its contract before it could authorize or appropriate $1 billion for this program this year. Mr. Packard subsequently advised the committee that Mr. L. J. Evans, chairman of the board of Grumman Aerospace Corp., had written him on July 27, 1971, that the company would produce the 48 F-14 aircraft in compliance with its existing contract.

Mr. President, the total program cost for 313 F-14A aircraft is presently estimated at $5.2 billion. This includes $1,069 million for the F-14A R. & D.; $324 million for F-14B R. & D.; and $3,814 million in production costs which includes the completed aircraft as well as support and spares costs.

F-14 UNIT COST

Mr. President, the most popular misconception in the press and with many people is the so-called cost overrun on the F-14, from $12.7 million to $16.6 million per aircraft. This illustrates a lack of understanding of this program and a lack of knowledge in the costing of weapons systems generally. The $12.7 million figure is the production unit cost, and the $16.6 million is the program unit cost. The larger figure takes into account the total research and development costs on the program and spreads it out over the total number of aircraft purchased. In the case of the F-14 large R. & D. costs are now spread over a relatively small number of aircraft.

I would like to offer a simple illustration which hopefully will eliminate the confusion. The Department of Defense has a requirement for widgets. The research and development costs are $1,000 paid to company "A" to develop the widget to the desired specifications. A production contract is then let to company "A" for 20 widgets to cost $2,000. Reasonable people will say the widgets unit cost is $100 each. This is called "production unit cost." However, most people today are interested in the total cost of the widget program, so we add the $1,000 for R. & D., which represents the total Government investment of $3,000. If we then divide by the 20 widgets purchased, we can say that the widgets cost $150 each. This is called the "program unit cost." Both figures are correct. Everyone should understand this fact. It is really not that difficult. It would obviously be completely erroneous to conclude that there has been a massive 50 percent "cost overrun" on the procurement of widgets, namely from $100 to $150 each. It was not so. We merely took into account and amortized the R. & D.

The exact and identical logic applies to the F-14 program. Its production unit cost is $12.7 million each. If we add the total research and development costs of $1.3 billion to the production costs and divide by the 313 aircraft to be built, it raises the F-14 program unit price to $16.6 million. This is a standard Department of Defense procedure. It seems straightforward and reasonable to me, and I hope that my illustration will help to clarify some of the confusion.

Now I would like to explain the second phase of the F-14 cost history that demonstrates that the projected program unit cost reported to the Congress over the past 2 years has remained relatively constant. I want everyone to clearly bear in mind that I am referring to the Government's liability under the contract and not to any increased costs incurred by the contractor over what he estimated. I will discuss the contractor's costs shortly.

CHANGES IN QUANTITY

Another fundamental point that must be understood is that the unit price of the F-14 aircraft will vary up or down as the quantities ordered are increased or decreased.

Let us return to the example of our widgets. If we went to company "A" and said I know your charge is $150 each if the Government buys 20 widgets. What will you charge for 100 widgets? Will it be more or less than $150 each?

I am sure, Mr. President, the members of this distinguished body readily recognize the obvious answer. Company "A" will sell widgets considerably cheaper than $150 each. The simple reason is increased or volume production. Conversely, if we desire to purchase only five widgets instead of 20, the contractor will charge significantly more than $150 each as his cost of development and production must now be spread over a significantly lesser number of widgets. Spreading the development cost alone over only five widgets would add $200 to the total cost of each widget.

Mr. President, I feel confident everyone understands this simple illustration. It is a realistic fact of life in American industry. It is obvious to everyone. Yet, when we take the identical situation and apply it to the F-14 program, many people become suddenly confused. They automatically and mistakenly talk about enormous cost overruns. I would like to cite the specific cost figures taken directly from the "Selected Acquisition Reports"—SAR's.

Senator STENNIS was instrumental in the establishment of this financial reporting system several years ago so that the Congress would know more promptly and accurately about the costs of major weapon systems as they proceed through development and production. It is and has been an invaluable management tool for the Congress.

The Selected Acquisition Report for September 30, 1969, shows the program unit cost for the F-14 to be $16.6 million each for 293 aircraft. Nearly 2 years later on June 30, 1971, the program cost is still $16.6 million for 313 aircraft.

I would now like to explain the background on the varying quantities of F-14 aircraft. There have been several different quantities discussed, and they have naturally contributed to the cost overrun confusion.

The four main quantity numbers are 293, 469, 313, and 722. First, the 293 F-14 figure represents the approved 5-year defense program in March 1969. Everyone anticipated more F-14 aircraft would be purchased, but that was the OSD approved program at that point in time. Second, the 469 figure represents the baseline quantity of F-14 aircraft contained in the contract with Grumman. The Government has firm prices for this quantity, and as mentioned, the Government can increase or decrease this quantity at its discretion by 50 percent. However, if it reduces the baseline quantity, obviously the unit price goes up. Third, the 313 aircraft number is the current approved 5-year defense plan Since March 1969, the approved 5-year defense plan has changed four times. Fourth, the 722 aircraft figure represents the Navy approved program and the total number of F-14 aircraft that it desires to purchase for both Navy and Marine Corps requirements.

Mr. President, it is extremely important to recognize that with each of these four quantities of F-14 aircraft the program unit cost will vary solely because of the different quantities to be ordered. The program unit cost for 293 aircraft is $16.6 million each. The program unit cost for 469 aircraft is $13.6 million each. The program unit cost for 722 aircraft is $11.6 million each, and the program unit cost for 313 aircraft is $16.6 million each. I cannot emphasize too strongly that people should realize that the program unit cost will vary when the total number of aircraft to be purchased changes. Yet, it has been very regrettable when the quantities of F-14 aircraft to be purchased have been reduced and the program unit price has subsequently and understandably increased, many people immediately conclude a mysterious cost overrun has been incurred. There is nothing mysterious about it at all. That is why the F-4 aircraft is so reasonable today. We have purchased nearly 4,000 of this fine aircraft. You can see from my illustration that if we purchased 4,000 F-14's, quite obviously the cost would drop dramatically below the $11.6 million figure for 722 aircraft.

INCREASED COST TO THE CONTRACTOR

I want to make one point strikingly clear, Mr. President. That is, if the Government unilaterally terminates its contract with the Grumman Aerospace Corp., the Government cost of the F-14 program would jump dramatically. The explanation once again is quite simple. The contractor has incurred significantly greater costs than he anticipated when he bid the contract in 1968. He expected a 3-percent annual inflation factor and has realized 7 percent or greater. He anticipated a much larger volume of Government business, both defense and space, than he has actually realized. Thus, the overhead costs on the F-14 have jumped substantially. A third important reason for increased costs to the contractor has been design changes to the aircraft which are his cost responsibility.

Therefore, if the contract were abrogated, the contractor would naturally desire to recoup these additional costs. That is why I have so strongly advocated adhering to the existing contract this year for the purchase of 48 aircraft.

Secretary Packard in his testimony as recently as July 14, 1971, came to the same conclusion after an intensive review of the program. He also indicated there was no precedent for the Government to grant unilateral relief.

Will the contractor require financial relief from the existing contract in the future? I honestly do not know, and I do not think anybody else does. We are currently awaiting the results of intensive reviews by both the Navy and the General Accounting Office to see if Grumman's pessimistic forecasts are accurate and what solutions are available. Then we can make a reasonable and sound judgment.

Most emphatically, I am against the Government revoking its contract and, as the term is often and well put, "Let him off the hook." If we adopted this approach to contracting, chaos would soon result. Valid contracts would have no meaning. All that would be required would be for a contractor to forecast, not actually incur, losses in order to get contractual relief. There are procedures by which a contractor can apply for relief when losses have actually been sustained.

I want to reemphasize that our testimony indicated that if the Government unilaterally revoked the existing contract that the estimated increased cost to the Government for 313 aircraft could approach $1 billion.

The committee during its investigation determined that the contractor had incurred substantial additional costs by virtue of design changes to the aircraft. Design changes directed by the contractor are its responsibility unless initiated by the Navy. To date Navy-directed design changes have been few in number and have cost $16.1 million. I do not raise design changes as a complaint against the contractor. They have a contract to produce the F-14 to meet certain performance specifications and if it is necessary to redesign the aircraft to meet the stipulated performance specifications, they may do so—nonetheless, it is their financial responsibility and not the Government's.

Our inquiry also showed that subcontractor and material costs increased substantially over what the contractor originally estimated, primarily because of the design changes.

Grumman reduced its "bid price," as the Senator from Wisconsin said, on the aircraft by $474 million during the final negotiations with the Navy and prior to receiving the contract award. This automatically raises the question as to whether the contractor attempted a "buy in." This may have some merit to some people. However, it should be borne in mind that even after Grumman reduced its bid by $474 million, it was still slightly higher in price than two other competing firms. Thus, if one were to conclude there was a "buy in" it would be necessary to consider the bids of three companies. The Navy testified it awarded the contract to Grumman based on the technological excellence of its proposal.

I think Secretary Packard most accurately described this situation when he said that major weapons contracts come along so infrequently that the keen competition tends to drive bids to the lowest level and it is extremely difficult to determine in advance the difference between the lowest realistic bid and one which is too low to perform. This is a business risk normally assumed by competitors in a free enterprise environment. I certainly agree with Secretary Packard.

Our investigation revealed that Grumman, by its own admission in May 1971, still contended that it would make a profit on the first 38 aircraft being purchased by the Navy which constituted lots I to III. Four of the major subcontractors told the staff they would sustain significant losses on the first three lots, yet each one of them was most anxious that the program proceed now that the "growing pains" in achieving an acceptable design have been resolved. Each firm except one had "not to exceed"—NTE—ceiling prices with Grumman for lots IV through VIII, which could cover the purchase of up to 469 aircraft if the Government so desired. Each of the subcontractors indicated that any further change to the program would be most undesirable to say the least.

STATUS OF THE PROGRAM

The F-14 program proceeded satisfactorily until December 30, 1970, when the first test aircraft crashed on its second flight. The cause of the crash was a failure in the hydraulic system. A modification has corrected this situation. The loss of the first aircraft was unfortunate but, as is the case in any test program, not necessarily unexpected. It has cost an approximate 6-month delay in the program and $40 million.

The flight test program resumed with the second test aircraft on May 24, 1971. Currently there are two F-14's engaged in conducting essential test flights to demonstrate the performance requirements. As of September 15 the No. 2 aircraft had flown 23 flights and 46.7 hours.

The No. 3 aircraft, whose mission is to expand the high speed part of the flight envelope, has flown nine times with 21.6 hours flying time. It went supersonic on September 16, achieving mach 1.2. It has also fully swept back the wings. It should be remembered that the F-14 has a variable geometry wing.

The flight test data has been favorable and encouraging. At this point in time it is not proper to make positive judgments as to whether all predicted performance characteristics will be achieved. However, the early results are tracking the Navy's predicted performance.

The technical development program was originally laid out on a compressed schedule. It was believed to be a thoroughly acceptable risk because the Navy already possessed the engine and the avionics. The air frame was the only major component to be fully developed.

In the past few months the F-14B engine has encountered technical problems during development. They are not believed to be insurmountable in any sense of the word. However, they will take time and added testing to resolve.

The Navy F-14B engine is part of a joint development with the Air Force. The Air Force will use a similar, but not identical, engine on the F-15. The engines will have a common core and use common technology. However, the Navy engine will be heavier and have more thrust whereas the Air Force engine will conversely be lighter and have less thrust.

The joint engine is known as the advanced technology engine—ATE—and will represent a dramatic improvement in the state of the art.

The Navy was required to exercise its production option for this engine in September 1971 for fiscal year 1973 deliveries. This would be 5 months before the preliminary flight rating test—PFRT—was scheduled for completion. The more important military qualification test—MQT—of the engine was scheduled for completion in February 1973—the same month that the first production engines were to be delivered.

In the light of the technical difficulties encountered in the development program it was deemed unwise to order F-14B engines in this year's budget, which would be required in order to obtain initial deliveries in February 1973 because of the 18-month leadtime involved.

The Navy, after careful deliberation and desirous of obtaining further test data, decided against requesting F-14B production engines this year. Currently it appears that F-14B production funds will not be requested until fiscal year 1974 when the engine will be nearing completion of its development.

The current Navy program, therefore, is predicated on 313 F-14A aircraft—12 R. & D. and 301 production aircraft.

Some people have stated that the F-14A is an "old" engine. I wish to assure them that this is not so. It is one of the latest versions of the TF-30 engine series. The TF-30 engine was the first afterburning turbofan engine developed in this country. Since the P-1 version was developed for the F-111 program in 1965, this engine has advanced in thrust and performance until we now have the P-412 version in the F-14A and the P-100 version in the F-111F, which are the two most advanced military engines now in production.

In addition, the F-14A engine has exceeded the specifications laid down by the Navy. It is currently achieving 2,000 pounds greater thrust and at the same time better specific fuel consumption than was contractually required. It also weighs about 75 pounds less than was specified. The advantages of this improved performance over contractual requirements will mean significantly better performances for the F-14A aircraft.

Some people have stated that the F-14A will be no better in air-to-air combat than the F-4. The data provided by the Navy indicates that this is not so. Specifically, the Navy has stated the F-14A will have a 75 percent or better increase in combat radius on internal fuel. It will have a 50 percent or better combat rate of climb at some of the major dogfighting altitudes and conditions. It can accelerate 45 percent faster than the F-4 from high subsonic to high supersonic speed, which is important in order to engage or disengage at will enemy aircraft. It has a 45 percent better roll rate at altitude at typical combat speeds adding substantially to the combat maneuverability. The F-14A with a higher roll rate will be able to change direction or bank angle more rapidly in order to outmaneuver enemy aircraft. It has a 40 percent better energy-maneuverability at typical dogfight conditions.

Therefore, the F-14A will offer a dramatic improvement in fighter capability over the current F-4 aircraft if the Navy's analyses by its aeronautical experts are accurate. As I have stated, the current F-14A flight test program is to actually demonstrate the predicted performance projections. The F-14 will have better carrier suitability in that it will be able to have reduced approach speeds. It will also be able to recover with a much reduced "wind over the deck" requirement. Consequently, this will increase operational effectiveness and increase the safety of flight for the pilots and crews. I hasten to add that there is nothing wrong with the F-4. Everything is relative in weapons systems, and that is the major purpose of my comments. Historically, the growth and weight on tactical fighter aircraft has always been of major concern. Great effort was placed on restraining weight growth in the F-14. It has increased only about 700 pounds, which is less than 2 percent of its projected design weight. This is a most favorable accomplishment.

The Navy has continually stressed that the F-14 design has been concentrated on attaining the maximum in the air superiority role. There have been no compromises in air superiority performance in order to carry out the Fleet Air Defense mission. As a matter of fact, Navy testimony last year indicated that if it was to design an aircraft for air superiority alone that it would weigh only 600 pounds less than the present F-14A design. Yet it has been extremely difficult to obtain recognition that the F-14 has been designed and never compromised thereafter as an air superiority fighter. Yet, because it does have the palletized Phoenix missile capability, many people assume it will not be able to fulfill the air superiority role. For the air superiority mission the F-14 will carry four Sparrow missiles and a 20-millimeter gun.

Sometimes, Mr. President, we also forget a very important fact relative to the design philosophy the United States has always had. That is we require our tactical fighters to have a substantial range or "radius of action" capability because in the past and hopefully in the future we have always fought over enemy territory rather than "over our own skies." Hence, we need tactical aircraft that can carry the battle to the enemy rather than aircraft that take off from Andrews Air Force Base and fight over Washington D.C. This leads to another important requirement for tactical fighters, namely that they must be able to accompany our long range interdiction aircraft, such as the A-6, A-7, and so forth. They must be able to fly a "fighter cover" for these slower, less maneuverable aircraft while they are over enemy territory. If we were to produce aircraft with no real "radius of action" capability, our interdiction aircraft would be vulnerable to enemy fighters.

THE PHOENIX AND AWG-9 AVIONICS SYSTEM

The F-14 weapons systems will incorporate an avionics system that offers a potential never before achieved for air-to-air combat. It will permit the F-14 to stand off and engage enemy fighters, bombers, and cruise missiles at ranges never heretofore possible. This is extremely important when one considers that if our pilots possess a weapons system aboard their aircraft that can effectively outrange the weapons or missiles aboard an enemy fighter, then our pilots are obviously in a superior position.

The Phoenix weapons system was originally developed for the F-111B program. Its primary mission is in the Fleet Air Defense—FAD—role where the F-14 will loiter several hundred miles from the carrier task force and protect these task forces against penetrating fighters, bombers, and cruise missile.

All of the technical requirements for the avionics system have been met or exceeded. As a matter of fact the fire control system will weigh 120 pounds less than was specified.

The Phoenix missile system will be able to "track while scan" multiple targets at the same time—something we have never been able to do previously. The F-14 can carry up to six Phoenix missiles while on the Fleet Air Defense mission, and as I have mentioned this will be a "palletized" configuration so that four Sparrow missiles can be installed instead for the air superiority role.

Six of the seven pilot production AWG-9 systems have been delivered, and this aspect of this program is on schedule and on cost.

The Navy has received "not to exceed" ceiling prices for 7 successive fiscal year procurements that commenced in fiscal year 1971.

The current Navy estimate for 301 production AWG-9 fire control systems is $2 million each. The General Accounting Office after reviewing this phase of the program advised Senator STENNIS on September 3, 1971, that this cost estimate appeared to be realistic.

A high official of the Hughes Aircraft Co. advised only recently that his company intends to produce under the contract options that it has provided the Navy.

Our testimony indicated the Phoenix missile is a mature design which meets its performance requirements. Forty-two test missiles have been launched with 27 hits. This is an almost unprecedented success rate for modern missile systems during the R. & D. phase. Launching from the F-14 will commence in the spring of 1972. Some people feel that we should have more test data before proceeding with production. The Navy has stated that the tests to date have been conducted at the Pacific missile range under actual conditions. The test missions covered low altitude and high altitude targets, maneuvering and non-maneuvering targets, and subsonic and supersonic launches. Twenty of the 36 missions were "look down" missions. Eighteen of the 42 missiles were launched at targets with less than 5 square meters radar cross-sections. A radar cross-section of the F-4 is greater than 10 square meters. In a test conducted this month tracks were maintained and displayed on 12 airborne targets simultaneously. The targets were defined into three groups approaching from three different directions at different speeds and altitudes. The testing to date has also shown a 3-on-3 capability by the launch of two missiles and a simulated launch of the third. It was stated that this adequately tested the Phoenix missile system in a 3-on-3 environment. Each Phoenix missile in flight is guided to its own target and is independent of other missiles in flight at the same time.

At this point in time I personally am not concerned about the fact that we have not demonstrated that six Phoenix missiles can fly simultaneously against six separate and distinct targets. While this is a Navy requirement that the contractor expects to meet, I have not been concerned about demonstrating it because from my personal experience this is a most unlikely condition that could be expected to materialize in combat.

Mr. President, everyone today assumes

sile system with a high degree of reliabil- relatively uncomplicated air-to-air missile system with a high degree of reliability. This is certainly true, but it was not always so. As a matter of fact, during the early days of Sidewinder R. & D. missile flight testing, nearly all of the first 50 missiles fired were essentially failures.

My point, Mr. President, is that if we make snap judgments as to aircraft or missile systems when they are in the relatively early phases of testing and development, we can reach some very bad conclusions. We must have a degree of patience while modern weapons systems are proceeding through the critical test phases.

The Phoenix will be an expensive missile. There is no question about that. The actual cost per missile will vary depending on the total quantities that are purchased just as the cost of the "widgets" vary, as I mentioned in my previous example. The estimated cost of each missile will vary from $236,000 up to $347,000. While this is a high cost to pay for the Phoenix, it must be remembered that it will also offer us a "kill potential" that we have never attained before. I feel that we need it and should support it on that basis.

Mr. President, I yield the floor.

Mr. STENNIS. I thank the Senator for his fine contribution to the debate. I yield myself 5 minutes.

Mr. President, as has been pointed out, this plane is a substitute for the old TFX Navy version which the committee and Congress itself turned down. That was the beginning of this plane.

I do not suppose there has ever been a jet plane designed to operate at or near this speed that did not have trouble along the way. That is characteristic of that high speed, and it is more characteristic with the planes that are carrier based, as this one is.

As the Senator from Nevada has pointed out, it has one of the best safety records of any that we have made.

There has been so much said and so many allegations made that in the early part of this year, Mr. Packard took this matter under advisement again, and I was very glad he did. He talked to me about it at the time, and again while he was making the reevaluation, and when he made his final conclusion.

During that process, this matter came up on the floor of the House of Representatives, while he was in the process of this evaluation—bills cannot wait for everything—and that was when it was taken out of the House bill, with the very clear understanding and reservation, as reflected in a letter I received from Mr. HÉBERT, the House chairman, just yesterday, which was prompted by the fact that there was some kind of little document floating around here that undertook to quote Representative HÉBERT, saying he was still against the F-14.

So I called up to find out, and he said, "Just totally the opposite is true, and I will give you a letter to that effect," and he did.

He points out here in the letter, which I shall ask to have printed in the RECORD—quoting himself, Mr. HÉBERT, speaking in House debate—

> The amendment I am offering to strike the procurement authorization is not designed to jeopardize the ultimate decision on this aircraft. If circumstances in the future dictate the wisdom of going ahead with the procurement program, we will bring it back to the House for final resolution.

Now that has been completed. Mr. Packard has spoken, and in view of that, the Senate committee put this item in the bill, and this is our recommendation today. Mr. HÉBERT says now, in view of the Packard review and recommendation that his position is based on personal discussions with Secretary Packard and Secretary Laird, as well as the Secretary of the Navy and the Chief of Naval Operations. He says:

> In view of the circumstances and based upon my personal discussions with Secretary Packard and Secretary Laird, as well as Secretary of the Navy Chaffee and Chief of Naval Operations Zumwalt, I now have no reservations concerning this program and urge its approval by the Congress.

He goes on and says that he hopes to put it back in the bill in the Senate.

I ask unanimous consent that the entire letter from the chairman of the House Armed Services Committee be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 27, 1971.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, on June 16, 1971, during House debate on H.R. 8687, the FY 1972 Department of Defense Procurement Authorization Bill, I made a motion to strike from the procurement authorization the amount requested by the Department for the Navy's F-14 aircraft program.

At that time I explained to the members of the House the reason for the unusual action that was being taken by the Committee on Armed Services. The Record makes clear that the decision to strike from the bill $806.1 million desired by the Navy for the procurement of the F-14 aircraft resulted from the "departmental indecision on this program" which had surfaced just prior to the time the Committee's bill reached the floor of the House.

The Record of the House debate reflects a letter from Secretary of Defense Melvin Laird pointing out that a new intensive review and reassessment of the program was underway in the Department in order for the Secretariat to resolve questions which had arisen concerning the desirability of continuing the program.

These circumstances, therefore, resulted in the following statement which I made on the floor of the House:

"The amendment I am offering to strike the procurement authorization is not designed to jeopardize the ultimate decision on this aircraft. If circumstances in the future dictate the wisdom of going ahead with the procurement program, we will bring it back to the White House for final resolution."

Stated another way, since Deputy Secretary of Defense Packard had, on June 16, 1971, not been personally certain that the Navy should go forward with the F-14 aircraft procurement program, I felt that his "reservation" on the part of the Secretary required resolution before the Congress should act on authorizing a continuation of the program.

The indecision and the reservations formerly held by Deputy Secretary of Defense Packard concerning this program have now been resolved. I have discussed this matter with him personally and I have received a written communication from him which unequivocally and categorically recommends continuation of this program as requested by the Department for the FY 1972 procurement authorization.

I am including for your information and possible use a copy of this communication from Deputy Secretary of Defense Packard.

In view of these circumstances, and based upon my personal discussions with Secretary Packard and Secretary Laird, as well as Secretary of the Navy Chafee and Chief of Naval Operations Zumwalt, I now have no reservations concerning this program and urge its approval by the Congress.

I am hopeful that the Senate will concur in the action recommended by your Committee on this program so as to provide the House conferees with the opportunity to bring this program back to the House for its approval.

With best wishes and warmest personal regards.

Sincerely,

F. EDW. HÉBERT,
Chairman.

Mr. STENNIS. He, in turn, called on Mr. Packard, as I understand, as of September 27, this week, to ask whether his position was still the same, and he sent to me a copy of the letter he received from Mr. Packard. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., September 27, 1971.

Hon. F. EDWARD HÉBERT,
Chairman, House Armed Services Committee,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, the Navy signed a Fixed Price Incentive Contract with the Grumman Aerospace Corporation in February 1969 to procure F-14A aircraft. This contract contained options for seven lots of aircraft, with associated not-to-be-exceeded ceiling prices, to be procured through FY 75. The deadline date for the Navy to execute the option for a proposed buy of 48 Lot IV aircraft is 1 October 1971. Should the Navy not execute the option on 1 October future out year options would be voided and ceiling price limits would no longer apply.

At my direction the Navy has studied various alternatives to exercising the FY 72 Lot IV option for the minimum quantity of 48 airplanes. Any variation to buy less than 48 aircraft constitutes breaking the contract and will ultimately significantly increase the cost of the total buy of airplanes required for the Navy.

During hearings in July the Chairman of the Senate Armed Services Committee asked me whether or not Grumman would comply with their agreement if the requested FY 1972 budget were approved by the Congress. I want to inform you that Mr. L. J. Evans, Chairman of the Board of the Grumman Aerospace Corporation, notified me that Grumman would produce the 48 F-14A aircraft as presently configured at the contract price if the Department of Defense Fiscal Year 1972 program for the F-14 is authorized and funds are appropriated.

Secretary Chafee and Admiral Zumwalt are following this program closely to assure not only that mission needs are given proper priority but also that the development program confirms that these needs will be met. They have told me that the F-14A flight test program is now proceeding very smoothly. Two aircraft are flying at Grumman and milestone tests completed satisfactorily to date include flying supersonic to Mach 1.2 and sweeping the wings to their full aft position at 68 degrees. Over 70 hours of flight test time have been accumulated as of 17 September. The test pilots are unanimous in their praise of the F–14's handling characteristics and indicate its landing characteristics are very comparable to the Navy's A–6, which after over 50,000 carrier landings has never suffered a carrier landing accident.

The development of the F–14A aircraft fire control system, designated the AWG–9, was commenced in 1963 for the F–111B. When the Navy stopped the F–111B program the AWG–9 was adapted to the F–14 as it emerged. The AWG–9 development is now essentially complete and the system recently underwent a Navy Preliminary Evaluation by the Navy crews at Pt. Mugu, California. Preliminary results indicate the system met the Navy's performance requirements and will be ready for production next year.

The development of the Phoenix Missile was also commenced in 1963 and the Navy reports indicate that its test program is proceeding smoothly. The Navy's test shots of the Phoenix to date give us high confidence that it will give the Fleet a much needed long range missile capability.

The current Navy fighter inventory contains the F–8 Crusader and the F–4 Phantom, designs originated more than 15 years ago. The F–4 has a fine record, but regretfully she is old and has gone beyond the point that we can improve her performance sufficiently to fulfill the Navy's requirements in the 1975–85 time frame against the emerging threat of numerous new and more sophisticated Soviet aircraft. A thorough study revealed that we couldn't put the Phoenix system in the F–4 without getting into an unsatisfactory program. The F–14A weapon system is new, takes advantage of the many technological advances in airframe, electronics, and power plant design made in the interim period since the F–4. Based on the information provided by Secretary Chafee and Admiral Zumwalt I am convinced that the F–14 is superior to the F–4 in every performance category that is essential to the Navy mission. The F–14/AWG–9/Phoenix missile is the only complete all-weather weapon system available that will meet the various sophisticated, high performance threats, and that will satisfy the Navy's requirements.

In summary, the Navy F–14A Fighter Program is achieving the goals that were set three years ago. An advanced Soviet fighter, bomber and missile threat was clearly emerging at that time. Subsequent events have validated the Navy's concern that the Soviets are embarked on an ambitious program to wrest control to the seas from the free world. There is no other U.S. aircraft in inventory or under development which can meet the totality of the Navy's need for sea control and force projection. This is a most important program for the Navy and for the entire Defense program as well. I urge your support. You may be sure that the Department will keep Congress informed of the progress of the F–14 program.

It is hoped that the above information will be a useful update to you and your staff. The Navy Staff will be pleased to provide any additional details of the F–14 program as you may desire.

Sincerely,

David Packard.

Mr. STENNIS. Mr. President, let me pause here. Mr. Packard knows a lot about what he is doing, and I am one of many on our committee who takes very seriously what he says and what he does. These things have tremendous weight, and we rely on him. He is an independent type of fellow, and based upon his knowledge, his inquiry, and his conclusions, we put this in the bill with our strong recommendation.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STENNIS. I yield myself 2 more minutes.

I have here a letter from Admiral Zumwalt. He refers to various things, and he says this about the F–14A:

> Relative to the F–4J, the F–14A is:
>
> Fifty percent better in acceleration time from Mach .8 to Mach 1.8 at 35,000 feet altitude;
>
> Fifteen to 55 percent better in combat rate of climb with realistic weapon loadings for various altitude Mach-number combinations;
>
> Forty-five percent better in roll effectiveness;
>
> One hundred percent longer in radar range.

Mr. President, those are things that mean something:

> Twenty-five percent longer combat radius even when the F–4 is using a 600 gal. external tank. When both aircraft are compared using only internal fuel capacity, the F–14A has 75% longer combat radius.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Chief of Naval Operations,
September 27, 1971.

Hon. John C. Stennis,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, D.C.

Dear Senator Stennis: In the last few days a considerable amount of inaccurate information has appeared concerning the F–14 aircraft and its Phoenix missile system. I would like to take this opportunity to correct the record.

Since the allegation has been made that the F–14A is an inferior airplane, I would like to emphasize at the outset that all performance figures used in this letter apply to the F–14A, that is, the F–14 equipped with the proven TF–30 engine, rather than the F–14B, which will utilize the so-called advanced technology engine.

Analyses consistently show the F–14A will be significantly superior to the F–4. This superiority derives from an advanced weapon control system as well as better speed, acceleration, maneuverability, range, and all round higher performance. Its excellent handling characteristics also make it superior to the F–4 in aircraft carrier suitability. These characteristics, combined with a more versatile air-to-air weapons suite composed of Phoenix, Sparrow, Sidewinder and internal cannon, provide a clear cut margin of superiority over the most advanced Soviet fighter.

Relieve to the F–J, the F–14A is:

50 percent better in acceleration time from Mach .8 to Mach 1.8 at 35,000 feet altitude;

15 to 55 percent better in combat rate of climb with realistic weapon loadings for various altitude Mach-number combinations;

45 percent better in roll effectiveness;

100 percent longer in radar range;

25 percent longer combat radius even when the F–4 is using a 600 gal. external tank. When both aircraft are compared using only internal fuel capacity, the F–14A has 75% longer combat radius.

Twenty-five percent longer combat radius even when the F–4 is using a 600 gal. external tank. When both aircraft are compared using only internal fuel capacity, the F–14A has 75% longer combat radius.

Contrary to several recent public statements, the superior maneuverability of the F–14 makes it better in a dogfight than a slatted F–4. This is mainly the result of the F–14's 40% better turn radius than the slatted F–4.

Contrary to some recent allegations, the Phoenix missile to date has demonstrated all major design performance requirements. The Navy and the contractors have taken action to correct all problems identified during the development process.

The Navy has studied many alternatives to the F–14 including the possibility of using a Phoenix configured A6. We found that the A6-Phoenix was markedly inferior to the F–14-Phoenix combination and was completely inadequate in the other fighter roles in which the versatile F–14 is designed to perform.

The much higher effectiveness to be realized from the F–14A is indeed encouraging—a level of performance sorely needed in our fleet today. I am pleased to tell you that the F–14A engine and the weapon control system are exceeding all specified performance.

In summary, I am convinced that loss of the opportunity to acquire the F–14A in a timely manner will cost us the capability to control and use the seas.

Warm regards,

E. R. Zumwalt, Jr.,
Admiral, U.S. Navy.

Mr. STENNIS. That letter, as I say, is signed by the Chief of Naval Operations of the Navy, who is certainly an officer of fine attainments, based upon his knowledge and that of his fellow officers in the Navy, men that we have entrusted with the responsibility of making judgments on our security.

You are not going to find a perfect plane. This one is not. You will not find a perfect missile. The Harrier is not. But it is 15 years ahead of anything else we have. Knock this out of the bill, and we will have to take 10 years on a new start to get back where we are now.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I yield 10 minutes to the Senator from Indiana.

Mr. HARTKE. Mr. President, my personal involvement with the F–14 dates back to mid-1969 and the military procurement debate of that year. It was my opinion then that the multi-mission resposibilities of the F–14 merely guaranteed that none of its missions would be performed well.

Based on this current reexamination of the F–14, I am even more convinced that it is the wrong plane for the Navy.

Our modern technology has allowed us to combine all of the functions of an air-superiority fighter and a fleet-defense interceptor into a single plane—the F–14. But of necessity this most sophisticated of planes has proven to be both exorbitantly expensive and extraordinarily complicated. More importantly, any enemy who has a similar technology can build single-mission planes which would be superior in every way to the multimission F–14.

This is so, because the attack capability of the F–14 is severely compromised by the "designed in" requirement that it also plan a fleet defense role. Thus, the ability of the F–14 to fulfill its air-superiority mission in conflicts where no threat to the safety of the fleet is evidenced, is diminished insofar as its design has been keyed to fleet air defense. It should be clearly understood that the primary design requirement of this plane is the ability to carry six 1,000-pound Phoenix missiles which have but one purpose: fleet defense. The resulting size, weight, and configuration have clearly compromised its capabilities as a fighter.

On May 11, 1971, Representative Bingham and I issued a report under the auspices of the Members of Congress for peace through law which points out in considerable detail what we consider to be the inherent failings of this aircraft. It was our conclusion that it would be best to admit that the attempt to combine the functions of an air-superiority fighter, and fleet-defense interceptor in one plane had failed. The F–14's lack of maneuverability, attributable to its excessive weight—58,000 pounds fully loaded at takeoff—and an under-powered engine, severely hinder its air superiority role; while the proven unreliability of its Phoenix missile system made it doubtful that it could successfully perform its fleet defense role in the face of a concerted air and sea attack.

The deficiencies of the Phoenix system merited particular attention in our report, wherein we stated:

> The Phoenix, according to the Navy, will "provide the F–14 aircraft with its primary fleet air defense capability." Our analysis of the Phoenix program, however, suggests its capabilities are limited and that its limitations are strikingly similar to those which argue so persuasively, in our view, against deployment of an ABM system.
>
> Like the ABM, the Phoenix seems incapable of accomplishing the mission assigned to it, even if it performs entirely up to expectations. While details of its operation are scarce, there is no evidence that it is capable of neutralizing any more than, at best, a small group of closely clustered targets. With that capability, carrier-based F–14s, each carrying six Phoenix missiles, might be able to defend against a moderately heavy enemy attack. A saturation attack, however, particularly one involving large numbers of heavy cruise missiles and accompanying enemy decoys, would surely penetrate Phoenix defenses. The carrier fleet, therefore, remains extremely vulnerable to determined attack, and no defense missile system of the Phoenix type can be depended upon realistically.
>
> The threat for which Phoenix might be effective—to protect carriers and accompanying ships from enemy bombers—simply has not materialized and does not now exist.
>
> The cost of the Phoenix system is extremely heavy in both dollars and restrictions it imposes on the F–14 to perform missions other than fleet defense. Reliable estimates of the per unit cost of the Phoenix range from $200,000—to $800,000—and about ten times that of the most sophisticated airborne missile we currently possess, the Sparrow. Based on a compromise estimate of $400,000 per Phoenix, it would cost $2.4 million to outfit each F–14 with the Phoenix. If even half of the 301 F–14s the Navy proposes to buy in the foreseeable future are outfitted with the Phoenix, just the initial Phoenix procurement cost would be well over $400-million. The estimated cost of the Phoenix program just through 1977 is estimated at $1.502-billion.
>
> The Navy proposes that to relieve F–14s of extra weight and drag should they unexpectedly encounter situations where close-in combat may occur, they would simply jetitison the Phoenix components—a startling proposal in view of the extremely high cost of these missiles.

The defects in the Phoenix made questionable any further expenditures for the F–14 program, and was a decisive factor in our recommendation that the entire F–14 program be terminated.

It was also recommended, in accord with the amendments to be considered this afternoon, that a light, prototype fighter be developed by the Navy to meet the challenge posed by new Soviet fighters.

Mr. President, I ask unanimous consent that the full text of this MCPI study, including the other recommendations made by it be included in the Record at this point.

There being no objection, the study was ordered to be printed in the Record, as follows:

Report on the F–14 and F–15 Tactical Fighters

(By Senator Vance Hartke and Congressman Jonathan Bingham)

RECOMMENDATIONS

1. Terminate immediately all further production of the "A" version of the Navy's F–14 due to cost uncertainties and delays in operational availability. The Administration has requested $806-million for procurement of 48 more F–14As in FY 1972. We recommend no further procurement funds be authorized or appropriated.

2. Termination further development and production of the Phoenix fleet defense missile due to high cost and insufficient capability for fleet defense against saturation attacks by decoyed surface-to-surface and air-to-surface missiles. The Administration has requested $104-million for procurement of a classified number of these "terribly expensive" (Admiral Connelly) missiles. We recommend this entire procurement request be rejected and the Phoenix program terminated.

3. Authorize funds for purchase of an adequate number of F–4Ms (currently being sold to the British) or other advanced version of the F–4 to meet immediate needs for high performance air superiority aircraft until a more cost-effective new aircraft can be developed and made operational. Initially, this purchase should equal at least the planned FY 1972 purchase of F–14As—48 aircraft. The purchase price of the F–4M is approximately $6.5-million. We recommend, therefore, authorization of $312-million for this purpose.

4. Undertake immediate high-level studies to determine what further improvements could be made in the highly successful and flexible F–4 through design modifications at moderate cost to improve the capabilities of this aircraft to meet tactical air force requirements for the latter half of the 1970's and beyond.

5. Terminate further development of the F–14B and F–14C due to the low performance capabilities of these aircraft without the Phoenix missile relative to their high cost. The FY 1972 Administration request for the F–14B is $228-million. We recommend it be rejected and the contract terminated.

(An alternative to this course of action, in view of some evidence that the F–14B might prove cost-effective even without the Phoenix in performing missions other than fleet air defense, would be to continue R & D for the "B", but withhold any procurement unless and until the aircraft proved superior to the F–4M or other improved version of the F–4 based on, among other considerations, a "fly-off" competition. In effect, this would bring the F–14 program under a competitive "fly-before-buy" policy. If this alternative is followed, the full R & D request for the F–14 program for FY 1972 of $228-million should be approved, and the F–14 contract renegotiated to include the competitive "fly-before-buy" condition for procurement.)

6. Continue R & D on the Air Force's F–15 at requested (or slightly increased) levels despite evidence that the very high cost of this airplane may not be justifiable by its performance projections. At the same time, however, designs should be requested and funds authorized for development of a light, highly maneuverable fighter of the FX–X type (to meet the MIG–23 threat) that could be "brought in" at a cost significantly below that of the F–14. The Administration has requested $415-million for F–15 R & D. We recommend approval of that request. In addition, we recommend authorization of an appropriate sum (no more than $50-million in FY 1972) in RDT & E funds for Contract Definition and initial development of a lower-cost light fighter for possible use in combination with, or as a substitute for, the F–15.

7. Require Defense officials to provide Congress on a continuing basis with detailed tactical air force size, structure, and cost alternatives and rationale extending at least ten years into the future.

Pursuit of the recommendations of this report would effect immediate (FY 1972) savings ranging from $538-million to $776-million. Longer range savings, while difficult to calculate precisely, would certainly be many times these immediate savings, and could range in the neighborhood of $25-billion. Ten-year "systems costs" of the F–14 have been reliably estimated at between $20-billion and $30–billion. Accepting a compromise figure for full projected procurement (722 aircraft) and related costs of $25-billion, should an improved version of the F–4 be found sufficiently cost-effective to replace the F–14, the ten years savings could be as high as $12.5-billion. In addition, this would result in a saving of at least $1-billion, and perhaps as much as $4-billion, in Phoenix system costs.

Long-range system costs of the F–15 program are even more speculative than those relating to the F–14. However, savings resulting from total or substantial substitution of a light fighter for the planned purchase of 737 F–15's would produce savings near those effected in the case of the F–14.

TACTICAL AIR MISSIONS

Any combination of four major missions can be assigned to tactical aircraft. Although tactical aircraft are designed for use in conventional (non-nuclear) conflicts, they can also be used in tactical nuclear strikes.

1. *Close-Air Support.* Tactical aircraft provide close-support to troops engaged with enemy land forces. This mission is especially important in Europe where the Warsaw Pact has extensive armored forces. Close-support strikes prevent troops from massing, armored vehicles from breaking through lines, and friendly troops from being overrun. Large loiter and payload capabilities are important characteristics for aircraft used in close-support. In addition, survivability against ground fire is important.

2. *Interdiction.* Interdiction missions are of two kinds—battlefield interdiction and deep interdiction. When tactical aircraft strike supply concentrations, vehicles and lines of communication in the vicinity of the front, these attacks are called battlefield interdiction. Such attacks disrupt troop and armored column movement and prevent the enemy from stockpiling supplies near front lines. Deep interdiction missions, on the other hand, aim at reducing the flow of troops and supplies to the front by striking far behind enemy lines at communications and industrial facilities. These deep strikes have a less immediate effect on enemy troops at the front than close support or battlefield interdiction due to the availability of optional lines of communication and to the short repair-reconstitution times for roads, bridges, factories, etc. In addition, losses on deep interdiction strikes tend to be higher because of the higher density of enemy anti-aircraft missiles, artillery, and interceptors.

3. *Air Superiority.* Tactical fighters are employed to protect ground attacks by escorting strike aircraft, by flying protective cover (combat air patrol) or by sweeping the front before strike aircraft arrive. In view of the large number of interceptors in Pact and North Korean tactical air forces, this is likely to be our highest priority mission in the event of war. Air superiority missions require an aircraft with high concentration, low wing-loading (wing-loading is determined by the ratio of aircraft weight to wing area; wings must be large enough for stability in turns, but small enough to minimize drag), good control response and good visibility from the cockpit.

4. *Airbase Defense Interception.* Fighters are also used for point defense of airbases and infrastructure. Navy fighters fly fleet air defense missions to protect the carrier and its task force from enemy bombers and cruise missiles. Assuming the carrier survives, these same fighters must be able to fly air superiority missions, and particularly to escort the carrier's attack aircraft against their targets. High speed dash, long loiter time, and a long-range missile/fire control system are important capabilities for successful performance of the fleet air defense mission.

TOTAL TACTICAL FORCE STRUCTURE

Secretary of Defense has announced that FY 1972 will be a period of "continued reduction" of our active fighter and attack forces, and that efforts are underway to find ways to "reorient (these) forces over the 1973–77 period" in order to achieve "more flexible tactical air forces in the future." As the following chart indicates, our total active fighter and attack forces will have dropped from about 5000 aircraft in 1970 to a projected 4020 by the close of FY 1972:

ACTIVE FIGHTER AND ATTACK AIRCRAFT (1970-72)

	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Total aircraft	5,000	4,600	4,020
Total wings	39	36	45
Navy wings	13	12	11
Air Force wings	23	21	21
Marine Corps wings	3	3	3

Sources: 1970–72 Defense Budget and Defense: Program Statements, Clark M. Clifford and Melvin R. Laird.

No detailed reason or rationale for this reduction has been provided by the Department of Defense in terms of expected future military contingencies. In general, in fact, the Congress is provided with insufficient information on long-range projections of tactical aircraft needs, costs, and alternatives. We recommend that the Congress require such detailed information, including the implications of all proposed new aircraft on force size and structure, on a continuing basis.

The only apparent reason for the current reduction in total tactical air forces is the imminent modernization of these forces. This modernization is projected to be accomplished primarily by the planned introduction of the Navy's new F–14 fleet air defense and general purpose fighter.

We recognized the need for modernization and improvement of our tactical air force to meet expanded capabilities on the part of potential enemies. However, both the F–14 and F–15 will cost several times more than the aircraft they are scheduled to replace (primarily the F–4 Phantom). As far as we are able to determine, no lower-cost options for tactical air force modernization are currently under active consideration.

In our view, exclusive pursuit of high-cost options may require us in the future either to increase our expenditures on tactical air forces beyond desired or necessary budget restraints, or to purchase only an insufficient number of new aircraft in order to stay within such budgetary restraints. To avoid this dilemma, we favor keeping low-cost options for tactical air force modernization open as long as possible. A number of our specific recommendations point to such low-cost options.

THE NAVY F–14

In 1968, the Congress killed the ill-fated Navy F–111B and authorized in its place development of a new multi-mission fighter, the F–14. Designed to provide fleet air defense, air superiority and air-to-ground capability, the F–14 is anticipated to replace the F–4 Phantom as the Navy's chief tactical fighter by the mid-1970's.

Grumman Aerospace Corporation received the contract for development of the first version of the plane, the F–14A, in February of 1969. The F–14A makes maximum use of technology gained during the development and test program of the F–111B by incorporating the Pratt & Whitney TF–30/P–412 engine and the Phoenix air-to-air missile system originally intended for use in the F–111B. In addition, the avionics system of the F–111B has been redesigned for tandem seating and for fire control use of the existing Sparrow and Sidewinder missiles. The airframe of the F–14A uses titanium as a weight-saving device in an attempt to optimize, to the extent other missions permit, maneuverability in "dogfight" situations. The F–14A also has the design capability to carry one or more weapons systems in varying combinations depending on its mission.

The second model in the F–14 series, the F–14B, is to be equipped with advanced technology, high thrust engines presently being developed by Pratt & Whitney for testing in June, 1972. Target date for operational "B" engines is December, 1973. F–14As are then to be retrofitted with "B" engines, supposedly at minimum cost since the F–14A airframe has been designed with the new engines in mind.

The F–14C, expected in the late 1970's, will have improved avionics. Even if the Navy and Marine Corps should somehow find the resources to replace over 1,000 F–4s with F–14s, the unit cost of the F–14 under the most optimistic assumptions, will be at least three times that of the F–4. Buys of fewer F–14s would mean still higher unit costs. To date, 38 "A"s have been procured. The Navy is requesting funds to procure 48 more in FY 1972, for a total of 86 aircraft.

Twelve of the "A"s already procured are test aircraft, the first of which crashed in its second test flight due to malfunction of the plane's primary and backup hydraulic systems. This will delay the operational date for the "A" by six months or more. The estimated earliest operational date is now regarded to be early 1974. The F–14B is projected to become operational in January, 1975, although some experts believe the "B" can be operational by the end of 1974 in view of reports that development of its new Pratt and Whitney engine is proceeding smoothly and slightly ahead of schedule.

As a result of the test complications, as well as generally rising costs, an increase in the cost of the F–14 has been widely rumored. Such an increase will necessitate either a renegotiation of the F–14 contract or purchase of fewer planes.

The latest "unit flyway" cost of the F–14 before the crash of the test model and the cost increase rumors was $11.5-million. More recent estimates have ranged as high as $15-million per copy.

Regardless of any other actions that may be taken on the F–14 program, the delays that have been encountered in development of the F–14A following the crash of the first test model, the uncertain but increasing cost of the aircraft, and the progress that is reportedly being made in readying the new Pratt and Whitney engine suggest that no more F–14As be purchased. The gap between the projected operational date of the F–14A and the estimated operational date of the first F–14B is now less than a year. This means that all F–14As will have to be refitted, at great expense, with new engines hardly more than a year after they are first flown.

The entire justification for the F–14A was to provide the Navy with a plane to meet the growing Soviet challenge several years before the F–14B would become operational. That rationale no longer exists. Furthermore, many of the performance characteristics of the F–14A are inferior both to the Soviet MIG–21 and such currently available Western aircraft as the F–4M which McDonnell-Douglas is selling to Great Britain. The Navy itself, for example, has predicted that the F–14A would have only about a 2% speed advantage over the Soviet MIG–21—hardly enough of a capability improvement to justify the $806-million requested to purchase more of the "AA"s in 1972.

We therefore recommend termination of the F–14A and the purchase of an appropriate number of F–4M's or other late versions of the F–4 to meet the immediate needs of the Navy for high performance fighters.

* * * * *

The Phoenix missile is a long-range, air-air defensive missile system. Six missiles can be mounted on each F–14. Development of the Phoenix began in December, 1962, with the letting of a contract to Hughes Aircraft Company. The program, at that time, was keyed to development of the first F–111B fleet squadron in February, 1969. With cancellation of the F–111B the Phoenix program was reoriented to the F–14As requirements and schedule.

The Navy reports that the Phoenix will be capable of destroying "multiple targets in a heavy electronic countermeasure environment under all weather conditions." Simultaneous launch against a classified number of targets is reported to be possible. But simultaneous firing in flight from the F–14 has not been tested, and there is continuing skepticism over whether the F–14 air frame is substantial enough to permit such firings.

Research and development firings of the Phoenix completed as of March, 1970, achieved 20 successes in 27 tests, and the Navy currently reports that final testing of the missile is now near completion.

The Phoenix, according to the Navy, will "provide the F–14 aircraft with its primary fleet air defense capability." Our analysis of the Phoenix program, however, suggests its capabilities are limited and that its limitations are strikingly similar to those which argue so persuasively, in our view, against deployment of an ABM system.

Like the ABM, the Phoenix seems incapable of accomplishing the mission assigned to it, even if it performs entirely up to expectations. While details of its operation are scarce, there is no evidence that it is capable of neutralizing any more than, at best, a small group of closely clustered targets. With that capability, carrier-based F–14s, each carrying six Phoenix missiles, might be able to defend against a moderately heavy enemy attack. A saturation attack, however, particularly one involving large numbers of heavy cruise missiles and accompanying enemy decoys, would surely penetrate Phoenix defenses. The carrier fleet, therefore, remains extremely vulnerable to determined attack, and no defense missile system of the Phoenix type can be depended upon realistically to erase that vulnerability.

The threat for which Phoenix might be effective—to protect carriers and accompanying ships from enemy bombers—simply has not materialized and does not now exist.

The cost of the Phoenix system is extremely heavy in both dollars and restrictions it imposes of the F–14 to perform missions other than fleet defense. Reliable estimates of the per unit cost of the Phoenix range from $200,000—to $800,000—about ten times that of the most sophisticated airborne missile we currently possess, the Sparrow. Based on a compromise estimate of $400,000 per Phoenix, it would cost $2.4-million to outfit each F–14 with the Phoenix. If even half of the 722 F–14s the Navy proposes to buy in the foreseeable future are outfitted with the Phoenix, just the initial Phoenix procurement cost would be well over $800-million. The estimated cost of the Phoenix program just through 1977 is estimated at $1.502-billion.

The Navy proposes that to relieve F–14s of extra weight and drag should they unexpectedly encounter situations where close-in combat may occur, they would simply jettison the Phoenix components—a startling proposal in view of the extremely high cost of these missiles.

Most of the training of F–14 pilots will necessarily focus on the close-in combat contingency, which requires the most sophisticated skills on the part of the crew. In view of this emphasis in their training, F–14 pilots will consider themselves primarily "fighter pilots." There is already considerable evidence that fighter pilots tend to resent and distrust long-range missiles which cut down the close-in combat capability of their aircraft. F–14 pilots, therefore, must be expected to jettison the Phoenix with little prospect of a dogfight, raising further serious questions about the feasibility of maintaining the Phoenix system from a cost point of view.

The Navy has noted that the Phoenix missiles and the pallets on which they are carried can be removed, giving the F–14 the flexibility to fly with or without the extra weight of the missiles depending upon the immediate mission assigned. Indications are, however, that the process of removing and replacing the missile pallets may be considerably more complicated and time-consuming than originally anticipated, thereby reducing the airplane's general flight readiness, and increasing its service time and cost.

On the basis of these very basic problems, it is our conclusion that the Phoenix system, like the ABM, offers minimal dependable security payoffs--at extremely high cost, and that despite the considerable sums we already have invested in it, the sooner we abandon it the better. We therefore recommend determination of the Phoenix program at the first opportunity.

The dual mission capability of the F–14 has been consistently stressed by the Navy. Gradually, however, the fleet air defense mission of the aircraft seems to have been superceded by its air superiority role. This impression is gained from testimony by the Navy during hearings before various Congressional Committees. An undated Naval Air Systems Command memorandum states that "First, and perhaps foremost, the F–14 is being designed as a Navy fighter, to meet Navy needs, and operate in a Navy environment." Reliable trade journals have reported such a trend. Electronic News, for example, noted a "switch from emphasis on fleet air defense to air superiority."

The F–14, like the F111–B which it closely resembles, was largely designed around the Phoenix, with fleet air defense as its primary mission. Cancellation of the Phoenix, therefore, calls into question the advisability of completing the remainder of the F–14 series.

Relieved of the Phoenix and the fleet defense mission, the primary mission of the F–14 would presumably become air superiority—a mission which, as noted earlier, seems to have become predominant in the priorities of defense experts since the F–14 was designed. Whether the F–14B and C should be continued without the Phoenix hinges on the alternatives available to meet admitted immediate need for an improved air superiority fighter to counter the MIG–21 and, ultimately, the MIG–23 (Foxbat).

Our examination suggests that the F–4M, or an even more advanced F–4 that might emerge from development efforts between now and 1974 (when the F–14B is scheduled to become available), would be superior to the F–14B and C (stripped of the Phoenix) in carrying out the three remaining tactical aircraft missions, and that such an aircraft could be purchased at considerably less cost than the F–14.

The F–4M possesses engine thrust variously rated at 21,500 lbs. (Air Force and Space Digest) and 20,500 lbs. (manufacturer's rating). The Pratt-Whitney TF–30–P–12 turbofan engine being developed for the F–14B is estimated to provide 28,000 lbs. thrust. But the estimated top operating speed of the F–14B is Mach 2.5, while the F–14M is already believed to be operating in the Mach 2.5–2.8 range. In these important respects, the F–4M compares favorably with the F–14B, and has the advantage of being already operational and available at a cost about one-half that of the estimated cost of the F–14B.

We feel that these facts alone offer ample evidence that an adequate aircraft is available at lower cost than the F–14B, and that the F–14B and the rest of the F–14 program should be terminated now in favor of the F–4M and further improvements on the F–4. We so recommend.

As an alternative to this recommendation, research and development on the F–14B could be continued in order that a "fly-off" between the F–14B and the most advanced version of the F–4 then available could be held to determine which plane the Navy would buy. This alternative is justified by the fact that, although the estimates of the performance of the F–14B are slightly inferior to those of the F–4M and its cost higher, the F–14B does offer some design improvements over the F–4M for closein combat, including better placement of engines for survivability and better location of pilots (tandem) for visibility.

Whichever of these alternatives might be followed, a high-level study should be launched and development funds made available to determine what other modifications might be made in the F–4 to further improve its capabilities. The F–4 is the most successful and flexible aircraft ever developed by our Armed Forces, and there is some evidence that the Navy, in its determination to develop a fleet defense capability through the F–111 and then to combine fleet defense with air superiority in the F–14, may have seriously understated or ignored the potential of the F–4 to be modified at relatively low cost, thereby achieving even greater capability. Another look should be taken at the F–4 before any major procurement commitment is made on the F–14B.

THE AIR FORCE F–15

The Air Force F–15 is strikingly similar in design to the F–111. Like the F–14, it draws heavily upon the technology gained during the F–111's development. Although powered by the same Pratt & Whitney advanced technology engine designed for the F–14B, it will be some 12,000 pounds lighter. This difference in weight can be attributed to the single mission responsibility (air superiority) of the F–15 in contrast to the multi-mission duties imposed on the F–14. The F–15 will not carry the Phoenix missile or the missile's weighty avionics. Rather, it is anticipated that the F–15 will fulfill its air superiority role through sophisticated stand-off missile capability.

The design of the F–15 reportedly corrects major deficiencies on the F–4 design for close-in visual combat which were discovered through combat experience with MIG–21s in Southeast Asia. For example, it has improved wing loading, acceleration, thrust-to-weight, visibility, fuel, and handling qualities.

Despite recent changes in the development of the aircraft to reduce cost, the F–15 is now anticipated to "come in" at an even higher price than the F–14. Furthermore, valid questions remain about whether the F–15s dependence on "stand-off" capability is sufficient to make it a match for the "Foxbat." Should its "stand-off" weapons fail and should it be forced to close-in visual combat by an enemy aircraft such as the MIG–23, it is questionable whether the F–15 would have the speed and maneuverability to survive.

Nevertheless, a much better case can be made for a sophisticated "stand-off" capability in the F–15 than could be made for the "fleet air defense" capability in the F–14. Inclusion of the improved "stand-off" weapons and avionics has not added excessively to the weight of the aircraft. No effort has been made to make it a multiple-mission plane.

We therefore recommend continued funding for R & D on the F–15 at requested levels. We recommend, also, however, simultaneous development of a light, lower-cost version of the F–15 or an entirely new light fighter of the FX–X type. Such an alternative fighter should be designed for maximum speed and maneuverability at a cost between that of the F–4 and the F–15. A light fighter would provide a needed option to the F–15 in the event future budgetary restraints restrict the number of F–15s we can afford to buy, or in the event the "stand-off" capability of the F–15 proves inadequate to counter enemy fighters and greater emphasis on speed and agility is required.

Mr. HARTKE. Since this examination of the F–14 by the MCPL, additional data has been brought to light, indicating that the criticisms of that study was, if anything, too mild.

Using the latest data available to us in May of this year, Representative BINGHAM and I set the per plane cost of the F–14 at at least $15 million. This estimate has already been outdated, however, by the findings of a GAO study commissioned by the distinguished Senator from Wisconsin (Mr. PROXMIRE) which put the per copy cost at $16.7 million. On September 5, 1969, I disclosed in a speech on the Senate floor that the then Office of Systems Analysis in the Pentagon had set the eventual production cost of the plane at $19 million. Office of System Analysis reached this conclusion in a letter to the Secretary of Defense. At that time I requested that this letter be released and made part of the public debate on this vital issue but to the best of my knowledge this was never done. At the same time I expressed my belief that the Senate should be given free access to a development concept paper, known as DCP–19, which spoke to the limitations of the F–14 as an air superiority fighter. This document, a study of the options for improving our air combat strength, apparently arrived at the candid conclusion that the F–14 would be generally inferior in air combat performance to the F–4 Phantom. The Pentagon has never honored my request for its release. Nor did the Pentagon honor yet another request made in September 1969, for access to a major programs memorandum, dated June 4, 1969, and sent to the Joint Chiefs of Staff, known as the MPM on tactical air, which suggested strict budget guidelines for program expenditures and specified the mission of tactical airpower in terms of the following important capabilities: air-to-air visual contact, and close air support, with emphasis on antiarmor ability.

Mr. President, it was my belief in 1969, that all the items I have mentioned were vital to the Senate's consideration of the Military Procurement Act of that year. Subsequent events have only served to reinforce my opinion that my prior opposition to this project was well founded, and the refusal of the Pentagon to share fully with the Senate its substantial doubts about the future of the F-14 inexcusable. I ask unanimous consent that a copy of the speech to which I have referred be placed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

DOUBTS ABOUT THE F-14 AT THE PENTAGON

Mr. President, more than two weeks ago, on August 13, I asked the Secretary of Defense to release a study which challenges some of the assumptions behind the Navy's request for a new fighter plane, the $25 billion F-14. That study, a cost-comparison between land and sea based airpower, has not yet been released; I have been advised only that the matter is "receiving attention".

The fact is, of course, that doubts and questions surrounding the F-14 have been receiving a considerable amount of attention lately, especially inside the Pentagon. Despite the efforts of top Navy officials to stifle dissent, objections to the F-14 continue to be heard from the Office of the Secretary of Defense and from inside the Navy itself. As the Senate prepares to pass judgment on a new authorization request for the F-14, we should not be misled by official statements which try to hide or obscure these internal objections. In keeping with my promise to continue discussion of the F-14 until all relevant information has been made available, I will list some of these internal objections, and renew my request that they be made a part of the public debate.

First, I believe that the Senate should be given free access to a Development Concept Paper, known as DCP 19, which clarifies the limitations of the F-14 as an air superiority fighter. This document, a study of the options for improving our air combat strength, apparently makes the candid judgment that the early models of the F-14 will be generally inferior in air combat performance to the F-4, a much older and much cheaper plane which the Navy is using today. Former Secretary of the Navy Paul Ignatius also used the word "comparable" in judging the fighter capabilities of these two aircraft, in his testimony before the Mahon Committee last year. Before we accept the claim that the F-14 will be a "superior fighter," I believe that this revealing Development Concept Paper should be made available to the Senate.

Second, I am requesting release of cost estimates on the F-14 which were recently made in the Office of Systems Analysis in the Department of Defense, and which were contained in a recent letter from that office to the Secretary of Defense. These estimates, as I understand, range high above official Navy estimates, and even exceed some of the highest unofficial estimates which we have seen. Steadily rising costs, of course, have characterized the F-14 program since its inception. When the F-111B was cancelled in favor of the F-14 in 1968, partly because of rising costs, Secretary of the Navy Ignatius said that the costs of the new plane "are expected to be essentially the same as those required to complete the F-111B program." Since that time the Navy has admitted to unit costs for the F-14 that range from four to six million dollars higher than those for the F-111B. More recently, two of my Senate colleagues, Senator Stennis and Senator Cannon, have judged that the unit cost of the F-14 will go as high as $15 million per copy. The Office of Systems Analysis letter to which I have referred puts the total cost per plane even higher—closer to the $19 million range. In light of the fact that the F-4 costs us only about $3 million per copy, I find it incredible that the Navy plans to replace the F-4 with a "comparable" fighter which will cost at least five times as much.

Third, I feel that the Senate should be told about a Major Programs Memorandum, dated June 4, 1969, to the Joint Chiefs of Staff, recently issued from the Office of the Secretary of Defense. This internal document, known as the MPM on Tactical Air, suggests strict budget guidelines for program expenditures and specifies the mission of tactical airpower in terms of these important capabilities: air to air visual combat, and close air support, with emphasis on antiarmor. Since the F-14 is designed for none of these purposes, but instead to counter a dubious Soviet bomber threat with radar missiles, it is not surprising that top Navy officials have objected to the MPM and have tried to exclude it from the public debate over the F-14. Since I believe that both economy and mission requirements are important aspects of our debate, I ask that the MPM on Tactical Air be made available to the members of the United States Senate.

Fourth, and along the same lines, I feel that the Senate should know more about another aircraft design which would be better suited to perform these important tactical air-power missions. Accordingly, I am asking that a study conducted in the Office of the Secretary of Defense, known as the FX-X study, be made available to the Senate. The title of this study, "Feasibility Study of Alternative High-Performance/Low Cost Fighter Designs—FX-X and VFX-X", tells us something about its content. It suggests building a genuine air superiority fighter—cheaper, faster, and better suited to the needs of the Navy than the high cost, low-performance, hybrid design F-14. The unit cost of the proposed FX-X, according to this study, would be a mere $3.2 million. Since this study presents important options and discusses serious alternatives to the F-14 program, and since those options and alternatives have not been adequately discussed in public until now, I ask that this feasibility study be released to the United States Senate.

Fifth, and again with reference to the need for alternative designs to the F-14, I believe that the Senate debate on tactical airpower should not ignore the expressed desires of the fighter pilots themselves, who are uniquely qualified to evaluate aircraft capabilities from a practical perspective. Accordingly, I am requesting that the proceedings of the Navy Fighter Pilot's Symposium, held for the last three summers in Coronado, California, be released to the Senate. At these meetings, dissatisfaction among Navy pilots with the F-14 became such an embarrassment to the top Navy brass that tight restrictions were placed on all public comment with regard to the substance of the discussions that took place. But such widespread dissatisfaction at the operational level cannot be completely suppressed, and strong evidence of internal dissent continues to be heard. An unsigned letter from a Navy combat pilot in a recent issue of Aviation Week magazine typifies this dissent. This concerned Navy pilot likens the F-14 to the disastrous F-111B, as "another obese aircraft with a multi-million dollar price tag, flapping wings, and a back seat driver." The same letter goes on to list all of the qualities of a superior fighter plane and finds them to be incompatible with those of a Fleet Air Defense interceptor, concluding that "the defensive role of the interceptor is almost completely disassociated from the offensive role of a tactical fighter."

Sixth, and last, I am asking that the Department of Defense make available an internal study of one compromise alternative to blanket approval of the F-14 program. Press reports indicate that the Office of Systems Analysis in the Office of the Secretary of Defense has recommended that the early "A" version of the F-14 be scrapped and that the remainder of the program be stretched out approximately 18 months. These recommendations apparently have the partial backing of the Deputy Secretary of Defense, Mr. David Packard. This alternative is of particular interest to the Senate because it represents a compromise position between scrapping the F-14 concept altogether and blank-check approval. In my remarks on August 13, I mentioned that such a restriction on the procurement of "A" model F-14's might be a balanced approach for the Senate to take, and these Office of Systems Analysis recommendations will be invaluable to our consideration of the matter. Accordingly, I request release of the terms of this compromise proposal to the members of the United States Senate.

Some of these documents which I have listed have been seen by members of the Senate. Indeed, most of them are familiar to the small community of Senators who have taken an interest in the problems surrounding the F-14. But I feel that the Senate at large deserves free access to all of this information, as a supplement to the incomplete and somewhat misleading testimony which we have heard so far. For this reason, I have written a letter to the Secretary of Defense, Melvin Laird, requesting that all of this material be made available, upon request, to members of the Senate.

My own doubts about the F-14 have only been intensified by the heavy secrecy which surrounds most of these internal documents. What is the Navy trying to hide? Perhaps the Pentagon will be more forthcoming if it can be persuaded that my purpose is not hostile to Naval airpower as such. I fully recognize the Navy's need for a new fighter plane; the F-4 is now fifteen years old. In addition, I fully recognize the disadvantages of commonality; the special requirements of Naval airpower cannot be met through simple modifications of Air Force designs. Furthermore, I recognize the significance of large numbers of aircraft—the combat situation affords the opportunity to overwhelm as well as to out-design the enemy. But I feel that none of these requirements are adequately met by the proposed F-14, or at least not by the heavy-engine "A" model of the F-14. The Navy needs a new fighter—not another cumbersome platform for an ill-conceived missile system. The F-14 was designed primarily to carry six 1000-pound PHOENIX missiles—and the resulting size, weight, and configuration of the aircraft have clearly compromised its capabilities as a fighter plane. The problem of numbers, of course, is related to size and cost. If the Navy wants to build and fly a large number of carrier-based fighters, it should be thinking more seriously about similar planes with lower unit costs. At $15 million a plane, the cost of simply replacing all of our Navy and Marine F-4's with F-14's will be about $12 billion, and if the cost of weapons, maintenance, and operations are added in, the program will go well over the $25 billion mark in the next ten years. The Soviets have been able to produce large numbers of fighters because they have managed to keep unit costs down—it has been estimated that the MIG-23, the new hot Soviet fighter, will cost little more than $3 million a copy. The MIRAGE III, the French fighter which performed so well in the Six-Day War, costs only about $2 million. Only because we insist upon loading expensive missile and avionics systems onto our planes—"goldplating" them, as it is called—do we find it hard to afford a superior tactical air capability.

Goldplating is hard on performance as well as on budgets. A secret Pentagon study—one which I did not list above because it has already been well publicized—has indicated that our country has wasted billions of dollars on complicated electronic gadgets which actually impair the combat effectiveness of our aircraft. The original cost of these gadgets is exorbitant—and operating costs can run more than 12 times as high as procurement costs over a ten year period. Overall, the costs for modern fighter avionics can generally be estimated at an incredible $7,600 per pound.

Actual performance, as well as economy, is sacrificed on this altar of technological sophistication. The Pentagon report to which I refer indicates that air to air missiles costing as much as $50,000 apiece are actually less effective than 100 rounds of ammunition, costing a mere $56, fired from the fixed-sight guns of an old Korean-War vintage F–86. Airborne radar systems have been notoriously overrated, as well as overpriced. Experience in Vietnam has confirmed the limited value of radar detection—there has not been, to date, a single non-visual kill in all the years of air to air combat over Vietnam. And ironically, these radar detection systems which have trouble locating enemy planes send out powerful signals which often give away the location of the plane using the radar.

The Phoenix, a radar missile originally developed to counter a non-visual bomber threat, suffers from all of these ills and more—it is five times as complicated as any radar missile in operation today, much heavier, far more difficult to accommodate on a high performance aircraft, and preposterously expensive—$400,000 per missile. The Navy tells us that these missiles can easily be "jettisoned" from an F–14 in flight if high combat performance is desired in an emergency; but the thought of casually dropping six $400,000 missiles into the sea offers me little comfort.

In fact, most of the shortcomings of the F–14 can be traced to its primary armament—the Phoenix missile. Carrying these heavy missiles, the F–14 is an ugly hybrid weapon—the speckled progeny of a marriage between two incompatible ideas. As a multi-mission aircraft, the F–14 will be capable of doing many things, but none of them very well.

The seeds of this mismatch between fighter and missile were sown in the mid 1950's, when our Defense Department sought to develop aircraft capable of intercepting enemy nuclear bombers intent upon the destruction of our continental bases and our carrier task forces at sea. To meet this projected Soviet bomber threat we designed a very large, radar-equipped, missile-armed airplane. This plane was designed to hover above the ocean and protect the fleet by sending long range missiles over the horizon to kill the intruders before visual contact had been made. This system was named the Eagle-Missileer.

A fresh look at the problem by a new administration in 1960 brought a reorientation of our strategic thinking, and a change in the primary mission of Naval airpower. The vulnerability of the carrier task force to the submarine threat, and a new emphasis on non-nuclear warfare capabilities led to abandonment of the premise that the carrier task force would be effective against the mainland of Europe in a nuclear war. These changing circumstances, plus a cost-effectiveness examination, were more than enough to kill the Eagle-Missileer program in 1960.

But advocates of this missile system inside the Navy waited in the wings for an opportunity to hang a modification of the Eagle Missile on another airplane, and their opportunity came with the TFX. A fleet air defense missile system was quickly built onto the Navy version of the TFX, the F–111B. When this new weapon system arose from the ashes of the Eagle-Missileer, it was only appropriate that it should be named Phoenix.

With the demise of the F–111B, the already outdated advocates of nuclear war fleet air defense again needed a new plane on which to hang their Phoenix missile. By overdrawing the Soviet bomber threat that has never really materialized, these people were able to launch their new missile platform in the guise of the F–14.

The primary role of tactical airpower in the 1960's and the 1970's bears little relation to the vision of nuclear bomber war which grew out of the 1950's. Vietnam and the new realities of the balance of terror have combined to demonstrate the importance of conventional close-combat fighter capabilities, and such capabilities are compromised when an airplane is forced to carry heavy radar missiles such as Phoenix. To the degree that the F–14 can perform both the fighter and the missileer role, it will experience all of the difficulties and the confusions which plagued the multi-purpose F–111B.

Perhaps the most eloquent critique of this confused F–14 concept comes from a Navy man who spoke his mind before the plane became a sensitive political issue. Writing in the Naval Review, Captain C. O. Holmquist of Naval Air Systems Command, addressed himself to the problem of building a multipurpose aircraft:

"Modern technology and the wonders of avionics will certainly allow us to combine all of the functions and weapons of an all-weather attack aircraft, a fighter, and an interceptor into one aircraft. However, such an airplane would be expensive, complicated, difficult to maintain, and training pilot and crew would present formidable problems. More important, if we allow the enemy the same technology, he can build single-purpose aircraft which would be superior to our multi-purpose aircraft in each of the missions it performs."

Captain Holmquist concludes his article by listing some of the things he would like to see in the Navy's next fighter plane; and he hints at the reason why we might not get them:

"Our experience tells us that simplicity, reliability, maintainability, light weight, small size, and low cost are the guidelines we should follow in the future. Our expanding technology is a strong force to drive us away from most of these objectives."

In conclusion, the F–14 may deserve our consideration as a flying laboratory, a $15 million plaything for the R & D men in the Pentagon and the technical dilettantes in private industry. But as a weapon, it deserves more critical review.

Our critical review of the F–14 will be aided by release of the half-dozen documents which I have listed above. I am glad that responsible officials and officers inside the Pentagon are objecting to the folly of the F–14, and I hope that their objections will be heard and heeded by the U.S. Senate.

Mr. HARTKE. We fully recognize the need for modification and improvement of our tactical air force to meet the expanded capabilities of potential adversaries. However, we do not believe that the F–14 can adequately perform the role the Navy has mapped for it. As an alternative, we have proposed the initiation of a light fighter prototype program similar to that to be undertaken by the Air Force. During the floor debate on the F–14 2 years ago, I spoke to this issue and said:

> If the Soviets follow their traditional policy of developing small, simple, maneuverable fighters, they can produce an aircraft in the mid-1970's that will be significantly better than our F–14's. Although we have not yet seen a Soviet fighter that is a better dogfighter than the MIG 21, we need to prepare against such a threat since the leadtime to develop a new fighter is much longer than the intelligence leadtime we will get when the Soviets produce theirs.
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> The Navy has, in effect, argued that the day of the dogfight is over; that in the future we can count on missiles to shoot down enemy fighters at long range. The fighter pilots have been hearing this story for a long time. They simply do not believe it. The R. & D. community has been promising better missiles for 20 years. Yet, the fact remains that fighter-to-fighter engagements have changed little since World War II. Despite very optimistic estimates and cost modifications before the Vietnam war, virtually all fighter pilots feel strongly that fighters must have guns and that the guns will be used for the majority of kills.

Mr. HARTKE. It is clear that a light-prototype fighter, if produced in quantity, could be turned out for as little as $2.5 to $3 million per copy, as opposed to the $16.7 million figure of the F–14. The result of this savings is that the Navy would be able to replace the 1,000 current generation fighters now in service, with the new light fighter on close to a 1-to-1 basis. The alternative is to buy only the 301 F–14's now requested by the Navy and thereby reduce the size of the Navy's air fleet by more than 700 planes.

Mr. President, I ask unanimous consent that the speech with which I opened the floor debate on the question of the F–14 in 1969, and from which I just quoted, be inserted in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Mr. Hartke. Mr. President, those of us who have offered amendments to the pending military procurement authorization bill share with every other Member of this body a determination to keep America's defenses overwhelmingly powerful. Every one of us recognizes how vital it is, not only to the United States but to all the people of the non-Communist world, that our military power remain sufficiently great to deter potential aggressors. There is not a Member of the Senate who does not understand the bitter principle of 20th century international politics—that weakness does not prevent war, it invites it.

Our efforts during these long weeks of debate have in every case been directed toward the elimination of what we believe to be waste and inefficiency. We have proceeded on the assumption that 5, 10, 20 billions of dollars expended on unnecessary or gravely questionable weapons systems is that much money wasted—and America weakened by precisely that amount. In short, Mr. President, the issue has never been between those who favor a strong America and those who favor a soft, flabby debilitated America. The issue has always been one of differences of judgment among the 100 U.S. Senators every one of whom is passionately dedicated to keeping America powerful, proud, and free.

It is in that spirit that the distinguished senior Senator from Oregon and I offer our amendment to the pending bill.

Mr. President, the military authorization bill before us contains $450 million for the Navy F–14 fighter. This is only the first installment on an enormous program. The 10-year cost to buy and operate F–14's for the Navy and Marine Corps has been estimated at $25 billion—over three times as much as the administration estimated for the ABM program. The F–14 program has been the center of controversy within the Department of Defense for the past 2 years. The issue is not whether the Navy should develop a new fighter to replace the F–111 and F–4; there is widespread agreement that they should. Rather the controversy revolves around the type of fighter that should be developed.

It would hardly seem that the floor of the Senate is the appropriate place to discuss the design of a new Navy fighter. However, there is much more involved in this debate than the shape of the wing and the size of the engine. The issues involved in the F–14 decision range from broad national policy regarding the type of wars we want to prepare to fight, to crucial assessments of the nature of air warfare in the future. The decision that is made will have profound effects on both the capability and cost of our tactical air forces in the 1970's.

In just a moment, I will discuss these issues in more detail. For the present, I can illustrate the magnitude of the decision by pointing out that critics of the F–14 program claim that the Navy can develop a much better air-to-air fighter and at the same time reduce the 10-year costs by as much as $15 billion.

Just who are these critics? First, and most important, there is a host of critics among the Navy fighter pilots who will have to fly the new aircraft. The question of the fighter design has been the subject of heated debate within the Navy for several years. It is an open secret that the Navy pilots did not like the F–111B. When the F–111B was canceled, many of the fighter pilots tried to get the admirals to develop the small, simple, and very maneuverable fighter that they believed would be essential to meet the type of fighter the Soviets can develop in the mid 1970's. The pilots were overruled, however, by Navy management. Instead of a single-place, 30,000-pound maneuverable fighter, they got a two-place, 55,000-pound missile launching platform. Pilots operating fighter squadrons are disappointed by this decision.

When the pilots were stifled within the Navy, their cause was taken up by a group of civilians in the Department of Defense. However, these civilians have been no more successful at convincing the top level of DOD management than the pilots were at convincing the admirals.

In view of the magnitude of the issues involved in this dispute, both in terms of our capability to fight successfully in future wars and in terms of cost, it would seem that the issues should be subjected to widespread public debate. Yet, while the amount of money involved is almost twice as much as that associated with the ABM program, there has been no public debate. The primary reasons for this are the lack of knowledgeable individuals outside of the Defense Department who are free to speak up and express the alternatives and the cloak of secrecy placed around military programs. It is in the national interest that both of these constraints be removed in the future. The first can be removed by fostering the establishment of competent research groups which do not depend on the Department of Defense or the aerospace industry for financial support. The second can be removed by insisting that only essential information be withheld from the public on the basis of security classification. The recent ABM debate indicated how far it is possible to go in declassifying essential information without endangering national security.

We should insist on similar openness in other areas as well. If there has been no public debate of these issues, at least we could hope that the Armed Services Committee would carefully scrutinize the issues before reporting out the authorization bill. I am sorry to say that despite the fact that our colleagues must have been aware of the controversy over the F–14, the Armed Services Committee did not call one single witness to present the arguments against the F–14. In the absence of critical review in either the public press or in the Senate committees, I have asked the Secretary of Defense to release seven specific documents which present the other side of the story. I have yet to receive the requested material.

Mr. President, it is unwise for Members of this body to vote authorization for such a huge sum of money without thoroughly exploring the alternatives available. Some may argue that the issues are too complex to be understood by the lay person. The issues in this case, however, are considerably less complex than those in the ABM dispute; and the costs and impact to our national security are just as large. Even if the administration refuses to cooperate—indeed especially since the administration refuses to cooperate—we should thoroughly air the pros and cons of the F–14 program. While I would have liked to have more evidence, I will try to outline the case for an alternative to the F–14 program.

There are two basic issues that must be addressed in deciding on the type of fighter the Navy should develop to replace the F–14. These are the types of wars we wish to be prepared for and the nature of air warfare in the future.

The F–14/Phoenix concept has evolved from longstanding Navy interest in protecting the carriers in a nuclear war. The concept originated in the 1950's when we were planning our forces primarily for a nuclear war with the Soviet Union. At that time it was quite clear that a single nuclear weapon delivered anywhere in the vicinity of a carrier would wipe out an entire task force. Thus, to protect their nuclear attack mission, the Navy desperately needed a weapon that would destroy 100 percent of the Soviet missile-launching bombers in a massed attack against the task force. The original proposal was called Eagle/Airee or Missileer—it consisted of a low performance, long loiter, missile platform and an air-to-air missile of unprecedented size and complexity.

The Eagle missile program was canceled in the early 1960's due to technical infeasibility. However, the Navy never gave up on the missile. It resubmitted the idea, renamed the missile—appropriately enough, "the Phoenix"—and tied it to the ill-fated F–111B airplane—again with the idea of providing a platform of launching long-range multishot missiles at formations of enemy bombers.

The Navy realized that the F–111B, overburdened with the complex electronic systems needed to launch and control the Phoenix, would not meet its needs for an air-to-air fighter in the 1970's. Even in the early 1960's it had proposed another, smaller fighter to perform the essential air combat or dogfight job.

In 1968 the Navy finally divested itself of the F–111B. The reason it offered was that the F–111B, while adequate for fleet defense, could not perform the air-to-air combat task adequately. It could not dogfight on even terms with a Mig 21, let alone the more advanced Soviet fighters of the late 1970's.

After offering this rationale for canceling the F–111B, the Navy again tied the Phoenix missile to its so-called new "Fighter"—the F–14. The Phoenix missile, with its associated two or three tons of supporting equipment, is the primary reason why the F–14 is as large, heavy, unmaneuverable and expensive as it is. Once again the Navy has designed a low-performance, long-loiter time, missile-launching platform instead of a fighter. The ex-Secretary of the Navy, Mr. Ignatius, indicated that the F–14A would only be "comparable" to the current Mig 21 in a dogfight. My information indicates this is a decidedly optimistic assessment. Obviously, the F–14A will be much worse than the Soviet aircraft we can expect to face in the mid and late 1970's. Nevertheless, the Navy is planning to buy 67 of these inferior F–14A's at a total cost which would be as high as $1.4 billion.

The Navy argues that the F–14B, which will have an advanced engine with more thrust, will be a better dogfighter than the F–14A. The 14–B, however, will be just as heavy and have the same undersized wing as the F–14A. Thus, it will be considerably less maneuverable than it could be without the Phoenix and all the associated fleet air defense compromises. We know it will not be as good a dogfighter as the Air Force F–15. Nor can it match the even better performance that the Soviets can build into their next fighter generation.

Quoting Navy Captain Holmquist:

"Modern technology and the wonders of Avionics will certainly allow us to combine all of the functions and weapons of an all-weather attack aircraft, a fighter, and an intercepter into one aircraft. However, such an airplane would be expensive, complicated, difficult to maintain, and training a pilot and crew would present formidable problems. More important, if we allow the enemy the same technology, he can build single-purpose aircraft which would be superior to our multi-purpose aircraft in each of the missions it performs."

In view of this history it is important to examine the justification for the Phoenix in some detail.

Since the nuclear attack mission of the carrier has lost its credibility, the primary justification for the Phoenix is now defense against the same massed raids of Soviet naval bombers launching the same missiles, but armed with conventional rather than nuclear warheads. It is essential to realize that no Communist nation in the world beside the U.S.S.R. has even the beginnings of a naval bomber fleet. The Soviet naval bomber fleet itself, as Representative Mahon has pointed out, never materialized into the massive forces the Navy has been predicting for years. Thus, the Phoenix must be justified for defending the carrier in waters adjacent to the Soviet Union in a massive conventional war, with U.S.S.R. forces fully involved. Yet, under these improbable circumstances, the Soviet bombers are by no means the worst threat.

The irony of the situation is that large Soviet submarines forces make it impossible for our carriers to operate in either the North Sea or the Mediterranean, with or without Phoenix. Some here will remember that it was impossible in World War II for either British or American carriers to launch strikes from the North Sea against Germany. The situation for the carrier today is much worse; its speed has barely increased while the submarine's speed has increased by a factor of five with commensurate reductions in noise and detectability. Not only is the carrier far more vulnerable, it is also not needed since there are over 100 airfields of 8,000 feet or longer in Central Europe. The Air Force has indicated that this is more than enough to handle all the tactical air needed in Europe. Since the F–4s are more than adequate against the few non-missile-launching bombers available to the less-developed Chinese or the East Europeans, we find ourselves in the paradoxical position of incurring the enormous cost and the fighter deficiencies of the F–14/Phoenix combination in order to defend the fleet in a theater of war where it cannot and need not be used.

The overemphasis on fleet defense that has led to the F–14/Phoenix has taken our attention away from a much greater need to develop a truly superior air-to-air fighter. If the Soviets follow their traditional policy of developing small, simple, maneuverable fighters, they can produce an aircraft in the mid 1970s that will be significantly better than our F–4's. Although we have not yet seen a Soviet fighter that is a better dogfighter than the Mig 21, we need to prepare against such a threat since the leadtime to develop a new U.S. fighter is much longer than the intelligence leadtime we will get when the Soviets produce theirs.

The Navy has, in effect, argued that the day of the dogfight is over; that in the future we can count on missiles to shoot down enemy fighters at long range. The fighter pilots have been hearing this story for a long time. They simply do not believe it. The R. & D. community has been promising better missiles for 20 years. Yet, the fact remains that fighter-to-fighter engagements have changed little since World War II. Despite very optimistic estimates and costly modifications before the Vietnam war, virtually all fighter pilots feel strongly that fighters must have guns and that the guns will be used for the majority of kills. They believe that missiles, particularly complex ones, will be unreliable, easy to outmaneuver and easy to countermeasure. We have not shot down any aircraft in air-to-air combat with missiles used outside of visual range. The position of the fighter pilots is summed-up in the following quote, again from Capt. Holmquist:

"For the fighter role, speed, excess thrust, buffet boundary, roll rate, maneuverability, and altitude must be maximized, since the style of fighter-to-fighter engagements has changed little since the days of World War II and Korea."

The Navy claims that the F–14 is also optimized for air-to-air combat role as well as for fleet defense. This assertion is absurd on the face of it. First, the Air Force F–15, which will have to face the same enemy aircraft, weighs much less than the F–14 and is much more maneuverable. Clearly, the F–15 will be a better aircraft for air-to-air combat.

More important, however, there have been a series of reports in the trade journals about an alternative fighter that could be developed which would be much better, as well as much cheaper, than even the F–15. This aircraft, which has been called the F–XX the VF–XX in the Navy version, has been described as a simple, uncompromised, single seat, single engine, under 30,000-pound fighter which derives maximum benefit from the advances which have been made in aerodynamics and engine technology to achieve an unprecedented level of agility. In addition to a gun, the aircraft would be armed with simple heat-seeking missiles, which have been by far the most effective missiles we have used in Vietnam.

There is no doubt that an aircraft of this type would completely dominate the F–14B in air-to-air combat. If we could build it, we certainly must be concerned that the Soviets might, since it is quite similar in concept to their traditional approach. Given the past performance of the missile developers, fighter pilots are simply not willing again to put their hopes and their lives on aircraft of inferior performance which rely on untested "paper" weapons for survival and victory. They want a fighter, not a missile-launching platform.

So far, I have only spoken about performance. However, not only would a simple fighter like the F–XX outperform the F–14, it would also be very much cheaper. Rough estimates indicate that the 10-year cost for this type of aircraft would be less than $10 billion as opposed to $25 billion for the F–14. The difference in cost between the two programs is twice as much as the total cost estimated by the administration for the ABM program.

The questions I have raised merit further study. Accordingly, the amendment we have proposed to the authorization bill would require that Congress undertake a study prior to April 30, 1970. This study would be an investigation of the requirements to be fulfilled by future carrier-borne aircraft and the projected capability of the F–14 to fulfill these requirements in the most effective and efficient manner.

This study will not delay in the slightest way the introduction of a new fighter into the Navy.

There is one final issue that concerns me about this program, Mr. President. The administration is proposing to use the total package procurement—TPP—concept with token modifications for procuring the F–14. Once again, we are undertaking a very complex technical development program based on "paper" estimates made by the contractor for the performance, risks, and costs for a new airframe, new fire control, and new missile. The DOD has arranged development and procurement so highly concurrent, that we will have to appropriate as much as $3 billion before we find out whether the F–14 even comes close to meeting specifications, much less whether it has any usefulness as a fighter.

It seems hardly necessary to stress the obvious problems with this approach to aircraft development. TPP has led to the extreme cost overruns in the C–5A program. Already, independent cost estimates have been made which predict as much as 50-percent overruns, for F–14.

TPP has also led to the technical disaster with the Cheyenne helicopter. The same people in the Pentagon who are telling us that there is little risk in the F–14 program, told us the same thing about the Cheyenne based on the same type of "paper" studies by the contractor.

Despite promises to reform the procurement procedures and to insist on testing prior to production commitment, the very first major aircraft program proposed by the new administration fails to meet these promises.

I completely concur with the very sensible recent study prepared by GAO for Senator Hart on parallel undocumented development. Given the technical risks associated with a complex fighter development, it would seem reasonable to insist on competitive fly-off of prototype aircraft prior to a selection of aircraft for production. While this approach may seem more costly and time-consuming at first, it will assuredly lead to a better end product, and, in the long run, is likely to produce a usable fighter at less total cost and in a shorter period of time. When faced with a competitive fly-off, the contractors have the incentive to get every ounce of performance possible out of their designs. They do this by keeping their best people on the job throughout—as opposed to the usual practice of assigning the good people to the program only until the contract is awarded and then taking them off to bid on the next one.

The competitive prototype approach permits meaningful cost estimates for the production aircraft since the contractor's bids are based on hardware rather than paper. Since the R. & D. costs are only about 4 percent of the 10-year cost, even small savings in production and operating costs can far outweigh any extra R. & D. costs that might be incurred.

In addition, the aircraft might even be available sooner since the competitive prototype approach would reduce the probability of needing extensive changes to meet performance goals—as on the F–111B and Cheyenne helicopter programs.

Finally, Mr. President, I again find it ironic that the services have complained bitterly about the lack of aircraft development programs in this country. We are told that we have not built a new fighter since the F–4 was flown in the 1950's. They stress the fact that the Soviets have flown about one new prototype each year and that this approach gives them a wide range of alternatives from which to choose a production aircraft. Yet, despite these claims, neither the Navy nor the Air Force has proposed the competitive prototype development approach for their new fighters.

These are questions and concerns that merit the special and specific attention of Congress. To gain that attention is the purpose of the amendment which Senator Hatfield and I offer today.

Mr. HARTKE. I am not unaware of the substantial economic impact cancellation of this project would have. The Bendix Corp., located in South Bend, Ind., has the contract for production of the landing gear and fuel control systems of the F–14. I am told by officials at Bendix, the representatives of the union there, and by officials of the chamber of commerce, that cancellation would mean the loss of 1,000 jobs. All this would come at a time when South Bend is already experiencing severe unemployment.

I recite this interest of many of my constituents as proof that I do not take this action lightly. My concern, however, is that the Navy develop the best fighter possible. If a light fighter prototype program is initiated it is my hope that work on its fuel control and landing gear system would be done in South Bend. I am confident that in the long run a subcontract of this nature would be far better for all concerned. The Navy now plans to buy only 301 production planes, rather than the 710 planned for earlier, with the result that the life of the contract has been substantially reduced. Production on a lighter fighter, however, in view of its relatively small cost, could easily exceed 1,000 planes.

As the distinguished Senator from Wisconsin (Mr. Proxmire) has said:

> The F–14 is in many respects a microcosm of many of the problems which plague our defense industry.

I agree and trust that the debate this afternoon will prove the wisdom of deleting all funds for the continuation of the F–14 program.

Mr. President, the Federation of American Scientists is a distinguished group of men. Under date of September 23, 1971, they made a statement on the F–14, which neatly ties together the arguments against this plane and reads in part as follows:

> As a textbook example of Defense Department excesses, the F–14 has everything. F–14 is a hopeless and unnecessary effort to keep our aircraft carriers usable in U.S.-Soviet wars. Its total cost may exceed $6 billion for 300 planes to serve on the carriers in "high threat" areas. Its unit costs will be four or five times higher than the F–4 aircraft it replaces. Its effectiveness depends on the workability of its unproven Phoenix missile. And the future will shortly see Grumman begging price increases from the Defense Department only two years after Grumman's last minute, half-billion bid reduction secured the contract. It is no accident that supporters of the F–14 are already emphasizing sunk costs, and employment opportunities, in order to secure approval of a batch of 48 planes. *In sum, F–14 is a purposeless, enormously expensive, gold-plated procurement scandal dependent on a missile that may not work; its only hope is to become a fait accompli.*

Mr. President, I ask unanimous consent to have the entire text of their statement printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

FAS Statement on F–14

As a textbook example of Defense Department excesses, the F–14 has everything. F–14 is a hopeless and unnecessary effort to keep our aircraft carriers usable in U.S.-Soviet wars. Its total cost may exceed $6 billion for 300 planes to serve on the carriers in "high threat" areas. Its unit costs will be four or five times higher than the F–4 aircraft it replaces. Its effectiveness depends on the workability of its unproven Phoenix missile. And the future will shortly see Grumman begging price increases from the Defense Department only two years after Grumman's last minute, half-billion bid reduction secured the contract. It is no accident that supporters of the F–14 are already emphasizing sunk costs, and employment opportunities, in order to secure approval of a batch of 48 planes. *In sum, F–14 is a purposeless, enormously expensive, gold-plated procurement scandal dependent on a missile that may not work; its only hope is to become a fait accompli.*

The F–14 is a hopeless effort to keep aircraft carriers usable in U.S.-Soviet wars because carriers can so easily be put out of action. Attacks on carriers can be launched from Soviet bombers, surface ships or submarines, all of which can launch cruise missiles. Even with conventional weapons alone, Soviet attacks could seek to destroy the ability of the carrier to function by destroying its screws, or by attacking the aircraft on its deck. Few penetrations of the carrier defenses are necessary to force it to return to base. Since the United States would have only a handful of carriers on station; since these expensive weapons would be a magnet for attack; and since the Soviets have large numbers of submarines and medium-range bombers; the continued functioning of U.S. carriers in such wars is highly unlikely.

F–14 is not only a largely hopeless, but an unnecessary effort to protect attack carriers because carrier-based sorties are most unlikely to be critical in U.S.-Soviet wars. Except in unusual circumstances, land-based aircraft have cost and locational advantages over carrier-based forces. One or two extra (floating) bases can hardly make such difference in a large-scale U.S.-Soviet war. And a war in which we are willing to risk carriers against the Soviets is large-scale.

F–14 is gold-plated. The Fiscal 1972 request is for $1.034 billion for 48 planes, of which $228 million is for R&D. At this rate, the cost for the 300 planes desired will be $6 (six) billion! Unit costs are $16 million each and rising. The cost of the F–4 to be replaced was $4 million and this plane might well be modified to be a substitute. The effectiveness of the F–14 depends upon the Phoenix air-to-air missile without which it is clearly not sufficiently better than the F–4 to be worth four or five times the cost. The Phoenix is not yet sufficiently tested to ensure its workability. Nevertheless, the F–14 design is fully committed to, and compromised by, the necessity to carry this expensive ($400,000 a shot) and heavy missile.

F–14 is a procurement scandal. Grumman Aerospace Corporation signed the contract in February 1969. Two years later, in early 1971, it notified the Navy that it would take significant financial losses in future—but that it would deliver the first 38 planes on order. Grumman complained of: higher rates of inflation than expected; lower rates of other business than expected; and more difficulty in meeting the agreed Navy requirements than expected!

The F–14 is seeking to establish the status of a fait accompli. The Defense Department had the option this year of buying between 48 and 144 planes. Since Grumman is threatening to insist on contract renegotiation, one would have expected DOD to order the most it could get while the price is "low." Instead, it is ordering the *minimum* permitted by the contract (48). As a result, the Congress is offered the lowest possible down-payment ($1 billion) consistent with no immediate contract scandal. This helps, obviously, in getting the program approved. But once the down-payment is made, Grumman will insist on renegotiating the price for the remaining more than 200 planes.

F–14 was not debated by the House of Representatives because Chairman of the Armed Services Committee Hébert held back the request pending a special review of Secretary Packard on the number of planes to be bought. Thus, the House of Representatives is being denied an opportunity to debate the F–14 except on the Conference Committee report. But long before the Conference Committee report is approved—on October 1—the Administration will sign a contract with Grumman for the 48 planes. The termination costs of this commitment will deter Congressional disapproval of the program in the debate on the Conference Committee report. And by next year, there will be $1 billion more sunk costs to deter termination.

It is a self-evident distortion of priorities to spend six billion to give carriers marginally improved abilities to do a largely unnecessary and hopeless job. The enormous cost of defense of carriers from enemy attack is already so distorting Naval expenditures that they may become total liabilities. If further funds are to be spent in improving the survivability of carriers by means of improved aircraft, those funds should be of much smaller magnitude. Such possibilities do exist involving modifications of the F–4 to be replaced, or use of the Air Force's F–15. But obviously the Navy will not seriously consider alternatives to an on-going program until the program is stopped. This is law of Defense Department bureaucratic life.

The Senate Armed Services Committee has recently complained that it is often offered no option but to buy:

"At the present time Department of Defense Development procedures are so structured that in each area there is only a single weapon system available to modernize the forces—and this system is often a very costly one. This means that Congress is faced with the decision of approving the procurement of that system or denying modern weapons to our armed forces."

In answer to this, the Defense Department has announced its intention to emphasize prototyping. If the F-14 program is stopped, we have no doubt that a variety of alternatives will quickly emerge from the Navy. Hopefully, the Defense Department will then apply its new procedures to determining the best alternative before contracts are let. All of this will produce a further delay. But it is evident from the foregoing that there is no great urgency—if even there is important utility—to these improvements.

This year, the Senate Armed Services Committee report was eloquent in describing the cost squeeze in which the Defense Department finds itself. Considering all of the felt needs of the Department, we find it hard to believe that the Defense Department itself considers the F–14 a sensible allocation of its resources and priorities. And in light of needs outside the Defense Department, there is no doubt whatsoever in our minds that the F–14 cannot be justified. *Besides the ABM, no DOD program more richly deserves cancellation than the F–14.*

Mr. HARTKE. Mr. President, I think it is remarkable and most unusual, at this late date, that we should hear that argument being used on the floor of the Senate, with no evidence at all, other than the self-serving statements of the Department of Defense and the Secretary of the Navy.

Mr. GOLDWATER. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER (Mr. Brock). The Senator from Arizona is recognized for 4 minutes.

Mr. GOLDWATER. Mr. President, I should like to reply to the statement made by the distinguished Senator from Indiana (Mr. Hartke), that the airplane depends on the Phoenix missile. I am going to assume that we never build the Phoenix missile so that what we would have, then, would be an airplane with either a 20-millimeter cannon or a 30-millimeter cannon which could provide fleet protection.

I am as skeptical as is the Senator about the ultimate value of missiles. I think that cannon would be much better. The fighter pilots agree. There is no argument there. But the Senator is basing all his arguments on the idea that the weapons system will not work, that it will be valueless, if we do not have the Phoenix missile.

I point out that the sole purpose of an air superiority fighter in the Navy is to provide air superiority for the Navy to operate under. It does not do any good just to have light aircraft or heavy aircraft, if the enemy gains air superiority with fighters or bombers which can attack the fleet regardless of whether the missiles work or do not.

I hope that the missile does work, because it will give us two capabilities; one, to pick up the enemy and shoot him down without having to engage in a dogfight, because if our pilots have to engage in a dogfight, they have to trace down the airplane.

Fighter pilots have long argued that no fighter worth its name has ever depended on missiles alone. But, I do not believe that any pilot would want to go up to engage the enemy without having both weapons systems onboard.

On the fact sheet put out by my good friend from Wisconsin, I answered some of the statements the other day. I had hoped we had shot them down. Under his heading "Capabilities," it states in part:

> The F–14's primary mission is to be a new air superiority fighter. Yet recent Pentagon and contractor studies show that it is no better than the Navy's F–4 fighter which it is intended to replace.

Well, Mr. President, I have searched high and low, and so has the Pentagon, and the only statement we can come up with is a combined Navy-Air Force study in 1969 where they studied the possibility of putting wing slots on the F–4 to increase the rate of turn and to accomplish some other things that were desirable. So that they did not want this even though the study showed some improvement. None of the tests were carried out on water. They were carried out on land. The fact that it added 1,000 pounds to the airplane, which added about 5 miles an hour on the approach speed, made the Navy decide not to use it because they said that to increase the approach speed to a carrier would make it extremely dangerous so they did not want it.

So the statement that the F–4 is as good an airplane as the F–14, just will not hold water.

The chairman of the committee has read the statistics which I placed in the Record the other day. These statistics have to be reached by a computer because we have no way of comparing the F–4 with the F–14 in actual flight. We have only one actually being tested.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Arizona.

Mr. GOLDWATER. The Senator from Wisconsin gets into the argument on the lightweight fighter. These planes are being developed as prototypes not for the Air Force or the Navy, although they may wind up buying them. They are being developed for other countries which need this particular type fighter at the present moment.

I know of one plane being developed which depends on 16,000 feet of climb. This plane will only be able to stay up for 45 minutes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Indiana.

Mr. HARTKE. Mr. President, did I understand the Senator to say that the Phoenix at this time is not an approved missile system?

Mr. GOLDWATER. No, I do not agree with that. I agree that a missile system alone is not enough of a weapon for a fighter plane. Fighter pilots would much rather have firepower, although they agree that being able to shoot an enemy down at a distance is much preferable.

Mr. HARTKE. Mr. President, what is the weight of the F-14 and the F-15?

Mr. GOLDWATER. With the Phoenix, about 58,000 pounds.

Mr. HARTKE. What about the F-14?

Mr. GOLDWATER. About 50,000 pounds.

Mr. HARTKE. Does not the Senator agree that the F-14 would be much more preferable as a fighter plane?

Mr. GOLDWATER. I think we are engaged in a useless colloquy here. The F-14 does not have to fly with a Phoenix missile. That is what I am trying to bring out. Whether it will outfight the F-15, I cannot say. I have not seen it fly.

Mr. HARTKE. The Senator's argument is that he does not want the Phoenix system on the F-14, which would make it cost at least $15 or $16 million. If they are not going to use it, why build the plane?

Mr. GOLDWATER. Mr. President, we went through the same argument on the F-111's and the F-111B's. The ridiculousness of Mr. McNamara's position on using the planes for both land and sea has been amply demonstrated.

Mr. DOMINICK. Mr. President, yesterday I received a joint letter from the three cosponsors of the pending amendment to terminate the F-14 program. I assume that each of my colleagues also received the same letter.

Attached was a paper purporting to give the facts on the F-14 but there are a couple of statements I believe to be far from factual. For example, the F-14 fact sheet states the F-14 will cost up to $16 million each, compared to the present F-4 costing $3 to $4 million each.

It is then stated the F-14 is four to five times more expensive than the F-4. On the surface this would appear to be the case, but it is not a valid comparison.

The price of the F-4 is based on a total buy that is now approaching 4,000 aircraft. Four thousand aircraft, Mr. President, in order to come up with an average price of $3 to $4 million each.

So the author of that fact sheet is comparing apples and oranges.

If a true comparison is desired it would be proper to ask what it would cost per aircraft to start today and build 300 F-4's, compared to 300 F-14's.

Mr. President, I do not deny the F-14 is expensive but I urge my colleagues to be cautious in accepting unit cost comparisons when the total parameter of the estimates is not known.

The fact sheet refers to the Phoenix missile as costing $400,000 each. Again, Mr. President, the unit costs have been improperly drawn and the distinguished chairman of that Tactical Airpower Subcommittee (Mr. CANNON) rebutted that statement on September 24. However, the statement says that the six Phoenix missiles that the F-14 will carry cost $2.4 million. As I said earlier that figure is not factual and as Senator CANNON reported, the actual flyaway cost per Phoenix is estimated at $270,000 each.

However, the fact sheet states that the $2.4 million is the approximate cost of three Mig-21's or one of our own F-4's. That means, Mr. President, that a Mig-21, one of the more sophisticated Soviet fighters, costs about $800,000. Now I do not know where that information comes from but I doubt it comes from an official source. My information is that a Mig-21 costs the Soviets between $1.5 and $2 million.

And if they can build it for that price, it is a bargain.

Using the lowest unit price of $1.5 million for a Mig-21, three would cost $4.5 million, not $2.4.

The point is, the author of the fact sheet missed by almost 100 percent in his comparison.

And certainly, we cannot buy an F-4 for $2.4 million. It is strange the author would make that statement when earlier he had stated the average cost of an F-4 was $3 to $4 million.

Errors like this certainly detract from the paper's credibility, and I wonder what other facts are not actual facts but merely convenient conclusions.

There is another serious factual discrepancy that needs clarification. The statement is made that—

> The Air Force now estimates that its light fighter would cost $3 million per copy in production.

Now I do not know where the author of the fact sheet got that fact, but it is not true. The Air Force categorically denies having made any cost estimate regarding a lightweight fighter. They have no lightweight fighter program in existence, except the short-legged Freedom fighter built for small country purchases.

The Air Force will probably come to the Congress for permission to proceed with a lightweight fighter but the facts are they have yet to do that. It is possibly true they are pursuing technology in this area, which they should be doing and I encourage that, but certainly no official cost estimates have yet been made.

Mr. President, the discrepancies I have pointed out in this so-called fact sheet are very serious and should not go unchallenged.

If we are to make a valid judgment on the merits of the F-14 program we need to be objective about the entire matter and make our judgment on the true facts—not distortions.

The Armed Services Committee spent many laborious hours on this matter gathering the true facts. They are published in the committee report. I urge my colleagues to refer to that document if they desire the true factual information on the F-14.

Mr. THURMOND. Mr. President, the pending amendment, which would cancel the F-14 Navy fighter program and substitute in its place development of a new lightweight fighter, should be rejected by the Senate.

The Navy's F-14 program was initiated in 1968 when the Congress denied further funds for the F-111B, the Navy version of the TFX. This program had as its principal mission the development of an aircraft which would fill the Fleet Air Defense role from Navy carriers for the next 20 years.

Thus, the F-14 was developed with a dual mission to include Fleet Air Defense and as an air superiority machine. It is designed to destroy enemy aircraft before they reach the fleet but to also defeat any aircraft in air combat if they breakthrough. Tests to date indicate the F-14 will meet these requirements.

The dual mission capability of the F-14 is an outgrowth of years of Navy development effort. Navy forces, in common with all advanced forces, must both attack and defend with a limited number of weapon systems and facilities. The F-14, therefore, profits from previous developments. The airframe/engine design is entirely separate and much improved. The Phoenix weapon system provides the most effective kill probability under all conditions which involve multiple high speed targets.

Therefore, the F-14/Phoenix is exactly what is needed to counter the Mig-23—Foxbat. A very agile Navy visual fighter might do very well against the Mig-21 but it would be helpless against Foxbat. Since the F-14 must be prepared to encounter both, the aircraft has been specifically designed for the dual mission capability. Air superiority over the Fleet is not that remarkably different from superiority over enemy seas or land areas. It simply represents an extension of the potential combat arena.

Mr. President, I fully support the Navy's approach to this new system and urge the Senate to permit continuation of this program. It is clear that both technically and operationally the F-14 and the potential it possesses will prove worthy of our support.

In order to meet the growing Soviet threat the nation needs this aircraft. I urge the Senate to defeat the amendment to kill the F-14 program and substitute in its place development of a lightweight fighter aircraft.

Mr. CASE. Mr. President, our distinguished colleague, the senior Senator from New York (Mr. JAVITS), is not able to be present today. He has asked that I make his views on the F-14 Navy fighter program available to the Senate before the votes are taken on amendments to delete funds for this program. I ask unanimous consent that the statement of Senator Javits supporting the F–14 program be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR JAVITS

I take this opportunity to make clear my position with respect to the Navy F–14 fighter program. Because of a religious high holiday, I cannot be present in the Senate when amendments to delete funds for the F–14 program will be voted upon. After careful study of the issues involved, I wish to urge Senators to defeat efforts to eliminate funds for the F–14. I believe that the position recommended by the Senate Armed Services Committee is both reasonable and judicious. The national interest will be advanced by upholding the Committee recommendation—both from the viewpoint of national security as well as from the prospective of financial prudence. Alternatives to the recommendation of the Committee would involve either unacceptable added costs to the taxpayer, or unacceptable risks to our national security posture—or both.

In my judgment, the crux of the issues to be decided by the Senate with respect to the F–14 program are stated succinctly and convincingly in a few short passages contained in the Committee report, which was written following very exhaustive hearings. On the question of the technical proficiency of the F–14, the evidence present in the hearings led the Committee to the following conclusion:

> The F–14A will achieve a significant increase in performance over the F–4 aircraft. Specifically, the F–14A compared to the F–4J will have a 75 percent or better increased combat radius; 50 percent better combat rate of climb; 45 percent better acceleration; a 45 percent or better roll rate; 40 percent better energy maneuverability; more than twice the radar range; and three times the missile launch range with the Phoenix. Therefore, the F–14A will be a dramatic improvement in capability over the Navy's current inventory and will be able to cope with the Soviet threat.

My own view of the information which has been provided to me concerning our Navy's need for this aircraft persuades me of the following, with respect to the F–14: First, that the F–4, now the Navy's principal fighter plane, is not really adequate for fleet protection purposes, given the capabilities of the MIG–23 and its distribution among countries other than the Soviet Union; and Second, that this inadequacy will increase in the immediate future, as the Soviets produce newer equipment of which we already have considerable knowledge. Assuming, as I must assume at the present time, that the protection of our fleet in potentially hostile waters, and the viability of our aircraft carriers, is essential to our national interests, I have no choice at this time but to support the authorization of this procurement.

On the question of our vital national security interests, the conclusion of the Committee is quite succinct:

> In the light of the threat and to maintain our national security interests, essential military programs must be supported. While undue increased costs on any given weapon system cannot be condoned, an alternate policy of leaving our combat forces indefinitely with existing equipment which will be inadequate for the future is not acceptable; nor can we revert back to a policy of relying exclusively on a nuclear deterrent. An effective conventional capability must be provided to deter or conduct conventional wars.

On the very difficult question of reconciling the considerations of rising costs and allocation of public funds, I feel that the Committee position is persuasive and responsible:

> In conclusion, the committee reached the decision to support the request for 48 aircraft in order to maintain integrity of the existing program. This decision is believed to represent the better way to protect the taxpayer's interest, compared with the costly alternative of breaking the contract. The funds are recommended to be authorized with the specific provision that not less than 48 F–14A aircraft be purchased.

Mr. President, the hard reality which we face as a nation—as we emerge from the nightmare of the Vietnam war—is that in order to fund the Vietnam war, our strategic arsenal has been kept virtually stationary since 1965. Today, the U.S.S.R. enjoys a position of strategic parity with the United States. Over the long run, this may not prove to be a bad situation—if the two superpowers use the fact of parity as an opportunity to reach meaningful strategic arms limitation agreements.

In the short run, however, the achievement by the U.S.S.R. of strategic parity in the nuclear field, raises new dangers and the new possibilities of threats in the "conventional" fields. In many areas, the U.S.S.R. and its allies enjoy clear advantages with respect to "conventional" arms capabilities. If the achievement of nuclear parity serves to "cancel out" our own nuclear strength in crisis situations, the readiness and credibility of U.S. conventional forces takes on added importance.

The area where this is most immediately likely to be put to the test is in the Mediterranean and the Mideast. American deterrent power in that crucial region of superpower tension and confrontation is concentrated in the U.S. Sixth Fleet. The backbone of the Sixth Fleet is provided by its attack carriers. The deterrent capability of the Sixth Fleet's attack carriers in the decade ahead could depend very largely on the adequacy and success of the F–14 program. For this reason, I do not believe that we are dealing here with hypothetical or unreal issues, Mr. President. Rather, the Senate is being called upon to make a judgment on a weapons system which could make a significant difference on the question of war or peace in the Mideast. In this context, I believe that the best interests of peace and of our nation's security will be served by sustaining the F–14 program.

Mr. PROXMIRE. Mr. President, I yield 4 minutes to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator from Wisconsin.

Yesterday we had discussion with reference to the Harrier airplane. That airplane was desired by the Marine Corps to replace and did replace their F–4's. I so agreed in committee after the testimony, even though F–4's are built in my State, and so presented yesterday on the floor.

When we came to the question of purchasing F–14's, in my opinion the cost and performance of the plane does not justify any such procurement. Some of the best pilots I know, including Members of this body, have told me for at least a year this plane was too complicated. Everybody knows of its tremendously increased cost estimate.

It does take the Phoenix missile. I agree with the Senator from Indiana that that missile is unproved. We have today two proven air-to-air missiles—the Sparrow and the Sidewinder. With relatively minor modifications, the F–4 can outclimb, outfight, and outmaneuver the F–14. Three of these latter planes can be bought for the price of one F–14, and perhaps the price of four before we get through with these steady price increases.

In effect, the only thing the F–4 cannot do that the F–14 can do is to carry a Phoenix missile. That missile was developed for the TFX series of planes, a far larger plane. With all due respect to those who advocated this plane, it is well known that perhaps the primary interest in the F–14 was that it would carry the Phoenix missile. That missile has not been proved out.

If we can buy three, possibly four, equal or superior airplanes for the price of one, that is to the interest of not only the taxpayers of the country, but also our national security.

Mr. President, I thank the able Senator from Wisconsin for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Connecticut.

CAN THE U.S. NAVY USE A "CHEAP, SIMPLE" FIGHTER?

Mr. WEICKER. Mr. President, the question often asked concerning the desirability of a so-called "cheap, simple fighter" for the U.S. Navy, instead of the planned F–14, obviously implies that such a fighter would be "better" than the F–14. More to the point, it also implies that we enjoy the enviable position of being able to make such a choice in weapon system selection. Nothing could be further from the facts of the issues involved.

Since the end of World War II, this country has attempted to maintain a tactical air force which could quickly react to the capabilities exhibited or publicized by the enemy. The results have been analogous to playing "catchup football." Our recent experience in Southeast Asia against a third rate air force, has shown the difficulties encountered in attempting to successfully engage enemy fighters when they operated under the control of their air defense networks, and were supported by antiaircraft artillery and surface-to-air missiles. These obstacles to maintaining air superiority by our fighter aircraft arose, not because of the "cheap, simple fighters" we encountered—and that is all they really were—but because a degree of sophistication was added to their tactics by the effective support from other enemy weapons and defense networks. It is most interesting to note that early in the Southeast Asia conflict, when these "cheap, simple" enemy fighters were engaged without their GCI and SAM support, they were no match for the better weapon-equipped and more versatile U.S. fighters

The threat we face in the future is not typified by the threat we faced in Southeast Asia. Our gravest mistake in safeguarding the security of this nation would be to be mesmerized by the Southeast Asia syndrome when defining requirements for our next generation of fighter aircraft. There appears to be little disagreement regarding the alarming degree of technological advances in air-to-air and surface-to-air missiles, airborne command and control systems, electronic jamming techniques, et cetera, achieved by the Soviets. Most significant of all, however, is the steady build-up of Soviet naval forces which now pose a threat to our fleet and the logistic supply lines the fleet must protect. This alarming increase in capability is to be expected when we examine the magnitude of their continuing defense budget, and recognize their dedication to the development of an offensive and defensive military capability second to none. In any possible future conflict between the Soviet and the United States, or in any other conflict where first-rate Soviet military technology might be faced, there will be no time for "catch-up football".

Hence, in the light of the accepted nature of the spectrum of threats posed to our naval forces—and to our country—an aircraft weapon system must be developed as soon as possible which will be capable of destroying existing sophisticated, missile-equipped Soviet fighter aircraft, subsurface and surface-launched antiship missiles, and heavily defended bomber aircraft equipped with long range air-to-surface missiles. None of these were faced in Southeast Asia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Connecticut.

Mr. WEICKER. Mr. President, it is this threat capability for which the F-14 weapon system has been designed. By employing the highly efficient variable wing sweep technique and a high thrust-to-weight propulsion system, the F-14 can maneuver with—and out-fight—the enemy's cheap, simple fighter when such combat conditions might occur. But, with the added combat capabilities provided by long-range air-to-air homing missiles, and electronic defensive techniques for enhanced survivability, the F-14 can successfully engage the new missile-equipped Soviet fighters, anti-ship missiles and long-range bombers likely to be encountered in any future confrontation.

The associated cost factors of the F-14 result from designing for the missions it must perform against these threats. To suggest the substitution of the "simple 'Mig type', cheap" airplane for these missions is incongruous, and signifies an unawareness of the capabilities already in existence in the Soviet military arsenal.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Oregon.

Mr. HATFIELD. Mr. President, this is the third year that a significant number of Members of the Congress have expressed deep concern about the proposed F-14 Navy fighter. It is useful to review the history of this debate.

In 1969, I was privileged to serve as chairman of the Military Spending Committee of Members of Congress for Peace Through Law. As my colleagues will remember, we wrote a report designed to stimulate the debate over certain proposed weapons systems. In our judgment, decisions over these weapons systems were so critical that they needed to be carefully examined by every Member of Congress, in addition to the consideration given them by the Armed Services Committees. The F-14 was one of those weapons systems.

In 1969, we were concerned that the projected costs of the F-14 and the Phoenix missile system could dramatically escalate over the Navy's estimates. We were concerned that because of the cost factor, there would never be enough funds to replace the current inventory of F-4's with anywhere near the same number of F-14's.

We were also concerned that the F-14's requirement to defend the aircraft carriers—its fleet air defense mission—would compromise its proposed air superiority role. Further, we expressed concern about the basic workability of the Phoenix missile system—the six missiles that are attached to the F-14 when it is supposed to defend the aircraft carriers against Soviet bombers or against missiles from surface ships.

In addition, we were also concerned about the entire question of the role of aircraft carriers in the conditions of modern warfare. This matter was debated extensively on the Senate floor in 1969. The basic question was this: If we find ourselves in an all-out conventional war with the Soviet Union at sea, would not our aircraft carriers be extremely vulnerable to the threat from Soviet submarines, guided missiles from surface ships, and even from the air? The contention made by many experts is that in the inevitable conditions of modern warfare, we simply can no longer plan to have our aircraft carriers defended in the event of full-scale conventional encounter with the Soviet Union. There may be many other roles for our carriers, but using them in such a war against the Soviets cannot be one. This bears directly on the F-14. As presently designed, with the Phoenix missile system, the F-14 has an essential mission to protect the aircraft carriers against a part of the Soviet threat in such a war. Therefore, a decision to go ahead with the F-14 assumes that we can protect our carriers against the whole range of Soviet capabilities in the event of a conventional war.

Finally, in 1969, we expressed our doubts about the fundamental presupposition behind all this—the possibility of a full-scale conventional war with the Soviet Union. We are presuming in all this that it is a likely possibility for us to enter into a conventional war with the Soviet Union, that in this war neither side would even use its tactical nuclear weapons—a small tactical nuclear missile, for instance, would easily eliminate a carrier task force—and that such an encounter would not escalate to a full strategic nuclear holocaust.

These are the kinds of assumptions which should bear the full weight of the Congress scrutiny. Further, we are better able to make judgments on these types of questions than on the technical performance capabilities of various weapons systems. Yet, these fundamental questions rarely seem to be asked by any of us in the debate over defense expenditures.

In today's modern nuclear world, and given contemporary political realities, I find it hard to envision the circumstances that would draw our Navy into a conventional, World War II type, shooting war with the Soviet Navy throughout the high seas. And I find equally difficult to envision such a conflict not involving tactical nuclear weapons, and not eventually leading to a full nuclear exchange. I would be interested in knowing just what the political circumstances or contingencies are that, in the view of the Department of Defense, are likely to thrust us into such a conventional war at sea with the Soviets.

I am not saying that there is no possibility of such an event. I am just saying that we should start talking about just how likely and how plausible such a war actually is.

So these are all the concerns we expressed during the initial debate in 1969.

During the debate, we chose not to propose the elimination of any funds for the F-14. We decided there was still time to answer the many troubling questions that were raised. So we merely proposed that the F-14 question be studied again, by the Armed Services Committee, and that no future funds be authorized until such an additional study, directed toward these questions, was conducted.

Furthermore, there was a precedent and further reason for such a study since the Senate had just adopted an amendment requiring a study of the proposed new aircraft carrier—CVAN-70.

But our amendment was opposed by the committee. We were told that the F-14 program had been studied and restudied to death, and that all the questions had been answered.

We were told that the costs of the F-14 would be stable, and that, in effect, we were being alarmist and meddlesome in our concerns.

So the Senate rejected the amendment simply requesting that this program be looked at a bit more carefully before another decision was made in the future, to commit more funds to the program.

What has happened since then? The Navy has revised their total projected buy from an original projection of buying 710 F-14's down to the current projection of the purchasing 301 F-14's. During the same period of time, the unit cost of the plane has risen from $11.6 million to $16.7 million.

The cost of the Phoenix missile, originally estimated at $219,000 per missile, has escalated to $400,000. When the F-14 carries its load of six—and, as has been pointed out, jettisons them into the sea if called upon to suddenly perform its air superiority role—it is carrying $2.4 million worth of equipment, which approaches the original costs of one complete F-4 fighter. The doubts as to the Phoenix's reliability have persisted as well.

Questions about the F-14's potential air superiority role have become more pronounced. It is now suggested—and even noted by the Washington Post in today's editorial—that the F-14 is actually less adequate in its fighter capability than the modified F-4 which it is to replace.

The concern over the vulnerability of carriers in a conventional war with the Soviets has continued. In fact, since 1969, funds for another nuclear carrier have not been authorized—a fact which at least reflects concern within the administration over the future role of aircraft carriers.

Finally, the F-14 and its contractor,

Grumman, have encountered the most serious cost and contract difficulties. These have been discussed in the greatest detail by the Senator from Wisconsin (Mr. PROXMIRE).

As a result of some or all of these factors, the $806.1 million authorization in this bill for 48 F–14A's was completely deleted by the House Armed Services Committee, and the entire matter came under special study and reconsideration within the Defense Department.

The concerns and doubts expressed about the F–14 on the floor 2 years ago have evolved into real and concrete problems which we all clearly recognize. But it is not too late for the Congress to redeem itself, and to revise its judgment.

To continue with the F–14, in the face of all that has been revealed, would be like Ford Motor Co. pouring more millions into the Edsel after its first year sales report came in.

Corporations have the wisdom and ability to recognize when they have planned products that fail to match their expectations. They know when to reverse a decision in light of new evidence.

Is it asking too much for the Congress, and the Defense Department to do the same? Particularly when the issue at hand is not just a mistaken investment, but potential injury to our national security.

It is no great sin to change one's decision. The American people understand that. But they will not understand the obstinate commitment to spend billions for a plane with parts costing twice the price of gold that turns out to be not much better, if any, than our present ones.

We propose to stop this program now, and invest money in pursuing the option of a light, cheap, unencumbered, truly air superiority fighter.

Mr. President, so that the record will be clear, I ask unanimous consent that the following documents be printed at this point. Members of Congress for Peace through Law report on the F–14 in 1969.

The Senate debate on the F–14 in 1969.

The MCPL report on Tactical Air in 1970.

Two speeches by the Senator from Wisconsin (Mr. PROXMIRE).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Members of Congress for Peace Through Law

MILITARY SPENDING REPORT—1969

The Navy F–14 program

Summary

The F–14 is a new multi-mission carrier-based fighter currently under development for the Navy by Grumman. It is to replace the Navy's present F–4 Phantoms as a general air superiority fighter/escort in the mid-1970's. Carrying the Phoenix missile, it is to perform the fleet air defense mission of the now defunct F–111B against Soviet bombers and cruise missiles. It is also to have an air to ground attack capability.

The A model of the F–14, using engines, avionics and Phoenix developed for the F–111B is planned to be operational in 1973. The B model, using advanced technology engines, is planned to be operational in 1975. The C model, using advanced avionics, is planned to be operational in the late 1970's.

The F–14, as presently conceived, is an enormously complex and expensive weapons system. The Navy presently estimates the "unit flyaway cost" of the plane at less than $8 million. A conservative estimate of the total "systems cost" of the F–14 over a ten year period would be $15 billion.

Recommendation

Congress should not authorize $275 million in procurement funds requested for the F–14A in the FY 1970 budget pending Congressional review of attack aircraft carriers, and the requirement for a new carrier based aircraft and the Phoenix missile system.

Rationale and Discussion

A. Current status of program

1. *From F–111 B to F–14.* In 1968, Congress decreed the demise of the Navy F–111 B and authorized instead development of a new multi-mission Navy fighter, the F–14. The principal mission of the F–111 B was to be fleet air defense (FAD). It was to carry six long-range air-to-air Phoenix missiles and sophisticated avionics. Loitering at some distance from the fleet, the F–111 B was to counter supersonic enemy bombers armed with long-range air-to-surface missiles, and hopefully, to defend against surface-launched cruise missiles as well. The F–111 B program encountered numerous delays and rapid cost increases. Weight and size problems arose in connection with heavy components such as engines, sophisticated avionics and the Phoenix, as well as with the airframe, which was designed also to meet Air Force requirements for the F–111 A. There were also difficulties in mating engine to air frame.

The F–14 is the outgrowth of an "unsolicited Grumman proposal" of late 1967, together with an extensive Navy Fighter Study of early 1968, a pending Navy proposal for a new mid-1970's fighter (VFAX) and the demise of the F–111 B. The F–14 is to have several possible missions. It is to replace the Navy's F–4 Phantoms as a mid-1970's and 80's air superiority fighter and escort—a role which seems to have superseded the fleet air defense role in importance since 1968 Navy testimony before Congressional committees; it is to perform the fleet air defense mission of the F–111 B; and it is to have an air-to-ground attack capability.

2. *The F–14 A.* Grumman received the contract for development of the first version of the F–14, the F–14 A, in February, 1969. The F–14 A is to be a swing-wing, supersonic aircraft using the F–111 B's engines and AWG–9 avionics (airborne missile control system, including radars and computers). The avionics are to be redesigned for tandem seating, and for fire control of the existing Sparrow and Sidewinder air-to-air missiles as well as the Phoenix (still in development). The F–14 A airframe will use titanium for weight saving, and will be optimized, to the extent other missions permit, for maneuverability in "dog-fight" situations. The F–14 A is to have the capability of carrying one or more weapons systems in varying mixes—internal cannon, Phoenix, Sparrow, Sidewinder, conventional air-to-ground ordnance—depending on which threats materialize and which missions seem most important in any given situation.

Present plans reportedly call for procurement of fewer than 100 F–14 A's, for test, evaluation, training, and deployment. The target date for initial deployment with the fleet is mid-1973.

3. *The F–14 B and C.* Both the F–14 B and C are to use the airframe developed for the F–14 A. Both are to use advanced technology engines (higher thrust and lower weight than F–111/F–14 A engines) which are under joint development with the Air Force for possible use in AMSA and a proposed F–15 fighter. Target date for operational "B" engines is sometime in 1975. F–14 A's are to be retrofitted with "B" engines, supposedly at minimum cost since the F–14 A airframe has been designed with the new engines in mind. The late 1970's F–14 C is to incorporate advanced avionics.

4. *Costs.* At present, unit "flyaway costs" of the F–14 are being estimated by Navy officials at something under $8 million. This estimate assumes a production run of some 460 aircraft in the A and B versions of the F–14, and the absence of unexpected technical problems and delays. Other estimates within the Administration are reportedly $2 to $3 million higher. The cost of procuring the Phoenix missile (currently estimated at some $219,000 per missile) as well as the cost of other missiles and ordnance, and probably, part of the cost of the avionics for the Phoenix (current cost for each Phoenix avionics unit: about $2 million) are not included in the "flyaway cost."

If the F–14 program goes according to plan, the Navy plans to replace most of its F–4's (Phantoms) with the plane, which means that the eventual "buy" of the F–14 could go as high as 1000. Estimates of the ten-year "systems" cost for the F–14 (R & D. procurement, spare parts, support, training, and maintenance) are classified, but are reportedly below unofficial estimates ranging from $20 billion to over $30 billion.

B. The argument for a new carrier based aircraft: Mid-70's role

Because an essential role of the plane is air defense for carriers, the case for the F–14 begins with the case carrier task forces. The Navy contends that carriers can play a vital role in a sustained conventional war with the Soviet Union or Communist China, in limited wars such as the Korean War or the current conflict in Vietnam, in show-of-force or deterrence situations in various areas of tension and confrontation, and perhaps even in tactical nuclear engagements. It is assumed that carrier forces can be effectively defended in these situations now, but that by the mid-1970's, present carrier-based airborne weapon systems and aircraft will be outclassed in both fleet defense and in fighter and attack roles by sophisticated Soviet capabilities.

C. Critique of argument: The Soviet contingency is unlikely

1. A full-scale, sustained conventional war with the Soviet Union seems an unlikely contingency today and for the foreseeable future.

2. If, however, we assume that such a contingency is possible, that it will not rapidly escalate to nuclear war or will not be stopped short of the brink after a few days; if we also assume that the Soviet Union will have the full range of sophisticated capabilities predicted for the 1970's—a large fleet of sophisticated attack submarines, a large force of long-range and medium-range supersonic bombers armed with stand-off missiles, a fleet of surface vessels armed with cruise missiles and following the U.S. fleet around—then carried task forces appear exceedingly vulnerable with or without the F–14. Even if the fleet is provided with the widest range of defense capabilities, it is probable that a full-scale Soviet attack on a carrier task force would be successful and not prohibitively costly.

3. If, on the other hand, we assume a full-scale encounter with the Soviet Union but *less* than the full range of Soviet capabilities that have been predicted for the 70's, the need for the F–14 is still open to doubt. In particular, some critics have questioned the need for a new fighter to meet a future Soviet bomber threat.

Chairman Mahon of the House Appropriations Committee commented thus during the 1968 hearings:

> The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has not, of course, developed to date.

In a late 1968 report on the U.S. tactical air power program by the Senate Armed Services Preparedness Investigating Subcommittee, the following points on the bomber threat are made:

The F-111B was designed primarily for fleet air defense against Soviet supersonic bombers. But that threat is either limited or does not exist; and therefore, we believe the Navy should re-examine the prime requirements for the VFX-1 (F-14A) as to its most important role, in the light of the most predictable threat to the fleet. We are concerned about the assignment of four missions to this single aircraft with potential degradation in its capacity to perform the primary mission.

D. Present capabilities suffice for show of force and deterrence contingencies

1. For show-of-force and deterrence in tension spots—the roles carrier task forces may be best suited for in the future—the Navy's existing defensive capabilities and aircraft can probably do the job. The alternative to building any new Navy fighter is to rely on the presently deployed advanced Phantom F-4 J's for the missions assigned to the F-14, and to produce more as necessary (the production line is scheduled now to close in 1972) with very substantial savings. Also, there are electronic counter-measures and point defense systems presently deployed or planned for the fleet for additional deterrence of potential threats to the fleet.

2. The Navy argues that maximum deterrent effect should be sought through a mix of several of the most advanced defensive capabilities—airborne, surface-based missile defense, and electronic counter measures. But it is probable, that as far as the Soviet Union is concerned, deterrence will be achieved as much by Soviet reluctance to directly engage U.S. armed forces, as by the deployment of the most advanced fleet air defense capabilities. The possibility of escalation to nuclear war is what counts most.

3. For show-of-force roles which do not directly involve the Soviet Union, it is also questionable whether the F-14 is necessary. The F-4 Phantom has been described as the "best fighter in the free world today." The F-4 J model is equipped with Sparrow and Sidewinder air-to-air missiles. Its range and the capabilities of its avionics are not as great as those planned for the F-14. But in dogfights in the exceptionally hostile air environment over North Vietnam, the Phantoms have proved a match for high performance Soviet MIG-21's.

F. Other contingencies also are problematical

Other contingencies in which it is contended that new advanced carrier-based aircraft may be essential include a full-scale conventional war with Red China; initial "surge operations" at the outbreak of a limited war; prolonged operations during a limited war; skirmishes off the coasts of small hostile countries; and show of force situations against Soviet allies, given aircraft more advanced than the MIG-21.

The contingency of a full-scaled conventional war with Red China seems almost as improbable as the comparable Soviet contingency. And even against Red China, carrier task forces—with or without the F-14—might be vulnerable, particularly when sailing near any part of the Asian land mass under Red Chinese control.

In most foreseeable sustained limited war operations, land-based aircraft can or should be relied upon. In limited war operations which might require carrier based aircraft and in "surge operations" and skirmishes, the argument for the F-14 rests on the assumption that prospective new Soviet missiles, aircraft, and other capabilities may be made available in quantity to smaller hostile countries. But this possibility, comparable to the Red China contingency, does not justify proceeding now with the F-14 program in all its present complexity and expense.

G. The F-14 program can be delayed for 1 year while it is reviewed by Congress

On the basis of the discussion above, any risks incurred by a delay of one year in the F-14 program appear fully acceptable.

Appendix

A. Questions concerning the F-14 program with Phoenix missile as now envisioned

1. Why a multi-mission plane?

By building the F-14 as presently designed the Navy may be spending large sums for the latest in engines, avionics, weaponry and airframe all in one plane that will perform its two principal missions—fleet air defense and air superiority—satisfactorily but at the expense of the highest possible performance of either one. For example, in order to get a better all-around air superiority fighter, the F-14's fleet air defense capabilities will be less than those of the F-111 B. It will not be able to loiter for as great a period of time or as far from the fleet as the F-111 B; nor will it carry as many as six Phoenix missiles. Nevertheless, for a reduced fleet air defense capability, deployment of the Phoenix is still being planned.

The Phoenix missile is an enormously complicated and expensive weapons system which is still under development. Even though equipped with the latest in devices to ensure that it will reach its targets, there is the possibility that the technology of effective counter-measures may render it obsolete shortly after deployment. Moreover, each Phoenix weighs approximately 1000 pounds. Even though the F-14 need not carry a full complement of Phoenix, or any at all in the performance of certain missions, the airframe has to be designed to carry it and gains in weight thereby. Similarly, the sophisticated avionics for the Phoenix and other weapons systems adds weight.

The Navy argues that the F-14 airframe has been designed for high maneuverability in "dogfight" situations when the plane is not carrying the Phoenix, and that the capabilities of the Sparrow and Sidewinder are significantly increased by the F-14's avionics. It also argues that for an acceptable increase in costs and in degradation of the "dogfighter" capability, it gets a plane capable of meeting a wide spectrum of possible threats.

Taking into account the most likely contingencies for the fleet and alternative defense systems, however, the argument for a multi-mission fighter—particularly one designed to carry the Phoenix for fleet air defense—loses much of its force.

Navy pilots have reportedly expressed reservations about the complexity and weight of the weapons systems and avionics planned for the F-14. If, after Congressional review, a decision to go ahead with the F-14 is made, consideration should be given to building a smaller, less costly fighter. Such an aircraft could be less laden with heavy avionics—giving a premium to high maneuverability for "dogfights" and other air superiority missions.

As for the Phoenix, if it is decided that the system is sufficiently reliable, and that plausible threats justify costs for deployment, consideration should be given to adapting an existing aircraft to carry the system. Navy officials say they have studied this alternative, particularly in connection with the A-6, and that substantial modifications of the aircraft and costs would be involved, as well as problems of compatibility in performance of the aircraft and the missile. These conclusions should be re-examined if the case for dropping the Phoenix capability from the F-14 is accepted.

2. Why build any F-14A's? Why not wait for the F-14B?

Some critics of the F-14 program, both within and outside the Administration argue strongly that the F-14A will be only marginally superior to the fleet's present Phantom's because it will use the heavy engines, avionics, and Phoenix missile from the F-111B. They suggest that the F-14 airframe development should be stretched out until the advanced technology "B" engines become available eighteen months to two years from now for development with the airframe, and that plans to procure any F-14's with present engines should be cancelled. The higher-thrust and lighter-weight engines being developed for the F-14B appear to promise significantly higher performance for this model even if it carries the Phoenix and presently planned avionics.

Navy officials argue that the F-14A is needed as a hedge against possible threats and any slippage in "B" engine development and that a two year stretch-out in the program will be costly and entail delays in necessary R. & D. for the whole F-14 program.

The desirability of proceeding with development and procurement of the F-14A as presently planned should be explored in the Congressional review recommended in this paper. This review itself will entail some stretch-out in the A program, and might entail a postponement in the present target date of mid-1973 for deployment of F-14A's. But the F-14B, the model the Navy is most anxious to acquire as the air superiority fighter of the future, will become operational in 1975.

B. Possible savings

The FY 1970 budget request for the F-14 breaks down as follows in total obligational authority: $275 million for procurement for six test and evaluation models of the F-14A and long lead-time items and spare parts; $175 million in R. & D. for work on the F-14A; $50 million in R. & D. for the Navy's share of development costs of the "B" engine and for F-14C avionics; $18 million in R. & D. for the Phoenix.

Estimated savings on the F-14A: $275 million in FY 1970 if the proposal in this paper is adopted; perhaps $1 to $2 billion over the next five years if the decision is taken not to procure any A models of the F-14. However, if an increased number of F-14B's are procured to fill in for the "A" models, these savings might in the long term amount only to those realized on the "A" engine and miscellaneous development costs peculiar to the F-14A.

Estimated savings from dropping the Phoenix system from the F-14 and perhaps some electronics for a less complex and less costly F-14: No reliable estimate available. The savings should be substantial.

Estimated savings if the whole F-14 program is cancelled, at the very least, perhaps $10 billion if account is taken that additional Phantoms or other aircraft would be procured instead.

Mr. HARTKE. Mr. President, those of us who have offered amendments to the pending military procurement authorization bill share with every other Member of this body a determination to keep America's defenses overwhelmingly powerful. Every one of us recognizes how vital it is, not only to the United States but to all the people of the non-Communist world, that our military power remain sufficiently great to deter potential aggressors. There is not a Member of the Senate who does not understand the bitter principle of 20th century international politics—that weakness does not prevent war, it invites it.

Our efforts during these long weeks of debate have in every case been directed toward the elimination of what we believe to be waste and inefficiency. We have proceeded on the assumption that 5, 10, 20 billions of dollars expended on unnecessary or gravely questionable weapons systems is that much money wasted—and America weakened by precisely that amount. In short, Mr. President, the issue has never been between those who favor a strong America and those who favor a soft, flabby debilitated America. The issue has always been one of differences of judgment among the 100 U.S. Senators every one of whom is passionately dedicated to keeping America powerful, proud, and free.

It is in that spirit that the distinguished senior Senator from Oregon and I offer our amendment to the pending bill.

Mr. President, the military authorization bill before us contains $450 million for the Navy F–14 fighter. This is only the first installment on an enormous program. The 10-year cost to buy and operate F–14's for the Navy and Marine Corps has been estimated at $25 billion—over three times as much as the administration estimated for the ABM program. The F–14 program has been the center of controversy within the Department of Defense for the past 2 years. The issue is not whether the Navy should develop a new fighter to replace the F–111 and F–4; there is widespread agreement that they should. Rather the controversy revolves around the type of fighter that should be developed.

It would hardly seem that the floor of the Senate is the appropriate place to discuss the design of a new Navy fighter. However, there is much more involved in this debate than the shape of the wing and the size of the engine. The issues involved in the F–14 decision range from broad national policy regarding the type of wars we want to prepare to fight, to crucial assessments of the nature of air warfare in the future. The decision that is made will have profound effects on both the capability and cost of our tactical air forces in the 1970's.

In just a moment, I will discuss these issues in more detail. For the present, I can illustrate the magnitude of the decision by pointing out that critics of the F–14 program claim that the Navy can develop a much better air-to-air fighter and at the same time reduce the 10-year costs by as much as $15 billion.

Just who are these critics? First, and most important, there is a host of critics among the Navy fighter pilots who will have to fly the new aircraft. The question of the fighter design has been the subject of heated debate within the Navy for several years. It is an open secret that the Navy pilots did not like the F–111B. When the F–111B was canceled, many of the fighter pilots tried to get the admirals to develop the small, simple, and very maneuverable fighter that they believed would be essential to meet the type of fighter the Soviets can develop in the mid 1970's. The pilots were overruled, however, by Navy management. Instead of a single-place, 30,000-pound maneuverable fighter, they got a two-place, 55,000-pound missile launching platform. Pilots operating fighter squadrons are disappointed by this decision.

When the pilots were stifled within the Navy, their cause was taken up by a group of civilians in the Department of Defense. However, these civilians have been no more successful at convincing the top level of DOD management than the pilots were at convincing the admirals.

In view of the magnitude of the issues involved in this dispute, both in terms of our capability to fight successfully in future wars and in terms of cost, it would seem that the issues should be subjected to widespread public debate. Yet, while the amount of money involved is almost twice as much as that associated with the ABM program, there has been no public debate. The primary reasons for this are the lack of knowledgeable individuals outside of the Defense Department who are free to speak up and express the alternatives and the cloak of secrecy placed around military programs. It is in the national interest that both of these constraints be removed in the future. The first can be removed by fostering the establishment of competent research groups which do not depend on the Department of Defense or the aerospace industry for financial support. The second can be removed by insisting that only essential information be withheld from the public on the basis of security classification. The recent ABM debate indicated how far it is possible to go in declassifying essential information without endangering national security.

We should insist on similar openness in other areas as well. If there has been no public debate of these issues, at least we could hope that the Armed Services Committee would carefully scrutinize the issues before reporting out the authorization bill. I am sorry to say that despite the fact that our colleagues must have been aware of the controversy over the F–14, the Armed Services Committee did not call one single witness to present the arguments against the F–14. In the absence of critical review in either the public press or in the Senate committees, I have asked the Secretary of Defense to release seven specific documents which present the other side of the story. I have yet to receive the requested material.

Mr. President, it is unwise for Members of this body to vote authorization for such a huge sum of money without thoroughly exploring the alternatives available. Some may argue that the issues are too complex to be understood by the lay person. The issues in this case, however, are considerably less complex than those in the ABM dispute; and the costs and impact to our national security are just as large. Even if the administration refuses to cooperate—indeed especially since the administration refuses to cooperate—we should thoroughly air the pros and cons of the F–14 program. While I would have liked to have more evidence, I will try to outline the case for an alternative to the F–14 program.

There are two basic issues that must be addressed in deciding on the type of fighter the Navy should develop to replace the F–14. These are the types of wars we wish to be prepared for and the nature of air warfare in the future.

The F–14/Phoenix concept has evolved from longstanding Navy interest in protecting the carriers in a nuclear war. The concept originated in the 1950's when we were planning our forces primarily for a nuclear war with the Soviet Union. At that time it was quite clear that a single nuclear weapon delivered anywhere in the vicinity of a carrier would wipe out an entire task force. Thus, to protect their nuclear attack mission, the Navy desperately needed a weapon that would destroy 100 percent of the Soviet missile-launching bombers in a massed attack against the task force. The original proposal was called Eagle/Airee or Missileer—it consisted of a low performance, long loiter, missile platform and an air-to-air missile of unprecedented size and complexity.

The Eagle missile program was canceled in the early 1960's due to technical infeasibility. However, the Navy never gave up on the missile. It resubmitted the idea, renamed the missile—appropriately enough, "the Phoenix"—and tied it to the ill-fated F–111B airplane—again with the idea of providing a platform of launching long-range multishot missiles at formations of enemy bombers.

The Navy realized that the F–111B, overburdened with the complex electronic systems needed to launch and control the Phoenix, would not meet its needs for an air-to-air fighter in the 1970's. Even in the early 1960's it had proposed another, smaller fighter to perform the essential air combat or dogfight job.

In 1968 the Navy finally divested itself of the F–111B. The reason it offered was that the F–111B, while adequate for fleet defense, could not perform the air-to-air combat task adequately. It could not dogfight on even terms with a Mig 21, let alone the more advanced Soviet fighters of the late 1970's.

After offering this rationale for cancelling the F–111B, the Navy again tied the Phoenix missile to its so-called new "Fighter"—the F–14. The Phoenix missile, with its associated two or three tons of supporting equipment, is the primary reason why the F–14 is as large, heavy, unmaneuverable and expensive as it is. Once again the Navy has designed a low-performance, long-loiter time, missile-launching platform instead of a fighter. The ex-Secretary of the Navy, Mr. Ignatius, indicated that the F–14A would only be "comparable" to the current Mig 21 in a dogfight. My information indicates this is a decidedly optimistic assessment. Obviously, the F–14A will be much worse than the Soviet aircraft we can expect to face in the mid and late 1970's. Nevertheless, the Navy is planning to buy 67 of these inferior F–14A's at a total cost which would be as high as $1.4 billion.

The Navy argues that the F–14B, which will have an advanced engine with more thrust, will be a better dogfighter than the F–14A. The F–14B, however, will be just as heavy and have the same undersized wing as the F–14A. Thus, it will be considerably less maneuverable than it could be without the Phoenix and all the associated fleet air defense compromises. We know it will not be as good a dogfighter as the Air Force F–15. Nor can it match the even better performance that the Soviets can build into their next fighter generation.

Quoting Navy Captain Holmquist:

"Modern technology and the wonders of Avionics will certainly allow us to combine all of the functions and weapons of an all-weather attack aircraft, a fighter, and an interceptor into one aircraft. However, such an airplane would be expensive, complicated, difficult to maintain, and training a pilot and crew would present formidable problems. More important, if we allow the enemy the same technology, he can build single-purpose aircraft which would be superior to our multi-purpose aircraft in each of the missions it performs.

In view of this history it is important to examine the justification for the Phoenix in some detail.

Since the nuclear attack mission of the carrier has lost its credibility, the primary justification for the Phoenix is now defense against the same massed raids of Soviet naval bombers launching the same missiles, but armed with conventional rather than nuclear warheads. It is essential to realize that no Communist nation in the world beside the U.S.S.R. has even the beginnings of a naval bomber fleet. The Soviet naval bomber fleet itself, as Representative MAHON has pointed out, never materialized into the massive forces the Navy has been predicting for years. Thus, the Phoenix must be justified for defending the carrier in waters adjacent to the Soviet Union in a massive conventional war, with U.S.S.R. forces fully involved. Yet, under these improbable circumstances, the Soviet bombers are by no means the worst threat.

The irony of the situation is that large Soviet submarine forces make it impossible for our carriers to operate in either the North Sea or the Mediterranean, with or without Phoenix. Some here will remember that it was impossible in World War II for either British or American carriers to launch strikes from the North Sea against Germany. The situation for the carrier today is much worse; its speed has barely increased while the submarine's speed has increased by a factor of five with commensurate reductions in noise and detectability. Not only is the carrier far more vulnerable, it is also not needed since there are over 100 airfields of 8,000 feet or longer in Central Europe. The Air Force has indicated that this is more than enough to handle all the tactical air needed in Europe. Since the F–4s are more than adequate against the few nonmissile-launching bombers available to the less-developed Chinese or the East Europeans, we find ourselves in the paradoxical position of incurring the enormous cost and the fighter deficiencies of the F–14/Phoenix combination in order to defend the fleet in a theater of war where it cannot and need not be used.

The overemphasis on fleet defense that has led to the F–14/Phoenix has taken our attention away from a much greater need to develop a truly superior air-to-air fighter. If the Soviets follow their traditional policy of developing small, simple, maneuverable fighters, they can produce an aircraft in the mid 1970s that will be significantly better than our F–4's. Although we have not yet seen a Soviet fighter that is a better dogfighter than the Mig 21, we need to prepare against such a threat since the leadtime to develop a new U.S. fighter is much longer than the intelligence leadtime we will get when the Soviet produce theirs.

The Navy has, in effect, argued that the day of the dogfight is over; that in the future we can count on missiles to shoot down enemy fighters at long range. The fighter pilots have been hearing this story for a long time. They simply do not believe it. The R. & D. community has been promising better missiles for 20 years. Yet, the fact remains that fighter-to-fighter engagements have changed little since World War II. Despite very optimistic estimates and costly modifications before the Vietnam war, virtually all fighter pilots feel strongly that fighters must have guns and that the guns will be used for the majority of kills. They believe that missiles, particularly complex ones, will be unreliable, easy to outmaneuver and easy to countermeasure. We have not shot down any aircraft in air-to-air combat with missiles used outside of visual range. The position of the fighter pilots is summed up in the following quote, again from Capt. Holmquist:

"For the fighter role, speed, excess thrust, buffet boundary, roll rate, maneuverability, and altitude must be maximized, since the style of fighter-to-fighter engagements has changed little since the days of World War II and Korea."

The Navy claims that the F–14 is also optimized for air-to-air combat role as well as for fleet defense. This assertion is absurd on the face of it. First, the Air Force F–15, which will have to face the same enemy aircraft, weighs much less than the F–14 and is much more maneuverable. Clearly, the F–15 will be a better aircraft for air-to-air combat.

More important, however, there have been a series of reports in the trade journals about an alternative fighter that could be developed which would be much better, as well as much cheaper, than even the F–15. This aircraft, which has been called the F–XX or the VF–XX in the Navy version, has been described as a simple, uncompromised, single seat, single engine, under 30,000-pound fighter which derives maximum benefit from the advances which have been made in aerodynamics and engine technology to achieve an unprecedented level of agility. In addition to a gun, the aircraft would be armed with simple heat-seeking missiles, which have been by far the most effective missiles we have used in Vietnam.

There is no doubt that an aircraft of this type would completely dominate the F–14B in air-to-air combat. If we could build it, we certainly must be concerned that the Soviets might, since it is quite similar in concept to their traditional approach. Given the past performance of the missile developers, fighter pilots are simply not willing again to put their hopes and their lives on aircraft of inferior performance which rely on untested "paper" weapons for survival and victory. They want a fighter, not a missile-launching platform.

So far, I have only spoken about performance. However, not only would a simple fighter like the F–XX outperform the F–14, it would also be very much cheaper. Rough estimates indicate that the 10-year cost for this type of aircraft would be less than $10 billion as opposed to $25 billion for the F–14. The difference in cost between the two programs is twice as much as the total cost estimated by the administration for the ABM program.

The questions I have raised merit further study. Accordingly, the amendment we have proposed to the authorization bill would require that Congress undertake a study prior to April 30, 1970. This study would be an investigation of the requirements to be fulfilled by future carrier-borne aircraft and the projected capability of the F–14 to fulfill these requirements in the most effective and efficient manner.

This study will not delay in the slightest way the introduction of a new fighter into the Navy.

There is one final issue that concerns me about this program, Mr. President. The administration is proposing to use the total package procurement—TPP—concept with token modifications for procuring the F–14. Once again, we are undertaking a very complex technical development program based on "paper" estimates made by the contractor for the performance, risks, and costs for a new airframe, new fire control, and new missile. The DOD has arranged development and procurement so highly concurrent, that we will have to appropriate as much as $3 billion before we find out whether the F–14 even comes close to meeting specifications, much less whether it has any usefulness as a fighter.

It seems hardly necessary to stress the obvious problems with this approach to aircraft development. TPP has led to the extreme cost overruns in the C–5A program. Already, independent cost estimates have been made which predict as much as 50-percent overruns for F–14.

TPP has also led to the technical disaster with the Cheyenne helicopter. The same people in the Pentagon who are telling us that there is little risk in the F–14 program, told us the same thing about the Cheyenne based on the same type of "paper" studies by the contractor.

Despite promises to reform the procurement procedures and to insist on testing prior to production commitment, the very first major aircraft program proposed by the new administration fails to meet these promises.

I completely concur with the very sensible recent study prepared by GAO for Senator Hart on parallel undocumented development. Given the technical risks associated with a complex fighter development, it would seem reasonable to insist on competitive fly-off of prototype aircraft prior to a selection of aircraft for production. While this approach may seem more costly and time-consuming at first, it will assuredly lead to a better end product, and, in the long run, is likely to produce a usable fighter at less total cost and in a shorter period of time. When faced with a competitive fly-off, the contractors have the incentive to get every ounce of performance possible out of their designs. They do this by keeping their best people on the job throughout—as opposed to the usual practice of assigning the good people to the program only until the contract is awarded and then taking them off to bid on the next one.

The competitive prototype approach permits meaningful cost estimates for the production aircraft since the contractor's bids are based on hardware rather than paper. Since the R. & D. costs are only about 4 percent of the 10-year cost, even small savings in production and operating costs can far outweigh any extra R. & D. costs that might be incurred.

In addition, the aircraft might even be available sooner since the competitive prototype approach would reduce the probability of needing extensive changes to meet performance goals—as on the F–111B and Cheyenne helicopter programs.

Finally, Mr. President, I again find it ironic that the services have complained bitterly about the lack of aircraft development programs in this country. We are told that we have not built a new fighter since the F–4 was flown in the 1950's. They stress the fact that the Soviets have flown about one new prototype each year and that this approach gives them a wide range of alternatives from which to choose a production aircraft. Yet, despite these claims, neither the Navy nor the Air Force has proposed the competitive prototype development approach for their new fighters.

These are questions and concerns that merit the special and specific attention of Congress. To gain that attention is the purpose of the amendment which Senator Hatfield and I offer today.

The Presiding Officer. Who yields time?

Mr. Stennis. Mr. President, I yield to the Senator from Nevada (Mr. Cannon) such time as he may desire.

The Presiding Officer. The Senator from Nevada.

Mr. CANNON. Mr. President, I yield myself 10 minutes.

I wish to respond to the statement of the Senator from Indiana. I want to emphasize from the outset that the Armed Services Committee, charged with the responsibility for the Senate as a whole with authorizing major military weapons systems, reviewed the justification for the F–14 program in detail, which is apparently what the Senator from Indiana is attempting to have done again.

In that connection, I would like to point out that already there are over 48 studies that have been completed in connection with the F–14 program. I ask unanimous consent to have printed in the Record at this time a "Sampling of F–14 Phoenix Applicable Studies" for the past several years, covering the F–14, engine problems, and the associated problems of the Phoenix missile, totaling 48 studies.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Sampling of F–14/Phoenix Applicable Studies

"Navy Fighter Study" Vol I 28 March 1968.—Analysis of costs, performance, and schedules of alternative aircraft and their capabilities in Fleet Air Defense and other fighter roles.

"Navy Fighter Study" Vol II Threat Analysis 28 March 1968.—Analysis of anticipated threats and likely tactical situations for U.S. Naval Forces during the mid 1970's.

Chief of Naval Operations Secret Report "The Navy Fighter Program" May 1968.—This report presents the entire rationale for the VFX (now the F–14) fighter program. It includes threat assessment, consideration of alternatives, force level and cost effectiveness implications, etc.

Chief of Naval Operations Secret Report "Navy Fighter Study—Phase II" 20 May 1968.—This study reexamined the operational effectiveness contributions of the AWG–9/Phoenix and the AWG–10/Sparrow systems and again concluded that the AWG–9/Phoenix capabilities are essential to meet the broad spectrum of threats.

Research Management Corporation Report No. S–02094 of 20 March 1968.—Independent cost estimates for the F–14 based on statistical analysis of the cost of high performance aircraft produced over the past several years.

Development Concept Paper for VFAX of 23 Jan. 1968.—Analysis of the pros and cons for developing a multi-mission VF and VA aircraft for the mid 1970's.

"VFX Weapons System Proposal (U)" The Vought Aeronautics Division of the LTV Aerospace Corporation Ser 2–71200/8L–193 of 30 Sep. 1968.—In 28 Volumes. An exhaustive and complete technical proposal for the VFX aircraft containing design philosophy, management methods, risk analysis, cost effectiveness studies, service suitability, and comprehensive reports of studies, wind tunnel tests, laboratory experiment, and construction methods. The proposal included studies of advanced version and effectiveness.

"Model 225 Proposal for Engineering Development and Production (U)" Ser 747–07 2095 of 1 Oct 1968. The McDonnell Aircraft Company.—In 33 volumes with material as described for the LTV proposal. For the VFX.

"Proposal for VFX High Performance, Carrier Based Fighter Aircraft Weapon System, Contract N00019–69–C–0047 (U)". The Convair Division of the General Dynamics Corporation, Report No. GDC–ACV–68–001 of 30 Sept 1968.—In 23 Volumes with material as described for the LTV proposal.

"Proposal for High Performance Carrier Based Fighter Aircraft Weapon System VFX (U)". The North American Rockwell Corporation Serial ADO–68–32 dtd 28 Sept 1968.—In 32 Volumes with material as described for the LTV proposal.

"Contract Definition Report and Engineering Development Proposal for the VFX Weapon System (U)". Grumman Aircraft Engineering Corporation, Serial FSR–303 dated 1 Oct 1968.—In 37 Volumes with material included as described for the LTV proposal.

"The Air Target", Vol I of Rationales for Exploratory Development Goals. (U) By the Exploratory Development Division of the Naval Material Command Headquarters dated 11 June 1968. (Secret).—Development goals for air target threat counter in the 1980 time period are exhaustively analyzed to derive parameters and values.

"Potential Effects of Defensive Electronic Countermeasures in Fleet Anti-Air Warfare (U)" by AM Salyberg. Center for Naval Analyses NAVWAG Research Contribution No. 79 dated February 1968. (Secret).—The report discusses the use of missile in an ECM environment.

"Advanced Navy Multi-mission aircraft Vulnerability Study (U)". The McDonnell Aircraft Company Report G095 dated 1 June 1968 (Secret).—The study analyzes aircraft design considerations, including cost tradeoffs, for reducing vulnerability to combat damage.

Passive Ranging in the PHOENIX Missile System (U) Final Report in AirTask A05–510–C49/202–1/A10700–00 dated 19 Sept 1968 (Secret).—The report concerns the analysis of passive ranging techniques used by the Phoenix in an ECM environment.

"Phoenix Performance Data Report (U)," January 1968 (Confidential).—This report presents the current estimates of the trajectory and miss distance performance of the AIM–54A missile, and describes in detail the basis for these estimates. The missile configuration and its parameters are described, and studies performed since December 1963 that led to this configuration are presented.

"Air Attack Threats for the Evaluation of the F–111B/Phoenix Weapon System—1970–1976 Time Period (U)," NADC–AW–6617, 22 December 1967 (Secret).—This report presents detailed estimates of a spectrum of potential enemy threats to task force and beachhead operations and enemy airborne defenses against friendly strike missions. The report is intended to be used as a source of information on hostile capabilities in the 1970–1976 time period for use in air warfare simulations of the F–111B/Phoenix Weapon.

"Fighter System Studies Operation Analysis" Grumman Aircraft PDR–OP–174 June 1967.—Generalized aircraft designs used in conjunction with analytical evaluations to define pertinent design areas for development of point designs, which are then evaluated through the analytical and simulation methodologies.

"VFAX Increased Fighter Performance Boeing Report" PD 7026–3 of 17 January 1967.—Evaluation of threat, operational usage of VFAX, aircraft design characteristics, and performance capabilities.

"VFAX Summary Description of Aircraft Design and Engine Recommendations" Vought Aeronautics Division Report No. 2–55400/7R–2473 of 15 December 1967.—A six volume report containing the design philosophy and substantiating data for an airframe and engine combination fulfilling the requirements of TDP 11–06R1 for VFAX aircraft.

"VFAX Aircraft Design Study" McDonnell Douglas Report C–125395 of 15 December 1967.—Performance considerations and design criteria leading to the selection of a VFAX engine to meet the requirements of TDP 11–06R1.

"FAX–1 Study" North American Aviation TPA–049, Task 1 (NA–67–685) dated 8 September 1967 (Secret).—An evaluation of the potential cost effectiveness of various aircraft systems in the performance of tactical fighter and fighter/bomber missions. (Four volumes).

March–May 1967, NAVAIRSYSCOM "Fighter Comparison, F–4J, F–4 (VS) VFAX, F–111B."—A comprehensive technical, cost and delivery comparison of several alternative fighter aircraft programs conducted in-house and presented within the Navy.

12 October 1967, Grumman Technical Presentation, "A Cost Effective Approach to meeting the 1970–1980 Fighter Force Level Requirements."—Grumman's analysis and proposed solution to the fighter problem.

Advanced Fighter Aircraft Design Studies" by four (4) major airplane producers. December 1967—

(a) Grumman Model 303 submitted by letter dated 28 December 1967.

(b) Vought Aeronautics Division (LTV) Model 505 by letter dated 28 December 1967. This was followed by a letter submittal dated 26 April 1968.

(c) North American Rockwell Model 323 by letter dated 29 December 1967.

(d) McDonnell Douglas Model 225A informally presented on 19 December 1967 and submitted on 31 December 1967.

Foregoing studies verified the Navy's in-house fighter studies and provided the backup technical and cost data for the Navy Fighter Study of early 1968.

"VFAX Technical Development Plan (TDP)" dated 31 May 1967.—An updating of the total development plan originally issued in 1966.

"NASA Presentation to Defense Science Board on Advanced Fighter-Attack Aircraft, LWP–447" dated 11 July 1967.—Study of FX and VFAX aircraft requirements with state of the art.

"Lockheed and Vought Aeronautics Presentation to Defense Science Board, Tactical Aircraft Task Force Meeting" 11 August 1967.—Study of FX and VFAX aircraft requirements.

"The 1975–1980 Fighter/Attack Aircraft Advanced Planning Study, Final Report (U)", (Six Volumes) by the McDonnell Aircraft Corporation. Report B151, Vols. I to II dated 11 March 1966 (Secret).—The study develops the threat, appraises the technology, compares the effectiveness of concepts and recommends development toward optimized systems.

Tactical Aviation Study—Progress Report Phase I 12 May 1966.—Develop an analytical rationale for the composition of future carrier air wings, for the ratio of carrier air wings to carrier decks, and for total carrier force level.

"Air Attack Threats for the Evaluation of Weapon Systems in an Anti-Air Warfare Simulation (AAWS), 1968 to 1975 Time Period (U)," NADC AWRD TM–2–66, 18 January 1966 (Secret).—The purpose of this memorandum is to define selected enemy threats in sufficient detail to permit their use in comparing weapon system effectiveness in an anti-warfare simulation. Three battle situations are provided: a fleet anti-air mission; a beachhead air superiority mission; and a strike-escort mission.

A VFAX Parametric Aircraft Design Study Report ASR–415–3 of 11 November 1966.—Tradeoffs between engine size, wing area, takeoff gross weight, and costs for VFAX type aircraft.

The Fighter Gap—Naval War College by Capt. F. T. Rooney May 1966.—Evaluation of the nature of fighter aircraft, the mission, and operational criteria with resultant aircraft design requirements.

Boeing Preliminary design and Trade Study, High Performance Multi-Mission Fighter/Attack aircraft. Acceleration Trade Study. Contract NOw 65–0491–C dated April 1966.—One of the contract studies conducted to determine the sensitivity of requirements prior to a competition for a new fighter covered effect of performance requirements on size, cost, and effectiveness; compared several design approaches with foreign threat designs.

1966 FAX Study Review Team.—DDR&E sponsored group investigating Air Force and Navy fighter requirements for the FX and VFAX, respectively.

"Air Defense Expected Kill (U)," Veda Memo CRV–18/551, 30 September 1966, (unclassified).—This memo consolidates the explanation of the statistical technique used for determining the expected kill for a sequency of interceptors each carrying a mixed missile load against a wave raid.

"Warhead Lethality Comparison (U)," COMNAVMISCEN letter to COMNAVAIR-DEVCEN, serial no. 00133 of 4 August 1966 (Secret).—This letter presents the results of a lethality analysis of the AIM–54A missile against three selected threat targets using specified initial conditions and fuze/warhead parameters. (4 pages)

"Warhead Lethality Comparison (U)," COMNAVMISCEN letter to COMNAVAIR DEVCEN, serial no. 00183 of 21 October 1966 (Secret).—This letter compares lethality estimates for the AIM–7F, AIM–9D, and AIM–54A missiles. It also revises some data presented in reference 2 above. (5 pages)

Hughes Conf. Report B1940 "Phoenix/VFAX Study" 28 Sept 1966.—This study was performed after the need to replace the F–111B became increasingly evident. The study demonstrated the feasibility of reconfiguring the AWG–9/Phoenix system to make it compatible with a tandem, smaller, high performance fighter of the VFAX class.

Grumman Conf. Report ASR–415–2 "VFAX/AWG–9 Integration Study" dated 13 October 1966.— Study performed under Contract NOw66–0567–C, investigated the feasibility of integrating a reconfigured version of the AWG–9 weapon control system and the Phoenix Missile into the VFAX class of fighter aircraft.

Anti-Air Warfare Study Contracts.—

(a) McDonnell Aircraft, NOW65–0667–f dated 13 Aug 1965.

(b) Grumman Aircraft, NOw65–0613–f dated 18 June 1965.

Contracts covered the analysis and preliminary design of fighter aircraft to replace the F–4 and F–111B airplanes. The McDonnell study covered an improved version of the F–4 while Grumman investigated major redesigns of the F–111B, new airplanes, and A–6 modifications.

BuWeps Secret Report No. R-5-65-5 "Cost Effectiveness Comparison of F-111B with Selected Alternatives (U)" dated March 1965.—This study concluded that contingent upon the F-111B being a good carrier based aircraft, it was a cost effective system but dominated by the superior characteristics of the AWG-9/Phoenix system.

NASA Evaluation of F-14, 7 Aug 1969.—Independent evaluation of the F-14 performance substantiated by extensive wind tunnel tests and analytical evaluations. Report verified NAVAIR evaluation of F-14 capabilities.

VFX Development Concept Paper, June 1969.—Reviews the threat, methods of countering the threat, alternatives, cost effectiveness, and OSD decision to proceed with the VFX concept.

BuWeps Secret Report No. R-5-65-1, Jan. 1965 "An Evaluation of Attack and Attack Fighter Aircraft for the 1970's (U)".—A comprehensive systems analysis of a wide variety of alternative systems and force mixes. This study provided the basis for the SOR (Specific Operational Requirement) for the VFAX program which later evolved into the VFX program.

BuWeps Confidential Report No. R-5-61-14/2 "Factors Determining the TFX (N) weapon System Characteristics" dated September 1962.—An early weapon system trade off study that led to defining the AWG-9/Phoenix weapon system characteristics and clearly demonstrated the need for a long range, multi-shot missile system for fleet air defense.

Project Stone Final Report Hughes Report PMS 86-1/2141 21 February 1969.—Comprehensive analysis of Phoenix capability against cruise missiles and their launchers.

Phoenix Performance against Multiple Barrage Jammers Hughes Report 2143.20/17 21 February 1967.—Study results with three encounters with multiple jammers.

Comparison of Multi Mission Aircraft in a Seven Day Limited War Compaigns Analysis (U) Final Report Secret NADC—WR-6528 Naval Air Development Center, Johnsville, Pa. 30 Dec. 1965.—A computerized escort-self escort comparison of the proposed VFAX aircraft and existing aircraft. Mix ratios were examined for combinations of attack and multi-mission aircraft. The VFAX/A1B combination carrier loading was superior to the F4J/A7B and unescorted A7B.

"One versus two-can crew study final report (U)" North American Autonetics Report C6-94/312Q DCN 66AN 51181. Dated 31 Jan. 1966 (Secret).—This study, performed under Bureau of Naval Weapons contract, investigate crew size requirements for a 1970-1975 time span multi-mission (air-to-air/air-to-ground) type aircraft.

"Evaluation of Expected Kill of Mixed Loadings Against A Wave Raid (U)," Veda Memo CRV-15/551, 20 July 1966, (Unclassified).—The memo develops a generalized statistical technique for determining the expected kill for a single interceptor carrying a mixed missile load against a wave raid. This computational technique yields a precise value of expected kill as a function of interceptor combat time (generated by STAB II) and missile firing doctrine.

"Expected Kill for a Cluster of Targets Protected by a Jammer (U), "Vedo Memo TEM-2/551, 26 August 1966 (Confidential).—This memo explains a preliminary statistical technique for determining the expected kill when several missiles are launched against a cluster of targets which are screened by a single ECM aircraft.

Mr. CANNON. As a matter of fact, Senator STENNIS appointed me chairman of a special Tactical Airpower Subcommittee on February 28, 1969. Distinguished colleagues serving with me on this subcommittee were Senators SYMINGTON, JACKSON, YOUNG, THURMOND, TOWER, and GOLDWATER.

Senator STENNIS asked specifically that we concentrate on the justification for both the F-14 and the F-15 fighter aircraft programs.

Members of the Tactical Airpower Subcommittee spent several weeks reviewing 15 major tactical weapons and weapon systems. As a result of our deliberations we recommended the denial of fund authorizations in the amount of $558.5 million in various tactical weapon systems.

After extensive briefings, the subcommittee recommended that the F-14 and F-15 programs be supported by the full committee. All of our recommendations were subsequently adopted by the full committee. Therefore, I want to positively assure the distinguished Senator from Indiana that the Senate Armed Services Committee did not give, as he has stated "blank check approval of that—F-14—weapon system which is found in the bill as it reads today."

As chairman of the Tactical Airpower Subcommittee, I would like to review briefly the compelling reasons that led the Tactical Airpower Subcommittee to the unanimous recommendation that the F-14 program should be fully supported and authorized. I shall be happy to expand or discuss with any Member any particular point after concluding my remarks.

THREAT

Whether any new air superiority fighter is required or not depends on the threat to our national security. If there is no threat, then we can rely on or make do with older less effective weapon systems. If there is a threat, then in good conscience we must recommend those actions necessary to protect our national security. Is there a threat in the tactical air superiority area? I believe unquestionably that the evidence conclusively demonstrates there is a distinct and serious threat. I believe that if we do not pursue both the F-14 and the F-15 air superiority aircraft programs the United States will be inferior to the Soviet Union by 1975. Why is that so? The only aircraft in our inventory today with an acceptable air-to-air combat capability is the F-4. This aircraft has been and is an excellent weapon system. However, it is critically important to recognize that its technology dates back to 1954. In an age of rapidly advancing technological achievements the F-4 could not cope successfully with Soviet aircraft in the mid-1970's.

Today the most likely enemy air superiority aircraft is the Mig-21. Expert testimony has established that the F-4 is considered equal in performance to the Mig-21 at normal fighting altitudes. We then must determine whether the Soviet Union has improved upon the Mig-21. The Soviets since 1954, when the F-4 was designed, have flown 18 new models of modern-type fighter aircraft. Obviously not all of these different models have gone into production or become operational. However, it afforded the Soviets with many modern flying prototypes from which it could select the very best for production.

Seven of the 18 new models were seen for the first time by the free world at the July 1967 Moscow airshow. At this airshow, we first saw the Foxbat, the present holder of the world's speed record. Intelligence sources estimate at least three of the new fighter aircraft seen for the first time then are currently in production or will be shortly.

During the past decade the Soviet Union has introduced at least one new type operational fighter every 2 years. A total of six, with 11 models; namely, five models of the Mig-21 Fishbed; two models of the Fishpot; and one model each of the Fitter, Firebar, Fiddler, and the Flagon.

The Soviet Union has concentrated on tactical aircraft specifically oriented for the air superiority role. In contrast, the United States has developed and relies on the F-4 for the air superiority role.

It is fundamental that the new Soviet aircraft flown in 1967 will be superior to the Mig-21. Further, when they are operational they will be superior to the F-4. A nation with its eyes on the future, and what potential adversaries may do, obviously will not develop and deploy new weapon systems inferior to existing models.

Our informed experts agree the F-4 aircraft, designed on a 1954 technology, will be totally inadequate to cope with the highly sophisticated aircraft of potential enemies in the mid-1970's.

A modern fighter takes several years to develop and produce. This is an inevitable and inescapable fact. Therefore, it will be 1975 before our new air superiority fighters are operational, with the exception of the F-14A which will be operational in early 1973.

It is well recognized that if the air space is controlled, then the battle area and surrounding terrain is controlled. If the air space is not controlled, then other tactical aircraft designed for air-to-ground missions will be relatively ineffective. Even modern aircraft designed for air-to-ground roles require a "permissive" environment, that is, no heavy enemy fighter opposition if they are to be successful. Yet, in the face of this unquestioned fact, the United States for the last few years has concentrated on the development of air-to-ground aircraft for the interdiction and close air support missions.

F-14

Now I would like to discuss the F-14 program and whether it will be able to meet its primary mission requirement—to achieve air superiority. The Navy and its aeronautical experts have stated it will be fully capable for this vital mission. Inasmuch as carriers are deck limited and can carry only a limited number of aircraft, the F-14 must also perform the fleet air defense mission. Otherwise we would have to buy two different types of aircraft—one for the air superiority mission and one for the fleet air defense mission. Many people, including myself, were initially concerned as to whether the F-14 would be unduly compromised in the performance of its air superiority mission by virtue of the added responsibility of performing the fleet air defense mission carrying the Phoenix missile system.

Dr. Foster, and his technical experts in the Department of Defense, also had this concern. Therefore, they requested the National Aeronautics and Space Administration to determine if the performance characteristics established by the Navy were reasonable and capable of attainment. NASA, after reviewing all of the major data and conducting tests on its own, advised Dr. Foster that the multimission performance estimates of the Navy were attainable without any significant degradation of the pure fighter capability of the F-14. The Department of Defense Research and Engineering Office has also concurred with the Navy's estimates. I was reassured by the findings of these aeronautical experts and I do not think anyone, therefore, without proper qualifications should make findings to the contrary.

I feel it is important to understand that an air superiority aircraft is not dependent for its success on any one feature, such as speed. An air superiority aircraft to be successful must be a "balanced" aircraft capable of speed, acceleration, climb, maneuverability, and so forth. This involves consideration of weight, thrust to weight ratios, wing loading, and so forth. The design experts must review all of these requirements and put them in proper balance in order to achieve a true air superiority aircraft.

I would like to say a few words about the Phoenix missile system. This is the main armament for the F-14 in the Fleet Air Defense role. The present program calls for "palletizing" the vast bulk of the equipment associated with the Phoenix missile. This means that when the aircraft is configured in the air superiority role the Phoenix missile and most of its associated equipment will be removed. I have with me today a model of the F-14 which shows how this will work in practice.

The subcommittee was advised that if the F-14 was designed exclusively for the air superiority role—without any Phoenix weapon system capability—that it would weigh only 600 pounds less than the present F-14 design. Let me make this point very clear. The Navy experts have stated that if they designed an aircraft exclusively for the air superiority role without considering any other mission it would weigh only 600 pound less than the present F-14. The Navy feels, and I agree, that the 600 additional pounds the F-14 will weigh in order to give it the capability of carrying the Phoenix missile system is an insignificant penalty when we consider the great value realized; namely, the ability to perform the Fleet Air Defense mission.

The development of the Phoneix missile system has been a very complicated risk. However, 21 of the planned 26 test launches have been fired and 16 were extremely successful. This is an impressive record when one considers the tremendous advance in the state-of-the-art represented by the Phoenix. For example, Mr. President, the Sidewinder air-to-air missile which has enjoyed a very enviable record over the past few years, had great difficulties early in the R. & D. phase. Nearly all of the first 50 R. & D. firings of the Sidewinder missile were failures. Therefore, I think everyone should understand and appreciate that research and development is an essential phase every major weapon system must go through. Obviously any program has its temporary problems and not all test firings are successful during that period.

COST

The distinguished Senator from Indiana has stated the F-14 program will ultimately cost $25 billion. I have no information to support that figure.

The Navy has contracted with the Grumman Corp. for 469 F-14 aircraft—six R. & D. and 463 production aircraft—subject to the approval of the Congress. The information I have shows the program will cost $6.4 billion. This includes all 3 models, the F-14A, the F-14B and the F-14C. It includes $1.3 billion for R. & D. and $5.1 billion for production. Most importantly, these figures are based on escalated dollars which means that provision has been made for a 4-percent compounded annual increase in cost for inflation from 1970-76.

I previously stated in my speech on the Senate floor on July 10, 1969, that the estimated unit cost per aircraft would be $15 million each. It is exceedingly important for every member to recognize that this unit cost includes spare parts, ground support equipment, and a proper share of all R. & D. expenses. To my knowledge this approach by the Tactical Air Power Subcommittee has not been used previously. In the past we have always talked about "flyaway" costs. This is the cost of an aircraft sitting on the runway ready for takeoff. This cost excludes ground support equipment, training, spare parts and a proper share of R. & D. Obviously, our method gives a higher cost figure. However, I believe our cost basis is more realistic because it includes all associated costs with an aircraft and not merely those costs associated with equipment physically on the aircraft.

The Navy has recently advised me that it uses $13.6 million per aircraft for the F-14A and F-14B programs. It did not include estimated costs for the F-14C because it is so far down the road. The F-14C would ultimately provide for new micro-miniaturized avionics. No funds have been requested or spent on the F-14C to date. However, the $6.4 billion figure referred to previously includes the estimated R. & D. costs of the F-14C of $326 million.

The $13.6 million per aircraft includes $8.5 million flyaway costs, $1.1 million support costs, $2 million for spares, plus $2 million for a prorated share of R. & D.—a total of $13.6 million per aircraft. This is for 469 aircraft. If the Navy were to purchase 716 F-14's—the Navy's present force level requirements—it would cost $12 million each.

Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for an additional 5 minutes.

Mr. CANNON. Mr. President, obviously when more aircraft are purchased the unit cost is substantially reduced.

For example, Senator HARTKE compares the $15 million costs for the F-14 to the $3 million cost for the F-4. This is comparing apples and oranges. The costs for the F-14 as computed by the Tactical Air Power Subcommittee, includes all costs, that is, flyaway ground support costs, spare parts costs, and a prorated share of research and development. The $3 million figure for the F-4 is "flyaway cost only."

The flyaway costs for the F-14 is $8.5 million in escalated dollars for 463 aircraft. If we used 1970 dollars—without allowing for future estimated inflation—it would be $7.5 million each. The cost of the first 463 F-4 aircraft was $3.6 million each. This was between 1955-63. If we escalate this to 1970 dollars based on actual Bureau of Labor Department statistics the first 463 F-4 aircraft "flyaway" costs would be $3.9 million each. Therefore, to make a fair and accurate comparison we should compare the $7.5 million cost for the F-14 to the $3.9 million flyaway cost of the F-4 using 1970 dollars. Also it is important to realize that the F-14 will use 1969 technology versus the 1954 technology of the F-4.

I want to reemphasize that these costs are in escalated dollars. This allows for a 4-percent cost compounded annually for inflation. If we used 1970 nonescalated dollars, the $13.6 million per aircraft would be $12.4 million per aircraft for 463 aircraft. If we purchased 716 aircraft, the unit cost would drop from $12 million to $10.4 million per aircraft.

I certainly am not attempting to convince any Member of the Senate that the new modern weapon system in this day and age cost a few dollars. We must pay for the drastic inflation encountered in this country since 1964. Unfortunately, we cannot go down to the local dime store and procure complicated weapon systems containing the highest sophistication.

Personally, I have weighed in my own mind the requirement for the air superiority aircraft for the Navy versus the cost to be encountered. It is my conclusion that these costs must be incurred because of the paramount importance of properly providing for our national security.

Mr. President, before I close my remarks I would like to tell the Senators why I feel it is important to proceed with the F-14A, using the TF-30-P412 engine and the Phoenix weapon system developed for the F-111B, rather than waiting for the F-14B which will incorporate the advanced technology engine—ATE. If we canceled the F-14A and waited for the F-14B, it would cost the American taxpayer $340 million additional. Of equal importance is the fact that we would delay the introduction of the F-14 into the fleet more than 2 years—from early 1973 until 1975. No one can predict what national security risks we may encounter between 1973 and 1975. I do not feel we can afford to run such a risk.

TF-30—P-412 ENGINE

I would like to advise the Senate, Mr. President, that the TF-30/P-412 engine for the F-14A is not an "old" engine as stated by my distinguished colleague from Indiana (Mr. HARTKE). This engine is the first afterburning turbofan engine developed in this country. It has the highest thrust, the highest thrust to weight ratio, and the lowest fuel consumption of any fighter engine in the Free World. The P-412 engine is the same as the P-12 engine for the F-111 aircraft after adapting the P-12 inlet for the F-14. Initial deliveries of the P-12 engine were only made last year. Not even in a remote sense can it be stated that the TF-30/P-412 is an "old" engine. Further, the F-14 airframe has been specifically designed for the TF-30 engine and the advanced technology engine. Hence, there is no "mismatch" between the F-14 airframe and its engines.

In conclusion, Mr. President, I would like to briefly mention the source of several documents mentioned by Senator HARTKE that he has requested of the Defense Department. These documents, for the most part, were prepared by personnel in the Office of Systems Analysis in the Department of Defense. I do not know what contribution, if any, these documents will provide. I do not know their contents. However, I do think it is extremely important to recognize the key and influential role in the weapon system decisionmaking process played during the 7-year reign of Secretary McNamara by the Office of Systems Analysis. Not once did this Office to any knowledge recommend the United States undertake the development of a new air superiority fighter system. They were always interested in conducting cost-effectiveness studies. While this is fine and has merit as a general rule, the results of these cost-effectiveness studies relative to tactical aircraft, concentrated on carrying iron bombs over long ranges on air-to-ground missions. They stressed such items as "cost per ton mile." It led to the conclusion that as long as we could carry a large amount of bombs over long ranges that we had tactical aircraft superiority over the Russians. While these type missions are important it resulted in a complete failure to develop a new air superiority fighter.

In addition, Systems Analysis successfully resisted all efforts by the Navy and the Air Force to initiate a new air superiority fighter program. I must say, for my part, that I do not look very sympathetically or understandably on data prepared by this Office who, after a long record of resistance, now propose that they can develop a better air superiority fighter.

Mr. President, I could talk at much greater length about the F-14 program. However, I recognize the very busy schedule presently confronting the Senate. I will be happy now to respond to any questions.

Mr. President, I yield 2 minutes to the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I thank the able Senator from Nevada (Mr. CANNON), a colleague on the Committee on Armed Services, and wish to express my appreciation for the contribution he has made in this area. He and his subcommittee have done a very effective piece of work in this area throughout the long hearings.

Mr. President, my remarks on amendment No. 164 will be very brief.

The Senate has already undertaken the task of making a comprehensive study of the carrier fleet. It stands to reason that any study on the future of the carrier must include the aircraft which represents its principal weapon.

That study would necessarily require a thorough examination of the five items set forth in the amendment.

Mr. President, this protracted debate which began on July 7 is now drawing to a close. This amendment should be summarily rejected because it represents a duplication of effort that we have already committed ourselves to accomplish.

Mr. CANNON. Mr. President, I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, it is my intention to vote against amendment No. 164 which calls for a study of the need and capability of the F–14, the Navy's planned air superiority aircraft.

Early this year the distinguished Senator from Mississippi (Mr. STENNIS) named an ad hoc Tactical Air Power Subcommittee under the chairmanship of the distinguished Senator from Nevada (Mr. CANNON) to conduct just such a study.

Not only was this subcommittee, of which I was a member, charged with the study of the F–14 but they also undertook an investigation and review of 14 other major tactical air weapons systems.

This subcommittee held numerous briefings on the tactical airpower situation. It concluded its work by making a set of recommendations to the full Senate Armed Services Committee. Although these recommendations called for the discontinuance of a number of tactical aircraft programs, the seven members of the committee unanimously supported the F–14 program.

The full committee also conducted its own investigation into the F–14 program as it did on other major weapon systems. This Navy air superiority aircraft designed to meet our naval air power needs in the mid-1970's received the support of the full committee.

Mr. President, only last year the Preparedness Investigating Subcommittee of the Senate Armed Services Committee conducted a thorough study into the status of our tactical airpower programs. This investigation included hearings and the issuance of a report which is available to all Members of this body. One of the key recommendations of this report was the need to press forward with the development of air superiority fighters for both the Navy and the Air Force if we are to protect our men, ships, airbases, cities, and other targets in any future conflict.

As recently as July 10, Mr. CANNON, chairman of the ad hoc committee who made the tactical airpower study, made a lengthy speech here in the Senate in which he detailed the findings of this subcommittee and in which he laid particular stress on the comprehensive study made by this group. At this time he emphasized the great need for the F–14 and the F–15.

Mr. President, it is abundantly clear this entire area as well as the F–14 specifically have already been studied carefully by the Congress. Amendment No. 164 is calling for another study.

The import of this amendment is that the Senate Armed Services Committee has not done its job. The very opposite is true. It has not only done its job, but has done it thoroughly. Furthermore, I am confident the committee, under the able leadership of the distinguished Senator from Mississippi, will continue to study and review the F–14 and other programs as they progress.

We do not need legislation to tell this committee how to do its work. This amendment amounts to a legislative mandate to the Armed Services Committee. Where is this sort of thing to stop? If some in the Senate feel we do not need the F–14 then let us have an amendment to that effect and we can vote it up or down.

The Senate has already attached an amendment to this bill calling for a study of the Navy carrier program and as the principal weapon of the carrier the F–14 would presumably be a part of such a study. Also, it should be noted the Navy Department has conducted 46 studies in the area of what type plane is required for our aircraft carriers.

Mr. President, we are forgetting this is an authorization bill. It has already become a Christmas tree bill with amendments dangling from every branch. It appears now the Armed Services Committee no longer has a membership of 18 but rather a membership of 100. We are witnessing an attack on the committee system.

This amendment will not receive my support on the grounds I have just stated. It is my hope other Members of this body will feel likewise.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 7 minutes.

Mr. President, during the discussion of our tactical airpower requirements it has frequently been asserted that the Soviets have developed 18 new models of aircraft since 1955. Not all of these models, however, have been put into production and become operational. Nevertheless, it is claimed that in the past decade the Soviets have introduced five new operational fighter aircraft.

Further, it is asserted that by contrast, the United States is still relying on the F–4, a plane designed in 1955 which became operational in 1961, as our best and only air superiority fighter. Thus, the need for a new air superiority aircraft has been strongly urged upon Congress.

Those who have raised questions and criticisms of the proposed defense authorization bill have never, to my knowledge, disputed the need for a new air superiority fighter. There may be significant differences of opinion regarding the strength and capability of our present tactical airpower in relation to that of the Soviet Union. Also, there may not be complete agreement over the urgency of this need. But, fundamentally, no one has proposed that we should abandon all plans to develop any new air superiority fighter for the future. I trust it is perfectly clear that this is absolutely not the intention or motivation of the amendment being offered by the Senator from Indiana (Mr. HARTKE) and myself.

This amendment focuses particular attention on the F–14 aircraft. It questions whether the variety of missions the F–14 will be designed to fulfill are necessary, feasible, and can all be accomplished by one aircraft. Missions of this plane include defense of the carrier fleet against attack from the air, air superiority, and the capability to deliver certain bombs and missiles on ground targets.

The amendment is offered because of doubts we hold concerning the basic requirement of an aircraft for the fleet air defense mission and the ability of the F–14/Phoenix system to carry out that role.

The Phoenix missile system is being designed for the F–14's fleet air defense role. This highly complex missile is being developed to destroy sophisticated attacking enemy aircraft at long distances. This seems to imply, however, an attempt to provide a defense of our carriers in the event of a major conventional war with the Soviet Union. This raises certain questions in my mind. First, what is the probability of a conventional war with the Soviet Union that would not escalate into a nuclear war? Second, if there should be such a conventional exchange, what would be the role of our carriers? Would carrier-based airpower be necessary or useful to attack targets within the Soviet Union? If not, what role would there be for carrier-based tactical airpower in such a contingency? Finally, given this circumstance, would not the carriers be highly vulnerable to various submarine and surface launched missile attacks?

Thus, I ask whether it is realistic and necessary to provide for the highly sophisticated fleet defense that is the intended function of the F–14's Phoenix missile system. The question is crucial to the development of the F–14. The capability to carry the Phoenix is, in my understanding, the primary reason for the potentially massive expense of the F–14 program. Further, it is the Phoenix requirement that has raised strong doubts about the F–14's capabilities as a true air superiority fighter, as the Senator from Indiana (Mr. HARTKE) has pointed out. I am aware the Navy strongly denied that the air superiority mission of the F–14 is compromised by the fleet air defense requirement. But it seems evident that there is strong, authoritative opinion to the contrary which leaves this question unresolved.

The Phoenix missile will be extremely costly. Original estimates put the price at $219,000 per missile. Now, I am told that reliable estimates figure the cost at $400,000 per missile. Each F–14 will be able to carry one load of six Phoenix missiles. Thus, one load of Phoenix missiles for one F–14 would cost $2.4 million. I have not been able to discover precisely how many Phoenix missiles the Navy intends to buy. But this should indicate the tremendous expense of just this missile system, in addition to the cost of the aircraft.

The PRESIDING OFFICER (Mr. SAXBE in the chair). The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, it is estimated that the total systems cost of the F–14, including the extensive expense of operation and maintenance over a 10-year period, could be $25 billion. Because the F–14 would be one of the most expensive weapons systems ever procured by our Defense Department, I believe we must be absolutely certain about the requirement for an aircraft with the multimission capability of the F–14 and the capacity of this proposed aircraft to effectively perform all these missions.

At present, it seems as though doubts and questions remain which have not been fully answered. Thus, our amendment proposes that these issues be carefully studied by the Congress between now and April 30, 1970, and that no decision regarding the future procurement of F–14's be made until such a study can be carefully evaluated. Our amendment would not affect the 12 F–14's authorized in the current bill and other long lead-time items. It would require that the most careful scrutiny be given to this matter before we embark on the massive, costly procurement of an aircraft that might not be a wise or necessary component of our Nation's defense. There are many crucial questions and issues which such study should focus upon. Our amendment suggests a few specific considerations.

First, for instance, we believe the congressional study should examine in detail the character of the airborne threat to our carrier task forces. In House Appropriations Committee hearings in 1968, Chairman MAHON, in reference to the Soviet bomber threat, said:

"The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has, of course, not developed to date."

Has the threat increased since Congressman MAHON made this comment?

Second, just what are the capabilities of the Soviet aircraft which threaten our fleet?

Third, it is also important to examine the cost effectiveness of the F–14/Phoenix system. We should analyze in detail its ability to protect the carrier fleet against the threat which is likely to exist in the relevant time period.

We should look at the threat from aircraft, from submarines, from ships, and from shore-based missiles. We should then determine which of these can be countered and at what cost. If it turns out that at great expense we can cope with the airborne threat, but that no matter how much we spend we would not be able to deflect significantly other types of attack, then it would seem not useful to spend great sums to counter the bomber threats.

Fourth, the study should look into the question of how much performance in any specific mission requirement is comprised in order to provide the F–14 with a multimission capability. The Senator from Indiana (Mr. HARTKE) and I have already commented on this issue.

Finally, I would hope that such study would focus attention on the cost-effectiveness and feasibility of alternative programs to the present F–14/Phoenix plans. The Senator from Indiana, for instance, mentioned reports of proposals for the development of a fighter aircraft not encumbered with the Phoenix missile system. If such an aircraft could actually be built and operated for as much as $15 billion less than the F–14, as the Senator from Indiana has maintained, then all the facts and considerations concerning such an alternative should be openly studied by the Congress before an irreversible commitment is made to the F–14/Phoenix system.

In summary, our amendment requests only that this highly complex matter be carefully considered before the next defense authorization bill. This would make it possible for all the Members of Congress to increase their knowledge and perfect their judgment on such a costly and crucial issue. I trust that the very distinguished chairman of the Armed Services Committee and the committee members will understand the cooperative spirit in which this amendment is offered. We want to increase our understanding of these complex matters in order to better exercise our responsibilities as Members of Congress. It is for this purpose that we offer our amendment and urge its adoption.

Mr. HARTKE. Mr. President, I yield myself 1 minute. I send to the desk a modification of the amendment.

The PRESIDING OFFICER. The Senator has a right to modify the amendment.

Does the Senator wish the modification to be stated?

Mr. HARTKE. Mr. President, I ask that the modification be read.

The assistant legislative clerk read as follows:

"On page 1 of amendment No. 164, beginning with line 1, strike out all down through line 5 on page 3, and insert in lieu thereof the following:

" 'SEC. 403. Prior to April 30, 1970, the Congress shall complete a comprehensive study and investigation of the requirements to be fulfilled by future carrier borne aircraft and of the projected costs of the F–14 aircraft and the capabilities of such aircraft to meet these requirements in the most effective and efficient manner. The results of this comprehensive study and investigation shall be considered prior to any authorization or appropriation for the production or procurement of any F–14 aircraft. This limitation shall not apply in the case of funds authorized by this Act for such aircraft.' "

Mr. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARTKE. Does the Senator from Mississippi wish to speak at this time?

Mr. STENNIS. The Senator may proceed.

Mr. HARTKE. I was going to ask a series of questions of the Senator from Nevada.

Mr. STENNIS. If the Senator from Indiana would permit me to say a few words at this point on behalf of the committee, I would appreciate it.

Mr. HARTKE. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Then, the Senator could interrogate the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, with reference to the amendment which has been proposed, I know the good faith of the authors of these amendments and I accept at face value everything they say about their intentions.

I do wish to bring out what the committee has done. In this case I believe the authors reached the wrong conclusion. This year I specifically requested the Senator from Nevada to explore the F–14 program in detail and he performed his job with the thoroughness that is characteristic of him. This was done in a fine way and we had the benefit of other talent on the committee that is well versed and has long experience in understanding the problems of a plane, the problems connected with its mission, and making a valid judgment. We had other advice and counsel, of course but in the committee we did have men of experience. They are here to be cross-examined.

The fact of the matter is that the subcommittee of the Senator from Nevada spent the greatest portion of its time on the F–14 and F–15 aircraft programs because of their cost and importance. It reported in considerable detail to the full Committee on Armed Services on the results of its inquiry and study into the F–14 program and the full committee itself also explored this program in detail when the appropriate witnesses appeared and testified.

These were not casual matters. It just is not true when it is said they just take these things as a matter of course and accept what is said by some general or admiral about it. Those accusations are not true. I do not say they are corruptly made by they do not represent the facts that as they occurred in the markup of the bill, particularly with respect to these programs that are in the making and projecting into the future because we know how important it is for the need to be supplied and we know how important it is in the workability—I will use that term—and also the cost.

Therefore, I am most concerned by the fact that this amendment suggests by implication that no one up to the present time has reviewed the program and, more specifically, as Senator HARTKE suggested in an earlier speech, that the committee gave blank-check approval to the F–14 program. Such is definitely not the case.

The Tactical Air Power Subcommittee unanimously recommended after their thorough and intensive review of the program that the funds requested be authorized. The full committee, after conducting its own review, agreed with this recommendation.

Furthermore, Mr. President, the Preparedness Investigating Subcommittee, of which I am chairman, spent several months during 1968 conducting a most thorough and exhaustive review of all of our tactical air programs. Needless to say, due to the high importance of the F–14 program, it received detailed consideration. Extensive hearings were held and the Preparedness Investigating Subcommittee issued a unanimous report on October 4, 1968. In that report we recommended that the Air Force and the Navy's air superiority fighter programs proceed with maximum effort in light of the current and foreseeable Soviet threat.

By way of background here, the Navy's version of the TFX had been hanging on and hanging on and it was not working out. It was too heavy. It was still in the budget though, when the Preparedness Investigating Subcommittee reported on it. It was still in the budget in March of 1968 when we last considered it and the first time consideration was given in committee as to whether to build the F–14. We took out the last remnants of the Navy version of the TFX as being proven to be totally inadequate and put in, instead, the case for the F–14. I have already outlined what we did this year.

Next year, the matter will be considered by the committee, and not in any casual way, but right down to the very heart of the matter, weighing it again—if it is recommended and I feel sure it will be—in the bill, and we will go into it from its development at that stage.

Frankly, as a practical matter, I believe that we are capable of coming up with a judgment. We will do that. I do not like to put any date tag on this thing. It has been grinding out now for 15 years, trying to get a proper fighter plane for the Navy. We went along with one that was not adequate. Now this one has started going, after 15 years of effort.

Now we say by next March 31 we have got to come up here with something in the way of a survey. I do not like the idea at all, particularly with this long bill of particulars and guidelines written by someone in good faith, perhaps—I am sure it was in good faith—but I do not believe they had any more knowledge, perhaps not as much, as the men who sit on the committee and pass on these matters. I am not including myself in that.

So I think we are about at the end of the road in considering this bill. I think as a measure of the history of this legislation and the headway we are making, if anything should be discovered down the line as to the run with engine A or the run with engine B, why, of course, we will take advantage of it.

Mr. HATFIELD. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. I yield.

Mr. HATFIELD. I appreciate the comments the chairman of the Armed Services Committee has made relating to the work of the committee. I want again to go on record, as I have in the past, my support for the committee's work. The chairman has also referred to the ad hoc committee that was chaired by the distinguished Senator from Nevada (Mr. CANNON). I am quoting from the Cannon report in the RECORD of July 10, 1969, and I would like to ask the Senator to respond to this question as it relates to the F–14.

On page 19056, I read as follows:

"The committee is compelled to point out that for the last few years the United States has concentrated on the development of "multipurposes" missions, including air-to-air combat and air-to-ground missions. The requirements for an aircraft to be capable of performing "multipurposes" missions unquestionably compromises an aircraft in the performance of its primary mission, irrespective of the nature of its primary mission. It is the committee's judgment that we now concentrate on the development of the fighter aircraft specially configured and confined to the "air superiority" role. We have long neglected undertaking a new program in this area, relying exclusively on the capability of the F–4."

My question to the Senator is: Is not the F–14 designed to carry the Phoenix missile which makes it a multiple-mission type of aircraft?

Mr. STENNIS. Yes; that is correct. It makes it a multiple-mission aircraft for an aircraft carrier, as the Senator from Mississippi understands it. They must have some multiple-mission planes whereas the Air Force, operating from the ground with longer runways, can concentrate on one thing, and that is speed, climbing power—a single mission. But we have a mixed type of plane on an aircraft carrier and we have to have some multiple-purpose planes.

I really think that the Senator from Nevada (Mr. CANNON) is the gentleman that should answer that question. I gave a layman's point of view. The Senator from Nevada really knows that subject.

Mr. CANNON. I would be happy to respond to that question. It is a good one. The Navy has a dual requirement for this type of aircraft. One is for the defense of the fleet, and two, the aircraft superiority role itself. So what they have tried to do is to have one aircraft perform both missions since they do not have the luxury of being able to have two aircraft, because they do not have the space for them on a carrier. As a result, they have come up with a design in which they have optimized this development.

I show the Senator a model of the proposed F–14 now on my desk, if the Senator would care to look at it. It should be noted that the Phoenix weapons system which is to be used in the air defense role—is so optimized that the whole weapon systems package can be removed. That is everything including the guidance except the part which is in the pilot's cockpit—can be taken off, when it is used in the air superiority role; and it can be reinstalled if the aircraft is to be used in an air defense role. On this role, however, it is configured for both. It has as can be seen on this model some of the Phoenixes and also Sparrows which permits it to go into a dual role capability and be able to perform in either environment, as required.

I stated in my speech that because of the design features that have been built into this proposed design, there is only a difference of 600 pounds in total weight over and above what the airplane would weigh if it were designed solely for an aircraft superiority role. So the Navy is only paying a 600-pound penalty to give them an aircraft having a dual role. The aircraft, true, as the Senator from Indiana indicated, might probably be outperformed by the F–15. But the F–15 cannot land on an aircraft carrier. This requires a much heavier structure for the airplane, and the landing gear, too, must take the shock of being catapulted off and must again take the shock of coming in for an arrested landing.

So if you could transport a runway around with the carrier, the type that an F–15 needs, then it is true you would be able to reduce the weight and get perhaps a higher performing aircraft, because the oversimplification is that it depends on the thrust-to-weight ratio for the type of performance you are going to get.

Mr. HATFIELD. Will the Senator yield for a further question?

Mr. CANNON. I am happy to yield.

Mr. HATFIELD. I appreciate the analysis and explanation as given of the F–14 model on the desk. I would like to have the opportunity of looking at it in more detail later. But I refer again to this question, because it seems to me the Senator from Nevada again reiterated what he said in his report, that it is a multimission plane, because he uses the word "compromises":

"The requirements for an aircraft to be capable of performing "multipurpose" missions unquestionably compromises an aircraft in the performance of its primary mission, irrespective of the nature of its primary mission."

Irrespective of its primary mission, it compromises. What I want to know is where we compromise in this aircraft. Where do we make the compromise, which means less than full effectiveness or efficiency?

Mr. CANNON. The compromise is the 600-pound difference in weight. So we have that feature on this aircraft. We have a 600-pound heavier aircraft so this airplane can perform in a defense role as distinguished from an aircraft that would have only one mission, that being air superiority. But the Navy cannot afford the luxury of two planes for that purpose.

We got into this problem with the old TFX or the F–111. The F–111 was described as a fighter-bomber. It should never have had the tag "fighter" put on it, because it never was. It is an attack aircraft, it is true. It can go in low, has speed so it can get away; but if we are talking about air superiority, it cannot compete with a lighter aircraft, at altitudes, that weigh much less than the F–111 and is perhaps as fast or nearly equally as fast, because it is not built for that air superiority role. Yet it was described as a fighter-bomber in the sense that it can protect itself, which it can do by either firing at another aircraft or going faster than any other aircraft on the deck, so that the pursuing aircraft would pull its wings off. In that sense it can defend itself, go in low, at great distances, avoid radar surveillance, make an attack, and get back.

Mr. HATFIELD. Mr. President, will the Senator yield for a further question?

Mr. CANNON. I yield.

Mr. HATFIELD. Do I understand that the full Committee on Armed Services changed the conclusion of the ad hoc committee of which the Senator from Nevada was chairman, because in the statement of the Senator from Nevada as the finding of the ad hoc committee—and I quote again—it is stated:

"It is the committee's judgment that we now concentrate on the development of the fighter aircraft specially configured and confined to the air superiority role."

If I understand that correctly, the Senator's ad hoc committee said that we should confine ourselves to the air superiority, single mission role for a fighter; whereas, as I understand the statement now made, the Senator wants the dual role for the F–14. Is that a correct understanding?

Mr. CANNON. It is not exactly correct as the Senator places it. We, and the Navy feel, the studies indicate, that the F–14 can perform in an air superiority role as required by the Navy. I have already touched on the penalty spoken of by the committee. That is the reason for the design configuration which permits the whole package of the Phoenix, as I said before, to come right off if it is going to perform in an air superiority role. We end up with an airplane that is only 600 pounds heavier, which is not very much in an airplane of this size and weight, than if the airplane had been designed solely for the air superiority role.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. CANNON. I do not have the floor.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield so the Senator may ask questions. I may say to the Senator that I have only two or three more sentences, and then I will yield the floor.

Mr. HARTKE. I withhold.

Mr. STENNIS. Mr. President, I yield myself such time as I may need.

I recognize, Mr. President, that generally studies have a worthwhile purpose. To oppose a recommendation for a study is almost like being against "motherhood." However, we know from our past experience that Secretary McNamara conducted endless studies. Many systems were literally studied to death. In other cases, the results were that invaluable time was lost and when finally we decided to buy the weapon system the delay resulted in our paying higher cost.

The Department of the Navy has studied the F–14 in great detail over the past 2 years. In November 1967, the Chief of Naval Operations directed the formation of a Navy fighter study. This group spent 30 man-years studying all areas of technical, tactical, and cost estimates. It concluded that the F–14 was the fighter aircraft that the Navy requires.

Subsequently, the Defense Department of Research and Engineering Office and the Systems Analysis Office of the Secretary of Defense commenced their own studies.

With the submission of five proposals from leading aerospace companies, the Navy spent 80 man-months in an intensive technical evaluation.

In addition, over 15,000 hours of wind tunnel time has been performed proving and refining the F–14 design. Finished engineering drawings are now being completed at the rate of 500 per month.

To eliminate any doubts as to the capability of this aircraft, NASA was requested to make an independent assessment of the performance characteristic of the F–14. The results of their assessment was provided by Dr. Foster on August 7, 1969. NASA conclusions were that the Navy's performance estimates were attainable and the multimission capability of the F–14 could be performed without any significant degradation in the performance of its primary mission; namely, air-to-air combat.

In conclusion, Mr. President, I submit that the Defense Department—including the Navy—and most specifically the Senate Armed Services Committee—including the invaluable contribution made by its Tactical Airpower Subcommittee—has studied this matter thoroughly and in depth. It will do so again next year when the authorization bill is considered. The proposed amendment, therefore, would serve no useful purpose. The Armed Services Committee will discharge its responsibilities to the best of its ability. No legislative mandate is necessary to require us to review the F–14 program and other major weapon systems programs contained in the budget. We do not require the Congress to legislate in order to tell us how to do our job in the detail which this amendment proposes. We recognize our job and our responsibility and intend to face up to them in all respects.

Mr. President, I conclude with the statement that we, of course, will fully look over all the phases, particularly the new phases, of the F–14 before we make any recommendation not only on the F–14 but others, too. We mean that, and we will carry it out. But there have been about enough timetables set around here. The committee has to have some kind of latitude about how to function and when it will report.

I submit this is one of the most thoroughly and carefully considered matters of this kind, and after 15 years of effort to try to get a new and better Navy plane to meet its role, I believe we had better get going.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Yes, I yield.

Mr. HATFIELD. I believe we have agreed to have a study of this aircraft carrier.

Mr. STENNIS. Yes.

Mr. HATFIELD. And every Senator supported that proposal. Does the Senator not believe it is just as important to have a study not only of the aircraft carrier and its capability, but what we place on the aircraft carrier?

Mr. STENNIS. Oh, yes. They are both important and will be considered together, to a degree. That is correct. That is a good question.

This is a new plane. I have already outlined what we have done. The promises about the aircraft carrier related to the carrier fleet. There are 15 of them, as the Senator knows, in operation. There is a question as to whether some should be taken out, and so forth. We are going to review all parts of it.

Mr. HATFIELD. Will the Senator yield further.

Mr. STENNIS. Yes, I yield.

Mr. HATFIELD. If it is accepted generally, then, that we are going to study the purpose and mission of the aircraft carrier, and that it is logical to study that which we place on the carrier, the amendment offered by my colleague from the State of Indiana and myself—with the proposed change in that amendment—then only, really, would provide emphasis to the group to study not only the carrier but also the kind of plane that is placed on the carrier. That is actually all the amendment now proposes to do.

As I understand, the distinguished chairman of the Committee on Armed Services felt this would not be inconsistent with the study of the carrier; is that correct?

Mr. STENNIS. Well, there is a relationship. The study of the carrier question, I think, is broader and more comprehensive. I wrote the word "comprehensive" into that resolution in its final form the other day, because I wanted to show we were willing to cover it all. But I think this is a single-shot proposition now, related somewhat to the carrier question, but I think it stands on its own feet, frankly.

I believe the Senate is going to give us discretion in passing on these matters.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I should like to make just one or two further brief comments on this amendment.

I believe it is very clear that the amendment proposes to do exactly that which we have outlined in the colloquy with the distinguished Senator from Mississippi, chairman of the Committee on Armed Services. That is simply to make more pertinent that to which we have already committed ourselves in the study of the aircraft carrier and the fleet generally. This is the purpose of the carrier study; and if you are talking about an aircraft carrier, you have to consider what is placed on it; namely, the airplanes.

I do not think our amendment is incompatible at all with that to which the Senate has already committed itself. I cannot understand how a Senator could vote for the study of an aircraft carrier without being willing to study that which is to be placed on the carrier.

I should like to comment further on this matter of the multipurpose mission versus the single mission. I again refer to that report made by the distinguished Senator from Nevada (Mr. CANNON), and I believe that I can understand the English language, when it says in the report that there is some question—in fact there is very definite question—as to an aircraft that is required to perform a multipurpose mission.

That was pointed out in the report. Second, it was pointed out that the committee's judgment was that they should concentrate on the development of the fighter aircraft specifically configured and—I underline the following words—confined to the air superiority role.

I submit that, in studying the F–14–Phoenix system, this is not a single mission but a multimission aircraft, and that we are compromising on this aircraft I feel, therefore, that it should be studied further, and I should like to offer one last quotation from a very distinguished man, Gen. G. P. Disoway, formerly head of the U.S. Tactical Air Command. This is not a Senator; this is a general of the Air Force speaking. He said:

"If you could build an airplane which would do everything, it would be wonderful. You just cannot do it in this modern day."

I think that the general has really capsuled the whole thought behind this amendment that the Senator from Indiana and I have prepared and referred to this body. I hope that the Senate will consider the fact that this amendment merely asks that we continue the study on this aircraft along with that on the aircraft carrier, and not commit ourselves to the expenditure of billions of dollars with such a questionable aircraft in mind.

Mr. HARTKE. Mr. President, I should like to state, first, that no one questions the diligence, hard work, and devotion of the chairman of the committee and the chairman of the subcommittee. I think it has been remarkable. No one questions that they have been trying to provide the best weapons necessary for our defense.

The fact still remains, however, the experience of the ill-fated experiment with the TFX has put us in a position where we have not had a Navy fighter aircraft in 15 years. The circumstances which were to blame for that situation should not be used to justify the same errors over again. This is what the Senator from Oregon and I are trying to bring to the attention of the Senate.

There are certain documents which really challenge the basic assumptions which have been made as a result of the hearings, and the lack of any opposition to the presentation made on behalf of the F–14. I should like to point out that it is very easy for us to stand here and say that this multipurpose aircraft can drop part of its equipment, and therefore lighten its load. But you cannot drop the man out. It is a two-seated operation; you are not going to drop out a man, and you are not going to drop out the avionics equipment which has to go with this multipurpose development.

The Senator from Nevada has admitted on this floor that as far as this plane is concerned, it is not a superior tactical aircraft. Its ability as a dogfighter have been compromised by its assigned function of fleet defense and consequential requirement of having the Phoenix.

Mr. President, the Phoenix is the very heart of what we are asking to be studied in depth. The Phoenix has not undergone thorough and proper testing. There have been no shots against any supersonic targets, maneuvering targets, or clustered targets. There have been no tests of its performance against electronic countermeasures. Until such tests are complete, we are in the position of going ahead with another airplane, assuming that the Phoenix is going to work, and admitting before we start that we are going to have an airplane which will not be a superior dogfighter.

So I ask the Senator from Nevada, not denying the threat of superiority from the Russians, and agreeing that so far as the F–4 is concerned, it is not modern, and that the Russians have flown 18 prototype models—and we, incidentally, should be flying prototypes ourselves—how is it going to do any damage to agree to an amendment which says we should study the F–14 carefully and go into it thoroughly?

The Senator from Nevada even admits he has not seen the documents and does not know what they contain. I cannot understand why the Senator does not want to look at those documents, and report back to Congress whether they disclose any valid objections.

Mr. CANNON. I would have to ask the Senator a question. Has he seen those documents? I do not know; perhaps they would contain something. Has the Senator from Indiana seen the documents?

Mr. HARTKE. I have outlined them in detail for the Senate. Why cannot the committee ask for them? I have asked for them generally, and have outlined them in detail.

What is there to hide? We learned, during the debate on the ABM, that secrecy about these matters is frequently unjustified, that the secrecy is more dangerous to our national security than revealing the classified material and that secrecy is used to protect questionable decisions and assumptions.

Mr. CANNON. I would simply have to say that I suppose there are a lot of in-house documents over in the Department of Defense that might be interesting if one had time to read them all. I have not seen these documents; I do not know what they say. I do not know what pertinence they might have to this matter. But I have already inserted in the RECORD a list of 48 studies that have been completed on this problem; and furthermore, the National Aeronautics and Space Administration is the organization charged with research and development in the field of aviation, independent from military aviation.

Navy performance estimates on the F–14A and the F–14B have recently been established by an independent NASA assessment, made at the request of Dr. John F. Foster, Jr., Director of Defense Research and Engineering. Here they have gone completely away from the military; they go to an independent and say, "Study this. Will it do this and this? Can we do that?"

The answer was favorable. NASA reviewed all the major data, conducted tests on its own, and came back and told Dr. Foster that the multimission performance estimates of the Navy were attainable.

The Senator has already referred to my comments in the report this year. Actually, what I was reading from, or at least what we said, was from our report of the Preparedness Subcommittee last year. We said, "Go ahead and get to it now, and develop an aircraft that can have a single purpose mission."

Now NASA and the Navy have both said that this does not detract from the primary mission of the aircraft, because, as I stated earlier, you end up with only 600 pounds more weight than if the airplane had been designed solely for the air superiority role.

The Senator from Indiana referred to the F–14, and said it will not perform with the F–15.

I ask the Senator, can he figure out some way to transport a 10,000-pound plane on an 8,500-foot runway, so that it can perform with the fleet? If the Senator can, we would be better off to put the F–15 on that runway, and operate it out in the middle of the ocean. Any time an aircraft operates off a carrier, it has to have more thrust than if it operates on the ground. If we go back to the weight-to-thrust ratio, we do have a good aircraft here.

We have an aircraft that has been studied to death. If the Senator is trying to kill the aircraft, he should say so. Let us then give it another study and bury it. If the Senator is opposed to it basically, he should say so. If he is not, let us review it from the studies that have been made.

The Senator said earlier that we did not consider any witnesses who were opposed to the aircraft. Would the Senator give me the name of one or two witnesses who are opposed to it?

Mr. HARTKE. Mr. President, I pointed out that in Coronado, Calif., Navy fighters participated in a symposium of the F–14 and they were extremely critical. They are the ones who would be required to fly the plane. The report of their comments has not been presented. Their lives are on the line. They will operate the planes.

Why is the report of that symposium withheld? A number of witnesses could be provided.

Mr. CANNON. Mr. President, does the Senator have the name of one witness who is opposed to the aircraft? I would be interested in having the name.

Mr. HARTKE. We would be glad to submit that to the Senator.

I am not being critical of the Senator or indulging in frustration over the TFX. I just want a good plane. I am not asking that any money be taken out of the bill. The bill will be passed. There is not any question of that.

However, why should we go ahead and commit ourselves blindly for a number of years on the assumption that we will be successful when we have the history of the ill-fated F–111 project in which there was so much trouble. Everything that was said about that project is basically the same thing that the Senator from Nevada is saying today.

I am sure the Senator from Nevada is acquainted with the F–XX or the UF–XX in the Navy version. The Senator knows this is an alternative. It is cheaper. And it is much more maneuverable. It is considered to be a superior plane; is it not? Is it not true that it is considered to be superior? Is it not an alternative?

Mr. CANNON. It is an alternative. However, it is not a good one. It was considered and rejected for a lot of reasons.

Mr. HARTKE. Was it rejected for any reason other than the fact that it is not a multipurpose plane? It is lighter. It is more maneuverable. However, it is a single purpose plane.

Mr. CANNON. I should like to answer that statement. I think it was rejected basically because it would not fly. The people who examined it in detail said that the proposal was not a feasible proposal and that the airplane would not do what the paper study showed that it could do.

Mr. HARTKE. The paper study would be

worth as much as it was in the case of the TFX. The paper study in that case showed that plane would also work. However, ultimately, after long-term experiments and anxiety and increased frustration, we find ourselves going now into another paper airplane that will be produced before we have even one prototype. We will spend $3 billion before we know whether it meets the specifications, let alone know whether it will be a good fighter.

The Russians have done what I have suggested. They have flown prototype planes and found how they performed. Then they have gone on with the production of the plane.

As the Senator states, the F-14 will be designed for 1975 to 1985 and my amendment would attempt to give some guidance for the future. We have a very simple situation. Unless something is hidden beyond the seven documents that have not been presented, I cannot see why the committee itself would not be in agreement that this should be done.

I think it would be a tribute to the committee and to Congress to say for once, "We are going to take this upon ourselves and have a study made before we go ahead with the money in 1970." We would not bother anything in the bill. I cannot see why that cannot be done.

Mr. CANNON. Mr. President, if the Sentor from Indiana does not realize that what I have been saying all afternoon is that we have studied the matter, if he does not realize that I have had 48 studies printed in the RECORD today, if he does not realize that the matter has been studied thoroughly, if he does not realize that I said Dr. Foster requested NASA to make a study and that they did make a study and reported back that it was feasible, and if the Senator does not realize that that constitutes a study, then I am sorry the Senator does not understand me. I think there is no point in going further. I think the Senator has covered it quite thoroughly.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. CANNON. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 additional minutes.

Mr. CANNON. Mr. President, if the Senator is opposed to the matter, let him vote against it if he does not prefer that we go ahead and try to have a new, modern fighter that will do the required job within the time frame discussed.

We think the thing is needed. The Preparedness Subcommittee said more than a year ago that it was needed. We held the Navy's feet to the fire and held up the Navy version of the F-111 in the committee and said, "Go ahead and develop an airplane that will do the job."

This is what they had attempted to do. The Senator from Indiana is trying now to refer to another time.

Mr. President, if no other Senator wishes to talk on the matter, I intend to make a motion to table.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, other Senators wish to speak.

Mr. DOMINICK. Mr. President, will the Senator yield me 5 minutes.

Mr. STENNIS. Mr. President, we have only 5 minutes remaining. I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I have listened to the debate with great interest. I was particularly intrigued with the speech given by the Senator from Nevada (Mr. CANNON), which, I think, outlines very clearly why we need this development work and why we need to move forward now.

Over and over again on the floor of the Senate I have said to the Senator from Indiana and to other Senators that we have spent more time and more money in getting less products in the last 8 years, under Secretary McNamara than we ever did before in the history of the country.

People say that we saved a lot of money. It cost us a lot of money and we have nothing to show for it. The cost systems analysis, or whatever the department is called, has stopped us from going forward time and time again.

Unless we move forward now, we will find ourselves in a position of being unprepared in the middle seventies. This is the problem that we must face up to.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. HARTKE. Mr. President, I do not want to fight about McNamara. I am not talking about him. I do not want to stop the bill, I am not talking about that. I do not want to hold up anything. I want Congress to study the matter.

What objection could there be from the Senator to going ahead and checking into some of the matters I discussed on the floor of the Senate? What would be the delay? I am not advocating delay.

Mr. DOMINICK. Mr. President, the Senator from Nevada has already shown the work he has done in the subcommittee. He has shown the studies that have been done by other outside agencies on this particular fighter system. He has shown the problems we face vis-a-vis technical superiority over the Soviet Union. He has shown the problems we will face in the 1970's. We think that the United States will have the best airplane in the world, but we will then realize we are flying a technical airplane designed and built in 1954.

This is why we think we must go ahead with the F-14 now. The F-111B simply was not good enough. The committee found that out and said, "We will not put this into effect. We will get something that will operate and be more effective."

I have here a document from Admiral Moorer, Chief of Naval Operations, dated September 6, 1969, making the following three points:

"The present complement of Navy fighters is rapidly becoming obsolete. The F-8 became operational eleven years ago followed two years later by the F-14 (nine years ago). During this same period the Soviets have introduced eight new fighter aircraft.

"The Soviet Union currently has four fighter aircraft with performances exceeding those of the F-4 and future improvements must be expected.

"The Soviets have developed other weapon systems clearly designed to attack naval forces. Badger and Blinder bombers can launch any of five different guided air-to-surface missiles at ranges up to 150 miles. They have surface-to-surface guided missiles deployed on submarines and ships.

"2. The problem is clear and so is the solution. We must have a new fighter superior in air combat to present and postulated Soviet fighters, for close-in visual encounters and for stand-off all-weather conditions. In addition, the new fighter must be able to defeat the enemy air threats to naval forces: bombers and missiles. The threat is serious *now*. It will become more serious in the future.

"3. We are already very late with a new fighter program to counter superior Soviet capabilities. The F-14/Phoenix system will meet our fighter needs through the 1970's and into the 1980's. Delay in the present funding profile will seriously delay achieving the required high capability as well as raise program costs markedly."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, will the Senator yield me an additional minute?

Mr. STENNIS. Mr. President, the Senator from Washington has been promised 3 minutes. That is all the time I have remaining.

Mr. DOMINICK. Mr. President, will the Senator from Indiana yield me 1 minute?

Mr. HARTKE. I yield 1 minute to the Senator from Colorado.

Mr. DOMINICK. I thank the Senator from Indiana.

Mr. President, it seems to me only commonsense that we continue with this program and that the committee be given continuing surveillance, as it has within its jurisdiction anyway, and that we continue the fine work which has been done by the Senator from Mississippi and the Senator from Nevada.

The PRESIDING OFFICER. Who yields time? Time is running. Is the debate concluded?

Mr. HARTKE. Mr. President, unless the Senator from Mississippi wants additional time, I am prepared to yield back the remainder of my time.

Mr. STENNIS. I had promised the Senator from Washington that I would save him 3 minutes. I yield myself another half minute to say this: The committee will do no less about this matter whether the amendment is agreed to or not. It is our obligation to keep up with these matters the very best we can. If this amendment is agreed to or is not, so far as our plans are concerned, we go right on.

I hope it will not start putting us in a straitjacket on everything that comes along because they heard somebody down the street or somebody in California say there might be some question about a plane. That is about what it has come to.

I yield the remainder of my time to the Senator from Washington.

Mr. JACKSON. Mr. President, I wish to speak in support of the recommendation of our Armed Services Committee to authorize funds for production of the new Navy fighter aircraft—the F-14.

My support for the committee's recommendation stems from three principal factors:

First. The F-14 program strikes me as an eminently sensible one. I have given it careful study and audit as a member of the Armed Services Committee.

This airplane is designed and will have potential for growth to give adequate carrier fighting capability through the 1973-80 time period. It is being developed in an evolutionary way, building on the fire control system and engine developed for the F-111.

The F-14 is to replace the Navy's F-4 Phantom as a general air superiority fighter-escort. Carrying the Phoenix missile, it is to perform the fleet air defense mission of the discarded F-111B against Soviet bombers and cruise missiles. It will also have an air-to-ground attack capability.

The concept of the F-14 includes designing the aircraft to accept a more advanced technology engine—higher thrust and lower weight—without changing the basic F-14 airframe. The long-range, multishot F-14 Phoenix system makes it far superior to the F-4J/Sparrow system.

Second. We are already very late in getting a follow-on fighter to the F-4 Phantom It is undisputed that there has been too much delay in the development of a plane to provide improved air superior capability, as a result of the experience with the F-111B.

The F-4—designed 15 years ago—in 1954—became operational in 1961. Since that date the Soviets have developed and flown eight new fighters. It is generally accepted that the F-4 cannot be further improved without substantial redesign constituting a virtually new plane and requiring many millions of dollars. Even then, it would be inferior to existing Soviet fighter aircraft. Further, although used as an air superiority fighter, the F-4 was not specifically designed for that role.

Third. Last year, on the advice of the Senate Armed Services Committee, the Congress authorized and appropriated funds for a new Navy fighter, with the understanding that its development was to proceed as quickly as possible, in view of the time already lost.

The F–14 contract was awarded after an intense Navy competition among five contractors for a program to provide improved air superiority capability in the briefest reasonable time.

The Department of Defense and the Navy are well satisfied with the progress of the F–14. The Armed Services Committee has looked into the program this year and recommends that we go ahead with it. I see no reason whatsoever to slow down or otherwise hold up a sound program that is urgently needed and that is progressing well.

Mr. Stennis. Does the Senator from Indiana yield back the remainder of his time?

The Presiding Officer. The Senator from Indiana has agreed to yield back the remainder of his time.

Mr. Hartke. I am prepared to yield back the remainder of my time.

The Presiding Officer. All time on the amendment has been yielded back or has expired.

Mr. Stennis. Mr. President, a parliamentary inquiry.

The Presiding Officer. The Senator will state it.

Mr. Stennis. All the time on the amendment has been yielded back, and there is a new parliamentary situation.

Mr. Cannon addressed the Chair.

The Presiding Officer. The Senator would have to ask unanimous consent for additional time.

Mr. Mansfield. Not to move to table.

The Presiding Officer. A motion to table would be in order; yes.

Mr. Cannon. Mr. President, I move to table the amendment of the Senator from Indiana.

The Presiding Officer. The question is on agreeing to the motion to table.

Mr. Hartke. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The Presiding Officer. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. Mansfield. On this vote, I have a pair with the Senator from Wyoming (Mr. Hansen). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. Javits (after having voted in the negative). On this vote, I have a live pair with the Senator from North Dakota (Mr. Young). If present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. Saxbe (after having voted in the negative). On this vote, I have a live pair with the Senator from Nebraska (Mr. Hruska). If present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

The rollcall was concluded.

Mr. Byrd of West Virginia. I announce that the Senator from Washington (Mr. Magnuson) is absent on official business.

I also announce that the Senator from Indiana (Mr. Bayh), the Senator from Wyoming (Mr. McGee), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGee), would vote "yea."

On this vote, the Senator from Washington (Mr. Magnuson) is paired with the Senator from Arkansas (Mr. Fulbright). If present and voting, the Senator from Washington would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. Scott. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Nebraska (Mr. Hruska) and the Senator from California (Mr. Murphy) are necessarily absent.

If present and voting, the Senator from Arizona (Mr. Goldwater), and the Senator from California (Mr. Murphy) would each vote "yea."

The pair of the Senator from Wyoming (Mr. Hansen) has been previously announced.

The pair of the Senator from Nebraska (Mr. Hruska) has been previously announced.

The pair of the Senator from North Dakota (Mr. Young) has been previously announced.

The result was announced—yeas 63, nays 23, as follows:

[No. 93 Leg.]

YEAS—63

Aiken, Allen, Allott, Anderson, Baker, Bellmon, Bennett, Bible, Boggs, Brooke, Byrd, Va., Byrd, W. Va., Cannon, Cook, Cotton, Curtis, Dodd, Dole, Dominick, Eastland, Ellender.

Ervin, Fannin, Fong, Goodell, Griffin, Gurney, Holland, Hollings, Inouye, Jackson, Jordan, N.C., Jordan, Idaho, Long, Mathias, McClellan, McIntyre, Metcalf, Miller, Montoya, Mundt, Pastore.

Pearson, Pell, Percy, Prouty, Randolph, Ribicoff, Russell, Schweiker, Scott, Smith, Maine, Smith, Ill., Sparkman, Spong, Stennis, Stevens, Symington, Talmadge, Thurmond, Tower, Tydings, Williams, Del.

NAYS 23

Burdick, Case, Church, Cooper, Cranston, Eagleton, Gore, Gravel.

Hart, Hartke, Hatfield, Hughes, McCarthy, McGovern, Mondale, Moss.

Muskie, Nelson, Packwood, Proxmire, Williams, N.J., Yarborough, Young, Ohio.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—3

Javits, against, Mansfield, against, Saxbe, against.

NOT VOTING—11

Bayh, Fulbright, Goldwater, Hansen, Harris, Hruska, Kennedy, Magnuson, McGee, Murphy, Young, N. Dak.

So Mr. Cannon's motion to lay on the table Mr. Hartke's amendment was agreed to.

Mr. Stennis. Mr. President, I move that the vote by which the motion to table was agreed to be reconsidered.

Mr. Jackson and Mr. Cook moved to lay the motion on the table.

The motion to lay on the table was agreed to.

SUMMARY

For a given strategy, the number and mix of tactical aircraft depends on, for each theater, (a) the *threat*, (b) the *types of missions* we plan to fly, and (c) our estimates concerning U.S. and allied *capabilities* during combat.

For the NATO and Asian theaters, the air-to-air combat question seems to dominate tactical air requirements. The allies seem to have a clear advantage in other mission categories.

The major kinds of missions flown by tactical aircraft include *close air support* of ground combat operations, *interdiction* of enemy supply and communications lines, *air superiority*, and *air base defense*, including carrier defense.

During the next decade, the Defense Department proposes that several major new procurements take place. Cost of F–14, and F–15 may be four times as much as the aircraft they replace, bringing up questions as to whether present force levels can be maintained. Designs for the new aircraft have given rise to criticism because there seem better designs for solving the air-to-air combat problem which should be our primary concern. Because of the large anticipated role of the F–14 in carrier defense, moreover, final decision on this aircraft should await determination of the future role of carriers.

(1) As regards a new fighter:

Defer F–15 funds, pending submission of a design which costs between F–4 and current F–15 costs. Request detailed force structure implications for our years with force costs.

(2) A decision on a close support aircraft (AX) must carefully consider cost-effectiveness:

We should defer funds pending receipt of data on an alternative fixed-wing aircraft.

(3) The projected high unit cost of F–14 has critical implications for the size of the force. Congress should:

Defer the F–14 funds pending recommendation of role of carrier fleet and pending receipt of an alternative fighter design suitable for the European and Korean theater.

(4) Defer funds for Navy A–7s in the FY 71 pending NSC review of attack carrier force levels, but allow Air Force A–7 procurement to maintain FY 71 production base. We also recommend deferring Harrier funds pending test results of FY 70 production aircraft by the Marine Corps.

The current estimate for the total F–14 program is $8.3 billion; the Administration has requested $274 million for R & D and $658 million for procurement. The House authorized $658 million for procurement and $324.2 million for R & D. We recommend approving $274 million for R & D but allocating no funds for procurement.

The current estimate for the total F–15 program is $7.4 billion. The House has authorized the $370 million for R & D that the Administration requested. We recommend allocation of $185 million for R & D.

The Administration requested $27.9 million for R & D for the AX. The House authorized the full amount. We recommend authorizing the full $27.9 million.

The Administration requested $183.3 million for the Harrier; the House authorized this full amount. We recommend deleting all Harrier funds pending a OSMC–GAO review of the flight tests.

We buy and operate tactical aircraft to fight in several contingencies. In order to plan for adequate tactical air forces within acceptable limits of risk, we must make assumptions about the size and simultaneity of these contingencies. The table below shows several options which could be used for force planning purposes.

	Simultaneous contingencies		
	Major [1]	Assistance	Minor
Previous administration.	NATO and Asia.	None	Elsewhere.
Current administration.	NATO or Asia.	Asian ally [2]	Do.
Alternative	do	None	Do.

[1] Against U.S.S.R. or CPR-supported forces.

[2] Against non-CPR-supported forces.

The previous Administration planned for general purpose forces to fight simultaneously (a) major non-nuclear war in NATO against the Warsaw Pact, (b) a major war in Asia against Communist China, and (c) a minor contingency presumably of Dominican Republic proportions. Although we may need to use general purpose forces in other areas (e.g., as in Southeast Asia), these assumptions provided a hedge against the worst case.

The current Administration has modified the planning assumptions used by the previous Administration. We now plan for our forces to be able to fight simultaneously (a) a major non-nuclear war in NATO *or* in Asia against Communist-supported forces, (b) in support of an Asian ally against a non-Communist Chinese aggressor, and (c) in a minor contingency elsewhere.

These changes were made for two reasons. First, the changes bring our planning assumptions in line with the new Nixon Doctrine. The Nixon Doctrine calls for our Asian Allies and not the U.S. to provide the major share of manpower (land forces) in meeting the allied defense needs. In addition, the U.S. will stand ready to provide materiel, tactical air and naval force support. Second, a reevaluation of general purpose forces for different strategies and the associated costs indicated that, at least in the Administration view, this planning assumption produced the best balance of the *fiscal* and *political* factors.

An alternative to the current strategy is to eliminate the planning requirement to provide assistance to an Asian Ally simultaneously with a major war in NATO or Asia. Some think that it is unrealistic to assume we would fight anywhere else in the world if we were heavily engaged in Europe. In addition, the simultaneity requires that we plan for extra tactical air and naval forces, support and training bases and mobility. The result is a great sensitivity with costs.

Congress should examine very carefully the strategies that the Department of Defense uses in planning forces. Given a certain strategy, it is important that the military staffs provide their judgments on military issues. In adidtion, the President must be able to control force planning to the extent that the total budget contains his view on the balance of defense and non-defense spending.

However, Congress also should be emphatic about examining the major planning assumptions used in the defense budget, so that it too can establish an independent view of national priorities.

For a given strategy, the number and mix of tactical aircraft we buy depends on, for each theater, (a) our evaluation of the threat, (b) the types of missions we plan to fly, and (c) the estimates we make about U.S. and allied capabilities during combat.

a. The Threat—In Europe, we plan to fight with our NATO Allies against the Soviet Union and their Warsaw Pact Allies (East Germany, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria and Yugoslavia). Soviet aircraft are primarily light interceptors with short range and limited weapons capability. We anticipate that they will fly primarily air defense missions using ground control radars. They are not likely to emphasize offensive strikes since their aircraft are not well suited to this mission.

The primary aircraft in Soviet/Pact inventories is the MIG–21. The aircraft design is older than the F–4. However, like the F–4, it has gone through many model changes in arriving at the current all-weather version. The MIG–17 and MIG–19 are still older and are less capable due to shorter range and weapons capabilities.

NATO is considered to have a large offensive payload advantage over the Pact forces, especially when we consider the new generation attack aircraft like A–6, A–7 and F–111. However, there is considerable uncertainty about the Pact air-to-air combat capability, especially in light of our Southeast Asia experience. In many cases, Soviet built aircraft performed very well in air combat against U.S. fighters. Since it may be possible for the Pact to use interceptors to prevent NATO from flying ground strikes, the air-to-air combat problem appears to dominate tactical air requirements in NATO.

Pact tactical aircraft are protected on the ground at major bases by heavy aircraft shelters and at austere grass fields by camouflaging and dispersal. These measures improve aircraft survivability, but tend to reduce sortie rates and maintenance efficiency. In addition, Pact bases are generally well-defended by anti-aircraft batteries.

In Asia, we plan to fight against the Communist Chinese and the North Koreans. The Chinese have approximately 2,900 aircraft composed mostly of older MIG–17s and MIG–19s. They have some earlier version MIG–21s, however, it is likely that the Soviets are not providing additional aircraft. The North Koreans have approximately 500 tactical aircraft of similar composition. Comments on air-to-ground and air-to-air capability for Pact aircraft apply here as well. Unlike the Soviets, neither the Chinese nor the North Koreans have many large bombers for attacking targets on the ground or in the fleet.

The U.S. has a large payload advantage over the combined Chinese/North Korean tactical air forces. However, the same uncertainty surrounds the air-to-air combat question in Asia as in Europe. We simply have no way of predicting the success of either side in air-to-air combat.

b. Tactical Air Missions—There are four major missions performed by tactical aircraft. Although tactical aircraft are designed for use in conventional (non-nuclear) conflicts, many would be used in tactical nuclear strikes. The emphasis that we place on each mission will depend upon the expected returns relative to the other missions.

(1) Close-Air Support—Tactical aircraft provide close-support to troops engaged with enemy land forces. This mission is especially important in Europe where the Pact has a large amount of armor. Close-support strikes prevent troops from amassing, armored vehicles from breaking through the lines, and friendly troops from being overrun. Large loiter and payload capability are important characteristics for aircraft used in close-support. In addition, survivability against ground fire is important.

(2) Interdiction—Tactical aircraft strike supply concentrations, vehicles and lines of communication in the vicinity of the front. These attacks, called battlefield interdiction, disrupt troop and armored column movement and prevent the enemy from stockpiling supplies near their front lines. Interdiction strikes deep behind the lines of communication and industrial facilities are intended to reduce the flow of troops and supplies to the front. These deep strikes will have a less immediate effect on the enemy troops at the front than close support or battlefield interdiction due to the availability of optional lines of communication and to the short repair/reconstitution times for roads, bridges, etc. In addition, losses on deep interdiction strikes are likely to be higher due to the higher density of enemy AAA and interceptors. Pilots lost on these missions have a very low probability of being recovered.

Thus, there is some question whether we should operate enough aircraft to perform deep interdiction since the payoff is low relative to other missions (close-support and air superiority) and attrition will be high. These missions require high payload and range characteristics. In addition, mission success requires large numbers of escorts and support aircraft. An important target on interdiction missions is an enemy airbase. However, aircraft sheltering greatly reduces the vulnerability of aircraft on the ground.

3. Air Superiority—Tactical fighters are used to protect ground attacks by escorting strike aircraft, by flying protective cover (combat air patrol) or by sweeping the front before strike aircraft arrive. In view of the large number of interceptors in Pact and North Korean tactical air forces, this is likely to be our highest priority mission in the event of war. Air superiority missions require an aircraft with high acceleration, low wing-loading for turning, good handling characteristics, and good visibility out of the cockpit.

(4) Airbase Defense—Fighters are also used for point defense of airbases. Navy fighters fly fleet air defense missions to protect the carrier and its task force from enemy bombers and cruise missiles. Assuming the carrier survives these same fighters must be able to escort strike aircraft against targets on air superiority missions. However, since protection of the carrier is of highest priority, Navy tactical fighters (F–4, F–14) are designed primarily for a fleet air defense mission. Important characteristics are high speed dash, long loiter time and a long-range missile/fire control system. It is uncertain whether the fleet air defense mission will be helpful since carriers may not survive against saturated submarine, bomber and cruise missile attacks regardless of defenses.

c. Capability of U.S. and Allies.

(1) Air Force—The basic Air Force tactical air structure will consist of 23 wings of F–4s, F–111s, A–7s, F–105s and F–100s, reflecting "little change through FY71" (Laird). This force structure is being maintained despite a major change in strategy and sharp reductions in the budget.

Fighters—The highest priority mission in Europe and Korea is close-in air-to-air combat. The F–4 is the only aircraft in the Air Force suitable for air-to-air combat with MIG–21 interceptors. The F–15 is intended to replace the F–4 in close-in visual and longrange missile encounters. However, the F–15 is expected to cost four times the F–4. In view of the lack of resources available through FY 75 (see the Economic Report of the President), there is some question whether the Air Force can buy enough aircraft to be able to defeat even the older, more numerous MIG–21s. As in the past, the Air Force has frozen the design of an expensive aircraft without addressing the out-year force structure implications. When once the aircraft gets into production we have no choice but to buy the expensive version even though national priorities may dictate otherwise. It is likely that we will have F–4s in our force structure for some time, since we will not be able to replace them on a one-for-one basis.

A majority uncertainty is that we do not understand those factors which most influence air-to-air combat success. For example, numerical advantage, high acceleration, low wing loading, high, good handling thrust-to-weight, good cockpit visibility, superior tactics, longer and more realistic training, simple-launch weapons detection capability and fuel capacity are important factors. However, any aircraft design is a trade-off among these factors. Each factor contributes to aircraft cost and weight. The F–15 is its present configuration may be an excellent aircraft for "close-in visual and long range missile encounters". However, the fact that it costs four times the F–14, indicates that it has undergone little scrutiny with regard to trading off "extra nice-to-have capabilities" for cost savings.

A simple example will show that effect of buying an expensive aircraft now has on our force size. Assume we have the option of buying these aircraft. The F–4, the current F–15 design and a modified F–15 not designed for long range missile engagements.[1] If we assume the following costs for procuring and operating these aircraft, the column on the right shows the number of aircraft that $5 billion would allow you to buy and operate for five years. (These costs are fictional and only intended to indicate the order of magnitude of the quality/quantity problem we face. More realistic costs should be requested from the Air Force.)

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[1] Eliminating the long range missile requirement makes the aircraft lighter and reduces the complexity of the avionics.

TACTICAL AIR—5

	Procurement	Annual operating	Aircraft available
F-4	3	0.5	910
F-15	12	.75	320
F-15 Mod	5	.6	630

This example shows that unless we impose now a rigid design discipline upon our new fighter aircraft, we will not be able to buy enough to have a credible force. In addition, if we assume modest cost over-runs of 25%, the situation becomes even more severe.

One final point with regard to the F–15 design. It corrects major deficiencies in the F–4 design which were *experienced* during close-in visual combat with Mig–21s in SEAsia; wing loading, acceleration, thrust-to-weight, visibility, fuel, and handling qualities. In addition, it provides a hypothetical stand-off missile capability, assumed to be within the grasp of Soviet technology. Although we know very little about their intentions, we do know from our experience in SEAsia that designing one's own stand-off missile capability is not the best counter to an opponent's stand-off capability. *The F–4 had this capability, but the Mig–21 was still able to force us to close-in engagements due to its maneuverability and tactics.* This would indicate that our best counter to a hypothetical Foxbat is to build the most maneuverable fighter we can.

We have several alternatives with regard to a new fighter for the Air Force.

(a) Approve the F–15 funds as requested.

(b) Approve the F–15 funds, but request details on out-year tactical force structure implications, with details on total force costs.

(c) Defer F–15 funds, pending submission of a design which costs between F–4 and current F–15 costs. Request detailed force structure implications for out-years with force costs.

Attack Aircraft—The Air Force will continue to have a payload capability advantage for a long time. New Soviet aircraft designs have shown some improvement in bomb-carrying capability, but have not approached that of even our 1960 vintage aircraft.

The U.S. has developed a substantial radar bombing capability by investing heavily in the avionics of F–111 (and the Navy A–6). No other country has such radar bombing systems. However, there is some question whether the great expense involved in obtaining these systems is justified by the *low priority need of interdiction at night* relative to air superiority and close-air support in Europe and Korea.

The Air Force has proposed a new aircraft for providing close-air support—the A–X. It is encouraging to see the simple design of the A–X as this should result in a very low cost aircraft to buy, as well as operate. However, the major question is, in light of our current large payload advantage, how can we justify spending any additional funds for a new close-support aircraft? There are several advantages to buying the A–X.

First, Air Force studies show that although large bomb payloads are effective against large point or area targets. they are not effective against armored vehicles—a major concern in Europe. An internal machine gun with suitable ammunition is being considered as a more effective weapon against these targets. Thus, the A–X is optimized against the most likely, as well as the most difficult close-support targets.

Second, a major problem in SEAsia has been the vulnerability of our attack aircraft to ground fire. The A–X would incorporate many features to improve its survivability by an order of magnitude over existing aircraft.

Finally, the A–X program is intended to employ a contracting procedure which will insure a low cost development and production program. Unlike the more expensive F–14 and F–15 programs, the final A–X design will be selected after a prototype fly-off. This reduces the likelihood of non-essential components getting into the design.

Thus, in considering development options for future aircraft, the Congress should examine the A–X very closely. There will be fewer resources available in the future. This means that for a fixed budget, the force level will be eaten away by the higher cost aircraft (F–15). Only if we encourage the Services to examine low cost alternatives on the order of A–X can we hope to maintain the current force levels that our commanders say are necessary. There are two alternatives:

(a) Approve the A–X funds, but request details on force level impact in the out-years (through 1980).

(b) Defer funds pending receipt of data on an alternative fixed-wing aircraft and the impact of its purchase on the force structure. For comparison, Congress needs the impact of this aircraft on the force structure.

(2) Navy/Marine Corps—The number of fighter squadrons remains the same as last year. *It appears the number of attack squadrons remains the same also, although the addition of more A–6s and A–7s adds substantially to capability.* "With the increase in A–7 squadrons in FY71, the number of A–4 squardons will be reduced" (Laird). These squadrons will continue to operate with a carrier force of 15 CVAs and one CVS. Like the Air Force, these levels are being maintained despite a change in strategy and budget pressures.

Fighters—The highest priority mission in Europe and Korea is close-in air-to-air combat. The F–4, currently our best air superiority fighter, was designed by the Navy for a different mission—fleet air defense. This accounts for many of the F–4s deficiencies in close-in air-to-air combat in SE Asia. Although the Navy describes the new F–14 as a "multi-mission fighter", its primary mission is fleet air defense. The aircraft design is clearly oriented toward accommodation of the Phoenix missile and weapons control system. In addition, the variable geometry wing (usd in the F–111) is considered to be a product of the air fleet air defense requirement. We must examine our experience with the F–111 very carefully before approving the F–14 program.

If we assume that protection of the task force is the highest priority mission, the F–14 might be a suitable fighter aircraft for defending against non-maneuvering targets, incapable of saturating the fighter patrols. *However, the carrier is valuable because of the offensive strike capability it provides and not because it can protect itself.* Thus, even if the carrier is capable of surviving, the attack aircraft must penetrate hostile environments with F–14s as escorts and patrol aircraft. Whether the F–14 will be a match in close-in, air-to-air combat for the as-yet-undisclosed follow-on to the MIG–21 is a question we need to examine very closely. *Some sources indicate that the F–14A will be less capable in air-to-air combat than the F–4.*

The Navy indicates that a major role of the attack carrier is the "War at Sea" requirement. In such a mission, the F–14 protects the task force and merchant ship convoys from submarine and bomber-launched cruise missiles. A major problem in this mission is detection. First, there is some question about the adequacy of our ASW capability to detect enemy submarines in time to warn the fighters. Second, with regard to bombers, there is some question whether F–14s could protect against a heavy cruise missile attack which saturates the fighter network by using simple decoys and jammers to confuse our radars. In either case, there is no justification for having large numbers of A–6 and A–7 attack aircraft on-board in protecting against submarine or bomber-launched cruise missiles.

If we now consider the high projected cost of the F–14 and the Phoenix missile system (with unsubstantiated claims of being able to fire six missiles almost simultaneously), we are faced with the same problem the Air Force has with the F–15—*We cannot replace all Navy F–4s on a one-for-one basis with F–14s.* Eliminating the *Phoenix* missile or reducing the number procured would reduce the total cost and provide funds to procure more aircraft. However, an F–14 without an adequately supported Phoenix program is not an acceptable alternative.

Without more details on future year program costs and force structure, Congress is not in a position to approve this program. Approval now locks us into an expensive procurement program with no alternative for a cheaper F–4 replacement. There are several alternatives.

(a) Approve the F–14 funds as requested.

(b) Defer the F–14 funds and request the future cost and force structure implications for a given budget level.

(c) Defer the F–14 funds pending receipt of an alternative fighter design commensurate with European and Korean theater requirements and between F–4 and F–14 costs. Show the effect of both aircraft programs on out-year force structure and costs.

Attack Aircraft—The Navy is completing a modernization program with the procurement of A–7s in FY 70. These aircraft are replacing A–4s currently in Navy wings. FY 71 procurement is to allow replacement of older A–7s in future years due to attrition. Although the A–7E provides a significant increase in capability over the A–4, Congress should be concerned about continuing to purchase this aircraft under the assumption that the 15 carrier force structure will remain intact. Until we complete the land-based/sea-based study currently under review, we cannot reasonably approve the purchase of additional A–7s. There are several alternatives:

(a) Approve funds for Navy A–7s without reviewing force level alternatives.

(b) Defer funds for Navy A–7s in FY71 pending review of Congressional Attack Carrier Study (same as CVAN–70 funds). Allow Air Force A–7 procurement to maintain FY71 production base.

The Navy has proposed procuring additional A–6Es. The new radar system for radar bombing and new engines offers substantial improvement over the A–6As which they will replace. However, since the attack carrier study may indicate a Navy tactical air force reduction, there is grounds for deferral of these expensive aircraft. More importantly, we already have a substantial radar bombing capability and this procurement will not add significantly more to it. Continued production of other A–6 type aircraft (EA–6B, KA6s, KA–6 conversions) might be used to maintain a production base if deferral of A–6E procurement were desirable.

Finally, the Marine Corps proposes the procurement of additional Harrier aircraft in order to complete one squadron. The new V/STOL close-support jet is designed to operate from amphibious ships and forward sites near the troops. The aircraft does not provide a significant improvement in payload capability over existing attack aircraft. Procurement of these aircraft will allow the Marine Corps to fully test such a "forward operating" concept before buying additional aircraft after FY71.

In view of Congressional pressures to "buy America", the Marine Corps has included $24 million extra dollars to have these aircraft assembled in the U.S. The Marine Corps has proposed shifting the production capability to the U.S. over a period of four years. If we decide to procure a large number of Harriers, there would be a more favorable balance of payments impact by shifting production from U.K. to the U.S. However, since the Marines have not fully tested the aircraft or the "forward operating" concept, there is some question about planning now for a large production of Harriers.

In addition, if we buy only a limited number of aircraft, $24 million is a high price (especially in view of other national priorities) to pay to achieve a small reduction in gold flow. Furthermore, it may be possible to make a different arrangement with the U.K. to reduce gold flow while purchasing the FY 71 production aircraft (for example, in exchange of F–4s). There are several alternatives:

(a) Approve the Harrier funds as requested.

(b) Approve the Harrier funds but assemble the aircraft in the U.K. (saving $24 million); follow-on aircraft procurement deferred pending Marine Corps test results.

(c) Defer Harrier funds pending test results of FY 70 production aircraft by Marine Corps.

(3) Allies—There is only a limited amount of information available on our major allies tactical air capability in Europe and in Korea. It is in the best interests of the Congress to request information about our allies' capabilities so that adjustments in U.S. forces can be made with full knowledge of attendant risks.

SENATE SPEECH BY SENATOR PROXMIRE ON THE F–14, (I)

Mr. President, there are many issues to be resolved in deciding whether to buy the F–14, but they reduce themselves essentially to two.

First, how reasonable is it to build an airplane, equip it with a terribly complicated and expensive air-to-air missile, and then stick it on an attack carrier to protect that carrier and its task force from the spectrum of threats which the Soviets can throw against them?

Second, how reasonable is it to rely on that airplane, with all the performance compromises caused by carriage of that missile, as our next generation Navy fighter?

These are the questions I want to answer. I will talk today about the Phoenix missile and the fleet air defense mission of the F–14. I will then address myself in a few days to the dogfighting capabilities of the F–14 and several of its competitors.

These are the points I hope to make today:

First, the vulnerability of the attack carrier has reached the point where it is as obsolete today for a war at sea with the Soviet Union as the battleship proved to be for World War II. The carrier could not stand up to a concentrated Soviet attack against it. And even if it could, it could not be resupplied to carry out its offensive operations.

Second, there is no substantial evidence that the more than ten years old yet still untested Phoenix missile system could give it a new lease on life. The Phoenix probably could not handle the Soviet bomber threat against which it was designed, let alone those facets of the overall Soviet anti-carrier capability which have been expanding in recent years.

Third, only the Soviet Union has the power to neutralize our carriers. China does not, nor do the lesser powers against which we might be involved. Therefore, we should plan now on a force level of nine attack carriers and the systems needed to defend them in conflicts where Soviet naval forces are not involved.

Finally, I will add a caveat: if these arguments are not accepted—if we do want to provide fleet air defense against the Soviet anti-carrier threat—we don't need the F–14 to do it. There are other equally effective yet much less expensive alternatives available. We could put the new Sparrow missile on either a modified F–4 or the F–15, or we could put the Phoenix itself on a modified A–6. In addition to saving money, these approaches would give us what the F–14 does not—a chance of getting the first-rate Navy fighter which our national security may require.

I. THE BASIC VULNERABILITY PROBLEM

The main function of attack carriers is to serve as floating air bases, which can be used to provide tactical air support to deployed land forces. No respectable defense expert has ever questioned the need to maintain some aircraft carriers for this purpose. The carrier debate has focused instead on important subsidiary issues: how many carriers do we need and in what kinds of conflicts do we plan to use them?

The relative costs of land-based and sea-based tactical air forces and the uncertain availability of land bases in other countries are important factors to be considered in answering this question. But the most critical factor of all is the growing vulnerability of our carriers. It goes without saying that we should not employ our carriers in situations where they and the aircraft on them are certain to be neutralized or destroyed.

The Navy argues correctly that it is very difficult to sink an aircraft carrier and that no modern carrier (Essex class or later) was sunk in the Second World War. But the significance of this admitted truth should be placed in context at the outset. It is true as far as it goes, but it doesn't go very far.

The fact of the matter is that it is comparatively easy to damage a carrier enough to make flight operations impossible and force the ship to return to port for a long period of time for repairs. And in anything but a very protracted conflict, to force a carrier out of action for three months or more would be almost as good, from the enemy's point of view, as sinking it.

It is against this background that World War II experience should be evaluated. As one former defense analyst has noted:

In the Second World War, 60 percent of the carriers that took one hit by a Kamikaze and all the carriers that were hit more than once were forced to return to port for repairs. New carriers with improved damage control features that came into action toward the latter part of the war—Essex class and later—did not fare any better.

And the anti-carrier weapons available today to the Soviet Union are a lot more sophisticated than the Kamikaze tactics of World War II. In testimony last year during the joint hearings on the CVAN–70 aircraft carrier, the Navy listed the following threats to the carrier in the following alleged order of their severity today:

Nuclear weapons

Submarines with cruise missiles

Long range bombers with cruise missiles

Cruise missile-equipped surface ships

Tactical aircraft

Long range bombers with conventional weapons

Gun equipped ships

Ballistic missiles

Granted that we must size all our conventional forces on the assumption that nuclear weapons will not be employed at the outset of a conflict and granted that some of the latter threats can probably be defeated, the list is nonetheless impressive.

Interestingly enough, one threat not included in the Navy's list is submarine torpedoes, one of the oldest and surest forms of enemy attack against any surface shipping. Submarine torpedoes were used with devastating effect by the Germans in World War II, as indicated in more detail later. The Russian submarine force today is about seven times as large as the force with which the Germans entered World War II. Moreover, these submarines are a great deal quieter and difficult to detect than the German subs. Using wolfpack tactics they would have a significant chance of penetrating close enough to our much more detectable carriers to launch their torpedoes against it. And these torpedoes, now of the acoustic homing variety, will still wreak substantial damage. The Navy's devotion to its own Mark 48 torpedo program itself makes the point rather well.

Moreover, these advances in anti-carrier weaponry have been accompanied by advances in the surveillance capabilities needed to bring these weapons to bear. Satellite and long-range aircraft reconnaissance have greatly reduced the ability of naval task forces to hide in the broad expanses of the oceans. And more sensitive submarine sonars and higher speed submarines make it much easier for submarines to find and attack the carriers.

For all these reasons it is virtually impossible today to find a single defense expert outside the Navy who believes that our carriers could effectively survive a determined onslaught by the Soviet Union even with non-nuclear weapons.

Many observers have noted, for example, that four or five hits by Soviet cruise missiles—whether from aircraft, surface ships, or submarines—would force a carrier to retire. Similarly it has been suggested that a few hits on the carrier's four screws by submarine-launched acoustic homing torpedoes would cause enough loss of propulsion power to make normal flight operations impossible and to greatly reduce the carrier's ability to avoid further damage.

The problems of defending against this limited number of hits has also been pointed out. The effectiveness of anti-submarine warfare (ASW) measures in any particular engagement is limited by the inherent variability of the underwater acoustic environment and the unreliability of sophisticated sonars. And anti-air warfare (AAW) improvements are likely to be overwhelmed by improvements in offense, such as higher speed and lower altitude missiles. The net effect is that both types of defense can cause substantial enemy attrition over a long period of time but cannot provide strong assurances that a carrier could survive a determined attack.

And that is precisely the kind of attack which the Soviets would throw against them. Testimony to Congress by Navy spokesmen in recent years has stressed the Soviets' growing anti-carrier capability. Attempts have also been made to calculate the effects of a concentrated attack against the two or three carriers we could hope to have deployed somewhere at any one time.

One such calculation is set forth in the Brookings Institution analysis of the fiscal 1972 defense budget. It suggests that the modest Soviet bomber force *alone* could completely neutralize our carriers:

This fundamental point is worth elaborating by a purely illustrative and highly simplified model. Suppose the USSR is willing to expend twenty-five bombers, each capable of carrying one air-to-surface missile, and their fighter escorts, in order to disable one carrier. (The Soviets have in their naval aviation force some three hundred ASM-capable bombers, whose primary mission would be to attack U.S. carriers.) Suppose also that the ASMs have 80 percent reliability and, very optimistically, that our fighter defense would have a 40 percent chance of shooting down a bomber in a single engagement and our surface-to-air missile systems (SAMs) an 80 percent probability of shooting down an incoming ASM. With these assumptions, the bombers would get six hits on the carrier, more than enough to force it to retire. Less optimistic assumptions on defense would sharply reduce the number of bombers needed to put a carrier out of action.

If anyone thinks this is an exaggerated analysis, let me stress its assumption that each Soviet bomber is capable of carrying but one ASM. According to testimony last year in the CVAN–70 hearings, some of these Soviet aircraft have a multi-missile capability.

Another calculation, by former defense official Leslie H. Gelb in testimony before the Senate Defense Appropriations Subcommittee this year, reached even more pessimistic conclusions. Gelb's calculations were based on the realistic assumption that the Soviets would not rely on their bomber force alone but use submarine cruise missiles and surface to surface antiship missiles as well.

The Soviet Union would, in all probability, launch a large number and variety of missiles against our carriers. Assuming the carrier defenses against this attack could destroy as many as 80 percent of the incoming missiles (and this is a very optimistic assumption), the probabilities amount to a virtual certainty that our carrier would take about a dozen hits. . . . Recent tragic experience with the Forrestal and Enterprise—where in each case an accidental firing of one of our rockets led to many deaths and extensive damage by fire and explosion—indicate how little it might take to put a carrier out of operation and force it to retire.

And some analysts suggest that these calculations are conservative, that even one well-placed hit might put a carrier out of action. They note that carriers have to be moving into the wind at a fast clip to permit normal flight operations and that one hit alone might prevent this. They also note that the Soviets might use incendiary cluster bombs as the warheads of their cruise missiles and that one such missile could wipe out most of the aircraft sitting on the carrier's back. Even more conservative is the complete omission of the torpedo threat.

None of these arguments are new, however. The carrier debate has raged for years, with little apparent effect within the Navy itself. The Navy admits the increasing vulnerability of its carrier force, but refuses to admit that the danger point has been reached. It cites the defenses of the carrier against possible attack. It notes that all carriers present mobile targets, and that nuclear carriers have unlimited endurance at high speed. And it cites the extensive protection features, such as armor flight decks and torpedo side protection systems, designed into our latest carriers.

I am simply not persuaded by these arguments. Little confidence should be placed in a carrier's 30 knot speed as a means of preventing detection of its position—particularly in view of the tremendous increase in underwater noise generated at this speed. Moreover, the carrier can maintain this speed for extended periods only if it foregoes the protection of its slower escorts and while not conducting flight operations. As far as carrier protection features are concerned, great progress was made duing the course of World War II, but developments since have been much slower, since there was really little more left to do.

I am firmly convinced that our carriers are already sitting ducks for the kinds of multiple attacks the Soviets could mount against them. And whatever the situation which exists today, it will clearly be worse yet when the new nuclear carriers already under construction finally enter the fleet.

II. THE PROBLEM OF RESUPPLY

Nonetheless, I would like to turn briefly at this time to one element of the carrier vulnerability problem which has received too little attention to date. The vulnerability of carriers on station against the Soviets is bad enough. But the vulnerability of their logistics systems and the carriers themselves in the process of being supplied is actually a good deal worse.

The Navy itself has recognized as much.

First, Admiral Holloway on the comparative aspects of the problem; during the CVAN–70 hearings last year:

All ships are vulnerable to the anti-ship missile. Most vulnerable are the unarmored tankers, ammunition ships, and troop carriers which support our overseas allies and our own deployed forces. Also vulnerable are our attack carriers, but due to their high speed, protective armor, and self-defense capability, attack carriers are the least vulnerable of any of our forces at sea.

Next, Admiral Rickover on the actual magnitude of the supply ships' problems, in testimony earlier this year to the Joint Committee on Atomic Energy:

The World War II experience: "I am sure you remember the large number of tankers sunk in World War II by German U-boats—submarines that were much slower and far less capable than those the Soviets have today. Moreover, Germany started the war with only 57 submarines. The United States lost over 130 tankers in the Atlantic Campaign, mostly to German submarines. By mid-1942 the situation was desperate. So many tankers were being sunk that the supply of military fuel to Europe and the Pacific was threatened. Then, too, the deciding factor in our defeat of Japan—also an island empire—was the ability of United States submarine and air forces to interdict the flow of oil from overseas to the Home Islands; this strangled Japan's industrial and military effort and brought about her collapse.

Tankers then and now: "During World War II we had a large number of small tankers. Most tankers were of 10,000 to 15,000 tons full load, with the largest about 25,000 tons. Therefore sinking a tanker at that time did not have anywhere near the impact as would be the case if one of the large tankers we have today were sunk. Presently, many tankers are over 100,000 tons, and plans are being made to build tankers of 500,000 tons and larger. One such tanker carries many times the oil of the World War II tankers; also they offer a much larger target and so can be sunk more easily.

Present military implications: "The greatest vulnerability of surface warships results from operating restrictions required to conserve propulsion fuel and to supply the propulsion fuel. The refueling ships must steam at slow speeds and on fixed courses. They would be "sitting duck" targets for attack by torpedo or missile firing submarines. Further, the fuel oil must be brought to the warships by tankers which themselves are slow targets vulnerable to enemy submarines and air attack.

"As I see it, in a war the Russians would immediately sink the tankers, which would immediately shut off oil supplies to Western Europe and to our oil-powered forces at sea. It would then make no difference what supplies we tried to get across. Without propulsion fuel modern armies are powerless. In a short time prepositioned fuel would be used up and we would be facing overpowering odds . . . Ships with short cruising radius will not survive a war with the Soviets."

These are rather forthright statements and it is important to recognize the purpose for which they were made. Actually, they form the backbone of the Navy's argument that any future carriers we build—and their escort ships as well—should be nuclear-powered rather than conventional models.

Nuclear ships, the Navy argues, are not dependent on external fuel for their own propulsion. They can transit the oceans to a new station at high speed and without refueling. They can hold these stations without the periodic reductions in a task group's readiness which would be occasioned by refueling. Tanks otherwise used to store carrier and escort fuel can carry aircraft fuel instead. And the higher speeds of nuclear ships reduce vulnerability and increase target coverage.

But while the Navy points out the great difficulties of resupply operations at sea in order to shore up its case for more nuclear-powered surface ships, it fails to call any attention to another implication of these difficulties.

Nuclear-powered carriers may not need refueling to propel themselves, but they must be supplied with aircraft fuel and ammunition if they are to provide any punch in the first place. And the supply problems here are every bit as grave as the tanker problems to which the Navy admits.

There is no single answer to the question of how long a carrier can go without being resupplied with aircraft fuel and ammunition. Nuclear carriers have twice the capacity for aircraft fuel and 50 percent more for ammunition compared with conventional carriers. And any carrier's consumption rates are obviously going to depend on the intensity of the operations conducted.

But in conflicts involving the Soviet Union the operations would be intense, perhaps approaching one sortie per day at maximum gross weight of ammunition and fuel for each aircraft on the carrier. Even granting the differences between carriers, the simple fact of the matter is that no carrier could hope to keep operations going under these conditions for more than a few days at a time!

The precise time involved is not important, but its relative shortness is critical. After only a very short time, the carrier would be in need of resupply, and its logistics system—composed of underway replenishment ships, tankers, and ammunition boats—would be subject to all the difficulties of other surface shipping. These supply vessels would move slowly, having to be refueled, and without the many defensive systems protecting the carriers themselves.

The implications are devastating. Even if we could succeed in protecting our carriers through multi-billion dollar investments in sophisticated defensive gear, we would still be unable to get through to them the supplies needed to permit continuation of the offensive operations they provide. The front door might be guarded, but the back door would still be ajar.

And suppose that a few supply ships did get through, Navy statements above notwithstanding. Our carriers would have to reduce their own readiness in order to be supplied. They would have to leave their stations, move to a replenishment area out of range of land-based enemy aircraft, and then slow down for the actual transfer.

At this point they would still be in range of Soviet submarines, with both their acoustic homing torpedoes and their cruise missiles. It is clear from published sources that these missiles, touted by the Navy as the most serious threat to the carriers, can be launched from a submerged position, many miles away, on the basis of intelligence received. With the missile traveling at the speed of sound, probably undetected before launch (we can't have ASW planes everywhere at the same time), it poses a formidable threat indeed.

III. FLEET DEFENSE AND THE F–14

Much more could be said about the vulnerability of attack carriers. But where does the F–14 fit into this basic picture?

The Navy's interest in providing its carriers with a means of defense which would permit their use in high intensity—even nuclear—conflicts with the Soviet Union dates back a good many years. In the 1950's the main concern was Soviet employment of their new nuclear capability against the carriers.

It was clear even then that a single nuclear weapon delivered anywhere in the vicinity of a carrier would wipe out an entire task force. The Navy desperately wanted a weapon that would destroy 100 percent of the Soviet's missile launching bombers—then the chief nuclear threat—in a massed attack against the task force. The original proposal was called Eagle-Missileer and work was started on it in 1958. The F–14 is a rather straightforward outgrowth of that work.

The Missileer was a low performance, long loiter aircraft capable of functioning as a missile platform, and its objective was the simultaneous tracking and firing of six missiles against the postulated threat of massed Soviet naval bombers. The Eagle was the missile it would launch.

Eagle-Missileer was canceled in 1961 due to technical infeasibility, and a similar verdict was soon pronounced on the use of carriers in any future nuclear wars. But the Navy never abandoned its basic concept for the missile. As our conventional forces were beefed up in the early 1960's, the Navy resubmitted its requirement for an anti-bomber fleet air defense missile to protect the fleet against the new threat of non-nuclear bomber attack in the performance of its tactical air support role.

Appropriately enough, the new missile was named the Phoenix, and until 1968 it remained tied to the ill-fated F–111B airplane. This is neither the time nor the place for a complete analysis and apportionment of blame for the TFX fiasco, but a few words are necessary to place in context the decision to proceed with the F–14.

Whatever the wisdom of Secretary McNamara's insistence on a single plane to meet the Air Force's desire for a deep interdiction bomber and the Navy's desire for a fleet air defense interceptor, the Navy was opposed to the F–111B from the outset. One of the initial concessions it extracted in return for participation in the program was the right to incorporate in the new plane both a new version of the cancelled Eagle missile and the cancelled TF–30 engines which had been developed for the Missileer.

Little consideration was given by anyone at the time to the dogfighting capabilities of the new plane. The F–111B was regarded simply as an interceptor. The main advantage it offered over the Missileer was a significantly increased speed and acceleration capability which was intended to enable it to get into its intercept position more quickly than the old plane. The Phoenix itself could shoot everything out of the sky, the Navy said, so forget maneuverability.

It would not be unfair to say that the Navy first became concerned with the dogfighting capability of the F–111B when it saw this as an opportunity to kill the plane and get a true Navy aircraft of its own. Working together with several aerospace companies, such as Grumman Aircraft Company—then a subcontractor to General Dynamics on the F–111B—it encouraged the design of new airplanes which would still carry the Phoenix missile but also be better dogfighters than the F–4 Phantom, then and now our first-line Navy fighter.

The improved capabilities of alternative planes—and the technical problems with the F–111B—were argued vigorously in testimony on Capitol Hill, and in 1968 both the Senate and House Armed Services Committees deleted all funds for the F–111B from the budget. Working feverishly, the Navy then saw to it that a contract with Grumman for the F–14 was rushed through before the Nixon Administration could carefully review it after taking office.

The F–14 is thus the third plane to carry the Eagle-Phoenix missile and to be powered by a version of the TF–30 engine. And it is still primarily a fleet air defense interceptor. After the F–111B was killed, the Navy never seriously evaluated the possibility of incorporating a Phoenix fleet air defense missile capability in a first-rate fighter aircraft. But this was then and remains now a technical impossibility, as I hope to explain in a few days. Unfortunately, our need for a first-line carrier based fighter to replace the F–4 is a good deal greater today than in either 1958 (when the F–4 was itself in development) or 1968.

Another thing which has changed since 1958 is the nature of the Russian threat to our carriers. What was envisaged then was a dramatic increase in the number of Russian naval bombers, the threat against which the Phoenix was designed. While there is extreme doubt whether the Phoenix could handle the Russian bomber threat which exists today, that threat has never expanded as predicted for the past ten years. As House Appropriations Committee Chairman George Mahon, noted in 1968: "The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has, of course, not developed to date."

What has developed is the many faceted threat described earlier. It is worth evaluating the role of the Phoenix in the spectrum of defenses we have now erected against this threat to see why it would almost surely be ineffective.

The Phoenix is a long-range air-to-air defensive missile, which the Navy claims will be capable of destroying "multiple targets in a heavy electronic countermeasures environment in all weather conditions." It will be guided by the F–14's AWG–9 fire control system, which is also designed to handle six single shot Sparrow missiles.

According to the Navy, the Phoenix already has an enviable test record on which to stand, with a success record of approximately 70% in the 40 or so firings to date. This claim deserves some rather careful scrutiny.

In the first place, Navy statistics do not include the substantial number of unsuccessful firings in which the missile never left the launch rail because the launch system failed prior to the actual launch. These failures, which should obviously be included on any realistic score sheet, must be carefully distinguished from the much smaller number of recorded "no test" firings—firings in which the missile was launched but failed to hit its target due to defects in the test conditions not related to the missile system itself.

Moreover, all the tests conducted to date have been engineering tests, held in a laboratory-controlled environment, and almost all have been against single targets with artificially augmented radar signals and little or no maneuvering capability. Operational tests, under conditions representative of actual combat experience, have yet to begin. Due to the incredible amount of concurrency in the whole F–14 program, these operational tests are not scheduled to be completed for another several years, by which time any decision on the F–14 will long since have been made.

Finally, this terribly artificial test program has itself been very limited in scope. Virtually all of the test firings to date have been tests of the *old* AWG–9 Phoenix system developed for the F–111B. The new version for the F–14 has more than one-third less weight and has been completely redesigned for tandem seating and to accommodate the Sparrow missile.

And despite the Navy's claim that the system will be capable of near simultaneous launch against up to six widely separated targets, no more than two simultaneous firings—even of the old version—have been attempted at any time to date. Thus it is difficult to evaluate the argument of some critics that the AWG–9 tracking capacity would be swamped if it ever attempted to fire six missiles simultaneously in the presence of one or two dozen targets on the radar scope. Yet even in the last multi-shot test, one of the two missiles missed its target.

But one need not dwell on the scarcity of test data on the Phoenix. It is really quite similar to other air-to-air missiles which have entered our inventory in the past several years. Some of these missiles had initial test records every bit as "promising" as the Phoenix but exhibited serious deficiencies when used in Vietnam. Our experience with the Sparrow missile is instructive in this regard. It is a radar guided missile like the Phoenix, but somewhat less sophisticated and expensive. (The present version of the Sparrow costs $40,000 per shot, the Phoenix $400,000.)

One problem the Sparrow has had has been its inability to distinguish between friendly and enemy targets. It has been designed for launch at a range of roughly 15 miles, well beyond the range of visual contact. Unfortunately, its radar system can pick up aircraft blips at this distance, but can't tell who the blips belong to.

This had had a significant effect on use of the Sparrow in Southeast Asia. Despite the fact that it was designed for stand-off launch, orders have been in effect prohibiting its stand-off use at times when friendly aircraft might be present. Until billions of dollars had been spent, nobody realized that we wouldn't be able to fire at will on non-responding radar blips—because they might be Laotian airliners flying to Hanoi or Air Force planes not tied in to the Navy's communications system! And part of the reason for the Sparrow's poor record under *visual* launch conditions has been the fact that many of these launches were from inside its minimum effective range!

Another problem of the Sparrow has been its poor reliability—its failure to even launch and fly. The artificial nature of its initial test program has been only partly responsible. More important has been the fundamental complexity of design which made it unable to withstand rigorous combat handling procedures.

When conditions did permit its use and it was to be fired, the Sparrow and its radar search system may have scared away as many enemy aircraft as they found. The explanation is simple. One of the problems of all airborne search radars and active radar missiles is that they broadcast their position for miles around, thus alerting enemy aircraft to their presence.

Moreover, these airborne radars have an effective search pattern only in a very narrow cone directly in front of the airplane and cannot locate more dangerous and undetectible targets flying elsewhere. As a result, enemy aircraft guided from the ground have been able to avoid this narrow search pattern and pop up unsuspected and undetected on the tails of our aircraft.

When we have in fact acquired enemy aircraft (almost always visually) they have often been able to outmaneuver the Sparrow by hard turns at normal combat g's. This has been the result of inherent physical limitations in the maneuverability and response times of the missiles themselves.

Finally, the Sparrow has shown itself susceptible to simple electronic countermeasures which degrade its performance.

The actual performance record of the Sparrow in terms of targets killed per firing remains classified, but this much can be said. Due to the target differentiation problem, it simply has not been used much of the time under the conditions for which it was designed. And when it has been used, its demonstrated performance has been only 10% as good as the performance originally expected.

There is every reason to believe that the Phoenix will fare no better and might fare worse. Much of what has just been said is directly applicable, but let me cite a few particulars.

First, one of the advertised advantages of the Phoenix is its significantly longer range than the Sparrow. (According to the DMS Market Intelligence Report, "Phoenix was initially intended to have a range of more than 200 nautical miles, but has since been scaled down to an estimated 80 n.m. range.") Yet tests conducted by Hughes Aircraft Corporation, manufacturer of the Phoenix system, confirm that it has no capability against maneuvering targets except over the shorter stretches of its range. Beyond a certain point, the tests showed, the Phoenix rocket motor burns out and it cannot get the maneuver energy needed to keep up with a target which can quickly change directions!

Second, hardware tests at the Naval Weapons Center's Corona Laboratory have shown that the Phoenix can be effectively countermeasured by simple low power techniques.

Third, a study has been conducted which indicates that the Phoenix will have severe reliability problems due to many of the same complexity of design features which have made the Sparrow unable to withstand rigorous combat handling procedures.

Fourth, the very nature of the F–14's dual role as fighter aircraft and fleet defense interceptor aggravates the target discrimination problem, i.e., distinguishing friendly aircraft from foes. About the only time a long-range Phoenix launch could be used to protect the carrier is when there are no friendly attack aircraft or F–14 escorts carrying out tactical air operations from the carrier. But one of the main reasons for having and protecting carriers in the first place is to conduct such operations!

Opinions differ as to whether a solution to this identification problem will be found, but there is no demonstrated solution yet in sight. And even if a secure and reliable communications system were established between our own airplanes, it would still be very risky to fire at will against unresponding radar blips in all theaters. Crowded areas like the Mediterranean, for example, would still contain friendly aircraft not tied in to our communications system. The E–2C (essentially a Navy AWACS) might keep track of some of their movements, but it is far from foolproof and terribly vulnerable.

These deficiencies would be serious enough if the Phoenix had nothing but Russian bombers to defend against! But they would be magnified if it were pitted against the expanding Soviet cruise missile threat, to say nothing of the high maneuverable fighter aircraft which would be well within range of a carrier in the Mediterranean.

As far as cruise missiles are concerned, there must be doubt in the first place whether the Phoenix would have the maneuverability to correct for errors in its estimates of their direction and velocity. And even if it were successful in meeting its design specifications against high speed, low flying targets with small radar cross sections, the F–14 would have to be in a narrow cone directly ahead of the missiles if it were to see them at all. The search patterns of airborne radars, it should be noted, is especially limited in the look down mode. And it is also significant that the more clutter suppression one designs into such a radar, the more vulnerable it will be to countermeasures.

But let's suppose that these problems were solved! The Russian bombers might still be able to defeat the system by a simple choice of tactics. A simple example, without specific numbers, will suffice to demonstrate the point.

We will have only a limited number of F–14's aboard a carrier and only a handful—with a maximum of 6 Phoenix missiles each—will be in the air at one time. Against these F–14's the Soviets could concentrate a significantly larger number of naval bombers, since the bomber could strike at a time of their choosing and would not be on serial airborne alert. These bombers could then be deployed in waves, the first bomber exhausting the limited number of missiles in the air and the next wave moving in on the carrier before reinforcements reached the scene. These tactics would be aided, moreover, if the bombers were able to maneuver out of the way when warned that a Phoenix was coming, if they were preceded by more maneuverable fighters, if they carried the jamming equipment we already know works, or if a few submarine launched missiles were used to create a diversion.

There is one other related point. If a war at sea ever did break out between the Soviet Union and the United States, it would probably be initiated by a surprise Soviet attack on our carriers, at a time when their defenses were low. We have worked very hard since the dawn of the nuclear age to minimize the chances of any direct engagements with the Soviets, and it is very unlikely that we would initiate one. Such an engagement would probably come, therefore, only if we miscalculated the Soviet response to one of our actions or if the Soviets made an irrational and unprovoked move of their own. Under these surprise attack conditions we could expect only a small fraction of the F–14's aboard a carrier to be either in the air or serviced for immediate use.

I have purposely saved till last a discussion of the staggering costs of the Phoenix and its fire control system. When the missile first rose from the ashes in 1962 and became a part of the F–111B program, total development costs, according to DMS Market Intelligence Report, were estimated at $175 million. They have now risen, the Report says, to well over $500 million and development is far from complete.

More worrisome are the likely production costs of the Phoenix, already estimated at $400,000 per shot, without any allowance for deficiency correcting modification costs. Another factor which could drive costs upward is a smaller than anticipated Phoenix buy. Published estimates of the buy have ranged from a low of 1,400 to a 3,700 high, with the lower part of the range associated with the small F–14 buy which is probably inevitable even if the program continues.

It cannot be stressed too much that the cost of one of F–14's six Phoenix missiles, even at the $400,000 price, would be $2.4 million. That is the approximate price for three Mig–21's and for one of our own F–4 fighters! And this would be in addition to the $16 million price tag on the F–14 itself!

Actually, the high costs of the Phoenix would do more than affect our pocketbooks. They would also have an adverse impact on the already poor effectiveness of the missile.

For one thing, these high costs would inevitably affect Navy training programs for the Phoenix, just as training programs for the Sparrow have been affected by its comparatively cheaper costs. With the costs of each Phoenix firing approaching a half million dollars, very few Navy aviators would be allowed even one training shot. Most of their training would consist of dry runs, where they locked on targets with the AWG–9 system and then pressed the button which in battle would launch the Phoenix. There would be some value in this limited training, but it would not inspire confidence for combat use.

Moreover, it is doubtful whether any purchase within the 1,400 to 3,700 range now contemplated would provide us with the number of missiles combat could realistically require. A buy of 2,000 missiles, for example, would give us only one full load for 300 F–14's, with 200 extra for training and spares. One full sortie per plane is not a very comfortable margin. Looked at another way, these 2,000 missiles would be wholly expended if 12 planes a day flew fully loaded sorties in a 30 day conflict with the Soviets—even if all the missiles somehow could be rushed to the scene!

I recognize that these calculations make no allowance for the fact that on many sorties some or all of the missiles would not have to be fired. It is highly unlikely, however, that all unfired missiles would actually be brought back on board the carrier. There are two aspects to this problem.

The first aspect concerns the degradation of its already limited dog-fighting capability which the F–14 would suffer if it attempted to engage in aerial combat carrying a full load of Phoenix missiles. Navy planning for the F–14 fully recognizes that the extra weight and drag of these missiles would significantly degrade the plane's maneuverability. Accordingly, the Phoenix is designed to be carried in readily removable pallets, attached to the plane's fuselage. When programmed for a dogfighting mission, neither these pallets nor the missiles would be carried. And when they were carried for fleet defense purposes and a dogfight situation arose, they could be dropped in the ocean to maximize fighter capability.

This last prospect is rather disturbing. In the Mediterranean, for example, it would be possible to operate out of range of land-based fighter aircraft when configured for the fleet defense mission. Under these circumstances, the F–14 could be set upon by enemy fighters at any time. When this occurred, the prospect is that $2.4 million worth of missiles—more than the likely cost of the enemy aircraft itself—would be quickly released to the ocean depths.

The second aspect of the problem is more serious. Notwithstanding Navy statements that F–14 "design specifications require that any combination of fuel and unexpended ordnance up to a total of 10,000 pounds can be brought back aboard the carrier, "there remain serious doubts about the ability of the F–14 to land on a carrier with a full Phoenix load.

For one thing, Navy pilots have an understandable aversion to landing on a carrier with a dangerous ordnance load, especially in bad weather conditions, and might be tempted to lighten up.

Moreover, the weight of six Phoenixes and their pallets has been publicly estimated at between 6,000–7,000 pounds, which reduces to 3,000–4,000 pounds the margin of error remaining. This margin is reduced even further if allowance is made for necessary fuel landing reserves, dogfight missiles, and the cannon pallet, and it could be eliminated altogether by weight increases on the plane. It is worth noting in this regard that the Navy is already projecting a 700 pound weight increase for the F–14, an increase which will be slightly more significant without the "B" engine, given its own lesser weight than the "A". Any further weight increases, perhaps necessitated by modifications work, could easily break the camel's back.

IV. THE POLICY IMPLICATIONS

Mr. President, the vulnerability of the attack carrier has reached the point where it is as obsolete today for a war at sea with the Soviet Union as the battleship proved to be for World War II. The carrier could not stand up to a concentrated Soviet attack against it. And even if it could, it could not be resupplied to carry out its offensive operations.

Nor is there any evidence that the more than ten years old yet still untested Phoenix missile system could give it a new lease on life. The Phoenix probably cannot handle the limited threat against which it was designed, let alone those facets of the overall anti-carrier capability of the Soviets which have been expanding in recent years.

These considerations do not mean that we should retire all our carriers from the force. Only the Soviet Union possesses the spectrum of threats capable of jeopardizing the carriers. China could not do so, nor could the lesser powers against which we might be involved. All these countries have is a small and obsolete bomber threat, a few old and noisy submarines (about 30 in the case of China), and possibly some new Soviet-provided patrol boats with their Styx missiles. They would also have some new fighters exported by the Soviets, but these could best be defended against by a new light-weight fighter of our own.

If we made the needed decision to size our carrier force for use in conflicts involving these countries, it would reduce to nine the force level required. This force level would allow one carrier to be continuously on station in the Mediterranean and two in the Pacific, or vice versa. And each of these deployed carriers could be re-inforced during a crisis by one or two of the back-up carriers. In a war-time situation, an even larger number could be rushed to the scene.

Such a decision would also permit a drastic reduction in the large number of programs now underway to protect the carrier, programs which make no sense except in terms of the Soviet anti-carrier threat. Consider for a moment some of the presently on-going programs designed to provide carrier protection against the Russian cruise missile threat alone:

The Condor missile, which can be fired from attack aircraft at long range against ships, patrol boats, or surfaced submarines;

The Harpoon missile, which is being developed to do the same job from our surface warships and from aircraft.

The E–2C long range detection aircraft;

The S–3A carrier-based anti-submarine warfare aircraft;

The LAMPS helicopter which will operate from escort ships;

The AEGIS surface-to-air missile system;

The Improved Point Defense Missile System;

The Close-In Weapons System;

Advanced electronic warfare systems such as SHORTSTOP; and of course

The F–14 and the Phoenix.

Many of these programs—some with problems of their own—would not be needed to protect our carriers in non-Soviet engagements. In other potential conflicts, we could rely on a much less complex but probably more reliable set of defenses. The primary elements of these defenses would be simple electronic countermeasures, anti-aircraft guns, and existing shipboard surface-to-air missiles. We might also want to keep reliable modifications of a few other systems in which we have invested so heavily.

As far as defensive missiles are concerned, it is important to recognize that any reasonably reliable shipboard missiles have a significant advantage over their airborne counterparts. They would not be chasing elusive aircraft and missiles on their way to other targets, but would instead be located with the targets themselves and have the much easier task of intercepting directly incoming missiles. We could complement these shipboard missiles with a fleet air defense capability, but we would not need the F–14 or Phoenix. We could if we wanted use the F–4 and the Sparrow. But all we would need against the few obsolete bombers of other countries is a good new fighter with anti-aircraft guns and reliable missiles like the Sidewinder.

If steps of this kind were taken, significant economies could be realized and funds made available for other high priority Navy programs, such as submarine fleet expansion and programs to reduce the carrier dependence of our surface Navy itself. It makes little sense and is highly dangerous to keep concentrating our surface forces around an increasingly vulnerable focal point. Some means must be found to disperse those forces if their abilities are to be preserved.

V. A FINAL CAVEAT

I have discussed the problem of carrier vulnerability and the failings of the Phoenix in such detail for three reasons.

First, the fleet defense mission is central to the basic rationale of the F–14. What the Navy has wanted for almost fifteen years is an airplane from which to launch the Eagle-Phoenix to protect its carriers. The Missileer, the F–111B, and the F–14—all have been fleet defense interceptors above all else. Just how poor a fighter the F–14 is I'll explain in a few days. Its fleet defense syndrome is *why*.

Second, I wanted to explain in full what I thing is a basic truth—that any money spent on air-to-air missile defense against the Soviet anti-carrier threat will be money down the drain. It will be money diverted not only from important domestic programs, but from other defense programs which could serve our interests better.

Third, the fleet defense emphasis in the F–14 program is symptomatic of a far more pervasive problem in the Navy today. There are many other items in the Navy budget at this time which make no sense at all except in terms of the Soviet anti-carrier threat. Money spent on them may be wasted too. We should keep this in mind as other carrier-related issues keep coming before us.

But I would like now to make a final caveat. If, despite all the evidence of its futility, we still want to provide air-to-air missile defense of our carriers against the Soviets, we don't need the F–14 to do it. There are *other* ways which would be equally (in)effective, far less expensive, and which would not rob us of the first-rate Navy fighter our security may require at this time.

One approach would be to put the Phoenix itself on the A–6, one of the Navy's interdiction aircraft. This option was seriously considered by the Navy during the dying days of the F–111B. It might well have been chosen if so much emphasis had not been placed on the F–111B's own inability to carry the Phoenix and still be a fighter in the attempt to finish it off.

The A–6 would be similar to, but an improvement over, the old Missileer. It has all the range, loiter and payload capabilities needed in a fleet air defense interceptor. It would be able, in all probability, to loiter longer and to carry even more than the six Phoenix missiles carried by an F–14. The only possible advantage of the F–14 would be the greater acceleration it could provide. It is supersonic, while the A–6 is subsonic, so it would get into its intercept position faster. It is doubtful, however, that this advantage would ever matter. The F–14 itself would have poor acceleration with a full external Phoenix load, poor enough that it is highly doubtful that an F–14 not already on station could be brought to bear in defense against a fast bomber raid. The key to such a defense would be loiter time on station and here the A–6 would get the nod.

We already have a great many A–6's. We have been buying them for almost 10 years and 12 of the latest version, the A–6E, are included in this year's budget. The basic cost of an A–6 inframe, without avionics, is under $3 million.

We could buy more A–6's for the fleet air defense role. With the AWG–9 avionics system substituted for the avionics now on board, the cost would be about $6-$7 million per plane.

Or we could change avionics packages on some of the planes we now have. Another thing the Navy doesn't need is more interdiction aircraft. It already has about twice as many aircraft supporting the interdiction mission as it has fighters aboard its carriers, despite the limited pay-offs of interdiction.

This restructuring of its aircraft mix would also solve any deck crowding problem which might result if we were to add both A–6 interceptors and a new fighter to the carrier air group. The real source of the crowding problem in any event is no longer the aircraft deck space available, but an inability to house the large number of maintenance personnel needed to handle the increasingly complex and difficult to maintain expensive new aircraft we like to buy.

Another approach would be to rely on the Sparrow missile for fleet air defense. It might actually be better for the job than the Phoenix.

I spoke earlier about the performance record of the Sparrow in Vietnam. It should now be noted that Raytheon Corporation, manufacturer of the Sparrow, is at work on a completely new version—the AIM–7F—which hopefully will solve some of its problems. The new verision is expected to have fully twice the maximum range of the old, as well as a shorter minimum range to permit use under conditions when the presence of friendly aircraft prevent its stand-off launch. It will be solid state and will fly dormant until activated just prior to launch in an attempt at better reliability (its ability at least to launch and fly). And it is hope it will have much greater capability against maneuvering or high-speed enemy targets. These points should be kept in mind in comparing the capabilities of the two missiles.

The Phoenix would appear to have two advantages.

The first is its significantly longer range. This advantage is greatly minimized, however, by the fact that the Phoenix has poor capability against maneuvering targets, especially over those stretches of its range which are beyond the maximum of the new Sparrow.

The Phoenix also has a simultaneous multiple-shot capability which the new Sparrow lacks. But here too the advantage may be small. The AWG–9 fire control system, by the Navy's own admission, cannot launch six Phoenix missiles at precisely the same time. What it can do is launch successive missiles at sufficient speed that six might be simultaneously in the air. And even this has never been demonstrated.

Moreover, a simultaneous multiple-shot capability is more a function of an aircraft's fire control system than a function of the missile itself. And AWG–10 contractor, Westinghouse, has already completed Navy-funded design studies of new F–4 fire control systems designed to accommodate the new Sparrow. One design would replace the present AWG–10 analog system with a more reliable digital version, the AWG–14. Another would simply give the present AWG–10 system a simultaneous multiple-shot capability.

Range and simultaneous shot capability aside, the advantages would lie with the Sparrow. It would be more maneuverable over its range. It would not have to be dropped into the ocean if a dogfight developed, but could be used in theory as a dogfight weapon. And it would cost only one-fourth as much, so we could afford to buy a few more.

The new Sparrow coud be carried on either of two planes. As indicated, there are new F–4 fire control systems which could handle it. And it is already earmarked for use on the F–15, which might well be adaptible for carrier use.

These, then, are clear alternatives to fleet air defense against the Soviets. I do not mean to endorse them. I have already made clear my basic feelings in this regard. But they are available and if we want an anti-Soviet fleet air defense system, we don't need the F–14 to get it. In fact, these alternatives have three clear cut advantages over the F–4, in addition to costing far less.

To the extent timing were considered critical, it should be noted that both the A–6/Phoenix and F–4/Sparrow alternatives could be deployed ahead of the present schedule for the F–14.

More important, if we were reasonable, these alternatives would give us an opportunity to conduct realistic operational tests of both the Phoenix and the new Sparrow before billions of dollars were committed on the missiles themselves or on any plane designed to use them. The F–14 alternative simply won't permit this, tied as it is to a hopelessly concurrent contract schedule. And I am convinced that realistic operational tests would only confirm what I have suggested here—that the Phoenix could be easily outmaneuvered and hopelessly countermeasured, while proving totally unreliable in the field. Nor am I very sanguine about the prospects of the new Sparrow. It was originally expected to enter production this year, but it has encountered sufficient disasters even in its artificial engineering test program to be kept in development for more debugging.

It is also certain to cost at least $100,000 per missile—much less than the Phoenix, but more than twice as much as the old Sparrow.

Most important of all, these alternatives would not rob us of the new air superiority fighter the Navy and our security may badly need. But that's my subject for next time. I'll try to prove in a few days that the F–14 costs the most yet has the poorest performance of all the fighter options that we have.

Senate Speech by Mr. Proxmire on the F–14

(II)

Mr. President, a few days ago I said there were two basic questions which had to be answered in deciding whether to buy the F–14.

First, how reasonable is it to build an airplane, equip it with a terribly complicated and expensive air-to-air missile, and then stick it on an attack carrier to protect that carrier and its task force from the spectrum of threats the Soviets can throw against them?

Second, how reasonable is it to rely on that airplane, with all the performance compromises caused by carriage of that missile, as our next generation Navy fighter?

I tried to explain then why the Phoenix missile's fleet air defense mission makes little sense at all. What I want to show today is the fact that it makes even less sense to rely on the F–14 as our first-line Navy fighter of the future.

Here are a few reasons why:

Because a recent Pentagon study convincingly shows that the old F–4, modified only with leading edge slats, could outperform the F–14A at all speeds likely to be encountered in a dogfight;

Because it is almost certain that the F–14 would be no match for new Russian fighters which are likely to be produced over the next 5–10 years; and

Because the Navy could build at one-fourth the cost a new light fighter which could quickly put the F–14 to shame.

It is a basic, straightforward fact that the F–14 costs the most yet has the least performance of all the fighter options available to the Navy. Accordingly, our first priority is to start work now on a new light fighter development program for the Navy. If work were started this fall, new Navy prototypes could be ready for a fly-off in about two years. And in another two years the first production models would be ready for delivery to the fleet.

An equally important need is to scrap the F–14. The F–14 just can't hack it as a fighter. Therefore, there is no justification for keep-it going unless we want to buy a limited number of the planes—200 or so—for altogether different missions. But what missions?

Not Phoenix fleet air defense. The mission makes no sense and it could be performed by other aircraft anyway.

And we certainly don't need the F–14 for its interdiction bombing capability. We already have aircraft designed specifically for the interdiction mission which need escorts, not competitors, when they fly.

The third thing we should do is to put leading edge slats on a portion of the Navy's F–4 force. The cost would be minimal and it would give us a fighter better than the F–14A till the new Navy fighter came along.

These are the conclusions I hope to support today. Before they can be reached, three preliminary questions will have to be answered:

What is the role of Navy tactical air?

What is the Soviet fighter threat?

And just what capabilities do we want—and why—in a new Navy fighter of our own?

I. THE ROLE OF CARRIER-BASED TACTICAL AIR SUPPORT

I argued a few days ago that the growing vulnerability of our carriers justified a reduction to nine in our overall attack carrier force level. There are two other considerations which reinforce this point.

One is the relative cost of land-based and sea-based tactical air support. Not surprisingly, Navy analysis shows the cost of the two to be about equal, while Air Force analysis concludes that sea-based support is several times more expensive. Depth of service rivalry notwithstanding, such a large disparity can exist only because of the difficulty in determining which costs—particularly in the areas of support requirements, shared defense costs, airlift, and the like—should be included in costing each alternative.

Most neutral observers would agree, however, that an individual sea-based wing is about 50 percent more expensive than a land-based wing composed of the same aircraft. And Navy planes are themselves more expensive at the present time. The Air Force, for example, has had no tactical air counterparts to the Navy's EA–6B electronic countermeasures plane or its E–2C reconnaissance aircraft.

The second consideration is Air Force development of a "bare base kit" which allows it to set up operations within a few days on very primitive airfields, with nothing more than a runway, parking area, and a water supply of some kind. There are over 1,700 such airfields in non-communist countries throughout the world, with some in virtually every country. Thanks to the "bare base kit" the Air Force is now able to set up operations in many areas abroad more quickly than carriers can be moved there from the United States.

This is not to suggest for a moment that we should eliminate carriers altogether. I recognize that land-bases, even if offered, might be temporarily over-run. And unsheltered land-based aircraft have a vulnerability problem of their own, as demonstrated in Vietnam, where large numbers of such aircraft have been destroyed on the ground, while carrier-based aircraft have operated from a sanctuary granted by the North Vietnamese. Moreover, if we were to institute the changes in carrier defense alluded to in my earlier remarks, carriers would become more competitive with land-based aircraft from a cost standpoint as well.

My only point is that nine carriers would give us the mix between land-based and sea-based tactical air support which a wise allocation of resources seems to require. And it is about time that we thought more about this in sizing our tactical air forces. Unfortunately, the main consideration in Southeast Asia has been to see to it that Navy and Air Force interdiction strikes have been divided up 50–50.

However many attack carriers we decide to have, we will have to count on them to provide the full spectrum of offensive tactical air support missions—interdiction, air superiority, and close-air support.

To date, the Navy like the Air Force has given primary attention to the interdiction missions, notwithstanding the negligible results shown in Vietnam, Korea, and World War II. The A–6 and the A–7 are its primary aircraft for interdiction strikes, and the F–14 itself has been given a considerable air-to-surface capability, at great cost both in dollars and dogfighting performance.

And perhaps the best indication of the Navy's limited affection for close air support was provided in this year's hearings before the Senate Armed Services Committee. When asked what aircraft the Navy would be using for close support in the next few years, Admiral Connolly replied:

"Well to a very large degree we will use A–7's, and as long as we have A–4's we will use A–4's, and we have used F–4's when it was necessary. And the Marines will be using the Harrier. And I wouldn't be surprised under some circumstances that they will load the F–14 up because it covers a lot of real estate and can carry a big load of bombs and under certain circumstances it might turn out that the F–14 would do close air support."

Unfortunately, the A–4 is the only aircraft at all suited to close support in the Navy's inventory, and as Admiral Connolly indicated, it already is being phased out. Once it is gone, all the Navy itself will have for the mission in one interdiction aircraft and two fleet air defense fighters.

But air superiority is the subject today, and in many respects, the air superiority mission is more important than either close support or interdiction, since there is no way that either close support or interdiction aircraft can be made to influence land battles in progress unless we have air superiority in the first place.

The F–4 has been since 1961 and is now the air superiority fighter of the Navy, going through several different versions over the years. Originally developed by the Navy alone, it has been the front line fighter for the Air Force as well. But while Navy purchases ceased after fiscal year 1970, the Air Force bought some late-model F–4's last year and will do so again this year.

At present, the Navy has about two aircraft supporting the interdiction mission aboard its carriers for each F–4 fighter. In a relatively benign environment such as Vietnam, where we have encountered only a handful of Mig–21's, it is possible to live with this ratio. It would not be so, however, against a more numerous enemy fighter threat.

And our carriers can fully expect to counter such a threat, even if they are specifically ear-marked for wars not involving Soviet naval forces. The Soviets have long shown a willingness to make Mig–21's available to their allies. The new Mig–23, or Foxbat, is supporting the Egyptians, in small numbers, and we can expect large quantities of new air superiority fighters to be exported also in the next ten years, especially if the Soviets continue their traditional emphasis on light, highly maneuverable fighter designs.

This is a central fact which it is important to fully grasp. Due to their high costs and technical complexity, there is no way that the Soviets can make available to their allies the spectrum of sophisticated threats with which they themselves threaten our carriers, such as large numbers of submarines with cruise missiles and acoustic homing torpedoes. What they can give their allies is a limited number of patrol boats with Styx missiles, some diesel submarines and obsolete naval bombers, and a large number of cheap, high performance fighters. What we need to counter these items is a less complex and more reliable kind of carrier defense and some high performance fighters of our own.

Just what is the current status of the Russian threat these fighters will have to counter?

II. THE SOVIET FIGHTER THREAT

An in-depth discussion of the Soviet threat is not warranted here, but three important observations should be made.

First, the Soviets have done more work on the development of new fighter aircraft during the past twenty years than has the United States. As the Navy itself is fond of pointing out, albeit with some exaggeration (accomplished by counting as separate models all versions of each basic design):

The Soviets, since 1954 when the F–4 was designed, have flown 18 new models of modern-type fighter aircraft . . . The Soviet Union has concentrated on tactical aircraft specifically oriented for the air superiority role.

Second, the Soviets have approached the problem of new fighter design with a different design philosophy than the United States. As Air Force Secretary Seamans told the Senate Armed Services Committee in 1969:

"Since their appearance in the Korean War, Soviet-designed fighters have generally been more maneuverable and have had better acceleration than U.S. fighters. Our fighters, on the other hand, have had better radiuses of action, firepower, avionics, and payload."

The Soviets, in other words, have steered clear for the most part from the kind of complex avionics and armament gear which has not worked for us in Southeast Asia and about which I will say more later. Their own fighters, freed from the weight and drag of this equipment, have emphasized the maneuverability required for aerial dogfights.

Their fighters have also cost far less. For example, the F–4 costs about three times as much as its most direct Soviet competitor, the Mig-21, based on direct comparisons of the cost of U.S. aircraft of comparable size and complexity. (I can't help noting that the $800,000 cost of a simple Mig-21 is the cost for only two of the six Phoenix missiles which would be carried by the F–14!).

Third, the fact remains that the Soviets have yet to develop a new tactical air-to-air fighter which is superior to the F–4. It appeared for a while that the new Foxbat, or Mig-23, might be such an aircraft, but it now seems clear that it is primarily a high altitude interceptor, rather than an air superiority fighter. As General Bellis, Air Force program manager for the F–15, told the Senate Armed Services Committee this year:

> "The Foxbat, a high speed, high altitude aircraft, became operational with the Soviet air defense forces in 1970 and appears to have excellent capabilities as an interceptor or reconnaissance aircraft, but it has limited maneuverability and low dynamic pressure limit. Because of these limitations, the Foxbat does not represent an overwhelming tactical air combat threat, but does represent an impressive technological threat."

Calling the Foxbat "an impressive technical threat" is a nice way of saying that the Soviets can probably build a much better fighter. No doubt they can and will when they try. And a true successor to the Mig–21 is due any year now. It is important therefore that we design our own new generation of fighters not only to counter existing threats but to provide the greatest possible assurance that they will also be able to handle new Soviet aircraft we have not yet seen and probably will not see until a Domodedovo air show in the 1972–76 period.

III. THE MAIN INGREDIENTS OF AIR-TO-AIR SUCCESS

It would be possible to jump at this point directly to a discussion of the F–14's deficiencies as a fighter. I want to take the time first, however, to consider what basic performance features we need—and why—in *any* new fighters we hope to buy.

Too often we in Congress attempt to make decisions on important defense issues without asking basic questions of this kind. As a result, we get snowed under with statistical data and a variety of conflicting claims.

What I propose to do is to organize my discussion around six ingredients which are absolutely essential and two which matter far less to air-to-air combat success. To support my arguments I will rely wherever possible on concrete evidence from our actual experience in World War II, Korea, and Vietnam. The basic points are simple, and I'll do what I can do to keep technical details to a minimum.

(1) *Aircraft Maneuvering Performance.* The object of any aerial dogfight is to maneuver out of vulnerable positions and into positions suitable for weapons delivery.

Initially, fighters escorting attack aircraft over enemy territory are likely to be "bounced" by enemy aircraft from behind. (The term derives from the early days of aerial combat, when the air currents generated by closely approaching fighters actually caused the plane set upon to "bounce" in the air.) Accordingly, the first performance requirement for a fighter is sufficient hard turn capability to defeat such an enemy attack by maneuvering defensively out of the launch envelope of an enemy's missiles and guns. This capability is usually measured in terms of the number of "g's" the aircraft can pull while flying at dogfight speeds.

The next requirement is an ability to convert to an offensive position. What this requires is sufficient acceleration and turn capability to bring enemy aircraft into the effective launch envelopes of our own missiles and guns. Acceleration is determined essentially by the thrust of the engines and the weight and drag of the plane.

The speed at which these maneuvers take place is largely determined by the speed of the defender at the outset of the engagement. This is almost certain to be his cruise speed—the maximum sustainable with efficient use of fuel—and it is at best high subsonic even for today's supersonic aircraft. The attacking aircraft will want to be going somewhat faster, but his desired speed advantage will be limited both by the maximum closure rate at which he can still set up for weapons launch and by his recognition that the poor turning radius associated with excess speed could cause him to overshoot into a vulnerable position if the defender detected his attack and executed a successful defensive maneuver. The attacker will therefore want to maximize his own maneuvering capability in the low supersonic speed regime.

A real problem for today's fighters is the fact that hard maneuvers at these speeds produce drag which, together with the weight of the aircraft, forces them to lose speed and/or altitude. In our new fighters, improved maneuverability at dogfight speeds will have to be a prime requirement. From a design standpoint, it will be a function of adequate wing area and a thrust to weight ratio comfortably in excess of one. These features will be far more important than those required for a very high supersonic dash speed, which is seldom useful and which extracts its price in other areas.

Finally, it is important to recognize that the advent of the air-to-air missile has actually put a premium on these traditional maneuverability requirements. In the old days one aircraft could bounce another and if unsuccessful in its attack, turn on full power and accelerate away from the limited range of aircraft guns. This tactic is today preceded by heat-seeking missiles which can at times be outmaneuvered but cannot be out-run. If an enemy aircraft today lit its afterburner and tried to accelerate away in level or diving flight, it would increase its IR signature by a large order of magnitude and become a sitting duck for a Sidewinder type of missile.

Our first requirement, then, is an aircraft which can both out-run and out-accelerate the enemy at all speeds encountered during a dogfight.

(2) *Stability and handling qualities.* A closely related need is an aircraft with good stability and handling qualities, since these factors are a prime determinant of a plane's actual as opposed to theoretical maneuverability. If a plane lacks stability and good handling qualities a pilot will be inhibited from using the full maneuvering capability it has, and his timing will also be affected in all dogfight engagements.

Unfortunately, many of our current fighters—the F–8, F–100, and F–4, for example—have had deficiencies in this regard which have led to restrictions on the realism of peace-time training exercises in an effort to avoid accidents. Despite these restrictions we have already lost over 90 F–4's in non-combat accidents. The great majority of these accidents have been from loss-of-control type problems, primarily spins and stalls.

(3) *Detection and Acquisition.* A Rand Corporation study indicates that roughly 50 percent of all aerial victories in World War II were achieved against unaware defenders, a figure which has probably increased since due to the high speeds of modern jets. A third important requirement, therefore, is an aircraft which is hard to detect but has excellent acquisition capabilities of its own.

The problem of minimizing one's *own* detection is quite straight-forward. The key factors, in order of importance, are lack of smoke trail, small physical size, a small radar cross section, and a low infrared signature. One of the problems with our present F–4 is that it has double the size of a Mig–21 and a smoke trail which can be seen for many miles.

The most important factor in detecting *enemy* aircraft is good visibility out of the cockpit, particularly over the sides and to the rear. Also important are the presence of passive warning receivers on the plane and adequate use of ground-based radars.

Unfortunately, our own emphasis in recent years has been on complex and expensive high power-level radars in our planes themselves. It is worth spending a moment to see why this emphasis has been so unfortunate.

First, these airborne radars provide no protection against the most dangerous and difficult to detect enemy bounces, which are from under the sides or from the rear, since the radars sweep only in a narrow cone directly in front of the plane. This cone, it should be noted, is especially restricted for radars operating in a look-down mode. It is because of their narrow search patterns that these radars are no substitute for good visibility out of the cockpit with a pilot's unaided eyes.

Second, these airborne radars have the unfortunate effect of broadcasting the plane's position for hundreds of miles around, thus negating all the other design features aimed at minimizing its detectability. That is why an important distinction must be drawn, as far as mechanical aids are concerned, between passive warning receivers on the plane—which do not alert the enemy to its position—and airborne radars which do.

It is because radar detection devices actively warn the enemy of their presence that they should be largely confined to ground-based sites. The Navy, it should be noted, can and has easily obtained the shipboard radar coverage needed to position our fighters for offensive operations in each of our major theaters—Europe, Korea, and Southeast Asia.

The deficiencies of high power-level airborne radars have been amply demonstrated in Southeast Asia. Enemy pilots, directed from the ground, have been able to easily avoid their narrow search patterns and approach American fighters from behind. American pilots have been far too busy visually scanning their sides and rear to keep their eyes glued to their radar scopes. And they have often turned off their radars to avoid advertising their positions for hundreds of miles around.

One final point should also be noted. In addition to their other problems airborne fighter radars have proven extraordinarily unreliable from a purely mechanical point of view. All in all, they have contributed only a tiny fraction of all enemy fighter detections throughout the long duration of the war.

(4) *Reliable and lethal weapons.* For the past twenty years, proponents of the air-to-air missile have argued that maneuvering combat would soon be obsolete. Fighter pilots would see each other only on their airborne radars (!) and engage by missiles at long range, without closing for a dogfight.

I have just discussed some of the problems with airborne radar acquisition, and since I have also dealt with many of our missiles' deficiencies in evaluating the Phoenix, I will only summarize them here, as demonstrated in our Southeast Asia experience.

First, due to the large number of aircraft over Vietnam and the impossibility of reliably separating enemy planes from Laotian airliners or Air Force planes not tied in on the Navy's communications system, few stand-off aerial battles have ever been fought.

Second, our missiles have never demonstrated the accuracy and reliability predicted by their manufacturers and first shown in artificial tests.

Third, enemy aircraft have been able to outmaneuver our missiles by hard turns at normal combat g's.

Fourth, missile performance has been substantially degraded by simple enemy countermeasures.

Fifth, radar missiles such as the Sparrow have greatly restricted aircraft maneuvering performance and positioning when employed, since it is necessary to set up and lock on to a target before launching them. In fact, the Sparrow had a minimum launch range so long our fighters often had to drop back to launch it after first closing for visual identification.

Sixth, radar missiles such as the Sparrow have suffered from the same defect as airborne radar detection systems—an enemy is alerted to their use and encouraged to use evasive tactics and countermeasures.

It is simply incredible how much money we have wasted on almost totally useless air-to-air missiles. We have invested over $2 billion to date on the Sparrow, which has missed its performance predictions by a factor of ten, and almost as much on the complex infrared Falcon.

Yet Pentagon studies of our Southeast Asia experience convincingly show that aircraft guns are still the most effective weapon against enemy fighters. Only one of our earliest and simplest missiles, the infrared AIM–9D Sidewinder, has shown a roughly comparable performance, at a cost of $15,000 per missile. The much more complex radar Sparrow, at $40,000 per shot, has been about one-third as effective as the Sidewinder at almost three times the price. The Sparrow has been one-quarter as effective as fighter planes' cannons or guns; while costing 200 times as much per firing or 800 times as much per kill!

Admiral Connolly himself was quite candid about the state of our air-to-air missile arsenal in testimony this year to the Senate Armed Services Committee:

"It is one of my chief worries. It seems to be easier to go to the moon than it is to get a good air-to-air missile, and this is one of the weaknesses of our situation in U.S. forces—has for a long time. The best missile we have is still the latest version of the Sidewinder."

There can be no doubt, then, that aircraft cannons or guns and the infrared Sidewinder remain at this time the most—in fact the only—lethal and reliable weapons in our fighter arsenal. Moreover, our fascination with more complicated weaponry has prevented us from taking full advantage of their own potential for improvement.

(5) *Force Structure Implications.* However good our fighters, they must be available in sufficient numbers to deny the enemy a significant numerical superiority in combat situations. We could use such an advantage ourselves, both to saturate enemy defenses and to replace losses suffered. Accordingly, even with budgetary conditions far less stringent than those existing today, cost would have to be seriously considered in evaluating our fighter options.

A related consideration is the number of combat sorties each option would actually deliver. Historically, highly complex and sophisticated aircraft have not only cost more to maintain and repair, but have also not been usable much of the time. It is a simple point, too often neglected, that an aircraft will do us no good in time of battle unless it is flying regularly.

(6) *Pilot Skill.* No discussion of the main requirements of air-to-air success would be complete without a reference to this final factor. Unless our pilots are trained in peacetime to be highly proficient in the complicated tactics made necessary by changes in the technological aspects of aerial combat, no amount of technological superiority in our aircraft themselves will bring victory.

Unfortunately, we have historically given our pilots short shrift, preferring to spend money on new and complex equipment rather than investing in adequate pilot skill. Due to its insistence on expensive procurement programs in the face of the continuing budget pinch, the Navy has cut flying hours in its training programs for the past three years while continuing to invest heavily in airframe and electronics hardware.

Maneuverability, stability and handling qualities, detection and acquisition, reliable and lethal weapons, force structure implications, and pilot skill—these are the main determinants of air-to-air success.

I would like to talk for a moment now about two other factors, the lesser importance of which it is also essential to establish.

(1) *Payload/Range.* An aircraft's payload and range potentials are obviously interrelated, since one can trade off the one for the other by varying the mix of fuel and ordnance carried.

As far as fighters are concerned, payload is much less important than range. That we have traditionally given our fighters significant air-to-surface capabilities is just another indication of the continuing fascination of the Navy and the Air Force with multi-mission aircraft and the interdiction mission. Both services, however, already have aircraft designed for this mission which need escorts, not competitors, when they fly.

Range is a more legitimate concern. But since excessive internal fuel requirements have a powerful effect in degrading the weight and the performance capabilities of air superiority fighters, it is important that our fighters be designed only with the range and combat fuel actually needed for combat operations. What they will need is sufficient range to escort attack aircraft on their missions or to provide decently sustained loiter over a battlefield.

(2) *All-Weather Avionics Systems.* Bad weather fighting is one of the most misunderstood aspects of the whole dogfighting issue. It is assumed at times that special avionics systems have now been invented which give our fighters the capability to operate in bad weather as easily as in broad daylight. Unfortunately, this just isn't so, and a few words are necessary to put the problem in perspective.

In theory, there are two contingencies for which night and bad weather avionics systems in our air superiority fighters might be useful.

First, we might want them to permit fighter escorts of our own interdiction aircraft—Navy A–6's and Air Force F–111's—on their night bombing missions. Actually, our night and all-weather radar equipped F–4's have never performed a single such escort in Vietnam. They have not shot down a single Mig–21 at night or in bad weather during the entire duration of our involvement in Southeast Asia!

The reasons are simple. It is hard to hold formation in the dark to begin with and if one of our fighters were ever bounced by the enemy, it would be virtually impossible for him to join up again after the encounter. It must be recognized in this regard that the problem of identifying radar acquired aircraft is even more difficult at night than in the day, because closing for visual identification is so much tougher. As a matter of fact, one of the arguments the Navy makes for night interdiction missions is their low cost, precisely because they require no escorts.

Second, we might more rationally want all-weather avionics systems to defend against enemy all-weather attacks with their interdiction forces on battlefield areas where our own forces are engaged. But there are several points to be noted here.

To start out with, the Soviets have never developed a tactical all weather attack capability. Since the few light tactical Beagle and Brewer bombers turned out in the late 1950's, they have not developed a single all-weather interdiction aircraft, and their Mig–21 fighters have no all-weather attack capability either. Under the circumstances, Soviet allies cannot be expected to have such a capability of their own.

Moreover, our own experience with all-weather avionics systems on our attack aircraft demonstrates that they simply do not provide the pinpoint accuracy needed against battlefield targets and are therefore limited to relatively ineffective use against fixed economic and strategic targets.

Finally, it is doubtful whether all-weather fighters could handle all-weather equipped attack aircraft in any event without considerable reliance on more traditional ground-based help. The friend or foe identification problem would be extremely serious over a battlefield at night. Moreover, the fighters would be at an initial disadvantage for acquisition purposes. While the attack aircraft would be homing in on fixed land-based targets, the fighter radars, with their narrow effective cones, would be searching the skies for targets.

All-weather avionics systems, then, are not needed on our fighters for the escort and battlefield protection missions just discussed. The only time they would really be useful is if the fighter were operating in a pure interceptor role, e.g., protecting a carrier from enemy attack. But the only nation which has an all-weather equipped heavy naval bomber force capable of even modest-sized attacks against our carriers is the Soviet Union, and I have already explained why we should not employ our carriers when Soviet naval forces are involved—even in good weather and broad daylight. Other nations will not have an all-weather equipped anti-carrier force to worry about. Their tactical bombers or fighters will have no such avionics, and their heavy bomber force will be either small and of World War II vintage or altogether nonexistent.

One final point should also be noted. As proven by our extensive World War II experience (long before the days of sophisticated all-weather avionics). Even clear night and marginal daylight weather operations require airframe and performance requirements quite different from those necessary for visual combat. They emphasize stalking skills rather than the violent maneuvers of aerial dogfights and require sufficient endurance, acceleration, and speed to overtake attack aircraft, but little maneuverability. Accordingly, if we wanted an all-weather fighter capability in a fraction of our force, existing airframes would suffice for the purpose—if we could develop avionics systems which worked well enough to justify their cost. The most important point is not to let the limited utility of such a capability serve as a justification for imposing weight and other design penalties which could comprise the performance actually attainable in a new air superiority fighter. Otherwise, the effect of our attempt to fight at night and in bad weather will be to give the enemy the day.

IV. A RATING OF THE F–14

This analysis of air-to-air combat will make it a lot easier to show why the F–14 is such an incredibly poor fighter candidate for the Navy. What I propose to do is to run through each of the items I have just discussed and to see how the F–14 measures up.

(1) *Maneuverability.* Due to its small wing area and the many weight compromises associated with its complex avionics, its Sparrow

and Phoenix missile carrying capability, and its large air-to-surface potential, the 54,000 pound F-14 will have dangerously low maneuverability. A few statistical comparisons will serve to make the point.

It has always been recognized that the F-14 would have a relatively poor hard-turn capability at dogfight speeds, less than a Mig-21 by a substantial margin. Moreover, its acceleration potential has been greatly dependent on successful development of the "B" engine, with its much better thrust rating than the "A". As Admiral Connolly recently told the Senate Armed Services Committee:

"The performance gap [between the two engines] is in acceleration, rate of climb, and service ceiling, not in top speed. It will affect that maneuverability because the B engine is going to have ability to send that plane straight up. This is a tactical realm that we have not yet worked in but I think the Air Force and Navy both are going to have spectacular possibilities opened up to them with the F-15 and F-14 having thrust to weight ratios that are about one or better to one."

Since Admiral Connolly spoke, the B engine production contract has been broken and the engine itself shelved, at least for the next two years and another 96 aircraft. What the Navy is left with is an aircraft which does not measure up well at all where maneuverability is concerned.

The Air Force F-15 will have about a 40 percent advantage over the F-14A in acceleration and at least a 60 percent better hard turn capability at dogfight speeds!

In fact, a recent Pentagon study convincingly shows that the old F-4, modified only with leading edge slats, could itself outmaneuver the F-14A! With these inexpensive slats, which could be deflected to improve turning performance and retracted to prevent drag during acceleration and climb, the F-4 would be able to both outturn and out-accelerate the F-14A by as much as 10 percent for the most suitably equipped F-4 models. This is admittedly a small margin, but it is of devastating significance when we are thinking about replacing the F-4 with F-14's costing more than three times as much per plane!

It could prove equally devastating, in another way, if we relied on the F-14 as our front-line Navy fighter against Soviet Mig-21 successors which the F-4 itself won't be able to handle.

(2) *Stability and Handling Qualities*. The poor maneuverability of the F-14 will be further compromised, moreover, by its poor stability and handling qualities.

The Flat Spin Problem. As pointed out by NASA's Langley Research Center almost a year and one-half ago, the F-14 is likely to be very susceptible to flat spins and probably unable to recover from them.

What happens, in essence, when an aircraft enters a spin is that control of the aircraft is lost during hard maneuvers and it spins downward. For most aircraft, such spins can be corrected by proper control actions and the aircraft can be saved, given sufficient altitude. There are two reasons, however, why recovery from spins may well be impossible for the F-14.

First, when it enters a spin, it might easily suffer a complete loss of engine power (or flameout), due to irregularities in the air flow entering the engines. Fan-jet engines, like the F-14's, are particularly sensitive to air flow irregularities. In fact, previous versions of the engine actually used on the F-14A have experienced serious flameout problems in use on the F-111.

An aggravating factor is the F-14's variable sweep wing design, since if engine power is lost there is no power to move the wings. The wing area of the F-14 is so small it might be impossible to land the plane at any time engine power was lost. This would certainly be the case if the wings were not in an optimum recovery position at the time the flameout occurred.

The Navy is already at work designing sensors to warn F-14 pilots of impending spins, but there is no real solution to the problem. A spin recovery chute has been rejected because it would have a terrible impact on aircraft size and weight. Design changes to lengthen the fuselage and increase the vertical tail would have the same effect and still might not be successful.

The Directional Stability Problem. NASA and Grumann wind tunnel tests also indicate that the F-14 will have serious directional stability problems at transonic speeds and above. The Navy presently hopes to solve them with a stability augmentation system it is working on, but major design changes may be needed. These changes would involve increases in the size of either the vertical tail or ventral areas.

Unfortunately, these changes would increase weight and drag and further degrade maneuvering performance. They could also make it completely impossible for the F-14 to land on a carrier with a full ordnance load. The Navy will therefore undertake these changes only if they are essential, but it is already arguing with Grumann over who might have to bear their costs. The Navy claims the directional stability problem is a deficiency which Grumann would have to rectify, while Grumann claims that any modifications would be new work for which an Engineering Change Proposal and adjustment of contract prices would be needed.

Anyway you look at it, the F-14 will have stability and handling problems to complement its already limited maneuverability, problems which will severely limit the realism of peacetime training exercises with the plane. Just how bad these problems will be it is still too early to say. But as I noted earlier, over 90 F-4's have already been lost in non-combat crashes, primarily in loss of control type accidents. And all indications to date say that the F-14 will have significantly worse handling qualities.

(3) *Detection and Acquisition*. In this area, the F-14 would have two relative improvements over the F-4—its relatively smokeless engines and its improved visibility out of the cockpit. At the same time, its large physical size would significantly increase its own susceptibility to detection, even when its airborne radar has been turned off.

(4) *Weapons*. For armament, the F-14 relies primarily on the Sparrow and Phoenix missiles, with all their attendant problems. A gun and Sidewinder capability will be present, but relegated to a secondary role, primarily because the F-14's limited maneuverability will make it difficult to employ these weapons.

It is important to note that while efforts are being made to solve our air-to-air missile problems, no clear solution is yet in sight. All indications are that the Phoenix will have even worse problems than the old Sparrow, and the new Sparrow—twice as expensive as the old—has had a disastrous test record to date which has kept it in development for more debugging.

I must admit, in all candor, that I have grave doubts whether some of the problems we have experienced will ever be solved.

I see no foolproof way of solving the friend and foe identification problem under conditions of stand-off launch.

I see no solution to the problem of countermeasures susceptibility.

And I also fear that future improvements in aircraft maneuvering performance may outdistance any improvements in the maneuverability of our air-to-air missiles. Since the airplane will always have the choice of what to do next, the time lag will always work against the missile. And since the missile will be going much faster than the plane, it will have to pull more g's to adjust, more than its own small wings may well allow.

In any event, it seems both wasteful and militarily dangerous to invest large sums in relatively unmaneuverable airframes which will be highly ineffective unless and until these armament problems are solved. We have really been putting the cart before the horse too long.

(5) *Force Structure Implications*. At a minimum of $16 million per copy, the F-14 has terrifying force structure implications. There is simply no way it could ever replace the F-4's now in our inventory on anything like a one-to-one basis. And the effects of its high investment costs would only be heightened when operating costs equal to them were tacked on every five years. Finally, the great complexity of the aircraft and its major components would maximize its time under repair.

(6) *Pilots*. Because the F-14 measures up so poorly against the five main technological requirements for air-to-air success, pilots have been understandably cool in their reactions to it. "Buy Mig-21's," one Navy pilot is said to have shouted at a meeting devoted to selling the F-14.

One of the reasons for the F-14's low performance and high cost is it emphasis on design features not essential to the air superiority mission. I have no quarrel with its range, which will be better than a 30 percent improvement over the F-4. But there is no justification for its large air-to-surface capability. And it is checked full of all-weather avionics systems.

The F-14, then, is simply not the answer to the Navy's fighter needs. It indisputably costs the most, yet offers the least, of all the options available. But just what should the Navy do?

V. THE NEW LIGHT FIGHTER ALTERNATIVE

Despite the fact that it was already developing a sophisticated front-line fighter much superior to the F-14, the Air Force recently initiated a new light fighter prototype program.

The need for such a highly maneuverable light fighter has long been recognized in a variety of circles. It has been no secret that the Russians have found their $800,000 Mig-21's a suitable counter to F-4's costing and weighing three times as much. And the French have been selling for less than $1.5 million a Mirage fighter which has delighted the Israelis, who have used the larger payload of the F-4 mainly on bombing missions.

Dissident voices have therefore been raised—by civilian critics, by F-4 pilots returning from Vietnam, and by top American fighter plane designers, such as Lcckheed's C. L. "Kelly" Johnson. I ask unanimous consent to insert in the Record at this point the summary of an interview with Johnson which appeared in Aerospace Daily on January 7th of this year:

LOCKHEED'S KELLY JOHNSON DEPLORES SHRINKING U.S. FIGHTER STRENGTH

Cost of new fighters such as the F-14 and F-15 is so high that it is cutting down the number of fighters the U.S. would need in a major air war, according to C. L. (Kelly) Johnson, head of Lockheed's Advanced Development Projects office.

"The problem of numbers is a very fundamental one," Johnson said in a recent interview. The lesson is clear from Southeast Asia, but doing something about it will be difficult, since costs of new fighters are now up to $8–$14 million apiece, Johnson indicated.

And while numbers of U.S. fighters are declining, the Soviet Union keeps in operation about 6,000 fighters, "not counting the ones they give away," Johnson said.

Furthermore, the Soviet fighters are designed from the ground up to have the advantage over U.S. fighters. They have only half the range, armament and electronic gear, but double the wing area. This allows them to out-maneuver current U.S. fighters in many instances, Johnson said.

Johnson—designer of the P–38, P–80, F–94, F–104, and F–12—also feels the U.S. does not have enough types of fighters. "I'm not an exponent for the carpenter who has only one tool in his tool box," he said.

Johnson also feels that the idea of intentionally giving the opponent the "high ground" in an aerial battle is bad tactics. He says new fighters must have capability for great increase in speed to take the high ground.

In addition, the idea of "just being able to shoot a missile (from a U.S. fighter to hit a high-flying enemy fighter) will not be sufficient," Johnson said. "It hasn't been in the past."

The veteran fighter designer also challenged the theory that two engines are better than one for a fighter. "In time of war, twins are not safer than singles," he said. With twin-engine P–38s, the Army Air Force found it had "twice the chance of having an engine shot out and one half the chance of getting home after it was," he said. "When a P–38 engine was shot out, the plane was downed (by enemy fire) because it was moving so slowly."

Johnson had just submitted to the Air Force an unsolicited proposal for a high-wing, low horizontal tail modification of his F–104 Starfighter. He offered to build two prototypes of the new lightweight fighter—the X–27—for $35 million and to have them in the air within a year. The X–27, he told the Air Force, would be able to better the performance of the F–14, and he would design it so that it could be produced at one-third the cost.

Other unsolicited proposals were submitted shortly thereafter, and out of them grew the Air Force prototype program, now pointed toward the development of brand new fighter designs.

Until the Air Force took this initiative, it was well recognized in knowledgeable circles that new fighters superior to the F–14 could be designed at much better prices at the expense, only of some dubious avionics and missile gear. But Pentagon officials usually refused to admit this basic fact.

Indicative of the situation is the following exchange between the distinguished Senator from Nevada (Mr. Cannon) and Admiral Connolly during hearings this year before the Tactical Air Subcommittee of Senate Armed Services:

Senator CANNON. Do you see any need for a high performance day fighter for the Navy, presumably a low-cost fighter, in the future?

Admiral CONNOLLY. I don't want to be facetious but I haven't seen a low-cost airplane for an awful long time.

Equally representative is the following statement by the Senator from Nevada (Mr. CANNON) during Senate floor debate on the F–14 in 1969:

"Let me make this point very clear. The Navy experts have stated that if they designed an aircraft exclusively for air superiority without considering any other mission it would weigh only 600 pounds less than the present F–14 . . . . I certainly am not attempting to convince any member of the Senate that the F–14 is a cheap aircraft. It is not . . . . Unfortunately, we cannot go down to the local dime store and procure complicated weapon systems containing the highest sophistication."

The Air Force light fighter prototype program has now let the cat out of the bag. We don't have to go down to the local dime store. American designers can themselves give us first-rate fighters at prices competitive on the world market!

Admittedly, these fighters exist right now only on the drawing boards. There is every reason to believe, however, that when development work is finished, the Air Force will have fighter prototypes which score very well in all basic requirements for air-to-air success.

Their maneuvering capability will probably put the F–14 to shame. In all likelihood, they will show both acceleration and turning performance 80–100 percent better than the F–14A. In fact, they will probably be the first aircraft actually capable of executing dogfight maneuvers at supersonic speeds.

They should be able to achieve this dramatic performance by rigorously eliminating all weight not essential to the mission of shooting down enemy aircraft and then replacing a small fraction of this weight with more wing area and more engine. They will probably weigh about 15,000–20,000 pounds—25,000–30,000 pounds, not 600—less than the F–14.

Because they will be smaller physically than a Mig-21 and also have smokeless engines, they should be very difficult to detect. They will have good cockpit visibility, too, and they will carry no airborne radars when they fly.

For armament, they will forego the Phoenix and the Sparrow for the only reliable systems we have developed thus far—guns and the simple Sidewinder. At the same time, they will have the growth capability to carry more advanced passive missiles such as the Agile.

Even if they came in at about double the $2.5 million per copy now expected if they are produced in quantity, they would still have about a 3 or 4 to 1 cost advantage over the F–14. In fact, their cost advantage in terms of sorties deliverable in combat could rise as high as 8 to 10 when their probable low maintenance times are considered.

Their range will be a significant improvement over the F–4, and it could exceed that of the F–14 under maneuvering combat conditions. Finally, they will have only a modest air-to-surface capability and no complex all-weather avionics, at least in the standard version.

All in all, they are likely to be just what many of our pilots have long wanted to match the new Soviet fighters likely to be turned out during the next 5–10 years.

The Air Force is to be congratulated for undertaking this new fighter prototype program as a possible complement to the F–15. What is even more urgent is that the Navy undertake a similar program of its own.

Light high performance fighters would obviously be ideal for carrier use. Their small size would permit a spotting factor of less than one, i.e., it would be possible to accommodate about twice as many light fighters as F–14's in the same deck space. The slow takeoff and landing speeds permitted by their generous wing area and thrust would make them better suited to carrier takeoffs and landings than any current Navy fighters. And they would greatly alleviate the current inability of carriers to accommodate sufficient maintenance personnel to maintain today's complex first line aircraft.

In fact, if the Navy failed to undertake a prototype program to meet its own requirements, the Air Force prototypes could prove eminently adaptable to Navy use.

VI. CONCLUSIONS AND RECOMMENDATIONS

(1) Our single most important need is to start work now on a new light fighter development program for the Navy. The F–14 simply will not give us the new air superiority fighter our national security requires. It would almost certainly be no match for a new Russian fighter. And it could be put to shame by a new light Navy fighter or our own.

We could simply wait and hand the Navy an Air Force developed plane, but it would be better if we did not. A Navy program could give special emphasis to such things as spotting factor constraints and the rigors of carrier landings. Moreover, a second competitive prototype program at this time would give more design teams a chance to maintain and refurbish their languishing design skills. A second program would also provide insurance against not finding as superior a fighter as possible in the Air Force competition. And at a cost of less than $50 million for each of the two contractors in the Navy flyoff, we could well afford these benefits.

If work were started this fall, the new Navy prototype could be ready for a flyoff in about two years. Another two years would probably then be required to make a final selection, initiate production, and make first deliveries to the fleet. This schedule would result in an initial operating capability date for a new light fighter in late 1975, little more than a year after the F–14 IOC date currently contemplated.

(2) An almost equally important need is to scrap the F–14. The F–14 simply cannot hack it as a fighter, so there is no justification for keeping the program going unless we wanted to buy a limited number of planes—perhaps 200 or so—for altogether different missions. But what missions?

Phoenix missile fleet air defense against the Soviet naval threat makes no sense at all. The Phoenix probably couldn't cope with the massed bomber attacks it was originally designed to meet, let alone the Soviet submarine-launched cruise missile and torpedo threat which has been growing in recent years. And if we insisted on wasting money on the fleet air defense mission, we could get by wasting less if we put the Phoenix on the A–6 or the new Sparrow on a modified F–4. Either of these combinations might do every bit as good as the F–14/Phoenix combination.

We certainly don't need the F–14 for its air-to-surface capability. We already have aircraft designed specifically for the interdiction mission, and as I said earlier, they need escorts, not competitors, when they fly.

The F–14 can't be justified either for its night and all-weather capability. It is more reliable avionics, not new high cost airframes, which we need if we want to perform this mission.

(3) Also required, but far less urgent, are improvements in what our F–4's can do. Actually, there is only one option which deserves a go-ahead at this time.

We can and should put leading edge slats on a portion of the Navy's F–4 force. The cost would be minimal and it would give us a fighter superior, in fact, to the F–14A till the new light fighter came along. If we bought new planes in preference to modifying existing F–4J's, a carrier-capable version of the slats-equipped F–4EF now being sold to the Germans would probably be our best buy. The F–4EF has been stripped of the AWG–10 fire control system already on the F–4J and itself relies not on the Sparrow but on guns and the Sidewinder as its primary armaments. It would be lighter, more maneuverable, and almost $2 million less expensive than any other model we could buy.

Additional F–4 modifications could also be considered—new fire control systems to launch the new Sparrow in the fleet air defense role, or better all-weather avionics. But the least we could do, if we took this route, would be to rigorously test all new systems involved before we went and stuck them on the planes.

(4) Finally, there is nothing wrong with low priority studies of the F–15 as a possible Navy aircraft. I fully recognize that it is a better fighter than the F–14 itself. At the same time, there is little it could add to the capabilities of a new Navy light fighter and modified F–4's working in combination. And a carrier suitable F–15 might turn out to be difficult to build and virtually as expensive as the F–14 has become.

Mr. President, the F–14 program is in many respects a microcosm of many of the problems which plague our defense establishment today:

Initial cost estimates which later balloon;

The incredible inertia of ten year old ideas which have never been thought through;

The failure to test new systems before they have been deployed; and

The continued emphasis on multi-mission aircraft which do no mission well.

We won't solve all these problems just by instituting the recommendations set forth here. But we will have made a pretty decent start.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, it has been said that the Soviet Mig–21 aircraft is superior to the F–14A. The record should be made clear that there is nothing to support that contention. All analyses to date, which includes an assessment by NASA, conclusively indicates that the F–14 is superior to the known and projected Soviet dogfighter aircraft. If we were to project faster and more maneuverable air-to-air fighters by the Soviet Union, they would be short-legged aircraft, and if a carrier is to be vulnerable to this type aircraft it has to operate pretty close to Soviet air bases because these aircraft cannot be deployed over long distances.

Something was said about the vulnerability of aircraft carriers. We have nothing to prove anything about the vulnerability of aircraft carriers. In World War II carriers were pretty hard to kill, and they were subject to attack by the first guided missile in warfare, the kamikaze.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield 1 additional minute to the Senator from Texas.

Mr. TOWER. I had experience in World War II of seeing kamikazes engage American ships in battle and saw ships taking as many as five of them with the same kind of explosive capability Soviet warheads have, and these ships did not sink. As a matter of fact, we decimated the attackers. It has been contended that a carrier force would be vulnerable to mass attack. The argument falls of its own weight because they do not now have that capability.

Mrs. SMITH. Mr. President, the security of this Nation, and our preservation of the freedom of the seas, depends not only on a meaningful and firm foreign policy, but also on modern weaponry. The F–14 aircraft is an essential element of our Navy modernization program, and it has my enthusiastic support.

I shall vote against this amendment and I urge my colleagues to do likewise.

Mr. BUCKLEY. Mr. President, it has been noted, both in this Chamber and in the professional literature, that the branch of our Armed Forces which is in the most severe need of modernization is the Navy.

While considerable attention has been focused upon the overaged and outmoded character of many of the vessels upon which the Navy must rely to carry out the tasks assigned to it, less attention has been given to the aircraft the Navy must employ for the roles of air superiority, fleet defense, and the escorting of Navy strike aircraft. The backbone of the fleet's air strength is the F–4 Phantom jet fighter-bomber. To get some idea of the vintage of the F–4's technology, it should be remembered that the man who is now the Chairman of the Joint Chiefs of Staff, Admiral Moorer, sat on the F–4 Evaluation Board in 1955. I would be among the last to argue that merely because something is new, it is necessarily better than something that is older. However, one cannot help noting that there have been some significant advances in areospace technology in the past 16 years that suggest that we need something better than the 1955-vintage F–4.

The next question that arises then is, To what extent is a technologically superior aircraft necessary? To answer that question, one must examine the nature of the threat facing U.S. naval aircraft in roles which they must perform.

I can think of no area of the world that better illustrates the critical need for the early availability of advanced U.S. naval aircraft than the Middle East. As is generally accepted, the primary threat to the peace in the Middle East is the massive support which the Soviet Union is providing Israel's Arab neighbors in pursuit or their long-term goal of achieving hegemony over this vital region. There are two key elements which have combined to impede the Soviet's imperial ambitions. The first has been the ability of the United States to supply technologically superior military aircraft to Israel; the second has been the local superiority of the 6th Fleet in the eastern Mediterranean.

Because of the geography of the area, the Russians do not need to match us aircraft carrier for aircraft carrier in their attempt to neutralize the deterrent capacity of the 6th Fleet. She has therefore focused her efforts on building cheap missile-launching patrol craft, and other vessels designed to inhibit the ability of U.S. naval forces to control the seas in their region of operations. The Soviets have now deployed in the Mediterranean a formidable fleet of surface combatants armed with cruise missiles having a 100- to 400-mile range capability. To defend itself against this threat, the 6th Fleet requires an aircraft superior to the Phantom.

In the Middle East, the problem for the 6th Fleet is compounded by the fact that over the past few years, the Soviet Union has been able to establish a lavish base structure along the Southern Mediterranean coast in Egypt, Libya, and Algeria. Therefore, the Soviet Union is able to base her advanced aircraft such as the Foxbat or Mig–23 in areas where they pose a direct threat to the 6th Fleet. Thus, in addition to defending the fleet against long-range missiles, naval aircraft must be capable of maintaining local air superiority; that is to say, they must have the ability to successfully engage the advanced fighter aircraft which the Soviet Union is now producing and deploying in significant numbers.

Finally, there is a third mission which naval aircraft must be required to perform and that is the strike escort mission. If the day ever comes when 6th Fleet aircraft are required to be used in offensive strikes, its carrier based fighters will be called upon to escort bombers to their targets. This means they must be able to travel the long distances required, to evade or destroy the 2,000 antiaircraft guns and missiles which the Soviet Union has deployed in the area, and to defend the strike aircraft against attacks by hostile enemy fighters.

The inability of our own aircraft to perform any of these objectives, or a perception by the Soviet Union that the U.S. Naval forces in the Mediterranean are not capable of performing any of these missions, could have catastrophic consequences for the cause of peace in the region—a region where President Nixon believes there is the greatest risk of a third world war. We simply cannot afford to jeopardize our foreign policy objectives in the Middle East by failing to provide our forces with the equipment to do the job.

The question remaining then is, Can the F–4 Phantom perform the tasks assigned to it in view of the threat it is exposed to; and if it cannot, will the F–14 proposed as its replacement be capable of doing it? Based upon the evidence available including studies by the Department of Defense, and the hearings before the Senate Armed Services Committee, there seems to be little doubt that there is no plausible set of modifications that can be made to the F– 4 that will make it capable of performing all of the tasks which it must perform in a hostile environment such as is found in the Middle East. While it has been suggested that this or that modification will improve the ability of the F–4 to carry out any one of its major missions, there is no evidence that the entire aircraft can be so modified that it could perform every task assigned to it. In these days of careful scrutiny of ever-tightening budgets, no one deserves to expend resources for national defense carelessly—not the President, nor Congress, nor the Department of Defense, because the careless expenditure of resources means less rather than more defense. But we cannot afford to fail to provide our forces with the required level of modernization merely because some better alternative may become available years down the road. A political crisis where a genuine military capability would be required cannot be postponed until the ideal aircraft is produced, we must be well prepared at all times.

All the evidence available points to the fact that the F–14 is the best aircraft we can provide the Navy with in time to provide the kind of military capability we require. The Navy has suffered from the effects of having the ill-fated F–111B delaying the modernization of Naval aircraft, so the early deployment of an aircraft of greater overall combat potential than the F–4 is an urgent necessity. The F–14 is the only aircraft which could be deployed within a short time. Failure to deploy the F–14 could be tragically short sighted in the short run if the U.S. Naval forces were found wanting when they were required; and in the long run would be much more costly in an economic sense if we were required to initiate a crash program to modernize the Navy's aircraft under the pressure of a political crisis.

Until a convincing case is made for an alternative to the F-14 which can meet the performance specifications required within the time period prescribed, the Senate must support the Armed Services Committee's recommendation of continued funding for the development and production of the F-14.

Mr. STENNIS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Both sides have 5 minutes remaining.

Mr. STENNIS. Mr. President, I yield that 5 minutes to the Senator from Nevada.

Mr. CANNON. Mr. President, I wish to correct the Senator from Indiana on one statement, when he commented earlier that the F-15 could be procured for about $3 million a copy. I am sure he did not mean that, and if he did, his facts are incorrect, as are some other facts he stated. The program unit cost is $9.7 million for the F-15. I want to set the record correct in that regard.

Mr. President, there has been some discussion during our recent debates on the Authorization bill of the supposed advantages of developing a small, cheap, effective lightweight fighter as a substitute for the F-14. Today, I would like to address some of the pros and cons of the lightweight fighter concept as a potential operational weapons system. I believe the facts will show that the lightweight fighter is no panacea and most certainly is not the total answer to our country's fighter needs of the future.

As a point of departure, I would like to describe what kind of an airplane currently is envisioned under the term "lightweight fighter," and then I will give some examples of the operational problem areas that such a fighter might have. In closing I will give a specific example of operating experience with one of our own lightweight fighters.

Deputy Secretary of Defense Packard briefed the Senate Armed Services Committee earlier this month on his new approach to development through the use of prototyping. One of the particular programs that is being considered as a candidate for this prototyping by the Air Force is what they call a lightweight fighter. The tentative plans for this particular program would be for two aircraft companies to build two prototypes apiece, and the resulting test aircraft could be used to evaluate advanced technology of high performance airplanes.

Conceptually, the class of airplane currently envisioned has a takeoff weight of about 20,000 pounds. It will have a single engine, using the engine being developed for the F-15. This will give it a thrust to weight ratio of better than one at takeoff—which means the plane will have outstanding acceleration and rate of climb. It also will have a relatively low wing loading—which means it will have good turning maneuverability for dogfighting. Proponents of building operational airplanes of this class point out, correctly, that they would have the kind of performance capability needed for a good close-range dogfight airplane.

In many ways, this design concept for a lightweight fighter that I have just described can be considered to be the Air Force F-15 cut in half. Let me expand on what I mean. The F-15 has a takeoff weight of about 40,000 pounds, double that of the lightweight fighter. The F-15 has two engines. The F-15 has a relatively low wing loading. Thus the thrust to weight ratio of the F-15 and also the wing loading are about the same as the proposed lightweight fighter. The performance of the two airplanes in dogfights should be the same.

If this is true, the advocates of the smaller airplane argue, then why not buy the lightweight fighter since presumably it only will cost half as much? Half the weight and one engine versus two certainly indicates half the cost. The answer to that question lies in the comparative range and useful payload that the two classes of airplanes will have.

FIGHTER ARMAMENT

The armament that the smaller airplane can carry is limited to an internal gun plus two Sidewinder closein dogfight missiles. This is a fact of life dictated by the very limited dimensional size of the airplane.

The lightweight airplane cannot carry a search radar with any appreciable range coverage to warn it of approaching enemy aircraft. It certainly cannot carry an avionics system with a lookdown and shootdown capability against fighter targets masked by the clutter of the ground on conventional radar scopes. Also, the small sized fighter does not have the payload capacity of ECM electronic jammers that experience in Southeast Asia has proven is mandatory for survival over enemy held airspace defended by SAM missiles. Finally, the small, lightweight figther cannot carry the radar and electronics needed for radar-guided longer range missiles such as our Sparrow or Phoenix. These missiles provide an all-weather launch capability and also have a much larger firing envelope than a Sidewinder, particularly from the rear during a tail chase.

It is the requirement for these operational capabilities mentioned above, long-range search radar, lookdown and shootdown, longer range missiles, all-weather guidance, and effective electronic countermeasures, that gives an F-14 or an F-15 an overwhelming operational advantage over a lightweight fighter.

THE F-104 IN SOUTHEAST ASIA

Experience in Southeast Asia has confirmed the need for these requirements. I would like to cite one particular example of what happened over there when we did deploy a lightweight fighter, in the case the F-104. It should be noted, first, that the F-104 almost perfectly matches the description of the proposed lightweight fighter. It is about the same weight, has very limited range, carries only two Sidewinders and a gun, no search or fire control radar, but has outstanding acceleration and rate of climb. In 1966 a squadron of F-104's was sent to Southeast Asia with the mission of escorting F-105's on their strikes into the hot areas of Route Package 6 in North Vietnam. The first problem encountered was their lack of range. The small F-104 was so range limited that the Sidewinder missiles had to be removed and replaced with extra external fuel tanks, in addition to the two normally carried. The F-104 ventured over the North armed with a Gatling gun and a small and useless radar set. The results were neutral; the F-104's did not shoot down any Mig's, and the Mig's did not get any 104's.

There was one deficiency of the F-104, however, in that it did not carry any radar warning or electronic countermeasures—ECM—gear. In 1 day two of the F-104's were shot down by SAM's, and the planes were immediately withdrawn from the North and never sent back to Hanoi again. The conclusion reached was that they just did not have the capabilities, as compared with the F-4's, that were needed to be an effective air superiority fighter in the conditions existing over North Vietnam. The F-4, with a superior load of offensive and defensive equipment and considerably longer range and endurance, was a far superior fighter weapons system.

SUPPORT FOR PROTOTYPE PROGRAM

I do not want to imply from these remarks that I am opposed to the lightweight fighter prototype program because I am not. There is a school of thought among fighter pilots and among force planners that we should examine the possibility of complementing the capabilities of our F-14 and F-15 forces with larger numbers of smaller, cheaper, dogfighters of this lightweight fighter class. These aircraft could be a specific counter to the swarms of MIG-21's that the Communist countries possess. While not being suitable for the longer range missions into the high threat defensive areas, these less capable aircraft could offset the disparity in numbers with which we are faced in the forward battle areas. Such a concept certainly is worthy of operational test and evaluation, and the light fighter prototype program could be used to serve this purpose. I would feel that this would be a worthwhile objective for this prototype program.

But on the other hand, I do not believe that we should consider this lightweight fighter to be a panacea. There is no simple, cheap, easy solution to our need for the world's best fighter force. The Navy F-14 and Air Force F-15, while expensive, are the best that we can produce to meet modern fighter requirements and to counter the sophisticated Russian threat exhibited by Foxbat and Flagon. The sophisticated threat requires a sophisticated defense. The Sparrow and Phoenix missile systems are the only possible counter to the Foxbat, for example. The Sidewinder and gun cannot even be brought within firing range of a Foxbat airplane, flying at mach 3 at 70,000 feet. Better capabilities definitely are needed.

The lightweight fighter concept, if it should prove viable, will be useful in a complementary role. I believe that we would be foolish to scrap our F-14 and F-15 and place all of our reliance for our future fighter forces on this type of aircraft with its limited capabilities.

Mr. President, during the last few minutes of debate on the F-14 program I would like to comment on a so-called fact sheet that was distributed apparently to every member of the Senate yesterday by the distinguished Senator from Wisconsin, Senator PROXMIRE. This so-called fact sheet contains many inaccurate statements and misstatements. I feel confident that the distinguished Senator has been ill informed, and I would like to take this opportunity to set the record straight.

The distinguished Senator cited six reasons why the F–14 program should be stopped. I shall address each one.

1. MISSION

Senator Proxmire stated that the F–14 cannot protect Navy carriers from the threat and even if it were perfect the Phoenix missile system could be penetrated by enemy attacks.

All of the expert testimony before our committee was to the effect the F–14 and the Phoenix missile system will meet their mission requirements of air superiority and Fleet Air Defense. Even NASA has advised Dr. Foster that the F–14 could meet its air superiority predicted performance without compromise.

The distinguished Senator has cited previously vague, anonymous, and unidentified people and studies as the source of his statement that the F–14 would not meet its mission requirements.

I for one am certainly unwilling to make such an important decision based on anonymous sources as the basis for making one of the most important decisions affecting our national security.

No one at this time can state positively what the F–14 will do after it is operational in the fleet. Quite obviously we are still in the test program. Two F–14's are currently flying, and they are meeting the predicted performance characteristics at this point in time. Therefore, it is clearly unwise in the light of all existing evidence for anyone to categorically state that the F–14 will not fulfill its mission requirements.

2. COSTS

The distinguished Senator states that the F–14 promises to be the most expensive fighter plane ever built. This may or may not be true. I am certainly willing to agree that it is expensive, but this is no mystery. With the inflation existing in the United States today, every weapon system we are purchasing costs substantially more than the same type of equipment that we had purchased previously.

One very glaring error is Senator PROXMIRE's statement that the F–14 costs have gone from $11.5 million to $16.7 million since the beginning of the year. In my F–14 speech I attempted to explain the facts of life with reference to these figures. What does the record show? Since September 1969 the Armed Services Committee has been consistently informed that the program unit cost would be $16.6 million. The figure of $11.6 million per F–14 used by Senator PROXMIRE was accurate and still is accurate if the Government were to purchase 722 F–14's.

It is difficult to get recognition on the part of the critics of the program that unit cost per aircraft changes dramatically when the quantities involved are changed. I respectfully refer the distinguished Senator to my example of the Defense Department purchase of widgets in the hopes that it will clear this matter up for him.

Senator PROXMIRE states the F–14 cost will eventually reach $20 million. He previously requested the General Accounting Office to verify this figure. They were unable to do so because it has no validity. It is speculation on the part of the distinguished Senator.

I certainly recognize that the costs incurred by the prime contractor of producing the F–14 have gone up, but what I am vigorously recommending today is the Government maintaining the integrity of the existing contract which definitely limits the Government's liability to the provisions contained in this fixed price incentive contract.

The Senator states that the Phoenix missile will be the most expensive air-to-air missile ever built. In this he is correct. It will be expensive. However, he fails to take note of the fact that it will offer a capability to the Navy never before achieved. It represents a quantum jump in technology and capability for knocking down enemy aircraft and cruise missiles.

The Senator states that three Mig–21's cost only $2.4 million, and this is also the cost of 1 F–4. I don't know where the Senator received information on the cost of the Mig–21 being $800,000. Official information furnished to me states that the cost of the Mig–21 is more than double the cost quoted by Senator PROXMIRE.

The Senator's fact sheet on costs states that the F–4 costs $3.4 million in the first paragraph and $2.4 million in the second paragraph. Therefore, the Senator has an obvious inconsistency in his own fact sheet.

3. CAPABILITIES

Senator PROXMIRE states that Pentagon and contractor studies show that the F–14 will be no better in the air superiority role than the F–4. Once again, we are confronted with anonymous and unidentified studies. I have already set forth in my F–14 speech the specifics on this, namely that the F–14 will be a substantial improvement over the F–4 in the dogfight role. It will have a better rate of climb; better roll rate; better visibility; a tighter turn radius; and so forth. These are the key ingredients of dogfighting, and the F–14 will be superior to the F–4 in every important area. Therefore, there is no valid basis for saying that the F–14 is no better than the existing F–4.

4. SECURITY APPLICATIONS

Senator PROXMIRE states the purchasing of the F–14 would be an exercise in gold-plated unilateral disarmament. My comment to this is that if we cancel the F–14, we most assuredly will be engaged in a policy of unilateral disarmament. We cannot rely on a vague, unidentified aircraft nor lightweight fighter to replace the F–14.

I agree with the Senator that quite probably we will not purchase as many F–14's as we have F–4's, and I agree further that the cost of the F–14 may be an important consideration as to why we do not purchase as many. However, the Senator fails to recognize that the F–14 will have a significantly greater capability, and, therefore, we may be able to operate as effectively with a lesser quantity.

Also, Senator PROXMIRE fails to recognize that the Navy and the Marine Corps would not have purchased 1,500 F–14 and F–8 fighters if it had not been for the Vietnam war. It was necessary to purchase additional F–4's to make up for those that were lost in combat, and the same holds true for the Air Force.

That is why F–4's cost as little as they do today. The Government has purchased nearly 4,000 of this fine aircraft. If we were to purchase 4,000 F–14's, I can assure the distinguished Senator and the Senate that the unit cost would be dramatically less.

5. SUNK COSTS

I agree wtih Senator PROXMIRE that we have already invested over $1 billion in the F–14 program, and I agree further that it will cost us $4 billion more to complete the purchase of 313 F–14's. However, we should be careful about the $10 billion figure that Senator PROXMIRE states will be necessary to operate and maintain the F–14 fleet through 10 years of operation in the Navy. These are expenses that would be incurred on any aircraft system. It covers the normal day-to-day operating expenses, including personnel costs. These same costs would be incurred on any vital aircraft. I will say that it may be somewhat larger on the F–14 program because it will be a more sophisticated aircraft and consequently may require a slightly higher cost in maintenance.

6. ALTERNATIVES AVAILABLE

Senator PROXMIRE states—

> The Air Force estimates that its light fighter would cost $3 million per copy in production.

There is no basis in fact to my knowledge for this statement. The Air Force advised me today that it has never released an estimated unit cost figure for the lightweight fighter to anyone. Furthermore, the Senator completely misunderstands the status of this project.

The Air Force does not have a requirement for a lightweight fighter in operational inventory. It does not have a military requirement for such a fighter. What are the facts? The Air Force is in complete agreement with Secretary Packard to undertake a prototype production for a lightweight fighter. This would involve two companies building two aircraft each to further the technology in this area. Obviously it will advance the state of the art. Of equal importance it will enable the United States to keep intact some of the aeronautical design teams and skilled expertise in this country. We can ill afford to let this technical expertise go by the board. Merely because the Air Force supports the prototype development of a lightweight fighter should not in any way be construed or inferred that the Air Force intends to put the plane in production. It is reasonable to assume that if in a few years one of these prototypes emerged with a highly successful design and estimated capability that the Air Force would then desire to produce some aircraft as a complement to the F–15. But for anyone to say that such a plane would cost $3 million per copy is sheer speculation.

Senator PROXMIRE has vigorously complained about the rise in cost for various weapon systems. I am sure he would not want us to rely on a figure of $3 million per copy of a lightweight fighter when there is not the slightest vestige of Air Force fact to support his premise.

Senator PROXMIRE states that the lightweight fighter would outperform the F–14 by 80–100 percent. There is not the slightest evidence available to me or the Tactical Air Power Subcommittee to support this premise. We do know what the predicted F–14 and the actual F–4 performance characteristics are. What a lightweight figher would do is opinion and conjecture for the simple reason that we do not have one flying and would not have for several years. I would like to add that a lightweight fighter of any type would be severely restricted in range capability because by their nature they have a very low fuel load capability. Consequently, they would not be able to fly a protective air cover for the A–6's and A–7's when they were engaged in long-range interdiction missions or close air support missions, and I assure the Senate that this is a vital requirement for any fighter aircraft to perform. If they cannot protect our tactical air-to-ground aircraft, then they would be extremely vulnerable to enemy air attack

Finally, Senator PROXMIRE indicates that it would be more or less of a simple task to put the Phoenix on the A–6 and that it would be available as early as the F–14. This, of course, is completely erroneous. It would take a major effort to reconfigure the AWG–9 avionics fire control system. As a matter of fact, the cost was more than $100 million to make the fire control system on the F–111 compatible with the F–14. Therefore, I assure the Senate, Mr. President, that this indeed would not be a simple or inexpensive task.

In conclusion, Mr. President, I hope that I have placed the program in the proper perspective, and I deeply regret that the distinguished Senator from Wisconsin has labeled his paper as a fact sheet.

The distinguished Senator does say that the Navy does need a new fighter. It is my firm conviction that it should be the F–14. The F–4, while a fine aircraft, was designed in the mid-1950's, and it will not meet the threat in the mid-1970's or 1980's. Further, a vague, unidentified so-called cheaper lightweight fighter will certainly not be an adequate replacement.

Without any hearings or detailed findings, the distinguished Senator from Wisconsin requests the Senate to adopt a pig in the poke approach in lieu of a well thought out F–14 program. I, for one, cannot adopt such an approach to protect our vital national security interests.

Mr. PROXMIRE. Mr. President, in response to the distinguished Senator from Nevada, he, too, issued a fact sheet, which is on the desks of Senators. I want to make a response to that fact sheet to point out the inaccuracies in it. I stand by what I said. I have heard nothing on the floor to contradict the position I have taken. I think it can be confirmed.

The Senator from Nevada argues, in the first place, that the mission of the F–14 is a valid mission and in effect that it cannot be saturated by a large array of enemy attackers. Now, Mr. President, no air defense system will protect the carrier against cruise missiles and torpedo attacks. We need submarines not gold-plated F–14's to preserve the control of the seas.

The fundamental argument against the F–14 is that the mission does not make any sense. The purpose of the F–14, as I understand it, is to enable the carrier to be able to contest the Soviet Union under circumstances in which nuclear war could be impending and under circumstances in which the Soviet Union used conventional power. I submit it does not make any sense for the air carrier to serve that function. It is overwhelmingly vulnerable with its gigantic size—as long as three football fields, it is slow-motion mobility at 50 miles an hour maximum speeds compared to supersonic planes and missiles. In a nuclear environment facing a power like the Soviet Union it is obsolete. I think the aircraft carrier can function, but it is not where it confronts the other superpower in the world.

The argument that we have made against the F–14's $16 million cost is conceded to a very great extent by the Senator from Nevada in his fact sheet. Even on his own figures, the F–14 is three times the cost of the aircraft it would replace, and the Phoenix missile would carry a cost 7 to 10 times the next most expensive missile.

Furthermore, as far as the F–14's dogfighting capabilities are concerned, the argument I have made again and again on the capability of the F–4 has not been challenged. I have told the Senator from Nevada—my staff has told his staff—where we got the information, who furnished the study. We cannot disclose it any further. We cannot disclose it publicly. But as I said before, there is a study which has been made by competent people in government that a new light fighter would have an 80 to 100 percent superiority over the F–14 at one-fifth of the cost.

The argument is made that we have already sunk $1.5 billion in costs into the F–14 and that we simply have to go ahead because we have too much at stake. This is the greatest mistake the Government makes on these systems. It rarely can summon up the courage to cut its losses. I think we should keep in mind that if we go ahead, it will not be $1.5 billion, but $5.7 billion in capital costs, and along with maintenance and operations costs of $10 billion, it would be a total of 10 times as big as the cost we have already put in. Certainly it makes no sense to say we cannot afford to lose the $1.5 billion we have put into the plane up to the present time.

We have suggested an alternative, a lightweight fighter, that would cost far less, which would have dogfight capabilities sharply superior to the F–14, and one that would cost a great deal less, no more than $3 million, and would meet all the purposes that the F–14 would meet except to carry the Phoenix missile.

As far as the Phoenix missile is concerned, we have aircraft capable of carrying it, if that is the purpose. The A–6 can do that, and that seems to be the only remaining purpose of the F–14.

Altogether, it seems to me that the Senate has to draw the line somewhere on the enormous costs of our military spending. This F–14 issue dramatizes how military spending is out of control.

The PRESIDING OFFICER. The Senator's time has expired. All time on the amendment has expired.

Mr. PROXMIRE. I yield the floor.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. STENNIS. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. STENNIS. It is a straight up and down vote. Is that correct?

The PRESIDING OFFICER. It is a straight up or down vote on the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PACKWOOD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from New York (Mr. JAVITS). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from North Carolina (Mr. JORDAN), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) would vote "yea."

On this vote, the Senator from Indiana (Mr. BAYH) is paired with the Senator from Connecticut (Mr. RIBICOFF). If present and voting, the Senator from Indiana would vote "yea" and the Senator from Connecticut would vote "nay."

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from North Carolina (Mr. JORDAN). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

The Senator from New York (Mr. JAVITS) is necessarily absent because of religious observance.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The pair of the Senator from New York (Mr. JAVITS) has been previously announced.

The result was announced—yeas 28, nays 61, as follows:

[No. 236 Leg.]

YEAS—28

Brooke
Burdick
Case
Church
Cranston
Eagleton
Ellender
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Kennedy
Mansfield
Metcalf
Mondale

Moss
Muskie
Nelson
Pell
Proxmire
Saxbe
Stevenson
Symington
Tunney
Williams

NAYS—61

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Pastore
Pearson
Percy
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Packwood, for.

NOT VOTING—10

Bayh
Harris
Inouye
Javits
Jordan, N.C.
McGovern
Miller
Montoya
Mundt
Ribicoff

So Mr. PROXMIRE's amendment (No. 435) was rejected.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 29, 1971, he presented to the President of the United States the enrolled bill (S. 1253) to amend section 6 of title 35, United States Code, "Patents" to authorize domestic and international studies and programs relating to patents and trademarks.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER (Mr. BROCK). Pursuant to the prior order, the Chair now lays before the Senate amendment No. 443, which the clerk will report.

The assistant legislative clerk read as follows:

On page 8, line 10, strike out "$1,066,100,000" and insert in lieu thereof "$427,100,000".

On page 12, beginning with line 3, strike out all down through line 4 on page 14, and insert in lieu thereof the following:

"TITLE IV—PROHIBITION AGAINST DEPLOYMENT OF ANTIBALLISTIC MISSILE SYSTEM

"SEC. 401. (a) Except as provide in subsection (b) of this section, none of the funds authorized to be appropriated by this or any other Act may be obligated or expended for the purpose of deployment of an antiballistic missile system at any site or for the purpose of advanced preparation (site selection, land acquisition, site survey, or the procurement of long leadtime items) for any such system at any site.

"(b) There are hereby authorized to be appropriated such sums as may be necessary to terminate and settle all contractual obligations relating to the deployment of an antiballistic missile system and to the advanced preparation for any such system which were entered into prior to the date of enactment of this title. The Secretary of Defense shall submit estimates to the Congress at the earliest practicable date regarding the amount of funds necessary to terminate and settle all such obligations. The Secretary shall keep the Congress fully and currently informed until all such obligations have been finally terminated and settled.

"(c) Nothing in this section shall be construed to prohibit the use of funds appropriated for carrying out research, testing, development, and evaluation of an antiballistic missile system."

On page 14, line 5, strike out "(b)" and insert in lieu thereof "(d)".

Mr. HUGHES obtained the floor.

Mr. STENNIS. Mr. President, will the Senator yield me 1 minute?

Mr. HUGHES. I yield.

Mr. STENNIS. Mr. President, I observe that we have two amendments which provide on the first one for an hour and a half, with 45 minutes to a side, and on the other for 2 hours, with 1 hour to a side—3½ hours altogether.

I would judge, from the requests I have for speakers, that perhaps all the time will not be used. That is just a guess on my part. It may be that we can vote long before 8 o'clock. Thus, I would hope that all Senators would remain so that they can cast their votes.

Mr. HUGHES. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, will the Senator from Iowa yield me 1 minute?

Mr. HUGHES. I yield.

Mr. PROXMIRE. Mr. President, the Senate has voted to continue with the F-14 program. If that is the will of Congress, of course I accept it. But I remain troubled over the prospect of a Grumman bailout. I submit an amendment dealing with this Grumman bailout issue, which is designed only to clarify Armed Services Committee language.

I send the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and will be printed.

Mr. HUGHES. Mr. President, consistent with the position I have held since the ABM issue was first debated in this body, I am once again offering an amendment to halt all deployment of the Safeguard anti-ballistic-missile system.

While it is the intent of the amendment to continue and encourage research and development of antiballistic missilery, the amendment would terminate all existing contracts for military construction work and for operational components of the system. It would also order the settlement of all claims against the Government resulting from the termination.

I recognize that my insistence on halting all deployment differs with that of a number of my colleagues whose views on the arms race in general parallel my own and for whose intelligence and good judgment I have the highest regard.

But I believe this amendment also keeps faith with many Americans in the Congress and in the general public who have believed for a long time that this ABM system, like its predecessor, the Sentinel, is neither a credible deterrent nor a sound investment for our country.

The case against deployment of the Safeguard system has been clearly and completely set forth in extended congressional debate over a 2-year period. Silence on the subject now will not impair their validity or erase the arguments which I consider overwhelmingly persuasive from the record.

A little over 2 years ago, this body, by a single vote, agreed to initiating deployment of the Safeguard system. And last year, again by an extremely narrow margin, the Senate acceded to another billion dollar-plus installment. Today we are asked to underwrite still another.

Progress in the deployment of Safeguard over the past 2 years is also a matter of public record. At the most advanced site near Grand Forks, N. Dak., construction work on only the first of a number of structures will not be completed until July of next year. None of the hardware has yet been delivered—no missiles, radars, or computers are in place at any of the deployment sites. Of the $9.5 billion in the Pentagon's four-site cost estimate, and the $3.7 billion already authorized for the system, including research and development, less than $2.5 billion had actually been expended by the end of fiscal 1971.

As you know, Mr. President, another billion dollars that has been approved by the House and endorsed by the Senate Armed Services Committee is included in the bill we are now considering and has not yet been added to the so-called sunk funds.

In other words, we have not progressed so far with Safeguard that we have, in any sense, reached a point of no return.

My amendment would save us $748 million this year and several billions in the years ahead—money that would be a very strategic weapon in the country's losing war against inflation.

We are all devoutly praying for the success of the SALT negotiations currently under way. A year ago, it was argued that ABM deployment would constitute an effective "bargaining chip" for these talks. There is no more reason, in my view, to accept this as a valid premise today than there was a year ago. Then, as now, the most effective instrument for negotiation is the credible desire for peace.

If the Safeguard system did have any value as a "bargaining chip," which I do not believe, it would not be found in the earth that has been rearranged at three remote locations or the unfurnished concrete structures that can be found there.

Its value is in the technology we have developed—a technology that could easily be converted to research and development of an ABM system designed specifically for the Minuteman defense role, perhaps at one-third the estimated cost of the four-site Safeguard. This is the so-called hardsite option.

We all hope for a zero-ABM agreement at SALT that would make even hardsite unnecessary, and it is that hope, plus the continued hazard to the Russians embodied in our advanced ABM technology, that will stimulate agreement.

The fact of the matter is, Mr. President, that the strategic arms limitations talks have moved slowly despite administration arguments that continued support for Safeguard would force an early agreement.

In the meantime, we have continued, and the Soviets have continued, to expand our strategic offensive arsenals.

The key need is to call a halt to this terrible momentum.

If we are to appear unquestionably sincere about reaching an agreement, it is imperative that we act as if we intend to limit the arms race, not expand it: and the history of United States-Soviet negotiations in recent years has proven this to be the case.

Mr. President, I deeply believe that our rejection of the ABM would strengthen, rather than weaken, our negotiating position in the SALT talks.

For many months the country has been bombarded with contentions that the security of the Nation is being threatened by the continuing buildup of Soviet strategic forces. This threat has been the centerpiece of a collection of justifications for beginning deployment of the Safeguard system to defend our force of a thousand Minuteman intercontinental ballistic missiles.

Other rationalizations for Safeguard deployment surfaced virtually from week to week, as the inadequacies of the system for first one mission and then another were exposed. Safeguard was also intended, its proponents said, to provide a light area defense against a future Chinese ICBM threat, against an accidental launch of a missile targeted for the United States, and against an attack on our bomber force.

One by one, these auxiliary justifications fell by the wayside, and last year, the Senate Armed Services Committee recommended that the area defense component of the system be dropped, to which the Congress agreed. The proposal before the Senate today carries forward that decision from last year, confining all four to the role of defending Minuteman.

Mr. President, a host of leading American scientists, with access to the pertinent intelligence information and a thorough understanding of strategic weapons systems, have disputed the threat evaluation presented by the Department of Defense. And in congressional testimony this year, they have contended even more persuasively that the Safeguard system is enormously expensive by comparison with the marginal amount of Minuteman protection it affords.

Dr. W. K. H. Panofsky, whose calculations of Safeguard's minimal protection impressed so many members of the Senate last year, told the Senate Armed Services Committee this year:

> The protection offered by Safeguard for the Minuteman force is negligible. Even if Safeguard functions perfectly, it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it can technically, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed.

In his testimony to the Defense Subcommittee of the Senate Appropriations Committee, Prof. Marvin L. Goldberger, who is chairman-elect of the Federation of American Scientists, said in a statement supported by the executive committee of the federation, as well as its strategic weapons committee:

> The Safeguard ABM system, and please note the emphasis on the word Safeguard, must be defended on its own merits. If its only purpose is bluff, let's make it out of wood and paper maché. It is time that this whole charade of threat and irrelevant response is brought to an end. We can no longer continue the kind of irrationality which feeds the arms race and which, at every turn, decreases our security.

Dr. Panofsky and Professor Goldberger focused in their tesitmony on the sheer immensity of the power of our strategic nuclear forces—power so great that, in the combination of three devastating weapons systems, we are all but invulnerable to challenge by any but a suicidal maniac.

This was also the basic thrust of highly persuasive statements presented by Dr. Herbert York, who was Director of Defense Research and Engineering under both Presidents Eisenhower and Kennedy, and Dr. Herbert Scoville, who has been a leading scientist for both the Central Intelligence Agency and the Arms Control and Disarmament Agency.

Mr. President, we have developed our strategic posture over the last 25 years to give us a retaliatory capability that would be certain to survive a first strike and then inflict unacceptable damage upon an enemy.

To achieve such certainty in the early days of uncertain weapons technology, we created a triad of strategic nuclear weapons system—the ICBM force of 1,000 Minuteman missiles and 54 Titans, the nuclear bombers, and the Polaris submarine force—each designed to survive a first strike independent of the others.

It is universally conceded that, in order for the Soviet Union to launch a first strike successfully, it would have to inflict simultaneous and virtually total destruction on all three components of the triad, and this is a technical impossibility now and for the foreseeable future.

Support for this view has come from Dr. John Foster, Director of Defense Research and Engineering, who told the Senate Armed Services Committee that Russia never has had, and does not now have, a first-strike capability—that is, the assurance of destroying enough of our strategic weapons to reduce the damage from our retaliation to levels they could consider acceptable.

Despite this awesome facade, we are rushing forward with a MIRV program that will vastly increase the very real and hideously destructive power we already command. Tripled MIRV warheads are being installed on modernized Minuteman missiles. The Polaris submarine fleet is being retrofitted with Poseidon MIRV missiles; the full Poseidon fleet could eventually carry some 5,000 warheads.

A single Poseidon submarine with 160 warheads constitutes, by itself, a massive deterrent. Fifty Minuteman III missiles constitute a similar retaliatory threat. And a single intercontinental bomber carries on the order of a hundred times all the destructive power ever loosed in warfare.

No potential enemy would dare challenge this array.

As I indicated earlier, Mr. President, the only remaining mission for Safeguard is a marginal role in defense of one member of the triad, the land-based Minuteman force, and for this role, the system is ill suited, if it can be made to work at all.

Safeguard was designed from the old Sentinel system of ABM's, which were contemplated as a defense—not of hard ICBM silos—but of urban areas and industrial installations. It hardly seems necessary to point out that protection of people against nuclear attack requires a vastly more sophisticated, and therefore more expensive, system than would be required to prevent the destruction of an underground missile silo.

The suitability of Safeguard for defense of Minuteman has been seriously called into question by Secretary Laird's own ad hoc group for Safeguard for fiscal year 1971. In January of last year, the group reported:

> If the only purpose of Safeguard is defined to be to protect Minuteman, Phase IIA as defined in March 1969 should not proceed. Instead, a dedicated system for active defense of Minuteman should replace or, if the need for the MSR is proved, augment Phase IIA.

This year, the chairman of that advisory group, Lawrence O'Neill, did not succeed in refuting the validity of that recommendation when he appeared before the Senate Armed Services Committee last April 20. In response to a question from the senior Senator from Missouri (Mr. SYMINGTON), Mr. O'Neill said:

> What we said was that if the only purpose of Safeguard was to defend Minuteman, then we should proceed with the Hardsite option with all vigor, and we should resolve as rapidly as possible the issue of whether the MSRs were needed or not needed in the Hardsite option, and we spelled out the probable cost, or tried to estimate the probable cost, of making that estimate on whether the MSRs are needed. So far as I know that issue has not been laid to rest. Still my own opinion is that the MSRs do contribute very substantially to the capability of the Hardsite option.

To paraphrase what I understand Mr. O'Neill to have said each time, we should halt Safeguard—since its purpose is defined solely as defense of Minuteman—and we should move immediately to development of a "dedicated system for active defense of Minuteman." Whether or not the MSR is needed is a proper subject for the continuing research and development work that my amendment would authorize and encourage.

Mr. President, the cost of the four-site

Safeguard deployment has now risen to $9.5 billion, calculated in 1972 dollars. That includes direct and indirect operating costs during the period of development and deployment, as well as the cost of warheads, which is borne by the Atomic Energy Commission.

If inflation continues at the existing pace, that figure is certain to be several billion dollars higher by the scheduled completion date 6 years in the future.

Adoption of my amendment would strike a total of $748 million out of the pending authorization and hold total outlays for Safeguard down to the neighborhood of about $3 billion.

At a time when working people are denied increases in pay, when even our servicemen are denied their long-justified pay raises enacted into law, it strikes me as inconsistent that we continue with these huge expenditures for a system which we may not even need. If we really want to reduce Government spending, we would do better to negotiate a zero-ABM agreement and pay more attention to the problems of the hungry, the unemployed, and the poorly housed here in America. To give just one example, with the $748 million saved by this amendment, we could build 50,000 low-cost housing units, each with two bedrooms. Such construction, I believe, would do much more to safeguard America than the missile system that bears the name

PROVISIONS OF SENATE AMENDMENT 443

Mr. President, at this point I would like to summarize the provisions of Senate amendment 443 so that its intent is clear in the RECORD.

First, the amendment strikes out the entire amount recommended by the Senate Armed Services Committee for procurement of Safeguard equipment and missiles that are eventually intended to become operational. As I understand the situation, all of these items—radars, computers, missiles, and missile launchers—have yet to be delivered for deployment at any of the four regular sites.

The amount to be stricken under this provision is $639 million.

Second the amendment strikes out all but the last subsection of title IV. This is left in the bill to repeal existing statutory language limiting deployment which my amendment would replace.

The effect of this amendment is to remove the $109.6 million recommended by the committee for Safeguard construction work in fiscal 1972. I would point out, Mr. President, that even at the most advanced site near Grand Forks, N. Dak., construction of the first structure is not to be completed until July 1972 under present schedules. At Malmstrom, the target for completion of the initial construction is mid-1973. At the other two sites—near Whiteman Air Force Base, Mo., and Warren Air Force Base, Wyo.—no actual construction work has yet begun.

The amendment expressly prohibits any further use of funds authorized by this or any other act for deployment of an antiballistic missile at any site.

However, it also specifically exempts ABM research, development, testing, and evaluation from the fund cutoff. This has the effect of continuing the committee's recommended authorization of $357.6 million in research and development funds.

Finally, the amendment authorizes such funds as necessary to terminate and settle all existing contractual obligations and directs the Secretary of Defense to keep the Congress fully informed in this regard. At the close of the last fiscal year, there were nearly $1 billion of unexpended funds in the Safeguard accounts, some of which could be used to reimburse contractors. The remainder would have to be appropriated as necessary.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I will make a brief statement about what the committee did and then I will yield to the Senator from Kentucky.

Mr. President, the committee modified the bill but it kept all four of the sites open that have been authorized heretofore, but limited the program for the time being to these four sites at Grand Forks, Malmstrom, Whiteman Air Force Base and Warren Air Force Base.

The committee bill provides for deployment only at Grand Forks and Malmstrom. That is both as to the money in the bill and the letter of the bill, with advance preparation at Whiteman Air Force Base and Warren Air Force Base.

We took advantage of reductions of certain slippages that occurred, such as serious labor difficulties, which still continue. The reductions come from the changes I have mentioned. The reductions amount to $161 million in round numbers.

The committee bill keeps the status quo of the program but modifies it in view of these slippages.

Another item that should be mentioned is the MSR, radar money, which in the bill is tagged for Whiteman, but it is eligible for Malmstrom.

The committee idea was to round this out, and meet realities and make reductions to suit the program development that can be made, but not weaken our position at all, as heretofore made, and upon which the SALT talks are proceeding.

I am glad to yield to the Senator from Kentucky, a man who is highly versed in this field and dedicated to the concept of peace. He has long been active in this problem and all the problems that go with it.

Mr. COOPER. Mr. President, I shall take 10 to 15 minutes.

Mr. STENNIS. Mr. President. I yield 15 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, at the outset I want to say that I respect very much the position of the distinguished Senator from Iowa. I have known since he first came to the Senate of his deep concern about the continuation of the arms race and his humane consideration of, sympathy, and compassion for the problems of this Nation and its people which he, like many others, feels are not being adequately met.

Because of the past position I have held on the anti-ballistic missile weapon system. I speak on the pending amendment, and of my position upon the ABM system at this time.

In the past I have offered amendments with the distinguished senior Senator from Michigan (Mr. HART) and others to restrict deployment of the ABM system. Many others whom I see in the Chamber today joined with us, such as my friend from Missouri (Mr. SYMINGTON), the Senator from Ohio (Mr. SAXBE), the Senator from New Jersey (Mr. CASE), the Senator from Illinois (Mr. PERCY), and many others.

In April 1968, I first offered an amendment to defer the deployment of ABM altogether, and then joined with the Senator from Michigan (Mr. HART) and other Senators in amendments to limit funding to research and development, and in 1969 and 1970 to limit the deployment of the ABM. I know also that the distinguished Senator from Iowa (Mr. HUGHES), the distinguished Senator from Wisconsin (Mr. NELSON), and the distinguished Senator from Maine (Mrs. SMITH) offered amendments similar in purpose but more restrictive on the deployment of the ABM. They were hard fought and helped to inform the Senate and the Congress on ABM, and open the defense budget to thorough examination.

I wish to explain to the Senate the reasons for the position I have now taken not to join in, or support amendments this year offered to limit the present authorization of ABM deployment.

In August, during the recess, I went to the SALT talks at Helsinki and met with our negotiators and was able to have frank discussions with them concerning the details of the negotiations to that point. I also determined their views as to the future progress of these negotiations. Earlier this year, during the Easter recess, I went to Vienna with a similar purpose.

Like many other Senators I have followed the SALT talks very closely since they began almost 3 years ago. Five rounds of talks have been completed and it is my view that the President's statement of May 20 is still valid. He said:

> The Governments of the United States and the Soviet Union after reviewing the course of their talks on the limitation of strategic armaments, have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABM's). They have also agreed that, together with concluding an agreement to limit ABM's, they will agree on certain measures with respect to the limitation of offensive strategic weapons.

As a result of my study and discussions, it is my firm belief that an agreement on ABM at a very low level of deployment, and an agreement completely consistent with U.S. security, is attainable before the end of this calendar year.

I believe strongly, as do many other Senators, that the SALT talks are the most important diplomatic negotiations that have been undertaken since the nuclear age began and even in the history of our country. They offer a significant hope that the nuclear arms race can be controlled. It has been over 10 years since the United States and the Soviet

Union developed the certain capacity to destroy each other many times over—even after sustaining a devastating first strike. Despite this fact, both nations have continued to deploy additional nuclear weapons and deployments on both sides are continuing at this very moment. The United States has increased its nuclear strength by a considerable magnitude through the deployment of MIRV on Minuteman III ICBM's, and the Soviet Union has deployed the SS-9 and the SS-11 ICBM missiles in such quantity that they now have 1,500 as compared to the 1,050 possessed by the United States. The United States is converting a substantial part of its Polaris fleet of 41 submarines to the more lethal, longer range Poseidon MIRV missiles. The Soviet Union is launching nuclear missile submarines at a rate which, if it continues, will bring them to parity with the U.S. submarine missile force in a few years. At the same time, the United States is accelerating its development of the ULMS nuclear missile submarine, the B-1 bomber, and other missile systems. As the Senate is well aware, the strategic component of the defense budget is close to $20 billion, and if SALT fails the amount spent for nuclear weapon systems will increase greatly. The tangible proof of the nuclear arms race lies on the desk of every Senator in the bill now under consideration.

Unless the United States and the Soviet Union can, by agreements to limit the further deployment of nuclear weapons systems, the expensive, and insane nuclear arms race will go on and on—and increasingly threaten life for our people and for the peoples of the world.

I believe the SALT talks are at a stage now where an agreement on the limitation of ABM is attainable. The SALT talks are at a position now that if an agreement on defensive weapons can be attained, an agreement on offensive missiles can take place. The negotiating team at Helsinki, ably led by Ambassador Gerald Smith, has brought the negotiations with the Soviet Union to this point. What remains is for the two governments to take action on the possibility which lies before them. I want to make it clear that I have not talked to the President or anyone on his staff since my talks at Helsinki, but the President's statement of May 20 speaks for itself.

I would like to say at this point, although it is not in my written speech, that I do not have any inside information; that the only information upon which I base my statement today is that which I obtained at Helsinki. The only information I have received since that time was that provided by Mr. Philip Farley to the Foreign Relations Committee in executive session. I must also say that I do not arrogate to myself any superior understanding or knowledge of this problem or of prescience of the future, but I must act according to my best lights and my best judgment, and it is for that reason that I speak.

In giving support to the progress of negotiations thus far, I have not changed my views about the inadequacies of the Safeguard ABM system. The record of the past 4 years has been sustained by additional evidence brought forward this year in hearings and briefings before the Armed Services Committee and the Foreign Affairs Committee of the House and Senate.

I may say that I have read the complete hearings before the Armed Services Committee and, of course, the hearings before the Senate Foreign Relations Committee.

Safeguard as now planned remains a system inadequate to the task of defending the Minuteman missile force against any significant threat. There are many signs that the Pentagon is moving in the direction of developing a more effective missile site anti-ballistic missile system called Hardsite which, in the event that it becomes necessary in the future to deploy an ABM, could provide a more adequate defense.

But for the present—and this is the core of my statement—the adequacy or the inadequacy of the ABM system is not the issue before us. The United States knows the extent of the Soviet ABM deployment and the Soviet Union knows the extent of deployments and advanced site preparation of the United States ABM authorized by the Congress through fiscal year 1971. The Armed Services Committee has not increased—has not expanded—the deployment authorized last year. Negotiations are proceeding upon this basis, and it is now possible that an agreement upon defense systems will be reached which will provide for the deployment of a limited level of ABM defensive systems.

These being the facts, I believe it best that we do not alter the basis upon which negotiations are taking place.

If the Armed Services Committee had presented to us a bill which had expanded the antiballistic missile program, I would join with others in amendment to limit such an expansion, for the reason that it would alter the basis upon which negotiations are taking place.

The matter of greatest importance to the security of the United States and for the protection of our people and other peoples against the danger of nuclear war—a horror impossible to contemplate—is to make every effort to reach the first agreements on defensive systems, and then go on to agreements on offensive systems.

Much credit must go to the Armed Services Committee under the chairmanship of Senator JOHN STENNIS, to its ranking Republican member, Senator MARGARET CHASE SMITH, to my good friend Senator SYMINGTON, to Senator JACKSON, an ardent supporter of ABM, and to all members of the committee for the intense probing of ABM undertaken by the committee over the past 3 years. The committee has withdrawn authority for the deployment authorized last year at Whiteman Air Force Base, and it has stricken site preparation in Washington. It has provided for $60 million for R. & D. on "Hardsite" and it has shown a careful awareness of the importance of the SALT negotiations to the military security of the United States, the strength of the economy, to our foreign relations, and to the halting of the nuclear arms race.

The Senate Foreign Relations Committee has continued this year under the chairmanship of Senator MUSKIE and the ranking minority member Senator CASE, the fine work on strategic policy questions begun in 1968 by our former colleague, Senator Albert Gore, and before that time, under the leadership of our colleague from Minnesota (Mr. HUMPHREY), who has been interested always in the necessity of ending the nuclear arms race in his impassion for the life of our people and mankind.

The hearings record is a testament to the importance the Senate attaches to this fundamental issue. In my view, the work done by the Armed Services and Foreign Relations Committee on the ABM is of a very high order.

Of critical importance in informing the Senate and the country on strategic weapons and strategic policy has been the active participation of weapons scientific and strategic advisers to past administrations and the present administration. The men who have designed and advocated the development of our nuclear weapons systems are foremost among those who have urged that the Congress of the United States should fully examine the implications of any further nuclear weapons deployment before giving approval.

It has been a difficult process to obtain the full facts about the ABM and other nuclear weapons systems. It has been difficult to evaluate the threats that this country faces because of inadequate information, but over the past 4 years we have developed a basis of knowledge and established means of obtaining sound information. I believe that a precedent has been set, and that because of the ABM debate, the Senate and the Congress are now better able to meet their responsibilities under the Constitution, to join with the Executive in the formulation of foreign policy, and providing for the defense of this country—even in this most complex age of rapid technological change.

SALT offers the best means for lessening the danger of nuclear war and for strengthening the security of this country.

I believe it best under these circumstances to maintain the basis upon which negotiations are now taking place—which are the same as those recommended by the Armed Services Committee.

Through fiscal year 1971, the Congress had authorized deployments at Grand Forks, Malmstrom, and Whiteman and advanced site preparation at Warren. The procurement bill as authorized by the Senate Armed Services Committee, while continuing funds has not expanded deployment of ABM. In fact, it has withdrawn authority for deployment at Whiteman and provided that Whiteman shall have the same status of advanced site preparation as Warren Air Force Base.

This, I consider, is consistent with the basis upon which our negotiators and the Soviet Union's are proceeding toward an agreement. I believe there will be an agreement. I may be wrong about this. There may not be an agreement. But whether there is an agreement or not—

and I believe it can be obtained if our Government and our President will continue their strong efforts for agreement—nevertheless the facts remain the same. We are negotiating on a basis of what has been authorized by Congress so far, and we are negotiating on the basis that the Soviet Union has the Galosh defensive system. If an agreement is reached, I believe it will include some elements of an antiballistic missile system. Whatever may be my views as to ABM's effectiveness or ineffectiveness, the fact is that our country is proceeding in an attempt to find some way to limit the defensive systems, and will move on, then, to the limitation of offensive weapons.

I am deeply interested in the agreement on defensive weapons systems, because if an agreement is not reached, there is little hope that the continued deployment of the Soviet SS-9, which has concerned our country, or the deployment of MIRV, which concerns the governments of both countries can be limited.

Without this first defensive agreement, the arms race will go on, and on and that, to me, is horrendous to contemplate.

At this point I would like to urge the distinguished chairman of the Armed Services Committee and the conferees appointed on this bill that they firmly adhere to the position set forth in the report of the Armed Services Committee on ABM deployment; that they will not accept any proposal by the House of Representatives to alter by expansion of the system, the basis upon which negotiations are taking place.

In addition, I would urge the Senate to press for an early agreement at SALT—an agreement which offers the best means for continued peace and greater security by lessening the dangers of nuclear war and the fear of nuclear annihilation. If SALT succeeds, as I believe it can, and the nuclear arms race can be halted, the hopes of all peoples in the world will be lifted once again. There can be no greater achievement of statesmanship than success at SALT. We credit our President with pursuing this aim, and we urge him and our Government to make every effort to obtain an agreement.

Mr. STENNIS. Mr. President, I thank the Senator. There could not be a finer statement made to meet the facts we are confronted with, and I congratulate him on his fine knowledge of this subject.

Mr. JACKSON. Mr. President, I, too, commend the distinguished Senator from Kentucky for his continuing concern about our strategic forces. I know of no Member of this body who has been more conscientious or more sincere in trying to do what he thought was best for the security of the United States of America and for the peace of the world, and I associate myself with the remarks of the chairman of our committee in expressing our appreciation for the many contributions that the able and distinguished senior Senator from Kentucky has made.

Mr. President, for the last 4 years the Senate has considered in detail the issue of the ABM. I do not intend to recapitulate those arguments now. Rather, I want to call the attention of the Senate to three points involving information new since the last debate. I think these three points, taken together, should convince any Senator that the Senate should reject the amendment proposed today by the distinguished Senator from Iowa, which would terminate at once all work on our ABM system.

First, the Strategic Arms Limitation Talks are at a particularly critical point. The President's announcement of last May indicated the possibility, before the end of this year, of an agreement on both offensive and defensive systems. I believe it is clear that, since the beginning of the talks, the Soviets' desire to limit the U.S. ABM system has been at the core of the Soviet interest in the overall negotiations. This desire is the only effective leverage available to us in attempting to obtain limitations on ongoing Soviet programs. I hope that we will be able to negotiate a meaningful SALT agreement which places limitations on the extremely rapid Soviet buildup of ICBM's and SLBM's, as well as on ABM's. But I believe that any realistic observer would have to say that we do not yet know whether the Soviets will agree to this. Under the circumstances it would be extremely unwise for the Senate to show to the Soviets that they can obtain limitations on the American ABM system without agreeing to meaningful limits on offensive systems as well. Every vote in the Senate, at this point in time, to stop the American ABM program unilaterally makes it more difficult for the United States to persuade the Soviets to limit offensive systems as well as defensive.

There is thus a sense in which the good intentions of the proponents of this amendment may have the effect of encouraging the Soviet Union to continue to accelerate the deployment of lethal offensive strategic weapons—weapons that threaten the stability of the strategic balance and raise questions about the credibility of the American deterrent. Far from having the effect of dampening the arms race, therefore, the termination of Safeguard would exacerbate it by discouraging forward movement in the SALT negotiations. This is the view of the American delegation to the talks. It is the view of the President and the Secretaries of State and Defense. It is commonsense.

Let me read in its entirety the section on the subject of Safeguard and SALT from the report of the Armed Services Committee:

> SAFEGUARD AND THE SALT TALKS
>
> The committee continues to hold the view, which events have confirmed, that the continuation of work on an ABM system to protect the strategic deterrent is in no way prejudicial to the SALT talks.
>
> Testimony before the committee and before the sub-committee on the Strategic Arms Limitation Talks has been clear and insistent on the relationship between limitations on the Soviet offensive forces and our own defensive deployments: unilateral termination of the Safeguard program would undermine the American negotiating posture and diminish, rather than increase, the likelihood of a successful and stabilizing agreement.
>
> The importance of Safeguard to an agreement at SALT should be self-evident. As one of the central limitations to be negotiated in conjunction with limitations on offensive forces, Safeguard is essential to the American position. Without Safeguard the Soviets would have little incentive to agree to constrain increases to their offensive forces. The progress thus far in the SALT talks has served to confirm the view that Safeguard is essential to their successful conclusion.
>
> While the committee would welcome an agreement that would obviate the need for Safeguard, there can be no assurances that such an agreement will be reached. In the event of an agreement Safeguard could be halted and, if necessary, such construction as might have been completed could be dismantled. Should our best efforts to achieve agreement fail, however, Safeguard would be an important element in the maintenance of a secure deterrent force. To delay the continuation of the modest deployment authorized for fiscal year 1972 would, in the opinion of the committee, put the SALT talks, and our national security, at risk.

It is essential, if we are to negotiate effectively, that the country stand united. The President needs the support of the Senate in attempting to obtain limitations on both offensive and defensive weapons. I urge all Senators to reject this amendment.

Second. There is a second reason why the amendment ending the ABM deployment should be opposed. This year the Armed Services Committee cut $161.4 million from the amount requested by the President and approved by the House of Representatives. In addition, the committee restricted the authorization for full ABM deployment to only two sites—Malmstrom and Grand Forks. Only advance preparation was authorized at the other two sites—Warren and Whiteman. No funds were authorized for preparation or deployment at Washington, D.C. This reduction and this restriction brings the fiscal year 1972 authorization for Safeguard into line with what can be realistically expected for the program this year. As a result of labor disputes and other problems, deployment schedules have been lengthened. But the important point is that the reduction and the restrictions recommended by the committee place us in an appropriate state of balance during the rest of this year. Deployment can go forward at those two sites where work is already underway; and the small amounts spent for advance preparation will enable us to maintain the option to deploy at Warren and Whiteman next year if this should prove desirable.

I am sure I need not remind the Members of this body that the Armed Services Committee last year recommended restricting the Safeguard program to defense of our ICBM bases. This, in effect, reduced the program from a maximum of 12 sites to four, and completely changed the focus of the program from a large nationwide system to one aimed at a crucial, limited, and realistic objective: Defense of our strategic deterrent.

Third. The third major development—and it is one to which we cannot close our eyes and which we cannot wish away—is the continuing and striking Soviet strategic buildup during the midst of the SALT talks. The Soviets now have half again as many ICBM's as the United States, with more under construction. Many of those which were built earlier and many of those recently begun are large ICBM's—designed poorly except for a strike against our own ICBM's.

The Soviet Union has more than 25 modern strategic nuclear ballistic missile submarines, similar to our own Polaris submarines. With the number they now have under construction, they will equal the U.S. submarine force within the next 2 or 3 years. This is not a theoretical projection. These boats are already under construction. They are a serious threat to the survivability of our strategic bomber force. More than that, they are further evidence that the Soviets are prepared to lavish large sums on their continuing strategic buildup.

If the strategic arms limitation talks are not successful in producing an agreement in the interests of our national security, then we will have to ask ourselves some very difficult questions about our policy toward strategic weapons. If, in spite of our best efforts, SALT fails, then we must be ready to do whatever is necessary to maintain the credibility of our strategic forces. The Safeguard program, as reduced and amended by the Armed Services Committee, represents the minimum necessary in order for us to be able to respond to the Soviet increase in a timely way.

For these reasons, Mr. President, I strongly urge that the Senate reject the pending amendment.

Mr. STENNIS. I thank the Senator, and I appreciate his response to the chairman's request. He is highly qualified.

Mr. HART. Mr. President, for reasons which I shall discuss shortly, I will again vote to limit expenditures for antiballistic missiles to research and development.

But first, I would like to comment on the fact that for the first time in 3 years the vehicle for such a vote will not be a Cooper-Hart amendment.

Senator Cooper and I continue to share the great hope that there will soon be a strategic arms limitation agreement severely limiting if not banning outright deployment of antiballistic missile systems.

And let me add my voice to his in a plea that Moscow and Washington do all they can to come up with such an agreement promptly. The SALT talks are man's best hope of taking a step back from the nuclear brink, the best hope for stopping a costly and dangerous new escalation of the arms race.

As Senator Cooper has explained, he has decided not to vote against the recommendation of the Senate Armed Services Committee for Safeguard. As do all of us, I respect his judgment; but certainly men with the same goal can differ on how best to achieve that goal.

But again, let me emphasize that our goals do not differ.

My judgment was based on these considerations.

We are not voting on the concept of an antiballistic missile system, but rather on deploying a system called Safeguard.

There are several points on which I remain unconvinced about Safeguard.

I am not convinced that Safeguard will work as advertised: Or that if the system does work, Safeguard will provide a useful defense for our land-based intercontinental ballistic missiles.

I am not convinced that Safeguard is needed to maintain the credibility of our nuclear deterrent, which also includes Polaris submarines and strategic bombers.

In short, I do not agree with the apparent conclusions of the majority of the Senate Armed Services Committee that, absent an arms control agreement, Safeguard "offers the most promise of insuring our deterrent's survivability."

The word "apparent" was chosen with care, for the committee report did not say "Safeguard" offers the most promise; only that antiballistic defense offers the most promise.

That wording could be consistent with those of us who argue that, rather than deploy Safeguard, we should continue research to develop an ABM system which might work.

And also, the committee's findings that our ICBM deterrent "is not yet threatened" and that we should develop a hard-point ABM defense in case the Soviet threat requires "protection beyond Safeguard" would seem to support our contention that even if Safeguard works, it will provide defense against only a narrow range of weapons, narrow both as to numbers and design.

For that reason, even if a SALT agreement permits deployment of a limited ABM system, I hope this country would not automatically press ahead with Safeguard.

Also, the committee's statement on Safeguard and the Soviet threat is an excellent illustration of how the arms race continues to escalate.

Let me quote from the report:

> The committee notes with concern the continuing increase in the strength of the Soviet Union's ICBM force. At this time last year, testimony was received which placed the number of operational ICBM launchers at over 1,100. Testimony this year raised this figure to over 1,440. Although our land-based deterrent is not yet threatened by this deployment, the continued growth of the Soviet strategic forces while arms limitations talks are underway indicates that attaining the ability to threaten our deterrent may be a Soviet goal.
>
> While this continued quantitative growth in the threat is of concern to the committee, of equal concern is the potential qualitative improvement of Soviet ICBM's.

Not only then is Safeguard to be deployed to meet a potential rather than an existing threat, but deployment is justified on the grounds that the Soviet Union may be seeking to threaten our deterrent. But the report fails to note that our efforts to improve our MIRV missiles could lead Soviet leaders to conclude that the United States seeks to threaten their deterrent.

And so the cycle goes, each side willing to spend more and more on weapons which, in the long run, add nothing to the national security of either, but each side reluctant to take the first step to break the ever-escalating cycle.

The committee also states that authority to deploy Safeguard would enhance "the possibility of a successful agreement" through the Strategic Arms Limitation Talks.

That, of course, is what has become known as the "bargaining chip" argument, and it contends that we must arm to disarm.

History indicates that the opposite is true, that what few arms limitation agreements have been negotiated came as the result of restraint rather than expansion.

And I strongly suspect that the best way to get a no-ABM agreement is to have none deployed. Otherwise, in the name of arms limitation, the tendency will be, at best, to level off at the number already deployed.

We should keep in mind that even a limited ABM system might be expanded into an area defense.

If one side fears the other side is considering such an expansion, it will conclude that the credibility of its deterrent has been undermined. The other side will conclude that a nation which installs an area defense is indeed seeking a first strike capability.

In terms of expense alone, a major escalation of the arms race is to be avoided. But more importantly, if we are ever to halt the run for the nuclear brink, if we are to reverse the race toward oblivion, we should not miss this opportunity to do so.

For all these reasons, then, I remain opposed to deployment of the Safeguard ABM.

In closing, let me return to my original appeal. It is my impression that it will be possible to reach an agreement at SALT, perhaps in the near future. I hope that it will be for zero deployment, but if the agreement permits one or even two ABM sites, that is a long way, both in terms of money and effect on the arms race, from deployment of an area defense. Senator Cooper's contribution to any such agreement will be of the highest order.

A SALT agreement at the lowest possible level would represent a step back from the brink, a sign to people that their leaders are heeding their pleas for peace. Regardless of how we vote on Safeguard, let us all make that goal our own.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield to the distinguished Senator from Missouri such time as he may require.

THE SAFEGUARD ABM SYSTEM—AN UNNECESSARY WASTE OF THE TAXPAYERS' MONEY

Mr. SYMINGTON. I thank the able Senator from Iowa.

Mr. President, as my colleagues are well aware, I have opposed the deployment of the Sentinel-Safeguard antiballistic missile system for more than 3 years.

In the course of hearings and debate on this proposed system, except for the claim that it might cure cancer, I have heard almost every conceivable argument for spending billions of the taxpayers dollars on this nuclear maginot line.

First, we were told this system was needed to defend the United States against a possible attack from the Chinese. At the same time we were also told that it would provide little if any protection against the obviously far greater missile threat from the Soviet Union.

The absurdity of this argument became apparent and the proponents of the ABM then switched to a new rationale to attempt to justify its existence.

The name of the system was changed from Sentinel to Safeguard and its primary mission was changed from area defense to defense of the deterrent; that is, maintaining our second strike capacity. It was argued that its deployment was vitally necessary to protect our Minutemen from the ever-growing Soviet arsenal of SS–9's.

Thus the rationale as well as the mission itself was altered; but the components remained the same as those designed for a different mission in the old Sentinel ABM.

If deployed, Safeguard would still rely on a single missile site radar—MSR—with a small complement of Sprints and Spartans per Minuteman base.

Anyone familiar with how small indeed is the number of defensive missiles in this system could not help, but question the degree of protection it might provide against a possible nuclear attack from the other superpower. Unfortunately, however, the Defense Department refuses to declassify the number of Sprints and Spartans planned for each complex.

It would appear these officials realize that if they do release even approximate numbers, they will substantiate the claims of those who say the system can be easily overwhelmed through very little additional effort on the part of the Soviet Union; hence the entire system is unprecedented waste of money.

Now, and after continued questioning of the effectiveness of Safeguard over the past 2 years, Pentagon witnesses finally admit that Safeguard is not the ultimate defensive system it was originally "cracked up" to be. We are now told that if the Soviet threat continues to increase, we will have to go to another system—Hardsite—the cost of which still remains a mystery.

One cannot help but wonder where and when it will all end.

In addition to the above arguments in support of ABM, we were told—and are still being told—that the Congress had to vote funds for this already obsolete system because the administration needed it as a bargaining chip at the SALT negotiations.

The Senator bought this argument last year by a vote of 52 to 47 and as a result authorized an additional $1.4 billion for continuation of the system at four sites; and this year we are being asked to "ante up" another $1.1 billion in order to stay in the game.

No one hopes more than I for the achievement of a meaningful agreement in the SALT talks—and the sooner the better, so as to halt a spiraling arms race which could well bankrupt this country in terms of more than money.

In this connection, my able colleague from Kentucky was in Helsinki the early part of August, where he had numerous discussions with the U.S. negotiating team at SALT. These discussions apparently convinced him that to reduce the Safeguard ABM request for this year below the four sites recommended by the Armed Services Committee could hinder what he believes is an imminent agreement on defensive weapons at the SALT talks.

With great respect, I visited the negotiators in Vienna last spring, heard the chief negotiator, the able Ambassador Gerard Smith, in his testimony before three committees of the Senate shortly before he went to Helsinki, and have followed to the best of my ability what has been going on in these discussions. I also heard his deputy brief the Senate in recent days.

I have the highest regard for Senator COOPER and sincerely hope he is correct in his prediction about an agreement in the near future. But I do regret that he believes it essential to authorize this additional billion dollars for a worthless system, apparently as a necessity for reaching such an agreement.

To me this is a tragic and additional unnecessary waste of the taxpayers' money, for if no agreement is reached, then the Senate would be authorizing continuation of a system which now, even many within the Defense Department privately admit is a poor allocation of resources if we really need to protect our Minuteman force.

Mr. President, people often say in an all inclusive manner, that the Pentagon would like this system. Let the record show there are many in the Pentagon who have been, and are, thoroughly opposed to said ABM system not only from the standpoint of cost, which they believe could be better expended on other more needed weaponry, but also because they do not believe this system will work.

If Safeguard is indeed a bargaining chip, just how much of a chip is actually needed?

The Congress has already authorized $3.7 billion for Safeguard; and the projected cost of only four sites has already climbed to over $8 billion—already my distinguished colleague from Iowa is talking about $9.5 billion. I wager that by this time next year we will be talking in terms of at least $11 billion.

The amendment of the Senator from Iowa now pending before the Senate recommends reducing funds for ABM frm $1,106,200,000 to $357,600,000. Why is not the authorization of some $357 million for continued research and development on an ABM system a sufficient bargaining chip at SALT, particularly if one considers the rest of our nuclear arsenal?

The Armed Services Committee itself cut back the original request by $161 million—and I respectfully commend my committee for even this small reduction. But at the time this action was announced, I did not hear any hue and cry that the committee had undercut the President's authority, or pulled the rug out from under the U.S. negotiators at Helsinki.

With conditions in this country as they are, do we really need to authorize this additional billion dollars because some believe that it is a chip looking toward a successful arms control agreement with the Soviet Union?

Mr. President, in conclusion I oppose the system, as I have for years on the floor of the Senate, for several reasons.

I have studied Safeguard to the best of my ability and am increasingly certain in my own mind it will not work.

Even some of the proponents have testified it would not affect national security to release the approximate number of Spartans and Sprints at a base; so if we could only get the figures out, we could prove even if it does work, how easily it could be saturated.

Where is the money coming from as the cost increases by the billions?

This country is not equipped psychologically, historically, or traditionally to hide behind any modern technological but totally theoretical maginot line. That is what the French did after they became rich and soft. They enjoyed pleasant living and hid behind their maginot line. Accordingly, France would have been destroyed if it had not been for the entrance into the war of the United States.

I say to my colleagues this afternoon, surely this decision to continue with this military waste has been made. Nevertheless, for the record, who is or will be behind us as we were behind the French?

We know that for all the billions in research we have put up for airplanes, we have not had a single modern fighter since 1954; and the lack of an adequate number of submarines is at least as serious.

One of the reasons we are getting into this character of trap is that we have so many theoretical experts. So we get the arguments while the Soviets have been and are getting the hardware. I challenge anyone to challenge that observation when it comes to our relative position on submarines and fighter planes.

Finally, I do not agree, after studying the matter as a member of the Committee on Foreign Relations, the Committee on Armed Services, and the Joint Atomic Energy Committee, that this is any bargaining chip for the SALT talks. To me rather it is but another escalation in the race which could destroy us all.

Mr. HUGHES. Mr. President, I should like to thank the distinguished Senator from Missouri for the excellent statement he has just made, and to express my appreciation for his continuing concern, which he has always shown, on these matters in committee. He has been one of the leaders in enlightening the people of America on the problems the Senate is now in the midst of discussing today.

I deeply appreciate his comments and his continuing enlightenment for the benefit of us all.

Mr. SYMINGTON. Mr. President, I, in turn, congratulate the distinguished Senator from Iowa for his courage in rowing against the stream of the weaponry items asked for, but which are not needed for our security—and the cost of which is breaking our economic back.

It is for these reasons that I intend to vote for the amendment of the able Senator from Iowa.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, let me first indicate my absolute faith and conviction that this administration is intent on finding every possible way to effectuate a reasonable arms limitation at the SALT talks. Those talks are among the most important that the two superpowers have ever carried on.

I am further convinced that we have one of the ablest negotiating teams in Helsinki that has ever represented this country in international negotiations.

Under the able leadership of Ambassador Gerard Smith, this team—backed up by such distinguished men as Dr. Brown, president of Cal Tech and former Secretary of the Air Force and Paul Nitze former Deputy Secretary of Defense—is a very able one. I was deeply impressed with the way they are going about their job, with the grasp they have of every detail of these negotiations, and the backing and support that the team has from the White House, from the Pentagon, and from the State Department. When I met with them in Helsinki—not as recently as the distinguished Senator from Kentucky, but last November—I left feeling that our negotiating powers were in distinguished and able hands.

Second, I am convinced of the sincerity of purpose the Russians now have. They have an objective that they want to achieve. They have experienced the same horrendous expense for the weapons systems that we have seen for so many years, and certainly discussed for the past several months on this floor of authorization bills for sophisticated military systems. They have had the same escalating costs that the distinguished senior Senator from Missouri has just pointed out.

We are speaking of an ABM system. They are just as concerned about the capability of the system for being a real defense against incoming missiles as we are. All we have to have for penetration of such a defensive system such as they have array Moscow is just one more offensive missile than they have defensive.

I think they have become convinced that the senseless, mad race of the nuclear superpowers cannot provide any greater security for their people. I am convinced they are interested in reaching an agreement. Their objective of course is to get the best agreement they can. They will try in every way to get the best bargain possible. They are up against a good team. They are going to realize that they must be realistic and reach an agreement that is enforceable and that can be policed. I think we are nearing the brink of getting such an agreement. We in the Senate have been working toward this end. It has been inspiring to watch the slow but steady progress toward this objective.

I have fought vigorously with the distinguished Senator from Kentucky, the distinguished Senator from Missouri and others against the ABM because I felt there were higher priorities on which we should expend our defense funds. However, I came to the conclusion after we lost that one battle and the Senate authorized deployment of a limited ABM system at Grand Forks and Malmstrom that we had made a decision and that, therefore, once we had lost that battle, that battle should not be fought all over again in an acrimonious atmosphere.

I notified my colleagues at the time that I would not engage the next year in an effort to undercut what the Senate, in its wisdom, had already made a decision on.

I do want to say, together with my esteemed friend, the distinguished Senator from Kentucky, that the Senate Armed Services Committee has performed a great service and has been responsive to changing conditions and circumstances. A strong feeling developed inside the Senate for withdrawing of the existing deployment authorized last year at Whiteman and for the authorized site preparation at Washington. It was our hope that we would not expand the ABM systems, but more or less to try to stand fast by what we had decided before.

Sixty million dollars is provided for research and development of the so-called Hardsite.

Several years ago, I took the position that dollar for dollar, the hardening of our sites would provide more defense for this country than expanding into an extensive ABM system.

I think that decision is a wise one. So, I will vote against the Hughes amendment. I do so because I feel we can reach an arms limitation agreement, effecting both offensive and defensive weapons systems. I do have faith in what the administration is trying to accomplish. I have faith that we can have a successful outcome in this area.

I would also like to comment on the amendment to be offered by the distinguished Senator from Ohio (Sen. SAXBE).

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I have worked with the distinguished Senator from Ohio in many areas, some in agreement and some in disagreement. I would hope, therefore, that he would consider the possibility of withdrawing his amendment. I cannot see what purpose it would serve, although I can understand why it it important to emphasize in colloquy on the floor, some of the points he tries to raise in the amendment.

I do feel, however, that there is a possibility that it would circumscribe, in a sense, the constitutional powers of the Senate, because it requires action by both the House and the Senate, in an area that has been traditionally reserved for the Senate.

The proposed amendment would withdraw and nullify congressionally enacted authorizations and appropriations upon the occurrence of a specific contingency. The occurrence which would trigger the nullification of the congressionally enacted authorizations and appropriations, would be the signing by the Executive of an arms control agreement. In effect, this amendment proposes that the Senate abrogate, in advance, its sole constitutional prerogative to accept or reject a proposed treaty.

The Senate will have the opportunity to pass upon any treaty signed by the executive branch. Should the Senate ratify the treaty, any limitations on U.S. armaments would, upon that ratification, become the law of the land and override prior authority which existed as a result of legislative enactments or otherwise which exceeded the limitations in the ratified treaty. There is, therefore, no need for such action by the Senate at this time. The amendment would serve no useful purpose. I hope the Senator from Ohio will withdraw it but I hope also in discussion on the Senate floor, he will bring out the point he intended to make by introducing the resolution in the first instance.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. Mr. President, I deeply appreciate the 2 minutes that the Senator from Mississippi has yielded to me.

I will get to the point. I think that every Senator knows that I have been doubtful about the ABM. This is a very troublesome matter for all of us. To me, it is very much so because I have grave doubts as to its advocacy. I must say, however, that the one prospect we have of limiting this arms race is, in the beginning, the defensive missiles at the talks that will be extended in Vienna.

I have a very deep commitment to the arms control program which I believe cannot be unilateral.

I feel that I would have to vote against the pending amendment. I say that with great reluctance and heavy heart. I am deeply concerned about this deployment. However, I think the committee and the distinguished chairman of the committee have shown admirable restraint in limiting deployment to two sites.

If we can get agreement on ABM, the amount of money involved in the deployment at the two sites will be well spent. If we cannot get agreement on the ABM, all bets are off.

I tried my best to get an agreement last week on the MIRV. We have not gone that far. We are not at the point of the talks in Helsinki or Vienna. Here we are talking about offensive weapons deployment. However, I have to believe that somehow and somewhere we will arrive at some kind of workable limitation, if not zero limitation, a limitation of the ABM.

I do not want to have my vote or anything I say do anything that would jeopardize that possibility.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 additional minute.

Mr. HUMPHREY. Mr. President, I find myself in support of the Senator from Kentucky. He knows of my profound admiration for him. I think he is a deeply sincere man, totally dedicated to the cause of peace and arms control. I believe in this cause. My judgment would require me on the basis of national security, which I believe is involved in arms control, as well as defense, to vote with the committee and against the amendment.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I yield the remaining time I have to the Senator from South Carolina. I am sorry that there is not more time.

Mr. THURMOND. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. THURMOND. Mr. President, the Senate would make a grave error if it approves amendment No. 443 which would terminate the Safeguard ABM program.

This amendment, offered by the distinguished Senator from Iowa (Mr. HUGHES) would knock the feet out from under the American negotiators at the strategic arms limitation talks.

Some critics of the so-called military-industrial complex complain loudly of the supposedly provocative nature of various American programs and priorities. Of all of their widely scattered attacks, those who assert that the Safeguard ballistic missile defense system is a contributing factor in the arms race make the least sense.

Safeguard is and always has been a defensive program. None of its components have any offensive capability. The intent of the Safeguard program is straightforward and understandable to the Soviet Union. The program's primary goal is to protect essential portions of our Nation's strategic deterrent forces in the face of the growing Soviet first strike megatonnage capability.

With curious compassion, critics of this system claim that it threatens the Soviet Union by weakening their strategic forces and thus accelerates the arms race. Those of us who support Safeguard and Department of Defense leaders have never claimed that this program would hamper the Soviet's ability to inflict unacceptable damage on the population of our cities. What we claim for Safeguard is that it would make it impossible for the Soviets to inflict this damage without the certainty that essential portions of our deterrent force would survive to retaliate. Thus Safeguard threatens only Soviet ability to attack us without retaliation. Is this contributing to the arms race?

Mr. President, one might ask what has happened in the last 2 years since the SALT effort began to change the Nation's need for Safeguard.

The answer to that question is that while the United States has been going slow in strategic programs the Soviet Union has accelerated its efforts. Since SALT began the Soviets have increased their intercontinental ballistic missile forces from around 1,000 to around 1,500. The U.S. ICBM force remains about the same, 1,054. Many of the Soviet missiles are the SS–9's while some of the U.S. missiles are old Titans.

Further, borings of holes at present Soviet ICBM sites indicate a further step-up in their ICBM program. This could mean a new type missile or a product improvement of present missiles. In either case, it bodes ill for this Nation.

The Senate should also take note that since the SALT effort began the Soviets have increased their Polaris-type submarine launched ballistic missile boat fleet from around 6 or 7 to about 20.

Finally, it should be clear to the Senate that the ABM program is a vital equation in our defense posture as Soviet military strength accelerates.

To delay or abandon Safeguard would lessen or destroy the effectiveness of a prime curb to the dangers of the arms race. It would also deprive the President of a vital option in dealing with unthinkable but possible situations.

Mr. President, I urge my colleagues to reject this amendment soundly so that the world may know this body fully supports the President in his efforts to deal from a position of strength at SALT.

The PRESIDING OFFICER. The Senator from Iowa has 13 minutes remaining and the Senator from Mississippi has no time remaining.

Mr. HUGHES. Mr. President, I find myself today in a rather strange position with respect to Senators who I have been allied with since I have been in the Senate opposing this particular weapon system, antiballistic missile system, who made strong arguments against it in the past, who today have slipped into neutral and placed all of their chips on a negotiating factor.

There is no longer any debate that the system will not work or that the system will work. After spending 2 years listening to the debate going on about whether it would work or would not work, after hearing it called all sorts of things, such as a platinum-plated electronic slingshot looking for or seeking a mission, I find the only argument remaining is that somehow it is a chip on a table that will never be used even if it could be made to work.

Certainly, the Senator from Iowa prays, along with the distinguished Senator from Minnesota, my distinguished friend, the Senator from Kentucky, and all the others, for the success of these negotiations and hopes that no weapons or antiweapons of this sort will ever need to be used on this earth again, weapons with the destructive capability we all know exists. We must be at the beginning of the end of structuring systems for destroying humanity. One day that beginning will occur on the floor of this Senate, by this body having the fortitude to reject without waiting for a response because there is no stake, and saying to the world, "We are ready to begin to end destruction." I know that day has not yet arrived.

Mr. President, in finality I can only express the hope that it is in the near future. We all share the common belief that there has been enough blood, pain, and agony, destructive capability, wastefulness of the resources of manpower, and degradation of humanity by what we have all been involved in in this last quarter of a century. Let us hope from this point on that we will succeed and that we can begin anew with hope.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back or used, the question is on agreeing en bloc, to the amendments of the Senator from Iowa. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JORDAN of Idaho. On this vote I have a pair with the senior Senator from Maryland (Mr. MATHIAS). If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. CRANSTON), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Indiana (Mr. BAYH) would each vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Iowa (Mr. MILLER) are necessarily absent.

The Senator from New York (Mr. JAVITS) is necessarily absent because of religious observance.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK) would vote "nay."

The pair of the Senator from Maryland (Mr. MATHIAS) has been previously announced.

The result was announced—yeas 21, nays 64, as follows:

[No. 237 Leg.]

YEAS—21

Anderson
Eagleton
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Kennedy
Metcalf
Mondale
Moss
Muskie
Nelson
Proxmire
Schweiker
Smith
Stevenson
Symington
Tunney
Williams

NAYS—64

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Humphrey
Jackson
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Roth
Saxbe
Scott

Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Jordan of Idaho, against.

NOT VOTING—14

Bayh
Cook
Cranston
Harris
Inouye
Javits
Jordan, N.C.
Mathias
McGovern
Miller
Montoya
Mundt
Ribicoff
Sparkman

So Mr. HUGHES' amendment (No. 435) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the amendment was rejected.

Mr. ERVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BROCK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today, are printed at the end of Senate proceedings.)

S. 2513—ORDER FOR STAR PRINT

Mr. HARTKE. Mr. President, on September 14, I introduced S. 2513, the Older Americans' Rights Act of 1971. Because of printing errors, three sections of my bill were not included when it was printed. These three sections were the modifications in the age-62 computation point for men, the elimination of the recent work requirement for the disabled, and the establishment of a deductible for eyeglasses, dentures, and hearing aids purchased under the medicare program. Each of these was included in my introductory statement. In addition, a typographical error was made on the date when a self-employment tax was to take effect.

Because of these printing errors, I ask unanimous consent that there be a star print of S. 2513.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 444

The PRESIDING OFFICER (Mr. HUMPHREY). Under the terms of the unanimous-consent agreement, the Chair lays before the Senate Amendment No. 444, proposed by the Senator from Ohio (Mr. SAXBE), which the clerk will state.

The legislative clerk read as follows:

On page 12, between lines 5 and 6, insert the following:

"SEC. 401. (a) The Congress hereby affirms its support for the efforts made thus far by the President of the United States at the Strategic Arms Limitation Talks (SALT) to achieve a treaty limiting deployment in the United States and the Soviet Union of antiballistic missiles as a part of the primary objective of such talks to obtain a treaty for an overall limitation and reduction of all offensive and defensive nuclear weapons. The Congress supports this diplomatic initiative of the President, the purpose of which is to achieve an end to the nuclear arms race by means of a stable nuclear parity based upon the possession of an assured nuclear deterrent by both countries. The Congress strongly urges restraint on the part of both the Governments of the United States and the Soviet Union with regards to the deployment of any additional weapons systems prior to the conclusion of treaties and subsidiary agreements providing for limitations on the deployment of antiballistic missiles and offensive strategic nuclear weapons systems.

"(b) In support of the initiative announced by the President on May 20, 1971, the Congress authorizes the construction, procurement, and deployment of an antiballistic missile system as provided in sections 402, 403, and 404 of this title, subject to the following limitation: That when a treaty between the Soviet Union and the United States is reached at the Strategic Arms Limitation Talks (SALT) and such treaty provides for a limitation on the deployment of less than that authorized by this and prior Acts, then all authority relating to the procurement, construction, and deployment of antiballistic missiles, and parts and components thereof, in excess of the number or other limitation agreed upon at such talks is terminated effective on the date such treaty is signed by officials of both countries."

On page 12, line 6, strike out "SEC. 401" and insert in lieu thereof "SEC. 402".

On page 13, line 3, strike out "SEC. 402" and insert in lieu thereof "SEC. 403".

On page 13, line 15, strike out "SEC. 403" and insert in lieu therof "SEC. 404".

Mr. SAXBE. Mr. President, I wish to advise the Members of the Senate that it is my intention very shortly to ask unanimous consent to withdraw this amendment, and that there will not be a vote. Before I do so——

Mr. STENNIS. Mr. President, may we have it quiet?

The PRESIDING OFFICER. The Senate will be in order. All conversation will cease. The Senator from Ohio will withhold until order is restored.

The Senator from Ohio may proceed.

Mr. SAXBE. Mr. President, we have indicated by our vote here today, myself among others, that we accept the argument of the Senator from Kentucky (Mr. COOPER) and other Senators who have confidence that the SALT talks are progressing, and that we are willing to proceed in accordance with last year's vote and develop the ABM system for the purpose of negotiating in Helsinki.

In other words, like Don Quixote, we are making a helmet that we expect to destroy with one stroke of the sword.

Those of us who had little confidence in the effectiveness of the ABM have gone along reluctantly with that view, because we believe there is a possibility that it could lead to world disarmament, not only upon defensive weapons, but upon offensive weapons as well; and, as the Senator now occupying the chair (Mr. HUMPHREY) stated on the floor earlier, even though we do it reluctantly, we want to strengthen the hand of those negotiators.

I offered this amendment together with the Senator from Iowa with the thought that it would, by expressing confidence in those negotiators and in the President and his actions, be helpful in the negotiations. That was the first idea. The second idea was to show the good faith of the Congress of the United States, both the Senate and the House of Representatives, and that we were prepared immediately to seek the construction of these facilities, which is already beginning.

I felt that it was acceptable and would be accepted when I submitted the amendment, though in fairness there was no indication on the part of the committee chairman that it would be accepted, nor did I offer the amendment in committee.

But then we added in the provision that immediately when the signatures were put on this treaty, facilities in excess of those agreed to in any SALT talk treaty would be immediately stopped.

I believe that would save a tremendous amount of money, in fact billions of dollars. The administration has seen fit not to look favorably upon it. The members of the Armed Services Committee with whom I have talked are generally in opposition. There are those whose opinions I respect very much who feel that it would be an embarrassment to those engaging in the SALT talks. There are others who think the House of Representatives should have no part in voting upon such an amendment, and there are those who feel that it raises grave constitutional problems.

I think all of these arguments are specious. However, furthering the attitude that we wish well to the SALT talks, to the extent that we are willing to spend $8 billion in setting up this straw man that we are going to knock down, we hope, I am asking unanimous consent at this time to withdraw the amendment. I ask unanimous consent, I might add, because, due to the time limitation previously agreed upon, I believe it requires unanimous consent to do so.

The PRESIDING OFFICER. The Senator is correct. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered. The amendment is withdrawn.

Mr. STENNIS. Mr. President, may I say to my colleague from Ohio that I think he has really rendered a service here in preparing this amendment and bringing it before the Senate. Of course, having studied it mighty closely, I cannot support it; and I thank him for withdrawing it.

Mr. SAXBE. Mr. President, I might say, on withdrawing the amendment, that if the SALT talks are successful, I, together with others who are interested, serve notice that on the next day we are going to ask that such action be taken by the Senate before they find another place for the $8 billion.

Mr. THURMOND. Mr. President, the pending amendment, No. 444, offered by the distinguished Senator from Ohio (Mr. SAXBE) and the distinguished Senator from Iowa, (Mr. HUGHES) is an unnecessary amendment and might weaken the hand of the President in negotiating a sound agreement at the strategic arms limitation talks.

Simply stated, this amendment would terminate any authority for the ABM provided for in this bill in excess of the number or limitations agreed upon at SALT.

At first glance this proposal may appear to be a logical and reasonable proposal. The effective time under the amendment would be the date such treaty is signed by officials of both countries.

On the other hand, the amendment seems to be saying the Senate does not trust the executive branch to carry out any agreement signed at SALT. Therefore, the Congress is attaching this amendment to the bill before any agreement is made so that once signed the terms of the agreement will be automatic.

Mr. President, this approach strikes me as picturing the Senate as being so anxious for any agreement at SALT that we will approve it before it is submitted to the Senate for ratification.

Passage of this amendment would in effect negate the duty of the Senate in examining the SALT agreement and exercising its wisdom through the treaty ratification process.

While I have faith in the administration as it continues negotiation at SALT, it does not seem wise for the Senate to appear so anxious to get an agreement with the Soviets that we will rubberstamp it ahead of time.

If the Soviet leaders feel President Nixon is under great pressure from the Congress to negotiate an agreement then they will not be inclined to yield to any degree on the remaining points.

Mr. President, the (a) section of this amendment merely supports President Nixon in his efforts at SALT. If the Senate wishes to go on record to this degree, I believe the Members of this body would be agreeable.

However, I do not believe the Senate should agree today to shut off development of the U.S. ABM until any treaty is not only signed but is submitted to the Senate and ratified.

At that time the ratification of the agreement will be sufficient authority for the President to take action as the Chief Executive to bring our ABM program into line with any SALT provisions.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. STENNIS. Mr. President, a word about tomorrow. Whatever the plans may be for Friday, let me emphasize that we have some highly important votes tomorrow already agreed upon. They are back to back. The time will be controlled. One is a question of the tank, and the proposal is to virtually take it out of the bill. It is a highly important matter.

Then we have the Mansfield amendment again. Whatever side one is on, it is an important, far-reaching policy question.

I believe we can dispose of both those amendments, perhaps with less debate than is now scheduled.

The chrome ore matter is back. The Senate already passed on that once, but it is back in another form.

We disposed of a great deal today, and this shows what we can do when we have agreements.

AMENDMENT NO. 445

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate and make the pending question the Eagleton amendment, No. 445, with the understanding that no time thereon shall begin to run today.

The PRESIDING OFFICER. Without objection, time will not run against the amendment today.

The amendment will be stated.

The legislative clerk read as follows:

> On page 9, line 8, strike out "$1,818,256,000" and insert in lieu thereof "$1,782,956,000".
>
> On page 10, between lines 4 and 5, insert the following new section:
>
> "SEC. 203. Notwithstanding any other provision of law, not more than $27,500,000 of the funds authorized to be appropriated by this Act may be used for research, development, test, and evaluation purposes in connection with the XM-803 (formerly MBT-70) tank during the fiscal year beginning July 1, 1971."

Mr. BYRD of West Virginia. Mr. President, the distinguished junior Senator from Missouri (Mr. EAGLETON) has asked me to request the yeas and nays on this amendment, and I do so at this time.

The yeas and nays were ordered.

ORDER FOR YEAS AND NAYS ON AMENDMENT NO. 437

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the amendment by the Senator from Montana (Mr. MANSFIELD), No. 437, at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the Mansfield amendment.

The yeas and nays were ordered.

ORDER FOR YEAS AND NAYS ON SENATE JOINT RESOLUTION 157

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on Senate Joint Resolution 157, the school lunch bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the joint resolution.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—I have been authorized to do so by the distinguished majority leader, after consulting with the appropriate parties—that time on Senate Joint Resolution 157, the school lunch bill, be limited to 2 hours, to be equally divided between the majority leader and the minority leader or their designees; provided, further, that time on any amendment thereto be limited to 30 minutes, the time to be equally divided and controlled between the mover of the amendment in the second degree and the manager of the bill.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GOLDWATER. When does the Senator intend to call up this resolution?

Mr. BYRD of West Virginia. It would be on Friday.

Mr. GOLDWATER. Is there any other business of importance on Friday?

Mr. BYRD of West Virginia. At this time, it is impossible to say.

Mr. MANSFIELD. That is all we know of at the present time, although we are in touch with the distinguished Senator from North Carolina (Mr. ERVIN) to see whether a bill reported by the Committee on the Judiciary could be brought up. But we will know more about that tomorrow afternoon. As soon as we know, the Senate will be informed.

Mr. GOLDWATER. I thank the Senator.

The PRESIDING OFFICER. Did the Chair correctly understand the Senator from West Virginia to say, "the mover of the amendment in the second degree," with the time of 30 minutes to be equally divided, or should it be "the amendment in the first degree"?

Mr. BYRD of West Virginia. I ask that time on any amendment to the joint resolution be limited to 30 minutes, to be equally divided between the mover of the amendment in the first degree and the manager of the resolution. I thank the Chair.

Mr. STENNIS. Reserving the right to object, Mr. President, what bill is that?

Mr. BYRD of West Virginia. The school lunch legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I also ask unanimous consent that time on any amendment to an amendment be limited to 20 minutes, to be equally divided between the mover of the amendment in the second degree and the manager of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, on Friday, October 1, 1971, after the conclusion of routine morning business, the unfinished business be temporarily laid aside and the Senate proceed to the consideration of S. J. Res. 157, a school lunch measure, until action on such resolution is completed.

Provided, That debate on S. J. Res. 157 be limited to 2 hours to be equally divided and controlled respectively by the Majority and Minority Leaders or their designees. Provided further that debate on any amendment to the resolution be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the resolution, and that debate on any amendments to an amendment be limited to 20 minutes to be equally divided and controlled by the mover thereof and the manager of the resolution. (September 29, 1971)

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 9 A.M. FRIDAY, OCTOBER 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9 a.m. on Friday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR CONSIDERATION OF SCHOOL LUNCH MEASURE ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday, following the recognition of the two leaders under the standing order, or upon the completion of any orders for recognition of Senators, if there be such orders, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes; that at the conclusion of the routine morning business, the unfinished business, the military procurement bill, be temporarily laid aside and the Senate proceed to the consideration of Senate Joint Resolution 157, the school lunch program, and that that measure remain before the Senate until it is disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I thank the Chair.

FEDERAL WATER POLLUTION CONTROL ACT

Mr. RANDOLPH. Mr. President, I call up a bill, which was reported earlier today, and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2613) to extend the Federal Water Pollution Control Act, as amended, for one month.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, the Committee on Public Works has reported unanimously this 1-month extension of the Federal Water Pollution Control Act. I would advise my colleagues that the authorizations contained in the Federal Water Pollution Control Act as amended earlier this year expire on September 30, 1971.

Our committee is nearing the completion of the markup on pending legislation which would extend these authorizations, but final action will not be taken before October 1.

The distinguished Senator from Kentucky (Mr. COOPER), the ranking minority member of the committee, is in the Chamber. We are just attempting at this time to allow Congress to work its will in a major revision of the proposed legislation, but we do not want to break the continuity of the present control program, and that is the reason why we bring the measure today. It is a matter of timing.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BYRD of West Virginia. Do I correctly understand that this matter has been cleared on the other side of the aisle?

Mr. RANDOLPH. Yes, it has. Senator COOPER is here, and I believe he has discussed it with the leadership. That is my understanding. I have had the privilege of discussing it with Senator MANSFIELD and Senator BYRD.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2613) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. Section 5(n) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq), is amended by inserting after the first sentence thereof the following: "There is authorized to be appropriated not to exceed $7,000,000 for the period ending October 31, 1971, in addition to funds made available under Public Law 92–50."

SEC. 2. The funds authorized to be appropriated in section 6(e) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq) for the fiscal year ending June 30, 1971, shall remain available until October 31, 1971.

SEC. 3. Section 7(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq) is amended by striking "and for the three month period ending September 30, 1971, $2,500,000." And inserting in lieu thereof "and for the four month period ending October 31, 1971, $4,000,000."

SEC. 4. The second sentence of section 8 (d) of the Federal Water Pollution Control Act as amended (33 U.S.C. 466 et seq) is amended by striking "$500,000,000 for the three-month period ending September 30, 1971." and inserting in lieu thereof "$650,000,000 for the four-month period ending October 31, 1971."

Mr. RANDOLPH. I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRATULATIONS TO THE PRESIDENT PRO TEMPORE

Mr. MAGNUSON. Mr. President, I would like to join my colleagues in congratulating the distinguished Senator from Louisiana, the President pro tempore and chairman of the Senate Appropriations Committee, on the occasion of his 81st birthday.

When Congress passed the biggest Federal education bill in history this year, one of its biggest supporters was Senator ALLEN J. ELLENDER, the President pro tempore. It was no surprise to see him backing this $5 billion program—despite his great concern for the Federal deficit. Mr. ELLENDER—who had to do without some of the formal schooling that other children enjoyed—has been a staunch supporter of education since his days in the Louisiana Legislature. He has demonstrated he is ready to make bold cuts in other areas to find funds for the proper schooling of American children.

While he was a member of the Senate Committee on Labor and Public Welfare, Senator ELLENDER teamed up with the late Senator Robert Taft to draft the education finance bill of 1939. That was the first elementary and secondary education bill to pass the Senate in the current century. That bill failed in the House, but many of its provisions were later incorporated into other congressional education acts. Senator ELLENDER also helped pull the Congress together in 1965 to pass this Nation's first major school aid bill.

In 1946 he made a historic contribution to the welfare of American students by coauthoring the school lunch bill. This has turned into one of the finest Federal-State programs in our history and Senator ELLENDER has supported its growth for a quarter of a century. This month, when problems arose in the administration of the school lunches, Senator ELLENDER assured the Agriculture Committee that if money is the problem, he will urge the Appropriations Committee to approve sufficient funds to provide free and low-cost lunches to needy students throughout the Nation.

Senator ELLENDER has shown the same kind of interest in the school breakfast program.

Earlier this year, he stepped in and rescued 16 States from impending cutbacks in their adult education programs. When the administration came up with a new formula for distributing adult education funds, the Senator from Louisiana noted that more than a dozen States would suffer serious losses in their allocations. To avoid this he had the appropriations bill amended to insure that no State would receive less money this year than in the past.

This summer, Senator ELLENDER used his influence on the Appropriations Committee to step up the growth of the Nation's sea grant college program. The sea-grant program is another very promising cooperative effort between the State and Federal Governments. As Senator ELLENDER said recently, it promises to provide the same research benefits in our marine and water resources as the land grant colleges provided for agriculture.

Senator ELLENDER's backing of the sea grant program is another indication of his deep interest in the education of American youth.

Senator ELLENDER has an enviable

career, and I am pleased and happy to join my colleagues to commend him on this special occasion. Happy birthday, ALLEN.

NO-FAULT AUTOMOBILE INSURANCE

Mr. MAGNUSON. Mr. President, the Senate Commerce Committee has just completed lengthy hearings on the subject of automobile insurance. In those hearings divergent views were expressed about the adequacy of the present system and the path to reform which should be followed. As the Senate Commerce Committee begins executive consideration of Federal no-fault proposals, I hope my colleagues will study the Department of Transportation's report on no-fault insurance which Congress commissioned and hope they study the debate on auto insurance reform which is being waged at the State and national level. In pursuing my own study of this complex subject, I found the article by Ann McFeatters which appeared in the Washington Daily News, June 21, 1971, to be very illuminating.

Mr. President, I ask unanimous consent that the article by Mrs. McFeatters be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COSTS TO COMPANIES, DRIVERS SKYROCKET—DEBATE OVER NO-FAULT INSURANCE

(By Ann McFeatters)

Fault or no fault? That is the question that preoccupies congress, the auto insurance industry and owners of the nation's 108 million cars.

The industry today finds itself in dissarray. Costs to both industry and owners have skyrocketed. Auto owners with good driving records find their premiums sharply increased or their policies canceled for seemingly arbitrary reasons. And the public is furious.

The most far-reaching remedy offered so far is "no-fault" insurance, whereby the insured owner's own company would pay limited bodily injury and death claims no matter who was at fault in an accident.

Proponents of no-fault argue it would result in more prompt and equitable settlements, save money for both insurors and the insured by minimizing court suits and legal fees and thus hold down premium costs.

(No-fault auto insurance to cover property damage also has been suggested. But this involves less of a problem since only 43 per cent of what accident victims lose in medical bills and lost wages is paid by insurance today while 83 per cent of property damage is paid.)

Champions of the present adversary system, which makes the driver who caused the accident or his insurance company liable for claims, are bitterly opposed to the national no-fault plan. It was proposed by Sens. Philip Hart, D-Mich., Warren Magnuson, D-Wash. and Rep. John Moss, D-Calif.

Under the no-fault plan, for instance, an accident victim injured by a drunken driver could sue only if he suffered "catastrophic harm" of 70 per cent or more permanent disability. Here, in for and against form, is the way the argument rages:

Against: No-fault would deprive most victims of the right to claim from the driver at fault not only out-of-pocket expenses but damages for pain and suffering and loss of future income.

For: True. But filing suit doesn't mean a judgment will be won. Or if it is, that it will be adequtae or can be collected. The person at fault may be uninsured and penniless.

In half the states 20 per cent or more of the car owners have no insurance.

And many of the insured owners have policies paying only $20,000 maximum per accident—which in cases of multiple passenger injuries leaves much of the expense uncovered and nothing for pain and suffering.

HIGH COURT RULING

Sixty-four per cent of the 62 million families earn less than $15,000 a year. So it is often heard to collect the difference between the maximum an insurance policy pays and the amount of damage. And two recent Supreme Court decisions have held a person at fault in an accident may file a federal bankruptcy petition and be absolved of financial responsibility in an accident and apply for another driver's license. This boosts the incentive for the poor person to drive without expensive insurance.

Under today's system only half the victims recover damages in accidents. And those with the greatest injuries are the least likely to get anything for pain and suffering. Furthermore, payment is delayed by legal maneuverings and from 13 to 50 per cent of what damages are recovered are eaten up by lawyers fees—27 per cent is the average.

Under no-fault, the payment of all medical, hospital and rehabilitation costs, for. less if necessary, would be assured without waiting for the vagaries of court action.

Against: Today the victim of a disability resulting from an auto crash may sue for loss of earnings over his life expectancy. But under no-fault, he's get only 85 per cent of his salary for months.

For: He'd get 85 per cent because the insurance benefit in lieu of salary is not taxable. Furthermore, with this aid for three years, plus all medical and rehabilitation expenses paid, most accident victims should be able to return to a good job.

POOR RECOVERY RECORD

Conversely, the record of recovery in court is not bright. A Department of Transportation study shows the average loss in permanent total disability cases is $78,000 including lost future earnings—but the average innocent victim collects only $12,556.

The DOT study also shows under the present system that victims of serious injuries costing $25,000 or more recover only 12 to 33 per cent of their actual losses. The less serious the injury, the more likely damages will be paid since insurance companies often pay such claims to avoid suits.

Against: Under no-fault, the innocent victim would have to use whatever medical insurance coverage he had to help pay his medical expenses, which could exhaust the limit of his major medical insurance coverage.

For: That's true. It is part of the no-fault plan to let the most efficient insurance system take care of as much of the expense as possible. This procedure would also help cut down on the ever-rising overhead of the auto companies, which raise rates to keep ahead of costs. If the victim had no medical-hospital insurance, however, his auto policy would pay all his bills.

Against: No-fault insurance would be like workman's compensation. It takes away the right to sue in return for assured payments. But people are angry with the little they get.

For: No-fault would not be the same as workman's compensation, which pays low benefits because employers pay the premiums. No-fault would assure victims of adequate benefits.

Against: Under no-fault even a drunken driver who caused an accident would be paid by his own insurance company for medical expenses, lost wages, or, if he died up to $30,000 would go to his estate. He should be punished rather than "rewarded."

For: The drunken driver and all other drivers at fault are subject to prosecution by authorities under the law. The objective of insurance is not to punish but to compensate the injured driver and his family. Yet the DOT study showed that of 513,098 persons hurt or killed in accidents, 280,015 got nothing because they were at fault or there was nobody to sue.

Against: While agreeing change is necessary, the American Trial Lawyers Association—representing more than 25,000 lawyers, law professors and judges recommends as alternatives to no-fault a crackdown on drunken drivers or a national health insurance program, preserving the present liability system.

For: Say staff lawyers for Sen. Hart: "The idea that the present liability system gives everyone what he deserves is a myth. The lawyers and insurance companies continue to push the system because they are the financial middlemen.

"But why should Americans have to pay $14.4 billion in premiums, out of what $5.5 billion goes for insurance agents and advertising and $1.50 billion for lawyers and court fees, and get back only $7.4 billion in benefits?"

POOR SUFFER MOST

Under the present system the poor suffer most, these Hart aides say. Studies show auto accident victims with incomes of less than $10,000 get "substantially" less for injuries from the present system than do victims with larger incomes.

Against: President Nixon advocates reform but opposes a national no-fault plan, urging instead that the states experiment with no-fault plans of their own.

For: Joseph Clayman, administration director of the industrial Union Department, AFL–CIO, says turning the problem over to state legislatures would put it "in the hands of men with a vested interest in the present system." Lawyers and insurance men make up a significant percentage of state legislators.

Against: Massachusetts is proof national no-fault isn't needed. It already has adopted a limited no-fault plan which bans court suits unless $2,000 or more in bodily injury is involved. Gov. Francis Sargent says it has lessened Court jams and improved the financial health of insurance companies. Florida soon will introduce a limited fault with $5,000 for personal injuries. Delaware also has a plan coming.

For: Aides to Sen. Hart say these are "phony" plans amounting to only an "overlay" on the present liability system. A plan labeled no-fault in Delaware does not eliminate court suits and therefore deceives the public.

Mr. COTTON. Mr. President, will the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. COTTON. On this no-fault insurance, do I correctly understand that the committee will be proceeding to act on it and that permission was granted for——

Mr. MAGNUSON. Further hearings.

Mr. COTTON. Further hearings?

Mr. MAGNUSON. Yes. There will be hearings within the next 2 weeks. The Senator from Tennessee and the Senator from Kentucky submitted a letter to that effect the other day, and we said that is all right.

Mr. COTTON. That will be done before final action is taken?

Mr. MAGNUSON. Yes.

Mr. COTTON. I thank the Senator from Washington very much.

AWARD OF THE AMERICAN CANCER SOCIETY TO MRS. ALBERT D. LASKER

Mr. MAGNUSON. Mr. President, in early June, our former President, Lyndon B. Johnson, presented the Alfred Sloan, Jr., Memorial Award of the American Cancer Society to a great American, Mrs. Albert D. Lasker.

To all Americans engaged in medical research and medical journalism, the name of Mary Lasker stands out as a guiding force. She has devoted the past 30 years to philanthropic efforts in medical research, public health, and human welfare. Since 1944, through the Albert and Mary Lasker Foundation, awards have been given annually to honor and encourage physicians, scientists, and public health officials for outstanding achievement in the field of medical research and public health administration in the fight against the major diseases. Since 1950, the foundation has given medical journalism awards for outstanding reporting on medical research and public health programs in newspaper, magazine, and television fields.

As we sit in this chamber today and ponder the health research legislation which we have produced over the past 20 years, we must acknowledge that Mary Lasker has been and continues to be one of our most important supporters. She will always be an inspiration to us in our quest for a healthy people.

Mr. President, I ask unanimous consent that the remarks of President Lyndon B. Johnson and the response of Mrs. Albert D. Lasker upon presentation of the Alfred P. Sloan, Jr., Memorial Award to Mrs. Lasker, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of the Honorable Lyndon Baines Johnson, 37th President of the United States

Chairman Rockefeller, Mrs. Rockefeller, Mrs. Lasker, Co-Chairman Schmidt, my fellow Americans.

"Humanist, philanthropist, activist—Mary Lasker has inspired understanding and productive legislation which has improved the lot of all mankind. In medical research, in adding grace and beauty to our environment, and in exhorting her fellow citizens to rally to the cause of progress, she has made a lasting imprint on the quality of life in this country. She has led her President and the Congress to greater heights for justice for her people and for beauty for her land."

I wrote those words on my last day in office, January 20, 1969, to accompany the citation and presentation of this nation's highest civilan award, the Medal of Freedom, which I presented to Mary Lasker.

It was the last official act of mine in the presidency and it was one of my proudest.

Tonight I have come across the land to the City of New York to present Mary Lasker with another award. I have come because I want to do everything that I can to pay tribute to this most remarkable woman. I have come because even a Medal of Freedom cannot pay back what Mary Lasker has given me and the people of America.

Most of us as we pass through life engage in some introspection from time to time of what we have done and what we are doing. We ask ourselves what have we done in our lifetime to justify our mothers bringing us into this world. We ask what we have done in return for the return of the love and the effort that has been spent on us by our parents and by our teachers.

Always that nagging question is there with us. Have I done enough? I know that in forty years of trying, I have never been satisfied.

I believe, as I believe you believe, Mary Lasker has a right to be satisfied. I believe that she has done enough for the poor, aged and the sick. Few women in this country have been so successful in so many fields. A stimulating conversationalist with a deep knowledge of a variety of subjects, she is a gracious hostess, an art expert, a philanthropist, a conservationist, an outstanding business woman. But all of those accomplishments do not add up to the woman that I know Mary Lasker to be.

What makes Mary Lasker unique is her burning desire every moment of her life to leave this world a better place than she found it. It is her selflessness that makes her stand out.

Every day that I have know her, she is busy trying to drive disease underground. Every day she tries to help the entire medical community take a step forward in its efforts to find cures for cancer and heart disease and stroke.

If there is anyone who has done more for legislation in that field than Mary, I don't know him. That is why we are all here tonight to honor her. That is why I said she is one of the few persons I have met who could truthfully say to herself that she has done enough.

Despite all that has been said about Mary Lasker tonight, despite all her accomplishments, it may be that her greatest contribution is yet to come. It may be that she will be remembered most for being in the forefront of the movement to establish a national concentrated single agency to attack cancer and to cure cancer for all Americans.

If she is successful, I promise you that I am going to come all the way back to New York some day and help honor her again. I can't think of a more important item on America's long list of priorities tonight than the national conquest of cancer and I can't think of a single person that is more likely to conquest it than Mary.

As I read that line, I thought of an old story that some of you may have heard, but I thought it only came from Texas.

One time one of our popular Baptist preachers had a call from a internal revenue agent. He said, "I was just looking over the return of Mr. X and I see where he said on his return that he gave your Baptist church a thousand dollars last year. I just wanted to confirm it."

There was a long hesitancy. He could hear some deep breathing from the pastor on the phone. And finally he said, "Well, he did or he will."

I don't know really what is in the test tube in the laboratory. I listened to Dr. Holland with great interest. Mary may have already conquered the cancer problem, but if she hasn't, she will.

I have always believed that every child in this country has the right to all the education that he can take. I also believe that every person has the right to all the health care that an enlightened nation can provide. Mary Lasker is leading the fight in this country for both and I predict that any bill that comes out of Congress in the conquest of cancer will bear her imprint all across its forehead.

So tonight with a great deal of pleasure on behalf of Mrs. Johnson and myself I present the American Cancer Society Award, the Alfred P. Sloan Memorial Award to Mary Lasker. The award is for what she has already done, but you can rest assured that in my judgement this is just the beginning.

Response of Mrs. Albert D. Lasker

Thank you, Mr. President, for your generosity to me and thank you for your support in cancer research always, when you were in the Senate and when you were in the White House. Thank you and Lady Bird for coming here tonight to lend your strength towards the conquest of cancer.

Thank you, Benno Schmidt, Laurance Rockefeller, Paul Williams, and everyone in this room for your courageous fight against cancer.

Now I am going to read you a column by Ann Landers which appeared in out-of-town newspapers a few weeks ago, somewhat amended by me.

Here it is.

Dear friends, if you want to be part of an effort that may save millions of lives, maybe your own, stay with me. Who among us has not lost a loved one to cancer? Is there a single person in my audience so lucky that his life has not been changed in some way by this cruel disease? More Americans died of cancer in 1969 than were killed in four years of World War II. Of the 200 million Americans alive today, 50 million will develop cancer, and approximately 34 million will die of it unless we find preventions and new cures. Cancer claims more lives of more children under fifteen years of age than any other illness.

How many of us have asked the question, "If this great country of ours can put a man on the moon, why can't we find a cure for cancer?" Well, one reason is that we have never launched a big enough national campaign, a real united effort against this killer. Another reason is money. The funds designated for medical research in America are inadequate. The lion's share of the tax dollar goes to military defense.

Soon, probably tomorrow, a bill will come before the United States Senate, at least before a Senate committee, which calls for the establishment of a National Cancer Authority. This bill is sponsored by Senator Kennedy, Senator Javits, and other senators. A somewhat similar bill will be introduced which will be supported by President Nixon and others so we have hopes that a strong bill will emerge soon from the committee.

The proposed national cancer authority or cancer cure bill would be an agency similar to NASA, which put men on the moon. This conquest of cancer bill demands the highest priority to be given to devise better methods of prevention, diagnosis, and cure of cancer at the earliest possible date.

Today, you here have the opportunity to be part of the mightiest offensive against a single disease in the history of our country.

If enough citizens let their senators and congressmen know that they want cancer conquered, this bill will pass the Senate and the House and be signed by the President. I urge each of you who hears me tonight to write to two senators and congressmen at once, or better yet send telegrams. Your message need consist of only four words—vote to conquer cancer, and sign your name.

No one can do everything, but each of us here can do something more. We can notify Congress of our wishes and we can give to the American Cancer Society.

It is entirely possible that your resolve tonight could reshape the lives of millions. Let's get going. God bless you and thank you.

RECENT ADDRESS BY SENATOR RIBICOFF ON EAST-WEST TRADE

Mr. MAGNUSON. Mr. President, in a remarkably clearsighted and penetrating speech, the distinguished senior Senator from Connecticut (Mr. Ribicoff) addressed the Management Center of Europe-Annual East-West Trade Conference in Budapest, Hungary, on June 15, 1971.

In his speech Senator RIBICOFF drew attention to the fact that while economics is increasingly becoming the dominant factor in relations among the nations of the world, the United States persists in thinking in cold war terms, in concentrating on political and military aspects of international relations. He cautions both the countries of the East and West that it is time to wake up to the fact that "while politicians and diplomats still argue over the same old tired political issues, businessmen and bankers are rearranging the basic nature of relations between peoples and states."

The nations of the world are becoming more economically dependent on each other. Yet, if both the countries of East and West are to be able to greatly expand trade, the formidable barriers impeding trade and commerce between East and West must first be overcome. Great differences exist between the operations of market and nonmarket economies. In order to achieve better mutual understanding of our different systems, Senator RIBICOFF has proposed that a new program of exchanges be established between the countries of the East and the United States. A new body of trained men would be created having the expertise to develop trade and investment opportunities now being lost from lack of knowledge and understanding of the operation of the different economies. Increased contact and cooperation via this program would establish another means to further advance the goal of peaceful coexistence between East and West.

As a longtime proponent of East-West trade, I am pleased to recommend Senator RIBICOFF's timely remarks to the attention of the Senator and the American public.

Mr. President, I ask unanimous consent that the recent address by the distinguished senior Senator from Connecticut be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Most men in political life who started their careers in government in the 1940's have focused their attention on the political and military aspects of foreign problems. This should come as no great surprise given the military conflicts and feverish diplomatic activities of this turbulent period. Our view of the world, and of our own countries' destinies was shaped in an era when giant men moved across the stage of history.

The peoples of the world during that period were led by epic leaders, who for good or ill, were able to change the course of history through the force of their own intellects and personalities. The United States had Franklin Roosevelt; England, Winston Churchill; France, Charles de Gaulle; and Russia, Joseph Stalin.

The energies of statesmen and governments were directed toward the redrawing of political boundaries and the preservation of a strategic balance of power.

During the second World War, my own country and the Soviet Union were able to put aside their ideological differences and join together to save Europe from the spectre of Nazism.

Following the war, the face of the globe was drastically rearranged, and the world shuddered under the impact of a number of revolutions occurring simultaneously—any one of which alone would have had the most far reaching consequences.

Colonial rule was overthrown in most of the Southern Hemisphere—and fledgling governments struggled to provide for their peoples.

A population explosion in the underdeveloped nations coincided with a revolution of rising expectations producing dangerous instabilities.

The dawning of a nuclear age threatened the very existence of all mankind for the first time.

The delicate balance of power maintained since the Congress of Vienna was replaced by the emergence of two superpowers.

A revolution in technology and scientific progress offered the promise of unprecedented abundance and prosperity.

But old attitudes and thinking persisted. Instead of harnessing their energies to meet the challenges of all of the great changes taking place, the nations of both East and West allowed a cold war to come between them and divert their limited resources.

Ironically, it was economic growth, not the support of military establishments, which became the number one priority of the two defeated Axis powers—Germany and Japan. And their stunning recovery and prosperity today attests to this singleness of purpose, and the wisdom of pursuing economic gain rather than military power.

Increasingly, technological, economic and trade considerations are determining the nature of relations between nations. American diplomacy during the past two decades illustrates how these new realities were largely ignored.

While the United States was concerned with the NATO order of battle, the Federal Republic of Germany was more concerned with gathering orders for Volkswagens. While the U.S. was placing restrictions on its exports to the East, Western European trade with the East was flourishing.

I am convinced that during the last quarter of this Century, ecopolitics will replace geopolitics as the prime mover in the affairs of nations.

I am also convinced that because of this, it is time to relegate the Cold War to the pages of history. In 1971 this is exactly where it belongs.

The recently concluded treaties between the Federal Republic of Germany and the Soviet Union, and between the Federal Republic and Poland bear witness.

And the increasing trade and investment flows between East and West also bear witness.

While politicians and diplomats still argue over the same old tired political issues, businessmen and bankers are rearranging the basic nature of relations between states and peoples. While the generals still busy themselves with planning their war games and maneuvers, increasing commerce between East and West, and the growing internationalization of production, are making the idea of a major armed conflict in Europe an absurdity.

The activities of multinational corporations, and the increasing use of joint ventures and consortiums are crossing frontiers and erasing national boundaries more surely and swiftly than the passage of armies and the conclusion of peace treaties. For 20 years the United Nations has been unable to agree on a definition of "aggression". But it certainly takes much less time than that for businessmen representing different nations and economic systems to bind themselves together in a mutually beneficial contract.

Whether one likes it or not, the nations of the world are becoming more dependent on each other. Those who are actively engaged in expanding trade and transmitting technology between East and West are in the front ranks of those creating these strong bonds of mutual interdependence.

What we don't need in attempting to cope with the implications of such a rapidly changing world are attempts at simple solutions. One of my own countrymen, some 50 years ago, aptly stated—"for every human problem, there is a solution which is neat, simple—and wrong".

The simple solutions of a much simpler bygone age just don't work anymore. The time is past due for all national leaders to discard the notion that exports are good and imports are bad. This is the same as saying production is good and consumption is bad. Or—that our standard of living improves when we give value away, but not when we receive value in turn.

It is time to grasp the idea that the process of international trade increases productivity as surely as machinery and technology does.

And any leader—of either East or West—who ignores the economic implications of his political actions does so at his peril.

As far as my own country is concerned, much should be done to provide for expanded trade with the East. Important steps in this direction have already been taken.

The number of items on our list of restricted exports to the East is steadily shrinking. This is reflected most dramatically in the steady increase in American exports to the East. In 1969, they totalled $249 million. In 1970 this rose to $353 million. And based on the current year's first quarter figures, exports in 1971 should reach $450 million. This has come about largely through legislation passed in 1969 which put the Congress of the United States on record as endorsing expanded trade with Eastern Europe and the Soviet Union.

Less than two weeks ago, export licenses for sophisticated industrial processes totalling $100 million were approved. More license approvals can be expected in the near future. And on the day I left for Europe, the esteemed Chairman of the Senate Commerce Committee, Senator Warren Magnuson, expressed to me the need for expanded trade with the East, including China. This is only one manifestation of the increasing support in the Congress for closer ties.

Since 1968 Eximbank credits have not been available to finance American exports to the East. However, only this past April the Senate overwhelmingly voiced its intention to make such credits available again. I am confident that this will be done.

Such actions taken by my own country, however, will not get to the heart of one of the most serious barriers to increased East-West trade. Trade must be a two-way street—and at present, there is a broad avenue of exports from West to East, but only a narrow path from East to West. Both Western Europe and the United States enjoy too healthy a trade surplus with the East. One important step that can be taken by my own country is the extension of most-favored-nation treatment to all the countries of Eastern Europe.

But this is not a magical formula which will automatically enable the East to sell enough to the United States to close this trade gap. There is still much that the countries of Eastern Europe must do to improve their export position.

They must be willing to commit a greater share of their own economies to foreign trade, and cease to regard it as an activity designed only to supplement domestic economic capabilities. They must be prepared to develop industries geared to exports, and be more willing to depend on imports. They must seek greater understanding of the requirements of the American market and consumer tastes, if they are to sell their products.

It is self-defeating to talk of an expansion of East-West trade if the present imbalance in East-West trade is not corrected. The figures involved are dismal. If Western

Europe continues to maintain the same surplus in its trade with the East as it has done in the past few years, by 1980 there will be a projected $3.5 billion trade gap. The value of my own country's exports to the East this year will be almost double that of what it imports.

Aside from vigorous trade expansion programs, the East must also inject itself more forcefully into the mainstream of international trade and investment. The example of Poland's accession to the GATT should be emulated elsewhere. There should be more active interest shown in gaining membership in the International Monetary Fund and the World Bank.

I realize full well that these steps are not without certain risks. But it should be emphasized that both risks and the benefits will have to be shared equally by both East and West. Unless both sides show a willingness to move off dead center in settling of decades-old minor disputes, we will not be able to enjoy together the fruits of increased commercial relations.

Important changes have already taken place in the economies of the East—and I know you are all well acquainted with the rapid pace of reform undertaken here in Hungary, with its New Economic Mechanism. These changes are essential in meeting the requirements of international trade and they have not been taken without attendant risks. In experimenting with different ways of modernizing and industrializing, the East should feel it will be able to draw more freely and easily upon the experience, technology and investment capital of the West. But it will not be able to do so unless it offers more information and greater assurance to Western investors and partners.

At the same time the West must be willing to provide even more than material assistance. It still remains the responsibility of the major trading countries, the U.S., the EEC and Japan, to establish workable norms of international trade and investment. The recent OECD ministerial meeting, which I attended in Paris last week, offered promise that a start has been made in this direction. A high-level consultative body has been set up to examine the current barriers to increased international trade and investment. Unless all of the trading nations of the world get behind efforts to harmonize and rationalize world trade, the great conflicts of the 1980's might well be trade wars between warring economic blocs.

In the years ahead, as nations realize that efficiency means greater reliance on economic rather than political considerations, both market and non-market economic systems will inevitably move closer to each other. It has been predicted that by 1980 two-thirds of all the employment in the United States will be in the service industries, and only one-third in the production of goods. As this same division holds true in other countries, and the export of services increases, it will become imperative for people to begin to understand the workings of different economic systems much better than they do today.

The communications and psychological barriers impeding trade and commerce remain formidable. The differences between the operations of state operated monopolies in a non-market economy, and the mechanisms used by private cooperations in my own country are great. Unfamiliarity with methods and institutions breeds distrust and a reluctance to even consider commercial relations. While it will be more difficult to tear down emotional barriers, it should be less difficult to overcome the lack of knowledge.

In order to achieve better mutual understanding of our different systems, I shall propose to the Congress of the United States upon my return, that a new program of exchanges be established with the purpose of expanding trade between countries of the East and the United States.

Participants in this program would include graduate-level university students, teachers, corporation executives and bankers in my country, and students, teachers, foreign trade officials, and state trading monopoly representatives of Eastern countries.

In order to be of practical value, the duration of these visits would be at least one year and perhaps two. The time spent abroad should be allocated in such a way as to include roughly equal periods of theory and practice. For example, nine months would be spent at a university and nine months in the offices of an American industry or bank, or in an Eastern European state trading organization, or foreign trade ministry.

A grantee would have the opportunity of obtaining a working knowledge of the financial and trading structures of the country he has visited and some actual time spent in the other fellow's shoes. The new expertise gained could go a long way in expanding U.S. trade with the East. I see no reason why this program could not include exchanges between the United States and all countries outside of Europe with non-market economies—including the People's Republic of China.

In order for a program of this kind to be successful, the costs and the responsibility for its operation will have to be shared equally by all the participants. By creating such a body of trained men, trade and investment opportunities now being lost by both sides could be developed for the benefit of all.

A program of this kind will also establish another important channel of fruitful contact between East and West on a nonconfrontation level.

Diplomatic discussions are too cautious and too restricted by outworn attitudes.

Cultural exchanges do not reach into the very inner workings of a society—and are usually too fleeting. Exchanges of people directly involved in producing tangible benefits for both sides offer the greatest chance of success.

Ultimately, only by broadening and deepening the base of discussions and meetings between representatives of East and West can the idea of peaceful coexistence be translated into reality.

Through mutual efforts and good will on both sides, and by a keener appreciation of how truly small the world has become, we will all benefit from what each nation has to offer in the marketplaces of goods and ideas.

The role that all of you here today will play in this process is crucial. It is not merely one of opening markets, maximizing profits, or creating material wealth. By improving economic relations between East and West, and by inducing greater responsibility and cooperation among the nations of the East and the West, you will also be perfecting the arts of peace. I can think of no worthier calling.

DEATH OF CLARENCE PAUTZKE, FORMER ASSISTANT SECRETARY OF INTERIOR

Mr. MAGNUSON. Mr. President, last month, the people of my State and of the entire Nation, lost a faithful and dedicated servant. Clarence Pautzke is remembered by most of us in the Senate as the man President Kennedy named as commissioner of the U.S. Fish and Wildlife Service. Later, President Johnson made him an Assistant Secretary of Interior, for Fish, Wildlife, Parks and Marine Resources.

Clarence Pautzke was a giant of a man in many ways. I knew him as a personal friend—let me say that we were on the same football squad at the University of Washington—as well as a highly dedicated and extremely competent expert in fisheries and other wildlife management.

Mr. President, when Clarence Pautzke was laid to rest on August 18, he was eulogized by John Biggs, director of the Washington State Department of Ecology. The following day, Georg N. Meyers, the sports editor of the Seattle Times, referred to Clarence as "the blithe spirit of Mr. Steelhead."

Mr. President, the story of Clarence Pautzke as a man, friend, sportsman and fisheries expert, is told by these two men far more eloquently than could I, and therefore, I ask unanimous consent to have these documents printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY TO CLARENCE F. PAUTZKE

(By John A. Biggs)

We have come here all of us together, as a family, and as a family of friends to say a prayer and a few words about a husband, a father, and a friend to all of us. That there are so many of us, is a measure of the affection that all of us have felt for Clarence Pautzke.

Clarence was born in Auburn, he spent his early life living on a farm near the mouth of Soos Creek. It was there that he learned to love the outdoors and the things of nature. He attended high school in Auburn and there became an athlete—an outstanding athlete. It was during this period that he began to develop and be known for his great personality, something which won him so many friends literally throughout the world, and also to be known for the compassion, for the understanding, and for the friendship that he was so generously willing to offer to everyone.

He went to the University of Washington as an athlete. He became one of the greatest athletes the University has ever known, and here at the University, he found his life's profession—the profession of fishery management. He enrolled in the School of Fisheries and learned about the basics of fish life and the basics of fish management programs, but perhaps the most important of all, he learned to value and to understand these great things of nature. Clarence was always very proud of his association with the University of Washington and the School of Fisheries. He often turned back to the University and the School of Fisheries for counsel, advice and guidance. He carried the flag of the University and the University's faculty very proudly wherever he went.

Meta and Clarence have been married for more than 30 years. Theirs has been a rich and a full marriage; one to which both gave great quantities of love and affection, and both of them drew strength from it. They have 3 children in which they have taken great pride: Maxine, Mimi and Clarence. To my certain knowledge, one of the great things about Clarence Pautzke's life was his children. He loved them and was proud of them, and they have had great meaning to him.

He began his professional career as a wildlife agent with the State Game Department; he quickly became a fisheries biologist, and developed in the State Game Department the outstanding fishery management programs which the Department became known for. The programs of steelhead management, the programs of lake management, and the fishery programs, generally, of the Department of Game, had their origin in Clarence

Pautzke. He was the person who had the vision and the initiative and the competitive spirit to bring them into being.

He left the Department as Assistant Director and went to the Department of Fisheries, where again, he was able to endow the programs of the Department of Fisheries with initiative, with spirit, and with new horizons. From there, he went to the Alaska Department of Fisheries and Game as Assistant Director, and helped develop and lay down the basic rules and policies of conservation for the magnificent resources of fish and wildlife which that state has continued to employ.

President Kennedy appointed him as Commissioner of the U.S. Fish and Wildlife Service, and President Johnson appointed him Assistant Secretary of the Interior in charge of this Nation's programs of fish, wildlife and parks. His influence and his leadership were felt throughout the United States and throughout the World and its oceans, where the fishery and wildlife programs of the United States have been known and have been identified. The honor of appointment as Assistant Secretary is the highest honor any person can hold in the field of fishery and wildlife management. It is the highest professional position that this country can offer. It was to all of us, a credit that he could achieve this, and he is the only person from the State of Washington who has ever earned such a great honor; he earned it all the way from the bottom to the top, and he earned it by the great things and great qualities which were his personality.

During the war, he began a brilliant Naval career; joining the Navy as an enlisted man and leaving the Navy as a Commander, which was once again an illustration of the things he could do.

To my knowledge, Clarence Pautzke was a deeply religious man. He found his way to worship God and to serve God in the outdoors. He had a great love and a great understanding of the lakes, the streams, the mountains, and the forests of this State and of this Nation. In a very imaginative way, he developed programs to provide for greater conservation and care of these resources. But, especially, he loved and seemed to understand the wild things that live in the lakes, the streams, and the forests. He developed programs that gave them greater protection than ever before and greater understanding. He literally brought into the minds of men and the minds of people throughout this country a new dignity for and new understandings of wildlife values and the irreplaceable values of these things.

He alerted the people of this State and of this Nation to the need to take care of these wild things. This alertness, this awareness, are spelled out today in many of this State's and this Nation's programs of fishery and wildlife conservation, and especially the philosophies of average people having to do with the meaning of these wild things and the need for mankind to understand and take care of them. This was his way of serving God and he served God in an outstanding way.

So, I say now to you, Clarence, from all of us, the people in this room and the people throughout the world who have known you and to whom you have meant so much—go with God. You leave this world a better place than you found it, and you leave in the hearts and the minds of each one of us a place and a part that no one will ever replace.

[From the Seattle Times, Aug. 19, 1971]

THE BLITHE SPIRIT OF MR. STEELHEAD

(By Georg N. Meyers)

He was a moose. Crockery rattled when he walked. His handshake was like the collapse of mountains. Strangers said he had the air of a man forever looking for a telephone book to tear in half.

Forty years after he played end for Auburn's undefeated football team, the high school honored him as its outstanding graduate. As a University of Washington football player, he left a legend far beyond his visible skills. He was behind the plate for the Husky baseball team that won a Northern Division championship in 1932.

The Alaska Legislature once convened a joint session to pay tribute to him, and Seattle's Mayor Gordon Clinton proclaimed a "Clarence Pautzke Day."

But, to fishermen of the state, he was—and will be remembered as—"Mr. Steelhead."

The burly frame whose principal attribute on the gridiron was intimidation housed a mind commandeered by his nation to cope with the complexities of international fisheries.

In 1956, the Puget Sound Sports Writers and Sportscasters' Association gave him its highest accolade, the Sullivan Award, for developing the game-fishing of steelhead in Washington's rivers and streams.

In 30 years with the State Game and Fisheries Departments, he was on intermittent call for broader duties—a journey to Russia to study hatchery techniques, a voyage to Bikini to observe the effects on marine life of the atom-bomb tests.

On retirement as assistant director of the State Fisheries Department, he was snapped up by Alaska as assistant commissioner of its Department of Fish and Game. President Kennedy stole him away as commissioner of the United States Fish and Wildlife Service. President Johnson made him assistant secretary of the interior for fish, wildlife, parks and marine resources.

Retired from that grind, he tapered off as a Congressional consultant on fisheries. Recently, he returned to Seattle and "retired" again—this time, he said, for good.

It must have taken a while for associates in the austere halls of government to accept that, except when talking fish and game like a beady-eyed scientist, Clarence Pautzke rarely drew a serious breath.

His fondest memory as a Husky was pleading with this coach, Jimmy Phelan, to switch him from end to guard. He got his chance when Chuck Lappenbusch needed an operation just before the game against the 1930 Washington State Cougars who went to the Rose Bowl.

"I tried for four days to learn the signals and finally wrote 'em on my pants leg," Pautzke liked to recall. "Bob Palmer, the other guard, was scared to death. The guards pulled a lot. He was afraid I'd run the wrong way and squash him.

"In the game, I pulled back and started running along the line. All I could see was a row of big seats. They all looked alike. So I picked out the biggest one and slammed into it."

That seat was the property of Paul Schwegler, Washington's All-American tackle. Paul picked himself up and yelled: "I had my man, what are you hitting me for?"

As a freshman, Pautzke played for Phelan's predecessor, Enoch Bagshaw. Those Huskies often took on teams from visiting battleships.

"The games didn't count toward letters, and a lot of kids got in," he said. "In one game, a great big sailor-boy tackle with his hands wrapped in pretty hefty style with generous portions of tape was out there mauling our first-string end, Bill Snider.

"Baggy jumped off the bench and yelled: 'Lordamighty, that guy's killing Snider! Get in there, Pautzke!' That pretty well told me where I stood."

Washington, D.C., got an early glimpse of the blithe spirit motivating the veteran administrator whom Interior Secretary Udall was interviewing for federal appointment in 1961.

Pautzke told the story on himself: "Udall's door was guarded by a woman secretary. She was nice-looking but a real watchdog. Every time I'd stand up and start for the office, she would say, 'Sit down.'

"When I went back the next day, I peered in. There she was, with her 'sit down' look. I sailed my hat into the room and said, 'Hey, watch this!' Before the hat hit the floor, I was past her and into Udall's office."

Two Sundays, savoring his latest retirement, Pautzke attended a 25th-anniversary reunion with his fisheries cronies who had sieved the Bikini waters after the bomb blast.

As usual, he told his funny stories, including the laugh he got at Bikini when a five-foot shark bit a hole in a two-man rubber raft he occupied with a Navy medic, who had pulled the beast aboard.

While the air hissed out of the raft, he said, he plugged the hole with the medic's head.

As the reunion party broke up, Pautzke told his friends he was going into the hospital for surgery on an ailing hip.

The operation went off well. Four days later, his heart stopped. Yesterday, as sportsmen mourned, the big moose, Mr. Steelhead, at 64, was laid to rest, really retired, at last.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUMPHREY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHOOL INTEGRATION IN DETROIT, MICH.

Mr. GRIFFIN. Mr. President, on Monday of this week, a Federal district judge in Michigan handed down a decision finding that the Detroit school system, which has been integrated for many, many years, is guilty of de jure and de facto segregation.

An interesting and penetrating appraisal of that decision is contained in an editorial published today by the Detroit Free Press, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Sept. 29, 1971]

CAN CITY MEET CHALLENGE OF INTEGRATING SCHOOLS?

The potential impact of Judge Stephen Roth's finding that the schools of Detroit are de jure segregated is so great that one can scarcely take it all in. The scope of segregation here is such that the experience in other, smaller communities is only partially relevant.

Thus, it is in Judge Roth's search for remedies, which is to begin Oct. 4, that the real difficulty will come.

Reading Judge Roth's detailed ruling, we find it impossible to challenge his finding. A long history of discriminatory public policy has created a segregated city. More recently, the state's action in overturning the Detroit school board's celebrated "April 7" integration plan has given proof of state involvement in perpetuating patterns of discrimination.

The housing pattern in the city is no accident, as Judge Roth concluded. The state's failure to provide transportation funds for

Detroit school children influenced the pattern. The effects of zoning regulations, of governmental and quasigovernmental decisions have left their mark on the city.

But even though this is all true, Judge Roth and the public schools of Detroit have an enormous practical problem. Given the great distance that may be involved, how relevant is busing to Detroit's situation? Are the suburbs being kept segregated by law and are they properly parties to this suit? In a school system now more than 70 percent black, is resegregation avoidable?

No one really knows. Judge Roth is pushing out into areas beyond which most judges have had to go. The scale of the problem and the fact that there are separate school units make it a matter of great difficulty. funds is not as relevant to this case as the command to cope with these issues.

It is probably worthwhile, at this preliminary point, to raise the question of whether the matter of the distribution of funds is not as relevant to this case as the distribution of kids.

Indeed, it may turn out to be the most relevant issue of all. Busing, while it is the issue that tears mothers' hearts out, is subject to finite limits. The inequity in the flow of funds to schools across the state of Michigan need be subject to no such physical or geographical limits.

In other words, even as Judge Roth contemplates whether children of differing races must go to school together, ought he not also to weigh the distribution of funds?

The California case, with its challenge to the unequal distribution of funds, is very much to the point in this case. We would see in that more potential for ending discrimination in metropolitan Detroit than we can in busing, though that may come too.

The next year will be an extremely troublesome year for parents in Detroit and its suburbs. We have known such a decision was likely to come, but it will not be much easier for having been anticipated. Judge Roth may go beyond the April 7 plan, with its relatively limited impact. And the instability in the city's neighborhoods will not be allayed by the long process of working out the application of the law.

The best we can hope for is that the people of the Detroit area will meet this challenge with a sense of justice and responsibility and that Detroiters will overcome, as others have, the difficulties in applying the law to our circumstances.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. Following the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators BYRD of Virginia, HARRIS, and TUNNEY.

Following the orders of the recognition of Senators, there will be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Upon the conclusion of routine morning business, the Senate will resume consideration of the pending amendment No. 445 by the distinguished junior Senator from Missouri (Mr. EAGLETON), the so-called main battle tank 70 amendment. There will be a time limitation of 2 hours thereon, followed by a rollcall vote on that amendment.

Upon the disposition of the Eagleton amendment, the Senate will proceed to the consideration of the so-called end-the-war amendment, an amendment by the distinguished majority leader, amendment No. 437, on which there is a time limitation of 3 hours, at the end of which there will be a rollcall vote, the yeas and nays having been already ordered.

Upon disposition of that amendment, the Senate will proceed to the consideration of amendment No. 438, an amendment offered by the Senator from Arkansas (Mr. FULBRIGHT) dealing with Rhodesian chrome ore. There is a time limitation on that amendment of 2 hours, at the conclusion of which there will undoubtedly be a rollcall vote.

Senators, therefore, are on notice that there will undoubtedly be at least three rollcall votes tomorrow, and possibly additional rollcall votes, depending upon whether amendments to the amendments are offered.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 30, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 1971:

OFFICE OF EMERGENCY PREPAREDNESS

Elmer F. Bennett, of Maryland, to be an Assistant Director of the Office of Emergency Preparedness, vice Nills A. Boe.

RENEGOTIATION BOARD

Richard T. Burress, of Maryland, to be a member of the Renegotiation Board, vice William Henry Harrison, resigned.

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of lieutenant (junior grade):

Klaus Addie
Carroll H. Holst
Richard E. Schmidt
Alfred P. Howland
James E. Cain
Paul K. Bothmann
Timothy A. Thompson
Michael T. Eberhardt
Stanley E. Lehman
William T. Mahoney
John L. Sprague
Thomas F. Weber
Richard L. Harvey
Christopher A. Kiefer
James A. Kramer
Charles O. Gill
John L. Glen
Gilbert O. Montoya
Roy C. Lewis, Jr.
William F. Landry
Kenneth S. Rollins, Jr.

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Reed C. Mattingly
Leon K. Thomas
William S. Griswold
Duncan P. Johnson
Kendall M. Whiting
John L. Parker
Robert T. Ritchie
Paul M. Regan
Craig M. Nicholson
Richard G. Jones
John Rice

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

LINE

First lieutenant to captain

Aarni, John C. Jr., [redacted].
Abbott, Robert A., [redacted].
Abbott, Wayne R., [redacted].
Abela, Alexander A., [redacted].
Ables, Charles D., [redacted].
Abraham, Quentin D. [redacted].
Abrams, Frederic L., [redacted].
Abrams, Kenneth H. Jr. [redacted].
Adams, Harold Q., Jr., [redacted].
Adams, Henry R., [redacted].
Adams, Jack L. [redacted].
Adams, Jim D. Jr. [redacted].
Adams, John W., [redacted].
Adams, Louis J. [redacted].
Adams Thomas L., [redacted].
Adams, Walton F. Jr., [redacted].
Adamson, Daniel P. Jr., [redacted].
Addison, John M., [redacted].
Adler, John W., [redacted].
Aicale, Ronald R. J., [redacted].
Aitken Douglas B., [redacted].
Alau, Henry D. K., [redacted].
Alburn, Cary R. III, [redacted].
Adrian, Frederic L., [redacted].
Alexander, Joseph R., [redacted].
Alexander, Jon R., [redacted].
Alexander, Rudolph, [redacted].
Alexander, Thomas W., [redacted].
Alfred, Robert E. L., Jr., [redacted].
Alison, Thomas M., [redacted].
Allan, Douglas B., [redacted].
Alldredge, Charles H. S., [redacted].
Allemand, Kenneth J. [redacted].
Allen, Charles C., [redacted].
Allen, James D., [redacted].
Allen, Mervin B., [redacted].
Allen, Paul B., [redacted].
Allen, Robert E., [redacted].
Allyn, George S., Jr., [redacted].
Alme, Marvin L., [redacted].
Almquist, Tommy B., [redacted].
Alsobrook, James E., Jr., [redacted].
Alton, Stuart L., [redacted].
Alverson, Don L., [redacted].
Amdor, Stephen L., [redacted].
Ames, Laurence W., [redacted].
Ammon, Robert V., [redacted].
Amoded, James M., [redacted].
Andersen, Richard D., [redacted].
Anderson, David S. J., [redacted].
Anderson, Donald M., [redacted].
Anderson, Howard C., [redacted].
Anderson, James C., [redacted].
Anderson, Michael E., [redacted].
Anderson, Robert M., [redacted].
Anderson, Roger L., [redacted].
Anderson, Tim G., [redacted].
Anderson, William B., [redacted].
Andre, Jerome P., [redacted].
Andrlik, Jerry E., [redacted].
Angell, John E., Jr., [redacted].
Angstadt, Howard J., Jr. [redacted].
Ankeney, Lawrence A., [redacted].
Arceneaux, Ronald J. [redacted].
Archey, Walter J., Jr., [redacted].
Armistead, John H., Jr. [redacted].
Armstrong, Edwin L., [redacted].
Arndt, John B., [redacted].
Arnholt, Terry J., [redacted].
Arnold, Alfred F., [redacted].
Arnold, Larry K., [redacted].
Arnold, Robert C., [redacted].
Arnold, Wayne F., [redacted].
Arrison, John R., [redacted].
Arroyo, Joseph A., [redacted].
Aschenbrenner, Gerald A., [redacted].
Ascher, David P., [redacted].
Ash, Robert K., Jr., [redacted].
Ast, Daniel A., [redacted].
Aston, Walter D., Jr., [redacted].
Astor, Wally G., [redacted].
Atkins, William D., Jr., [redacted].
Atkinson, Lynn A., [redacted].
Atwell, Donald C., [redacted].
Atwood, Argyle P., Jr., [redacted].
Aubey, James A., [redacted].
Austin, Charles D., [redacted].

Ayoub, Fred M., [redacted].
Baarstad, Roger A., [redacted].
Baasel, Richard W., [redacted].
Babbitt, Clayt M., Jr. [redacted].
Babbitt, George T., Jr. [redacted].
Bachelder, Jon P., [redacted].
Badgett, William R., [redacted].
Badgwell, Don H., [redacted].
Bain, James D., [redacted].
Baker, Larry E., [redacted].
Baker, Steven M., [redacted].
Baldwin, David L., [redacted].
Baldwin, Ronald L., [redacted].
Ball, James A., [redacted].
Ballester, Jon G., [redacted].
Balzer, Erich H., [redacted].
Bancale, Michael A., [redacted].
Bandy, John L., [redacted].
Bandy, John W., [redacted].
Bangert, Robert W., Jr. [redacted].
Banks, William M., Jr., [redacted].
Barbara, Johnny L. [redacted].
Barber, William D., [redacted].
Barclay, Lewis P., [redacted].
Barcus, Robert G., [redacted].
Bardal, Eugene A., [redacted].
Barger, Edward L., [redacted].
Barham, John B., [redacted].
Barker, James N., Jr. [redacted].
Barker, John K., [redacted].
Barker, Ralph E., [redacted].
Barksdale, David W., [redacted].
Barnes, Albert M., [redacted].
Barnes, Burdette J., Jr. [redacted].
Barnes, James E., [redacted].
Barnes, Peter A., [redacted].
Barnett, Francis V., Jr. [redacted].
Barnhart, Eugene L. [redacted].
Barr, Gene H., [redacted].
Barrera, Arturo, [redacted].
Barsaloux, Robert E., [redacted].
Bartels, Richard L., [redacted].
Barthel, David H., [redacted].
Bartholomew, Raymond J. [redacted].
Barton, Charles D., [redacted].
Barton, James B., [redacted].
Barton, Richard, Jr. [redacted].
Bash, James C., [redacted].
Bass, Davy M., [redacted].
Bass, Paul J., [redacted].
Batt, William P., [redacted].
Battista, Robert B. [redacted].
Bauernfeind, Robert A. [redacted].
Baugh, Eric R., [redacted].
Bayer, Richard D., [redacted].
Bean, David J., [redacted].
Bean, John E., [redacted].
Bean, Richard D., [redacted].
Beard, Donaldson E., [redacted].
Bearry, Tommy B., [redacted].
Beasley, John T., [redacted].
Beaudrie, Kenneth C. [redacted].
Beavers, James L. III, [redacted].
Beavers, William W., [redacted].
Becherer, Paul O., [redacted].
Beckcom, Edwin A. III, [redacted].
Becker, Lynn H., [redacted].
Beckstrand, Paul H. [redacted].
Bedell, Robert L., [redacted].
Beeler, Larry L., [redacted].
Beggs, Paul L., [redacted].
Bell, Harvey B., [redacted].
Bell, Jack D., [redacted].
Beller, Billy W., [redacted].
Bender, William C., [redacted].
Bennett, Carl E., [redacted].
Bennett, David S., [redacted].
Bennett, Hugh J., [redacted].
Bennett, Robert K. [redacted].
Benson, David E., [redacted].
Benson, Edward T., [redacted].
Benson, John D., [redacted].
Benson, Richard A., [redacted].
Berberek, Edward, Jr. [redacted].
Berentsen, Harold J. [redacted].
Bergeman, Gerald M., [redacted].
Bergeron, Howard P., [redacted].
Bergez, David J., [redacted].
Bermudez, John M., [redacted].
Bernardi, Richard A., [redacted].
Berning, William V., [redacted].
Berrier, David L., Jr., [redacted].
Berry, Robert W., [redacted].
Best, Donald L., [redacted].
Betchel, Robert C., [redacted].
Bettis, Jerry R., [redacted].
Bettis, Jerry D., [redacted].
Beu, Norman J., [redacted].
Bexfield, James N., [redacted].
Bickelhaupt, Larry D. [redacted].
Biehle, Arlen L., [redacted].
Bilbrey, George R., [redacted].
Billones, Louis R., [redacted].
Binford, Eugene E., [redacted].
Binkowski, Richard D., [redacted].
Binzer, Kenneth J., [redacted].
Bischoff, Kenneth D., [redacted].
Bishop, Arland H., [redacted].
Bishop, Donald W., [redacted].
Bishop, Gary V., [redacted].
Bitner, John B., [redacted].
Bivens, George W., [redacted].
Bjorn, Larry N., [redacted].
Bjornestad, Maurice M., [redacted].
Black, Clarence, [redacted].
Black, Marion, Jr., [redacted].
Black, William S., Jr., [redacted].
Blackford, Charles W., Jr., [redacted].
Blackhurst, David L., [redacted].
Blackledge, David C., [redacted].
Blackman, Barry A., [redacted].
Blackmar, John C., [redacted].
Blaha, John E., [redacted].
Blair, George R., Jr., [redacted].
Blankenship, James E., [redacted].
Bleymaier, Joseph S., Jr., [redacted].
Bliemel, Jeffrey J., [redacted].
Blomquist, Graham W., Jr. [redacted].
Bloom, Leonard O., [redacted].
Bluford, Guion S., Jr., [redacted].
Blum, David J., [redacted].
Bogard, Lonnie P., [redacted].
Boggan, William J., [redacted].
Bogue, Donald M., [redacted].
Bohm, Norris A., [redacted].
Bojack, Richard J., [redacted].
Boles, James D., [redacted].
Boli, Fred C., [redacted].
Bolz, Larry F., [redacted].
Bondaruk, Henry A., Jr., [redacted].
Bungartz, Theodore H., [redacted].
Bonham, Frank A., [redacted].
Bonnot, Mark M., [redacted].
Boozer, Gordon L., [redacted].
Borgiet, Barry L., [redacted].
Borries, Jerry L., [redacted].
Boston, William E. III, [redacted].
Boudreaux, Lionel A., [redacted].
Bouma, Eugene F., [redacted].
Bounds, Michael S., [redacted].
Bourque, George M., [redacted].
Bouterse, James A., [redacted].
Bowen, Brent L., [redacted].
Bower, Robert C., [redacted].
Bowers, William T. M., [redacted].
Bowse, John R., [redacted].
Boyce, Joseph B., Jr., [redacted].
Boyd, George V., III, [redacted].
Boyde, Edward R., [redacted].
Boyer, Terry L., [redacted].
Boylan, Joseph F., [redacted].
Bozeman, Jerald D., [redacted].
Bracci, Peter G., [redacted].
Bradburn, William J. [redacted].
Bradley, Roger C., [redacted].
Bragaw, Paul H., [redacted].
Branch, Robert C., III, [redacted].
Brands, David H., [redacted].
Brannan, Jack F., III [redacted].
Brauer, Richard F., Jr. [redacted].
Bream, Joseph R., [redacted].
Breedlove, Phillip G., [redacted].
Bremer, John R., [redacted].
Brennan, Martin J., Jr. [redacted].
Bretz, Ralph J., Jr., [redacted].
Bridges, Roy D., Jr., [redacted].
Brill, Ray S., Jr., [redacted].
Brimmer, Kirk R., [redacted].
Brinker, Jack A., [redacted].
Bristol, Charles E. [redacted].
Bristow, Vincent L., [redacted].
Britan, Joseph K., [redacted].
Brittingham, James H. [redacted].
Britton, Richard D., [redacted].
Broers, Wesley H., [redacted].
Brook, Gary W., [redacted].
Brooks, Charles H., [redacted].
Brooks, George W., Jr., [redacted].
Brooks, John H., [redacted].
Broughton, Rollin C., Jr., [redacted].
Browder, Thomas M., Jr., [redacted].
Brown, Daniel F., III, [redacted].
Brown, Donald E., [redacted].
Brown, Durward D., [redacted].
Brown, Edward F., [redacted].
Brown, James S., [redacted].
Brown, Marion L., Jr., [redacted].
Brown, Nelson C., [redacted].
Brown, Ray L., [redacted].
Brown, Raymond G., [redacted].
Brown, Richard D., [redacted].
Brown, Robert H., [redacted].
Brown, Stanley R., [redacted].
Brown, Timothy J., [redacted].
Brown, Wayne G., [redacted].
Brown, Wayne G., [redacted].
Brown, Wayne D., [redacted].
Brown, Wilbur N., Jr., [redacted].
Brown, William J., [redacted].
Brown, William F., II, [redacted].
Brown, William R., [redacted].
Browning, Richard R., III, [redacted].
Brownlee, Joe A., [redacted].
Brugger, Phillip C., [redacted].
Brunson, Roy E., [redacted].
Bryner, Glenn H., [redacted].
Bubel, John F., [redacted].
Buchanan, Ross M., [redacted].
Buck, Donald L., [redacted].
Buckellew, William H., [redacted].
Buhl, Theodor W., [redacted].
Bukauskas, Louis J., Jr., [redacted].
Bullock, Joseph T., [redacted].
Bump, David G., [redacted].
Bumpass, Thomas M., Jr., [redacted].
Bunce, Charles N., [redacted].
Buntenbah, Jon M., [redacted].
Bunts, Jeffrey M., [redacted].
Burchfield, Daniel H., [redacted].
Burchfield, Edward L., [redacted].
Burke, Donald L., [redacted].
Burke, Stuart A., [redacted].
Burnett, Robert W., [redacted].
Burnette, Joseph R., [redacted].
Burney, Willard T., [redacted].
Burns, Melvin W., [redacted].
Burns, Nicholas J., [redacted].
Burr, Hiram H., Jr., [redacted].
Burrow, Jerry G., [redacted].
Burrows, William E., [redacted].
Busek, Joseph R., Jr., [redacted].
Bussey, Robert M., Jr., [redacted].
Bussey, William H., Jr., [redacted].
Butler, Norman D., [redacted].
Buzzell, Robert L., [redacted].
Cable, Hobart S., II, [redacted].
Caffo, John A., [redacted].
Cagle, Donald R., [redacted].
Cahill, Lawrence J., Jr., [redacted].
Caldwell, Dennis H., [redacted].
Caldwell, James A., [redacted].
Caldwell, Stephen D., [redacted].
Calfee, James R., [redacted].
Callens, Pierre A., [redacted].
Calver, Theodore R., [redacted].
Camburn, Gilbert L., [redacted].
Canavan, Gregory H., [redacted].
Canavera, Stephen A., [redacted].
Cantwell, John L., [redacted].
Capps, Thomas E., [redacted].
Cardea, George C., [redacted].
Cardwell, Thomas A., III, [redacted].
Carl, Joseph W., [redacted].
Carlburg, Richard E., [redacted].
Carlisle, Lee R., [redacted].
Carney, James F., Jr., [redacted].
Carothers, Harry H., III, [redacted].
Carpenter, Michael F., [redacted].
Carpenter, Newton I., Jr., [redacted].
Carriger, Henry N., [redacted].
Carroll, Robert G. H., III, [redacted].
Carson, Douglas M., [redacted].
Carter, David E., [redacted].

Carter, James L., Jr., [redacted]
Carter, Steven S., [redacted]
Carter, Thomas W., [redacted]
Carver, Luther W., Jr., [redacted]
Casey, Jerome C., [redacted]
Cashman, Patrick J., [redacted]
Caskey, Billie R., [redacted]
Caso, John, [redacted]
Cassell, Richard L., [redacted]
Castell, Harold L., [redacted]
Castro, Bennie H., [redacted]
Castruccio, James F., [redacted]
Caswell, James G., [redacted]
Cates, Robert L., [redacted]
Cathey, James L., [redacted]
Cathey, William H., [redacted]
Cauley, Robert F., [redacted]
Cavanaugh, Michael E., [redacted]
Caviness, Jesse C., Jr., [redacted]
Ceffalo, George M., [redacted]
Cejka, George J., [redacted]
Cermele, Michael J., [redacted]
Cerrato, Francis M., [redacted]
Cesarotti, William L., [redacted]
Chambers, John F., Jr., [redacted]
Chaplin, Wallace H., Jr., [redacted]
Chapman, Buddy W., [redacted]
Chapman, Jerry D., [redacted]
Chapman, John E., [redacted]
Charlton, Hugh J., [redacted]
Chavez, Gary A., [redacted]
Chenoweth, John L., [redacted]
Chepolis, William M., [redacted]
Cherney, Thomas J., [redacted]
Cherry, Charles E., [redacted]
Chinn, Alvin F., [redacted]
Choate, James W., [redacted]
Chojnacki, Raymond, [redacted]
Choplin, Larry E., [redacted]
Chorvat, Michael F., [redacted]
Christian, James W., [redacted]
Christian, James B., [redacted]
Christman, Noel J., [redacted]
Chronister, Richard D., Jr., [redacted]
Church, David L., [redacted]
Cirino, Alan B., [redacted]
Ciz, George C., Jr., [redacted]
Clair, William J., [redacted]
Clamon, James A., [redacted]
Clark, Albert P., Jr., [redacted]
Clark, David D., [redacted]
Clark, Howard A., [redacted]
Clark, James I., [redacted]
Clark, James C., [redacted]
Clark, John D., [redacted]
Clark, Kenneth H., II, [redacted]
Clark, Richard D., [redacted]
Clark, Robert L., [redacted]
Clark, Walter B., [redacted]
Clark, Walter F., [redacted]
Clark, William E., Jr., [redacted]
Clark, William N., [redacted]
Clarke, Sidney H., [redacted]
Clawson, George D., [redacted]
Claxon, Lynn R., [redacted]
Cleland, Thomas E., Jr., [redacted]
Clippinger, William C., Jr., [redacted]
Cliver, Jeffrey G., [redacted]
Cloninger, David R., [redacted]
Clouse, Gary K., [redacted]
Coakley, Wayne C., [redacted]
Coan, Stuart W., [redacted]
Cockerham, Warren E., [redacted]
Cooling, James G., [redacted]
Codron, Barry J., [redacted]
Cogburn, Thomas M., [redacted]
Coghill, Albert B., [redacted]
Coglitore, Sebastian F., [redacted]
Cohen, Richard, [redacted]
Colburn, Eugene J., III, [redacted]
Cole, Alvin J., III, [redacted]
Cole, Clifford I., Jr., [redacted]
Cole, Peter A., [redacted]
Cole, Richard T., [redacted]
Cole, William L., [redacted]
Coleman, Charles B., III, [redacted]
Coleman, Kenneth L., [redacted]
Coleman, William L., [redacted]
Collins, Edward L., [redacted]
Collins, Gerald E., [redacted]
Collins, James W., Jr., [redacted]
Collins, James H., [redacted]
Collins, Sumner R., [redacted]
Collins, William E., [redacted]
Commander, John B., Jr., [redacted]
Compton, Charles T. C., [redacted]
Concannon, Milburn K., Jr. [redacted]
Cone, Wallis D., Jr., [redacted]
Coney, Joel T., [redacted]
Congdon, John P., [redacted]
Conklin, David A., [redacted]
Conklin, Donald A., [redacted]
Conn, John C., Jr. [redacted]
Conn, Richard D., [redacted]
Connor, Michael A., [redacted]
Conques, Duane L., [redacted]
Conrad, Wilkinson, G., IV, [redacted]
Contreras, Raymond T., [redacted]
Cook, Charles H., [redacted]
Cook, Gordon L., [redacted]
Cook, Robert D., [redacted]
Cooke, John C., [redacted]
Cookson, Gerald D., [redacted]
Coombs, Dennis C., [redacted]
Cooper, David R., [redacted]
Cooper, Wallace E., Jr., [redacted]
Coordes, Heinz E., [redacted]
Cope, Robert S., [redacted]
Corbett, James D., [redacted]
Corbin, Wayne W., [redacted]
Cordon, Shelby N., [redacted]
Core, Boyce R., [redacted]
Cork, Larry D., [redacted]
Corley, William D., Jr., [redacted]
Corman, John W., [redacted]
Cormier, Joseph F., [redacted]
Corzine, Jack W., [redacted]
Cosgrave, Richard C., [redacted]
Cosnowski, Walter J., Jr. [redacted]
Cossa, Anthony J., Jr. [redacted]
Coullahan, Richard, [redacted]
Courington, Felix N., [redacted]
Cowan, George M., [redacted]
Cowan, John C., [redacted]
Cox, Edward L., Jr., [redacted]
Cox, Fred J., III [redacted]
Cox, Harvey B., III, [redacted]
Cox, Jackie L., [redacted]
Crabtree, William H., [redacted]
Craig, William E., [redacted]
Crane, Alfred C., Jr., [redacted]
Crawford, Daniel C., Jr., [redacted]
Creamer, Max A., [redacted]
Crew, James A., [redacted]
Crews, John H., III, [redacted]
Crick, Maxie E., [redacted]
Crimmins, Francis T. [redacted]
Crombie, Alan C., [redacted]
Cronk, James T., [redacted]
Crosby, Paul S., [redacted]
Cross, Allan J., [redacted]
Cross, Jack P., [redacted]
Crowell, Lorenzo M., Jr., [redacted]
Crumpler, Walter M., [redacted]
Cummings, James A. [redacted]
Cunniff, Robert E., [redacted]
Currey, Melvin D., III, [redacted]
Currie, Christopher C., [redacted]
Curtin, Gary L., [redacted]
Dabbs, Terry O., [redacted]
Daday, John E., [redacted]
Daffron, Thomas C., [redacted]
Daly, Peter F., [redacted]
Damiano, Michael R., [redacted]
Dampman, William A., [redacted]
Dangelo, George A., [redacted]
Daniel, Harold L., [redacted]
Danielson, Benjamin F. [redacted]
Danner, Carl E., [redacted]
Dannerbeck, Peter G., [redacted]
Dare, Franklin M., [redacted]
Daschbach, Thomas M., [redacted]
Daugherty, William S., [redacted]
Davids, John H., [redacted]
Davidson, Wayne T., [redacted]
Davies, Robert R., [redacted]
Davis, Curtis L., [redacted]
Davis, Earl E., Jr., [redacted]
Davis, Larry R., [redacted]
Davis, Larry L., [redacted]
Davis, Paul R., [redacted]
Davis, Ralph S., Jr., [redacted]
Davis, Richard C., [redacted]
Davison, Geoffrey R., [redacted]
Dayton, Douglas K., [redacted]
Deacon, Walter E., II, [redacted]
Dean, William C., [redacted]
Dean, Willie J., Jr., [redacted]
Deatherage, Fred S., [redacted]
DeBerg, Oak H., [redacted]
Decker, Donald C., [redacted]
Deerr, Milton C., [redacted]
DeGroot, Frederick J., [redacted]
Deisher, Christian F., [redacted]
Dejonckheere, Eric T., Jr., [redacted]
DeKay, Kenneth B., Jr., [redacted]
Delahoussaye, Jean P., [redacted]
Delaney, James T., [redacted]
Delia, Michael D., [redacted]
Dellermann, Frank J. [redacted]
DeLong, Leslie G., Jr., [redacted]
DeMeyer, Andrew F., [redacted]
Delyser, Kenneth J., Jr., [redacted]
Demchak, Michael T., [redacted]
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Nichols, Matthew A., [redacted].
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Nicola, David M., [redacted].
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Niedzwiecki, Richard, [redacted].
Nielsen, William C., Jr., [redacted].
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Nolan, Michael P., [redacted].
Noland, Oliver M., Jr., [redacted].
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Nolting, David L., [redacted].
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Norton, William A., [redacted].
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Odum, Paul R., [redacted].
Oelstrom, Tad J., [redacted].
Offley, Ronald D., [redacted].
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Oliver, James R., [redacted].
Oliver, Richard C., [redacted].
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Osborne, Louis L., Jr., [redacted].
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Otis, Amos, [redacted].
Overcast, David A., [redacted].
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Owens, Thomas A., [redacted].
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Ray, Manly A., Jr., [redacted].
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Rolston, Ronald L., [redacted].
Romero, John H., Jr., [redacted].
Rooks, Edward H., Jr., [redacted].
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Roquemore, Johnny W., [redacted].
Rose, George A., [redacted].
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Sabo, William J., [redacted].
Saboski, Arthur, [redacted].
Sacher, Barbara A., [redacted].
Sackett, James W., [redacted].
Sadler, Mitchell O., Jr., [redacted].
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Samuels, Lyle A., [redacted].
Sanborn, Larry K., [redacted].
Sander, Wayne R., [redacted].
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Santoki, Paul H., [redacted].
Sao, Terry, [redacted].
Sarkissian, John M., [redacted].
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Saul, Warren J., [redacted].
Saulsberry, Thomas L., [redacted].
Saunders, Carl J., [redacted].
Sauter, Albert H., II, [redacted].
Savage, William C. G., Jr., [redacted].
Sawler, Lawrence E, [redacted].
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Scalzo, Angelo, [redacted].
Scarborough, Dennis G., [redacted].
Scarborough, Otis F, Jr., [redacted].
Schaefer, Marlin J., [redacted].
Schafer, John D., [redacted].
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Scheibel, Robert L., [redacted].
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Schwaninger, Arthur E., [redacted].
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Seale, Benajah E., Jr., [redacted].
Seaux, Junior G., [redacted].

Segars, Robert J., [redacted].
Seiler, Paul J., [redacted].
Sekimoto, Stanley S., [redacted].
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Titus, Timothy L., [redacted].
Todd, Franklin D., [redacted].
Tomei, Mario V., [redacted].
Tompkins, Bruce C., [redacted].
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Tongue, Wayne A., [redacted].
Tonjes, Earl A., [redacted].
Topping, Douglas C., [redacted].
Torrez, Dennis C., [redacted].
Toumbacaris, G. B., Jr., [redacted].
Tower, Theodore L., [redacted].
Towle, Charles D., [redacted].
Towns, Oliver D., [redacted].
Trabitz, Eugene L., [redacted].
Traylor, Charles R., [redacted].
Trbovich, Daniel E., [redacted].
Trefry, David A., [redacted].
Tribble, Alford P., [redacted].
Trimble, Jerry E., [redacted].
Tripp, Alfred D., Jr., [redacted].

Trodden, Michael J., xxx-xx-xxxx.
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Turner, Armond A., xxx-xx-xxxx.
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Turney, Herbert F., xxx-xx-xxxx.
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Ventura, Gregory G., xxx-xx-xxxx.
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Walker, Van Dyke A., xxx-xx-xxxx.
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Wall, Steven E., xxx-xx-xxxx.
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Warner, David A., xxx-xx-xxxx.
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Waterman, Robert K., xxx-xx-xxxx.
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West, Sherman E., xxx-xx-xxxx.
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Whitaker, Robert C., xxx-xx-xxxx.
White, Anthony N., xxx-xx-xxxx.
White, David B., Jr., xxx-xx-xxxx.
White, David A., xxx-xx-xxxx.
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White, Michael B., xxx-xx-xxxx.
White, Robert C., xxx-xx-xxxx.
White, Wayne A., xxx-xx-xxxx.
Whitehorn, Michael A., xxx-xx-xxxx.
Whitehouse, Robert A., xxx-xx-xxxx.
Whiteman, William S., xxx-xx-xxxx.
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Wiersma, James A., xxx-xx-xxxx.
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Wilburn, Robert C., xxx-xx-xxxx.
Wilcox, Jerry D., xxx-xx-xxxx.
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Wilhite, Ronald B., xxx-xx-xxxx.
Wilk, Stanley A., xxx-xx-xxxx.
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Williams, Andrew, xxx-xx-xxxx.
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Williams, Charles E., xxx-xx-xxxx.
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Williams, David M., Jr., xxx-xx-xxxx.
Williams, Frederick M., xxx-xx-xxxx.
Williams, Gilbert L., xxx-xx-xxxx.
Williams, John H., xxx-xx-xxxx.
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Williams, Tereld T., xxx-xx-xxxx.
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Willis, Albert H., xxx-xx-xxxx.
Willmann, Robert L., xxx-xx-xxxx.
Willoughby, David J., xxx-xx-xxxx.
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Wilson, Theron C., Jr., xxx-xx-xxxx.
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Winchester, Robert O., xxx-xx-xxxx.
Wingate, Dennis H., xxx-xx-xxxx.
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Woidtke, Roger W., xxx-xx-xxxx.
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Wolf, Patricia H., xxx-xx-xxxx.
Wolfe, Peter J., xxx-xx-xxxx.
Wong, Clyde M. H., xxx-xx-xxxx.
Wood, Charles P., Jr., xxx-xx-xxxx.
Wood, Dennis D., xxx-xx-xxxx.
Wood James H., Sr., xxx-xx-xxxx.
Wood, Wendell B., xxx-xx-xxxx.
Wood, William C., Jr., xxx-xx-xxxx.
Woodring, Marion H., xxx-xx-xxxx.
Woods, Lee M., xxx-xx-xxxx.
Woodward, William V., xxx-xx-xxxx.
Woodworth, Donald A., Jr., xxx-xx-xxxx.
Woody, John W., xxx-xx-xxxx.
Worley, William H., Jr., xxx-xx-xxxx.
Wortham, George E., xxx-xx-xxxx.
Wortham, Murray L., xxx-xx-xxxx.
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Wortmann, John R., xxx-xx-xxxx.
Wright, James R., xxx-xx-xxxx.
Wright, Philip M., xxx-xx-xxxx.
Wyraz, Edward M., Jr., xxx-xx-xxxx.
Yabui, Alan E., xxx-xx-xxxx.
Yadouga, Joseph R., xxx-xx-xxxx.
Yatsko, Emil G., Jr., xxx-xx-xxxx.
Ybarra, Dennis B., xxx-xx-xxxx.
Yeager, Rodney A., xxx-xx-xxxx.
Yeaple, Stephen E., xxx-xx-xxxx.
Yochem, Daniel R., xxx-xx-xxxx.
Yonker, Dale B., xxx-xx-xxxx.
York, Alan D., xxx-xx-xxxx.
Young, Douglas, xxx-xx-xxxx.
Young, George O., III, xxx-xx-xxxx.
Yuhas, Joseph R., xxx-xx-xxxx.
Zabka, Adolf H., xxx-xx-xxxx.
Zaleski, Andre, A., II, xxx-xx-xxxx.
Zalocusky, Michael N., xxx-xx-xxxx.
Zartman, James L., xxx-xx-xxxx.
Zavalney, Harold N., xxx-xx-xxxx.
Zebley, Frederick L., Jr., xxx-xx-xxxx.
Zeck, Francis H., Jr., xxx-xx-xxxx.
Zeitz, Stanley E., Jr., xxx-xx-xxxx.
Zielinski, Stanley J., Jr., xxx-xx-xxxx.
Zimmerman, Laurence J., Jr., xxx-xx-xxxx.
Zisch, Waldemar C., xxx-xx-xxxx.
Zucker, Richard A., xxx-xx-xxxx.

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Boyles, Lemuel M., xxx-xx-xxxx.
Burnette, Robert B., xxx-xx-xxxx.
Christianson, Thomas N., xxx-xx-xxxx.
Coltharp, Bruce R., xxx-xx-xxxx.
Harnyak, Gregory J., xxx-xx-xxxx.
Hellstern, John R., xxx-xx-xxxx.
North, James J., Jr., xxx-xx-xxxx.
Strickhausen, Leslie W., xxx-xx-xxxx.
Swanson, Richard A., xxx-xx-xxxx.
Williams, Stephen J. C., xxx-xx-xxxx.
Zimbrick, Edward C., xxx-xx-xxxx.

DENTAL CORPS

Buchanan, William E., Jr., xxx-xx-xxxx.
Couvillion, Charles, xxx-xx-xxxx.
Harrell, Connie J., xxx-xx-xxxx.
Huff, Thomas L., xxx-xx-xxxx.
Hutchinson, John W., xxx-xx-xxxx.
Levitt, Herbert M., xxx-xx-xxxx.
Monske, Lane A., xxx-xx-xxxx.
Schad, George W., xxx-xx-xxxx.
Scott, Herman D., xxx-xx-xxxx.
Shannon, John W., xxx-xx-xxxx.
Spray, John R., xxx-xx-xxxx.
Storby, Gene L., xxx-xx-xxxx.

MEDICAL CORPS

Barrett, Robert T., xxx-xx-xxxx.
Bearden, James D., III, xxx-xx-xxxx.
Becker, David W., Jr., xxx-xx-xxxx.
Beman, John W., Jr., xxx-xx-xxxx.
Buscher, John R., xxx-xx-xxxx.
Claflin, Dale G., xxx-xx-xxxx.
Goryl, Stephen V., xxx-xx-xxxx.
Hamilton, Marshall E., xxx-xx-xxxx.
Leffingwell, Donald O., xxx-xx-xxxx.
Mootz, John R., xxx-xx-xxxx.

O'Brien, Michael W., [redacted].
Olson, Barry E., [redacted].
Parrish, Jerry A., [redacted].
Plummer, Jon K., [redacted].
Riherd, Leslie M., Jr., [redacted].
Schuknecht, Lowell A., Jr., [redacted].
Torma, Michael J., [redacted].
Whetsell, Douglas W., [redacted].
Zurbrugg, Eric B., [redacted].

NURSE CORPS

Alston, Georgia M., [redacted].
Baggett, Margaret D., [redacted].
Blouch, Sandra K., [redacted].
Busch, Jerilyn A., [redacted].
Campbell, Gertrude M., [redacted].
Carner, Antoinette, [redacted].
Chabot, Michelle M. J., [redacted].
Chaisson, Mary L., [redacted].
Chisholm, Margaret M., [redacted].
Coen, Geraldine H., [redacted].
Darrell, Chester A., Jr., [redacted].
Davis, Barbara M., [redacted].
Davis, Bettye H., [redacted].
Degnan, Patricia A., [redacted].
Dinsmore, Carole A., [redacted].
Dumoulin, Claire F., [redacted].
Fegan, Geraldine E., [redacted].
Fletcher, Mary K., [redacted].
Forsyth, Joan E., [redacted].
Foss, Robert E., [redacted].
Fournier, Deborah E., [redacted].
Franklin, Barbara A., [redacted].
Gonzalez, Awilda, [redacted].
Goulden, Bonnie E., [redacted].
Harrison, Connie E., [redacted].
Hatton, Carol J., [redacted].
Hinze, Elizabeth A., [redacted].
Hohman, Frances C., [redacted].
Huskin, Diane J., [redacted].
Hudson, Tommie J., [redacted].
Hull, Kathleen V., [redacted].
Jason, Marie E., [redacted].
Kucinkas, Chris M., [redacted].
Leffel, Mary S., [redacted].
Matas, Irene M., [redacted].
Myers, Carol J., [redacted].
Nagy, Helen B., [redacted].
Neason, Laura G., [redacted].
Osha, Patricia J., [redacted].
Paup, Sonja M., [redacted].
Pellish, Josephine, [redacted].
Phillips, Sylvia J., [redacted].
Piccone, Joseph S., [redacted].
Porter, Patricia A., [redacted].
Ritzhaupt, Hazel M., [redacted].
Rogers, Bonnie P., [redacted].
Rosenbery, Nancy J., [redacted].
Schafer, Leah L., [redacted].
Smith, Mary A., [redacted].
Sprague, Judith P., [redacted].
Stratton, Maureen, [redacted].
Swint, Kathleen A., [redacted].
Turner, Sue E., [redacted].
Villemure, Vivian M., [redacted].
Watkins, Sylvia A., [redacted].
Wells, Elinor J., [redacted].
Whelihan, Ethel M., [redacted].
White, Gail D., [redacted].
Wood, Florence E., [redacted].
Woods, Fannie E., [redacted].
Yanno, Richard G., [redacted].

MEDICAL SERVICE CORPS

Anderson, James G., [redacted].
Andrews, Edwin J., Jr., [redacted].
Avants, Mervin T., Jr., [redacted].
Bateman, Val J., [redacted].
Bates, Gaylon M., [redacted].
Bates, Thomas G., [redacted].
Beaty, John R., [redacted].
Bjerken, Paul A., [redacted].
Blansett, Randy S., [redacted].
Boyd, Thomas O., [redacted].
Bristow, Charles L., [redacted].
Burke, Roger L., [redacted].
Christiana, Ronald W., [redacted].
Ciminelli, Lawrence W., [redacted].
Cogburn, Bobby E., [redacted].
Copeland, Billy M., [redacted].
Couser, David G., [redacted].
Cox, Jan G., [redacted].
Dick, William W., [redacted].
Dorsey, Emmett E., [redacted].
Dotson, Terrence J., [redacted].
Douglas, William G., [redacted].
Driver, David C., [redacted].
Drummond, Robert O., [redacted].
Emigh, John L., [redacted].
Fincher, James C., Jr., [redacted].
Fisher, Richard L., [redacted].
Fleming, George E., [redacted].
Forister, Thomas C., [redacted].
Fox, David M., [redacted].
Gainer, Philip W., [redacted].
Gallman, James J., [redacted].
Grabowski, John J., [redacted].
Griffin, Richard W., [redacted].
Hamako, Herbert M., [redacted].
Harmon, Lloyd C., [redacted].
Healy, Keith E., [redacted].
Heuckendorf, Richard P., [redacted].
Hutchison, Gordon L., [redacted].
Jacobson, Phil E., Jr., [redacted].
Langenberg, Stephen L., [redacted].
Lindsey, Garold D., [redacted].
Lyons, John J., Jr., [redacted].
Martin, Howard L., Jr., [redacted].
Meives, Lawrence T., [redacted].
Metcalf, Ned W., Sr., [redacted].
Meyer, Alvin F., III, [redacted].
Nelson, Steven P., [redacted].
Newton, Duane W., [redacted].
Nugent, Jerry J., [redacted].
Olmo, Herbert, [redacted].
Phillips, Preston, Jr., [redacted].
Pitts, David R., [redacted].
Poston, Thomas D., [redacted].
Prather, Robert J., [redacted].
Proctor, Richard D., [redacted].
Renn, Benjamin C., [redacted].
Rodriguez, Albert D., [redacted].
Schumann, Thomas R., [redacted].
Solesbee, Billy R., [redacted].
Squires, Darrell R., [redacted].
Stephen, Frederick R., [redacted].
Stephenson, Robert L., II, [redacted].
Templeton, David W., [redacted].
Thornton, Felix F., [redacted].
Weishaar, Gary L., [redacted].
Welbes, Earl J., [redacted].
White, Lawrence L., Jr., [redacted].
Yacone, Frank, [redacted].

VETERINARY CORPS

Ayers, Kenneth M., [redacted].
Beleau, Marshall H., [redacted].
Brown, Bobby G., [redacted].
Clothier, Eugene R., [redacted].
Cramlet, Stephan H., [redacted].
Hansen, Jon O., [redacted].
Harwood, Baxter, [redacted].
Jewell, Asa H., Jr., [redacted].
Leftwich, Marion W., Jr., [redacted].
Mammeli, Bruce H., [redacted].
Mann, David R., [redacted].
Schaad, Lawrence E., [redacted].
Smith, William B., [redacted].
Thomas, Manuel A., Jr., [redacted].
Voelker, Frank A., [redacted].
Walker, Dewayne H., [redacted].

BIOMEDICAL SCIENCES CORPS

Adams, Ernest D., Jr., [redacted].
Anderson, Gary D., [redacted].
Banner, Edwin C., III, [redacted].
Baum, Marvin G., [redacted].
Brady, Barbara J., [redacted].
Bukovac, Ruby P., [redacted].
Chambers, Mildred J., [redacted].
Cheek, Chandler S., [redacted].
Conner, Roy M., [redacted].
Cumuze, Antonio G., Jr., [redacted].
Davidson, Donald A., [redacted].
Delancey, Gary W., [redacted].
Ellis, Sharon L., M., [redacted].
Gibeau, John K., [redacted].
Hadden, Rayburn S., III, [redacted].
Hammond, John M., [redacted].
Jacob, Kendall M., [redacted].
Jones, Gerald W., [redacted].
Kaylin, Bernice M., [redacted].
Kilian, John P., [redacted].
Krimm, Bernard F., [redacted].
Lebroco, Eric F., Jr., [redacted].
MacLean, Douglas M., [redacted].
Malloney, Ronald H., [redacted].
Marshall, Ann M., [redacted].
McLean, Jerry A., [redacted].
Nelson, Dean D., [redacted].
O'Brien, Patrick J., [redacted].
Patterson, William E., [redacted].
Pryse, Georgia A., [redacted].
Robinson, John S., [redacted].
Rudolph, Russell R., [redacted].
Scally, Margaret A., [redacted].
Schneider, Robert F., [redacted].
Trittschuh, John C., [redacted].
Turner, Ronald W., [redacted].
Wiegand, Edwin E., [redacted].
Wilkerson, Lillard C., [redacted].

Captain to major

Abballe, William D., [redacted].
Abbott, Fred F., [redacted].
Abbott, Wilfred K., [redacted].
Abel, William R., [redacted].
Abernathy, John B., [redacted].
Absher, Jerry M., [redacted].
Accountius, Jackie C., [redacted].
Acken, Richard A., [redacted].
Ackerlund, Walter E., [redacted].
Ackermann, Carl A., [redacted].
Ackerson, Robert D., [redacted].
Ackroyd, Robert A., [redacted].
Acree, George W., II, [redacted].
Adair, Eugene T., III, [redacted].
Adam, Wallace B., [redacted].
Adams, Charles G., [redacted].
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Adams, Jimmie V., [redacted].
Adams, Jordan E., III, [redacted].
Adams, Lynn D., [redacted].
Adams, Robert M., [redacted].
Adams, William B., Jr., [redacted].
Aday, John B., Jr., [redacted].
Adelsperger, Russell W., [redacted].
Adkins, Charles W., [redacted].
Aguayo, Jose J., [redacted].
Ahearn, Joseph A., [redacted].
Aho, Douglas D., [redacted].
Aiello, Charles F., [redacted].
Akerson, Edwar A., Jr., [redacted].
Akin, Aubrey L., Jr., [redacted].
Albright, Daniel E., [redacted].
Aldred, William M., Jr., [redacted].
Aldrich, James L., [redacted].
Aldridge, Donald O., [redacted].
Alexander, Jack L., [redacted].
Alfsen, Thomas C., [redacted].
Allee, Richard K., [redacted].
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Allred, Richard D., [redacted].
Altman, Maxalene E., [redacted].
Ambs, Phillip H., [redacted].
Amer, Robert L., [redacted].
Ames, Richard K., [redacted].
Ammons, Charles B., [redacted].
Amtmann, Neal H. R., [redacted].
Anderson, Gene H., [redacted].
Anderson, George G., [redacted].
Anderson, James R., [redacted].
Anderson, Joseph C., [redacted].
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Anderson, Roger L., [redacted].
Anderson, William H., [redacted].
Anderson, Wilbur E., [redacted].
Andrews, Harry J., [redacted].
Andrews, William R., [redacted].
Anessi, Thomas J., [redacted].
Angel, Marion M., [redacted].
Angell, David R., [redacted].
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Whitt, James E., [redacted].
Whorton, Bert F., [redacted].

Wiede, Jim T., [redacted].
Wilcox, Donald H., [redacted].
Wilda, Robert W., [redacted].
Wilde, David M., [redacted].
Wilhelm, Charles F., [redacted].
Wilhelm, John D., [redacted].
Wilkinson, Kenneth D., [redacted].
Wilkinson, Robert E., [redacted].
Wilkinson, Thomas J., [redacted].
Wilkinson, Vance K., [redacted].
Willett, James G., [redacted].
Williams, Alfred L., Jr., [redacted].
Williams, Billy G., [redacted].
Williams, Clyde S., Jr., [redacted].
Williams, David H., Jr., [redacted].
Williams, Edward F., [redacted].
Williams, Harold J. M., [redacted].
Williams, James L., Jr., [redacted].
Williams, Jerry F., [redacted].
Williams, Joe A., [redacted].
Williams, Lindsey J., [redacted].
Williams, Lorenzo N., [redacted].
Williams, William A., [redacted].
Williamson, Gerard R., [redacted].
Williamson, Larry G., [redacted].
Williamson, Robert D., [redacted].
Willis, Elijah M., [redacted].
Willis, Lee E., [redacted].
Wilshire, Robert M., [redacted].
Wilson, Frederic W., [redacted].
Wilson, Harold F., [redacted].
Wilson, James W., [redacted].
Wilson, James L., [redacted].
Wilson, John B., [redacted].
Wilson, John M., Jr., [redacted].
Wilson, Robert J., III, [redacted].
Wilson, Wayne F., [redacted].
Wiltrout, Roger E., [redacted].
Wingfield, John D., [redacted].
Wingo, Gerald V., [redacted].
Winkler, Larry D., [redacted].
Winter, John H., [redacted].
Wise, Glenn E., [redacted].
Wise, Roger L., [redacted].
Wise, Wesley T., [redacted].
Wiseman, Jerry F., [redacted].
Wisser, Murrill R., [redacted].
Witherspoon, Ralph P., [redacted].
Witzmann, John H., [redacted].
Wohlfeil, Gordon L., [redacted].
Wolf, Jack D., [redacted].
Wolff, William A., [redacted].
Womack, Bond M., Jr., [redacted].
Woner, James M., [redacted].
Wood, George A., Jr., [redacted].
Wood, Joseph W., [redacted].
Wood, Larry W., [redacted].
Wood, Marinda J. C., [redacted].
Wood, William H., Jr., [redacted].
Woods, Edwin P., Jr., [redacted].
Woods, Franklin L., [redacted].
Woods, Harold D., [redacted].
Woods, Jackie V., [redacted].
Woods, James C., [redacted].
Woodward, Charles C., Jr., [redacted].
Woolard, Henry H., Jr., [redacted].
Worden, Stephen F., [redacted].
Wright, David G., [redacted].
Wright, David L., [redacted].
Wright, Francis M., Jr., [redacted].
Wright, Ivan C., [redacted].
Wright, Paul J., Jr., [redacted].
Wright, Philip C., [redacted].
Wright, Richard W., [redacted].
Wuerz, Donald L., [redacted].
Wurzbach, Walter O., [redacted].
Wycoff, William J., [redacted].
Yamamoto, George N., [redacted].
Yancey, William S., [redacted].
Yarr, Daniel J., [redacted].
Yingst, Chauncey O., [redacted].
Yochem, Ronald J., [redacted].
York, Guy P., [redacted].
Yoshinaka, Jimmy, [redacted].
Young, Gerald O., [redacted].
Young, Glenn W., [redacted].
Young, Joe H., [redacted].
Young, William M., [redacted].
Yowell, Robert J., [redacted].

Yurkovich, Daniel T., [redacted].
Zabel, Louis H., [redacted].
Zaborowski, Albert V., [redacted].
Zalmanis, Andris, [redacted].
Zalud, Robert J., [redacted].
Zaner, Howard W., [redacted].
Zemlicka, Frank K., [redacted].
Zenzen, David P., [redacted].
Ziegler, Allen A., [redacted].
Ziegler, Daniel H., [redacted].
Ziegler, Donald A., [redacted].
Zielke, Eugene C., [redacted].
Zimmerlee, Joseph R., [redacted].
Zirger, Arthur J., Jr., [redacted].
Zurschmit, Donald K., [redacted].

CHAPLAINS

Bieberbach, John V., [redacted].
Buice, Willie E., [redacted].
Chace, Alston R., [redacted].
Clarahan, Michael R., [redacted].
Crosby, George K., [redacted].
Depriter, Richard L., [redacted].
Edwards, Walter D., Jr., [redacted].
Eisemann, Richard G., [redacted].
Garritson, Melvin H., [redacted].
Getts, Harland R., [redacted].
Gower, Robert G., [redacted].
Greene, Richard H., [redacted].
Haley, Thomas J., [redacted].
Hill, Raymond J., [redacted].
Hollenbeck, Donald G., [redacted].
Johnson, Arnold G., [redacted].
Knowles, Jeremy H., [redacted].
Kucharski, Richard J., [redacted].
Landman, Nathan M., [redacted].
Lynch, John R., [redacted].
Martin, Christian H., Jr., [redacted].
Martin, John J., [redacted].
Matthews, Robert L., [redacted].
McManus, Thomas, [redacted].
Minton, Dean L., [redacted].
Murphy, Thomas W., [redacted].
Schoenborn, Ernest F., [redacted].
Schuelein, Virgil L., [redacted].
Shea, John F., [redacted].
Truitt, John G., Jr., [redacted].
Utley, Vernard T., [redacted].
Vickers, William D., [redacted].
Zumwalt, Vasten E., [redacted].

DENTAL CORPS

Banks, Rill G., [redacted].
Birdman, Murray J., [redacted].
Bloss, James L., [redacted].
Blumenfeld, Walter L., [redacted].
Boke, Bruce R., [redacted].
Buzenas, John A., [redacted].
Carroll, Daniel F., [redacted].
Cooper, Harvey E., [redacted].
Davis, Jerry N., [redacted].
Deyampert, Porter L., [redacted].
Forrest, William R., [redacted].
Freestone, James T., [redacted].
Gordon, Glenn E., [redacted].
Hellier, Charles E., [redacted].
Hoffman, David L., [redacted].
Hubbuch, Behrl W., Jr., [redacted].
Jarvis, Raymond J., [redacted].
Jones, Thomas M., [redacted].
Keuper, Jack B., [redacted].
Kirby, David B., Jr., [redacted].
Loughlin, Dan M., [redacted].
McCormick, James E., [redacted].
Nemchick, Harold E., Jr., [redacted].
Parttridg, John C., [redacted].
Polte, Hanswalter W., [redacted].
Rhea, Joseph C., Jr., [redacted].
Sandoval, Elivinio, [redacted].
Scott, Andrew S., [redacted].
Setzler, Ralph C., Jr., [redacted].
Shaver, Bruce E., [redacted].
Spencer, Leonard J., [redacted].
Spielman, Warren R., [redacted].
Stepler, Ronald G, [redacted].
Sudinsky, Theodore H., [redacted].
Taylor, Raymond W., [redacted].
Thompson, Michael W., [redacted].
Vanvooren, Claude P., [redacted].

Vilapescador, Edgardo, [redacted]
Vogue, Harvey L., [redacted]
Wilensky, Alan J., [redacted]

MEDICAL CORPS

Bauer, Jimmie O., [redacted]
Beisaw, Norman E., [redacted]
Belk, William F., [redacted]
Brunstetter, Frank H. [redacted]
Buckley, Clifford J., [redacted]
Callahan, William E., [redacted]
Clarke, John M., [redacted]
Cole, Ronald J., [redacted]
Coleman, Donald L., [redacted]
Corcoran, James F., [redacted]
Crowder, Wade A., [redacted]
Dake, Theodore Jr., [redacted]
Danehower, Chester C. Jr., [redacted]
Dorang, Louis A., [redacted]
Eckersley, John W. Jr., [redacted]
Faries, James L., [redacted]
Fleming, Bryan W. Jr., [redacted]
Flood, John A., [redacted]
Fontenelle, Larry J., [redacted]
Frank, William E., [redacted]
Gawecki, Frederick M., [redacted]
Gleason, Paul D., [redacted]
Green, Ronald S., [redacted]
Haaland, James A., [redacted]
Haff, Roderick C., [redacted]
Hailey, Stanley W., [redacted]
Haling, Raymond F. Jr., [redacted]
Hancey, Richard C., [redacted]
Harada, William S., [redacted]
Harvey, William C., [redacted]
Heraper, Peter D. [redacted]
Joye, Martin J., [redacted]
Kinnard, Paul G. [redacted]
Koenig, Charles F., [redacted]
Labarre, Gary C., [redacted]
Laborde, Cliffe C., Jr., [redacted]
Lathrop, George D., [redacted]
Lewis, Ronald G., [redacted]
Lordon, Robert E., [redacted]
Lubin, Arnold N., [redacted]
Massey, Freddy M., [redacted]
Mazzaferri, Ernest L., [redacted]
Moore, William B., [redacted]
Mullican, Charles N., [redacted]
Nassif, Thomas J., [redacted]
Nelson, Manfred R., [redacted]
Palma, William E., [redacted]
Parker, Warren M., Jr., [redacted]
Petri, Edward J., [redacted]
Ringler, Harold L., Jr., [redacted]
Root, David E., [redacted]
Rudd, Ronald E., [redacted]
Runkle, William M., [redacted]
Shaklan, Barry N., [redacted]
Sheridan, Edward J., [redacted]
Simson, Laurence R., Jr., [redacted]
Smith, Darryl D., [redacted]
Stevenson, Onex D., [redacted]
Strong, James D., Jr., [redacted]
Takamoto, Robert M., [redacted]
Talbot, John M., [redacted]
Vandyke, John J., [redacted]
Williams, Robert X., [redacted]
Wittke, Paul E., [redacted]
Young, Robert L., [redacted]
Yount, Ira M., [redacted]
Zavacki, John, [redacted]

NURSE CORPS

Anderson, Darlene A., [redacted]
Baker, Lois J., [redacted]
Bakeford, Betsy J., [redacted]
Barron, Nancy J., [redacted]
Bolitho, Joann H., [redacted]
Boone, Reba, [redacted]
Boyd, Mary R., [redacted]
Brinkmann, Joanne M., [redacted]
Chalifour, Mary L., [redacted]
Cleveland, Shirley L., [redacted]
Covino, Mary C., [redacted]
Cox, Mildred J., [redacted]
Donnelly, Grace E., [redacted]
Doriski, Helen, [redacted]
Downey, Gertrude A., [redacted]
Dudley, Mary L., [redacted]
Engleman, Shirley E., [redacted]
Ferguson, Myrtle G., [redacted]
Fleming, Alma M., [redacted]
Forster, Mary R., [redacted]
Gordon, Charlotte J. [redacted]
Heck, Mary J., [redacted]
Heiser, Sharon O., [redacted]
Hopkins, Edna M., [redacted]
Jones, Betty J., [redacted]
Jones, Ernestine M., [redacted]
Keene, Ruby, [redacted]
Kernan, Ellen, M. B., [redacted]
Liebeck, Maye L., [redacted]
Makauskas, Loretta A., [redacted]
Mullin, Margaret M., [redacted]
Nicholson, Estella J., [redacted]
Parnell, Peggy J., [redacted]
Perkins, Earline, [redacted]
Prusko, Joan R., [redacted]
Remmes, Elizabeth J., [redacted]
Roberts, Charlotte, [redacted]
Sanders, Barbara I., [redacted]
Schimmenti, Carmelita, [redacted]
Shalenko, Paul C., [redacted]
Showers, Avis R., [redacted]
Stadelman, Mary E., [redacted]
Stewart, Janette B. [redacted]
Sumner, Joan A., [redacted]
Taylor, Lillie M., [redacted]
Thomas, Mary M., [redacted]
Uldrich, Ruth H., [redacted]
Walsh, Claire, [redacted]
Woodruff, Faye, [redacted]

MEDICAL SERVICE CORPS

Adams, Gary L., [redacted]
Archie, Julius C., [redacted]
Briggs, Edward, [redacted]
Brown, Raymond A., [redacted]
Brown, Ross C., [redacted]
Butterworth, Bernal G. [redacted]
Corrigan, Paul J., Jr., [redacted]
Crunkilton, Allen L., [redacted]
Dey, Doyle D., [redacted]
Dickes, David W., [redacted]
Fletcher, Kenneth E. [redacted]
Harrington, Patrick C. [redacted]
Hedley, Leo C., [redacted]
Herrod, Hubert E., [redacted]
Holley, Robert C., [redacted]
King, James M., [redacted]
Knowles, Harold D., [redacted]
Kraff, Myron M., [redacted]
Kwapich, Kenneth R. [redacted]
Lindsey, Joe D., [redacted]
Marquis, Don B., [redacted]
Murphy, John E., [redacted]
Nadell, Avrom P., [redacted]
O'Donnell, Philip F., Jr., [redacted]
Parker, Robert W., [redacted]
Smith, Robert D., [redacted]
Smith, Thomas L., [redacted]
Thrasher, Lewis J., [redacted]
Walker, Kenneth C., [redacted]
Wassmund, James A., [redacted]
Watkins, Charles H., [redacted]
Wilhelm, Bruce D., [redacted]
Willging, James B., [redacted]
Williams, Charles S., [redacted]

VETERINARY CORPS

Bradbury, Richard P. [redacted]
Brooks, Frank T., [redacted]
Buckhold, Delwin K., [redacted]
Caraway, Bobby L., [redacted]
Jones, Sidney R., [redacted]
Mattsson, Joel L., [redacted]
McConnell, Ernest E., [redacted]
Vanstee, Ethard W., [redacted]
Wolfle, Thomas L., [redacted]

BIOMEDICAL SCIENCES CORPS

Ainsworth, Clayton A., III, [redacted]
Bailey, Ronald B., [redacted]
Barrett, Quentin T. [redacted]
Bassett, Bruce E., [redacted]
Bayer, Johan E., [redacted]
Breeskin, John, [redacted]
Carter, Donald I. [redacted]
Coleman, Frederick E., III, [redacted]
Compton, John C., [redacted]
Coyne, Robert V., [redacted]
Furtado, Victor C., [redacted]
Hodges, James T., [redacted]
Humerickhouse, Marlan J. [redacted]
Kush, George S., [redacted]
Maio, Domenic A., [redacted]
McMurdo, Gordon C., [redacted]
Parkhurst, Michael J. [redacted]
Porter, Kenneth R., [redacted]
Rodriguez, Sylvia M., [redacted]
Ryckeley, Martha E., [redacted]
Seager, Brent C., [redacted]
Sears, William J., [redacted]
Smead, Phillip E., [redacted]
Smith, Roy K., [redacted]
Spence, Kenneth J. [redacted]
Suggs, Harry J., [redacted]
Titzel, Gene E., [redacted]
Varkonyi, Nicholas T., [redacted]
Wallace, James D., [redacted]
Wasserzieher, Gilbert D., [redacted]
White, Lillian E., [redacted]
Williams, Carlton R., [redacted]

The following Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, from sections 1210 and 1211, Title 10, United States Code:

LINE

To be colonel

Manning, William R., [redacted]
Shoop, Richard R., [redacted]

To be lieutenant colonel

Bigelow, Ralph J., [redacted]
Eichner, Leonard, [redacted]
Fitzsimmons, Earl J. [redacted]
Gunn, Leon O., Jr. [redacted]
Lenhoff, Clement J., [redacted]
Manning, Robert J., [redacted]

To be major

Heston, Earl T., [redacted]
Will, Kenneth J., [redacted]

To be captain

Jackson, Orville H., Jr. [redacted]
Sewell, Stanley G., [redacted]

DENTAL CORPS

To be lieutenant colonel

Johnson, James T. [redacted]

Lt. Col. William Geffen, [redacted]FR, for appointment as permanent professor, U.S. Air Force Academy, under the provisions of section 9333(b), title 10, United States Code.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captain (Dental)

Willsey, Dean B., [redacted]

To be first lieutenant (Dental)

Finkbeiner, Richard L. [redacted]
Summitt, James B. [redacted]
Wilson, Daniel W., Jr., [redacted]

Subject to medical qualification and designation as distinguished graduates, the following students of the Air Force Reserve Officer Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of chapter 103, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Baker, John R., Jr. [redacted]
Stanley, Galen W., [redacted]
Stledger, John W., [redacted]
Vansickle, Peter S., [redacted]
Zeigler, George W., [redacted]

IN THE ARMY

The following-named person for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be lieutenant colonel

Touchette, Norbert E. [redacted].

The following-named person for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, section 3283 through 3294:

To be captain

Friend, Gary G. [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Haas, Weston Carlos F. [redacted].
Redman, William W., Jr. [redacted].
Territo, Joseph R. [redacted].
Vipperman, Louis O., [redacted].

To be captain

Balson, Paul M., [redacted].
Boddie, Julia A., [redacted].
Brown, Edward M., [redacted].
Brown, Russell K., [redacted].
Chapman, James E. [redacted].
Charpentier, Charles M. [redacted].
Cowan, George S. M., Jr., [redacted].
Dempsey, John W., [redacted].
Dennis, Carroll W. [redacted].
Dew, Joseph M., [redacted].
Esposito, Anthony J. [redacted].
Fournier, David H., [redacted].
Garcia, Reynaldo A., [redacted].
Guynn, Horace W. [redacted].
Hansen, Vernon K. [redacted].
Hearn, William C., [redacted].
Henry, Edwin H., [redacted].
Johns, Robert H. [redacted].
Katz, Norman N. K. [redacted].
King, Charles T. [redacted].
King, Donald P., [redacted].
Madzelan, Jon W. [redacted].
Meagher, John R., [redacted].
Mitchell, Alan L., [redacted].
Moe, Thelmer A., [redacted].
Moot, Harrison J. [redacted].
Pennell, William H. [redacted].
Perales, Sergio R., [redacted].
Peterson, Henry [redacted].
Pitt, Laue R., Jr., [redacted].
Plomgren, Chester A., [redacted].
Pruitt, Donald E. [redacted].
Rothman, Jay A. [redacted].
Schenker, Frederick S. [redacted].
Skonieczny, Thomas M. [redacted].
Strawser, Ray A., [redacted].
Tempton, Willie A., [redacted].
Tsaknis, Peter J. [redacted].
Vinson, Billy R., [redacted].
Wilde, James E., [redacted].
Yourchek, Walter S. [redacted].

To be first lieutenant

Acton, Michael R., [redacted].
Anderson, Andrew K., [redacted].
Arriza, John G., [redacted].
Baker, Thomas W., [redacted].
Banisch, Werner W., [redacted].
Barefoot, Allen, Jr., [redacted].
Benoit, Edmond J. [redacted].
Beyer, Melvin L., [redacted].
Botkin, William M. [redacted].
Breman, Stephen L. [redacted].
Bundons, Albert R. [redacted].
Castleberry, Johnny M. [redacted].
Catron, Donald J. [redacted].
Cerone, Daniel T. [redacted].
Close, Fred L., Jr., [redacted].
Collier, Steven J. [redacted].
Cook, Donald C., Jr., [redacted].
Crawford, Robert G. [redacted].
Dalby, Perry V., [redacted].
Dimeo, Richard S. [redacted].
Disher, Steve A., [redacted].
Dubuc, Allen A., [redacted].
Duke, James E., [redacted].
Efnor, Samuel J. [redacted].
Eye, Richard D., [redacted].
Fenton, Thomas D. [redacted].
Forbes, Tran L., [redacted].
Forester, Jerry D. [redacted].
Fountain, David C. [redacted].
Gates, Elise M., [redacted].
Gimbert, Jack H., [redacted].
Graham, Lacy T., [redacted].
Grogg, Ronald W., [redacted].
Hargrave, Lester B. Jr., [redacted].
Harmon, Charles W. [redacted].
Harper, Jay G., [redacted].
Harris, Steven R., [redacted].
Hayden, Melvin L., [redacted].
Heider, Richard T. [redacted].
Henry, William T. [redacted].
Hertel, Arthur J. [redacted].
Hopkin, Mac M., [redacted].
Jones, Lindon D., [redacted].
Keppel, John S., [redacted].
King, James M., [redacted].
Kyle, Billy J., [redacted].
Lemoine, David L., [redacted].
Magaw, Charles E., [redacted].
Magill, Jay N., [redacted].
Mahony, Duane M., [redacted].
Mann, Roy E., [redacted].
McCreary, Samuel C., [redacted].
McMahon, Michael, [redacted].
McRae, Arthur C., [redacted].
Meager, Robert C., [redacted].
Mellor, John L., Jr., [redacted].
Miller, Lynn E., [redacted].
Miraglia, Vincent P., [redacted].
Molnar, Albert C., [redacted].
Mullins, Obie D. Sr., [redacted].
Nesbitt, Ray F., [redacted].
Oldham, Michael A., [redacted].
Pace, James G., [redacted].
Parker, Douglas W., [redacted].
Patterson, Raland J. [redacted].
Pederson, Lloyd W., [redacted].
Portmann, Ross C. [redacted].
Powers, Barry E., [redacted].
Prettol, Donald C. [redacted].
Raab, Carl F., IV., [redacted].
Ray, Douglas J., [redacted].
Rice, Richard A., [redacted].
Ridgeway, Starling S., Jr. [redacted].
Rodgers, Patrick J. [redacted].
Roos, John G., [redacted].
Ross, Ronald F., [redacted].
Russell, Robert B., [redacted].
Salamone, Bernard P. [redacted].
Sander, Thomas F., [redacted].
Scrivener, Thomas S. [redacted].
Sharp, William R., [redacted].
Smalls, Thomas E. [redacted].
Soders, Wardsworth A. [redacted].
Stankus, Frank T. [redacted].
Strzelecki, Stanley W., Jr. [redacted].
Swanson, Bruce E., [redacted].
Trahey, John H. [redacted].
Troxel, Timothy S., [redacted].
Vaughn, Donald F. [redacted].
Whiddon, Lester V., [redacted].
Wright, Stafford E. [redacted].

To be second lieutenant

Arpaio, Michael J., [redacted].
Bardill, Edward A., [redacted].
Barth, Francis A., Jr. [redacted].
Captain, George J., IV. [redacted].
Cloninger, James M., [redacted].
Cole, Ashley B., [redacted].
Craddock, Lowell K., [redacted].
Denton, Samuel E. [redacted].
Devenney, Dennis P., [redacted].
Frier, Thomas M., [redacted].
Gibbs, James R., [redacted].
Gill, Orin J., [redacted].
Harrington, William J., III [redacted].
Hendricks, Richard R. [redacted].
Kelley, Kevin P., [redacted].
Martell, Kenneth A. [redacted].
McNeil, Edward O., [redacted].
Miller, Terry L., [redacted].
Molter, Albert C., Jr., [redacted].
Moser, Kenneth R., [redacted].
Munger, Dale F., [redacted].
Myrick, Conrad B., [redacted].
O'Halloran, Robert P. [redacted].
Pugh, Robert R., [redacted].
Ruesch, Kenneth J. [redacted].
Schmalhofer, George A., [redacted].
Schneck, Richard E. [redacted].
Shane, James E., [redacted].
Skeahan, Charles H., III [redacted].
Solomon, John O., [redacted].
Stoehr, Charles M., [redacted].
Sylvester, John B., [redacted].
Troller, George R., Jr., [redacted].
Vassur, Tommy W., [redacted].
Workman, Kenneth F. [redacted].

The following-named distinguished military student for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

McCullough, Douglas M., [redacted].

The following-named scholarship student for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3286, 3287, 3288, and 3290:

Miller, Randall R., [redacted].

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the staff corps, as indicated, subject to qualification therefor as provided by law:

SUPPLY CORPS

Aaronson, Brian David
Allen, Bruce Leroy
Anderson, Robert Lee
Andrew, Michael Raymond
Asselin, Andre Sylvio
Avery, James Alan
Basso, Joseph Michael
Battle, Charles Lester
Bishop, Charles Richard
Boyarski, John Robert
Brent, Robert Stephen
Burke, Dennis Patrick
Burns, Granville Webster
Byard, Robert David
Camp, David George
Carbone, James, Jr.
Carpenter, Francis Wood, Jr.
Carty, Arthur Gerard, II
Caspari, John Allan
Chrisman, Calvin Locke
Colin, Dennis Francis
Condon, John Albert
Cumesty, Edward George
Cummings, Donald Lee
Deems, Nyal David
Dickey, Donald William
Eagan, Ewell Elton Timothy, Jr.
Elder, Jeffrey John
Elkins, Franklin Delano
Evans, James Robert
Fagan, Lawrence John, Jr.
Fassnacht, David Gilmore
Fitzpatrick, Philip A., III
Flick, Arthur Bartholomew
Frial, Ernesto Fabillon
Gallarno, Richard
Gannon, Thomas Curtis
Garvin, James Larry
Gent, Carl David
Gerber, Ronald Neal
Giuliani, Francis Lee
Gorman, Howard Paul, Jr.
Goss, Ardin Francis
Gould, Jeffrey Paul
Goulet, Gerard Romeo
Griffin Roland Lewis
Griswold, Raymond Bruce
Haas, Robert Terry
Haddon, Michael James
Hall, Michael Robert
Hall, Richard Patton
Harris, John Walter
Hartman, John Molyneux
Hayward, Daniel Stewart

Heikkila, James Leland
Henderson, Roger Hershel
Hetherington, Jerry Francis
Hirsch, Arthur Franklin
Horner, Lawson Clifton, III
Howze, Gary Wayne
Hrabosky, Bryan, Jr.

Hudock, Steven Adam
Ian, Michael John
Ison, George Stephen
Jacobson, Martin Douglas
Jaques, Jeffrey William
Joyce, James Joyce, Jr.
Kelley, Kevin Paul
Kirby, Kevin Brent
Kirkland, Edward Franklin
Klima, Richard Douglas.
Knight, Robert Clark, Jr.
Kramer, Keith Stewart
Kutzel, Norman Emil
Kyser, Harold Harlon
Law, Robert Francis
Lennon, Michael Paul
Leonard, Robert Paul
Lieberman, Jay Edward
Lippert, Keith Wayne
Lockey, Donald Lee
Lord, Don
Loshbaugh, Richard Allan
Maier, Paul Victor
Martin, John Wright, II
Mason, Edward Frank
McQueen, Thomas Walter
McWherter, Marvin Eugene
Mitchell, Donald Ray
Mizewski, Charles John, Jr.
Monnin, William Charles
Montgomery, John Bradley
Morrison, David Thomas
Murphy, Robert Daniel
Murray, William Michael
Musser, William Allen
O'Connor, William Henry
Oshima, Alan Makota
Parry, Dennis Scott
Patrick, Wayne Mendes
Paul, Robert
Perry, Keith Michael
Peterson, Philip Andrew
Platt, Larry Duane
Pugh, Harry Marvin, Jr.
Pulliam, Stephen Connor
Quandt, Norman Allen
Qinn, Richard Alan
Ramsey, Brenton Lee
Randall, Richard Parks
Rankin, John Henry
Rech, James Harwood

Renard, Geoffrey Kent
Rickards, John Douglas
Rieve, Roy Chandler
Roby, Jeffrey Paul
Ruth, Lloyd Dee, Jr.
Schoenfeld, John Douglas
Schreiner, Phillip Warren
Sellers, Benjamin Russell
Shubert, Tommy Lawrence
Smonko, George Martin
Stein, John Richard
Toft, Carl Emil
Trainor, Michael Brendan
Twomey, Kevin Mitchell
Vanderslice, Wayne James
Verbic, Alan Robert
Walker, Wayne Allen
Warner, Paul Gregory
Wathen, Theodore Mueller
Webster, Bruce Douglas
Weigle, John Michael
Williamson, William Read
Wilund, William Patrick
Woodward, George Gage, Jr.

CIVIL ENGINEER CORPS

Ambridge, Robert Raymond
Bane, Purvis William, Jr.
Blake, Joseph Albert, Jr.
Bussey, Dennis Raymond
Collins, John Patrick
Congdon, Douglas Emmett
Corsano, Arthur
Davis, William Leighton
Duke, Jonathan Bruce
Ferguson, Carl Edwin
Francis, William Peter
Holen, Douglas Johan
Hong, Ik Pyo
House, Thomas Franklin, Jr.
Hudson, Ronald Richard
Johnson, James Kendall
Kaleva, Frank John
Keibler, Gary Allen
Lemke, Randall Louis
McKay, Joseph Eldwards
Meyer, Robert Scott
Neibert, Jerry Steven
Nichols, Thomas Bruce
Ohearn, John Paul, Jr.
Pollard, Charles Hardin, Jr.
Ryder, Alan Garner
Schmidt, Roger Joseph
Sherbak, Patrick Michael
Siefker, Robert William
Spencer, John Edward
Strongoski, Larry Charles
Tzavaras, George Nicholas
Way, Charles Theodore

MEDICAL SERVICE CORPS

Adams, Robert Wallace
Aliff, William Ray
Auld, John Nelson
Baker, Charles Warren
Baltimore, Daniel Lewis
Benson, Milton Junior
Boyce, Richard
Carroll, Norman Eugene
Chapman, Raymond Nicholas, Jr.
Collins, Jimmy Roger
Cooper, James Melvin
Cox, Peter Thomas
Davis, Leslie Allen
English, Jerry Wayne
Figura, Richard Thomas
Foro, Bradley Roger
Fowler, David Wesley
Gerhard, John Charles, III
Glover, Wayne Paul
Grisham, Onis Hick
Harrington, Garry Robert
Helley, John Arthur
Jacquemin, John Raphael
Janoski, Thomas James
Jay, George Walter
Johnson, John Lawrence, Jr.
Johnson, Wesley James
Kayler, Robert Samuel
Knight, James Douglas
Knight, Paul Leroy
Kuball, John Lawrence
Land, Clarence Edward
Lauver, David John
Laverick, George Robert
Lindsay, Richard John
Logan, Robert Stanley
Masterson, Francis William, Jr.
McClintock, Thomas W., Jr.
McKee, Roland Edmond
Nelson, Lee Durwan
Oals, Wendell Marion, Jr.
Pakowski, Lawrence Paul
Patee, Jerry Curtis
Peterman, Eugene Arthur
Petersen, Henrik Vang
Petroski, Joseph William
Phillips, Harold Edward
Powers, James Michael
Prodanovich, Milo J.
Prucino, Joseph Francis
Renish, John Frank
Rinard, Lanny Arnold
Rittmeyer, Terry Lee
Ryder, Richard Gould
Sandall, Vernon Pat
Sciarrini, Dominic Eugene
Shibley, David Russell
Shockley, Richard Stanley
Simmons, Larry Oliver
Smith, James Thomas
Sparks, Buddy Tom
Stanford, Edmund Harold
Stefanyshyn, Andrew Alexander
Storment, John Herman
Strand, William Raymond
Suttle, Douglas
Vrabel, John William
Waddington, Gregory
Wayland, Marshall William, Jr.
Weeks, William Edward, Jr.
Welch, Richard Roy
White, William Lynwood
Wiggins, Michael Cornell
Williamson, Robert Larue
Wilson, Don Dewayne
Yates, Ronald Robert

Nurse Corps

Cisneros, Thomasa Lena
Reiter, Larry Leon
Ryder, Dorothy Veronica
Sant, Jeanne Paulette

Charles Edward Sparks for temporary promotion to the grade of lieutenant commander in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law.

Leroy Ellis Hays for temporary promotion to the grade of lieutenant in the line of the U.S. Navy, subject to qualification therefor as provided by law.

Burtis P. Fike for permanent promotion to the grade of lieutenant in the line of the U.S. Navy, subject to qualification therefor as provided by law.

Howard F. Lee for permanent promotion to the grade of lieutenant (junior grade) in the line of the U.S. Navy, subject to qualification therefor as provided by law.

James E. Agnew for permanent promotion to the grade of lieutenant (junior grade) in the Supply Corps of the U.S. Navy, subject to qualification therefor as provided by law.

Farrell D. Warren for permanent promotion to the grade of lieutenant (junior grade) in the line of the U.S. Navy, subject to qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1971:

Ambassadors

Nathaniel Davis, of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

Henry E. Catto, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador.

William G. Bowdler, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Guatemala.

Philip C. Habib, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

John E. Reinhardt, of Maryland, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Agency for International Development

Herman Kleine, of Maryland, to be an Assistant Administrator of the Agency for International Development.

U.S. Advisory Commission on International Educational and Cultural Affairs

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for the terms indicated:

For a term expiring May 11, 1973:
Leo Cherne, of New York.
For terms expiring May 11, 1974:
Thomas B. Curtis, of Missouri.
Harry S. Flemming, of Virginia.
William French Smith, of California.

EXTENSIONS OF REMARKS

HARRISON COUNTY EMERGENCY SQUAD PROVIDES VALUABLE SERVICE—50,000 MAN-HOURS OF VOLUNTEER SERVICE PROVIDED—4,997 CALLS ANSWERED IN 1970

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. RANDOLPH. Mr. President, Harrison County, W. Va., in 1969 lost ambulance service which was being provided by local funeral homes.

As a consequence, the Harrison County Emergency Squad was formed and is the only all-volunteer ambulance and emergency service in Harrison and surrounding counties. It was formed to provide only emergency service but since there was no ambulance service the group felt morally obligated to furnish this service also. It is provided at a nominal cost to those using the service, not to the taxpayers of Harrison County.

The emergency squad furnishes more than 90 percent of the emergency and ambulance service in the county. The Bridgeport Fire Department answers approximately 50 calls monthly in Bridgeport, but will respond to any section of the county when asked by the emergency squad.

Approximately 15 coal companies in the area are able to comply with the Federal Coal Mine Health and Safety Act because the squad has signed letters of intent to furnish emergency ambulance service.

The squad is unique in that it is perhaps the first of its kind in the United States to operate independently of fire departments and other related organizations—and still remain entirely all volunteer.

The citizens of Harrison County have responded to this excellent service with enthusiasm. I am doubly pleased of this fact because I am a native of Harrison County.

A new headquarters building housing a four-stall garage, equipment area, two bathrooms, kitchen, supply room, classroom, bunkroom, recreation room, office and modern communications network, was erected at a cost of $50,000 paid entirely by private donations.

Appropriated funds from the city of Clarksburg and the Harrison County court, costing each resident about 45 cents per year, are used only for operational expenses. New equipment including cars, litters, special lights, oxygen tanks, and so forth, are purchased with donations and money earned through ambulance service operations.

Operating four vehicles with a capacity of 10 persons, this dedicated public service group answered 4,997 calls in 1970, with 200 active members providing nearly 50,000 man-hours of volunteer service.

When calls for emergency service are answered and the patient treated and picked up, the driver calls a Clarksburg hospital to alert them of the patient's name, complaint, nature of illness and the name of the patient's family doctor. Through this vital communication, the hospital stands ready to provide immediate treatment when the patient arrives.

The two hospitals in Clarksburg have merged into one unit, the United Hospital Service and this facility cooperates closely with the emergency squad and has been a big factor in the success of this program.

Many local industries have first aid trained personnel on duty which have been trained by members of the emergency squad. Regular and advanced first aid classes are taught by the squad and are available to the public without cost.

Following is a roster of active members:

ACTIVE MEMBERS, AUGUST 1, 1971—HARRISON COUNTY EMERGENCY SQUAD

Alford, Franklin, Armed Forces.
Aley, Burt, retired.
Allen, Steve, retired.
Ames, Donley, glass worker.
Annia, Frank, glass worker.
Armistead, Jess, glass worker.
Armistead, Jim, glass worker.
Barberio, Nick, broker.
Bartlett, Boyd, mold maker.
Bates, Bob, truck driver.
Bell, Coy, glass worker.
Belotte, Anthony, retired.
Bird, George, student.
Marshall, Robert, salesman.
Bode, Nolan, glass worker.
Bond, Steve, student.
Bowen, Bob, bus driver.
Brooks, Earl, hospital employee.
Brown, Mike, student.
Bryan, Fred, computer programmer.
Bumgardner, laborer.
Burkhammer, Hobart, electronic tech.
Buzzard, Charles, glass worker.
Byrd, Bob, retired.
Carr, Bob, V.W. service mgr.
Casto, Andy, mine inspector.
Casto, Bert, newspaper.
Casto, Jack, newspaper.
Caynor, Larry, student.
Caynor, Woody, production assembly.
Cockerell, Steve, newspaper.
Colling, Buck, mold maker.
Coltrane, Jim, salesman.
Cottrill, Delbert, Nat. Carbon Co.
Craig, Bill, laborer.
Crawford, Dick, student.
Cross, Greg, student.
Crayton, Ray, circ. mgr. newspaper.
Crislip, Fred.
Criss, David, glass worker.
Cunningham, George, salesman.
Currey, David, student.
Daniels, Glenn, glass worker.
Dean, Charles.
Dean, Denver.
Devericks, Charles.
Douglas, Lawrence.
Drummond, Shafter.
Ellison, Paul, P & R Department of Highways.
Estep, Bill, hospital employee.
Estep, Gerald, glass worker.
Ferrell, Harry.
Fergerson, John, student.
Fincham, Albert.
Fitzpatrick, Marlin, glass worker.
Fritto, Carl, glass worker.
Fontaine, Jack, student.
Forinash, Burley, glass worker.
Frazier, Bernard.
Frazier, Francis.
Fultz, Bob, mechanic.
Fultz, Walter, office supervisor.
Furner, Charles, salesman.
Gawthrop, James.
George, Bill, salesman.
Godfrey, Richard, glass worker.
Godfrey, Ronald.
Gonsorcik, Bill.
Gonzalez, Joe, newspaper reporter.
Greathouse, Ancel.
Hammond, Bob.
Hardman, Joseph, glass worker.
Harman, Rev. O. D., minister.
Heaton, Bob.
Held, Marc, self employed.
Henline, Worder, foreman.
Henning, Richard.
Hildreth, Dennis, Nat. Carbon Co.
Hyatt, James, glass worker.
Hyre, Bob.
Jacobs, Jackson.
Jacobs, Leo.
Jeffries, James.
Jenkins, Thomas.
Jenkins, Luther, carpet installer.
Johnston, Charles, mold maker.
Joseph, Bernard.
Kane, Daniel, student.
Kelly, John, salesman.
Kennedy, John, glass worker.
Kerns, Elizie.
Lanham, Fred, county employee.
Lasko, Casey.
Lawson, Jack, glass worker.
Lawson, Jack Jr.
Lawson, John.
Latz, Joe.
LeMasters, Wayne, electrician.
Lindsay, Russell, carpenter.
Linn, Carl, glass worker.
Lones, Wayne, Xerox-salesman.
Looker, Harry, highway inspector.
Losh, Jerry, student.
Losh, Winfred, retired.
Lough, James.
Lowther, Jerry, welder.
McCallum, Gerald.
McClain, Worthy, quality control.
McCue, Paul, glass worker.
McDaniel, Neil.
McIntyre, Art, glass worker.
McIntyre, Mike.
McNemar, Earl.
Malcomb, Arthur, ins. salesman.
Marcurella, Ed.
Marozzi, Gary.
Martin, Paul, glass worker.
Matko, Frank, glass worker.
Maxwell, John, retired.
Mayes, Melvin, highway inspector.
Merryman, Jack, salesman.
Mihaliak, Joe.
Moline, Fred.
Moore, Sam.
Moore, Bill, foreman.
Morris, Charles.
Morton, John F., production.
Musgrave, Paul.
Nuzum, Ronald, insurance adjuster.
Owens, Rick.
Palmer, Ray.
Payne, Jerry.
Peck, Bernard, bank maintenance.
Perkins, Howard, retired.
Poling, Gary, school teacher.
Posey, Dale, glass worker.
Post, Charles, serv sta mgr.
Powell, Richard.
Pratt, Frank.
Prunty, John.
Pulice, Bill, insurance agent.
Pulice, Ronald, auto service mgr.
Rector, Bill, glass worker.
Reed, Austin, insurance agent.
Reed, Bill, glass worker.
Reed, Lester, glass worker.

Reid, Mark.
Rexroad, Joseph.
Reynolds, Paul, glass worker-constable.
Riffle, Mike, glass worker.
Riffee, Walter, Lockheed corp.
Rowh, Mike, student.
Rucker, Jim.
Scheifer, Martin, retired.
Schlicker, Jacob, glass worker.
Second, James, project inspector.
Shaw, Dave, glass worker.
Shellhammer, R. T., glass worker.
Shellhammer, Paul, glass worker.
Shields, Carney, glass worker.
Shingleton, James, self employed.
Shingleton, Ted, retired.
Smith, Kennith, stock room.
Snyder, Bill, salesman.
Snyder, John, salesman.
Sprouse, Barry, student.
Stout, Scott.
Summers, Donald, mold maker.
Summers, Leo, coal miner.
Summers, Tom, pre med student.
Swiger, James.
Talarico, Frank.
Talkington, Cletus.
Talkington, Clifford, Sr., self employed.
Talkington, Clifford, Jr.
Thomas, Jeff.
Toryak, Steve, Clarksburg policeman.
Trent, Jimmie, foreman.
Trotter, George.
Trupo, Louis.
Van Court, Bill, foreman glass company.
Vasquez, Jess, construction worker.
Walls, Bobby, glass worker.
Westfall, Victor, mechanic.
Williams, LeRoy.
Wine, Dave.

"CONSTITUTION DAY" ADDRESS BY DR. WILLIAM J. WASHINGTON, JR.

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, on September 17, 1971, the 184th anniversary of the signing of the U.S. Constitution, Dr. William A. Washington, Jr., was the featured speaker at the traditional celebration sponsored by the Citizenship Day Committee of the District of Columbia, under the chairmanship of A. Leo Anderson, Director of the District's Veterans' Affairs Administration.

Dr. Washington, born in Alabama in 1924, attended Talladega College in Alabama and received his M.D. degree at Howard University School of Medicine in 1948. He served as flight surgeon for the U.S. Air Force for Japan, Korea, and the United States from 1951 to 1953. From 1953 to 1955 he was assistant resident, internal medicine at Freedman's Hospital, after which he served in many capacities in the District of Columbia government culminating with his appointment as associate director, Department of Human Resources for Hospital and Medical Care Programs.

I would like to include here Dr. Washington's speech given on Constitution Day:

ADDRESS ON "CONSTITUTION DAY"

Mr. Anderson, Principal Liggins, Reverend Clergy, Platform guests, Student Council President Mingo, Fellow Students, Ladies and Gentlemen:

I am honored to call myself your "fellow student" since I am still learning. As *you* learn and grow, I hope to be taught by many of you since we can all learn from each other.

Just ten years ago, our martyred young President, John F. Kennedy, spoke words which are as true and relevant today as they were on that occasion. He said, "Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage. . . ."

Now, as then, and as frequently in the past—rededication to the same ideals of continuing struggle for the success and survival of liberty is crucial. This is a struggle which cannot be finished in the first one hundred or one thousand days, nor perhaps within our lifetime. Nevertheless, the torch *was* passed, and the charge was sent forth, that all Americans should begin a rededicated struggle toward upholding the principles of freedom and democracy.

This struggle was begun, but not finished in the lifetime of the President who uttered those words that cold day in our city.

And, today, more than ten years later, we can truly begin to realize the grave challenge and the magnitude of those words. The turmoil and the dangers of our times are all about us, threatening to devour our many freedoms and our sacred way of life.

In this moment of turmoil and challenge, it is wise for us to ponder upon that torch and that heritage which has been passed on to us. I commend the Citizenship Committee for the District of Columbia, for its efforts in making this program possible, so that we might rededicate ourselves and our lives to the fulfillment of the American dream as embodied in the Constitution. And, I am grateful for the privilege of taking part in this program.

We should remember that brave Americans—young and old—Black and white—down through the history of our nation, have faced similar challenges. We should think of the great challenge which faced those men on Lexington Green, 195 years ago, as the first blood of American freedom was shed. Contemplate the thoughts of those ragged, emaciated mortals at Valley Forge during the winter of 1777, as death and despair lurked in the darkness and the bitter winds. Think of the tremendous pain, anxiety and doubt in the hearts of thousands of Americans who have faced the same questions which you and I face today. The torch that led them through the long nights of peril was their fervent belief in democracy, and a sincere willingness to die for that freedom.

As the first American colonist fired that first shot for freedom 195 years ago, the shot heard "round the world," he also kindled into life the bright flame of freedom and democracy, which shines brightly wherever men yearn to be free.

The basis for that torch of life is the *faith, hope* and *commitment* expressed in *The United States Constitution.* Conceived and written 184 years ago—in a time of unrest, alarm, skepticism and criticism by a group of men trying deligently to organize a government in a new land—it has endured the pains of growth, war, destruction and opposition which have plagued it. As many other aspects of our country have changed and expanded almost beyond our comprehension, this stalwart document has remained basically as it was, with but 26 amendments.

The Constitution has never been a magic wand by which to conjure up self-government. It is a human institution, dependent on people to make it work.

The Constitution has never *guaranteed* peace, tranquility, and happiness. It only offers the opportunity for the citizens to pursue those human goals without recourse to armed revolution.

The U.S. Constitution enshrines many basic principles for the American people. The idea of popular sovereignty, "That Governments derive their just powers from the consent of the governed," is of primary importance. That people should choose their own representatives; that personal rights must be secured; that Government should be limited; and that powers may be divided between state and Federal Governments, are also important principles.

The *right* to govern comes from the people, and the Constitution is an evidence that they in turn give powers to a Government. The Constitution is the supreme law of the land, and as such its powers and limitations must bind the Government in the people's interests.

As time has passed in America, the distance between the people and their government has increased as fast as our population has grown. And that ever-widening separation has made it more and more difficult for people to get together to solve their problems—to eliminate the gaps between generations and races.

The concepts of citizenship and self-government have little meaning to a man who cannot find a job, receive adequate medical care, or buy a decent home. They have little meaning to a man whose taxes pay a farmer not to grow crops when he cannot get enough food for his family.

The guarantees of the Constitution are questioned by the hundreds of thousands of District of Columbia residents whose relationship to their government is that of tenants to an absentee landlord.

Almost 200 years after the revolutionary war, Washington, D.C. is a colony of absentee rule, the American people lack a direct voice in the election of their President, millions of citizens are disenfranchised, and some Americans are more equal than others.

Our brother, Rev. Martin Luther King., Jr., believed in the goal of equality for all men—believed in freedom. He had a dream—and I share that dream—that all men are indeed created equal—and we must all share in the happiness and greatness that the Constitution promises!

The most important element in the greatness of this nation is in its people. They have made it what it is; they must determine what it will be. We must in this hour and in the future remember that the torch of life has been passed into your hands, the youth and future leaders of this city, the Nation's Capital. The burden of defending it and the principles in which we believe, has now fallen upon us. "We the people," under our democratic government, which means each of you, must continue to strive for the highest goals of mankind; freedom, justice and truth. You must accept the duties and the responsibilities of Americanism. You must daily strengthen your faith in those principles of liberty and equality for which America stands. You must strive to maintain eternal vigilance against those forces which seek to overcome you. In doing so, you will often be confronted with great challenges, for freedom is not easily won, not easily kept. The road ahead may be bitter, dark and weary, but the goal of freedom, is the most priceless and cherished possession of mankind. It is worthy of our dedication.

From Lexington and Valley Forge, down the long path of this great nation, young Americans have had to make the decision whether our freedom was worth their very effort. Today, each of us is confronted with a similar decision and challenge. That supreme decision lies within the hands of each of us, and the fate of our nation and of our people rests upon how we make that decision.

I would like to continue that charge from President Kennedy and from Rev. Martin Luther King, Jr., that each of us try to bring the Constitution into a fuller and richer reality in this day and in our time.

The torch has been passed into *your* hands. Can you live up to your challenge? You can, I believe, if you rekindle the spirit of patriotism and the concepts of Americanism throughout your community and throughout our nation.

I thank you for allowing me to share this day with you.

BICENTENNIAL MEDAL COMPETITION SET

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. SCHWEIKER. Mr. President, a bicentennial medal design competition to be conducted throughout the 50 States and run simultaneously has recently been announced by the Franklin Mint, of Pennsylvania. The total prizes for the competition will be $500,000 and the company has budgeted an additional $500,000 to publicize the competition and the medals series. I am pleased to note this support for the bicentennial on the part of private enterprise and feel that the competition sponsored by this Pennsylvania firm will be of interest to many groups and individuals throughout the country.

An article describing the competition was recently published in the USA–200 Newsletter of the Bicentennial Service Corporation. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article be ordered to be printed in the RECORD, as follows:

BICENTENNIAL MEDAL COMPETITION SET

A competition for the designing of Bicentennial commemorative medals in all 50 states, with prizes totalling $500,000, was announced August 11th by the Franklin Mint, world's largest private mint. The announcement was made by the president of the company, Joseph M. Segel, at the New York City premiere of the new documentary film, "Of Art and Minting."

Artists in each state will be invited to design a Bicentennial medal commemorating their state's contributions to the heritage of the nation. There will be $10,000 in prize money for each state competition: first prize—$5,000, second prize—$2,500, third prize—$1,500, fourth prize—$1,000. The total prize fund of $500,000 is the largest amount ever offered in an art competition in the United States.

Actually, the investment in the program by the Franklin Mint will be at least one million dollars. In a telephone interview with USA–200, Segel said the company has budgeted an additional $500,000 for nationwide promotion and advertising in support of the 50 contests.

State Bicentennial Commission have been invited to co-sponsor the competition in each state, and judging of the design entries will be done by state panels in cooperation with a national advisory panel of distinguished artists and art experts. In states which elect to cosponsor the program, the Franklin Mint will defer to the Governor or State Bicentennial Commission in appointing a panel of judges.

Under varying plans of endorsement or co-sponsoring, Segel told USA–200, it will be possible for the individual state to receive royalties of 10 to 50 per cent generated by the public sale of the medals, for use in supporting other state Bicentennial programs. A conservative estimate of the royalties likely to be generated for distribution among participating State Bicentennial Commissions, Segel said, would be one million dollars, with the potential being considerably higher.

The fifty state competitions, to run concurrently, are scheduled to open in January 1972 and close on March 31, 1972. Segel said he anticipated that first edition proofs of the complete 50-medal set would be available by the end of September 1972. There would be later mint editions and possibly other editions sponsored by various states.

The elements of the program—the million dollar investment, the unique opportunity afforded artists, the commemorative value of the completed medals, and the prospect of substantial royalties for use in other Bicentennial activities—makes it the most significant and far-reaching act of support and commitment to the Bicentennial made by private enterprise to date.

ADDRESS BY FORMER CONGRESSMAN ALBERT RAINS

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BEVILL. Mr. Speaker, recently I obtained a copy of an address by my good friend, former Congressman Albert Rains, of Gadsden, Ala. Congressman Rains gave this talk on June 27, 1971, at the First Baptist Church of Gadsden. I was so struck by its timeliness, sincerity, and eloquence that I wanted to share it with my colleagues in the House.

In these times when many of us are confused by the actions of many of our young people and at a loss as to how to communicate with them, Congressman Rains has pointed out some old and valuable truths. I believe it would do us all a lot of good to reflect on these truths.

The speech follows:

ADDRESS BY ALBERT M. RAINS

King David reigned several thousand years before the coming of Christ and was one of the truly great kings of Israel. He, as you know, was the author of a great many of the Psalms. David was a musician in his own right. In fact, he was brought to the attention of King Saul through his talent as a musician. Seventy three of the Psalms were written by David. The 33rd Psalm, verse 12, "Blessed is the Nation Whose God is the Lord" keys what I have to say today. Many long years after David lived, King Solomon came to power in Israel. He was a wise and great king. In the Book of Proverbs 14:34, Solomon said, "Righteous Exalteth a Nation; But Sin is a Reproach to Any People".

During the years that King David reigned, Israel had its ups and downs; its victories, its sufferings, its sorrows, its plagues; but always King David kept in touch with his Master. There is no doubt but that the Bible teaches, and that the Master teaches, we should have obedience to law and to order in our Country.

Today, with the Fourth of July fast approaching, the 195th birthday of our Independence and freedom as a Nation, it seems to be altogether fitting and proper that we should look at our own Nation. We should look at what has happened, where we are, and where we ought to go.

One of the truly phenomenal institutions in our free enterprise system, and it is true in no other Nation except ours, is the service of the filling station operators. Not long ago I drove up to a service station and a bright-eyed, handsome, young teenage fellow came out to wait on my car. He put in the gas, washed off the windshield, rubbed off the front headlights, rubbed the windows, and since I was a bit impatient, when I got my credit card back I started to drive away. He was at the back rubbing the rear window and said, "Wait, Mr. Rains, you might want to see where you've been". Well, this was a passing statement with that young fellow, but right now we're going to look briefly at "where we've been". Just how did this Country come into being? And why? The people, our forefathers, were being persecuted in England. They were being denied the right of religious worship as they saw fit. They were being punished by tyrannical kings, so they came to these shores looking for homes and religious freedom. One of the first documents ever drawn in America was the Mayflower Compact in which they said that our mission in America is to establish a home and to serve God. Actually then, this Country of ours was founded on faith in God.

Not long ago one afternoon at Friendship Airport outside Baltimore, I decided to get a cab and drive out and see Fort McHenry. Fort McHenry is just outside the city of Baltimore and overlooks beautiful Chesapeake Bay. September 13 and 14 in 1814, the British began the bombardment at Fort McHenry. They had already invaded our Nation's Capitol, and had burned the White House. Now they were about to assault Fort McHenry, one of our strongest forts. A young lawyer by the name of Francis Scott Key whose home was in Georgetown, had heard that a young friend of his had been captured by the British and was a prisoner on a British warship in Chesapeake Bay. Young Key went down to intercede with the admiral of the British fleet to see if he could get the release of his friend. He got the release of his friend, but the British, not wanting to give away their intention of a secret attack on Fort McHenry, kept Francis Scott Key and his friend overnight on the admiral's flagship. All during the night, the bombardment went on and it was the next morning that Francis Scott Key wrote the immortal lines of the Star Spangled Banner.

When I stood at that historic place on a hot and lonely July afternoon and looked out across Chesapeake Bay, my mind went back to the magnificent history of our great Country. I could see again the farmers fighting at Bunker Hill: I could see again George Washington as he knelt to pray in the snow at Valley Forge; I remembered Picketts brave and ill-fated charge at Gettysburg; and the time on the Fourth of July of 1933 when my wife and I stood on the burning slopes at Gettysburg when Franklin D. Roosevelt lighted the eternal torch for peace in this Country. I listened with memory's ear to the roar of cannons and the crackle of machine guns as the Marines stood at the Marne and the Rainbow Division at the Battle of the Argonne Forest; and then D-Day—the mighty onslaught on the Normandy Beaches; and then the seemingly endless suffering and sacrifices of our own on the heart-break hills of Korea and in the muddy, steaming jungles and rice paddies of Viet Nam. I point out that "our Nation didn't just happen." That this Nation was founded upon a faith in God. Our freedom and our liberty was bought and paid for in "blood, sweat and tears."

For a period of more than 300 years in the history of Israel in which there was no Ruler, three times in the book of Judges there appears a statement, "In Those Days There Was No King In Israel And The People Did What They Thought Was Right." The result was the same thing we see today in our Country and in other Countries in the world.

By any measurement we want to use, we are a Nation in trouble,—sick in spirit, aimless and adrift, tortured by a feeling of helplessness, tormented by our own impatience with things as they are. I do not speak as a prophet of doom, but it is frighteningly clear that this Nation of ours is running parallel to those in ancient history which have tumbled. Thus, there can be no doubt but that the statement which King David made, "Blessed is the Nation Whose God is the Lord," was true then,—it's true today.

Last week a poll was held on ten college campuses in this Country. Some of those polls were among Southern colleges, and in those polls 54% of the students in those colleges voted to say that rather than to defend their Country in the event of a war with Russia, no matter what caused it, they would rather we surrender lock, stock and barrel. In the confused atmosphere in which we are living, there are many who contend evefy man has the right to do as he pleases. A few months ago I saw on television the ugliest picture I ever looked at. I saw about 50 or 60 students coming out of the President's office at Cornell University armed exactly like guerilla fighters, guns and all. The ugliest part of the episode was that the next day the Administration at Cornell capitulated completely to every unreasonable request that these law breakers demanded. It used to be that if you burned a building, it was arson—20 years in the penitentiary. It used to be that if you violated the right of others, (they are entitled to their liberties too) then you were called to task before a court that had what it takes to enforce the law. Are you actually living in a time like that described in the book of Judges when every man can take the law in his own hands and do that which he wants to do? If we are, then we shall expect, and we shall get, the same treatment and the same complete abolition of a government and of the liberty of our people that the children of Israel received when they worshipped not the true and living God but the idols and forgot that "Blessed is the Nation Whose God is the Lord."

There are some people in this country today who seem to think that our freedom just happened. Did you know that 56 of the men who signed the Declaration of Independence pledged their fortunes, their lives and their sacred honor, even unto death? Did you know that 20 of them died in poverty and several of them were brutally mistreated by the British? It was sacrifices that brought us the freedom and liberty that we now enjoy in this Country. Too many of our people don't appreciate liberty. We seem to feel it's just manna from Heaven. There are those benighted and disloyal people who go around waving flags of North Viet Nam. There are those who plead for a type of government in this Country that means the total abolition of the freedom of the individual, means the total abolition of the right to worship God as we see fit, means the burning of all the Bibles. So, I think, my friends, that it is time for us in America to recognize the fact that we are fast approaching the days described in Judges; the sad story of what happened to the children of Israel when they forgot God.

Long centuries after King David said "Blessed Is the Nation Whose God Is The Lord," a man started out on the road to Damascus. His name was Saul. At that time there was no freedom in the then known world. There was only one government—that was Rome. There was only one king and that was Tiberius Caesar. There was only one order and only one law, complete subjection to Caesar. But somewhere on the road to Damascus, a bright and dazzling light shone. From that day on, mankind got up out of the gutter of slavery and moved toward the greatness of liberty. Liberty to the individual is the zenith of all of the blessings that God can bestow upon man. Greater even than life itself because without liberty, mankind becomes nothing but an animal—allowed none of the prerogatives that God granted to him when He made him in His image.

So liberty today stands in danger in this Country because we are failing to appreciate and defend it. We are failing in this Country to stand up for the very ideals for which our forefathers died. We are failing in this Country to fight the real battles that we ought to fight because we don't want to get involved.

Then there has grown in this Country another danger. There seems to be, and nobody loves young people more than I, some kind of idea prevalent in our Country today that if you're young, you're smarter than anyone else. I think it ought to be remembered that all of us were young at one time, and that all of us will get old if the good Lord allows us to stay here. It has always been true that experience is the best lamp by which our feet can be guided. I think it should be remembered by the youth of today that the opportunities they have, which are greater than any other generation has ever had in the history of this country, were brought about because of the ingenuity, the hard work, the sacrifices, the dedication, the determination that the youth should have more than we had, by the generation which has gone before. It's true. The young people of today will live 6, 7, 10 years longer than the generation of which we are a part. They are taller, they are better fed, they are more handsome, they have more information, — simply because the generation which succeeded them has provided it for them. There is no such thing as the "now" generation. There is no such thing as solving all the problems of our Country and our world "now". That is an impossible proposition, always has been, always will be. So, my friends, we should be very frank and use the terminology of the youth of today and "Tell it like it is". Let's tell it like it is for a moment. The generation which precedes the youth of today fought a war against the most tyrannical maniac in the history of the world—they won it. In the depression of 1932, they starved. There was not food enough for the people in this Country. But they did not go into revolution, they did not burn down buildings, they did not take the law into their own hands. They believed that it was right to be loyal and patriotic to their Country.

I'd like to say this for the youth today, they are going to face more testing times than we in our generation have ever faced. They are going to come up against more problems in the future than we have ever looked upon. And I have the firm faith to believe that with God in their hearts and the determination that all men are entitled to their rigths but no more than their rights, that we will one day see a better day. But one thing we must remember is that in order to have it, we must love and cherish our homes, churches, schools, and our Country.

One of the men I admire in Southern history, was a young man from Georgia. He once published the newspaper in Rome, Georgia. I believe he was the most eloquent of all Southerners—and Southerners are known for eloquence. His name was Henry W. Grady. He did a lot to bind the wounds between the North and the South after the war between the States. Speaking at a fair in Ft. Worth, Texas, he said, "One day I stood on the marble steps of the Capitol in Washington, D.C. and I realized that here all of the orders for peace and war go out across the world, here the laws are made, here wars are declared, here peace treaties are signed and written, here, I must be," he said, "at the very heart of the Nation. Then," he said, "I came away from Washington believing that I had almost felt the pulse beat of the Nation itself as I stood on the steps of the marble Capitol. But," he said, "I came back home to Georgia and I went down to the southern part of the State. At dusk I drove along a winding, dusty road, up a hill to the humble home of a friend of mine." He described how the dust fell over the valley, how the mountain sides were beautiful, and then he said, "When evening came the old man called his wife and children around the table where he read the Bible and said the evening prayer." Henry Grady said, "I knew then I was *not* at the heart of the Nation when I stood on the marble steps of the Capitol in Washington, but that the heart of the Nation is in the homes of the American people." It is. And may I be bold enough to say that some of the problems we are having now in this Country of ours are the direct results of the failure to remember in the homes of America that, "Blessed is the nation whose God is the Lord."

I would like to point out also that it's my firm belief, and I think it's yours, that in order for our youth in the future to attain the greatness that they want, they must somehow understand that they are children of God—that they were made by Him, that this is His world, that they don't own it and they can't control it. That it is God's world and that He will determine the destiny of individuals, of nations and of the world itself. What I am saying in simple English is this, no man or no woman today, young or old, can ever attain the true greatness which you hope for your son or daughter unless they adhere to the admonition of the Master when he said, "Render unto Caesar that which is Caesar's." What do I mean? That we must recognize our obligation to our government. We must have in this Country law and order.

A long time ago in an old school journal I saw a poem and I'm sorry I don't know the author, but this is what I believe:

I believe . . .
In my country and her destiny,
In the great dream of her founders,
In her place among the nations,
In her ideals,

I believe . . .
That her democracy must be protected,
Her privileges cherished,
Her freedom defended.

I believe . . .
That, humbly before the Almighty,
But proudly before all mankind,
We must safeguard her standard.

I believe . . .
In Loyalty to my country,
Utter, irrevocable, inviolate.

Thou, in whose sight
A thousand years are but as yesterday,
And as a watch in the night,

Help me . . .
In my frailty to make real
What I believe.

One day in the Congress of the United States we had a great debate on whether we should include in the pledge of allegiance the words "under God". There were even speeches made against it. But we included it, and it is now part of the pledge of allegiance to the flag. It is repeated in every Scout meeting and every Civic club all over this Country,—"a Nation under God". Now that is the hope. But I well knew as I sat there in the Hall of Congress, I'm for this 100%, but I know we can't legislate a Nation under God. I know we can't pass a law simply and say, "Now the Nation is under God". I know that only in the hearts of the people of America can this Nation be "under God". And I know also that unless we come back to the faith of our forefathers and recognize the fact that, "Blessed Is The Nation Whose God Is The Lord", that unless we do it, no matter how much we yearn, we'll never be able to hold on to the glory and the greatness of the past.

Among my favorite verses in the Bible is in II Chronicles 7:14. The Lord appeared one night and talked with Solomon, I mean plain, straight conversation with King Solomon and I want you to listen to what he said:

II CHRONICLES 7

12. "And the Lord appeared to Solomon by night, and said unto him, I have heard thy prayer, and have chosen this place to myself for an house of sacrifice.

13. "If I shut up heaven that there be no rain, or if I command the locusts to devour the land, or if I send pestilence among my people:

14. "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land."

I don't think there is any more eloquent message that could be given to America today—Hear it again!

"If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land."

THE PRESIDENTIAL ELECTION IN VIETNAM

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. FULBRIGHT. Mr. President, the Businessmen's Educational Fund, under the vigorous leadership of its chairman, Harold Willens, has been one of the most effective organizations in this country in informing our people about the tragic war in Vietnam.

Mr. Willens, the chairman of the fund, has urged our Government to take positive steps toward ending the war and recently had an exchange of letters with Ambassador Bunker, which I believe will be of interest to the Members of this body.

I ask unanimous consent that this exchange of letters, and an article from the St. Louis Post Dispatch, and a letter to the editor of the New York Times be printed in the Extension of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Aug. 12, 1971]

VIETNAMESE THINK U.S. BACKS THIEU: ELECTION WILL BE A CHARADE UNLESS WASHINGTON SIGNALS NEUTRALITY

(By Harold Willens, National Chairman, Businessmen's Educational Fund)

Self-determination for the South Vietnamese people; peace with honor for the United States government: surely most Americans would consider these a satisfactory basis for prompt extrication from a war in search of a reason. Can we still hope to achieve such objectives?

I believe we can if we grasp the golden moment offered by the October 3 South Vietnamese presidential election. To do this requires a clear signal of United States neutrality in that election. Without such a signal we who are proud of our freedom will block freedom of choice for South Vietnam. The election will be a Washington-produced, embassy-directed charade acted by a Vietnamese cast. And the purposeless killing will continue.

During a recent visit to South Vietnam I interviewed American and Vietnamese officials, including Ambassador Ellsworth Bunker, Prime Minister Tran Thien Khiem, Vice President Nguyen Cao Ky and General Duong Van Minh. Citizen to citizen, I talked at length with people in all walks of life, discussing politics with representatives of divergent opinions, interests and organizations. In almost every instance I was told Minh would probably win the election if the people could vote without the specter of United States power and money standing behind Thieu.

This was said by people who oppose Communism as much as they oppose Thieu and the war. Most of them would prefer other peace candidates to General Minh: nationalist leaders who are in prison or in exile. But they all feel Minh can Vietnamize the peace while Thieu represents more death and devastation. Thieu also represents cruel reprisal for all who oppose him. The 1967 presidential runner-up, Truong Dinh Dzu, is serving a five-year sentence: one among tens of thousands imprisoned for the crime of calling for peace. On the other hand, Minh is remembered for releasing all political prisoners immediately after overthrowing the despised Diem regime in 1963. This is one reason explaining widespread belief that South Vietnam stands a better chance of remaining non-communist under Minh than under the continued rule of Thieu. In any case, the people I met are convinced that war-weary South Vietnamese would elect Minh October 3 if they could vote without fear of losing their jobs—or lives—as punishment for opposing the "Nixon/Bunker candidate."

The view from our embassy is exactly opposite. There the Vietnamese are seen favoring Thieu because he has brought "stability and progress" (two words which invariably evoked laughter when I used them in the presence of men and women not beholden to the Thieu government). They see their country as a volcano temporarily still on the surface but coming ever closer to violent eruption against a cruel despot whose government is regarded as representing "foreign control." This is one among many points of divergence between the perspectives of American officials and Vietnamese people. An Embassy officer gave me a figure of "several hundred" when I asked how many political prisoners there were in the country. Informed South Vietnamese, including two ARVN officers with whom I met separately, estimated between 90,000 and 100,000.

I am willing to concede that despite the long record of consistent misjudgment our current officials may be right. Perhaps the majority of South Vietnamese, free of all restraints, would express their preference for President Thieu. Since that is what our officials believe, they ought to welcome an election reflecting United States neutrality. Why load the dice when you are sure of winning?

Repeating the candidly expressed views of citizens representing many aspects of Vietnamese life, I challenge our policy makers to unload the dice. And I charge that, as presently constituted, the October 3 election is rigged in favor of Thieu. The question of intent is irrelevant. Ambassador Bunker may be sincere when he asserts impartiality. The Vietnamese people see his as not only favoring but also strongly supporting the election of Thieu.

The establishment of United States neutrality in the South Vietnamese presidential election requires three actions:

1. The public announcement, prior to October 3, of an American withdrawal deadline—whatever that date may be. The realities of the long war, the American presence and Thieu's harsh treatment of political "heretics" stand in the way of free expression. Holding off a withdrawal announcement until after the election perpetuates the assumption of ongoing United States support for the Thieu government. That effectively inhibits freedom of choice.

2. The immediate resignation of Ambassador Bunker to indicate actual (as opposed to rhetorical) neutrality.

3. The creation of a congressional commission along the lines proposed by Illinois Senator Adlai Stevenson. Prime Minister Khiem told me that observers would be welcome. If a commission were well staffed and remained in South Vietnam for a month prior to October 3, it could serve a useful purpose. It would be even better if representatives of other countries were included.

But no observers, no congressional commission could convert a deceptive charade into a reasonably honest election unless fear, uncertainty and skepticism are first removed through the actions listed above.

[From the New York Times, Aug. 27, 1971]

ELECTIONS IN SOUTH VIETNAM

TO THE EDITOR: It wasn't Big Minh but Little Henry Kissinger who splattered Vietnamese election egg over the face of America.

Following a lengthy private meeting with General Minh several months ago I tried very hard to tell Mr. Kissinger what he should have known anyway: that Minh would not accept his assigned role in a Kissinger-produced Bunker-directed charade billed as the 1971 South Vietnamese Presidential election. Minh happens to be an honest man as inwardly torn as his country is outwardly torn by an endless American-manufactured war.

Mr. Kissinger and Ambassador Bunker have not only befouled their President and our country: they have also destroyed the best chance for peace since the war began. Just as Asian heroin is hooking our sons, Mr. Kissinger and Mr. Bunker are hooking us to an Asian tyrant detested by his people and to an ongoing war without which the dictator cannot survive.

The American-rigged South Vietnamese election could be another chapter of the Pentagon papers being written before our eyes: another example of government deceit, lying by U.S. officials to the people they are supposed to be serving. As this chapter in the annals of falsehood is being written our great need is for one moral man, another Daniel Ellsberg to step forward from Washington or Saigon to say: the highest form of treason is treason against the people: therefore at the risk of personal punishment I am revealing the disgusting machinations by which we conspired to prevent South Vietnamese freedom of choice, by which we kept their election from becoming an opportunity for Vietnamese self-determination and peace with honor for us.

The Pentagon papers tell us that "the explanation of how the U.S. mission became detached from political realities in Saigon in August 1963 is among the most ironic and tragic of our entire Vietnam involvement." Unfortunately, it is no different in August of 1971.

HAROLD WILLENS,
Chairman, Businessmen's Educational Fund
Washington, Aug. 23, 1971.

(NOTE.—The writer, who has organized business opposition to the war, was in Vietnam recently and met privately with Ambassador Bunker, Vice President Ky and General Minh.)

BUSINESSMEN'S EDUCATIONAL FUND,
Los Angeles, Calif., June 29, 1971.
Hon. ELLSWORTH BUNKER,
American Ambassador,
Saigon, Vietnam

DEAR MR. AMBASSADOR: When we were in Saigon recently, you were graciously generous with your time and assistance. My deep gratitude makes it extraordinarily difficult to write this letter.

For as one American to another, I am writing to plead with you to tender your resignation immediately as an act of personal sacrifice which would perform a high public service for the people of two countries. This urgent plea stems from two basic considerations:

1. Even if it is unjustified, it is undeniable that most South Vietnamese see you as favoring—and even acting to assure—the reelection of President Thieu October 3rd.

2. This widespread assumption makes an honest election impossible. Yet an honest election October 3 presents an unparalleled opportunity to end the war quickly through *South Vietnamese self-determination* while providing *peace with honor for the United States.*

I invited Dick Thompson of your staff to join us during my discussion with General Minh. Dick heard the General say that the chief obstacle to a fair election "is that most Vietnamese people believe that Ambassador Bunker strongly supports Thieu. Everyone has this impression." The same conviction was independently communicated by scores of Vietnamese with whom I discussed the election: representatives of divergent opinions, interests and organizations.

Almost without exception, the people I met believe that Minh would defeat Thieu if their countrymen could vote without feeling that they might lose their jobs—or their lives—by voting "wrong." And in total contrast to the view from the Embassy, Mr. Ambassador, *all felt South Vietnam would be more likely to remain non-Communist if Thieu were defeated.*

If that strikes you as bizzare, please give thought to these chilling words of the Pentagon Study: "the explanation of how the U.S. mission became detached from the realities of the political situation in Saigon in August, 1963 is among the most ironic and tragic of our entire involvement in Vietnam."

I respectfully submit, Mr. Ambassador, that if your presence insures President Thieu's reelection, and if the people I met are right about their own country, this October 3rd could witness an even more "ironic and tragic" misjudgment than that of August, 1963. For even though the choice is limited to two generals, one does stand for peace and reconciliation, the other for war and repression. If the people freely chose the former, there would be Vietnamization not of the war but the peace. The people of South Vietnam would be taking back their country from us and assuming the responsiblity for guiding its destiny.

Let me hasten to assure you that the thoughts expressed in this letter have nothing to do with "instant expertise." Rather, I am sharing impressions with you as one who is free from the inevitable inhibitions of a subordinate. I am reporting to you facts and opinions candidly revealed to me by Vietnamese people your staff would probably never even meet.

As an example: one of your assistants estimated "several hundred" political prisoners in all of South Vietnam. Two ARVN officers on active duty with whom I met secretly and separately each estimated about 100,000! Their figure was corroborated by others in a position to venture an intelligent guess. They included former political prisoners among whom were women who had been in various prisons including Con Son. There they had watched South Vietnamese guards (paid with American tax money) torture other women to death by forcing bottles and eels into their sex organs. Mentioning Con Son reminds me, incidentally, how it shocked me as a businessman to learn that an American construction firm had accepted a $400,000 contract (again our tax money) to build additional "isolation wards" in that notorious prison.

The massive number and barbaric treatment of South Vietnamese political prisoners whose only crime is dissatisfaction with the Thieu regime caused General Minh to say: "If I were a Communist, I would infiltrate and make propaganda about this." Like all Vietnamese I met, with the single exception of the Prime Minister, General Minh believes the Thieu regime is driving anti-Communists into the hands of the Communists: that in terms of keeping South Vietnam non-Communst, the Thieu policies are counterproductive; that without ongoing massive American support, the Thieu government will quickly collapse.

General Minh would probably agree with your recent statement that "with two billion dollars a year in American assistance, South Vietnam has a reasonable chance to avoid a Communist takeover after the U.S. pulls out." But, like all his countrymen with whom I spoke, he feels such assistance should be economic rather than military, and that our assistance cannot prevent a Communist takeover once the feared and hated Thieu government is forced to stand alone.

It is important to stress that your presence unfortunately vitiates the possibility of an honest election and that your resignation would simply indicate American neutrality. It is also important to emphasize, Mr. Ambassador, that I hold no particular brief for General Minh. But the inescapable fact is that there can be only one issue of any consequence for the desparately war-weary Vietnamese on October 3rd. That issue is peace versus war.

And where are the peace candidates? The 1968 presidential runner-up Truong Dinh Dzu is in Chi Hoa prison serving a five-year sentence. Other anti-Communist nationalists are also locked up or locked out by an incredibly restrictive election law which your own staff people told me would never be passed after the Senate rejected it.

So there remains only one hope for a people sick to their bones of a war they don't want and disgusted with a government forced upon them by American policy and power. That hope is General Minh, a man who would probably prefer to avoid the awesome responsibility of reconciling and repairing his broken land at a time like this: almost any sensible man not driven by overpowering ambition would prefer that.

But this particular man is obviously as inwardly torn as his land and his people are outwardly torn. He spoke repeatedly of October 3rd being "our last chance to keep my country out of the hands of the Communists and to save something of our Vietnamese traditions and culture." Better than I, you know that General Minh is a dedicated non-Communist. And you know that he is not a crafty political creature who lusts for power with its attendant burdens. Yet this self-effacing, almost diffident man has been cast by fate as the only "peace candidate." He feels he can end the war quickly and prevent a Communist takeover.

Isn't that what you want, Mr. Ambassador? If it is not, then my words will be meaningless. If it is what you want, however, perhaps these words will strike a responsive chord. And then perhaps you will save human lives—American and Vietnamese—by a sacrificial act which will win you the plaudits of history, the love of many persons around the world, and, above all, self-respect.

For you, too, are cast in a fateful role. You are one of the few people whose personal reassessment of basic assumptions might cause similar reappraisal by the Administration. It is possible, Mr. Ambassador, that the Vietnamese people may know more than Americans in Saigon and Washington about how to end their war and keep their country non-Communist. If your heart and mind could accept that possibility and cause you to act in accordance with it, your colleagues in Washington might do the same. That would be the first time in many years that a U.S. Administration did what businessmen must do constantly in order to survive: reassess basic assumptions.

Now comes the most difficult part of the most difficult letter I have ever written: trying to explain why I must release a copy of this letter to the press, who may, of course, choose to ignore it completely.

When I returned from Vietnam, I tried for weeks to meet with Dr. Kissinger. I wanted no one to know of our meeting other than Mr. Richard Smyser who was trying to arrange it. I wanted only to serve as honest broker, conveying the thoughts expressed here in the hope they might prompt the Administration to announce a withdrawal date. That, of course, would be the best way of all to free the South Vietnamese presidential election of the hovering American presence which will otherwise dominate that election and guarantee its "dishonesty." By now, most Vietnamese simply do not believe the Americans will ever leave. They *cannot* vote "freely" when they take for granted that American power and money will be available for whatever punishment "our candidate" may want to mete out afterward.

All this I wanted to tell Dr. Kissinger. Mr. Smyser expressed understanding of my reasons for refusing to communicate through an intermediary. But he was unable to obtain an appointment for me. He was not alone in trying and failing.

From this, I conclude that should you agree that your resignation would achieve American neutrality in the election; should you be willing to make the personal sacrifice involved, others in the Administration would strive to dissuade you. Perhaps that will be more difficult for them to do if the question should become a public question.

It is my sincere hope, Mr. Ambassador, that you will read this letter in the spirit with which I write it. The ordeal of Vietnam has lasted long enough for all who are a part of it. October 3rd offers unparalleled opportunity to end it quickly and honorably. Your decision may largely determine whether or not that fateful opportunity eludes us.

Sincerely,

HAROLD WILLENS.

SAIGON, VIETNAM,
July 11, 1971.

Mr. HAROLD WILLENS,
Chairman, Businessmen's Educational Fund,
Los Angeles, Calif.

DEAR MR. WILLENS: I have received your letter of June 29, and perhaps you will permit me a few observations on the matters you have raised.

First, you will find enclosed a copy of the statement which I have issued here stressing the importance we attach to a free and honest election and informing all U.S. personnel—civil and military—that the United States Government is strictly neutral and impartial in respect of the coming elections, and that no one, by word or deed, may take any other position. I can assure you that that policy is being, and will be, strictly enforced and it applies to everyone.

Second, I am enclosing a copy of the Vietnamese law governing the arrangements and procedures for the presidential elections. Please note the detailed care which has been taken in the drafting of this law to assure a fair and free election. The Supreme Court is the final arbiter on all complaints, as it has been in the provincial and Senatorial elections. The Court is highly respected for its impartiality and integrity, has rendered speedy and judicious findings in the complaints which were lodged in the past, and I have no doubt will act with the same speed and integrity in dealing with any complaints in the coming elections.

Third, you make various statements as to what the Vietnamese people want and which candidate is most likely to satisfy those aspirations. That is a matter which the Vietnamese people must decide for themselves, and they will have this opportunity in the coming Lower House and presidential elections.

Fourth, I have personally seen General Minh and Vice President Ky in recent weeks on two well-publicized occasions in order to emphasize our strict impartiality, and so that the Vietnamese people can draw the proper inference that the United States is impartial and that we will work with whomever they choose to elect.

Finally, I want to assure you that our Embassy makes a special effort to keep in continuous touch with all parties, leaders, religious and other groups, including students, labor, business, the press etc. in order to keep informed on all significant views and trends of opinion in South Viet-Nam. We make a regular practice of seeing a great many opposition and critical elements, and they have every opportunity to acquaint us with their views, which we take into account in our search for facts and in our assessment of the overall scene. As I recall, your contacts here were largely opponents of the present government, and analysis and conclusions in your letter are strongly influenced by those you talked to during your brief stay here. We strive for a balanced view, based on a much wider spectrum of fact and opinion.

Sincerely,

ELLSWORTH BUNKER,
Ambassador.

BUSINESSMEN'S EDUCATIONAL FUND,
Los Angeles, Calif., September 13, 1971.

Hon. ELLSWORTH BUNKER,
American Ambassador,
Saigon, Vietnam.

DEAR MR. AMBASSADOR: My first letter was an appeal for honorable self-sacrifice on your part. This one is a protest against dishonorable deceit.

When you stressed "the detailed care which has been taken in the drafting of this (Vietnamese election) law to assure a fair and free election" were you lying to yourself or to me, Mr. Ambassador? Was it unintended self-deceit or intention to deceive me which prompted your emphasis upon the crucial role of the Supreme Court and your statement that "The Court is highly respected for its impartiality and integrity"?

These questions must be asked because shortly after you wrote those words the law was twisted to block Vice President Ky's candidacy, and following General Minh's withdrawal the Court sat like a group of trained dogs waiting to be told which tricks to do next.

No American knows—or should know—that law and that Court better than you, Mr. Ambassador. Yet events shortly following your letter revealed an enormous gap between reality and your expressed perceptions. What else could account for this gap other than misjudgment or untruthfulness?

If in all this there is something I have overlooked or failed to comprehend please be blunt in telling me that. This is a time for plain talk: human lives are at stake and I happen to believe that you can still act to prevent some of them from being lost. Except for that I would not be writing this letter.

To repeat: it is a time for plain talk. In the mid-1950's American officials prevented a Vietnamese election from taking place because the probable outcome was not to their liking. Seventeen years later you and other American officials have prevented another Vietnamese election from taking place. By doing what you have:

1. Thwarted an opportunity to finally Vietnamize the Vietnamese government through genuine self-determination.

2. Destroyed the best chance for peace since the war began.

3. Made of October 3, 1971, a day which will be recorded by history as an American Day of Disgrace.

For all this, Mr. Ambassador, you bear personal responsibility even if you did no more than carry out decisions made in Washington. After less than two hours of discussion with General Minh I knew what you should have known far better: that he would never play his assigned role in the fifty-five per cent Thieu—forty-five per cent Minh dream scenario for October 3 which was being openly discussed by informed Americans and Vietnamese in Saigon when I was there. It was your responsibility, Mr. Ambassador, to know and inform your colleagues in Washington that General Minh could not be coaxed or bribed into being part of a fraudulent hoax. And despite the pious phrases in your letter to me you must surely know the election *was* in fact being set up as a fraudulent hoax: that only if certain *actions* were taken by your colleagues and yourself could it be "unrigged" at least partially—at least enough for a true Vietnamese patriot like General Minh to run for office with a slight chance to help his people end a war they resent as deeply as they resent you and all Americans responsible for continued death and destruction in their country.

Because I know all this to be true; because the statements in your letter and subsequent events bear no relationship to each other, I can only conclude that when you accused General Minh of unreasonable demands in return for remaining a candidate—that you were guilty of outrageous mendacity. Moreover I sincerely believe you were striking below the belt at a man genuinely devoted to the welfare of his people: a man fully entitled to a clear signal of U.S. neutrality in an election through which he would otherwise damage his country by validating a fraud.

Perhaps I am naive but it is my conviction that deep inside your heart and mind resides awareness that all this is so, and that truth was a victim of your efforts to blame others for what became a Kissinger-produced Bunker-directed fiasco. Sadly enough that is nothing new, since truth has been a consistent casualty throughout the seventeen years that our diplomatic officials have tried to remake South Vietnam to their liking.

All this is behind us. But now there lies before you an opportunity to help end more quickly a totally pointless war. Your resignation before October 3—with an accompanying explanation reflecting fundamental reassessment on your part prompted by the October 3 nonelection—would undoubtedly penetrate the seemingly closed minds of your colleagues in Washington. That might in turn result in basic re-evaluation on *their* part and the shortening of a war which can no longer be justified under any pretense.

In sum, Mr. Ambassador, despite my candor in communicating these views without equivocation, the essential purpose of this letter is *not* personal recrimination, rather the purpose is to focus attention on the fallacy of past policy and the folly of continuing it. There are moments in history when a seemingly irreversible mindless momentum can be halted by one man's willingness to transcend personal considerations through an act of noble selflessness. Because of who and where you are today it seems apparent that such an opportunity confronts you at this moment in history.

It is my fervent hope that you will not allow the opportunity to pass you by; that by seizing it you will make the noble effort to transform into something positive what will otherwise remain a Day of Disgrace.

Sincerely,

HAROLD WILLENS.

FULBRIGHT AMENDMENT AND U.S. POLICY ON SOUTHERN RHODESIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. DIGGS. Mr. Speaker, as chairman of the Subcommittee on Africa and as a member of the U.S. Delegation to the present session of the U.N. General Assembly, I am deeply concerned over the adverse implications to the foreign policy interests of the United States of the Byrd amendment to the military procurement bill, H.R. 8687.

I strongly urge support of the Fulbright amendment which would give to the President the authority to determine what "the national interest or a treaty obligation of the United States otherwise require," and to so inform the Congress.

I am inserting the text of the letter which I have today sent to the Secretary of State, the text of the telegram which the congressional black caucus today sent to the President, the text of the letter of today's date to each Senator, with the text of the earlier communication referred to therein.

The letter follows:

COMMITTEE ON FOREIGN AFFAIRS,
September 29, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I refer to the conversation at the lunch which you hosted yesterday for President Ould Dadda of the OAU and to the concern expressed by him over the Byrd Amendment to the Military Procurement Bill, and to your statement that the Administration opposed this Amendment, which would, by amending Section 5 of the United Nations Participation Act to permit the importation of Rhodesian chrome contrary to U.N. sanctions against Southern Rhodesia, place the United States in violation of its treaty obligations under the U.N. Charter and seriously erode our foreign policy position vis-a-vis Africa.

As I stated during this conversation, it is of paramount importance that the Department and White House actively oppose the Byrd Amendment and publicly emphasize this position.

United States relaxation of sanctions at this time, while the British are continuing their negotiations with the Smith regime, would be particularly unfortunate.

I strongly urge that you call a press conference today to declare the Administration's opposition to the Byrd Amendment and support for the Fulbright Amendment, Amendment No. 438. Expeditious action is required as this Amendment may come to the Senate floor tomorrow.

Sincerely,

CHARLES C. DIGGS, Jr.,
Chairman, Subcommittee on Africa.

TELEGRAM TO THE PRESIDENT FROM THE BLACK CAUCUS

Strongly urge your active opposition to the Byrd Amendment to the Military Procurement Act, which would amend Section 5 of the U.N. Participation Act to permit the importation of Rhodesian chrome contrary to U.N. sanctions against Rhodesia, thus placing the U.N. in violation of its international legal obligations. Understand that Byrd Amendment, with far-reaching, adverse implications of U.S. breaking of U.N. sanctions, was a main concern of President Ould Dadda of the OAU, as expressed today to Secretary Rogers, and we are sure to you. In fact, under the Byrd Amendment the U.S. would have no choice but to break with its current policy of adhering to U.N. sanctions against trade with the illegal Ian Smith regime. Caucus trusts that you will issue press statement making clear that no shortage of chrome ore exists and that in fact there is an excess or chrome in the national stockpile, that the U.S. honors its treaty obligations to observe the sanctions, and finally that you support the Fulbright Amendment.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 29, 1971.

DEAR SENATOR: H.R. 8687, the Military Procurement Bill, is pending business before the Senate and Amendment No. 438, the Fulbright Amendment, will be considered following the vote on the Mansfield Amendment, which I hope you will support.

At this luncheon yesterday for the President of the OAU, Secretary Rogers reiterated his opposition to the Byrd Amendment and pledged his support of the Fulbright Amendment.

At his subsequent meeting that afternoon with President Ould Dadda of the OAU, I understand that President Nixon made the same pledge.

United States relaxation of sanctions at this time, while the British are continuing their negotiations with the Smith regime, would be particularly unfortunate.

I call your attention to the earlier letter I sent to you which discusses at length the merits of the question.

I strongly urge your support of the Fulbright Amendment.

Sincerely,

CHARLES C. DIGGS, Jr.,
Chairman, Subcommittee on Africa.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR SENATOR: The Military Procurement Bill, H.R. 8687, is pending business before the Senate and consideration on it will be resumed immediately after the conference report on the military draft. I call your attention especially to Section 503 of the bill, which will end the embargo against importation of chrome from Southern Rhodesia.

Several crucial points of Section 503 warrant your attention. If adopted, this section:

Would place us in violation of our international legal obligations under the Charter of the United Nations, and of Security Council Resolutions which the United States supported in 1966, 1968, and 1970.

Would be disastrous to our foreign policy interests in Black Africa.

Would create the United States stockpile of chrome to 2,250,000 short dry tons in excess of its revised chrome ore objective.

For your information, I attach a copy of my testimony of July 8, 1971, before the African Affairs Subcommittee of the Senate Committee on Foreign Relations, on S. 1404, a bill identical with Sec. 503 of H.R. 8687. Following the extensive hearings held at that time, the Subcommittee Chairman, Gale McGee, announced that he would recommend against adoption of S. 1404. The sponsor of the measure promptly pursued this present maneuver to circumvent the will of the Senate Foreign Relations Committee.

In conclusion, I urge your vote against Sec. 503, on the basis that U.S. interests dictate unequivocally that the United States continue to adhere to its international obligations and its enforcement of UN sanctions against Rhodesia, and that for broad policy reasons we must reject any inroads on our support of the United Nations in its effort to secure for the people of Rhodesia basic human rights, self-determination, and fundamental freedoms for all without regard to race.

Sincerely,

CHARLES C. DIGGS, Jr.,
House Foreign Affairs Subcommittee on Africa.

STATEMENT OF REPRESENTATIVE CHARLES C. DIGGS, JR. (D-MICH), CHAIRMAN, HOUSE SUBCOMMITTEE ON AFRICA, BEFORE THE SENATE SUBCOMMITTEE ON AFRICA, ON AMENDING SECTION 5 OF THE U.N. PARTICIPATION ACT, JULY 8, 1971

Mr. Chairman: I appreciate the opportunity to appear before your Subcommittee.

Mr. Chairman, the bill we are considering today S. 1404 is cast only in general terms—to prevent the imposition of import sanctions under section 5 of the UN Participation Act on any material designated as a strategic or critical under the Stock Piling Act, unless its importation from communist countries is also prohibited. The bill's sponsor, however, Senator Byrd, candidly acknowledges that the sole effect of the bill would be to end the embargo against importation of chrome from Southern Rhodesia.

I am appearing here today, Mr. Chairman, to emphasize that this bill would not only place us in violation of our international legal obligations under the Charter of the United Nations, but it would be disastrous to our foreign policy interests in Black Africa. What is at stake here is, to be certain, our dedication to the principles of human rights, of self-determination, and to the principle of fundamental freedoms for all without regard to race and color. But, more importantly, and I stress, more urgently, what is at stake here is the possibility of our reneging on the one fairly solid instance where our pronouncements of such dedication have been accompanied by some concrete measures towards the demonstration of these principles. And I wish to underscore that the puzzle of ths proposed bill is the unsubstantiated assertion, which is evidently its foundation, that the U.S. is facing a serious shortage of a strategic material. This assumption certainly appears to be negated by the very fact that the United States Government has, upon revision of chrome ore objectives, an excess in our present stockpile of chrome ore of some two million two hundred fifty thousand (2,250,000) short dry tons.

Before examining these points in greater detail, I would like to review the situation in Southern Rhodesia; for an understanding of this is essential to a full comprehension of the principles of humanity and justice involved here.

The ratio of whites to Africans in Rhodesia is a striking phenonemon, it is 21 to 1, that is 95 out of every 100 persons in Rhodesia is African. Further, half of the tiny white population, totalling 234,000 as compared to 4,930,000 Africans, is new to the area and has only come since World War II. May I emphasize that the stark disparity of these population facts, where a bare handful of one group is entrenching their repressive control against an overwhelming majority, is unique to Rhodesia.

It is against that background that we should review the five principles which the British have established as the basis for any settlement. These are:

Maintaining the principle of unimpeded progress towards majority rule.

Guarantees against retrogressive amendment of the constitution.

Immediate improvement in the political status of the African population.

Progress toward ending racial discrimination.

That the proposed basis for independence be acceptable to the people of Rhodesia as a whole.

(And the sixth principle, added later), the need to ensure that, regardless of race, there be no oppression of the majority by the minority or the minority by the majority.

These principles appear elementary and basic to any concept of a just and ordered society.

But the constitution which the Smith regime purported to implement in March of last year was a categorical rejection of these principles. It is no wonder that no nation has conferred recognition upon Rhodesia as a state or as a government. Under the provisions of the constitution majority rule will never be possible. Further, it is only theoretically possible, in the foreseeable future, for the Africans to obtain even parity of representation, because, under the constitution, Africans who pay less than 1% of the income tax now, must pay an income tax equal to that of the whites in order to obtain an equal number of seats in the House of Assembly.

The constitution further provided for the entrenchment of the Land Tenure Act which divides the land in Rhodesia equally between the whites and the Africans, so that the almost 5 million Africans have the same amount of land as the 234,000 whites, with the whites being allocated the cities and the developed farm and mineral land. The act provides that generally Africans "shall not own, lease or occupy land in the European area". Africans are only permitted to live in urban areas if they are employed there. This Act also makes special provisions for the Tribal Trust Lands. In the development of these areas, there are wholesale removals by administrative fiat of African communities from European designated areas, and without their livestock. This Act has a direct adverse effect upon the property of the churches in Rhodesia and their ability to function as it prohibits the multi-racial use of land and thus might force the closure of mission schools and hospitals in tribal areas.

There is presently pending the Property Owners Residential Protection Bill. This infamous measure is aimed at preventing racial friction and would permit the President upon application of 15 anonymous whites, on grounds of endangering of racial harmony or loss of property values, to declare a whole area to be an exclusive white area.

The Smith regime spends almost 10 times as much on the education of the white child as on the African child, or $196 per white child as compared to $20 per African child. A recent report on secondary school statistics in 44 black African countries showed that 31 of these had a higher percentage of secondary school students and only 8 had a lower percentage than Rhodesia.

With regard to what we consider basic liberties and fundamental rights, the constitution itself provides for a Declaration of Rights. But it adds that the Declaration itself is to authorize preventive detention. The Declaration of Rights, such as it is however, is mere pious pronouncements, for it is non-justiciable and no court can inquire into the validity of any law on the ground that it is inconsistent with the Declaration of Rights.

I might mention that notwithstanding the repressive laws, the situation in Rhodesia is not completely quiescent. Although the law bans demonstrations and permits indefinite detention without charges or trial, there are wire service reports of a demonstration last week, July 1, by 250 Salisbury University students, mostly black. The demonstrating students were arrested. The students had declared July 1 "an annual day of mourning until Africans are given an equal place in Rhodesian society."

It is not necessary for me to review the UN international legal obligations under the Charter with respect to Chapter VII, decisions of the Security Council. These were discussed by the Department of State witnesses yesterday. But I would like to underscore the congressional authorization to the President in section 5 of the UN Participation Act, empowering him to apply economic sanctions in accordance with such Security Council decisions under Article 41 of the Charter. It was Mr. Acheson, as Under Secretary of State, who presented to the House Foreign Affairs Committee the explanation of the various sections of the UN Participation Act. He stated that, by virtue of section 5 "the President has the authority to do what we have by international treaty agreed to do". (Hearing, House Committee on Foreign Affairs, Dec. 7, 1945, 79th Congress, 1st session, p. 21).

The Senate report notes that "the basic decision in this regard was made when the Charter was ratified . . ." (S. Report No. 717, 79th Congress, 1st session.) Any declaration here that the President in issuing the Executive Orders to carry out the mandatory decisions of the Security Council was acting unilaterally is unfounded.

It should be emphasized that our obligation not to permit the importation of any chrome for whatever reasons, is absolute. Security Council Res. 232 of December 16, 1966, which the US supported specifically prohibited the importation of chrome. S.C. Res. 253 of May 29, 1968, which we supported, calls upon all states to prevent the importation into the territories of all commodities and products originating in Southern Rhodesia. In S.C. Res. 277 of March 17, 1970, we supported the call upon Member States to take more stringent measures to prevent any circumvention of these resolutions. Any importation of chrome is in fact a violation of our legal obligations and I stress that the Administration's decision to permit Union Carbide to import chrome allegedly bought and paid for before the effective date of the Executive Order, couched though it was in hardship policy niceties, obviously represented a relaxation in our adherence to the express language of the resolution, under which such importation is prohibited. But the present bill would be a clear, calculated denial of our legal obligations and of our duty as a UN Member State to carry out the decisions of the Security Council.

I do not believe it necessary to elaborate beyond what was said yesterday on U.S. interests in a vital United Nations, in supporting its mandatory decisions and actions with respect to Rhodesia, and in our interest vis-a-vis Black Africa. Mr. Chairman, in my visits to 38 of the 41 African countries, I have had the opportunity for personal, frank and open talks with their leaders and their people. And, in connection with the United States, nothing gives greater concern than our position of mere mouth service against the evils of apartheid and minority rule. Our position with regard to Rhodesia, however, short of the goal which the African states would seek, has nevertheless been concretely demonstrated by our support of and adherence to sanctions. We must not abandon our resolve and our charter obligations to adhere to sanctions.

I would now like to comment on our situation with regard to chrome. Obviously, I am no expert at all on our needs in this area. But the Office of Emergency Preparedness with the concurrence of the interested departments and agencies, including the Department of Defense, is strongly recommending the passage of S. 773 which would authorize the disposal of 1,313,600 short dry tons of excess metallurgical grade chrome from the national and supplemental stockpiles. OEP reported that, in establishing new and reduced stockpile objectives for this ore, "ample allowance was made for any contingency that might arise in an emergency." I reiterate that without any specialized knowledge or information at all in this area, I would think that this disposes of the argument that there is a shortage of chrome critical to the defense needs of the country. Further, I understand that only 10% of the domestic consumption of chrome is used for defense purposes. Thus, it would appear that U.S. needs in the event of a national emergency are presently provided for.

With respect to any inference that the present high price of Russian chrome is the sole result of sanctions, I have several comments. First, information requested on Major Raw Materials Market Prices of Mr. Bliss during the hearings of the House Subcommittee on Africa on "Rhodesia and U.S. Foreign Policy" showed that from 1958 onwards the prices of these ores generally were rising. Of the 22 commodities only manganese, cobalt and vanadium did not go up in price. 19 rose in price. And if we look more specifically at the pre-sanctions and sanctions, prices of several ferrous alloys, we find that the price of such ores was generally going up both before and during sanctions. The following price comparisons were made in deflated dollars, that is the prices have been deflated so that they are truly comparable. The price of antimony increased 45% in the pre-sanctions period and 209% from 1967–70. Nickel increased 3% pre-sanctions and 13% from 1967–70. Vanadium, on the other hand, dropped 20% pre-sanctions, but increased 73% from 69–70. Similarly, Turkish metallurgical chrome prices fell by 17% in the 1960–66 period, but rose by 45% 67–70. (This 45% is in inflated dollars). Thus, although sanctions are no doubt a factor in the price situation, the picture of rising prices for these ores is obviously due to many different factors and cannot be attributed in the case of chrome to sanctions alone.

Several minor points should also be mentioned on the price of Russian chrome. Although we do not doubt these figures, the prices we have been given, a $25 to $72 rise, should be supported by invoices or transaction sheets, or by giving the base year for the $25 quotation, since I understand prior to 1965 there were no published prices for chrome. Secondly, taking the 25 to 72 increase, we have a 188% increase, not a 288% as suggested yesterday. Finally, a valid comparison would require use of deflated dollars.

Obviously, with respect to the impact of sanctions, sanctions have not had the result foreseen. On the other hand, frank acknowledgment of this should not obscure our realization of the very real impact which sanctions have had and are increasingly effecting on the economy of Rhodesia. Mr. Newsom has detailed some of them, the shortage of rolling stock, of modern machinery, of spare parts and of imported equipment. In addition to a significant slowdown in the growth rate, Rhodesia is in the throes of a serious foreign exchange shortage. Obviously, we cannot say how acute the shortage is and we cannot predict its possibilities for influencing the bargaining situation. Frankly, Mr. Chairman, I am not at all optimistic about a satisfactory settlement being reached. But I do acknowledge that, although unknown variables, the critical exchange supply, the economic situation, and the concern of the business community with respect to sanctions and Smith's programs are all factors which may have a bearing on the prospects for settlement.

In conclusion, Mr. Chairman, I urge that US interests dictate unequivocally that the United States continue to adhere to its international obligations and its enforcement of UN sanctions against Rhodesia and that for broad policy reasons we must reject any inroads on our support of the United Nations in its effort to secure for the people of Rhodesia basic human rights, self-determination and fundamental freedoms for all without regard to race.

HISTORIC WEST VIRGINIA POST OFFICE MOVED TO SMITHSONIAN INSTITUTION—POST OFFICE OPENED DURING 125TH BIRTHDAY CELEBRATION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. RANDOLPH. Mr. President, West Virginians are proud of their postal heritage. We are particularly proud that the first rural free delivery routes were inaugurated from the Charles Town, Uvilla, and Halltown, W. Va., Post Offices on October 1, 1896. William Lyne Wilson, a native of Charles Town, Jefferson County, was Postmaster General of the United States at the time.

I have attempted to have this important event recognized through the issuance of a special commemorative stamp on the 75th anniversary of the service.

Mr. President, on Monday another phase of our postal heritage gained recognition as an historic artifact of West Virginia's earlier postal history was on display at the Smithsonian Institution's Museum of History and Technology. I am speaking of the Headsville, W. Va., Post Office and general store which served the area from the early 1860's until 1914.

This building was carefully reconstructed as a unique reminder of the part the postal service played in the growth and development of our Nation. Postmaster General Winton M. Blount commented, at the event attended by more than 500 persons.

I know that as my wife, Mary, with my son, Frank, participated in the official dedication ceremonies with Postmaster General Blount, she reflected on her happy childhood and youthful years in Mineral County, the county from which the reconstructed Headsville Post Office came. Mary, as a girl, often visited the store and post office which was a popular meeting place for the people of that community.

The September 10, 1971, edition of the Keyser, W. Va., Mineral Daily News Tribune contains an excellent article on the former Headsville Post Office and I ask unanimous consent to have the material printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From Mineral Daily News (Keyser, W. Va.) Tribune, Sept. 10, 1971]

DEDICATION CEREMONY SCHEDULED

An original general store-post office, more than a century old, will be dedicated at 2 p.m. Monday, Sept, 27, in The National museum of History and Technology, Washington, and will be put into operation for providing card and letter mail service to visitors.

Postmaster General Winton M. Blount will officially establish the letter mail service at opening ceremonies by hand cancelling a letter for Smithsonian Institution Secretary S. Dillon Ripley. The dedication ceremony will be one of the major events commemorating the 125th anniversary of the Smithsonian Institution.

The building that housed the Headsville post office from the early 1860's until 1914 is being reconstructed inside the Constitution Avenue entrance to the Museum. It will be staffed by Postal Service personnel in period costumes who will offer letter and card mail, and philatelic services for collectors. A distinctive postmark reading: "The National Museum of History and Technology, Smithsonian Station," will be used.

"The United States Postal Service is honored to have the Headsville Post Office reconstructed in the Smithsonian's National Museum of History and Technology," said Postmaster General Winton M. Blount. "This post office will serve as a unique reminder of the part the Postal Service played in the growth and development of our nation."

Carl Sheele, chairman of the Museum's Department of Applied Arts and Curator of postal history, spent a year searching for an appropriate surviving building. During the search, Scheele examined some 600 old offices in 13 states. He traveled more than 10,000 miles, mainly on country roads, and photographed over 500 buildings.

The Headsville building was among the oldest examined. "We considered it the best possibility for an exhibit because it had remained unaltered in structure, both inside and out, from its earliest days," Scheele explains. "The original counters, shelving, floor, windows, shutters, walls and ceiling were intact. There are even inscriptions written on the shutters by Civil War soldiers who were stationed in the area or who passed that way.

"An iron pot-bellied stove had been added before the close of the 19th century, and the building was wired for electric lights about World War I, but these changes seem to be the only alterations to the original structure, with the exception of a front porch we believe was added somewhat prior to 1900."

The post office apparently was constructed during the early 1860's by Henry Head. It housed postal activities until John E. Staggs became postmaster and moved the business to his own premises. The building continued to serve as a general store for several years.

Head was appointed postmaster of what was then known as Sheet's Mills, Hampshire County, Virginia, in 1858. The post office was run as a Union establishment throughout the Civil War and in 1868 became known as Headsville, Mineral County, West Virginia.

The building was acquired from Edgar H. McDonald, a grandson of the last storekeeper. It had been closed up with its nonperishable stock intact, so the Smithsonian exhibition will include shelves of such items as high button shoes, tins of spices, patent medicines, slate pencils, and poultry lice medicine.

Once the building was selected by the Smithsonian, the demanding process of transferring it to Washington had to be undertaken. Charles H. Rowell, a Smithsonian restoration specialist, and his assistant, Reverdy Marcey, took the board and batten store apart piece by piece. Each board was coded so the one-story 18 by 30 foot structure could be reassembled inside the museum.

"The Headsville Post Office is a natural addition to a museum depicting the cultural and technological history of America," notes Scheele. "The Postal Service is the single institution that has been common to virtually every American's experience throughout 200 years, and the most representative type of post office in American history—the most numerous and widespread—has been the country store-post office."

Collectors desiring this special Smithsonian cancellation may submit stamped self-addressed envelopes to: "Smithsonian Station Cancellation, Postmaster, Washington, D.C. 20013."

MRS. ELLEN S. WOODWARD

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. COLMER. Mr. Speaker, on Thursday last a very distinguished and outstanding woman, Mrs. Ellen S. Woodward, departed this life. Mrs. Woodward was a native of my beloved State of Mississippi, but for the past three and one-half decades she resided here in the city of Washington, where she enjoyed the love and affection of many friends whom she had made during her long stay here in the District.

Mrs. Woodward was a national figure. She played an important role in Government, beginning in the late 1930's and extending over a long period. She was appointed by President Roosevelt as assistant to Harry Hopkins, the Director of the Works Progress Administration. Later she served as a member of the old Social Security Board, among other important positions.

Prior to coming to Washington, Mrs. Woodward served with distinction in the Mississippi State Legislature where she wielded substantial influence.

She was an unusually capable and talented woman and was highly regarded in both her official and personal conduct.

Mr. Speaker, the Washington Post carried an account of the death of Mrs. Woodward, which I am submitting here for printing in the Record:

Ellen S. Woodward, 84, New Deal Relief Official

Ellen S. Woodward, 84, a high ranking welfare, relief and Social Security administrator in the 1930s and 1940s, died yesterday at her home at the Westchester Apartments, 4000 Cathedral Ave. NW.

At one point, Mrs. Woodward was known as the second highest ranking woman appointee in the Roosevelt administration.

Named in 1933 as assistant to Harry Hopkins, then administrator of federal emergency relief, Mrs. Woodward was appointed administrator of the Works Progress Administration when it was set up in 1935.

She was named in 1938 as one of the three members of the Social Security Board and was reappointed in 1943, serving until the board became part of the Federal Security Agency.

She was also a member (1943–45) of the U.S. delegation to the United Nations Relief and Rehabilitation Administration.

In 1954, she retired as director of international relations for the Department of Health, Education and Welfare. It marked the end of a 28-year career in federal service.

Daughter of Mississippi Sen. William V. Sullivan, Mrs. Woodward began her career in public life as a member of the Mississippi legislature in 1925.

As a member of the executive committee of her state's board of public welfare, she helped in the early days of the depression to plan Mississippi's first relief program before coming here in 1933.

In 1966 she was elected Mississippi woman of the year.

She was married to the late Judge Albert Y. Woodward. She is survived by a son, Albert Y. Woodward, of Arlington, and a sister, Elizabeth Sullivan Dutcher, of Miami.

RETENTION OF REPUBLIC OF CHINA IN THE U.N.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. THURMOND Mr. President, today I wish to bring to the attention of the Senate a petition to all of the Ambassadors of free nations in the United Nations. The petition concerns the retention of the Republic of China in the U.N.

Several important points are brought into focus by the petition. We cannot ignore the fact that the Republic of China is a charter member of the U.N. That country has fulfilled all its obligations as a member and represents more people than over half of the U.N. members.

Mr. President, to allow this legal and recognized nation to be deprived of its seat in the U.N. would be more than a diplomatic slight; it would be a terrible injustice. I am pleased to join the 150 distinguished Americans who have signed this petition on behalf of the Republic of China, and I urge Senators to give this matter careful consideration

Mr. President, I ask unanimous consent that the petition to all Ambassadors of free nations in the U.N. be printed in the Extensions of Remarks.

There being no objection, the petition was ordered to be printed in the Record, as follows:

To Their Excellencies—All Ambassadors of the Free Nations in the United Nations

Dear Mr. Ambassador: This message is addressed to the Ambassadors of all Free Nations in the United Nations from approximately 150 prominent Americans, urging you to retain the Free Republic of China in the United Nations.

We believe our views represent over 90 percent of the American people and of most of the free people everywhere. We are not seeking or opposing admission of any nation or raising any question regarding the membership of the Security Council. We earnestly believe that the Free Republic of China, a legal, Constitutional and a charter member of the U.N. which has fulfilled all of its obligations, should be retained no matter what decisions may be made regarding other issues.

At the present time, the Irish Republic and North Ireland under the United Kingdom, are members of the United Nations and the Ukraine and Byelorussia, each have a vote. The Free Republic of China governs more people than half the United Nations States. To show our sincerity and consistency, we are willing to support the admission of two Germanys, two Koreas, and two Vietnams. We have no quarrel with the Chinese or Russian people. We wish the United Nations success in its program of freedom, peace and goodwill in the world. But as surely as the sun will shine again, the ousting of Free China and its replacement by Communist China will create a credibility gap in and about the United Nations.

The vast majority of the American people who have been nurtured on the blessings of liberty (freedom) ordained in the Constitution of the United States and in our Declaration of Independence, whose 200th anniversary will be celebrated on a vast scale in five years, believe the ousting of Free China would be a serious and deplorable blow to the preservation of freedom throughout the world. It would be in their opinion a disservice to the United Nations and create disunity and bitterness within it, and suspicion and distrust not only among the American people, but among all the free people of the world.

Director, J. Edgar Hoover of the F.B.I. has openly criticized some of the propaganda and activities emanating from the U.N. sources against our free institutions, our system of free enterprise and our form of government.

Abraham Lincoln once said, "To sin by silence when you should protest makes cowards of men". The main reason for the existence of all governments is to protect its people and the security of its government. There is already a definite feeling that the U.N. should not be located in any large and powerful nation. If the U.N. is used as a sanctuary of immunity for the distributon of propaganda, unfriendly to the United States, the American people regardless of partisanship will inevitably demand the removal of the U.N. to Geneva or to some small nation.

The undersigned urge your favorable approval of the retention of Free China in the interest of freedom, justice, democracy and peace and for the best interest of the success of the United Nations. The preservation of freedom and peace are the most important issues in the world. There are no substitute for either.

With highest esteem and best wishes.

Sincerely yours,

LIST OF SIGNATORIES

Col. Robert L. Alberts; Dr. Ruth W. Alexander; Dr. Fernando E. Alvarez, Int'l Bureau, Anti-Communist Legion; Dr. Clairette P. Armstrong; Dr. Daisy Atterbury, Sec'y. Shanghai-Tiffin Club; Mayor George Auslander; Robert W. Baird, M.D.; Mr. George F. Baker; Prof. Joseph W. Ballantine; Lesley Frost Ballantine.

Mr. Laszlo Berchtoldt; Col. Harrison D. Blair; Mr. Frank Cullen Brophy; Major Edgar Bundy, Sec'y. Church League of America; Colonel Laurence Eliot Bunker; Admiral Arleigh Burke; Mr. Harold H. Burns; Dr. John Carja, Romanian National Council; Mr. Robert Carroll; Mr. John Chamberlain.

B/Gen. William E. Chambers; Mrs. Anna Chennault; Mrs. Olga Clark, Widow of Adm. Joseph J. (Jocko) Clark; Mr. Charles Kenneth Clinton; Hon. C. Fred Close; Hon. William M. Colmer, Chairman, House Rules Committee; Mary Hope Condon; Mrs. Kenneth C. Crain; Hon. James H. R. Cromwell; Rev. Edward Lodge Curran.

Mr. Thaddeus S. Dabrowski; Mr. Ralph Dodson Davis; Cdr. Lee DeBoer, Cdr., N.Y. County Veterans of Foreign Wars; Mr. Raymond J. DeJaegher; Hon. Edward J. Derwinski, Congressman from Illinois; Rev. Stephen Dibble; Dr. Lev E. Dobriansky, Chairman, Nat'l Captive Nations Comm.; Dr. Ivan Docheff, Pres. Bulgarian Nat'l Front, AF ABN; Cathryn Kelly Dorney; Dr. William F. Dowling.

Francis A. Dugan; Mr. Thomas Dunleavy; Mr. Allen Finger; Hon. Hamilton Fish; Daniel Flint, Esq.; Mr. Henry Forster; Mr. William Lapham Fort; Mr. Stockton Gaines; Col. Edgar W. Garbisch; Mr. Devin Adair Garrity.

Capt. Raymond Gimmler; Mr. Thomas W. Gleason, Pres. Int'l. Longshoremen's Assn. AFL–CIO; Cdr. Robert G. Goff, Cdr. Queens Co. Catholic War Veterans; Dr. Horace Greeley; Col. Charles Carroll Greene; Mr. Conrad Grieb; Hon. Rosemary Gunning; Mrs. Merwin K. Hart; Mr. Thomas O. Haskins; Hon. Ernest Hatfield; Msgr. Paul Haverty.

Milton W. Henson, M.D.; Mr. Hamilton Hoge; Mr. Roman Huhlewych; Mr. Edward Hunter, Publisher of "Tactics"; Cynthia Huyler, Chairman, Friends of Tibet; Mr. George Hyam; Mrs. Elizabeth E. Iglehart; Mr. H. Harding Isaacson; R/Adm. A. Vernon Jannotta; Mr. James Jemail.

Mr. Daniel V. Jennings; Mr. Theodore P. Jennings, Chairman, Victory in Vietnam Committee; Gen. Leon W. Johnson; Kathryn Kannett, Sec'y., Order of Burke, Metternich and Bismarch, Inc.; Mrs. Jeanne E. Kerbs; Francis Kettanah; Mr. W. J. Klimkiewicz; Mr. Peter Koltypin, Chairman, Freedom For Russia; Mr. Jean U. Koree; Mr. John Kosiak, Byelorussian Congress Comm. of America.

Mr. & Mrs. Hubert Kregeloh; M/Gen. Melvin L. Krulewitch; Helen V. Kulber, Lithuanian-American Organizations; Mr. Bernard J. Lally, Editor of "Counterattack"; M/Gen. Thomas A. Lane; Mr. Reginald B. Lanier; Mr. Nelson T. Levings; Mr. Marx Lewis, Chairman, Council Against Communist Aggression (Labor); Mr. Howard Lim, Jr., Chairman, Action Committee for a Free China; Lt. Col. John B. Lininger.

Mr. William E. Loeb, Editor, Manchester (N.H.) Union Leader; Rev. Daniel Lyons; Mr. Eugene Lyons; Beatrice Mabry; Giovanna McCracken, Sec'y. Victory in Vietnam Committee; Jo-Anne Miller; Mr. Timothy A. Mitchell; Mr. Eugene C. Moffat; Admiral Ben Moreell; Mr. Vladimir Morosov.

Dr. Ralph Mortensen, Shanghai-Tiffin Club; Hon. George Murphy, Senator from California; Lt. Col. Nicholas Nazarenko, Nat'l. Cdr. Cossackian War Veterans; Aristide Nicolaie, Princess Alexandria C. Obolensky; Mr. Hugh B. O'Neill, American Friends of Vietnam; Prof. Henry Paolucci; Mr. C. H. Pearson; Judge Mario A. Proccacino; Dr. Ralph Waldo Pruden.

Mrs. Robert Pyzel; Admiral Arthur W. Radford; Mr. Walter L. Reynolds; Mr. George T. Reilly; Mr. Frederick L. Reuss, Jr.; Prof. Charles E. Rice, Notre Dame Law School; Mr. Donald R. Rice; Mr. John Rice; Col. William Lathrop Rich.

Dr. David N. Rowe, Yale University; Mr. William A. Rusher, National Review; Rt. Rev. Msgr. John S. Sabo; Mr. Ralph Santos; Mr. Harry S. Schanck; Dr. Sigmund J. Sluszka, Polish-American Congress; Hon. Earl E. T. Smith, Former Ambassador to Cuba; Prof. William V. Sotirovich, N.Y.U. Political Forum; Mrs. W. Howard Steiner, Cdr. William S. Stuhr.

Mrs. William H. Sullivan, Jr.; Mr. Harold L. Suttle; Mr. Donald B. Tansill; Col. Alexis Tchenkeli, Pres., United Caucasus Org., Inc.; Hon. Strom Thurmond, Senator from South Carolina; Mrs. George H. Townsend; Hon. Matthew Troy, Sr., Chairman, Captive Nations Comm.; Mr. Gene Tunney; Mr. Eugene Tzyzkiewicz; Gen. James A. Van Fleet; Mr. Viktors Viksnins, Chairman, Latvian Society of Chicago; Gen. A. C. Wedemeyer; Prof. Karl A. Wittfogel; Lefley Frost; Col. & Mrs. James W. Gerard.

STATEMENT OF THE COMMITTEE FOR EFFECTIVE CRIME CONTROL ON THE LEGITIMACY OF HANDGUN OWNERSHIP

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. QUIE. Mr. Speaker, the Committee for Effective Crime Control, a Minneapolis-based organization representing about 300,000 Minnesota firearms owners, has sent me a copy of its statement on the legitimacy of handgun ownership. So that Members may have the committee's views in opposition to any legislation leading to outlawing legitimate ownership of handguns, I submit the committee's statement at this point in the RECORD:

STATEMENT OF THE COMMITTEE FOR EFFECTIVE CRIME CONTROL ON THE LEGITIMACY OF HANDGUN OWNERSHIP

Handguns are legitimately used in the shooting sports, in gun collecting, and in personal defense, by more than twenty-five million Americans.

About forty-five thousand Americans are active each year in competitive pistol shooting. About two million citizens actively hunt each year with handguns. As of this year, some forty-eight states, including Minnesota, allow handguns to be used in taking predators and unprotected game. Forty-one states allow the use of handguns in taking small game. Twenty-three states allow the use of handguns in taking big game. Improvements in loads and accuracy have made handguns, in competent hands, suitable for hunting the largest North American game. Handguns offer a safety factor in settled regions because their maximum danger range is about half that of long range big game rifles. In recognition of their sporting use, the ten per cent federal excise tax on handguns is apportioned entirely for hunter safety training programs, shooting range construction, and wildlife restoration.

Included among the ranks of handgun owners are many thousands of gun collectors and millions of citizens who keep handguns for personal protection and occasional outdoor use, such as plinking tin cans. Because of its size and ease in handling, the handgun is excellent for self defense and is, in fact, the only functional firearm in many situations.

According to the F.B.I.'s *Uniform Crime Reports* and statistics gathered by the National Commission on the Causes and Prevention of Violence, in any recent year only five of every thousand handguns are used in major crime. The number of handguns involved in accidental deaths is much smaller.

Despite this outstanding record of legitimate and safe use, some concerned citizens in our society are waging a war against handguns, seeking to isolate handgun owners from other firearms owners through a divide-and-conquer strategy, preparatory to eliminating handgun ownership. *The handgun has become a symbol of violence to such oppressors and legitimate handgun ownership is endangered by a symbolic purge which would make scapegoats of legitimate owners.* Such persons are hung up on the idea that a handgun has only one purpose and that is to kill. They do not realize that a handgun is an inanimate object. Whether a purpose is good or bad depends not upon the handgun but upon the user, and, statistically speaking, owners' purposes and uses are virtually always legitimate.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

VETERAN'S DAY

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. BOGGS. Mr. President, Dr. Harry O. Eisenberg, a noted educator and poet from the State of Delaware, has penned some lines for Veteran's Day.

I know that Veteran's Day is some time off, but I thought Dr. Eisenberg's poem was so good and so apropos that I wish to share it with my colleagues.

Dr. Eisenberg is a long time and valued friend of mine, and he is the poet laureate of the State of Delaware, having been appointed to that distinguished position by the Honorable Russell W. Peterson, Governor of Delaware.

I ask unanimous consent that Dr. Eisenberg's poem be printed at this point in the Record.

There being no objection, the poem was ordered to be printed in the Record, as follows:

Veteran's Day

Will you watch two parades with me?
The flying flags and beating drums
The sounding horns and the tramp of feet
All tell that a parade is passing by.
The men have grown in girth and lost a little hair
There is a stiffness in the uneven step
That marks a vain attempt to catch again
The thrill of confidence that comes of being with your fellowmen
In a cause in which you believe.
The parade is short; the numbers few of those who march today to honor those who can no longer march.
The memory is grand; the thoughts intense of other days when freedom stood on dangerous ground.
Tramp, tramp, tramp, tramp
Eight abreast, thirty files a minute
Tramp, tramp, tramp, tramp
Eight abreast, thirty files a minute
And soon the flags have passed
And the last beat of the drum
Has faded and died.
But do not go.
Another parade will soon pass by
In the distance can you not hear
The tramp of marching feet
Don't tell me that your ears have grown so dull,
You cannot hear the sound of ghostly feet.
These are the dead who march;
These are the men who died
That freedom might forever live within the hearts of men.
These are the men who died
That wars might cease
And men might live as brothers.
Tramp, tramp, tramp, tramp
The ghostly line files by.
Tramp, tramp, tramp, tramp
The line of those who came again home with mind and body
Far less sound than when they left
Stretches beyond the far perimeter of time
Tramp, tramp, tramp, tramp
Eight abreast, thirty files a minute
See the host pass by.
But do not falter now. The parade is long
The hours pass and then a day
And still no end,
But be not weary with the ghostly throng
For it must pass along the avenues of time
With a tramp, tramp, tramp
Eight abreast, thirty files a minute
Tramp, tramp, tramp, tramp
The maimed and bloody crew.
You still must stand and watch this parade pass by.
You still must stand and hold your faith
That all those men made brave by war
And by a faith that freedom must forever live
And war be banished from the ways of men still live.
You still must stand and hold your faith
And dedicate your life to bring to pass
That high ideal for which this host was maimed and died
Tramp, tramp, tramp, tramp
Eight abreast, thirty files a minute
Tramp, tramp, tramp, tramp
The ghostly parade goes by
Its banners furled from every breeze
Its muffled drums with soundless beat
Its faith eternal in the God
Who rules the world with purpose calm and just.
Just watch this parade as it goes by
And live a thousand days in one.

OIL IMPORT HEARINGS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. CONTE. Mr. Speaker, earlier this month the Senate Subcommittee on Small Business began hearings on the current fuel oil situation in the Northeastern States. The first day was devoted to testimony from dealers, jobbers and terminal operators who sell fuel oil in the Northeast and who are, of course, very familiar with conditions and problems in those markets.

I am pleased that their testimony supported the recommendations made by the New England congressional delegation to the President and to the Oil Policy Committee in recent months. Those recommendations call for prompt action to:

Raise the level of No. 2 fuel oil imports into District I—the east coast—to 100,000 barrels per day, so that there can be a significant impact on prices, supply and competition.

Remove the Western Hemisphere purchase limitation, so that importers can buy at the most competitive prices.

Place the program on a permanent basis, so that effective long-range planning and investment in facilities can take place.

Our recommendations have been pending since last May, and we are becoming increasingly concerned at the continuing delays. We hope that action will be taken soon, so that the No. 2 fuel oil program initiated by President Nixon last year can be made more effective and the objectives announced by the President can be achieved.

Mr. President, I call the attention of my colleagues to three excellent statements presented at the Senate hearings—by Senator Edward Brooke, and by spokesmen for the New England Fuel Institute and the Independent Fuel Termimal Operators Association—and I insert them at this point in the Record:

Statement of Senator Edward W. Brooke

Mr. Chairman, for the second successive year this subcommittee is meeting in the early fall to consider the grave situation facing the consumers of residential and industrial fuel oil in the Northeast. Although those who have been fighting this long and sometimes discouraging battle to obtain ensured oil supplies at reasonable prices have seen some progress through marginally increased imports of heating oil, we have also learned that all too often the lower cost benefits that would and should have been passed on to the consumer have been skimmed off by the major oil companies in the form of higher prices. Even after the Administration recognized the gravity of our problem by granting independent cargo terminal operators on the East Coast allocations to import a total of 40,000 barrels daily of No. 2 oil, prices continued to go up. It was initially intended that the substantially lower cost of imported No. 2 oil would have an effect on stabilizing U.S. domestic fuel oil prices. In actuality, however, the steps taken by the Administration in its attempts to aid the oil consumer have been completely turned to the benefit of a few large oil companies before they even had a chance to take effect.

For practical purposes, the geographical limitation on the origin of the crude oil from which the imported fuel oil must be derived has had to come from Caribbean refinery sources, primarily Venezuela and the Netherlands West Indies, the principal western hemisphere export centers for refined products. Thus importers, operating under the 40,000 barrels per day allocation, found themselves forced to deal on a short term basis in a narrow market controlled by only a few large oil companies.

In addition, price increases were further aggravated by the imposition of high tax reference values by the Venezuelan government on all oil exports. The increase of 1.8¢ per gallon in the tax reference value for No. 2 oil plus the increase in the effective tax rate from 50% to 58%, accompanied by a simultaneous increase in royalty payments last December, added greatly to the price of foreign home heating oil landed in the Northeast. In fact, by May of this year, the price of Caribbean No. 2 was higher than that paid for No. 2 on the Gulf Coast.

Finally, the use of No. 2 fuel oil as a blending agent to reduce the sulphur content in residual oil has caused the Caribbean market for No. 2 as a separate product to all but cease to exist.

One must wonder what consumer benefits can be expected by limiting our sources of foreign heating oil purchases to markets that are even tighter from both the standpoint of prices and supplies than those in the United States.

In view of these developments, I wish to reiterate my support for the tripartite program for expansion of our fuel oil import program to a level that will offer meaningful relief for the New England consumer without major home heating oil producers increasing their domination of the Northeast market.

First, the allocation which is presently set at 40,000 barrels per day should be increased to 100,000 barrels per day as soon as possible. It has been estimated that an increase to approximately 100,000 barrels per day could result in a retail price reduction of approximately 1¢ per gallon to the homeowner.

Second, to avoid the controlled market situation in the Caribbean, the requirement that No. 2 imports under this allocation must come from only western hemisphere sources should be eliminated forthwith. With the opening of the Syrian tapline and the reduction in tanker transportation costs, there are definite economies to be achieved by importing oil from sources outside the Caribbean.

Third, no matter what level the allocation is set at, it is the only segment of the oil import program which is referred to as "temporary". There is every reason to believe that there is much pressure on the Administration to abolish the allocation to independent terminal operators and put that oil back in the crude pool which would then be distributed to major refiners. Therefore, this allocation must be made a permanent part of the program.

Even though home heating oil supplies have commanded most of the attention of this subcommittee, recent deterioration in the industrial fuel oil market, has perhaps been the most alarming of all. During the year, several towns and cities in New England have faced dangerously short supplies of this basic fuel. New supplies, when available, are sometimes two and three times more expensive than the previous year's supply. Perhaps nothing cries out for price controls under the Administration's new economic program more than do residual fuel oil prices. Unlike our problems with home heating oil, controls under the Mandatory Oil Import Program are not the problem, because residual oil imports are exempt from controls. When placed side by side with those controlling No. 2, residual fuel import regulations highlight the paradoxes and inequities of the Mandatory Oil Import Program. This program leaves one product without controls while enforcing tight limitations on other and, in some cases, direct substitute products.

Finally, Mr. Chairman, I hope that the deliberations of this subcommittee will examine not only the present price, supply, and demand situation in each of these important petroleum products but also the dubious prospects for attempts to reinstitute some form of controls on residual fuel oil. Although progress in increasing supplies of No. 2 has been slow, it has been most measurable and significant in the last two years of this Administration. New controls on residual oil would surely negate what little progress has already been made to eliminate New England's fuel and energy problems.

STATEMENT BY NEW ENGLAND FUEL INSTITUTE

Mr. Chairman, I am Robert DeBlois, Chairman of the Board of New England Fuel Institute. I am accompanied this morning by Donald Craft, President and Mr. Charles H. Burkhardt, Executive Vice President of the Institute. The New England Fuel Institute is an association covering the six state region, with a membership of 1,143 retail and wholesale home heating oil dealers and distributors. Members of our organization sell nearly 75% of the #2 home heating oil in New England. In addition, a number of our members retail substantial quantities of heavy fuel (#6) oil and also operate deepwater terminals.

Before proceeding I want to thank you Mr. Chairman, for the vigorous and effective work you have done over the past several years on behalf of the small heating oil retailers of New England and the thousands of consumers who depend on fuel oil in our area. This Committee has held a number of hearings on New England's unique fuel problems. I am sure you realize, Mr. Chairman, that your efforts and those of the other members of the New England Senatorial and Congressional delegation have distinctly helped spotlight the inequities of the existing import system as it affects New England consumers. Your efforts also have achieved some measure of relief from the cycle of supply shortages and high prices that have characterized our region during recent years. We are sure that this very constructive hearing will further assist us and New England Consumers in winning the greater relief that is so urgently needed.

Mr. Chairman, we think it would be helpful right at the outset to describe once again the reasons that lie behind the disproportionate prices New Englanders must pay for the heating oil they buy to heat their homes. We are talking about a commodity that is not a luxury item, rather it is a product which is of vital necessity to the health and well-being of seven out of ten New Englanders who heat their homes with oil.

The problem of oil prices, shortages and threats of shortages of home heating oil in New England stem from the fact that every drop of oil used in New England must come into the area by ship. New England has no oil production or refineries of its own. Nor does it produce any coal or natural gas. There are limited amounts of hydro-power available in New England but by and large, our region runs on oil, and every barrel of oil must come by ship.

Fortunately, New England is blessed with a number of fine harbors and under normal circumstances could expect to bring oil into our region priced competitively with any other area in the country. Unfortunately, normal market price transactions—normal flow of oil—cannot take place. Why? Because as of 1959 New England, like the rest of a 43 state area, has been subject to mandatory oil import controls. These controls negate New England's natural advantage of deep water harbor facilities because they prevent New England distributors from importing foreign oil (apart from heavy fuel oil, which as is known, is allowed entry).

Last year East Coast deep water terminal operators were for the first time, granted on a trial basis, a daily import quota of 40,000 barrels of #2 home heating oil. The quota stipulated that this product had to be imported from Western Hemisphere sources daily from the Caribbean area. We wish to address ourselves to that program at some length, further on in our testimony. Apart from that limited exception New England deep water terminal operators, including major company terminal operators must rely on domestic U.S. Supply Sources for all of their product requirement. Since we have no refineries in New England, we must, in effect, import refined products from other parts of the country.

Unfortunately, there have been no refineries built on the East Coast of the U. S., since the mandatory oil import program was initiated 12 years ago. Moreover, East Coast demand for product is well over double the volume produced in East Coast refineries. Thus we must look to the U.S. Gulf Coast areas for a substantial part of our supplies. The point we are trying to make Senator, is that the heart of the refining industry is located in the Gulf Coast area and New England, by a quirk of geography, happens to be at the farthest end of the supply line. These geographical facts coupled with the inability, because of the oil import program, to buy home heating oil in world markets at competitive market prices have placed New England in the position of paying higher prices for home heating oil than any other region of the country. The inequities of this situation are obvious.

What we have here, is a major oil import quota system justified on the basis of national security, which causes prices in one particular region of the country to be disproportionately higher than in others. If one accepts the thesis, which we do not, that there is a valid national security justification for the oil import program, we are in effect, paying more than our pro rata share of what should be a national burden. It is particularly unfortunate that the region that has to pay the highest prices for home heating oil is the very region that needs and uses more heating oil per capita than any other in the country.

There is another inequity Mr. Chairman, imposed on small businessmen by the Oil Import Program. We refer, of course, to the competitive inequity caused by the size and economic strength of the major integrated oil companies as well as the dependent position the quota program has forced on independent deep water terminal operators. These independent terminal operators have the hardware—that is the physical facilities to bring oil into the New England market from anywhere in the world, and indeed, when they were allowed to do so before the oil program was initiated, they were able to compete effectively with the major companies and bring to New England jobbers and small retail distributors an alternative source to major company supplies.

The oil import program, of course, changed all that by forcing independent terminal operators to acquire their supplies from a small number of major companies with refining capacity located inside the U.S. market. In short, the independent terminal operators are forced into the incongruous position of having to compete for jobber business with the very same companies upon whom they are dependent for an adequate supply at a reasonable price.

As this committee knows, we in New England have experienced difficulties as a result of the quota system in obtaining necessary fuel oil supplies ever since the winter of 1966–67. Each winter since, the supply situation has grown more severe and only emergency allocations from the Oil Import Appeals Board prevented home owners from running out of oil.

Last year for the first time, there was a ray of hope. An Oil Import Quota of 40,000 barrels was allocated to independent terminal operators starting in June of last year and continuing through 1971. This positive step was viewed at the time as a breakthrough which would lead to price relief for New England consumers as well as adequate supplies during last winter's season.

Unfortunately, the terminal operators were required to purchase the 40,000 barrels per day solely from Western Hemisphere sources. This restriction was a harmful and inequitable one. Within a few months from the time that the quota allocations were granted, prices for home heating oil in the Caribbean area rose from 6.5¢ per gallon to 9.5¢ per gallon, an increase of almost 50%. New England consumers were denied price relief by the companies who controlled the vast majority of Caribbean home heating oil companies.

Still, the program did have a positive impact. The added supplies gave New England its first winter in five years completely free of fear and threat of shortages. While the major impact on price that had been hoped for did not materialize, independent deep water terminal operators were able to competitively defend their business vigorously and in some cases seek new business. For those of us in the busines as jobbers and retailers there was more competition by alternate suppliers bidding for our business. During the last half of the home heating oil season discounts to jobbers and distributors became general for the first time in more than five years.

However, more and more substantial relief is needed if the taste of competitive pricing, which we jobbers and distributors enjoyed last year, is to become meaningful this winter and for the future. The 40,000 barrels per day import quota should be sharply expanded to at least 100,000 barrels per day through 1972 and by January 1st, 1973 there should be complete decontrol of the #2 home heating oil imports into the East Coast. Of even more importance is the Western Hemisphere purchase restriction. This should be lifted so that terminal operators are allowed to buy supplies from all free world markets at lower prices than are currently available in the Caribbean.

This committee may be interested in how we view the prospect for supply and prices for this winter and the future. The price picture is, of course, still clouded somewhat by the Presidential freeze now in effect. Prior to the price freeze, one large refiner had announced a schedule of price increases on the wholesale level in steps starting with 3/10 of a cent in May and adding a total of another 1¢ per gallon in stages through November, December and January. Thus, we in New England face the bleak prospect of yet another increase in the cost of heating our homes unless the price freeze prevents it.

On the supply side, we believe that if a favorable decision is made to go forward with home heating oil quotas to deep water terminal operators on an expanded and unrestricted basis, there will be no shortages this winter. Large refining oil companies, of course, have argued that continuation of the quota is unnecessary; that inventories are at high levels and that we need have no fear of shortages this winter. Mr. Chairman we have heard that before.

In reality, we don't think that the major companies or any party here, at this stage of the game, can be overly sanguine about the supply situation for this winter and the future.

In fact there are a number of trends underway today which could dramatically alter the demand for home heating oil this year and for the future. We refer, Mr. Chairman, to a number of substitutions that are being made which could cause an unusual increase in demand for home heating oil. We will cite a few examples to illustrate this point:

(1) Pollution controls governing the sulphur content in heavy fuel oil have been adopted by a number of states. Your own state of New Hampshire now requires sulphur levels not to exceed 2.2% by weight of heavy fuel oil (#6). Next year that level will be reduced to 1.5%. In my state of Rhode Island and in neighboring states as of October 1 this year, no heavy fuel oil can be brought into the state with sulphur levels exceeding 1% by weight. In Boston and a number of contiguous communities in Massachusetts, sulphur levels are to be reduced by October 1st, to ½ of 1%; while in New York City and New Jersey the permitted sulphur levels will drop to three tenths of 1%.

By January 1972 every state must file an implementation plan with the federal government showing what requirements they propose, to meet the primary ambient air standards as required by 1975 as provided for by last year's Federal Clean-Air Legislation. All of these controls will require a vast increase in the volume of low sulphur heavy fuel oil sold on the East Coast of the U.S.

One way in which companies are meeting these strict sulphur standards is by blending low sulphur home heating oil (#2) with high sulphur heavy fuel oil to meet requirements. Here then, is a whole new use for home heating oil which is already substantial and which will grow even more as additional states adopt stricter sulphur levels. It is this situation, as all admit, that has caused the tight supply situation in the Caribbean area.

(2). Another kind of pollution control already in effect in the metropolitan Boston area is a requirement that all buildings burning heavy fuel oil (#5 & #6), at a rate of 20 gallons per hour or less must be converted to #2 home heating oil or gas. We estimate that there are some 14,000 buildings in the metropolitan Boston Air Shed and its 20 surrounding cities and towns that have had to make this conversion. We think it is reasonable to estimate that these buildings on the average will consume #2 home heating oil at a rate of between 30,000 to 38,000 gallons per year. This all adds up to a minimum of 10 million barrels of new demand for home heating oil as a result of air pollution regulations. Obviously, to the extent that such regulations are adopted in other states the demand for home heating oil could further skyrocket.

(3). Electric utilities in New England and New York have purchased jet-type turbine power plants to drive generators to produce electricity. These jet engine turbines burn #2 oil and the rapidity and extent of conversion to this type of equipment could by itself, significantly increase demand for home heating oil.

(4). Finally, the demand for #2 oil is likely to be affected by the developing natural gas shortage in the U. S. This is one subject on which the industry, majors and independent producers, all seem to agree—there is going to be an increasing shortage of natural gas. Until now, gas companies visited with a squeeze on supplies have usually preferred to cutback on their sales to industrial users while maintaining their deliveries to home consumers. In recent weeks this practice has been challenged by, among others, the governor of Pennsylvania, who urged that gas deliveries to industries be continued because home owners had alternate energy sources.

He was referring, of course, to home heating oil. If the natural gas shortage is to be partially solved by the conversion of these homes to heating equipment that will burn oil instead of gas, than a further demand for home heating oil will occur.

Mr. Chairman, we suggest that all these trends point in one direction. None of us can be too confident of the adequacy of supplies at reasonable prices of the product that we are discussing here this morning. It is clear to us that larger volumes of home heating oil must be allowed entry and that the Western Hemispheric restriction on such imports must be eliminated. We would hope this committee will make recommendations to this effect in the strongest possible terms.

In support of this we are submitting as an attachment to this testimony, NEFI's statement of position on this issue, dated May 10th. Our recommendations at this time would be identical to those in this May 10th position paper, namely:

1. Suspension as soon as possible of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for District 1. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

2. An immediate increase in the import level under the No. 2 fuel program from 40,000 barrels per day to 100,000 barrels per day.

3. An immediate confirmation that the No. 2 fuel program will be extended through 1972.

4. On January 1, 1973, complete decontrol of No. 2 fuel oil imports into District I (the East Coast).

Finally, Mr. Chairman, we would like to comment briefly on the recent proposal by the Oil Import Administration that existing regulations covering the importation of No. 6 fuel oil be amended. We strongly oppose the suggested changes or indeed any change, that could lead to a reimposition of import restrictions on No. 6 fuel. We are deeply concerned with the intent of the proposed rule change and believe that they could involve a fundamental shift of oil import policy.

The East Coast currently imports some 90% of its requirements of this product because U. S. refineries have systematically reduced the volume of No. 6 fuel oil produced over the last 20 years. At present, domestic plans simply do not come anywhere close to producing enough No. 6 oil to meet demands.

The liberalization of No. 6 oil import quotas in 1965 was a direct result of strong and persistent efforts by New England and other East Coast Congressional Delegations. All of the benefit from that extensive and protracted effort is now being jeopardized. When a system works well and imports are freely allowed, it seems to us there has to be a reason for suddenly changing the regulations. The new allocation system would certainly be more cumbersome than the present one. What the Oil Import Administration appears to be doing is arbitrarily attempting to reimpose restrictions on imports of No. 6 fuel oil.

We hope this committee will take a searching look at these proposed regulations and investigate the real reasons for the proposed reimposition of import restrictions on No. 6 oil. We believe the proposed amendments involve a major grant of administrative authority. We strongly oppose such a measure.

Mr. Chairman, let us again express our gratitude and appreciation for being allowed the opportunity to present this testimony this morning. If you have any questions on any part of this testimony, Mr. Burkhardt, Mr. Craft and I will be happy to answer them.

STATEMENT OF POSITION

The New England Fuel Institute is an association covering the six state area with a membership of 1,100 independent retail home heating oil dealer-distributors. Its members sell nearly 80% of the No. 2 (home heating) fuel oil in New England and are retailers of substantial quantities of No. 6 (residual) fuel oil.

The Institute commends the members of the Senate and House from New England for their untiring and effective fight to assure adequate supplies of fuel oil, at reasonable prices, for the consumers of our area.

The Institute is grateful for the efforts which culminated in establishment of the special program allowing for importation of 40,000 barrels per day of No. 2 fuel into the Northeastern states; this program assured adequate supplies for New England in the Winter of 1970–71.

Viewing the future, the New England Fuel Institute is deeply concerned about three aspects relating to No. 2 fuel oil.

1. *Demand.* The Oil and Gas Journal projects a 10–15% increase in demand during the latter half of 1971. NEFI agrees with this projection, but warns that it could prove low for the New England area due to the following factors: record demand for No. 2 fuel by utilities; increased consumption by small apartment and factory buildings, converting from No. 6 burners to meet anti-pollution standards; increased use of No. 2 fuel in blending with high sulfur No. 6 oil, to meet more stringent anti-pollution rules going into effect during 1971–72.

2. *Supply.* Because of high nationwide demand for distillate fuels, domestic refineries may not produce adequate amounts for the coming winter. The supply picture in the Caribbean is bleak; major refiners in the area will have little product available for importation into New England and only at very high prices.

3. *Price.* Prospects for the Winter of 1971–72 are not good. The wholesale (cargo) price of No. 2 fuel oil will be increased along the East Coast by 1.3 cents per gallon by the end of 1971. These price moves will mean added costs to consumers of New England of $60 million per year.

Recommendations

The New England Fuel Institute urges that Federal Oil Import policies be changed to meet the problems outlined above. Specifically we recommend:

1. Suspension on or before June 1, of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for District I. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

2. An immediate increase in the import level under the No. 2 fuel program from 40,000 barrels per day to 100,000 barrels per day.

3. An immediate confirmation that the No. 2 fuel program will be extended through 1972.

4. On January 1, 1973, complete decontrol of No. 2 fuel oil imports into District I (the East Coast).

STATEMENT OF ARTHUR T. SOULE, PRESIDENT, INDEPENDENT FUEL TERMINAL OPERATORS ASSOCIATION

Mr. Chairman, thank you very much for the privilege of appearing before you today. My name is Arthur T. Soule. I am President of the Independent Fuel Terminal Operators

Association; I am also Vice President of the Patchogue Oil Terminal Corporation of Brooklyn, New York, an independent deepwater terminal serving the New York area.

Before beginning my formal statement, Mr. Chairman, I should like to commend you, the members of this Committee, and the Senators, Congressmen and Governors from New England and the Northeast for your persistent fight on behalf of independent marketers and consumers of No. 2 fuel oil. It has been, as you know, a long, hard effort, but we have made progress. We are deeply grateful for your leadership, for the series of fact-finding hearings and inquiries into the problem conducted by this Committee, and for the continuing support of the public officials of the Northeastern states.

I am appearing today on behalf of the Independent Fuel Terminal Operators Association, whose 16 members operate oil terminals along the East Coast from Maine to Florida. A list of members is included with my statement (Attachment A). Our members own or control terminals capable of receiving ocean-going tankers, and none is affiliated with a major oil company. All are qualified participants under the No. 2 fuel oil program established last year by Presidential Proclamations 3990 and 4018 and Section 30 of the Oil Import Regulation, under which 40,000 b/d of home heating oil is being imported into District I (the East Coast).

I should like to discuss four major topics: first, deep-water terminal operations and the history of our part of the oil business; second, the No. 2 fuel oil import program initiated last year; third, the current situation in the fuel oil markets of the Northeast; and fourth, our specific recommendations for changes in current oil import policies.

1. THE DEEPWATER TERMINAL BUSINESS

A deepwater terminal is a facility composed of a dock which can, as I have indicated, receive an ocean-going tanker; hoses and pipes for withdrawing oil from the ship; storage tanks; and a "rack" or loading system through which oil is pumped from the storage tanks to barges for further shipment over water, or is pumped into trucks which carry the fuel oil to homes. A deepwater terminal is the initial point in the distribution system for No. 2 fuel oil in the Northeastern states, particularly in New England. No. 2 fuel oil coming into the area can be either shipped from a U.S. refinery or imported from a foreign source. Parts of the East Coast are also served by pipelines which transport No. 2 fuel from Texas and Louisiana, but as one moves farther north, the dependence on ship-borne supplies becomes greater; and all the fuel oil coming into New England arrives by water.

Deepwater terminals can, of course, be owned by major oil companies or by independent businessmen like ourselves. We compete with the major oil companies at the terminal level; in other businesses this would be considered the wholesale level. Where there is vigorous competition, the independent retailer or jobber who sells oil to homeowners benefits by the existence of alternative sources of supply—that is, the majors and ourselves. The experience in our business has been that where the independent deepwater terminal operator is strong, the independent segment of the market down-the-line is also strong; and where the major oil companies dominate they generally dominate or own the distribution system all the way down the line.

Our basic problem has been that we—the deepwater terminal operators—are forced to compete at the terminal level with the same people who sell us products—the major oil companies. This is a classic competitive problem, with which, I am sure, the Committee is familiar. The particular difficulty in this case is that the Federal Government—through the Oil Import Program—has intervened in the market place and distorted the competitive mechanism in favor of the major oil companies. These companies have access to imports of major quantities of crude oil. For example, in 1971, one major oil company alone will import more oil than is received by all the independent deepwater terminal operators along the East Coast.

We have always been vigorous competitors and believe in freedom of competition. However, since 1959, when the Mandatory Oil Import Program was placed into effect, the Federal Government has made decision after decision on import policy questions in favor of the large integrated oil companies. One exception, as this Committee knows, was Proclamation 3990 issued by President Nixon on June 17, 1970 which, for the first time, recognized the special competitive, price and supply problems of No. 2 fuel oil in the Northeastern states. We were understandably very pleased at the President's action.

Unfortunately, the major oil companies moved swiftly to assure that the import allocations which we received did not provide the expected benefits.

I will discuss these problems in a moment, but thought it might be useful to the Committee to have a brief history of the independent segment of the heating oil market. Soon after World War II, the major oil companies found themselves with a surplus of heating oil, and in order to assure full consumption of this oil, encouraged us and other independent marketers of fuel oil to develop facilities—particularly deepwater terminals—through which this oil could be marketed. This we did and many of us built strong, successful businesses. And the major oil companies provided us with ample supplies, on long term and/or annual contract at reasonable prices from their domestic refineries.

However, conditions began to change after 1959 under the impact of the Oil Import Program. The effect of import controls was to raise the cost of crude oil to refineries; the higher prices, in turn, forced a re-examination of refinery economics. As a result, the refiners sought the maximum monetary yield from each barrel of crude oil and thus made every effort to maximize the production of gasoline—the product yielding the highest profit. Throughout the decade of the 1960's, more and more refiners installed sophisticated hydro-cracking equipment which upped gasoline output and steadily reduced the refinery yield of No. 6 and No. 2 fuel oils.

Assured supplies of No. 2 fuel oil were gradually withdrawn from the independent segment of the market; much of the remaining No. 2 fuel oil product was fed through the major oil companies outlets. Beginning in the Winter of 1966–67, many of our members were forced increasingly to rely on the spot market for supplies, as contracts were terminated by the majors. Many terminal operators experienced absolute shortages of product, and many deepwater terminal tanks were empty for weeks during the several recent winters.

An equally critical trend of recent years—for both terminal operators and consumers—has been steady upward climb in the price of No. 2 fuel oil. In August 1964, the cargo price charged by the major oil companies was 8.3 cents per gallon; in May 1971 it was 11.1 cents per gallon and by January 1, 1972, is scheduled to reach 12.1 cents. Thus, in the period of 8 years, the cargo price for this vital product has increased more than 40%.

Further evidence of our competitive problems was the continuing disappearance of independent deepwater terminal operators through acquisition by the major oil companies, as the majors expanded their outlets and control of the heating oil markets along the East Coast. Attached to my statement is a list of independent deepwater terminal operators who have been acquired by the majors since 1959 (Attachment B).

With many of our members disappearing, supplies growing tight, prices escalating, and our competitive situation worsening, we re-evaluated our situation and decided in 1968 to form the Independent Fuel Terminal Operators Association. Our efforts have met with some success. But as I will outline below, we still face many problems.

2. NO. 2 FUEL OIL PROGRAM

As I indicated, a major recognition of our problems was provided by President Nixon last year with the promulgation of Presidential Proclamation 3990. That Proclamation provided that 40,000 b/d of No. 2 fuel oil could be imported during the last six months of 1970 from Western Hemisphere refineries, by independent deepwater terminal operators and certain other marketers who did business in District I (the East Coast from Maine to Florida). The Program was extended—at the 40,000 b/d level—through 1971.

Unfortunately, however, the Program has not had the expected impact on prices or competition. Soon after the Presidential announcement, the major oil companies—that is the two which dominate the Caribbean market—raised the No. 2 fuel oil prices sharply. A chart of those price moves is included as Attachment C. In fact, the prices which we paid for this product during the past Winter were so high that the delivered cost of the oil from Caribbean refineries to New York and Boston was about the same as the delivered cost of oil from Texas and Louisiana refineries. Because there was no significant price differential, the program did little to strengthen our competitive position vis-a-vis the major oil companies or to provide price relief for consumers.

The new program did, however, have a major impact on supply; this past Winter—for the first time in 5 years—there were no shortages or threats of shortages in the Northeast at any time. For this we, and all of the Northeast, were grateful.

The reason the program has not been fully effective is very clear. As I mentioned above, the No. 2 fuel oil which we import must be "manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere". This effectively limits us to the Caribbean, and to a market where two major oil companies control nearly two-thirds of the refining capacity. If the program is to be fully effective, if the goals which the President established are to be achieved, we must be freed from this restriction; we must be able to purchase oil from any free world source on the same basis as purchasers of crude oil.

On February 3, 1971 we formally requested General George A. Lincoln, Chairman of the Oil Policy Committee, to suspend the Western Hemisphere purchase limitation; on April 14 we provided additional information and asked that a decision be made in the near future.

In response, the Oil Policy Committee and the Office of Emergency Preparedness initiated a study of the No. 2 fuel oil situation and commendably sent to independent deepwater terminal operators and to the major oil companies questionnaires designed to gather factual information about the true state of the market. Unfortunately, the Oil Policy Committee has not yet been able to reach a decision; one of the reasons, we understand, is the major work-load placed upon the Office of Emergency Preparedness as a result of the President's New Economic Policy announced on August 15.

We hope that a decision will be forthcoming in the very near future. We need access to European refineries* and we need additional imports if this program is to be successful and effective. We understand the reasons for delay, but the Winter will be upon us soon and we must have enough time to plan effectively for the importation of sufficient quantities of reasonably priced oil.

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*Attachment D compares delivered prices of No. 2 fuel oil from the Caribbean and Europe.

In summary, the frame-work has been established for an effective import program for No. 2 fuel oil into the East Coast. What we seek, as I shall indicate, is improvement and expansion of that program.

3. THE CURRENT SITUATION

I should like to take a moment to describe the current situation in the No. 2 fuel oil market as we see it.

First, as to prices. There is no clear indication as to what will happen upon the expiration of the price freeze in mid-November, but as this Committee knows, the Humble Oil Company last Spring announced that it would place into effect a series of cargo price increases by the end of this year that would add 1 cent per gallon to the wholesale price. This, if carried out, would obviously have a major inflationary impact.

In addition, last Spring the Humble Oil Company and other major marketers removed the differential between the barge and the cargo (i.e. terminal) price for No. 2 fuel oil. This may not seem like much, nor is it readily understandable to the public, but what it means to us is that the major oil companies are using their market power and market control to eliminate the profit margin from a segment of business formerly enjoyed by the independent deepwater terminal operator. We have customarily sold a portion of No. 2 fuel oil through a distribution chain which runs from our deepwater terminal facilities to a barge operator for further shipment by water up smaller rivers. Needless to say, at each stage along the system, a price differential must exist if the seller is to make any profit. Independent terminal operators must make profit at each particular reseller level. In this case, by removing the differential between one reseller stage and another—that is, the cargo level and the barge level—the majors have placed us at a competitive disadvantage, which has had a severe impact on our ability to stay in business.

We would have no problem with this development if it occurred in a free market and if we did not have to depend on our direct competitors, the majors, for our supplies and if we had free access to overseas supplies. But, as I have described, this is not the case. And this recent development underscores once again the need for a more effective import program for No. 2 fuel oil.

As for supplies of No. 2 fuel oil in the coming Winter, a precise answer is not possible. There are many hidden factors and unknown trends. But we do know that there will be a significant increase in demand.

The *Oil and Gas Journal* projects an increase during the October-December period of 10% over 1970. We believe this conservative, due to a number of factors: First, the increased use of No. 2 for blending to make low sulfur residual fuel oil to meet the anti-pollution standards now going into effect in the Northeastern states. Second, the installation of No. 2 fuel oil burning equipment—in place of No. 6 equipment—by apartment houses, industrial plants and utilities. Our members have noted a sharp increase in demand for No. 2 fuel from many new users this year; most are consumers who had formerly purchased No. 6 oil in large quantities. Third, a shift to No. 2 and No. 6 oil by major users, such as utilities, who had formerly relied on gas.* The growing shortage of natural gas is expected to place added pressure on No. 2 and low-sulphur No. 6 fuel supplies, as more and more users turn to fuel oil as the source of power.

As is obvious from the factors entered above, the major cause of the escalation in No. 2 fuel oil demand is the anti-pollution regulations going into effect. Fuel oil in New York and New Jersey must have a sulfur content of no more than .3 of 1%; in Connecticut, Rhode Island and parts of Massachusetts, the maximum is 1%; in other parts of Massachusetts, it is ½ of 1%.

No. 2 fuel oil is by its nature a low-sulfur product, with a sulfur level of below .3 of 1%; thus it will be in increasing demand for direct burning and for blending with high sulfur No. 6 oil.

In summary, it is clear to us that No. 2 fuel oil demand will rise sharply this Winter, and a crisis could develop, particularly if the weather is extremely cold. Our basic view is that no chances should be taken in view of past supply problems that have plagued the Northeastern states. That is why we believe the Federal Government should move and move quickly to assure a significantly higher level of imports, to assure that regardless of the swings of demand there will be enough oil—at reasonable prices—for every homeowner in the coming Winter.

Before turning to our specific recommendations, Mr. Chairman, I should like to add a word about No. 6 fuel oil. Last month the Oil Import Administration issued proposed regulations which we believe would mark a major shift in U.S. import policies regarding this vital product. The proposed regulations would establish a new system of allocation which would set ceiling on imports and provide the OIA with the means, if it should so decide, for placing sharp restrictions on import allocations of No. 6 oil into East Coast. This is an issue of great importance to New England and the other states of the Northeast which depend heavily on imported supplies of No. 6 oil. It is a matter which should not be decided by the Oil Import Administration through Federal Register procedures, but rather through a thorough and searching examination by the Oil Policy Committee, the Office of Emergency Preparedness and other agencies and consideration by the appropriate members of Congress. That is why we are filing comments with the Oil Import Administration opposing any change in the current allocation system. We hope that the Committee will support this position and alert the public to the implications of the proposed residual fuel oil allocation system.

4. RECOMMENDATIONS

The Independent Fuel Terminal Operators Association has made its recommendations formally to the Oil Policy Committee and as I have indicated, we hope that they will be acted upon in the near future. For the convenience of the Committee, I should like to include in the Record a series of submissions which we have made to the Office of Emergency Preparedness and the Oil Policy Committee which contain those requests. In order to save the time of the Committee this morning, I should like to summarize them briefly:

First, the No. 2 fuel oil import program should be made a permanent part of the Oil Import Program. The No. 2 program is presently viewed as "experimental" and "temporary", subject to extension or cancellation at any time. For example, the imports of No. 2 fuel could be cut off on January 1, 1972. We are obviously unable to plan effectively or to make intelligent long-range decisions. In short, it's not a good way to do business.

If the program is established on a permanent basis with a significant level of imports assured, we would be prepared to make major investments in terminal storage facilities. This increased storage capacity would be consistent with the national security objectives of the Oil Import Program and would guarantee that ample supplies of heating fuels were always available in the Northeastern states. In addition, these new investments would mean substantial employment for construction personal in the New York and New England areas.

Second, the Western Hemisphere purchase limitation should be removed, so that No. 2 fuel oil can be imported at the most competitive prices. No. 2 fuel oil is in short supply in the Caribbean, and what's available is expensive. Access to a wider range of supplies in other parts of the Free World will assure that the import program achieves the goals established by the President—"to alleviate . . . the price, the supply and the competitive situation in connection with No. 2 fuel oil . . . on the East Coast, particularly New England and the Middle Atlantic states."

Third, the import levels of No. 2 fuel into District I should be raised to a level of 80,000 to 100,000 b/d. At this level, there could be a significant impact on prices and competition—and we would be prepared to embark upon the storage expansion program outlined above.

Fourth, we urge that these decisions be made promptly, so that we may plan effectively for the coming Winter; so that we may purchase the reasonably priced oil now available at European refineries and so that we may begin to restore our independent businesses as strong competitive factors in the fuel oil markets of the Northeast.

Mr. Chairman, in conclusion, I should like to thank you and the members of the Committee for your continuing efforts on behalf of the marketers and consumers of heating oil. We are grateful for the opportunity of appearing before you today and will be pleased to respond to any questions that you may have.

ATTACHMENT A—MEMBERS, INDEPENDENT FUEL TERMINAL OPERATORS ASSOCIATION

Belcher Oil Company, Miami, Florida; Northeast Petroleum Corp., Chelsea, Massachusetts.

Burns Brothers Preferred, Inc., Brooklyn, New York; Northville Industries, Corp., Melville, New York.

Cirillo Brothers Terminal, Inc., Bronx, New York; Patchogue Oil Terminal Corp., Brooklyn, New York.

Colonial Oil Industries, Inc., Savannah, Georgia; Ross Terminal Corp., Bayonne, New Jersey.

Deepwater Oil Terminal, Quincy, Massachusetts; Seaboard Enterprises, Inc., South Boston, Massachusetts.

Eastern Seaboard Petroleum Co., Inc.; Jacksonville, Florida; Union Oil Company of Boston, Revere, Massachusetts.

Gibbs Oil Company, Revere, Massachusetts; Webber Tanks, Inc., Bucksport, Maine.

Meenan Oil Company, New York, New York; Wyatt, Inc., New Haven, Connecticut.

ATTACHMENT B—INDEPENDENT DEEPWATER TERMINAL OPERATORS ACQUIRED BY MAJOR OIL COMPANIES AND REFINERIES IN NEW ENGLAND, NEW YORK-NEW JERSEY, AND GEORGIA-FLORIDA AREAS SINCE 1959

New England

Atlantic Sales Terminal Corp., Portsmouth, N.H., Shell (Sprague).

Ballard Oil Co., New Haven, Conn., Amerada Hess.

Buckley Bros., Bridgeport, Conn., Shell.

C. H. Sprague & Sons, Boston, Mass., Shell.

Ford Oil Co., New Haven, Conn., Texaco.

Hartol Petroleum Corp., from Massachusetts to North Carolina (18 terminals), Tenneco.

Hoffman Fuel Co., New Haven, Conn., Standard of Cal.

Jenny Manufacturing Co., Boston, Mass., Cities Service.

Paragon Oil, from Rhode Island to New Jersey, Texaco.

State Fuel, Boston, Mass., Amerada Hess.

T.A.D. Jones, New Haven, Conn., Gulf.

White Fuel Corp., Boston, Mass., Texaco.

New York-New Jersey

(In addition to Hartol and Paragon, listed above)

Blue Ridge Fuel, New York, N.Y., Texaco.

Coastal Petroleum, Newark, N.J., Continental.

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*See Attachment E.

Deepwater Oil Co. (Whale Oil), Brooklyn, N.Y., Amoco.

Mid Hudson Oil Co., Poughkeepsie, N.Y., Amerada Hess.

Tappan Tanker Terminal, Inc., Hastings-on-Hudson, Mobil.

Georgia-Florida

Delhi Taylor Oil Co., Jacksonville, Fla., Amerada Hess.

Southern State Oil Co., Jacksonville, Fla., Triangle Refineries.

Southland Oil Corp., Savannah, Ga., Signal Oil Co.

ATTACHMENT C.—NO. 2 FUEL OIL, POSTED CARGO PRICE, CARIBBEAN PORTS

[In cents per gallon]

	Esso Aruba, Netherlands, W.I.	Shell Cardon, Venezuela
June 30, 1970	6.5	6.5
July 30, 1970	7.5	7.5
Aug. 17, 1970	8.5	8.5
Nov. 25, 1970	9.0	9.5
Jan. 4, 1971	9.5	9.5
June 16, 1971	10.0	9.0
June 18, 1971	10.0	10.2
Aug. 4, 1971	9.5	10.2
Aug. 16, 1971	9.5	9.7

Source: Platt's Oilgram Price Service.

ATTACHMENT D

COMPARATIVE PRICES, NO. 2 FUEL OIL—EUROPE AND THE CARIBBEAN

[In cents per gallon]

	Europe (Italy)	Caribbean (Aruba)
I. Posted prices:		
F.o.b	7.3	[1] 9.5
Freight	[2] 1.2	.9
Delivered to Boston (excluding duty)	[3] 8.5	10.4
II. Spot prices:		
F.o.b	7.3–7.5	8.8–9.0
Freight	[2] 1.2	.9
Delivered to Boston (excluding duty)	[3] 8.5–8.7	9.7–9.9

[1] Esso posting; Shell is higher.

[2] Back-haul rate.

[3] Delivered prices from Rotterdam and England are the same; the f.o.b. price is slightly higher, the freight rate from Northern Europe to Boston is slightly lower.

Source: Platt's Oilgram Price Service, August 4, 1971.

ATTACHMENT E, NEW YORK TIMES, SEPTEMBER 1972

Gas shortage is pinching Con Edison

(By Peter Kihss)

The major supplier of natural gas for the metropolitan area has told Consolidated Edison and other utilities that it cannot meet all its commitments at present and may have to fall short by 10 per cent on the supply due here this winter.

The difficulties of the supplier, the Transcontinental Gas Pipe Line Company, were disclosed yesterday in a report to Governor Rockefeller from Joseph C. Swidler, chairman of the State Public Service Commission.

From June 1 to July 4, the report noted, Transco reduced its scheduled deliveries by 7 per cent. Con Edison, in turn, has cut its daily use of natural gas by a third since Aug. 13, Mr. Swidler noted.

The P.S.C. chairman reported that Transco had said that its gas sources "depleted unexpectedly fast" and that new sources were falling short.

Purchase approval sought

"We are intensively investigating this threat to gas consumers in New York City and elsewhere along the East Coast," Mr. Swidler added.

In Houston, John S. Burton, Transco senior vice president, said the pipeline company had filed a petition with the Federal Power Commission on Monday asking it to lift a present limit on the company's purchase of higher-cost Texas gas.

The Public Service Commission, in Albany, said the Federal Power Commission had called a conference for Sept. 17 in Washington for pipeline companies serving the Northeast, as well as for utility regulating bodies, to explore the Transco situation and other problems.

For the last year or more, the gas industry has reported a squeeze, with demand increasing while new-well drilling has fallen off, assertedly in part because of Federal pricing policies.

The P.S.C. has been investigating whether it should set up a priority system for new customers or even curtail present uses of gas. Its next hearing is due in Albany on Sept. 22.

Deliveries cut 7 pct.

Transco supplies more than 70 per cent of Con Edison's gas. William Wall, the utility's senior vice president for gas operations, said the pipeline concern had first told utilities here it could meet only 93 per cent of its commitments.

The resulting 7 per cent curtailment in deliveries during June was followed by a June 30 order by the Federal Power Commission allowing Transco to buy its estimated emergency need for the 1971–2 season—43.4 billion cubic feet—from the Nueces Industrial Gas Company in Texas.

The Texas company is an intrastate supplier, normally free of Federal regulation and reportedly insistent on staying that way. The resulting price was said here to be about a third higher than Transco's Louisiana supply costs.

The higher costs of gas purchases are passed along automatically to consumers in bills here. One utility source estimated that 20 per cent of the cost to a customer here is the cost in the field, the rest representing delivery across 1,800 miles and locally.

On about Aug. 11, Mr. Wall said, Transco reported that its supply gap was recurring and asked utilities here to curtail their use of the gas.

Con Edison, according to Mr. Wall, cut back its summer daily use of 360 million cubic feet by 65 million, but it has notified Transco that it will have to reduce this cutback to 35 million cubic feet today.

Con Edison's cutback has been mainly in the use of gas for its own power plants; it is substituting oil instead.

The Brooklyn Union Gas Company said that by halting interruptible service to customers, it had refrained from taking 24 million cubic feet of gas a day, to allow Transco to build up needed prewinter storage.

The Long Island Lighting Company said it had relinquished two billion cubic feet scheduled for delivery by Transco in August, September and October.

In New Jersey, the Public Service Electric and Gas Company said that any shortage it faced might be met by invoking customers' interruptible service contracts.

GYPSY MOTH SEX LURE TO BE TESTED BY PENN STATE

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 29, 1971

Mr. SCHWEIKER. Mr. President, I was delighted to learn that a synthetic sex lure of the gypsy moth will be tested under a $392,000 cooperative agreement between the U.S. Department of Agriculture and the Pennsylvania Agricultural Experiment Station at State College.

I have been concerned for several years about the serious environmental damage caused by the gypsy moth, which is a major threat to forests and ornamental trees in the Northeast part of the country. I have been working with the National Gypsy Moth Advisory Council in attempting to find solutions to this critical problem and to provide sufficient Federal funds to carry out the necessary research.

The damage caused by these insects is done during the caterpillar stage. Areas of Pennsylvania, Connecticut, New Jersey, and New York were particularly hard hit this summer. In fact, Henry M. Nixon, director of the bureau of plant industry in the Pennsylvania Department of Agriculture, has described the gypsy moth as the No. 1 insect problem in Pennsylvania. As an example as how the damage caused by the pest has increased, in Pennsylvania there were 800 acres of heavy defoliation in 1969; in 1970, 10,000 acres; and this year, 190,500 acres.

While there has been some protective aerial spraying with an insecticide, there has been some objection to the continued use of this means of controlling the insect, because of environmental considerations. Thus, the development of a synthetic lure called disparlure looks very promising as a method to safely control the caterpillars.

The study authorized by USDA at Penn State will take about 2½ years, and I am very hopeful that the gypsy moth can be controlled before more severe damage is done to our valuable forested areas, as well as to trees in residential sections.

SEVEN YEARS AND 187 DAYS

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. POFF. Mr. Speaker, as of this date it has been 7 years and 187 days since the first American was taken prisoner in Vietnam. For 7 years and 187 days the families and friends of over 1,600 American servicemen have suffered the terrible mental anguish of not knowing whether their loved ones are being held prisoner, or are dead. Only bits and pieces of information have been released from Hanoi on the prisoners, and this has been only when it suited their own propaganda purposes.

The most tragic aspect of this situation is that it is unnecessary. The Geneva Convention, to which North Vietnam is a party, calls for the release of the names of prisoners, the physical release of the sick and wounded, the regular flow of mail, the proper treatment of prisoners, and the international inspection of prisoner-of-war facilities. All nations are to abide by this Convention. Even Nazi Germany generally lived up to these provisions. But North

Vietnam has not complied with a single article of the Convention, and shows no sign of being willing to do so.

I sincerely hope that the negotiations at Paris will produce some accord on the release of prisoners. Failing this, I can only pray that the continued concern of the American people, and even a minimal regard for international opinion and human decency, will persuade the North Vietnamese to at least live up to their obligations under the Geneva Convention. If the leaders in Hanoi mean what they say about a desire for peace, they have an excellent opportunity to demonstrate good faith by beginning to release prisoners in proportion to the number of American troops withdrawn. The prisoners and their families have suffered enough. It is pointless and inhumane for the North Vietnamese to continue to use them as pawns.

GENERAL STILWELL'S WAR WITH THE MEDICS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. SCHMITZ. Mr. Speaker, the following article which appeared in the September 1971 edition of Medical Opinion magazine throws some light on the career of Gen. Joseph Stilwell. This article is particularly timely since the question of China is once again a center of attention:

GENERAL STILWELL'S WAR WITH THE MEDICS

(By William H. Crosby, M.D.)

(NOTE.—William H. Crosby, M.D. (U. of Pennsylvania), served 25 years in the U.S. Army Medical Corps, retiring in 1965 with the rank of Colonel. Presently he is Chief of Hematology at the New England Medical Center (Boston) and Professor of Medicine at Tufts University School of Medicine.)

In the past year, two books have been published describing the U.S. Army's participation in the Burma Campaign during World War II. One author reports that General Joseph ("Vinegar Joe") Stilwell, in the words of one admirer, "thought more of his men than any commanding general I have ever known." The other author demonstrates that Stilwell was fiercely hated, that he neglected his troops, ordered sick men off their stretchers and back into combat, made impossible demands upon his men, and cursed them when they collapsed.

The first of these books, *Stilwell and the American Experience in China* by Barbara Tuchman, is a fulsome exculpation of the General's career; were it not for its scholarly gloss, it would qualify as a "family" biography. The other book, *Crisis Fleeting*, is a compilation of original reports written during the campaign depicting the problems of medical support, and the ways these problems were compounded by the commanding general. Edited and annotated by James H. Stone, a medical historian assigned to the U.S. Army in Burma during the war, it was published by the Office of the Surgeon General.

"G is just shot," Stilwell jotted into his pocket diary on 30 May 1944. This cryptic note meant that Galahad, code name for Merrill's Marauders—the only American troops Stilwell commanded in battle—had been completely destroyed.

Two weeks earlier, after a desperate march through mountainous jungle, the regiment had set the capstone to Stilwell's career by capturing without a fight the airstrip at the town of Myitkyina. Surprised by the easy victory, he was unable to exploit it and capture the town itself. The Japanese reacted swiftly, pouring in troops to reinforce the small garrison and counterattacking before Stilwell recovered from the shock of his good fortune. A potentially rapid end to the spring campaign now stretched into a long, filthy struggle through the monsoon season. Stilwell strove to place the blame on others for this default. General Slim, the British commander of the 14th Army, who claimed the distinction of actually liking Stilwell, was sent by Mountbatten to calm the old man's fury. Slim later wrote:

"The long drawn-out siege of Myitkyina was a great disappointment to Stilwell. He was extremely caustic about his unfortunate American commanders, accusing them of not fighting and of killing the same Japanese over and over again in their reports. He was equally bitter about the Chindits (British troops), complaining that they did not obey his orders. . . . ."

It was at this time that a scandalous situation developed between Stilwell and his medical support. The basic problem actually began long before. From the start, the Marauders were the victims of incredibly indifferent and shoddy planning, incredible deficiencies in sanitation and engineering, and incredible training programs. And, ultimately, they became the victims of insatiable military demands.

Galahad was destroyed by disease, and by official indifference and ineptitude.

Stilwell was commander of all U.S. Army forces in the China-Burma-India theater (CBI). He was Lord Mountbatten's deputy commander in the BI theater, and as Chiang Kai-shek's chief of staff commander several Chinese divisions. For some time he had protested to Washington that he had no American combat troops in his command. At last, late in 1943 a small force was put at his disposal.

It was a volunteer outfit, veterans of combat in the Southwest Pacific and garrison duty in Trinidad, who had signed on with the understanding that their tour of duty in Burma would involve one quick dirty campaign, whereupon they would be sent home. There were many good soldiers, but many were sick, unstable, and undisciplined. One of the battalion surgeons wrote:

"There were literally dozens of marked *pes planus* cases, and many with bone deformities ranging from ankyosis of elbow and shoulder joints to herniated intervertebral discs, and incapacitating limitation of movement due to residual deformities from automobile and other accidents. Several were found to be totally blind in one eye, and of low visual acuity in the other. Some had perforated ear drums, others were partially or totally deaf due to neural pathology. At least a dozen draining pilonidal cysts were found, and many severe hemorrhoid cases."

These men landed in Bombay on 29 October 1943. Although Stilwell knew they were coming, no preparations had been made for their reception. They were shunted from filthy staging camp to equally filthy training camp, without latrines or adequate mess facilities.

"Food and sanitation (in the camp) were deplorable," another battalion surgeon commented. "The food in most instances actually was nauseating in preparation and appearance. Hair as well as maggots was in the meat, the vegetables were rotten. The native Indians who prepared the food were filthy in person and habits."

SLOW STARVATION

He observed ironically, "Nothing could be gained by training to go without food and thus face our Burma campaign poorly fed and ultimately malnourished."

The men were to go through the campaign poorly fed and ultimately malnourished. The field (K) rations might have been adequate in a temperate climate, but under jungle conditions the men slowly starved. "Pleas for at least a cupful of rice per men in the food drops were summarily rejected."

Sickness and lack of discipline took a heavy toll as soon as they entered the Burma jungle. Neglecting to chlorinate their water and take their atabrine, in alarming numbers they fell victim to dysentery and malaria. The malarial rate soon exceeded 4,000 cases per 1,000 men per year.

THEY LOOKED TOUGH

Stilwell was not alarmed. Seeing his men for the first time as they completed a 10-day march from Ledo, he confided to his diary: "A tough-looking lot of babies." He did not speak to them before committing them to combat—a slight that was duly noted. But he did brace the officers for evacuating men who were not seriously sick.

"He directed the regimental surgeon to straighten out some of the younger, inexperienced medics on how to handle minor sickness without sending every man with a case of diarrhea or a headache to the hospital," the Regimental War Diary notes.

After this three-star chewing-out, the regimental surgeon tightened the evacuation policy. One of the younger medical officers declared: "I know of three line officers who were seriously ill for one or two weeks before he finally agreed to evacuate them, as well as many enlisted men with similar complaints. Two of the officers had epidemic hepatitis, and one had severe bloody diarrhea. They only suffered and dragged along with the column."

The stage was being set for the debacle to come.

On 24 February the Marauders started their first sweep southward. During the next two weeks they fought 13 actions with the Japanese, and on schedule captured Shaduzup. On 13 March Stilwell wrote in his diary: "Looks like Shaduzup for the rainy season anchorage."

But the Marauders went on to take Inkangatwan, after escaping from a disastrous siege at Nhpumga—an action that brought them to the edge of ruin from infection, malnutrition, and fatigue.

At this point the Marauders were spent. They expected—indeed, they had been told—that they would go into monsoon quarters to recuperate for the season. But Stilwell, without inspecting his troops, had changed his mind. He would go on to Myitkyina. From this point he was improvising; he had not planned so extended a campaign. Indeed, he did not even inform Mountbatten's headquarters of his intentions. Thus it was that Mountbatten, even if he wanted to, could not provide reinforcements.

Somehow the Marauders summoned the stamina to march 90 miles more through the jungle, and on 16 May they took the Myitkyina airstrip. Four hours later the first Allied transport planes landed. Instead of badly-needed reinforcements and food, the planes carried anti-aircraft. They also brought the jubilant Stilwell, and 12 reporters.

LOST OPPORTUNITY

Asked about taking the village of Myitkyina, garrisoned by only 700 Japanese, Stilwell only grunted. And while he hesitated, the opportunity disappeared. The Japanese reinforced the garrison, and then attacked.

"The opportunity to take Myitkyina at low cost and achieve a brillian success, which Hunter (the Marauders' commander) believed could, with adequate planning and support, have been done in the first two days, had been lost," a Marauder officer wrote. "To those on the spot it was obvious, from the fumbling orders and incompetent direction, that adequate plans had not been prepared . . . that the command had been thrown off balance by the ease with which the strip was taken, and had no strategy with which to follow up that initial success."

The Marauders dug in and held. Their condition, according to Capt. Henry Stelling, a battalion surgeon, was pitiful. In a period of four months they had completed a march of over 700 miles with full and often overloaded packs, on an inadequate diet, over one of the highest ranges of mountains and through some of the most treacherous enemy-invaded jungles in the world. Never before had the syndrome of severe exhaustion been so manifest on so large a scale, Stelling declared.

"By the third month of combat, evidence of marked adrenal insufficiency began to be noticed in the men. Blacking out and dizziness were common, in spite of adequate salt and vitamin intake. . . . Lack of muscle tone accentuated diarrheas already present in over 90 percent of the men. Anorexia and gastritis, accompanied by nausea and vomiting, were common. Mental and physical lassitude increased. Weight loss averaged 20 lbs. per man, in many cases reached as much as 50 lbs. . . .

"They were so exhausted that they were literally on their last legs. All alertness and will to fight, or even to move, left them. When ordered to dig in, many fell from exhaustion and went to sleep by partially dug foxholes. Others fell without attempting to dig. One man was killed and seven wounded by enemy fire; the wounded who could still move looked dazed, made little effort to take cover. The medical men were too exhausted to care for the wounded, and considerable time passed before the wounded could be finally evacuated."

Stilwell decreed that, ill as they were, the men must stand and fight. Orders were sent to medical installations to stretch every point to return patients to duty. The rule of thumb was that a soldier had to run a fever in excess of 102 degrees for three successive days before he could go before a committee of medical officers who would decide whether he should be hospitalized.

HOSPITAL DEADLINE

"This policy meant that men with malaria and a variety of other diseases would be held for at least 72 hours in the hope that treatment would beat down their symptoms," as historian Stone wrote. "In practice, the battalion surgeons doubtless tried to hasten the evacuation of men who obviously would not respond to medication in the prescribed time. To hold men with scrub typhus, for example, reduced their chances of survival."

Despite these stringent restrictions the sick continued to be evacuated at the rate of 75–100 per day. Adding insult to injury, they were accused of malingering and the doctors were accused of coddling them. Line officers invaded the aid stations, tore evacuation tags off sick men, and ordered them back to their units. The following incident involving one of Stilwell's officers, was told to me by a medical officer:

"He came to my aid station. A private with scrub typhus and a fever of 104 degrees was lying on a litter. He kicked him off the litter and yelled, 'Get that goldbrick out of here!' This was too much for me. I hit him in the face and knocked him unconscious. I poured a bucket of water on him and he got up, shaking himself like a wet cat. 'I'll court-martial you for this,' he yelled. I said to him, 'General. I'll take that court-martial in front of the U.S. Congress.'

"He turned to some soldiers standing there and ordered: 'Arrest that man!' Do you know what those soldiers did? They put their rifles on him and threw him out of the aid station."

Stone, in ***Crisis Fleeting***, comments: "The testimony of medical officers cannot be refuted with regard to the intervention of line officers in the evacuation process."

Even those sick Marauders who managed to get to the rear area hospitals and convalescent camps were rounded up and sent back to the front. Col. I. S. Ravdin, who commanded the 20th general hospital at Ledo, refused to release sick patients and was ordered to Myitkyina. He went, expecting to be tried for disobeying a direct order. Instead, Stilwell blamed the order on someone else, declared the hospital off limits to his raiders, and gave Ravdin air conditioners for his wards. Ravdin had faced him down.

It was still open season in the aid stations, however. Eventually the intervention of line officers and their interference with the medics reached the proportions of a scandal. After a personal investigation the theater surgeon, Col. George E. Armstrong, asked for an appointment to discuss the matter. Stilwell declined to see him. And shortly afterward, the theater surgeon was barred from the Myitkyina area.

Riddled with malaria, scrub typhus, dysentery, and malnutrition, demoralized by fatigue and by Stilwell's blindness to their plight, the regiment fell apart.

"The attitude of the average enlisted man is that many promises have been made, and few have been kept," Capt. James E. Hopkins, a battalion surgeon, wrote. "They feel that their country has let them down. They have been in the Army long enough to know that psychologically and medically they have gotten what they call a raw deal. About 75 percent of these men should have been evacuated from Burma before the Myitkyina campaign. Many were mentally and physically ill after two and three campaigns and two years of field duty in the tropics and subtropics. Their morale is low, they have lost all confidence in the CBI theater leaders. It is not helped by seeing their buddies, sent out as patients, quickly returned to the same area, many of them still affected by the disease with which they were evacuated."

Stilwell's line officers and medical officers knew what was expected of them; frequently they reported men fit when, in truth, they were deathly sick. They accused officers and men who collapsed of malingering, ordered them back into combat. The abominations against medical care of American soldiers were ordered by Stilwell, or were known to him and carried out in his name.

DOCTORS' DILEMMA

A handful of officers spoke up against these abuses. Drs. Hopkins, Stelling, and Kolodney wrote extensive reports about the deficiencies in sanitation and medical support. Sent through military channels, these reports were not released by Stilwell's headquarters; instead, the names of these medical officers were submitted for reassignment.

Col. Charles N. Hunter, who took command of the Marauders when Gen. Merrill suffered a heart attack, wrote a detailed account of the abuses his men had suffered and personally handed it to Stilwell. The day after the capture of Myitkyina village, Hunter was abruptly relieved of his command, over Merrill's protest and shipped back to the U.S. by slow boat.

By that time the terms "sick" and "well" had become meaningless, so far as the Marauders were concerned. There were about 2,400 of them when they set out for Myitkyina, in the fourth month of the campaign. Some 1,300 reached the airstrip, and they were in action 12 days. Though suffering only 93 battle deaths, by the end of May they had ceased to exist as a fighting force. According to the official casualty record, there were 1,970 disease casualties from malaria and other fevers, from amebic dysentery, scrub typhus, and psychoneurosis.

Through the campaign, Stilwell seemed curiously indifferent to the suffering of troops under his command, Charlton Ogburn, Jr., author of *The Marauders*, who fought in this campaign, considered the General "bloodless and utterly cold-hearted, without a drop of human kindness." He repeatedly demonstrated lack of compassion by failing to see that his men were starving, refusing to authorize recommended decorations for heroism and promotions for outstanding leadership, ordering the sick back to duty and refusing to permit evacuation of those too ill to walk, and finally by reviling the very men who at such sacrifice had presented him with an undeserved victory at Myitkyina.

MISSED OPPORTUNITY

If Stilwell did not regard his troops as human, they heartily returned the compliment. On one of his visits to Myitkyina, he stepped away from his coterie of officers and newsmen to urinate. An enlisted man later said regretfully: "I had him in my rifle sights, I coulda squeezed one off and no one woulda known it wasn't a Jap got the SOB!"

Mrs. Tuchman's 600-page biography is a strangely unbalanced book. We learn the names of the books that Cadet Stilwell signed out of the West Point library, the contents of scraps of paper he scribbled on and squirreled away. But only a dozen lines are given to the scandal of the Marauders. All but ignoring the soldiers' agony, the author is filled with sadness for Stilwell, that such a tragedy should befall him. And finally, in rebuttal of charges that he lacked concern for his troops, she offers this accolade:

"In *Yank*, the soldier's newspaper, he appeared within four months of GALAHAD's agony as 'The GI's Favorite' who canceled the rule against pets for GIs in his theater, banned the 'officers only' sign from restaurants and cafes, forbade officers to date enlisted WACs. in order to give the GIs a chance. His record is too plain to make him out a Patton."

A physician veteran of the Burma campaign *not* interviewed by Mrs. Tuchman provides a contrary opinion. "Stilwell," he told me, "didn't give two s____ for the men under him."

Perhaps this professor of medicine, now a specialist in kidney diseases, was speaking outside his area of competence. I wonder about Mrs. Tuchman.

SMALLER MANUFACTURERS COUNCIL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. GAYDOS. Mr. Speaker, early this week in Pittsburgh, Pa., a unique business group celebrated the completion of one of its more successful years and launched into another year of activities for the benefit of small business and free enterprise.

The group is the Smaller Manufacturers Council, a 26-year-old association of western Pennsylvania, eastern Ohio, and West Virginia entrepreneurs now numbering about 525 member companies, including several from my 20th Congressional District. It is the only group in the United States made up exclusively of smaller manufacturers.

To join, a company must do at least 60 percent of its volume in manufacturing, processing, or fabrication and employ less than 500 persons. Though individually small, today collectively the council members employ some 50,000 persons, pay some $300 million a year in wages and salaries, spend some $400 million for materials and services, not including capital equipment, and have sales totaling more than $75 million.

These impressive statistics are the result of a wide range of manufacturing activities. Many members are suppliers to the steel industry, others take steel industry products and further process them for the ultimate consumer. There are machine shops, wholesale bakeries, foundries, plastic fabricators, paper product processors, industrial model makers, educational materials producers, and companies in the electrical, printing, cement, tire, chemical, pollution control, lumber, and automobile fields, to scratch the surface of this varied group.

For the past year, Samuel Michaels, executive vice president of Pittsburgh Annealing Box Co., a steel industry supplier, has presided over the council's 12-member board of directors. Monday evening, September 27, Mr. Machaels relinquished his command to Phil F. Sauereisen, president of Sauereisen Cement Co., a maker of speciality cements.

These men preside over an organization which does things for its members. The council has an insurance program which gives member companies and their employees advantages of group insurance which would not be available to some because of their individual size or the cost would be prohibitive. Through a purchase referral program, member companies can make purchases of needed supplies, from light bulbs to auto leases, at prices comparable to those offered volume buyers.

The presidents group, comprised of the chief executive of each member company, tackles problems of individual companies offering in give-and-take sessions the expertise of others in similar-sized firms.

Another active committee of the council deals with governmental relations and the committee, in the past year, especially, has become increasingly active in presenting the views of smaller manufacturers to its representatives here and in Harrisburg, Pa.

Seminars, trade missions, research and development, and trade relations with larger firms are other active areas of the council's program to serve its members.

Each month the SMC publishes a magazine under the motto: "In Unity There is Strength." This creed explains the Council is "an association of businessmen involved in manufacturing who have combined their experience, knowledge, and energy to improve the climate in which they operate, increase their individual and collective productivity and profitability, and to make their joint voice effective as a force for progress through private enterprise."

Mr. Speaker, the Smaller Manufacturers Council is to be commended for the service it renders its members and the contribution it makes to the economic health of the area and the Nation. It is with pride and pleasure that I salute the members of SMC as it begins its 27th year.

AN ODD INTERPRETATION OF THE POSTAL REORGANIZATION ACT

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. NIX. Mr. Speaker, one of the issues that I had thought had been settled in the Postal Reorganization Act has cropped up again and threatens the existence of an independent union, the National Alliance of Postal and Federal Employees.

The Congress of the United States divided labor relations in the postal services into two periods of time.

The act would require that postal labor relations be conducted permanently in the future under the jurisdiction of the National Labor Relations Board so that industrial democracy would finally come to the Postal Service. Elections would be held and supervised by the National Labor Relations Board so that employees could choose their own leadership in the Postal Service. The Board would determine, according to settled principles of law established by the National Labor Relations Board, the size of appropriate units for election purposes and the geographical area of negotiations.

However, in order to preserve the status quo, Congress provided for interim bargaining until the point in time arrived when the National Labor Relations Board could hold elections.

The Postal Service has now signed an agreement which will make the holding of elections by the National Labor Relations Board a useless act. There will be only one real contestant in such elections.

How did they do this?

They used the interim authority to negotiate, to agree to a contract which would bar any representation in grievance proceedings for any union which did not sign the interim agreement.

This is wrong, because the reading of the plain words of the statute shows that while Congress permitted bargaining on the issue of grievance proceedings when National Labor Relations Board elections had been held, it did not authorize grievance issues under the interim authority to negotiate a temporary contract. Why did not Congress authorize the negotiation of such an issue? Because the purpose of Congress was to preserve the status quo, which in the Postal Service meant that an employee could choose any representative he wished during grievance proceedings. The National Alliance of Postal and Federal Employees today represents its members in such grievance proceedings.

Why did the Postal Service agree to such a term in its temporary contract? Because they want to insure that the one possible rival candidate union for representation rights will have no function between now and the time the National Labor Relations Board holds elections.

Mr. Speaker, I submit for the RECORD correspondence I have had with the Postal Service on this subject which discusses the issue involved:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., August 3, 1971.

HON. WINTON M. BLOUNT,
The Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR GENERAL: I have been informed that some persons interpret Article VI of the transitional agreement, entitled Grievance Procedure and Discipline, as limiting the right of employee representation in grievance proceedings to those unions who are signatories of the agreement.

This interpretation would deprive the National Alliance of Postal and Federal Employees of their essential function during the transition period of this contract, that is, the representation of their employee members during grievance proceedings. This would in effect, during the vital transition period prior to the determination of appropriate units by the National Labor Relations Board and the holding of secret ballot elections by the Board, place the "National Alliance" in an unequal position in appealing to postal workers for the right to represent them.

This certainly was not the intent of Congress in enacting the Postal Reorganization Act.

There is no authority in the transitional bargaining section of the Act, Section 10, for negotiation of the grievance issue or the question of representation in grievance proceedings. It is clear from examination of references to grievances proceedings in the permanent bargaining portion of the Act in Chapter 12, that the lack of reference to such issue in Section 10 was deliberate and that Congress intended that no such bargaining on this issue take place. Also, Chapter 12 preserves former agreements until altered by law, thus preserving the representation rights of those unions who are requested to do so by grievants.

Transitional bargaining is governed by Section 10 of the Act. This section gives no authority for bargaining on the matter of grievance proceedings or representation of parties to such grievance proceedings. It limits the Postal Service and those unions holding national exclusive recognition rights derived from Executive Orders 11491 and 10988 to bargaining over the issues of "wages", "hours", and "working conditions". The pertinent portion of the Section is quoted below:

Sec. 10(a) As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations which as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such organizations".

This omission in referring to grievance proceedings and the possible arbitration of grievance proceedings is significant in that the Congress specifically set out procedures for the resolving of a breakdown in negotiations in Section 10(d). It is therefore clear that the omission was a deliberate act by Congress. It becomes even clearer when Section 1206(b) of Chapter 12 is examined, under the permanent Collective Bargaining arrangements under the legislation.

Section 1206(b) is quoted below;

"(b) Collective bargaining agreements between the Postal Service and bargaining representatives recognized under Section 1203 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in third party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute".

The Congress obviously thought it was necessary to set out a legislative basis for grievance proceedings in the permanent Collective Bargaining section of the bill. It did not do so in the transitional bargaining portion of the bill because it did not intend that bargaining take place during the transition of this issue, which is distinct from "wages", "hours", and "working conditions".

Therefore, it appears to me that Article IX E. (1) of the March 9, 1968 agreement would still apply, that is;

"E. An individual's right to be represented".

1. An employee has the right to select whomever he desires to represent him at each level of the grievance procedure. In the event that the person selected at various levels is someone other than a representative of the exclusive organization, the exclusive organization at that level has a right to be present".

I believe this to be true because not only was negotiation of the issue of grievance procedures unauthorized in Section 10 of the Postal Reorganization Act, but in addition, Section 1203(b) protects the life of the previous agreement in so far as it can not be changed by negotiations under the transitional authority.

Section 1203(b) reads as follows;

"(b) Agreements and supplements in effect on the date of enactment of this section covering employees in the former Post Office Department shall continue to be recognized by the Postal Service until altered or amended pursuant to law".

Section 1203(b) then preserves the representation rights in grievance proceedings held by the "National Alliance".

The intent of Congress is making it possible for the National Labor Relations Board to permit local or area bargaining rather than national craft bargaining as provided for in bills first presented to the Committee on Post Office and Civil Service and the protection of the "Deduction of dues" right in Section 1205 for unions holding such right points directly to the intention of Congress to protect smaller organizations and at least give them an equal chance to appeal for membership representation rights before the National Labor Relations Board. Nothing in the bill suggests the opposite. There is no authority to freeze out the "National Alliance" from grievance proceedings representation.

I would like to know what interpretation, in the light of the above citations to applicable sections of the Postal Reorganization Act, the Postal Service has adopted in reference to Article VI of the transitional agreement.

Sincerely,

ROBERT N. C. NIX,
Chairman.

THE POSTMASTER GENERAL,
Washington, D.C., September 21, 1971.

Hon. ROBERT N. C. NIX,
Chairman, Subcommittee on Postal Facilities and Mail, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of August 3, 1971, asking about our interpretation of Article VI (entitled "Grievance Procedure and Discipline") of the collective bargaining agreement that was entered into on July 20 by the Postal Service and the postal employee organizations holding national exclusive recognition rights.

It is our understanding that an employee who invokes the grievance procedure established under Article VI has a statutory right to fair representation by whatever bargaining agent has been recognized as the representative of the employees in his particular bargaining unit. When the unions holding national exclusive recognition rights signed the labor agreement on July 20, they did so on behalf of all the employees in their respective bargaining units. We do not read Article VI as providing that employee organizations other than those that are parties to the agreement are entitled to represent employees in grievance proceedings conducted under the agreement.

Your letter suggests that a contrary interpretation would depend not on the language of the agreement, but on a construction of the Postal Reorganization Act that would bar the Postal Service from establishing a contractual grievance procedure prior to a determination by the National Labor Relations Board of the appropriate bargaining units in the Postal Service. While we have the utmost respect for the sincerity with which this construction of the Act is advanced, we cannot agree that the Act imposes such a limitation on the powers of the Postal Service.

As you know, section 10 of the Act directed the Postmaster General to negotiate an agreement or agreements covering "wages, hours and working conditions." The term "working conditions"—a widely used synonym for the "conditions of employment" referred to in the National Labor Relations Act—has long been understood to embrace grievance procedures of the kind established by Article VI. It would be an unfair labor practice, indeed, for a private employer to refuse to bargain over such procedures. As you have noted, moreover, chapter 12 of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act, declares that agreements between the Postal Service and bargaining representatives to which the Postal Service has accorded exclusive recognition "may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third party arbitration. . . ." 39 U.S.C. 1206 (b). While section 10 of the Act does not repeat the language of chapter 12 word for word, section 10 expressly provides that "Any agreement made pursuant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective-bargaining representatives under chapter 12 of title 39, United States Code." The wording of this provision does not seem to us to support the view that the "working conditions" that were to be negotiated under section 10 could not include grievance machinery of a kind negotiable under chapter 12.

Neither does it seem to us that this view finds any support in the fact that section 10(d) establishes a statutory procedure for resolving impasses in the negotiations conducted under section 10. Had no such statutory procedure been established, there could have been no assurance that the section 10 negotiations would ever be concluded; and the presence of section 10(d) meant that all parties knew from the outset that if they failed to agree on a grievance and discipline clause, they ran the risk of having an undesirable clause forced on them by an arbitration board.

While we believe that the negotiation of Article VI was authorized under section 10, and that Article VI will therefore supplant Article IX of the Post Office Department's 1968 labor agreement, we are keenly aware of the interest that the National Alliance of Postal and Federal Employees has in monitoring the disposition of grievances presented by its members. If the Alliance can reach agreement with the unions holding exclusive representation rights on procedures designed to give the Alliance a role in this connection, I can assure you that the Postal Service would cooperate to the best of its abiltiy.

Sincerely,

WINTON M. BLOUNT.

STATEMENT OF SUPPORT OF H.R. 10453

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. HOGAN. Mr. Speaker, Subcommittee No. 4 of the Judiciary Committee is currently conducting hearings on the treatment and control of narcotic addicts.

As a member of the Judiciary Committee and as a member of the House Republican Task Force on Drug Abuse which has jointly sponsored H.R. 10453, the Omnibus Narcotic Addict Control, Research, and Rehabilitation Act of 1971, I submitted a statement in support of this legislation for the hearing record of subcommittee No. 4.

I include this statement in the RECORD at this point:

STATEMENT OF THE HONORABLE LAWRENCE J. HOGAN (R-MD.), SUBMITTED TO SUBCOMMITTEE NO. 4 OF THE HOUSE JUDICIARY COMMITTEE IN SUPPORT OF H.R. 10453

Mr. Chairman, I appreciate the opportunity to indicate my support for H.R. 10453, the Omnibus Narcotic Addict Control, Research, and Rehabilitation Act of 1971, which I have co-sponsored with my colleagues on the House Republican Task Force on Drug Abuse.

None of us in this Congress need to be reminded, Mr. Chairman, that drug addiction is reaching epidemic proportions in this country. As such, it should be treated as the health plague which it literally is. It is a disease which has enslaved between 250,000 and 500,000 people in this country.

In addition to the loss of lives and the huge economic costs due to addiction, there are mammoth social costs. The entire criminal justice system (police, courts, and correction institutions) has an enormous burden placed on it. Families are destroyed, young lives are ruined and large segments of our society live in the fear of becoming the victims of addiction-related crime.

I believe, Mr. Chairman, that enactment of H.R. 10453 would prove to be a major contribution to the nation's battle against drug addiction. This legislation would provide for $120 million to train doctors and other health personnel in the treatment and rehabilitation of drug users. Also, under the provisions of this bill over $370 million would be used in a five-year research program designed to find a non-addictive drug which could be substituted for heroin and a vaccine to prevent drug addiction.

More importantly, however, this bill would allow involuntary commitment and forced treatment for any individual whom a court hearing determines is an addict. The Narcotic Addict Rehabilitation Act would be amended to allow a relative, law enforcement officer or health official who believes a person is an addict to report such a belief to the U.S. Attorney in a sworn affidavit. It would then be the responsibility of the Attorney, if he felt there was reasonable cause, to petition the court and ask that the alleged addict undergo 72 hours of physical and psychiatric testing. If the examination results indicated that the person was an addict, he could then be committed to a medical institution for treatment and rehabilitation.

Programs of involuntary treatment have had noteworthy success in California and New York. This concept offers great hope for a nationwide drive against the illegal drug epidemic.

The only way to protect ourselves, our homes and our children is to get drug addicts off the streets and provide them with treatment that will help them conquer the curse of drug addiction and prevent them from infecting others with addiction.

Involuntary commitment and forced treatment are, in effect, a quarantine of people who are sick and who infect others with this sickness wherever they go. The government has the right and the obligation to quarantine a person with tuberculosis or to take someone who is insane out of society.

That is what we are proposing to do with this legislation—take heroin addicts, who are sick people, out of society and help them get well for their sake and for society's sake.

The Supreme Court has already ruled that involuntary treatment for drug addiction is constitutional because it is designed to protect the public health and welfare. Constitutional safeguards have been written into this proposal to insure that there would be no abridgement of personal rights. Among them are a guarantee of all the procedural rights to due process, including the right to a trial by jury, right to counsel and a right to a speedy hearing.

Mr. Chairman, as a member of the Judiciary Committee myself, I sincerely hope that my colleagues will be able to join me in supporting this legislation and that it will receive speedy and favorable action.

STATE TROOPER JACK NOLEN AWARDED NATIONAL RED CROSS CERTIFICATE OF MERIT FOR HEROISM

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. GRAY. Mr. Speaker, the real heroes of the country generally go unnoticed. When we think of heroism, we think of the old saying, "still water runs deep."

Mr. Speaker, a close friend and constituent of mine, Illinois State Trooper, Jack Nolen, of Harrisburg, Ill., has been named to receive the National Red Cross Certificate of Merit for heroism. I am pleased to say that this is the highest award given by the National Red Cross to a person who saves or attempts to save a life by using skills learned in a Red Cross first aid course:

> On July 13, 1971, Trooper Nolen who has been trained in Red Cross Advanced First Aid, went to the aid of a witness who was waiting to testify before the Saline County Illinois Grand Jury. The man had collapsed in the courtroom from a heart attack and had stopped breathing. Trooper Nolen immediately began mouth-to-mouth resuscitation and continued to breathe for the victim until he was transported by ambulance to the hospital. Medical examination revealed an extensive myocardial infarction had taken place. The attending physician stated that if it had not been for Trooper Nolen's presence of mind, quick thinking, and appropriate actions, the victim would not have survived. He has since been discharged from the hospital and is doing well.

Mr. Speaker, this meritorious action by Trooper Nolen is another example of the concern of one human being for another who is in distress. I wanted to call this act of heroism to the attention of the Members of Congress and others, and to congratulate the American Red Cross for outstanding work in the field of training and the recognition of these unsung heroes.

ABOLISH STRIP MINING

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. LONG of Maryland. Mr. Speaker, the Baltimore Sun recently carried an article by the eminent columnist, Ernest B. Furgurson, commending my distinguished colleague from West Virginia, Representative Ken Hechler, and his bill to abolish strip mining. As one of the 80 cosponsors of his legislation, I applaud his efforts to ensure that a strong law is passed rather than one that is designed to appease the public without bringing an end to strip mining.

At this point, I should like to insert in the Record the Baltimore Sun article:

> [From the Baltimore Sun, Sept. 28, 1971]
>
> CONGRESS STILL HAS A CHANCE
>
> (By Ernest B. Furgurson)
>
> WASHINGTON.—If the gentleman from West Virginia were a less stubborn sort, he might have been discouraged by the chairman's compliment.
>
> Ken Hechler, who represents 10 counties in that part of the world where the strip miner is king, had just finished testifying on behalf of his bill to abolish that hopelessly destructive kind of mining.
>
> He made the point that up to 1965, an area of the United States equal to the entire state of Delaware had been ravaged by stripping for coal. Since then, enough additional square miles to cover all of Rhode Island have been stripped. And by the time all the strippable coal under the surface of our country is torn out to feed our much-trumpeted "energy crisis," the devastated area will equal Pennsylvania and West Virginia put together.
>
> The congressman went on for 26 legal-size pages explaining why his bill is urgently needed and that proposed by the administration for control of stripping would be laughably ineffective, if anyone had the nerve to laugh about it.
>
> When he was through, the chairman of the mining subcommittee of the Interior Committee, Representative Ed Edmondson of Oklahoma, thanked him and praised him for his "sincerity and dedication to his cause."
>
> Not "our cause," although many acres of Oklahoma, too, have been destroyed by stripping. Not even "the cause." But "his cause." You don't have to speak congressionalese to get the nuance in that.
>
> But Hechler has started out in the minority and persisted and ended up in the majority before. For example, on the mine safety bill that finally passed, with teeth in it, in late 1969.
>
> This time, his bill (H.R. 4556) has 80 cosponsors in the House, and the beginnings of some influential support at the other end of the Capitol. But there is none at the other end of Pennsylvania Avenue. The White House, in line with the strip mine operators, favors a measure designed to appease growing public concern about stripping without imposing any serious handicap on the operators—or providing any serious protection for the land.
>
> Among its many other shortcomings, the administration bill would put enforcement under the Interior Department, which is committed formally to encouraging development of mineral output, rather than under the Environmental Protection Agency, whose function is just what its title says.
>
> Even the operators are reluctantly willing to live with this weak version. They are pushing a campaign to change their image, blaming all the destruction already wrought by stripping on earlier "irresponsible" operators, and contending that they now are much more public-spirited and careful—although in fact their giant machines, which can tear out as much as 220 cubic yards of earth at a bite, cause far greater disruption of the earth than the picks, shovels and old-fashioned bulldozers of the past.
>
> They make a great pitch about "reclamation," which in practice means backfilling the stripped land and planting fast-growing ground cover, which sometimes grows and sometimes does not. But reclamation is a misnomer; a Corps of Engineers forester and a West Virginia University specialist both estimate it would take 400 years or longer to restore the ravaged land and trees.
>
> Nevertheless, the operators are spending many thousands to sell the public on the idea that reclamation works. The main thrust of the administration stripping bill is to require reclamation. But it is a mere threat of a mere slap on the wrist.
>
> Among the proposed measures between the administration's token and Hechler's abolition is one from Representative Wayne Hays, which would be forceful in controlling stripping while still permitting it to continue. Hays's home county in Ohio has 341,000 total acres. Of them, 200,000 are already leased, bought or optioned for strip mining. His motivation is clear.
>
> But stripping is no longer an ugly reality only to the Americans who live in the abused hills of Appalachia and along the Ohio Valley. To cash in on the "energy crisis," the draglines are marching into wider and wider virgin territory. Substantial amounts of coal are now being stripped out of not only West Virginia, Ohio, Pennsylvania, Kentucky, Illinois, Indiana, Virginia, Alabama and Tennessee, but also from Iowa, Montana, Oklahoma, Wyoming and Arizona—with still other fields being surveyed.
>
> That is why Ken Hechler sustains his hope that a serious bill will become law despite the expensive campaign against it. Voters everywhere with eyes to see are realizing that stripping is more than a local or regional problem. It is a *national* disgrace, and Congress will be brought to account for failing to control it.

THE POLISH WOMEN'S ALLIANCE OF AMERICA

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. COTTER. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the 26th Annual Convention of the Polish Women's Alliance of America.

This outstanding group of 90,000 Polish-American women has been noted for its numerous humane activities. For example, 3 years ago the alliance was instrumental in the opening of an artifical limb factory in Katowice, Poland. The people of Poland, I have been informed, had difficulty in securing artificial limbs since the end of World War II because of the lack of production facilities. This new plant helped remedy this situation.

Even earlier, at the close of World War II this dedicated group of Polish-American women worked actively to finance the reconstruction of a number of convents that had been destroyed during the war, and the alliance still contributes to the support of these convents. They have also supported the Orchard Lake Seminary in Michigan.

These and other similar activities of the alliance deserve the highest praise. The Polish Women's Alliance of America represents the finest humanitarian instincts. It is a measure of the alliance's dedication that they are unwilling to rest from their labors.

Their future activities include strengthening their scholarship program for deserving students and the continuing support of various religious orders. I wish them every success in their current and future efforts.

We in Hartford are honored that the Polish Women's Alliance of America will hold its annual meeting in Hartford, Conn., this year. This meeting, which extends from September 25 until September 30, marks the first time that the alliance has held its convention in New England. The State president, Mrs. Julia K. Leniart, will preside and Mrs. Barbara A. Mikulski of the Community College of Baltimore will be guest speaker. The program will include a pontificial mass at the Saints Cyril and Methodist Church.

Mr. Speaker, I know the other Members of the House will join with me in wishing success to this great humanitarian organization.

BEREA KIWANIS CLUB: HALF CENTURY OF SERVICE

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. MINSHALL. Mr. Speaker, the Berea Kiwanis Club is observing its 50th anniversary this year, a half century of devoted service to Berea, Ohio, which culminated recently in the presentation of a check for $5,000 to the Southwest General Hospital, another golden anniversary observant this year.

The good works of Berea Kiwanians are well known throughout the Greater Cleveland area. They give selflessly of their time, energy, and imagination in community services. As great an endowment as their material contributions, is their inspiring good citizenship which encourages others to emulate them.

I wish to add my congratulations and best wishes for another successful 50 years to all the membership of Berea Kiwanis. At this point in the RECORD I include the fine News Sun articles paying tribute to this splendid organization:

BEREA KIWANIS MARKS 50TH YEAR WITH ENDURING MEMENTO

(By Muriel Hardy)

When Berea Kiwanis Club takes on a project, every one of the 117 members of this go-go organization works.

You can see them in the kitchen, mixing batter or turning sausages at their yearly Pancake Festival—or taking tickets, often in bone-chilling temperatures, at local athletic events.

They've moved everything short of a mountain at their Swap and Shop sales, and every member takes his turn as a "wheel chair jockey" at the veterans' hospital on a Sunday visit that is a special Kiwanis project.

For 50 years, the community has benefited from the good works of Kiwanis members, who have given so unstintingly of their time and treasure.

And so it wasn't really surprising (although the gift itself was a surprise), that the Berea club should mark its golden anniversary year by looking ahead to the future, and providing a lasting memento for residents of the Southwest area for years to come.

A check for $5000, representing proceeds from projects involving countless hours of service was presented by Berea Kiwanis to Southwest General Hospital at the 50th Anniversary Dinner held at the Baldwin-Wallace College Union.

It was presented by Bert Moore, Kiwanis president, to A. Boyd Anderson, hospital administrator, (who is also a Kiwanis Club member.)

The funds are to be used for furnishing a chapel in the new hospital building planned for the site on E. Bagley Rd. Berea Kiwanis chose this gift "as a lasting reminder of the club's appreciation for the kindness and support they have received from the community through the years.

On hand to celebrate the anniversary event were 280 Kiwanians, their wives and guests, including many visitors from Kiwanis organizations throughout the state.

Charles E. Sondergelt of Xenia, Kiwanis Governor of Ohio, and Governor-Designate, Harold W. Graafmeyer of Euclid, and Stanley E. Schneider, International Trustee from Crestline were among Kiwanis officials present to mark the occasion.

The club gave special recognition to members who have given much time and devotion to its activities.

Ed Manning, a charter member of the club, and Howard Geiger were presented Legion of Honor certificates for 50 years of service to their community through Kiwanis.

Other Legion awards were given to Lloyd Hoffman, John Koeppe, and Otto Mahler for 35 years; John Allison and Clarence Clarke for 30 years; Milt Beyer, Howard Gaub, Ray Kanaga, Earl Mellenbrook, Wallace Ogilvy, Frank Railsback, Don Williams and Starr Woodruff for 25 years.

Berea Mayor John Munkacsy presented a proclamation to the club declaring the week of Sept. 12 as Kiwanis Week.

Also presenting awards were Arthur Gohlke, president of Berea City Council; John W. Jones, president of the Chamber of Commerce; W. Boyd Anderson, administrator of Southwest General Hospital, and Charles Moldenhauer from the 24th Division of Kiwanis of which the Berea Club is a member.

Other special guests included representatives of the Elyria club, who sponsored the Berea organization, and members of the Olmsted Falls, Middleburg Heights, Strongville, Brook Park and Brunswick Clubs, which were sponsored at their time of organization by the Berea club.

Following the dinner, a huge birthday cake was presented, for Kiwanians and their guests to enjoy at a social hour.

Members of the anniversary committee included Don Williams, chairman; John Tudhope, Jerry Bowman, Bernie Cutting, John Allison and Dick Dettmer.

FIFTY YEARS OF SERVICE

One of Berea's oldest clubs, Kiwanis, celebrated a 50th anniversary recently by presenting a generous gift of $5000 to Southwest General Hospital for chapel furnishings in the future new building.

You might think Kiwanis Club members would rest on their laurels after climaxing 50 years of community good words.

But not so.

Kiwanis Club members do not hold back. If you doubt this, consider.

The organization has been a strong supporter of youth and youth work in the past, giving unstintingly of their time to promote and support Little League for hundreds of Berea youth each summer.

It yearly provides scholarships to both Berea High School and Baldwin-Wallace College students. It annually sponsors the Berea High School athletic banquet.

Kiwanis Club sponsors Berea relays, sent Berea High School divers to the AAU meet last year.

It was among the first to bring American Field Service Students to the area when the program began. Many Kiwanis Club members and their families have been host to foreign students, inviting them into their homes and treating them as members of the family for weeks and months at a time.

Its thrust in the interest of youth is nearly unlimited.

Kiwanis Club co-sponsored Safety Town to provide lessons in safety for small children, along with Berea Junior Women's League.

It co-sponsored a drug awareness program in conjunction with Berea Police Department.

Do not feel, however, that Kiwanis Club limits its interest to youth. Its influence and help is widely extended in the community. The gift to Southwest General Hospital is only one example.

Kiwanians also sponsor, each year, the new teachers' luncheon before the beginning of school. It provides support for Berea Senior Center.

Kiwanis' latest gift to the hospital will be a lasting one, which the whole community will enjoy.

May Kiwanis Club members realize many more years of community effort and satisfaction.

It's almost a sure bet members will not taper off in their enthusiasm and consideration for their community, or rest on their laurels.

THE GOVERNMENT'S FOURTH BRANCH

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith an important and valuable article pointing out that the National Security Council, to which Henry A. Kissinger is Chief Adviser, has expended itself during the recent past to be the "Fourth Branch" of Government.

Members of Congress should realize that under President Johnson's security chief, Walt Rostow, there were only 12 staff members associated with the National Security Council. Now there are 54 "substantive officers" and a total of 140 employees. Mr. Kissinger serves as chairman of six interagency committees dealing with the entire range of foreign policy and national security issues.

This striking article is authored by Donald R. Larrabee, bureau chief of the Griffin-Larrabee news bureau in Washington, D.C. This article entitled "The Government's Fourth Branch" appeared in a number of newspapers across the country including the Worcester, Mass., Telegram of September 15, 1971.

The article follows:

THE GOVERNMENT'S FOURTH BRANCH

(By Donald R. Larrabee)

WASHINGTON.—The Pentagon Papers have provided some clues to what certain key officials were thinking during the Johnson years but they reveal virtually nothing about the important decision-making process which goes on in the National Security Council and the super-bureau of advisers around the President.

There is, in many respects, a fourth branch of government that has grown steadily in numbers, in power and in protection from public view—largely in the last decade. Because this relatively small unit within the executive office of the President is functioning in a so-called advisory role, it is immune to congressional probing or interference.

Its members, from National Security Adviser Henry A. Kissinger on down, refuse to appear before congressional committees to explain the influences that have been brought to bear on the President in the vital arena of war and peace.

And they have the full support of the President in their immunity from accountability to Congress.

WOULDN'T PROTEST

If it were a matter of a handful of obstinate advisers declining to reveal their private discussions with the chief executive, Congress could not—and would not—protest too much. But Kissinger and his staff provide the principal forum for presidential consideration of foreign policy issues.

"Almost all major issues now are treated within the framework of the NSC system," Kissinger told a Senate subcommitee last year.

Sen. J. William Fulbright of the Foreign Relations Committee, who has fought previous presidents over secrecy in foreign policy deliberations, is ready to challenge the power of the White House to invoke "executive privilege" and thus hide the administration's long-range plans for foreign military aid.

Nixon says Fulbright cannot have the data since it amounts to nothing more than a tentative planning document for internal use of the executive branch. Fulbright argues that his panel cannot legislate intelligently without knowing the aid projections for the years ahead.

AFTER KISSINGER

But the Arkansas senator is really after Kissinger and the Security Council apparatus which he regards as dangerous to the spirit of the Constitution and democratic principle.

Fulbright was never able to get President Johnson's security chief, Walt Rostow, to discuss Vietnam developments before his Committee. Now he is able to get Kissinger to come to his home and talk frankly but can't get him to say the same things to the Committee and Congress and the American people.

Kissinger has expanded the old Rostow operation of 12 staff members to 54 "substantive officers" and a total staff of 140 employees. And, as chief, he serves as chairman of six interagency committees dealing with the entire range of foreign policy and national security issues and is also in charge of "working groups" which prepare the staff studies on which high-level policy discussion are based.

But congressional committees must be content with testimony from Secretary of State William P. Rogers who has not had as intimate a role in the policy-making process. As one wag put it: "Nixon plays golf with Secretary Rogers but he plays Chinese checkers with Henry Kissinger. The President sends Kissinger to Peking but sends Secretary Rogers to Capitol Hill to play ping pong with the Foreign Relations Committee.

MISSED THE BOAT

Congress has never been briefed by Kissinger, even after the fact, on his trip to China or its implications. This is the sort of thing that really gnaws at Fulbright and other members of Congress who feel that the legislative branch missed the boat on Vietnam, largely by its own failure to insist upon an accountability from the executive.

Fulbright's group is not only denied access to the President, who does not appear for questioning before Congress, but to the man who is his chief foreign policy adviser, the most powerful person in the administration next to the President, in the opinion of most observers.

The fact is that Congress acquiesced for much too long to a powerful executive and now is paying the price. Democratic congresses "went along" with their presidents on the theory that "the king could do no wrong."

Now Congress is talking about ways to exercise control over a "fourth branch" of government which is largely shielded from public view, which virtually eliminates public debate and which makes it almost impossible to trace the process by which a decision is made.

STATEMENT ON EAST PAKISTAN

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. ASHLEY. Mr. Speaker, on August 3, the House passed legislation to suspend all military and economic aid to Pakistan until the situation in East Pakistan returns to "reasonable stability." Since then, however, slow Senate action on the bill has delayed any possible beneficial effects of this measure. Unfortunately, it has not delayed the devastation of East Pakistan and its Bengali people.

Six months after the military crackdown in East Pakistan, more than 7,500,000 Bengali refugees have flooded across the border to India and refugees are still fleeing to India by the thousands every day. The East Pakistan economy remains in a shambles and the shortage of food has created the possibility of a staggering famine in East Pakistan. In sum, the suffering, disease, and death of the Bengali people is an ongoing human tragedy of immense proportions.

Let me briefly recapitulate the facts. Founded in 1947, Pakistan consists of East and West provinces separated by more than 1,000 miles of Indian territory. Sharing neither borders nor culture with West Pakistan, East Pakistan has long chafed under the subjection of the West. Despite its larger population—before March 25, 1971, there were 75 million people in the East compared to 50 million in the West—East Pakistan has been drastically underrepresented in every way. East Pakistanis constitute less than 10 percent of the army and only 15 percent of the civil services. In addition, the East receives less than 20 percent of foreign economic assistance.

Finally in December 1970, Pakistan held is first free elections after 12 years of military rule. Led to the polls by its charismatic leader, Sheikh Mujibur "Mujib" Rahman, the Bengalis voted in such numbers that Mujib and his Awami League won an absolute majority of seats in the country's new National Assembly.

But Mujib's platform of economic and diplomatic autonomy for the East apparently was too great a threat to be endured by the West's leaders. President Yahya Khan abruptly postponed the opening of the Assembly indefinitely and, after a facade of negotiations, on March 25, the Pakistanti Army poured into the East with howitzers, tanks, and rockets in a campaign of fury against the Bengali people.

People were taken from their homes and machinegunned in the streets; men, women, and children were bayoneted to death; and women were raped. When the smoke had cleared, over 200,000 East Pakistanis were dead and 7,500,000 had fled across the border into India, placing a huge burden on India's already marginal economy to supply the needed food, water, clothing, shelter, medicine, and health care. Furthermore, the democratically elected Awami League had been outlawed and its leader, Mujib Rahman, rather than being Prime Minister of his country, is now being tried secretly for his life.

In the wake of this tragedy, the World Bank sent a mission to investigate the situation in East Pakistan. The group's subsequent report spoke bluntly of widespread fear of the Pakistani Army and devastation on a scale reminiscent of World War II. It recommended that further aid be withheld pending a "political accommodation."

Unfortunately, the Nixon administration's response has not been so clear and unequivocal. Despite the announcement that military supplies to Pakistan had been cut off, military supplies have continued to flow to Yaha Khan's government. The administration also supported Yaha's government by taking an indulgent attitude toward Pakistan's debt rescheduling and by expanding aid under the "humanitarian" label. Moreover, the administration has fought against any flat cutoff of aid to Pakistan and instead asked the Congress for $118 million in economic assistance for Pakistan which it said, would be held in abeyance.

Throughout the conflict, the Nixon administration has justified its position by talking about the need to keep Pakistan from developing closer ties with China and about maintaining leverage with the Pakistan Government to influence it to moderate its policies.

This policy has proved to be bad politics as well as bad morals. Pakistan has used our $2 million—not for the specified purpose of chartering relief ships—but to transport troops and ammunition to the East; Mujib Rahman, the elected leader of East Pakistan is being secretly tried for treason by a military court; and, in general, the devastation goes on.

Mr. Speaker, it is high time that we stopped using the specter of communism as an excuse for supporting repressive rightwing governments. Our Government has been sitting idly by while a democratically elected government and millions of its supporters have been systematically wiped out by the Pakistani Army. Have we not learned yet that the support of governments which repress the popular will of the people, ultimately—and understandably—will drive the people into the arms of the Communists—the very objective we claim we are trying to prevent.

It was thus for both political and moral reasons that I strongly supported the positive step the House took in unequivocally suspending all military and economic aid to Pakistan until the President reports to the Congress that Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and refugees from East Pakistan are permitted to the extent feasible to return to their homes and to reclaim their lands and property. At this point, I think it is important to mention that the House-passed measure also calls for $100 million to provide assistance for the relief of refugees from the east and for humanitarian relief in the east itself. This is important not only from a humanitarian standpoint, but because it will help relieve the enormous burden that India has assumed of feeding, clothing, and housing 7,500,000 refugees, a burden that AID estimates will cost India $400 million for 6 months alone.

Mr. Speaker, we cannot bring back to life the 200,000 dead East Pakistanis, but if we speak out and deny our moral and material support to Pakistan, perhaps its military government may yet be forced to seek a political settlement acceptable to Bengal's people. It is in this spirit that I urge my colleagues in the Senate to avoid further delay on the Foreign Assistance Act of 1971 and move expeditiously to affirm the cutoff of aid to Pakistan.

THE NORTHERN IRELAND SITUATION—A REPORT, NO. 7

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BIAGGI. Mr. Speaker, yesterday I included in the RECORD the first of three parts of a report prepared by my daughter Jackie, following her visit to Northern Ireland.

Today's segment is a commentary on what occurs to the traveler moving through the streets of Belfast, a city in the free world. Bear in mind that this is not Saigon or Jerusalem despite the similarity to conditions in those war-torn cities.

The report follows:

REPORT OF JACKIE BIAGGI—PART II

As a matter of fact the only major affront to our person occurred on the following day when we were riding through Flax street. Picture this if you will—a relatively long street with barricades made of wood and barbed wire placed in such a fashion that a car cannot drive directly down the street but must proceed in a zigzag fashion—on either side of the street were about six to eight armed soldiers—rifles facing the street, near the entrance of a building were two metal sentry boxes surrounded by sand bags—each housing a helmeted fully armed soldier enclosed in a sentry box. What was so unique about Flax Street?—nothing, that is, that made it so different from several of the other streets in Belfast—with soldiers driving around in trucks and jeeps, peering over building rooftops, running black faced through the streets at night on one of their many patrols through the city. Anyway, on one of our trips through this street we were subjected, as all cars were, to being searched. Our driver was frisked, the trunk and engine of the car was checked, the back seat pulled out to check for ammunition or whatever. Finally, "cleared", we were allowed to pass. What I remember most at that point was sheer indignation anger. How I wondered can a people survive with this basic affront to their human rights and dignity? But in Belfast, this kind of thing has become a way of life. That is the real tragedy—that people have become doomed to resign themselves to this. Later on, driving back to the school, we passed through much of the city and it got to the point that at a glance, I was becoming expert to distinguishing the Catholic from the Protestant areas—it seemed that the degree of destruction was proportioned to the amount of Catholics in the area—the Protestant areas for the most part seemed untouched. In Catholic areas Streets had been gutted out—pock marked by British trucks, landrovers driving through—long stretches of lamposts had been knocked down. This too, we were told had been done by the British. Debris all over the place—remnants of barricades used by a terrorized crowd to protect themselves from troops storming in the area.

CHILD-CARE ARRANGEMENTS IN OTHER COUNTRIES: FRANCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FRASER. Mr. Speaker, because of the child-care legislation which will soon be before this House I am submitting for the record a number of studies of child-care and day-care arrangements in other countries. Day care for preschool children is becoming a necessity because of the number of American mothers who are employed with full-time jobs. We can no longer ignore the fact that there are over 6 million women with children under 6 who are employed and fewer than 10 percent of their children are able to be placed in approved day-care centers or family day homes. I think that many thoughtful legislators are beginning to realize that the problem of child and infant care in the United States is far more profound than setting up custodial day care so that welfare mothers can go to work.

As the following study on France points out, economic circumstances for many years required that both parents of Parisian families in the lower economic groups be employed. In 1963 there were over 180 day-care facilities for children from 2 months to 3 years of age supervised by the Paris Administration of Public Assistance. The following article describes the nature and operation of day-care programs in Paris:

EARLY CHILD CARE: THE NEW PERSPECTIVES

(By Caroline A. Chandler, Reginald S. Lourie, and Anne DeHuff Peters)

FRANCE[*]

The economic circumstances of Paris have for many years required the full-time employment of both parents for the majority of families in the lower socioeconomic groups. In response to the obvious need for child-care facilities, day-care programs—*creches*—for babies from two months to three years of age have been in existence for over fifty years. In 1963, there were over 180 such creches established or supervised by the Paris Administration of Public Assistance (Centre International, 1960).

There are creches in most urban neighborhoods, each with a long waiting list. Some have over 300 babies waiting. Most new suburban-housing developers build a creche, the management of which is usually turned over to the Administration of Public Assistance. In older neighborhoods, a variety of physical structures have been converted to creches of varying degrees of adequacy. In some of the poorest neighborhoods, the buildings used often provide inadequate indoor space and little opportunity for any outdoor activities. Yet there are many conversions which afford almost ideal circumstances, for example, sun balconies for the smaller babies from eight weeks of age and large yards with sandboxes and flower gardens for toddlers and children up to three years. The Public Assistance officials welcome the opportunity for advanced architectural planning of the new creches in suburbs where space limitations are less critical.

The public creches are open only to babies of mothers who work, except when specific social problems provide an urgent indication. The mothers pay according to their means but all pay something for their babies' care. The French government gives an allotment to working mothers (2.3 percent of salary) to help offset the expense (Davidson, 1962) when necessary.

The creches are open from 7 a.m. to 7 p.m. six days a week. The average creche accommodates forty to sixty babies. The quality of care varies considerably from one creche to another, depending partially on physical limitations but more so on the attitudes of the staff. In one poor neighborhood, where both crowded conditions and adverse attitudes were in evidence, babies were kept all day, except for feedings, in the bassinetlike cribs, side by side, with crib covers occluding observation of anything but ceilings and few hanging toys. The nurses could not be induced by the doctors to put the babies on their abdomens at any time because of the fear they might suffocate. Moreover, the nurses were afraid to handle the babies because they might accidentally become bruised and the parents would complain. They were afraid to let the babies play on the floor for the same reason, although the limited floor space was inadequate for babies to learn to crawl.

The majority of the creches are in stark contrast to this distressing picture. More typically, they are roomy, bright, and cheerful and provide space indoors and outdoors for uncrowded activities of the entire group. The newer nurses are more familiar with the psychological implications of the care they provide. The Administration of Public Assistance is optimistic that there will continue to be improvement in all the creches.

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[*] The authors are indebted to Dr. F. Davidson, Chief Medical Inspector of Health of the Paris Medical Social Service for National and Infant Protection, and her staff (especially Mme. Hermant, Chief of Social Service, and Dr. Clair Vesin, Creche Pediatrician) for opening the doors of their creches so wide.

THE DIRECTOR

More and more of the creches are directed by graduate nurses who have completed postgraduate training at L'Ecole de Puericulture in Paris. Yet their one-year course is oriented more to the care of sick than well children. All students rotate through the department for premature babies, the outpatient clinic for sick children, all the pediatric specialty clinics, as well as studying bacteriology and other laboratory subjects. They are also taught about and participate in welfare programs. In addition, those nurses who are preparing to work in a creche instead of a hospital have a one-month course in the administration of a creche. The level of training at L'Ecole de Puericulture is relatively high, the same courses being used for preparing medical doctors to specialize in pediatric practice.

The director of the creche is crucial. She has an apartment in the creche for herself and her family. If she has small children, they will attend the creche. She selects equipment from the assortment made available by the Administration of Public Assistance. She is in charge of the finances of the creche, including the selection and purchase of food from the neighborhood stores for the meals served the babies. The only restrictions are that she must buy the best food available.

The director has many other administrative responsibilities, yet she rarely has secretarial help to relieve the burden. She must decide if a child is too sick to remain in a creche for the day. There are isolation units available for mild diseases. She must be certain that her children have been taken by their parents to the well-baby clinics and have received their immunizations. She must check certifications of good health for every baby brought back to the creche after any illness. She must be in contact with welfare agencies and specialty clinics to which she may refer some of her charges. She must receive each mother weekly to collect the fee for care which they have agreed upon. This visit, of course, affords the director the opportunity to answer questions about the child's care, to deal with problems of the family related to the child, to share with the mother the staff's experience with her baby, and by all this to strengthen the cooperative relationship between family and creche. The director must also select and supervise kitchen and cleaning help and the nursing assistants.

Nursing assistants, the child caretakers, are women who have achieved an academic certificate at age fourteen (equivalent to completion of junior high school) and have then received two years of additional vocational training (at the high school level) for the position of assistant child nurse (*auxiliary puericulturist*). The behavior of the caretakers usually reflects the attitudes of their director, but they are usually allowed to function fairly autonomously. In general, they appear warm and gentle with the babies and obviously skilled in techniques of feeding, bathing, and initiating games and songs with the older children. They appreciate babies' individual differences to a certain degree and try to modify their care patterns accordingly. In general, one is impressed that the creche staffs seem to prefer the active, aggressive, and more independent child.

The ratio of actual caretakers to children ranges from one caretaker for every six or ten children. With so many children, the nursing assistants and certainly the director find little time for relaxed kinds of involvement, education, or play with the individual babies. They make the attempt to individualize but most often have to deal with the child as a member of a group.

The babies themselves "adjust" and accommodate amazingly well to the systems they encounter. For example, when the mother brings her baby in the morning, undresses him, hands him to the nursing assistant, and leaves, there is rarely any sign of separation concern in the baby unless the mother "hangs around" until the reaction comes to "reassure him." The babies are hugged and then placed on a potty by the nursing assistant when they are received from the mother. A few years ago, despite strict regulations prohibiting such premature attempts, the caretakers in some creches started a baby on the potty as early as three months of age, tying his shirt to a pole to support him in a semisitting position. Babies under a year may sit complacently on the potty for ten to twenty minutes having been given a cookie or toy to hold their attention until their turn to be bathed or dressed in clothing provided by the creche. They are then given permission to play in another room.

Current research

Toys are well designed and well utilized by the staff with the toddler and older groups in the better creches. But even in the best creches there seems to be relatively little attempt to provide infants with stimulation in the form of suitable toys and visually attractive objects, such as mobiles. Experimental programs of stimulation are being evaluated by research psychologists (Lezine, 1962), but no broadly applicable program has yet been developed.

Studies of nurse-infant interactions have been sensitively carried out by psychiatrists and psychologists (David and Appell, 1963) in an attempt to understand better this unique relationship. Child psychiatrists and psychoanalysts (David and Soule, 1963) have been teaching at L'Ecole de Puericulture in an attempt to enhance further the psychological awareness of the future directors. Seminars on creches have been conducted at the Paris International Center for Children (Centre International, 1960) in which internationally renowned experts have participated.

The Administration of Public Assistance is not satisfied with the present state of care in the creches, although they do recognize the tremendous gains in the past five years. They are hampered by staff shortages, possibly a reflection of the demanding nature of the roles as well as the low salary scale. The need for training that is more specifically directed to the care of well babies in creches, rather than sick children in hospitals and clinics, is also appreciated. The administration's low budget allows for less variety and quantity of toys than they would like to have available. The rate of construction of adequate facilities cannot keep pace with the growing need for more creches, much less replace those which are so limiting to the potential functioning of the staff and the babies.

Conclusions

Any appraisal of the value and significance of programs in other countries faces a particular handicap, since philosophical and ideological issues may prejudice the viewer. Nevertheless, our review of child-care practices abroad permits several conclusions relevant to American research and program development.

Extended experience, over several decades in some of the countries, has led each toward an elected integration of skills and professions. Pediatrics, education, and psychology have proved of particular importance for the programming of group care for the well baby. Moreover, increasing social (and governmental) awareness and willingness to finance programs and research in child care have been matched by varying degrees of scientific curiosity addressed to the problem of more adequately meeting urgent contemporary social problems. Broad social and cultural changes have had a common impact in mobilizing and sometimes fragmenting traditional family bases of child care. Changing social and economic circumstances require new, if not better, solutions to age-old problems.

AMERICA'S HEARTLAND

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. SYMINGTON. Mr. Speaker, in a mere 6 years we celebrate our second centennial birthday party. We cannot be in the position of showing our guests, and more importantly ourselves, blighted ghettos, unopened schools, trash-littered streets, and the other familiar indicia of a community that is largely for rent or for sale.

We simply must put our house in order for that event. Otherwise it will indeed be easier to display pride in the past than hope for the future. The concepts of independence and freedom must be reflected in our celebration, but with a new focus. Today's American rightly asks, "independence from what, freedom for what?" He would like to be independent, for example, from unnecessary hazards to health, from ignorance and bias, and free to develop his full potential as a human being.

Dedication to such a redefined "Spirit of '76" would have a very practical effect both in the long and short run. From coast to coast we should hasten to achieve rebuilt inner cities, schools of uniform excellence, and neighborhoods of equal pride.

Where do we begin this task? I suggest that there is no better place than along the Mississippi, principal artery of the Nation, pulsing with the throbbing life of her heritage and her future. This river is the living legend of a continental people, mysterious, magnificent. She is the Nation's timeless backbone, the bridge that links East, West, North, and South, in legend and in fact. Her great disciple, Mark Twain, once said:

> The basin of the Mississippi is the body of the Nation. All other parts are but members, important in themselves, yet more important in their relation to this. As a dwelling place for civilized man it is by far the first upon our globe.

Bringing the total environment of this river and her river cities into balance with the technologies of agriculture, traffic, trade, and waste disposal would be the most fitting commemorative stamp on American history we could fashion by 1976. For mirrored in this the greatest of river systems is a panorama of the American past reflecting the changes from a gentle agrarian cultivation to an industrial complex. The river helped shape that change and charter that destiny. She served as the communications link between the great cities she spawned. The technology of transportation developed from the simple birch bark canoe, to paddle boat, and diesel tow, from grassy borders to cement levees, locks, and dams. Along her banks America grew to manhood—noble, bluff, self-confident, occasionally thoughtless.

For nations, like men, can forget first principles. So the mighty Mississippi also reflects the erosion of American care. Where once people swam and enjoyed the river, we now dump raw sewage, and industrial waste. The father of the waters no longer flows unvexed to the sea. She is "vexed" at every turn by mindless exploitation.

The responsibility for this deterioration belongs to all. We have a great responsibility, and a magnificent opportunity to free the river, the land and the air from needless poisons in 6 years time. We owe it not only to our ancestors, in honor of the independence they won, but to ourselves, to prove we are worthy of that legacy.

In 1976, the millions upon millions of Americans who will see their country for the first time, will be joined by millions of foreign visitors. These fresh innocents from abroad will be, should be, and must be drawn by the vast mystique of the Mississippi, to the cities and towns it touches.

In the State Department I noted the tendency of foreign visitors and dignitaries to limit their tours to our neon-lit east and west coasts. Our task is to bring the world's people to meet America's people "where they're at." Disneyland and Radio City Music Hall may be dazzling competition, but not substitutes for the beat of America's heartland.

Nor should our expectations exceed their fulfillment. We must develop a blueprint for this midwestern meeting with the world. It should stretch the length of the river and the breadth of its alluvial plains. Competition between the great river cities will be evident, but should mature into cooperation. I, therefore, propose the establishment of a Mississippi River Bicentennial Commission, made up of the mayors and development planners of the major cities of Minneapolis, St. Paul, St. Louis, Natchez, Memphis, and New Orleans to list only a few, not forgetting Hannibal, birthplace of the man whose stories are largely responsible for the fame that is already ours, Mark Twain.

This Commission could turn fable into fact and one which would long outlive 1 year's foreign curiosity. Such a commission might examine the possibility of a small fleet of riverboats, including the *Delta Queen*, providing passage to interested tourists along the river, with life aboard an approximation of bygone riverboat days. Jazz welcomes and transit services would be available at every port to take alighting passengers to every sector of town for sightseeing and purchases.

We might be able to model Europe's example of youth hostels, for traveling students, and other low-income visitors.

Think of the changes half a decade can bring, and have brought in the past. With guided and unstinting effort we can surely bring the spirit of the Mississippi into focus with the "Spirit of '76."

DISTRICT OF COLUMBIA EDUCATION ACT

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FAUNTROY. Mr. Speaker, I introduce a bill to amend the laws governing education in the District of Columbia. This legislation would make changes long overdue as well as establish innovative reforms.

The bill would repeal or amend all laws in the District of Columbia Code which classify school programs and educational facilities by race. Also, this measure would provide for student and faculty representation on the District of Columbia Board of Higher Education.

I have set forth below a brief summary of the bill, and a letter of transmittal from the District of Columbia government to the Speaker:

SUMMARY

TITLE 1

Accreditation powers of the Board of Education over degree-conferring institutions in the District of Columbia would be repealed. Any junior college accredited by the Board and still valid, would remain so for five years from the date of enactment or until the junior college is otherwise accredited.

TITLE 2

The Board of Higher Education shall now have the responsibility of charging tuition to students at the District of Columbia Teachers College.

TITLE 3

All laws which classify school programs and educational facilities by race would be amended or repealed.

TITLE 4

Participation in the high school military science programs, which include the cadet corps, would be voluntary. The course would be open to all physically qualified students.

TITLE 5

The Board of Higher Education would increase in size from nine to nineteen members. No more than two members would be students appointed by the Commissioner from the student bodies of universities and colleges controlled by the Board. Their term would be for one year. No more than two faculty representatives would also be chosen and would serve for a two year term.

THE DISTRICT OF COLUMBIA,
Washington, D.C. April 6, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The Commissioner of the District of Columbia has the honor to submit for the consideration of the 92nd Congress a draft bill "Relating to education in the District of Columbia." The proposed legislation, which may be cited as the "District of Columbia Education Act", repeals legislation providing for the accrediting of junior colleges by the Board of Education of the District of Columbia and amends legislation affecting the Board of Higher Education and the Board of Vocational Education. The bill also transfers to the Board of Higher Education the function of requiring the payment of tuition by students of the District of Columbia Teachers College, provides for the repeal or amendment of existing statutes to delete references contained therein to race, and authorizes an elective high school cadet corps.

Title I of the bill repeals the Act of July 2, 1940 (D. C. Code, sec. 31–120) which authorizes and empowers the Board of Education to accredit junior colleges operating within the District of Columbia. The accreditation of institutions of higher learning, including junior colleges, as distinguished from licensing, is now carried out by private accrediting organizations, and since it is on the basis of accreditation by such organizations that an institution secures the standing which it needs for acceptance of its students by other institutions, there no longer appears any need for the Board of Education also to accredit junior colleges in the District. Consequently, both the Board of Education and the Board of Higher Education recommend the repeal of the Act approved July 2, 1940, subject to the qualification that any accreditation of a junior college heretofore conferred by the Board of Education and still in force be continued for a period of five years unless the institution is otherwise accredited prior to the expiration of such five-year period. The licensing of junior colleges in the District would continue to be performed by the Board of Higher Education pursuant to the Act of March 2, 1929 (D.C. Code, sec 29–415 et seq.).

Title II amends section 7 of the District of Columbia Nonresident Tuition Act (D.C. Code, sec. 31–311) so as to transfer from the Board of Education to the Board of Higher Education the function of requiring the payment of tuition by students, both resident and nonresident, attending the District of Columbia Teachers College. Control of the Teachers College has now been assumed by the Board of Higher Education pursuant to an agreement between such Board and the Board of Education and approved by the Commissioner, as authorized by section 103 (a) (12) of the District of Columbia Public Education Act (D.C. Code, sec. 31–1603(a) (12)). Accordingly, the Board of Higher Education should be vested with the responsibility of establishing tuition rates for persons enrolled in the Teachers College.

Title III repeals or amends a number of laws which specifically designate or classify school programs and facilities according to race, so as to eliminate all references to racial characterizations in the educational laws of the District. The affected provisions are archaic and outmoded, are no longer observed by the Board of Education in its conduct of the public school system, and are in conflict with decisions of the Supreme Court holding unconstitutional the educational separation of the races in State supported school facilities.

Existing law requires the participation of every male high school student in the cadet corps of the senior high schools of the District of Columbia unless excused by reason of physical disqualification or on the written request of his parent or guardian. Title IV of the bill would make participation in the cadet corps permissive rather than mandatory by authorizing the Board of Education to establish in the curricula of the senior high schools, as an elective course, a program of military science which shall include such a corps. The course would be made available to any physically qualified student and credit toward graduation would be given for the course in the same manner as for other elective high school courses. The Board of Education is of the view that the mandatory requirements of the present law are unnecessarily restrictive, administratively time-consuming, and inconsistent with requirements and procedures affecting other educational courses and programs in the public schools.

Title V of the bill, cited as the "District of Columbia Public Education Act Amendments", makes several technical amendments of the legislation establishing the District of Columbia Federal City College and the Washington Technical Institute, approved November 7, 1967 (Public Law 89–791; D. C. Code, secs. 31–1601 et seq.). The amendments clarify the status of these institutions as agencies of the District of Columbia government, provide for their noneducational employees to be employed in the manner that noneducational employees of the District Board of Education are employed, delete unnecessary and inappropriate provisions dealing with the employment of the officers and educational employees of the institutions, and make other technical amendments of title 5, United States Code, in accordance with the provisions of the Act. These technical amendments have been prepared in cooperation with representatives of the Civil Service Commission and are endorsed by the Commission.

Section 502 of title V amends section 102 (a) of the District of Columbia Public Education Act (D. C. Code, sec. 31–1602(a)), to make possible the appointment of faculty and student representatives to membership on the Board of Higher Education. The proposed amendments will increase the size of the Board from nine to nineteen members and authorize, but not require, the Commissioner of the District of Columbia to appoint as full-fledged, voting members of such Board two faculty and two student representatives from the colleges over which the Board of Higher Education exercises jurisdiction. The term of office of a student member of the Board is limited to one year, that of faculty members to two years, while other members will continue to serve for terms of three years. It is anticipated that the contributions of student and faculty representatives from the affected academic institutions and of an expanded public membership will result in a more viable and responsive Board of Higher Education.

For the foregoing reasons, the Commissioner of the District of Columbia believes that the enactment of each of the titles of the proposed legislation will contribute to the advancement of education in the District and he accordingly urges favorable consideration of this draft bill by the Congress.

Sincerely yours,
GRAHAM W. WATT,
Assistant to the Commissioner.

PCB'S AND FOOD CONTAMINATION: TESTIMONY OF PETER SCHUCK

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. RYAN. Mr. Speaker, there is no issue of greater concern to the consumer than that of the quality of his food. Yet recent events have demonstrated all too well that our food supply is being plagued by a host of chemical contaminants, and that those Federal agencies responsible for insuring that the American public receives wholesome food are not living up to that responsibility.

Perhaps there is no better example of this than repeated incidents of contamination from a highly toxic, industrial chemical known as PCB's—polychlorinated biphenyls. This extremely hazardous chemical has been discovered in a multitude of food products, ranging from chickens, turkeys, and meat products, to shell eggs, packaged food, and catfish feed. And tragically many of these contaminated food products have reached the kitchens of consumers.

The significance of this PCB contamination and the failure of the Food and Drug Administration and the U.S. Department of Agriculture to protect adequately the consumer has been well documented in recent testimony before the House Interstate and Foreign Commerce Committee by Peter Schuck. Mr. Schuck, an associate of consumer advocate Ralph Nader and an attorney with the center for the study of responsive law, has been in the forefront of the effort to protect the integrity of our food supply.

I commend his testimony of August 4 and September 14 to the attention of my colleagues:

STATEMENT BY PETER H. SCHUCK, ESQ., CENTER FOR STUDY OF RESPONSIVE LAW, WASHINGTON, D.C., BEFORE THE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, AUGUST 4, 1971

Gentlemen: There is no more visceral consumer issue than contaminated meat. The head of federal meat and poultry inspection, the nation's chief guardian of meat purity, sits in one of the hottest and least secure seats in government. The corresponding state officials are equally vulnerable to expressions of public outrage. Threats to the wholesomeness of meat, whether real or fancied, can arouse a politically potent outpouring of grass roots protest: in 1970 when word leaked out that the Department of Agriculture might permit the sale of chickens with cancerous tumors, the White House was deluged with angry letters which, for pure vitriol, surpassed comments received on any other consumer issue (Messages from the White House to USDA were only slightly more polite).

The American consumer is emotional about meat in part because he consumes so much of it (nearly 116 pounds of beef and veal and 50 pounds of poultry per capita each year), and because he is peculiarly defenseless against its adulteration and contamination.

The ingenuity of food chemistry and processing technology have rendered inoperable the natural detection devices—seeing, smelling, tasting—which used to protect the consumer from bad meat. Now seasoning agents, preservatives, and coloring agents serve as cosmetics to effectively mask the true condition of meat products.[1] The use of cheap fillers and additives such as water, cereal, and fat, unless carefully controlled, give the consumer less and less meat for his dollar.

The total effect of unwholesome meat on human sickness can only be estimated. National Health Surveys estimate that five million to ten million cases of acute intestinal illness occur annually in the United States, many of them meat related, but most go unreported in official records.[2] Meat animals do harbor a number of diseases potentially harmful to man. Trichinosis and hog cholera in pork, and brucellosis in beef may be directly harmful, while animal cancer—103,000 cattle carcasses were held back by federal inspectors in 1969 for removal of carcinomas and cancer eye—poses potential long term risks. Poultry is an even more fertile breeding ground for disease organisms affecting man. Twenty-six diseases are known to occur in both man and fowl—the most serious of which are salmonellosis, psittacosis, and Newcastle Disease.[3] Meat inspection is necessary to protect the consumer from these hidden contaminants. It is also necessary to prevent ethical meat processors from being undercut by the less scrupulous ones. Meat inspection is a classic regulatory function, protecting the citizen where he cannot protect himself.

The consumer movement was founded and later resurrected on complaints about rotting and diseased meat. In 1906, Upton Sinclair wrote:

> "There would be meat that had tumbled out on the floor, in the dirt and sawdust, where the workers had tramped and spit uncounted billions of consumption germs. There would be meat stored in great piles, in rooms, and the water from leaky roofs would drop over it and thousands of rats would race about on it . . . this is no fairy tale and no joke: the meat would be shoveled into carts, and the man who did the shoveling would not trouble to lift out a rat, even when he saw one—there were things that went into the sausage in comparison with which a poison rat was a tidbit."

One year later, President Theodore Roosevelt signed the Federal Meat Inspection Act of 1907.

The failures of the original meat act were due in part to weak enforcement and to inspectors who conspired with large meat packers to evade its standards. More important, there was a major loophole in the law. The early legislation applied only to meat sold in interstate commerce. Meat packers and processors who sold their meat within the confines of a single state were exempt from federal inspection. As late as 1967, nearly fifteen percent of the meat slaughtered in the United States and twenty-five percent of the processed meat was not inspected according to federal standards. In many cases it was not inspected at all.

The states were loath to assume responsibility for these commodities. In 1967, twenty-two states did not require mandatory inspection of livestock before and after slaughter; and eight states had no meat inspection at all.[4] The danger to the consumer was especially great in fourteen states, where non-federally inspected meat accounted for over forty percent of all meat slaughtered. A 1963 USDA survey of state plants kept secret until 1967, revealed deplorable conditions which would have shocked even Upton Sinclair. In Delaware, the survey records:

> In addition to the very grave and urgent problem posed by the distribution of food derived from diseased animals, the attached report details extremely bad and revolting dirty food handling methods without any regard for rudimentary sanitation. Rodents and insects, in fact any vermin, had free access to stored meats and meat products ingredients. Hand washing lavatories were absent or inadequate. Dirty meats contaminated by animal hair, the contents of the animals digestive tract, sawdust, flies, rodents, and filthy hands, tools and clothing of food handlers were finely ground and mixed with seasonings and preservatives. These mixtures are distributed as ground meat products, frankfurters, sausages and bologna. Due to the communiting process and seasoning of these products, most of the adulteration could not be detected by the consumer.[5]

These conditions, described by veteran USDA inspectors, were repeated with revolting consistency in many of the intrastate plants surveyed by USDA. The surveys clearly showed that Upton Sinclair's work remained unfinished. In 1967, a tiny coalition of lawyers, journalists, labor groups, and Congressmen dedicated themselves to cleaning up the state inspected plants. In doing so, they revitalized the consumer movement begun by Sinclair.

On December 15, 1967, the day the Wholesome Meat Act was passed, the expectations of consumers were high. Two years from that date, 15,000 plants previously selling intrastate meat with weak or no standards would have inspection "at least equal to" federal requirements. Their state inspection systems would be officially "certified" as equivalent to the federal. States which could not meet these standards were to be taken over (or "designated") by the federal government, with one exception: in special cases, if the Secretary of Agriculture had reason to believe that a state was well on its way to meeting federal standards, it could have an extension until December 15, 1970.

THE MALADMINISTRATION OF THE ACT

The sordid story of the distortion and evasion of the Act by the Department of Agriculture is set forth in grim detail in Chapter II of our Task Force Report. Entitled *Sowing the Wind*, and written by Harrison Wellford, it has just been released to the public. I shall simply summarize its findings. First, only three states were able to meet the federal standards by the deadline: California,

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Footnotes at end of article.

Maryland, and Florida. Even the certification of these states as "equal to" federal standards was, as a high official in the Meat Inspection Division said, "a big joke among all C&MS personnel. There are no supporting documents such as sufficient plant reviews to back this up."

Only one state, North Dakota, had its inspection system taken over by the federal government. Forty-six states were granted a one-year period of grace—a postponement officially designed for extraordinary cases where states were on the brink of compliance and needed only a little more time.

Yet, even the final deadline for compliance passed in December, 1970, with two-thirds of the states still in limbo, neither certified as being "equal to" federal standards nor designated for federal takeover of the inspection system. Secretary of Agriculture Hardin, having waited so long to prod the states to implement the Act, now was faced with a clear cut legal mandate to declare these states "equal to" or seize them. He delayed again. In February, Hardin announced that he "intended" to take over inspection in fourteen states at some future date, but that more surveys were required. The remaining states were certified as "at least equal to" federal standards. The vagueness of this governing phrase allowed USDA much discretion in deciding the fate of individual states. There is much reason to doubt whether meat processed in state plants is in fact up to federal standards. Even if states did in fact have standards "equal to" federal standards, USDA officials would have to rely on rigorous surveillance of state enforcement to prevent slippage from the goals of the Wholesome Meat Act at certification. This raises the question: What sanctions can USDA bring to bear on certified states which subsequently fail to measure up to "equal to" standards? Here is the Achilles Heel of the Wholesome Meat Act. If the state fails to act against a plant found by federal inspectors to be below federal standards, the only sanction available to the federal government is to threaten federal takeover, not simply of the plant, but of the entire state inspection system.[6] This puts USDA in the role of the muscle-bound nuclear giants of the 1950's who tried to discourage guerilla war by brandishing atom bombs. It is not likely to be believed. This is particularly true since the Department of Agriculture has consistently failed to request sufficient funds for an adequate number of inspectors.

This is particularly shocking when one recalls that it was the failure of state inspection which prompted passage of the Wholesome Meat Act in the first place. In 1967, USDA inspectors surveyed hundreds of state plants and found in virtually every jurisdiction instances of unsanitary meat, unwholesome meat, unsanitary packing conditions, adulteration with water and fillers, and misleading labelling. Moreover, in January 1968, federal inspectors found that twenty percent of all chicken not federally inspected was unfit to eat by federal standards. Many states have upgraded their systems since these surveys. But while more inspectors and tougher inspection regulations will help, they will not compensate for the fact that meat inspection by the states becomes part of political systems notoriously reluctant to aggressively regulate business.

It is for this reason that the current effort by the Nixon administration, key USDA officials, and many states to defederalize meat inspection must be resisted. This effort takes a rather insidious form, draped in the mantle of "the new Federalism." USDA certification of state inspection systems as "equal to" federal standards is now being touted as justification for allowing state-inspected meat to cross state lines. The objective of this strategy is the eventual defederalization of the entire meat inspection program.

In resisting this effort, the consumer does have two strong and unusual allies. The American Meat Institute, the trade association of national meat packers, which opposed the Wholesome Meat Act is now mobilizing to defend its goals of uniform inspection with federal standards. For the large packers, fifty different state inspection systems would be a nightmare.

The lack of uniformity in the enforcement of federal regulations is the packer's chief complaint against federal meat inspectors. If decentralization goes through, the large packers will have to contend with not only the vagaries of individual inspectors interpreting the same handbook of regulations, but with different inspectors interpreting different regulations in fifty different states.

The federal meat inspectors are also disturbed by the prospect of defederalization. The inspector corps takes pride in the sixty-five year history of federal inspection. Despite their occasional failures, they have attained a professionalism and independence from politics unmatched in any state inspection system.[7]

If the federal inspection system becomes an offering on the altar of the New Federalism, the Wholesome Meat Act would in effect be turned on its head. An act, which originally promised to extend uniform federal standards to the twenty-five percent of meat not processed under federal control in 1967 may result in all meat being processed in fifty separate state-controlled systems. It would be ironic indeed if consumer legislation made necessary by the failures of state government provided a pretext for turning the whole inspection system over to state government.

It should be remembered, however, that while the failures of federal inspection pale in comparison to the real and potential breakdowns in most state inspected plants, the federal failures are still very serious and highlight the need for stronger *federal* inspection systems.

At this point, Mr. Robert Vaughn will discuss the barely visible but relentless stresses on the meat inspectors themselves which tend to subvert the meat inspection system.

BUREAUCRATIC SECRECY

A concern for the nutritional value and wholesomeness of meat cannot simply concern itself with inspection procedures and fair treatment of the inspectors themselves. Equally important is the access of the consumer to the information upon which significant decisions with respect to food quality are made. As Chapter IV of the Task Force Report makes clear, USDA has made such access exceedingly difficult for the handful of consumer advocates in Washington. As a result of this secrecy, industry efforts to repeal the long-standing restrictions of the use of chickens afflicted with avian leukosis (or cancerous tumors) was turned back only by the fortunate conjunction of several coincidences.

The chicken cancer decision was a consumer victory because inquiries from consumer advocates helped persuade USDA officials to have the advisory panel's recommendation reviewed by public health scientists outside the department and because disclosure in the press made Secretary Hardin's acceptance of the Surgeon General's advice a political necessity. The most remarkable feature of the chicken cancer case is what it reveals about USDA's internal procedures for making decisions of vital interest to consumers. First, the recommendation was made in secret with no minutes or any other means available to inform the public or outside scientists of the evidence considered. Second, the panel which made this decision affecting the scope of federal regulation of the poultry industry was staffed, in part, by industry consultants. Remarkably, even though the panel was making a judgment about potential risks to the consumer's health, no consumer representatives, public health specialists, or cancer experts were present. If Mr. Lyng had not submitted a recommendation to the Surgeon General for review, the panel's decision would probably not have been subjected to the rigor of discussion and debate in the wider scientific community. Third, if the decision had been approved, it could have gone into effect secretly without any requirement that the public be informed of the change.

The point of this case is clear: But for the accidents of these outside interventions and the presence of an alert administrator (Richard Lyng), the recommendation to ease the cancer ban might well have been adopted without comment from the public or scientists outside the agribusiness establishment.

Similarly, fundamental decisions concerning the meat and fat content of the hot dog, as well as labelling requirements, were about to be made with virtually no input from consumer groups until a very small band of consumer advocates managed to bring the issue to public attention. These were, as the Task Force Report makes clear, "little victories"; they do little to insure that in the vast majority of small, invisible decisions which taken altogether make an enormous difference in consumer welfare, that welfare will be taken into account by federal decision makers in the area of food.

Accordingly, the Task Force makes several key recommendations calculated to increase the flow of information to the consumer. First, it recommends a relaxation of the barriers to the free flow of information from the agency staff to the public. Second, it recommends that all proposed changes in meat and poultry regulations, standards of identity, or labeling must include a "statement of consumer significance" published in the Federal Register and by press release. This statement would be similar to the statements required under the National Environment Policy Act of 1969 and would include an identification of all aspects of the proposed change of interest to consumers.

HIDDEN CONTAMINANTS

Perhaps the most salient aspect of meat nutrition and wholesomeness concerns not those defects which the consumer can see, touch, or smell, important as they are, but the far more dangerous hidden contaminants: bacteria like salmonella and residues from the use of pesticides, nitrites, hormones, antibiotics, and other chemicals routinely used in agribusinesses.

Here the inspection failures are more often errors of omission than commission. For example, there is no regular monitoring of salmonella or other microbiological contaminants in meat and poultry plants in the United States. Yet, at least thirty diseases, including brucellosis, hepatitis, trichinosis, and salmonellosis. are considered to be transmissible to man through meat, milk, poultry, eggs and other foods of animal origin.

This oversight is becoming increasingly serious. Changes in the technology of food processing have increased the risk of microbiological poisoning, as more fully processed foods are offered to the consumer and as the time span between processing and consumption continues to increase. The increased density of animal populations for both feeding and processing and the contamination of the environment have also increased the hazards. In the absence of microbial standards, strict adherence to the sanitation rules set out in the USDA Inspectors Handbook, when enforced, reduce the spread of bacteria within the processing plant. But the inspectors who apply these rules on the production line are sometimes not backed up in the USDA when the plant managers complain.

With the possible exception of a few stores specializing in organically grown beef, it is

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virtually impossible to buy meat which is not contaminated to some degree with synthetic chemical residues. Between eighty and ninety percent of all beef and poultry produced in this country is grown on a diet of antibiotics and other drugs from birth to slaughter. Three-fourths of all cattle in the U.S. are fed growth stimulating hormones. Pesticides enter the human food chain when animals eat contaminated feed and water or are directly sprayed to control parasites and insects.

Both the FDA and the USDA keep watch on the levels of chemicals in food but the technology of residue monitoring, as well as budget allocations for this task, have been inadequate. The sampling network, for example, failed to detect the presence of mercury or other highly poisonous chemicals which may be present in meat at levels too small to be discovered by present screening devices but too large to be safely consumed. The carcinogenic hormone stilbestrol and the tetra-dioxin contaminant of the herbicide 2,4,5-T, a potent agent of birth defects in test animals, are two suspects.

The threat of chemical residues from antibiotics and hormones in meat and poultry is another side-effect of the rapid application of chemical technology to agriculture. As with the use of pesticides on crops, short-term effects on yields (hormones and antibiotics increase the body weight of the animal) are sometimes allowed to outweigh potential long-term hazards at the other end of the food chain. The use of antibiotics and hormones have helped cause basic changes in cattle and poultry feeding practices. The practice of cramming immense populations of livestock into small areas is closely tied to the use of antibiotics in food. Cattle are now confined by the thousands in feedlots where they must stand shank to shank in a mire of manure. Tens of thousands of chickens are raised under one roof in cages in which three or four birds are stuffed together in a 1" x 18" space.[8] Veterinarians find that the incident of respiratory diseases and other illnesses increase when animals are raised under such stressful conditions. Crowding also creates conditions favorable to the rapid spread of disease. This feeding system does increase the efficiency of production, but at the cost of feeding the animals a substantial diet of antibiotics, tranquilizers and other prophylactic drugs to suppress disease and relieve distress.

Because so much is at stake, tremendous pressures bear down on the federal regulators and scientists who must make retrospective evalutions of the safety of agricultural chemicals after they are widely used. For this reason, questions of safety in the use of animal drugs cannot be left to the experts on the assumption that objective science will prevail.

Unlike some European countries, in this country no effort is made at any stage from slaughter to retail sale to monitor and control microbiological contaminants in fresh meat and poultry. In the absence of these controls, meat and poultry may become more contaminated, not less, as they move through the stages of processing. Under the circumstances, it may not be surprising that in the summer of 1970, twenty-five residents of a Baltimore nursing home died within forty-eight hours from salmonella infection caused by contaminated food. The National Communicable Disease Center estimates that two million Americans are afflicted with the disease at a probable cost of $300 million.

Dr. Gilbert Wise, a meat specialist for the Consumer and Marketing Service warns that the public health danger from this source of contamination is increasing: "The food chain is getting longer. We're introducing new handling procedures, new processing procedures and every time the product is manipulated, there is another chance for contamination. Heat and serve convenience foods, which do not require thorough cooking prior to consumption, as well as mass production and distribution, rapid processing cycles and new packaging in containers, have added to the urgency of development of microbial standards."[9]

A major source of hidden contamination arises from the widespread use of antibiotics in feed. Nearly eighty percent of the meat, milk, and eggs consumed in the United States comes from animals fed medicated feed during all or part of their lives.[10]

Farmers apply antibiotics as frequently as doctors. Over half of the nation's annual antibiotic production goes to livestock and poultry—more than is used by hospitals. *Feedstuffs*, the leading weekly newspaper for agribusiness, has nearly as many drug ads as the AMA Journal. There is a difference in style, however. Where the AMA Journal has a reclining bikinied beauty hawking Ampicillin, *Feedstuffs* has a healthy hog with the caption "Protect 'em, push 'em all the way to market with Pfizer's Terramycin."

While the FDA must approve each antibiotic for safety and efficacy, farm use of these drugs is hardly controlled at all. Farmers buy antibiotics without prescription and rely on the advice and direction of the feed and chemical salesmen more than on their vet.

Animals antibiotics arouse concern for the following reasons: (1) If antibiotic residues occur in food, highly allergic people may become seriously ill or even die after ingestion, particularly with penicillin. Antibiotics may also upset the bacterial ecology of the stomach, intestines and bowel and lead to digestive disturbances. (2) Of greater concern for public health is the threat that the use of antibiotics on farm animals will cause harmful bacteria to become drug resistant. This may lead to serious medical crises for man. At Children's Hospital in Boston, Dr. David H. Smith reports that twenty-four of twenty-six deaths in one year due to bacterial disease were caused by drug resistant bacteria.

Laboratory tests have established that it is theoretically possible for the drug resistance of animal bacteria to be transferred to human germs. The Swann Report, prepared by a British committee of distinguished scientists and health experts studying the uses of animal antibiotics, recommended sweeping restrictions on animal drugs to Parliament. The Report concluded that no antibiotic which has therapeutic value for man—such as penicillin or the tetracyclines—should be added to feed. Other antibiotics not used to treat human disease can be used in their place as growth promoters in feed. The Report also advised that other therapeutic antibiotics be sold only by prescription from a trained veterinarian. The Report noted that farm workers who handle drug-fed livestock are becoming resistant to antibiotics at a faster rate than the rest of the population. Because of these hazards, it finds "particularly indefensible" the practice of giving antibiotics at sub-therapeutic doses to simply relieve stress in animals.

The New England Journal of Medicine, in an editorial on the phenomenon of resistant microbes, gives an apt warning: "Man has succeeded in polluting his environment with an astonishing variety of noxious agents. The development of anantibiotic-resistant microbial milieu might be a logical extension of this self-directed biologic warfare. . . ."[11] These hazards are avoidable and should not be tolerated.

The danger to the consumer from hidden contaminants of meat does not end with the excessive use of antibiotics. Nearly thirty million of the forty million cattle slaughtered in the U.S. have been fed an artificial hormone banned as a threat to public health in Sweden, Poland, Argentina, the Netherlands, and seventeen other nations. In the fall of 1970, Sweden and West Germany banned the import of American beef because of the possibility of residues from this hormone. Known as DES or diethylstilbestrol, it is mixed with feed to increase the efficiency and rate at which cattle convert feed into pounds of beef, although there is some evidence that this weight gain is purchased at the cost of meat quality.[12] It is the only chemical widely used as an animal drug for which there is strong *clinical* evidence that it is carcinogenic in *both* test animals and man. The Task Force Report reviews this evidence in some detail, including the very recent evidence linking DES with a type of vaginal cancer.

It is possible that DES is present at levels potentially hazardous to man but too small to be detected by USDA. Dr. James Stewart, who runs the USDA sampling program, states that his sampling techniques cannot detect DES at levels below two parts per billion (or about .9 micrograms per pound of meat). DES at a level of .07 micrograms produced cancer in fifty percent of mice tested.[13] Therefore, even though a pound of meat is found to contain no DES, residues up to fourteen times the amount found carcinogenic in some strains of mice could be present without being detected.

In practice, USDA cannot detect DES at even twice these levels. The biological assay method,[14] which is sensitive at the 2 ppb level, is not practicable for analyzing hundreds of carcasses in regulatory control. USDA uses instead a chemical analysis which is fifty percent less effective. Charles Edwards, Commissioner of FDA, conceded before the House Intergovernmental Operations Subcommittee on March 16, 1971 that federal regulators still lack an effective method for detecting DES residues in meat.

Unsatisfactory analytical methods which allow small quantities of DES to escape detection threaten the meat consumer. It is widely accepted among scientists concerned with public health that no level of exposure to a carcinogenic substance, however low, can be established as a "safe" level for man. In addition, there is the problem of what happens to the hormone after it is excreted from the animals in the feed lot. There is a danger of DES getting into water supplies from run-offs from feed lots, but at this point little is known about the eventual destination of DES after it leaves the steer, although it is known that DES is persistent.

In addition to the dangers to the consumer in the use of antibiotics and hormones in animal feed, there is mounting evidence that nitrates and nitrites, two of the most common additives to hot dogs and other meat products, may increase cancer risks for consumers. These chemicals are used as preservatives and as coloring agents.

Nitrites may be hazardous chemicals, both as direct poisons and as potential cancer causing agents. Nitrates, while relatively harmless in themselves, create concern because they may be converted to nitrites through bacteriological action in foods and the human stomach. The stomachs of small children, being much less acidic than the stomachs of adults, have abundant bacteria which can reduce nitrate to nitrite and cause severe poisoning.[15] In 1965 several infants in West Germany died after eating spinach with a high nitrate content which was then converted to nitrite.[16] No children are known to have been poisoned by the conversion of nitrates in meat but several have died from eating hotdogs with up to 5000 ppm of nitrite, far above the permissible amount.[17] Nitrates may also be converted to nitrites by bacteria in the air or in food once a food can or package is opened.

If only the cosmetic uses of nitrite as a color fixative were banned, its presence in

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meat products could be reduced by ninety to ninety-five percent. Clearly, cosmetic tinkering should not justify even a small risk to our health. Moreover, labeling requirements with respect to nitrites are inadequate and poorly enforced.

The widespread existence of pesticide residues in meat and poultry is an additional cause for alarm. USDA's surveillance of pesticides in meat and poultry falls short in a number of areas. First, the number of animals sampled for pesticides is too small to give valid statistical estimates of the extent of contamination or to identify local pesticide hot spots. Second, the secrecy with which USDA shrouds incidents of seizure gives the public a false sense of security about pesticide residues in meat. The turkey scare at Thanksgiving, 1969, is an example. Third, some of the most dangerous pesticides are overlooked when USDA examines its meat samples because USDA's residue samplers are crisis-oriented and rarely take the initiative in looking for new contaminants in meat. Fourth, USDA permits the uses of some pesticides which may contaminate meat even though it lacks analytical technology to detect the chemicals in the food supply. USDA permits the use of the herbicide 2,4,5-T on pastures and rangeland although it contains up to 1 ppm tetradioxin, a highly stable compound which causes birth defects in test animals and is highly poisonous to man. USDA's pesticide monitors report, however, that they lack instruments sensitive enough to regularly measure dioxin in meat.

Another trap for the meat consumer is the use of hidden excess water in meat products, particularly poultry. New technology has greatly reduced the amount of water necessary to adequately clean and chill birds, yet the General Accounting Office has found that large amounts of poultry with excessive moisture are being shipped to the consumer. In 1967, for example, 44 federally-inspected poultry plants—accounting for over thirteen percent of all interstate poultry shipped during that year—were allowed to ship poultry despite exceeding moisture requirements at least twenty percent of the time. The GAO concluded that the Department's failure to act left the public defenseless before adulterated poultry products and encouraged managers of other plants to think that violations would go unpunished. Unfortunately, these practices are virtually undetectable by the consumer and even difficult for the inspector to detect.

A final hazard to the meat consumer are the hidden contaminants resulting from the widespread use of industrial chemicals in our environment. The present situation with respect to contamination of food by polychlorinated biphenyls (PCBs) is a grim reminder of the failure of government to adequately protect the defenseless consumer.

PCBs are a group of industrial chemicals that have toxicological, chemical, and environmental similarities to DDT. They are manufactured by Monsanto under the name Aroclor, and 10–20 million pounds are produced each year. As their dangerous qualities have become better known, Monsanto has felt obliged to withdraw them from the market except for use in so-called "closed systems," such as heat transfer units, electric transformers, etc.

PCBs are even more stable than DDT and, like DDT, are fat soluble and insoluble in water. They contain more chlorine by weight than DDT, and belong to the chemical family of polychlorinated phenolic compounds to which the highly toxic 2,4,5-T belongs. Perhaps most alarming, their manufacture raises grave risks of contamination with the extremely dangerous compounds known as dioxins.[18]

It was only this year, after several outbreaks of PCB contamination, that PCB's were finally placed on USDA's checklist of possible contaminants. Public ignorance of the risks of PCB use are a consequence of several factors. First, Monsanto has consistently refused to provide information necessary for an evaluation of the presence of PCB's in the environment. Second, as we shall see, USDA and FDA have been less than fully candid in apprising the public of its PCB detection activities.

The scientific research on PCB's is very incomplete. Nevertheless, such evidence as does exist suggests that PCB's constitute a significant public health hazard. High doses of PCB's, traced to cooking oil extracted from rice hulls, caused stillbirths, miscarriages, skin disease, and liver damage to nearly 10,000 people in western Japan in 1968.[19] Scientists at the University of Wisconsin recently found that levels of PCB's as low as 25 parts per million in feed (no lower levels were tested) made ducks more susceptible to death from infectious agents such as duck hepatitis.[20]

A preliminary report of research presently being conducted for Monsanto indicates that chicks fed certain PCBs at ten parts per million suffered significant loss of appetite, loss of body weight, decreased shell thickness and poor hatchability.

A public health report as far back as 1942 documents that all 100 men in continual work contact with PCBs in one plant developed symptoms of chloracne, a skin disease.[21] Cases of yellow liver atrophy in humans attributable to PCB's have also been identified.[22]

The pervasiveness of PCB's in the environment has been amply documented. Last October, PCB levels in fish near England were found as high as 900 parts per million—"the highest concentration of poisonous industrial chemicals ever found in wildlife." In addition, very high concentrations have been found in dead Peregrine falcons and eagles.

In 1970 and 1971, PCB's have been found in high levels in poultry in three states. As a result of one of these incidents, FDA set an "administrative action level" of 5 ppm; below which PCB residues in the food supply were deemed safe. Yet this level appears to have been established quite arbitrarily with little or no solid scientific evidence to support it. Congressman Ryan requested in April, 1970 that FDA immediately undertake major toxicity studies on PCB. If FDA has made such a study, it has not been made public.

The presence of so toxic a contaminant in the food supply at any significant level is an extremely serious matter, particularly for one as fat soluble, pervasive and persistent as PCB's. According to an April, 1971 report to the President on toxic substances by the Council on Environmental Quality, only 1 ppm of PCB's has been found to be fatal to juvenile pink shrimp after a 48-hour exposure. Exposure to this same level stopped oyster shell growth in 96 hours. Concentrations of up to 250 ppm of PCB's have been found in human tissues.

The theory behind tolerating PCB levels of 5 ppm in the food supply may have been that Monsanto only markets PCB's for "closed system" uses. There are, however, several glaring defects in this theory. First, Monsanto does not and cannot control the uses to which PCB's are put; it can suggest certain uses and restrictions but its control ends at the point of sale. Thus, PCB's have been applied for use as agricultural pesticides despite Monsanto's admonition against such use. Second, history teaches us that there is no such thing as a "closed system" in modern life. Take two such "closed system" uses for example. According to the CEQ report cited above, PCB's were detected in oysters in Ascambia Bay, Florida in April, 1969. The source of this contamination were PCB's used as a heat exchange fluid in a plant six miles upstream. Another such "closed system" use of PCB's precipitated the very recent massive contamination of fishmeal fed to poultry and swine throughout the Southeast. Other recent contaminations of the food supply have resulted from use of PCB's in plastic wrapping for chicken feed packages (New York) and in silo linings for cattle feed storage (Ohio).

Given the toxic, persistent and ubiquitous nature of PCB's in our environment, it must come as a profound shock to consumers to realize that neither USDA nor FDA routinely monitors the food supply for PCB residues. (Indeed, as I noted above, PCB's were only this year included on USDA's checklist of possible contaminants.) In light of this fact, the very recent PCB contamination of fishmeal in North Carolina becomes as understandable as it is alarming. The handling of this incident by USDA and FDA suggests significant gaps in the protection of food consumers from the onslaught of chemical contaminants.

The incident may be briefly summarized: PCB's used as a "closed system" as heat transfer fluid leaked into fishmeal produced at a North Carolina plant, East Coast Terminal, Inc., between April 30 and mid-July.

This fish meal was sold to 65 companies in 12 states for use, among other things, as an ingredient in feed for chickens, turkeys and hogs. Holly Farms, the nation's largest producer of broiler chickens, upon discovering that the hatchability of its eggs was impaired, performed commercial tests on sample chickens from flocks representing over 8,000,000 birds. PCB residues of up to 40 ppm were found. Holly Farms then announced the destruction and burial of 77,000 chickens after being asked by the Associated Press to confirm a report from a government source that PCB had been found in its broilers. Holly Farms notified the fish meal supplier which notified Monsanto which alerted FDA on the afternoon of July 16. On July 19, Holly Farms—not FDA—informed the USDA of the massive contamination. It was on July 22 that FDA supplied USDA with a list of the 65 purchasers of the contaminated fish meal.

Neither agency, however, hastened to inform the public of the danger. It was only on July 23—at least seven days after FDA learned of it and four days after USDA learned of it, and after newspaper reporters had begun raising questions—that USDA conceded on July 23 that a search was on for contaminated poultry. To USDA, evidently, silence is golden; but when it finally speaks to the consumer, it speaks with optimism: "All the evidence indicates that consumers have been buying a wholesome product, and can continue to buy and enjoy chicken with confidence." (Press release of July 29)

Let us briefly review this evidence. So far as one can tell, this glowing statement was made: (1) less than three days after concentrated testing began; (2) on the basis of somewhat over 100 samples of chickens, out of an intended sample of only 400 birds; (3) on the basis of tests on chickens slaughtered since July 23; (4) in the absence of systematic testing of processed chicken products such as frozen foods, TV dinners, chicken soup, etc.; and (5) in the face of Holly Farms' earlier destruction of 77,000 of its own chickens due to high PCB residues; (6) despite the fact that chickens on the market and in consumers freezers had reached the market before USDA began its testing.

Two other pieces of evidence ignored by USDA and FDA belie the reassurances of the press release. First, one day after the release, USDA mentioned that Holly Farms had destroyed 88,000 birds. Reporter questioning brought out that that figure included 11,000 birds killed in a new round of mass slaughtering last week.

The second new piece of evidence is more alarming. According to a confidential but

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highly reliable source, the heat transfer unit which leaked PCB's into the fish meal at the East Coast Terminal plant was repaired several times between April 30 and July 15 by means of patches, each of which was only able to contain the fluid for a time. If this is true, then the PCB's would have leaked into the meal not throughout that entire period but in a discontinuous fashion; for the periods during which the patches held, there would have been no PCB contamination at all, while during other periods, PCB contamination would have proceeded. If this information is correct, then what otherwise appears to be a glaring disparity—Holly Farms' finding of massive contamination of poultry and USDA's finding of virtually no contamination of birds slaughtered after July 23—becomes instead a pattern of discontinuous contamination consistent with a continued danger of toxic levels of PCB's in our food supply. We have conveyed this information to USDA and they have expressed their intention to follow this up.

Another mystery concerns eggs and egg products. Fish meal is used not only to feed breeding hens and broilers but often to feed laying hens as well. There is no question but that PCB's present in the laying hen may easily be transmitted to the egg. Yet USDA is only now beginning to test broken egg products such as egg mix, mayonnaise, etc. for PCB's resulting from East Coast Terminal fish meal. A grand total of 40 samples will be taken.

Even more deplorable is FDA's apparent abdication of its important responsibility to ensure that shell eggs are free of PCB contamination. In an effort to learn what FDA had done in this critical area since the disclosure of the risk of PCB's in poultry, we called an employee at the Office of Compliance of FDA's Bureau of Foods and Pesticides, only to be told that he had been instructed not to answer any questions asked by people at the Center for Study of Responsive Law. After checking with his superior, Mr. Thompson, he stated that any questions would have to be directed to Mr. Brown. When Mr. Brown finally returned our call, we asked him whether representatives of agribusiness received the same treatment and he assured us that FDA had a policy of full public disclosure at all. Getting down to cases, he informed me that he was "not particularly concerned" about PCB contamination because FDA had carried on an egg inspection program during fiscal 1971 and had found no excessive PCB residues. A grand, nationwide annual total of 100 samples were taken under this program. Not only does this sampling constitute an infinitesimal proportion of the approximately 70 billion eggs produced in the U.S. each year, but it has very little to do with assessing the special risks arising from the PCB contamination unleashed at East Coast Terminals. Nevertheless, Mr. Brown's unconcern continues; the 100 egg samplings for PCB's arising from the East Coast Terminals debacle will get rolling sometime next week—almost one month after FDA first learned of the contamination.

Unfortunately, the failures of FDA and USDA to adequately protect the consumer against PCB's and other contaminants continue. It is essential that Congress provide these agencies with the resources and relentless prodding which alone can assure the consumer of wholesome meat and poultry.

FOOTNOTES

[1] Statement of Ralph Nader before a Subcommittee of the Committee on Agriculture and Forestry, U.S. Senate, 90th Congress, 1st Session, November 1, 1967, p. 142.

[2] *Government Rejected Consumer Items,* Hearings before a Subcommittee of the Committee on Government Operations, House of Representatives, 90th Congress, 2nd Session, April 2, 3, 1968, p. 88.

[3] Dr. W. L. Ingalls paper presented to the 87th annual meeting of American Veterinary Medical Association, August 21–24, 1950, Hearings before Subcommittee on Livestock and Grains of the Committee on Agriculture, House of Rep., 90th Congress, 2nd Session, February, 1968.

[4] House of Representatives Report No. 653 on Federal Meat Inspection Act, p. 4 (1967).

[5] Statement of Leslie Orear, Director of Publications, United Packinghouse Food and Allied Workers, AFL–CIO, who helped expose unsanitary meat conditions in Chicago.

[6] The only exception is for plants which clearly endanger public health.

[7] State inspectors already inspect meat in interstate plants in several states, under auspices of the Talmadge-Aiken Act. This Act encourages states to cooperate in the inspection or grading of various agricultural commodities. Under the Act, some state inspectors are assigned to federally-inspected plants. States are reimbursed on a fifty-fifty basis. Talmadge-Aiken is, in effect, a loophole which, if widely used, might allow USDA to defederalize gradually without going back to Congress for new legislation. A Government Accounting Office survey released in June, 1970 found significantly more inspection failures in Talmadge-Aiken plants than in federal plants.

[8] Dr. William B. Buck, *The Use of Drugs in Animal Feeds,* Publication 1679, National Academy of Sciences, 1969, p. 215.

[9] See *National Provisioner*, January 10, 1970.

[10] *Albuquerque Journal,* June 5, 1970, p. A–9.

[11] *New England Journal of Medicine,* Vol. 281, No. 12, September 18, 1969, p. 677.

[12] See Dorothy Cottrell, "The Price of Beef", *Environment,* Vol. 13, No. 6, July/August, 1971, p. 44.

[13] Statement of Charles C. Edwards, M.D., Commissioner of the Food and Drug Administration before the Subcommittee on Intergovernmental Relations House Committee on Government Operations, March 16, 1971.

[14] With this method, DES-suspect meat is fed to mice which are checked after ten days for uterine tumors.

[15] Fassett, D. W., publication 1354, National Academy of Science-National Research Council, p. 251.

[16] Barry Commoner, the well-known biologist at Washington University (St. Louis) has warned against excessive use of nitrogen fertilizers which may cause spinach to have nitrate levels of potential danger to small children.

[17] Statement of Dr. William Lijinsky, Eppley Institute, University of Nebraska, Medical Center, Omaha, Nebraska, before the Intergovernmental Relations Subcommittee of the Committee on Governmental Operations, March 16, 1971.

[18] See Statement of Dr. Jacqueline Verrett, Food and Drug Administration, in Hearings before Subcommittee on Energy, Natural Resources, and the Environment of the Senate Committee on Commerce, April 15, 1970, pp. 190ff.

[19] See Remarks of Hon. John Dellenback, Congressional Record, June 26, 1970, p. E6031.

[20] *Science,* Vol. 170, December 18, 1970, p. 1314.

[21] *Public Health Reports,* Vol. 57, no. 47, p. 1747 (November 20, 1942).

[22] Louis Schwartz, "Acute Yellow Atrophy of the Liver," *Journal of Public Health,* Vol. 26, p. 586 (June, 1936).

STATEMENT OF PETER H. SCHUCK, ESQ., CENTER FOR STUDY OF RESPONSIVE LAW, BEFORE THE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, SEPTEMBER 14, 1971

Gentlemen: Thank you for your invitation to testify today. When I last testified before this subcommittee on August 4, I stated that "the present situation with respect to contamination of food by polychlorinated biphenyls (PCBs) is a grim reminder of the failure of government to adequately protect the defenseless consumer." Unfortunately, those remarks were all too prophetic. In the period since then, we have witnessed an escalation of public exposure to contaminated food products which bodes very ill for consumers in the future.

Before discussing some of the more significant lessons to be learned from recent events, it is essential to underscore several salient facts which must inform any legislation or oversight in this vitally important area of public policy:

1. The plague of chemical contaminants of our environment and our food supply which is now upon us is clearly only in its earliest stages. According to the President's Council on Environmental Quality, about 2 million chemical compounds are known, and several thousand new ones are discovered each year, of which several hundred are annually introduced into commercial use. Yet the effects on man of most of these substances are exceedingly poorly understood; testing has largely been confined to their acute effects, while knowledge of the chronic, long-term effects is very inadequate. The Council further finds that the existing legal machinery for protecting the public from the premature introduction of these substances is also inadequate. As I shall discuss below, it is evident that the existing food inspection programs are, as presently constituted and funded, incapable of assuring that these materials, once introduced into the environment, will not contaminate the food supply.

The point is that while our knowledge of the effects of particular substances is, to say the least, imperfect, we can no longer plead ignorance about the fact that we are taking significant risks in the increasing chemicalization of our technology, that these risks are bound to increase geometrically as more substances are introduced, that we are not masters of this technology (indeed, the reverse is probably more nearly the case), that the true social costs of these substances are not necessarily reflected in their prices, and that our governmental institutions are not now capable of ensuring that benefits and costs are in some reasonable balance. In short, our technological reach has exceeded our institutional grasp and that tragic gap is widening all the time. This problem will not go away; it is just beginning.

2. It is certainly true that absolute safety is, practically speaking, an impossibility, that the cost of ensuring a safe food supply is significant (though rather trivial compared to the cost of other federal programs—the food inspection programs of USDA and FDA total about $165 million per year, or 3–4% of the cost to consumers of the import subsidy to the needy oil industry), and that the food inspection agencies cannot do more than their resources permit them to do. Any responsible critic must recognize these facts, and we certainly do. Nevertheless, it is for Congress, not the food inspection agencies, to determine priorities and the relative importance of food inspection to the public. And indeed, Congress has spoken in enacting the meat and poultry legislation and the Food, Drug and Cosmetic Act, and in generally giving the food inspection agencies the appropriations they say they need to implement those laws. For fiscal 1972, for example, Congress appropriated over $6,000,000 more for meat and poultry inspection than USDA requested. Certainly, the Congress cannot be certain what level of food safety the public wants and is willing to pay for unless the public and Congress are fully apprised of the risks, the costs, and the benefits of particular food inspection policies. The events of the last few months suggest that this full disclosure has

not been the rule. Rather, the food inspection agencies seem wedded to the "all is well" and "the public is adequately protected" principles of public relations. The philosophy underlying this posture was well-summarized in testimony by FDA Commissioner Edwards before the Senate Appropriations Committee on May 13 of this year:

> It's important to keep in mind that we cannot broadcast warnings about specific products without reliable scientific evidence to back up our action—not because we are "afraid of hurting industry" but because the products under our jurisdiction are so vital to everyday living. We can't deluge the public with scare items based on our suspicions. We can't caution the public that there might be something wrong with a product in rare instances or that use of a product should be restricted, because public reaction is always an over-reaction: The pendulum swings too far in most cases, and consumers tend to boycott a product if any doubts have been raised about it, even though we might feel that continued use within certain limits is entirely justified.

Apart from the straw men created and destroyed by this statement—no one wants to deluge the public with scare items; no one wants warnings issued without reliable scientific evidence—its premise that consumers cannot be trusted with the entire truth because they will over-react is vulnerable on several grounds. First, it contradicts Dr. Edwards' earlier characterization of the "far more sophisticated consumer today, a consumer who is far more knowledgeable about scientific theory and techniques", who "wants more information about the product he buys" and whose "questions cannot be ignored". Second and more important, it is simply not so. Take, for example, the recent discovery of botulism in a small number of cans of Campbell's chicken vegetable soup, and the publicized recall of the soup. Surely, in view of the recent and widely-publicized death and paralysis of a man and wife from Bon Vivant soup, this is an excellent case with which to test Dr. Edwards' thesis that "public reaction is always an *over*-reaction". According to the *New York Times* of August 25, however, the public reacted with great circumspection. A spot check in over 15 cities revealed that consumers were taking the crisis calmly, that the public disclosure of the recall had little effect on soup sales. Some shoppers made inquiries of their grocers and "a few wary" ones returned cans of Campbell's chicken vegetable soup, but calm was the prevailing response.

There is simply no justification for a food inspection agency failing to make full and timely disclosure about the quality of the food supply on the ground that an informed public will always over-react. Our system presupposes that, within very broad limits, it is for the consumer to decide for himself on the basis of full information what he will and will not eat, and what risks he will and will not take.

Nor is there justification for failing to fully inform the consumer on the ground that the danger to the public is not yet conclusively proved. When dealing with the integrity of the food supply, consumer protection agencies cannot act on mere rumor, to be sure, but neither in many cases can they afford to wait until all the evidence is in. Of necessity, they must often act on the basis of incomplete information and disclose that fact to the consumer. The burden of any uncertainty must not fall on the consumer. The food inspection laws did not intend that he be made a guinea pig simply because we live in an uncertain world.

It is only when the condition of full and timely disclosure to the consuming public is met that one may justifiably speak of what level of safety the consumer wants and what he is willing to pay for it.

To get more into specifics, it seems to me that the recent incidents concerning PCB contamination of the food supply have a number of lessons for us if we will only heed them. The first is that there is no such thing as a closed systems use of a toxic substance that can ensure immunity of the food supply from contamination. My earlier testimony before this subcommittee cites some evidence for this proposition. As if this evidence—based on contamination of broilers—were not enough, PCBs have *since* been discovered at excessive levels in shell eggs, broken egg products, turkeys (at up to 86 ppm in fat tissue), fish (at up to 360 ppm), swine, fish feed, rendered meat meal used in animal feed, laying hens, and most recently, packaging products used to package foods. And the end may not be in sight. All of these contaminations have resulted from so-called "closed systems uses" of PCBs. We can no longer plead ignorance of the inescapable fact that the environment, like the law, is a seamless web; we must not make policy on the mythical premise that the web has seams.

A second lesson is that the food inspection agencies cannot be relied upon to make these matters public in timely fashion, or to abandon their Panglossian public information posture when they do finally speak. My prior testimony cited one example of USDA public information policy. An even more egregious example occurred in mid-August when we independently discovered that over 60,000 shell eggs with excessive levels of PCBs had definitely reached consumers in the Washington, D.C. area on August 7 or so. FDA had sampled the eggs in North Carolina on August 4, and learned on August 9 that the eggs contained up to 2.18 ppm of PCBs, well above the FDA guidelines of 0.5 ppm. When FDA officials arrived at the warehouse of the Washington distributor on August 9 and learned that the eggs had been sold to retailers on August 6 or so, FDA failed to track down the retail locations of these eggs. What is even more appalling, FDA made no effort to alert consumers to the danger so that they could destroy those contaminated eggs not yet ingested. They did not make the matter public and I am certain that the public would never have known had we not informed the press of our discovery on August 17. What was FDA's response when the matter finally became public? Did it tell the public that its guideline of 0.5 ppm had been established because PCBs, while not presenting a danger of acute toxicity, were extremely pervasive, persistent poisons which accumulate in body tissues and, at threshhold concentrations at present unknown, constitute a grave health danger? Did it tell the public that, almost by definition, *any* ingestion of these poisons contributes to that accumulation, that the guidelines were established for just that reason, and that therefore any consumers with such eggs should destroy them? No, evidently FDA felt that a public so informed would either "over-react" or would blame FDA for the incident. Instead, FDA spokesmen told the inquiring press on August 18: "That much PCB is like a drop in a tank car. The only reason .5 is the guideline is because technology won't let us detect much less than that"; and "The short-term exposure that might be expected to occur does not indicate to us there is a real health problem here. I'd hate everybody to start worrying about the eggs they eat." On September 8, replying to Congressman William F. Ryan's request for a full report on this incident and FDA's efforts to warn consumers after finding that the contaminated eggs had already been marketed, FDA stated simply:

> On the basis of the best available scientific data, the FDA judged the problem of PCB-contaminated eggs to be one of undesirable food adulteration and not one associated with any identifiable imminent health hazard. For this reason, a public health alert was not declared after the FDA found that the three lots of shell eggs in question were not available for seizure.

The issue, of course, is not only why FDA did not declare a public health alert, but why FDA did not inform the public at all and why, when it was obliged to do so, it utterly failed to tell the public what it most needed to know.

Unfortunately, this is not an isolated example. On August 12, we discovered that 20 of the first 56 shell egg samples tested by FDA had contained excessive levels of PCBs and that this had been known by FDA for at least a week. Again, FDA failed to make this public, despite FDA's knowledge that 60,000 tainted eggs had already reached consumers, and despite the distinct possibility that other tainted eggs were likewise reaching consumers. It was only after we informed the press of the situation and news stories appeared that FDA made its findings public.

USDA discovered in turkeys the highest PCB levels yet found in meat or poultry products en route to the consumer market: 11.83 ppm in total edible tissues. Though USDA discovered this contamination on August 12 and detained 250,000 pounds of turkeys as a result, it failed to make this matter public until it was obliged to respond by letter to Senator McGovern's inquiries. On August 26, the day of its letter to McGovern, it finally issued a news release.

On August 13, Ralph Nader wrote to Secretary Hardin of USDA concerning, among other things, the voluntary recall in late July of Genoa salami products infected with staphylococcus bacteria:

> We are informed by reliable sources that USDA has wholly failed to inform at least some state departments of health as to what actions they should take in implementing the recall, and that in at least one instance, USDA has wholly failed to even respond to urgent requests for assistance by a state department of health. Evidently, USDA's aloofness from the problems which its inspection failures have imposed on the public and on state authorities has produced drastic results; according to the New Jersey Department of Health, the 'recalled' products were still on the shelves of 17 retail establishments in 12 municipalities on August 12. That this is what is to be expected from a voluntary recall program is painfully obvious to everyone but, apparently, USDA.

On August 4, Senator Spong told a Senate subcommittee of information indicating that FDA had known for about a year of the existence of PCB concentrations of up to 360 ppm in fish taken from Alabama streams, and that FDA had apparently failed to make the matter public.

These incidents of non-disclosure to the public are all too common. Not only are they—when they are ultimately brought to light—eroding public confidence in food inspection agencies, but by inhibiting the public and Congress from learning of the magnitude of the threat of chemical contamination of the environment, these agencies are definitely affecting the inclination of the public to press for changes in public policy concerning food inspection and toxic substances. Accordingly a preliminary answer to the question of how much protection the consumer really wants is that what the consumer really wants depends to a great extent on what he is told by his government. Thus, there are at least three good reasons why food inspection agencies must make full and timely disclosure to the public—to enable the public to protect itself in specific instances of contamination, to make public confidence in these agencies possible, and to create an informed public which can decide those policy issues concerning food purity which the agencies have all too frequently arrogated to themselves.

A third lesson to be learned is that the food inspection agencies tend to engage in crisis-coping instead of crisis-prevention with respect to threats to public health which are real though not palpable. The warnings about PCBs are not new, nor have they been confined to the precincts of science. On April 9, 1970, Congressman Ryan called for the establishment of food tolerance levels for PCBs by FDA and the establishment of an inter-departmental task force on PCBs. He has reiterated the need for these actions on numerous subsequent occasions. As of today, FDA has still not established a formal tolerance for PCBs in food, but has only established a temporary "action level", promulgated only *after* a PCB incident earlier this year, an action level about which PCB expert Dr. Robert Risebrough recently stated in *Science Magazine:* "Five parts per million is just a number. I'm sure FDA pulled it out of the air." As for the inter-departmental task force, it was finally established last week only *after* the latest contamination of food packaging was discovered (though not made public), and *after* the crest of public pressure had been reached. Similarly, the USDA emergency sampling program for PCBs in egg products only got under way *after* much pressure and the finding of PCB contamination in eggs by FDA. And it was only on August 17 or so, a month *after* USDA learned of the massive contamination of poultry feed, and *after* USDA discovered very high levels in a lot of *250,000* pounds of turkey, that USDA instituted a program for samping *all* lots of hens and turkeys in the 10-state area before slaughter.

A final lesson to be derived from recent events is that existing institutional arrangements and procedures are simply inadequate to cope with the ever-increasing risks from chemical contamination of the environment and the food supply. In the weeks and months ahead, the Congress will undoubtedly want to review these arrangements and procedures in an effort to meet this new challenge, and we stand ready to assist this effort. At this point, however, it may be helpful to identify a few of the many institutional and legal defects which contributed to the failures which we have recently witnessed.

First, effective regulation requires detailed information about the characteristics and location of chemical contamination of the food supply. This information is at present not available to the food agencies or even to Congress. For example, Monsanto, the sole domestic manufacturer of PCBs, has continually and steadfastly refused to furnish Congressman Ryan with its production and sales data concerning PCBs. It regards such data as "extremely confidential" even though it has no domestic competitors for this product. Monsanto states that it is willing to furnish the information to "responsible government agencies" but reserves the right to determine which are and are not "responsible". Legal authority to compel the disclosure to government agencies of all information necessary to the protection of the public should be enacted.

Second, the obligation of food producers, manufacturers, processors, and distributors to immediately notify government agencies of suspicious circumstances suggesting some danger to the integrity of the food supply must be extended and clarified by law. Holly Farms appears to have delayed a considerable time. According to Assistant Secretary of Agriculture Lyng, Holly Farms knew at least as early as June 7 that some of its broiler flocks showed mortality about seven times the normal rate, and it discontinued using fishmeal from the Wilmington plant on July 12. Yet it was not until July 19 that Holly Farms notified USDA of the problem. In such cases, each day of delay magnifies the danger to the public and reduces the ability of government agencies to control the scope of contamination.

Third, Federal food agencies should be empowered to guarantee and embargo suspect products instrastate and to seize such products without first having to get the Department of Justice to go to court. Under present procedures, informal arrangements must be resorted to, creating the possibility of delay, buck-passing, and lack of cooperation.

Fourth, the law should require that when samples are taken for testing from a suspect lot in transit, the consignee must be formally notified of the fact that he is about to receive a suspect lot and required to hold that lot until given a release authorization from the appropriate food agency. Had such requirements been in effect, Washington consumers would not have been exposed to excessive levels of PCBs in over 60,000 eggs.

Fifth, in emergency situations, food agencies should be empowered to contract analytical laboratory work out to private laboratories under appropriate safeguards as to quality, and to hire civilian technicians on an emergency basis to work in government laboratories for the duration of the crisis. At present, Government laboratories are not equipped to handle widespread emergencies requiring extra manpower and facilities. When, as in the present case, several emergencies occur simultaneously, these laboratories are simply not able to respond quickly and adequately.

Sixth, the division of food inspection responsibilities between a number of agencies is increasingly unsatisfactory and productive only of mischief. To cite but one example, FDA, as of a week ago, had failed to furnish USDA with a list of the subcontractors of the 64 firms which purchased the contaminated meal from East Coast Terminal. FDA, with jurisdiction over inspection of meal, stood between USDA and the information that it needed and still needs to ensure that all possible sources of contamination of meat and poultry have been closed off. The division of inspection authority over shell eggs (FDA) and egg products (USDA) is particularly irrational and dangerous. For example, on August 13, the head of the Consumer and Marketing Service of USDA said that he knew nothing about any PCB contamination of eggs despite the fact that FDA had known about such contamination for some time and also knew that contamination in eggs raised the distinct possibility of contamination in egg products, a matter within USDA's jurisdiction.

Seventh, food inspection responsibility should be allocated to an agency that is wholly and unequivocally devoted to the protection of the consumer, and that is not confronted at every turn with agonizing conflicts of constituencies. My remarks at the earlier hearing elaborated on the need for such a change, so I shall not dwell on it here.

Eighth, the penalties provided by the food inspection laws must be enforced against firms which violate those provisions. Recall is not an adequate deterrent—indeed, when coupled with the public information policies of the food agencies, it is no deterrent at all. In an industry that is increasingly characterized by oligopolistic tendencies, competitive pressures are also inadequate deterrents. When firms can trample on the pure food laws with near impunity, the public is deprived of perhaps its greatest protection. To cite but one of many possible examples, I set forth a letter that I wrote on August 16 to Dr. Kenneth M. McEnroe, Director of USDA's Meat and Poultry Inspection Program:

Dear Dr. McEnroe: According to a recent report in the *New York Times*, the Feldman Veal Corporation, 410 West 13th Street, New York, New York, and/or the Feldman cousins (persons "responsibly connected with" the Feldman Veal Corporation), have now been convicted of a *sixth* violation of laws "based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food" (21 U.S.C. § 671)

In the same article, an assistant United States Attorney was quoted after only the *fifth* conviction as describing the company as "the worst violator of Department of Agriculture regulations in the East."

Under 21 U.S.C. § 671, the Secretary is authorized to determine that such a company is "unfit to engage in any business requiring inspection" where the company has been convicted of one such felony or more than one such misdemeanor, and upon such determination, to withdraw inspection service under the Wholesome Meat Act. Yet unaccountably, USDA has not commenced proceedings looking toward such a determination even though this company has constituted a demonstrated brazen and flagrant threat to public health for over 20 years.

I am told by Mr. Goodman of your staff that USDA will not even consider commencing preliminary action in this matter until the company pays the fine levied against it for this sixth violation, as if that event had any relation whatsoever to your clear and unambiguous statutory responsibilities in such a clear case.

There can be no conceivable justification for even one more day of delay in this matter. If ever a company was 'unfit to engage in any business requiring inspection', it is Feldman Veal Corporation. Proceedings for withdrawal of inspection under 21 U.S.C. § 671 must be commenced immediately if USDA regulation of wholesome meat is to have (1) any punitive effect on dangerous and persistent criminal activity in the food industry, (2) any deterrent effect on future violators, (3) any equitable effect on the competitive position of companies that seek to comply with the law upon which companies like Feldman Veal Corporation trample with such impunity, and (4) any protective benefit and credibility to the defenseless public.

In addition to asking that you keep me informed on the status of the above situation, I request that you provide me with a current list of all companies still in operation which have since 1960 been "convicted, . . . in any Federal or State court, of (1) any felony, or (2) more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food," and the actions, if any, taken by USDA under 21 U.S.C. §671 in the case of each such company.

I thank you for your assistance and look forward to an early reply.

Very truly yours,

———, ———.

A little deterrence could go a long way, if only the agencies were prepared to apply the law vigorously and courageously. Congress can give them the incentive to do so.

In conclusion, let me state what this testimony has *not* been. It has not been an exercise in Monday morning quarterbacking, for there were those in Congress and elsewhere who raised these issues tirelessly both before, and during all stages of, this incident. Nor has this been an effort to blame this unfortunate incident on the food inspection agencies; the original leakage was obviously not their fault and they do not have the resources to deal adequately with one, much less several, such crises simultaneously. Rather, it has been an effort to try to learn from past failures in order to avoid future ones. If the agencies either conceal or do not identify those failures, then others must fill the void. Only then will the Congress and the public be in a position to make wise policy in this vital area.

PATRICK CARDINAL O'BOYLE ON THE NEED FOR RELIGIOUS EDUCATION IN AMERICA

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. CARNEY. Mr. Speaker, a short time ago I provided the 218th and final signature required to discharge from the Judiciary Committee a proposed constitutional amendment to permit nondenominational prayer in public schools. My action was based on the belief that this issue is of such vital concern to many Americans that it should be considered by the entire House.

On November 26, 1969, Cardinal Patrick O'Boyle addressed the annual joint meeting of the Rotary Club of Washington and the Downtown Kiwanis Club concerning this subject. In his remarks, Cardinal O'Boyle traced the influence of religion on this Nation's development and discussed the possible effects of Supreme Court rulings in this area.

Mr. Speaker, I insert Cardinal O'Boyle's statement to the Kiwanis and Rotary clubs in the CONGRESSIONAL RECORD at this time for the information and consideration of my colleagues in the House and Senate:

ADDRESS OF PATRICK CARDINAL O'BOYLE

Tomorrow, our nation will be celebrating a feast, Thanksgiving Day, the philosophy of which goes back to biblical times. In fact, so generally accepted has this wholesome practice become that it is hard to remember that it was not always so. In 1621, the Pilgrims set aside a day of Thanksgiving for the successful harvest of that year. It was not until 1630, however, that the Massachusetts Bay Colony followed suit. During the War for Independence the Continental Congress set aside one or two days each year to thank God for His blessings.

Gearge Washington and James Madison issued similar proclamations during their terms of office, and recommended that the several States do likewise. Finally, in 1864, President Abraham Lincoln officially proclaimed the fourth Thursday of November as a day of Thanksgiving, and so recommended it to the States. And so it has been ever since.

I thought it might be helpful on this occasion to mention one of the issues confronting American Society today. If you are concerned about teenage crime (and who is not?), the rise in juvenile delinquency, the growth of a spirit of revolt among the young, drug addiction among children, the upswing in venereal disease rates among youth, and the breakdown in patriotism and morality among younger people, may I respectfully make these comments, which are applicable throughout our nation:

First, while all of these matters directly involve only a minority of our young people, they indirectly affect great numbers of our young people. These people are the coming body politic of the nation, and when a part of any body is ailing, the whole person is affected. I am not here to criticize the younger generation. Instead, I speak out of compassion for these, our children. Many people have pointed out that our younger people act as they do, because of the terrible state which older generations have left the world in. But the state of the world has always been bad. It was not any better a century ago when the nation had gutted itself with Civil War and was virtually sinking under financial and political crises. It was not any better when I was a young man and World War I was devouring millions of young lives in the most terrible slaughter of all times. It was not any better thirty years ago when Hitler began his campaigns of aggression. No—the problem of the young is not the state of the world, but the state of themselves as they face the world. For many, that is a state which I must describe as "rootless."

By this I mean that, in contrast with young people of former generations, great numbers of our present crop of teenagers and people in their twenties today no longer seem to have a grip on basic verities which, to a greater or lesser extent, it was the fortune of past generations to have had. Our young people talk about "rights," but many are not able to say what they think the ultimate source of "rights" to be. Since the vast majority of American children attend the public schools, it is important to realize that, over the long generations and up to relatively recent times, the public schools were able to give at least some kind of picture of the true source of "rights." In our public schools of an older day, it was possible to teach that God exists, and that God is the source of all rights. In the public schools of an older day, there used to be affirmative teaching based upon the great statement of our Founding Fathers in the Declaration of Independence:

"We hold these *truths* to be self evident: that all men are *created* equal, that they are endowed by their *Creator* with certain unalienable *rights;* that among these are life, liberty and the pursuit of happiness."

That was standard doctrine taught in the public schools for decades. It taught the child that he has a Creator, that people have rights, but that God (the Creator) is the source of all human rights. It taught that some rights are what the Founders called "unalienable"—rights that no man, no government, no dictator, no majority can take away. This teaching gave the child some "root" certainty. If he believed *that* teaching, he could never support any kind of wanton violence, any communist or fascist dictatorship movement and—if he really thought about it—any kind of discrimination against any human being on account of race or religion. This view of "rights" is very different from the mentality being produced in many of the schools today, in which belief in any ultimate value has been discouraged. Naturally, therefore, many young poeple today, having no fixed idea as to the source of human rights are easily moved by highly motivated adults who seek to win them to violent movements destructive of all human rights.

Far more basic, however, to the "rootlessness" of many of our young people is the fact that personal belief in God, traditional concepts of morality based upon the Ten Commandments, and the habit of prayer have been washed out of their lives. This has come about because decisions of our Supreme Court appear to have effectually barred the teaching of the reality of God, inculcation of the Ten Commandments, and outward prayer in the public schools. It is not my desire, in this address, to attempt any analysis or any criticism of these decisions. I desire merely to point out that they have caused the obliteration of what *now* increasingly appears to have been a very important and basic element in our society. I believe that we are going to find out—find out very painfully—the tremendous difference between the man who—even though he may not be a regular churchgoer—believes in God, the truths of the Ten Commandments, and has occasional recourse to prayer, and the man who is familiar with none of these things. We have all too easily assumed that the parents of great masses of our people would be able to impart these religious values to their children, even though we must have realized that children are with their school-teachers for a greater part of the average day than they are with their parents. We have all too easily assumed that a general spirit of "good will," or "faith in democracy," or other such vague moral concepts would carry us along very nicely—without our having to get down to the brass tacks of teaching the young the reality of God, of teaching the young the Ten Commandments, of teaching the young to pray.

If we presently reap a world not unlike the world of Rome in the period of its decay—a luxurious, disorderly, cruel and disintegrating society—we should not be surprised. In spite of all of the indignities which were heaped upon the Catholic immigrants who came to this country by the older Americans who feared them, may I say that it is a tragedy today that the Christian morality and outlook which characterized our traditionally Protestant-oriented public school is no longer with us. The old Protestant insistence which we found in the public schools of earlier times—teaching the reality of God, the importance of the Commandments and the importance of prayer—has given place to a vague secular humanism proving incapable of meeting the demands of a sound social order and—indeed—meeting the deep inner need of so many of our young people for basic roots.

What is to be done? You will pardon me if I say that I believe—more than ever today—that the parochial school is one answer. Believers, of many faiths, are more and more coming to appreciate the fact that it is possible for a child to get a good secular education at the same time he receives teaching of a religious nature, and that schools which provide both have been very successful and have in no way caused divisiveness in our pluralistic society. It is to be hoped that more people will come to see the value of such education, which can, in no sense weaken the general effort to support public education.

Now, let me say with all sincerity that parochial school education, with its emphasis on religious courses, does not guarantee that some of the pupils will not be numbered among those who are juvenile delinquents. However, they have less cause and less reason to become delinquents because they have been taught that there is a God and that they are responsible to Him for the violation of His laws and the laws of the land.

As to public education, which undoubtedly a large number of Americans will still desire as the schooling for their children, a good many people undoubtedly feel that an impasse has been reached. These people feel that it is not possible to give a full *education* in which all manner of knowledge is taught as being *true* but in which the teacher may not *affirm* that a man has a soul, may not *teach* that God exists, may not *exhort* children to follow the great truths of the Ten Commandments, and may not *provide* real opportunity for prayer. You can scarcely blame a child for thinking that all of these matters are unimportant—or for not thinking about them at all—where the central teacher in his life—namely, the school—regards them either as unimportant or forbidden. I understand that up in New Jersey the effort is being made to create the opportunity for silent prayer. But this, as you know, is already being fought by the pressure groups which have been largely responsible for getting religious observances thrown out of the public schools already. It seems to me that the Supreme Court of the United States, one of these days, is going to have to take another look at its decision on this subject.

As our national social crisis deepens (and it appears indeed to be deepening), I predict that more of our people are going to be turning to God for guidance. As they do so, they are not going to permit their religious aspirations to be dammed up. Not only will they revive the practice of religion in their homes, but they will demand that the schools give at least minimal recognition to religion. It is very possible, then, that our Supreme Court will see fit to reverse its original ruling in the *McCollum* case which held that it was unconstitutional to have teachers of various religious faiths coming to public school premises to offer instruction to children of that faith, while excusing all other children. It is very possible that our Supreme Court will take a hard look at *secularist* teaching being carried on in public schools and rule that, if the schools cannot teach theistic religion, neither may they teach non-theistic religion to children. It is possible that our Court, looking at strongly revived religious aspirations of the people, will *liberalize* its views respecting religious worship and practices in the public schools, finding ways in which, without embarrassing children of a particular faith or who are non-believers, *other children* are given the opportunity to enjoy the rights of their religious heritage. It seems to me that, in any sensible and peaceable society, we should be able to work out compromises which give scope to the liberty of *all parents* and children—and by that I mean the children of *believers* as well as children of non-believers.

"God helps those who help themselves," said Ben Franklin almost two centuries ago. If we truly desire a future of peace and plenty and justice for our people, we who believe will work very hard to bring religion back to our education—and then we will find that God will not withhold His Grace from us in our effort to do His Will.

In conclusion, may I wish you all a blessed and a happy Thanksgiving as we thank God for this beloved country of ours and for all the blessings. He has given to each one of us.

FULTON BACKS MANSFIELD AMENDMENT; CALLS FOR PRISONER RETURN

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FULTON of Tennessee. Mr. Speaker, for more than a decade, America has been involved in an undeclared military advising function, turned "policing action," turned large-scale war in Indochina. For as long as 7 years, American soldiers, sailors, and airmen have been biding their time in North Vietnamese prisons, awaiting positive action by this Government for their repatriation.

These men, more than 300 in number, have proven they represent the "Home of the Brave." It is now up to us, representatives of their Government, to prove they fought for the "Land of the Free." It is up to us to obtain and insure their freedom, to take every step necessary to end hostilities and bring our fighting men—all our fighting men—home.

This week, the Senate majority leader, Mr. Mansfield, reintroduced a proposal by way of amendment to H.R. 8687—the military procurement authorizations bill—which would disengage this Nation from its Indochina military commitment. It would pave the way for return of our captured American servicemen. It would seek an immediate cease-fire by all hostile parties. It would, in the language of the amendment—

> Provide for a series of phased and rapid withdrawals of United States military forces from Indochina, in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States.

Further, it would seek completion of withdrawals and prisoner repatriation within the 6-month period immediately following adoption of the amendment.

For our men in the field, in North Vietnamese prisons, their families, and this Nation as a whole, 6 months additional hardship is a heavy cross to bear. Bearing that cross, however, would prove easier with a lifting of its heavy burden fixed in sight.

Therefore, if we must look ahead 6 months to see a better day, we nevertheless can start working for that better day today. For American prisoners, already confined too long, we must now provide real hopes for their better day tomorrow

PEDAL POWER GAINS MOMENTUM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. KOCH. Mr. Speaker, in cities all over the country, pedal power is gaining momentum. More and more people are taking up bicycling for both daily commuting and recreational purposes.

To encourage bicycling and to make this form of transportation safer, I have introduced H.R. 9369, the Bicycle Transportation Act of 1971. My bill would allow States and communities to use highway trust fund moneys for the development of bicycle lanes and paths. It also provides that such funds can be used for the construction of bicycle shelters and parking facilities and for bicycle traffic control devices.

H.R. 9369 is now cosponsored by 29 Members of the House and 11 Senators. The distinguished Senators from California, Mr. Cranston and Mr. Tunney, were the original Senate sponsors.

I believe that bicycling offers us an important transportation resource that must be more fully utilized, particularly in our metropolitan areas. We have in the bicycle a vehicle that emits no pollution, makes no noise, takes up little space, and requires little maintenance. When provided with their own bicycle lanes, bicycles have a very low accident rate; alternatively, however, bicycling can be very dangerous when bikes must compete in heavy traffic for space on the road. In New York City several cyclists have been recently killed in city traffic.

Safety requires that cyclists be given their own lane on the road or a special bike path. In New York City a lot of green signs have been put on streets to indicate recommended places for bicycling—but nothing has been done to separate the cyclists from the cars. My own view is that this is dangerous tokenism. To encourage bike riding without providing the necessary safety precautions is foolhardy.

Many people are afraid to bike today because of the very real danger from cars and buses, but would do so if given their own lane on city streets. Cyclists must be encouraged in their fight for bike lanes, and the municipalities of our country must be urged to take the steps necessary to make bicycling more attractive and safe. I hope that this Congress will also do its part in providing funds to help the cities through the passage of H.R. 9369.

DEVELOPMENT AND TRANSPORTATION IN THE REGION OF STOCKHOLM, SWEDEN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Lecture by Mr. Bror Hillbom, Outstanding Tranport Authority of Sweden, Delivered to the Fifth International Conference on Urban Transportation in Pittsburgh Pa., September 9, 1971

DEVELOPMENT AND TRANSPORTATION IN THE REGION OF STOCKHOLM, SWEDEN

At the Third International Conference on Urban Transportation here in Pittsburgh, almost exactly three and a half years ago, I had the pleasure to speak about public transportation in Stockholm. Some basic conditions and considerations for the transportation planning and administration were mentioned and particularly the subway system was described in some detail. The need of close coordination of development and transportation planning was stressed, not least when transportation implies heavy and long range investments.

At that time, in the year 1968, an agreement between the City of Stockholm and the County had led to the formation of a local federation for matters concerning the region. This federation was primarily responsible for the planning, construction and operation of public transportation. State grants covering 95% of the basic structure for subways had been announced, which means that about 40% of the total costs, including installations and rolling stock, are based on state grants.

This federation was not, however, the final object for the administrative efforts to organize such matters which could be considered as true regional matters, that is to say where a local municipality or township does not have the general survey or the economic powers to realize the matters. Since the first of January this year the Greater Stockholm County Council has taken over the former responsibilities of the earlier federation, that is to say public transportation, but has also added other important activities such as regional planning, real estate matters, hospitals and medical attendance and some other kinds of social welfare and education.

From the point of view of development and transportation it is significant that regional planning and transportation are now both responsibilities of the County Council. The general pattern of housing, other development and transportation is presented by the regional planning office and thereafter sent to all concerned municipalities and other agencies for examination. The idea is of course that all local general planning should conform to the regional plan. The regional plan recently achieved consists of a short range plan, for implementation within the next 15 years, and alternative long range plans for the year 2000, the alternatives showing a dispersed or a dense development. The implementation in the regional context comprises rail and road investments and housing in all sectors of the area. The County Council has however no economic powers other than for public transportation. Roads are either a matter of the state or of the local municipalities. Road development and subway construction are connected through the state grants, which are available for both means of transportation. The County, the municipalities and the state agencies are trying to find joint principles for making priorities, as the resources, as always, are limited. Later in this paper the implementation of so called satellite cities will be discussed but in order to make it clear how this matter fits into the general transportation planning and operation some words must be said about the present situation as concerns public transportation.

The area covered by the County Councils' public transportation network is approximately 85 miles from north to south and 50 miles from west to east, the most eastern part consisting of an archipelago with innumerable islands, quite a few sparsely populated. The population of the entire area is around 1.6 millions (about 2 millions 1985), mostly concentrated in an around the city of Stockholm, and the region is divided in 29 communes. A rail commuter system, reaching to points 25 miles from the city centre and a subway network are the backbones of the system. A variety of bus services, feeder lines, local networks and some express services, serves areas not directly accessible by railroad or subway. A passenger boat network serves the archipelago. The total system is operated under the supervision of the transport board and a common fare system is—or will shortly be—introduced. From the first of October this year a flat fare monthly season card will be introduced. For a fare of 50 swedish crowns (10 dollars) an unlimited number of trips per month between any origin and destination can be made.

As the amalgamation of earlier private or state owned services has only recently taken place and, at the same time, principles for serving the area has to be worked out in connection with the present regional planning attempts are being made to formulate objectives and standard criteria to be used in the planning process. A special transportation standard committee has recently presented a report on this item.

There is not sufficient time now to go into any detail into the considerations concerning standard criteria. Only a couple of statements may be quoted. As to new technology the committee states that "if the introduction of a new transportation system would involve an increasing number of transfers and therefore lower the general service as compared with an enlargement of the existing network the new system must be considerably better than the existing one, to warrant the introduction". As to general planning criteria it is stated that "the main purposes of public transportation are to coordinate the trips of vehicles, so that travelling requires less space and economical resources and causes less pollution, noise and accidents than if trips were made in private cars and to offer transport facilities to persons who do not own or drive a car. Trips in unusual combinations and trips with much luggage are, however, not suitable for public transport. A balanced transportation system for both private cars and public transport vehicles will therefore give the inhabitants of the region the best service." The committee further states that "the most important factor is the combination of land use and the transport network structure". To get a good accessibility to the services and at the same time enough transport demand to maintain frequent service the committee proposes certain maximum walking distances to stations and bus stops and a minimum land use density around these points when new housing areas are planned.

Based on the latter statement the County Councils Traffic department scrutinizes in detail new town plans made up by the local municipalities. The inspection often ends up in recommendations as to siting of houses, layout of walk-ways, etc.

This procedure now brings us over to the question of planning and implementing so called satellite cities. First it must be said that the word "satellite city" has not been used in Swedish town planning vocabulary the last twenty years. There is no longer a question of developing wholly independent towns but rather to plan for a region with a common labour market. This is to be made within a pattern of a controlled spread of housing, industries and other working places, where transportation plays a most important, if not dominant, role.

The land use planning and the implementation of plan is based on a Building Act. The main purpose of this Act is to enable local authorities to decide not only where but also when dense development is to take place. It therefore requires each municipality to start out with a master plan the purposes to which land and building are to be put. The master plan shall be preceded by a population forecast as well as any economic and other specialized surveys as may be necessary. The master plans themselves are in many cases, and certainly in the Stockholm area based on the regional plan. A regional plan can be set up whenever two or more municipalities find they must plan jointly in regard to such land uses as transportation and roads, airports, built-up areas, outdoor recreation areas, water-supply and sewage-disposal facilities.

When land has been acquired, either by sale or expropriation, it is the responsibility of the real estate board of the city to manage the land and to initiate the town planning process. When a development is to take place the real estate board orders a master plan to be made by the town planning board, which discusses road and transportation with the authorities concerned.

Most of the development in the surroundings of Stockholm has taken place on land owned by the city. The city has since the beginning of the century—independent of the actual political majority—had the foresight to acquire land both inside and outside the momentary city boundaries.

The process of development to a completed town is managed by the real estate board and is financed through loans which the board requires the city council to put to their disposal. Town plans are ordered. When the feasibility of the plans has been proved the real estate board orders the construction of streets and sewers from the public works department and other necessary facilities from other boards.

When all this has been carried out the real estate board grants the use of the land to different builders, who builds the houses. A principle of the city is to never sell land. The land instead is leased, in practice forever, but with the possibility for the city to change the price at certain intervals. The city thus has a very strong control over the development and can dictate such matters as the distribution of different sizes of homes or flats, how and where shops can be introduced, etc. The financing of housing is in Sweden 95% state loans. Financing of business properties, offices and industries is accomplished in the usual way through banks and insurance companies.

I have tried to explain why it is possible in Sweden to bring about a planned development and how, through the town planning process, an integration of public transportation is accomplished. Naturally it is more complicated than some but the principles remain.

SUANGNA VILLAGE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. ANDERSON of California. Mr. Speaker, the last major Indian village site still in existence in the Los Angeles area is located in Carson, Calif., a city that I am proud to represent.

This village site, probably settled around 1400 and known as the Suangna Villege—"place of reeds"—may yield significant data relating to these Indians' life patterns and chronology. Yet, were it not for public-spirited citizens, this site may have been in danger of destruction.

Michael Myers, a teenage Carson resident of Indian heritage, envisioned a project whereby the village site would be preserved by designating it as an Indian historical monument. However, the site is located on the property of the Watson Industrial Center.

A meeting was arranged between Glenn Irvin of Watson Industrial Properties and young Mike which resulted in their agreement to participate in the project. All costs generally required for such a monument and appropriate landscaping will be paid by the Watson Industrial Properties Co.

After several months of research and documentation, a report was prepared by Drs. Van D. Eggers and Ken Kuykendall—both of the anthropology department of California State College at Dominguez Hills—Mrs. W. L. Ford—the South Bay Indian program coordinator—and Michael Myers.

Also instrumental in the preparation of the report were N. Williams, Lee McDonald, K. Cassidy, and A. Hickman—all of the anthropology department at California State. This report, designed to identify the Indian cultural remains recovered from the village site, and to briefly describe the basic life patterns of the Indian inhabitants, was submitted to State Senator Joseph Kennick. Senator Kennick has accepted the report for review and eventual submission to the State legislature to hopefully receive approval designating the site as a State historical monument.

Mr. Speaker, the collection of the artifacts at the Suangna Village site will greatly help to increase understanding and appreciation for the pre-European inhabitants of the harbor area.

Information regarding the Suangna Indians, probably a branch of the Shoshone Indians from the southwestern United States, is virtually nonexistent, and I salute those who have been instrumental in this project, especially Drs. Eggers and Kuykendall, Mrs. Ford, Mr. Myers, Mr. Irvin, Senator Kennick, and the former mayor of Carson, Gil Smith, who encouraged the participants in their project.

The designation of the Suangna Village as a historical monument will be another first for the fine city of Carson, as it will preserve and proclaim the historical contribution of the American Indian to our area.

THE RENEWED BOMBING

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. McCLOSKEY. Mr. Speaker, I commend to my colleagues' attention Joseph Kraft's article yesterday on the political ramifications of the renewed bombing of North Vietnam. It is a perceptive analysis which reinforces my view that our involvement is not winding down as much as we have been told and that the President intends to continue it.

The article follows:

THE RENEWED BOMBING

(By Joseph Kraft)

The renewed bombing of North Vietnam is not merely a military action. It is a political action that expresses something gone awry in the President's plan for Vietnam.

For Mr. Nixon has played virtually all his cards. But Hanoi, as a report from a recent visitor which is here revealed for the first time indicates, is still not disposed to come to terms.

The visitor was Prof. George McT. Kahin, an expert in Southeast Asian affairs who has been active for several years in trying to foster a negotiated settlement. Professor Kahin was in Hanoi for about a week in August. He saw Premier Pham Van Dong and had two long sessions with Col. Ha Van Lau, a former delegate to the Paris peace talks who monitors the negotiations for the premier.

In reporting his conversations, Professor Kahin, true to his dovish inclinations, emphasized the flexibility of the North Vietnamese. But not even his hopes for a settlement could obscure Hanoi's extremely tough stance on two central matters.

First there is the basic outlook of the North Vietnamese regime. Premier Pham Van Dong made it plain that the elaborate suspicions of the past, and the disposition to leave nothing to the free play of events are as intense as ever.

If anything, they have been heightened by President Nixon's projected trip to Peking. Pham Van Dong said of the trip that it showed Mr. Nixon did not understand the Vietnam problem—"not even the elementary historical or geographical factors."

Then there is the matter of relations between the first two points in the seven-point program presented by the Communists at the Paris peace talks on July 1. There had been unmistakable hints that Hanoi would separate the first point which proposed the return of American prisoners in return for the withdrawal of all American forces from the second point demanding the overthrow of the government of South Vietnamese President Nguyen Van Thieu.

But Col. Ha Van Lau shattered any hopes on that score. He told Kahin: "The essential part of Point Two that must be agreed upon and carried out in order to make agreements reached on Point One operative is only the first paragraph—that providing for the removal of Nguyen Van Thieu's leadership."

The significance of these comments is made clear by a glance at the cards the President has to play when he makes his next big announcement on troop withdrawal in mid-November. At best Mr. Nixon can offer to take out all American troops and end all American air action over Vietnam by a fixed date in exchange for the return of American prisoners.

But what incentive would Hanoi have to accept that offer? Well, one incentive would be to make sure that the United States did not keep a residual force of troops in South Vietnam indefinitely. But the unmistakable urge to be done with the war in this country, especially in the wake of the South Vietnamese election fiasco, almost certainly makes the Communists feel that the President will have to withdraw all American troops, no matter what they do.

Another incentive would be to weaken the government of President Thieu by the unmistakable demonstration that all the American troops and their airborne equipment were getting out. But in the wake of the election fiasco, President Thieu's support at home is so shaky, that Hanoi can hardly feel it has to make concessions to weaken him.

Thus, President Nixon is in danger of having the other side turn a deaf ear to the big offer projected for mid-November. Already the White House is casting about for ways to induce the other side to be more reasonable—particularly about prisoner release.

In this connection, the recent bombing is particularly significant as a foretaste of what might be in store if the Communists are not more reasonable. Henry Kissinger, the chief White House aide for foreign policy, recently told a group in New York that the Nixon administration might have to reconsider its whole Vietnam policy in the next few weeks. And his deputy, Brig. Gen. Alexander Haig, has been visiting Saigon.

Maybe the President will be able to come up with some new course of action in Vietnam. But the outlook is doubtful. The probability is that between now and the election next year, the North Vietnamese will be doing whatever they can to pull the rug out from under Mr. Nixon.

TENTH ANNIVERSARY OF THE PEACE CORPS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1971

Mr. HORTON. Mr. Speaker, on September 22d of this year, the Peace Corps celebrated the 10th anniversary of its inception under President Kennedy. I am particularly pleased that the Corps can not only look back on a decade of extraordinary accomplishment, but can also look ahead to a revitalization and redirection of its efforts.

Surveys show that the American people believe the Peace Corps is the best investment of their money overseas. I believe that they are correct in this judgment.

Peace Corps volunteers have had to adapt to the local culture and modest living habits of the host countries. This is the heart of the Peace Corps because volunteers must live with local citizens and speak their language in order to help them. This people-to-people approach has made the Peace Corps volunteers the best, and best-liked unofficial ambassadors our Nation has ever sent abroad.

Throughout its existence, the Peace Corps has been a channel for the idealism of American youth, an unparalleled opportunity for selfless service to humanity. Under the leadership of President Nixon and Director Joseph Blatchford, the Peace Corps has matured into an organization with the accent on efficiency by emphasizing technical assistance. These are the "new directions" of the Peace Corps.

The upturn this year in applications and numbers of volunteers placed in the field indicates beyond all doubt that the time for the Peace Corps is not past, as some would have us believe. The number of requests from foreign countries has risen during the last year because, for the first time, the Peace Corps is offering to provide the skills that are in the greatest demand. Now, there is new emphasis on recruiting the professional volunteer, and less on the generalist who has few specialized skills and who made up the majority of the early Peace Corps volunteer pool. The goal is to recruit more highly skilled people—plumbers, electricians, gasoline and diesel engine mechanics, and agronomists. And Americans are responding.

Applications from skilled workers are up by 84 percent compared to last year; from nurses, up by 80 percent; from experienced farmers, up by 25 percent; from graduate agriculturalists, up by 24 percent. Applications from those over 30 years of age increased by 100 percent.

In all the 56 countries where it now has volunteers, the Peace Corps is moving rapidly into programs with what has come to be called the multiplier effect so that the volunteer can ultimately be replaced by a trained host-country national, permitting the Peace Corps to move on to new, high priority tasks.

The consequences of this change to high priority programs and skilled volunteers have been dramatic. For example, tremendous needs in the field of agriculture throughout the world have caused the Peace Corps to increase the number of volunteers experienced in agriculture from 308 in 1969 to 769 in 1971. By the fall of this year, there will be more than 2,000 volunteers working in agricultural training and development in countries where hunger is a fact of life for millions. More than 600 of them will be participating in the "green revolution" spreading knowlege in food-deficient nations of the cultivation of miracle wheat and rice.

It is seldom that a Federal agency can demonstrate such increased effectiveness for less money, but the Peace Corps has done just that. Administrative expenses in the Peace Corps have been pared to the bone, cutting the size of the permanent staff by 29 percent.

As a result of these savings, the Director submitted to the Congress a budget request some $16 million lower than last year's request. With these reduced funds, the Peace Corps would nevertheless support 8,320 volunteers and trainees and place 5,800 new volunteers into training, an increase of 1,000 over current trainee levels.

I believe that the times are on the side of the Peace Corps. It has an exciting future. Under a newly developed athletic and physical education program, American coaches, athletes and physical education majors are being recruited for worldwide service to strengthen instruction, techniques and fundamentals of various sports competitions. Teaching the value of teamwork, top performance and fair play will, in the true Olympic spirit, go a long way in intermingling peoples of the world in friendship.

Similarly, work on environmental matters, in cooperation with the Smithsonian Institution, and a program in national park development and management with the National Park Service will foster an awareness in host countries of the harm that inevitably results from reckless exploitation and plunder of a nation's natural resources.

Mr. Speaker, Peace Corps volunteers have scored spectacular successes around the world. They have saved rice crops from unseasonable floods. They have updated local technologies in such crafts as bricklaying and bamboo construction. They have organized burgeoning basic food industries.

By providing a source of technical assistance as well as men and women of goodwill to the people of developing nations, the Peace Corps has been an inspiration to the world. The high road of "new directions" onto which the Peace Corps has moved will most certainly insure the continuation of this inspiration. To Americans and the peoples of each host country involved, this is the immense value of the Peace Corps.

A POSITIVE OUTLOOK

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the July issue of Aerospace contains an incisive article by Dr. Wernher von Braun, Deputy Associate Administrator of NASA. Dr. von Braun discusses in his brief article the importance of science and technology to our survival and growth as a nation. Because of the importance of this subject in a period of declining Federal support for science and technology I commend this article to my colleagues' reading:

SCIENCE AND TECHNOLOGY: "A POSITIVE OUTLOOK"

(By Dr. Wernher von Braun)

There is a chronic misunderstanding about science and technology on the public's part that I am afraid is growing, but which isn't altogether the public's fault. This concerns the role that science and technology play in the development of society and the economy. There is, unfortunately, no visible link between scientific discovery about natural phenomena on the Moon, for example, and our everyday lives here on Earth. Yet, there are concepts and knowledge coming out of the Apollo explorations, and experiments with the rocks and dust brought back from the Moon, that offer the potential of improving agriculture and the treatment of disease, and as we learn more about interior of heavenly bodies may even help us in locating mineral resources here on Earth or predict earthquakes.

Most concepts and scientific knowledge take years from the time a scientist formulates them and they enter the technology until some no-nonsense pragmatist comes along and turns the idea or knowledge into a product and a flock of new jobs. By that time, everyone has forgotten, if he knew at all, that it was the scientist who started it in the first place. The interesting thing about this process is that the scientist is labeled "impractical" because he deals in theories and squiggly mathematical symbols.

We face a militant, highly emotional, even fanatical segment of the population which has seized upon a valid and good cause, but which will accept no facts, no reasoning that run counter to its own fixed ideology. The anti-science/technology people are demanding that we pull the plug on modern civilization in the belief that somehow we shall all be better off in a more primitive state.

However, in primitive times, the major question for mankind was physical survival. It is not hard to guess the predictable fate of hundreds of millions of people who depend upon modern technology for the necessities of life. We have only to consider for a moment what we would do without electricity, permanently. Even the famous naturalist, Konrad Lorenz, has been warning student audiences that if they destroy our store of knowledge to make a "fresh" start, they will fall back not a few centuries, but several hundred thousand years. "If you make a clean sweep of things," he observes, "you won't go back to the Stone Age, because you are already there, but to well before the Stone Age."

But it isn't the young people, the students, who are really to blame for this attitude of hostility to science and technology. They are simply misguided by certain social philosophers, cultural historians, and the like, whose teachings and published works provide only a very lopsided view of science and technology pictured as causing the downfall of man.

When you teach impressionable and idealistic youth that the rational, logical, puritanical work approach to life is bankrupt, and that technology serves only to erode the quality of life, you are bound to ring responsive bells in many minds of a generation that has never known the deprivation, the want, and the poverty of some older generations.

When a historian and philosopher of Lewis Mumford's stature inveighs angrily and brilliantly against the "megamachine" of science and technology, and declares there can be no reform until the present "megatechnical wasteland" is destroyed, a revolutionary spirit is fanned among the young. The natural fires of rebellion we have all felt against "the system" or the "establishment" are now stoked by an eminent and respected "authority. . . ."

It seems strange that America is about the only nation in the world where technology and science are held in such low repute. All the so-called "have-not" countries in Africa and Asia are straining their limited resources to gain what some of our students seem bent on destroying. The older European countries would give their eye-teeth to have our technological capabilities. The Soviets are especially envious, and frequently announce they will surpass the United States in production or some other field of technology. So far they have failed to do so. . . .

The anti-science and anti-technology voices making blanket attacks on science and technology in the name of conservation, a clean environment, or improving the quality of human life, are doing the nation and all of us a great disservice. The problems they are rightly anxious and concerned about cannot be solved by a return-to-nature cult. That course leads only to disaster for multitudes of people.

Closely related to the general attacks on science and technology is the denigration of the space program among some persons. Mumford describes the space rocket as "the most futile in tangible and beneficial human results," and sees only that while man is indeed conquering space, the "megamachine" is carrying further its conquest of man.

Surprisingly—or perhaps, not so surprisingly—Mumford ignores the apparently limitless resources of knowledge that await man in space. Some of this knowledge, as we have just begun to learn, has great significance to man, to Earth environment, and to the ecology. We are learning of the relationships between Earth and Sun and their effects on our lives which could be learned in no other way save by means of the rocket and spacecraft. Nor does Mumford make an allowance for man's need to extend his intellectual horizons by physically exploring new worlds, no matter how barren and unfit for organic life, such as the Moon may be today.

This kind of knowledge and intellectual broadening apparently is of little or no value in the eyes of social philosophers and historians preoccupied with man in the microcosm. They have not yet learned to visualize mankind extending into the macrocosm, or for the spiritual need to do so. The desire to know is more powerful than they may suppose. Pragmatism is a valuable, stabilizing human characteristic; but without imagination we would not be human, and as long as man exercises this precious faculty, he will not long be imprisoned in the successive shells the pragmatists try to enclose him.

Those who look upon science and technology as a megamachine that dominates their lives and holds them in thrall to a strictly programmed existence have their own special hang-ups. There is another view, and it was expressed by Glenn Seaborg:

"The difference is . . . a positive outlook, some imagination, and the desire to put science and technology to work more creatively."

THE SHARPSTOWN FOLLIES—XLII

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. GONZALEZ. Mr. Speaker, at long last the Federal grand jury in Houston has made a report. Now we are seeing the product of the monumental labors of the Department of Justice. Now we are to see the results of the invaluable testimony of Frank Sharp, the big crook who got immunity.

But what is this? The report of the grand jury produces indictments against a couple of minor Sharp bank officials, and a few bank examiners, and one real estate investor. There is no mention of the grand marshals and panjandrums of the Sharp empire, no mention of the fabulous and complex schemes of Sharp and his pals. The Sharpstown gang has disappeared.

The mountain has labored, and brought forth not even a little fish, but just a few little mice. The Department of Justice let the biggest fish in the Sharp empire get clean away, and for what?

Well, maybe the grand jury has not finished its work. Maybe not. But so far. all I know is that Frank Sharp and all the other big fish in his empire have gotten clean away with a multimillion dollar swindle, courtesy of the U.S. Department of Justice.

Yet the Department announces these little indictments as if they were a great event. The Attorney General himself made the announcement. I wonder why he did not announce the decision to grant immunity to Frank Sharp? That was a proud accomplishment. It is not very often that you see the Department of

Justice trading off the biggest crook of all, the biggest fish in the net, for a few fingerlings.

LOVE THY NEIGHBOR

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. HAGAN. Mr. Speaker, at this time when we are reading and hearing so much about racial problems with very little on the good side, I want to share a news story from my district in Georgia. Although tragic, it exemplifies the true spirit of brotherhood. "Love thy neighbor" would be an appropriate heading.

I ask that my colleagues share this with their friends and associates. The story speaks for itself except for two important details, James "Jerry" Bacon of Pembroke, Ga., was a young white man and Eugene Carroll, also of Pembroke, was a young Negro.

Here is the story:

Canoochee River Claims Life of Two

James J. Bacon, 21 drowned Monday afternoon, while attempting to save the life of James J. Carroll, 18, both of Pembroke.

The accident occurred about 4 p.m. Monday in the Canoochee River at the Bryan-Evans County Line on U.S. Highway 280 when Carroll attempted to swim across the river with three other boys, authorities said.

Carroll, according to officials, was in trouble about mid-stream and called for help. About that time, Bacon and his brother-in-law had just arrived at the scene to go fishing and was unloading a boat, heard cries for help and Bacon dove into the water to help the youth, authorities said. Bacon reached Carroll and started back to shore with Carroll's cousin Borgan Carroll, Jr. helping in the rescue. The authorities said the cousin "came down with cramps" and was forced to leave Bacon by himself to aid Carroll.

Before Bacon could reach the bank, he "went under the water" with Carroll. Their bodies were found about an hour and a half later.

Aiding in the search were the Bryan and Evans Counties Rescue Units, members of the State Game and Fish Commissions and local citizens.

Bacon is survived by his parents, Mr. and Mrs. Rufus Bacon of Pembroke, two brothers, Rufus Ed Bacon and Jimmy Bacon both of Pembroke; six sisters, Mrs. Euna Mae Jones of Augusta; Mrs. Velvie Jean Lee of Garden City; Mrs. Joyce Kirkland, Lyons; Mrs. Audrey Lapp, St. Petersburg, Fla., Mrs. Barbara Brown, Kenton, Ohio and Mrs. Linda Handsford of Pembroke.

Funeral services for Bacon were held Wednesday at 3 o'clock at the Pembroke Christian Church with the Rev. Gordon Hunter officiating.

Active pallbearers were Harold Bacon, Donald Bacon, Stanley Bacon, Russell Bacon, Carlos Bacon and Randy Fountain. Interment in Groveland Cemetery. Morrison Funeral Home was in charge.

Carroll was survived by his parents Mr. and Mrs. Arnie Devotie Carroll Sr.; five brothers R. A. Carrol Jr., Larry James Carroll, Willie Carroll, Robert Carroll all of Pemboke and James Carroll of Miami, Fla. Four sisters Mrs. Louise Clark, Misses Eula Faye Carroll, Yevonne Carroll, Beatrice Carroll all of Pembroke. Maternal grandparents, Mr. and Mrs. Robert R. Moody of Pembroke. Funeral services are incomplete Harpers Funeral Home of Claxton was in charge.

JUDICIAL INVASION OF PRIVACY—A THREAT TO THE BILL OF RIGHTS AND INDIVIDUAL LIBERTY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. RARICK. Mr. Speaker, Federal judges continue to support every move that threatens to destroy the right of privacy—the primary basis of individual freedom.

The latest experience in raw judicial power flouting the Bill of Rights occurred in a decision recently handed down in Federal district court here in Washington. Judge Gerhard Gesell "ruled that the equal protection clause, coupled with the Freedom of Information Act as interpreted by the court of appeals, clearly requires that the VA make the names—of ex-servicemen who served in Vietnam—available to the antiwar group—Vietnam Veterans Against the War."

This decision is but another classic example of the officious intermeddling into the life and thought of every American citizen. Gesell's decision was based on U.S. Circuit Court of Appeals Judge J. Skelly Wright's opinion that "names and addresses do not reveal anything about an individual that is embarrassing and are not an invasion of privacy."

Names and addresses may not be in themselves embarrassing or an invasion of privacy; however, to force a Government agency to reveal names and addresses to any organization on demand is to throw these individuals open to all forms of harassment and various forms and types of mail advertising regardless of content or intent. Next will come opening these lists to any and all direct mailers. Social security lists may prove most productive.

The only reasonable conclusion is that future political-judicial decisions will force American citizens to accept and entertain these groups and their ideas in their homes.

Recent court decisions such as these can only destroy the American home as they invade individual privacy.

I insert in the RECORD a related news article detailing Government enforced invasion of privacy:

[From the Washington Evening Star, Sept. 29, 1971]

Court Tells VA To Give Names of Veterans to Dove Group

(By Winston Groom)

A federal judge here has ruled that the Veterans Administration must turn over to an anti-war veterans group any lists it has of names and addresses of ex-servicemen who served in Vietnam.

The ruling is the first application here which held that government agencies can be compelled to supply, on request, lists of names and addresses they have on file.

The ruling late yesterday by U.S. District Court Judge Gerhard Gesell ends a two-year battle by the Vietnam Veteran's Against the War to obtain the lists. The group, which claims a membership of 15,000 with organizations in every state, says it will use the information to solicit for anti-war causes.

"INVASION OF PRIVACY"

The VA had contended in court that turning over the names would constitute a "clearly unwarranted invasion of personal privacy," which is specifically exempted under the Freedom of Information Act.

The anti-war veterans argued that the VA is turning over such lists to other veteran groups that are sympathetic to the war such as the American Legion and the Veterans of Foreign Wars.

Originally, the anti-war veterans asked the Department of Defense for the names but were told in a letter that it was not government policy to give out such lists because of possible "harassment" to the ex-servicemen. The letter also said the lists are not maintained as such, and to compile them would cost some $1.3 million.

In addition, the government filed with the court a letter from Sen. Sam Ervin, D-N.C., who said that the turning over of names of ex-servicemen to anti-war groups was not what Congress intended when it passed the Freedom of Information Act. The act originated in Ervin's subcommittee on Constitutional Rights.

"INTENT OF CONGRESS"

When the case came to trial in January, Gesell dismissed the suit against the Defense Department, ruling that "It was apparently not the intent of Congress to include the type of record sought (the names) under the Freedom of Information Act."

But he allowed the anti-war group to sue the VA on the strength of evidence that it was giving names to some veterans organizations but not others—a possible violation of the constitution's guarantee of equal protection under law.

Meanwhile, the Court of Appeals handed down its ruling—in an unrelated case—names and addresses are not exempted from the act. Although a dissenting opinion by Judge George MacKinnon warned that the result could produce "turmoil and disorder" in the government, the majority opinion written by Judge J. Skelly Wright, held that names and addresses do not reveal anything about an individual that is embarrassing and are not an invasion of privacy.

NEW RULING SOUGHT

Armed with the Court of Appeals ruling, the anti-war group then asked Gesell to reconsider the ruling he made in dismissing the case against the Defense Department.

The government, however, filed a brief on behalf of VA which continued to support the "harrassment" theory advanced originally by the Department of Defense.

"Considering the group of ex-servicemen making the request, compelled release of (the names) would evoke a multitude of interferences with the private lives of all veterans," the government said.

The reason the VA turns over the names to other veteran groups such as the American Legion and VFW, the government said, is that those organizations "can be of help in counselling, encouraging and assisting veterans in obtaining benefits."

Gesell, however, ruled that the equal protection clause, coupled with the Freedom of Information Act as interpreted by the court of appeals, clearly requires that the VA make the names available to the anti-war group. The only remaining issue in the case is a determination of whether the VA actually breaks down the names of ex-servicemen by the area in which they served.

COMMON MARKET CREATES THREAT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. VEYSEY. Mr. Speaker, many of our European allies in their capacities as International Monetary Fund members have recently expressed their disapproval of President Nixon's temporary 10-percent import surcharge and other measures designed to stanch our balance-of-payments hemorrhage. Indeed, the Minister of Economics and Finance of one country has warned us that we may suffer retaliation if we maintain policies that he regards as "rigid."

Yet those same allies in their capacities as members of the European Common Market have followed a policy of variable tariffs on agricultural imports over the past 5 years that pegs our chief farm commodities 10 percent higher than those produced in Europe or in 27 other nations selected by the EEC for preferential treatment. Particularly hurt have been U.S. exports of feed grains, dairy products, wheat, flour, poultry and eggs, citrus fruits, cotton, vegetables, and vegetable oilseeds.

The impact of these Common Market variable tariff levies on our agricultural exports was concisely covered in an article by James Cary of Copley News Service, which appeared in the September 14 issue of Atlantic Standard. I commend it to the attention of all Members, especially those whose districts have been adversely affected by EEC's protective tariff walls:

COMMON MARKET CREATES THREATS

(By James Cary)

WASHINGTON.—The massive outline of a united Western Europe, now emerging across the Atlantic, is being viewed in some quarters here as a trade fortress surrounded by walls to keep out U.S. farm products.

Now that the United Kingdom appears on the threshold of membership in the European Economic Community (EEC)—with Norway, Ireland and Denmark presumably not far behind—that view of Europe is about to be tested.

For the impending expansion of the Common Market from six to 10 nations carries with it new serious threats and challenges to the already troubled picture of U.S. agricultural exports to the EEC. They peaked at $1.564 billion in 1966 and have been skidding ever since—with one exception.

In 1970, a sharp drop in European grain production and U.S. longshoreman strikes in the United States sent the export total temporarily back up to $1.558 billion.

But experts in the U.S. Department of Agriculture report the trend at this time is down—unless a whole series of European protective devices can be eased or eliminated.

The biggest problem is with EEC variable levy tariffs on commodities the United States produces more efficiently. The Community wants to expand its own production in these commodities, mainly feed grains, dairy products, wheat, flour, poultry and eggs.

And to do so it is levying duties high enough to keep the U.S. products covered by the assessments pegged about 10 percent higher than those domestically produced.

Equally irksome to U.S. exporters is a series of preferential trading arrangements the Community has negotiated with 27 other nations, mainly Mediterranean countries and former French colonies.

Stated another way, the United States is upset and disturbd by the Community's common external tariff, common agricultural policy and the technical assistance and trade preferences granted selected other nations.

The seriousness of this situation was pointed out last December by Dr. Harold B. Malmgren, former No. 2 U.S. trade negotiator. He warned in a study financed by the Atlantic Council that there was a danger of an upcoming U.S. trade war with Western Europe because of its preferential arrangements and tariff barriers.

Theodore Geiger, chief of international studies of the National Planning Association, also warned in January:

"North Americans are already tending to regard the EEC as a growing preferential trade bloc which threatens not only their own trade, but that of developing countries in Latin America and Asia. . ."

Statistics tell the story of what happened after the $1.564 billion peak in U.S. farm sales to the EEC was reached in 1966. Imposition of the variable levy assessments and the cumulative impact of the growing number of special EEC trade arrangements with other countries produceed these results:

In 1967, total U.S. farm sales to the EEC dropped to $1.469 billion; in 1968 to 1.367 billion and in 1969 to $1.268 billion.

The jump in 1970 back up to 1.558 billion—just short of the 1966 record—is considered temporary for reasons far more fundamental than one year of bad crops in Western Europe.

An examination of the impact of the variable levies shows exports of the U.S. crops involved were hit hard. They dropped from $641,199,000 in 1966 to $339,568,000 in 1969—almost 50 per cent—before the 1970 increase to $453,718,000 was caused by the same forces that sent other U.S. agricultural sales up that year.

The downward drift is now expected to be resumed.

Equally irritating to the United States are the EEC's special trade arrangements with 18 African states, Greece, Turkey, Morocco, Tunisia, Kenya, Tanzania, Uganda, Spain and Israel.

These agreements, providing favored tariff treatment not accorded the United States, have particularly hurt U.S. exports of fruits and vegetables, tobacco and vegetable oilseeds.

Of $9 billion in agricultural products the EEC buys annually outside the Community, an estimated $2 billion comes from the nations granted associate EEC status. And of the $2 billion, an estimated $750 million is represented by products in which the United States is highly competitive.

The Community, in an effort to relieve part of the tension with the United States, on June 10 reduced its import levies on American oranges from 15 to 8 per cent. Nathaniel Samuels, U.S. deputy undersecretary of state, promptly stated this "fell far short" of American wishes.

The United States wants "most favored nation" tariff treatment and charges that any other type arrangement is in violation of the General Agreement on Tariffs and Trade (GATT).

The EEC in turn says the preferences it grants the 27 associate nations are authorized by GATT's Article 24, under which free trade areas or customs unions may be formed as an exception to the most favored nation principle.

The issue is whether these EEC associates actually represent free trade areas. Many GATT members agree with the United States that they do not.

The potential damage to U.S. farm exports to Europe, however, is not limited to preferential levies and special associate arrangements. The United Kingdom's impending admission to the Community will be a much greater long-range threat in some ways.

The British at present purchase $400 million to $500 million in U.S. agricultural products annually. Once they are in the Community, sealed off by its common protective trade walls, the French will be able to ship grain to Britain under preferential conditions and the British in turn will be stimulated by the higher protected grain prices within the Community to greater grain production of their own.

This is not to say that the United States will be frozen out of the Market entirely, but as long as the variable levies apply it will be able to compete only in those areas where the Community is deficient—particularly in wheat with a higher protein content and in oilseeds used as fodder also for their high protein value.

Without the protective devices, the United States believes there could be a much larger, more rapid and mutually advantageous growth in trade with the new and emerging Europe.

THE CAUSE OF BIOMEDICAL RESEARCH

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, in a timely and wide-reaching series of proposals, the ad hoc committe of the Council of Academic Societies of the Association of American Medical Colleges has addressed itself to the urgency of our national need for deepened support and increased Federal funding for biomedical research.

An examination and review of the truly fine research programs initiated by the National Institutes of Health reflects the value of funds allocated thus far in support of biomedical research.

The National Eye Institute is deeply immersed in studies to accomplish new methods of care in treatment of developmental abnormalities of the eye and congenital defects of the retina and visual system.

The National Heart and Lung Institute is carrying out programs of research to uncover new cures and more effective means of treatment for diseases of the heart, lungs, and circulation. A highly innovative myocardial infarction program is undertaking research on factors that become operative in the sudden death which befalls thousands of heart attack victims before the opportunity of medical aid becomes available to them.

The National Institute of Allergy and Infectious Diseases is furthering basic research to enrich the quality of national health care through development of virus reference reagents and allergens.

The National Institute of Environmental Health Sciences is making encouraging progress in its research efforts to render identifiable the adverse chemical and biological agents in the environment that may have a harmful effect. Another component of this much-needed program is working in the area of research into the causes and potential cures for isolated communities with notable morbidity and mortality indexes.

These, and many other similarly compelling and worthwhile research programs, constitute an immeasurable reservoir of hope and progress in the struggle against the invisible and unknown germs and illnesses which remain to yet be eradicated.

It is a pleasure for me to endorse the recommendations of the Association of American Medical Colleges presented in the report, "A Policy for Biomedical Research" of its ad hoc committee.

The summary of conclusions and recommendations follow:

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Conclusion: That biomedical research has contributed in substantial ways to longer life and better health for all Americans. Impressive progress continues to be made against the formidable health problems remaining. Nevertheless, biomedical research is under attack, sharing with all science much of the blame for problem-causing technologies and for failure to cure social ills.

1. Recommendation: That the nation adopt a policy of supporting more, rather than less, biomedical research, in full recognition of the fact that no other course can offer hope for ultimate solutions to health problems.

That the public supports science as a means to an end, not as an end in itself. But applied research leading to practical results, it should be made clear, can go only so far without new knowledge from basic research and will falter if it exceeds its science base.

2. That the public be made aware of the payoffs from basic research through cost-benefit analyses in which life-saving results are traced to their origins.

That biomedical research and medical education are mutually dependent and mutually beneficial.

3. That medical schools and their affiliated hospitals continue to be the principal sites of biomedical research effort in this country, thus enhancing the training of physicians and other health workers, the care of patients, and the research itself.

That the President's Task Force on Science Policy is commendable for its emphasis on the importance of scientific leadership to the achievement of national goals (2).

4. That the President, in the spirit of his Task Force's recommendations in support of science, endorse an unequivocal statement of the federal commitment to biomedical research.

That the environments in which productive research can be conducted vary greatly and that the deployment of efforts should be guided by the principle of maximum yield for funds invested.

5. That maximum productivity be sought through encouragement of the creative mind and of creative interaction, to be achieved through freedom of choice in careers and residence.

That the President's Task Force, in extolling the free enterprise system as a science resource, failed to give due credit to nonprofit institutions for the conduct and support of life-saving discoveries.

6. That national science policy take full cognizance of the productive relationship of the federal government and academic and that ways to improve this relationship be explored. Considerations should be given to the potentialities of the university consortium—of voluntary cooperative efforts to solve a given problem in multiple settings through shared awards.

That the National Institutes of Health is the main federal supporter of research and development at educational institutions and that its parent agency, the Department of Health, Education, and Welfare, accounts for over half of all federal aid to academic science.

7. That the Association of American Medical Colleges engage actively in shaping national biomedical research policy, particularly in respect to the important role of NIH in science support.

That the federal government has become the main source of funds for biomedical research, providing nearly two dollars for each one from the nonfederal sector. In addition, its programs support research training, facilities, special resources, and the institutions themselves.

8. That the bodies of the executive and legislative branches of the government concerned with the making of science policy be urged to continue federal appropriations for biomedical research as vital to the national health effort and in the public interest.

That the rate of increase in biomedical research support has not kept pace with that of the gross national product, the federal budget, or national health care. Recent increases have been more than offset by rising costs so that the trend in constant dollars is level or downward. Meanwhile, the phasing out of research construction and the reduction of training programs bode ill for the future.

9. That the national policy for biomedical research assure support at levels sufficient to engage all well-qualified brainpower and that consideration be given to expansion at a rate determined by widening research opportunities.

That a high proportion of graduate trainees in medical schools (about 60 percent) would be unable to continue their extra training, vital to research and teaching, if their stipends were changed to loans, as contemplated by the Office of Management and Budget.

10. That the Administration and the Congress be urged to continue federal programs providing fellowships and other stipends for advance training in the health sciences and clinical specialties.

That various means of support for biomedical research, ranging from the individual project grant or contract to the program-project and institutional grant, have their place in meeting program objectives of both supporting agencies and performing institutions.

11. That the individual project grant, awarded through peer review, continue to be the primary instrument of biomedical research support. An expanded system of program-project support should be addressed to problems of high relevance.

That the biomedical research to be supported is of two main types—basic and applied. No fixed ratios can be stipulated, but allocations should be based on research opportunity and on national priorities among health problems.

12. That new ways be sought to meet the various needs of biomedical research and training, including consideration of a department of health or a department of science and education. Peer review is strongly endorsed, but the review mechanism should be streamlined.

That important tasks and questions face the AAMC and the CAS. These include determination of support levels for the next decade according to the recommended principle of full utilization of brainpower.

13. That the AAMC and the CAS undertake or sponsor studies to demonstrate the contributions of basic research, to delineate areas in which target research under contract would be productive, and to improve health-care delivery.

That the implementation of biomedical research policy requires effective communication at all levels. There is particular need for more public information on the nature, the goals, the implications, and the costs of medical science.

14. That a major effort be made to improve the general public's and their leaders' understanding of biomedical research through development of a communications system which would in turn be part of a broader network linking all persons and organizations concerned with matters of health.

AMERICAN INDIAN DAY

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. STEIGER of Arizona. Mr. Speaker, Commissioner of Indian Affairs Louis R. Bruce, a member of the Oglala Sioux and Mohawk Indian Tribes, announced last Friday that September 24 is "American Indian Day."

He pointed out that special pow-wows are being held throughout Indian country to mark the day and that special notice is being taken of the "First Americans" in both Indian and non-Indian schools nationwide. Bruce himself appeared on NBC's "Today" show and talked on the Indian people and the progress being made in programs for their betterment. The Bureau of Indian Affairs supports legislation to make American Indian Day a national legal holiday.

Said he—

> There is a quickening sense of awareness of their own identity among Indian people, and a determination to make a relevant contribution to American life.

Although "American Indian Day" has been a day observed by many for a number of years, it is not now a legal holiday. Legislation is now before the Congress to "designate the fourth Friday in September as American Indian Day" or "authorizing the President to proclaim the last Friday in September as American Indian Day."

One of the first proponents of an American Indian Day was Dr. Arthur C. Parker, a Seneca, who was the director of the Museum of Arts and Sciences in Rochester, N.Y. The Boy Scouts of America were the first to set aside such a day.

In 1915, the annual Congress of the American Indian Association held at Lawrence, Kans., formally approved the idea of an "American Indian Day." Its president, the Reverend Sherman Coolidge, an Arapahoe, issued a proclamation September 28, 1915, declaring the second Saturday of each May an American Indian Day. Coolidge made the first formal appeal for citizenship for Indians in this proclamation.

The year before this proclamation was issued, Red Fox James, a Blackfoot, rode from State to State on his horse seeking approval for a celebration of a day in honor of Indians. He later presented the endorsements of 24 State Governors at the White House December 14, 1915.

The first American Indian Day was observed on the second Saturday in May when the Governor of New York fixed that day for a State observance.

SENATE—*Thursday, September 30, 1971*

The Senate met at 10 a.m. and was called to order by Hon. JOHN O. PASTORE, a Senator from the State of Rhode Island.

PRAYER

The Right Reverend Bishop Papken, D.D., Legate of the Armenian Orthodox Church, offered the following prayer:

Most merciful God, our Heavenly Father, Thou art the source of wisdom, power, and love. We beseech Thee to lead the President and the Senators of our country along the paths of freedom and righteousness; of courage and good will.

Grant that in these decisive days our leaders may make wise decisions. Give them Thy grace to exercise the power of love, rather than the love of power. Amid the shifting scenes of modern movements we pray for strength to carry our burdens, for wisdom to solve our problems, for understanding to relate ourselves affirmatively to others, and for the faith to love Thee more.

Inspire O Lord, the leaders of this House to continue their great work that our country may ever be the land of the free and the home of the brave.

In our Saviour's name we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 30, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN O. PASTORE, a Senator from the State of Rhode Island, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. PASTORE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 29, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with new reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

FEDERAL RAILROAD ADMINISTRATION

The second assistant legislative clerk read the nomination of John W. Ingram, of Illinois, to be Administrator of the Federal Railroad Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

FEDERAL MARITIME COMMISSION

The second assistant legislative clerk proceeded to read the nomination of Clarence Morse, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1976.

Mr. MANSFIELD. Mr. President, I ask that this nomination go over.

The ACTING PRESIDENT pro tempore. The nomination will be passed over.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The second assistant legislative clerk read the nomination of Raymond Telles, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1976.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The second assistant legislative clerk read the nominations in the National Commission on Libraries and Information Science, as follows:

Andrew A. Aines, of Virginia, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1976.

Catherine D. Scott, of the District of Columbia, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1976.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NATIONAL LIBRARY OF MEDICINE

The second assistant legislative clerk proceeded to read sundry nominations in the National Library of Medicine.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE PUBLIC HEALTH SERVICE

The second assistant legislative clerk proceeded to read sundry nominations in the Public Health Service, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore (Mr. ELLENDER). Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

GRANT J. MERRITT AND MARY MERRITT BERGSON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 379, S. 539.

The PRESIDENT pro tempore. The bill will be stated by title. The assistant legislative clerk read as follows:

S. 539, for the relief of Grant J. Merritt and Mary Merritt Bergson.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, with the consent of Glen J. Merritt, Alice L. Merritt, Wallace A. Merritt, Thelma Herter Merritt, and Merna Jean Merritt (lessees on a lease entered into on August 26, 1938, between the aforementioned parties and the United States involving certain lands situated within the Isle Royale National Park), the Secretary of the Interior is authorized and directed to revise and reform such lease so as to include as additional lessees thereon the names of Grant J. Merritt and Mary Merritt Bergson.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–379), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 539 authorizes the Secretary of the Interior to revise and reform a certain lease

made between the U.S. Government and members of the Merritt family in August 1938 so as to include as additional lessees thereon the names of two children of Glen J. Merritt, one of the donors of land situated within the Isle Royale National Park in Lake Superior. The lease to be reformed provided for a life tenancy to the grantors of the property and their children, but the names of the two children, Grant J. Merritt and Mary Merritt Bergson, were not included.

BACKGROUND

The act of March 3, 1931 (46 Stat. 1514), authorized the establishment of Isle Royale National Park in the State of Michigan, and provided that the lands could be acquired only by donation. Subsequent legislation authorized the Secretary of the Interior to give former occupants of land acquired for the park lifetime leases.

Members of the Merritt family worked for many years to obtain the National Park status for the Isle Royale area. In the process, 24 islands and considerable acreage has been given to the U.S. Government in order to preserve the beauty of the region for all citizens of the Nation. A lease was executed between the five members of the Merritt family and the United States on August 26, 1938. Both Grant J. Merritt and Mary Merritt Bergson were born prior to the date of this lease, and rightfully should have been included as life lessees.

COST

Enactment of S. 539 would result in no expenditure of funds by the U.S. Government.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Virginia (Mr. BYRD) is now recognized for not to exceed 15 minutes.

MILITARY PROCUREMENT AUTHORIZATIONS—SECTION 503

Mr. BYRD of Virginia. Mr. President, I address myself to section 503 of the military procurement bill, H.R. 8687. Section 503 would end the dependence of the United States on Communist Russia for a vital defense material; namely, chrome.

The Committee on Armed Services feels it is not logical, indeed that it is dangerous, for the United States to be dependent on Communist Russia for a material vital to the national defense.

The situation in which the United States finds itself today is this: 60 percent of all chrome imports come from Communist Russia.

The reason for that is the President of the United States, 5 years ago, acting unilaterally, placed an embargo on trade with Rhodesia. Rhodesia is the source of two-thirds of the world's chrome reserves. Since the United States cannot purchase chrome from Rhodesia, it must go to the next available source, which is Communist Russia.

Mr. President, this issue was placed before the Senate last week. It was debated. A vote was taken. The position of the Committee on Armed Services was sustained by the Senate by a vote of 46 to 36.

This past Monday, the distinguished Senator from Arkansas (Mr. FULBRIGHT), chairman of the Committee on Foreign Relations, presented an amendment which will be voted on this afternoon. The Fulbright proposal would strip Congress of the power to act in regard to this matter and would give that power to the President of the United States.

Mr. President, this question is an extremely important one, and important in several respects. It is important, I think, because it is illogical and indeed dangerous for the United States to be dependent on Communist Russia for a vital defense material; but the proposal offered by the distinguished Senator from Arkansas would add a new dimension.

That new dimension is this: His proposal would reverse the trend which has been in the Senate for the past 2 or 3 years, a trend for the Senate to reassert itself in the field of foreign policy.

Many Members of the Senate have reached the conclusion in the past 2 or 3 years that the Senate, over a period of time, has given away too much power to the President, that it is time the Senate stopped doing that and reassert itself; and that is what the Senate has been doing in the past 2 or 3 years.

The proposal offered by the distinguished Senator from Arkansas, which will be voted on today, goes in the opposite direction and reverses the trend toward the Senate's reasserting its responsibilities and powers in the field of foreign relations. I think that is an extremely important aspect of the vote this afternoon.

Mr. President, last week in opposing the action of the Senate Committee on Armed Services, the distinguished Senator from Wyoming (Mr. MCGEE) in his remarks printed in the RECORD cited some very interesting facts.

He asserted as shown on page 32155, the CONGRESSIONAL RECORD of September 16, 1971:

> There are roughly 110 cases of reported violations now before the United Nations Sanctions Committee, including 32 cases which deal with chrome ore.

Thus, the distinguished Senator from Wyoming pointed out that many members of the United Nations are completely disregarding the embargo on trade with Rhodesia. They are doing so because more and more nations find that it is not a logical embargo, that it is detrimental to more and more countries. Most certainly it is detrimental to the United States.

Mr. President, I want to read a statement made in the Senate last week by the distinguished senior Senator from Pennsylvania, the Republican leader of the Senate, in which he says:

> The Rhodesian sanctions are economically damaging to United States interests.

Mr. President, I read again the statement by the distinguished Senator from Pennsylvania (Mr. SCOTT):

> The Rhodesian sanctions are economically damaging to United States interests.

Mr. President, most certainly they are. They are very damaging to U.S. interests. They are costing jobs in this country in a period of high unemployment. I cite as evidence the views of the director of District 19 of the United Steelworkers of America in telegrams sent to various Senators in regard to this matter.

Director of District 19 of the United Steelworkers of America says that if section 503 is not left in the pending bill and does not become law, then those workers in the specialty steel plants throughout our Nation will lose their jobs because those industries will be forced to go out of business.

So, Mr. President, the ramifications of this ban on trade with Rhodesia are many and are great. Personally, I think it is a very unprincipled act that our country took in banning trade with this small defenseless nation merely because it happened to be engaged in a controversy with Great Britain as to whether it should be independent of Great Britain.

I do not believe that is a matter to be determined by the United States.

It seems to me that the internal problems of Rhodesia are matters to be settled between Great Britain and Rhodesia. However, be that as it may, section 503 does not eliminate embargoes on trade with Rhodesia except insofar as one material is concerned, a strategic material—namely, chrome. The chrome is vital for use in nuclear submarines, jet aircraft, and many other weapons systems that the United States must have.

It does not seem very logical to vote billions and billions of dollars of tax funds, that come out of the pockets of wage earners, in order to maintain and develop a defense system for the United States, and at the same time be dependent on Communist Russia for a vital material.

Mr. President, in summary I want to say that in my judgment there are three reasons why I feel the Senate should reject the Fulbright amendment to section 503 and thus sustain the action which the Senate took last week by a vote of 46 to 36.

First, by sustaining last week's action, the Senate would be ending United States dependence on Communist Russia for a strategic and vital defense material, namely, chrome.

Second, sustaining the Senate's position of last week would help to save jobs in a period of unemployment. As evidence I point out the statement printed in the CONGRESSIONAL RECORD by the director of District 19 of the United Steelworkers of America that says that unless Congress takes such action there will be no specialty steel industry in the United States. He expressed his deep concern for the jobs of the black and white workers in that industry.

Third, the Fulbright proposals would give more power to the President and thus reduce the Senate's role in foreign policy.

The Senate has made great progress in the last 2 or 3 years in reasserting itself. The proposal of the Senator from Arkansas would reverse that trend. And, as he himself states, it would give an option to the executive branch to proceed as it wishes. He would leave the determination in the hands of the President at the expense of the Senate.

I feel that the best interests of our Nation would be served by rejecting the Fulbright amendment when it is voted on in the Senate this afternoon.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma is recognized for not to exceed 15 minutes.

(The remarks of Mr. HARRIS when he introduced S. 2614 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the quorum be without prejudice to the next order, and that the time for the quorum call be taken out of the remaining time of the able Senator from Oklahoma (Mr. HARRIS).

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the junior Senator from California (Mr. TUNNEY) is recognized for 15 minutes.

Mr. TUNNEY. I thank the Chair.

THE SITUATION IN PAKISTAN

Mr. TUNNEY. Mr. President, this morning, as the Senate's subcommittee to investigate problems connected with refugees and escapees begins a new series of hearings on the crisis in Pakistan, I rise to emphasize the urgency of the plight of the Bengali people.

The desperate needs of the Bengali refugees are so severe as to defy description. The distinguished senior Senator from Massachusetts has already described the misery and cruelty that has been inflicted upon a helpless population. The tragedy of that suffering people cries out for attention and relief.

Some 8 million men, women, and children have been uprooted from their homes in East Pakistan and driven to seek shelter in refugee camps in India. Some 200,000 Pakistanis have been killed by their own army. And millions of people continue to live in terror, dreading their fellow countrymen and their brutal methods of repression.

Since last March, when the Pakistani Army unleashed its fury upon the Bengalis of East Pakistan, the world has gradually become the horrified witness to one of the worst examples of genocide in human history. Officially and publicly, the United States has remained all but silent, limiting its comments to expressions of sympathy for the refugees and practicing tokenism even at the highest levels of government. Anything but official silence concerning the genocide is said by the administration to be "counterproductive."

But it is our official policy which is "counterproductive." It has not produced peace; it has not produced even a semblance of justice; it has not produced a realistic promise of heading off the impending starvation. All that it has produced is cruelty, bloodshed, and horror. American military equipment has been used to transport Pakistani troops and equipment. American arms have been used to kill Bengalis and drive them out of their country.

We cannot afford to delude ourselves into believing that our Nation is acting with even a modicum of decency in Pakistan.

Even American relief operations have been diverted by the Pakistanis into weapons of war against the Bengali people. American cyclone relief materials have been diverted by the Pakistani Army from their intended use.

And now American food supplies are reportedly being diverted into weapons of war by Islamasbad.

The government and army appear to be using relief funds from the United States to bribe refugees into conformity or to starve them into submission.

The government and army appear to be using our relief money to blackmail and to blackjack a people into submission.

That is the subject I wish to discuss this morning. It is a delicate subject, one with an edge that appears to cut both ways. And it is a vital subject, because it is capable of such misunderstanding in the United States.

In a word, the thrust of my statement is this: even those American efforts which are designed to be humanitarian are not achieving a humanitarian result. Even though American intentions are noble in providing food for the people of Pakistan, too much of our present effort is being converted by the government and army of Pakistan into their own use rather than being used to assist the starving people.

I recognize the fact that it is hard to imagine food—particularly food which is earmarked for war victims—as an instrument of repression. And I believe that our intention has been to distribute the food in order to alleviate the misery.

However, Mr. President, it appears that that intention is being subverted. For we have made the mistake of allowing that food to be distributed by the martial law administrators of the Government of Pakistan. And we have allowed this in a time of impending famine. The potential extent of this famine is now becoming evident.

On September 18, 1971, the Washington Star editorialized that—

> East Pakistan faces its largest food deficit since the Bengal famine of 1943, in which 3 million people lost their lives.

In this current famine, according to the Star:

> The death toll could far exceed that of 1943.

Consequently, it is obvious that humanitarian assistance is essential. The Bengalis must be rescued from starvation.

But it is that dire need which points to the absurdity of distributing that assistance by means of the Pakistani Government or Army. How can one possibly expect that an army which has spent the last several months murdering, raping, ravaging, and torturing the people of East Bengal will suddenly distribute food in a humanitarian manner?

Are we to believe that vindictive cruelty becomes Christian charity because the U.S. Government adds food to the arms it has already supplied?

We will be told, Mr. President, that these contentions are spurious. We will be told that the United Nations now has observers in East Pakistan, and that the U.S. Agency for International Development has expanded its mission there. We will be told that these observers—these U.S. and U.N. observers—will prevent mismanagement and coercion and will verify the humane manner in which our food is distributed.

But, even if we could believe that these observers could adequately police the urban centers, we must recognize that they spend little time in most of the rural villages and sections of East Pakistan. They cannot establish an effective or continuing presence in the regions which house 94 percent of the population of East Pakistan.

And it is in those areas, those villages which have been terrorized, that the army today uses its U.S.-supplied food reserves to threaten and coerce a starving population.

Even if the army wanted to distribute the food fairly, it would not be able to do so. For the sword cuts both ways. The population of this terrified country can hardly be expected to trust the men who have just systematically destroyed their villages and slaughtered their kinsmen. At best, the army could provide food only in some of the cities, where they apparently control the population.

And yet, in the midst of crisis, the Nixon administration has apparently chosen not to press the issue of international administration of relief operations. Still, in India, we seem to insist that nearly all aid go through the United Nations. We are certainly aware of the fact that food can be distributed through international auspices.

Fortunately, Mr. President, if we have the will, our food can be distributed effectively to the Bengalis. The subcommittee to investigate problems connected with refugees and escapees has concluded that food distribution under close, impartial third-party supervision can alleviate suffering and diminish, if not prevent, wide-spread starvation. The logistics of averting another mass disaster are evident. In June of 1971, both the World Bank and AID's Ryan-Weiss report have ably outlined a clear, effective manner through which the food can be distributed.

The technical knowledge exists. But the political will has been lacking. The Nixon administration has refused to alter its disastrous and stubborn course—in spite of an urgent human crisis.

This obstinacy, this willful shortsightedness, must be disgorged from America's foreign policy. It has infected our policy throughout Southeast Asia for over a decade. If we have learned any lessons from the senseless and continuing tragedy in Vietnam, they should be these: First, if America makes a mistake—and any nation must make some—we should have the courage to admit it—and to change our course; not to persist in the same policy even after we see that it is wrong. Second, as Anthony Lake and Roger Morris have made clear in the fall, 1971 edition of Foreign Policy magazine, Americans must, for a change, add the human factor—the impact of a policy upon real people—to their analysis of international affairs.

And that is exactly what has been lacking from our policy toward Pakistan. We have objectively and dispassionately extolled so-called strategic and prestige factors at the expense of coming to grips with the suffering and tragedy of real people.

Mr. President, the Senate must direct the Nixon administration to pay attention to these factors—to recognize for once these real concerns. They must no longer be allowed to ignore the cry of human suffering. They must no longer allow the Bengali people to live with impending starvation and politically administered food relief operations.

Toward those ends, I have cosponsored the Church-Saxbe amendment to the Foreign Assistance Act, with its critical language that all aid will be suspended "until distribution of food and other relief measures, supervised by international, agencies, take place." And it is also toward those ends, that I have cosponsored S. 2568 which provides $400 million for food relief to be distributed to the Pakistani refugees in India.

Whether S. 2568 is adopted, whether the Church-Saxbe amendment is adopted, whether another means is employed, we must be aware that aid to the Pakistani Government at this time, whether military, economic, or even so-called humanitarian relief, becomes a means for the Pakistani army to continue its military activities and brutal repression in East Pakistan.

The Bengalis—both India and in Pakistan—must be fed. But the Pakistanis have proved that they will not and cannot feed them. The Nixon administration must be urged and directed to disburse food not through the government or the army of Pakistan, but through the United Nations or some other international third party organization.

Mr. Stanley Wolpert, professor of history at UCLA, has recently written a highly informative and instructive article which was printed in the Los Angeles Times and which I commend to my colleagues. I ask unanimous consent that Professor Wolpert's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE SPECTER OF FAMINE IN BANGLA DESH—MILLIONS FACE DEATH AS WORLD APPEAL FOR RELIEF IS FALLING SHORT

(By Stanley Wolpert)

(Note.—Wolpert is professor of history at UCLA and the author of "Nine Hours to Rama," the story of Mohandas Gandhi's murder.)

After almost six months of civil war, East Pakistan's independence-minded Bengali population is confronted with the specter of imminent famine.

No less than 25 million peasants and urban laborers (the most impoverished third of the total population) may be mortally affected, if, as is now reliably estimated, the autumn harvest of East Pakistan falls 20% below food grain norms.

By mid-October East Bengal could be racked by a famine far more devastating than the one which claimed 3 million lives in 1943.

At least 2.9 million tons of food will have to be imported and lifted directly to East Pakistan's village population during the next few months, to avert widespread starvation. Yet today the ports of East Pakistan remain almost paralyzed, most Bengali longshoremen and other laborers having fled to the countryside or to India. Road and rail links to the interior now operate only at 30 to 40% capacity, because of mining, bridge demolition and various other types of guerrilla attack.

Since last March 25, when a river of Bengali blood was unleashed by West Pakistan's predominantly Punjabi Army throughout Bangla Desh (Bengal Nation), a floodtide of refugees has flowed from East Pakistan into neighboring India. To date 8 million human beings, Muslim and Hindu alike, mostly women and children, forced by fear to abandon their village homes, have fled East Pakistan (30,000 to 40,000 refugees continue to enter India daily), attesting to West Pakistan's grim martial rule over Bangla Desh.

India, with scarcely enough resources to support its own 550 million people, has borne practically all of the burden of sustaining this refugee flood which will cost an estimated $700 million merely to feed them throughout this calendar year. The world community has only pledged $150 million toward relief.

The International Red Cross mission says the emergency "beggars anything we have witnessed since World War II and its aftermath."

Last month U.N. Secretary General U Thant appealed to the Security Council for more assistance, noting that "The time is past when the international community can continue to stand by, watching the situation deteriorate and hoping that relief programs, humanitarian efforts, and good intentions will be enough to turn the tide of human misery and potential disaster." No echo has as yet come from the Security Council to that urgent call, nor has it come from private relief agencies. The civilized world seems almost paralyzed, perhaps overwhelmed by the magnitude of Bangla Desh's tragedy, yet for millions of Bengalis time and food have all but run out.

Feeding the refugees in India, is, however, only an interim humanitarian necessity, not a permanent solution to the international problem that has already brought India and Pakistan to the brink of war. The only effective long-range solution to the exodus would be one that changes the political climate of East Pakistan sufficiently so as to induce the majority of refugees to return to their homes.

Last December, in the first election in Pakistan's history based on universal adult suffrage, some 80% of the electorate of East Pakistan voted for Sheik Mujibur Rahman's Awami League Party and its six-point platform calling for provincial autonomy. Under a system of parliamentary democracy, Sheik Mujibur would by now have been prime minister. Instead, on March 25, he was arrested, has been held incommunicado since, and is currently being "tried for treason" in "secret military court"—somewhere in West Pakistan.

Though nearly a quarter century has elapsed since August 15, 1947, when the British transferred their power over South Asia to independent dominions of India and Pakistan, the latter is still without a civil constitution of its own. Pakistan's first Constituent Assembly labored six years to produce a document acceptable to political leaders of both east and west, but within 10 days that Constitution and its Assembly were abrogated by order of the governor-general. Subsequent attempts at achieving some stable form of democratic parliamentary government were aborted by military coup. Since 1958 Pakistan has been ruled by martial "law"; for the first 11 years under the dictatorship of Field Marshall Ayub Khan; and since 1969, under his former aide and successor, Gen. Yahya Khan. Both generals have often insisted that their martial rule was "temporary."

Last year's elections were called once again to write a constitution. None of Yayha Khan's lieutenants seem to have anticipated that Sheik Mujibur's party would win not only an overwhelming popular mandate in East Pakistan (capturing 167 out of 169 Constituent Assembly seats contested) but an absolute majority of the 313-member National Assembly. The date promised for convening the newly elected Assembly was first postponed by Yayha Khan to last March 3, then to March 25.

Less than one month after the Dacca massacre and the arrest of the sheik, surviving leaders of the Awami League met—somewhere in East Pakistan—to proclaim the "sovereign republic" of Bangla Desh.

On April 17, Tajuddin Ahmed, Bangla Desh's prime minister, declared: "Bangla Desh is at war. It has been given no choice but to secure its right of self-determination through a national liberation struggle against the colonial oppression of West Pakistan."

Although it supports 56% of Pakistan's population, East Pakistan enjoyed less than 10% representation in the army, and held barely 15% of the posts in Pakistan's Civil Service.

Economic exploitation further exacerbated the problem, for while East Pakistan's jute exports annually earned from 50 to 70% of all Pakistan's foreign exchange, West Pakistan consistently consumed 70 to 75% of the nation's annual imports. Approximately two-thirds ($6.252 billion) of all foreign aid development funds expended since 1965 have, moreover, been spent entirely in the west.

If any hope for a "political settlement" of the war between Bangla Desh and West Pakistan remains, that settlement would have to be initiated by Yayha Khan through direct negotiations with Sheik Mujibur.

The March massacre and Mujib's trial, however, have made it virtually impossible to conceive of a federal formula capable of reuniting Pakistan. Sheik Mujibur's execution would end all hope of finding a peaceful solution to this conflict.

Since 1954 Pakistan has relied heavily upon American military and economic assistance, offered initially to help defend South Asia's northern perimeter from possible Communist invasion, but until this year used only in the 1965 war against India. Last March when West Pakistan turned its American arms against the people in Dacca it surely forfeited all possible further claim to Washington's support. The sooner our government takes the moral initiative of stopping military deliveries and economic aid to Pakistan, the quicker Yayha Khan's government will feel obliged to cease firing and seek some form of settlement.

On Aug. 21st a nongovernment international conference of South Asia experts, co-chaired by Hugh Keenleyside of Canada and John Kenneth Galbraith, concluded with "The Toronto Declaration of Concern," urging "all governments:

(1.) To terminate immediately all military deliveries to Pakistan; (2.) To suspend all economic aid to Pakistan; (3.) To channel all possible resources into a massive emergency program for famine relief in East Pakistan, directed and administered by the United Nations; (4.) To make firm continuing commitments to share fairly the economic burden of supporting the refugees in India; and (5.) To intervene to save the life of Sheik Mujibur Rahman."

Is the conscience of mankind by now prepared to respond with alacrity as well as compassion to the most compelling human concern?

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield to my colleague from California.

Mr. CRANSTON. I would like simply to join in the expression of grave concern expressed by my friend and colleague from California on the matter of aid to Pakistan and the plight of the refugees from Pakistan and within Pakistan.

This is one of the most heartrending and tragic situations people upon our planet have ever faced, certainly one of the worst in modern times. I am delighted that my colleague has expressed his concern so forcefully and eloquently. I wish that more Americans were aroused to the awfulness of the situation there. It is almost beyond imagination, and I think that is why so few people are as deeply concerned as they really should be.

I think we should recognize it is not only a problem away around there on the other side of the world. If the situation gets worse and worse there, as it well may, and if we do not act in the way the Senator has suggested we should, we, too, will be swept into the repercussions, the ramifications, and the problems that will ensue, because the whole world will be involved before this is over if we do not find a decent and speedy solution to the problem there.

I, therefore, express my admiration to my colleague from California for the leadership he is assuming on this very important issue.

Mr. TUNNEY. I thank my very distinguished colleague from California. I know how concerned my colleague has been with the problems of refugees around the world. I know of his great sense of compassion for people in underdeveloped areas of the world who have been so often brutalized by the machinations of those powerful neighbors which sometimes forget, when they are exercising their policy toward underdeveloped nations, that the people are human beings rather than pawns in a local power struggle.

I think that, perhaps more than any other one thing, what disturbs me so much about our attitude toward the refugees of East Pakistan and the way in which the West Pakistan Government has imposed its will upon those people is that there is an aura of unreality, as though those people do not really exist as flesh and blood beings.

The PRESIDENT pro tempore. The Senator's time has expired. Under the previous order, there will now be a period of 15 minutes for the transaction of routine morning business.

Mr. MANSFIELD. Mr. President, I seek recognition thereunder, and I yield my time to the Senator from California.

Mr. TUNNEY. I thank the Senator. I had finished.

The PRESIDENT pro tempore. Is there morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JUDGE ALEXANDER'S INTEMPERATE BEHAVIOR

Mr. BYRD of West Virginia. Mr. President, on September 21 I inserted in the Record newspaper articles dealing with the dismissal of a case by Judge Harry T. Alexander of the District of Columbia Superior Court. The articles stated that Judge Alexander had dismissed charges against a youth—charges of receiving stolen goods and carrying a sawed-off shotgun—because a police officer testifying in a probable cause hearing had failed to call a woman complainant "Miss" or "Mrs."

I also placed in the Record a letter which I wrote to the District of Columbia Committee on Judicial Disability and Tenure asking for an investigation of Judge Alexander's actions and that appropriate action be taken to insure against a repetition of what I regarded as the judge's intemperate action. In addition, I placed in the Record a transcript of the hearing during which the charges were dismissed.

I was glad, therefore, to note in yesterday's Washington Post on page A10 that the District of Columbia Court of Appeals has overturned Judge Alexander's dismissal of the case, and has ordered it sent back to Superior Court for further proceedings before another trial judge.

I ask unanimous consent that the news story be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Judge's Dismissal of Case Overruled

The D.C. Court of Appeals has overturned an action by Superior Court Judge Harry T. Alexander who dismissed charges against a youth after a policeman referred to black complainant by her name without the prefix "Miss" or "Mrs."

In a two-sentence order made public yesterday, the Appellate Court granted a motion by the D.C. corporation counsel's office to set aside the dismissal. The Court made no comment on the judge's action but ordered the case to be sent back to Superior Court "for further proceedings before another trial judge."

The youth, who is 16, was charged with possession of a sawed-off shotgun and with receiving stolen goods. His attorney, Silas Wasserstrom of the Public Defender Service. filed no opposition to reinstatement of the charges.

Dismissing the charges last July 30 at a Juvenile Court hearing. Judge Alexander, who is black, accused the policeman, who is white, of "contemptuous conduct." The officer referred to a woman complainant by her full name without the prefix "Miss" or "Mrs."

In its motion seeking to overturn the judge's decision, the corporation counsel's office argued that "the judge did not even ask the prosecutor if he would proceed with the hearing before dismissing (the charges)."

It also noted that the "judge had made it impracticable for the government to proceed with the hearing when, on two occasions, he excused the detective from testifying . . . on grounds and in a manner so as to put the propriety of his conduct in question."

AUTHORITY FOR STAFF MEMBERS TO BE PRESENT DURING DEBATE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the debate today on the amendment to be called up by the Senator from Montana (Mr. Mansfield), two members of the staff of the Senator from California (Mr. Cranston) be admitted to the floor, during the debate but not during the rollcall vote: Mr. Murray Flander and Mr. Don Huffman.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The Acting President pro tempore (Mr. Pastore) laid before the Senate the following letters, which were referred as indicated:

Report on Proposed Closure of Wildwood Air Force Station, Alaska

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the proposed closure of Wildwood Air Force Station, Alaska (with an accompanying report); to the Committee on Armed Services.

Extension of Diplomatic Privileges and Immunities

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof (with an accompanying paper); to the Committee on Foreign Relations.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Charges For Use of Federal Electrical Power Transmission Lines Should Be Reevaluated", Department of the Interior, dated September 29, 1971 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Pastore):

The petition of Willis T. Batcheller International, Inc., Seattle, Wash., praying for authorization to sue the U.S. Government; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

William B. Benkert, U.S. Coast Guard, for promotion to the grade of rear admiral.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HARRIS:

S. 2614. A bill to reduce the concentration of industrial power in certain markets. Referred to the Committee on the Judiciary.

By Mr. CASE:

S. 2615. A bill to amend the National Flood Insurance Act of 1968 to suspend until December 31, 1973, the provisions making flood insurance coverage a condition of Federal disaster assistance, to extend for 2 years the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage and the date as of which the existing authority for emergency Federal implementation of the program will expire, and to provide that coverage shall be available under the national flood insurance program for all residential properties. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN:

S. 2616. A bill to provide for the application of the prohibitions contained in the Sherman Act to the businesses of organized professional baseball, football, and all professional sports. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 2617. A bill to further promote equal employment opportunities for American workers. Referred to the Committee on Labor and Public Welfare.

By Mr. JACKSON (by request):

S. 2618. A bill to amend titles 10 and 32, United States Code, to authorize the establishment of a National Guard for the Virgin Islands. Referred to the Committee on Armed Services.

By Mr. MAGNUSON (by request):

S. 2619. A bill to amend section 11(p)(1) of the Federal Water Pollution Control Act to provide enforcement provisions with respect to the obligations of certain vessels using the navigable waters of the United States, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself, Mr. Ribicoff, Mr. Cooper, Mr. Anderson, Mr. McGovern, Mr. Javits, Mr. Case, Mr. Jackson, Mr. Cranston, Mr. Hollings, Mr. Mondale, Mr. Pell, Mr. Mathias, Mr. Moss, Mr. Inouye, Mr. Gravel, Mr. Metcalf, Mr. Hart, Mr. Humphrey, Mr. Hatfield, Mr. Mansfield, Mr. Kennedy, Mr. Harris, Mr. Nelson, and Mr. Tunney):

S. 2620. A bill to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes. Referred to the Committee on Finance.

By Mr. HARTKE:

S. 2621. A bill to promote the peaceful resolution of international conflict, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 2622. A bill to declare that certain federally owned land is held by the United States in trust for the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Mont. Referred to the Committee on Interior and Insular Affairs.

By Mr. YOUNG (for himself and Mr. Burdick):

S. 2623. A bill to authorize the carrying out of certain repairs and rehabilitation work on the Mann Dam on the Heart River, N. Dak. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 2624. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations. Referred to the Committee on Finance.

By Mr. McINTYRE:

S. 2625. A bill for the relief of Giuseppe Paul Pinton. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2626. A bill to amend part V of the Interstate Commerce Act, enacted as part of the Transportation Act of 1958, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2627. A bill to amend section 22 of the Interstate Commerce Act so as to eliminate free or reduced rates for Government traffic, except in certain circumstances, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2628. A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2629. A bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to restructure essential railroad service under certain circumstances, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2630. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 2631. A bill to provide for paper money of the United States to carry a designation in Braille indicating the denomination. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE:

S.J. Res. 163. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act, and to alleviate the financial burden on States and local schools in providing nutritious meals for all schoolchildren. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARRIS:

S. 2614. A bill to reduce the concentration of industrial power in certain markets. Referred to the Committee on the Judiciary.

CONCENTRATED INDUSTRIES ACT

Mr. HARRIS. Mr. President, today I am introducing a bill which attacks the fundamental source of inordinate concentration of economic power in this country—the monopoly power of big corporations.

I believe we can be faithful to America's free enterprise tradition and make it work. We can meet the challenge of growing foreign competition. We can cut consumer prices significantly. We can speed technological innovation.

The American consumer loses a minimum of $50 to $60 billion a year, and probably over $100 billion because of shared monopolies. If our Government moves aggressively against these shared monopolies, prices will fall by as much as 20 percent. Our economy will move toward full employment and stable prices without inordinate Government controls.

Concentrated economic power often becomes concentrated political power as well.

As President Nixon indicated in August of this year, the old remedies to control inflation do not work any more. They will not work until we cut down the power of the big corporations to raise prices without regard to market pressures.

We must return to real competition in our economy. We must make the free enterprise system work.

Now is the time for the Congress to challenge the myth that big is always best, that what is good for the big corporations like GM is good for the American people. We must face up to the mountain of evidence to the contrary.

I hope this legislation will focus the attention of the Congress and the country on the heavy burden the average American carries because of monopolies.

It is time for fundamental reform.

Mr. President, I appreciate that it has been the fashion in our country to dismiss those who believe industrial reform in America is an urgent matter. On the one hand, we have been told that there is no such thing as monopoly in America. The "trusts" of the late 19th century were, one learns in high school civics classes, all broken up, or at least broken up as much as the country thought desirable, by Teddy Roosevelt in the first decade of this century. But when evidence is presented that this view of the matter is not entirely accurate—that industrial monopolies are still very much with us—we are taught by some that these monopolies of the "new industrial state" are performing well and hence should be tolerated and even encouraged. Several questions are thus presented:

First. Do we actually have a significant amount of monopoly in America?

Second. If so, is it increasing or decreasing?

Third. If there are monopolies in America, are their net economic and social effects, from the standpoint of the general public, good, bad, or indifferent?

I have concluded that we do indeed have a serious monopoly problem in this country; that it is getting larger, not smaller; and that it is imposing a very large social cost on our citizens.

Let me begin by saying a brief word about the sources of the data on this problem. While there has been comparatively little discussion on this issue in the public press, there is a vast body of technical economic literature on the subject. An entire branch of the economics discipline, one with some 800 or so specialist-members, currently devotes itself to the study of monopoly and the social and economic costs it imposes. Literally thousands of professional books, journal articles, doctoral dissertations, masters' theses and the like report in meticulous—and not always exciting—detail the structure, conduct, and performance characteristics of almost every important industry in the national economy. Over time, these specialists in this somewhat esoteric branch of economics—the "industrial organization" branch—have accumulated a rather full inventory of data on the structure of the major American industries. And while these economic specialists, like most other members of professional groups, are hardly in agreement on every detail of every industry, there is for the most part a general agreement among the majority of them as to the broad contours of the national economy.

In brief, the overall size, shape, and general characteristics of our industrial machine are now a matter of common ground among the majority of these informed economic specialists. It is not a 100-percent consensus, of course; a certain number of these economists are employed by the larger industrial firms themselves, either directly or as consultants, and hence understandably do not share the critical analysis of the majority of their colleagues. Among the independent researchers, however, there is, as noted, broad agreement on the more important points.

The numbers used by the economists in this area, Mr. President, are very large. There are now more than 205 million people in the United States. Our workforce is approximately 85 million and our gross national product—GNP—is, as everyone knows, just over $1 trillion. About 70 percent of our national income is received by labor in the form of wages and salaries; the remaining 30 percent goes to capital—as profits, rent, and interest. And, to anticipate one of the major findings I want to emphasize here, monopoly costs the country an estimated minimum of $50 to $60 billion each year in terms of lost output flowing from its inflated costs and prices. Other estimates, equally respectable, exceed $100 billion. Figures of this size tend to be rather meaningless, Mr. President, unless we have some yardsticks to help us understand their magnitude. Let me suggest four such helpful yardsticks here:

The cost of all crime in the United States last year was $32 billion.

The cost of the Vietnam war this year is $15.8 billion.

Removing the major sources of pollution in the United States would cost an estimated $15 billion per year.

Eliminating poverty—minimum incomes of $3,000 for all—would cost an estimated $11.4 billion per year.

When these economists report then, Mr. President, that monopolies cost the United States at least $50 to $60 billion a year in high prices, waste, or lost output, it will be understood that we are talking about the equivalent of several times the cost of eliminating poverty, ending pollution, paying for the Vietnam war, or financing the high cost of crime.

This literature itself does not, however, make particularly exciting reading. It is filled with complex statistical data and detailed historical reports of the evolution of once competitive industries into highly concentrated monopolies and oligopolies. In substance, these economic scholars attempt to determine the current structure of a particular industry, whether it behaves in a competitive or noncompetitive manner, and how closely its performance—particularly its prices and record of innovations—matches the performance that is typically found in industries that approximate the structurally competitive norm. The ultimate fact to be learned, of course, is the degree of monopoly present in the industry and the cost of that monopoly power to the people of this country in such terms as inflated prices and suppressed technology that would have saved lives and otherwise improved the standard of living of our people, particularly those that are most needy.

Two recent scholarly books, both now in wide use as university textbooks—a fact that itself suggests the solid orthodoxy of their analysis—review this vast economic literature for us and present the broad conclusions of the economic experts as to where our economy now stands on the monopoly spectrum and where it appears to be headed. These two books, both published in 1970, were written by distinguished economists from the University of Michigan. One of them, entitled "Market Power and Economic Welfare"—Random House, 1970—was written by Dr. William G. Shepherd. The other, called Industrial Market Structure and Economic Performance—Rand McNally & Co., 1970—was written by Dr. Frederic M. Scherer. Written separately, they present a substantially similar picture of monopoly in American industry and reach broadly similar conclusions as to its economic and social significance.

These findings and conclusions of these and other specialists in the monopoly area can be briefly summarized as follows:

First. Of the approximately 11 million business enterprises—or firms—in the United States, just over 400,000 are in the key manufacturing sector. Of this latter group, about half or approximately 186,000 are corporations. And within the corporate group itself, a tiny fraction of 1 percent of them or 200 individual firms accounted for approximately 45 percent of all U.S. manufacturing at the end of World War II in 1947.[1] See table 1.

Second. Two decades later, in 1968, the 200 largest industrial firms accounted for over 60 percent of all U.S. manufacturing, an increase of some 15 percentage points in the share of this tiny group of firms.[2] Almost all of this increase, according to the Federal Trade Commission, was the result of mergers, primarily "conglomerate" mergers that occurred between 1960 and 1968. Had the 200 largest firms of 1968 been prevented from carrying out this tremendous merger movement—one that involved the acquisition of more than $50 billion in corporate assets in the 1947–68 period, and more than $15 billion in 1968 alone—their share of all U.S. manufacturing would have remained virtually constant.[3]

Third. In the key manufacturing sector of our economy—it accounts for slightly over 30 percent of the country's total income and wields great power over the nonmanufacturing sectors, particularly wholesale and retail trade—there are just over 400 separate "industries" or product markets, these ranging from razor blades and breakfast cereals to steel and automobiles. On the basis of long experience over many decades, the economic experts have separated these 400 industries into a competitive group and a noncompetitive or monopoloid group. Where the four largest firms in a particular industry account for roughly 20 to 40 percent of the industry's total sales, it is classed as a "loose oligopoly" and is considered, though not "atomistic" in structure, effectively competitive. As the share held by the four largest firms moves into the range of 40 to 50 percent, it starts to lose more and more of its competitive character and to make on more and more of the behavior patterns and performance features of the monopolized industry—higher-than-competitive prices, reduced rates of technological progress, and so forth. That tendency does not become really strong, however—at least in statistical terms—until the share of the four largest firms crosses the "threshold" point of "tight oligopoly," a four-firm share of 50 percent or more. The tendency toward collusion, price inflation, and the like becomes so strong at this point that, in statistical terms, industries of this character are classed by the economic experts as noncompetitive. Market forces have become so muted at this point and beyond that there is little hope there for the consumer to buy at competitive prices and enjoy the other benefits of competition among sellers.[4]

Fourth. According to Dr. Shepherd's findings, 199 of our manufacturing industries—out of, as noted, a total of just over 400 in the entire manufacturing sector—fell into that category in 1966, those 199 accounting for about two-thirds—63.8 percent—of all manufacturing goods produced in the United States.[5] In the still higher range of concentration, about one-third of the Nation's manufacturing output—34 percent—was produced in 1966 by industries in which the four largest firms accounted for 70 percent or more of the industry's total sales.[6] See table 2.

Fifth, a roughly similar pattern prevails in the nonmanufacturing sectors of the U.S. economy. Shepherd writes:

> All in all at least 35 to 45 percent of market activity in the United States appears to take place under conditions of substantial market (monopoly) power.[7]

Sixth, the monopoly power of these 199 noncompetitive industries produces, among others, the following adverse effects:

a. Redistribution of Income: According to Dr. Shepherd, approximately $4.9 billion out of total—after-tax—corporate manufacturing profits of $48 billion in 1967 were extra monopoly profits, over

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and above what would have been earned in the absence of excessive concentration,[8] that is, if the share held by the four largest firms in those industries had been no more than 40 percent—rather than 70 percent. For the economy as a whole, Dr. Shepherd estimates that the country's monopolists "redistribute" to themselves and away from consumers some $8.1 billion in monopoly profits per year.[9] The expectation of continued monopoly profits of this magnitude has, according to Dr. Shepherd, inflated the stock value of these monopoly firms by approximately $97 billion,[10] or roughly 10 percent of the total value of all corporate stock in the United States—$960 billion in 1967.[11] Of IBM's $42 billion stock value in May 1968, for example, Dr. Shepherd writes:

> No less than $6 billion (and more probably $15 billion) could reasonably be attributed to IBM's market (monopoly) power.[12]

All of this redistribution of income is of course highly regressive. As Dr. Scherer notes—p. 409 of his book—

> The wealthiest 1 percent of all American families control 75 percent of all privately-held corporate securities.

b. Inflated costs: Under monopoly—and its multifirm synonym, oligopoly—costs tend to be higher than in competitive industries and these inefficiencies of monopoly—like their monopoly profits—are of course passed along to the consuming public in the form of inflated prices. Dr. Shepherd reports:

> Some studies have indicated that when four-firm concentration goes above 70 percent, prices tend to go up by about 10 percent,[13]

with smaller losses at lower ranges of concentration. He concludes:

> A conservative estimate of the average effect on efficiency would be 5 percent of costs where market power (concentration) is very high, and 3 percent where it is moderate.[14]

Adding up all of these monetary losses to the public, Dr. Shepherd concludes that monopoly is costing the country, very conservatively, as much as 5 percent of national income, or slightly less than $50 billion per year.[15] Dr. Scherer puts the dollar cost-of-monopoly figure at 6.2 percent of GNP, or $62 billion per year.[16]

These dollar losses from the inflated costs of monopoly are, for the most part, however, concentrated in a relatively small group of industries. While there are, as I mentioned a moment ago, 199 manufacturing industries in which the four largest firms account for 50 percent or more of the industry's total sales, not all of these are of equal importance in terms of size and so forth. An attached table—see table 3—lists 97 of the more concentrated industries in this group, industries that are clearly believed to exercise a substantial amount of monopoly power and that thus impose super-competitive costs on the consuming public. A narrower list, one limited to 21 major manufacturing industries with substantial monopoly power is also presented by Dr. Shepherd. See tables 4 and 5. These 21 industries, according to Dr. Shepherd, alone accounted for nearly a third of all manufacturing activity in the United States in 1968.[17] Of those 21 industries, five of them alone—steel, automobiles, telephone equipment, computers, and drugs—are estimated by Shepherd as costing the public $6 billion or more each year in unnecessary monopoly costs.[18]

A variety of other studies have reported substantial overpricing in a wide array of American industries:

Automobiles: The industry's practice of changing its car "styles" each year, according to one economic study, adds an average of $700 to the price of each car sold, or approximately $5 billion per year in the early 1950's,[19] a great deal more today.

Gasoline: The petroleum industry's "prorationing" practice adds, according to Dr. Scherer, at least $2 billion each year to the cost of gasoline.[20] The oil import-quota system, according to a recent presidential task force report, adds a minimum of $5 billion per year to the cost of the consumer's gasoline.[21] The inefficiencies of the "exclusive-dealer" distribution system in the gasoline industry add, according to a study by Dr. Joe S. Bin of Berkeley, as much as 4 cents per gallon—or more than $3 billion annually—to the total.[22]

Railroads and trucks: A recent study by the Brookings Institution reports that, if the ICC was abolished and competition allowed in surface transportation, railroad and trucking rates would fall by an estimated 20 percent below their present level, a saving to the public of approximately $3.4 to $5.6 billion per year.[23]

Airlines: Price-fixing in the airline industry by the Civil Aeronautics Board—CAB—according to a recent economic study, inflates airline tickets by approximately 35 percent above the competitive level, a consumer loss of about $1 billion yearly.[24]

Food retailing: A recent study by the Federal Trade Commission reports that concentration among the supermarket chains adds approximately 4 percent to the cost of food at the retail level alone, for total consumer losses there of nearly $4 billion per year.[25]

Drugs: Drug prices are inflated by monopolistic practices, according to a 1967 university study, by approximately 30 percent—about $1.4 billion yearly.[26]

Advertising: At least a fourth of the $20 billion per year spent on advertising in the United States, or roughly $5 billion of that total, according to Dr. Scherer, goes to buy "messages which serve little function but to mislead the consumer or cancel out rival messages."[27] Another $5 billion, in Dr. Scherer's view, is wasted on "disfunctionally elaborate packaging," deceptive give-away programs, "accelerated styling changes which do nothing more than render last year's model obsolete," and similarly noncompetitive promotional practices.[28]

c. Suppressed innovation: The largest firms in the highly concentrated industries tend to suppress technological innovation rather than promote it. The bulk of the important innovations in recent decades have come, according to Dr. Shepherd, not from the leading companies in American industries but from "the second echelon of firms."[29] In his words:

> Dominant firms in stable, asymmetrical oligopolies now carry a presumption of technical inferiority.[30]

Or as Scherer has put it: "technological vigor appears to increase with concentration at relatively low levels of concentration. When the four-firm concentration ratio exceeds 50 or 55 percent (however), additional market power is probably not conducive to more vigorous technical efforts and may be downright stultifying."[31]

A case in point is the recent conviction of the leading auto firms for conspiring to suppress auto pollution technology, auto exhaust fumes accounting for 60.6 percent of total air pollution in the United States.[32]

Ralph Nader's antitrust study points to a study of the highly concentrated U.S. steel industry. It shows that of 13 major inventions between 1940 and 1955, none were developed by American steel companies. Most came from small European steel companies or independent inventors. If we are to compete in the modern technological age, we simply must encourage more competition in our giant industries.

d. Racial discrimination in employment: According to Dr. Shepherd, racial discrimination in employment—that is—"the inclusion of otherwise extraneous racial or ethnic characteristics as elements of evaluation of job applicants and as criteria for promotion"[33] is strongly associated with industry concentration. In his words:

> It is often said that competition is color-blind, while monopolists have the opportunity to apply prejudices of their own or of their workers against one minority group or another.[34]

Monopoly power, he concludes, "is positively and substantially related to discrimination in white-collar employment."[35] In brief, "open hiring of Negroes is found mainly in competitive industries, in some lesser firms in concentrated industries, and in nonprofit organizations."[36] Statistically, "a 20-percent point increase in 4-firm concentration is associated with a 15–20 percent reduction in the Negro share of white-collar employment."[37] The explanation for this phenomenon is a simple one: monopoly firms, unlike those in competitive industries, have the monopoly profits to indulge the uneconomic prejudices of their managers; competitive firms don't practice discrimination because they cannot afford it.

e. Inflation and unemployment: Perhaps the most controversial issue in economics, as we all know, Mr. President, has to do with the causes of inflation. On one point, however, there is full agreement: inflation and unemployment are linked together in a see-saw effect—to get less of the one requires more of the other. Both cannot, at least not with the traditional economic tools of fiscal and monetary measures, be lowered simultaneously. One of them, unemployment, is conceded by all to be within the full control of the national Government. By using the Federal budget and the Federal Reserve Board to inject additional

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spending power into the economy, the unemployment rate could, if that was our sole objective, be reduced as low as one might like, even to zero.

Unfortunately, however, as the unemployment rate moves downward toward approximately 4 percent—which means, based on a total civilian workforce of about 85 million, over 3 million men out of work—the rate of inflation starts to rise at an accelerating pace. To stop the inflation, we deliberately choke off the expansion of the economy and "disemploy" a large number of people. In the latter part of 1969, for example, the unemployment rate in the United States was 3.5 percent. The administration, concerned about the rising rate of inflation, concluded that the only solution was to sacrifice jobs and use our fiscal and monetary tools to increase unemployment. The latest figures, those for August 1971, show an unemployment rate of 6.1 percent—an increase in the number of unemployed workers in the country of just over 2 million men in the past 2½ years.

This current—1969–71—"recession" is, according to Dr. Walter Heller, "the first synthetic and purposely created recession in our history." [38] According to a recent article in the Washington Post, Dr. George Shultz, one of the President's key economic advisers, "has always said privately that Mr. Nixon showed great courage in permitting him to plan unemployment." [39] According to this Post article:

> He held out to the last in the hope that the mini-recession he had *created* would eventually halt inflation.[40]

Even after 2½ years of failure, he was "still arguing for a little more time." [41] Given the strong convictions of Mr. Shultz, Mr. McCracken and others that the only cure for inflation is a stronger dose of unemployment—a burden that falls with disproportionate weight on the little people, the nonwhites, the older workers, the younger workers, and the other "marginal" members of the workforce—a 1-percent drop in the overall level of employment means a 2-percent or more increase in unemployment among blacks, for example—it is a fair surmise that, after the November 1972 elections, they will once again be urging higher rates of unemployment as the "cure" for inflation.

The current unemployment rate of 6.1 percent of the workforce—5 million men and their families deprived of their livelihoods—is, I believe, a brutal and inhumane way of dealing with our inflation problem. It is currently costing us approximately $70 billion per year in lost output,[42] money that we should be using to deal with poverty and all the other social ills that plague this Nation. It is also unnecessary.

Inflation is of two broad general types, Mr. President. When it is accompanied by full employment of both the available workforce and the available plant capacity, then it is of course plain that what one has is the classical "demand-pull" variety of the phenomenon—too much money chasing too few goods—and the traditional tools of fiscal and monetary restraint are indeed the appropriate remedies. But when, as in 1969–71, inflation is accompanied by widespread unemployment and idle plant capacity—27 percent of our plant capacity is currently idle—it should be clear that it belongs to the not-so-well-understood cost-push species.

The "trade-off" between inflation and unemployment, Mr. President, arises principally out of the monopoly elements in the economy. The problem can be most conveniently visualized by imagining two youngsters sitting on opposite ends of a see-saw, one rising into the air as the other is lowered closer to the ground. The height of their respective trips up and down depends on the height of the saw-horse their teeter-board is sitting on. The degree of monopoly in the economy determines the height of the saw-horse. If there was no monopoly in the economy—if every industry was, as the economists say, "perfectly competitive"—the teeter-board—assuming adequate fiscal and monetary policy—would, by definition, be sitting very near to or actualy flat on the ground, very near a zero inflation rate and a zero unemployment rate. As the economy becomes less and less competitive, however, the saw-horse rises higher and higher above the ground—zero level. For one of the boys to reach the ground now on his end of the board—zero inflation for example—the other has to be raised very high into the air—say a 10-percent unemployment rate.

The significance of the antitrust laws thus lies in the fact that, whereas fiscal and monetary policy can only tilt the board one way or the other, antitrust can lower the saw-horse itself. By reducing concentration in the industries that cause cost-push inflation in the first place, it can lower both ends of the teeter-board at the same time.

The kind of cost-push inflation we have in the United States at the present time, Mr. President, is not caused by movements in the price of fresh fruits and vegetables or in the price of textile products. It is caused by increases in the price of the products sold by our major concentrated industries, particularly steel, automobiles, and the others I have referred to here. In the words of one of the economists specializing in the monopoly area, there are two features of the concentrated industries that link them to the problem of inflation, namely, a "tendency for their prices to be more flexible upward than downward, and their vulnerability to wage increase demands rationalized on grounds of ability to pay . . ." [43] As he summarizes the problem:

> Once substantial wage increases have been won in key (concentrated) industries and the prices of industry products have risen, inflationary pressures spread as other unions attempt to emulate the initial example and as all employee groups try to compensate for increased costs of living by demanding still higher incomes.[44]

The steel industry alone, for example, accounted for an estimated 40 percent of the inflation experienced by the United States in the decade of the 1950's, automobiles for somewhat less than half of that amount.[45] Let loose by the President's initial "hands-off" policy in 1969, they have repeated the process these past 2½ years, raising their prices in the face of declining demand and causing the administration, in an effort to undo those industries' inflationary work, to put more than 2 million additional workers into the poverty class.

The appropriate policy prescription for the United States at the present time, then, is one described recently by Chester Bowles, head of OPA during World War II:

"Mandatory wage and price controls limited to those areas where the competitive market forces of supply and demand have become or are becoming inoperative," which requires, in turn, "two complementary and mutually reinforcing steps: First, the immediate imposition of mandatory wage-price controls in the most concentrated sectors of industry (most of which are, in effect, already operating outside the market system), and, second, the vigorous use of antitrust policy to help promote competitive behavior to a point where these wage-price controls can be relaxed on an industry by industry basis." [46]

Substantively, these controls would limit increases to those justified by gains in productivity—and would be mandatory. With inflation under control, fiscal and monetary policy could then be used freely—without fear of inflation—to raise total spending and thus restore full employment.

With the immediate—short-term—problems of inflation and unemployment both under control, the task of keeping them that way would then be undertaken:

> Vigorous antitrust action against participants in these managed markets is an important element in the selective control approach which I have proposed. Only as economic concentration in key industries is reduced to the point where competitive market behavior vigorously reasserts itself should the government eliminate or significantly relax its mandatory wage-price controls.[47]

The steel and automobile industries, for example, would "carry the keys" to their own freedom around with them: the controls would be removed any time they consented to deconcentrate themselves into enough firms to create genuinely effective competition—say to the point where the four largest hold no more than 40 percent of their respective industries.

This is an eminently sound approach to the "Phase 2" problem coming up in November.

I think it is a fair summary of the economic evidence on monopoly in America to say, Mr. President, that a reduction in concentration in our important industries could reasonably be expected to have at least the following effects:

First. A lowering of prices across the board to the consumer by perhaps 20 percent or more, thus immediately increasing consumer purchasing power or real standard of living by that amount.

Second. A staunching of the gigantic flow of unearned monopoly profits that America's monopolists and oligopolists are currently "redistributing" from consumers to themselves each year.

Third. A dispersal of the great masses

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of economic power that are currently causing, by this private "redistribution" of income away from others and to themselves and their stockholders—and their use of that power to influence our legal and political processes—so much social unrest in the country.

Fourth. A significant reduction in the incidence of poverty in the country and the social illnesses—particularly crime—that poverty inevitably spawns, by effecting a fairer, more equitable distribution of income.

Fifth. A further reduction of poverty and unjustified income inequality by permanently eliminating the inflation-unemployment dilemma, the black box of despair we've gotten ourselves into that requires us to keep 5 million of our citizens out of work, and 27 percent of our plant capacity idle—at a cost of $70 billion in real wealth down the drain each year—in order to contain an inflation created by a few dozen corporate executives.

Sixth. A restoration of our strength in international markets by this increase in the competitiveness of our industries and the resulting lowering of their prices.

Seventh. A stimulation of the inventive and innovative capacity of our industries by eliminating the high concentration that leads them, at present, to conspire among themselves to suppress rather than promote innovations that would have improved the health, safety, and general welfare of our citizens.

Eighth. Last but hardly least, a lessening, by removing the monopoly profits that make such uneconomic practices possible, of the racial discrimination in employment that so tragically gives the lie to the promise of equal opportunity in America.

Mr. President, a distinguished panel of economic and legal experts appointed by President Johnson to study this problem of monopoly in America, the "White House Task Force on Antitrust Policy," issued a detailed report of its findings, conclusions, and recommendations in 1968.[48] Finding that the antitrust agencies, the Federal Trade Commission and the Antitrust Division of the Department of Justice, have refused over the years to use the existing antitrust laws to deconcentrate our major monopolies and oligopolies, this group recommended the passage of a new statute, a "Concentrated Industries Act," one that would make it the affirmative duty of those two agencies to bring deconcentration suits against all major "oligopoly industries," a term defined in the proposed statute as an industry first, having sales of $500 million or more and second, in which the four largest firms had accounted for 70 percent or more of the industry's sales for a designated period of years. A special antitrust court is proposed to hear these deconcentration cases. And a "scale-economies" defense is provided: Deconcentration would not be ordered if, in order to reduce the firms in the industry to the prescribed level—no firm with more than 12 percent of the industry's total sales—it could be shown that inefficiencies would be created and consumer prices thus increased.

This proposed statute is, on the whole, a sound if perhaps unduly conservative one. Its "cut-off point" between legal and illegal concentration, for example, four-firm shares of 70 percent or more, is clearly on the high side. A voluminous body of economic data goes to the point that, whereas collusion—price fixing—may not even be necessary in order for a group of firms to impose monopoly prices when four of them control 70 percent or more of the market, such collusion is rampant in the intermediate concentration ranges of tight oligopoly, those between four-firm shares of 50 percent and 70 percent.[49] This statute would, however, according to Dr. Shepherd's figures on current concentration, reach approximately one-third of all U.S. manufacturing even in its present form. That is to say, in making four-firm shares of 70 percent or more unlawful, it would reach industries that currently account for, by Dr. Shepherd's data, 34 percent of all manufacturing output.[50]

With these considerations in mind, Mr. President, I am introducing the Concentrated Industries Act drafted by the President's Task Force on Antitrust Policy in 1968, but with the view of proposing, if further study confirms my present feeling that it should be strengthened in one or more particulars, appropriate amendments.

It is, even in its present form, Mr. President, a landmark bill, one that would go, I believe, a long way indeed toward restoring economic justice in America.

One further point should be emphasized here, Mr. President. All of the evils I have described here are, in my view—and in that of a number of distinguished scholars in this area—already illegal under existing antitrust law. Section 2 of the Sherman Act of 1890, for example, declares it unlawful to "monopolize" any part of the trade or commerce of the United States. And violations of that statute are, by long-standing judicial interpretation, also violations of section 5 of the Federal Trade Commission Act of 1914. The officials charged with the enforcement of these two statutes have, however, resolutely refused for more than half a century to bring deconcentration lawsuits, contenting themselves with an occasional action against isolated examples of price-fixing and coercive acts of one businessman against another. These officials insist that, absent a showing of actual collusion on price, there is nothing wrong with four firms gathering 50 percent or 70 percent of an industry's sales volume into their hands and then exercising that monopoly power by overcharging the consuming public by the billions of dollars I have called to your attention here today.

I have concluded, therefore, that, despite the apparent adequacy of the existing law to deal with monopoly in America, there is no way to get it enforced in its present permissive form. Given the well-known power of the monopolies to influence the regulatory agencies in Washington, there is no way to get relief for the public from the looting involved here other than to define the evil in question in sharp numerical terms and then make it mandatory for the officials involved to carry out the deconcentration ordered by the statute.

Monopolies have ostensibly been illegal in America since 1890, Mr. President. For these past 80 years, however, the antitrust laws have been just one more of the long list of our broken promises to our people. Eight decades of failure to honor the key promise of economic democracy in America are enough. If the people of this country, and the peoples of the other countries of the world, are to take our boasts of economic justice seriously, it is time for us to take them seriously ourselves. I would lift this scourge of monopoly and the corruption it brings from the backs of the American people and make our country the real economic democracy the Founding Fathers intended it to be.

FOOTNOTES

[1] *Economic Report on Corporate Mergers*, Staff Report to the Federal Trade Commission (1969), pp. 191–193.

[2] Ibid.

[3] Ibid.

[4] Dr. William G. Shepherd, *Market Power and Economic Welfare* (Random House, 1970), pp. 63–64; *The Structure of Food Manufacturing*, Technical Study No. 8, National Commission on Ford Manufacturing, Staff Report to the Federal Trade Commission (June 1966), p. 205.

[5] Shepherd, id., p. 106, Table 7.1.

[6] Ibid

[7] Id., p. 246.

[8] Id., p. 210.

[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] Ibid.

[13] Id., p. 184.

[14] Id., p. 196.

[15] Id., p. 246.

[16] Dr. Frederic M. Scherer, *Industrial Market Structure and Economic Performance* (Rand McNally & Co., 1970), p. 408.

[17] Shepherd, supra, p. 151.

[18] Id., p. 246.

[19] F. M. Fisher, Z. Griliches, and C. Kaysen, "Costs of Automobile Model Changes Since 1949," 70 *Journal of Political Economy* (October, 1962), pp. 433–451.

[20] Scherer, supra, p. 407.

[21] *The Oil Import Question: A Report on the Relationship of Oil Imports to the National Security*, Cabinet Task Force on Oil Import Control (February 1970), p. 22.

[22] Dr. Joe S. Bain, *Pacific Coast Petroleum Industry*, Vol. III (1949).

[23] Dr. Thomas Moore, Michigan State University, as reported in *The Washington Post*, September 14, 1971, p. D–10.

[24] Dr. William A. Jordan, *Economic Effects of Airline Regulation* (University of California, Los Angeles, 1968) (doctoral dissertation).

[25] *Economic Report on Discount Food Pricing in Washington, D.C.*, Staff Report to the Federal Trade Commission (March 24, 1971), p. 10.

[26] Dr. Hugh D. Walker, *Market Power and Price Levels in the Ethical Drug Industry* (Vanderbilt University, 1967) (doctoral dissertation).

[27] Scherer, supra, p. 406.

[28] Ibid.

[29] Shepherd, supra, p. 208.

[30] Id., p. 247.

[31] Quoted in Shepherd, supra, pp. 204–206.

[32] Bruce W. Kaufman et. al., "Suppressing Technology; The Automobile Air Pollution Case," 3 *Antitrust Law & Economics Review* (Spring 1970), p. 117.

[33] Shepherd, supra, p. 213.

[34] Id., p. 60.

[36] Id., p. 218.

[37] Id., p. 216.

[38] *The New York Times*, September 12, 1971.

[39] *The Washington Post*, August 24, 1971, p. A–19 (emphasis added).

[40] Ibid. (emphasis added).

[41] Ibid.

[42] Dr. Abba P. Lerner, Queen's College, New York, in *The New York Times*, September 12, 1971.

[43] Scherer, supra, p. 410.

[44] Id., p. 289.

[45] Drs. Otto Eckstein and Gary Fromm, "Steel and the Postwar Inflation," Study Paper No. 2, Study of Employment, Growth, and Price Levels, Joint Economic Committee, 86th Cong., 1st Sess. (November 6, 1959), p 34. As summed up by Dr. Scherer: "Between 1953 and 1958 steel prices rose by roughly 34 per cent, while the overall wholesale price index rose by only 8 per cent. One result was an increase in steel imports from 1 per cent of total U.S. consumption in 1955 to 11 per cent in 1965, causing a direct adverse incremental impact on the U.S. balance of payments of $1.3 billion. And since steel is a basic raw material for many manufacturing industries, the increase in its price constituted cost increases to many other industries, with an undoubted effect on the prices charged for the end products of those industries. Using an input-output table of the American economy to estimate the secondary effects of steel price increases on the costs and prices of products incorporating steel as a raw material, Otto Eckstein and Gary Fromm concluded that the wholesale price index would have risen by 40 per cent less over the 1947–1958 period had steel prices risen no more rapidly than the wholesale prices of all other goods." Scherer, supra, p. 298.

[46] *The Washington Post*, September 12, 1971, pp. B1–B5.

[47] Id., p. B5, (emphasis added).

[48] Dean Phil C. Neal et al., "Report of the White House Task Force on Antitrust Policy," 2 *Antitrust Law & Economics Review* 11 (Winter 1968–69).

[49] Shepherd, supra, pp. 127–131.

[50] Id., p. 106.

Mr. President, I send the bill to the desk for appropriate reference, and I ask unanimous consent that the bill and certain tables in connection with the bill may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A BILL TO REDUCE THE CONCENTRATION OF INDUSTRIAL POWER IN CERTAIN MARKETS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Concentrated Industries Act".

REDUCTION OF INDUSTRIAL CONCENTRATION

SEC. 2. (a) It shall be the duty of the Attorney General and the Federal Trade Commission to investigate the structure of markets which appear to be oligopoly industries.

(b) When, as a result of such investigation, the Attorney General determines that a market appears to be an oligopoly industry and that effective relief is likely to be available under this Act, he shall institute a proceeding under section 4 of this Act for the reduction of concentration, to which all firms which appear to be oligopoly firms in such oligopoly industry shall be made parties.

(c) The Special Antitrust Court shall enter a judgment determining whether one or more markets are oligopoly industries, and, if so, which of the parties are oligopoly firms in such oligopoly industries.

(d) In order to provide an opportunity for voluntary steps looking toward reduction of concentration, no affirmative relief shall be ordered against such oligopoly firms for a period of one year following entry or affirmance of such judgment.

(e) After such one-year period, further proceedings shall be conducted and a decree entered providing such further relief as may be appropriate, in light of steps taken or initiated during the one-year period, to achieve, within a reasonable period of time not in excess of four years, a reduction of concentration such that the market share of each oligopoly firm in such oligopoly industry does not exceed 12%. Such decree may include provisions requiring a party (i) to modify its contractual relationships or methods of distribution; (ii) to grant licenses (which may, in the discretion of the court, provide for payment of royalties) under, or to dispose of, any patents, technical information, copyrights or trademarks; and (iii) to divest itself of assets, whether or not such assets are used in an oligopoly industry, including tangible assets, cash, stock or securities (including securities in existing firms or firms to be informed), accounts receivable and such other obligations as are appropriate for the conduct of business. The decree may also make such other provisions and require such other actions, not inconsistent with the purposes of this Act and the antitrust laws, as the court shall deem appropriate, including any provisions which would be appropriate in a decree pursuant to the antitrust laws. Such decree shall not require that a firm take any steps which such firm establishes would result in substantial loss of economies of scale.

(f) Four years after entry or affirmance of a decree pursuant to subsection (e) or a further decree pursuant to this subsection (f), the Attorney General shall institute proceedings to determine whether the decree has achieved the reduction of concentration referred to in subsection (e). If the court determines that such reduction has not been achieved, it shall enter a further decree ordering additional steps to be taken.

(g) Any decree entered pursuant to this section shall be subject to modification on the motion of any party according to the usual principles governing decrees in equity.

REGULATED INDUSTRIES

SEC. 3. (a) No action may be brought pursuant to section 2 of this Act with respect to any market which is subject to regulation with respect to its rates and charges under such Acts as may be designated by the Attorney General, unless, prior to the commencement of such action, a copy of the proposed complaint in such action shall have been furnished to the agency, commission, board, or body vested with regulatory power pursuant to any of the Acts enumerated, and such agency, commission, board, or body shall not have disapproved the commencement of such action within 90 days after receipt of such proposed complaint or shall have waived disapproval.

No decree in any action pursuant to section 2 of this Act may require divestiture of any assets used in any such regulated market, unless such agency, commission, board, or body shall have been served with a copy of the proposed decree and shall not have objected thereto within 90 days after such service or shall have waived objection. No such disapproval or objection or the withholding or waiver thereof shall be considered to be either an adjudication or a rule-making proceeding for purposes of subchapter II of chapter 5 of title 5, United States Code, or any Act of Congress establishing procedural requirements for determinations by any agency, commission, board or body.

(b) No action may be brought pursuant to section 2 of this Act with respect to a market (i) in which maximum prices or rates are subject to direct public utility regulation by any state, municipal, District of Columbia or territorial agency, commission, board or other body, and (ii) which consists of the furnishing of electricity, gas, water, or telephone services, without the consent of each such agency, commission, board, or body.

PROCEDURE

SEC. 4. (a) All proceedings under this Act shall be conducted by the Special Antitrust Court established under subsection (b) of this section. Such proceedings shall be conducted in a judicial district or districts determined by the court or pursuant to rules established by the court.

(b) The Chief Justice shall designate circuit judges and district judges to serve on the Special Antitrust Court for purposes of a specified proceeding or proceedings or for such period or periods of time as may be specified by the Chief Justice. The Chief Justice shall designate one such judge as Chief Judge of the Special Antitrust Court. Proceedings under this Act shall be conducted by panels consisting of one or more judges of the Special Antitrust Court designated by the Chief Judge of the Special Antitrust Court or by a judge or judges designated by the Chief Justice for the purpose. Such proceedings shall be conducted pursuant to the Federal Rules of Civil Procedure in effect at the time, subject to such additional rules (which may supersede or supplement the Federal Rules of Civil Procedure) as shall be adopted by the Special Antitrust Court for the purposes of proceedings under this Act.

(c) In any proceeding under this Act, the Special Antitrust Court may designate one or more economists or other persons to serve as expert witnesses to be called by the court. Such witness or witnesses

(i) shall be furnished with all evidence introduced by any party;

(ii) may offer additional evidence subject to objection by any party;

(iii) shall offer analyses of the issues, with particular reference to relevant markets;

(iv) shall recommend appropriate provisions for decrees;

(v) shall be subject to cross-examination and rebuttal.

DEFINITIONS

SEC. 5. As used in this Act.

(a) The term "oligopoly industry" shall mean a market in which

(i) any four or fewer firms had an aggregate market share of 70% or more during at least seven of the ten and four of the most recent five base years; and

(ii) the average aggregate market share during the five most recent base years of the four firms with the largest average market shares during those base years amounted to at least 80% of the average aggregate market share of those same four firms during the five preceding base years, but shall not include any market in which the average aggregate sales of all firms during the five most recent base years declined by 20% or more from such average sales during the preceding five base years.

(b) The term "oligopoly firm" shall mean a firm engaged in commerce whose market share in an oligopoly industry during at least two of the three most recent base years exceeded 15%.

(c) The term "firm" shall include corporations and associations existing under or authorized by the laws of the United States, any of the Territories, any State, or any foreign country, and shall include any entity controlling, controlled by, or under common control with such a corporation or association.

(d) The term "market" shall mean a relevant economic market, appropriately defined with reference to geographic area (which may be the United States or another geographic area) and product or service, including sales within such market by firms located outside the geographic area, if aggregate sales in the market amounted to more than $500 million during each of at least four out of the five most recent base years.

(e) The term "market share" shall mean

the proportion of a firm's sales in a relevant market to all sales in such market.

(f) The term "sales" shall mean annual gross sales, gross income, gross receipts, or, if no such amount is applicable, the corresponding amount, whichever is largest, as set forth in reports filed by a firm with the Securities and Exchange Commission pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934, or the largest such amount which would have been reported if section 13 or section 15(d) of the Securities Exchange Act of 1934 were applicable to require reporting by such firm for a base year of its gross sales, gross income, gross receipts, or a corresponding amount, in a market, and sales in a market shall include amounts which would have been reported but for the fact that goods or services were both produced and consumed by the same firm.

(g) The term "base year" shall mean one of the ten calendar years, the most recent of which ended more than six months and not more than eighteen months prior to the date on which any proceeding is instituted pursuant to section 2(b).

(h) The term "antitrust laws" shall mean the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, as amended, and section 7 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended.

(i) The term "commerce" shall mean trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

SEC. 6. Direct Appeal to Supreme Court.

Except as otherwise provided by law, any party to a proceeding before the Special Antitrust Court established under this Act may appeal to the Supreme Court from any final judgment of the Special Antitrust Court under section 2(c) of such Act, or from a decree of such court under subsection (f) or (g) of such section.

TABLE 1.—SECTORS IN THE U.S. ECONOMY

Sectors	Percent of national income originating in each sector		Employment, March 1968 (thousands)	Number of private enterprises, 1965 (thousands)		
	1950	1967		Sole proprietorships	Active partnerships	Active corporations
Agriculture, forestry and fisheries	7.3	3.4	3,537	3,225	128	28
Mining			585	36	15	13
Construction	7.1	6.2	3,306	705	58	113
Manufacturing	31.6	30.2	19,345	186	37	186
Transportation	5.6	4.0				
Communication	1.4	2.0	4,265	297	18	60
Electricity, gas, and sanitary services	1.6	2.0				
Wholesale and retail trade	17.0	14.8	13,778	1,854	235	440
Finance, insurance, and real estate	9.1	10.8	3,036	539	249	388
Services	9.0	11.5	10,300	2,208	169	188
Government, public firms, and rest of world	10.3	15.1	12,215			
Total	100.0	100.0	70,367	9,078	914	1,424

Source: Adapted from U.S. Bureau of the Census, Statistical Abstract of the United States, 1968, (Washington, D.C.: U.S. Government Printing Office, 1968). Tables 464, 317, and 682. Dr. William G. Shepherd, Market Power and Economic Welfare (Random House, 1970), p. 70.

TABLE 2.—PERCENTAGE SHARES OF TOTAL U.S. MANUFACTURING VALUE-ADDED IN 1966 THAT OCCURRED IN INDUSTRIES OF VARIOUS DEGREES OF CONCENTRATION

Degree of concentration in the largest four firms	Shares of Value-added, according to—		
	Raw census concentration ratios, 1958	Raw census concentration ratios, 1966	Adjusted concentration ratios, 1966
90 to 100	2.1	1.6	17.0
80 to 89	2.0	2.4	9.0
70 to 79	9.4	11.5	8.0
60 to 69	4.1	5.8	15.1
50 to 59	13.1	7.5	14.7
40 to 49	7.3	13.6	14.7
30 to 39	13.0	10.8	9.7
20 to 29	22.5	27.2	9.1
10 to 19	19.0	13.7	2.3
0 to 9	7.5	5.9	.4
70 and higher	13.5	15.5	34.0
40 and higher	38.0	42.4	78.5
Average degree of concentration	37.2	39.0	60.3

Source: Calculated from data in U.S. Senate Subcommittee on Antitrust and Monopoly, Concentration Ratios in Manufacturing Industry, 1953, pts' I and II. (Washington, D.C.: U.S. Government Printing Office, 1966); and U.S. Bureau of the Census, "Value-of-Shipment Concentration Ratios by Industry," Annual Survey of Manufacturers, 1966. M66(AS)-8 (Washington, D.C.: U.S. Government Printing Office, 1968).

Dr. William G. Shepherd, Market Power and Economic (Random House, 1970), p. 106.

TABLE 3.—NONCOMPETITIVE MANUFACTURING INDUSTRIES, BY CONCENTRATION RATIOS, 1966

Industry	Share of 4 largest firms (1966) (percent)	Value added (1966) (millions)
Locomotives and parts	98	$318
Razor blades and razors	98	145
Flat glass	96	431
Aircraft propellors and parts	96	133
Primary aluminum	95	725
Safes and vaults	95	64
Aircraft engines and parts	95	2,765
Electron tubes, receiving	95	244
Motor vehicles and parts	94	$15,540
Telephone and telegraph apparatus	94	1,432
Electric lamps	93	495
Pharmaceutical preparations	90	3,447
Metal cans	90	1,043
Soap and other detergents	90	1,297
Fibers, organic noncellulosic	90	1,302
Fibers, cellulosic man-made	90	244
Aircraft	90	4,675
Newspapers	90	4,012
Computing and related machines	90	2,828
Steam engines and turbines	90	505
Picture tubes, cathode ray	89	472
Floor coverings, hard surface	89	135
Chewing gum	88	177
Carbon and graphite products	88	175
Primary batteries	88	167
Cereal preparations	87	443
Engine electrical equipment	85	753
Glass, other pressed and blown	85	709
Sanitary paper products	85	476
Chocolate and cocoa products	85	180
Steel power boilers	82	350
Cigarettes	81	1,483
Blast furnaces and steel mills	80	9,644
Photographic equipment	80	2,282
Cement	80	839
Aluminum rolling and drawing	80	862
Glass containers	80	763
Primary copper	80	363
Pigments, inorganic	80	340
Brick and structural tile	80	275
Gypsum products	80	222
Sewing machines	80	97
Household laundry equipment	79	156
Household vacuum cleaners	78	156
Internal combustion engines	75	1,075
Transformers	75	584
Pulp mills	75	365
Bread and prepared flour	75	206
Electrometallurgical products	74	198
Household refrigerators	72	752
Industrial gases	72	363
Explosives	72	255
Tires and inner tubes	71	1,768
Transportation equipment hardware	71	700
Mineral wool	71	252
Chemicals, other inorganic	70	2,149
Farm machinery and equipment	70	2,057
Construction machinery	70	1,881
Wire drawing, nonferrous	70	1,342
Ball and roller bearings	70	871
Biscuits, crackers, and cookies	70	713
Abrasive products	70	$620
Typewriters	70	424
Wet corn milling	67	347
X-ray apparatus and tubes	67	141
Petroleum refining	65	4,082
Chemicals, other organic	65	3,641
Shipbuilding and repairing	65	1,362
Elevators and moving stairways	63	236
Milk, fluid	60	2,232
Periodicals	60	1,706
Radios and TV receiving sets	60	1,675
Toilet preparations	60	1,675
Motors and generators	60	1,366
Switchgear and switchboards	60	972
Copper rolling and drawing	60	898
Industrial controls	60	719
Surgical appliances and supplies	60	467
Steel shapes, cold finished	60	307
Metals, secondary nonferrous	60	293
Storage batteries	60	284
Rolling mill machinery	60	260
Industrial trucks and tractors	60	405
Household cooking equipment	60	254
Primary zinc	60	134
Electron tubes, transmitting	57	252
Rubber, synthetic	56	443
Distilled liquor	55	1,483
Steel pipe and tube	55	417
Coal tar products, intermediate	52	718
Broadcasting equipment	50	4,855
Bread and related products	50	2,658
Plumbing fixtures, metal	47	146
Paper industries machinery	37	263

Source: Dr. William G. Shepherd, Market Power and Economic Welfare (Random House, 1970), pp. 274-281.

TABLE 4.—MAJOR AMERICAN MARKETS WITH SUBSTANTIAL MARKET POWER, 1968 (APART FROM UTILITIES)

Markets and leading firms	Net assets in millions	Approximate share of these firms in relevant markets (percent)
INDUSTRIAL		
Telephone equipment		80-90
Western Electric	$2,721	
Motor vehicles		90-100
General Motors	14,010	
Ford	8,953	
Chrysler	4,398	

Markets and leading firms	Net assets in millions	Approximate share of these firms in relevant markets (percent)
Computers		70–80
IBM	$6,743	
Heavy electrical equipment		70–80
General Electric	5,744	
Westinghouse	2,271	
Petroleum refining		40–50
Standard Oil (N.J.)	16,786	
Texaco	8,687	
Gulf	7,498	
Mobil	6,872	
Iron and steel		50–60
United States Steel	6,391	
Bethlehem	3,060	
Armco	1,633	
Republic	1,608	
Drugs		70–80
American Home Products	680	
Merck	488	
Pfizer	735	
Lilly	457	
Soaps, etc		60–70
Procter & Gamble	1,612	
Colgate	531	
Lever	238	
Industrial chemicals		60–70
DuPont	$3,289	
Union Carbide	3,209	
Dow	2,312	
Monsanto	1,895	
Aircraft engines		90–100
General Electric	5,744	
United Aircraft	1,358	
Aircraft		80–90
Boeing	2,186	
McDonnell-Douglas	1,335	
General Dynamics	866	
Flat glass		50–60
P.P.G. Industiries	1,095	
Libby-Owens-Ford	385	
Aluminum		80–90
Alcoa	2,192	
Kaiser	1,371	
Reynolds	1,197	
Copper		60–70
Anaconda	1,685	
Kennecott	1,541	
Phelps-Dodge	654	
Photographic supplies		60–70
Eastman Kodak	$2,565	
Tires and tubes		70–80
Goodyear	2,377	
Firestone	1,883	
Uniroyal	1,121	
Photocopying		70–80
Xerox	906	
Dairy products		60–70
Borden	1,023	
National Dairy	948	
Carnation	456	
Metal containers		80–90
American Can	1,337	
Continental Can	1,073	
Cereals		60–70
General Mills	505	
Kellogg	286	
Soup		90
Campbell	560	

Source: Dr. William G. Shepherd, Market Power and Economic Welfare (Random House, 1970), p. 152–153.

TABLE 5.—DIFFERENCES IN CONCENTRATION AMONG U.S. MANUFACTURING INDUSTRY GROUPS IN 1966

Industry group	Total value added (billions)	Group's 4-firm weighted average concentration (percent)	Percent of group's value added in industries with 4-firm concentration over 60 percent
20. Food and kindred products	$24.9	55.0	37.0
21. Tobacco manufacturers	1.9	83.0	84.6
22. Textile mill products	8.0	44.0	10.6
23. Apparel and related products	9.2	23.0	3.0
24. Lumber and wood products	4.8	43.0	2.3
25. Furniture and fixtures	4.0	34.0	0
26. Paper and allied products	9.4	44.0	13.8
27. Printing and publishing	13.3	56.0	45.4
28. Chemicals and allied products	22.8	71.0	77.0
29. Petroleum and coal products	4.7	68.0	86.7
30. Rubber and plastic products	6.3	49.0	32.4
31. Leather and leather products	$2.4	44.0	1.4
32. Stone, clay, and glass products	8.4	71.0	70.5
33. Primary metal industries	20.9	75.0	74.0
34. Fabricated metal products	15.8	51.0	25.0
35. Machinery	26.8	55.0	42.6
36. Electrical machinery	23.4	61.0	50.8
37. Transportation equipment	29.2	83.0	86.7
38. Instruments and related products	6.4	67.0	50.5
39. Miscellaneous manufacturing	4.3	48.0	24.8
Total	247.0	60.0	51.1

Source: Dr. William G. Shepherd, Market Power and Economic Welfare (Random House, 1970), table 7.2, pp. 110–111.

By Mr. CASE:

S. 2615. A bill to amend the National Flood Insurance Act of 1968 to suspend until December 31, 1973, the provisions making flood insurance coverage a condition of Federal disaster assistance, to extend for 2 years the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage and the date as of which the existing authority for emergency Federal implementation of the program will expire, and to provide that coverage shall be available under the national flood insurance program for all residential properties. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. CASE. Mr. President, today I am introducing legislation to provide more effective protection under the Federal flood insurance law.

In recent weeks many States, including my own State of New Jersey, have experienced extensive damage caused by flooding. Unfortunately, efforts to repair the damage have been, in many cases, thwarted by an obscure provision of the Federal Flood Insurance Act. This provision, called the nonduplication of Federal benefits, penalizes those homeowners and businessmen who did not buy coverage in communities where the insurance has been available for more than a year.

The national flood insurance program was established under the Housing and Urban Development Act of 1968 to make available limited amounts of flood insurance to property owners and small businessmen in areas certified as flood prone by the Federal Insurance Administration.

It is estimated that about 7,000 communities could qualify for certification as flood prone areas. But only 720 communities have been certified. Moreover, the rate of increase in communities approved has been about 4 percent per month.

As of July 31, 1971, approximately 73,700 insurance policies had been issued. In August of 1971, the total number of insurance policies issued actually fell 2 percent, to a level of approximately 72,100 policies, even as the number of participating communities rose 3 percent. In New Jersey, following the recent floods it was found that only 64 communities were certified and only 6,000 policies in those areas had actually been taken out.

Such limited participation in the program is disappointing, although understandable. The Federal insurance program is hardly 3 years old. I am advised by private insurance experts that it takes about 5 years for new types of insurance to become generally known to the public.

But much of the problem lies in certain requirements of the program itself.

Under current provisions of the law, after a community has enrolled for 1 year's time in the food insurance program, individuals are excluded from receiving financial disaster assistance. As George Bernstein, the Federal Insurance Administration, recently pointed out:

> If there is a lapse since the individual was eligible for the coverage and he has failed to purchase it, under the present provisions of the Act, that person is denied financial federal disaster relief to the extent that he could have purchased the federal flood insurance. I believe this provision is an inequitable provision, it's unenforceable on a reasonable basis, and it is detrimental to the long range purpose of the flood insurance program and I would like to see Congress repeal it.

This is a forthright statement by the Federal Insurance Administrator. And we can see the injustice reflected statistically in the few policies purchased and the decline in policy purchases.

A good example is the case of Elizabeth, N.J., where the recent storms flooded 10,000 homes. Elizabeth is a certified community. It has a population of 112,000 yet only 19 insurance policies have been issued under the Flood Insurance Act. Well over 99 percent of the families in Elizabeth have no protection whatever. Cases similar to Elizabeth exist throughout my State and throughout the Nation.

The bill I submit today requires a 2-year suspension of nonduplication of Federal benefits provision of the Federal insurance law. This suspension will be retroactive to enable those who have suffered to apply for financial disaster assistance.

A second provision of my bill will extend for 2 years the period of time within which communities must adopt land use and control measures. Without the extension, communities who apply for certification after December 31, 1971, will have to demonstrate that they have already implemented flood abatement and control procedures. Extension will allow communities in New Jersey and the other States that should but are not now in the flood program to join the program under the relatively simple procedures that are currently required to achieve this purpose. In my own State at least 277 communities should be certified for Federal flood insurance protection.

A third provision of my bill will broaden the insurance coverage. The existing law protects only dwelling units up to four families. My bill will allow insurance coverage for all residential dwelling units, including multifamily dwellings such as garden apartments.

Consistent with this change, my bill will add to the present $17,500 aggregate liability for any dwelling unit and $30,000 for any structure containing more than one, $10,000 for each unit of housing in excess of two.

The National Flood Insurance Act of 1968 is a good program. It provides insurance where there was once none. But as we have learned by experience, it needs revision to become fully effective. The legislation I propose will provide relief to those who have suffered from the recent flood disasters and at the same time encourage wider participation in the future.

By Mr. ERVIN:

S. 2616. A bill to provide for the application of the prohibitions contained in the Sherman Act to the businesses of organized professional baseball, football, and all professional sports. Referred to the Committee on the Judiciary.

ERVIN INTRODUCES LEGISLATION TO END PRO SPORTS MONOPOLIES

Mr. ERVIN. Mr. President, today I am introducing in the Senate and Congressman EMANUEL CELLER is introducing in the House a bill to remove the antitrust exemption which professional football and baseball teams have enjoyed in this country. My bill would simply remove the preferred status which baseball and football have enjoyed by placing them under the same antitrust sanctions applicable to all professional sports. My bill reads:

S. 2616

A bill to provide for the application of the prohibitions contained in the Sherman Act to the businesses of organized professional team sports

Be It enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 9. Notwithstanding any other provisions of the law, on and after the effective date of this section the business of providing for profit public games or contests between any team of professional players shall not be exempt from the prohibitions contained in sections 1, 2, and 3 of this Act."

SEC. 2. This Act shall take effect one year after the date of its enactment.

My reasons for introducing this legislation are detailed in a statement which I made before the Senate Antitrust Subcommittee in opposition to the bill to allow the merger of the professional basketball leagues, and in a press release which Chairman CELLER and I released today. I ask unanimous consent that these items be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ERVIN AND CELLER ASK FOR END TO ALL PRO SPORTS MONOPOLIES

WASHINGTON, D.C., Sept. 30, 1971.—Today Senator Sam J. Ervin, Jr. (D-N.C.) and Congressman Emanuel Celler (D-N.Y.), Chairman of the House Judiciary Committee and its Antitrust Subcommittee, introduced legislation to end the antitrust exemption which professional baseball and football have enjoyed in this country. The legislation would remove the preferred status that baseball and football have enjoyed by placing them under the same antitrust sanctions applicable to all professional sports.

Ervin and Celler charged that "too often, the sport monopolies come crying to Congress for special legislation because they feel that the health of professional sports is in the national interest. But when it comes to blacklisting and throttling player negotiations, charging high prices to fans, blacking out TV, and moving franchises at will; the sports monopolies act with the greedy singlemindedness of a child reaching in a candy jar—more, more and more. There is no question," said the lawmakers, "that the same abuses that prompted the passage of the Sherman Antitrust Act in the 19th century are at work among the sports trusts today."

Both Ervin and Celler decried the restrictions which professional teams impose on the players right to bargain. "There is no question that these restrictions are the only government sanctioned restraints on an individual's right to bargain to sell his services and they effectively exclude the player from the free enterprise system. The restrictions amount to serfdom," they continued, "and we can think of no better term for the team owners than 'czar'."

Chairman Celler said he is considering holding hearings on the entire sports field that would necessitate a careful look at all team finances, including the tax uses which an owner makes of his team. Ervin said that the Senate Antitrust hearings on the proposed basketball merger which he is currently chairing could be broadened to include all professional sports.

STATEMENT OF SENATOR SAM J. ERVIN, JR. ON S. 2373, A BILL TO MERGE THE PROFESSIONAL BASKETBALL LEAGUES

Today the Senate Antitrust and Monopoly Subcommittee begins hearings on a bill—S. 2373—which seeks to gain Congressional approval of the proposed merger of the nation's two major professional basketball leagues—the National Basketball Association and the American Basketball Association. Specifically, this legislation would exempt the merger of two or more professional basketball leagues from our nation's antitrust laws.

Many years ago the term "chattel" was used to denote the legal status of slaves. That is, they were considered a type of chattel which was owned as a piece of furniture or livestock was owned. This use of the term "chattel" applied to human beings and the condition it stands for are so abhorrent that we don't even like to acknowledge that they ever existed. Yet, in a real sense that is what these hearings are about today—modern peonage and the giant sports trusts.

GENERAL BACKGROUND

The clearly stated objectives of our nation's antitrust policy over the years and the uncompromising language of Sections 1 and 2 of the Sherman Act, places a heavy burden on those who would grant an antitrust exemption to professional basketball to enable the merger of the NBA and ABA. Specifically, Section 1 of the Act provides that:

> Every contract, combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor . . .

and Section 2 provides that:

> Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several states, or with foreign nations, shall be deemed guilty of a misdemeanor . . .

With the notable exception of major league baseball, all professional team sports are subject to the jurisdiction of the antitrust laws. In the case of baseball, the Supreme Court ruled in 1922 that professional baseball was "not a subject of commerce" and thereby was exempted from the antitrust laws (*Federal Baseball Club of Baltimore v. National League,* 259 U.S. 200). This interpretation was tested again in 1953 in *Toolson v. N.Y. Yankees* (346 U.S. 356) and the Supreme Court refused to overturn the earlier decision. In doing so the Court took the position that the Congress, not the Court, should decide whether or not professional baseball should be subject to the antitrust laws.

Despite this ruling, the Courts in subsequent cases ruled that neither professional basketball nor football could be considered exempt from the antitrust laws. In 1956 the Federal District Court ruled in *Washington Professional Basketball Corp. v. National Basketball Association* (147 F. Supp. 154, S.D. N.Y. 1956) that:

> (The) business of professional basketball conducted on a multistate basis, coupled with the sale of rights to televise and broadcast games for interstate transmission is trade or commerce among the several states within the meaning of the Sherman Act.

Following this opinion involving professional basketball, which was not appealed to a higher court, the Supreme Court in 1957 in *Radovich v. National Football League* (352 U.S. 443) held that professional football likewise could claim no exemption from the antitrust laws. Consequently, there can be no doubt that professional basketball will be in violation of the antitrust laws if the NBA and ABA consummate a merger without Congressional approval of an antitrust exemption.

In 1966, the Congress approved legislation authorizing the merger of the American and National Football Leagues. However, when we study the legislative history of that action, the conclusion is unmistakable that the measure was railroaded through the Congress. The Senate committee having jurisdiction over the bill did not hold hearings and the bill was subsequently passed by the Senate without debate. The House Judiciary Committee did hold hearings; however, the Committee made no attempt to explore the many significant antitrust issues raised by the pro-football merger bill. The bill subsequently passed the House as a rider on a revenue measure.

I deeply hope that Congress will not follow the precedent it set in its handling of the pro-football merger question. This Committee plans to conduct an extensive and comprehensive inquiry before final action is taken one way or the other on the proposed basketball merger bill. The common draft and the option clause which will result from the merger are issues concerning the economic enslavement of professional basketball players, and are too important for such ephemeral treatment as was accorded the football merger.

The merger of the basketball leagues has been the subject of heated controversy between the owners and the players. The owners contend that the absence of a merger would seriously threaten the future and economic well-being of pro-basketball, given the continuation of the current bidding war being engaged in by both leagues for player talent. The players, on the other hand, argue that the merger is anti-competitive and thereby violates the clear intent of our nation's antitrust laws. And most important, the players argue that the merger and the resulting common draft and option clause would bring an end to the current healthy market situation where they can in the spirit of fair and open competition sell their skills to the highest bidder.

Given these conflicting points of view, the players of the NBA filed an antitrust suit, *Robertson v. National Basketball Association*, in April 1970, contending that the proposed merger between the NBA and ABA should be blocked because (1) such a merger of two separate and independent leagues would constitute the creation of a monopoly, thereby enabling the new 28-team league to control, regulate and dictate the terms upon which professional league basketball shall be played in the United States; and, (2) because such a merger would specifically eliminate competition in the acquisition and allocation of player personnel.

Upon hearing the arguments of both sides, the Court, in essence, ruled that a merger between the two leagues, without the expressed approval of the Congress, would violate the antitrust laws. Nevertheless, the court did agree to allow the ABA and NBA to resume (1) merger negotiations; and, (2) any other meetings for the purpose of preparing for possible Congressional action on the matter.

Based on the facts we have before us today, I am compelled to take the position that the Congress should not honor the professional basketball leagues' request that they be exempted from the antitrust laws for the purpose of consummating a merger.

THE COMMON DRAFT

The highest value of civilization is freedom. One of the most important aspects of our freedom is the freedom to contract. One of the liberties granted to Americans by the Fifth Amendment was the right to engage in freedom of contract, and the 14th Amendment which states that no person shall be deprived of life, liberty, or property without due process of law, protects the freedom of contract from impairment by the States.

However, S. 2373 would authorize professional basketball teams to enter into an agreement under which basketball players could only negotiate a contract with one particular team. The common draft, as it is called, is agreed to by the merged league and the players are split up and assigned to teams in the absence of the persons to be affected by the agreement and without their knowledge and consent. Thus, S. 2373 proposes to rob every man in America who possesses skill in basketball of the right to sell his skill to the highest bidder on a free market and negotiate a contract with anybody who desires to purchase his athletic skill.

S. 2373 would not affect the freedom to contract as to lawyers or boxers. Lawyers would still have the right to make free contracts and sell their legal services for what they were worth. The same thing would apply to prizefighters, doctors, businessmen and other wage earners.

To my mind, this common draft which the professional basketball teams are asking for today would be comparable to the newspaper profession deciding that a college journalism graduate could either work for the newspaper in Anchorage, Alaska at the salary offered or not work at all.

This common draft, of course, is done so that bonuses and other inducements which the professionals offer for talent may be kept at a minimum. It is clear to me that the only reason for the institution of the common draft and the passage of this bill is the pocketbooks of the owners.

OPTION CLAUSES

In their dealings with their players, baseball and football both have reserve clauses or option clauses which bind the players to that team and prevent them from bargaining with another team for their services. The reserve clause in baseball is the worst and the normal contract for that sport contains a renewal clause which allows the club management to renew the player's contract for one year. In this contract, the owner can demand a salary decrease of 20 percent and the player can either sign or not play for anyone. If he signs, the new contract contains a new renewal contract and thus the club has a perpetual option on his services.

The contracts used in football do not bind outright the player to the team, but there is an option contract of one year. The player can play out his option with a salary reduction of only 10 percent, and the new contract does not contain a renewal clause. However, the by-laws of the football leagues state that:

> "Whenever a player, becoming a free agent in such manner, thereafter signs a contract with a different club in the League, then . . . the Commissioner may name and then award to the former club one or more players from the active, reserve or selection list (including future selection choices) of the acquiring club as the Commissioner, in his sole discretion, deems fair and equitable; and any such decision by the Commissioner shall be final and conclusive." (Art. XIII, Sec. 3 NFL Constitution)

A writer for the Maine Law Review last year concluded that the Commissioner's charges or mandatory compensation for such bargaining by the players were so great that, "Few, if any, football players have been successful in playing out their options and moving to another club. The end result is that the option clause in football has the same effect as the reserve clause of baseball because the player is still tied to the club with which he first negotiated."

If S. 2373 is debated on the Senate floor, I plan to reopen the question of the common draft and the option clause as used by football and baseball by offering amendments dealing with these matters.

If the merger of the two basketball leagues goes through, the basketball players will find themselves in the same position as the football players. That is, they will be perpetually tied to one club. However, the proposal by the attorneys for the basketball owners contains an even more subtle element to prevent player bargaining with teams than the football agreement. Senator Kuchel, in his statement for the merger, has proposed that the basketball owners will have an "independent" arbitration panel determine the compensation which a team will receive if a former player signs with another club. The fact remains that there will be a mandatory compensation factor involved if a player leaves his team after playing out his contract; thus, an element of the perpetual ownership of a player by his original signer is still with us. The price that an acquiring team will have to pay is unknown as it would only be determined after the player signs his new contract. This unknown factor will have to discourage a team from signing any free agents. In short, there is no inducement to trade in the new proposal and the teams will still boycott any team member that holds himself out as a free agent. Therefore, even under the basketball owners' proposal, the players find themselves comparable to the medieval serf who was bound to the land.

Of course, even with the proposal of the basketball owners, there is still the problem of potential "blacklisting" by the league owners' joint action. Also the common draft remains which limits a youth out of college to bargaining with only one club or not playing, and the assignment of contracts which could send a player far from his home and require that that he play there or not practice his profession.

So what the Senate is being asked to do is to sanction a common draft of all players when they become eligible. In the draft, one team gets the rights to each player, and that player can only negotiate with that team or not play. After the player signs, then he will have to sign with the same club unless another club bids for his services. Because the proposal of the basketball owners still contains a mandatory compensation factor, there will be no incentive for the other owners to bargain for the services of the player and, practically speaking, he will have to bargain with his club or none. If, during his service with his club, he is traded to another club across the country, he will have to pull up his roots and go or not be allowed to practice his profession. In no other work in this country is this practice of selling souls allowed. If a salesman or any businessman is transferred to another city by his owner, he can still quit and bargain with other companies in his home area and practice his trade if he secures employment.

PUBLIC UTILITY STATUS OF MERGED BASKETBALL LEAGUES

The owners of the professional basketball leagues are asking for what, I believe, is the biggest financial giveaway in this country since the SST was proposed. If the owners truly believe that it is in the national interest for them to operate as a monopoly, and Congress passes S. 2373, I shall propose an amendment, which legislative counsel is presently preparing, to create a Federal Commissioner of Athletics to regulate all major professional sports—baseball, football, hockey and basketball. If Congress authorizes this merger, it should have the right to determine such things as rates of return, ticket prices, territories, and it should supervise the draft of new players. Public utilities in this country enjoy a monopoly situation. Electric companies, gas companies and telephone companies are all regulated by the government in exchange for the government granting them monopoly status. The airlines, radio and television are all regulated in exchange for a government license. If the owners of professional sports teams ask to be treated as a monopoly, they should expect government regulation. Otherwise the Federal government, without any strings, is giving a handful of extremely rich men millions of dollars and giving them the right to drop chains around the neck of every professional baksetball player and every potential player in this country.

WASHINGTON, D.C.—A CASEBOOK STUDY OF THE MONOPOLIES AT WORK

I believe that an examination of sports in Washington points up the evils of the big sports monopolies. The simple fact is that the people of Washington are in danger of being disenfranchised from professional sports by the big monopolistic owners. As far as football is concerned, every home game is sold out and season tickets are bringing scalpers prices of two and three hundred dollars each. Yet, because of the football merger, the monopolists will not allow the sold-out games to be televised in this city. All this takes place while the Redskins football team use a United States government stadium and allow big corporations, hotels and individuals to own tremendous blocks of tickets to the exclusion of the little man for whom we are supposed to be protecting the sport. If S. 2373 passes, I plan to support Senator Proxmire's bill, S. 1521, as an amendment to the basketball merger bill which will prevent the blackout rule from applying when there is a sellout.

The city of Washington has one of the largest black populations of any city in this country. Also, if you have seen any professional all-star basketball games recently, you can't help but acknowledge that the sport is dominated by black athletes. Thus, it would seem natural that Washington would have a professional basketball team for the city to take pride in. Well, Washington did have a team but its owner, Earl Foreman, was bought out by agreement of the two leagues and he moved. As a part of the proposed merger agreement between the two leagues which I have in my possession, Mr. Foreman is to be given $1,750,000 for leaving the city; and no team other than the Baltimore Bullets can play in the nation's capital because it is in their territory. The owner of the Bullets, Mr. Abe Pollin, who is with us today, contended recently in the *Washington Post* of Sept. 8 that the nation's capital is logically within his franchise area of 75 miles, and when asked by the reporter if he would fight to keep another team from coming here, he was able to answer with the assurance of a potential monopolist: "Certainly, Washington and Baltimore are only 40 miles apart and I consider this within my franchise rights." So, Congress is being asked to sanctify the exclusion of professional basketball from Washington. Can this be good for the sport, the fans, or for anyone other than the pocketbook of the owners of the Bullets?

I understand that the Bullets might play a few games in College Park, Maryland, as a sop to the District; but I believe that cheering for another city's team is about as exciting as "kissing your sister" and how is the city's working man going to afford that trip to Maryland.

Concerning baseball, which enjoys a monopolistic position, we are still not sure if economic necessity will force the Senators to leave Washington. Negotiations are going on but the primary reason that the team is losing money was the high price the Senators had to pay several years ago to join the baseball trust.

So much for our nation's capital and sports!

BASKETBALL PLAYERS SALARIES

Those desiring the basketball merger cite the high salaries paid to professional basketball players as destroying the leagues. Personally, I believe that if a basketball player is good enough he should be paid the highest price that bidders for his services are willing to pay. I do not believe that contracts for player services will rise indefinitely beyond what a team can pay. If they get too high the teams will just stop bidding beyond what they are able to pay and the economic force of the marketplace will cause an adjustment. But simply to say that salaries are too high is to ignore the freedom to bargain which our economy allows to those who are selling personal services, and that includes everyone who is selling personal services—doctors, lawyers, Indian chiefs, ditch diggers, and prize fighters.

Actually, professional basketball salaries are higher than that for other sports, but this just confirms my belief that the monopolistic conditions which exist in other sports keep the salaries of professional athletes below what they should be. Also, basketball is drawing increasingly more fans and basketball players play more games with less personnel involved than professional football players.

Everyone can use figures to his own advantage, of course, but the rise in players' salaries makes a very interesting comparison with the increase in the value of professional basketball team franchises. For example, from Mr. Nathan's testimony today we find that the average salary of the 3 highest players in the NBA for 1967–1968 was $57,000 and in 1970–71 this rose to $92,000, or an increase of 61 percent. The average salary of the rest of the players has gone from $17,000 to $33,000, which is an increase of 94 percent.

But the salary figures have to be compared to the increase in the sports franchises. The value of the Boston Celtics as measured by purchase prices went from 2.8 million in 1965 to 6.2 million dollars in 1969, which is an increase of 121 percent. The value of the Houston Rockets basketball team has gone from 1.7 million in 1967 to 5.7 million in 1971 which is an increase of 235 percent. Thus, the players earnings are really just keeping pace with the value of the clubs.

One of the most telling reasons that a professional athlete should receive high compensation is the short duration of his playing career. Excellent players like Earl Monroe and Gus Johnson of the Baltimore Bullets constantly perform with the fear that their battle-scarred legs will give away. Just this Sept. 10 there was a story in the *Washington Post* about a knee injury ending the career of a player, Henry Logan, of the Virginia Squires. He had had six operations on his knee and had only played two seasons of professional ball. (See exhibit A) To my mind, the climate these young men are compensated for playing under is like that of a highly skilled surgeon performing his daily operations with the fear that the operation could crush the hands.

Also, as Judge MacMahon said in the *Robertson* case, ". . . youth passes away and consequently, basketball players have limited professional careers." In other words, these players are not receiving these high salaries for life as a lawyer or doctor could expect to do, but for only a few years are they compensated for their primary life's work before they are then dumped back into society absent their skills. Nowhere is the short duration of an athlete's playing life given colder or more clinical treatment than in the owner's income statement. There they are treated as capital assets and depreciated as a car or a machine with a useful life of 5 years.

THE MONOPOLY AND TELEVISION

One interesting aspect of this basketball merger is that the television networks will be dealing with only one league and that league will be able to offer a station the monopoly rights to its games. This will increase the value of the broadcast rights tremendously and will put the league in such a strong position in dealing with the TV stations that it might be well for Congress to ponder an antitrust exemption for the various television companies in order that they might combine to bargain with the mighty Basketball Trust. Also, since competing league broadcasts will be eliminated, there will be less choice for the television viewer.

FINANCIAL POSITION OF BASKETBALL CLUBS

As I have read the statements of the owners, there seems to be one main reason cited for the merger—basketball teams are losing money. In the first place, I don't believe that the losses are as great as the owners say. All the basketball teams are allowed to treat their players as capital assets and the owners can depreciate their value as measured by bonuses and training costs over five years after original signing. When a new owner buys a team, he receives in return for his purchase price (1) an exclusive contract to play in a specified area, (2) player contracts, and (3) the right to play in a certain stadium. For accounting purposes, the team assigns as much as possible of the purchase price to the players' contracts and depreciates them. The dramatic effect this depreciation allowance can have on earnings is shown from the annual report of the Seattle Supersonics. Seattle is an expansion team of the NBA and its player depreciation would be handled much the same as a purchased team. In his report to shareholders, President Schulman states:

"You will note our financial report discloses a loss of $219,000 from the period covering June 1, 1968 to May 31, 1969. In fact, this figure is misleading, since the Seattle SuperSonics Corporation showed earnings of $46,734 before amortization of players contracts for the 1967–68 season and earnings of $55,133 before amortization of players contracts for the 1968–69 season.

"We have adopted a conservative program of amortizing the cost of the players over a five-year period. Last season, revenue from further expansion of the league was not included in income, but, rather was assigned to further reduction of the cost of the players contracts."

I have indications that other similar situations currently exist.

Recently, I had a chance to look over a list of the owners of the various basketball teams and what little is publicly known about their finances. I was greatly impressed by the tremendous amount of wealth that these men represented. The owners of the Atlanta Hawks own a big construction company which is building the stadium in Atlanta. The owner of the Boston Celtics is Ballantine Beer. The owner of the Buffalo Braves is the largest shareholder of the National Biscuit Company. The owner of the Cincinnati Royals are the owners of Sportservice, the largest concessionaires in stadiums in the U.S. The owner of the Detroit Pistons is the owner of a large piston company. The owner of the Los Angeles Lakers is a multimillionaire who owns the Lakers stadium and who is one of the largest stockholders of Teleprompter Cable TV Company. The New York Knickerbockers are owned by Madison Square Garden which is owned primarily by Gulf and Western Industries. The Seattle Supersonics are owned by two men who are chief executives of the National General Corporation. The Kentucky Colonels are owned by the president of a chain of nursing homes and a former boss of Kentucky Fried Chicken.

Of course, there are more wealthy individuals involved in professional football but I believe that my point has been illustrated that very shrewd and wealthy individuals have invested in professional basketball teams. In some cases, I believe that these individuals have invested in these clubs to offset their teams' losses due to large depreciation allowances against their ordinary income and they will sell the clubs in the future and have their profit receive preferential tax treatment as a capital gain. In other cases, the income for the club might not tell the whole story. The principal owner might be paying himself a large salary, and he might be receiving money for the concession rights to the games, or money for stadium rental if he owns the stadium. In the *Curt Flood* case, there was testimony that the owner received a 2½ million dollar loan for assigning his team's concession rights to Sportservice, Inc.

Since there is much confusion about the finances involved in basketball, I have written to all the club owners and asked them to provide me with a full financial record of their company and of their substantial shareholders. Also, I have asked them to provide me with the financial records of those companies whose operations are a satellite of their basketball team. I am attaching a copy of my letter to the owners to this statement for insertion into the hearing record. I believe that before Congress acts it should be in possession of the facts; and I am sure the owners will agree with me and provide this information since they are requesting the U.S. government to allow their team to operate as a part of a monopoly in order to permit the growth and success of professional basketball. I would expect the Antitrust Subcommittee will hire accountants to analyze the data for the benefit of the Senate.

Actually, even if the basketball teams are losing money, I don't see that it is any of our business to rescue these teams—one Lockheed is enough for this year.

MERGER AGREEMENT'S AFFECT ON WEAKER TEAMS

While Congress is being asked to show great compassion to the professional basketball teams and allow them to exist as a monopoly because they are losing money, I am amazed at the lack of compassion which the teams are showing each other in their merger agreement. The owners admit that the ABA teams are weaker financially than the NBA teams. Yet, the merger agreement provides (1) the payment by each ABA team the sum of 1,250,000 dollars to the NBA, (2) a prohibition on the right of the ABA to share in any NBA proceeds from network television until after 1973, and (3) a continuation of the present NBA rule which allows all of gate receipts to go to the home team. Obviously, the NBA teams draw the biggest crowds and are located in the biggest population centers so a proposal to not share gate receipts would be to the financial detriment of the ABA teams.

This uneven financial treatment becomes even more interesting when it is compared with the often heard reasons given by the owners for the common draft and the gimmicks to discourage team switching such as the mandatory compensation for the team losing a free agent. The owners say these devices will balance basketball competition among the various teams and that without these devices a few teams will end up with all of the players. Well, the owners seem willing to share the players among teams deprived of talent especially when it means they can pay them less, but they don't seem to be in such a hurry to share their money among financially ailing teams.

CONCLUSIONS

In basketball, I believe the existence of two leagues has benefited everyone. Attendance at games is higher than it has ever been and basketball is becoming the best attended of all sports. The ABA has experimented with basketball rules and has in effect changed the way the sport is played. I believe that this healthy competition has enriched the sport—it certainly caused more teams to be placed in more cities than ever before.

In S. 2373, the U.S. Government is asked to sanction a return to the situation where there was but one league, where there was but one set of rules, where there was no expansion, where there was no bidding for television rights, and where there was no bidding for player services.

The owners of organized sports are a powerful lobby as we have seen by the hasty passage of the football merger bill, but I am going to do everything I can to see that a right that belongs to all Americans is protected, namely, the right of a person to negotiate a contract with anyone who is willing to negotiate with him to sell his skill for the highest price he can obtain. When it comes to making a choice between economic enslavement and economic freedom, I stand by economic freedom, and I hope all members of the Senate will study these hearings carefully before they vote for S. 2373.

EXHIBIT A

[From the Washington Post, Sept. 10, 1971]

KNEE INJURY ENDS LOGAN'S 'CAREER'

NORFOLK, Sept. 9 (AP)—The professional "career" of Henry Logan, three-time small college All-America, finally ended today when he was placed on the voluntary retired list by the ABA's Virginia Squires.

Dr. Joel A. Mason, team physician, said it was necessary to remove the remaining part of Logan's right kneecap during surgery last week and that Logan could not play again.

That operation was the sixth on the right knee of the 6-foot, 185-pound guard.

The first came in high school to repair torn cartilage. Succeeding repairs and grafts took away more and more mobility and, when Logan was hurt during an informal workout with several teammates last week, Dr. Mason could not give him a seventh life.

NO. 2 DRAFT PICK

During his only full ABA season in 1968–69, Logan averaged 12.5 points per game for Oakland after coming out of Western Carolina as a second-round draft choice.

Logan's pro high of 34 points in a game came that season against Indiana when he also grabbed nine rebounds and had seven assists.

The Oakland franchise then moved to Washington, and Logan was scoring 13 points a game before he fractured that knee in December. He was out for the year.

The team again moved, to a regional setup in Virginia. Logan was found to have a fracture line remaining in the joint, so he went out again.

THERAPY NEXT

Logan, 25, had been counted on by coach Al Bianchi to furnish much-needed depth this season in the Squires' back-court.

"It seems as if all the bad things happened to the really nice guys," Bianchi said today. "When he was healthy and able to play, there was no one quite like Henry Logan."

Logan now is in a Norfolk hospital with his leg in a cast. It will be about six weeks before he can begin therapy.

Logan has been offered a job with the Memphis, Tenn., recreation department, and has also indicated an interest in working for "Stop," a Tidewater Virginia program aimed at helping young blacks get jobs.

If Logan takes the latter position, the Squires say they will use him as a special scout.

EXHIBIT B

U.S. SENATE,
Washington, D.C., September 14, 1971.

PRESIDENT,
Atlanta Hawks,
Atlanta, Ga.

DEAR MR. PRESIDENT: As you are no doubt aware, I will chair the initial round of hearings scheduled to begin on September 21, 1971, before the Antitrust Subcommittee of the Senate Judiciary Committee on S. 2373, which would authorize the merger of the two existing professional basketball leagues.

It is my understanding that the basic rationale of the proponents of this merger is an economic one. It has been alleged that certain existing teams, particularly in the American Basketball Association, are at present operating at substantial financial losses. Therefore, in order to gain a better understanding of the economic issues involved, I am requesting that each team in the NBA and the ABA, including your own, submit to my office prior to September 21, 1971, copies of their respective certified audited balance sheets, income statements, earned surplus statements, and source and application of funds statements for each of the last four years. The same financial material should also be submitted for the most current period available whether or not certified and audited. Additionally, a copy of each material contract and contingent liability should be submitted.

Of course, the figures for the clubs are only part of the owners' total financial picture and would be meaningless unless they can be related to the financial plan of the clubs substantial shareholders. Therefore, I respectively request that you specify the interest in your team in terms of both numbers of shares and percentages of total ownership of each officer, director, and owner of at least a 10% interest, of record or beneficial. Additionally, I request copies of the income tax returns for each of the past four years of any owner who presently has at least a 10% interest in your team, either of record or beneficial. If during the past four years more than a 20% interest in your franchise has been sold in a single transaction, I request the details of the sale, including the price.

Finally, in order for the Subcommittee to appreciate the full financial picture of a sports enterprise, please submit the same information requested above for every other business entity which derives revenue or owns assets whose operations are associated with your professional basketball team, such as broadcasting revenue, concession revenue, endorsement and trade name use revenue; and whose owners or employees include either an officer, director, or an owner of at least a 10% interest in your club, of record or beneficial.

Since you are requesting the U.S. Government to allow your team to operate as part of a monopoly in order to permit the growth and success of professional basketball, I assume that you will have no objection to providing this information.

Thank you for your attention.

Sincerely yours,
SAM J. ERVIN, Jr.

By Mr. DOMINICK:

S. 2617. A bill to further promote equal employment opportunities for American workers. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I send to the desk for introduction a bill and ask unanimous consent that its text be printed at the conclusion of my remarks.

It is clear that the time has come for Congress to provide an enforcement procedure to make a reality out of the purposes and policies of title VII of the Civil Rights Act of 1964. The Equal Employment Opportunities Commission is charged with enforcing the law against discrimination on the basis of race, creed, color or religion in employment. But it is limited in the actions it can take to remedy a violation of the law. Beyond mediation and voluntary compliance, it can do little to enforce the law. We must allow the EEOC a means of strong action in those cases where it cannot resolve a case through negotiation.

Of course, the mechanism which we provide must also be fair and protect the rights of those who are being charged with a violation—whether it be a labor union or an employer. I believe that the superior method for achieving the proper balance between the need to give EEOC enforcement powers and the rights of those charged with violations of the law is to permit the EEOC to sue in U.S. district courts after it has investigated a charge and found reasonable cause to believe a violation of the act has occurred.

This approach is superior for several reasons. First it provides a combination of the expertise of the EEOC in investigating, processing, and conciliating unfair employment cases with the expertise and independence of the Federal courts. The equal employment area is one which produces strong emotions among all parties—those discriminated against, those accused of discriminating, and even those charged with enforcing the law. I believe that these strong emotions should be tempered by restraint when the adjudication of rights is at issue. The Federal courts are best able to provide the tempering restraint which will allow for a rational resolution of the issues of any given case.

Second, the court approach is necessary in order to preserve the traditional separation of powers which we as a nation so highly cherish and protect. Last year this body passed legislation which would have authorized employees of the EEOC to initiate charges, investigate the same charges, issue a complaint, prosecute the complaint, adjudicate the merits of the case, and then hear any appeals on the same case. In addition, attorneys' fees and discovery fees were allowed to charging parties. While none of these powers is unprecedented, I believe that the combination of authorities which this approach would grant EEOC is without parallel in the entire Federal Government. We cannot permit EEOC to conduct "star chamber" proceedings contrary to our Anglo-American legal tradition.

Therefore, Mr. President, I believe that we should grant to the EEOC the right to go into Federal district court to prosecute those it feels has violated the law. This will remove the quasi-judicial function from the hands of those who are also prosecutor, investigator, and enforcer. The judicial function is the most critical and must be ringed about with the greatest of safeguards. By putting it in the court system, we preserve the safeguards of the respondent and still permit EEOC to be vigorous in the prosecution of cases. Before the courts EEOC can take a strong adversary position without fear of accusations of institutional bias. My bill will establish this mechanism. Therefore, I urge my colleagues to examine this question closely and join with me in seeking a fair balance between the need for enforcement and for fair and equitable procedures for all parties.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2617

A bill to further promote equal employment opportunities for American workers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Employment Opportunity Act of 1971".

SEC. 2. (a) Paragraph (6) of subsection (g) of section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(f) (6)) is amended to read as follows:

"(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to recommend institution of appellate proceedings in accordance with subsection (h) of this section, when in the opinion of the Commission such proceedings would be in the public interest, and to advise, consult, and assist the Attorney General in such matters."

(b) Subsection (h) of such section 705 is amended to read as follows:

"(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court or in the courts of appeals of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commission."

SEC. 3. (a) Subsection (a) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based and the person or persons aggrieved) that an employer, employment agency or labor organization has engaged in an unlawful employment practice, the Commission, within five days thereafter, shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the 'respondent') with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year."

(b) Subsection (d) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(d) A charge under subsection (a) shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency. Except as provided in subsections (a) through (d) of this section and in section 707 of this Act, a charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization."

(c) Subsection (e) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge: *Provided,* That if the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from the date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or further efforts of the Commission to obtain voluntary compliance."

(d) Subsections (f) through (k) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) are redesignated as subsections (g) through (l), respectively, and, in newly designated subsection (k) the reference to subsection (i) is changed to subsection (j), and the following new section is added after section 706(e) thereof:

"(f) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge and the court having jurisdiction over such action shall have the authority to grant such rary restraining order or other preliminary or just and proper: *Provided,* That no temporary restraining order or other preliminary or temporary relief shall be issued absent a showing that substantial and irreparable injury to the aggrieved party will be unavoidable. It shall be the duty of a court having jurisdiction over proceeding under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited."

(e) Subsection (h) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) as redesignated by this section, is amended to read as follows:

"(h) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual, pursuant to section 706(a) and within the time required by section 706(d), neither filed a charge nor was named in a charge or amendment thereto, or was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 704(a). No order made hereunder shall include back pay or other liability which has accrued more than two years before the filing of a complaint with said court under this title."

By **Mr. MAGNUSON** (by request):

S. 2619. A bill to amend section 11(p)(1) of the Federal Water Pollution Control Act to provide enforcement provisions with respect to the obligations of certain vessels using the navigable waters of the United States, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend section 11(p)(1) of the Federal Water Pollution Control Act to provide enforcement provisions with respect to the obligations of certain vessels using the navigable waters of the United States and for other purposes, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2619

A bill to amend section 11(p)(1) of the Federal Water Pollution Control Act to provide enforcement provisions with respect to the obligations of certain vessels using the navigable waters of the United States and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sec. 11(p) of the Federal Water Pollution Control Act, be amended by designating existing paragraph (4) as paragraph (7) and adding new paragraphs (4), (5), and (6), as follows:

"(4) Any owner or operator of a vessel subject to this subsection, who fails to comply with the provisions of this subsection or any regulation issued thereunder, shall be liable to a civil penalty of not more than $10,000 for each day such violation continues. Such penalty shall be assessed by the head of the agency to which the President has delegated the administration of section 11 (p)(1), and may be remitted or mitigated upon such terms as said delegate in his discretion may deem proper. No penalty shall be assessed until the owner or operator shall have been given notice and an opportunity for a hearing on such charge. The penalty shall be recoverable in a civil suit brought by the Attorney General in the name of the United States. A vessel involved in a failure to comply with this subsection may be proceeded against by way of an action in rem in any district court of the United States having jurisdiction thereof for recovery of the penalty.

"(5) The Secretary of the Treasury shall refuse the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), to any vessel subject to this subsection, which does not have evidence furnished by the delegate of the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

"(6) The Secretary of the Department in which the Coast Guard is operating may (1) deny (a) access to any port or place in the United States or (b) use of the navigable waters of the United States, to, and (2) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection, which upon request, does not produce evidence furnished by the delegate of the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with."

FEDERAL MARITIME COMMISSION,
Washington, D.C., August 18, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill, to amend the Federal Water Pollution Control Act to provide specific enforcement provisions with respect to Section 11(p)(1). The need for and purpose of the proposed bill are set forth is the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at an early date for the reasons set forth in the statement.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of the proposed legislation to the Congress.

Sincerely,

HELEN DELICH BENTLEY,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR THE BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

The bill would amend the Federal Water Pollution Control Act to include specific enforcement provisions for violation of the financial responsibility provisions of section 11(p).

As now written, section 11(p)(1) of the Federal Water Pollution Control Act requires all vessels over 300 gross tons using any port or place in, or the navigable waters of, the United States to establish and maintain evidence of financial responsibility of $100.00 per gross ton, or $14,000,000, whichever is the lesser. This financial responsibility is required to be established to meet the potential liability to the United States to which such vessel could be subject to cover the actual costs of removal of any oil discharged into or upon the navigable waters of the United States, the adjoining shorelines, or into or upon the waters of the contiguous zone as set forth in the Act. Responsibility for administering this provision of the Act has been delegated by the President to the Federal Maritime Commission.

In order to implement the provisions of section 11(p)(1) the Commission has promulgated rules and regulations (35 F.R. 15216), which establish the procedures and qualifications for the certification of vessels and details the various acceptable methods. However, the absence of specific enforcement provisions in the statute poses a very difficult problem for the Commission. The only enforcement procedures available under the Act are those enumerated in section 11(m), which permit the boarding and inspection of vessels in the navigable waters of the United States or the waters of the contiguous zone and the arrest of any person violating the provisions of section 11 or regulations issued thereunder and the petitioning to an appropriate district court, under section 11(n), to enjoin such vessel from the use of a port or place in, or the navigable waters of, the United States. The injunction could be served pursuant to the provisions of section 11(m) providing for the execution of a warrant or other process. These procedures, however, are both impractical and cumbersome. At best they could be enforced only on a "hit or miss" basis. The Commission believes that specific authority should be provided to (1) deny clearance from United States ports to any vessel which fails to establish financial responsibility as required, (2) deny entry, to any port or place in the United States or the navigable waters of the United States, to any vessel which fails to establish such financial responsibility, and (3) authorize the detention of any vessel about to depart from any port or place in the United States to any other port or place in the United States, which fails to comply with the financial responsibility provisions of the Act. In addition, it is considered desirable to provide civil penalties for violations of section 11 (p)(1) or any regulation issued thereunder, and to empower the Commission to assess, remit or mitigate such penalties.

The attached proposed legislation would accomplish each of the foregoing. It would provide a civil penalty of up to $10,000 for each day a violation continues, to be assessed by the head of the agency to which the President has delegated the administration of section 11(p)(1), and to remit or mitigate that penalty upon such terms and conditions as he considers proper. Should the owner or operator fail to pay the assessed penalty, provision is made for recovery in a civil suit to be brought by the Attorney General in the name of the United States. Provision is also included to proceed against the involved vessel by way of action in rem for recovery of the penalty.

The Secretary of the Treasury would refuse clearance to a noncomplying vessel and the Secretary of the Department in which the Coast Guard is operating would deny the use of any port or place or the navigable waters of the United States and would be authorized to detain a vessel about to depart from one place to another place in the United States if that vessel is not in compliance with section 11(p)(1).

It is believed that with these amendments to the Act, the Commission in collaboration with the Bureau of Customs and the U.S. Coast Guard, could effectively administer the financial responsibility provision as intended by the Congress.

By **Mr. MAGNUSON** (for himself, Mr. RIBICOFF, Mr. COOPER, Mr. ANDERSON, Mr. MCGOVERN, Mr. JAVITS, Mr. CASE, Mr. JACKSON, Mr. CRANSTON, Mr. HOLLINGS, Mr. MONDALE, Mr. PELL, Mr. MATHIAS, Mr. MOSS, Mr. INOUYE, Mr. GRAVEL, Mr. METCALF, Mr. HART, Mr. HUMPHREY, Mr. HATFIELD, Mr. MANSFIELD, Mr. KENNEDY, Mr. HARRIS, Mr. NELSON, and Mr. TUNNEY):

S. 2620. A bill to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes. Referred to the Committee on Finance.

EAST-WEST TRADE RELATIONS ACT OF 1971

Mr. MAGNUSON. Mr. President, Presidents Johnson and Nixon have commendably proceeded to dismantle the rusted and outmoded machinery of the cold war. One by one the Presidents have taken down the artificial barriers which we ourselves constructed to isolate the Communist countries of Eastern Europe and Asia. First cautiously with Eastern Europe and now boldly with China, the Presidents have sought to restore those normal diplomatic and commercial relations which have long served as the cornerstone of peaceful relations between nations. It is a wise policy and it has been acclaimed by a vast majority of American citizens.

There remains on the books, however, at least one worthless relic of cold war diplomacy: the statutory denial of equal tariff treatment—"most favorite nation treatment"—to all Communist countries with the exception of Poland and Yugoslavia. This statutory restriction remains though it has served only to the American businessmen the opportunity to compete with their counterparts in Western Europe and Japan for the rapidly growing commercial markets of Eastern Europe and China. It has served no discernable purpose as an instrument of national diplomacy. And today it sticks like a bone in the throat of Eastern European commercial leaders. In short, if ever there was an idea whose time has come and long since gone, it is the idea that we can serve the national interests of the United States by tying our own commercial hands and hoping to spite the Communist enemy by denying him the privilege of normal commercial relations. Our allies in Western Europe and Japan have choked with laughter on that one, on their way to the bank for almost two decades.

So, Mr. President, on behalf of myself, the senior Senator from Connecticut (Mr. Ribicoff) and the senior Senator from Kentucky (Mr. Cooper) and 22 of our colleagues, I introduce and ask for appropriate reference of the East-West Trade Relations Act of 1971.

The essential provisions of the bill will restore to the President the authority to grant nondiscriminatory tariff treatment to the goods of any country willing to enter into commercial agreements providing basic protection for U.S. commercial interests. The President would retain the authority to suspend or terminate such grants of MFN tariff treatment whenever he determines that termination or suspension is in the national interest.

The tariff restrictions which we placed upon our trade with the Soviet Union and Eastern Europe were the products of the agony and frustration of the cold war. They were a form of moral protest against the aggression of the Soviet Union in subjugating Eastern Europe. These tariff restrictions were also imposed in the vague hope that they would exert economic pressure on the Soviet Union, forcing it to abandon its aggressive behavior or suffer economic hardship as a consequence.

This policy has proved, for the most part, self-defeating. United States trade with Eastern Europe and the Soviet Union has indeed been reduced to insignificant levels. But there is little evidence that the economies of the Soviet Union and the Eastern European countries have been retarded by the absence of trade with the United States. Instead, the extraordinary growth and development of Western Europe and Japan as industrial giants and world traders has provided vast open markets to which the Communists could sell and from which they could buy freely and without discrimination.

In 1969, Eastern Europe imported from non-Communist countries $8.5 billion worth of goods. While U.S. exports to the area enjoyed a modest increase they still represent less than 1 percent of our total exports and only 4 percent of the total imports of Eastern Europe from the West.

Plainly our unilateral tariff barriers have not crippled East-West trade. Instead, we have simply abandoned a segment of international trade competition to our competitors in Western Europe and Japan. At a time when our balance of trade has suffered a serious decline, it is difficult to justify this arbitrary denial to American business of the right to engage in peaceful nonstrategic trade with the Communist countries of Eastern Europe and Asia.

But commercial considerations are, necessarily, secondary. The principal reason for abandoning this self-imposed straitjacket, is that we are thereby inhibiting the ability of the President to take advantage of significant opportunities to influence the course of events in Eastern Europe and Asia.

For more than a decade we have witnessed growing internal ferment and the centrifugal forces of decentralization in the Communist world. Particularly in Czechoslovakia and Rumania, the 1960's were marked by the persistent impulse to obtain economic and political independence from the Soviet Union. In Yugoslavia, where we removed our discrimination by tariff and moved wisely and judicially to provide free access to our nonstrategic goods and services, significant steps have been taken to eliminate central state controls over the economy and to establish a substantial measure of internal freedom.

Today, as the President prepares for his China mission, the latest in a series of bold moves to reduce international tensions and to open up peaceful and constructive contacts with the countries of the Communist world, we are convinced that the time is ripe for favorable congressional consideration of this legislation. By normalizing our trade relationships with the Communist countries, we hasten the day when they join in the world economic system and undertake the commitments now characteristic of free and open economic which are susceptible to the stabilizing influences of economic interdependence.

By its terms alone this legislation will change no tariff nor affect our relations with any country. The President may choose not to exercise the authority which the act will restore. But he will be free, in the course of developing his foreign policy, to utilize the opportunity for expanded trade as an instrument of that foreign policy. The question utlimately comes down to this: Are we willing to trust the President to formulate commerical policies with respect to Communist countries which will advance as well as protect our national interest? The sponsors of this bill are willing to trust the President to do just that.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record together with the text of a remarkably wise and enlightening speech delivered by the senior Senator from Connecticut (Mr. Ribicoff) in Budapest, Hungary, on June 15 at the annual East-West Trade Conference.

Yesterday's statement by Secretary Rodgers endorsing China's admission to the United Nations represents one more sound step in the transformation from the foreign policy based upon American illusions of omnipotence.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2620

A bill to provide for the expansion of trade by a program of exchanges between the United States and countries with non-market economies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, this Act may be cited as the "East-West Trade Exchange Act of 1971".

STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to—

(1) promote the economic growth of the United States by expanding trade between the United States and Eastern Europe, the Soviet Union, and other foreign countries with non-market economies including the People's Republic of China,

(2) provide a body of expertise and experience in conducting trade and operating joint ventures between foreign countries having different economic systems, and

(3) broaden commercial ties and provide new market and investment opportunities for American business and job opportunities for American workers,

through an exchange of citizens involved in all aspects of international trade of the United States and of countries with non-market economies and through programs of education, and practical experience in the field of East-West trade for such citizens from the participating countries.

PROGRAM AUTHORIZED

Sec. 3. (a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized, with the approval of the President, to provide by grant, contract, or other arrangement for—

(1) education and vocation exchanges—

(A) by financing studies, research, instruction, and on-the-job training activities—

(i) of or for American citizens and nationals in foreign countries having non-market economies, and

(ii) of or for citizens and nationals of foreign countries having non-market economies in American educational institutions, banks, corporations and firms dealing in foreign trade located in the United States.

for such citizens and nationals who are involved in any significant aspect of international trade, and

(B) by financing visits and interchanges between the United States and other foreign countries having non-market economies for such citizens and nationals;

(2) trade conferences and exchanges by financing appropriate activities for government officials, experts, and private businessmen in the field of international trade for American citizens and nationals and for citizens of foreign countries having non-market economies; and

(3) United States participation in international trade fairs at which there is significant participation by foreign countries having non-market economies.

(b) In order to carry out the purposes of this Act, the Secretary is authorized to—

(1) provide for the exchange between the United States and other foreign countries having non-market economies of scientific, technical, and scholarly books, and government publications and the reproduction and translation of written material concerning international trade between market and non-market economies;

(2) encouraging and supporting American studies in foreign countries having non-market economies through professorships, lectureships, institutions, and seminars on international trade, particularly such trade between countries having market and non-market economies; and

(3) provide for the participation, by groups and individuals involved in all aspects of international trade from countries having non-market economies, in educational and technical meetings held under American auspices in or outside the United States.

INTERNATIONAL AGREEMENTS

Sec. 4. (a) In order to carry out the purposes of this Act, the President is authorized to enter into agreements with foreign countries having non-market economies and, when appropriate, international organizations. In such agreements the President is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of any local currency funds located in such countries, in providing for the activities authorized in section 3, with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this Act carried on within the border of such other countries.

(b) Such agreements may also provide for the creation or continuation of binational or multinational trade foundations and commissions for the purpose of administering programs in furtherance of the purposes of this Act.

(c) In such agreements with international organizations, the President may provide for equitable United States participation in and support for, including a reasonable share of the cost of, programs which the President determines are consistent with and contribute to carrying out the purposes of this Act which are to be administered by such organizations.

ACTIVITIES OUTSIDE THE UNITED STATES

Sec. 5. (a) For the purpose of performing the negotiating functions under this Act outside the United States, particularly in binational or multinational foundations or commissions, the Secretary of State may employ or assign or authorize the employment or assignment, for the duration of operations under this Act, of persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees in accordance with applicable provisions of the Foreign Service Act of 1946.

(b) In carrying out his functions under this section, the Secretary of State shall—

(1) cooperate with the Secretary of Commerce by coordinating his activities with the Secretary of Commerce; and

(2) to the extent practicable at the request of the Secretary of Commerce, include officers and employees of the Department of Commerce in such assignment.

GRANTS

Sec. 6. (a) In order to carry out his functions under this Act, the Secretary is authorized to make grants to or for individuals, either directly or through, foundations, educational institutions, and other nonprofit, private organizations for tuition and other necessary incidental expenses, and for travel expenses from their places of residence and return for themselves, and, whenever it would further the purposes of this Act, for the dependent members of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this Act, and for per diem in lieu of subsistence at rates prescribed by the President, for all such persons, and for such other expenses as are necessary for the successful accomplishment of the purposes of this Act.

(b) Funds available for programs under this Act may be used (1) to provide for orientation courses, language training, or other appropriate services and materials for persons traveling out of the countries of their residence for purposes which further the purposes of this Act, whether or not they are receiving other financial support from the Government, and (2) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

ADMINISTRATIVE PROVISIONS

Sec. 7. (a) In addition to any other authority invested in the Secretary under this Act, the Secretary is authorized to—

(1) prescribe such regulations as he deems necessary to carry out his functions under this Act;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property for the purpose of carrying out the purposes of this Act;

(3) in his discretion, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the United States with a condition or restriction, including a condition that the Department of Commerce use other funds of the Department of Commerce for the purposes of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $125 per diem;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants, or other arrangements or modifications thereof to carry out the provisions of this Act, or any other provision of law relating to competitive bidding;

(8) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) provide for publicity and promotion outside the United States in foreign countries having non-market economies, of activities and opportunities authorized pursuant to this Act.

(b) The Secretary shall submit to the President and to the Congress an annual report of activities carried out and expenditures made in carrying out the provisions of this Act. In each such report transmitted to the Congress, the President shall include the text of agreements made with other foreign countries during the period covered by the report.

FOREIGN CURRENCIES

Sec. 8. (a) In order to make available to individuals eligible to participate in programs authorized by section 3(a)(1) with currencies of their respective countries (other than excess foreign currencies), United States dollars in such amounts as may be necessary to enable such foreign individuals on coming temporarily to the United States to meet their necessary expenses, the President is authorized to establish rates at which all foreign currencies may be acquired for the purpose of this section. The President shall issue regulations binding upon all embassies with respect to exchange rates to be applicable in each of the respective countries where currency exchanges are to be authorized by him.

(b) In performing his functions under this section, the President shall make suitable arrangements for protecting the interests of the United States Government in connection with the ownership, use, and disposition of all foreign currencies acquired pursuant to exchanges made under such section.

(c) Any individual shall be eligible to exchange foreign currency for United States dollars at United States embassies under this section only if he gives satisfactory assurances that—

(1) he will devote essentially full time to his proposed educational activity in the United States and will maintain good standing in relation to such program;

(2) he will return to the country of his citizenship or nationality prior to coming to the United States and will render such public service as is determined acceptable for a period of time determined reasonable and necessary by the government of such country; and

(3) he will not apply for an immigrant visa or for permanent residence or for a nonimmigrant visa under the Immigration and Nationality Act after having received any benefits under this section for a period of time equal to the period of study, research, instruction, or other educational activity he performed pursuant to this Act.

(d) As used in this section, the term "excess foreign currencies" means foreign currencies, which if acquired by the United States (1) would be in excess of the normal requirements of departments, agencies, and embassies of the United States for such currencies, as determined by the President, and (2) would be available for the use of the United States Government under applicable agreements with the foreign country concerned.

ADVISORY COUNCIL ON INTERNATIONAL TRADE EXCHANGE

Sec. 9. (a) There is established an Advisory Council on East-West Trade Exchanges (hereinafter referred to as the "Advisory Council") composed of 10 members appointed by the President from among individuals who are widely recognized by reason of experience, education, or scholarship as specially qualified to serve on such Advisory Council. Members of the Advisory Council shall be appointed without regard to their political affiliation.

(b) The Advisory Council shall formulate and recommend to the President and to the Secretary of Commerce policies for carrying out the provisions of this Act and shall evaluate the effectiveness of programs conducted under this Act.

(c) The Advisory Council shall select its own chairman and vice chairman.

(d) Each member of the Advisory Council who is appointed from private life shall receive $125 per diem (including travel time) for each day during which he is engaged in the actual performance of his duties as a member of the Council. A member of the Council who is in the legislative, executive, or judicial branch of the United States Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated for the purpose of carrying out the provisions of this Act such sums as may be necessary.

SEC. 11. Section 101(a) (15) (J), of the Immigration and Nationality Act is amended by inserting "or by the Secretary of Commerce" after "Secretary of State".

SPEECH BY SENATOR ABRAHAM RIBICOFF, JUNE 15, 1971, BUDAPEST, HUNGARY, MANAGEMENT CENTER OF EUROPE—ANNUAL EAST-WEST TRADE CONFERENCE

Most men in political life who started their careers in government in the 1940's have focused their attention on the political and military aspects of foreign problems. This should come as no great surprise given the military conflicts and feverish diplomatic activities of this turbulent period. Our view of the world, and of our own countries' destinies was shaped in an era when giant men moved across the stage of history.

The peoples of the world during that period were led by epic leaders, who for good or ill, were able to change the course of history through the force of their own intellects and personalities. The United States had Franklin Roosevelt; England, Winston Churchill; France, Charles de Gaulle; and Russia, Joseph Stalin.

The energies of statesmen and governments were directed toward the redrawing of political boundaries and the preservation of a strategic balance of power.

During the second World War, my own country and the Soviet Union were able to put aside their ideological differences and join together to save Europe from the spectre of Nazism.

Following the war, the face of the globe was drastically rearranged, and the world shuddered under the impact of a number of revolutions occurring simultaneously—and one of which alone would have had the most far reaching consequences.

Colonial rule was overthrown in most of the Southern Hemisphere—and fledgling governments struggled to provide for their peoples.

A population explosion in the underdeveloped nations coincided with a revolution of rising expectations producing dangerous instabilities.

The dawning of a nuclear age threatened the very existence of all mankind for the first time.

The delicate balance of power maintained since the Congress of Vienna was replaced by the emergence of two superpowers.

A revolution in technology and scientific progress offered the promise of unprecedented abundance and prosperity.

But old attitudes and thinking persisted. Instead of harnessing their energies to meet the challenges of all of the great changes taking place, the nations of both East and West allowed a cold war to come between them and divert their limited resources.

Ironically, it was economic growth, not the support of military establishments, which became the number one priority of the two defeated Axis powers—Germany and Japan. And their stunning recovery and prosperity today attests to this singleness of purpose, and the wisdom of pursuing economic gain rather than military power.

Increasingly, technological, economic and trade considerations are determining the nature of relations between nations. American diplomacy during the past two decades illustrates how these new realities were largely ignored.

While the United States was concerned with the NATO order of battle, the Federal Republic of Germany was more concerned with gathering orders for Volkswagens. While the U.S. was placing restrictions on its exports to the East, Western European trade with the East was flourishing.

I am convinced that during the last quarter of this Century, ecopolitics will replace geopolitics as the prime mover in the affairs of nations.

I am also convinced that because of this, it is time to relegate the Cold War to the pages of history. In 1971 this is exactly where it belongs.

The recently concluded treaties between the Federal Republic of Germany and the Soviet Union, and between the Federal Republic and Poland bear witness.

And the increasing trade and investment flows between East and West also bear witness.

While politicians and diplomats still argue over the same old tired political issues, businessmen and bankers are rearranging the basic nature of relations between states and peoples. While the generals still busy themselves with planning their war games and maneuvers, increasing commerce between East and West, and the growing internationalization of production, are making the idea of a major armed conflict in Europe an absurdity.

The activities of multinational corporations, and the increasing use of joint ventures and consortiums are crossing frontiers and erasing national boundaries more surely and swiftly than the passage of armies and the conclusion of peace treaties. For 20 years the United Nations has been unable to agree on a definition of "aggression". But it certainly takes much less time than that for businessmen representing different nations and economic systems to bind themselves together in a mutually beneficial contract.

Whether one likes it or not, the nations of the world are becoming more dependent on each other. Those who are actively engaged in expanding trade and transmitting technology between East and West are in the front ranks of those creating these strong bonds of mutual interdependence.

What we don't need in attempting to cope with the implications of such a rapidly changing world are attempts at simple solutions. One of my own countrymen, some 50 years ago, aptly stated—"for every human problem, there is a solution which is neat, simple—and wrong".

The simple solutions of a much simpler bygone age just don't work anymore. The time is past due for all national leaders to discard the notion that exports are good and imports are bad. This is the same as saying production is good and consumption is bad. Or—that our standard of living improves when we give value away, but not when we receive value in turn.

It is time to grasp the idea that the process of international trade increases productivity as surely as machinery and technology does.

And any leader—of either East or West—who ignores the economic implications of his political actions does so at his peril.

As far as my own country is concerned, much should be done to provide for expanded trade with the East. Important steps in this direction have already been taken.

The number of items on our list of restricted exports to the East is steadily shrinking. This is reflected most dramatically in the steady increase in American exports to the East. In 1969, they totalled $249 million. In 1970 this rose to $353 million. And based on the current year's first quarter figures, exports in 1971 should reach $450 million. This has come about largely through legislation passed in 1969 which put the Congress of the United States on record as endorsing expanded trade with Eastern Europe and the Soviet Union.

Less than two weeks ago, export licenses for sophisticated industrial processes totalling $100 million were approved. More license approvals can be expected in the near future. And on the day I left for Europe, the esteemed Chairman of the Senate Commerce Committee, Senator Warren Magnuson, expressed to me the need for expanded trade with the East, including China. This is only one manifestation of the increasing support in the Congress for closer ties.

Since 1968 Eximbank credits have not been available to finance American exports to the East. However, only this past April the Senate overwhelmingly voiced its intention to make such credits available again. I am confident that this will be done.

Such actions taken by my own country, however, will not get to the heart of one of the most serious barriers to increased East-West trade. Trade must be a two-way street—and at present, there is a broad avenue of exports from West to East, but only a narrow path from East to West. Both Western Europe and the United States enjoy too healthy a trade surplus with the East. One important step that can be taken by my own country is the extension of most-favored-nation treatment to all the countries of Eastern Europe.

But this is not a magical formula which will automatically enable the East to sell enough to the United States to close this trade gap. There is still much that the countries of Eastern Europe must do to improve their export position.

They must be willing to commit a greater share of their own economies to foreign trade, and cease to regard it as an activity designed only to supplement domestic economic capabilities. They must be prepared to develop industries geared to exports, and be more willing to depend on imports. They must seek greater understanding of the requirements of the American market and consumer tastes, if they are to sell their products.

It is self-defeating to talk of an expansion of East-West trade if the present imbalance in East-West trade is not corrected. The figures involved are dismal. If Western Europe continues to maintain the same surplus in its trade with the East as it has done in the past few years, by 1980 there will be a projected $3.5 billion trade gap. The value of my own country's exports to the East this year will be almost double that of what it imports.

Aside from vigorous trade expansion programs, the East must also inject itself more forcefully into the mainstream of international trade and investment. The example of Poland's accession to the GATT should be emulated elsewhere. There should be more active interest shown in gaining membership in the International Monetary Fund and the World Bank.

I realize full well that these steps are not without certain risks. But it should be emphasized that both risks and the benefits will have to be shared equally by both East and West. Unless both sides show a willingness to move off dead center in settling of decades-old minor disputes, we will not be able to enjoy together the fruits of increased commercial relations.

Important changes have already taken place in the economies of the East—and I know you are all well acquainted with the rapid pace of reform undertaken here in Hungary, with its New Economic Mechanism. These changes are essential in meeting the requirements of international trade and they have not been taken without attendant risks. In experimenting with different ways of modernizing and industrializing, the East should feel it will be able to draw more freely and easily upon the experience, technology and investment capital of the West. But it will not be able to do so unless it offers more information and greater assurance to Western investors and partners.

At the same time the West must be willing to provide even more than material assistance. It still remains the responsibility of the major trading countries, the U.S., the EEC and Japan, to establish workable norms of international trade and investment. The recent OECD ministerial meeting, which I attended in Paris last week, offered promise that a start has been made in this direction. A high-level consultative body has been set up to examine the current barriers to increased international trade and investment. Unless all of the trading nations of the world get behind efforts to harmonize and rationalize world trade, the great conflicts of the 1980's might well be trade wars between warring economic blocs.

In the years ahead, as nations realize that efficiency means greater reliance on economic rather than political considerations, both market and non-market economic systems will inevitably move closer to each other. It has been predicted that by 1980 two-thirds of all the employment in the United States will be in the service industries, and only one-third in the production of goods. As this same division holds true in other countries, and the export of services increases, it will become imperative for people to begin to understand the workings of different economic systems much better than they do today.

The communications and psychological barriers impeding trade and commerce remain formidable. The differences between the operations of state operated monopolies in a non-market economy, and the mechanisms used by private cooperations in my own country are great. Unfamiliarity with methods and institutions breeds distrust and a reluctance to even consider commercial relations. While it will be more difficult to tear down emotional barriers, it should be less difficult to overcome the lack of knowledge.

In order to achieve better mutual understanding of our different systems, I shall propose to the Congress of the United States upon my return, that a new program of exchanges be established with the purpose of expanding trade between countries of the East and the United States.

Participants in this program would include graduate-level university students, teachers, corporation executives and bankers in my country, and students, teachers, foreign trade officials, and state trading monopoly representatives of Eastern countries.

In order to be of practical value, the duration of these visits would be at least one year and perhaps two. The time spent abroad should be allocated in such a way as to include roughly equal periods of theory and practice. For example, nine months would be spent at a university and nine months in the offices of an American industry or bank, or in an Eastern European state trading organization, or foreign trade ministry.

A grantee would have the opportunity of obtaining a working knowledge of the financial and trading structures of the country he has visited and some actual time spent in the other fellow's shoes. The new expertise gained could go a long way in expanding U.S. trade with the East. I see no reason why this program could not include exchanges between the United States and all countries outside of Europe with non-market economies—including the People's Republic of China.

In order for a program of this kind to be successful, the costs and the responsibility for its operation will have to be shared equally by all the participants. By creating such a body of trained men, trade and investment opportunities now being lost by both sides could be developed for the benefit of all.

A program of this kind will also establish another important channel of fruitful contact between East and West on a nonconfrontation level.

Diplomatic discussions are too cautious and too restricted by outworn attitudes.

Cultural exchanges do not reach into the very inner workings of a society—and are usually too fleeting. Exchanges of people directly involved in producing tangible benefits for both sides offer the greatest chance of success.

Ultimately, only by broadening and deepening the base of discussions and meetings between representatives of East and West can the idea of peaceful coexistence be translated into reality.

Through mutual efforts and good will on both sides, and by a keener appreciation of how truly small the world has become, we will all benefit from what each nation has to offer in the marketplaces of goods and ideas.

The role that all of you here today will play in this process is crucial. It is not merely one of opening markets, maximizing profits, or creating material wealth. By improving economic relations between East and West, and by inducing greater responsibility and cooperation among the nations of the East and the West, you will also be perfecting the arts of peace. I can think of no worthier calling.

Mr. RIBICOFF. Mr. President, in a rapidly changing world, continued commercial discrimination against countries with different economic systems than our own is an anachronism. As the cold war in Europe is being relegated to the pages of history, a new generation of leaders is concerned more with ecopolitical rather than geopolitical issues. It is time for our own country to cast aside its self-imposed shackles on trade, and look toward the future with regard to our economic relations with the countries of the East.

While the United States has created a number of restrictive devices in order to circumscribe its economic relations with Communist nations, our NATO allies have displayed much less restraint. Total free world trade with the U.S.S.R. and Eastern Europe amounted to about $18 billion in 1970. Of this total, the U.S. share, imports and exports, was only $579 million. This amounted to 3 percent of total Western trade with the East, and less than 1 percent of our own total foreign trade.

On this small volume of trade we enjoyed a two to one ratio of exports to imports producing a $127 million surplus. Viewed in the light of our Nation's high unemployment rate and projected balance-of-trade deficit for this year, these figures underscore the immediate and significant benefits that would accrue to the United States from expanded trade with the East.

It has been estimated that if unnecessary restrictions are removed, U.S. trade with Eastern Europe could reach $2 billion by 1975 or more than three times the 1970 level. Other estimates are even more optimistic running to $5 billion, or 10 times the 1970 level.

The rapid growth in recent years of U.S. trade with Eastern countries gives weight to these projections. Between 1966 and 1970 U.S. exports to Eastern Europe rose from $198 million to $353 million. During this same period, U.S. imports increased from $179 million to only $226 million. In 1971 it is expected that U.S. exports will reach $460 million and imports, $240 million, for a total of $700 million.

Eastern Europe, the Soviet Union and mainland China all have great unsatisfied needs for the high technology equipment and products that our country excels in producing. Other potential markets for the same kind of American exports to Africa, Asia, and South America are many years away from being able to absorb a high level of technology.

The countries of Eastern Europe have already reached a point of departure from their dependence on the Soviet Union. The last COMECON conference held in Bucharest reflected their desire for more trade and investment ties with the West and an unwillingness to operate their economies as part of a Soviet master plan. By now the countries of Eastern Europe know quite well what the Soviet Union offers, but increasingly they want more of what the West and the United States offers.

The East's participation in world commerce has grown at the impressive rate of 8½ percent per year. For the smaller Communist countries a major impetus to further integration into the world economy can only come from a sizable increase in markets in the United States.

Present law does not permit the granting of most-favored-nation tariff treatment to Communist countries except Yugoslavia and Poland. As a result, imports from those countries pay the full 1930 statutory duty rates rather than the lower rates that have resulted from successive tariff reduction negotiations. The denial of MFN tariff treatment to these countries has significance beyond its immediate inhibiting commercial effects. This discrimination poses an important psychological barrier against the expansion of trade and the normalization of commercial relations.

The case of Poland provides a most vivid example of how trade can be expanded if most-favored-nation treatment is granted. In 1962, without it, Poland exported $46 million of goods to the United States. In 1970, with it, this figure was $98 million.

Last June, following the OECD Ministerial meeting in Paris, I traveled to Eastern Europe on behalf of the Finance Committee. In both Hungary and Rumania, I was deeply impressed by the visible economic progress that had been made. Equally evident were both nations' desires for increased commercial ties with the United States, and genuine admiration for American technological achievements and capabilities. I was dismayed, however, by the relative lack of American participation in the trade and investment opportunities in Eastern Europe. In hotels and airports there, I saw French, German, Italian, and British businessmen with bulging briefcases—but hardly any Americans.

Two-way trade between the United States and Rumania has grown very significantly during the last 3 years with the total trade turnover now totaling some $80 million. But the picture is clouded. Rumanian officials emphasized to me that the lack of most-favored-nation treatment did not permit Rumania to begin redressing the serious imbalance of trade between the two countries. The ratio is roughly 5 to 1 against Rumania at present. Since trade is a two-way street, we cannot hope to continue to export more to Rumania without buying more. Based on my own discussions, there is no doubt in my mind that Rumania wants much more collaboration with American firms in developing a variety of industries, and also wants to purchase more goods here.

This is illustrated by the Boeing Co.'s opportunity to sell from two to four 707 aircraft to the Rumanian carrier, TAROM. Rumania is apparently willing to risk Soviet displeasure by buying American, rather than Soviet, long-range commercial jet aircraft. But Rumania's main problem is insufficient dollar credits to pay for the aircraft because of their negative balance of trade with the United States. One of the main reasons for this negative balance is the handicap of excessive import duties imposed upon Rumanian products entering the United States because of their exclusion from the most-favored-nation treatment.

Assuming a successful sale of two of these aircraft to Rumania, amounting to roughly $26 million, the Boeing people feel this should lead to follow-on orders from TAROM amounting to four to five times the initial order. This could also trigger a domino effect with other East European nations buying the same planes in order to be competitive. Because Rumania enjoys excellent relations with mainland China, Boeing believes a successful business venture in Rumania could provide an avenue for entrance into mainland China for airplane sales. The market potential here is estimated by Boeing at 40 to 50 airplanes in this decade.

In Hungary, the trade picture with the United States is much the same as in Rumania, but on a smaller scale. The Hungarians also want to do more business with us, but they stress that lack of MFN treatment poses a formidable barrier to trade expansion.

It is important to note that there is considerable trade conducted between U.S. subsidiaries and affiliates in Western Europe and Eastern customers. The value of this indirect trade in American goods probably amounts to several times that of direct U.S. exports. And while these transactions ultimately benefit the earnings of the parent firm, they do not provide jobs for American workers in American plants.

Mr. President, the legislation being introduced today would not automatically grant MFN treatment to all countries with nonmarket economies nor to all of their products. It would not open up any floodgates of imports, nor would it erase the 2 to 1 favorable trade balance we now enjoy. It is left up to the President to decide which countries and which products would be given MFN treatment, based on the overall national interest.

This legislation is particularly timely and useful in that it would give the President the actual authority to conclude a commercial agreement should he so desire, when he visits the People's Republic of China in the near future. This bill is so drafted that formal diplomatic relations between the two countries need not precede such an agreement.

The longer normalization of commerce with the East is put off, the more difficult it will be for American firms to alter the trade patterns which the Eastern countries are already establishing with Great Britain, France, West Germany, Italy, and Japan.

If the administration continues its present policy of tying any relaxation of our trade restrictions against Eastern countries to specific political payoffs, we will be putting the cart before the horse. By forging stronger economic ties with Eastern European countries, we will be lessening both their economic and political dependence on the Soviet Union, and producing a diplomatic climate in which political problems are more easily solved.

Through the broadening of our economic relations, we will be strengthening our own economy by selling more of the things we can produce better than other countries. We will also be creating a climate in which friction between East and West can be lessened. New commercial ties will open up new valuable channels of communication between ourselves and Communist nations on a nonconfrontation level.

If peaceful coexistence on this planet between countries with different ideologies and economic systems is the only rational course to pursue, the most rational policy for the United States to follow would be to invite all nations into a world system in which the mutual benefits from trade and commerce can be shared by all.

Mr. President, we are making an important start in this direction by the introduction of this bill today. I hope that my colleagues will examine the proposed legislation carefully to see what it seeks to accomplish, what it will mean for our factories and workers, and what it can ultimately do to make our world a more prosperous, and a more peaceful place.

By Mr. HARTKE:

S. 2621. A bill to promote the peaceful resolution of international conflict, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. HARTKE. Mr. President, today I am reintroducing a bill to establish a Department of Peace as an executive department of the Government. Identical legislation will be offered in the House of Representatives by Congressman HALPERN.

This proposal represents a call to a new idealism, an idealism which holds that future wars can be avoided if only we care enough to try. It would be the purpose of the new department to develop long-range policies for peacekeeping; for presently there is no institutional advocate for peace in our Government, while those agencies and departments which view the application of force as the most efficient way to settle international disputes abound.

The bill has three titles: Title I establishes a Department of Peace, specifies what present agencies will be transferred to it, outlines the duties and structure of the Department, and sets forth the administrative provisions under which the Department will operate. Title II creates an International Peace Academy which would have the responsibility of training individuals in the science of peacekeeping. A new joint committee of Congress, with seven members drawn from both the Senate and the House, is established by title III, to be called the Joint Committee on Peace and International Cooperation.

Five specific responsibilities are assigned the new Department; they are:

First. The Department is to develop and recommend to the President appropriate plans, policies, and programs designed to foster peace.

Up to the present time, there has been no such broad assignment given to any Federal agency. It is true that we have not been without peace plans, peace policies, and peace programs. But they arise in various quarters under a variety of circumstances and they exist without the close coordination a single department will give. Nor has there been authority located in a specific position to do what the second mandate asks.

Second. The Department will exercise leadership in coordinating all activities of the U.S. Government affecting the preservation or promotion of peace. To exercise such leadership, of course, will require the close cooperation of the Department of Peace with the other departments, which in most cases have activities falling within the description.

Third. The Department will cooperate with the governments of the other nations in research and planning for the peaceful resolution of international conflict, and encourage similar action by private institutions. Here there are two significant elements, neither of which is presently a statutory responsibility of any agency—peace research, and the encouragement of attention to this area by private institutions.

The fourth mandate brings under the Department of Peace responsibility for aiding the interchange of ideas and persons between private institutions and groups in the United States and those in other countries.

The fifth is similar—to encourage the work of private institutions and groups aimed at the resolution of international conflict.

Agencies whose functions would be transferred to the new Department include: the Agency for International Development, the Peace Corps, the Arms Control and Disarmament Agency, and the functions of the International Agricultural Development Service, now in the Department of Agriculture. The President may also transfer additional responsibilities to the new Department, if he determines that the functions of any other office or agency are pertinent to the objectives of the Peace Department.

It has rightfully been said that "wars occur because people prepare for conflict, rather than for peace." It is time that this country set itself to the hard task of keeping the peace. It should not be the fate of every generation of Americans to endure wars which we are told are necessary to our national security, or to save face or to maintain our role as a world leader.

On February 7, 1969, I introduced similar legislation. This bill differs from that prior effort in a number of ways, chief among which is the elimination of language which could have posed a conflict between the new Department and the legitimate functions of the Department of State.

Mr. President, the tragedy of Vietnam highlights the need for a new approach to the resolution of international conflicts. We have fought war after war in this century but we appear farther from lasting peace today, than we have ever been. This proposal recognizes these past failures and presents a reasoned alternative to what some would view as the inevitability of war.

I ask unanimous consent that a copy of the bill, establishing a Department of Peace, be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2621

A bill to promote the peaceful resolution of international conflict, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Peace Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress declares that the United States has an urgent and continuing responsibility to seek international peace and has undertaken obligations to seek international peace under the Kellogg-Briand Pact of 1929, the Nuremberg Charter of 1945, and article I, paragraph 1, and article II, paragraphs 3 and 4, of the United Nations Charter. It is the purpose of this Act to meet these responsibilities and obligations and to provide the means to seek and achieve the peaceful resolution of international conflict.

TITLE I—DEPARTMENT OF PEACE

ESTABLISHMENT OF DEPARTMENT

SEC. 101. There is hereby established at the seat of government, as an executive department of the United States Government, the Department of Peace (hereafter referred to in this Act as the "Department").

FUNCTIONS OF THE DEPARTMENT

SEC. 102. (a) The Department shall be responsible for carrying out the purposes of this Act. In achieving such purposes, the Department shall—

(1) develop and recommend to the President appropriate plans, policies, and programs designed to foster peace;

(2) exercise leadership in coordinating all activities of the United States Government affecting the preservation or promotion of peace;

(3) cooperate with the governments of other nations in research and planning for the peaceful resolution of international conflict, and encourage similar action by private institutions, a research division shall be established for this purpose;

(4) encourage and assist the interchange of ideas and persons between private institutions and groups in the United States and those in other countries, a cultural exchange division shall be established for this purpose and;

(5) encourage the work of private institutions and groups aimed at the resolution of international conflict.

PERSONNEL OF THE DEPARTMENT

SEC. 103. (a) There shall be at the head of the Department a Secretary of Peace (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary of Peace, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of Peace (or, during the absence or disabiltiy of the Under Secretary, or in the event of a vacancy in the office of the Under Secretary of Peace, an Assistant Secretary of Peace or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary of Peace shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department four Assistant Secretaries of Peace and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions as the Secretary shall prescribe from time to time.

(d) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(e) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 104. (a) There are hereby transferred to the Secretary all functions which were carried out immediately before the effective date of this title—

(1) by each of the following agencies or offices:

(A) the Agency for International Development;

(B) The Arms Control and Disarmament Agency; or

(C) the Peace Corps;

(2) by any components of such agencies or offices; or

(3) by the Secretary of State insofar as such function relates to a function transferred under this subsection from an agency, office, or component referred to in paragraph (1) or (2).

(b) There are hereby transferred to the Secretary all functions which were carried out immediately before the effective date of this title—

(1) by the International Agricultural Development Service, Department of Agriculture; or

(2) by the Secretary of Agriculture, insofar as the function relates to functions transferred under this subsection from such Service.

(c) Section 2 of the United Nations Participation Act of 1945 (22 U.S.C. 287) is amended by inserting at the end thereof the following new subsection:

"(h) The Secretary of Peace shall advise the President with respect to the appointment of any person to represent the United States in the United Nations, or in any of its organs, commissions, specialized agencies, or other bodies."

(d) The functions, powers, and duties of the Secretary of State, and the other offices and offices of the Department of State, relating to specialized agencies as defined in article 57 of the United Nations Charter, are transferred to the Secretary of Peace.

(e) Within one hundred and eighty days after the effective date of this title, the President may transfer to the Secretary any function of any other agency or office, or part of any agency or office, in the executive branch of the United States Government if the President determines that such function relates primarily to functions transferred to the Secretary by the preceding subsections of this section.

TRANSFER OF AGENCIES AND OFFICES

SEC. 105. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 104, are transferred to the Secretary. Except as provided in subsection (b), personnel engaged in functions transferred under this title shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this title, such agency or office shall lapse.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) The Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Secretary by this title, delegate any of his functions to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions.

(b) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund.

(c) The Secretary may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

(d) In addition to the authority which is transferred to and vested in the Secretary by section 104, as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities;

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) messing facilities;

(4) motion picture equipment and film for recreation and training; and

(5) living and working quarters and facilities. The furnishing of medical treatment under clause (1) and the furnishing of services and supplies under clauses (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(e) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury of the United States in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(f) The Secretary is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committees as may be appropriate for the purpose of consultation with and advice to the Department in the performance of its functions. Members of such committees, other than those regularly employed by the United States Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under section 103(e), and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(g) (1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or individuals for the conduct of research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this subsection.

(3) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

TECHNICAL AMENDMENTS

SEC. 107. (a) Section 10 (d) (1) of title 3, United States Code, is hereby amended by inserting before the period at the end thereof a comma and the following: "Secretary of Peace".

(b) Section 101 of title 5, United States Code, is amended by inserting at the end thereof the following:

"The Department of Peace."

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Peace."

(2) Section 5314 is amended by adding at the end thereof the following:

"(54) Under Secretary of Peace."

(3) Section 5315 is amended by adding at the end thereof the following:

"(92) General Counsel, Department of Peace.

"(93) Assistant Secretaries of Peace (4)."

(4) Section 5317 is amended by striking out "34" and inserting in lieu thereof "36".

ANNUAL REPORT

SEC. 108. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 109. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this title, by (A) any agency or office, or part thereof, any functions of which are transferred by this title, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this title takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this title shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this title; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this title shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or part hereof, functions of which are transferred by this title, shall abate by reason of the enactment of this title. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this title, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this title. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this title takes effect, any agency or officer, or officer thereof in his official capacity, is a party to a suit, and under this title—

(A) such agency or office, or any part thereof, is transferred to the Secretary, or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Secretary, then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this title).

(d) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this title.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this title shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this title, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

CODIFICATION

SEC. 110. The Secretary is directed to submit to the Congress within two years from the effective date of this title, a proposed codification of all laws which contain functions transferred to the Secretary by this title.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 111. (a) This title, other than this section, shall take effect ninety days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsection (a), (b), and (c) of section 103 may be appointed in the manner provided for in this title, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this title. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this title.

TITLE II—INTERNATIONAL PEACE ACADEMY

ESTABLISHMENT OF ACADEMY

SEC. 201. There is hereby established within the Department the International Peace Academy (hereafter referred to in this Act as the "Academy"). The Academy shall furnish training and instruction to prepare citizens of the United States for service in positions or programs relating to the field of promoting international understanding and peace.

OFFICERS, STAFF, AND INSTRUCTORS

SEC. 202. (a) The Secretary may appoint or assign, on a full- or part-time basis, such officers, staff, and instructors as the needs of the Academy require.

(b) The Secretary may assign or detail, on a full- or part-time basis and with the consent of the head of the United States Government department or agency concerned, any officer or employee of the executive branch of the United States Government to serve on the faculty or staff of the Academy. During the period of his assignment or detail, such officer or employee shall be considered as remaining in the position from which assigned or detailed.

SUPERVISION OF ACADEMY

SEC. 203. The supervision and charge of the Academy shall be under such officer or officers as the Secretary may appoint for or assign to that duty, and under such regulations as the Secretary may prescribe.

BOARD OF TRUSTEES

SEC. 204. (a) There is hereby established within the Academy a board of trustees (hereafter referred to in this Act as the "board") which shall advise the Secretary on the operation of the academy. The board shall be composed of—

(1) the Secretary (ex officio);

(2) two officers of the Department designated by the Secretary;

(3) two Members of the Senate, of different political parties, appointed by the President of the Senate;

(4) two Members of the House of Representatives, of different political parties, appointed by the Speaker of the House of Representatives;

(5) the Chairman of the Atomic Energy Commission, or his designee;

(6) the Chairman of the Federal Council on the Arts and the Humanities, or his designee;

(7) one member from the National Academy of Sciences, to be appointed by the President after consultation with the President of the Academy;

(8) two educators of prominence appointed by the President;

(9) two prominent persons associated with the advancement of world peace, appointed by the Secretary; and

(10) the United States Ambassador to the United Nations.

(b) Members of the board shall be appointed for two-year terms and shall be eligible for reappointment.

(c) The board shall visit the Academy annually. With the approval of the Secretary, the board or its members may make other visits to the Academy in connection with the duties of the board.

(d) The board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the board decides to consider.

(e) Within sixty days after its annual visit, the board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the board, be submitted to the President within sixty days after the approval.

(f) Each member of the board may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the provisions of section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMISSION OF STUDENTS

SEC. 205. (a) The authorized number of students at the Academy shall be one hundred and fifty.

(b) The Academy shall operate as a coeducational institution and students shall be selected for admission to the Academy on the basis of merit, as determined by a competitive examination to be given annually in each State, the District of Columbia, and the Commonwealth of Puerto Rico, at such time, in such manner, and covering such subject matter as the Secretary may prescribe.

(c) No individual shall be eligible for admission to the academy unless he is a citizen of the United States who has been awarded a bachelor's degree upon graduation from a college or university located in the United States or a degree which the Secretary determines is generally recognized as the equivalent of a bachelor's degree upon graduation from a college or university located in a foreign country.

STIPENDS AND TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 206. Each student of the Academy shall be entitled to receive—

(1) a stipend in an amount determined by the Secretary to be within the range of stipends or fellowships payable under other Government programs providing for the education or training of graduate students; and

(2) reasonable travel and transportation allowances, including transportation for his immediate family, household goods, and personal effects, under regulations prescribed by the Secretary, but such allowances shall not exceed the allowances payable under section 5723 of title 5, United States Code.

COURSE OF INSTRUCTION AND TRAINING

SEC. 207. (a) The course of instruction and training for students at the Academy shall be prescribed by the Secretary, shall be for a period of one year, and shall, insofar as consistent with the purposes of this title, be acceptable for credit toward a graduate degree at accredited colleges and universities. In prescribing such course of instruction and training, the Secretary shall provide that special emphasis be placed on such studies as will best prepare students for leadership in the nonviolent resolution of international conflicts and in the promotion of international understanding and peace. Upon satisfactory completion of the prescribed course of instruction and training, students shall be awarded a Federal certificate of participation.

(b) The course of instruction and training at the Academy shall, during each year of its operation, be organized as prescribed by the Secretary, except that one month of each such year shall be devoted to annual leave for all students.

AGREEMENTS BY STUDENTS

SEC. 208. Each student selected for admission to the Academy shall sign an agreement that, unless sooner separated, he will—

(1) complete the course of instruction at the Academy; and

(2) accept, if offered, an appointment as an officer or employee of the United States or, in the discretion of the Secretary, employment with an international organization or private agency or foundation determined by the Secretary to be engaged in activities relating to the promoting or achieving of international understanding and peace, in any position for which such student is qualified by reason of his special training at the Academy, for at least the one-year period immediately following the awarding of his certificate from the Academy or the completion by him of any period of full-time graduate study approved by the Secretary.

AUTHORIZATIONS; ACQUISTION OF PROPERTY

SEC. 209. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) The Academy shall have power to acquire and hold real and personal property and may receive and accept gifts, donations, and trusts.

TITLE III—JOINT COMMITTEE ON PEACE AND INTERNATIONAL COOPERATION

ESTABLISHMENT OF JOINT COMMITTEE

SEC. 301. There is hereby established a joint congressional committee to be known as the Joint Committee on Peace and International Cooperation (hereinafter referred to as the "joint committee"). The joint committee shall be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the joint committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and the House of Representatives, respectively.

FUNCTIONS

SEC. 302. It shall be the function of the joint committee—

(1) to make a continuing study of matters relating to the Department of Peace:

(2) to study means of coordinating programs in order to further the purpose of this Act; and

(3) as a guide to the several committees of the Congress dealing with legislation relating to the Department of Peace, to file a report not later than May 1 of each year (beginning with the calendar year 1971) with the Senate and the House of Representatives containing its findings and recommendations with respect to the Department of Peace, and from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

VACANCIES; SELECTION OF CHAIRMAN

SEC. 303. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

HEARINGS; STAFF; ASSISTANCE

SEC. 304. (a) In carrying out its duties under this title, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places; to appoint and fix the compensation of such experts, consultants, technicians and staff personnel; to procure such printing and binding; and to make such expenditures as it deems advisable.

(b) With the prior consent of the department or agency concerned, the joint committee is authorized to utilize the services, information, and facilities of the departments and establishments of the United States Government and private research agencies.

AUTHORIZATION; EXPENSES

SEC. 305. (a) The expenses of the joint committee, which shall not exceed $200,000 for each fiscal year, shall be paid from the ocntingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

(b) Members of the joint committee, and its employees and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 2624. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations. Referred to the Committee on Finance.

Mr. BIBLE. Mr. President, for myself and my colleague, Senator CANNON, I introduce for appropriate reference a bill to amend the Internal Revenue Code to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations.

Generally, under existing law the expense of commuting to and from an individual taxpayer's home and place of employment are not deductible on one's income tax return. Such costs are treated as "personal, living, or family expenses."

No distinction is made between the urban or suburban commuter for whom housing is available conveniently near his place of employment and taxpayers for whom no housing is available within a reasonable distance of his employment; the individual who must travel long distances to and from his worksite each day and who must incur unusually heavy expense to do so.

A case in point is that involving some 4,500 taxpayers employed at the Atomic Energy Commission's test site in Nevada. The Nevada test site encompasses an area of more than 1,300 square miles. It is situated in a vast desert area unfit for habitation and remote from any community capable of providing residential housing for employees and their families. For security reasons, entrance to the test site is strictly controlled. No one is allowed there except on business, and no family living accommodations are provided.

Las Vegas—the only community capable of providing housing for employees and their families—is located 60 miles from the entrance to the test site at Mercury, Nev. Actual job locations within the test site are often 30 miles and more beyond the entrance point. The majority of the employees must travel 90 miles one way to their jobs each day—a round trip of 180 miles. Some travel as much as 140 miles one way, or a distance of 280 miles to and from work.

The magnitude of this travel burden was well illustrated in a letter I received from one test-site employee. He reported that the distance from his home in Las Vegas to his forward work area is 90 miles; that based on a 3¾-hour round trip of 180 miles and a 240-day work-year, he must travel 43,200 miles and spend 37½ full 24-hour days getting to and from his job each year.

Needless to say, this is an extraordinary situation.

The work force at the Nevada test site consists principally of contract workers—that is, employees of private contractors. In addition, there is a relatively small group of Federal Government employees and a limited number of military personnel. Both the private contractors and the Federal Government recognize the unusual expense involved in traveling to and from such isolated work sites. In addition to their regular wages private employees receive a per diem allowance designed to help defray the added expense, which, I am informed, averages about $5 a day. Under regulations prescribed by the Office of Management and Budget, title 5, section 5942 of the United States Code authorizes a special allowance not exceeding $10 a day for civilian Government employees. No comparable provision is made for permanently assigned military personnel—a situation that should be remedied since they confront the same transportation problems.

Under existing tax law and current rulings of the Internal Revenue Service, the travel allowances received by these employees is not deductible from gross income for income tax purposes. But this has not always been the case. In *Wright* v. *Hartsell* (305 F. 2d 221) decided in 1962 by the U.S. Court of Appeals for the Ninth Circuit, the court held that a taxpayer who was unable to live near his remote job site was entitled to a deduction for his transportation expenses from a point as near to the job site as he could have reasonably lived. Nevada is part of the Ninth Judicial Circuit. Pursuant to that decision, the Internal Revenue Service allowed transportation deductions by test site employees until late in 1969 when the Supreme Court denied certiorari in *U.S.* v. *Lee W. Tauferner* (407 F. 2d 243) a decision of the Tenth Circuit upholding the Government's position that such expenses are not deductible, contrary to the ruling in *Hartsell.* Also, earlier this year in *Sanders et al.* v. *Commissioner of Internal Revenue* (— F. 2d —, No. 25, 236) the Ninth Circuit departed from its ruling in *Hartsell* and held transportation expenses to distant worksites to be nondeductible. Both the Tauferner and Sanders cases involved travel distances and hardships substantially less than those confronting employees of the Nevada test site. Based on these later decisions, the Internal Revenue Service has indicated its intention to deny transportation deductions claimed by test site employees for the 1970 tax year.

The courts have produced divergent results on this subject. First the deduction is allowable. Then it is not. The cases seem to proceed on the assumption that there is no convincing way to distinguish the burden borne by remote area employees from those of the suburban commuter. The rule contended for by the Government and adopted by the Ninth and 10th Circuits—in their recent decisions, at least—seems calculated to serve administrative convenience.

I submit that the two situations are really distinguishable—on the facts of distance, expense, and hardship. And I think the tax statute should be tailored so as to take account of the facts and the hardships endured by citizens employed in the Government's work at unusually remote Federal installations.

The bill I am introducing today would allow individuals employed at remote Federal job sites to deduct the expenses paid or incurred for transportation to and from his residence and his job site. A location would qualify as a "remote Federal job site" only if there is a lack of suitable housing for 70 percent of the employees within 50 miles of the job site. And an individual would qualify for the deduction only if his employer pays him a per diem allowance, travel allowance, remote area allowance, or similar allowance separate and apart from his regular compensation.

I submit that this legislation provides a reasonable, workable, and proper basis for distinguishing the expenses of the ordinary urban or suburban commuter from those of the remote area employees. Enactment of this kind of legislation is already overdue, and I urge prompt favorable action.

Mr. CANNON. Mr. President, I am pleased to join with my distinguished colleague, ALAN BIBLE, the senior Senator from Nevada, in offering legislation that will correct an inequitable situation that has existed for some time and adversely affected many workers employed at remote Federal installations.

This proposal, if enacted, would amend the IRS Code of 1954 to permit a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations such as the Nevada test site.

There has been controversy as well as considerable litigation involving the deductibility of transportation expenses for employees at remote Federal installations. On December 14th of last year the IRS wrote to me outlining their position:

> As you know, prior to the decision in *Wright* vs. *Hartsell*, the position of the Internal Revenue Service was that transportation expenses of employees to remote area work sites constituted nondeductible commuting expenses. After that decision by the Ninth Circuit Court of Appeals, district offices within the jurisdiction of the Ninth Circuit were advised to concede the issue in factually similar cases. But the overall position of the Service has not changed.

I am cosponsoring this measure today because I strongly believe that the internal revenue service should change its position on this question. I firmly believe that a worker's inability to reside near his place of employment is a valid ground for permitting travel expense deduction. The measure introduced today will allow as a deduction expenses paid or incurred for transportation to and from residence to job site providing there is not suitable permanent housing for at least 70 percent of the families within 50 miles of the job site. It appears to me that this is a fair solution to the problem and I urge the committee to give this bill serious consideration.

By Mr. MAGNUSON (by request):

S. 2626. A bill to amend part V of the Interstate Commerce Act, enacted as part of the Transportation Act of 1958, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Interstate Commerce Commission for appropriate reference a bill to amend part V of the Interstate Commerce Act, enacted as part of the Transportation Act of 1958, and for other purposes. I ask unanimous consent that the Commission's recommendation and explanation and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2626

A bill to amend Part V of the Interstate Commerce Act, enacted as part of the Transportation Act of 1958, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(a) of the Interstate Commerce Act (49 U.S.C. 1232(a)) is amended by striking out the entire paragraph and inserting in lieu thereof

"(a) The term 'Secretary' means the Secretary of Transportation."

SEC. 2. That sections 503 through 510 of the Interstate Commerce Act (49 U.S.C. 1233–1240) are amended by striking out the word "Commission" wherever it appears and inserting in lieu thereof the word "Secretary".

SEC. 3. That section 503 of the Interstate Commerce Act (49 U.S.C. 1233) is amended by striking out the figure "$500,000,000" in the last sentence thereof, and by inserting in lieu thereof "$750,000,000."

SEC. 4. That section 504(a)(3) of the Interstate Commerce Act (49 U.S.C. 1234(a)(3)) is amended to read as follows:

"(a)(3) if terms of such loan permit full repayment more than fifteen years after the date thereof: *Provided*, That the Secretary may grant an extension of an additional five years if upon subsequent petition it finds that circumstances have arisen which do not permit repayment within said fifteen-year period, and such further extension would be equitable as set forth in section 505 of this Part."

SEC. 5. That section 504(a)(4) of the Interstate Commerce Act (49 U.S.C. (a)(4)) is amended to read as follows:

"(a)(4) unless the Secretary finds that the prospective earning power of the applicant carrier, together with the character and the value of the security pledged, if any, furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor and the probable value of the assets of the railroad in the event of reorganization or liquidation provides reasonable protection to the United States."

SEC. 6. That section 506(b) of the Interstate Commerce Act (49 U.S.C. 1236(b)) is amended by adding at the end thereof a new sentence as follows:

"With respect to loans guaranteed subsequent to January 1, 1971, the amount of the payments, with interest, shall be accorded the highest lien on the railroad's property and priority in payment under section 77 of the Bankruptcy Act; however, the rights referred to in the last sentence of section 77(j) of the Bankruptcy Act shall in no way be affected by this Act."

SEC. 7. That section 510 of the Interstate Commerce Act (49 U.S.C. 1240) is amended by striking the year "1963" and by inserting in lieu thereof "1981".

GUARANTEED LOANS

We recommend that Part V of the Interstate Commerce Act, enacted as a part of the Transportation Act of 1958, be extended by the Congress.

Under Part V a total of 41 applications were received by the Commission for loan guaranties amounting to over $286 million. A total of 36 loans were guaranteed in an aggregate amount of $243.9 million. ($1.5 million was approved but not dispersed.)

Thus, of the $500 million total loan guaranties authorized by Part V, $243.9 million or 48.78 percent was used. Payments of $78.8 million have been made on the loans, leaving a balance of $163.7 million in outstanding guaranties.

The volume of applications may not have been as large as was anticipated when the legislation was pending in 1958. Nevertheless, experience has shown that certain hard-pressed railroads were, as a result of the enactment of the guaranty provisions of Part V, able to obtain financial assistance in a manner and under terms and conditions which would not otherwise have been available. Moreover, it is reasonable to conclude from information developed through investigation and study of the applications received that many more railroads would have gone into receivership or trusteeship under the provisions of section 77 of the Bankruptcy Act had it not been for the very timely assistance afforded them by the action of the 85th Congress in its enactment of Part V of the Interstate Commerce Act.

It has also been the Commission's experience, generally speaking, that the railroads availed themselves of assistance under Part V only where a dire need existed.

The financial condition and earning position of a number of railroads, especially those in the eastern district, are every bit as critical now as in 1958. Many are still suffering deficits in net income and are in poor financial condition. While some may recover to some extent, such recovery may not be sufficient to enable them to repay the guaranteed loans within the 15-year period. For the reasons mentioned, appropriate authority for the extension of the loan period is necessary.

Part V should also be revised so as to vest the authority to administer the loan guarantee program in the Secretary of Transportation, rather than in the Commission. This would be consistent with the approach adopted by the last Congress when it enacted the Emergency Rail Services Act of 1970.

By Mr. MAGNUSON (by request):

S. 2627. A bill to amend section 22 of the Interstate Commerce Act so as to eliminate free or reduced rates for Government traffic, except in certain circumstances, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Interstate Commerce Commission, for appropriate reference a bill to amend section 22 of the Interstate Commerce Act so as to eliminate free or reduced rates for Government traffic, except in certain circumstances, and for other purposes.

I ask unanimous consent that the bill and a statement in connection therewith be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2627

A bill to amend section 22 of the Interstate Commerce Act so as to eliminate free or reduced rates for government traffic, except in certain circumstances, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first clause of the first sentence of section 22(1) of the Interstate Commerce Act (49 U.S.C. 22(1)) is amended to read as follows:

"(1) That nothing in this part shall prevent the carriage, storage, or handling of property at free or at reduced rates for the United States, State, or municipal governments to the extent that such services are performed in time of war or other national emergency, or involve the transportation of commodities which is exempt from economic regulation under the provisions of part II or part III, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the transportation of persons for the United States Government free or at reduced rates, or the issuance of mileage, excursion, or commutation passenger tickets;"

AMENDMENT OF SECTION 22 OF THE ACT

We recommend that Section 22 of the Interstate Commerce Act be amended to eliminate free or reduced rates for government traffic, except in time of war or other national emergency and except as to the transportation of commodities which is exempt from economic regulations under Parts II and III of the Act.

Except for the enactment in 1957 of subsection (2) which requires carriers to file certain rates with the Commission, the provisions of section 22 relating to Government traffic have remained essentially the same since passage of the original act to regulate commerce in 1887. At that time the Government was a comparatively small user of freight or passenger services of the carriers. Today, however, it is the largest single purchaser of transportation services.

Such preferential treatment has a strong tendency to increase the cost of regulated transportation services to commercial users. Naturally, if rates are forced too high, shippers who are financially able will purchase trucks to provide carriage for their products. Such diversions of traffic are clearly detrimental to the maintenance of a fiscally sound, efficient national transportation system.

The exception with respect to the transportation of commodities exempt from economic regulation under Parts II or III of the Act is necessary in order not to aggravate existing competitive inequities between carriers of different modes.

By Mr. MAGNUSON (by request):

S. 2628. A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Interstate Commerce Commission for appropriate reference a bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes. I ask unanimous consent that the Commission's recommendation and explanation and the text of the bill be printed in the RECORD.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

S. 2628

A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 216(c) of the Interstate Commerce Act (49 U.S.C. 316(c)) is amended to read as follows:

"(c) (1) Common carriers of property by motor vehicle may establish reasonable through routes and joint rates, charges, and classifications with other such carriers or with common carriers by railroad and/or express and/or water; and common carriers of passengers by motor vehicle may establish reasonable through routes and joint rates, fares, or charges with common carriers by railroad and/or water. As used in this subsection the term 'common carriers by water' includes water common carriers subject to the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act of 1933, as amended (including persons who hold themselves out to transport goods by water but who do not own or operate vessels) engaged in the transportation of property in interstate or foreign commerce between Alaska or Hawaii on the one hand, and, on the other, the other States of the Union, and through routes and joint rates so established and all classifications, regulations, and practices in connection therewith shall be subject to the provisions of this Part."

(2) The Commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without complaint, establish through routes, joint classifications, and joint rates or charges applicable to the transportation of property by common carriers by motor vehicle and other such carriers and/or common carriers by railroad and/or express and/or common carriers by water subject to Part III, and, when so ordered in such a proceeding, it shall be the duty of the affected common carriers of property by motor vehicle, common carriers by railroad and/or express and/or common carriers by water subject to Part III to establish and maintain reasonable through routes, joint classifications, and joint rates or charges applicable thereto. In establishing any such through routes the Commission shall not, except as provided in sections 3, 216(d), or 305(e), require any carrier without its consent to embrace in such route substantially less than the entire length of its route and of any intermediate carrier operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route (a) unless such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established or (b) unless the Commission finds that the through route proposed to be established is needed in order to provide adequate and more efficient or more economic transportation: *Provided,* That in prescribing through routes the Commission shall, so far as is consistent with the public interest, and subject to the foregoing limitations in clauses (a) and (b), give reasonable preference to the carrier which originates the traffic. In the case of any through route established by the Commission between common carriers of property by motor vehicle and other such carriers, the limitations in this section on the Commission's power to establish through routes shall apply only to the carrier originating the traffic. No through route and joint rate applicable thereto shall be established by the Commission for the purpose of assisting any carrier that would participate therein to meet its financial needs.

(3) In case of such joint rates, fares, or charges it shall be the duty of the carriers parties thereto to establish just and reasonable regulations and practices in connection therewith, and just, reasonable, and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers.

SEC. 2. Section 216(e) of the Interstate Commerce Act (49 U.S.C. 316(e)) is amended to read as follows:

"(e) (1) Any person, State board, organization, or body politic may make complaint in writing to the Commission that any such rate, fare, charge, classification, rule, regulation, or practice, in effect, or proposed to be put into effect, is or will be in violation of this section or of section 217. Whenever, after hearing, upon complaint or in an investigation on its own initiative, the Commission shall be of the opinion that any individual or joint rate, fare, or charge, demanded, charged, or collected by any common carrier or carriers by motor vehicle or by any common carrier or carriers by motor vehicle in conjunction with any common carrier or carriers by railroad and/or express and/or water for transportation in interstate or foreign commerce, or any classification, rule, regulation, or practice whatsoever of such carrier or carriers affecting such rate, fare, or charge or the value of the service thereunder, is or will be unjust and unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate, fare, or charge or the maximum or minimum, or maximum and minimum rate, fare, or charge thereafter to be observed, or the lawful classification, rule, regulation, or practice thereafter to be made effective."

(2) All carriers party to a through route and joint rate, whether established by the carriers under section 216(c) (1) or prescribed by the Commission under section 216 (c) (2), shall promptly pay divisions or make interline settlements as the case may be with other carriers party thereto. In the event of undue delinquency in the settlement of such divisions or interline settlements, such through routes and joint rates may be suspended or cancelled by the Commission under rules to be prescribed by it.

(3) In any proceeding involving a joint rate the Commission shall consider, among other things, any evidence challenging the fitness of any carrier or carriers involved and any facts relating to special operational circumstances attending the service to which the rate is applicable.

(4) If any tariff or schedule cancelling any through route and joint rate, fare, charge, or classification, whether established by the carriers under section 216(c) (1) or prescribed by the Commission under section 216(c) (2), without the consent of all carriers parties thereto or authorization by the Commission, is suspended by the Commission for investigation, the burden of proof shall be upon the carrier or carriers proposing such cancellation to show that it is consistent with the public interest.

(5) Nothing in this Part shall empower the Commission to prescribe, or in any manner regulate, the rate, fare, or charge for intrastate transportation, or any service connected therewith, for the purpose of removing discrimination against interstate commerce or for any other purpose whatever.

THROUGH ROUTES AND JOINT RATES

We recommend that the Interstate Commerce Act be amended to grant the Commission authority to require through routes and joint rates among all carriers, except freight forwarders, subject to its jurisdiction.

Of fundamental importance to the accomplishment of a better coordinated transportation system is the establishment of through routes and joint rates within and among the various modes of carriage. The failure or refusal of carriers to enter into such arrangements is contrary to the public interest in the furtherance of a more responsive national transportation network.

While the adoption of such a proposal might not inure to the immediate benefit of financially distressed railroads, it will allow them in the long run to participate in the economic benefits of a coordinated national transportation system.

At present the only common carriers of different modes which may be required by the Interstate Commerce Commission to establish through routes and joint rates with each other are railroads, pipelines, and express companies subject to Part I of the Act; and railroads subject to Part I and common carriers by water subject to Part III. The only intramodal joint-rate arrangements that may be required are between railroads, pipelines, and express companies, respectively, subject to Part I, common carriers of passengers by motor vehicles subject to Part II, and common carriers by water subject to Part III. Common carriers of property by motor vehicle subject to Part II are permitted, but not required, to enter into joint-rate arrangements with other such carriers or with common carriers of other modes. Common carriers of other modes are not required to establish through routes and joint rates with motor carriers. Enactment of the recommended legislation would close this gap in existing law with respect to common carriers subject to Parts I, II, and III of the Act.

For many years railroads and motor carriers were reluctant to enter into through-route and joint-rate arrangements. While, in recent years, there has been some relaxation of this attitude on the part of the carriers, especially with the growth of "piggyback" service, such arrangements are on a permissive and voluntary basis subject to termination at any time. The lack of any obligation on the part of the carriers to continue in effect such joint through-route arrangements is not conducive to the maintenance of dependable joint-line service between railroads and motor carriers, and between motor carriers and water carriers.

The availability of through routes and joint rates would also benefit the shipping public in numerous ways. It enables a shipper to make one contract with the originating carrier on behalf of all carriers participating in the arrangement. In addition, the shipper may ascertain the rate for a through movement by consulting a single tariff instead of many. Both shipper and consignee have the advantage provided by section 20(11) and similar provisions in other Parts of the Act, of recovering from either the originating or delivering carrier for less or damage caused by any carrier participating in the through movement. Moreover, joint rates are generally lower than a combination of local rates of connecting carriers not participating in such through service arrangements.

Voluntary joint arrangements participated in by motor common carriers of general commodities often contain many restrictions as to individual carriers or classes of commodities, thereby limiting the availability of through interline service to the shipping public. The Commission's present authority is essentially confined to situations where tariffs containing through routes and joint rates voluntarily established are subsequently cancelled by one or more of the participating carriers. In such situations, the Commission has found in certain cases that such actions constitute an unreasonable, and therefore unlawful, practice within the meaning of section 216(b) of the Act or an undue and unreasonable disadvantage under section 216(d) of the Act as to certain classes of commodities and/or shippers.

In the absence of the establishment of joint-rate arrangements among motor carriers of property on a voluntary basis, the Commission may provide for through motor carrier service under existing law only by granting extensions of operating rights to existing carriers or by approving consolidations and mergers of connecting carriers. These grants or approvals are not always satisfactory solutions to the problem. A 1967 study of the small shipment problem found that the lack of suitable interline service by motor carriers was a major difficulty, particularly to small shippers and communities. If the Commission had authority to require through routes and joint rates, it could require carriers to establish interline service to small shippers thus contributing to the solution of the small shipment problem.

Requiring through routes and joint rates under Part II would permit the Commission to compel the establishment and maintenance of dependable joint-line service responsive to the needs of the shipping public, and protect carriers from unfair or unreasonable demands to provide through service. It would also have the effect of according greater equality of treatment in the regulation of the carriers of various modes.

By Mr. MAGNUSON (by request):

S. 2629. A bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to restructure essential railroad service under certain circumstances, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Interstate Commerce Commission for appropriate reference a bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to restructure essential railroad service under certain circumstances, and for other purposes. I ask unanimous consent that the Commission's recommendation and explanation and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2629

A bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to restructure essential railroad service under certain circumstances, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interstate Commerce Act, as amended, is amended by inserting immediately after part V the following new part:

PART VI

SEC. 601. Purpose. It is the purpose of this part to provide for restructuring of railroad service and operation in any part of the United States when the Commission determines, within the limits of this part, that an emergency situation exists, or is imminent, which threatens cessation of essential railroad service by a railroad in financial distress, it being the aim of such restructuring to provide emergency relief through facilitating the most efficient use of facilities, and, if necessary and feasible, to provide for alternate service to be performed by other railroads on an emergency basis so as to preserve railroad services essential to the commerce of the United States and its national defense.

SEC. 602. (a) Definitions. A distressed railroad shall be a debtor railroad in reorganization under Section 77 of the Bankruptcy Act (11 U.S.C. Sec. 205) which, as determined by the Commission upon information from the United States District Court exercising jurisdiction thereof, is expected to cease operations in the near future due to a lack of funds necessary for continued operations.

(b) An emergency situation shall exist if the Commission finds that the distressed railroad performs services essential to the public convenience and necessity.

SEC. 603. In order to carry out the purpose declared in Sec. 1, the Commission, upon the terms and conditions prescribed by it and consistent with the provisions of this part, may declare, upon petition filed pursuant to an order of the United States District Court exercising jurisdiction over the distressed railroad, as provided in Sec. 4(b) hereof, that certain essential railroad service of the United States is threatened and may be compelled to cease operations and that an emergency exists, whereupon the Commission may direct a railroad or railroads in the area, including the distressed railroad, and other interested parties, to submit within 30 days, unless such period is extended by the Commission, recommendations indicating steps deemed prudent to overcome such emergency, and upon considering such factors and other information available to it, the Commission may adopt a plan which may (a) immediately permit or direct a railroad or railroads in the area, including the distressed railroad, to restructure their railroad service, which plan may permit or require, if found feasible, the joint use of the most economic railroad lines and terminals at a fair compensation, the abandonment of operations of lines, terminals, or other facilities which are not found to be essential to the public convenience and necessity, and the lease of facilities and equipment or the granting of trackage rights of essential railroad tracks and facilities of the distressed railroad, no longer capable of being operated by the distressed railroad, at a fair compensation to another railroad or railroads in the area, and (b) after hearings as set forth in Sec. 13 hereof may permit or direct the abandonment of lines, terminals or other operations or facilities and the sale, lease or operation of essential railroad properties of the distressed railroad and purchase, lease or operation thereof by another railroad or railroads at a fair compensation and on reasonable terms; and the emergency restructuring plan reflecting actions taken under provision (a) of this Section shall become effective within 30 days after such order is served, unless extended by the Commission, without the necessity of awaiting final determination of appeal on reconsideration to the Commission as provided in Sec. 13 hereof.

SEC. 604. No plan shall be adopted under Sec. 3 hereof unless:

(a) The United States District Court exercising jurisdiction over the distressed railroad by order finds upon its own motion, or upon petition of the distressed railroad or its trustee or trustees, or of any railroad, shipper, community, or other interested agency or person, that operations of the distressed railroad will cease in the near future due to inability to obtain funds necessary to continue operations; and

(b) The Commission finds upon a petition filed pursuant to an order of the United States District Court exercising jurisdiction over the distressed railroad entered as provided in paragraph (a) of this Section, that cessation of all or part of the operations of the distressed railroad will have a seriously adverse effect on the public convenience and necessity.

SEC. 605. A petition requesting restructuring of railroad service under this part shall include, as a condition of acceptance, a proposed plan of restructuring, setting forth in detail the public need for such service as is proposed to be retained, the restructuring proposed and the effects and feasibility thereof, and an estimate of the time needed to implement such restructuring.

SEC. 606. In adopting a plan of restructuring the Commission shall give consideration (a) to the effect cessation of such railroad service would have on the industries in the area involved as well as its effect on affected parts of the national railroad system and the industries it serves, (b) to any plans which may mutually have been agreed to by employee unions and railroads to increase the efficiency of operations of the distressed railroad, (c) to any aid which the States or other governmental agencies in the area are granting or propose to grant to preserve such service, and (d) the availability of alternate transportation.

SEC. 607. In any plan of restructuring which involves the lease or sale of essential railroad properties of a distressed railroad to another railroad or railroads, the Commission, after hearing, under Section 13 hereof, shall set the fair lease or purchase price unless agreed upon by the parties involved, but the plan of restructuring shall not require the purchase or lease of property deemed not necessary to essential railroad service.

SEC. 608. The provisions of this part shall preempt other parts of the Interstate Commerce Act and Sec. 77 of the Bankruptcy Act, within the limitations set forth herein, and action taken pursuant thereto shall not be subject to the antitrust laws as defined in Section 5a of Part 1 of this Act.

SEC. 609. In order to permit early implementation of a plan of restructuring as provided in Sec. 3(a) hereof, so as to achieve the purposes of this part, the plan of restructuring may provide for interim findings with respect to property rights affected or may defer consideration of property rights until after oral hearing as set forth in Sec. 13 hereof.

SEC. 610. Any plan of restructuring shall provide for reasonable protection for employees affected, subject to further relief which may be recommended to the President and Congress pursuant to Sec. 14 hereof.

SEC. 611. The Commission may request such information as it deems necessary from the carriers involved and their subsidiaries, affiliates, or parent companies, to accomplish the purpose of this part, and may, if it deems it necessary, helpful and timely, hold preliminary hearings to gather information.

SEC. 612. The willful failure or refusal of any carrier or subsidiary, affiliate, or holding company, or of any officer or employee of any carrier, subsidiary, or holding company, to comply with the terms of any order of the Commission pursuant to this part shall be a misdemeanor, and upon conviction thereof the carrier, subsidiary, affiliate, or holding company, or person offending shall be subject to a fine of not less than $1,000 or more than $5,000 for each offense, and each day during which such party shall willfully fail or refuse to comply with the terms of such order shall constitute a separate offense. It shall be the duty of the Attorney General of the United States to prosecute all necessary proceedings for the enforcement of the provisions of this part and for punishment of all violations thereof upon application by the Commission.

SEC. 613. After a plan of restructuring is adopted, the Commission shall hold hearings and all interested parties shall have an opportunity to present their views and comments in favor of or in opposition to such plan, and the Commission may, during such pending proceedings or within one year after the conclusion thereof, order such further changes consistent with this part and subject to subsequent further hearings, as it shall conclude to be desirable to improve such plan of restructuring, including the sale or lease of the facilities of a distressed railroad to, or their operation by, another railroad or railroads, and the fair price of such sale, lease, or contract to operate or the fair compensation for joint use of railroad lines and terminals if not agreed to by the parties and shall set such other conditions as it deems necessary to assure that the plan of restructuring is carried out.

SEC. 614. If, while considering a plan of restructuring of railroad service or subsequent to the adoption thereof, the Commission finds that notwithstanding such restructuring essential railroad service of the distressed railroad cannot be reasonably assured against cessation of operations, it shall file a report with the President and Congress of the United States and shall recommend such further legislative or other relief as it deems appropriate, including legislative relief to employees that may be adversely affected by the plan of restructuring.

SEC. 615. Any railroad facilities which the Commission authorizes to be abandoned pursuant to this part shall be kept intact for a period of one year to afford an opportunity to make further modification in the plan of restructuring pursuant to Section 13 hereof and/or to afford other agencies, State, or local governments, an opportunity to purchase such property at a fair price for other public usage.

SEC. 616. The Commission may use available services and facilities of other departments, agencies and instrumentalities of the Government, with their consent, on a reimbursable basis. Departments, agencies and instrumentalities of the Government shall exercise their powers, duties and functions in such manner as will assist in carrying out the objectives of this part.

SEC. 617. Administrative expenses under this part shall be paid from appropriations made to the Commission for administrative expenses, and the Commission shall request supplemental appropriations for the purpose when it deems it necessary.

RESTRUCTURING OF BANKRUPT RAILROAD

We recommend that new legislation be enacted which would give the Commission authority to restructure essential railroad service to insure its continuance when the bankruptcy of a railroad threatens the cessation of such service.

Unusual measures are needed to restore the health of sick railroads. For instance, a necessary condition for any meaningful recovery depends on a particular road's ability to streamline operations so as to reduce overhead costs. The initial and primary responsibility for such action under a private enterprise system lies with the railroads themselves, but the public has a compelling interest when the continued operation of essential railroad service is threatened.

In certain areas such as the shipment of coal, structural steel, cement, and other vital commodities, the economy is almost wholly dependent upon railroads. A nightmare would result if essential rail lines were dismantled and traffic of such nature and volume were shifted to the highways, particularly in large metropolitan areas. The streamlining needed includes not only abandonment of marginal lines and losing operations but a more effective joint use of lines and facilities, where duplications exist.

The Commission has concluded that where a railroad in reorganization is threatened with cessation of service, the public is entitled to swift and affirmative action which would seek to restructure railroad service in the area so as to overcome such a crisis. At present the Commission has no affirmative authority to cope with such a situation. Accordingly, the Commission recommends that immediate consideration be given by the Congress to the restructuring bill attached hereto.

The draft bill is designed—

1. To provide for an expeditious streamlining of railroad facilities, while preventing indiscriminate abandonment of essential railroad operations and facilities.

2. To impose a duty on railroads in such proceeding to provide essential railroad service, if necessary, beyond their own lines, and to seek a reduction in overhead expenses where possible through joint use of facilities while preserving to the extent feasible their competitive status in the areas they serve.

3. To preserve essential rail service necessary to the public convenience and necessity at the lowest cost.

4. To promote a fair return on essential railroad investment while avoiding the need to support railroad corporations with excessive debt structures which cannot support themselves.

5. To promote railroad labor in the long run by promoting a more viable and competitive railroad industry and by avoiding cessation of essential railroad operations. Where labor in the short run may be adversely affected, the Commission would be able to impose reasonable conditions for the protection of employees. Should a plan of restructuring involve a substantial dislocation of labor which could not reasonably be protected by conditions imposed on the railroads without negating the advantages of such restructuring, the Commission could recommend legislative or other relief to the President and the Congress to help overcome such a negative social problem.

6. To encourage needed investment in the railroad industry by reluctant investors, through the corrective measures proposed.

7. To promote railroad viability during or after restructuring by providing for a report to Congress and the President recommending such subsidies as may be needed to preserve essential but non-profitable facilities, if such should be found to exist.

8. To preserve intact for a year railroad facilities found not to be essential to railroad service in order to permit further modifications in the restructuring and/or afford other agencies, State, or local governments an opportunity to acquire such property for other public usage at a fair price.

9. To assist railroads in reorganization to reemerge as healthy railroads or to sell or lease their essential railroad facilities to viable railroads, thus reducing or terminating the losses which creditors would otherwise have to absorb.

A key element of the bill would be the imposition of a duty upon all those involved in railroad reorganization proceedings—creditors and governmental agencies as well as carriers—to exert the maximum effort to bring about a meaningful solution to the problem, but at the same time give the Commission authority to adopt and enforce a plan of restructuring if the parties cannot agree.

The proposed bill would enable the Commission to act swiftly to effect economies readily recognized as desirable, while allowing it to make further changes as the proceeding develops and new facts come to light.

Of course, it cannot be ascertained in advance of a proceeding whether a feasible plan of restructuring can be effected without some Government assistance, and the proposed bill, therefore, provides for a report to the President and Congress in the event it appears that some further Government assistance is necessary to preserve essential services. However, if the Government is to be called upon to assist the industry, it should have assurance that an expeditious and determined effort will be made to increase efficiency and preserve essential railroad service to the public.

By Mr. MAGNUSON (by request):

S. 2630. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, at the request of the Interstate Commerce Commission, for appropriate reference, a bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes. I ask unanimous consent that the Commission's recommendation and explanation and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2630

A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(2)(a) of the Interstate Commerce Act (49 U.S.C. 5(2)(a)) is amended by striking out the period at the end of subparagraph (ii) and inserting in lieu thereof "; or" and by adding at the end thereof the following new subparagraph:

"(iii) for any person which is not a carrier, or two or more such persons jointly, to acquire control through ownership of its stock or otherwise of a carrier by railroad, the operating revenues of which exceeded $5,000,000 or of a carrier other than a carrier by railroad, the operating revenues of which exceeded $1,000,000 for a period of twelve consecutive months preceding the date of the agreement of the parties covering the transaction."

SEC. 2. The first and second sentences of section 5(3) of the Interstate Commerce Act (49 U.S.C. 5(3)) are amended to read as follows:

"Whenever a person which is not a carrier is authorized by an order entered under paragraph (2), to acquire control, or whenever a person which is not a carrier is found by the Commission to be in control of any carrier by railroad, the operating revenues of which exceed $5,000,000 or of a carrier other than a carrier by railroad, the operating revenues of which exceed $1,000,000 annually, or of two or more carriers, such person thereafter shall, to the extent provided by order of the Commission be considered as a carrier subject to such of the following provisions as are applicable to any carrier involved in such acquisition of control: section 20(1) to (10), inclusive, of this Part, sections 204(a)(1) and (2) and 220 of Part II, and section 313 of Part III (which relate to reports, accounts, and so forth, of carriers), and section 20a (2) to (11), inclusive, of this Part, and section 214 of Part II (which relate to issues of securities and assumptions of liability of carriers), including in each case the penalties applicable in the case of violations of such provisions.

"To the extent, if any, and at such time as the Commission orders the application of such provisions of section 20a of this part or section 214 of Part II, in the case of any such person, the Commission shall authorize the issue or assumption applied for (a) if it finds that such issue or assumption is for a purpose unrelated to the activities of any carrier under the control of such person, *subject, however,* to concurrent jurisdiction to be exercised by the Securities and Exchange Commission, or (b) if it finds that such issue or assumption is (i) for a purpose related to the activities of any carrier under the control of such person, (ii) is consistent with the proper performance of service to the public by each carrier under the control of such person and (iii) will not impair the ability of any such carrier to perform such service."

Sec. 3. Section 5(3) of the Interstate Commerce Act (49 U.S.C. 5(3)) is amended by inserting "(a)" immediately after "(3)" and by adding at the end thereof the following new subparagraph:

"(b) Whenever in the performance of its duties under section 12, section 20 and section 204(a)(7) of this Act to inquire into the management of the business of any carrier by railroad, the operating revenues of which exceed $5,000,000 annually, or a carrier other than a carrier by railroad the operating revenues of which exceed $1,000,000 annually, the Commission determines as a result of such inquiry that there is reason to believe that dealings or transactions involving the receipt and expenditures of moneys, transfers of land and buildings, or equipment, or other dealings (other than those involving issuances of securities as provided in section 20a of Part I or section 214 of Part II) between any such carrier and any person controlling, controlled by, or under common control with such carrier, or any affiliate of such person, may result in impairment of the operations of the carrier or its ability to respond to the needs of the public, the Commission may issue an order to any such carrier to show cause why all such dealings and transactions should not be submitted to the Commission for approval or disapproval. The Commission may, after hearing, require by order any such carrier to file an application for approval of any dealings or transactions aforesaid until further order by the Commission, or require by order such other action, including divestiture of control, as contemplated by section 5(17) of this Act."

Sec. 4. Section 5(4) of the Interstate Commerce Act (49 U.S.C. 5(4)) is amended to read as follows:

"(4) It shall be unlawful for any person, except as provided in paragraph (2), to enter into any transactions within the scope of subparagraph (a) thereof, or to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management of a carrier or of two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph and in violation of its provisions. As used in this paragraph and paragraph (5), the words "control or management" shall be construed to include the power to exercise control or management. For the purpose of this section; any person owning beneficially 10 per centum or more of the voting securities of a carrier shall be presumed to be in control of such carrier unless the Commission finds otherwise."

Sec. 5. Section 5 of the Interstate Commerce Act (49 U.S.C. 5) is amended by adding at the end thereof the following new paragraph:

"(17) Whenever the Commission, after notice and hearing, determines that control—of a carrier by another carrier or two or more carriers, or by a person which is not a carrier, or two or more persons—is being used in a manner which is impairing or threatens to impair the ability of the affected carrier properly to perform its service to the public, it shall by order direct cessation of any actions or practices of the controlling party or parties and direct such affirmative conduct as in its judgment will enable any such carrier properly to perform its service to the public, or, where warranted by the facts and circumstances, the Commission shall require such further action as in its opinion is necessary or appropriate, including, among other things, the divestiture of control of the carrier whose service to the public has been impaired or threatened."

Sec. 6. Section 20(5) of the Interstate Commerce Act (49 U.S.C. 20(5)) is amended by inserting "(a)" immediately after "(5)" and by adding at the end thereof the following new subparagraph:

"(b) Any person having legal or beneficial ownership, as trustee or otherwise, of more than 1 per centum of any class of the capital stock or capital, as the case may be, of any carrier by railroad, the operating revenues of which exceed $5,000,000 annually or 5 per centum of any class of the capital stock or capital, as the case may be, of any carrier other than a carrier by railroad the operating revenues of which exceed $1,000,000 annually, shall submit at such times and in such form as the Commission may require, a description of the shares of stock or other interest owned by such person, and the amount thereof."

Sec. 7. Section 20(1) of the Interstate Commerce Act (49 U.S.C. 20(1)) is amended to read as follows:

"(1) The Commission is hereby authorized to require annual, periodical or special reports from carriers, persons controlling, controlled by or under a common control with such carriers, lessors and associations (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers, persons controlling, controlled by or under a common control with such carriers, lessors and associations specific and full, true and correct answers to all questions upon which the Commission may deem information to be necessary, classifying such carriers, persons controlling, controlled by, or under a common control with such carriers, lessors and associations as it may deem proper for any of these purposes. Such annual reports shall give an account of the affairs of the carrier, persons controlling, controlled by, or under common control with such carrier, lessor or association in such form and details as may be prescribed by the Commission."

Sec. 8. Section 20(3) of the Interstate Commerce Act (49 U.S.C. 20(3)) is amended to read as follows:

"(3) The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this Part, prescribe a uniform system of accounts applicable to any class of carriers subject thereto, persons controlling, controlled by or under common control with such carriers, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept."

Sec. 9. Section 20(5)(a) of the Interstate Commerce Act (49 U.S.C. 20(5)(a)) as so redesignated by section 6 of this Act, is amended to read as follows:

"(5)(a) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers, persons controlling, controlled by, or under common control with such carriers, and their lessors, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys, and it shall be unlawful for such carriers, persons controlling, controlled by, or under common control with such carriers, or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, persons controlling, controlled by, or under common control with any such carriers, lessors, and associations. The Commission or its duly atuhorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers, persons controlling, controlled by, or under common control with such carriers, or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. Such carriers, persons controlling, controlled by, or under common control with such carriers, lessors, and other persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and such carriers, persons controlling, controlled by, or under common control with such carriers, and lessors shall submit their lands, buildings, and equipment to inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials."

Sec. 10. Section 20a(3) of the Interstate Commerce Act (49 U.S.C. 20a(3)) is amended by striking out the period at the end thereof and inserting the following:

": *Provided, however,* That in the case of a person considered a carrier pursuant to section 5(3) of this part, modifications, terms or conditions may be specified only after a finding by the Commission that, otherwise, the proposed issue or assumption of securities would not be consistent with the proper performance of service to the public by each carrier which is under the control of such person and would impair the ability of any such carrier to perform such service in the absence of such modification, terms or conditions."

Sec. 11. Section 204(a)(1) of the Interstate Commerce Act (49 U.S.C. 304(a)(1)) is amended to read as follows:

"(1) To regulate common carriers by motor vehicles, persons controlling, controlled by, or under common control with such common carriers, as provided in this part, and to that end the Commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage and express, uniform systems of accounts, records, and reports, and preservation of records."

Sec. 12. Section 204(a)(2) of the Interstate Commerce Act (49 U.S.C. 304(a)(2) is amended to read as follows:

"To regulate contract carriers by motor vehicles, persons controlling, controlled by, or under common control with such contract carriers, as provided in this part, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, and perservation of records."

Sec. 13. Section 220(a) of the Interstate Commerce Act (49 U.S.C. 320(a)) is amended to read as follows:

"220(a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, lessors, and associations (as defined in this section); to prescribe the manner and form in which such reports shall be made; and to require from such carriers, persons controlling, controlled by, or under common control with such carriers, brokers, lessors, and associations specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, persons controlling, controlled by, or under common control with such carrier, broker, lessor, or association in such form and detail as may be prescribed by the Commission. The Commission may also require any motor carrier or broker to file with it a true copy of any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this Part. The Commission shall not, however, make public any contract, agreement, or arrangement between a contract carrier by motor vehicle and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest: *Provided*, That if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier by motor vehicle as required by section 218(a), the Commission may, in its discretion, make public such provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof."

SEC. 14. Section 220(d) of the Interstate Commerce Act (49 U.S.C. 320(d)) is amended to read as follows:

"(d) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors including the accounts, records, memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys, and it shall be unlawful for such carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, or lessors as may after a reasonable time be destroyed, and prescribing the length of time the same shall be preserved. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, persons controlling, controlled by, or under common control with such carriers, brokers, lessors, and associations (as defined in this section). Motor carriers, persons controlling, controlled by, or under common control with any such carriers, brokers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors shall submit their lands, buildings, and equipment for examination and inspection to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials."

SEC. 15. Section 313(a) of the Interstate Commerce Act (49 U.S.C. 913(a)) is amended to read as follows:

"Sec. 313(a) The Commission is hereby authorized to require annual, periodical, or special reports from water carriers, persons controlling, controlled by, or under common control with such carriers, lessors, and associations (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such carriers, persons controlling, controlled by, or under common control with such carriers, lessors, and associations specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, any person controlling, controlled by, or under common control with such carrier, lessor, or association in such form and detail as may be prescribed by the Commission. Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under this paragraph shall also be under oath whenever the Commission so requires."

SEC. 16. Section 313(c) of the Interstate Commerce Act (49 U.S.C. 913(c)) is amended to read as follows:

"(c) The Commission may in its discretion, for the purpose of enabling it the better to carry out the purposes of this Part, prescribe a uniform system of accounts applicable to any class of water carriers, persons controlling, controlled by, or under common control with such carriers, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept."

SEC. 17. Section 313(e) of the Interstate Commerce Act (49 U.S.C. 913(e)) is amended to read as follows:

"(e) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by water carriers, persons controlling, controlled by, or under common control with such carriers and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and it shall be unlawful for such carriers, persons controlling, controlled by, or under common control with such carriers, or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto."

SEC. 18. Section 313(f) of the Intrastate Commerce Act (49 U.S.C. 913(f)) is amended to read as follows:

"(f) The Commission or its duly authorized special agents, accountants, or examiners shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such water carriers, persons controlling, controlled by, or under common control with such carriers, and lessors, and of associations (as defined in this section). The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers, persons controlling, controlled by, or under common control with any such carriers, or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. All such carriers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and for copying authorized by this paragraph, and such carriers, persons controlling, controlled by, or under common control with such carriers and lessors shall submit their lands, buildings, and equipment for inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials."

SEC. 19. Section 412(a) of the Interstate Commerce Act (49 U.S.C. 1012(a)) is amended to read as follows:

"SEC. 412(a). For purposes of administration of the provisions of this Part, the Commission is hereby authorized to require annual, periodical, or special reports from freight forwarders, persons controlling, controlled by, or under common control with such freight forwarders, and associations (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such forwarders, persons controlling, controlled by, or under common control with such forwarders, and associations specific, full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual report shall give an account of the affairs of the freight forwarder, persons controlling, controlled by, or under common control with such forwarder or association in such form and detail as may be prescribed by the Commission. The Commission may, in its discretion, for purposes of administration of the provisions of this Part, prescribe a uniform system of accounts applicable to freight forwarders and persons controlling, controlled by, or under common control with such forwarders, and the period of time within which they shall have such uniform system of accounts, and the manner in which such accounts shall be kept. The Commission may also require any such forwarder to file with it a true copy of any contract or agreement between such forwarder and any person in relation to transportation facilities, service, or traffic affected by the provisions of this Part.

SEC. 20. Section 412(c) of the Interstate Commerce Act (49 U.S.C. 1012(c)) is amended to read as follows:

"(c) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by freight forwarders and persons controlling, controlled by, or under common control with such forwarders, with respect to service subject to this Part, and the length of time such accounts, records, and memoranda shall be preserved, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and it shall be unlawful for freight forwarders and persons controlling, controlled by, or under common control with such forwarders to keep any accounts, books, records, and memoranda contrary to any rule, regulation, or order of the Commission with respect thereto."

SEC. 21. Section 412(d) of the Interstate Commerce Act (49 U.S.C. 1012(d)) is amended to read as follows:

"(d) The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of freight forwarders and persons controlling, controlled by, or under common control with such forwarders; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of freight forwarders and persons controlling, controlled by, or under common control with such forwarders and of associations (as defined in this section). Freight forwarders and persons controlling, controlled by, or under common control with such forwarders shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this subsection, and freight forwarders, persons controlling, controlled by, or under common control with such forwarders shall submit their lands, buildings, and equipment for examination and inspection, to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials."

SEC. 22. Section 660 of title 18, United States Code, is amended to read as follows:

"§ 660. Carrier's Fund Derived from Commerce; State Prosecutions.

"Whoever, being a president, director, officer, or manager of any firm, association, or corporation engaged in commerce as a common or contract carrier, person controlling, controlled by, or under common control with such carrier, or whoever being an employee of such common or contract carrier riding in or upon any railroad car, motortruck, steamboat, vessel, aircraft, or other vehicle of such carrier moving in interstate commerce, embezzles, steals, abstracts, or willfully misapplies or willfully permits to be misapplied, any of the moneys, funds, credits, securities, properties, or assets of such firm, association, or corporation arising or accruing from, or used in, such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be fined not more than $5,000 or imprisoned not more than ten years, or both. The offense shall be deemed to have been committed not only in the district where the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, properties or assets.

The offense shall be deemed to have been committed not only in the district where the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, properties or assets.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts."

SEC. 23. The amendments made by the foregoing provisions of this bill shall become effective ninety days from the date of their enactment.

CONGLOMERATES

We recommend that the Interstate Commerce Act be amended to give the Commission authority to oversee the acquisition and control of carriers by noncarriers and the common control of carrier and noncarrier enterprises.

There has been a trend for conglomerate holding companies and other non-carriers to assume control of carriers subject to the Commission's jurisdiction and for carriers to enter non-transportation fields. The possibility that such a trend would weaken the common carrier system and render it incapable of responding to the needs of the public has caused great concern in both Governmental and private sectors.

National attention was focused on this problem following the filing by Penn Central Transportation Company for reorganization under section 77 of the Bankruptcy Act.

Indiscriminate acquisition of transportation enterprises by holding companies which have little or no interest in the performance of needed services for the shipping or traveling public can be detrimental to the public interest. The establishment of a parent company to escape Commission jurisdiction and to undertake activities unrelated to transportation may impair the transportation company's ability to render efficient and economical service as contemplated by the national transportation policy. Unless the Commission is armed with authority to look into, pass upon, and generally oversee the acquisition and control of carriers by non-carriers and the common control of carrier and noncarrier enterprises, a substantial and growing amount of essential transportation service will escape effective, necessary regulation and there could be no assurance of its continuance in the public interest.

The proposed changes to be made in the statute (section 5(2)(a)(iii)) would give the Commission authority over single carrier stock acquisitions. Basically these changes focus upon the relationship between major railroads and the holding companies established to acquire control of the railroads and other diverse, unrelated companies. The added jurisdiction should be limited essentially to acquisitions of Class I carriers, that is, railroads having annual revenues in excess of $5,000,000 and other carriers having annual revenues in excess of $1,000,000.

Other amendments to section 5, including section 5(3), would enable the Commission to maintain a surveillance over transactions between carriers and their affiliated companies and to curtail intercorporate activities involving the carriers which are found inconsistent with sound transportation. Section 5(4) would be amended to establish a presumption of control where any person owns 10 percent or more of the voting securities of a carrier. A new section 5(17) would enable the Commission to enter any and all necessary orders, including divestiture, whenever it finds that continued control will impair the ability of the affiliated carrier to render its services.

Section 20 of the Act would be amended to require the recording of the beneficial or record ownership by those holding more than 1 percent of any class of stock of a railroad or other carrier having operating revenues in excess of $5,000,000 and $1,000,000, respectively, annually. Other amendments would authorize the Commission to prescribe accounts and reports of persons controlling, controlled by, and under common control with carriers, as well as those of the carriers themselves and would permit the inspection of records of such persons, as well as those of the carriers themselves. Similar amendment would be made to the other Parts of the Act to bring regulated carriers of other modes under similar regulation.

To discourage and prevent misappropriation of funds by officials of carriers, persons controlling, controlled by, or under common control with such carriers, section 660 of the Criminal Code would be amended to make it a crime to misappropriate funds of a carrier.

By Mr. MAGNUSON:

S. 2631. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, a bill to provide for paper money of the United States to carry a designation in braille indicating the denomination.

The special problem that blind people have in handling paper money has been brought to my attention recently—by a young girl from the State of Washington who read the autobiography of Helen Keller and asked "Why can't this be done?"

Although blind persons can learn a great many ways to overcome their handicap, one thing they cannot learn to do is distinguish between a $1 and a $5 bill. It has come to my attention that many private banks provide the blind with special checks to facilitate their obtaining money in the amount they wish. I think it is proper that the Federal Government join with the private sector in providing for the special needs of this particularly disadvantaged group of citizens, and mark paper money in such a way that a blind person can identify it—a small thing that will make a great difference to those without sight.

Mr. MONDALE. Mr. President, I introduce a joint resolution today, which would legislatively guarantee reasonable minimum reimbursement rates to States under the National School Lunch Act, and release funds now available under section 32, to finance continuation and expansion of the school lunch program.

The purposes of this legislation are, first, to assure that every needy child will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; second, to alleviate the financial burden on the States and local schools in providing nutritious meals for all schoolchildren; and third, to enable schools to lower the prices now charged for lunches purchased by the nonpoor.

Under normal circumstances, payment rates for the school lunch program are determined by regulations issued by the Secretary of Agriculture. However, regulations issued by the Department of Agriculture this past August 13, and soon to become final, will so harm schools participating in the school lunch program that it is necessary for Congress to act to set such rates.

Many of us in Congress have been astonished and deeply dismayed by the August 13 regulations. They would actually reduce payment rates in many States at a time when Congress has legislatively required expansion of the school lunch program.

By Mr. MONDALE:

S.J. Res. 163. Joint resolution to assure that every needy school child will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act, and to alleviate the financial burden on States and local schools in providing nutritious meals for all schoolchildren. Referred to the Committee on Agriculture and Forestry.

The distinguished chairman of the Senate Agriculture Committee (Mr. TALMADGE) is working very hard to reverse the administration's decision to lower school lunch payment rates. He, too, has introduced legislation. While our bills differ in a number of respects, I am a cosponsor of the joint resolution he introduced last week.

I believe it is of utmost importance for the Congress to take action to restore adequate funding and payment levels to the school lunch program. Now, just 1 month into the school year, some schools are already on the verge of abandoning lunch programs.

Legislation I offer today is designed to achieve the urgent objectives of maintaining lunch programs in these schools and fulfilling the commitment made by Congress to an estimated 2 million hungry children in the United States.

Congress has long recognized the importance of nutrition programs to both the educational development of our Nation's schoolchildren and the essential health of children from low-income families.

Educational experts testify that children are not able to concentrate on material covered in classes when they are hungry. Child nutrition is thus a vital part of the Federal Government's role in assuring quality education for American children. In fact, without attending to the nutritional requirements of children in schools and child care facilities, much of the effective impact of our investment in these programs would be lost.

Hearings before the Senate Subcommittee on Employment, Manpower and Poverty, and the Select Committee on Nutrition and Human Needs have also provided ample medical evidence that millions of hungry children in the U.S. suffer greater incidence of sickness, impaired physical development, psychological and learning disabilities—simply because they do not get enough of the right things to eat.

Recognizing the tremendous responsibility of the Federal Government to alleviate these serious problems, last year Congress passed a law (Public Law 91-248) to expand the school lunch program to include every needy child in the United States.

Congress authorized such appropriations as may be necessary to carry out the purposes of this act.

Two provisions of Public Law 91-248 are particularly relevant. The first is section 9, which provides—

> By January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at a reduced cost.

This legislative requirement is very clear; yet it has never been fulfilled. In fact, the New York Times reported on August 29, 1971, that 1.9 million eligible children still get no help from the school lunch program and even that estimate may be low.

A second provision of Public Law 91-248 takes cognizance of the need for a concerted and immediate effort to bring all needy children into the school lunch program. To institute this all-out attack on hunger among American schoolchildren, the law requires States to submit comprehensive plans for expansion of their programs to include all eligible children.

Directly contradicting the intent of Congress expressed in Public Law 91-248, the Department of Agriculture on August 13, 1971, issued new regulations for the school lunch program which would prevent the States from carrying out their plans, and prevent many needy children from receiving meals.

At issue in the new regulations are payment rates which would bring Federal funding for meals in many States significantly below last year's levels.

Regulations in effect last year enabled States to designate certain schools "especially needy" and authorized reimbursement to these schools of up to 48 cents for section 11 meals and 12 cents for section 4.

According to the new regulations issued August 13, States which paid such higher reimbursement rates last year—in order to bring needy schools and children into the program—would now be penalized. They would be forbidden to continue these higher rates and compelled to cut back on payments to schools for feeding the needy. At least 35 States would be confronted with this problem.

On a nationwide average it costs more than 60 cents to serve nutritious meals in schools. In major cities, such as Baltimore and New York, where many low-income children are concentrated, it costs 70 cents and more for each lunch. However, the August 13 regulations would allow only one State in the Nation an average payment per meal of 35 cents or more under section 11. The remainder of the States could only reimburse needy schools at higher levels by reducing support to less than 30 cents for an equal number of free or reduced price lunches in other schools so that the average reimbursement comes to 30 cents per such lunch.

The payment mechanism for section 4 functions similarly.

For thousands of schools, the consequences of the new regulations are truly alarming. Statistics from Minnesota indicate that the city of Duluth would have a deficit of $90,000 under the new funding structure for school lunches. In Minneapolis, the estimated deficit is $800,000, and statewide, a $2 million deficit is expected if these regulations are not overruled.

Assistant Secretary of Agriculture Richard Lyng explained the administration's rationale for the new regulations in testimony before the Select Committee on Nutrition and Human Needs and again before the Senate Agriculture Committee. He pointed out that average payment levels varied from State to State last year for meals served under the school lunch program and argued that the new amendments would promote uniformity of reimbursement rates among the States.

I do not differ with the administration's desire for equity in payment rates. But I do take exception to the intolerable rates of reimbursement that achieve uniformity only by jeopardizing the program itself in many States.

Minnesota is not the only State adversely affected by these regulations. Evidence compiled by a recent survey of the American School Food Service Association reports that California would lose $9 million; Oklahoma more than $1 million; Massachusetts, $3.2 million; Maine $1.3 million; Ohio, $5.5 million; Georgia, $6 million; and so on throughout the country.

According to the September 28, 1971 edition of the Washington Star—

> A number of school districts are reported to be abandoning the school lunch program or considering such a move. They include: Albuquerque, New Mexico; Bridgeport, Connecticut; and Buffalo, New York.

Thirty-seven State school lunch directors have protested the new regulations—testifying to the harmful effect they will have upon needy American school children. The school lunch directors have indicated the announced payment rates would bring State school lunch plans—required by Federal law—to a screeching halt.

The number 37 is significant in light of Assistant Secretary Lyng's testimony on behalf of greater equity. It is difficult to imagine what kind of equity would endanger programs in all but a handful of States.

In fact, the key to the new regulations is not uniformity, but priorities within the administration for allocation of budgetary resources. These regulations set average reimbursement rates so low as to prohibit congressionally authorized expansion, and low enough to endanger the survival of programs, particularly in metropolitan areas.

On the one hand, the administration can bind money to guarantee loans to Lockheed, to finance new space extravaganzas, and to develop inessential weapons systems; but on the other, it applies the concept of "fiscal discipline" to lunches for our Nation's hungry children.

And while the school lunch program has received considerable attention by the Congress in the past few weeks, other child nutrition programs are also in danger. Many of my colleagues are deeply concerned that the school breakfast program in the States may not last another month unless congressionally appropriated funds are made available. Other States, which worked to create and expand school breakfast programs last year, now find they cannot get the money even to maintain last year's progress.

The special child feeding program in Minnesota has not received even minimum support for this school year. Of the bare $340,000 promised, no money has yet been delivered. Special child feeding provides assistance to day care centers and Headstart programs, and is capable of reaching many needy children before the effects of malnutrition become irreparably severe. Budget undercutting of this vital link in nutrition programs for the poor is truly shameful when we have the resources to feed these children.

Mr. President, budget attacks on child nutrition programs are not new to Members of Congress. This year, only by a determined effort, were we able to preserve summer feeding programs for hungry children.

Some budget officials may have difficulty understanding that a small cut here or there can mean the difference between protein and vitamin difficiencies among low income children—difficiencies so severe as to permanently impair both educational and physical development, and equal opportunity for these children.

It would also appear, in examining the administration's action on the school lunch program, that fiscal crises in State government, local school systems and in urban areas do not receive the persistant executive attention they clearly deserve.

If the States need financial relief, and I believe they do, why are they being asked to contribute more money—millions more—in order to continue the school lunch program?

We see evidence in findings from the Select Committee on Equal Educational Opportunity of the crisis in school finance. This year we have had the largest number of school bond issues, and the largest number of bond rejections in our country's history.

Millions of taxpayers in the United States are deeply troubled that they can no longer afford to support even basic school functions—such as libraries and cafeterias—unless budget deficits are alleviated. While these deficits are caused primarily by factors other than school lunch—increasing outlays for meals in school only aggravates the desperate situation they are in.

I have already indicated that many schools cannot absorb school lunch program deficits. Where States and schools are fortunate enough to have the extra money, they are already locked into budgets based upon reasonable expectations for greater Federal support for the school lunch program.

The current wage-price freeze prohibits the schools from charging more for lunches to children not eligible for free or reduced price lunches.

But I believe asking parents to pay more is not the solution to the dilemma in school lunch funding. Particularly in low-income schools this method of finance could not work—since nearly all of the children in these schools qualify for free or reduced price lunches. In these schools as well as middle-income schools, there are also many children whose parents' incomes barely exceed eligibility criteria for reduced price lunches. These parents surely can pay no more for school lunches.

An excellent summary of the situation I have described is provided by Newsweek magazine, October 4, 1971:

> . . . . Many districts have found themselves unable to afford the required matching payments for the federal school lunch program even in areas where the school lunch is the only solid meal a child gets all day. In such circumstances, teachers find ironic the Department of Agriculture's newest radio pitch for the lunch program, which reminds citizens that 'you can't teach a hungry child.'

Mr. President, in this context, I offer a comprehensive proposal to alleviate the problem of school lunch funding, and most importantly, to ensure that the 2 million eligible children not served by the program now, will be fed this year.

Permit me to begin the discussion of my proposal by first outlining how the present funding structure for the school lunch program works.

The National School Lunch Act authorizes two annual appropriations for the program—one under section 4 of the Act and one under section 11. The Act also specifies exactly how each of these annual appropriations is to be apportioned among the States.

Section 4 funds are apportioned among the States on the basis of the number of type A—nutritionally balanced—lunches previously served by each State and the relationship between each State's percapita income and the percapita income of the United States. For fiscal 1972, the apportionment formula uses the number of type A lunches served by each State 2 years ago—in fiscal 1970.

Section 11 funds are apportioned on the basis of the relative number of school-age children in household with annual incomes below $4,000, that reside in each of the States.

By bill would not alter this formula.

The core of the crisis in school lunch funding is not the formula for distributing the various allocations among the States.

The key to the school lunch controversy is in permissible reimbursement rates, which the States—within their formula allocations—can provide to participating schools.

Presently, reimbursement rates are established through Federal regulations issued by the Department of Agriculture. I have already explained in detail why the Department of Agriculture's regulations—August 13, 1971—are not adequate to carry out the purposes of the National School Lunch Act.

My proposal would increase by 80 percent the minimum guarantee now provided to schools under section 4 for each State to 8 cents per meal, while increasing the section 11 guarantee by over 60 percent to 48 cents per meal. It would legislatively guarantee these minimum reimbursement rates to every State.

In every State, a minimum of 56 cents per meal in Federal funds would be available for each free or reduced price lunch served, using a combination of 8 cent section 4 and 48 cent section 11 reimbursement rates.

The States would be free to allocate these funds to schools according to need for such funds in order to be able to reach every eligible youngster. The only limitation would be that no school would be entitled to recover in reimbursement more than it actually spent on meals—measured by the cost of serving such meals, less the amounts charged for regular and reduced-price lunches.

For example, if a school was compelled to spend 70 cents to produce a school lunch, the State could reimburse at that rate for all free meals served.

At the same time, however, the State would have to make sure that it could offset this high reimbursement and maintain its 56 cents average by paying less to other schools where the cost of producing a lunch was less than 56 cents.

All the State school lunch directors have made it clear that this reimbursement formula would fully meet their needs and indeed provide strong encouragement for schools to enter the program.

I realize that budget estimates submitted to Congress and approved early this summer would not be sufficient to pay for the increased reimbursement rates. Had Congress understood the intention of the administration to cut back on payment rates, I believe we would have adopted a higher appropriation.

Until we do have an opportunity to act on a supplemental appropriation to correct shortages in the school lunch program, my bill provides that the Secretary of Agriculture shall use section 32 funds to implement the minimum payment guarantees. There are ample funds in section 32 to support the school lunch program for the interim.

Each of the provisions I have outlined would insure that the will of Congress expressed clearly in Public Law 91–248 is carried out by the end of this year.

We are already a year behind in fulfilling the promise of that law. Many children have needlessly suffered—educationally and nutritionally—because we are late. Some of their losses we can remedy—others may be irreparable.

But it is not too late to prevent any more tragedies of this kind. And it is both the legislative and the human responsibility of Congress to do so without delay.

As further evidence of the need for prompt action on this proposal I offer today, I submit a number of documents for the consideration of my colleagues. Letters, telegrams, articles, and editorials—these represent only a small sample of the public outcry to feed the hungry children of America.

Mr. President, I ask unanimous consent that certain materials and the text of my proposed joint resolution be printed in full at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 163

Whereas, funds appropriated for the purpose of carrying out the National School Lunch Act for the fiscal year ending June 30, 1972, including funds made available for such purpose from funds appropriated under section 32 of the Act of August 24, 1935 (49 Stat. 774), are inadequate to enable the States and schools to continue participation in the national school lunch program and to achieve the objectives of the National School Lunch Act, particularly the objective of providing a free or reduced price lunch to every needy school child: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Agriculture is authorized during the remainder of the fiscal year ending June 30, 1972, or until additional funds are hereafter appropriated for such purposes, whichever is earlier, to use such funds appropriated under section 32 of the Act of August 24, 1935 (49 Stat. 774), as may be necessary to (1) provide a rate of reimbursement under the National School Lunch Act that will assure every needy school child a free or reduced price lunch, (2) provide funds sufficient to assist the States in meeting the needs of local schools in carrying out the provisions of the National School Lunch Act.

SEC. 2. In carrying out the provisions of the National School Lunch Act, the Secretary of Agriculture shall make funds available to each State in such an amount as may be necessary to reimburse each State at a rate equal to not less than 8 cents per meal in the case of meals served in such State under section 4 of such Act and in an amount equal to not less than 48 cents per meal in the case of meals served in such State under section 11 of such Act.

SEC. 3. In making payments to schools under Sections 4 and 11 of the National School Lunch Act, at rates above or below the Statewide minimum payment provisions, States shall base the rate assigned to a school on the school's relative need for special assistance in serving free and reduced price lunches; but in no event shall reimbursement for meals served in any school exceed the actual cost of meals served in such school, less the charges collected from the children served, under each such section, respectively.

SEC. 4. The provisions of this Act shall not in any way limit the authority of the Secretary of Agriculture under any other provision of law to provide additional Federal assistance to any State for carrying out the National School Lunch Act, or prohibit him from providing higher payment rates under sections 4 and 11 of such Act whenever funds are available for such purposes.

FEDERAL SCHOOL LUNCH PLAN FAILS TO HELP 1.9 MILLION POOR PUPILS

WASHINGTON.—Today, nine months after President Nixon's target date of Thanksgiving, 1970, for extending the school lunch program to reach all needy children, 1.9-million children of the poor get none of its benefits.

But the Department of Agriculture—delegated the responsibility for carrying out the President's mandate—maintains that Mr.

Nixon's original goal has technically been met.

Edward J. Hekman, administrator of the Food and Nutrition Service Division of the department, said in an interview that Mr. Nixon's goal was based on a figure of 6.6 million needy children—a figure used frequently by Dr. Jean Mayer, the President's nutrition expert.

Mr. Hekman said that his department had extended the lunch program to that number of needy children by January, 1971—only two months behind schedule. He said that the number now reached was 7.4 million.

A NEW TIMETABLE

He said that statistics gathered later indicated that instead of 6.6 million, the estimate on which the president's goal was based, there were 9.3 million needy children.

"It would have been physically impossible to reach this new figure by Thanksgiving," he said.

Mr. Hekman said that the Department of Agriculture and the National Advisory Council created by the 1970 amendment of the School Lunch Act had discussed a new timetable.

"I expect the council to set a new target of about three years hence," he said. "The problem is bringing the approximately 20,000 schools not now a part of the program into the picture."

Mr. Hekman estimated that these schools—largely inner city or rural poverty areas—had one million eligible children.

A MOOT QUESTION

These, coupled with the 400,000 eligible but unreached children in schools that already participate in the program, would necessitate expenditure of about $570.4-million a year.

This is based on Congress's estimate of $100-million for equipment alone and on Mr. Hekman's estimate of a Federal share of 42 cents a lunch for each of the 1.4 million additional children.

But, in view of hold-the-line posture of Mr. Nixon's budget men, it is a moot question whether this goal can be reached.

The amount spent last year for free or reduced-price lunches totaled $356.4-million. The amount budgeted this year exceeds that amount by about $33-million, according to Mr. Hekman.

Special provisions were made by Congress to provide $38-million in the fiscal year 1971 and $33-million in the fiscal year 1972 to put facilities in nonprogram schools.

The Administration cut this amount back to $16.1-million the first year and plans to use only $16-million this year.

"It may not be enough, but it will go a long way," Mr. Hekman said.

The sizable increase in the number of needy children—from 3.8 million in 1969 to 9.3 million today—is related to state-initiated changes in eligibility guidelines, Mr. Hekman said.

The figure of 6.6 million children results from states using a $3,940 poverty level as a guideline, he said. Now, at least 22 states have raised their poverty-level standard to around $4,350. Minn. $4,200.

Opponents of the department's methods of implementation and budgeting have accused the Administration in recent weeks of using calculated methods to halt the growth of the program.

The more notable critics include Senator George McGovern, Democrat of South Dakota, and a group of 35 directors of state child nutrition programs.

GUIDELINES CRITICIZED

Each charged that while not cutting back in program funds, the Administration had designed Federal reimbursement guidelines that held the states liable for a matching portion above that of last year's, in effect limiting expansion in states faced with financial problems.

Members of Senator McGovern's staff charged that funds in one special section had been released to states only after they had exhausted the two principal sections that provided funds under the lunch program act.

Senator McGovern plans a Congressional hearing on the program Sept. 7. He said that he would ask the Secretary of Agriculture, the director of the Office of Management and Budget and Mr. Hekman to testify.

[From the Washington Post, Aug. 28, 1971]

Hunger in the Classroom

"Fiscal discipline is always difficult but it is absolutely essential . . . if we're to live within our budget." Thus spoke Assistant Secretary of Agriculture Richard Lyng the other day in announcing some new belt-tightening regulations for administration of the school lunch program. He is entirely right about this, of course, and the directors of any chamber of commerce would have little difficulty in grasping the validity of his observation if they heard it in the course of a luncheon speech as they were finishing their dessert and sipping their coffee. Discipline is a term more easily understood on a full stomach than on an empty one.

The fiscal discipline Mr. Lyng has in mind will be felt most intimately by a large number of school children whose families cannot afford to buy lunches for them and who will, in consequence, be called upon to accept the discipline on empty stomachs. It is to take the form of a reduced contribution to the school lunch program by the federal government, if proposed new regulations of the Agriculture Department go into effect. The formula by which federal funds are allocated to this program is a complicated one. But the nub of the matter appears to be that the department aims to contribute to the feeding of an expected 9.1 million poor and hungry children in the school year ahead with the same amount of money it supplied for the feeding of 7.3 million last year. The department did not ask for additional funds to finance the expected expansion; and, although Congress authorized the expenditure of $100 million out of a special fund available to the department, Secretary Hardin has declined to do this.

The state director of the school lunch program responded to these proposed regulations with a unanimous outburst of indignation. "The average rate of 30 cents per meal for free and reduced lunches set forth in proposed regulations," they declared in a formal statement, "is unequivocally inadequate, and furthermore we feel that such a limitation would jeopardize the existing program and preclude any expansion to reach the additional estimated three to five million hungry children in America. The regulatory restrictions and funding projections as proposed are bringing the school lunch programs to a screeching halt, and will result in a termination of programs in many places. The state plans of operation as prepared for 1971–72 become null and void by each state as the plans were developed in good faith to meet the challenge of the President and Congress to feed the hungry children in America's schools."

This impassioned statement comes from men and women in the field who have to administer the school lunch program. Their indignation is becoming. Senator George McGovern, chairman of the Senate Select Committee on Nutrition and Human Needs, reacted similarly, charging in a letter to Secretary Hardin that the proposed regulations "blatantly violate both the spirit and the letter of the school lunch law passed by Congress last year." It is a curious order of priorities indeed that puts resuscitation of an aircraft manufacturer ahead of human hunger. It is a strange sort of fiscal discipline that puts its burden upon children.

[From the Minneapolis Tribune, Sept. 25, 1971]

Restricting Aid for School Lunch

The story of the national school lunch program has long been one of foot-dragging at all levels. Although federal money and food commodities have been offered as partial support for many years, this support was * * * many states made little or no contribution, and thousands of school districts did not attempt to offer lunches in more than a few schools. Minneapolis, for example, began to serve hot lunches in elementary schools only five years ago, and although all "target area" schools now provide lunches, 25 elementary schools in the city do not.

In May 1970, Congress passed legislation which President Nixon said "will assure that every child from a family whose income falls below the poverty line will get a free or reduced price lunch." During the 1970-71 school year, there was an experience in the school-lunch program. More federal funds were available as partial payment for each lunch served, and states could obtain additional flexible funds to aid schools most needing help for their lunch operations. Still, however, many school districts in the country did little to extend their lunch services.

In August, the Department of Agriculture proposed new regulations for the distribution of lunch subsidies. As school officials interpreted the complicated rules, more and more they complained of cutbacks. They said that either they would be unable to provide the free or low-priced lunches to all children of poor families, as required by the 1970 law, or they would have to cut the lunch programs in schools where most children can pay the regular price.

Department of Agriculture officials have defended their new regulations. They say the new funding procedure will provide contributions to the various states more equitably, an additional $78.8 million will be available for free and reduced-price lunches and the aid will reach more schools and more children.

In effect, however, the states and school districts which have been most enterprising in expanding school lunch programs would be penalized by the new ceilings in federal cash subsidies (5 cents per regular-priced lunch, 30 cents per free or reduced-price lunch) and also by the loss of any flexible funds. Sen. Mondale, who is severely critical of the proposed regulations, says that Minnesota would lose $2 million a year. The grant, on a national basis, would come in the expansion of lunch programs in states which have lagged.

It can be argued that states and school districts should contribute more to school lunches. Minnesota pays ½ cent per lunch, about $530,000 a year, school districts spend money on staffing and facilities.) Even more obvious, however, is the fact that if seriously inadequate lunch programs in some states can be improved only by damaging the better lunch programs in other states, the new rules should be scrapped and a better federal financing system should be devised.

The intent of Congress clearly was to see that all children in poor families be provided with good lunches. In addition, many children whose parents can pay for their lunches but cannot provide them at home should be able to obtain lunch at school. The administration should set regulations which serve these purposes and Congress should gear appropriations accordingly.

[From the St. Cloud Daily Times, Sept. 17, 1971]

Mondale Sees Threat to School Lunch Aid

WASHINGTON.—Sen. Walter Mondale, D-Minn., urged President Nixon Thursday to withdraw proposed new Department of Agriculture regulations that "pose a very real threat to the continued progress of the National School Lunch Program."

In a letter to Nixon, Mondale and 10 other senators said the proposed regulations would force many schools to eliminate their child nutrition programs.

In addition, he said, "there will be further hardships to the nation's economy through unemployment and reduced consumption of raw resources such as food and equipment."

He said absenteeism, dropouts and apathetic students will negate the benefits of the multimillion dollar investment for public and private schools, "and finally, and most important, there will continue to be hungry children in America's schools."

The new regulations provide for an average payment of 35 cents to states for free and reduced price lunches. Last year, Minnesota received an average of 50.8 cents per meal for free and reduced price lunches.

The senators called for new rules which would permit states to pay 60 cents maximum reimbursement rates for these lunches for needy children.

Mondale said the proposed reduction in federal payment rates for meals beneath last year could "bring planned state lunch programs to a screeching halt or seriously impair their expansion."

St. Paul, Minn., *Sept. 21, 1971.*

Senator Walter Mondale,
Washington, D.C.:

The one thousand elementary school principals of Minnesota request that you reject the new Agriculture Department guide lines that would drastically decrease Federal support for the hot lunch program for elementary schoolchildren.

Note under the new guide lines that in Minneapolis over three-fourths of a million dollars of local funds will be needed to continue the former program. The fact is if the price freeze, unemployment, and limited income already limit the ability of parents to pay the former charge the new increase doubles the cost for a hot lunch. This will deprive many poor and needy children in receiving a hot lunch each day.

Your influence and support is necessary M.E.S.P.A. requests it.

Robert Arnold,
Executive Secretary M.E.S.P.A.

September 29, 1971.

Senator Walter F. Mondale,
U.S. Senate,
Washington, D.C.:

The Minnesota Congress of Parents and Teachers is deeply concerned over new school lunch regulations further limiting Federal funding of school lunches for needy children and cut back in Minnesota program. This administrative action does not carry out the intent of Congress in the passage of Public Law 92-32. We ask that you urge the U.S. Department of Agriculture to revise the proposed regulations to reflect the expressed directions of Congress.

Mrs. E. E. Jacob,
President,
Parents Teachers Association.

September 18, 1971.

Senator Mondale,
Washington, D.C.:

The secondary administrators in Minneapolis which now numbers 87 members wish to go on record that we protest the decision which has been made regarding the change in lunch price especially for the Target area schools and all Minneapolis schools included. We feel that such a decision was untimely for our working in the community and certainly does not help the hungry child who needs support.

The Secondary Administrators,
Minneapolis Public Schools.

Windom Elementary School,
Minneapolis, Minn., September 17, 1971.

President Richard M. Nixon,
The White House, Washington, D.C.

Dear President Nixon: We are protesting the withdrawal of federal funds from the school hot lunch program.

The Minneapolis Public Schools cannot finance the deficit created by the withdrawal of federal funds, so the cost of hot school lunches will be raised as of September 27th. Many children will go hungry. This is a glaring departure from your compaign promises. Parents in our community see an increase in the cost of school lunches and the withdrawal of some free lunch programs as inconsistent with the price freeze.

Well nourished children are more receptive to learning. It is ineffective and inappropriate to allocate funds for educational programs without providing the conditions that make learning possible. Hungry children cannot learn.

This is also an economically unsound action. Administrative costs of screening budgets, keeping records, collecting, etc. far exceed the cost of providing a free lunch for all children in depressed areas.

We strongly urge you to reconsider this action and expand rather than curtail federal funds for the school hot lunch program.

Sincerely yours,

Morris Vogel, Evelyn Silverman, Phyllis Lund, Betty Forbes, Marilyn Kiedsisch, Violet Malchow, Esther Babiracki, Ann Davis, Earl S. Johnson, Louise Henrikmen, Mary ———, Mary Wetherspoon, Margaret Decker.

Barbara McCart, Vi Bradherst, Grace Olson, Barbara Johnston, Isaiah Brewer, Patricia Madden, Rishelle Nisbett, Arthur Anderson, Kathleen Erickson, Bernice Lumesth.

Duluth Public Schools,
Duluth, Minn., September 3, 1971.

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Sir: I was greatly encouraged last year to hear of the administration's plan for a hot lunch program for public school children that would provide a good hot lunch for children. I was even more encouraged by a provision which allowed us to provide free and reduced cost lunches to needy children. Now the news is bleak! The drastic cuts in subsidies will mean a loss of $86,000 to our program. Instead of just breaking even this loss will probably mean a drastic reduction or even elimination of our program. Our local school budget is such that we cannot absorb this type of undercutting.

What can you do to help us?

Yours truly,

Donald H. Peckenpaugh,
Superintendent.

Minneapolis Public Schools,
Minneapolis, Minn., September 16, 1971.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: The news of President Nixon's cutback in support of the Federal Lunch Program distresses us greatly. We feel that there is a significant part of our population in the income range where the expenditure of the additional money for lunches will come as a great economic hardship.

Please assert as much pressure on your fellow legislators and the Executive Branch to have this cutback rescinded immediately. A great amount of time, work and money can be saved if this matter is rectified.

Very truly yours,

Jack A. Gilbertson,
Principal.

Madison Elementary School,
Minneapolis, Minn., September 16, 1971.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear President Nixon: We are dismayed at the withdrawal of federal funds from the school hot lunch program.

The Minneapolis Public Schools cannot finance the deficit created by the withdrawal of federal funds, so the cost of hot school lunches will be raised as of September 27th. Many children will go hungry. This is a glaring departure from your campaign promises. Parents in our community see this as inconsistent with the price freeze.

Well nourished children are more receptive to learning. It is ineffective and inappropriate to allocate funds for educational programs without providing the conditions that make learning possible. Hungry children cannot learn.

This is also an economically unsound action. Administrative costs of screening budgets, keeping records, collecting, etc. far exceed the cost of providing a free lunch for all children in depressed areas.

We strongly urge you to reconsider this action and expand rather than curtail federal funds for the school hot lunch program.

Sincerely yours,

Jean S. Hendrickson, Waldamar P. Buchanan, Violet Brandherst, Margueritte Smith, Douglas C. Anderson, Ellen Grothe, Helen Sarff, Herman Hargest, Judith Keregi, Helen I. Soderlind, Jeanette Knutson, William Lersung, Harriet P. Burns, Evelyn I. Sheldrup, Charles R. Olson.

Robert E. Frank, Dennis M. Hawkinson, Beverly Carroll, Marianne Christianson, Dennis J. Hayden, Shirley J. Odden, Carol Brant, Robert Wudlick, Shirley Carpenter, Jean Banks, Carol Oman, Marion Capistrant, Wilma Lane, Jean Rosenfeld, Cyril L. Paul.

Catholic Education Center,
St. Paul, Minn., September 16, 1971.

Senator Walter Mondale,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Mondale: Just a brief note to thank you for your work on behalf of the less affluent children being affected by the Agriculture Department's decision not to support the free and reduced lunch program. In the event that no change is made in present policy, we will have to drop our program in connection with Project Discovery in St. Paul. We simply do not have the $7,000 that we will run in debt under the present Agriculture Department policies.

We have tried to get some help on the state level but have been told that there is no chance. Only the federal people can be of any help in making changes.

I realize that you are working on this problem and I applaud you for it. Even if you can't get anything accomplished in this area, thank you for trying.

Sincerely yours,

Father John Gilbert,
Superintendent.

Minneapolis Public Schools,
Minneapolis, Minn., September 16, 1971.

Hon. Walter Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I want to express my appreciation for your efforts on behalf of the school lunch program. The loss of federal funds means for our school an increase in the cost of hot lunches from 20 cents to 35 cents. It is especially difficult in view of the fact that this school has just been declared a "Target Area" school, and parents have many questions as to whether this designation really has any meaning. With the lower price this year, fewer people applied for free or reduced cost lunches; thus, many were able to preserve a sense of dignity and self-sufficiency which may now be threatened.

I hope you will be able to convince the Administration that the availability of a nourishing hot lunch for all children can contribute much to successful learning, general health, and also education in nutrition.

Sincerely yours,
(Mrs.) MARY LOU LOUD,
School Social Worker.

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., September 16, 1971.
Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I'm writing this letter to you fully aware of your diligence and perserverance in securing funds for public school lunch programs. Not with a feeling of protest, but rather with indignation and a sense of frustration over the recent change in our federal guidelines for target area schools.

I keep asking myself how in a country with all our resources we choose to save funds in the area of food for children? How we can loan money to large corporations and tell parents we're short of funds for hot lunch programs? The answer to these questions must lie in the Congress of the United States and the men who represent us in office. Surely a change in priorities must be instituted.

Please continue your efforts in the behalf of public education.

Sincerely,
KENNETH A. SCHUMACK, *Principal.*

MINNEAPOLIS, MINN.,
September 18, 1971.
Senator WALTER MONDALE,
Washington, D.C.

DEAR SENATOR MONDALE: As a teacher in one of the Minneapolis inner city schools, I strongly support your action in trying to stop the lunch program change proposed by President Nixon.

Sincerely,
MARIE C. SUNDHEIM.

MINNEAPOLIS, MINN.,
September 21, 1971.
The Honorable Senator MONDALE:

We would appreciate your support in opposing any change in the school hot lunch program.

I feel the proposed change would be taking food out of the mouths of children.

Very truly yours,
Mrs. J. WASHOSKY,
Whittier PTA—Minneapolis.

SEPTEMBER 21, 1971.

DEAR MR. MONDALE: The parents in the Phillips Jr. High School area feel very badly about the rise in cost to them, for school lunches.

Most of these people cannot afford the new prices and the children will be getting along on less than good nutrition.

Mrs. R. W. KEATING,
PTA President.

AUGUST 29, 1971.
Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C.

DEAR SECRETARY HARDIN: " I strongly urge that you withdraw the regulations issued August 13, 1971, pertaining to reimbursement rates for the School Lunch Program.

"I object not only to the content of these regulations but also to the timing and conditions of their announcement.

"In each respect, the Department would break faith with Congress, the States and hungry children if these regulations go into effect.

"It is outrageous to consider that—despite massive federal support for spending on space, loans to Lockheed and other nonessential programs—budgetary manipulations might lie behind rules which deny meals to children who are guaranteed these lunches under federal law.

"I need not repeat the President's promise to end hunger among American school children. But beyond promises, Public Law 91-248 requires that 'any child who is a member of a household that has an annual income not above the applicable family size income level shall be served meals free or at a reduced cost.'

"In accordance with the law, States have submitted plans to meet that requirement. But if the new regulations are adopted, thirty-seven State school lunch directors have testified they will be unable to implement the plans they developed, in good faith, to comply with P.L. 91-248.

"Does the Department ask that the States rescind plans that are required by law? Does it ask that the States pay for the school lunch program when they are already under such severe budgetary strain? Or, should children who do not qualify under the Act absorb the cost of lunches for those who do?

"These are the alternatives posed by the August 13 regulations. I fear the likely answer is that hungry children again will not get food.

"As unacceptable as the new regulations are in substance, the timing and conditions for their release are inexcusable.

"The August 13th public announcement comes just three weeks before school is to start, too late for many States to abandon their plans without chaos. It comes while Congress is in recess. Moreover, the fifteen day period for response denies both the States and Congress a fair opportunity for comment.

"To all of these arguments, I would add one more.

"Promises for opportunity and laws to protect the rights of children must be more than mere words, or our children will respect neither the word nor the law of this government. But, truthfully, respect for the law and concern for American children are not embodied in the August 13th regulations.

"I hope that you will act to withdraw them."

Sincerely,
WALTER F. MONDALE.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1521

At the request of Mr. PROXMIRE, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1521, to prohibit television blackouts of home games when all tickets are sold.

S. 1985

At the request of Mr. WILLIAMS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1985, the Truth in Food Labeling Act.

S. 2023

At the request of Mr. BAYH, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor to S. 2023, a bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service.

S. 2083

At the request of Mr. BAYH, the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New York (Mr. JAVITS) were added as cosponsors to S. 2083, a bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes.

S. 2084

At the request of Mr. BAYH, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New York (Mr. JAVITS) were added as cosponsors to S. 2084, a bill to discourage the use of leghold or steel jaw traps on animals in the United States.

S. 2237

At the request of Mr. JACKSON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2237, to establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment.

S. 2304

At the request of Mr. TOWER, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2304, to amend title 38, United States Code, to provide financial assistance to institutions for the establishment and expansion of programs under which veterans with military acquired medical skills will be trained and educated in the allied health professions.

S. 2345

At the request of Mr. HATFIELD, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2345, to amend the Internal Revenue Code of 1954 to allow an income tax deduction for donations of blood.

S. 2360

At the request of Mr. WILLIAMS, the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 2360, the Automobile Driver Education Act.

S. 2437

At the request of Mr. FONG, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 2437, to authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean.

S. 2497

At the request of Mr. HATFIELD, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 2497, to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers.

S. 2535

At the request of Mr. BAYH, the Senator from Rhode Island (Mr. PELL), the Senator from Rhode Island (Mr. PASTORE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors to S. 2535, a bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes.

S. 2537

At the request of Mr. HATFIELD, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 2537, the Narcotics Abuse Treatment Act of 1971.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE JOINT RESOLUTION 135

At the request of Mr. TOWER, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Joint Resolution 135, to authorize and request the President to issue annually a proclamation designating one day of each year as "National Law Officers Appreciation Day."

SENATE JOINT RESOLUTION 145

At the request of Mr. TOWER, the Senator from Ohio (Mr. SAXBE) was added as a cosponsor of Senate Joint Resolution 145, to designate the period beginning June 18, 1972, and ending June 24, 1972, as "National Engineering Technicians Week."

SENATE JOINT RESOLUTION 154

At the request of Mr. THURMOND, the Senator from Maryland (Mr. BEALL), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 154, authorizing the President to proclaim the first day of January of each year as "Appreciate America Day."

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENTS

AMENDMENTS NOS. 447, 448, AND 449

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted three amendments, intended to be proposed by him, to the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

FEDERAL CONSTITUTIONAL CONVENTION PROCEDURES ACT—AMENDMENTS

AMENDMENTS NOS. 450 AND 451

(Ordered to be printed and to lie on the table.)

Mr. BAYH. Mr. President, within the next few days the Senate will be considering S. 215, the proposed Federal Constitutional Convention Procedures Act, which was reported out of the Judiciary Committee earlier this year. I am sure every Member of this body knows that article V provides two methods of amending the Federal Constitution. Under the first—which has been used exclusively to date—Congress proposes the amendments and three-fourths of the States ratify them. The constitutional convention is the other method. If two-thirds of the States apply, Congress calls the convention; amendments are proposed by the convention and are then submitted to the States for ratification.

S. 215 represents a commendable effort on the part of the distinguished Senator from North Carolina (Mr. ERVIN) and others to define for the first time the precise rules for the governing of these conventions. I agree with Senator ERVIN's goals; the rules should be fair and neutral, making it neither too easy nor too hard to amend the Constitution by the convention process, and the rules should be clear in advance.

However, I do have some problems with two specific provisions of this specific bill, two provisions which I think go to the very heart of this proposal. Both changes which I would make are designed to insure that no change is made in our most basic charter unless it is truly needed. We must be ever watching lest we provide a mechanism which will lead to constitutional amendments to accommodate transitory, ephemeral problems.

I am most concerned with the provision of S. 215 which allows a bare majority of the delegates to the convention to propose the specific language of new amendments. Article V allows the Congress to propose amendments only if two-thirds of both Houses concur. Article V's requirement guarantees that a decisive majority of the members of not one but two deliberative bodies agree that the amendment is the wisest means of dealing with a fundamental national problem, and that they come to that agreement before the amendment is submitted to the States. We should require that the convention act through the same decisive majority of its delegates. Only if such a broad consensus is reached at the time the amendment is drafted—a time when viable alternative amendments are still under consideration—can we be confident that there is widespread agreement that the specific language of the amendment proposed best fulfills its purpose. By allowing a bare majority of the convention to propose an amendment, the bill opens the door to the submission of a proliferation of amendments to the States.

Mr. President, I ask unanimous consent that the separate views which were filed with the Judiciary Committee's report on S. 215, and the text of the two amendments to S. 215 which I am sending to the desk today, be printed in the RECORD at the conclusion of my remarks. These separate views were signed by Senators BURDICK, HART, KENNEDY, TUNNEY, and myself, and they explain in some detail my proposed amendments and why they are necessary to the success of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 450

On page 9, line 6, strike "a majority" and insert in lieu thereof "two thirds".

AMENDMENT NO. 451

On page 4, line 4, strike "seven" and insert in lieu thereof "four".

SEPARATE VIEWS OF MESSRS. BAYH, BURDICK, HART, KENNEDY, AND TUNNEY

We are basically in accord with the purpose and framework of this bill, and we supported a favorable report to the Senate. We wholeheartedly agree that the groundrules for a constitutional convention should be established before a convention is called to deal with a specific topic, lest views on the substantive issue color decisions about fair procedure. We also agree with the Committee's goal of avoiding both those procedures which make constitutional change too easy and those which stifle needed reform. And we agree that the convention must not be permitted to roam the Constitution at will; it must instead be limited to considering only that constitutional issue which led to its creation.

There are two specific provisions of this bill, however, which hinder rather than further the Committee's intentions:

First, Section 10, which permits the convention to propose amendments by a bare majority vote should be amended to require a two-thirds majority. As presently written, it undermines the traditional safeguard which has protected the integrity of the Constitution since 1789. That safeguard, of course, is Article V's requirement that amendments be proposed by two-thirds of the Congress. All Senators know very well the difference between persuading half and persuading two-thirds of our colleagues of the wisdom of a course of action. Article V's requirement guarantees that a decisive majority of the members of not one but two deliberative bodies agree that the amendment is the wisest means of dealing with a fundamental national problem, and that they come to that agreement before the amendment is submitted to the States. We should require that the convention act through the same decisive majority of its delegates. Only if such a broad consensus is reached at the time the amendment is drafted—a time when viable alternative amendments are still under consideration—can we be confident that there is widespread agreement that the specific language of the amendment proposed best fulfills its purpose. By allowing a bare majority of the convention to propose an amendment the bill opens the door to the submission of a proliferation of amendments to the States.

It is true that three-quarters of the States must ratify any proposed amendment. But during ratification the States cannot make any changes in the proposal. It is presented to them in final form on a take it or leave it basis. In each State, only a majority of the legislature need be convinced that the particular amendment proposed is better than no amendment at all. Ratification, therefore, is simply not a substitute for the reasoned deliberation and the building of a substantial consensus which ought to proceed the proposal of change in the basic framework of our political system. It is for this reason, we feel, that the founding fathers wisely required in Article V a two-thirds vote by each House before the Congress could propose an amendment, even though such an amendment, too, must subsequently be ratified by three-quarters of the States. Our own constitutional history demonstrates this principle. Since 1927, 28 constitutional amendments have been voted on by one or both Houses of Congress. Of those debated, only 7 finally won support from enough members of Congress to be proposed by the States. But of those 7, not one was rejected by the States. In fact, since 1789 only 5 proposed amendments—two of them part of the original Bill of Rights—have been rejected by the States.

For these reasons, proposals should be sent to the States for ratification only if approved by two-thirds of the delegates to the convention.

Second, we believe that a State's call for a convention should not remain effective for seven years, as Section 5 of the bill now provides. The call for a convention, as Professor Paul A. Freund has said, should reflect "a contemporaneously felt need." Of course, enough time must be provided to give the State Legislatures an opportunity to consider joining the request. However, in our view, four years would be a sufficient length of time. The vast majority of the legislatures—33 at latest count—now meet annually. Even the 17 legislatures which meet only in alternate years would have two sessions in which to act.

BIRCH BAYH,
QUENTIN N. BURDICK,
PHILIP A. HART,
EDWARD M. KENNEDY,
JOHN V. TUNNEY.

EXPEDITIOUS TRIAL FOR CERTAIN DEFENDANTS—AMENDMENTS

AMENDMENT NO. 452

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. THURMOND. Mr. President, as a cosponsor of S. 895, I hope this great deliberative body will pass this bill which is designed to make the constitutional mandate of speedy trial a reality. Only swift apprehension and certain punishment will act as a deterrent against the rising wave of crime, and our system is truly just only when accused persons are given speedy trials. The words of the sixth amendment to the U.S. Constitution need to be enforced. Under this provision and its application to the States through the 14th amendment, every "accused" person coming to trial in America is guaranteed a speedy trial. Not only does the accused have a right to a speedy trial; but society's interest is not served by delayed prosecutions.

Mr. President, I offer an amendment which I believe will make indispensable improvements to S. 895 which will guarantee the ultimate success of this important speedy trial measure. Our processes of justice and specifically the trial process have been misused by the prosecution and by the defense. While it is true that these misuses create individual injustices, the real victim is society. In recent years our courts have become more congested, the dockets have become longer, and the trials more complicated. During this time, the Supreme Court has maintained its role as the protector of the constitutional rights of the defendant, but society has had no protector from the recidivist, from the burglar, from the robber, from the rapist, and from the murderer. During the 1960's index crimes increased 148 percent and there was another 11-percent increase last year. Deterrence, society's main weapon against crime, has practically been destroyed, and a primary reason for this erosion has been the deterioration of our concept of speedy trial. Society needs a criminal justice system which will insure that the innocent are separated quickly and the guilty are required to face their punishment swiftly. In a speech before the American Bar Association last year, Chief Justice Warren Burger said:

> If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate. 56 ABA Journal 932 (1970).

The accused and society have a strong interest in an effective speedy trial process.

Mr. President, S. 895 contains a sure and effective sanction against prosecution delay, but it provides no restraints on dilatory defense tactics. My amendment would plug this obvious hole in a way that will not infringe on the defendant's right, but will protect society against unreasonable delays by the defense.

Mr. President, the constitutional right to a speedy trial does not prohibit necessary delays; it proscribes only unreasonable delays. The Supreme Court's interpretation of the right to a speedy trial has been fairly consistent, but care should be taken that legislation does not encourage the recent trend in some lower courts that presumes that all delays are prosecution delays. A review of the law on the right to a speedy trial will clearly establish the perimeters of the constitutional protection and will support the recommended sanctions to be imposed for violation of this important right.

In *United States* v. *Ewell,* 383 U.S. 119 at 120 (1966), the Supreme Court reviewed the speedy trial case law:

> A requirement of unreasonable speed would have a deleterious effect both upon the rights of the accused and upon the ability of society to protect itself. Therefore, this Court has consistently been of the view that "That right of a speedy trial is necessarily relative. It is consistent with delays and depends upon circumstances. It secures rights to a defendant. It does not preclude the rights of public justice." *Beavers* v. *Haubert,* 198 U.S. 77, 87, 25 S. Ct. 573, 576, 49 L.Ed. 950. "Whether delay in completing a prosecution * * * amounts to an unconstitutional deprivation of rights depends upon the circumstances. * * * The delay must not be purposeful or oppressive" *Pollard* v. *United States,* 352 U.S. 354, 361, 77 S. Ct. 481, 486, 1 L.Ed.2d 393. "[T]he essential ingredient is orderly expedition and not mere speed." *Smith* v. *United States* 360 U.S. 1, 10, 79 S. Ct. 991, 997, 3 L.Ed.2d 1041.

There are those who would advocate that the Court has abandoned the relative standard, but a close reading of later cases prove that this position amounts to pure speculation. In *Klopfer* v. *North Carolina,* 386 U.S. 223 (1967), where the sixth amendment right to a speedy trial was made applicable to the States through the 14th amendment, the court reversed a denial of dismissal in a case where 18 months had passed after the indictment. The Court stated that the key question was "whether a State may indefinitely postpone prosecution on an indictment without stated justification over the objection of an accused who has been discharged from custody." This statement of the issue is a clear shorthand for the almost universal four-element speedy trial test—first, the length of delay, second, the reason of the delay—including source—third, the prejudice to the defendant, and fourth, the absence of waiver.

"Justification," of course, can encompass each of the first three elements and the "objection" is proof positive of no waiver. The very right itself—speedy trial—defies a precise judicial standard and demands a consideration of the circumstances in each case. In *Smith* v. *Hooey,* 393 U.S. 375 (1969), where there was a 7-year delay between indictment and the instant mandamus proceeding, the Court discussed the three basic purposes of the speedy trial right—each of which are subjective:

> This constitutional guarantee has universally been thought essential to protect at least three basic demands of criminal justice in the Anglo-American legal system: "(1) to prevent undue and oppressive incarceration prior to trial, (2) to minimize anxiety and concern accompanying public accusation and (3) to limit the possibilities that long delay will impair the ability of an accused to defend himself." *United States v. Ewell,* 383 U.S. 116, 120, 86 S.Ct. 773, 776, 15 L.Ed.2d 627, at page 379.

It should be noted that the Court did not dismiss the indictment but remanded the case to the Supreme Court of Texas, and this was another case where the defendant "had repeatedly demanded that he be brought to trial. * * *" The only "justification" for the State delaying the trial in Smith against Hooey was that the defendant was confined in a Federal penitentiary in another jurisdiction. The Court held in Hooey that, where the accused is so confined, the State has a constitutional duty to preserve his right to a speedy trial.

In *Dickey* v. *Florida,* 308 U.S. 30 (1970), the Court again confirmed the necessity of making a relative determination on whether the accused was denied his right to a speedy trial. In a case where an arrest warrant had been issued more than 7 years before the defendant was indicted and where the State had knowledge of the accused's confinement, the Court clearly made its holding in terms of the reasonableness of the delay, the prejudice to the accused, and the absence of a waiver. The Court noted that circumstances such as "crowded dockets, the lack of judges or lawyers, and other factors no doubt make some delays inevitable." In the Court opinion, Chief Justice Burger said:

> Here, however, no valid reason for the delay existed; it was exclusively for the convenience of the state. On this record the delay with its consequent prejudice is intolerable as a matter of fact and impermissible as a matter of law.
>
> In addition to exerting every effort to require the State to try him, there is present in this record abundant evidence of actual prejudice to petitioner in the death of two potential witnesses, unavailability of another, and the loss of police records. At page 38.

It should be noted that each of the four elements of the speedy trial test was decided in favor of the defendant: First, the delay was more than 7 years; second, it was "exclusively for the convenience of the State"; third, there was "abundant evidence of actual prejudice"; and fourth, the accused had "exerted every effort to require the State to try him."

Mr. President, the right of speedy trial has been made applicable to the States and it has been preserved for accused persons confined in other jurisdictions, but the law as to the basic test has not changed substantially. As the Ewell Court said, "The right of a speedy trial is necessarily relative." *United States* v. *Ewell,* 383 U.S. 119 at 120 (1966).

As we consider speedy trial legislation, I believe it is appropriate that we discuss further the particulars of the right to a speedy trial. While I do not agree with all of the conclusions reached by Justice Brennan in his concurring opinion in the Dickey decision, some of his summaries of the state of the law on speedy trial are helpful. He noted that there are two groups of issues inherent in the proper application of the right to a speedy trial: First, those concerned with when during the criminal process the speedy trial guarantee attaches, and second, those concerned with the criteria by which to judge the constitutionality of the delays to which the right does attach. At page 41. With regard to when the right attaches, it is universally accepted that delays between indictment and trial are covered, *Lucas* v. *United States,* 363 F. 2d 500 (9th Cir. 1966), and the Supreme Court has held that delays between judgment and sentence are governed by the right, *Pollard* v. *United States,* 352 U.S. 361 (1957). There is some authority for attachment at the time of arrest, *Hedgepeth* v. *United States,* 364 F.2d 684 (D.C. Cir. 1966), and there are a substantial number of cases holding that the right does not apply to delays before either arrest or indictment. *Terlickowski* v. *United States,* 379 F.2d 501 (8th Cir. 1967). The ABA minimum standards for speedy trial recommend that the speedy trial period should begin when the accused is charged unless he is arrested earlier for the same conduct and held to answer; then the time begins from the day he was first held to answer.

The length of delay is the one criteria that is explicit in the right to a speedy trial. It is noted in the ABA Minimum Standards for Speedy Trial that speedy trial statutes range from 75 days to 6 months. At page 14. In rules adopted on January 5, 1971, the Second Circuit Court of Appeals established a period of 6 months for the courts of that circuit. A 6-month period was also set for the New York State courts by rule of the New York State Court of Appeals. While a statutory presumption for denial of speedy trial is an appropriate consideration for Congress, neither a 60-day period nor even a 6-month period is required by the Constitution.

The questions of reason for and source of the delay are part and parcel of one another; the answer to one usually implies the other answer. Courts have agreed that purposeful, oppressive, or unnecessary—whether negligent or intentional—delays by the Government are generally unjustifiable. In Klopfer the Court spoke of "unjustified postponement" and in Dickey the Court said that "no valid reason for the delay existed." In the ABA Minimum Standards for Speedy Trial delays are discussed in terms of "necessary" and "unreasonable." At pages 32, 40. It seems more appropriate to judge a delay under the Constitution according to its reasonableness. It should also be noted that defendant participation in delay nullifies the right to a speedy trial with respect to specific delays. Justice Brennan noted:

> It has been held, for example, that an accused cannot sustain a speedy trial claim when delay results from his being a fugitive from justice, making dilatory pleadings or motions, or failing to object when a continuance is granted the government, or from delay occasioned by his incompetence to stand trial, e.g., *United States* v. *Davis,* 365 F. 2d 251, 255 (C.A. 6th Cir. 1966). *Dickey* v. *Florida,* 398 U.S. 41 (1970), concurring opinion.

It is clear that some evidence of prejudice is necessary because the right to a speedy trial is designed to protect against fundamental unfairness and every major Supreme Court case on speedy trial discusses the right in terms of prejudice to the defendant. However, there is a possibility that the constitutional law will develop toward a presumption of prejudice in especially long delays. This position was explained by Justice Brennan:

> Thus, it may be that an accused makes out a prima facie case of denial of speedy trial by showing that his prosecution was delayed beyond the point at which a probability of prejudice arose and that he was not responsible for the delay, and by alleging that the government might reasonably have avoided it. Arguably the burden should then shift to the government to establish, if possible, that the delay was necessary by showing that the reason for it was of sufficient importance to justify the time lost. *Dickey* v. *Florida,* 398 U.S. 56 (1970).

In considering the constitutionality of delays, it is clear that, since the right to a speedy trial is a personal right, it can be waived. However, a waiver will probably not be proved by the "silence or inaction" of the defendant. Dickey, concurring opinion at page 41. Mr. President, the concurring opinion of Justice Brennan in the *Dickey* case was concluded with a brief synopsis of the major issues inherent in the constitutional right to a speedy trial. He said:

> Arguments of some force can be made that the guarantee attaches as soon as the government decides to prosecute and has sufficient evidence for arrest or indictment; similar arguments exist that an accused does not lose his right to speedy trial by silence or enaction, that governmental delay which might reasonably have been avoided is unjustifiable, and that prejudice ceases to be an issue in speedy trial cases once the delay has been sufficiently long to raise a probability of substantial prejudice. At page 41.

There is one other aspect of the speedy trial guarantee that should be discussed before my specific amendments are outlined. There remains the question of the proper sanction for the enforcement of this constitutional right. In his Dickey concurring opinion, Justice Brennan said:

> Finally, what is the role of prejudice in speedy trial determinations? The discharge of a defendant for denial of a speedy trial is a drastic step, justifiable only when further proceedings against him would harm the interests protected by the Speedy Trial Clause. Thus it is unlikely that a prosecution must be ended simply because the government has delayed unnecessarily, without the agreement of the accused. At page 52.

However, the position for dismissal advocated by S. 895 and which is supported by the ABA minimum standards for speedy trial, would be fully justified as a proper legislative enactment if some enforcement method were devised to insure good faith cooperation by the defense.

Mr. President, my amendment would make four changes to S. 895. It would make the statutory trial period more realistic and would provide reasonable incentives to insure the cooperation of defense counsel. It is quite apparent from a review of the speedy trial case law that the Constitution does not mandate a 60-day period for speedy trial. This amendment would adjust the statutory period for trial from 60 days to 4 months. I believe that it would be an unreasonable burden on our criminal justice process and would hinder the cause of justice if we enact at this time a 60-day trial period enforced by dismissal. It would be substantially more equitable to society and immensely more wise to adjust the period to a shorter time later than to adopt a short period now, penalize society for violations which could prove to be unavoidable, and then be forced by an outraged public to lengthen the trial period to a reasonable time. I believe the adjusted period speaks for itself and is essential to the ultimate success of S. 895.

The remaining provisions of this amendment has two main objectives; they provide for mandatory documentation of excludable delays and provide moderate sanctions against unreasonably dilatory defense tactics. There is also clarification language added to some of the exclusion sections and the addition of one other excludable period for court congestion resulting from "exceptional circumstances." This new exclusion does not attempt to excuse delays arising out of chronic congestion, but is designed to accommodate delays caused by certain unique, nonrecurring events such as riots or other mass public disorders.

The additional language at the beginning of subsection 3161(c) is designed to tighten up the procedure for the determination of excludable delays. The first two substantive changes on page 5 are designed to produce finality on the waiver questions. This language is essential to avoid yet another possibility for endless appeals on the various aspects of the right to a speedy trial. The sanctions which are added to section 3162 will insure the cooperation of the defense. It would be unconscionable to provide a statutory speedy trial period with dismissal as the penalty for unreasonable prosecution delay and not provide an enforcement mechanism against unreasonable defense delays. The sanctions I have included are moderate measures which will not stifle legitimate defense tactics; they are aimed only at unreasonable delays.

Mr. President, we will undoubtedly hear arguments questioning the constitutionality of sanctions against dilatory defense tactics. First, it must be pointed out that only one of these sanctions are aimed at the defendant; most are directed at the tactics of the defense counsel which amount to unreasonable delays in the process of justice. Such delays obstruct justice and can be punished. Second, courts have always had the inherent power to discipline errant defendants and lawyers. This power in the Federal courts is codified in 18 U.S.C. 401 and authorizes the court to punish summarily three types of contempt by fine or imprisonment: first, misbehavior which obstructs the administration of justice, second, misbehavior of official acts of officers, and third, disobedience or resistance to its lawful writ, process, order, rule, decree, or command. This statute does not authorize unreasonable sentences and it does not escape the due process requirements of the Constitution such as trial by jury of serious offenses, *Bloom* v. *Illinois,* 391 U.S. 194 (1968) and trial by another judge where the questioned conduct is an emotional attack on the personal integrity of the judge, *Mayberry* v. *Pennsylvania,* 91 S. Ct. 499 (1971), but the power to punish for a variety of contemptuous conduct is clearly constitutional. The Supreme Court has held that sentences for criminal contempt of up to 6 months may constitutionally be imposed without a jury trial. *Cheff* v. *Schnackenberg,* 384 U.S. 373 (1966).

If Congress can empower the Federal courts to punish contempt by imprisonment, we can certainly authorize the punishment contained in this amendment—by conviction of contempt for a purposeful refusal to proceed with trial, by reducing compensation provided to the defense counsel, by denying access to the court for a short period, or by causing a report to be filed with the discipline committee of the local bar. The sanctions I have proposed are consistent with the recommendations of the ABA minimum standards for the prosecution function and the defense function—tentative draft. In the commentary on standard 1.2, the potential damage caused by unchecked defense tactics which are unreasonable is discussed in clear terms:

> One of the great temptations that befalls a lawyer is to abuse procedure and employ dilatory tactics in order to gain time for the advantage of his client. Delays sought in hope that testimony will be lost or become stale, that the prosecution parties will be inconvenienced until they abandon the case, or to continue illegal activity or for other corrupt purposes undermine the entire system. These practices also bring the bar into disrepute. Such tactics may backfire when judge and prosecutor realize they are being employed; stern judicial response may then operate to injure an accused. At page 180.

In standard 1.2 three types of delays are prohibited:

> (b) It is unprofessional conduct for defense counsel to misrepresent facts or otherwise mislead the court in order to obtain a continuance.
>
> (c) It is unprofessional conduct for defense counsel intentionally to use procedural devices for delay for which there is no legitimate basis.
>
> (d) A lawyer should not accept more employment than he can discharge within the spirit of the constitutional mandate for speedy trial and the limits of his capacity to give each client effective representation. It is unprofessional conduct to accept employment for the purpose of delaying trial. At page 154.

Unprofessional conduct is defined as conduct "subject to disciplinary sanctions." At page 154.

Mr. President, my amendment makes four basic changes to S. 895. The speedy trial period is lengthened from 60 days to 4 months. A new excludable period of delay is added to cover court congestion due to exceptional circumstances and clarifying language is added to two exclusion paragraphs. Language is added to subsection (c) to require that excluded periods be set out in the record and to require that all requests for continuances be by sworn statement. And a new subsection (b) is added to section 3162 to provide sanctions against unreasonable delays by the defense in order that defense cooperation will be insured under this new procedure designed to give effect to the right to a speedy trial.

These sanctions are moderate and they are essential to the cause of justice. They are absolutely necessary to insure that, in our zeal to preserve the right to speedy trial for the accused, we do not deny society its right to justice.

Mr. President, I ask unanimous consent that the text of these amendments be printed in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 452

On page 2, line 14, strike "sixty days" and insert in lieu thereof "one hundred and twenty days".

On page 2, line 16, strike "sixty" and insert in lieu thereof "one hundred and twenty".

On page 3, line 1, strike "sixty days" and insert in lieu thereof "one hundred and twenty days".

On page 3, line 5, strike out "sixty days" and insert in lieu thereof "one hundred and twenty days".

On page 3, after line 22, insert the following:

"(3) Any period of delay resulting from congestion of the trial docket when the congestion is attributable to exceptional circumstances.".

On page 3, line 23, strike out "(3)" and insert "(4)".

On page 4, line 1, strike out "(4)" and insert "(5)".

On page 4, line 9, strike out "(5)" and insert "(6)".

On page 4, line 15, strike out "(6)" and insert "(7)".

On page 4, line 21, strike out "(7)" and insert "(8)".

On page 5, line 1, strike out "(8)" and insert "(9)".

On page 5, between lines 12 and 13, insert the following:

"(d) All periods of delay excluded under subsection (c) of this section shall be set forth in writing in the record of the case. All requests for continuances shall be by sworn statement by the prosecutor, or by the defense counsel and the accused.".

On page 3, line 24, immediately after the period, add the following: "A defendant shall be considered absent whenever his whereabouts are unknown and, in addition (A) he is attempting to avoid apprehension or prosecution, or (B) his whereabouts cannot be determined by due diligence. A defendant shall be considered unavailable whenever his whereabouts are known but his presence for trial cannot be obtained by due diligence."

On page 4, line 16, immediately after "of", insert a comma and the following: "or with the consent of,".

On page 4, line 20, immediately after the period, add the following: "A defendant without counsel shall not be deemed to have consented to a continuance unless he has been advised by the court of his right to a speedy trial and of the effect of his consent.".

On page 5, line 14, immediately before "If", insert "(a)".

On page 5, line 19, immediately after the period, insert the following: "After the reading of the information or indictment the judge shall address the defendant personally and determine that the defendant understands his right to a speedy trial and his right to object to any periods of delay which have been determined to be excludable."

On page 5, line 21, immediately before the period, insert the following: "and waiver of the right to contest the determinations of excludable delays".

On page 5, between lines 21 and 22, insert the following:

"(b)(1) In any case in which the court has set a date certain for trial and on such date the defendant, his counsel, or both, fail to proceed to trial without justification consistent with section 3161 of this chapter, the court may punish the responsible person for criminal contempt.

"(2) In any case in which defense counsel (A) has agreed on a date certain for trial with knowledge that a defense witness would be unavailable; (B) has filed a motion for the purpose of delay which is totally frivolous and without merit; or (C) has filed a sworn statement for a continuance which contains a false statement material to the granting of the continuance, the court may punish the defense counsel by—

"(i) decreasing, by 25 per centum, his compensation pursuant to section 3006A of title 18, United States Code, if counsel is appointed;

"(ii) a fine of not to exceed 25 per centum of his compensation if counsel is retained;

"(iii) denying him the right to practice before that court for a period of three months; or

"(iv) filing a report with an appropriate disciplinary committee.

"(3) The authority to punish provided for by this subsection shall be in addition to any other authority or power available to the court.".

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 347

At the request of Mr. BAKER, the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of amendment No. 347, to S. 1437, to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

NOTICE OF HEARINGS ON S. 343 AND S. 344

Mr. CANNON. Mr. President, as chairman of the Subcommittee on Privileges and Elections, I announced on September 15, 1971, my intention to schedule public hearings on Senate bills S. 343 and S. 344.

Those bills would require officers and employees of all branches of the Federal Government to file statements of income, assets, liabilities, and other pertinent data.

I now announce that the hearings will be held on Thursday, November 4, 1971, beginning at 10 a.m., in room 301 of the Old Senate Office Building.

Anyone who wishes to testify or submit a statement should contact the staff of the Subcommittee on Privileges and Elections in room 310, Old Senate Office Building, or call extension 55647.

NOTICE OF HEARING ON RURAL ELECTRIFICATION

Mr. McGOVERN. Mr. President, I would like to announce to my colleagues that the Subcommittee on Farm Credit and Rural Electrification, of which I am chairman, will hold hearings on rural electrification on October 26 and 27, in room 1114 of the New Senate Office Building, beginning at 9:30 a.m. on both days.

HEARING SCHEDULED FOR OCTOBER 20, 1971, ON ENERGY POLICY AND NATIONAL GOALS

Mr. JACKSON. Mr. President, on Wednesday, October 20, 1971, at 10 a.m., in room 3110 of the New Senate Office Building, the Committee on Interior and Insular Affairs will hold a 1-day symposium on energy policy and national goals. Prominent spokesmen and representatives from conservation and consumer organizations, from industry, from the academic community, and former Government officials have been invited to prepare papers on this subject. After the papers have been reviewed, a representative group of the authors will be invited to appear before the committee to discuss the relationship between energy policy and the attainment of agreed upon national goals.

This hearing is being held pursuant to Senate Resolution 45, a resolution authorizing the Senate Interior and Insular Affairs Committee, with ex officio representation by the chairman and ranking minority members of the Senate Commerce and Senate Public Works Committees and the Joint Committee on Atomic Energy to undertake a comprehensive study of national fuels and energy policy.

Mr. President, I ask unanimous consent that the following materials be printed in the RECORD at the conclusion of my remarks:

First. The Senate Interior and Insular Affairs Committee's study plan to implement Senate Resolution 45.

Second. The memorandum of the chairman transmitting to the committee members a committee print containing a background paper on "The Evolution and Dynamics of National Goals in the United States," prepared by Dr. Franklin P. Huddle, Science Policy Research Division, Congressional Research Service, Library of Congress, at the request of the Committee on Interior and Insular Affairs, U.S. Senate.

Third. The memorandum of the chairman transmitting to the committee members a committee print containing "Selected Readings on Economic Growth in Relation to Population Increase, Natural Resources Availability, Environmental Quality Control, and Energy Needs," prepared by Mr. Wallace P. Bowman, assistant chief, Environmental Policy Division, Library of Congress, at the request of the Committee on Interior and Insular Affairs.

The purpose of the October 20 symposium is to undertake a review of declared and generally acknowledged national goals and their relationship to the elements and content of a national fuels and energy policy.

Energy policy is not an end in itself; energy is a tool, and energy policy is a method of directing the useful employment of that tool. Energy policy must, therefore, be considered against a larger background than simply the problem of how to supply the energy that is demanded by society. Energy policy should be designed to promote and attain a broad range of generally agreed upon national goals, many of which are only indirectly related to existing or proposed energy systems.

It is my hope that the committee's review of "Energy Policy and National Goals" at the scheduled symposium will produce discussion and general consensus in two major areas: The process of goal formulation and the substance of the goals themselves. With respect to the process, it is important to understand, or at least be sensitive to, how latent public desires and needs are translated into tangible national goals. With this process in mind, members of the committee can better appreciate the profound changes in basic values which are presently taking place in America and, hopefully, provide insight and guidance in the development of policies designed to attain new and changing goals.

Second, to the extent that agreement can be reached on the substance of the Nation's major goals, the committee will gain a powerful analytic tool that will be of great assistance in determining priorities on a rational basis, rather than merely calculating the short-term consequences of specific actions. Agreement on abstract goals will not, of course, mean that there will be agreement on specific energy policies or specific strategies to achieve the goals. Consensus will, however, provide a common reference point from which policy options may be discussed and judged. A continuing effort to evaluate energy policies in light of their relationship to national goals will assist analysis by making the inevitable conflicts and tradeoffs between competing goals and objectives more readily identifiable.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE, NATIONAL FUELS AND ENERGY POLICY STUDY PLAN TO IMPLEMENT SENATE RESOLUTION 45

A. BACKGROUND

The mandate for the Senate Interior and Insular Affairs Committee's study of National Fuels and Energy Policy is a very broad charter which touches at some point on virtually all of the country's long range national goals. S. Res. 45 declares that adequate supplies of energy are essential to national welfare; it recognizes projections of increased population growth and energy consumption; it acknowledges conflicts between existing goals and policies; and it concludes that a Senate Committee study is needed to determine what, if any, changes in policy and law are needed to coordinate and provide an effective national energy policy.

Section 1 of the Resolution authorizes the Committee to:

(a) make a full and complete investigation and study . . . of the current and prospective fuel and energy resources and requirements of the United States and the present and probable future alternative procedures and methods for meeting anticipated requirements, consistent with achieving other national goals . . .

(b) make . . . a full and complete investigation and study of the existing and prospective government policies and laws affecting the fuels and energy industries with the view of determining what, if any, changes and implementation of these policies and laws may be advisable in order to simplify, coordinate, and provide effective and reasonable national policy to assure reliable and efficient sources of fuel and energy adequate for a balanced economy and for the security of the United States . . .

Section 2 directs the Committee to give consideration to:

(1) the proved and predicted availabilities of our national fuel and energy resources . . .

(2) projected national requirements for the utilization of these resources for energy production and other purposes . . .

(3) the interests of the consuming public, including the availability in all regions of the country of an adequate supply of energy and fuel at reasonable prices and including the maintenance of a sound competitive structure . . .

(4) technological developments affecting energy and fuel production, distribution, transportation . . .

(5) the effect that energy . . . has upon conservation, environmental, and ecological factors, and vice versa;

(6) the effect upon the public and private sectors of economy of any recommendations made under this study . . .

(7) the effect of any recommendations made pursuant to this study on economic concentrations . . . particularly as these . . . may affect small business enterprises;

(8) governmental programs and policies now in operation . . . and their interaction with other governmental goals, objectives, and programs; and

(9) the need, if any, for legislation designed to effectuate recommendations . . .

The investigation and study contemplated by S. Res. 45 is very sweeping. The time available is relatively brief for such an important mandate.

The proposed Study Plan was prepared with a view towards accomplishing as much as possible within the limitations of both time and funding available to the Committee. These limitations dictate that: (1) existing data and information be relied upon wherever possible; (2) a very small staff be assembled with substantial reliance on the Congressional Reference Service and on consultants on an "as needed" basis; (3) the focus of the study be on realistic and attainable policy options; (4) cooperation and close assistance of executive branch agencies be fostered; and (5) many decisions restricting the potential scope of the study be made.

The proposed Study Plan is in four parts which, to the extent possible, will be conducted concurrently. The first part deals with a review of national goals and their relationship to existing energy policy. The second part deals with the known and potential supply of energy resources and with projection of future energy demands. The third part of the Study Plan contemplates a review of existing policy constraints on energy supply and demand and the identification of alternative policy options which could influence supply and demand. In the fourth part of the Study, selected, topical energy issues will be reviewed in depth and tested in relation to the general, systematic studies conducted in the other three parts.

Throughout the Study, two major time frames will be considered.

The first time frame, from 1971 to 1980, will cover the short range energy situation. Because of the long lead time in capital construction, corporate planning, and research and development of new energy technologies, the range of policy options for the period 1971 to 1980 is quite limited.

The period of the second time frame, 1980 to 2020, presents fewer constraints on policy options and provides the lead time necessary to undertake virtually any new policy initiatives which may be necessary to influence the energy situation in the long-term future. Accordingly, separate recommendations are proposed for the short and long range energy situation.

1. National goals

In the final analysis, the development of new energy policy options and the selection of recommendations must be related to a set of legislatively declared or generally agreed upon national goals.

The desirability of existing and proposed energy policies can only be judged in terms of how effective they are in achieving agreed upon objectives. An initial phase of the Committee's energy study would be a review of legislatively established national goals and the relationship of both existing and proposed energy policies to them. It is hoped that as a result of this review, general agreement can be reached on the major national goals the U.S. energy policy *ought* to assist in attaining.

Agreement on abstract goals will not, of course, mean that there will be agreement on specific energy policies or specific strategies to achieve the goals. Agreement on abstract goals will, however, provide a common reference point from which policy options may be discussed and judged. A continuing effort to evaluate energy policies in light of their relationship to national goals will assist analysis by making the inevitable conflicts and trade-offs between competing goals and objectives more readily identifiable.

Many of the current conflicts in the energy field are often oversimplified in the sense that the need for balance and rational trade-offs has not been identified for the public. Current examples include the "either-or" debate on "energy versus environment," progress versus conservation," "growth versus no-growth." A goal oriented analysis of some of these questions would help in understanding the real problems which are posed and would contribute to better decision-making.

The relationship between energy policy and declared national goals will be a matter of continuing interest in all aspects of the Study. It is proposed, however, that specific work on this phase of the Study be confined to the preparation of some background documents and the convening of a symposium to discuss National Goals and Energy Policy.

Four background documents are now in preparation. The first reviews national goal formulation and implementation as a general process. The second compiles major energy statutes and analyzes legislative statements of the goals various Federal energy programs are seeking to advance. The third analyzes Executive Branch statements of "goals and objectives" in the energy field as set forth in FY 72 PPBS program memoranda. The fourth discusses the national energy policies of selected European countries.

Participants in the Committee's energy symposium would review these documents, prepare papers for submission in advance, and participate in a discussion with members of the Committee. Participants would include representatives from the energy industry, public interest groups and universities.

2. Supply and demand

The second major part of the Committee's study will be to compile and attain general agreement on the essential facts concerning the physical supply of energy resources and the probable future demand for energy resources. The Study Plan discussed and outlined below is a proposed procedure for assessing these facts.

For the most part, the Committee will be relying on and utilizing data which have already been developed or which are now being developed to form an accurate picture of these facts.

Fortunately, there is a substantial amount of data which can be used. The focus of the Committee's effort will be to examine the assumptions which underlie these projections and to develop a range of supply-demand projections against which to develop and test policy options and alternatives.

Supply and demand studies will be developed for each of the principal energy resources (coal, oil, gas, unclear fuels, etc.). The potential of sources such as fusion, solar energy and others will also be assessed and introduced into the projections.

To the maximum extent possible, the estimates developed in the supply-demand part of the Study will reflect only the constraints imposed by the physical availability of the resource and "non-policy" economic limitations. Constraints imposed by existing policy on the availability and utility of energy resources—such as FPC price regulation, environmental standards, import-export policies—will be dealt with in part three of the Study Plan.

For each of the principal energy resources, a high, probable and low supply and demand projection would be developed. An effort would also be made to identify physical opportunities to increase supply or decrease demand.

In addition to developing high, probable and low supply and demand projections, it may be valuable to base a special category of demand projections on historical trends of energy consumption. This category of demand projections would show the U.S. energy "future" *if* existing policies are not revised in the years ahead.

Special attention must be given to consideration that 25% of the energy consumed in the U.S. is used for the generation of electrical power and the special problems of electric power generation and transmission. This aspect of the nation's energy system deserves attention because of the important role of electrical power in affording flexibility among the uses of fuels, and because electricity is the fastest growing form of energy use.

The part of the Study devoted to developing reliable supply and demand projections would, in large measure, be handled by the Committee staff, by consultants and by the Federal agencies. The focus would be on evaluating existing data, identifying assumptions and developing an objective statement of the physical supply situation and probable future demands.

Developing the data will probably require hearings with respect to each of the major energy resources. Ideally, hearings would come after initial staff analyses and would provide an opportunity to test the data and the assumptions.

3. Policy constraints and policy options

A. EXISTING POLICY CONSTRAINTS

When some understanding has been achieved concerning the relationship between supply and demand for energy, impact of the constraints imposed by existing policies must be studied and evaluated. A few examples of existing policy constraints are:

Rate regulation on production, transportation, and sale of energy.

National security contingency requirements.

Utility regulation of facilities, sites, safety, reliability and service.

Pollution control and environmental protection standards.

Foreign policy and relations with other nations.

Tax structure.

Fuel import limitations.

Mineral leasing and Federal resource management policy.

Support for energy research and development of new technologies.

Identification and description of existing policy constraints will be carried on concurrently with the accumulation of supply and demand information. The Executive agencies have received questionnaires which provide the Committee with the agencies' statements on existing conflicts and on the policies which presently govern or relate to their energy activities. Similar questionnaires will be prepared for the various energy industries, State regulatory bodies and financial institutions which finance the energy industries.

After a basic compilation of existing energy policies has been obtained, and the supply and demand projections have been developed, the Study will examine the effects which existing policies are having upon energy availability and demand. The hearing process and questionnaires will be of particular value in this part of the Study. The views of a wide variety of participants in the energy industries; Federal, State and local government; conservation and consumer groups; and others will help to identify the explicit and implicit policies which exist and the constraints which they impose on the energy system.

Two types of hearings could be held. First, a series of directed hearings based upon the results of the information developed by the Study would insure comprehensive coverage of all policy aspects of the energy system. Second, hearings could also be held on topical energy issues or events such as blackouts or brownouts, fuel shortages or energy related environmental controversies. These hearings could provide useful case studies which would describe the operation of existing policies, test the assumptions underlying current projections, and, perhaps, suggest the need for policy revisions in specific energy areas.

As an understanding is acquired of the effect which existing policies are having upon energy availability and demand, it will be possible to develop recommendations for policy changes which will remove disfunctional constraints and facilitate the work of government and industry to meet the nation's energy needs.

B. POLICY OPTIONS AND ALTERNATIVES

Concurrent with the review and identification of "existing policy constraints" a parallel effort will be made to identify policy options and alternatives which could remove unnecessary constraints and which could increase energy supply or decrease energy demand. Some examples of available policy options were set forth in the President's June 4 Energy Message:

Expand supply by accelerating Federal leasing programs.

Reduce consumption (demand) by requiring increased insulation in new housing construction.

Accelerate research and development by increasing Federal investment in breeder reactor and coal gasification technology.

Initiate an oil shale leasing program.

The identification of the range of policy options and alternatives available would rely heavily on the hearing process, questionnaires and the experience of the Federal agencies.

A rigorous effort must be made to identify the social and economic cost of proposed options and what their probable impact would be if adopted. Examples of some areas of "impact significance" which would be used to test the policy option or alternative include:

Consumer cost.

National security.

Environmental quality.

Regional energy systems.

Industry's incentive to explore, produce and deliver energy.

Existing policies.

Inter fuel competition.

4. Parallel inquiries into major policy issues

INTRODUCTION

The foregoing three parts of the study constitute a systematic and comprehensive approach towards an understanding of the energy system. It will also be necessary to conduct more specific inquiries into some aspects of energy policy which are recognized to be important issues of current concern. These inquiries will provide different viewpoints of important features of the energy system, will highlight the interrelationships among policies, and will help to suggest possible policy revisions.

Two types of inquiries which will parallel the first three parts of the Study will be made: First, topical inquiries which deal with commonly identified energy issues of particular public concern. Second, "integrative" inquiries which are principally concerned with examining the way various factors of the energy system and energy policy interact in a particular situation. Examples here might include the "efficiency" of energy use or "transferability" between energy resources.

The issues in each of these categories which could be the subject of auxiliary and parallel inquiries will be identified as the Study progresses. Examples of some of the types of issues the Committee may wish to consider are set out below:

A. TOPICAL INQUIRIES

1. Price regulation in energy industries.
2. End use controls.
3. Nuclear safety.
4. Federally owned energy resource leasing policies.
5. Reliability of electric generation and transmission.
6. Review of pending energy related legislation.
7. Dependence on foreign energy resources.
8. Tax policy in the energy field.
9. Financial requirements of energy industries.

B. INTEGRATIVE INQUIRIES

1. Efficiency of energy conversion.
2. Transferability between energy resources.
3. Energy consumption and a "growth" policy.
4. Federal role in energy research and development.
5. Competition, concentration and industry structure.
6. Federal-State relations in energy regulation.
7. Federal organization for energy administration.
8. Security of energy supply.

C. PROCEDURE FOR DEALING WITH THE ISSUES

To narrow the issues and sharpen the questions in connection with the review of major energy issues, it may be desirable to:

1. Invite prepared position papers on major energy issues, as identified by the Committee, from the appropriate Federal officials and from recognized authorities on the subject in question. Invitations to governmental, industry and academic specialists who could contribute to a better understanding of the issues would also be issued and opportunity given for submissions and commentary on the above papers.

2. Based in part on the papers and submissions, a report would be prepared by the staff. This report could serve as background documents for the hearings. It may be appropriate to hold regional hearings as well as hearings in Washington, D.C.

5. Preparation of final report

MEMORANDUM

To: Members and Ex-Officio Members of the Senate Committee on Interior and Insular Affairs.

From: Henry M. Jackson, Chairman.

Re: National Fuels and Energy Policy Study Pursuant to S. Res. 45.

As we enter the latter one-third of the twentieth century, the growing forces of change—social, environmental, technological—pose important and fundamental questions about our national goals. The forces of change also pose important challenges to our governmental institutions, to long standing values and traditions, to our economy, to the manner in which we share national wealth, to our environment, to our strength as a nation, and, finally, to our capacity to make rational decisions about controlling change and bringing into being the kind of future we desire for ourselves, for our children, and for humanity as a whole.

The energy policies that the nation follows in the years and decades ahead will be a primary determinant in how these challenges are met. It is therefore appropriate that at the outset of the Committee's study of National Fuels and Energy Policy a review of declared and generally acknowledged national goals and their relationship to the elements and content of a national energy policy be undertaken.

Energy policy is not an end in itself; energy is a tool, and energy policy is a method of directing the useful employment of that tool. Energy policy must, therefore, be considered against a larger background than simply the problem of how to supply the energy that is demanded by society. Energy policy should be designed to promote and attain a broad range of generally agreed upon national goals, many of which are only indirectly related to existing or proposed energy systems.

National goals are, by necessity, a set of abstract expressions of the desires and aspirations of the American people. They are found in the Constitution, the laws and the regulatory practices of government; they are a reflection of the traditions, the culture, the ethics and the hopes of the American people. A nation's goals provide a framework for analysis within which existing and alternative policies can be considered and tested. Energy policy is a means of achieving national goals, and one test—perhaps the only test of an energy policy—is its success in attaining the social and political conditions expressed in goal declarations.

Goals are future oriented. They contemplate a set of desired conditions which day to day decisions should assist in attaining. Because of this, any attempt to formulate policy without a careful appreciation of the ramifications and consequences of energy policy options will be shortsighted and of doubtful consistency with the long range public good.

A fundamental question, then, at the outset of this important study of National Fuels and Energy Policy is the identification of relevant national goals, how they were formulated, and how they were implemented. The following study entitled "The Evolution and Dynamics of National Goals in the United States" was prepared at my request for the use of Committee members by Dr. Franklin P. Huddle, Senior Specialist in Science Policy, Congressional Research Service, Library of Congress. It will be a useful background document for a symposium on "Energy Policy and National Goals" scheduled for early October.

The study selectively reviews the history of national goal formulation beginning with the Preamble to the Constitution of the United States. For the purposes of the Committee's symposium, an especially helpful section of the study will be that part delineating the process and the specifics of national goal formulation from the Eisenhower administration, through those of President Kennedy and Johnson, to the present Nixon administration. While members of the Committee may not agree with the conclusions expressed in Dr. Huddle's study, it does provide a useful point of departure from which the Committee may review national goals and identify the role of energy policy in the implementation of national goals.

While this study is not directed specifically at energy problems, a clearer understanding of the process of national goals formulation will help to provide a better understanding of the role that energy policy plays in assisting the achievement of stated national goals.

It is my hope that the Committee's review of "Energy Policy and National Goals" at the scheduled symposium will produce discussion and general consensus in two major areas: the process of goal formulation and the substance of the goals themselves. With respect to the process, it is important to understand, or at least be sensitive to, how latent public desires and needs are translated into tangible national goals. With this process in mind, members of the Committee can better appreciate the profound changes in basic values which are presently taking place in America and, hopefully, provide insight and guidance in the development of policies designed to attain new and changing goals.

Second, to the extent that agreement can be reached on the substance of the nation's major goals, the Committee will gain a powerful analytic tool that will be of great assistance in determining priorities on a rational basis, rather than merely calculating the short-term consequences of specific actions. Agreement on abstract goals will not, of course, mean that there will be agreement on specific energy policies or specific strategies to achieve the goals. Consensus will, however, provide a common reference point from which policy options may be discussed and judged. A continuing effort to evaluate energy policies in light of their relationship to national goals will assist analysis by making the inevitable conflicts and trade-offs between competing goals and objectives more readily identifiable.

Another important feature of the Committee's review of national goals will be a recognition that the nation's major national goals are not always consistent and harmonious. Quite the opposite. Dr. Huddle's study notes, for example, that even within the confines of the normative declarations found in the Constitution there are conflicts among goals.

Perhaps the only sure generalization that can be made about national goals is that in many important respects they are competitive, often contradictory, and that they change with time. For example, "security of energy supply," "low cost," and "quality environment" are commonly cited as important energy policy goals. In many ways, however, these goals are mutually incompatible given today's technology. As a result, the statutory framework, the administrative actions, and the specific policies adopted to serve one or more of these goals frequently work at cross purposes with other policies and other goals and desires. It is no wonder then that a governmental energy policy which must serve widely disparate goals, and seek to accommodate them all, often results in a compromise that fully satisfies no one.

The complexity of a national energy policy is further confused by the fact that in many areas of policy concern, single purpose, mission oriented agencies pursue narrow mandates which touch on only one or, at best, a few goals of significance to a comprehensive energy policy. A further complication is that there are institutional layers of policy—Federal, State and local—which are not always consistent.

A better understanding of the goal conflicts in existing energy policy will insure that proposed policies which are recommended to the Committee are tested and evaluated in a comprehensive and critical manner, that important values are not ignored, and that trade-offs are identified and consciously evaluated.

While the Committee's review of the relationship between energy policy and declared national goals will be confined to the early portion of the study, this general topic will be a matter of continuing review and interest in all aspects of the Committee's study in the months ahead.

MEMORANDUM OF THE CHAIRMAN

To: Members and Ex Officio Members of the Senate Interior and Insular Affairs Committee.

Re: National Fuels and Energy Policy Study Pursuant to S. Res. 45.

Topic: Background Material for Symposium on Energy Policy and Energy Growth.

Whatever economic future this Nation chooses will be fundamental to the formulation of national fuels and energy policy. The selected writings in this committee print[1] have been assembled to provide representative and thoughtful views on future economic growth, with particular stress on the relationships of population increase, natural resources availability, environmental quality control and energy needs. This material will provide the committee with useful background reading for symposia and hearings scheduled later this year in conjunction with the study of National Energy Policy.

Among the peoples of the world, we have the reputation of being strongly committed to the development of energy resources, technologies, and management skills for the purpose of increasing the efficient and expanded production of goods and services. Without the multiplier effect of modern energy production, which has vastly supplemented the primitive muscle power of man and animals, the steady-supply of consumption goods we now produce would be impossible. Our phenomenal economic growth over the past several decades has been based on an abundance of low-cost fuel sources, readily available for diverse and rapidly changing industrial processes. One need only look at the low level of fuels consumption per capita in the less developed countries to comprehend the strong tie between our own energy production and economic status.

If, in the future, limitations of energy supply should develop, inevitable consequences would, of course, occur in the characteristics of economic growth. This potential development would raise complex and fundamental issues of public policy—for example, the need would arise for allocating available energy sources among economic sectors and controlling consumption levels per capita. Several influential groups are endeavoring to persuade the American public, and indeed the world community, to accept a new view of economic growth which would emphasize the concept of "equilibrium," as distinct from the traditional concept of an ever-expanding economy. Much of the support for the equilibrium concept stems from deep concern over the problems associated with population increase, resource scarcity and environmental quality. The more sophisticated writings on this subject reflect an interesting growing debate and perhaps new philosophical attitudes in the field of economic theory.

NEW PATTERNS OF ECONOMIC GROWTH?

Section I of this document contains a series of writings which contrast the positions of the business-as-usual advocates with those who would radically alter and devise new controls for our expanding industrial capacity. In the lead article, E. J. Mishan expresses his conviction that the continued pursuit of economic growth along present lines is wholly responsible for our serious ecological and social crises. "Once convinced of the close connections that exist between economic growth and the less amiable features of our civilization," he states, "we could no longer anticipate an eventual improvement in our condition by the simple expedient of moving with greater or less momentum along this familiar path. We would think differently, we would act differently, and eventually we would live differently." A similar view is offered by David Hertz, who urges a retreat from the consumption syndrome "to an environmentally balanced set of demands" in which the consumer calls for "simpler, but perhaps more satisfying products instead of the technological complexities of the developed nations' life styles." And yet, as Anthony Crosland points out in his interview with Alfred Friendly, we can hardly mobilize a new consensus around "no growth" to protect the environment if it is only to be conserved "at the cost of retaining quite horrible environments for the poor." An industrialist's view is given by Henry Ford II who sees the assumption of "forever providing more and more goods for more and more people" being seriously challenged by the recognition "that more goods do not necessarily mean more happiness." While the traditional responsibility of business is to make a profit for the stockholders, Ford stresses that the terms of the control between industry and society are changing: "We are being asked to contribute more to the quality of life than mere quantities of goods."

POPULATION POLICY: IMPLICATIONS FOR ECONOMIC POLICY

During 1970 what has been labeled the "ZPG movement" (zero population growth) gained wide attention in the press and academic community. Several articles in Section II discuss the reasons why cessation of population growth should be combined with a goal of limiting future economic growth. Paul and Anne Ehrlich see population control as being absolutely essential "if the problems now facing mankind are to be solved." But they argue that even if population growth were halted immediately, all other human problems—"poverty, racial tensions, urban blight, environmental decay, warfare—would remain." Population control, they contend, is the keystone for a "massive campaign . . . to restore a quality environment in North America." By contrast, David Wolfers calls the ZPG movement a romantic, not scientific, approach: ". . . the objective is a careless example of round-number preference." Similarly, Ben Wattenberg, in an essay entitled "The Nonsense Explosion": finds that population control is simply another fad of crisis in America. "The critical facts are that America is not by any standard a crowded country and that the American birth rate has recently been at an all-time low."

Jack Rosenthal reports that the Federal Government's chief demographer, Conrad F. Taeuber, also questions the relative importance of population control: "Our population problem is one of tackling the agenda for improvement of our environment," he states. "A lowered rate of population growth may facilitate the tackling of these tasks—but it would be only one element in the programs which need to be developed." Ansley Coale warns that a zero rate of increase in the United States starting immediately is not feasible: "The reason is the age composition of the population that our past history of birth and death rates has left to us." Our population today is especially young and in order to attain a zero growth rate immediately "it would be necessary to cut the birth rate about in half. For the next 15 or 20 years, women would have to bear children at a rate that would produce only a little over one child per completed family."

NATURAL RESOURCES: SCARCITY OR PLENTY?

There is a healthy, continuing debate over the relation between natural resources availability and economic growth. Several recent reports issued by researchers at Resources for the Future, Inc. (RFF) conclude that the outlook for adequate supplies of resources is reassuring. Given the present state of technological advance and assuming future advances in research and development, the RFF studies indicate that our economy "is winning its independence from the traditional natural resources sector to a remarkable degree. Ultimately, the raw material inputs to industrial production may be only mass and energy . . ." Reviewing these findings, John Krutilla suggests that "the traditional concerns of conservation economics—the husbanding of natural resource stocks for the use of future generations—may now be outmoded by advantages in technology."

While these findings appear to be consistent with RFF's economic analysis of the historic decline in the cost of resource commodities—food, fuels, metals, water and the like—a contrasting survey made by physical scientists appointed to a study committee of the National Academy of Sciences (NAS) indicates serious problems of future scarcity: ". . . true shortages exist or threaten for many substances that are considered essential for current industrial society." The NAS committee expects that abundant cheap energy will *not* be a panacea for waning supplies and that husbanding is still a valid conservation need: "Innovation of many kinds will be needed—in methods of finding ore, in mining, in extraction of metals, in substitution, in transportation, and in conservation and waste disposal. For all reusable materials in short supply, appropriate laws or codes restructuring economic incentives could facilitate conservative recovery, more efficient use, and reuse, thereby appreciably extending now foreseeable commodity lifetimes."

A FIT ENVIRONMENT

One of the most complex tasks we face in the United States, and one that inevitably involves added costs in the production process and public sector, is satisfying the increasing demand for prevention of environmental degradation. The Council on Environmental Quality (SEQ) in its most recent report (a portion of which is reprinted in Section IV) speculates that the costs of environmental cleanup will be high but not prohibitive for business and government. Yet the President's Message, accompanying the CEQ report, is less optimistic: "How clean is clean enough?" the President asks, and then asserts that we should not seek "ecological perfection at the cost of bankrupting the very taxpaying enterprises which must pay for the social advances the Nation seeks." Edwin Dale poses the question: How is the problem solved, then?—and finds the solution in technology: "The very energy and inventiveness that gave us this rising output—and got us to the moon—can do things about pollution." Barry Commoner warns, however, that in most of the technological changes which have accompanied the growth of our economy since 1946 "the new technology has [had] an appreciably greater environmental impact than the technology which it has displaced, and that the post-war technological transformation of productive activities is the chief reason for the present environmental crisis."

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[1] Prepared under the direction of the Committee by Wallace D. Bowman, Assistant Chief, Environmental Policy Division, Library of Congress. Part I presents topical excerpts. Part II presents complete texts of selected writings from books, journals, newspapers, government reports, and conference papers.

ENERGY NEEDS

The readings in Section V deal with energy requirements as related to economic growth. Paul McCracken, Alvin Weinberg and others express strong optimism concerning this Nation's capacity to meet the needs of the future, and indeed see energy as the key to buying time needed to solve the problems of population increase and environmental decline. But others including Paul Ehrlich and John Holden question the desirability of pressing on with current consumption patterns which reflect a doubling of electricty used every ten years and require twice as much energy of all kinds every fourteen years. By contrast, W. G. Jensen sees a very wide horizon for energy and urges a positive outlook: ". . . when all has been said and done, the basic essence of the situation is such that there is no longer any clear reason why the governments of the industrialized countries . . . should not formally adopt as a first principle of their energy policy the firm decision to go ahead, in the best interests of peoples everywhere, and whatever their field of activity or interest . . . toward an avowed, dynamic, and undisguised cheap energy policy." Howard Odum lays emphasis on technical planning: "For survival we may need such national projects as the development of a giant passive analog network model for stimulating man's system of energy and economics in detail."

These abbreviated comments illustrate the often contradictory and diverse opinions that exist in the case of each of the five basic subjects covered in this "reader." While the Committee's work is confined to a study of national fuels and energy policy, our contemplation of the future cannot escape the implications of the economic strategies suggested in these readings, I have ordered the readings to be compiled as a Committee print to provide a convenient basis for continuing discussions of the viewpoints they represent and the implications they hold for our work and our Nation's future.

HENRY M. JACKSON,
Chairman.

NOTICE OF HEARINGS ON DEPARTMENT OF THE INTERIOR SHALE OIL LEASING PLAN

Mr. MOSS. Mr. President, this week the Bureau of Land Management announced the issuance of the first oil shale core drilling permit under the Department of the Interior's leasing program first announced several months ago.

For several years, we have received recurrent reports that a Federal oil shale development plan had been worked out which would foster the oil shale industry. Now that the announced program is underway, there have been several expressions of concern drawing attention to the "lukewarm interest" displayed by the oil companies in the new leasing program. I invite the attention of the Senate to two articles: one from the Oil Daily for September 21, 1971, the other from the Deseret News of September 16, 1971, expressing disappointment in the program of the Interior shale leasing plan to date. I ask unanimous consent that these be printed in the RECORD at the conclusion of my remarks.

I, too, have become concerned by the slow start and delay in what appears to be a tedious and strung out proposal that ranges from application to permit, to inspections, to final leasing late in 1972.

I am hopeful that my bill, S. 2510, providing a vehicle whereby industry and Government moneys will be expended jointly in bringing into being the technology for commercial development of new energy sources, may provide added stimulus in expediting the development of this new energy source.

On November 15 at 10 a.m., in room 3110 of the New Senate Office Building, Washington, D.C., the Minerals, Materials, and Fuels Subcommittee of the Committee on Interior and Insular Affairs will conduct an oversight hearing to review the oil shale leasing program of the Department of Interior, and to review the role of federally owned oil shale resources in the context of a national fuels and energy policy.

The subcommittee will also take testimony on S. 2510, investigating the feasibility of commercial development of oil shale resources.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Oil Daily, Sept. 21, 1971]

INTERIOR SHALE LEASING PLAN OFF TO SLOW START

WASHINGTON.—Prospective developers of federal shale oil lands under a program announced several months ago by Interior secretary Rogers Morton have shown only lukewarm interest so far, according to word out of the Interior Department.

Some officials are trying to maintain optimism that the program outlined by Morton will get off the ground and fly—but they can not disguise their disappointment of the scarcity of requests for permits for advance core-drilling.

Morton had hoped for enough strong interest in the development program to pick out two prospective lease sites in each of the three prime shale oil states—Colorado, Wyoming and Utah—sometime next spring for possible leasing late in 1972.

But, Interior officials say that only about a half dozen core-drilling permit applications have been filed and these are all in Colorado. One group, known as Cameron Engineers, Denver, has filed for six core-drilling permits in the western Piceance Basin, running in a string generally north and south, and one has been filed by Shell, about 12–15 miles east of the Cameron string.

A Utah group showing some interest in the program conferred here about two weeks ago with Interior officials on drilling permits, but no application has been filed yet.

The program promises, however, to be tedious and strung out, even if all the preliminary steps from first core drilling to final leasing go as planned.

Each core drilling site must be analyzed by Interior to make sure there will be no excessive environmental impacts.

[From the Deseret News, Sept. 16, 1971]

LITTLE INTEREST IN OIL SHALE

(By Arnold Irvine)

There was something of a hue and cry in Utah, Wyoming and Colorado, a little over a year ago when then Secy. of the Interior Walter Hickel held up approval of federal oil shale lands in the three states.

Mr. Hickel said he wanted to study further the environmental considerations before allowing any development of the shale deposits.

In June of this year, a new Interior Secretary, Rogers C. B. Morton opened the door to the oil companies inviting them to conduct "informational" drilling in the shale areas of the three states to determine what parcels of land they would prefer to lease.

NO BIG RUSH

The department then would award up to six oil shale leases based on the informational drilling results.

Was there a big rush for drilling permits? There was not.

Up to now, just two companies have applied for drilling permits in Colorado, according to James E. Keogh, chief, division of technical services, Bureau of Land Management Salt Lake office. The two are Shell Oil and Cameron Engineering, Inc.

NO APPLICATIONS

No applications have been made in Utah, and as far as Mr. Keogh knows, none have been filed in Wyoming.

The shale deposits in Colorado are the richest. Utah is next and Wyoming has the thinnest deposits.

Why the lack of interest by the oil companies?

"What is really needed is more financial incentive, possibly an increased tax advantage to balance off the tremendous costs of pilot programs," opined Howard R. Ritzma, petroleum geologist for the Utah Geological Survey.

BILLION-DOLLAR PROGRAM

"You're looking down the road at about a billion dollars a year just to get the oil shale program started. Not many industries have that kind of money to spend on it under the present tax incentives," he said.

Mr. Ritzma sees the proposal for a joint government-industry corporation to develop the oil shale deposits as a possible answer to the present virtual impasse.

This would further theidea of a unitized approach in the shale development which was advocated in the report of the Utah Committee on Environmental Problems of Oil Shale. Mr. Ritzma headed the committee which submitted its report to the Department of the Interior last February.

UNIFORM DEVELOPMENT

The unitized idea would have shale operations carried out uniformly throughout the three-state area. Rules governing land and water management and other environmental matters would be the same throughout the industry.

The joint government-industry approach is embodied in a bill introduced in the Senate this week by Sen. Frank E. Moss, D–Utah.

HEARINGS ON HOUSING INSTITUTIONS MODERNIZATION ACT OF 1971

Mr. SPARKMAN. Mr. President, as I announced in the Senate on September 21, the Subcommittee on Housing and Urban Affairs will hold hearings October 13–15, 1971, on S. 1671, the Housing Institutions Modernization Act of 1971. At the time of the announcement, I commented on the significant section relating to the Federal chartering of the stock savings and loan associations and the conversion of mutual associations to stock form. I included in the record an exchange of correspondence on this subject with the Honorable Preston Martin, Chairman of the Federal Home Loan Bank Board.

It has been brought to my attention now that the State of Michigan has recently enacted legislation on this same subject. It may be helpful to our hearings to take into consideration some of the concepts included in the Michigan law. The Michigan statute, unlike S. 1671, establishes statutory guidelines for conversions rather than leaving it entirely to future regulation. I am sure there are some who may see merit in the idea of setting forth in the law certain safeguards such as those spelling out the rights of existing depositors to an equitable share of the stock to be issued upon conversion.

I am submitting a key portion of the Michigan law so that it will be available for study prior to the hearings, and I ask unanimous consent that it be included in the record at the conclusion of my remarks. The committee welcomes comments from witnesses on these provisions.

Should the committee approve the concept of Federal stock charters, it may want to include some specific protection to the savers and perhaps the Michigan example will be useful.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Excerpt From Act No. 44, State of Michigan; June 23, 1971

Sec. 513. (1) A federal savings and loan association may vote to convert itself into a capital stock association under this act by adopting a plan of conversion as provided for in section 514 at any meeting duly called and held to consider the action. The required vote to effect such conversion shall be not less than 51% of all the votes cast in person or by proxy at the meeting. The supervisory authority may refuse to approve the application and decline to issue a charter and file the articles of association if he has reason to believe that the plan of conversion is not fair and equitable to all the members or that sufficient provision is not made to protect the interests of the depositors of the prospective capital stock association. Copies of the minutes of the proceedings of the meeting of members verified by the affidavit of the secretary or assistant secretary of the federal association shall be filed in the office of the supervisory authority and mailed to the federal home loan bank board within 10 days after the meeting. The verified copies of the proceedings of the meeting when filed shall be presumptive evidence of the holding of the meeting and of the action taken.

(2) At the meeting at which conversion is voted upon, the members of the federal association shall also vote upon the directors who shall be the directors of the capital stock savings and loan association after conversion takes effect. The directors shall execute and submit to the supervisory authority 3 copies of the application to convert and articles of association together with a plan of conversion provided for in this act. All the provisions regarding property and other rights contained in section 391 shall apply, in reverse order, to the conversion of a federal savings and loan association into a capital stock association organized under this act.

Sec. 514. The conversion of a state mutual association or a federal savings and loan association, both hereinafter referred to as "mutual association", into a capital stock association shall be effected in accordance with a plan of conversion adopted by the members as provided in sections 511 or 513 and consistent with the provisions of this section. The plan shall provide that:

(a) Each account holder in the mutual association shall receive a withdrawable account in the capital stock association equal in amount to his withdrawable account in the mutual association.

(b) The named record date for determining the respective interests of account holders shall be that last fixed and published annually by the supervisory authority.

(c) An officer, director or employee of the association and his associates shall forego any participation in the initial distribution of capital stock to the extent that he increased his account by more than $20,000.00 during the 6 months preceding the record date established pursuant to section 515. The term "associate" of a person means parents, spouse, sisters, brothers, children or anyone married to 1 of the foregoing persons; any corporation of which the person is an officer, director or owner of more than 10% of the outstanding voting securities; any trust of which such person is a trustee or substantial beneficiary; and any partnership of which such person is a general or limited partner.

(d) The amount of stock to which a savings account holder is entitled shall be determined on the basis of the ratio of his savings with the association on the record date to the total savings of the association on the record date, as applied to the initial issuance of capital stock. Each savings accountholder as of the record date shall receive without cost capital stock and scrip, denoting fractional stock interests of less than 1 share, representing an interest in the net worth of the mutual association as of the record date; but a savings account holder shall not be entitled to scrip representing fractional interests of less than 1/5 share of stock. In lieu of issuing scrip denoting fractional interests of less than 1/5 share of capital stock, whole shares representing the aggregate of all interests less than 1/5 share shall be issued to a trustee with instructions to sell the aggregate shares and distribute the proceeds pro rata to the savings accountholders entitled thereto.

(e) If, in connection with the conversion, a sale of capital stock for cash will occur, savings accountholders shall have a preemptive right to purchase such capital stock for a period of not less than 14 days from the date the offer to sell capital stock is made.

Sec. 515. Annually during the month of January a Statewide record date for determining the respective interests of account holders shall be published by the supervisory authority. Such date shall be not more than 18 months prior to its publication.

Sec. 516. The legal and federal insurance reserves of a capital stock association resulting from the conversion of a mutual association shall be not less than 5% of its savings deposits.

ADDITIONAL STATEMENTS

MEETING OF THE ADVISORY COUNCIL OF THE KENTUCKY COAL MINE RESEARCH INSTITUTE AT MOREHEAD STATE UNIVERSITY, MOREHEAD, KY.

Mr. COOPER. Mr. President, yesterday the advisory council of the Kentucky Coal Mine Research Institute met at Morehead State University. The council received a report prepared by Prof. David Hylbert, on the result of his investigations, made this summer, of eastern Kentucky coal mines. Professor Hylbert's report analyzes the problems of the coal industry, both underground and surface-mining, and makes important recommendations.

The Kentucky Coal Mine Research Institute was established by small coal operators in eastern Kentucky with Cloyd McDowell of Harlan, Ky., as chairman, and has joined forces with Morehead State University under the able leadership of President Adron Doran to establish research and training programs to advance the technology and working standards of our mines. I wish to note that William Halsey, of my office, and a representative of Senator Cook's office attended this important meeting.

I am pleased to have Dr. Hylbert's report, and I shall study his analysis, and recommendations with great interest. The Federal Coal Mine Health and Safety Act of 1969 has been in existence now for just a year and a half, and it is my strong belief that the Congress needs to review the progress as well as the problems rising under this act, and to consider amendments to make the act more workable as well as effective if we are to advance the health and safety of those who work in our underground mines, stop the unnecessary closing of nongassy mines, and the resulted shift to strip mining.

Mr. President, I ask unanimous consent that a list of the members of the advisory council, together with Dr. Hylber'ts report, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Advisory Council, Kentucky Coal Mine Research Institute

COAL INDUSTRY

Mr. E. P. Auxier, Beth-Elkhorn Corporation, Jenkins, Ky.

Mr. Arthur Bradbury, Turner Elkhorn Mining Company, Prestonsburg, Ky., 41653.

Mr. Harry Campbell, President, Big Sandy-Elkhorn Coal Operators Association, Pikeville, Ky., 41501.

Mr. J. D. Carter, The Pittston Company, Stone, Ky.

Mr. Hershel E. Childers, Beth-Elkhorn Corporation, Jenkins, Ky.

Mr. U. A. Cobb, Kentucky Carbon Corporation, Kanawha Valley Building, Charleston, W. Va.

Mr. George E. Evans, Jr., President, Evans Industries (National Steel), Post Office Drawer 53, Lexington, Ky.

Mr. Paul E. Hayes, Attorney-at-Law, Prestonsburg, Ky.

Mr. Frank Heinze, Turner Elkhorn Mining Company, Drift, Ky.

Mr. Robert Holcomb, Vice President, Pike County Coal Operators' Association, Pikesville, Ky.

Mr. S. H. Kegan, Beth-Elkhorn Corporation, Jenkins, Ky.

Mr. Fred Luigart, President, Kentucky Coal Association, Lexington, Ky., 40501.

Mr. Cloyd McDowell, President, Harlan County Coal Operators Association, Harlan, Ky., 40831.

Mr. Frank C. Medaris, Executive Secretary, Hazard Coal Operators' Association, Hazard, Ky., 41701.

Mr. Paul Patton, c/o Kentucky Elkhorn Coal Company, Virgie, Ky., 41572.

Mr. John Preece, Cody, Ky., 41808.

Mr. B. F. Reed, Treasurer, Turner Elkhorn Mining Company, Elkhorn & Alma Coals, Drift, Ky., 41619.

Mr. Norman Yarborough, Eastover Mining Company, Brookside, Ky.

Mr. Dave Zegeer, General Manager, Beth-Elkhorn Coal Company, Jenkins, Ky., 41573.

MOREHEAD STATE UNIVERSITY

Mr. James Chaplin, Geosciencies.

Mr. Alex Conyers, Business Administration.

Dr. Paul Ford Davis, Academic Affairs.

Dr. Adron Doran, President.

Dr. John Duncan, Graduate Programs.

Dr. Charles Ward, Applied Science and Technology.

Dr. Robert Hill, Business Administration.

Dr. Ray Hornback, Public Affairs.

Dr. Thomas Morrison, Economics.

Dr. Morris Norfleet, Research and Development.

Dr. Charles Payne, Physical Sciences.

Dr. Roscoe Playforth, Social Science.

Dr. James Powell, Education.

Dr. Madison Pryor, Biological Sciences.

Dr. Norman Roberts, Industrial Technology.

Dr. Gene Scholes, Assistant to the President.

Dr. William Simpson, Sciences and Mathematics.

Report to the Kentucky Coal Mine Research Institute: Research Possibilities and Evaluation of Problems in Coal Mine Safety and Training in Eastern Kentucky

(By David K. Hylbert, department of geosciences, Morehead State University, September 23, 1971)

DIGEST

Purpose of investigation

This report summarizes the results of an investigation conducted for the Kentucky Coal Mine Research Institute in eastern Kentucky aimed at evaluating problems in coal mine safety and training and research priorities.

Findings and conclusions

The Federal Coal Mine Health and Safety Act of 1969, while implemented for the safety of coal miners, has caused confusion and economic hardship for most mine operators in eastern Kentucky. Accident reports indicate that fatalities have increased since passage of the act.

Complaints made by coal operators and miners concerning the act may be placed into two "categories"—those common to most mines and those common to specific mines. It is concluded that these "categories" of complaints reflect the diversity of conditions in mines, and that the 1969 act is too inflexible to provide maximum safety under a wide range of mining conditions. It is recommended that immediate research and testing in several mines might offer solutions to some of the immediate problems in such areas as ventilation, dust control, and haulage design.

Accidents and loss of production may be traced in part to deficiencies in training of coal miners. Many miners apparently have low educational levels. Miners also tend to "drift" from mine to mine. Absenteeism is high at some mines and many miners show a lack of concern for their own safety. Perhaps certification of miners by the state is desirable to insure that every miner has at least some training.

An extensive study of present miners is recommended to guide the development of training programs for new miners. Educational programs might also include the principles of economics and consider also the miner and his family in terms of safety programs.

The 1969 act requires mine operators to provide a program of training and retraining for employees in health, safety and for certification in conducting certain tests in the mine as required by law. A major problem of these training programs is that of reaching many men scattered throughout a large area. It is recommended that:

Programs of instructor training be initiated to reach more men.

The use of mobile training units be considered.

The development of a clearinghouse for educational material pertaining to health and safety be considered.

With the complexities of modern mining techniques a reexamination of training methods in coal mine principles is needed. Accident reports show that most mine accidents could have been avoided and that carelessness, disregard for or ignorance of safety rules or the lack of knowledge of how to do a particular job is usually the cause. The present method of training is often the "learn by doing" method where unsafe work habits are easily acquired.

It is concluded that every miner should receive comprehensive training in coal mine principles as well as health and safety. In order to accomplish this goal the Kentucky Coal Mine Research Institute might:

Establish extension classes dealing with coal mine principles near coal mine communities.

Consider the establishment of a permanent training center with classroom, underground mine surface mock-up, and underground mine facility for actual experience in an essentially non-producing mine.

Surface mining accounted for about 48 percent of the total coal production in Kentucky in 1970 and has increased steadily during 1971. There has been much public criticism aimed at surface mining, but many responsible coal operators argue that land-use benefits may be derived by surface mining methods.

New federal and state regulations present new problems to be considered by surface mine operators, both as to health and safety practices and to pollution controls.

It is recommended that:

Programs be developed for the training of equipment operators with provisions for certification of surface mine foremen.

Consideration be given to the future use of land to be surface mined.

Research be considered in the treatment of mine water.

INTRODUCTION

This report is respectfully submitted to the Kentucky Coal Mine Research Institute Advisory Council. It summarizes the results of an investigation of mining areas of eastern Kentucky conducted by the writer, David K. Hylbert, Assistant Professor of Geoscience, Morehead State University, Morehead, Kentucky.

Purpose of investigation

The Kentucky Coal Mine Research Institute was formally organized on April 30, 1971 at a meeting at Morehead State University. The Institute was organized as a response to the many problems facing the coal mining industry in areas of health and safety for miners and from the standpoint of environmental control. At present, the Institute is composed of an Advisory Council which consists of representatives of the coal mining industry, various federal and state agencies, and Morehead State University. Elected officers are: Mr. Cloyd McDowell, Chairman; Dr. Morris Norfleet, Vice Chairman; and Mr. George Evans, Secretary.

As originally outlined, the purposes of the Kentucky Coal Mining Research Institute were:

(1) To identify specific problems in the area of mining health and safety which need immediate research attention.

(2) To study problems that would require a longer period of research and development to bring about results and establish priorities on the immediate and the long range problems for program development possibilities.

(3) To identify the areas in which additional trained personnel will be needed by the coal mining industry and to assist in developing programs to provide the needed trained personnel.

(4) To identify programs of an educational nature, that would benefit the mining industry.

(5) To establish an interdisciplinary and interagency approach to pull together all of the resources within the state of Kentucky to focus on problems relating to coal mine research.

(6) To arrange for on-site laboratory experiences for researchers involved in the Institute and place at their disposal the various pieces of equipment and other research information which would be used in this endeavor.

As a preliminary procedure, it was proposed by the Institute that an individual spend the summer months in the eastern Kentucky area in order to study problems confronting the coal industry and to provide information relevant to the development of short and long range research and training priorities. This report contains the results of this investigation.

Methods of investigation

During the course of this investigation, from June 1, 1971 through August 15, 1971, underground mines, surface mines and reclaimed surface mine sites were studied in order to familiarize the writer with mining operations and problems confronting mine operators and miners. Interviews were held with coal mine operators, working miners and officials of state and federal agencies. Mining journals and other literature pertinent to this study were consulted. The Annual Reports and Bulletins of the Kentucky Department of Mines and Minerals, and the Bureau of Mines Accident Reports were especially helpful in analyzing production and safety conditions in mines.

It should be emphasized that this report considers only the eastern Kentucky coal industry, but that many of the conclusions may be applied to western Kentucky and other areas as well, especially to the neighboring states of Tennessee, Virginia, and West Virginia.

The writer would also like to emphasize that conclusions presented in this report are his own and do not reflect the conclusions of the Kentucky Coal Mine Research Institute or Morehead State University.

ACKNOWLEDGMENTS

The writer would like to express his appreciation to the officers and members of the Kentucky Coal Mine Research Institute Advisory Council and to the many coal operators, mine supervisors, representatives of the Kentucky Department of Mines and Minerals, U.S. Bureau of Mines, and officers of coal associations who offered many helpful suggestions partinent to this study. Arrangements were also made for the writer to tour several underground and surface mines and this help is also appreciated.

FEDERAL HEALTH AND SAFETY ACT OF 1969

Major provisions of the act

The Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173) repealed the Federal Coal Mine Act of 1952. The purpose of the 1969 act as declared in Section 2(g) is:

". . . it is the purpose of this Act (1) to establish interim mandatory health and safety standards and to direct the Secretary of Health, Education, and Welfare and the Secretary of the Interior to develop and promulgate improved mandatory health or safety standards to protect the health and safety of the Nation's coal miners; (2) to require that each operator of a coal mine and every miner in such mine comply with such standards; (3) to cooperate with, and provide assistance to, the States in the development and enforcement of effective State coal mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal mining industry, research and development and training programs aimed at preventing coal mine accidents and occupationally caused diseases in the industry."

Major provisions of the act include mandatory health and safety standards applicable to all underground coal mines. As originally enacted, interim safety standards became effective on March 30, 1970 and interim health standards on June 30, 1970. However, the Secretary of the Interior is impowered to promulgate improved standards as deemed advisable based on research demonstrations, experiments and such other information as may be appropriate.

Health standards of the 1969 act

Health standards of the act include the following areas: (1) respirable dust, (2) dust resulting from drilling rock, (3) noise exposure levels, and (4) provisions for medical examinations.

Safety standards

The major areas of coverage provided by the act relevant to safety include: (1) roof support, (2) ventilation, (3) electrical systems and equipment, (4) combustible materials and rock dusting, (5) blasting and explosions, (6) fire protection, (7) emergency shelters, (8) mine communications and (9) hoisting and mantrips.

The act requires each mine operator to submit suitable roof control and ventilation plans for approval by the Secretary of the Interior. However, electrical requirements are to be applied uniformly to all mines.

Enforcement of the act

In order to insure compliance of mandatory health and safety standards provided by the act, the Department of the Interior is charged with an inspection program designed to protect the health and safety of the miners. The act gave the Bureau of Mines broad authority to enforce standards and to correct unsafe or unhealthy conditions. Mine operators who are found in violation may be issued violation notices or have penalties assessed against them. Coal mine operators are also required by the act to conduct certain inspections and to provide inspection reports to the Bureau of Mines.

EFFECTS OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT

The 1969 act has undoubtedly improved working conditions for miners in many respects. However, many people associated with the coal industry in eastern Kentucky have charged that the act has actually created hazards.

According to figures from the 1970 Annual Report of the Kentucky Mines and Minerals, 3,274,105 tons of coal were produced in Kentucky per fatal accident in 1969 compared to 1,407,959 tons per fatal accident in 1970. A total of 33 men were killed in Kentucky coal mines in 1969 compared to 89 in 1970, and 26 fatalities have occurred through June, 1971.

It might be argued that the increase in mine accidents has resulted because the coal industry has been much more active since the 1969 act with more man hours of exposure. However, it would seem logical that such an improved safety act would result in a significant reduction in accidents even with increased activity in the mines. During the course of this investigation, interviews with management personnel and miners during visits into underground mines disclosed many complaints concerning the 1969 act. It was found that some complaints were common to practically all mines visited, whereas some complaints were voiced at only certain "categories" of mines.

COMPLAINTS COMMON TO MOST MINES

The gassy classification

Prior to the enactment of the Federal Health and Safety Act of 1969, the Bureau of Mines recognized a twofold classification of mines based on the presence of methane—gassy and nongassy. The gassy mine was one in which tests with a flame safety lamp showed the presence of methane, a gas ignition had occurred, or an airsample taken one foot from the face, rib and roof indicated methane gas in quantity greater than 0.25 of 1 percent. Conversely, a nongassy mine was one where gas had not been detected by a flame safety lamp, no gas ignition had occurred, or where gas had not been found in quantity greater than 0.25 of 1 percent in an airsample taken one foot from the face, rib and proof.

Testimony given by several leading authorities in the coal mining industry in Kentucky and Virginia before the U.S. Senate Subcommittee on Labor prior to the enactment of the Federal Health and Safety Act of 1969 argued against the abolishment of the distinction between gassy and nongassy mines. It was pointed out that in 1969, about 5 percent of the mines in Kentucky were classed as gassy and that if all mines were to be classed as gassy the cost of converting nonpermissible equipment to permissible as required in gassy mines would cause the closing of many small mines. It was also pointed out that mine explosions can be traced to human carelessness, smoking, or improper procedures in blasting and not to gassy conditions in a mine properly classed as nongassy.

However, the advice of such testimony was not followed and provisions in the 1969 act now force all mines to operate as if they are in fact gassy.

In the course of this investigation, practically everyone interviewed in eastern Kentucky, including coal operators, working miners, and some federal and state personnel were personally opposed to classifying all mines as gassy. In fact, this single part of the 1969 act is protested more than any other.

More important than personal opinion, however, is the fact that the prohibitive cost of converting nonpermissible equipment to permissible or to replace nonpermissible equipment has caused many smaller mines to close as was predicted. Pike County, which is the leading producer of underground coal in Kentucky, had approximately 615 underground mines operating in 1970 according to official estimates. At present, Pike County has only about 275 mines operating with more predicted to close. This trend is present in other counties in eastern Kentucky as well. In addition to the prohibitive cost of permissible equipment, other factors have contributed to the closing of small mines. Many of these mines were in existence before enactment of the 1969 act and were developed and engineered in such a way that compliance with new requirements is much more difficult and costly than for a new mine. Also, many small mines have not developed the management capability to cope with the complexities and bookkeeping involved in complying with the 1969 act. The closing of small mines is also making an economic impact on communities where coal is the major local industry.

Mine explosions and ignitions have continued to occur in Kentucky as was predicted. However, these have been caused by carelessness, ignorance of or the disregard for safety regulations in existence prior to the 1969 act and not by gassy conditions. An example is the mine disaster of December 30, 1970 at the Finley Coal Company, Leslie County, Kentucky where 38 men lost their lives. According to the Kentucky Department of Mines and Minerals, this mine explosion obviously resulted from the use of explosives which were not legal for underground use.

Multiple protection for belt lines

In addition to fireproof conveyor belts, the requirement that such belts be further protected by deluge-type water spray systems is a common complaint, largely because of the needless added cost involved.

Foreman's duties

Many complaints center around the additional duties for which the mine foreman is responsible under the new act. These duties involve extensive record keeping, testing for methane, roof conditions, dust control, etc. Many foremen maintain that they cannot conduct these duties and direct their men at the same time.

Penalties

The major complaint concerning penalties assessed by the Bureau for noncompliance is that priorities have not been well established which results in confusion for the coal operator. Operators complain about excessive penalties for failure to comply with standards that have nothing to do with safety.

Decrease in productivity

Most mine operators indicate that productivity has decreased about 20% to 25% because of the 1969 act. Coupled with this complaint is that many miners are so preoccupied with compliance that too little regard is given for safety practices.

Recordkeeping

Records required by the 1969 act are so time consuming to maintain that supervisory personnel at all levels are hard pressed to keep up with them.

Required equipment changes

Numerous complaints have been made by coal operators concerning costly equipment changes, especially electrical, that they have been instructed to make by Bureau inspectors, only to have inspectors inform them at a later date that the same changes must be altered again.

Supervisory personnel

Most coal operators have indicated a need for the training of supervisors in mines. The shortages of qualified supervisors appears to be caused at least partly by (1) the reluctance of men to assume the added responsibility of a supervisory position, especially the added responsibilities imposed by the 1969 act and (2) the loss of supervisors from mines because of recent recruitment drives for mine inspectors.

COMPLAINTS COMMON TO SPECIFIC MINES

Many complaints concerning provisions in the 1969 act vary from one mine to another. Some of these are discussed below:

Ventilation

The act provides that a minimum of 3,000 cubic feet per minute of air shall reach each working face and that 9,000 cubic feet per minute shall reach the last open crosscut in any pair or set of rooms. For most mines in eastern Kentucky this represents an increased amount of air and is designed to help eliminate the danger of gas accumulation and oxygen deficiency, and provide adequate dust control. Complaints concerning increased ventilation include:

(1) There is little if any danger of gas accumulation in a mine previously classed as nongassy so increased ventilation is not necessary for gas control.

(2) Large quantities of air tend to create a dusty condition and cause float dust to be carried great distances along travelways.

(3) Too much ventilation creates a serious hazard by bringing in large amounts of humid air during the summer which causes wet, unstable roof conditions along travelways. However, during the winter, large amounts of dry air increases the dust problem by drying the mine. In addition, several mines reported freezing conditions extending long distances into travelways and low temperatures at the working face.

(4) The installation of check curtains has caused an increase in haulage accidents. These curtains are used for the control of ventilation in mines and must be hung across travelways used by shuttle cars. Several fatalities have resulted from shuttle

cars running through check curtains and colliding with an obstruction in the roadway or the rib.

Water sprays

Water sprays on the working face are beneficial for dust control. However, some miners complain that to much water makes working conditions very unpleasant, especially if the mine temperatures are low.

Trailing cable splices

Many coal operators believe that the requirement permitting only one temporary cable splice in 24 hours adds nothing to safety and is unreasonable. However, other operators believe that this requirement is beneficial in that they now tend to take better care of their cables.

Belt haulage and power connection units

Several mine operators pointed out that the requirement that conveyor haulage entries and power connection units be on intake air would carry smoke and fumes of a fire originating on a belt or power unit to the working face. Others maintained that this would not be a problem if a separate entry for intake air is provided. This is reasonable, but it is not a solution for mines where such separate entries are not practical or for very small mines.

Conclusions

After visiting mines of various sizes operating in several different seams of coal it soon becomes obvious that problems related to one mine may not apply to other mines, even in the immediate area. Such diverse factors as coal height, top and bottom conditions, the presence or absence of water, and type of mining method used present individual problems that must be dealt with in the safest possible manner. It is felt that many complaints, especially those that vary from one mine to another, are the result of the fact that the 1969 act is too inflexible in consideration of differences in mining conditions. For example, in mines operating in low coal, complaints about requirements of too much ventilation and water sprays at the working face causing wet conditions are common, whereas operators mining high coal do not tend to have these complaints. This is understandable if the miner must crawl rather than walk.

This is not to say that every mine should be operated under a different set of regulations. However, there is a very strong possibility that hazards may be introduced if all mines must operate strictly under the same regulations.

Recommendations

Recommendations concerning complaints voiced by mine operators and others are not designed to circumvent the 1969 act, but to assure that the ultimate in safety might be achieved for every miner. The only means by which this objective can be accomplished is through research and testing in mines in the immediate area.

POSSIBLE RESEARCH IN UNDERGROUND MINES

It would be beneficial to the health and safety of miners if the following studies were conducted:

(1) Ventilation requirements, rock dusting and water sprays on equipment are basically designed to eliminate the danger of gas ignitions, coal dust explosions, and respirable coal dust. It is recommended that the Kentucky Coal Mine Research Institute consider a cooperative effort with the Bureau of Mines in conducting detailed studies at several mines in the area, each operating under different conditions, in order to determine what procedures may best be prescribed. These tests would perhaps involve detailed dust sampling, various methods of dust abatement, ventilation considerations and such other tests that might offer a solution to some of the problems that now exist.

It is felt that these studies should be implemented immediately because any unsafe practices should be corrected as soon as possible.

(2) Before requiring mine operators to make costly changes in mine equipment design or operation before the effects of such changes are fully determined in regard to health ad safety, it would seem appropriate that such equipment be thoroughly tested to insure that such equipment changes will safely perform the desired function for which it was intended. It is suggested that the Kentucky Coal Mine Research Institute might cooperate with the Bureau of Mines and make available such testing at local mines.

(3) A continuing research project that might prove very beneficial to the coal industry would be an analysis of safety features on mine machinery designed by coal companies or individuals. Reference here is made to innovations that increase safety on machines, but are not to be patented. Several safety features added to mine machinery were observed during this investigation, some of which were not costly and could be added by even small mines if desired. The Kentucky Coal Mine Research Institute would be in a favorable position to distribute these ideas.

(4) Addition Research—There are many research possibilities related to underground mines. However, based on visits into underground coal mines, the writer believes that there is a need for immediate research in the following areas:

(a) Roof Control—The Kentucky Department of Mines and Minerals Annual Report for 1970 indicated that, from 1961 through 1971, about 52 percent of mine fatalities in Kentucky coal mines resulted from the fall of roof, rib and coal. Further, about 42 percent of these falls occurred at the working face.

It was evident from accident reports, however, that a large number of fatalities from roof falls resulted from unsafe work practices. It would seem that training programs outlined in this report would be an important factor in helping to alleviate this problem, as well as actual prevention of roof falls.

(b) Research in Mine Ventilation—The design of ventilation systems is apparently much needed because of changes brought about by the 1969 act. Perhaps the development of the use of auxiliary fans would help in this area. Research in the design and construction of line practices and check curtains is apparently much needed.

(c) Underground Haulage and Material Transport—Haulage accidents are second only to roof falls in Kentucky coal mines. The 1969 act has complicated underground haulage design because of ventilation requirements and research in this area is needed.

(d) Mine Illumination—Several mines visited by the writer were much better illuminated at such critical areas as the working face and loading points. Several coal operators, however, indicated that low coal conditions made portable lighting difficult, especially at the working face. Research in devising acceptable methods of providing adequate illumination under a variety of mining conditions that will not unduly hamper coal production is recommended.

APPARENT DEFICIENCIES IN TRAINING AND ATTITUDES OF MINERS

During this investigation many mine operators appeared to employ well qualified miners. However, interviews with management personnel in some mining areas of eastern Kentucky disclosed that the education level of miners is often quite low. Many men working in the mines apparently have 6th to 8th grade educations or less. Another problem is that many miners are "drifters" and work only a short time at a particular mine before moving to another mine. Related to this problem is the relatively high absenteeism found in many mines. It is fairly common for some employees to consistently miss one or more days a week. The great danger when this occurs is that another man must substitute for him who may not have enough experience to do that particular job safely.

There apparently exists an important underlying problem commonly expressed by management personnel that it is difficult to define. It involves the disinterest shown by many miners for basic economics and the important role they play in the production of coal. Disinterest is also shown in concern for their own safety and well being. Safety classes and chest X-ray programs offered by employers, for example, are often avoided.

Conclusions

It should be stated that not all miners in the eastern Kentucky area fall in the category of those described above. However, a significant number do and these attitudes must be considered in any proposed educational programs.

Recommendations

If possible, young men who do not possess an adequate education should be encouraged to increase their education before entering the mining industry. With the increased complexities of modern mining, working miners need a higher education level than that of many present miners.

It is also recommended that the Kentucky Coal Mine Research Institute consider the possibility of some kind of miner certification within the state. Some states, Pennsylvania and West Virginia for example, provide apprentice programs by law whereby apprentice miners work under certified miners until they qualify for certification themselves. This approach insures that the new miner, at least, begins work in the mines under qualified personnel. Perhaps training programs considered by the Kentucky Coal Mine Research Institute would include provisions for certification upon completion.

With the development of programs involving the training of new coal mine personnel, an extensive study of present miners is recommended. This study would be voluntary on the part of the miner and would be of such a nature as to include educational level attained and other background information, basic attitudes and opinions the miner might have toward training he has received. This information might be obtained from the greatest number of men by using questionnaires and interviews, perhaps supplemented by information from company files.

A study of this kind should be very comprehensive and include large numbers of men because conditions appear to differ greatly from one mining locality to another.

It is further recommended that training programs for new miners should perhaps include the consideration of other topics in addition to mining principles and safety. For example, the basic principles of economics and the miners role in the coal industry may be desirable. Although perhaps extending beyond the aims and purposes of the Kentucky Coal Mine Research Institute, consideration of the miner and his family may have merit. Presently, safety programs in the form of spot television announcements are in use by the U.S. Bureau of Mines in Kentucky and West Virginia. They recognize that the family may cause the miner to consider his safety. The Kentucky Coal Mine Research Institute might apply the same reasoning in programs aimed at helping the miner raise his standard of living.

TRAINING OF MINERS IN HEALTH AND SAFETY

The Federal Coal Mine Health and Safety Act of 1969 requires that coal mine operators must make available a suitable program of first aid training and retraining for employees. Also, every coal mine operator must provide a program of training and retraining of both qualified and certified persons to conduct tests in the mine related to health and safety. These include tests for oxygen deficiency, methane and air flow.

The real problem in coal mine training and retraining in Kentucky is that of reaching many men who are scattered throughout a relatively large area. In 1970, the Kentucky Department of Mines and Minerals reported that approximately 28,000 men were employed in the state in mining activities. As many as 75 percent of these men were employed in small, independent mines which makes the task of training and retraining very difficult.

In order to combat this problem the Kentucky Department of Mines and Minerals has expanded its program of training and mine educational instruction in addition to its inspection duties. Also, some of the larger coal companies in Kentucky have developed excellent health and safety programs. Many of them have classrooms and utilize their own staff as instructors. It should also be noted that some of them assist in health and safety training for miners who are not employed at that mine, but as a service to the area.

The Bureau of Mines, while not engaged in the training of working miners in principles of health and safety directly, has formulated plans to provide training programs for the training of instructors from the industry and to develop educational material to be rented, loaned or sold (depending on type of material) to the operator.

Conclusions

The Bureau of Mines has stressed that their inspectors have too heavy a load in regular inspection duties to carry on health and safety instruction as well. Also, the Kentucky Department of Mines and Minerals does not have an adequate staff or facilities to provide health and safety training as rapidly as necessary to meet requirements of the 1969 act, even with the development of its expanded training program.

Recommendations

One of the major problems involved in training programs, especially those that (1) require only a short time to complete but must reach every miner and (2) must be repeated or updated as required by law or as technology develops is that of making these programs available to the miner. The larger mines usually have classroom facilities, but the major problem involves the smaller mines. These mines may make use of space available in local schools or other buildings for classes, or conduct classes in makeshift places at the mine. For the benefit of these smaller mines the possibility of the use of mobile training units is recommended. Such units are presently in use by the Bureau of Mines in mining areas in Virginia and are commonly used in other industries with excellent results. These units are highly recommended for use in Kentucky for the following reasons:

(1) They would provide a self-contained unit which could be designed to make maximum use of audio-visual aids and demonstration materials.

(2) Instructors would not have to improvise in makeshift classrooms.

(3) Scheduling would be simplified and more miners could be reached because the units would be located at or near one or perhaps several mines.

(4) The use of this type of unit would enable coal operators to schedule training and retraining programs for their employees as required by law.

It is recommended that these training units would perhaps coincide very well with the Kentucky Department of Mines and Minerals present training program and perhaps could be scheduled by the state.

Other recommendations

Other recommendations concerning health and safety include:

(1) The Kentucky Coal Mine Research Institute might, through cooperative efforts with the Kentucky Department of Mines and Minerals and the Bureau of Mines, develop an extensive instructor training program. Both of these agencies employ instructors who could be used by the Kentucky Coal Mine Research Institute to train instructors for the industry. One of the great needs is the training of certified personnel and more instructors would help alleviate this problem.

(2) The Kentucky Coal Mine Research Institute would be in an excellent position to serve as a clearinghouse for educational material pertaining to health and safety in the mines. This would include such material as is presently available or might be developed and offered for use or sale by various private concerns, state and federal agencies, educational institutions, the coal industry or the Kentucky Coal Mine Research Institute. The Institute would also be in a position to analyze, or to provide data from the industry for analysis as to the effectiveness of new or existing educational material and/or programs.

TRAINING OF MINERS IN COAL MINES

Principles and safety

Underground coal mining has long been regarded as a dangerous occupation and much adverse public opinion has resulted from mine accidents and disasters, some of which have taken scores of lives. It is not to be denied that underground coal mining puts men in a "hostile environment" and every effort must be made to protect them. During the course of this investigation several facts have become evident concerning the working conditions and training of miners:

(1) Outcries against coal mine operators as being heartless, absentee owners who consider the miner as an expendable item does not appear to hold true in eastern Kentucky. The larger companies usually conduct the most extensive training and safety programs, while in the majority of smaller mines the owner is likely to work underground with his men.

(2) If the safety records of coal companies are studied, it is found that some companies have a much better record than comparable industries. The best safety records appear to be at those companies where extensive safety and job analysis programs are conducted.

(3) Accidents are largely caused by carelessness, disregard for or ignorance of safety rules or the lack of knowledge of how to do a particular job. Accidents may be caused, for example, when a machine operator is absent and a man inexperienced in that job must take his place during a particular shift.

(4) With modern mining techniques, the miner of today needs to be much better trained, not only in mining techniques and safety, but also in regard to mining regulations now in effect. Many miners regard many regulations as foolish and do not take them seriously.

(5) One of the major problems involved in training miners is to determine when and how such training is to be given. Most coal operators feel that it is the miners responsibility to volunteer some time before or after his shift to attend classes. However, miners are usually not receptive to this arrangement.

Present method of coal mine training

In order to consider improvements in the training of coal miners, it is well to evaluate present training methods. Traditionally, a new man might begin work in a small mine and learn to operate a particular piece of machinery under limited supervision by a co-worker before he is "on his own." He may remain at a smaller mine and receive some safety training through the Kentucky Department of Mines and Minerals instruction program, or he may later be hired by a larger company and receive additional training by that company. This is basically the "learn by doing" method and under ideal conditions with qualified co-workers the results would perhaps be adequate to some extent. However, if a man is instructed in the use of a machine by a man who has unsafe work habits, these habits are likely to be acquired by the trainee. Even with later training these unsafe habits tend to be continued. Several coal operators have indicated that they would rather hire and train a new man with no coal mining experience than one who had learned by dubious methods.

The point to emphasize in outlining the method of training of a new miner is that, in the majority of cases, training in coal mine principles and safety takes place after a new miner begins work in a producing mine. Without constant supervision in an underground mine one mistake might cost not only the life of the inexperienced miner but also the lives of those around him.

It is readily apparent that men will continue to be injured and killed in mines if they are not adequately trained in mining principles before they enter a producing mine.

Conclusions

Due to the tremendous projected increase in the production of coal in Kentucky and the Nation and because of the proven effectiveness of extensive health and safety training of new personnel in the coal mining industry where it is practiced, it is believed necessary to consider such training for all miners.

Recommendations

In order to establish an adequate training program aimed at new miners and to perhaps aid in the retraining of experienced miners it is recommended that the Kentucky Coal Mine Research Institute consider the following:

(A) In order to provide initial classroom training, extension classes might be established dealing with general coal mining principles near coal mine communities. It is recommended that initial programs might be patterned after those in effect in other localities. West Virginia University, for example, has had experience in conducting extension classes of this nature. Morehead State University and other institutions would be in an excellent position to offer guidance and classroom materials. Cooperation with the coal mining industry and the Kentucky Department of Mines and Minerals would be necessary to secure instructors. With the development of initial programs, the Kentucky Coal Mine Research Institute might consider the establishment of a regional training center for permanent classroom facilities.

(B) In addition to classroom instruction, new miners need practical experience. The Kentucky Coal Mine Research Institute would be in a position to work toward devising elaborate methods permitting trainees to learn various mining techniques under controlled conditions. Some possible training aids to be considered include:

(1) Underground mine surface mock-up. A simulated underground mine built on the surface would provide a safe, but realistic means of teaching and learning mining techniques. It is well to note that Pennsylvania is presently considering the use of simulated mines in training programs.

One individual in the mining industry proposed that a possible research project would be to design and construct mock-ups of various mining machines that could simulate actual conditions in the mine. These types of machines are now used in pilot training programs and driver education programs with apparent success. With the development of these machines actual conditions could be simulated, perhaps on a screen, as well as potential dangers which the student would have to deal with.

(C) As a necessary part of any training program it is felt that actual mining experience under proper supervision in a producing mine is necessary. This part of the training would likely be on a short term basis, possibly four to six weeks, if the trainee has had previous experience in a simulated mine and classroom training.

One way to accomplish this would be to assign trainees to actual mines as apprentices under constant supervision. However, it is recommended that consideration be given to the possibility of the development of a regional training mine by the Kentucky Coal Mine Research Institute. The advantages of such a training mine are as follows:

(1) Consideration could be given to the selection of a mining site with "favorable" mining conditions such as good roof conditions, adequate coal height, etc.

(2) This type of mine would be essentially a non-producing mine so training could be carried out with emphasis on safety and mining techniques. However, such coal as would be produced might be used to help finance the mine.

(3) If desired, trainees could be rotated to several machines or jobs such as shooting, timbering or electrical work in order to gain general mining experience and also to determine which specialities they might prefer or for which they would be best suited.

(4) The mine would also be available for use in the training of supervisory personnel, instructors, and inspectors.

It is realized that such a mine would have to be operated under proper supervision with an adequate staff of experienced miners and instructors.

In summary, an ultimately developed regional training center designed primarily for the training of new miners, but used also perhaps for retraining purposes, would be advantageous for the following reasons:

(1) A relatively short term but full time training program for new miners would provide a pool of miners for the region who would be trained before going into a producing mine. Safety and production records should be better as a result.

(2) In time initially trained miners should reduce or replace the need for mines to carry on extensive training programs themselves.

(3) This type of training program should attract more and better educated men to the mining industry. These men could also be screened as to their abilities in various mining functions.

(4) A regional training center would provide an outlet for training materials, including those materials developed by the Kentucky Coal Mine Research Institute.

(5) Public relations would be greatly improved as result of "an industry helping itself". Kentucky would undoubtedly become the leader in coal mine training and hopefully coal mine safety.

(6) Properly trained men who become certified to make tests in mines as required by law would greatly assist mine foremen in their duties.

SURFACE MINING IN EASTERN KENTUCKY

During 1970, the Kentucky Department of Mines and Minerals reported that approximately 48 percent of the coal produced in the state was from surface mines. Out of a total of 125,308,395 tons produced, 61,809,368 tons were from surface production and 63,499,027 tons were from underground mines. Also, out of a total of 28,261 persons employed in mines in the state, 7,260 were employed in surface mines and 21,001 in underground mines. Surface mines, then, employed approximately 25 percent of the miners in Kentucky. Surface mining in the state has increased steadily during 1971.

Public criticism

The increase in surface mining in recent years has been accompanied by an increase in public criticism. Much of this criticism has been justifiable because of irresponsible operators who made little or no effort to reclaim land and the fact that most states have been slow in formulating and enforcing reclamation laws. These practices have resulted in "orphan lands" or surface mined lands that have not been reclaimed. The Kentucky Department of Natural Resources estimates that 40,000 acres of such barren land in western Kentucky and 25,000 acres in eastern Kentucky are in need of restoration by extensive grading and revegetation.

In 1964 Kentucky enacted one of the stronger state laws concerning surface mining and reclamation procedures. However, at present the surface mines are faced with continuing opposition that would either prohibit surface mining entirely or demand total reclamation of surface mined areas. Those critical of surface mining maintain that reclamation as practiced is not satisfactory and that many of the benefits of surface mining are not practical or are outweighed by such harmful effects as:

(1) Siltation of streams from stripping operations.

(2) Stream pollution and the destruction of water wells and natural springs used for water supplies.

(3) Destruction of timber by surface mining.

(4) Landslides and slumping on outslopes of spoil banks.

(5) Unsightly "scars" left by surface mining on hillsides.

Visits to surface mine sites and reclaimed areas in eastern Kentucky during the course of this investigation have shown that many surface mine operators are operating responsibly in meeting or actually exceeding existing reclamation laws. Surface miners argue in favor of surface mining and auguring for the following reasons:

(1) In contour stripping, surface mining produces level benches on otherwise hilly terrain which can be used for housing, industrial sites, agricultural purposes, land fill sites, etc.

(2) Large amounts of coal lying near the surface can be mined safely only by surface methods.

(3) Surface mining provides employment in areas where jobs are scarce.

(4) Recreational areas, lakes and game preserves can be constructed on surface mined sites.

(5) Roads and firebreaks produced by surface mining help to protect existing timber and provide access to fires for fire-fighting equipment.

Presently there are new regulations being imposed at the state and federal levels to further improve surface mining conditions. Water pollution controls regarding acid mine drainage and siltation are being implemented during 1971 as are new regulations by both the Kentucky Department of Mines and Minerals and the U.S. Department of the Interior concerning health and safety practices in surface mines.

It should be emphasized that many responsible surface mine operators in Kentucky are conducting testing and research programs of their own aimed at developing better reclamation techniques and land use potential.

Conclusions

As is the case with underground mines, surface mines are presently in a confusing transition period. It is probable that surface mines will experience even greater difficulty in regard to the training of certified personnel than underground mines because many federal regulations are new to surface mines, such as methane and oxygen deficiency tests. Many coal operators also stated that they were unsure of the necessary qualifications for surface mine foremen.

Recommendations

With the continuing increase in surface mining and with the ever increasing need for reclamation of surface mine sites, it seems appropriate to consider the following training programs:

(1) Surface mine foremen—At the present time Kentucky has no specific training program for surface mine foremen. The Kentucky Coal Mine Research Institute might consider the development of such programs in cooperation with the Kentucky Department of Mines and Minerals. Such programs would be of special benefit if they included satisfaction of requirements for certification under federal regulations. Elements of reclamation, the use of explosives and other subjects pertinent to surface mines would be appropriate.

(2) Surface miners and equipment operators—The Kentucky Coal Mine Research Institute might also consider training programs for surface miners because similar deficiencies are found in relation to underground mines. Accident reports, for example, show that new or inexperienced heavy equipment operators and other personnel are often involved in accidents. Programs might include not only the proper operation of heavy equipment, drills, augers, etc., but also elements of reclamation and health and safety principles.

Should the Institute consider the development of a regional training center for underground miners, the development of programs for surface miners at that facility is recommended.

POSSIBLE RESEARCH PROJECTS IN SURFACE MINES

Treatment of mine water

A research project applicable to both surface and underground mines involves the treatment of mine water. Preparation plants and coal washers have problems in the control of "black water." Also, methods to control dissolved solids and the pH of mine water drainage is needed, especially in areas where acid conditions are present.

Pre-planning of surface mine sites

It would seem that in many cases surface mining could be carried out with more regard for future land use before actual mining has begun. This is presently done, for example, in the planning of water retention in strip pits for lakes. Perhaps the Kentucky Coal Mine Research Institute could, within the framework of reclamation regulations, act in an advisory capacity between future land developers and surface mine operators in developing surface mine sites. In this way, perhaps some of the conflicts of interest and objections to surface mining might be overcome.

Uses of surface mine sites

In regard to future land use of surface mine sites, many experimental programs have been initiated such as orchards, greenhouses, vegetable gardens and poultry farms. The Kentucky Coal Mine Research Institute might consider these projects as research possibilities. Another problem concerning lakes and recreational areas developed on mined sites involves not only the construction of these areas, but their future management as well. One of the major criticisms aimed at the mining industry in eastern Kentucky involves lakes that are polluted and recreational facilities vandalized after their construction. It is likely that studies involving the future management and maintenance of such recreational areas would go far in producing a better image for the industry.

Other research possibilities

Although many of the basic problems involving revegetation, surface erosion, control of landslides and stream pollution have been solved to some extent, more research in these areas is recommended as reclamation procedures becomes more complex.

POSSIBLE PUBLICATIONS FOR THE KENTUCKY COAL MINE RESEARCH INSTITUTE

The Kentucky Coal Mine Research Institute would have at its disposal within the state a wide spectrum of talent and resources needed for the drafting and publication of literature useful to the mining industry.

The types of publications needed at present might be divided into two categories, educational and informational.

Educational publications

Publications of an educational nature would include those developed by the Kentucky Department of Mines and Minerals for the training of mine employees, supervisors, inspectors and operators. However, especially with the passage of the 1969 act, these publications need to be revised and updated to include new information and regulations.

In addition, any publications developed for use in special training programs initiated and conducted by the Kentucky Coal Mine Research Institute would be especially valuable because they could be analyzed as to their effectiveness under controlled classroom conditions. The development of correspondence courses might prove effective for some training courses. Correspondence courses might serve to cover certain subject matter areas entirely, or perhaps to significantly reduce the classroom time necessary to present certain courses.

Information publications

The Kentucky Department of Mines and Minerals now provides a monthly bulletin with general mine information, statistics and accident reports. However, these reports are not directed at the working miner. Discussions with mine operators and especially miners themselves have indicated a need for a general publication in "easy to read" form to be sent to the miner. This publication would include general mining news with accident prevention information the miner might find useful in relation to his particular job.

Another type of informational material might be in the form of a manual, prepared in cooperation with the U.S. Bureau of Mines that consists of a digest of the 1969 act and subsequent amendments. Several coal operators have indicated that confusion exists in regard to the interpretation of various parts of the act and such a manual may prove valuable.

SUMMARY

During this investigation it became evident that Kentucky has a tremendous potential for supplying coal to the Nation. However, the coal industry in Kentucky has been deficient in providing necessary training and research for the miner's safety. This is not to criticize those who are charged with this responsibility, because evidence seems clear that the major reasons for this failing may be found in the lack of personnel and a unified effort to carry on adequate programs. It would seem that the founding of the Kentucky Coal Mine Research Institute would be a major step forward in the unification of agencies and institutions in Kentucky in achieving safe mining practices.

TRIBUTE TO JUSTICE BLACK

Mr. HARTKE. Mr. President, I would like to take this opportunity to pay tribute to our late Supreme Court Justice Hugo Lafayette Black. Few men in the history of our Nation have made the contribution to the development of constitutional protections for our citizens that Mr. Justice Black has made. His passing leaves a substantial void on the Supreme Court, and American constitutional law has lost one of its finest contributors.

The former Chief Justice Earl Warren has spoken of Mr. Justice Black's "unflagging devotion to the Constitution." This was a devotion that he approached with unequivocal singlemindedness. While many others were being swept along by the tides of "McCarthyism," Mr. Justice Black was one of the few who was willing to bear the brunt of public antipathy in maintaining his integrity and devotion to the Constitution as he saw it.

Thirty-four years ago President Franklin Delano Roosevelt selected Hugo L. Black from among the ranks of this body to serve on the U.S. Supreme Court. Apparently his only question at the time of his appointment was to ascertain where he could serve his country best. No one can deny that while sitting on the Supreme Court he served his country to the best of his ability. Many volumes have been, and will continue to be written on Mr. Justice Black's contribution to the development of American constitutional law. Therefore, I will not attempt to catalog his 34 years on the Supreme Court in this short space. Rather, like the rest of the country, I mourn the passing of a great man who with unswerving devotion was committed to the Constitution and the common man.

PILOT AIRBORNE RECOVERY DEVICE

Mr. SAXBE. Mr. President, in 1967, the U.S. Air Force had a pressing need for a system to keep aloft airmen whose aircraft had been shot down in combat. They called it a discretionary descent system—a system that would keep the pilot in the air until a friendly aircraft could arrive to rescue him.

The idea was to reduce the number of American servicemen who become prisoners of war or missing in action.

The problem was turned over to Wright-Patterson Air Force Base at Dayton, Ohio. It, in turn, presented it to Goodyear Aerospace Corp., of Akron, Ohio. Goodyear has a long history of balloon and lighter-than-air experience, and conceived—almost on the spot—of a hot-air balloon system to keep the airmen aloft.

It is called PARD—for pilot airborne recovery device. Basically, it consists of a hot-air balloon that unfurls above the airman's parachute. The hot air lifts the pilot up to 10,000 feet, out of the range of enemy small-arms fire. It can keep him aloft for up to 30 minutes, so another aircraft can arrive and "air snatch" him to safety. The pilot also has the option to cut loose the balloon and descend to earth on his parachute.

The PARD system has gone through two successful development phases, and is now ready to be man-rated, when funding becomes available from the Air Force.

I ask unanimous consent that an article about this breakthrough in pilot rescue systems, which was published in the Norfolk, Va., Ledger-Star on September 22, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PILOT RESCUE DEVICE OFFERS "SKYHOOK" FOR DOWNED FLIERS

(By Jack Kestner)

NORFOLK.—Of the scores of Navy and Air Force pilots shot down over North Vietnam, probably not one descended in his parachute without fervently wishing for a "sky hook" to keep him airborne and out of the hands of the enemy.

Goodyear Aerospace Corporation has invented one.

Called "PARD" for "Pilot Airborne Recovery Device," it'll keep a pilot dangling in the sky for as long as 30 minutes—usually ample time for a recovery aircraft to snatch him away from death or capture.

Although developed specifically for the Air Force, both the Navy and the Army have expressed an interest in the device.

Key element in the system is called a "ballute" (contraction for balloon and parachute).

After the pilot ejects from his disabled aircraft, his main parachute opens normally. Then, at his discretion, he can employ the PARD system.

The ballute, attached to the top of the main chute, is inflated as air rushes through its vents.

A burner is suspended below the ballute and fed from a tank of butane gas strapped to the pilot's back.

This ignites, forcing hot (250 degrees) air into the ballute and providing a lift capable of halting the pilot's descent and lifting him above range of small arms fire—up to 10,000 feet if he likes.

A rescue craft is then sent to his position. Using a cable, it snags the ballute and either reels in the pilot or else tows him to friendly territory where he can complete his descent by means of his main chute.

In the event the pilot becomes disabled when his aircraft is shot down, a built-in safety device activates the system. It is preset to stabilize him at 6,000 feet.

"The system looks good so far," says Air Force Col. Albert P. Lovelady, director of the Life Support Systems Program Office at Wright-Patterson, and former commander of rescue operations of Vietnam.

Ten test drops have been made at El Centro, Calif. using dummies Ejection tests have also been made at the Naval jet car test facilities in Philadelphia and Lakehust, N. J.

In the drops over the desert at El Centro, the dummies were successfully retrieved by an Air Force JC–130 Hercules aircraft.

The Air Force went to Goodyear in 1967 (when pilot losses in North Vietnam were running so high) with a request for "a discretionary descent device." Engineer Fred R. Nebiker is credited with inventing the PARD system, which was granted a patent last year.

Although designed primarily to prevent death or capture by the enemy, the system can also be employed by pilots descending into rugged territory where a parachute landing would involve high risk.

Future plans call for testing it in an F4 Phantom II jet fighter.

"Funding has not been appropriated for this due to the lack of priority," a Goodyear spokesman said. "It is hoped that the Air Force and using commands will be able to increase the priority."

Colonel Lovelady says that the system "could provide that one more chance our pilots need when forced to bail out over hostile territory."

The Defense Department lists 234 "known captured" Air Force airmen in Vietnam, and 143 "known captured" Navy personnel.

It will never be known how many of these could have been rescued if PARD had been operating since the beginning of the war.

SENATOR WINSTON L. PROUTY

Mr. BAYH. Mr. President, in an age when politics have been criticized as being inadequately creative, I am especially proud to have served in the Senate with Winston Prouty, of Vermont. Win was a true public servant: During 33 years he consecutively served Vermont as mayor, State representative, U.S. Representative, and U.S. Senator. His varied experience with the problems affecting the people of Vermont gave Win a remarkable broad perspective on what legislation could best solve those problems. And as a result, we have an expanded and more generous social security system, a fuller manpower training program, and a bipartisan Senate effort to strengthen the Administration on Aging by increasing its funding. I am confident that Win's legislative efforts will serve as a strong foundation for any future congressional action in the areas of his expertise. We have already witnessed a great public interest in improved health care and in more efficient hospital facilities. Win was a pioneer in this field. We have heard both parties advocate the concept of a minimum income level. Win was one of the first proponents of this concept also.

Senator Prouty served 12½ years as a Senator. During that time, he gave generously of his time and encouraged the Nation to similarly give generously of its resources to all citizens. Although Win avoided undue publicity or extravagant campaign expense, he was reelected to various offices 12 times during his career; such an endorsement by his constituents is ample tribute to the fine legislative record of the late Senator from Vermont.

I can only express my personal gratefulness for the chance to have known Win and to express Marvella's and my deepest sympathy to Jennette and the family. The Senate has lost a fine colleague and leader.

THE C-5A AND THE CIVIL RESERVE FLEET

Mr. SYMINGTON. Mr. President, because of a conviction that the Air Force had need for a large airplane with great range and huge lift capacity as well as special operating characteristics, I have supported the C-5A program. I was persuaded that this new airlift technology could provide rapid deployment for troops and equipment needed to meet proper defense commitments without stationing large military forces overseas. I believe the C-5A will meet the characteristics and requirements which were set out for it and that it can serve the purposes intended.

I am concerned, however, with the suggestion which has been made that these planes might be used in extensive routine transportation of ordinary cargo. The full implementation of that possibility could mean the substantial dismantling of the civil reserve air fleet. The Congress has supported the C-5A on the basis of the need for a plane to permit rapid deployment of forces and special outsize and heavy military equipment, not routine transport operations.

There has been some claim that the C-5A is a low cost per mile aircraft. Although experience is very limited, there is no indication that it is an inexpensive airplane to operate. On the basis of the record of previous MAC operations, there is every reason to believe that this aircraft, like its predecessors, will be very little cheaper than military contract operations if crew and capital costs were excluded and if such costs are included the operation would without any question exceed civilian contract costs.

During hearings on military airlift procurement policies held earlier this year by the Aviation Subcommittee presided over by the junior Senator from Nevada (Mr. CANNON), there were indications that the Air Force intended to take all international cargo traffic away from the civil carriers whose aircraft make up the CRAF fleet. With hearings that have been resumed, I am hopeful this matter will be clarified.

It has been the policy of both the executive branch and the Congress for years that the CRAF fleet would be looked to in time of emergency for substantial airlift capacity for both passengers and cargo. We cannot expect the civil carriers to maintain a state of ready response to an emergency if all the peacetime international military cargo business is taken from them and flown on military planes bought for another purpose.

We know the C-5A has far exceeded its estimated cost. I hope that the Department of Defense will not use the huge override costs of the C-5A as an excuse for what could result in the destruction of the civil reserve air fleet.

COALITION FOR CHANGE

Mr. HART. Mr. President, politicians are fond of calling for new coalitions to bring about orderly change.

All too often, the call for a coalition remains rhetoric, and little or no thought is given to mechanics of establishing a joint effort.

At the annual meeting of the National Urban League in Detroit this July, Daniel H. Kruger, professor of labor and industrial relations at Michigan State University, presented a paper discussing both the need for a black-white coalition and the ground rules for establishing a successful coalition.

I ask unanimous consent that Professor Kruger's paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

COALITIONS AS MECHANISMS FOR SOCIAL CHANGE

(By Daniel H. Kruger)

Blacks cannot solve their problems of economic and social deprivation in isolation, because they are fully enmeshed in a society dominated by whites. Whites control the economic resources needed to provide Blacks with meaningful equality of opportunity. Whites control the social institutions through which many social services are delivered, which can enhance the quality of life of Blacks. Thus, the solution of the economic and social problems of Blacks lies as much in the white community as in the Black community. A joint effort by both Blacks and whites is required if social changes are to take place which will improve the socio-economic status of minorities and the poor.

Soaring rhetoric just will not solve the crucial problems of the vast majority of Blacks. Black is beautiful, and this feeling, this esprit de corps, can enhance the self perception of Blacks. But standing alone, "Black is Beautiful" will not create one job nor improve the quality of education nor provide better housing. "Telling it like it is" may shock the listener or provide for some catharsis for the teller; but standing alone, it does not bring about social change. "Doing one's thing" likewise may have psychological value; but standing in isolation, it will not contribute to the resolution of the critical problems of education, employment, housing, and health.

Blacks cannot go it alone—tempting as this strategy may be. It is understandable why the cry of Black Power has its appeals. When one looks at the large cities and sees the growing number of Blacks who are living in the central cities, one can conclude that Black Power can indeed bring about needed change. The whites, however, control the important institutions which determine the life blood of the cities. Moreover, the great cities are in such financial difficulties, that controlling the city may be an empty shell. These cities need the help of both the state and federal government if they are to provide the essential services in sufficient quality and quantity to their residents. There are at least three reasons why the Blacks and the poor cannot go it alone.

Blacks and the poor are in a minority. Although Blacks are increasingly becoming a very substantial minority, and in many cases a majority in numerous central cities, they will have extreme difficulty in achieving their demands without the cooperation of the majority. Black mayors, for example, have to draw upon the skills and purses of the whites as well as the Blacks.

This suggests a second reason. Resources are limited for achieving those goals which will improve the quality of life. The large cities with heavy concentration of Blacks do not have the necessary revenue to expand needed services. The rising taxes of many cities, along with other problems, have accelerated the exodus of whites from the city to the suburbs. At first, it was just people who were moving out; now it is firms—both business and industrial. The exodus—the outmigration of these firms—is of crucial importance because when these firms and offices leave the central cities, they carry with them jobs.

These jobs are crucial in a job economy. Almost 90 percent of the labor force are employees; that is, they work for some employer—private or public. In a job economy, the job has become a most valuable piece of property because it provides the central means for obtaining income. The job is the most important economic activity in the lives of most Americans. Jobs are highly perishable. They disappear with changes in technology, with changes in national monetary and fiscal policies as well as fiscal policies of local governmental units. In 1971, jobs are scarce and will continue to be scarce until there is a powerful stimulant to the economy. Blacks and whites need jobs.

The movement of the firms out of the central city has another effect. It alters the tax base in the central city while increasing the tax base in the community where the new facility is located. The central cities can ill afford to lose tax revenues.

There is a third reason why Blacks and the poor cannot go it alone. No minority group, even with high motivation, has all the skills needed to bring about systems change. Whites can help manipulate the power levers, can open doors, and supply technical assistance. Blacks and concerned whites can bring about change by pooling their skills, their resources and their energies. The task is of such magnitude that all citizens who want to see America live up to its professed ideals must join hands. The clock is running out for economic separateness and closing out those who want to join forces to help eradicate racism. The socio-economic problems multiply in complexity and magnitude. The longer the nation delays—the longer the nation permits divisiveness. Blacks and concerned whites cannot afford to polarize themselves. The nation is playing for high stakes. The kind of society we shall have hangs in the balance. All concerned citizens—Black, Brown, Red and White—have a crucial interest in the building of an open society.

Since the Blacks and the poor cannot go it alone to bring about needed social change, what are the alternatives? How can both Blacks and concerned whites work together to bring about those changes which will make America a better society for man? Another related question is what kind of organizational structure is best suited to mount the thrust needed to bring about those changes which will improve the quality of life for Blacks and other minorities? The organizational structure is important because it provides the mechanism, the machinery, for mobilizing and organizing the necessary resources—both human and financial—to bring about desired and needed social changes. The organizational structure also provides the framework for managing the efforts and energies of Blacks and concerned whites who have joined hands to bring about the series of solutions demanded by the complexity of social and economic problems confronting the nation.

An important mechanism for bringing about social and economic changes is the coalition. What is a coalition? It is an alliance of parties or individuals for joint action or purpose to achieve a specific objective. Through a coalition, cooperative efforts of Blacks and whites can be brought together and can be welded into a dynamic thrust. A coalition can be temoprary or "permanent". It has a temporal dimension. It can exist as long as the members of the coalition feel that it is necessary to maintain the cooperative efforts. Moreover, a coalition can be formal or informal. A formal coalition is one in which all individuals and groups proclaim their intent to work together and are guided by general rules. An informal coalition is when the individuals or groups are working on the same problem, exchange information, but the efforts are not coordinated or directed. Our concern is with the formal coalition as a mechanism for systems change.

A coalition to be successful must have utility; it must be going somewhere; it must be doing something constructive. A coalition dedicated to bringing about social change must have a strong commitment of its members. A coalition is held together by mutual goodwill and by a common cause. Goodwill and commitment are the cement which binds together the members into a coalition.

A coalition to succeed must have consensus on the objectives to be achieved. Majority vote on a position to be taken does not mean that the position is the best one. A margin of one vote is a shaky foundation on which to build.

An effective coalition is built on the self interest of its members, both individually and collectively. Whites join in a coalition with Blacks because of self interest. There must be something in it for the individuals to join forces. This self interest can take several forms. One form is the growing realization that the majority of the society cannot prosper if one crucial part of it languishes. Put another way, some whites feel that their security is threatened if something is not done to bring Blacks and other minorities into the mainstream of American life. This viewpoint underscores that no man can be free unless all men are free. Another aspect of self interest, and this is stated in its boldest terms, is riot insurance against burning and looting. Some whites participate in coalitions in the hopes that riots and confrontations can either be eliminated or minimized. For some whites, participation in a coalition is in the Judeo-Christian tradition. As is stated in the Bible—"justice, justice, justice shalt thou pursue." There are those whites who join a coalition with Blacks to improve their image with their children, who in many instances have identified with the efforts of Blacks to eradicate racism. Still another group of whites join hands with Blacks for political purposes—i.e. to get Black support in elections.

There are undoubtedly other forms of self interest which motivate whites to join coalitions with Blacks.

The question may thus be raised—does it really matter what motivates whites to join coalitions with Blacks? It would seem that the critical point is that whites want to become involved and by their behavior have indicated a willingness to participate. I for one do not try to analyze individuals' motives for participation in the civil rights movement. I am more interested in their behavior and actions. As we are told in the Bible—"By ye actions, ye shall be judged."

In addition to self-interest, a coalition to be successful must be issue-oriented. It should use the rifle approach rather than the shotgun approach. By this it is meant that the coalition focus on limited narrow objectives rather than take on all the problems of society. A limited objective approach enables like-minded groups to join forces to work towards achieving the objective. For example, there are groups interested in improving the environment but are not interested in improving housing. Through a limited objective approach, the coalition could enlist the support of all groups interested in that objective—black and white, rich or poor, public and private, young and old.

At any one moment in time, there are a number of groups working on a particular issue. Take the concern with the high unemployment rate of veterans. The Federal Government, the American Legion, the Veterans of Foreign Wars, and the National Urban League, to mention several groups, are concerned with this issue. They are seeking a series of solutions which hopefully will ameliorate the problem. Although there is no formal coalition of these groups, they are working on the same problem. I use this issue as an example because it exemplifies that other special interest groups like the veterans organizations are working on a problem which includes Black veterans. It would indeed be remarkable and unprecedented if the Veterans organizations and the National Urban League were to be working together on improving the accessibility of Blacks to housing in the suburbs.

Another criterion for an effective coalition is that it cannot adopt an "all or nothing" posture or attitude. Rarely can a group of concerned individuals, parties or organizations achieve the ideal objective. If the coalition takes a position that only the ideal will be acceptable, its effectiveness as a change agent will be diluted or rendered impotent. A case in point is welfare reform. There is legislation before the Congress which, if enacted, will provide a guaranteed income to all families in the United States. This is a significant and radical social policy for this country. Some individual groups have expressed their disfavor with the proposed income levels and are working for its defeat. It is not my intent to discuss whether the proposed income level under Welfare Reform is adequate or inadequate. What is important to me is that there is an opportunity to establish a basic principle of a guaranteed income for all families. A bit of history may be helpful to understand my position that what is important is the principle, not the amount, of a particular benefit or income at one moment in time.

In 1934, when the Social Security Act was being discussed in Congress, there was concern that the level of benefits for the old age benefit for retired workers was too low, and that coverage was too limited. When the Act was passed in 1935, only the retired worker was covered. In 1940 when the first Social Security benefit was paid, the average primary monthly benefit for retired workers was $22.71. In 1970, it was *$120.95*, a 434% increase. Improvements in the benefits and coverage have taken place frequently since 1935. The historical experience with the Social Security program is an excellent example of the importance of establishing a general principle and then working continuously to expand the benefits. This should be an important lesson for coalitions in their efforts to bring about social change.

Another criterion for a successful coalition is that it must develop its strategy carefully. Of paramount importance is the strength of the threat. Unfortunately, there appears to be the need for some kind of threat to alter the status quo. What is needed is enough of a threat to cause the majority community to start changing its own attitudes and allocation of resources in ways far more favorable to Blacks and other minorities, but not so much of a threat so as to cause total withdrawal of white cooperation, sympathy and support. Pressure must be applied to bring about change; but the key question is how much pressure?

How much pressure to exert, how to organize resources effectively, is a function of leadership. A coalition, to be successful in bringing about change, must have dynamic leadership, leadership which will inspire the members to exert their best efforts. Leadership is necessary to attract the support of other groups in the society to its cause. Leadership must be of such quality that it is recognized by the public officials at all levels of government. Leadership is needed which will give the coalition vitality and excitement.

Another criterion for a successful coalition is to focus on changing the methods of operations of existing institutions, to make them more responsive to the changing environment, to make them more accountable for their actions. The emphasis should not be on creating new and special programs for Blacks, other minorities and the poor, but in eliminating the need for special programs. For example, if the public schools were providing quality education for all students, would there be a need for remedial educational programs to teach individuals basic reading, writing and computational skills? If building codes were enforced, would the decay of the city have been arrested? If vocational programs were universally available in high schools, would there have been the need for federally supported manpower programs for the disadvantaged?

If employers had developed personnel practices and procedures which screened in job applicants rather than screened them out, would there be the need for special programs of recruitment? If the system had been responsive, would we have needed the special programs of OEO? If the government agencies—at all levels of government—had been genuinely concerned about the humanity of the persons to be served rather than on services rendered, would there be the outcry of racism? These agencies appeared to be more interested in what I call talleyoism—marking the tallies, marking the units of service, rather than being interested in the humanity of the individual to be served.

There are sound reasons why the effective coalition must focus on systems change rather than on creating special programs. Special programs eat up scarce resources to pay administrative costs. There is a scarcity of financial resources, and therefore it is just not possible to finance all the special programs needed to improve the socio-economic problems of the minorities and the poor. This is the economic justification for the coalition to focus on systems change. In my view, special programs take the white community off the hook. The white community can say—"Why, we have a special program for the disadvantaged!" Special programs are, in too many instances, a salve for the conscience of the white community. They can serve as a deterrent, a hinderance to systems change. They provide a shield behind which the white community can hide. The coalition must force the whites to reexamine the modus operandi of the social institution in order to bring about changes which will improve the quality of life for all Americans.

A successful coalition needs adequate financial resources in order to reach its goals. Motivation and commitment are important ingredients for success, but they must be buttressed by financial resources to purchase staff, supplies, and to communicate. The ability to obtain monies is an important fact of life for coalitions.

The continued existence of a coalition depends on achieving some victories, some successes. This does not mean that all battles can be won, but the coalition must show that something constructive is happening. Measuring successes are difficult because there is no effective yardstick or standard of measurement. For example, the coalition may have been involved in lobbying for a law or change in law which on the surface appears like a significant victory; but the administration of the law negates its intent. The coalition can not measure its success by the units of service it renders. It cannot measure its success by the reduction in the number of poor.

We can, however, get a reading on its effectiveness by looking at what is happening. For example, public awareness over the problems of discrimination and racism has been heightened. In my view, one of the most important victories has been in the area of employment—yes, even in times of high unemployment. The nation is becoming more manpower conscious; it is becoming more concerned about the development and utilization of its manpower resources. It was and is the Black man who is forcing American employers—both private and public—to reexamine their hiring practices, and selection techniques. Civil rights legislation, the Equal Employment Opportunity Commission, and the Federal Courts have all been involved. The hero, however, in this exciting unfolding drama is the Black man. Increasingly, the employer can not hide behind arbitrary hiring standards such as unrealistic educational requirements and ability to pass some kind of test not related to job performance. We may have reached a point where at last the credentials society is beginning to come under attack. The nation has suffered substantially as a result of the establishment of so many credentials which are unrelated to performance. The war has not been won, but important battles are being won. I do not claim that the coalition of Blacks and whites is singly responsible for this critically important breakthrough, but its presence was felt in a number of ways.

Coalitions are useful mechanisms because of their flexibility and applicability to different settings. A coalition can be formed to resolve a problem or attempt to bring about change in the neighborhood, or in the city, at the state and national level. It does seem, however, that coalitions are formed primarily to operate at the national level. The National Urban League has itself been a member of many National coalitions. These alliances, for example, lobby before the Congress in order to influence national legislation either positively or negatively. They seek the enactment of proposed legislation or they seek to defeat proposed legislation or to modify it. Coalitions operate at the national level in order to influence national legislation, to shape national effort, and to have a national platform for purposes of communication.

There, however, appears to be little effort at forming coalitions at the state level, especially as they relate to the socio-economic problems of minorities. State government is not dead. The actions of state government greatly affect the lives of Blacks and other minorities. It is the State Highway Department which decides to build expressways through the ghettoes. It is the State Department of Education which distributes state aid to local school districts. This Department can and does shape and influence educational policy within the State. The State Welfare Department supervises the allocating of funds for AFDC and other public assistance programs. It is the gatekeeper for welfare programs. The State Employment Service operates local offices in many cities throughout the State. These offices play a crucial role in the implementation of the federally supported manpower training programs. The states also support institutions of higher education.

In my view, there are too many citizens who have written off the states. They proclaim that the states do nothing. They have already prepared the obituary for state government. This is sheer nonsense. An obituary is premature—state governments are alive but not doing well. Nevertheless, the states are still very important public jurisdictions. They are the dispenser of funds and preparers of regulations and rules for such crucial areas as education, social services and employment. There is indeed, need for effective coalitions at the state level, especially in those states where Urban League's affiliates operate. The actions and activities of state governments cannot be ignored nor should they be immuned from public scrutiny. Coalitions at the state level must be established in order to unite efforts directed towards needed social change.

At the local level the Urban League affiliate, by its very composition, plays the role of a coalition of concerned citizens—both Blacks and Whites—to bring about social change in the community. The Urban League affiliate is a coalition as well as an organization. It is an organization with rules, procedures, strategies and programs. As an organization and as a coalition it seeks to bring about improvements in the quality of life of minorities and the poor. The local Urban League focuses its efforts on systems change—economic, social and institutional It attacks the root causes of suffering of Blacks—poor quality education, poor health, poor housing and high rates of unemployment. The Urban League affiliate can and should be the focal point of systems change. It, however, cannot do alone the massive task of providing equality of opportunity, equal options and equal results for all Americans. Thus, at the local level, the Urban League affiliate joins forces with other groups—to form a coalition of organizations to work together on specific problems. It contributes its skills, its resources into a common pool along with other groups. Thus, in a real sense, the Urban League affiliate operates on two planes of action, two dimensions. It carries out its *own* activities and programs for its constituencies—the Blacks, other minorities, and the poor. It also has another dimension—its relationships and cooperative efforts with other groups in the community who are working on specific problems relating to the activities and concerns of the local affiliate.

The local Urban League has a third dimension. It provides the foundation for the National Urban League. It is the operating arm of the National Urban League efforts at systems change. Thus, in another sense, the National Urban League is a formal coalition of local Urban League affiliates, pledged to serve the nation by helping minority groups and the poor to improve their socio-economic status.

Thus, the National Urban League and its local affiliates are both an organization and a coalition. A coalition that, in the words of the prophet Isiah, has as its purpose "to seek justice, relieve the oppressed."

In July 1970, in New York, Mr. Whitney Young in his keynote address at the annual meeting of the National Urban League stated—

"I believe that the time is now for broad coalition . . . And I believe that whether they pursue their own self interest or because they move their idealism to a higher more realistic plane—a new coalition can be forged that will once more return America to a sense of purpose and a will to justice."

Later, in his last keynote address he said, "only by unified action can we forge the alliances across racial lines that promise progress."

Strong as the National Urban League is, it cannot go it alone. It needs the support, cooperation and commitment of other citizen groups interested in social justice. It needs the effective support of business, industry and labor in its efforts. Furthermore, the National Urban League must establish a special kind of coalition with the Federal Government. The National Urban League has survived for sixty years without Federal support; it can continue to survive without that support. The National Urban League, however, can be helpful to the Federal Government. Through its affiliates it can assist in the delivery of services; it can develop experimental and demonstration programs; it can serve as a kind of ombudsman for minorities in their relationship to federal agencies. Lastly, to be effective it must, where practical, build effective coalitions at all levels of government—national, state and local.

The National Urban League and its 100 local affiliates must develop the kind of leadership which can build effective coalitions of concerned citizens. Effective coalitions are essential if we are to build the Responsible Society. The formula for a Responsible Society is very simple. The society must respond to the hopes, aspirations and needs of all of its citizens. In the process of responding to these needs the society becomes responsible. To bring about the Responsible Society there must be responsible coalitions which themselves respond meaningfully to the needs of the citizens.

Responsible coalitions are directed to one goal, one objective: to bring about systems change—social, economic and institutional—so that all Americans regardless of race, color or creed will indeed have their inalienable right to life, liberty and the pursuit of happiness. The National Urban League as one responsible coalition asks no more, no less of America.

UNIVERSITY OF NEW HAMPSHIRE PROJECT TAPPING RESOURCES OF SEA

Mr. McINTYRE. Mr. President, for many years the University of New Hampshire has had on its faculty skilled scientists with a keen interest in the coastal waters of our State.

These scientists are working in the Jackson Estuarine Laboratory of the University of New Hampshire, an impressive oceanography lab devoted to tapping the untold resources of the sea.

The executive officer of the university's office of marine science and technology is Prof. E. Eugene Allmendinger. He is aided by a large group of experts including Prof. Galen E. Jones, Godfrey Savage, and E. Howard Stolworthy.

These men deserve credit for attempting to make the fields of oceanography and ocean engineering productive for the entire State—not just the seacoast region.

One of the exciting aspects of the research being done concerns EDALHAB 11 which is an underwater sealab used by the laboratory for exploratory and fact-gathering purposes.

Last spring three UNH divers, Mark

Hertel, Thomas Glennon, and Erick Sawtelle, spent 5 days under the sea in the lab as a team of undersea scientists gathered information on the effects of prolonged underwater habitation on the human body.

The contributions these men have made to the study of the sea is a tremendous achievement for the State of New Hampshire. Today I wish to cite that accomplishment that these men have achieved.

Mr. President, I, therefore, ask unanimous consent to have printed in the Record an article entitled "A University and the Ocean," published in the New Hampshire Petroleum Council News.

There being no objection, the article was ordered to be printed in the Record, as follows:

Corridor to the Sea

The University of New Hampshire is active in the fields of oceanography and ocean engineering. In the words of Professor E. Eugene Allmendinger, the Executive Officer of the University's Office of Marine Science and Technology (OMSAT), "This activity is vital to the realization of the full potential that New Hampshire's 'Corridor to the Sea' has for advancing the well-being of the entire State—not exclusively its seacoast region."

In elaborating, Professor Allmendinger points out that the State's "Corridor to the Sea" is that area of land and water whose 20-mile axis begins at the University's Durham campus and extends seaward to the Isles of Shoals. This corridor possesses a unique inventory of assets which is capable of promoting the best marine-oriented interests of New Hampshire—at state, regional and national levels. These assets include:

1. a rich variety of marine environments
2. an academic base at the University with recognized competence in marine-oriented education, research and service
3. several marine-oriented federal, state and industrial activities
4. a centrally located outlet on the Gulf of Maine
5. an essentially ice-free harbor and river
6. the "proximity to" and yet "remoteness from" the Greater Boston area.

Professor Allmendinger concludes by stressing that New Hampshire's very significant challenges and opportunities in marine affairs should be associated with the "Corridor to the Sea" concept and not with its modest length of coastline, for the Corridor is indeed a feasible site for a major East Coast marine center.

Secrets of the sea are not easily divulged. Yet, over the ages man has designed various structures in search of whatever it may be that is held fast in Davy Jones' locker.

For some time now the Engineering Design and Analysis Laboratory has been developing an underwater habitat system. In the fall of 1967 a group of students were encouraged by their professors to design and build a shallow water sealab. It was named EDALHAB for Engineering Design and Analysis Laboratory HABitat. In the summer of 1968, after a successful test in Winnipesaukee, it was put aside.

This spring, however, a new, multi-phase, multi-interest program was prepared for EDALHAB. One facet of the program was designed to carry out undersea observation of Pacific dungeness crabs. These creatures are considered a delicacy on the West Coast, the same as lobsters are here in New England. And lobsters are becoming more scarce as each year passes. Some scientists have suggested that the Pacific crab might be introduced into the cold Atlantic waters and, if successful, the lagging lobster supply could thus be supplemented and New England's fishing economy bolstered.

Another facet of the scientific tests conducted in connection with the EDALHAB II project was an evaluation of a telemetry system for monitoring physiological data from a diver. Using this system, signals corresponding to heart rate, body temperature, respiration rate and water depth can be transmitted acoustically from the diver to a surface receiver and then displayed as traces on a chart type recorder. The test data obtained for the telemetry system will be used in the development of a complete system which will enable topside personnel to continuously monitor the diver's status and provide assistance when needed.

Perhaps the major purpose, and the one upon which the other two projects depended, had to do with the EDALHAB II itself. The problem here was to transport, implant and retrieve the habitat with ease and economy. In addition, of course, it was important to find out what problems would exist in living under the sea.

Wherever there is an underwater project of long duration, a habitat such as EDALHAB II appears to be a necessary tool. By using an underwater habitat, divers can decompress after a long series of dives rather than after a single dive. This makes it possible for the diver to work not just a couple of hours each day, but perhaps six or eight hours. The ability to make longer dives is particularly desirable when the purpose of the dive is to study marine life on the ocean floor, as was the case with the Pacific dungeness crabs.

The transformation of EDALHAB I into EDALHAB II was a project in itself. Two and a half years of inactivity found EDALHAB somewhat rusted and with much of its equipment in need of repair or replacement. The thickness of the welds was checked with an ultrasonic device. The frame had to be rechecked to make sure it would withstand the rigors of handling on the surface and the underseas environment. A new mooring system had to be developed, and under the direction of Croydon B. Pearson, Jr., a series of anchors, cables and moorings was designed. Each of the two habitat main anchors was made by placing six railroad wheels on a steel shaft. Each railroad wheel weighed in excess of 700 pounds.

In cooperation with the Woods Hole Oceanographic Institution, the catamaran LULU was assigned to furnish the transportation and support system for EDALHAB II. LULU was developed originally as the mother ship of the famed deep-diving submersible ALVIN which was named for its creator, Al Vine. The LULU was named for Mr. Vine's mother.

The twin-hulled vessel arrived at the Port Authority dock on Friday, April 23. Along with other necessary equipment, a two-compartment decompression chamber, built by UNH students, was lifted aboard by crane under the direction of Dr. Godfrey Savage, Director of the Engineering Design and Analysis Laboratory. EDALHAB II was lowered into the water, floated into position between LULU's twin hulls and drawn up into position for traveling, similar to the way ALVIN would be positioned on her platform.

Also supporting the operation and serving as a hotel ship was the research vessel UNDAUNTED of the Cape Fear Technical Institute of North Carolina, as well as the JERE A. CHASE from the UNH Jackson Estuarine Laboratory.

Following the boarding of equipment and personnel, the tiny scientific fleet headed for a preselected site 350 yards from Appledore Island on a bearing of 300° M north from the Island's radar tower. Appledore is the larger northern island in the group of islands off Portsmouth Harbor known as the Isles of Shoals. At the selected point the water runs to a depth of between 50 and 65 feet. EDALHAB II was lowered and moored at a depth of 40 feet, measured at high tide to the bottom of the entrance trunk.

At 7:40 p.m., Sunday, April 25, the three UNH divers—Mark Hertel, Thomas Glennon and Erick Sawtelle—entered EDALHAB II. They did not surface again until Thursday morning, April 29, the first diver breaking the surface at 9:00 a.m., the other two following at five-minute intervals. As soon as each arrived he was immediately escorted into the decompression chamber where they spent the next twelve hours.

In constant attendance and assisting the UNH divers was a team of professional divers known as the Boston Sea Rovers. Throughout the four days there were two doctors in attendance—Dr. Joseph MacInnis of Ocean Systems, Inc., and Dr. Horace Argeles of Argentina.

The EDALHAB II exercise was funded by the Sea-Grant Program of the National Oceanic and Atmospheric Administration (NOAA) and the Office of Naval Research through its support of the deep-diving submersible program at Woods Hole, Mass.

The story of EDALHAB II, including the underwater phase, was filmed in color by William "Smokey" Roberts who took some 4,200 feet of magnificent film.

WOMEN IN POLITICS

Mr. BAYH. Mr. President, I believe that the staff of the Library of Congress, particularly the Congressional Research Service, deserves the praise and commendation of all Members of Congress. The information and research that the Library provides to all Members to assist us in carrying out our legislative responsibilities are invaluable. The Congressional Research Service, a department within the Library, works entirely as the research arm for Members of Congress and committees. There many specialists provide up-to-the-moment information on a limitless number of subjects, often within a matter of minutes.

The capable staff of the Congressional Research Service has provided a great deal of assistance to me in my efforts to secure equality of treatment for women under the law. One such staff member is Morrigene Van Helden, an analyst in the American National Government Division, who has provided inestimable materials relating to the various activities that women have become more involved in during the past few years in their striving for equality.

Mrs. Van Helden provided excellent background information for an amicus curiae brief that I recently filed as attorney for the National Federation of Business and Professional Women's Clubs in two sex discrimination cases pending before the Supreme Court.

Mr. President, Mrs. Van Helden's outstanding work in the field of women's rights has recently received the public recognition it has deserved. I ask unanimous consent to have printed in its entirety an article from the Evening Star, August 25, 1971, entitled "Her Specialty: Women in Politics."

There being no objection, the article was ordered to be printed in the Record, as follows:

Her Specialty: Women in Politics

(By M. Margaret Green)

A congressman wants an objective study of the arguments for and against the Equal Rights (for women) Amendment . . .

A senator wants a reliable count of the proportion of women candidates elected to office as compared to the proportion of men or a comprehensive run-down of all pending legislation that would affect women . . .

Mrs. Morrigene van Helden will save their staffs hours of research by preparing the information, if she hasn't already anticipated the demand.

A DEMAND

Officially an "analyst in American national government" at the Library of Congress, Mrs. van Helden has developed a specialty in women in politics because of the accelerated demand for such research among legislators gauging public interest.

The "government and general research" division for which she works is only one of 10 departments within the Congressional Research Service—all charged with the compilation of facts, background material and analysis for federal law makers.

"I try to keep up," she says softly from the pile of newspaper clippings, yet-to-be-read articles and open books, a pile exactly like that on all staff members' desks whether their specialty be Indian affairs, student groups and movements or a combination of topics related to American government.

"The way specialties develop is according to need," she explains. "When I first came (four and a half years ago), there was a lot of interest in the Kennedy family and the assassinations.

"For a time we also had a lot of calls about etiquette and protocol at the White House and then about presidents' wives and families.

"It sounds like a smooth progression from the Kennedys to wives and families to women, but it wasn't quite that way."

GENERAL ISSUES

Questions about women in politics and occasionally in law are coming "more and more often," she says, with the emphasis most often on general issues.

From her research she has compiled "almost a history of women's rights in the 20th century."

That "history" is in the form of numerous multilith studies available to senators and representatives only, but sometimes made public through congressional offices—never through the library.

Some of the topics: the effect of world wars on the feminist movement; debates on the women's suffrage movement; women who have served in Congress.

On her own initiative she researched women in the national legislature, "how they got there and how long they stayed."

"One aspect of this job is to anticipate the needs of Congress," she says, but when she began preparing for a predicted onslaught of questions about women candidates and office-holders she found current sources contradicting themselves.

ORIGINAL SOURCES

As often happens, she went to original sources to pull together her on set of statistics.

"Sources vary" in their reliability, she says, "especially now because the women's rights movement has just gotten going in the last few years. There's no one source to go to."

One indication that the public attitude to a new feminism has changed, she says, is the extent of coverage so-called "women's lib" receives in the commercial press.

First, "every magazine" almost routinely carries features on the subject.

Second, coverage has shifted from initial generalizations or skepticism to a "more intellectual, academic" approach and consideration in specialized journals such as the Harvard Law Review.

Her own attitude has changed slightly because of her research.

"I'm more sympathetic to some women because the traditional view of a woman is 'wife and mother and everybody gets married,' she says, "but 38 percent of the labor force is women and one eighth of these women are heads of families.

"These women certainly shouldn't be discriminated against because of the traditional ideas about women.

"Maybe a few years ago I might have said, 'Nothing like that has ever happened to me; I'm not affected by it.'

"Now I would say, 'If it's a problem to one woman who's trying to raise a family it's a problem to everybody in this society.' "

Her reading preferences have been altered because of her job also. She finds herself reading every possible book and article on the status of women, even at home.

"I'm interested in the subject now so that I don't treat it just as a job. I'm curious and very interested."

ECONOMIC STATUS

Most of the questions that come to her are on the economic status of women, she says, rather than the sociological aspects of today's feminism.

She is not asked for her opinion nor would she want to volunteer it.

There are times, she admits, when someone asks for facts to back up a certain point of view.

"I keep up with everything and sort of direct people in the direction they choose," she says.

She will do research for them or choose reference books and weed out available sources if they want to study an issue on their own.

"We don't make judgments," she says. "We don't say, 'You're wrong' or 'I don't agree with you.' "

Mrs. van Helden holds a B.A. from Bucknell with a major in education. "That came from changing my major so many times," she laughs.

"I was offered a job in Montgomery County, teaching journalism, civics and physical education or some fantastic string of things," she recalls of her first job-hunting days in Washington.

The teaching position wouldn't be available, however, until the next semester and the interviewers suggested she might be happy at the Library of Congress where she could indulge her far-flung curiosities.

"I love libraries," she concludes. "I couldn't be happier because during my whole childhood Saturday was the day for the library; the day you took three books back, took three more out and spent the whole day snuggled up reading them."

IMPLICATIONS OF PLANNED NUCLEAR TEST IN AMCHITKA, ALASKA

Mr. PELL. Mr. President, the Saturday Review for September 25, 1971, contains a most thoughtful commentary by its editor, Mr. Norman Cousins, on some of the implications of the planned nuclear test explosion in Amchitka, Alaska.

As we prepare for the United Nations Conference on the Human Environment in Stockholm next year, and as concern over the need for international action to protect the human environment increases, I believe that Senators will find Mr. Cousin's article particularly thought provoking. I ask unanimous consent that it be printed in the Record.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

Amchitka and Tribalism

What is most characteristic of modern man is not his power but his powerlessness, not his ability to mobilize vast force but his inability to protect himself against it.

Consider the plan of the United States to detonate underground a nuclear bomb with the equivalent force of five million tons of TNT—a bomb 250 times more powerful than the explosive dropped on Hiroshima. The projected site of the explosion, Amchitka Island in the Aleutians, is closer to Canada, Japan, the Soviet Union, and China than it is to the continental United States. Citizens of those countries and, indeed, citizens from all over the world have expressed alarm. They have cited the apprehension of scientists over possible radioactive leakage into the atmosphere or the sea, with consequent effects of unpredictable damage to the food chain and to all forms of life. They are also worried that the explosion may trigger earthquakes or tidal waves.

These apprehensions may be wholly correct or wholly incorrect or partially incorrect. This is not what is most important. What is most important is that no impartial authority now exists for determining the validity of the charge or for protecting the human interest where it comes into conflict with the national interest. Where do human beings go to register their concern over possible harm to their habitat or to their lives that may be caused by a powerful nation? Do they go to the United States government itself? It is the United States government that proposes to do the exploding. The United States government is not an impartial authority in determining the accuracy of charges made about the risks of the Amchitka test. It is not a court of appeals, The President of the United States may bow to the weight of world public opinion and and call off the tests, but this does not change the bizarre fact that no supreme court or agency exists in the world today for considering questions that apply to the safety and welfare of mankind as a whole.

Should human beings bring their concern before the International Court of Justice? This court tries to resolve disputes between nations. The name of the agency is misleading. It is not in fact a court. It has no statutory law behind it and no enforcement machinery to support it. It is an arbitration agency that functions only in those cases where all parties to a dispute are willing to turn to it. Its decisions are not binding.

What about the United Nations? The United Nations has authorized a far-reaching world conference in Stockholm next year for the purpose of dealing with the mounting threats to the world environment. It is difficult to see how tests of nuclear explosions, whether in the air, sea, or underground, and by whatever nation, can be excluded from any consideration of world environmental hazards. But the Stockholm conference will have no authority to direct the United States, or the Soviet Union, or France, or China to forego future nuclear tests.

Here, then, is the tragic flaw in the organization of human society. The ultimate need on earth is for the protection and preservation of life. Yet, no workable authority exists beyond the nation. The nation arrogates to itself the authority and the power to decide what it does not only inside but outside its borders. What it does inside or outside its borders may constitute, as the Amchitka test illustrates, a possible danger to other people and to the world environment as a whole. But there is no legal process by which such danger can be averted. In a larger sense, there is no legal process by which human destiny can be protected and served.

The newspapers recently carried prominent accounts of a meeting of American and Soviet scientists for the purpose of "tuning in" on the universe. The meeting considered ways in which scientists could monitor the universe for signals from planets possibly inhabited by creatures possessing intelligence and advanced communication skills. If contact with other planets should in fact be made, and if the earth-dwellers are able both to send and receive information, what shall we say about our life on earth? Shall we say that we have developed the human intelligence to a point where we need fear only ourselves, that the most extensive exercise of collective brainpower is directed not to human needs but to evermore advanced techniques for killing off humans, that the natural environment is being fouled at a prodigious rate, and that the earth-dwellers have never outgrown their tribalism, of which national sovereignty is an all-powerful manifestation?

Despite the historians, there has been only one age of man. It is the age of primitive man. The beginning of the age of civilized man, when it comes will be marked by his political, philosophical, and spiritual awareness of himself as a member of a world species with world needs and with the capacity and desire to create world institutions to meet these needs. Humankind need not sacrifice the nation to create such institutions. It need only recognize and assert an allegiance of humans to one another beyond national boundaries and to do those things in the human interest that the nation as an organization is incapable of doing.

The present mode of life on earth is madness, which is nonetheless lethal for being legal. Rational existence is possible, but it calls for a world consciousness and a world design. People who develop the habit of thinking of themselves as world citizens are fulfilling the first requirement of sanity in our time.

THE PUBLIC AND NATIONAL SPENDING PRIORITIES

Mr. HART. Mr. President, last August the Priorities Council of Jackson, Mich., and the American Friends Service Committee polled 250 residents in three Jackson County precincts on the question of national spending priorities.

After studying the results of the poll, Robert Wischmeyer, a reporter for the Jackson Citizen Patriot, concluded:

> Jackson area residents don't agree with the way the Federal government spends their tax dollars, if a survey of 250 residents . . . can be applied on a broader scale.

It seems to me that the reasons supporting that conclusion might be instructive as we in Congress continue to debate national spending priorities. I ask unanimous consent that Mr. Wischmeyer's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AREA RESIDENTS, U.S. SPENDERS DIFFER

(By Robert Wischmeyer)

Jackson area residents don't agree with the way the federal government spends their tax dollars, if a survey of 250 residents in 14 Jackson County precincts can be applied on a broader scale.

The Jackson Area Priorities Council and the American Friends Service Committee (AFSC) conducted a poll last month in Jackson, Blackman Township and Summit Township.

Pollsters passed out questionnaires with 10 categories of government spending listed: Administration of justice, agricultural resources; communication and transportation; economic aid to the developing world, and foreign relations; economic development, labor, commerce and industry, manpower training and labor; health, education and welfare; housing and urban development; military, defense and related spending; natural resources; space exploration.

Residents were asked to tell, in each category, if they would spend much more, more, the same, less or much less of the federal tax dollar. They were also asked to assign a portion of each dollar to each category.

Congress in calendar year 1970 appropriated $167 billion and spent it in the following manner; military and defense related, 63.7 per cent; health, education and welfare, 16.2 per cent; communication and transportation, 3 per cent; agricultural resources, 2.7 per cent; economic development, labor, commerce and industry, manpower training and labor, 2.6 per cent; general governmental expenses, 2.4 per cent; housing and urban development, 2.1 per cent; natural resources, 2.1 per cent; space exploration, 2 per cent; administration of justice, 1 per cent.

Of the 63.7 per cent for military and defense related spending, 45.1 per cent was for the 1970 military program, 6.1 per cent for Veterans Administration, and 12.5 per cent for national debt. (Nearly 80 per cent of the national debt is war-created.)

Jackson area people wouldn't spend federal money that way at all. They would spend much more, for example, on health, education and welfare. Seventy-seven per cent would spend more, 14 per cent the same amount and only five per cent less.

Fifty-nine per cent would spend more in housing and urban development and 64 per cent would spend more for natural resource development. Sixty-two per cent would spend more in the administration of justice.

Economic aid to the developing world, and foreign relations would not do as well, however. Sixty-one per cent would spend less, only 10 per cent more, and none "much more."

Polling was done in Wards 1, 4 and 6 of Jackson, in precincts 2 and 3 of Blackman Township and in Precincts 3 and 4 of Summit.

Some inmates of Southern Michigan Prison and some students at Jackson area high schools and Jackson Community College were also polled.

Frank Anderson and John Cihon, local cochairmen of the project who assisted a team of AFSC pollsters, said that results will be sent to Rep. Charles E. Chamberlain, R-6th District, and Michigan Senators Robert P. Griffin, Republican, and Philip A. Hart, Democrat.

Here is a detailed breakdown of the poll:

Question: How would you divide up one federal dollar? (After the average answers given by Jacksonians, the actual amount spent by the government is listed in parentheses. Figures are equal to the number of cents.)

Health, education and welfare: 19 (16.2)

Military, defense and related spending: 12.7 (63.7)

Administration of justice: 11.4 (10)

Economic development, labor, commerce and industry, manpower training and labor: 11.2 (2.6)

Housing and urban development: 10.4 (2.1)

Natural resources: 10.4 (2.1)

Agricultural resources: 8.5 (2.7)

Communication and transportation: 6.9 (3.0)

Economic aid to the developing world, and foreign relations: 4.8 (2.2)

Space exploration: 4.7 (2.0)

These over-all figures varied according to location of residents polled, and in a few categories there were large spreads.

For example residents in Ward 6 of Jackson would give only 4.44 cents of each dollar to the administration of justice and 31.9 cents to health, education and welfare. Wards 1 and 4 and Precincts 2 and 3 of Blackman Township, on the other hand, would allot 14.45 cents to administration of justice and only 17.9 cents to health, education and welfare.

Differences in the racial, economic and sociological makeup of the two areas can be seen in those contrasting figures.

Interestingly, the inmates at Southern Michigan Prison would give 15.41 cents of every dollar to the administration of justice, four more cents than the over-all total. They would also allot 21.9 cents to health, education and welfare, almost 3 cents more than the over-all figure.

Student responses show only small variations from the over-all figures in most categories. The three exceptions were in health education and welfare (1.53 cents by students, 19 overall); economic development, labor, commerce and industry, manpower training and labor (7.97 cents by students, 11.2 overall); and military and defense related spending (20 cents by students, 11.2 overall).

What are the residents' priorities for assignment of federal money in the 10 categories, as opposed to what the government now assigns? Here is how the 250 persons replied (figures are percentages):

Administration of justice: Much more, 15; more, 47; same, 25; less, 5; much less, 2; no opinion, 6.

Agricultural resources: Much more, 7; more, 36; same, 30; less, 16; much less, 3; no opinion, 8.

Communication and transportation: Much more, 6; more, 23; same, 48; less, 12; much less, 4; no opinion, 7.

Economic aid to the developing world, and foreign relations: Much more, 0; more, 10; same, 23; less, 38; much less, 21; no opinion, 8.

Economic development, labor, commerce and industry, manpower training and labor: Much more, 17; more, 41; same, 22; less, 12; much less, 1; no opinion, 7.

Health, education and welfare: Much more, 43; more, 34; same, 14; less, 3; much less, 2; no opinion, 4.

Housing and urban development: Much more, 26; more, 33; same, 27; less, 8; much less, 3; no opinion, 3.

Military, defense and related spending: Much more, 1; more, 5; same, 24; less, 23; much less, 45; no opinion, 3.

Natural resources: Much more, 22; more, 42; same, 28; less, 2; much less, 1; no opinion, 5.

Space exploration: Much more, 1; more, 6; same, 19; less, 25; much less, 45; no opinion, 4.

PRESIDENT NIXON'S APPEARANCE BEFORE THE ECONOMIC CLUB OF DETROIT

Mr. GRIFFIN. Mr. President, on Thursday, September 23, 1971, President Nixon appeared before the Economic Club of Detroit and responded to questions for an hour. I ask unanimous consent that the text of his brief introductory remarks and a transcript of the questions and his responses be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT IN RESPONSE TO QUESTIONS AT THE ECONOMIC CLUB OF DETROIT, SEPTEMBER 23, 1971

The PRESIDENT. Mr. President, members of the Economic Club of Detroit, all of your distinguished guests who are with you here tonight, and all of those who are listening on national radio and also on television:

I first want to express my appreciation to this distinguished organization for inviting me back. I have appeared on two occasions in other capacities. I am honored to be here for the first time as President of the United States.

I particularly appreciate, too, the warm welcome that not only we have received in this hall, but as we drove in from the airport. The signs that we saw on some of the buildings, and all the other various activities that we witnessed, were something that we deeply appreciated.

Let me say, too, that having spoken to this club on other occasions, I have recognized that the usual format is for the speaker to speak a while and then to answer questions. I know that those members of the club, however, who greatly favor the questions and the answers, certainly the questions, more than they favor the speaking. So tonight I am following the format, a format that all of those listening on radio and television should know—you in the hall have already been informed—of making this an entire question period.

I will not take the time of the questioners except to pay tribute to some of those who have come from Michigan to Washington to work with this Administration and have made contributions to it. They have come with me on the plane tonight.

First, to the former Governor of this State, the Secretary of Housing and Urban Development, George Romney, one of the trusted Members of our Cabinet, a man who is one of my top advisers on domestic matters, and also one who is the driving spirit behind one of the greatest housing booms this country has ever had, with, incidentally, a new high this month as well.

Second, the Chairman of the Council of Economic Advisers, one of the architects of the new economic policy, Dr. Paul McCracken.

And third, from the Congress of the United States, first the Republican Leader of the House, Congressman Gerald Ford from Michigan, a man who has been of enormous assistance to this Administration in some of the very close and tough fights we have had on some legislation that seems to have been of great interest to the nation as well as to the people of Michigan.

Then, on the other side of the Capitol, the man who has served as the Whip, the second ranking Republican of the United States Senate on the Republican side, Senator Bob Griffin.

Since this is the motor capital of the world with some interest in what is going to happen to the excise tax on automobiles, I want this audience to know that of all the people in the House and the Senate who talked to me about that—and some did quite often—he was the most influential of all. We give him the major credit.

Now I would also, of course, on this occasion point out that it would be hard to find from any State of the Union four men who have made a greater contribution to this Administration than those that I have just named from the State of Michigan.

We appreciate what the State of Michigan has done for this Administration and the nation in the personage of these four men.

I also tonight would like to be able to thank the State of Michigan for sending us Alex Karras. George Allen, incidentally, the coach of the Redskins, and an old friend of mine from the Los Angeles days, asked me to give him his regards, but I didn't realize that this was going to be a mixed audience, so I can't pass them on at this point.

But I do know this—that I noted with interest that before the game with St. Louis last Sunday, that Alex Karras pointed out that he didn't want to go to a team that was a noncontender and didn't have a passer. After what Washington did to St. Louis I can only say this. We have lost the Senators, but watch out for the Redskins.

Now, with that we will go to the questions, and I turn first to the right, to Mr. Aymond.

Question. Mr. President, this is the first question: It has been reported that you will announce the Administration position on Phase 2 of wage-price controls by mid-October. It does not seem appropriate to inquire into the nature of those controls at this time, but this question is concerned with longer term considerations.

What is the policy of your Administration as to the ultimate elimination of controls and return to the sort of free market economy we had prior to August 15, and when do you think this may be accomplished?

The President. First, with regard to Phase 2, it will be announced well before, thirty days before the elapsing of the 90-day freeze.

Second, as I have indicated, it will be effective. It will cover the whole economy. It will have to concentrate primarily on those areas of the economy, major industries, for example, where there is the greatest possibility of inflationary tendencies having effect on the balance of the economy, but all of the economy will be covered.

As far as the duration of Phase 2 is concerned, we are not going to set a limit on it because we believe that its duration should depend upon how effectively it deals with the problem. However, our commitment is to return to the free market forces as the most effective way to move this economy forward. But until we can deal with the problem of inflation, deal with the problem of wages and prices as they force up the cost of living for all Americans and deal with it effectively, we believe that it is necessary to have controls with teeth, backed up by Government.

And in that respect, while it is going to be also necessary to have voluntary cooperation from management, from labor, and support from the American people, which we presently have in very great volume, it is also essential that there be Government sanctions to back it up and there will be.

But having said all these things, our major commitment in the long run is to return this economy as soon as we have cooled the fires of inflation, to return it to those strong free forces that have brought us so far in the period that we have been a free economy.

Question. Mr. President, this is a three-part question. You might call it a typically Detroit question. Do you think the automobile contribution is still a major part of the pollution problem and are the further required emission standards really worth the cost to the consumer, and what cost analysis is being made of automotive safety and emission standards, and why are such cost studies not made prior to the issue of regulations?

The President. I quit beating my wife last week, too! (Laughter)

Mr. Boyd, the question is not only pertinent to Detroit, it is pertinent to the whole country, because when we look at the automobile industry, we realize that it provides one out of six jobs in this country. It also provides an enormous driving force for an economy as we are moving upward at this time.

Now, with regard to the emission standards, I understand that Mr. Ruckelshaus, working with industry in the Detroit area, will have an announcement in the next few days with regard to a new engine that in preliminary tests meets the very strict standards of the Clean Air Act.

Whether that is an indication that we will be able to go further along that line remains to be seen, because the 50,000-mile test has not yet been passed.

On the second point, it is vitally important that in this whole area of the environment, whether it is in the area of water pollution or air pollution, or any other area, that more attention must be given to the cost factor as well as to the factor that we are interested in of cleaning up our air and cleaning up our water.

I believe that as far as this Administration is concerned, as a result of the direction I have given to the Environmental Protection Agency, that we are bringing more balance into that program. Let's understand one thing: We all want clean air and clean water. Sometimes I have heard people say, "Wouldn't it be great if we could go back to the way America was in the beginning. Wouldn't it be great if we didn't have all of this great industrialization that pollutes our air and pollutes our water." The answer is: Not at all.

I have been in countries that have no industrialization. I have been in countries that have very few automobiles, and let me say I would rather live in the United States of America.

I think that we have to realize that when the Congress, or an Administration carrying out the will of the Congress, sets certain standards to clean up the air or clean up the water we must weigh against that how many jobs is it going to cost, and if it is going to cost a disproportionate number of jobs, well what good it is going to be able to accomplish, then we have to reevaluate the decision.

I have talked generally to your questions because it seems to me that it is important not to be more precise than that, since some of these matters as you know will be the subject of directives in the future.

I simply want you to know, however, that weighing these matters, balancing these things is very much in my mind and in the minds of those carrying out the policy of this Administration.

We are committed to cleaning up the air and cleaning up the water. But we are also committed to a strong economy and we are not going to allow the environmental issue to be used sometimes falsely and sometimes in a demagogic way basically to destroy the system—the industrial system that made this the great country that it is.

Question. Mr. President, would it not be desirable for your Administration to launch a comprehensive campaign to educate the entire American public, including some politicians and perhaps some labor leaders, that the most effective creator of jobs is growth and corporation profits.

The President. Incidentally, so that the members of our television audience and radio audience will know, we do have a labor leader here tonight and so we have both represented.

And I realize that as I talk out there to the television audience in the Detroit area and to the radio audience across the country that there will be many who represent the areas from labor as well as those from management.

Now, to say anything for profits before this audience is like the preacher talking to the choir. And to be very candid with you, there are a lot more votes in being against profits, in being for controlling profits than there are in being for it.

But let me talk, if I may, not just to this panel and not just to this group of business leaders and some labor leaders and educational leaders here, but let me talk to those people in the Detroit area and across this country who are thinking about how do we get more jobs in America, how does our system really work.

Now, first, with regard to our freeze, when you control prices and costs there is automatically some control on profits. Second, when there is control of prices and costs, the only way that there can be more profits is for the industry involved to expand and that means more jobs and we think that is good.

Now, the second point that should be borne in mind is who are those who get the profits, who benefits from profits? Well, first the government is the major beneficiary. One dollar of every two in corporate profits goes to the government. We would not have the money, for example, for education, to help the poor, the poverty programs, and all the rest unless it were the fact that we had profits of which 50 percent go to the Federal Government for its taxes.

Then there are 100 million Americans who share in profits, either as stockholders, as members of mutual funds or who are beneficiaries of profits in one way or another. And beyond that, the major reason that profits are essential to a strong growing economy is this: Where are jobs going to come from? How is it going to be possible for the American worker who receives—and we hope this will always be the case—the highest wage in the world, real wage, approximately twice as much as his next competitor in the world—how is it going to be possible for him to compete with other workers in the world? Only if he has the equipment and the machinery, the organization that gives him a competitive advantage over those from abroad.

Where do we get that? It is only through profits that industry can buy the new plant, the new equipment that will make our workers more productive and therefore more competitive in the world.

And so putting it quite bluntly, let me say I am for profits because I believe that more profits means more jobs. And at this particular time we need more jobs.

It is very easy to say let's control profits, let's limit profits and let's have an excess profits tax and, of course, the argument for saying that is that you are taking care of the big man and helping the little man. But when you really look at what makes this economy work, when you really look at what produces jobs, it comes from profits being plowed back into industry and making American workers thereby more competitive, and thereby producing more jobs.

And I am for that, and I think every American would be for it if he understood it that way.

I will turn to Mr. Younglove.

QUESTION. Mr. President, I was told we could interrupt.

The PRESIDENT. Sure.

QUESTION. I would just like to say this: I am sure that the labor movement and the leaders of the labor movement want to see companies and corporations make good profits, but we are concerned about the corporations that make fantastic profits such as—let's take the finance industry. I don't know what productivity the finance industry gives to the American people except hugh profits to themselves, and also take the drug industry. Again, here is an industry that makes fantastic profits, and I could go on with many other ones.

It just seems to me that this is where we are talking about—the labor movement feels that if there is going to be a freeze on wages, then there ought to have been a freeze in some of these areas, not cutting profits down to where companies couldn't modernize their plants and couldn't go forward, because I agree with you that if we don't have modern equipment we can't compete with other people in other lands. And they certainly have got them. So I do feel that we are for it, but at the same time, I think we ought to look at the exorbitant profit areas.

The PRESIDENT. Mr. Younglove, as a representative of the steel union, one of the strongest unions, as we know. I think that you have, of course, very properly recognized that the interests of a union leader, and of obviously his membership, is to deal with a profitable corporation.

I would say heaven help the labor leader that is trying to make a good contract with a corporation that is losing money, it is better to have one that is making profits.

Now, second, I think it is particularly important that you pointed up the need for profits being plowed back into businesses, so that we could be more competitive. For example, look at steel. We find that steel today, and you know this is the case, in Japan and Germany, some of the most modern steel plants in the world—perhaps the most modern one in Japan.

We should not resent that, but I say let's see that the American steel industry makes enough profits so that it can be competitive and your members can be competitive with the steel workers of Japan and Germany.

When we try to pick out this segment or that segment of the economy, you name the finance industry, bankers, I presume, and that would be an easy one to be against because there are a lot more borrowers than there are bankers, but let me say, Mr. Younglove, let's talk about interest rates for a moment. Why don't we limit interest rates?

Well, if you have ever gone to a bank, it is sort of like you can drive the horse to water, but you can't make him drink. Applying that to a banker, you can limit the interest rates, but you can't make the banker loan the money.

So, when you come to this matter of interest rates, it isn't just a question of limiting the interest; it is a question of providing some system under which the money that is needed for a growing economy is forthcoming. Now, your great financial institutions, it is true, have made profits, but it is also true that since this freeze began, interest rates have come down, not a great deal, but they have come down. We want them to continue to come down.

As far as the general principle, however, of looking around the economy and once we see a very successful business making a profit, say: "Ah, because you are successful, we are going to penalize you by limiting your profit." I don't think that is good for America. I think we ought to reward success rather than to penalize it.

QUESTION. Mr. President, your DISC proposal will help American export of goods, and therefore create and retain the jobs of American workers. But is this enough to restore our normal trade surplus in this competitive world today or is additional help to our exports needed to balance the aid that other countries like Japan give to their exporters?

The PRESIDENT. Mr. Gerstacker, this is a subject to which we have given a great deal of attention through Mr. Peterson's new Council on International Economic Affairs which you are probably familiar with.

First, let me refer to that section of our new economy policy which directly attacks this problem. We have applied a ten percent surcharge on imports from abroad. Now, in applying that surcharge, however, I have indicated that we must not look upon it as being a permanent wall around the United States. A permanent wall of tariff barriers and of quotas around the United States would be good short-term policy and disastrous long-term policy. It would be bad for the consumers of this country by raising their prices. It would be bad for the producers of this country because we would not be competitive. The United States producer simply wants an equal shot, an equal chance.

Now, insofar as removing that surcharge is concerned, we are not going to be belligerent. We are not trying to declare war on the other great trading nations. The United States is proud of the role it has played over the last 25 years in proceeding to assist the whole system of international economic cooperation. But at this point the nations that were on their backs 25 years ago, our allies in Europe, as well as those who were against us, the Germans, are now on their feet and competing with us.

The same is true of the Japanese in Asia. We are glad that we helped to make it possible for them to compete with us. But at this point it is also essential that that competition be one where it is fair for American business, and where their business people will not have advantages that we do not have.

Now that means that we need a new approach to the problem of exchange rates. We need a new system. The other one was crisis-prone and that is one of the reasons why the surcharge will not be removed until we get action on that front. It means, also, that we need to reduce some of those impediments, artificial barriers to American goods abroad. All that we want there is fair and free trade for our goods, just as we hope we can provide fair and free trade for theirs.

We come finally to the basic point: Can American producers compete with others in the world without some subsidy? It may be necessary in some areas that there be subsidy, and we should consider that. We have got to see to it that the American workman, the highest paid workman in the world, is not driven out of competition because an unfair advantage is obtained by a workman abroad who is paid less because his government subsidizes him and our government doesn't subsidize ours. It is subsidy only in that area that we would favor, but generally, the hope of the future and the hope of America is in a new system which will be fair and which will be free through reducing barriers rather than to have more artificial barriers.

QUESTION. Mr. President, the American Institute of Architects is preparing recommendations for national urbanization policy which we believe is compatible with your national growth policy. Central to our recommendations is the use of a national transportation system to implement such a policy.

Would you, Mr. President, feel disposed to support a proposal that the Highway Trust Fund expand its general transportation fund in order to build such a national transportation system?

The PRESIDENT. Mr. Hastings, as you are probably quite aware, you have incidentally hit about one of the most sensitive political issues we have in this country. I just met with a group of Governors enlisting their support and we have their support of the wage-price freeze.

If there is one sensitive issue, Governor Milliken will tell you in his state it is: "What are you going to do about that Highway Trust Fund?" The same is true with regard to the Congress.

On the other hand, looking toward the future, looking toward a comprehensive transportation policy for the country, I believe that we cannot be rigid with regard to the Highway Trust Fund. I believe that if the only effective way of solving our mass transit problems, our problems of congestion and the rest, is through some approach which would use some of these funds in other directions, I think we have to consider it.

I don't have a specific proposal before me and until I have one, of course, will not approve it. But I don't think we should enter this problem with a closed mind.

QUESTION. Mr. President, this question perhaps calls for an answer along the lines of the educational ones suggested earlier. In your opinion, sir, is it impossible for the United States Government to limit its spending to the amount of its income and forget deficit budgeting as a way of life?

The PRESIDENT. I would answer the question by saying that whenever our economy is producing at full capacity, we should, under no circumstances spend more than what the tax system produces. In other words, we should always have a budget which is balanced when our economy is producing at full capacity.

When our economy is not producing at full capacity, however, it has been true at least in the last 25 years—and this was true even in the Eisenhower Administration in 1958 when we had a deficit of over $10 billion—it has been true that government spending, to pick up the slack in the economy, can be justified.

Now, let us look at this Administration. In our first year, in our first two years, as a matter of fact, we submitted budgets and lived within budgets that were relatively balanced or close to balanced.

This year and in the year 1972, fiscal 1972, our budgets are out of balance. They are out of balance in the conventional way, out of balance in the sense that we are spending more than we are getting in in taxes. But on the other hand, they are balanced in another way.

We are limiting our spending, with the cooperation of the Congress, we hope, to what the tax system would produce if it were producing at full employment, and we believe that that kind of spending is not inflationary. If it goes beyond that, then it would be inflationary.

So, my answer to your question is that what we want to do—and I hope we achieve this goal soon—is to get this economy back to full capacity without war, to have full employment, and when we have that we can have a balanced budget in a conventional sense.

QUESTION. Mr. President, what are your administrative policies and practices to combat discrimination and segregation in housing in cities and suburbs to do two things: First, to reduce the necessity of school busing, and secondly, to increase the employment of minority persons in suburban firms and factories through a rapid transit system?

The PRESIDENT. Mr. Kornegay, we have a number of policies in this area which Governor Romney could perhaps describe in greater detail than I could on this program. You, of course, are aware of the fact that through the Philadelphia Plan and through a number of other initiatives, we have opened up job opportunities for minority groups that have not existed before.

We also have opened up business opportunities through our initiatives in the field of minority business that have not existed before.

With regard to housing, we have followed the practice, which we think is a proper one, of seeing that there is an equal opportunity for all individuals, regardless of race, to have a chance to move into any housing. We have enforced the law and we will continue to enforce the law in that respect.

Now, when you go to a further point, the point I think that you suggest, or you may be suggesting, that we should use the power of the Federal Government to force so-called integrated housing, I would respectfully suggest that that kind of a program would not be workable and it is not one that I think can be justified.

We will, of course, not subsidize through the Federal Government, and do not, housing that is segregated. But on the other hand, to go to the other extreme and to use the power of the government to change housing patterns, change them forcibly, rather than to have those patterns change on a voluntary basis by having an open housing program in which any individual who has the opportunity can move where he wants, we believe that that kind of an approach, of a forced housing policy, is one that will not work.

Mr. Richardson.

QUESTION. Mr. President, all the questions submitted seem to have an inordinate preoccupation with the interest rates. So, the primary question here is: What will the policy of Phase 2 be with regard to interest rates?

The PRESIDENT. As you know, interest rates are not covered in the freeze. With regard to Phase 2, the matter is still open, particularly with regard to loans affecting consumers. As you know, through the Federal Reserve there are some tools that are available in that respect.

We have not yet made a decision with regard to interest rates. I would say that what happens to interest rates for the balance of Phase 1, whether they continue to, shall we say, "stay where they are" or go down, will have a great deal of effect on whether we feel it is necessary to have the Federal Reserve move in with the power that they have, particularly at the consumer level, on interest rates in Phase 2.

Mr. Winkelman.

QUESTION. Mr. President, as you know, the cities of our country have many critical problems, one of which is an antiquated welfare system that is very bad from everyone's point of view, the recipient, the case workers, and the public. What could we look to as your role and what action can we expect in resolving this problem in the frame of reference of your new economic program?

The PRESIDENT. As you know, Mr. Winkelman, one of the major initiatives of this Administration, one that we have had before the Congress now for over a year—almost a year and a half—has been a massive welfare reform.

The present welfare system is a national disgrace because it is a system which makes it more profitable for a man to go on welfare than to go to work. That is why the key to our welfare reform proposal is to provide for the working poor an opportunity for individuals to move off welfare, even to lower paid jobs, so that they can, rather than to have a disincentive to work, we want to remove the incentives to stay on welfare, we want to increase the incentives to get off welfare and to work.

We want to get away, too, from the present system—and that is what our Family Assistance Program is also directed to—the present system which I think is unconscionable, of having welfare snoopers going around to enforce what I think are unenforceable provisions of the present welfare system.

Now, with regard to that welfare program, as far as the President is concerned, and the Administration, we have laid it before the Congress. I have emphasized it in every speech. I emphasized it again when I spoke to the Congress on September 9. It has passed the House. It is now before the Senate. I believe that before the Congress goes home for Christmas this year, they ought to move on the welfare program and do something about it.

QUESTION. Mr. President, it is estimated that Phase 1 of the freeze cost American working people more than $500 million just in wage increases that already were agreed upon through the collective bargaining process. Because of this freeze, this huge amount of money was retained by the companies. Also, many thousands of individuals have had their wages frozen at a time when they were already behind other wage earners, and many in the same industry. How will these inequities be resolved?

The PRESIDENT. Mr. Younglove, one of the inevitable consequences of a freeze is that there are inequities, as you equally shared during the period of the freeze.

One of the reasons that a freeze cannot be extended beyond 90 days—oh, possibly it could go for 120 days—is that those inequities will eventually blow it up. The massive public support for the freeze—and it runs about 70 percent, including over 60 percent among union members, as you know—that massive public support would tend to erode if the inequities such as the ones you have referred to and teachers' salaries are another example, if they were allowed to sit there and fester.

Now, to answer your question as to what happens when the freeze is over, however, would not be appropriate. It is a matter that we are considering as we look at Phase 2.

It is a matter which we, of course, will address ourselves to. One of the reasons that we have to move from a freeze which allows for no flexibility to a Phase 2 operation is to take care of such inequities as you have described.

Now we will go back to the right again. I don't mean that you are on the left, understand. (Laughter).

QUESTION. Mr. President, you were correct a little over a year ago in saying it was a good time to buy stocks, and apparently a number of people are looking for a winning formula, because we have had a number of questions precisely as follows:

Would you put your money into the stock market at this time?

The PRESIDENT. When I made that statement that we ought to buy stocks—and if anybody took that advice you wouldn't be here, you'd be out spending it right now, the money you would have made—but, in any event, when I made that statement, I got a lot of criticism around the country because they said after all, people rely on what the President says, and then if the stocks go down, it is going to be very detrimental to their interests and, of course, to the interests of the President as well.

Let me put it this way: An individual should buy stocks if he has confidence in the future of the American economy and confidence in the future of America. So I will answer your question by saying I am confident about the future of the American economy and I am confident about the future of America, and you can judge from that that I would buy stocks for that reason, because of that confidence.

Let me tell you what I base it on. I base it on first, what has happened to this economy since the first of the year, the leading indicators are up 15 percent since the first of the year, retail sales, as you know, Mr. Gerstacker, are up 15 percent since the first of the year, and running 8 to 9 percent above a year ago at the present time.

Automobiles and, of course, I would have to admit that part of this may be due to the fact that some people are buying automobiles while the freeze is in effect, but on the other hand, it must not go without noting that automobiles are 25 percent higher in the month ending the 20th of September than they were a year ago.

We find also that as far as the economy generally is concerned, it moved up at the rate of 8 percent in real growth in the first quarter and 5 percent in real growth in the second quarter, $33 billion in the first quarter, $22 billion in the second quarter.

I said at the first of this year that 1971 would be a good year and that 1972 would be a very good year. I will modify that to this extent: The last quarter of 1971 will be very good, and 1972 will also be, as I have indicated, a very good year.

Now, based on that, I would say that anybody that bets—and that is what you do when you buy stocks—long term, don't sell, don't go for those short-term gains; keep it for six months—but anybody who bets long term on the future of America and this economy is going to win his bet, in my opinion.

QUESTION. Mr. President, I think we had over 200 questions on this subject so I picked three here and I will make it another three-part question: Now that there are two vacancies on the Supreme Court, do you think it timely for a woman to become a Supreme Court Justice, or do you believe that a nominee for the Supreme Court Justice should have substantial judicial experience, that we should in fact promote our best judges or have you ever considered appointing Martha Mitchell?

The PRESIDENT. Well, answering the third part first, Martha Mitchell is not a lawyer, but that is not, incidentally, an inhibition as far as appointments are concerned because the Constitution does not require the President to appoint a lawyer to the Supreme Court. So, she should—or could—be considered, I should say, but her husband won't recommend her, so consequently that rules that out.

Second, with regard to women, I believe that a woman who is qualified should be appointed to any court, district court, circuit court or Supreme Court. I have instructed the Attorney General, as he looks over the nominees that he is going to present to me, the recommendations, to be sure that qualified women are included if they meet the general standards that we have set.

Now, with regard to the qualifications—and answering the question very seriously now—that I am looking for, I am frankly looking for judges who—and you can always judge a man who is going to make an appointment on his track record—I am looking for men who will have a similar judicial philosophy as the Chief Justice of the United States, Mr. Burger, whom I appointed, and Mr. Justice Blackmun.

I believe that the Court at this time could well use two more judges, men with that judicial philosophy. I am more interested in the judicial philosophy than I am in what part of the country they come from and whether they are a woman or a man.

Now, is it a requirement, and should it be a requirement, that the judge or the nominee be one who has judicial experience? The answer is no. Mr. Justice Frankfurter was a teacher. He was one of the great judges; whether you agree or not with his philosophy, he was a great judge.

Mr. Justice Brandeis, who was one of my heroes when I was in law school, one of the great dissenters along with Holmes, was a man who was a great practicing lawyer, a labor lawyer primarily, fighting great causes but that did not mean that he did not become one of the great judges.

So teachers, legislators, for example, with great experience in the Judiciary Committee of the House or Senate, they are also good possibilities. That gives you an idea of where I am turning.

Question. Mr. President, is news of current developments in Mainland China likely to change any of your travel plans? And the second part of the question is, just what do you expect to realize from your proposed visit to Mainland China?

The President. I do not expect the current developments to change our travel plans, and those plans will be announced incidentally, at an appropriate time in due course.

With regard to what we intend to accomplish, I think it is important for us to put it in the context of what we cannot accomplish and do not expect. Some rather naive observers have assumed that because I was going to Mainland China, that the differences between Mainland China and its 800 million people and its government and that of the United States—that those differences would evaporate. They will not.

There are very deep differences between the United States and the Government of Mainland China—the Peoples Republic of China. Premier Chou recognized those in his public statements and in more detail in his private meetings with Dr. Kissinger. Those differences, however, now will be discussed.

They will be discussed by the President of the United States and by the leader of the Peoples Republic of China. There have been no conditions on either side, but we have agreed to talk about those differences.

Now, let me tell you why I think that is important. Ten, fifteen years from now, there will be between 900 million and a billion people in Mainland China. Ten or fifteen years from now, they will be a very significant nuclear power.

For Mainland China and its 900 million or a billion people at that time to be out of the family of nations, isolated from the rest of the world, would be a danger to the rest of the world which any man who is President of the United States at this time should try to avert if he can. What I am trying to do is simply to open a dialogue, move toward more normal relations, so that these differences which will continue to exist between our two countries—so that we will talk about them and not fight about then, now or 15 years from now.

Question. Mr. President, a two-part question on the value of the dollar and international problems: Why don't we make Europe and Japan pay the cost of their defense umbrella that we furnish to them, and not, Mr. President, by the purchase of our military equipment or our treasury bonds, but in those good old U.S. dollars that they say they have too many of and don't want any more?

The second part of the question is, after we properly floated our dollar, U.S. controls on capital exports by banks and industry are now counter-productive. They help the foreign governments keep their currencies like the Yen and the Mark artificially cheap in relation to our dollar, and this hurts our American jobs.

Why don't we eliminate the capital export controls immediately, and incidentally then we would have some people we could put to work on the wage-price freeze?

The President. First with regard to the capital export controls, this is a matter that we have considered and it is a goal to which we are dedicated. As we move from this temporary period with a surcharge, with the dollar floating, our goal is to move toward a new system with regard to international exchange rates which will be more responsive to the changing dynamic world scene in which we presently find ourselves.

The old rigid pattern can't be patched up so that it will work again, and work effectively.

With regard to the burden sharing, which is the term usually used for the Japanese and the Europeans for whom we provide a defense umbrella assuming more of a share of the burden, with regard to burden sharing, this is a matter that is constantly under discussion between the United States and our friends in Japan and our friends in Europe.

I do not think, however, it would be helpful to answer the question in a way that would, in effect, be belligerent, that would put them on the spot from a domestic political standpoint at this time.

Just let me respond this way: We are going to meet with the International Monetary Fund next week. There will be other meetings in the future. The position of the United States is going to be strong and firm with regard to seeing that our American producers get a fair deal and fair trade throughout the world.

On the other hand, the position of the United States is going to be outward, not inward. We are going to try to build a new international monetary system under which we can all live and compete more effectively.

And the position of the United States, I think should also be interpreted as one which will recognize this fact: 25 years ago, the United States could afford to be very generous as it dealt with the nations that were on their backs. There was nobody in the world that could compete with us.

Today the United States has some difficult competitive problems, due to some artificial barriers that I mentioned, due to unfair exchange rates which we will attempt to correct. As far as we are concerned, we say, therefore, we will not give up the surcharge as some have advocated in order to placate our friends who are concerned about it; we are not going to give up the surcharge and we are not going to move precipitately with regard to the international monetary situation until we can be assured that we are building a permanent foundation for fair, free international trade in the future.

That is our goal and consistent with that goal, of course, would be getting rid of these capital controls to which you refer.

Question. Mr. President, we are all terribly concerned about the deterioration of cities and the tendency for our policies or lack of policies to turn the cities over to the lower income people in our society.

Do you see any moves that we can make that would make it more economically attractive for developers to rebuild our cities and revitalize our cities instead of continuing the westward ho philosophy of moving on and using up our raw land indiscriminately in urban sprawl.

The President. Mr. Hastings, the problem here is one that simply cannot be solved by Washington. That is something which I am glad to note the people of Detroit recognize. You have your New Detroit Committee, of course, which has been very effective in dealing with some of the problems that are not only Detroit's problems, but the problems of cities generally. You have the Detroit Renaissance Committee which is working on the problem of rebuilding the downtown area.

Now, in this particular case I think what is perhaps indispensable to a new approach to the problem of cities is that kind of civic responsibility on the part of the cities involved.

No city can be saved by Washington. A city can only be saved by the residents of that city, if they determine to do it.

Question. A quick question, Mr. President: Detroit is numbered among those great metropolitan areas facing critical financial problems. What are the prospects for revenue sharing this year? Detroit desperately needs this help.

The President. I said a moment ago that I didn't think the Congress should go home for Christmas unless it passed welfare reform. Revenue sharing is in exactly the same position. Revenue sharing has the support of over 70 percent of the people of this country. It has the support of most of the Governors, most of the Mayors, most of the county officials. And it is time for the Congress to start reflecting what the country feels and to pass revenue sharing and help the cities.

Question. Mr. President, has your Administration discounted the plan to give tax credit to firms which hire the unskilled and hardcore unemployed?

The President. No, we have not discounted that plan. As a matter of fact, Mr. Kornegay, we are, in our Domestic Council within the Cabinet, we are considering every possible method that we can devise to see that the groups that are left behind are brought back into the mainstream of our society. That is one method, of course, that could be effective.

Question. Mr. President, I think our time has expired. I have received the signal from our TV director down here. We thank you very much for your time and the privilege of being with you here this evening.

The President. Well, I regret that we couldn't have more questions, but let me just say in conclusion that I have appreciated this opportunity to meet with the distinguished members of the panel. I wish that we had a chance to answer many more of the questions that I see piled up here.

Let me suggest this: Write me a letter, I just might answer it.

HUGO BLACK—DEFENDER OF THE BILL OF RIGHTS

Mr. HUMPHREY. Mr. President, this past week our Nation lost a great man who had played an important role in defending the Constitution and the Bill of Rights during his 34-year tenure on the Supreme Court.

For Hugo LaFayette Black the Constitution was a document that he regarded as "the absolute guarantee of individual rights." And during the many years he sat on the Court, Hugo Black exhibited an intense commitment to the Constitution that few men in our time have equaled.

His passing means that the Nation has lost a brilliant legal philosopher and a judicial activist on our highest Court.

Hugo Black's opinions chronicle some of the most important cases before the Supreme Court during the last three decades. The opinions he rendered on Youngstown Sheet & Tube Co. against Sawyer; Gideon against Wainright; Barenblatt against United States; are all examples of the work of one of the keenest judicial minds of this century.

Mr. President, I ask unanimous consent that the very excellent chronicle of Justice Black's life and work, published in the Washington Post of September 26, be printed in the RECORD.

There being no objection, the chronicle was ordered to be printed in the RECORD, as follows:

BLACK CHAMPIONED NEW DEAL, CIVIL RIGHTS

(By Alan Barth)

Hugo LaFayette Black has long been recognized as one of the authentic giants in the history of the United States Supreme Court. He shaped the course of American constitutional law as powerfully, perhaps, as any other single jurist of the 20th century.

A police court judge, a prosecuting attorney, an influential lawyer in private practice in his native Alabama, a formidable champion of the New Deal in the United States Senate, Black was President Franklin D. Roosevelt's first appointment to the Supreme Court, serving as an associate justice for 34 years, from his installation in October, 1937, until his retirement this month at 85.

The imprint of his rural Southern background was always strong upon him—in his Populist impulses, in the style and intonation of his speech, in a modesty of manner, in colloquialisms of expression that belied his erudition and, above all, in an awareness of and sympathy for the problems of ordinary men and women.

Many who resisted the imperatives of the civil rights movement called Hugo Black a traitor to the South because he played a leading role in the 20th century emancipation of the American Negro. Many called him a radical because he believed in according freedom of expression to odious opinions and in assuring all the protections of due process of law to odious defendants. Those who admired the Justice attributed these beliefs to an inveterate commitment to the ideas of human equality and individual liberty.

Through the whole of his career, he was at the center of controversy. It never seemed to ruffle his poise or disturb his dignity; and he rarely sought to justify or explain his views except in his formal, written opinions as a member of the Court.

WROTE WITH LUCIDITY, FORCE

He wrote with extraordinary simplicity, lucidity and force. In a number of great causes—the right of indigent defendants to be given the assistance of counsel at public expense, for instance, and the right to equal representation in legislative bodies—dissents written by him in his early years on the Court came, in time, to win majority acceptance.

Although largely self-educated, he brought broad reading and great learning to his work as a jurist, often illuminating his opinions with apt references to history. Passionate in his convictions and often bitingly and even aggressively incisive in his expression of them, he nevertheless held the warm affection of almost every one of his colleagues on the Court. Over a 20-year span, he and Felix Frankfurter carried on an unrelenting intellectual conflict over the meaning and application of the due process clause of the 14th Amendment—a bitter battle between Titans—without any diminution of respect and regard on either side.

When Justice Black retired on Sept. 17 from the Supreme Court citing health reasons, he had served longer than any other justice except Chief Justice John Marshall and Justice Stephen J. Field. The record for length of service was held by Justice Field, who retired in 1897 after serving 34 years, six months and 11 days. Marshall was on the Court for 34 years, four months and two days.

One-fourth of the justices who have sat on the Court and one-third of the chief justices had served during Black's long tenure. At 85, he ranked as the third oldest sitting justice in the history of the Court. Justice Oliver Wendell Holmes stepped down in 1932 at the age of 91 and Chief Justice Roger B. Taney died in office in 1864 at 87.

YOUNGEST OF EIGHT CHILDREN

Hugo Black, born Feb. 27, 1886, in Clay County, Ala., was the youngest of eight children in the family of William Black, a farmer of Scotch-Irish descent. The circumstances of his childhood were neither privileged nor penurious. The family lived when he was very young in a big farmhouse with a privy at the rear. Soon after he was born however, his father abandoned farming, moved to Ashland, a town of about 350 people, and became co-owner of a store.

The move to Ashland was made primarily to enable the children to attend school. Hugo contributed to the family finances by picking cotton and setting type for a weekly newspaper. He had time for sports; and he was encouraged in a natural bent for reading. Politics was a pervasive part of his environment. Although his father was a conservative Democrat and Hugo himself never strayed from the party, he was exposed during his youth to egalitarian ideas and the agrarian radicalism that William Jennings Bryan brought into the Democratic Party.

One of the ablest of Black's biographers, John P. Frank, says of this period: "The antimonopoly and rate regulation philosophies of the Populists and most of the rest of their social outlook on government and business have been a part of Black at least from young manhood. In terms of most of his social values, Black was an incipient New Dealer before he ever left home."

ATTENDED MEDICAL SCHOOL

At 17, when he had graduated from a slightly glorified community high school called Ashland College, Black went to medical school for a year. At the end of that time, bypassing any undergraduate college education, he entered the University of Alabama Law School.

There followed a year of law practice in Ashland, and in 1907 he went to Birmingham, rented a desk in an attorney's office for $7 a month, joined just about every fraternal organization in the city and did such odd legal jobs as he could get his hands on.

His first real case was a damage suit for 15 days' pay for work done by a Negro convict leased to a steel mill and kept overtime on the job. He won an award of $137.50 for his client. He won, also, appointment as a part-time police court judge for the city of Birmingham. This meant handling an enormous caseload of unfortunates, mostly black, charged with drunkenness, disorderly conduct and other petty offenses. Black brought both compassion and efficiency to the task.

In 1914, Black became county prosecutor. The most spectacular aspect of his career in this office grew out of his discovery that the police department of Bessemer, a Birmingham suburb, was running a third-degree torture chamber to get confessions from black defendants. He presented evidence to a grand jury, persuading it to charge the use of third-degree tactics "in a manner so cruel that it would bring discredit and shame upon the most uncivilized and barbarous community." Hugo Black never forgot what he learned in Bessemer.

After a brief tour of military service in World War I, Black engaged in private practice in Birmingham. Although he had few corporate clients, he achieved exceptional success as a personal injury lawyer and as counsel for labor unions.

In 1925, he ran for the U.S. Senate. Without organization support and with almost no financing beyond his own pocketbook, he reached every part of Alabama in his Model-T Ford, won the nomination and was elected.

Black's 10-year Senate career was marked by great vigor in two areas. He became a tough, formidable, implacable investigator, looking relentlessly into merchant marine subsidies, airline subsidies, utility lobbies and lobbying in general. Legislatively, Black was the sponsor of the bill that became the Fair Labor Standards Act, a major New Deal measure more commonly known as the wage-hour law.

Black was a stalwart champion of FDR's policies and programs in the Senate. When impatience with the Supreme Court's frustration of his major social reforms led the President to propose a Supreme Court reorganization scheme—generally referred to as the court-packing plan—Black supported it vigorously. He opposed the President, however, in regard to the National Industrial Recovery Act on the ground that it gave too much price-fixing power to business.

SUMMONED BY ROOSEVELT

Justice Van Devanter's retirement in 1937 gave Mr. Roosevelt his first opportunity to nominate a Supreme Court Justice. As John Frank tells the story, the President summoned Sen. Black to the White House and, taking an appointment form from a desk drawer, said: "Hugo, this is a form for the nomination of a Supreme Court Justice. May I fill in your name?" Black answered: "Mr. President, are you sure that I'll be more useful in the Court than in the Senate?" To this, the President answered: "Hugo, I wish you were twins because Barkley says he needs you in the Senate; but I think you'll be more useful on the Court." Black's nomination went to the Senate where it was promptly confirmed 63 to 16.

Not long after the confirmation, an anti-New Deal newspaper published stories showing that Black had been a member of the Ku Klux Klan. In fact, in September, 1923, at a time when he joined a variety of organizations in an effort to promote his fledgling law practice, he became a member of the Birmingham Klan unit. In June, 1925, when he declared his Senate candidacy, he resigned, believing that a Klan member ought not to run for public office.

Disclosure of this Klan membership to a national audience—it had been no secret in Alabama—produced a furor. There were widespread demands for Black's resignation or impeachment. Republican Sen. George Norris came to his defense. "Actually," he said, "Justice Black is being subjected to all this criticism because he is a liberal, because he wants to bring the Supreme Court closer to the people—not because he is a Klansman."

MADE RADIO STATEMENT

Black himself retained his characteristic calm. Importuned by newspaper reporters, he declined comment until his return from a trip abroad, and then made a brief statement to the American people over the radio: "The insinuations of racial or religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan about 15 years ago. I did join the Klan. I later resigned. I never rejoined. I never have considered and do not now consider the unsolicited card given me shortly after my nomination to the Senate as a membership of any kind in the Ku Klux Klan. I never used it. I did not even keep it. Before becoming a senator I dropped the Klan. I have had nothing to do with it since that time . . . I have no sympathy with any group which, anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest with complete religious freedom."

Early in his long tenure on the court, Black became a leader and forceful spokesman for a changing group of justices who were called judicial activists. Felix Frankfurter was the most powerful and vocal exponent of those who were called advocates of judicial restraint. The labels are liable to be misleading.

Frankfurter and his adherents believed in marked judicial deferrence to the judgment of legislatures, while Black and his associates placed emphasis on the obligation of the judiciary to check headstrong legislative acts impinging upon individual rights protected by the Constitution. "The essential protection of the liberty of our people," he said, "should not be denied them by invocation of a doctrine of so-called judicial restraint."

CLASHED WITH FRANKFURTER

On the other hand, Black believed that a true sense of judicial restraint required judges to stay strictly within the boundaries of the Constitution's language. "Judges," he put it, "take an oath to support the Constitution as it is, not as they think it should be. I cannot subscribe to the doctrine that consistent with that oath a judge can arrogate to himself a power to 'adapt the Constitution to new times.' "

Black and Frankfurter clashed repeatedly on this issue in a series of cases decided by the court in the 1940s, especially in regard to interpretation of the due process clause of the Fifth and Fourteenth amendments.

In Frankfurter's view, due process of law "conveys neither formal nor fixed nor narrow requirements. It is the compendious expression for all those rights which the courts must enforce because they are basic to our free society. But basic rights do not become petrified as of any one time, even though, as a matter of human experience, some may not too rhetorically be called eternal verities. It is of the very nature of a free society to advance in its standards of what is deemed reasonable and right. Representing as it does a living principle, due process is not confined within a permanent catalogue of what may at a given time be deemed the limits or the essentials of fundamental rights."

To Black, this seemed to give altogether too much leeway and discretion to judges. Nothing in the Constitution, he contended, justified a transient majority of the Court in deciding at any given time what constituted "eternal verities" or rights "basic to our free society" or "standards of what is deemed reasonable and right."

The authors of the Constitution themselves, he insisted, had expressly fixed these standards in the Bill of Rights; and courts had authority to do no more than apply the prohibitions of the Bill of Rights to legislative enactments or to prosecutorial practices. "I deeply fear for our constitutional system of government when life-appointed judges can strike down a law passed by Congress or a state legislature," he wrote, "with no more justification than that the judges believe the law is 'unreasonable.' "

Black argued throughout his career on the bench that the due process clause of the 14th Amendment was designed to make the articles of the Bill of Rights (originally applicable only to the federal government) binding as well upon the states. This view was set forth by him in a major dissenting opinion in a case called *Adamson* v. *California* decided in 1947.

He never succeeded in persuading a majority of the Court to accept this view. One by one, however, through a process of selective incorporation, the Court has ruled over the years that the 14th Amendment protects against infringement by the states the liberties accorded by the First Amendment, the Fourth Amendment, the Fifth Amendment's privilege against self-incrimination, the Sixth Amendment's rights to notice, confrontation of witnesses and the assistance of counsel, and the Eighth Amendment's prohibition of cruel and unusual punishments.

PLAYED DOMINANT ROLE

These decisions, taken together, wrought a revolution in the criminal law of the United States—a revolution in which Justice Black played a dominant role. In sum, they assured to criminal defendants in every part of the country almost all of the protections guaranteed in the country's federal courts.

Nevertheless, it was in regard to First Amendment rights—the freedoms of conscience, expression and association—that Black did his most important work and expressed himself with the greatest force. In this area particularly, he believed in taking the Constitution altogether literally. He was, in short, an absolutist or strict constructionist.

"My view," he wrote, "is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of the Magna Carta, move against people, either for the views they have or the views they express or the words they speak or write. Some people would have you believe that this is a very radical position, and maybe it is. But all I am doing is following what to me is the clear wording of the First Amendment that 'Congress shall make no law . . . abridging the freedom of speech or of the press.' "

Black applied this absolutist attitude not only to all political expression, no matter how "subversive," but to all forms of censorship and to all kinds of laws punishing libel. "So far as I am concerned," he said, "I do not believe there is any halfway ground for protecting freedom of speech and press. If you say it is half free, you can rest assured that it will not remain as much as half free."

DIFFERED WITH HOLMES TEST

He had scant patience with Justice Oliver Wendell Holmes' "clear and present danger" test adopted by the Court and argued vehemently against it in a dissenting opinion in the *Dennis* case that found leaders of the Communist Party guilty of "advocating" overthrow of the government.

"Freedom to speak and write about public questions," he declared in another opinion, "is as important to the life of our government as is the heart to the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death."

Black took an almost equally absolutist position with respect to the First Amendment's stricture against any law "respecting an establishment of religion or prohibiting the free exercise thereof." He was the author of powerfully argued opinions of the Court limiting the use of public money for aid to church-related schools and forbidding the recitation of prayers or Bible readings in public schools.

In these decisions, he called effectively upon his knowledge of history to show that such limitations upon any governmental encouragement of religious worship, far from being hostile to religion, were, in fact, essential to the maintenance of religious liberty.

MARRIED MINISTER'S DAUGHTER

In 1921, when he was almost 35 years old, Hugo Black married a minister's daughter, Josephine Foster. Their marriage of 30 years ended with her death in 1951. It was, according to family friends, a marriage of singular happiness and companionship, yielding two sons and a daughter.

After six extremely lonely years as a widower—made more difficult for him by the antilibertarian trend of the McCarthy era—Black married Elizabeth Seay DeMeritte, herself widowed and a still youthful grandmother. She was the daughter of a close friend of the Justice and was serving, at the time they became engaged, as his secretary.

Black's home in Alexandria is a place of singular charm and extraordinarily suited to his personality, spacious though without pretension, Georgian in style, inormal, inviting. Books are its most conspicuous feature and especially in the comfortable second-floor study where the Justice and his law clerks did a great deal of their work.

There is a tennis court on the ample grounds of the house—a tennis court on which Black and his wife played constantly, indefatigably and remarkably well until a cataract operation in 1967 slowed him down considerably. Any ball hit within his reach was pretty likely to come back to his opponent.

The simplicity of the Justice's private life matched the simplicity of his juridical philosophy. What he loved, he loved passionately; what he believed in, he believed in deeply. He loved America and the concept of freedom that constituted the essence of the American idea. And he believed in the utility of freedom, in the survival value of a free society.

THE SOURCE OF LOYALTY

No one has expressed this faith better than he expressed it himself in his James Madison lecture on the Bill of Rights: "Since the earliest days, philosophers have dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss and deny. The Framers knew, better perhaps than we do today, the risks they were taking. They knew that free speech might be the friend of change and revolution. But they also knew that it is always the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one."

TRIBUTES TO SENATOR MARGARET CHASE SMITH, OF MAINE

Mr. CASE. Mr. President, it is a pleasure to call to the attention of her fellow Senators, two well deserved tributes to the senior Senator from Maine.

In the August 1 issue of Family Weekly, Margaret Chase Smith leads the list of "Our Five Enduring Women." As the article puts it:

> Senator Smith is a lady of courage, consideration, convictions.

The August issue of Pageant magazine, in an article entitled "Beautiful People" also hails the "courage and conviction" of Senator Smith.

Mr. President, I commend both publishers on the wisdom of the selection, and I ask unanimous consent that the text of the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

OUR FIVE ENDURING WOMEN: SMITH, KENNEDY, BUCKLEY, LUCE, MESTA

(By Irene Corbally Kuhn)

These are the women who don't need a frenzed national movement to be "liberated," the elder stateswomen of America, all of them familiar faces and names on the national scene.

Sen. Margaret Chase Smith is a 31-year veteran of both houses of Congress and the only woman among 99 men. Perle Mesta and Clare Luce have been respectively Minister to Luxembourg and Ambassador to Italy; and Mrs. Luce was also a Congresswoman. The other two, Mrs. Joseph Kennedy and Mrs. William F. Buckley (Sr.) are mothers of elected officials. Rose Kennedy, mother of eight, is the only woman in American history who has had three sons in national office at the same time—John in the White House, Bobby and Teddy in the Senate. And when her late husband was Ambassador to the Court of St. James's, she was the first lady of the American Embassy on London's Grosvenor Square. Aloise Buckley is the mother of James F. Buckley, Senator from New York, and of the Conservative movement's founder, William F. Buckley, Jr., Editor of *The National Review*, newspaper columnist and once candidate for Mayor of New York.

They are all plentifully endowed with good looks and brains; all are gracious hostesses and smart dressers. None is young in years any more, but all are regular dynamos when it comes to generating energy for their particular projects, families and friends.

All five women are widows; and they are all very, very rich, thanks to having had the foresight to marry men who were extremely successful. Only Mrs. Smith had a different legacy from her husband. She inherited the late Clyde H. Smith's following and was first elected to the House in 1940 to fill the vacancy he created. She earned her own money.

SENATOR MARGARET CHASE SMITH

Senator Smith is a lady of courage, consideration, convictions.

As to courage, there is her refusal to give up when she had first one, then another operation on two arthritic hips. The excruciating pain never stopped the lady from Maine. She went zipping around the Senate in a wheel chair for well over a year. On other occasions, she used a modified golf cart, gaily decorated and festooned. Now, with artificial hip joints, Margaret Smith gets around very well under her own power and swims daily in all seasons.

As for consideration, she is highly organized, makes a fetish of answering every letter and wire and keeps herself and her staff to a regular eight-thirty to five routine. She does not believe in working her staff overtime; the work gets done efficiently and on time. The Senator may take work home, but she does not expect her staff to do so.

And as for convictions, these are a legend on the Hill. When Maggie believes in something, she keeps her own counsel, sticks to her guns. On controversial bills, her vote is her secret until she casts it.

Music is the key to her friendship with Hildegarde, the charming blonde singer-pianist, as indestructible in her own way as the Senator. The two women have much in common. Both have solid American roots, the Senator's planted deep in Maine, Hildegarde's in the Middle West. Both have a beguiling quality which charms without cloying. And both women affect the same feminine trick of using a fresh rose as a signature. The Senator wears a bud in her buttonhole or on her blouse; Hildy holds a long-stemmed beauty in her hands as she sings.

Senator Smith holds 65 honorary degrees from colleges and universities, has been on the Gallup Poll's list of "most admired women in the world" nine times since 1954 and has received 51 national honors.

CLARE BOOTH LUCE

Youngest of the elder stateswomen (together with Mrs. Smith), Clare Booth Luce wears many becoming hats—including those of author, playwright, artist, actress, war correspondent, politician, diplomat and sportswoman. She is a real beauty, fragile-seeming and delicate, but "a rose in a steel vise" is the way one writer described her.

She is the friend of almost everyone worth knowing in our times. And—since she has a forceful, independent and strong character, with a wit as sharp as a stiletto—she has a few enemies.

Among these, count the erstwhile maverick Senator from Oregon, Wayne Morse. His vitriolic attacks on her in the Senate compromised her usefulness as the Ambassador to Brazil—an Eisenhower appointment which the Senate had overwhelmingly approved. She had earlier done a fine job as Ambassador to Rome.

Mrs. Luce resigned, but she had the last word against Morse. In a public statement she thanked the Senate for its overwhelming vote of confirmation and added: "My difficulties, of course, go some years back, beginning when Senator Wayne Morse was kicked in the head by a horse."

Born into a good family with no money, she married millionaire George Brokaw when she was 20. Their daughter, Anne, who was killed in a motor accident at 18, was her only child. She divorced Brokaw and, despite her beauty and charm, did not marry again for some years. Finally, in 1935, she became the wife of Henry R. Luce, founder of the Time-Life publishing empire. Their marriage lasted happily for 32 years, until Luce's death in 1967.

Clare Booth Luce is many women in one, but she is primarily a doer, an achiever. She makes a success of everything to which she turns her hand and gives her heart.

PERLE MESTA

"The hostess with the mostest," at age 80, is still the party-givingest gal in Washington, where she lives in a luxurious penthouse atop the Sheraton Park Hotel, It has been a long trip from Oklahoma for Perle, born Pearl Shirvin, daughter of an oil pioneer. He gave his daughter a taste for politics and a lot of beautiful folding money. She used to go to Republican conventions with him until she married George Mesta, rich, handsome, self-made Italian-American machine-tool manufacturer. He took her to Democratic conventions and left her a fortune when he died in 1926. She has always used it well and generously.

Her friend President Harry Truman appointed her Envoy Extraordinary and Minister Plenipotentiary to tiny Luxembourg. This was the first time an American President had sent a full-time Minister to Luxembourg. And Perle Mesta was only the third woman in our history to hold a top-ranking diplomatic post.

Perle Mesta is unique in having inspired a succesful musical, "Call Me Madam," with Ethel Merman belting out the lyrics. (Some say she was more like Perle than Perle herself.)

Her parties are fun. She can get anyone she wants to attend. The late Vice President Barkley used to dance soft-shoe numbers; General Eisenhower once sang "Home on the Range;" Harry Truman played the "Missouri Waltz" for her and her guests until even he must have been sick of it.

Although she lives in Washington and flits around the world, her official voting residence is Newport, R.I., where she still owns Mid-Cliffe, her first and only house.

Her never-fail good party recipe, she says, is cool guests, cool music, hot food and a warm hostess. And as one Washington newshen sagely remarked, plenty of lettuce and a Vice President on ice helps.

[From Pageant magazine, August 1971]

The really beautiful people are seldom profiled in the high-fashion magazines or spoken of in international society columns. The Beautiful People are Ralph Nader, William Proxmire, Gaylord Nelson, Muhammed Ali, Joan Baez and David Harris, Bella Abzug, and Margaret Chase Smith.

The Beautiful People are those who act with courage and conviction in situations that invite conformity and silence. And, you know, you can be a beautiful person, too!

TRIBUTE TO SENATOR ELLENDER

Mr. BELLMON. Mr. President, the State of Louisiana has made many important contributions to American life. Our country's political and social history bears the mark of many strong leaders who came from that great State.

Last Friday, the Senate honored one of those leaders, the Honorable ALLEN J. ELLENDER, on the occasion of his 81st birthday. Although I was necessarily absent and unable to join in the special observance that was held, I would like to have the RECORD show that Oklahoma as well as the other States holds the highest regard for our distinguished colleague from Louisiana.

Perhaps no other living Senator has had a greater impact on my State than ALLEN ELLENDER. Agriculture is of primary importance in Oklahoma, and many of our citizens make their living from the land. Throughout his more than three decades of service in the Senate, including 18 years as chairman of the Committee on Agriculture and Forestry, Senator ELLENDER has worked tirelessly to maintain a strong and healthy farm economy. He has had a hand in every piece of major farm legislation since the Agricultural Adjustment Act of 1938. It was my privilege to serve under him on the Agriculture committee until he relinquished his chairmanship to the able Senator from Georgia (Mr. TALMADGE) to become chairman of the Appropriations Committee, and I know of his dedication to rural development.

Of equal importance to Oklahomans is Senator ELLENDER's service on the Appropriations Committee. During the past 16 years, he has headed the Subcommittee on Public Works Appropriations. In this capacity, he has played a major role in the development of water resources in the State of Oklahoma and in our region. The Arkansas River navigation system, which is bringing countless benefits of an inland waterway to our part of the country, could not have become a reality without his support and encouragement. The citizens of Oklahoma are also indebted to his support for many other public works projects in our State.

As the dean of the Senate, ALLEN ELLENDER holds the respect and admiration of his colleagues. His energetic and vigorous leadership is an example for all of us to follow.

Although I have been associated with him only a relatively short time, I have benefited greatly from that association. I am pleased to be serving on two committees with him and I look forward to continuing to work with him in the interests of Oklahoma and the Nation.

Finally, my tribute to the Senator from Louisiana would not be complete without a personal observation that he is probably the finest gumbo cook I know.

I join other Members of the Senate in

congratulating Senator ELLENDER on a lifetime of distinguished service and wishing him well in his future endeavors.

ATTORNEY GENERAL MITCHELL'S ACCOMPLISHMENTS PRAISED

Mr. GRIFFIN. Mr. President, the current issue of Forbes contains an article by its editor in chief on Attorney General John Mitchell. In the article, Malcolm Forbes points out that the achievements of the Department of Justice during Mr. Mitchell's stewardship are perhaps unexcelled.

Moreover, the article states that Mr. Mitchell's accomplishments have been largely overlooked or obscured, and he enumerates the current Attorney General's record in crime and narcotics control, penal reform, civil rights, environmental protection, and antitrust.

Mr. President, this list of achievements deserves the attention of the Senate. I ask unanimous consent that Mr. Forbes' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Forbes magazine, October 1, 1971]

THAT'S ALWAYS THE WAY IT IS FOR JOHN MITCHELL

Take the publishing of that top secret report of our involvement in Vietnam, revealing an incredible distrust and misleading of the American people and their Congress on a scale and with a cynicism that few would have dreamed possible by a U.S. government. Who gets nearly as much blame as the perpetrators? Attorney General Mitchell, of course—because as the Constitutionally-charged chief law enforcement officer of the United States, he is the one who must go to court to try to halt publication of top secret documents.

Never mind that Mr. Mitchell told newsmen: "I hope a way will be found to let the American people know what is in those documents. I think it is absolutely essential that they have such knowledge and have it at the appropriate time and in the appropriate circumstances." That was a footnote at the bottom of one story, while front page, day after day, were the Attorney General's court actions.

If Mr. Mitchell is making a major speech outlining progress of his department's massive and quite successful efforts to cope with the spreading hard-dope menace, his wife's hairdo or what she said before she hung up on the telephone to some newsman gets all the play that day.

In Civil Rights, it's not what his department has done by way of enforcement that counts, but its hesitancy in pioneering in new ways where it hasn't been specifically charged with responsibility.

If it's antitrust, the one that might have gotten away understandably gets infinitely more attention than the increased number of prosecutions and the sizable diminution in numbers of corporate combinations.

There's a wee touch of irony in the fact that during the successful Nixon Presidential campaign, which John Mitchell managed, the growth of crime in all areas and particularly in the streets of urban America was a burning election issue; it currently isn't such a hot issue because the Attorney General has done much to lessen the problem and thus has lost the issue.

It's likely that soon Mr. Mitchell will be leaving the Cabinet to head once more the President's campaign for the Presidency. Before he bows out as Attorney General and again brings his quiet, two-fisted perceptions back to the political wars, I think it's high time more people were aware of the very considerable and quite extraordinary accomplishments of the man in the tough job he has held for almost three years.

The Department of Justice's "war on crime" has shown some very real successes: During the period 1968–70 approximately half of the top bosses of the nation's two dozen organized crime syndicates were indicted or convicted. Some 27 pieces of legislation, developed by Justice to aid it in its crime fight, have been passed by Congress. The number of U.S. marshals and assistant U.S. attorneys has been substantially increased, as have grants to local law enforcement agencies. The efforts have begun to pay off. In 1970 the crime rate dropped in 22 cities of more than 100,000 population. An even more encouraging sign was the fact that in the first three months of 1971, 60 major cities reported an actual decrease in crime.

Recognizing that rehabilitation could be one of the keys to stemming the crime wave, a ten-year program has been developed to modernize the Federal prison system, with greater emphasis on correction therapy and job training.

The department has shouldered the major share of the Nixon Administration's all-out campaign on the narcotics problem. The amount of heroin and cocaine removed from the domestic market more than doubled from 1969 to 1970, tripled in the case of marijuana.

Civil Rights: Due largely to Justice Department action, the percentage of black children in the 11 southern states attending desegregated school systems increased from less than 6% in the fall of 1969 to 92% in the fall of 1970. Action in fair employment and public accommodation cases has been stepped up.

Protection of Environment: Justice has greatly increased legal action against polluters. Cases under the Refuse Act quadrupled in 1970 compared with the preceding two years; a landmark ruling against thermal pollution was won; and a consent degree with the Big Four auto manufacturers was signed, which should speed up the development of an auto smog device.

Firm action has helped create a climate in which conglomerate mergers have markedly decreased; 112 anti-trust cases were filed in 1969–70.

In summary, John Mitchell as Attorney General has been the most effective gangbuster, crime-coper and menacer to the drug menace who ever held the Attorney General's office.

No one seems to think or talk about that, though.

Additionally, he did manage the successful Nixon campaign, though no one ever seems to give him credit for being one of the more astute minds in the political arena.

Probably no one in such a continuous limelight has been given more blame for things beyond his power and less kudos for accomplishments within his power.

I don't think the man really minds that very much—so long as he can get his next big job done—President Nixon reelected.

TRANSFER OF AMPHETAMINES TO SCHEDULE II

Mr. TOWER. Mr. President, on August 2, I joined as a cosponsor of S. 674, a bill which would transfer amphetamines and other stimulant substances from Schedule III to the more stringently controlled Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970. At that time, I was extremely concerned with the fact that the quantity of these drugs being produced greatly exceeded legitimate medical needs, and that this excess was contributing to the growing problem of drug abuse.

I was very much pleased to receive a letter from Mr. John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, which informed me that such a transfer has been successfully completed, only 2 months after Attorney General Mitchell ordered all amphetamines and methamphetamines to be transferred to Schedule II. I wish to express my appreciation to Mr. Ingersoll and Attorney General Mitchell for their outstanding contribution to our Nation's effort to combat effectively the menace of drug abuse.

Mr. President, I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF NARCOTICS AND DANGEROUS DRUGS,
Washington, D.C., Sept. 17, 1971.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: In the September 17 issue of the Federal Register, Attorney General Mitchell proposed that methylphenidate (Ritalin) and phenmetrazine (Preludin) be transferred from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Officials of the Ciba-Geigy Corporation, manufacturer of the two products, and of Boehringer Ingelheim, owner of the United States patent on phenmetrazine, have waived their rights to hearings on the proposed transfer. I would note that these waivers followed negotiations between company representatives and representatives of the Bureau of Narcotics and Dangerous Drugs and that both companies cooperated fully throughout.

You will recall that on July 7, the Attorney General ordered all amphetamines and methamphetamine made subject to the stringent controls of Schedule II. Thus, in slightly more than two months an entire range of stimulant drugs have been rescheduled without the need for hearings. This result clearly demonstrates the efficacy of the new law but I recognize that no statute operates in a vacuum. The continuing concern expressed by members of the Congress over the proper scheduling of various drugs has, in no small measure, aided this Bureau in its endeavors.

I am grateful to you for your own particular interest.

Sincerely yours,
JOHN E. INGERSOLL,
Director.

INNOVATIONS IN EDUCATION

Mr. HARTKE. Mr. President, there are few people who would not agree that public school education must adapt to major changes in society. Anyone who has spent a day or more in a classroom knows that today's student will not tolerate many of the educational practices of past generations.

The rapid changes in technology coupled with the social revolution which has taken place during the past 15 years have placed a special strain upon our schools. In some States, voters are rejecting as many as half the school budgets. There have been student strikes and faculty strikes and, tragically, there has also been violence.

On a more positive note, valuable innovations are taking place. One which I have watched with great interest has been in Gary, Ind. There a private company was given the responsibility of supervising the learning process at an inner city public school. A recent article in the New York Times reports that pupil performance has improved substantially under this arrangement.

Mr. President, I commend this article to my colleagues and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PUPILS IMPROVE IN SCHOOL RUN BY PRIVATE COMPANY

(By Seth S. King)

GARY, IND.—The reading and mathematics skills of pupils in a school here have been significantly improved since supervision of the learning process was taken over by a private company that guaranteed to improve the skills or give back the fees it is charging.

A report issued today on the first year of the four-year experimental program showed that nearly 73 per cent of the pupils at the Banneker Elementary School reached or exceeded the national norms in reading or math skills or both in the first year.

A year earlier, 75 per cent of the children in the all-black school in Gary's shabby inner city performed below national norms in reading and math.

And Banneker was no exception. In Gary's 35 other elementary schools, where 60 percent of the enrollment is black, at least three-fourths of the children who reached sixth grade levels could not read at the national norms.

The Schools Superintendent, Dr. Gordon L. McAndrews, said that "as encouraging as the first year's results are, no definite conclusions will be drawn at this time, but we're optimistic that future results will be even better than those obtained so far."

Last year Gary became the first city in the United States to turn over the direction of an entire school to a private educational service company.

Behavioral Research Laboratories of Palo Alto, Calif., was signed to a four-year contract for $2.6-million and given complete authority to hire Banneker's teachers, establish its system of instruction, and provide whatever books and materials the company chose.

In return, the company is obligated to refund the per-pupil costs, which are calculated at the same level as those in the other elementary schools, for any child who fails to reach or exceed national sixth-grade norms in reading and math.

MANAGER SELECTED

BRL, as the company is known in Gary, brought in as its "school manager" Donald G. Kendrick, a 34-year-old black who is a computer systems expert.

He hired 25 of the 34 teachers previously assigned to Banneker. He also hired 28 "learning supervisors," most of them parents from the Banneker district who were interested in helping to educate their children.

The children above kindergarten were tested and then grouped, largely by levels of skill in reading and math rather than by age or grade.

Much of the teaching was done by teams of teachers on what Dr. McAndrews said was a more individualized basis than in the other Gary schools. The books and materials used at Banneker were more highly programed for individual use than in the other schools, he said.

This same system has been installed again this school year and 700 students are enrolled under BRL direction at Banneker.

This past June the Center for Urban Redevelopment in Education, a nonprofit group headed by Dr. Bernard Donovan, former New York City Superintendent of Schools, gave Banneker's pupils a series of readiness and achievement tests similar to those used nationally in establishing norms for city children.

In a reading readiness test given to the kindergartners, 46 per cent reached an average level. Thirty-five per cent were rated high normal and 9 per cent superior. Only 10 per cent were below reading readiness levels, Dr. McAndrews said.

The 91 first-grade students averaged a combined score of 1.7 in reading and math, Dr. McAndrews reported, showing they were about two months behind the national norms.

But in the equivalent grades two through six, 396 of the 546 pupils, 72.5 per cent, were average or above in either reading or math, or both.

Pupils in other Gary elementary schools were given the same type of achievement tests they had taken in the past. These were different from those given at Banneker and thus no direct comparison with results in other Gary schools was possible.

BRL is obligated in its first two years to refund per-pupil costs only on sixth graders who do not meet the norms in both reading and math. But after three years of instruction, it must refund for all below-norm pupils who have attended Banneker for three consecutive years.

TOWN AND GOWN IN MARQUETTE

Mr. HART. Mr. President, those over 30 often advise our young people "to work within the system to bring about change."

And all too often the tones accompanying that advice indicate beliefs that too many young people need that advice, that too many young people favor instant rhetoric over the long pull required to achieve change.

Admittedly, one example does not make a case, but I believe efforts of Northern Michigan University students to improve conditions in the university's hometown of Marquette more accurately portrays the moods, goals, and activities of students than those beliefs.

This summer, NMU students launched programs to develop answers to the pollution of Lake Superior and the erosion of its shores. In addition, students continued such activities as working in the camp for physically handicapped children run by the university's speech clinic.

I ask unanimous consent that an editorial from the "Mining Journal," about these projects be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CAMPUS-COMMUNITY PROGRAMS

Northern Michigan University students and faculty members are working on a couple of unusual projects this summer that hold promise of bettering conditions in the local community. Financed by modest grants from governmental agencies, student-faculty teams are tackling the problems of waste disposal and shoreline erosion.

One group of 12 NMU students and an assistant biology professor are using a $12,000 National Science Foundation summer research grant to try to find a way of converting such waste products as mine tailings, fly ash, sawdust, sewage and garbage into a composite soil that could be used for top soil or as an additive to enrich the soil.

The students have laid out 64 small plots into which they are placing various mixtures of the waste ingredients to test their nutritional values in hopes of finding a combination that will replenish the soil and improve the growing of crops and lawns.

In other words, they are trying to solve a fundamental environmental problem through the process of recycling—converting solid wastes into usable products.

Through their research the students will gain knowledge regardless of the outcome of their experiments—and they just might hit upon something that will be of great benefit to mankind.

Another faculty-student team of four is utilizing a grant of $8,000 from the Water Resources Commission of the Michigan Department of Natural Resources to conduct a study of the nagging and costly problem of Great Lakes shore erosion.

The group's engineering study will encompass privately owned land in the Upper Peninsula fronting on Lakes Superior and Michigan. The team will map and classify the shorelands, particularly those that are unplatted and undeveloped so that erosion probabilities can be projected before private owners invest in developments.

The study should help to minimize future losses through erosion.

Although these projects are new this year, the principle of university cooperation in community projects is by no means new. An example of earlier projects of this kind is the university's cooperative program in speech therapy with Bay Cliff Health Camp, a program that currently is in its eighth year.

Under the program, the NMU Speech Clinic cooperates with the camp for physically handicapped children to provide therapy to virtually all of the 200 youngsters attending the camp. Graduate students taking part in the program—and there are 16 of them this summer—benefit by gaining experience and college credits in speech therapy, and the children enrolled in the camp benefit from the therapy.

Numerous other examples of mutual benefits to campus and community through cooperation could be cited, but those mentioned above should be sufficient to give some idea of the scope of this practice.

WTOP CONDEMNS SATURDAY NIGHT SPECIALS

Mr. BAYH. Mr. President, in recent editorial comment, Mr. Norman Davis, speaking for WTOP radio and television, expressed support for the bill that I have proposed to prohibit the sale to the public of domestically made "Saturday night special" handguns.

The "Saturday night special" has been the subject of inquiry of the Juvenile Delinquency Subcommittee and during hearings of September 13 and 14, we heard a number of witnesses express their support for and the need for enactment of this legislation.

I intend to conduct further hearing on this subject on October 5 and then hopefully, the subcommittee will report favorably upon it so that we may move it to the Judiciary Committee and then to the Senate floor for action.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial

was ordered to be printed in the Record, as follows:

Outlaw the "Saturday Night Special"

Senator Birch Bayh is attempting to outlaw the "Saturday Night Special." We believe his bill deserves overwhelming support.

The "Saturday Night Special" is a lightweight 22-caliber handgun. It can be purchased widely by almost anybody for as little as $8.95. It is poorly-made, inaccurate when fired, and is extremely dangerous.

In 1970, according to the Senate Juvenile Delinquency subcommittee, $630,000 "Saturday Night Specials" were manufactured in this country. They were involved in an awful lot of homicides.

Handguns increasingly are snuffing out the lives of policemen—67 two years ago, 72 last year. And for the first time, police organizations such as the national Fraternal Order of Police are beginning, on a limited basis, to support gun control. The F-O-P has endorsed the Bayh bill. So has the District's Chief of Police, Jerry Wilson.

The gun lobby is either quiet about the bill or wishy-washy about it. But in no way can the crudely-made "Saturday Night Special" be considered a safe gun for use by anybody for any purpose.

Senator Bayh's bill serves a very limited scope and would cover only a small portion of the handguns which wound and kill thousands of Americans each year. We support the bill, but with the hope that Congress will come to realize and to act on the mortal social danger posed by *all* handguns. Handguns should be rigidly limited to law enforcement officials and to sportsmen, and it shouldn't be hard to write a law to accomplish that.

The "Saturday Night Specials" are of benefit to no one, and we urge Congress to move swiftly to ban them.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

APPOINTMENT OF LEO CHERNE TO U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Mr. PELL. Mr. President, the Senate yesterday approved the appointment of Mr. Leo Cherne of New York as a member of the U.S. Advisory Commission on International Educational and Cultural Affairs. As one who has known Mr. Cherne for many years, and as one who has great admiration and respect for his many accomplishments, I was delighted to give my support to the Senate confirmation of Mr. Cherne's appointment.

Mr. Cherne, who has served for more than 30 years as director of the Research Institute of America, has distinguished himself in many fields—as an author, a scholar, an executive, an educator, and a sculptor. With his broad range of interests and his deep knowledge, with his qualities of human warmth and compassion, his taste and versatility, he is truly a Renaissance man. One evidence of this is his membership in the French Legion of Honor.

He has shown outstanding leadership in several fields, serving as director of the American Arbitration Association, director and chairman of the Executive Committee of Freedom House, and chairman of the board of directors of the International Rescue Committee.

It is in this last role that I have come to know him best as I have served on that board under his leadership for 15 years.

Mr. President, I believe we are indeed fortunate that Leo Cherne has agreed to give to the Advisory Commission on International Educational and Cultural Affairs the benefit of his wisdom and experience.

HELLS CANYON-SNAKE NATIONAL RIVER

Mr. PACKWOOD. Mr. President, since returning from the August recess, hearings have been held by Senator Bible's Subcommittee on Parks and Recreation on S. 717, a bill to establish the Hells Canyon-Snake National River. Two long days of hearings were held on September 16 and 17, and another day is scheduled to complete the witness list for September 30. I want to thank the distinguished chairman of that subcommittee for holding these hearings, and for his graciousness in allowing me to sit in as an observer.

The president of the Hells Canyon Preservation Council, Pete Henault, of Idaho Falls, voiced the fears of conservationists around the country when he stated recently:

> Conservationists are in a box. Time is running out for Hells Canyon! The forested areas on either side are under attack from logging, road construction, mineral exploration, and four-wheel-drive vehicles. Oregon's only significant elk population is being decimated because of a greater access due to road building, a proliferation of vehicles which don't need any roads, and a rapidly increasing population. Aquatic life is on the decline because of inadequate minimum allowable flow and because of the severe fluctuations in the flow from Hells Canyon Dam . . . archaelogical sites are being destroyed by vandals . . . beaches and flat areas suitable for camping, most of which is private, homesteaded lands, are being locked up by their owners or offered for sale.
>
> This is, in fact, the most imminent danger facing Hells Canyon today: the loss of these few river-front sites suitable for future public use . . . if Congress does not act soon to protect the natural beauty of these areas, and the public's right of access, it will be too late.

Mr. President, we had individual citizens, representing citizen groups relating to fishing, recreation, and conservation, travel across the country to tell their story to this committee. These were individuals who did not have their travel expenses paid by some industry, but had to meet those expenses either out of their own pocket, or from their organizations' treasury of donations from thousands of other concerned Americans. And these witnesses poured their hearts out.

Following the hearings on September 16 and 17, there was a good deal of news coverage recapping the events of those 2 days. I ask unanimous consent to have printed in the Record an article entitled "Hells Canyon: Dry Gulch or Cesspool?" written by Jim McAlister and published in the Intermountain Observer on September 25, 1971.

Mr. McAlister has stuck with the issue at hand and discusses frankly what we stand to lose as a nation if we do not take steps now to protect this area from further deterioration and seek to repair the damage already done.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hells Canyon: Dry Gulch or Cesspool?

For the information of large conservation organizations, Senators and Congressmen the Snake River rises in Yellowstone Park and flows into and out of Jackson Lake, Jackson Hole, the Grand Canyon of the Snake and into Idaho. After winding some seven hundred miles through Idaho it enters Hells Canyon by way of three impoundments. In the last fifty odd miles of Hells Canyon it is a free-flowing, highly contaminated torrent of from 5,000 to 40,000 cubic feet per second.

Hells Canyon has been pictured and written about in most publications devoted to conservation and outdoor activities. The surrounding countryside was the home of the last intelligent North Americans to be crushed by Slobbus Americanus.

A few of us slobs inspired by the memory of the tragic Nez Perce (who did not have pierced noses) believe the entire Snake River is an important waterway. Even after getting the brushoff by the major conservation organizations we missed defeating one of the more deadly attacks in the Idaho House by three votes. This in a state where irrigation associations not only write the laws but are considered exempt from the law, gives us some pride. The vote was 35 for the Guffey Dams to 32 for the river. Next year we will not waste time and effort seeking help.

Professional conservationists either ignored us or said there was no problem. We were advised to work for and contribute money to their various projects.

We were told the Snake would be saved because Senator Packwood and all big conservation groups are working to make Hells Canyon a National River. Could we also set aside one tenth of Lake Erie as a National Recreation area?

DRY GULCH THE SNAKE

We have information for folks who believe a Hells Canyon National River has anything to do with the 800 plus miles of river above the Canyon. The Idaho Water Resource Board has the plans and believes it has the clout to use every drop of water in the Snake and its tributaries before this fluid reaches Hells Canyon. So—Hells Canyon National River will be a dry gulch. In case the engineers are able to place a dam at the lower end it will be a cesspool. In either case as sheep have denuded much of the canyon walls it will make little difference.

On the weekend of July 4th, 1971, the White River ceased to flow below Bull Shoals Dam in Arkansas, which resulted in a complete fish kill in over 22 miles of the best trout water in the Midwest. This is a small thing compared to the salmon and steelhead kills on the lower Snake and Columbia, but remember the Midwest sportsman has more political power than his brothers in the Northwest. The fish kill on the White was unnecessary, avoidable and a direct result of the go-to-hell attitude of the engineers.

This is merely to point out that those who depend on a government agency to protect their lakes, rivers or woods are fresh out of protection.

In the thousands of words published on and about Hells Canyon and all the literature from conservationists that comes to this desk we see no mention of the fact that the Snake River exists above the canyon. Sure it is foul. Water that gets past Minidoka Dam is mixed with all the waste Burely, Buhl and Twin Falls can pour in before it gets pure water at Thousand Springs. So—naturally another dam is planned at the springs.

An attorney representing the large irrigation corporations admits that his clients have rights to about twice the water in Idaho rivers and impoundments, affirms their intent to use it and graciously offers to share any of the nonexistent remainder. Any suggestion in the press that some treasury raid for more dams could be unwise brings a flood of hate mail so its is considered political suicide to question any such project. Even the opposition to the proposed $55-million dam on the Teton River deplores only the loss of the trout fishing and suggests that it would be better to pump the water out for the use of the irrigators. No public official in Idaho has as yet dared to suggest that a running living river is of value.

Sen. Bob Packwood of Oregon, with the assistance of every major conservation organization in these United States, is laboring mightily to assure us of a National River Through Hells Canyon. Just in case these people are successful in obtaining the necessary legislation, what are the chances of having some water running down it?

TURN OFF THE PAYETTE

The proposed Garden Valley Dam would shut off the flow of the South and Middle Forks of the Payette River. This project includes a tunnel through the mountains to tap the North Fork at Cascade Lake, thereby grabbing the water in the entire Payette drainage which is the largest tributary below Henry's Fork. The first step in the above plan is the Swan Falls-Guffey project and the works include irrigation of some hundreds of thousand acres in the Mountain Home Desert using any water that might otherwise flow down the Boise and Payette rivers.

The Southwest Idaho Water Project proposes to irrigate 500,000 acres of Southwest Idaho Desert. Allowing five acre-feet of water to grow potatoes and sugar beets on this area, we find that 2,500,000 acre feet of water would be pulled out of the Snake and tributaries before it reached Hells Canyon. This is only in Southwest Idaho. Look up the river while it still exists.

Impounding Blackfoot Marsh leaves only the effluent and waste from Pocatello to run into the Snake. The Ririe Dam on Willow Creek, already under construction, will keep the water from the Caribou National Forest from reaching the river. Lynn Crandall Dam on the South Fork of the Snake would drown out the only remaining section of clean water canyon on this fork and wipe out some of the best cutthroat and brown trout fishing in Idaho. However, as by this time the remaining salmon and steelhead runs into Idaho would be a memory, we may as well make it total.

Did you ever wonder how salmon and steelhead could swim and leap over Dagger Falls, Swan Falls, Upper and Lower Salmon Falls to spawn in the clean gravel of Idaho creeks without suffering attrition from nitrogen poison? The descendants of these fish cannot get over the fish ladders of the Columbia without dying of the bends. Do not tell us the answer as we have sold our cow and have no further use for the bull.

Air and water in southern Idaho are so saturated by nitrogen compounds from cattle manure that it is a wonder every citizen of the area does not come down with the bends.

For instance: we have a real estate developer who is actively engaged in subdividing Garden Valley while at the same time lobbying for the water project that will flood the area. The promoters of additional irrigation say they wish to promote development of Idaho land by responsible individuals and use all Snake River water for the benefit of every citizen in the state. They do not say to whom these individuals would be responsible. As they claim to control the Idaho Legislature and our congressional delegation, it is certainly not to any authority in the United States.

Among the many benefits accruing to the citizenry from additional irrigation will be the doubling of the present population. To a people who have chosen Idaho because of its open space, clean air, water and outdoor pleasures, this is no great boon. Another benefit is a wide tax base. This is a big deal—for the irrigators—it will cost the taxpayers some ten dollars for every buck the freeloaders pay for water in addition to the millions they already knock down in government subsidies.

PROMOTERS' ENEMY

Idaho has a few citizens who work hard for a quality environment. These folks are known to the promoters as environmentalists and are subject to continuous attack before the legislature and in the press. Apparently the freeloaders who believe that all public lands, tax dollars and water should be used for their private gain consider environmentalists as the enemy. It is, possibly, annoying to have somebody hollering, stop thief, every time you reach for the loot. It is the old story of how the law will jail a man or woman who steals a goose from off the common, but turn the greater rascal loose who steals the common from the goose

Our friend Pierre Pulling identified pieces of Idaho that are already sterile from salt irrigation deposits. When the entire Snake River is a string of reservoirs evaporating in the arid West the water will be increasingly saline. It will also carry various toxic substances including methyl mercury. Our state Health Department already warns that fish caught anywhere in the Snake between American Falls and Hells Canyon are unsafe for food. Indigenes pay no attention, assuming that store bought food carries a heavier load of chemicals.

Salt puts irrigated lands out of production permanently. One day a scientist will publish a paper explaining why Great Salt Lake is saltier than the Middle Fork of the Salmon. This will have no effect on irrigators who intend to make it and get out.

The Snake River can become a string of silted pools growing algae under the summer sun, empty during fall and winter, muddy impoundments catching more silt in the spring.

Hells Canyon is magnificent, but friend we have been face to face with a bull moose in the wilderness. We have, also, seen a stuffed moose head and there is one hell of a difference.

SOVEREIGNTY OVER PANAMA CANAL ZONE

Mr. HUGHES. Mr. President, in our Government's efforts to bring its relations with other countries in line with the Guam doctrine, there is a need for new approaches to the protection of our vital security interests in ways which will improve, rather than impair, our friendships abroad.

To deal with the long-existing controversy of U.S. control of the Panama Canal Zone, the distinguished senior Senator from California (Mr. CRANSTON) has a creative suggestion that I believe merits our thoughtful consideration. He would return sovereignty over the zone to the Republic of Panama while preserving the right of the United States to own, operate, and defend the canal.

I, therefore, ask unanimous consent that Senator CRANSTON's recent testimony on this subject before the House Foreign Affairs Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ALAN CRANSTON FOR THE INTER-AMERICAN SUBCOMMITTEE OF THE HOUSE FOREIGN AFFAIRS COMMITTEE, SEPT. 27, 1971

I am pleased to have the opportunity to express my views to the Inter-American subcommittee of the Foreign Affairs Committee on the continuing controversy over whether the United States should maintain its sovereignty over the Canal Zone.

I would first like to discuss the notion that the United States owns the Panama Canal Zone. It does not. It never has. It doesn't even have sovereignty over the Canal Zone.

By treaty agreement with the Republic of Panama in 1903, the United States "has the power and authority within the Zone . . . which the United States would possess and exercise if it were the sovereign of the territory."

For the past sixty-eight years we have exercised that power and authority—causing hard feelings, bitterness and scorn between Panamanians and other Latins on the one hand, and the Americans on the other. It led to tragic riots in 1959 and 1964, and to suspension of diplomatic relations between our two countries after the latter incident. I believe it is time to acknowledge that it is no longer to our advantage to maintain this supposedly sovereign position.

We have heard statements to the effect that we must stay supreme in the Canal Zone to protect the Canal, and maintain the balance of power in the Western Hemisphere. We have heard statements to the effect that giving up our alleged sovereignty over the Canal Zone is tantamount to relinquishing control of the Canal itself. If we place these statements in the context of hard facts—facts which do not get very much publicity or news analysis—we will see that this nation has been upholding in the Canal Zone the remnants of the "Big Stick" policy which succeeding administrations have sought to eliminate elsewhere in the hemisphere. We have sought to eliminate this policy with Franklin Roosevelt's Good Neighbor Policy, and later with John Kennedy's Alliance for Progress. Yet we remain in the Canal Zone, waiting for the next riots to occur.

The Canal Zone is a strip approximately 50 miles long and ten miles wide—five miles on either side of the Canal which bisects it. It was created on the presumption that the United States should have an area within the Republic of Panama over which it could have complete jurisdiction—this because of the great influx of American civilian and military personnel who were anticipated to supervise the construction and later to operate and defend the Canal.

Whether or not there was any justification for insisting on a U.S.-controlled zone to ensure the safety and comfort of Americans who were building the Canal in 1903, that justification hardly remains in 1971. There is no question as to the legality of our presence in Panama. It was fully agreed to by the Panamanian government. For ten million dollars and $250,000 a year the United States was leased the Canal Zone in perpetuity. It was a contract that fit perfectly well into our quest for territorial expansion and influence at the turn of the century. But one wonders if Panama, in its zeal for independence, struck a bargain with the United States which it probably never would have agreed to under quieter times.

Secretary of State John Hay wrote, in a letter to a leading Senator of the time: "As it stands now, as soon as the Senate votes we shall have a treaty in the main very satisfactory to the United States, and we must confess. . . not so advantageous to Panama. . . You and I know too well how many points there are in this treaty to which a Panamanian patriot could object."

In the years since John Hay wrote that letter, the United States has built what has become a colony of mostly white Americans who reside in the Canal Zone year after year, and some, generation after generation. Most of the Americans who live in the Canal Zone do not have any occupational association with the Canal itself. In fact, of the 15,000 workers employed in the Canal Zone only 4,000 are Americans, and of that figure, only 1,289 work on the Canal. The other Americans are employed in support services which perpetuate community life such as schools, movie theatres, bowling alleys, commissaries, golf courses and a zoo.

The Zone has nicely paved roads, lovely suburban homes, and 15% differential on top of an inflated pay scale to entice people to come down from the States. The Canal Zone is a far cry from the jungle swampland that Walter Reed and his associates found in attempting to clear the land in the early part of this century. It is a haven of segregated little communities, with whites pretty much having exclusive domicile of the towns of Balboa and Diablo Heights, and non-US Panamanians and Jamaicans living in the Latin communities of Pedro Miguel and Paraiso. It is nonsense for this nation to perpetuate such an obvious affront to the host country on the excuse that we are thereby better protecting the canal.

The fact is that the Canal Zone has little to do with protecting the canal from invasion. According to Major General Donnelly P. Bolton of the Office of the Deputy Chief of Staff for Military Operations, Department of the Army "no significant Navy or Air Force high performance combat units are based in the Zone. Most Air Force activity is oriented toward supporting such activities as disaster relief or military assistance. Navy elements are engaged primarily in administrative and strategic support activities." The Army forces in the Canal Zone consist of one infantry battalion on the Atlantic end of Zone, and one mechanized infantry battalion on the Pacific side. General Bolton continues, "Army units located in the Zone can be broken down to 46% in combat and combat support, and 54% in combat service support, headquarters, or military assistance activities.

It is important to note that in case of an attack on the Canal Zone, General Bolton says, "Reinforcement for the Zone would come from the pool of Army and Air Force units assigned to the U.S. Strike Command, MacDill AFB, Florida, and Marine and Naval elements assigned to the CINC, Atlantic Command in Norfolk, Virginia."

Clearly, the Canal Zone, and the forces residing there, do not provide significant protection for the Canal. The real muscle comes from forces based within the continental United States. The Canal Zone-based forces provide little more than police protection in case of an invasion from within the Republic of Panama.

How then can we justify our grand presence in Panama? How does the presence of a colony of civilians help contribute to the stabilization of this area of the world? Very little. On the contrary, it is my firm belief that the continuing existence of the Canal Zone provides much fuel to the militant factions in Panama and elsewhere in Latin America who point to the Canal Zone as a colonialistic outrage, fenced apart from the horrible slums which neighbor alongside.

I believe the United States should now relinquish its jurisdiction over the Zone. The State Department and the President of the United States have recognized that a new arrangement must be effected between our two governments—an arrangement which is fair and equitable, and which does not jeopardize our security or commercial interests. I support these efforts for a new treaty, but I feel that the negotiating team is not seeking to go as far as is necessary to eliminate the wrongful situation which continues to fester like an uncared-for wound. The U.S. negotiating team now believes that the Canal Zone should be vastly reduced in size, with commercial interests in the Zone assigned to Panama. It does not propose, as has been alleged, to turn over the entire Canal Zone, including the Panama Canal, to Panama—nor do I propose such a step. The team has also called for a gradual phase-out of American legal jurisdiction over cases involving Americans in the area.

The idea seems to be that more and more Americans will leave as Panamanians assume more jurisdictional control. I question the need for any continued American control over the affairs of civilian Americans in the Republic of Panama. Does the United States exercise control of this nature in any other area of the world where Americans choose to work and reside? The answer—except in diplomatic missions and on military bases—is no, not even within the Republic of Panama. Why should Americans living in the Canal Zone and working on the Panama Canal be treated any differently? If an American chooses to work abroad elsewhere, he does so knowing that he must abide by the laws and live according to the rules of the host country.

The United States does not need the Canal Zone in order to operate the Panama Canal. Because we permit unrestricted passage to countries of all political allegiances, including North Korea and Communist China, it cannot be said of us, as has been said of Egypt in the case of Suez, that we exclude our enemies.

We should make clear to Panama that in giving up jurisdiction over the Zone we are not giving up our military bases, nor the right to defend the Canal from alien aggressors or from aggressors within the Republic of Panama, even if our forces must cross over Panamanian soil to do so. Those rights should be an inherent part of the new treaty, and it is a small price for Panama to pay. It will also assuage the fears of those who feel the United States will lose the Panama Canal by making such concessions.

In summary, I believe the United States should return all aspects of sovereignty in the Canal Zone back to the Republic of Panama; and that the United States should continue to own and operate the Canal as a world utility, retaining all rights to defend the Canal, even to the point of moving our armed forces into the Republic of Panama to do so.

We in the United States might look toward our own country to seek an analogy to the Panama Canal Zone situation. What if the British had built the Erie Canal in the early 1800's and set up a Zone of their own to run it? How then would the Americans of today feel toward a British Colony living alongside of Buffalo, New York, and Cleveland? Is the only difference really the fact that we Americans are a vast world power, capable of removing such unwanted colonies, while the Panamanians are helpless to do anything about their own situation except make noises which are faint on the world scene?

If we are to behave as the greatest nation in the world—and we must—then we must set a proper example for nations large and small, rich and poor, around the world. We must solve such frictions before they become major confrontations. We must in effect initiate solutions before the guns are fired, and blood is drawn. Too often, we have been a nation of reactors. Let us act in a preventive way, and gain friends who will know that it was the United States that took the first step forward—not a step backward in retreat.

NATIONAL RURAL DEVELOPMENT CENTER

Mr. PEARSON. Mr. President, on April 5 of this year I introduced the National Rural Development Center Act—S. 1507. The bill would establish a national center to carry out research in all aspects of the American rural community, and the factors of economic growth and population distribution patterns. The objective would be to build a solid and extensive information base in order to better achieve the goals of rural development and balanced national growth.

The bill has been well received, and I am pleased that 21 Senators have joined as cosponsors.

The proposal was based on a report by a special study group of the National Academy of Sciences. Mr. President, because of the growing interest in this proposal, I ask unanimous consent that this National Academy of Sciences report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

A National Rural Center: Applying Science To Improve the Quality of Rural Life

PREFACE

The Office of Economic Opportunity asked the National Academy of Sciences to create a Study Group to recommend "the design of a 'Rural Institute of Applied Science and Social Change' or preferable institutional arrangements" to bring science to bear on the problems of rural poverty. This task was undertaken by the Division of Behavioral Sciences of the National Research Council.

Several assumptions were implicit in the request. First, rural poverty is an urgent social problem as well as a condition with costly consequences for the individual. Second, institutions dealing with the problems of rural poverty are inadequate in number and thinly spread over widely dispersed populations. Third, applied science and technology can make a contribution to the reduction of rural poverty. The assignment to the Study Group was open-ended in that the group was left free to question the assumptions and to recommend institutional arrangements that it concluded would be most helpful.

In the conduct of its activities, the Study Group first sought to gain an appreciation of the scope and nature of rural poverty and of the larger context in which the problem is embedded. The rural poor in this nation are numbered in millions. The conditions identified by the Study Group aroused its compassion and increased its sense of urgency. At the same time, however, it recognized that the problems of poverty are exceedingly diverse and vary with ethnic group and with region. They have social as well as economic roots. Moreover, the problems of rural poverty, while distinctive, are intimately related to the problems of poverty in urban centers. To an important degree, poverty in the cities began as poverty in rural areas.

As it carried its inquiries into the field, the Study Group found rural institutions underdeveloped and thinly spread. Yet, in state after state, it found that major institutions of society—governmental, private enterprise, and educational—appeared to have much greater potential capacity for dealing with rural problems than they had been able to bring to bear, either separately or collectively.

As this new issue was identified, a Task Force on Existing Institutions, chaired by Mark Massel, was created. It undertook an extensive inquiry into the operation of institutions presently concerned with rural poverty and rural development. The aim was to gain an appreciation of the practical problems of institutions in promoting social change in rural areas and to assess the possibilities of encouraging the existing organizations to strengthen their capabilities. This Task Force sought to aid the Study Group as a whole in understanding what such institutions were doing currently, what needed to be done, what issues should be considered in formulating the design of new institutions, and which existing organizations could carry on pertinent functions.

The Task Force on Existing Institutions traveled into a number of the regions of the rural United States to study communities, local government, regional development districts, federal action agency programs at the community and state levels, and university and community college programs formed in response to community and regional needs. Its members and staff conducted discussions with hundreds of state and local leaders, participants in community action programs, university administrators and faculty, community medical service doctors, extension agents, and members of private research institutions in eleven states: California, North Carolina, New Mexico, Oklahoma, West Virginia, Colorado, South Dakota, North Dakota, Minnesota, Tennessee, and Kentucky. In addition, they also met with representatives of federal agencies and participated in conferences and meetings on subjects related to the study.

The outcome of these and related inquiries led to the Study Group to move toward the design of a national center and regional institutes that would facilitate rural development. They would also provide linkages that would facilitate changes in the institutions of government, private enterprise, and higher education, enabling them to relate more effectively to the problems of rural America. New goals are needed for these institutions, as is improved coordination among their many programs. So are better means of sharing and learning from their various experiences. New institutional arrangements will be effective to the degree that they induce major shifts in problem definition, in boundary relationships among organizations, in career incentives, and in feedback from the action environment. For this, a far better fit between the behavior of existing institutions and the realities of the quality of rural life is essential. In short, significant change in major institutions is required, and this, it appears, means that the individuals of which they are composed have to become sensitive to reward systems predominantly oriented toward the issues of the external environment—the quality of rural life.

The Study Group resisted easy acceptance of the third assumption—that applied science and technology have a contribution to make to the reduction of rural poverty. A Task Force on Design Criteria, chaired by C. West Churchman, was created to identify the elements of the process involved in providing scientific and technological knowledge that would be used in improving the quality of rural life and alleviating poverty.

In its deliberations, the Study Group as a whole found the relationships between knowledge and social change complex and to a degree intractable to satisfactory delineation. Thus, some of its members maintained that the initiative for change must come from science and technology—the providing end, so to speak. From this viewpoint, the users do not normally understand their problems and what might be available to them well enough to know what assistance to request. In contrast, others emphasized that poverty groups cannot be helped much by solutions delivered from the top down. Poor people, they hold, must work out solutions to their own problems. Neither services nor enterprises, when imposed by others, last very long.

Out of such very different perspectives, the Study Group came gradually to conclude that the choice is not between "top down" and "bottom up" use of applied science, but that the issue should be framed in terms of the nature and quality of the relationships within which individuals and institutions might work together to achieve common objectives. Poor people need the skills of the experts, but experts equally need the unique knowledge of their own condition that the poor possess. Both are essential to the definition of common objectives and the means for attaining them. Coordinated action by several major institutions also requires the delineation of common goals and operational objectives appropriate to the action environment. Only then does coordination of programs become possible and effective. Improvements in the quality of rural life, it appeared to the Study Group, therefore, depend on the evolution of new relationships, both among major institutions and between the institutions and the poor. Specialized knowledge is essential, but improvements in the process by which it is brought to bear on real problems are critical.

The Study Group included a very wide range of experience and knowledge. Obviously, a report of this compass cannot do full justice to the diversity of viewpoints and understandings that the group brought to the problem. Nor can it reflect accurately the difference that emerged among its members with respect to the way in which the central thrust of this report should be represented. Consequently, it should be emphasized that, while the Study Group as a whole supports the recommendation made to the Office of Economic Opportunity, each member does not necessarily concur with every finding and suggestion set forth in this report.

The institutional arrangement on which a wide consensus was reached focuses first on the tasks of applied science at the national level. Processes of goal formulation, program coordination, and institutional invention are involved. Next are requirements, from the regional level, for advice to state and local groups, for regional technical services of various kinds, and for support of community and regional planning. The overriding objective is to facilitate adaptation of the enormous existing potential institutional resources of society to the urgent task of improving the quality of rural life and alleviating rural poverty. To this end, the Study Group limited itself to one major action recommendation.

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SUMMARY RECOMMENDATION

The Study Group recommends that the Office of Economic Opportunity take the necessary steps to secure the establishment, in the form of a public corporation, of a National Rural Center. Creation of a Center in this form would, of course, require action by the President and the Congress. The primary purpose of the Center should be to provide leadership in organizing a concerted effort to apply scientific knowledge to remedy the conditions of rural poverty.

When established, the National Rural Center should consider, as a matter of high priority and in consultation with existing institutions, the need for regional applied science institutes to deal with problems of rural development and rural poverty. The National Center should fund one such regional institute on an experimental basis before making a commitment to the creation of a number of them.

One of the major functions of the National Rural Center would be to provide leadership to institutions of the higher-education community in identifying means whereby they could serve more effectively the objectives of rural social and economic development. In addition, the National Rural Center and regional institutes, as they are established, should concern themselves with the design and development of competent, vigorous, and well-led action agencies in rural America and with the effective linkage of the action agencies with institutions of higher education and other sources of technical assistance.

I. INTRODUCTION

In the nation's outpouring of concern for its poor, attention has been concentrated upon the problems of the slum dwellers of the big cities to the relative neglect of the corresponding, and in some ways more intractable, problems of the rural poor.[1]

Poverty is more prevalent in the rural areas than in the cities, which have been the center of attention. As the President's National Advisory Commission on Rural Poverty put it in its report, *The People Left Behind:*

> It may surprise most Americans to know that there is more poverty in rural America, proportionately, than in our cities. In metropolitan areas, one person in eight is poor, and in the suburbs the ratio is one in 15. But in rural areas one of every four persons is poor.

Some 30 percent of our total population live in rural areas, but 40 percent of the nation's poor live there. Within this total there are nearly 3 million families, plus a million unattached persons.

The millions of rural poor are often isolated and largely unattended. While the urban poor have finally called attention to themselves by vocal and organized protest, the rural poor have been inarticulate. Their response to the deprivation and poverty of their lives may be characterized as silence and apathy.

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[1] The terms "rural" and "non-metropolitan," which are used interchangeably in this report, deserve comment. The traditional census definition of rural includes those living in places of less than 2,500 in the open country and on farms, all told about 65 million people. In our discussions, for convenience, we have tended to view the population outside the standard metropolitan areas as rural. Yet this or any other arbitrary dividing line between "urban" and "rural" can be misleading because a small city over 2,500 in a rural setting partakes of the character of the surrounding area and shares its problems, while not inconsiderable numbers within metropolitan areas, particularly in the south and west, are still essentially rural in attitudes and outlook. In all, we estimate that the "rural" population exceeds 80 million, something over one third of the nation.

Many rural poor, moreover, live in poor regions. The lack of a sound economic base in many rural areas is reflected in limited and deficient public services. The rural poor have even fewer opportunities for work, and less access to adequate health care, education, and housing than do the urban poor. Their participation in the political processes through which these circumstances might be changed is limited. The people around them are also relatively disadvantaged. Employment in traditional industries such as agriculture, mining, and lumbering has declined. Development of new employment opportunities has tended to lag behind such development in urban areas. Many of the firms that have located in rural areas are from low-wage, slow-growing sectors of the economy.

Technology relevant to rural areas warrants a special research and development effort. On the one hand, general technological advance has significantly reduced the disadvantages of rural living and in some respects integrated rural people with an urban society. It has also made important contributions to increased labor productivity in agriculture and other sectors of the economy. On the other hand, in reducing the need for labor without providing alternative rural employment opportunities, technology has wrought a special hardship on many rural people. There is a need for the development of technologies particularly adapted to invigorating the smaller-scale enterprises in rural areas or for creating new enterprises capable of developing economic viability. There is also a need, in both the private and public sectors, to reduce the disadvantages of distance and lack of population density.

In the course of field inquiries, the Study Group found many opportunities for using applied science and technology to improve rural conditions. New health-delivery systems, employing modern technology, can be devised. Small-scale sewage and water systems for towns and villages can be improved Marketing assistance for cooperatives—design, styling, and sales—is not now sufficiently available. New educational technologies—including computer-assisted instruction—may be of special value for dispersed populations. Small towns require assistance in developing joint information systems to meet a variety of needs. Many rural counties can benefit from a wide range of technical assistance, including law, engineering, and the social sciences, to cope with growing problems of urbanization. Throughout rural areas, the study of resources and needs, the design and promotion of programs—in short, community development—could benefit from the utilization of existing scientific knowledge.

The nation's interests will be served by programs which alleviate rural poverty, facilitate rural development, and broaden the technological base of rural society. Not only rural residents but also city-dwellers would benefit. The programs arising from urban congestion are unlikely to be relieved wholly within the cities. What can be done to reduce the pressure of increasing population upon the cities by making the non-metropolitan areas more prosperous and more livable will help to make the cities more viable—socially, economically, and governmentally. President Nixon, in his State of the Union Message of 1970, declared: "We must create a new rural environment that will not only stem the migration to urban centers, but reverse it."

The problem of population congestion is made more threatening by the prospects of further population growth. In the next 30 years, 60 to 100 million people may be added to the population of the nation. Concurrently, the demand for energy, transportation facilities, and public services of all kinds will mount. Faced with these trends, urban America will encounter ecological constraints of increasing variety and severity, and the costs of coping with them will continue to mount. More attention will have to be directed to comprehending and planning for acceptable relationships among population, production, and physical resources, including land. In view of these considerations, the space of rural America has come to play a continuing role of increasing significance.

II. A NATIONAL RURAL CENTER

As recently as 100 years ago, rural America *was* America. As cities grew, they were viewed by many as special entities, separate and apart from the main body politic. In part, this sense of separateness had led to the identification of the peculiar problems of the cities as somehow requiring special consideration—and to the evolution of special, separate institutions to deal with them. In recent years, universities have organized urban studies departments, offered courses on "urban problems," and established urban-research centers. At the national level, a wide range of institutions have been established to concern themselves with the special problems of the cities. These include lobbying organizations such as the United States Conference of Mayors and the National League of Cities; research organizations such as the Urban Institute; and groups organized to mobilize public opinion and induce action such as the Urban Coalition and the Urban Coalition Action Council.

As long as America was predominantly rural in its values and in the location of political power and distribution of governmental benefits, there was solid justification for the establishment of such institutions concerned with the interests of the urban minority. However, in an urbanized America, the minority that needs the kind of specialized attention and representation once demanded by the rising cities is the people of rural America. Neglect once characterized the nation's treatment of its cities. Now it appears in the treatment of non-metropolitan areas. The rural areas are at a special disadvantage, for the cities are by their nature centers of communication, and have had newspapers (and later radio and television) and publicists available to call attention to their problems and needs. Rural areas, by their nature, tend to lack these means of communication.

Today, rural areas exhibit the same need for specialized institutions concerned with their problems and circumstances that was felt by the cities half a century ago. In the states, it has been met in part through the system of land-grant colleges and agricultural extension services. However, these institutions do not wholly meet the present needs of rural areas, for they tend to perceive "rural" in narrow terms, and to a great degree serve commercial agriculture as an industry rather than rural people, nonagricultural as well as agricultural. Yet the agriculture-oriented institutions of the states are slowly broadening their range of concern in an awareness that most people who live in rural areas no longer derive their livelihoods from agriculture.

The absence of institutions concerned with the peculiar problems of rural areas is most conspicuous at the national level. There are no rural counterparts of the United States Conference of Mayors, the Urban Institute, or the Urban Coalition. (The National Association of Counties represents urban and metropolitan as well as rural counties.) There is no single government department with a rural-oriented mission comparable to that of the Department of Housing and Urban Development. The Department of Agriculture, of course, is not a department of rural development, either in name or in fact. It is basically an agriculture-oriented department administering programs aimed at enhancing the welfare of agriculture as an industry. Its programs of broader impact upon rural America as a whole have been grafted upon its original agricultural mission and are limited geographically as well as functionally.

Our concern as a Study Group has been with only one aspect of the country's institutional structure—its institutions for the application of science and technology to rural development and the elimination of poverty. In this area, the Study Group's conclution is clear: Rural areas now require the same kind of specialized institutional attention that has been recognized as required by the cities. Rural values and life styles are among America's important assets. Balance in the growth of rural and urban sectors is desirable. The potential capacity of existing institutions should be focused more sharply on rural problems. Rural people need improved services and expanded opportunities. Better communication, especially of successful experiences in dealing with poverty conditions, is necessary. Science and technology have a positive and vital role to play in rural development and the alleviation of rural poverty along each of these dimensions. But the positive use of scientific knowledge requires a focal point of leadership.

Consequently, the Study Group recommends that the Office of Economic Opportunity take the necessary steps to secure the establishment of a National Rural Center, in the form of a public corporation, to provide leadership in organizing a concerted effort to apply scientific knowledge to remedy the conditions of rural poverty. We believe that, to ensure independence and stability, the Center should be chartered as a public corporation. Creation of the Center in this form would, of course, require action by the President and the Congress.

The National Rural Center would have four primary purposes:

To develop and organize information and data relevant to the formulation and administration of national policies for rural development.

To facilitate by a variety of means the exchange of experiences in rural development among communities, action agencies, and educational institutions.

To assist in bringing together, through clearing houses and other linking arrangements, the institutions now concerned, in some way and to some degree, with problems of applying science and technology to the solution of rural developmental problems. The ultimate objective would be to associate pertinent but now separate institutions in a loose system.

To determine the need for, and assist in bringing into being, such new institutions as may be needed at the regional, state, and local levels to assist rural areas and localities in the ulitization of science and technology.

In its function of providing information to policy-makers and men of action on a national basis, the National Rural Center would seek to aid them by addressing several basic questions:

What should be the nation's policies regarding rural development and rural poverty? What social as well as economic policy and program alternatives should be considered in formulating those policies?

What should be the patterns of development of the nation's rural areas? Taking into account new technologies as well as present economic constraints, which areas can be developed, and which cannot?

What techniques of development are appropriate and effective? What governmental programs will assist processes of development?

What has been the experience in the United States and in other countries with attempts to develop underdeveloped areas? What has worked, what has failed, and why?

To provide information bearing on these questions, the Center will have to engage not only in research but also in the design and testing of a variety of demonstrations, experiments, and even large-scale pilot programs. The Center, on request, should offer specific comments on proposed programs and plans for developmental investment. It should engage in the systematic exchange and assessment of actual experience throughout the world as well as in the United States, and would serve as an information clearinghouse.

Policy and information

There is an urgent need to formulate practicable and acceptable goals for rural development and the alleviation of rural poverty. In addition, goal formulation must be effectively linked to systematic efforts to achieve better coordination of programs. These activities would involve very complex processes. Interest-group and agency concerns are conflicting. The causes of poverty are multiple and its impacts on various segments of the community vary. Groups and regions with high incidence of poverty are diverse. Rural development has to be perceived as a complex multi-variant problem.

More needs to be known about the environment in which rural people live.

New techniques are required to improve the quality of their lives.

Rural people need to be better prepared to thrive in whatever environment they find themselves.

Moreover, rural development goals for the nation must take account of the interactions between metropolitan and non-metropolitan areas. The mobility of the population, the shifting patterns of production, and the changing requirements for services are indicative of the interdependence of rural and urban America.

Systematic understanding of the complementary interests and aspirations of metropolitan centers and their rural hinterlands is essential.

Knowledge of complex relationships, as between settlement and land-use policies on the one hand and development and poverty on the other, is urgently needed.

Ways must be conceived for facilitating a goal-setting process that is transactional, involving not only nation, state, and local governments but also virtually all affected groups.

Applied science can help to achieve improvements in the quality of rural life. It can also provide an objective basis for mutually reinforcing rural-urban development. Finally, by reducing gaps in knowledge, it can facilitate the formulation of goals at the national level.

In a federal system, common purpose must substitute for centralized control and direction to a very considerable degree. Information is needed to facilitate the emergence of common purposes and a stable consensus as a basis for action. In part, this requires inquiry into the value and operational implications of alternative formulations of goals. In part, it requires that the results of those inquiries be disseminated to a wide public. At every level, there is a need to reduce the distortions of ideas that result from inadequate information.

At the level of states, regions, and communities, a clearer understanding of the content, meaning, and local implications of national goals is needed.

At the national level, information is needed to provide flexibility to take account of regional and group differences, similarities, and interrelatedness.

In this undertaking, heavy emphasis must be placed upon the development of communications systems that provide information relevant to the conditions of all who are or who need to be involved.

Opportunities for the work of action agencies to serve multiple objectives need to be identified and roles suitably modified.

Many people see the possibility of incorporating existing poverty programs in established agencies. Some also envision the development of new poverty programs by such agencies. They view these poverty programs not only as appropriate to the established agencies but also as contributing to the revitalization of their basic services and organization.

National problems and potentials should be reflected in goals and programs at the regional and local levels.

Systematic studies are needed to translate broad goals into a series of regional and local operational objectives in fields such as employment and enterprise, health and education, recreation and conservation.

Most of the analysis in support of regional and local operational objectives could be done by specialized agencies concerned with particular functional areas. However, information and analysis primarily concerned with the relationships among functional objectives and the coherence of the totality of regional and local efforts are also required.

Definition of goals cannot, of course, be carried out in a vacuum. That process must be closely related to the resources available for achieving stipulated goals.

Consistency studies must be undertaken to provide a basis for coordinating the goals and operations of each organization with those of others.

The end to be sought is a comprehensible correspondence between national goals and local objectives, and between objectives and resources available at the local level that provide a realistic basis for progress toward the national goals.

Decision-makers at each level need special kinds of information:

They need to know the extent to which the goals and programs they are considering are socially and technologically feasible.

They need an understanding of the interrelatedness of social and economic problems and a way of assessing the effectiveness of alternative programs for their resolution.

They need to know the elements of certainty and uncertainty in the information from which action will stem.

The need for an orderly system of goal definition and review is more acute both in a period of and for effecting rapid social change. Enactment of sound legislation, formulation of effective programs, efficient administration, and other functions of good governance depend increasingly on accurate appreciation of important factors in the existing situation and on improved formulation of goals. Increased interchange of experience and techniques by those engaged in the effort is vital.

System design

Nowhere, so far as the Study Group could determine, does there exist an applied science institution concerned with the entire range of interlinked rural issues. Indeed, scores, perhaps hundreds, of organizations have responsibilities in one or another area of rural life. While the feasibility of combining all major programs and activities affecting rural America is doubtful, effective action to alleviate rural poverty is not likely to occur without improvement in the delineation, coordination, and coherence of activities of major institutions that affect rural life.

This situation and these requirements call for the creation of a system of institutions concerned with rural affairs, but in a loose rather than tightly unified system.

The system needed for attending to rural affairs is simultaneously conceptual and informational, technological and institutional.

It is necessary (1) to determine the scope and character of such a system; (2) to delineate the applications of science that can contribute toward better understanding of the goals, problems, and potential contributions of existing institutions; and (3) to acquire a better understanding of specific constraints under which institutions now operate. Building on this knowledge, the networks of communication needed to link together the elements of existing institutions relevant to the achievement of objectives in rural America will become feasible.

The institutional resources that could conceivably be brought to bear on rural poverty and development are enormous. However, the task of making this potential a practical reality is difficult and complex. Its mobilization will require new institutional capacity. Universities provide a wide range of services but they are not designed for this task. Full participation of private enterprise requires an appropriate framework of public policy. The federal system is only recently beginning to be organized to provide leadership. Yet, a number of the practical steps that could be taken are evident:

At least some universities could be drawn further toward vigorous concern with applied problems, community services related to rural needs, and rural poverty problems.

Extension services could be induced to move further along the path to a comprehensive concern for rural life.

New mechanisms could be devised to facilitate the exchange of experience among universities, action agencies, and communities.

The development and administration of federal programs affecting rural areas could be systematically examined.

Private enterprise could acquire deeper and more systematic understanding of the advantages of investment in rural America and awareness of the indirect benefits that would consequently accrue both to society and to business and industrial firms.

The concept of a system includes the idea of the development of communities as a whole, and by implication rejects the idea that society is an aggregation of groups with altogether separate or conflicting interests. The aim is to widen perception of common interest, create new social linkages between the various groups of society, and communicate alternatives. Ultimately, the system links a whole community, and by disseminating information, facilitating communication, and providing a framework for defining needs and establishing priorities, promotes social integration and development. Obviously, informed identification with wider interests of the community will not come easily or quickly to many. But systemic links hold the promise of encouraging such growth, and, in the process, lessening tension and conflict between social groups as they recognize their interdependence within the total society in this difficult time of transition. Care must, of course, be taken to prevent the notion of informed cooperation from becoming an avenue to coercive conformity.

Institutional framework of the center

If the National Rural Center is to serve flexibly and effectively as a source of independent evaluation and advice in the formation and execution of governmental policies, as well as a resource for private planning, it should not be a part of any existing governmental department or agency. Nor should it be subject to Executive Branch control or wholly dependent upon public funds. Yet, to assure continuing support, it should be chartered by the Congress as a public corporation.

The structure of the governing and policy bodies for the Center and the mode of selection of members should be designed to foster the objectives of independence and sustained support. Probably no design is fully satisfactory from the standpoint of these objectives, but a mixed system would appear to serve best. Structurally, either a single board of trustees, or a dual arrangement providing for both an advisory council and a board of trustees, might be considered. Whatever the nature of the governing body, the initiative for the selection of members should probably be in part governmental, and in part lie with one or more suitable independent non-government institutions such as the National Academy of Sciences, the state academies of science or the American Association for the Advancement of Science. If, for example, there were to be a single 15-man board of trustees, eight might be appointed by the President of the United States and seven designated by non-governmental institutions. Alternatively, if the structure provided for both an advisory council and a board of trustees, the members of the former might be appointed in equal proportions by the President and the Presiding Officers of the House and Senate, while members of the latter might be selected, in part, by non-governmental institutions. Under such a dual arrangement, the board of trustees would be the legal entity responsible for the direction of the center and the advisory council would be concerned with providing a broader public-interest context for its activities. Whatever the structure, it should be stipulated that no member of the board of trustees should simultaneously hold a government office. Whether or not required by law, the practice in choosing board members should be to solicit nominations from educational, scientific, and rural-oriented organizations.

The permanent staff of the Center, organized under a Director chosen by the trustees, should remain small. Its basic functions would be four: (1) research, including evaluation of existing programs and institutions and development of data bearing upon national policy alternatives; (2) design, including demonstrations and experiments to test new arrangements; (3) training through short courses and extension programs of persons engaged in rural and non-metropolitan development work; and (4) operation of an information clearinghouse, including a publications program.

Many of the research and design activities, as well as much of the training, should be contracted out. The permanent staff could be augmented by temporary personnel obtained from other institutions on a rotation basis, not only to bring to the Center a wide range of talent but also as a method of reducing institutional isolation and fostering common approaches to training for rural development and the alleviation of rural poverty.

Funding the center

Certain initial funding prerequisites should be satisfied. These are: (1) sufficient initial unrestricted funds to enable the staff to plan a sustained and coherent research, development, and training program; (2) freedom from overdependence on any single funding source; (3) freedom to attract funds from outside the government; and (4) an assured flow of funds for a period sufficient to permit a reasonable assessment of accomplishment—probably five years.

To satisfy these requisites, the Center should have:

(1) a basic and continuing Congressional appropriation,

(2) authority to solicit and receive grants, and

(3) authority to contract with agencies of government.

The proposed National Rural Center would fill an institutional vacuum and would find itself without competition from any existing bodies formed to serve comparable purposes. However, the same cannot be said about applied science institutes to be established in the field. In certain regions, it may be possible to modify the role and resources of existing institutions to perform new functions. The land-grant universities with their experiment stations and extension services, for example, were created in part for the purpose of bringing scientific knowledge to bear upon the solution of agricultural problems.

Yet representatives of the most active of such institutions are among the first to testify that today they fall short, collectively, of filling the needs for assistance to rural areas that they themselves have defined. They are constrained by narrow definitions of missions in their basic characters and by rigidities built up in their long years of operation. Their resources have been committed by tradition to activities—mostly related to commercial agriculture—that, although important, would probably be given relatively low priority in any fresh and objective appraisal of rural problems and their solutions. While recognizing this fact, the institutions as a practical matter, find it difficult to make any such fresh appraisal and redirect their resources.

Moreover, existing institutions, with a few exceptions such as the Appalachian Regional Commission, are largely state-sponsored and state-oriented. Occasionally, universities have cooperated across state lines in attacking regional problems, but such experiments are exceptional and often transitory.

III. REGIONAL APPLIED SCIENCE INSTITUTES

Creation of regional applied science institutes

Regional applied science institutes could perform functions analogous to those proposed for the National Center: research on problems of development peculiar to specific regions; assistance to state-level policy-makers and institutions in program development and operation; training of state and local personnel; provision of intra-regional informational clearinghouses. Regional applied science institutes should complement, not displace, existing institutions in each region. The goal is to link and reinforce existing activities to achieve viable systems capable of improving the quality of rural life.

As a matter of high priority, the National Rural Center should consider, in consultation with existing institutions, the need for regional applied science institutes as part of the institutional system for dealing with problems of rural development and rural poverty. The National Center should fund one such regional institute on an experimental basis before making a commitment to create a number of them.

Geographic scope of regional institutes

Initially, study is needed to determine the political, social, cultural, and economic characteristics that best define "regions" for practical purposes. The regions of rural America vary greatly with respect to their readiness for change, the opportunities they offer for intervention, and the capacities and limitations of their existing organizations. Regional institutions must reflect these differences if they are to be effective.

The territory to be served by regional institutes could vary widely. Presumably an institute would concern itself with more than one state, but its jurisdiction might cover whole states or it might embrace only parts of states, much as the Appalachian Regional Commission concerns itself only with the mountainous segments of its participating states. One possible approach might be to associate the regional institute with a regional developmental body such as the Appalachian Regional Commission or a multi-state organization formed under the Public Works and Economic Development Act of 1965. Another alternative would be an institute devoted to the problems of a rural region with a single major metropolitan center.

A key factor to be considered in the design of a regional applied science institute, whatever its territorial extent, is its relationship to the decision-makers and interest groups in the area. The institute would have to be responsive to the needs of the region for specific advice and assistance. At the same time, it would have to have the independence necessary to ensure that the advice is based on the best scientific and technical knowledge available. Clearly, a regional applied science institute should serve state and local governments, private enterprise, institutions of higher education, and community action groups. It should be capable not only of providing assistance on specific problems but also of assisting in the design of new institutional arrangements to meet the needs of the region. The agenda of institute activities ought to be worked out in concert with the people of the region.

Performance agenda

In the development of a performance agenda for a regional institute, the following elements deserve consideration:

Advice to state and local governments and interest groups:

On the coordination of existing programs

On the costs and benefits of supplementing exisitng programs

On application of new and existing federal and state programs

On the use of the region's institutions of higher education and other sources of advice and technical assistance

On processes for setting priorities among the needs of local communities

Design of regional services, including:

Clearinghouse services to facilitate the sharing of operating experiences both within the region and with other parts of the country.

Regional social and economic indicators to enable the people of the region to know their present status and to follow changes through time.

Technical and training services to assist in the development of the intermediate growth centers and other population clusters in the region.

Assistance in improving the quality and coherence of a wide range of interpersonal development services ranging from child development, through career guidance, to family-life assistance.

Aid in the creation of computer-assisted communication networks to serve the varied needs of individuals, firms, and communities for timely and integrated information.

Regional research capabilities to provide a systematic appreciation of the interdependencies between the region and the nation.

Support of regional program and planning activites such as:

Regional program-development bodies made up principally of decision-makers concerned with intermediate engineering and facilities development in the region.

Regional planning councils engaged in the creation of longer-range alternative plans for the region; these councils might be drawn mainly from among younger people.

Periodic regional conferences to consider the goals of the region and progress made toward them; the conferences might include representatives of a wide range of interest groups as well as bodies like the two discussed above.

Management of regional institutes

A regional institute could be organized and managed in any of several ways. It might be controlled by the National Center as a direct subsidiary, by a single institution in the region such as a government agency or a university, by a consortium of such institutions, or by a private group. In addition to funds for administrative overhead and technical costs, the regional institute might be provided money for allocation to local governments and groups upon the presentation of proposals for research or demonstration projects. The dispersal of funds by an institute sensitive to local needs and having a detailed regional knowledge capacity would tend to encourage local initiatives and might result in more effective programs.

If appropriate evaluation studies of programs in their experimental form showed them, on balance, to be valuable and effective, they could be introduced more widely. Normally, an institute would not be directly responsible for an action project beyond the design stage, but responsibility for action should not be entirely ruled out if no other agency is prepared to deploy and test the model. For all these purposes, an institute would need to develop strong and continuing relations with key people in action agencies and with important figures in the state and local governmental units and in the economic life of the region.

IV. A ROLE FOR HIGHER EDUCATION

Universities and other institutions of higher learning have recognized the major contribution they could make both to improving the quality of rural life and to achieving an appropriate rural-urban balance in the distribution of economic opportunity and population. Every institution visited by Study Group members was undergoing, at least to some extent, a self-examination of its role in assisting the development of the non-metropolitan areas it serves. In experimenting with new forms of service, they were creating research institutes focused upon economic and community development; broadening extension services into new fields; and instituting new forms of training for rural people and their community leaders.

A major function of the National Rural Center would be to provide leadership to institutions of the higher-education community in identifying means whereby they could serve more effectively in achieving the objectives of rural, or non-metropolitan, development.

Specifically, this would require the capacity—

To indicate how colleges and universities might organize most effectively to serve as intermediaries in translating findings and conclusions of research into local programs of action.

To assist the universities and colleges in developing a division of labor in their research activities and improving the exchange and dissemination of their research findings.

To identify, in each region, the highest-priority problems for the allocation of institutional resources for research in rural development.

To discover how the university extension services, traditionally focused upon individual development, could apply their techniques more effectively to community development.

The whole concept of social technology—the application of science to improve communities in much the same manner that it has been applied to improve transportation, communication, and consumer durable goods—would have to be systematically explored by the National Rural Center together with other institutions. Change does occur, with or without planned scientific or technological input, and an almost universal consensus exists that some changes are better than others. Few would dispute that affluence is better than poverty, health better than illness, education better than illiteracy, conservation of resources better than despoliation, and wide participation in democratic processes within a community better than limited participation. Given these accepted values, the object of social technology would be to find means of attaining a greater measure of each of those values in rural areas without an accompanying loss with respect to other values. Science and technology would thus be at the service of the community in the attainment of its own objectives, on the assumption that these objectives will be attained more quickly and more fully with their aid than without it.

Social change in educational institutions

If the rich resources of educational institutions are to be turned to the problems of rural development, a number of changes in their behavior are necessary:

First, educational institutions would have to conceive of themselves as an intellectual forum for the entire community—not simply the young but the older people as well; not simply the powerful, but also the poor.

Second, educational institutions must actively seek to bring together people working on different aspects of common problems but who, in the course of their separate tasks, may not often sit down together for a free exchange.

Third, out of these community conversations, at first perhaps rather structured but later more general, the needs and capabilities of the area must be identified.

Fourth, requirements for applied science research, technology development, application strategies, and service capabilities must be defined and obtained.

In this connection, there may be much to be learned both positively and negatively, from the experiment in the establishment of "urban observatories" at six universities, under sponsorship of the National League of Cities with funds from the Department of Housing and Urban Development.

Community colleges are among the most rapidly growing institutions in American education. Unfortunately, they are too often regarded as merely performing a specialized educational function between secondary schools and the universities. Yet they can be the means for bringing together at the community level the broad range of talents that must be mobilized and cultivated for development. The relative isolation of many technical functionaries, public or private, must be overcome.

Serious study and testing of two hypotheses are suggested: First, that, if the concept of a community college includes service and the application of knowledge, as well as teaching, it can make an invaluable contribution to the quality of life of a rural area. Second, that, if a community college can bring together and provide a forum for the professional, technical, and entrepreneurial talent of the area, it may make a decisive contribution to viability and development of the community.

Community colleges have a potential for becoming centers through which applied science is brought to bear on the problems of communities and rural areas. They can contribute to enriching the knowledge environments of their natural regions. Indeed, a considerable number of institutions that are struggling to become "full-fledged universities" could play relevant and valuable roles if they came to look upon themselves instead as applied-research, service, and teaching centers in their areas. For example, there is a widespread need to train indigenous people to work with the poor to provide basic skills and information. Community colleges have a special role to play in this field but, as yet, few are in a position to undertake to meet the need. Centering knowledge capabilities around the community colleges would complement the general trend toward multicounty developmental planning and action.

University institutes—Problems and potentials

University institutes are the response of the discipline-based structure of institutions of higher learning to the growing necessity of group research efforts, the increasing demand for problem-oriented research, and the desire of faculty to tap new sources of funding.[2]

There has been sufficient experience with university institutes to identify some prerequisites for their success. Thus, the administration of the university should appreciate not only their value but also their special administrative needs. Faculty should be committed to an interdisciplinary approach to research problems. Time and a relatively intensive work association should be provided to permit the development of effective interdisciplinary problem-solving capacity. Moreover, it must be recognized that some of the fatcors critical for success may in part or whole be outside the control of the university.

For example, federal funding practices that help to enhance the problem-solving capacity of university institutes and stimulate incipient and existing interest in regional problems of national importance are needed. Rural development offers one illustration of an important problem area not yet highlighted by federal funding practices. Federal funding procedures may help or hinder the work of university institutes in other ways. Functional fragmentation in funding constitutes a continuing impediment. Even more critical is the need for regular support for general management of the institutes. One finds institutes simultaneously trying to carry out programs, trying to get the universities to change so that programs can be carried out more effectively, managing several categories of funds and preparing proposals for others, and all without significant general management support.

If research is to contribute to the solution of problems, the researchers and those engaged in action must function as a team. In other words, research, development, and application must move forward together.

Ways to compensate for the spatial and psychological remoteness of some university institutes from the rural communities to be served should be developed and demonstrated. Those engaged in research need a valid, even if vicarious, appreciation of the environments in which the problems to be solved are located. And those seeking applied science assistance need some comprehension of the world of research. When a university is located in a major metropolitan area, attention of faculty is more likely to be focused on urban problems than on those of the more distant towns and villages. Even when there is interest in the latter, the task of acquiring a sensitive appreciation of the rural environment may be difficult and time-consuming. Hence, it may be necessary to the success of an institute concerned with rural development not only that it have the capacity to do effective work but also that the institution in which it is located have an interest in and be oriented toward rural people. In many cases, this probably requires that the home institution be a land-grant university.

There is a general need to define the potentials and the limitations of university institutes with respect to issues of non-metropolitan development and the problems of rural poverty.

At present, the activities of university institutes with a concern for rural development extend from teaching and research all the way to the conduct of action programs. Some university institutes, like the Agricultural Policy Institute in North Carolina, are concerned primarily with policy issues. Others, such as the Institute for Social Research and Development in New Mexico, center their activities mainly on providing advice and technical assistance. Still others, such as the Regional Services Institute in Colorado, are directly engaged in carrying out action programs.

There is need for information and leadership that, on the one hand, will enhance the growth of explicit university commitment to rural development and the reduction of rural poverty, and, on the other, will assist university administrations in defining and accepting research and training roles in which the university can be most effective.

Ways and means must be found to induce a significant proportion of the faculty to recognize that, in the development of their own disciplines, significant rewards are to be found in the cultivation of applied science and the provision of technical assistance to action agencies and communities within their natural regions. If these ways and means are to be found, the present discontinuity between the theoretical development of disciplines and the work on special applied problems will have to be overcome. This is not to suggest that the university itself become an action agency or that it neglect its responsibilities for education and research. The university can play a supportive role in the development process in a region and, at the same time, strengthen its primary educational function. Involvement in the resolution of rural problems can contribute directly to the performance of the education function. As a minimum, a university that expects to respond to the challenge of rural development must provide a central point to which action agencies and individuals can come with their problems, and from which they can be directed to specialists either within or outside the university.

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[2] The issues touched on in this section are treated in detail in the report of the Advisory Committee on the Assessment of University-Based Institutes for Research on Poverty, Division of Behavioral Sciences, National Research Council, now in preparation.

Extension services

Extension programs have a bridging effect. They seek to assist people where they are, both geographically and psychologically, and to do this by diffusing useful and practical information and encouraging its application. Education in action was the original intent of the act initiating federally supported extension activities in 1914.

Extension also links three levels of government. It links the state land-grant colleges and universities with the federal government, and it links both of these with local governments and local people.

From the outset, agriculture and home economics education in rural America have been the primary concerns of extension. Extension, however, had two other objectives that bear on the problems of rural development. One is to increase the competence and willingness of rural people to assume leadership and citizenship responsibilities. The other is to prepare them to take organized group action toward improving their welfare.

By the mid-point of this century, as the relative significance of the agricultural sector of the economy continued to decline, questions began to be raised about the role of the extension services. The main points of criticism were: first, that extension services were not reaching a significant proportion of the rural population; second, that they were not adequately concerned with or equipped for fostering nonagricultural development; third, that their concern with agriculture tended to result in relative neglect of the problems of the villages and small cities of rural America.

In 1958, a landmark report, *The Cooperative Extension Service Today*,[3] took account of these criticisms and made recommendations for surmounting them. Changes introduced in the last decade in West Virginia, Missouri, North Carolina, and at least a dozen other states followed the directions proposed in that report.

However, much work is yet to be done to increase the relevance of the extension activities of the land-grant universities, particularly in focusing directly on the problems of the rural poor.

The extension services have a superb basic communication structure for the diffusion of useful knowledge. When a particular program for which an extension service is given responsibility has as its objective the alleviation of rural poverty, in some instances the service has displayed considerable capacity to carry the objective through effectively. In one of these instances, the extension services have recently trained community workers and carried a nutrition-education program directly to the people in the poverty group.

V. THE ROLE OF THE ACTION AGENCIES

The application of science to the solution of problems of rural poverty—or any other set of problems—depends upon bringing together those with felt needs and those with knowledge. Scientists may possess the knowledge, but it cannot be applied until someone in or on behalf of a rural area sees the utility of that knowledge and asks that it be applied.

In the present institutional structure, there are weaknesses on both the providing and receiving ends. Most states have more expertise available for the solution of community problems than is being utilized. Study Group members and staff talked with numerous scientists and technicians in universities and elsewhere who, having devised programs for community development, were seeking places to establish them. It seemed anomalous that the initiative for the application of knowledge usually came from the knowledge institutions themselves. One would have expected the communities that were admittedly in dire need of assistance to be clamoring for attention from those with technical-assistance resources, but many were not being heard from. Most non-metropolitan areas have not yet identified their needs for help, defined their programs of action, and organized themselves to speak through informed and acknowledged spokesmen. Universities cannot take it for granted that their work is germane to the needs and issues of rural areas. Localities are thwarted because they do not know what they need, what resources are available to help them fill their needs, and how to procure the resources.

The preceding section was concerned with development of the facilities that could be created in institutions of higher education; this section is concerned with the equally important question of development of organizations in the rural areas competent to identify the scientific and technical resources they need and to locate and utilize them.

The National Rural Center and regional institutes, when and as they are established, must concern themselves with the design and establishment of competent, vigorous, and well-led action agencies in non-metropolitan America and with the effective linkage of the action agencies with the institutions of higher education and other sources of technical assistance.

Specifically, they should:

Appraise the various types of action agencies that have been established on local and federal initiative, and develop the requisites for effective organization, including those that relate rural and urban regional interests.

Serve as sources of information and advice to federal executives and legislators in the process of rationalizing the present uncoordinated approach of the several federal agencies concerned with rural development. Serve state officials in analogous ways.

Organize training programs that would bring together the needy and the knowledgeable in ways that are likely to lead to effective modes of interaction.

Facilitate more effective involvement of private enterprise in rural development.

Rural governments are frequently limited in scope and relatively undifferentiated as to function. The rich diversity of organizations that exists in metropolitan centers is lacking in the non-metropolitan hinterland. Federal and state agencies have traditionally been organized on a functionally fragmented basis. Private developmental groups usually have been rather narrowly concerned with industrial promotion.

Federal and state officials administering programs of development of non-metropolitan areas appear to agree that it is essential to integrate or at least coordinate them so that they constitute a broader and more concerted effort. Federal and state governments have established new kinds of governmental structures for that purpose—economic-development districts, area planning and development commissions, and so on. These normally cover from two or three to a dozen counties in order to obtain greater leadership resources and make possible the development of regional—as distinct from strictly local—solutions to rural problems.

These structures, however, show high diversity and are uncoordinated. Within the same area, one may find as many as half a dozen different multi-county structures sponsored by one or another federal or state agency, some comprehensive in their missions and some narrowly functional, with overlapping boundaries. They tend to divide rather than unite the area's leaders. Nevertheless, these structures have served to bring professional talent into the rural areas, to center systematic attention upon the factors in the life of those areas that impede development, and to prepare comprehensive developmental plans and concerted action programs.

The time has come to apply scientific knowledge in the fields of sociology, economics, and public administration in an intensive analysis of all these varying experiments. Such analysis would be a continuing process, and no single preferred or best solution is likely to emerge in the foreseeable future. Nevertheless, it should be possible to evaluate experience, identify patterns that work better than others, and organize an interchange of information among the states and among the multi-county structures themselves.

Information and communications

Rural communities, as a whole, face serious communications problems. The information they need is remarkably diverse, and the task of finding and integrating the knowledge relevant to a particular problem is demanding. In this area, the community function of higher education is limited. As one moves from the local to the national level, the complexity of the communication problem multiplies. Knowledge transformation becomes more difficult both within and among institutions.

There is an acute need to improve the inter-institutional pattern for dissemination of information to meet the needs of rural individuals and communities.

Common interests are difficult to perceive if the information base is partial and fragmented. Conflict among groups and communities stems in part from deficiences in knowledge transformation and dissemination. New patterns of information flow are needed to nourish common norms, purposes, and interorganizational understanding.

Substantial investments are now being made in advanced technological systems for the gathering and dissemination of information—the collection, collation, and utilization of potentially valuable knowledge. The information and communication sectors of the economy are among those growing most rapidly. Management and scientific information systems have received major attention for some time, but interest in advanced information systems responsive to job, education, and health needs as defined by the individual citizen is a rather recent development. Study and experimentation on the application of modern information techniques to the problems of small and medium-size communities has scarcely begun. but the objective holds great promise and should be pursued.[4]

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[3] Report of the Subcommittee on Scope and Responsibility, the 1957 Extension Committee on Organization and Policy, American Association of Land-Grant Colleges and State Universities and the U.S. Department of Agriculture.

[4] For discussion of information systems to serve urban areas, see Chapter 5 of *A Strategic Approach to Urban Research and Development—Social and Behavioral Science Considerations*. A report by the Committee on Social and Behavioral Urban Research, Division of Behavioral Sciences. National Academy of Sciences Publication 1728 (Washington, D.C.: National Academy of Sciences. 1969).

To provide a broader information environment for local decisionmakers requires not just amassing the knowledge, but delivering it in the appropriate form and sequence to create an effective learning environment. New knowledge is needed to keep up with developments in particular fields such as law, medicine, and education. Equally important, however, is the information that permits rural leadership to obtain integrated understanding of its tasks in the context of the changing environment in which it now operates.

Communication is needed that increases the sensitivity of local leadership to the problems of human development, environmental control, and modification of local institutions.

The multi-county developmental organizations now being established in the states of the Appalachian region and elsewhere are designed to identify needs, examine alternative solutions, set priorities, develop concrete plans, and mobilize the resources necessary to carry out those plans. Such organizations bring together citizen leaders who know their communities and professional planners and administrators who have knowledge of outside resources, including federal and state programs.

While a corps of professionals is being developed who know how to tap sources of information, broad-gauge studies are necessary to lay out in a definitive way the range and character of rural information needs, and to examine the costs of the deployment of modern systems for meeting those needs.

Social entrepreneurship

Where a non-metropolitan area has a vigorous developmental program, or a series of successful projects, it can usually be traced to one or a few active and enterprising individuals who have many of the attributes of inventors and promoters in the world of private business and who might be labeled "social entrepreneurs." The social entrepreneurs may be public employees or private citizens, and they come from diverse backgrounds and occupational specialties, but they have in common a talent for "getting things done." Development of social entrepreneurship should be a prime objective of the National Rural Center and regional centers. Research is needed on the entrepreneurial techniques of this new class of rural leaders, and the most successful of them should be utilized as teachers of younger and less skilled counterparts in other communities.

Local resources for technical assistance

One of the obstacles to the effective linkage of knowledge institutions and local action agencies has been the assignment of funds for technical assistance primarily to those who provide, rather than those who use, the assistance. Consequently, it has been the knowledge institutions that have decided what fields of knowledge shall have priority for basic and applied research, and what kinds of experts shall be hired and made available to serve rural communities. The Study Group believes that the locus of initiative should be shifted, at least to some extent, so that the action agencies in the rural areas would have a greater share of responsibility for determining what technical-assistance resources should be developed and what research projects should be undertaken. This will be accomplished only if a portion of the funds is shifted from the agencies that supply the technical assistance to the agencies that utilize them. As in the private market for goods and services, the consumer will help determine what is produced.

A portion of the federal funds available for technical assistance should be appropriated to action agencies in non-metropolitan areas to be used for the purchase of technical assistance from universities and other knowledge institutions.

Technical assistance to poverty groups must be adapted to each particular poverty context and should have as a principal objective the initiation of a self-generating process of change.

Participation of the poor

Experience in various anti-poverty programs, in the nutrition programs of extension services, in certain public health programs, and in other fields demonstrates that individuals selected from among the poor can play a useful role in helping define the needs of the poor. Teachers and leaders are needed who, because they share a common life experience, find it natural to work with the poor where they are. These indigenous poverty workers must in turn be supported by more professionally trained people and provided with new skills and information as these can be assimilated. A first task of indigenous leaders is to assist the poor in defining their needs. Initially, this may be something as obvious as a need to know their rights under welfare programs available to them or the lifelong benefits of a proper diet for young children. Over the longer term, it may involve an appreciation of the need for group activities to attain particular social and economic objectives.

An appreciation of the significance of the community worker drawn from the groups to be assisted is not yet common at the various levels of federal and state agencies. Still less are there agreed methods for identifying, training, and supporting such workers. At the same time, a considerable body of experience exists in the extension services and elsewhere that could be analyzed and ordered and made generally available.

The most effective techniques for identifying, training, and supporting indigenous poverty workers and defining their roles should be determined and widely disseminated. Evaluation results of successful and unsuccessful programs should also be made available.

The alleviation of poverty requires not only change among the poor, but change among those in science and the professions. Continuing transactional communication is essential. The needy and the knowledgeable must both understand in some measure the other's situation. A sense of empathy, shaped by common experience and a continuous two-way flow of influence, is essential. The poor should be able to share with professional personnel the choice of relevant information. That information must be acquired from a variety of sources, integrated in terms of particular problems, and presented in the context of need as seen by participating individuals and organized groups.

Private enterprise

Rural development will require new kinds of knowledge about private enterprise, particularly larger-scale enterprise, and the role it might play in achieving its goal through provision of proper incentives and arrangements. Private enterprise will need better information as a basis for committing itself in a more effective way to a balanced national development.

In this connection, new economic issues arise. For example, what is the likely effect on national growth of a significant commitment to the reduction of intra- and inter-regional inequality? To what extent may possible short-run costs be offset by long-run benefits? There are also a number of important and interesting questions to be answered from a purely business point of view. What are the major determinants of the location of new businesses at the present time? How significant are change factors such as communications and transportation, which have experienced great technological transformation? To what extent have business judgments kept abreast of these changes and others that may be expected in the future? How seriously are the factors of educational and cultural facilities or social stability being taken into account? How does business define its role in improving the quality of life in American communities operationally?

Large enterprise, in which the management is remote from many of the places in which it operates, has special problems but also opportunities in this regard. There may be as great a need to delineate a broad community role for the manager of the local unit as there is concern for that degree of production decentralization that allows full scope for initiative. Community involvement, it will be necessary to recognize, requires substantial investments of time and resources.

With respect to the role of private enterprise, the Study Group identified requirements:

For the creation of a "clearinghouse" or "information utility" to store and disseminate information needed by communities and industries

For dissemination of information among rural communities as to the economic and socio-psychological factors that bear upon industrial location decisions

For systematic development of new corporate activities that contribute to community development and stability

For managerial employees and enterprise personnel to make both short-run and long-run volunteer commitments to work in connection with programs of rural development

For active participation of enterprise in the planning processes at the local, state, and national levels to enable management to become actively aware of the alternatives open to society and its communities

Rural (non-metropolitan) locations may conceivably provide more long-term advantages to corporations than are presently appreciated. These advantages could probably be enhanced by shared knowledge of national growth patterns, which in turn would be influenced by the location decisions themselves. At the same time, new methods of stimulating capital investment in non-metropolitan areas may ultimately be required. In some areas, increased private investment may be induced simply by improving the infrastructure and upgrading the labor force. In less advantaged areas, subsidies of various kinds may be necessary to increase the flow of private capital. The disparity in the availability of credit for rural as compared with urban areas is a universal complaint of rural development leaders. Clearly, many techniques and programs would be involved in affecting amelioration. But for any of them to be successful, knowledge would be needed:

On what it takes to attract outside capital for investment in speculative-type industrial properties in non-metropolitan areas

On how a new attitude and outlook among major enterprises toward investment in such areas could be created

On institutional changes necessary to improve the availability to credit for social and economic development in rural areas

Obvious mechanisms for developing perceptions of what private enterprise might contribute are forums within which industry, private action groups, professional associations, and government agencies could exchange views on problems of rural development. Another is an association of individuals interested in applying its collective knowledge and skills to the alleviation of rural poverty.

Rural America poses both a problem and

an opportunity for the nation. Better means are needed both to reduce poverty and to stimulate development. Improvement in rural areas can contribute to the quality of life of all—urban and rural. Progress is possible as the potential of existing institutions is mobilized for the task. To this end, a National Rural Center can make an important contribution.

HELICOPTER LOGGING

Mr. PACKWOOD. Mr. President, we who live in States embodying vast forest lands have heard much in the last 2 years about the potential of helicopter logging. At first it seemed only a pipe dream, but now it appears to be an idea whose time is well overdue. I have been pleased to see the Forest Service take an interest in this idea and endeavor to move it along toward fruition. I encourage them to continue their efforts. I should like to share with Senators who share my interests and concerns about logging an editorial published in the Salem, Oreg., Capital Journal, on September 20, 1971.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Are There Ways To Finance Routine Helicopter Logging?

We suspect that the biggest breakthrough in logging since the chainsaw is close at hand. It would be greeted just as enthusiastically by ecologists as by lumbermen, and it would have been brought about by the coolest, sharpest minds in both fields.

It would be helicopter logging, not as a gimmick but as an almost routine practice.

Helicopters now are used rountinely in the woods for many other things. Private companies, the U.S. Forest Service, the Bureau of Land Management use them to carry fire fighters, to pick up survey crews, to bring in quickly needed equipment parts, and to dump liquids on flames.

A small helicopter rents for $100 an hour or so, which is a lot. But imagine how much cheaper it is than letting a whole logging crew and half a dozen truck drivers sit idle until someone can drive a hundred miles over back roads with a part for the loader.

A huge helicopter rents for fantastic amounts, like $1,000 to $1,600 an hour. But one of them can carry 950 gallons of water to a fire and dump it from above. One load takes care of most young forest fires. So one load costs $3,000 or so. That's cheaper than flying in two dozen smoke jumpers and getting them back days later. And it's cheaper than letting the fire burn up costly timber for 24 hours until ground crews can hike in.

That much water, by the way, with the bucket it's in, weighs some four tons, which is as much as a short douglas fir log weighs.

If a helicopter can make four trips with short logs each hour, that's expensive. If it can double the number hour after hour, it's still $200 or so per log. This is more than it costs to take a log all the way from its stump to the mill now, and the helicopter would be hauling it only a mile or two down a slope to a landing at road's end. The remainder of the haul would be by logging truck.

But one Forest Service engineer tells us he thinks that before too long choppers may be the low cost solution—if you use all possible subsidies.

Experimental helicopter logging now uses few of these. It's being tried mainly only in areas where the last mile or two of road is just about impossible to build because of cliffs, wide rivers, etc. The basic road system and all the expensive equipment already have been purchased.

Our Forest Service friend suggests that they simply build the arterial logging road up the bottom of a canyon and stub it off without any spur system. All the yarding and loading would be done by helicopter. You'd have to buy no yarding and loading equipment. You'd have to purchase and operate fewer trucks, and hire fewer people to engineer and build roads. You could yard all winter in snow country, with absolutely no damage to the duff, when for-hire helicopters and pilots are underemployed and therefor cheaper.

Then, if you somehow pump the long-term indirect savings that go with a little-scarred hillside you mave have a surprisingly better cost picture. For example, helicopter logging likely would result in more natural reseeding and therefore less cost, and decreased fire danger, meaning less fire lookout and suppression costs.

In addition, there's a new point in a recent Department of Interior study. It has had little general attention, but it may contain the most important cost offset of all.

The report deals with the effects of pollution and siltation on the Coos Bay estuary. One of the conclusions was that money now used for dredging the ship channel and funds needed to protect silted marine life areas would be better spent at the sources of siltation. The major source, of course, is logging as it now is done. Hillsides are stripped of trees, bladed for roads and much of the duff is disturbed. The result is massive washing away of soil into the streams each time it rains for years.

The Department of Interior report doesn't detail siltation removal costs, because it's just about impossible to figure them since there is no way to counter all effects. But it's likely they amount to millions of dollars a year in each major watershed. If even part of this cost (such as Corps of Engineers dredge expenses) could be put into helicopter subsidy we might have something close to parity between conventional logging and removal by helicopter.

This might be so, we'll note, even without value being put on the esthetics of unscarred hillsides.

FINANCIAL STATEMENT BY SENATOR BAYH

Mr. BAYH. Mr. President, as the Members of this body well know, I have long supported the imposition of higher ethical standards on all of us who do the Government's business. I believe that these standards should be applied to members of the executive branch, to members of the judiciary, and to Members of Congress.

In order to indicate my good faith and my concern about the need for voters to have access to detailed information on the financial affairs of Members of the House and the Senate, I am today submitting a disclosure of my current assets and liabilities, together with my income for the year 1970. I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Personal financial disclosure Senator and Mrs. Birch Bayh—Assets, July 1971*

Cash in hand and in saving and checking accounts (approx.)	$4,500
340 acre farm, Vigo County, Ind. (at market value)	68,000
Residence, Washington, D.C.:	
Cost:	
Lot	25,000
House	75,000
Less mortgage, balance due	56,403
Net	43,597
Securities placed in blind trust in May 1970 with Terre Haute First National Bank (based on May 14, 1970, market value; present value unknown)	45,655
Miscellaneous assets:	
348 share Vigo County, Ind., Farm Bureau Cooperative Association, Inc., patron account No. 21880	1,740
Farm Producers Marketing Association	250
Tangible personal property in him in Washington, D.C. (estimated)	6,500
Cash value of life insurance (approx.)	8,640
Buick sedan 1970:	
Book value	2,550
Less encumbrance	1,290
Net	1,260
Chrysler sedan 1970:	
Book value	5,100
Less encumbrance	3,800
Net	1,300
Total assets	181,442

LIABILITIES

Personal liabilities:	
Merchants National Bank, Indianapolis (personal note)	5,000
Terre Haute First National Bank, Terre Haute (personal note)	5,000
Total personal liabilities	10,000
Deficit remaining on obligations incurred in 1968 campaign	8,485
Total liabilities	18,485

INCOME—1970

Salary as U.S. Senator	42,500
Honoraria	48,656
Royalties	2,573
Farm income	6,199
Dividends and interest	393
Total income	100,321

* Does not include property which was purchased by Mrs. Bayh in her own name with the proceeds of her father's estate.

TRUTH IN SAVINGS

Mr. HARTKE. Mr. President, in May of this year, I introduced the Truth-in-Savings Act. This proposal is based upon the assumption that the educated consumer is the wisest consumer. If a consumer-depositor knows in advance what a savings institution intends to do with his money, he can then make a rational choice among various savings alternatives.

My study of savings institutions has revealed several cogent facts. First, different savings institutions offer different earnings rates for money on deposit and employ widely varying means to calculate those earnings. Second, most consumers-depositors are unaware of the specific earnings calculation method used by their banks, and many are unaware of the current earnings rate. Third, most consumer-depositors have no idea whether the bank has calculated earnings properly or whether an error was made. Fourth, most consumer-depositors do not have the necessary information at their disposal to make it possible for them to corroborate the earnings calculations of their savings institutions. Fifth, no Federal regulatory agency conducts routine verifications of the accuracy of the earnings paid to depositors. Sixth, savings institutions use a myriad of terms to describe their earnings rates and savings opportunities. The profusion of terms and the lack of uniformity of definition for those terms leads to consumer confusion and frustration.

It is to end this confusion and to provide necessary information to the consumer-depositor that the Truth-in-Savings Act is directed. While the act would not materially alter the current business practices of most savings institutions, it would inject a welcome amount of rationality and uniformity regarding information which is disclosed to potential and actual depositors.

It is a fact that two banks may pay different amounts on the identical accounts with identical annual earnings rates and compounding periods. It is also a fact that the periodic earnings rate, rather than the annual earnings rate, is the rate which banks use to compute earnings, yet this rate is not generally available to the depositor. It is also a fact that neither the Federal Reserve Board nor the Federal Deposit Insurance Corporation has the authority or the inclination to check the accuracy of bank earnings calculations or end the confusion caused by the profusion of advertising terms.

Mr. President, my investigation of consumer-deposits has documented these facts and the need for corrective legislation. I urge my colleagues to study the Truth-in-Savings Act and the highly beneficial impact it will have on their constituents.

THE DOCK STRIKE

Mr. TOWER. Mr. President, at midnight tonight there is a strong probability that all the ports in the country will be closed to shipping. This would be due to a nationwide longshoremen's strike that would develop if the Atlantic and gulf coasts longshoremen walk off the job and join the west coast dockworkers who have been on strike for more than 3 months.

I would like to commend President Nixon for his efforts last weekend in Portland, Oreg., when he personally attempted to mediate the west coast dispute between the striking union and the Pacific Maritime Association. His personal intervention in this situation emphasized the tremendous economic ramifications which it is having on our economy, particularly our agricultural sector.

This segment of the Nation's economy has been irreparably damaged by the prolonged dock strike. If immediate action is not taken to halt the west coast dock strike and prevent the gulf coast and east coast dock strikes, foreign exports of agricultural commodities will suffer much more than a severe setback.

The immediate effect on agribusiness has been the loss of current exports because foreign buyers fear their purchase might be tied up on docks for a prolonged period of time. Perishable products rot in the packing crates if held for long periods of time, and nonperishable commodities tie up storage facilities. The west coast dock strike has already cost our Nation's farmers in excess of $215 million, of which about $40 million is in fresh fruit and vegetables. This is only a small loss compared to the potential long range effect. If Americans cannot be depended upon to furnish our foreign markets with necessary commodities when they are needed, then foreign buyers will look elsewhere for new sources of agricultural imports. This would cause U.S. producers to lose valuable markets. It is imperative that U.S. docks be allowed to operate.

The cost-price squeeze has already forced many farmers to turn to urban jobs for income. Last year over 600,000 farmers and ranchers left rural areas because it was impossible for them to farm on a profitable basis. This Nation cannot afford to continue to force farmers and ranchers into the city. If the current trend continues, U.S. consumers will find themselves paying much more than 16 percent of their annual income for food and fiber. I think it is time that both labor and management took a long look at the overall results extended strikes have in relation to the Nation's agricultural output. The increase in prices of farm machinery and tools, coupled with loss of markets, creates a double hardship which could break the back of the agricultural industry.

Mr. President, for more than a year I have on numerous occasions spoken of the urgent need to reform our outmoded governmental mechanisms to deal with emergencies arising from disputes in transportation industries. In February of 1970, the President recommended the Emergency Public Interest Protection Act of which I am a cosponsor. There has been little congressional action on this legislation, or for that matter alternatives to it. It has become obvious that the subject of permanent legislation to deal effectively and fairly with strikes of national proportions in the transportation industries is one meriting immediate congressional action. I am confident that the majority of the Congress is disgusted with the existing mechanisms under the Railway Labor Act which we now employ on a crisis-by-crisis basis. Certainly this is not the best method for insuring fairness.

Mr. President, I am not going to comment upon the various positions taken by the disputing parties. As a U.S. Senator, I do not believe I am in the proper position to decide specific points of disagreement in labor contracts. This is precisely the reason why it is imperative that the Congress pass permanent legislation to deal with recurring labor-management crises.

At present, existing and potential dock strikes are playing havoc with the economic health of the Nation. Repercussions of these disputes are negating some of the positive steps which the President has implemented to deal with our economic ills. If these strikes continue there is little doubt they will negate some of the steps the Congress will soon enact to revitalize our troubled economy.

By recommending permanent legislation to deal with labor-management crises, President Nixon has attempted to meet the problem. But, due to the failure of the Congress to act, the President and the Nation are now placed in an extremely difficult position. If we wake up tomorrow morning and find that the Nation's ports are completely closed, the President will have no choice but to invoke the Taft-Hartley Act's 80 day cooling-off period. I recommend that the President take such action in order that the Nation's safety be maintained.

Existing mechanisms are stop-gap in nature and should be replaced. The Emergency Public Interest Protection Act would establish permanent guidelines to deal with the many-faceted problems of labor-management crises. Its flexibility would relieve the President and the Congress from implementing make-shift measures to protect the economy. More important, this same flexibility would afford a high degree of incentive for disputants to arrive at a satisfactory agreement without direct government intervention.

I urge the Congress to act. The tenability of our economic system is at stake.

MICHIGAN'S WALKER CISLER

Mr. GRIFFIN. Mr. President, a few days ago in Detroit, Walker Cisler announced that he is retiring as the chief executive of Detroit Edison Co.

Knowing this man as I do, I have no doubt that Walker Cisler will be busier than ever building a better world.

Recently the Detroit Free Press published a thoughtful profile of Mr. Cisler, written by Hugh McCann.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CISLER AT 73: DYNAMO IN LIFE OF CITY

(By Hugh McCann)

Walker Lee Cisler is an old hand at press conferences.

In his 28 years with the Detroit Edison Co. he has handled many of them. But the one that he called at the company's service building on Third St. Monday afternoon was unique.

Cisler, 73, a prime mover on the civic and industrial scene in Detroit for more than two decades, stepped down as chief executive officer of Edison and handed the reins to a man 18 years his junior.

Cisler stood in the auditorium, slightly unsure of the mood he should allow himself, fingering the small maroon metal decoration on his dark blue suit. "It's the Legion of Merit of the United States," he said, his face glowing, his memory searching for the other medals . . . the Bronze Star . . . the Croix de Guerre . . . the Order of the British Empire.

In the electric power industry for most of his life, Cisler is one of the most knowledgeable men in his field. He is a man easily at home in important board rooms, often at the head of the table; or as a guest at a civic banquet, or behind a speaker's rostrum.

More than three inches in "Who's Who" does not begin to catalog the business and professional boards and civic and political campaigns on which he has served. He is, in the corporate adjective, dynamic. A world traveler, a sought-after speaker, a name of influence, a man of contacts, a peripatetic organizer and doer, he is superbly aware of himself and his powers.

During World War II and since, Cisler has been decorated by 11 foreign governments for the work he has done in rehabilitating the gas, electric and water facilities of war-ravaged areas.

He tells proudly of the time he spent on the staff of Gen. Dwight D. Eisenhower during the war and it often seems as if some of the qualities for which the general became famous—notably the ability to spawn visionary schemes and launch excited young officers to bring them to fruition—rubbed off on Col. Cisler.

Cisler is Chairman of the Mayor's Committee for Economic Growth.

His keen civic interest is manifested in his membership in other organizations, such as the Economic Club of Detroit and the Michigan Committee of the Newcomen Society in North America.

He has been deeply interested in the field of education. He sits on the National Science Board, the Michigan Colleges Foundation, the Cranbrook Institute of Science and four or five other educational institutions.

On the business side, he is chairman of Fruehauf Corp. and a director of American Airlines, Burroughs Corp., Detroit Bank & Trust Co., Holley Carburetor Co., Eaton Corp., and several other top corporations.

Cisler, who was born in Marietta, O., in 1897, has spent his entire business career in the electric power industry. After graduation from Cornell University in 1922 with a degree in mechanical engineering, he became associated with the Public Service Electric & Gas Co. in New Jersey. In 1943 he left that organization and joined Detroit Edison as chief engineer for power plants.

On his way to the summit of his career—which was his term as first president of Fund for the Peaceful Atomic Development Inc.—he has collected more than 20 awards, honorary degrees and memberships.

But he began life as a farm boy.

Young Walker once rigged up an alarm system to warn him when a pet horse started acting up in the stable.

He also installed a small generator in the barn that provided light for the home he shared with his mother and sisters.

Cisler was serving as a consultant to the Atomic Energy Commission (AEC) when a committee of electric utilities officials began investigating nuclear energy's role in the future of their companies. In 1947 the AEC created an industrial advisory group to speed up industrial activities in the atomic energy field, including the development of atomic-electric power plants.

Cisler became secretary of the industrial advisory group.

In 1948 the advisory group asked the AEC to give private industry a piece of the action. The AEC agreed and by 1950 five utility-industrial combines proposed nuclear power plants.

Only one combine—Detroit Edison and Dow Chemical Co.—proposed a breeder reactor. The other four proposed water reactors. Cisler pushed the argument that a breeder reactor "would continuously produce amount of fissionable material in excess of that consumed.

"Thus breeder reactors would augment rather than consume the world's supply of fissionable material," he argued.

Building began on the Enrico Fermi plant in near Monroe in 1956. After a long legal hassle over the feasibility and safety of the installation, the plant went into preliminary operation in 1966.

Cisler's dream of bringing the first atomic power plant to Michigan was interrupted when a piece of metal blocked the flow of the sodium in the cooling system. The plant was closed down until February, 1970, when the AEC gave permission for the resumption of operations.

The Fermi Plant is owned by Power Reactor Development Co., a non-profit company supported by 21 utilities and manufacturers. When operating at full power the plant can feed 65,000 kilowatts into the Detroit Edison network. But the purpose of the plant is research, not power production.

As one of the most knowledgeable and influential men in the field of power generation, Cisler was successful in getting Detroit selected as the site for the World Energy Conference in 1974.

The conference will bring 6,000 persons from 67 countries to Detroit to discuss economic and environmental aspects of developing power for the future.

This kind of gathering of the peoples of the world is the arena in which Walker Cisler has thrived. "Ever since World War II," he says, "I vowed that I would give my resources to building and bringing the new forms of energy wherever mankind could best use them."

ONE MAJOR STEP FORWARD AND ONE STEP SIDEWAYS

Mr. PELL. Mr. President, this past month the Department of Transportation took a major step forward by releasing a report of its Office of High Speed Ground Transportation recommending the immediate expenditure of nearly one half of a billion dollars for improvements in the rail transportation system of the Northeast Corridor.

Unfortunately, the Secretary of Transportation did not say whether or not the administration will support the recommendations with administration-supported legislation.

This was another example of the administration indicating the need for a solution to a particular problem, but at the same time saying that it is not their policy to do anything about that problem at this time.

The New York Times, in a recent editorial, commented upon the importance of acting now on the recommendations included in the Northeast Corridor report.

The Times editorial stated:

> Rapid and efficient implementation of the report would have implications far beyond the Northeast Corridor. It could signal the end of the progressively more serious congestion of the highways and airways, with its damage to the environment and its only slightly less serious impact on safety and comfort.

It would be my hope that the administration would take heed to those comments. And I would hope the administration would see fit to put its money where its words have been, and forward to Congress supplementary budget requests for the implementation of the recommendations of the Northeast Corridor report.

Mr. President, I ask unanimous consent that the New York Times editorial and the recommendations of the Northeast Corridor report be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HOPE FOR PASSENGER RAILS

The Department of Transportation, after five years of study, has come to a conclusion that seemed inescapable from the start: high-speed trains are the only sensible answer to the traffic problem in such highly traveled areas as the Northeast Corridor linking Boston, New York and Washington.

The report should lay to rest two diametrically opposed approaches to the problem, which up to now appear to have dominated the thinking of Transportation Secretary Volpe. The first was his virtually unlimited commitment to superhighway construction, despite its environmental threat to land and air; the second was his fascination with the more appealing, but not immediately productive, idea of vehicles rushing through pneumatic tubes at 300 miles an hour. The combination of an ultra-conservative prescription for the present and dreams about a somewhat hazy future paralyzed any rational effort at constructive movement toward the solution of immediate problems.

The new proposal for a major investment in high-speed trains and the necessary track improvement—with highway expansion emphatically downgraded—offers the first realistic promise of quick action. Research and eventual development of truly revolutionary high-speed rail travel can still be pressed on an urgent basis. But the immediate need is for modernization of the kind that has contributed to the limited success of the New York-Washington Metroliner. The Transportation Department's three-year goal of a two-hour run between those key cities and a below-three-hour run between Boston and New York is an important first step in the development of a national rail policy.

Rapid and efficient implementation of the report would have implications far beyond the Northeast Corridor. It could signal the end of the progressively more serious congestion of highways and airways, with its damage to the environment and its only slightly less serious impact on safety and comfort. Communication links could be re-established between cities and indeed entire regions which, under the present Amtrak network, find themselves isolated and inaccessible.

The first stage of any sensible transportation policy is to keep passenger rail travel alive and effective through full application of all available technology. The second is to prepare for new breakthroughs later on. The department's latest study puts first things first by calling for immediate investments in equipment and roadbeds of the sort that will get high-speed travel off the highways and back on the tracks.

RECOMMENDATIONS FOR NORTHEAST CORRIDOR TRANSPORTATION

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4. Title and Subtitle; Recommendations for Northeast Corridor Transportation.

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7. Author(s): Myron Miller, NECTP Director, Melvyn Cheslow, Nancy T. Ebersole, John Gerba, Donald J. Igo, Walter Velona and Robert L. Winestone.*

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14. Sponsoring Agency Code, DOT/TPI.

15. Supplementary Notes.* The systems analyses contained in this report are the products of a government-industry team effort. Industry contractors included the MITRE Corp., Peat, Marwick, Mitchell and Co., and the Resource Management Corp. Significant contributions were also made by the National Bureau of Standards.

16. Abstract. The report recommends a series of policy actions necessary to resolve future short-haul intercity passenger transportation problems in the region. Emphasis has been placed on common carrier and highway improvements which are needed to insure relief of the most pressing problems during the "interim" 1970's time period, and actions necessary now to insure adequate lead time for "long term" solutions during the 1980's. The final report consists of the following documents:

Volume 1, *Summary Report*—Contains recommendations and supplementary conclusions, and discusses in highly summarized form the background to the Corridor's transportation problems, the general study approach and the evaluation of alternatives.

Volume 2, *Main Report*—Includes discussions of the Corridor's population growth patterns and the region's transportation system, the evaluation methodology, descriptions of the "interim" and "long term" alternative systems, and a comparative analysis of the alternatives as to their technological feasibility, economic costs and benefits and environmental impacts for the years 1975 and 1985.

Volume 3, *Technical Appendices*—Contains descriptions of methodology and detailed results of the Corridor's air and highway systems analysis and general environmental forecasts through 1985.

17. Key Words: Northeast Corridor, transportation planning, systems analysis and evaluation, system alternatives, net present value analysis, facility requirements, environmental impact, simulation, congestion, capacity constraints, fares, patronage, transportation coordination, regional transportation, NECTP, high speed ground transportation, high speed rail, STOL, VTOL, TACV, automated highway.

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CONCLUSIONS AND RECOMMENDATIONS:
SUMMARY OF ACTION PROGRAMS

The actions recommended for the Northeast Corridor are designed to meet the growing demand for short-haul transportation in the region, while minimizing the costs and adverse environmental impacts of moving large numbers of people.

To provide transportation service for the interim (1970's) period, actions beyond existing plans are called for to maximize the utilization of the Corridor's unique transportation assets, i.e., the large investments in existing facilities. The (1970's) action program consists of:

1. Improvement of high speed rail service by reducing line haul time, improving passenger amenities, and increasing departure frequencies and schedules;

2. Development and implementation of a real-time highway information system to assist intercity drivers in making route choice decisions; and improvement of highway construction to provide additional alternative routes during peak travel periods.

To provide high speed common carrier service for the longer term (1980's) period, additional actions are recommended that must be performed now, so that the required information will be on hand for the investment decisions concerning the 1980's.

1. Immediate planning of a new high speed ground right-of-way along the spine of the Corridor;

2. Expansion and acceleration of research and development of tracked air cushion vehicles (TACV), with emphasis on developing an environmentally acceptable system;

3. Orientation of short and vertical take-off and landing aircraft (STOL and VTOL) R&D toward requirements for the 80's emphasizing airport and air traffic control system capacity, safety, noise and air pollution abatement, and ride quality;

4. Establishment of 1976 as a definite decision year for a Northeast corridor (NEC) intercity transportation investment program in the 1980's based on the evaluation of the results of R&D and Improved High Speed Rail operations.

To provide sufficient highway capacity for the long term, the following actions are required now to provide alternatives to continued proliferaton of conventional highways:

1. Expansion of the automated highway research and development program to define and evaluate possible concepts;

2. Preparation of proposed legislation for the Post Interstate Highway Program which will *permit* highways to be planned and built in such a way that accommodation to automated capability will be possible.

DETAILS OF ACTION PROGRAM

Recommendations for the Interim Period (1970's)

The Northeast Corridor Transportation Project concludes that, in the near term, increasing congestion at urban Conventional Take-off and Landing (CTOL) air terminals will preclude sufficient growth of both long and short-haul traffic to meet the air travel demands. It further concludes that the provision of improved, expanded high-speed ground service for short-haul travel along the NEC spine can help to alleviate increasing CTOL congestion while meeting the rising demands for travel. Major factors influencing these conclusions are (1) the increasing public sensitivity to adverse environmental impacts of the current air system, which militates against expansion of the air system (acquiring new land for airports, increasing operations), and (2) the increasing demand for long-haul domestic and overseas air service. Alternate air transportation concepts (such as STOL and VTOL) which could potentially provide improved service for short-haul travel are not considered practical for application in this time frame for reasons discussed in the next paragraph. The only system capable of increasing the speed of travel and which can be rapidly implemented is improved high-speed rail which expands and improves the demonstration service on the existing right-of-way between Washington and Boston.

STOL AND VTOL

In the Northeast Corridor Transportation Project's study of short and vertical take-off and landing (STOL and VTOL) aircraft for the '70's the early analyses were encouraging. However, the inclusion of more complete cost and environmental considerations raises serious doubts whether an effective and community acceptable city center system could be made operational during the '70's. Strong Federal fiscal support would be necessary to finance the urban STOL and VTOL terminals and air traffic control which are considered essential to fully exploiting the flexibility of these air systems.

Air *terminal* facilities are traditionally heavily supported by municipal agencies. Community opposition to VTOLport and STOLport sites currently exists because of noise, air pollution and safety concerns to a degree that early acceptance and/or municipal financial support are unlikely to materialize. The New York area is critical to transportation in the Northeast Corridor not only because it contains more than half of the population and it has a central position astride the Corridor spine, but also because more than 60 percent of all common carrier trips either begin or end in the New York metropolitan area. In this dominating part of the Corridor major opposition to new airports or expansion of existing airports has materialized. In addition, interference of STOL or VTOL flights with the already congested CTOL (both commercial and general aviation) air traffic may not be preventable in the '70's.

A final difficulty arises because of the expected disparity to ride quality and comfort between present CTOL jets and the turboprop STOL or helicopter VTOL postulated for the '70s. If passengers regard STOL or VTOL as a serious step backward, then significant passenger diversion by these CTOL competitors is not likely.

The NECTP recognizes that STOL and VTOL aircraft are presently providing limited feeder service to some Corridor CTOL airports. This is viewed as a adjunct to the conventional air system rather than a completely new alternative. The demonstration of improved technology on service of this kind could be the first step in testing user acceptance.

IMPROVED HIGH-SPEED RAIL (IHSR)

IHSR is a mode that could be developed out of the present Metroliner demonstration, taking advantage of the resource savings resulting from using existing facilities with unused capacity. Metroliner results plus analytical projections indicate that (a) more high-speed Metroliner-type cars, (b) better passenger amenities, (c) stepped up frequency of schedules and (d) availability of non-reservation and some non-stop service would attract significant additional rail patronage in the New York-Washington, New York-Boston, and (their) intermediate markets, thereby providing some relief to CTOL airport congestion.

Further improvements in speed should be achieved by upgrading the right-of-way. Expenditures of $100 million should be made for right-of-way improvements south of New York to permit approximately 2-hour nonstop New York-Washington service; and an additional expenditure of $190 million should be made north of New York to permit approximately 2¾-hour nonstop New York-Boston service. Approximately $70 million for terminal improvements and $100 million for additional vehicles would complete the investment required for this level of service. Approximately three years after the decision to proceed, full operation of the Improved High Speed Rail (IHSR) service could be available to the Boston-Washington traveler.

Capital will probably not be available for IHSR financing as a purely private enterprise. The existence of the quasi-public NRPC is the result of the inability and disinclination of private railroads to pursue the rail passenger market. The NRPC, however, is unlikely to have resources to invest in the Northeast Corridor, even if that corporation were to decide its most pressing problem lay there. The impetus must come from the Federal Government. Because the project is expected to be profitable, an outright grant is unnecessary. Federal support could take the form of a direct loan, guaranteed bonds or some similar arrangement.

Following such investment and as the IHSR system begins to operate (and its ridership levels increase), further investments could be made which would boost the capability of the IHSR to the level of 1½ hours nonstop city center service New York to Washington, and 2 hours nonstop city center service New York to Boston. Of major significance is the distinct possibility that such "second stage" investments could be financed from the earnings of IHSR system once the first stage is completed. A decision regarding such additional investments should be made after obtaining the patronage response to the earlier improvements. In addition, the decision should be part of the broader long term decisions to be made in 1976.

On the basis of the foregoing, the Northeast Corridor Transportation Project recommends that:

The administration support implementation of improved high-speed, non-reservation, high frequency rail service along the Washington to Boston spine. The Department of Transportation should seek legislation to insure that necessary funding for this effort is made available (loans, loan guarantees, etc.) dot policy should be to stimulate improved high speed rail service to attract more short-haul passengers between New York-Boston, Washington-New York, and intermediate distances along the spine of the corridor. Total estimated cost is $460 million.

HIGHWAY

With regard to highway travel in the 1970's, the Northeast Corridor Transportation Project concludes that congestion problems will increase drastically over the next decade due to bottlenecks at the metropolitan areas where intercity traffic interfaces with urban commuter and week-end traffic. The existing and presently planned highway network, however, offers broad capabilities for alternative routing of intercity traffic around urban congestion points. Interim period network and connectivity improvements have been identified that will partially relieve intercity highway travel congestion.

But, full exploitation of the future capacity and flexibility of the Corridor highway network will require a capability for intercity drivers to make intelligent decisions concerning alternate routes based on actual traffic conditions. The analyses show that a real-time highway information system would provide the motorist with substantial benefits in delay avoidance—even if no further highway network connectivity improvements were made. On the other hand, with further network connectivity improvements the existence of a real-time information system gives the motorist the opportunity to take advantage of a wider variety of uncongested route alternatives. Similarly, an alternate spinal route, which avoids the major metropolitan areas and which could be achieved by minor improvements to an existing route, would be beneficial, especially at peak periods. In view of the large advantages to be gained from more intensive use of the existing highway network, the Northeast Corridor Transportation Project recommends both a real-time information system and network connectivity improvements as follows:

The early implementation of a real-time highway information system for the major highways of the corridor should be a high-priority departmental goal. Freeway-surveillance and ramp-metering control systems should be coordinated with the highway information system. Total estimated investment cost is $80 million.

In order to facilitate intercity highway movements along the congested Boston-to-Washington spinal network, the connectivity of the existing and planned network should be improved, particularly around the congested metropolitan areas, by constructing additional short sections of freeway bypasses and interchanges. The information system will enable drivers to get maximum benefits from these connectivity improvements which would cost an estimated $50 million.

The Federal Highway Administration should study alternative low cost means of achieving, in the 1970's, the consolidation of existing highways into a new north-south route which will pass outside of the congested metropolitan areas. One low-cost example could be implemented by just one 15-mile new section and further upgrading of existing and planned facilities at an estimated incremental cost of $60 million.

Recommendations for the long-term period (1980's)

The Northeast Corridor Transportation Project has performed a detailed examination of alternatives to meet the short-haul passenger transportation needs of the long-term period (1980's) and concludes that additional R&D is required to develop the necessary information to make investment decisions for the 1980's. The long-term action program, therefore, is designed to identify what must be done between now and a decision date (1976) to insure the availability of the information needed for rational decisions on long lead-time investments.

The Project has examined the use of both new air and high-speed ground transportation systems along the Corridor spine and concludes that there are significant R&D risks associated with each. If the recommended R&D programs are successful, however, the transportation requirements can be met. The Project also concludes that the IHSR, which would be operating in the 1970's, may be able to meet a significant portion of the 1970's requirements as well. Therefore, IHSR must be considered in the investment decisions to be made in 1976.

The prime alternatives considered for the long-term period include the tracked air cushion vehicle system (TACV), Improved High Speed Rail (IHSR), short take-off and landing aircraft (STOL), and vertical take-off and landing aircraft (VTOL). In addition, the potential of automated highways complementary to the above alternatives has been addressed.

Tracked air cushion vehicles (TACV)

TACV offers the potential for very good reliability, comfort and safety; high capacity; and decreasing passenger-mile costs at high volume. Because the acquisition of a sufficiently straight, continuous right-of-way will be a difficult and long-lead item for any high-speed ground system, the Northeast Corridor Transportation Project recommends:

The Department of Transportation should begin at once to explore possible routes for a right-of-way suitable for a tracked air cushion vehicle system and to investigate possible institutional arrangements for an operating system.

Research and development currently in progress on Tracked Air Cushion Vehicles is primarily aimed at problems of propulsion and cushion performance. In terms of environmental compatibility, the TACV powered by a linear induction motor has the potential for minimizing noise and air pollution (assuming the movement to nuclear generation of electric power continues at currently projected rate for the NEC).

Because of the great importance of alleviating noise and other environmental impacts, it is necessary that these factors be given added emphasis in the R&D program. A critical element in securing a TACV right-of-way will be its environmental acceptability. Accordingly, the Northeast Corridor Transportation Project recommends:

Research and development efforts for TACV should be expanded and accelerated and should include heavy emphasis on the environmental impact of the system (including electric power sources).

The Northeast Corridor Transportation Project recognizes that technological risks exist in the research and development for the TACV system and that socio-political risks are involved in securing new rights-of-way and in achieving proper institutional arrangements. One of the risks is that the fixed investments in right-of-way preparation and guideway construction are large and not easily recoverable. In terms of capacity and passenger-mile costs for high volume spinal traffic, the TACV appears to have an advantage over air systems. Actual decisions regarding ride comfort, safety, reliability, and environmental compatibility must await the results of research and development.

STOL AND VTOL

The Project recognizes the value of the greater flexibility, speed and network connectivity of STOL and VTOL air systems under consideration for the 1980's. The appropriate investment decision, however, hinges on the relative success of curbing environmental impacts through research and development efforts, as well as on the success of alternative measures.

The Northeast Corridor Transportation Project, therefore recommends that:

STOL and VTOL R&D, oriented toward meeting requirements for the 1980's, should continue emphasizing noise and air pollution abatement, ride quality, airport and air traffic control considerations, and

Alternate STOL and VTOL system plans should be examined and evaluated to facilitate decisions on possible future (1980's) implementation.

Major investment decisions should be deferred until the requirement is established to go beyond the interim recommendations and until the outcomes of the TACV, STOL and VTOL research and development programs are evaluated. A definite date should be set for such evaluation and the R&D programs oriented toward meeting such a date (recommended the year 1976).

To aid in the evaluation of the TACV, STOL and VTOL research and development programs, the Federal Government should make a determined effort to establish realistic environmental acceptability criteria and standards for common carrier systems.

AUTOMATED HIGHWAY

The Northeast Corridor Transportation Project concludes that automation of highways and the resulting benefits could reach fruition within the operable life of highways built in the next decade. Because of the huge investment represented by the highway system, it will be a serious mistake if Post-Interstate highway planning and construction preclude later installation of advanced technologies. Therefore, in recognition of the potential for high-speed, high-density operation through automatic control and guidance of individual vehicles (and for operation both on and off controlled highways) the Northeast Corridor Transportation Project recommends:

Effort should be expanded and accelerated to define and establish the desirability of moving toward automated highways. After completion of the requirements phase, and if affirmative, a research, development and implementation program should be established for an automated highway system in the corridor. The results of automated highway research will determine appropriate federal design specifications to direct the post interstate highway program so that new conventional highways may be adapted to automation with minimum expenditure.

Supplementary conclusions

Additional conclusion are presented which resulted from the analyses and the experience and insights developed during the Northeast Corridor Transportation Project study. Although important to the overall improvement of intercity transportation, they represent tentative findings and identification of possible areas for further study.

New York Hub Air Congestion

The necessity to provide additional or expanded facilities for increasing long-haul domestic and international air travel demand will continue to impact on the airport capacity of the Northeast Corridor. Despite favorable assumptions regarding major improvements in air traffic control, the widespread use of high-capacity jets, better rationalization of airline operations, constraints on general aviation operations, and the diversion of Corridor short-haul air travelers to high speed ground modes, the Northeast Corridor Transportation Project concludes that, unless additional actions to divert CTOL passengers are undertaken, the New York Hub area will, in all likelihood, face severe and unmanageable air congestion problems in the 1980's.

Northeast Corridor analyses indicate that one useful action would be to operate the three New York airports—JFK, LaGuardia, and Newark—in a manner that equalizes the delays at all three. This action would require scheduling operations into each airport proportional to its capacity and would result in some transfer of traffic from LaGuardia and Kennedy to Newark. But this action alone will not solve the New York hub problem. There could be substantial improvements in the efficiency of processing travelers from these three airports by including in the spinal rail or TACV system a connection to Philadelphia International Airport and Bradley Airport in Hartford, Connecticut, thus permitting operation as a regional air hub. Another approach to alleviate congestion is the diversion of some of the international travel, particularly that which is not specifically destined to the New York area.

The Northeast Corridor Transportation Project, while not having made an exhaustive study of all possible means of adding to New York airport capacity, calls attention to the following tentative conclusions which require further study.

Service proportional to supply instead of demand at the hub airports can be accomplished and used to increase hub capacity.

A proportion of the benefits of a fourth New York jetport could be achieved by the alternative method of connecting existing airports (New York Three-Airport Hub, Philadelphia and Hartford) to a spinal high-speed ground system, thus forming a regional air hub.

Some international and long-haul flights should be diverted to other Corridor airports to avoid congesting New York hub airports.

Institutional considerations

The NECTP multi-modal approach to transportation analysis and planning has served to highlight serious inequities among the modes in regulatory and taxation policies, and in providing command and control, terminals and rights-of-way. A high degree of cooperation among metropolitan, state, regional, and Federal governments (as well as cooperation within and coordination among modes) is needed to achieve efficient resource allocation in transportation. The attainment of the necessary cooperation and coordination is hampered by jurisdictional, legal, regulatory and other problems.

The Department of Transportation should press for and participate in reexamination of institutional, regulatory, tax and support status policies of transportation to facilitate the multi-mode approach necessary for efficient resource allocation in Corridor transportation.

Short-haul feeder and off-spine service

While the Project did not engage in an intensive study of feeder and off-spine transportation supplementary to spinal service, recognition is given to the flexibility and network connectivity characteristics of the air system in general and the STOL and VTOL modes in particular.

Consideration was given to a role for VTOL, STOL, CTOL short-range, and CTOL small-capacity air, as well as rail systems, for feeder and off-spine service.

All have potential for serving the feeder market. The VTOL and STOL appear to serve more economically those dispersed cities where land costs are high: small CTOL where land is not valued at premium prices; and rail, where track exists.

The Northeast Corridor Transportation Project, therefore concludes:

A follow-on study should be made to determine the best modes for short-haul feeder and off-spine type service as a supplement to the spinal Improved High-Speed Rail service in order to establish appropriate modal requirements for the interim and long-term periods. In this regard, early identification is needed of existing rail feeder lines to prevent possible premature disposal of these rights-of-way. Such facilities cannot now and should not be disposed of without prior consideration by the Interstate Commerce Commission.

High-speed ground transportation research and development

To high-speed ground modes requiring advanced technology are worthy of special mention, although they do *not* represent alternatives for the time period of the 1980's. The underground tube vehicle system has been eliminated as a feasible 1980's alternative because of the prohibitive cost of tunneling. If it becomes impossible to secure ground-level right-of-way, or a major breakthrough is made in reducing the cost of tunneling, underground high speed (tube) systems could prove a practical alternative in some spinal intercity as well as urban applications. In addition, tunneling into some cities will be required for the TACV alternative, and it may be even more necessary in the future as land use constraints and environmental pressures increase. Therefore, a major effort should be undertaken in tunneling technology to achieve a significant improvement in cost.

The technological development of magnetically levitated vehicles has not been considered sufficient to warrant their inclusion as 1980's alternatives. In a broad sense, magnetic levitation could be very nearly interchangeable with air cushions for vehicle suspension, and the technology could possibly form a natural follow-on to TACV. Magnetic suspension also has great potential for evacuated tube-vehicle-type systems that preclude use of air-cushion suspension.

The Northeast Corridor Transportation Project thus concludes:

The ongoing research in tunneling and in magnetic levitation technology, as well as in tube-vehicle systems, is necessary to the development of a broad based future capability for high-speed ground transportation.

Continuing DOT program for implementation

A continuing and concentrated evaluation effort will be required to insure that the foregoing recommendations are carried out in an effective manner:

The relative progress of the TACV and STOL/VTOL R&D efforts must be monitored and evaluated;

Study and analysis must continue on air-ground trade-offs;

Data collection and evaluation are needed to examine investments incrementally and to determine if expectations are being achieved;

Relationship of the transportation system to community acceptance needs to be continually assessed.

AWARD OF WRIGHT BROTHERS MEMORIAL TROPHY TO SENATOR CANNON

Mr. BIBLE. Mr. President, I have recently learned that my distinguished colleague from Nevada (Mr. Cannon) was to be presented the Wright Brothers Memorial Trophy for his outstanding service to U.S. aviation. This is an award which he has richly earned and richly deserves. Senator Cannon is a skilled jet pilot in his own right, and he has had a great record as a military pilot and has, over the years, kept up his proficiency in the various jet aircraft that have been developed.

He is, also, chairman of the Aviation Subcommittee of the Commerce Committee and has handled many of the aviation bills on the floor of the Senate.

I have personally flown with him many times; and as a matter of fact, during our recent August recess we flew together on several engagements.

A splendid editorial taking proper recognition of this high honor was published in the Las Vegas Review Journal of Friday, September 24, 1971. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Senator Cannon Given High Honor

The state of Nevada was singularly honored this week with the announcement that Senator Howard Cannon will be presented the highest award in the field of aviation.

Cannon was named recipient of the Wright Brothers Memorial Trophy for outstanding services to U.S. aviation. The coveted award will be presented by the National Aeronautic Association at the Wright Memorial dinner of the Aero Club of Washington, D.C. on December 17.

To grasp the full significance of the selection of our junior Senator for the award, one must reflect only for a moment on the distinguished list of honorees in previous years.

In 1949 the Wright Brothers Memorial Trophy was presented to Charles A. Lindbergh. Three years later it was received by Lt. Gen. James H. Doolittle. In 1957 the recipient was United States Senator Stuart Symington of Missouri, former Secretary of the Air Force. Former Senator A. S. Mike Monroney of Oklahoma was honored in 1961, and the award went to Dr. Egor I. Sikorski in 1967.

This year it is Senator Howard Cannon of Nevada who will receive aviation's highest award and we share the pride all Nevadans must feel.

We are not surprised, however, about the selection of Senator Cannon.

After all, he is considered the United States Senate's authority on commercial and military aviation. He is the man his colleagues look to for leadership on virtually all aspects of aviation.

He is the chairman of the Aviation Subcommittee and was cosponsor and floor manager of the historic Airport and Airways Act which established a trust fund for development of our nation's airports.

He spearheaded the Senate inquiry into the adequacy of local air service and has been a leader in the efforts to insure air service for smaller communities. In Nevada, Elko and Ely have especially benefited from Senator Cannon's work to maintain air service in smaller cities.

Cannon has initiated and is continuing an investigation of the economic problems of the air carrier industry and of the needs of the air traveler, the ultimate consumer of aviation services.

Cannon is also an expert on military aviation matters. He is chairman of the powerful Tactical Air Power Subcommittee and has always fought for a strong air posture for this country's armed forces. A war hero who was shot down over Holland during World War II, Cannon evaded capture by the Germans for 42 days until he reached allied lines. When he left the service he remained active in the Air Force Reserve and now holds the rank of major general.

Before his election to the Senate in 1958, it was Cannon who represented the City of

Las Vegas before the Civil Aeronautics Board and his efforts were largely responsible for bringing more and better air service to Clark County to serve the needs of our growing tourism and recreation industry.

Cannon is still a jet pilot and has an FAA license for single and multi-engine aircraft, instrument rating and glider license. He was the first member of Congress to personally pilot the controversial F-111A aircraft.

So on December 17, the anniversary of Orville and Wilbur Wright's first flight, Senator Howard Cannon's name will be added to those of Lindbergh, Doolittle, Sikorski, Symington and Monroney.

Cannon is "Mr. Aviation" of the U.S. Senate and we are delighted he is receiving the recognition he so richly deserves.

SENATOR ALLEN ELLENDER

Mr. MUSKIE. Mr. President, I deeply regret that I was unable last Friday to congratulate personally the distinguished senior Senator from Louisiana on his 81st birthday. Senator Ellender combines the wisdom of his age with the vitality and enthusiasm of a young man.

At this point in his life he has the rare pleasure of looking back on a long, varied and distinguished career. A veteran, a city and district attorney, a State legislator, he has ably served the State of Louisiana as a U.S. Senator since 1937. In the Senate he has contributed and participated in an amazing variety of legislative proposals. For years he was a member of the Senate Labor and Public Welfare Committee and was one of the major supporters of the Education Finance Act of 1949, the first bill providing aid to primary and secondary education to pass the Senate in the 20th century. Although this bill was not enacted, it clearly is one of the foundations of our present student aid programs which have been so beneficial to young Americans. Also, he was one of the major supporters of the Housing Act of 1949, which forms the basis of many of our Nation's most important housing programs.

Senator Ellender has been a member of the Committee on Agriculture and Forestry without interruption since he entered Congress in 1937, serving as its chairman during the 82d Congress and from the 84th Congress to January 1971. In his work on the Agriculture Committee, Senator Ellender has played a major role in the drafting and enactment of such beneficial legislation as the rural electrification program, the soil conservation program, the School Lunch Act, and the food stamp program. Presently, Senator Ellender is chairman of the extremely powerful and influential Appropriations Committee, also serving as chairman of its Defense Subcommittee, which has oversight over all of the national defense programs in the United States. Senator Ellender brings good commonsense and uncommon concern about how the U.S. Government spends the taxpayers' money. Although Senator Ellender is careful how a dollar is spent, he has the vision to spend when it is necessary and in the public interest.

I would like personally to acknowledge Senator Ellender's contribution and leadership in an area of particular concern to me. As chairman of the Subcommittee of Air and Water Pollution, I have been concerned about the quality of the Nation's water. Senator Ellender has had this concern long before I came to the Senate. Through the years I have always found in him a sympathetic listener in connection with the problems of water pollution control. Perhaps I can give no better indication of Senator Ellender's effective championship of the needs of water pollution control than to quote the debate of November 12, 1969, on the Public Works bill of this year. In that debate I clearly outlined Senator Ellender's unsurpassed contribution:

> Mr. President, the $1 billion appropriation included in this legislation for the Nation's water pollution control program represents the culmination of a great deal of hard work by a great many people. It represents to those of us who have lived with, developed, and maintained a deep interest in this program for many years, a significant victory for national priorities over budgetary expediency.
>
> Mr. President, this victory could not have been achieved without the dedication, the interest, or the commitment of the senior Senator from Louisiana and the chairman of the Public Works Appropriation Subcommittee, Senator Ellender.
>
> Senator Ellender promised to do his best to maintain a strong water pollution control program, and he has carried out that commitment. Last year, when nearly all domestic programs suffered from both budgetary and Appropriations Committee cuts, Senator Ellender achieved a Senate increase in the water pollution construction grant program of $22 million. The conference committee agreed on an increase of $11 million more than the budget request for water pollution—perhaps the most significant program increase in any of the national priority programs last year. When Senator Boggs and I appeared before Senator Ellender in 1968, he told us of his desire to see the level of funding equal to the demand for water pollution construction grants.
>
> The information we had last year was inadequate. The Clean Water Restoration Act, at that time, was effectively 1 year old. The States had not begun to move to assess their own needs—to date a great many States have not. The demand for construction grants as estimated by the Department of the Interior reflected budgetary expediency more than program need.
>
> This year when Senator Boggs and I joined the Citizens Crusade for Clean Water before Senator Ellender's subcommittee, the demand had changed. Several additional major States had joined the list of States with an inventory of water pollution needs. It was obvious that the demand for water pollution funds far exceeded the $214 million requested in the President's budget. Secretary of the Interior Walter Hickel attested to this fact when he indicated that $600 million could usefully be spent in fiscal year 1970. But the Citizens Crusade, Senator Boggs, Senator Ellender, and I were not satisfied with that estimate.
>
> Senator Ellender asked the Department of the Interior to provide a detailed estimate of the backlog of construction grant applications. The Citizens Crusade for Clean Water, in cooperation with the Council of State Governments, requested the Governors of all affected States to provide up-to-date information on the amount of grant funds which could be effectively obligated in this fiscal year. The information provided by the Department and the Crusade indicated that more than the authorized billion dollars could be obligated, that the States were moving faster than had been anticipated and that even a fully funded program would be inadequate if reimbursable requirements were considered.
>
> Mr. President, a man with a lesser commitment would have accepted the initial information of the Secretary of the Interior and appropriated an amount equal to that which was voted by the House of Representatives.
>
> A man of lesser commitment would have accepted budgetary expediency over national priorities. Senator Ellender has fulfilled the faith of those of us who worked with the Public Works Appropriations Subcommittee, who committed ourselves to support the level of appropriation which he thought could be justifiably obligated, and who believed that he would work to see that the Nation's water pollution program is funded at the level of need.

I would like to reiterate what the above quotation from the Congressional Record makes so clear: that without Senator Ellender's loyalty, hard work, and dedication to principle, no progress in water pollution control would have been possible. This is just one of the many contributions that Senator Ellender has made in the U.S. Senate. He effectively champions an amazingly wide variety of interests in the Senate, made possible by his keen intellect and his capacity for hard work which is justifiably legendary. It is therefore a great pleasure to pay tribute to Senator Ellender, whose knowledge of the Senate is unsurpassed and whose effectiveness in the Senate is unequaled. I look forward to working with him in the future on many of the problems facing our Nation, and I also look forward to enjoying his delicious gumbo shrimp.

THE OREGON COAST

Mr. HATFIELD. Mr. President, recently the Oregonian, of Portland, published an informative series of articles by Paul Pintarich on sections of the Oregon coast. As a resident of Newport, Oreg., I read the series with interest.

From the hearings and discussions with my colleagues on the Interior and Commerce Committees, I think the problems highlighted by Mr. Pintarich are indicative of the situation across the country along our coastlines. Our attempts to formulate land use planning and coastal zone bills reflects the concern I am sure we all feel toward the future of our coastal areas.

Because of their interest to all Senators, I ask unanimous consent that this series of articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Oregonian, Sept. 19, 1971]

Our Changing Coast: Planning for the Next Wave

(By Paul Pintarich)

(Note.—First in a series of articles which will attempt to explain the transformation in land use and development along Oregon's north and central coast.)

From Astoria to Cape Perpetua, the various towns and villages of Oregon's north and central coast fill the wide, flat places along U.S. Highway 101 as it passes through Clatsop, Tillamook and Lincoln counties.

Hugging beaches and rivers, clustered around harbors, lumber mills and estuaries, the coastal communities are caught between the sea and the Coast Range mountains, still relatively isolated from populous centers of the Willamette Valley.

As in the past, coastal life is a moving through of the seasons: Salmon run into the rivers with the first chill rains of fall, cows munch rich valley grasses for milk and cheese, trees are logged and berries picked.

Tourism is the gilded bonus of the warmer months—a bountiful and increasing harvest eagerly awaited and planned for by coastal residents during the cold times.

Wraps fall off the new motels, the "closed" signs disappear, restaurants open while cash registers clang happily full of welcome dollars.

BALANCE DISTURBED

Until recently, life on the coast has maintained a tenuous balance determined by the predictable seasonal cycle. But in the last 10 years, the balance has been disrupted, tilted towards chaos and environmental crisis by pressures of population, industry and rapacious land development.

Many of the tourists spilling over from the crowded valley are coming to stay, attracted by a slower life and property by the sea. Floods of out-of-staters also remain or purchase land for summer homes, subdivisions or speculation.

Newcomers join the natives in panning the golden stream of automobile-oriented prosperity flowing along 101. Many a once-quiet seashore resort has lost its natural attraction through excesses of 70-mile-an-hour "honky tonk" along the highway—stretches of which Sen. Mark Hatfield once called "the twenty miserable miles."

Paradoxically, once delighted civic and business leaders, ruing past Babbittry, are recognizing growing public concern which is reinterpreting "progress."

PROGRESS ALARMING

Not only is there vehement criticism of commercial development but off the main highway, in the secluded places where primary amenities are still the sun, open beaches and the sea, indiscriminate invasion of dunes and estuaries has become cause for alarm.

In the past year, prompted by environmentalists, coastal residents have become involved in a number of firefights and occasional full-fledged battles.

The enemy has become those who would build high-rises, condominiums, subdivisions and "improved highways" on what Gov. Tom McCall calls "the most important testing ground for planning in the world."

Acute concern for the future of the Oregon Coast resulted this year in the state's formulation of the 30-member "Oregon Coastal Conservation and Development Committee" (OCCDC), chaired by Wilbur Ternyik of Florence, who is a Clatsop Indian.

Assigned the task of preparing a guideline "plan for a plan" for the entire coast, the group this month selected the San Francisco consulting firm, David Bradwell & Associates, to prepare a land use framework which will be presented for approval before the State Legislature during the next four years.

Participating in the OCCDC are representatives of coastal local governments, the business community and private individuals from throughout the state.

Dave Pederson, planner for the Oregon Local Government Relations Division, said, "There is definitely increased pressure on the state from the federal government which is being felt by local government as well. The OCCDC has a legislative mandate to do something, but it will be up to the local governments to provide the input."

Pederson, who works closely with the governor, said the biggest problem on the coast today is relating year-round economies to recreation and tourism. "There are no easy answers to what kind of economic base there should be," he said.

Gov. McCall said "Everyone's flinging a lot of abstractions. It's apparent the techniques of planning are not now equal to the challenges of the day. We need to start witb this plan for a plan."

M'CALL OPTIMISTIC

McCall, who is optimistic over the OCCDC, feels there are three levels of interest: Concern for the people living on the coast, interest among Oregonians in other parts of the state and growing concern by the federal government.

"Seventy five per cent of the people in the country live in the coastal states," McCall pointed out. "We have to consider the economic needs of these people in respect to the environment. I think many are afraid no development will be allowed and they'll be left to starve to death."

Ironically, people along the coast, who first reacted with suspicion, are becoming realistic supporters of regional planning. Inspired by statewide groups like the Oregon Environmental Council, they are making their presence known at city hall and are crowding to once empty planning commission meetings.

Developers are beginning to feel the backlash of public opinion and city and county officials are realizing the existence of long silent constituencies.

"We must stress there is a tremendous change of attitudes by everyone," the governor said. "It's ironic that for so long the people closest to our great natural treasures were the most likely to abuse them."

Whether the OCCDC effort reaches the stage of implementation or not, it has already served as a catalyst to local effort. No one wants the state or federal government to dictate the future and local planners are working overtime to accommodate an eventual regional framework.

In Newport, the Lincoln County Planning Commission has zoned the Yaquina Bay estuary, both land and water, and gained public support for an example of environmental foresight and good judgment.

Similar estuarine efforts are under way at Astoria, Tillamook, Coos Bay, Brookings, Lincoln County is looking at Siletz and Alsea Bays.

These efforts combined with enlightened land use programs, delight the fledgling OCCDC. Paul Coyne, OCCDC executive director, commented recently: "These will surely dovetail into our program in the future. And what is important here is the total response and support from the grass-roots on up."

SHOWDOWN DUE

Aesthetically, planners will continue to joust the high rises, the indiscriminate highways and the sprawl which threatens beaches and farmland.

"This is the put up or shut up time," McCall says. During the next five years we will have our last chance to preserve one of the greatest natural areas in the world. We must plan. It will be fatal if we don't.

"Unfortunately," McCall added, "planning and informing the public is sometimes like trying to throw a 60-yard pass with a football made of whipped cream."

[From the Oregonian, Sept. 20, 1971]

Astoria Holds Key To Growth of Clatsop County

(By Paul Pintarich)

(Note.—Second in a series.)

Clatsop County is Oregon's own far corner, a quiet region in terms of coastal land development, an area more attuned to realities of day-to-day industry than considerations of recreational potential.

Most of the county's 843 square miles consists of timberlands to the east, leaving the bulk of the population, nearly 30,000, concentrated in Astoria, Seaside and Cannon Beach, with the remainder scattered around fishing, logging and farming communities.

Any future growth, however, will occur near Astoria, and planners predict new subdivision developments for the now sparsely settled Caltsop Plain, home of the county's first homesteaders.

Factors considered in future growth are re-emphasis of Astoria as a major deep-water port, construction in 1972 of the Amax Pacific Corp. aluminum reduction plant near Warrenton and an influx of tourists and retired persons as permanent residents.

HISTORIC PAST CITED

Remarkably beautiful on its hillside site, Astoria, Oregon's oldest city, is saturated with history of Lewis and Clark, John Jacob Astor's unsuccessful American Fur Trading Co. and a thriving commercial salmon fishing industry.

Today, this history brings tourists to the city's monuments and museums, with many others passing through to the sport fishing at Warrenton and the fine beaches at Ft. Stevens State Park and Clatsop Beach where the wreck of the Peter Iredale lies decomposing on the sand.

Farther south, the resort communities of Gearhart, Seaside and Cannon Beach swell in summer yet, remarkably, have not quite lost an other-era attractiveness despite tourist hoards.

County Planner Richard Bewersdorff, a native Astorian, smiles out at September sunlight and says he is not worried—yet.

A large leg cast hides a torn cartilage in Bewersdorff's right leg, and you know how young he is when he says it happened in a basketball game. But he has been county planner since 1969, a resident here all of his life, and his concern for the future is both emotional and aesthetic.

BREATHING TIME GRANTED

"Our major concern is Clatsop Plain, where we expect the greatest growth in subdivisions and planned unit developments. At present, development is stalled due to a lack of sewer and water facilities, but this gives us time to prepare a comprehensive land use plan that we can coordinate throughout the rest of the county as well."

Breathing time for Bewersdorff has been provided by a state Department of Environmental Quality (DEQ) freeze on construction until sewer and water problems have been solved.

Impact of the Amax plant will be crucial in Bewersdorff's planning. The $120 million facility is to be constructed on a 650-acre site east of Warrenton and is expected to employ 800 persons.

"But," Bewersdorff adds, "the plant should generate additional growth, perhaps as much as 2,000 or 3,000 new residents to the area."

ECOLOGY STUDIED

Warrenton, with its growing salmon sports fishery, lies at the mouth of Young's Bay where that smaller estuary joins the vastness of the Columbia River entering the sea. Tidelands, marshes, clam beds and spawning grounds will have to be considered and Bewersdorff is working closely with the Oregon Coast Conservation and Development Commission (CCDC) on ecological and land use planning.

Much of the north Clatsop County beachfront is public land. Around the horn from the mouth of the Columbia, and as far south as Camp Rilea, Oregon National Guard training ground, clean, expansive beaches remain, untrammeled by commercial exploitation.

Near Gearhart, however, and as far south as Arch Cape, the county lies ripe for land speculation and continued commercial growth along Highway 101.

Typical of the Oregon Coast, U.S. Highway 101 is an umbilicus that divides the Coast Range from the sea. The highway drops straight south through most of Clatsop County—Gearhart, Seaside, Cannon Beach and prime open space lying to seaward.

PLANNING ADVOCATED

Still seen between the towns are small farms, grazing cattle and low, hummocky fields where real estate signs stand out and the land is zoned residential.

"Outside of Seaside," Bewersdorff explains, "all the open space west of 101 is R–1 with a 35-feet height restriction. We must consider the future of high rise locations now and then consider their relationship to the beach and highway."

Like many young planners, Bewersdorff is an advocate of planned unit development on the coast—concentrated clusters of buildings leaving open space—an enlightened, yet very expensive method of land use.

"So far we haven't had the influx of developers like other coastal areas," Bewersdorff pointed out. "We've had perhaps a tenth of what they have in Tillamook and Lincoln counties.

PROGRESS NOTICED

But all is not at a standstill in Clatsop County. At Gearhart, beach mecca for generations of Oregonians, the staid, three-story Gearhart Hotel is vacant—a beached anachronism surrounded by a school of sleek condominiums.

Nearby, there are new homes, other multiple units, but, so far, the aura of respectable complacency has been retained.

Down the road, everyone knows about Seaside, place of the Lewis and Clark salt cairn and Oregon's most popular resort since stagecoach days. Action at Seaside in summer is predictable, with throngs crowding Broadway and the Promenade admidst neon carnival clatter.

Since the Labor Day riots of the early 60s, Seaside has squared itself away to recapture some of its lost visitors. The city is also seeking federal urban renewal funds for facelifting, some of which has already been carried out by local businessmen.

New development has not been rapid or gaudy, but there have been skirmishes with environmentalists concerned over high rises on the beachfront and condominiums at the mouth of the Necanicum River.

HIGH RISES FAVORED

Faced with the unpleasant alternatives of high rise or sprawl, Mayor Elvin Goodman, supported by a majority of the city council, favors high rise and has stated: "Someday the Prom will be all high rise, like Atlantic City. You just can't hold back progress. Land is too expensive for individual families You have to go up in the air."

Nevertheless, plans for an 11-story building were dropped by a developer this year—out of fear of pressure from environmentalists—and a 25-acre housing development proposed near the Necanicum estuary is presently in federal court, result of an alleged illegal landfill.

Skirting Tillamook Head, Highway 101 moves away from the sea and through heavy timber before returning to pass by Cannon Beach.

Rapidly becoming an artsy craftsy kind of place, Cannon Beach enjoys a semi-seclusion which attracts artists, musicians, writers and builders of sand castles. There are motel and restaurant owners, too, however, but not to the point of saturation.

CANNON BEACH SPARED

Removed from the mainstream of 101, Cannon Beach has been spared overwhelming beach town blight yet recent environmental altercations have occurred to embroil ecologists, developers, residents and the state of Oregon.

Currently, there is a lingering conflict over a proposed 175-unit condominum on a 10½ acre site north of Elk Creek. Despite claims of developers, the state contends the project would block public beach access and ecologists are concerned for the fragile primary dune.

Back on 101, which leaves Clatsop County south of Cannon Beach near Arch Cape, developers are at work on a large roadside subdivision, moving heavy equipment and sewer pipe against a diminished backdrop of Haystack Rock.

In Astoria, Bewersdorff points at a map like all planners do and reflects: "Population growth is slow now, but when it comes we're going to be ready. I'd hate to see us go hog wild on development.

"For so long," he adds, "there has been so little development that I'm afraid people might get carried away and do it all wrong. It's the natural character of the county that people come to enjoy. That's what brings them here now and that's what will bring them here in the future. It must be preserved."

[From the Oregonian, Sept. 21, 1971]

PLANNING FIGHT BOILS WITH TILLAMOOK COUNTY COAST AT STAKE

(By Paul Pintarich)

(NOTE.—**Third in a series.**)

Tillamook County has long been described by the chamber of commerce as an idyllic land of "cheese, trees and ocean breeze."

Mainstays of the economy are still dairy farming and cheese making, lumbering and fishing, with recreation gaining and considered prime for boundless growth.

From Arch Cape south to Cascade Head, the county offers 75 miles of some of Oregon's finest coastal scenery. Included among natural features are Tillamook, Netarts and Nehalem bays, Neah-Kah-Nie Mountain and nearby Oswald West State Park, capes Lookout and Kiwanda, as well as a multitude of beaches, forests and streams.

Beneath this beauty, however, are enough planning and environmental dilemmas to fill the scenario of a grade 'B' movie.

The cast would include a besieged planning director, a controversial planning commission, a bewildered board of county commissioners and an increasingly aware, irate number of residents and landowners.

CONTROVERSY RAGES

There is also a struggling country newspaper, its staff dedicated to principles of environmental preservation.

Plot action, reaching a climax, swirls around a 50-unit, $500,000 motel-restaurant on a Twin Rocks sand dune, a trailer court nearby, proposed rerouting of U.S. Highway 101 north of Neskowin and threatened encroachment of subdivision development into limited agricultural land.

Intrigue is heightened by allegations about the nine-member County Planning Commission—six of whom are in real estate, development, building or building supply. (The other three are a dairy farmer, phone company executive and an attorney.)

Incensed over alleged planning commission conflicts of interest as well as inadequate zoning restrictions, a resident group—Home Owners in Tillamook County—is circulating petitions for a reconstitution of the planning body.

Ironically, in the last month some planning commission members have twice called for the dismissal of Planning Director Richard Smith, who has opposed motel and subdivision projects he feels could be detrimental to the environment.

Commissioners alleged Smith failed to prepare proper minutes of meetings and said he erased tape recordings of meetings without consulting commissioners. They also accuse him of spending too much time on "other activities."

Smith, a harried, heavy-set, heavy-smoking man, is the county's third planning director in seven years of the department's operation. He's been on the job three years.

Smith is growing battle weary, but he is bolstered by increased public support for planning reform. "We used to have planning meetings where maybe only one person would show up," he said, "now, I'd like to sell tickets."

In addition to the motel at Twin Rocks, Smith is concerned with proposed subdivisions in the Nehalem Valley, what he terms "schlock" along Highway 101 and environmental damage from "quickie" developments near Oceanside and Neskowin. He also has a responsibility of the county's many dairy farmers, who are angered over the loss of farmland to other uses.

Tillamook County's comprehensive plan calls for extensive studies of the area's geology, biological resources and flood plains. Smith would also like to see the county's estuaries zoned for proper ecological control, and he is in agreement with the policies of the Oregon Coastal Conservation and Development Commission.

PEOPLE IMPATIENT

But Smith must first await the outcome of continuing internecine squabbles before returning to effective planning.

"For so long," he said, "this area has been underdeveloped and relatively isolated. Now the people want to move immediately into rapid development and many don't care what kind of schlock comes in.

Those who do, however, support Smith through groups such as the Oregon Shores Conservation Coalition and the Oregon Environmental Council, which have made their presence known at public meetings—notably the recent State Highway Division hearing on an alternate routing of Highway 101.

Smith also mentions outside money involved in land speculation, stating, "it's a paradox. Some want outside dollars and development, but they don't want outsiders to live here."

He emphasizes the need for coastal design zones to aid comprehensive planning, and contends the planning commission has little understanding of what a comprehensive plan is.

"We need a commission that seeks the needs of all people, not just the developers. It's unthinkable to consider a commission like ours in this time."

He is adamant in reminding, however, that he is not against development. "I want good development," Smith said, "but with proper planning."

Jeff Brennan, chairman of the Board of County Commissioners, smokes a pipe and says everything needs to be calmed down so effective planning can continue.

"I think there are a few things which have to be rebalanced," he said. "We can't have the continued confrontations between the people and the planning commission."

Caught between the people and the Planning Commission, the county's three commissioners have defended Smith, and in August ordered a halt to all planning activity in the county to allow time to draw a new zoning ordinance.

NEW ZONING ORDERED

They have stated: "The (present) ordinance is deficient in providing for the proper zone types for a rural seacoast county. Additionally, the poorly written and deficient text of the existing zoning ordinance provides legal loopholes which defeat the objectives of sound zoning practice."

The bulk of Tillamook County is zoned A–1 (low-density, residential, agricultural, forestry and recreation) which, according to Smith—and a number of irate residents—allows just about anything.

"We feel planners should get into more responsibilities," Brennan explained, adding, "we don't want growth unless it's in an orderly fashion."

Outside the courthouse, away from the tumult and anger, Tillamook County still enjoys fresh air-fanned open spaces and miles of beaches not yet marred.

South of Tillamook, the controversy over rerouting 101 is in its fifth year, with the establishment and dairy farmers in favor and in opposition to a large number of residents and environmentalists.

AWARENESS GROWS

At Cascade Head, the county awaits federal protection and there are many wary eyes on those who would develop one of the coast's finest unspoiled forest areas.

Neskowin has been invaded by a huge condominium and a state widening of 101, which has angered even Gov. Tom McCall, but the people are aware now, watching every move with involved interest.

A spokesman for the new awareness is the struggling North Coast Times-Eagle (3,000 circulation) operating the past year out of an old bank building in Wheeler.

Editor Robert Need and Publisher Dave Lardy have a staff of eight—and whoever comes in the door—and the air in charged with crusading journalism.

Need, whose office is in the vault, is a 20-year, retired Air Force master sergeant and he's campaigning against the establishment.

"We're working on the planning commission, the developers, and we're gaining support from the public—both in the urban areas and on the farm. For once, the people feel they have a newspaper of their own. It's always been my ideal to have a newspaper in which I could print the truth. It will be interesting to see what happens."

[From the Oregonian, Sept. 22, 1971]

LINCOLN CITY STRIVES TO IMPROVE IMAGE BY PLANNING FOR PEOPLE

(By Paul Pintarich)

(NOTE.—Last in a series.)

No native Oregonian needs to be told that in the last 10 years Lincoln County has become the controversial focal point of coastal development.

From Cascade Head south 52 miles to the tiny village of Yachats, Lincoln County offers some of the most spectacular scenery in the state—scenery that has attracted hordes of tourists, developers and subsequent sprawl and blight along Highway 101.

This is the county that earned the unfortunate sobriquet "20 Miserable Miles"; this is also the county working to live down the title through mounting public support for effective planning.

Most criticism is aimed at Lincoln City, an incorporation of former small towns which has become synonymous with bright lights, bad traffic and the "honky tonk" cliche.

Henry (Buz) Florip, chairman of the Lincoln City Planning Commission and manager of station KCBH, believes in a campaign of public awareness through the recently formed "Congress for Community Progress," a citizen planning advisory group.

Unofficial citizen participation actually began last year when a proposed highrise condominium was defeated by public wrath. The city charter has been amended to restrict city and beach front buildings to 30 and 45-feet.

"We also have a design ordinance," Florip adds, "and billboards will be phased out within the next two years. We're not for or against anything categorically, but judge proposals on their own merits."

Within Lincoln City, new developments have been closely watched. The massive Inn at Spanish Head and a new condominium scheduled for construction immediately adjacent received conditional use approval, their heights carefully within limitations.

The new, low and sprawling "Sea Gypsy Motel," at the mouth of the D River, however, has caused concern among those who know high winter tides. The motel has been open a month.

Florip is optimistic about the future. "People are beginning to realize that success brings success and there is more response to effective planning," he said. "Traditional concepts of 10 or 15 years ago are changing. Local businessmen are starting to say 'lets keep the place desirable. We can't treat the tourist as an evil. They come here because it's enjoyable and this mustn't be destroyed.' It's called planning for people."

North of Lincoln City, on the precious Salmon River floodplain, there is an amusement park called "Pixieland." Contrasted against the surrounding natural beauty, it speaks for itself.

Across 101, however, where the Salmon River winds to Lands End and the sea, developers have staked claim to 230-acres they call "Tamara Quays," whose brochures proclaim: ". . . an unusually attractive environment in which to live, appealing especially to fishing and hunting enthusiasts, artists and others who would be attracted to the central Oregon coastal country."

Planned are mobile home sites, a "trailer camper condominium subdivision," with private lakes, canals and other amenities that environmentalists say will destroy the last remaining undiked salt marsh in the estuary.

Mention Tamara Quays to County Planning Director Lynn Steiger and he winces. Steiger, supported by residents, businessmen and public officials, has just completed a zoning ordinance for all lands and water in Yaquina Bay.

Called a landmark in natural resource and waterway zoning, the Yaquina study was spearheaded by a task force formed, according to Gov. McCall, "out of sheer terror"—the threat of an oil refinery locating on the bay.

CARTOON USED

Under the new zoning, industry, recreation and natural resources are specifically categorized and will hopefully remain in balance in perpetuity. The Oregon State University Marine Science Laboratory is on the bay, but Steiger and McCall feel it serves as a watchdog for the area and the entire coast as well.

Steiger is young, optimistic, with a sense of humor that is revealed on the cover of the county zoning regulations: A Bill Mauldin cartoon with an industrialist father standing with his son amidst a nightmare of factory pollution. The caption reads: "Someday, my boy, this will all be yours."

Steiger supports the Oregon Coastal Conservation and Development Commission (OCCDC), but feels local planners have the real responsibility for the future.

Outside of Newport and Yaquina Bay, Steiger looks forward to similiar zoning work at Alsea Bay at Waldport, and in the Siletz River estuary south of Lincoln City.

Steiger's problems are higher than tidewater now, he explains, emphasizing his concern for floodplain agricultural land being taken for recreational subdivisions.

"People here, especially in the rural areas, are not professional planners. We have to keep them from chopping up the land indiscriminately. We spend much of our time fighting these backfires."

COASTWIDE PLAN WANTED

East of the coastal strip tied by Highway 101, most of Lincoln County is private or public timberland. Outside of Lincoln City, Depoe Bay and Newport, the coast is fairly free, much of its preserved as parks.

Zoning controls height and density outside incorporated areas, with most beach front property zoned residential. The smaller communities, the Waldport and Yachats, receive planning assistance from Steiger's staff.

"What I would really like to see is a total land use plan for the entire coast," Steiger said. "We must decide now where we want to place high rises, subdivisions and still facilitate commercial growth and industry without destroying natural beauty."

Out of Newport, south on 101 along the fine, wide beaches, nature still retains the upper hand. Seal Rock is an inoffensive widening in the road, the nearby motels and restaurants are scattered and many retain a comfortable character of 10 years ago.

At Waldport there is more. Across the town, on the sandspit flattening north of Alsea Bay, the Pat Boone Inn hugs the water and someone has planted dune grass in neat rows. Behind, there are new beach cabins perched on the fragile primary dune, prone to erosion and change, and nearby are the signs, streets and sewers of a subdivision waiting to happen.

"We see the growth, what is happening there," Steiger says, "but we have time now, and hopefully the support to make sure the future goes well."

The county ends a few miles south of Yachats, still little more than a collection of buildings on a sharp bend in 101. There are open spaces, a few polite motels and an uncrowded gathering of homes in green fields above the ocean.

A woman ponders the future of the area and says, almost angrily, "Well, you won't see any of that crummy development around here. We like the beauty of this place and we aim to keep it that way. Not just me, but all of us."

SCHOOL LUNCH PROGRAM

Mr. McGOVERN. Mr. President, yesterday the Committee on Agriculture and Forestry reported favorably Senate Joint Resolution 157 which was introduced recently by the distinguished Senator from Georgia, chairman of that committee (Mr. TALMADGE). I was one of those who voted in the affirmative.

I urge Senators on both sides of the aisle to join in support of this joint resolution when it comes to the floor of the Senate. Senate Joint Resolution 157 has as its purpose "to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act." I am sure that the immediate question in the mind of every Senator is why, after passing amendments in 1970 to this act which instill in every poor child the Federal right to a free or reduced price lunch, we have at this time to follow up our commitment with a joint resolution to "assure" that that right is protected.

The key, in my mind, to this entire crisis faced by the lunch program today lies in the appropriations controversy of last spring. At that time the USDA requested of Congress the exact same appropriations for child nutrition programs as they received in the previous fiscal year. This was in spite of the fact that the participation of needy children in the program jumped from 5 million in May 1970 to 7.3 million in May 1971. This was in spite of the fact that Congress and President Nixon signed Public Law 91-248 in May 1970 which guaranteed that "any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at a reduced cost"—my emphasis—Mr. President, there are today at least 9 to 10 million such eligible children

How does USDA possibly think that it can squeeze an expanding and vital program, beset as is everything else by gross inflationary pressures, into a clearly inadequate budget? The answer lay in the reimbursement levels which the States are allowed to use for subsidizing the school lunches. In March, April, May, and June of the last school year, the States were allowed to reimburse at a level of 12 cents for section 4—general assistance—and 48 cents for section 11—special assistance for the needy. Thus, the total reimbursement for a lunch served to a poor child was 60 cents.

On August 13, 1971, just weeks before schools were to open, the Department issued proposed regulations which would require the States to maintain an average rate of reimbursement of 35 cents, 30 cents for section 11 and 5 cents for section 4. Thus, to reimburse one poor child's lunch at 60 cents, a second poor child's lunch would have to be reimbursed at 10 cents. Is this not robbing Peter to feed Paul? Unfortunately, in this tragic situation, both Peter and Paul are poor children. How do we justify this in light of the clear mandate of Public Law 91–248? We cannot. USDA cannot. OMB cannot. If anyone can, then hungry children will remain unfed.

The resolution introduced by Senator TALMADGE in recognition of the fact that the proposed reimbursement rate is not adequate to enable the States to continue participation in the lunch program and to solidly achieve the stated goals of Public Law 91–248, authorizes the Secretary of Agriculture to use as much of the funds appropriated by section 32 of the act of August 24, 1935—7 U.S.C. 612c—as is necessary to carry out the purposes of section 11 of the National School Lunch Act, the provisions relating to special assistance for children from poor families, and with these funds, to provide a rate of reimbursement which will assure every needy child a free or reduced price lunch during this fiscal year. This authorization will remain in effect until such time as the Congress may provide an adequate supplemental appropriation. When Congress does so, the funds used from section 32 shall be returned so that they may be available for their original purpose.

Mr. President, when I learned of the proposed regulations, I immediately sent a letter of objection to Secretary of Agriculture Hardin. Shortly thereafter, I called an emergency hearing of the Senate Select Committee on Nutrition and Human Needs, of which I am chairman, to hear from State directors on the effects of the regulations if they were to be made final, and to hear an explanation of their alleged necessity from the Department and the Office of Management and Budget. Mr. Shultz, the Director of OMB declined our invitation to testify. Assistant Secretary Lyng represented USDA.

Of the effects of the regulations, I heard, along with other members of the committee, that the program would, in the words of 37 State directors, "be brought to a screeching halt" in terms of fulfilling the mandate of Public Law 91–248. I heard from the Department no satisfactory explanation of the need for this cutback in reimbursement rates.

In further response to USDA's failure to explain these regulations, a letter, promulgated by Senators COOK and HART and cosigned by 42 other Senators, was sent to President Nixon requesting his intervention in the matter. We have had no substantive response to that letter to date.

I cannot discover any other reason that could be offered for the proposed regulations other than an intent to curb the expansion of the program in order to conserve funds under the budget requested for fiscal year 1972, a budget that I have all along claimed to be inadequate in terms of expanding the program to reach all needy and eligible schoolchildren. The Department's actions in proposing these regulations only 3 weeks before school was to start and allowing for a period of comment of only 15 days is such an abuse of its regulatory power as to show a complete disregard for the responsibilities and obligations of the States regarding this program. This raises questions regarding the seriousness of such programs as revenue sharing which are to be directed at assisting the States in fulfilling their obligations and responsibilities.

Accordingly, Mr. President, I regard the swift passage of Senate Joint Resolution 157 as essential to the sincerity of Congress in giving poor children a right to a free or reduced price school lunch.

I urge Senators, once again, to give their full support to this vital measure proposed by the distinguished Agriculture Committee Chairman, Senator TALMADGE.

I wish to extend to the Senator from Georgia congratulations for his fine leadership in handling this matter. Senator TALMADGE has demonstrated that his word is unshakeable, and his commitment is among the strongest I have seen on this issue. We are all in debt to Senator TALMADGE for his role in seeing that Congress and the Nation fulfill their pledge to eliminate finally hunger among our schoolchildren.

OIL COMPANIES EXPENDITURES ON NATIONAL ADVERTISING

Mr. METCALF. Mr. President, I believe that Senators should know that some oil companies spend more on national advertising than they do on Federal income taxes. I ask unanimous consent to have printed in the RECORD a report by the Legislative Reference Service of the Library of Congress regarding this matter.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FEDERAL INCOME TAX PAYMENTS AND EXPENDITURES FOR NATIONAL ADVERTISING IN 3 MEDIA[1] BY THE LARGER OIL COMPANIES, 1969

	Federal income tax payments	National advertising expenditures
Standard (New Jersey)	$265,789,000	$5,091,076
Texaco	7,250,000	2,623,504
Gulf	4,264,000	11,762,475
Mobil	41,800,000	4,004,221
Standard (California)	10,900,000	1,312,321
Standard (Indiana)	64,200,000	3,283,081
Shell	5,464,000	10,259,366
Conoco	3,394,000	179,018
Atlantic	4,063,000	1,096,311
Sun	48,207,000	2,486,860
Phillips	24,231,000	4,104,498
Union	8,800,000	511,443
Marathon	3,250,000	$234,110
Cities Service	27,254,000	330,545
Standard (Ohio)	42,601,000	210,592
Getty	11,400,000	36,849
Sinclair [2]		
Tidewater [3]		
Ashland	27,480,000	592,929
Sunray DX [4]		
Skelly	NA	NA
Pure [5]		
Richfield [6]		
Total	600,347,000	48,119,199

[1] Magazines, newspaper supplements, and network television.

[2] Merged into Atlantic Richfield Co., Mar. 4, 1969.

[3] Merged into Getty Oil Co.

[4] Subsidiary, Sun Oil Co.

[5] Pure Oil Co. merged into Union Oil of California.

[6] Now Atlantic Richfield.

NA—Not available.

Source: Congressional Record, Vol. 116, Pt. 22, p. 29196. National Advertising Investments in Magazines, Newspaper Supplements, and Network Television, January–December 1969 Leading National Advertisers, Inc., Norwalk, Conn.

PHASE II AND THE APPAREL INDUSTRY

Mr. HATFIELD. Mr. President, in a move as sweeping as the President's wage-price freeze, certain inequities are bound to arise. One such problem area was pointed out to me by Robert Roth, president of Jantzen—who all my colleagues recognize as one of the leaders in the apparel industry. Portland, in fact, is headquarters for two other leaders in the apparel industry, White Stag and Pendelton.

The problems encountered by the apparel industry in phase I can be alleviated by proper planning in phase II. When companies have seasonal pricing, the situation can put a critical squeeze on the abilities of these companies to survive, much less to grow.

Mr. Roth set out Jantzen's particular facts in a recent letter and when he and I discussed this in Washington, he provided me with a statement from the industry.

Mr. President, I ask that these points be considered carefully as the phase II plans are formulated. The true merits and success of such guidelines in our efforts to solve our economic problems will be enhanced when particular problems are considered carefully by those who will determine the policies of phase II.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JANTZEN,
September 9, 1971.

Hon. MAURICE H. STANS,
Secretary of Commerce,
Washington, D.C.

DEAR MR. STANS: In response to your wire of September 3, the Wage/Price freeze will have substantially no effect on Jantzen earnings for the third calendar quarter and very little effect in the fourth. This is because our company deals with its customers on long lead times and, before the freeze, we had already received the very great bulk of the orders which we will ship this year. However, a continuation of the freeze would have a very adverse effect on our earnings for calendar 1972. The continuing uncertainty as to prices on orders for future delivery is presently a matter of great and increasing concern for us.

Our company is prepared to make sacrifices to support the President's program to control inflation. However, recent interpretations have placed an undue share of the burden upon companies like Jantzen which have long lead times, particularly if they also have seasonal marketing patterns.

The overall concept of the President's program is to freeze prices at their levels during the 30 days ending August 14. While the Executive Order and previous interpretations of the Cost of Living Council and the Office of Emergency Preparedness would appear to indicate that "price" meant those prices at which salesmen were actually dealing with customers during the base period, last week's interpretations indicate that "price" means the prices at which a company is invoicing its customers for *shipments* during the base period.

This interpretation is of little importance to companies which price their products, receive their orders, and ship their merchandise within a relatively short time span. A good illustration would be an oil refinery which posts its prices and price changes frequently and which normally delivers products ordered almost simultaneously with receipt of the order. The same would be true of many chemical companies and, for that matter, almost any company which promptly ships its orders out of an on-hand stock of merchandise.

The situation with companies having long lead times is quite different. As an example, during the base period, Jantzen was invoicing customers for merchandise we sold to them starting in February. The merchandise which our salesmen were selling during the base period in August, 1971 (and at the present time) will not be shipped and invoiced, for the most part, until Spring of 1972. Furthermore, the kind of merchandise which we were selling during base period was sufficiently different from the kind of merchandise which we were then shipping and invoicing, that it is doubtful the merchandise invoiced during the base period would form a basis for ceiling prices for the merchandise our salesmen were then selling. In order to find merchandise of a similar kind, we would have to go back to the sales of Spring-Summer clothing we started making in August of 1970.

The effect of these regulations is that companies who sell out of stock or with relatively short lead times are frozen to their prices of August, 1971. On the other hand, Jantzen with its seasonal lines and long lead times, may be frozen to the prices at which we were selling in August of 1970.

Not only is this discriminatory with respect to Jantzen and companies similarly situated, the probable financial consequences to our company are most serious. Over the last year we (and most other companies) have posted substantial price increases. These price increases were not calculated to enable us to increase our earnings, but only to make it possible for us to maintain our earnings by covering our increased costs. Our reported earnings for the first three quarters of our current fiscal year are approximately 3% of our net sales. The rate of all of last year was 2.8%. In 1969 it was 3.6% and in 1968 it was 4%. (1968 was a 10-year high point.) Considering this level of earnings on sales (which is typical of our industry), the consequences to this company could be most serious if we must now sell our 1972 Spring-Summer lines at the prices we posted in August 1970.

We are aware that the current freeze is scheduled to end November 13. However, all present indications are that price controls will be continued beyond that date. Even though our merchandise may be delivered after November 13, we face the threat of a roll-back.

This is a matter to which we have had no opportunity to react. Our lead times are such that we had already designed our line, priced it, showed it to customers, and sold it at the time of the President's freeze announcement.

It is our plan to seek an interpretation permitting companies with long lead times between orders and shipments to use the prices at which they were actually dealing with customers during the base period as a basis for their ceiling prices. This would only put us on the same basis as companies which received orders *and* made shipments against those orders during the base period. Without it, companies with long lead times—particularly those with seasonal markets—face roll backs, while the other companies only face a freeze.

This affects not only us, but also many other companies in our industry. It will certainly be disruptive and become a counterproductive force in attaining the President's objective of stabilizing employment. It will also weaken our industry as a whole and make it less able to deal with the intense foreign competition we face, which will be counterproductive to another of the President's objectives.

Our General Counsel, Franklin H. Mize, will be in Washington next week talking with the Washington offices of our trade associations and with our Congressional delegation concerning the President's economic policy. I would much appreciate the opportunity of having him meet with you to discuss the problems I raise in this letter and to answer any questions you may have about our company or industry. May he call you?

Sincerely,

ROBERT W. ROTH,
President.

COMPANIES IN THE APPAREL INDUSTRY CHANGE THEIR PRODUCT LINES TWO OR MORE TIMES EACH YEAR ON A SEASONAL BASIS AND WILL BE SERIOUSLY DAMAGED IF PRICE CEILING INEQUITIES OF THE WAGE-PRICE FREEZE ARE CARRIED INTO THE PHASE II PROGRAM OF ECONOMIC CONTROLS

During the base period used to establish ceiling prices under the President's Wage-Price Freeze Order, most apparel companies were shipping their Fall and Winter lines but were taking orders (or were about to start taking orders) for Spring and Summer merchandise. In this industry, products are typically offered by sellers and ordered by their customers as long as six months before the products are to be delivered.

The apparel companies had contracted for fabrics and were starting (or were about to start to manufacture) their new lines when the wage-price freeze was announced. The bulk of these new lines will not be shipped to stores until the Spring of 1972 and, except for samples, substantially none was shipped during the base period.

Since apparel companies had no shipments of their new lines in the base period and since product lines for different seasons are substantially different (both in construction and in price), under the present regulations, ceiling prices for these new lines would be established by the prices at which these companies sold their previous year's Spring and Summer merchandise. If these same regulations become part of the Phase II Price Control Program, it will mean that such companies will have to reduce prices on orders taken in August *1971* to the price levels at which they took orders for similar merchandise in August *1970*.

Over the last year, prices in the apparel industry have increased approximately 5%. Typical after tax earnings in this industry may range from 2–5% of sales. A price rollback of 5% would be most damaging to many companies in the industry.

These inequities of the wage-price freeze will be alleviated during the period of Phase II Economic Controls if sellers with seasonal lines and long lead times between the taking of orders and the making of shipments are permitted to use the prices they established during the base period as evidenced by orders taken from customers during that period. Such sellers who did not take orders for Spring-Summer merchandise during the base period should be allowed the alternative of determining their ceiling prices under the regulation presently prescribed for determining their ceiling prices under the regulation presently prescribed for determining ceiling prices on new products. This generally provides that the ceiling shall be the ceiling prices prevailing for comparable products.

The apparel industry is composed of over 24,000 units and has no group of companies which dominates or controls the sales of any segment of the industry. Individual firms have very little discretion over their prices because price competition from both domestic and foreign apparel producers is intense and can be counted upon to keep prices in line.

RULES OF COMMITTEE ON PUBLIC WORKS

Mr. RANDOLPH. Mr. President, pursuant to section 133B of the Legislative Reorganization Act of 1946, as amended, the Committee on Public Works has adopted rules governing the committee's procedure.

I send to the desk a copy of the committee's rules as adopted and ask that they be printed in the RECORD, as required:

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE COMMITTEE ON PUBLIC WORKS

I. RULES OF PROCEDURE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the Committee shall be the first and third Thursday of each month at 10:00 A.M. except that if there be no business before the Committee, the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, Committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the Chairman. Subcommittee meetings shall be called by the chairman of the respective subcommittee. Notice of a meeting and the agenda of business to be discussed by the Committee will be provided to all Members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking minority Member. Such 24-hour notice may be waived in an emergency by the Chairman with the concurrence of the ranking Minority Member.

Rule 3. *Open Committee Meetings and Executive Sessions.*—Meetings of the Committee, including hearings shall be open to the public except during executive sessions for marking up bills or for voting, or when the Committee, by majority vote, orders an executive session, or as required by section 133A(b) of the Legislative Reorganization Act of 1946, as amended.

Rule 4. *Presiding Officer.*—(a) The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the ranking majority Member who is present at the meeting shall preside.

(b) Subcommittee chairmen shall preside at all meetings and hearings of their respective subcommittees, except that in the absence of the subcommittee chairman, the Vice Chairman or ranking majority member of the subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed

by subsections (a) and (b), any Member of the Committee may preside over the conduct of a hearing.

Rule 5. *Quorums.*—(a) Except as provided in subsections (b) and (d), nine Members, one of whom shall be a Member of the minority party, shall constitute a quorum for the conduct of business.

(b) Quorums for the conduct of business by the subcommittees shall be a simple majority of the membership of the subcommittee with at least one minority member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business in executive session, the Committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in (a), one Member shall constitute a quorum for the purpose of conducting a hearing.

RULES OF PROCEDURE

Rule 6. *Proxy Voting; Polling.*—(a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the Committee or any subcommittees. Any Member who is unable to attend the meeting may submit his vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent Committee Member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the Chairman, after consultation with the ranking minority Member, Members who are unable to be present and whose vote has not been cast by proxy may later have their position recorded on any vote.

Rule 7. *Public Announcement of Vote.*—Whenever the Committee by rollcall vote reports any measure or matter or acts upon any measure or amendment thereto, the report of the Committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee.

Rule 8. *Announcement of Hearing.*—The Committee, or any subcommittee thereof, shall make public announcement and provide notice to Members of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the Committee Chairman or subcommittee chairman, with the concurrence of the ranking minority Member, determines that there is good cause to begin such hearing at an earlier date, in which event not less than twenty-four hours notice shall be given.

Rule 9. *Statements of Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing of the Committee or any subcommittee thereof shall file a written statement of his proposed testimony not later than noon of the last business day preceding the day on which he is scheduled to appear. At the time of his appearance, he shall supply for the use of the Committee or Subcommittee 25 copies of his prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness not read his written testimony and to confine his oral presentation to a summary of his statement.

RULES OF PROCEDURE

Rule 10. *Regularly Established Subcommittees.*—The Committee shall have five regularly established subcommittees as follows:

Subcommittee on Flood Control-Rivers and Harbors

Subcommittee on Air and Water Pollution

Subcommittee on Economic Development

Subcommittee on Roads

Subcommittee on Buildings and Grounds

Rule 11. *Special Subcommittees.*—With the concurrence of the ranking minority Member the Chairman shall, from time to time, establish such special subcommittees as he deems necessary to expedite Committee business.

Rule 12. *Subcommittee Membership.*—Following consultation with the majority Members and the ranking Minority Member of the Committee, the Chairman shall announce selections for membership of the Subcommittees referred to in Rules 10 and 11.

Rule 13. *Environmental Impact Statements.*—No project shall be approved or other action taken unless the Committee has received an environmental impact statement relative to it, in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with Section 309 of the Clean Air Act.

Rule 14. *Naming of Public Facilities.*—No building, structure or facility, authorized by the Committee shall be named for any living person, except former Presidents of the United States or former Members of Congress over 70 years of age.

Rule 15. *Committee Resolutions.*—(a) The Chairman is authorized to certify and pass on Committee resolutions for review of flood control and river and harbor reports and resolutions for studies of public building projects, and forward the resolutions to the appropriate Federal agency.

(b) Proponents of Committee resolutions shall submit appropriate evidence showing need for review of reports on river and harbor and flood control projects.

Rule 16. *Amendment of Rules.*—The rules may be added to, modified, amended or suspended by a majority of the Committee Membership.

CONCERN ABOUT FEDERAL ELECTION CAMPAIGN ACT OF 1971, S. 382

Mr. CANNON. Mr. President, I wish to express my very serious concern over the present status of Senate Bill 382, the Federal Election Campaign Act of 1971, passed in the Senate by a vote of 88 to 2. The bill was referred to the House on September 8, 1971, and I am advised that it has not yet been referred to appropriate committees of the House.

The House Committees on Interstate and Foreign Commerce and on Administration have been holding hearings on various proposals and marking up some House sponsored bills, but S. 382 has not officially been presented to either of those committees for consideration.

It is not my intention to cast doubt upon the integrity or the honest intentions of Members or committees of the House of Representatives, but if there is to be a meaningful and effective election reform bill enacted prior to the 1972 election campaigns, then it is high time for bipartisan, concerted action in the other body so that both Houses of Congress may iron out their differences in conference on a bill at an early date.

Mr. President, I have served as chairman of the Senate Subcommittee on Privileges and Elections continuously, except for short periods when I stepped down to seek reelection myself, since January 1959, when I was first sworn in as a Senator.

During the ensuing years I have sponsored election reform bills in every Congress. Hearings were held, studies conducted, and reports filed urging the adoption of new laws in place of the obsolete Federal Corrupt Practices Act of 1925—a 46-year-old law.

On January 25, 1960, the Senate passed S. 2436. On September 15, 1961, the Senate passed S. 2426. On September 12, 1967, the Senate passed S. 1880. And, on August 5, 1971, the Senate passed S. 382.

Each of those Senate passed bills contained major revisions of election laws governing campaign contributions and expenditures and the specific public disclosure of political financing. Any one of the would be a 100-percent improvement over the existing Corrupt Practices Act. Unfortunately, S. 2436, S. 2426, and S. 1880 all expired at the end of the respective Congresses. Only S. 382 survives, and I fervently hope that the bill, or one substantially identical in scope, will be passed by the House and signed into law by the President in the very near future.

Mr. President, during the 91st Congress the President vetoed S. 3637, a bill to limit political spending for broadcast media. In his veto message the President complained that S. 3637 did not limit spending on nonbroadcast media—newspapers, magazines, billboards, and the like.

Therefore, at the beginning of the 92d Congress, the distinguished majority leader (Mr. MANSFIELD); the distinguished chairman of the Subcommittee on Communications (Mr. PASTORE); and the junior Senator from Nevada (Mr. CANNON) cosponsored S. 382 a comprehensive bill designed to provide a whole new approach to broadcast and nonbroadcast media spending, public disclosure of all receipts and expenditures by all candidates and political committees for all elections, and tax incentives for political contributions.

The Subcommittee on Communications of the Committee on Commerce and the Subcommittee on Privileges and Elections of the Committee on Rules and Administration, held many days of public hearings, followed by several days in executive session to draft, on a bipartisan basis and with mutual cooperation of all of those committees, a responsible and effective election reform act.

Every effort was made to hammer out a bill which would meet the demands of current and future political campaigns. Every effort was made in the Senate, on the 3d, 4th, and 5th of August 1971, to consider fairly the many amendments which were offered in order to achieve maximum support for the best bill possible. Many of the amendments were accepted as fair and desirable improvements in the text.

The provisions of the bill reflect the earnest and deliberate actions of the Senate as a body.

I believe that S. 382 meets the objections voiced by the President in his veto message. It has received expressions of approval from spokesmen of the Department of Justice, and it has been given the overwhelming approval of the Senate by 88 to 2. It now deserves to be given honest consideration by the House of Representatives.

I sincerely hope, Mr. President, that the work of the Senate will not again have been in vain.

Mr. President, I ask unanimous consent that these be printed in the RECORD an article entitled "Election Reform Periled," written by Don Oberdorfer and published in the Washington Post of September 28, 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELECTION REFORMS PERILED—2 BILLS PERMIT LESS REPORTING, MORE SPENDING

(By Don Oberdorfer)

After many months of consideration on Capitol Hill, including passage by the Senate, campaign spending reform is in serious trouble in two House committees.

White House operatives have been meeting with key Republican legislators to discuss strategy, and some senior GOP lawmakers have reportedly told their colleagues that the entire campaign reform effort should be scuttled in committee. House Republican leaders are scheduled to meet today to discuss the party position on the matter.

House Republican Leader Gerald Ford (Mich.), who is a sponsor of a bipartisan campaign reform bill submitted earlier this year, is reported to be resisting suggestions that reform plans be bottled up in committee.

The versions of campaign reform pending in two House committees are now studded with loopholes and other provisions permitting even greater campaign spending and less public reporting than at present. Both committees are expected to meet within the next few days for final markup sessions on their "reform" plans.

The House Commerce Committee, which is considering communications aspects of campaign reform, adopted an amendment last Thursday by Rep. Lou Frey Jr. (R-Fla.) which greatly increases the sums which candidates could spend on broadcast advertising.

As originally drawn by a subcommittee, the plan would have limited candidates to five cents times the voting age population for broadcast advertising, and another five cents for non-broadcast media such as newspapers or magazines. The Frey amendment eliminated the division between the two kinds of expenditures, allowing up to 10 cents for both media purposes.

By far the greatest spending for media in statewide and national campaigns is for broadcast advertising. The Frey amendment would in effect double the permissible amount for this purpose. Under this plan, a presidential candidate could spend up to $13.9 million in the general election for broadcast advertising, a U.S. Senate candidate in the general election could spend up to $1.2 million in New York, $1.4 million in California, $758,000 in Texas and so on. These sums are considerably greater than those spent for broadcast ads in recent races featuring near-saturation media campaigns and vast sums being raised and spent.

Frey said yesterday he proposed his amendment because of an objection to "discriminating" against broadcast spending, but suggested that the total limit should perhaps be reduced to make it effective.

Another version of campaign reform under consideration in the House Administration Committee would require candidates and political committees to submit a report on spending and contributions 45 days after the election, too late to affect the decision of the voters. The committee has tentatively decided to require another report 10 to 15 days before the election. This falls far short of the quarterly reports for political committees now required under the Corrupt Practices Act, which would be repealed.

The committee adopted an expenditure limit of six cents per person in federal elections for all campaign spending, with a minimum of $50,000 which would apply to most House races. However, an amendment by Rep. Jonathan Bingham (D-N.Y.) last week defined the expenditures covered as those made at the direction, request or "with the consent" of the candidate or any political committee supporting his election.

Federal office-seekers often make only token reports of their contributions and receipts under the present Corrupt Practices Act because it has been interpreted to apply only to the money transactions taking place with their "knowledge or consent." Bingham said yesterday he did not intend to open a new loophole, but was seeking to deal with a constitutional problem in proposing his amendment restoring the "consent" concept.

AGREEMENTS TO REDUCE THE RISK OF OUTBREAK OF NUCLEAR WAR BETWEEN THE UNITED STATES AND THE SOVIET UNION

Mr. COOPER. Mr. President, this week marks the 10th anniversary of the establishment of the Arms Control and Disarmament Agency. Its work over the last 10 years has fulfilled in large measure the purposes the Congress intended when it created the agency. The partial test ban and the Non-Proliferation Treaty are great accomplishments. Under the able, present Director, Ambassador Gerard Smith, the SALT talks—the most important negotiations we have been engaged in since the nuclear age began—offer a great possibility that the costly and dangerous nuclear arms race will be brought under control.

At the State Department this morning, Secretary of State Rogers and Soviet Foreign Minister Gromyko signed the first two agreements that have been secured in the Strategic Arms Limitation Talks. While these agreements are collateral to the principal subject of the SALT talks, they are significant not only in themselves, but as tangible evidence that progress has been made in the talks, which like many others, I consider the most important arms control negotiations ever undertaken.

The two agreements being signed today are related. One is designed to lessen the risk of an accidental detonation of a nuclear weapon, which could, without intention, cause a nuclear war between the United States and the Soviet Union. The second agreement is intended to increase the reliability and security of direct communications between the heads of the two Governments in an emergency, by improving the "hot line" that was originally established in 1963.

The fifth round of the SALT talks was concluded last week in Helsinki, and we can hope that these subsidiary agreements now concluded will be followed before the end of the year by an agreement limiting the antiballistic missile nuclear system to a low level of deployment, and by steps marking the beginning of an agreement on offensive nuclear weapons. On May 20, the President of the United States and the Soviet leadership issued the following statement:

> The Government of the United States and the Soviet Union, after reviewing the course of their talks on the limitation of strategic armaments, have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABMs). They have also agreed that, together with concluding an agreement to limit ABMs, they will agree on certain measures with respect to the limitation of offensive strategic weapons.

The two collateral agreements signed today are steps toward an ABM agreement and the beginning of an agreement on offensive weapons.

I am sure that the Senate approves and supports the initiative and statesmanship of President Nixon, the support of Secretary of State Rogers, and the fine work of Ambassador Gerard Smith and his able group of negotiators.

I ask unanimous consent that the text of the two agreements signed today, the Agreement on Measures To Reduce the Risk of Outbreak of Nuclear War Between the United States of America and Union of Soviet Socialist Republics, and the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Measures To Improve the U.S.A.-U.S.S.R. Direct Communications Link, be printed in the RECORD at the conclusion of these remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[Embargoed from use or transmission until completion of signing ceremony 11:00 a.m., Sept. 30, 1971]

AGREEMENT ON MEASURES TO REDUCE THE RISK OF OUTBREAK OF NUCLEAR WAR BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties:

Taking into account the devastating consequences that nuclear war would have for all mankind, and recognizing the need to exert every effort to avert the risk of outbreak of such a war, including measures to guard against accidental or unauthorized use of nuclear weapons,

Believing that agreement on measures for reducing the risk of outbreak of nuclear war serves the interests of strengthening international peace and security, and is in no way contrary to the interests of any other country,

Bearing in mind that continued efforts are also needed in the future to seek ways of reducing the risk of outbreak of nuclear war,

Have agreed as follows:

ARTICLE 1

Each Party undertakes to maintain and to improve, as it deems necessary, its existing organizational and technical arrangements to guard against the accidental or unauthorized use of nuclear weapons under its control.

ARTICLE 2

The Parties undertake to notify each other immediately in the event of an accidental, unauthorized or any other unexplained incident involving a possible detonation of a nuclear weapon which could create a risk of outbreak of nuclear war. In the event of such an incident, the Party whose nuclear weapon is involved will immediately make every effort to take necessary measures to render harmless or destroy such weapon without its causing damage.

ARTICLE 3

The Parties undertake to notify each other immediately in the event of detection by missile warning systems of unidentified objects, or in the event of signs of interference with these systems or with related communications facilities, if such occurrences could create a risk of outbreak of nuclear war between the two countries.

ARTICLE 4

Each Party undertakes to notify the other Party in advance of any planned missile launches if such launches will extend beyond its national territory in the direction of the other Party.

ARTICLE 5

Each Party, in other situations involving unexplained nuclear incidents, undertakes to act in such a manner as to reduce the possibility of its actions being misinterpreted by the other Party. In any such situation, each Party may inform the other Party or request information when, in its view, this is warranted by the interests of averting the risk of outbreak of nuclear war.

ARTICLE 6

For transmission of urgent information, notifications and requests for information in situations requiring prompt clarification, the Parties shall make primary use of the Direct Communications Link between the Governments of the United States of America and the Union of Soviet Socialist Republics.

For transmission of other information, notifications and requests for information, the Parties, at their own discretion, may use any communications facilities, including diplomatic channels, depending on the degree of urgency.

ARTICLE 7

The Parties undertake to hold consultations, as mutually agreed, to consider questions relating to implementation of the provisions of this Agreement, as well as to discuss possible amendments thereto aimed at further implementation of the purposes of this Agreement.

ARTICLE 8

This Agreement shall be of unlimited duration.

ARTICLE 9

This Agreement shall enter into force upon signature.

Done at Washington on September 30, 1971, in two copies, each in the English and Russian languages, both texts being equally authentic.

[Embargoed from use or transmission until completion of signing ceremony 11:00 a.m., Sept. 30, 1971]

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS OF MEASURES TO IMPROVE THE UNITED STATES OF AMERICA-USSR DIRECT COMMUNICATIONS LINK

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Noting the positive experience gained in the process of operating the existing Direct Communications Link between the United States of America and the Union of Soviet Socialist Republics, which was established for use in time of emergency pursuant to the Memorandum of Understanding Regarding the Establishment of a Direct Communication Link, signed on June 20, 1963.

Having examined, in a spirit of mutual understanding, matters relating to the improvement and modernization of the Direct Communications Link,

Have agreed as follows:

ARTICLE 1

1. For the purpose of increasing the reliability of the Direct Communications Link, there shall be established and put into operation the following:

(a) two additional circuits between the United States of America and the Union of Soviet Socialist Republics each using a satellite communications system, with each Party selecting a satellite communications system of its own choice,

(b) a system of terminals (more than one) in the territory of each Party for the Direct Communications Link, with the locations and number of terminals in the Union of Soviet Socialist Republics to be determined by the Soviet side.

2. Matters relating to the implementation of the aforementioned improvements of the Direct Communications Link are set forth in the Annex which is attached hereto and forms an integral part hereof.

ARTICLE 2

Each Party confirms its intention to take all possible measures to assure the continuous and reliable operation of the communications circuits and the system of terminals of the Direct Communications Link for which it is responsible in accordance with this Agreement and the Annex hereto, as well as to communicate to the head of its Government any messages received via the Direct Communications Link from the head of Government of the other Party.

ARTICLE 3

The Memorandum of Understanding Between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Direct Communications Link, signed on June 20, 1963, with the Annex thereto, shall remain in force, except to the extent that its provisions are modified by this Agreement and Annex hereto.

ARTICLE 4

The undertakings of the Parties hereunder shall be carried out in accordance with their respective Constitutional processes.

ARTICLE 5

This Agreement, including the Annex hereto, shall enter into force upon signature.

Done at Washington on September 30, 1971, in two copies, each in the English and Russian languages, both texts being equally authentic.

[Embargoed from use or transmission until completion of signing ceremony 11:00 a.m., Sept. 30, 1971.]

ANNEX TO THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON MEASURES TO IMPROVE THE USA-USSR DIRECT COMMUNICATIONS LINK

Improvements to the USA-USSR Direct Communications Link shall be implemented in accordance with the provisions set forth in this Annex.

I. CIRCUITS

(a) Each of the original circuits established pursuant to paragraph 1 of the Annex to the Memorandum of Understanding, dated June 20, 1963, shall continue to be maintained and operated as part of the Direct Communications Link until such time, after the satellite communications circuits provided for herein become operational, as the agencies designated pursuant to paragraph III (hereinafter referred to as the "designated agencies") mutually agree that such original circuit is no longer necessary. The provisions of paragraph 7 of the Annex to the Memorandum of Understanding, dated June 20, 1963, shall continue to govern the allocation of the costs of maintaining and operating such original circuits.

(b) Two additional circuits shall be established using two satellite communications systems. Taking into account paragraph I (e) below, the United States side shall provide one circuit via the Intelsat system and the Soviet side shall provide one circuit via the Molniya II system. The two circuits shall be duplex telephone band-width circuits conforming to CCITT standards, equipped for secondary telegraphic multiplexing. Transmission and reception of messages over the Direct Communications Link shall be effected in accordance with applicable recommendations of international communications regulations, as well as with mutually agreed instructions.

(c) When the reliability of both additional circuits has been established to the mutual satisfaction of the designated agencies, they shall be used as the primary circuits of the Direct Communications Link for transmission and reception of teleprinter messages between the United States and the Soviet Union.

(d) Each satellite communications circuit shall utilize an earth station in the territory of the United States, a communications satellite transponder, and an earth station in the territory of the Soviet Union. Each Party shall be responsible for linking the earth stations in its territory to its own terminals of the Direct Communications Link.

(e) For the circuits specified in paragraph I(b):

—The Soviet side will provide and operate at least one earth station in its territory for the satellite communications circuit in the Intelsat system, and will also arrange for the use of suitable earth station facilities in the territory for the satellite communications circuit in the Molniya II system. The United States side, through a governmental agency or other United States legal entity, will make appropriate arrangements with Intelsat with regard to access for the Soviet Intelsat earth station to the Intelsat space segment, as well as for the use of the applicable portion of the Intelsat space segment.

—The United States side will provide and operate at least one earth station in its territory for the satellite communications circuit in the Molniya II system, and will also arrange for the use of suitable earth station facilities in its territory for the satellite communications circuit in the Intelsat system.

(f) Each earth station shall conform to the performance specifications and operating procedures of the corresponding satellite communications system and the ratio of antenna gain to the equivalent noise temperature should be no less than 31 decibels. Any deviation from these specifications and procedures which may be required in any unusual situation shall be worked out and mutually agreed upon by the designated agencies of both Parties after consultation.

(g) The operational commissioning dates for the satellite communications circuits based on the Intelsat and Molniya II systems shall be as agreed upon by the designated agencies of the Parties through consultations.

(h) The United States side shall bear the costs of: (1) providing and operating the Molniya II earth station in its territory; (2) the use of the Intelsat earth station in its territory; and (3) the transmission of messages via the Intelsat system. The Soviet side shall bear the costs of: (1) providing and operating the Intelsat earth station in its territory; (2) the use of the Molniya II earth station in its territory; and (3) the transmission of messages via the Molniya II sys-items shall be as agreed upon by the desig-communications circuits shall be effected without any transfer of payments between the Parties.

(i) Each Party shall be responsible for providing to the other Party notification of any proposed modification or replacement of the communications satellite system containing the circuit provided by it that might require accommodation by earth stations using that system or otherwise affect the maintenance or operation of the Direct Communications Link. Such notification should be given sufficiently in advance to enable the designated agencies to consult and to make, before the modification or replacement is effected, such preparation as may be agreed upon for accommodation by the affected earth stations.

II. TERMINALS

(a) Each Party shall establish a system of terminals in its territory for the exchange of messages with the other Party, and shall determine the locations and number of terminals in such a system. Terminals of the Direct Communications Link shall be designated "USA" and "USSR".

(b) Each party shall take necessary measures to provide for rapidly switching circuits among terminal points in such a manner that only one terminal location is connected to the circuits at any one time.

(c) Each Party shall use teleprinter equipment from its own sources to equip the additional terminals for the transmission and reception of messages from the United States to the Soviet Union in the English language and from the Soviet Union to the United States in the Russian language.

(d) The terminals of the Direct Communications Link shall be provided with encoding equipment. One-time tape encoding equipment shall be used for transmissions via the Direct Communications Link. A mutually agreed quantity of encoding equipment of a modern and reliable type selected by the United States side, with spares, test equipment, technical literature and operating supplies, shall be furnished by the United States side to the Soviet side against payment of the cost thereof by the Soviet side; additional spares for the encoding equipment supplied will be furnished as necessary.

(e) Keying tapes shall be supplied in accordance with the provisions set forth in paragraph 4 of the Annex to the Memorandum of Understanding, dated June 20, 1963. Each Party shall be responsible for reproducing and distributing additional keying tapes for its system of terminals and for implementing procedures which ensure that the required synchronization of encoding equipment can be effected from any one terminal at any time.

III. OTHER MATTERS

Each Party shall designate the agencies responsible for arrangements regarding the establishment of the additional circuits and the systems of terminals provided for in this Agreement and Annex, for their operation and for their continuity and reliability. These agencies shall, on the basis of direct contacts:

(a) arrange for the exchange of required performance specifications and operating procedures for the earth stations of the communications systems using Intelsat and Molniya II satellites;

(b) arrange for testing, acceptance and commissioning of the satellite circuits and for operation of these circuits after commissioning; and,

(c) decide matters and develop instructions relating to the operation of the secondary teleprinter multiplex system used on the satellite circuits.

SENATOR ALLEN J. ELLENDER

Mr. McGOVERN. Mr. President, it is a distinct privilege for me to join with the other Members of this body in wishing the distinguished senior Senator from Louisiana a happy birthday and many more years of continued service to his State and to his Nation.

It was my pleasure to serve on the Committee on Agriculture and Forestry for the last 8 years under Senator Ellender's chairmanship. As leader of that important committee, he served the needs of the Nation's agricultural producers and consumers well. Senator Ellender was also an eminently and entirely just and wise chairman who strove to give all points of view a fair hearing. He is continuing in that same manner as chairman of the Appropriations Committee, and as an active and valued member of the Agriculture Committee and of this body. I have at earlier times praised his wisdom in calling for commonsense attitudes in our relations with Russia and other nations with whom we must learn to live at peace. May we continue to benefit from his efforts for many years to come.

SECRETS OF THE BUREAUCRACIES

Mr. METCALF. Mr. President, on July 20 there appeared in the Washington Post a column by Morton Mintz, a column I believe to be of considerable import. Mintz' article should be read by all Senators and Representatives, for it illuminates the complete disregard many agencies and departments of Government have for the public's right to information about public affairs.

Senator Muskie's Subcommittee on Intergovernmental Relations, in hearings on legislation to regulate and control the absurd proliferation of Government-sponsored advisory groups, has documented numerous examples of the contempt many departments and agencies have for the public's "right to know." These hearings, which Senator Muskie has asked me to chair, have delved into advisory committees in the Civil Aeronautics Board, into the Commerce Department's National Industrial Pollution Control Board, into the Pentagon's Industry Advisory Council, and currently into the National Petroleum Council in the Interior Department.

What each of the 6 days of hearings to date has revealed is the unfulfilled promise of the 5-year-old Freedom of Information Act. Many Government advisory panels operate as if they were private clubs, with closed meetings, often with no transcripts of the proceedings, and dominated by narrow industrial and financial interests. Surely we in Congress must act to end this blatant disregard for a free and open system, for what it implies is a lack of trust in the American people on the part of their government. If we allow this display of contempt and distrust of the people to continue, the results will be tragic; surely the American people will eventually react to their Government's lack of faith in them by returning distrust and contempt for their leaders and their political institutions. If that day ever arrives, our Nation's continued existence as a democracy will be imperiled.

I ask unanimous consent that the Mintz article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Secrets of the Bureaucracies

(By Morton Mintz)

"I am from Missoula, Montana, and I have been in Washington doing research on pollution for a Ph.D. dissertation in history," Donald Mac Millan said in a letter to Sen. Lee Metcalf (D-Mont.) the other day. "At the National Archives I was advised that I could not use anything that was stamped 'Bureau of Investigation.' The period I was interested in was essentially the first decade of the twentieth century . . . I feel ridiculous even suggesting that the Nation's security could be threatened by information seventy years passed, but apparently somebody does. . . . If we cannot have an honest and rigorous search for the truth our future as a self-governing democracy is indeed bleak."

Mac Millan's astonished discovery that he could not have access to—it bears repeating—files on pollution seven decades old serves to make a point which, quite understandably, drew scant attention in the recent momentous struggle over the Pentagon Papers. The point is that secrecy seems to be endemic in all bureaucracies—not just those occupied with national security—and it is manifested, almost always, against the very public supposedly being served; this happens readily and pervasively even when no justification in military security or foreign relations is so much as claimed.

The evidence of this, regrettably, is as easy to come by in the "open administration" of President Nixon as it ever was in those of his predecessors. Here are some examples:

The Walsh-Healy Act empowers the Department of Labor to make federal contractors comply with the job-safety standards it has approved. The department had traditionally refused to make public inspection reports and notices of violation. It claimed that the Freedom of Information Act, enacted to protect "the public's right to know," somehow authorized secrecy and that publicity would discourage employer cooperation with department inspectors. Ralph Nader's Center for the Study of Responsive Law challenged the department in court. Last January, U.S. District Judge John Lewis Smith ruled for the Center.

The Department of Agriculture's Consumer and Marketing Service routinely had suppressed records on meat and poultry products it detains on the suspicion that they are adulterated, unwholesome or unfit for human consumption, as well as the warning letters it sends to packers suspected of doing business in two or more states (packers doing business exclusively within a single state are immune from federal inspection of meat and poultry products).

In 1969, the department denied access to the records and letters to a consumer of meat and poultry products, Harrison Wellford, an associate of the Nader Center. Under the Freedom of Information Act, the records were an exempt "investigatory file," the department said. In the case of the letters, it argued, their release would deter packers from cooperating.

Wellford sued in Baltimore, where U.S. District Judge Edward S. Northrop ruled for him. The department appealed. In May, the U.S. Court of Appeals in Richmond upheld Judge Northrop, ruling that the purpose of the information law was not to increase administrative efficiency, "but to guarantee the public's right to know how the government is discharging its duty to protect the public interest." (In opposing a consumer's effort to find out how well the government may be protecting the public from unwholesome meat, it may be said in passing, the Agriculture Department behaved much like those city health departments, including Washington's, that withhold the identity of restaurants that violate sanitary regulations from those who eat in them.)

The Department of Commerce has a National Industrial Pollution Control Council, which President Nixon created by Executive Order. Last October, the Council, meeting at Commerce, refused to admit representatives of 10 environmental and consumer groups, and refused to give them a transcript of the proceeding. This year, to escape such groups, the Council met in the New State Department Building, where security regulations prohibit entry of any visitor who has not made special arrangements. Larry Jobe, an Assistant Secretary of Commerce, argues that the department could not get industry representatives to serve if public-interest groups were to be represented and if the Council's meeting were to be open to the public.

At the Civil Aeronautics Board, Chairman Secor D. Browne last year appointed an Advisory Committee on Finance and named as chairman James P. Mitchell, a vice president of the Chase Manhattan Bank who has primary responsibility for financial dealings with airlines. At the organizational meeting, held in Mitchell's office, the committee decided that all meetings "would be closed to the press and the public" and that a verbatim transcript" was not necessary to the conduct of business."

Within the Department of Health, Education and Welfare, the agency with an unexcelled disposition toward secrecy is the Food and Drug Administration. For example, when the FDA summons a company to a hearing to show cause why it should not be prosecuted for a law violation, the agency closes the hearing and refuses to release the transcript or disclose the recommendation made by hearing officers. A decade ago, FDA was not only refusing to turn over to Congress files on an anti-cholesterol drug that caused cataracts in thousands of patients, but actually tried to have written into the law a prohibition against releasing most any information it acquired under the Food, Drug. and Cosmetic Act.

The White House, to suppress information, has invoked the "Executive Privilege" with such frequency down through the years that Clark Mollenhoff once wrote an angry book about it. Currently, the endless blanket of "Executive privilege" lies atop a report by the White House Office of Science and Technology that is understood to predict serious environmental damage to the United States should supersonic transports ever be permitted to fly across it at supersonic speeds.

But it must be noted that, by calculation of Congressional Quarterly, 41 percent of all congressional committee meetings were held behind closed doors last year, an increase of 5 percentage points over 1969.

In his letter to Senator Metcalf, Donald Mac Millan said, "As I approached the National Archives for the first time I was struck by the noble and inspiring ideas inscribed in its concrete walls. One I recall was most impressive: 'The heritage of the past is the seed that brings forth the harvest of the future.' "

A future substantially freer of governmental secrecy than is the present is not beyond our grasp. We may yet achieve the "deep sense of pride" that President Johnson spoke of when, on July 4, 1966, he signed the Freedom of Information Act in the belief "that the United States is an open society in which the people's right to know is cherished and guarded." One reason for a cautious optimism is that the lawsuits won by the Center for Study of Responsive Law, against the Labor and Agriculture Department, indicate a willingness in the courts to come down on the side of openness.

In the FDA, a new general counsel, Peter Barton Hutt, takes over on September 1. Rather than cling to the secrecy orientation of the past, maybe he and others in federal agencies will heed the instruction of Attorney General Ramsey Clark when he announced the rules to implement the law only four years ago: "that disclosure be the general rule, not the exception," and "that there be a change in government policy and attitude."

And Congress would take a major step forward by enacting at least two pending bills: one for an independent consumer protection agency empowered to intervene in administrative and court proceedings in behalf of the public (and against federal agencies, if need be), the other, sponsored by Senator Metcalf, to open the proceedings of the possibly 1,800 government advisory committees—such as the Commerce Department's and the CAB's—to public scrutiny.

OIL SPILLS

Mr. HATFIELD. Mr. President, I invite attention to an article by Mr. Blaine Schulz, published in the Portland Oregonian recently.

The article speaks of a project which hopefully will set a precedent in being prepared for the tragic consequences of oil slicks. The project combined the efforts of marine firms, agencies, the Coast Guard, as well as 12 oil companies in the Portland-Vancouver area. I call this constructive achievement to the attention of Senators who share with me a concern for our environment. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PORT READIES CUSTOM EQUIPMENT FOR CLEANING UP RIVER OIL SPILLS

(By Blaine Schulz)

Equipment valued at approximately $100,000 for cleaning up oil spills in river systems will be ready for operation in Portland about Jan. 1, the Port of Portland and other backers of the project announced Thursday.

The equipment, with an oil skimmer and eight settling tanks which can be mounted on a barge, has placed Portland in the forefront of national efforts to clean up oil spills from tankships and other causes, according to Adam J. Heineman, assistant director of the port's marine division, and Carl Propp, ship repair manager for the port who served as spokesman for the Swan Island Safety Pollution Control Committee.

"We know it's going to do the job," Propp told newsmen Thursday at the Lloyd Building, where he gathered with Portland area marine firms and agencies which cooperated with the port and Coast Guard in creating the device under construction at Swan Island.

Biggest single contribution came from the Oregon State Oil Spill Cooperative, whose chairman John Hartup, presented a $6,000 check from 12 oil companies in the Portland-Vancouver area.

Ship repair, towboat, scrapsteel, various waterfront industries, and marine underwriters joined with the port, Coast Guard and oil companies in contributing money, personnel and materials for the skimmer and settling tank equipment.

Heineman said any spill on the Willamette or Columbia rivers would first have to be contained with log booms. Then a towboat and barge firm would be called in to haul the equipment to the area where the emergency occurred.

Heineman said the equipment is designed to clean up medium and large oil spills on rivers but not on oceans or rough water, and that the device can be moved to the Puget Sound or California if requested.

The device has eight separation tanks and submerged hydraulic pump to suck in the oily water, according to Donald Hudson, Portland naval architect commissioned to design the prototype. Water is pumped into the tanks and gravity separates the oil.

Work on the Portland model began last spring after the local U.S. Coast Guard commanding officer was charged by the Environmental Quality Act of 1970 to encourage local and state authorities to develop cleanup machines.

Heineman said the Port of Portland is seeking a $500,000 grant from the federal government for construction of an oil spill disposal facilities to which the port would contribute $250,000. This would be for a recycling plant.

Meanwhile, the contaminants will be removed to earth excavations at Swan Island or Rivergate Industrial District after oil companies have taken off the reusable oil, Heineman said.

REPUBLICAN CAMPAIGN CONTRIBUTORS

Mr. THURMOND. Mr. President, I note with interest that the so-called citizens lobby which calls itself Common Cause has recently been critical of Republican campaign contributions. This organization, which is supposed to be financed by the grassroots contributions of the common man, wants to force a former White House aide to open his records on an estimated $2 million pumped into key Republican races for the Senate last year.

This is especially interesting to me when such activities are initiated by an organization who accepts "fat cat" donations while disapproving of others who receive substantial contributions.

Common Cause, "galvanized by the common man," has several "fat cats" among its own supporters. Records show that this organization has in the past several months received the following:

Arlen Properties, Inc., New York, N.Y	$25,000
Patterson Planning and Services, New York, N.Y.	5,000
Ford Motor Co., Detroit, Mich	10,000
Amalgamated Banks of New York	1,000
United Steelworkers of America	2,000
Time, Inc	5,000
John D. Rockefeller III	25,000
United Artists	5,000
Boise Cascade Corp	5,000
John D. Rockefeller III (again)	25,000
Westinghouse	10,000
Cummings Engine Co., Inc	10,000
Chase Manhattan Bank	5,000
Prudential Insurance Company of America	5,000
Kaiser Industries Corp	5,000
Kennecott Copper Corp	10,000
United Auto Workers	25,000

Common Cause apparently does not preach what it practices when it seeks to find fault with contributors to candidates not supported by themselves.

An editorial entitled "Uncommon Contributors" was published in the September 20 issue of The State, of Columbia, S.C. The editorial places Common Cause in its true perspective. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNCOMMON CONTRIBUTORS

It was a year ago, if memory serves, that John W. Gardner launched Common Cause, the so-called "people's lobby" that was going to save America from the "special interests" by galvanizing the common man. "There is so much that needs to be done," pined Mr. Gardner to an accompanying gush of publicity, and he promised to do it.

A year has passed, and Common Cause has just filed a report on itself with the clerk of the U.S. House of Representatives, as required by the 1946 Regulation of Lobbying Act. Surprise, surprise. Mr. Gardner's crowd may be saving us from those hated "special interests," but if so it is doing it with money from Rockefellers and Fords, among others.

"Common Cause, the national lobby attempting to change political structures and priorities, has a list of major contributors that reads like a Who's Who in the Establishment," Reports Congressional Quarterly Donors, it continues, include fat cats ranging from Time Inc. to Arlen Properties, commercial developers and partners with Greek wheeler-dealer Aristotle Onassis.

Now, there is nothing illegal about it. If John D. Rockefeller III wants to plunk down $25,000 to join Common Cause (and Ford Motor Co. $10,000), that's his (its) business. All the same, a lot of little Joes and Janes have plunked down $15 in dues on the assurance from Mr. Gardner that "we cannot and should not depend on big contributors."

It's enough to shake one's faith in Mr. Gardner's operation and all those engines of publicity that gave it such a send-off. If the Common Cause is so pure, how come it was necessary to gull the members with all that "special interest" cant?

LINCOLN, THE POLITICIAN

Mr. MATHIAS. Mr. President, Abraham Lincoln has been so idolized as a great leader of the American people that we sometimes forget that he was also a fine politician. Representative Gilbert Gude, of Maryland reminds us, however, that Lincoln did not become President or become an effective President without the tools of politics. He describes Lincoln's political keenness in a speech he delivered recently to a luncheon of the Lincoln Group of the District of Columbia.

I ask unanimous consent that the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

As an old history buff, have you read "The Selling of the President"—the big selling book about the advertising techniques of the Nixon campaign for the Presidency? The book tells about the marketing of candidate Nixon's most popular ideas and the avoidance of some more divisive or unpopular issues.

Abraham Lincoln, I fear, suffers from a different "Selling of the President." We get too much of the legend—too much of the humble but uncompromising giant supposedly carried to high office by the people for the saving of the Nation and the freeing of the slaves.

Honest Abe has a great press today. He was not the first eminent politician to rise from humble beginnings, nor the last. But Vice President Agnew should get such a good press!

But let us recognize that Lincoln was—if you'll excuse a dirty, ten-letter word—a politician. A smart politician. A master politician.

He had a sense of timing of as great value then as it is today—in making new China policies and jolting the economy. And he sought to avoid taking a position too far in advance of popular thinking. Sometimes he could side step issues with the best of us.

It was Lincoln's side stepping, as well as his firmer positions, that led him into the Presidency, won a war and freed the slaves. In these days of "Pentagon Papers" we should remember that Lincoln never suggested, in seeking the Presidency, that he would free the slaves!

In a system of representative self-government men must seek office, must solicit the support of voters, and must bear the burdens of office if elected. These men are politicians. Lincoln was one of them, and I wish to speak of his years of political activity before attaining the Presidency.

The clue to much that is vital in Lincoln's thought and character lies in the fact that he was a politician both by inclination and training. He plunged into politics in the early years of his adult life and was involved in it for the rest of his life—except for a brief period when an unfavorable turn in the political situation forced him to return to his law practice.

So at twenty-three, only seven months after coming from the tiny community of New Salem, Lincoln ran for the Illinois legislature. He failed. But in 1834 Sangamon County sent him to the lower house of the state legislature. From that time to the end of his life, except for the years between 1849 and 1854, Lincoln was busy as either an officeholder or an officeseeker.

In his early years in politics, Lincoln was a Whig Party regular. He was a member of the Illinois State Whig Committee and a Whig floor leader in the legislature. There, he learned the art of politics, and his life became one of caucuses and conventions, party circulars and speeches, recommendations, strategies and tactics.

After his death Herndon wrote, "It was in the world of politics that he lived. Politics were his life, newspapers his food, and ambition his motive power."

In 1848, when he was in Congress, Lincoln joined with those Whigs who preferred Zachary Taylor as a Presidential candidate over the party's older statesman, Henry Clay. Because of an agreement to rotate the candidacy for his seat, he did not run for re-election to Congress. When he tried to get an appointment to the General Land Office he was unsuccessful; he declined a less appealing offer of the Secretaryship of the Oregon Territory.

It seemed that his political career had come to an end.

He turned with reluctance to the practice of law, overcome by a melancholy "so profound," wrote Albert Beveridge, "that the depths of it cannot be sounded or estimated by ordinary minds. Certainly political disappointment had something to do with his despondency." His ambitions were directed toward public life. The law had no appeal for him, profitable though his practice might be.

The repeal of the Missouri Compromise in 1854 created a political situation which once again aroused Lincoln's hopes. He seems to have viewed the issue of the extension of slavery as a means of revitalizing the Whig Party, which he did not wish to abandon. For two years after the new Republican Party had formed state and local organizations in the Northwest, he refused to join them. Even while supporting Fremont, the Republican candidate, in 1856, he avoided speaking of himself and his colleagues as Republicans.

In the autumn of 1854, hoping for the Senatorial nomination and fearing to offend the old-line Whigs in Illinois, he absented himself from Springfield to avoid attending a Republican state convention to be held there. When he failed to receive the nomination the following year, his disappointment was acute. His law partner, Herndon, later wrote, "That man who thinks Lincoln calmly gathered his robes about him, waiting for the people to call him, has a very erroneous knowledge of Lincoln. He was always calculating and planning ahead. His ambition was a little engine that knew no rest." It was this typical American impulse to rise in life, to make something of himself through his own honest efforts, that dominated him through the long course of his career before he became interested in the slavery question.

During his early manhood the prevailing attitude toward blacks in Illinois was hostile. Severe laws against runaway slaves and free blacks were in force when Lincoln went to the Springfield legislature. While he was serving his second term, slavery was a subject of discussion throughout the country. William Lloyd Garrison had begun his agitation, and petitions for the abolition of slavery here in the District of Columbia had begun to pour in upon the Congress.

The legislature of the States began to express themselves upon the question. The Illinois legislature turned the subject over to a joint committee, of which Lincoln was a member. He voted against the proslavery resolutions which were adopted; and he and a colleague embodied their own opinions in a statement which read in part that "The institution of slavery is founded on injustice and bad policy, but that the promulgation of abolition doctrines tends to increase rather than abate its evils."

In 1845, not long before he entered Congress, Lincoln again had an occasion to express himself on slavery, this time in a carefully phrased private letter to a supporter who was an abolitionist: "I hold it a paramount duty of us in the free States, due to the Union of the States, and perhaps to liberty itself, to let the slavery of the other States alone; while, on the other hand, I hold it to be equally clear that we should never knowingly lend ourselves, directly or indirectly, to prevent that slavery from dying a natural death, to find new places for it to live in, when it cannot longer exist in the old."

When Lincoln returned to active politics the issue of slavery had come to occupy a central position in public affairs. Lincoln's interests and ambitions were aroused, and he proceeded to rebuild his political career. His strategy was simple and forceful. He carefully avoided issues like the tariff, internal improvements, nativism, and prohibition, each of which would have alienated important groups of voters had he taken a position on it. In his speeches he stressed that he was not an abolitionist, and at the same time he emphasized his opposition to the extension of slavery into the territories.

On October 4, 1854, Lincoln denounced slavery in public for the first time. In a speech delivered in the Hall of Representatives in Springfield, and later repeated at Peoria, he declared that he hated the current enthusiasm for the spread of slavery. "I hate it," he said, "because of the monstrous injustice of slavery itself." He went on to say that he understood the difficulties of the people of the South. "I surely will not blame them," he said, "for not doing what I should not know how to do myself. If all earthly power were given me. I should not know what to do as to the existing institution. My first impulse would be to free all the slaves and send them to Liberia, to their own native land." But he recognized that immediate colonization was manifestly impossible. The slaves might be freed and "kept among us as underlings," but he felt that this would not really improve their condition.

He emphasized that nothing could justify the attempt to carry slavery into territories that were then free. "The great mass of mankind," he declared at Peoria, "consider slavery a great moral wrong. This feeling lies at the very foundation of their sense of justice, and it cannot be trifled with. . . . No statesman can safely disregard it."

As a practical politician Lincoln was naturally much concerned about those sentiments which no statesman could safely disregard. He realized that it was unwise to disregard either the feeling that slavery was a moral wrong or the feeling then held by an even greater portion of the public that blacks should not be given political or social equality.

So this was the Republican problem in the Northwest: how to find a formula to reconcile the two opposing points of view held by great numbers of white people in the North. Lincoln's success was due largely to his ability to bridge the gap between these points of view. It was absolutely necessary that this be done, since the abolitionists and their humanitarian sympathizers in the nation at large, and particularly in the Northwest, the seat of Lincoln's strength, though numerous enough to hold the balance of power, were too few to make a successful political party.

In the election of 1858 the Republicans carried a majority of the voters of Illinois and elected state officers for the first time. Douglas was returned to the Senate of the United States only because the Democrats, who had gerrymandered the state's districts, held a majority in the Illinois legislature.

Lincoln contributed greatly in welding old-line Whigs and anti-slavery men into an effective party, and his reputation grew rapidly. What he had done was to seize on an issue, the alleged plan to extend slavery, which turned attention from the divisive forces in the Republican Party to the great uniting force. Lincoln well knew that the party was built out of what he called in his "House Divided" speech "strange, discordant, and even hostile elements." In addition to abolitionists and black-haters, it united high- and low-tariff men, hard- and soft-money men, former Whigs and former Democrats embittered by old political fights, Maine-law prohibitionists and German brewers, Know-nothings, and immigrants.

It was the mind and voice of Lincoln, that held this coalition together, carried it into office, and, despite carping criticism and bitter vituperation, won a war and preserved the Union.

DISPOSITION OF SST TECHNOLOGY

Mr. PROXMIRE. Mr. President, on September 10, 1971, Mr. W. M. Magruder, director of SST development in the Department of Transportation, wrote to me requesting my view on the disposition of SST technology and on technological research in general. The Evening Star published an editorial on September 25 in response to Mr. Magruder's letter.

In my opinion, it is essential that environmental effects be taken into account before deciding present and future questions of technological development. This, it seems to me, is the principal lesson to be gleaned from the abortive SST program. At the very least, no decision should be made concerning disposition of SST technology until all the ecological questions concerning this program have been fully and satisfactorily answered.

Mr. President, I ask unanimous consent that Mr. Magruder's letter, the Evening Star editorial, and my responding letter dated September 29. 1971, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., September 10, 1971.
Hon. WILLIAM PROXMIRE,
U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: As you know, work on the United States SST prototypes has ended, and the program is being terminated. That decision behind us, we must now deal with two ancillary but no less important questions:

1. What does the U.S. Government do with $1.1 billion worth of SST technology, so that the taxpayers may be assured of realizing the greatest benefits possible from their ten-year investment?

2. How should very large projects of technological research and development be conducted in the future?

How we answer, or fail to answer, these questions will inevitably affect the Nation's economy. If we must chart a new course, we want to do so advisedly, with the benefit of the best and wisest counsel attainable. Therefore, I am soliciting your thoughts, comments and suggestions concerning these two issues. I am seeking the counsel of leaders in the aerospace industry, the airlines, and various Government departments, as well as the wisdom of Members of the Congress. I believe that as one who has concerned himself with the SST program, you are in a position to be helpful in any reshaping of national research and development policy to avoid the mistakes of the past without neglecting the needs of the future. Your comments will be appreciated, and I assure you that your wishes respecting attribution will be honored.

Please bear in mind, if you will, that cessation of the SST program has come at a time of general depression in the U.S. aerospace industry, coupled with increasing competition from abroad. The result is a combination of economic pressures, reflected in the following ways:

Aerospace unemployment has reached severe proportions.

Privately-financed aircraft ventures such as the B–747, DC–10 and L–1011 have made heavy capital demands on the major companies and financial institutions.

Foreign competitors, financed in accordance with national objectives to secure a large share of the future civil transport market, now offer advanced long- and short-haul aircraft that have no counterparts in the United States. United States anti-trust laws and the necessity for private capital to compete head-on with government-subsidized civil aircraft programs put new U.S. aircraft development projects at a decided disadvantage.

U.S. manufacturers, in order to survive, are selling their expertise abroad, to countries and companies whose objectives include the erosion of U.S. civil aircraft production and sales leadership.

U.S. aerospace have been diversifying, for reasons of necessity as well as opportunity. The process has been gradual and, thus far, not particularly rewarding.

As it stands now, few if any of these pressures can be alleviated by the remnants of the SST program, or the portrait its forfeiture paints for the future of the industry. Moreover, it would appear, in the light of recent experience, that some new coalition of forces and resources will be needed if the United States is to compete effectively with the other industrialized nations of the world for the future civil aviation market. Your thoughts on this matter will be welcomed.

In the meantime, the following activities will be pursued for the most efficient disposition of America's ten-year investment in a supersonic transport:

1. The environmental research program, initiated in May 1970, is funded independently of SST prototype construction, and will continue to completion. Approximately $30 million will be expended through 1974. The program, under the surveillance of the Department of Transportation, will evaluate sonic boom, noise, atmospheric effects and engine emissions. The Environmental Advisory Committee will remain intact. Noise and pollution standards are expected before foreign supersonic transports begin service in 1974.

2. At the suggestion of the GAO, certain research and development efforts, associated with the SST, have been reviewed by 14 Government agencies to assure that valuable ongoing projects potentially useful to other programs are not lost because of cancellation of the SST. Ten projects, out of 150 major development works, have been identified tentatively as worthy of continuation. These projects include fuel tank sealant experiments, titanium hydraulic tube connector experiments, engine inlet experiments, correlation of flutter and analysis experiments, all of considerable value to current subsonic and supersonic civil and military programs.

3. When the audit of all research, equipment, wind tunnel models, engines, and data is complete, a plan for distribution to U.S. government agencies and/or industry will be implemented, to assure that the benefits derived from SST research are infused into the broadest possible base.

4. The National Aeronautics and Space Administration has indicated that it will continue—to the degree of funding available—advanced aeronautical development work, aimed at keeping our technology base competitive with the rest of the world's.

Subsequent to the termination decision, we endeavored to find ways to keep the SST program alive through private financing. Despite extensive efforts by a number of people, a viable financing arrangement has not yet been secured, due to the very large financial resources needed and the long payback period before a return could be realized.

Some interest also was expressed by foreign governments in the possibility of participating in the advanced technology represented by the U.S. SST. However, even the interest from abroad appears to be more attracted to shorter-term involvements, such as the Boeing-Aeritalia STOL contract, and the Japanese YX project wherein the U.S. aerospace manufacturers trade their management, design, testing, manufacturing, tooling, product support and marketing expertise in return for foreign financing. The Japanese are expected to announce a partner for their civil transport venture this year.

In view of these circumstances, it would appear that the United States must deal imaginatively and innovatively with its past policies regarding the research, development and marketing of costly new aircraft systems, or forgo future profits from aircraft exports along with the $1.1 billion spent in SST development and incurred by termination.

The SST Development Office, reduced in size to the minimum personnel needed to complete contract termination proceedings, will continue for some time yet to act as a clearing house for the disposition of SST assets and the collection of ideas regarding future R&D policies and practices.

I hope you will favor us with your suggestions.

Sincerely,
W. M. MAGRUDER,
Director, SST Development.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., September 29, 1971.
W. M. MAGRUDER,
Director, SST Development, Department of Transportation, Washington, D.C.

DEAR MR. MAGRUDER: Thank you for your letter of September 10, requesting my views on disposition of SST technology and on technological research in general.

The most important point raised in your letter is the environmental issue. I am pleased to see that the Department of Transportation has decided to continue the study into the environmental effects of the SST, especially with respect to both noise and air pollution. With the increasing possibility of foreign SSTs landing in the United States later in the decade, it is imperative that we assess today the ecological impact of these planes.

The results of this study will provide the Department of Transportation with the information necessary to issue strict regulations governing supersonic flight into the U.S. In particular, I look forward to DOT's promulgating strict standards for noise and air emissions. These regulations should be rigidly applied to any foreign SST seeking to land here. Otherwise, the American people will have no protection against further erosion of the environment.

This environmental research should be concluded and the ecological problems raised by the SST solved before the U.S. government makes any decision about what to do with the $1.1 billion of SST technology. If these problems are solved and the project proves economically feasible, then *private* financing of the remainder of the program should not be difficult to obtain. It seems premature to consider disposition of SST technology before questions raised about the SST are fully and satisfactorily resolved.

This policy should also be employed in approaching any future projects of technological research and development, both private and public. As the *Evening Star* noted in a recent editorial, the SST has provided a valuable lesson. We should avoid rushing ahead with technological development until we have had ample opportunity to evaluate effects of such development on the environment.

Moreover, the threat of competition from abroad should not be allowed to prod us into going ahead with projects that cannot stand on their own merits. We should be guided by what is good for this country—what will do most to enhance our quality of life, not detract from it. We are all the poorer when glamour and the quest for national prestige takes precedence over keeping our skies clear, our air clean, and our neighborhoods peaceful.

If we are guided by this caution, we ought to be able to avoid a repetition of the SST story in the future.

I hope this is helpful. Best of luck in your new endeavor.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

[From the Evening Star, Sept. 25, 1971]

SST ANSWERS

The die-hard advocates of supersonic transportation have altered a well-worn cliche to fit their particular needs. "If you can't lick them," the new motto goes, "get them to help you clean up after the fight."

William M. Magruder, whose unhappy lot is to preside over the dissolution of the massive SST enterprise, has, it seems, broadcast a form letter to a selected mailing list, including those who participated in the fatal assault on the SST. That letter, in its entirety, appears in the Letters to the Editor column on this page under the heading, "SST Questions."

The letter poses two basic questions: (1) What do we do with the high-priced debris now that the project has been shot down? (2) What do we do to avoid similar disasters in the future?

Magruder then proceeds to answer the first question himself. At the suggestion of the Government Accounting Office, a handful of associated research projects, judged to be of potential civil or military value, will be continued. The remaining surplus should be gathered together and made available to industry for whatever it may contain of present or future value—exactly as is being done. The project should not be sold as salvage to foreign manufacturers. The environmental doubts remain unsettled, and there is no logic in providing the bullets for the other fellow to take up the game of ecological roulette after we've pulled out. Beyond that, there is no logical reason why the United States airport facilities should be made available to foreign SSTs unless and until those questions are answered to the complete satisfaction of the U.S. Environmental Protection Agency.

For the most part, though, the taxpayers' billion-dollar investment must be written off as a loss, an expensive and painful lesson to all government agencies in how not to proceed in this era of economic disillusionment and environmental awareness.

One of the major errors associated with the SST project was the degree to which it was considered a life-saver for the struggling aerospace industry. Salvation, it was argued, lay in tossing the victim an anchor, thus stimulating him to self-rescue. Certainly the tax-supported project would have protected some jobs for the time being. But just as certainly the day of reckoning would have come when the airlines were called upon to pay for the expensive bill of goods.

The aerospace industry is not the only aspect of the economy that faces real and long-range problems from aggressive foreign competition. The answer cannot be some artificial device, a fiscal Band-Aid that hides the wound momentarily from view. There must be a realistic readjustment to the real world, including, perhaps, greater governmental subsidies and certainly a pragmatic acceptance of the fact that the era of the U.S. technological monopoly has ended. This means at best a period of rough readjustment while foreign labor costs rise to a semblance of parity with our own. At worst, it means that the United States will emerge as the supplier of raw materials and the final assembler of machines, while the able and cheap technology of Europe and the Orient provides the components.

The SST experience should have provided one other valuable lesson: The environmental issue is no passing fad to be shrugged off with fulsome lip-service. It is real; it is here to stay. Every technological project must, from now on, be weighed first for its environmental impact. After the necessary assurances are in and the costly safeguards tabulated, then it should be judged for its economic validity.

We live on a fragile and degraded planet. The policy of the blind technological leap has brought us to the brink. The time is at hand to stop hoping for the best, and to be sure before the next big jump is undertaken.

POLITICAL EQUALITY FOR WOMEN

Mr. PROXMIRE. Mr. President, almost everybody will admit that politics in the United States is at present a profession dominated by men. Indeed, it would not be very easy to make a list of nations in which men do not dominate public affairs.

But, as in so many other matters, "what is" is not necessarily the same as "what should be." In this case, discrimination and underrepresentation on the basis of sex is a part of political reality. When one speaks of the U.S. Senate as a "club," one generally does not envision a gathering of distinguished women.

Only one of the 100 Senators is a woman. This could be an acceptable state of affairs, provided that 99 percent of the population was male.

But we know that this is not the case.

The Senate must exert every effort to bring women into public life on a scale more commensurate with their numbers in the population.

One step the Senate could take is ratification of the convention on the Political Rights of Women. Over 40 nations have officially ratified the convention, but the United States is not one of them.

What does the convention do? I shall quote directly from the first three articles, which contain the substantive provisions of the convention. Article I states:

> Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Article II states:

> Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article III states:

> Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

And that is the gist of the convention on Political Rights of Women. As you can plainly see, each provision is in line with long-standing American goals of social equality. Senate ratification would merely reaffirm our resolve to move onward and do more to realize those goals.

In other words, the convention merely sets forth the rights of women to vote in elections, run for public office, and hold public office. I think that these rights are worthy of official protection. That is why I call for the Senate to ratify the convention on the Political Rights of Women soon.

WORKMEN'S COMPENSATION IN NEW JERSEY

Mr. WILLIAMS. Mr. President, the National Commission on State Workmen's Compensation laws has recently begun hearings to enable it to fulfill its statutory mandate of reporting to Congress by July of 1972. The Commission was established under the Occupational Safety and Health Act of 1970.

The subject of workmen's compensation is of extreme importance. It has a daily impact on the lives of millions of American working men and women. There are countless diverse views on the nature of the faults of our State systems and on the reasons for those faults. On one thing, however, there is near unanimity. Reforms are necessary.

The public interest and concern in this subject has recently been demonstrated by a series of articles written by Robert P. Kalber, and published in the Newark Star Ledger. I believe these articles are well worth reading, regardless of one's point of view. Therefore, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles

were ordered to be printed in the RECORD, as follows:

WORKMEN'S "COMP"—COSTS—AND CRITICISM—KEEP MOUNTING

(By Robert P. Kalter)

A dollar bill bought only 58 cents worth of benefits for injured workers in New Jersey last year, while lawyers and doctors who specialize in workmen's compensation cases enjoyed record-high fees, fixed and approved by compensation court judges.

Findings such as these help to explain why the New Jersey workmen's "comp" program has been a target of constant criticism and a focal point of bitter controversy throughout its stormy 60-year history.

Employers angrily criticize the ever-rising cost of compensation insurance and point to lower costs in other states.

Union leaders complain heatedly that workers are not receiving adequate benefits for serious, crippling injuries, and that doctors, lawyers and insurance companies are the chief beneficiaries of the current system.

Insurance company spokesmen loudly protest the mounting dollar drain of nuisance claims and faked injuries.

Workers charge that they have had to sit around for hours, losing a day's pay, only to be told to return again because their case could not be heard.

Judges privately complain of overwork because of crowded calendars and a 40,000-case backlog.

In off-the-record conversations, sinister accusations are made by those who claim inside knowledge of what makes the system tick.

They charge that payments (ranging from $10 up) are made by attorneys to bartenders and shop stewards for leads on prospects for compensation cases, and an additional $10 or a percentage of the fee if the lead results in a successful case.

They tell of lawyers' cards being passed around to persons who are fired or quit their jobs.

They charge unethical attorneys try to get doctors to pad their bills and exaggerate medical testimony to enhance the chances of bigger awards for clients—and bigger fees for themselves.

They tell of perjured testimony that goes unpunished, of widespread fee-splitting and ambulance-chasing.

These charges are not new.

They have existed—and been denounced—for decades.

But they have never been investigated and eradicated.

Officials in the Division of Workmen's Compensation insist they are too occupied with day-to-day operations to undertake an in-depth probe. Besides, they say, they do not have qualified investigators to undertake that kind of assignment.

They insist, moreover, that despite its problems, the New Jersey system is second to none in the nation, that it does an excellent job of awarding benefits to disabled and injured workers, and that with only minor changes it can be made vastly better.

G. Robert Winfield, director of the Division of Workmen's Compensation and himself a compensation judge since 1952, points out that the division "is here to serve the public and we do our best."

Known as a sincere and dedicated official, he told this reporter: "I'm here to administer not legislate." His job is to carry out the laws enacted by the Legislature in the field of workmen's compensation. If there are weaknesses or problems arising out of existing laws, then it's up to the Legislature, he indicated, to correct them.

Statistics gathered by the State Compensation Rating and Inspection Bureau show that insurance companies collected $274 million in standard premiums and paid out $158 million in benefits during 1970 under the workmen's compensation program.

The difference of $116 million—the precise figure is $116,277,200—is the amount of money the insurance carriers "lost" in the translation of income to payout.

The shrinkage adds up to 42 cents on every standard premium dollar. It is attributed by the rating bureau to the insurance companies' administrative expenses, legal and medical fees, taxes, profits and returns to employers in discounts, rate adjustments and dividends.

Based on the standard premium, it cost $116 million to deliver $158 million in compensation benefits for work-related injuries and deaths in 1970.

Discounts of $13 million from the standard premium, rating adjustments of $3.5 million and dividends of $27 million returned to purchasers combined to reduce the net cost to policyholders to $230 million last year. On this basis, it cost $73 million to deliver $158 million in "comp" benefits, or 31 cents on each dollar of net cost to the employer.

Spokesmen for employer groups and unions agree this is a staggering price to pay for the operation of what started out to be a quick simple, efficient, system to compensate employes for injuries suffered on the job and to provide death benefits for the widows and children of breadwinners who are killed at work.

Employers point out that despite investments in safety equipment and training and in the face of a steady decrease in injuries and deaths per 100,000 workers, the cost of compensation insurance in New Jersey has continued to climb, year after year.

Labor union officials have been urging a state-operated fund to replace the private insurance plan. They have been emphasizing that where there are state funds, as in Ohio, as much as 95 cents on the dollar is paid to workers in compensation benefits and only 5 cents is dissipated in costs, compared to New Jersey's 31 cents on net premiums and 42 cents on the standard premium dollar.

And where claims go to formal hearing for disposition, the worker's share of the New Jersey compensation dollar is further reduced, because he must then pay a portion of the legal and medical fees incurred in the handling of his case.

In the absence of unusual circumstances, compensation court judges assess workers approximately 60 per cent of the medical fee and 40 per cent of the legal fee, with the insurance companies paying the remainder.

Last year legal fees approved by the Division of Workmen's Compensation for workers' attorneys (known as petitioners' attorneys) reached a record high of $10,534,814, up from $8,947,977 in 1969 and $3,846,498 in 1960.

The $10.5 million in petitioner attorney fees went to a relatively small number of lawyers who specialize in compensation work. Some of these specialists handle a dozen or more cases a day.

Medical fees for petitioners' doctors—in connection with compensation court work and not for the treatment of injured workers—reached a record $1,529,406 last year, up from $1,332,829 in 1969, $711,647 in 1960 and $384,994 in 1950.

The legal and medical fees in 1970 were based on compensation awards of $74.9 million to 32,086 workers.

Although awards are tax free, the workers did not receive the full amount. They had to reach into their pockets to pay $4,128,349 toward the attorneys' fees and $965,496 of the medical fees, or 7 cents out of every compensation dollar.

The figures, moreover, apply only to cases disposed of at the formal hearings, as differentiated from direct settlements and informal hearings.

When direct settlements are conducted fairly, they provide a clue as to how New Jersey's workmen's compensation system was intended to function.

An employer (if he is self-insured) or his insurance carrier consults with the treating physician and the worker, and agree on voluntary weekly payments. A check in 1958, however, found that only 1,733 of 5,012 cases reviewed were considered adequate. Additional cash payments of $821,689 were ordered to augment the original $93,686 cash payments.

The review program has continued and results in subsequent years have been most encouraging, according to director Winfield. In 1963, 14,677 cases were checked and 12,165 (83 per cent) were considered adequate. Five years later, 14,300 cases were checked and 12,305 (86 per cent) were deemed satisfactory, although additional cash payments of $794,304 in 969 cases resulted from new hearings.

The informal hearing is not provided for by statute, but is an administrative device that filled the gap between direct settlements and formal hearings.

In the informal hearing, the injured worker appears before a compensation court judge or a referee (a civil service appointee who need not be a lawyer). Brief forms are filled out, a state-paid doctor examines the claimant and a settlement figure is proposed. The worker does not need to be represented by a lawyer. Either he or the insurance carrier can reject the proposed settlement, in which case it goes to formal hearing. If the worker chooses to have a lawyer represent him, the attorney is entitled to a fee of no more than 10 per cent of the settlement which is to be paid in full by the worker.

No figures were obtainable from the Workmen's Compensation Division on the dollar value of legal fees approved for informal hearings or the cost of providing medical examinations.

The formal hearings were originally conceived as a means of settling difficult legal questions as to whether accidents occurred in connection with employment when the requirements of the job are not always clear, and similar legal question marks.

Although not a part of the regular state court system, compensation courts conduct trials in the same manner. Every effort, however, is made to settle disputed issues at pretrial conferences. Where this fails, however, litigation takes over.

More and more cases are ending up informal hearings than ever before. One reason for this is increased uncertainty over the handling of heart attack and occupational disease cases, where New Jersey Supreme Court rulings have, according to lawyers, confused rather than clarified the legal issues with respect to compensability.

In contrast to the 10 per cent limit on fees for workers' lawyers which applies to informal hearings, the limitation at formal hearings is 20 per cent. In practice, however, judges generally fix 16½ or 16⅔ per cent as the fee, or about $165 on each $1,000 awarded.

This practice has been criticized by insurance company spokesmen on grounds that cases involving large awards do not necessarily involve a great deal of legal work and lawyers in such cases can be grossly overcompensated, partly at the expense of the worker who must pay 40 per cent of the legal fee.

And because the fee is directly related to the amount of the award, there is a tendency on the part of the worker's attorney to get as big a judgment as possible, a feature of the existing compensation system that has been partly praised and partly damned; praised when it results in just award to an injured worker; damned when questionable medical testimony is used to bolster a minor claim.

An indication of the trend that workmen's compensation is taking in New Jersey is that the $10.5 million approved last year in petititioners' attorneys' fees surpassed the $9,379,355 total awards to workers on which the 1950 fees of $1,431,691 were based.

Another indication of the workmen's "comp" trend is that the present system operated 40 years until insurance premiums added up to $1 billion, while premiums for the 1966–70 period (the last five years) totaled $1.1 billion.

And the $1.1 billion collected in premiums from 1966 through 1970 compares to the $3.2 billion collected from 1917 to 1970.

The figures cited for legal and medical fees do not include the legal and medical expenses incurred by the insurance companies in the preparation and conduct of compensation court cases. Neither the Division of Workmen's Compensation nor the rating bureau could supply these amounts, although they are an important cost factor.

Noting that criticism of workmen's compensation is growing in all parts of the nation, Alfred J. Napier, chief judge of the New Jersey Division of Workmen's Compensation, believes the program is at a crossroads.

In an article addressed to the question of whether workmen's compensation is obsolete, Napier points out that "the primary areas of concern in planning workmen's compensation were wage replacement, medical care and a financial recompense for permanent loss or impairment. Secondary benefits which developed were rehabilitation of the disabled to permit them to rejoin the labor force, and the promotion of industrial safety in order to reduce workmen's compensation rates."

He notes, in addition to workmen's compensation laws, "Federal Social Security disability laws, state laws providing unemployment compensation during layoffs, short-term non-occupational disability benefits, and a multitude of private insurance plans, fraternal organization funds, union welfare payments, etc., all operate for the purpose of wage replacement, with ensuing encroachment and overlapping.

Napier believes that "if present trends continue, it is reasonable to anticipate the day when wage replacement and medical care will be severed from the administration of workmen's compensation as we know it, leaving only the determination of cash benefits for permanent disability and dependency."

"Since workmen's compensation laws were first adopted, their basic pattern has remained the same," the chief judge states. "Any changes effected have been in the direction of liberalizing, particularly in striving toward exclusion of exemptions from coverage, increases in compensation rates, broad occupational disease provisions and unlimited medical care.

"In addition, there have been many experiments with administrative procedures in an effort to reduce litigation expenses and speed the adjudicatory process, while providing a fair hearing to all parties. The results of these experiments are inconclusive. There remain a variety of organizations concerned with the administration of workmen's compensation, including the judiciary, individual administrators, boards and commissions."

Statistics from the division show an ever-increasing volume of cases being handled at the formal hearing level and a lesser use of the swifter and simpler informal hearing.

Workmen's "Comp"—Doctor "Bonuses" Up the Ante

(By Robert P. Kalter)

New Jersey Workmen's Compensation courts are approving thousands of dollars in giveaway fees to keep a small clique of doctors happy with the system.

The practice flourishes in Newark, Elizabeth, Jersey City, Perth Amboy and other North Jersey cities where the volume of workmen's "comp" cases is heavy.

The giveaway fees range from $25 upward, depending on the dollar value of the compensation award to the injured or disabled worker, and are in addition to the routine fees allowed by the judges for a basic medical examination and report.

A single doctor can collect as many as 10—or more—of these "bonus" fees in a morning.

Each gratuitous payment of $25 or more covers a courtroom appearance that generally requires 30 seconds to one minute. During this time the doctor reads his report of a medical examination.

The "bonus" applies only in those cases that have been settled in advance by mutual agreement at a pre-trial conference between attorneys for the employer and employe with the compensation court judge in the judge's chambers.

After a settlement is reached, the parties move to the courtroom, where a hearing is conducted in the presence of a court stenographer who makes a permanent record of the proceedings.

Lawyers point out that a stenograph record is necessary because the law permits a case to be reopened within two years and the transcript is used to establish the physical condition of a worker at the original hearing and changes that have occurred subsequently.

Outside of the populous North Jersey counties, doctors are not called to the witness stand in "settled" cases. Instead, their reports are simply incorporated into the record. Where this is done, the doctors receive a basic fee of $25 or $35 for their examination and report.

In industrial North Jersey, however, the unnecessary court appearance is used as an excuse to justify the payment of an additional $25 or more over the basic fee to compensate the doctor for his testimony and time in court.

In Newark, where 25 per cent of the state's compensation cases are heard, a significant and growing majority of claims involves not one doctor, but two—an orthopedic specialist or internist and a neurologist—and each collects his $25 minimum bonus in settled cases.

The Division of Workmen's Compensation does not maintain records of the total fees awarded each year to doctors who specialize in examining and testifying for workers (called "petitioners") in "comp" cases.

Division officials and compensation attorneys who were asked about it said there are probably fewer than two dozen doctors who make a specialty of petitioner "comp" work in the state.

Division figures show that doctors received fees of $1,529,406 for reports or court appearances in 32,086 cases involving $74,872,931 in compensation awards statewide last year.

The fees do not include payment of any kind for medical treatment; they cover only examinations, reports and testimony (where called for) in the conduct of compensation cases.

Of the total medical fees, $965,496 were paid by the workers and $563,910 by the employer or his insurance company, reflecting a 60–40 formula generally used by judges in the "comp" courts.

In the case of giveaway fees, this means that 60 per cent, or $15 out of every $25 approved by the judges, comes out of the pocket of the injured or disabled worker. Where two doctors are involved in a settled case, the bite on the worker is a minimum of $30.

Efforts to determine exactly how much money was being awarded to which doctors in the form of giveaway fees ended in an administrative cul de sac.

G. Robert Winfield of Bloomfield, director of Division of Workmen's Compensation, said that no separate tally is kept of cases that are settled at pretrial conferences. These cases are lumped in with those that are disposed of at formal hearings after full-fledged legal contests.

He estimated that 6,300 cases were handled last year in South Jersey counties, leaving somewhat over 25,000 as the total number of cases decided at formal hearings in the North Jersey industrial area.

Winfield said "a substantial majority" of these 25,000 North Jersey cases were settled at the pretrial stage.

Assuming just 12,500—exactly half—of the cases were settled at pretrial and that the doctors received only one minimum $25 additional award for courtroom testimony, the giveaway last year would amount to $312,500. The actual figure was much higher.

The $312,500, incidentally, works out to 20 per cent of the total $1,529,406 in medical fees approved last year and represents an assessment of $187,560 out of the pockets of injured and disabled workers on the basis of the 60–40 "comp" formula.

Winfield and compensation court judges in the North Jersey area defended the giveaway practice.

Judge Hyman Barowitz, who has been hearing "comp" cases in Jersey City for 34 years, summed up their viewpoint.

"We have to put doctors on the stand in settled cases," he said, "or we wouldn't have doctors for those cases where their testimony is needed."

He said that insurance companies that represent employers in workmen's compensation cases "pay their doctors fantastic fees, but we can't get doctors for the petitioners."

Barowitz said that physicians who specialize in petition work "are mostly old and we can't attract younger men to take their place."

He emphasized that "we have to have doctors" to make New Jersey's compensation system work.

Judge Mark E. Litowitz, who sits in Camden, said that doctors do not take the stand there to testify in settled cases. Medical reports are merely made a part of the official record.

This practice, Litowitz said, "saves more than money." He said it also saves valuable time and makes things easier for the hearing officer to close out cases.

A physician (who asked that his name be withheld) said that "doctors are not avoiding workmen's compensation courts because of fees."

"They could triple or quadruple fees, even raise them to the sky," he said, "and most doctors would still not be interested. They don't like the system. They think it's unprofessional to make a career of being a professional witness. They don't like being pinned down by a lawyer's objections and judicial rulings. Law and medicine don't mix. You can't always give yes and no answers.

"The biggest problem, however, is the business of translating medical conditions into percentages of physical disability, as required of medical witnesses in compensation cases.

"Doctors are not trained to evaluate patients in terms of percentages," he emphasized. "It's something that's peculiar to workmen's compensation courts.

"How can anyone, doctor or lawyer, really tell whether a man has suffered a one per cent, a one-and-a-half per cent, or a two per cent permanent injury to a finger or a foot? Yet this is what doctors are being asked to testify to in workmen's compensation cases."

Even doctors who are involved in "comp" work concede that it's an exercise in futility to try to pinpoint disabilities in terms of precise percentages.

Nevertheless, the New Jersey system is geared to these percentages, demands medical testimony to fix them and awards based on them.

WORKMEN'S "COMP.": AN UNFORTUNATE TREND TO FORMAL HEARINGS

New Jersey enacted its workmen's compensation law in 1911, becoming the fourth state in the nation to take such action.

It has been the subject of controversy from then until now.

In the original act, the Legislature provided for court administration of the program.

Walter F. Dodd, in his book, "Administration of Workmen's Compensation," wrote: "Employer and injured employee were supposed to enter into an agreement for the claims, although no provision was made in payment of compensation in uncontested the original law for the filing or scrutiny of these contracts by any official or body."

Disputes arising under the act were to be taken to the Common Pleas Courts.

The 1911 Workmen's Compensation Law was hailed as long-overdue social legislation to end a serious injustice to injured workers. It was intended to provide a mechanism for the quick, equitable settlement of claims arising out of injuries and deaths on the job.

Before this law was passed, workers found it practically impossible to collect. The only means open to them was a suit in court. This was slow and costly—and because of common law precedents, the need to prove negligence on the part of the employer and other legal technicalities, workers rarely emerged victorious from the courts. When they did win, however, they often were awarded large sums.

The workmen's "comp" law eliminated negligence as a factor, holding employers automatically responsible for injuries and deaths by accidents "arising out of and in the course of employment." The worker, in turn, lost his right to seek large awards in traditional negligence suits.

After the New Jersey act had been administered by the courts for three years an investigation was initiated by the Social Insurance Committee of the American Association for Labor Legislation. A year later, in 1915, its findings were made public.

"The investigators of the Association for Labor Legislation," wrote Dodd, "brought five principal indictments against the settling of disputed claims by the courts in New Jersey.

"They were (1) the delay of court procedure, (2) its cost, (3) the unfitness of courts for settlement of compensation claims, (4) lack of uniformity of decision, and (5) the employee's fear of discharge if court proceedings were instituted."

With respect to costs, the report noted that "fees necessarily paid to attorneys eat up large portions of the awards."

Turning to the unfitness of the courts to adjust compensation claims, the report found that the very nature of the courts made them unsuited to dispose of compensation claims. Among the reasons cited was the finding that judges usually had small knowledge of industrial processes and did not have the time or opportunity to become expert in this branch of the law.

Noting harmful results in the administration of a workmen's compensation law through the courts, the report concluded: "A more unsatisfactory system, from the injured worker's point of view, would be hard to devise."

Spurred by the report, the Legislature in 1916 established a Workmen's Compensation Aid Bureau in the State Labor Department to receive agreements of settlements in undisputed cases, but disputed claims still went to the Common Pleas Courts.

The bureau was to review and approve all settlements, but two years later it was replaced by a new Workmen's Compensation Bureau with exclusive jurisdiction over all compensation claims, contested and not.

"Thus," wrote Dodd, "it came about that New Jersey gradually abandoned court administration after finding it slow, costly and generally unsuited for the enforcement of its compensation law."

The commissioner of labor, deputy commissioners and referees were granted authority to hear disputed cases, and they were not required to be lawyers.

Within a short time, however, the deputy commissioners were replaced by supervising judges and judges (positions reserved for lawyers only).

More and more claims became the center of legal disputes between attorneys for the workers and the insurance companies. In the process, the compensation system became less a device for quick, friendly settlements and more like the court system it was designed to replace.

By 1960 the supervising judges and judges donned formal black robes to establish an authentic courtroom atmosphere.

In a 1966 pamphlet on workmen's compensation issued by the New Jersey State Industrial Union Council, AFL–CIO, members were told:

"The underlying aim of workmen's compensation laws is to make the cost of industrial accidents and resulting deaths and disabilities, regardless of their cause, a charge upon industry, which ultimately passes it on to the consumer as part of the cost of its product.

"Although the Workmen's Compensation Law has been of great benefit to workers, it has fallen far short of attaining the ideal solution of the problem of what to do with injured or disabled employees, or with their dependents in case of their death.

"It was presumably the intention of the framers of the law to make the remedy so simple that an injured employee would not be obliged to have any particular knowledge of its provisions or to retain an attorney in order to safeguard his rights under it, but employers and insurers have continuously pecked away at its provisions and such highly technical and confused interpretations have resulted that only too frequently it takes an expert to win a contested compensation case. Many of the intended benefits of the Act have vanished in a maze of legal opinions."

Spokesmen for employers and insurance companies counter that much of today's problem stems from fee-hungry lawyers who make a specialty of representing workers. They earn fees only in cases that are decided in formal hearings, as distinguished from informal hearings conducted by referees, or direct payments.

In its most recent annual report (for the year 1968), the Division of Workmen's Compensation noted that 21,682 cases involved voluntary payments by the employer or insurance company. Only 22 per cent of the compensated cases, or 14,647, were closed by voluntary payments resulting from informal hearings. But 46 per cent, or 31,120 cases went to formal hearings.

The report states:

"A substantial proportion of such cases were closed after conferences with the hearing officials without the necessity of a fully litigated trial. The remainder were tried before judges of compensation as contested cases. In either event, a formal hearing necessarily entails a stenographic record which includes the testimony of the petitioner, of the medical experts of both parties and of such other witnesses as may be offered."

The report noted a "trend toward formal hearings as the method being utilized increasingly for the disposition of workmen's compensation claims" and cites a 58 per cent increase in 10 years.

"Aside from the numerical increase in the total number of formal hearings," the report states, "this type of litigation is becoming more lengthy with increasingly complicated medical issues to be resolved."

Sincere and reputable attorneys on both sides of the "comp" fence, those who represent workers and employers, agree that tighter administration and a tougher stand by judges would check the trend toward formal hearings.

One favorite proposal advanced by many is that lawyer fees ought to be sharply reduced, even to a token $1, in cases that are obviously contrived.

Another proposal is that all cases go first to an informal hearing, where a compensation award would be made. If the attorney for the worker decides on a formal hearing, his fee should be based only on the difference between the original offer and the final award.

WORKMEN'S "COMP": INSURERS BENEFIT FROM NEW RATE BOOST

(By Robert P. Kalter)

New Jersey homeowners and apartment dwellers have just been socked with a $5-a-year increase in the premium they must pay for workmen's compensation insurance on private residences.

Not one cent of the boost is earmarked for benefits to babysitters, cleaning women, maids, and other employes who are protected under the private residence policies.

The hike in premium raised the cost of a one-year basic policy 60 per cent—from $12 to $17—and will provide the insurance companies with an annual bonanza of approximately $625,000.

Approved by the State Compensation Rating and Inspection Bureau, the new rate went into effect July 1 and is now being applied to all new policies and to renewals as they come due.

Robert R. Heckman, special deputy commissioner of the State Department of Insurance and chairman of the rating bureau, estimated that 125,000 private residences are covered by individual workmen's compensation policies.

He explained the rate increase this way:

"The $5 additional premium on new and renewal business was in consideration of the inflation—which is with all of us—to give additional expense dollars to the companies for handling the business and did not relate to incurred losses."

Those who pay for the policies had no voice in the deliberations leading up to the decision to hike the premium, and no opportunity to protest the action.

In its entirety, it was handled as a matter only between the insurance companies and the rating bureau.

The bureau's own figures, however, as supplied by the insurance firms, fail to justify a higher premium.

The $5 boost, according to Heckman, doubles the amount previously allowed the insurers for expenses.

This means that $10 out of the $17 premium goes for administrative purposes and profits; only $7 is available for benefits to injured and disabled workers.

Expressed another way, it means that 59 cents on every premium dollar is used for expenses and only 41 cents is set aside for accident victims.

These figures are almost the complete reverse of experience in workmen's compensation coverage for business and industrial policies, where 42 cents is used for expenses and 58 cents is available for benefits.

And this ratio has been the target of bitter criticism from labor and employer representatives who want insurance companies to reduce costs further and make more of the premium dollar available for payments to the injured and disabled.

Because some policies are issued for three years and some for one year, figures were obtained for the policy years 1966 through 1968 (the last for which full data are available).

The figures show the insurance companies collected $2,075,059 in premiums and paid out $1,046,016 in incurred losses, or slightly less than 50 cents on the dollar.

Results on the one-year policy have been even more favorable to the insurance firms.

For 1968, for example, premiums totaled $293,467 and incurred losses were $104,007, a payout of 35 cents on each dollar collected. In 1967 earned premiums were $334,245 against incurred losses of $136,212, and a year earlier the comparable figures were $383,375 against $208,766.

As for three-year policies, the 1966 experience was $1,003,972 in premiums against $597,031 in losses, and in 1965 it was $971,345 collected in premiums and $452,289 paid out in claims.

Private residence insurance is not mandatory under New Jersey law, but employers of babysitters, domestics and farm hands are liable if they work regularly and periodically. And substantial sums have been levied against homeowners and apartment dwellers where injury-producing accidents have occurred.

As a matter of fact, New Jersey's workmen's compensation law is one of the broadest in the nation, extending coverage to practically every employe other than the casual worker, engaged for a single, nonrecurring job, purely by chance or by accident.

All compensation insurance is written by private carriers, setting New Jersey apart from those states which operate their own compensation funds, either exclusively (as in Ohio) or as an alternative to private insurance coverage (as in New York).

Employers, however, can opt for self-insurance and last year 169 companies—including many of the largest firms in the state—were authorized by the state to provide their own coverage. On the basis of "compensation paid" the self-insured firms accounted for 9.5 per cent of workmen's compensation insurance last year.

The State Compensation Rating and Inspection Bureau is responsible for fixing the premiums the insurance companies can charge.

It's a complicated business.

The basic unit is $100 of payroll, and the rate to be paid is based on exposure to risks, from jobs that are relatively safe to those with a high frequency of accident occurrence.

There are 803 different classifications in use in the state today, and these are used to determine a classification for the employer. Usually the single most important classification is the one which is applied for statistical purposes to the employer.

Anticipated losses (claims for benefits by injured workers) are calculated on the risk experience, and the rates are fixed so as to produce adequate funds to pay these losses—after allowing for expenses and a 2.5 per cent profit for the insurance carriers.

The formula governing expenses, however, has been under attack by labor unions and employers on grounds that some of the items are unrealistically high, serving only to fatten the profits of the insurance companies. The 17.5 per cent expense for acquisition cost is especially attacked, the critics pointing out that most insurance companies spend only a fraction of this amount to secure new accounts, and some spend nothing to attract new business.

Critics of the formula also claim that it fails to take into account the investment income earned by the premiums, which places additional money in the profit columns of the insurance carriers. Employers say this money should be used to reduce costs. Labor leaders say the money ought to be used to increase benefits for injured workers.

Special deputy commissioner Heckman said, in explaining the bureau's role:

We do not investigate, explore, reprimand, rule and regulate the activity of the insurance companies in the field of efficiency.

"Our chain of loyalty is first to the beneficiary, the workingman, under the policy."

He said the purpose of rate-making is to make certain there are adequate funds to pay for anticipated losses, adding that "we have an equal loyalty to the buying public and the (insurance) seller."

WORKMEN'S "COMP": HEADQUARTERS ISN'T AS CHAOTIC AS IT SEEMS

(By Robert P. Kalter)

A morning visit to the New Jersey workmen's compensation quarters on the second floor of the state office building at 1100 Raymond Blvd., Newark, is an experience akin to dropping in on another world.

Here is a labyrinth of corridors that lead to cubicles that form courtrooms (13 in all), judges' chambers, two waiting rooms, a large and small room for attorneys, booths housing public telephones, a consulting room for doctors, two medical examination rooms, a court stenographers' room where the coffee urn is always going, an office for two court attendants, and a tiny reception area leading to a vast room where secretaries and clerks maintain case files and try to keep up with a mountain of paper work.

Among the sights one is certain to see on almost any given day:

Court officers scurrying from courtroom to courtroom, frantically searching for a doctor who specializes in medical testimony.

Lawyers scurrying from courtroom to courtroom, frantically searching for a doctor who specializes in medical testimony.

Lawyers scurrying from courtroom to courtroom, desperately seeking clients whom they are to represent but whom they have not yet met.

Court stenographers scurrying to courtrooms in response to a hasty call to prepare a transcript of a formal hearing.

Lawyers talking quietly to clients, getting straight on accident details and the extent of injuries.

Lawyers for insurance companies talking to lawyers for injured workers, trying to work out details of a settlement.

Workers, often with a member or members of their family, sitting around, hour after hour, patiently waiting for their case to be called.

It is well to keep in mind that in this never-never land, things are rarely what they seem to be.

If you pass a courtroom and see a witness on the stand and a judge behind the bench, it doesn't necessarily mean that a "real" trial is underway.

In all probability, it is merely a run-through to place on the record the facts in a case that was settled earlier during a conference in the judge's chambers.

Similarly, if you pass an empty courtroom it doesn't mean the judge is on holiday. He may very well be in chambers attempting to work out a settlement between attorneys for the insurance company and claimant.

Finally, although workmen's "comp" is always identified as a "social program" and its benefits are associated with hard-working middle and low income wage-earners, this is not really the case.

On July 22, for example, a decision in favor of the widow and children of Mario Gallo was announced by Judge James H. Coleman Jr.

Gallo was killed in an automobile accident in February, 1970, after returning from an early evening meeting with then U.S. Attorney Frederick B. Lacey and the assistant who has since succeeded him in office, Herbert Stern.

Gallo, it will be recalled, was one of those indicted with former Mayor Hugh J. Addonizio and other Newark city officials in connection with kickbacks on city contracts.

Testimony at the workmen's compensation hearing disclosed that Gallo was employed as vice president of Passaic Crushed Stone Co. at a salary of $32,000 a year, an employe of North Jersey Incinerator Co. at $36,000 a year, an employe of Hudson Crushed Stone Sales at $3,000, and that he shared in the profits (but took no salary) from Hudson Stone Co.

Dino Bliablias, a Newark attorney, testified he spent almost all of Feb. 9, 1970, with Gallo and accompanied him to the meeting with Lacey and Stern at the Americana Hotel in New York City. The session lasted 3½ hours.

"Lacey and Stern were interested in obtaining information on the extent of participation of (the Gallo) companies in city projects," Bliablias told the judge, "and to what extent they had supplied material, and the distribution of funds (from city projects) to other companies and individuals."

Bliablias said the companies were worth "millions of dollars" and that the Internal Revenue Service was about to seize the assets under a tax jeopardy assessment.

"The government indicated to us, through Lacey and Stern, that the companies would be protected if Gallo and others would cooperate in furnishing information," Bliablias testified.

The thrust of the testimony was to show that Gallo was concerned about the future of the companies, although only he had been indicted, and that the meeting in New York, therefore was company business.

Insurance company attorneys contended that the meeting was a private matter, involving only Gallo's indictment and the upcoming criminal trial, and that his death in an auto accident was not compensable under workmen's compensation.

Judge Coleman ruled in favor of Gallo's widow and children.

The decision is expected to bring at least $55,000 to the family at a rate of $91 a week for the next 16 years. The weekly payments will continue after that to Mrs. Gallo as long as she does not remarry.

Benefits paid in fatal injury cases were increased substantially under a formula that became effective Jan. 1, 1968. Prior to that date, maximum benefits payable to a widow and her children were $45 a week for 350 weeks, or $15,750 in total, plus $450 for funeral expenses.

Under the new formula, the maximum weekly rate is two-thirds of the average wage in the industrial position category in New Jersey and is recomputed each year. For 1968, the maximum was $83 weekly; for 1969, $86; for 1970, $91 and this year it is $95.

The minimum payment is 50 per cent of the victim's weekly earnings, so that payments to the widow of an $80-a-week worker would be $40. An additional 5 per cent is allowed for each child under 18. The widow and two eligible children of an $80-a-week worker would therefore receive $48 weekly. After 450 weeks, the benefits for a widow are reduced by the amount of her earnings but continue until her death or remarriage. Burial expense is now $750.

The formula of two-thirds the average annual wage also applies to cases involving workers who suffer temporary disability or total permanent disability and is the third most liberal in the nation. The $95 weekly this year is topped only by Arizona's $150 and Hawaii's $112.50. The New York maximum, by contrast, is $80. Delaware's $75 and Pennsylvania's $60.

Deaths, temporary disability and total permanent disability, however, represent only a small part of the workmen's compensation awards.

In 1968, the last year for which data are available, deaths accounted for $8.59 million (343 cases); permanent disability awards were $2.96 million (220 cases), and temporary disability awards were $1.53 million (13,951 cases).

By contrast, $75.15 million was awarded for permanent partial injuries in 52,935 cases. Nearly $60 million of this amount was awarded as the result of formal hearings, where lawyers and professional medical witnesses earn their fees.

Unchanged by the 1968 formula, moreover, was the old schedule for payments of compensation for specific losses, where New Jersey stands about middlish with respect to the other states. New Jersey allows $8,000 for the loss of an eye; New York $12,800; Pennsylvania, $9,000 and Delaware $17,625. For a hand, New Jersey allows $9,200 to Delaware's $16,500, New York's $19,520 and Pennsylvania's $10,500.

The physical layout of the compensation quarters at Newark have been criticized, meanwhile, by almost all of the judges and lawyers who work there.

Judge Coleman, for example, cited the paper-thin walls and "the lack of privacy in which a judge has to conduct his conferences."

Judge Rothschild said she doubts that the lighting intensity reaches state-required minimums.

Several others pointed to the lack of rest rooms in the immediate area.

Everyone agreed that as bad as Newark was, the facilities at Perth Amboy were disastrous—two crowded courtrooms, an office used as a third hearing room, and not even enough corridor space to accommodate those who are on hand for hearings, especially on Wednesday mornings, when the case load is heaviest.

Compensation Director G. Robert Winfield said efforts are being made to locate newer, bigger quarters.

The existing lease, however, does not expire until 1975, William Schumacher, who is in charge of special services for the Division of Purchase and Property, said.

Official records show that the property at 339 Maple Street was leased by the state effective March 1, 1960.

Workmen's Compensation occupies 2,016 feet on the second floor and is charged an annual rental of $7,560, Schumacher said. An additional 13,250 feet in the building is leased by the State Division of Employment Security at $43,962.48 annually.

Schumacher said the leases were signed by Phyllis Goldman and her brother-in-law, David T. Wilentz, the Middlesex County Democratic leader, as executors and trustees for the estate of G. George Goldman.

Labor, Industry and Lawyers View "Comp" Differently

(By Robert P. Kalter)

Permanent partial disability—which sounds like a contradication in terms—is a matter of grave concern for everyone involved in the New Jersey workmen's compensation system.

Judges, attorneys, doctors, insurance executives, employers and labor leaders agree that this is the area of activity that can make or break the program, and the trend is toward more permanent partial disability cases, more abuses and more controversy.

This category includes the loss of limbs, or parts of them, as well as the loss of hearing and sight. Compensation is paid for these according to a fixed schedule. Also in this category are nonschedule injuries involving the head and body and mind which are compensated as a percentage of total disability (one per cent equalling $220) and it is here that the battle becomes bitter, because so many of the complaints are not physical but subjective—aches, pains, dizziness, weakness.

In 1954, of 57,006 cases closed, 41,392 involved permanent partial disabilities, a percentage of 72.6.

During 1968, the latest year for which there are statistics, 67,449 cases were closed, permanent partials figuring in 52,935 claims, or 78.5 per cent, and accounting for $75.1 million of the $90.3 million in compensation awards.

Of the 52,935 cases involving permanent partial disability, 30,561 were closed at formal hearings at which $59,639,195 were awarded; 14,556 cases were settled at informal hearings that resulted in awards of $8,503,106, and 7,818 cases were direct settlements between injured worker and his employer or the employer's insurance carrier, with awards totaling $6,950,091.

Employers are especially bitter about the increasing volume of permanent partial cases because it increases the cost of their compensation insurance.

All too often, they say, awards are being made where there are no signs of disability and no loss of work or wages, reinforcing the complaints from many sources that the New Jersey system rewards the faker who pretends to be disabled, that it pays off over-generously for petty injuries, and that it has become a spoils system for a small corps of lawyers and doctors who handle the bulk of worker cases.

Labor spokesmen see the situation differently. They counter that workers have had to fight for every penny, that partial disability benefits ought to be increased, and that employes are frequently cowed into unjustifiably low settlements through fear of being fired or switched to lower-paying jobs.

Insurance companies are in a "heads they win, tails we lose" bind in dealing with nuisance claims. They find that it costs more to fight than settle on a minor injury, but as the numbers of such cases mount, the total dollar value becomes significantly too big to ignore.

All parties agree that in keeping with the spirit of the compensation law, judges and referees should "lean favorably" toward the worker where there is reasonable doubt.

But employers and insurance company lawyers contend that most hearing officers pursue a policy of splitting all differences in favor of the worker and awarding something for everyone who files a claim.

The judges counter that 9,905 formal cases and 6,401 informal cases closed without compensation in 1968, but the Division of Workmen's Compensation annual report for that year shows that only 146 cases were dismissed after trial. The remaining cases were closed without compensation by consent, lack of prosecution or discontinuances.

Previous studies have shown that New Jersey is well above the national average in the proportion of claims involving permanent partial disability, and that Essex, Union and Hudson counties are above the other counties of the state.

New Jersey's standing, according to insurance company sources, reflects the specialization of attorneys for the workers.

Because they spend all their time on workmen's compensation cases, they can accept small cases along with their big ones, increasing their volume.

A lawyer who does not limit his practice to "comp" work would find it inconvenient or unprofitable—or both—to accept an isolated compensation case of minimum value, it is pointed out.

The specialist, however, can always fit in one or two or ten more cases because he is in the compensation court anyway.

Supervising Referee John S. Burke, who started as an $80-a-month office boy and is today known as "Mr. Workmen's Comp" throughout the state, said that in recent years more and more lawyers have been coming into the field.

"The old monopoly no longer holds true," Burke said. "Young lawyers find they can come in and do pretty well financially."

But the statute-imposed limit on fees—10 per cent of the award for informal hearings, payable wholly by the worker, and 20 per cent on cases that go to formal hearings, payable by worker and employer—still encourages most attorneys to refer their "comp" work to specialists.

Jacob L. Balk of Newark, chairman emeritus of the State Bar Association Workmen's Compensation Committee and a prime mover in the successful effort to elevate the Committee to Section status—said that referral work accounts for a large volume of the cases handled by "comp" specialists.

Balk said lawyers generally receive one-third of the fee for their referral effort, although it can go as high as 50 per cent if the original attorney has completed most of the preparatory work. He noted that in "comp" work lawyers and doctors for the petitioner receive no fee if there is no award granted in a case, even though as much as $1,000 or $1,500 may have been advanced for investigation, medical consultations and other pretrial preparation.

In minor partial disability cases there is little, if any, advance work. On several occasions this reporter came across a "comp" lawyer meeting a petitioner for the first time just minutes before a hearing was to begin. Details of the case had not been discussed previously between the worker and the lawyer.

Yet a "comp" attorney could close five or six of these minor cases in an hour or so, resulting in awards of $500 to $1,000 for each of his clients. His fees could range from $50 (the 10 per cent informal hearing minimum) to $165 (the customary 16½ per cent allowed at a formal hearing).

Newark, Elizabeth and Jersey City have a greater proportion of partial disability cases than compensation courts elsewhere in the state, according to some attorneys, because these cities have a naturally larger case load and attract some of the most sophisticated "comp" attorneys.

That many of these claims are nuisance claims is indicated by studies that show the average compensation in these three cities is considerably lower than the average award in South Jersey or rural North Jersey cities.

The average award in an informal case in 1968 statewide was $708, up from $475 in 1958. Formal cases averaged $2,151 in 1968, compared to $1,327 a decade earlier.

Lawyers on both sides of the compensation fence agree that nuisance cases consume valuable court time and siphon off funds that could be used to increase benefits for those who suffer serious injuries.

"The villain to loose administration," one attorney said. "The judges can spot the nuisance cases. They ought to throw them out. Instead they're granting minimum consolation awards."

"Courthouse Medicine" Decides "Comp" Awards

(By Robert P. Kalter)

Some call it "Courthouse Medicine."

A judge in Camden tagged it "The Numbers Game."

It's New Jersey adversary system for determining benefits in workmen's compensation disputes.

A minimum of six must play: The worker (known as the petitioner), his doctor and lawyer, a doctor and lawyer for the employer or the employer's insurance company, and a compensation judge. Additional doctors, investigators and others may be called as witnesses.

Medical testimony is essential to establish the nature of the injuries and disabilities, and so both sides rely heavily on professional witnesses who do nothing but examine and testify in compensation cases.

Simple medical findings are not enough. They must be changed into percentages of total disability, based on 550 weeks at $40 weekly.

A 4 per cent permanent partial disability would result in an award of $880 payable at $40 weekly for 22 weeks. A 20 per cent award would call for $4,400 payable at $40 weekly for 110 weeks.

It is not uncommon to have a doctor for the petitioner testify that a fall from a ladder has resulted in a 20 per cent disability while a doctor for the insurance company estimates the loss at 4 per cent.

Some cases have produced findings of zero to 100 per cent.

Compensation judges concede that the system encourages doctors on both sides to exaggerate their findings to accommodate the party they represent.

"If they don't come up with the right answers, they won't get the work," one judge summed it up. "We get to know each of them and know how to make allowances for their excesses or understatements."

The petitioner's doctor is particularly vulnerable to pressures imposed by the system. He receives no pay if the worker fails to win an award, and because the attorney's fee is geared directly to the amount of the award, he is constantly being urged to inflate his figures. If he doesn't comply, he won't be called again.

The neurosis claim has emerged as a favorite "added starter" in compensation cases.

Supervising Referee John S. Burke said, "We're concerned about it and we're fighting it."

Prior to World War II, he said, a neurosis claim was a rarity, but today it's tacked on to almost every case. even for such things as a cut finger or sprained ankle.

It started in Newark and other industrial cities, Burke said, "and they never heard of it in South Jersey until about five years ago."

Even a 1 per cent additional award for neurosis can add $220 to an injury and 5 per cent can mean $1,100 extra for the petitioner and $181.50 more for the lawyer, on the basis of a 16½ per cent fee.

Workers use almost the same language in describing the symptoms of their neurosis:

"Since the accident, I have trouble getting to sleep at night. I get headaches all the time. I get dizzy and I'm jumpy."

Occupational disease is also involved in increasing numbers of cases, especially since 1964.

New Jersey is more liberal than most states in that it has recognized occupational diseases of all kinds since 1950, while many jurisdictions limit the kinds and types of diseases that are compensable.

From 1959 to 1964 the number of compensated occupational diseases averaged about 1,000 annually.

In 1964 the total jumped to 2,300. The increase was attributed to a rash of claims against the Mack Truck Co. after it announced it was shutting down its plant in Plainfield to move south.

The claims centered on lung and hearing problems, according to insurance company spokesmen, who added that none of them would have been filed if the company had remained in town.

The Camden area experienced a flurry of occupational disease claims when the shipyards in that city closed.

According to Judge Hyman Barowitz, who sits in Hudson County, he handled about $430,000 in occupational disease settlements about three years ago, when Todd Shipyards left Hoboken for Brooklyn.

He said he is now processing more than 1,000 occupational disease claims against the American Can Co. in Jersey City, all for hearing loss, and that State Sen. Frank J. Guarini Jr. (D-Hudson) is representing the workers.

Details of the settlement formula have been worked out, Barowitz said, and all that has to be done is to establish the degree of hearing loss for each claimant.

Cardiac cases are another factor in mounting caseloads and increasing compensation awards. They are also responsible for an increase in litigation.

Much of the problem stems from State Supreme Court decisions which have changed the previous ground rules and the failure of the Legislature to enact new laws to clarify the legal picture.

Judge Stanley Levine, who sits in Morristown, said that at least five cases have been decided since 1958, each changing the yardsticks a little, and sometime a lot.

The landmark case is Dwyer vs. Ford Motor Co., which in 1962 reinforced an earlier decision that eliminated the need to prove a heart attack was caused by unusual stress or strain, and went on to eliminate the presumption that heart attacks were the result of progressive and natural physiological processes unrelated to work effort.

Instead of unusual stress or strain, the court now holds that if the stress and strain of work are a meaningful and significant contribution to the heart attack, the attack would be compensable.

But interpreting meaningful and significant has opened the issue to continuous litigation, almost every case having to be tried on its own merits, according to lawyers.

The number of contested cardiac cases in the workmen's compensation courts, as a result of the Supreme Court decisions on heart attack, has been steadily rising.

In 1960, there were 126 cases that resulted in awards totaling $660,136. Eight years after, the number of cases reached 780 and the total of the awards had increased nearly tenfold, to $6,441,474.

Many doctors on both sides of the compensation picture agree that conditions of employment can cause or contribute to neurosis, occupational diseases and some heart attacks, and where this occurs the worker ought to be adequately compensated, but they differ drastically on how well the compensation courts are doing the job today.

Won't Cure the Ills

(By Robert P. Kalter)

Eleven years ago, Rutgers Professor Monroe Berkowitz examined the New Jersey workmen's compensation system. He found that the program was beset with crises, that "piecemeal reforms" have definite limits and that "many of the practices and attitudes complained of as much as a quarter of a century ago, or more, are still with us."

He could reach the same conclusion today.

"One looks in vain for any strong disinterested group pressing for sound administrative reforms," Berkowitz wrote. "Both labor and employer groups press for particular proposals, but always with a strong measure of self-interest.

"A speedy, simple disposition of cases at minimum cost, and in line with the original objectives of the law, sometimes seems almost incidental to their purposes.

"The employer groups press hardest for certain reforms, but one wonders whether their representatives in compensation matters, the insurance carriers, are doing their utmost to achieve these objectives within the present framework.

"Undoubtedly, consideration of what should be an extraneous matter, the size of petitioners' attorneys' fees, influences the numbers of cases brought to the formal level."

Berkowitz emphasized that "there is no good reason why an injured worker should not be able to collect what is due him without resort to long drawn-out procedures which culminate in a trial, indistinguishable in outward appearances from proceedings in a court of law."

"Given the way the law has developed in New Jersey," he wrote, "these procedures are understandable; but understanding need not result in tolerance. The interest groups cannot be depended upon to press hard for administrative reforms; the task is one which belongs to the administrators of the program. They must see to it that injured workers receive medical care and equitable indemnity payments with a minimum of technicalities and expense."

There have been studies and reports by legislative commissions on at least two occasions in the 1960s, but neither time were recommendations made for a fresh approach and a completely new compensation law.

Instead, the recommendations have been addressed to the "piecemeal" changes that Berkowitz said could never solve the problem.

They do, however, seek to correct some shortcomings, although some of their proposed solutions have aroused the wrath of labor spokesmen, particularly those that aim at eliminating minor permanent partial disability and prescribe a procedure for lump sum settlements.

Richard A. Lynch, executive vice president of the State AFL–CIO, does not look upon the present Legislature with kindness.

He points out that 55 of its 120 members are lawyers and 22 are corporation executives or business owners.

"With few exceptions," he observed recently, "the lawyers are attuned to the desires of the corporations as that is where the high retainer and legal fees happen to be."

In the long awaited conflict of interest bill, the Legislature specifically permitted its members to practice before workmen's compensation courts—even though they approve the salary schedules for the compensation judges and have the power to set limits on legal fees.

State Sen. Frank J. Guarini of Hudson is presently handling settlements involving an estimated $600,000 to $1 million or more on behalf of more than 1,000 employees of American Can Co. in Jersey City.

Other senators and assemblymen, or their law partners, also handle considerable numbers of "comp" cases, court calendars show. Others refer clients to compensation specialists and receive one-third of the legal fee at the conclusion of the case.

Joel R. Jacobson, community affairs director of the United Auto Workers, has been a consistent critic of the high fees paid attorneys and the present compensation program.

He charges that the "injured workers' share of the compensation dollar has been steadily decreasing, while workmen's compensation insurance has become increasingly more lucrative for mutual companies, their attorneys and physicians."

Jacobson called for a study to determine whether a state-operated fund should be substituted for the present system, which relies wholly on private insurance carriers.

Jack O'Brien, an attorney who represents companies that insure themselves, said that the "cost of compensation has gotten companies to invest in safety and training."

He said that New York is about 10 per cent lower than New Jersey for the same coverage and that New Jersey is second only to California in the relative cost of its program as a per cent of payroll.

"We've developed a good system for disposing of a high volume of cases with a degree of fairness."

Problem areas that must be resolved by legislation, he suggested, included what to do about persons who have suffered heart attacks and how to stop abuses in occupational disease claims.

"The best authorities tell us that work is advisable for heart victims, but the courts say that we must pay compensation if an attack occurs," O'Brien said.

With respect to occupational disease, he said there is a trend toward claim filing by people who retire after many years on a job, but the disability is the result of normal aging and "it's wrong for them to file."

Dr. Irving Plain, former president of the Compensation Association of New Jersey and a well-known eye specialist, recognizes the validity of occupational disease "but I feel we need a more rigid definition, and a study to fix it, so that we don't make a health and accident insurance system out of it."

"As far as I'm concerned, this system is working because I can't think of a better system to replace it," he said. "Like any system that's been working for a while, it needs tightening. Inadequacies can be policed and changed with the cooperation of all parties concerned."

Several attorneys, who asked not to be named, expressed a fear that the new salary schedules for compensation judges (they receive $27,000 annually now) will turn the job into a dumping ground for political hacks.

"The pay is high enough to make it attractive, and it's something we're going to have to watch carefully," one attorney said. "In the past we've been quite lucky to get some outstanding appointments and the judges are hard-working and conscientious."

Peter E. Warwick, executive secretary of the New Jersey Self-Insurers Association, said the signing into law of a recently passed bill (S-443) will eliminate one problem—the lack of uniformity in decisions from county to county. Instead of appeals of workmen's compensation court decisions going to the county court they will go to the Appellate Division of Superior Court.

He said his group favors passage of a bill (A-2640) introduced by Assemblyman Peter Thomas of Morris that is intended to carry out some previous legislative commission recommendations. It would define and somewhat limit permanent partial disabilities, increase benefits for more serious injuries under the disability schedule, and eliminate compensation for injuries or deaths that result from recreational or social activities "unless they are a regular incident of employment."

The partial disability, permanent in quality, is defined as "a loss of physical function which significantly detracts from the former efficiency of the body or its members in the ordinary pursuits of life and which is accompanied by objective evidence."

Labor spokesmen are lined up solidly against the measure, charging it is strictly an employer-oriented measure "that offers only crumbs to the workers."

Peter Dorn, secretary of the State Chamber of Commerce, said "there's no question that something has to be done with respect to defining what is a disability but we can't get the legislation passed."

He said past efforts have also been made without success to define and limit occupational disease "to eliminate gray areas" and establish criteria for measuring disability.

"The cost of compensation is a factor in attracting new industry to New Jersey," Dorn said, "and New Jersey is one of the highest cost states. We try to sweep this under the rug and emphasize our good points, but it does come up."

Compensation Director G. Robert Winfield, meanwhile, said that emphasis currently is being given to the task of moving cases to reduce the backlog, which at last count stood at 40,056.

He noted that there are presently eight vacancies in the authorized strength of 35 judges and one opening to bring the referees up to full authorization of 12.

In Newark, Supervising Judge Roger W. Kelley said the backlog there had been cut from 11,134 in October to 10,186 in six months "and we're now completing over 1,000 cases a month, where previously we averaged 800 to 850."

If Jack Lerner, an attorney who represents union workers, has his way, however, the volume of cases would expand greatly.

He thinks a major weakness of the present system is its failure to inform a worker of his rights if he has an accident.

"There is just no way for a worker to find out what his rights are," Lerner said. "There's a serious information gap.

"If he writes to the state (Division of Workmen's Compensation), he is charged 50 cents and he gets a copy of the state statute—and he needs a lawyer to understand that."

SENATOR ELLENDER ON HIS 81ST BIRTHDAY HAS ZEST FOR LIVING AND SERVICE TO HIS STATE AND COUNTRY

Mr. RANDOLPH. Mr. President, I join my colleagues in saluting the distinguished President pro tempore of the Senate, Hon. ALLEN J. ELLENDER, on the occasion of his 81st birthday.

Although he has been a Member of the Senate since 1937, I refrain from referring to Senator ELLENDER as an "institution" in this body. That designation too often implies a loss of usefulness and toleration of a senior Member only because of his longevity and past service. This most certainly does not apply to Senator ELLENDER who continues to provide inspiration and guidance to Members of the Senate.

Our colleague from Louisiana has for nearly 35 years been a forceful and respected leader in the Senate. His record of 18 years as chairman of the Committee on Agriculture and Forestry is unrivaled.

During his service on that committee he has provided great leadership in matters of conservation and the development of land and water resources. As chairman of the Committee on Public Works, I have often had occasion to work with Senator ELLENDER on these matters and know him to be a man with an unswerving dedication to the preservation of our natural resources.

I commend Senator ELLENDER on his birthday. He continues to grow in knowledge and wisdom, and the years seem but to add to his zest for living and for service to his State and country.

THE TENNESSEE-TOMBIGBEE WATERWAY

Mr. BROCK. Mr. President, I was greatly dismayed to learn of the recent U.S. district court ruling calling for a preliminary injunction affecting construction of the Tennessee-Tombigbee Waterway. It is extremely unfortunate that a Federal judge far removed from local conditions prevalent in the area impacted by this project can halt a project so absolutely vital to growth and welfare of my State and others throughout the South.

It is not that laws covering the environment have been disregarded. The Army Corps of Engineers has fully complied with the requirements of the National Environmental Policy Act. Filing of a draft statement took place last January 28, followed by a period of 30 days for relevant commentary from both public and private groups, whereupon the corps had an additional period to respond to any objections raised by the contributors. All this was done in meeting the terms of the law, and the final report was submitted to President's Council on Environmental Quality.

We must understand that while sections of the report were less than specific, this project is to be built over a period of more than 9 years and there are apt to be many changes in the final plans. Planned use of excavated soil removed by ditching could be used in various ways which would be of benefit and not of detriment to environmental conditions in the area. This is also true for other factors.

Mr. President, I believe that the overriding factor to be considered here is the overwhelming need for this inland waterway for the wellbeing of this section of the country and for the Nation. Recent reports tell us that over 20,000 barges now ply our inland waterways. They carry an estimated 200 billion miles of freight annually. This is more than 58 percent more freight than our waterways handled in 1960. These barges will move this freight 330 miles for only $1 as compared to 70 miles by railroad and 14 miles by truck. Such cheap transportation is strong incentive to business and industry to locate new plants near this inland waterway creating thousands of new jobs and stimulating the entire economy of the region.

I do not advocate that we disregard the quality of our environment. On the contrary, we must make every attempt to preserve environmental values.

In sum, Mr. President, it is far easier to procrastinate and delay such a project for fear of some future effects in many instances unciteable than to set forth boldly, committed to protecting the environmental rights of the individual and the Nation to construct a vital and necessary canal system.

IMPOUNDED HIGHWAY FUNDS ARE RELEASED—ACTION IS RIGHT AND LONG OVERDUE

Mr. RANDOLPH. Mr. President, I am gratified that the Department of Transportation has released $400 million in impounded highway funds.

This action shows that the administration has realized the importance of maintaining a high level of activity in the national highway program. It is right and is long overdue.

Obligated highway funds have been withheld from the States for the past 4 years when they could have been used to build Interstate and other highways while providing much needed jobs. I have repeatedly urged both Democratic and Republican administrations to provide continuity of funding rather than to withhold vitally needed moneys.

Transportation Secretary John Volpe has announced the release along with the regular apportionment of $1,145 million in highway funds for the second quarter of the fiscal year.

I hope this release of impounded funds signals a change in policy by the administration and will lead to additional releases so that the highway program can get back on schedule. Secretary Volpe further announced that the 1973 apportionments to the States will be announced early. This is also good news. This means that the States can plan to put this money to work as soon as possible.

TRIBUTE TO SENATOR PROUTY

Mr. FULBRIGHT. Mr. President, I wish to join my colleagues in paying tribute to the late Senator from Vermont, Winston Prouty. Win Prouty served his hometown of Newport, Vt., his State, and his Nation well for 33 years in public life. In the Senate, as a member of the Committee on Labor and Public Welfare, the Commerce Committee, and the Special Committee on Aging, Senator Prouty worked tirelessly for the elderly, the underprivileged and the handicapped. He will probably be remembered best for his leadership in extending the social security program.

Winston Prouty cared little for publicity. He was a quiet and thoughtful man. Yet, he was an effective and well respected legislator. He will be missed.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, how much time remains before morning business expires?

The PRESIDENT pro tempore. Four minutes.

REFERRAL OF A MESSAGE FROM THE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a message received yesterday from the President on safety on the Nation's roads and highways be jointly referred to the Committees on Commerce and Public Works.

The reason for this request is that the report is pursuant to two public laws, one of which was in the jurisdiction of the Committee on Commerce and reported by that committee, and the other within the jurisdiction of the Committee on Public Works and reported by that committee.

These reports previously have been submitted by the President separately, but this year they are combined.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE SUPREME COURT VACANCIES

Mr. HUMPHREY. Mr. President, I have noticed in the morning New York Times a front-page article under the byline of Mr. Fred P. Graham that President Nixon is reported unlikely to name a woman to the Supreme Court.

The selection or the nomination of a qualified woman for the highest Court in the land, I think, would be a very splendid thing for this country. I think the time is at hand for that kind of political decision and that kind of leadership from the President. I think it is time that we assured equal rights in fact as well as in legislative proposals.

What disturbs me particularly is that the article states:

> White House spokesmen have said from the first that the primary consideration would be to select nominees who share Mr. Nixon's conservative strict-constructionist philosophy.

Now, Mr. President, there is nothing in the Constitution or in the precedents which require the makeup of the Supreme Court to be a photostatic copy of the President. What the Court needs is competence. What the Court needs above all are members who have an understanding of the times in which we live and of the basic protections of the Constitution for the citizens of this country.

I would hope that this article is based on only the most far out rumor rather than any inside information, because it is my judgment, in light of the experience with the nominations of Judge Haynsworth and Judge Carswell, that the last thing we need in this country again is a hassle between the executive branch and the legislative branch over appointments to the Supreme Court.

I ask unanimous consent that an article by Mr. Fred P. Graham be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NIXON IS REPORTED UNLIKELY TO NAME WOMAN TO COURT

(By Fred P. Graham)

WASHINGTON, Sept. 29.—Officials of the Nixon Administration are passing the word that the President will probably not nominate a woman to the Supreme Court to fill either of the two present vacancies.

The reason, they say, is that their search has not turned up a woman who combines the desired judicial philosophy and a sufficiently distinguished legal background.

White House spokesmen have said from the first that the primary consideration would be to select nominees who share Mr. Nixon's conservative strict-constructionist philosophy. Thus, the failure to come up with a woman candidate indicates that those with strict-constructionist records lacked the professional status to be credible nominees.

This is borne out by a report that the two women seriously considered so far were Judge Sylvia Bacon of the Superior Court for the District of Columbia and Beatrice Rosenberg, chief of the Appellate Section in the Justice Department's Criminal Division.

Both women have strong law-and-order backgrounds. Miss Bacon previously worked in the Justice Department, where she helped draft the District of Columbia crime bill that has become well known for its preventive detention and "no knock" search provisions. Miss Rosenberg has argued more than 30 cases for the Criminal Division before the Supreme Court.

But Miss Bacon, a 39-year-old product of Vassar and the Harvard Law School, has been on the bench only seven months and has little trial experience. Miss Rosenberg, 63, a native of New York, is unknown outside Government circles, where she is highly respected.

Neither woman was on a list of 10 women suggested as qualified candidates by the National Women's Political Caucus. Several of the women on the list were Democrats, and none has discernible strict-constructionist leanings.

A Justice Department source confirmed today that so far the department had asked the American Bar Association to check on the qualifications of only one potential nominee, Representative Richard H. Poff, Virginia Republican.

The bar association's Committee on the Federal Judiciary has already begun to ask law school deans to get their faculty members' opinions of Representative Poff.

E. Clinton Bamberger, dean of the Catholic University Law School here, said today that he began yesterday to poll his faculty to meet a weekend deadline of the bar association.

With the Nixon Administration apparently becoming more firmly inclined to pick Representative Poff for the "Southern seat" vacated by the late Justice Hugo L. Black, and the prospect of a woman nominee fading, Mr. Nixon now has virtually the entire legal field from which to pick his second nominee.

Justice Department officials say that an attempt would be made to send the Senate two nominations at once—a "ticket" representing various qualities that would appeal to a broad spectrum of the Senate.

This has led to speculation about several new nominees who had not been mentioned until recently. Among them are Judge Arlin M. Adams of the United States Court of Appeals for the Third Circuit; Alexander M. Bickel, a law professor at Yale, and Bernard G. Segal of Philadelphia, a former president of the American Bar Association. All three are Jewish, so that the nomination of any one of them would ease pique in some Jewish circles over Mr. Nixon's decision not to replace former Justice Abe Fortas with another Jewish justice.

Because of the desire to send up two names at once, no nominations are expected until at least next week, and possibly the week after.

Senator Birch Bayh, the Democratic Presidential hopeful from Indiana, said last night that Mr. Nixon should pick two nominees who would help dispel a climate of "repression" that he said had developed under the Nixon Administration.

Speaking in Eugene, Ore., where a Presidential primary will be held in May, Senator Bayh asserted that the Administration must "do better" than the earlier nominations of Clement F. Haynsworth Jr. and G. Harrold Carswell.

Senator Bayh said that better nominees would reduce divisiveness and help keep problems out of the streets and in the courts.

Mr. HUMPHREY. What we need are appointments that will tend to bring to the court a sense of social philosophy and legal philosophy that will obviate the many troubles which plague our society today—the kind of troubles which burst out in disturbances, and demonstrations in the streets, and other troubles which divide our people and propel them into a position of lack of trust in the Government.

BUREAU OF LABOR STATISTICS REPORTS—ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, these are disturbing times. When I read in the Washington Post of yesterday that the administration is contemplating the ousting of labor analysts from the Bureau of Labor Statistics predicated on the evidence that the administration just does not like the reports it is getting, I say it is time to blow the whistle.

The Bureau of Labor Statistics must be highly professionalized. Whether we like the reports or not, we must have some respect for them. Our respect for those reports will depend upon the professional competence and the integrity of those who prepare the reports.

It is bad enough to live in a period of inflation and unemployment.

It is worse to have an administration that wants to deny that fact.

The placing of handpicked political appointees into policymaking positions of the Bureau of Labor Statistics to interpret economic data is but another step in the administration's attempt to replace economic reality with the illusion of progress.

The Nixon administration has only one goal in mind: It wants to produce a politically more favorable economic report.

And, if they cannot get it through policies that work, then they will try to get it by manipulating statistics.

This Washington Post story, of course, is based upon a situation that developed last March when Harold Goldstein, Assistant Commissioner for Manpower and Employment, reported findings different from the rosy administration line.

As a result, the monthly briefings were canceled by a conscious policy decision of this administration.

It just does not like to hear bad news.

Mr. President, I say that this latest action by the administration is a continuation of its policy of redefining reality. It did not like the increase in poverty numbers, so it wants to change the meaning. Now it does not like the statistical evidence of the Bureau of Labor Statistics, so it wants to paint a better picture.

Mr. President, I call upon the President of the United States to restore the unchallenged integrity of the Bureau of Labor Statistics by abandoning his plans to compromise its statistical reporting.

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator from Minnesota has expired. All time for morning business has expired.

Mr. HUMPHREY. Mr. President, what does that mean, that all time has expired? We have 15 minutes for morning business.

The PRESIDING OFFICER. Under the previous agreement we had 15 minutes available for the morning business.

Mr. HUMPHREY. That is correct.

The PRESIDING OFFICER. It started at 10:47 a.m. and the 15 minutes have now expired.

Mr. HUMPHREY. Well, Mr. President, I strongly object. There is not 15 minutes for morning business. A quorum call is for morning business. It is high time that we preserved the rights of Senators here to express themselves. This is not a closed Chamber. This is the U.S. Senate, an open forum.

Mr. EAGLETON. I will be happy to yield the Senator some of my time.

Mr. HUMPHREY. That is not the point. I insist that we not have the time for quorum calls taken out of morning business. There are other Senators who want to be heard here.

The PRESIDING OFFICER. That would take unanimous consent.

Mr. HUMPHREY. Then, Mr. President, I ask unanimous consent that we do business under the morning business for 15 minutes, which is far too little, anyway, for 100 Senators.

Mr. PACKWOOD. Mr. President, reserving the right to object, does the Senator from Minnesota want an extension of time?

Mr. HUMPHREY. No, not for myself. I seek an extension of time of 15 minutes for this body, the U.S. Senate, over which I have presided as Vice President and in which I have served as a Senator. I think it is outrageous that we do not have that amount of time for 100 Senators.

I ask unanimous consent that there be 15 minutes to see what other Senators want to be heard.

The PRESIDING OFFICER. Is the Senator asking that this be done?

Mr. HUMPHREY. I am indeed.

Mr. PACKWOOD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Chair lays before the Senate the unfinished business, H.R. 8687, Military Procurement Authorizations, 1972, which the clerk will report.

The legislative clerk read as follows:

H.R. 8687, to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, amendment No. 445 of the distinguished Senator from Missouri (Mr. EAGLETON) is the pending business, with a 2-hour time limitation thereon.

The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, if I may, could I address a question to the distinguished Senator from Minnesota? I would be very much pleased to yield to the Senator from Minnesota some additional time so that he may complete the remarks he was making at the time the pending business was laid down.

Mr. HUMPHREY. I greatly appreciate the kindness of the Senator from Missouri, but the Senator from Minnesota is primarily concerned about the process of the Senate, the procedure of this body as it affects its substance. There used to be a Senator sitting over here by the name of Wayne Morse who insisted that we abide by procedure.

I resent and object to having quorum calls during morning business when there is only 15 minutes allowed for 100 Senators to be taken out of that 15 minutes. Eleven minutes of that 15 minutes were used on quorum calls.

I am notifying the leadership of my concern about it. I shall proceed to object to any unanimous-consent requests until we get this thing cleared up.

The PRESIDING OFFICER (Mr. BENTSEN). The comments of the distinguished Senator from Minnesota are duly noted.

MBT-70 PROGRAM

Mr. EAGLETON. Mr. President, in the past, Congress has been asked to authorize and appropriate enormous sums of money for R. & D. with only the bland assurances that progress is being made and this authorization in no way commits us to production.

As Congress acquiesces without question, the Department of Defense gives no serious thought to searching for less expensive—more effective alternatives.

Then one day, after large sums of money have already been invested, the argument changes. "This system may not be perfect, but so much has already been spent it just can't be scrapped," we are told.

For those who do not accept that argument, or those who do not believe it is too late to look for better alternatives, there is always the raving and ranting and shouting. We are told "the boys out there in the mud deserve the best tank money can buy," and who can argue with that.

Unfortunately, too often in the past Congress has unknowingly watched as its options close and it is then stampeded by emotional rhetoric to continue a more costly and less effective weapons system—one which it would not have approved in the first place.

I hope that we can have a rational discussion on the relative merits of amendment No. 445 today.

Amendment No. 445 reduces funding for the MBT–70/XM803 program by $35.3 million, from $62.8 million to the level approved by the House Armed Services Committee of $27.5 million.

It does not do away with tanks. It doesn't even do away with the MBT–70. But it does force the Department of Defense and the Army to more carefully scrutinize and reevaluate its alternatives.

I hope that Congress recognizes that in a period of relatively stable defense budgets, by allocating more money to build unnecessarily complex and expensive tanks—tanks which are becoming more vulnerable and less valuable to our overall defense effort—we are not helping to save lives or win battles. In fact, there is a very real danger that by using limited defense funds unwisely to buy each new "quantum jump" in weapons technology, Congress is weakening our overall defense posture and probably costing lives should the cold war turn hot.

The MBT–70 program was undertaken in 1963 as a joint cooperative tank development program of the United States and the Federal Republic of Germany. The purpose of the program was to develop a main battle tank by 1970 to meet our NATO needs. The tank was to be a quantum jump in tank technology.

A GAO report on the MBT–70 dated March, 1971 states that the program—

> Met a number of management and technical difficulties during development. The joint effort was more complex and more expensive than anticipated.

The report continues:

> As a result, management problems and technical difficulties caused major schedule slippage and cost growth. In January 1970, the program was re-oriented and the tank reconfigured to reduce cost and complexity. In addition, the joint development efforts and joint funding were terminated.

Since January 1970, the Army has been pursuing what it calls the austere version of the MBT–70. This austere tank resulted from a review ordered by Deputy Secretary of Defense David Parkard in April of 1969. It was found that the cost of the joint tank had soared to $850,000 per unit at a time the Army was publicly estimating the cost to be only $520,000. In January 1970, Secretary Packard authorized continued unilateral development of an austere $600,000 version of the tank.

COST GROWTH

In 1965 the joint MBT–70 program was estimated to cost $138 million. The 1968 estimate was $303 million.

In 1969, in a report to Congress, the GAO stated:

> Estimate research, development, test and evaluation (RDT&E) costs for the United States participation increased $83.7 million in 1965 to $178.3 million in 1968, or an increase of 113 per cent. Additional costs, such as turbine development, MBT–70 salary support, and Advance Production Engineering (APE), were not included in the original joint estimate.
>
> These costs will be incurred before production starts and will increase the total cost of the MBT–70 development, including RDT&E and APE, by $440 million, (to a total of $524 million), an increase of 525 per cent.

Since the GAO report, the joint program with Germany has been cancelled, but the development costs have gone up further, and are now pushing 600 percent.

The per unit cost of the tank, estimated at between $520,000—publicly—and $720,000—in some private studies—per unit in the 1967–69 period, was priced out at $850,000 by the Battelle Memorial Institute in 1969. Secretary Packard orrdered a cost reduction to $600,000 per unit and authorized unilateral development in January of 1970.

I questioned the validity of the announced cost reduction of $250,000 per tank at the time it was announced. This year the House Appropriations Committee's surveys and investigations staff expressed similar doubts.

Their report to the committee states:

> Discrepancies in the cost estimates cast serious doubts on their validity, particularly as to the Army's claim that the cost of the vehicle has been reduced by $250,000 to bring the unit cost of the tank within the limitation of $600,000 established by the Deputy Secretary of Defense.

It should be noted, even if the $600,000 figure used as a guideline by Secretary Packard is accepted, that this is only the hardware cost and does not include other costs legitimately attributable to the program such as support equipment, spares, R.D.T. & E. and APE. When support cost and R.D.T. & E. are added, the cost in 1970 dollars to produce the MBT–70 today, is almost as high as the preaustere version that lead to a reorientation of the program.

The most recent public estimate is that the MBT–70 will not go into production until late 1975, and even that date is optimistic. Obviously, 1970 dollars are not a fair measure of 1975 costs.

According to the Department of Defense, inflation will increase at less than 2 percent a year, and that figure is used in their estimates. A more realistic estimate, however, especially in view of the large portion of total program cost attributable to labor, is slightly upwards of 5 percent per year. Using this more realistic rate of inflation, the projected program cost per tank is considerably over $1.1 million per unit, nearly double the publicized Packard figure of $600,000 and nearly 500 percent over the cost of our present tank, the M–60A1.

Since a great deal of testing remains to be done on several key tank components,[1] this figure could and probably will continue to climb.

The most recent total program cost as estimated by the Army, according to the House Appropriations Commitee is $2,414,600,000. In a memorandum for the Chairman, the Director of Surveys and Investigations stated of the $2,414,600:

> This figure includes the RDT&E costs of the tank, trainers, ammunition, and advanced component development. It also includes the advanced production engineering for the tank and ammunition and facilities and tooling for production. Production costs included in the total program cost are for (classified) tanks at (classified) each, peculiar support equipment, technical data documentation, engineering support, initial spares, replenishment spares, trainers and first destination transportation cost. Also included is the estimated escalation of the total program costs for future years.

SCHEDULE SLIPPAGES

Not only have prices skyrocketed, but the program target dates have slipped disasterously.

When a new main battle tank was conceived in 1963, it was scheduled to go into full production during 1970, thus the acronym MBT–70. However, the serious technical problems and soaring costs have caused a reorientation of the program, a program slippage of at least 5 years or more, and even an attempt to rename the tank the XM803.

Since the Senate Armed Services Committee hearings this spring the program has incurred further significant slippage. Although the Army insists on classifying the exact extent of this slippage, it is substantial. With extensive testing remaining—see footnote No. 1—further slippages are likely.

Due to the MBT–70's developmental problems, this heavy and expensive tank will make its appearance in the late 1970's, nearly a decade later than originally planned, on a greatly changed European battlefield.

ANTITANK WEAPONS

A primary element in this changed battlefield environment is the simple fact that tank designers can no longer keep pace with advances in antitank weaponry. Tanks now have more armor, more speed, lower profiles, improved suspension systems and better fire control, and yet they are more vulnerable to cheap, mobile, and highly accurate antitank weapons than ever before.

The United States already possesses

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[1] In a memorandum to the Chairman, dated May 4, 1971, the Director of the Surveys and Investigations staff summed up some of the remaining problems that could well run program costs up further.

I. SUMMARY

An official of General Motors described the APE program as requiring a review of the joint R.&D. effort and that new analyses, drawings, hardware, breadboard, and prototype tests must be carried out. Changes required by the user must be made, producibility and cost reduction changes must be made. In addition, new designs or redesigns of those components for which the Germans were responsible during the joint program must be established. He listed as the most significant problem areas the following:

1. Funding.
2. Ammunition interface. He said progress has not been rapid in this area.
3. The scavenger system in the main gun.
4. The engine-transmission performance.
5. Vehicle weight.
6. The commander's combined day and night sight and secondary weapon with its vulnerability, ammunition box problem, and the manual operation of the sight doors and rate of fire controls.

an arsenal of sophisticated antitank weaponry. For instance, the TOW missile, a tube-launched, optically tracked, wire-guided antitank missile system capable of defeating the heaviest known enemy armor is now being deployed in Europe. Extremely mobile and adaptable, it can be used by infantry, mechanized infantry, and airborne battalions. It can be mounted and fired from the armored personnel carrier, the jeep or the mechanical mule. It is also adaptable to the heliborne antitank role.

The Shillelagh has similar range and "kill" capability, but is self-propelled with direct-line-of-sight guidance by use of infrared tracking and command link. It is supposed to be mounted on the MBT–70, and is already in the field on the M–551 Sheridan and soon will be fielded on the M–60A1Ea.

The light, man portable Dragon missile will be employed within platoon areas. Although it does not have the range of the TOW and Shillelagh, the Senate Armed Services Committee believes that "a high, single shot kill probability has been demonstrated, and this system should provide for a significant increase in antitank capability."

In addition to TOW, Shillelagh, and Dragon, new delivery systems such as the Cheyenne and close air support fighters further increase tank vulnerability. Although the TOW, Dragon, and Shillelagh all cost only a few thousand dollars apiece, each is capable of destroying the most sophisticated and expensive tank now deployed or on the drawing board.

But, as far as tank vulnerability is concerned, the worst is yet to come.

As an IIT Research Institute's tank survivability study of June 1969 makes abundantly clear, there is a new generation of more deadly antitank weapons just around the corner. Accurate weapons with triple the present ranges are already under development. Before the MBT–70 is fully developed, this new generation of antitank weapons will probably dominate the European battlefield.

Even the Army experts agree that the Soviet Union has the capability to deploy such weapons in the same time frame. This raises questions of the MBT–70's capabilities to counter this ever-increasing threat.

Unfortunately, the MBT–70 has only limited capability, at best, to offset advances in antitank technology.

MBT–70 "add on's" which have been discussed as ways of helping the MBT–70 survive in this new and dangerous environment have offered only marginal benefits as assuredly higher costs, according to the tank survivability study.

Even most MBT–70 advocates concede that little can be done to greatly improve the MBT–70's survivability against existing antitank weapons, much less the follow-on generation.

THE ROLE OF THE TANK

These advances in antitank technology have caused expressions of growing concern over the role of the tank in future warfare.

The Army maintains, according to the GAO's March 1971 report on the MBT–70:

> It is undeniable that there are missiles, rockets, and mines in the hands of the United States and Soviet forces to which a tank is vulnerable. (The Army) added however, that the mere existence of these threats does not automatically bring about obsolescence of the tank any more than the existence of anti-personnel weapons has brought about the obsolescence of the infantryman . . . the tank is not employed singly against tanks. To do so would invite destruction by properly equipped anti-tank units. Rather, tanks are used in various combinations with mechanized infantry, artillery, and tactical air. These forces are designed to be mutually supporting.

Perhaps the tank will remain a useful weapon for decades to come, but its role is surely changing. While the MBT–70 was designed with Patton cutting through Europe to Berlin in mind, that day is gone forever. Whether the Army is realistically assessing the future role of the future tank correctly is a growing point of contention.

The House Armed Services Committee report, for instance, questions the wisdom of spending $2.4 billion on such a new dream tank. The House Armed Services report states:

> Recurring expressions of concern, both within the Army and by independent external observers, that the tank is nearing the end of its era of combat capability also influenced the committee in its decision. New anti-tank weapons, including missiles, have brought about this obsolescence; and Soviet technical capabilities would permit them to field anti-tank weapons before the MBT–70, or any alternative tank, has been in the force structure very long.

No one has advocated that tanks be done away with tomorrow. Our M-60A1 and M-60A1E2 are qualitatively equal to or better than any U.S.S.R. tank now in the field or anticipated in the foreseeable future. Both tanks will continue to be produced through fiscal year 1974 and perform a useful function for years to come.

However, the debate over the changing role of the tank has called into question the wisdom of building a new $1.1 million tank, and sinking over $2.4 billion into upgrading our tank force which may very well be of decreasing usefulness or obsolete before it is fully deployed more than a decade from now.

COST AND EFFECTIVENESS

Other important defense demands for limited defense dollars, as well as the increasingly thoughtful debate over the future of the tank should lead to renewed emphasis on cost-effectiveness evaluations.

Certainly it is no secret that weapons development and procurement have skyrocketed out of control during the past decade as bigger and better weapons are ripped off the drawing board and rushed to the assembly line at ever increasing costs. Consequently, the Senate Armed Services Committee report recognizes:

> If the geometric cost increase for weapons systems is not sharply reversed, then even significant increases in the defense budget may not insure the force levels required for our national security. . . . If we can afford a permanent force structure of only one-fifth as many fighter aircraft or tanks as our potential adversaries—because our systems are about five times more expensive than theirs—then a future crisis may find us at a sharp numerical disadvantage.

Ideally, to guard against this prospect, the increased cost of any new weapon system should be weighed against the improvements in its capabilities to give some indication of its overall cost-effectiveness.

And yet, the MBT–70 program has not faced such strenuous evaluation. Cost effectiveness studies justifying the tank have been haphazard at best.

For instance, while an Army spokesman was swearing that the MBT–70 was cost-effective, no one knew what the MBT–70 would cost. This official, Charles L. Poor, Acting Assistant Secretary of the Army—research and development—told the Senate Armed Services Committee on March 27, 1969:

> There have been a large number of studies conducted by the Army to determine the cost effectiveness of the MBT–70, and I think I can say without hesitation that all of these studies indicate that the MBT–70 is a more cost effective solution to the large number of Warsaw Pact tanks facing us than any other tank design that we have been able to consider.

Only after this testimony did Deputy Secretary of Defense Packard order a secret review of the program to find out what the MBT–70, as then designed, would cost.

At least one of the cost-effectiveness studies to which Poor referred factored the MBT–70 in at $520,000 when, in fact, it cost $850,000 at the time. According to one of the men who worked on the study, a relatively small upward change in the cost of the MBT–70—the Army as it turned out was low by $330,000—would have made the MBT–70 not cost-effective.

Faulty cost figures aside, however, the quality of previous Army cost-effectiveness studies has recently been attacked in a report to the House Appropriations Committee by its surveys and investigations staff. The staff interviewed one expert who had served on a panel studying military terrain vehicles for the President's Science Advisory Council and recounted that the panel members "were unanimously appalled by the flimsy basis for the assumptions used in, and the academic nature of, the parametric design cost-effectiveness study which served as the basis for the MBT–70."

In discussing another study known as the Tank, Antitank, and Assault Weapons Requirement Study, phase III—TATAWS–III—initiated in 1967 to justify cost and combat effectiveness for new weapons, the Appropriations Committee staff report states:

> Like the parametric design/cost effectiveness study before it, TATAWS–III was dependent upon the questionable assumption that all of the tanks and other weapons would have the characteristics attributed to them. The cost data was comparative rather than actual and admittedly a major revision of these comparative figures would alter the finding. A significant ommission from the study was the lack of consideration given to the reliability of the various weapons.

While haphazard cost-effectiveness studies have been used to justify the tank, any studies questioning it seem to have gotten short shrift.

ALTERNATIVES

For instance, one study prepared in the Office of the Assistant Secretary of Defense for Systems Analysis and dated August 15, 1969, dealt with alternatives, but it was apparently ignored. The OASD—SA—study concluded that the MBT–70 was less cost-effective if the United States wanted to continue to spend the same amount of money on tanks as it had been spending. If the United States wanted to more than double the present level of spending for tanks, the MBT–70 would be slightly more cost effective than the M–60A1, but again, less desirable than the M–60 as modified by high-payoff, low-cost modifications.

The Department of Defense told the GAO of another study made in 1969 entitled the "Comparative Evaluations of the MBT–70 and M–60 Shillelagh Tanks." It was intended, according to the Department of Defense:

> To provide the rationale for a valid comparison of the capabilities, combat effectiveness, and cost effectiveness of the M–60 Shillelagh and the MBT–70 tanks.

In a memorandum dated August 15, 1969, the Department of Defense informed the GAO that—

> Part II is presently scheduled for completion by the end of June 1970.

However, this second study was never made nor is it planned. The Army is apparently committed to pursuing its great technological leap forward in tank technology with the MBT–70 regardless of cost or effectiveness.

The House Appropriations Committee staff report discusses the Army's reluctance to consider alternatives:

> In line with the suggestion of one of the experts that more emphasis should be placed on product improvements rather than on quantum jumps, an improvement program for the M60A1 was initiated in fiscal year 1971 with the improvements to be completely introduced in these tanks by the end of (*classified*). Other improvement alternatives in the M60 series are also available that seem to offer capabilities closely comparable to those of the XM803 (MBT–70) at substantially less money. The investigative staff has not attempted to evaluate the cost estimates of these alternatives, but the point made by the experts is that these alternatives have not *been considered in detail* . . .

Although the Army has failed actively to study alternatives, some are suggested by comparing the major features of other tanks with the MBT–70.

For instance, despite their significant cost differentials, both the M–60A1E2 and the MBT–70 can fire on the move. Both can fire the 152-millimeter caseless cartridge. The M–60A1 can fire the kinetic energy round, as can the MBT–70. Once engaged in combat, even the Army admits that for the reliability of firepower, the probability of successfully completing an engagement, the MBT–70 and the M–60A1E2 are separated by only several percentage points, with both receiving over 90-percent ratings.

Other studies indicate that significant improvements at relatively small increments in cost could be made in the M–60A1 by providing better armor and a smaller profile. Both improvements can be achieved within the present state of technology and both would greatly upgrade the M–60A1 relative to the MBT–70.

But the Army's attitude has remained unchanged since then—Secretary of the Army Stanley Resor testified last year:

> We have to be building a tank for the 1970's, and the MBT–70 is the tank we are depending on for the 1970's. *We must make it work. We don't have any alternative.*

Without a clear understanding of the alternatives, Congress will not have any choice either when it is asked to upgrade our tank force by voting larger sums of tax dollars to produce and deploy the MBT–70.

The consequences of such weapons procurement practices are discussed in this year's Senate Armed Services Committee report:

> Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity . . .
>
> At the present time Department of Defense development procedures are so structured that in each area there is only a single weapons system available to modernize the forces—and this system is often a very costly one. This means that Congress is faced with the decision of approving the procurement of that system or denying modern weapons to our armed forces.

This wise warning is proving all too accurate with regard to the MBT–70 program. Other options are being foreclosed even now. Production of the M–60A1 will end in mid-1974, and with it, the production capability for the M–60A1E2.

No "simple and reliable" tanks will be produced for 2 years, and in 1976, the Congress, as the Senate Armed Services Committee warned, will be faced with the decision of approving the procurement of the MBT–70 or denying tanks to the Armed Forces.

ARMY INCREASES DEPENDENCE ON TANKS

Meanwhile, the Army is actually projecting increased dependence on tanks. This year the Army's stated tank requirement has increased significantly. Although the exact amount of this increase is classified, the word "significantly" should be stressed.

Assuming reasonably stable defense budgets in the future, the projected 10-year cost of over $6 billion to develop, produce, deploy and operate the MBT–70 would entail increasing our expenditures on tanks in the late 1970's and early 1980's while decreasing outlays for other, perhaps more pressing defense needs. By approving the MBT–70, Congress will not only be saying that tanks will be useful in the foreseeable future—as I believe they probably will be—but that tanks are becoming increasingly more important—which most experts and nonexperts vigorously deny.

The Army's significant requirement increase comes at a time when the role of tanks is becoming more restricted and the tank itself is becoming far more vulnerable. This increased requirement has been stated despite—

> A reduction of tensions in Europe,
>
> The change in overall United States strategic planning (a stated readiness to fight 2½ wars simultaneously has been reduced to 1½).
>
> Changes in Europe's economic conditions which would allow them to make greater contributions to NATO tank capabilities, while the economic ability of the United States to do so has become increasingly strained,
>
> Reductions in the overall size of our Armed Forces from 3.5 million men to 2.4 million men.

Almost all of the newly found tank requirements will be filled by the deployment of the MBT–70 and will have the effect of greatly increasing the cost of our NATO tank force.

NATO

The MBT–70 is specifically designed for use in Europe as part of our NATO force there.

The magnitude of our commitment to NATO is evidenced by the 14 billion U.S. dollars to be spent on U.S. forces which might be committed to NATO, exclusive of the cost of our "nuclear umbrella." And a recent review of selected general purpose weapons systems costing approximately $30 billion indicated that between $21 and $25 billion were identified with NATO defense.

However, our NATO allies have not been sharing the burden. As the Senate Armed Services Committee report states of our NATO allies' contribution:

> Today's financial situation is markedly different from that which existed at the beginning of the alliance. No longer are the European communities torn and ravaged from a devastating war. The committee must observe that yesterday's impoverished allies now have a combined gross national product of over $600 billion, or roughly two-thirds that of the United States based on NATO definitions. The remarkable economic resurgence of a war-damaged Europe has progressed to the point where increasing pressures are being exerted on the American dollar.
>
> Yet despite the economic soundness of the European allies, relatively small amounts find their way into defense dollars. The announcements that other NATO participants are increasing their support are encouraging. But the increases mentioned are small in comparison to United States contributions. No member nation spends as great a portion of the gross national product for national defense as the United States. In fact, data for calendar year 1970 shows that the NATO allies spend 4.1 percent of their GNP on military programs compared to United States spending 8.6 percent.

The MBT–70 exemplifies some of our financial problems in dealing with our NATO allies.

The MBT–70 is without question a "NATO tank" especially designed for use in Europe. By increasing the so-called tank requirement and filling it with the MBT–70, the United States is substantially increasing its NATO tank expenditures. We are not only upgrading our NATO tank force in the field, but increasing our overall reserve and float capabilities.

Our NATO allies are perfectly content to let us supply this costly and complex weapons system and the men to make it work, but there is no inclination to purchase the MBT–70 for their own inventory, much less to assist in bearing the financial burden of developing and procuring it.

It is further worthy of note that none of our NATO allies have plans to expand reliance on the tank. The Germans, with whom the original joint MBT–70 project was begun in 1963 and canceled in 1970, are using some of its components in their next generation of tanks but are not going to produce an MBT–70. And should the NATO allies decide to upgrade the quality of their tanks in the future, they are more likely to buy simple, lighter, and less expensive tanks from Germany—not the heavy, complex, and more expensive MBT–70 from the United States. In fact, as Congressman SAM STRATTON of the House Armed Services Committee stated in June of this year, the United States is alone in meeting the perceived European threat by building so complex and expensive a tank:

> I think it should be pointed out that both Russia and Germany are placing increasing emphasis on light, hard-hitting anti-tank vehicles and weapons. In this connection, it should be noted that Russia's heavy tank is no longer in production and is being gradually phased out of inventory. These developments suggests that other countries also recognize the diminishing usefulness of heavy tanks.

WARSAW PACT TANK THREAT

The MBT–70 is justified as essential in meeting the superior number of Warsaw Pact tanks. It is true that both U.S. and NATO tanks are substantially outnumbered by Russian and Warsaw Pact tanks respectively.

However, in the case of an attack, allied air superiority and superior antitank weaponry would take a heavy toll on any attacking tank force, especially in view of the limited number of acceptable access routes to Western Europe.

One Army Review Board reported that in the time frame in which the MBT–70 is expected to be deployed, a combination of antitank missiles, helicopter, and fixed-wing aircraft support, and dual-purpose artillery munitions will have made large-scale daylight tank offensives against fortified positions—such as the strategic passes by which such a Soviet offensive would enter Europe—unrewarding.

In short, any attacker is going to take heavy tank losses which will by and large offset whatever numerical tank superiority which might accrue on paper before such an attack.

And in a one-for-one tank confrontation, the House Armed Services Committee states in its report this year:

> In any event, the U.S. M60A1 and the M60A1E2 are qualitatively equal to or better than any USSR tank now in the field or anticipated in the foreseeable future.

SUMMARY

COST GROWTH

The cost of the MBT–70/XM803 continues to grow. Deputy Secretary of Defense Packard has stated that the MBT–70/XM803 will be held to a cost of $600,000 per unit but that figure is extremely deceptive. The $600,000 MBT–70/XM803 price tag constitutes only the "hardware" cost in fiscal year 1970 dollars and does not include other legitimately attributable program costs such as support equipment, spares, R.D.T. & E. and APE or inflation. When the other noninflation costs are added the per unit cost skyrockets to $800,000 and allowing for a reasonable rate of inflation until the tank eventually goes into production sometime after 1975, the real program cost per tank is considerably over $1.1 million.

The total program cost is estimated at $2,414,600,000 although many potential problem areas could further drive the price upward and force the production date back further.

SCHEDULED SLIPPAGES

The MBT–70/XM803 production date continues to slip. The total slippage in the program has now exceeded 6 years. Even since the Armed Services hearings this spring, the production date has slipped again significantly. Further slippage can be anticipated depending on the testing of several questionable components.

Partially as a result of this slippage, antitank weapons have greatly altered the role and survivability of the tank on the European battlefield in the late 1970's and 1908's.

ANTITANK WEAPONS

There are now mobile, accurate, and inexpensive antitank weapons capable of destroying the most sophisticated and expensive tank now deployed or on the drawing board. And a new generation of even more deadly antitank weapons is just around the corner.

Tank designers can no longer keep pace with antitank technology, and, despite its cost, the MBT–70/XM803 is no exception. "Add on's" designed to help the MBT–70/XM803 survive in the new and dangerous battlefield environment of the late 1970's and 1980's offer only marginal improvements at greatly increased cost.

These developments have led the House Armed Services Committee to state in its report:

> Recurring expressions of concern, both within the Army and by independent external observers, that the tank is nearing the end of its era of combat capability also influenced the Committee in its decision. New anti-tank weapons, including missiles, have brought about this obsolescence; and Soviet technical capabilities would permit them to field such anti-tank weapons before the MBT–70, or any alternative tank, has been in the force structure very long.

The soaring costs and schedule slippages have also affected the cost-effectiveness of the MBT–70/XM803.

COST EFFECTIVENESS

The enormous increases in cost are not matched by increases in performance.

In the past the Army has been reluctant to engage in much cost-effective analysis of the MBT–70/XM803. To date, cost effectiveness studies justifying the tank have been haphazard at best, based on highly questionable assumptions and highly optimistic cost estimates. And studies which question the MBT–70's cost effectiveness have been ignored.

UPGRADING THE ROLE OF THE TANK IN EUROPE

By approving the MBT–70, Congress will not only be gambling that tanks will be useful in the foreseeable future—as I believe they probably will be—but also that tanks are becoming increasingly more important in meeting our defense needs—which most experts violently disagree with.

This year the Army has increased its overall "tank requirement" by approximately the number of proposed MBT–70's. Since the MBT–70/XM803 is a "NATO tank" especially designed for Europe, the United States will be increasing its NATO tank expenditures by increasing the quality of its tank force there as well as the quantity of our available reserve and float forces.

NATO

Our NATO allies apparently do not share the United States' enthusiasm for tanks in general and the MBT–70/XM-803 in particular. The NATO countries presently have no plans to increase their tank forces. Should they ever decide to do so, it will more likely be by purchasing simple, lighter, and less expensive tanks from Germany—not the heavy, complex, and expensive MBT–70 from the United States.

LACK OF ALTERNATIVES

Finally, assuming a period of relatively stable defense budgets, there is a very real threat that by bowing to the Army's insistence on producing a new "dream" tank which will actually increase budget expenditures for tanks at a time when tanks are becoming less important to our defense, Congress will be weakening the overall defense posture of the United States.

Congress has been urged year after year to continue to authorize and appropriate funds, because the MBT–70/XM-803 represented "a quantum jump in tank technology"—the implication being that if it can be built, it should be built—or "the boys out there in the mud deserve the best tank money can buy." Little thought has been given to what the "best tank" costs, measured either in real dollars or in alternative programs foregone which might in the long run save more lives and win more battles.

Blind congressional acceptance of bland Army assurances have kept this highly questionable tank rolling along. Congress has failed to ask what criteria are used to justify continued development or to demand no-nonsense cost-effectiveness studies and intelligent analysis of alternative programs.

But what is worse, Congress is slowly being painted in the untenable corner of having no alternative to continuing the MBT–70/XM803 program.

As this year's Senate Armed Services Committee report warns:

> Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity. . . .
>
> At the present time Department of Defense development procedures are so structured that in each area there is only a single weapons system available to modernize the forces—and this system is often a very costly one. This means that Congress is faced with the decision of approving the procurement of that system or denying modern weapons to our armed forces.

In 1976, Congress will be in that corner. The MBT–70—if everything goes along perfectly—will be reaching the point of production. Both M–60A1 and with it the M–60A1E2 will have been phased out of production in mid-1974. And Congress will then have to decide whether to go full steam ahead on the MBT-70/XM-803 or, in the words of the Senate Armed Services Committee, "deny modern weapons to our Armed Forces."

So this year's decision regarding the tank is important. As long as the Army can count on continued congressional acquiescence, there will be no serious search for more cost-effective alternatives to the MBT-70/XM-803. And as the MBT-70/XM-803 comes closer to production, the less alternatives are available.

CONGRESSIONAL ACTION

This year the Army requested a total of $86.6 million for continued R. & D. and procurement for the MBT-70/XM-803.

The table below indicates congressional action on this request:

[In millions of dollars]

	Request	House action	Senate recommendation
Procurement	59.1		
Research and development	27.5	27.5	62.8
Total	86.6	27.5	62.8

The House Armed Services Committee cut the entire $59.1 million requested for procurement while leaving the entire $27.5 million R. & D. request untouched. The House report suggested that the R. & D. fund be used—

> To develop a weapons system designed to counter the growing anti-tank capability which threatens to outmode the MBT-70/XM803 even before it is in inventory. Further consideration might also be given to the use of the M60A1 and the M60A1E2 in an appropriate mix to meet all of the Army's heavy tank requirements.

The Senate committee reduced the $27.5 million R. & D. request to $22.8 million by deleting a request for $4.7 million for trainers, but added $40 million of the $59.1 million for procurement to R. & D. This money will be used in essentially the same way as the original procurement funds. Thus the Senate added a total of $35.3 million to the amount approved by the House Armed Services Committee.

CONCLUSION

Let me reiterate why I offer this amendment:

> Since the MBT-70 Program began almost a decade ago; . . . the cost of the MBT-70 has increased enormously, with R&D costs alone soaring by 600%,
>
> Its capabilities have been greatly reduced.
>
> Its usefulness has been greatly affected by ever-increasing numbers of mobile, inexpensive and other less expensive ways of handling deadly anti-tank weapons,
>
> And the original threat that was used to justify the MBT-70 have been found.

These developments call into question the wisdom of continuing to pursue a program which increases the overall portion of our defense expenditures allocated to tanks.

All this amendment does is reduce funding for the MBT-70/XM-803 program by $35.3 million, from $62.8 million to the level approved by the House Armed Services Committee of $27.5 million.

This will force the Army to reevaluate the alternatives to the MBT-70 program. The House Armed Services Committee suggested that the Army use the fiscal year 1972 R. & D. funds to "develop a weapons system designed to counter the growing antitank capability which threatens to outmode the MBT-70/XM-803 even before it is in inventory." Further, the committee suggested, "consideration might also be given to the use of M-60A1 and the M-60A1E2 in an appropriate mix to meet all of the Army's heavy tank requirements.

And finally, let me reiterate that this amendment in no way threatens our men in the field.

There is no urgency connected with the MBT-70 program. It is already 6 years behind schedule and slipping further. This amendment in no way affects production or deployment of the M-60A1 or the M-60A1E2. It does not strip our men in the field of the M-60A1 and the M-60A1E2—tanks which are, as the House Armed Services Committee noted:

> Qualitatively equal to or better than any USSR tank now in the field *or anticipated in the foreseeable future.*

In fact, by making sure that alternatives are thoroughly explored, and that the best one—not just the most technologically snazzy—is found to counter a specific threat, Congress will not only be saving taxpayers' money, but the lives of their sons as well.

Too often in the past, Congress has been stampeded by emotional rhetoric. "The boys out there in the mud deserve the best tank money can buy" and no one wants to argue with that. But in a period of relatively stable defense budgets, by allocating more money to build unnecessarily complex and expensive tanks which are becoming more vulnerable and less valuable to our overall defense effort, Congress is not helping to save lives or win battles. In fact, there is a very real danger that by using limited defense funds unwisely to buy each new "quantum jump" in weapons technology, Congress is weakening our overall defense posture and probably costing lives should the cold war turn hot.

Mr. President, for the reasons just summarized, it is my plea to my colleagues in the Senate that we reject the Senate addition of $35.3 million and that we adopt the figure as approved by the House Armed Services Committee and the House of Representatives itself, which would permit further development in terms of technology, upgrading the quality of tanks, and so on. It would not emasculate the tank program, but would permit some reasonable possibility of being productive and utilitarian, and at the same time give us the type of weaponry we need now and conceivably will need in the future.

The House action should be upheld and the Senate addition of $35.3 million should be rejected. The House Armed Services Committee's recommendation that the $27.5 million in R. & D. be spent to carefully examine the alternatives to MBT-70/XM-803 program is eminently reasonable and should be heeded.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield.

Mr. STENNIS. The Senator proposes to leave in the bill $27.5 million?

Mr. EAGLETON. That is correct.

Mr. STENNIS. My question is this: If the Senator is correct in all these positions about the tank, why leave in the $27.5 million? Why not just stop it?

Mr. EAGLETON. In answer to the question of the distinguished Senator from Mississippi, all the money that has been spent on the MBT-70 has not, in my judgment, been a total loss. We have gained some knowledge and technological sophistication which can be applied as a base to upgrade the M-60, the M-60A1, or the M-60A1E2.

This was the recommendation of the House Armed Services Committee, and I think it was sound.

Mr. STENNIS. If the Senator will yield further—and I do not want to take up much of his time—the language of his amendment clearly says:

> May be used for research, development, testing and evaluation purposes in connection with the XM803, formerly the MB70, tank, during the fiscal year.

That is the very tank the Senator has found wanting and has condemned. But still he leaves the $27.5 million.

Mr. EAGLETON. Yes, I think that is a pertinent point.

This is the intent of the language from the bill as it came over from the House of Representatives, and on that language, the House Armed Services Committee said this:

> In view of these circumstances—

Their negative appraisal of going full steam ahead with the MBT70—

> The Army may consider it advisable to utilize the FY72 research and development funds to develop a weapons system designed to counter the growing anti-tank capability which threatens to outmode the MBT-70/XM303 even before it is in inventory.

Then it goes on to say:

> Further consideration might also be given to the use of the M60A1 and the M60A1E2 in an appropriate mix to meet all of the Army's heavy tank requirements.

Mr. STENNIS. If the Senator will yield further, I will say this on my own time—has the Senator finished answering the question?

Mr. EAGLETON. Yes.

Mr. STENNIS. I just want to make this one comment, to which he may wish to respond.

I respectfully submit to the Senator, and to the House of Representatives, that the language in the Senator's amendment contradicts the terms of the House report. I think we have a clearcut issue here. If all these things are true, and the Senator is correct, we ought to throw it out, lock, stock, and barrel. We are just looking for a little more money, a small amount more than the Senator proposes to leave in the bill, merely to get along with these prototypes, as I shall explain.

Mr. EAGLETON. I believe, as shown by our adoption of the intent of the language that came over from both the House Armed Services Committee and the House of Representatives itself, coupled with the comments of the Armed Services Committee on how they believe this money could be providently used, and my previous comments, that the $27.5 million left in the bill could be meaningfully utilized to take the applicable parts of current MBT-70 technology and apply it to the M-60, the M-60A1, and the M-60A1E2.

I do not advocate going out of the tank business altogether. As I stated here today in my opening presentation, I think there is a need for tanks and a need for tank technology. I question the need for making this so-called quantum technological jump to the utopian dream tank of the future, when other more effective and less costly alternatives are available.

Mr. STENNIS. I thank the Senator very much.

Mr. GOLDWATER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. I yield to the Senator from Arizona for a question.

Mr. GOLDWATER. No. I have perhaps 2 or 3 minutes of comment.

Mr. STENNIS. I yield the Senator 3 minutes, provided that I may do so without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have listened with a great deal of interest to the remarks of the distinguished Senator from Missouri, and there are just two or three points in them I think we ought to clarify at the outset, so that as we go through the debate today, we will not be tempted to put too much faith in the statement that has been made.

For example, it was inferred that we have air superiority in Europe, and this in itself would provide a great antitank weapon.

Mr. President, I wish that were so. One thing that disturbs me more than anything else about our NATO position, particularly from the U.S. standpoint, is that we are very inferior so far as air superiority goes. I do not think we can use exact terms, but I think it is in the nature of 3 to 1. In fact, in war games in which I have participated—this was back when we had healthier equipment—unless we were allowed to retaliate immediately with nuclear tactical weapons, we would have a hard time surviving 2½ days after an initial attack by the Soviet and Warsaw pact air fleets.

So let us not assume for one moment that we have air superiority in NATO. We do not have. I wish this were not true. I wish we had it.

I think the German air force is beginning to build. Some of the other air forces are showing signs. But our Air Forces have been sadly depleted in Europe to benefit the efforts in South Vietnam. Most of our good backup manpower in NATO is now in Vietnam. Almost all of our top aircraft have been taken from NATO and sent to Vietnam.

We do have a very fantastic antitank weapon. I have to agree with the Senator on that point. It is the TOW missile. But, Mr. President, this missile is not in tactical use yet. We are depending upon the upgrading of the Cobra helicopter and the introduction sometime of the Lockheed helicopter, the Cheyenne, both of which have been designed to use the TOW missile. But even the TOW missile, in its sighting and launching, has some drawbacks that have yet to be worked out.

While it is possible to destroy tanks without destroying them from aircraft, it is easier to do it from the air. We do have effective antitank weapons; but we must remember that, while some people think tanks are getting out of the picture—this may be so in some parts of the world where heavy equipment cannot be used, and I think we have seen this particularly in South Vietnam and Cambodia—this is not true on the flat country of Europe.

I believe the tanks will hold up well into the foreseeable future. I have not run into a military person in Europe or in the United States who thinks that we can win wars or even fight wars without tanks.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield the Senator 1 additional minute.

Mr. GOLDWATER. I want to make those three points, and I will continue to make them as I hear statements that I think need clarifying: one, that we do not have air superiority in Europe; two, that we do have an excellent antitank missile that has not yet been deployed——

Mr. CANNON. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. CANNON. The antitank missile is deployed in Europe at the present time. The TOW missile is in the hands of the troops.

Mr. GOLDWATER. I am not talking about that. I am talking about the specific air launch missile, not the ground missile.

The third point is that I do not believe any authoritative statement has been made by any military person any place in the world that I know of that will back up the idea that tanks are obsolete and that they are no longer needed in modern warfare.

Mr. STENNIS. I thank the Senator.

I yield myself 10 minutes.

Mr. President, I commend the Senator from Missouri for the very fine work he has gone during a period of years on this tank. It is not an easy question, and I respect very much his earnestness and everything that goes with it.

But, according to his amendment, he leaves $27.5 million which "may be used for research, development, tests, and evaluation purposes in connection with the XM-803, formerly MBT-70 tank during the fiscal year." Nothing could be clearer than his purpose to use it on that tank. The committee voted the sum of only $62.8 million for exactly the same purpose.

So here we are standing with these two figures in our hands, both for exactly the same purpose.

The uncontradicted truth is that the $62.8 million is the minimum amount with which this work can be done. We took some off the top. We took off $23.8 million and reduced it to $62.8 million. So the authorization is for the identical purpose. There is just a relatively slight difference in amount.

The committee figure will move further forward on the prototypes that we already have started and perhaps reconfigure two of the older prototypes—that is, putting in more of the insides, the machinery, and other components that will make these austere tanks.

After all, with all the faults the Senator has found, he proposes that this go on, as his amendment says; and, of course, the Army will be bound by the terms of the amendment and not by something the report says.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. CANNON. Mr. President, I rise today in support of the main battle tank for the Army, known as the XM-803.

The $27.5 million for research and development was in there; and reviewing this program, it was the determination that we should not go ahead with production or the procurement at this point in time and, therefore, should complete the research and development program. That is why some of the funds of the total request were taken and put into the research and development area, so that this work could be completed, to decide whether we want to go to full production. We took out $23.8 million by request, which originally included the request for authority to go into production.

Senator STENNIS, chairman of the Senate Armed Services Committee, requested our subcommittee to review this program in detail in conjunction with the administration's fiscal year 1972 budget request.

The budget request was for $86.6 million, of which $27.5 million was for research and development and $59.1 million was for procurement. The full committee, after our review, authorized $62.8 million in research and development funds—a reduction of $23.8 million.

It was our belief that this program should be continued. However, it was our judgment that the program should remain in research and development until the six prototype tanks now in development have demonstrated the capabilities predicted.

Therefore, it should be clearly understood that while we are actively supporting the development program, there is no commitment or approval for production. The decision for production can be made in the future after the prototype development and testing has been completed and when more knowledge is available on the advantages of the new tank over our existing M-60A1 tank.

The XM-803 main battle tank was formerly known as the MBT-70 when it was a joint program with West Germany. The United States is now proceeding unilateraly with development of the new tank. Consequently, it was necessary to develop some of the major components of this tank in this country which we had relied upon West Germany to produce.

The existing M-60A1 tank represents a design technology of the early 1950's, and hence it cannot be relied upon indefinitely in the future. With modifications and improvements which have added to its effectiveness the M60A1 is deemed comparable to the Soviets T–62 tank.

However, we have received evidence the Soviets are developing a new tank which obviously will be superior in capability to the T–62. No nation would spend the money to develop an inferior weapon system over its existing weapon systems.

Mr. President, I assure the Members of this distinguished body that the tank will be essential on any battlefield of the future. It will remain the basic weapon system used by the Army to engage enemy forces in offensive actions. They are used to spearhead attacks and to penetrate into the enemy's rear and to disrupt and destroy supply lines, communications, and so forth.

The technical advantages that the XM–803 will offer over our existing M–60A1 tank fleet are considerable. It will be able to fire not only conventional ammunition but the Shillelagh missile and new kinetic energy round. It will have a very advanced stabilization system which will enable it to move across country 50 percent more rapidly than the M–60A1 tank. Of greater importance, it will be able to fire effectively on the move rather than being required to stop and then fire. If a tank must come to a complete halt to fire its ammunition, then it becomes more vulnerable to enemy counterfire.

The new XM–803 tank will have a three-man rather than the four-man crew on the M60. This will cut down on military personnel by 25 percent. This certainly is an important consideration in the light of our proposed program for a volunteer army in the next 2 years. In addition, personnel costs are rising rapidly. Consequently, if we can provide the Army with equipment possessing a better combat capability, which at the same time requires less personnel, we are definitely moving in the right direction.

In addition, the XM–803 tank will have other modern features, such as an automatic loader, spaced armor for improved combat survivability, and a lower silhouette. All of these features will, of course, add to its effectiveness and survivability on any battlefield of the future.

COSTS

Considerable emphasis was placed by the subcommittee on anticipated costs for the new XM–803 tank. A great deal of understandable confusion surrounded this aspect of the program. Deputy Secretary of Defense Packard directed the Army to review the tank program and to eliminate any items of equipment that were not absolutely essential. When this review was completed, the cost estimate for the XM–803 was stated to be $600,000 per tank. This was the estimated hardware cost of the tank. It did not provide for support, spares, or inflation.

During our hearings we requested the Army to provide information on total program unit costs which would include the $600,000 hardware unit costs as well as future estimated costs for support, spares, R. & D. and inflation.

The information subsequently provided by the Army estimated the unit cost of the XM–803 to be $1.1 million each after allowance had been made for the aforementioned items. The single most important element that escalated the tank cost from $600,000 to $1.1 million each was incorporating a 5-percent inflation factor. It appeared reasonable to the subcommittee that we could anticipate an annual rise in inflation of 5 percent during the next few years. While I certainly hope that our economy is able to resist such annual inflation factors, we must recognize that this has been our actual experience between 1967 and 1971. The 5-percent annual inflation factor raised the cost per tank by almost $400,000. Therefore, Mr. President, everyone should understand that there is no mysterious cost growth involved. It is merely an effort by the subcommittee to recognize and appreciate the impact of inflation.

I, for one, believe that we cannot stop the development and purchase of essential weapon systems for the Department of Defense if we are to protect our national security interests merely because we are caught in the throes of undesirable inflationary conditions.

The $62.8 million recommended by the Armed Services Committee will enable the Army to proceed with essential prototyping and testing of the new tank.

I believe this program should be supported through the research and development phase so the Army will be able to thoroughly test the six XM–803 prototype tanks. If the tank meets all of its performance characteristics, then a production decision can be made.

In conclusion, I feel this program warrants our firm support so that our ground combat forces—namely, the foot soldier—will have the best weapons possible to engage and defeat any potential enemy on any given battlefield.

Mr. STENNIS. I appreciate the Senator's remarks. He is entirely correct. The Senator from Nevada served as chairman of the subcommittee that handled the entire matter.

Mr. President, it is tragic that there is not a chance to present to the membership these figures as they were developed by the committee, the recommendations of the committee, and the recommendations of the Senator from Missouri.

I have been conversant with this tank problem for 8 years, I suppose, during its entire life. As a member of the committee, long before I was chairman, I became very tired, indeed, of the little progress that was being made. The joint venture with West Germany, with all deference, just would not work. The committee insisted that the joint venture be brought to a termination. So 2 years ago, I believe, we called Mr. Packard before the committee and told him that we were not going further with this joint venture; that we wanted him to take the whole matter under his wing, make a personal, individual study of it and a personal conclusion about it, and come in with a positive recommendation. He came in with the recommendation to abandon the joint venture concept and proceed with this austere version of a tank.

Everyone wants to make it clear that they do not want to abandon the idea of the GI out there with a rifle not having a tank. We cannot argue at this time of improved technology that the tanks with the old technology are going to be enough.

Anyway, we proceeded with the austere version, and the money in this bill is for the prototype of the austere version—that and that alone. There is not a single dime in here for procurement—not $1. That decision is expressly referred to in the report. There is no doubt about that.

If a person feels confident that the tank has no future, that no new tank has a future, and feels that the GI out there will not need a more modern tank, he ought not vote for this amendment. He should submit an amendment to knock every dollar out of the bill for this purpose. That is what should be done; because, if he believes those things, this amendment will not carry out his purpose.

But if he thinks that for at least 1 year—no production yet—we ought to give the Defense Department, with their present viewpoint, a little more money for these prototypes, for the prototypes alone, to come back here with a more developed prototype, he should vote for it and let us make the final judgment as to whether or not we want to go forward. In the meantime, let us not get lost in the wilderness of which is more important, tanks or antitanks, or whether the tank is obsolete.

A man's commonsense will tell him that the GI needs something by way of a tank out there and that he should not be sent into battle without them, where it is possible to use them.

So I think this thing is bothersome. I think it has been delayed. I have been disappointed just as much as anyone else, but we are making a bad mistake if we jump over the abyss and try to kill this at this point. If I understand the English language at the level of a fifth grader, and I say this with all deference, if we adopt the pending amendment, the money will be used for exactly the same purpose the committee recommends but we will not have enough.

Everyone knows that the report of a committee cannot change hard law. Thus, we have this before us. We have the choices.

ARMY MAIN BATTLE TANK (XM–803)

Mr. President, the Army main battle tank program has been of special interest to me in the past and still is. The development of a new Army tank has had its problems, but I am of the opinion that the program is now on track, and I urge the Senate to approve the committee's recommendation that $62.8 million be authorized for research and development for the main battle tank (XM–803).

Let me first briefly trace the history of this program. It began as a joint program with Germany in 1963 to develop a tank that would meet both countries' needs. That program simply did not work, and it was terminated as a joint effort. The United States program was redirected toward an austere main battle tank, the XM–803. Mr. President, I want to emphasize that the program approved by this body last year was not the original joint program, but a United States only development program. The $62.8 million recommended by the committee is required to continue the orderly development of a new main battle tank for the Army.

The Army requested $27.5 million in research and development and $59.1 million in procurement in fiscal year 1972 for this new tank. The House deleted all of the procurement funds, leaving $27.5 million in R. & D., but suggested that the R. & D. funds be used for developing additional antitank weapons.

Mr. President, the Senate committee looked into this program in some detail. The committee was not willing to see this program terminated and is recommending that $62.8 million be authorized in the R. & D. account to continue with prototype development and testing. In my opinion, anything less than the $62.8 million would simply delay the development for no good reason and increase the cost.

I think it should be understood that if only $27.5 million is provided as the amendment proposes, the program may have to be terminated; $27.5 million is just not enough to keep the program going as a reasonable development on an orderly schedule. I would repeat that anything less is just going to unnecessarily increase the total cost of the program and delay the program, or result in termination of the effort.

COMPLEXITY OF THE XM–803

Mr. President, one of the continuing concerns of the committee has been the increased complexity of weapon systems. This new tank is being designed to have considerably more capability than any tank in the world. Of necessity, this tank will also be more complex. However, the current XM–803 version has been considerably simplified over the earlier U.S./German MBT–70 version. Let me mention a few of the changes.

First, the tank commanders day and night sight has been combined into a single device.

Second, the hydropneumatic suspension system has been made simpler.

Third, back-up driving controls for the tank commander has been deleted.

Fourth, the ballistics computer and the fire control system componentry is now less complex.

Fifth, rolled homogenous armor is being used instead of the more costly high-performance steel armor.

Mr. President, I am informed that these changes will produce cost savings without degrading overall performance.

COSTS

I want to make it clear that approval of the committee recommendation here today is in no way a commitment to production of this tank. This position has been stated explicitly in the report. A production decision will be made only after the tank has been developed and tested and proves to be worth the cost.

Even though production is not involved in today's decision, there appears to be some misunderstanding about the estimated production costs.

Last year the committee reported an estimated tank cost of $600,000. That cost was the average unit hardware production costs expressed in 1970 dollars. At the risk of oversimplification that cost represents the average cost to tool-up and manufacture a number of tanks over a period of time at 1970 prices. In other words, the price did not include any consideration for inflation.

This year the cost reported by the committee is $1.1 million for each tank. The principal difference is that to the $600,000 was added initial spare parts and inflation through 1983. The rate of inflation used was 5 percent per year.

Mr. President, I do not know what the rate of inflation will be. But if the tank is procured and inflation is at the rate of 5 percent each year, the current estimate is that the tank will average $1.1 million.

Mr. President, both the $600,000 and the $1.1 million estimates are valid—one simply includes more elements of cost. To use those two costs and conclude that the tank has almost doubled in cost would be erroneous.

TANK OBSOLESCENCE

One of the points being made to support the pending amendment is that the tank is nearing the end of its era of combat capability. There is the strong inference that this tank will be obsolete before it has been in use for very long.

The time may come when the tank is obsolete, but I seriously doubt that it will be as soon as some think. The idea that the tank is obsolete is not new. I am told that tanks were written off in the thirties when smaller-caliber antitank guns came into general use. The same was said in World War II when the "bazooka" and other antitank weapons appeared. Now it is the new antitank missile that is supposed to spell the end of the tank.

Mr. President, the new antitank missiles are good—but the accuracies and capabilities demonstrated on test ranges cannot be translated into equal effectiveness obtained in a combat situation. The best example of this is the air-to-air missile. Test results were good, but performance in Southeast Asia air combat has by no means approached the test results.

The list of supposedly obsolete systems is impressive.

I can recall that the surface-to-air missile caused considerable concern as to the future of manned aircraft.

That same surface-to-air missile resulted in the premature discarding of antiaircraft guns. Reappraisal has resulted in redeployment of "antiquated" antiaircraft guns and the recent development of the Vulcan antiaircraft gun system.

As a result of the air-to-air missile, the conventional gun was left off the early Air Force F–4. The Air Force soon discovered that a conventional gun was required after initial combat experience in Vietnam.

Mr. President, the lesson to be learned here is that the actual combat requirements for the machines of war are not as clear cut as the statistics of missile reliability or the probability of hitting a target on the test range. If they were, man would have been ruled from the battlefield long ago by the very efficient rifle bullet.

Is the tank an obsolete weapon system? Germany, France, Japan, Sweden, Switzerland, England, and Russia are producing tanks now. Germany, Japan, England have new tanks in development. There is also good evidence that the Soviets are also developing a new tank. The evidence certainly suggests that other nations do not share the opinion that tanks are obsolete.

In modern warfare, second best is tantamount to failure—failure is paid in men's lives. If we are going to have an effective military organization than we owe them first-rate weapon systems. We must give the military the opportunity to develop and test these systems.

A vote for the pending amendment denies that opportunity. I urge the Senate to support the committee recommendation for continued development of the XM–803 new Army tank.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BENTSEN). Four minutes remain to the Senator from Mississippi.

Mr. STENNIS. I thank the Chair. I yield back my 4 minutes and yield 20 minutes to the distinguished Senator from South Carolina (Mr. THURMOND), a man who is highly qualified to speak on this subject.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 20 minutes.

Mr. THURMOND. Mr. President, the U.S. Army needs a new tank for the late 1970's and the 1980's. If the pending amendment is approved by the Senate, the Army's tank development program will in effect be killed. The result will be that the little man in the military services, the foot soldier with mud on his boots, will be denied a key element in the ground arsenal necessary for success on the battlefield.

Some of the opponents of the Army's tank program simply believe that tanks are no longer needed. The argument that tanks are obsolete was heard after World War I, World War II and Korea. In each of these wars, tanks played crucial roles in ground combat where the outcome is eventually decided.

Today all major powers are producing or developing new tanks. All evidence refutes the theory that tanks will not be needed in future conflicts. Some seem to forget that modern warfare is still conventional warfare, and will remain conventional warfare until someone punches the nuclear button. I hope none of us or our children live to see that day.

However, the weakness of the argument that tanks are obsolete is demonstrated by the fact that none of its critics has the audacity to attack the U.S. tank program on those grounds. Rather the critics say it is too complex, too costly, too heavy, and so forth.

Mr. President, it will be my purpose today to briefly trace the tank development program and answer the criticisms leveled against it.

DEVELOPMENT HISTORY

In 1964 the Defense Department initiated with the Federal Republic of Germany a joint tank development effort. It was believed that if the two nations pooled their expertise and resources, an optimum NATO main battle tank could be produced.

The United States had seen their tank gun projectiles bounce off the sides of German tanks in World War II. We knew the Germans had experience in building good tanks. The Germans saw us as a leading industrial power with a vast amount of manufacturing know-how. It seemed to be the ideal union, and the Congress sanctioned and funded this joint effort to build a tank to be known as the MBT-70.

By 1969, however, it became evident to both parties for a variety of reasons that national interests would be better served by a cooperative program of sharing information rather than by a jointly funded and staffed effort. Accordingly, in January 1970, the two governments agreed to break off the joint development. The MBT-70, although basically promising at that point in time, contained both German and U.S. components. The engine, for example, was German with metric dimensions. It was, therefore, necessary for the United States to realine the configuration of the MBT-70 to facilitate unilateral development and production.

Also, due in part to congressional concern, Deputy Secretary of Defense David Packard took personal charge of the task program. The hardware unit cost of the MBT-70 was approaching $850,000 and Secretary Packard ordered that the tank project managers make design and other changes necessary to bring that price down to around $600,000.

These design changes not only made the hardware unit cost less but removed some of the more complex features of the joint development tank. The result was the XM-803 which essentially retains the combat effectiveness of the joint tank but is substantially less in cost.

Last year the Army laid out to the Congress the new XM-803 program and received approval from both the House and Senate to go ahead. Since that time the cost has been held in check excepting inflation and the Army has moved forward in building the best combat tank in the world.

CURRENT FUNDING REQUESTS

This year the Army requested $86.3 million for production engineering and research and development. However, the House approved only the $27.5 million for research and development and suggested this money be spent in developing antitank weapons.

The Senate Armed Services Committee approved funding of $62.8 million for research and development. This permits the Army to go ahead in building prototypes of XM-803 for testing and evaluation with the final production decision to be made in the future.

Mr. President, the pending amendment, offered by the distinguished Senator from Missouri (Mr. EAGLETON)—for whom I hold the highest esteem—would cut the tank funding back from the Senate level of $62.8 million to the House level of $27.5. The Army advises that this would in effect kill the program and some $293 million spent in prior development over the past few years would be wasted.

I repeat, $293 million spent in prior development would be wasted.

The House also suggested that the $27.5 million be applied toward development of antitank weapons rather than a new main battle tank. In my opinion, this would be a grave mistake. The Army thinks this would be a grave mistake.

We not only need a new main battle tank for the future, but do not need any more antitank weapons.

U.S. ANTITANK WEAPONS

The Senate should realize that in facing the 2 to 1 Warsaw Pact tank superiority in NATO, the services tried to help meet this threat with more and better antitank weapons.

Thus, in the past decade the United States built a family of antitank weapons. For the individual rifleman the LAW—light antitank weapon—was developed and is in the hand of our troops. This was complemented by the Dragon, a heavier antitank weapon. On top of these two we have the TOW and the Shillelagh, both effective antitank guided missiles. The TOW is a heavy wire guided anti-tank missile to be used by infantry troops and deployed on the Cheyenne helicopter while the Shillelagh is presently on the Sheridan light armed vehicle and will be on the XM-803. It is an infrared guided missile.

With this background, Mr. President, I would now like to address some of the questions raised by the critics of the program as well as offer additional data. These remarks can be divided as follows: Advantages of XM-803, costs, threat, and role of the tank in modern warfare.

ADVANTAGE OF THE XM-803

The new XM-803 is first of all an entirely new tank, not a product improvement such as currently offered in the M-60A1 and the M-60A1E2.

The M-60A1 is an excellent tank. However, it's development was based on technology of the 1950's and evolved from the M-48 tank of post-Korea. The E-2 is merely the M-60A1 with the new missile gun system. Development of the E-2 has been slow because it is a product improvement and it is difficult to mate a new turret and gun system to an old tank body. The XM-803 is a new system from the ground up. It has many advantages over the current tanks in the U.S. Army. First, it carries a combination launcher/gun which fires the Shillelagh missile plus conventional tube ammunition including a potent new high velocity, kinetic energy round.

Second, the XM-803 will have spaced armor—two plates of armor with space in between. This permits much greater crew protection than the M-60 tanks without a large increase in weight.

Next, the new main battle tank will have a more modern suspension system and more powerful engine allowing it to move half again as fast as the M60 over rough terrain. This agility is very important for a tank in order to give it shock effect by allowing it to move very rapidly into and over an enemy position. Agility also makes the tank much less vulnerable to enemy fire.

Another feature is the automatic loader which reduces the crew from four to three. This has the advantages of exposing fewer men to combat plus ease in handling ammunition and missiles on the move during a fire fight. The crew reduction also provides a significant personnel cost savings.

There are many other features such as a lower silhouette. One can stand on a bread box and see over the top of the XM-803 while it would be necessary to stand on a 4- or 5-foot ladder to see over the M-60's.

The XM-803 also has a new turret stabilization feature which gives it the capability to shoot with great accuracy while moving. The M-60A1 tank has some shoot-on-move capability, but the XM-803 stabilization is a more advanced system providing greater accuracy today. This new tank also has greater riverfording capability and more protection against nuclear radiation which might be found on tomorrow's battlefield.

One final key advantage the XM-803 has over the M-60 series is its capacity for growth. The M-60's have had new parts added to improve them but the Army needs a new tank for the 1980's which has real potential for growth as conventional warfare witnesses the advent of more modern weapon systems.

COSTS

The opponents say the cost of the tank has doubled since 1969. This is simply not true. The $1.1 million figure being used embraces a 5-percent annual inflation factor through the early 1980's. No other weapon system program has been figured on this basis to my knowledge. Normally a 2-percent inflation factor is used by the Department of Defense on defense programs.

Under the personal direction of the Deputy Secretary of Defense, the design of the tank was carefully revised to delete any features not essential to combat effectiveness, and in the process the average unit hardware cost of the tank is now expected to be about $600,000 in fiscal year 1970 dollars. The old MBT-70 had gone up to some $850,000 unit hardware cost.

Of course, hardware costs are not all that is involved in such a program. Over $130 million was spent while we were participating with the Germans. When you add to this the cost of spare parts for initial support of the tank, the transportation funds required to send it to units, money required for trainers and ammunition, and other miscellaneous expenses plus a high rate of inflation over the life of the program, the $600 thousand price for the basic tank mushrooms.

Compared to the XM-803's predecessor, first built over 10 years ago, less effective by a factor of 3 or 4 to 1 and costing about half as much, the XM-803's final cost will not be unreasonable.

Looked at another way, a fighter aircraft in World War II cost $53,000. Today it costs $12 million, a cost increase factor of 226. A submarine cost $5 million then. Today it costs $170 million—a factor of 34. In similar fashion, the cost for bombers is 39 times the World War II price and Navy destroyers are 14 times more expensive. Yet the tank, whose capabilities have grown proportionably, now costs only nine times more than its counterpart in World War II. The cold, hard fact is that the costs of maintaining preparedness are high and we should willingly bear them, considering the returns in freedom which result.

THE THREAT

It is clear that the ground forces of the Warsaw Pact countries rely heavily on the shock of a tank attack. The main forces of NATO are positioned in corridors where such an attack is most likely to occur.

Nearly all Soviet ground divisions are tank or mechanized divisions. The United States has a number of pure infantry divisions, but the Soviets have traditionally depended on armor. They emphasize the use of highly mobile forces at all echelons, placing hardhitting armored units in the first waves of attack and then keep the pressure on with mechanized infantry.

While the Warsaw Pact has a more than 2 to 1 tank advantage the United States and its NATO allies hope to meet this threat with a better tank and a strong arsenal of antitank weapons.

There is sound evidence the Soviet Union may have a better tank in the offing than its T–62. There is no doubt in my mind that with ground forces built around the concept of armor the Soviets will eventually field a newer and better tank.

In the past the Soviets have used tanks to put down uprisings in the East European satellite nations. This was the case in Hungary and Czechoslovakia. It was just a few years ago that Soviet tanks rolled into Czechoslovakia to stiffle moves by the government and the people to ease away from the control of Moscow.

TANK IN MODERN WARFARE

Theories questioning the role of the tank in future years are really behind the effort to kill the U.S. tank development program. The man in uniform who has to bear the dangers of ground combat has no doubts about the usefulness of tanks. Those who do question the role of the tank for the future obviously do not understand the elements of ground warfare.

The tank is the only system on the battlefield which combines mobile lethal long-range firepower and heavy armor protection. This enables it to move about the battlefield with relative immunity to enemy weapons including small arms, automatic weapons, artillery fragments and even heavier direct fire.

It is also the most effective system to deliver heavy direct firepower while closing rapidly with the enemy or when there is a need to eject him from fortified positions. In the defensive role, the tank's accurate long-range protective fire makes it very attractive for covering forces which are forward of the main battle position.

Recent advances in technology point to a future battlefield characterized by fluid and highly mobile operations. The threat of nuclear weapons will require wider dispersion of units and therefore the need for more mobility. The faster and more lethal XM–803 will be needed on this type of battlefield. Its armor plate gives some protection against nuclear blast, heat, and radiation. Its speed enables it to quickly cross contaminated areas.

The tank is essential if the man on the ground is to gain or hold ground. We must not forget it is the foot slogger who has the toughest job in any war. He takes the most casualties and deserves the best weapon systems we can build.

CONCLUSION

The role of tanks is clearly seen not only by the Soviets but by our allies. The Germans continue to develop the Leopard II, a parallel program to the XM–803. The Japanese are also developing and testing a new main battle tank. The British, French, Swiss, Swedes, and others are producing or employing tanks in their military forces.

It is true new antitank weapons place another dimension on tank warfare. However, ground-to-air and air-to-air missiles have altered concepts in close air support, but no one is ready to stop using planes just because they can be knocked out of the skies easier. No weapon system is invulnerable. One thing we cannot afford is to commit American soldiers to ground combat without every advantage we can give them. The tank is one key advantage needed to fight effectively in ground battles of the future.

Finally, Mr. President, I wish to make it clear the question in issue today is continued development of a new tank and not production of the XM–803. The production decision will be made later and will depend upon the results of continued development and testing. The $62.8 million in this bill will go toward building six XM–803 prototypes and conversion of two old MBT–70's.

It would be foolish to go through 60 percent of a tank development program and then end it. This amendment would do just that. The foot soldier badly needs new weapon systems like the XM–803 and the Cheyenne helicopter. I urge my colleagues to reject the pending amendment so that we will not be faced with commiting our men to a battlefield with weapon systems that do not represent the best technology of the day.

Mr. President, I have a letter from General Westmoreland, Chief of Staff of the Army. I want to read just an excerpt here from his letter. The letter reads in part:

> As you know, even now we and our allies are seriously outnumbered by Warsaw Pact forces in both manpower and equipment. Warsaw Pact doctrine emphasizes the violent employment of massive forces that are strong in armor. Across the border in Western Europe, we and our NATO allies face a force possessing at least twice as many tanks as we have. Although we have never tried to achieve a one-to-one parity in equipment, we have maintained parity based on our having a better quality force. This posture has kept the peace, albeit an uneasy one at times, for some 25 years. The Army part of this force, however, depends entirely on the strength of the soldier and his weapons of war, and one of his most important weapons is now, and will continue to be, the tank.

I read further from the letter of General Westmoreland:

> Our current tank, the M60A1, was outstanding in the latter part of the 1950's, when it was developed—today it is still good. But it could be disastrous to believe that a tank which basically represents the technology of the 1950's could serve as the mainstay of our armored forces in the 1980's. This is especially true since the Soviets and others continue to improve the quality of their tank fleets.

Mr. President, I ask unanimous consent that the letter from General Westmoreland to which I have referred be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, I also have a letter that is addressed to the Senator from Mississippi (Mr. STENNIS), the chairman of the Armed Services Committee, from Mr. Packard.

I will read excerpts from that letter. This letter reads in part:

> These funds are needed to continue the fabrication of six pilot model tanks to test and evaluate the changes which have been made in the tank since the termination of the Joint US/German program. It is very important to continue this development program and to thoroughly test these pilot tanks. I am very anxious to keep this program on a "fly before buy" basis. Fabrication of these pilot tanks will not imply a commitment to production. It does, however, preserve the option to procure a Main Battle Tank capable of meeting our national defense requirements in the late 1970s and the 1980s. Failure to provide $59.1 M in FY 72 for the pilot models will delay completion of the development by a year and a half and substantially increase the cost of development and of production should we execute that option. I am confident that the transfer of these funds from PEMA to RDT & E will not jeopardize this essential Army program and should remove the House Armed Services Committee's concern about a commitment to production before the completion of testing

Mr. STENNIS. Mr. President, how much time does the Senator from South Carolina have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. STENNIS. Mr. President, I am glad to yield the Senator from South Carolina an additional 5 minutes if he desires.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the letter from Mr. Packard to which I have just referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. Mr. President, the amendment of the distinguished Senator from Missouri would cut $35.3 million from the bill. It leaves $27.5 million. The committee recommends $62.8 million.

Mr. President, the $27.5 million will not be sufficient to support a logical sequential development program at this time for a number of reasons. I am going to mention here a few of them.

First. All planned fiscal year 1972 component procurement for continued fabrication of second generation prototypes—to be used in engineering and service testing—would have to be canceled.

Second. A development program

stretchout of a year and a half would result due to disruption of first long-leadtime component procurement, second, subcontractor negotiations, third make or buy determinations and fourth follow-up action to correct deficiencies.

Third. Climate and qualification testing of prototype components would have to be deferred.

Fourth. Reliability and maintainability programs could not be conducted.

Fifth. Additional contractor personnel would have to be discharged with commensurate loss of expertise to the program. A time consuming and costly personnel training program would then have to be initiated if full funding were restored to recoup the skill and integrity of the development contractor's team.

Sixth. The current concept of an integrated systems approach by the contractor would have to be abandoned in favor of a piecemeal effort which would parcel out work projects on an as-can basis and would be limited primarily to a component development program.

These are just some of the reasons why the amendment should be rejected.

If the United States is to have a small Army, its men will need the most modern tank we can build. That is the way we seem to be headed now—toward a small Army, and perhaps a volunteer Army.

There will also be a 25-percent personnel saving in the XM–803 as it permits a 3-man crew rather than the present 4-man crew.

Faced with a 2-to-1 tank advantage held by the Soviets in the Warsaw Pact, the U.S. tank of the future must be a quality vehicle.

When one gives up quantity for quality, costs are naturally higher. While the current M–60 series of U.S. tanks are good ones, this tank represents technology of the 1950's. We can build a better tank for the 1980's. Thus, it would be foolish to throw away the research and development effort, consisting of hundreds of millions of dollars, almost $300 million so far, and have to start over at a later date.

There is no question we will have to have a tank for these men fighting on the ground. Mr. President, can you imagine men going out on the battlefield today without a tank, without the most modern tank we can give them? Why would we want to handicap these men fighting for our country and fighting for freedom? Why not give them the best tank possible?

Some may say we have good tanks. Yes, the M–60 is a good tank, but we are looking now toward tanks for the 1970's and the 1980's. Who says we need it? The men who fight on the battlefield said we need it; the Chief of Staff of the U.S. Army, who is responsible for the programs of the Army, said we need it. The second highest ranking man in the Department of Defense who has charge of all research and development and determining which weapons to go forward with is scrutinizing these matters carefully, and he said:

> I am not ready yet to produce this tank but I am ready to go forward and do the research and development on it, and if it proves all right, we want to give these men this tank.

That is what Mr. Packard said, in effect.

The tank is the primary offensive weapon in the Army ground role. If the foot soldier does not have a modern tank, his life will be in greater jeopardy as he crosses the battlefield toward the enemy.

Mr. President, there is no question who suffers in time of war. Take the war in Vietnam. I say this and at the same time I commend the Navy, the Air Force, the Army, and all of our services for what they have done. But who is the man subject to the real hazards, who is the man whose life is mostly in danger? I say it is the man on the ground. Why do I say that? I say that because the record shows the Air Force has lost about 900 men in Vietnam, the Navy has lost about 1,400 men in Vietnam, but how many men have the ground forces—the Army and Marines—lost? They have lost 45,514 men. In other words, the big part of the war in Vietnam, just like the brunt in every other war we have ever fought, has been sustained by the ground soldier; as the distinguished chairman said, the man with mud on his boots. He is the one who had to bear the brunt of battle, and I say he is entitled to the very best we can give him.

He said he needs this tank. The Army said that he needs this tank. The Department of Defense said he needs this tank. I do not believe the Senate is going to deny our ground forces, who are going to have to fight to save this country and fight to defend freedom, a modern tank such as we need.

EXHIBIT 1

UNITED STATES ARMY,
THE CHIEF OF STAFF,
September 29, 1971.

DEAR SENATOR THURMOND: I have been informed of the imminent floor action on an amendment to the FY 1972 Authorization Bill that will seriously affect our XM803 main battle tank program by reducing the funds for this development program from the $62.8 million for research, development, test, and evaluation recommended by the Senate Armed Services Committee to the $27.5 million approved by the House. If Senate action were to agree with the House bill and authorize only $27.5 million for FY 1972, the impact would in all probability force termination of the XM803 program. On the other hand, provision of the $62.8 million will permit the Army to proceed with a sound, logical program of development. Specifically, it will provide for the fabrication of six pilot models, now only partially complete, and for the early initiation of testing. Authorization of fewer funds will cause the program to stretch out further, with a consequent increase in development costs.

As you know, even now we and our allies are seriously outnumbered by Warsaw Pact forces in both manpower and equipment. Warsaw Pact doctrine emphasizes the violent employment of massive forces that are strong in armor. Across the border in Western Europe, we and our NATO allies face a force possessing at least twice as many tanks as we have. Although we have never tried to achieve a one-to-one parity in equipment, we have maintained parity based on our having a better quality force. This posture has kept the peace, albeit an uneasy one at times, for some 25 years. The Army part of this force, however, depends entirely on the strength of the soldier and his weapons of war, and one of his most important weapons is now, and will continue to be, the tank.

We are looking to the end of this and the coming decade. Our current tank, the M60A1, was outstanding in the latter part of the 1950's, when it was developed—today it is still good. But it could be disastrous to believe that a tank which basically represents the technology of the 1950's could serve as the mainstay of our armored forces in the 1980's. This is especially true since the Soviets and others continue to improve the quality of their tank fleets.

We do not need a cheap tank or an old tank for our soldiers; we need a good tank—one built with today's technology. I believe that we must sustain the momentum of our current XM803 program to continue fabrication of second generation prototypes and test them thoroughly. Such action will at least preserve the production option for this tank that I consider so vital to our national security.

I request your support, and that of your colleagues, for this important program.

Sincerely,

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.

EXHIBIT 2

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., May 28, 1971.

Honorable JOHN C. STENNIS,
Chairman, Committee on Armed Services,
United States Senate

DEAR MR. CHAIRMAN: In their review of the Army FY 72 Authorization Request, the House Armed Services Committee approved the Army's request for $27.5M in RDT&E for the Main Battle Tank but denied $59.1M in PEMA for the Main Battle Tank. The House Armed Services Committee deleted the PEMA funds because the Committee felt inclusion in the PEMA account would constitute a commitment to fund the entire Main Battle Tank Program. I completely agree that there should be no commitment to procurement of the Main Battle Tank at this time.

I believe it is appropriate to include the request for the $59.1M in the Army FY 72 RDT&E program for the Main Battle Tank. These funds are needed to continue the fabrication of six pilot model tanks to test and evaluate the changes which have been made in the tank since the termination of the Joint US/German program. It is very important to continue this development program and to thoroughly test these pilot tanks. I am very anxious to keep this program on a "fly before buy" basis. Fabrication of these pilot tanks will not imply a commitment to production. It does, however, preserve the option to procure a Main Battle Tank capable of meeting our national defense requirements in the late 1970s and the 1980s. Failure to provide $59.1M in FY 72 for the pilot models will delay completion of the development by a year and a half and substantially increase the cost of development and of production should we execute that option. I am confident that the transfer of these funds from PEMA to RDT&E will not jeopardize this essential Army program and should remove the House Armed Services Committee's concern about a commitment to production before the completion of testing.

Sincerely,

DAVID PACKARD.

Mr. STENNIS. Mr. President, I highly commend the Senator's speech. I wish every Senator could have heard what he said.

I yield 5 minutes to the Senator from New York.

Mr. BUCKLEY. Mr. President, the annual Defense procurement authorization bill has, in recent years, become a test of wills between those who are willing to take real risks with the security of the United States, and those who are not. I place myself squarely in the latter group. Once again, we are hearing the same old complaint from the antidefense bloc—"Let us save money by not improving our military forces in the hope that any potential adversary in some future military conflict would not seek to field better and more advanced military equipment than our own." Following both World War I and World War II, the United States allowed our military forces and equipment to run down to such an extent that thousands of lives were unnecessarily lost at the outbreak of subsequent conflicts.

In today's world, Mr. President, we can no longer afford the luxury—if we ever could—to await the outbreak of hostilities before modernizing our forces. We must have the tools always at hand with which to meet our security needs. Yet today, we are being asked to take a calculated risk with that security by reducing the $80-odd million recommended by the Senate Armed Services Committee for an improved main battle tank known as the XM-803, to $27 million. This amendment is offered despite the fact that such a drastically reduced authorization would effectively terminate the program.

There are several reasons, I believe, why the Senate should vigorously uphold the committee's judgment on the funding of the XM-803 prototype program.

The first concerns itself with the future requirements of American military forces. The United States is heading into an era of a smaller level of Armed Forces than we have had in recent years because of the President's commitment to the volunteer army concept. While our forces are destined to be smaller, our firm mutual security commitments to 41 nations remain unchanged. These commitments are made—not for altruistic reasons—but because our own security is inseparable from that of our allies. If our forces decline in size while our commitments remain unchanged, it is self-evident that the individual soldier must become more "productive" if our forces are to remain competitive and viable. In military operations, becoming more "productive" means increasing individual and unit firepower and mobility. Simply stated, this means having more technically superior hardware with superior performance to compensate for the stark quantitative advantage our potential adversaries have in manpower and equipment.

The 1970–71 edition of the authoritative, Military Balance, published by the Institute for Strategic Studies in London states that the Warsaw Pact nations possess over 14,000 main battle tanks in the Northern and Central sectors of Europe, while the NATO forces including the U.S. contribution have only 5,500 main battle tanks in the same area. In Southern Europe, the Warsaw Pact has 5,000 main battle tanks, while the NATO forces including the United States can muster only 2,100 tanks.

The United States must maintain a clear technological advantage in its equipment—including tanks—if the support of our NATO commitment is to retain any credibility. Our present main battle tank, the M–60 series, is a superior tank for its generation, having been designed in the mid-1950's. By the time the XM–803 can be deployed, the technology of the M–60 series tank will be over two decades old. Moreover, the M–60 series went into service on the assumption that the United States would continue to maintain a large standing army such that we could afford to compete on something like a tank-for-tank basis with the Soviet bloc nations. While this rationale was sound in the 1960's, it is most unlikely to be true in the 1980's when the XM–803 would be fully deployed.

If we do not deploy the most modern and effective tank we can reasonably afford, the only alternative is to substitute more troops in place of technologically superior equipment. The anticipated higher cost of the XM–803 is more than offset by the fact that the manpower requirements for the tank have been reduced by 25 percent from the requirements for the M–60 series, while the effectiveness against all ground targets is far superior to that which any plausible modification to the M–60 series is capable.

Finally, Mr. President, we must take into account the changing strategic environment. The strategic nuclear forces of the Soviet Union have been increased dramatically in the past few years. While I believe we are already taking dangerous risks with our own security by not taking adequate steps to improve our own strategic forces, it would be the height of folly to cut our potential war strength at this time. With the Soviet Union on the verge of completely nullifying our strategic nuclear advantage, our best hope of deterring Soviet military adventures in the future would be to possess a highly capable conventional military capability. A central element of such a capabality, is of course, tanks.

We can no longer afford the cavalier attitude toward national defense that we have seen in recent years. We have gone dangerously far down the road of taking imprudent risks with our national security. I urge the rejection of the amendment offered by the distinguished Senator from Missouri.

Mr. EAGLETON. Mr. President, I yield 5 minutes to the distinguished junior Senator from Illinois.

Mr. STEVENSON. Mr. President, I thank the distinguished Senator from Missouri for yielding.

I commend the Senator for raising this issue in the Senate. Some day we are going to wake up in this Nation and realize that power and money cannot always be equated. We tend to think that by spending more money we inevitably acquire more power. Some day we are going to learn that money spent in the name of national security buys national insecurity. Money spent on weapons systems, in this case a tank, is money added to the burden of the taxpayers; it is money which might have built schools and made the Nation strong.

Some say with a considerable degree of alarm that the Soviets are catching up, but if money buys power we might ask ourselves how it is that the Soviet Union can, if it is true, catch up by spending so much money less than we spend on weapons?

The answer is that they spend, as do most nations in the world, carefully. It is not squandered on platinum-plated gadgets which profit no one except those who make them and those who sell them. This tank is a classic example. It is more platinum-plated gadgetry which no nation on earth would squander money on except perhaps our own.

I say that not as an armchair soldier, not as a general in the Pentagon, not as one who is unsympathetic to the welfare of our men in the field or to the realities and necessities of our national defense. I do say that, Mr. President, as a former Marine Corps tank commander. We do not need this tank. The men in the field do not need this tank. More tanks, perhaps; good, lean, serviceable equipment, yes; but not this tank.

I thank the Senator from Missouri again for yielding.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Who yields time?

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

Repeating for just a moment, this tank has had a long, hard journey—I think primarily because it got off into a venture with West Germany. There was a joint agreement, but it was on paper and, when it got down to making the tank, they could not agree enough on the details or on the basic structure of it, and we just lost time.

As I said a few moments ago, I have objected to that delay for years. When we finally put it in Mr. Packard's lap, we asked him to take it under his wing and see what was the matter, and particularly to look into the joint-venture part to see whether or not he recommended going that way or changing and going it alone.

In the meantime, to show my interest in this matter—and it is not recent—in 1968, when this matter was still brewing and, before Mr. Packard came into it, I was in Western Europe. One of my purposes was to go out with the troops. I gave special attention to the eastern side of what is called Western Europe now, out in the field. I am not an expert in these matters, but I wanted to get the feel of it and see what the GI's said. These are the men who have mud on their boots, as the Senator from South Carolina referred to them. I found there a man who, in my concept, is just about everything that an Army colonel ought to be or could be. His name was Baltes. He did not know anything particularly about the planned concept of the tank, but he knew tanks. I went over all that with him. We went over to where the German units were.

After forming this fine opinion of him, I felt I might ask him to come to testify as a witness before our committee. Later I did ask if they would let him come. I did not know what he was going to say. I talked to him a little. There were members on that committee who were opposed to the tank. We got him to go out and look at the tank progress that had been made up to that time. The Senator from Arizona (Mr. GOLDWATER) was concerned about this matter and expressed that concern to me. I told him to talk to Colonel Baltes. The man was so clear and explicit and showed he knew what he was talking about to such a degree that the Senator from Arizona has never had any doubt about it since then. Our whole committee was in agreement. They felt a great sense of debt to this man.

So we took Mr. Packard's recommendation that it not be a joint venture and asked him to keep it under his guidance.

By the way, the Senator from Missouri had asked that the General Accounting Office go into this matter, and it did, with some profit to all of us.

Now we have it back here, where there is just a slight difference of opinion as to the purposes of and the amount of money that we should put into the bill. We all agree that there is no production matter involved here. The money for production is not in the bill. That road will be crossed later.

The $27.5 million in the amendment provides, in its language, as I said before, for use with respect to the tank in question. The only difference in our bill is that a different amount is to be used for research and development. We expressly put it into the research and development part of the bill—research and development and further prototype production. We stripped the program down to that, and I do not see how we can afford to abandon it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 2 additional minutes.

I do not see how we can afford to abandon this whole concept right in the middle of the stream when we need to know more through research and development.

Next year perhaps will be the time when the real issue will come, or it may be the year after that. I do not know which one. But some time soon we are going to have to really decide the question of production, or procurement, as we say. That will be the occasion when we really have to make the basic decision.

I do not think anyone knows exactly what is needed on any of these weapons. There are pros and cons about all of them. But those who are out there where the battle will be if there is one—and we all pray there will not be one—think this tank is necessary. Those who are in responsible positions, like the heads in the Army, the Chief of Staff, and others, think it is a necessary step for the future.

When a small amount of money is involved, and the amendment to the committee bill has money in it for prototype research, I urge the membership here, let us not just go over the deep end. Let us decide whatever doubt there is in favor of having the best and make the basic production decision later.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STENNIS. I yield myself 1 additional minute.

We expressly told the committee that we are going to provide that no money can be committed in any way for production or procurement; that this is purely research and development.

I do not know of any urgent reason why we should just jump up and go overboard and say that this must be stopped now, in a matter of just a few hours or a few days. I hope the Senate will not be so abrupt, so extreme, and so demanding, if I may use that term.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I would like, if I may, to respond to some of the observations and arguments as they have been set forth by the chairman of the Armed Services Committee (Mr. STENNIS), the distinguished Senator from South Carolina (Mr. THURMOND), and the distinguished Senator from Arizona (Mr. GOLDWATER).

First, Mr. President, with respect to the amendment itself, I misspoke in my earlier colloquy with the Senator from Mississippi. The language that is comprised in section 203 was not, Mr. President, in the House bill. The dollar amount in this amendment is identical to the dollar amount approved by the House of Representatives, $27.5 million.

What we do by section 203, which was drafted by legislative counsel, is say: "Not withstanding any other provision of law, not more than $27.5 million" and so on. The intention of this amendment is to allow the Army to spend a penny, or two pennies; $1,000 or $1 million; up to $27.5 million. They do not have to spend a dime, but they can spend "not more" than $27.5 million. The intention of this amendment is to allow them to spend this $27.5 million on combined R. & D. research, applying the technology of the MBT–70, trying to readapt it and reapply it to the M–60, the M–60A1, and the M–60A1E2.

Our purpose was to give the Department of Defense the maximum flexibility, the maximum latitude as to how they spend the House figure of $27.5 million on tank research, including further research on the MBT–70 if they so desire, but "not more" than $27.5 million.

Mr. STENNIS. Mr. President, will the Senator yield briefly at that point?

Mr. EAGLETON. I yield.

Mr. STENNIS. Every item in the bill has that same provision. Not a single one says they shall use that much money here; they just may use these sums that are all the way through the bill, on planes and everything. This is the ordinary way. Anywhere from a penny to $27 million. But it is on the MBT–70.

Mr. EAGLETON. Right. But that section 203 would not prevent them from spending the $27.5 million authorized on lines 1 and 2 of the same amendment for other tank development. And R. & D. on the MBT–70 type may be applied to the M–60A1 or the M–60A1E2. But we are back to the House figure, and in the opinion of the Legislative Counsel, this is the way of giving maximum flexibility to the Department of Defense authorization.

Mr. President, much has been said as to this being an austere program, this being a new austere tank. I most sincerely—and I mean this—pay tribute to the chairman of the committee. I think this program, when we first started to look at it on the Senate floor back in 1969, was in utter chaos and a complete shambles. I do think the chairman of the Committee on Armed Services has—as he pointed out, he had conversations with Deputy Secretary of Defense Packard, and other members of his committee who had an interest in this program also—succeeded in restoring some semblance of order to the program. Some attempt has been made to keep it within line.

However, it is still not "austere," Mr. President. It is not austere even according to the Senate Armed Services Committee's own committee report. On page 37 of its report, the committee says this:

> The committee believes that everyone should understand that, while the $600,000 basic hardware cost is accurate, the most realistic "all up" tank cost is $1.1 million each.

This program, Mr. President, began as a rather modest venture back in 1963. It was a joint venture with the Federal Republic of Germany. In the intervening years, it has gotten fat and costly, and I think the committee was commendable in its complete frankness in pointing out, on page 37 of the report, that the new per tank cost is $1.1 million each.

This is not an "austere" tank.

Next, Mr. President, I should like to make some observations with respect to the remarks of the Senator from South Carolina (Mr. THURMOND). I always appreciate hearing the Senator from South Carolina. He is an eloquent speaker and believes very deeply in the causes which he espouses. And he is an immensely articulate spokesman.

But I think, Mr. President, in all candor, he has overdone it this time. If we believe the Senator from South Carolina, we must picture a poor American soldier, shoeless, up to his hips in mud in some trench in Western Europe, wearing tattered Bermuda shorts, armed with a slingshot or, if he is lucky, a bow and arrow. We must picture this Congress sending these fine, young, patriotic American boys over to Europe with a couple of rocks and a peashooter, to stand almost nude in the trenches to face huge tanks coming down the main highways and over the fields from East Germany and Poland, or wherever the invading hoards might be coming from. Our enemies will pulverize these helpless young men, we are asked to believe.

That is not the true picture at all, Mr. President. The picture is that we have an excellent tank, the best in Western Europe. So says the House Armed Services Committee; so says anyone who has analyzed it. The M–60A1 and the M–60A1E2 are the best now available, but we, and we alone, are going to go ahead with a new tank program, into a heavy tank.

It is pointed out in the House Armed Services Committee report that both in the Soviet Union and the Federal Republic of Germany, development is going forward in the field of light antitank weapons.

Here is what the House committee says:

> In this connection, the Committee notes that both Russia and Germany appear to have recognized the diminishing utility of

> the heavy tanks and are placing more and more emphasis on light, hard-hitting, antitank vehicles and weapons. Although the USSR will probably continue to use its medium tank, its heavy tank is no longer in production and is being gradually phased out of inventory.

The committee continues:

> In any event, the U.S. M60A1 and the M60A1E2 are qualitatively equal to or better than any USSR tank now in the field or anticipated in the foreseeable future.

Mr. President, these are not the words of a group devoted to unilateral disarmament. These are not pious Quakers sitting out in front of the White House, discussing the future defense of the United States. This is a pretty hard-nosed group, the House Armed Services Committee. No one has ever accused Representative Hébert of being soft on weapons, soft on weaponry, or soft on military preparedness. And this is what Representative Hébert's committee has to say about the tank and about the future of the tank.

Mr. President, why do we always have to be building blockbusters? For example, we are the only ones in the world building aircraft carriers—not that that is a part of this debate, though it might be one day. We continue to build more and more aircraft carriers. I think Australia may have built one a year or two ago. The only thing they are using theirs for is to ram our destroyers in the South Pacific. But we continue to build—seemingly we have to build bigger and bigger aircraft carriers, and bigger and bigger tanks, whether they are needed or useful or not. Everyone else is building light tanks, including our NATO allies.

We are bankrolling NATO. We are building the MBT–70 solely for NATO; it will not go in the rice paddies of South Vietnam. It would have the same problems over there that the Sheridan did. It is a NATO tank.

And what about our NATO allies? Does Germany want the MBT–70? No. Does Belgium want the MBT–70? No. Do any of our NATO partners want the MBT–70? No. The kind of tanks they are interested in are light, mobile tanks, the kind the Germans are developing, the kind that we should continue to develop.

It is not a question, Mr. President, of all or nothing. It is not a question of the MBT–70 or a seminude soldier in the mud trenches of Western Europe.

It is a question of what kind of weapon. Just as we do not need overkill in other senses of the weapons systems, we do not need overkill in tanks.

Mr. President, I have said about all I can say and intend to say on this subject, and I should like to close with the words of the Senate Armed Services Committee itself. Because I believe that in their admonition, as found on pages 18 and 19 of their own report accompanying this bill, they have eloquently stated the dilemma that we face in the development and procurement of modern weapons systems like the MBT–70. The Senate Armed Services Committee report states:

> Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity.
>
> * * * * *
>
> At the present time, Department of Defense development procedures are so structured that in each area there is only a single weapon system available to modernize the forces—and this system is often a very costly one. This means that Congress is faced with the decision of approving the procurement of that system or denying modern weapons to our armed forces.

These are not my words, Mr. President, although I wish they were. I wish I could have written and articulated it as well and as fully as the Armed Services Committee has. This is the gospel. This should be the gospel.

As the Senator from Mississippi has pointed out, the amount under consideration in this amendment, $35.3 million is a pittance in the scheme of Federal spending. I realize that. That is about what the Department of Defense spends on paper clips each day. It is nothing in terms of dollars. It is infinitesimal in terms of the Federal budget.

But what this program eventually means, as we proceed with it, is that each year we are getting closer and closer to the point of no return—as is pointed out in this admonition—because in 1974 or 1975 we are going to be at the point of decision without options. The M–60A1 is scheduled to go out of production. Then we will be faced with the blunt, brutal decision of going ahead with production on the MBT–70 or denying modern weapons to the Armed Forces.

In my opinion, the Pentagon is putting us in the unenviable position of deciding between all or nothing. Before we get to the point of no return, where we have no alternative but to go ahead with this blockbuster of tanks—the one that no one else on earth but us would ever consider—let us stop and think. That is all this amendment causes us to do. It says, "Stop and think. Where are we now and what do we need now and in the future?" We need the M–60A, and we can borrow from the sophisticated technology that has been developed as part of the MBT–70 program.

But each time we go further down this road, saying, "Not this year, but maybe we will stop it next year," our choices are being narrowed.

So the $35.3 million is small. It will not make or break the Government. But it is the $35.3 million that each year deny us, inch by inch, year by year, a decision between any viable alternatives. It is in contravention of the Armed Services Committee's own caveat which they have included on pages 18 and 19 of the report.

Mr. President, these words from this report describe more eloquently than I could the decision we are presented with time and again on procuring modern weapons systems—all or nothing. It is time—this time, here and now—while we still have some time—to say "No" to this improvident, useless, overly sophisticated, and overly expensive weapons system that is not needed now nor will be needed in the future.

I yield the floor.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, in recent days we have heard several distinguished Members of this body express their desires to do all possible to restore a sense of order, discipline, well-being and motivation in our Army, which, as we all know, is currently beset by numerous problems. Now there are many things that need to be done in this area, not the least of which is providing the men whom we call upon to defend this country with the most modern of weapons. It should be well known to all of us that one of the bedrock bases of morale and motivation in any fighting unit is an awareness by its members that they are equipped with weapons that are superior to those in the hands of the enemy. We need only recall the crisis of confidence a few years ago when our soldiers in Vietnam developed the impression that their rifle was inferior to those in the hands of their Soviet supplied North Vietnamese and Vietcong enemy. I submit that sending our soldiers into battle at any time in the future, God forbid, equipped with a tank of the vintage of the late 1950's would not only be irresponsibility on our part but would promote a crisis of confidence comparable to or exceeding that stemming from the Vietnam experience.

The XM–803 represents the latest in tank technology. The argument heard from some quarters that the XM–803 is already obsolescent borders on the fatuitous. It makes no sense at all to suppose that our research and development personnel are not aware of all the latest state of the art and are not incorporating it into the development of the XM–803. I can assure you that they are.

We are in the process of developing a modern volunteer army. This does not mean only the modernization of leadership techniques, of living facilities, or of manner of dress and behavior. It also means furnishing the most modern of weapons to the men who will make up our modern volunteer army. This can be done at modest cost, for the XM–803 program, in comparison to many sophisticated weapons systems, is a relatively inexpensive undertaking. Moreover, let us not make the mistake of losing altogether the rather substantial investment already made in the XM–803 in order to save a relatively small sum. For there is no doubt in my mind that, if the entirely inadequate funding proposed by the distinguished Senator from Missouri is adopted by Congress, the XM–803 program will be in grave danger of being discontinued. Is the gentleman from Missouri and are other Members of this body willing, for a relatively small saving, to run the risk of sending our soldiers into battle with equipment which we know will be inferior to that of potential adversaries? Certainly, there is absolutely no evidence that the Soviet Union feels that tank warfare is passé. On the contrary, there is ample evidence that their tank development program is moving forward with the object of fielding a highly sophisticated tank for use on the European battlefield.

As we all know, our Army is being greatly reduced in size. Historically and as a matter of commonsense, when armies become smaller the strength lost in numbers must be compensated for by an increase in weapons modernity. This is the process in which our Army is presently engaged. We owe it to the security of this Nation to make the wherewithal available for this process to proceed wisely, efficiently, and effectively.

I thank the distinguished Senator from Mississippi for yielding to me.

Mr. STENNIS. I appreciate the remarks of the Senator.

Mr. President, I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, after the agreement with West Germany on the MBT–70 was terminated and we decided to build our own tank, the MBT–70 was studied to determine how the cost could be reduced, and a number of steps were taken. These changes resulted in an austere tank, the XM–803. I want to point out a few of the changes which made the XM–803 a different tank.

No elaborate popup night sight is on the XM–803 as was on the MBT–70.

No complex "pop-up" secondary armament weapon system is on the XM–803 as was on the MBT–70.

The commander's day sight and night sight have been combined into one unit. There is a simplified secondary armament system, and they now have a caliber .50 machinegun.

The XM–803 uses rolled homogeneous armor plate instead of costly high hardness steel used on the MBT–70.

The suspension system has been simplified in the XM–803.

The automatic loader has been simplified.

The fire control system has been simplified.

The electrical cables have been simplified.

The driver's controls have been simplified.

A navigation kit and driver's television aid have been eliminated.

The interior redesign, such as relocation of stowage and compartments, has resulted in significantly decreased vulnerability to antitank weapons.

The reliability and maintainability have been increased.

Mr. President, all these steps have been taken to bring about a reduction in the cost of this tank, and they have brought about a reduction to the extent of approximately $250,000.

By going forward alone, having complete control of this program, Mr. Packard feels that we must go forward and do this research; that after he has done this research, if this tank is what we hope it is going to be—and the Army predicts it will be—then we can begin to produce it.

I repeat, these funds are not to produce the tank. That was the main point with which the House was concerned. I would like for my colleagues to know about that particular point. In Secretary Packard's letter to the Senator from Mississippi on May 28, 1971, he said:

> I am confident that the transfer of these funds from PEMA to RDT&E will not jeopardize this essential Army program and should remove the House Armed Services Committee's concern about a commitment to production before the completion of testing.

Mr. President, the House did not want to begin producing before they finished testing. That is the reason it was not produced, but the Army is not going to do that. Mr. Packard says they are not going to do that. Mr. Packard also says that we need the full funds to go forward with research, testing, and development.

I hope that the Senator will permit the Senate to go forward.

In closing, I want to say that if the United States is to have a smaller Army, its men will need the most modern tank.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. Hughes). Two minutes remain to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield myself those 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, I have to insist that the amendment is worded in such a way that the money will be limited to the research and development on this main battle tank. If the amendment is agreed to, it will be on record now as being limited to that tank. There is only one tank listed here in the justification sheets for research and development, and that is the main battle tank. That is just a fact of life. There is $27.5 million in the Senator's amendment which can be used only for the main battle tank. They do not have to use it all, but it is limited to the main battle tank.

What we are recommending is the $62.8 million for research and development only on the main battle tank, so the only difference is the difference in those dollars. But the $27.5 million is just not enough for a year's work.

If we want to go on, we will have to approve the larger sum and vote against the amendment. If we vote for the amendment, they will still have $27.5 million. This is a prototype of a weapon on which a contract will be based later, exactly as the committee pointed out on page 19 of the report:

> At the present time, Department of Defense development procedures are so structured that in each area there is only a single weapon system available to modernize the forces—and this system is often a very costly one. This means that Congress is faced with the decision of approving the procurement of that system or denying modern weapons to our armed forces.

If we do not develop the prototype, then we do not have to approve or buy it. We can say that is the end of the decision. We can say we do not have a contract such as with the C–5A or the F–14.

What the committee is doing is following its own directions and its own recommendations. The same committee put the $62.8 million in the bill that wrote this language which has the approval of the Senator from Missouri. This was done at the same sitting of the committee. Let us go right down the line to develop a prototype and then make a decision as to whether we will have a procurement contract. It is written in the bill that no money in the bill can be used for procurement.

Mr. EAGLETON. Mr. President, I must respectfully disagree with the interpretation given by the distinguished Senator from Mississippi on section 203 of the amendment.

I repeat, because I think it is important, that what this amendment does is reduce funding to the figure recommended by the House Armed Services Committee. It contains the exact amount—$27.5 million—as passed by the House. Section 203 says the Army can either spend or withhold up to $27.5 million. They can spend it all on the MBT–70 tank or apply it to the MBT–60A1 or the M–60A1E2. They do not have to spend it all, or even one penny of it, on the MBT–70. But they can spend "not more" than 27.5 million on it.

The PRESIDING OFFICER (Mr. Hughes). The question is on agreeing to the amendment of the Senator from Missouri (Mr. Eagleton) No. 445.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii (Mr. Inouye), the Senator from Oklahoma (Mr. Harris) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. Montoya) is absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. Montoya), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott) is absent because of death in his family.

The Senator from Kentucky (Mr. Cook) and the Senator from Wyoming (Mr. Hansen) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 42, nays 51, as follows:

[No. 238 Leg.]

YEAS—42

Aiken
Anderson
Bayh
Bentsen
Brooke
Burdick
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Spong
Stafford
Stevenson
Symington
Tunney
Williams

NAYS—51

Allen
Baker
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
Miller
Packwood
Pearson
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—7

Allott
Cook
Hansen
Harris
Inouye
Montoya
Mundt

So Mr. Eagleton's amendment (No. 445) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GOLDWATER and Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Speaker had appointed Mr. ULLMAN as a member of the Committee To Investigate Nonessential Federal Expenditures, to fill a vacancy thereon.

The message also informed the Senate that, pursuant to the provisions of section 8002 of the Internal Revenue Code of 1954, the Speaker had appointed Mr. BURKE of Massachusetts as a member of the Joint Committee on Internal Taxation, to fill a vacancy thereon.

The message announced that the House had passed a bill—H.R. 10538—to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961, in which it requested the concurrence of the Senate.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill—H.R. 8687—to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 437

The PRESIDING OFFICER. Under the agreement, the Chair lays before the Senate amendment No. 437, on which there is a 3-hour time limitation on debate.

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken from this side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President, in the Foreign Affairs Quarterly of July 1971 there is a most interesting article by Gen. Matthew B. Ridgway, former commander of NATO, former commander in Korea, where he succeeded General MacArthur, former Chief of Staff of the Army, and a man who, in my opinion, is one of the outstanding soldier-statesmen—and I emphasize the word "statesmen" as well as "soldier"—that this country has produced in modern times. The title of the article is "Indochina: Disengaging."

I would like, if I may, to urge that all Members of the Senate read this article by General Ridgway. If the Senate would allow me, I would like to read the last four or five paragraphs. This is General Ridgway speaking:

> For the present, I believe we should accept the judgment of those civilian authorities possessed of the fullest information, as reflected in the President's current decisions. The two prime elements in those decisions are the timing to complete our withdrawal, and insistence on continued efforts to recover our prisoners. Both are questions of judgment.

Today the Senate will once again express its judgment on this particular matter:

> I use the phrase "for the present." I intend it to mean for a very limited time, say no more than another six to nine months. By that time the ARVN—

That is the army of the Republic of Vietnam, the Saigon government—

> Will have had ample time to attain adequate training levels, if it is ever going to do so, and we will have had time to supply all necessary equipment—

Which we have—

> At the end of that time, *regardless of developments*—

These are General Ridgway's words, "regardless of developments"—

> But sooner if visible progress has been made toward meeting both of the conditions stated by the President, I believe we should proceed with our phasedown forthwith and carry it through expeditiously to completion—that is, until *all* U.S. Army, Navy, Marine Corps and Air Force personnel, except Embassy guards, are out of Vietnam, continuing by every reasonable means to bring about the release of captive personnel in hostile hands until that goal has been attained.

Mr. President, I think I detect in the Senate, and have for some weeks now, a feeling of apathy, a feeling of "what's the use?" a feeling of being conditioned to an extension of the war into Laos and Cambodia, an accommodation with the Mylai's and other incidents, and a general desire, perhaps, to wish these issues away.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield myself 5 additional minutes.

Mr. MANSFIELD. Well, Mr. President, they cannot and they will not and they must not be wished away. We cannot put our heads in the sand and fail to be aware of what has happened.

I know it gets monotonous to watch the casualty lists which come out every week—deadly monotonous. We do not like the recitation of the litany of the losses which this country has undergone. But these figures, these statistics, represent human beings, fellow Americans, regardless of the color of their skin, regardless of what faith they adhere to, if to any faith, regardless of their background or where they come from or in what economic category they might be placed.

The latest figures are out today, and they indicate 301,747 Americans wounded since January 1, 1961—more than a decade ago; 45,543 Americans killed in combat; and 9,787 American noncombat dead. The total, Mr. President, is 357,077 Americans.

What for? Why? We will never be able to answer that question to our satisfaction, and we know it.

Of that number, 35,000, approximately, are totally disabled. In that period of time, we have spent approximately $130 billion—$130 billion; and, as I have said before, the cost will triple into the next century.

Figures differ as to how many are being held as prisoners of war and as to how many Americans are missing in action. The North Vietnamese say they have prisoners of war numbering something on the order of between 300 and 400. The administration, I believe, has put out figures which indicate that altogether there may be 1,500 or 1,600 POW's and MIA's.

We owe an obligation to the POW's, and we owe an obligation to all the recoverable MIA's, those who are missing in action. The amendment now before the Senate takes in not only the prisoners of war per se, but the recoverable missing in action as well; and I would hope that my colleagues would keep that in mind.

I would hope that Senators are aware of the anguish and the suffering on the part of the relatives of the POW's and the MIA's. I would hope that they read the stories in the newspapers yesterday and today about the skin games that are being practiced against those relatives, who are being bilked and mulcted at every turn.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. I yield myself 3 more minutes.

I would hope also that the Members of the Senate would read in today's Wall Street Journal the story entitled:

> Missing—or Dead? Some "POW" Relatives Say They Are Misled by American Officials; They Assert U.S. Inflates Total of Possible Captives, Contend Many Are Dead; A Way to Prolong the War?

That is the headline and the subheadlines of the story in today's Wall Street Journal.

Mr. President, the purpose of this amendment is not to undermine the President, but to help him, to extend a hand of cooperation, and to become involved with him as coequal branches of this Government, the legislative and the executive, in seeking to find a way out of this tragic, unnecessary, and immoral morass in which we find ourselves.

There were three stipulations laid down. One was that the Government of South Vietnam should have a "reasonable chance to survive." Well, we have helped them for 17 years. They had one election 4 years ago. They are having a referendum this coming Sunday, and they will elect the only candidate who will be on the ballot at that time.

I think we have done enough—more than enough—in the loss of lives, in the casualties, in the developing of a drug addiction problem, in an increase in crime, in the coming into being of indiscipline, and in spending approximately $130 billion. And again, Mr. President, I raise the question, What for and why?

The second point in the tripod was that we would leave South Vietnam only when our prisoners were released. This amendment lays down a possible means by which the second and third parts of the tripod, withdraw and release, may occur. Because what this does is not tie the hands of the President, but indicate to the President the feeling of the Senate, at least—and I would hope, if we are successful this afternoon and in the House of Representatives as well—that we want to get out of this tragic affair, this quagmire in which we should never have become involved and in which we have been involved too long.

We think that this is the way to face up to it, to work with the President, not to undermine him. Because what we are doing, if this amendment passes, is indicating to him our interest, our intent, and our desire, and doing so in a cooperative, responsible manner.

Mr. President, that is all I have to say at this time. I shall have a little bit more to say later.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

Frankly, I do not think there is a great deal new to be said about this subject. We had three or four votes on this general subject matter, in one form or another, on the Draft Act proposal. We had another vote on it on the motion to table the conference report. The facts are well known, I know that, and the facts have not changed a great deal. We are all in agreement about the POW's and those missing in action, and in our concern about getting out, and as soon as possible. Those are things that gnaw at the heart and soul of every Member of this body, and have for a long time.

But, Mr. President, those who want to express themselves on this issue on a major bill rather than on a resolution that carries the thought and the substance of the Mansfield amendment have already had an excellent opportunity to express themselves once in an up or down vote on June 22 and prior thereto, and then there was another change, somewhat indirect but it was another change, on the motion to table. Now we are back with essentially the same thing on another major bill.

How could voting for this amendment add anything to what those who may favor it have already done? How could a reiteration have any constructive effect, or have any more meaning? The Mansfield amendment has already been adopted by the Senate, by a sizable vote, and that has not been repealed. It is true that it was changed somewhat in conference. But it was not abandoned.

In addition to it being the sentiment of the Senate, it went a step further in a way, even though not as strong language. It took the House in on this declaration, this legislative determination, and that was signed into law this week. That is the first time there has been an official legislative expression on the subject.

Simply to adopt the Mansfield amendment here as a rider on another bill, a largely extraneous bill, does not add anything to the voting record, I respectfully submit, of an individual Senator, and it does not add anything to an expression of the Senate, which has already been made along this line.

But, more than that, there is another course where one can strengthen his vote, where one can strengthen his purposes—it is constructive, it is orderly, and it is the regular way in which these things should be done—and that is through a resolution, a joint resolution, or a concurrent resolution, on this subject alone. Let it be taken up directly from the calendar with one of the resolutions on the calendar now or be referred to the Committee on Foreign Relations. As I have said, they are well versed in this field and are friendly to this idea. It is supported by most of its members, so far as I know.

The matter could come back here after hearings and report, or it could come back in 15 minutes. I venture to say if a resolution of that kind was referred to the Foreign Relations Committee, they could vote it back here in 20 minutes, if they wanted to do so. So there is no kind of delay connected with this matter. They would be in control of it. As I say, there is a recommendation of the Foreign Relations Committee behind it. But if that is not wanted, there is a resolution on the calendar now that states the purposes here, and it could travel on its own strength. Frankly, I assume that it would be passed by this body.

I do not think we ought to come along now and just put another rider on another major bill expressing the same thing we have already voted. It already has had trouble in conference, and there is no way to predict what will happen except to say that it will have some trouble again.

Mr. President, I want to mention another problem. I think the U.S. Senate as an institution is involved here. I want to point out some guidelines that I have always thought should be adhered to, and I think the Senate largely has followed those guidelines until recently—that is, that on a major subject, a major policy, and this is national, these matters should go to the committee that our rules, which are law, say shall consider those questions. That is a necessary guideline for a legislative body. If it is not followed generally, we are led into bad trouble. Especially would that be true when a friendly committee has primary jurisdiction over the subject matter, such as the Foreign Relations Committee.

If any Senator, with respect to any bill, claims as a matter of right that he can come in without deference to that rule and put major amendments on a bill and can then come in again, then the other 99 have the same privilege. If that practice is permitted to continue a little while, what do we have? We have killed the committee system. That is not the intention of the authors. It is not the intention of those who vote for it. But it would be the result.

I have seen the Senate operating on the other plan. I am confining my remarks now to major questions. I am not complaining. I am pointing out a principle that I think involves the Senate as an institution. We cannot afford to destroy our committee system this way or any other way.

So if I had the chance to get the ear of each Senator, that would be my urgent plea.

I should like to refer to the matter of the conference. I do not ask for an easy job in conference. I do not want an easy way. If I had, I would not have come to the Senate. I did not come here just to try to do easy things. I did not make a reservation such as that when I was a candidate. I came here to do whatever I could, easy or hard. It is mighty easy now, with respect to a conference report one does not like, to say, "Well, you did not try hard. You did not try hard enough. You were not rough enough on the House." They do not say that on the floor. They say it in the cloakroom, perhaps.

Mr. President, how can someone make a Member of the House agree to something? How can someone make a Senator agree to something? How can that be done? I wish someone would get up and make a suggestion. How is someone going to make a Member of Congress do something if it is contrary to his principles or contrary to what he thinks he should do? If someone has a formula for that, I will be glad to yield time, and I want to yield more time for an explanation how that can be done, when the other House has voted on the same measure that is in conference and has voted directly contrary to what the vote might be here. If anybody knows how to make conferees agree on something—make them, I mean—I have never heard it explained, and I would be glad to yield time for that purpose.

When you exhaust reason and logic and persuasion and begging somewhat, you have just about finished, and you recess and come back, and hope there are some new facts or there is some new point or something has changed, and you go over that again and again.

As I have said, I am not complaining. But I think these two committees have done about the best they could on this matter, and two other committees ought to have a chance. That is not in derogation of the Mansfield amendment. It is perhaps to give it a better chance.

I should like to mention another factor: The entire Pacific policy is involved in the war over there. The war is being wound down; it is coming to an end. It is being finished off, and the faster the better for all of us. But the entire Pacific policy is involved. An election will be held there on Sunday, and that may be a turning point. I do not know. The fact that there is just one candidate is not the controlling factor. The big thing, as the Senator from Montana said, is that they are having their election. I do not have any inside information, but I judge that that is a turning point for our policy. I know that we have other matters in the

Vietnam war. We have the entire China policy. The Executive of this Nation, regardless of who he is, has that on his hands, as well as Taiwan and Japan and all the rest of the other problems which are boiling up in Asia. I believe that a precipitate withdrawal within a few weeks would greatly augment those policies and that we should think a long time before we adopt an amendment, directly from the floor, on a bill of this kind that is holding up the rest of the session because we cannot get the appropriation bill moving on the Department of Defense.

Thus, I hope that these and such other points as may be mentioned here will be the grounds for Senators to reconsider and not vote for the Mansfield amendment this time, but make it clear otherwise that they stand for what is in it, but that because of the circumstances, the history, and the facts on which they have already expressed themselves, they will not vote for the amendment at this time.

Now, Mr. President, I yield 1 minute to the Senator from Michigan. He has a problem here.

Mr. PERCY. I am still from Illinois.

Mr. STENNIS. Of course. I am sorry.

Mr. PERCY. Illinois, the heart of the country—the heart of the Middle West.

Mr. President, I should like to announce that, because of the death of a member of the family of the distinguished Senator from Colorado (Mr. ALLOTT), he had to leave suddenly yesterday. It is, therefore, my intention to give him a live pair.

The Senator from Colorado mentioned yesterday in a speech in the Senate that there are four reasons why he vigorously opposed the pending amendment. He feels deeply about this matter. I feel equally as strong on the other side, and I would like to give four reasons why, if I were permitted to vote on the Mansfield amendment, I would vote to support it.

First, the Vietnam war is the worst, single mistake this country has ever made—

Mr. STENNIS. I yielded to the Senator to announce his position, not to make an argument.

Mr. MANSFIELD. Mr. President, if the Senator from Illinois needs time, I will be glad to yield him 5 minutes.

Mr. PERCY. I would very much appreciate it.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER (Mr. TAFT). The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, I will repeat, first—although I said this before—the Vietnam war is the worst, single mistake the United States of America has ever made.

Second, this war has done more to actually weaken our national security and weaken our defenses than any decision we could have made. It has caused us to not do for our Air Force, our Army, and our Navy what we should have done to keep it fully equipped, modern and in a constant state of readiness. We have even permitted our physical facilities to deteriorate during this past decade because of our excessive and wasteful expenditure in Southeast Asia.

Anyone who goes out, for instance, to examine firsthand the condition of our fleet today can see what has happened since the beginning of the Vietnam war. Compare it with the fleet of the Soviet Union and the relative power they have gained, and the way they have closed the gap and see firsthand the sacrifice of our own real national security and defense that the decision to go into Vietnam has brought about. The $130 billion that has been expended there has come right out of the hide of our own defense establishment. That is the second reason why I support in principle the pending amendment.

Third, all of us have seen firsthand that this war has torn our country asunder and caused more disunity, more discord, and more deep unhappiness in America than any single thing this country has ever before done. The Congress must share with the President the responsibility for bringing it to an early end.

Fourth, I would merely submit as evidence the fact that if we truly are fighting for the right of self-determination in Vietnam, the election in Vietnam to take place next Sunday is a mockery of that principle.

What has been happening there in the past several months, in this connection, removes the last remaining argument that we had as justification for this war.

I fully concur with what the distinguished Senator from Mississippi has said, that this administration is winding down the war. We are getting out and I give full credit to the President for what he has done to reverse the process. I believe that the Senate, reflecting the sentiment and the spirit of the people of this country, and reflecting it as forcefully and as strongly as we can, has helped to accelerate that decision to wind down our involvement in Vietnam, and to get out.

Now, Mr. President, I have no basis for saying this, no inside information, but I can only hope and pray that the President will soon be announcing a major stepup in the withdrawal of our forces from Vietnam and to make it clear that we intend to get out, lock, stock, and barrel. If we ever hope to get our prisoners of war back in, it is clear to me that we must do this.

Because of the commitment I have given to my distinguished colleague from Colorado, and because of the extenuating circumstances of a death in his family that suddenly takes him away from the Senate floor today, I intend to give him a live pair when the vote is called on the pending amendment.

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished Senator from Mississippi has said. I would like to remind him of a fact which he already knows, and knows better than I, that a Senate committee is only the servant of the Senate, that it is the Senate which will decide as to what will be done and not by a particular committee.

Furthermore, I remind the Senator that during debate on the conference report on the draft bill, he suggested then that this might be a good bill to attach this amendment to, although he did so without any real enthusiasm that I could observe at that time.

He rightly places a good deal of emphasis on the development of policies in the Pacific; but I think that if we are going to talk about policies, we should talk about the men whom we sent there to carry out those policies as well. I cannot avoid the personal consideration which should be given to these men, most of whom are draftees, most of whom have been called into service because of an act of Congress, and many of whom had doubts in their own minds but, as good citizens, undertook to carry out their obligations to their country.

Mr. President, at this time, I yield 15 minutes to the distinguished Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER (Mr. TAFT). The Senator from California is recognized for 15 minutes.

Mr. CRANSTON. Mr. President, I thank the distinguished majority leader for yielding to me. I thank him for the great leadership he is providing on this very vital matter.

I have some brief remarks I want to make and then, if I may, would like to address some questions to the distinguished chairman of the Armed Services Committee. I agree with much of what the chairman said in his remarks but I cannot agree with certain other aspects of what he said.

It is quite true that the original Mansfield amendment passed by a substantial vote in this body and was, as he pointed out, changed in conference; it was not wholly abandoned, but a step forward was taken. The House accepted the action in a modified version. A legislative expression was then made by Congress. The measure was signed into law by President Nixon. In so doing he made part of the law of our land the explicit expression of both Houses of Congress that a date be set for the U.S. participation in the war in Indochina to end—and the terms under which that end should be brought about. The bill was overwhelmingly approved by both Houses of Congress—the conferees' report was adopted 55–30 by the Senate and 297–108 by the House. Included was title IV as modified by the conferees. Title IV, as ardently espoused by the chairman of the Armed Services Committee, and the distinguished minority leader, and accepted by the President spelled out the conditions.

The conditions for withdrawal are clear. I should say, the condition is clear. There is only one condition set forth: the release of American POW's.

There is also no ambiguity about what the provision leaves out. It leaves out any requirement that the Thieu government must remain in power. It makes no provision for the retention in Indochina of "residual forces" after ground forces are withdrawn. There is no reference to the need for the Government of South Vietnam to "stand on its own feet."

We just want out. We want the killing to stop. We want all our prisoners home and all our missing men accounted for to the extent possible.

Arrangements for the release of prisoners and an accounting of all men missing in action are the only conditions which title IV sets—and it sets them repeatedly.

There is no mention of any other condition. It clearly was the sense of both Houses of Congress—by overwhelming votes—that only the POW return should be the condition of our setting a withdrawal date.

Also, it is the sense of both Houses that the sequence of events should be:

First, cease fire.

Second, setting "final date" for withdrawal and "date certain" of POW release. No POW release is called for prior to the setting of this date. First, the date, then the release.

Third, phased releases and withdrawals.

Clearly then by signing the measure into law the President has accepted the sense of the Congress.

In the absence of the distinguished chairman of the Armed Services Committee, to whom I hope to address some questions later, I would like to ask the distinguished minority leader, if I may have his attention, if it is not plain, as title IV spells out succinctly, as it has been written into law by Congress with the ardent support of the minority leader, and as now accepted by the President, that it in effect sets forth conditions for our withdrawal only upon the POW release and that thereafter a phased basis for the return of the prisoners would be established. Is that not in essence title IV as it is signed by the President?

Mr. SCOTT. Mr. President, I think whatever the President signed this week is spelled out. If the Senator wants to read the entire section of title IV, that would be all right with me. The measure was passed by Congress and it expresses the sense of the Senate and of the House of Representatives that Congress would like to see an early termination of the war and the prompt release of prisoners of war.

I think we have already written it into law. That is why I do not see why we need to do more. I will have more to say on this later.

I feel personally that every action so far taken by the Senate in seeking to supersede the constitutional authority of the President has served only to delay, rather than to expedite an early end to the war.

That is why I am bound to oppose each of these motions, recognizing the sincerity and utter good faith of all parties involved.

Title IV says—

> The negotiations for the withdrawal and release of all prisoners of war and missing in action.

Mr. CRANSTON. Mr. President, what is the understanding of the distinguished minority leader concerning the responsibility of the administration under title IV?

Mr. SCOTT. I think the responsibility is not a bit added to beyond what the administration had in the beginning, beyond what the President has been doing. And that is, as he said to the wives and mothers of prisoners of war, what he has been doing a long time.

He has assumed two channels, neither of which he is free to disclose, for obvious reasons.

I talked with one of those channels myself on one occasion. And I know that the President has been doing precisely what Congress, somewhat belatedly and many, many long months after he began, is urging him to do.

We usually end up urging him to do something which he is already doing.

I think it makes us feel pretty good that we have a part and a share in trying to end the war.

Mr. CRANSTON. Mr. President, it would seem to me that title IV did not add to or subtract from the conditions that Congress has gone on record as favoring for negotiating an end to our involvement in that war. We are narrowing down the very issues and eliminating matters such as the residual force, the maintenance of the Thieu regime, and so forth.

I ask the minority leader whether the administration still considers other conditions for withdrawal beyond the conditions set in title IV.

Mr. SCOTT. I am obviously not the one to ask what happens in the day-to-day negotiations of the executive department. I would not know.

What I do know is that we have made a number of proposals, not one of which has been acceptable to the other side.

Last October we proposed a bilateral cease-fire. We proposed that both sides cease-fire in place. We have gotten nowhere with it.

We indicated that we would negotiate on the release of prisoners of war separately.

We have offered to negotiate a release of 10 prisoners of theirs for every one prisoner of ours.

We have indicated that nothing holds us back from a separate prisoner of war negotiation.

We are not in any way prolonging the war. What we are saying is that the other side will not do any of these things.

Every now and then the other side slips word to a Senator, who is not gullible—since we cannot reflect on our Members here—and to a citizen, who is gullible, that "everything will be all right if you just replace President Thieu."

If I were in Vietnam, I would not vote for President Thieu. I am independent. I would find another guy to vote for.

They pass along word that they would deal with Minh or someone else if we would get rid of Thieu. It is not our place to interfere in the Government there. I know of 50 countries that do not have a leader elected in contested elections, whether that makes it right or wrong.

I do know that all of these things have been passed along by Hanoi or the Vietcong to Americans in the belief that they will swallow it and come back and announce that if we will accept someone else, they will deal with us.

Let them say it out loud and clear. It might make a difference. It would with me. I might believe them if they were willing to make a direct public offer.

Mr. CRANSTON. Mr. President, does the Senator know if we have ever proposed a settlement on the basis of a cease-fire and prisoner-of-war exchange and an accounting of those missing in action without any demand that the Thieu regime must remain in office and without reference to the residual forces?

Mr. SCOTT. Mr. President, I can tell the distinguished Senator from California that it is not my province and it is not my business to know the various proposals that are tabled from time to time by one side or the other.

I do know that we are interested in certain things. We are interested in preserving the structure of a state as a state with democratic principles. We are even more interested in preserving the security of our men and their lives as they withdraw.

We are, of course, terribly interested in the prisoners of war and the missing in action. So it would follow that all these things would be discussed and, in my judgment, it would be unlikely that we would say—we will sacrifice all the soldiers left and you can take three shots at them. I do not believe we would do that. I do not think we would separate it from the POW issue in that sense. I think we have said we are going to get out and, as we get out, "Tell us what you are going to do about the prisoners of war." Hanoi did not say they would release the prisoners of war. They said they would discuss the procedural circumstances under which the prisoners might be released. That happened before at Panmunjom and we spent a couple of years and suffered more casualties following that than preceding it.

All of us had better be advised not to take the privately delivered assurance of the enemy at too high a value.

To answer the Senator's question, I do not know whether we have ever offered to risk the security of our withdrawing troops by separating it entirely from the prisoners of war. I hope we have not.

Mr. CRANSTON. The Mansfield amendment, as revised, and adopted in title IV left the prisoner-of-war issue directly involved in the negotiations, as the main part of those negotiations. No one in this body has ever suggested we take any steps to abandon our fighting men in Vietnam.

One point to which the Senator alluded is the stability of the present government in Vietnam as a part of the conditions. That most certainly is not one of the conditions that Congress included in title IV. The President made no reference to that when he signed this bill 2 days ago.

If, indeed, that or other points beyond those specifically alluded to or included in title IV are still a part of what we are offering in negotiations, I would like to ask this:

What effect, if any, will title IV have in persuading the administration to drop its additional conditions not included in title IV?

Mr. SCOTT. First, title IV is a declaration, a sense of Congress, that by a date certain, subject to release of the prisoners of war and an accounting for all missing in action, that this withdrawal should take place at this date certain after other things happen. Congress then urges the President to do something he has been doing for many long months, to negotiate with North Vietnam for a cease-fire. Congress is late, as usual. That was made October 1970. We got around to sending it to him this month.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. MANSFIELD. Mr. President, I yield the Senator 1 additional minute.

Mr. SCOTT. Second, Congress urges the President to negotiate with the Government of North Vietnam for the establishment of the final date for withdrawal of all our military forces, contingent on a date certain for release of all of our POW's, and providing negotiations for a rapid fixed withdrawal of American forces from the area.

I do not know how I could answer better than that.

This is a race between what the President is doing and what the Senate would like to get credit for helping him to do. The President every time has been moving faster than Congress has been able to catch up with him, and a lot of this is geared to next year's elections in the hope——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield 2 minutes from this side.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. In the hope that when the war is ended an issue can be made to detract from the President's achievements in ending the war.

I say, go ahead, keep trying, and every time you try I am going to expose it. I do not mean the Senator from California, but critics generally. It is an easy thing to expose. Only the President can end the war, and the President is ending the war.

Many fear the people will be grateful to him for it. I am not fearful. I am hopeful. But every time there is a chance for Congress to come in and say, "See, we ended the war, you did not," I think it is indulging in a lot of hypothetical hogwash.

If I can, I will be happy to answer any further questions the Senator has.

Mr. CRANSTON. Mr. President, will the Senator yield to me briefly?

Mr. SCOTT. I yield.

Mr. CRANSTON. We want the war ended and plainly the war is not ended. I do not care who gets credit, so long as it is ended. It seems to me from what the Senator said the stability of the Government of South Vietnam is an element in negotiations in the current circumstances, and that there is, then, a substantial difference between the majority in Congress and the White House——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. SCOTT. I missed the last part of the Senator's sentence.

Mr. CRANSTON. It seems to me the essence of the difference between the White House and the majority in Congress is that the White House insists on other additional conditions beyond those in title IV. We in Congress say only POW's and MIA's are conditions that must be worked out, and then we will withdraw.

Mr. SCOTT. With all due respect, that is not the distinction, at all. The distinction is between what the United States would be glad to do and what the enemy refuses to do. The enemy plainly refuses to release the prisoners of war on a phased basis. On the issue of stability of government or interference in elections, it refuses to make any offers, and in its seven points, it demands that we assume blame for the war, that the United States had been responsible for the war, and pay reparation for Vietnam.

The President is saying, "I want Americans to get out of this war and I am withdrawing. We will do the best we can on terms." But to my mind it is not just to complain that the President wants to get out under a phased withdrawal system which he is using, and say that Congress has a better scheme. If all 535 of us went to Saigon we could not do as much in 10 years as the President.

Mr. THURMOND. Mr. President, the Mansfield amendment, which would dictate to the President of the United States a formal and fixed date for the withdrawal of all U.S. forces in Vietnam, does not serve the best interests of this Nation.

It deprives the Commander in Chief of the flexibility he needs to assure the success of the Vietnamization program, negotiate the release of American prisoners of war and provide some measure of future aid to the South Vietnamese.

The withdrawal of U.S. forces from Vietnam has been rapid since President Nixon came to office. Phase I, assumption of all combat activities by the South Vietnamese, has been virtually completed.

Phase II, which was conducted along with phase I, provides for the transfer to the South Vietnamese all of the combat support activities. This phase is more difficult but is well advanced. In this day of complex weapon systems time is required to train men in how to operate these systems effectively.

Phase III, the reduction of all U.S. forces to a small advisory contingent, is a worthy goal. We have sacrificed too much in this country to give up the advantage of a small advisory force after our combat and support forces have withdrawn.

Mr. President, we are fast approaching the date when volunteers can fully meet our commitment in Vietnam. In the September 28, 1971 issue of the New York Times there appeared an article entitled "Some GI's Are Happy To Be Sent to Vietnam." I ask unanimous consent that this article appear in the Record at the conclusion of my remarks.

These men preferred an assignment in Vietnam to Europe or the United States. The reasons were cited in this article. It proves there is a potential for a small advisory mission long after Vietnam becomes page 10 news.

Finally, it should be noted that President Nixon has kept his word in reference to the withdrawal of U.S. forces. Two-thirds of the forces in Vietnam, when he assumed office, will be gone by December. Next year the number should approach the advisory group level.

I understand the feeling of those in the Congress who wish to take some role in our disengagement by supporting this amendment. However, our disengagement will be more worthy of the great sacrifices our servicemen have already made in Vietnam if the President is allowed the flexibility to carry out his plan.

Mr. President, I ask unanimous consent that a telegram I have received on this subject from John H. Geiger, national commander of the American Legion, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 28, 1971]

Some G.I.'s Are Happy to be Sent to Vietnam

(By Iver Peterson)

Bienhoa, South Vietnam, Sept. 26.—"They tell you they're winding down the war—then you turn around and bang, you're here," the young draftee said after he stepped off the chartered troop carrier at this air base.

Like many others, the soldier, Pfc. William Rodecker, thought the American role in Vietnam was just about over. But, according to Army figures, about 13,000 new men have been arriving each month this summer for one-year tours.

Between 22,000 and 27,000 men are leaving each month, keeping up the pace of the gradual withdrawal.

Some of the new arrivals were unhappy about being here, but, surprisingly, a majority of the 130 men on the same plane with Private Rodecker said they were glad to come. Vietnam duty has its advantages, they explained.

WHERE THE MOOD IS GRIMMER

Almost all the replacements land either at this American base about 20 miles north of Saigon or at the giant Camranh Bay air base on the central coast.

Most destined for combat duty reportedly arrive at Camranh Bay, and Army men say the mood is grimmer there. But at Bienhoa today many of those on the United Air Lines jet said they were on their second tours and waiting to finish their stints in the Army or had asked to come here rather than serve "stateside" or in Germany.

"There's some guys who were unhappy about coming over," said Specialist 4 Dunbar Brooks, who was back for the second time, "but we settle 'em down. We make 'em happy. We told them if there was anything wrong with Vietnam, we wouldn't be coming back."

"Dope and money, dope and money, that's all there is to it," said a young tank crewman with shaggy, unregulation-length blond hair. While his friends grinned and nodded, he explained that he had asked for a second tour because in addition to the cheap and plentiful marijuana, hashish and heroin, Vietnam duty pays an extra $100 a month.

"That's my car payments right there," said Tom Mason, a 19-year-old combat engineer from St. Louis.

Another reason given by many of the young draftees was that Germany was much worse than Vietnam could possibly be.

"Half of these guys were just fighting to come here," said Pfc. Dennis Allan, an Army telephone lineman from Norfolk, Va. "I volunteered for Vietnam to get out of Germany."

The volunteers from Germany cited the wretched living conditions and crime in barracks, the unfriendly people, the "hassling" from career men and the racial antagonisms that plague the Army in Europe.

Others pointed out that by volunteering

for Vietnam when they had less than 17 months to serve, they could leave the Army five months early, at the end of their Vietnam tours. The Army does not consider it worthwhile to assign new duties to a man with less than five months to go.

The career noncoms arriving today, all of them back for at least their second tours, stood apart in the air terminal and did not conceal their contempt for the raucus younger men.

Like professionals throughout the service, they know that Vietnam is getting an Army-wide reputation as a place for "shamming"—the new term for goldbricking—for using drugs and for having life made easier by loose and reluctant enforcement of discipline. The lifers, as they are called, believe that as a result the wrong men are coming and that the Army is sending them.

SENATOR S. THURMOND,
Senate Office Building,
Washington, D.C.:

The American Legion firmly believes that any limitation on the ability of the President as Commander-in-Chief to conduct military operations in Southeast Asia would endanger the lives of our fighting men and make more difficult the achievement of a just peace in that troubled area.

Pursuant to national convention mandate I urge you to reject the Mansfield amendment No. 437 to H.R. 8687, the military procurement authorization bill, which would establish a final date for the cessation of hostilities in Indochina.

JOHN H. GEIGER,
National Commander,
The American Legion.

MANSFIELD AMENDMENT

Mr. KENNEDY. Mr. President, I rise to speak in support of the amendment introduced by the distinguished majority leader to establish as the policy of the United States the total and complete withdrawal of all U.S. military forces from Vietnam within the next 6 months.

There is only one condition that is attached to that pledge to end the war. And there should be only one condition. As our troops withdraw, the prisoners now held by North Vietnam and the Viet Cong must be returned. I am confident, and we have a strong statement by the North Vietnamese, that the withdrawal of U.S. troops is the sole condition for the release of U.S. prisoners.

If there is any question about the validity of the North Vietnamese peace proposal of last July, which has been ignored and discarded by this administration, let the President make a public commitment to withdraw all U.S. troops by a certain date. If his concern for our prisoners and for their families is the sole factor in his decisions, let him state his support for the Mansfield amendment. Because it says what he has refused to say. It says that we will withdraw all our troops by a date certain if our prisoners are returned.

Why does not the President make that statement?

The only explanation is that he continues to believe that the mission of the U.S. troops in Vietnam is to guarantee the "Democratic" process in South Vietnam. Despite the hoax of the one-man election of President Thieu, despite the repression and the political charade, despite the worldwide condemnation of this government as a U.S. financed military dictatorship, the administration apparently continues to value support for the Thieu regime as more important than the return of U.S. prisoners of war. If that is not the case, then why will the President not endorse the Mansfield amendment. Why does he oppose it? Why will he not make it clear to this Nation that he will set a date for withdrawal of U.S. troops and he will live up to that pledge with the single condition being the return of U.S. prisoners of war.

It was time to end the war a year ago. It was time to end the war 6 months ago. It is time to end the war today.

As of today, a total of 55,330 U.S. soldiers have died in Southeast Asia. Also, 301,747 men have been wounded. Total casualties are 357,077.

Those are reasons enough to vote for an end to this war.

There also is a continuing and disturbing tendency on the part of this Nation's leaders to disregard the end result of our Vietnam policies on the people of that war-ravaged land. We talk of interdiction, of protective reaction—and we forget that we are talking of bombs raining down on people and villages.

In South Vietnam alone, we know that since 1965, 1 million civilians have been wounded and 325,000 civilians have been killed.

In Cambodia in the past year, up to 1,500,000 persons have become refugees in their own land.

In Laos, which has been prime target of our unrestricted air war, official reports on the number of refugees now extends over 300,000.

In North Vietnam, the exact number of the civilian dead and wounded is not known but it clearly has been enormous.

Those are additional reasons why it is time to end this war. There has been enough killing, enough deaths, enough wounded on both sides.

I urge the Senate to adopt this amendment.

Mr. BAYH. Mr. President, I rise to express my support for the amendment of the distinguished majority leader (Mr. MANSFIELD).

In my estimatiton, it would have been preferable if the Senate had adopted legislation which embodied a cut-off of funds, thereby enforcing a date certain in the face of obvious Presidential reluctance to fix such a date. Furthermore, I believe we would have lost nothing and gained substantially—in young American lives saved—if we put an end to this war by the end of this year—rather than 6 months from the date of enactment. Nevertheless, this amendment performs a most useful service. It puts the Senate on record once again as calling for an end to the war. It shortens the time lag from enactment to the end date. It edges us a little closer to the day when we will use our power of the purse to bring to a close this dark chapter in American history.

Mr. President, the events of recent days only serve to reinforce my conviction that it is the Congress which must act to end this war.

Rather than scaling down the hostilities and seeking a reasonable settlement reflecting the realities of Southeast Asia, this administration continues to encourage all-out ground action by the Vietnamese while providing a full range of active military support. Furthermore, by expanding the air war while contracting our part of the ground war, it has attempted to deceive the American people as to the on-going role the United States plays in this conflict. Not only are we laying waste to Laos and Cambodia in a manner almost unprecedented even in this brutal war, but we have, in effect, resumed the bombing of North Vietnam. In so doing the administration first violated and then redefined its own phraseology about "protective reaction."

Second, it has destroyed the last vestiges of the 1968 "understandings" which might have provided an administration more flexible and skilled in its diplomacy with the building blocks for a settlement.

But beyond all of that, the Nixon administration seems to have reembraced the view, so completely discredited by past experience and by the evidence in the Pentagon papers, that bombing of North Vietnam can significantly effect events in South Vietnam. If this administration can still believe that, no one else should believe it can be relied on to end this conflict.

Furthermore, it has become clear that our Government is married for better or worse to Nguyen Van Thieu. The performance in Vietnam over the past 2 months is a tragic parody of candor and fairness. It should convince us all, finally, that the time has come to end our presence there. As I noted in my speech to the Anglo-American Press Club in Paris on September 8:

> The "staged" antics of President Thieu and the Supreme Court of South Vietnam, the patently undemocratic electoral process, and the spectacle of a United States Ambassador acting as a political broker in the hope of ensuring a cosmetically clean election, make a sham of official explanations that we are in Vietnam so that the Vietnamese people can democratically determine their own destiny.
>
> One has only to recite the developments in Vietnamese Presidential politics, from the Thieu election law to the removal of Ky's name from the ballot, to prove that a truly democratic election in South Vietnam is no more likely than a truly democratic election in North Vietnam. Not even Richard Nixon's public relations men can camouflage that—although they have tried. When asked to comment on Thieu's decision to hold a one man race and call it a vote of confidence test, President Nixon's press secretary Ron Ziegler said that "he is obviously attempting to introduce an element of popular choice to the election." Is it for this that we have spent 55,000 precious lives and more than $125 billion in Vietnam?
>
> The lesson to be drawn from the recent political debacle in South Vietnam, I believe, is that the very presence of the United States—so long committed to the personal political fortunes of President Thieu—now prevents the process of self determination from working itself out in terms of Vietnam's own internal political alignments. Self determination for the South Vietnamese can only begin when American involvement ends.
>
> It has been a carefully nurtured self delusion to believe, as many Americans have, that we could orchestrate a so-called democratic election in South Vietnam that would produce a democratic result. We cannot:
>
> An immediate American withdrawal from Vietnam, therefore, would have a healthy impact on the Vietnamese political process.

Can anything that has happened since, alter the conclusion that we should depart? Can Mr. Thieu's orders to "shoot to kill" those protesting the one-man election be justified, perhaps by some even broader definition of "protective reaction?"

There may be some Members of this body who know how to explain to their constituents why, in the name of the Vietnamese right of self-determination, we should continue to support a tyrant who is now destroying that right. I do not.

Finally, there is the question of our prisoners. My talks in Paris 3 weeks ago with Ambassador Porter and Vietnamese on both sides only reinforced my belief that the best way to achieve the release of those men is to name a date certain and complete our withdrawal—subject only to their return.

The simple fact of the matter is that the longer we remain in that conflict, the longer our prisoners will stay in North Vietnamese prisons.

This fact is now so obvious that many of the prisoner-of-war wives have been moved to act on it. For years these courageous women, restrained by the self-discipline, sense of duty and obedience that is their husband's code, have held their silence out of respect for the President as Commander in Chief. In the meantime they have been callously used to score political points—not merely in the just insistence that Hanoi adhere to the Geneva Convention in its treatment of prisoners—but in the hope of cultivating in the American people the will to continue a war they now know to be a mistake. Finally, they, too, are speaking out, urging that a specific withdrawal date be set and adhered to if our prisoners are returned. I fail to see how reasonable men can resist the tragedy of their situation or the logic of their proposal.

A visit by the President to a meeting of the National League of Families is no substitute for the touch of a loved one gone too long. A "Presidential priority" for POW's is no substitute for their release. The revelation that the White House is using "every negotiating channel—including many that have not been disclosed" is no excuse for not using the one obvious channel already available and workable.

The plain fact is that this administration has refused to make the deal that could have already brought some of those men home. It has consistently ignored the possibility for a troop withdrawal and prisoner release arrangement which has existed since July 1 and exists today. Instead, this administration, which had always been so willing to use the POW's as the principal public reason for remaining in Vietnam, has reversed its field. Today Mr. Ziegler, Mr. Rogers, Mr. Laird, and Mr. Nixon largely forget about the prisoners, and speak instead of the need to give the South Vietnamese Government a better chance to survive. If this administration still believes, after all that has occurred in the past 2 months, that the American people still should have an open-ended commitment in lives and dollars to Mr. Thieu, then we cannot look to them for wise leadership. If that is the case and if the war is to be ended before January 1973, then it will have to be ended in the Congress—not in the White House.

Recognizing that this amendment, while not the final act, moves us at least another step closer to the day of peace, I will vote for it.

Mr. President, I ask unanimous consent to insert into the Record the speech which I delivered in Paris on September 8.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech of Senator Birch Bayh, Anglo American Press Club, Paris, France, September 8, 1971

It is true, as President Nixon often has reminded us over the past 33 months, that he "inherited" the war in Vietnam. What he neglects to point out, however, is that he was elected on a campaign pledge of ending it.

Candidate Richard Nixon, as you may recall, had a plan for peace. Yet almost three years later, the war continues with more than 200,000 Americans still in Vietnam, with massive daily U.S. bombing raids, and with billions and billions of American dollars still being poured into the Vietnamese sieve. It should be obvious to everyone by now—if the Cambodian and Laotian invasions were not evidence enough—that there is no Nixon peace plan.

During the Nixon years the war in Vietnam has taken on a life of its own. It continues now not because of any past policies but because the President is committed to ensuring the survival of the Thieu regime. For that he must be held acountable.

It isn't enough simply to say, as the President has, that the war will not be an issue in 1972. As long as our involvement continues, the war must be made an issue. Vietnam must not be permitted to fade from the public's consciousness. It must not because that would make it easier for the war to be continued. Once Vietnam becomes the forgotten war, it is likely to be the never-ending war.

Unfortunately, the President seems to have succeeded in his skillful strategy of actually continuing the war while acting as if it had ended—a strategy further strengthened by those two spectacular diversions: the China announcement and the new economic program. We have to read pretty far into a newspaper these days to learn that last week's combat death toll for Americans was the highest in almost two months, or that we are bombing North Vietnam again, or that more than 215,000 Americans are still in Vietnam.

Ironically, in the recent political developments in South Vietnam lies the best hope now of piercing the Administration's veil of silence and of bringing the Vietnam issue back into the arena of public debate. The "staged" antics of President Thieu and the Supreme Court of South Vietnam, the patently undemocratic electoral process, and the spectacle of a United States Ambassador acting as a political broker in the hope of ensuring a cosmetically clean election make a sham of official explanations that we are in Vietnam so that the Vietnamese people can democratically determine their own destiny.

One only has to recite the developments in Vietnamese Presidential politics, beginning with the Thieu election law to the latest removal of Ky's name from the ballot, to prove that a truly democratic election in South Vietnam is no more likely than a truly democratic election in North Vietnam. Not even Richard Nixon's public relations men can camouflage that—although they have tried. When asked to comment on Thieu's decision to hold a one man race and call it a vote of confidence test, President Nixon's press secretary Ron Ziegler said that "he is obviously attempting to introduce an element of popular choice to the election." Is it for this that we have spent 55,000 precious lives and more than $125 billion in Vietnam?

The lesson to be drawn from the recent political debacle in South Vietnam, I believe, is that the very presence of the United States—so long committed to the personal political fortunes of President Thieu—now prevents the process of self determination from working itself out in terms of Vietnam's own internal political alignments. Self determination for the South Vietnamese can only begin when American involvement ends.

It has been a carefully nurtured self delusion to believe, as many Americans have, that we could orchestrate a so-called democratic election in South Vietnam that would produce a democratic result. We cannot.

An immediate American withdrawal from Vietnam, therefore, would have a healthy impact on the Vietnamese political process. For this reason, I believe that the presidential election should be postponed until American troops are withdrawn. Only then will the South Vietnamese people have a meaningful opportunity for self determination.

It was, after all, in the name of the principle of self-determination that we involved ourselves in Vietnam. If our having been there is to be more than a bitter legacy—for Vietnamese and for Americans—it is important that we not condone or cooperate in the violation of that principle as we leave. A one-man presidential race, with the rules having been set by that man himself, is such a violation. If the United States government officially sanctions this charade, all of our sacrifices in lives and resources will have been in vain.

Therefore, we must bring our full weight to bear to insure that a viable political mechanism is created in the interim period between America's leaving Vietnam and a truly democratic election. Such a mechanism might take the form of a broadly-based, temporary government to preside over the election process, or an international supervisory body.

In either case the creation and effectiveness of that mechanism requires that we announce a date certain and make it clear that our interest is not in insuring the success of any one candidate but in asuring the success of the process.

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BYRD of Virginia. How much time does the committee have left?

The PRESIDING OFFICER. The Chair is advised the committee has 66 minutes left.

Mr. SCOTT. Mr. President, will the Senator yield me 2 minutes?

Mr. BYRD of Virginia. Mr. President, I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCOTT. I will try not to use any more time in terminating this colloquy with the Senator from California.

Mr. MAGNUSON. Mr. President, will the Senator yield me half a minute?

Mr. CRANSTON. May we complete the colloquy, very briefly, first?

Mr. President, I thank the distinguished Senator for yielding to me, and I thank him for his patience. The Senator has just listed what seems to me to be a half dozen conditions with relation to negotiations, whereas title IV lists one condition. It appears to me the administration is negotiating with more conditions than those he listed. The Senator's discussion with me has shed no new light on this. It therefore seems more clear to me than ever before that the Senate must now proceed to adopt the Mansfield amendment as it is now before us in the firmer form since the watered-down form is being ignored by the administration. We now have an opportunity to take a stronger stand. I believe Congress shares this responsibility along with the President, and it should share it.

Mr. SCOTT. Mr. President, I conclude by saying I regret the light is not clearer. I have tried to put a searchlight on it, but there is an old Japanese proverb which says it is darkest at the foot of the lighthouse.

Mr. McCLELLAN. Mr. President, will the Senator yield so I may ask two or three questions?

Mr. STENNIS. I yield to the Senator.

Mr. McCLELLAN. Mr. President, I would like to address two questions, at least, to the distinguished majority leader, the author of the amendment. I ask the distinguished Senator if subsection (a) of section 606 is mandatory on the President, or does it, in a way, express a hope for a national policy? Sometimes we cannot carry out national policies. Sometimes they cannot be achieved. So I take it, it expresses a hope and is not mandatory; that it is not a law such as would be compelling.

Mr. MANSFIELD. That is correct. The amendment does not have the force of law. It is a little stronger than a sense of the Congress resolution; it declares it to be the policy of the Congress and the executive branch, the Government of the United States, and in that sense, it is a very strong expression of hope, but it certainly does not tie the President's hands.

Mr. McCLELLAN. One other question: In the section I have just referred to, it says:

> The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

I ask close attention to this. Then it proceeds:

> (1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than six months after enactment of this Act.

I ask the Senator, how can the President fix such a date, practically, without knowing when the prisoners are going to be released?

Mr. MANSFIELD. The Senator has suggested the answer to the question. The amendment would call for negotiations. It would call first for a cease-fire, then negotiations, then an agreement. This does not tie the President's hands. His flexibility is not hindered and his responsibility is not taken away from him.

Mr. McCLELLAN. Just one other question: If the President, in an effort to comply with the provision that I have just recited, says, "I fix that date at 6 months after the prisoners are released," or 4 months after the prisoners are released, or 3 months after the prisoners are released, has he complied then with this provision of the amendment?

Mr. MANSFIELD. No, not with the intent of Congress as I interpret this amendment, because then he would just be acting on his own and not complying with what the amendment intended.

Mr. McCLELLAN. Then I ask the distinguished majority leader, how can the President fix a date?

Mr. MANSFIELD. He can fix a date after negotiations and a cease-fire. That is the only way it can be fixed.

Mr. McCLELLAN. Until there are negotiations and a cease-fire the President cannot fix a date? Is that right?

Mr. MANSFIELD. That is correct, but the 6-month period would still apply.

Mr. McCLELLAN. Negotiations have been in process for 6½ years.

Mr. MANSFIELD. No; just talks; there have been no negotiations.

Mr. McCLELLAN. It takes two to negotiate.

Mr. MANSFIELD. That is correct.

Mr. McCLELLAN. How can the President compel the other side to negotiate?

Mr. MANSFIELD. He can refer to the first point of the seven-point program presented last July by the NLF delegation.

Mr. McCLELLAN. Does the Senator mean to say that the United States has not undertaken to negotiate during that 3½ years' time?

Mr. MANSFIELD. I do.

Mr. McCLELLAN. The Senator does not think we have tried to negotiate?

Mr. MANSFIELD. We have tried to, but we have not negotiated.

Mr. McCLELLAN. We have not succeeded, but has it been our fault that we have not succeeded?

Mr. MANSFIELD. I think it has been the fault of both of us, if you want the truth. I do not think we have been too keen to try to get into a private drawing room to discuss matters in confidence. Any time that we have done so, it has turned out to be pretty much a discussion of trivialities over a cup of tea.

Mr. McCLELLAN. Does not that statement impugn the good faith of our negotiators?

Mr. MANSFIELD. Not at all, just their tactics.

Mr. McCLELLAN. I do not know what tactics the Senator is referring to. Can the Senator be more specific? I thought everyone was doing his best to get out of there.

Mr. MANSFIELD. It depends on how you define "get out of there." Because it appears to me that as of now, we have not given attention to the seven-point peace proposal, if it is such, advanced last summer by the NLF. I think it should be given a good deal of consideration, because in those proposals are two which open the possibility of a release of the POW's, with the setting up of a date for the termination of the war, based on our withdrawal.

Mr. McCLELLAN. I want to support the general sentiment of getting out of the war and geting out within 6 months after the prisoners are released, getting all our troops home. I am willing to do that. But I do not want my vote, if I vote for this amendment, to be taken as a charge that the President has not in good faith tried to negotiate, or that his negotiators have not tried in good faith to bring about the very thing that this resolution seeks and says that it is its purpose to obtain. I think we have done our best. I do not see the other side doing anything. I think that is where the blame lies.

Mr. MANSFIELD. Mr. President, everyone is entitled to his opinion. No one has accused the President or the negotiators of bad faith. This amendment is to help the President.

Mr. McCLELLAN. Well, all right, but——

Mr. MANSFIELD. Let me finish. The purpose is to work in concert with him, to work in tandem, to work in partnership, because the two branches of the Government, the legislative and the executive, are equal under the Constitution.

Mr. McCLELLAN. For that purpose I subscribe to the resolution and the effort. I am perfectly willing to do so. But in doing that, I want it to be perfectly clear that I am not doing this in a spirit of criticizing the President or condemning the efforts that have been made.

If there is something wrong with the tactics, and we are going to criticize the tactics, I think we ought to specifically express what those tactics are which we think are not working.

Mr. MANSFIELD. That is a question which the Senator has raised.

Mr. McCLELLAN. I raise it because I think it is involved. The Senator said he does not question the good faith, just the tactics.

Mr. MANSFIELD. That is right. It is a matter of opinion. The Senator from Montana did not raise that question except in response to a question which he tried to answer.

There is no attempt in this amendment to undermine the President; there never was, and I am sure the Senator is well aware of that fact.

Mr. McCLELLAN. I do not want any action of mine construed that way.

Let me ask one further question, with a brief comment on the point, and then I shall be through.

Does the Senator believe that we will actually warrant a strengthening of the hope or expectation on the part of those relatives of the prisoners of war that this resolution will bring about their release more quickly than it would have occurred otherwise? Are we holding out that hope to the prisoners and their relatives in this country, that this will give them greater hope or more expectation, or a right to hope?

Mr. MANSFIELD. Yes. Under the conditions laid down, the Senator is absolutely correct, because if this is adhered to, if negotiations are entered into, if a cease-fire occurs, then it would be my view that a release might occur that much sooner. Nobody can be absolutely certain. This is not a bond. This is an intent. But I think we ought to make every effort we can, not only to bring about the release of the POW's, but of the identifiable, the recoverable missing in action as well. I do not think we ought to miss any move we can make to try to achieve that end.

Furthermore, in my opinion, unless the war is brought to a close, we are not going to get those prisoners back, or the recoverable MIA's.

Mr. McCLELLAN. The only way the war is going to come to a close is for us to get all our troops out of there. That is the only way the war is going to come to a close for us.

Mr. MANSFIELD. That is correct.

Mr. McCLELLAN. And we are not going to get them out if we are expecting the other side to agree to a cease-fire before we get them out, in my judgment.

Mr. MANSFIELD. The only way we will find out is to try it.

Mr. McCLELLAN. We have been trying for 3½ years, I think.

Mr. MANSFIELD. We have been meeting for 3½ years.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. MANSFIELD. Mr. President, will the Chair tell us how much time we have left?

The PRESIDING OFFICER. The Senator from Mississippi has 53 minutes. The Senator from Montana has 48.

Mr. MANSFIELD. I thank the Chair. I yield 30 minutes to the Senator from Arkansas (Mr. FULBRIGHT)——

Mr. STENNIS. May I yield? The Senator has been waiting a long time.

Mr. MANSFIELD. Afterwards. Ten minutes to the Senator from Utah (Mr. Moss), and 8 minutes to myself.

Mr. STENNIS. Mr. President, I wish to yield time now.

Mr. MANSFIELD. Yes.

Mr. STENNIS. I yield the Senator from Arizona 5 minutes.

Mr. GOLDWATER. Mr. President, I would not want my silence in this debate to indicate that I am in accord with any insinuation that the President is not well aware of the feeling of the people of this country.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Not only order, but quiet, so the Senator will be heard.

Mr. GOLDWATER. I repeat, Mr. President, that I would not want my silence to indicate that I am in agreement that our President is not well aware of the feelings of the American people relative to this war, is not well aware of the attitudes of Congress relative to this war, and is not fully aware of everyone's desire to get out of the war in Southeast Asia.

I am very proud that our President is acting. I am proud that he is winding this war down, and that we who study the matter feel that within the next 6 or 8 months the only M-16 rifles in Southeast Asia will be for the purpose of guarding millions of dollars worth of equipment.

I do not think there is anyone in Congress who wants this war to continue. I have been more critical of this war, I think, than probably any other Member. I happen to be a Member who felt at one time that we were right in being in Southeast Asia. I also felt that we could have won that war many, many years ago, in a minimum of time with a minimum of casualties. But it was a war fought by civilians on this side of the ocean, who did not know anything about strategy or tactics, and I hope and pray to God that any time we get into war again, the running of the war will be left to those people who understand the running of a war.

Mr. President, I find it very difficult to be at odds with the majority leader on his efforts here. I would like to suggest to him that in my judgment it would be better to introduce this as a resolution to be referred to the Foreign Relations Committee, who, as my leader has said, could report it back in a matter of minutes, and then I think we would be in a better position to act. I would be very much inclined to vote for a resolution stating the purposes that this majority leader has stated on this amendment he has submitted to this bill. But I find myself at odds with the methods.

For example, I think that we would have more strength with a resolution voted on by the Senate and the House of Representatives, in view of the sole and exclusive warmaking powers of the President. We in Congress like to tell ourselves that we possess warmaking powers. But outside of our power to appropriate and authorize funds, we have no power over calling the troops out or calling them back. That is the sole prerogative of the President.

Another reason that I think it would be important and very urgent for the Senator from Montana consider changing his method from one of amending this bill to a resolution that we could all act on is that we are already dangerously past the time when many contracts have to be made for the purchase of military equipment. Last year we were so late in acting on this authorization bill and the appropriation bill that it literally cost us millions of dollars, and I think this body and the other body can take the blame for wasting that money—certainly not the manufacturers or the Pentagon, who were waiting and are waiting now for this authorization and the subsequent appropriation bill, so that contracts can be let.

The whole purpose of this legislation, Mr. President, is to authorize the purchase of military equipment. It has nothing to do with foreign policy, and I do not think we should start at this time in our history to attempt to amend an authorization bill or an appropriations bill, as we attempted to amend the draft bill.

I think these resolutions would have much more power if they carried the full weight of the Senate, without having to depend upon the almost certain passage of a bill that must be passed. The need to authorize this equipment at the present time has never been as urgent. We are watching the Soviet Union pull ahead of us in every category of weapons, and they are continuing to do so. If we withhold the money, we are going to see our strength dissipated even more.

While I am in complete accord and sympathy with the intent of the amendment offered by the Senator from Montana, I have some serious questions about it. For example, it reads "the earliest practicable date." What is "the earliest practicable date"? That is very difficult for Congress to say, when even the Joint Chiefs of Staff, the National Security Council, and the President, who is the Commander in Chief, cannot make a determination on that date.

Then we see "the orderly withdrawal of all U.S. military forces not later than 6 months." Does this mean the beginning of the withdrawal, or will it be complete? If it is complete, I want to call attention to the fact that we have a serious logistics problem in moving more than 250,000 men in 6 months from any port in the world to the United States. It is virtually an impossibility, because we plainly do not have the bottoms to do it by sea, nor do we have the wings to do it by air. We may start within 6 months; that is one thing. But completing it within 6 months, to me, is an impossibility.

Mr. President, I repeat that I would certainly hope the majority leader would offer this as a resolution, so that the Committee on Foreign Relations could hear it, report it back, and let us vote on it. I think he would pick up a surprising number of votes of those who find it impossible to vote for his amendment in its present form, because many of us feel that it infringes strongly upon the constitutional powers of war given the President.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Georgia.

Mr. GAMBRELL. Mr. President, I associate myself with a great deal that the distinguished Senator from Arizona has said.

This amendment presents a great many other Members of the Senate with a serious dilemma. It is not, in fact, an up and down vote on the policy expressed in the resolution that is offered by way of an amendment.

I favor expeditious adoption of a military procurement bill in order to maintain the vital defense and security interests of this country, and to clear the way for other important legislation awaiting consideration.

I also strongly favor the cease-fire and troop withdrawal policy expressed in the amendment offered by the Senator from Montana. I concur in every argument he has made on the floor today in support of the amendment he has offered. In fact, I voted for that plan when offered as an amendment to the draft bill, and have since offered a resolution setting that plan forward in identical terms as a separate proposition. That resolution is now pending on the calendar as Senate Joint Resolution 155, Calendar No. 359. I understand that the distinguished chairman of the Foreign Relations Committee says that he sees no advantage to be gained by the referral of such a resolution to his committee, since the matter has already been voted favorably by the Senate.

When the question was before the Senate last week on the motion to table the conference report on the Draft Act, I voted against tabling the conference report, not as an agreement with the watered down version of the Mansfield amendment therein, but simply to avoid further legislative deadlocks over the passage of the draft law.

Today, I will vote against the amendment of the Senator from Montana, offered as an amendment to the pending bill. It is not a vote against the policy expressed in his amendment. It is a vote against mixing legislative apples and oranges, which we have already learned is likely to do damage to both measures. In the case of the military procurement bill, there is the prospect of unnecessary delay. In the case of the Mansfield amendment, expression of public will through the U.S. Senate is frustrated. Had the Mansfield amendment been taken up as a separate item, it would have long ago been out of this body, and possibly out of the House of Representatives.

The delays and anxieties created by the extended conference on the draft bill would not have been incurred. In the end, no real purpose was served by insisting on the Mansfield amendment as part of the draft bill. The Senate has been forced to take half a loaf on the war issue to get anything at all. In my judgment, the establishment of a viable policy in Vietnam requires that acceptance of that policy be unmixed with any extraneous considerations.

I would not favor attaching any item of military procurement to a cease fire resolution if I thought the resolution's progress would be slowed thereby. So why should I do the opposite?

The prospect of more half loaves and further delay to me is not inviting. In fact, I reject it.

At the same time, I ask the policy committee and those in charge of the legislative calendar to call up Senate Joint Resolution 155 which is jointly sponsored by Senator TALMADGE and myself for debate and a division at the earliest possible time. In this way, we can move on with both issues which are so urgent to the people of this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield the Senator 2 additional minutes.

Mr. GAMBRELL. I was impressed with what the Senator from Arizona (Mr. GOLDWATER) had to say, that he possibly would support such an amendment if separately offered. I have no desire to force the House of Representatives, against its wishes, to accept the Senate's Vietnam policy, nor do I have any desire to compel the President to affix his signature to the measure if he is unwilling to do so.

We should bear in mind that the Mansfield resolution merely urges and requests the President to stop the war and bring our troops and POW's home in 6 months. The policy expressed would lack credibility if adopted by the House and the President under coercion. Much better that they be confronted with it as a separate proposition. If they are unwilling to accept it on those terms, then it lies clearly between them and the public which overwhelmingly demands an end to the war. If we are going to have a showdown with the House on the war issue let it be from a position of strength, one from which we will not recede in conference. If this had been done 3 months ago, I believe the question would have been settled by now, and without any delay in the draft bill or other legislation.

Therefore, I urge that this amendment be voted down today and that we move on to consideration of Senate Joint Resolution 155 or some other similar resolution.

Mr. STENNIS. I highly commend the Senator from Georgia for his remarks.

Mr. President, I yield 8 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, we have essentially the same amendment before us as we had in June, and I think, perhaps, the result may be the same as then.

It is important whenever we discuss legislation of this type, that the record indicate what our Government has done with reference to peace proposals and with reference to cease-fires during the course of our involvement and particularly over the past 2½ years. The same perspective must also be applied to the enemy's actions, and the NLF's "seven point" demands of July 1, 1971, must be viewed in the context of the negotiation record of the last 2 or 3 years. This record includes comprehensive United States and South Vietnamese peace offers, unilateral Allied concessions, and series of broken promises by Hanoi.

Building upon his earlier peace proposal of May 14, 1969, President Nixon, on October 7, 1970, offered a comprehensive proposal for a just peace in Indochina. In the statement of October 7, 1970, President Nixon called for, first, an immediate and internationally supervised cease-fire in place throughout Indochina, the same as point 2 in the so-called Mansfield resolution; second, the establishment of an Indochina peace conference; third, the negotiation of an agreed timetable for complete withdrawal of all non-South Vietnamese forces from South Vietnam; fourth, a fair political settlement reflecting the will of the South Vietnamese people and involving all the political forces in South Vietnam.

In his statement of October 7, the President set high priority on point No. 5, which was the immediate and unconditional release of all prisoners of war by all sides.

In addition to this proposal, which has not been acted upon by the other side, there has been no favorable response, there has been no clarification of what they want to do with regard to any aspect of the war.

In addition to this, the United States has supported the Government of South Vietnam's proposals of July 11, 1969, and October 8, 1970, calling for free elections in which all the people and the parties of South Vietnam, including the NLF, can participate, and for mixed electoral and supervisory commissions in which all parties, including the NLF, could be represented.

How much further does the United States have to go before it amounts to surrender?

Some might ask, what has the United States done in the past in its efforts to bring about negotiations and in an effort to get the negotiations moving?

It has done virtually everything that the various parties, including Hanoi's leaders and many American critics said would kindle negotiations.

These steps included, first, a halt, in 1968, to the bombing of North Vietnam. This was done, though meanwhile North Vietnam continued to supply all of the weapons and war materiel and the troops and cadres for the wars it was directing across its borders against South Vietnam, Laos, and Cambodia. Second, the agreement to let the NLF participate at the Paris peace talks; third, agreement on the principle of total U.S. troop withdrawals on the basis of reciprocal North Vietnamese withdrawals; fourth, appointment of a new senior negotiator in Paris; and fifth, unilateral troop withdrawals totaling 360,000 men by December 1971, or more than two-thirds of the total U.S. forces in Vietnam in January 1969, when President Nixon took office.

Yet every time and at every step, every offer made by our side was rejected.

These proposals were made not only to reduce U.S. involvement but also to open the door to serious negotiations. The Communists remained intransigent and have continued to press their attacks against their neighbors in violation of the Geneva accords which were signed by the Hanoi regime.

They continue to demand a deadline for total unilateral U.S. withdrawal, the dismantling of bases, the termination of all assistance, the payment of reparations, prior removal of the Government of South Vietnam, and imposition of a pro-NLF government as preconditions for discussions.

At the same time, they have rejected out of hand our request for a cease-fire. They have completely ignored the accepted Geneva accords insofar as prisoners of war and MIA's are concerned.

It is apparent, as we look at the record, that our enemy is Communist Hanoi. If we look at the record of what both sides have done to bring about a responsible settlement, then the record is clear that we have gone the extra mile—that we have gone the extra mile not once, not twice, but half a dozen times.

Now, Mr. President, what is the record of President Nixon?

I think it might be well to review the record, because many seem to have forgotten it.

When President Nixon ended his service as Vice President, there had not been a single American casualty in Vietnam. This was in January 1961. When he came back as President 8 years later, 31,000 Americans had been killed and 200,000 or more wounded.

During those 8 years, President Nixon was not in Congress, he was not the Vice President, he was a private citizen, he had no voice and no vote in Washington. He made no policy and sent no one to Southeast Asia.

When he assumed the Presidency on January 20, 1969, there were 542,000 Americans in South Vietnam.

The President has made remarkable progress since then. To this time, 335,-

600 men have been withdrawn from Vietnam since January 1969. That is progress.

The casualties of this last week were 29. That is 29 too many—do not misunderstand me, Mr. President, but that is a far cry from the 250, the 300, the 400 which we saw 3 and 4 years ago.

What has happened since the last Mansfield proposal?

There has been a further reduction in our troops by 31,000, and casualties have dropped to record lows.

The point I make is that the program of Vietnamization is working. The program of phased withdrawal is working, and it is continuing.

President Nixon will make another statement on November 15 concerning future withdrawals from Southeast Asia.

I believe strongly that all American prisoners of war and MIA's should be released and know of no one who does not share that view. But I am at a loss to determine what good it would do to pass some resolution indicating a policy of the United States when we have before, offered a cease-fire, offered to exchange prisoners, and offered to transfer prisoners to a neutral third country, and countless other efforts.

I believe that the President made it clear, in his visit last Tuesday evening to the families of prisoners of war and MIA's, that it is a presidential priority. As to the release of American prisoners of war, he could not tell them everything, but he indicated there are private negotiations being undertaken concerning our prisoners of war and MIA's.

I say, in all sincerity and respecting those who support the Mansfield amendment, that what we will do by adopting it will be effectively to undercut the efforts of the President to end the war in Southeast Asia and to bring about a release of American prisoners of war and American MIA's.

The release of American prisoners of war and MIA's is a high objective. It has presidential priority.

Accordingly, I do not believe it is necessary for Congress to remind the President of his responsibilities. It is in the record as of yesterday; it is in the public record as of Tuesday, that it is a high presidential priority, to secure the release of American prisoners of war and American MIA's. It is a responsibility of the President—any President; and President Nixon has assumed that responsibility, as any President would.

Mr. President, we get down to the only question: Should we fix a final date for withdrawal?

That has been debated and discussed. We have had several so-called end the war amendments. They have been defeated. I do not believe we will change the course of anything by adoption or rejection of the pending amendment.

I assume that if the count is accurate the pending amendment will be agreed to; but the President still has the responsibility.

I would only say that President Nixon has made progress. He has made great strides forward.

I share the view expressed by the distinguished Senator from Montana (Mr. MANSFIELD) that he wants to help the President. I want to help the President. Every other Senator in this body wants to help the President end the war in Southeast Asia. But I would suggest that we could help him more by rejecting the pending amendment.

Mr. President, I suggest to my colleagues that the pending amendment will not serve the best interests of the United States. At a time when the President's intentions and actions clearly demonstrate that he is in the process of a careful but timely withdrawal from Indochina, this amendment would unnecessarily and unwisely restrict his political options in dealing with an inflexible enemy. It would make the careful withdrawal which is now occurring a dangerous affair, for evidence suggests that the pending amendment will not in any way assure the speedy return of our prisoners of war, or that it will lead the enemy to a commitment for a cease-fire while we rush into a hasty withdrawal. The Senator from Kansas believes the effect of this amendment would not be to terminate the conflict in Indochina, but rather to provide a political invitation to protracted conflict there. This country cannot afford to withdraw unilaterally from Vietnam without requiring some reciprocal concessions from the North Vietnamese and the Vietcong. This amendment would do nothing less than ordain the military, ideological, and territorial surrender of Indochina at a time when the President has managed to greatly enhance the prospects for political settlement in the area. To precipitately surrender the political possibilities open to the President in dealing with the North Vietnamese at the expense of our allies in Indochina cannot in any way serve the interests of the United States.

INDOCHINA IS A "POLITICAL" PROBLEM

The extent to which the war in Vietnam has been a political one has escaped many of us, largely, I suspect, due to the complexity of the military and procedural problems which we have encountered. Our political objectives have been centered upon the idea that Vietnam must be the point at which the Communist tactic of the "war of national liberation" is stopped while the self-determination of South Vietnam is sustained. Accordingly, the United States has lent every effort to assist South Vietnam in resisting the internal and external aggression mounted against it by North Vietnam and its adherents in the south. As we became preoccupied with the conduct of the war, we tended to lose sight of the overriding importance of the political considerations which underlie this conflict and which are at the heart of its possible solution.

For the purposes of this discussion, the Senator from Kansas defines America's present "political" goal in Vietnam as the maintenance if possible of democratic and representative government in South Vietnam by means other than the use of American troops. We now stand on the verge of realizing this goal. The Government of South Vietnam is hearteningly close to being able to maintain itself as an independent nation. What remains for us is but to achieve a careful withdrawal which will allow us the option of deterring the North Vietnamese from gross and overt aggression while we complete our efforts to prepare South Vietnam for the full responsibilities of self-preservation. The pending amendment would gratuitously remove the vital element of flexibility from our withdrawal strategy, and offer the North Vietnamese a total surrender of Indochina—all in the name of a more rapid withdrawal by a date certain.

This amendment ignores the international political realities of Vietnam and the necessity for our President to have room to maneuver while seeking concessions from the enemy during our withdrawal. Captivated by the idea of showing the American public a date certain for our withdrawal, the advocates of this plan have chosen to ignore the cost. While the gain might be stepped-up withdrawal, the cost would be the loss of South Vietnam at the very time when it is teetering on the verge of self sufficiency. From a domestic political point of view the objective of the pending amendment is shortsighted, too. For it would not necessarily lead to the release of American prisoners as suggested by some. Rather, it would be an inducement to engage in still more inhumane manipulation of these men. It might well lead to demands for reparations and trials of our leaders for so-called war crimes. The North Vietnamese and their allies have never offered us more than a promise to discuss modalities for the exchange of prisoners and cease-fires. Hence, the amendment charts a risky course, lacking in perspective and clear judgment and setting forth a blueprint for the surrender of America's objectives in Indochina at a time when they are close to achievement.

THE ENEMY HAS USED POLITICS TO GREAT ADVANTAGE

The long and melancholy history of the Paris peace talks suggest that the North Vietnamese and NLF have recognized the utility of politics in pursuing the war in Indochina. They have remained intransigient, playing upon the desire of this Nation to recover its captured sons, while they have demonstrated that their own have no value whatsoever. They have blatantly made a mockery of the Geneva Convention for the treatment of prisoners, while suggesting illusory solutions to the conflict which would assure their own political victory. They have not assured us of any political course beyond "negotiations" for the recovery of our prisoners of war.

SURRENDER IS NO ANSWER

The pending amendment is the vehicle by which the United States would effect surrender to the enemy. It would satisfy the enemy's demands and require no reciprocal concessions by him. His troops would not be required to withdraw from South Vietnam, and the amendment stipulates no recourse in the event that a cease-fire is not arranged. Its passage would be the final fruition of a successful enemy political strategy aimed at the American people and at this body.

TO DATE THE UNITED STATES HAS ALREADY MADE A NUMBER OF CONCESSIONS

The Senator from Kansas would remind his colleagues that the United States has already made numerous concessions to the enemy and has had to date experienced no reciprocity. I would suggest that this history reflects in part the effects so-called end the war amendments have had on this Nation's credibility in the negotiations arena. A negotiating enemy, who is certain that his opposition is divided, has no need to reciprocate the concessions offered by the other party. So at a time when both the President and Congress are agreed upon the need for American withdrawal, why must we insist upon capping the success of enemy political maneuvering by a gratuitous surrender?

NOW IS THE TIME FOR US TO USE POLITICAL SENSE ABOUT VIETNAM

Politics is a broad word which carries an undue load of emotional freight in a period before a presidential election. However, politics is also, at a higher level, an attribute of the Nation-State. The Congress must allow the President to preserve the national interest and assure the return of our prisoners of war and MIAs by lending him support while he withdraws from Vietnam.

We all share an interest in the political well-being of the United States as it stands among other nations. If the President of the United States is denied his political flexibility—his options for threatening, for cajoling, or for making peace in an honorable and sensible way—then the interests of the United States will be rendered a disservice. This disservice would fall particularly heavy upon those who still serve in Vietnam, and those who are missing and who languish in the prisons of North and South Vietnam, Laos, and Cambodia. The pending amendment assures them of nothing but the disgrace of the United States at the cost of no commitment whatsoever from the enemy.

The Senator from Kansas urges this body to preserve the options of the President of the United States while he continues to pursue a careful course of withdrawing American troops and building a basis for self-determination in South Vietnam. To do less would be no credit to this body and a disgrace to the Nation.

PRIVILEGE OF THE FLOOR

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that, when amendment No. 438 is under consideration, two members of my staff, John Brooks and Forrest Rettgers, be permitted the privilege of the floor.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

Mr. MOSS. Mr. President, I rise once again to support an amendment introduced by the distinguished majority leader from Montana, which declares that it is the policy of the United States to withdraw totally all American forces from Indochina within 6 months on condition only that our prisoners of war and living missing in action be released.

For years now, I have joined many of my Senate colleagues in repeated efforts to prevent expansion of the war in Indochina and to bring U.S. participation to a rapid close. Perhaps my most significant vote in this effort came as Congress undeclared war by repealing the Tonkin Gulf Resolution. Any legal foundation for American involvement in Indochina was terminated thereby and the President thus was limited to expediting the withdrawal of American forces with all deliberate speed.

It has become apparent, however, that the administration has resisted a specific withdrawal timetable and cease-fire arrangement to pursue its Vietnamization policy because the President does not have a firm timetable for a specific time to end it. Proposals have been introduced in Congress, therefore, that constitute specific legislative repudiation of this tenuous method of ending the war.

In this session I voted for the original McGovern-Hatfield provision calling for a date certain to end the Indochina war as of December 31, 1971. When passage of this measure failed, I joined 61 of my colleagues on June 22 in declaring unequivocally that within 9 months all U.S. forces should be removed from Vietnam provided that all U.S. prisoners of war should be released. When the conference report emasculated the substance of the Mansfield amendment and destroyed its binding effect and also substituted a date certain to be negotiated, I voted to table the report and send it back to conference.

Mr. President, the Senate must insist again that the President not conduct this outrageous war any longer and provide a national policy setting a firm date to end it.

The tragic war in Southeast Asia has been the most disastrous chapter in American history. How much longer will we continue to feed it and keep it alive with American casualties, American lives, and American dollars? In 17 years of involvement in Indochina 300,700 Americans have been wounded, 55,295 Americans have been killed in the prime of life, and the $130 billion American dollars have been spent that are desperately needed here for domestic human needs.

And for what purpose? This Sunday South Vietnamese will go to the polls in an uncontested, one-man referendum paraded under the flimsy label of democracy. From the beginning, our avowed purpose, and the moral basis for claims by four American Presidents to justify intervention in Vietnam, has been to halt totalitarian aggression and provide responsive competitive democracy. The Thieu election travesty destroys the last remaining shred of credibility surrounding the myth of self-determination for the South Vietnamese.

But has the denial of a meaningful political contest caused the President to withdraw promptly all troops and to terminate further military and economic aid to Saigon?

The latest action of the President is once again to resume the bombing of North Vietnam. Last week fighter-bombers made some 200 combat strikes into North Vietnam, one of the biggest raids since the bombing halt 3 years ago.

Mr. President, 3 months have passed since an overwhelming majority of Senators went on record to declare that within 9 months, all U.S. forces be removed and American-held prisoners be returned home. In that time more Americans have been wounded, many more Americans have been killed, and some $3 billion American dollars have been spent. Now the Senate is called upon once again to put an end to this shameful episode in American history. Senate action to set a firm date terminating this tragic war must not be undone.

The Senator from Kansas in his address to the Senate said that the highest priority of the President was to terminate the war and bring home our prisoners. Why then should the President resist the amendment? The amendment simply states that we will be out on a date certain, but not before we have the return of our prisoners and the personnel missing in action.

What else do they want for this termination? I suggest that perhaps the only thing that has been left out in the present situation is the fact that perhaps Mr. Thieu's government might not survive. Are we in Vietnam to see that Mr. Thieu stays in power and establish the power of a man who is not able to stand before his people in a contested election to seek their mandate, but who must run in a rigged election where in which he is the only person listed upon the ballot?

I think the greatest thing we could do in the Senate today is to adopt the amendment and say unequivocally and legislatively that the war must be brought to a close on a date certain and the condition for that is that our prisoners be released and returned home along with our personnel missing in action.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the distinguished Senator from California.

Mr. TUNNEY. Mr. President, I could not be more pleased that the distinguished Senator from Montana has once again offered his amendment to the military procurement authorization bill, having seen it accepted in the draft bill and then shot down in conference.

I know that the arguments have all been made for and against the war. I hesitate to stand up here today and argue in favor of the Mansfield amendment and subject other Members of this great body to many of the arguments that they have already heard today and in days gone by. However, I have just returned from California where I had an opportunity to meet with a representative cross section of my 21 million constituents.

There is a sense of despair in my State, a sense that people have become apathetic about the war, a sense that their government leaders have swept the issue under the rug. There is a sense that the economy is now the No. 1 issue of concern, the issue with the greatest sex appeal; that the environment is an issue of urgent popular concern; and, further, there is a sense that our Government leaders are not standing up and demanding an end to the war this year and this month as they did in days past.

I feel that the corrosive nature of this war demands that every official stand up and be counted and stand up for a position that the time has come to get out and get out as soon as possible.

We Americans should not be placed in a position of representing President Thieu. We are in a position as Senators in this country of representing more than 200 million Americans. We ought to be thinking about our own best interests. We also ought to be thinking about the prisoners of war.

I do not think it takes a man of great intellect to realize that if we desecalate our troop strength to a residual force of 40,000 or 50,000, we will have far less bargaining weight than we now have at the conference table in Paris with the North Vietnamese and the Viet Cong with regard to the release of our prisoners of war.

We have slightly over 200,000 men in Vietnam now. And I think if we set a time certain, subject only to the condition that the Vietnamese release our prisoners of war, they will be much more amenable to negotiate than if it appears that we are going to have a permanent residual force there of 50,000 men. We should hold those negotiations.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, in following the course of this debate, I have heard a great deal of talk about the present Government of South Vietnam and about the upcoming election there. There has been much concern over the fact that there will only be one candidate for president.

I might note, Mr. President, that that is now largely a result of the fact that only one person chooses to run for president.

Big Minh could have run for the presidency. They bent over backward to validate petitions for Ky so that he could run. But he chose not to do so.

Some of the very people lamenting the fact that Ky is not a candidate for the president are the very people who denounced him thunderously in this body at a time when he was one of the top political leaders of South Vietnam.

Mr. McGOVERN. Mr. President, will the Senator yield for a question on that point?

Mr. TOWER. Mr. President, I yield to the Senator from South Dakota for a question.

Mr. McGOVERN. Mr. President, does the Senator think it is possible that the fact that the runnerup candidate in the last scheduled election was sent to jail for 5 years right after the election by President Thieu had something to do with the fact that it is hard to get people to run for the presidency in Vietnam?

Mr. TOWER. Let me pursue my remarks here and I think I will answer the Senator's question in the course of my remarks, because I am not about to suggest that South Vietnam is a democracy on the order of the United States, the United Kingdom, or even the Republic of France, or any of the other democratic countries. Certainly it is not.

But I would remind the Senator from South Dakota that the American system is a product of Anglo-Saxon theories of law that were evolved even before Columbus discovered America. The fact is that we have centuries of tradition in the development of selfrule. Our history is a history of the constant democratization of our social, political, and legal institutions.

The subject people of Vietnam lived under French colonal rule for years. The French not only did not develop any native leadership; they purposely discouraged active native leadership. The South Vietnamese are a people who have been independent of French Government for only a few short years and cannot be expected to have the political maturity that we in the United States have or that our cousins in the United Kingdom or any of the other great democracies of the world have.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I think we ought to be reasonable when we think in terms of what is going on over there. I do not doubt that there has been repression by the Thieu government; but I would point out that even in the face of that, there are opposition parties. There is opposition in the South Vietnam National Legislature. Indeed, Members of the Senate of South Vietnam not long ago censured President Thieu and suggested that he should postpone the elections until such time as more candidates could become involved. That happened. There are a number of political parties in South Vietnam; there are a number of trade unions in South Vietnam; and there are a number of newspapers. There is only one medium of communication in North Vietnam; there are no trade unions; and there is only one political party.

Mr. President, to try to compare any type of authoritarianism that exists in South Vietnam with the type that exists in Hanoi—I will not suggest that it is dishonest; I would suggest it is somewhat naive. Certainly, this government is not perfect, but I think we have to think in terms of the interests of the free world.

However lamentable a right wing dictatorship may be, and I have no brief for a right wing dictatorship, I do not know of any right wing dictatorship in the world that tries to export a brand of politics to some other country. The fact is that the Communists do and there is a vast international conspiracy to overturn governments of non-Communist countries throughout the world.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 1 additional minute.

Mr. TOWER. Mr. President, we had better recognize the fact that Communist dictatorships more than clandestine infrastructures in countries all over the world aim at subverting those governments, be they authoritarian governments or democratic governments.

Therefore, I submit that the argument about the Thieu government and the authoritarian character of it is no argument at all.

Mr. MANSFIELD. Mr. President, I yield 30 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I wish to congratulate again the distinguished majority leader for offering this amendment which we have voted on before.

The deadly poison which afflicts our society in every area—political, economic, social, and moral—is the war in Vietnam. To put into effect this amendment by the Senator from Montana will do more than all the conferences in Washington and London to restore health to our country.

Although further proof would hardly seem to have been required, recent events have demonstrated anew the political and moral bankruptcy of the continuing war in Vietnam.

The staging next Sunday of a rigged, one-man election to ratify the rule of the incumbent military dictator cannot be blamed on the Nixon administration, which made desperate efforts to create the appearance of a genuine contest. Nonetheless, it should lay to rest once and for all the ludicrous fiction that this war has anything to do with giving the South Vietnamese people the right—or even the chance—to determine their own future. If Mr. Thieu is unwilling to risk the loss of power to an ideological blood brother like Mr. Ky, it is inconceivable that he would ever permit a free election including all the people, including neutralists, Communists, or those who are known to oppose President Thieu. All this pious talk about self-determination is shown up for what it is and always was: A fraud and an insult to the intelligence of the American people—all the more for the fact that it is perpetrated by an administration which has shown precious little concern for self-determination, or even elementary human rights, in such countries as Brazil, Greece, Pakistan, and South Africa.

Contrary to the administration's current public relations campaign, the war is not all but over, nor is it "winding down" to insignificance, nor are we on the verge of that "generation of peace" which the President has been heralding in his recent speeches. For my own part, I should like to see something more durable than a single generation of peace—that after all was what we had between the two World Wars—but even so modest an aspiration is prematurely proclaimed when we cannot bring ourselves to end a war which the majority of Americans now acknowledge to have been a tragic mistake. Large-scale fighting has taken place recently both in the Mekong Delta and south of the demilitarized zone, while in Cambodia—the country which we invaded a year and a half ago, because the President said the campaign would shorten the war and save American lives—the South Vietnamese army—supported by American fighter bombers and helicopter gunships—is struggling to retain its last foothold under what one of its own commanders describes as a "real hell of fire." At the same time our so-called "protective reaction strikes" against North Vietnam have been resumed with revived fury—signifying, as one reporter has put it:

> Something gone awry in the President's plan for Vietnam. (Joseph Kraft, "The Renewed Bombing," *Washington Post*, September 28, 1971, p. A19.)

However successful the administration has been in persuading Congress and the American people that the war is as good as ended, Mr. Thieu knows better and, with creditable candor, publicly has said so. One hears no-nonsense from the President of South Vietnam, whom our own administration so strongly supports, about total American withdrawal, the repatriation of prisoners, or a negotiated compromise peace. The war, he readily asserts, is likely to go on indefinitely, and American military support, accordingly, will be required for many years to come. In Thieu's prognosis, there will be no serious peace talks prior to an all-out military confrontation with North Vietnam, and that, he predicts, will not occur before 1973. He says that he understands President Nixon's need to withdraw troops before the American presidential election, and he says that he has no objection to that as long as a residual American force of 50,000 or so remains, for logistics, helicopters, advice and air support.[1]

Which is it going to be: An end to this war and a "generation of peace;" or a prolonged, "Vietnamized" war, serviced, supplied, and paid for by Americans while Asians do most—but not all—of the dying? It is a fair and simple question, and the American people have the right to an answer. The administration, however, refuses to answer forcing us to the conclusion that its purpose is not to end the war but to transform it into something more tolerable for the American people by engaging Asian boys—to adapt a famous old phrase—to do what American boys would otherwise have to do.

Under these circumstances Congress has not only the right but the responsibility to take mandatory action for peace through the exercise of its own constitutional war powers. For this purpose the Mansfield amendment, already approved once by the Senate by a vote of 61 to 38, is admirably suited. Clearly and simply requiring a total American withdrawal from Indochina within 6 months, contingent only upon the release of American prisoners, the Mansfield amendment, if adopted, would release our country at last from its long travail in Indochina, leaving the people of South Vietnam, Cambodia, and Laos to work out, or fight out, their differences as best they can, without further foreign interference. The adoption of the Mansfield amendment would also represent a clear, decisive acceptance of responsibility on the part of Congress and, in so doing, would do more to restore the constitutional authority of Congress, and public respect for Congress, than any other conceivable legislative enactment. Admirable though they are, and strongly though I support them, the various war powers bills now under consideration can do no more than define Congress's authority; the Mansfield amendment would implement it.

From the start this war has been rationalized in terms of abstractions, analogies, and conjecture, to the neglect of tangible, ascertainable facts. As the Pentagon papers show so strikingly, our policymakers have been preoccupied with geopolitical abstractions having to do with our prestige and our power interests, with the possible effects of the war on countries not involved and hypothetical future conflicts that our actions now might cause or prevent. At the same time our policymakers have given short shrift to what is happening here and now, to the effects of the war on those directly involved, not 10 or 20 years in the future, but right now.

Most of all—and in this respect the Pentagon papers have been most revealing—our policymakers have given short shrift to the human costs and consequences of the war both for the American people and the peoples of Indochina. From the outset of this war—in the recently expressed view of two former National Security Council staff members—our leaders fell into a dehumanized pattern of decisionmaking, treating the lives and deaths and suffering of human beings not as something significant in themselves but as "factors" in their strategic and political calculations.[2] Why and how this came to be so is puzzling indeed; the men who led us and have kept us in Vietnam are not monsters but, for the most part, decent, honorable, and intelligent public officials. Nonetheless, something about this war, or perhaps something about foreign policy in general, or about our own recently acquired status of superpower, has caused us to abandon consideration of humanity at the water's edge and to deal with the war in Vietnam in terms of bloodless, computerized abstractions. Our policy has been made in a world apart from the bombed villages, the piles of decomposing bodies, the mutilated children, and even the cemeteries and veterans' hospitals here at home, which are the only tangible human results of the war.

The virtue of tangible facts is not that they represent the whole truth but that they represent the whole of the ascertainable truth, which must be the principal basis on which rational men make decisions and formulate courses of action. We would think it monstrous if a jury were to condemn a man on the strength of analogy, conjecture, or intuition. Inevitably, these play a greater role in public policy, but ought they to be considered great virtues, as marks of wisdom and statesmanship when the matter is not simply one of condemning one man to prison but of subjecting whole societies to the horrors of war?

It is not enough to contend, as President Nixon never ceases to contend, that, if we did not fight here, we would have to fight elsewhere and that it would almost certainly then be a bigger war, if not indeed a world war. With all respect to the President's sincerity and knowledge of foreign affairs, he simply does not know that—he has no way of knowing. He is a politician, not a prophet, and politicians cannot predict the future; they can only guess at it on the basis of fragmentary information about other people's intentions. Sometimes, too, a political leader may draw upon some knowledge of history, but if he knows anything about history at all, he knows that, as analogy, the past is more likely to deceive than to instruct, that the real use of history is in the broad, general insights it may foster, in the kind of informed intuition it may facilitate, allowing us to make tentative judgments about the sort of political action that is likely to prove rewarding and the sort that is not. Of and by itself history has little to tell us about whether we ought to commit our soldiers and resources to any particular war at any particular time and place. That can only be determined by the facts of the here and now, set if possible in historical context, but never to the exclusion of an active awareness that, whatever we think we owe to generations yet unborn, we have a prior obligation to those already born and now alive. Among the abstractions which influenced our policymakers with respect to Vietnam, consider the concept of an "exemplary war," often invoked by both President Johnson and President Nixon. This thesis holds that the major purpose of the war in Vietnam is external to Vietnam: To retain the trust and confidence of our friends and allies all over the world by demonstrating America's fealty to her "commitments." Aside from the fact that the demonstration has been an exceedingly costly one, by no stretch of the imagination proportionate to its objective, there is the equally distressing fact that it has not worked: Most of our friends and allies have deplored our involvement in Indochina, regarding it as an indication of something erratic, unsound, and unstable about America. One of our closest associates, Israel, has made it clear that, Vietnam notwithstanding, she has no confidence whatever in our readiness to honor a commitment, which is why she insists upon retaining Arab territory.

Closely related to the exemplary war thesis is the highly conjectural Munich analogy, with which we are all familiar. Equating conciliation with appeasement and appeasement with the prospect of world war, this thesis takes no notice of the enormous differences in the two sets of circumstances, including the fact that Nazi Germany was the most powerful military and industrial state in Europe, while North Vietnam is a small, undeveloped country, capable of challenging the United States only in the kind of jungle gurrilla warfare in which we have so obligingly engaged the North Vietnamese. The men who led us into Vietnam were, by their own admission, much influenced by the experience of Nazi aggression and western appeasement in the 1930's; they derived from the experience, as Mark Twain once put it, "more wisdom than was in it."

At least we have not been hearing much of late about the Communist bloodbath from which we are supposed to be saving the South Vietnamese. Perhaps even the administration has by now taken notice of the wasted people—the million or more South Vietnamese civilian casualties, including at least 300,000 dead, since the war began, most of them victims of American and South Vietnamese military action. The administration can hardly be blamed if it no longer feels up to the task of explaining why it is better for South Vietnamese civilians to be blown to bits by American fragmentation bombs or burned alive by American napalm than to face the hypothetical possibility of a future Communist bloodbath.

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[1] Quoted by Clayton Fritchey in "Truth from Thieu: the War Will Go On," *Newsday*, September 24, 1971, p. 56.

[2] Anthony Lake and Roger Morris, "The Dehumanization of Foreign Policy," *Washington Post*, September 26, 1971, p. E1.

Then there is the thesis, also highly favored by President Nixon, that we must, in his words, "play out the game" in order to retain our unblemished record of never having been defeated in war and in order to redeem the sacrifices already made by our soldiers. In this context the war becomes its own justification: Like a baseball game, it is played to be won because winning is what the "game" is all about. Robbed of all human and even valid political significance, the war is trivialized into a mindless contest to prove that we are "No. 1"—for whatever good that is going to do us or anybody else. And as far as "redeeming" the sacrifices of our GI's is concerned, the assumption here seems to be that a victorious war is a justified war, that you can wipe out a mistake by succeeding at it—or getting away with it. Of all the rationalizations used to justify our continuing involvement in Indochina, none is more extraneous to the merits of the war than this one. Rooted in an assumption that victory redeems error, it is practically indistinguishable from the primitive notion that "might makes right."

Never to be forgotten either is the intrusive influence of presidential politics. Mr. Thieu has coped with his electoral problem in his own special way, but our own President faces a different kind of election a year from now. As the "scenario" is now unfolding—at least according to speculation in the press—American troop withdrawals are being scheduled at a rate deemed slow enough to help Mr. Thieu stay in power but fast enough to eliminate Vietnam as an issue in the American presidential election. All this may be unfounded speculation, but it strikes me as an uncanny coincidence that the South Vietnamese Army is improving at exactly the rate which will enable it to take over all ground fighting just about in time for our presidential election campaign. The assistant Republican leader in the Senate makes no bones about this "scenario." The Senator from Michigan (Mr. GRIFFIN) was quoted in the press last April 9 as having commented as follows on the President's Vietnam speech of 2 days prior:

> In a practical sense he did set a date certain for ending United States involvement—Election Day 1972.

There is one final argument for our continued presence in Vietnam which is said to carry great weight with the administration although it is highly speculative, rooted in far-fetched analogy, and as extraneous to the merits of the war as all the other rationalizations I have cited. This thesis, said to be derived from the experience of Germany under the Weimar Republic and also said to be favored by Mr. Kissinger, holds that an over-hasty withdrawal from Indochina will bring on a violent outcry from the radical right in the United States, plunging us, as Mr. Nixon put it in his speech of last April 7, "from the anguish of war into a nightmare of recrimination." For all I know there will be an outcry from the radical right if the war is ended short of total victory—they usually do make an uproar when the Government does something sensible—but is that any reason to continue the killing of Americans and Vietnamese? Are our soldiers to be sacrificed for the appeasement of the lunatic fringe at home? If there is to be recrimination, I say let us get on with it; it is better than further useless killing.

When all the learned conjectures and analogies have been considered and found wanting, we are forced back upon the merits of the case, and in the case of Vietnam there are no merits and never have been. It has all been a terrible and tragic mistake and nothing that we do can ever alter that. We can "play out the game" by sustaining a proxy war, trading Asian lives for the phantom of American prestige, but that will not retrieve our past mistakes; it will compound them and, if anything, accelerate the moral corrosion which this war has brought upon our society. The other choice is to acknowledge and liquidate our great mistake and, by that very act, initiate the process of moral reconstruction of which our country is in so great a need. That is the way of the Mansfield amendment, which I hope the Senate will enact and this time defend, until it becomes the law of the land.

Mr. McGOVERN. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. If I have time.

The PRESIDING OFFICER. The Senator has time remaining.

Mr. McGOVERN. I would just like to ask the Senator if the issue is not essentially this: that the Mansfield amendment says, in effect, that the Senate of the United States wants this war ended, and will terminate all American military operations provided only that the other side will agree to release our prisoners, whereas the position of the administration seems to be that the release of our prisoners is not enough, that we have to continue the deaths of American young men in Southeast Asia and continue these American military operations even if the other side agrees to the release of our prisoners, and that we do that, because we fear the political consequences of a withdrawal, either for General Thieu or here at home. Is that not really the issue that we are deciding here this afternoon?

Mr. FULBRIGHT. I think that is involved in it. I tried to make that plain. They have given many reasons; I tried to deal with them. The idea of giving them a chance of self-help has now shown up as really irrelevant, because the Senator knows about the self-determination which will take place next Sunday. I do not think there is anything to that.

The other side has stated they are willing to release the prisoners if we are willing to set a date certain, and what the Mansfield amendment seeks to do is set a date certain.

Mr. McGOVERN. And that is the one thing the other side has said will unlock the prison cells.

Mr. FULBRIGHT. That is right; and I think it is the responsibility of the Senate to support this move. It will do more than any other single thing to promote a negotiated settlement. And I might add it will do more than any other one thing I can think of to end our economic difficulties, about which so many of the world's leading economic figures are meeting in Washington now. They all dislike to attribute to this war its real role, but how can anyone deny that the deterioration of our own economy, and that of the rest of the world, began with our vast expenditure of time, money, effort, and life in this military effort?

Mr. McGOVERN. This, I say to the Senator, is the real issue in arguing about whether the war or our economic difficulties constitute issue No. 1. The two are so interrelated that you cannot really separate them. How can you separate the inflation from the effects of the war?

Mr. FULBRIGHT. I think the Senator will agree that the original and only cause for the inflation and the dislocation of our economy and the world's economy is our military efforts. All these troubles about tariffs and surcharges, and so on, grow out of that tragedy. Our own economy has deteriorated to where we are not competitive any more. We have expended so much money and inflation has put us in a position where we cannot compete. We could always compete until the last few years.

We not only inhibited the solution, we were so embarrassed that we had a dollar gap that we went to great lengths to put up money during the 1950's, as the Senator knows.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PELL. Through the years we have scoffed at Communist style elections where there is offered only a single candidate. We are right to scoff. Yet, now, American prestige, blood and treasure is being drained as we provide the wherewithal and underpinnings for such an election next week in Vietnam.

If anything should convince us of the wisdom of the Mansfield amendment, our acquiescence in this Communist style election should do so.

Moreover, I am confident that the Mansfield amendment, calling for withdrawal of all our forces within 6 months, provided our prisoners of war are released, expresses the will of the majority of Americans. I believe it is imperative that the Congress set a date for withdrawal and compel the executive branch to bring about an end to all our military involvement in Indochina.

As I have been saying for some years, it is tragically clear that this is a wrong war, fought in the wrong place at the wrong time, a war in which this Nation should never have become involved. We can do nothing now to restore the lives of thousands of young Americans that have been lost in Vietnam, but we can act to insure that no more lives are lost.

I fervently believe and hope that the conferees of the House this time will recognize the true American national interest in supporting this amendment, and preserve it in the final bill, so that prompt and complete withdrawal of forces from Indochina can indeed become the definite policy of our country.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I thank the majority leader very much. I want this opportunity to support his amendment.

We passed this amendment once before. The Senate voted it, but it did not pass the other body, and we had to compromise it. Why try it again? Why did we not hold fast, why did we vote cloture, and why did we not table the compromise? Those are the real questions and arguments.

The majority of the Senate—and I believe of the Nation—subscribes to the proposition—and I beg the President of the United States to listen—that we should fix a date. That is what is at issue here, that we should fix a date. This is the fulcrum of the argument.

The President has a date in mind, I am sure. He may announce it in due course, or he may not. He may get caught in another trap which relates to the type of situation the Senator from Rhode Island just spoke about, of the one-man presidential election, or some attack, or another Tet offensive, or something else which will tie us in again and make us bring our troops back.

When you name a date, you are committed, and on that basis you can proceed to negotiate a political settlement. If you cannot, you are out anyhow. That is the one thing we have to resolve.

What this Nation most needs, and what its citizens most devoutly crave, is a definitive end to this long, tragic, wasting war which has so damaged us at home and abroad.

Mr. President, this point has to be made again and again until we find an opening where we can legislate it. We have pretty much rejected the idea, up to now, that we are going to cut-off funds. Obviously that is the very last resort, and we are not yet ready to take it; but at least we have declared that we are for the idea of a political decision by the U.S. Congress, in which we invite the President to join us, before we use the club of no funds.

This is the decent and honorable thing to do. The draft bill presented to me, once the war issue was obviously not capable of resolution in that bill, a separate decision respecting the security of the country and one's philosophy about the draft and the make-up of the Armed Forces. I voted cloture and I voted for the draft because, finding that you could not get anywhere up that path with that particular measure, there was nothing to do.

Now we have another opportunity. We may decide that this is the bill which we really must hold up if there is no settlement. It is essential to reiterate our position at every major opportunity and this is such an opportunity.

We have knocked at doors before where the occupants did not answer until we knocked once or twice or even three times. We must persist likewise on this most vital national issue. This war is sapping our lifeblood as a nation. It must be ended in a definitive fashion. We cannot turn ourselves around until this happens.

Mr. President, those of us who are for the amendment of Senator MANSFIELD are convinced that nothing decisive will happen in this country for the good—not a realinement of currency, not the settlement of the devaluation, not the renewal of the initiative and the motivation of the American people—until it is unequivocally clear we are going to get out of Vietnam, and that is the end of it, with the date fixed. That is the conviction we are expressing. I feel that we have the duty and privilege, under the leadership of Senator MANSFIELD, to express it again. I would be untrue to my oath and to my constituents—18 million of them—if I did not take every opportunity I could to express it, to knock at that door until we either have to use more force than we have been ready to do up to now or until the occupant will listen. I believe he will. Therefore, I shall support Senator MANSFIELD's amendment, and I hope the Senate will again adopt it, feeling that this is the only way in which a result will be obtained which will be historic for our country.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Does not the Senator think it should be emphasized here that once the date of withdrawal is set, the issue of whether or not we are compelled to keep that pledge and that commitment depends upon what the other side does with reference to the release of American prisoners?

Mr. JAVITS. Senator MANSFIELD has now absolutely conditioned it upon the release of American prisoners. Every conceivable element of morality is satisfied by the terms of the amendment. For the Senate again to say decisively there is only one way to resolve this dilemma—you have to fix a date—I think is an eloquent, positive statement we must make.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SYMINGTON. In this town today are many members of families who have relatives held captive in North Vietnam. Would not the Senator agree that the best answer to their question, "How do I get back my husband or son in North Vietnam?" is to say, "The best we know today is to support the Mansfield amendment"?

Mr. JAVITS. Absolutely. There is no way of getting our prisoners unless we come to an end of the conflict. We know that from history, and it is as true here as in any other situation.

Mr. MANSFIELD. I yield myself 1 minute.

Apropos of what the distinguished Senator from Rhode Island has said, I think he hit the nail on the head. Those who are opposed to this amendment are trying to find ways and means to dodge facing the responsibility which is ours.

I am more interested in our men, our POW's, our recoverable missing in action, than I am in the government of Saigon.

I do not care how we try to dodge this, we will face up to this or we will pay a price for failing to do so.

Mr. President, I yield 2 minutes to the Senator from Indiana.

Mr. HARTKE. Mr. President, I want to describe some basic problems in our struggle and to challenge the President to accept the opportunity to end the war which the U.S. Senate is now offering him. Let me make these points:

In 1954 the French were fighting desperately to maintain their colonial empire in Vietnam and were losing. Mr. Nixon, then Vice President, proposed giving them military assistance, including nuclear weapons. On April 3, 1954 Secretary of State John Foster Dulles met secretly with eight congressional leaders and asked for a joint resolution permitting President Eisenhower to use air and naval power to help the French in Indochina. He admitted that this would put the United States in the war. He was told to find some allies first. On April 16, 1954, Vice President Nixon startled the convention of the Society of Newspaper Editors by almost declaring war. He said that the United States as a leader of the free world could not afford further retreat in Asia, that he hoped we would not have to send troops there, but "if this Government cannot avoid it, the administration must face up to the situation and dispatch forces."

Secretary Dulles frantically tried to get other nations to help but without success. On May 7, the French fortress Dienbienphu fell. Attention turned to negotiations for an armistice then going on in Geneva. Mr. Dulles was not happy about the conference. He opposed partition which would give Communist Vietnamese control of any territory. He opposed any agreement for elections which did not insure "political as well as military guarantees."

On July 20 the French and Vietnamese signed an agreement for cessation of hostilities. A demarcation line was established, on either side of which the military forces were to be regrouped. No military base was to be established on either side.

Eight nations entered into a declaration recognizing the armistice and noting that—

> The military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary.

The conference declared that the Vietnamese people should be allowed to express their national will through general elections to be held in July 1956 under the supervision of an International Commission. The United States participated somewhat in this conference but did not accept its conclusions.

Under Dulles-Nixon leadership, the United States proceeded to ignore the treaty and to build up South Vietnam as a separate country. The International Commission was not allowed to check the airfields in South Vietnam. Its official report states:

> While the commission has experienced difficulties in North Vietnam, the major part of its difficulties has arisen in South Vietnam.

Thus, Nixon and Dulles succeeded in getting American forces into Vietnam. This escalated into open warfare of today. Of the leaders living today, Nixon is the father of this war.

On May 14, 1969, President Nixon said:

> Some believe I should have ended the war immediately after the inauguration by simply ordering our forces home from Vietnam. This would have been the easy thing to do . . . (But) we have ruled out either a one-sided withdrawal or the acceptance of terms that would amount to a disguised American defeat.

Thus, Mr. Nixon deliberately, consciously decided not to end the war as soon as he could, but to prolong the war.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HARTKE. No. I have only 2 minutes.

Mr. DOLE. Did the Senator vote for the Gulf of Tonkin resolution?

Mr. HARTKE. Mr. President, I am not yielding the floor. The Senator may respond on his own time.

In 1969, the CIA told President Nixon that immediate withdrawal would complete the loss of Laos but that—

> All of Southeast Asia would remain just as it is for another generation.

The CIA totally rejected the domino theory. There you are. Even the CIA told Nixon he could withdraw without significant loss, if he wanted to.

But did he change? Not at all. On November 3, 1969 he again announced his rejection of immediate withdrawal. He even admitted that Ho Chi Minh had written him that—

> With goodwill on both sides, we might arrive at common efforts.

Nixon called this a flat rejection of peace initiatives.

Again on December 15, 1969 and April 20, 1970, Nixon admitted his ability to withdraw and his decision to prolong the war. Then came the Cambodia invasion—and Laos. The intervention grew larger.

For the last year President Nixon has been emphasizing the plight of the POW's. He has encouraged their relatives to rise up in criticism of those who want to end the war. Let us set the record straight. It is Richard Nixon who is keeping the POW's in the prison camps.

In early April I went to Paris to confer with the representatives of the four powers involved in the Vietnam talks and to clarify their positions. The Hanoi and Vietcong representatives stated repeatedly that as soon as a date was set for the withdrawal of our forces, arrangements would be made for the release of our POW's. Mme. Binh said:

> If the American forces withdraw in a rapid and appropriate fashion, your captured military men will be returned in a rapid and appropriate fashion.

The Mansfield amendment would have us adopt a policy statement calling for establishing a date for the withdrawal of all our military forces, with phased releases of the POW's. With this policy, the POW's can be on their way home in a matter of weeks. If the President rejects that policy he will perpetuate a cruel hoax on the families of those men.

We must realize that President Nixon's position is not a passing fancy. For 17 years he has tried to get the United States to shore up the French colony in Vietnam or, failing that, to establish our own in South Vietnam. His plan is to continue a military presence in order to maintain our bastion there, indefinitely.

The President is an efficient, effective politician. He knows that election results decide what he must do, and he works to determine those results. He has been remarkably successful in persuading American voters by his withdrawals that he is getting out of Vietnam. Actually he is only getting out of sight. Last January, in appraising the 1970 elections, he noted that a July poll showed that 4 million college students were going to campaign for peace candidates in November but, said Nixon:

> They did not. They had become convinced we were sincerely trying to end the war.

That was successful deception. It is the Nixon plan.

All the polls show that the American people consider the Vietnam war a mistake and want out of it immediately. Yet peace measures do not quite clear Congress. Why?

The MANSFIELD amendment sets a date within 6 months for withdrawal of all military forces, contingent upon release of our POW's, and to negotiate for an immediate cease fire and a release of POW's as our troops come home. From my conversation in Paris, I am absolutely convinced that the other side will accept this. Our participation in the war can stop right now, if Congress will only enact this measure into law.

It is up to us, here today, to make the move toward peace.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, in rebuttal and in refutation, the specter is always raised as to who signed or who voted for the Gulf of Tonkin resolution. The question is always propounded, Who was to blame in the beginning for our involvement? Frankly, I think we are all to blame. I do not care whether one is a Republican or Democrat or an independent or a liberal or a conservative. We are all to blame.

But is that the real question here today? The fact that confronts us here today is that our country is disturbed and distraught about these prisoners of war. These are Americans, wearing the American uniform, who have been captured. They are rotting in prisons that are maintained by a barbaric group of people who scoff at international law and will not even allow the International Red Cross to go in to see how badly they are being treated.

We feel now that there is a chance that these prisoners might be released, even by these barbarians, if somehow we set a date certain, and if we set a date certain that is conditioned upon those American prisoners being freed.

I am saying this afternoon, regardless of who should be indicted for the sins of the past, let us look forward to the future and let us see if there is a chance to bring back these prisoners. Let us end the mystery of the missing and restore to their loved ones those who survive. I say it is worth the chance to save these American lives. That is all we are talking about.

If the other side should break their promise and refuse to go along, then we do not have to carry out our commitment. That is how simple it is. How much more fair can one be? This is the last clear chance we have, because the name of the game here is to get out of Vietnam.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield the Senator 1 additional minute.

Mr. PASTORE. We have said that that is the policy and that is what we are trying to do—get out of Vietnam.

I want to applaud President Nixon for as far as he has gone. He has done much better than some of our Democratic Presidents. I will admit that, too. If you want that accolade, I will give you that accolade this afternoon.

But the question right now, is, How do we get these American prisoners back home? The only clear chance we have is to set a date certain and then see what happens.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. In other words, it is time to put our money where our mouth is.

Mr. PASTORE. That is right.

Mr. MANSFIELD. We all say that we we are for the POW and the MIA. Now we have a chance to prove it.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Kansas.

Mr. DOLE. I raised the question of the Gulf of Tonkin resolution because there seems to be a feeling in the Senate now by many of those who voted for the declaration of war in 1964 to now vote for a declaration of peace.

Mr. MANSFIELD. Mr. President, I must object to the reference of the Senator to the Gulf of Tonkin resolution as being a declaration of war. It was not the intention of anyone who voted for that resolution to give it that connotation.

Mr. DOLE. The Senator from Kansas was then a Member of the House, and I voted for it, so I do not fault anybody for voting for it.

Mr. MANSFIELD. The Senator may have voted for a declaration of war, but the Senator from Montana did not.

Mr. DOLE. Well, it is the Gulf of Tonkin resolution, which has since been repealed.

But the point raised by the Senator from Kansas is this: I have no quarrel with anyone who has spoken with reference to the release of the prisoners of war. I have a rather strong feeling, myself, about American prisoners of war and Americans missing in action. But I find it rather strange that on August 7, 1964, this body, by a vote of 88 to 2, gave President Johnson great power in Southeast Asia and then, suddenly, when we have another President who changed direction and withdraws American forces, nearly 335,000, we find it necessary to pass the so-called declaration of peace—or I will call it a declaration of peace, if it must be named something.

I say to the Senator from Indiana and to some others, that I voted for the Gulf of Tonkin resolution in the House. Maybe I was misled. Maybe I did not understand. I am not certain just who voted for it in the Senate but the vote was 88 to 2. The two Members who voted against it are no longer with us—but not for that reason.

All I say to the distinguished Senator from Arkansas (Mr. FULBRIGHT), who is now in the Chamber, is that when he looks at the faults of this administration, he might look at the faults of Congress, because we too have some responsibility. We vote the appropriations. We passed the Gulf of Tonkin resolution. We passed resolution after resolution. Rather than indict any administration, whether it be the Kennedy, the Johnson, or the Nixon administration, it is time that Congress share some of the blame and some of the responsibility for the bombing, the crippling, and the wounding the Senator from Arkansas refers to.

Mr. FULBRIGHT. Let me say to the Senator from Kansas that I agree with him. I said it was a mistake and that Congress shares in it. Is that any reason why we should not rectify that mistake but go on through and win the war? It does not make any sense.

Mr. DOLE. It does not make any sense to shift the blame to some administration——

Mr. FULBRIGHT. I am not shifting the blame to another administration. What we should do is to stop the war. The purpose of the pending amendment is not to shift the blame to anyone. The Senator from Kansas is too sensitive about blame. We only want to stop the war.

Mr. DOLE. What happens if they do not release our prisoners of war and MIA's?

Mr. MANSFIELD. Then all bets are off.

Mr. DOLE. Will the withdrawals stop? Or should we continue the withdrawals?

Mr. MANSFIELD. Yes. Certainly. I wish the withdrawal could come faster. I wish the President would announce when this war will end based on the return of our prisoners of war and MIA's, so that this amendment would not be necessary. I want to see the war ended.

Mr. DOLE. I want to see the war ended, too.

Mr. MANSFIELD. I want to see the prisoners of war and the MIA's returned. I want to see our combat men and support troops returned. In the words of General Ridgway, I want to see them all withdrawn until we have only the Marines there guarding the Embassy as they do every other American Embassy throughout the world. We have been there too long. We have spent too much money. We have paid too high a price.

Mr. DOLE. The Communists have told the distinguished Senator from South Dakota (Mr. McGOVERN) one thing on September 11 and a repudiated item September 16, I frankly see no reason we should trust them. We always seem to trust the other side, but have little trust in our own Government. Four or five times we have indicated our good will and our good intentions but the Communists have done nothing. I do not believe setting a date will make any difference.

Mr. MANSFIELD. Will the Senator from Kansas yield further?

Mr. DOLE. I am probably way over my time, but I yield.

Mr. MANSFIELD. We trust the Government. We trust President Nixon——

Mr. STENNIS. Mr. President, I call for the regular order. The time I yielded has expired.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute on my time, if I may.

This is an attempt to cooperate with the President, to work in tandem and establish a partnership based on equality. It is not a case of trying to find fault with someone or some organization. It is an attempt to do something about our prisoners of war and our MIA's and our combat men over there, to stop the slaughter, the killing. What has happened to this country today is basically premised on what has happened in Vietnam over the past 10 years. It is about time we get out, lock, stock, and barrel, and all the way—and stay out.

Mr. STENNIS. Mr. President, I yield 10 minutes to the distinguished Senator from Pennsylvania (Mr. SCOTT).

The PRESIDING OFFICER (Mr. TAFT). The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SCOTT. Mr. President, we cannot stop a war by an act of Congress of this kind. We cannot stop a war. We can start one and carry it on. We can stop it by withholding funds and let Congress take over full responsibility for the further escalation of our Armed Forces, but we cannot stop it by an act of Congress. I believe that everyone here knows that.

What we also know is that during the period in which the President has taken a third of a million troops out of Southeast Asia, Congress has grown increasingly restive. Congress has grown restive because of the thought that, when all is said and done, and all our troops are out—as the President has promised total withdrawal—and when our prisoners of war and MIA's are all accounted for and returned home safely, then the people of this country will know who did it.

I think that Congress is very anxious to have an input into who did it, which is understandable. We are all quite human and like to share in whatever credit or whatever praise can be given. It is perfectly justifiable and understandable.

On the other hand, over the past years, when people like myself were supporting President Kennedy and President Johnson in their commitments in the war, perhaps that might have been the time for all of us to reflect that we were getting into something which would be a lot more difficult to get out of.

Mr. President, the amendment proposed by the distinguished majority leader (Mr. MANSFIELD) calls on the President of the United States to publicly declare and implement a policy of total unilateral termination of all U.S. military operations and withdrawal of all U.S. forces from Indochina not later than 6 months from enactment, contingent upon release of American prisoners of war. While I know that the intentions of the Senator from Montana could not be more honorable, I strongly believe that the adoption of this proposed amendment would not be in the best future interests of our Nation.

First, I do not believe the amendment lives up to its expressed purpose, that is, the termination of hostilities. It neglects Allied efforts to bring a responsible settlement to the conflict and could, in fact, make the continuation of hostilities more certain through removing any incentive for the North Vietnamese to negotiate a settlement.

Second, no matter what the status of this amendment as a legislative vehicle, its political impact is the same as several of the other amendments which have been presented to the Senate in the past. That impact is to give the North Vietnamese confidence that they should continue the war because the United States will accept their unconditional demands. That impact is further to give America's Allies in Vietnam and elsewhere the impression that the United States will not work for a responsible peace but will instead choose the path of abandonment.

The amendment's call in subsection 1 for the North Vietnamese to release all American prisoners of war in exchange for a unilateral and total removal of U.S. forces and operations from Indochina does not take into consideration the following factors:

First. The North Vietnamese have clearly indicated that setting a date for withdrawal and meeting all of their other conditions will not—I repeat, not—automatically result in POW releases but will merely bring about discussions on the modalities of prisoner release, cease-fire or the safe return of our soldiers.

Second. Although the Geneva Conventions which North Vietnam has signed call for the proper listing, treatment, and release of prisoners of war in all hostilities, and although the South Vietnamese permit Red Cross inspections and have offered releases, Hanoi has failed to abide by the international conventions and has instead set political ransom demands for the U.S. POW's.

Third. A unilateral declaration to withdraw totally from Indochina in the absence of reciprocal North Vietnamese withdrawals and effective international guarantees, would betray the peoples of the area and would totally remove any Communist incentive to negotiate or to release our POW's until their stated demands—including overthrow of the Government of South Vietnam, the termination of all forms of Allied assistance, the actual withdrawal of all Allied troops and dismantling of all Allied bases, and the payment of reparations—had been met in full.

I do not know who in this body would vote for appropriations for those reparations.

The amendment's call in subsection 2 for a cease-fire in the absence of reciprocal North Vietnamese troop withdrawal and appropriate verification procedures does not take into consideration these facts:

One. The North Vietnamese and the NLF have categorically rejected the proposals of October 7, 1970 by the U.S. and South Vietnamese Governments calling for an internationally verified cease-fire in place throughout Indochina. The Communist side's own proposals neglect to specify any North Vietnamese role or obligations, reject any international verification and require the prior overthrow of the Government of Vietnam.

Two. A unilateral U.S. cease-fire would jeopardize the fate of our remaining men in Vietnam. In the absence of any reciprocal removal of North Vietnamese forces and of any real strictures on North Vietnamese actions during total U.S. withdrawals, Hanoi would be able to calculate the U.S. withdrawal rate very simply. When by these calculations allied forces would be at their greatest vulnerability, the Communists would be able to attack our men as they pull out, despite whatever promises they might make.

Subsection 3 of the amendment calls for negotiations on U.S. withdrawals in exchange for U.S. prisoner of war releases. In addition to the problems I have already spelled out, this section neglects the following important considerations:

One. It neglects the fact that the Communist side has firmly rejected U.S. and South Vietnamese proposals to negotiate these and other issues on the basis of reciprocity.

Two. It would eliminate any incentive for Hanoi to negotiate seriously by unilaterally removing the major allied bargaining counter to bring about a negotiated settlement based on reciprocity by Hanoi and the removal of North Vietnamese forces and assistance.

Three. It neglects the issue of international verification of withdrawals, cease-fires and political settlement.

Four. It neglects the problem of North Vietnam's massive troop presence in Laos—90,000 troops—and Cambodia—50,000 troops—in continuing violation of the sovereign territory of its neighbors, who have not attacked North Vietnam and who have asked the North Vietnamese to end their attacks and to withdraw their forces.

Five. It neglects the major steps toward peace already taken by the U.S. Government on the basis of past Communist statements that this or that new U.S. concession would lead to serious negotiations.

And I may add that these covert proposals—not openly made and not irrevocably made—are no more than sucker talk.

These steps include the bombing halt, the acceptance of an NLF role in the negotiations and in a future election process in Vietnam, the withdrawal of two thirds of our troops from South Vietnam, and the appointment of a new senior ambassador to the Paris talks.

6. It neglects the serious and responsible proposals made by the Governments of the United States and South Vietnam for a responsible peace settlement as follows:

U.S. and South Vietnamese Governments on October 7, 1970, proposed a comprehensive settlement involving; an internationally supervised cease-fire in place throughout Indochina; a new Indochina peace conference; reciprocal and internationally verified troop withdrawals; a political settlement in South Vietnam involving all political elements and free elections, and release of all prisoners of war.

Though each and all of these proposals have been rejected by the other side, they offer a responsible path to peace deserving of support.

In conclusion, I am convinced that the impact of this amendment would be the opposite of what its proponents and supporters intend. It would not free U.S. prisoners of war; it would not gain a cease-fire; and it would unilaterally throw away the most effective single case the United States has for gaining serious negotiations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator for yielding. Earlier in his remarks, the Senator stated that the President had promised total withdrawal provided there was a total release of all of the prisoners and an accounting for those missing in action. When did the President make any such promise?

Mr. SCOTT. The President made it in a number of statements. He referred to it last Tuesday in a talk to the wives and mothers of the prisoners of war.

I have a letter to that effect. I ask unanimous consent to have printed in the Record a letter sent to me by Mr. Clark McGregor, counsel to the President, this morning.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, D.C., September 30, 1971.
Hon. Hugh Scott,
U.S. Senate,
Washington, D.C.

Dear Senator Scott: Within the past few days the President has made two significant statements on Vietnam. These relate to the POW/MIA issue and to the attainment of our goal of complete American withdrawal.

At the Statler-Hilton Hotel in Washington on the evening of September 28th, speaking to members of the National League of Families of American Prisoners and Missing in Southeast Asia, the President said:

"The Secretary of Defense—and I have had an opportunity to read his remarks and endorse them—will address you later. He will tell you what we have been doing, what we are doing, what we hope to do with regard to the great objective in which all of you and all of us are interested, and that is obtaining the release of all of our POW's and missing in action wherever they may be in Southeast Asia.

"But I wish to underline what the Secretary will tell you by indicating the personal commitment of the President of the United States. As you can imagine, whoever holds the office of the Presidency cannot take upon himself all of the various assignments that come across his desk. Much must be delegated.

"I want each and every one of you to know, however, that from the time in the White House Library, at Christmas time, 1969, I met a group of wives and one mother of some POW's and missing in action, from that time, as the Secretary of Defense can tell you, and the Secretary of State can tell you, I have considered the problem of obtaining the release of our POW's and missing in action as being one that has Presidential priority.

"I can assure you that every negotiating channel—and now I say something here that I am sure all of you will understand—including many private channels that have not yet been disclosed, have been pursued, are being pursued, and will be pursued.

"I can assure you that with regard to this problem, that whenever any matter comes to the attention of the Secretary of Defense, or the Secretary of State, from a Senator or Congressman or the rest, it is brought to my desk and we run out the lead, whatever it may be.

"You know the tragedy we have found so often—hopes are raised and then dashed, because we are dealing here with a savage enemy, one who has no concern for humanitarian ideals.

"But on the other hand, we believe that it is essential to check every possible lead; we don't care where it comes from. We are doing that.

"I have personally ordered that and we will continue to do so, and I believe that we will eventually succeed in our goal. That is my commitment that I make to all of you."

In Portland, Oregon, on the afternoon of September 25th, addressing the Northwest Editors, Publishers, and Broadcast Executives, the following question-and-answer exchange wound up the session:

"Question. Mr. President, will the unopposed ballot in Vietnam have any effect on winding down the war? Will it speed it up?

"The President. With regard to the unopposed ballot, we, as I have stated on other occasions, would prefer that Vietnam could have an election in which there was a contest. We, of course, noted with approval the fact that the parliamentary elections were very, very vigorously contested, and that over one-third of the Parliament in the National Assembly was elected in what most observers agreed was a very fair, impartial election. Over one-third of them were of parties opposing President Thieu, which shows a very active opposition.

"It should also be noted that in the Senate of Vietnam, there is an active opposition which was able to assert itself. We cannot get people to run for office unless they are willing to run, and under those circumstances, therefore, the problem which confronts us is whether, because South Vietnam has elections but has not yet had elections which we consider to be satisfactory in terms of our standards, whether under those circumstances we, in effect, throw up our hands and say that it makes no difference what happens, and let the Communists take it over.

"The choice, quite frankly, is not between a South Vietnam and perfect elections, or elections meeting our standards, but the choice is between South Vietnam and no elections, which is what would be the case if the Communists were to come in.

"As far as our plan is concerned, I would summarize it this way: Our plan for ending the American involvement in Vietnam is proceeding. I will have another announcement to make in November with regard to that plan. It is significant to note that over 300,000 Americans have come out of Vietnam. It is significant to note that as far as our casualties are concerned, the casualties for the entire summer were not as great as they were when we came into office in 1968—and they will continue to go down.

"Our goal of ending the American involvement, of preventing a Communist take-over, of obtaining the return of our POW's, can be attained, in my opinion, and will be attained, and the complete American withdrawal, consistent with that goal, will occur. (Emphasis supplied.)

"In the event, however, that as a result of a change of policy, a change of policy that might be brought upon the Administration by Congressional action—I don't anticipate this, but it has been speculated about—we move more precipitately, everything that we have fought for in Vietnam could be lost.

"So, I would simply say that we feel that our policy of ending American involvement in a way that would prevent a Communist take-over and give the people of South Vietnam a chance to develop a democratic system which more closely meets our standards—that goal can be reached."

While the Portland, Oregon, and Statler-Hilton Hotel events received some news coverage, I thought the verbatim text of the President's remarks would be of interest to you.

Best regards.

Sincerely,

CLARK MACGREGOR,
Counsel to the President for Congressional Relations.

Mr. CRANSTON. I have never seen a statement in which that is flatly stated. There has always been a reservation about giving the Government of South Vietnam the time to survive and a reference to residual forces.

Mr. SCOTT. Mr. President, the President has never abandoned his obligation to effect a safe withdrawal of troops. But in the quotation in the letter he uses the phrase that he is committed to the total withdrawal of U.S. forces.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. HARTKE. Mr. President, as the Senator from Pennsylvania knows, we were in attendance at the Inter-Parliamentary Conference in Paris in September. At that time the Senator from Utah (Mr. Moss) and I conferred with the North Vietnamese representatives to the Paris peace talks. They confirmed what had been previously reported after I discussed last April with the North Vietnamese National Liberation Front the way to end the war.

In summary and truth, the explanation is: If the United States agrees to a firm date to withdraw our troops, then the other side will agree to an immediate ceasefire and a prompt return of our prisoners of war. In the event the other side does not keep their side of the agreement, then the Americans would not have to withdraw. The Mansfield amendment will bring an end to the war, a ceasefire, and the return of our prisoners of war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 1 additional minute.

Mr. SCOTT. Mr. President, I respond by saying that earlier today I pointed out that if Hanoi really means what it says, it would say it unconditionally at the Paris talks and not in private conversations with Senators or anyone else. I think that is the way to find out.

Second, is the Senator saying that if Congress passes the Mansfield amendment, Hanoi will immediately and promptly release the prisoners of war?

Mr. HARTKE. Mr. President, that is what I say, and I believe that the war can be ended, by adopting the Mansfield amendment and all prisoners of war will be returned.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Maine.

Mrs. SMITH. Mr. President, I oppose this amendment for two basic reasons. First, I oppose it on the merits because I do not want to tie the hands of the President in his program for an orderly withdrawal of our forces from Vietnam. And I do not want to slap him in the face. This amendment will both tie his hands and slap him in the face as well as strengthen the bargaining position of the North Vietnamese and the Vietcong in the Paris negotiations.

Second, I oppose this amendment on procedural grounds. It is not a relevant amendment for a military procurement bill. It is more properly, from a procedural standpoint, a matter for a resolution to be debated and voted upon separately from authorization legislation.

It is my understanding that there is such a resolution now before the Committee on Foreign Relations. I cannot conceive of that committee not voting overwhelmingly for the resolution and expediting the reporting of it to the Senate for debate and vote. That is the orderly procedure. Let us do it the orderly way.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4-plus minutes remaining.

Mr. STENNIS. Mr. President, the debate here for the last 30 minutes, regretfully to me, has more or less left the impression that the President of the United States has the sole control over the situation, that he does not have to consult with anyone else, that he can terminate this matter rather rapidly if he wants to.

I get the idea that those of us who live in glass houses—and I am one of them and am not excepting myself—those of us who have been here for a long time certainly live in a glass house and have some responsibility for this war.

I think those of us who were here in 1964—and I was one of those—and before then certainly live in a glass house and have some responsibility for this war. I do not believe we can dodge that by accusing someone else of starting it and blaming someone else for not stopping it.

I know the good faith of those who offer the amendment as well as the good faith of those who desire to vote for the amendment. However, I cannot persuade myself that they are helping the President and that I would be helping him if I were to espouse this amendment that does limit him and restrict him.

Certainly that is what the enemy would think about it, regardless of what we might think. Here is a man, the Chief Executive of the most powerful Nation in the world. We have had a mighty hard row to hoe in this war. The President has all of the Executive powers that the Constitution could give him in connection with this matter of responsibility.

Mr. President, I do not see how a resolution that limits that power is helping the President get out of the war. I think it is putting more impediments in his path and restrictions on him, but I may be mistaken about that. I do know, though, that the enemy, if they have any commonsense, and they are smart, will look upon it as an impediment and an obstacle—and we have them partly on the ropes.

As to whether to vote for the amendment on the merits or not, I submit again the proper way to do it, and I am not a stickler for parliamentary law, is to have this measure referred to a committee or to take it up on the floor of the Senate. We already have a resolution on the calendar that is identical with this amendment, except the time is a little different. The Committee on Foreign Relations could bring a resolution here in a few minutes with their prestige and power behind it. There is something the matter somewhere when all those avenues are ridiculed and spurned, and they want to send this to a hostile conference. I say that with all deference to the House Members of the conference. I do not understand why someone else is to blame and not us, that this unusual remedy is the only remedy, but especially to put a rider on this bill and to send it to a hostile conference.

Mr. President, I submit the case on these points. This is a hard vote. I do not deny that. But I believe that every time we pass this amendment, under the circumstances where there may be a break in the offing, within days even, and every time we pass this amendment, especially in this way, we put obstacles before our own objective and encourage the enemy.

I urge that the amendment not be adopted.

The PRESIDING OFFICER. The Senator from Montana has 4 minutes remaining.

Mr. MANSFIELD. Mr. President, we seem to worry a good deal about what we think the people at Hanoi may think about a resolution of this sort. We worry about the House and what their reaction will be. We worry about these committees of the Senate, but we do not worry about the Senate itself and we do not worry about the American people. I think we ought to face up to this issue. It is going to be faced up to time and time again, so we might as well get used to it.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield briefly to the Senator from Florida.

Mr. CHILES. In facing up to this issue I just wanted to inform the Senator that I just came from my office where I had a telephone call. The telephone call concerned a wife who had heard that her husband was to return from Vietnam and she expected him to be back in the States some 2 weeks ago. She did not hear from him at the time he expected to be back and she became worried. She called my office and said to stop, because she had a call from her husband and he said he was in the States in Washington. A day after that he said he was in a camp closer to Florida being treated for malaria. She thought that he sounded strange and she thought it was strange, because he should have been back 10 days before, he said he was in Washington, and then that he was being treated for malaria. She called his commanding officer and he said that they are treating him for heroin.

I do not know how to answer a request like that. Here is a wife who was waiting for her husband to return from Vietnam, probably hoping with everything in her heart that he would get back safely and not be killed, and now that he is back she finds that he is an addict. I hope he is not an addict, but apparently he has been using heroin. I do not know how to answer a request like that.

I think that is something we need to consider, if that is what we are doing over there.

Mr. MANSFIELD. I agree with the Senator. The husband came back alive but in a state of dying, if he is an addict, because they tell me it is an addiction that is almost impossible to cure.

Mr. President, there are other matters I was going to discuss, but with time running out let me say in conclusion, I notice that in the remarks of the Senator from Pennsylvania, the minority leader, he said:

> I am convinced that the impact of this amendment would be the opposite of what its proponents and supporters intend.

How does he know? How does anyone know?

Furthermore, he said:

> It would not free U.S. prisoners of war.

How does he know? How does anyone know? How will we know unless we try?

He also said:

> It would not gain a cease-fire.

How does anybody know it would not? Why not try? What have you got to lose? You have a great deal to gain if you get the MIA's and the POW's and bring this horrible war to an end.

Then he said that it would be unilaterally throwing away the most effective card the United States has for gaining negotiations. What is that card, the POW's?

I yield back my time.

Mr. DOLE previously said: Mr. President, I ask unanimous consent that immediately prior to the vote on this amendment I may have printed in the Record the vote of the Gulf of Tonkin Resolution of August 7, 1964.

The PRESIDING OFFICER. Is there objection?

There being no objection, the vote was ordered to be printed in the Record, as follows:

The result was announced—yeas 88, nays 2, as follows:

[No. 520 Leg.]

YEAS—88

Aiken, Allott, Bartlett, Bayh, Beall, Bennett, Bible, Boggs.

Brewster, Burdick, Byrd, Va., Byrd, W. Va., Carlson, Case, Church, Cooper.

Cotton, Curtis, Dirksen, Dodd, Dominick, Douglas, Eastland, Ellender.

Ervin, Fong, Fulbright, Goldwater, Gore, Hart, Hartke, Hayden, Hickenlooper, Hill, Holland, Hruska, Humphrey, Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Keating, Kuchel, Lausche, Long, Mo.

Long, La., Magnuson, Mansfield, McCarthy, McClellan, McGee, McGovern, McIntyre, McNamara, Meechem, Metcalf, Miller, Monroney, Morton, Moss, Mundt, Muskie, Nelson, Neuberger, Pastore, Pearson, Pell.

Prouty, Proxmire, Randolph, Ribicoff, Robertson, Russell, Salinger, Saltonstall, Simpson, Smathers, Smith, Sparkman, Stennis, Thurmond, Tower, Walters, Williams, N.J., Williams, Del., Young, N. Dak., Young, Ohio.

NAYS—2

Gruening and Morse.

NOT VOTING—10

Anderson, Cannon, Clark, Edmondson, Johnston, Kennedy, Scott, Symington, Talmadge, Yarborough.

Mr. STENNIS. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 437 of the Senator from Montana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY (when his name was called). On this vote I have a live pair with the distinguished Senator from Colorado (Mr. Allott). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii (Mr. Inouye) is necessarily absent.

I also announce that the Senator from New Mexico (Mr. Montoya) is absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. Montoya) and the Senator from Hawaii (Mr. Inouye) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott) is absent because of death in his family, and his pair has been previously announced.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 57, nays 38, as follows:

[No. 239 Leg.]

YEAS—57

Aiken
Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Eagleton
Fulbright
Gambrell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stevenson
Symington
Tunney
Williams
Young

NAYS—38

Allen
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Va.
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jackson
Long
McGee
Miller
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Percy, for.

NOT VOTING—4

Allott
Inouye
Montoya
Mundt

So Mr. Mansfield's amendment (No. 437) was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GAMBRELL. Mr. President, the Record shows that I voted for amendment No. 437. As previously stated during the debate, while I favor the amendment, I am concerned that its attachment to the pending bill may cause delay of the armed services procurement bill, or further watering down of the sense of the Senate on Vietnam policy.

When it became apparent during the voting that the amendment would carry, I withdrew my vote and voted "aye," in order to give the Mansfield amendment my support in the conference committee.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the majority leader, after consulting with the minority leader and with the manager of the bill, with the ranking member of the Committee on Armed Services and with authors of the following amendments, to make the following unanimous-consent request:

Mr. President, I ask unanimous consent that on each of amendments 447, 448, and 449 by Mr. Buckley there be a time limitation of 1 hour, to be equally divided between the mover of the amendment and the manager of the bill, the Senator from Mississippi (Mr. Stennis), provided further that time on any amendment to an amendment be limited to 20 minutes, to be equally divided between the mover of the amendment in the second degree and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 434 by Mr. Symington be limited to 5 hours to be equally divided between the mover of the amendment (Mr. Symington) and the manager of the bill (Mr. Stennis), and that time on any amendment to the amendment be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the disposition of amendment No. 430 by Mr. ALLOTT, the Chair lay before the Senate, and make the pending question, amendment No. 434 by the Senator from Missouri (Mr. SYMINGTON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I also ask that the Senate continue its consideration of that amendment until it is disposed of that day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order, at any time, the yeas and nays on amendment No. 430, by Mr. ALLOTT, and amendment No. 434 by Mr. SYMINGTON, and amendments numbered 447, 448, and 449 by Mr. BUCKLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the recognition of the two leaders on Wednesday next, or at the conclusion of orders recognizing Senators, if there be such orders entered, the Senate proceed to the consideration of the amendment by Mr. MONTOYA—the number of which I do not presently have—and that time on that amendment be limited to 3 hours, to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on the disposition of the amendment by Mr. MONTOYA, time for debate on the bill be limited to 3 hours, to be equally divided between and controlled by the distinguished manager of the bill and the distinguished minority leader or his designee, and that time on any further amendments to the bill be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill; provided further, that Senators in control of the time on the bill may yield therefrom to any Senator on an amendment, motion, or appeal, with the exception of a motion to lay on the table.

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object—I take this time simply to indicate that not only do I approve of the proposal, but, as the minority leader, I will designate the distinguished Senator from Maine (Mrs. SMITH) as in charge of the time on this side of the aisle.

Mr. BYRD of West Virginia. I thank the distinguished minority leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that time on any amendment following the disposition of the amendment by Mr. MONTOYA on Wednesday be taken out of the time allotted on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the time allotted on the bill, a vote occur on final passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

The unanimous consent agreement is as follows:

ORDER FOR ADJOURNMENT FROM TUESDAY NEXT UNTIL 9 A.M. WEDNESDAY, OCTOBER 6, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, it stand in adjournment until 9 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TAFT) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today, are printed at the end of Senate proceedings.)

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT PROGRAM TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, prior to taking up the next amendment, the distinguished acting minority leader be recognized for the purposes of raising a question which might be of interest to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I do rise for the benefit of the Senate to ask the majority leader what he expects during the remainder of the day today, whether there will be any more votes, and whatever information he can give us about the schedule for tomorrow.

Mr. MANSFIELD. There will be one more vote today, on the Fulbright amendment having to do with Rhodesian chrome. I ask unanimous consent that the time on that amendment be limited to 1 hour, under the same conditions, rather than the 2 hours previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Then tomorrow we have the school lunch program. There will be a vote on that, and whatever other odds and ends we can get together. Next week there will be votes on Monday, Tuesday, and Wednesday, and the RECORD tomorrow will carry the schedule.

Mr. STENNIS. Monday, Tuesday, and Wednesday on amendments to this bill?

Mr. MANSFIELD. Yes.

AMENDMENT NO. 438

The PRESIDING OFFICER (Mr. TAFT). Under the previous order, the Chair lays before the Senate amendment No. 438, which the clerk will state.

The assistant legislative clerk read as follows:

> On page 16, line 11, after the quotation mark, strike out the word "On" and insert the following: "Unless the President determines that the national interest or a treaty obligation of the United States otherwise require, and so informs the Congress on."

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries as well as in the Chamber?

The PRESIDING OFFICER. The galleries will be in order. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, I should like to explain that this amendment has been voted on. It is the same amendment, with only a slight change, that the Senator from Wyoming (Mr. MCGEE) offered. I changed it to this language:

> Unless the President determines that the national interest or a treaty obligation of the United States otherwise require, and so informs the Congress on—

The reason for this amendment is that in the course of, I think, an unanticipated parliamentary situation the other day, the motion to reconsider the vote was not in order. The Senator from Mississippi, it will be recalled, moved to reconsider the vote and then withdrew that motion, and it was withdrawn.

I had thought that it was in order to offer another motion to reconsider, and the Parliamentarian said that was out of order. So I had to offer a new amendment, with precisely the same purpose as the amendment of the Senator from Wyoming, which was offered and voted on a few days ago.

The administration is strongly for this amendment. They have communicated with me and other Members.

There is another new development which I think should be drawn to the attention of the Senate. Reference was made to a telegram from a Mr. Hart who said he was a member of the executive committee of the steelworkers union and that he was against the amendment which I have offered and which the Senator from Wyoming offered.

I have received a letter from Mr. I. W. Abel, president of the United Steelworkers of America, in which he states that Mr. Hart did not speak for the union; that, on the contrary, the Steelworkers Union is in favor of the McGee amendment and the one I have offered; and that it was erroneous to conclude from Mr. Hart's telegram that he was speaking for the union. On the contrary, the union believes that this is in the interest of the steelworkers and of the country.

I ask unanimous consent to have the letter from Mr. I. W. Abel, dated September 29, addressed to Senator McGee, printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

United Steelworkers of America,
Pittsburgh, Pa., Sept. 29, 1971.

Hon. Gale W. McGee,
U.S. Senate,
Washington, D.C.

Dear Senator McGee: Recently the Senate debated a provision of the Military Procurement Authorizations Act, 1972 (H.R. 8687), reported out by the Senate Armed Services Committee, which would permit the United States unilaterally to breach the United Nations' embargo against Rhodesia for the purpose of importing chrome ore or chromite. Because of the official social and racial injustices perpetrated by the Rhodesian government against its citizens, the UN applied the economic solution of an embargo until such time as that government through negotiations would correct such indignities. The impact of the embargo, as far as chromite is concerned, is that the American ferroalloy producers have increased their purchases of Russian chrome ore from a level of 33 per cent in 1966 to a level of 58 per cent in 1971.

During the floor debate on your amendment to delete this morally indefensible section and to maintain the embargo, Senator Harry Byrd (Va.) read a telegram from a Mr. William Hart, who specifically identified himself as a member of the executive board of the United Steelworkers of America, in support of the effort to destroy the effectiveness of the embargo. Let me assure you that his telegram neither was endorsed by the executive board of nor does it reflect the position of the Steelworkers.

The United Steelworkers of America supports the intent of the embargo and its continuation. We feel that as a nation, and in conjunction with other nations, we must be socially concerned about basic human justice and, if need be, sustain an economic price for that conviction. Furthermore, this is one of the few occasions on which the United Nations acted as the moral conscience of the world. Its effort, therefore, should continue to have the support of this country if the purpose of a United Nations organization is to be meaningful. To break the embargo on this item will surely lead to a breaking of the embargo on other items.

Arguments on the floor indicated that the Senate Foreign Relations Committee had previously rejected this measure; that fully three years before the embargo we were already importing almost 40 per cent of chromite from Russia (49 per cent in 1963); and that there is a governmental request to release 1.3 million tons of chrome from the strategic stockpile, thereby belying any charge of strategic shortage of this mineral.

However, as regards to the threat of job loss in the specialty steel industry in Pennsylvania or elsewhere, it is in no way affected by the importation of chromite from Russia. Our problem in that industry is due to the inordinate levels of specialty steel imports from Japan and Europe and not to the source of chromite imports. To correct the specialty steel trade imbalance we have supported steel quota legislation and/or voluntary agreements. However, the importation of chrome ore from Russia does not aggrevate the importation of specialty steel. It certainly did not do so in the three years prior to the embargo.

The ferroalloy industry is also beset by ferroalloy imports. We have supported their contention before the Office of Emergency Prepardness for quota relief. But the relief was to be directed against ferroalloy imports, for example ferrochrome, and not the ferroores, for example chromite, upon which the industry depends. The lack of access to Rhodesian chrome ore fields does not affect the volume of chrome ore imports. The fact that some ferroalloy producers own properties in Rhodesia should not sway the United States decision to maintain the embargo.

Our problems, therefore, in the specialty steel industry and the ferroalloy industry can be solved by quota controls and not by breaking the Rhodesian embargo on chrome ore. We hope that this untimely and socially indefensible provision of H.R. 8687 will be dropped either in conference or by further action by the Senate. The price of human dignity should not be measured in terms of the cost of chromite in the United States market.

Sincerely yours,

I. W. Abel,
President.

Mr. FULBRIGHT. Perhaps I should read one paragraph. The entire letter is very interesting.

During the floor debate on your amendment to delete this morally indefensible section and to maintain the embargo, Senator Harry Byrd (Va.) read a telegram from a Mr. William Hart, who specifically identified himself as a member of the executive board of the United Steelworkers of America, in support of the effort to destroy the effectiveness of the embargo. Let me assure you that his telegram neither was endorsed by the executive board of nor does it reflect the position of the Steelworkers.

I also have a letter from Mr. Andrew J. Biemiller, director of the department of legislation for the AFL–CIO, addressed to Senator McGee, in which he also endorses this amendment and refers to Mr. Abel's letter.

I will read the last paragraph:

It is my understanding that Senator J. W. Fulbright intends to offer an amendment to the Byrd amendment which would give the President the option to determine whether it is in the national interest for, or a treaty obligation requires, the United States to abide by the United Nations' embargo against Rhodesia. The AFL–CIO supports this amendment and strongly urges its approval by the Senate.

I ask unanimous consent to have the letter printed at this point in the Record.

There being no objection, the letter as ordered to be printed in the Record, as follows:

September 30, 1971.

Hon. Gale W. McGee,
U.S. Senate,
Washington, D.C.

Dear Senator: On September 23, 1971 the Senate rejected an amendment proposed by you to delete a provision from the Military Procurement Authorization Act, 1972 (H.R. 8687) which would permit the United States to unilaterally breach the United Nations' embargo against Rhodesia for the purpose of importing chrome or chromite. This embargo was applied by the United Nations because of the official social and racial injustices perpetrated by the Rhodesian government against the great majority of people.

The AFL–CIO has supported and has continued to support the intent of the United Nations' embargo against Rhodesia. We do not believe the United States can on moral grounds fail to support the United Nations if it is to continue to enjoy the support of other nations around the world whose concern for basic human justice we share. While we recognize that this may entail an economic price for American businessmen in some situations, the cost is small compared to the importance of the human rights that are involved.

During floor debate on your amendment to strike language in the Military Procurement Authorizations bill which would permit the United States to breach the Rhodesian embargo, Senator Harry F. Byrd, Jr., read a telegram from Mr. William Hart, Director, District 19, United Steelworkers of America, in support of the effort to destroy the effectiveness of the embargo. I understand that Mr. I. K. Abel, President of the United Steelworkers of America, has written to you that Mr. Hart's telegram did not and does not reflect the views of the Steelworkers Union. That union, he said, supported and continues to support the embargo. Let me also assure you that Mr. Hart's telegram also does not reflect the position of the AFL–CIO which has supported the embargo against Rhodesia and continues to do so.

President Abel has discussed the economic considerations involved in application of the embargo insofar as the importation of chromite is concerned. We are in agreement with him that insofar as there may be a threat of job loss in the speciality steel industry in Pennsylvania or elsewhere it is in no way affected by the import of chromite from Russia. President Abel has pointed out that the problems in that industry are due to the level of steel imports from Japan and Europe not the source of chromite imports. Like the Steelworkers Union, we have supported steel quota legislation or voluntary agreement to correct the steel trade imbalance.

It is my understanding that Senator J. W. Fulbright intends to offer an amendment to the Byrd amendment which would give the President the option to determine whether it is in the national interest for, or a treaty obligation requires, the United States to abide by the United Nations' embargo against Rhodesia. The AFL–CIO supports this amendment and strongly urges its approval by the Senate.

Sincerely yours,

Andrew J. Biemiller,
Director, Department of Legislation.

Mr. FULBRIGHT. I think it is noteworthy to bring these letters to the attention of the Senate, because much was made by the Senator from Virginia in the debate the other day of the point that this amendment in some way endangers the jobs of the steelworkers and endangers the integrity of the steel industry, and I believe that the spokesmen for these two organizations are entitled to have their views known to the Senate before we vote once again on this issue.

As I have said, I think the real significance of section 503—sponsored by the Senator from Virginia—is to undermine the integrity of the United Nations rather than to affect the steel industry, and certainly it does not have any influence upon our security.

Only about 100,000 tons of this chrome ore is used annually for defense purposes and we have more than 5 million tons in the stockpile. As a matter of fact, as already has been said, more than 1.3 million tons have been recommended by the administration to be disposed of in proposed legislation as being in excess of the stockpile requirements.

Mr. President, I ask unanimous consent to have printed in the Record, because I think it is very timely, an editorial published in the Christian Science Monitor, one of the most respected newspapers in this country, on September 28, entitled "An Ill-Timed Vote."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Sept. 28, 1971]

An Ill-Timed Vote

The United States Senate, we believe, is morally wrong in voting to lift the ban on the import of chrome ore from Rhodesia in defiance of a United Nations embargo.

Its decision is all the more unfortunate in that it comes at a time when the British Government is engaged in extremely delicate negotiations aimed at finding a formula for reconciliation with its rebel excolony.

It is true that the sanctions imposed by the Security Council in 1968 have failed in their purpose of bringing down Rhodesia's white minority regime. But they have probably hurt the Rhodesian economy more than Prime Minister Ian Smith would like to admit.

Inevitably the Senate vote, which seems likely to be confirmed by the House of Representatives, will be hailed as a major victory by Mr. Smith. It could cause him to toughen his stand in the negotiations with Britain.

These talks can only succeed if Mr. Smith can be persuaded to agree to start his country on the path toward majority (i.e.) black rule.

If he thinks he can ensure Rhodesia's survival otherwise, he will certainly not yield on this one all-important point. For to yield would mean agreeing to elimination of the very raison d'être of his regime. Now the U.S. Congress is in the process of encouraging him to hold out.

Apparently the Senate decision was influenced by a powerful lobby representing American metal companies with mining interests in Rhodesia. This will only make it look all the worse in the eyes of the black African countries which have long campaigned for tougher action against Mr. Smith's Rhodesia.

Mr. FULBRIGHT. I also ask unanimous consent to have printed in the Record two telegrams addressed to me, one from Shelton Waters, chairman, the Southern Africa Task Force, United Presbyterian Church, and the other from Rev. E. W. Francis, public affairs officer, executive council, Episcopal Church.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Washington, D.C., September 24, 1971.
Senator J. W. Fulbright,
Senate Office Building,
Washington, D.C.

Believe Senate action on Rhodesian chrome supporting Smith regime most tragic breaking of U.N. sanctions. The fact that the U.S. will thus save the minority rule Smith Government will be to our everlasting shame and will discredit us around the world. We urge the Senate to reconsider this action.

The Southern Africa Task Force, United Presbyterian Church.

Shelton Waters, *Chairman.*

Washington, D.C., September 24, 1971.
Senator J. W. Fulbright,
Senate Office Building,
Washington, D.C.

Urgent Senate reconsider permission to import Rhodesian chrome. Support of hope for justice and equality in the multi-racial society of Rhodesia and obligations to United Nations necessitate continuation of economic sanctions. Senate action inadvertently strengthens unjust government and upsets delegate negotiations between Britain and Rhodesia now underway. Please reconsider.

Rev. E. W. Francis,
Public Affairs Officer,
Executive Council,
Episcopal Church.

Mr. FULBRIGHT. The last thing I want to mention—I do not want to reiterate all the arguments, of which there are many—is that even if this proposal has merit—I do not think it has—it comes at a very poor time, on two counts. One is that the United Nations is just gathering; many people are very cynical about that organization, but the official attitude of this Government—and my own attitude—is that it is one of the remaining hopes for a very disturbed world. Despite the little effect it has had, it still does a great deal of good and has a potential for doing much better, providing we support it properly.

The other point is the negotiations now going on in Rhodesia between the British and the Rhodesian Government. It has been reported widely in the press and it was in Time magazine. There is no secret about it. The representative of the British Government has been quoted as being quite optimistic that they may be able to arrive at an agreement between the Government of Great Britain and the Government of Rhodesia, to reconcile their differences. If that should be brought about, I think it would result in the removal of the embargo.

In any case, I think that if we take this kind of action, it would cause some difficulty in those negotiations—in a matter in which I am sure this Government and the Senate do not wish to interfere.

So that I believe it would be most untimely to allow section 503 sponsored by the Senator from Virginia, which is a part of the bill as it was reported by the committee, to remain in this bill. I hope the Senate will remove it by supporting the McGee amendment, which I have offered in a slightly different form, as I say, because of the difficulty of obtaining a motion to reconsider the vote by which we voted on it a few days ago.

Mr. President, I yield now to the Senator from Wyoming.

Mr. McGEE. May I wait a few minutes?

Mr. FULBRIGHT. All right.

Mr. McGEE. Perhaps Senator Byrd would like to speak at this time.

Mr. FULBRIGHT. I presume the Senator from Virginia wishes to speak, so I will yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield the Senator from Virginia 5 minutes.

Mr. BYRD of Virginia. Mr. President, the amendment offered by the distinguished Senator from Arkansas is quite different from the amendment offered last week by the Senator from Wyoming (Mr. McGee).

Senator McGee would strike out the entire section. The Senator from Arkansas proposes to let the section stand but then to give to the President the option as to whether it shall be effective.

It seems to me that that adds an entirely new dimension to this debate, because it reverses the trend in the Senate during the last several years of not giving more power to the President. I will discuss that again a little later, but first I want to read into the Record a telegram from Mr. William J. Hart, director of District 19, United Steelworkers of America:

Re Section 503 of H.R. 8687 have deep concern of future job opportunities in special steel industries if Rhodesian sanctions continue, chrome irreplaceable in manufactures of stainless steel, United States has no chrome. To rely upon 7-0/0 of world reserve unthinkable, our continued cost increases can be anticipated if Russia continues as major source. Thus the future of our industry in serious jeopardy, urge your continued strong support to retain section 503.

William J. Hart,
Director District 19,
United Steel Workers of America.

Mr. President, I have another telegram from E. F. Andrews, vice president and chairman of the critical materials supply committee of the tool and stainless steel industry committee.

I will ask that it be printed in the Record later but wish now to read one part of it:

One can easily see the untenable position the specialty steel industry finds itself in. Its major raw material must pass through the hands of those whose interest would be served by ever increasing the price thus rendering the American costs non-competitive. Either way—we lose.

Mr. Ian Smith said that Britain and the United States are the only two nations not trading with Rhodesia. This situation gives the Soviet Union a position of dominance which could result in a serious situation for chrome in the United States and major loss of jobs in the specialty steel industry.

Now, Mr. President, I want to put another statement in the Record that was made in October 1969 by Fred Russell, Deputy Director of the Office of Emergency Preparedness, who gave the following testimony before the subcommittee of the House Foreign Affairs Committee:

Assuming that the USSR would continue to ship chrome ore to the United States at the present level indefinitely, realizing that the other known amounts of chrome elsewhere in the world are gradually becoming exhausted and knowing that the United States needs are increasing each year, there is no way to see the chrome ore needs of the United States being met without chrome ore from Rhodesia.

Mr. President, the purpose of section 503 which was put into the committee bill by a unanimous vote of all members of the committee present, 13 members present and three absent, is to end United States dependence on Communist Russia for a vital raw material. That is its purpose. That is the only thing it does. It does not eliminate the complete embargo on trade with Rhodesia. That will continue, except for this one critical material; namely, chrome ore.

Mr. President, the other aspect that I think needs to be emphasized is that the proposal by the distinguished Senator from Arkansas (Mr. FULBRIGHT) would give more power to the President and reduce the role of the Senate in foreign policy.

The Senate has made great progress in the past 2 or 3 years in reasserting itself in that field. The Fulbright proposal would reverse that trend and, as he states it, would give the option to the Chief Executive to proceed as the Chief Executive wishes by leaving the determination in the hands of the President at the expense of the Senate.

I submit that this is an entirely different proposal, a less desirable proposal from the Senate's point of view, than the one offered by the distinguished Senator from Wyoming (Mr. McGEE). Senator McGEE would strike it out in a clear-cut way. That was the forthright way to handle it. He opposes the proposal and wants to strike it out.

But the distinguished Senator from Arkansas (Mr. FULBRIGHT) does not strike it out. He leaves it there. He would leave it up to the President to say whether it should become effective or not.

Mr. President, how much time do I have remaining of my 4 minutes?

The PRESIDING OFFICER (Mr. TAFT). The time of the Senator from Virginia has expired.

Mr. FULBRIGHT. Mr. President, will the Senator from Virginia yield for a question?

Mr. BYRD of Virginia. I yield on the Senator's time.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, I strongly support amendment 438 offered by the distinguished chairman of the Foreign Relations Committee. That amendment is constructed so that this Senate will have a full review of our Nation's obligation under the United Nations Participation Act. According to our commitment under that treaty, this country is prohibited from trading with the rebellious regime of Rhodesia.

Last week the Senate registered a vote of 46 to 36 against the amendment offered by the African Affairs Committee chairman, that would have assured the continuation of compliance with this resolution.

Thus, I feel strongly that we should fully understand and realize the meaning of the opportunity before us at this time. A brief chronology might help to explain what has gone on before:

Last March 29, the distinguished senior Senator from Virginia introduced legislation to authorize U.S. purchases of Rhodesian chrome.

Foreign Relations Committee hearings in July resulted in no action on that measure.

Subsequently, the Armed Services Committee accepted the Byrd amendment and reported it as section 503 of the Military Procurement Act.

Last week, the measure to delete section 503, offered by the chairman of the African Affairs Committee, was not accepted by the Senate.

Throughout debate on this issue it was consistently maintained that it is strategically unwise to rely upon its traditional supplier of chrome ore—the U.S.S.R. supporters of that view cited not only the specter of the United States dependence upon an unfriendly nation for vital materiel, but also pointed to the increase in the price of chromite since sanctions were imposed on Rhodesia.

So far, it seems that this view has prevailed.

I am concerned that the Senate may not have an adequate grasp of the entire problem.

Specifically, this country imported 1,045,000 tons of chrome ore in 1970. We consumed 902,000 tons, and 17,000 tons were taken from our vast store of stockpiled chrome. Of the quantity used, about 10 percent went for strategic or defense purposes.

Over 5 million tons of chrome ore is held in stockpile inventories. The Office of Emergency Preparedness reduced the stockpile objective to 3.1 million tons in June 1971.

Thus, it has been clearly established that sufficient amounts of chrome ore are available and accessible to meet United States industrial and defense requirements.

My reasons for opposing trade with Rhodesia are based on four fundamentals:

First, trading with Rhodesia would violate our commitment to the United Nations resolution which imposed economic sanctions against Rhodesia because of its unilateral declaration of independence from the United Kingdom in November 1965.

Second, because Great Britain is in the midst of negotiating a political settlement of their problems with Rhodesia, it is certain that any action that we take in this country which would favor the repressive policies of the Rhodesians will undermine British attempts to achieve favorable results in their ongoing talks.

Third, for the United States to move at this time against the interests of black Africans would not only destroy any credibility we hold with other African nations but it would erode the faith of concerned citizens here at home and around the world who have been advised to "watch our action, not our words."

And fourth, the repeal of all or any part of the sanctions against Rhodesia would cripple the strength of the United Nations at a time when that body is experiencing a transition that may well determine the course of world affairs for generations to come.

Time after time, the United States has assumed the burden of world conscience. Under the noble mantle of "moral leadership" we urge other nations to discard petty grievances, to ignore the temptation of avarice and to strive for harmony and justice. Around the world the young and the oppressed are seriously questioning our present commitment to the ideals upon which our Nation was founded. White Rhodesians find comfort in the naked fact encouraging their belief that the United States pays more attention to economic factors than to moral or political ones.

We agreed to impose economic sanctions against Rhodesia because of our alliance with the British Government. In 1965, we announced that we too share a revulsion for the inhumanity of minority rule, as practiced by the Rhodesian Rebels.

The reasons for entering into that resolution have not changed. The rigidity of the unilateral declaration of independence is essentially just as firm today as it was when Ian Smith established his call for secession from the British Commonwealth. Today, Rhodesia and Great Britain are conferring in an effort to resolve their problems.

Those negotiations are especially delicate and tenuous. Any action that our Government may take which will undermine the efforts of the pending negotiations can only be viewed as irresponsible.

Americans know that the deplorable conditions imposed on black Africans in Rhodesia are directly tied to the refusal of the white majority to adopt the principles of human justice. And the American people have been consistently urged to fight for an end to such injustices wherever they may be found.

I am convinced that a responsible majority in this Senate can affirm the opinion of the American public in this critical area of human and social policy.

To do that we must act to adopt amendment No. 438 to the military procurement bill.

Mr. McGOVERN. Mr. President, I rise to urge my colleagues to vote today for the Fulbright amendment No. 438, which would relieve the President of the United States of the requirement to purchase chrome ore from Southern Rhodesia while the United Nations sanctions against the country are in force. Enactment of the Fulbright amendment, of which I am a cosponsor, would remove the U.S. Government from the untenable position in which it has been placed of being in violation of its treaty obligations under the United Nations Charter with respect to Southern Rhodesia. Abrogation of this treaty obligation would only serve to erode our position in the United Nations and would do serious damage to our foreign policy vis-a-vis the African nations, whose good will we seek.

To briefly review the Byrd amendment, which passed the Senate last week, its stated purpose is to require the United States to purchase chrome ore from Southern Rhodesia in order to insure a sufficient supply to meet our defense needs. Yet we have been assured that additional purchases at this time would create an excess in our already adequate stockpile of that mineral. Amendment No. 438 gives the Senate the opportunity to undo a hastily taken action.

Mr. President, the United Nations is making a genuine effort to secure for the people of Southern Rhodesia basic human rights, self-determination, and fundamental freedoms such as are the aspiration of all of the peoples of the world. The administration is to be congratulated for its wish to honor its United Nations treaty obligations in that regard. I earnestly hope that the Senate will, by voting for the Fulbright amendment, enable the President to do so.

Mr. THURMOND. Mr. President, it is clear to all concerned that the amendment of the junior Senator from Arkansas would effectively negate the action of the Senate last week in retaining section 503 of the Procurement bill.

It is not necessary at this time to repeat all of the arguments which carried the Senate on that day except to point out that we are clearly concerned here with a national security problem which is legitimately within the concern of the Senate Armed Services Committee. We are faced with a situation in which we have allowed ourselves to become dependent upon the Soviet Union, which is regarded as the actual military threat to our security, for our main source of chrome ore.

This is an intolerable situation. We should make every effort to develop all available sources for strategic materials. We are already at a point where we are cutting back on our use of exotic alloys because of their high expense and chrome is a common ingredient of such alloys. The high cost of chrome is directly related to the fact that we have allowed ourselves to become dependent upon the Soviet Union in this regard.

Furthermore, I think if we examine the Senator's amendment we will see that there is an implied contradiction between its ostensible aim and recent controversy over the role of Congress. There has been a lot of criticism in recent months of the Senate meekly surrendering its powers to the President and there have been many Senators on this floor who have argued that the Senate should reassert its leadership.

The amendment would put the suspension of the embargo at the discretion of the President. Now I ask, why should we give more power to the President in this regard? Two Presidents have failed to take action which would be in accord with the sentiments of the Senate as expressed last week. Too often the President himself feels it is necessary to get the feelings of the Senate on such issues. It would be the height of folly to abdicate our responsibilities when we have so recently expressed our will.

Mr. President, in my opinion, the Senate has already stood up to be counted on this issue and it is no time to meekly sit down again. In my judgment, the pending amendment should be defeated.

Mr. SCOTT. Mr. President, on the vote in the Senate on the Senator from Wyoming, Mr. McGEE's amendment to strike section 503, I gave a live pair to the Senator from Colorado, Mr. DOMINICK, and indicated that, if I were permitted to vote, I would vote for Senator McGEE's amendment.

So that the record may be clear, I would like to restate briefly the portions of my remarks which are not included in those placed in the RECORD yesterday by the distinguished Senator from Virginia, Mr. BYRD.

I stated first that the best solution to the problem would be a peaceful overall settlement based on a United Kingdom/Rhodesian agreement.

I said also that if the approval or rejection of section 503 is likely to upset or jeopardize current United Kingdom/Rhodesian talks, then postponing action may be desirable.

I further said that postponing action on the section should be based on the present talks having a significant chance of leading to an agreement, that such an agreement would lead to an end of the United Kingdom sanctions against Rhodesia or the United Kingdom's failure to renew their sanctions, which expire in November, and finally that the U.S. Government promptly follow the British lead in ending sanctions if an agreement is reached.

Mr. President, I believe that the present talks will lead to an agreement, and I believe that any action by this Congress to remove economic sanctions will seriously jeopardize the chances of the talks succeeding.

I believe that the amendment now pending by the Senator from Arkansas (Mr. FULBRIGHT), is a desirable one, for it places in the hands of the President the authority to remove those economic sanctions if he finds that their removal will not be against our national interests or our treaty obligations.

To do more at this time is, I believe, undesirable, and I would hope that the amendment of the Senator from Arkansas is accepted.

Mr. FULBRIGHT. Mr. President, I would be perfectly willing to ask unanimous consent to change my amendment to the precise amendment of the Senator from Wyoming if the Senator from Virginia would not object.

Mr. BYRD of Virginia. The Senate has just voted on the precise amendment of the Senator from Wyoming (Mr. McGEE), and defeated it by a vote of 46 to 36.

Mr. FULBRIGHT. I know. I sought to reconsider it, but it was objected to. But, if the Senator from Virginia feels that that would be better, I would be willing to ask unanimous consent now to reinstate the precise amendment of the Senator from Wyoming.

Mr. BYRD of Virginia. I think it is better from the point of view of the Senate not to be giving more power to the President——

Mr. FULBRIGHT. Will the Senator object if I asked such unanimous consent?

Mr. BYRD of Virginia. The Senator knows the answer to that.

Mr. FULBRIGHT. Will he object?

Mr. BYRD of Virginia. The Senator knows the answer to that.

Mr. FULBRIGHT. No, I do not know the answer to that. The Senator from Virginia just said that he preferred the other amendment and I am perfectly willing to make such a unanimous-consent request to reinstate the precise amendment of the Senator from Wyoming, which I asked to have reconsidered but was thwarted by an objection.

Mr. BYRD of Virginia. The Senator is not very enthusiastic about his own amendment, and I do not blame him. I do not blame him, because it goes completely contrary to what the Senator has been arguing against over the past 5 years.

Mr. FULBRIGHT. That is what I want to do, under the circumstances of the objection to my motion to reconsider. I think it was ill-advised, and I think the Parliamentarian made a wrong ruling, but that is water over the dam. I am willing to renew it, if the Senator would not object. Would the Senator object?

Mr. BYRD of Virginia. An amendment is already before the Senate as offered by the Senator from Arkansas. The argument has been prepared. It is a less desirable amendment than the other one.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, will the Senator from Arkansas yield me 3 or 4 minutes?

Mr. FULBRIGHT. Yes. How much time?

Mr. McGEE. Three minutes.

Mr. FULBRIGHT. Mr. President, I yield 3 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. McGEE. Mr. President, I should like to address myself to the comments of the distinguished Senator from Virginia (Mr. BYRD) and to say, first, that the Senate has acted on the McGee proposal to strike everything but, in the meanwhile, in the light of the action of this body, the repercussions which have already swept through the United Nations, and the tremors already felt by the Lord Goodman Commission back in London, after the commission had returned from Rhodesia, in working out an agreement which they believe they are close to completing, requires, it seems to me, in the interests of completing that agreement, leaving the option to the President of making that judgment.

At this time, under the present government in Britain, they have to make an assessment and a position on this by November 10. That has been the product of some 2½ years of private negotiations between the British and the Rhodesian Governments.

For us now to take this action while those negotiations are at the concluding stages would seem to me to be not only not in our best interest, because we would agree, if they can work out a peaceful settlement, that we would all be better off and, at the same time, it would give them a chance to do so. It would leave the President with the option to keep that time open until November 10, when the British must come up with a decision on that settlement.

So, for that reason, the proposal by the distinguished Senator from Arkansas (Mr. FULBRIGHT) makes very good sense.

Mr. CANNON. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS Mr. President, I yield 5 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 5 minutes.

Mr. CANNON. Mr. President, it seems to me to be quite a reversal in position for the administration and the arguers in behalf of the administration to be so much concerned about what is happening abroad.

I thought we were having a new policy, that we were going to give more concern to what is happening at home than to what is going on abroad and what we are doing to help others abroad.

This matter came up before the Stockpile Subcommittee this year, in a request by the administration to release 1,391,000 short dry tons from the stockpile, as that was in excess of the requirements.

We have 4.4 million tons in the stockpile. We held hearings on that and determined that we should not release it. I should like to point out why.

In the first place, in 1970, the annual consumption in this country was 911,000 tons. Yet, imports that year were 722,000 tons. In other words, we depleted the supplies available in this country by almost 200,000 tons.

To go back, a year earlier, the situation is emphasized to even a greater degree. In 1969, we used 898,000 tons and we imported 529,000 tons. We have not been producing this ore in this country. Yet we have used up more than our annual imports. This has been true each year for the past several years.

What happened with respect to Russia? We adopted a policy with respect to Rhodesia that we do not want to buy from them or do business with them because of their internal policies, policies involving racial matters. I do not agree with them on those policies. However, on the other hand, our biggest supplier from the standpoint of imports is Russia. In 1969, we imported over 409,640 tons of ore from the U.S.S.R.

Are we going to say that we like the internal policies of Russia better than we like those of Rhodesia?

I do not. I do not approve of what Russia does with respect to Jews or with respect to their internal policies.

I recognize that if we have a state of emergency, it is likely to be with Russia on whom we are dependent for 60 percent of a very important ore. Russia is a country that we are likely to have difficulties with.

This does not make good sense to me. That is why I argued against it the other day and this is why I am arguing against it today.

It is the reason that my stock pile committee did not see fit to release 1.4 million tons of ore, even though that is the amount in excess of our needs today. Our stockpile consists of 3.1 million tons. That was established in 1970. We have 4.5 million tons in inventory.

It does not make any sense to say that we are going to rely on Russia to the extent of 60 percent of a very critical ore that is necessary if we have difficulties and have to step up our military posture.

What happened to the price? I pointed out a few days ago what has happened to the price since we started relying on Russia. The price has gone up roughly 200 percent from the time we started this added reliance by reason of the Rhodesian embargo.

I submit that we cannot rely on a country that we are likely to have difficulties with to be our main supplier of a strategic metal that we are certainly likely to need, and that we do need now, as we use it in steel all of the time.

Senators have heard the arguments of the distinguished Senator from Virginia when he pointed out that this is driving the cost of steel products up. It is driving them up so that we cannot compete with foreign steel, as well as the immediate price of the minerals themselves.

Mr. President, I would hope that the Senators would remain in the same posture they took on this same issue last week, and that is this, that if we are going to buy from a Communist country, a Communist country that we are likely to have difficulties with, we certainly ought to be able to buy from another free world country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Wyoming.

Mr. McGEE. Mr. President, I appreciate the comments of both the Senator from Virginia and the Senator from Wyoming and some of the thoughts they have presented here. However, I have one word to say about the jobs in the steel industry that are critically at stake.

I read from a letter that the Senator from Arkansas put into the RECORD, a letter from I. W. Abel, the president of the Steelworkers of America.

In the letter he said:

> However, as regards to the threat of job loss in the specialty steel industry in Pennsylvania or elsewhere, it is in no way affected by the importation of chromite from Russia. Our problem in that industry is due to the inordinate levels of specialty steel imports from Japan and Europe and not to the source of chromite imports. To correct the specialty steel trade imbalance we have supported steel quota legislation and/or voluntary agreements. However, the importation of chrome ore from Russia does not aggravate the importation of specialty steel. It certainly did not do so in the three years prior to the embargo.

At the end of the letter he concludes by saying:

> Our problems, therefore, in the specialty steel industry and the ferroalloy industry can be solved by quota controls and not by breaking the Rhodesian embargo on chrome ore. We hope that this untimely and socially indefensible provision of H.R. 8687 will be dropped either in conference or by further action by the Senate. The price of human dignity should not be measured in terms of the cost of chromite in the United States market.

Mr. President, I would also suggest that the proper concern of my friend, the Senator from Nevada, for the stockpile is really not affected in this interval we seek.

The provision contained in the amendment offered by the Senator from Arkansas this afternoon simply seeks to win this bit of time while these negotiations are now being waged with the prospects of a successful conclusion. At the same time we are trying to rally the United Nations members around the China policy vote that we have pending. That includes the Latin American states and the African states.

This aspect does not jeopardize our future elsewhere around the world, and at the same time it does not jeopardize the stockpile situation if only the President has the prerogative of waiting for a determination of the situation in this all-important field.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes.

Mr. SAXBE. Mr. President, this matter was discussed at great length before the Armed Services Committee. All aspects of the matter were discussed. It was interesting to me to hear the Senator from Wyoming give as the argument exactly the same argument used for the amendment to knock out the whole thing the other day. Certainly he speaks as though it would accomplish the same thing, and I believe it would.

I know that we are distressed by some of the actions of states in Africa. However, I cannot help feeling that we have had very unpleasant experiences in the past years in trying to tell people how to run their government.

I suggest that when we choose between Russia and Rhodesia we must look at our defense posture in this country, and we must look at more than our stockpile, not the 3.1 million tons, but at where it is today.

I also suggest that if this is as essential as the people in the specialty steel industry have reported to us—and not just from the statement of the employees—but from the standpoint of the operators and the companies who produce this material and who are in the marketplace trying to compete, they tell me that the increased price of chrome has made it more difficult for them to compete. It is reflected not just in jobs, but it is also reflected in their industrial health, their ability to invest and expand their capital and stay in business and grow with this country.

It has also been suggested to me—and I have inquired diligently, and no one will say that it is not the case—that Rhodesian chrome, I suggest, has been sold to us by Russia.

The PRESIDING OFFICER (Mr. GOLDWATER). The time of the Senator has expired.

Mr. STENNIS. I yield the Senator 2 additional minutes.

Mr. SAXBE. In other words, Mr. President, this is chrome that has changed hands on the high seas or elsewhere. I questioned this very closely. No one will say that this has not been the case. So, it could be that we have the ridiculous situation of buying Rhodesian chrome ore and buying it from Russia.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SAXBE. I have only 30 seconds left. I will then yield to the Senator.

In addition, Mr. President, the vote the other day, I thought, was rather conclusive. We have retained this power in the Senate. To now turn it over in defiance of what we have talked about here with respect to the power of the Senate seems to be a step backward. I believe the action we took last week was proper. I believe we have spoken, and that running it through again is not going to accomplish a great deal of improvement in the bill and getting it on the road.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, this is the most sorrowful moment I have ever experienced on the floor of the Senate.

The distinguished Senator from Arkansas has led me in many fights demanding that Congress retain its powers, and not permit the executive to rob Congress of its power, and not abdicate its functions to the executive, and not transfer congressional power to the President. I have followed him.

I now feel as if the Rock of Gibraltar were crumbling into dust when the Senator from Arkansas comes here and asks the Congress of the United States to transfer from the Congress to the President the power to regulate foreign commerce.

The Constitution of the United States provides in section 8 of article I:

> The Congress shall have the power to * * * regulate commerce with foreign nations * * *.

I have followed the leadership of my distinguished friend, the Senator from Arkansas, in his great fight to preserve the doctrine of the separation of powers, to keep from making Congress an insignificant part of the Government of the United States, and in his fight to stop the aggrandizement of the powers of the executive.

Now, he comes with an amendment asking us to transfer from the Congress to the President the power to regulate foreign commerce. Oh, I wish I had the eloquence of my distinguished friend from Arkansas. I could persuade even the Senator from Arkansas to vote against his own amendment and thereby be consistent with the position he has always taken that Congress should retain its powers and not either voluntarily surrender them to the President or let the President rob it of them.

I plead with my friend not to forsake the cause in which he and I have stood shoulder to shoulder and in which he has spoken with so much eloquence on the floor of the Senate in his valiant effort to preserve the powers.

His amendment says that although Congress has the power to regulate foreign commerce—and it is the only body in our Government that has that power—Congress shall transfer that power to the executive and let the executive regulate foreign commerce, the Constitution of the United States to the contrary notwithstanding and all the eloquent speeches my friend from Arkansas has made in the past to the contrary not withstanding.

I hope my friend withdraws his amendment, and I hope if he does not withdraw his amendment, the Senate will reject his amendment to transfer from the Congress to the White House the power to regulate foreign commerce.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator is recognized for 3 minutes.

Mr. FULBRIGHT. Mr. President, I might say to my friend from North Carolina that there is a most unusual development. The other day I was prohibited from asking to reconsider the vote, a matter with which the Senator is familiar, and I was forced to put in some change. That is the explanation of that.

Also, Congress by treaty has given to the President the power to participate in the United Nations, and he was following the United Nations treaty obligations, which is the reason I introduced the amendment.

The Senator is well aware of what happened the other day on the motion to reconsider. I think he would agree that the ruling prohibiting reconsideration was a little unfortunate. That motion was withdrawn.

I wish to address myself to the remarks of the Senator from Ohio. There is one point about this which is unusual. I understand the Committee on Armed Services is supposed to have jurisdiction over the Armed Services and the security requirements, and they are not given responsibility for determining the overall stockpiling policy of the Government. I thought that had been given to the OEP, and they had determined there was an oversupply in the stockpile of 2,250,000 tons. The defense requirements are roughly 91,000 tons a year at present. The excess of about 2,250,000 that is in the stockpile above the 3-year wartime supply would meet Government defense needs 24⅔ years. It is perfectly obvious the real concern here is not with defense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield 2 additional minutes to myself.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. The real concern is not with the supply of chrome. It is simply irritation and resentment at United Nations action. I, myself, am not sympathetic to an embargo as such. It is usually ineffective and not a procedure I particularly like, but that happens in many organizations. On the other hand, I do not wish to undermine the organization as such. We made a solemn treaty to adhere to the United Nations. We were one of its organizers. To come along in this offhand way and undermine it and show our disdain and contempt for it is most unfortunate. This has nothing to do with defense.

There is the excess here which would meet our Government defense needs for 24 years. It is fair to say there is not that danger. In the matter of costs, this stockpile of 5,350,000 tons is worth a good deal more than we paid for it.

In connection with the price of steel, there would be this excess of 1,300,000 tons already requested for release if that is a vital material consideration. I do not think it really is. But the argument of the Senator from Ohio would be in favor of releasing the 1,300,000 tons for the steel industry in order to reduce the price, if that is a serious consideration. I do not think it really is a serious consideration.

The plain fact is that there is an over supply of chrome as found by the OEP of 2,250,000 tons. So this idea of either the security or the industrial situation being served by the Byrd amendment has no validity whatever.

It comes down to the fact that many people are offended by the action of the United Nations. They do not like the embargo and that is what this amendment is all about.

I still submit it is in the interest of this country to take this action to amend section 503 at this time.

I have had no hesitancy in opposing the President when I think the interests of this country are to the contrary, but the best judgment of the administration is that this is an action which would undermine both the United Nations, and the British in their attempt to come to an agreement on Rhodesia with respect to the embargo. If the British could make an agreement with Rhodesia by November 11 it would be the best thing that could happen with regard to this most unfortunate situation in Rhodesia.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation dealing with the supply of chrome as of June 1, 1971.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Rounded figures short dry tons

As of June 1, 1971:	
Metallurgical chrome in stockpile	5,350,000
Objective of 3 years' wartime stockpile supply	3,100,000
Excess chrome as determined by OEP, Defense & executive branch as a whole	2,250,000
Request for release in S. 773 (pending before Cannon Subcommittee)	1,300,000
Which will leave excess of	950,000
Annual consumption of metallurgical chrome (based on 1970 figure)	910,000
10% of this annual consumption is for direct defense, or strategic purposes	91,000

2,250,000 tons of excess chrome divided by annual consumption of 91,000 tons equals 24⅔ years supply of excess chrome for defense purposes.

Mr. ERVIN. Mr. President, will the Senator yield to me for 1 minute?

Mr. STENNIS. I yield 1 minute to the Senator from North Carolina.

Mr. ERVIN. The only treaty I know we have made in connection with the United Nations was to become a party to the United Nations. As I read it, the charter of the United Nations says in about as plain words as can be found in the English language that the United Nations will not interfere in the domestic affairs of nations.

The position of the United States in trying to pull English chestnuts out of the fire, and in trying to help England, whom we had to fight to get our freedom, to enslave Rhodesia, is a violation of the charter of the United Nations just as this amendment is an offense against the Constitution of the United States.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, again we are called upon to vote on an amendment to delete section 503 from the military procurement authorization bill, or to destroy its effect. On September 23, 1971, the Senate voted down a similar amendment. I trust that the Senate will do so again.

Mr. President, the public by and large may not be aware that section 503 in the military procurement bill incorporates the provisions of the bill sponsored by the distinguished senior Senator from Virginia (Mr. BYRD) which was designed to free the United States of dependence on Communist nations as the principal supplier of strategic materials necessary for the production of jet aircraft, missiles, nuclear submarines, machine tools, and other equipment recognized as vital to the industrial production of our Nation and necessarily essential to the security of our Nation.

In short, section 503 of the present bill provides that the President of the United States may not prohibit imports of a strategic material from a free world country so long as the importation of the same material is permitted from a Communist dominated country. Chrome is such a material. Communist Russia and independent Rhodesia are principal suppliers of the material. Accordingly, if section 503 is retained in the military procurement bill, the President may not prohibit the importation of chrome from Rhodesia so long as chrome is permitted from Russia or other Communist nations.

Mr. President, it seems to me that this issue should be decided on the basis of our national interest—on the basis of the wisdom of becoming dependent upon Communist nations as the source of materials essential to the defense of our Nation.

Unfortunately, however, the State Department does not see it that way. Instead, the State Department contends that the issue is ideological and should be decided on the basis of ideological considerations. Rhodesia has policies in government which the State Department does not like and which the United Nations Security Council does not approve. Furthermore, it is contended that the United States is bound by orders from the United Nations Security Council to impose and maintain a trade embargo against the independent nation of Rhodesia in order to force it to change the policies of its government. Accordingly, the State Department contends that the United States must strictly adhere to the requirements of the embargo against Rhodesia, and to do otherwise would be disruptive of international "comity." Thus, the issue is joined—ideology, supported by U.N. Security Council sanctions, as opposed to our national security.

The section under consideration does not require the United States to scuttle the United Nations embargo against all trade with Rhodesia. I wish that it did. Instead, the section deals only with importation of strategic materials which we freely purchase from Communist nations. Shall we permit the U.N. Security Council to dictate to this Nation in a manner to affect adversely our national security? Heaven forbid.

Turning now to the ideological and moralistic arguments, I cannot understand why, if there are no ideological and moral objections to trade with China, Russia, and other Communist nations, there should be such objections to trade with Rhodesia when it is in our national interest to do so.

The moralistic pretensions advanced by the State Department have been adequately refuted by no less an authority than John P. Roche, former chairman of the Americans for Democratic Action, in a recent column which appeared in the Washington Post. Among other things, he said:

> If the United States is going to assert a moralistic position in the world, it should be a consistent one. We could say that we will only recognize and do business with Good Guys, a policy that would eliminate about three-quarters of our embassies, most of our foreign aid and our subsidy to the United Nations. Or we can recognize that we have to live in a world we never made, a world that is not play-dough capable of being reshaped by piety, and do business with whatever regimes happen to control the turf, whether they are white racist, black racist, Communist, Fascist or merely larcenist . . . In short, a moralist can't play favorites . . .
>
> However, if this logic is applied to the U.S.S.R., is there any reason to continue the boycott of Rhodesia? Or to support economic sanctions against South Africa? As police states go, the U.S.S.R. does, after all, make Rhodesia and South Africa look like amateur performers.

Mr. President, in an effort to give perspective to the issue it may be helpful to get some down to earth commonsense reactions as expressed in a number of editorial viewpoints.

The Washington News on September 28, 1971, carried a brief editorial entitled "Chromite from Rhodesia." Because of its pointed brevity, I shall quote the editorial in its entirety:

> For four years U.S. manufacturers have not bought any chromite from Rhodesia because of the sanctions imposed by the United Nations after Rhodesia declared its independence of Britain.
>
> Before that time, as much as 48 percent came from this small African country, principal source of the ore—used in high grade steel products and important for defense equipment.
>
> Now 60 percent of the U.S. supply is imported from Russia, at twice the price formerly paid Rhodesia.
>
> The U.S. Senate, over the objections of the Nixon administration, has just voted to lift that embargo—on the very logical ground that depending so heavily on Russia for essential defense materials doesn't make sense.
>
> The only excuse for the sanctions against Rhodesia was an official disapproval of the policies of its government. But we hardly approve of the policies of the Soviet Union, either.
>
> What's wrong with buying what we need where we can get the best price and an adequate supply? Nearly everybody else does.

Mr. President, many additional editorials from all sections of the Nation have expressed strong support for the Byrd proposal which is now embraced in section 503 of the bill before us.

A recent editorial in the Arizona Republic suggests that it deserves the support of "every American concerned about the security of his Nation." It describes United Nations' embargo as—

> An act of hypocrisy . . . premised . . . on the ridiculous notion that Rhodesia . . . somehow constitutes a threat to international peace.

It calls U.S. cooperation in the embargo, "worse than hypocrisy—it is an act of strategic masochism." The editorial continued:

> There have been many absurdities in the conduct of American foreign policy, but this has to rank somewhere near the top. Here we find ourselves boycotting friendly Rhodesia, which is threatening to attack no one, which is vigorously anti-Communist and which by every method of assessment is emphatically not an internal dictatorship.
>
> At the same time we are trafficking with the Soviet Union, which is constantly agitating for aggression and which is a repressive one-party despotism that has slaughtered millions. To give the situation a final touch of lunacy, this policy also has the result of making our defense dependent for a vital strategic metal on the very nation against whose initiatives we are supposed to be defending ourselves. We can maintain our defensive arsenal on this score only at the sufferance of our enemy. Such is the condition to which we have been reduced by vacuous notions by 'coexistence' and submission to the United Nations.

Mr. President, on several occasions, I have addressed the Senate on various aspects of this issue with particular reference to the double standards so evident in our foreign policies. But at the moment, I am primarily concerned about the defense of our Nation and the danger which lies in dependence on the Soviet Union for the supply of strategic materials essential to our Nation's defense.

Nevertheless, I think previous observations that I have made on this subject are relevant to the issue to be voted on today and for this reason I ask unanimous consent that my remarks as recorded in the CONGRESSIONAL RECORD, March 13, 1970, and February 5, 1971, be printed in the RECORD as a part of this presentation. Further, I ask unanimous consent that a syndicated newspaper column by Robert S. Allen entitled, "Chrome Picture Is Defended In Government," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Mar. 13, 1970]

IS INDEPENDENT RHODESIA A THREAT TO WORLD PEACE?

Mr. ALLEN. Mr. President, on March 9, 1970, Secretary of State William P. Rogers announced that the United States will discontinue protection of American Nationals and American interests heretofore provided by our Consulate-General Office in Salisbury, Rhodesia. We are to close this office next week.

Such drastic action is usually resorted to only in cases involving overt hostilities by the host nation. It is of such an extreme measure as to constitute in the eyes of many a type enmity approaching covert hostility and it is clearly calculated to create ill will among the nations and peoples thereby affected.

Mr. President, I find this hostile act on the part of our Government almost incredible.

Just a few months ago, on December 12, 1969, this Nation told the world through a NATO alliance agreement that we championed the cause of noninterference in the internal affairs of other nations. In a chest thumping proclamation of self-righteousness, we joined other NATO nations in denouncing intervention in the internal affairs of any state by another state, whatever the difference in their political or social systems.

This Nation intended to be bound by this declaration or it did not. If we were bound by it, why have we abondoned that policy with respect to Rhodesia? I want to know. The American people have a right to know.

The President announced in the Far East that we were not concerned with the political or social systems of those nations. In view of our interference in the internal affairs of Rhodesia, all nations are called upon to reevaluate this administration's policy with respect to nonintervention. Where do we stand?

This question has to be answered. If we look to the President's recent foreign affairs address to Congress, we find a statement which may offer a clue. The President said:

"American policy toward Africa, then, will illustrate our general approach to building an enduring peace."

What is the general approach?

The President said: "Clearly there is no question of the United States condoning, or acquiescence in the racial policies of the white-ruled regimes" of southern Africa. Is this repudiation of nonintervention in the internal affairs of nations the President's approach to world peace?

But what of the racial policies of the black-ruled regimes of southern Africa? Shall we interfere there too? Are these internal policies of a nation a proper concern and object of our foreign policies? Are we going to condone or acquiesce in racial policies of blacks and not those of white regimes in Africa, or shall we intervene in both?

Mr. President, what right have we to tell any nation that we shall not condone a single one or all of its internal policies? I deny that we have such a right. We do not claim such a right of interference when we acquiesce in, condone, and encourage Communist domination and control of nation after nation.

With respect to Communist nations, our State Department does not talk about intervention, it talks only of bridge-building and detente, expanded trade, and cultural exchanges. But in the case of a tiny, proud, and independent nation, of Rhodesia, we assume the role of arrogant world dictator and tell them we will not acquiesce in or condone their Declaration of Independence unless Rhodesia bows to our dictates and adopts a constitution to suit our fancy.

And we talk about "arrogance of power."

And we talk about Congress holding tighter reins on the power of the executive to get us involved in foreign entanglements.

Yet, the world knows that our two-faced, forked tongue interference in the internal affairs of Rhodesia has been undertaken pursuant to dictates of the United Nations Security Council. We have been directed by this agency to impose "mandatory sanctions" against Rhodesia and otherwise use our might to overthrow that government.

All the while, we are involved in a bloody war in Vietnam. Laos and Cambodia are ready to blow sky-high. The Middle East is a powder keg, and we are furnishing aircraft and other instruments of warfare to nations over the globe. Russia holds a cocked gun pointed at the heart of Czechoslovakia and Yugoslavia, and Berlin is a permanent tinder box. Yet, in the face of these situations, the United Nations and the United States have determined that little independent Rhodesia is a threat to world peace. This nonsense is supposed to justify United Nations interference in the internal affairs of Rhodesia and our Nation in turn is justifying our interference on this silly proposition despite all of our high-sounding protestations to the world of our dedication to the ideal of noninterference in internal affairs of other nations.

Mr. President, the continued proliferation of contradictions in our foreign policies are going to catch up with us. Soon an awareness of the history of our foreign policy failures is going to shake the people of our Nation out of complacency which has arisen from a misplaced trust in the phrasemakers and word worshippers who currently call the shots in the State Department.

Mr. President, I predict that somebody is going to rue the day that he championed this disgraceful repudiation of our commitment of noninterference in the internal affairs of other nations. Clearly, Congress has a responsibility in this matter.

[From the CONGRESSIONAL RECORD, Feb. 5, 1971]

FEDERAL SPENDING AT HOME AND ABROAD

Mr. ALLEN. Mr. President, on January 22, 1971, President Richard M. Nixon delivered his state of the Union message before a joint session of the Congress. It is not my purpose to criticize his message. Instead, I want to elaborate on one portion of his speech in which he recognized that States and cities are confronted with a financial crisis. Figuratively speaking, States and municipalities have just about milked the local tax sources dry. Yet, Federal program has been piled on top of Federal program in recent years and almost all of them require local governments to come up with additional tax revenues. This has gone on to the point that State and local governments are rapidly reaching the point of no return. Essential local services must be cut back or else Federal revenues are necessary to maintain the most fundamental local services. Consequently, I support the principle of revenue sharing. However, I am not certain that revenues for sharing cannot be obtained by means more desirable than deficit financing.

Mr. President, let me elaborate on this point. An editorial printed in the Mobile Press of December 8, 1970 refers to—

"The crazy pattern by which the United States spends money to help Communist causes."

The editorial refers, for example, to the action by President Nixon in freezing an appropriation of $1 million to begin work on the long delayed Tennessee-Tombigbee Waterway, which is of such tremendous importance to the economy of the 23 States of the Nation and the port city, Mobile, Ala., in particular—since released. The editorial then questions why the U.S. State Department advocates spending $600,000 of our tax revenues to survey a road from Zambia, where Communists are in the saddle into the brush country of Botswana. The editorial states in part:

"Part of the all-weather road would cross through Rhodesian and South African territories. The intent of this whole project is to give Zambian Communists military and guerrilla access to Rhodesia and South Africa."

Mr. President, it is a matter of common knowledge that foreign aid of this type flows in a continuous stream to aid, abet, and promote the military and economic welfare of Communist dominated nations throughout the world.

Mr. President, we hear so much of priorities. By what manner of reasoning is this military access road through sparsely populated bush country of Africa given a higher priority than completion of the Tennessee-Tombigbee Waterway system of transportation which is of inestimable economic benefit to this Nation?

More specific details of this $600,000 giveaway to countries allied with international communism are printed in a letter to the editor to which reference is made in the editorial previously mentioned. Mr. President, I ask unanimous consent that the editorial and the letter be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

At this point, Mr. President, let me call attention to a series of double standards applied by the United States in its dealings with independent nations of Rhodesia and South Africa and Communist satellite nations. More importantly, let us examine some of the causes and some of the paradoxes which result from these double standards.

First, the citizens of our Nation as were governments of all nations told by the President that the political forms of government and economic systems adopted by other nations were not of vital interest to our Nation. On the other hand, when the President of the United States and the State Department address their remarks to African nations, precisely opposite statements are made as they relate to Rhodesia and South Africa.

An explanation for this doubletalk is not hard to find. For one thing, our policies with respect to Rhodesia and South Africa are dictated by the United Nations, while our policies with respect to Communist nations in Africa and Communist-dominated nations in other areas of the world are dictated by Alice in Wonderland rhetoric from the State Department. Such rhetoric is supposed to perpetuate the "bridge-building" processes with Communist Russia, her satellites, and other Communist-dominated nations of the world.

With respect to Rhodesia, for example, we are told that the United States is bound by terms of the United Nations Treaty. Consequently, we are bound to accept United Nation Security Council determinations respecting a finding of a threat to international peace and security. Sure enough, article 30 of the United Nations Charter authorizes the Security Council to make such determinations. In the case of Rhodesia, such a determination was made by the Security Council. Accordingly, we are told the United States is bound to accept further dictates of the United Nations Security Council and impose economic sanctions against the independent nation of Rhodesia.

Of course, such a determination requires a ridiculous and unbelievable assumption that the United Nations has jurisdiction over the nation and over the question of its political form of government. In view of the fact that the United Nations Charter is supposed to exclude jurisdiction over internal affairs of member nations, and all nations for that matter, it has been necessary to create two mythical legal fictions.

Fiction No. 1—contrary to international law, the fiction is advanced by argument that Rhodesia is not an independent nation. By some unexplained reason, Rhodesia is supposed to remain a ward of Great Britain. If one accepts this fiction, which even England no longer persists in, the Security Council, it is argued, has acquired jurisdiction over internal affairs of Rhodesia because Great Britain requested the United Nations to intervene and deny the fact of Rhodesian independence as established by international law.

Fiction No. 2—this fiction requires a determination by the United Nations Security Council that Rhodesia is a threat to international peace and security.

Mr. President, the fabrication used by the United Nations Security Council to argue that Rhodesia is a threat to international peace is preposterous. The argument is that if Rhodesia fails to voluntarily relinquish its sovereign right to adopt its own constitution and create its own government and distribute its powers in a manner it deems fit, then such refusal to relinquish its sovereignty will create dissatisfaction among Rhodesia's tribal neighbors and presents a possibility that Rhodesia's tribal neighbors will resort to war and violence against Rhodesia. The argument is so astounding as to suggest that it derives from "Alice in Wonderland" as most recently revised and edited by the State Department.

One concluding point. Many of my colleagues have distinguished themselves for their tenacity in upholding the proposition that the Commander in Chief of the Armed Forces of the United States has no power to commit the forces of this Nation in furtherance of treaty commitments in the Far East without consent of Congress.

We have heard time and again of the dangers of delegating to the President powers to entangle our Nation in dangerous adventures abroad. Yet, Mr. President, I have heard no objection in the Senate to provisions of articles 39 and 41 of the United Nations Charter, which delegates to the Security Council of the United Nations the power to determine threats to international peace or the power delegated to that agency to commit the Armed Forces of our Nation to acts of war in foreign lands. Why?

Article 39 clearly authorizes the Security Council to determine threats to the peace and to take such actions as provided in articles 40 and 41.

Article 40 delegate to the Security Council power to take actions such as needed to effect economic strangulation and other actions short of actual warfare.

But article 42 delegates power to the Security Council to "take such action by air, sea, or land, forces as may be necessary" to win a war and restore international peace and security.

Furthermore, article 48 provides that the Security Council shall carry out its decisions with troops of the United States or other nations as the Security Council shall determine.

So we hear talk about the power in Congress to commit Armed Forces in defense of our Nation—we hear incessant complaints about actions of the President to defend our troops in South Vietnam despite the fact that such actions are directed toward disengagement and physical protection of our troops. But where is the complaint about the power of the Security Council to make determinations and to commit our troops in acts of warfare under direction of the United Nations Security Council? Why the silence on this delegation of power?

Here we are authorizing expenditures of billions of dollars on foreign aid which is desperately needed to strengthen the economy of our nation. Who gave a higher priority to projects of Communist dominated nations—funds to build a military access road to threaten the peace and security of independent Rhodesia, while the economic welfare of this nation represented by the Tennessee-Tombigbee river system is left empty-handed? And we talk about priorities. And we talk about funding meager revenue sharing with state and local governments by authorizing deficits, which necessarily entail inflationary deficit financing. And, while on this subject let me ask this question. How much money could we save the taxpayers if we ceased to import from Communist Russia an inferior grade chrome ore which mineral is so essential to our national defense and to our economy? How much would be saved if we simply imported American owned inventories of superior grade chrome ore from Rhodesia at less than one half the price demanded by Russia? This poorly camouflaged program of economic aid to Communist Russia must stop The money saved could well be spent for revenue sharing with state and local governments.

Mr. President, I say that no President of the United States, and no candidate for President of the United States, will be permitted to evade these questions and the issues involved. They are vital to the safety and welfare of our nation and while we may duck them for a while we cannot successfully evade them.

Mr. President, I am confident that Congress will give the President's revenue sharing proposal careful consideration. I trust the American people will learn from congressional hearings just how much revenue could be made available for sharing with local governments by cutting out hostile economic sanctions imposed against our former allies and by putting an end to giveaway programs to Communist dominated nations.

I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Mobile (Ala.) Press, Dec. 8, 1970]

WHO DOES U.S. DIPLOMACY REPRESENT?

An editorial in last Friday's Mobile Register and a letter to the editor on the same page, when taken together show the crazy pattern by which the United States spends money to help Communist causes.

The editorial justifiably deplored President Nixon's freezing of an appropriation of $1 million to begin work on the long-delayed Tennessee-Tombigbee waterway. The letter from A. Theron, Box 353, Umtali, Rhodesia, raises questions as to why the U.S. State Department wants $600,000 merely to survey (just the foot-in-the-door for more taxpayers money) a road from Zambia, where Communists hold power, into the sparsely populated brush country of Botswana.

Part of the all-weather road would cross through Rhodesian and South African territory. The intent of the whole project is to give Zambian Communist military and guerrilla access to Rhodesia and South Africa. Meanwhile, Botswana would become another staging ground for Red forces and offer them position from which to encircle the two white states.

Congress has considered passage of the wasteful and damaging appropriation in line with our silly restrictions on trade with Rhodesia, and it still has a chance of approval.

As everyone can see, the State Department is being led around by its nose by Russians and their allies, while the Tenn-Tom waterway, which would peacefully benefit 23 states of America is left empty handed.

The Soviets already dominate the Indian Ocean, and once the strictly military road is built into Botswana, Rhodesia and South Africa will be in deep jeopardy.

Upon what manner of reasoning does this make sense as a policy of the U.S. government?

The five southern states directly affected by the Tenn-Tom proposal should vigorously protest this discrimination, and the remainder of the 23 states should join in the effort.

ROAD PROJECT

The EDITOR.

DEAR SIR: What is the U.S. government up to in this part of Southern Africa?

On Nov. 20, in the capital of Botswana, Mr. David Newsom, United States under-secretary of state, signed an agreement whereby the United States government is to provide $600,000 for the survey of an all-weather road from the Botswana capital, Gaborone, to the bank of the Zambesi River, opposite Zambia. The area through which it is to run is almost completely uninhibited, undeveloped bush country.

This sounds innocent enough unless you are aware of the fact that Botswana does not have access to the bank of the Zambesi River, although both black governments claim that they do. Therefore, to reach the river bank, the road will have to intrude upon either Rhodesia territory or into the Caprivi Strip which is governed by South Africa. Is it in the least likely that either Rhodesian or South African governments will allow such an unnecessary road to pass through their territory? And it is entirely unnecessary since Zambia is already served by three crossing points over the Zambesi River from Rhodesia, over which such imports as coal, farming machinery, foodstuffs and new vehicles are freely allowed to pass.

A high percentage of Zambia's copper exports leave the country by the same routes. It must therefore be obvious to all but the deliberately blind that the concealed purpose of this new road is to facilitate terrorist entry into Rhodesia by the back door, i.e., across the Botswana-Rhodesia border which, being an ill-defined line through wild bush-country will be infinitely more difficult to defend than is the Zambesi Valley.

Zambian terrorists are Communist-trained and equipped. It can hardly be a coincidence that the Communist Russian ambassador from Zambia and the under-secretary for state of the United States of America happened to visit his obscure black capital at the same time. Yet this seems so, for the Russian ambassador has chosen this exact time to present his credentials to the president of Botswana.

So what do we find? The Russian Navy has trebled its strength in the Indian Ocean. The Russian government is doing all in its power to prevent Britain from supplying arms to South Africa for the defense of the Cape sea routes, and now we have the United States financing an unnecessary road from the Zambian border to the South African border to provide easy access for the destruction of Rhodesia and attack on the Republic of South Africa. A road which is the answer to the terrorists' prayers. And the U.S.A. has provided the answer!

It's a great pity that once again the American taxpayers' money is being wasted on yet another dangerous venture of interference in an area which is no concern of the U.S.A.

Mr. David Newson is said to be on a tour of Southern Africa to assess the present situation here. One wonders why Rhodesia is not on his itinerary. Surely we are entitled to a reassessment of our situation after more than five years of successfully repulsing terrorist attacks, as well as the iniquitous United Nations sanctions which the United States supports. But then we are used to the incompetent judgments of the ignorant politicians from abroad, so another one will make no difference. But what if it puts America into another Vietnam-type predicament here?

A. THERON.

UMTALI, RHODESIA.

CHROME PICTURE IS DEFENDED IN GOVERNMENT

(By Roberts S. Allen)

WASHINGTON.—An extraordinary struggle is taking place behind-the-scenes in Congress over the bipartisan legislation to put an end to Russia's control of this country's supply of metallurgical chrome essential for key weapons production.

The State Department is the principal opponent of this measure, and is doing everything in its power to kill it.

Outcome of this little-known backstage battle is a toss-up.

It revolves around a provision (Section 503) in the $21 billion military procurement bill now under consideration in the Senate. The section, sponsored by Sen. Harry Byrd (Ind.-Va.) and a bipartisan group of other Senators, was written into the bill by a unanimous vote of the Senate Armed Services Committee.

Purpose of the amendment is to free the U.S. of dependence on Russia as the principal supplier of chrome ore vital in production of jet aircraft, missiles, nuclear submarines, etc.

U.N. EMBARGO

This highly vulnerable dependence is due to this country's complying with the United Nation's trade embargo against Rhodesia.

Prior to these 1966 sanctions, the U.S. got most of its chrome from Rhodesia. Since then, upwards of 60 per cent of this strategically crucial ore has been imported from

Russia—which has hiked to price 188 per cent: from $25 to $72 a ton.

The bipartisan amendment does not require the U.S. to withdraw from the U.N. embargo against trade with Rhodesia. The legislation is limited solely to chrome.

Under the Section, the 1945 act under which the U.S. joined the United Nations would be amended to "provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country."

Explains Senator Byrd: "The reason for singling out chrome is clear and simple. It is the one commodity which could be imported from Rhodesia that is vital to the security and defense of our nation."

The State Department doesn't see it that way. It contends the U.S. must adhere strictly to all the requirements of the U.N. embargo against Rhodesia. To do otherwise would be disruptive of "international comity."

Thus, in effect, the State Department is in the remarkable position of strenuously battling for continuance of Russia's control of the supply of a vital U.S. defense commodity—even at the expense of gravely jeopardizing the security of the U.S.

LAYING IT ON LINE

Senator Byrd has bluntly warned Congress that is the dire situation facing the country if the State Department has its way and Section 503 is killed.

The Virginia legislator did this forthright talking in a speech on the Senate floor that strangely went unreported—as has the entire bipartisan fight to put an end to Soviet domination of this country's chrome supply.

Byrd sternly told his colleagues the issue is simple and clear-cut—whether the U.S. is going to continue to be dependent on Communist Russia for a material vital to the security of the country."

Mr. ALLEN. Mr. President, in conclusion, I am convinced that some day the people of the United States will discover that our national interest will best be served if we eliminate economic sanctions against the small independent nation of Rhodesia, which not only does not threaten our security, but which has demonstrated time and again its good will and friendship toward the United States. We must not permit continued United Nations control of our access to highly strategic metals.

Mr. STENNIS. Mr. President, may I ask how much time I have left?

The PRESIDING OFFICER. The Senator from Mississippi has 8 minutes remaining.

Mr. STENNIS. How much time does the Senator from Arkansas have?

The PRESIDING OFFICER. The Senator from Arkansas has 9 minutes remaining.

Mr. STENNIS. Mr. President, I ask unanimous consent that each side be notified when he has 5 minutes left, and that at that time we have a short quorum call, not a live quorum call, without either side being charged with the time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The jurisdiction of the Armed Services Committee is controlled by the standing rules, which expressly give that committee jurisdiction over strategic materials necessary for national defense, and those materials cannot be released except by legislation. It takes appropriate legislation to do so, and the subcommittee which has jurisdiction over that matter has as its chairman the Senator from Nevada (Mr. CANNON). He recited here how the committee reviewed this proposed legislation and recommendation and decided that the nature of the material was such that the proposed legislation should not be reported favorably.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. It seems to me the decision was made not on strategic grounds, but on the commercial ground that the price had greatly increased.

Mr. STENNIS. But it is strategic material. One of the arguments against the proposal was that the prices had skyrocketed.

Mr. FULBRIGHT. But they already own over 5 million tons for strategic purposes, and the administration says 3.1 million tons are sufficient.

Mr. STENNIS. If the Senator will excuse me, I cannot yield further time. I do not have it. But that was the judgment of the committee, and that is why the proposal was never reported out favorably.

This is a matter that has been considered by the Senate and which has passed by a 10-vote margin.

I withdrew the motion to reconsider because we wanted to get on to the next bill. I was going to look into that later. I found out later that the matter had already been decided. This matter is just a rerunning or rehashing of what the Senate had before it the other day and what it voted on.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STENNIS. Mr. President, I yield some time to the Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. I thank the Senator.

Mr. President, I want to point out that Russia, of course, has a seat on the Security Council, and it can veto any effort to lift the sanctions against Rhodesia. So the United States has got itself in a straitjacket. It cannot get rid of those sanctions against Rhodesia, assuming we followed the Senator from Arkansas' theory that we have to do whatever the United Nations tells us to do. We cannot get rid of the sanctions because Russia, which is a member of the Security Council, has veto power over all proposals which come before that body.

Mr. STENNIS. These prices have jumped from $24 or $25 a ton to $72 a ton in the span of 4 years, a 288 percent rise. Is that not correct?

Mr. BYRD of Virginia. The Senator is correct. There has been a tremendous increase in the price of the chrome.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I am not sure there is anything to be added at this time, since there are so few Senators present on the floor. I am willing to yield back the time up to 5 minutes so we can have a quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, may we have it quiet?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. I yield myself 1 minute, just to say this: Let us be certain that we know that we are dependent on Russia for 60 percent of this chrome ore that is needed for our defense requirements. When we were cut off from Rhodesia, the price jumped, within less than 4 years, from $25 to $72, a 288 percent increase. The committee——

Mr. FULBRIGHT. Mr. President, if the Senator will yield, is it not only 188 percent?

Mr. STENNIS. 288 percent. My time is running.

The committee is under fire, and properly so, for trying to hold down the price of guns, missiles, tanks, and everything else.

Here is a case where we are trying to do some economizing, and I hope the Senate will stand behind us, just as it did the other day.

I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, there are three reasons why I feel the Senate should reject the Fulbright amendment to section 503 and thus sustain the action which the Senate took last Thursday by a vote of 46 to 36.

First, by sustaining last week's action, the Senate would be ending the dependence of the United States on Communist Russia for a strategic and vital defense material—namely, chrome. Russia supplies 60 percent of the imports into the United States of this critical defense material.

Second, sustaining the Senate's position of last week would save jobs in a period of high unemployment. As evidence, I point to the statement by the director of district 19, United Steelworkers of America, reaffirmed today by the director of district 19, United Steelworkers of America, who says that unless Congress takes such action, there will be no specialty steel industry in the United States. He expressed his deep concern for the jobs of black workers and white workers in that industry. Another union official has sent a letter in a different tone. That merely shows that there is a difference of opinion among the union leaders, just as there is among the Members of the U.S. Senate.

The third and last reason as to why I think the Fulbright proposal should be defeated is that the proposal by the Senator from Arkansas would give more power to the President and reduce the Senate's role in foreign policy.

The Senate has made great strides, great progress, in the last 2 or 3 years in reassuring itself. Senator FULBRIGHT's proposal would reverse that trend and, as he has stated, would give the option to the executive branch to proceed as it wishes. He would leave the determination in the hands of the President, at the expense of the Senate.

Mr. FULBRIGHT. I yield myself 1 minute, and then I shall yield to the Senator from Wyoming.

I only want to say that I think the arithmetic of the Senator from Mississippi is not quite correct, not that it is very important, but it is not 288 percent. At most, it is 200 percent, if the prices are $25 and $72.

Because of inflation generally, the prices of many other commodities have gone up, not just because they are bought from Russia. Practically everything in this field has gone up.

On the question of the foreign policy aspects, the Foreign Relations Committee passed upon the same issue and rejected it, and the Armed Services Committee is now taking jurisdiction, if we want to make a point of the jurisdiction.

Obviously, there is no serious security interest here, because the supply is vastly beyond any requirement of defense. But the excess—which has been found to be in excess of the 3-year stockpile requirement—would serve the armed services—the defense requirements for some 25 years in peacetime. That is not the question at all.

Mr. President, I yield 2 minutes to the Senator from Wyoming.

Mr. McGEE. Mr. President, the real issue here does not alter the action that the Senate took last week. The Senate made its will known. But since the action last week, let me suggest what has happened.

No. 1, at the United Nations we have discovered that some of the votes that we thought we had lined up in assisting us in our China policy are now wavering and may even be lost—they are votes in black Africa—because of the consequence of the action we have already taken.

Likewise, we have learned from the British that the Lord Goodman Mission, which has been working for 2 years with the Rhodesians to work out a peaceful agreement and get rid of this entire question, is now back in London with the proposals that have been worked out; and they are asking only for a little time to complete that agreement without our rocking the boat by precipitate action here.

As a consequence, the British have to act by November 10. No one can tell me that the security of this Nation or the stockpile of this country is going to be jeopardized between now and November 10.

Therefore, we are only asking, in this very appropriate amendment by the Senator from Arkansas (Mr. Fulbright), that the President be given this opportunity—if, in his judgment, the national interest requires it, to extend this interval in order to make sure that the best chance for negotiating a settlement in regard to Rhodesia has the opportunity to run its course.

The steelworkers have come into this repeatedly. I submit that the steelworkers' local in Pittsburgh is quite a different force from the national organization, the union of the United States Steelworkers, and the commitment from Mr. I. W. Abel, the president of that organization, in which he says no jobs are at stake in the chrome being imported from Russia. The jobs at stake are the consequence of other events around the world, but not from chrome.

Therefore, let us keep this issue right where it is. We are simply asking that, because of the uncertainties of the negotiations with Rhodesia, because of the impact already in the United Nations—we have this bit of optional time to see if it can be worked out without our rocking those boats unnecessarily and still not jeopardizing the national interest of our country in the process.

Mr. STENNIS. I yield 2 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Mississippi has only 1 minute remaining.

Mr. CANNON. I will use that very fast.

Mr. President, I want to respond to Senator Fulbright's remark that we have enough in the stockpile for 25 years. If that is the reasoning the Committee on Foreign Relations uses, I can well understand why we have jurisdiction of this subject in the Committee on Armed Services; because the OEP objective, which is for a 3-year period, is 3.1 million tons, to last us 3 years. I do not know where he gets the idea that we have enough in the stockpile to last 25 years.

They requested a release of the excess, which was 1.39 million tons, and we refused to release it for the reasons I pointed out earlier.

Since we adopted the embargo against Rhodesia, the imports from Russia have gone up approximately 55 percent and the price has gone up from $25 a ton to roughly $72 a ton. We were getting this ore at a lower price from Rhodesia than we were from Russia in the first instance, and the Rhodesian ore is a better grade. As a matter of fact, there is some speculation as to whether or not Russia is actually buying ore from Rhodesia and turning around and selling it to us.

I should like to say, in summary, that if it is a matter of internal policies, one of our suppliers today is Pakistan. Do we approve of their policies? Another of our suppliers is Russia. Do we approve of their policies toward the Jews? Yet, we say that we do not want to buy from Rhodesia.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the following two members of the staff of the Senator from Wyoming (Mr. McGee) be permitted on the floor during the vote: James Burridge and Robert Bullock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Arkansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SCOTT (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Colorado (Mr. Dominick). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from Hawaii (Mr. Inouye), and the Senator from South Dakota (Mr. McGovern), are necessarily absent.

I further announce that the Senator from New Mexico (Mr. Montoya) is absent on official business.

On this vote, the Senator from Indiana (Mr. Bayh) is paired with the Senator from New Mexico (Mr. Montoya).

If present and voting, the Senator from Indiana would vote "yea" and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott) is absent because of death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Oklahoma (Mr. Bellmon), the Senator from Connecticut (Mr. Weicker), and the Senator from North Dakota (Mr. Young) are detained on official business.

The Senator from Colorado (Mr. Dominick) is necessarily absent and his pair has been previously announced.

The result was announced—yeas 45, nays 43, as follows:

[No. 240 Leg.]

YEAS—45

Aiken
Boggs
Brooke
Burdick
Case
Church
Cooper
Cranston
Fong
Fulbright
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Ribicoff
Roth
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NAYS—43

Allen
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Pearson
Randolph
Saxbe
Schweiker
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Scott, for.

NOT VOTING—11

Allott
Bayh
Bellmon
Dominick
Eagleton
Inouye
McGovern
Montoya
Mundt
Weicker
Young

So Mr. Fulbright's amendment (No. 438) was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. Chiles). The question is on agreeing to the motion to lay on the table.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

Mr. HRUSKA. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question is on agreeing to the motion to table the motion to reconsider the vote by which the amendment was agreed to. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the question before the Senate?

The PRESIDING OFFICER. The question is on the motion to table the motion to reconsider the vote by which the amendment was adopted.

Mr. SCOTT. Mr. President, a parliamentary inquiry. Was the Senator who moved to reconsider——

The PRESIDING OFFICER. There is a rollcall in progress. The Senator may inquire what the vote is on.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. In view of the confusion, I understand the Chair stated that this vote is on a motion to table, which means that one who voted "no" on the amendment would vote "no" on this rollcall, unless he changes position.

The PRESIDING OFFICER. The rollcall is in progress. The Chair can only state the question. The question the Senate is now voting on is a motion to table the motion to reconsider the vote by which the amendment was adopted.

Mr. BYRD of West Virginia. Mr. President, I ask that the rollcall begin ab initio.

The PRESIDING OFFICER. The rollcall is in progress.

Mr. BYRD of West Virginia. Mr. President, I ask that the time begin running now, and I ask that the well be cleared and that order be restored in the Senate.

The PRESIDING OFFICER. The well will be cleared. Senators will please be seated.

The PRESIDING OFFICER. The Senate will be in order.

The legislative clerk resumed the call of the roll.

The chair has asked that Senators be in order and take their seats. Staff members will please take their seats, too. Perhaps we can have order. Staff members will please take their seats so we can have order in the Senate.

The clerk may continue with the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. GRIFFIN (when his name was called). Mr. President, I have a live pair with the Senator from Colorado (Mr. DOMINICK). If he were present voting he would vote "nay." If I were permitted to vote I would vote "yea." I withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent and his pair has previously announced.

Also, the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG), are necessarily absent.

The result was announced—yeas 36, nays 40, as follows:

[No. 241 Leg.]

YEAS—36

Boggs
Brooke
Burdick
Case
Church
Cooper
Cranston
Fulbright
Gravel
Hartke
Hatfield
Hughes
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mathias
McGee
McIntyre
Moss
Muskie
Nelson
Packwood
Pell
Percy
Proxmire
Roth
Scott
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NAYS—40

Allen
Baker
Beall
Bentsen
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Metcalf
Miller
Pearson
Randolph
Saxbe
Schweiker
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Griffin, for.

NOT VOTING—23

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Dominick
Eagleton
Fong
Harris
Hart
Inouye
Long
Mansfield
McClellan
McGovern
Mondale
Montoya
Mundt
Pastore
Ribicoff
Weicker
Young

So the motion to lay on the table the motion to reconsider was rejected.

The PRESIDING OFFICER. The question now recurs on the motion to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Is the vote on the motion to reconsider debatable?

The PRESIDING OFFICER. Under the unanimous-consent agreement, where a time has been agreed to, there would not be additional time for debate on the motion to reconsider.

Mr. KENNEDY. A further inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Was the unanimous-consent agreement pertinent to the amendment and to any motion to reconsider, or just pertinent to the amendment?

The PRESIDING OFFICER. The purpose of the unanimous-consent agreement would be to limit time on the final consideration of amendments. Otherwise, there would be no purpose for the unanimous-consent agreement. A quorum call would be in order, but no further debate.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CHILES). The question recurs on the motion to reconsider the vote by which the amendment was agreed to. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN (when his name was called). Mr. President, on this vote I have a pair with the Senator from Colorado (Mr. DOMINICK). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent, because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent, because of illness.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent and his pair has been previously announced.

Also, the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 39, nays 38, as follows:

[No. 242 Leg.]

YEAS—39

Allen
Baker
Beall
Bentsen
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Miller
Pearson
Randolph
Saxbe
Schweiker
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower

NAYS—38

Boggs
Brooke
Burdick
Case
Church
Cooper
Cranston
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mathias
McGee
McIntyre
Metcalf
Moss
Muskie
Nelson
Packwood
Pell
Percy
Proxmire
Roth
Scott
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, against.

NOT VOTING—22

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Dominick
Eagleton
Fong
Harris
Inouye
Long
Mansfield
McClellan
McGovern
Mondale
Montoya
Mundt
Pastore
Ribicoff
Weicker
Young

So the motion to reconsider was agreed to.

Mr. STENNIS. Yeas and nays, Mr. President.

Mr. FULBRIGHT. Mr. President—Mr. President——

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry. Is it in order to offer an amendment to the pending amendment?

The ACTING PRESIDENT pro tempore. It is in order.

Mr. FULBRIGHT. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 1, line 3, strike out the words "the national interest or".

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry. How much time is allowed on the amendment?

The ACTING PRESIDENT pro tempore. Thirty minutes on each amendment.

Mr. FULBRIGHT. I thank the Chair.

Mr. President, it is perfectly obvious that what has happened here——

The ACTING PRESIDENT pro tempore. May we have order in the Senate so that we can hear the Senator from Arkansas.

The Senate will please come to order.

Mr. FULBRIGHT. Mr. President, it is perfectly obvious what our objective is, that what happened, the regular vote was 45 to 43 and a number of Senators who were interested in it, not anticipating the perseverance and determination of the Senators from Virginia and Mississippi, left the Chamber and left the Hill.

The only reason for this reversal is the number of absentees. Senators present will notice the difference in the vote.

It seems to me perfectly proper to put this vote over until tomorrow when we can have a vote. I do not wish to debate the merits any longer, but I do think that Senators should have adequate notice in order to vote on the merits of the issue.

To force the Senate to a decision this late at night, under the misapprehension on the part of the absentees, it seems to me would be wrong and would be violating the spirit, I would say, of the Senate.

Therefore, it is perfectly obvious that we can delay this vote indefinitely.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

Mr. FULBRIGHT. I do not yield for that purpose.

The ACTING PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. FULBRIGHT. I do not. I do not, not until I have finished, and then I will yield.

All I want to say is that the only purpose here is not to try to subvert the Senate, or to change its view, but to allow those Members who are absent the opportunity to vote on this issue. They voted once. It is obvious from the number of absentees that they have departed. I regret that, but I think there should be another opportunity given them for time to vote without any debate. I am not seeking to prolong debate whatsoever. We have already had enough debate. All I am saying is that it is not in keeping, I believe, with past practices, to take advantage of a peculiar situation in which Members have left the Hill.

That is perfectly obvious and that is the only purpose of this amendment. I think there should be a fair opportunity given for them to vote tomorrow, at a time certain, with, so far as I am concerned, just 2 minutes of debate, enough to explain what the situation is. That is the only reason I make this motion.

Now I am happy to yield to the Senator from Mississippi for a question, but I do not yield the floor.

Mr. STENNIS. I did not have a question at this time. I wished to make a parliamentary inquiry.

Mr. FULBRIGHT. I thought the Senator wished me to yield for that purpose. Did the Chair rule on the request for the yeas and nays on a vote on the pending amendment?

The ACTING PRESIDENT pro tempore. The yeas and nays are ordered. They are ordered automatically.

Mr. STENNIS. Mr. President, a parliamentary inquiry. Whose time is the Senator from Arkansas speaking on?

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is speaking on his own time. The Senator from Mississippi has 15 minutes.

Mr. STENNIS. Mr. President, I yield back——

The ACTING PRESIDENT pro tempore. Does the Senator from Arkansas yield the floor?

Mr. STENNIS. I yield back my 15 minutes, Mr. President.

Mr. FULBRIGHT. It is perfectly proper to do that. All that I would like to remind the Senator is that there is also, I think, the other possibility, of an appeal from a ruling of the Chair. I happen to think, according to my rule book, that the Chair misinterpreted the parliamentary inquiry a moment ago with regard to debate on a motion to reconsider. His ruling, I think, is not in accord with at least the rule book I have before me, which on page 687 of my book states:

> A unanimous consent agreement limiting debate on a bill and amendments does not apply to a motion to reconsider the vote on an amendment.

That is the way it reads. Whether the rule book means anything or not, or what it says, is for the Senate to determine.

I regret that, at that time, this had not been called to my attention and that I did not appeal from the ruling of the Chair.

In that connection, Mr. President, may I ask a parliamentary inquiry. Is an appeal from the ruling of the Chair also covered by a limitation of debate and is not debatable?

The ACTING PRESIDENT pro tempore. The present occupant of the chair was not in the chair when the ruling was made. It would seem to the present occupant of the chair that the Senator has made a convincing argument. We do not have any precise question to be submitted to the Senate. So, the Senator would have to appeal from the ruling of the Chair. And the present occupant of the chair would submit the question to the Senate.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. STENNIS. Mr. President, has not the vote been taken and the matter already decided since that came up.

The ACTING PRESIDENT pro tempore. That one is out of the picture. The Senator is correct.

Mr. FULBRIGHT. Mr. President, is the present occupant of the chair saying——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas has the floor. He may continue.

Mr. FULBRIGHT. Is the present occupant of the chair saying that in his opinion the previous ruling of the Chair was in error?

The ACTING PRESIDENT pro tempore. No, the Chair did not say that. The Chair said he would submit the matter to the Senate.

Mr. STENNIS. Mr. President——

Mr. FULBRIGHT. Is an appeal from the ruling of the Chair debatable?

The ACTING PRESIDENT pro tempore. The Chair would like to listen to the Senator from Mississippi.

Mr. FULBRIGHT. I would like an answer to my parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Chair has to make a ruling, and the Chair would like to listen to the Senator from Mississippi and any other Senators that will help the Chair in making the ruling.

May we have order in the Senate?

Mr. STENNIS. Mr. President, in view of the statement of the Chair, if I am in order, I want to raise a point of order that relates to where the situation was when the ruling was made. The action of the Senate has taken place on the question. The question is purely moot now, and there is no appeal to be had from the ruling of the Chair because the matter has been acted on.

Mr. FULBRIGHT. Mr. President, is the debate being taken out of my time or from the time of the Chair?

The ACTING PRESIDENT pro tempore. It is being taken from the time of the Chair. [Laughter.]

We will somehow get a ruling. There has been a ruling of the Chair. It was not appealed from. The question is now moot. Neither the Senator from Arkansas nor anyone else appealed from the ruling of the previous occupant of the Chair.

Mr. FULBRIGHT. That is correct.

The ACTING PRESIDENT pro tempore. Now there is another request for a ruling as to, really, what is a hypothetical case. The Chair is trying to find out what the opinion of the Senate is as to what the ruling should be. There is not really anything before the Senate at the present time.

Mr. FULBRIGHT. Mr. President, it was my contention that a parliamentary inquiry to the Chair is in order upon a hypothetical proposition.

The ACTING PRESIDENT pro tempore. The Senate will be in order. Would the Senator from Arkansas present his parliamentary inquiry?

Mr. FULBRIGHT. Mr. President, it has been my understanding that parliamentary inquiries are in order on hypothetical questions. Is it the ruling of the Chair that he will never give an opinion about a hypothetical proposition?

The ACTING PRESIDENT pro tempore. Of course not. A previous response of the Chair was made on a parliamentary inquiry. It was a response to a parliamentary inquiry. The present occupant of the Chair would be delighted to respond to a parliamentary inquiry if he can find out exactly what the parliamentary inquiry is.

Mr. FULBRIGHT. I make the parliamentary inquiry whether an appeal from the ruling of the Chair is debatable under the circumstances existing in the Senate at the present time?

Mr. ERVIN. Mr. President, a parliamentary inquiry in response to that.

The ACTING PRESIDENT pro tempore. Just a moment.

Mr. ERVIN. Mr. President, my parliamentary inquiry is this——

Mr. FULBRIGHT. Can I not get an answer to that inquiry. Is it or is it not?

The ACTING PRESIDENT pro tempore. May the Chair listen to the Senator from North Carolina? The Chair is prepared to answer the inquiry.

Mr. ERVIN. Mr. President, do not the rules of the Senate preclude any Senator, including the Senator from Arkansas, from taking an appeal from a ruling of the Chair nunc pro tunc ex post facto?

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I move that we adjourn.

The ACTING PRESIDENT pro tempore. The Senator from Arkasas has to yield for the purpose of the motion.

Mr. HUMPHREY. Mr. President, did the Chair not recognize the Senator from Minnesota?

The ACTING PRESIDENT pro tempore. No. The Senator from Arkansas has the floor. If the Senator from Arkansas will yield to the Senator from Minnesota for such a motion, he could make the motion.

The Chair is ready to rule on the parliamentary inquiry of the Senator from Arkansas.

Mr. FULBRIGHT. Let us get that ruling first.

The ACTING PRESIDENT pro tempore. It is a debatable motion.

Mr. FULBRIGHT. And it is not covered by the omnibus agreement for a limitation of time upon the substantive——

The ACTING PRESIDENT pro tempore. In the opinion of the present occupant of the chair, the motion to reconsider is debatable. And the way to raise the question is to appeal from the ruling of the Chair and find out what the Senate has to say.

Mr. FULBRIGHT. That is the moot question that was referred to a moment ago.

The ACTING PRESIDENT pro tempore. It is moot because no one could appeal from a response to a parliamentary inquiry.

Mr. FULBRIGHT. I understand that.

The ACTING PRESIDENT pro tempore. It was only a response to a parliamentary inquiry.

Mr. FULBRIGHT. I understand. Let me say before I yield to the Senator, if he wishes me to, that I hope the Senator from Mississippi would agree at some time on this matter. I do not care, but I think the Senator will agree that there are absentees who, having voted on this issue in good faith, thought the issue was disposed of.

I know that the Senator from Mississippi is a man who is a former judge and a man who is very sensitive to the requirements of justice. The Senator will agree that there is an element of injustice in voting again at this late date.

The Senator will also agree that by either an appeal from the ruling of the Chair or by amendment this matter could be prolonged for a long time. And it is not in the interest of the Senate to do so. I do not wish to do so.

I hope the Senator would agree without having the Senator from Minnesota move to adjourn.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. STENNIS. Mr. President, in great deference to the Senator from Arkansas, I totally reject the idea that because some Senators left the Chamber and are not here to vote, we cannot operate. I have seen this happen hundreds of times.

Every Senator knows when he leaves that he has left the Chamber. We are up against it here. The situation here is that I have yielded back my time. Does the Senator want to argue his amendment now or let us pass on it on his time?

Mr. FULBRIGHT. No.

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has now expired.

Mr. FULBRIGHT. Mr. President, I asked a parliamentary inquiry. I asked the Chair whose time was being used in this discussion of the procedure. And the Chair said it was the time of the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi yielded back his time. The Senator from Arkansas was discussing these matters on his own time.

Mr. FULBRIGHT. No, but I ask—I beg the Chair's pardon. I asked the Chair, and I believe the RECORD will show, on whose time the discussion of the rules was taking place.

The ACTING PRESIDENT pro tempore. The present occupant of the Chair was inquiring to find out for his own information how to rule. He will be delighted to give the Senator 5 additional minutes.

Mr. FULBRIGHT. I do not know that the Chair has that right, but because he had said to me—in all deference the Chair said it was on the Chair's time; in other words, not on my time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. HUMPHREY. Mr. President——

SEVERAL SENATORS. Regular order! Regular order!

Mr. HUMPHREY. The Senator from Minnesota wishes to be recognized.

Mr. FULBRIGHT. I yield to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr HUMPHREY. Mr. President——

SEVERAL SENATORS. Regular order! Regular order!

Mr. HUMPHREY. Mr. President, I am entitled to recognition.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

Mr. HUMPHREY. I move we adjourn.

SEVERAL SENATORS. Yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to adjourn. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. May we have order? Senators will please be seated.

The assistant legislative clerk resumed the call of the roll.

The PRESIDENT pro tempore. Senators will please take their seats. The Senate will be in order.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from

Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Utah (Mr. MOSS), are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent.

Also, the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG), are necessarily absent.

The result was announced—yeas 33, nays 45, as follows:

[No. 243 Leg.]

YEAS—33

Brooke
Burdick
Case
Church
Cooper
Cranston
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mathias
McGee
McIntyre
Metcalf
Muskie
Nelson
Packwood
Pell
Percy
Proxmire
Stafford
Stevenson
Symington
Taft
Tunney
Williams

NAYS—45

Allen
Baker
Beall
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Miller
Pearson
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower

NOT VOTING—22

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Dominick
Eagleton
Fong
Harris
Inouye
Mansfield
McClellan
McGovern
Mondale
Montoya
Moss
Mundt
Pastore
Ribicoff
Weicker
Young

So the motion to adjourn was rejected.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. COOK. I object, Mr. President.

Mr. BYRD of West Virginia. Mr. President, I hope Senators will not object.

The PRESIDENT pro tempore. The Senate is not in order.

Mr. BYRD of West Virginia. Mr. President, I realize that debate is not in order, but I am going to ask again, because otherwise the Senate will be forced into a live quorum the first thing tomorrow, and it is my intention, if the quorum can be called off, to make a unanimous consent to accommodate two Senators tomorrow morning and then to move to adjourn. That would at least save an automatic quorum call the first thing tomorrow at 9 a.m.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection?

Mr. STENNIS. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard.

The second assistant legislative clerk continued to call the roll.

Mr. BYRD of West Virginia. Mr. President, I know that during the quorum call debate is not in order, but I want to call the attention of Senators to the fact that if there is a live quorum in the morning, once that is completed we will not be back on the unfinished business, because under the unanimous-consent agreement, the school lunch program will then be before the Senate.

I therefore ask unanimous consent with the intention of moving to adjourn very shortly, that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, I think a little more should be known about this situation.

The PRESIDENT pro tempore. The Chair informs the Senator from Mississippi that debate is not in order.

Mr. STENNIS. I said I reserve the right to object.

The PRESIDENT pro tempore. A quorum call is in process, and the Senator cannot reserve the right to object when a quorum call is in process.

Mr. STENNIS. Mr. President, I am compelled to object.

The PRESIDENT pro tempore. Objection is heard.

The second assistant legislative clerk continued to call the roll.

Mr. DOLE. Regular order, Mr. President.

The PRESIDENT pro tempore. The quorum call has not yet been completed.

The second assistant legislative clerk continued to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and I do this for the purpose of hoping that I will then be in a position to propound a unanimous-consent request to vote on the Fulbright amendment at a time certain and then to move to adjourn.

The PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. A point of order, Mr. President. The request for unanimous consent is out of order.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

Mr. ALLEN. A point of order, Mr. President.

The PRESIDENT pro tempore. The point of order is not in order at the moment.

Mr. ALLEN. I object. I point out——

The PRESIDENT pro tempore. Objection is heard.

Mr. ALLEN. I am not objecting, Mr. President. The rollcall has been completed.

The PRESIDENT pro tempore. Debate is not in order, because the Senate is now in the process of a quorum call.

Mr. ALLEN. The rollcall has been completed.

The PRESIDENT pro tempore. It has not been announced yet.

Mr. DOLE. Regular order, Mr. President.

The PRESIDENT pro tempore. All right.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

Mr. DOLE. Mr. President, regular order.

Mr. STENNIS. I object.

The PRESIDENT pro tempore. Objection is heard.

The second assistant legislative clerk concluded the call of the roll and the following Senators answered to their names:

[No. 244 Leg.]

Allen
Baker
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Ellender
Ervin
Fannin
Gambrell
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Metcalf
Miller
Pearson
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Talmadge

The PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia that the Senate do now adjourn until 9 a.m. tomorrow.

Mr. STENNIS. Mr. President, a point of order is not in order because we have not transacted any business since the last one.

The PRESIDENT pro tempore. The only motion in order without a quorum being present is a motion to adjourn, and that is the motion pending.

The question is on agreeing to the motion of the Senator from West Virginia.

All those in favor of adjourning signify by saying "aye." All those in favor of not adjourning signify by saying "no."

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia that the Senate do now adjourn until 9 a.m. tomorrow morning.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE) and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

Also, the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The result was announced—yeas 32, nays 33, as follows:

[No. 245 Leg.]

YEAS—32

Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Case
Chiles
Cooper
Cotton
Cranston
Ellender
Fulbright
Gambrell
Griffin
Hartke
Hatfield
Hughes
Humphrey
Jackson
Magnuson
McGee
Nelson
Packwood
Pearson
Pell
Proxmire
Stafford
Stevenson
Symington
Taft
Talmadge
Tunney

NAYS—33

Allen
Baker
Beall
Boggs
Brock
Buckley
Byrd, Va.
Cannon
Cook
Curtis
Dole
Eastland
Ervin
Fannin
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Thurmond
Tower

NOT VOTING—35

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Church
Dominick
Eagleton
Fong
Gravel
Harris
Hart
Inouye
Javits
Kennedy
Long
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Muskie
Pastore
Percy
Ribicoff
Weicker
Williams
Young

So the motion of Mr. BYRD of West Virginia to adjourn was rejected.

Mr. BYRD of West Virginia addressed the Chair.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wyoming withhold his request?

Mr. McGEE. For what purpose?

Mr. BYRD of West Virginia. I asked for recognition.

Mr. McGEE. I did suggest the absence of a quorum.

Mr. BYRD of West Virginia. The Senator from West Virginia was on his feet seeking recognition.

The PRESIDENT pro tempore. Does the Senator withhold?

Mr. McGEE. Mr. President, I am glad to withhold.

Mr. BYRD of West Virginia. Mr. President, the Senator from West Virginia was on his feet. Perhaps the Chair did not see him or hear him, but he sought recognition.

Mr. President, in an effort to get us out of this difficult situation I ask unanimous consent that on tomorrow, immediately following the vote on the school lunch bill——

The PRESIDENT pro tempore. Does the Senator ask unanimous consent to make that announcement—because it is out of order? The Chair is informed that time for debate on the amendment has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

The Senator may proceed.

Mr. BYRD of West Virginia. Mr. President, under the unanimous-consent agreement, immediately following recognition of the two leaders on tomorrow, the unfinished business will be laid aside temporarily and the Senate will proceed to the consideration of Senate Joint Resolution 157, the school lunch measure, with a 2-hour limitation thereon and with a 30-minute limitation on any amendment to that resolution.

Under the unanimous-consent agreement the unfinished business must remain in a state of being laid aside until the school lunch measure is disposed of.

I ask unanimous consent that immediately following the disposition of the school lunch measure tomorrow, the Senate proceed to a vote on the amendment to the amendment offered by the Senator from Arkansas (Mr. FULBRIGHT) and that following the vote on the amendment in the second degree there be a limitation of 30 minutes to be equally divided between the mover of the amendment in the first degree and the distinguished manager of the bill (Mr. STENNIS), at the conclusion of which time the Senate then proceed to vote on the amendment in the first degree.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—I want to be certain the proposal is understood. Following disposition of what is already the pending business tomorrow, we would first vote on Senator FULBRIGHT's amendment to the amendment.

Mr. BYRD of West Virginia. Yes.

Mr. STENNIS. Then, after 30 minutes equally divided we would vote on the amendment of the Senator from Arkansas.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. STENNIS. I do not object.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I have already made the point clear we are not seeking further debate on this issue at all. We are familiar with the vote. I would have no objection if that unanimous-consent request were made for a vote at any time on Monday with 2 minutes' debate or without any debate.

This proposal is not for the purpose of further debate, but only to have a vote at a time when it is probable we will have as full representation as possible of the Senate. That is the only purpose of all this: To get Members of the Senate to know in advance there will be a vote and to have them here. There is no disposition to want 30 minutes more debate.

If that request is made for any time the leadership wishes on Monday I have no objection. Otherwise I have to object.

Mr. BYRD of West Virginia. Mr. President, may I be recognized?

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, the difficulty with Monday lies in the fact that under the unanimous consent agreement the entire day is practically consumed. The amendment by Mr. ALLOTT, on which there is a time agreement of 3 hours, follows the transaction of the routine morning business. On disposition of the amendment by Mr. ALLOTT on Monday the Senate will proceed to the consideration of the amendment by Mr. SYMINGTON on which there is a limitation of 5 hours. Moreover, there is a limitation of 30 minutes on any amendment to either of these amendments.

So I think it would be out of the question as far as Monday is concerned.

Mr. FULBRIGHT. Tuesday is all right.

Mr. BYRD of West Virginia. Does the Senator object to my initial request?

Mr. FULBRIGHT. I object to it applying tomorrow. I will not object if the Senator makes the same request for Tuesday, if he does not like Monday.

ORDER FOR RECOGNITION OF SENATORS BENNETT AND JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I wish first to ask unanimous consent with respect to two or three other matters, just in case we are yet forced to adjourn tonight because of a lack of a quorum.

Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the following

Senators be recognized each for 15 minutes in the order stated: the Senator from Utah (Mr. BENNETT), and the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the conclusion of the routine morning business——

The PRESIDENT pro tempore. Does the Senator ask for additional time?

Mr. BYRD of West Virginia. Mr. President, I ask that I be recognized for 3 minutes.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

ORDER FOR CONSIDERATION OF MR. GRAVEL'S AMENDMENT ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, at the conclusion of the period for the transaction of routine morning business, the Senate proceed to the consideration of the amendment by Mr. GRAVEL, the number of which I am not aware of at this time; that the time be limited to 2 hours, to be divided equally between the mover of the amendment and the manager of the bill; and that time on any amendment thereto be limited to 30 minutes, equally divided between the mover of the amendment in the second degree and the manager of the bill.

Mr. STENNIS. Mr. President, reserving the right to object, my attention was diverted. Did the Senator's request cover Tuesday?

Mr. BYRD of West Virginia. Yes.

Mr. STENNIS. We already have items that are set for Tuesday under unanimous-consent request.

Mr. BYRD of West Virginia. No, not for Tuesday.

Mr. STENNIS. We have three amendments set for Tuesday already.

Mr. BYRD of West Virginia. No.

Mr. TOWER. I object.

Mr. BYRD of West Virginia. Mr. President, I hope the distinguished Senator from Texas will not object.

May I say this before I propound the request again. The Senate already has entered a unanimous-consent order whereby the final vote on this bill will occur on Wednesday at the expiration of 3 hours for debate, and the 3 hours will begin running following disposition of the amendment which will be called up by the Senator from New Mexico (Mr. MONTOYA).

So we have a unanimous-consent agreement covering Monday, we have a unanimous-consent agreement covering Wednesday, and under the consent agreement, we have time limited on the final passage of the bill, and the final vote must occur on Wednesday.

This leaves Tuesday without its being covered by unanimous-consent agreement. I am merely trying to get an agreement whereby we can schedule amendments for Tuesday and once those agreements are scheduled, I can then propound a request in accordance with the suggestion of the able junior Senator from Arkansas, whereby we can then attempt to get a vote on his amendment on Tuesday. I am merely trying to work up to that point. I hope that if the Senator wishes to object, he will do so at that time, but not prior thereto.

Mr. TOWER. Mr. President, I think the Senator's original request was reasonable. The Senator from Arkansas made his decision to object. He has been the one to suggest we carry over until tomorrow on this.

I think if the Senator from Arkansas would honor the unanimous-consent propounded by the Senator from West Virginia, it can be accommodated.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be recognized for an additional 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the Senator from Arkansas objected in his own right. He had a right to object to the request, and the Senator from Texas (Mr. TOWER) has a similar right to object to a request to vote on the chrome ore amendment on Tuesday, but I hope he will let me proceed with the other requests which lead up to that point. Then if he wishes to object, he may do so.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HUMPHREY. Mr. President, may I suggest, in all kindness, to Members of the Senate that if we quit tonight and come back tomorrow, take up our business and talk then, perhaps we can have some understanding. This is not a question of life or death. This is a question of procedure in the Senate on an issue which can be resolved. I think some Senators have some commitments, which may be unfortunate, but we at least have to have a chance to talk to these Senators about those commitments. We are not making a good spectacle of ourselves tonight. We would be much better off, may I say with all respect to Members of the Senate, and particularly to the leader who tries to bring these requests about, if we could fold up tonight—and I urge on my colleagues to do so—so we can come back fresh tomorrow, and we will have the bill before us tomorrow, and perhaps we will be better off and in better humor and do a better job. I would like to have a chance to talk to my associates, perhaps some of those who have been voting one way on the Fulbright amendment.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. BYRD of West Virginia. Mr. President, I have the floor. I yield to the Senator from Mississippi.

Mr. STENNIS. The Senator is aware that the Senator is trying to get an agreement on that amendment next week?

Mr. HUMPHREY. Mr. President, I understand that is not the problem, but we would be better off if we adjourned. I have been here for some years, as have other Senators, and I notice that after 7 o'clock we seem to lose that quality called good humor and reason. I do not advise that we adjourn at 7 o'clock all the time, because once in a while it is a good thing to "jazz" things up, but I think we have overdone it tonight.

Mr. BYRD of West Virginia. May I say to the Senator from Minnesota that the Senator from West Virginia is attempting to move in that direction, but before moving to adjourn, I would hope to get the unanimous-consent request agreed to, and I therefore, repeat my request.

The PRESIDENT pro tempore. Will the Senator state it?

ORDER FOR ADJOURNMENT FROM MONDAY NEXT TO TUESDAY NEXT AT 9 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 9 o'clock a.m. on Tuesday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately after the recognition of the two leaders under the standing order, and following the recognition of any Senators under 15-minute orders, if there be such orders entered, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. HUMPHREY. Mr. President, provided that quorum calls are not included in the 15 minutes.

Mr. BYRD of West Virginia. I hope the Senator will not insist on that.

Mr. HUMPHREY. I do insist on it.

Mr. BYRD of West Virginia. The Senator's suggestion would be absolutely impractical and unworkable, and I will be glad to debate that at any time.

The PRESIDENT pro tempore. Is there objection?

Mr. HUMPHREY. I say, most respectfully, that this day we had 11 minutes used in a quorum call and charged out of the 15 minutes for the morning hour under the order. The rule calls for 2 hours for a morning hour, ordinarily, unless unanimous consent is obtained otherwise. I am not protecting my right. I have no intention to use any of the time. But I think it stretches it a bit when it is said that 15 minutes are adequate for 100 Senators, particularly when time is going to be used out of that period for a quorum call. I suggest, that we would want to save some time, say 10 minutes, out of that quorum call. I do not say we have to——

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to proceed for an additional 5 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I regret that I was not on the floor this morning when the situation arose to which the Senator from Minnesota has alluded. If I had been, I think I could have been of some assistance. But the Senator from Minnesota was here when the quorum calls were running, and he could have called those quorum calls off at any point he wished, and could have used time during those 11 minutes, if he had so chosen, but he did not choose to do so until the 15 minutes had almost expired.

Mr. HUMPHREY. May I say respectfully to my leader that I did not know the quorum call was being charged up to the morning hour. It would seem to me that if a morning hour is limited to 15 minutes, it ought to be a 15-minute morning hour. If there is no Senator who wants to talk, that is one thing, but quorum calls use up the time Senators may want to use when they cannot be present at that moment.

I do not want to cause the leader difficulty tonight. I think we ought to have an understanding on it. I understand the Senator says we can call off those quorum calls, but sometimes Senators are trying to get over to the Chamber from committee hearings, particularly when we have morning sessions, which are necessary, and it is sometimes impossible to get here.

Mr. BYRD of West Virginia. Mr. President, I shall not labor this point further just now. Suffice it to say any time I am here and a distinguished Senator does not have 3 minutes left within the 15 minutes, I shall be very glad to try to extend the 15-minute period for another 3 minutes. We can work that out.

Mr. HUMPHREY. That is not the point, I say most respectfully. Every Senator is entitled to talk without the time being yielded to him. I do not want to be spoon fed.

Mr. BYRD of West Virginia. May I say that the procedures under which we are operating were suggested, not by me, but by four distinguished Senators, two from each side; namely, Senators HUGHES and CRANSTON on this side, and Senators SAXBE and SCHWEIKER on the other side. That is why we are operating under 15-minute orders in the Senate, and that is why we are not extending 3-minute speeches under the morning business—not because of my suggestion, but because of that suggestion, and it was agreed to by the other Senators on both sides, and it was a good suggestion and has worked well. I have considered it my function to carry out the orders which have been agreed to. If I had been here when the Senator sought additional time I would have worked that out.

Mr. HUMPHREY. May I say it is not a matter of additional time. That is not the point. I hope I made that clear. I am concerned that when a quorum call runs for the purpose of some Senator who may be detained on very important business it uses up the time that Senator might need, and I do not want to see that Senator cut off. I am not talking about my being cut off. I had nothing important in mind. What was bothering me was the procedure itself. I would suggest that those quorum calls not apply to the 15 minutes.

Mr. BYRD of West Virginia. Mr. President, I am sorry this issue had to be injected into the discussion at this point, but inasmuch as the Senator has raised it, I want to state that, in my judgment, it would be absolutely unworkable to have a period for the transaction of routine morning business for 15 minutes, or 30 minutes, or whatever time, and not charge the time for quorum calls against that period. It cannot be done, from a practical point.

Mr. HUMPHREY. I shall not object, because I want to see us get out of here. I love the Senator so.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. I ask unanimous consent that on Monday, following the recognition of the two leaders under the standing order——

Mr. TOWER. Mr. President, I object.

The PRESIDENT pro tempore. Will the Senator restate his request?

Mr. TOWER. Mr. President, I ask unanimous consent that the Senator may proceed to repropound his unanimous-consent request.

Mr. BYRD of West Virginia. Mr. President, Senators are entitled to hear the unanimous-consent requests, and I, therefore, repeat:

I ask unanimous consent that on Tuesday, following the recognition of the two leaders under the standing order, and upon the conclusion of orders for recognition of Senators, if such orders be enacted, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON GRAVEL AMENDMENT

Mr. BYRD of West Virginia. Mr. President, my previous request was with regard to Tuesday morning.

I ask unanimous consent that upon the conclusion of the period for the transaction of routine morning business on Tuesday, the amendment by Mr. GRAVEL, the number of which I cannot identify at the moment, be made the pending question; that the time on that amendment be limited to 2 hours, to be equally divided between and controlled by the mover of the amendment (Mr. GRAVEL) and the manager of the bill (Mr. STENNIS); and that time on any amendment to the amendment be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the amendment by the Senator from Alaska (Mr. GRAVEL) on Tuesday, the Senate proceed to the consideration of amendment No. 447, offered by the Senator from New York (Mr. BUCKLEY).

By way of explanation, Mr. President, there has already been an agreement entered into whereby time on that amendment would be limited to 1 hour.

The PRESIDENT pro tempore. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, is the Senator going to ask for the allocation of all the time on Tuesday, so that then there will be no time for even the possible consideration of the pending business?

Mr. BYRD of West Virginia. Mr. President, I hope all Senators will understand that I am not trying to play either side. I happened to vote with the senior Senator from Virginia on this question, but I do not intend now, or at any time in the future, and I do not think I ever have in the past——

Mr. FULBRIGHT. I did not suggest that. I was merely asking for information.

Mr. BYRD of West Virginia. I am trying to answer. I do not think the junior Senator from West Virginia is going to try any legerdemain, but I do want to make requests to take up two more amendments following the one as to which I have just presented the unanimous-consent request, and following that, on Tuesday, I would hope the Senate will proceed to dispose of the amendment on Rhodesian chrome ore.

Mr. FULBRIGHT. Would the Senator mind asking unanimous consent for that first?

Mr. BYRD of West Virginia. No; because I want to clock in the other two amendments, and know where we stand, and at what point we can dispose of the Rhodesian ore amendment.

Mr. FULBRIGHT. Well, I have been told that on Monday the time is already taken up, so it is impossible to have a vote on the pending business on Monday. If you create the same situation on Tuesday, and there is unanimous consent to vote on the bill on Wednesday, then there will be no vote.

Mr. BYRD of West Virginia. Well, now, Mr. President, if we are going to get into this kind of playing games, let me say we have already gotten the order to come in at 9 o'clock on Tuesday; we have an order whereby there will be some morning business not to exceed 15 minutes, and then we have an order whereby the Senate will proceed to consider the Gravel amendment for 2 hours.

That would take us up to about 11:30 if there are no amendments offered to the amendments. Then, if we can clock in the other three amendments on which there is already an order entered providing for an hour on each amendment, that would take us up to about 2:30. There will be ample time at that point to clock in the Rhodesian chrome ore amendment.

Mr. FULBRIGHT. Then the time the Senator is asking for on the other amendments would not go beyond 2:30?

Mr. BYRD of West Virginia. Well, it would go beyond 2:30 if rollcall votes occurred on those amendments, or if amendments to those amendments were offered, but it is not likely that there will be amendments offered to the amendments. I think there will be ample time on Tuesday.

Mr. FULBRIGHT. Would the Senator object, on the pending business—the debate is all completed; all that is requested is enough time, about 20 minutes, to call the roll.

Why would it not be logical to dispose of that, and then take care of the others?

Mr. BYRD of West Virginia. The simple answer to that is that I am anticipating there might be an objection.

Mr. FULBRIGHT. Why does not the Senator find out?

Mr. BYRD of West Virginia. The Senator from West Virginia would at least like to make as much progress as is possible in getting agreements on other amendments to the unfinished business for Tuesday, and this would not in any way infringe on the Senator's right to object to a request to vote on the Rhodesian chrome ore amendment that day.

Mr. President, I repeat my unanimous-consent request, and hope the Senator will not object.

Mr. CANNON. Mr. President, if the Senator will yield, in order to clarify the matter once and for all, I can assure the Senator from Arkansas that there will be an objection. I think it is as important to accommodate those of us who have stayed here all day today to vote on this issue as to accommodate the people who are not here today, and I personally do not anticipate being here on Tuesday, so I am going to object to that request if and when it comes up.

Mr. FULBRIGHT. Well, then, why not object to all requests?

The PRESIDENT pro tempore. The Senate will be in order. The time of the Senator from West Virginia has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to proceed for an additional 3 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD of West Virginia. I believe that if Senators will just be patient and hear me out, we will get out of this situation shortly, and be on our way to our homes.

Mr. President, I repeat and revise my unanimous-consent request that upon the disposition of the Gravel amendment on Tuesday next, the Senate proceed to the consideration of amendment No. 447 by the Senator from New York (Mr. BUCKLEY); that upon the disposition of that amendment, the Senate proceed to consider amendment No. 448 by the Senator from New York; and that upon the disposition of that amendment, the Senate proceed to the consideration of amendment No. 449 by the Senator from New York, on each of which amendments there is an agreement limiting the time to 1 hour.

If Senators will not object to this request, then we will proceed to the crux of the matter which now troubles us the most.

This is if the distinguished Senator from New York (Mr. BUCKLEY) decides to call up his amendments, which he may not wish to do.

Mr. FULBRIGHT. Mr. President, I do not wish to be contentious, but I think I can see how this is gradually building up so that there will be no time on Tuesday to vote on the pending business. The pending business has gotten to the point that the only thing left is not a discussion or debate, but a vote.

Mr. BYRD of West Virginia. Well, the Senator would have ample time——

Mr. FULBRIGHT. I cannot tell. This keeps mounting up to the point where I am not sure about it. That is why it is wise to go over until tomorrow, so that we can figure out just what the situation will be on Monday and Tuesday. The Senator from Nevada says he will object, and others will object. I do not understand it. I think I——

Mr. BYRD of West Virginia. Mr. President, I hope Senators will not object to this request.

Mr. FULBRIGHT. I cannot see the urgency of doing this tonight instead of tomorrow.

Mr. BYRD of West Virginia. If the Senator will allow me to get this request out of the way, then we will get down to the bone of contention about which he is so concerned.

The PRESIDENT pro tempore. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, may I suggest that if the Senator from Arkansas is concerned about the amount of time that might be available to him on Tuesday for the disposition of his amendment, we should go ahead and consider it tonight or do it tomorrow, as was originally proposed by the distinguished Senator from West Virginia? I, for one, together with the Senator from Nevada, will object to consideration of it on Tuesday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

Mr. FULBRIGHT. Mr. President——

Mr. BYRD of West Virginia. Do not object to this. We will get to yours.

Mr. FULBRIGHT. All right; I will not object.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. BYRD of West Virginia. Now, Mr. President, I thank the Senator from Arkansas, and I thank all Senators.

I ask unanimous consent that on Tuesday next, immediately following the disposition of the amendment or amendments to which I have already alluded to be offered by the Senator from New York (Mr. BUCKLEY), the Senate then proceed to vote on the amendment in the second degree offered by the Senator from Arkansas (Mr. FULBRIGHT) to the amendment in the first degree offered by the Senator from Arkansas.

Mr. TOWER and Mr. CANNON. I object.

The PRESIDENT pro tempore. Objection is heard.

Several Senators addressed the Chair.

Mr. BYRD of West Virginia. I yield to the Senator from Alaska.

Mr. STEVENS. Would it be possible to move to a scheduled list of votes at a time certain on Tuesday, and have a vote on that?

Mr. BYRD of West Virginia. I thank the Senator for his suggestion.

Mr. President, I make this request. I ask unanimous consent that on Tuesday, immediately following the disposition of the amendment or amendments by the Senator from New York, depending upon whether or not he wishes to call up 1, 2, or 3, there be a—the Senator to Arkansas does not object to voting on his amendment in the second degree?

Mr. FULBRIGHT. No.

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate then proceed, after 30 minutes of debate on the amendment in the second degree——

Mr. FULBRIGHT. To vote when?

Mr. BYRD of West Virginia. On Tuesday.

Mr. FULBRIGHT. Oh.

Mr. BYRD of West Virginia. That the Senate, after 30 minutes of debate as outlined, proceed to vote on the amendment of the Senator from Arkansas in the second degree, following which there be not to exceed 1 hour, to be equally divided between the mover of the amendment in the first degree and the manager of the bill, on that amendment, but that, at not later than 5 p.m., the Senate proceed to vote on the Fulbright amendment in the first degree.

Mr. TOWER and Mr. CANNON. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CURTIS. In the light of the refusal of the Senate to adjourn, I ask, what is the pending business?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas.

Mr. CURTIS. Mr. President, I ask for the yeas and nays.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The yeas and nays were ordered.

Mr. McGEE. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. ALLEN. Mr. President, a point of order. On the request for a quorum, there has been no ascertainment that there is a quorum from the other quorum call, so this quorum call is out of order.

The PRESIDENT pro tempore. The Senate transacted business in the meantime.

Mr. ALLEN. There still has been no ascertainment from the other quorum call.

Mr. McGEE. I was assured that a quorum call had been ordered.

The PRESIDENT pro tempore. A quorum call is in order. Does the Senator withhold his request?

Mr. McGEE. For what purpose?

The PRESIDENT pro tempore. The acting majority leader desires the floor.

Mr. BYRD of West Virginia. I hope the Senator will withhold his request.

Mr. McGEE. I did this once before, and we have been here an hour. I want to cooperate. Let us try it again.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. I make one final request. I ask unanimous consent that a vote on the amendment in the second degree occur on Wednesday at the conclusion of the time allotted for debate on the bill, and that the vote on the amendment in the first degree, of course, occur immediately thereafter.

Mr. CANNON. I object.

Mr. SCOTT. Reserving the right to object—and I will not object—I would suggest, sensing the temper of the Senate, that we have a quorum call, during which an attempt may be made to transact, if possible, some agreement or solution to this matter, in order to avoid the Senate making a further and continuing spectacle of itself.

Personally, I am very regretful of some of the things that have happened. I have no strong position on either side of this matter. I simply wish for a solution.

I will not object to the proposal of the distinguished Senator from West Virginia. But should there be objection, it occurs to me that men of good will might well meet during a quorum call and see whether or not they can agree privately more amicably than they seem to be able to agree publicly.

I withdraw my reservation.

Mr. CANNON. I object.

The PRESIDENT pro tempore. Objection is heard. The clerk will call the roll.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, I move in accordance with the previous order, that the Senate stand in adjournment until tomorrow morning.

Several Senators requested the yeas and nays.

The PRESIDENT pro tempore. A quorum call is in order, and the clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, there was no response to the names.

The PRESIDENT pro tempore. The Senator has made the motion.

Mr. BYRD of West Virginia. He asked for a quorum, but there was no response.

The PRESIDENT pro tempore. The Senator made the motion, and it is in order now to call the roll.

Mr. BYRD of West Virginia. There has been no response, and the Senator from West Virginia has the right to move to adjourn.

The PRESIDENT pro tempore. Not to adjourn a quorum call. A quorum call was asked for by the distinguished Senator from Wyoming.

Mr. BYRD of West Virginia. Mr. President, the Chair is correct. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection to the order for the quorum call being rescinded?

Mr. DOLE. I object.

Mr. HUMPHREY. Mr. President, a point of order.

The PRESIDENT pro tempore. Objection is heard.

Mr. HUMPHREY. Mr. President, I raise a point of order. When is it that a motion to adjourn does not supersede a motion for a quorum when there has been no response from any Member of this body?

The PRESIDENT pro tempore. Once a quorum call is called for, it must proceed.

Mr. HUMPHREY. Even without the response?

The PRESIDENT pro tempore. Yes. When the motion is made, the quorum call begins, and it cannot be interrupted.

Mr. HUMPHREY. An appeal from the ruling of the Chair, I suppose.

Mr. BYRD of West Virginia. Mr. President——

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection? There is no objection.

Mr. BYRD of West Virginia. Mr. President, in an effort to get the Senate out of this quagmire, I move that on Tuesday next, immediately upon the disposition of the amendment or amendments to be offered by Senator BUCKLEY, the Senate immediately proceed to vote on the amendment in the second degree offered by Senator FULBRIGHT, to be followed immediately by a vote on the amendment in the first degree.

The PRESIDENT pro tempore. Is there objection?

Mr. CURTIS. Mr. President, I seek recognition in opposition to the motion.

The PRESIDENT pro tempore. Is there objection?

Mr. CURTIS. It was not a unanimous-consent request. It was a motion. I seek recognition in opposition to the motion.

Mr. SCOTT. It is debatable.

The PRESIDENT pro tempore. It is debatable.

The Senator from Nebraska is recognized.

Mr. ERVIN. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska has the floor.

Mr. CURTIS. Mr. President, I think we owe an obligation to the distinguished Senator from Mississippi, who works for weeks and months every time a bill is brought to the floor pertaining to the defense of the United States. We were proceeding here tonight. It is conceded that on Friday a number of people are gone and the question came up as to whether we should adjourn, and the Senate, by a rollcall vote, decided not to adjourn.

I believe that every Senator should have respect for that vote, that it was the wish of the Senate not to adjourn. The time for debate has expired. If the rollcall had been proceeded with, it could have been completed 30 or 40 minutes ago.

Now, after using the system of unanimous consent to schedule this entire bill, we come to a point where, by motion, by sheer strength of numbers, we are going to set this vote on Tuesday. I dare say that it is inconvenient to just as many people on Tuesday as it is on any other day; and I would hope that the distinguished acting majority leader would not press his motion and force the scheduling of this particular amendment on Tuesday.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CURTIS. I yield the floor.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I think that the distinguished Senator from Nebraska has made a very reasonable suggestion; I believe that if the Senate would now adjourn, we could find some way tomorrow to work our way out of this difficult situation.

I, therefore, withdraw my earlier motion, and I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

Mr. BYRD of Virginia. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

The question is on agreeing to the motion of the Senator from West Virginia.

All those in favor, signify by saying "Aye"; those opposed, "No."

The ayes have it and the Senate stands adjourned.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair stated that the Senate is adjourned.

Thereupon (at 8 o'clock and 59 minutes p.m.), the Senate adjourned until tomorrow, Friday, October 1, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 30, 1971:

Ambassador

Richard W. Murphy, of Virginia, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Island Republic of Mauritania.

U.S. Arms Control and Disarmament Agency

The following-named persons to be members of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency:

Robert Ellsworth, of Maryland, vice William J. Casey, resigned.

John A. McCone, of California, vice Cyrus R. Vance, resigned.

George A. Smathers, of Florida, vice Peter G. Peterson, resigned.

Earle Gilmore Wheeler, of West Virginia, vice Douglas Dillon, resigned.

National Corporation for Housing Partnerships

Walter James Hodges, of Virginia, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1972.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 1971:

FEDERAL RAILROAD ADMINISTRATION

John W. Ingram, of Illinois, to be Administrator of the Federal Railroad Administration.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Raymond Telles, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1976.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named persons to be members of the National Commission on Libraries and Information Science for terms expiring July 19, 1976:

Andrew A. Aines, of Virginia.

Catherine D. Scott, of the District of Columbia.

NATIONAL LIBRARY OF MEDICINE

The following-named persons to be members of the Board of Regents, National Library of Medicine, Public Health Service, for the terms indicated:

For the remainder of the term expiring August 3, 1974:

J. Stanley Marshall, of Florida.

For a term of 4 years from August 3, 1971:

Susan N. Crawford, of Illinois.

Bernice M. Hetzner, of Nebraska.

Angelo M. May, of California.

IN THE PUBLIC HEALTH SERVICE

The nominations beginning Gordon Allen, to be medical director, and ending Dennis R. Shipman, to be a senior assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 30, 1971; and

The nominations beginning Harry E. Halden III, to be senior surgeon, and ending Peter K. Vaslow, to be an assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Sept. 13, 1971.

HOUSE OF REPRESENTATIVES—*Thursday, September 30, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Show me Thy ways, O Lord; teach me Thy paths, lead me in Thy truth: for Thou art the God of my salvation.—Psalm 25: 4, 5.

O God of Justice and Father of Mercy, we come into Thy presence to offer unto Thee our prayer of praise and thanksgiving. All that we are comes from Thee and all that we have is a gift from Thy hand. We are grateful for Thy goodness and pray that Thou wouldst help us to use our resources for the good of our fellow men.

Bless our Nation with Thy most gracious favor and may she ever be a land where freedom lives, justice rules, and peace abides. Grant a renewal of courage to all grown weary in the struggle for justice and peace in our world. Strengthen our faith in the ultimate triumph of the right and let Thy light shine upon our hearts to free us from fear and to lead us to a greater life together.

In the mood of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2613. An act to extend the Federal Water Pollution Control Act, as amended, for 1 month.

APPOINTMENT AS MEMBER OF COMMITTEE TO INVESTIGATE NONESSENTIAL FEDERAL EXPENDITURES

The SPEAKER. Pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Chair appoints as a member of the Committee to Investigate Nonessential Federal Expenditures the following Member of the Committee on Ways and Means to fill an existing vacancy thereon: Mr. ULLMAN, of Oregon.

REQUESTING THE SECRETARY OF STATE TO FURNISH TEXT OF ALL COMMUNICATIONS PERTAINING TO THE FORTHCOMING VIETNAMESE PRESIDENTIAL ELECTION

Mr. MORGAN. Mr. Speaker, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 595

Resolved, That the Secretary of State be directed to furnish the House of Representatives within one week after the adoption of this resolution with the complete text of all communications pertaining to the forthcoming Vietnamese presidential election between the Department of State and the United States Embassy in Saigon and between the United States Embassy in Saigon and Messrs. Thieu, Ky, and Minh since January 1, 1971.

Mr. MORGAN. Mr. Speaker, it is my intention to move to table this resolution. Although I understand the motion to table is not debatable, I intended to yield to the author of the resolution for 10 minutes. I will not take any time during the debate myself. The report filed with the resolution speaks for itself.

Mr. Speaker, I intended to yield to the gentlewoman from New York (Mrs. ABZUG) 10 minutes for debate only, but I do not see the gentlewoman on the floor.

The SPEAKER. Does the gentleman desire to proceed in some other manner?

Mr. MORGAN. Mr. Speaker, I certainly notified the gentlewoman's office I was going to call this up first.

Mr. Speaker, I move to lay House Resolution 595 on the table.

The SPEAKER. The question is on the motion.

The motion was agreed to.

A motion to reconsider was laid on the table.

TABLING OF HOUSE RESOLUTION 619

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of House Resolution 619, a resolution identical with the one just disposed of, and that House Resolution 619 be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SCHOOL LUNCH PROGRAM

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, yesterday the Senate Agriculture Committee voted to instruct the Agriculture Department to borrow from other funds if necessary in order to insure that the national school lunch program will be maintained at acceptable funding levels.

Acting on a resolution introduced by committee chairman, HERMAN TALMADGE, of Georgia, the committee chose to raise the average minimum support to 45 cents a meal. This action will be very warmly received by school administrators throughout our Nation who were appalled by the administration's decision to reduce the average support to 35 cents per meal.

Had the Department of Agriculture been successful in reducing subsidy funds, my city of Chicago, alone, would suffer a $1.7 million loss this year to its free lunch program—a program that provides nourishing meals to 174,000 children each day.

Mr. Speaker, a similar resolution, House Joint Resolution 889, is presently pending before the House Committee on Education and Labor. Immediate action on this resolution is a must if we are to maintain an effective school lunch program for the underprivileged school-age children in our land.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 9961 UNTIL MIDNIGHT FRIDAY

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency have until midnight Friday, October 1, 1971, to file the committee report on H.R. 9961, a bill to provide temporary insurance for the member accounts of certain Federal credit unions, and for other purposes.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

LEAVE OF ABSENCE

Mr. RODINO. Mr. Speaker, I hereby request an official leave of absence for myself and for those of my colleagues who have been designated to represent this Nation in the city of Genoa, Italy, to commemorate the first celebration of Columbus Day as a national holiday in the United States.

The names of those for whom I request this leave from October 1 through October 5 are: Mr. ADDABBO, Mr. ANNUNZIO, Mr. BIAGGI, Mr. BRASCO, Mr. DANIELS of New Jersey, Mr. DENT, Mr. MCCLORY, Mr. GIAIMO, Mr. LEGGETT, Mr. MILLER of California, Mr. MINISH, Mr. MURPHY of New York, Mr. PODELL, and Mr. RODINO.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMEND THE BUY AMERICAN ACT TO MANDATE A 50-PERCENT DIFFERENTIAL FOR FOREIGN EQUIPMENT PURCHASES BY ALL FEDERAL AGENCIES

(Mr. STRATTON asked and was given permission to address the House for 1 minute.)

Mr. STRATTON. Mr. Speaker, I have this morning introduced legislation which would provide for a 50-percent differential for all foreign equipment purchases made by all Federal agencies—50 percent, that is, over the stated foreign price. This is the percentage which the Defense Department has long been using, but under executive regulations other agencies are limited to only 6 percent. That is a pretty meaningless difference in today's economy, not only low but also unrealistic.

In view of the fact that 95 percent of the purchases of turbines and generators, for the past couple of years, made by Government agencies, especially TVA, have come from abroad, I believe this legislation is very necessary. It should improve the employment situation in the electrical industry.

I am sure that Members are aware that representatives of organized labor are going to be in Washington next Monday for discussions on this very issue. I believe support of a bill such as mine will go far to meet the very proper complaints of affected employees in the electrical and other industries.

Mr. Speaker, I might also observe that this charge has received some favorable comment from the White House. Mr. Peter G. Peterson, the President's Special Assistant on International Economic Affairs, has recently written me that it "appears to merit consideration" and has assured me that it will be "carefully considered in * * * the formulation of future policy in this area."

I appreciate this support, Mr. Speaker, but I believe the best chance for prompt and effective action lies now in legislation rather than awaiting further Executive orders.

THE LATE HONORABLE JAMES S. GOLDEN, SR.

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, Congressman James S. Golden, Sr., who was a Member of Congress from the Fifth Congressional District of Kentucky from 1948 until 1954, passed away on Monday, September 6, 1971. He represented the Fifth District ably. He was a very conscientious lawyer and congenial gentleman.

Mr. Golden was born in Barbourville, Knox County, Ky., September 20, 1891. He attended grade schools in Barbourville and high school at Union College. He graduated from the University of Kentucky at Lexington in 1912 and from the Law School of the University of Michigan in 1916. During that year he was admitted to the bar and began a distinguished practice of law. He was elected county attorney of Knox County and served in that post until 1922. Mr. Golden was elected to the 81st, 82d, and 83d Congresses. He did not seek reelection in 1954 and resumed his successful law practice.

Incidentally, Jim Golden was on the floor during that now-famous session in 1954 when Puerto Rican nationals shot up the Chamber. Fortunately, he escaped injury or death.

I had the pleasure and honor, as his campaign manager for Monroe County, to have been active in his first race and his two succeeding races. But due to his efficient legislative work and the rapport he developed with his constituents, each campaign after the first was progressively easier—and he won by larger margins. He was a strong supporter of rural development, and worked with development and planning agencies throughout the Fifth Congressional District. James Golden did much for the Fifth District and his record in Congress was outstanding. I deeply regret his passing, and extend my sympathy to his bereaved ones.

Mr. Speaker, I ask that Members be given 5 legislative days to revise and extend their remarks.

GENERAL LEAVE TO EXTEND

Mr. CARTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the late Honorable James S. Golden, Sr.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT

Mr. SISK. Mr. Speaker, on behalf of the Committee on Rules, I ask unanimous consent that the committee may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF AUTHORITY FOR INSURING LOANS UNDER THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 625 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 625

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10538) to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 625 provides an open rule with 1 hour of general debate for consideration of H.R. 10538 to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961.

The authority to insure loans under the act expires on October 1 and the purpose of this legislation is to extend the authority permanently. Without this authority, all loans under these programs would have to come directly from the Treasury.

There is a much larger volume of loans under the insured loan authority than would be possible under the direct loan approach.

No additional cost to the Government is involved and the legislation was reported unanimously by the Committee on Agriculture.

Mr. Speaker, I urge that the rule be adopted.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wholeheartedly agree with the statement just made by my colleague, the distinguished gentleman from California (Mr. SISK) and also wish to point out that the Committee on Agriculture has done a wise thing in eliminating a termination date from this legislation and in making it permanent. I think this is something that should have been done a long time ago so that we would not have to take this action time after time. I commend the Committee on Agriculture for its foresightedness.

Mr. Speaker, I have no further requests for time and urge the adoption of the rule.

THE DUBIOUS SPECTACLE OF THE NATION'S CAPITAL MINUS REPRESENTATION IN THE NATIONAL SPORT

Mr. SISK. Mr. Speaker, I yield myself 2 minutes.

(By unanimous consent, Mr. Sisk was allowed to speak out of order.)

Mr. SISK. Mr. Speaker, after more than 70 years as home to the Washington Senators, we are in the sad position of actually viewing the dubious spectacle of the Nation's Capital minus representation in the national sport.

As all here in this Chamber know, the Senators are on the eve of their departure for Texas.

Therefore, I appeal to you and to the public, the long-suffering fans of the District of Columbia—that it is only fitting that we attend this last game in memory and appreciation.

Our glorious Capital has been sacked by the British, tortured by Civil War, prevailed through two world wars, and suffered through Vietnam only to lose a vital part of the national culture to organized baseball's manipulations.

Unlike our fellow English-speaking brothers across the Atlantic who learned to endure on the playing fields of Eton—we find we have lost our players. Only the field remains.

A good crowd tonight will demonstrate to those young men whose individual sojourn at the seat of our Government now ends, that we are sensitive to the nuances of their endeavors. We can tell the difference between those who try, who give their best although they have failed to win a pennant, from those whose inept and hamhanded mismanagement have brought the sport here to this grievous end.

Some of them have demonstrated a feeling for their game, their environment, that far surpasses their talent on the diamond. They should be applauded. Their talent is God-given. Their appreciation of their life and times around them is developed out of their own human spirit, which rises unconquerable in spite of their leadership.

I suppose there are some who do not mourn the demise of baseball here. But I am not one of them. And I am sure I am joined in this feeling by many of my colleagues.

There are those who claim baseball has already surrendered its crown to football. While football is a wonderful morale- and character-building game it is still too new on the scene as an organized professional sport to win the title earned by public acclaim.

There are those who do not care whether or not baseball continues to remain on top. Among these people are numbered, unfortunately, the owners of our professional baseball teams.

Like waterfowl as fall approaches they are flying south to more gentle climates to avoid a facing-up to the cold financial problems brought about by their own mismanagement.

They do this with the acquiescence of every other major league club owner in the American League with the exception of two.

It is high time, Mr. Speaker, that those of us who do care about the national sport as a part of our national life and culture, feel a responsibility to it and who do not want to see our tradition so freely cast away, come to the aid of baseball.

With this in mind, on September 22, the day after American League owners voted to permit the Washington Senators to move to Texas, I introduced H.R. 10825, which would bring the business of organized professional baseball under antitrust laws.

The capriciousness of American League clubowners, their disregard for fans and callousness to the public interest, calls for some kind of restraints.

Apparently the only criteria for measuring success in baseball these days is the profit-and-loss statement on the books, not the won-and-lost column in the daily newspaper.

Therefore, instead of building up the team, we see the public exhibition of trades of solid baseball talent for box office glamour by owners who ask the public to pay the price of this lack of judgment.

This mismanagement is compounded by prohibitive ticket prices.

And now the District of Columbia fan is asked again to pay the price so this owner can exploit new territory, territory where fans not accustomed to big league baseball will turn out in droves to the merry tinkle of cash registers for the novelty value of seeing a big league baseball team in action.

Mr. Speaker, baseball, unlike other businesses in interstate commerce and the very healthy and profitable sports of football and basketball, operates free of any antitrust restraint by the benevolence of Congress.

Courts have tacitly expressed the opinion that baseball remains free to antitrust laws of congressional intent.

I think now is the time, for Congress to reconsider this benevolence which is not recriprocated.

There is no reason why baseball club owners should not make a good profit. Congress and many local governments have gone out of their way to make stadiums available to many baseball teams on favorable terms because of the beneficial influences of the sport.

This was one of the factors behind the Federal Government building Robert F. Kennedy Stadium in our Capital. However, fast buck owners of teams fail to feel any responsibility to their supporters and move on like wraiths in the night, leaving behind empty monuments to their inept business abilities.

By remaining silent Congress is acquiesing in this misbehavior. Therefore, we should speak, out administer the verbal and legal spanking these miscreants are asking for. We, in short, need to remind baseball of its responsibility to the public.

Mr. Speaker, I plan to reintroduce H.R. 10825 on October 6. I urge other Members to join with me as cosponsors.

Thank you, Mr. Speaker.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 10538) to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961, and ask that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

H.R. 10538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 308 of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out "until October 1, 1971, loans" and inserting in lieu thereof "Loans".

Mr. POAGE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this resolution has been explained. This bill, H.R. 10538, has been explained by the members of the Committee on Rules. The bill simply extends on an indefinite basis the power of the Farmers Home Administration to make guaranteed loans for three purposes, and those are the only guaranteed loans they make, and they are for water and sewer loans, the farmownership loan program, and the association loan program for grazing loans.

Those loans are presently made on a guaranteed basis where the Government puts up no money at all. It is now all done with private money. The authority to do this expires at midnight tonight. With the passage of this bill the authority will go on. That is all there is to it.

We hope we can pass the bill promptly, without any delay.

Mr. HARSHA. Mr. Speaker, I move to strike te requisite number of words.

Mr. Speaker, I would like to have the attention of the chairman of the full committee, and would like to inquire of the distinguished gentleman whether or not any thought has been given to increasing the limitations on these loans for water and sewer systems. There is a $4 million limitation, and that is causing a number of problems in administering the matter. Lifting the limitation would permit greater efficiency and greater ability to repay these loans. Also, many more people would be served.

Mr. POAGE. If the gentleman will yield, I would say to the gentleman from Ohio that yes, such thought has been given, and such a measure is now pending before the committee, but that is in a comprehensive bill that will probably be brought in, we hope, some time later. But at the moment this bill does nothing except extend the existing authority without any change whatever of any of the powers.

Mr. HARSHA. I understand that that is all this bill that we have before us today does, but I was curious to know, as a cosponsor of such legislation to increase that limitation, whether consideration was being given to that.

Mr. POAGE. If the gentleman will yield further, we have that very matter before us, but it is not in this bill.

Mr. HARSHA. But it will be taken up at a later time?

Mr. POAGE. If the gentleman will yield still further, we are taking it up, and all Members of the House have been invited to appear, and if any Members have not received that invitation then I would like to extend that invitation to them now.

Mr. HARSHA. I thank the gentleman. I am very interested in seeing this limitation raised so that adequate water and sewer facilities can be provided to rural areas.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUEST TO VACATE PROCEEDINGS BY WHICH HOUSE RESOLUTION 595 WAS LAID ON THE TABLE

Mrs. ABZUG. Mr. Speaker, I ask unanimous consent to vacate the procedure whereunder House Resolution 595 was laid on the table.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

Mr. BOGGS. Mr. Speaker, reserving the right to object, I am not sure that I understood the request of the gentlewoman from New York. Would the gentlewoman from New York kindly repeat her request?

Mrs. ABZUG. Mr. Speaker, if the gentleman will yield, I asked unanimous consent to vacate the procedure whereby House Resolution 595 was laid upon the table.

Mr. BOGGS. Mr. Speaker, further reserving the right to object, I would be very happy to hear the gentlewoman. I am sorry that the distinguished chairman of the committee, the gentleman from Pennsylvania (Mr. Morgan), who was in charge of this matter, is not on the floor. I heard the gentleman say that he had been in consultation with the distinguished gentlewoman from New York, and that he had made some agreement that she would be here. The gentlewoman should, of course, be heard.

Mrs. ABZUG. I was here, I will state to the gentleman from Louisiana. I tried to reach the chairman of the committee all morning to find out what time the request would be made by the gentleman, and I was not able to reach him. I got here at 2 minutes after 12, and apparently the gentleman had already made the request as the first item of the business of the House.

Mr. Speaker, I think this is so important a matter, that the procedure whereby the resolution was tabled should be vacated, so that we could have an opportunity to debate this privileged resolution.

Mr. BOGGS. Mr. Speaker, under the reservation of objection, I would be very happy as I said a moment ago, for the Members to hear the gentlewoman.

The SPEAKER. The gentlewoman from New York is recognized.

Mrs. ABZUG. Mr. Speaker, House Resolution 595 is a privileged resolution. This resolution was discussed in the House Committee on Foreign Affairs to which it was referred, and was reported out adversely. The chairman said it would be brought up and reported from the committee to the House this morning. The chairman of the Foreign Affairs Committee knew I was very anxious to discuss this issue. Several Members of the House indicated that they wanted to be heard on this issue.

I tried to reach the chairman for 2 days to find out at what hour of the House session this matter would come up. I got in here about 3 minutes after 12 o'clock and he had already brought it up and so did not give us any opportunity to debate or vote on this issue.

This is a privileged resolution and specifically directs the State Department to make available communications concerning the elections in Vietnam; communications between the State Department and our Embassy concerning the South Vietnamese elections and between our Embassy and the persons involved in the election; namely, General Thieu, General Ky, and General Minh.

In order to make certain that there would be every opportunity to receive the information the resolution seeks and which every Member of this House is entitled to, I arranged for a State Department briefing, at the representation of the State Department that it would provide this information for Members of the House in a briefing.

About 10 Members of the House attended and 75 legislative assistants. The person who represented the State Department said she could not give us any of the communications or any contents of the communications. The briefing was just a restatement of what is available to us in the newspapers.

It seems to me, that if we are to fulfill our responsibilities in this House we must discuss this issue as to whether or not we are entitled to have information about the shameful, rigged election about to take place in Vietnam with our support. A majority of the American people have objected to this war, yet this war continues, and an election which is undemocratic is about to take place, which we countenance without discussion or action. I think this House must have an opportunity to debate and vote on this issue.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Missouri (Mr. Hall) rise?

Mr. HALL. Mr. Speaker, I rise in the interest of regular order and for a parliamentary inquiry, if the gentleman from Louisiana will yield.

The SPEAKER. Does the gentleman from Louisiana (Mr. Boggs) yield to the gentleman from Missouri for a parliamentary inquiry?

Mr. BOGGS. I am happy to yield to the gentleman, Mr. Speaker.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, does not the House Resolution 7 adopted on the 21st day of January of this year by the 92d Congress set the hour of meeting at 12 o'clock noon unless otherwise determined by the House?

The SPEAKER. The gentleman is correct. The hour of meeting is 12 o'clock noon unless otherwise directed by the House.

Mr. HALL. Mr. Speaker, I would make the further point that this rapidly approaches harassment and the gentlewoman is not speaking to the point raised for which purpose the gentleman from Louisiana so graciously yielded and, therefore, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

THE LATE HONORABLE NOBLE J. GREGORY

The SPEAKER. The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Speaker, hard upon the heels of the news that our colleague, Representative John C. Watts, had passed away in Lexington last Friday, came the report of the death of still another distinguished and beloved Member of this House, former Representative Noble J. Gregory. He died Sunday, September 24, after a long illness.

Noble Gregory served as a Member of the House from the Kentucky First District from January 1937 until his retirement in January 1959—a total of 22 years.

He represented that area of Kentucky that lies farthest to the west, adjoining the Mississippi River. It is generally called the Jackson Purchase, having been purchased from the Indians by Gen. Andrew Jackson. But by another of its sons, Alben W. Barkley, and others, the region was fondly called "The Gibraltor of Democracy."

Voters of that district chose Noble to succeed his brother, William Voris Gregory, who had originally been elected to the seat in 1926. Together, the Gregory brothers represented the district for more than three decades.

Those who were privileged to serve with Noble knew him to be a warm generous man, and a loyal and wise friend.

He was a Member who rarely—if ever—spoke on the floor of this Chamber. His name did not appear on the usual dozens of bills dropped into the legislative mill each year. But he was an extremely influential man, and an effective representative for his people.

At the time of his leaving, Noble was the third ranking majority member of the Committee on Ways and Means, following Representative Jere Cooper, the chairman, and Representative Wilbur Mills, who ably presides over that body today.

I think it is an interesting coincidence that Noble was succeeded by John Watts on the Committee on Ways and Means, and now they have both passed away within a few hours of each other. Those two friends had many things in common, and the world is surely a sadder place today because of their loss.

To Mrs. Gregory and to their daughter,

Mrs. Foster Petit, I express my sympathy for their great loss.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Kentucky (Mr. Mazzoli).

Mr. MAZZOLI. I merely wish to reiterate what the gentleman has said and join with my colleague in his remarks on the death of a man with whom I was not able to serve, but one who was a distinguished Member of this body.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. BOGGS. I appreciate the gentleman's yielding. It was my privilege to serve with Noble Gregory for many years. I sat next to him in the Committee on Ways and Means. I should add that I have had the privilege of being next to two of the great Kentucky Congressmen who have gone to their rewards this past week, John Watts and Noble Gregory.

As the gentleman has said, Noble Gregory was a dedicated public servant. He worked hard and diligently for his district. More than that, he had countless friends in this Chamber on both sides of the aisle.

I am glad that he lived to be a relatively old man. I am happy that he had a good life. I join with the gentleman in expressing sympathy to his lovely wife, Mrs. Gregory, and his family.

Mr. STUBBLEFIELD. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to my distinguished colleague from Kentucky.

Mr. STUBBLEFIELD. Mr. Speaker, I wish to join my distinguished colleague from Kentucky on this sad occasion to pay my respects and tribute to my neighbor and long-time personal friend, Noble Gregory.

My wife was reared in Noble's hometown of Mayfield, Ky. The families were friends and in the early days my father-in-law and Judge Voris Gregory—Noble's brother—were law partners.

Noble Gregory and his brother, Voris Gregory, represented the First District of Kentucky continuously for 32 years. Judge Voris Gregory was elected to Congress in 1927, succeeding the then U.S. Representative Alben W. Barkley when he was elected to the Senate. Following Judge Gregory's death in 1936, Noble was elected to succeed him in a special election.

During the 1930's both Noble Gregory and his brother were ardent supporters of the Tennessee Valley Authority and were instrumental in bringing about construction of Kentucky Dam—the largest multipurpose dam in the Tennessee Valley chain.

Mr. Speaker, on behalf of myself and Mrs. Stubblefield, I want to extend to Mrs. Gregory and their daughter, Marian, our sincere sympathy.

Mr. NATCHER. Mr. Speaker, I shall always be grateful that I was elected to the Congress at a time when Noble J. Gregory was serving as a Member. While he will mainly be remembered for his long and faithful tenure as a Member of Congress and as a member of the Committee on Ways and Means, I will always remember him as a cheerful, humble, dedicated leader of the House of Representatives. Those of us who served in the House with Congressman Gregory were privileged to know a truly great man. His efforts, his convictions and his achievements are imbedded in the programs and legislation which have served our country and the Commonwealth of Kentucky so well all down through the years. He was a great legislator, a tower of strength to his fellow Members and a true Kentuckian. He was elected a Member of the 75th Congress and the 10 succeeding Congresses. He was a resident of Mayfield, Ky., and was an outstanding citizen.

I extend to the members of his family my deep sympathy and condolences.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the death of the late Hon. Noble J. Gregory.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

REQUEST TO CONSIDER CONFERENCE REPORT ON H.R. 8866, SUGAR ACT AMENDMENTS OF 1971

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of my distinguished friend and the outstanding chairman of the House's Committee on Agriculture, whether or not this conference report has met the requirements of the Reorganization Act of 1970 that printed copies be in the hands of Members and that the report lie over for 3 legislative days prior to this unanimous consent request?

Mr. POAGE. It has not. The committee felt that by calling it up today, we could dispose of it this week, and that for once in the history of this House we could probably dispose of the sugar bill before the end of the session. The conference report was filed and was printed. I believe it was printed yesterday. The Senate has in the meantime adopted the conference report. It has been adopted by the other body.

We felt that there was enough publicity on the matter that no one should be prejudiced by it. But it definitely does not meet the requirement.

Mr. HALL. Mr. Speaker, I would earnestly request my distinguished friend to withdraw his request at this time, inasmuch as it is in violation of the Reorganization Act of 1970. We are repeatedly infringing upon the act, and for expediences sake finding lack of time to study important legislation like this.

I, for one, was handed the copy from the Document Room after coming on the floor today. The gentleman's word is good enough for me, but if there is no great urgency and since I do not deem that we will adjourn next week—or even the week after—sine die, I respectfully ask the gentleman to withdraw his request.

Mr. POAGE. Mr. Speaker, I withdraw the request.

The SPEAKER. The request is withdrawn.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1971

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10351) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10351, with Mr. Rooney of New York in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee arose on yesterday, the Clerk had read the first section of the committee amendment ending on page 12, line 4. If there are no amendments to this section, the Clerk will read.

Mr. ANNUNZIO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 270]

Anderson, Tenn.
Ashley
Blatnik
Celler
Clark
Clawson, Del
Clay
Conyers
Derwinski
Diggs
Edmondson
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Foley
Frelinghuysen
Galifianakis
Gallagher
Grasso
Hawkins
Jonas
Kuykendall
Long, La.
Lujan
McClure
Moorhead
Moss
Murphy, N.Y.
Nedzi
Nichols
Passman
Patman
Poff
Rosenthal
Roy
Scheuer
Seiberling
Smith, Calif.
Stuckey
Thompson, Ga.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Rooney of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 10351, and finding itself without a quorum, he had directed the roll to be called, when 390 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. PERKINS. Mr. Chairman, I ask

unanimous consent that the committee amendment in its entirety be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The remainder of the committee amendment is as follows:

Sec. 2. (a) For the purpose of carrying out the Economic Opportunity Act of 1964 (hereinafter referred to as the "Act"), there are hereby authorized to be appropriated $2,194,066,000 for the fiscal year ending June 30, 1972; and $2,750,000,000 for the fiscal year ending June 30, 1973.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1972, and for the next fiscal year, the Director shall reserve and make available a sum sufficient to permit the funding of local initiative programs authorized under section 221 of the Act at a level not less than $350,000,000 each year.

Sec. 3. Sections 171, 245, 321, 408, 615, and 835 of the Act are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years". Section 523 of the Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years".

Sec. 4. Section 22(a)(1) of the Act is amended by adding at the end thereof the following: "The Director shall not promulgate any general eligibility requirement which requires payment for participation in projects assisted under this paragraph by members of families whose annual family income does not exceed $4,500 for a family of four, or comparable amounts in the case of other sized families, but such eligibility requirements may be varied to reflect individual family and geographic situations and special program needs."

Sec. 5. Section 222(a)(4)(A)(ii) of the Act is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

Sec. 6. (a) Section 222(a)(8) of the Act is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts and assisting employers in dealing with addiction and drug abuse problems among formerly hard core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process: *Provided, however*, That there shall be no change in income eligibility criteria for initial admission to treatment and rehabilitation programs under this Act."

(c) Section 222(a) is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for working on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment and the improvement of the quality of life in urban and rural areas.

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to rural housing development corporations serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses, revolving development funds, nonrevolving land, land development and construction write-downs, rehabilitation or repair of substandard housing, and loans to low-income families. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, except that if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such period of time as he may establish: Provided, however, That no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum: And provided further, That any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly. There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, and $15,000,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out this program."

Sec. 7. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall reserve, for the purpose of section 225(a) of the Act, 4 per centum of the sum appropriated or allocated for carrying out community action programs under sections 221 and 222 of the Act for the fiscal years ending June 30, 1972, and June 30, 1973, for Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs.

(b) Section 225(c) of the Act is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

Sec. 8. Section 231 of the Act is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211(b) applies files an allegation with the Director that an agency receiving assistance under this section is not observing any requiring of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall, forthwith, terminate further assistance under this title, to such agency until he has received assurances satisfactory to him that further violations will not occur."

Sec. 9. Section 244 of the Act is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community so that all significant segments of the low-income population are being served."

Sec. 10. Section 312(b)(3) of the Act is amended by inserting after the word "Government" the words "employment or".

Sec. 11. Section 616 of the Act is amended to read as follows:

"TRANSFER OF FUNDS

"Sec. 616. Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing appropriations for such program or activity, not to exceed 10 per centum of the amount appropriated for the purpose of enabling the Director to carry out any such program or activity under the Act may be transferred and used by the Director for the purpose of carrying out any other such program or activity under the Act; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum."

Sec. 12. Section 632(3) of the Act is amended by inserting at the end thereof the following: "Such plan shall be presented to the Congress no later than December 31, 1971, and documents updating such plan shall be presented to the Congress no later than December 31 of each succeeding calendar year."

Sec. 13. Part B of title VI of the Act is amended by adding at the end thereof the following new section:

"GUIDELINES

"Sec. 639. Copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be provided to the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor at least thirty days prior to their effective date."

Sec. 14. (a) The Act is amended by adding at the end thereof the following new title:

"TITLE IX—EVALUATION

"Sec. 901. (a) The Director shall provide for evaluations that describe and measure the impact of programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. He may, for these purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act.

"(c) The Director may require community action agencies to provide independent evaluations.

"(d) Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he judges appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director with such statistical data, program reports, and other materials as they presently collect and compile on program operations, beneficiaries, and effectiveness.

"(e) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

"(f) The Director shall consult, where appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"(g) The Director shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(h) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(i) The Director shall publish and summarize the results of activities carried out pursuant to this title in the report required by section 608."

(b) The following provisions of the Act are repealed:

(1) Section 113(a);
(2) Section 132 (b) and (c);
(3) Section 154;
(4) Section 233; and
(5) Section 314(b).

(c) Section 632(2) of the Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(d) Sections 132 and 314 are each amended by striking out "(a)".

SEC. 15. The Act is amended by adding at the end thereof the following new title:

"TITLE X—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 1001. The Congress hereby finds and declares that—

"(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 1002. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 1003. (a) There shall be a transition period of six months following the date of enactment of the Economic Opportunity Amendments of 1971 for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons or their designee: the president of the American Bar Association, the president of the National Legal Aid and Defender Association, the president of the Association of American Law Schools, the president of the American Trial Lawyers Association, and the president of the National Bar Association. The incorporating trusteeship shall meet within thirty days after the enactment of the Economic Opportunity Amendments of 1971 to carry out the provisions of this section. The incorporating trusteeship shall provide procedures for the provision of a list of nominees by the national professional associations of attorneys in accordance with section 1004(a).

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, and national organizations of persons eligible for assistance under this title, shall establish the initial Advisory Council to be composed of sixteen members selected in accordance with procedures established by the incorporating trusteeship, from among attorneys who are actively engaged in providing legal services under any existing legal services program and from among individuals eligible for assistance under this title. No more than eight members of the Council shall be individuals eligible for assistance under any existing legal services program.

"(2) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the incorporating trusteeship. In order to carry out the provisions of this subsection, the Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services and financial and other resources as it may require.

"(d) Not later than ninety day after the enactment of the Economic Opportunity Amendments of 1971, the client members of the Advisory Council as established in subsection (c), and the project attorney members of the Advisory Council shall each meet and each shall submit recommendations as provided in section 1004(a) to serve on the initial board of directors.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) During the ninety-day period immediately following the period specified in subsection (e) of this section the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the Economic Opportunity Amendments of 1971.

"DIRECTORS AND OFFICERS

"SEC. 1004. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) one member shall be appointed from lists of nominees submitted by the Judicial Conference of the United States;

"(2) seven members shall be appointed from among individuals in the general public, no fewer than three of whom shall be members of the bar of the highest court of a jurisdiction;

"(3) two members shall be appointed from among individuals who are eligible for assistance under this title after due consideration is given to the recommendations of the client members of the Advisory Council as established in 1043(c);

"(4) two members shall be appointed from among former legal services project attorneys after due consideration is given to the recommendations of the attorney members of the Advisory Council;

"(5) one member shall be appointed from lists of nominees submitted by the Association of American Law Schools;

"(6) four members shall be appointed from lists of nominees submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association. Members appointed under this clause subsequent to the initial board shall be from lists submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association in accordance with procedures established by the board of directors.

"(b)(1) The directors appointed under clause (1) of subsection (a) shall be appointed for terms of three years except that—

"(A) the terms of directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1971 and shall expire as follows—

"(1) the term of the director appointed under clause (1) of subsection (a) shall expire at the end of one year;

"(2) the terms of the remaining directors appointed under subsection (a) shall expire as designated by the President at the time of appointment, (i) in the case of directors from the general public appointed under clause (2) of subsection (a), two at the end of three years, two at the end of two years, and three at the end of one year, (ii) in the case of appointments under clause (3) of subsection (a), one at the end of two years, and one at the end of three years, (iii) in the case of appointments under clause (4) of subsection (a), one at the end of three years and one at the end of one year, (iv) in the case of the director appointed under clause (5) of subsection (a), at the end of three years, and (v) in the case of appointments under clause (6) of subsection (a), one at the end of three years, two at the end of two years, and one at the end of one year.

"(B) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committees of the board, and the Advisory Council shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) Any board after the initial board shall, in consultation with the Advisory Council, provide for rules with respect to the subsequent meetings of the Advisory Council.

"ADVISORY COUNCIL

"SEC. 1005. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, and after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of an Advisory Council subsequent to the first such council established under section 1003(c)(1) of this title to be composed of not more than sixteen members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among individuals who are eligible for assistance under this title and lawyers actively engaged in providing legal services in any existing program. Equal representation shall be given to lawyers and clients. Procedures must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on the council be from any one State. The Advisory Council shall advise the board of directors and the executive director on policy matters relating to legal services and the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate. The Advisory Council shall submit recommendations of persons for appointment as members of the board in accordance with section 1004.

"(b) The board shall provide for sufficient resources for the Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 1006. (a) Effective six months after the enactment of the Economic Opportunity Amendments of 1971, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 1003 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government, including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys are bound by the same Canons of Professional Responsibility as are applicable to other attorneys practicing in the same jurisdiction;

"(8) establish standards of eligibility consistent with those established by the Office of Economic Opportunity for the provision of legal services to be rendered by any grantee or contractor of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations or services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal service programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date on enactment of the Economic Opportunity Amendments of 1971, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) The Corporation shall insure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(d) The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or committees request that the attorney make representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(e) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractor of the Corporation to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

"(f) No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the board has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

"(g) At least thirty days prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"(h) Where any legal proceeding is brought by attorneys employed by the corporation or by attorneys paid in whole or in part from funds provided by the corporation then the corporation shall be liable to any prevailing defendant or defendants for payment of reasonable legal fees and court costs awarded in connection with such proceedings.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 1007. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d) Full time employees of the Corporation or of programs funded by the Corporation are subject to provisions of section 7324 of title 5, United States Code. The exemption in section 7326(1) of such title shall not be applicable in the case of such individuals.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 1008. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractor who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 1009. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 1010. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b)(1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c)(1) Each grantee or contractor, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination of any books, documents, papers, and records of the recipient that are pertinent to assistance received under this section. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 1011. The Corporation shall prepare an annual report for transmittal to the President and to Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 1012. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'representative of the client community' includes any person who is selected by members of the client community whether or not a member of that community;

"(6) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities;

"(7) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States;

"(8) 'nonprofit' as applied to any foundation, corporation, or association means a foundation, corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

"FEDERAL CONTROL

"SEC. 1013. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees, contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

SEC. 1014. The board shall prescribe procedures to insure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractor has been given reasonable notice and opportunity to show cause why such action should not be taken;

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractor has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 1015. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractors to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 1016. (a) Notwithstanding any other provision of law, on and after the date of enactment of the Economic Opportunity Amendments of 1971, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective six months after the date of enactment of the Economic Opportunity Amendments of 1971, all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222(a)(3) of this Act shall be transferred to the Corporation.

"(c) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such corporation of financial assistance to legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

"(d) Effective six months after the date of enactment of this Act, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed.

"(e) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

(f) Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

"'INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"'Sec. 623. Nothing in this Act, except title X, and no reference to this Act unless such reference refers to title X, shall be construed to affect the powers and activities of the National Legal Services Corporation.'"

Sec. 16. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of Action may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this section. In the case of any project with respect to which prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

AMENDMENT OFFERED BY MR. BRADEMAS

Mr. BRADEMAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brademas: On page 18, line 11, insert "(a)" before "Section: and add the following new paragraph after line 13:

(b) Title V–B is amended by striking out the center caption for such part B, and sections 521, 522, and 523 and substituting in lieu thereof the following:

Sec. 521. Parts B, C, D, E, F, G, and H of this title may be cited as the "Comprehensive Child Development Act".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 522. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS, DIRECTION TO ESTABLISH PROGRAM

Sec. 523. The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

CHILD DEVELOPMENT PROGRAMS

Sec. 524. Funds appropriated under section 530 may be used (in accordance with approved applications) for the following activities:

(a) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

(b) establishing, maintaining, and operating child development programs, which may include activities such as—

(1) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain the maximum potential;

(2) food and nutritional services (including family consultation);

(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

(4) programs designed to meet the special needs of minority groups, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home;

(5) a program of daily activities designed to develop fully each child's potential;

(6) other specially designed health, social, and educational programs (including afterschool, summer, weekend, vacation, and overnight programs);

(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

(9) preservice and inservice education and other training for professional and paraprofessional personnel;

(10) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

(11) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children; and

(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

(c) staff and administrative expenses of local policy councils and child development councils.

PRIME SPONSORS

Sec. 525. (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:

(1) any State; or

(2) any unit of general local government—

(A) which is a city with a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government with a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which the Secretary determines has general governmental powers substantially similar to those of a city; or

(3) any combination of units of general local government having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary; which pro-

poses to operate programs authorized by this Act through contract with public or private nonprofit agencies or organizations including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of Indians, employers of working mothers and local public and private educational agencies and institutions, serving or applying to serve children in a community or neighborhood or other area possessing a commonality of interest;

(4) an Indian tribal organization; or

(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection (a) in the event that (A) such unit (or combination of units) of general local government either has not submitted an application pursuant to this section within one hundred and twenty days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 526 within two hundred and forty days of said implementation during the first fiscal year in which this title is funded or earlier than ninety days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (8) of this section not to be satisfactory implementing a child development plan which adequately meets the purpose of this title, (B) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families, or (C) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged children, pre-school-age children, or children of working mothers or single parents residing in the area served by a prime sponsor designated pursuant to paragraphs (1) through (4) of this subsection.

(b) In the event that a State, a city, a unit of general local government, a county or other unit of general local government, any combinations thereof, or an Indian tribal organization have not submitted a plan under section 526 or the Secretary has not approved a plan so submitted, or where the Secretary has withdrawn authority under section 525 or where the needs of migrants, pre-school-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund programs, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

(c) Any State, unit or combination of units of general local government or Indian tribal organization that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served shall provide for—

(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 526. Each Local Policy Council shall elect at least one representative to the Child Development Council; and one-half of the members of such Council shall be elected representatives of Local Policy Councils. The balance shall be appointed by the chief executive officer of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or, pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 527 designed to fulfill that plan, and are authorized to approve applications for funding by the Child Development Council.

(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, Indian tribal organization, or any local educational agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965 of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 526, for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activities, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of programs assisted under this title; Provided, That such delegate agency will be ultimately responsible for its actions to the Child Development Council and will cooperate with the Local Policy Councils.

(d) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a)(5) in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a)(5);

(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

(3) provide for the establishment of a local policy council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

(e)(1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a city or an Indian tribal organization which is eligible under paragraph (2) or (4) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall approve the application of the city or the Indian tribal organization.

(2) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a unit of general local government which is a county or combinations of units of local government which is eligible under paragraph (2)(B), or (3), of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the State or unit of general government which he determines will most effectively carry out the purpose of this title.

(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor or is acting as prime sponsor serving a geographic area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

(4) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

(5) When a unit (or combination of units) of a general local government has maintained a pattern of exclusion of minorities or insensitivity to the needs of economically disadvantaged citizens, or when substantial objections are raised by representatives of minorities or the economically disadvantaged to the application of such units (or combination of units) for prime sponsorship, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged people.

(f) The Governor or appropriate State agency shall be given sixty days to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.

(g) Except as provided in subsection (c), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such application including a statement of reasons therefor;

(2) sixty days in which to submit corrective amendments to such application or undertake other necessary corrective action, and

(3) an opportunity for a public hearing

pon which basis an appeal to the Secretary
ay be taken as of right.
(h) (1) If any party is dissatisfied with the
ecretary's final action under subsection (g)
ith respect to the disapproval of its appli-
tion submitted under this section or the
ithdrawal of its designation, such party
ay, within sixty days after notice of such
tion, file with the United States Court of
ppeals for the circuit in which such party
located a petition for review of that action.
copy of the petition shall be forthwith
ansmitted by the clerk of the court to the
ecretary. The Secretary thereupon shall file
the court the record of the proceedings
which he based his action, as provided in
ction 2112 of title 28, United States Code.
(2) The findings of fact by the Secretary,
supported by substantial evidence, shall
conclusive; but the court, for good cause
own, may remand the case to the Secretary
take further evidence, and the Secretary
ay thereupon make new or modified find-
gs of fact and may modify his previous
tion, and shall certify to the court the
cord of the further proceedings. Such new
modified findings of fact shall likewise
conclusive if supported by substantial
idence.
(3) The court shall have jurisdiction to
firm the action of the Secretary or to set
side, in whole or in part. The judgment of
e court shall be subject to review by the
upreme Court of the United States upon
rtiorari or certification as provided in sec-
on 1254 of title 28, United States Code.

OMPREHENSIVE CHILD DEVELOPMENT PLANS

SEC. 526. (a) Financial assistance under
is title may be provided by the Secretary
r any fiscal year to a prime sponsor desig-
ated pursuant to section 525(c) only pur-
ant to a comprehensive child development
an which is submitted by such prime spon-
r and approved by the Secretary in accord-
ce with the provisions of this title. Any
ch plan shall set forth a comprehensive
ogram for providing child development
rvices in the prime sponsorship area
hich—
(1) identifies child development needs and
als within the area and describes the pur-
ses for which the financial assistance will
used;
(2) meets the needs of children in the
ime sponsorship area, to the extent ap-
opriate and feasible, including (A) prior-
y programs for pre-school children 5 years
age and under, (B) before and after school
ograms, and (C) infant care programs as
ell as insuring the availability of child
re services for the children of single par-
nts or working mothers who must work or
tend school or other employment related
aining or educational activities on night
ifts of night sessions;
(3) gives priority to providing child de-
lopment programs and services to eco-
omically disadvantaged children by reserv-
g for such children from such funds as
e received under section 531 in any fiscal
ar an amount at least equal to the ag-
egate amount received by public or pri-
te agencies or organizations within the
ime sponsorship area for programs during
scal year 1972 under section 222(a)(1) of
e Economic Opportunity Act of 1964; and
reserving no less than 65 per centum of
e remainder of its allotment under section
1 for child development programs and
rvices for those children of families having
annual income below the lower budget
r a four person urban family as deter-
ined by the Bureau of Labor Statistics of
e Department of Labor;
(4) gives priority thereafter to providing
ild development programs and services to
ildren of single parents and working
others;
(5) provides, insofar as feasible, that such
ograms under this Act will be approved

only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection.

(6) provides that (A) no charge for services provided under a child development program assisted under the plan will be made with respect to any child whose family has an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor, except to the extent that payment will be made by a third party (including a Government agency) which is authorized or required to pay for such services; and (B) such charges will be made with respect to any child who does not qualify under (A) in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a Government agency) is authorized or required to make payments for such services;

(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education of or other services to handicapped children, will make such services available, where appropriate, to programs approved under the plan;

(8) provides that insofar as possible, persons residing in communites served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

(10) provides comprehensive services to meet the special needs of minority groups, Indians and migrant children, with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home;

(11) provides equitably for the child development needs of children from each minority group residing within the area served;

(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

(14) provides for direct parent participation in the conduct, overall direction and evaluation of programs;

(15) provides to the extent feasible for the employment as both professionals and paraprofessionals of persons resident in the neighborhoods from which children are drawn;

(16) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(17) provides that, to the extent appropriate, programs will include participation by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

(18) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

(19) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

(20) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary schoolchildren, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

(21) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located with such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination when appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(22) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

(23) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

(24) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

(25) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

(26) sets forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulations;

(27) provides that consideration will be given to project applications submitted by public, private, nonprofit, and profitmaking organizations with emphasis given to ongoing programs, and that (A) comparative costs of providing services shall be a factor in deciding among applicants, and (B) such organizations must meet the standards for service under authority of this title; and

(28) provides that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them;

(29) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one percentum of the cost of the project).

(c) No comprehensive child developed plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this Act or under section 222(a)(1) of the Economic Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) any educational agency or institution in the area to be served responsible for the

administration of programs under section 222(a)(2) of the Economic Opportunity Act has had an opportuntiy to submit comments to the prime sponsor and the Secretary;

(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian tribal organization, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

(d) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

SEC. 527. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 525(c) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant workers, Indian organization, private organization interested in child development, labor union, or employee and labormangement organization, which submits an application meeting the requirements of subsection (b).

(b) A project application submitted for approval under this section shall—

(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

(3) provides for the regular and frequent dissemination of information in the fuctional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(4) provide assurance that any person employed on such project, except for volunteers participating under section 526(a)(17), shall be paid no less than the prevailing rate of pay for such employees in the area in which the project is to be carried out. *Provided* That, in no case shall such employee be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206);

(5) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 526(c). The appropriate Local Policy Council may conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding. Further, the Local Policy Council may appeal to the Secretary any action or decision by the Child Development Council which the Local Policy Council feels does not meet the intent of this Act.

(d)(1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 525(a)(5), which submits a project application meeting the requirements of subsection (b).

(2) Such financial assistance may be provided from the funds allotted under section 531 to the prime sponsorship area in which the section 525(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 525(a)(5)(B) such financial assistance may be provided from the funds reserved pursuant to section 531(a)(1).

(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

SEC. 528. (a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

(f) in the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

PAYMENTS

SEC. 529. (a)(1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to suc prime sponsor of providing child developmen programs. The Secretary may, however, i accordance with regulations establishing ob jective criteria, approve assistance in excess o such percentage if he determines that suc action is required to provide adequately f the child development needs of economical disadvantaged persons.

(2) The Secretary shall pay to each prim sponsor approved under section 525(a)(5)(B 100 per centum of the costs of providing chil development programs for children of m grant agricultural workers and their familie

(3) The Secretary shall pay to each prim sponsor approved under section 525(a)(4 100 per centum of the costs of providing chil development programs for children on fe erally recognized Indian tribal organization

(b) The non-Federal share of the costs o programs assisted under this title may b provided through public or private funds an may be in the form of goods, services, o facilities (or portions thereof that are use for program purposes), reasonably evaluate or union and employer contributions. *Pr vided,* That fees collected for services pr vided pursuant to section 526(a)(6) sha not be used to make up the non-Feder share, but shall be turned over to the ap propriate prime sponsor for distribution i the same manner as the prime sponsor's a lotment under section 526(a)(3);

(c) If, in any fiscal year, a prime spons provides non-Federal contributions excee ing its requirements, such excess may be ap plied toward meeting the requirements f such contributions for the subsequent fisc year under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 530. There is authorized to be ap propriated for the fiscal year ending June 3 1973, and each suceeding fiscal year suc sums as may be necessary to carry out th provisions of this title.

ALLOTMENTS AMONG PRIME SPONSORS

SEC. 531. (a) The Secretary shall first r serve the following from the amount ap propriated under this title:

(1) not less than that proportion of th total amount available for carrying out th title as is equivalent to that proportion whic the total number of children of migra agricultural workers bears to the total nun ber of economically disadvantaged childre in the United States, which shall be mad available to prime sponsors under section 5 (a)(5)(B);

(2) not less than that proportion of th total amount available for carrying out th title as is equivalent to that proportion whic the total number of children who are men bers of Indian tribal organizations bears the total number of economically disadva taged children in the United States, whic shall be apportioned among federally re ognized Indian tribal organizations for pr grams serving such organizations so that th amount apportioned to each such organiz tion bears the same relationship to the tot amounts reserved pursuant to this par graph that the number of children who a members of such organization bears to th total number of children residing who a members of all such organizations;

(3) a sum, not in excess of 5 per centu thereof, for use by him, for purposes of th Act; and

(4) a sum, not less than 7 per centu thereof, for use by him, to guarantee speci services to handicapped children pursuant the purposes of this Act.

(b) The Secretary shall allot the r mainder of the amount appropriated und this title (after making the reservations r quired in subsection (a)) among the Stat in the following manner:

(1) 50 per centum thereof so that th amount allotted to each State bears th

same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a) (1) and (2);

(2) 25 per centum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the number of children through age 5 in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2);

(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the total number of children of working mothers and single parents in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2).

(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State.

(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under subsection (c), in proportion to the original allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallotted among the States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallotted to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

(h) If the allotment to any State under subsection (b) for any fiscal year ending before June 30, 1973, is less than the amount received by it, and by public and private agencies in the State, during the fiscal year 1971 under the Economic Opportunity Act of 1964 (other than section 221 thereof), and title IV of the Social Security Act for purposes for which assistance may be provided under this title (as determined by the Secretary), then there shall be allotted to each such State from sums appropriated to carry out this subsection (and such appropriations are hereby authorized) the amount by which its allotment under subsection (a) from such appropriations is less than such amount so received in such fiscal year.

OFFICE OF CHILD DEVELOPMENT

SEC. 532. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

SEC. 533. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance, to be known as the Federal Standards for Child Development Services.

(b) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies for organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a) (1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

SEC. 534. (a) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 533.

(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organization administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a) (1) of the Economic Opportunity Act, and title IV of the Social Security Act.

(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance or in which programs receiving Federal financial assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

SEC. 535. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

(b) The Secretary may require then, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State unit (or combination of units) of local government of a public school system shall agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

REPEAL, CONSOLIDATION, AND COORDINATION

SEC. 536. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this Act, the following statutes are amended, effective July 1, 1973:

(1) Section 222(a) (1) of the Economic Opportunity Act of 1964 is repealed.

(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children, but not operation of child development programs for children."

(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children."

(5) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children."

(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

(c) The day care and other child development services furnished or required as a part of the Social Security Act shall be day care services made available under this title. The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to insure that suitable child development programs under this Act are available for children receiving aid or services under State plans approved under the Social Security Act to the extent that such programs are required for the administration of such plans and the achievement of their objectives, and that there is effective coordination between the child development programs under this Act and the programs of aid and services under such Act.

(d)(1) Section 203(j)(1) of the Federal Property and Administrative Service Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child development facilities".

(2) Section 203(j)(3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child development facilities",

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child development facilities,", and

(C) by inserting after "public health purposes" in the second sentence the following: ", or for the operation of child development facilities,".

(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term 'child development facility' has the meaning given in section 201(b)(1) of the Comprehensive Child Development Act."

TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

SEC. 541. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and child development programs.

(b) For the purpose of this section—

(1) The term "child development facility" means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

(2) The terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to insure any mortgage (including advances of such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution of disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 534 of this Act.

(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

(6) That in the plans for such child development facility due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one percentum of the cost of the project).

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsection (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligations of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties

acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

SEC. 551. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence. "There is additionally authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.".

SEC. 552. Section 205(b)(3) of the National Defense Education Act is amended as follows, by adding after the word "nonprofit" the phrase "child development program," by striking out "and (B)" and inserting in lieu thereof the following: "(B) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (C)".

SEC. 553. The Secretary of Health, Education, and Welfare is authorized to provide directly or through grant, contract or other arrangement for the training of personnel employed, preparing for employment or volunteering for work in a program funded under the Act.

SEC. 554. There is authorized to be appropriated for the purposes of section 553 the sum of $5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

SEC. 561. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies, and

(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

(A) provides that the child development program shall be administered under the direction of the agency commission;

(B) provides that the program will meet the Federal interagency standards for child development;

(C) provides a means of determining priority of eligibility among parents wishing to use the services of the programs;

(D) provides for a scale of fees based upon the parents' financial status; and

(E) provides for competent management staffing, and facilities for such program.

(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the official or officials in charge of the agency or agencies whose employees will be served by the child development program.

SEC. 562. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably evaluated, fees collected from parents, union and employer contributions.

(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

SEC. 563. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year the sum of $5,000,000

TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

EVALUATION

SEC. 571. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal involvement in child development which shall include—

(1) enumeration and description of all Federal activities which affect child development;

(2) analysis of expenditures of Federal funds for such activities;

(3) determination of effectiveness and results of such expenditures and activities; and

(4) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

(c) The Secretary may enter into contracts with public or private nonprofit or profit agencies, organizations, or individuals to carry out the provisions of this section.

SEC. 572. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

SEC. 573. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

TECHNICAL ASSISTANCE

SEC. 574. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 525.

(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPC's, for expenses relating to development, submission, and planning for implementation of child development plans and project applications.

(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

SEC. 575. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

DECLARATION AND PURPOSE

SEC. 581. It is the purpose of this title to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon the processes; to develop effective programs from research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

NATIONAL CENTER FOR CHILD DEVELOPMENT

SEC. 582. (a) There is established in the Office of Child Development an agency to be known as the National Center for Child Development (hereinafter referred to as the "Center").

(b) The activities of the Center shall include—

(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

(2) evaluation of research findings and the development of these findings into effective products for application;

(3) dissemination of research and development efforts into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

(4) production of informational systems and other resources necessary to support the activities of the Center; and

(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

GENERAL AUTHORITY OF THE CENTER

SEC. 583. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this title;

(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

(d) to acquire by purchase, lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 571;

(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ANNUAL REPORT

Sec. 584. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during the preceding year, and making such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

COORDINATION OF RESEARCH

Sec. 585. (a) Funds available to any department or agency of the Government for the purposes stated in section 571 or the activities stated in section 572 shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman) and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title;

(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 571.

AUTHORIZATION OF APPROPRIATIONS

Sec. 586. There are authorized to be appropriated such sums each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

TITLE VII—GENERAL PROVISIONS

ADVANCE FUNDING

Sec. 591. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PUBLIC INFORMATION

Sec. 592. Applications for designation as prime sponsors, Comprehensive Child Development plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

FEDERAL CONTROL NOT AUTHORIZED

Sec. 593. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

Sec. 594. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

Sec. 595. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

Sec. 596. The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

DEFINITIONS

Sec. 597. As used in this Act—

(a) "child development programs" means those programs which provide the educational, nutritional, social, health, and physical services needed for children to attain their full potential; nothing in this or any other provision of this Act shall be deemed to authorize or require medical or psychological examination, immunization, or treatment for those who object thereto on religious grounds except where such is necessary for the protection of the health or safety of others;

(b) "children" means children through age fourteen;

(c) "economically disadvantaged children" means children of families having an annual income below the cost of family consumption of the lower living standard budget as determined by the Bureau of Labor Statistics of the Department of Labor or who are recipients of Federal or State public assistance;

(d) "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

(e) "program" means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided;

(f) "parent" means any person who has day-to-day responsibility for a child or children;

(g) "single parent" means any person who has sole day-to-day parental responsibility for a child or children;

(h) "working mother" means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

(i) "minority group" includes persons who are Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term "Spanish-surnamed American" includes any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

(j) "bilingual" includes persons who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term "bilingual family" means a family in which one or both parents is bilingual;

(k) "Secretary" means the Secretary of Health, Education, and Welfare; and

(l) "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record, and I shall explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRADEMAS. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. HALL. Mr. Chairman, reserving the right to object, may I ask the distinguished gentleman from Indiana to withhold his request until the House has had the opportunity to hear the first 5 minutes.

Mr. BRADEMAS. Mr. Chairman, I shall withhold the request.

Mr. Chairman, the Select Education Subcommittee, which I have the honor to chair, unanimously and favorably voted to report this bill to the full Committee on Education and Labor. The judgment of the subcommittee was upheld in full committee action this past Thursday, September 23, when it ordered the bill to be reported to the House by a vote of 28 to 3 to 1. The favorable committee vote was the result of nearly 3 years of effort on the part of a bipartisan group of Congressmen: Ogden Reid, Republican, of New York, the ranking minority member of my subcommittee; Patsy Mink, Democrat, of Hawaii; Lloyd Meeds, of Washington; Orval Hansen, Republican, of Idaho; John Dellenback, Republican, of Oregon; and Shirley Chisholm, Democrat, of New York; together with Albert Quie, of Minnesota, the ranking minority member of the full committee; are the ones who have worked the hardest in moving us along.

In the last Congress our subcommittee onducted 18 days of hearings on this egislation, the most extensive considration preschool legislation has received rom any committee of either the House r the Senate.

We also held 3 more days of hearings his year on the bill we had already conidered so extensively in 1970. That we ave such wide sponsorship in the House nd that the Senate has already acted avorably on a similar bill, led by Senaors MONDALE of Minnesota and JAVITS f New York and BAYH of my own State f Indiana—that there is such broad inerest in this legislation means, I think, hat America is beginning to come of ge, in our appreciation of the fact that what happens to children in the "first 5 ears of life," to use the President's hrase, can have an immense impact on he rest of their lives. Indeed, child psyhologists like Benjamin Bloom of the University of Chicago, have observed that s much as 50 percent of the development of human intelligence takes place efore the age of 5.

I think the fact that Congress has aleady observed some of the successes, itful and uneven as they are, of Headtart has helped the effort to extend the enefits of Headstart-type programs to ll children of preschool age in the United States.

It is, I hope you will appreciate, significant that we speak of the comprehenive child development bill. We do not alk of a preschool bill or of a day-care enter bill. Why not?

First, the phrase "comprehensive," applies to the wide range of services to be afforded under the bill; they include not only cognitive or educational or instrucional services; they also go to nutriional and health services and indeed, the ntire range of services that have to do with the development of a child.

Second, our committee has taken very eriously the findings of the Coleman Report that poor children develop much more rapidly when they participate in programs with children of middle-income backgrounds than when they are egregated by family income. This is not a function of race; poor black children n classes with middle-class black children progress more rapidly than do poor black children segregated by socioeconomic background.

There is another fundamental aspect of this legislation. If you look at statistics on working mothers in the United States, you will appreciate a further reason we believe this legislation is so significant. There are today some 8 million preschool children below the age of 6 n the United States whose mothers work; yet, day-care services are available to less than 700,000 of these children.

And this problem will be immensely compounded in the coming years because the United States estimates are that by 1980, there will be close to 7.6 million working mothers with children under 6 years of age. This means an increase of 43 percent between 1970 and 1980, a fact with immense implications for the development of very young children in our country.

Now let me briefly outline the key features of the comprehensive child development bill I am submitting to the House today.

First, participation in the programs provided will be voluntary. Nobody wants to command mothers and fathers to have their children participate in these programs.

Second, the amendment provides throughout the process for participation by parents both through local policy councils composed of parents who will decide from among the applications which ones to approve and by actual parental participation in the planning and conduct of programs established.

Third, the amendment assures that, although we open the program to children of poor and middle- and upper-income backgrounds, priority will be given to the needs of disadvantaged children. In this connection I would point out that although the program will be open to children and families of all income groups, the children of families of four whose family income is above the lower living standard budget, which is presently $6,960, will be charged a fee on a sliding scale basis, depending upon their income, with no fee to be charged for children below that level.

The bill would establish also by statute what has heretofore been established by Executive order in the Department of Health, Education, and Welfare, namely an Office of Child Development with the responsibility for coordinating all federally supported child development programs.

The bill authorizes funds for construction of day-care facilities and provides for the training of professional and paraprofessional people for child development personnel.

These are just the major features of the legislation, which I suggest to the House establishes a crucially important framework for services to children in our country.

I believe it is also fair to point out that this bill has been put together almost entirely on the part of initiatives within the Congress.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. BRADEMAS was allowed to proceed for 5 additional minutes.)

Mr. BRADEMAS. I thank the Chair and the Committee.

Mr. Chairman, I was going to make the observation that the bill which we have put together is the product of initiatives here from within the Congress. There is a good deal of talk about how the legislative process works in our country, but I believe I can report with accuracy to the Committee that Members of this body on both sides of the aisle have taken the initiative to bring this highly important measure to the Committee today.

I believe it is also important to point out, Mr. Chairman, that we have, in effect, sought to make good on the very fine statements of President Nixon within the last 2 or 3 years, in which the President has said, for example, in his February 1969 economic opportunity message to Congress:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I am glad to yield to my friend from Iowa.

Mr. GROSS. Do I understand that the cost of this bill as it presently stands, without the gentleman's amendment, is something above $5 billion?

Mr. BRADEMAS. We have provided, in our bill, for such sums as may be authorized. I can tell the gentleman, however, that what we have sought to do—and as will be provided in the report which appears on the bill itself—is that the committee estimates the cost of the legislation will be $250 million for fiscal year 1972, $350 million for fiscal year 1973, and a like amount for the succeeding fiscal years.

To give my friend from Iowa some idea of what we are presently expending on child care programs in our country——

Mr. GROSS. I was referring to the cost of the entire bill.

Mr. BRADEMAS. Yes.

Mr. GROSS. Then I wanted to ask this question: What will the gentleman's amendment add to the expenditures under the bill?

Mr. BRADEMAS. I have tried to suggest to the gentleman from Iowa, we have not specified the exact amount. I have given the gentleman estimates of what we assume could be expended. But we have not stipulated money in the bill.

In the other body they have stipulated amounts of money.

In order that the gentleman from Iowa—I want to give him as fair a picture as I can—can have an idea of what we are presently spending at the Federal level on child-care programs for fiscal year 1972, we are spending under the Social Security Act, title IV–A, nearly $300 million; and under Headstart, $376 million; and under Social Security IV–A, AFDC income disregard, $136 million; or on the order of magnitude of $960 million.

It is not contemplated by the members of our committee that we should have a vast new increase in expenditures, for I do not think that the Congress will be in that frame of mind regardless of the value of the program.

Mr. DENNIS. Will the gentleman yield?

Mr. BRADEMAS. I am glad to yield to my colleague from Indiana.

Mr. DENNIS. In the few moments my friend from Indiana had to explain his amendment, I will have to confess I have a rather hazy idea of all the things it contains. However, I have certainly got the idea that it is a very important matter and a sweeping and detailed matter and one which has to do with the rearing of our children, which is certainly near and dear to all of us. With all due respect to my good friend and colleague in the well, I find it rather amazing that a matter of this magnitude, regardless of its merits or demerits, should be offered here as an amendment which Members, of course, have not even had a chance to read.

Mr. BRADEMAS. The gentleman's question is a good one, and I shall try to respond to him.

The legislative situation is that in the other body the legislation on which we will be voting today, the bill to extend the Economic Opportunity Act, has already been passed, with a title which provides for comprehensive child development programs in a manner generally like the amendment I am offering today. In order for the will of the House to be heard in a conference committee on this matter, it is important that the House act so that we do not find ourselves in a conference situation in which there is no House version of this important measure but only a Senate version.

AMENDMENT OFFERED BY MR. PERKINS TO THE AMENDMENT OFFERED BY MR. BRADEMAS

Mr. PERKINS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

> Amendment offered by Mr. Perkins to the amendment offered by Mr. Brademas: In Section 525(a) strike out "one hundred thousand" wherever it appears and in lieu thereof insert "ten thousand."

Mr. PERKINS. Mr. Chairman, this amendment offered by the gentleman from Indiana (Mr. Brademas) is an amendment of some magnitude and it is a most important amendment to my way of thinking. I feel we can make it a better amendment.

This greatly expands the present Headstart and day-care programs funded through the Office of Economic Opportunity in the past. Inasmuch as the Senate has already adopted in the economic opportunity bill an expanded day care-Headstart program, we certainly want to do something on the House side in that regard.

Mr. Chairman, I want to compliment the gentleman from Indiana (Mr. Brademas) for offering this amendment. It is very important. However, there is need for some corrections.

I represent the largest county east of the Mississippi River in area. This is Pike County, Ky., a county of more than 800 square miles. Out-migration has dropped it from a population of 84,000 down to 60,000 in the past 20 years.

Under this amendment that county cannot become a prime sponsor. There are very few counties in the Middle West and very few counties in the South that can become prime sponsors under this bill.

So, Mr. Chairman, I propose to cut the population figure from 100,000 as proposed by the gentleman from Indiana (Mr. Brademas), to 10,000 so that these small counties can become prime sponsors.

They will argue that you can get these counties to combine in order to make up the population of 100,000, but many of us from the rural areas know that it takes a long period of time to do this.

Mr. Chairman, what we will be doing, if we adopt the Brademas amendment without amending the population requirement, is to omit about 90 percent of the rural counties in America. That is, in substance, just what we will be doing.

Now, they argued otherwise under the Public Service Employment Act. I represent a county with 20-percent unemployment rate. Some of the counties that had the highest percentage of unemployment in eastern Kentucky, in excess of 20 percent, and they said they were going to group them together under this 75,000 figure. What happened? They did not group them together. They were omitted.

Mr. Chairman, I hope we are not lulled into a sense of false security here when they come down here and plead that we do not need a population figure of less than 100,000 to become a prime sponsor.

If we are, I am going to say that the communities in the ghetto sections and the small ones that need it the most are not going to benefit from this program.

Mr. Chairman, I had a letter this morning from the Appalachia Educational Laboratory, Inc., which represents people who have tried to upgrade education in every portion of the entire Appalachian area. Here is what they say about this population requirement. It is addressed to me. It is dated September 28. I certainly never contacted the Appalachia Educational Laboratory, Inc., which is located in Charleston, W. Va.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. Perkins was allowed to proceed for 3 additional minutes.)

Mr. PERKINS. Mr. Chairman, this letter is signed by Dr. R. J. Kaufman, and copies of it have been sent to Dr. Benjamin Carmichael, director of the Appalachia Educational Laboratory. It states as follows:

> We strongly support your position on The Comprehensive Child Development Bill which will allow Early Childhood Education Programs and day care centers to be established without a population criterion.

In other words, it should be zero, but I put in here the figure of 10,000.

To continue the quotation from the letter:

> We vigorously oppose the approach which was approved September 23 by your committee limiting service to areas of 100,000 or more via the Federal Government.
>
> As you know, Appalachia Educational Laboratory is committed to the educational problems of rural children. We must not allow legislation to be passed which will make it difficult, if not impossible, for rural isolated children to receive these services.
>
> Is there something we at AEL can do to assist with our mutual position?
>
> Please advise us how to be useful in this matter such as whom to call, write, etc. May I hear from you?

Mr. Chairman, this amendment simply lets the small communities or the small suburban areas be eligible from the outset of this program, without waiting and having to go through other agencies.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman from Ken
tucky for yielding to me.

The point which the gentleman is mak
ing seems to me to be an essential an
important part of this entire debat
This is not an issue that affects easter
Kentucky only; it affects every singl
congressional district, and the questio
I would like to ask of my colleagues i
the House is to think of your own con
gressional districts and consider whethe
you have any cities less than 100,000 i
population?

In my State of Oregon I have one cit
of 100,000 that could qualify as a prim
sponsor, Salem, Oreg., the capital of m
State, is a city of about 70,000 o
75,000 people. It is perfectly capable o
running a school system for all of th
people there from the kindergarte
through the 12th grade, and even int
the community college; yet the amend
ment offered by the gentleman from In
diana (Mr. Brademas) would prohib
Salem, Oreg., from being eligible as
prime sponsor to set up a child develop
ment program.

Other cities such as Baker, Pendleto
Klamath Falls, Medford, Cashland, a
such cities in my State that run scho
systems for people over 5 years of ag
are eliminated as prime sponsors for pro
grams for children under 5 under th
Brademas bill.

The CHAIRMAN. The time of th
gentleman from Kentucky has agai
expired.

(By unanimous consent, Mr. Perkin
was allowed to proceed for 2 addition
minutes.)

Mrs. GREEN of Oregon. Mr. Chai
man, will the gentleman yield further?

Mr. PERKINS. I yield further to th
gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chai
man, it seems incredible to me that w
would pass any bill that would say t
every city in the United States if yo
do not have over 99,999 people you can
not be a prime sponsor for a child de
velopment program, and yet in this bi
on page 7 a city of 75,000 or 90,000 woul
be placed at the same level as a com
munity action agency, a parent coopera
tive, a union, and several others. Rea
subparagraph (5) on page 7 in the bypas
language. Does this Congress want to sa
a parent cooperative of 20 people shoul
have the same chance to be a prim
sponsor of a child development progra
as a city of 50,000, or 80,000, or 95,000?

So, as I say, Mr. Chairman, the gentle
man from Kentucky (Mr. Perkins)
making a terribly important point f
every single congressional district, an
his amendment should be supporte
There will be other reasons that will b
brought out in the debate later on.

Mr. PUCINSKI. Mr. Chairman, wi
the gentleman yield?

Mr. PERKINS. I yield to the gentle
man from Illinois.

Mr. PUCINSKI. Mr. Chairman, I com
from a big city of 3.5 million people, an
we would not be affected by the amend
ment, but I am supporting the amend
ment offered by the gentleman fro
Kentucky (Mr. Perkins) because as h
has stated so well, there is no logic i

cutting this off from areas that need it the most.

I call particular attention to the letter the gentleman from Kentucky read from Appalachia.

This is extremely important. Thirteen million of this Nation's 22 million people living in poverty come from Appalachia. These people know best what problems they have, and how best to attack those problems.

Mr. Chairman, it would be my hope that the House would go along with the gentleman from Kentucky (Mr. PERKINS), and support his amendment.

Mrs. CHISHOLM. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from New York.

Mrs. CHISHOLM. Mr. Chairman, I think what is very important for all of us to consider is that for the very first time this Congress is going to be adopting comprehensive child care legislation.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kentucky (Mr. PERKINS) to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

Mr. QUIE. Mr. Chairman, first I want to say that I will speak later on the situation that confronts us here in the child development bill before us, but at the moment I will address my remarks to the amendment offered by the gentleman from Kentucky to the amendment offered by the gentleman from Indiana which would reduce the population figure from 100,000 population down to 10,000.

First, I want to put this matter in perspective. The gentlewoman from Oregon was talking about education programs. The gentlewoman from Oregon and I, together, over the years have been trying to get education programs running through States rather than directly through school districts. There is only one program, elementary and secondary education, that goes directly to the school districts; it is impact aid. Now impact aid requires no planning development or any determination how the school district uses the money.

If a community is impacted, it turns to the Federal establishment and a check is mailed. They just mail the check under the formula of the impacted aid bill and they have to develop a program and get applications made and get them approved.

Mr. Chairman, since we first discussed the concept in our subcommittee, of placing a population limitation on cities which would be eligible to be direct prime sponsors, there has been total and complete misunderstanding of the subject.

Originally, the comprehensive plan was to have been made up of project proposals developed by individual communities, but for the sake of simplifying the funding process, they were to be put into a single package reviewed by the Federal Government and all funded at the same time. The original idea was that cities within a particular State, working with the State, would be better able to work out their own priorities and plans for meeting them if they were required to develop a comprehensive approach to the problem.

It was in this context that we discussed the concept of exempting those major cities with a population of 1 million or more and allowing those six cities to be considered as States for the purposes of this act to develop their own plans. Cities like New York, Los Angeles, Chicago, and Philadelphia, we recognized, are so large and have so many complex problems, that to simply develop a comprehensive program in those communities would be a monumental task at best and would require, as they do now, a good portion of the funds available for their States. Right now in every city of 1 million or more the bulk of the funds allocated for its particular State goes to that city, thus depriving the rest of the State funds to run similar programs. By allowing those cities to be considered as States under this act, with the distribution formula of funds we have in the bill, those cities would have gotten a share of the total based upon their population and the rest of the State would have gotten a greater share than it now gets and would have been able to divide those funds proportionately throughout the remainder of the State.

The original concept was later expanded to include cities with a population of 500,000 or more, and raised the total number of eligible cities to 19. The provision was in the Select Education Subcommittee bill during the last session of the Congress. It passed out of the subcommittee unanimously.

At the beginning of this Congress, some groups introduced a bill which totally disregarded the concept that we had envisioned when we originally considered the idea that the large cities of this country have so many unique problems, because of their size, that they should be considered separately. The new bill said that every city, county, village, or town should be eligible for funds under this program and should deal directly with the Federal Government. At this point the confusion and the distortions began and have continued to this day.

First, let me state categorically that even under the original plan, where cities of 500,000 or more would have gone directly to the Federal Government for funding and the rest of the State submit applications through one comprehensive plan, every city and community would have been eligible for funds under this act—and they are still eligible for funds under this act. So many people have been confused into thinking that, if a city or unit of local government does not have a population figure of 100,000 as now in the bill, they would not be eligible under this act to receive funds. This is simply not true. They are still eligible as they always have been.

It is important that everyone understand specifically how the delivery system in this bill works. It works through a prime sponsor, which is the vehicle for securing funds, and which will establish a child development council—CDC—that in turn develops a comprehensive plan for services for the area it serves. There may be 10, 50, or even 100 individual programs within the area served by the CDC. Each program, regardless of size, will have a local policy council—LPC—made up primarily of parents of children served by that individual program. The LPC's will assist in designing the local plan, in determining the amount of funds needed, and will give their recommendations for funding to the full CDC. Fifty percent of the CDC's membership will come from the LPC's, with the other 50 percent being appointed by the prime sponsor. One-third of the total membership must be parents of children served by child development programs.

As the confusion spread over who would be eligible for funds, many people felt that unless the population limitation was eliminated, so that everybody would be eligible, then this would be a bill for only the big cities and States. So the subcommittee was faced with the dilemma of trying to resolve the original concept of treating certain large cities as States with the concern that, unless the figure was eliminated completely, many cities would be ineligible. The subcommittee worked out a compromise which is now set at the 100,000 population level.

We have now gone from the original designation of six cities with a population of 1 million or more to 95 cities who have a population of 100,000 or more. This means that, under this legislation, the Federal Government would be dealing with 50 States, the Trust Territories, plus 95 individual cities. Under this bill, individual cities with a population less than 100,000 would still develop their own plans on an individual basis, but would submit them for funds through a single State application.

If we drop below the figure of 100,000 to 25,000, we would be talking about 449 cities. If we go to a 10,000 population figure, then it is possible that over 2,000 cities or counties or combinations of units of local government might submit applications directly to the Federal Government. It is conceivable that the Federal Government could receive applications for 10,000–40,000 facilities which do not yet exist. Simply trying to process all of the applications, from an administrative standpoint, is unmanageable. But more than the bureaucratic considerations, it does not bring about what we were originally striving for in the original bill—that is coordinated child development activities on the local, State, and Federal level.

In the long run, I believe, opening up the door to all of these applications will not be in the best interest of the children that we are intending to serve through this legislation, and the complications that will result from the confusion will actually hurt them.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. PERKINS. Mr. Chairman, in other words you are telling the committee that the local units of government will have to get together and bind themselves together through some prime sponsor aggregating 100,000 people before they are eligible? That is what you are saying.

Mr. QUIE. That is the way they will operate.

Mr. PERKINS. The gentleman well knows that is exactly what I stated. Unfortunately, the rural communities throughout the country and in a lot of ghetto areas do not readily have the technicians. They are not going to get fair consideration and are going to be placed on the bottom of the stack, while someone is trying to find a prime sponsor; is that correct?

Mr. QUIE. Mr. Chairman, the gentleman from Kentucky is making an effort to misconstrue.

Mr. PERKINS. No, I am not making an effort to misconstrue.

Mr. QUIE. Let us take the situation in the city of New York. There are millions of people in the city of New York. Under your amendment, or the amendment of the gentleman from Indiana (Mr. Brademas), the city of New York will be the overall prime sponsor for all programs regardless of the number.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(Mr. QUIE asked and was given permission to proceed for 5 additional minutes.)

Mr. QUIE. Mr. Chairman, the gentleman from Kentucky is asking that every community of 10,000 population within the city of New York to be able to be prime sponsors, set up programs and deal directly with the Secretary of Health, Education, and Welfare.

Regardless of the number of programs, they all will have to go through the administrative agency of the city. We would like to have the same situation for the remainder of the State where people do not reside in a city of large population. However, in some States there may be some people who do not like the way the State operates. We would give them the opportunity to join together in a number of counties that totaled 100,000 population if they want to. Also we would provide here that if they cannot do that and the State is ignoring their needs, ignoring the needs of the economically disadvantaged, then they can go directly to the Secretary.

The way the bill reads now, it is only in the event when the State acts as prime sponsors and ignores their need that they can go directly. The gentleman from Kentucky in his amendment wants everyone to go directly to the Federal Government. I think it just will not work well at all, if the Federal Government then ignores all of the administrative agencies that are in operation out there, willing to act, and answerable to the people, because this is the thing about local government: they are answerable to the people. If they do not fulfill the wishes of the people, they are defeated in the next election. You cannot defeat anybody in a regional office. The person in charge of a regional office is appointed by the person who is the head of the department, the Secretary, who is appointed by the President, and the President is elected once every 4 years. What happens down in a little child development agency may not have much of an impact on the President.

You cannot reach the problem that way. If the prime sponsor, the State, or the large city, does not handle the problems of the people of the local area adequately, that Governor will be defeated, that mayor will be defeated, that city council will be defeated, that county commissioner will be defeated. That is the way I think we should meet the needs of the people who are in the local communities, and that is the reason we do it in education. We do not want the U.S. Commissioner of Education to make all the decisions. That is why the Congress changed the Elementary and Secondary Education Act, to make the local school districts, with its school board members, deal through a State department of education. I think it works better.

That is what we have tried to do here—not to act as we should like to, but the best we can in a compromise between those who share the views of the gentleman from Kentucky, who want every little local community to deal directly with the Secretary, and those of us who want to have the State as the prime sponsor. You have to work out some compromise. What the gentleman wants to do now is to change all of this so that, in effect, one side has its views accepted and not to permit a compromise of views here. I think that is absolutely wrong. I could not support the gentleman's proposal.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

(On request of Mr. Perkins, and by unanimous consent, Mr. Quie was allowed to proceed for 1 additional minute to answer a question.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Do I recall correctly, that when we considered the public service employment bill a few weeks ago, the gentleman from Minnesota (Mr. Quie) made the same eloquent argument that he is making here, except he used the 75,000 population figure?

Mr. QUIE. No, I did not use the 75,000 population figure. The Secretary did that.

Mr. PERKINS. Some of the counties that have the highest unemployment rate in America were passed over completely when they distributed the moneys to the State down home. I just point this up to show what will happen with a limited amount of money available if we do not amend the Brademas amendment in relation to the population figure.

I hope the gentleman from Minnesota certainly will be realistic.

Mr. QUIE. What is the gentleman's question?

Mr. PERKINS. How can we tell these small counties to combine? There is no way to get these communities together.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the issue that we are presently debating was without question the most difficult one we had to consider in our deliberations on this bill. Reasonable members of the committee on both sides of the aisle and from every part of the country differed with reasonable justifications for their points of view.

There were some who wanted to stipulate the limitation of population for the prime sponsors at half a million. Some of us thought that was too many. Others wanted to go to zero. Some of us thought that was too few. The 100,000 figure, therefore, in the bill represents an effort to come to grips with this terribly difficult problem.

I understand the posture of the distinguished chairman of this committee, and I very much understand his concern given the district he has so faithfully and nobly represented for so long. I would like as calmly as I can simply to explain why we did what we did. The reason we took the limitation on the prime sponsor was to do our best to make it possible effectively to monitor the quality of the services that were provided under these programs simply because we felt if we had such a proliferation of the numbers of programs it would be difficult to be sure the children were getting high-quality services.

I do want to say one word before I stop, which is this, and I know the Chairman of the Committee would not disagree with what I am now saying, and I understand his concern, which is a difficult concern. It is essential that Members of the Committee understand that children in cities or counties or units of local government which do not have 100,000 minimum population are not deprived of child development programs.

The misunderstanding appears to arise out of the concept of prime sponsor as distinguished from the administering agency. The prime sponsor is only the vehicle through which the funds would flow. Those cities which would not be eligible as direct prime sponsors, as has been explained, would develop their child development programs and submit them in combination with surrounding communities.

I might say finally, Mr. Chairman, that the bill allows the Secretary directly to fund any program he deems necessary to meet the needs of the children.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to our distinguished chairman.

Mr. PERKINS. Mr. Chairman, I would like to ask the distinguished gentleman this: Do we have only 126 cities in America that have a population of 100,000—is that correct?

Mr. BRADEMAS. No, sir; it is not. There are 153 cities. But whether the number is 126 or 153, I think I understand the gentleman's question, and he is quite correct in his suggestion that those 153 cities would be the ones that would be able to apply directly as prime sponsors.

Mr. PERKINS. Then, whether it is 126 or 153, we have omitted 73 percent of the people in the Nation. Am I correct in that statement?

Mr. BRADEMAS. No. I dislike having to disagree with my distinguished Chair-an. In one sense the gentleman is corect, and it is true that people who live cities, as the gentleman has suggested, less than 100,000 would not be able apply as direct sponsors. But if we ave a city of less than 100,000, they uld get together with another comunity that would bring them up to 100,00, and in combination they could aply. There is something to be said on oth sides of the argument, I understand hat. I am trying to give a description of he argument on both sides.

Mr. REID of New York. Mr. Chairman, ill the gentleman yield?

Mr. BRADEMAS. I yield to the gentlean from New York.

Mr. REID of New York. Mr. Chairman, think the chairman of the subcommitee, who has worked so hard on this has orrectly and aptly described the process y which the subcommittee reached this gure. But is it not true in the bill as eported by the committee, it is stated ny combination of units of genuine loal government having a population total f 100,000 can apply? That means that wo or three or four or five various small nits could get together as always and ypass the State and apply to the Secreary directly.

The CHAIRMAN. For what purpose oes the gentleman from Idaho (Mr. ANSEN) rise?

Mr. HANSEN of Idaho. Mr. Chairman, rise in opposition to the amendment.

Mrs. CHISHOLM. Mr. Chairman, a oint of order.

The CHAIRMAN. The Chair might exlain to the gentlewoman from New York hat the Chair attempts to be fair about ecognizing members of the Committee, ne on the majority side and another on he minority side.

Mrs. CHISHOLM. I understand comletely.

The CHAIRMAN. The gentleman from daho is recognized for 5 minutes.

Mr. HANSEN of Idaho. Mr. Chairman, rise in opposition to the amendment ubmitted by the distinguished chairman f the full committee, for whom I have he deepest respect, and in support of the mendment proposed by the distinuished chairman of the subcommittee, he gentleman from Indiana (Mr. RADEMAS).

I would have preferred that this legisation come before us perhaps under diferent circumstances, rather than as an mendment to the OEO bill, because it s my strong conviction that this legisation before us today is truly landmark egislation in terms of its potential efect on the future of our country. The ood it can do can have a more fareaching impact than any of the major ducation bills enacted during the past 0 years.

This is truly an idea whose time has ome. Indeed, as we look across the counry, we might very well conclude that it s long overdue. Quietly, without much otice, some very basic changes in the American family have been taking place. The American family today is not any onger—if it ever was—the Norman Rockwell-Saturday Evening Post stereoype, complete with a mother waiting at he door with hot apple pie for the chilren after school. Today more than half of the mothers of school-age children are now in the work force, and they are joined by almost a third of the mothers with children younger than age 6. These figures have been steadily rising during the past two decades and all future projections point to an even greater proportion of working mothers in the years to come.

There are some who feel that this trend should not be encouraged, that mothers should try to stay at home with their children. But we are not here today to debate that point. What we are concerned with at this moment is the crucial question of what efforts we are going to make to meet the needs of the millions of children of working mothers who are already in need of services.

Those who claim that this legislation would mean forcing children from the arms of their mothers into massive, regimented day-care centers are surely not speaking for working mothers and their children. They are appealing to the stereotype and ignoring the reality, for the typical working mother is only too eager to find a clean, safe, emotionally healthy and intellectually stimulating place for her children while she is at work. Factories and plants which offer child-care services for their employees have found that more women applied for jobs than could possibly be hired. Those who oppose this legislation in the name of "protecting" the Nation's children are in fact advocating the continued exposure of children to the inadequate, haphazard, and frequently damaging child-care arrangements that so many mothers are now forced to resort to.

Let me address myself for a moment to the basic bill, and then I want to deal with the amendment.

The bill was drafted with several elements that respond to genuine needs in the country.

First of all, as has been pointed out, it is comprehensive in nature. It reaches into all categories of young people who have child development and child care needs. Unlike legislation previously enacted by Congress—programs like Headstart and the Social Security Act—it is not aimed at only the economically disadvantaged. This bill was originally designed to encourage the participation of all children, without regard to economic status. In 1969, the median family income for families with the mother in the work force was $11,752—well above the poverty level. Yet the children in these families in most cases do not have access to adequate child-care services while their mothers are at work—not for lack of money to pay for such services, but because in most areas such services simply do not exist or are already swamped with long waiting lists.

Under this legislation, these families will be eligible for services and will pay for them according to their family income.

The legislation anticipates that we will, through the mechanism developed here, examine the problems that young children face and identify their difficulties and deficiencies—emotional, nutritional, intellectual and other problems—and respond to them in some meaningful way. The provision of these services is, to a large extent, a kind of preventive program, for by providing these services at an early age, far more serious difficulties can be avoided later on. Countless studies have debated the effectiveness of the "compensatory-education" efforts. I submit that if children could be assured of child development services that would merely enable them to grow and develop in a normal, well-balanced fashion—forget all the ambitious promises of raising IQ's and teaching children to read at age three—then we would have little need in this country for compensatory efforts when they are older.

I believe it is true to say, when we talk about the cost of child services contemplated by this bill, that we cannot escape the cost. We will surely pay it one way or another. Either we pay the price of recognizing and responding to the needs of young children through an adequate program or will surely pay a much heavier price because of our neglect.

We have been discussing day-care centers in connection with this bill. This has happened because day-care centers are a visible, easy point of common reference. But we should not forget that the legislation authorizes a wide variety of options so that each community can create the kind of child development structure best suited to its needs. Programs can be established to reach young people who will become parents in a few years to teach them the fundamentals of child care, nutrition, and so forth. After school programs can be set up, for those children need supervision until their mothers return home from work.

Summer day camps and youth centers can be established to serve children of working mothers during the summer vacation months. Some communities may prefer to use their scarce funds to organize a network of family day-care homes operated by neighborhood mothers who have inservice training instead of the more expensive day-care centers. There are many other possibilities. Suffice it to say that large-scale day-care centers serving dozens of children will be only one of several kinds of settings through which this legislation will be fulfilled.

To support this variety of services, the legislation provides several important auxiliary measures. Title V provides for evaluation and technical assistance to programs. Title VI authorizes the establishment of a National Center for Child Development and Education to focus national research efforts relating to child development and the operation of early childhood programs. Title III provides sorely needed additional funds to train both professional and paraprofessional early childhood workers as well as to increase the amount of inservice training available to people already working in early childhood programs. Title II provides mortgage insurance to agencies building new day-care facilities or renovating old ones. This combination of personnel training, facilities assistance, research, evaluation, and technical assistance will be crucial in making the expansion of the Nation's child care resources a reality rather than an unmet need. Were we to provide funds only for the operation of child development projects, without these other titles for backup support, there would be very little change in the overall quality of child care services.

The bill contemplates a cooperative effort of all levels of government with private agencies and private business. This job is too big for the Federal Government. It is too big for any level of government. It will require the coordinated and cooperative effort of the Federal Government, of private industry, labor unions, schools, churches, counties, cities, and private organizations and associations. At present, the Federal Government provides only 7 percent of the total national expenditure for education, and the assumption that Uncle Sam will pay the total bill for child care services has very little credibility. The only way our child development needs can possibly be met is through mutual Federal, State, and local, public and private efforts. I hope that the House will not support amendments which would jeopardize this necessary cooperation.

The legislation was also designed to provide consolidation of the major existing Federal programs pertaining to early childhood. By consolidating and concentrating our efforts, expertise and resources, we can do a better job with the limited resources we have. Making sure that this legislation is compatible with the child care provisions included in the family assistance plan which the House recently passed is the key to this consolidation effort. These two programs will comprise the bulk of the Federal early childhood effort, and it is imperative that they work together rather than in competition with one another.

What we are proposing in this bill is Federal leadership and an overall national legal framework within which we can mobilize and direct and coordinate the total resources and energies which can be allocated to child care services so that we can get the maximum effectiveness out of the limited resources that are available for this purpose.

Thus, one of the key points for discussion, which goes to the heart of the amendment before us, is that of the State role. The States deserve the right to play an important part in any national comprehensive child care program. Indeed, the Governors who came here from the Appalachian States made an eloquent plea for meaningful State involvement in this total program. That role was provided for in this bill, but it would be effectively eliminated by the adoption of the amendment proposed by the gentleman from Kentucky (Mr. PERKINS).

In the language of the amendment proposed by the gentleman from Indiana (Mr. BRADEMAS) this does not discriminate against or eliminate as eligible for services anyone who resides in a community of less than 100,000. It simply gives the States the first opportunity to apply for and to qualify as a prime sponsor, so that the dollars which can flow down to the communities can be applied in a way that can accomplish the most good with a minimum of administrative expense.

I have heard it argued that States should not be allowed to participate directly in these programs because their lack of previous involvement has demonstrated that they lack sufficient commitment or expertise. It seems to me that the same can be said of local governments, which hardly have an impressive record where the question of providing sufficient funds to operate programs is concerned. In 1969, most child care centers were operated by private companies—some 58 percent of the total. Local involvement came about through either nonprofit community agencies or through federally financed Headstart programs. This is scarcely the kind of evidence upon which to base any faith in the "proven ability" of local governments to handle these programs better than State governments.

The recent efforts of the education commission of the States task force on early childhood education, in which I was honored to participate, documented the concern of State governments with the need for early childhood programs. The Commission has subsequently engaged in a long-range effort to assist the States as they expand and develop their capacities to meet early childhood needs.

The House Republican task force on education and training, which I serve as chairman of, has been working toward the development of realistic early childhood legislation for over 2 years. One of the key points that was made before this group over and over again was the importance of giving States a chance to play at least the same role in the development of a coordinated system of child development services as they have played in general education.

If the possibility of an effective State role is deleted from this legislation, it may mean that I and others like me who have worked almost constantly since 1969 for the enactment of early childhood legislation might have to withdraw our support from this measure.

Two other amendments which were added to this legislation when it was being considered by the full Education and Labor Committee also concern me. One is an amendment which provides that when substantial objections are raised by representatives of minorities or the economically disadvantaged to the application of a local government for prime sponsorship, the Secretary shall give preference to an alternative unit of government or a public or nonprofit agency representing the interests of minority and economically disadvantaged people. In practice, this provision could mean that any city, town or village, even though it may be making substantial good faith efforts to meet the child development needs of the citizens in its community could be challenged and thereby precluded from participation. Such a provision should not be allowed, in my opinion, to remain in the legislation. It would mean utter chaos in the administration of the program. Moreover, the legislation is replete with opportunities for local citizens and parents to express their views, for public hearings and even for legal recourse.

The second amendment incorporated by the full committee into the bill provides that local policy councils will be authorized to approve applications for
funding of programs by child develop
ment councils. The effect of this amend
ment could be to give the local polic
councils, which were designed to overse
their individual programs, the authorit
to veto every single other program rec
ommended within the jurisdiction of th
prime sponsor. If this is the intent of thi
language, I strongly oppose letting it re
main in the bill.

Mr. Chairman, I have worked perhap
as hard as any Member in Congress fo
the passage of a Comprehensive Chil
Development Act. I cosponsored H.F
15776 in February 1970. The educatio
and training task force, on which I serv
for the better part of a year devoted th
bulk of its energies to studying this is
sue and developing a balanced, long
range framework for meeting the need
of young children. As a member of th
select subcommittee, I joined with m
distinguished colleague (Mr. BRADEMAS
in a bipartisan effort to see this legisla
tion enacted. To this end, I cosponsore
H.R. 19362, which was reported by th
subcommittee in 1970, and H.R. 674
when the measure was reintroduced i
this Congress. Thus, I feel that I have
clear record of support of comprehensiv
child development legislation.

In a bill as far reaching as this one
many conflicting interests must be bal
anced and each side must give up som
of its demands for the sake of producin
a measure that can cross the hurdle
which the legislative process places i
the path of any bill. Thus, I have con
tinued to support this legislation, eve
though I have had to concede certai
points upon which I was not in fu
agreement. I hope that this debate doe
not bring us any closer to the poin
where too many concessions have bee
made and continued support of the bi
is brought into serious question.

Mrs. CHISHOLM. Mr. Chairman,
rise in support of the amendment.

Mr. Chairman, I think it is very im-
portant that all of us recognize toda
that this Congress is about to embar
on enacting legislatively one of the mos
important pieces of legislation that wi
be affecting the lives of all kinds o
children in this country.

I can tell you as a result of my ow
personal experiences from 15 years i
the field the necessity for this legisla-
tion is very, very great.

It seems to me that the importan
consideration to be given here this af-
ternoon is to the question of need; no
the establishment of some arbitrary sta-
tistic in trying to make a determinatio
as to which children and which coun-
ties or villages or cities will benefit fro
an overall Federal child-care program

We recognize that there are many
many small areas, particularly in th
rural sections of the country, that wi
not be able to be eligible for the fund
allocated under this program if we ac-
cept the amendment offered by the gen-
tleman from Indiana (Mr. BRADEMAS)

One of the things people have bee
consistently concerned about is the fac
that they have absolutely no determi-
nation or absolutely no voice over th
kinds of programs that will help t
make their lives more wholesome i

erms of the amelioration of conditions nder which their youngsters live. We now that the State is a very imporant instrument in many things. We also now in certain States of the United tates of America some groups have ot been able to get a fair share of the ction from the States. It is not necssary for me in the brief time I have ere to stand before you and to deineate exactly what it is to which I am eferring. The fact of the matter is, if his is going to be a comprehensive piece f legislation, we should not set up any ind of arbitrary statistics. We must go olely on the basis of the need of the articular community, the particular ounty, or the particular village.

I daresay for most of us in this Chamer this afternoon, if you think in terms f your own cities and villages, that you vill find yourselves falling into this paricular category.

For all of these reasons I ask that the mendment stipulating 25,000, as the hairman, the gentleman from Kenucky, mentioned, should be accepted.

One of the gentlemen who wrote to im indicated there should be no population stipulated, and it is my feeling hat there should be absolutely no figure, but we realize that we must have a ompromise, so therefore let us support he amendment offered by the gentleman from Kentucky.

Mr. DELLENBACK, Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and my colleagues, I would agree with the gentlewoman from New York who preceded me in the well, and also with the gentleman from Idaho who preceded her, in emphasizing the critical nature of this legislation. We are really in a landmark position. We are here today talking about not just a minor amendment, but rather, inserting in this bill, which is itself important, an amendment which could well stand alone as a major move, and it will indeed be one of the most critical things that this Congress does.

But I think that there are at least a couple of misconceptions about what we have here which should be made absolutely clear to Members who have not had the opportunity in the subcommittee or the full committee to wrestle with this legislation. I think this should be set forth very clearly so that they will not be led astray or led down the wrong path as to what this legislation does and what its mechanisms are making possible.

Mr. Chairman, I think it is important to realize that when we talk about the prime sponsors, we are not talking about whether or not programs can be run in a given area. We are merely talking about which agency administratively will have the capacity and the personnel with which to make sound plans and will have the independent ability to carry out the administration that needs to be done, that will act as a sort of umbrella in some instances over operating programs below. We are not talking about whether or not programs will be run in a given area.

Mr. Chairman, there will be many programs at the local level way below the prime sponsor and, of course, a series of individual programs. I think that is very important to understand so that, when you wrestle with the question of the size of the prime sponsoring unit, you do not confuse it with the question as to whether there will be a program in your area.

Specifically, insofar as the prime sponsor is concerned, if you will look at the provisions of the bill as they appear in the RECORD—and the gentleman from Indiana put them in—we will have a council operating with every prime sponsor which will be made up of representatives of every local planning council involved so that there will be an input from the local level with the prime sponsor. They will be in the position to do coordinating, planning and monitoring. They will be in a position to control what is going to happen. So the smaller constituent areas will have a significant input into the decisions of prime sponsors.

Further, Mr. Chairman, I think we should also look clearly at the "bypass" provision which is very carefully worked out in this bill. If a local area is not being treated well, then the question arises, "Is there an adequate bypass provision?"

It is absolutely clear in subsection 103 (b) wherein it states clearly that the State or city or unit of general local government have not submitted a plan, or if there is a plan where there has been no approval of that plan, or if there has been withdrawn authority for that plan—and listen to this—or if the children of working mothers or single persons or the economically disadvantaged are not being served, the Secretary can cut right through the prime sponsor and get directly on with doing what is necessary in order to serve the children or parents involved.

So, gentlemen, do not be misled by this talk of prime sponsors. Out of understandable and deep concern that the programs get down where the leadership should be, and that they take care of the young people involved and the communities involved, we are in the process of talking about the wrong thing. We may make the mistake that has been made before by this House in other programs. We may create expectations which just cannot be met, and there will be no surer way to sink this program than to set up too great a multiplicity of agencies with which the Federal Establishment must deal. Even with this size of prime sponsor we will have a host of agencies dealing directly with the Secretary. This will have a major impact upon his administrative capacity to move under this legislation to get an effective program going.

Mr. Chairman, after a year or two, after we have gotten this critically important new program going, if we see there is more capacity for expanding the number of prime sponsors, let us do it. But for heaven's sake, let us not sink the program now before it even gets going. Let us defeat this amendment.

Mr. PERKINS. Mr. Chairman, I would like to inquire as to when we may be able to vote, and unless there is objection, I would ask unanimous consent that we vote on this amendment at 2:20 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? The request is, that all debate on the pending amendment and all amendments thereto close at 2:30 p.m.

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. ERLENBORN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ERLENBORN. Mr. Chairman, is my understanding correct that the time limitation is on the amendment offered by the gentleman from Kentucky (Mr. PERKINS) to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS)?

The CHAIRMAN. And all amendments thereto.

Mr. BRADEMAS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BRADEMAS. Mr. Chairman, I do not believe that the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS) intended, unless I misheard the gentleman, to ask that the limitation on debate be applied to all amendments.

The CHAIRMAN. The Chair will state that the Chair believes the gentleman from Indiana is correct. The limitation was upon the Brademas amendment and all amendments thereto.

Mr. BRADEMAS. Mr. Chairman, I am still a little confused. I wonder if perhaps the gentleman from Kentucky would restate his exact request.

The CHAIRMAN. The Chair will state that the Chair has already put the question. There was no objection, and are now beyond that point. The limitation is upon the amendment offered by the gentleman from Indiana (Mr. BRADEMAS) and all amendment thereto.

Mr. PERKINS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PERKINS. Mr. Chairman, as you know, I always express myself in an awkward manner, but at the time I made the request I knew there were two other amendments, at least, to this particular section. It was my intent to ask that all debate on the pending amendment, my own amendment, close at 20 minutes after 2. Maybe I misstated the request.

The CHAIRMAN. Is the gentleman from Kentucky asking unanimous consent to vacate the unanimous-consent request that was agreed to?

Mr. PERKINS. Yes, Mr. Chairman; in the circumstances I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky (Mr. PERKINS) will restate his request.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on the amendment that I offered to the amendment offered by the gentleman from Indiana (Mr. Brademas) close at 20 minutes after 2.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Chairman, I would invite the attention of every Member of the House to subparagraph 5 on page 7, the language at the present time in the Brademas bill. If a State does not become a prime sponsor, or if a city of over 100,000, or a combination of governments does not, then you place cities of 50,000 or 75,000 on the same level as a single-purpose Headstart agency, a community corporation, a parent cooperative, an organization of migrant workers, labor unions; all are on the same level to be prime sponsors of child development programs. A city of 50,000 or 75,000 people would have no preference over a cooperative group of parents of a dozen people who would come together; or, stated another way, a group of 12 people could come in and be on the same level as a city of 90,000 people in making application as a sponsor.

This as I see it is inequitable and unwise, I urge the support of the Perkins amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Chairman, I rise in support if the Brademas amendment which is the committee bill, and in opposition to the Perkins amendment.

I think it only fair to advise the House that over a period of 2½ years there has been a conscientious effort to strike the fairest possible balance we can find between the States, the cities, and the local communities.

Moreover, to the extent that there are some Sates, or some Governors, that some Members might fear would not be prompt in funding these programs or providing funds for them, we have set up, I think, a carefully structured series of bypasses through the Secretary and we have permitted the possibility of local units of government combining if they wish to function in that way.

While I understand the Chairman's concern, and I know it to be a very real one, nonetheless, the 100,000 figure did represent the best judgment of the Committee on Education and Labor, both at the subcommittee level where it was unanimously approved, and before the full committee. Hence, we sought to strike a delicate balance to best represent the interests of all concerned.

While I am aware that there are many, and particularly some of the mayors, who would like the figure to be either zero or 10,000 or 20,000, that was not the consensus of the committee.

Accordingly, I will support the subcommittee and committee bill and the position supported by the gentleman from Indiana (Mr. Brademas) and the gentleman from Minnesota (Mr. Quie).

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Chairman, the opposition to my amendment would like the membership of the House and the membership of the committee to believe that these bypass provisions will take care of the people who are prevented—the communities under 100,000—from becoming prime sponsors by going to the Secretary.

These bypasses will never be used in my judgment. I know that this Chamber does not want to eliminate the 73 percent of the people in this country from participating in a program of their own, without going through a prime sponsor to get together a population of 100,000. How silly could we be—trying to get together some community action agency down home—trying to get together a Republican board of education in a Republican county between a half dozen Democratic counties—and then another Republican county where they all believe they have the best school systems. You know there is always jealousy and it takes a long time to put together an operation of that kind, getting communities to go together to make an application.

My good friends, we would be saying to these 73 percent of the people who are ineligible under this amendment—"you are not going to participate in this first year's program." In my judgment, that is what you do if you leave this population figure at 100,000.

Now I base this on the Emergency Employment Act experience. Why would you feel that it may be administered any better where you have raised the population figure up to 100,000 if some of the communities that need it the most—and the unemployment statistics are already available—and they say they are not eligible. What argument can we make here for a 100,000 population figure? You say it is burdensome on the Office of the Secretary to let the smaller communities make an application directly.

Three or four people can process the applications from all of these communities within a limited period of time. I would think that you would want those communities and those boards of education to have some autonomy and not be required to go through a community action agency or some other group or even the State before they could become eligible.

I submit to you that the figure of 10,000 population is proper. I have seen counties down home go from a population of 22,000 down to 11,000 and 12,000 since I have been in the Congress. I think the 10,000 population proposal is realistic. If we do not adopt a realistic figure, we are going to say to these communities that need it most in America, "You are not eligible, and therefore not qualified."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky, (Mr. Perkins) to the amendment offered by the gentleman from Indiana (Mr. Brademas).

Mr. HALL. Mr. Chairman, I question whether all time has expired. I thought the distinguished chairman read my name as one standing when time wa limited.

The CHAIRMAN. The Chair read th name of the gentleman from Missou with regard to the first request. Howeve he was not standing at the time of th second request, which is the one unde which we are now operating. Howeve there is still time if the gentleman wishe to be recognized. The Chair recognize the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciat the recognition, and I will accept the minutes.

Mr. Chairman, I have heard all of thi debate. I was one of the people wh probably was not naive enough to believ that maybe this administration would d away with the so-called Economic Opportunities Act, and here we are extending it. The obvious disagreement betwee the chairman and his subcommitte chairman clearly points to the danger o writing such legislation on the floor.

But can anyone realize, believe, or eve imagine he is here today hearing and debating the question of taking the children away from the families, and training them as wards of the State? I thin it makes little difference whether we ar discussing "prime sponsors" and th number of people involved therein, or th "bypass" technique.

I think we should recognize that b definition this could not under any sens of the word—as an amendment—b classified as an antipoverty measure. Thi is a question of application or not o needs tests. It is a question of nationa child advocacy. It is a question of collectivized child raising, and it pervert all the traditional cultures if you no suddenly assume or believe as inherentl defective that families of America woul insist on raising their own children.

I see this as a long step toward socialization of our Nation. I think it is anti-American in concept tradition. I do no believe that it is pertinent or german to the question of poverty, and I thin there are real dangers to either of these amendments. Therefore, I would oppose both of them, Mr. Chairman. I think we have had so much regimentation, so much conscription, so much sacrifice of freedom in the interest of security and total training for all; that we have taken away the initiative of people and the development of will and moral stamina so that they do train their own. This adds to it. I think it is time that we stopped this Roman circus and that we voted all these amendments down out of hand, and then give proper consideration to the bill itself.

The developers of the basic amendment are simply wrong in their premises that there could have been no real social mobility in the last century. Were this true, how come we are here today?

I submit to the Members of the House of Representatives, if there had been no social mobility locked in by the lack of proper training in the last century, where would our Nation be today? Why pursue the muse of demonstrated error?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. Perkins) to the amendment offered by the gentleman from Indiana (Mr. **BRADEMAS**).

TELLER VOTE WITH CLERKS

Mr. PERKINS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PERKINS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. **PERKINS**, **BRADEMAS**, and **QUIE**, and Mrs. **GREEN** of Oregon.

The Committee divided, and the tellers reported that there were—ayes 226, noes 158, not voting 48, as follows:

[Roll No. 271]

[Recorded Teller Vote]

AYES—226

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Aspin
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Brasco
Brinkley
Brooks
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Caffery
Carey, N.Y.
Carney
Casey, Tex.
Celler
Chappell
Chisholm
Clark
Clay
Cleveland
Collins, Ill.
Conte
Corman
Cotter
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Hagan
Haley
Hamilton
Hanley
Hansen, Wash.
Harrington
Harsha
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hull
Hungate
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Landgrebe
Landrum
Leggett
Lennon
Link
Long, Md.
McCloskey
McCormack
McMillan
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Minshall
Mitchell
Mollohan
Monagan
Montgomery
Morse
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pickle
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Rangel
Rees
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Satterfield
Scheuer
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Snyder
Staggers
Steed
Steele
Stephens
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vigorito
Waggonner
Waldie
Wampler
Whalen
White
Whitten
Wolff
Wright
Wyman
Yatron
Young, Tex.

NOES—158

Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baring
Belcher
Bell
Betts
Biester
Blackburn
Bow
Brademas
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Byron
Camp
Carter
Cederberg
Clancy
Clausen, Don H.
Collier
Collins, Tex.
Conable
Coughlin
Crane
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Fascell
Findley
Fish
Ford, Gerald R.
Forsythe
Frey
Gibbons
Goodling
Gross
Grover
Gude
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Harvey
Hastings
Hillis
Hogan
Hosmer
Hunt
Hutchinson
Johnson, Pa.
Keating
Keith
Kemp
King
Kyl
Lent
Lloyd
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
Mailliard
Martin
Mathias, Calif.
Mayne
Meeds
Michel
Miller, Ohio
Mizell
Moorhead
Mosher
Myers
Nelsen
Pelly
Pettis
Peyser
Pike
Pirnie
Powell
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Rostenkowski
Rousselot
Ruppe
Ruth
Sandman
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Skubitz
Smith, N.Y.
Spence
Springer
Stanton, J. William
Stanton, James V.
Steiger, Ariz.
Steiger, Wis.
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Vanik
Veysey
Ware
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Yates
Young, Fla.
Zablocki
Zion
Zwach

NOT VOTING—48

Alexander
Ashley
Blanton
Chamberlain
Clawson, Del
Colmer
Conyers
Delaney
Derwinski
Diggs
Edmondson
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Frenzel
Galifianakis
Gallagher
Goldwater
Grasso
Gubser
Hanna
Hébert
Heckler, Mass.
Jonas
Kuykendall
Latta
Long, La.
Lujan
McClure
McFall
Macdonald, Mass.
Mink
Morgan
Moss
Murphy, N.Y.
Nichols
Passman
Poff
Seiberling
Sikes
Smith, Calif.
Stokes
Stuckey
Talcott
Wilson, Charles H.
Wyatt

So the amendment to the amendment was agreed to.

PERSONAL ANNOUNCEMENTS

Mr. LATTA. Mr. Chairman, I was in the Chamber before the Chair announced the vote. Is it too late to cast my vote?

The CHAIRMAN. It is now too late since the vote has been announced.

Mr. LATTA. Well, Mr. Chairman, had I been here I would have voted "no."

Mrs. HECKLER of Massachusetts. Mr. Chairman, I wish to state that had I been present I would have voted "aye."

AMENDMENT OFFERED BY MR. ERLENBORN TO THE AMENDMENT OFFERED BY MR. BRADEMAS

Mr. ERLENBORN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN to the amendment offered by Mr. BRADEMAS: On pages 18 and 19 of the amendment, paragraph (6) of section 526(a) is amended to read as follows:

"(6) provides that charges for child development services provided for any child under programs assisted under this title shall be made in accordance with a fee schedule prescribed by regulations by the Secretary (which shall be consistent with any fee schedules for similar purposes under the Social Security Act) for part or all of the cost thereof based upon the ability of a family to pay including the extent to which payments from a third party (including a public agency) are available."

On page 63 of the amendment, paragraph (c) of section 597 is amended to read as follows:

"(c) 'economically disadvantaged child' means a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary in accordance with criteria prescribed by him in regulations, which take into consideration family size, urban-rural differences in the cost-of-living, and other relevant factors, including factors taken into account in determining fee charges in other federally-assisted child development programs."

Mr. ERLENBORN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ERLENBORN. Mr. Chairman, I have made copies of this amendment available to the gentleman from Indiana. I think I can explain it to the rest of the membership.

We are proposing here today, pursuant to the amendment offered by the gentleman from Indiana, to establish a new federally funded comprehensive child-care system in the United States.

Mr. Chairman, I think it is clear in the language of this amendment that it is the purpose to coordinate programs under this authority with other Federal day-care facilities.

This House this year provided in H.R. 1 a program for day care tied into the new welfare program. But the problem arises on the question of who is entitled to free day-care services in this bill as compared to H.R. 1.

H.R. 1 provides a level of $4,320 for a family of four which would entitle a child of that family to have free day-care service. In this bill the family income level for the same family is much higher in fact it is $6,960, so we have a conflict between H.R. 1 and the bill before the House. The purpose of my amendment is to conform this new program to the provisions of H.R. 1. We passed on the question there, we have established the level at which free services should be given, and we should conform this bill to the decision we made there.

I hasten to point out that this is not a question as to whether the services will be made available. This does not prohibit a child in these families from getting services, the question is whether they would pay under a uniform fee schedule, according to their ability, or be entitled to free service.

Just last week Secretary Richardson, testifying on H.R. 1 before the Senate committee, said:

> We have further recommended that the "economically disadvantaged" under other authorities be defined as those families whose annual income is below the H.R. 1 "breakeven point," $4,320 for a family of four. This would ensure that children with the greatest need for developmental services would be served first and that eligibility for free child care services will be consistent with H.R. 1 eligibility. But we have also proposed the participation by children of families with income above the breakeven point on a fee-paying basis, with fees graduated upward as income increases. This would encourage participation by children from a broad spectrum of socioeconomic backgrounds and would avoid harmful segregation of children by family income.

So I think it clear the intent of the amendment is to concur in what Secretary Richardson was testifying to in the Senate committee that the services be available to all; that we make the services available on a free basis only to those who qualify under the same limitation in H.R. 1, so that we do not have segregation in these services based on family income, but we have a logical contribution from those who are able to make a contribution.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take the entire 5 minutes. I want only to say that this would be a most unfortunate amendment because the effect of it would be to militate against the principal thrust, or a principal thrust of the bill, namely, to make child development opportunities open to children who are not in the category of the very poor. The effect of the bill that we have brought for the consideration of the House today would be to provide the means for children whose parents' income is somewhat above the poverty level to be able to take part in child development programs.

As I was saying, Mr. Chairman, the effect of the amendment offered by the gentleman from Illinois would in practical terms, at the present time, mean that parents whose income was above $4,320 would have to begin paying fees. Whereas the bill we have brought to the attention of the committee today would provide that parents whose income was below $6,960, which is the lower living budget for a four-person urban family, would not have to be paying fees for the participation of their children in child development programs.

Therefore, I believe the gentleman's amendment would be a regressive one and would move against the purpose of the bill which is to encourage and to make it possible for more children of modest means to participate—I would oppose the gentleman's amendment.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. ERLENBORN. I think that what ought to be made clear is that we are holding out a promise here of free services to everyone below the income level that you have set in the bill.

In my opinion, the funding of this program is going to be such that we will not be able to give free service to all of these people. So again we are going to be holding out new promises that will be unfulfilled.

If you lower this, then they have every opportunity of fulfilling the promises.

Mr. BRADEMAS. I appreciate the gentleman's point. I think we are all familiar in this body with the difference between an authorization and an appropriation. If an authorization were represented to the electorate as a promise, then we would not be accurately representing the legislative process to our constituents.

What we are here seeking to do is not writing an appropriations bill but rather establishing the fundamental principles of the child development program. It seems to me, Mr. Chairman, that the gentleman's amendment would militate against one of the soundest thrusts of the amendment.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. McEWEN. I ask the gentleman—does he anticipate whether or not this might be a program where we will have requests for full funding in the future?

Mr. BRADEMAS. I have no way, I will say to my friend, the gentleman from New York, of peering into the future.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. BROWN of Michigan. Mr. Chairman, I was interested in the gentleman's remarks earlier when he said that we should not look upon authorization legislation as a promise to our constituents.

Is the gentleman saying, since he serves on a substantive or legislative committee rather than an appropriation committee, that he has not in his correspondence and other representations to his constituents—not pointed out the more favorable authorization level his committee has provided as contrasted with the appropriations?

Mr. BRADEMAS. Of course, the gentleman is not saying that.

Mr. BROWN of Michigan. I thank the gentleman.

Mrs. MINK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not think there are many in the House who will disagree that the Headstart program has been a tremendous success and that it is probably one of the most successful programs ever administered by the Office of Economic Opportunity.

The Headstart program contained a provision that children from poor families earning less than the income level established under that legislation at somewhere around $3,000, could participate.

Many of us have sought to increase the appropriation levels so that more youngsters could participate. No one ever suggested that because we could not take care of all the poor children under the Headstart program, that the income eligibility level should be lowered recognizing that the need for these children to be in these programs was proven and recognized and admitted.

What we are saying to you today in our committee amendment which we are proposing to be attached to the OEO program, is that after studying the Headstart and other child-care programs we recognized there was an enormous need among other children from other families above the income criteria, but still indeed poor, and who could not afford to pay for child care and therefore would have to deprive their children of the benefits of this program.

I have heard so many Members of this House come before us and bleed for those who are working and struggling trying to make ends meet for their family and who struggle to provide educational opportunities for their children. I have heard our efforts to help the poor condemned because we were providing these same benefits for these working poor and for the lower middle-class family.

This is precisely what we are attempting to do today by setting a level of participation for children from the working poor; first, because we have consideration for these forgotten children and, second, because we recognize the need these parents have not met by existing programs already in effect which are limited to those from the very poor families and for those who qualify in Headstart programs.

Yes, this is an expansion; a recognition of the enormous unmet need. Many times I have had the opportunity to visit Headstart classes and to talk to parents in the community. Many parents have come to me and said, "Why isn't it possible for me to have the benefit of this program? I am working; I am struggling to keep my family together, yet, because I work and earn a few dollars over the limitation, I cannot participate and my children will not have the benefit of this program." Let us not today continue to keep these children out of these Federal programs.

One other thing which I ask this House to consider is the fact that this is a child development program. It is child oriented. It is an attempt to try to consider the benefits children may be able to receive by participating. Those of us who serve on the committee and have had 3 years of hearings on this bill are familiar with the great impact child development programs can have on the very young. It is not an attempt to try to meet the needs of only working parents but to recognize that if we are truly going to develop any educational innovation, what we have to do is to implement the research findings which have been made by those who have studied in this field.

Many experts have come to our committee and said that the very young children in the first 4 years of their lives, acquire 80 percent of their intellectual development and their motivation to learn. So if we are to make the kind of dramatic impact we want upon our young people, to give them the educational advantages we have been talking about for years, then certainly we must commit ourselves to extending the program for child development to a much larger group of people.

This is an expansion of what we already have. This is an increase of funding. But I think all of us who have watched the programs of Headstart improve the level of motivation among the very poor, recognize that those children who come from the working poor people deserve that same kind of consideration.

If you support the amendment offered by the gentleman from Illinois, you will again be denying the very families in America who have been denied thus far the advantages of programs under the OEO merely because they work, but who nevertheless are poor. So I urge the House to defeat the Erlenborn amendment and to support the committee amendment offered by my subcommittee chairman (Mr. BRADEMAS).

Mr. QUIE. Mr. Chairman, I rise in support of the Erlenborn amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. QUIE. Mr. Chairman, when we consider amendments of the nature of the one that has been offered, we get ourselves into the position where, if you support the amendment, it looks like you are opposed to child-care programs, and if you oppose it, then you are for them. There is an unfortunate tendency to reduce such issues to such simple terms. I think almost everyone here is in favor of child-care programs because of the vote on H.R. 1, which indicated that there is strong support for child-care programs to help working mothers so they can hold their jobs rather than go on welfare.

But the situation that faces us now is that this House a few weeks ago passed a bill that permits a fee schedule to be established for families with incomes above $4,320. We also have the Headstart program that is operating under the Economic Opportunity Act. There we have an income level of $3,960, above which you cannot have your children in the day-care program.

What this bill does is to raise that income level for which you can get free services to $6,960. What this means, if it is going to be fully funded, according to a letter I have from the Secretary of Health, Education, and Welfare, Elliot Richardson—and I will ask permission to put it in the RECORD as soon as we go back into the House again—is that we will include 18.7 million children at a cost of approximately $20 billion. If we do not fund the $20 billion to put them in the day-care programs, they will feel that we have not fulfilled the promise we have given to them.

The amendment offered by the gentleman from Illinois states that the Secretary of Health, Education, and Welfare may have a standard fee schedule, so if we finally enact H.R. 1 and enact this bill he then will have the authority to utilize the same fee schedule.

If in order to make this program go far enough he has to start the fee schedule at $5,000 or $4,320, this amendment would permit him to do it. It raises the level of the lower income person to $6,960, as the bill provides. We have got to pass some legislation that gives some administrative feasibility. We just cannot run a number of programs here with altogether different standards and enable the administrators to do the job properly.

I have grave questions about the way this legislation is written, and particularly after the last amendment was adopted—but the House has worked its will on that. But when the House works its will on this amendment, let us make certain we look at the judgment of how this will be administered and not the question of whether we will have child-care programs or not, because most of us are for that. I helped draft the bill that came out of the subcommittee. I thought it was a good piece of legislation. I think we can help salvage it now. The Secretary of Health, Education, and Welfare has indicated he thinks it must be changed in this way. There is no sense passing legislation if the administration will not accept it and ask for the funding for it. This amendment is the least we can do to make this program acceptable.

I feel I can support the amendment offered by the gentleman from Indiana to this poverty bill if this is adopted. I surely cannot if this is not adopted.

It seems to me we are in a peculiar dilemma in handling a bill that comes out of the committee in the form of an amendment, because the bill is not before us yet, and we are prevented from doing it in any other way. The Senate passed a bill on this, and this is the only way we can work our will on it. If we had time to read the report and bring it to the Rules Committee and make a judgment on it, I think we could do better than we are doing today, because it is difficult for us all to take a bill, as an amendment, in the form of a galley proof, with only a few copies on the floor and with no report and try to make a judgment. So we are trying to bring up a bill with some changes to make it acceptable, and not change it drastically.

Mr. Chairman, I urge support of the amendment offered by the gentleman from Illinois.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding. Mr. Chairman, as I understand it, if the program is not fully funded, the families with incomes of up to $7,000 will receive assistance under the program indiscriminately with those families which have incomes of less than, say, $4,000 or $5,000.

Mr. QUIE. That is correct.

Mr. BROWN of Michigan. So, therefore, if the program is not fully funded, and I do not think anyone on the committee thinks it will be, and, if we do not support the amendment offered by the gentleman from Illinois, we will be helping more of the less needy and fewer of the more needy. Is that not correct?

Mr. QUIE. Put it this way. If we do not fund it at any greater level than we are doing now, we take money away from those in lower levels of poverty and help those who are making more.

Mr. BROWN of Michigan. We will be helping those less needy.

Mr. QUIE. That is right.

Mr. BROWN of Michigan. Whereas, if we adopt the amendment offered by the gentleman from Illinois, we will be helping more of those more needy.

Mr. QUIE. Or we will be giving the Secretary the opportunity to write regulations to do more of what should be done.

(The letter referred to follows:)

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., September 30, 1971.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: It is my understanding that the Comprehensive Child Development Act, H.R. 6748, as reported by the Committee on Education and Labor, has been introduced as a clean bill, H.R. 10952, and will be introduced as an amendment to H.R. 10351, the Economic Opportunity Act extension bill, scheduled for House consideration today: I am deeply concerned about certain provisions of the child care amendment, which I believe are entirely inconsistent with the Welfare Reform provisions of H.R. 1 as passed by the House of Representatives on June 22, 1971.

Despite our persistent efforts in recent months to revise the provisions of the child care amendment, we still face at this late date a bill which promises free child care for almost 19 million children without any consideration of available resources needed to finance such care. We estimate that the promise contained in this child care amendment, of free child care for every American family having an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor, would require an expenditure of approximately $20 billion. This figure is based upon the estimated 18.7 million children in families with annual incomes below $6960, the BLS lower budget figure. If left unamended and enacted into law, this will be another tragically unfulfillable commitment to the American people of a type which has already so undermined public confidence in our governmental system.

In specifications which I provided to the Education and Labor Committee on June 8, 1971, the Administration proposed the consolidation and improvement of child care programs with priority to children of working parents receiving assistance under Welfare Reform and, regardless of the work status of the parents, to children of economically disadvantaged families. Our goal was to create an integrated system of child care, funded in the first year of operation at approximately $1.2 billion, utilizing all Federal authorities, including Project Head Start, Child Care under Title IV of the Social Security Act, and Welfare Reform provisions of H.R. 1. Our goal has been to provide free child care to the poorest of our citizens while at the same time providing for a socio-economic mix in child care facilities, with children from families above the $4,320 income level (the anticipated maximum income at which a family of four would be eligible for assistance under Welfare Reform) receiving care under a graduated free schedule.

Under the child care amendment which will be offered today, an attempt is being made essentially to reverse the effect of H.R. 1, as passed by the House in June, by prohibiting the charging of fees, even on a graduated basis, for children of families with incomes below the BLS lower budget figure. Even if the child care amendment were constructed so as to apply only to Head Start funds, and not, as it purports to, to the Social Security Act and H.R. 1 funds as well, a grossly inequitable double-standard would be created: children from families with annual incomes between $4,320 and $6,960 receiving child care under the Social Security Act and H.R. 1, would be required to pay fees while children from families in the same income bracket, receiving child care under the child development amendment and utilizing Head Start funds, would pay no fee! Clearly, whichever interpretation is placed upon the amendment, our goal of an integrated system of child care will be neither workable nor realistic.

Accordingly, I enclose a series of amendments which would alter the provisions of the child care amendment so as to make them consistent with the child care provisions of H.R. 1 as already passed by the House of Representatives. The proposed amendments would reduce eligibility for free child care services to the $4,320 level for a family of four, would give priority to child care services for children of families with incomes below $4,320, and would provide flexibility to the Secretary of HEW to harmonize standards for child care services and standards for construction of child care facilities, regardless of the Federal source of funding for those services and facilities, but without unrealistic rigidity. Just as it is important not to over-promise the availability of free child care services, it is vitally important also not to over-promise the standards of child care for which the Congress is prepared to pay. In both cases, we must not succumb, especially with the lives of children, to the political temptation to make sweeping but unrealistic representations.

It has also come to my attention that another amendment may be offered to the child care amendment which would effectively eliminate the role of general-purpose government in the creation of the child care system. As we have stated repeatedly before both Houses of Congress, any by-pass of general-purpose government, which is already charged with the responsibility for delivery of many related services to the same families whose children are receiving child care, would seriously impede the important task of planning and integrating the delivery of social services to children with real needs. I would strongly urge your opposition to any amendment which would seek such a diminution of the role of general-purpose government with regard to child care.

Your support for the amendments which are enclosed, and your opposition to the amendment I have last described, would be very much appreciated. My staff and I stand ready to provide any assistance you may wish on these matters which, I assure you, are of deepest concern to the Administration.

With warm regards,

Sincerely,

ELLIOT T. RICHARDSON,
Secretary.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first let me state that the report on the child development amendment is completed, and I expect to file it today.

One of the objections we have had to the Headstart program comes from parents who are just above the poverty level. They ask why their children cannot participate. It is true that the poverty figure is $3,960, but when the Members see on page 15 of the report on the Comprehensive Child Development Act, this language:

COSTS-PARENTS

In order to provide the means for children whose parents' income is slightly above the poverty level the Committee bill provides that no charge for child development program services will be made with respect to any child whose family's income is below the poverty level or for families whose annual income is below the lower budget for a four person urban family (presently $6,960).

Now, what is wrong here? A family of four, living in a city, with its only income amounting to $6,960, is certainly on the verge of poverty. Why should we charge that parent with a family of four who has a salary barely above the poverty level?

Judging from the experience we have had with the Headstart program, it is clear that mixing these children is the great thing. There should be fees somewhere along the line in proportion to the ability of the parent to pay, but if we say here that the parent with $6,960 has to pay 10 percent or 15 percent of his income, his children are not going to be able to participate in that program.

It is reasonable to let the middle-income parent with four children making $8,000 or $10,000, participate. But it is arbitrary to say to a parent that his children are not going to get these services—dental services and other services, child development services in general, which children of families below the $4,000 figure are entitled to receive.

The $6,960 figure the committee has decided on before any charges are made is reasonable, and is based on Bureau of Labor Statistics computations.

Let me say to the distinguished gentleman from Minnesota that this bill and this provision were carefully considered in subcommittee and this is the conclusion of the subcommittee. When the bill came before the full committee the $6,960 figure was not even contested.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. PERKINS was allowed to proceed for 1 additional minute.)

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. I would say to the gentleman, $6,960 is the figure agreed on in the subcommittee and the committee, and the amendment of the gentleman from Illinois does not change the $6,960 as in the bill, but only gives the Secretary authority to develop standard fee schedules. He can do one of two things. He can either raise it to H.R. 1, as passed, or reduce this level. It would give him that authority.

I would also ask, is this report the gentleman is talking about not a committee print, with no minority views in it?

Mr. PERKINS. Let me say to my distinguished colleague, it is a committee print, but when the report is filed it will be identical with this committee print. I do not believe there is any difference of any substance.

Mr. QUIE. Plus the additional views? The additional views are not shown in the committee print.

Mr. PERKINS. I have not seen any additional views submitted by the gentleman from Minnesota.

Mr. QUIE. They were given to the majority.

Mr. REID of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to make abundantly plain at the outset that the position of the Secretary of Health, Education, and Welfare, Mr. Elliot Richardson, is in favor of the pending amend
ment because he wants a uniform fe
schedule and because he does not wan
the fundings to reach the $6,900 level
which is the lower budget for a four
person urban family as determined b
the Bureau of Labor Statistics. Clearl
the administration supports the Erlen
born amendment. I, however, do not, an
I would like to tell you why.

The history in the subcommitte
which, incidentally reported out the bi
unanimously, was that we should estab
lish certain priorities. In making allot
ments among the States, first, there wer
set-asides for migrant children, fo
Indian children, for handicapped chil
dren, and for the Secretary himself. I
making allotments among the prim
sponsors within a State, funds were t
be distributed on the basis of number
of economically disadvantaged childre
numbers of children under the age of
and numbers of children of workin
mothers and single parents.

Then we come to the most importan
distribution—allotment of funds by eac
prime sponsor among the project appli
cants in the prime sponsorship area. O
that point there was unanimous—and
repeat, unanimous—agreement that firs
we should provide funds to every Head
start program that presently had them
provided that it was compatible with th
standards of the bill. Next, there wa
again unanimous agreement that 65 per
cent of the funds remaining would b
available to provide free services to thos
children falling in the BLS lower livin
budget category. This would then leav
something on the order of $200 millio
that would be available to provide serv
ices to children over the $6,960 level an
those children would pay a fee for th
services they receive.

While I am the last one to raise fals
hopes by the passage of legislation tha
is more optimistic than its actual imple
mentation, I must also point out tha
whether one uses a $4,320 or a $6,960 in
come level, we are just not going to b
able to reach even half of the childre
eligible in the first few years. This i
especially true if we operate on the basi
of $1.2 billion funding for this program
the figure the administration has indi
cated it is willing to spend.

For example, from families with in
comes below $7,000, there are 6.8 mil
lion children aged zero to 5 who are eli
gible for child care services and 11.9 mil
lion children aged 6 to 14, for a total o
18.7 million eligible children in that in
come category.

From families with incomes belo
$4,320, there are 3.6 million aged zer
to 5 and 6.3 million children aged 6 t
14, for a total of 10 million eligible chil
dren in that income category. We hav
in short, 3.2 million children below th
age of 5 who are eligible for preschoo
services and 5.6 million children who ar
eligible for after-school services.

Now, the estimates of the cost of car
that HEW uses are $1,300 for part-da
preschool center services and $700 fo
after-school center services, per chil
annually. Frankly, these estimates ar
far too low if we are to provide mor
than custodial care; however, the sta
tistical picture in this area is very con

fused and these are the best figures we have available.

Using these figures for eligible children and cost per child, $1.2 billion will serve the following percentages of eligible children from families below $4,320 income: 25 percent of the eligible preschool children on a part-time basis, or 27 percent of the eligible school-age children in after-school centers, or 12 percent of a mix of eligible preschool and school-age children.

The same data shows that, for children from families with incomes below $7,000, we will serve 14 percent of the eligible preschool children on a part-time basis, or 14 percent of the eligible school-age children in after-school centers, or 7 percent of a mix of eligible preschool and school-age children.

As Members can see, the number served does not vary greatly as between income categories when compared to the total number we are trying to reach. Indeed, perhaps our progress should be slow at first so that we can develop first-rate professional services and staff.

What I would like to call to your attention are two statements in opposition, I believe, to the thrust of this amendment.

First, Dr. Edward Zigler, the Director of the Office of Child Development, pointed out that we cannot—"we cannot continue programs that send poor kids one place and rich kids another."

I might also point out that the President of the United States, Mr. Nixon, both in his February 1969, equal opportunity message to the Congress and in his welfare reform bill said this:

> So critical is the matter of early growth that we must make a national commitment providing all—

I repeat all—

> American children an opportunity for healthful and stimulating development during the first five years of life.

Subsequently the President said:

> The child care I propose is more than custodial.

I emphasize: More than custodial.

Mr. Chairman, I believe that if we are going to provide quality day-care centers and comprehensive early education experiences for all American children, it is important that we have a broad socioeconomic mix in those programs. I think it would be a tragedy if once again we denied the lower-middle-income families the right to participate in these programs.

I would ask each of you to think about the poorer areas of your districts and ask how many people would be able to afford a substantial fee to send their children to a day-care center if their incomes are in the $6,000 area. I submit they would not be able to do that.

Therefore, if we genuinely want to make this program available to all children and if we want to be consistent with the best precepts of modern education, we should not, in my judgment, perpetuate a culture of poverty, but we should make it possible for children from middle-income families as well as low-income and working-mother families to go to these day-care centers to maximize their potential. If we do, I submit we will not have the number of school dropouts that we do presently.

Accordingly, I urge a vote against this amendment.

Mrs. GREEN of Oregon. Mr. Chairman, in 1967 and in 1969, many of the Members of the House tried to redirect the funds to those programs that were working well. We tried to delete those programs that were wasteful of funds and in some instances doing actual harm. We were only partially successful.

But let me at this moment confine my remarks to the amendment which has been offered by the gentleman from Illinois (Mr. ERLENBORN).

I suppose that while we are considering an amendment on the war on poverty it is almost heresy to speak for the middle-class and the working women who are earning their own way and are not taking a free ride on the various programs which are operated throughout the country.

If a person today is on AFDC, that family, if they are below an income level to which I understand the Erlenborn amendment would be directed, that family is going to have cash AFDC payments; that family may have a housing subsidy; that family will have food stamps that are worth a cash amount; the AFDC family will not have to worry about medical expenses, because of the provision of free health services and free medical aid as well as the opportunity to participate in the manpower training programs.

But, Mr. Chairman, if a woman goes out and works and she makes the magnificent sum of $6,000 and even when her children are entirely dependent upon her, she is not eligible for any of these programs.

I would suggest that we come to the place where we say something about the middle-income family today and the working woman who is trying desperately to stay off welfare, who has taken pride in her work all of her life and who wants to continue to do that. But, Mr. Chairman, if we adopt the amendment, the Secretary of Health, Education, and Welfare would be able to set his schedule of fees and it would be tied to the Social Security Act which as I understand it would be around $4,200.

So, if this mother is out working and she has two or three children entirely dependent upon her for support, we are going to charge her to have her children go to a child development center. But if there is another family and they do not work, we are going to make it free to them.

I would like to know what kind of justice that is in this country.

May I say I think it is high time that this Congress—that the House and the Senate—give a little more attention to the middle-income people in this country instead of directing all of the programs to the lowest-income groups. I am not opposed to helping the low-income groups. I am in favor of doing everything we can to raise people up, but not at the expense of the people who are desperately trying to make ends meet—and may actually have less to support themselves after paying taxes than the family getting the benefits. That is what this issue is all about.

I have questions, as I said, about the whole war on poverty. I can see very little good and many injustices as a result of the legal aid services.

From various events that I personally know about, I cannot defend the VISTA program. However, there are some parts of the poverty program that are desirable to keep.

If this House would ever redirect the funds of the war on poverty so they would accomplish more and enable the working men and women trying to do their best to help their children and their families we would accomplish something.

Let us turn down the Erlenborn amendment. Let us give some consideration to the middle-income people doing their best under desperate circumstances to support their families and keep their pride——

Mr. REID of New York. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from New York.

Mr. REID of New York. Is it not true that if this amendment carries we would deny 3.2 million children, ages 1 through 5, and 5.6 million children, ages 6 through 14, benefits to which they are entitled? It is true that not all of this bill is going to be funded. But it seems to me that the precedent of denying middle-income participation, when we are talking about 8 or 9 million children would be highly unfortunate. Many families with incomes between $4,000 and $6,000 simply could not afford to pay for these essential services and educational development for their children.

Mrs. GREEN of Oregon. I am not familiar with the figures which the gentleman has quoted, but I do know that there are 40 million working women in the United States today and most of those women are not working for pin money or to supplement their husband's income. They need the services and programs that child development centers might provide.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 1 additional minute.)

Mr. PERKINS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I wish to compliment the distinguished gentlewoman from Oregon on an eloquent statement, and at this time I move the previous question on the amendment.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that the previous question is never in order in the Committee of the Whole.

Mr. BYRNES of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, I just wondered if we could get some idea of when we can have a vote on this amendment.

The CHAIRMAN. Does the gentleman

from Wisconsin yield to the gentleman from Kentucky for that purpose?

Mr. BYRNES of Wisconsin. Mr. Chairman, I cannot, because it comes out of my time. I hope to finish inside of the 5 minutes but, knowing my propensity to get long-winded, I cannot be sure of that.

The CHAIRMAN. The gentleman declines to yield.

Mr. BYRNES of Wisconsin. Mr. Chairman, I regret that a situation has developed that probably could have been avoided if there had been a little more time between the committee's action in ordering the child care bill reported and today when it is offered as an amendment to another bill.

As I understand it, the first time that the bill itself was put in final form was late last week, and the report of the committee which goes into the details of the amendment offered by the gentleman from Indiana (Mr. BRADEMAS), is still not available for the general membership of the House. This fact has made it impossible for at least the Committee on Ways and Means and their staff to thoroughly analyze the interrelationship of the proposed amendment with the child care provision of the welfare reforms included in H.R. 1. But I think it is perfectly clear from even a cursory review of the bill that the amendment proposed would scuttle a good share of what we tried to do in H.R. 1 in facing up to the problem of providing child care for the welfare individual who desires, and would be required in any event by H.R. 1, to take training and jobs that are available. I think you scuttle the whole procedure that we developed in H.R. 1 to assure that the child in this family would be given child care to free the mother or father to enter the economic mainstream of this country.

There are two items that bother me from a cursory analysis of the amendment. One is the attempt that we made in H.R. 1 to frame benefits of people on welfare in the light of the income available to people whose only source of income is derived from their own labors. We wanted to insure that an individual would always be better off working and that abrupt "notch" problems would not frustrate this objective. This is the question that the gentlewoman from Oregon (Mrs. GREEN) addressed herself to.

To achieve this goal, we developed a program of assistance to the working poor. The amendment would seriously undermine that attempt to move people gradually off of welfare by reestablishing a definite line between free government service or no government service at all. The gentlewoman from Oregon talked about this problem, and said that we needed to give some consideration to the middle-income people. But what the amendment proposed by the gentleman from Indiana does, as I understand it, is not to phase in of financial responsibility in accordance with ability to pay, but to permit any family of four with annual income of $6,920 or less to leave the service completely free of charge.

Now, that, to me, I think is a dangerous thing to start, and that is one of the things in the amendment that seriously undermines H.R. 1.

Let me go to another aspect of the amendment that has not been discussed, and that deserves attention. The amendment would greatly inhibit the responsibility H.R. 1 imposes on the Department of Labor to find child care for employable welfare recipients, because all federally assisted day care programs would be subject to the various restrictions included in the new program established by the amendment. This would include the Department of Labor.

H.R. 1 required priority to be given in the selection of day care, to programs developed by HEW. But we also charged the Secretary of Labor with the responsibility of finding day care where necessary through other sources—afterschool programs, employer programs, and through private facilities. The amendment here offered would make this employment-related responsibility of the Secretary of Labor meaningless.

That was philosophy that would be abandoned by the amendment provisions offered by the gentleman from Indiana.

The Erlenborn amendment would effect several changes in the amendment offered by the gentleman from Indiana (Mr. BRADEMAS) to prevent the philosophy of H.R. 1 to be scuttled. I urge my colleagues to support the Erlenborn amendment.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on this amendment, the Erlenborn amendment, close at 3:30 o'clock p.m.

Mr. THOMPSON of Georgia. Mr. Chairman, I object.

Mr. PERKINS. Mr. Chairman, I renew my request that debate close at 3:40 o'clock p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, I think we ought to let this debate go on for a little while. We have had about five speakers and not too many Members standing seeking recognition. I think we ought to continue and see what course the debate takes.

The CHAIRMAN. Does the gentleman from Kentucky withdraw his request?

Mr. PERKINS. Yes, Mr. Chairman; temporarily.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I listened with great interest to the speech made by the gentlewoman from Oregon. She put this problem in proper perspective.

My judgment is that in their present form, neither one of these two bills does the job that most of us feel ought to be done.

There is no question that this child care program is a keystone to welfare reform. Until we develop a program of day care for children of working mothers, you are not going to be able to move forward with an effective welfare reform program in this country.

I intend to oppose the Erlenborn amendment because I do not think it does the job. It is my hope that after that is disposed of, to offer an amendment which would turn around the priorities in the Brademas bill. The Brademas bill provides that 65 percent of the funds from a local agency shall be spent for disadvantaged children. No qualification—and 35 percent shall be spent for the children of working mothers, or single parents.

It occurs to me that we now have on the law books of this country ample programs dealing with help to the children of mothers who are on ADC. We have the Headstart program and various other programs—programs that are moving forward. They are good programs and I support them.

But the whole concept of ADC is that we provide a Federal contribution and a State contribution to a mother in order to have the mother stay at home and take care of these children who otherwise would be unattended.

It seems to me that if we provide 65 percent of the money in this bill to those children, you really are not solving anything.

If you really want to do the things that you applauded, the gentlewoman from Oregon for having said should be done—and that is to provide a program of day care for children whose mothers want to work and who otherwise could not go to work because they have no one to leave the children with, then we will restructure this formula and put the highest priority on the disadvantaged children of working mothers, then the children of working mothers and, finally, the 35 percent for children who are from low-income, disadvantaged families.

It seems to me that unless we do this in this House we are not going to address ourselves to the basic problem facing this country. We have a problem. There is no question about it. We have made study after study which indicate that women on public aid do want to go to work. Many people have the notion that most women on public aid do not want to go to work. But this is contrary to studies we have made.

The fact of the matter is that many of them cannot go to work because they have not anyone with whom to leave their children. So it seems to me that if we really want to have a welfare reform program in this country—and there is no question in my mind, and I think on both sides of the aisle we are agreed on that—and the No. 1 issue across the country is citizens and taxpayers saying, "Why don't you do something to relieve us of the excessive cost of public aid?" and we have people on public aid who do want to go to work, it is a myth to suggest that people on public aid are low persons who do not want to work, but in most instances people on public aid are mothers with large families of children, and we must provide the machinery. So I hope when the time comes we will change this formula and provide 65 percent of this money for the children of working mothers and then the other 35 percent to the disadvantaged children who need it under this program.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New York.

Mr. CAREY of New York. I thank the gentleman for yielding.

Mr. Chairman, I merely want to point

out my high respect for the distinguished ranking minority member of the Ways and Means Committee, on which I have the honor to serve, as I had the good fortune to spend 10 years as a member of the Committee on Education and Labor. One of the great works of the Ways and Means Committee was in the preparation of the welfare reform bill, and I think it is certainly beyond argument that we did not attempt by that bill to intrude the judgment of the Ways and Means Committee on the great Committee on Education and Labor as to what is good for child development.

We had to precast and propose H.R. 1 on the set of facts advanced by the Department of Health, Education, and Welfare in order to basically include the working poor mothers. In this bill the question of the schedule providing fees for services available to them to enable them to go to work is now before us. Limitation by a fee schedule works against the whole theory of H.R. 1 as I know that program. I think we must be very careful and leave to the judgment of this committee which originated it, the child development program and defeat the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, an hour or so ago I received a two-and-a-half page letter from the distinguished Secretary of Health, Education, and Welfare, the Honorable Elliot Richardson, in reference to the comprehensive child-care legislation, with specific reference to the amendment that we are considering now, or the problem before the Committee. Let me read one of the seven or eight paragraphs that refer to this problem. I am quoting:

> Despite our persistent efforts in recent months to revise the provisions of the Child Care Amendment, we still face at this late date a bill which promises free child care for almost 19 million children, without any consideration of available resources needed to finance such care. We estimate that the promise contained in this Child Care Amendment of free child care for every American family having an annual income below the lower budget for a 4-person urban family as determined by the Bureau of Labor Statistics of the Department of Labor would require an expenditure of approximately $20 billion per year. This figure is based upon the estimated 18.7 million children in families with incomes below $6,960, a BLS lower budget figure. If left unamended and enacted into law, this will be another tragically unfulfilled commitment to the American people of a type which has already so undermined public confidence in our governmental system.

The point is precisely this. You can argue, as the disinguished gentlewoman from Oregon did, that we ought to provide child care for every family with an income of up to $6,960 per year. That is a very logical argument.

But I think it is unfair to make that argument unless we make a solid commitment here and now to provide approximately $20 billion a year to fund the program. Otherwise we are not being fair and equitable to the people who anticipate such assistance. I do not think under our current circumstances financially in this country we can possibly fulfill that promise. I think it is unfair, it is undesirable to make the promise without any expectation of fulfillment.

I do not think there is a person in this Chamber who is prepared to vote today for $20 billion a year to pay the bill for the $6,960 program, so why do we go through this charade that we are going to give something to a group of people and not actually fulfill their expectations?

We know the Appropriations Committee and the Congress, if this program is passed at this $6,960 figure, will not make available that kind of money in the next fiscal year. It is a myth even to think about $20 billion per year. So why do we not agree on the figure that was incorporated in H.R. 1, which I voted for and which a majority of the Members voted for, which is a closely integrated program with a reasonable figure that coincides with the new philosophy of welfare. Let us accept the Erlenborn amendment which does tie in with H.R. 1, which is an amendment that can be justified and which will not provide false promises and which will be sound legislation.

I strongly support the Erlenborn amendment.

Mr. Chairman, when we get back into the House, I will ask permission to include the entire letter from the Secretary of Health, Education, and Welfare.

(The letter referred to follows:)

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., September 30, 1971.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: It is my understanding that the Comprehensive Child Development Act, H.R. 6748, as reported by the Committee on Education and Labor, has been introduced as a clean bill, H.R. 10952, and will be introduced as an amendment to H.R. 10351, the Economic Opportunity Act extension bill, scheduled for House consideration today. I am deeply concerned about certain provisions of the child care amendment, which I believe are entirely inconsistent with the Welfare Reform provisions of H.R. 1 as passed by the House of Representatives on June 22, 1971.

Despite our persistent efforts in recent months to revise the provisions of the child care amendment, we still face at this late date a bill which promises free child care for almost 19 million children without any consideration of available resources needed to finance such care. We estimate that the promise contained in this child care amendment, of free child care for every American family having an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor, would require an expenditure of approximately $20 billion. This figure is based upon the estimated 18.7 million children in families with annual incomes below $6960, the BLS lower budget figure. If left unamended and enacted into law, this will be another tragically unfulfillable commitment to the American people of a type which has already so undermined public confidence in our governmental system.

In specifications which I provided to the Education and Labor Committee on June 8, 1971, the Administration proposed the consolidation and improvement of child care programs with priority to children of working parents receiving assistance under Welfare Reform and, regardless of the work status of the parents, to children of economically disadvantaged families. Our goal was to create an integrated system of child care, funded in the first year of operation at approximately $1.2 billion, utilizing all Federal authorities, including Project Head Start, Child Care under Title IV of the Social Security Act, and Welfare Reform provisions of H.R. 1. Our goal has been to provide free child care to the poorest of our citizens while at the same time providing for a socio-economic mix in child care facilities, with children from families above the $4,320 income level (the anticipated maximum income at which a family of four would be eligible for assistance under Welfare Reform) receiving care under a graduated fee schedule.

Under the child care amendment which will be offered today, an attempt is being made essentially to reverse the effect of H.R. 1, as passed by the House in June, by prohibiting the charging of fees, even on a graduated basis, for children of families with incomes below the BLS lower budget figure. Even if the child care amendment were construed so as to apply only to Head Start funds, and not, as it purports to, to the Social Security Act and H.R. 1 funds as well, a grossly inequitable double-standard would be created: children from families with annual incomes between $4,320 and $6,960 receiving child care under the Social Security Act and H.R. 1, would be required to pay fees while children from families in the same income bracket, receiving child care under the child development amendment and utilizing Head Start funds, would pay no fee! Clearly, whichever interpretation is placed upon the amendment, our goal of an integrated system of child care will be neither workable nor realistic.

Accordingly, I enclose a series of amendments which would alter the provisions of the child care amendment so as to make them consistent with the child care provisions of H.R. 1 as already passed by the House of Representatives. The proposed amendments would reduce eligibility for free child care services to the $4,320 level for a family of four, would give priority to child care services for children of families with incomes below $4,320, and would provide flexibility to the Secretary of HEW to harmonize standards for child care services and standards for construction of child care facilities, regardless of the Federal source of funding for those services and facilities, but without unrealistic rigidity. Just as it is important not to over-promise the availability of free child care services, it is vitally important also not to over-promise the standards of child care for which the Congress is prepared to pay. In both cases, we must not succumb, especially with the lives of children, to the political temptation to make sweeping but unrealizable representations.

It has also come to my attention that another amendment may be offered to the child care amendment which would effectively eliminate the role of general-purpose government in the creation of the child care system. As we have stated repeatedly before both Houses of Congress, and by-pass of general-purpose government, which is already charged with the responsibility for delivery of many related services to the same families whose children are receiving child care, would seriously impede the important task of planning and integrating the delivery of social services to children with real needs. I would strongly urge your opposition to any amendment which would seek such a diminution of the role of general-purpose government with regard to child care.

Your support for the amendments which are enclosed, and your opposition to the amendment I have last described, would be very much appreciated. My staff and I stand ready to provide any assistance you may wish on these matters which, I assure you, are of the deepest concern to the Administration.

With warm regards.

Sincerely,

ELLIOT T. RICHARDSON,
Secretary.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate that the minority leader speaking on some of the fiscal aspects of this matter.

I do not know what the other Members did during the August vacation, but I took a camper and toured throughout my State and talked to the people at the crossroads about what they thought of the Government and what was happening in Washington. By and large they said: "I wish you would stop trying to do so many things for us, stop trying to direct our lives, let us have a little more freedom of our own, and, most of all, I wish you would stop robbing me of the money in my pocket."

I was somewhat taken aback when one individual told me that we all were a bunch of thieves in the Congress. I do not want any Member to think I am singling out any person and saying he is a thief, but this is the logic that was used. The man said: "Every time you sit in your big soft chairs and think up a new program in Washington that is going to cost money and we do not have the tax money for it, you are causing inflation, and that is taking money out of my pocket just as surely as if you came into my bedroom at night and lifted it out of my pocket."

This is true. The $100 million called for in this amendment for planning during the first year—and, of course, the $20 billion if we were fully to implement the program—is not in the budget. We had a $23 billion deficit this past fiscal year. We are faced with a $35 billion and maybe a $40 billion deficit this next year. The greatest crisis confronting this country is our financial and fiscal crisis. This is another program that will contribute to the crisis.

Yes; when we speak of a child, we speak of something soft and something tender and everyone wants to do something for the child. It is easy for me as well as for the other Members as we sit in our offices to think of wonderful programs through which we can give something to the people—but in fact, we cannot give anything to them unless we are going to take away from them. As long as we continue to have deficit spending, this program is going to accentuate deficit spending, then we are going to be taking more money away from the people, take money away from the broad middle sector of America. This is why I am opposed to this child care program, because I recognize that it is going to hit middle America the hardest, and it is going to take money out of the pockets of the average taxpaying American.

If the program is not funded by tax money it is certainly going to be funded by deficient spending which directly causes inflation which means the cost of bread, the cost of butter, the cost of every other thing the average American buys is going up.

When we print money—and that is what we do with deficit spending which is the only way we are going to fund this program—we are causing inflation. This was the message given to me by the people in my district, that they wanted us in Washington, D.C., to stop trying to do so many things and to let the people do more for themselves.

I hope, Mr. Chairman, we will defeat the basic amendment on this bill, the Brademas amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN) to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS) as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. ERLENBORN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ERLENBORN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. ERLENBORN, BRADEMAS, QUIE, and PERKINS.

The Committee divided, and the tellers reported that there were—ayes 187, noes 189, not voting 56, as follows:

[Roll No. 272]

[Recorded Teller Vote]

AYES—187

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bell
Betts
Biester
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Caffery
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Conable
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Devine
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Findley
Fish
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frey
Fulton, Pa.
Goldwater
Goodling
Gray
Griffin
Gross
Grover
Gude
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hillis
Hogan
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Mosher
Myers
O'Konski
Pelly
Pettis
Peyser
Pike
Pirnie
Powell
Price, Tex.
Quie
Quillen
Randall
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, N.Y.
Spence
Springer
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOES—189

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Biaggi
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Carey, N.Y.
Carney
Casey, Tex.
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Dingell
Donohue
Dow
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McCloskey
McCormack
McKay
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Moorhead
Morse
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Pickle
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Sisk
Smith, Iowa
Snyder
Stanton, James V.
Steed
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wolff
Wright
Yates
Yatron
Zablocki

NOT VOTING—56

Ashley
Bevill
Blanton
Blatnik
Burleson, Tex.
Celler
Clark
Clawson, Del
Colmer
Derwinski
Dickinson
Diggs
Dowdy
Edmondson
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Frenzel
Galifianakis
Grasso
Gubser
Hébert
Henderson
Jonas
Landrum
Lennon
Long, La.
Lujan
McClure
McFall
Miller, Calif.
Mollohan
Morgan
Moss
Murphy, N.Y.
Nelsen
Nichols
Passman
Patman
Poff
Purcell
Railsback
Rarick
Rooney, Pa.
Sikes
Slack
Smith, Calif.
Staggers
Stuckey
Teague, Tex.
Waggonner
Wilson, Charles H.
Young, Tex.
Zwach

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. ERLENBORN TO THE AMENDMENT OFFERED BY MR. BRADEMAS

Mr. ERLENBORN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN to the amendment offered by Mr. BRADEMAS: On page 37 of the amendment, section 533(a) is amended by inserting "authorized under this title" immediately after "all programs providing child development services with Federal assistance".

Page 38 of the amendment, section 534(d) s amended by inserting "authorized under his title" immediately after "all faciliies receiving Federal financial assistance" nd by deleting "programs receiving Fedral financial assistance" and inserting in lieu hereof "programs receiving such assistance."

Mr. ERLENBORN. Mr. Chairman, this mendment is again an effort to see that H.R. 1, the program of day-care facilties provided therein, will still be workble even though the Brademas amendnent to the OEO bill is adopted.

In the present bill there is provision or establishing standards for services, nd it has been the construction of the Secretary of Health, Education, and Welfare that they could even include the ee schdeule, which is one of the subjects which we have already addressed.

Without question this does go to standrds of day care service, as to the failities that are available, the type of intruction, and so forth.

Clearly it is the intent of the adminstration to have the best possible day are services, something more than cusodial services. The President, when he nnounced his goal for welfare reform in alking about the day care services that would be a part of this reform, said:

> The child care approach is more than cusodial. This administration is committed to new emphasis on child development in the rst five years of life.

As has been so very eloquently stated by the gentleman from Wisconsin (Mr. BYRNES) it is the instructions to the Secetary of Labor to establish these day are facilities and make them available s expeditiously as possible. Various neans may be utilized by the Secretary f Labor in doing so, but the apparent ffect of the sections in this bill that I eek to amend is to establish the same evel of day care services in H.R. 1, by eference in this bill, as are required for he day care facilities created under this ew title in the OEO bill.

It is the intention, of course, that the Secretary of Labor make the very best ervices available, but this would require n immediate compliance with the tandards that were established under his title of the bill, something that would be impossible for the Secretary of Labor o do, and would hamper the implemenation of the child-care facilities in H.R. .

For this reason I would hope that this mendment would be supported so that he facilities can be made readily availble to the people who are getting beneits under the Social Security Act.

Mr. Chairman, I ask for support on his amendment.

Mr. BRADEMAS. Mr. Chairman, I rise n opposition to the gentleman's amendnent. I had planned to support the genleman's amendment on first reading it, but on subsequently hearing the gentleman explain it, I cannot. The reason I annot is that I fear that he is mistaken n his contention that the purpose of the mendment I have offered is to provide day-care services that are not on all ours with the day-care services contemplated in H.R. 1.

Therefore, Mr. Chairman, I must oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN) to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. QUIE TO THE AMENDMENT OFFERED BY MR. BRADEMAS

Mr. QUIE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. QUIE to the amendment offered by Mr. BRADEMAS: On page 11 of the amendment, in section 525 (c)(2), in the last sentence, place a period after the phrase "pursuant to section 527 designed to fulfill that plan" and strike the remaining language "and is authorized to approve applications for funding by the Child Development Council."

Mr. QUIE. Mr. Chairman, I have two amendments I am going to offer and this is the first one.

Several years ago I, along with 50 of my colleagues, introduced legislative proposals and new concepts in the area of child development, many of which have been incorporated into the bill now before the House. I have worked cooperatively with the majority on the committee to develop a bill which would be in the best interests of all children. I have done so in good faith and with the full awareness of the needs of this Nation. I am, Mr. Speaker, in no way stating or suggesting that I am opposed to the concept of child development.

I am concerned, however, that this bill, in addition to the population figures adopted earlier today, contains some features which I feel are not in the best interests of all children and which complicate efforts being made in other developing programs. Therefore, it should be clear to my colleagues in the House that I support child development legislation, and will work for passage of some legislation in this area.

There were two provisions which adopted by the full committee which I want to bring to the attention of the House. I will talk to the first now and the second when I get the time again.

It reads:

> Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 105 designed to fulfill that plan, and is authorized to approve applications for funding by the Child Development Council.

This amendment, if literally interpreted, can create as much confusion as any other provision in this bill. To understand the impact of this amendment, one must understand how the child development bill will work. It is as follows:

A prime sponsor, which is the vehicle for securing funds, will establish a Child Development Council—CDC—which in turn develops a comprehensive plan for services for the area it will serve. There may be 10, 50, or even 100 individual programs within the area served by the CDC. But each program, regardless of size, will have a Local Policy Council—LPC—made up primarily of parents of children served by that individual program. The subcommittee recognized the value of parents as a resource that could effectively be utilized in developing local programs, but it was the intention that an LPC be advisory for the particular program through which it was established. The committee felt that the LPC's should assist in designing the local plan, in determining the amount of funds needed, and give their recommendations for funding to the full CDC. Fifty percent of the CDC's membership will come from the LPC's, with the other 50 percent being appointed by the prime sponsor. One-third of the total membership must be parents of children served by child development programs.

This amendment, which passed by one vote in the full committee, could totally alter this concept as the language now reads the LPC is authorized to approve applications for funding by the Child Development Council. This could in effect, mean that LPC's' who have a view of just one program, will have the power to veto every single other program recommended within the jurisdiction of the CDC, regardless of size. The word "could" is used as there is considerable confusion as to the actual intent and meaning of this amendment. If it means that the LPC's will have a say in their own progress, certainly there is no objection. But, if the meaning and intent is to give every individual LPC a total and final veto over every other program served by a CDC, we are opposed to it.

It is highly unlikely that any LPC would not approve the application of the agency or organization which it was originally established to advise, since an agency or organization would first have to gain the approval of an LPC before it submits an application. I should also recognize that the CDC's will be receiving applications from throughout a much larger area. If each individual LPC has a veto over every other program, even though they do not possess the individual resources or capacity to make judgments about the other programs that the CDC will have, we can only envision that bitter conflicts on the local level will result.

At the present time the Office of Child Development is experimenting with local control in its Headstart programs. These are temporary and experimental guidelines and do not indicate any final departmental support for this concept. Dr. Edward Zigler of the Office of Child Development has said:

> We greatly believe in parental involvement, after all we were one of the first agencies to whole-heartedly adopt the concept in the operation of our programs. But equally, we believe, in good management and that is why the guidelines we have adopted are provisional, so that we can see what works and what does not work before making any final determination on the role of parents and local policy groups. We should always remember that the primary goal of compensatory programs is to improve the lives of children and their families. Therefore, all of our requirements will be adopted or rejected in light of their role in achieving this goal.

It should be pointed out that Dr. Zigler's regulations relate only to parent advisory groups running a program in their own area. If the CDC, which is a local creation, is going to serve the best interests of the entire community, it must have input from various segments of the community. But, final decisions must be left within that body, which is also made up of representatives of the LPC's.

The language of my amendment reads as follows:

> Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 105 designed to fulfill that plan.

Mr. Chairman, it is as simple as that and I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE) to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE TO THE AMENDMENT OFFERED BY MR. BRADEMAS

Mr. QUIE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. QUIE to the amendment offered by Mr. BRADEMAS: On page 14 of the amendment, section 525(e)(5), strike paragraph (5) as written and insert in lieu thereof the following new language:
>
> "(5) When a unit (or combination of units) of general local government is maintaining a pattern and practice of exclusion of minorities, the Secretary shall gave preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or non-profit agency or organization in the area representing the interests of the minority and economically disadvantaged people."

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes in support of his amendment.

Mr. QUIE. Mr. Chairman, as subsection 5 appears in the bill now, the Secretary would be required to deny ——

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I would be willing to accept the amendment on behalf of those of us on the committee who worked on this matter.

Mr. QUIE. I thank the gentleman.

I think that it is important that all members understand the problems created by this following provision in the bill which reads:

> When a unit (or combination of units) of a general local government has maintained a pattern of exclusion of minorities or insensitivity to the needs of economically disadvantaged citizens, or when substantial objections are disadvantaged to the application of such units or the economically disadvantaged to the application of such units (or combinations of units) for prime sponsorship, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government in the area representing the interests of minority and economically disadvantaged people.

This provision fails even to extend elemental due process of law to any unit or combinations of units of local government that are accused of showing "insensitivity." Since insensitivity is in the mind of the viewer and has no meaning in law—indeed it is not susceptible to objective criteria for its determination—this means that any minority or economically disadvantaged group of citizens can determine themselves that a unit of local government is or has been insensitive to their needs. Once they raise their objections, whether based upon fact or not, the particular unit of government charged will automatically be excluded from this program and be ineligible to receive funds. Not only will units of local government be excluded under this provision, but the language also requires that the Secretary must fund any alternative unit that the minority or disadvantaged citizens prefer. This provision may, in effect, preclude virtually every city, town, or village in the United States from receiving any funds as it means that, even if a unit of local government is making a substantial good faith effort in meeting the child development needs in its own community, any group who disagrees with its approach and raises substantial objections, in effect, can declare the local government ineligible for funding.

You will note this provision contains the clause "has maintained" and is in the past tense. It does not recognize that many local governments have become responsive to the needs of disadvantaged and minority citizens, and over the last few years have begun to make more efforts in their behalf than ever before in the history of our country.

This amendment, if allowed to stand, can create chaos and confusion throughout the country. This bill, as it came out of the subcommittee and again out of the full committee, in other sections contains many opportunities for local citizens and parents to express their views through the Child Development Council and for public hearings for any citizens who feel that they have not been treated fairly. It also provides for appeals through the courts. The specific sections are 103(g)(3), 103(h)(1), 105(c), and 105(d)(3).

I strongly support the language in the Civil Rights Act of 1964 and other laws already on the books which prohibit exclusion of minority groups. If units of local government are now maintaining patterns and practices which exclude minorities, they would and should be denied funds under existing laws and would be denied funds under this bill as presently written. In order to make certain that there is no question that, if units of local government are maintaining such practices, they will be denied funds, I am therefore offering the following amendment:

> When a unit (or combination of units) of general local government is maintaining a pattern and practice of exclusion of minorities, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or non-profit agency or organization in the area representing the interests of the minority and economically disadvantaged people.

It is my hope that those individuals from minority or disadvantaged groups will effectively utilize the many provisions of this bill designed to give them a real voice in developing and carrying ou plans and programs which will ultimately be in the best interests of the children of their communities. I believe there are adequate safeguards and controls in the bill which safeguard the rights and concerns of not only those from minority groups in a community, but of all the citizens throughout the community.

The gentleman from Missouri (Mr CLAY) I know is the author of a similar amendment. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE) to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. PUCINSKI TO THE AMENDMENT OFFERED BY MR. BRADEMAS

Mr. PUCINSKI. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The Clerk read as follows:

> Amendment offered by Mr. PUCINSKI to the amendment offered by Mr. BRADEMAS: In section 526(a)(2) on line 4 after the word "under" insert the following: "of working mothers and single parents,"

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes in support of his amendment.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. I have had the opportunity to discuss the amendment with the gentleman who is offering it and also the chairman of the subcommittee, and we on our side are prepared to accept the amendment.

Mr. PUCINSKI. I was hopeful the amendment would be accepted. I believe it will strengthen the bill. It will help pave the way for major welfare reform and make it possible for women now on ADC to go to work. By placing the highest priority on providing day care for disadvantaged children of working mothers, we can now develop a strong program of getting ADC recipients to work

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Minnesota.

Mr. QUIE. I do not know what the gentleman from Illinois is trying to do in the matter, but it is my understanding tha priority will be given to the children of working mothers and single parents, and therefore, the mothers who are on welfare and who are not working would not be able to send their children if working mothers and single parents children fil the classes.

Mr. PUCINSKI. Not necessarily at all This bill comes within the category of the 65 percent set-aside for economically disadvantaged children. It attempts to aid the economically disadvantaged children who come under this broad set-aside whose mothers are trying to get a job, take training, or want to take training. They are children who would get the first priority in the day-care center. It seems to me that unless we do this, we just are not doing what we are trying to do in this bill.

Mr. QUIE. I do not object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PUCINSKI) to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. VEYSEY TO THE AMENDMENT OFFERED BY MR. BRADEMAS

Mr. VEYSEY. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The Clerk read as follows:

Amendment offered by Mr. VEYSEY to the amendment offered by Mr. BRADEMAS: Strike out sections 501 through 503 and insert in lieu thereof the following and renumber the succeeding sections accordingly:

"EVALUATION

SEC. 501. (a) The Secretary shall measure and evaluate the impact of these programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the program or project evaluated.

"(b) The Secretary shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider along with other information the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

"(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

"(d) The Secretary shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than 60 days after the completion thereof.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

"SEC. 503. Such portions as the Secretary may determine, but not more than one percent of any appropriation under this Act for program purposes, shall be available to him for evaluations.

"REPORTS

"SEC. 504. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act."

After the semicolon at the end of section 104(a)(1), add the following: "and these goals shall be listed in order of priority, and stated as much as possible in a form amenable to quantification;".

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. VEYSEY. Mr. Chairman, the amendment which I offer would insert a section on evaluation in the Brademas amendment. What Mr. BRADEMAS proposes here today under a rather unusual arrangement is the establishment of an entirely new program, a program which, as has been related to us, could cost as much as $20 billion a year. Now, that is a very major commitment and one which should not be undertaken lightly. It is my feeling, as expressed in this amendment, that there should be careful establishment of goals and objectives before we take the plunge.

There should be evaluation of the results in the performance of the various parts of the program against those goals and objectives as the program develops. This is only prudent in terms of our custody of the taxpayers' money in this massive amount. I have introduced a similar amendment, and it has been approved by the Committee on Education and Labor in conjunction with other sections of the OEO package. I think it is vitally important that this evaluation requirement be placed in this child development section because this section far outstrips in dollar magnitude, that of other sections of the OEO bill to which it would be joined at this point.

This amendment would lay a new requirement on the Secretary to establish the objectives and to evaluate performance against the objectives to determine cost effective use of the dollars in this program. It would give the Secretary the opportunity to eliminate those programs which prove to be not effective and to increase those programs which do demonstrate, after careful and objective evaluation, that they are accomplishing their purpose.

I think this would be a proper direction for us to take at this time, and I hope the gentleman from Indiana (Mr. BRADEMAS) may be able to accept this amendment.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thoroughly sympathize with the purpose of the gentleman's amendment, but under title V of the comprehensive child development bill—my amendment—we already have a provision for evaluation on the part of the Secretary, through the Office of Child Development, of the child development programs contemplated in the bill.

Moreover, there are certain passages in the gentleman's amendment which, I fear, could impose new standards on the Secretary in the approval of child development program applications. I must, therefore, reluctantly oppose the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. VEYSEY) to the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The amendment to the amendment was rejected.

Mr. KEATING. Mr. Chairman, I move to strike the last word. Mr. Chairman, I would like to address a question to the gentleman from Indiana on the Brademas amendment. There is a distinction, a difference between the Child Advocacy Act, which is presently in the Senate bill, and the child development programs. Yet, I notice in title I, subsection 12, the gentleman refers to "utilization of child advocates to work on behalf of children and parents and to secure them full access to other services, programs, or activities intended for the benefit of children."

Mr. Chairman, I would like to know what that means.

Mr. BRADEMAS. Mr. Chairman, if the gentleman will yield, that language is only permissive and not mandatory.

Mr. KEATING. What distinguishes this from the child advocacy program? Is that mandatory then?

Mr. BRADEMAS. I am not defending the Senate version of this bill. The gentleman will have to direct himself to the other body on this question. We are not today considering the child advocacy programs which may be contained in the Senate bill.

Mr. KEATING. Then what does the gentleman mean when he says, "Utilization of child advocates to work on behalf of children and parents?"

Mr. BRADEMAS. I think I have shed all the light I can give the gentleman. I have tried to make clear that we mandate no child advocacy program in this bill. I have nothing to add to that explanation for the gentleman.

Mr. KEATING. Then I must conclude that this is a child advocacy program rather than a Child Development Act.

Mr. BRADEMAS. If the gentleman will yield, perhaps this observation may be helpful to him. At the present time the administration, through the Office of Child Development, Office of Education, and the National Institute of Mental Health, is funding a number of pilot demonstration child advocate projects.

It is such projects which are, as I have said to the gentleman, presently being funded by the administration in a number of experimental programs, that are making possible in the language of subsection 12 to which the gentleman refers.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Illinois.

Mr. COLLIER. What is the difference, whether it is mandatory or permissive, if we are to find out exactly what is involved in this proposal? Being mandatory or permissive does not make a bit of difference.

Mr. BRADEMAS. If the gentleman would address himself to the proceedings of President Nixon's White House Conference on the Needs of Children, he will recall that that conference went on record as supporting a rather new kind of venture known as child advocate projects.

I have before me a description of the kind of child advocacy program with respect to which the gentleman has been asking for an explanation.

According to the Office of Child Development, these programs are expected to increase public awareness of the needs of children. There are presently three agencies which are involved in the child advocate programs I have just explained. There are 12 of these innovative child advocacy demonstration projects, which, according to Commissioner of Education Marland:

> While serving to develop child advocates, have as their ultimate goals promoting and improving the total community resources and the delivery of services for the emotional, social and educational development of all children within their target neighborhoods.

Then HEW goes on to explain that the child advocacy concept is an outgrowth of the Joint Commission on Mental Health of Children.

Mr. KEATING. Mr. Chairman, I am in strong opposition to this amendment. The problem of child development is a serious one. Whether one approves or disapproves of the basic concept is not the issue here. The principle that I stand for is responsible legislating.

I ask each Member to look at yesterday's debate. The debate was almost completely limited to section 15 of the bill which establishes the National Legal Services Corporation. There was no debate on child development. We cannot allow such a major subject as child development to be considered under the 5-minute rule of debate.

This bill includes the new concept of child advocacy which has never even had a congressional hearing. There can be no doubt that we are voting on something today without the benefit of adequate hearings and congressional debate.

How many Members of Congress are aware of what is really meant by child advocacy. In the White House Conference on Youth, they summarize a child advocate as being one who "will be a spokesman for individual children who do not have a concerned parent who speaks for them or who can secure needed services."

I feel we have reached a very dangerous state when we start defining terms such as "concerned parents."

The Committee on Education and Labor has not issued a report on this bill, so it is impossible for the Members to have a clear understanding of what we are voting on.

In the House committee hearings on child development there have been over 1,500 pages of testimony and therefore, it would take a great deal of time to study the ramifications of child development.

However, there have been no hearings whatsoever on the different problems of child advocacy. This problem could fill up another 1,500 pages at least.

Congressman BRADEMAS put in the RECORD only yesterday the fact that he was going to offer this as an amendment. We have not had anywhere near the time to debate this important legislation.

There is no doubt in my mind that Congress will consider the problem of child development this session, however, we cannot consider it in this haphazard way. It is a bill which must be considered on its own merits, with extensive debate in the House.

To pass this major legislation as an amendment to OEO would be irresponsible.

I urge the defeat of the amendment.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

I should like to address a question to the gentleman from Indiana (Mr. BRADEMAS).

On page 63, section 597 of the Brademas amendment, we find defined the terms "minority group" and "bilingual." Do these two terms limit the children from minority and bilingual families to be served to the groups specifically named, or is it the congressional intent that children from other clearly defined racial, ethnic, and religious minority groups, such as Italian children from Italian-speaking families, Polish children from Polish-speaking families, and Hassidic children from Yiddish-speaking families, who would clearly benefit from this program, be included as well in the program, under these definitions?

Mr. BRADEMAS. The latter interpretation of the gentleman is correct. I would even add that it includes Greek children from Greek-speaking families.

Mr. SCHEUER. I thank my colleague.

Mr. MEEDS. Mr. Chairman, I rise in support of the Brademas amendment.

Mr. Chairman, I rise in support of the amendment to add child development to H.R. 10351. The child development provision has been approved by the Education and Labor Committee and is the result of extensive hearings beginning in 1969.

As one of the original sponsors of the legislation, I want to stress my use of the description "child development" as opposed to "day care." It is a distinction of paramount importance. From the start of our work in this field we realized that makeshift and even formal arrangements were too often geared toward the custodial concept of dealing with young children. The amendment before the House today has a different emphasis. We stress the child. We feel strongly that growth and enhancement of the child is utmost.

Our concern is reinforced by the knowledge that a child's early years can mean the difference between a healthy, successful adult and one whose life is a constant encounter with misery.

President Nixon summed up the importance of the early years in a 1969 message to the Congress. Said Mr. Nixon:

> So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

The League of Women Voters of the United States shares the President's view. In testimony before our committee, the league observed that—

> It is clear that the early years are crucial to the child's total life development. In fact, 50% of his learning takes place during the first six years of life. Thus, we believe that day care must be more than elementary custodial care . . . and more than "Headstart" efforts to compensate when it may be too late.

A healthy and productive child is a loved child. The family is the foundation of love. In considering the amendment before the House, we must face up to the sad reality that the American family is under siege. The broken home is a fact of life. Pleasant? No. True? Yes. Death, divorce, and desertion cannot be erased by strident pleas to save the family unit. They exist and will continue.

One person who must confront these realities is Dr. Jack Raskin, director of psychiatric services at the famous Children's Orthopedic Hospital in Seattle. Dr. Raskin was interviewed in an article published in the December 26, 1970, issue of the Seattle Times. Here is a portion of what he said:

> Give a child two or three years of love, and he's going to make it in life. It's the erratic early years that cause future problems.
>
> The unloved child feels worthless and hated, and hates in return.
>
> The thing that frightens me is to see a child and his mother in my office with no apparent attachment between them.

Dr. Raskin added that no day care facility can match a mother's love and attention. I agree. But love and concern are not always present. Even when these qualities are shared in the family unit, moreover, we still face the problem of the child whose mother is gone during the working hours.

Mr. Chairman, the Nation's juvenile courts bear witness every day to emotionally fragmented children. Last week's session of the Seattle juvenile court was fairly typical. A boy, 15, had been in detention 5 days. His mother refused to come and get him. Two girls, 14 and 15, were runaways with hypodermic blemishes on their arms. A girl, 14, destroyed property in the home, wounded her sister with a serving fork, and threatened to kill her mother and the family dog.

These are extreme examples, to be sure. Also extreme is the fact that crime in America is becoming more and more of a youth problem. The majority of serious crimes are committed by persons between the ages of 15 and 25.

Antisocial behavior is one result of childhood misery. What alarms me as well, Mr. Chairman, are the millions of children who could enrich our country but who spend a weary, flat, and stale adulthood. These children are not getting a fair chance.

Just what are the opportunities for the child of a working mother? Facts show that America has only 641,000 day-care slots; facts show that Headstart serves only 263,000 children in full-year programs and 208,000 in summer projects.

On the other hand, there are 6 million children under the age of 6 whose mothers hold jobs to support them. There are 16 million children under the age of 14 whose parents or parent earns less than $6,999 annually.

The amendment we debate this afternoon tries to answer the paramount question: What are you going to do about the children?

We are going to help them help themselves, should the House adopt the child development amendment.

We are going to provide a better environment for child health and learning, if we pass the amendment.

We are going to assist each child in developing his talents and abilities, if we approve the amendment.

Federal support for local child development programs can assist mothers as well. Not only will the amendment help those mothers who want to get off welfare rolls and onto payrolls, but it will bring comfort to the millions of women who love their children deeply but who suffer emotional and financial anxiety over finding and paying for proper care during the working day.

All programs supported by the amendment will be voluntary; Federal control is forbidden. Fees will be assessed on a sliding scale basis for children whose family income is above $6,960 annually. The amendment stresses the critical and altogether necessary role of parents in planning and conducting child development projects. Federal funds are authorized for construction of day-care centers and for training of child development personnel. The programs will include education, nutrition, physical recreation, and family consultation. An Office of Child Development will help coordinate the locally administered programs.

To me the amendment is also a long-delayed answer to that paramount question: What are you going to do about the children? Other nations, Mr. Chairman, have already acted. Throughout the industrialized countries of the world only the United States has lagged in child development programs. Best known, perhaps, are the comprehensive efforts of the Scandanavian peoples. Denmark, Norway, and Sweden have advanced care facilities that furnish three types of supervision: day nurseries, kindergartens, and afternoon recreational centers for young students.

Standing alone can be admirable. Our grossly inadequate effort toward child development is without any redeeming or praiseworthy quality. But our concern has finally surfaced in the form of the child development amendment before the House. I urge that we give the amendment—and the children—our warm approval.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to say anything on this feature of the bill because I have some amendments to a later section, a section where I feel more at home. But I am constrained to remark that this is a most unusual and, in my judgment, a most unfortunate procedure which we are following here today.

As its proponents have pointed out, this is truly a sweeping and a lankmark measure. Someone offered an amendment here a moment ago to the 63d page of my friend's amendment.

It is not so much that we are spending $20 billion, for we do that every day around here, put we are dealing with our children and our grandchildren. We do not know what we are doing with them, because nobody has had any opportunity to study the 63-odd pages of the amendment. It is a pretty important thing to be doing.

When I come to the time when I am going to vote here—to a certain extent, at any rate, to substitute the State for the parent—and that is more or less what we are approaching here, according to some of the advocates of this amendment and some of the arguments I have heard today; and perhaps they know what they are talking about—I would at least like to have a bill in front of me and a report and a discussion in that report, and some hearings.

It is no answer to me, really, to say that the other body has legislated on this subject. We can take care of that. We can come back with a bill and a report on the legislation.

Mr. Chairman, I would not support a measure of this magnitude on this procedure if it were a lot better bill, or amendment, or whatever you call it, than I think it is.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the distinguished minority leader referred to the ultimate cost of this particular part of the program. I think without a doubt it is going to be a very costly program, but I would suggest that if the minority, since the administration is also in that same party, would make a determined effort to redirect the programs that are being spent by the OEO at the present time, they would do a great service to our country. There would be enough money saved to pay a very large share of the cost of the child development programs.

I wanted to ask the gentleman who offered an amendment on evaluation, a question, as to just exactly what that evaluation would call for. As far as I am concerned, I see a tremendous waste in the war on poverty. I have since the day the bill was passed. In fact, I think it is a scandalous expenditure of Federal funds.

There was a survey made in my city of Portland, Oreg., recently, and the community action agency—the Portland Metropolitan Steering Committee—hired a consulting firm to make the survey. After they made a study of the target area in which the war on poverty is concentrated—and I was told last evening by the executive director that the target population would be 50,000 or 60,000 people—they found during the years since the war on poverty started they have had a total of $27 million to spend. Let me repeat this is an area of 50,000 to 60,000 people. In the survey that was made they found 86 percent of the people had never heard of the war on poverty programs.

Now, it seems to me that somehow our Government might take the billions of dollars that have been spent and figure out which of the programs are working and which of the programs have been an absolute waste. That is what I would recommend to this administration.

Now let us take a look at the programs. In my judgment, the billions of dollars that have been spent on the Job Corps program could have been better spent in schools and vocational education training where we would get better results. Millions spent on manpower training programs, in my judgment, have been largely—not entirely but largely wasted. Hundreds of millions for manpower training when unemployment is 6 percent—and there are no jobs. Individuals have taken one manpower training program and then taken a second manpower training program and then a third one, as the stipends continue during the training periods, and they are still applicants for welfare. We have spent many hundreds of millions on community action. In my area I referred to $27 million through PMSC. We have spent millions of dollars on legal aid. The word advocacy in the child development bill does bother me. I have watched with great concern the advocate role played by eager-beavers in Vista, in Legal Aid—in other OEO programs. I tried on the floor in 1969 to get amendments to the legal aid. As I see it, it is unjustifiable and indefensible for the Federal Government to pay all of the fees of those lawyers who bring class action suits and then in those instances when the defendant has won—he has to pay out of his own pocket the money to defend himself. It seems to me if he is on the prevailing side and has won the suit, the court ought to be able to award attorney fees as well as court costs.

I think that the money for VISTA programs could have been spent in better ways to help the poor.

But, now, Mr. Chairman, let me say this: If we have any hope in this country, at least as I see it, in changing the situation 10 years from now or 12 years from now or 15 years from now, we must do more with children when they are small. This, in my judgment, is the only hope we have.

About the only programs that come within the entire jurisdiction of the war on poverty which I can wholeheartedly support are the neighborhood youth program, the Headstart program, and the child development program.

I must say to you that I am very disturbed about how much we can really do for the 17-year-old, the 18-year-old and the 20-year-old who has experienced failure, who has been involved in all kinds of problems and who suffers the disadvantage of a home in the ghetto neighborhood in which he has grown up. If we do not do something for the disadvantaged child in the disadvantaged neighborhood when that child is 2 or 3 or 4 years old, Mr. Chairman, I say that it is a hopeless situation.

Now, Mr. Chairman, I understand the concern of the people who think that the State is going to take over the education of their children.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 3 additional minutes.)

Mrs. GREEN of Oregon. This is not a takeover. This is not going to be some program by the Government where we are going to pick up children and make them go someplace and indoctrinate them with certain views. It is quite different. It is a chance to take the children of working mothers of families of the poor—it is a chance to give them some other opportunity than wandering the streets in a ghetto with no one giving a damn about them. That is really what we are talking about, the children in this country who have parents who do not care or understand, children who do not have other relatives to take care of them or who do not have any place to go and who have no advantages.

This simply would say that we would operate centers, a purely voluntary program for parents if they want to, not because they must, but because if they want to, they can bring that child there and they would receive some attention for their nutritional needs, some attention for their medical needs, some opportunities in education, to open up new horizons. That is what we are talking about today.

I will not argue with you if you defeat some of the other parts of the war on poverty; in fact, I will join you. But, for heaven's sake, let us not take it out on 2- or 3- or 4-year-old children. Our only hope is the children. Their only hope may well be the possibility of attending a center where someone cares.

AMENDMENT OFFERED BY MR. PODELL TO THE AMENDMENT OFFERED BY MR. BRADEMAS

Mr. PODELL. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Indiana, (Mr. Brademas).

The Clerk read as follows:

Amendment offered by Mr. Podell to the amendment offered by Mr. Brademas: Amend section 597 by adding the words "excludes but is not limited to" before the words "any person" and striking the word "describes" in paragraph (i) and by adding the words "includes but is not limited to" before the word "persons" and striking the words "refer to" in paragraph (j).

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Indiana.

Mr. BRADEMAS. If I understand the gentleman's amendment, it is only to implement the effect of the colloquy which I had with the gentleman from New York (Mr. Scheuer)?

Mr. PODELL. That is correct.

Mr. BRADEMAS. Mr. Chairman, I see no objection to the amendment.

Mr. QUIE. Mr. Chairman, will the gentleman explain a little more what he is attempting to do?

Mr. PODELL. I would be delighted.

The amendment offered by the gentleman from Indiana defines the word "minority" to include persons of Spanish-speaking descent and others. In the colloquy between the gentleman from New York (Mr. Scheuer) and the gentleman from Indiana it was defined that that language, or the definition of the word "minority" is not restricted to the individual who is named in the bill, but does include all minorities, including those set forth in the language of the amendment.

I merely want to amend the amendment to make sure that legally, in legal terms, it sets forth that the definition of the word "minority" includes but is not limited to that which is set forth in the amendment.

Mr. QUIE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Podell) to the amendment offered by the gentleman from Indiana (Mr. Brademas).

The amendment to the amendment was agree to.

Mr. REID of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise briefly in support of the amendment offered by the gentleman from Indiana (Mr. Brademas).

Mr. Chairman, I would like to mention particularly for the Members on this side of the aisle just one or two points that they may wish to consider.

First, virtually all the educational hearings we have had in the last 5 or 6 years indicate that the area where there is the greatest hope and promise, and the area where the most serious need exists, is in the area of early childhood education.

The President has clearly recognized the importance of the age span between 1 and 5. Indeed, there is evidence before the committee that tends to suggest that the child learns as much between the ages of 1 and 4 as the child subsequently might learn between the ages of 5 and 14.

If we are truly concerned about the child who, halfway through grammar school, is almost 6 years behind in reading skills, and is potentially an elementary school or a high school dropout, the evidence is clear that this particular program of comprehensive early childhood development could be the most exciting, meaningful, down-to-earth, and effective program to help our children that I know of, particularly when it is combined with nutrition and health services.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I would be happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Is it not fair, however, to say that, having previously voted for H.R. 1 with the day-care center provisions that are included in that legislation, that we have already indicated our support for a sound, constructive day-care center program?

Mr. REID of New York. The question that the distinguished minority leader has raised is a good one, and part of the answer is whether we are interested primarily in custodial care at a relatively minimum budget, or whether we want to have an extension of our educational commitment combined with nutrition, health, and other social services.

The backers of this particular bill, which has been bipartisan from the outset, have felt that if we were to make welfare work we need a day-care center program so that women can secure training and obtain employment, and will have a place for their children, and we became convinced at the same time that the greatest educational need was in this particular timespan the President talked about. Therefore we have tried to stay clear of merely custodial day-care centers, or merely a program which would provide for only the very poor, and not provide some opportunity with a fee schedule for those in the middle income area.

My own honest judgment is that if H.R. 1 is to work most of the standards that are in this bill would be helpful and in the end would give it a necessary impetus.

I think that while this bill has been something of a sleeper, and while I myself would have preferred to take it up less rapidly with an opportunity for a party caucus, and upon an understanding of the printed report, nonetheless it could be the most exciting piece of legislation to help our children in this decade. It is a major advance, and I think it could make a very real difference in the lives of many generations of children.

I know that there are differences in the funding levels, and we know that there are slight differences from the 1969 payments in the fee schedules, but in my judgment those can be resolved.

I know there are some who believe that some parents might not like this, but I think it should be emphasized that this program is a voluntary program.

It is up to the family to make the decision whether or not they want their child to participate. I believe, for one, that this would be the most affirmative thing we could do to back the President's concern for early child education.

Mr. MATSUNAGA. Mr. Chairman, I move to strike out the last word.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. BRADEMAS. Mr. Chairman, I thank the gentleman from Hawaii.

Mr. Chairman, the reason I am asking for this time is to read a colloquy which under the rules I must now read between the distinguished chairman of the Committee on Ways and Means and myself with respect to the relationship between the amendment I have offered and the bill, H.R. 1.

The colloquy is as follows:

Mr. Mills. Mr. Chairman, I would like to direct a few questions to the distinguished Chairman of the Select Education Subcommittee who is sponsoring the amendment now being considered. As I understand it, the amendment which has been offered by the gentleman from Indiana contains the essentials of H.R. 6748 as favorably reported by his Subcommittee. I ask the gentleman if that is correct?

Mr. Brademas. Mr. Chairman, as usual, the distinguished gentleman from Arkansas is correct. There were a few amendments made by the full Committee when it took up H.R. 6748 as reported by the Subcommittee. But they do not substantially change the thrust of the Subcommittee's bill.

Mr. Mills. Mr. Chairman, I would like to ask the distinguished Chairman if the essentials of the colloquy which took place between us when H.R. 1 was before the House last June are still correct?

Mr. Brademas. Mr. Chairman, I say to the gentleman that they are correct. As I said last June, "the bill we have reported to the full Education and Labor Committee . . . which relate to child services . . . would not in any way restrict them. There is nothing in our bill that would restrict the use or provision of other facilities when programs are not available under the Child Development Act or when the capacity or location of facilities cannot meet the needs of children."

Mr. Mills. As the distinguished gentleman knows, the primary thrust of the child care provisions in H.R. 1 is to make it possible for mother-headed families to improve their family standards of living by taking jobs. And quite frankly, there is some language in the amendment which the distinguished gentleman proposes which gives me concern in this regard.

First, the bill could be read to require that all day care furnished to children under any Federally-assisted program would have to meet uniform standards developed on the basis of the bill. From the gentleman's general assurances, I assume that this is not the correct reading. Is that right?

Mr. BRADEMAS. Let me assure the gentleman that the bill intends that standards it contains be a goal to be reached as soon as possible. There is nothing which would require that any standards be adopted at any time that would restrict the purchase of day care services under the child care programs of the Social Security Act.

Mr. MILLS. Second, the bill could be read to require that all child care facilities meet uniform standards established under the Economic Opportunity Act. I assume that as long as standards of health and safety of the Secretary are met, that this does not include staffing and the developmental services, is that correct?

Mr. BRADEMAS. The gentleman is correct.

Mr. MILLS. The amendment provides that any day care services under the Social Security Act shall be day care services made available under this bill. Am I correct, on the basis of the gentleman's assurance, in believing that this does not in any way restrict the purchase of day care services under Title IV of the Social Security Act, or under new titles established by H.R. 1?

Mr. BRADEMAS. The gentleman is correct.

Mr. MILLS. The amendments could be read to require that any child in a family in which the family income is less than $6,960 a year would receive any needed day care services without charge. Under H.R. 1 we clearly intended that part payment be made according to ability to pay at much lower income levels. If this were not done, it would curtail the amount of day care which could be provided under H.R. 1 and would affect adversely many fatherless families. Am I correct in assuming that provisions in the amendments would not interfere with the operation of H.R. 1 according to the clear intent?

Mr. BRADEMAS. The gentleman is correct.

Mr. MILLS. I would hope that the gentleman could agree to make these provisions clear, along the lines we have discussed, in any conference report on this bill which may be written.

Mr. BRADEMAS. I certainly agree with the gentleman from Arkansas.

Mr. MILLS. I appreciate the gentleman's cooperation on these points. As I said last June, the distinguished member from Indiana has been most cooperative in assuring that the Congress is not enacting duplicative or overlapping programs.

Mr. SEIBERLING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would simply like to state for the record that I was absent when the Perkins amendment was voted upon.

Had I been here, I would have voted in favor of it.

The CHAIRMAN. The gentleman's statement will appear in the RECORD.

Mr. BIAGGI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Indiana (Mr. BRADEMAS) which will attach to this bill the comprehensive child development program.

This measure was worked on at great length in the Select Subcommittee on Education, of which I am a member, and the full Education and Labor Committee. It is a major recognition by the United States that they have an obligation to the children of this great Nation to make available training and services in their early developmental years.

The singular focus of the bill is the child. First and foremost, the programs established must serve him or her. It completely integrates all services presently available to the child and expands them to meet the needs of all children.

Unlike many Federal programs, comprehensive child care will be made available to all parents regardless of ethnic, racial, economic, or social background. It has been clearly demonstrated that to have separate programs operated for the wealthy or for the poor—whether private or public—does not contribute to the individual child's full development. He will live in a world that is a mixture of many people so his early learning experiences should closely parallel that future.

The committee has also built in safeguards that assure that the parent will have primary responsibility for his own child. There is a great deal of emphasis on parent participation in the programs as well. In no way should these programs be considered substitutes for the parent. Rather they should be complementary to the child's learning experience in his home.

Moreover, the legislation establishes special programs for children from bilingual families for the development of skills in English as well as the other language spoken in the home. This includes all our various ethnic groups such as Italians, Spanish, Greeks, Albanians, and others.

I am pleased to note that the President has taken a strong stand on providing for the needs of children. In his economic opportunity message to Congress in 1969 he said:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

Two other aspects of the bill are very important to me. These are the special emphasis given to handicapped children and senior citizens.

For the last several months I have been working with Columbus Hospital in New York to provide funds for improved dental care programs for the severely mentally retarded. This effort has spotlighted the fact that our Federal programs are greatly deficient in this area. Now with a 7-percent set-aside for handicapped children, there will be a better assurance that these children will get urgently needed services.

Additionally, there are provisions for paraprofessionals and voluntary aides from special groups. One of these groups is elderly Americans. So many of our over-65 citizens feel lost in retirement. They feel alone and unwanted. This program will provide an outlet for their still usable energies and give them an opportunity to share the joys of life with young children. The Foster Grandparent program has been most successful in this respect.

This amendment deserves the strong support of this body. It is a sound bill worked out after much effort by your Committee on Education and Labor. It will go a long way to meeting the developmental needs of all of America's children. I heartily urge its adoption.

Mr. SCHMITZ. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, from the time of Plato some have argued that the community rather than parents ought to assume responsibility for children. This idea, so alien to the natural instincts of mankind as well as to the teachings and the spirit of most of man's religions, assumed frightening dimensions when the State became centralized and increasingly powerful, commanding all the technological capabilities of modern science. It is becoming possible for a government to root out the basic unit of society—the family—and replace it with State control. A study of totalitarianism in today's world clearly illustrates the effectiveness of such destruction of the basic family unit.

A free people today must, therefore, be constantly on its guard against such unwarranted incursions by government into the life of the family. This is the fundamental reason why the legislation before us today should be rejected.

Sections 705 and 706, purporting to preserve the privacy of the family and the basic responsibility of parents for their children, were not even in the original legislation and were added only at the insistence of Senator JAMES BUCKLEY when the parallel bill was debated on the Senate floor September 9. Their absence up to that point is clear evidence that the advocates of this legislation had no particular interest in or concern for preservation of the family. Nor is the addition of these sections by any means a sufficient protection, as is indicated by Senator BUCKLEY's vote against the bill in the Senate even after they were added to it. This legislation creates an enormous Government engine for intervention into the lives of American children which will eventually overpower any protection provided them by the vague and general statements of good intentions contained in these two sections.

It might have been possible to provide some further protections through additional amendments, had there been sufficient notice that this bill was to be brought up today. It is hardly within the spirit of the amending process to insert a measure so comprehensive merely as an amendment to a bill which originally contained nothing new or significant in the child development field, with only 24 hours' notice. Senator BUCKLEY said in the Senate debate that—

> Enactment of the child development sections of this bill may prove to be one of the most deeply radical steps ever taken by Congress.

At the very least, before taking what might prove to be such a step, we should have had more time for noncommittee members to consider it and to offer amendments of their own.

Probably the greatest potential abuse arising from this bill is the great increase it envisions in governmental activities involving chldren of preschool age, from 1 to 5. Children too young for school are none of Government's business, except in cases where their natural parents and relatives are actually unable to care for them. Such cases are much rarer than current propaganda would have us believe. No State agency and no Government-funded program can ever take the place of a parent's love—but such agencies and programs can and will interfere between parents and children, draw them apart, and increase the tragic "generation gap" that has already caused so much anguish and so many problems in our country. Such alienation is especially devastating when it affects the very young children of preschool age, as the legislation before us would authorize.

In view of the fact that the legislation before us makes repeated references to Headstart programs as prototypes and foundations for the greatly expanded child development services it would authorize, we should take a careful look at the real nature of Headstart as revealed in highly significant sworn testimony last year.

On January 6, 1970, classes for a special Headstart leadership development program began at the University of Kansas in Lawrence. One of the trainees was a lady named Mrs. Dean Barnes. She was a teacher in the Headstart program at Malta, Idaho. The revolutionary changes sweeping America had evidently not yet reached Malta, Idaho. Mrs. Barnes was interested in helping children, not in changing society. And that made her very different from her fellow trainees and especially from her teachers.

Mrs. Barnes attended the lectures, the revolutionary speeches, and the demonstrations connected with this Headstart leadership development course. She took notes. When it was all over, she prepared an affidavit sworn on April 7, 1970, and sent it to the Secretary of Health, Education, and Welfare, to other highly placed officials in the Nixon administration, and to selected Members of Congress.

The lady shook the HEW Department hard enough to force two separate "investigations" of her charges. These produced two elaborate whitewashes. Undaunted, Mrs. Barnes prepared a devastating, point-by-point refutation of both HEW replies. The matter now rests in the hands of HEW Secretary Elliott Richardson.

Mrs. Barnes' sworn statement deposes that on January 9, 1970, just 3 days after the classes in Headstart leadership development began, the trainees were taken at public expense to Kansas City to join in a riotous demonstration against a local radio station which had played a song critical of welfare chiselers. On February 3, 1970, the trainees were directed to attend a lecture by Saul Alinsky entitled "American Revolution, Act 2," at which Mr. Alinsky declared:

> What we need is a new society . . . the Establishment is the enemy. Once you leave the radical movement you are gone. You might get a job. Conflict is a way of life. . . . You have to organize to break down the middle class.

The next day, February 4, Mrs. Barnes states that all the Headstart trainees were again taken by bus to Kansas City to hear a speech by Dr. George Wiley, executive director of the National Welfare Rights Organization, who proclaimed:

> If you don't want to riot right in your own community, fine, but you still have the power because you are part of a powerful organization. You can use the threat of a riot right in your own community, because there are riots going on elsewhere. . . . Being a subversive is the best way to help get power.

Later that day, she states, the class heard Dick Gregory on "The Black Revolution," a foul-mouthed speech interspersed with such mindless rant as "Baby, we are going to burn America down." He was succeeded by Father James Groppi from Milwaukee, who said that—

> Bobby Seale is a political prisoner. What they did to him was like Nazi Germany.

Declining to attend more revolutionary lectures, Mrs. Barnes told Ed Skaggs, the human relations instructor in the Headstart leadership development program, that—

> All the time I had been at the training session, I had never heard a better plan of government than the one we already had, and our Constitution.

He told her she was brainwashed. She replied:

> I love America. Even with all its faults, I still love America. I came here to learn about children. Children are my love.

And this is where Mrs. Barnes' experience and testimony become particularly significant in considering this legislation. Because she has demonstrated that Project Headstart, despite its name and reputation, is not really interested in children. Even one of HEW's whitewash investigations admitted the truth of Mrs. Barnes' charge that the Headstart leadership development course lacked even a basic program in kindergarten training. Jule M. Sugarman of the HEW Office of Child Development tried to explain this away, declaring:

> This was not a teacher training program for kindergarten. It was a three-pronged program for Headstart staff with leadership potential in the areas of child development, social services and human relations.

Mrs. Barnes' crushing reply to that deserves to be quoted in full:

> Yes, that's true. The program had three prongs—all heated, tempered and honed to very sharp points. The first point Mrs. Sugarman mentions is human relations. This one came on strong. In one class we were to shut our eyes and feel each other's bodies. In another class we were to get up in class close, nose to nose, and look at each other eyeball to eyeball. But that wasn't all, as the textbook explained: "In the most close phase (maximum contact), the muscles communicate. Pelvis, thighs and head can be brought into play, arms can encircle." Our instructor, Ed Skaggs, said: "Here in this class we are in our own little world. No one will know what we are doing." And he added: "The folk back home won't understand when you get home." Then we had the "I'll tell on you" sessions, which made me think of ugly things I have read in history.
>
> There was very litle taught about children. We had a textbok on the subject. We didn't use it in class. Most lectures were tirades on racism and the Establishment. We were told by Phyllis Connelly how wonderful the Hippie movement was for the country. Mrs. Connelly told us the Establishment was not letting the poor children have a better life. But even as she mouthed these words, right there on the campus were children enrolled in Headstart who were being denied the things the Congress wants them to have. And the money that should have been spent for books, finger paint, paper and scouring powder for the toilets, was being used to demean our government. Highly paid teachers and trainers were racing around—but the children had almost no supplies. The toilets were foul. Their classrooms were exceedingly dirty. Their books were ragged, torn and very unsuitable.
>
> In a required lecture, Feb. 4, 1970, Dr. Wiley told us that we the poor were only a step away from welfare, and if we separated ourselves from welfare and didn't identify we not only hurt them, but hurt ourselves and cut ourselves off from power. I have always believed that one of the purposes of Headstart was to try to raise up a better new generation, better educated and better able to lead a prideful life without welfare. But that isn't what we were taught. "Welfare needs more people," said Dr. Wiley.

Mrs. Barnes also mentioned asking a teacher of the Headstart children at Lawrence why he wore the same dirty sweat shirt to all of his classes for an entire week. In reply, she said:

> He told us that it was more comfortable to dress the way he did, and anyway the children were in poverty and would never get out, and what difference did it make anyway, they didn't expect anything else.

When Mrs. Barnes persisted in her criticisms, the second HEW whitewash team visited her in Idaho after making a token visit to the University of Kansas. They admitted to her at her home in Bridge, Idaho, on July 2, 1970, that when they visited the building where the Headstart classes at the University of Kansas were conducted, "the building was locked up and we couldn't get in." But, they assured her, "the playground looked fine." Here is Mrs. Barnes' reply:

> Not being able to go into the place where the Headstart children were housed, the "team" missed a lot. . . . The facilities at Jolliffee Hall smell. To put it plainly, when I was there they stank as only stale urine and extremely dirty toilets can smell of human excretion. The miasma was dreadful, but the "team" was spared this. . . . And the "team" didn't get to see the kids squeeze the slimy overcooked ten o'clock bowl of cold oatmeal mush through their gingers, because they couldn't eat it. . . . Nor did the "team" get to talk or work with the children, who were so pathetically eager to play games and make things, but were simply allowed to run and scream, and hit the teacher. However, "the playground looked fine."

The response of the Secretary of Health, Education, and Welfare to this final indictment from Mrs. Barnes has been dead silence. I do not wonder. She has met convincingly every attempt to evade or deny her charges. The testimony she has given was under oath. She has told the truth. And the promoters of Headstart and the officials responsible for the conduct of it dare not publicly face the charges.

When the Senate was considering its version of this bill, which would vastly extend the kind of activities she described, Mrs. Barnes asked to testify on it. No one wanted to hear her. This House, at least, should listen to and investigate her evidence, and much similar evidence, before rushing to approve a new enormous "child development" program in which, if past experience is any guide, America's children will be used as pawns to collect Federal money for activities undertaken in their name for the benefit of revolutionary agitators or educational theorists who have no interest whatever in promoting sound, stable, and happy family life in this country of ours.

Mr. JACOBS. Mr. Chairman, I rise in support of the amendment.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Indiana.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. BRADEMAS. Mr. Chairman, I ask unanimous consent that all members of the committee be permitted to revise and extend their remarks, if I am in order to make such a request.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JACOBS. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana was recognized.

Mr. JACOBS. Yes; the gentleman wishes to use his time.

The CHAIRMAN. The gentleman will proceed.

Mr. JACOBS. Thank you, Mr. Chairman.

In October 1968, Time magazine reported that 75 percent of all crime committed in the United States resulted in no apprehensions at all, that whoever committed that 75 percent of crime in our country that year faded away into the night and was never caught. I am talking about the muggings on the street; I am talking about the burglaries and robberies. See if you can remember the last time you knew someone whose home was burglarized when the burglar was caught, or the last mugging you knew about where the police were able to apprehend the mugger.

By the fall of 1970 the FBI statistics showed that 80 percent—no longer 75 percent—but 80 percent of the crime committed in the United States resulted in no apprehensions. They got away. That 80 percent of crime which was committed in the United States never got the treatment of the U.S. Supreme Court, and never got the lenient treatment of any court, never got the treatment of "weak on crime" city administrations.

Now, why is that? Why is the crime rate higher today than it was a year ago or 5 years ago? Is it because President Nixon is not against crime, because this administration does not do its best? Not at all. This administration does its best and, contrary to some campaign oratory, the previous administration did its very best, too. The problem is that "all the king's horses and all the king's men," when crime becomes epidemic in your country, are not sufficient to catch the criminals, in the first place.

So where does the crime rate come from?

You tell me how many little children today are growing up in this country—and there are about 6 million of them—between zero and age 6 in abject ignorance, whose parents are as ignorant as they, and I will tell you what the crime rate will be 15 years from now, law and order speeches and the good intentions of politicians to the contrary notwithstanding.

When that little child is born he can be made to be genteel, a law-abiding, self-respecting citizen who appreciates the beauty of gentleness, dignity, and the worth of a human person. Or he can be allowed to grow like a weed. If anyone in this Chamber had been allowed to so grow, I think you know what kind of man or woman you would have turned out to be.

This is the most vitally important piece of legislation ever to come before this Congress, if you agree that the most vitally important challenge before this country today is to save ourselves from dying of internal hemorrhaging from violent crimes. That is the question before this Committee. I urge every member of this Committee to support this amendment and help "shape the twig so the tree grows straight."

I yield back the balance of my time.

Mr. CLAY. Mr. Chairman, I support the amendment offered by the gentleman from Kentucky to reduce the eligibility for prime sponsorship to cities of 10,000 or more or any combination of units of general local government of 10,000 or more, because I believe that parents have the right to play a meaningful role in the development and operation of programs designed to serve the needs of their children. Local prime sponsorship provides the vehicle for this. If this amendment is not accepted and the size of the local unit were limited to cities of at least 100,000 population, local prime sponsorship would be limited to only 153 cities, and many parents would be denied their right to influence these programs.

The 1970 census shows that only 27.6 percent of the population lives in cities of 100,000 or more and that by virtue of increasing movement to the suburbs and more rural areas, this urban population is steadily decreasing. To limit prime sponsorship to local government units of 100,000 would exclude the many population areas which surround metropolitan areas. It would amount to a direct bias against the suburban population, and thus deny a growing majority of the population the opportunity to sponsor their own child development programs.

In light of the importance and desirability of direct parent participation in the development of these programs, the rationality for arbitrarily denying local prime sponsorship to a governmental unit simply because it does not contain 100,000 people, escapes me. If a municipality can demonstrate its capability to run a program it should not arbitrarily be denied to do so. The measuring stick for local prime sponsorship should be capability not a prescribed body count.

If this amendment is not accepted we will in effect dehumanize and bureaucratize all but a few programs in some 153 cities—we will dehumanize programs which are supposedly designed to stimulate and improve the lives of children during the critical years of their early development, and I do not believe this is the intention of Congress.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise at this time in support of the amendment proposed by my distinguished colleague, Mr. BRADEMAS of Indiana. As a cosponsor of the original day-care bill—H.R. 6748—I am convinced that a federally subsidized comprehensive child development program will be an effective means to upgrade the social and educational development levels of children throughout the Nation.

This preschool program, as proposed for the underprivileged child, will help to bridge the gap between his home and community life, and the learning experience that will confront him in primary school. By supplying child day care throughout the United States, we will enable these children to develop a much needed sense of identity. A stable social and educational background is a mandatory requirement for successful child development.

This amendment is of great importance to my city of Chicago, as well as to cities throughout the country. It will bring about, through dedicated community action, a sorely needed program affording children of disadvantaged families the chance to compete with their more fortunate peers. It will enable the mothers of these children to hold full-time jobs to support their families, with the assurance that their children are being well cared for. And, finally, it will afford each community on a practical and feasible level, the opportunity to break the vicious cycle of poverty and ignorance. This legislation will accomplish this by supplying at the most sensitive developmental age level, the tools that will provide preschoolers with the essential ingredients for successful educational and social development.

Mr. Chairman, this amendment represents the most comprehensive child development program to ever come before the House. It is vitally important to Chicago and to the Nation. I strongly urge its passage and its prompt enactment into law.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the Brademas amendments, as amended. I believe we owe a debt of gratitude to the distinguished gentleman from Indiana (Mr. BRADEMAS) for his presenting to us the opportunity to adopt the pending amendment. As it has been explained by the offeror of the amendment it would incorporate into H.R. 10351 the provisions of the proposed Comprehensive Child Development Act, approved by the full Committee on Education and Labor only last week.

Mr. Chairman, as a sponsor of the original comprehensive child development bill introduced earlier this year, and I am pleased now to be able to speak in its support.

This amendment would provide Federal funds for locally administered child development programs of an extremely comprehensive sort. These programs would be more than day-care centers; they would aim at providing a stimulating educational experience, as well as health services and attention to nutrition. Although priority would be given to low-income families, services would be extended to all children, with special emphasis on children of working mothers and single parents.

These are the key provisions of the amendment:

To provide funds for the construction of day-care facilities and the remodeling of existing ones. For children of more affluent families, tuition would be charged on a sliding scale, according to income.

To authorize and underwrite the training of child development staffs.

To encourage the mapping of programs that would combine education, nutrition, physical, and mental health services, and family consultation.

To support the establishment of local policy councils to assure parental and community participation in planning and administering programs.

To create an Office of Child Development in the Department of Health, Education, and Welfare, which would coordinate all federally supported child development programs.

Mr. Chairman, only about 600,000 children today have day care services available to them through one of a variety of Federal programs. This is but a fraction of the estimated 5 million preschool children whose mothers are now working—not to mention the obviously numerous children of mothers who would work if adequate day care facilities were made available.

But I again stress, Mr. Chairman, that the pending amendment is designed to accomplish much more than merely to free mothers so that they might enter the labor market. The amendment's program is intended primarily to provide comprehensive development services for children, whether their mothers work or not.

Educational research is accumulating evidence that far more of a child's intellectual development takes place during early preschool years than had been assumed, and that children whose intellects are neglected during those years find it increasingly difficult to catch up later.

As the gentleman from Indiana has pointed out, the Senate, in passing its version of the Economic Opportunity Act amendments, has already adopted a comprehensive child development title.

Mr. Chairman, the adoption and eventual enactment of this amendment could be as important a breakthrough for the young as medicare was for the old. We should not permit this opportunity to slip away. I urge the overwhelming approval of the pending amendment.

Mrs. **MINK**. Mr. Chairman, I rise in support of amending the antipoverty bill, H.R. 10351, to include a major new Federal child care program.

I have been seeking such a program since 1967 when I introduced a similar bill to provide these services to preschool children.

Even then, the need for a program was obvious and urgent. It has become increasingly so with each passing year. It is now the priority legislative demand of most if not all women's organizations.

We have arrived at a point where we can no longer wait. It will be costly, and there may never be a more propitious time for launching this great endeavor but to wait would be even more costly in human terms.

The amendment before you stems from our early efforts to consolidate existing day care programs which are merely custodial in nature, and designed more to foster employment than to help the child. These would be replaced with a national child care and development program designed to meet the immediate needs of working mothers but on a more comprehensive basis, to make these vital services available to all families no matter what the economic status or employment situation.

Our Committee on Education and Labor has studied this matter in extraordinary detail over the past several Congresses. We have held countless hearings in Washington on my original bill as well as on the proposal before the House today. We have visited overseas child care programs. We have produced volumes of testimony from the most knowledgeable experts, parents, and others. We have devoted years to evolving a consensus bipartisan bill, culminating in the approval last week of an amended version of H.R. 6748 by the full Education and Labor Committee by a vote of 28 to 3.

That is text that is provided in this amendment. I urge your careful consideration and support for our program.

The Senate has approved a companion measure as an amendment to the antipoverty bill, and our action today could enable the legislation to be enacted promptly and sent to the President for his anticipated approval. Included are programs for planning, renovation, construction, operation, and maintenance of child care facilities; and training and compensation of staff including paraprofessionals. A broad program of pilot and experimental activities as well as special programs for Federal agencies is also included in this amendment.

The bill envisions a comprehensive program for the care, nutrition, health, and educational enrichment of the child recognizing that the early years set and determine what a person will be later in life. The disadvantaged and working mothers receive priority under the provisions of the bill and the program is coordinated with social security and other child care activities to improve their quality beyond mere babysitting.

For a variety of reasons, more women are working today than ever before; women now comprise 42 percent of the total labor force. One third of mothers with children under age 6 now work. We cannot continue to simply ignore the needs of their children when studies show that only a small minority of these children receive competent care in a child care center.

Our hearings have proven that the kind of care we intend will be beneficial to a child, and can stimulate his interest, personality development, and motivation to learn, as opposed to the child who is confined to just home care. Our society has the expertise to make all of these benefits and new experiences available to children, but we are not now providing it.

We must begin now to achieve the tremendous social gains that can accrue from giving our children a chance to grow and develop from sound, wholesome early years.

This is a bill for the children. Let us not fail them.

I urge the adoption of the Brademas amendment.

Mrs. **ABZUG**. Mr. Chairman, I am pleased to rise in support of this amendment, which would provide comprehensive care for the children of this country.

A nation can be judged by the quality of care that it provides for its children, and it is a hard truth that this country has failed to meet the needs of its youngest, and most dependent, citizens. The Comprehensive Child Development Act is an important step toward meeting the needs of children and working parents. Although this bill does not contain all the provisions of H.R. 8402, the Abzug-Chisholm comprehensive child development program, there are particular provisions of this bill which I have supported, and am especially pleased to see as a part of this comprehensive child care bill which is a giant step forward in child care legislation.

I think that parents must give a strong voice in the educational programs affecting their children. The interest that a parent has in his or her child's development cannot be matched by a Government agency, no matter how well intentioned that agency is. For this reason I am particularly pleased with the provision in this bill which gives local policy councils, composed of parents of eligible children, a significant degree of control in determining child development needs and priorities and in approving applications for funding.

Child care programs have traditionally been under-financed. As a result, workers and staff members in these programs have been shamefully underpaid. Due to a belief in our sexist society that women are divinely ordained to assume child-rearing duties, it is they who perform most of the jobs in child care facilities; thus, this lowpay policy is directed against women as well as against children. This amendment will help to rectify this situation by assuring that all workers in child care programs will be paid at least the minimum wage. Surely we can afford to compensate adequately those who fulfill so important a role in shaping the future of our Nation.

Many of us think of child care as a service needed only by those at the very bottom of our economic ladder. In fact, there are many families in need of child care services who are working. It is estimated that there are 5 million children under 5 years of age whose mothers work. This amendment takes a step toward recognizing the needs of these working poor by broadening the definition of economically disadvantaged to the Bureau of Labor Statistics' Lower Living Standard of $6,900. I hope that this provision will be retained in the final legislation.

I strongly support the provision in this amendment which gives preference to an alternative sponsor when the local governmental unit has maintained a pattern of exclusion of minorities or of insensitivity to the needs of economically disadvantaged citizens. It is a shameful fact that there are many places where poor and minority citizens cannot expect fair or sensitive treatment. This provision recognizes this fact and provides an alternative to governmental neglect or mistreatment of those individuals.

Although I strongly support this amendment, I am distressed that certain aspects of the bill introduced by Mrs. CHISHOLM and myself during committee and subcommittee consideration have not been included.

I think it is wrong to limit eligibility for prime sponsorship to governmental units with populations of 100,000 or more. There are many places of all sizes which need child care programs. Their citizens should not be deprived of these programs simply because they live in localities of limited population, and I therefore support the amendment of Chairman PERKINS to reduce the eligible population requirement to 10,000.

I am distressed that an amendment insuring that child care centers be operated on a nonprofit basis was rejected by the committee. It disturbs me very much that anyone should be allowed to profit economically by meeting the needs of children for care and education. I find the possibility of day care agencies cutting corners to enhance their profits an appalling prospect.

It it my view that child care should be open to a larger spectrum of families. Because of an unwillingness to commit sufficient funding the committee did not do this. Universal child care as the right of every American family is an idea whose time has come. My bill proposed to make a start in that direction by gradually opening up a larger percentage of funds to families above the Bureau of Labor Statistics Lower Living Standard. I hope this can come about in the future.

There is an unfortunate tendency on the part of many to think of child care programs as something that should meet the needs of only the very poor. Because of this type of thinking, there has been a stigma attached to child care.

This will not change until child care programs become truly universal by being opened up to a broad range of participants.

This will not change so long as poverty is a qualification for participation.

Child care for the poor is necessary, but child care to meet the needs of all children, poor and nonpoor alike, must be our goal.

In conclusion I may say that the only reason the suggestion for universal or comprehensive child care appeals to some as a vast new expenditure they are unwilling to commit is because of our hitherto lopsided priorities. We have for too long given human needs a low budgetary priority. We spend upwards of $76 billion a year and no one bats an eye.

We pour a billion dollars into a useless white elephant like the SST and when the plane turns out to be a dud we are prepared to pour in millions more.

We spend over $20 billion a year in an illegal, immoral war, this Nation, but not Congress or the White House, rejects and we shudder at the thought that the cost of total coverage of all 18 million children under 5 in the population as a whole could come to the same figure.

It is especially ironic because other countries, such as those in Scandinavia, Israel, the Soviet Union, and France, put us to shame when it comes to child care. We are terrorized that they might beat us in building a supersonic transport, but when it comes to child care, that is something else again.

We need these services desperately and we have the capacity to pay for them if we only would.

Mr. RARICK. Mr. Chairman, if this Brademas amendment providing comprehensive child development programs, including a full range of health, education, and social services for all children regardless of economic, social, and family background is approved as part of H.R. 10351, this will be a dark day for America. If this amendment is adopted, the Orwellian nightmare of 1984 will be a reality in the America of 1971.

History books are crammed with illustrations of government attempts to gain control over the minds and bodies of the young people of the country, yet Hitler with all of his regimentation never fully achieved what this amendment intends—the formation of a partnership of parents, community, State and local governments to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services.

This amendment insults motherhood and, if passed, will destroy the home. If this amendment is approved, the House will be going on record as saying that mothers do not know what is best for their children—the State does. I don't regard mothers as incompetent to care for their children.

This amendment would authorize comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program. In other words, if the House passes this amendment, it is authorizing the Federal Government to establish programs to teach all children how to eat, sleep, and think—it is authorizing the Federal Government to establish programs to take the children of Americans away from their parents and place them in the custody of the State and subject them to State-ordained programs and activities. There is no restriction in the amendment to prohibit any sort of instruction so long as it affects the child's life and is approved by the established authorities.

Furthermore, if this amendment is passed and the Federal courts follow their present practices, religion cannot be allowed in such child development programs. Passage of this amendment may signal "the death of God" for the youth of our country.

This amendment goes even further than merely providing for government-controlled nursery schools, Headstart programs, or kindergartens. It actually provides for programs to take the child completely away from his parents. The Secretary of HEW is actually instructed to program for a 24-hour day by providing other specially designed health, social, and educational programs—including afterschool, summer, weekend, vacation, and overnight programs. This is certainly reminiscent of the Nazi youth movement; in fact, it goes far beyond Hitler's wildest dreams or the most outlandish of the Communist plans.

This amendment even goes so far as to provide for services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth, and prospective parents. This provision clearly indicates that the purpose of this amendment is to replace the parent with the State; or, if this is not possible, train the parent to be an agent of the State.

The provisions of this amendment are strikingly similar to the teachings of the Communists on the destruction of the family unit. Leon Trotsky, writing in the Revolution Betrayed, 1936, commented that "you cannot 'abolish' the family, you have to replace it"—translated by Max Eastman, New York, 1965.

Supporters of this amendment argue that this is a voluntary thing, that it is not mandatory, that there will be nothing further after this act, that it is an end in itself. We have heard these arguments and assurances before. Public education was not originally intended to be compulsory. This House went on record prohibiting the use of busing to integrate schools—they bus anyway. Furthermore, this amendment itself indicates that it is merely a beginning—the foot in the door. The language is quite clear:

> It is the purpose of this Act to . . . establish the legislative framework for the future expansion of such programs to provide universally available child development services. Nobody can assure us that this program will not become mandatory. We have learned otherwise the hard way.

Millions of American men fought and died in Nazi Germany for the preservation of freedom. They fought and died because they believed in God, in the American way of life, in the sanctity of the home. For the House to consider such an amendment as this is an insult to their memory; to pass such an act would be a desecration of their honor, a rejection of their sacrifice.

The Commandments of God teach us to "Honor thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee"—Exodus 20:12. This is the fifth Commandment; it is the first Commandment to deal entirely with the daily life of man. Only the worship of God is considered more important.

This amendment would have our Government institute programs to teach our children and grandchildren to honor the State. I cannot support it; my people would be shocked that the Congress of the United States of America would dare to consider enacting such legislation.

I intend to cast my people's vote against this atrocity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BRADEMAS) as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. PERKINS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PERKINS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BRADEMAS and ERLENBORN, Mrs. GREEN of Oregon, and Mr. QUIE.

The Committee divided, and the tellers reported that there were—ayes 203, noes 181, not voting 48, as follows:

[Roll No. 273]

[Recorded Teller Vote]

AYES—203

Abourezk
Abzug
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Carter
Casey, Tex.
Celler
Chisholm
Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Dellums
Denholm
Dent
Dingell
Donohue
Dow
Dowdy
Drinan
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Holifield
Horton
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Koch
Kyros
Leggett
Lent
Link
Long, Md.
McCormack
McDade
McKay
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Mosher
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Stokes
Stratton
Stubblefield
Sullivan
Symington
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NOES—181

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Betts
Bevill
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Downing
du Pont
Erlenborn
Findley
Fish
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frey
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Henderson
Hicks, Wash.
Hillis
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lloyd
McClory
McCollister
McDonald, Mich.
McEwen
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Morse
Myers
Nelsen
Pelly
Pettis
Powell
Price, Tex.
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—48

Adams
Ashley
Clawson, Del
Conable
Delaney
Derwinski
Diggs
Dorn
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Frenzel
Galifianakis
Grasso
Gubser
Hagan
Hanna
Hébert
Jonas
Kee
Kluczynski
Landrum
Long, La.
Lujan
McCloskey
McClure
McCulloch
McFall
Miller, Calif.
Moorhead
Morgan
Moss
Murphy, N.Y.
Nichols
Passman
Pirnie
Poff
Rooney, Pa.
Runnels
Ruppe
Sikes
Smith, Calif.
Stuckey
Wilson, Charles H.

Mr. O'KONSKI. Mr. Chairman, I inadvertently voted "no." I ask unanimous consent that I may change my vote from "no" to "aye."

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

So the amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 16, line 21, insert befor the comma the following: "and to the extent that any program levels in any stat are not reduced as a result of applying th provisions of this subsection".

Mr. STEIGER of Wisconsin. Mr Chairman and members of the Committee, section 7(a) of the bill now befor you amends section 225(a) of the Economic Opportunity Act to provide tha Puerto Rico, the trust territories, Guam American Samoa, and the Virgin Island have a minimum allotment of 4 percen as compared to the present law whicl provides for a maximum of 2 percent o the funds available for Headstart, loca initiative, and other programs.

Mr. Chairman, the amendment I hav offered is one which is intended to insur that the action of the Congress in providing this new language will in no wa affect those States who presently receiv funds receive less than they now get. Th effect of the committee bill is to ask th Office of Economic Opportunity to mor than double the size of the programs no existing in Puerto Rico and the othe territories.

Mr. Chairman, the Congress needs t clearly understand what it is doing i changing the wording from "not mor than 2 per centum" to "shall reserve per centum". The net result of the authorization and appropriation proces for the Economic Opportunity Act ha been one of the continuation of level for local initiative programs and fo many of the special emphasis program such as Headstart. Assuming there wil be no room for expansion in these programs once appropriations have bee made for fiscal year 1972, OEO will b forced to reduce programs across th country in order to meet the requiremen contained in this bill for Puerto Rico an the other territories. In order to come u with the $16 million, OEO will have t cut all State allocations local initiativ and Headstart programs by 2 percent.

Mr. Chairman, I shall not take th time, though I can, in attempting to detail to the Members of the Committe the results that are going to take plac in your own State if you do not adop my amendment. Let us clearly understand that if we have not done something with this 2-percent increase fo Puerto Rico and the territories the when we come back we will be confronte with this situation where OEO will hav had to cut local initiative and Headstar programs by 2 percent, and thus tak some $16 million away from presen local initiative and Headstart program now being operated across the Unite States.

Mr. Chairman, I think it would be a serious mistake, and I think it is on about which you ought to be aware, no to take action on this at this time. It i for that reason that I offer this amendment. This does not change the fact tha if additional funds are appropriated an no reduction is required, then Puerto Rico and the territories will get their full amount.

Given these considerations, I urge tha the amendment to section 7(a) of thi bill I have offered be adopted.

That is why this is a hold harmless provision. It does not repeal the language of the amendment in the committee bill, but there is serious doubt as to whether the other programs in the magnitude of $16 million can even be developed in the time remaining in Puerto Rico.

In view of these considerations I urge this body to adopt this amendment which insures a hold harmless provision, and we will not have a negative effect upon the programs on the mainland, and we will, I believe, insure that when additional funds are available then the programs in Puerto Rico, Guam, and the Virgin Islands can be funded.

Mr. Chairman, I urge the adoption of my amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. CÓRDOVA FOR THE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. CÓRDOVA. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Wisconsin (Mr. Steiger).

The Clerk read as follows:

Substitute amendment offered by Mr. Córdova for the amendment offered by Mr. Steiger of Wisconsin: Page 16, strike out line 21 and all that follows down through page 17, line 4, and insert the following:

Sec. 7. (a) (1) Section 225(a) of the Act is amended by striking out "the Director shall allot" and all that follows down through "He shall also reserve", and insert in lieu thereof the following: "the Director shall reserve".

(2) Section 609(1) of the Act is amended by striking out "; except that when used in Section 225 of this Act the term means only a State or the District of Columbia".

Mr. CÓRDOVA. Mr. Chairman and Members of the House, my amendment proposes to meet the objections which the gentleman from Wisconsin (Mr. Steiger) seeks to meet in his amendments; that is, to protect against any cuts in existing programs in the States.

What it does, the language of my amendment, would instead of providing for a 4-percent set-aside for Puerto Rico and the territories, it would eliminate any set-aside, and would seek to place Puerto Rico, Guam, and the Virgin Islands in the same position as States.

In this fashion the Office of Economic Opportunity would not be required to first meet 4 percent for Puerto Rico and the territories, and then divide the balance, but Puerto Rico would come in, and so would the other territories, in the same fashion as States under the existing formula.

The Director of the Office now has discretion to expand 20 percent of the funds under section 225 of the community action program. He can expend them at his discretion, and he also has discretion to reallot such amounts as may not be needed in any particular State.

I suggest that not giving Puerto Rico and the territories the special treatment of setting aside 4 percent, a rigid figure of 4 percent, and simply making them come under the same formula as the other States, would be best.

Mr. BURTON. Mr. Chairman, would the gentleman yield?

Mr. CÓRDOVA. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I would like to state that I support the substitute amendment offered by our colleague, the Resident Commissioner from Puerto Rico (Mr. Córdova). I think that he and our duly elected Republican Governor have stated most effectively the case for the support of the Resident Commissioner's position, and I urge my colleagues on this side of the aisle to join with me in support of the substitute amendment offered by the Resident Commissioner from Puerto Rico (Mr. Córdova).

Mr. CÓRDOVA. I thank the gentleman for his support.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. CÓRDOVA. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I would like to ask the gentleman what the amount of the allocations to Puerto Rico, Guam, and the Virgin Islands would be under his amendment at the level of the funding of these programs at the present time?

Mr. CÓRDOVA. It would be larger than 4 percent, that is my understanding. How much larger I do not know.

Mr. ERLENBORN. So at the present time it is 2 percent, the committee bill would double that to 4 percent, and your amendment would be larger than 4 percent?

Mr. CÓRDOVA. That is right.

Mr. ERLENBORN. I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CÓRDOVA. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, am I not correct, may I say to the Resident Commissioner, in assuming that the end result of your substitute, if it were to be adopted, would be that instead of requiring $16 million transferred from the mainland to Puerto Rico, that they will transfer $42.5 million in order to make it comparable to the State allocations under title II of the Economic Opportunity Act.

Mr. CÓRDOVA. I cannot say how much would have to be transferred now. The allocation would be larger if the same State treatment were given to Puerto Rico, the Virgin Islands, and Guam.

Mr. STEIGER of Wisconsin. This amendment, if I am correct, is identical with the Senate bill.

Mr. CÓRDOVA. The Senate bill is not quite identical. The Senate bill provides for not more than 4 percent in the next fiscal year and then treatment as States the following fiscal year.

Mr. STEIGER of Wisconsin. To treat Puerto Rico as a State for the next fiscal year?

Mr. CÓRDOVA. That is right. But I suggest that by the exercise of discretion by the OEO, the States can depend on the same kind of protection they have gotten as shown by this amendment where the office of the OEO has taken the position of fighting any increased allocation to Puerto Rico.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CÓRDOVA. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, as the ranking Republican on the Trust Territories Subcommittee, I rise in support of the amendment of our distinguished colleague from Puerto Rico (Mr. Córdova).

The allotments for Puerto Rico, the Virgin Islands, Guam, and our other trust territories have been substantially below the national level.

The question of taxes has been raised, as it relates to Puerto Rican and trust territory residents. The Congress has recognized the fact that the income level in Puerto Rico is, one-third of the national level and has permitted Puerto Rico to top the revenue sources available, and to use the revenue to meet some of the urgent problems existing there. This policy dates back to 1900, when Congress provided for the first civil government in Puerto Rico under the American flag and realized, on the basis of the report of the military governor, that the possible revenues were not sufficient to maintain the type of government which was usual in any American community.

They pay taxes into the social security system. As American citizens, the people of Puerto Rico and the trust territories have served in our military services.

The amendment by Mr. Córdova is deserving of our support for a number of reasons but the most significant, I believe, is that it would place the nearly 3 million American living in these areas in the same category as the States of our Union; the same factors of employment, income and so forth.

The educational, economic, and security interests are involved in this amendment.

In the not too distant future, this House will be considering a nonvoting delegate bill for Guam and the Virgin Islands. I have cosponsored and supported this legislation for the same reasons I support this amendment. It is very much in the overall interests of the United States to improve and enhance our working cooperative relationships and our communications these people and their governmental leaders. This is particularly appropriate when one considers the rapidly changing political and security matters in the Caribbean, Latin America and the Pacific Basin. This represents a point of view reflecting our international interests.

On the domestic situation, I would like to establish a very significant point. We are paying very high welfare costs in the metropolitan areas of the country because of the inadequate opportunities in these areas that have caused these people to migrate to our big cities seeking opportunities that simply did not exist because they were not prepared to meet the tremendous challenges of urban metropolitan life. The same is true of Rural America. We must check this outmigration and concentrate on revitalizing and diversifying the opportunities for people living in economically depressed areas.

Mr. Córdova's amendment would help to accomplish these domestic and international objectives. Therefore, I commend him and ask you to support his efforts.

Mr. CÓRDOVA. Mr. Chairman, I ask the support of my colleagues for this amendment as a substitute for the amendment proposed by my colleague, the gentleman from Wisconsin.

Mr. MEEDS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Puerto Rico.

Mr. Chairman, for almost 6 years now the 2½ million people of Puerto Rico have been systematically denied their equal share of the funding under the Office of Economic Opportunity. This has been done by language which said "not more than 2 percent." The fact is—this has always been interpreted as less than 2 percent. As a result, the people of Puerto Rico have always gotten less than 2 percent of funding.

The fact is that Puerto Rico with 2½ million people is approximately the same size as the 25th largest State in this Union. Everyone of those people are American citizens. Everyone of them is entitled to the full representation and to the full funding which goes to any State in the Union under the Office of Economic Opportunity legislation.

The amendment of the gentleman from Puerto Rico would establish that fact and would provide funding for them at the rate of the States. In other words, they would get what they would be entitled to on the basis of population just like any other State.

I am supporting that, but minimally, I am saying that we must hold the committee position because if we accept the amendment offered by the gentleman from Wisconsin (Mr. STEIGER), we will go right back to the old game of depriving the people of Puerto Rico—because he says, if money is not required to be taken—and the fact is that this money has been taken from the people of Puerto Rico, Guam and American Samoa all these years and is being used in a discretionary fund by the director of the OEO.

No basic allotment to any States would be affected by the committee language. It deals only with discretionary funds of the director and, therefore, the people of Puerto Rico, Guam, and the Virgin Islands would be allowed to set up the kind of programs that they should under this legislation and receive the kind of funding that they should have under this law. I suggest that these American citizens are entitled to everything the rest of us are, and if we accept the amendment of the gentleman from Wisconsin, we will be denying them equality.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the amendment offered by the Resident Commissioner of Puerto Rico.

The CHAIRMAN. The gentlewoman from Oregon is recognized.

Mrs. GREEN of Oregon. I join my friend from Washington in saying that Puerto Rico is larger in population than many other States from which we come. Perhaps they have even greater needs than in some of our other States.

Our colleague and friend from Wisconsin argued that we must not give Puerto Rico this amount of money because it would reduce the money that is going to your State. That seems a very, very strange thing. What we have done all these years is to reduce the money going to Puerto Rico so that there could be more money spent in all the 50 States. Residents of Puerto Rico are either American citizens and they ought to be treated that way, or they are not American citizens. I suggest the amendment that was offered by the Resident Commissioner is fair and equitable. If the Puerto Rican families moved to New York, they are eligible for child development programs. If the population is in Puerto Rico, and the needs are there, then they ought to be included on a population basis.

I would also suggest that the real problem is not that you should not have the funds in your States to use, but the funds in every one of the States ought to be spent better.

The report to which I referred a moment ago indicated that we had spent $27 million in the Portland area, and 86 percent of the people in the target area in North Portland were not even aware that there were war on poverty programs. I am talking about the target area. There is another part of that same report. An independent consultant gathered the material. He said that there had been $7 million of Federal funds wasted. This is what we ought to be talking about. How do we redesign the poverty programs so that the funds will be spent wisely?

I support the amendment offered by the Resident Commissioner.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I shall be happy to yield to the gentleman in a moment.

Mr. Chairman, it would on the surface appear to be fair to extend the same rights to Puerto Rico, the Virgin Islands, and the trust territories as are extended to the States. But I think along with the receipt of this sort of fair treatment, ought to go fair treatment as to obligations as well. If those territories pay taxes on the same basis, then certainly they should get benefits on the same basis. Seeking to be treated equally for benefits, I think they should then offer to be treated on the same basis for tax purposes.

I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

Mr. Chairman, I do not think there is any question that there are problems in Puerto Rico, Guam, the Virgin Islands, and the Trust Territories. But I think the committee ought to at least have the bare, cold facts of life before it before it goes about the business of attempting to adopt the amendment of the Resident Commissioner. Let us understand that under the formula contained in the Economic Opportunities Act, it is a trifactor formula, Puerto Rico will receive 6.73 percent of total State distribution. Interpreted into fiscal year 1970 dollars, this would amount to about $42.5 million, or 3½ times its fiscal year 1971 allotment. The $42.5 million will have to be paid out of the State allotments and will reduce the levels of 16 States who are over their statutory minimum allotments. Puerto Rico's allotment is surpassed in magnitude only by New York and California. It is heavily skewed by Puerto Rico's large number of children under 18 in families with annual income under $1,000, which is 13.6 percent of the U.S. total. The estimated reduction out of Headstart for Mississippi is $8.6 million, $3.3 million out of New York, $2.9 million out of the District of Columbia, $3.2 million out of Illinois, $2.5 million out of Arkansas, $2.1 million out of Texas, $3 million out of Missouri, $5.5 million out of Arizona, $1.2 million out of California, and $1.2 million out of Washington.

There must be, I think, a clear understanding that unless we adopt the amendment I have offered, the end result will be a substantial reduction of local initiative and Headstart programs in the mainland States. I think that would be a mistake.

I am grateful to the gentleman from Illinois for his willingness to share his time with me.

Mr. BADILLO. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Mr. Chairman, I think it is important that all Members of Congress remember that the relations between Puerto Rico and the United States were voted upon by the Congress, and it was the Congress which said the Puerto Ricans are American citizens and are entitled to the privileges and the obligations of American citizens. For that reason Puerto Ricans serve in the Armed Forces.

When it came to the question of taxes, the Congress provided that because the level of income of the Puerto Ricans was so far below the rest of the country, until that level grows to a level comparable with that of the other States, the Puerto Ricans would not pay Federal taxes.

The reason for that was to enable the Puerto Ricans through their own efforts and through their Operation Bootstrap to show how they could develop themselves economically. So that was a compact that Congress and the Members of the Congress entered into with the Commonwealth of Puerto Rico.

However, we are now talking about legislation that has to do with the development of poor people, and when it comes to that kind of legislation, there is no separate class of American citizens. There is only one kind. What we say is that if Puerto Ricans have the obligations of American citizens, such as service in Vietnam, such as being entitled to be killed in Vietnam, they are entitled to get help in Puerto Rico. So we say that to help develop Puerto Rico economically it is important that we consider them as American citizens for the purpose of this action.

For that reason, Mr. Chairman, I support the amendment.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, the gentleman from Wisconsin points out that it costs $26.5 million a year to extend this program to Puerto Rico. If those figures are anywhere near correct, under present funding this means that Puerto Rico, during the funding we have had with the OEO, has been deprived of $150 million on the basis of population. I suggest we ought to start making up for that loss.

Mr. HALEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in favor of everybody having a legal share in anything, but now we are talking about treating these people as we treat the rest of American citizens. Do the Members know the people of Puerto Rico pay no income tax and pay nothing into the Federal Treasury? We have expended millions of dollars to assist these people. If they want to come along and take their chances and be American citizens, let them pay the taxes, the income tax and other taxes that my people in Florida pay. If the Congress exempts us from income tax to be paid to the Federal Government, we will not come to the Federal Government for anything, because we would not need anything.

The CHAIRMAN. The question is on the substitute amendment offered by the distinguished Resident Commissioner from Puerto Rico for the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—ayes 76, noes 61.

TELLER VOTES WITH CLERKS

Mr. STEIGER of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. STEIGER of Wisconsin. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. CÓRDOVA, Mr. STEIGER of Wisconsin, Mrs. GREEN of Oregon, and Mr. QUIE.

The Committee divided, and the tellers reported that there were—ayes 202, noes 161, not voting 69, as follows:

[Roll No. 274]

[Recorded Teller Vote]

AYES—202

Abourezk
Abzug
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Aspin
Badillo
Baker
Barrett
Begich
Bell
Bennett
Bergland
Biaggi
Bingham
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brotzman
Brown, Mich.
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Camp
Carey, N.Y.
Carney
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellums
Denholm
Dent
Devine
Donohue
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Frey
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Koch
Kyros
Leggett
Link
McClory
McCormack
McDonald, Mich.
McEwen
McKay
Madden
Mailliard
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Ohio
Minish
Mink
Mitchell
Mollohan
Monagan
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, James V.
Steiger, Ariz.
Stokes
Stubblefield
Sullivan
Symington
Talcott
Teague, Calif.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Whalen
Whalley
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Yates
Young, Tex.
Zablocki
Zwach

NOES—161

Abbitt
Abernethy
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Belcher
Betts
Bevill
Biester
Blackburn
Bray
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Collier
Collins, Tex.
Colmer
Conte
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dickinson
Dingell
Dowdy
Downing
Duncan
Dwyer
Erlenborn
Esch
Findley
Fish
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Fulton, Pa.
Fuqua
Galifianakis
Gaydos
Gettys
Goldwater
Gonzalez
Gray
Griffin
Gross
Grover
Haley
Hammerschmidt
Harsha
Harvey
Hastings
Henderson
Hogan
Hosmer
Hull
Hutchinson
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
McCollister
McDade
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mann
Martin
Mathis, Ga.
Mayne
Michel
Mills, Md.
Minshall
Mizell
Montgomery
Nelsen
O'Konski
Pelly
Peyser
Poage
Powell
Price, Tex.
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Roberts
Robinson, Va.
Ruth
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Slack
Snyder
Spence
Springer
Stanton, J. William
Steiger, Wis.
Stephens
Stratton
Taylor
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Ware
White
Whitehurst
Whitten
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—69

Adams
Alexander
Ashley
Baring
Blanton
Blatnik
Celler
Clark
Clawson, Del
Conable
Derwinski
Diggs
Dorn
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Frenzel
Goodling
Grasso
Griffiths
Gubser
Hagan
Hall
Hanna
Hansen, Idaho
Hébert
Heckler, Mass.
Holifield
Hunt
Ichord
Jonas
Kluczynski
Landrum
Lennon
Long, La.
Long, Md.
Lujan
McCloskey
McClure
McCulloch
McFall
Metcalfe
Miller, Calif.
Mills, Ark.
Moorhead
Morgan
Moss
Murphy, N.Y.
Nichols
Passman
Patman
Pirnie
Poff
Rousselot
Runnels
Ruppe
Sikes
Smith, Calif.
Steed
Steele
Stuckey
Teague, Tex.
Wilson, Bob
Wilson, Charles H.
Yatron

So the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SCHEUER

Mr. SCHEUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHEUER: On page 18, after line 3, insert the following new section:

SEC. 9. Part C of Title II of the Act is amended by adding at the end thereof the following new section:

"SEC. 234. (a) The Director may contract or provide financial assistance for projects conducted by public or private agencies which are designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. In administering this section the Director shall give special consideration to programs designed to assist older persons who are not being effectively served by other programs under this title.

(b) For the purpose of carrying out this section there are hereby authorized to be appropriated (in addition to the amounts authorized by Section 2(a) of the Economic Opportunity Amendments of 1971) $50 million for the fiscal year ending June 30, 1972, and for each succeeding fiscal year such sums as may be necessary."

and renumber the following sections accordingly.

Mr. SCHEUER. Mr. Chairman, this amendment is designed to remedy a problem that has become endemic in this country in connection with the poverty program, the failure to adequately serve our senior citizens. In effect, it puts $50 million of additional funding into programs designed for elderly people.

Mr. Chairman, last spring the Field Hearing Subcommittee No. 1, of the Committee on Education and Labor, under the distinguished chairmanship of the gentleman from California (Mr. HAWKINS), held oversight hearings in New York.

At that hearing a charge was made that astonished many members of the subcommittee. The charge was made that in the administration of the poverty program, there has been "systematic discrimination" against elderly people of the Jewish faith; that they were being threatened, harassed, and intimidated and by various means excluded from participation in the poverty program.

I immediately asked the GAO, under Mr. Elmer Staats, to monitor investigations of this charge to be undertaken by OEO and the New York City Human Resources Administration.

These investigations were in fact conducted. The GAO did supervise these investigations. To make a long story short, Mr. Chairman, to quote the words of the OEO report, the charges of discrimination against elderly people of Jewish faith—"While imprecise are not totally devoid of validity."

Mr. Chairman, without going into all the details of particular occasions of harassment, threats, intimidation, and what not, when all the dust had settled and the smoke had cleared, it was quite true that in a considerable number of cases there had been acts of intimidation against elderly people of the Jewish faith. But what was more important and what was more significant was that there was a clear pattern of discrimination against elderly people—period—against elderly Catholics; against elderly Protestants; against elderly people of Irish and Italian extraction—and, yes, Mr. Chairman, against elderly blacks and Puerto Ricans.

Now this is true for two reasons. When we wrote the poverty program, as a way of identifying the first target opportunity, this House in its wisdom directed that poverty be attacked first in areas of the most dense areas of concentration of poverty.

These areas were our targets of opportunity—and I think properly so.

Because of the direction many elderly people who became poor as they became elderly and who were thus living outside of the most dense concentrations of poverty were legally excluded from participation in the program.

Second, Congress designed the program primarily to break out of the environment which causes poverty. This meant that the program was directed toward young people—people to whom we could give new skills and a new orientation to help them rise out of poverty. Because of this congressional focus on the young, even when the elderly live in poverty neighborhoods, they are excluded from the benefits of the program.

Out of current appropriations of approximately $2 billion last year, approximately $6 million was spent on the elderly poor. The elderly poor comprise 20 percent of our poverty population. They should have in all fairness received something like $400 or $500 million of that $2 billion appropriation.

But instead of receiving 20 percent of that appropriation for poverty, they received less than one-third of 1 percent.

Mr. Chairman, what my amendment proposes to do is to bring the elderly poor not up to parity on a per capita basis—but up to one-tenth of parity.

The CHAIRMAN. The time of the gentleman from New York has expired.

(Mr. SCHEUER asked and was given permission to proceed for 3 additional minutes.)

Mr. SCHEUER. Mr. Chairman, on the basis of the percentage of the elderly poor, they should receive as high as approximately $400 to $500 million. My amendment is to give them $50 million or approximately one-tenth of their per capita fair allotment.

Now, Mr. Chairman, what we are faced with across the country if we do not take this kind of action is the most bitter kind of confrontation between the white, black, Puerto Rican and Chicano elderly poor and the black and Puerto Rican and Chicano youthful poor. This I am sure, all of my colleagues wish to avoid.

We do not begrudge the youthful poor a single dime, a centime, a sou of the inadequate funds we have put at their disposal. We wish to avoid the horrifying spectacle of elderly white people and the youthful black and Puerto Rican people fighting over these pitifully inadequate funds.

What I suggest, Mr. Chairman, to avoid this ugly confrontation between age groups and between our religious and/or ethnic groups, is to go one-tenth of the way toward doing justice to our elderly poor. Our elderly poor are the silent, the invisible poor. They do not organize. They do not demonstrate. They do not sit in. They do not stand in. They do not invade Government offices. They do not upset files and burn them. They do not throw stink bombs. They do not deface property or buildings. For that reason, perhaps, we have not listened hard enough to what they have to tell us.

Most of them have lived lives of dignity. They have worked. They are poor because they are old, because they are living on pensions that are inadequate to the needs of basic survival in a time of inflation.

Mr. Chairman, to sum up, in order to do minimum justice to the poor and to avoid a confrontation that this country does not need at this anxiety-ridden time, I urge my colleagues to vote for this first basic step that will give us a mere approach, a mere first step, toward the ultimate goal of doing what is right, decent and honorable for the elderly poor.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Texas.

Mr. KAZEN. I should like to ask the gentleman this question: What is the criterion of age that would be used? Is it age 60, age 62, or 65?

Mr. SCHEUER. There is a division for the elderly in the Office of Economic Opportunity. I believe it is 65 or 55.

Mr. KAZEN. This is what I think you had better clarify right now.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DU PONT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Delaware is recognized.

Mr. DU PONT. Mr. Chairman, I have a question for the sponsor of the amendment, the gentleman from New York. If I understand the amendment correctly, it is designed to provide funds for elderly citizens. If that is true, why is the amendment drafted in such a way that it is not mandatory that the funds be used for the elderly? There seems to be in section A a discretionary power in the Director to use the funds for any program he sees fit.

Mr. SCHEUER. It is designed to reach people who are not being effectively served by the program now. If they are youthful people who are not being served, they would be included. We had an example in the testimony of some Hasidic Jews who were living in dreadful poverty in Brooklyn who were not being served. They should also be included. If a young Italian or Irish boy is being excluded, whether because of geography or whether because their needs simply were not being sensitively appraised by the local community leaders of the local poverty program—for whatever reason—if there are people entitled to be served who are not being served, but were meant to be served, they would be served by these additional funds, with a preference being given to the elderly who are not being served.

Mr. DU PONT. I thank the gentleman. I yield back the balance of my time.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered to provide $50,000,000 in new funds under the Economic Opportunity Act to finance new programs for the elderly poor.

The plight of our over-65 Americans has greatly concerned me. More than any other group, our senior citizens have suffered the ravages of inflation. Living on fixed incomes, many have passed from a reasonable life style into a state of poverty over the last few years.

There are 20,000,000 Americans over the age of 65 and they are increasing at a rate of over 300,000 annually. Over half of those that are still heads of families have incomes of less than $5,000; and over half of those living alone or with nonrelatives have incomes of less than $2,000. It is a crime that we seem to condemn to a retirement in poverty those Americans who have devoted their lives to building a better country.

This $50,000,000 will be a start toward helping these people who are in desperate financial straits. Additionally, this body should enact several bills I have introduced with numerous cosponsors to further relieve the financial burden of the over-65 American.

These bills include a $5,000 retirement income deduction, a full medical expense deduction, elimination of the outside earnings limitation for social security recipients, and expanding medicare coverage to include prescription drugs, chiropractor's services and optometric services.

Additionally, I have urged that a tax exemption be permitted for those taxpayers who have an elderly dependent with over $650 income. This is the same exemption now allowed for dependents under the age of 19.

Our older Americans grew up in a period of national turmoil. The depression, two world wars, the Korean war, and the postwar recovery periods drained their energies and in many cases their financial resources. Yet they persevered and kept the spirit of America alive through those troubled times.

Now it is our turn to see that they can enjoy the fruit of their toils. Let us hope that history will not judge us as being uncaring for those who having contributed much to our freedom and way of life. Let us not cast aside the older American, if for no other reason than we all will someday reach that state.

Mr. Chairman, I strongly urge the adoption of this very important amendment.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

The **CHAIRMAN.** The gentleman from Michigan is recognized.

Mr. GERALD R. FORD. Mr. Chairman, the amendment would add $50 million to the proposed legislation. It would create a new program under title II of the Economic Opportunity Act, a program not heretofore in existence, a program not recommended by the committee, a program not requested by the administration, a program that is effectively covered with a multitude of other programs already in existence.

It is a $50 million add-on that is not needed at all. Let me just be quite fair and precise in this. Many of us were willing to go along with the committee bill, because we thought this was a program, structured as it was, that would keep OEO in business in an effective, reasonable and responsible way. But if this amendment and others comparable to it are added to this legislation, then I think it could well mean this legislation will have more and more trouble in the final analysis. I do not think this kind of amendment, which was not approved by the committee, which adds $50 million more to the bill, is needed, and I strongly urge the committee to defeat the amendment.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to state that under the present Economic Opportunity Act we are presently expending a clearly identifiable $8 million for the senior citizens. That is all that is being expended. We should be expending more. We stipulate $8 million in the bill, although we would hope much more could be expended at the discretion of the director from funds available to him. Insofar as the need for the elderly and the senior citizens' opportunities, they have funds for only about one-tenth of the need throughout the country. It is up to the committee to do what it wishes. I certainly feel kindly disposed to the amendment of the gentleman from New York, as I do to toward all efforts to increase the country's awareness of the problems of the aged. However, the Committee on Education and Labor worked its will on the bill before the House, and did the best it felt it could for this important program.

Mr. RANDALL. Mr. Chairman, I rise in support of the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I have read the amendment offered by the gentleman from New York. The important part, it seems to me, is that it says in administering this section, the administrator shall give special consideration to programs designed to assist older persons who are not being effectively served by other programs under this title.

While the gentleman has not said I ask him whether this includes assistance and help on some of the programs recently developed for our elderly citizens in the rural areas.

Mr. SCHEUER. There is no question about it that our rural elderly poor are the most pitifully and shamefully underserved by such programs.

Mr. RANDALL. The minority leader objected to adding some money here, but we have added a great deal of money this afternoon. Here we are talking about $50 million, and at the present time, the gentleman tells me this is only one percent of the total that is justified.

Mr. SCHEUER. It is about 2⅓ percent.

Mr. RANDALL. Will the gentleman state what the ratio would be for the relative number of elderly poor as compared to the relative number of youthful poor.

Mr. SCHEUER. It would be about 10-percent increase to build it up. It should be about $500 million instead of $50 million.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I have in my hand a chart from the Office of Economic Opportunity showing the programing for the aged. In the total of all programs in this chart, it shows the Office of Economic Opportunity spending for the aged for fiscal year 1971, ending June 30, was $104.2 million. That is all programed in the Office of Economic Opportunity functions. Instead of $8 million that the gentleman from Kentucky mentioned or the $12 million that is allegedly being authorized in this bill, in the last fiscal year the program expenditures were $104.2 million, so I think there has been adequate consideration for the problems of the aged poor.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the distinguished chairman.

Mr. PERKINS. We must bear in mind that we have considered the elderly from 55 on up; those who are unemployed primarily, and above 55 years of age. The amount of money the minority leader referred to is an estimate of the Department based on all the programs—medical centers, manpower programs and everything else.

To come here and say there is $100 million in this bill for the elderly is just not true.

Mr. GERALD R. FORD. If the gentleman will yield, I will put the information in the RECORD.

Mr. RANDALL. Mr. Chairman, I should like to make an observation. There have been more than 20 Members here in the House who have written letters and joined on resolutions to create a Select Committee for the Aged. That was not created, but we do have a committee which has started work, going from coast to coast. Already they have had two or three important hearings. Dr. Flemming, and the Social Security Commissioner, came over from Baltimore. Those two were the principal witnesses. There will be dozens and hundreds of others.

Just one word comes out. The word is "income" for the elderly poor.

Now is the time, if the Members did not mean the resolution to be a charade. If they really meant it to mean something they should support the amendment offered by the gentleman from New York.

Statistics are always subject to being challenged but I believe those who reason that of our approximately 200 million population, one out of every 10, or approximately 20 million, are our elderly citizens over the age of 65 years.

Now, I know there are different figures that are advanced as to how much total money is contained for the benefit of the elderly in H.R. 10351. The best figure that I can get from those who should be informed is that there is less than $10 million. The amendment of the gentleman from New York (Mr. SCHEUER) which I intend to support, calls for earmarking $50 million a year for the fiscal year ending June 30, 1972, and for the succeeding fiscal years as may be necessary. Assuming that our elderly constitute 10 percent of our total population, and knowing that the poverty bill calls for an authorization of approximately $2 billion, then for our elderly to receive what we call parity they would have to have earmarked for their benefit approximately $200 million. As it is, assuming they will receive approximately $10 million under the committee version of the bill, they are a long ways from parity. In fact, they are not within one-tenth of parity.

That is why I support the amendment of the gentleman from New York (Mr. SCHEUER). I support his amendment because it requires the Director of OEO to give special consideration to programs designed to assist elderly persons who are not being effectively served by other programs under this title.

Mr. Chairman, if this amendment is not adopted I shall oppose H.R. 10351 on final passage not only because it authorizes over $2 billion but because once again it neglects the rural areas—and particularly the elderly poor in our rural areas.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I join my colleague from Missouri in his remarks.

Mr. PODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the pending legislation that would provide an additional $50 million to the Office of Economic Opportunity for new programs that would benefit our Nation's elderly poor.

While America's 20 million senior citizens constitute not quite one out of every 10 Americans, they make up 20 percent of all our Nation's poor. Five million Americans, one-fourth of all our senior citizens, today live in households whose income is below the poverty line. In addition, the Senate's Special Committee on Aging, in its report "Economics of Aging," declared that between 1968 and 1969 poverty increased among those 65 and over by 200,000 and by some 12,000 for those from 60 to 64.

The 5 million elderly individuals who live below the official poverty line have been inadequately served by the OEO program. The OEO authorization aimed at improving the plight of the elderly poor has never exceeded $8 million out of a total annual OEO budget of $2 billion. Last year, the city of New York received less than $500,000 in OEO funds aimed at helping our senior citizens. This scanty allocation is a pitiful—and disgraceful—pittance, compared with the magnitude of the need of the impoverished elderly.

The proposed increase of $50 million is a small amount, a conservative amount, as measured against the total $2.2 billion authorization contained in this bill. In testimony before the House Committee on Education and Labor, Mr. William Fitch, Director of the National Council on the Aging, stated that projects totaling $50 million have already been prepared by the community action agency but have not been funded due to a lack of appropriated money.

One of the reasons why the elderly poor have been excluded from more complete participation in the OEO program is that some of the early OEO pioneers and some who are there today felt that the purpose of the agency was to break the cycle of poverty for the young; that it was, in effect, too late to do so for the old. This line of thinking sentences the elderly poor to live out their lives in penury, without so much as a helping hand from antipoverty projects.

This is an immoral, outrageous argument, coldly relegating the elderly to society's scrapheap, although those turning 65 may have many more years of life ahead of them. Our Nation's senior citizens, instead of being inhumanely turned out to fend for themselves, should be allowed to enjoy their golden years free from the aching pangs of financial worry.

I strongly urge the appropriation and earmarking of $50 million for new programs for the elderly poor. I hope my colleagues in Congress will look with favor on this most important measure and recognize that our elderly have a right to increased OEO assistance in living their retirement years in dignity and comfort.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SCHEUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCHEUER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS: Page 45, beginning in line 15, strike out "the date of enactment of the Economic Opportunity Amendments of 1971" and insert in lieu thereof "such date as may be prescribed by the Director of the Office of Management and Budget, or six months after the enactment of the Economic Opportunity Amendments of 1971, whichever is the earlier,".

Mr. MEEDS. Mr. Chairman, this is a technical amendment, which merely provides that when the capital equipment of the presently existing Legal Services program is turned over to the new Legal Services program there will be someone there to receive it. Under the language of the bill there would not be anyone there to receive it. This simply postpones the date of the turnover to a later date. It has been checked with both sides and found acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. MEEDS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS: Page 40, line 15, strike out "financial transactions" and insert "accounts and operations".

Page 41, beginning in line 2, strike out "in use by the Corporation pertaining to its financial transactions" and insert in lieu thereof the following:

used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 1008(b).

Page 41, line 14, strike out "financial".

Page 41, line 17, strike out "financial".

Mr. PERKINS. Mr. Chairman, I support in the strongest possible terms the provisions of H.R. 10351 creating the Legal Services Corporation. However, I have an amendment relating to the adequacy of the provisions of H.R. 10351 with respect to the access by the General Accounting Office to records of the Legal Services Corporation. My amendment is designed to authorize a comprehensive audit by the General Accounting Office of the operations of the proposed Corporation, its employees, guarantees, and contractors.

Subsections 1010(b) (1) and (2) of H.R. 10351 would authorize the General Accounting Office to perform audits of the "financial transactions" of the proposed Corporation. I believe that it is desirable for the Congress to have independent information as to the activities, programs, and operations of the Corporation and that such information should be provided by an agency responsible to the Congress. In order to avoid any contention that GAO's review authority is restricted to only financial transactions I feel that subsections 1010(b) (1) and (2) need substantive revision. In addition, subsection 1008(b) could be construed to further restrict GAO's review of the Corporation programs. Under the language of that subsection it could be argued that copies of reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors are not available to the General Accounting Office. Without access to such reports the review of the Office of Economic Opportunity legal services program which was conducted pursuant to title II of the 1967 amendments to the Economic Opportunity Act of 1964, 42 U.S.C. 2702, would not have been possible.

Accordingly, I feel that revisions to subsections 1010(b) (1) and (2) are needed to assure that the Congress will receive from GAO the type of informative reports that are appropriate to adequate legislative oversight of the proposed Legal Services Corporation.

It is apparent that the Corporation that would be established by H.R. 10351 would have more autonomy than has the current OEO Legal Services program. This fact, it seems to me, is sufficient basis for GAO to have at least as much audit authority over the proposed program as it now has over the current OEO program. I feel that revision along the lines suggested herein would not dilute in any real sense the autonomy sought for the operation of the program but at the same time the Congress would be assured of more meaningful reports from GAO on the operations of the Corporation's activities than might be possible under the language of H.R. 10351 as reported by our committee.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield to me?

Mr. PERKINS. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I must say to the gentleman from Kentucky I do not have a copy of the amendment offered by the gentleman.

Am I correct in understanding that this allows for a program audit of the corporation? Is that the intent?

Mr. PERKINS. No. It does not permit going into confidential files or anything of that nature to destroy the confidential attorney-client relationships.

Mr. MEEDS. Will the gentleman yield to me?

Mr. PERKINS. I yield to the gentleman.

Mr. MEEDS. I take it it is not the intent of the author of this amendment that the GAO would be in any way able to investigate privileged communications between attorney and client.

Mr. PERKINS. That is correct. This amendment is designed to authorize a comprehensive audit by the GAO of the operations of the proposed Corporation, its employees, grantees, and contractors. I do not think that any of us can oppose a provision that calls for honesty on the part of everybody.

Mr. SPENCE. Mr. Chairman, I have discussed earlier, in connection with the motion to strike, the background against which my amendment is offered. I will not reiterate what I said at that time, except to point out that without these amendments the General Accounting Office—the agency upon which Congress depends for watchdogging the fiscal responsibility of all Government agencies—will have less authority to audit and review the work of this new Legal Services Corporation than it presently has over the OEO legal services program.

The Comptroller General has advised

me that it is the feeling at the General Accounting Office that they definitely will not have assurance of sufficient audit and review authority to provide Congress with the type of informative reports that are appropriate to adequate legislative oversight.

The GAO has, therefore, suggested four revisions in subsections 1010(b)(1) and 1010(b)(2) which constitute the substance of the amendment I have offered. These revisions are as follows:

First, The first sentence of subsection 1010(b)(1) is amended by deleting "financial transactions" and substituting therefor "accounts and operations."

Second. The third sentence of subsection 1010(b)(1) is amended by changing "in use by the Corporation pertaining to its financial transactions" to read "used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection or monitoring of grantees and contractors required to be maintained in subsection 1008(b)."

Third. The second sentence of subsection 1010(b)(2) be amended by deleting "financial".

Fourth. The third sentence of subsection 1010(b)(2) be amended by deleting "financial".

The entire thrust of this four-part amendment is to make clear that the General Accounting Office shall have over the Legal Services Corporation the review authority it has traditionally held, and must necessarily hold, over other executive agencies if it is to carry out its responsibilities to Congress. The amendments simply insure that GAO's review authority will not be construed as restricted to financial transactions alone.

In addition, the second itemized revision, relating to the third sentence of subsection 1010(b)(1) is designed to insure that GAO will have access to copies of reports pertinent to the evaluation, inspection and monitoring of grantees and contractors of the Corporation. The Agency has such review authority over the present OEO legal services program and, as the Comptroller General's letter points out, the review of the program conducted by GAO pursuant to the Economic Opportunity Act of 1964 would not have been possible without such authority.

Title II, the so-called Prouty amendment my colleague will recall, authorized an in-depth review of the OEO programs. I can appreciate that those with vested interests in legal services might prefer such autonomy as would prevent that kind of review of the work of the Corporation, but I cannot appreciate a willingness on the part of Congress to acquiesce in such an arrangement.

Further, the Legal Services Corporation, unlike other Government financial corporations such as the Commodity Credit Corporation, is not made subject to the terms of the Federal Corporation Control Act, by the provisions of title X. Thus, it is privileged by comparison with similar quasi-Federal entities, even as it is also privileged by comparison with other executive branch agencies.

I cannot conceive that we would want to limit the authority of the General Accounting Office in such a way as to render it ineffective in the very purpose for which it was created. If we are going to confine it to auditing mere financial transactions, we might as well hire ourselves a good CPA and save the taxpayers some money that way. We surely will not be saving them anything, in the way that GAO was intended to do.

I am confident that upon reflection you will agree with me that this amendment is both reasonable and essential.

Mr. QUILLEN. Mr. Chairman, for the purposes of clarifying the record relative to the position of the Appalachian Regional Commission, I would like to insert at this point in the RECORD the full text of the letter from the Appalachian Commission to the Committee on Education and Labor and the text of the amendment to which it refers:

THE APPALACHIAN
REGIONAL COMMISSION,
Washington, D.C., September 15, 1971.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, House of Representatives, Rayburn Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for information on the child development programs and the effect that H.R. 6748 would have on them.

As marked-up by Subcommittee, H.R. 6748 would not recognize the Appalachian Regional Commission program, and it is unlikely that our State and local child development programs would be eligible for funds provided by H.R. 6748.

Congress, in adding the child development program to our Act, recognized the need for a comprehensive and coordinated approach to the problems of child development in each Appalachian State. Thus, under our program, State Interagency Committees, established by the Governor and composed of working committees of State-level agencies providing services to children throughout the State, form the nucleus of the planning and project development effort. We recognize that a significant amount of Federal funds for children will, regardless of H.R. 6748, continue to flow through State agencies. H.R. 6748, however, would bypass those very agencies which presently provide the critical services and through which Federal funds are now channeled, in favor of local groups having 50 percent parent membership.

In this regard, the Report of the Committee on Human Resources of the National Governors Conference held September 12–15, 1971, which will be acted upon today, says in pertinent part: "We support enactment of a Federal program for early childhood development which would provide adequate Federal financing and with provisions for a central State role and comprehensive State plan, and which would not bypass States in the administration of such programs".

The Appalachian child development program meets the specifications outlined in the Governor's recommendations.

We would also note that the Appalachian Act provides for 100 percent funding for child development in the first two years, but under H.R. 6748, the Appalachian counties would have to provide a 20 percent local share. In view of the traditional difficulty of Appalachian governmental units to meet such matching requirements, many rural communities in the Region would risk losing the 80 percent as well.

This means that when our demonstration money phases out, as it does under our legislative authority, the projects we have started will have to find State or local support to keep going. This is extremely difficult in poor Appalachian communities. It is a large burden. Commission projects approved in FY 1971 alone represent a total of $17 million of Federal money from several sources (over $4 million in Kentucky alone).

As you know from previous discussions, we would hope that the full committee in executive session would recognize the Appalachian Commission "national laboratory" role in the child development field.

I am enclosing an amendment which would make Appalachian Commission local development district child development programs eligible for funding under this bill for the duration of the Commission "national laboratory" program (through FY 1975) and thereafter if the Secretary determines that the Appalachian child development program will further the delivery of *effective* comprehensive child development services.

I hope that this will provide you with sufficient information for the Committee.

Sincerely yours,
DONALD W. WHITEHEAD,
Federal Cochairman.

AMENDMENT TO H.R. 6748 (TO PROVIDE EXEMPTIONS FOR ARC AND TITLE V COMMISSIONS) PREFERRED APPROACH

On page 39, at line 15, redesignate section 114 as section 115 and insert after line 13 the following new section 114:

"SEC. 114. Any multi-county local development district with a child development program approved pursuant to the Appalachian Regional Development Act of 1965, or title V of the Public Works and Economic Development Act of 1965, shall be regarded as a prime sponsor eligible to receive financial assistance under subsection (c) of section 109, notwithstanding any other provision of this title, for any such program, including any renewal, extension, or amendment thereof, for which financial assistance is provided under any such Act: *Provided,* That any such program for which financial assistance under any such Act is no longer authorized shall continue to be so regarded as a prime sponsor eligible to receive financial assistance under subsection (c) of section 109, if the Secretary determines that such will further the delivery of effective, comprehensive child development services in the area served by such program."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. PERKINS).

The amendment was agreed to.

Mr. FISHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the pending bill (H.R. 10351) would authorize nearly $5 billion for the Office of Economic Opportunity during the next 2 years—making a grand total of around $15 billion for that agency since it was created by the Great Society in 1964.

The program, from its inception, has provided a blank check vehicle for outlandish waste, extravagance, misapplication, theft, and corruption. There have, of course, been some responsible people who have been involved in local projects. But they appear to be more the exception than the rule. The record reveals—and it is thoroughly documented—that the OEO through the years has served as a haven for radicals and troublemakers, and for favoritism and malfeasance. The Black Panthers have been subsidized. Subversives and Communists have been subsidized. Scores of radical organizations have been benefited.

Evidence has mounted that, while in some instances desirable results have been achieved, the fact is that in terms of solid achievements and long-term solutions of problems which are associated with poverty, this program has been a colossal flop. In many respects it has done far more harm than good. Heavily weighted with administrative costs, it has served as a convenient employment for many incompetents. It is really amazing why, year after year, the Congress has extended this vehicle for so much waste and extravagance. Any desirable functions can and should be handled by other agencies, or by the States.

One man, a New York writer, described it in this way:

> With apologies to this town's guys and dolls, it must be recorded that the multibillion-dollar welfare-poverty complex is the richest, longest floating crap game in history. Never have so few stolen or mishandled or mislaid so much money belonging to so many of this nation's poor. Never have the deserving, the needy, the truly desperate been so rooked of money intended to rip them out of the man-made slime of a thousand slums.

This authority went on to reveal:

> As I've hedgehopped this country, I've picked up enough sampling of malfeasance, unaccounted-for funds, lost bank records, cancelled checks which just never can be located, missing vouchers, and unexplained advances to suggest that the abused money, if properly accounted for, would run into the hundreds of millions.

That same writer then proceeded to document a series of specific instances of malfeasance. And he concluded:

> Isn't it time—for the sake of the poor—for a Congressional select committee to probe this welfare-poverty complex?

Mr. Chairman, the news reports of OEO scandals during the past 7 years would fill a book. Much of this was confirmed by a GAO study. The President has called for reduced spending. Right here is a place to start.

EXAMPLES OF WASTE ON IMPROPER PROJECTS

Mr. Chairman, let me cite a few examples of recent irresponsible spending by OEO—on projects outside OEO's proper function.

On September 16, 1971, OEO awarded a $1,019,761 grant to the Urban Law Institute to aid in establishing a new Antioch School of Law.

What on earth does this have to do with a poverty program? This was done in the face of the fact that the George Washington University Law School in July of this year saw fit to terminate its sponsorship of the Urban Law Institute. Moreover, what function in our Government does the Office of Education perform? I have labored under the impression it is that agency which is supposed to determine grants for education purposes.

CRYSTAL CITY, TEX., BOONDOGGLE

Let me cite another OEO boondoggle. Recently that agency announced a grant of $502,413 to the Crystal City, Tex., school system. Some 6,000 people reside in that town. The announcement said it was to pay the salary of an assistant superintendent, to be added to the school faculty, plus a curriculum writer, two counselers—one for the program's students and one for their families—and five additional teachers.

In addition, the grant would pay for at least 50 $1,200-per-year college scholarships—for 2 years—in behalf of local high school graduates. And, among other things, $25,000 was to be used by the school as a planning grant to write a proposal for staff development under the Federal Government's urban-rural program."

What a windfall for the lucky ones who would get in on this gravy train.

In view of the dubious decision involved, it would appear that certain local operators were endowed with extraordinary capacity to get results under rather strange circumstances.

I will expand on this for a moment. A nearby school superintendent, whose school was equally as deserving and qualified, has informed me that he applied to OEO for a similar grant and was turned down. Thus, the grant was a clear case of deliberate favoritism, to a school system whose administration was and is in a most deplorable condition.

When this matter was called to my attention by constituents, I called it to the attention of the chairman of the committee on Education and Labor, and suggested that it be investigated. He referred my inquiry to the OEO, which undertook to justify the outlandish expenditure as a pilot test of a new system of education, and to serve as a laboratory for the development of new approaches to combating poverty. Ah, poverty—what sins are committed in thy name."

Mr. Chairman, I interpreted OEO's response as a brushoff, and an unwillingness to investigate some scandalous conditions to which I referred in my inquiry. I was constrained to respond to OEO's answer. A copy of my letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 30, 1971.

Miss MARGARET GAYNOR,
Acting Associate Director for Congressional Affairs, Office of Economic Opportunity, Executive Office of the President, Washington, D.C.

DEAR MISS GAYNOR: I have read your letter of September 23 concerning OEO's $502,413 grant to the Crystal City school district. I had entertained the hope your agency would become interested in a meaningful investigation of the propriety of that grant, which I am convinced would result in immediate cancellation.

I am not impressed with your explanation of justification for this vast outlay of tax money. Few educators, I can assure you, would agree with you that any significant new information can be gleaned from such a "pilot" experimentation. It is indeed difficult to imagine how, for example, your theoretical assumption of benefits to be derived can be stretched to the point of justifying fifty $1200 per year college scholarships, to be used *after* the students leave the scene of the "laboratory."

Be that as it may, it would be of interest to know, and for the public to know, why OEO chose this particular school system for this new venture. In making the choice you must have known about the background of some of the school officials, particularly the President of the school board, Mr. Gutierrez. If you do not know about it, then there are a hundred times more reason why you should investigate what you are doing with this tax money.

While I am writing I will enclose a copy of a letter which was published in the September 23 issue of the local paper, the contents of which must not be discredited unless and until a meaningful investigation is made of the occurrence referred to, and a valid basis established for any disagreement.

This item obviously does not refer to just an isolated incident. On the contrary, it is a part and parcel of a deliberate scheme being studiously foisted upon the students.

Now, I recognize that such matters may be of no concern to you, but I cannot keep from hoping you do not subscribe to what is taking place in the school system you defend as a "pilot laboratory."

With the hope that you may be interested, I will also enclose a page from a leaflet which I am informed has been widely distributed in the Crystal City school system and elsewhere. You will note that it refers to "speeches by Jose Angel Gutierrez." Please also note the publications that are recommended for local reading!

Would you agree with me that these books and pamphlets appear to be quite subversive and pro-Castro and that they are relevant to the understanding in that community, which is quite prevalent, that an attempt is being made to create a "little Cuba" sort of thing at Crystal City? And remember we are talking about the "laboratory" you have chosen.

Moreover, did you know that the prestigious Texas Classroom Teachers Association has condemned the school policies being employed in the Crystal City system, and are you aware of the accreditation effect of those findings? Would you say this adds anything to the propriety of your picking this particular school for your laboratory and continuing to subsidize it with federal funds?

While I am writing I will take the liberty of also enclosing a list of teachers who have been victims of the radical racist policies being imposed in the operation of the Crystal City system. And I will also enclose a list of 105 families who, since the local control took over, have seen fit—for obvious reasons—to establish residences elsewhere for schooling purposes. And there have been scores of other students who have sought, in vain, to be allowed to transfer to schools in nearby counties.

I will also enclose a list of students enrolled in other schools, whose families were financially able to establish new residences. I remind you that except for school policies at Crystal City, heavily subsidized by your office, all of these students would today be enrolled in the Crystal City schools—your chosen "laboratory."

Really, really, do you upon reflection, think it is wise and prudent to contribute large sums of federal money to underwrite and promote this sort of thing—where such intolerable conditions exist?

I could supply you with much other pertinent information if you want it and if I thought it would do any good.

Somehow I have a feeling all of this is not new to you. Can it possibly be that I am mistaken about this?

Incidentally, if by any remote chance you should decide to look into the scandalous conditions I have described, may I suggest that you call upon the GAO or the FBI to conduct the investigation for you.

Sincerely,

O. C. FISHER.

It will be noted that in my letter to OEO I referred to and included a copy f an insertion which appeared in the September 23 issue of a local newspaper—the Sentinel. A copy of that artile follows:

Dear Editor:

If there was any doubt as to the teachings eceived by our children in the Crystal City chools, it was spelled out Friday night at he halftime activities on the Crystal City Javelin Field.

The Crystal City band, composed of junior high and high school students, marched on he field and executed the international communist revolutionary symbol of the clenched ist—the same "strike" symbol used by Fidel Castro in Cuba, communist China, and all other areas where active communist influence is in operation.

It was certainly in keeping with other measures in the Crystal City La Raza school, uch as the support to free the self-declared ommunist Angela Davis with a fund and placard displayed openly in Erasmo Andrade's office last spring, the refusal of MAYO students to salute the American Flag in school assemblies, and the appearance of communist literature, advocating armed revolt, in the Crystal City schools this past year.

It is also noted that the high school annual, an expensive volume sponsored by Jeannette Lizcano, carried a picture of the band forming "RAZA" and the words "come mothers and fathers throughout the land, and don't criticize what you don't undertand, and your sons and your daughters are beyond your command"—aptly illustrating the undermining of parental authority and home and family ties by this radical, revolutionary political party.

This demonstration before the entire area n forming this communist symbol of revolt and revolution on a federally supported school athletic field was a direct insult to every local American in this nation, and should certainly be censored by the Texas Education Agency, and looked into by the committees in charge of federal funding in his school.

The young people of this community are being used by La Raza political party for heir own purposes and are furthering the Marxist and Trotsky doctrines.

A September issue of a La Raza publication names Crystal City (under their spelling "Cristal") as the "capital of Atzlan." We would remind you that the plan of "Atzlan" has long been publicized in communist revolutionary publications as a "Mexican utopia, to be a republic within a republic" such as North Korea and South Korea, and North Viet Nam, and South Viet Nam, standard old communist tactics of divide and conquer.

CRYSTAL CITY CITIZENS COMMITTEE

I also referred to a pamphlet put out and distributed in local schools by La Raza Unida Party which, incidentally, controls the Crystal City school system. That publication refers to "speeches by Mario Compean and Jose Angel Gutierrez." The latter is president of the local school board and is reputed to be the leading champion of La Raza and the school system.

On the reverse side of the pamphlet, which I am informed was distributed in the schools and elsewhere, is a list of "Further Reading," and contains 13 publications, the price of each, and the name and address where purchases could be made. It includes the following:

"The Youth Movement and the Alienation of Society," by Jose Revueltas.

"Douglas Bravo Speaks—Interview with a Venezuelan Guerrilla Leader."

"Cuba for Beginners."

"Fidel Castro's Tribute to Che Guevara."

"A New Stage in the Advance of Cuban Socialism," by Fidel Castro.

"Those Who Are Not Revolutionary Fighters Cannot Be Called Communists," by Fidel Castro.

"How Cuba Uprooted Race Discrimination," by Harry Ring.

"Che Guevara Speaks."

"Women and the Cuban Revolution," by Linda Jenness and Fidel Castro.

"How To Make a Revolution in the United States," by Peter Camejo.

Mr. Chairman, it will be readily seen that these publications are subversive. They are pro-Castro. They are insidious. They are in fact a part and parcel of a deliberate scheme on the part of Angel Gutierrez to plant the seeds of Castroism and communism in the minds of unsuspecting school children and others.

Gutierrez is well known in radical circles. He is credited with creation of the Mexican-American Youth Organization—MAYO—a subversive, "hate gringo" youth movement. His reputation is well established in San Antonio, where he resided before moving in on Crystal City, and throughout the border country.

He also appears to have formerly lived in Corpus Christi, where he was described by a Mexican-American edition of La Verdad thus—speaking of Gutierrez:

> The editor of *La Verdad* does not pretend to be a doctor of any sorts but he definitely knows that there is something amiss in the man's overall conduct, in his verbal outbursts, in his profane style of attacks against the Gringo philosophy of life and politics . . . People admire him for his nerve to holler obscenities at the Gringo.

The background of this man makes it easy to understand the incident described in the Sentinel, describing halftime activities at the school recently, which included—

> The Crystal City band, composed of junior and high school students, marched on the field and executed the international communist revolutionary symbol of the clenched fist—the same "strike" symbol used by Fidel Castro in Cuba, communist China, and all other areas where active communist influence is in operation.

Now, it might be said the pamphlet may have been an isolated incident. But when considered along with other evidences of hate and racism which is preached by this revolutionary character, Angel Gutierrez, it develops into a pattern. A man who had served as a minister in a Crystal City church sent me a copy of this publication and said he knew it had been distributed in the schools. I am assuming he was truthful and knew what he was talking about.

The situation at Crystal City became so bad, after the radicals took over, that 105 families were forced to move elsewhere in order for their children to attend school. At least 85 teachers in the Crystal City Independent School District were fired, retired or resigned during the years of 1970–71. The big mess that was created by Gutierrez and his understudies was so bad that the Texas Classroom Teachers Association was prompted, following an investigation, to condemn the school policies and the accreditation accorded that school.

There is no point in belaboring this matter. I am informed an intolerable situation has developed at Crystal City because of the violent and ruthless tactics employed by Gutierrez and his crowd since they won an election and took over control and management of the school system. They have torn the community apart, and their infamous activities are heavily subsidized by the Office of Economic Opportunity. Angel Gutierrez' Little Cuba project should be exposed, condemned, and all Federal funds for the school system should be promptly canceled.

Mr. Chairman, the OEO should be abolished, and any good and desirable functions it serves distributed to other appropriate agencies. Here is a chance to save the taxpayers upwards of $5 billion.

AMENDMENT OFFERED BY MR. MAYNE

Mr. MAYNE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MAYNE: Amend line 19, page 36, by inserting the words "or personnel" following the word "funds"; and
>
> Strike the following words in lines 21 through 25, page 36: ", except in extraordinary circumstances where, after consultation with the court having jurisdiction, the board has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available".

Mr. MAYNE. Mr. Chairman and members of the committee, the purpose of this amendment is to make it very clear that no part of the funds or personnel of the Legal Services Corporation shall be used in the practice of criminal law as distinguished from civil litigation.

Now, the legal services program under the OEO has been designed for assistance in civil cases.

I think it has been the clear intention of the Congress not to have these funds or personnel used in criminal cases.

We already have very adequate provision for the defense of indigent defendants in criminal cases in this country. This is clearly established policy both by Federal and State statutes and by judicial decisions, including decisions by the U.S. Supreme Court.

In criminal cases in this country there is already a very clear duty and responsibility on our courts and on our judges to see to it that adequate counsel is provided to an indigent defendant, at no cost to that defendant, if he cannot afford to pay. Provision is made for the attorneys so appointed to be compensated through Federal funds in Federal cases or by State funds in State and local cases.

There is absolutely no need to have these last 4½ lines of section 1006(f) at the bottom of page 36 in this bill. They are mischievous lines which open a Pandora's box and which will permit the use of these funds and personnel in criminal cases. We do not want to take that chance. The American people do not want this money used in criminal cases.

We do not want the judges who now

have the responsibility to see to it there is an adequate criminal defense in a criminal case to be able to shift that responsibility over onto this Legal Services Corporation. I do not think we should leave any loopholes in the language contained in this bill which would allow the courts to get out from under this responsibility which they now clearly have.

It would be a very serious error in my judgment to involve the new Legal Services Corporation in criminal cases under any circumstances.

We should, therefore, strike this mischievous language, as my amendment proposes to do.

The amendment also makes it clear by adding these two words "or personnel" that not only are no funds of the Corporation to be used, but that the prohibition also extends to personnel. It will prevent any possible strained interpretation of the meaning of the Congress that the Corporation could furnish personnel but not funds in criminal cases.

If you once start making exceptions to the general rule that these funds and personnel shall not be available in criminal cases, once you make the decision to make funds available for criminal defense, it is going to be requested in many other cases. In other words, if the decision is made in one State to the effect that they are not getting adequate criminal defense under existing law and they think they ought to have the Legal Services Corporation's money to provide criminal defense, if you do it in one State, then the citizens of other States are going to be able to say that unless they get Legal Corporation assistance in criminal cases, they are being discriminated against or are being denied equal protection of the law.

So I would plead with my colleagues that we should not give judges the option to avoid their present clear responsibility to provide counsel in criminal cases by shifting that obligation to this Legal Services Corporation, and we should also specify clearly by adopting my amendment that personnel as well as funds fall under this clear prohibition.

I do not believe that the language which my amendment will strike can be corrected to remove the danger of involving this Corporation in criminal cases which, to my way of thinking, would discredit it completely in the eyes of the American people, and greatly endanger its being authorized by this House.

Mr. Chairman, I yield back the balance of my time.

SUBSTITUTE AMENDMENT OFFERED BY MR. MEEDS FOR THE AMENDMENT OFFERED BY MR. MAYNE

Mr. MEEDS. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Iowa (Mr. Mayne).

The Clerk read as follows:

> Substitute amendment offered by Mr Meeds for the amendment offered by Mr. Mayne: Page 36, line 23, after the word "jurisdiction," insert "and with the agreement and concurrence of that court,".

Mr. MEEDS. Mr. Chairman, I shall not take the full 5 minutes. I just want to point out to the Committee that this amendment would allow in exceptional circumstances representation in criminal matters. Those exceptional circumstances, however, will only be after the finding of the board when this is with the agreement and concurrence of the court in that jurisdiction.

This was done, Mr. Chairman, for the purpose of preserving to the Legal Services lawyers that protection which it gives.

It is sometimes very difficult to know whether at the outset of a legal representation whether or not you are dealing with a criminal or a civil matter. On that account, the attorney should receive some protection.

I certainly agree with the gentleman from Iowa (Mr. Mayne), that 99 and 44/100ths, or 99 and 99/100ths percent of the funds under this act are to be used in civil legal proceedings. That is the purpose of this act, and I have no disagreement with that. However, I would like to retain that slight flexibility which would be controlled by the local courts so that if the person could not receive representation without that Legal Services representation the court then could direct the board to allow that representation.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment that has been offered by the gentleman from Iowa (Mr. Mayne). It seems to me that he has given us a very clear and cogent argument in behalf of the proposition that if we start to dissipate the admittedly limited resources of the Legal Services Corp., and involve them in an endless number of criminal prosecutions it is simply going to be harming rather than helping something that many of us favor.

I was one of the original cosponsors of legislation that would set up an independent Legal Services Corp.

I believe also that the amendment in the nature of a substitute that has been offered by the distinguished gentleman from Washington (Mr. Meeds), is defective in that it does not clear up the very evident confusion that is now existing between the language of the committee bill and the language of the committee report as to who has the responsibility for deciding who will rule on the exception.

Now, I read the record of yesterday, and there was a colloquy which was participated in by several members of the Committee on Education and Labor. Some of them seemed to feel that under the language of the committee bill this would be the national board, the national board of directors that would make the decision in each case as to when there will be an exception from the general prohibition that legal services would not be provided in criminal proceedings.

On the other hand, there were other members of the committee who seemed to feel it was the local legal services governing board that would undertake to make the decision as to when the exception should be granted.

I think the happy solution this afternoon to this dilemma, and I think the obvious solution is to adopt the amendment offered by the gentleman from Iowa (Mr. Mayne) and to make it crystal clear that we are not going to involve the Legal Services Corporation in the defense of criminal cases.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. MEEDS. On that point—and not that I disagree with you—but I took the opportunity to get out a transcript of the record and read it. I would like to read in the Record at this point what the gentleman from Kentucky (Mr. Mazzoli) said, the author of the amendment, in the committee:

I am quoting the gentleman's words:

> In the amendment I used the word "board" in line 3. The staff may correct it finally. I meant by that the local governing board. If that word is incorrect by reason of the amendments we have adopted today or the language in the Erlenborn substitute, I am willing to let the staff work its will on that particular word.

Mr. ANDERSON of Illinois. Mr. Chairman, I appreciate the effort the gentleman has made to clarify what I still think is a very patent confusion between the language of the bill and the language of the report. I think the point the gentleman from Iowa has made, the point that the right to and the benefit of counsel is one that is clearly established under our Constitution and under the decisions of the Supreme Court and that it is one, I think, we should continue to insist that the courts apply in each individual criminal proceeding. I see no need—and indeed quite to the contrary—I think it would be disastrous to involve the Legal Services Corporation in cases of this kind.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. MAYNE. I think in view of the statement just made by the gentleman from Washington (Mr. Meeds), it is more evident than ever that the House should vote against his substitute. A third of the local boards are made up of the so-called client class or indigent citizens to whom the services are provided; they are the ones who are going to be voting to determine whether the Corporation will be required to provide legal services in criminal cases.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Anderson) has expired.

Mr. MAYNE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is now clear from the statements made by the author of this substitute amendment that we will really be opening a can of worms if we leave the decision as to whether we are going to involve the Legal Services Corporation in criminal cases to the local boards. It would then be decided on an individual basis in every jurisdiction in this country.

Now under the present law at least, the decision has been made by the director of the entire program.

I think this will really introduce chaos nto this program, if you have the deciion as to whether you are going to have he corporation involved in criminal practice of law decided individually in very jurisdiction in this country.

Surely supporters of the Legal Services Corporation concept will want to give it a chance to succeed in its primary mision, which is to provide legal services in ivil cases. It was never intended to get nto the criminal field.

The language of the substitute which s offered by the gentleman from Washngton will allow a loophole through which a very considerable burden of riminal law practice could be thrust upon the Corporation.

I urge my colleagues to vote against the ubstitute of the gentleman from Washngton and to vote for my amendment which makes it clear that neither funds nor personnel of the Corporation are to be used in criminal cases or the practice of criminal law directly or indirectly in any way.

Mr. HUNGATE. Mr. Chairman, will he gentleman yield?

Mr. MAYNE. I yield to the gentleman rom Missouri.

Mr. HUNGATE. I thank the gentleman for yielding. I should like to state the concern he expresses is quite similar to but perhaps less vehement than that expressed to me on behalf of the committee by the Missouri Bar Association and the American Bar Association. They have expressed a concern about the very probem the gentleman outlines as to the difficult and perhaps embarrassing situations n which we may find ourselves if this is extended without proper guidelines in the field of criminal law.

If the gentleman would yield a moment further, I would like to say, of course, we cannot always take matters to commitees where they could also be helpful. I think this is a matter on which we could have received helpful treatment in the Judiciary Committee, the entire Legal Services program. The gentleman's concern and that of others is in relation to the control of the local board making this decision, and I would like to say I share to some extent that concern regarding the national board.

For those who have not noticed how that board is made up I would say it is one of the most distinguished and perhaps least representative boards you might find. There would be one representative from the Judicial Conference, even members of the general public, and ou get down to four members appointed rom lists of names submitted by the American Bar Association, the National Legal Aid and Defender Association, the Association of Law Schools, the Amerian Trial Lawyers Association, and the National Bar Association. Those are all outstanding and distinguished groups, but not necessarily tied to representative government for a program like this, or necessarily required to have experience n this field of the law.

I thank the gentleman for yielding.

Mr. MAYNE. Mr. Chairman, I yield ack the balance of my time.

The CHAIRMAN. The question is on he substitute amendment offered by the gentleman from Washington (Mr. MEEDS) for the amendment offered by the gentleman from Iowa (Mr. MAYNE).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. MAYNE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DENNIS: Page 36, line 11, immediately following line 11, insert a new subsection (e), reading as follows:
>
> "The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation. *Provided however*, that solicitation, as here employed, shall not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community."
>
> Renumber subsection (e), (f), (g), and (h) accordingly.

The CHAIRMAN. The gentleman from Indiana (Mr. DENNIS) is recognized in support of his amendment.

Mr. DENNIS. Mr. Chairman and members of the Committee, I submit that this amendment should be supported by all those who favor a Legal Services Corporation which will be available to give legal advice and legal assistance to the poor when necessary and when requested, but who are opposed to the members of the Legal Services Corporation and the attorneys connected therewith going out and soliciting business, stirring up litigation, and using public funds to mount an assault upon the institutions which provide those funds.

I have provided at the recommendation of representatives of the American Bar Association, and some Members here, that solicitation as here employed will not prevent the Legal Services from letting people know that it exists and is available, which the ordinary attorney could not do, because it seems reasonable to consider that that is what they are there for. They are public. The people ought to know that the Corporation exists. But other than that, they are to be governed by the normal rules against the solicitation of legal business, and the thrust and the purpose of the amendment is they should not go out and stir up difficulty and promote litigation.

I urge support of the amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. Mr. Chairman, I yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, it is the intent that the funds, after the corporation is set up, be expended to defend poor people. This amendment, as I understand it, in no wise keeps the corporation or the representatives of the corporation from advertising that they are available to represent the poor, but it does prohibit the representatives, the attorneys from soliciting cases. This is in accordance with the good ethics that I was taught in law school, and I personally see no objection to the amendment. In fact, I feel it will make a much sounder legal services program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DEVINE

Mr. DEVINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DEVINE: Strike out section 15 (beginning on page 22, line 3, and ending on page 47, line 14).
>
> And renumber the succeeding section accordingly.

Mr. DEVINE. Mr. Chairman, I rise in support of the motion to strike section 15. It is impossible, in the time permitted, for one Member even to outline the failings of the new title X Legal Services Corporation which is embodied in this section. It would require at least 60 amendments to correct all of the inadequacies which I personally feel would have to be corrected before I could consider voting for this proposal. Therefore, in the time allotted me I shall only touch on the highlights.

Clearly the first question is what this proposal is doing embodied in the Economic Opportunity Amendments bill reported by the House Committee on Education and Labor to begin with.

While it is true that it will replace the present OEO Legal Services program, it is an imposition on the House to send up so important a new proposal buried in a bill whose primary purpose is to amend and extend an existing program. The establishment of an independent, quasi-Federal Corporation for the purpose of providing legal aid to the poor is a bold and revolutionary concept with a myriad of ramifications. Congress ought to be permitted the opportunity to examine it in depth and work its will upon the measure without the distraction of a lot of extraneous issues. I am grateful that at least we have the bill under an open rule, so that title X can be struck without its opponents being accused of trying to scuttle the entire bill.

But it is evident that title X received inadequate consideration in the committee and deserves to be returned for further study and modification.

More to the point, if this proposal were considered independently, I am of the opinion that its consideration would be more properly the province of the Judiciary Committee than of the Education and Labor Committee. Aside from the fact that Federal involvement with legal services originated as part of the OEO program over which the latter committee has jurisdiction, what legislation could possibly be more a part of the judicial process than a bill to establish a Legal Services Corporation. If we had received it as an independent proposal from the Judiciary Committee, as I believe we should have, I am confident we would not have received a measure which shows so much contempt for long-standing rules of jurisprudence and the Canon of Ethics and Code of Professional Responsibility which govern nonlegal-aid attorneys.

Among the more disturbing provisions of title X are the following:

First, the President's power to appoint the Board of Directors is so structured that a liberal President would have virtually a free hand in making appointments but a conservative President would be severely restricted in his choices. In either case persons with a vested interest in legal services would have disproportionate representation on the Board.

Second, legal services attorneys will be barred from undertaking the kinds of responsible political advocacy in behalf of the clients that is required of other attorneys by the Code of Professional Responsibility, but will be permitted to continue many of the forms of irresponsible political action which have brought the program into ill repute in the past.

Third, State Governors will have no control over the programs whatsoever and the Corporation will not be bound by the State laws which are binding on all other legal corporations or associations of attorneys doing business in the State.

Fourth, the bill is so written as to permit legal service attorneys to participate in criminal cases, a situation which is not even permitted under the present OEO legal aid program.

Fifth, there is no limit on the amount of money which can be paid to the executive director of the corporation.

Sixth, the corporation is not restricted in any way from competing with or duplicating the work of preexisting State and local legal services organizations.

Seventh, the General Accounting Office has been denied adequate audit and review authority over the corporation, the corporation having been rendered more autonomous in that regard than the present legal services program.

I could go on but it seems to me these indictments should be sufficient to convince reasonable men that title X needs further study and the motion to strike is worthy of and, indeed, requires full support.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. QUIE. Mr. Chairman, even though I do not agree with the gentleman, I yield to him so that his comments may follow those of the gentleman from Ohio.

Mr. STEIGER of Arizona. Mr. Chairman, I rise in support of the effort to withdraw the Legal Service Corporation title from H.R. 10351.

I believe that a careful reading of title X by anyone who knows anything about providing free legal services or the experiences of the OEO legal services program will quickly reveal many patently obvious reasons why our oath of office as Congressmen requires us to either strike this proviso or to refer it for separate and more comprehensive consideration.

I want, however, to direct the attention of the Members of this body to one particular aspect of this title—the ability of the Legal Service Corporation to function in areas where it is not, or should not be needed.

Under this title, this Corporation is specifically made independent from congressional or executive branch control.

Section 1002(a) page 23 says it "will not be an agency or establishment of the United States Government" and section 1001(a)(6), page 23 says it shall be "free from extraneous interference and control." we, therefore, should examine this title closely.

Mr. Chairman, it is a fundamental girder of the profession of law that taking care of the legal requirements of people unable to pay for legal representation is the responsibiilty of individual attorneys.

To this end, all attorneys, or lawyers, have a positive duty to render legal services to those who cannot afford their usual fee at a lesser rate or, for no fee at all. This is commendable responsibility which distinguishes a "profession" from other vocations.

Now I think we all know that the American Bar Association does not represent all attorneys in the United States.

I do not believe even half of our lawyers belong, but even if they should, I know from many conversations that there is an apparent majority which perfunctorily pays dues but does not participate, in any way, in the formulation of policy and, more often than not, disagree with those who have the time, money, and inclination to be so involved.

These policymakers in the area of free legal services have been much more favorable to the Government paid representation concept, and the method which this title makes permanent than have most attorneys whose opposition is not based on a potential loss of business as some suggest, but, instead, upon time tested practical principles.

Nevertheless, even the "Code of Professional Responsibility" of the American Bar Association, Canon EC 2–25, recognizes the intrinsic pillar of professional responsibility which I have mentioned.

That provision says—

> The basic responsibility for providing legal services to those unable to pay ultimately rests upon the individual lawyer.

And—

> The rendition of free legal services continues to be an obligation of each lawyer.

For those who do not know, the lawyers in given areas throughout this country over the years, have, of course, individually accepted this responsibility concerning specific instances which, for one reason or another, have come to their attention but a number of systems for distributing the responsibility to the entire profession have evolved. One such system operates through the courts, more often informally than formally. A judge often learns that someone before his court, or related to a matter before his court, needs legal assistance but is unable to pay. The judges in such cases, will refer the individual to one or mor lawyers with a request for assistance.

Another more formal system is directl on a referral basis through the local ba association. Such referrals are made o a basis of competence in the area i which the person has a problem and th bar association rotates such referral and keeps track of them. Often report are required from the attorney and/o the client.

The bar associations have also buil upon their referral system and hav funded one or more attorneys in a Lega Aid Office. These attorneys handle man problems themselves and are able t identify specific legal areas where assistance is needed and they then make referrals to appropriate private attorney on a rotation basis. In such Legal Ai Offices, of course, local funds have bee employed from nonlegal sources, mostl by contributions—for example Community Chest—but the underlying principl of the existence of the basic individua lawyer responsibility has continued.

Today, attorneys through their bar associations, in many areas, are providin legal services. In some areas, such a Wisconsin and as was recently announced in a nearby Maryland county a "Judicare" system has been establishe

So, across the country there are othe free legal services available. I think w should applaud and encourage the continuation of those professional responsibilities as being consistent with the responsibilities of basic citizenship but, doe this title so provide? No.

This title contains no prohibition o restriction whatsoever on this Corporation entering a community or Stat which has an adequate legal service program and spending Federal dollars ther instead.

I say this title represents a potentiall dangerous vehicle for the abrogation o yet another vested responsibility and th interjection of Federal control an money unnecessarily. It is, therefore contrary to the responsibilities of individual independence.

If a State or community has an adequate program, why should this Corporation be allowed to go in? I do not kno why.

I do know that if it does have tha power, it can move into that particula area and confuse the public and th courts and, by spending tax dollars, undercut whatever local program there is whether it provides legal services throug donated time, private contributions or i the form of a State or locally funde legal aid program, and drive that othe program, or system, out of business.

I can think of a number of reasons fo doing so:

First, "creeping Government." Call i an independent Corporation or not, it i going to envelop all the attorneys an other people now working in the OE legal services programs—and a lo more—and it will be "infested" with thi phenomenon we all know so well wher an agency is established with certai specified purposes. Before we know it that agency's employees have made sur they have a lifetime job by taking in just as much territory and jurisdiction it possibly can. On top of that, to make sure they start getting more and more money in the same job, they work themselves nearly to death making the job just as complicated and intricate as they can. Then they can hire people to work for them. The more people that work for them, the greater their territory and jurisdiction and the more complicated the duty, the more salary—or fee—they can justify. I do not know just what "principle" that is but I call it "the never-ending, ever-growing circle." It is fed by an alleged bottomless well of taxes.

Second, energized socialism. This is another phenomenon we often see and, again, I suppose it comes from unchecked human zeal. It consists of a conviction that a person or agency or program has achieved the best procedures and philosophy for meeting the problems which come within its jurisdiction. From this "back patting" comes a moral persuasion that all others with similar problems must receive the benefit of this ultimate good, even if their needs are already being met in some other way.

Third, self defense. If the other programs also operate, they may strike a comparison to that of this Corporation and in the bright light of comparison, the Corporation may not be able to prevail. Besides, if not dealt with, the other program might grow and infringe on the "territory" which the Corporation has already staked out for itself.

Now I realize that this title lets the Corporation elect to make grants to an existing program in a community but I also am equally aware of the fact that the present OEO attorneys who will control and work in this new system which we are asked to create are of one mind as to just how this Corporation should operate. For instance, they believe it should bring about social changes to existing programs and governments through the courts, regardless of whether or not they are heading off a grievance which might turn into a riot; they believe that massive litigation, that is the filing of many cases in many courts throughout the Nation, is a tool for convincing courts to accept the changes they advocate; they believe that clients should be sought out and encouraged to file lawsuits regardless of whether they independently want to; they believe in winning cases by outspending the other party; and they believe in avoiding compromise, negotiation, arbitration, legislation or anything which is short of a final court decree which appears in a bound volume of court reports for all to see as a precedent, regardless of whether the client's case could have been resolved by one of those other methods, easier, more quickly and less expensively, and they believe the legislative process is unworkable because it is responsive to the desires of the electorate, to name a few.

Thus, the fact that this independent Corporation has the authority to accept an existing program and to fund clearly does not mean that the existing program will be accepted and I unhesitatingly say that such an existing program will not be left to function in a State or community unless it agrees to adhere to the guiding precepts of the Corporation and if an existing program refuses and turns down the Federal tax dollars it is going to have mortal competition the way this bill now reads.

Last, I want to point out to my colleagues that the basic document which will constitute "the charter," "the foundation," "the constitution" of the Corporation does not even exist yet. This bill leaves that job: the duty of drawing the articles of incorporation to the members of some body the nature of its membership we will not even know until after the bill comes out of conference.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. TERRY. Mr. Chairman, I rise in support of the amendment to strike title X from the bill under consideration. The emphasis that the creation of the National Legal Services Corporation would provide is wrong. We are in effect creating another bureaucracy. This bureaucracy is likely to specialize in adversary proceedings against government at all levels, thus attacking the institutions of government rather than the legal problems of the poor. Such activities would tend to further polarize the poor and minorities in our society, as the people running the program would have a vested interest in promoting "causes" and "legal confrontations" rather than legitimate legal aid for the poor and near poor. One can easily see a massive influx of new cases onto our already overcrowded court dockets, with a resultant delay in hearings, giving rise to ever-increasing frustrations. While it is realized that the title X we are debating here today is a compromise, it is not good legislation in my view.

Additionally, there is a real question about salaries, as drawn, there is no limitation on the salary of the executive director of the corporation. This could become a problem.

Again, certain audits are provided for in the bill before us, but the General Accounting Office has advised at least one Congressman that under title X, the National Legal Services Corporation would have more autonomy than the present program under the Office of Economic Opportunity. On top of this, the very small veto power that the Governors of the several States had is entirely removed in this bill.

What we are dealing with here in title X is a vast and far-reaching proposal that ought to be separately considered in the whole legislative cycle and not tacked on to an extension of the OEO program. What could become a very great influence on our legal system is before us today with no imput from the two great Judiciary Committees of the two bodies of the Congress.

Therefore, both as a Member of Congress and a lawyer, I support this amendment to delete title X from the bill under consideration and would hope that this matter would come before the Congress as a separate bill next year.

Mr. QUIE. Mr. Chairman, I should like to reiterate that I do not support the gentleman from Ohio in his motion to strike, because I believe that we have here a good title in title X and urge that it remain in the bill.

The gentleman from Iowa (Mr. MAYNE), offered an amendment that struck out an amendment which was put in by the committee, which I thought was unwise. I now believe we have a good title.

It is extremely important that a separate corporation for legal services be established. It just cannot last in the Economic Opportunity Act very long. I do not believe its future ought to depend on the existence of that act. It is of utmost importance that everybody in this country have an opportunity for counsel, and through the legal services program they can secure it when they are too poor to afford it.

This program is extremely important if our democracy is going to exist. It is absolutely necessary.

A corporation, I believe, is necessary, because there is no existing agency of the executive branch where it can now be placed. I am one who favors the movement of programs, once they prove themselves in OEO, to existing agencies. I felt it was good when Headstart was transferred to the Office of Child Development in the Department of Health, Education, and Welfare.

But there was no place for the legal services, because by the nature of legal services, many times legal services attorneys have to take the Federal, State, or local governments to court. It would not be wise to put legal services in the Office of the Attorney General, because someone in the same office would have to defend the Government at the same time they were being taken to court.

The establishment of a Legal Services Corporation is extremely important. We work out a compromise.

As pointed out yesterday, it is not often that one can work out a compromise which reaches the major proposals of both sides, and gain support from all parties. We saw that this afternoon on the child development bill. We did not reach an agreement. We were fighting about it. Finally the majority decided on it here in the House, even though the majority did not go the way I wanted it. In this bill we have agreement. The gentleman from Washington (Mr. MEEDS) and the gentleman from Wisconsin (Mr. STEIGER) were advocating a Legal Services Corporation in which some bar groups would actually, in effect, appoint the members of the board. I believe that concept to be unwise. I felt that the President should make all the appointments. A compromise was reached, so that these groups will now submit lists of nominees to the President.

The President can make a decision from those lists, or if they did not send anyone he wants, he could turn down the entire list, and have another submitted. Originally their bill had practicing project attorneys serving on the board, to do so, would have been in a conflict of interest. They were willing to change it to permit former project attorneys to serve who had experience and were not presently employed in the program thereby eliminating the conflict.

It took us 3 weeks to resolve the differences and reach an agreement. We finally did and I think we have a good bill.

For that reason, Mr. Chairman, I urge you to turn down the motion to strike this title or to change it drastically. Rather I urge the House to support the title as reported in the bill. I am confident this is a good legal services corporation, and I am willing to back it all the way.

Mr. MEEDS. Would the gentleman yield to me?

Mr. QUIE. I am glad to yield to the gentleman.

Mr. MEEDS. Would the gentleman agree with me that everyone who has proposed legislation in this field, although the legislation might have been somewhat different, has suggested a legal services corporation?

Mr. QUIE. That is correct.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the motion to strike title X.

The Legal Services program of the Office of Economic Opportunity has, by any standard, been one of the Nation's most successful efforts at dealing with the problem of poverty. Having served over 1 million clients last year, this program is beginning to make equal justice under law a reality to the poor. In fact, in less than 6 years, legal services lawyers have created a new body of law-channeled grievances into our courtrooms and, most importantly, have given their clients the hope and confidence that our system of law can protect all Americans.

Ironically, this great success has subjected the program to increasing pressures which could harm its ability to effectively serve the poor. Many of these attacks are politically motivated. The last 2 years have been marked by various attempts to weaken the independence of the Legal Services programs, the effectiveness of the antipoverty lawyers, and the integrity of the lawyer-client relationship.

Various groups, including the President's Commission on Executive Reorganization, a special study team commissioned by the ABA Section on Individual Rights and the Standing Committee on Legal Aid, and the National Advisory Committee for Legal Services have looked into this problem. All concluded that the program must be insulated from politics. It is also necessary to preclude the inherent conflict of interest prompted by its location in the executive branch, and to maintain the independence of the attorney and the integrity of the lawyer-client relationship. Consequently these groups recommended that the Congress establish a private, nonprofit corporation to administer the Legal Services program similar to the Corporation for Public Broadcasting.

The Education and Labor Committee has approved the National Legal Services Corporation Act. The committee bill becomes a new title X of the Economic Opportunity Act of 1964.

This bill authorizes a Board of Directors with 17 members, all appointed by the President with the advice and consent of the Senate.

Two members must be persons eligible for service—clients—selected after the President gives due consideration to the recommendations put forward by the client members of the Advisory Council.

Two members must be former Legal Services attorneys selected after the President gives due consideration to the recommendations put forward by the project attorney members of the Advisory Council.

Four members are chosen by the President from the lists jointly prepared by the ABA, NLADA, National Bar Association, and American Trial Lawyers Association.

One member is chosen by the President from lists prepared by the Association of American Law Schools.

One member is chosen by the President from a list of five nominees of the Judicial Conference of the United States.

Seven members are appointed by the President—at least three of which must be lawyers.

The House committee bill authorizes a single Advisory Council with 16 members, eight of whom are clients and eight project attorneys.

The committee bill places restrictions of the Hatch Act on full-time employees of the corporation and projects including prohibitions against supporting candidates in nonpartisan elections. This restriction applies when the employee is on his own time.

The restrictions on criminal activities parallel the present restrictions under section 222(a)(3) of the EOA of 1964, as amended.

The bill makes clear that the corporation and its grantees are liable for costs and fees awarded by the court.

The House bill leaves the financing, through appropriations, open-ended.

The House bill deletes the section in the Senate committee-approved bill requiring bilingual services.

This bill represents a true compromise. It delicately balances the need for accountability and independence while assuring a successful program. The committee bill is supported by a wide range of members from both parties—as was the original bipartisan bill. We are creating today a responsible, professional organization which will help to insure equal justice for all Americans.

Mr. WAGGONNER. I oppose title X of H.R. 10351.

One of my reasons for opposing, unqualifiedly, this title is its complete and utter failure to recognize that our State and local governments, constituting a more directly related voice of the people, have the ability to conduct these free legal service programs and, in fact are doing so; its failure to recognize that State and local bar associations constitute a better representation of the full spectrum of legal thinking and ability and play a definite and positive roll in their respective areas; its failure to recognize that State and local governments, which are so often sued by these legal service programs should have any voice in how the corporation is run or its policies are formulated; its failure to recognize that there are certain legal officers out in our States and cities who have expertise in the area of legal services and who also have had direct experience with the OEO legal service people who are written in as members of every board and council; its failure to recognize State and local organizations of those who will be served by the program and, in fact, I take exception to the intentional drafting of this legislation so as to rule out any recognition and representation of all pertinent and logical State and local voices.

Mr. Chairman, this title is made a part of the Economic Opportunity Act which was premised upon a belief that there was too much centralization and emphasis upon the "national way being the only way." When the Economic Opportunity Act of 1964 was reported by the Committee on Education and Labor, the report on the very first page said one of its proposes was "to stimulate our communities to initiate local action programs." On page 3 of that report was declared:

> The federal government will work cooperatively with *state and local* governments so that the treasured *local-state-federal* partnership may be maintained (and the programs) . . . can only succeed if the full resources of labor business and the agencies of federal *state and local* government march side by side in support of it.

On page 10 it was said:

> *Local citizens know and understand their communities best* and they will be the ones to seize the initiative and provide sustained and vigorous leadership . . . *communities* will commit their ideas and resources and assume responsibility for developing and carrying out local action programs . . . as much flexibility as possible will be left to *local communties and local organizations* to develop their *local programs*.

Look at the record, it is replete with defense of OEO programs as not being nationalization of local areas of concern, expertise, and ability but, rather, in furtherance of it.

The first thing I want to do is call your attention to the only possible recognition of any State or local organization or entity which I can find in this bill.

We all know, of course, that this title in no way permits any State or local government to keep this independent Legal Service Corporation from operating within its boundaries, but I take section 1006(g) on page 37 as a "back of the hand" to our distinguished and honorable State—and local—bar associations. That section says 30 days before approval of a contract or grant for one of these extensions of this corporation into a State it shall give the bar association notice that it is going to do it. For what purpose? Absolutely none.

The section only provides for a notice of "watch out, here we come." It in no way gives the bar association an opportunity to even file comments or offer suggestions. The Corporation is going to be there in 30 days and that is that. There is no way the State bar association can stop it or hope for modifications of the proposal.

Perhaps the State bar association already has an adequate legal services program or is on the verge of instituting one. Perhaps the grant has been made by the Corporation in Washington without giving due consideration to the character or ability of the grantee and the State bar association has evidence and opinions which, in the eyes of all reasonable men, should be heard. Perhaps the proposed program contravenes the bar associations code for the practice of law within the State. Perhaps a lot of things that the State or local community know, it does not make any difference. That is why the inclusion of only this subsection is an insult to the State bar associations.

Outside of the provisions of section 1006(g) which I have just discussed, there is no local or State participation required under this title except perhaps one which I will discuss later. Regardless of the congressional commitment in the inception of the OEO programs, the questions I raise are valid:

First. Why does the section 1005 providing for an advisory council limit those who can submit names for persons to serve on it, to only "national" organizations of persons eligible for assistance? Why are not the State and local organizations which do exist recognized? Why should we force them to join and be subrogated to some "national" organization?

Second. Why, in section 1006, when provision is made for grants and contracts for legal services, are not State and local bar associations specifically included as being eligible? Will they be excluded?

Third. Why does not this bill provide that this independent corporation must comply with all applicable State and local laws? Will the corporation and its grantees et cetera claim they are above both State and local corporate laws and State and local laws regulating the practice of law, because their existence is due to a congressional enactment and their funds are Federal funds? This absence of a specific provision is no oversight. In section 1010 where provision is made for State or local audits, it is required that the auditor "be certified or licensed by a regulatory body of a State or political subdivision."

Fourth. Why is the "incorporating trusteeship" which is given the authority to establish the corporation, draw its articles of incorporation, and prepare the other basic documents of the corporation, limited to persons representing only national bar associations and other national attorney organizations, national associations of law schools, and national organizations of persons in the business of providing free legal services? What about our State and local bar associations. They are not subparts of these national organizations. They are separate and independent and ordinarily express the views and experiences of the average practicing lawyer a lot more than these national organizations do.

Fifth. Why is it that the members of the Board of Directors which will allegedly run the corporation, are selected from lists of names submitted only by national associations of law schools, national associations of potential clients, national associations of attorneys providing free legal services and so on? I, as I have already said, see no reason to exclude the independent local State bar associations, the independent local and State potential client organizations and attorneys engaged in practices which relate to State and local governments. For instance, why is not there a representative of associations of attorneys general, or associations of prosecuting attorneys. county attorneys, and city attorneys? These people serve in and for such organizations as representatives of the interests of State and local governments.

Let us not say that these honorable lawyers are not qualified to be on the board, because they often find themselves on the opposite side of the case from the Legal Services attorneys. That is one of the best recommendations I can think of to have them on this board. This board needs balance, there is no doubt about it. All it consists of is the representatives of these national organizations and the lawyers who are going to be its employees on which we need the board to exercise restraints. There is, of course, one judge and seven from among the general public but there is no guarantee of balance there. There could be if the bill said they should not all be died-in-the-wool advocates of socialized law but that provision or perhaps one worded somewhat more prudently, fails to appear.

Look at the one judge who is to be a member. Why is it required that he be a representative of the national judiciary. That is what "the Judicial Conference of the United States" is. I ask why not a judge from a State or local domestic relations court, a judge from a State or local "debtors court," a judge from a State or local juvenile court or a judge from a State supreme court? It is in those State and local courts the real problems of the poor—landlord and tenant, domestic relations, creditor suits, employment suits—are, or should be, handled. The same is true for educational and welfare matters even though the OEO attorneys have preferred the Federal courts on these. The way that section is worded it is extremely doubtful that such a local or State judge would even be appointed.

Mr. Chairman, there is no magic in being a member of a national organization, government or body, but there is no doubt that this title is drawn as if there were, to the exclusion of any real State or local representation, the importance of which was declared when we passed the Economic Opportunity Act.

Mr. Chairman, finally, I ask:

Why should we deny our belief in our people as expressed more clearly through their local organizations and governments by passing this particular piece of legislation?

Mr. MIKVA. Mr. Chairman, the OEO Legal Services program has been perhaps the single most important achievement of that agency's assault on the pervasive inequality of opportunity which exists in America for the rich and the poor.

We are a nation of laws. Personal rights and property rights are established by law, and conflicting claims are resolved in courts of law. It has been charged that the poor will always be at the mercy of the well-to-do in such a society, for it is the unpoor who make the laws, the unpoor who enforce them, and the unpoor who can afford the costs of defending their claims in court.

OEO's Legal Services program has gone a long way in showing that it need not be this way. That program has given integrity and credibility to our society's demand that all citizens, rich and poor alike, respect the laws and the courts. By providing the poor with access to the courts which is more nearly equal to that enjoyed by the rich, the Legal Services program has invested the concepts of equal protection and of due process with new validity.

We are faced here today with another scene in a play which has been produced and directed by President Nixon and his legion of legal elitists. Like a Greek tragedy, the methodical dismantling of OEO marches on toward its inevitable conclusion. Previous scenes have involved a succession of weaker and weaker directors who would willingly preside over the debilitating decentralization of OEO's programs. Then there was the firing of Terry Lenzner and Frank Jones, who dared to stand up for the people whose protection was being bartered away in California and Mississippi, where Republican political interests demanded that the uppity poor folk be put back in their place. Programs continue to be split off from OEO and buried in other bureaucracies. And now comes the final effort to obliterate the successful Legal Services program, an effort resisted admirably by the Senate and not quite so admirable elsewhere.

Perhaps it has always been such, and always will be. Perhaps it is axiomatic that the have-nots will be tolerated and patronized only up to the point when they begin to pose a real threat to the control of the haves, and then the ax falls. I would prefer not to believe that it is inevitable that the well-to-do control the legal system in America.

The crippling amendments offered by the hatchet men of the administration in connection with title X of the bill before us today are all founded on the elitist notion that Government programs which aid the poor must be carefully and rigorously circumscribed to prevent all manner of abuses, while the rich can be trusted to utilize Government largesse in keeping with the public interest—witness the no-strings-attached approach of proposed revenue-sharing grant programs, the colossal tax rebates allowed to private businessmen by the asset depreciation range changes, and the ultimate boondoggle, the Lockheed Special Interest Act, also known as the Emergency Loan Guarantee Act.

I support the committee version of title X. It is not as strong as the Senate-passed version, but it is not as weak as the version which the administration would like to substitute.

By setting up an independent nonprofit corporation to administer Legal Services programs, the bill takes an important step in the direction of removing Legal Services from the political arena. But there are critical questions of who will control and direct the corporation. Who will have how much of a voice in selecting the directors? What restrictions will be placed on the freedom of Legal Services attorneys to represent their clients in the same vigorous manner as private attorneys hired by the rich, subject of course to the ethics and traditions of their profession?

In my opinion the committee version of the National Legal Services Corporation answers these questions in an acceptable way, unlike the substitute provisions proposed by the spokesmen for the administration.

I, for one, would much prefer to see the battles of the 1970's take place in the courts rather than in the streets. Title X helps to insure that eventuality by providing the poor with equal access to the legal weaponry necessary to fight and win court battles. I urge my colleagues to support the committee version of the National Legal Services Corporation.

Mr. BIESTER. Mr. Chairman, there are many kinds of cases dealt with by Legal Services attorneys throughout the country. The services provided indigent clients run the gamut of legal representation—from a simple phone call to a complex constitutional challenge before the Supreme Court. The majority of cases, however, are those which other lawyers would describe as routine—such as uncontested divorces, garnishments, consumer installment contract problems, and evictions.

Legal Services attorneys make headlines only when they file or win a controversial major case, which is proportionately very seldom. On the surface, the majority of the cases handled by these lawyers are important only to them and their clients. Of the over 600,000 cases handled by OEO Legal Services in fiscal year 1969, very few made news. All were significant, however, since they provided assistance to people who were previously denied the courts and the legal system as a forum for expressing their grievances. The presence of Legal Services attorneys willing to provide the necessary services free of charge changed that situation.

I must oppose any amendment aimed at channeling the operations of the Legal Services program in such a way that the taking of controversial cases will be discouraged or prohibited. I am opposed not only because handling a client's every legal problem, controversial or not, is the duty of every attorney. I am also opposed because any weakening of the program as a whole will also have a serious effect on its ability to offer services in routine matters.

If programs are hamstrung in any way from providing a complete range of professional services, competent, dedicated attorneys will no longer wish to take employment in Legal Services offices. No professional wishes to be prevented from using fully his talents and the skills for which he has been trained. Inevitably, programs will close down, and in many areas, still unserved, programs will never open.

Thus, so-called routine services will also decline through such an amendment. This would be a tragedy not only for individuals, but for the entire cause of justice in this country. Such services, so important to the particular client, are necessary to restore the faith of the poor in their ability to redress grievances in a peaceful manner rather than by resort to the streets. I urge my colleagues to join me in opposition to any such amendment.

Mr. DRINAN. Mr. Chairman, I rise in support of title X of H.R. 10315, the Economic Opportunity Act amendments, which would transfer the existing legal services program from OEO to a new independent National Legal Services Corporation. I cosponsored the bipartisan proposal of Mr. MEEDS and Mr. STEIGER, H.R. 6360, because my experience as an attorney, observer of activities in the civil rights field, and law school dean all lead me to believe that our social institutions—including courts and corporations—are not responding adequately to the 25,700,000 poor people in the United States. Because I believe vigorous and unhampered legal advocacy on behalf of this population is an essential element of any program for social progress, I support title X in the form it was reported out of the Committee on Education and Labor. I admit that I would have preferred an even more vigorously independent form of legal services corporation. But, important as each of the specific points of departure of the committee bill from the bipartisan bill is, we must not obscure the central need for an independent entity to fight for those citizens who do not have the money or power to fight effectively for themselves.

Mr. Chairman, the committee's provisions for a legal services corporation are supported by an extraordinary array of groups and individuals, including the AFL–CIO, UAW, Common Cause, Americans for Democratic Action, American Trial Lawyers Association, National League of Women Voters, and the Urban League. The American Bar Association endorses the bill in principle and opposes restrictive amendments. The Association of American Law Schools "supports a strong and viable legal services program free and independent from any interference which might have the effect of compromising the professional role of lawyers in carrying out the purposes of their program."—hearings, page 1657.

As a law school dean, I have observed the pressures—and I do not mean necessarily malicious or underhanded pressures—which inevitably fall upon the shoulders of attorneys working in the field of legal services for the poor. Indeed, the anomalous and central problem of legislation affecting legal representation is that powerful and potentially powerful individuals, who are duly constituted legislators on all government levels, become intertwined in the administration of justice. They become involved in matters of jurisprudence. They feel called upon, in their legislative capacities, to comment upon the social policy implications of judicial decisions. To paraphrase the U.S. Supreme Court, such oversight, in such circumstances, must necessarily have a chilling effect upon vigorous advocacy. It inevitably constitutes an inhibition on attorneys whose careers often hang in the balance—the zone of reasonableness—between courageous and bold action and prudent inaction. The better the lawyer, the more sensitive he is to all stimuli. The most eager lawyer, the best-intentioned lawyer, the most diligent lawyer will invariably be affected to some degree by the slightest politicization of his function.

Mr. Chairman, I have an enormous and very deep respect for that corps of attorneys who are professionally engaged in the legal services program. They are participating on the front lines of the most important social movement of our century. They are paid too little, work long hours at remuneration very substantially less than they would receive in other forms of practice, and—I believe this to be the highest compliment one could pay a lawyer—they are fundamentally devoted to the needs of their clients. We owe them the independence which this bill provides. We are certainly not here offering them a license to work against the system. On the contrary, we are offering them only that basic freedom to operate according to the rules, within the duly constituted channels of the administration of justice, which their opponents before the bar enjoy. I respectfully submit that to provide them less is to compromise the long-suppressed chance that their clients have to obtain justice—equal justice—under law.

Mr. MITCHELL. Mr. Chairman, there is no doubt of the importance of the existence of a Legal Services program, for such a program breathes life into the very concept of equal justice under the law. In fact, the Legal Services program, as exhibited by its track record, has provided the only viable and effective vehicle through which poor people of this country, can actively seek recourse to their grievances. Indeed the Legal Services program has made both the courts and professional legal counsel accessible to many Americans, who otherwise would have been denied their constitutional rights, due to their inability to afford legal advice or bear court expenses.

Therefore, if we are to continue to this kind of effective and efficient means for redress of the poor's grievances, the Legal Services program must be a vibrant and resilient force. Moreover, the Legal Services program is very vital in building and maintaining the confidence of poor people in our adversary system.

Unfortunately, however, the program as it now exists under the auspices of the Office of Economic Opportunity, is being straitjacketed by bureaucratic pressures and political influences. To be sure, the accomplishments achieved thus far by the Legal Services program and its personnel were done inspite of, and not because of, its attachment to the OEO. I am afraid that the same umbilical relationship between the Legal Services program and OEO which gave the program its start and sustained its life through funding, has unwittingly begun to strangle the very life of the program. More importantly, perhaps, I am equally convinced that this strangulation was precipitated by the inextricable bureaucratic and extraneous political interference, associated with all agencies.

The continuous assaults and interference from bureaucrats and archaic thinking politicos have seriously jeopardized the integrity of the lawyer-client relationship as well as endangered the effectiveness of the entire program. For these self-proclaimed omniscient interlopers' sole purpose is to uphold their tradition of maintaining a state of frustration and powerlessness for the poor.

If the Legal Services lawyers are to have a free hand in running the program, and if they are to provide the caliber of professionalism and competence, to insure the accessibility of all phases of our judicial process, then it is imperative that their efforts are not thwarted by parent agency inefficiencies.

The need for a National Legal Services Corporation is evidenced by the overwhelming support of the concept by many bar associations around the country, as well as organizations such as the AFL–CIO, UAW, ADA, and National Tenant Organization. Finally, the congressional establishment of a non-profit organization setting up the legal services program would totally alleviate the fear of the executive branch of being placed in an awkward political position as a result of activities or practices of the legal services management. Indeed the Corporation would negate any argument for political influence and/or pressure. Hence the sooner such a nonprofit organization is set up, the sooner we can get to the real business of protecting the rights of poor Americans within our judicial system.

Mr. FRENZEL. Mr. Chairman, as a cosponsor of legislation to establish a National Legal Services Corporation, I rise in favor of title X of H.R. 10351. The legal services program now administered under OEO has proven that legal services can effectively be provided for persons who otherwise could not have afforded them.

Having passed the initial test, equal justice under law can now be made available to many more deserving persons by the establishment of the legal services function as an independent body. This service should now be made available on a uniform basis to persons financially unable to secure the services of an attorney.

The present form of title X is the result of many months of negotiation and compromise on the part of the committee members who have been studying the various legal services proposals. In my judgment, it is a fair and workable proposal, and I would caution against the adoption of amendments which might dilute the potential effectiveness of the legal services program.

Title X provides legal services to the needy, but does so in a context where political pressure will be left to a minimum, in an institutional setting where the Corporation will be free from the control of any one group, and yet accountable to the legal community, the President, and to Congress.

I urge your support for title X, and hope that you will consider it, with minimal amendment, in the form produced by the Education and Labor Committee.

Mr. RAILSBACK. Mr. Chairman, the National Legal Services Corporation would be established 6 months after the enactment of H.R. 10351, the Economic Opportunity Act Amendments of 1971. As one of the original cosponsors of similar legislation, H.R. 6360, I am pleased to see that this measure has received broad support from the members of the Committee on Education and Labor.

Equal justice under law is one of the pillars of our democracy. Today, it is assumed that no one will be denied access to legal counsel because he is poor.

Unfortunately, many Americans are still unable to afford essential legal services outside the criminal courtroom. In many civil matters, or to vindicate legal rights, it is still necessary to be wealthy enough to hire an attorney.

As President Nixon declared in 1969—

> Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having their needs met.

It is up to the Congress to provide the poor with the legal assistance which can bring about that understanding. For the poverty stricken family faced with illegal or sudden eviction or to the housewife defrauded by an unscrupulous salesman, legal service provides invaluable assistance, and it stands as a symbol that our Nation is a nation of law and justice for all.

The legal services program was established in 1966, under the administration of the Office of Economic Opportunity. Briefly stated, the program's purpose is "to further the cause of justice among persons living in poverty." Advice, counseling, education, representation, and other legal services are provided to individuals who would otherwise be unable to afford them.

Originally, the program required the support and oversight of the Federal Government. However, in recent years, support has been generated from the private sector, for example.

Both the Advisory Commission on Civil Disorders and the Commission on the Causes and Prevention of Violence recommended expansion of the legal services program. That expansion has occurred as the program has met with great success in attracting new attorneys and serving the poor.

This year, over 1 million poor Americans will be represented by approximately 2,000 legal services lawyers. This is double the caseload of just 2 years ago, and indications are the trend will continue. The program has now proven its value and effectiveness, and, in my view, should continue operating without the supervision of the Federal Government. There is a great need to insulate the attorney-client relationship from partisan political pressures.

Poverty lawyers in some States, notably California, have angered a few public officials by their involvement in controversial suits and with controversial clients. At times, some officials have threatened to cut off funds for the program.

In the Congress, an amendment offered by Senator Murphy would have granted the Governor of any State a veto authority over the legal services programs. Fortunately, the amendment was defeated.

Mr. Edward L. Wright, president of the American Bar Association, testified that—

> Recurring attacks on the Legal Services Program have helped shape our view that the Program should be provided a new and independent home.

I believe the program should be placed in an organizational setting that will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate, a view concurred in by the President's Commission of Executive Organization.

The National Legal Services Corporation proposed by H.R. 10351 will provide financial and other assistance to qualified legal aid programs, increase opportunities for the legal education of individuals from minority groups or the poor, collect and disseminate information on the activities of legal services programs, and establish policies consistent with the best standards of the legal profession. To insure effective accountability to the Congress and the President, an annual report is to be prepared summarizing all activities and making any necessary recommendations.

This legislation represents a consensus of the best judgments of the members of the Education and Labor Committee. Many difficult questions had to be resolved.

One such question was whether project attorneys should engage in practice of criminal law. It was decided that since the Supreme Court has placed the burden of representation in criminal matters squarely upon the State legal services, attorneys should be very limited in such cases.

Another question was to what degree project attorneys could engage in political and lobbying activities, and the committee wisely decided that they could only take such action when engaged in bona fide representation of a client or when requested to do so by the legislative body.

The committee also decided that for the time being, legal services provided by this act should be limited to people below the poverty line. However, the Corporation is to make a study of this particular matter, and report back to the Congress within 18 months.

President Nixon has recently stated that—

> Today, perhaps four out of every five legal problems of the poor still go unattended.

It is our responsibility to help provide solutions to those problems, and a Legal Services program under the direction of an independently directed, nonprofit Corporation provides the best approach. I urge the adoption of H.R. 10351.

Mr. VEYSEY. Mr. Chairman, I rise to speak in favor of striking out title X and thus continuing our efforts to develop an efficient, and an effective Legal Services program for the needy.

Legal assistance is one of the more critical elements in our overall campaign against poverty in this country. It is and has been experimental. We cannot fail to provide this assistance, and we cannot afford to terminate the positive results we have achieved by experimentation up to this point.

Even more important, we cannot afford to undermine public confidence in Legal Services programs. Public trust and public support is a critical factor in the success of such a program at every level.

For these reasons, I urge that title X of this OEO legislation be removed.

Title X would institutionalize Government-sponsored legal services. We are simply not ready to do that today. It would create a permanent Government system over which Congress would have no means of effective oversight or control. It would abolish experimental projects such as the California rural legal assistance program, a project which has been of significant benefit to needy people, but also a project that has been fraught with much controversy.

The CRLA has been controversial—it has made serious mistakes primarily because of the many problem areas in which it has worked, and it has serious problems as it has experimented with this new concept.

The CRLA has been widely accused of flagrant abuse of its Government-granted privileges and in many cases, it has been guilty of just that.

The CRLA has at times strayed far from the goals this body envisioned when our legal services program was created. Rather than a dedication to solving and relieving the legal problems of our rural poor, the CRLA has often been more intent on advancing the personal and philosophical interest of a cadre of fledgeling and often radical attorneys. They have been called to task on occasion, and corrective action has been taken.

Title X, by making the entire Legal Services program an autonomous corporation, would make it extremely difficult for Congress to restrict, control, or even monitor the future activities of the CRLA, and of all similar programs.

Furthermore, title X would remove completely the concept of local and State participation in Legal Services programs.

Governors would be stripped of their veto powers as would all local government bodies. In effect, local citizens would have no means whatever, to control Federal legal services in their communities. In a program as all encompassing as this, it is imperative that the interests of local government and local citizenry be considered and protected.

Title X not only ignores local control, it would remove it by law.

Finally, one particular component of title X should be enough to convince each of us that it is unwise regardless of how we feel about the loss of local and congressional control over legal services.

I am speaking of a section under the powers of the Corporation provisions of title X.

This bill would allow virtually any kind of pickets, demonstration rallies, imaginable, as long as they were not directed at a legislator or his family.

That is the wording of the provision. To me, we are saying that any private citizen is subject to whatever mob warfare a group of young lawyers might be able to organize. The only restriction says that such demonstrations must be in the interest of the clients. In practical terms that leaves the door wide open, and all of us know it.

Once again, we must continue to develop meaningful Legal Services programs for the poor and the underprivileged in this Nation. Title 10 would certainly not accomplish that, but rather would create an institution before the experimentation is reasonably completed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. DEVINE).

The question was taken; and the chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. DEVINE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WAGGONNER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the chairman appointed as tellers Mr. DEVINE, Mr. PERKINS, Mr. QUIE, and Mr. WAGGONNER.

The Committee divided, and the tellers reported that there were—ayes 152, noes 210, not voting 70, as follows:

[Roll No. 275]

[Recorded Teller Vote]

AYES—152

Abbitt
Abernethy
Andrews, Ala.
Archer
Ashbrook
Baker
Baring
Belcher
Betts
Bevill
Biaggi
Blackburn
Bow
Brinkley
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Collier
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dennis
Devine
Dickinson
Dowdy
Downing
Duncan
Fisher
Flowers
Fountain
Frey
Fulton, Pa.
Fuqua
Gettys
Giaimo
Goldwater
Gonzalez
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Hammerschmidt
Harsha
Hays
Henderson
Hogan
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
McCollister
McEwen
McKevitt
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Myers
Nelsen
Pettis
Poage
Powell
Price, Tex.
Pucinski
Purcell
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shriver
Skubitz
Snyder
Spence
Springer
Staggers
Steed
Steiger, Ariz.
Stephens
Stubblefield
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOES—210

Abourezk
Abzug
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Carey, N.Y.
Carney
Chisholm
Clay
Cleveland
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Wis.
Dellenback
Dellums
Denholm
Dent
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gibbons
Gray
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Johnson, Calif.
Karth
Kastenmeier
Keating
Keith
Kluczynski
Koch
Kyros
Leggett
Lent
Link
Lloyd
Long, Md.
McClory
McCormack
McDade
McDonald, Mich.
McKay
McKinney
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Mills, Ark.
Minish
Mitchell
Monagan
Morse
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Quillen
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruth
Ryan
St Germain
Sarbanes
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shoup
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Winn
Wolff
Wyatt
Wydler
Yates
Yatron
Zablocki
Zwach

NOT VOTING—70

Adams
Ashley
Blanton
Blatnik
Bray
Celler
Clark
Clawson, Del
Conable
Derwinski
Diggs
Dorn
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evins, Tenn.
Fish
Flynt
Frelinghuysen
Frenzel
Gaydos
Goodling
Grasso
Griffiths
Gubser
Hall
Hanna
Hansen, Idaho
Hébert
Hunt
Jacobs
Jonas
Lennon
Long, La.
Lujan
McCloskey
McClure
McCulloch
McFall
Metcalfe
Michel
Miller, Calif.
Mink
Moorhead
Morgan
Mosher
Moss
Murphy, N.Y.
Nichols
Passman
Patman
Pirnie
Poff
Reid, Ill.
Riegle
Rousselot
Runnels
Ruppe
Sikes
Sisk
Slack
Smith, Calif.
Steele
Stuckey
Widnall
Wiggins
Wilson, Charles H.
Wright

So the amendment was rejected.

The CHAIRMAN. For what purpose does the gentleman from Illinois (Mr. ERLENBORN) rise?

Mr. ERLENBORN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, immediately before the last vote which the Chair just announced, I was on my feet at the microphone seeking recognition. The Chair did not recognize me and I ask unanimous consent at this time to revise and extend my remarks immediately preceding the vote that was taken.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ERLENBORN. Mr. Chairman, as the principal sponsor of this title in the committee, it was my fond hope to have the opportunity to argue against the motion to strike before the vote was taken. But I thank the chairman for giving me leave to extend remarks.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HUNGATE: On page 37, following line 12, insert:
>
> "(i) Anything herein to the contrary notwithstanding in the case of counties of less than 75,000 population, said corporation shall provide payment at rates it finds reasonable to any client the court finds and certifies indigent in accordance with corporation guidelines. And when such client's indigency is certified, the client may select his own attorney and if such an attorney notifies the corporation of his employment prior to its completion, the corporation shall pay a reasonable fee in accordance with its guidelines insofar as its assets extend. Not less than 20% of said corporation budget shall be set aside to meet the legal needs of those residing in counties with a population of less than 75,000."

Mr. HUNGATE. Mr. Chairman, I want to thank all of those who waited so long for this amendment. I think we find ourselves much in the kind of situation Dewey Short used to talk about. There was a prosecution down in the Ozarks for stealing some girl's purse. She went into the prosecutor's office and said:

> Well, I went to the picture show and it was dark in there. This fellow came along and he sat down beside me.

The next thing she knew he was holding her hand. The next thing she knew he was fondling her. And the next thing she knew he was caressing her. The next thing she knew he was gone and so was her purse.

The prosecutor said:

> Wait a minute. Why didn't you stop him when he started?

She said:

> I didn't realize he was after my money.

I think that is the way a lot of them in the rural area are with regard to OEO bills. They are needed, and we support them but as they go forward we want to try to get some reasonable and fair share of the money. I have suggested that some 20 percent of the budget be devoted to the purposes of the Legal Services Corporation in rural areas, which would be places of populations of 75,000 or less.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding. May I inquire as one who is not a lawyer but as one whose district obviously would be sympathetic to the needs and problems of communities with less than 75,000, could the gentleman tell me exactly what his amendment would do in simple language so I could understand it?

Mr. HUNGATE. The gentleman from Wisconsin has inquired exactly what the amendment would do. It would authorize the corporation to set aside at least 20 percent of its budget for those counties of less than 75,000 population, where millions and millions of people in this country live. To explain why the amendment is needed, I point out that a Legal Service Corporation to meet the needs of the situation in New York City, the situation in Chicago, St. Louis, Kansas City, works very well. You can establish a staff. But when you get out in the rural areas where there are only four or five lawyers in the county and maybe 40 or 50 miles between county seats and lawyers, there are the same differences in conditions you might find at the seashore and in the mountains. It is a different sort of problem. I believe this program is commendable. I think it can serve a very useful purpose. But I believe we would make a great mistake if we treat areas that are small and sparsely populated the same as metropolitan areas are treated.

I feel sure that those in the metropolitan areas would share my feeling that you cannot treat them as you would a rural area in a matter such as we are discussing.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's answer, but obviously your amendment does more than merely set aside 20 percent of the funds. What is your reason for all the language above that last sentence in your amendment? Are you saying that the only way a Legal Services program may be carried out in counties of less than 75,000 is on a judicare-type basis.

Mr. HUNGATE. The gentleman is correct. I am requesting that the counties that would be eligible get similar administration to a judicare basis. I think the gentleman states the general consensus of the amendment very clearly.

Mr. STEIGER of Wisconsin. I am not asking you for a consensus.

Mr. HUNGATE. Let me finish my statement, if the gentleman will. I have been here since noon.

This is a program that has been recommended from education and labor. This was not a program that came out of my committee, although someone indicated it could well have come out of the Judiciary Committee. The lawyers from the Missouri Bar and the lawyers from the American Bar have said in contacting me that it might be OK in the cities, but it will not work in the country.

I do not use the word judicare. I have not been under that program, I do not know what it does. In my proposal a man cannot just say, "I am indigent," and as a practicing lawyer one will find some of those who say "I am indigent" have more money than the lawyer has.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I shall try not to take the full 5 minutes, but I think this is a very important amendment, and it should be discussed fully.

First of all, I sympathize with the desires of the gentleman from Missouri to see that the people in the counties of under 75,000 receive representation. I represent some of these counties myself, and for some time we have been trying to see that this is done. We have just achieved a rural legal services program which is dealing with two counties or three, which are of less than 75,000. It is a fine program in which there are traveling or circuit attorneys who are going around and representing these people where they live, rather than making the people come to the county seat to be represented there.

So I understand the thrust of the gentleman's amendment, but I must reluctantly oppose the amendment for several reasons. First of all, everyone in the House should know there have been legal services programs and judicare programs running concurrently in this country. We have had several judicare programs to test, first of all, the cost, and secondly, the efficiency of these programs. On both counts I am sorry to report the judicare programs come out second best by a long shot.

First of all, as to cost, the cost of the programs reviewed thus far has ranged from approximately $93 per case in Wisconsin, to $140 per case in Washington Township, Calif.

On the other hand, of the millions of cases handled under the legal services program, we found the costs are about one-third those I have stated for the judicare programs.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I am sure the gentleman will agree with me that when we are talking about justice and equal justice to all, we do not just deal with dollars, and it might cost a little more where we have a sparsely populated area as in Missouri or Wisconsin, where the people are spread around, than it might cost in a downtown area.

Mr. MEEDS. I share the gentleman's concern and I, too, would not like to see this put on the basis of cost only. That is why I suggest to the gentleman much better legal services programs can be put on, such as in my area where there are circuit riding attorneys who are riding around the counties and doing so at substantially less cost.

On the question of efficiency, the gentleman is an attorney and he knows, as do many of the Members of this body, that a person becomes proficient in certain fields of law. The average practicing attorney does not deal on a daily basis with the problems of the poor. He does not deal with the problems of the landlord and tenant, and evictions, and the myriad problems that poor people face, so each case is a new experience for him in this field, and he is required to acquaint himself with all the facets involved, whereas the individual legal services attorney is dealing with this type of case on a day-to-day basis, so he is proficient in the law as it applies to the poor people. Therefore, we will find the legal services system is much more efficient than the judicare system.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I think some of the Members may have had a different rural practice than I did. We dealt with hogs and chickens and fences and roads at great length. I think really rural lawyers might be more helpful. I think under this program a man could choose his own attorney. I think choosing an attorney is a little bit like choosing one's own doctor.

A person may choose the wrong one, but he is considerably happier when he has a choice and does not have some guy who comes by once a week or once a month. Perhaps one might pick an attorney who goes to the same church or lives in the community with him. If he "blows the case" he has to see the man the next day.

Mr. MEEDS. There is certainly no disagreement on the client selecting an attorney.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I want to indicate my opposition to the Hungate amendment to require judicare, as this amendment would. It would be a serious mistake. I come from a State which has a judicare program where there are problems, and there are lots of questions unanswered. Clearly the Corporation is authorized to experiment on a similar basis to that which OEO now does and I believe this type of experiment is needed. But to mandate judicare would not be wise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HUNGATE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HILLIS

Mr. HILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HILLIS: On page 19, strike out line 9 and everything that follows through line 17.

Renumber all succeeding sections of the bill and references to those sections, accordingly.

Mr. HILLIS. Mr. Chairman, this amendment would delete section 13 of the bill which requires that OEO furnish copies of "all rules, regulations, guidelines, instructions, and application forms" published or promulgated under the act to the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor, at least 30 days prior to their effective date.

This requirement which would be imposed on OEO is unparalleled in Government operations and would hamper rather than promote the efficient administration of Economic Opportunity Act programs. The 30-day advance submission of these directives could unnecessarily delay the promulgation of rules needed to prevent abuses in the operation of EOA programs or otherwise enhance their effectiveness.

The committee's report states that failure to submit rules, regulations, et cetera to the Senate and House committees would not, under the terms of the bill, render them ineffective. However, failure to comply with this requirement would place the agencies operating EOA programs in a situation in which they would be risking the disfavor of the very committees to whom they must look for their authorizations from year to year. Faced with this situation, they could be expected to comply fully with such a congressional mandate and make these advance submissions, even perhaps in some instances to the detriment of administrative efficiency.

The committee's report states that in imposing this requirement it "seeks systematically to keep abreast of the EOA programs and to keep informed of the kinds of 'redtape' the communities are being subjected to." This is a worthy objective. However, congressional committees have found it possible with all other Federal programs to maintain a satisfactory surveillance of their administration through periodic "oversight" hearings, hearings in which new authorizations are considered, and in the appropriations process. It is entirely appropriate for Congress to maintain this type of oversight of agency operations, since it helps to insure that the Federal taxpayer will get his money's worth from the programs entrusted to the various Government agencies. However, it would not promote the Nation's welfare to enact into a law a requirement such as section 13 of this bill would impose. The imposition of such a requirement would mean that committees of the Congress would be concerning themselves with such minute details of the day-to-day administration of Federal programs as to endanger the effectiveness of those programs. This is precisely opposite to the effect the committee intended in its incorporation of section 13 in this bill. The section, because of its potentially damaging effects, should therefore be deleted.

In conclusion let me say there is no doubt if this amendment is not adopted the result could be a major source of delay, confusion, and unproductive controversy between the committee of Congress and the agencies of the executive branch downtown.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think my colleagues will agree that over the years in trying to deal with these programs, we frequently hear from local officials and people who are expected to work with the program is the complaint that very involved applications and frequently changed guidelines become so complex and the red tape so overbearing that they lose confidence in our ability to write legislation in a way that can be administered at the local level in a sensible fashion. We have heard this from school people from time to time and in fact from everybody who has dealt with this program.

This section of the bill does not say that the operating agencies, as the gentleman who was just in the well indicated, must send all of their guideline applications to us, but it says that the OEO, which is the overall agency and not the operating agency for a number of programs, must send the guidelines that it, the OEO, puts out to implement legislation such as the legislation now before us.

There is no veto power intended here. The OEO does not have to wait for the committees to comment. The committees can comment, but they can go ahead just the same.

This section permits the staffs of the two committees dealing with this legislation, both the majority and the minority, to have an opportunity to see what is being sent out to the people of this country in advance of the effective date so that we can, as the gentleman suggests, exercise our oversight power and move into an area in time to do something practical for the people involved if it appears that they are placing an undue burden on local officials in trying to administer these programs. It is in no way intended to be a restraint.

We put over its considerations in the committee one day, and we took up with the people in OEO the question of the language in this section and made changes to satisfy the questions they had in their mind. I believe Mr. QUIE supported this as the ranking minority member when it was put in on the assurance that after we made changes in the language the OEO no longer objected to having this requirement placed on them. So, if it is a Federal agency objecting to this obligation, it would only apply to the OEO itself.

To the best of my knowledge, as a member of the committee and as one of those who sponsored this language, OEO is not complaining.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HILLIS).

The amendment was rejected.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on the bill and all pending amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, would the Chair tell us how many amendments are at the desk?

The CHAIRMAN. There are three amendments at the desk.

Mr. GERALD R. FORD. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to

the request of the gentleman from Kentucky?

Mr. WAGGONNER. Mr. Chairman, reserving the right to object, would the gentleman from Kentucky make that 20 minutes?

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, I will make it 20 minutes in order to accommodate the gentleman from Louisiana.

Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

AMENDMENT OFFERED BY MR. WAGGONNER, OF LOUISIANA

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: Page 47, strike out the final quotation mark in line 14, and insert after line 14 the following new section:

"LIMITATION ON SCOPE OF PROGRAM DURING INITIAL PERIOD

"SEC. 1017. Notwithstanding any other provision of this title, during the two-year period beginning upon the expiration of the transition period described in section 1003 (a) the program under this title shall be placed in operation only in a specifically limited number of communities, which shall be selected by the Corporation with a view to permitting the effective testing of such program in actual operation under varying conditions and in different circumstances while keeping the total expenditures and activities thereunder at a minimum and avoiding any commitment to its broader application. At the end of such two-year period the Corporation shall submit to the Congress a full and complete report on the operation of the program, including a detailed description of the problems and difficulties confronted in such operation and any recommendations which may be indicated for further legislative or administration action; and the program shall not be placed in operation in any additional communities until such report has been submitted and the Congress has had a reasonable opportunity to take such further action as may be necessary or appropriate."

Mr. WAGGONNER. Mr. Chairman, the Members have heard much which would indicate that there are fundamental problems with this proposal for an independent Legal Services Corporation. It should also be pointed out that there are a number of other areas which should have been explored had there been more time. Such questions as the right and duty of the Legal Service attorney to organize extracurricula activities such as demonstrations ought to have been explored more fully. However, it is understandable that this body has voted not to strike this section, but it would be very hard to understand why this body would not look favorably on this amendment to place this experiment into some reasonable time-frame limitation.

I call it an experiment because that is just what it is. An independent corporation, serving as an organizational vehicle for Legal Service attorneys is not something we really know all that much about. It is true that in times past, on different questions, we have seen fit to establish a quasi-public corporation. We did it with Comsat, and with Amtrak. But, Mr. Speaker, we are not dealing here with satellites or trains, but with our judicial system, our political institutions and even the social fabric of our America. We do not know what will be the effect on the caseload in our already overburdened courts; nor do we know just how many problems will be created when an independent agency operates as this one will. We must be most careful not to create something that from its very organizational setting will be most difficult to review.

The amendment I have offered instructs the Corporation to report back to the Congress in 24 months. The amendment impresses into the Legal Services Corporation a most necessary factor, prudence. This body, and our constituents, understand that these programs, especially one of this corporate setting, have a tendency to "disappear" from public view and congressional scrutiny. This is understandable given the enormous responsibilities to which the Congress addresses itself each session. But surely with a bill as important and as far-reaching as the concepts and practices here involved we ought to insure that those undertaking this most serious program return to Congress 2 years from now so that we, as a body and as individual Congressmen, might have the specified opportunity to review and appraise what an independent Legal Services Corporation will mean to America. Perhaps, but I doubt it, the report will be a glowing one, but quite honestly we just do not know.

Mr. Chairman, we must face facts. We do not know what this program will do to our judiciary when it is in full operation. There are not the natural checks and balances to keep the number of cases filed down to manageable limits. We do not even know the way it will operate, or who will be staffing it. It is not like this program cannot get out of control. We all know that it can. In years past we witnessed the establishment of various neighborhood projects which became, in too many instances the domain of those who were corrupting our young, rather than training them in needed skills. We saw regional job development projects become local nightmares. In those cases the programs, directly under congressional control, were replaced because Congress had the opportunity in the ordinary course of business to make the review and institute the required changes. That is all I ask here.

This amendment does no more than to recognize that the independent legal services is an experiment. Should we fail to make provision for this and establish this Corporation as a permanent legal entity then we are giving up a significant opportunity for a full review. We do here no damage to the program; we provide only for our review.

I urge my colleagues to consider the importance of the potential effect of this corporation and to consider the practicality of recognizing the experimental feature of this bill. Mr. Chairman, we will be doing ourselves a great favor in passing this amendment. I urge your support.

The CHAIRMAN. Is there any Member on the list of names that the Chair has announced who desires to speak, either for or against the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER)?

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER).

The question was taken; and on a division (demanded by Mr. WAGGONNER) there were—ayes 42, noes 84.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: On page 43, line 16, after the word "person" add the words "living in poverty".

Mr. WHITE. Mr. Chairman, the previous legal services provision in the previous act provides that this organization is established for the cause of justice among persons living in poverty.

The present bill does not define "client" as living in poverty, but says "member of a client community includes any person unable to obtain private legal counsel because of inadequate financial means."

The purpose of this amendment merely adds these words—"any person living in poverty" borrowing the same words from the previous act. This amendment is presented for such examples as a person who may file in bankruptcy, who does not ostensibly have financial means, but lives like a king.

I think if we do not close this gap by more specific definition, we are going to have an open door to all kinds of abuse.

This program is designed to help those living in poverty and I think we should define the benefactors as those clients who are living in poverty.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The question was taken; and on a division (demanded by Mr. WHITE), there were—ayes 49, noes 65.

So the amendment was rejected.

Mr. STOKES. Mr. Chairman, I rise in support of H.R. 10351, the Economic Opportunity Act Amendments of 1971. As the Representative of a district in which poverty and unemployment are painfully and starkly visible, I fully understand the necessity for continuing, improving, and expanding the OEO program.

The Committee on Education and Labor and its distinguished chairman have been properly commended here for their comprehensive review of the complex, many-faceted OEO program. It is heartening to see that the committee has recommended an increase of 6.7 percent in the funding authorization requested in the administration budget. The administration seemingly has been more concerned with dismantling the OEO program and with bringing its more effective programs under local political control than with ministering to the needs of the poor.

I am particularly encouraged by the committee's recommendation of an increase of $12.5 million over the administration request for the Neighborhood Youth Corps. Given the severe unemployment conditions which now exist, a considerable expansion in employment programs is an obvious necessity. The Neighborhood Youth Corps works with teenagers whose unemployment has averaged over 16 percent as compared with the 6-percent level of general unemployment. I consider it unfortunate that the committee did not do more to increase the authorizations for other title I employment programs.

As a cosponsor of the Steiger bill to create a National Legal Services Corporation, I want to comment on the legal services section of the committee bill. I recognize that compromise was necessary, and I am more concerned with the failure to authorize sorely needed expansion of the program than with the compromise. The administration requested $200,000 less for fiscal 1972 than was spent in fiscal 1971. Although the committee restored this slight cut, it failed to provide the substantial increase in funding which the program must have. There has been little disagreement about the value and effectiveness of the legal services program. It has a remarkable record. To set up the new independent corporation with inadequate funding is irresponsible and inexcusable. The failure to increase the funding will mean a diminution in the level of services provided.

Many programs have already been forced to close some neighborhood offices and to impose restrictions on the types of cases handled. Innovation will be impossible. The thousands of poor people who will need legal services in the next year may well be disappointed in the quality of services or even the availability of those services. I am hopeful that these matters will be carefully considered in conference.

Despite my slight reservations, I intend to vote for passage of the committee bill and I urge my colleagues to do the same.

Mr. BROOMFIELD. Mr. Chairman, I rise to lend my voice in support of this amendment which would add $50 million to the Economic Opportunities Act for new programs designed specifically for the elderly poor.

Accelerating poverty statistics for those over age 65, who now constitute 20 percent of all poor Americans, have confirmed what those of us who share a deep concern for senior citizens have long suspected. In short, the war on poverty has failed to respond adequately to the needs of millions of older Americans who are struggling to subsist on fixed incomes in the face of rising costs.

This neglect, this apparent lack of concern, has, I feel, been the result of a philosophy as outrageous as it is outmoded; that it is more important to assist the younger poor, that they should receive first priority. The elderly already face senseless discrimination from the private sector of our youth-oriented culture. If their government and country should endorse this same shortsighted attitude, it would be the final insult further compounding their desperate need for help.

Mr. Chairman, at a time when poverty rates for those over 65 are rising more rapidly than for any other group in the Nation, I propose that $8 million of a $2 billion appropriation for senior citizens is woefully inadequate. Passage of this amendment will reaffirm our pledge to wipe out poverty in this country for all citizens regardless of age and add muscle to those projects developed by the senior opportunities and service programs of OEO.

This agency has discovered that older Americans, like the rest of the population, need more than income supplements. They too seek employment and require vital services which at present costs are beyond their means. Indeed, because of their age, they face problems in areas such as transportation, nutrition and medical care that are often more serious than the rest of the poor.

I have learned from the example of my own district that senior citizens desire employment, they urgently wish to continue as contributing members of the community. As a sponsor of legislation designed to stimulate jobs for those over 65, to begin research for improved transportation facilities and to provide nutritionally sound meals for the elderly, I applaud the efforts of the OEO to achieve progress for these neglected Americans.

Unfortunately, it has become clear that despite the positive results achieved so far by pilot programs that further progress will be minimal unless a larger commitment is made through increased funding. I cannot emphasize too strongly that the benefits these programs would generate, would far outweigh their costs and therefore respectfully recommend its passage.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that the House will resoundingly approve this bill before us, H.R. 10351, designed to strengthen, expand, and continue, for 2 years, the provisions and programs being carried out under the currently operating Economic Opportunity Act.

Several years ago, in 1964, the Congress initiated an historical legislative effort to coordinate the resources of our Federal, State, and local governments and private agencies for an attack on the problems of poverty and an extension of help and hope to the despairing millions of, young, old and middle-aged poor people in this country.

This just and right war on poverty, through the operation of such worthy programs as Headstart; Neighborhood Youth Corps; the Job Corps; Mainstream, to particularly encourage our older citizens and to whom much greater help should be given, in my opinion; day care; legal services; community action; drug rehabilitation, to especially promote employment opportunities for our veterans; health services; rural housing and environmental action, to enlist our unemployed poor to overcome local pollution sources has been steadily carried on over the past 7 years. The testimony and evidence presented to us here overwhelmingly indicates that it has been increasingly effective in the accomplishment of our fundamental purpose, to help the poor to help themselves and to renew their trust in their government and their more fortunate fellow Americans.

Of course, Mr. Chairman, no experimental program as massive and as complex as this could possibly operate perfectly and without blemish at all times and in every place. Much has been learned, through the years, by the Congress and the executive department officials who operate the Office of Economic Opportunity.

Over the period since 1964, there has been a constant review of the initial programs to discover those that might have been poorly conceived, badly managed, and unable to sustain their usefulness. Accompanying this continuing review the record will show that there has been a persistent effort on the part of both the Congress and the executive department to reduce and eliminate proven weaknesses and to strengthen and expand programs of proven effectiveness. Any fair assessment of the progress that has been made, would, I believe, have to acknowledge that the agency and their programs are much different and much better today than they have been in the past. Certainly the most persuasive evidence on this score is the almost unbelievable fact that this very complex and controversial measure was ordered reported by the House Committee on Education and Labor by a vote of 32 to 3 with no minority views submitted.

Mr. Chairman, the continuing impact of these wholesome programs is quite evidently more imperatively needed, in this recession period, than ever before. They are designed, within reasonable funding limitations and under stringent supervision, to help the poor to help themselves and thereby improve the quality of life for all Americans. They are not intended to establish any institutions of perpetual care but only to enable our poor citizens and families to increasingly better their economic status so that the programs can be gradually reduced and eventually eliminated.

May I also suggest, Mr. Chairman, that it seems to me quite pertinent, in view of our recent extension of aid to large business corporations that have gotten into difficulty and in view of the tremendous concern we have exhibited for the rehabilitation, over these past 25 years, of people in foreign lands, that we may very well look upon this bill as a very timely opportunity for the Congress to demonstrate to our American taxpayers and fellow citizens that our primary interest and obligation now is, and ought to be, for all our own people, and particularly our poorest people, who are still being called upon to make tremendous sacrifices for the promotion of elusive peace and dubious progress throughout this troubled world.

Mrs. **ABZUG**. Mr. Chairman, I am pleased to rise in support of H.R. 10351, which would extend for 2 years the Economic Opportunity Act of 1964.

As the keystone of the war on poverty begun some 7 years ago, OEO and its programs are still painfully far away from their ultimate objective of eliminating poverty and its attendant miseries. But I do believe that they are trying their level best to help the economically, socially, and culturally disadvantaged to carve out for themselves a meaningful niche in our difficult and complex society.

OEO has created employment and work training through the Job Corps, the Neighborhood Youth Corps, and the New Careers program.

OEO's community action programs have helped the poor to get together, and to have some say in the management of programs designed to help them. This principle, which should eventually put an end to paternalism and "big brotherism," is one upon which we must place more and more emphasis if we are to bring the forgotten people of American society to a real position of equality. To be sure, the poor must be given money in one form or another in order to relieve their indigence, but they must also be given the dignity of controlling their own destiny. Surely we owe them no less than what we profess to seek for the people of Vietnam.

Community action programs include Headstart, directed toward giving preschool children a fair shake when they enter our educational system, the emergency food and medical services program, a family planning program, the senior opportunities and services program, and alcoholic and drug rehabilitation programs.

They also include a family loan program, which has been of great significance on the lower East Side of Manhattan, which is in my district. The basic purpose of this program was to provide small loans, up to a maximum of $300, to families which had at least one employed member, but which had no collateral and which were not "acceptable" risks to conventional lending institutions. It was intended to demonstrate that lending to the poor would work, and could be effective as part of an overall attack on the underlying causes of poverty.

Mobilization for youth's family loan program was the first such program to be established by the OEO. A grant of $150,000 was approved in mid–1967, and program operation began in October of that year. The aim of MFY's operation—like that of other family loan program units across the country—was not to give away money, but to make loans to families facing a specific and extraordinary financial crisis and unable to borrow funds elsewhere. In a very real sense, it was a Lockheed loan program for the poor.

Since September 1968, the director of the MFY program has been Mr. Pedro Otero. According to the loan program evaluation completed by OEO evaluators about a year ago—

> The ELP [Emergency Loan Program, as it is officially denominated] at MFY has been conscientiously and effectively administered. The director has worked hard to obtain and maintain cooperation of the House agencies as intake points for the program. His role as a respected neighborhood leader has made him effective in working with these and other agencies in the community.

The evaluation concludes that the loan program "should continue to be available to lower east side residents."

I am delighted to note that authorization for the loan program is being extended for another 2 years, and I hope that we will be able to provide some funds for it when the appropriations bill comes to the floor.

Another program which has had a significant impact in my district has been the Legal Services program, which this bill will transfer to a new, independent corporation free from political pressure and interference. MFY Legal Services' 30 dedicated lawyers, located in six offices in Manhattan—five of which are in the 19th Congressional District—have combined quality representation for thousands of individual clients with vigorous initiation of test cases in the areas of welfare, housing, consumer affairs, and selective service. The same has been true of thousands of other Legal Services attorneys throughout the country.

I support the creation of an independent Legal Services Corporation. A supporter of President Cleveland once said:

> We love him for the enemies he has made.

So it is with Legal Services. The enemies which this program has made include many of the most conservative and backward officials and businessmen—to my mind, the antagonism of people like Governor Reagan is strong evidence for the proposition that Legal Services attorneys are doing their jobs and doing them well. I firmly hope that placing this program in an independnent corporation will eliminate the political attempts to hamstring, its efforts.

Mr. **HARRINGTON**. Mr. Chairman, we have before us today the Economic Opportunity Act Amendments of 1971. This legislation authorizes a 2-year extension of OEO, establishes two new programs and transfers the Legal Services program to a new independent nonprofit corporation. The $5 billion authorization for fiscal years 1972 and 1973 is 6.7 percent above the amount recommended in the President's budget request.

The authorization of OEO programs is well timed. During the 1969–70 period poverty increased in this country, for the first time in a decade. Poverty decreased in America by 4.9 percent from 1959 to 1969, but between 1969 and 1970 the number of poor increased by about 1.2 million or 5.1 percent, even by the inadequate official standard. The Census Bureau fixed the poor population for 1970 at 25.5 million persons, 13 percent of the population.

And these figures are based solely on a $3,900 maximum income for a family of four. It is obvious that this poverty level is both unrealistic and unnecessarily punitive. If we take the $6,999 income ceiling proposed by the Bureau of Labor Standards as the "lower" standard of living for a family of four in an urban area, the total number of poor increases greatly.

There are three matters which I wish specifically to discuss in connection with this legislation. The first is the amendment offered by Congressman SCHEUER to provide an additional $50 million for new programs, for the poor, particularly the elderly poor.

Twenty-five percent of all elderly Americans live in poverty. Seven million elderly Americans live at or below the poverty level. American society seems to feel that there is no place for age, no dignity in being elderly, no value in age and experience. It is our values that are out of line and it is time to begin to reassess our attitudes toward the elderly. All of us are going to grow old. Do we want the same life-style to which we are condemning so many elderly citizens? Do we seriously believe that we can live on between 20 and 40 percent of our present earnings and still maintain a decent standard of living? I think not.

The Economic Opportunity Act Amendments of 1966 authorized the creation of programs which would consider the special needs of the elderly poor. OEO would, under this legislation, carry out programs providing for the elderly in the areas of education, employment, and public service. Originally "target" or concentrated areas of poverty were chosen. These areas were to be expanded as soon as possible, but no expansion has taken place. Instead, the intent of the act has been consistently undermined. Last year OEO spent only $8 million for the elderly, and the position of assistant director for the elderly has been continually downgraded.

The result is that the elderly poor who do not live in so-called target areas of great concentration of poverty receive no OEO assistance. Those who live in the target areas receive only minimal assistance. Part of the problem lies in current OEO—and national—emphasis on youth, but that is no justification for our shoddy treatment of the elderly poor.

It is my hope, therefore, that Congressman SCHEUER's amendment will be adopted by the House today. The National Council on Aging has testified that projects totaling at least the $50 million proposed by Mr. SCHEUER, have been submitted to OEO regional offices. These projects have not been funded due to a lack of funds and to a lack of emphasis upon programs for the elderly. The money we can authorize today will help bring innovative and imaginative programing to bear upon the economic, social, and health problems of the under served poor, particularly the elderly, and help them to lead the kind of useful, productive life to which all of us look forward in our old age.

The second area of interest to me is adequate legal services for the poor.

More than 1 million clients were served last year by the Legal Services program, funded and directed by OEO. The experience in Massachusetts with Legal Services lawyers has, on the whole, been very constructive. For example, the mayor of Boston, Kevin White, has consistently praised their work in the city. Legal Services lawyers have filled an immense gap in our system of justice by providing legal aid to those too poor to afford it. But they have had to pay a high price. The present Legal Services system has often put Legal Services attorneys at the mercy of politicians and bureaucrats who have no respect for or interest in the goals toward which the lawyers are working. All of this can be changed by making Legal Services into a private, nonprofit corporation which will insulate the Legal Services program from political and bureaucratic pressures.

I am pleased that both the House and Senate have included provisions for this private corporation in their legislation. I urge the House to reject the motion to strike title 10. I cannot think of a more self-defeating and short-sighted action than rejecting this private legal services corporation.

There are substantial differences between the House and Senate bills, and these differences will be resolved in conference. The Senate passed version of the private corporation is, in my opinion, a far better and more representative method of running legal services. Under the Senate bill, a 15-member board of directors would be established to administer the corporation. The President will appoint nine members of the board, with the remaining six appointees of the Chief Justice and the presidents of five national legal organizations. In the House version of the bill, the corporation will consist of 17 members, all appointed by the President. This gives the President too much control in appointing board members and will endanger the board's ability to be completely free from political pressure.

The Senate bill has provided an increased authorization for the Legal Services program. According to Frank Carlucci, the former Director of OEO, the existing Legal Services program is meeting no more than 28 percent of the legal needs of the poor. The Senate Labor and Public Welfare Committee concluded that present funding for the Legal Services program is inadequate and increased authorization for the program to $140 million for the corporation in fiscal year 1972 and $170 million in fiscal year 1973. It is hoped that this increased authorization will provide more support services, and greater services in areas of existing service, and service in the many areas where none now exists.

The House version of the bill authorizes "such sums as may be necessary" for the corporation. On the surface, this method of financing might seem the best. But the legislative history of such open ended appropriations is not encouraging. I am afraid that instead of getting increased funding, or even the same funding, that Legal Services—always controversial—might be almost completely ignored.

It is for these two reasons specifically that I am hopeful that the Senate passed version of the National Legal Services Corporation will be accepted in the House-Senate conference on the bill, and that all crippling and destructive amendments such as those offered by Mr. DENNIS, Mr. CRANE, and Mr. WAGGONNER will be struck down by the House. The Legal Services program has proved its worth. We must stop nitpicking and recognize that the program is both good and necessary.

The second area of great concern to me is the comprehensive child development program passed by the Senate as part of the OEO bill. It is my understanding that the House may consider a similar bill, introduced by Mr. BRADEMAS, as an amendment to the OEO legislation before us today.

The comprehensive child development program passed by the Senate is one of the finest pieces of legislation to pass either body of the Congress since I came into office. The House version, for which I will vote, is somewhat weaker than that of the Senate and I hope that in this case too the conferees will adopt the stronger Senate version.

It is clear that we have neglected early childhood development and have failed to make adequate provision for the education, health, and welfare of preschool children. Headstart, for instance, has shown us that we can do much if we care. The child development programs introduced in both the House and Senate would go far in redressing these wrongs. Specifically the program would provide:

Strengthened and expanded child development programs;

Day-care facilities for the children of working mothers;

Comprehensive physical and mental health, social and cognitive developmental services;

Food and nutritional services—including family consultation;

Special programs for minority groups, Indian, and bilingual children;

Specially designed programs—including after school, summer, weekend, and overnight programs;

Identification and treatment of physical, mental, and emotional programs, including programs for emotionally disturbed children;

Prenatal services to reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation;

Special activities for physically, mentally, and emotionally handicapped children and children with special learning disabilities;

Training in the fundamentals of child development for family members and prospective parents; and

Use of child advocates to assist children and parents in securing full access to other services.

Two features of the Brademas Comprehensive Child Development Act are of particular concern to me. I am hopeful that either by amendments on the House floor today or by a settlement in conference, these provisions will be made identical to those in the Senate bill.

I am referring first to the provision in the House bill limiting direct sponsorship of child care centers to governmental units with populations of 100,000 or more. This limitation is prejudicial to all of the smaller cities and towns of this country. It will discriminate against hundreds of thousands of children who do not live in the 150 most populous cities of the Nation. I intend to vote for any amendment offered today to eliminate or decrease the population figure. The Senate bill, which is best, contains no population figure, and I hope that either the House will delete their restriction or that the conferees will do so.

The House bill is deficient in a second area—that of parental participation in planning the child development programs. The Mondale bill provides for direct parental participation in the preparation of project analysis and in the overall direction and evaluation of the programs. This will be done by requiring that the Committee on Federal Standards for Child Development be developed with a minimum of 50 percent parental membership. The bill also provides that one-third of the members of the local Child Development Council shall be parents who are economically disadvantaged; that inservices and training in child development fundamentals be available for parents and other parties related to the child; that information be disseminated in clear language to keep parents informed; and that parents working for any Federal agency may establish a committee for participation under this bill.

The Brademas bill, however, provides for direct parent participation only at the local level. Fifty percent of the membership of the Child Development Council—established by the prime sponsor—must be parents who are economically disadvantaged. The Local Policy Councils are composed of parents of children eligible to participate in the program. As one can see, there is no provision for the specific representation of parents on the higher planning levels.

Such an omission is a grave one. Direct local participation in the planning of programs, specifically those related to child development, is necessary and proper. Parents know better than a removed administrator what are some of the deficiencies in their children's education and welfare. Their suggestions would be most valuable, and the program cannot possibly be planned adequately without parental input.

I urge the conferees to accept the provisions of the Mondale bill and allow for parental participation in planning the programs.

In conclusion, Mr. Chairman, let me say that the bill before us today is one of the most innovative and exciting pieces of legislation we have seen in a long time. The Legal Services Corporation and the Child Development Act are both praiseworthy and enlightened. I urge the House to pass the OEO extension with these two provisions and I hope that the conferees will agree to the Senate version of the provisions which are in dispute.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York (Mr. SCHEUER). As the gentleman pointed out in his remarks, there is an evergrowing need in this country for programs that will help alleviate the plight of the elderly poor. For while the elderly constitute not quite one out of 10 Americans, they make up 20 percent of all the poor. And when we consider that one out of every four persons age 65 or over is subsisting at less than the poverty level as determined by the Federal Government, we begin to realize the magnitude of this problem.

In light of these statistics, Mr. SCHEUER's amendment is certainly not an extravagant one. It would allow the Office of Economic Opportunity to better fight the war on poverty in an area where it is very much needed. It would help to redirect some of the programs of OEO toward that segment of the American population that needs them most—the elderly of our land.

At a time when we are seemingly so willing, with our food and with our dollars to help the poor of other lands, I can not see how we in this Congress can in good conscience fail to lend a helping hand to those in need in our own country. Mr. Chairman, I fully support this amendment and hope my colleagues will do likewise.

Mr. PEPPER. Mr. Chairman, I must express my deep regret that we have once again failed in the Economic Opportunity Act Amendments of 1971 to provide even reasonably adequate funding for programs to assist the elderly poor.

This legislation from our able Committee on Education and Labor expresses our realization of the need for special programs to help those who are old as well as poor. It provides for "Senior Opportunities and Services" designed to meet the needs of older, poor persons above the age of 60 in the areas of new employment and volunteer services; more effective referral to existing health, welfare, employment, housing, legal, consumer, transportation, education, and recreational and other services; the stimulation and creation of additional services and programs to remedy gaps and deficiencies in existing services and programs, the modification of existing procedures, eligibility requirements, and programs structures to facilitate the greater use of, and participation in, public services by the older poor; the development of all-season recreation and service centers controlled by older persons themselves, and such other activities and services as the Director of the Office of Economic Opportunity may determine are necessary or specially appropriate to meet the needs of the older poor and to assure them greater self-sufficiency.

This is the aspiration, but what is the reality? The committee, to its great credit, has recommended 50 percent more money to implement these proposals than the administration has recommended. But 50 percent more than $8 million a year is only $12 million for all the elderly poor in this country.

The elderly poor, for all practical purposes, have been shortchanged again in the antipoverty program. We could even get a record vote on the proposal to add a realistic sum—$50 million—to this bill for a reasonable national program to benefit our needy senior citizens.

Mr. Chairman, I can only say that I hope I live long enough to see us provide a decent sum of money to help the elderly poor find employment and get the legal, health, and other services they should have.

At the same time I must also recognize that this legislation, on the whole, represents a step forward in our efforts to develop an effective antipoverty program. It provides for a 2-year continuation of the program, rather than the year-to-year and hand-to-mouth continuation renewal by the administration. It also provides, as a result of our 186 to 183 vote, for the inclusion of a comprehensive day-care program in this bill. I think this is a major achievement which will assure action on day care in this session of the Congress and will mean much more than we can imagine now to the further health and happiness of millions of children and millions of mothers throughout America.

I want to commend the committee and the House also for providing a larger sum in the antipoverty program for a drug rehabilitation program. Drug abuse is not only a result of poverty, despair, and frustration, it is a cause of poverty and of desolation in our communities. We must have in our arsenal of antipoverty weapons effective community-based drug rehabilitation programs.

As chairman of the House Select Committee on Crime, I have had the opportunity to study the drug problem in great depth and I am pleased that we are doing something in this area in this legislation, even if the level of funding—at $18 million a year—is woefully inadequate for the need. I hope we can do more in the future in this program and in other more specialized programs for combating the terrible scourge that drug abuse is upon our land.

Mr. PREYER of North Carolina. Mr. Chairman, today we have an opportunity to significantly improve legal services, a program which has already proved to be one of the more successful efforts to meet the problems of America's poor. Despite the success of legal services, there have been problems of political interference due in large part to the program's control by the Office of Economic Opportunity. Title 10 of today's legislation would solve many of these problems by removing legal services from the present organization and freeing it from controversy and partisanship.

The establishment of the National Legal Services Corporation, operating free from day-to-day control by the executive branch, would insure professional, ethical representation for the poor, and at the same time would guarantee accountability to Congress. All appointments to the Board of Directors would be with the advice and consent of the Senate. The Corporation would operate under a yearly appropriation and an annual report to Congress is required. The life of the Corporation is limited to 2 years, at which time Congress may revise or discontinue the program should its performance not live up to our expectations. In addition to a mandatory annual private audit, provisions for a comprehensive GAO audit are also included in title 10. This section was copied directly from the audit provisions of the legislation establishing the Corporation for Public Broadcasting and, to my knowledge, those provisions have proved workable with respect to the CPB.

A brief comment should be made about one other particularly wise provision of title 10; that is, the prohibition against lobbying by project attorneys. Attempts by legal services attorneys to influence legislation have been criticized in the past, and rightfully so. The duty of these lawyers is to represent individual clients. They are not employed to engage in political activities, and title 10 would effectively prevent this practice.

Chief Justice Burger, in a speech at the dedication of the Georgetown University Law Center on September 17, stressed the value of the legal service program. Referring to Americans who have long been denied recognition of basic rights he stated:

> These often involve cases that are individually small in the whole scheme of things but large in the aggregate and large to the person involved. They may relate to a usurious contract for the purchase of a refrigerator or a washing machine or a TV set. Or they may relate to small frauds for home improvement. But injustice rankles in the human breast and eats away at confidence in the social order. Now for the first time in our history we have taken steps on a large scale to meet these needs. For the first time we have a large scale government financed legal assistance program that provides legal counsel for those who otherwise could not afford it.

The words of the Chief Justice, I believe, are noteworthy as representing the thinking of the great majority of the American legal profession.

Title 10 was studied carefully for several months by the Committee on Education and Labor, and, after some revision, was reported by a favorable vote of 32 to 3. This near-unanimous approval reflects the bipartisan nature of the bill, a measure which is neither conservative nor liberal. Instead, it simply constitutes the best method yet devised of making necessary legal services available to the poor.

Speaking as a former judge and as an original sponsor of the bill which led to the legislation now before us, I strongly urge the adoption of H.R. 10351. "Equal justice under the law" should be more than a hollow phrase. A system of law which serves only those who are able to pay does not provide equal justice, and such a system is contrary to our basic philosophy of government. Those who are denied the means of enforcing their basic rights have no recourse except bitterness and distrust of the legal system. Today's legislation, if enacted, will demonstrate our sincere and continuing effort to extend protection of the law to every American.

Mr. MATSUNAGA. Mr. Chairman, when Congress first passed the Economic Opportunity Act in 1964, we pledged this Nation to the idealistic goal of eradicating poverty in this most affluent of societies. I am proud that I helped to wage that initial war on poverty. Since that time a great deal of progress toward that goal has been made. In the decade of the sixties, the number of persons classified as living in poverty declined by almost 5 percent per year. Then, between 1969 and 1970, the trend reversed itself. Instead of a 5 percent decline, there was a 5-percent increase in the number of American poor, to about 25.7 million persons.

It is inconceivable, therefore, that Congress would fail to continue the programs which constitute the Federal Government's principal tool in the struggle against poverty—the programs administered by the Office of Economic Opportunity.

That is why I strongly support the pending bill, H.R. 10351, which would extend the OEO programs for 2 more years.

Programs to which low-income Americans have come to look for hope—Headstart, Job Corps, Rural Economic Opportunities Loans, VISTA Neighborhood Youth Corps, Drug Rehabilitation—would be continued in existence and funded to the extent of $2.2 billion in fiscal year 1972, and $2.8 billion in 1973.

Mr. Chairman, these various programs have not provided us with a complete solution to the problems of poverty. Those problems are persistent and pervasive, and need attention at a variety of levels. But the programs are geared to meet genuine needs and, for the most part, have acquitted themselves well. As is pointed out in the report on H.R. 10351 submitted by the Committee on Education and Labor—

> There is not a single program authorized or being carried out under the Economic Opportunity Act that is meeting the needs of more than a fraction of the eligible poor people.

I call the House's particular attention to section 15 of the pending bill, which would establish a National Legal Services Corporation to undertake the operation of programs across the country now providing legal services to the poor.

As a sponsor of H.R. 6362, a bill to create just such a Legal Services Corporation, I am pleased that the committee has included this section.

Although section 15 represents a compromise between H.R. 6362 and an administration proposal, it is a significant improvement over the present situation, in which the legal services program is placed directly in the Executive Office of the President.

The concept of providing legal services through a private, nonprofit corporation has been endorsed by the administration, the Ash Commission—the President's Advisory Council on Executive Reorganization—the American and National Bar Associations, the American Trial Lawyers Association, and the American Association of Law Schools, among a great many others.

The enactment of this section will permit the pledge of "equal justice under law" to be more than engraved letters on the entrance to the Supreme Court Building—rather, millions of poor Americans will continue to find renewed hope in our system of justice, because they will have access to that system.

Mr. Chairman, I urge the swift passage of H.R. 10351.

Mr. PRICE of Texas. Mr. Chairman, I rise in opposition to the proposed 1971 amendments to the Economic Opportunity Act. Not only do I oppose these amendments, I oppose continuing the existence of OEO itself.

When I review the history of OEO since its inception in 1964, I find the Agency has compiled an incredible record of waste, excessive spending, and mismanagement. The Agency's history represents a classic example of good intentions going astray. More than good intentions have gone astray, however, approximately $10 billion in tax dollars have disappeared down this bottomless funnel. And now, as an example of throwing good money after bad, this Congress wants to spend an additional $5 billion over the next 2 years for retooling and expanding the thrust of certain Agency activities.

My primary opposition to the amendments before the House centers on what I consider to be the extremely ill-conceived efforts on the part of the amendments' drafters to create, through the systematic institution of widespread and carefully regimented Government child care centers, a cradle-to-grave Government controlled society. I also oppose provisions in the amendments which would establish a National Legal Services Corporation, and create possibilities for new abuses of the Nation's legal system.

Mr. Chairman, I consider Government controlled and operated, so-called child development and day care centers to constitute grave potential dangers to the very fabric of our society. Was it not the Communist architect Lenin who declared that he could conquer a nation if he could only teach its children? Here in the United States we have had since our beginnings a great tradition of letting the family, not the government, provide the wellspring of social attitudes and values.

Under the amendments before the House, however, more than 19 million children would become fair game for warehousing in these Government centers while their mothers' would be encouraged to leave home to work and turn the raising of their children over to massive and regimented Government centers. If such conditions were created by this Congress, then the visions of George Orwell's "1984" may well become reality in the seventies. Through these public centers the Federal Government would literally become a member of every family. Every child who participated in center programs would bear the indelible stamp of the State on his psyche, and every family would find they had a new and different kind of parent helping raise their child. This is but one step from the commune system that is practiced in Communist China. Is this what the heritage of democracy will come to be? If so, then historians may well look to the Members of the 92d Congress as being the sowers of the seeds of our National destruction. And I, for one, will have no part of this action.

I am also very disturbed, Mr. Chairman, by the provisions in these amendments which establish a new National Legal Services Corporation, and in significant measure, turn the operation o the corporation over to individuals wh are responsible neither to the Presiden nor to Congress for their activities. Instead, they represent vested interest that may or may not have the publi interest at heart. This is a new departur from the quasi-public corporations Congress has chartered in the past. An inasmuch as the operation of the lega system is so fundamental to our individual freedoms, the establishment of an institution that has responsibilities i the areas of judicial procedures an administration should be undertake only with the greatest care. This does no seem to be the case with the Nationa Legal Services Corporation; in fact, it charter was created by legislators experienced in education and labor matters. The experts on the House Judiciar Committee, the experts who by all right should have had the primary role i developing such a corporation, were completely bypassed. In more basic terms, person who wants a specially constructe wooden cabinet does not go to a bricklayer to get the job done. If he is foolis enough to do just that, though, he ha no one but himself to blame for th results.

Still another aspect of the so-calle National Legal Services Corporatio which concerns me is the weasel words i the body of the proposed amendment that give lawyers working for the corporation the power to represent defendant in criminal cases. I have discussed thi matter with several other concerne Members who have legal backgrounds and have been assured that adequat provisions in the law already exist fo publicly financed attorneys representin indigent clients. What these proposal do, then, is set up a duplicate system o legal representation in criminal matters The dangers of this have already bee graphically illustrated in the aftermat of the May Day riots in Washington D.C., last spring. At that time, over 12,00 individuals were arrested by the Metropolitan Police for offenses ranging fro exhibitionism, through vandalism, t crimes of violence. For 3 days, politica extremists of all descriptions roved th streets of Washington in packs like wil animals, leaving behind them trails o disorder and destruction. But when thes individuals were brought before the ba of justice, OEO lawyers whose salarie were paid by tax dollars, unveiled a bag of legalisms and got the charges dismissed against all but a few of those arrested. This is not what OEO legal services was created for. This is not wha OEO lawyers are supposed to do wit their time. This type of abuse of ta money should not be allowed to cree again into the workings of the crimina system.

Mr. Chairman, when all is said an done, I find it difficult to comprehen how these amendments even got to th House floor. I do not know of any Member of this body who is not concerne with lowering the welfare rolls, providing children with proper environments i their formative years, and making th administration of justice as effective and as fair as possible. But I fail to see how any of these goals are effectively accomplished by the amendments before the House today.

I urge my colleagues to send these amendments back to the committee from which they originated. The Nation would be far better off with such an exercise of restraint that it would with this proposed exercise of liberal excess.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

Mr. SPENCE. Mr. Chairman, I ask unanimous consent to withdraw my amendment which is at the desk which is identical to the amendment offered by the gentleman from Kentucky (Mr. PERKINS) and which was adopted.

The CHAIRMAN. It is not necessary to do that since the amendment has not been offered.

Mr. SPENCE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and have them inserted in the RECORD immediately following the remarks of the gentleman from Kentucky (Mr. PERKINS).

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committeee, having had under consideration the bill (H.R. 10351), to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, pursuant to House Resolution 608, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

PARLIAMENTARY INQUIRIES

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Is the amendment to which the Chair referred the so-called Brademas amendment?

The SPEAKER. The amendment is the committee amendment in the nature of a substitute.

Mr. GERALD R. FORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. It is our intention to ask for a separate vote and rollcall on the so-called Brademas amendment.

The SPEAKER. The gentleman is entitled to that under the rule. Does the gentleman demand a separate vote on the so-called Brademas amendment?

Mr. GERALD R. FORD. I do so.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: on page 18, line 11, insert:

(b) Title V–B is amended by striking out the center caption for such Part B and Sections 521, 522, and 523 and substituting in lieu thereof the following:

SEC. 521. Parts B, C, D, E, F, G, and H of this title may be cited as the "Comprehensive Child Development Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 522. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should, be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning and child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS, DIRECTION TO ESTABLISH PROGRAM

SEC. 523. The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

CHILD DEVELOPMENT PROGRAMS

SEC. 524. Funds appropriated under section 530 may be used (in accordance with approved applications) for the following activities:

(a) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

(b) establishing, maintaining, and operating child development programs, which may include activities such as—

(1) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

(2) food and nutritional services (including family consultation);

(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

(4) programs designed to meet the special needs of minority groups, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home;

(5) a program of daily activities designed to develop fully each child's potential;

(6) other specially designed health, social, and educational programs (including afterschool, summer, weekend, vacation, and overnight programs);

(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

(9) preservice and inservice education and other training for professional and paraprofessional personnel;

(10) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

(11) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs,

or activities intended for the benefit of children; and

(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

(c) staff and administrative expenses of local policy councils and child development councils.

PRIME SPONSORS

SEC. 525. (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:

(1) any State; or

(2) any unit of general local government—

(A) which is a city a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government with a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which the Secretary determines has general governmental powers substantially similar to those of a city; or

(3) any combination of units of general local government having a total population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; which proposes to operate programs authorized by this Act through contract with public or private nonprofit agencies or organizations including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of Indians, employers of working mothers and local public and private educational agencies and institutions, serving or applying to serve children in a community or neighborhood or other area possessing a commonality of interest:

(4) an Indian tribal organization; or

(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection (a) in the event that (A) such unit (or comibnation of units) of general local government either has not submitted an application pursuant to this section within one hundred and twenty days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 526 within two hundred and forty days of said implementation during the first fiscal year in which this title is funded or earlier than ninety days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (8) of this section not to be satisfactory implementing a child development plan which adequately meets the purpose of this title, (B) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families, or (C) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged children, preschool-age children, or children of working mothers or single parents residing in the area served by a prime sponsor designated pursuant to paragraphs (1) through (4) of this subsection.

(b) In the event that a State, a city, a unit of general local government, a county or other unit of general local government, any combinations thereof, or an Indian tribal organization have not submitted a plan under section 526 or the Secretary has not approved a plan so submitted, or where the Secretary has withdrawn authority under section 525 or where the needs of migrants, pre-school-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund programs, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

(c) Any State, unit or combination of units of general local government or Indian tribal organization that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served shall provide for—

(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child deevlopment programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 526. Each Local Policy Council shall elect at least one representative to the Child Development Council; and one-half of the members of such Council shall be elected representatives of Local Policy Councils. The balance shall be appointed by the chief executive officer of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economicaly disadvantaged. Each Council shall select its own chairman.

(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or, pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 527 designed to fulfill that plan.

(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, Indian tribal organization, or any local educational agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965 of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 526, for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of programs assisted under this title: *Provided*, That such delegate agency will be ultimately responsible for its actions to the Child Development Council and will cooperate with the Local Policy Councils.

(d) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a)(5) in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a)(5);

(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

(3) provide for the establishment of a local policy council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

(e)(1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a city or an Indian tribal organization which is eligible under paragraph (2) or (4) of subsection (a) and which has submitted an application for designation as a prime sponsor that meets the requirements of subsection (c), the Secretary shall approve the application of the city or the Indian tribal organization.

(2) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a unit of general local government which is a county or combinations of units of local government which is eligible under paragraph (2)(B), or (3), of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the State or unit of general government which he determines will most effectively carry out the purpose of this title.

(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor or is acting as prime sponsor serving a geographic area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

(4) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

(5) When a unit (or combination of units) of general local government is maintaining a pattern and practice of exclusion of minorities, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or non-profit agency or or-

ganization in the area representing the interests of the minority and economically disadvantaged people.

(f) The Governor or appropriate State agency shall be given sixty days to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.

(g) Except as provided in subsection (c), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such application including a statement of the reasons therefor;

(2) sixty days in which to submit corrective amendments to such application or undertake other necessary corrective action, and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(h) (1) If any party is dissatisfied with the Secretary's final action under subsection (g) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation, such party may, witin sixty days after notice of such action, file with the United States Court of Appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

COMPREHENSIVE CHILD DEVELOPMENT PLANS

SEC. 526. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 525(c) only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

(1) identifies child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

(2) meets the needs of children in the prime sponsorship area, to the extent appropriate and feasible, including (A) priority programs for pre-school children 5 years of age and under, of working mothers and single parents, (B) before and after school programs, and (C) infant care programs as well as insuring the availability of child care services for the children of single parents or working mothers who must work or attend school or other employment related training or educational activities on night shifts of night sessions;

(3) gives priority to providing child development programs and services to economically disadvantaged children by reserving for such children from such funds as are received under section 531 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a)(1) of the Economic Opportunity Act of 1964; and by reserving no less than 65 per centum of the remainder of its allotment under section 531 for child development programs and services for those children of families having an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor;

(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers;

(5) provides, insofar as feasible, that such programs under this Act will be approved only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection;

(6) provides that charges for child development services provided for any child under programs assisted under this title shall be made in accordance with a fee schedule prescribed by regulations by the Secretary (which shall be consistent with any fee schedules for similar purposes under the Social Security Act) for part or all of the cost thereof based upon the ability of a family to pay including the extent to which payments from a third party (including a public agency) are available.

(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education of or other services to handicapped children, will make such services available, where appropriate, to programs approved under the plan;

(8) provides that insofar as possible, persons residing in communities served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

(10) provides comprehensive services to meet the special needs of minority groups, Indians and migrant children, with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home;

(11) provides equitably for the child development needs of children from each minority group residing within the area served;

(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in non-public preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

(14) provides for direct parent participation in the conduct, overall direction and evaluation of programs;

(15) provides to the extent feasible for the employment as both professionals and paraprofessionals of persons resident in the neighborhoods from which children are drawn;

(16) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(17) provides that, to the extent appropriate, programs will include participation by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

(18) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

(19) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

(20) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary schoolchildren, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222 (a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

(21) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination when appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(22) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

(23) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

(24) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

(25) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

(26) sets forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulation;

(27) provides that consideration will be given to project applications submitted by public, private, nonprofit, and profitmaking organizations with emphasis given to ongoing programs, and that (A) comparative costs of providing services shall be a factor in deciding among applicants, and (B) such organizations must meet the standards for service under authority of this title; and

(28) provides that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them;

(29) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one percentum of the cost of the project).

(c) No comprehensive child development plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this Act or under section 222(a)(1) of the Economic Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) any educational agency or institution in the area to be served responsible for the administration of programs under section 222(a)(2) of the Economic Opportunity Act has an opportunity to submit comments to the prime sponsor and the Secretary;

(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian tribal organization, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

(d) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

SEC. 527. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 525(c) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant workers, Indian organization, private organization interested in child development, labor union, or employee and labor-management organization, which submits an application meeting the requirements of subsection (b).

(b) A project application submitted for approval under this section shall—

(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

(3) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(4) provide assurance that any person employed on such project, except for volunteers participating under section 526(a)(17), shall be paid no less than the prevailing rate of pay for such employees in the areas in which the project is to be carried out: *Provided*, That in no case shall such employee be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206);

(5) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 526.

(c) The appropriate Local Policy Council may conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding. Further, the Local Policy Council may appeal to the Secretary any action or decision by the Child Development Council which the Local Policy Council feels does not meet the intent of this Act.

(d)(1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 525(a)(5), which submits a project application meeting the requirements of subsection (b).

(2) Such financial assistance may be provided from the funds alloted under section 531 to the prime sponsorship area in which the section 525(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 525(a)(5)(B) such financial assistance may be provided from the funds reserved pursuant to section 531(a)(1).

(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

SEC. 528. (a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

(f) In the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than one percentum of the cost of the project).

PAYMENTS

SEC. 529. (a)(1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of providing child development programs. The Secretary may, however, in accordance with regulations establishing objective criteria, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged persons.

(2) The Secretary shall pay to each prime sponsor approved under section 525(a)(5)(B) 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

(3) The Secretary shall pay to each prime sponsor approved under section 525(a)(4) 100 per centum of the costs of providing child development programs for children on federally recognized Indian tribal organizations.

(b) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union and employer contributions: *Provided*, That fees collected for services provided pursuant to section 526(a)(6) shall not be used to make up the non-Federal share, but shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allotment under section 526(a)(3).

(c) If, in any fiscal year, a prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 530. There is authorized to be appropriated for the fiscal year ending June 30, 1973, and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title.

ALLOTMENTS AMONG PRIME SPONSORS

SEC. 531. (a) The Secretary shall first reserve the following from the amount appropriated under this title:

(1) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be made available to prime sponsors under section 525(a)(5)(B);

(2) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children who are members of Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian tribal organizations for programs serving such organizations so that the amount apportioned to each such organization bears the same relationship to the

total amounts reserved pursuant to this paragraph that the number of children who are members of such organization bears to the total number of children residing who are members of all such organizations;

(3) a sum, not in excess of 5 per centum thereof, for use by him, for purposes of this Act; and

(4) a sum, not less than 7 per centum thereof, for use by him, to guarantee special services to handicapped children pursuant to the purposes of this Act.

(b) The Secretary shall allot the remainder of the amount appropriated under this title (after making the reservations required in subsection (a)) among the States in the following manner:

(1) 50 per centum thereof so that the amount allotted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a) (1) and (2);

(2) 25 per centum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the number of children through age 5 in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2);

(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the total number of children of working mothers and single parents in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2).

(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State.

(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under subsection (c), in proportion to the original allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallotted among the States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallotted to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

(h) If the allotment to any State under subsection (b) for any fiscal year ending before June 30, 1973, is less than the amount received by it, and by public and private agencies in the State, during the fiscal year 1971 under the Economic Opportunity Act of 1964 (other than section 221 thereof), and title IV of the Social Security Act for purposes for which assistance may be provided under this title (as determined by the Secretary), then there shall be allotted to each such State from sums appropriated to carry out this subsection (and such appropriations are hereby authorized) the amount by which its allotment under subsection (a) from such appropriations is less than such amount so received in such fiscal year.

OFFICE OF CHILD DEVELOPMENT

SEC. 532. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

SEC. 533. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance authorized under this title, to be known as the Federal Standards for Child Development Services.

(b) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies for organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222 (a) (1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

SEC. 534. (a) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 533.

(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a) (1) of the Economic Opportunity Act, and title IV of the Social Security Act.

(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendations to the Secretary for his approval.

(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance authorized under this title or in which programs receiving such assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

SEC. 535. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

(b) The Secretary may require then, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State, unit (or combination of units) of local government of a public school system shall agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

REPEAL, CONSOLIDATION, AND COORDINATION

SEC. 536. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this Act, the following statutes are amended, effective July 1, 1973:

(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

(2) Part B of title of the Economic Opportunity Act of 1964 is repealed.

(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development srevices for children, but not operation of child development programs for children."

(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children."

(5) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children."

(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

(d)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child development facilities".

(2) Section 203(j)(3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child development facilities",

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child development facilities,", and

(C) by inserting after "public health purposes" in the second sentence the following: ", or for the operation of child development facilities,".

(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term 'child development facility' has the meaning given in section 201(b)(1) of the Comprehensive Child Development Act."

TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

SEC. 541. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and child development programs.

(b) For the purpose of this section—

(1) The term "child development facility" means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

(2) The terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 534 of this Act.

(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

(6) That in the plans for such child development facility due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent of 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g) (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited t

the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Child Development Facilty Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

SEC. 551. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence. "There is additionally authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.".

SEC. 552. Section 205(b)(3) of the National Defense Education Act is amended as follows, by adding after the word "nonprofit" the phrase "child development program," by striking out "and (C)" and inserting in lieu thereof the following: "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (D)".

SEC. 553. The Secretary of Health, Education, and Welfare is authorized to provide directly or through grant, contract or other arrangement for the training of personnel employed, preparing for employment or volunteering for work in a program funded under the Act.

SEC. 554. There is authorized to be appropriated for the purposes of section 553 the sum of $5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

SEC. 561. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies, and

(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

(A) provides that the child development program shall be administered under the direction of the agency commission;

(B) provides that the program will meet the Federal interagency standards for child development;

(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

(D) provides for a scale of fees based upon the parents' financial status; and

(E) provides for competent management, staffing, and facilities for such program.

(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the official or officials in charge of the agency or agencies whose employees will be served by the child development program.

SEC. 562. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities, reasonably evaluated, fees collected from parents, union and employer contributions.

(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

SEC. 563. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year, the sum of $5,000,000.

TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

EVALUATION

SEC. 571. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal involvement in child development which shall include—

(1) enumeration and description of all Federal activities which affect child development;

(2) analysis of expenditures of Federal funds for such activities;

(3) determination of effectiveness and results of such expenditures and activities; and

(4) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

(c) The Secretary may enter into contracts with public or private nonprofit or profits agencies, organizations, or individuals to carry out the provisions of this section.

SEC. 572. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

SEC. 573. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

TECHNICAL ASSISTANCE

SEC. 574. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 525.

(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPC's, for expenses relating to development, submission, and planning for implementation of child development plans and project applications.

(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

SEC. 575. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

DECLARATION AND PURPOSES

SEC. 581. It is the purpose of this title to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs from research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

NATIONAL CENTER FOR CHILD DEVELOPMENT

SEC. 582. (a) There is established in the Office of Child Development an agency to be known as the National Center for Child Development (hereinafter referred to as the "Center").

(b) The activities of the Center shall include—

(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

(2) evaluation of research findings and the development of these findings into effective products for application;

(3) dissemination of research and development efforts into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

(4) production of informational systems and other resources necessary to support the activities of the Center; and

(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

GENERAL AUTHORITY OF THE CENTER

SEC. 583. The Center shall have the authority, (within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this title;

(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

(d) to acquire by purchase, lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 571;

(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ANNUAL REPORT

SEC. 584. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during the preceding year, and making such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

COORDINATION OF RESEARCH

SEC. 585. (a) Funds available to any department or agency of the Government for the purposes stated in section 571 or the activities stated in section 572 shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title;

(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 571.

AUTHORIZATION OF APPROPRIATIONS

SEC. 586. There are authorized to be appropriated such sums each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

TITLE VII—GENERAL PROVISIONS

ADVANCE FUNDING

SEC. 591. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PUBLIC INFORMATION

SEC. 592. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 593. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

SEC. 594. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

SEC. 595. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

SEC. 596. The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

DEFINITIONS

SEC. 597. As used in this Act—

(a) "child development programs" means those programs which provide the educational, nutritional, social, health, and physical services needed for children to attain their full potential; nothing in this or any other provision of this Act shall be deemed to authorize or require medical or psychological examination, immunization, or treatment for those who object thereto on religious grounds except where such is necessary for the protection of the health or safety of others;

(b) "children" means children through age 14;

(c) "economically disadvantaged child" means a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary in accordance with criteria prescribed by him in regulations, which take into consideration family size, urban-rural differences in the cost-of-living, and other relevant factors, including factors taken into account in determining fee charges in other Federally-assisted child development programs.

(d) "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

(e) "program" means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided;

(f) "parent" means any person who has day-to-day responsibility for a child or children;

(g) "single parent" means any person who has sole day-to-day parental responsibility for a child or children;

(h) "working mother" means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

(i) "minority group" includes persons who are Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term "Spanish-surnamed American" includes but is not limited to any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

(j) "bilingual" includes but is not limited to persons who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term "bilingual family" means a family in which one or both parents is bilingual;

(k) "Secretary" means the Secretary of Health, Education, and Welfare; and

(l) "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the amendment.

Mr. WAGGONNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 183, not voting 62, as follows:

[Roll No. 276]

YEAS—186

Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Casey, Tex.
Chisholm
Clark
Clay
Collins, Ill.

Conte
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
de la Garza
Dellums
Dent
Dingell
Donohue
Dow
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski

Hicks, Mass.
Horton
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Koch
Kyros
Leggett
Link
Long, Md.
McCormack
McDade
McKay
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Mosher
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.

Pryor, Ark.
Pucinski
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H.
Wolff
Yates
Yatron
Young, Tex.
Zablocki

NAYS—183

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Betts
Bevill
Blackburn
Blanton
Bow
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dennis

Devine
Dickinson
Dowdy
Downing
Duncan
du Pont
Erlenborn
Findley
Fish
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frey
Gettys
Goldwater
Griffin
Gross
Grover
Hagan
Haley
Hammerschmidt
Harsha
Harvey
Hastings
Henderson
Hicks, Wash.
Hillis
Hogan
Hosmer
Hull
Hungate
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent

Lloyd
McClory
McCollister
McDonald, Mich.
McEwen
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Morse
Myers
Nelsen
Pelly
Pettis
Powell
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver

Skubitz
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Talcott
Taylor

Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst

Whitten
Widnall
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—62

Abourezk
Adams
Ashley
Bray
Celler
Clawson, Del
Conable
Denholm
Derwinski
Diggs
Dorn
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Frenzel
Gaydos
Goodling

Grasso
Griffiths
Gubser
Hall
Hanna
Hansen, Idaho
Hébert
Holifield
Hunt
Jonas
Kluczynski
Lennon
Long, La.
Lujan
McCloskey
McClure
McCulloch
McFall
Metcalfe
Miller, Calif.
Moorhead

Morgan
Moss
Murphy, N.Y.
Nichols
Passman
Patman
Pepper
Pirnie
Poff
Reid, Ill.
Rousselot
Runnels
Ruppe
Sikes
Sisk
Smith, Calif.
Steele
Stuckey
Wiggins
Wright

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Hébert against.

Mr Adams for, with Mr. Passman against.

Mr. Denholm for, with Mr. Flynt against.

Mr. McFall for, with Mr. Gubser against.

Mr. Ashley for, with Mr. Sikes against.

Mr. Celler for, with Mr. Nichols against.

Mr. Holifield for, with Mr. Del Clawson against.

Mr. Hanna for, with Mr. Hall against.

Mr. Kluczynski for, with Mr. Frenzel against.

Mr. Moorhead for, with Mr. Lennon against.

Mr. Morgan for, with Mr. Runnels against.

Mr. Miller of California for, with Mr. Dorn against.

Mr. Diggs for, with Mr. Derwinski against.

Mr. Metcalfe for, with Mr. Bray against.

Mr. Moss for, with Mr. Reid of Illinois against.

Until further notice:

Mr. Evins of Tennessee with Mr. Conable.

Mr. Edwards of Louisiana with Mr. Edwards of Alabama.

Mr. Pepper with Mr. Smith of California.

Mrs. Griffiths with Mr. Ruppe.

Mr. Abourezk with Mr. Lujan.

Mr. Edmondson with Mr. Jonas.

Mr. Stuckey with Mr. Hunt.

Mr. Sisk with Mr. Pirnie.

Mr. Wright with Mr. Eshleman.

Mr. Patman with Mr. Goodling.

Mr. Gaydos with Mr. Steele.

Mrs. Grasso with Mr. Wiggins.

Mr. Poff with Mr. McCloskey.

Mr. Rousselot with Mr. McClure.

Mr. Long of Louisiana with Mr. Hansen of Idaho.

Mr. Frelinghuysen with Mr. McCulloch.

Mr. STUBBLEFIELD changed his vote from "nay" to "yea."

Mr. ABBITT changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment adopted by the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ERLENBORN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ERLENBORN moves to recommit the bill, H.R. 10351, to the Committee on Education and Labor with instructions that the bill be reported forthwith back to the House with the following amendments:

Paragraph (6) of section 526(a) is amended to read as follows:

"(6) provides that charges for child development services provided for any child under programs assisted under this title shall be made in accordance with a fee schedule prescribed by regulations by the Secretary (which shall be consistent with any fee schedules for similar purposes under the Social Security Act) for part or all of the cost thereof based upon the ability of a family to pay including the extent to which payments from a third party (including a public agency) are available."

Paragraph (c) of section 597 is amended to read as follows:

"(c) 'economically disadvantaged child' means a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary in accordance with criteria prescribed by him in regulations, which take into consideration family size, urban-rural differences in the cost-of-living, and other relevant factors, including factors taken into account in determining fee charges in other Federally-assisted child development programs."

Section 533(a) is amended by inserting "authorized under this title" immediately after "all programs provided child development services with Federal assistance".

Section 534(d) is amended by inserting "authorized under this title" immediately after "all facilities receiving Federal financial assistance" and by deleting "programs receiving Federal financial assistance" and inserting in lieu thereof "programs receiving such assistance."

Amend section 536 by striking out subsection (c) thereof.

Mr. ERLENBORN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the motion to recommit be dispensed with and that it be printed in the RECORD.

Mr. PERKINS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if the purpose of this motion to recommit is to include the amendment which the gentleman offered in the well this afternoon in substance stating that families of four with income of $6,900 would be susceptible to pay part of the cost of day-care centers; is that correct?

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. ERLENBORN. The gentleman is correct. There are additional directions for amendment in the motion to recommit concerning the opportunity of standards set under this bill and all other programs. I will have an opportunity thoroughly to explain the motion to recommit in the 5 minutes allotted to me under the rule.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Does the gentleman from Illinois desire to be recognized

Mr. ERLENBORN. I do, Mr. Speaker.

The SPEAKER. The gentleman is recognized for 5 minutes.

Mr. ERLENBORN. Mr. Speaker, the motion to recommit, as I was explaining to the gentleman from Kentucky, contains two sets of instructions concerning amendments. The first has applicability to the level of family income that is set in this bill for those who are to receive free day-care services. As I pointed out when I offered this amendment, this is in conflict with the decision the House made in H.R. 1 on day-care services provided through social security, and we are trying to conform this bill to the decision we made there.

Earlier I made reference to a letter from the Secretary of Health, Education, and Welfare, Mr. Richardson, in which he states:

> We estimate that the promise contained in this child care amendment, of free child care for every American family having an annual income below the lower budget for a four-person urban family as determined by the Bureau of Labor Statistics of the Department of Labor, would require an expenditure of approximately $20 billion. . . . If left unamended and enacted into law, this will be another tragically unfulfillable commitment to the American people of a type which has already so undermined public confidence in our governmental system.

The Secretary goes on to say—

> Under the child care amendment which will be offered today—

This has reference to the Brademas amendment—

> An attempt is being made essentially to reverse the effect of H.R. 1, as passed by the House in June, by prohibiting the charging of fees, even on a graduated basis, for children of families with incomes below the BLS lower budget figure. Even if the child care amendment were construed so as to apply only to Head Start funds, and not, as it purports to, to the Social Security Act and H.R. 1 funds as well, a grossly inequitable double-standard would be created: children from families with annual incomes between $4,320 and $6,960 receiving child care under the Social Security Act and H.R. 1, would be required to pay fees while children from families in the same income bracket, receiving child care under the child development amendment and utilizing Head Start funds, would pay no fee! Clearly, whichever interpretation is placed upon the amendment, our goal of an integrated system of child care will be neither workable nor realistic. . . . The proposed amendments—

And he has reference to the amendments included in my motion to recommit—

> would reduce eligibility for free child care services to the $4,320 level for a family of four, would give priority to child care services for children of families with incomes below $4,320, and would provide flexibility to the Secretary of HEW to harmonize standards for child care services and standards for construction of child care facilities, regardless of the Federal source of funding for those services and facilities, but without unrealistic rigidity. Just as it is important not to over-promise the availability of free child care services, it is vitally important also not to over-promise the standards of child care for which the Congress is prepared to pay. In both cases, we must not succumb, especially with the lives of children, to the political temptation to making sweeping but unrealizable representations.

I think the important thing here is that we will not be able to fulfill the promise that this holds out unless the amendments are adopted.

Mr. PERKINS. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, the gentleman from Illinois is waving a scarecrow before this Chamber in planting a $20 billion figure. If he thought we were overpromising, he should have made some corrections in committee and placed a figure in the authorization.

The Senate has authorized $100 million for child development in fiscal year 1972 and $750 million for 1973. I do not know how much money will be appropriated. I would hope that every needy child could be served.

At best, we are going to spend in fiscal year 1972 less than $100 million, in my judgment. I would like to see us spend more for such a worthy program. We will not exceed $200 million in fiscal year 1973. To say that we are going to spend or are promising to spend $20 billion is all hogwash, whether it is a comment attributed to the Secretary or anybody else.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from California.

Mr. BURTON. Mr. Speaker, I would like to join with our distinguished chairman in pointing out there were a number of us in the committee from the high-wage, high-cost, high-income States who supported H.R. 1, despite our knowledge that the national poverty level was irrelevant to those of us from our States. This child care provision is relevant in terms of the lower income children in our States. The chairman is absolutely correct, and I urge adoption of his position.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I thank the chairman of the committee for yielding.

What the gentleman from Illinois would do with his motion is to upturn a major thrust of this bill, which is to provide child development opportunities for all children in our country including those of the working poor.

It is simply not an accurate statement of the facts to say that this bill would cost $20 billion. That is absolutely untrue, unfounded, and the chairman of our committee is quite accurate in rejecting it. I hope we reject the recommittal motion offered by the gentleman from Illinois.

Mr. PERKINS. Mr. Speaker, let me remind the Members the motion offered by the gentleman has once been rejected this afternoon.

Mr. Speaker, I am hopeful this motion to recommit will be voted down. The idea of trying to tell the Chamber it is going to cost $20 billion or $1 billion in the foreseeable future is just untrue.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 191, nays 180, not voting 60, as follows:

[Roll No. 277]

YEAS—191

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bell
Betts
Bevill
Biester
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Devine
Dickinson
Dowdy
Downing
Duncan
du Pont
Erlenborn
Findley
Fish
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frey
Fulton, Pa.
Fuqua
Gettys
Goldwater
Griffin
Gross
Grover
Gude
Hagan
Haley
Hammerschmidt
Harsha
Harvey
Hastings
Henderson
Hillis
Hogan
Hosmer
Hull
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
McClory
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Morse
Mosher
Myers
Nelsen
O'Konski
Pelly
Pettis
Peyser
Pike
Powell
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NAYS—180

Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland

Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Chisholm
Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Dent
Dingell
Donohue
Dow
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Koch
Kyros
Leggett
Link
Long, Md.
McCormack
McKay
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Pickle
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Rangel
Rarick
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Stokes
Stratton
Stubblefield
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H.
Wolff
Yates
Yatron
Young, Tex.
Zablocki

NOT VOTING—60

Abourezk
Adams
Ashley
Celler
Clawson, Del
Conable
Denholm
Derwinski
Diggs
Dorn
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Frenzel
Gaydos
Goodling
Grasso
Griffiths
Gubser
Hall
Hanna
Hansen, Idaho
Hébert
Heckler, Mass.
Hunt
Jonas
Kluczynski
Lennon
Long, La.
Lujan
McCloskey
McClure
McCulloch
McFall
Metcalfe
Miller, Calif.
Moorhead
Morgan
Moss
Murphy, N.Y.
Nichols
Passman
Patman
Pirnie
Poff
Reid, Ill.
Rousselot
Runnels
Ruppe
Sikes
Sisk
Smith, Calif.
Steele
Stuckey
Wiggins
Wright

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Denholm against.

Mr. Passman for, with Mr. Adams against.

Mr. Sikes for, with Mr. McFall against.

Mr. Flynt for, with Mr. Celler against.

Mr. Nichols for, with Mr. Kluczynski against.

Mr. Derwinski for, with Mr. Diggs against.

Mr. Lennon for, with Mr. Gaydos against.

Mr. Dorn for, with Mrs. Griffiths against.

Mr. Runnels for, with Mr. Moorhead against.

Mr. Gubser for, with Mr. Ashley against.

Mr. Pirnie for, with Mr. Abourezk against.

Mr. Del Clawson for, with Mr. Sisk against.

Mr. Rousselot for, with Mr. Miller of California against.

Mr. Hall for, with Mr. Morgan against.

Mr. Frenzel for, with Mr. Murphy of New York against.

Mrs. Reid of Illinois for, with Mr. Hanna against.

Until further notice:

Mr. Moss with Mr. Conable.

Mr. Edmondson with Mr. Smith of California.

Mr. Evins of Tennessee with Mr. Hunt.

Mr. Edwards of Louisiana with Mr. Wiggins.

Mr. Patman with Mr. Edwards of Alabama.

Mrs. Grasso with Mr. Poff.

Mr. Wright with Mr. McClure.

Mr. Long of Louisiana with Mr. Jonas.

Mr. Lujan with Mr. McCloskey.

Mr. Stuckey with Mr. Eshleman.

Mrs. Heckler of Massachusetts with Mr. Hansen of Idaho.

Mr. Steele with Mr. Ruppe.

Mr. McCulloch with Mr. Goodling.

Mr. Metcalfe with Mr. Frelinghuysen.

Mr. BARING, Mr. ASHBROOK, and Mr. O'KONSKI changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. PERKINS. Mr. Speaker, in accordance with the instructions of the House in the motion to recommit, I report back the bill (H.R. 10351) with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: Paragraph (6) of section 526 (a) is amended to read as follows:

"(6) provides that charges for child development services provided for any child under programs assisted under this title shall be made in accordance with a fee schedule prescribed by regulations by the Secretary (which shall be consistent with any fee schedules for similar purposes under the Social Security Act) for part or all of the cost thereof based upon the ability of a family to pay including the extent to which payments from a third party (including a public agency) are available."

Paragraph (c) of section 597 is amended to read as follows:

"(c) 'economically disadvantaged child' means a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary in accordance with criteria prescribed by him in regulations, which take into consideration family size, urban-rural differences in the cost-of-living, and other relevant factors, including factors taken into account in determining fee charges in other Federally-assisted child development programs."

Section 533(a) is amended by inserting "authorized under this title" immediately after "all programs providing child development services with Federal assistance."

Section 534(d) is amended by inserting "authorized under this title" immediately after "all facilities receiving Federal financial assistance" and by deleting "programs receiving Federal financial assistance" and inserting in lieu thereof "programs receiving such assistance."

Amend section 536 by striking out subsection (c) thereof.

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 251, nays 115, not voting 65, as follows:

[Roll No. 278]

YEAS—251

Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Bolling
Bow
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Carter
Cederberg
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gibbons
Gonzalez
Gray
Green, Pa.
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Koch
Kyl
Kyros
Leggett
Lent
Link
Lloyd
Long, Md.
McClory
McCormack
McDade
McDonald, Mich.
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Minish
Mink
Mitchell
Mollohan
Monagan
Morse
Mosher
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shoup
Shriver
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik

Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
Widnall
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—115

Abbitt
Abernethy
Andrews, Ala.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Betts
Bevill
Blackburn
Bray
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey, Tex.
Chappell
Clancy
Collier
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, Wis.
Dennis
Devine
Dickinson
Dowdy
Downing
Duncan
Fisher
Flowers
Fountain
Frey
Fuqua
Gettys
Giaimo
Goldwater
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Henderson
Hull
Hutchinson
Ichord
Jarman
Jones, N.C.
King
Kuykendall
Landgrebe
Landrum
Latta
McCollister
McEwen
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Pelly
Pike
Poage
Powell
Price, Tex.
Purcell
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Rogers
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Snyder
Spence
Springer
Steiger, Ariz.
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Veysey
Waggonner
White
Whitehurst
Whitten
Williams
Young, Fla.
Zion

NOT VOTING—65

Abourezk
Adams
Ashley
Blanton
Blatnik
Boland
Celler
Clawson, Del
Cleveland
Conable
Derwinski
Diggs
Dorn
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Frenzel
Gaydos
Goodling
Grasso
Griffiths
Gubser
Hall
Hanna
Hansen, Idaho
Hébert
Hunt
Jonas
Kluczynski
Lennon
Long, La.
Lujan
McCloskey
McClure
McCulloch
McFall
Metcalfe
Miller, Calif.
Mills, Ark.
Moorhead
Morgan
Moss
Murphy, N.Y.
Nichols
Passman
Patman
Pirnie
Poff
Reid, Ill.
Rousselot
Runnels
Ruppe
Sikes
Sisk
Smith, Calif.
Steele
Stuckey
Wiggins
Wright
Wylie
Wyman

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. McFall, with Mr. Hébert against.
Mr. Adams for, with Mr. Passman against.
Mr. Celler for, with Mr. Sikes against.
Mr. Ashley for, with Mr. Flynt against.
Mr. Edmondson for, with Mr. Nichols against.
Mr. Moorhead for, with Mr. Lennon against.
Mr. Frelinghuysen for, with Mr. Gubser against.
Mr. Pirnie for, with Mr. Del Clawson against.
Mr. McCloskey for, with Mr. Rousselot against.
Mr. Frenzel for, with Mr. Hall against.

Until further notice:

Mr. Boland with Mr. Cleveland.
Mr. Kluczynski with Mr. Hunt.
Mr. Hanna with Mr. Poff.
Mr. Morgan with Mr. Smith of California.
Mr. Diggs with Mr. Derwinski.
Mr. Sisk with Mr. Wyman.
Mr. Blatnik with Mr. Goodling.
Mr. Evins of Tennessee with Mr. Edwards of Alabama.
Mr. Blanton with Mr. Jonas.
Mr. Miller of California with Mr. Lujan.
Mr. Moss with Mr. Conable.
Mr. Murphy of New York with Mr. Ruppe.
Mr. Runnels with Mrs. Reid of Illinois.
Mrs. Griffiths with Mr. Eshleman.
Mr. Gaydos with Mr. Wiggins.
Mr. Mills of Arkansas with Mr. Wylie.
Mr. Wright with Mr. Hansen of Idaho.
Mr. Abourezk with Mr. McClure.
Mr. Dorn with Mr. Steele.
Mrs. Grasso with Mr. Patman of Texas.
Mr. Edwards of Louisiana with Mr. Metcalfe.
Mr. Long of Louisiana with Mr. Stuckey.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed and specifically and particularly on the legal aid corporation section.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. QUIE. The legal services amendment that you are talking about is the Devine amendment; is that correct?

Mr. PERKINS. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky (Mr. PERKINS)?

There was no objection.

EXTENDING WATER POLLUTION CONTROL ACT

Mr. ROE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2613) to extend the Federal Water Pollution Control Act, as amended, for 1 month.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2613

An act to extent the Federal Water Pollution Control Act, as amended, for one month

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 5(n) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is amended by inserting after the first sentence thereof the following: "There is authorized to be appropriated not to exceed $7,000,000 for the period ending October 31, 1971, in addition to funds made available under Public Law 92–50."

SEC. 2. The funds authorized to be appropriated in section 6(e) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), for the fiscal year ending June 30, 1971, shall remain available until October 31, 1971.

SEC. 3. Section 7(a) of the Federal Water Pollution Control Act as amended (33 U.S.C. 466 et seq.), is amended by striking "and for the three-month period ending September 30, 1971, $2,500,000." and inserting in lieu thereof "and for the fourth month period ending October 31, 1971, $4,000,000.".

SEC. 4. The second sentence of section 8(d) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is amended by striking "$500,000,000 for the three-month period ending September 30, 1971." and inserting in lieu thereof "$650,000,000 for the four-month period ending October 31, 1971."

Mr. ROE. Mr. Speaker, in July 1971, the Congress extended the Federal Water Pollution Control Act for 90 days to permit the Committee on Public Works sufficient time to complete its hearings and consideration on revision of the water pollution control program. The committee has now held the most extensive and fruitful hearings which have ever been held on this program. However, we have not yet been able to complete our action.

S. 2613 passed by the Senate on yesterday, Wednesday, September 29, 1971, would extend for an additional month to October 31, 1971, the authorization for the basic sections of the Federal Water Pollution Control Act.

Section 1 of the bill extends section 5(n) of the Federal Water Pollution Control Act which authorizes an additional $7 million for research, investigations, training, and information programs under the jurisdiction of EPA.

Section 2 authorizes further funding for research and development programs under section 6(e) of the Federal Water Pollution Control Act.

Section 3 of the bill authorizes $4 million for section 7(a) of the Federal Water Pollution Control Act. This allows the States to carry on the planning of their programs.

Section 4 of the bill authorizes $650 million for section 8(d) of the Federal Water Pollution Control Act which is the basic grant program for waste treatment facilities.

The need for this authorization is urgent since the program must be continued until the Committee on Public Works completes its consideration of the proposed water pollution legislation now pending in the committee.

We are attempting at this time to allow the committee and eventually the Congress to work its will on a major revision of the water pollution control program, but we do not wish to break the continuity of the present program.

I would urge the immediate passage of S. 2613.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIGNATION AS CONFEREE ON H.R. 9844, MILITARY CONSTRUCTION AUTHORIZATION, 1972, AND APPOINTMENT OF CONFEREE

The SPEAKER laid before the House the following resignation as a conferee:

WASHINGTON, D.C.
September 29, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On September 23, 1971, you appointed me one of the conferees on

H.R. 9844, the fiscal year 1972 Military Construction Authorization bill.

Due to my schedule I will be unable to serve in this capacity, and hereby tender my resignation.

Sincerely,

CHARLES S. GUBSER.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from New York, Mr. KING, as a manager on the part of the House at the conference on the bill H.R. 9844, to fill the vacancy caused by the resignation.

The Clerk will notify the Senate of the appointment by the Speaker.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I appreciate the question of the distinguished minority leader.

In response to the latter part of his question, the House will convene tomorrow at noon for the consideration of the bill (H.R. 8085) executive agencies age requirements bill. That bill was listed on the whip notice that all of you received this week.

The program for next week is, and I am very glad the gentleman inquired about it today, because we can print this in the RECORD for the information of Members on tomorrow.

On Monday, we have scheduled besides the Consent Calendar, which is regularly scheduled for this coming Monday, 15 suspensions.

The suspensions are as follows:

H.R. 9212, black lung benefits;

House Concurrent Resolution 374, humane treatment of prisoners of war;

H.R. 8817, cooperative forestry programs;

S. 646, prohibiting piracy of sound recordings;

H.R. 3304, Fisherman's Protective Act amendment;

H.R. 10880, Veterans Medical Care Act;

H.R. 6568, limitation of authority for construction, acquisitions, alteration, or closing of VA hospitals;

H.R. 10203, Water Resources Act amendment;

H.R. 9890, protection, management, and control of wild horses and burros on public lands;

H.R. 7136, Arches National Park, Utah;

H.R. 7137, to revise the boundaries of the Canyonlands National Park, Utah;

H.R. 8213, Capitol Reef National Park, Utah;

H.R. 9961, Federal credit union share insurance amendment;

H.R. 3808, free letter mail for overseas servicemen; and

H.R. 8083, air traffic controllers career program.

On Tuesday, the Private Calendar will be considered, to be followed by the bill:

H.R. 10947, Revenue Act of 1971.

As usual, this tax bill will be considered under a closed rule with 3 hours of debate. There will be general debate only on the bill on Tuesday and we expect to vote on the bill on Wednesday.

On Wednesday the program is as follows:

Following the vote on the Revenue Act, we have scheduled:

H.R. 10881, comparability pay rate adjustments for January 1972, subject to a rule being granted; and

House Resolution 596, disapproving the President's alternate comparability pay plan.

That will be followed by a resolution for Supplemental Appropriations for Unemployment Benefits and Allowances, about which the distinguished chairman of the Appropriations Committee commented yesterday, and a continuing appropriations resolution for those agencies which have not been handled in the regular appropriation bills.

On Thursday, House Joint Resolution 208, the resolution providing Equal Rights for Men and Women Amendment to the Constitution. Four hours of debate, with an open rule.

Conference reports may be brought up at any time and, any further program will be announced later. In accordance with the announcement previously made, the Columbus Day recess will be observed from the conclusion of business on Thursday, October 7, until noon on Tuesday, October 12.

SESSION ON FRIDAY

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, since the distinguished majority leader is on the floor, I should like to ask what the urgency is about the bill to be called up tomorrow at noon.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to the gentleman.

Mr. BOGGS. I am very happy the gentleman asked the question. The gentleman himself is one of the most diligent Members of the House and is here on all occasions.

As the gentleman knows, we are attempting to complete the business of this session as expeditiously as we can. We have scheduled the bill to which the gentleman has referred. It is on the whip notice, and in accordance with the conference between the Speaker and the minority leader, we had announced earlier that Friday sessions would be in order at any time when the business demanded it.

Aside from that, there are committee meetings that are very important, and it is the opinion of the leadership on both sides that a session tomorrow is important for the expeditious consideration of the business of the Congress.

Mr. GROSS. Mr. Speaker, now that the House has once again written a bill on the House floor for the House Committee on Education and Labor, and I assume the delegation to Italy is on its way, or will be early tomorrow morning, after the House being kept here until 9:15 tonight in order to get the decks cleared, I just do not understand why the House will be in session tomorrow on a bill the subject of which is of no emergency nature. This bill could rest before the House for another week or 2 weeks or a month and nothing would be lost by the fact that it had.

Mr. BOGGS. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, I am glad to yield.

Mr. BOGGS. I would merely like to restate what I said in my remarks a moment ago, and that is aside from this bill, we do have important matters before various committees of the Congress, and the legislative day that occurs tomorrow is very important to the consideration of that business. This is not an unusual thing in a legislative body.

Mr. GROSS. Mr. Speaker, in answer to that, let me say that if we have reached the point in the House of Representatives where there must be a session of the House in order to keep Members in Washington to attend committee sessions, then we have certainly reached a really low estate in the operation of the House of Representatives.

Mr. BOGGS. Will the gentleman yield further, and I shall not take any further liberties with the gentleman's time?

Mr. GROSS. Of course.

Mr. BOGGS. Under the Reorganization Act that this body passed in the closing days of the last Congress, we provided for certain legislative days with respect to the reporting of a bill by a committee and the consideration of the bill by the Rules Committee. We have a long list of "must" legislation that must come to this Chamber before we can adjourn this session, and the legislative day tomorrow is quite important, not only from the point of view of the schedule on the floor, but from the point of view of the time elapsing legislatively before reporting a bill to the Rules Committee.

THE ECONOMIC WAR AGAINST RHODESIA

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ABERNETHY. Mr. Speaker, on November 11, 1965, colonial Rhodesia declared itself an independent nation, just as the American Colonies did on July 4, 1776. A war with Britain followed in each instance. The war made on the American Colonies was a military movement, while that made on Rhodesia was economic.

There was another similarity in that outsiders joined in each war—France to assist the newly born American nation against the British and the United Nations joining Britain in an economic war against Rhodesia. There is another similarity which followed these declarations of independence, that is, both of the newly born nations succeeded in making their independence a reality.

On August 9, 1971, the Rhodesian Promotion Council, of which Mr. C. G. Tracy of Salisbury, Rhodesia, is chairman, published in the International Herald Tribune a supplement which vividly portrayed the tremendous economic progress achieved by the Rhodesians since the date of their declaration of independence.

The Rhodesian Promotion Council, located at 701/2 Mutual House, Speke Avenue, in Salisbury, Rhodesia, is an independent, nonpolitical and nonprofitmaking organization which aims to promote knowledge of Rhodesia's economic development and potential. It is financed entirely by subscriptions and donations from corporate and individual members.

The Council shows visiting businessmen, industrialists, agriculturists, newspapermen, and other opinion-formers significant farming, industrial and mining activities throughout Rhodesia. It also arranges for them to meet ministers, senior civil servants, and leading personalities in Rhodesian finance, commerce, industry, and agriculture.

The report published in the International Herald Tribune is most interesting. It clearly reveals that the combined effort of the United Kingdom and the United Nations, including the aggressive support of the all-powerful United States of America, have lost the economic war they imposed against little Rhodesia. And, indeed, they should have lost. The defeat is a humiliating one.

The information provided by the Rhodesian Promotion Council in the supplement reveals that Rhodesia has become strong economically and that she is here to stay. Her economy is advancing in all fields—in commerce, agriculture, manufacturing, mining, and construction, and per capita income, as well as in confidence.

Confronted with the most oppressive organized economic pressures ever directed at any nation, the Rhodesians dug in and went to work. They maintained their balance and did not turn back. They have not been gruff, vindictive, disgruntled or discourteous. They have not suggested to their economic oppressors that they could just "lump it" or step to you-know-where. They remained calm, maintained their composure and went about the business of maintaining their independence and constructing a strong economy. While enduring tremendous burdens, they stood tall and strong during the early period of the economic war which brought numerous hardship upon them. But very soon the pressures began to lose their effectiveness. Their economy gradually and consistently moved to higher levels and to more fertile ground. Now they are firmly entrenched in the world family of nations.

It is to be hoped that our Government will come to realize it has made a serious mistake in its treatment of Rhodesia. Frankly, we should be commending the Rhodesians for their courage. We should recognize their government, assume diplomatic relations, and resume an exchange of trade. By so doing, we have nothing to lose. In fact, we have all to gain.

If we can recognize the Government of the Soviet Union and trade with the Soviets as we are doing, if we can recognize and trade with Red China as it appears we are about to do, then why, oh, why do we not recognize, trade with and become the friend of Rhodesia? To do otherwise, as we are doing, is downright disgusting and a reflection on our sense of fairness.

I, therefore, respectfully urge our President and the policymakers in our State Department to take another look at our policy toward Rhodesia, a policy which is wrong and which should be corrected without further delay.

Mr. Speaker, I include as a part of my remarks the report published by the Rhodesian Promotion Council that appeared in the International Herald Tribune, which report is as follows:

Rhodesian Economy Since Novemrer 11, 1965

When the Federation of Rhodesia and Nyasaland broke up in 1963 there were many "prophets of gloom" who forecast economic disaster for Rhodesia when she was cut off from the supposed benefits flowing from the then highly profitable Zambian copper mines. Immediately following the dissolution of the Federation, the Rhodesian economy went through a difficult period with the loss of a large number of Europeans. Negotiations between the Rhodesian and British Governments broke down on the question of majority rule, and on the 11th November 1965 Rhodesia declared itself independent in the face of predictions of economic ruin from "experts" within and outside the country.

The Declaration of Independence was followed immediately by the imposition of economic sanctions by Britain and many other countries. A year later a resolution was passed by the United Nations which purported to make economic sanctions against Rhodesia mandatory for all member nations. Since then various other resolutions have been passed by the United Nations in an attempt to tighten sanctions, and the British and other Governments have taken numerous steps in an attempt to bring Rhodesia to her knees economically.

Examples of these measures were the blockade of the Portuguese port of Beira (Rhodesia's main outlet to the sea) by vessels and aircraft of the Royal Navy to prevent crude oil supplies reaching Rhodesia's refinery. The British Government froze all Rhodesia's foreign reserves in Britain and exerted pressures on other countries to do the same. Rhodesia was expelled from various international organizations and a number of countries imposed restrictions on postal and telecommunication services to and from Rhodesia. Rhodesian immigration and tourism promotion was banned in many parts of the world in an effort to prevent foreign currency reaching the country from this source.

But how has the Rhodesian economy fared since November 1965 in the face of what must be the toughest pressures and sanctions ever imposed against a country outside of wartime?

Naturally enough 1966 was the year in which sanctions made their biggest impact, with the value of exports and imports dropping by 38 per cent and 29 per cent respectively. There was a net loss through emigration of over 2,000 Europeans representing approximately one per cent of the total European population. Manufacturing output declined by 10 per cent and the building industry remained static. The agricultural industry was the most severely affected with tobacco exports particularly—which prior to U.D.I. used to account for one-third of all exports—plummeting to a fraction of their former value. To make matters worse the 1966/67 season was a bad drought year. The Beira blockade had had the effect of closing Rhodesia's only oil refinery, situated at Umtali, and petrol rationing was introduced early in 1966. The two motor vehicle assembly plants geared to producing British model cars were forced to cease production and some mines had to stockpile their ore due to loss of markets. Terrorist incursions from Zambia began and it was necessary to deploy the security forces in the border areas in the north of the country to overcome this threat. The Government had imposed import control and more stringent exchange control restrictions in 1965 and, therefore in spite of the adverse conditions, Rhodesia still managed to achieve a favourable trading balance of R$24.5 million in 1966. An unfortunate effect of sanctions was that many Africans became unemployed because tobacco farmers were obliged to cut back on their labour requirements.

1967 saw the beginning of an astonishing revival which has continued steadily so that today the Rhodesian economy is experiencing boom conditions in virtually all sectors. Exports and imports are almost back to their pre-1965 levels; there has been a 50 per cent increase in the value of retail trade; the value of building plans approved annually has increased by 600 per cent since 1965 to a new all-time record in 1970; manufacturing production has increased by 42 per cent and the overall gross domestic product has increased from R$703.6 million in 1965 to R$970.7 million in 1970. The emigration tide has been turned and from a net loss in 1964 there has been a net gain of over 22,000 European immigrants since 1965. Employment opportunities have increased substantially for the whole population.

A feature of the battle against trade embargoes and economic sanctions has been the wide diversification which has taken place in all sectors of the economy. In the mining field spectacular progress has been made, with major discoveries of minerals being announced at almost regular intervals. Mines that in 1966 were stockpiling their products are now hard put to keep up with demand, and mineral exports have reached an all-time high in both value and range of products. Important steps have been taken to process the raw minerals within the country, and the pattern of Rhodesia being an exporter of raw materials is steadily changing to one where Rhodesia is gaining a reputation as an exporter of processed or partly processed minerals. The manufacturing industry has diversified and expanded to such an extent that it is hardly recognizable from its pre-1965 days. Announcements that products that were previously imported are now manufactured locally, are made with almost monotonous regularity and many of these products have established export markets for themselves. In the agricultural field, diversification away from tobacco has been a slower process, but the position has now been reached where products such as cotton, beef and maize are overtaking tobacco in importance, while other crops such as tea, sugar, coffee and fruit are growing in value rapidly. Wheat production has made remarkable strides and the position has changed to such an extent that Rhodesia produces nearly half its requirements of wheat locally, whereas prior to 1965 wheat production was negligible.

A measure of the success that Rhodesians have had in overcoming sanctions can be gauged from the fact that both motor vehicle assembly plants are back in production; petrol rationing has been abolished, and petrol is now cheaper in Rhodesia than in Britain. Although shortages of certain imported luxury goods occur from time to time because of the need to conserve foreign exchange for essential items. Rhodesians can buy most things. Prior to 1965 Rhoesia's economy was traditionally tied to hat of Britain going back to Colonial days, ut this dependence on Britain has been evered, probably never to be regained. When he British Government devalued the pound n 1967 Rhodesia did not find it necessary to ollow suit and the Rhodesian currency has etained its value.

In view of the relatively closed nature of he economy since the imposition of sanc ions it could be assumed that serious infla ion would result. This has not been the case, owever, and Rhodesia's rate of inflation is mongst the lowest in the world because of dept monetary policy and skillful control f the money market. By the end of June 971 the European consumer price index had nly risen by 17.5 per cent since 1965, and he African consumer price index by 12.8 per ent in the same period annual average rates f 3.2 per cent and 2.4 per cent respectively. axation has remained at a low level and it as not been necessary to raise the income ax rate since 1965. In fact, income tax rates ave been lowered to make Rhodesia attrac ive to immigrants, and to ensure the re ention of skills within the country. The aximum income tax payable by an indi vidual is 40c in the dollar (100c) and com pany tax is fixed at 40c for each dollar of axable income. The Minister of Finance was ble to abolish super tax in 1969.

Due to the phenomenal growth in the conomy, particularly in the mining and gricultural spheres, it would have been un natural for no problems to have arisen. The Government has embarked on long term rem edies to overcome them. Transportation services have been stretched to the limit and Rhodesia Railways are now in the position where they are unable to accept all the traffic on offer. Unless this problem is over come the country's export performance could be adversely affected and Government has allocated large amounts of capital to the Railways to assist them in meeting the challenge. Steps have been taken to stimulate road transport, but until these measures have had time to take effect the transport industry will remain under a considerable strain. In spite of the difficulties encountered in moving all Rhodesian traffic, Zambian goods are still being transported on Rhodesia's road and rail system in accordance with the Government's policy of maintaining friendly relations with all countries. It was recently announced that due to an acute shortage of maize in Zambia, Rhodesia would export 1.5 million bags of maize to that country. Another problem arising from the boom conditions is a shortage of foreign exchange for non-essential items, due to the necessity to allocate large amounts for imports of equipment, particularly for the railways. The situation should prove to be a relatively short term problem, as once the necessary capital equipment has been obtained, exports will increase and relieve the pressure through increased earnings of foreign currency. The possibility of a skilled manpower shortage was foreseen, and plans were implemented in 1968 to overcome this by introducing legislation to stimulate apprenticeship training, and by increased efforts to encourage skilled ment to emigrate to Rhodesia. This foresight has borne fruit and the available skilled manpower should be adequate to meet expected demand. Of course, Rhodesia is beset with the same problem that seems to be endemic to the rest of Africa and some other parts of the world—a rapidly expanding population: at 3.6 per cent per annum one of the highest in the world.

Not only has the Rhodesian economy survived the battle against sanctions but it has remained buoyant and expanded at an astonishing rate. This is even more remarkable if account is taken of the generally adverse weather conditions experienced since 1965, including two national droughts and a disastrous spell of frost, and the fact that the country's security forces have been on constant alert to combat communist incursion from over the country's northern border. This last threat appears to have diminished, as from all accounts the infiltrators have been accounted for and there have been no incursions in the last eighteen months. An unfortunate and inhuman effect of sanctions has been the distress caused to members of the African population who have been deprived of employment opportunities and social amenities that would have been available in the rural areas if the economy had not had to battle against a world-wide trade embargo.

One of the remarkable results of the severing of the traditional trading ties previously existing between Rhodesia and Great Britain has been the development in Salisbury of a sophisticated Insurance Market. Before Rhodesia's Declaration of Independence, in meeting the insurance needs of the country, great emphasis was placed on the use of the London Market with a high percentage of Rhodesian risks being placed at Lloyd's.

The attempt by the British Government, as an aspect of sanctions, to "freeze" in London claims settlements due to Rhodesian policyholders proved to be completely abortive. Although it resulted in the deregistration of Lloyd's, all claims have been honoured; insurance company claims have been met from the Rhodsian resources of the externally-controlled insurers, who have nevertheless continued to operate.

Today, risks of almost any kind can be absorbed into the Rhodesian Insurance Market and, indeed, it is a requirement of the Rhodesian Treasury that they should be so absorbed, thus effecting a most desirable saving of foreign currency.

Perhaps there is a lesson to be learned from this almost phoenix-like recovery of an economy whose demise was predicted within weeks of that fateful decision in November 1965. The impression one gains from a visit to that sundrenched land, with its people going about their business normally, is that the Rhodesians have unearthed a secret weapon. The secret of their success can be summed up in two words—hard work.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1971

(Mr. CABELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CABELL. Mr. Speaker, as the House of Representatives nears a final vote on the Economic Opportunity Act Amendments of 1971, I feel it important that I explain in greater detail my objections to this measure.

These objections do not extend to the program itself. Since its inception in Congress, I have consistently supported both the intent and the direction of a program which I felt would help bring our underprivileged back above the poverty level into the life of a useful citizen.

This was the intent of the program as originally conceived. Today's bill is designed not to reduce poverty but to reproduce it.

Specificially, I object to the inclusion with the bill's boundaries of benefits for the so-called "near- or non-poor" which I believe is a first step toward a dangerous expansion of our concern which should be toward the elimination of poverty. I also feel that the present program fails to correct the present three-way demarcation of authority in which representatives of the target area are permitted the power of disruption without being saddled with any executive responbility.

The fruits of this unfortunate decision are clear throughout the Nation but most particularly in Dallas where bickering and dissention threaten to bring an effective antipoverty program to an untimely end.

In addition, I do not believe it wise to eliminate the 20-percent local contribution which was originally designed to inspire the interest and the continuing participation of local antipoverty groups. The first step toward making this strictly a Federal handout program and detaching it from the oversight of locally directed agencies is the removal of such a cost-participation requirement.

Most drastic of all the new ideas advanced in this document is the transfer of the legal services program to a so-called independent, so-called nonprofit corporation. I believe that we have in the case of our new Postal Department a prime example of how dangerous such an experiment can be. We know that here such a change has neither improved mail service nor resulted in economies, and I can see no way in which transfer of legal service into the shadowy sanctuary of an irresponsible private corporation will improve it.

The start made by our economic opportunity program was an excellent one and the success of such diverse programs as Headstart, Job Corps, and Upward Bound, deserves a better end than this. While I am sure that ways will be found to spend the billions authorized by this program, I cannot guarantee that the benefits will reach those that need and deserve them and I am equally convinced that the hard-working, middle-income taxpayer who is footing the bill for this program will not see the results from it he has been led to believe are possible. I sincerely feel that the only way to combat the present critical and wasteful situation is to cease all funding for a period during which the entire program can be overhauled.

THE NATIONAL FRATERNAL ORDER OF POLICE, DETECTIVES AND SPECIAL POLICE ASSOCIATION

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I rise today to bring to the attention of this body the outstanding work presently being accomplished by the National Fraternal Order of Police, Detectives and Special Police Association. This organization is composed of law enforcement organizations and individuals, with members in most of the 50 States of the United States and cooperates with similar organizations throughout the world.

This national organization was organized in 1963 as a ramification of the Heroes in the Line of Duty Association which was formed to provide scholarships for surviving children of policemen and firemen killed or totally and permanently disabled in the line of duty.

The membership includes sheriffs, detectives, police, constables, former military police, officers of the courts, attorneys, court clerks, special police, detective agents, investigators, and other civic minded individuals such as businessmen and clergymen. The common interest uniting all of these individuals is the desire to fight crime.

In this effort, the national fraternal order publishes a great deal of educational information on the nature of law enforcement, on ways and means to stop crime, and how to assist officers to reduce the rate of crime.

One of the activities of this organization is to present awards to individuals to recognize special achievements in law enforcement, in crime prevention and control. I am indeed honored to be one of the recipients of the national fraternal order's awards for my activity in forwarding the implementation of "911" as the nationwide emergency telephone number.

My pleasure in receiving this award from this distinguished group is increased by their promise to assist in whatever way they can to publicize and popularize the cause of "911." It is important to me and gratifying that this prestigious law enforcement association has seen the importance to police communications of implementing throughout the United States the nationwide emergency number "911." By this speed-up in communications between the police and the public, we can better save lives, apprehend the offenders, and prevent crimes.

The national fraternal order has also asked that I serve on their advisory committee to help establish "911" in communities throughout the country. I look forward to their support and cooperation in this endeavor.

INTEROFFICE SOFTBALL LEAGUE CHAMPIONSHIP

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of Ohio. Mr. Secretary, I take this moment to express my congratulations and appreciation to the members of my staff and others employed by this body and elsewhere who played under my sponsorship in the House Interoffice Softball League and who won that league last week. Then last night this same team won, 3 to 2, a game with a team from the office of Senator PHILIP HART of Michigan and thus secured the championship of Capitol Hill.

Since sport knows no partisanship, I probably should not point out that ours was the only Republican team in the playoffs on the House side and that Senator HART is also a Democrat. But I assume my colleagues in the House on both sides of the aisle will take some pleasure in the humilitation brought by the House office staff champions to the best of the office teams from the other body.

During the season, the Badmen—so named in honor of their sponsor and because of certain tastes outside their training schedule—achieved a season record of 12 wins and three losses. When the playoffs are included, the record was 16 to 3. Those playoffs saw us defeat the teams fielded by my colleagues and friends TORBERT MACDONALD of Massachusetts, JOSEPH MINISH of New Jersey and, JOHN DENT of Pennsylvania.

The names of those who played on the team from time to time are as follows:

Charles Earnhart, captain, USAF; Virginia Gano, staff of Representative BROWN; Lee Chisholm, physical therapist, Georgetown University Hospital; Susan Insley, staff of Representative BROWN; Penny Richards, Republican Congressional Committee; Howard Gorrell, Republican Congressional Committee.

Eulo Regala, House of Representatives elevator operator; Jay Colmer, Victor O. Schinnerer and Co.; Charles Barber, House electrician; Robert Merrick, American Security & Trust Co.; Norman Richards, Department of Health, Education, and Welfare; Lawrence Graham, legislative assistant to Representative BROWN; Wayne King, press assistant to Representative BROWN.

Joe Brooks, Springfield; Randy Davis, St. Paris; and Jim McIntire, South Charleston, all interns on my staff.

STORM DAMAGE

(Mr. FORSYTHE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FORSYTHE. Mr. Speaker, late last month and early in September, severe storms struck many sections of the United States, causing severe damage and high property losses.

As many people began to clean up and to rebuild after the destruction, they found they were unable to obtain Federal disaster loans from the Small Business Administration.

Why? Because more than a year had passed since their communities had become eligible for federally subsidized flood insurance.

For instance, in Elizabeth, N.J., some 200 square blocks were flooded by Doria's heavy rains. In an area including 10,000 dwelling units, only 20 flood insurance policies had been issued.

Strictly interpreted, the National Flood Insurance Act of 1968 prohibits these property owners from obtaining SBA loans until they first paid, out of their own pockets, the cost of damage which could have been insured.

In my district, flooding was not so severe. But, it could have been—as it has been in the past. And, many of my constituents could also have been left out in the cold—almost literally.

That is why two of my colleagues from New Jersey—Mrs. DWYER and Mr. WIDNALL—and I, as well as Senator CLIFFORD P. CASE, have introduced amendments today to the Flood Insurance Act to ease restrictions on insurance and disaster loans. I plan to have additional legislation in this same area within a few days.

However, today's bill provides:

A 2-year suspension of the requirement that flood insurance is necessary before disaster loans are available to individuals or businessmen in communities eligible for insurance for more than 1 year.

Extension of flood insurance coverage to all residential dwellings, instead of the present limitation to structures housing up to four families.

A 2-year extension providing coverage for municipalities which pledge to adopt land use and control measures.

Senator CASE, Mrs. DWYER, Congressman WIDNALL and myself are not alone in our belief that some owners and businessmen, faced with staggering losses, should not be victimized by their government.

Federal Insurance Administrator George K. Bernstein has publicly labeled this provision, requiring insurance before loans can be obtained, as inequitable and unenforceable. He has called it detrimental to the long-range purpose of the flood insurance program and has urged its repeal.

I would like to point out that the present statute provides that until December 31 of this year communities can become eligible for flood insurance by pledging to adopt the necessary land use and control measures by that date. After that, however, any application for insurance will have to be accompanied by already adopted measures.

This, in my judgment, will severely retard new communities in their efforts to become eligible so that their residents and businessmen can purchase the insurance. The 2-year extension will significantly ease this burden.

Furthermore, I believe the restriction to four-family units is discriminatory, in that it arbitrarily cuts off residents of apartment facilities housing five, or six, or seven, or 20 families.

We have learned that consideration is being given to expanding this program to cover more units, and even to reducing rates to encourage more participation.

This is certainly encouraging. But I don't think we should leave it to an administrative decision as to whether or not certain individuals will be covered. I think that we should have it clearly established in the law.

Presently, the statute provides for $17,500 aggregate liability for any dwelling unit and $30,000 for any structure containing more than one unit. The amendment would provide $17,500 coverage for the first unit, $30,000 for two units and $10,000 additional coverage for each unit thereafter.

I will be seeking your support for these important measures. We have learned very graphically within the past few weeks how serious flooding can be. There are many, many Members in this House with constituents who were stuck because they did not have insurance and could not get loans.

I do not believe we should be this punitive. I assert, and I hope you agree, that we should takes these steps to help our citizens obtain the help that is needed.

The Flood Insurance Act of 1968 is a good law. It has helped many, many Americans. I think we can make it better so that more people will have more opportunities to purchase the insurance.

In addition to urging my colleagues to support these amendments, I would also urge you all to continually remind your constituents of the importance of this fine program. I have found that many, many communities, businesses, and individuals are still not aware of this program. They do not even know the insurance is available.

The Federal Insurance Administration has fine kits available explaining the flood insurance program very clearly, including the types of land use and control measures that are required. I have sent this information along to all of the mayors in my district, and I believe it has been helpful.

Many, many people have found out—too late—that this insurance is a pretty good bargain.

For the benefit of my colleagues, I am adding to these remarks the text of an article which appeared September 21 in the Burlington County, N.J., Times, dealing with this subject:

INSURANCE IGNORED SO RESIDENTS LOSE ELIGIBILITY FOR AID

(By Lysbeth Bledsoe)

BURLINGTON CITY.—It's a good thing Tropical Storm Doria did little damage here.

If it had, according to adminstrators of the Federal Flood Insurance Act in Washington, residents would have discovered, to their surprise and dismay, they are unqualified to receive the bulk of federal disaster aid authorized by President Nixon, when he officially labeled New Jersey a disaster area.

They would, in fact, be in the same leaky boat as residents of Elizabeth, reporting heavy flood damage but now unable to get their full share of government assistance.

The problem, say federal sources, is this: The White House made $20 million available for relief, after Doria swept through the state Aug. 27–28.

But the Flood Insurance Act decrees that if federally subsidized insurance has been available in a community for one year, residents who haven't bought policies are ineligible for the majority of aid programs underwritten by the $20 million. Only low-income families are exempt from this provision.

Burlington City, one of two county municipalities to qualify for federal flood insurance, became eligible last spring, reports Mayor Herman Costello.

"And we gave the program wide play, to inform as many people as possible, but, to my knowledge," he added, "nobody's expressed any interest in buying the package."

This means, he agreed, that if Doria had flung her full weight against this Delawareside municipality, only a portion of residential damages would have been funded by disaster relief dollars.

"Fortunately, Burlington had no damage whatsoever, aside from a few flooded basements," Mayor Costello pointed out. "In recent years, we're undertaken our own flood control program, and it's worked out well for us, so government money wasn't needed this time."

In neighboring Burlington Township, also declared eligible for flood insurance, the same situation exists, although Doria damage estimates ran up to $50,000, "mostly affecting new construction sites," in the opinion of a spokesman for R. Louis Gallagher, township engineer.

Worst hit by the restrictive Flood Act proviso is Elizabeth, population 112,600, where only 20 flood policies were issued since the city joined the insurance in May, 1970.

As noted by John Waters, city coordinator of federal and state aid, about 200 square blocks were flooded Aug. 27, and again when heavy rains came Sept. 12. He said the area included 10,000 dwelling units, of which many are single homes in the $25,000–$35,000 range.

"And no one had the knowledge they could lose out on low-interest federal disaster loans if they failed to buy federal flood insurance," he lamented, adding that many insurance agents were reluctant to handle the government-subsidized insurance because of small commissions.

"I've had people tell me they'd asked their agent and he said there's no such thing," Waters volunteered.

The federal-state aid expert said he had no figure on total flood damage in Elizabeth, but estimated it would run "several million dollars."

Nor is Elizabeth the only New Jersey disaster area probably set to remain a disaster for some time to come.

Richard Philibin, disaster coordinator for the Small Business Administration, agreed with Waters on his dollar estimate, then said 21 New Jersey communities were hit hard by flooding, with the number of ineligible homeowners running "thousands throughout the state."

"We just can't do anything for them," he summed up.

Those who can have something done for them with federal disaster aid are low-income families, that is, those earning less than specific levels established area by area. The cutoff in Elizabeth, for example, is $7,095 per year for a family of four.

In Washington, officials are discussing ways to extend the one-year deadline for purchase of flood insurance policies by at least another six months.

BURGER AGAINST BURGER ON BUSING

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, there are a number of reasons for the necessity of amending the Constitution to reverse the Supreme Court's decision in the case of Swann against Charlotte-Mecklenburg. Such an amendment would return to us, the people of the United States of whatever race, creed, or color, the right not to be forced by busing or any other means to send our children to any particular school. Such an amendment would help to dispel the confusion, heal the bitterness, reduce the violence and ameliorate the divisiveness caused by the Swann decision. Such an amendment would also save the Supreme Court from itself, from losing the respect of the Nation by its excesses and its conflicting opinions.

Mr. Speaker, I strongly recommend the consideration and passage of House Joint Resolution 651.

I insert at this point two excellent articles dealing with the Swann decision, Chief Justice Burger's extraordinary subsequent attempt at explanation, and the utter confusion into which the country has been thrown:

[From the Washington (D.C.) Star, Sept. 2, 1971]

BOUNDARIES OF BUSING

An unusual kind of statement was issued Tuesday by Chief Justice Warren E. Burger, on the volatile racial busing question. Rarely does a justice go into lengthy lecturing on the law when he rules, during a summer court recess, on a request to stay a judicial order.

Burger did not, in this didactic exercise, spread any great enlightenment on the subject, which is probably the legal puzzle of the century. No one, including jurists of high repute, seems to know how much integration-related busing will finally be required, and no hard-and-fast formula has been supplied by the Supreme Court. But Burger's statement may cause some lower federal courts to pause a bit and consider all possible alternatives to massive busing.

What he did was commend to the district judges a re-reading of the high court's landmark decree of April 20, which was itself most obscure. And he tapped his finger on a certain section of that ruling as being of special importance in some current cases.

It was "disturbing," the chief justice said, that the Winston-Salem, North Carolina, school board apparently understood the Supreme Court to say in its April ruling that a fixed "racial balance" would be required in all individual schools. He reminded the board of the part of that order which said: "The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." If lower courts have decided that the Supreme Court was requiring the achievement of racial balance in every school, he said, "they would appear to have overlooked the specific language of the opinion."

But in saying all this, he refused to stay a large-scale busing plan ordered for Winston-Salem, because it was received too late to "deal adequately with the complex issues presented."

The problem is that *there are more complex issues in this field than the whole federal court system can handle* this year, or maybe in the next five years. Burger is telling them that the high court's busing rule is elastic, but how much it can be stretched is still a mystery.

And the district judges must be pardoned if they don't quite understand it all at once. For in the pivotal April decree, the Supreme Court unanimously upheld a plan aimed at achieving the same racial balance in each school in Charlotte, North Carolina. It approved busing as an implement for that. And it urged lower courts to "make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation."

There are of course hundreds of different practicalities and racial mixes across the land. *The lower courts have a frightful task analyzing them all and measuring them against the high court's indefinite guidelines.* We can only hope that this will be done so as not to place unbearable financial strains upon school districts, and extreme physical strains upon schoolchildren and their parents. Burger seems to be calling for judicial temperance and experimentation.

In the light of all these difficulties, President Nixon and HEW Secretary Richardson are on firm ground in their reluctance to press for busing beyond "the minimum required by law." For the law is still to be developed, in many court actions, and *precipitate administrative action might claim a high toll of both money and educational quality.*

[From the Washington Star, Sept. 4, 1971]

TO BUS OR NOT TO BUS IS THE ISSUE

A new school year is just around the corner. School boards, teachers, students and parents are in a turmoil over the plans for the busing of school children hither and yon.

Governors of states, mayors of cities and towns and members of Congress and of state legislatures are seeking to force or not to force the busing of children to fit demands for racial and religious integration, or to fit their own political interests.

The real issues, however, are better education of children, North, South, East and West, and their safety and welfare. Already the courts, federal, state and municipal are being pressed to deal with the busing issue.

Gov. George C. Wallace of Alabama has

challenged the right of the Nixon administration to order the busing of children long distances or short distances for the purposes of desegregation or for any other purpose, and has threatened to take the issue to the Supreme Court if necessary.

He has persuaded the Alabama legislature to enact a state law prohibiting busing. Wallace has said *enforced busing of school children will be a main issue in the campaign for the presidency next year.*

Chief Justice Warren E. Burger has forestalled Wallace on the school busing issue, however. He has ruled that judges in lower courts were misreading the Supreme Court's opinions if they order busing of pupils in the belief that the court requires racial balance in every school.

Burger made his ruling while declining to stay a district courts' judgment that a North Carolina (Winston-Salem) school district must comply with the decision of the court handed down last April. He refused the stay because the Winston-Salem board had taken no real steps toward desegregation.

The comments of the chief justice to the effect that the Supreme Court's decisions do not call for total racial balance or racial quotas in all schools run on all fours with President Nixon's statements Aug. 3 on the Austin, Tex., busing dispute in which he also stated his opposition to busing school children to achieve racial balance.

It is considered likely that Burger's statements may have a distinct effect on judges and modify their rulings on school busing for desegregation. Civil rights leaders, however, may demand that the issue be taken up by the whole court when it returns to Washington this fall. They will urge then that all steps, including busing, must be taken to desegregate the schools completely.

Meanwhile, *the parents of black pupils as well as those of white pupils are up in arms against forcing their children to bus 30 or 40 miles, each day using up an hour or more of their time when they might be doing homework or playing or helping their parents with work at home.*

Indeed, many of the pupils themselves say they do not like to leave the schools near their homes and are resisting. Some opponents of busing are going so far as to set fire to school buses or to put sand in their motors.

In the Southern school districts, the plans for desegregation of the schools are going forward with less resistance than in the North.

In Pontiac, Mich., for example, opponents of desegregation and the busing of schoolchildren dynamited 10 empty school buses. The city is under a court order to desegregate, an order which involves the busing of 8,000 of its 24,000 students. The city has appealed the order to the Supreme Court. Its school board has warned of a possible disaster in race relations.

Boston, which is under pressure to desegregate its schools, has promised to do something to remedy its "open enrollment" policy under which white students have been able to transfer out of black majority schools.

More than 80 percent of the blacks went to schools with a black majority.

Politics are involved there. The schools open Wednesday and the leading candidates in the Democratic primary for mayor on Sept. 4 are Mayor Kevin White and Rep. Louise Day Hicks, long a foe of desegregation.

In another Michigan City, Kalamazoo, the 6th U.S. Circuit Court of Appeals has refused to stay an order for busing students.

And so it goes.

The Nixon administration is closing ranks in support of the President's position on the busing of school children. It had been reported that Secretary Elliot Richardson of the Department of Health, Education and Welfare was about to resign because he had issued a desegregation plan for schools which disagreed with the President's statement on Austin. On Tuesday, however, Richardson had an interview with the President in San Clemente, Calif., and later made a statement that he was in entire agreement with the President's views and that he had no intention of resigning. In addition, Atty. Gen. John N. Mitchell and the Department of Justice have lined up.

It appears, therefore, that the busing of school children, while it will continue, will go forward far less drastically than had at first been expected. Decidedly, this is an issue in which common sense should have a play as well as the enforcement of the laws.

Education has become more and more a necessity for boys and girls who wish to get ahead in our society, and who will be compelled to deal with the great problems of the day.

President Nixon is being accused by some of his Democratic opponents of playing politics with the issue in the big cities and rural communities, South and North.

MEDICAL SCIENTISTS SUPPORT H.R. 10681, CANCER ATTACK AMENDMENTS OF 1971

(Mr. ROGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. ROGERS. Mr. Speaker, in the long and continuing debate over legislative proposals to aid in the attack upon cancer, the medical scientists of the Nation have repeatedly emphasized that this new effort must be broadly grounded in the basic medical sciences. They have pointed out that the National Institutes of Health, whose development has been one of the greatest national achievements of this century, is the best administrative framework to assure this broad scientific base.

Repeated warnings from the academic medical community have cautioned against any legislative approach that would destroy the unity and integrity of this unique joining together of the scientific community and a Federal agency for the conquest of disease.

A leading academic medical spokesman has been the Association of American Medical Colleges, representing all of the Nation's medical schools, more than 400 teaching hospitals and some 47 academic societies which encompass the teaching and research faculties of academic health centers. While wholeheartedly endorsing an intensive attack against cancer—as we all do, the association has urged that this major expansion be undertaken as an integral part of the existing national framework for the advancement of biomedical knowledge for the Nation's health as provided by the structure of the NIH and the National Cancer Institute.

Recently, a number of the members of the Public Health and Environment Subcommittee met to draw up a legislative proposal which we hoped would strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer and the other major killer diseases as soon as possible. We planned to offer the legislation as an alternative to other proposals which would establish new, independent, cancer research agencies, while overlooking the need for additional research in other major diseases.

The result of our work are the Nationa Cancer Attack Amendments of 1971 which were introduced last week as H.R 10681 by myself and Mr. SATTERFIELD, Mr KYROS, Mr. PREYER of North Carolina Mr. ROY, and Mr. HASTINGS.

Essentially, the National Cancer Attack Amendments of 1971 provide for—

First. Establishment of a nationa cancer attack program headed by th Director of the National Cancer Institut in his role as an Associate Director o NIH. In this capacity, he would coordinate all cancer-related research, both inside and outside NIH, and would submit directly to the President a budge request separate from that of NIH;

Second. A 3-year authorization totaling $1.5 billion;

Third. Strengthening of the Nationa Cancer Institute, the National Heart an Lung Institute, and the National Institue of Neurological Diseases and Strok by designating their respective director as Associate Directors of NIH;

Fourth. A stipulation that the President review all administrative procedure particularly the efficiency of the projec review process, and report to Congres within 1 year of enactment.

Fifth. A mandate to the Director of the National Cancer Institute to maintai appropriate peer review under arrangements approved by the NIH Director and

Sixth. A broad set of authorities for the NIH Director including authority to make grants up to $20,000 without advisory council approval, once scientific meri has been established.

Our legislative proposal is among those currently pending before the Public Health and Environmental Subcommittee, and we are looking forward to the reaction of witnesses to it during extensive subcommittee hearings now underway on the cancer research program.

Some reaction has already developed On Friday, September 17, the Executive Council of the Association of American Medical Colleges, after a careful review of all the cancer proposals, formally endorsed the National Cancer Attack Amendments of 1971 as providing the best legislative means to further the Nation's assault on cancer.

In a resolution adopted by the group, it declared:

> The National Cancer Attack Amendments of 1971 will provide the means for mounting a broad, coordinated assault upon cancer, using the full scientific resources of the National Institutes of Health. It provides for the level of leadership and the requisite administrative authorities to undertake this urgent cancer effort. It will strengthen the entire structure of the National Institutes of Health in support of similar efforts in the fields of heart and lung disease and stroke.

Because of the intense interest in cancer legislation at the present time, and because of the importance of the role which the academic medical community has exercised in this field, I think the resolution of the AAMC should be given the widest possible distribution. Therefore, Mr. Speaker, I ask unanimous consent that the full text of the resolution be printed in the RECORD at the conclusion of my remarks.

ASSOCIATION OF
AMERICAN MEDICAL COLLEGES,
Washington, D.C., September 17, 1971.

A RESOLUTION ADOPTED BY THE EXECUTIVE COUNCIL OF THE ASSOCIATION OF AMERICAN MEDICAL COLLEGES ON THE NATIONAL DEBATE OVER THE CONQUEST OF CANCER

More than half a year has passed since President Nixon in his State of the Union Message proposed "an intensive campaign to find a cure for cancer." Legislative proposals to aid in the conquest of cancer have ranged from continued reliance upon the considerable progress made through the programs of the National Cancer Institute in the National Institutes of Health to creation of new, independent, research agencies. The academic medical community, in the resolution passed by the AAMC Assembly in February 1971, firmly supported an expanded effort against cancer, but clearly rejected any proposal that threatens the unity and integrity of a scientific structure—the National Institutes of Health—whose development has been one of the greatest national achievements in this century. This resolution warned against any approach which would lead to the piecemeal dismantling of this unique joining of the scientific community and a Federal agency for the conquest of disease.

The Association of American Medical Colleges has carefully studied each of the various legislative proposals. The Association strongly believes that the essential issue in expanding the attack upon cancer is the maintenance of a strong institutional base that embraces the full range of the sciences. This involves unfaltering support for broadly related, underlying fields of biomedical research and an organizational framework which assures intelligent leadership and effective coordination of the multiple scientific efforts which bear on the complex biomedical problems related to cancer.

For these reasons, the Association wishes to reaffirm the position taken in the February Assembly Resoltuion and state its view that the National Cancer Attack Amendments of 1971 (HR 10681) provide the best legislative means to further the Nation's assault on this dread disease. This bill was introduced by Congressman Paul G. Rogers, Chairman of the Public Health and Environment Subcommittee of the House Interstate and Foreign Commerce Committee, and the following members of the Subcommittee: David E. Satterfield III; Peter N. Kyros; Richardson Pryor; William R. Roy; and James F. Hastings. The National Cancer Attack Amendments of 1971 will provide the means for mounting a broad coordinated assault upon cancer, using the full scientific resources of the National Institutes of Health. It provides for the level of leadership and the requisite administrative authorities to undertake this urgent cancer effort. It will strengthen the entire structure of the National Institutes of Health in support of similar efforts in the fields of heart and lung disease and stroke.

Therefore, be it resolved that the Executive Council of the Association of American Medical Colleges supports and endorses enlargement of the authorities of the National Cancer Institute and the National Institutes of Health in the fight against cancer as proposed in the National Cancer Attack Amendments of 1971; and urgently requests government implementation of such enlarged authorities with all prudent speed.

ANTI-SEMITISM IN THE UNITED NATIONS

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, during the past week, anti-Semitism, in its more virulent form, reared its ugly head in, of all places, the United Nations. That a governmental representative in such an auspicious body should degrade the United Nations by uttering anti-Semitic abuses is beyond comprehension. Yet, it happened.

On Saturday, September 25, the Soviet Ambassador to the United Nations, Yakov A. Malik, speaking in a debate before the U.N. Security Council on the subject of Jerusalem, equated zionism with fascism and accused Israel of "Hitlerite tactics." As a Member of the House of Representatives, and as a Jew, I cannot allow Mr. Malik's slanderous remarks to pass without challenge.

The Soviet delegate is reported as having said to the Israeli Ambassador, Yosef Tekoah:

> Don't stick your long nose into our garden . . . those who do, lose their nose. You as a former Ambassador to the Soviet Union should know this.

This obnoxious statement was not only a threat to the Israeli Ambassador, Mr. Tekoah, but was also a threat to Israel herself. The warning of physical violence toward an individual and toward a nation is horrifying, but it is more appalling and shocking when such a threat is issued by the representative of a government during debate in an international body devoted to world peace.

After directly threatening the Israeli Ambassador, as he did, Mr. Malik proceeded to shout that "zionism and fascism are both racist ideologies"—a remark which is typical of the intensive, slanderous propaganda material the Soviet Union has been foisting upon their people. This Russian anti-Semitic program of hate toward all Jews pervades even diplomatic negotiations. One only has to look toward Russian treatment of Soviet Jews and the recent star chamber trials to see that that Government not only condones, but encourages anti-Semitism.

The Soviet Ambassador had the further gall to say that the Russian people lost 20 million citizens during World War II in order to save the Jews. Mr. Malik continued by saying—

> If there had been no Stalingrad, the Jews of all the world would have been destroyed. You should have a monument for us in your capitol.

Obviously the degenerate comments of a sick mind. The Russians were fighting, not to save the Jews, but to save their own country from the Nazis and Hitler. In fact, it is the Russians who are perpetuating the policies of Adoph Hitler. To attempt to brand the Jews with "Hitlerite tactics" is to twist history and facts in the most distorted manner. Only a well-practiced anti-Semite could believe such untruths.

Mr. Speaker, the leaders of the Communist Party who rule Russia with an iron fist should be the last to use the word "racist." The Soviet Union itself is ruled by a self-serving elite who deny religious and political freedom to others in the name of Marxist-Leninism.

I am particularly distressed that not one delegate other than Israel's able Ambassador, Mr. Yosef Tekoah, rose to challenge or denounce Mr. Malik's anti-Semitic remarks. Our own Ambassador, George Bush, listened mutely to Mr. Malik's distasteful remarks. At the very least, Mr. Bush should have protested that the anti-Semitic remarks were unwarranted, but most of all, Ambassador Bush should have refuted such anti-Semitic statements.

Mr. Speaker, someday the Jews of the Soviet Union and all the world will be free from both anti-Semitism and totalitarianism. On that glad day, anti-Semites such as Yakov A. Malik will long ago have been swept into the dustbin of history.

PUBLIC EMPLOYEES WAGE DISCRIMINATION

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, yesterday the House Democratic Steering Committee met and considered a number of problems on the agenda.

The committee also discussed the President's effort to postpone the July 1971 wage agreement for a 6-month period. This will deny thousands of public service employees an increase in wages agreed upon in July—over a month before the President's deep-freeze notice on August 16.

The following resolution was unanimously adopted, which I include with my remarks:

SEPTEMBER 29, 1971.

ENDORSEMENT OF H. RES. 596 AND H.R. 10881

The House Democratic Steering Committee met this afternoon and unanimously adopted the following Resolution which was offered by the Majority Leader:

"Whereas the Congress in Public Law 91–656 made a commitment to Federal government employees that they would enjoy pay comparability with employees in private enterprise, and Whereas President Nixon's proposal to postpone the comparability pay adjustment for Federal employees scheduled for January 1972 to July 1972 is inequitable because it would discriminate against Federal employees in apportioning the burden of wage controls, be it resolved by the House Democratic Steering Committee that all Democratic Members of the House are urged to support and vote for House Resolution 596 disapproving the delay of the comparability pay adjustment from January 1972 to July 1972. The Democratic Steering Committee also endorses H.R. 10881 which would insure equal treatment for Federal employees in pay adjustments accorded employees in private industry."

Prior to the adoption of the Resolution, Chairman Thaddeus J. Dulski (D., N.Y.) of the House Post Office and Civil Service Committee, and Representative Morris K. Udall (D., Ariz.), presented statements in support of H. Res. 596 and H.R. 10881. Both Speaker Albert and Majority Leader Boggs also recommended the adoption of the Resolution endorsing H.R. Res. 596 and H.R. 10881.

RAY J. MADDEN,
Chairman.

TEXAS MILLIONAIRE PROFITS FROM HEALTH-CARE PROGRAMS FOR THE POOR

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, time after time when Congress establishes programs to serve noble purposes, in reality we find that the rich get richer and everyone else suffers.

For example: Investigators turn up some poor washerwoman who has "cheated" and receives $20 or so more "welfare" over her "entitlement." The cries of the self-righteous guardians of the public pursestrings ring out. "It's criminal how 'those people' act," they claim.

Then, when—like this week—some other investigator uncovers some large company or prominent individual to be reaping millions of dollars in unjustified profits from similar programs, the critics become strangely silent. The rich, it seems, can do whatever they want. As for the rest of us, it is just tough luck.

This week's case is both blatant and criminal. It must not be repeated; the situation which allowed it to happen must be eliminated.

I am referring to the disclosures made Tuesday before Chairman L. H. Fountain's Subcommittee on Intergovernmental Relations of the Government Operations Committee that Texas entrepreneur H. Ross Perot and his company, Electronic Data Systems, have been making millions of dollars from Federal health-care programs in which there are loopholes which do not limit profits to subcontractors.

The whole sorry story of how Perot and EDS are bilking taxpayers is told in an article by Robert Fitch of Ramparts magazine. Fitch undertook a massive investigation of the incredible intricacies which allow Perot and his cronies to systematically divert funds which should be used to provide health services for disadvantaged persons.

I am shocked at these disclosures. I am dismayed that EDS' looting of tax funds was evidently condoned and apparently ignored by officials in both State and Federal agencies—and especially in the California State government which is run by that noblest of all economizers when welfare funds are at stake, Gov. Ronald Reagan.

Something must be done soon to stop this absurd misuse of public trust and public funds. Over the long run, we must have a complete overhaul of present health-care programs—and already I am working on the draft of a major piece of legislation which will go far beyond any measure yet presented to this body as a reform of our muddled medical services. In the short run, we must act to plug the loopholes which allow men like Ross Perot and EDS to prosper at the public's expense. To do so, I plan to draft legislation which will limit subcontractor profits from Federal health-care programs to a maximum of 10 percent.

I commend Chairman Fountain for his important disclosures, and I now place Robert Fitch's article in the Record so that all my colleagues can see the scandal by which the rich feast and everyone else pays for it.

The article follows:

Your ordinary, ham-handed, shirt-sleeved Dallas billionaire rose out of the interminable vastness of the Texas steppes on a wildcat gusher of crude oil or a gigantic blast of natural gas. His private *Weltanschauung*, somewhat to the right of Charlemagne, emerged out of the confrontation between his native cracker barrel and the Internal Revenue Code. And with his generous benefactions he has kept the political stage crowded with such Texas bravos as former Governor Allan Shriver, General Edwin L. Walker, John Connally and LBJ.

Dallas' most recent addition to its financial Pantheon, 41-year-old H. Ross Perot, tries not to fit the image too precisely. The founder of the fabulously successful computer software company, Electronic Data Systems (EDS), is a small man with big ears. He wears suits, white shirts, wing-tip shoes and a 1950s style crew cut. With his earnest smile and operations research vocabulary, Perot could easily be mistaken for the supervisor of a computer division in some medium-sized company—which is exactly what he was only five years ago. It's hard to realize that Perot—whose physiognomy and manner suggest busy Rabbit in Winnie-the-Pooh, more than H. L. Hunt—has compiled a personal fortune estimated as high as $1 billion.

The staggering fortune, greater than Henry Ford's or David Rockefeller's his sense of humor (everyone likes a billionaire who can laugh), his recent Wall Street coup against the DuPonts and efforts to bring home U.S. POWs from Hanoi, have all earned him extensive press coverage. *Fortune* has featured him twice: "The Fastest Richest Texan Ever" and "Ross Perot Moves on Wall Street," and the *New York Times Magazine* carried a moving tribute ("H. Ross Perot Pays His Dues") to an unaffected billionaire who wears off-the-rack suits and eats cheeseburgers; the kind of man whose sincerity inspires women to say things like "I'd love that man if he didn't have a penny"; a philanthropist who helps poor black folks in Dallas; "a surprisingly modest man" who has no political ambitions and who even fights aganist politics arising in his own company. But what *Fortune* and the *New York Times* left out of the stories is more interesting than what they put in. Because somehow they neglected to ask the central question: where does Perot's money come from? Or, how did he make a billion dollars in five years?

The answer, drawn from interviews with Perot's former employees and from outraged lower-echelon employees of the Social Security Administration (SSA), is that the prime sources of Perot's revenues are state and federal welfare funds and the Medicare program. Through a "special relationship" with Blue Cross and Blue Shield plans, Perot has won subcontracts to administer Medicare and Medicaid in 11 states, including 4 out of 5 of the biggest revenue producers. Perot's charges just for electronic data processing now represent the second largest item on the Medicare administrative (Part B) budget. So lucrative are these contracts that in the last two years EDS' profit has averaged nearly 40 percent!

Fortune's kindly benefactor of the Dallas ghetto is simultaneously responsible for the racist purge of black employees in his company's largest operations division. And the *New York Times*' "surprisingly modest man" operates as an absolute dictator and petty martinet, enforcing company dress and behavior regulations so rigidly that outside of Dallas, within the computer industry, EDS executives are known as the "southern fascists." But it's the methods he's used to crack open the welfare fund barrel together with the way he's been able to penetrate the multi-billion dollar Medicare Golconda that constitute the real story of Ross Perot. While the national program against "welfare abuse" is reaching an hysterical pitch, Perot's company has been profiteering remorselessly. Both California welfare officials and Blue Shield executives involved with his firm appear to have been guilty of serious conflicts of interest. Investigations of Perot's activities are now underway in both the California Assembly and in secret executive session of the House Intergovernmental Relations Subcommittee. These undisclosed chapters in the Ross Perot story, one of the financial epics of our time, give us a more complete measure of the man than the public relations jobs done thus far, and an insight into the appalling state of federal and state welfare and health care programs in America today.

THE RISE OF ROSS

The pre-history of the Ross Perot saga spans the five years before he landed his first Medicare gusher in 1966. Prior to that contract, Perot was just a 36-year-old wildcat software salesman running around Dallas buying spare computer time on corporate IBM machines and selling it to other companies that needed computer software work done for them. He'd quit IBM in 1961 to found his own company, and cushioned the income jolt by running the Texas Blue Shield computer department on a part-time basis. (Perot first got acquainted with Texas Blue Shield officials as a salesman, servicing the account for IBM.)

For his fledgling Electronic Data Systems it was just one dry hole after another during those first five years. Perot got a dribble in the form of an initial $250,000 contract with the Office of Economic Opportunity (OEO). But nothing further developed and the contract was scrapped. So by 1965, EDS was still basically a moonlight operation for a small group of former Dallas IBMers—an observation that has to be modified by Vice President Tom Marquez' recollection that "we had to have two full years' salary in the bank to work for Ross," at the time. Still, the entire company's sales amounted to less than half a million dollars. Profits were only about three percent of the scrawny revenues.

Then came the enactment of Medicare and Medicaid in 1965. The Social Security Administration gave Texas Blue Shield a contract to develop a computerized system for paying the Medicare bills. Perot's exact relationship with Texas Blue Shield at that time is still a point of current controversy. Perot himself says he was working part-time for Texas Blue Shield and part-time for EDS, and that he quit Blue Shield when that organization gave him a subcontract to take over their data processing on the new Medicare program, using of course the system just developed at Government expense. What's clear is that the $250,000 seed money provided by the Social Security Administration must be one of the worst investments it has made in its entire bureaucratic history. Because not only did Perot appropriate what was essentially a government system developed at government expense; he's been selling it back to the government at fantastic rates ever since.

How Perot was able to split off from Texas Blue Shield and found his own company—why Texas Blue Shield let him get away with it—becomes clearer when we take a look at the role of James Aston, who was a very influential Blue Shield director at the time. Aston also headed the Republic National Bank of Dallas, the city's largest, with deposits now of $2.6 billion. Aston was so eager to lend Perot the money to take over Texas Blue Shield's Medicare data processing that he pressured other Blue Shield executives to sign a formal contract with Perot which could be used as collateral for the bank. There was apparently some reluctance to formalize the agreement with Perot on the part of some of these officials because of the inquiries they were receiving about their peculiar Medicare arrangement from lower echelon SSA staff.

While the Aston-Perot relationship is now getting its full airing only in secret sessions of the Intergovernmental Relations Subcommittee, this much is likely: in return for the loan to Perot, Aston helped the Republic National Bank to a piece of the EDS action in the form of stock in the company. It wouldn't have paid Aston just to lend the money to Texas Blue Shield. Blue Shield is a nonprofit organization that doesn't issue stock. It would have paid back the loan and that would have been the end of it. But by lending to a profit-making corporation, the bank may still be getting returns on the loan fifty years from now.

By splitting off from Texas Blue Shield, keeping the government-developed system, and getting the Republic National Bank loan, Perot founded his own mini-Welfare-Industrial Complex. As EDS prospered, so did the relationship with Aston. The bank chairman became chairman of Texas Blue Shield and a power in the politics of organized medicine; Perot became a billionaire and a director of Aston's Republic National Bank, and perhaps OEO's most successful alumnus.

In the last five years, EDS has grown to the point where the company has Medicare or Medicaid contracts all over the country and is doing business at the rate of 100 million dollars a year. Its stock sells at over one hundred times earnings, indicating that Wall Street expects the Welfare-Industrial complex to broaden its base still further. All this success has created a serious contradiction, however, between normal Texas braggadocio and a well-founded *embarras de richesse.* Very simply Perot is in a bind. In order to push up the price of his stock, he has to prate about how much money he is making and expects to make in the future. But if he tells how he does it—i.e., by sweetheart relationships with the state welfare departments, the SSA, and Blue Shield—he'll be criticized for profiteering from these organizations. He could talk about his revenues from ordinary profit-making corporations, but these appear to be rather minimal, and anyway EDS has difficulty holding its contracts with non-governmental enterprises. Three Dallas companies that have signed on with Perot—Keebler Co., Collins Radio, and Pepsico—have all quit using EDS' software services for one reason or the other.

So company officials simply refuse to identify EDS main source of revenues. Nor will they divulge the name of any of the company's corporate clients. "If we gave that kind of information out," said company vice president Tom Marquez, "our clients would have a bunch of security analysts bothering them all the time asking about us." Looking at EDS annual reports or the company's filing with the Securities and Exchange Commission is no more revealing. We find out only that:

"During the year ended June 30, 1970 EDS derived substantially all of its revenues through contracts with 1) health care institutions, 2) insurance companies, 3) banking and other financial institutions and 4) consumer product companies."

This is highly misleading. It gives the impression that EDS sells its computer software services primarily to private profit-making corporations. This is what most people suppose, even in the financial community. The truth is, even though EDS denies it, that almost all the company's revenue is funneled through Blue Cross and Blue Shield either on their standard business or on a subcontract basis with the government.

These highly decentralized, non-profit, tax-exempt "service" organizations, "The Blues," are an EDP subcontractor's dream, enrolling 90 million customers in their private health insurance business. And as the main contractors on the Medicare and Medicaid programs, they deal with another 30 million Americans. All this creates forests of paper work, mountains of data to be moved electronically and ground up into "information" and stored; millions upon millions of claims to be processed; dozens of complex systems to be designed; hundreds of programs to be written.

BLUE TANGLE

As the prime medicare and medicaid contractors, "The Blues" wield tremendous power over the American health care system—power that's delegated to them by the Social Security Administration. Practically speaking it's the Blues that wind up deciding how much doctors, hospitals, pharmacists and nursing home operators can charge for their services to the poor and aged. As "fiscal intermediaries" for the SSA, the Blues process the hospitals' and doctors' claims for payment and mail out their checks using federal and state welfare funds. They're also supposed to monitor the quality of care dealt out by health care providers, supposedly seeing to it that poor patients get "mainstream" care.

But more and more, The Blues—especially Blue Shield—delegate to private profit-making companies like EDS many of their functions. And nothing promotes profit-making more than the very Medicare provisions designed to exclude it. For while the law forbids the intermediaries—prime contractors like Blue Shield—from making profits (all The Blues government business is supposed to be done on a no profit-no loss basis) it's ambiguous on the subject of subcontractors. This creates a nice loophole that has surrounded some especially lucrative contracts, both for EDS and for the big eight accounting firms that The Blues are allowed to hire to check themselves out.

Not surprisingly The Blues have developed a "What, me worry?" attitude to their escalating Medicare and Medicaid administrative costs. Because no matter how much companies like EDS charge them, they know they'll be reimbursed by state welfare departments or by the Social Security Administration. So in The Blues, old country boy Perot, the son of a skilled horsetrader, has found a model customer: the big dumb city kid with a rich uncle who always stands ready to bail him out of his financial problems.

In Baltimore, at uncle's SSA headquarters, top Medicare officials are concerned with larger matters than how many millions in profits companies like EDS make from contracts with the government's prime contractors, The Blues. As a spokesman said recently, "We're not interested in profits. Just costs." And in Washington, at the Social and Rehabilitation Service, where responsibility for Medicaid rests, there's no one keeping track of federal matching money that winds up in EDS' profit column. "It's impossible to break those figures out," they say.

Questions of legality and propriety aside, this attitude has helped Ross Perot build a billion-dollar fortune. It gives him the incentive and the leeway he needs to write contract after contract with the Blue Shield and Blue Cross plans around the country. In eleven states, including four out of five states with the largest Medicare "business," EDS has established itself—California, New York, Pennsylvania and Texas. EDS' Medicaid business in California, Texas and Indiana make it America's largest poverty subcontractor. The rest of the software companies have been left scrambling for bits and pieces in the smaller, less profitable states.

Perot signed his biggest contract of all in California, with California Blue Shield in September 1969. Nearly a third of all EDS revenues now result from this deal. It turned over to EDS the data processing for Medicare and Medicaid as well as Blue Shield's standard business. It's also in California where the company's standard operating procedure—numbing conformity, obsessive racism and high level conflicts of interest—has created the biggest scandal. Taking advantage of Blue Shield's paper-work crisis, Perot stepped in with an offer to take over complete facilities management. The price was staggering but Blue Shield didn't have to pay all of it. The State of California was picking up the tab. The State, in the person of Carel Mulder, chief of California's Department of Health Care Services, approved the EDS subcontract with Blue Shield. A few months later, Mulder went to work for EDS as a consultant.

But it's not only the way EDS got the Blue Shield contract that's under attack. It's the whole relationship that enables a profit-making company to gorge itself on state welfare funds from a contract that's supposed to be let on a non-profit basis.

Headed by an ex-Marine provost marshall whose main qualification appears to be his military deportment, California Blue Shield (CBS) was having trouble administering federal health programs after Medicare and Medicaid legislation was enacted in the mid-'60s. Then Perot stepped in. In the last two years, EDS' effect on CBS is reminiscent of the potion Alice drank in Wonderland: the more you drink the smaller you get. EDS has seen in its contract with CBS an excellent incentive for converting manual work to computer work, so EDS systems designers set to work thinking up new ways to eliminate the Blue Shield workers, and replace them with EDS computers. At present, although CBS is the prime contractor for Medi-Cal (the name by which the federal Medicaid program goes in California) 42 percent of all the administrative costs of the Medi-Cal welfare program go to Perot. Increasingly Perot finds himself involved not only in running EDS, but also Medi-Cal and California Blue Shield. As many former top and middle level CBS managers have found out, if you push EDS the wrong way, it pushes back with unlimited muscle.

BILKING THE BLUES

It's hardly possible though that Perot could do a worse job running CBS than the present regime—a politburo of physicians drawn chiefly from the Board of Directors of the California Medical Association (California's division of the AMA). In the last two years, CBS dissipated nearly all its reserves—over 19 million dollars. It's been forced to "withhold" 5 percent from the payments it makes to doctors in an attempt to stem the cash outflow. Of all the many Blue Shield plans in financial difficulty, CBS's problems are considered to be the most serious by the National Association of Blue Shield Plans. Doctors would desert the Plan if their fees were cut. At least this is what happened when Michigan Blue Shield tried it last year. For physician fees—the proud sanctity of their present levels, their sturdy independence from any controls, and their inherent right to reach ever loftier levels—is what CBS is all about.

Here CBS remains consistent with its origins and development, not as a part of the consumer movement, but as part of the anti-consumer movement. As Robert Eiler's history of The Blues, published by the Huebner Foundation for Insurance Education, explains, "California Blue Shield Service [was] organized by the California Medical Association in 1939 to counteract proposed state health insurance legislation." CBS set its premiums low to attract people with incomes below $3000. But after the health reform scare blew over, doctors opted out of the plan, premiums were jacked up and benefits cut. At the time, the California Medical Association would have preferred not to have a prepaid health insurance plan at all. But if there was going to be one, CMA wanted to make sure organized medicine would control it. Otherwise, "lay" people would have a big say in what doctors would charge patients.

The same motive underlies CBS's participation in Medicare and Medicaid. Like the other state divisions of Blue Shield and Blue Cross, CBS first opposed health insurance reform. But when passage appeared assured the line was changed. Since the plans were inevitable, CBS wanted to control Medicare and Medicaid. Not only was it self-interest as an insurance organization at stake, so was the whole structure of doctors' fees. The law said that the fiscal intermediaries who administered the plans would determine doctors' "customary and prevailing" fees. And pay them this amount. But the law also allowed organized medicine to choose who it wanted to be the intermediaries. To the surprise of absolutely no one, the California Medical Association decided on the California Blue Shield. And the bonanza began.

"Customary and prevailing" fees for the various services and procedures needed by Medicare patients as determined by CBS became not the lowest or even the medium-range fee. It was the highest one the doctors had been allowed to charge, and then some. In 1968, for example, the Senate Finance Committee determined that the *maximum* fee CBS had been allowing doctors to charge for a hernia operation under private Blue Shield plans was $492. As fiscal intermediary on the Medicare program, however, CBS let the doctors bill the government an average of $510 for the same operation. The doctors' fee ceiling was transformed into a floor, the Committee charged, costing the taxpayer "additional hundreds of millions of dollars." The hernia was spread over the entire taxpaying population. In California, during 1968, one doctor pulled in over $117,000 on his Medicare patients alone. Several Medicaid specialists did even better, one doctor billing the state welfare department $152,458 for Medicaid and the federal government $3997 for his Medicare patients.

California's doctors, in other words, got a big cash injection under the "socialist" health measures they had fought so vigorously; but there was a fairly large bubble in the syringe. CBS was poorly equipped to handle the avalanche of doctors' claims that the Medicare and Medicaid bonanza generated. Like the leadership of other Blue Shield plans, its management's strong suit was politics, not operations. If it is able to handle the California legislature like successful doctors handle wealthy widows with vague complaints, effective claims processing and analysis have remained beyond its capacity. Almost as soon as Medicare and Medicaid went into effect, an enormous backlog of claims began to build up. Sometimes it took several months to get a single claim paid. Some doctors weren't getting paid at all; others were getting paid three or four times for the same operation.

Typically, a doctor would submit a claim for an operation. When his government check failed to arrive in the return mail, he billed the government again and again. Slowly but surely CBS got around to paying each claim. Over 90 percent of those receiving duplicate claims kept the money, causing government auditors to estimate that duplicate payments by CBS were costing the taxpayer a minimum of $350,000 per month.

According to a former national Blue Cross Association executive who toured CBS operations during the period of turmoil, fear was rampant within CBS officialdom that the organization's lousy performance would lose them the Medicare contract. "Blue Shield was looking for a saviour," he recalled, "and Ross Perot was able to trade in on this."

It's true that CBS was a rather abject sinner that needed saving. But there were several other potential software messiahs. Indecon, a Chicago-based software company, had been handling a small part of Blue Shield's Medicare business quite adequately. It was one obvious choice, and there were others. CBS could have gotten estimates from them, but management never asked for bids, despite the fact it was giving away part of a federal contract. "It was just a 'wired contract,'" said one software executive familiar with CBS operations.

The whole process of negotiations between Perot's EDS and California Blue Shield took several months, although the result was a foregone conclusion. (CBS agreed to give EDS the business even before receiving a specific per-claim cost estimate from EDS.) As rumors of the EDS take-over began to filter down to the middle management level, considerable resistance began to develop. The Dallas company carried a mean reputation for anal conformity in the application of dress codes and personal appearance standards. And the long hours it forced employees to work without overtime pay were notorious in the software field. EDS wasn't interested in winning popularity contests however—except the one on the Big Board. It didn't make much difference that middle management and CBS' computer chief, Vice President Robert Koch, opposed the EDS take-over. Ross Perot was dealing at the top with the directors of the CBS—men like Chairman Anderson, Bank of America Vice President Harold Furst, Don Muchmore and Mr. Gene Pigg. President Thomas Paton caught the proper degree of enthusiasm and tried somewhat unsuccessfully to transmit it all the way down the chain-of-command. With Vice President for Finance William Terminello there was no problem. He was sold on EDS from the beginning. Just when and why Terminello backed EDS the way he did is a controversial point among ex-EDS and CBS employees. Several have charged that Terminello did more than simply back EDS' take-over of the EDP business for CBS. It's said that he favored it against his own company when the two had dealings with each other. According to a former CBS employee now working for a San Francisco insurance company who says he fears Ross Perot's retaliation if he makes his charge publicly, Terminello allowed CBS to sell microfilm cartridges to EDS for 75 cents a piece and then turned around and bought them back for $1.25. When the disadvantage to CBS was pointed out to Terminello in the form of a report, Terminello passed the information back to EDS complete with the names of the CBS employees who drafted it: Fingered in this way, participating in compiling of the microfilm report became evidence of "anti-EDS" sentiments and speeded their departure when EDS eventually took over. Finally, Terminello had the offending microfilm report redrafted so that the details of the exchange were effectively obscured.

Another count against Terminello on the same charge of favoring EDS over Blue Shield is that he is supposed to have turned over the company inventory to EDS without proper controls. CBS was left in the position of having to take EDS' corporate word for all CBS supplies it received—there were no dual controls. Failure to set them up allegedly cost CBS a lot of its inventory. In a telephone interview, Terminello denied all the specific allegations made against him. He also parried the charge that he favored EDS against CBS because he had a financial interest in EDS. "Prove it!" he shouted. "A guy from GAO said the same thing. And the burden of the charge is on him. It's still his bag. So I'll say to you what I told him: 'If you print it, I'll sue.'" Because GAO's charges against Terminello have not yet been made public, Terminello was asked to identify the identify the GAO man who made the accusation, but he refused.

Whatever Blue Shield may have lost to EDS in inventory losses or over the microfilm deal was just a rehearsal for the big eight-year Medi-Cal contract. Here, however, the real loser wasn't California Blue Shield, because all of the CBS' costs on its Medi-Cal business can be passed on to the California taxpayer. And one of the worst features of the CBS-EDS deal is that it fixes EDP costs on the basis of CBS' horrendous 1966–69 performance: the same level of ineptitude that forced CBS to seek outside help. During this period it cost CBS about 70 cents per claim to process its Medi-Cal business. And it's at this rate that EDS has contracted to take over CBS' claims processing business. EDS, of course, a specialized computer software company, has Medicaid business in other states and can afford to process the claims much more cheaply than 70 cents per claim. California state auditors estimated that it costs EDS about 28 cents per claim to process CBS Medi-Cal business. The difference between 70 cents and 28 cents is EDS' profit. As the Medi-Cal claims volume grows larger and as EDS personnel and programs become more efficient, EDS' costs can be expected to drop further. But since EDS' contract runs until 1978, the state of California won't benefit from any of these savings.

One reason the state got such a bad deal is that it opted out of the negotiations between EDS and CBS. Certainly the state ought to have been a party to the talks. It was the state's money that was involved, after all, since the state welfare department reimburses CBS for all its costs in running Medi-Cal. Here in fact is a contract which in 1970 involved 42 percent of all Medi-Cal's administrative costs and yet Governor Reagan's administration—which has been notoriously outspoken on welfare costs—played no role in negotiating it! Several months went by before it even received the Department of Health Care Services' approval. And by July 1970, several million dollars in state funds had been passed on to EDS.

Carel Mulder, as head of the State's Department of Health Care Services, was the man who let the EDS-CBS contract go forward without asserting the state's interest. Then he went to work for Perot in 1970. First he said he was just a part-time consultant; now he is working full time. For his part, Perot is sorry that his employee is being subjected to what he feels are unfair attacks. "We're not getting hurt by all this," he says. "Carel Mulder got hurt. And I regret it. Frankly, the whole California investigation has been a puzzle to me. Someone recommended an employee to me and I hired him. It was just one of those off-hand things. The California Attorney General investigated and it didn't find anything. There was no evidence of wrongdoing. And here was a man about to retire. A man with tremendous qualifications—a man who's worked in government for thirty years and he gets attacked. I really don't understand it. Because he even removed himself from the negotiations. He could have stuck his toe in the water a bit. But he didn't; he just removed himself from the negotiations completely." Mulder's aloofness on the EDS contract is the whole issue. By withdrawing from the negotiations on the Medi-Cal contract, the state lost its chief advocate and EDS, in effect, gained a silent partner.

EDS UND ORDNUNG

The actual transfer of the data processing operations from CBS to EDS seemed like the beginning of a military occupation. For weeks the rumors of the take-over churned through CBS headquarters, but the timing of the actual announcement took most employees by surprise. An announcement came over the public address system to report to the company cafeteria. Higher salaried employees were grouped on one side of the room; lower salaried ones on the other. And then "men appeared in dark suits" to explain *die neue Ordnung*. "We were told," recalled a former woman employee, "that EDS had taken over and that we were all working for them. The dress code was explained. No facial hair, beards, mustaches, they all had to go. If you didn't go along there was no place for you. Either you signed the new contract by the next day or you had to leave the premises. Immediately. There wasn't even an arrangement for personal property. You couldn't go back to your desk and get your personal articles. And all the time they had a security guard thrown around the computers—I guess to prevent sabotage. Believe me, from that day on I started looking for another job. And it kept going downhill; anyone who even discussed salaries got fired. It was just like a concentration camp. They ruled by fear."

Probably the workers most bitter about the EDS take-over were CBS' blacks who worked in the operations department. For them, the advent of EDS was the beginning of a thorough-going racist purge. Since EDS took over, over half the black employees in the department have been fired. The only black production supervisor has been demoted to a computer operator. And the only black woman computer operator was first demoted to a clerical position, then fired.

When EDS took over the operations department, Hardy Green was one of over twenty blacks working there; he had recently been promoted to operations analyst by Blue Shield. The trivial pretext EDS used to fire him last July, Green feels, is typical of the methods EDS used to achieve greater racial homogeneity among its work force. The issue involved the correct placement of some old computer manuals. One of Green's responsibilities under EDS was to maintain the Honeywell manuals left over after EDS switched to IBM 360s. One Wednesday morning, Green arrived early at EDS' Beach Street office in San Francisco. He went to the cafeteria for coffee, where he was joined by his supervisor Louis Crumpler. They discussed where the Honeywell manuals should be stored. Green thought he should keep them in his area for reference. Crumpler disagreed. He thought they should be taken out of Green's area. Crumpler ended the discussion by telling another employee to remove the manuals immediately from Green's area.

"He turned to me," as Green recalled the incident, "pointing a finger at me and he said, 'That will be enough.' And eleven A.M. the same morning Crumpler and I talked about the matter in private and the basis of the meeting was that he was the boss. I said I understood his position and I assumed the matter was settled. But the next day I was called to Supervisor Bud Watson's office. Crumpler was there too. Watson opened the meeting by saying, 'Hardy, about that incident in the cafeteria yesterday.' 'I thought it was all settled yesterday,' I told him. 'Do you think I can let an incident that serious go by like that?' Then he told me he would have to terminate me from the company."

The incident was so pretty that taken together with the systematic reductions of EDS' black workers in the computer department, Green feels justified in making the charge of racism. Because EDS not only fires blacks on trivial pretexts, it doesn't hire qualified blacks either. Before he was fired, Green had at least one opportunity to watch EDS hiring practices from the inside. He was placed on an EDS interview board and asked to rate the prospective employees. "It was a team interview—there were about four of us involved. We interviewed these men. One was white, one was Chinese, and one was black. They each had practically identical qualifications. Only one was hired though. The white guy."

For their part, EDS officials deny categorically that the company is guilty of racism. They admit that EDS has lost a few Unemployment Insurance Appeals Board Hearings, but they imply that this is because the referees are biased in favor of the employees. "There was a case in San Francisco," one EDS executive allowed, "involving a guy who slept on the job. The referee ruled that we had no right to fire him because we'd never told him *not* to sleep on the job." Tom Marquez, an EDS director who deals with the public—security analysts and reporters—thinks the matter is simply ridiculous. "EDS a racist company? How could it be? I've ust been appointed to the Equal Opportunity Commission!"

In a rambling two-hour interview carried out in his gigantic executive office, furnished in American motif, Perot shrugged off all the hostile criticism of EDS's California operation. "Our guys did the impossible. Everyone thought the California job was impossible. 'Too bad about EDS,' they said. 'Should have never taken it on.' They thought it was too tough for us. But our guys worked seven days a week. In ninety days we had the entire situation turned around. The real truth of the matter is that the men who did this work are being criticized for performing a work of art. And this is what disturbs me. Because this criticism denies them a part of their legitimate compensation."

Nor does Ross Perot feel that the state of California has any right to examine his accounts. "IBM is the world's largest natural monopoly. It's selling millions of dollars in computer hardware to California. And it doesn't have to tell the state what its costs are," Perot says in response to criticism. Besides, Perot says, like IBM, EDS does keep its books open to the federal government. And as long as EDS has to compete with IBM, why should it be more open than its chief rival?

As arrogant and as self-righteous as all this sounds, what gives Perot's triumphal march through the golden state its most unpleasant undertones is that it takes place against a background of increasing misery for those who are putatively at least the real beneficiaries of Medicare and Medicaid—the poor and the aged. As millions of dollars of Medicare and Medicaid funds are diverted to EDS' Dallas skyscraper in Exchange Park, monthly Medicare premiums paid by the elderly are being raised and allowable services cut back. Governor Reagan's Medi-Cal cutbacks deprive needy asthmatic children of specialized nursing care; welfare recipients are forced to gum their food because they can't get false teeth; poor people are denied "elective" surgery; and last Christmas Eve, nursing home operators "protested" the Governor's 10 percent reduction in their allowances by kicking out their Medi-Cal patients.

CONTROLLING POVERTY

It's difficult to tap state and federal treasuries as brazenly as Perot has done without attracting two serious liabilities—government investigators and business competitors. In California two Assembly Committees are investigating the legality and the desirability of the state's subcontract relationship with EDS. A report by the Joint Legislative Audit Committee raises the possibility that the state might take the Medi-Cal business away from EDS and give it to IBM, which has formed an axis with the Occidental Insurance Company in an effort to get the business. IBM claims it can outperform EDS with a cheaper, more powerful system, one that would give the state more controls (partially perhaps because the state would own the system, buying it along with a considerable quantity of IBM hardware for an as yet undisclosed price). Then IBM would supply the state with software services on a cost-plus-fee basis.

The House Intergovernmental Relations Subcommittee headed by L. H. Fountain of North Carolina is carrying on an investigation of EDS' operations in the eleven states in which the company has Medicare or Medicaid contracts. The investigation is being carried out for the most part in secret executive session, but the experience is likely to be a trying one for Perot nonetheless. The Committee's chief investigator James Naughton commands formidable attention in Texas business circles too—as the man who exposed Billy Sol Estes.

Naughton's investigation is likely to focus on possible conflicts of interest in the triangular relationship between James Aston's Republic National Bank, Perot's EDS and Texas Blue Shield, which Perot and Aston share between them The Republic National Bank-Blue Shield connection is oiled with several interlocks between the Bank and Blue Shield's profit-making subsidiary Group Life and Health. Meanwhile Texas Blue Shield maintains deposits at the Republic National Bank. Should the deposits turn out to be as large and as interest-free as Naughton discovered in last year's investigation of Washington, D.C. Blue Shield and National Savings and Trust Co., it will provide further evidence or which elements in the community benefit from Blue Cross' "community service" approach to health care. But the possibility that congressional criticism could stop the continued passage of triangular trade between EDS, the Republic National Bank and Texas Blue Cross seems a bit remote. EDS and Texas Blue Cross have been criticized by congressional committees before with no observable repercussions. And on a state level it would take a full-scale social revolution to dislodge Blue Cross from control of Medicare. As long as that control remains in the hands of Aston and the Republic National Bank group, Perot's Texas business seems as safe as a gray suit in an EDS tape library.

Several threats to EDS' control of Medicare-Medicaid EDP appear on a national level. First there is McDonnell Douglas, which is turning from the fading Apollo program to federal health programs in an effort to revive its fortunes. McDonnell has spun off a subsidiary, "McAuto," that contracts with the Social Security Administration to provide a "model system" for any Medicare carrier that feels incapable of performing electronic data processing on an "inhouse" basis. So far the McDonnell Douglas model system is being used in Medicare programs in eleven states.

The second threat comes from the fact that all EDS government contracts are with Blue Cross and—mainly—Blue Shield, both of which are under increasing fire. For some reason, EDS has never gotten a contract with a commercial Medicare carrier. Perhaps this is intentional. Commercial insurance companies, like Prudential or Continental, can't be dealt with quite as flexibly as state-wide Blue Shield plans. It's difficult to imagine that Prudential, for instance, with reserves of billions of dollars, would let itself get involved in the kind of contract that California Blue Shield did, which by this writing may not have any reserves at all. So given this special relationship with Blue Shield, EDS would be in tough shape if anything ever happened to The Blues as the nation's prime Medicare contractors.

This raises the third threat to Perot's Welfare-Industrial Complex: national health insurance. Senator Ted Kennedy's bill, supported by organized labor, might do away with the whole prime-contractor system of administering federal health care. This could spell the end of Blue Cross and Blue Shield and perhaps EDS as well. Nixon's health bill, on the other hand, is being pushed as political insurance against a real and costly health insurance bill. It would provide $2000 deductible "catastrophe" insurance and would expand the role of the insurance industry. To figure out where The Blues would stand after this bill, one has only to know who headed Nixon's Health Task Force—Walter J. McNerney, Chairman of the Blue Cross Association.

Fortunately for Perot, he enjoys good relations with leaders of both the pro- and anti-reform forces. His work at Christmas time, 1969, in behalf of President Nixon's Vietnam policy (price tag approximately $6 million) earned him considerable White House favor. Loading two Braniff DC–8s, one red and one green, with the wives and mothers of captured U.S. bomber pilots, Perot flew them to Paris to plead with North Vietnamese negotiators for the release of their loved ones. Then Perot loaded two more planes with 26 tons of turkeys and other treats. He announced he would attempt to deliver them in Hanoi so "our boys" would have something to eat for Christmas. He got the turkeys only as far as Vientiane, Laos. But like the right-wing Yippie that he is, Perot feels the message got through to the media, and strengthened Nixon's bargaining position.

A few months after these tilts with the communists, Perot was campaigning against the Wall Street establishment, this time with palpable support from the White House. His target was control of the reeling investment banking giant DuPont, Glore, Forgan, Inc.—the nation's third largest. Trying to hang on to this dear old family heirloom, well-loved but heavily mortgaged, was the poor relation side of the DuPont family. Not the chemical DuPonts, but the financial DuPonts led by Edmund and Anthony.

Someone had to save the company, New York Stock Exchange President Robert Haack and the White House aide Peter M. Flanigan agreed. If the DuPont's couldn't raise the cash, then Ross Perot should be given a chance.

For a collapse of the big brokerage house might drag along the rest of the Wall Street community and destroy the U.S. economy.

Originally, Perot approached DuPont, Glore, Forgan to handle an EDS stock offering and wound up with their computer business. Now Perot was the company's biggest creditor, much to the horror of the aristocratic DuPont family. Perot and his EDS associates played very well their part as a financial Snopes family. Perot liked to ask horrified listeners, "Does it really matter if Wall Street fails?" Finally he decided to give the company an injection of fifty-five million dollars capital.

To help the deal along, Federal Reserve Bank Chairman Arthur Burns did Perot a special favor. He suspended the FRB's loan collateral requirements. Instead of having to put up over $150 million in EDS stock to back up $55 million cash loan he'd taken down from his banks, Perot was permitted to put up *only half* that amount. Considering that in 1970 EDS stock fluctuated within a rather broad range—$162 to $29 a share—and considering further that this EDS stock is supposed to be keeping Wall Street from caving in, one wonders what Burns and his fellow Board members were smoking last spring. But so far so good.

Perot's investment saved the company, Wall Street and the U.S. economy. It made him the largest single investor in any U.S. brokerage house, with 90 percent interest in a company that may be worth $300 million by 1976. Left with the remaining 10 percent is the DuPont family. "It's O.K. to take the DuPonts' money," Perot said afterwards. "They haven't worked for it in two generations." As for reports that some of the DuPonts are displeased as the result of their dealings with him, Perot points out that only *some* DuPonts are mad. "Remember, there are still four DuPonts on the payroll. I just made it clear to everyone that there was going to be no advancement by birthright. It's what you do, not who you are that counts. But those DuPonts are doing a tremendous job now. I wish someone would send me half a dozen more just like them."

The White House signaled again its preference for Perot and his new money as against the decadent Eastern Financial Establishment and its old money when Perot was named along with other prominent *nouveaux riches* to the Nixon Foundation.

Even before his campaigns in behalf of the bombardiers, Perot had a significant relationship with the President. Soon after Nixon's inauguration, the names were announced of those chosen to participate in the Nixon Foundation. It was a very select group indeed, including Nixon's very closest business cronies—insurance man W. Clement Stone, Vitamin king Elmer Bobst, Pepsico's Donald Kendall—along with the President's closest relatives, brother Donald, wife Pat, Julie and David. Included on the list was Ross Perot. Leaving behind the constricting tradition which decrees that the Chief Executive must leave office before funds can be collected to memoralize his administration, Nixon Foundation activities began to put the bite on prospective donors quite early on. The professed object of their work is to raise funds for a Nixon Library and extensive real estate near the San Clemente White House to surround it. Presumably Ross Perot was not selected to serve on the Nixon Foundation because of his knowledge of libraries. But he says that he is not as close to the President as his inclusion on the select list would indicate. "I've only met the President two or three times," he said. Nevertheless it must be useful to have a friend at court. Especially when the friend is the king and the king's administration is drafting health care legislation.

EDS is not a 100 percent conservative Republican Party outfit, however, as its executives hasten to point out. It has at least one visible Democrat in President Milledge A. Hart III, who once served as an aide to Congressman Wright Patman. (Whether the old Texas populist would let Hart have his old job back is another question.) There is the rumor, too, that Perot's money is supplying much of the momentum behind Senator Birch Bayh's Presidential candidacy. Perot laughs this off. "I'll tell you how that rumor started. I got a call from a woman correspondent in Washington. She asked me. 'What's this I hear about your lending Birch Bayh your corporate jet?' I told her there was something wrong with her story. 'I haven't got a corporate jet.' I think the whole thing started when someone saw me coming out of Senator Bayh's office in Washington. I was talking to him about the prisoner problem. He backed us on that but that was all."

Nevertheless, the Indiana Senator still might be the best of all possible Democratic Presidential candidates to cultivate. The Senator's stock is selling at an attractively low multiple; a relatively small investment might pay off handsomely in the future, even if he never makes it into the White House. Bayh is one of the sponsors of S. 3, the Kennedy Health Bill—one of the more pragmatic supporters. And there is already talk within the reform camp of letting the insurance companies back under the tent, if only to insure the bill's passage. But Bayh or no Bayh, and even if the Kennedy Bill is passed in its present form, EDS executives feel the company has a bright future; they count on the certainty that the American health-care system will never be liberalized to the point that health care is free for everyone. And as long as there are doctors to submit bills and tax money to pay them, EDS and Ross Perot will be part of that system as well as one of its chief beneficiaries.

THE POVERTY OF CONTROL

Under a system whose outstanding professors have no students; whose greatest statesmen betray their allies and whose most respected peacemakers counsel bombing of cities; it is logical that the man responsible for administering more of the nation's welfare medical programs than anyone else is a hard-core, free-enterprise freak ("Profit is a fantastic thing!" Perot says) who earned a billion-dollar fortune in the process. He's a man who can say without irony that the trouble with the Johnson poverty program was that too little money actually reached the poor people themselves.

In order to see where the American health care system is headed, it's important to realize that Perot and EDS are simply the logical expressions of the greatest triumph of American domestic liberalism of the 1960s—the passage of Medicare and Medicaid. The liberals knew in 1965 that capitalism in medicine stinks. They also knew that the status quo—represented by The Blues and the AMA—was very powerful. It had stopped reform efforts for thirty years. So congressional liberals decided to be practical. Their prescription was: make capitalism in medicine stink less. Give health care away free or nearly free to those who can't afford it—the aged and the indigent. Meanwhile keep organized medicine happy by letting it administer the new federal programs. It wasn't long of course, before the health-care market broke apart after a storm of profit-taking by organized medicine. So the next step liberals took was to demand more controls over the program. The Blues had to be monitored more closely by the federal government; they had to be subject to audits. Computers had to be used to keep doctors and insurance companies from further profiteering. But liberals still knew that the health care status quo was very powerful, so they let a Blue Cross executive be the chief federal monitor and they let The Blues choose the companies they wanted to have run the computer checks and perform the audits on themselves. In this atmosphere of politically flatulent and unfocused concern with health-care costs, Ross Perot rose like a bag of helium. And just as it took a complete outsider, the former Trotskyist social worker Bernie Cornfield, to exploit the potential of the mutual fund racket to its furthest limits, it took a right-wing anti-communist to exploit the medical welfare program to its furthest limits. H. Ross Perot is a true child of his times and ward of the welfare state.

"VOICE" OF THE CONSUMER

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, recently the House Government Operation's Committee, of which I am a member, reported out a bill which would establish a Consumer Protection Agency in the Federal Government.

The editorial response of the Birmingham Post-Herald raises questions worthy of the consideration of the Congress concerning such legislation and I include it herewith for the edification of the House:

"VOICE" OF THE CONSUMER

One of those typical Washington flaps erupted the other day because President Nixon didn't include Ralph Nader at a White House conference with "consumers."

Ostensibly, the President is seeking advice about what type of program should follow the wage-price freeze, which expires Nov. 13.

Nixon has held meetings with people from various economic interests—business executives, labor union officials, farm organization leaders, then the "consumers."

This last group included several professors, officers of organized consumer groups and others presumed to have special knowledge of consumer wants. Some White House reporters gave the President's press secretary a hot afternoon because Nader, who has made himself a consumer "advocate," was "omitted."

Meanwhile, at the Capitol a House committee was writing a bill to set up—yes—another Federal bureaucracy, to be called the "Consumer Protection Agency." Duty of this agency, according to the proponents, would be to represent consumers before other Government agencies.

Among politicians, the consumer lately has become an object of pity. It just seems there can't be enough new agencies or laws or organizations to defend and protect him, o her.

But why should there be a taxpayer-paid agency to "speak" for the consumer before other taxpayer-paid agencies? The whole blessed government is supposed to look after the consumer's interests—consumers being people, even if they also are farmers, or bricklayers, or lawyers, or manufacturers.

Setting up one agency, on top of so many to fight with other agencies over who speaks for the consumer might be fun for the combatants, but the fellow apt to get squeezed again is the consumer (alias taxpayer).

As for Nixon's conferences, getting suggestions from diverse groups can be helpful although broad cooperation for the follow-up programs is much more important. But we would suppose, and hope, that the President had a pretty firm idea of what he would do after Nov. 13 before he imposed the freeze on Aug. 15.

As for Nader, he didn't need to go to the White House—he has been flooding the government with counsel, almost daily.

Besides, nobody really can speak for consumers, because consumers are everybody, with an unlimited variety of interests, angles and eccentricities.

COMPOSITION OF ATOMIC WASTE IN KANSAS CLARIFIED

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, earlier this month, I requested insertion in the CONGRESSIONAL RECORD of a Reuters news dispatch from Geneva, Switzerland, relating details on a paper presented by an Atomic Energy Commission scientist on atomic waste disposal before the Atoms for Peace conference in that city.

A few days ago, John A. Erlewine, assistant general manager for operations of the AEC, advised the Joint Committee on Atomic Energy that the Reuters news story was in error since it did not correctly quote an AEC news release. The Joint Committee was kind enough to share Mr. Erlewine's letter with me.

I have responded to Mr. Erlewine by requesting a copy of the full text of the delivered paper to determine whether indeed the news dispatch was in error. At the same time I have asked Mr. Erlewine to clarify a very serious question that has arisen in Kansas over the composition of atomic waste. The Kansas scientific community, and indeed all of us concerned with the waste project, had been led to believe by the AEC that the wastes to be buried would be solid and encapulated in containers. During the last few days the AEC has let it be known that the atomic waste would be granular in form, or even possibly dust.

Obviously, it is one kind of problem to handle a solid 3 feet long concrete cylinder in which the deadly waste is encapsulated, and quite another to handle a cylinder in which dangerous wastes are packed as loose granules or dust. Apart from the heightened danger from accidents in transport resulting from the easy dispersion of granules, a new question arises as to how such granules can be located in the salt beds and retrieved when the container erodes. Or the ease with which such granules would travel through the salt as compared with a large solid.

Even a number of scientists who heretofore have been staunch defenders of the AEC and its proposed atomic burial program now describe themselves as "disturbed" by this new development. Obviously, what we want to know now is whether the AEC, as has been its practice in the past, has been playing fast and loose with all of us in describing a "granule" as a "solid," which it is, of course. But this kind of semantic legerdemain is indeed disturbing.

For the record therefore, Mr. Speaker, I insert my letter to Mr. John A. Erlewine at this point in the CONGRESSIONAL RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 29, 1971.

MR. JOHN A. ERLEWINE,
Assistant General Manager for Operations,
Atomic Energy Commission,
Washington, D.C.

DEAR MR. ERLEWINE: A copy of your letter to Edward Bauser, Executive Director of the Joint Committee on Atomic Energy, in which you respond to my remarks in the Congressional Record of September 13, has been forwarded to me. I note your enclosure of the AEC press release that seeks to correct the Reuters dispatch to the Washington Post that I placed in the Record. Since both reports are based on the radioactive waste disposal paper submitted by Dr. Floyd L. Culler to the Atoms for Peace Conference, I would very much like to read the Culler paper. Would you kindly send me a copy?

I am disturbed, to say the least, that some of the basic premises about the Lyons waste project are now in doubt. You are quoted in several recent Kansas newspaper articles as now describing the nuclear wastes to be "granular" in form. In prior references, the term you used was "solid." The Final Environmental Report used "cake." In fact, in my correspondence with you, and again in the testimony given by AEC officials before the Joint Committee, the description of waste disposal was that containers of solid wastes would be placed in the salt, the containers would soon disintegrate, and the salt would encase the solid wastes. You even emphasized the location of the solid wastes would be mapped to facilitate retrieval should that step become necessary! It now appears to me, if the waste is in granular form, that once the containers distintegrate, it will be difficult, if not impossible, to locate the granular material. Is it now to be assumed that the granules will not move through the salt, or that they will move together as if they were truly in a single solid piece?

It certainly is disconcerting to note the measured concern of such eminent Kansas authorities as Drs. Hambleton, Meyers, and Chezem to your "granule" announcement. One may now wonder how many other terms used by the AEC are so subtly misleading. Why have the wastes been described for so many months by the AEC as "solid" if you actually meant "granule?" While it is clear that a granule is a solid, it is obvious that even scientists were misled by AEC semantics. Perhaps the AEC should clarify and define completely the fundamental terminology and facts before additional safety tests are carried out.

Unfortunately, the use of "solid" for "granule" is not an isolated incident of misrepresentation or misinterpretation of the facts. In a Washington Post article entitled, "Nuclear Garbage Disposal: A Burial Problem," September 19, 1971, Dr. Culler is said to have estimated it will take $50 million to "remake" the mine at Lyons. This is twice the amount estimated just a few months ago when the AEC was seeking construction money from the Congress. What has caused the estimate to double?

In the same article, an AEC photograph shows nuclear wastes being loaded into a railroad car for shipment to Kansas. Are we to understand that AEC is now shipping atomic wastes to Lyons? If so, have all railbeds been inspected and approved by the Federal Railroad Administration as indicated was necessary and would be done in your Environmental Report? Is a satisfactory retrieval system available and on site?

The subtle use of misleading terms by AEC officials in discussing the Kansas project, or any AEC project, raises once again the question of the integrity and the dependability of the AEC. Such examples are most unfortunate, coming at a time when the Commission appeared to be seeking a change in its image. If the new Chairman was correctly quoted in Geneva, this development must be embarrassing to him.

In view of the current confusion and the likelihood that prior terminology may have been misleading, I would greatly appreciate a careful and complete explanation by you of some fundamental facts on atomic waste burial in Kansas salt beds.

For example, I am still waiting for an explanation on how the AEC intends to plug existing holes from oil and gas wells that proliferate the area. Is it intended merely to cap them; if so, will this deter water seepage through the salt? If they are to be plugged, what would be the procedure to plug such holes that extend as much as 3,000 to 4,000 feet into the earth well beyond the salt beds into and through aqueous filters.

Additionally, I would like explanations that include, but not limited to, specifics on preparations for current testing, kinds of testing to be conducted (i.e., on site or in laboratory), estimates of when they will be completed, types and descriptions of the wastes to be used for testing purposes, sources of the wastes, distances and routes over which the wastes will be shipped, description of the containers and special railway cars which will carry the wastes, weight of the railway cars, trackage changes, if any, present equipment available at the site for transporting and handling the wastes, current estimates of the cost of "remaking" the mine if safety is proven, and dates and estimates of the amount of future shipments of wastes to the mine.

Sincerely,

JOE SKUBITZ.

RURAL WATER AND SEWER SYSTEMS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, since coming to Congress I have proposed and supported various pieces of legislation designed to make the various parts of the Federal Government that concern rural American more responsive to the needs of rural America.

As part of my continuing efforts, I am, today introducing legislation to enable the Farmers Home Administration to increase the ceiling percentage limits from 50 to 90 percent on the amount of grant moneys it can funnel to small rural communities and water districts for the construction of water and sewer systems. The President has on many occasions spoken of the dedication of this administration to rural development. Without water and sewer systems to serve rural communities, they can never develop economically nor can they serve as magnets to hold or attract people back to the countryside. Passage of this bill is, therefore, imperative.

At the present time, although the Farmers Home Administration is the principal financing agency for water and sewer systems in small towns of under 5,500 in population and for rural areas, other Federal agencies have more leeway in financing construction of these systems than does FHA. For example, under a special provision, the Department of Housing and Urban Development, in contrast to FHA, can go up to 90 percent on the cost of such projects where the area to be served is under 10,000 in size and is within a metropolitan area. As another example, in the Department of Commerce, the Economic Development Administration formerly could finance up to 80 percent of such systems where the area to be served met certain economic criteria on unemployment and other factors related to depressed economic activity. A recent amendment passed in August 1971, however, lets EDA go up to 100 percent on such loans.

When these factors are taken into consideration, the irony of the situation becomes obvious. There is little rational basis for the Congress enacting a series of statutes that result in some Federal agencies being given more latitude in helping finance badly needed sewer and water systems than FHA, which was specifically established to help rural America. This is a slippage, a malfunction in the Federal structure that should be corrected as soon as possible.

Finally, this amendment should be swiftly enacted on the basis of human need, pure and simple need. Literally thousands of small rural communities throughout the country exist today without adequate water and sewer systems. To those of my colleagues who live in urban areas, water and sewer systems are things that are taken for granted. If here in our Nation's Capital or its surrounding areas, we were suddenly to find ourselves with the same quality water and sewer systems as is common to so many rural communities, the result would be chaos. This city has seen large numbers of people involved in so-called end the war marches, but these would not hold a candle to the numbers that would turn out and march to the Capitol steps demanding that the present water and sewer systems be restored.

Mr. Chairman, of late there has been a lot of talk about rural development and revitalizing rural America. There is no doubt rural America needs revitalizing—I have addressed this subject at length on earlier occasions, but there seems to be much more talk than there is action. This amendment, although it is a small and specifically targeted amendment will, if passed, improve the quality of life that people in small rural communities enjoy. I urge my colleagues to join together in expediting this nonpartisan and needed change in our Federal laws.

CLEVELAND GIVES QUESTIONNAIRE RESULT—ANSWERS IT HIMSELF

The SPEAKER. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, for the 9th consecutive year, I have sent questionnaires to all of my constituents. At this time I would like to share the results with my colleagues and other readers of the RECORD. As I always do, I will also give my answers and comments on the questions.

This year's questionnaire was mailed out in June, and most completed questionnaires had been returned by the first of August.

Some of the questions were admittedly difficult to answer with a yes or no. It is equally true and relevant, I believe, to point out that the same holds true of many votes cast here on the floor of the House, which often involve complex provisions with numerous implications.

Some questions were asked because of their importance to the Nation. Other questions were asked to sound out my constituents' thinking on developing issues. Still others were asked because similar questions had been asked in previous years, and would check opinion trends.

POLL OF HIGH SCHOOL SENIORS

For the first time, I sent my questionnaire to the senior class of the high schools in my district. Since I have long supported the vote for 18-year-olds and frequently visit with high school students, I was particularly interested in sampling their opinions. I was unable this year to get the questionnaires to all of the high schools in time for use by their graduating class, but enough were completed and returned to provide a significant sampling of opinion.

On most questions the response of the high school seniors was close to that of the rest of my constituents. On some questions there was a noticeable difference of opinion.

For example, high school seniors indicated that the Nixon administration is generally on the right track with its Southeast Asian policies, but by a much smaller margin than the rest of my constituents. On the issue of drug abuse, it was interesting to note that a majority—51 percent—of high school seniors opposed legalization of marihuana compared to 73 percent for all responses. The difference between the students and the rest of my district was no greater and frequently less than the difference between selected communities in my district whose answers were separately tabulated.

On many questions, high school seniors were significantly more likely to indicate that they were undecided than is true among their elders. This willingness by new young voters to reserve judgment is encouraging. It is a refreshing contrast to some of my mail which evidences a dogmatic certainty almost to the point of arrogance.

NEW HAMPSHIRE OPINIONS ARE SIGNIFICANT

At this time, as national attention is once again shifting to New Hampshire and its first-in-the-Nation Presidential preference primary next March 7, I would like to point out that New Hampshire is really a microcosm of the United States.

It is, on a per capita basis, one of the most industrialized States in the Nation, yet an important segment of its economy is still based on agriculture and forestry. It enjoys an ever-increasing recreation and resort industry on a four-season basis. It is also blessed with many fine educational institutions.

But, for the same reasons, the effects of the recent economic recession have had a painful impact on New Hampshire. Defense related industries have been in a state of decline, and are trying to shift direction. Many traditional industries have wilted under fierce import competition as a result of outdated trade policies. Unemployment is up sharply, and welfare rolls have increased.

In New Hampshire attitudes against increased taxes are matched by increasing skepticism toward Government programs that are high on promise but low on performance.

Quality of environment is not only a priority issue in New Hampshire, but also it is an objective which people are willing to pay for.

New Hampshire's Presidential preference primaries are well known. Over the years they have sent out, to those who would heed, extremely accurate signals.

PRIORITIES—TOUGH DECISIONS

This year's questionnaire again contained a section on priorities. Unlike last year's questionnaire, however, it was divided into two parts.

The first part asked the constituent to choose the three most important problems or needs facing the United States today. The second part asked the constituent to choose the three Federal programs that should be reduced. Together, the two parts provide a reading on how my constituents would reorder our national priorities.

It is heartening that the subject of priorities is at last beginning to receive attention. Government—like the individual—must make tough decisions if it is to act responsibly. There are some programs the taxpayers can afford, and some they cannot. Many of our national problems of the past few years are largely the result of the failure of the great society to recognize this fact. We are now reaping the results of that unwillingness to defer some programs until we could afford them, or cut out programs we could not afford:

PRIORITIES—THIS YEAR

Part I—List in order of priority the *three* most important problems or needs facing the United States today:

1. Vietnam and Southeast Asia	8,863
2. Pollution	5,788
3. Inflation and the Economy	5,141
4. Drugs	4,387
5. Unemployment	3,233
6. Crime, Law and Order	3,199
7. Government Spending and Taxes	1,941
8. Poverty	1,880
9. Welfare Reform	1,835
10. Student Unrest	1,392
11. Civil Rights and Racial Problems	1,356
12. Government integrity, credibility, and efficiency	1,347
13. Social Security and Medical Care	1,205
14. Defense and Communism	1,122
15. Education	850
16. The Courts	806
17. Urban Problems	678
18. Population	611
19. Unions and Strikes	582
20. Foreign Policy	560
21. Moral Decay, Religion	493

PRIORITIES—LAST YEAR

List in order of priority the *six* most important issues, problems, or needs facing the United States today:

1. War in Indochina	9, 373
2. Pollution	7, 927
3. Inflation	6, 752
4. Student Unrest	4, 748
5. Drugs	4, 439
6. Crime	4, 439
7. Civil Rights	3, 586
8. Taxes	3, 001
9. Government Spending	2, 740
10. Education	2, 093
11. Welfare	2, 015
12. Moral Decay and Lack of Purpose	1, 896
13. Poverty	1, 839
14. Social Security and Medical Aid	1, 683
15. Foreign policy	1, 364
16. Middle East	1, 126
17. Overpopulation	1, 090
18. Unemployment	1, 027
19. Housing	923
20. Alienation in society	851
21. The Courts	818

The results of this questionnaire reflect opinion during the summer. It is interesting to note that the professional polls now show that for the first time in many years, public concern has shifted from the war in Southeast Asia to the state of the economy. At least in part, I feel that this is due to public recognition that the war is in fact ending, and that it is time now to solve more pressing domestic problems.

PRIORITY NO. 1—SOUTHEAST ASIA—WAR AND PEACE

At the time the questionnaires were completed, the war in Southeast Asia with all of its implications was the Nation's most important priority to most of my constituents. I agree with their viewpoint. I believe it continues to be our most important priority, particularly its implications.

President Nixon has withdrawn over 60 percent of our troops from Vietnam since taking office, and every week more men are coming home. Equally important, our combat troops are being withdrawn in such a way as to encourage prospects for a lasting peace. To achieve lasting peace I feel it is essential that the United States maintain a credible deterrent posture. There can be no certain path to peace, nor an easy one either. Looking at the lessons of World Wars I and II and the Korean conflict leads me to certain conclusions.

In my opinion we are entering a period similar to ones following World War I, and II, and the Korean conflict, when it became fashionable to be intensely antimilitary. Looking at the results should serve as a reminder that a posture of weakness can encourage aggression. Although it is perfectly true we cannot serve as policeman for the world, we do have moral and treaty commitments against aggression in many parts of the world.

In periods of reduced tensions—such as the one we now seem to be entering—there can be no argument against reasonable reductions in defense expenditures. On the other hand, it is equally important that the reductions not be carried to the point that our deterrent capability and posture is impaired. We must make every effort to steer a middle course, with desirable spending reductions balanced against a lessened deterrent capability, deterioration of the morale of our Armed Forces, and the obvious need to modernize our defense. We can reduce defense spending, but we must not be blind to the fact that even the appearance of weakness in our Armed Forces and national commitments can mislead other strong powers into the idea that aggression might succeed. We cannot permit war weariness to foster an antimilitary binge, or an isolationist one either.

An added observation: We have awakened—almost too late—to the fact that South Vietnam should do more for its own defense. The same holds true in many other parts of the world where some of our "friends" have been freeloading under the protection of our increasingly costly Defense Establishment. Their contribution to free world security is totally unrealistic. The time when we should pay virtually all the costs of international defense is obviously past.

PRIORITY NO. 2—THE ECONOMY

Recent administration action to bring inflation under control while spurring new business investment to create new jobs underscores the importance of solving our economic problems.

The problems of continuing inflation, excessive unemployment, huge Federal budget deficits, balance-of-trade deficits, and lagging business investments are in part the complex results of the excesses of previous years.

First, a war overheated the economy and fueled the fires of inflation. Then the shift from a wartime to a peacetime economy caused a large growth in the number of unemployed, as well as a severe recession in defense and aerospace sectors of the economy. Two million military and defense related jobs have been lost as a direct result of cutbacks in the size of the military and reduced purchases by the military.

Drastic measures are necessary to bring our economy back onto the right track, and the President's recent actions are a strong step in the right direction.

I voted for the wage and price control authority which President Nixon implemented in his Executive order. Such a wage and price freeze may at last break the inflationary psychology that has taken hold, although it does come later than it should have.

On several occasions and as recently as July, I have introduced legislation to reestablish the investment tax credit. My position on this aspect of the problem is not only clear but consistent. I also have spoken in favor of the Accelerated Depreciation Range, a long overdue reform of our depreciation laws.

The President's more realistic attitude toward international trade was particularly encouraging. I have long felt that our national preoccupation with free trade has totally ignored the fact that American products face discrimination abroad and that fair trade has been ignored. For this reason, in early August I reintroduced the Trade Act of 1971. My detailed statements on depreciation and trade are available on request, as these are developing issues and will continue to be of importance.

PRIORITY NO. 3—THE ENVIRONMENT

My next priority is the quality of our environment. The cost will be high, but we have no choice.

We must take bold action to clean up our streams and lakes, restore the quality of our air, reverse the growing problem of ever greater noise levels, keep our oceans from becoming dumping grounds, and develop practical methods of recycling or otherwise disposing of our solid waste. In spite of the hardship that will develop in some instances, we must act.

I am personally convinced that the only workable way of financing the enormous government expenditures necessary to clean up our environment is the trust fund approach.

In the area of water pollution with which I am most familiar, fees should be charged to users and polluters of our waters, with all proceeds going to finance pollution abatement facilities. In addition to providing the necessary money for the cleanup, such fees would encourage wiser use of water, and the recycling of wastes.

Last year I asked my constituents whether they "would favor user fees and/or taxes on all polluters and users of water in order to fully finance Federal water pollution abatement programs." The answer was overwhelmingly in the affirmative. Not only is the trust fund approach practical, but also it appears to have public acceptance. In this area it appears that the people are ahead of Washington-oriented bureaucrats and politicians.

Limitations of space do not permit me to fully state my views on the environmental priority. I am deeply involved in solving the water pollution problem, as my major committee is just concluding months of hearings on this complex subject. It is my personal conviction that if we find a workable way to finance a really significant Federal, State, and community attack on this problem, we could get our lagging economy back into high gear.

CONGRESSIONAL REFORM

I wish to add a fourth priority to my personal list, because I believe that many other problems rest upon it. I have fought for congressional reform since I entered Congress in 1963.

While we have recently initiated some reforms such as recorded teller votes, and in the near future, electronic voting, there is still much to do.

The strict seniority system is especially in need of further modification. If Congress would modernize its own procedures, many of today's needs would be met. In fact the biggest stumbling block in reforming the executive bureaucracy is the threat that such reform poses to the existing power structures encrusted in the congressional committee system.

RESULTS OF PRIORITIES, PART II

What three Federal programs would you reduce?

1. Foreign aid and overseas spending	3, 545
2. Welfare	2, 783
3. Defense and military spending	2, 769
4. Space	2, 303
5. Farm subsidies	1, 971
6. Government bureaucracy—size and salaries	1, 067

7. Vietnam spending	793
8. Highways	775
9. Corporate subsidies (e.g., Lockheed)	568
10. Public Works and Corps of Engineers projects	522
11. Antipoverty programs	446
12. Military manpower and the draft	438
13. Oil depletion allowance	430
14. Urban programs	411
15. Taxes	394
16. Education	317
17 SST	229
18. Social security and medicare	203

PRIORITIES—WHAT TO CUT

It is interesting to note the very significant drop in response to this part of my priority question. It indicates that when faced with the hard decision of just where to cut the enormous Federal budget, my constituents are noticeably less willing to express their opinions.

My voting record clearly reflects the areas where I feel Federal programs can be reduced. I have consistently opposed large farm subsidies, which have had the outrageous result of squeezing out the small farmer who was meant to be helped by the program. At the same time, they have been a bonanza for the large corporate farmers. The fact that the Federal Government subsidizes tobacco at the same time the Surgeon General is warning of its dangers highlights this folly.

For the past several years, I have consistently voted against foreign aid. It makes little sense to me to try to solve problems around the world with money, while so many problems at home remain unsolved.

Along the same lines, I have voted on a number of occasions against Federal handouts to big business, examples being the Lockheed loan guarantee, the SST, the oil depletion allowance, and on occasion, some military research and development. Just this month I voted against the so-called pork-barrel—public works projects—bill even though it contained a project in my own district. Congressional junkets and salary increases could be added to the list although those votes have not been recent. I previously have voted to reduce and defer space expenditures, but I now feel the expenditure level is realistic and should not be further reduced.

SOUTHEAST ASIA

(1) Is President Nixon generally on the right track with his Southeast Asian policies?

1970 (last year), yes, 54%; probably yes, 14%; no, 22%; probably no, 3%; undecided, 5%.

1971 (this year), total responses, yes, 54%; no, 32%; undecided, 10%. High school seniors, yes, 39%; no, 36%; undecided, 24%.

I agree with my constituents as I did last year that President Nixon is generally on the right track with his Southeast Asian policies. It is interesting to compare last year's answers with this year's. The questions were identical.

Last year the above question was followed by a question on the decision to destroy North Vietnamese sanctuaries in Cambodia. Based on the answers to those questions concerning Vietnam, I estimate that between 10 and 15 percent of the people who do not agree with President Nixon's Southeast Asian policies feel that he is either withdrawing too rapidly or has not gone all out in fighting the war.

NEWS REPORTING

1970 (last year)—In your opinion, is there substantial validity to Vice President Agnew's charge that the national news media are often unnecessarily biased?

Yes, 57%; probably yes, 9%; no, 21%; probably no, 4%; undecided, 6%.

1971 (this year)—Do you believe the news you read, see, and hear is generally accurate and fair?

Total responses, yes, 36%; no, 48%; undecided, 11%. High school seniors, yes, 38%; no, 49%; undecided, 11%.

Last year in commenting on Vice President AGNEW's charge that the national news media are often unnecessarily biased, I agreed with my constituents.

I have commented on this problem a good many times, as I consider its a major reason that meaningful national debate is at a low ebb. The problem is neither as fully appreciated nor as widely discussed as perhaps it should be. A past president of the Radio-Television News Directors' Association recently stated that audience disbelief is "becoming an American epidemic." It may be that this mounting skepticism will act as a counter balance.

In answer to this year's question, however, I disagree with my constituents. Although I continue to feel the national media are often seriously biased and misleading, I do not feel this is so of all media generally.

It is possible that my constituents were thinking of the national media when they answered this question. Recently the Daily Eagle, published in Claremont, N.H., ran two prominent ads during a period of a month requesting a confidential letter to the publisher from readers if any of their news was biased, slanted, or false. The publisher, Richard Hartford, informs me that he has yet to receive a communication in reply.

CHINA

(3) Do you favor opening relations with, and broadening contacts with mainland China?

1970 (last year), yes, 41%; probably yes, 8%; no, 36%; probably no, 3%; undecided, 10%.

1971 (this year), total responses, yes, 59%; no, 27%; undecided, 11%. High school seniors, yes, 60%; no, 21%; undecided, 18%.

My views have not changed significantly since last year when the same question was asked. Again I agree with my constituents. We should open relations with, and broaden contacts with mainland China on a realistic basis.

When President Nixon made his dramatic announcement concerning his forthcoming trip to China, I was asked for comment. My response was that President Nixon's initiative was encouraging news. It offered another example of his unremitting efforts to create a just and lasting peace. The withdrawal of troops from South Vietnam, the cease-fire in the Middle East, the SALT talks, and the Berlin accord are other examples. I also cautioned that we must not allow false hope to becloud our vision. The path to peace is not easy, and we must not weaken our national resolve and capability as a deterrent to aggression.

POLLUTION CONTROL

(4) If a new industry paying good wages desires to move to your community, but would add substantially to water, air, or noise pollution, would you oppose the move?

Total responses, yes, 69%; no, 18%; undecided, 7%. High school seniors, yes, 74%; no, 15%; undecided, 9%.

I basically agree with my constituents and would oppose the move into my community of a new industry paying good wages, if that industry would add substantially to water, air, or noise pollution.

As we move beyond talk about cleaning up our environment, we will be faced with staggering costs. This question was asked to gage just how high a price my constituents are ready to pay for the quality of our environment. I consider the results of this question extremely significant, especially in view of the economic distress in many New Hampshire communities.

I think we must get on with our pollution abatement programs. But we must also, with sound planning and development, provide jobs so that people do not have to leave home and family to find gainful employment in overcrowded urban areas.

REVENUE SHARING

(5) Do you favor legislation that would return to the states and local governments a percentage of the money now collected by Federal taxes for use largely as they determine (Revenue Sharing)?

Total responses: Yes, 66%; no, 19%; undecided, 11%. High school seniors: Yes, 61%; no, 16%; undecided, 21%.

I have long supported the principle of revenue sharing as a realistic step toward redistributing political power from the banks of the Potomac back toward the people. Too many Government programs have become centralized in Washington. There is a prevailing myth here that Washington bureaucrats are more knowledgeable in solving problems than people back in the State and local governments who are actually dealing with those problems. Revenue sharing is not a panacea, but is a sensible step toward returning power more nearly to the people from whence it came. Government which is closer to people is usually better government.

SOCIAL SECURITY

(6) Should minimum social security benefits financed by increased social security taxes on all workers and employers be raised enough to bring all retired people above the poverty level?

Total responses: Yes, 62%; no, 20%; undecided, 11%. High school seniors: Yes, 59%; no, 21%; undecided, 18%.

Social security benefits—old-age benefits—were not initially intended to fully finance a recipient's retirement. The intent of the original act was to supplement savings and other retirement plans. Inflation, increasing longevity, urbanization, and soaring medical expenses have made a mockery of the original objectives of the program.

Since coming to Congress, I have become increasingly concerned by the number of my constituents who have not been able to enjoy their retirement years in spite of the fact they planned carefully.

For this reason I agree with my constituents that social security benefits financed by increased social security taxes on all workers and employers must be raised to bring the income of all retired people above the poverty level. This could result in a reduction of welfare costs. Direct assistance to senior citizens would also be preferable to some of the rapidly proliferating assistance for the elderly programs which deal in a piecemeal fashion with their plight.

I am encouraged that my constituents are willing to pay for this by increased social security taxes. Demands on general revenue dollars continue to be excessive. Glittering proposals, based on general revenue dollars that we do not have, continue as one of the crueler hoaxes foisted on the public by politicians who would rather promise than perform.

LIBERAL ARTS EDUCATION

(7) Do you feel that liberal arts education has been over-emphasized at the expense of vocational-technical education?

Total responses, yes, 68%; no, 21%; undecided, 8%. High school seniors, yes, 43%; no, 38%; undecided, 17%.

I agree with my constituents that liberal arts education has been overemphasized at the expense of vocational-technical education.

Part of the responsibility for this situation rests with Congress. A disproportionate amount of money has been poured into colleges and universities in response to the eloquent pleas of faculty and administrators. The policy of allowing draft deferments for college students has resulted in some young people attending college who really do not want to be there, and whose intellectual motivation is at best latent.

Part of the responsibility also belongs with the educational establishment. A good deal of the money spent by colleges and universities has gone for faculty research projects and not for teaching. This has added to the motivation gap.

One consequence of the overemphasis on college education was the wave of student disorders. For many of the young people who had been misdirected into a college education, what they found was often uninteresting and irrelevant. Having little real purpose in being in college and finding the education not suited to their goals or interests, and often faced with a bureaucratic, uninterested institution, these people were responsive to the tempests of the times.

Last year I asked about student unrest. I defended college and university administrators who my constituents overwhelmingly blamed for the disorders. I pointed out the fault was in the campus structure—where excessive devotion to academic freedom and tenure, and so forth, had resulted in a situation made to order for extremists to exploit.

It is significant that in technical and vocational schools there is relatively little unrest. I believe this is because there is greater motivation on the part of the students, and because they find their studies more relevant and interesting.

A healthy reevaluation of this situation seems to be taking place. Good vocational and technical schools also offer liberal arts courses to go with the other courses. Thus, at the same time that students are learning a skill or trade, they also have an opportunity to continue their studies of the humanities.

IMPORTS

(8) On imports from countries that do not have or do not enforce laws against pollution similar to those imposed on American industry, would you favor an equalizing tariff on those imports?

Total responses, yes, 68%; no, 15%; undecided, 12%. High school seniors, yes, 61%; no, 18%; undecided, 19%.

As the United States enacts increasingly strict laws against pollution, there is an increase in cost. As a result, American-made products are put at a competitive disadvantage, when compared to products from countries with lax or nonexistent laws against pollution. This problem will become increasingly serious in coming years. One solution that I would support is an equalizing tariff on imports from countries without antipollution laws as strict as those in the United States.

Similar problems exist in other areas. For example, American-made products have to include the cost of healthy and safe working conditions for employees. Our minimum wage and hour laws increase the cost of American products as do social security programs, et cetera. Simply stated, American products are forced to compete against foreign products made by low cost labor sometimes working under sweat shop conditions. In the coming months, as international trade practices are reviewed and revamped, I hope that this problem will be realistically dealt with.

NATIONAL HEALTH INSURANCE

(9) Should a national health insurance program require families to pay for their own medical insurance or medical expenses to the extent their means permit?

Total responses, yes, 60%; no, 23%; undecided, 12%. High school seniors, yes, 47%; no, 33%; undecided, 18%.

I believe that any national health care program should require families to pay their own medical insurance and expenses to the extent their means permit. Otherwise I just do not think we can afford such a program.

Most of the national health plan proposals, including my own, also contain provisions to protect the average American from the impossible costs of catastrophic illness. If the program requires reasonable payments by the beneficiaries of health care coverage, I believe the goal of national health care and protection against catastrophic illness is realistic and attainable. This will provide coverage where it is needed the most, while keeping costs to the taxpayer at a minimum.

When medicare was first brought up, I supported a "means test." At the time, I was subjected to criticism by many who claimed this was a "Pauper's oath" for those desiring coverage under the program. The intention was not to demean the poor, but, rather to exclude from full medicare coverage those who could well afford to provide for their own medical care in whole or in part.

Since that time, medicare costs have skyrocketed, due in part to the inclusion of many claimants who are perfectly able to provide for their own care or part of it. The original position of those who advocated some sort of means test has been vindicated.

MARIHUANA

(10) Would you at the present time favor legalizing the use of marihuana?

Total responses, yes, 17%; no, 73%; undecided, 7%. High school seniors, yes, 35%; no, 51%; undecided, 12%.

I do not favor the legalization of marihuana.

Quite a few constituents have asked why I included this question. The answer is that a good many people, young and old, have written to me on the subject. I decided to include it in the questionnaire to sample constituent opinion.

The questionnaires received from high school seniors in the district indicate a somewhat more favorable attitude toward the legalization of marihuana on the part of younger constituents. This could be expected and is, in my opinion, an example of why I feel the results of my questionnaire accurately reflect New Hampshire sentiment.

ECONOMY

(11) Is the Nixon administration reasonably successful in its handling of the transition from a wartime to a peacetime economy?

Total responses, yes, 36%; no, 44%; undecided, 17%. High school seniors, yes, 23%; no, 51%; undecided, 24%.

This question was asked and the results received prior to President Nixon's dramatic announcement of his new economic policy.

Although it can be argued that the President's bold new economic initiatives were formulated, because his previous policies were not reasonably successful, I would still answer this question in the affirmative. My reasons for feeling that the Nixon administration has been reasonably successful with its handling of the transition from a wartime to a peacetime economy are in part discussed in my comments on the economy earlier in this report.

I do not feel that the average American is fully aware of the magnitude of the economic problems that faced the Nixon administration upon assuming office. Mounting inflation, a boiling over wartime economy, and a long period of unwise trade and related policies were bringing this country to the brink of economic disaster.

Upon coming to office, the Nixon administration embarked on a peace initiative. Massive withdrawals of troops from Vietnam were accompanied by substantial Armed Forces reductions and cutbacks in the military sector of the economy. To have accomplished all that while keeping unemployment at a level about what it was when President Johnson took office, in my opinion, rates "reasonable success."

That the administration was not fully successful is certainly apparent now and needs no further comment at this point.

CAMPAIGN SPENDING

(12) Do you favor strict, enforceable spending limits on Federal election campaigns?

Total responses, yes, 86%; no, 5%; undecided, 4%. High school seniors, yes, 73%; no, 12%; undecided, 13%.

The overwhelming response to this question is most gratifying. At the very time this report is being written, the House Administration Committee, on which I am the third ranking Republican, is drafting legislation to cope with the campaign spending problem. I am frequently critical of the Senate, but in all fairness, they passed a campaign reform law last month which contained a section devoted to campaign expenditures with meaningful limitation and disclosure provisions.

Legislation to limit expenditures in Federal election campaigns is clearly necessary. There has been much published about extremely wealthy candidates "buying elections." Much less has been said about the role played in political campaigns by powerful national organizations. It is widely understood that the present enormous power of organized labor in Washington is attributable certainly in part, to their awesome expenditures in Federal elections.

Of course, it is equally true that other large organizations have found ways to make their presence known by undisclosed financial contributions. This type of scandalous situation demands reform.

There is no way, of course, for us to legislate directly in regard to the media's role in elections, but any honest discussion of what is happening to the electoral process in the United States of America cannot overlook this significant aspect of the problem. We are attempting also to redress the advantages of incumbency.

THANK YOU

In conclusion, I would like to express my thanks to the 14,445 of my constituents who participated in this year's questionnaire, not only for returning their questionnaires, but also for their many interesting and constructive comments as well.

We live in complex and difficult times, but we must remember that our Nation has faced such times before; through fortitude and faith, we have always met our challenges successfully, emerging stronger than ever.

There are, of course, deep divisions of opinion, but it is from differences and conflicting ideas that wise decisions are reached. Although responsibility for casting my votes in the U.S. Congress is mine, the opinions which you have supplied to me are most helpful in meeting my obligations as your Representative in Washington.

NATION'S WELFARE CASELOAD HAS DROPPED

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, the Department of Health, Education, and Welfare recently published some heartening figures which showed that the Nation's welfare caseload has dropped for the first time in 3 years.

HEW cautioned that it is still to early to tell if May figures—the latest available—mark the beginning of a trend. But even if it is a national trend, it is of scant comfort to taxpayers in the District of Columbia, Virginia, and Maryland, my home State.

Maryland reported that the number of persons on welfare had risen 29.3 percent in the last year. Virginia reported a 32.9-percent increase from the preceding May and the District of Columbia had a 57.4-percent increase. And the national cost of welfare climbed to nearly $1.5 billion in May.

So, despite our hopes that an encouraging trend may have begun, I believe it is important for us to monitor closely the welfare caseload and expenditures trend with a view toward a House response following action on the family assistance plan in the other body.

LEONARD WOODCOCK'S STATEMENT ON NOISE POLLUTION

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I would like to include in the Congressional Record today the testimony of the United Auto Worker's President Leonard Woodcock, before the House Interstate and Foreign Commerce Subcommittee on Health and the Environment on July 16, 1971.

Mr. Woodcock discusses one of the most important and least understood environmental health problems America faces today—noise pollution. Mr. Woodcock's testimony is straightforward, interesting, and highly persuasive.

I urge my colleagues to read this important statement on a subject which deserves far more of both our attention and the country's resources. It follows:

The Noise Around Us: Hazards and Cures

As President of an International Union of about 1,600,000 men and women working in several thousands of plants, shops and offices in the automobile, aerospace and agricultural implement industries, I appreciate this opportunity to discuss the serious and growing problem of occupational noise hazards.

In the last few years there has developed a widespread understanding—although not widespread enough—that the noise around us is a form of pollution; and that noise pullution is harmful to humane health and well-being, not only in that it is the major cause of deafness, but also in the broader sense that it is a major contributing factor to the psychosomatic stresses and strains that have become endemic in industrial societies, particularly in urban areas. And since 70 percent of Americans live and work in urban areas, what this Committee and the Congress can do to achieve a quieter society is a matter of rather high priority.

The UAW is seriously interested in action by government and industry to curb the noise that this noisiest of countries produces, because a high percentage of our members, like many other industrial workers, not only work in noisy environments, but commute between noisy jobs and noisy streets and neighborhoods.

Estimates of the number of workers subjected to noise hazards on the job have varied. M. Thomas Summar, M.D., of Hearing Conservation, Inc., writing in *National Safety News*, September 1969, stated:

"Today the greatest non-killing health hazard in American industry is NIHL (noise-induced hearing loss), involving at least six million—with estimates to 16 million—workers. It is painless, does not bleed, cannot be seen, appears gradually, and one is unaware that the daily temporary hearing loss will become permanent in time. . . ."

The *Detroit Free Press* of March 21, 1971 cites a recent report of a U.S. Department of Commerce panel on noise pollution as stating that "Millions of workers are now exposed to noise levels that have been shown conclusively to produce hearing damage", and that "Most of these workers are unaware of the hazard and do not act to protect themselves."

What has made noise pollution a national issue in the last two or three years, however, is not primarily the increasing noise levels in industry, but rather the degree to which millions of other citizens not directly exposed to occupational hazards have found themselves caught together with industrial workers in a common, seamless web of noise produced by an economic system dedicated to aimless growth and quick sales, rather than to proper performance and design in products and communities.

According to the *Free Press*, the Commerce Department panel said that 150 million Americans living in cities and suburbs are exposed to annoying noise which "constitutes a degradation of health."

The Environmental Health Service of the U.S. Department of Health, Education and Welfare states that "over seven million workers are exposed to noise levels that may damage their hearing over a prolonged period of time." But it also states (*Environmental Health Problems*, GPO, 1970) that:

"Social surveys registering annoyance reactions to a variety of noises in the metropolitan areas have found the percentage of people so disturbed to have increased from 23 percent in 1948 to 50 percent in 1961. And the 'annoyance' trend is upward."

The "annoyance trend" reached a peak with rejection of the SST by a Congress whose vote reflected a high degree of national concern not only over the possibility of stratospheric pollution but also over the certain aggravation of an already serious degree of noise pollution from aircraft flyovers in metropolitan areas if SST's were introduced into regular service.

ACOUSTICAL VIOLENCE: THREAT TO HEALTH

We have recently begun to understand that noise is an "annoyance" in more than the nuisance sense. To annoy, according to the dictionary, "implies temporary disturbance of mind caused by something that displeases one or tries one's patience". Noise in the pressure-cooker of industrial-urban society is not a temporary disturbance; it is virtually inescapable, day and night, particularly for the factory worker who lives in the city. Nor does noise merely try one's patience; it is a form of violence, assaulting the entire human system; and there is strong presumptive evidence, derived from scientific studies and laboratory experiments, that the stress of noise and the body's reaction to that stress are causative or aggravating factors in the development both of emotional states such as tension, resentment and frustration and of a number of chronic illnesses. Much of this evidence is set forth in the book, "The Tyranny of Noise" (St. Martin's Press, 1970) by Robert Alex Baron, founder and director of Citizens for a Quieter City. Mr. Baron cites an excerpt from the keynote address by Dr. William H. Stewart, former Surgeon General of the U.S. Public Health Service, to a conference on noise as a health hazard. Drawing a parallel between the health hazards of noise pollution and fatalities caused by air pollutants trapped over Donora, Pennsylvania, and a number of other cities, Dr. Stewart said:

"Donora incidents occur daily in communities across the U.S. Not in terms of specific numbers of deaths attributable to excessive noise exposure, but in terms of many more than 20 cardiovascular problems . . . for which the noises of twentieth-century living are a major contributing factor."

Mr. Baron also cites Dr. Edward F. Crippen, Deputy Health Commissioner of Detroit, during that city's 1967 riots, as suggesting to a meeting of the American Public Health Association that interrupted sleep is one of the sources of tension in the inner city. "The din of the modern city," Dr. Crippen reportedly said, includes "noises far above levels for optimum sleeping. Result: insomnia and instability."

The author of "The Tyranny of Noise" also refers to findings of Dr. Gunther Lehmann, former director of the Max Planck Institute, to the effect that:

". . . exposure to loud noise in factories interferes with blood circulation, and that workers in a boiler factory suffered constantly from impaired circulation of the skin. Vasoconstriction and accompanying loss of oxygen and other nutrients may be a cause of destruction of the cells of hearing, as well as of cells in other organs of the body."

Mr. Baron also states:

"Dr. Jansen's studies at the Max Planck Institute have shown that noise bursts of 70 decibels and more caused pronounced bodily reactions which, he believes, could lead to illness if continued and high. In his pioneering study of a thousand steel workers, the group working in noisy conditions—more than 90 decibels—had a higher incidence of physiological and psychological disturbances than a comparable group working under quiet conditions (61 percent as against 48 percent). The noise-stressed group also revealed a 24 percent incidence of heart irregularities as against 16 percent for the 'quiet' group. In Dr. Jansen's opinion, many industrial noise levels cause such undesirable reactions."

Certain diseases, Mr. Baron reminds us, are designated as stress-activated diseases:

". . . the coronary, the ulcer, the irritable colon, the erratic blood pressure, the migraine headache, a great deal of mental illness, and what one doctor describes as 'Selye's syndrome of "just being sick."' "

Noise as a component of stress cannot be ruled out as a contributing factor in such diseases and ailments.

Probably the two greatest dangers to health implicit in the mounting assault on the human organism by noise and other environmental pollutants lie in the delayed effects of such pollution and, ironically, in the remarkable adaptability of man himself. Dr. Rene Dubos, the distinguished microbiologist, experimental pathologist and authority on the ecology of disease, stressed those two factors in a paper given at the 1966 forum on environmental quality sponsored by Resources for the Future, Inc., and published in *Environmental Quality in a Growing Economy* (1966, The Johns Hopkins Press). Dr. Dubos stated:

". . . Modern man, like his ancestors, can achieve some form of physiological and sociocultural adjustment to a very wide range of conditions, even when these appear almost incompatible with organic survival. The rapid increase in population during the nineteenth century occurred even though the proletariat was then living under conditions that most of us would find almost unbearable . . ."

* * * * *

"Because human beings are so likely to become adapted to many undesirable conditions, and because they tend at present to make economic growth the most important criterion of social betterment, it will not be easy to create a climate of opinion favorable to the immense effort needed for the control of environmental threats. Yet it is certain that many environmental factors exert a deleterious influence on important aspects of human life . . . the reason this danger is largely overlooked is that the damage caused to human life by environmental insults is usually so delayed and indirect that it escapes recognition through the usual analysis of cause-effect relationships.

". . . the very fact that man possesses great ability to achieve some form of biological or social adjustment to many different forms of stress is paradoxically a source of danger for his welfare and his future. The danger comes from the fact that it is often difficult to relate the delayed and indirect pathological consequences of environmental damage to their primary cause."

Dr. Dubos then went on to describe how from the beginning of the Industrial Revolution the inhabitants of Northern Europe have been exposed to many types of air pollutants produced by incomplete combustion of coal, an exposure aggravated by the inclement weather of the area. Nevertheless, the Northern Europeans "adapted" to these circumstances, although outsiders experiencing the situation for the first time found it unbearable. Further, Dubos noted that similar adaptive responses have been common in heavily industrialized areas all over the world. And he continued:

"Unfortunately, acceptance of air pollution results eventually in various forms of physiological suffering and economic loss. Even among persons who seem almost unaware of the smogs surrounding them, the respiratory tract continuously registers the insult of the various air pollutants. After periods of time that differ from one case to another, the cumulative effects of irritation commonly generate chronic bronchitis and other forms of pulmonary disease. Because this does not happen until several years later after initial exposure, it is difficult to relate the manifestations of the pathological condition to the primary physiological cause.

"Chronic pulmonary disease now constitutes the greatest single medical problem in Northern Europe, as well as the most costly; it is increasing in prevalence at an alarming rate also in North America, and it will probably spread to all areas undergoing industrialization. There is good evidence, furthermore, that air pollution increases the incidence of various types of cancer as well as the numbers of fatalities among persons suffering from vascular diseases. But here again, the long and indefinite span of time between cause and effect makes it difficult to establish convincingly the etiological relationships.

"The delayed effects of air pollutants constitute models for the kind of medical problems likely to arise in the future from other forms of environmental pollution . . .

". . . society will become adjusted to levels of pollution sufficiently low not to have an immediate nuisance value, but this apparent adaptation will eventually cause much pathological damage in the adult population and create large medical and social burdens."

Dubos gives other examples of human "adaptation" to lower levels of physical and social well-being that shed light on our present situation with respect to the health and social hazards of noise pollution:

"Persons who have been born and raised in an environment where food intake is quantitatively or qualitatively inadequate seem to achieve a physiological adaptation to the kind of malnutrition that they have experienced in youth. Adaptation to low food intake has obvious merits for survival under conditions of scarcity but, as is now realized, it creates a vicious circle of metabolic difficulties and mental retardation or indolence . . ."

He states further:

". . . Like other stresses to which man becomes adjusted, minor infectious processes probably play an important role in the diseases of the modern world."

Noise is obviously one of the stresses to which man becomes "adjusted," perhaps by becoming literally deaf to it, or by retreating into various forms and degrees of alienation, finding shelter or release in alcohol, drugs, the counter-noise of amplified music, perhaps in irresponsible, violent aggression turned in against himself or outward against family or community.

Further research into these obscure corners is clearly required. Without further research, however, our own awareness and experience tell us that noise is most intense and threatening where and when people are concentrated, in cities and in places of work. Dubos also has a warning against crowding:

"In view of the increase in the world population, the problems posed by adaptation to crowding bid fair to change in character and become of increasing importance in the near future."

Man, he says, is clearly a gregarious animal who up to a point welcomes and profits from the social advantages of crowded environments; but he warns that these social advantages have "pathological counterparts" if crowding is carried too far:

". . . Physiological tests have revealed . . . that crowding results in an increased secretion of various hormones; the greater activity of the adrenal cortex is of particular importance in this regard because it affects the whole human physiology. An adequate secretion of adrenal hormones is essential for well-being but an excessive secretion has a variety of deleterious effects."

And he states that experimental studies with many animal species demonstrate that excessive crowding results in many forms of behavioral disturbances, including "complete social unresponsiveness".

Thomas A. Edison, according to the author of "The Tyranny of Noise," foresaw a time when urban man might eventually be born deaf. We cannot be certain that such a prediction will prove to have been a flight of fancy until we take more seriously and deal more vigorously than we thus far have done with the health and social hazards of noise.

NOISE POLLUTION IN THE WORK PLACE

As the environmental, consumer and "corporate-responsibility" movements have taken form and begun to acquire strength during the last few years, more attention has been directed at the environmental hazards of the work place. The surrounding community, after decades of relative indifference, has begun to perceive that the various kinds of pollution pervading the community are of a piece with the hazardous environments with which workers have so long had to contend on the job. Some communities, taking a quick and superficial view of the problem, have passed ordinances prohibiting windows in plants housing noisy operations adjacent to residential neighborhoods. We have found that such misguided efforts, while they may bring relief to the affected neighborhood, only aggravate the environmental predicament of many workers by adding claustrophobia to the trapped noise.

Industries where UAW members work have lately become more seriously aware of noise hazards. Yet in our industries as throughout American industry, with few exceptions, occupational noise abatement programs are in their infancy, and while there has been some progress, it is easy to point to a number of operations which from the standpoint of noise pollution constitute disaster or near-disaster areas.

In a drop-forge plant, for example, of 60 employees with from five to 25 years of seniority, over half have been found to suffer a degree of hearing loss varying from 40–70 percent. Nor is such a situation unique. In more than one instance, neighbors living in the vicinity of such operations have combined to bring class-action suits to prevent the noise of the big hammers from spilling out of the plant into their streets and homes. It is impossible to describe to anyone who has not seen such an operation the stress of noise and heat inflicted on the men whose bodies shake and sweat and bounce with the floor as the hammers descend into the hot metal. No way has yet been found, from an engineering standpoint, to eliminate the noise. Present solutions are limited to ear protection and the isolation of the operation itself to protect workers in the rest of the plant. Despite the hazards of drop-forge work, however, many drop-forge workers will not wear earmuffs because their use would aggravate the heat problem. Moreover, many workers in this as in other classifications have tended to accept the hazard of hearing impairment and stress of a noise-saturated work place as a condition of employment, out of their concern for job security.

Stamping plants offer another operation notorious for its noise hazards. Here, heavy presses are fed thin-gauge sheet metal, which is stamped into automobile car doors, front and rear panels, hoods and trunk lids. As each piece is stamped, each heavy press is disengaged by an air-release device which adds six to eight additional decibels of screeching noise to the 92 decibels of high, ringing noise created as the stamping body components are dropped from a bank of up to 30 presses on to metal conveyors or rods. Almost all of the noise in a stamping plant is avoidable, a result of negligence and/or indifference on the part of industry and of a disposition among workers to take it for granted. Mufflers could be put on all the air releases, and the noise of metal on metal could be eliminated or drastically reduced by covering conveyors, rods and table tops with materials which would deaden the sound.

Foundries have evolved over the years, yet quiet foundries are difficult to find, particularly during shake-outs, shaking out of sand and molded parts, although some have bumpers made of rubber or oak wood, both of which reduce noise levels. Every pouring line in a foundry has a shake-out. There are knock-outs, poke-outs, and knocking-off of excess metal. There are chipping lines where excess pieces of metal are chipped off, giving high decibel readings. Fifteen to twenty men on a line, all using pneumatic chippers, and up to five lines, all chipping, produce a great deal of noise. High noise levels also prevail on grinding lines.

A major noise problem in foundries, in addition to the stress of specific noisy jobs, is the ambient noise that travels and involves everybody in the foundry, including clerks. Nobody is isolated or immune, because with the usual exceptions, foundries, like most places of work, are designed primarily with the requirements of production in mind. And the requirements of production, as industry by and large views them, give no central priority to the human aspect of the production process. The National Commission on Technology, Automation, and Economic Progress called in 1966 for:

". . . the realization that machines can now be designed to serve the needs of those who operate them and that in this creative synthesis of human and purely productive needs we can achieve not only more efficient production but also more satisfactory personal development . . . Today it is possible to view jobs as broad entities in which the human personality may be considered just as vital a component as the nonhuman mechanism.

"We must . . . train a new generation of men who view the processes of production and employment as an integrated whole, with men and machines interacting with each other."

That generation of men has yet to appear. If industry is moving toward the goal recommended by the Automation Commission—"humanizing the environment of work"—it is moving at a snail's pace. And the prevalence of avoidable noise on the job throughout so much of industry is a good indicator that millions of American workers are still fighting a daily, uphill battle against a management view of production that is indifferent to and frequently contemptuous of human needs.

Even when occupational noise is recognized as a hazard, the response to the hazard throughout most of industry is minimal. Despite serious attempts in many of the larger companies, occupational control of noise for the most part has not yet arrived at or gone far beyond the ear-plug stage. An industrial hygienist on the UAW staff recently saw ear plugs being indiscrimnately dispensed to workers out of a crib, in the plant of one of the larger companies, in flagrant ignorance or disregard of the fact that ear plugs are useless and harmful if not fitted to each worker by the plant medical department. In smaller plants, it is not uncommon that if ear plugs are needed, the workers themselves have to buy them.

If a Local Union schedules an after-work or weekend meeting to acquaint workers with the facts concerning noise hazards and ear protection, attendance will be sparse. Yet if Local Union officers request a joint meeting with management during work to assure good attendance, management will rarely be receptive because such a meeting would cut into production time.

We in the UAW know all too well that there is worker indifference as well as management indifference to the hazards of noise, and that there are workers as well as employers who do not recognize that noise is a health and safety hazard. We realize that unions have an educational responsibility in this matter, and our educational programs in the UAW are giving stronger emphasis to the importance of combating noise as well as other forms of pollution in the work environment. Yet we flatly reject the naive or cynical notion, frequently advanced by the Nixon Administration, that all of us—"we, the people"—are collectively guilty. The implication of this upside-down populism is that if every Tom, Dick and Harry stopped littering the landscape—or, in the case of noise pollution, kept their voices and TV volume down—the problem would be licked. This approach is being seriously offered to the American people, as in this advertisement contributed by the Advertising Council "for the public good":

People start pollution. Kids, cops, comptrollers. Butchers, bakers, businessmen. Mommies, models, mayors. Violinists, vice presidents, workmen, waiters. People can stop it. Keep America Beautiful.

This approach is comforting to industry and attractive to an Administration with an instinctive pro-business view of the world because by indicting the whole country it evades the crucial question of corporate and governmental responsibility. It equates the fellow whose noisy power mower disturbs the neighbors with the management and engineering personnel of the company that manufactured noise into the mower. It equates the worker who is careless about wearing ear protection with the employer who has never taken the initiative of developing a noise control program and never invested a dollar in quieter machines. And what about the responsibility of a federal government which has persistently failed to assure full employment and a climate of economic security in peacetime, with the result that millions of workers have concluded that they had better settle for the noise and dirt in the plant in order to hang on to a job?

FEDERAL LEADERSHIP IMPERATIVE

The crying need is not an ear plug in each worker's ear in a noisy workplace, but rather a quiet workplace. Noise must be controlled at its source, in the machinery and processes that produce noise, and in the construction and layout of the factory, shop and office. We are victims of noise and other forms of environmental insult and hazard, both at work and throughout the community, because of the reckless, selfish and shortsighted use of technology. The average worker and the average citizen have not had their hands on the levers of command in the management of the technological revolution and in the construction of what John Kenneth Galbraith calls the New Industrial State. To one degree or another—at least until the youth of today came on the scene—most Americans made a kind of private peace with their circumstances. Breadwinners and homemakers were too preoccupied with the daily rounds of work and life to raise searching questions, and over the long run there was a perceptible gain in material benefits.

Suddenly in recent years, not only a new generation but Americans of every age have begun to perceive that very heavy social and environmental costs were entailed in the management of the new technologies, and that we were—and are—paying those costs, more or less hidden for decades, in several forms of environmental danger and deterioration. The consumer and environmental movements have independently arrived at the same conclusion: that the managers of the New Industrial State, private sector corporate executives and public sector bureaucrats, have made and continue to make the key decisions affecting the use and abuse of technology and national resources; and that these decisions are made with only minimal participation by the public and their representatives, and with primary consideration not of the needs and rights of the community, present and future, but of the immediate interest, profit and prestige of the decision-makers.

From the nutritional content of breakfast cereals to the contamination of the environment to the American intervention and endless involvement in Indochina, the citizen-consumer and to a growing degree his legislative spokesmen have been at the mercy of private and public bureaucracies.

The remedy for this insolence of office and abuse of power is not to dismantle the federal government and turn its revenues and responsibilities over to state and local bureaucrats who can be even more insolent and less efficient. The remedy lies in public insistence, happily reflected in the Congress, that federal authority assume its full responsibility to espouse the public interest. With respect to occupational noise pollution, the remedy is to fund and enforce a vigorous noise abatement program under the Occupational Safety and Health Act of 1970.

A COMMITMENT TO A HUMANE TECHNOLOGY

Vigorous enforcement of the Occupational Safety and Health Act can move us dramatically closer to a new era of humane technology and acoustical well-being

If the Act is to provide that leverage, however, Congress and the Administration must undertake actions that bespeak an unequivocal commitment to noise control.

The present level of funding for administration under the Act, however, as the UAW recently told the House Appropriations Subcommittee, is, in our judgment, "a nickels and dimes approach which can only tragically delay the goal of a safer and healthier workplace for the 57 million workers covered by the law."

We further stated:

"Specifically we ask that the House Subcommittee triple the request of Labor/HEW so that more money for safety inspectors will be available, more research can be conducted into the causes and prevention of occupational illnesses, and more training programs can be made available to both management and labor representatives."

Greater funding is also vital if the Law is to achieve the basic purpose of enabling the 50 states to shake off their lethargy and become vigorous partners of the federal government in creating a uniform national standard of excellence in occupational health and safety.

A further weakness in the federal government's approach to noise control which will render the Law less effective in bringing noise levels down to sane levels is the 90-decibel standard of maximum permissible noise exposure which the Occupational Safety and Health Act borrowed from the Walsh-Healey Act. In borrowing it, it borrowed a diluted standard set at the beginning of the Nixon Administration under intense pressure from industry. Industry had asked for a 92-decibel standard, as against the 85-decibel exposure level tentatively won in the final days of the Johnson Administration through amendment of Walsh-Healey. As a result of the Nixon concession to industry, workers can be legally exposed to a noise level 50 times higher than would have prevailed if the Wirtz amendment had become effective.

We in the UAW believe that the Congress should establish a more humane noise exposure level, taking into account that a very high percentage of industrial workers, unlike those Americans who are not subjected to the stress and hazards of an industrial enivironment, are assaulted by noise both on the job and off. A title on the door usually rates sound-absorbing carpeting on the floor and/or curtains on the windows, amenities not frequently available to blue-collar workers in their places of employment. Since they are exposed to high sound levels over a considerably greater time span than most white-collar and professional workers, they should be protected by a lower noise exposure standard.

We have the technologies to create quieter equipment and quiter environments. And the federal government has the means, through fiscal measures and in its procurement policies, to insist upon specifications that will encourage wholesome competition within industry to design and produce the components of a quieter environment.

A QUESTION OF PRIORITIES

It comes down in the end to a question of priorities: not what we can do but what we want to do. If we want to build missiles and spaceships instead of quiet factories, offices and mass transit systems, our priorities will be reflected in an allocation of resources and incentives which will create the skills and technologies to make missiles and spaceships. We have a shortage of environmental acoustics experts and of trained noise abatement personnel because neither industry nor government has been sufficiently interested in subsidizing university education in these skills.

Finally, while there is a serious need for more education and more research in the largely uncharted areas of noise pollution and abatement, there is an even greater need for action on the basis of the knowledge and technologies we already possess.

Representative William Ryan, in the *Congressional Record* of May 5, 1971, cited a news Agency dealing with the activities contemplated by its new Office of Noise Abatement and Control. One of its projects would be a study of the "projected growth of noise levels in urban areas through the year 2000 . . .".

This project we can do without. We already know that much of the worker population of the United States may well be wholly or partially deaf by the year 2000 if we persist in our present headlong pursuit of indiscriminate growth. This kind of trend-spotting research should give way to urgently needed remedial action. Instead of projecting the upward trend in noise levels, we should be busy reversing the trend and mobilizing our great skills and resources for the massive task of creating serene and rational communities.

BACKWARD STEP IN THE STRUGGLE FOR TAX JUSTICE

The **SPEAKER**. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 20 minutes.

Mr. VANIK. Mr. Speaker, on Tuesday, October 5, the House of Representatives will commence general debate on H.R. 10947, the Revenue Act of 1971. On Wednesday, October 6, a final vote will occur on this measure.

Under the closed rule, only a motion to recommit will be in order. Under this procedure the membership of the House will be denied any opportunity to amend or strike out any objectionable feature of the bill. This procedure demeans every Member of the House, by denying him the right to offer an amendment or to vote against an undesirable provision—a right which all Members of the other Chamber can exercise.

While the bill reported out by the Ways and Means Committee was a considerable improvement over the President's recommendation, it has the basic impediment of providing a huge tax bonanza to the business sector.

This legislation constitutes an incredible backward step in the struggle for tax justice. It is a sluggish, uncertain approach to recovery, full employment, and stable prices.

This tax proposal, H.R. 10947, including the establishment of the 7-percent investment credit, the repeal of the automobile excise tax and the administration's asset depreciation range, provide a tax reduction of over $5 billion to the business sector of the American economy while the average taxpayer, earning $9,000 per year with three dependents will receive a tax saving of only $24 or 7 cents per day.

The 7-percent investment credit will cost the Treasury $2.4 billion in fiscal 1972 while the asset depreciation range will cost about $1.5 billion. The fiscal 1972 cost of DISC will cost about $100 million. Since a considerable portion of the motor vehicle and light truck excise tax is on vehicles used in business, the net Treasury loss and business gain will exceed $5 billion in fiscal 1972. By fiscal 1977, this Treasury loss will reach an annual rate in excess of $12 to $15 billion.

For the next year the proposed tax credit appears more likely to increase corporate profits than to create jobs for unemployed workers. According to a New York Times survey, most companies will replace machinery and equipment at about the same rate they had planned before last month's windfall announcement. The survey indicated that few new jobs will be created quickly either through plant expansion or in industries supplying new machinery.

If we calculate a $5 billion revenue loss in 1972 as the cost of creating 500,000 new jobs—a highly speculative figure, it would amount to over $10,000 in Treasury loss per job.

During committee hearings, the testimony was overwhelming on the need for a tax break for every business. There was an astonishing lack of expert testimony by objective, impartial economists—those who are motivated by principle—the love of Nation over personal profit or reward.

The committee considered the 7-percent investment credit as a permanent part of the tax law. There was no more evidence to support a 7-percent investment credit in 1971 than there was to support a 27½-percent depletion allowance in 1926. What is so holy and right about 7 percent? Why not 3 percent—or why not 14 percent on those purchases which are an increment over a base period? Why not a flat, 5-year depreciation on all machinery and equipment purchases? If we are writing a permanent law—why not establish some sustainable basis for our decision?

On April 22, 1969, the President, in urging repeal of the investment credit, said—

> This subsidy to business investment no longer has priority over other pressing national needs.

If he was right in April of 1969 in urging repeal of the investment credit, is he well-advised now to urge its reinstatement as a permanent law in addition to the asset depreciation range system.

The repeal of the excise tax on automobiles and light trucks will cost the Treasury $2.6 billion in fiscal 1972 and $3 billion per year thereafter. In addition to business purchasers, it only benefits the 7 million individual purchasers of automobiles who will not be expected to pay the straight sticker price for an overpriced automobile. The average automobile purchaser will soon catch onto this and return to his former practice of buying an automobile when he needs one, or when he gets a decent deal. In the meanwhile, the several States may impose excise taxes equivalent to or higher than 7 percent—and the Treasury loses $3 billion per year forever. Quite a cost—for a little "ping" in the marketplace.

When budgetary limitations are finalized as a part of this economic package, $5 billion will have to come out of essential programs in health, job training, education, pollution control or welfare. In the alternative, the $5 billion must be packed onto the Federal debt and fuel the inflation which trims the value of the dollar at home and abroad.

This tax program is designed to produce a vibrant bloom of corporate profits next summer and a harvest of bitter fruit in the cold seasons that follow. The tax package is inequitable and cruel to the individual taxpayer who will have to pay for it in the years ahead.

I urge the defeat of this proposal.

FARMWORKERS' WORKMEN'S COMPENSATION

The **SPEAKER**. Under a previous order of the House, the gentleman from Michigan (Mr. O'Hara) is recognized for 20 minutes.

Mr. O'HARA. Mr. Speaker, I am today introducing and announcing the opening of hearings on a bill (H.R. 11007) to provide a Federal workmen's compensation system for farmworkers, to protect them not only from injuries and illnesses arising directly out of their very hazardous work, but also to provide them with protection from disability arising out of the unsanitary and unsafe living conditions which confront many of them in the work camps where they must live as they move from job to job.

My bill, except for the provisions extending coverage to disability or illness arising out of housing conditions, a savings clause preventing a farm employer from having to pay two workmen's compensation insurance premiums if he does business in one of the few States which has a meaningful program, and a conforming amendment to the District of Columbia Workmen's Compensation statute, is essentially the same as title II of H.R. 5010, a bill I introduced in February, which sought to extend equality of treatment to farmworkers in a number of areas of protective legislation, including workmen's compensation.

Mr. Speaker, the issue in this legislation is simple enough. Most of the States of the Nation have enacted legislation covering most workers in most industries with protection from work-related accidents and illnesses. The workmen's compensation principle has been firmly rooted in our social and labor legislation structure for a half-century or more.

Two classes of workers—Federal employees and longshore and harbor workers—are covered by Federal legislation instead of State legislation—the former, because State legislation could hardly reach their "employer," and that latter because of the unique locus of their employment.

But farmworkers, many of whom travel from State to State in search of work, have no protection at all in most States, are actually specifically barred from protection in some States, including in the District of Columbia under an act of Congress, and are provided limited and second-rate coverage in most of the few States which provide them with any coverage at all.

The bill I am introducing today extends the benefits of the Longshore and Harbor Workers' Compensation Act to farmworkers, with some specific provisions applicable to farmworkers alone.

Because much of the very high disease rate among farmworkers stems from the inadequate and unsanitary housing—which is a part of the working life of many migrant farmworkers, I have included a provision allowing compensation to be paid for illness and injury arising out of such living conditions where the housing is provided by the employer.

The bill further retains for the employee a right of action against his employer if his disability or illness stems from the gross negligence of the employer—gross negligence being defined as including any violation of the Occupational Safety and Health Act or State or local safety and health laws.

Mr. Speaker, agriculture is the Nation's third most dangerous industry. The heavy use of toxic pesticides, the prevalence of child labor, well below the working age in other, safer industries, the frequently unsanitary conditions under which the work is performed, the presence of farm machinery in the fields—all these combine to make agriculture one of the priority industries in which workmen's compensation ought to be provided, as a basic right of the employee.

Mr. Speaker, as an employer, the U.S. furnishes its own employees with the benefits of a generous and comprehensive workmen's compensation system. Under the Federal Longshoremen and Harbor Workers Compensation Act, employers in that industry, and private employers in the District of Columbia are required to assure the payment of compensation to their employees in case of disabling accident or injury. Most of the States require most employers to make similar assurances for their own employees.

But the farmworker is systematically excluded from workmen's compensation coverage just as he is systematically excluded from unemployment compensation, labor relations legislation, child labor laws, and full protection under the minimum wage. If the States will not require farm employers to provide accident and illness compensation to people who work in this third most hazardous American industry, the Congress must step in and require these employers to do what other employers must already do.

Hearings on H.R. 11007, Mr. Speaker, will begin before the Subcommittee on Agricultural Labor of the House Education and Labor Committee, on October 7, and will continue well into October. I am hopeful on this bill, as I am on the child labor bill on which my subcommittee has just concluded hearings, that we will be able to report a bill to the House in the not-too-distant future.

I include the text of H.R. 11007 be printed at this point in the Record:

H.R. 11007

A bill to provide compensation for the injury, illness, disability or death of employees in agriculture, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Workers' Compensation Act."

Sec. 2. (a) The provisions of the Longshoremens and Harbor Workers' Compensation Act, except as provided herein, shall be applicable in respect of disability or death of an agricultural employee—

(1) occurring in the course of his employment in agriculture, or

(2) arising out of any unsafe, defective or unhealthful condition or inadequate sanitation facility of housing provided as an incident to his employment in agriculture.

(b) For the purpose of this Act—

(1) the term "agricultural employee" means any employee of an employer if such employee is employed in agriculture, as defined in section 3(f) of the Fair Labor Standards Act of 1938.

(2) The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment, or injury, illness, disease or death arising out of any unsafe, defective or unhealthful condition or inadequate sanitation facility of housing provided as an incident to employment in agriculture.

Sec. 3. Notwithstanding any provision of section 5 of the Longshoremen's and Harbor Workers' Compensation Act if the injury, illness, or death of the employee is a result of gross negligence of the employer, the employee, or his legal representative in case death results from the injury or illness, may maintain an action at law for damages on account of such injury, illness or death. In such action the defendant may not plead as a defense that the injury or illness was caused by the negligence of a fellow servant, nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee. For the purposes of this section, the term "gross negligence" shall include, but not be limited to, the failure of an employer to comply with a provision of Federal, State or local law concerning occupational health and safety or applicable to housing provided his employee if such failure is the proximate cause of the injury, illness or death.

Sec. 4. (a) Where the use of an economic poison in the manner prescribed by its label or by the labeling accompanying it results in disability or death of an agricultural employee from personal injury, the Secretary of Labor shall furnish benefits to such employee and his survivors as provided in this section.

(b) The benefits to be furnished under this section shall be those to which the agricultural employee or his survivors would have been entitled under subchapter 1 of chapter 81 of title 5, United States Code, if at the time of the personal injury or death the agricultural employee had been an employee as defined in section 8101(1) of such title engaged in the performance of his duty, adjusted to reflect comparable benefits, if any, received by the employee or his survivors by virtue of the employee's actual employment at the time of the personal injury or death.

(c) (1) For purposes of this section—

(A) The term "Secretary of Labor" includes any person to whom the Secretary has delegated any functions pursuant to paragraph (2) of this subsection.

(B) The term "economic poison" means an economic poison as defined in section 2(a) of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135(a)) which has been registered in the manner prescribed in such Act.

(2) The Secretary of Labor may delegate to any bureau, officer, or employee of the Department of Labor any function conferred upon the Secretary of Labor by this section.

(3) Claims under this section shall be submitted and paid in accordance with the procedures provided in subchapter 1 of chapter 81 of title 5, United States Code.

(4) The Secretary of Labor may refer any application received by him pursuant to this section to the Administrator of the Environmental Protection Agency for his assistance, comments, and advice as to any determination required to be made under this section. To insure that all Federal assistance under this section is carried out in a coordinated manner, the Secretary of Labor is authorized to request any Federal department or agency to supply any statistics, data, or other materials he deems necessary to carry out his functions under this section. Each such department or agency is authorized to cooperate with the Secretary of Labor, and, to the extent permitted by law, to furnish such materials to him.

(5) Sums necessary to carry out this section shall be paid from appropriations to the Environmental Protection Agency, which appropriations are hereby authorized.

Sec. 5. Nothing in this Act shall be deemed to prohibit any employee from applying for compensation or other benefits for which he is eligible under the law of a State if he so elects.

Sec. 6. Nothing in this Act shall be deemed to require an employer to secure the payment to his employees of the compensation payable under this Act if such employer has provided for such compensation for his employees under a State law determined by the Secretary to provide a compensation program at least equivalent in benefits and coverage to that provided by the Longshoremen's and Harbor Workers' Compensation Act.

Sec. 7. Section 2 (4) of the Act of May 17, 1928 (Ch. 612, 45 Stat. 600) is amended by striking "in agriculture,".

JOINT COMMITTEE ON THE BUDGET

The SPEAKER. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 15 minutes.

Mr. RUNNELS. Mr. Speaker, I am today introducing legislation to establish a Joint Committee on the Federal Budget. The primary function of this committee will be to estimate Federal revenues and provide Congress with a recommended Federal budget each fiscal year. It will also provide Congress with a monthly balance sheet on appropriations.

This joint House-Senate committee would consist of 26 members, including the chairmen of the House Appropriations Committee, the House Ways and Means Committee, the Senate Appropriations Committee, the Senate Finance Committee, and 11 more members appointed from both the House and Senate.

It is my intent that the efforts of this committee will be directed toward the reduction of huge Government deficits such as the $23.2 billion deficit incurred by the Nixon administration in fiscal year 1971.

As you know, when we change administrations every 4 to 8 years, each new President brings in new people who assist him in projecting revenue estimates and preparing a Federal budget. The Federal Government has grown so much in recent years that it has proven to be almost impossible for any new administration to get on top of such a mammoth undertaking as quickly as it should.

Historically, we find that almost all administrations—Democrat and Republican—have overestimated Federal revenues, and that is one of the big reasons for continued big deficits.

A current example of our plight is last year's budget. When President Nixon proposed the fiscal year 1971 budget, he estimated that he would end up with surplus of $1.3 billion. Later on in the fiscal year he revised his prediction and presented the Nation with an estimate of a deficit of $18.6 billion. The latest Treasury report I have read states that even that estimate was off the mark by $4.6 billion. The administration has incurred a budget deficit of approximately $47 billion over the last 3 years.

There are other reasons, of course, but the one factor that has contributed to these deficits more than anything else has been overestimates on the part of the executive branch on Federal revenues. It is time to change our entire approach to this problem by having Congress come up with its own revenue estimate and budget and then provide each and every Member with a monthly balance sheet indicating how appropriations are affecting that budget. If Congress adopts this proposal, it should be able to come up with budgets more accurate and realistic than those we have been getting from the executive branch. Congress will then be able to avoid the deficit spending which has plagued this Nation in recent decades.

I do not propose that we replace the budgetmaking role of the executive, but only that we supplement it with a congressional budget. Such a system would provide its own checks and balances and would keep everybody a little more honest.

This joint responsibility on matters of the budget is a practice that has worked effectively in my own State of New Mexico, where legislators have two budgets to compare—one from the executive branch and one from their own legislative finance committee. They usually wind up approving parts of both budgets, but in the end the taxpayers get a better break.

By having its own committee on the Federal budget, Congress would be in a better position to vote on matters of Federal spending and the economy. I think it is time the Congress took a long, hard look at such a proposal and accepted the responsibility of better controlling the financial affairs of our Nation. This legislation would provide Congress with the tool it needs to do the job.

HOW MANY ILLEGAL ALIENS IN UNITED STATES?

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, on May 5, 1971, the Judiciary Subcommittee on Immigration and Nationality, of which I am chairman, began a series of hearings on the impact that aliens illegally in the United States have on unemployment in the United States.

Subsequent field hearings were held in Los Angeles on June 19 and 21, in Denver on June 24 and 25, and in El Paso on July 8 and 9.

As we investigated the issue of aliens illegally in the United States, the magnitude of the problem grew into staggering proportions. Concurrently, mail came to the committee from all over the United States pointing out other problems caused by illegal aliens, praising the committee for its efforts, and urging that the investigations continue.

I want to advise the House that the Subcommittee on Immigration and Nationality will hold further hearings in the very near future in Chicago, Detroit, the New York-New Jersey metropolitan area, and Washington, D.C.

This subcommittee has special jurisdiction over immigration and nationality matters and it will properly exercise this jurisdiction to find out why and how so many aliens are illegally in the United States, how much money they send abroad thus affecting our balance of payments, how many Americans are out of work because illegal aliens have taken their jobs, how unscrupulous employers take advantage of illegal aliens, how illegal workers depress wages, how smugglers exploit poor persons seeking only a better life in the United States, and how great the cost is to the public through nonpayment of hospital bills, as well as the receipt of unemployment compensation, welfare and other public services.

The subcommittee is now considering many possible solutions to this vast and complex issue. When our hearings are completed and we are satisfied that we have investigated all areas of concern, appropriate legislation will be brought to the House.

As I previously stated before the House, close to 350,000 illegal aliens were deported from the United States last year at a cost of $35 million. The hearings have developed that the deportation of this many aliens merely scratches the surface under which lies perhaps 1½ million aliens illegally residing in the United States.

In addition to the general public interest, our hearings have developed, I am very pleased to note that newspapers throughout the United States have given extensive coverage to this problem and more particularly major newspapers have followed the thrust of our hearings and have printed lead articles showing the impact of this problem.

I would like to include in the RECORD at this point several articles from the New York Daily News:

ILLEGAL ALIENS MAKE IT HERE AND SEND IT HOME

(By Edward Benes and Henry Lee)

Between 1 and 1.5 million illegal aliens are holding down jobs that rightfully belong to unemployed Americans. They are sending back perhaps $1.5 billion annually to relatives in their homelands and taking advantage of such overburdened urban facilities as housing, hospitals and public schools.

This picture of Uncle Sam as Uncle Gullible, the unwitting host, was drawn for The News by responsible sources.

The impact of these alien intruders—who often are blackmailed into slaving for below-minimum pay—has been particularly severe in the New York area.

The Immigration and Naturalization Service office at 20 W. Broadway has in its files for the last five years records of 14,000 "students" who came to the metropolitan area presumably for schooling—but have never showed up for classes, according to the schools.

These files also contain 43,000 complaints from citizens who have reported illegal aliens working here, collecting public benefits for which they are ineligible, beating hospital bills and otherwise biting the big fat hand that feeds them.

Not long ago, the immigration service raided a furniture factory here and discovered the entire work force of 24 were illegal aliens from British Guiana. The company protested that an immediate heaveho of all 24 would put it out of business.

RAID IN THE CATSKILLS

So the special inquiry officer who was hearing the case gave the aliens six months to "voluntarily" leave the country and he released them. Did they dutifully return to British Guiana? No one, not even the immigration service really knows.

Last month in the Catskills, a similar raid netted 27 illegal aliens, including one thrifty soul who had arrived Aug. 20, 1970, and proceeded to save $2,800 which included a $2,100 bank account, $500 cash and a $200 money order. These 27 aliens who were given "voluntary" departure dates and released.

The practice of telling people who have already broken the law to now please obey it and go home is defended as a necessary evil. The immigration service lacks funds and facilities to detain all the illegals, once it catches up with them.

And despite the worsening problem posed by the aliens, there isn't the manpower, either, to cope with them. In fact, there are about 650 fewer border patrolmen, immigration inspectors and criminal investigators than half a dozen years ago.

U.S. Rep. Peter Rodino (D-N.J.), chairman of the subcommittee on immigration of the House Judiciary Committee, reported that the problem of aliens illegally overstaying their visas "is more extensive than we thought."

NUMBER CALLED "STAGGERING"

"The numbers of these illegal aliens are staggering" he said.

Last year, about 400,000 were deported at a cost of $35 million he said, but the best guess is that only one in three or four was nabbed. He put the total number of illegal overstayers at between 1 and 1.5 million.

"We have found that a good many of them are working and sending money home—which certainly affects our balance of payment," he said.

Frank Kiley, immigration service deputy director here, said that during the last fiscal year the New York office found 10,000 deportable aliens.

According to Kiley, a survey was conducted of aliens whose departure slips had not been recorded. Less than 2% were found to be still in this country. After investigations, the service was satisfied that most of the remaining 98% actually had left the country.

HE TELLS OF EVIDENCE

However, Ed Kavazanjian, who has a background of 21 years as an immigration service and Treasury Department investigator, believes otherwise. Kavazanjian, liaison officer for the American Federation of Government Employes, insisted that he has access to records, files and men in the field to prove the figures on illegal aliens are "overwhelming."

Kavazanjian, who suspects that thousands of the aliens are on the welfare rolls throughout New York state, asserted:

"We know the illegal alien is overstaying his visa, working, sending money to the homeland, taxing our schools and social services and costing the United States billions of dollars during this economic crisis."

[From the New York Daily News, Sept. 28, 1971]

Illegal Aliens: A Stopover in Puerto Rico

(By Frank Faso, Edward Benes and Henry Lee)

By plane, the poverty-stricken Dominican Republic is only $26 and 55 minutes away from Puerto Rico. In cash and time, other Central and South American countries are almost as accessible. As a result, the Commonwealth of Puerto Rico has become a way stop for illegal Latin American aliens bound for the New York area.

Once they have reached here with forged documents attesting that they are "Puerto Ricans," they can easily lose themselves among more than one million Latins. The situation has become so serious that Puerto Rican leaders here are complaining bitterly.

According to their charges, the pseudo Puerto Ricans undercut their people economically, taking jobs at sub-scale pay, and commit crimes for which the Puerto Rican community is blamed.

The heaviest influx of illegal newcomers has been on the upper West Side, starting about 72d St. between West End Ave. and Central Park West and spreading north into Washington Heights. There are also large groups in the South Bronx and in Queens neighborhoods such as Jackson Heights and Corona.

A MEETING IS SCHEDULED

Luis Suarez, chairman of the Upper Columbus Ave. Community Association, serves as spokesman for a group of Puerto Rican leaders in upper Manhattan and the Bronx who have complained to the Mayor's Urban Task Force about the worsening situation. The committee is scheduled to meet with city officials within two weeks.

"After 20 years, things were going real well for the Puerto Rican community," Suarez said. "All our neighborhoods throughout the city were stabilized.

"You have to remember we now have first and second generation Puerto Ricans doing much better than their fathers and grandfathers. In fact, suburbia is full of our people who are on the ladder going up.

"Now, because of the influx of illegal aliens, crime is on the upturn. We are now going back to 20 to 25 years ago—but it is not the Puerto Rican citizens of New York who are responsible. The city and the federal government will have to realize that they have a major problem with people who do not belong here."

On the lower East Side as well as on the upper West Side, there has been an infiltration of the illegals. Right now, Frank Russo, district leader of Part B of the 60th Assembly District, is conferring with Puerto Rican block leaders in his area, which includes Little Italy, Chinatown and nearby blocks.

ECONOMIC BLACKMAIL

A major complaint is that the aliens are vulnerable to economic blackmail knowing that they face deportation if they protest sub-scale wages. According to sources in Local 144 of the AFL–CIO Hotel and Hospital Workers Union, some hospitals have given them preference over community workers in the federal on-job training programs.

These aliens, largely from the Caribbean, are denied promotion and warned that they will be reported to immigration authorities if they protest, according to the union sources.

In addition to hospitals, union sources say, the illegals find jobs in restaurants and factories because they are willing to work at less than scale and frequently change jobs which, until the national freeze, was important. Bosses didn't have to pay stepups because of the heavy turnover.

The aliens are spreading well beyond the five boroughs. Last week, in the upstate resort area, immigration agents seized 13 illegal aliens working in a hotel in Kerhonkson. Eight of them were from Colombia and Brazil.

One of the Brazilians, 20-year-old Vinicius Massote, had been here since entering as a 30-day visitor on Feb. 27, 1970. Working as a waiter for $35 base pay, he had been reportedly averaging $300 a week with tips and saved $2,000. Although he had no family here, he listed four dependents for income tax purposes, authorities said.

In Newark this past summer, immigration authorities found 24 illegal Latins crammed into a 16-room house. They included two from Guyana, three Chileans and 19 Ecuadoreans. All had obtained jobs almost immediately after entry, for the most part in the electrical, textile and chemical fields.

ALIEN-RUNNING RINGS

According to intelligence sources, five alien-running rings have been operating in Puerto Rico. For prices ranging from $50 to $400, depending on the amount of services supplied, they provide birth and baptismal certificates indicating that the aliens are Puerto Rican, as well as cram courses on the town or area of Puerto Rico where the alien supposedly comes from.

The rings also reportedly send runners into the Dominican Republic and other countries to offer forged certificates indicating Puerto Rican birth. With them, the aliens can fly without restriction to the island, from where an estimated 90% or more continue on to the New York area.

However, enough of them remain in Puerto Rico to pose a problem there, too. A high Commonwealth official is in Washington to seek greater federal aid in cracking down on the influx. Already, customs and immigration forces on the island have been somewhat beefed up, and the Coast Guard has been making patrols, since numerous aliens arrive by boat.

But the biggest problem is concentrated in New York, and the general taxpayer suffers as well as the Puerto Rican, for many illegal aliens are on the welfare rolls, according to a spokesman for the Welfare Department.

Last week, the spokesman disclosed, the height of gall was uncovered in the case of an illegal alien from the West Indies who later brought his mother here illegally.

Then he got her on welfare—and proceeded to steal her checks. When she objected, he apparently struck her, the spokesman said, and the case came to light when she complained to the department.

[From the New York Daily News, Sept. 29, 1971]

Illegal Aliens Ride on Uncle Sam and Rake in Relief

(By Edward Benes, Frank Faso and Henry Lee)

When an illegal alien from Latin America named Mario Jiminez was taken into custody by immigration officers in Long Beach, L.I., recently, he had social security cards under three names. This allowed him to apply for unemployment insurance under two of them while actually working under the third name.

In Norwalk, Conn., another alien, Guillermo Upegui-Madrid, who had been admitted as a visitor, worked six months until his firm moved to North Carolina. He then began collecting $101 weekly unemployment insurance from the state—for a $2,600 total—although he had managed to get another job that paid $2.60 an hour.

Aliens in New York City on student visas are working full time, although student visitors are legally permitted to work only 20 hours per week.

These are examples of abuses by illegal aliens who are chiseling on government benefits and holding down jobs. Since The News began exposing the situation, this newspaper has received numerous reports from public and private sources that the cheating is made possible largely by slipshod government controls.

For example, the welfare spokesman confirmed that many illegal aliens are on the relief rolls. There is no question on the welfare application blank as to citizen or immigrant status.

A large number of the illegal recipients who have been exposed have either left the city or the country, and the department has no way to recoup the illegal benefits, the spokesman said.

The city also subsidizes illegal aliens according to Sam Hirsch, a spokesman for the joint industry board representing unions and employers in the painting industry. He charged that the Board of Education is one of the largest customers of public works painting contractors who use illegal aliens on their work force.

Frank Schonfeld, secretary-treasurer of Painters and Decorators District Council 9, said that in public works jobs, city departments pick the low bidder but he asserted:

"That low bid is often made by the contractor who is employing illegal aliens at sub-union wages."

Schonfeld noted that the New York State labor law stipulates that preference in construction work be given persons who have been citizens of the state for at least six months. The state checks on the labor working on public buildings, he said, but the city does not.

Schonfeld says that 7% of the members of his union are unemployed and that 20% of his 6,000 members represent minority groups. In the apprenticeship program, 80% is made up of minority groups who cannot get jobs, Schonfeld reported.

"While the city saves money on the bidding," he said, "it loses immeasurably more because of this unemployment and the fact that usually the jobs are inferior, forcing the city to repaint facilities in quicker time."

Complaints are referred to the controller's ffice, Schonfeld reported, "and the controller ays it is up to the department to make as- urances that the contractor has a legal work orce."

Recently, however, Louis Ernst, assistant to he controller, has been trying to set up a sk force such as that maintained by the tate to check on employes working on public ontracts.

Federal agencies also are responsible for the idespread hiring of illegal aliens, according Mrs. Gina Wexler of the Household Agen- ies and Nurses Registry Association of New ork.

In her opinion "thousands and thousands" f jobs are being lost by American domestics ecause the illegals are working as "slaves" or $35 to $45 weekly in private homes, as well s holding down hospital and nursing home obs.

"I blame the United States government for he situation we are in now," Mrs. Wexler old the News. "In fact, the government is esponsible for many of the jobs these people ave.

"The biggest offender is the U.S. Employ- ent Service, which directs them to different omestic jobs without knowing their back- round."

Mrs. Wexler accused the Immigration and aturalization Service of failing to take ac- ion and also charged that the U.S. Depart- ent of Labor is not concerned by the prob- em.

In another area, the government victimizes self through lack of control.

Until last spring, Immigration worked osely with the Internal Revenue Service henever an employed illegal alien was ap- rehended. Frequently, a tax investigation ould turn up the fact that on their with- olding forms the aliens had listed as depend- nts persons living outside the United States.

A recent sample of two dozen cases dis- osed that the IRS had collected more than 15,000 in back taxes from the aliens. As of st April 1, however, pleading a manpower hortage, Immigration transferred its liaison mploye who had been working with IRS.

[From the New York Daily News, Sept. 30, 1971]

Crackdown Pledged on Welfare for Illegal Aliens

(By Edward Benes, Frank Faso, and Henry Lee)

As a result of disclosures by the News hat an estimated 25,000 illegal aliens in the tate are on welfare rolls, State Welfare In- pector General George Berlinger moved esterday to tighten relief requirements.

Berlinger was concerned to find that the pplication blank for welfare omits any uestions concerning citizenship, or immi- rant status. He promised to explore the roblem and said:

"I think that the governor and the Legis- ture should be informed of the need for a hange in the application form, which would nclude proof of status of the applicant— nd this should be considered nationwide."

Berlinger also urged "some sort of liaison ith the immigration people." Under such setup, he said, welfare authorities "might e able to check the people who are over- taying their visitor visas and see if they re on our welfare rolls. Then we could go fter them."

If there are 25,000 illegal aliens on the elfare rolls, as responsible sources have in- icated to the News, the impact "would be errific if we could lop them off," Berlinger aid.

However, officials of the Welfare Depart- ent here insisted that neither federal nor tate law requires citizenship and the only asis for welfare is need.

PRESSING PROBLEM

In the Puerto Rican community, the illegal liens pose probably the most pressing problem today, according to Nick Lugo, Jr., director of the Commonwealth of Puerto Rico office at 322 W. 45th St.

"Not only are they displacing Puerto Ricans in jobs and housing," he said, "but they are displacing everybody else.

"We have been aware of the problem for some time, and we are trying to do something about it. We do as much as we can on complaints from employed Puerto Ricans with information on aliens who are displacing citizens.

"The problem is that it is easier to come in by way of Puerto Rico than anywhere else, such as Canada. To cope with this problem would take all the resources of federal and local people."

MACHINERY IN OPERATION

However, machinery is already in operation to unmask the aliens from Central and South America. It is the 31-year-old Identification and Documentation Program in the Commonwealth office which checks queries from government agencies seeking to validate claims of birth in Puerto Rico.

Through cooperation with the Department of Health on the island, which sends out field representatives to verify claims of citizenship, the agency issues official identification cards which are recognized by the government.

Some time ago, the agency was instrumental in breaking up a smuggling ring in the Dominican Republic that was getting aliens into the U.S. via Jamaica.

ONLY A THREE-MAN STAFF

The catch is that the office, under director Pablo Vera, is staffed with only three persons, and has neither the funds nor the manpower for an expanded program.

"With enough help and money, this could be a major deterrent in curbing the problem we now have in the metropolitan area," Lugo said.

A subcommittee on immigration of the House Judiciary Committee has been conducting hearings on the illegal alien scandal in the Southwest. The chairman, Rep. Peter Rodino (D-N.J.) said that he hopes to schedule more sessions in Chicago, Detroit, Buffalo and Washington.

RODINO'S PROMISE

There are no plans as of now to conduct hearings locally, but Rodino did promise:

"Representatives of the Immigration Service from the New York-New Jersey area will certainly be invited to the next Washington hearing since the New York-New Jersey problem seems to be so severe."

The congressman suggested that one reform should be in the present loose system whereby anyone can obtain a social security card without proof of his status in the country.

STRONG BUREAUCRATIC RESISTANCE

However, a check by The News with the Social Security Administration in Washington disclosed strong bureaucratic resistance to any changes in the wholesale distribution of the cards to all who ask for them under any name.

According to Charlotte Crenson, a social security expert in the Department of Health, Education, and Welfare, high-ranking officials have recently concluded that "any tightening of these laws should not necessitate the penalizing greatly or the inconvenience of the public at large."

The officials fatalistically conclude that "sophisticated people would be able to find some means of outwitting any stricter laws."

Miss Crenson admitted that the Social Security Administration has no way of detecting persons who seek cards under different names to establish dual identities, but insisted, "This administration is not a law-enforcement or policing agency." Social Security laws do not require proof of citizenship or immigration status, she said, nor is the department required to assemble a "dossier" on the applicants.

AVOIDING EMBARRASSMENT

"We don't want to embarrass the person who wants to work because of the few who will work here illegally," she asserted. "What the hell! Would you want to answer all these questions?" We don't want to impose any undue hardship on the applicant."

The Immigration and Social Security laws are different, she said, and she dismissed Immigration's inability to crack down on the illegal aliens as "not our problem."

"Let them get more men," she said.

THE SHARPSTOWN FOLLIES—XLII

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, a number of journalists have taken a look at the Justice Department and at Will Wilson. They cannot understand how it is that the Justice Department maintains its stance of confidence in Wilson. They think that he ought to quit. One such journalist, writing for Newsday, wrote as follows:

[From Newsday, Sept. 29, 1971]

Editorials

Will of the People?

So often has the White House intoned the glories of honest work and the virtues of good-old-American-determination that one is led to believe the Nixon administration has an unending faith in the simple virtues. But, then, arises the unsettling case of Will Wilson.

Wilson came to Washington in 1969 from Texas where he had been a county prosecutor and state attorney general: In the capital, he assumed duties as head of the Justice Department's criminal division. That Wilson had spent six years in Texas as attorney for Frank Sharp, a crafty, and sometimes untoward operator, seemed to make no difference to the people who check credentials. Suddenly, the siren call of law, order and diligent toil went silent.

A recent Newsday story by Russell Sackett detailed some of the duties Attorney Wilson performed for his Texas employer. They included hiring an electronics expert to bug the conversations of federal examiners looking into a bank operated by Sharp and purchasing 1,000 shares in a Sharp life insurance company for a federal bank examiner. That purchase was consummated on the request of Sharp.

The odyssey of Will Wilson continues: Having secured a position of some stature within the law enforcement establishment of this nation, the attorney successfully dissolved morale in the Justice Department fraud section by calling off an investigation into a Texas firm called the American National Insurance Co.

INVESTIGATION KILLED

A legislative committee in Texas had accused four trustees of the foundation which controlled American National of wrongfully using their positions—and the insurance company—to make themselves rich, or richer. Further, said the committee, the trustees set up loans to mobsters, kickbacks to relatives of American National executives and engaged in many other "unethical, illegal and possible criminal acts." As it turned out, Wilson was instrumental in having three of the four accused trustees appointed to the foundation board in the first place. Explaining why he pulled Justice off the investigation, Wilson said simply it wasn't the "kind of case we want to pursue."

Despite all this, the White House continues to support Wilson, as does Attorney General Mitchell. In fact, a spokesman for Mitchell went so far as to say that the attorney general has absolute confidence" in his colleague from Texas.

It seems inconceivable, of course, that a man of Wilson's background could have found employment with the Justice Department to begin with. His installment at such a high rank only makes the situation more incredible. And, even if the administration were unaware of his past (a virtual impossibility) at the time of Wilson's arrival in Washington, the complexities of his career now stand in full view of the administration that instructs with such enthusiasm about the ecstasies of "the work ethic."

Once, when asked to explain his efforts on behalf of his Texas associates, Will Wilson said: "I trusted these people . . . I was a patsy." The question now stands: Whose patsy are we?

SPEECH BY THE HONORABLE JOHN B. CONNALLY, SECRETARY OF THE TREASURY, TO THE ANNUAL MEETING OF THE INTERNATIONAL MONETARY FUNDS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, several Members of the House and Senate have had the honor of being congressional advisers and observers to the annual meeting of the Board of Governors of the International Bank for Reconstruction and Development, the International Monetary Fund, the International Finance Corporation, and the International Development Association being held here in Washington this week.

This morning, the Honorable WILLIAM B. WIDNALL, ranking minority member of the House Committee on Banking and Currency, and I had the distinct pleasure to hear our Secretary of the Treasury, the Honorable John B. Connally, address this annual meeting.

This speech, in my opinion, was one of the most important and crucial ever delivered by a Secretary of the Treasury of the United States during the 25-year existence of these international institutions.

The Secretary's speech reflected the strong convictions which the United States has concerning the current crises that exist in the international finance and trade areas. Contrary to some of the rumors that have been in the press lately, the Secretary's speech reflects a commitment to hold to the position taken by the President of the United States in his speech on August 15.

Mr. Speaker, this is not to say that there is no room for honorable negotiations between the United States and the other nations of the world in these matters. But, in my opinion, as I interpreted the Secretary's speech, the United States in these negotiations would insist upon being dealt with fairly and equitably.

The Members of Congress and other advisers and observers to the meeting from the United States with whom I have discussed the Secretary's speech are, in my opinion, unanimous in what I say here.

The Secretary ended his speech on a note of hope. He said:

In conclusion, I would only reiterate we have a large agenda before us. We all know the present situation has both risk and opportunity.

We should not fear the one nor fail the other.

With the same vision that motivated those at Bretton Woods, we can build a better monetary and trading world.

With wisdom, we can devise monetary arrangements that combine an essential stability with the capacity to adapt.

With courage, we can move together to reduce restrictions on trade and payments, in recognition of our mutual dependence.

With patience, we can work together, finding a balance of opportunity and responsibility for rich and poor alike that fits the imperatives of today's world.

These qualities are present in the men who have come to Washington this week and in the governments they represent. You can be sure the United States will join you in the vanguard of the effort. In this sure knowledge, I look ahead with confidence.

Mr. Speaker, I am convinced that the President, our Honorable Secretary of the Treasury, and the administration will have the full support of the Congress in these international monetary and trade negotiations. We must come to a meeting of the minds concerning these vital international issues. In this endeavor we shall be resolute and fair in our position.

The statement made by the Secretary, the Honorable John B. Connally, follows:

STATEMENT BY THE HON. JOHN B. CONNALLY, SECRETARY OF THE TREASURY AND GOVERNOR OF THE BANK AND FUND FOR THE UNITED STATES, AT THE JOINT ANNUAL DISCUSSION

After a remarkable quarter century of stability and development, nurtured by close collaboration within the International Monetary Fund and the World Bank, events have challenged the underlying premises and functioning of the system devised at Bretton Woods. Some of those basic premises are now invalid.

Those at Bretton Woods planned for the transition from a war-torn world to a world of reconstruction and peaceful prosperity. The founders could assume, without challenge, a world in which the United States, for a time, possessed the dominant economic and financial power. The challenging goal was to rebuild the strength of others, in a context of flourishing trade freedom for payments, and rapid development.

Now, our very success has produced new problems. Trade has grown enormously—but the patterns have not been in sustainable balance. International transactions have been substantially freed and investment accelerated—but we have not learned to maintain an equilibrium in underlying payments or in exchange markets. And, after twenty-five years, international monetary stability can no longer depend so heavily on a single nation.

The announcements by President Nixon on August 15 recognized these long-building realities. In doing so, his intention was to launch the United States into a new economic era—and to assure more balanced and sustainable economic relationships with the rest of the world. His actions accept, as a basic point of departure, the links already emphasized here by several Governors between effective domestic performance, a secure balance of payments, and international financial stability.

We are committed to curbing inflation and revitalizing the American economy—not just this year or next, but for the longer pull. We are committed to ending the persistent deficit in our external payments; indeed, at this point in time, the only choice can be the means to that end, not the end itsel Finally, in taking the difficult decision t suspend the convertibility of the dollar int reserve assets, we are committed to negotiating with our friends for a monetary orde responsive to the needs and conditions o this generation.

The United States has not been alon among the countries represented here i grappling with the problem of achieving vigorous growth and productivity while dealin with the destructive forces of domestic inflation.

To cope with this situation, President Nixo moved boldly to apply a 90-day wage-pric freeze to make a simple point as forcibly an directly as he could: cooperation in the elimination of inflation is a prime nationa priority.

We are now deeply engaged in a broa effort, involving all elements in our economy, to develop an effective, forceful follow on program to the freeze. In a matter o weeks, that program will be announced. A the same time, we will be implementing othe parts of the President's domestic program t assure both near-term growth and lastin gains in efficiency, productivity, and technology.

In its entirety, this program is designed t fulfill our first obligation both to ourselve and to the international monetary system: stable, prosperous domestic economy.

Nevertheless, crucial as they are, I believ it is now fully understood that domesti measures alone cannot deal with the presen and prospective imbalance in the externa payments of the United States. The specifi monetary and trade measures which we introduced on August 15—including the imposition of a temporary import surcharge— will not in themselves solve the problem They were, however, the necessary first step to arrest an intolerable deterioration in th balance of payments position of the Unite States. The deterioration in our position has of course, had its counterpart in improvement abroad—and only by working togethe can we find solutions conducive to expanding trade and monetary stability.

I would like to emphasize the connectio we see between the balance of payments adjustment now required, on the one hand and the long-range evolution and improvement of the monetary system on the othe

First, without a full and lasting turnaround in the balance of payments positio of the United States, any new monetary arrangements inevitably would break down.

Secondly, such a turnaround cannot b fully assured and lasting unless necessar exchange rate changes are accompanied b trading arrangements that assure fair acces to world markets for U.S. products.

Thirdly, a more balanced sharing of responsibilities for the security of the fre world can and must be a part of a balance economic order.

These adjustments are both entirely feasible and eminently desirable in the light o the impressive economic growth and strengt of other leading trading nations. Indeed, w believe our objectives are shared by all nations with a fundamental interest in a stabl and balanced world trading and monetar system. We also share a common concern i seeing our deficit eliminated by means consistent with open economies and expandin trade.

We do not underestimate the difficulties o the process. But I am in no way dishearten or surprised by the absence of instant solutions in the six weeks since the President action. This simple fact is that progress i being made. In contrast to early Augus I believe there is explicit and general recognition that:

We face together an adjustment proble of substantial magnitude;

There is a need for a broad realignment o relative currency values;

Measures outside of the exchange rate field are a factor in restoring lasting strength in the U.S. balance of payments;

For the longer run, the international monetary system requires far-reaching reform, including a lesser role, at the least, for gold.

Indeed, we are now launched into an agreed program of work toward a solution in all these areas as soon as feasible.

Much can be done in bilateral and multilateral negotiations in the weeks ahead.

We are all gratified, I believe, that we have progressed this far. But none of us, at least I don't, mistake progress in understanding and agreement on procedures for the hard policy decisions necessary for a satisfactory solution. Much difficult work remains, both of an urgent and of a painstaking nature.

As you know, the United States has made explicit its own analysis of the needed turnaround in our own balance of payments position. It reflects the hard fact of a substantial underlying adverse trend in our trade position.

Some have urged that the adjustment sought by the United States is too large. We are told time is of the essence. It is said we must be satisfied with an admittedly partial solution, lest restrictions and even retaliation begin and recessionary forces take hold. At the same time, we are told that the quick and partial solution must entail a change in the official dollar price of gold and that our surcharge must be removed as a prelude to negotiations.

We can fully appreciate the expressed concerns. We also fully understand that our surcharge—while applied across the board in a non-discriminatory way—as a practical matter affects products and countries unevenly. We are conscious of the political sensitivities of decisions on exchange rates. Yet, in the interest of frankly discussing the issues, I must say plainly that we find a certain inconsistency between the expressed concerns and the proposed remedies.

A change in the gold price is of no economic significance and would be patently a retrogressive step in terms of our objective to reduce, if not eliminate, the role of gold in any new monetary system. Removal of the surcharge, prior to making substantial progress toward our objectives, would accomplish nothing toward correcting the balance of payments deficit. Nor can measures by others to resist exchange rate realignment or other adjustment measures by controls, restraints, or subsidies help the process of resolving the situation promptly and effectively.

We must find more timely and constructive ways to meet these economic and negotiating problems—to avoid the contentious issue of the gold price, to achieve the earliest possible removal of the surcharge, and to help determine the size and distribution of the needed exchange rate realignment. Faced with these difficulties, I believe we should welcome the help that the market itself can provide in reaching crucial decisions.

Many nations already are allowing their currencies temporarily to float, but they have done so with widely varying degrees of intervention and controls. As a result, some adjustments clearly needed are being delayed or thwarted, the process of multilateral decision-making impeded, and political questions multiplied. In this respect, our surcharge and restrictions on capital flows could, like those applied by other countries, themselves be a disturbing influence.

If other governments will make tangible progress toward dismantling specific barriers to trade over coming weeks and will be prepared to allow market realities freely to determine exchange rates for their currencies for a transitional period, we, for our part, would be prepared to remove the surcharge.

This would provide one possible path for moving expeditiously, reversing any tendency to maintain and extend restrictive trade and exchange practices and to provide more satisfactory arrangements for settling individual transactions, consistent with the Resolution that has been proposed to the Governors.

I recognize that floating rates will not necessarily, over any short time period, indicate a true equilibrium. I also know full well from experience that the present fixed rate system has failed to maintain an equilibrium, and we need assistance, during this difficult transitional period, from the objective, impersonal forces of the market place in making decisions.

In any event, we will continue to work in detailed and frank negotiations, bilaterally and multilaterally, to seek agreement on appropriate measures which may most fruitfully achieve and maintain the needed adjustments. This will lay the foundation for constructive consideration of the longer-term problems of our trading and monetary arrangements.

I am following with great interest the suggestions of other Governors concerning the shape of the future world monetary system. These comments bear out what President Nixon said on August 15 regarding the need for a new monetary system. Chairman Schiller forcefully pointed out at the start: we cannot expect or wish simply to go back to the old and familiar.

In contrast to the world that faced the architects at Bretton Woods, there is a far greater balance of strength, particularly among the North American, the European, and Japanese economies. This development—so welcome in its own right—in turn calls for a different and more symmetrical balance of opportunities and responsibilities.

We and the world had grown accustomed to U.S. deficits. The counterpart of those deficits were rather persistent surpluses for others, and those surpluses helped satisfy the individual goals of other countries. But a monetary system dependent on U.S. deficits is no longer tolerable, economically, financially, or politically, for you or for us.

The implications are fundamental. A return to specified parities without United States deficits will require ample alternative sources of official liquidity, internationally managed and controlled. There must be arrangements for adequate exchange rate flexibility, available to all countries, to help maintain a reasonable payments balance. There must be means—more effective than those incorporated in the Fund Agreement at present—of encouraging timely and appropriate action by surplus countries which escape the financial pressures forcing adjustment on deficit countries.

There is another area in which we are, in a sense, victims of our own progress. As economies have become more closely intertwined, as international capital markets become more effective and efficient, and as controls and restrictions are reduced, the potential for volatile and disturbing capital flows expands enormously. This had already been a matter for international consideration before August 15 and for considerable comment at this meeting.

If not yet unanimously acceptable, substantially wider margins are already viewed as a necessary part of any establishment of new parities. Other difficult questions concern the mix of national fiscal and monetary policies, joint or coordinated action in international money markets, and the proper role, if any, for limited restrictions on financial intermediaries—always keeping in the forefront the fundamental need of free and competitive markets to serve the needs of traders and investors.

A number of speakers have already emphasized that, whatever the particulars of new monetary arrangements, a fundamental need will remain for fair, widely understood, and enforceable international codes of conduct in trade and monetary matters. I share that emphasis. The further corollary is that the International Monetary Fund, itself, should play a central role in developing and monitoring such codes.

Discussions of these matters have now been launched not only in the Executive Board but in the Group of Ten. In emphasizing the need for these discussions, I also note these matters are of direct interest not only to large and highly developed countries but to that wider spectrum of Fund membership ready and able to assume a share of the responsibility for maintaining an effective monetary system.

While dealing with the monetary system as a whole, we shall, for our part, also proceed with the associated task of dismantling unfair barriers to trade and impediments, including our own, to the free flow of long-term capital.

We will also need to deal with many questions bearing more specifically upon the economic well-being of developing countries. My Government particularly welcomes the discussion at this meeting and elsewhere of the pressing problems posed by population trends in much of the world, the new emphasis on nutritional and environmental concerns, and the more careful consideration of the implications of external debt burdens.

We are impressed by the growing scope of the traditional activities of the World Bank and its affiliates under the able leadership of President McNamara. President Nixon has called for an increase in the emphasis that we, ourselves, give to multilateral institutions in our development assistance effort, and we plan to continue that process.

The high levels of lending by the World Bank Group are supported for the most part by Bank borrowing in the developed countries. Twenty-five years of activity has encouraged increased direct financial support by all developed countries, and I hope other nations will continue to open their capital markets to the Bank.

As the level of activity expands, the Bank must take even more care with the efficiency and effectiveness of its operations and must question old premises. It is in this light that I welcome the evaluation efforts being undertaken by the Bank. It is important not only that we ensure that the Bank Group processes projects quickly and efficiently but also that its funds have their planned impact—including assurance that these resources are reaching all the people of the developing countries.

As the World Bank Group further develops its ambitious plans, I must also speak frankly of our own situation and intentions. I can do so explicitly with respect to the pending replenishment of the International Development Association, without which the plans for the years ahead will be gravely impaired.

We firmly support that replenishment. In reducing our total of assistance by some 10 percent over the current fiscal year, we mean to avoid any reduction in that major commitment. Within our constitutional system, however, IDA replenishment requires, but has not yet received, Congressional approval. The fundamental sympathy and support of the Congress for IDA over the years has, I believe, been amply demonstrated. Nevertheless, Congress will have to be convinced, as never before, that: first, this development assistance efficiently serves to promote growth in the developing world; and, second, that our own situation will strengthen to the point where this and other burdens on our payments can be safely assumed.

All these official efforts must be supplemented by flows of private capital. I am disturbed when I see instances of developing countries treating private investment in a manner not accepted by international law.

In a world already short of capital to meet pressing demands, the adverse effects on the investment climate of such practices are bound, in a very tangible sense, to deny real benefits to the people. The damage in reducing the flow of capital can extend beyond the parties immediately involved to other potential investors or recipients of funds.

It is in this context that the United States firmly supports the creation of the proposed International Investment Insurance Agency. The maintenance of a healthy climate for private investment in those countries which recognize the important role such investment can play has become a matter of concern for all such nations. The interest in this proposal at last year's meeting has not yet produced a result. I am hopeful that a new resolve and firmer commitment to this idea by both developed and developing countries will produce agreement in the coming year.

A logical complementary development would be more active reliance on the Center for the Settlement of Investment Disputes. Of course, the policies of the World Bank itself, in situations when existing foreign investments are unfairly treated, will importantly affect the future climate for the flow of public development assistance as well as for foreign private investment.

In conclusion, I would only reiterate we have a large agenda before us. We all know the present situation has both risk and opportunity.

We should not fear the one nor fail the other.

With the same vision that motivated those at Bretton Woods, we can build a better monetary and trading world.

With wisdom, we can devise monetary arrangements that combine an essential stability with the capacity to adapt.

With courage, we can move together to reduce restrictions on trade and payments, in recognition of our mutual dependence.

With patience, we can work together, finding a balance of opportunity and responsibility for rich and poor alike that fits the imperatives of today's world.

These qualities are present in the men who have come to Washington this week and in the governments they represent. You can be sure the United States will join you in the vanguard of the effort. In this sure knowledge, I look ahead with confidence.

MOTHERS' GUILD AT HUDSON CATHOLIC HIGH SCHOOL REAFFIRM FAITH IN AMERICAN DREAM

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, on Saturday, November 6, 1971, the Mothers' Guild at Hudson Catholic High School is holding its annual luncheon at the Cameo Restaurant, Garfield, N.J.

Mr. Speaker, as the Representative from the North Hudson County, N.J., area I am proud to associate myself with this group of fine citizens who have chosen "America the Beautiful" as the theme for this year's luncheon.

I would like to call to the attention of my colleagues the fact that in the congressional district which I have the honor to represent, there are hundreds of patriotic men and women who will gather to discuss what is right with this Nation which has extended its bounty to so many and asked so little in return.

As I look back over the years I think the high point of my service in the Congress was that frigid day in January 1961, when I had the high honor and great privilege to sit behind the youthful John Fitzgerald Kennedy as he took the oath of office as our 35th President.

Mr. Speaker, in order that I might relive that great moment with the members and guests of the Mothers' Guild at Hudson Catholic High School, I ask unanimous consent that President Kennedy's immortal words appear in the RECORD following my remarks.

In conclusion, Mr. Speaker, I know that all Members of this House join with me in extending our gratitude to the Mothers' Guild for their reaffirmation of faith in the American dream.

President Kennedy's inaugural address follows:

INAUGURAL ADDRESS OF PRESIDENT JOHN FITZGERALD KENNEDY ON FRIDAY, JANUARY 20, 1961

Mr. Chief Justice, President Eisenhower, Vice President Nixon, President Truman, reverend clergy, fellow citizens, we observe today not a victory of party, but a celebration of freedom—symbolizing an end, as well as a beginning—signifying renewal, as well as change. For I have sworn before you and Almighty God the same solemn oath our forebears prescribed nearly a century and three quarters ago.

The world is very different now. For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God.

We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world.

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

This much we pledge—and more.

To those old allies whose cultural and spiritual origins we share, we pledge the loyalty of faithful friends. United, there is little we cannot do in a host of cooperative ventures. Divided, there is little we can do—for we dare not meet the powerful challenge at odds and split asunder.

To those new States whom we welcome to the ranks of the free, we pledge our words that one form of colonial control shall not have passed away merely to be replaced by a far greater iron tyranny. We shall not always expect to find them supporting our view. But we shall always hope to find them strongly supporting their own freedom—and to remember that, in the past, those who foolishly sought power by riding the back of the tiger ended up inside.

To those peoples in the huts and villages across the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves for whatever period is required—not because the Communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich.

To our sister republics south of our borders, we offer a special pledge—to convert our good words into good deeds, in a new alliance for progress, to assist free men and free governments in casting off the chains of poverty. But this peaceful revolution of hope cannot become the prey of hostile powers. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.

To that world assembly of sovereign states, the United Nations, our last best hope in an age where the instruments of war have far outpaced the instruments of peace, we renew our pledge of support—to prevent it from becoming merely a forum for invective—to strengthen its shield of the new and the weak—and to enlarge the area in which its writ may run.

Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request: that both sides begin anew the quest for peace, before the dark powers of destruction unleased by science engulf all humanity in planned or accidental self-destruction.

We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.

But neither can two great and powerful groups of nations take comfort from our present course—both sides overburdened by the cost of modern weapons, both rightly alarmed by the steady spread of the deadly atom, yet both racing to alter that uncertain balance of terror that stays the hand of mankind's final war.

So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear. But let us never fear to negotiate.

Let both sides explore what problems unite us instead of laboring those problems which divide us.

Let both sides, for the first time, formulate serious and precise proposals for the inspection and control of arms—and bring the absolute power to destroy other nations under the absolute control of all nations.

Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the stars, conquer the deserts, eradicate disease, tap the ocean depths, and encourage the arts and commerce.

Let both sides unite to heed in all corners of the earth the command of Isaiah—to "undo the heavy burdens and to let the oppressed go free."

And if a beachhead of cooperation may push back the jungle of suspicion, let both sides join in creating a new endeavor, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the peace preserved.

All this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days, nor in the life of this administration, nor even perhaps in our lifetime on this planet. But let us begin.

In your hands, my fellow citizens, more than in mine, will rest the final success or failure of our course. Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service are found around the globe.

Now the trumpet summons us again—not as a call to bear arms, though arms we need; not as a call to battle, though embattled we are; but a call to bear the burden of a long twilight struggle, year in, and year out, "rejoicing in hope, patient in tributation"—a struggle against the common enemies of man: tyranny, poverty, disease, and war itself.

Can we forge against these enemies a grand and global alliance, North and South, East and West, that can assure a more fruitful life for all mankind? Will you join in that historic effort?

In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

And so, my fellow Americans, ask not what your country can do for you: Ask what you can do for your country.

My fellow citizens of the world: Ask not what America will do for you, but what together we can do for the freedom of man.

Finally, whether you are citizens of America or citizens of the world, ask of us the same high standards of strength and sacrifice which we ask of you. With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

A CORRESPONDENT'S EXPERIENCES IN VIETNAM

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, Mr. Robert Poos, one of the staff members of the House Committee on Internal Security and son of my good friend Chief Judge Omar Poos of the U.S. District Court for the Southern District of Illinois, has written an article based on his experiences as an Associated Press correspondent in Vietnam. His firsthand experiences are worthy of the attention of every Member of the House.

In the fervor resulting from the My Lai incident, we must not lose the true perspective of our troops' conduct in Vietnam.

Mr. Speaker, I submit Bob Poos' article "My Lai Was Not the Norm" for publication in the RECORD and urge my colleagues to take the time to read it.

[From the St. Louis Globe-Democrat, May 1–2, 1971]

MY LAI WAS NOT THE NORM

FORMER AP CORRESPONDENT BOB POOS WITNESSED MANY ATROCITIES DURING HIS 16 MONTHS IN VIETNAM BUT SAW NONE COMMITTED BY AMERICAN TROOPS

(EDITOR'S NOTE.—Bob Poos was a correspondent for the Associated Press for 12 years, six in the St. Louis Bureau, four in Asia and two in Washington, D.C. His assignments in Asia included more than 16 months as a combat correspondent in Vietnam, more than a year as a roving correspondent in Southeast Asia based in Kuala Lumpur, Malaysia, and more than a year in Tokyo covering Japan, Korea and elsewhere in that part of Asia. He is now on the staff of the U.S. House of Representatives' Committee on Internal Security.)

(By Bob Poos)

WASHINGTON.—The other day while discussing My Lai and the trial of Lt. William Calley (a much overindulged-in pursuit these days) a friend remarked "you were in Vietnam a long time. How many American atrocities did you see?"

That question not only startled me, it left me wondering if Americans have become so enamored with self-flagellation about Vietnam—and many other things—that it is now an accepted belief that American troops in Southeast Asia are and were a brutal bloodthirsty collection of savages intent on slaughtering a helpless populace.

If so, it is not only unfortunate, it is tragic. And it is not true.

Let me say straight off that in almost a year and a half of covering the war in Vietnam and almost four years of covering all Southeast Asia plus Japan and Korea I did not witness a single atrocity by any American soldier, sailor or Marine or any collector of them.

And at the risk of seeming immodest I will add that the reason I did not was not because I was unexposed to situations lending themselves to the commission of atrocities. During my time in Vietnam I was either in close-in combat or on combat operations with: the First Cavalry Division, the First Infantry Division, the 25th Infantry Division, the First and Third Marine Divisions, the Special Forces, the Seabees, the 101st Airborne Division and the 173rd Airborne Brigade. Additionally I spent considerable time in the field with various regiments of the regular Army of Vietnam, the Vietnamese Airborne, the Vietnamese Marines and the Korean Army and Marines.

I did see South Vietnamese troops deliberately kill prisoners and I saw them torture captives in order to extract information. And I saw the results of North Vietnamese savagery against government soldiery and civilian population alike. There was no paucity of the latter. Terror, torture and political assassination were accepted weapons in the arsenals of both indigenous Viet Cong insurgents and the North Vietnamese.

Perhaps the best known of these was the horror at Hue during the great Tet offensive. One mass grave alone there yielded the bodies of more than 300 civilians executed by the Communists. It is estimated that possibly more than 2,000 innocent victims were slain for the crime of not joining the insurgents.

Hue was only the worst of a long history of similar brutalities. They have been occurring ever since the insurgents took the field and will continue until, one way or another, the agony of Vietnam is resolved.

Just a few specifics. In 1965 2,032 Vietnamese civilians were murdered by the Viet Cong and 6,929 kidnaped. The figures for 1966 were 2,613 slain and 893 kidnaped. Generally these victims are lower level officials such as police officers, village chiefs, agriculturists, medical aid workers and teachers. To be efficient for a Vietnamese can be to sentence oneself to murder, kidnaping, torture and mutilation.

But you do not read much about this. You read about My Lai.

However, I saw no atrocities by American troops in the field. And, of course, I was not the only correspondent who covered the war in Vietnam with the infantry at company level. There were many, many others and many of them spent a lot more time with troops than did I. Yet I have never heard one of them authenticate what could be construed as a deliberate atrocity by American forces.

There was no lack of looking for them either. I remarked to a fellow correspondent once that it was an unrewarding pursuit to write about Communist savagery because very little of it ever saw print for one reason and another. My colleague replied "you'll never win any prizes writing about Vietnamese atrocities, bud. They're all Asians and everybody expects brutality and disregard for human life from Asians, whether that's their nature or not. But you find yourself a real honest-to-God American atrocity and you've got yourself a story."

The sagacity of this statement is, of course, borne out by the millions of words that have been written and spoken about My Lai, Lieutenant Calley and the American Division, Calley's parent unit.

Prior to My Lai, however, there was no lack of enterprise on the part of correspondents searching for "an honest-to-God American atrocity," much of it by newsmen who personally opposed American policy and endeavors in Vietnam.

What is rather astonishing is that the My Lai incident was not first turned up by a correspondent in Vietnam but was instead developed by a self-employed free-lance writer in the United States who has long been a critic of the American military and much of the United States' foreign policy, including that in Vietnam.

What has largely been ignored about the My Lai incident is that it was an aberration, not the norm. And aberrations make news, the normal does not. American troops have been furnished since the big buildup in mid-1965 with literally thousands of opportunities for indiscriminate slaughter that could easily have been disguised as simple reaction "in the heat of battle." But virtually none of them took advantage of it. The norm was just the opposite: men risking their lives in order to take prisoners.

Let us examine two such incidents where, due to the heat of furious battle, atrocities could have been committed or prisoners slain—but were not.

The first occurred in February of 1966 when elements of the Second Battalion, Seventh Cavalry, First Air Cavalry Division paid a visit to the tiny village of An Thi in the rolling hills of Central South Vietnam a few miles inland from the coast.

The second of the Seventh Cav at the time was a tough and experienced outfit with the bloody Ia Drang Valley battle already written on its colors and it was looking for a fight this day. It found one. What Alpha and Charley companies and later, one squad from Bravo Company found, captured North Vietnamese after-action reports later revealed, was a reinforced regiment of North Vietnamese regulars—also tough and warwise.

The Americans soon found themselves entirely surrounded, pinned down and punished by a heavy rainfall that precluded air support of any kind. An Thi soon became a desperate battle for survival by the Americans. By nightfall a long row of poncho wrapped dead in an abandoned Communist trench taken by direct frontal assault testified to the ferocity of the battle as did an even longer row of badly wounded troopers.

Just at dusk, through the rain, falling artillery and mortar shells and beneath the rifle and machinegun bullets snapping overhead, an entire Vietnamese family including a wispy bearded grandfather and a babe in arms crept into the Cavalry's lines. Several of them, including the baby, were wounded.

Medic Thomas Cole of Richmond, Va., and a couple of other medics had plently to do in saving the lives of a score or more of critically wounded Americans but they rendered the same medical care to the hapless Vietnamese that they gave their comrades. The child died during the night despite the medic's frantic efforts and young Tommy Cole wept bitter tears of frustration and anger that such a thing could happen.

Cole and his fellow medics saved the other wounded villagers, as they did most of the American casualties.

The next day, reinforced by the Fifth Cavalry, the Seventh's troopers broke the North Vietnamese lines and inflicted a severe defeat on the enemy. Because of the savage nature of the fighting few prisoners were taken, but some were. I saw one of them. The Seventh Cavalry commanding officer, Col. Hal G. Moore and a private crawled into a bunker and dragged out a wounded North Vietnamese machine gunner. They did not kill him. They turned him over to a medic who treated him.

The next incident occurred a few months later and also involved the Cavalry, this time the First Battalion of the Seventh. It took place in a nameless, abandoned village near the coastal city of Bong Son and the cavalrymen called it "the Second Battle of Bong Son."

The First Battalion achieved something seldom accomplished in Vietnam: they got a battalion of North Vietnamese surrounded in relatively clear country and proceeded to bring about its reduction. Here too the fighting was brutal, including exchanges of handgrenades, point-blank rifle and culminating in a savage duel of machineguns.

Then a rare thing happened, the North Vietnamese collapsed and began surrendering.

It was the only time I ever saw it occur. Soon more than 40 of them were rounded up, some unhurt, some wounded and a few burned by a napalm strike that had been called down. At one point, a sergeant in the Battalion Command post uttered an oath, crawled over to a clump of bushes, pushed it aside and peered into a hole that was revealed. He brandished his rifle and a North Vietnamese crawled out and then another.

No cavalryman during the entire battle made any move to harm a prisoner. The wounded ones were bandaged and cared for by the medics.

If ever soldiers were justified in wanton killing through the rationalization of "the heat of battle," these two cases of combat with armed, uniformed regulars would have furnished the example. But the American troops, instead, went to the other extreme, perhaps risking their own lives to do so.

Those were examples of restraint in combat that I happened to eyewitness. But contrary to the entire concept that seems to be arising that the American soldier is a savage brute swaggering around the Vietnamese countryside ravaging it with fire and sword, the American soldier or Marine in the field or out on duty or off generally exhibited warmth and kindness toward the Vietnamese that was sometimes difficult for the latter to comprehend. The American infantryman, in fact, exemplified that peculiar American trait of wanting everyone to like him.

The Newsprint industry would find it a challenge to manufacture enough paper to record all the deeds of kindness and human compassion exhibited by American troops at all levels toward Vietnamese civilians.

In matters of policy, for example, the Marine Corps established its Civic Action Platoon program where squads of men moved into Vietnamese villages and lived among the peasants, furnishing at the same time protection and instructions on the rudiments of hygiene and simple medical care. Many a United States Marine has served as midwife at births in remote hamlets.

The First Cavalry Division built a "Nha thuong," which means at the same time hospital and "house of love" in Vietnamese at An Khe for the civilians of An Tuc District in Binh Dinh Province. The facility maintained 76 beds plus a 10-bed maternity ward. In 1967 alone more than 2,000 patients were treated and 350 babies delivered.

In 1969 the division turned the hospital over to the Vietnamese themselves but continued to assist in its operation as did later the Fourth Infantry Division when it moved into the area.

Every unit in Vietnam accomplished something similar.

REPEAL THE TIRE EXCISE TAX

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today I am introducing a bill to repeal the excise tax on tires, innertubes and tread rubber effective September 16, 1971. Hereafter in this statement, I will refer to these taxes simply as the tax on tires.

According to this morning's newspapers, the House Ways and Means Committee yesterday reached final agreement on the President's tax proposals, and will recommend to the House repeal of the 7-percent excise tax on automobiles, and the 10-percent excise tax on trucks up to 10,000 pounds.

The excise tax on autos and trucks and the excise tax on tires are so closely related that repeal of one should logically include repeal of the other. Not only are tires essential to the operation of the automobiles, but under present law, automobile manufacturers receive a credit for the tax on tires against the tax on autos. Repeal of the auto excise tax will necessitate legislation to deal with this credit and the method, if any, by which the automobile manufacturer can pass on any tire tax to the consumer.

Repeal of the tax on tires will be even more likely to stimulate consumer demand than the repeal of the tax on autos.

There is a tendency for people to defer major purchases such as automobiles when their economic situation is tight. Although repeal of the auto excise tax may stimulate some car buying among certain economic groups, there are millions of Americans, particularly those unemployed, to whom that simply will not be an adequate incentive.

On the other hand, owners of cars must have tires in order to operate, and the tires must be replaced periodically, even if the owner continues to operate his old car.

In 1970, the excise tax on tires produced a total of $605 million. If the tire excise tax were repealed, as proposed in my bill, this total amount would be passed directly on to the consumer, and would be available for the purchase of other goods, thereby stimulating the economy with an additional $600 million annually.

Repeal of the excise tax on tires would not diminish the administration's general operating budget by one penny, since all revenues from this tax go directly into the highway trust fund.

While some may argue that a cutback in trust fund moneys will adversely affect the economy by slowing down highway construction, the facts are just the opposite.

For some time now, the highway trust fund has been taking in money at a faster rate than it has been spending. This administration has followed a policy of restricting the spending of trust fund moneys already collected—to the point where there is now nearly $4.5 billion in revenues lying idle in the trust fund.

This is not only unjust, but it is bad economics. It is extremely difficult to justify to the taxpayers, in this time of inflation and high unemployment, the continued collection of a tax when the Government does not even wish to spend the proceeds.

Moreover, receipts from the tire tax represented only 11 percent of the total highway trust fund receipts in fiscal year 1971. While repeal of the tire tax may result in eventual stretching out of the interstate highway program, it is not believed that it will have any immediate effect. At a time when all national priorities are under close review, it seems appropriate to provide greater flexibility by reducing this special trust fund that was established more than 15 years ago to support a program that has been 75 percent completed.

The tire excise tax was originally enacted as a wartime tax during World War II.

It is a regressive tax.

The Federal highway program has accelerated the dependency on automobile transportation, and as a result the burden of the tax falls most heavily on lower and middle income groups. In accordance with the aims of the President's economic proposals to stimulate spending, we should be moving away from such regressive taxes, and toward taxes based on ability to pay.

During the last month we have heard a great deal of criticism of certain aspects of the President's program—specifically that the program favors business over the consumer, and that it does not contain adequate spending incentives.

Repeal of the tire tax would put $600 million directly into the hands of consumers.

It will not reduce public spending at all.

And it will rid us of an outdated, highly regressive tax which has outlived its usefulness.

THE STRATEGIC IMPORTANCE OF GREECE TO SECURITY OF THE UNITED STATES

(Mr. BLANTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLANTON. Mr. Speaker, recently, I had the opportunity to visit the Mediterranean, to sail with the 6th Fleet, and to note firsthand the vital strategic importance of Greece to the security of the United States. A most important member of the NATO Alliance, Greece has proved herself a faithful ally of the United States, and the friendship between our peoples has been sincere and longstanding. In view of the debate over that provision of the Foreign Assistance Act, now before the other body, dealing with U.S. assistance to Greece, I would like to call the following resolutions from three Greek-American organizations in this country to the attention of my colleagues.

PANARCADIAN FEDERATION OF AMERICA

RESOLUTION

Whereas the U.S. House of Representatives has decided last August to exclude Greece from receiving U.S. Military Aid;

Whereas this cut of military assistance to Greece will have an adverse effect on the interests of the United States and of the Free World through weakening of the NATO forces in the Eastern Mediterranean;

Whereas Greece has always been a stronghold of the Western civilization and has repeatedly fought in the recent past to uphold the ideals of the Free World;

Whereas Greece is one of the most sincere and faithful allies of the United States in this part of the World;

We, the members of the Panarcadian Federation of America, who are loyal citizens of the United States and at the same time fervent champions of the ideals, which have emanated on the Greek soil from which our forefathers descend and we, who through our repeated visits to Greece in the recent years had ample opportunity to witness the social and economic progress of the country and the genuine intention of its present leaders to guide Greece toward a healthy democracy;

Do hereby resolve:

We express our strong regret for the unfortunate action of the House of Representatives aiming at cutting the U.S. military assistance to Greece;

We call upon all our Senators to take action during the forthcoming discussion of the Foreign Aid Bill in the Senate to the effect of restoring the U.S. Military assistance to Greece.

For the Panarcadian Federation,
GEORGE SMYRNIOTIS,
Supreme President.
CHRIST MITCHEL,
Supreme Secretary.

GREEK-AMERICAN PROGRESSIVE ASSOCIATION

RESOLUTION

Be it resolved, that the Greek-American Progressive Association advises the United States Senate that it is imperative to the well-being of Greece that the United States extend financial help to the Country of Greece.

Further, the total membership, numbering in the thousands, believes the present government in Greece is striving to settle the Country and restore a democratic form of government, and

Therefore, we urge the U.S. Senate to extend financial help to Greece knowing full well that Greece has always been and will always be an ally of our United States.

Respectfully submitted,
ANGELO STATHOPULOS.

RESOLUTIONS OF MEMBERS OF THE PANEPIROTIC FEDERATION OF AMERICA AND CANADA, INC.

We, the Greek-American citizens of the United States of America, and members of the Panepirotic Federation of America and Canada, Inc., on the 18th day of September, in the year of One Thousand Nine Hundred Seventy-one, do hereby declare that,

Whereas, our association, composed of forty chapters in the United States and Canada and with approximately 50,000 members who fully "cooperate to the end that mankind may enjoy in peace and in freedom the unprecedented blessings which divine providence, through the progress of civilization, has put within our reach", and

Whereas, the Greek people gave and are giving everything, including their very lives, so that righteousness, justice and freedom may rule in the world, and

Whereas, the United States of America, as a leading member of NATO is entitled to interest herself in the fate of her faithful Ally, Greece, who sacrificed her people so that the Four Freedoms would prevail, and

Whereas, Greece is the most important member of NATO, a staunch and faithful ally of the U.S.A.

Resolved, that the members of the U.S. Senate should go on record as favoring Greek aid, for Greece today, irrespective of internal reforms, is moving towards an ethical Democracy, and has consistently cooperated with the U.S. military forces not forgetting the great bonds of friendship between the two peoples where our men are received and welcomed with open arms.

Respectfully submitted,
THEODOROS K. SINGAS,
Supreme Secretary.
CHARLES FILIDES,
Supreme President.

THE PRAYER DISCUSSION MISINTERPRETED AND MISUNDERSTOOD

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, for the first time in the Nation's history a serious movement has developed to amend a key provision of the Bill of Rights in the Constitution. It is my conviction that religious liberty is at stake. Specifically involved are the religion clauses of the first amendment. These religious clauses have stood as a bulwark for religious liberty since the approval of the Bill of Rights on December 15, 1791.

These clauses state:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

This prohibition of Government authority in the realm of religion was extended to all governments—State and local as well as Federal—by the 14th amendment and by the decisions of the U.S. Supreme Court.

The clamor for a Constitutional Prayer amendment has arisen because of two of the most misunderstood, misinterpreted and misapplied decisions by the Supreme Court. In 1962—Engel against Vitale—the Court declared that Government composed and authorized prayers violate the first amendment of the Constitution. In 1963—Abington School District against Schempp, and Murray against Curlett—the Court ruled that devotional exercises in schools authorized by law are also prohibited by the first amendment.

Thus it is seen that the Court rulings were restrictions on government in the area of religious faith and practice. The rights and freedom of schoolchildren or school teachers to pray or to read the Bible were not involved in these cases.

Many people have mistakenly thought that the Court threw God out of the schools and that people who want to pray have been denied that right. Nothing could be farther from the facts in these cases.

Nevertheless, an emotion-laden movement has developed to undo what the Supreme Court is mistakenly charged with doing. This movement has crystalized into a proposed amendment to the Constitution, which reads as follows:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

At first glance many people react by saying:

> What's wrong with a simple amendment like that? It is harmless, and it might do some good because the Nation needs more prayer.

Others seem to think that the proposed amendment is meaningless, and if it is so harmless why make a fuss about it. "Let us go ahead and adopt the amendment," they say, "and get this bothersome religious question out of the way."

These are inadequate and irresponsible reactions to any proposal that affects in any way the basic principles of religious liberty that have served the American people so well the past 180 years.

Any effort to amend the Constitution, and especially the Bill of Rights, should not be made without full public discussion of all of the issues and without understanding the possible effects of such an action.

Without claiming a complete analysis of the effects of the proposed prayer amendment, I offer the following observations of some of the more obvious defects in this attempt to amend the first amendment.

First, the proposed prayer amendment is supposed to correct an action by the Supreme Court which the Court never took. The proponents of the amendment in their anti-Supreme Court zeal and in their zeal to see to it that schoolchildren pray have set up a strawman. By a constitutional amendment they propose to knock over this strawman. This is no way to amend the Constitution or to tamper with the Bill of Rights.

In the next place, the prayer amendment does not do what its proponents claim for it. They say that it puts God back into the classroom. They forget, however, that God is not moved around like a chessman either by the Supreme Court or by the prayer amendment zealots.

They say that such an amendment enables schoolchildren to engage in voluntary prayer, which, they mistakenly claim was prohibited by the Supreme Court. This right to voluntary prayer is already adequately protected by the first amendment. It would be restricted rather than enhanced by the new proposed amendment.

What then would the prayer amendment do if it were placed in the Constitution? A cursory analysis reveals the following:

First. It protects only the right of persons lawfully assembled. What do we mean by "lawfully assembled?" What about the rights of persons not in a lawful assembly? To provide constitutional rights for such a selected class of people is highly questionable and most unwise.

Second. It locates the places to which this right is applicable. The amendment would restrict the exercise of this right to any public building which is supported in whole or in part through the expenditure of public funds. The right to pray should not be circumscribed in any such manner.

Third. It limits the kind of prayers in which people can participate in public buildings. Specifically, according to this amendment, the right to pray is limited to nondenominational prayer.

This restriction on the prayer life of the people raises a number of questions which may not have been asked by the prayer amendment proponents, but which are certain to be asked by lawyers and administrators in future cases.

For instance, some arm of government, the teacher, the school superintendent, the school board, or other—must make a decision as to which prayer is denominational and which is not denominational. Government, by this act and to this extent, will be authorized by the Constitution to regulate the prayers in which people can participate. This was what the first amendment was intended to prohibit—the authority of government in the religious life of the people.

Thus the proposed amendment, which professes to provide for the rights of people in reality extends the powers of government into areas now prohibited by the first amendment.

Another effect of the prayer amendment, if it becomes a part of the Constitution, would be to introduce new and unlitigated principles into constitutional law. Such changes in constitutional principles would affect government at all levels—legislative, judicial, and executive.

While the effects of such new constitutional principles might not be immediately apparent, only a fool would attempt to predict what actions government might take 25 or 50 or 100 years from now. As for me, I do not want to take the risk of authorizing government to participate in any way in regulating the religious life of the people.

The first amendment as it now stands adequately provides for the free exercise of religion by the people and adequately restricts government from any activity that might be called an establishment of religion. Both the state and the church have fared well under the first amendment. We want it to remain that way. Let us not spoil our unique arrangement in church-state relations in the United States by adding new, questionable and restrictive amendments to the Bill of Rights.

Mr. Speaker. Very soon I will prepare for the Record some other implications of the proposed prayer amendment. The question of how it will affect hospitals receiving Hill-Burton money will be discussed.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. In agriculture, the United States is one of the few countries that produces a surplus of basic foods. The middle latitude position has aided nature in supplying much productive agricultural land. The United States is the world's leading producer in such basic commodities as corn, cotton, soybeans, tobacco, citrus fruits, vegetables, milk, cheese, and pigs; second in wheat, oats, and cattle.

FIRST TWO AGREEMENTS EMERGE FROM THE STRATEGIC ARMS LIMITATION TALKS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, this morning, at the State Department, Secretary of State Rogers, for the United States, and Foreign Minister Gromyko, for the Soviet Union, signed the first two agreements which have emerged from the strategic arms limitation talks between the two countries. It is with gratification that I note this encouraging sign of progress in the field of arms control.

While these two agreements are clearly collateral to the principal subject of SALT, they are significant in themselves, and will complement the limitations on strategic arms which are the main focus of the talks. The first agreement concerns measures to reduce the risk of outbreak of nuclear war between the United States and U.S.S.R. The second agreement provides for improvements in the U.S.–U.S.S.R. "hot-line" which will take advantage of technological developments since the link was established in 1963 to increase its reliability and security.

While the contingencies covered by the agreement on measures to prevent the outbreak of accidental nuclear war are remote, the consequences of these contingencies would be extremely serious. These agreements demonstrate the intent of the parties to seek to avoid such incidents, but if they should occur, they embrace the possibility that prudence and communication will prevail over hasty uninformed action that could precipitate nuclear war.

Mr. Speaker, it is with a real sense of satisfaction that I submit for the Record the texts of these two agreements:

Agreement on Measures To Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties:

Taking into account the devastating consequences that nuclear war would have for all mankind, and recognizing the need to exert every effort to avert the risk of outbreak of such a war, including measures to guard against accidental or unauthorized use of nuclear weapons,

Believing that agreement on measures for reducing the risk of outbreak of nuclear war serves the interests of strengthening international peace and security, and is in no way contrary to the interests of any other country,

Bearing in mind that continued efforts are also needed in the future to seek ways of reducing the risk of outbreak of nuclear war,

Have agreed as follows:

ARTICLE 1

Each Party undertakes to maintain and to improve, as it deems necessary, its existing organizational and technical arrangements to guard against the accidental or unauthorized use of nuclear weapons under its control.

ARTICLE 2

The Parties undertake to notify each other immediately in the event of an accidental, unauthorized or any other unexplained incident involving a possible detonation of a nuclear weapon which could create a risk of outbreak of nuclear war. In the event of such an incident, the Party whose nuclear weapon is involved will immediately make every effort to take necessary measures to render harmless or destroy such weapon without its causing damage.

ARTICLE 3

The Parties undertake to notify each other immediately in the event of detection by missile warning systems of unidentified objects, or in the event of signs of interference with these systems or with related communications facilities, if such occurrences could create a risk of outbreak of nuclear war between the two countries.

ARTICLE 4

Each Party undertakes to notify the other Party in advance of any planned missile launches if such launches will extend beyond its national territory in the direction of the other Party.

ARTICLE 5

Each Party, in other situations involving unexplained nuclear incidents, undertakes to act in such a manner as to reduce the possibility of its actions being misinterpreted by the other Party. In any such situation, each Party may inform the other Party or request information when, in its view, this is warranted by the interests of averting the risk of outbreak of nuclear war.

ARTICLE 6

For transmission of urgent information, notifications and requests for information in situations requiring prompt clarification, the Parties shall make primary use of the Direct Communications Link between the Governments of the United States of America and the Union of Soviet Socialist Republics.

For transmission of other information, notifications and requests for information, the Parties, at their own discretion, may use any communications facilities, including diplomatic channels, depending on the degree of urgency.

ARTICLE 7

The Parties undertake to hold consultations, as mutually agreed, to consider questions relating to implementation of the provisions of this Agreement, as well as to discuss possible amendments thereto aimed at further implementation of the purposes of this Agreement.

ARTICLE 8

This Agreement shall be of unlimited duration.

ARTICLE 9

This Agreement shall enter into force upon signature.

Done at Washington on September 30,

1971, in two copies, each in the English and Russian languages, both texts being equally authentic.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON MEASURES TO IMPROVE THE U.S.A.-U.S.S.R. DIRECT COMMUNICATIONS LINK

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Noting the positive experience gained in the process of operating the existing Direct Communications Link between the United States of America and the Union of Soviet Socialist Republics, which was established for use in time of emergency pursuant to the Memorandum of Understanding Regarding the Establishment of a Direct Communications Link, signed on June 20, 1963,

Having examined, in a spirit of mutual understanding, matters relating to the improvement and modernization of the Direct Communications Link,

Have agreed as follows:

ARTICLE 1

1. For the purpose of increasing the reliability of the Direct Communications Link, there shall be established and put into operation the following:

(a) two additional circuits between the United States of America and the Union of Soviet Socialist Republics each using a satellite communications system, with each Party selecting a satellite communications system of its own choice,

(b) a system of terminals (more than one) in the territory of each Party for the Direct Communications Link, with the locations and number of terminals in the United States of America to be determined by the United States side, and the locations and number of terminals in the Union of Soviet Socialist Republics to be determined by the Soviet side.

2. Matters relating to the implementation of the aforementioned improvements of the Direct Communications Link are set forth in the Annex which is attached hereto and forms an integral part hereof.

ARTICLE 2

Each Party confirms its intention to take all possible measures to assure the continuous and reliable operation of the communications circuits and the system of terminals of the District Communications Link for which it is responsible in accordance with this Agreement and the Annex hereto, as well as to communicate to the head of its Government any messages received via the Direct Communications Link from the head of Government of the other Party.

ARTICLE 3

The Memorandum of Understanding Between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Direct Communications Link, signed on June 20, 1963, with the Annex thereto, shall remain in force, except to the extent that its provisions are modified by this Agreement and Annex hereto.

ARTICLE 4

The undertakings of the Parties hereunder shall be carried out in accordance with their respective Constitutional processes.

ARTICLE 5

This Agreement, including the Annex hereto, shall enter into force upon signature.

Done at Washington on September 30, 1971, in two copies, each in the English and Russian languages, both texts being equally authentic.

ANNEX TO THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON MEASURES TO IMPROVE THE U.S.A.-U.S.S.R. DIRECT COMMUNICATIONS LINK

Improvements to the USA-USSR Direct Communications Link shall be implemented in accordance with the provisions set forth in this Annex.

I. CIRCUITS

(a) Each of the original circuits established pursuant to paragraph 1 of the Annex to the Memorandum of Understanding, dated June 20, 1963, shall continue to be maintained and operated as part of the Direct Communications Link until such time, after the satellite communications circuits provided for herein become operational, as the agencies designated pursuant to paragraph III (hereinafter referred to as the "designated agencies") mutually agree that such original circuit is no longer necessary. The provisions of paragraph 7 of the Annex to the Memorandum of Understanding, dated June 20, 1963, shall continue to govern the allocation of the costs of maintaining and operating such original circuits.

(b) Two additional circuits shall be established using two satellite communications systems. Taking into account paragraph I (e) below, the United States side shall provide one circuit via the Molniya II system. The two circuits shall be duplex telephone band-width circuits conforming to CITT standards, equipped for secondary telegraphic multiplexing. Transmission and reception of messages over the Direct Communications Link shall be effected in accordance with applicable recommendations of international communications regulations, as well as with mutually agreed instructions.

(c) When the reliability of both additional circuits has been established to the mutual satisfaction of the designated agencies, they shall be used as the primary circuits of the Direct Communications Link for transmission and reception of teleprinter messages between the United States and the Soviet Union.

(d) Each satellite communications circuit shall utilize an earth station in the territory of the United States, a communications satellite transponder, and an earth station in the territory of the Soviet Union. Each Party shall be responsible for linking the earth stations in its territory to its own terminals of the Direct Communications Link.

(e) For the circuits specified in paragraph I (b):

The Soviet side will provide and operate at least one earth station in its territory for the satellite communications circuit in the Intelsat system, and will also arrange for the use of suitable earth station facilities in its territory for the satellite communications circuit in the Molniya II system. The United States side, through a governmental agency or other United States legal entity, will make appropriate arrangements with Intelsat with regard to access for the Soviet Intelsat earth station to the Intelsat space segment, as well as for the use of the applicable portion of the Intelsat space segment.

The United States side will provide and operate at least one earth station in its territory for the satellite communications circuit in the Molniya II system, and will also arrange for the use of suitable earth station facilities in its territory for the satellite communications circuit in the Intelsat system.

(f) Each earth station shall conform to the performance specifications and operating procedures of the corresponding satellite communications system and the ratio of antenna gain to the equivalent noise temperature should be no less than 31 decibels. Any deviation from these specifications and procedures which may be required in any unusual situation shall be worked out and mutually agreed upon by the designated agencies of both Parties after consultation.

(g) The operational commissioning dates for the satellite communications circuits based on the Intelsat and Molniya II systems shall be as agreed upon by the designated agencies of the Parties through consultations.

(h) The United States side shall bear the costs of: (1) providing and operating the Molniya II earth station in its territory; (2) the use of the Intelsat earth station in its territory; and (3) the transmission of messages via the Intelsat system. The Soviet side shall bear the costs of: (1) providing and operating the Intelsat earth station in its territory; (2) the use of the Molniya II earth station in its territory; and (3) the transmission of messages via the Molniya II system. Payment of the costs of the satellite communications circuits shall be effected without any transfer of payments between the Parties.

(i) Each Party shall be responsible for providing to the other Party notification of any proposed modification or replacement of the communications satellite system containing the circuit provided by it that might require accommodation by earth stations using that system or otherwise affect the maintenance or operation of the Direct Communications Link. Such notification should be given sufficiently in advance to enable the designated agencies to consult and to make, before the modification or replacement is effected, such preparation as may be agreed upon for accommodation by the affected earth stations.

II. TERMINALS

(a) Each Party shall establish a system of terminals in its territory for the exchange of messages with the other Party, and shall determine the locations and number of terminals in such a system. Terminals of the Direct Communications Link shall be designated "USA" and "USSR".

(b) Each Party shall take necessary measures to provide for rapidly switching circuits among terminal points in such a manner that only one terminal location is connected to the circuits at any one time.

(c) Each Party shall use teleprinter equipment from its own sources to equip the additional terminals for the transmission and reception of messages from the United States to the Soviet Union in the English language and from the Soviet Union to the United States in the Russian language.

(d) The terminals of the Direct Communications Link shall be provided with encoding equipment. One-time tape encoding equipment shall be used for transmissions via the Direct Communications Link. A mutually agreed quantity of encoding equipment of a modern and reliable type selected by the United States side, with spares, test equipment, technical literature and operating supplies, shall be furnished by the United States side to the Soviet side against payment of the cost thereof by the Soviet side; additional spares for the encoding equipment supplied will be furnished as necessary.

(e) Keying tapes shall be supplied in accordance with the provisions set forth in paragraph 4 of the Annex to the Memorandum of Understanding, dated June 20, 1963. Each Party shall be responsible for reproducing and distributing additional keying tapes for its system of terminals and for implementing procedures which ensure that the required synchronization of encoding equipment can be effected from any one terminal at any time.

III. OTHER MATTERS

Each Party shall designate the agencies responsible for arrangements regarding the establishment of the additional circuits and the systems of terminals provided for in this Agreement and Annex, for their operation and for their continuity and reliability. These agencies shall, on the basis of direct contacts:

(a) arrange for the exchange of required performance specifications and operating procedures for the earth stations of the communications systems using Intelsat and Molniya II satellites;

(b) arrange for testing, acceptance and commissioning of the satellite circuits and for operation of these circuits after commissioning; and,

(c) decide matters and develop instructions relating to the operation of the secondary teleprinter multiplex system used on the satellite circuits.

PRESIDENT NIXON IS GRAVELY CONCERNED WITH OUR PRISONERS OF WAR IN SOUTHEAST ASIA

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon is gravely concerned with our prisoners of war in Southeast Asia. He has a personal commitment to pursue every negotiating channel to obtain the release of our POW's.

The President reiterated and emphasized this commitment in his address at the annual meeting of the National League of Families of American Prisoners and Missing in Southeast Asia on Tuesday evening, September 28, 1971.

At this point I insert the remarks of Mr. Nixon:

Remarks of the President at the Annual Meeting of the National League of Families of American Prisoners and Missing in Southeast Asia

Mrs. North, Mr. Secretary, all of the distinguished guests who are at the head table and all of those who are in this audience:

I have spoken in this room many times over the past, believe it or not, 24 years, starting as a Congressman. I can assure all of you that this brief remark that I will now address to you is spoken more from the heart, I think, than anything I have ever said before.

The Secretary of Defense—and I have had an opportunity to read his remarks and endorse them—will address you later. He will tell you what we have been doing, what we are doing, what we hope to do with regard to the great objective in which all of you and all of us are interested, and that is obtaining the release of all of our POW's and missing in action wherever they may be in Southeast Asia.

But I wish to underline what the Secretary will tell you by indicating the personal commitment of the President of the United States. As you can imagine, whoever holds the office of the Presidency cannot take upon himself all of the various assignments that come across his desk. Much must be delegated.

I want each and every one of you to know, however, that from the time in the White House Library, at Christmas time, 1969, I met a group of wives and one mother of some POW's and missing in action, from that time, as the Secretary of Defense can tell you, and the Secretary of State can tell you, I have considered the problem of obtaining the release of our POW's and missing in action as being one that has Presidential priority.

I can assure you that every negotiating channel—and now I say something here that I am sure all of you will understand—including many private channels that have not yet been discovered, have been pursued, are being pursued and will be pursued.

I can assure you that with regard to this problem, that whenever any matter comes to the attention of the Secretary of Defense, or the Secretary of State, from a Senator or Congressman or the rest, it is brought to my desk and we run out the lead, whatever it may be.

You know the tragedy we have found so often—hopes are raised and then dashed, because we are dealing here with a savage enemy, one who has no concern for humanitarian ideals.

But on the other hand, we believe that it is essential to check every possible lead; we don't care where it comes from. We are doing that.

I have personally ordered that and we will continue to do so, and I believe that we will eventually succeed in our goal. That is my commitment that I make to all of you.

Now, I have delayed your dinner too long, but I would like to add one other rather personal note. Many times when I travel around the country, people—particularly young people in school—will say, "You know, Mr. President, that must be a terribly awesome responsibility to serve as President of the United States." And people sometimes feel that all of the great burdens of the world are on the shoulders of the President and that the responsibilities are indeed awesome. I would be less than candid if I were not to say that the responsibilities are heavy.

But let me tell you something: Any day that I sometimes feel that it has been a rather hard day and that I have had to make some real tough decisions, and I haven't had very much support, and any time I begin to feel a bit sorry for myself, I think back to that day just before Christmas in 1969.

I think of airports where children have come up and said, "My daddy is missing in action." I think of the wives who I have seen and the mothers and the rest. I think of their courage and what they have done and what they have given for their country, and then I realize my job isn't all that hard.

I am just so proud of how great you have been and I am not going to let you down.

GOVERNOR MANDEL'S ADDRESS TO DEMOCRATIC GOVERNORS' CAUCUS

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, one of the brightest spots of our recent history is the ascendancy of Gov. Marvin Mandel of the great State of Maryland. Governor Mandel was recently elected chairman of the Democratic Governors' caucus. With this election, Governor Mandel becomes a national figure and we are grateful for his leadership.

He is intelligent, articulate, and a fine administrator. He is a fine example of what a man can achieve through hard work, dedication to public service, and integrity.

On September 18, 1971, Governor Mandel spoke eloquently about our Nation's current economic plight and the state of the Democratic Party. The address was before fellow Democrats at a meeting at Atlantic Beach, N.C. I recommend that we all read Governor Mandel's words:

Remarks of Marvin Mandel, Governor of Maryland

Governor Scott, Distinguished Guests, My Fellow Democrats: It's a pleasure to be in North Carolina tonight, especially because I'm among friends and Democrats.

It was coy of Governor Bob Scott to schedule this rally on the same date as the University of Maryland-North Carolina State football game.

We can now prove that the only conflict among Democrats is on the football field.

Besides our classic football rivalry, there are many other striking parallels and close ties between our two States.

As you know, just this week I was selected by the Democratic governors of this nation to succeed your great governor, Bob Scott, as chairman of the Democratic Governors' Caucus. And I want to go on record as saying that I hope I can continue the leadership and effectiveness that Bob has demonstrated during his year as chairman. Furthermore, Bob gave me one of the few Democratic organizations in the nation that is solvent.

When Governor Scott assumed the caucus chairmanship, there were only seventeen of us. And now, there are 29 Democratic governors occupying State Houses across the nation. Of course, Governor Scott didn't achieve the stunning victories of 1970 singlehandedly. He had some help from the Republican party.

Another striking similarity between our States is the remarkable progress Democratic administrations have made in overhauling and modernizing the machinery of government—tuning government to be responsible and responsive to the citizens it serves.

Both Governor Scott and I realized that layer upon layer of bureaucracy, and yards and yards of red tape, create a barrier between citizens and government. When I took office in 1969, I inherited a cumbersome bureaucracy of 260 agencies and departments—too many for any one person to deal with effectively. Like Bob Scott, I decided that reorganization was an absolute necessity. I am proud that Maryland, like North Carolina, now has one of the most modern executive department governmental structures in the nation—a system of 11 departments headed by cabinet secretaries.

But the characteristic our states have most in common—a trait that is very much in evidence tonight—is the strength of the Democratic party. In both North Carolina and Maryland, the Democratic party has been the party of progress and of people. In both states, the Democratic party shares remarkable records of achievement and fiscal soundness.

I believe an illustration will make the point.

Probably the question I'm asked most frequently is: What was it like to succeed Spiro T. Agnew?

In a word, it was uncomfortable.

I was Speaker of the Maryland House of Delegates in 1967 when the overwhelmingly Democratic General Assembly gave Republican Agnew the largest tax increase in the history of our State—an additional $120 million a year—on top of a comfortable budget surplus he inherited from the previous Democratic administration.

It was a massive, progressive tax reform program, conceived and inspired by Democrats, and bearing the Democrats' stamp of authorship. There was no partisanship, no quarreling. The Democrats in the General Assembly realized Maryland's needs and faced up to their responsibilities to the citizens of Maryland.

Just two years later, when I became Governor, I inherited a budget prepared by Vice President Agnew that contained a $35 million deficit. And this, after the largest tax increase Marylanders ever have had to cough up. Within a year, I was able to reverse that deficit and produce a $50 million surplus. We also showed a surplus in the fiscal year just finished.

This is the distinction I want to draw, and the point I want to make tonight.

In 1960, Richard Nixon lost an *election*, and today, a little more than 10 years later, President Nixon is losing an electorate.

The over-riding issue now, as it was then, is the state of the economy—a mood that chills the titans of Wall Street just as it frightens the people of Main Street.

It is interesting to note that the economic uncertainties of today are being presided over by the same group of men who helped produce the shakey economy of the late Fifties and 1960.

It was the same Richard Nixon who was at President Eisenhower's side during those years of recession and unemployment. And it was Federal Reserve Board Chairman Arthur Burns who was President Eisenhower's chief economic adviser. The only difference now is that they have help from the same Spiro T. Agnew who helped run Maryland into the red.

The lessons of economics are best learned not from textbooks, but through the penalties imposed on society by inaction—lighter grocery bags, rising hospital and service costs, the shrinking dollar, an unfavorable balance of trade, a cost-price squeeze in agriculture, a desperation and fatalism about the future. The paradox is that the farmer gets less even as the housewife pays more.

The housewives of this nation, and of this State, may think they're getting stronger because the grocery bags they lug home each week are easier to carry. Actually, ladies, the bags are getting lighter, and lighter, each week, because your dollars buy less and less each week.

And I believe that the economic condition of our country is best reflected in the price of food—something none of us can live without, yet something fewer and fewer of us can afford.

Dazzling and dramatic shifts in White House policy—which finally did admit the failure of the Nixon Administration for the past two-and-one-half-years—convince the American public that the nation's economy is in firm, certain hands.

Governor Scott and I had an interesting experience just this week while we were attending the National Governor's Conference.

President Nixon dispatched Vice President Agnew to Puerto Rico to convince the governors of this nation that a true spirit of bipartisan cooperation was necessary for the success of the latest in the never-ending series of new economic "game plans." Our views were solicited. We were told that our ideas were vital to the success of the program.

I might add as a sidelight that I was relieved to see my old friend and fellow Marylander. We've heard so little from Vice President Agnew lately that I was beginning to wonder if the President had him under house arrest.

But let me quote from the Vice President's speech to the National Governor's Conference:

"The President's New Economic Policy was not handed down from Mount Olympus; it should be subject to the most searching analysis, and where it can be improved, it should and will be improved. We're open to ideas, because the only way the fight against inflation can succeed is if every group and every individual has a stake in its success."

Then a remarkable thing happened.

At the invitation of the Vice President, and what we presumed to be the President, the Democratic governors of this nation adopted a resolution—not partisan but constructive, not shrill but suggestive. It represented the broad views of all the Democratic governors present, and contained specific recommendations for an effective program to stabilize our economy.

But the basic point of the resolution was to ask the President to give the taxpayers and consumers of this nation—average Americans like you and I—the same breaks he gave big business. Under the President's proposed program, big business will realize $9 billion in tax breaks, while the benefits to individual taxpayers amount to only $2½ billion.

When word of the resolution got out, the White House sent its operatives scurrying to prevent discussion on the Conference floor. We were denounced as narrow and partisan, yet our only interest was the economy of this nation.

Harry Dent, the other Carolina's man in the White House, was the Presidential agent who rallied the Republican governors to deny us the three-fourths voting majority needed to consider the resolution.

Confusion is the watchword in President Nixon's Washington today, and frankly I'm baffled. I can't figure out why the President would send his Vice President to solicit our views and then abruptly change his mind before Mr. Agnew's speech died down.

But the confusion goes beyond just that.

The President appears intent on blocking out all views but his own and those of his advisers. When he finally did abandon his futile economic policies of the past two-and-one-half-years, he turned over the management of the nation's economy to the same clique of economists who apparently caused him to produce the unprecedented phenomenon we're now experiencing—the triple menace of inflation, recession, and high unemployment.

Instead of listening to White House theoreticians the President should have been hearing the voice of the people.

Mistakes are human and understandable, but the confusion emanating from Washington these days is not. What we witnessed in mid-August was a dramatic television announcement without a plan to back it up.

If the plan had been carefully prepared. why would we still be debating whether teachers are entitled to scheduled pay raises? Why would the Administration have contradicted itself on pay raises for servicemen? Why would the Cost of Living Council have had to spend so much time deciding when a cucumber is a cucumber and when it is a pickle?

No one—and I want to make this clear—no one, including me, has any quarrel with the action the President took. My own point of departure from the President is that the action should have been taken two years ago, and that the benefits of his program should have been distributed more fairly.

That is the difference between Republicans and Democrats, and that is why we are here tonight.

A change is needed in Washington, and I can see the beginnings of that change here in North Carolina just as I can in my own State of Maryland.

Your presence here is an expression of determination that the Democratic party not only will remain strong and continue to be the party of leadership in North Carolina, but that the Democratic party will regain the White House in 1972.

The Democratic party is the party the electorate has turned to for leadership more than any other in history. And as nature abhors a vacuum, the Democratic party will fill the void that now exists in Washington.

The great principle of the Democratic party is that from its diversity comes its strength, and from its unity of purpose comes its commitment.

The greatness of the Democratic party is that it believes that the only interest is the public interest.

The Democratic party believes in people, and that is why people believe in the Democratic party.

The Democratic party's commitment is a commitment to people—whether they are black or white, whether they wear blue collars or white collars, whether they are rich or poor, whether they are city-dwellers or suburbanites; whether they are young or old.

The Democratic party is the party of leadership and action.

The Democratic party looks forward with hope and optimism, not with fear and nostalgia.

The Democratic party greets the future with confidence, not with reluctance.

In 1930, we were told to wait, that things would work out.

In 1971, we are being told to wait, that things will work out.

Television speeches will not cure the social problems that the economy is creating.

Action will. Thank you.

ADDITIONAL SCIENTIFIC EVIDENCE DEMONSTRATING DANGER OF 1 PERCENT LEADED PAINTS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, yesterday I delivered an extensive analysis of the dangers of 1 percent lead-based paint. I did so as the result of a letter which was sent to every Member of the House on September 20 by Robert A. Roland, executive vice president of the National Paint, Varnish, and Lacquer Association, Inc. This letter attempted to refute my assertion that 1 percent leaded paint—that is, the paint currently manufactured under the industry's own self-regulation—is dangerous to children.

My remarks—which appeared at pages 33867–33870 of the CONGRESSIONAL RECORD of September 29—quoted extensively from various experts who all agreed with my statement. While that information is, I believe, entirely adequate to support my assertion—and thereby the petition which I have filed with the Food and Drug Administration requesting issuance of a proposed regulation banning all lead-based paints from household uses—I have since yesterday received additional verifying data which I now want to report.

By letter of September 15, 1971, Herbert O. Mathewson, M.D., chief resident, Children's Service, the Massachusetts General Hospital, has written to the Food and Drug Administration in support of the petition. I am including at the end of my remarks a copy of that letter.

In addition, I have received more specific data to which I had alluded yesterday, when discussing the formulation by an ad hoc committee working with the Department of Health, Education, and Welfare of a maximum daily safe ingestion level of lead. The level which this committee has determined on the basis of their medical and scientific expertise is 300 micrograms daily. This level makes very clear that the ingestion of 1 percent leaded paint by a child can lead to an introvertible case of childhood lead poisoning.

This committee was chaired by Dr. Barry King, of HEW's Bureau of Community Environmental Management. Other members of the committee are Dr.

Roger Challop, also of the Bureau of Community Environmental Management; Dr. Julian Chisolm, Jr., of Baltimore City hospitals; Dr. Jane Lin-Fu, of HEW; Herbert Stokinger, toxicologist, Bureau of Occupational Safety, HEW; and Lloyd Tepper, of the Kettering Laboratory. The conclusions of the ad hoc committee are to be published in the October or November issue of the American Medical Association's American Journal of Diseases of Children in an article entitled "Maximum Daily Intake of Lead Without Accumulation of Excessive Body Lead Burden in Children."

Once again, I repeat that 1 percent lead paint is, indeed, dangerous. And once again I request the Food and Drug Administration to issue the regulation proposed by the petition which I have filed in conjunction with five other individuals.

Following is the letter sent by Dr. Mathewson to the Food and Drug Administration in support of this petition:

THE MASSACHUSETTS GENERAL HOSPITAL,
Boston, September 15, 1971.

HEARING CLERK,
Food and Drug Administration, Parklawn Building, Rockville, Md.

DEAR SIR: I am writing to support the petition of Joseph A. Page, Associate Professor of Law, Georgetown University, and others requesting administrative action under the Federal Hazardous Substances Act to prevent further manufacturing of paint containing more than trace amounts of lead.

We, as physicians, are particularly aware of the public misconceptions about supposedly "lead-free" paints and think that action is long overdue to prevent the truly preventable disease of lead poisoning. In Boston, at least, it is a problem of all economic-social levels, though as elsewhere the problem is most serious in the inner city.

Thank you for your consideration.

Sincerely,
HERBERT O. MATHEWSON, M.D.,
Chief Resident, Children's Service, MGH.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LENT) to revise and extend their remarks and include extraneous material:)

Mr. SKUBITZ, for 5 minutes, today.

Mr. PRICE of Texas, for 15 minutes, today.

Mr. CLEVELAND, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

(The following Members (at the request of Mr. STOKES) to revise and extend their remarks and include extraneous material:)

Mr. ASPIN, for 10 minutes, today.

Mr. VANIK, for 20 minutes, today.

Mr. O'HARA, for 20 minutes, today.

Mr. RUNNELS, for 15 minutes, today.

Mr. RODINO, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. PATMAN, for 30 minutes, today.

Mr. DANIELS of New Jersey, for 5 minutes, today.

Mr. MIKVA, for 60 minutes, October 4.

Mr. CORMAN, for 30 minutes, October 5.

Mr. SIKES, for 60 minutes, October 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FISHER to extend his remarks and include extraneous matter during consideration of H.R. 10351 in the Committee of the Whole today.

Mr. QUILLEN to extend his remarks and include extraneous matter prior to the vote on the Perkins amendment in the Committee of the Whole today.

Mr. ROE, to revise and extend his remarks following the consideration of S. 2613.

Mr. GERALD R. FORD to extend his remarks made in Committee of the Whole and to include the text of a letter from the Secretary of Health, Education, and Welfare.

(The following Members (at the request of Mr. LENT) and to include extraneous matter:)

Mr. CRANE in five instances.

Mr. RAILSBACK in six instances.

Mr. HALL.

Mr. BELCHER in two instances.

Mr. BELL in two instances.

Mr. PEYSER in five instances.

Mr. RIEGLE.

Mr. FULTON of Pennsylvania in three instances.

Mr. KEMP.

Mr. SPRINGER.

Mr. KEATING.

Mrs. HECKLER of Massachusetts in two instances.

Mr. WYMAN in two instances.

Mr. SKUBITZ.

Mr. SEBELIUS.

Mr. WYLIE.

Mr. PRICE of Texas in two instances.

Mr. PETTIS.

Mr. ASHBROOK in three instances.

Mr. VANDER JAGT.

Mr. CLEVELAND.

Mr. BROYHILL of Virginia in two instances.

Mr. BAKER in two instances.

Mr. GUBSER in three instances.

Mr. GUDE in two instances.

Mr. BOB WILSON.

Mr. SCHMITZ in five instances.

Mr. CHAMBERLAIN in two instances.

Mr. WARE.

Mr. HOSMER.

Mr. REID of New York.

Mr. MILLER of Ohio in five instances.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. BEGICH in five instances.

Mr. CORMAN in two instances.

Mr. RARICK in five instances.

Mr. HAGAN in three instances.

Mr. DE LA GARZA in 10 instances.

Mr. FISHER in four instances.

Mr. DRINAN.

Mr. BINGHAM in three instances.

Mr. MURPHY of New York in three instances.

Mr. ROGERS in five instances.

Mr. HANNA in five instances.

Mr. O'NEILL in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. DOW in two instances.

Mr. DIGGS.

Mr. EILBERG in three instances.

Mr. STOKES.

Mr. ASHLEY in two instances.

Mr. EDWARDS of California in two instances.

Mr. PUCINSKI in six instances.

Mr. FOUNTAIN in three instances.

Mrs. MINK in six instances.

Mr. MIKVA in 10 instances.

Mr. FAUNTROY in seven instances.

Mr. CARNEY.

Mr. MINISH.

Mr. O'HARA.

Mr. BOLLING in two instances.

Mr. WALDIE in six instances.

Mr. GONZALEZ in three instances.

Mr. JACOBS.

Mr. HELSTOSKI in two instances.

Mr. WOLFF in three instances.

Mr. BRASCO.

Mr. MAZZOLI.

Mr. GALLAGHER.

Mr. BENNETT in four instances.

Mr. RYAN in three instances.

Mr. CELLER.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Friday, October 1, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1173. A letter from the Secretary of the Air Force, transmitting a report of the facts and justification for the proposed closure of Wildwood Air Force Station, Alaska, pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1174. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof; to the Committee on Foreign Affairs.

1175. A letter from the treasurer, American Historical Association, transmitting the annual audit of the association for the year ended June 30, 1971, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

1176. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report for fiscal year 1971 on grants by NASA vesting title to equipment in various institutions, pursuant to 42 U.S.C. 1893; to the Committee on Science and Astronautics.

Received From the Comptroller General

1177. A letter from the Comptroller Genral of the United States, transmitting a reort on the need for reevaluation of charges or use of Federal electrical power transmision lines by the Department of the Interior; o the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of ommittees were delivered to the Clerk or printing and reference to the proper alendar, as follows:

Mr. FISHER: Committee on Armed Servces. H.R. 3817. A bill to amend titles 10 and 2, United States Code, to authorize the stablishment of a National Guard for the Virgin Islands; with amendments (Rept. No. 2–534). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and nsular Affairs. H.R. 7136. A bill to establish he Arches National Park in the State of Utah; with amendments (Rept. No. 92–535). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and nsular Affairs. H.R. 7137. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah; with amendments (Rept. No. 92–536). Referred to the Committee of the Whole House on the State of he Union.

Mr. TAYLOR: Committee on Interior and nsular Affairs. H.R. 8213. A bill to establish he Capitol Reef National Park in the State f Utah; with amendments (Rept. No. 92–37). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 10881. A bill relating o comparability adjustments in pay rates f the Federal statutory pay systems based on the 1971 Bureau of Labor Statistics survey; with amendments (Rept. No. 92–538). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 597. Resolution authorizing the Committee on Ways and Means to make studes and investigations within its jurisdicion (Rept. No. 92–539). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 629. Resolution providing for the consideration of H.R. 10947. A bill to provide a job development investment credit to reduce individual income taxes, to reduce certain excise taxes, and for other purposes (Rept. No. 92–540). Referred to the House Calendar.

Mr. MORGAN: Committee on Foreign Affairs. S. 18. An act to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; with an amendment (Rept. No. 92–541). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 10835. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes with amendments (Rept. 92–542). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 10987. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of the Lower James-Fort Randall water diversion proposal in South Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ALEXANDER:

H.R. 10988. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 10989. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

H.R. 10990. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 10991. A bill to amend the Revised Organic Act of the Virgin Islands to permit sessions of the legislature at places other than Charlotte Amalie, St. Thomas; to the Committee on Interior and Insular Affairs.

By Mr. CHAPPELL:

H.R. 10992. A bill to authorize the payment of interest on certain claims against the United States by small contractors and the payment of interest and attorneys' fees on judgments obtained against the United States by such contractors; to the Committee on the Judiciary.

H.R. 10993. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 10994. A bill to provide for the appointment of two additional district judges for the southern district of New York; to the Committee on the Judiciary.

By Mr. FORSYTHE (for himself, Mrs. Dwyer and Mr. Widnall):

H.R. 10995. A bill to amend the National Flood Insurance Act of 1968 to provide that coverage shall be available under the national flood insurance program for all residential properties, to extend for 2 years (until December 31, 1973) the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage and the date as of which the existing authority for emergency Federal implementation of the program will expire, and to suspend (until December 31, 1973) the existing provisions making flood insurance coverage a condition of Federal disaster assistance; to the Committee on Banking and Currency.

By Mrs. HICKS of Massachusetts:

H.R. 10996. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate because of physical disability; to the Committee on Education and Labor.

By MR. KEMP (for himself, Mr. Forsythe, Mr. Harrington, Mr. Horton, Mr. Rangel, and Mr. Yatron):

H.R. 10997. A bill to regulate the disposition of wastes by subsurface injection; to the Committee on Public Works.

By Mr. McKEVITT:

H.R. 10998. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MIKVA (for himself and Mr. Begich):

H.R. 10999. A bill to amend the Voting Right Act of 1965; to the Committee on the Judiciary.

By Mr. MILLS of Arkansas:

H.R. 11000. A bill to exempt U.S. vessels from the duty levied by section 446 of the Tariff Act of 1930 on equipments and repair parts, and for other purposes; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 11001. A bill to authorize the Secretary of Housing and Urban Development to make grants to certain local public bodies or agencies to finance the development costs of certain connecting sewer facilities; to the Committee on Banking and Currency.

H.R. 11002. A bill to provide a system for the regulation of the distribution and use of toxic chemicals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11003. A bill to amend the Internal Revenue Code of 1954 to permit certain employees to establish qualified pension plans for themselves in the same manner as if they were self-employed; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 11004. A bill to amend the Public Health Service Act to provide for the establishment of a National Sickle Cell Anemia Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 11005. A bill to require that persons who presently possess firearms obtain from the Secretary of the Treasury a certificate which would evidence their eligibility to possess firearms, to require that persons who purchase firearms obtain such certificate, to require that persons who purchase ammunition possess such certificate, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY of New York (for himself, Mr. Matsunaga, Mr. Roe, and Mr. Perkins):

H.R. 11006. A bill to provide for a national educational campaign to improve safety on the highways by improving driver skill, driver attitudes, and driver knowledge of highway regulations; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H.R. 11007. A bill to provide compensation for the injury, illness, disability, or death of employees in agriculture, and for other purposes; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 11008. A bill to amend title II of the Social Security Act to provide for voluntary agreements between ministers and their employers to treat ministers as employed persons; to the Committee on Ways and Means.

By Mr. SEBELIUS:

H.R. 11009. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

By Mr. STRATTON:

H.R. 11010. A bill to amend title III of the act of March 3, 1933, commonly referred to as the Buy American Act, with respect to determining when the cost of certain articles, materials, or supplies is unreasonable, and for other purposes; to the Committee on Public Works.

By Mr. VANIK:

H.R. 11011. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. WIDNALL:

H.R. 11012. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 11013. A bill to require public disclosure by certain recipients of Federal funds of information required to be kept by such recipients as a condition of receiving such funds; to the Committee on Government Operations.

By Mr. HOGAN:

H.R. 11014. A bill to facilitate fresh pursuit of criminals in the District of Columbia; to the Committee on the District of Columbia.

H.R. 11015. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY:

H.R. 11016. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. McKINNEY (for himself, Mrs. ABZUG, Mr. BELL, Mr. BINGHAM, Mr. BURTON, Mr. DANIELSON, Mr. DRINAN, Mr. ESCH, Mr. FORSYTHE, Mr. FRELINGHUYSEN, Mr. FREY, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HORTON, Mr. KUYKENDALL, Mr. LENT, Mr. LONG of Maryland, Mr. McCLORY, Mr. MIKVA, Mrs. MINK, Mr. NEDZI, Mr. RIEGLE, and Mr. STEELE):

H.R. 11017. A bill to provide that a U.S. passport shall not disclose the place of birth of the person to whom it was issued; to the Committee on Foreign Affairs.

By Mr. POAGE (for himself and Mr. TEAGUE of California):

H.R. 11018. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. PRICE of Illinois (for himself, Mr. BETTS, Mr. HÉBERT, Mr. HOLIFIELD, Mr. WILLIAMS, and Mr. HUTCHINSON):

H.R. 11019. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes; to the Committee on Standards of Official Conduct.

By Mr. RAILSBACK (for himself, Mr. BRASCO, Mr. FRENZEL, Mr. HALPERN, Mr. KYROS, Mr. RODINO, Mr. SCHWENGEL, Mr. SEBELIUS, Mr. WRIGHT, and Mr. WIGGINS):

H.R. 11020. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 11021. A bill to control the emission of noise detrimental to the human environment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 11022. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 11023. A bill to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers; to the Committee on Interstate and Foreign Commerce.

H.R. 11024. A bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings; to the Committee on Interstate and Foreign Commerce.

H.R. 11025. A bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges collected in excess of those in lawfully filed tariffs; to the Committee on Interstate and Foreign Commerce.

H.R. 11026. A bill to amend the Federal Aviation Act of 1958 so as to assure opportunity for the Board's participation and representation in certain court proceedings through its own counsel as a matter of right; to provide for all review of Board actions in the court of appeals; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11027. A bill to amend part V of the Interstate Commerce Act, relating to railroad loan guarantees; to the Committee on Interstate and Foreign Commerce.

H.R. 11028. A bill to amend section 22(1) of the Interstate Commerce Act so as to eliminate free or reduced rates for certain Government traffic, except in certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11029. A bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to restructure essential railroad service under certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11030. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11031. A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 11032. A bill to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia; to the Committee on the District of Columbia.

By Mr. CELLER:

H.R. 11033. A bill to provide for the application of the prohibitions contained in the Sherman Act to the businesses of organized professional team sports; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 11034. A bill to amend title 10, United States Code, to authorize, with respect to certain officers of the Army Reserve or Air Force Reserve their employment as, and retention in, an active status beyond 28 or 30 years if they are, Army Reserve or Air Reserve technicians, and for other purposes; to the Committee on Armed Services.

By Mr. McDADE:

H.R. 11035. A bill to amend title 10 of the United States Code to designate the medal of honor awarded for military heroism as the "Congressional Medal of Honor"; to the Committee on Armed Services.

By Mr. PRICE of Texas:

H.R. 11036. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to increase the maximum percentage limit on the amount of any construction grant for water and waste disposal systems serving rural areas, and for other purposes; to the Committee on Agriculture.

By Mr. RHODES:

H.R. 11037. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. RYAN (for himself and Mr. BIAGGI):

H.R. 11038. A bill to amend the Economic Stabilization Act of 1970, as amended, to direct the President to stabilize rentals and carrying charges through the period ending at midnight April 30, 1972; to the Committee on Banking and Currency.

H.R. 11039. A bill to amend the National Housing Act to provide that the rentals and carrying charges charged for accommodations in federally assisted housing may not exceed, for the period ending at midnight April 30, 1972, the levels at which rentals have been stabilized pursuant to Executive Order 11615; to the Committee on Banking and Currency.

By Mr. SEIBERLING:

H.R. 11040. A bill to amend the Internal Revenue Code of 1954 to repeal the manufacturers excise tax on tires, innertubes, and tread rubber; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 11041. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. STEED:

H.R. 11042. A bill to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer and the other major killer diseases as soon as possible; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 11043. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize the establishment of a class of commuter air carriers, to provide for issuance of certificates of public convenience and necessity to members of that class who may apply therefore, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.J. Res. 899. Joint resolution requesting the President to issue a proclamation designating October 9 as "General Casimir Pulaski Day"; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. FRASER, Mr. FASCELL, Mr. GALLAGHER, Mr. ROSENTHAL, Mr. BINGHAM, Mr. DELLUMS, Mr. HALPERN, and Mr. ZABLOCKI):

H.J. Res. 900. Joint resolution to create an Atlantic Union Delegation; to the Committee on Foreign Affairs.

By Mr. GALIFIANAKIS:

H.J. Res. 901. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. GALLAGHER:

H.J. Res. 902. Joint resolution to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes; to the Committee on Public Works.

By Mr. KING:

H.J. Res. 903. Joint resolution proposing an amendment to the Constitution of the United States to modify the effect of the fifth article of amendment thereto; to the Committee on the Judicary.

By Mr. McCLOSKEY:

H.J. Res. 904. Joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Government Operations.

By Mr. RODINO:

H.J. Res. 905. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. ROE:

H.J. Res. 906. Joint resolution to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as a result of recent natural disaster, and for other purposes; to the Committee on Public Works.

By Mr. RUNNELS:

H.J. Res. 907. Joint resolution to establish a Joint Committee on the Federal Budget; to the Committee on Rules.

By Mr. JACOBS:

H. Res. 630. Resolution: release of American prisoners of war; to the Committee on Foreign Affairs.

By Mr. PEYSER (for himself and Mr. BIAGGI):

H. Res. 631. Resolution relative to Irish national self-determination; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 11044. A bill for the relief of Marjorie T. Smith, the widow of Hawley Armistead Smith; to the Committee on Foreign Affairs.

By Mr. BURTON:

H.R. 11045. A bill for the relief of Mr. and Mrs. John F. Fuentes; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 11046. A bill for the relief of Emilia Majowicz; to the Committee on the Judiciary.

By Mr. HAGAN:

H.R. 11047. A bill for the relief of Donald W. Wotring; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 11048. A bill for the relief of Yau Pik Chau; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 11049. A bill for the relief of Gersy Guevera; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 11050. A bill for the relief of Armig G. Kandoian; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

143. The SPEAKER presented a petition of the convention of the International Northwest Aviation Council, relative to diversion of airport and airways trust funds, which was referred to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

PRESIDENT OF COPPERWELD STEEL CO. ON STEEL NEGOTIATIONS WITH THE JAPANESE

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. CARNEY. Mr. Speaker, Mr. Phillip H. Smith, president of Copperweld Steel Co., made an important statement to the American Iron & Steel Institute today concerning the steel import negotiations currently taking place between the United States and Japan.

I commend Mr. Smith's candid remarks to the Members of Congress and to everyone concerned about the problem of foreign imports.

Mr. Speaker, I insert Mr. Smith's statement in the CONGRESSIONAL RECORD at this time for the information and consideration of my colleagues in the House and Senate:

STATEMENT OF P. H. SMITH TO THE COMMUNICATIONS AND NATIONAL AFFAIRS COORDINATING COMMITTEE OF THE AMERICAN IRON AND STEEL INSTITUTE, WEDNESDAY, SEPTEMBER 29, 1971

The specialty steel producers in the United States are in a unique position concerning the negotiations currently being carried on by the United States State Department and the representatives of the Japanese steel industry, headed by Mr. Inayama, President of the Japan Iron & Steel Federation, and also President of Japan's No. 1 Steelmaker, Nippon Steel. It is interesting that the negotiations have gone fairly smoothly, particularly with respect to the duration of the new agreement, and to the market growth factor that will remain in effect for the life of his second agreement. While there are still some details to be worked out, mainly concerning the classification of steel products between the Japanese export product terminology and the United States tariff terminology, the fundamental issues in the large tonnage markets have essentially been resolved.

The remaining basic issue is essentially at what point in time do the Japanese specialty steel producers return to the voluntary limitation levels set for the specialty steels in the agreement signed by Mr. Inayama in 1968. The Europeans who are also involved in negotiations with our State Department, have directly stated: "The problem of the specialty steels is essentially a Japanese problem, and we don't intend to get concerned with it."

Indeed it is a Japanese problem! In the agreement signed by Mr. Inayama, on December 23, 1968, the statement was made: "During this period, the Japanese steel companies will try not to change greatly the product mix and the pattern of distribution of trade as compared with the present." The matter of semantics comes into play, mainly with the word "greatly". What is a "great" change in a product mix? In the last two years the imports of Japanese steels in the specialty categories; namely, stainless, alloys, and tool steels have exceeded the voluntary limitation levels by a range of 40 to 50%. The Japanese acknowledge this fact, and the basic disagreement now is the timing of return to their original commitment levels.

Mr. Inayama is in a very difficult position. Nippon Steel, formed through the merger of Yawata Steel and Fuji Steel, controls approximately 50% of the specialty steel production in Japan. Through affiliations with joint venture companies, the actual control is far in excess of 50%. Yet Mr. Inayama, first as signatory to the letter of intent to the U.S. Secretary of State, second as Chairman of the Japan Iron & Steel Exporters Association, and third as head of Nippon Steel, breached good faith in allowing the specialty steel imports to so significantly deviate from his original commitment. This was not a coincidental deviation—it was part of a deliberately and carefully laid plan, and therefore does raise the question as to whether Mr. Inayama can be trusted in a subsequent agreement for the period 1972 through 1975.

To return to the appropriate 1971 levels at this time would mean that specialty steels would actually have to be re-shipped back to Japan from the United States. This is impractical, and the United States concedes this point. The American specialty steel has requested the State Department, however, to ask the Japanese steel industry to return to their committed levels by 1972. The Japanese are unwilling to do this and are holding out for a return to the voluntary limitations by 1973. Since there is no dispute on the part of the Japanese industry that the agreement has been violated, the U.S. State Department is essentially in the position of "negotiating with a thief as to when the money will be returned."

Obviously, this is a matter of delicacy and embarrassment to the United States Government. The President of the United States, both when a candidate for the office in 1968, and since assuming the Office of the Presidency, has maintained that an equitable agreement will be reached with the Japanese steel industry. It is clearly a source of embarrassment that this agreement has been violated. The violation has also been a source of embarrassment to a number of the basic steel producers in the Japanese steel industry, other than Nippon Steel. These companies have essentially lived within the limits of the agreement, and can rightly feel that Mr. Inayama has failed in his leadership and fundamental commitment to live up to a signed agreement.

As stated earlier, this is a delicate situation, and one wrought with a certain amount of emotion as well as reason. It is interesting to think for a moment of the Japanese reaction were the United States to be negotiating with the Japanese for a share of the Japanese market. If, for example, the Chairman of the Board of the largest American steel company, also being the Chairman of the Board of the American Iron & Steel Institute, were to be in Japan telling the Japanese Foreign Ministry that the American steel producers would have such and such percent of the Japanese Steel markets, with a growth rate of X percent per year, and that the American tariff specifications would be the ones to prevail, it would certainly be understandable that the Japanese industry would get somewhat emotional. Likewise, when the shoe is on the other foot, it is understandable that the American specialty steel industry doesn't like the Japanese position.

The question is where does the specialty steel industry in the United States go from here? The industry has had the experience of seeing one agreement, signed by Mr. Inayama, significantly violated. It raises the question whether Mr. Inayama's signature is good on another agreement. On a moral basis, Mr. Inayama's position is untenable—he has broken his word and has lost the honor and respect of many as a result. Can the Japanese be expected to keep faith with a new agreement? Until the answer can be clearly affirmative, it would appear to be in the best interest of the American specialty steel industry to proceed to obtain legislative relief, hopefully only as an interim step, until full rationalization of Japanese/American trade policy can be accomplished.

PHILLIP H. SMITH.

STATEMENT OF WILLIAM H. WEITZEL, VICE PRESIDENT AND GENERAL MANAGER, WATER MANAGEMENT DIVISION, CALGON CORP. OF PITTSBURGH, PA., BEFORE HOUSE COMMITTEE ON PUBLIC WORKS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, I submit for the CONGRESSIONAL RECORD the excellent statement of one of our outstanding Pittsburgh executives to call the attention of the U.S. Congress and the American people progressive thinking and proposals in the field of water management, pollution control, and sewage treatment processes.

A federally sponsored bonus payment program to encourage municipalities to do a more effective job of pollution control was proposed by an executive of a Pittsburgh-based water pollution control firm in testimony prepared for presentation September 15, 1971, to the House Committee on Public Works.

W. H. Weitzel, vice president of Calgon Corp., urged that the Federal Government initiate a pollution control bonus program that will give financial rewards to those communities which consistently do a more effective job of water pollution control.

Mr. Weitzel said:

> One technique would be to reimburse the community for some part of the additional expense incurred in purchasing products which increase efficiency of the plant.

He said such payments should be based on achieving some specific improvement in the quality of the effluent from the plant.

The Calgon executive said new methods and materials are available which are compatible with existing sewage treatment processes and plants and which can improve sewage plant effluent. He named three technological advances which can be applied immediately to improve removal of oxygen-consuming materials from sewage.

The first, he said is the use of polymer chemicals in primary plants to increase removal of suspended solids. While most plants achieve about 35 percent removal by allowing the solids to settle by gravity, use of polymers can increase this operation to as high as 60 percent. The pollution control expert said this technology can be applied immediately and at a cost of only a fraction of a cent per person per day.

Weitzel said the second technique involves the substitution of oxygen for air in biological systems. He said the process improves removal of biochemical oxygen demand—BOD—materials from sewage and, in effect, increases the capacity of existing secondary treatment plants.

The third advance is the use of granular activated carbon to take out BOD not completely removed from sewage by secondary biological treatment and biologically resistant chemicals such as pesticides and herbicides. He cited the inclusion of a Calgon granular carbon system at Lake Tahoe, Calif., to help produce water of virtually potable quality from sewage as an outstanding example of carbon's usefulness.

In addition to the use of polymers and carbon by themselves, Weitzel said they can be used together in a physical/chemical process developed by Calgon to completely supplant secondary biological treatment. He said pilot testing of the process was conducted in Rocky River, Ohio, and that a 10-million-gallon-per-day plant soon will be built there with the help of an approximate $1 million grant from the Environmental Protection Agency.

Weitzel also suggested a financial bonus to those communities which construct new facilities.

He said that—

> A municipality could be reimbursed for one-third of the interest on its sewage plant construction bonds if the effluent consistently was more than 85 percent free of BOD. Such a provision would give the community an incentive to construct facilities which go beyond the current norm for secondary biological treatment of 85 percent removal.

He said also that reimbursement of one-third of the interest costs could be based on consistent removal of at least 95 percent of the suspended solids and the final one-third for consistent removal of 85 percent of phosphates.

Mr. Weitzel said:

> What we are suggesting is that there be financial benefit to communities which produce high-quality effluent no matter what technology is used to achieve that result.

In concluding his statement Weitzel said:

> Incentives of this nature would have the incidental benefit of encouraging communities to hire competent personnel and to properly maintain the facility after construction. A federal grant to construct a new sewage treatment facility can go for naught if the community fails to hire sufficient and competent personnel to operate the plant or is unwilling to spend the funds necessary to keep the plant in good repair.

The material referred to follows:

STATEMENT OF WILLIAM H. WEITZEL

Thank you, Mr. Chairman, for giving me this opportunity to testify. I am William H. Weitzel, Vice President and General Manager of the Water Management Division of Calgon Corporation. Since 1947, Calgon has been actively engaged in the development and application of water pollution control methods and products. Today, as a wholly-owned subsidiary of Merck & Co., Inc., Calgon provides a full range of water pollution control services for industrial plants and municipalities. It is from this background in environmental control that I would like to speak today.

It is not my purpose to offer comments on legislation now pending before this Committee. Rather, I propose to provide some background on new sewage treatment technology which is fundamental to such legislation, and to urge that the federal government initiate a pollution control bonus program that will give financial rewards to those communities which consistently do a more effective job of pollution control. I believe such a program would lead to broader use of new technology in existing and new sewage treatment plants and to more efficient operation of both new and existing facilities.

I believe that widespread use of these improved sewage treatment methods will—at comparable cost—help restore the nation's water quality much more quickly than continued application of conventional sewage treatment methods. Regrettably, I see no way to achieve a significant reduction in total sewage treatment costs, but some of the developments I will discuss today should enable the nation's taxpayers to realize greater benefits from their present and future investment in sewage plants.

Fortunately, the new treatment methods are fully compatible with existing sewage treatment processes and plants. Because of this relationship, I would like to begin by briefly reviewing conventional practices—using this review as a frame of reference for comparison with the newer treatment methods.

As this Committee knows, the basic purpose of sewage treatment is to reduce the biochemical oxygen demand—the BOD—in sewage. Raw sewage generally contains more than 150 parts per million of BOD, and this imposes a severe demand on the available oxygen supply in a river, lake or stream.

BOD exists in essentially two forms—suspended solids and dissolved organic material. In conventional biological systems, the design criteria call for removal of approximately 85% of the BOD in a two-stage treatment process. In the primary treatment phase, suspended solids are removed in large concrete or metal clarifiers. The basic process involved here is simple gravitational settling. Such primary treatment produces only about 35% removal of BOD. The addition of treatment chemicals can increase removal to the 50%-to-65% range.

The second phase of conventional treatment involves the removal of dissolved organic materials, which are also high in oxygen demand. In this process, organics are partially removed by passing the liquified sewage through a large, aerated chamber in which masses of bacteria metabolize the wastes. This treatment can increase cumulative BOD removal to approximately 85%—provided the biological system is functioning properly. Unfortunately, biological systems are vulnerable to changes resulting from temperature, acidity or alkalinity of the water, and the introduction of toxic chemicals. As a result, BOD removal often falls below 85%—frequently to levels on the order of 75% or even 60%.

IMPROVED TREATMENT METHODS

There are at least three technological advances which can now be applied to improve BOD removal in existing sewage treatment plants. These advances are:

(1) The use of polymer chemicals to improve the operation of primary plants;

(2) The use of oxygen—instead of air—in conventional biological treatment systems; and

(3) The use of granular activated carbon to upgrade the effluent from existing biological plants.

Two of these advances can be combined to provide a new form of secondary treatment. A two-stage physical/chemical process has been devised using polymers in primary treatment and granular activated carbon in place of the biological process for the secondary treatment phase.

1. Use of polymers to improve primary treatment

The use of polymers in primary treatment plants derives from the fact that, even today, many communities have only primary sewage treatment facilities. Figures from a 1968 study showed that some 2,300 communities serving a population of over 36,000,000 people had only primary treatment plants. Fortunately, the performance of primary plants can be greatly improved by using synthetic polymer coagulants to accelerate solids removal in primary clarifiers. Use of these polymers often increases BOD removal from about 35% to as high as 65%. Thus, BOD removal in primary plants can almost be doubled simply by adding polymers. This can be achieved at modest capital cost, with only a slight increase in operating costs—and it can be accomplished now.

Let me refer once more to those 36 million people living in communities with primary treatment plants, and offer an example. Using a standard factor of 100 gallons of sewage per person per day, and assuming an average BOD content of 180–200 milligrams per liter, this population of 36,000,000 people is responsible for a total BOD load of about 4,000,000 pounds per day. That calculation includes an estimated primary treatment removal of 35% of the BOD. For a total additional chemical cost of about $145,000 to $200,000—or .4 to .6 of a cent per person per day—we can improve BOD removal to 55% or 65%, thus cutting the total BOD discharge to approximately 2,000,000 pounds. Or, to put it differently, at an approximate cost of $53 million to $73 million (approximately 3% to 4% of the fiscal 1971 appropriation for water pollution control) we could have removed an estimated additional 730 million pounds of BOD from the nation's waterways.

I think the rapidity with which improved primary treatment can be accomplished is a key factor—particularly when we bear in mind that it will be many years before secondary treatment plants are installed in all our communities. The use of polymers offers benefits which can be realized immediately. All this involves is slightly higher chemical treatment costs in the primary plants, yet it can double removal of the BOD that exists in the form of solids. In effect, what we have now is a serious under-utilization of existing primary treatment facilities. The irony of this situation—under-utilized plants at a time when there is so much outcry about the perils of pollution—would be laughable if it were not for the fact that water pollution is such a serious matter. The failure to operate plants at their full efficiency is an anomalous situation which practically cries out for correction.

Calgon has successfully applied polymers in primary treatment plants in the cities of Warren and Painesville, Ohio and Leetsdale, Pa. Summaries of the results obtained are attached to this statement (Exhibits A and B). Dow Chemical has also had broad experience in the use of polymers for this purpose and their findings have been reported in various technical papers and publications. A number of these are listed in the bibliography at the end of this statement.

In connection with this general subject of improved primary treatment, there is one additional point which might be made. The general objective of providing secondary treatment facilities for all communities is a highly laudable one, and, long range, is undoubtedly necessary.

Given the present shortage of capital, however, we may be trying to move too fast to install secondary plants in those communities with a relatively low population and which are located on river basins with high natural assimilative capacity. Such communities might not need secondary plants for quite a number of years if we concentrate on upgrading the operation of the primary treatment facilities. In the interim, federal construction grants could be focused on high-population centers on overloaded river basins where improvement of water quality is more urgent. Polymer/coagulant treatment, in effect, can help us keep pollution under control while the nation allocates its capital resources to river basins needing priority attention.

PHOSPHATE REMOVAL

In discussing the removal of solids in primary plants, I would be remiss if I failed to mention that the use of polymers in conjunction with inorganic coagulants such as lime, alum or ferric chloride produces a dramatic improvement in phosphate removal. Over the past 18 months much attention has been devoted to the controversy over phosphates. A great deal of the discussion has centered about proposals to remove phosphate from household detergents. That would produce some results, but it would be a piecemeal approach to the subject. Only about half the phosphate in sewage comes from detergents. The other 50% is derived from human wastes and other sources.

Frankly, I do not believe that phosphates are the principal cause of eutrophication, even though state legislatures and municipalities have taken measures to limit their use. Although the scientific debate over phosphates continues, the technology for removing phosphate from sewage is readily available. We can easily remove 80% of the phosphate *from all sources* in sewage treatment plants—and at the same time significantly improve BOD and solids removal—at a cost of only a few dollars per person per year.

Unfortunately, many people have been led to believe that only highly advanced tertiary treatment methods will effectively remove phosphates. This is a serious misconception. Eighty percent removal of phosphate can be achieved routinely in existing treatment plants. Again, this is something we can do now—simply by making use of available technology. There is no need for a major capital grants program to remove phosphate.

I would like to cite one specific example from the projects I referred to a moment ago. At Painesville, Ohio, in a phosphate-removal project sponsored by the Federal Water Quality Administration (now the Water Quality Office of the Environmental Protection Agency), phosphate removal with chemical treatment averaged 83% versus 15% prior to chemical treatment. On the basis of the population being served by the sewage treatment plant, the cost per person is slightly less than one cent per day. The Painesville plant serves a total population of approximately 19,000 persons. The total chemical cost of phosphate removal for this population is only about $130 per day, or .6 of a cent per person per day.

The Calgon reports and the Dow Chemical publications referred to earlier include specific information on phosphate removal with polymers and inorganic chemicals.

I would like to offer one final thought on the benefits of improved solids and phosphate removal. When solids removal is improved, the remaining sewage entering the secondary treatment plant can be processed more effectively because there is less suspended organic matter to interfere with the action of the biological mass on dissolved organic matter. This is a treatment bonus which is sometimes overlooked.

2. Use of Oxygen To Improve the Operation of Biological Systems in Secondary Treatment

The second technological advance—the use of oxygen to improve the operation of secondary biological systems—can serve to upgrade conventional biological treatment plants.

Conventional systems depend upon the functioning of large masses of bacteria which digest organic impurities. This process occurs in large aeration tanks. The Linde Division of Union Carbide Corporation and Air Products Company have developed an improved technique which calls for the use of 90% oxygen, rather than air, and closed tanks in place of an open chamber.

Since the use of oxygen accelerates growth of the bacteria which reduce organics, this process not only improves BOD removal but also, in effect, increases the capacity of existing secondary plants. This process has been adopted for a large expansion of the sewage plant in the City of Detroit, and the technology was the subject of a major article in the October, 1970 issue of Water and Wastes Engineering, a trade publication.[1]

Business Week magazine devoted a full page article to Union Carbide's Unox process on November 7, 1970. The following paragraph from Business Week summarizes the benefits of the process: "Six cities already have committed themselves to using Unox, and another 60 municipalities are actively interested. The system's appeal lies in its compatibility with existing sewage treatment facilities; rather than starting from scratch, cities can add Unox to existing plants at fairly low cost. In essence, Unox can double the capacity of an existing facility, without doubling the expense. At the Newtown Creek facility in New York, for example, a Unox system is being built because there was simply no additional land available for expanding the existing plant."[2]

3. The Use of Granular Activated Carbon To Upgrade Effluent From Biological Treatment Plants

Another method of upgrading secondary plants calls for the use of granular activated carbon at an additional treatment step beyond the biological process. The nation has an enormous investment in biological treatment plants, and the return on that investment can be more fully realized if steps are taken to upgrade the effluent such plants discharge. One practical process for accomplishing this is to pass the sewage water through large tanks of granular activated carbon after biological treatment has been completed. These tanks of granular carbon can upgrade effluent quality to as high as 95% BOD removal. Equally important, carbon can remove many organic chemicals which are not removed by bacterial action.

Because of its high affinity for dissolved organic impurities, granular carbon has long been used as a purification medium in industrial processes and in the processing of foodstuffs. Within the past few years, the suitability of carbon for "effluent polishing" applications in sewage treatment has gained national recognition through two major demonstration projects at Lake Tahoe and Pomona, California.

The Pomona plant is operated jointly by the Federal Water Quality Office and the Sanitation Districts of Los Angeles County. Detailed results covering this highly successful operation of a carbon system were reported in an article in the October, 1967 issue of the Journal of the Water Pollution Control Federation.[3]

The installation at Lake Tahoe is an outstanding example of the use of carbon and other improved waste treatment methods to reclaim water for reuse. The basic treatment processes at Lake Tahoe include conventional primary and secondary treatment, followed by phosphate and nitrogen removal, filtration in mixed media beds, carbon treatment and chlorination. The water emerging from these treatment processes contains only about one part per million of BOD, and is pure enough to be used as the water supply for a 165-acre lake in Alpine County, California. This lake (known as Indian Lake) has a capacity of one billion gallons of water, and is now being used for boating, fishing and irrigation. One million dollars of the $6-million project was provided by a Federal grant.[4]

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[1] Remus, Gerald J., "Detroit's sewage treatment process", *Water and Wastes Engineering*, pp. 44–46 (October, 1970).

[2] *Business Week*, "Treating waste in greater haste", p. 106 (November 7, 1970).

[3] Parkhurst, John D., Franklin D. Dryden, Gerald N. McDermott and John English, "Pomona Activated Carbon Plant," *Journal Water Pollution Control Federation*, Part 2, pp. R70–R81 (October, 1967).

Both of these systems indicate the practicability of using granular activated carbon to upgrade the effluent from other treatment processes.

4. A Two-Stage Physical/Chemical Treatment Process Using Polymers and Granular Activated Carbon

In addition to the improved primary and secondary treatment methods already mentioned, there is a major new treatment process which could supplant biological systems where new sewage plants are to be constructed.

In 1966, Calgon announced a two-stage physical/chemical process based on the use of polymers in primary treatment and the complete substitution of carbon for biological treatment in the secondary treatment phase. A 10-million-gallon-per-day sewage treatment plant using this physical/chemical process will soon be built at Rocky River, Ohio, a suburb of Cleveland. The Environmental Protection Agency has authorized a demonstration grant of approximately $1 million to help the participating communities build this plant—a grant authorized only after extensive pilot tests had demonstrated the feasibility of the process. These tests demonstrated that the physical/chemical process will remove 93% of both BOD and suspended solids.

The chemical treatment program at Rocky River is also designed to remove phosphates.

Total operating, maintenance and amortization costs of the plant at Rocky River, including primary treatment and sludge disposal, are estimated to be comparable to the costs of a conventional biological treatment plant. The projected additional operating cost for the physical/chemical treatment system, figured for a family of four, is approximately 20 cents per month—about $2.50 per year. This $2.50 per-family, per-year increase will provide a marked improvement over results generally obtained with conventional methods. At Rocky River, suspended solids removal and BOD removal will both be on the order of 93%, as contrasted with the 65% to 75% removal of solids and BOD often produced by conventional systems.

An important factor to be considered when a sewage treatment plant is to be built is the land area the facility will require. The land area required for the physical/chemical plant at Rocky River is approximately 85% less than that required for conventional treatment. Thus this community saved a considerable sum in land costs in an expensive residential area.

Attached to the text of this statement is a copy of government-issued publication which explains in detail the benefits of the physical/chemical process to be used at Rocky River (Exhibit C). (Also see Exhibit D.)

Although the plant at Rocky River will be the first sewage treatment system exclusively using carbon for secondary treatment, a recent emergency in the State of Ohio illustrated rather dramatically the power of granular activated carbon to remove toxic organic substances from water.

The incident occurred in June, 1971 at Shawnee Lake in southern Ohio, which is located just a few miles outside the city of Portsmouth. The trouble at Shawnee Lake began when a solution of highly toxic insecticide was thrown deliberately into the water. The pesticide killed virtually all the aquatic life in the lake—including some 3,500 fish. Conservation authorities from the State of Ohio and officials of the Environmental Protection Agency were concerned that natural drainage from the lake would have a devastating effect on fish in the receiving stream.

After discussions with a consulting engineer, state and federal officials installed a temporary carbon treatment tank, through which all the water in the lake was pumped for purification prior to discharge. I am happy to report that on the basis of highly sensitive chromatographic tests, the treated water from Shawnee Lake showed no traces of pesticide, and the contaminated water has been purified and discharged. After scraping of the lake bottom to remove pesticide-contaminated vegetation and soil, Shawnee Lake has now been partially re-filled and will be re-stocked with fish.

In addition to its high capacity for removal of impurities—granular carbon has a unique characteristic which I believe is of special importance: Used or spent carbon can be thermally reactivated to full absorptive capacity with only a five per cent loss of material in the reactivation process. Because of this, carbon can be re-used repeatedly and creates no solid-waste disposal problem. The carbon system at Lake Tahoe is equipped with a carbon reactivation system, and a similar facility will be provided at Rocky River.

We in industry are not alone in calling for the adoption of new technology. Research people, as well, recognize the need. Messrs. Touhill and Culp of Batelle-Northwest, a distinguished research institution, recently authored an article in Public Works magazine from which I now quote:

"The public has been seriously misled in regard to the performance of the municipal waste treatment facilities they have financed. Secondary treatment plants are proposed for cases requiring 85–90 percent removal of oxygen demanding materials and the public no doubt feels that once the plant is built their obligation is complete and that the plant will perform at this efficiency. A majority of secondary plants do not. Were the public aware of the inherent instability of many secondary processes which are accentuated by the quality of operators attracted by the low salaries offered, public support of more reliable plants and higher operator pay scales would be more readily obtained. The public must share the blame in this case. They have erred in assuming its specified operation is automatically achieved. Would the public finance the more reliable facilities and the higher operator pay required to assure that the desired pollution abatement is indeed achieved? Obviously, this can only be determined by putting such proposals directly to the public; but it appears that they may be willing.

"In addition to failing to determine the limit of the public's willingness to pay for pollution abatement, technologists often have failed to apply new technology as it becomes available. The causes are many. Regulatory agencies are in a negative position: They have little to gain from promoting or approving new, relatively untried technology when approval of continued use of older, proven technology represents no threat to their security. * * *

"Each of the 50 states has its own regulatory agency which must approve all new wastewater treatment facilities. Thus, the engineering profession is faced with 50 separate standards of acceptable technology. The multiplicity of standards represents a barrier to expeditious application of new technology. An analogy has been made to the likelihood of landing a man on the moon by 1970 if 50 separate agencies had been required to approve the technology and hardware used."[5]

Those paragraphs are among the most cogent statements I have read in connection with this general situation.

This brief discussion of improved sewage treatment methods demonstrates that significant new technology is now available. But the nation is confronted by a paradox: although there is a critical need for upgrading the quality of sewage treatment, there has been an unfortunate lag in adopting new technology. Resistance to change is a fact of life in this as in all areas of human endeavor, and, unfortunately, most communities are continuing to build sewage treatment plants based on biological treatment processes which often will not produce the quality of effluent specified.

I, therefore, would urge that Congress include in the Federal Water Pollution Control Program some sort of incentive to encourage municipalities with existing sewage treatment facilities to operate those facilities at their maximum efficiency.

There are a number of ways in which communities could be given such incentives. One technique would be to reimburse the community for some part of the additional expenses incurred in purchasing products which increase the efficiency of the plant. Any such payments should be based on achieving some specific improvement in the quality of the effluent of the plant.

The difficulty today is that communities with facilities operating below design efficiency have no incentive to upgrade operation of those facilities. There is a "stick" in most states in the form of a sanction imposed by the state if the community has an inadequate plant—but there is nothing in the form of a "carrot." A reimbursement of the incremental expenses which are shown to have a significant effect on the quality of the effluent would, for the first time, give municipalities the incentive to operate their existing facilities at their maximum efficiency. As pointed out earlier, money spent this way would have an immediate impact on the quality of the water of the United States. Furthermore, this is a program which could be phased out as the construction grant program finally reached the goal of providing adequate treatment facilities for all of the population.

Similarly, there are many incentives which could be afforded communities constructing new facilities to encourage them to adopt the best available technology. One method of doing this would be to incorporate in the Federal grant program a provision that the community be reimbursed for a portion of its interest expense on bonds issued to finance the facility for a several-year period after construction. Such a reimbursement should, I think, be contingent upon the facility's producing an effluent meeting certain high quality standards.

For example, a municipality could be reimbursed for one-third of the interest cost if the effluent consistently achieved more than 85 percent removal of the BOD from the raw sewage. Such a provision would give the community an incentive to construct facilities which go beyond the current norm for secondary biological treatment of 85 percent removal. Similarly, reimbursement of one-third of the interest cost could be based upon consistent removal of at least 95 percent suspended solids, and reimbursement of one-third of the interest cost for consistent removal of at least 85 percent of the phosphate. It is important to note that what I am suggesting is that there be a financial benefit to communities which in fact *produce* high quality effluent no matter what technology is used to achieve that result. The financial reward should not be based on design parameters or promises, but only on achieved results.

It should also be noted that incentives of this nature would have the incidental benefit of encouraging communities to hire competent personnel and to properly maintain the facility after construction. As the Committee well knows, a Federal grant to construct a new sewage treatment facility can go for naught if the community fails to hire sufficient and competent personnel to operate the plant, or is unwilling to spend the funds necessary to keep the plant in good repair.

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[4] *The Reader's Digest,* "Breakthrough in Water Pollution," pp. 167–175 (June, 1971).

[5] Touhill, C. J. and Culp, G. L., "Water Pollution Control—Let's Do It Right", *Public Works*, pp. 74–76 (August, 1971).

This suggestion of financial incentives is certainly not a complete answer to that problem, but it would be a partial answer to a serious problem which everyone seems to recognize exists.

Before concluding, I want the record to be clear that my company is a producer of polymer coagulants and of granular activated carbon. It is true that more widespread use of these products would benefit us. But it would also benefit others. There is a great deal of competition in both fields—Dow Chemical, American Cyanamid, Hercules and several other produce polymers; and Westvaco, Atlas Chemical and Witco Chemical compete with us as carbon producers. By virtue of Calgon's being in both fields, we are abreast of developments in both fields, and I thought the technological advances in them—and our thoughts about how they can be applied—would be matters of interest to the Committee in its continuing inquiries into what can be done to broaden environmental protections.

I want to thank you, Mr. Chairman, and the members of this Committee, for giving me an opportunity to appear before you. I will be happy to answer any questions.

EXHIBIT A

PLANT I.—LEETSDALE, PA.

[Primary plant—0.5 mgd]

Analysis	Influent Range	Influent Average	Effluent Range	Effluent Average	Percent removal
Treatment I—Control no treatment:					
PO_4	18-35 mg/l	25 mg/l	12-25 mg/l	20 mg/l	20
BOD	110-145 mg/l	135 mg/l	42-72 mg/l	62 mg/l	54
COD	200-500 mg/l	268 mg/l	82-150 mg/l	130 mg/l	51
TOC	65-100 mg/l	65 mg/l	23-62 mg/l	46 mg/l	29
S.S	110-280 mg/l	150 mg/l	45-80 mg/l	65 mg/l	56
Treatment II—150 ppm lime and ½ ppm anionic polymer:					
PO_4	14-47 mg/l	25 mg/l	1.8-15 mg/l	6.9 mg/l	72.4
BOD	36-105 mg/l	67 mg/l	10-65 mg/l	28 mg/l	58.3
COD	78-400 mg/l	173 mg/l	38-130 mg/l	75 mg/l	56.0
TOC	24-110 mg/l	56 mg/l	15-74 mg/l	26 mg/l	53.6
S.S	50-285 mg/l	112 mg/l	15-70 mg/l	38 mg/	66.0
Treatment III—175 ppm lime and ½ ppm anionic polymer:					
PO_4	15-25 mg/l	25 mg/l	1.5-12 mg/	5 mg/l	80
BOD	36-105 mg/l	75 mg/l	10-35 mg/l	25 mg/l	67
COD	95-300 mg/l	175 mg/l	40-120 mg/l	58 mg/l	67
TOC	35-100 mg/l	60 mg/l	15-155 mg/l	20 mg/l	67
S.S	60-250 mg/l	120 mg/l	13-60 mg/l	30 mg/l	75
Treatment IV—150 ppm alum and ½ ppm anionic polymer:					
PO_4	23-78 mg/l	40 mg/l	4-15 mg/l	7.5 mg/l	81.4
BOD	30-125 mg/l	77 mg/l	3-29 mg/l	13 mg/l	82.8
COD	106-280 mg/l	187 mg/l	25-64 mg/l	40 mg/l	78.8
TOC	46-96 mg/l	67 mg/l	10-30 mg/l	20 mg/l	70.1
S.S	66-218 mg/l	125 mg/l	14-50 mg/l	23 mg/l	81.3
Treatment V—40 ppm ferric chloride and 0.4 ppm nonionic polymer:					
PO_4	6-75 mg/l	24 mg/l	2-12 mg/l	6.6 mg/l	72
BOD	115-140 mg/l	129 mg/l	20-62 mg/l	40 mg/l	71
COD	98-580 mg/l	255 mg/l	28-86 mg/l	61 mg/l	76
TOC	35-120 mg/l	57 mg/l	11-42 mg/l	18 mg/l	68
S.S	80-260 mg/l	132 mg/l	33-50 mg/l	40 mg/l	69
Treatment VI—50 ppm ferric chloride and 1/2 ppm nonionic polymer:					
PO_4	23-32 mg/l	25.4 mg/l	2.5-6 mg/l	3.4 mg/l	86
BOD	110-140 mg/l	130 mg/l	18-38 mg/l	27 mg/l	79
COD	180-350 mg/l	258 mg/l	36-55 mg/l	50 mg/l	80
TOC	62-95 mg/l	74 mg/l	11-28 mg/l	18 mg/l	75
S.S	110-210 mg/l	165 mg/l	20-35 mg/l	26 mg/l	84

Source: Calgon Corp.

EXHIBIT B

Summarization of results obtained by applying conventional coagulants (such as lime, ferric chloride and alum) and synthetic polymers in primary treatment plants.

Warren, Ohio. A 30-day treatment program produced 80% removal of phosphate. The treatment program consisted of 30 to 35 parts per million of ferric chloride and 0.2 part per million of a synthetic polymer.

Painesville, Ohio. A 30-day trial produced these results: 83% removal of suspended solids, 65% removal of BOD and 83% removal of phosphate.

Source: Calgon Corporation.

EXHIBIT C

AT ROCKY RIVER, OHIO, A NEW CONCEPT IN WASTEWATER TREATMENT PLANTS

A black, finely ground, and sometimes dusty substance may be a key material in helping the Nation combat water pollution by providing better treatment for municipal and industrial wastewaters.

The substance is activated carbon, long used for some industrial purposes (and for certain cigarette filters). Activated carbon has superior properties for treating wastewaters.

Although carbon is currently used to treat wastewater at Lake Tahoe, California, the new Rocky River, Ohio, treatment plant will be the first in the world to provide high-quality water by a process which depends solely on physical-chemical treatment methods. None of the conventional biological processes used in other treatment plants will be required.

Construction of this plant, partially supported by a Research and Development Grant from the U.S. Department of Interior's Federal Water Quality Administration, is scheduled to begin in the Summer of 1970.

The proposal for the new Rocky River plant, which will have a capacity of 10 million gallons per day, was prepared by Mr. John Puzenski, Sanitary Engineer of Cuyahoga County, Ohio. The plant was designed by Willard F. Schade and Associates, the County's consulting engineer, to meet the water quality requirements set forth by the State of Ohio.

Calgon Corporation, which developed the concept of using activated carbon for treating clarified wastewater, estimates that the total operating, maintenance and amortization costs of the process, including primary treatment and sludge disposal, are about the same as the costs for a conventional activated sludge plant. The land area required for the process using activated carbon is considerably less than that required for conventional treatment.

At Rocky River, conventional primary treatment will be enhanced by the addition of coagulants and polymers to remove phosphorus and suspended solids. The clarified water, containing 60 milligrams per liter (mg/l) of both BOD and suspended solids, will be passed downflow over granular carbon at a rate of 4.3 gallons per minute per square foot. The carbon contacting system will consist of eight rubber-lined columns in parallel. Each column will be 16 feet in diameter and contain 8 x 30 mesh activated carbon to a depth of 15 feet (78,390 lbs.). At the design flow rate, the contact time (empty bed basis) between water and carbon will be 26 minutes.

In a full-scale clarification study and a pilot-scale carbon adsorption study at Rocky River*, the BOD was reduced from 118 to 8 mg/l and the suspended solids from 107 to 7 mg/l. This represents an overall removal of greater than 93% for both BOD and suspended solids and produces an effluent substantially better than the treatment objective of 15 mg/l BOD and 10 mg/l suspended solids required for discharging into Lake Erie.

The plant will provide thermal regeneration of the exhausted carbon in a multiple hearth, gas-fired furnace. The regeneration rate is expected to be about 500 pounds of carbon per million gallons of wastewater treated. The addition of fresh carbon to make up for physical losses should be about 25 pounds per million gallons treated.

[Charts not printed in the RECORD.]

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SENATOR COOPER—SON OF SOMERSET

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. CARTER. Mr. Speaker, it has been an inspiration to me to serve as U.S. Representative for the city of Somerset which is Senator JOHN SHERMAN COOPER'S hometown.

Senator COOPER is a man of the great common people, and he is supported by the common people.

After attending Centre College, he graduated from Yale and later received his law degree from Harvard. He was elected county judge of Pulaski County during the depression and learned intimately the problems of the poor people. He developed a sincere and lasting feeling for them.

Later, he was elected circuit judge in which position he served with distinction. He was elected to three unexpired terms in the U.S. Senate. He served with honor as U.S. Ambassador to India and Nepal, and as U.S. delegate to the General Assembly of United Nations sessions meetings.

Senator COOPER has been elected to two successive full terms in the U.S. Senate. No Kentuckian has ever received as great a majority in his last two elections as has JOHN SHERMAN COOPER. Kentuckians feel that their great trust in our senior Senator is justified. There is no question but that he could be reelected to the office which he now holds.

I include an article by the erudite editorialist, Marquis Childs, taken from the Washington Post of September 28, 1971, for the perusal of the Members:

SENATOR COOPER—SON OF SOMERSET

(By Marquis Childs)

The recent bombing of North Vietnam, most massive in three years, is a manifestation of America's continuing involvement in a war deeply dividing the nation. On no one does this weigh more heavily than on the senior senator from Kentucky, a Republican, John Sherman Cooper.

Cooper's opposition to the bombing goes back to 1964. While voting for the Gulf of Tonkin resolution in August of that year, he said on the Senate floor that to be granted such broad powers the President was obligated immediately to search for ways to negotiate an end to the fighting and perhaps even to refer the question to the Geneva powers.

The following year and again in 1966 he drove hard for a stop to the bombing of the North. The weight of his influence had not a little to do with Lyndon Johnson's decision to negotiate and halt bombing in the North. The thousands of tons of bombs rained down north of the DMZ a few days ago is a grim commentary on the power that persists once the guns start firing.

In his opposition to the war and in every field Cooper's record is in many respects unique in its scope and in the independence it reflects. After his re-election in 1966 he said he would not seek another term and he repeated this several times.

Usually when an elected officeholder makes such an announcement the scramble to succeed him becomes a stampede. Petitioners from Kentucky, and among them are Democrats as well as Republicans, urged him to run again next year. They agree he could win with virtually no campaign.

Some of Cooper's close allies in the Senate despair over the way the power of the executive overshadows the Congress, and they point to the resumption of heavy bombing as proof. Cooper disagrees. It may be his Kentucky heritage of grit, but he does not give up for all his brusing encounters with power.

During the congressional recess he flew to Helsinki to get a reading on the Strategic Arms Limitation Talks (SALT). After lengthy conferences with the American delegation he brought back the word, now on the front pages, that an agreement limiting defensive weapons is likely before the end of the year. Cooper joined Sen. Philip A. Hart, (D-Mich.) to knock out funds for the anti-ballistic missile in the defense budget of 1969. They lost by a single vote. A second attempt the following year was defeated by 52 to 47. The senator's present intention in light of a probable agreement is not to challenge the funds for ABM this year.

In 1958, in partnership with John F. Kennedy, then a senator from Massachusetts, Cooper initiated the consortium of a half-dozen nations supplying aid to India and Pakistan. It worked well until the rivalry between Moscow and Peking accentuated the enmity between the states that share the subcontinent. Cooper was ambassador to India in 1955 and '56, between his service in the Senate for two short terms and his election in '57 to a full term.

At times, voting for civil rights measures, he runs afoul of his comparatively conservative constituency. His was one of three votes against the measure giving the Attorney General greatly broadened powers to wiretap. Addressing the Louisville Chamber of Commerce a little later on pollution, as he finished a voice from the back of the hall boomed out:

"We want to know why you voted for crime the other day."

The senator, who has served longer in the Senate than Henry Clay, longer than any Kentuckian except Alben Barkley, can tell that kind of anecdote with the dry humor that is out of his roots in his home town of Somerset. When he goes back home, people line up to talk to him not just about politics but about their personal problems. For all his years in Washington, New Delhi and in New York at the United Nations, he is still the man from Somerset.

The other day Cooper had his 70th birthday. His knowledge and experience gave him a remarkable perspective on the political scene both at home and abroad. If he goes through with his intention of retiring, is this experience to be lost? The young today would reject anyone over the age of 25, or maybe 30. That loud, arbitrary cutoff denies the wisdom of men such as Cooper who have come through the struggle of our times bloody but unbowed.

POSTMASTER BYERS RETIRES

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BYRON. Mr. Speaker, today John R. Byers will retire as postmaster of Westminster after 14 years of devoted service. I have had the pleasure of knowing Postmaster Byers through the years, and like most Carroll Countians will miss the enthusiasm and spirit of dedication that he brought to his job. Those who know him and those who know of his deeds will remember his service to job and community for years to come. I salute Mr. Byers for all of us and wish him well in his retirement years.

Mr. Speaker, I would like to read a recent newspaper article from the Carroll County Sun which briefly outlines Mr. Byers career of public service:

POSTMASTER BYERS RETIRES

(By Margaret Suchting)

John R. Byers, when he retires Thursday, will have been Westminster's Postmaster for 14 years and three days. When asked about his retirement, Byers said, "The government decided for me. Federal employees must retire when they reach the age of 70."

Byers, who lives at 412 East Main Street, Westminster, with his wife, Mrs. Elsie Hook Byers, said that the thing he remembers most during his 14 years as postmaster is the modernization of the Westminster Post Office which took place in 1966.

Before the building was enlarged, there were 33 employees. At the present time, there are 47. The income of the post office before 1966 was about $175,000. It has risen to $1,200,000. The Westminster office serves 25,000 customers on seven rural and nine city routes, all of which are motorized.

Byers remarked that most people don't know just what goes on in the post office every day. He said that, "We are always happy to show people around, because then they may realize what they can do to make mail delivery faster and our job easier."

Before he was appointed as Westminster's Post Master, Byers operated the Sharrer funeral home in Westminster for 40 years. He served in the U. S. Navy from 1942 to 1946, and has been treasurer of the Westminster Retail Merchants Association for more than 20 years.

Byers is a life member of the Westminster United Methodist Church, a past president of the Westminster Kiwanis Club, a 50-year life member of the Knights of Pythias and a charter member of the URKP (Uniform Rank Knights of Pythias). He is a member of the American Legion and the Carroll County Historical Society, and served on the Westminster City Council for 10 years.

He is a member of the National Association of Post Masters, the National League of Postmasters, the Yoke-Adams County Postmasters and the Franklin-Fulton County Postmasters. He has assisted in many local charity drives, as well as the drives which are conducted among federal employees.

LETTER FROM A GREEK PRISON

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. EDWARDS of California. Mr. Speaker, the terrible oppressive political situation in Greece continues. I would like to share with my colleagues an article, written by an imprisoned Greek jurist, which recently appeared in the Atlantic Monthly. If there are still those who doubt the ruthlessness of this regime, this "Letter in a Bottle From a Greek Prison" may help to show the true nature of the present Greek Government.

The article follows:

LETTER IN A BOTTLE FROM A GREEK PRISON

(By George Mangakis)

(NOTE.—The author was unanimously elected to the Chair of Penal Law at Athens University at the age of forty-six in 1969. The Greek junta vetoed his appointment, and he was arrested in July, 1969, tortured and tried the next year on charges of plotting to overthrow the regime and the existing "social order." Professor Mangakis was sentenced to eighteen years' imprisonment, and he remains in jail. His wife was also jailed for eleven months, charged with falsely telling foreign newspaper correspondents that her husband was being brutally tortured. She was later released.)

The dimensions of my cell are approximately 10 feet by 10 feet. You gradually become accustomed to this space, and even grow to like it, since in a way, it is like a lair in which you lie hidden, licking your wounds. But in reality, its object is to annihilate you. On one side of it there is a heavy iron door, with a little round hole in the upper part. Prisoners hate this little hole; they call it the "steel pigeon." It is through this hole that the jailkeeper's eye appears every now and then—an isolated eye, without a face. There is also a peculiar lock, on the outside only; it locks with a dry, double sound. That is one thing you never get used to, no matter how much time goes by. It gives you the daily, tangible sensation of the violence that is being done to you. Before I came here, I didn't know that violence could be expressed so completely by the dry sound of a double lock.

On the other side of my cell is a little window, with bars. From this window you can see part of the city. And yet a prisoner rarely looks out the window. It is too painful. The prisoner, of course, has a picture of life outside the prison constantly in his mind. But it is dim, colorless, like an old photograph; it is soft and shapeless. It is bearable. So you don't dare look out the window. Its only use is to bring you some light. That is something I have studied very carefully. I have learned all the possible shades of light. I can distinguish the light that comes just before daybreak, and the light that lingers on after nightfall. This light, with its many variations, is one of the chief joys of the prisoner. It often happens that a certain shade of light coincides with your mood, with the spiritual needs of that particular moment. Looking at the light, there have been times when I hummed a song, and times when I found it relieved pain. So much, then, for the window.

Apart from the door and the window, my cell also has a temperature. That is another fundamental element of my life here. It is unbearably cold in winter and extremely hot in summer. I find this natural, even though it brings me great discomfort. It is a symptom of the denudation of being in prison. Under such conditions, it has got to be like this; you just have to live in direct contact with the temperature of this particular world.

I live in this space, then, for endless hours of the day and night. It is like a piece of thread on which my days are strung and fall away, lifeless. This space can also be compared to a wrestling ring. Here a man struggles alone with the evil of the world.

I write these papers, and then I hide them. They let you write, but every so often they search your cell and take away your writings. They look them over, and after some time they return the ones which are considered permissible. You take them back, and suddenly you loathe them. This system is a diabolical device for annihilating your own soul. They want to make you see your thoughts through their eyes and control them yourself from their point of view. It is like having a nail pushed into your mind, dislocating it. Against this method, which is meant to open up breaches in our defenses and split up our personality, there are two means of defense. First, we allow our jailkeepers to take away *some* of our writings—the ones that express our views unequivocally. It is a way of provoking the jailkeepers. We even derive a sort of childish satisfaction from thinking of the faces they'll make as they read. Then there are other papers which we prefer to hide—the ones we want to keep for ourselves.

My mind often goes back to the dead I have known and loved. In the vacuum of my cell, only concepts have substance. My cell is like a bottomless hole in the void. My most frequent visitor is my brother Yannis—he comes to me almost every day. He was killed in the war, but not in the act of killing others: he was a doctor. His regiment was afflicted with an epidemic of meningitis. He did not have time to cure himself. I have never been able to accept his death. I have simply managed, in time, to become reconciled to his absence. Now we are once again very close to each other. He has smiling, honey-colored eyes. He stays on for hours, and we sit there and think together. It used to be the same when he was alive. Now he often makes me think that the value of charity cannot be put into question. That is one thing which cannot be put into question, especially now that I have come to know torturers, jailkeepers, and their masters at close quarters. I know how utterly the bestiality of absolute power has degraded them. It seems that, spiritually speaking, everything stems from charity. Yannis is quite positive about that. And also courage, and love for certain concepts relevant to man, and receptivity to beauty. Everything stems from there. Sometimes Yannis gets up and takes those three paces forward, then backward, on my behalf. Then I can see his strong, graceful body. In the old days he used to like sailing. Now, as he paces across my cell, he brings the sea and the wind into my flat, barren cell. As he lifts his arm, he even gives the cell a perspective in depth. The kind of depth we keep looking for, he and I. Then he begins to think to the sound of music. He always loved music. And so my cell gradually fills with music. And I sail through the hours of the night in a sea of music. Those are my most serene nights, the ones suffused with a certain intimation of the meaning of the world. Yannis still remains a human being. If he is dead, then I am dead too. I believe we are both still alive.

There are moments when I sit in my cell thinking of what would be the best way to summarize my motives, those that made me end up in this cell and those that make me endure it. These motives are certainly not a belief in a single truth—not because we no longer have any truths to believe in but because, in our world, we do not experience these truths as absolute certainties. We are no longer as simple as that; we seek something more profound than certainty, something more substantial, something that is naturally, spontaneously simple. I think, then, that the totality of my motives in this connection could best be epitomized as hope—in other words, the most fragile, but also the most spontaneous and tenacious form of human thought. A deeply rooted, indestructible hope, then, carved out the path that was to lead me, unrepentant, to this barren desert, and it is the same hope that makes me capable of enduring it, like those small, tormented desert plants which contain, inexplicably, two tiny drops of sap—drawn, I am sure, from their own substance. My hope is the equivalent of those two drops of sap. However, the intensity of my hope is equal to my difficulty in putting it into words. I might say, perhaps, that this hope concerns our humanity, which cannot be annihilated no matter how much it is persecuted on all sides; this is why there can be no purpose as serious, as noble, as to commit ourselves to its safeguard, even if we must inevitably suffer for it.

Yet I don't think that by saying this I am expressing myself as concretely as I would wish. This hope takes shape only in certain attitudes. During the past months, through all the prisons I've known, I have often come across these attitudes. When I was held at the police-station jails—those places of utter human degradation—I remember a girl who was locked in a cell next to mine. She had been there for five months. She hadn't seen the light of day once throughout that period. She had been accused of helping her fiancé to do Resistance work. At regular intervals, they would summon her for questioning and would try to make her disown him, using cunning persuasion or brutal intimidation alternatively. If she disowned her fiancé, she would be set free. She refused unflinchingly, to the very end, even though she knew that her fiancé was dying of cancer and she would probably never see him again. He died on the day of her trial.

She was a pale, frail girl, with a kind of nobility about her. Every evening she used to sing in her cell in a soft, low voice. She would sing till dawn about her love, in her sad voice. The girl's attitude is my hope. And so is the attitude of the doctor whom they tried to involve in our case. There was no evidence against him. If he had adopted a noncommittal attitude at the court-martial he would certainly have been acquitted. But he was made of different mettle. When his turn came to take the stand at the trial, he got up and spoke about liberty. He defended liberty, even though he had a wife and children to support. He was sentenced to seven years in prison. This doctor's attitude is my hope. I have lived through a number of similar experiences. What I would like to say here is quite simply this: in the attitude of people like that doctor and that girl, the dominant feeling is a spontaneous knowledge that the most important thing in life is to keep one's humanity. Because life does not belong to the barbarians, even when absolute authority does belong to them. Life belongs to human beings, life goes forward because of them. This is the source of my hope.

I live with a number of ideas that I love. They fill my days and my nights. To the treacherous uniformity of my stagnant hour, I oppose this dialogue with my ideas. Now I have come to know them better and to understand them better. I have actually experienced their significance. When I was being questioned, I discovered the essence of human dignity, in both its deepest and its simplest sense. When I was court-martialed I hungered for justice, and when I was imprisoned I thirsted for humanity. The brutal oppression which is now stifling my country has taught me a great deal, among other things the value of refusing to submit. As I sit in my cell thinking about these things, I am filled with a strange power—a power which has nothing in common with the power of my jailkeepers. It is not expressed in a loud, insolent voice. It is the power of endurance—the power that is born of a sense of being right. That is how I face the relentless attack of empty days which has been launched against me. Each time, I repulse the attack at its very start. I begin my day by uttering the word "freedom." This usually happens at daybreak. I emerge from sleep, always feeling bitterly surprised to find myself in prison, as on the first day. Then I utter my beloved word, before the sense of being in prison has time to overpower me. This single word works like magic. And then I am reconciled to the new, empty day stretching ahead of me.

I think of my companions. The political prisoners I have come across in my various prisons. The ones who resisted and are now pacing across their cells, taking those three little jerky steps forward, then backward. They are all made of the same stuff, even though they may be very different persons in other respects. They all possess a very rare sensitivity of conscience. A truly unbelievable sensitivity. It becomes manifest in tiny details, as well as on big occasions. When they speak, they exercise the utmost delicacy with regard to the other person's feelings. They are always at your side with a glass of water, before you have time to ask for it. I want to give an example of this extraordinary sensitivity. Some days ago, one of us was about to be released. He was in the prison hospital. He could have left directly from there, but he delayed his departure for a week, so as to come and say good-bye to us. Seven days of voluntary prison just to say good-bye to his friends. That is what I mean. These people, then, have truly taken upon themselves the entire predicament of our times. They are consciously carrying the burden of our people's trampled honor. And in so doing they feel close to all those who are persecuted on earth. Through a fundamental unity they grasp the meaning of all that is happening in the world today. It is the unity of man's yearning to be free of oppression, no matter in what form. Whoever resists oppression is a brother to them, no matter who or where he is, scattered in the innumerable prisons of my own and other countries.

I often ask myself what it was exactly that touched our consciences in such a way as to give us all an imperatively personal motive for opposing the dictatorship and enlisting in the Resistance, putting aside all other personal obligations and pursuits. One does not enlist in the Resistance—in that mortally dangerous confrontation with the all-powerful persecution mechanism of a dictatorship, where the chances of being caught are far greater than the chances of getting away with it, where arrest will result in the most unbearable and long-term suffering—one doesn't get involved in all this without some very strong personal motive. So strong, in fact, that it must literally affect the very roots of one's being—since it makes one decide to risk falling into the clutches of the most appalling arbitrariness and barbarism, being reduced from a human being to an object, a mere receptacle of suffering, jeopardizing all the achievements and dreams of a lifetime and plunging loved ones into the most terrible agonies and deprivations.

I keep thinking, then, that this motive can be no other than the deep humiliation which the dictatorship represents to you, both as an individual and as a member of the people to whom you belong. When a dictatorship is imposed on your country, the very first thing you feel, the very first day, is humiliation. You are being deprived of the right to consider yourself worthy of responsibility for your own life and destiny. This feeling of humiliation grows day by day as a result of the oppressors' unceasing effort to force your mind to accept all the vulgarity which makes up the abortive mental world of dictators. You feel as if your reason and your human status were being deeply insulted every day. And then comes the attempt to impose on you, by fear, acceptance of their various barbarous actions—both those that you hear about and those that you actually see them commit against your fellow human beings. You begin to live with the daily humiliation of fear, and you begin to loathe yourself. And then, deeply wounded in your conscience as a citizen, you begin to feel a solidarity with the people to whom you belong. With a unique immediacy, you feel indivisibly bound to them and jointly responsible for their future fate. Thanks to this process of identification, you acquire an extraordinary historical acuity of vision, such as you had never known before, and you can see with total clarity that humiliated nations are inevitably led either to a lethal decadence, a moral and spiritual withering, or to a passion for revenge, which results in bloodshed and upheaval. A humiliated people either take their revenge or die a moral and spiritual death. Once you realize, then, the inevitability of your people's destruction, one way or another, your personal humiliation is turned into a sense of responsibility, and you don't simply join the Resistance, you become deeply committed to the Resistance. In other words, you situate the meaning of your existence in this strangest, this most dangerous and unselfish of all struggles which is called Resistance. From that point onward, may God have mercy on you.

Morally speaking, the Resistance is the purest of all struggles. As a rule, you join it only to follow the dictates of your conscience; it affords no other satisfaction except the justification of your conscience. Not only is there no benefit to be expected from this struggle but, on the contrary, you are endangering, or rather you are exposing to a near certain catastrophe, whatever you may have achieved until now with your labors, and you enter a way of life that is full of anxiety and peril. You cannot expect immediate praise, because you have to act secretly, in darkness and silence; nor can you expect future praise, because under a dictatorship the future is always uncertain and confused. There is only your conscience to justify you, as you see it mirrored at times in the eyes of one of your companions. Yet this justification counts more than anything else. You are privileged to experience certain moments in which you feel that you too express the dignity of the human species. This is the deepest justification a man may feel for being alive. This is why the Resistance is the worthiest of all struggles: it is the most dramatic manifestation of the human conscience.

A lot of people don't understand us at all. It seems that it is difficult to understand an act that is motivated exclusively by the dictates of one's conscience, especially when the consequences of the act lead one to extreme situations. Our life is now based on values alone, not on interests. We have voluntarily placed ourselves in a position of unbearable suffering, and our main concern every day is not just to safeguard our humanity within this suffering but to transmute this suffering into a component of our humanity. Upon our suffering we try to build a personality that excludes ordinary joys, the pursuit of happiness, and that is purely conceptual. We have become incarnated concepts. This means we do not live in the present. Besides, we have no days that we can call the present, except perhaps the days when our loved ones visit us. Then, yes, for about ten minutes, for as long as the visit lasts, we feel once again the happiness and pain that the love of another human being can bring; we rediscover in this way common human interests, the need for joy, the revulsion from suffering. But apart from those occasions, we live timelessly.

We exist as a result of the justification o our conscience, and for its sake alone. Thus there is no such thing as time for us. In this sense we could reach the absolute, if i weren't for the necessity to conquer this justification every day again from the very beginning. For this incarnation of abstract concepts is by no means a static condition we still have blood in our veins, blood that pulsates with needs and desires, hearts that insist on dreaming, memories that ruminate on past happiness. We have our personal loves, for certain particular people. That is a constant threat to us. It means we have to struggle with ourselves in order to retain our conceptual condition, to balance ourselves upon the magnetic needle of conscience in its ceaseless quivering. Because of this constant effort, we are not absolute beings. Because of this effort, we are not yet dead.

Another thing: we feel very European. This feeling does not derive primarily from political opinions, even though it does end up by becoming a fundamental political stand. It is a feeling that grows out of the immediacy and the intensity that our cultural values have acquired under dictatorship. Fortunately, these values, which have become our whole life and which help us to endure our long nights and days, are not exclusively ours We share them with all the peoples of Europe. Or rather the European people, for Europe is one single people. Here in prison we can affirm this with complete seriousness Suffering helps us to get down to the essence of things and to express it with perfect simplicity. We see only the deeper meaning of Europe, not the foolish borders, the petty rivalries, the unfounded fears and reservations. We see ourselves simply as one people as a whole. It may seem strange—though only at first glance—how intensely the Greeks felt they were Europeans the very first day of the dictatorship. Our values are the values of Europe. We created them together. We felt instinctively, at the time that nobody but a European could understand the tragedy that was taking place in our country and feel about it the way we did. And we were right.

We turned in despair to Europe, and the people of Europe did not forsake us. Now all those of us who have entered upon this ordeal, in the prisons of the dictatorship, say "Europe" as we would say "our country." And we mean exactly that: this fusion, in depth of common historical experiences, cultural values, and human solidarity which we call "country," "fatherland." We clutch the bars of our narrow windows, we look at the world outside, and we think of those millions of people walking the streets, and we know that if they could see us, they would raise their hands in greeting, they would give us a sign In those moments, with our mind's eye, we embrace the whole of Europe. It is a place which includes all our own people, all the ones who would raise their hands in greeting The headhunters have locked us up in this narrow place in order to make us shrink, like those hideous human scalps which are their trophies. But what they haven't realized i that our country has widened; it has become a whole continent. They have isolated us so as to turn us into solitary, forsaken creatures lost in a purely individual fate. But we now live in the immense human community of European solidarity. Their power is helpless in the face of this knowledge.

We often talk about the dignity of man. I is not an abstraction; it is a thing which have actually experienced. It exists in our very depths, like a sensitive steel spring. I has absolutely nothing to do with personal dignity. Its roots lie much deeper. Throughout the nightmare of the interrogation sessions, I lost my personal dignity; it was replaced by pure suffering. But human dignity was within me, without my knowing it. Then came a moment when they touched it; the questioning had already been going on fo some time. They cannot tell when this moment comes, and so they cannot plan their course accordingly. It functioned suddenly, like a hidden spring that made my scattered spiritual parts jerk upright, all of a piece. It wasn't really me who rose to my feet then, it was Everyman. The moment I began to feel this, I began to overcome the questioning ordeal. The effort was no longer only for myself. It was for all of us. Together we stood our ground.

I have experienced the fate of a victim. I have seen the torturer's face at close quarers. It was in a worse condition than my own bleeding, livid face. The torturer's face was distorted by a kind of twitching that had nothing human about it. He was in such a state of tension that he had an expression very similar to those we see on Chinese masks; I am not exaggerating. It is not an easy thing to torture people. It requires inner participation. In this situation, I turned out to be the lucky one. I was humiliated. I did not humiliate others. I was simply bearing a profoundly unhappy humanity in my aching entrails. Whereas the men who humiliate you must first humiliate the notion of humanity within themselves. Never mind if they strut around in their uniforms, swollen with the knowledge that they can control the suffering, sleeplessness, hunger, and despair of their fellow human beings, intoxicated with the power in their hands. Their intoxication is nothing other than the degradation of humanity. The ultimate degradation. They have had to pay very dearly for my torments. I wasn't the one in the worst position. I was simply a man who moaned because he was in great pain. I prefer that. At this moment I am deprived of the joy of seeing children going to school or playing in the parks. Whereas they have to look their own children in the face. It is their own humiliation that I cannot forgive the dictators.

One of the very few things I have been able to keep here is a picture of Erasmus. It's a newspaper clipping. I cut it out some time ago, and now I often look at it. It gives me a certain sense of peace. I suppose there must be some explanation for this. But I'm not interested in explanations. It is enough that there is this magic, this strange exaltation caused by the identification of this man with our own values, this victory over my solitude, which started centuries ago and which becomes real again as I look at his face. He is shown in profile. I like that. He is not looking at me, but he is telling me where to look. He reveals a solidarity of vision between us. In prison, this solidarity is a daily necessity, like the need for water, bread, sleep. When they search my cell they come upon Erasmus' picture, but they let me keep it. They don't understand. They've no idea how dangerous a mild, wise man can be. Sometimes I wonder about the jailkeeper's eye, watching me through the hole in the door—where does *he* find solidarity of vision?

Our position as prisoners has many distinguishing features. One of them is that we sing, quite frequently. It may sound strange to people who don't know about prisons. But that's the way it is—and come to think of it, it is very natural. Singing is part of the unwritten instructions passed on by veteran prisoners to newly arrived ones: when the pain and anguish are too much for you, sing. We begin to sing precisely when the anguish becomes unbearable. On days that are free of anguish, we don't sing. Singing seems to melt away that crushing burden we carry, just when we think we can no longer carry it; and then it rises out of us like an invisible gray mist. We feel a kind of relief. *They* know this, and that is why in some prisons, the harshest ones, singing is forbidden. I often sing in my cell, or I whistle. Sometimes I sing to my wife. If she could hear me, she would be pleased, even though I sing false. She knows about singing in prison, she's been through it. In this place singing is a real, immediate need of the spirit. It is the daily bread of those who are struggling not to go insane. It softens up a harsh world and opens up the saving grace of new, wider vistas. As you sing, you feel you are traveling along these extended frontiers of the world. After all, we have our little trips, too. I've got to say this: I'm grateful to songwriters, especially those who have composed sad songs. I like singing Mikis Theodorakis, for instance. In his old songs, it's as if he had a kind of foreknowledge of the prisons he was fated to live in. So we sing. I have never heard my jailkeepers singing. Most of their time they are busy digesting their food.

We are shut away in our individual cells. In one respect we are the most helpless of creatures. They can do what they like with us. Just as we are sitting in our cell, they march in, they take us away, we don't know where, to some other prison, far away. If it weren't for their strange fear of us, I might say that they look upon us as objects. But this fear of their keeps our human status intact, even in their eyes. Now these helpless creatures think of nothing else but the fate of mankind. When we are taken out of our cells and meet our fellow prisoners, that is what we talk about. That is our sole concern. Like so many others, we know the meaning of this yearning for freedom that is pulsating throughout the world. And we can discern, more clearly than ever before, the enemies of freedom. We tremble for the fate of this great country which we call Europe. We know that hope hangs upon Europe, and that is the reason why it is constantly threatened.

It is very dangerous to nourish the hopes of mankind. Why else should Greece have become enslaved? They built another bridgehead next to those of Spain and Portugal. They are afraid of Europe—that long-suffering fountainhead of ideas, that inexhaustible breeding ground whose ancient soil has never ceased to shelter the seeds of thinking. The simple citizens of Europe nurture these seeds, keeping them alive thanks to the restless, questing spirit which is so much a part of their being. The wealthy and the powerful are quite right to fear it. In this place, when we talk about "man," we know what we mean. We mean the quality which makes him the measure of all things. That is our oldest, our wisest, our most explosive concept. It is because of this concept that they fear Europe. We know that someday, inevitably, Europe will play her role. That is why we tremble for Europe's fate today. That is why Europe is the sole concern of people like us—the most helpless of creatures.

It has all become quite clear to me. It had to be this way. From the moment my country was humiliated, debased, it was inevitable that I should go underground. It was an inexorable spiritual imperative. My whole life had been leading me to that imperative. Since childhood, I was taught to gaze upon open horizons, to love the human face, to respect human problems, to honor free attitudes. At the time of the Second World War, I was an adolescent; I lived through the Resistance; it left its moral mark on me. Only I didn't know at the time how deep that mark was. It has now become clear that it was to be the most vital inspiration force in my life. At last I can explain many things that happened to me between then and now. And so when the dictatorship came, I was already committed to the Resistance, without knowing it. I was carrying my own fate within me. Nothing happened by chance, by coincidence. Only the details were accidental. Diabolically accidental. But the general direction, the orientation, was rooted securely within me. Therefore it is not by mistake that I now find myself in prison. It is quite right that I should be here. What is horribly wrong is that this prison should exist at all.

I would like to write about a friendship I formed the autumn before last. I think it has some significance. It shows the solidarity that can be forged between unhappy creatures. I had been kept in solitary confinement for 4 months. I hadn't seen a soul throughout that period. Only uniforms—inquisitors and jailkeepers. One day, I noticed three mosquitoes in my cell. They were struggling hard to resist the cold that was just beginning. In the daytime they slept on the wall. At night they would come buzzing over me. In the beginning, they exasperated me. But fortunately I soon understood. I too was struggling hard to live through the cold spell. What were they asking from me? Something unimportant. A drop of blood—it would save them. I couldn't refuse. At nightfall I would bare my arm and wait for them. After some days they got used to me and they were no longer afraid. They would come to me quite naturally, openly. This trust is something I owe them. Thanks to them, the world was no longer merely an inquisition chamber. Then one day I was transferred to another prison. I never saw my mosquitoes again. This is how you are deprived of the presence of your friends in the arbitrary world of prisons. But you go on thinking of them, often.

During the months when I was being interrogated, alone before those men with the multiple eyes of a spider—and the instincts of a spider—one night a policeman on guard smiled at me. At that moment, the policeman was all men to me. Four months later, when the representative of the International Red Cross walked into my cell, once again I saw all men in his friendly face. When one day they finally put me in a cell with another prisoner and he began to talk to me about the thing he loved most in life—sailing and fishing boats—this man too was all men to me. It is true, then, that there are situations in which each one of us represents all mankind. And it is the same with these papers: I have entrusted them to a poor Italian prisoner who has just been released and who was willing to try to smuggle them out for me. Through him I hope they will eventually reach you. That man again is all men to me. But I think it is time I finished. I have raised my hand, made a sign. And so we exist. We over here in prison, and you out there who agree with us. So: *Freedom my love.*

KNOXVILLE COLLEGE JAYCEES SET A PACE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. DUNCAN. Mr. Speaker, I want my colleagues to know about a very different college campus undertaking. Knoxville College in Knoxville, Tenn., has the first black collegiate chapter of Jaycees. They aim to work on the correction of social ills—drug abuse, communication between blacks and whites, and youth problems.

A good description of the group's goals was in the Knoxville, Tenn., News-Sentinel of September 22, as follows:

KNOXVILLE COLLEGE JAYCEES SET A PACE

Knoxville College Jaycees, "proud to be the first black collegiate chapter" in the country, have launched a campaign worthy of all the individual and community support that can be given. Their objectives are ambitious but of the highest order.

Primarily, their aims are to establish better communications and understanding between blacks and whites; to conduct seminars to help drug addicts to provide food for needy families, and to reestablish a Boy Scout troop at Cansler Elementary School. These are but the beginnings of an over-all program of service, and if they can succeed in their primary purposes, they'll not only find an unlimited number of other goals, but they'll find the enthusiastic backing of membership and community support.

This is a refreshing program for college students to undertake, and could well be a pattern for students of any college in the country.

HON. GEORGE MILLER OF CALIFORNIA COMMENTS ON OUR SPACE PROGRAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the summer 1971 edition of General Electric's magazine Challenge contains an interview with the Honorable GEORGE MILLER, chairman of the House Committee on Science and Astronautics on which I am privileged to serve. I do not think anyone could have put into better phraseology what space and space exploration has meant to mankind better than Chairman MILLER has done in this interview.

The article follows:

THE SWADDLING CLOTHES OF SPACE

He's been in on space since it began. He was assigned to the House Committee on Science and Astronautics in the Vanguard days and he's been chairman of it since the time of Gagarin and Glenn. He's an encyclopedia of facts and dates, an intimate of America's astronauts, an acknowledged authority on the use of space and its present and potential benefits.

Where better to inquire into the future uses of space? Who better qualified to judge, to predict or to guide than Congressman George P. Miller? There are those who differ with his political views, but none can dispute his ability to discuss how space and its unknowns can be used on man's behalf.

"Right now," he says, "the space program is truly still in its swaddling clothes. I believe that, when the history of our times is eventually written, it will indicate that man's first ventures beyond the earth laid the foundation for a better world.

"If we were to compare the space program to travel, we could say that we're now about at the stage where the Wright brothers made their famous flight 68 years ago. They flew about 137 feet—not as far as the wingspread on a 707 jet. They got about ten feet off the ground—the 707's fuselage is 15 feet higher than the wing. So, you see, they couldn't have made it from one end of today's plane to the other back in 1903.

"What changes we've seen since then! And we are headed toward a better life, I'm sure. For a start, the day is coming when we will see greater cooperation between nations of the world.

"People are beginning to realize," he goes on, "that they can't all go their separate ways. In Europe, for instance, the Rhine is an international river. The sun shines on both sides of it, you know, and as it comes up, it affects everybody the same. The water is heavily polluted, and that's a matter of concern to Holland, to Germany, to France. They're getting together now in an effort to clean it up. That's the only way they're going to do it, too—by cooperation.

"So it is with all the earth's problems. Nations must cooperate. And the space program and its related technologies provide us the best means of searching for solutions. There may be some people who are hard to convince of this, but these facts are not going to change.

"This is the message we must get across to the American public. There is so much more to space than just the glamour of it! It is difficult to get people to realize how tremendous the potential really is.

"We can do so many wonderful things using space! And, even though a great deal of progress has already been made, I'm sure that there are many applications we aren't able to see and understand as yet.

"In the fields of earth sciences and earth resources, we are investigating the reasons for earthquakes with a view to perhaps predicting them. This is a new phase we've gone into lately. In meteorology, we need to have a profile of the weather—information gathered at different elevations. We want to find out what causes clouds to move, to shift, to gather in different areas. We have determined that thermal areas hold clouds back, but we need to know what causes the thermal areas. All this knowledge can help our weather predictions.

"We can take photographs from space, using new techniques. We can tell whether forests are good, or whether there are dead trees in them. We can study the conditions in our waters and other marine matters. We've had amazing spinoffs in the fields of medicine and other sciences. But the two fields where space benefits are most visible are communication and education.

"When long distance telephone first came into being, if I wanted to call my home in Alameda, I'd place the call and, when the phone company was ready, an operator would call me back. They had to go from here to some place in Maryland, then to another town and another and tie all of them together. By the time they tied up half a dozen stations and got clear wires in all of them, it took two or three hours.

"But today, I can pick up the phone and call Alameda just as easily as I can call across the street. I just dial an additional four numbers. And when it comes to talking through Telestar, it will be easier and cheaper yet. We won't have to have the lines we need today, and we won't have to maintain the stations. Voices will just shoot right up and down. Great Britain is already using Telestar, and their rate for phoning overseas is about two cents per second.

"In the old days, if I went to Europe by boat and wanted to send a wire to my wife when I got there, I might write 'Arrived safely. Pleasant voyage. Weather fine. Feeling well. Love.' This would have cost between six and ten dollars. Under the British system today, it would be about thirty-five cents!

"Our space vehicles of the future, some of which are now being built, will have channels for television, channels for computers, and the normal things that go into communication systems. It will be commonplace to talk anywhere in the world via satellite.

"The ability of the people of the world to communicate with each other certainly knits us all closer together. Radio was the first step in the fantastic growth of this ability. When I was a youngster out on the coast, it took about eight months for popular music from New York to come out to us. If one of the girls would take a trip to New York, as soon as she'd get home, we'd all flock over to her house to hear the songs that were being sung back east.

"Today, of course, music is introduced in many places other than New York. Whether it's a new song or a news item, everybody all over the country—and the world, too, for that matter—hears it at once. This instant reproduction of sound has been a leveling influence. Now, with TV, we have a better understanding of each other, and that is a good thing. With satellites, we can see events almost anywhere in the world *as they take place*. This, in turn, is having the same kind of leveling influence on all nations."

Perhaps the greatest leveler is education, and Miller believes that its importance can't be overstated. "If we can achieve universal education throughout the world, I think we'll lessen much of the world's tensions," he declares. "It's going to take time—maybe several generations—but it's starting, and it's being given a tremendous boost by space satellites."

The Congressman describes a U.S. Naval base in the Samoan Islands, isolated and remote, where the natives are Polynesian. "After World War II, we began sending people down there to teach them English. But each teacher reached only a few students. So some years ago, a very progressive governor convinced Congress that we could use TV right in the schools.

"I've been in one of these schools, and I've seen 30 little kids seated on mats on the floor watching a big TV tube. Maybe it would show just a pair of lips saying 'Watch my lips. Say yes.' And all these little ones would answer 'Yes.'

"This was in the beginning, of course. Their living conditions were such that we used the TV to teach them basics like sanitation. But today they're given courses in high school mathematics in just the same manner.

"This type of teaching appeals to nations throughout the world where masses of people need education. NASA has now entered into an agreement to orbit a synchronous satellite over northern India, which will be able to broadcast to about 5,000 villages where there are no schools. The Indian government has sent some of its young men over here and to other countries to learn how to put a TV set together, and just think how this is going to raise the standards of the people!

"Brazil is interested, too. It's true, you find several modern, sophisticated cities in Brazil, but the outback is still primitive.

"Success in these ventures won't be immediate, of course, as it will take years to bring these people up to standard, but I *know* this type of education is going to work. Just give the people the opportunity and they'll respond!

"Let me cite a few examples. See what's taking place today in Japan. She is fast becoming one of the great industrial powers of the world. When I was growing up in the Sacramento Valley, many Japanese were brought over here as laborers. They hadn't had educational opportunities themselves, but they insisted their children go to school. And these boys and girls were excellent scholars.

"Well, what's the result? Now they are fully accepted into this country, which is a tribute to the American way of life. I know two Japanese brothers who are flower growers out in a district adjacent to mine in California, and their air freight bill is in excess of $500,000 a year, so I'd say they were doing pretty well, wouldn't you?

"In Italy recently, I saw some scientific progress that is as good as anything we have in this country. They do more than just raise tomatoes in Naples these days! They're building planes, and it's a big industrial center.

"And take Germany. She was almost destroyed during World War II. But the people had a good foundation of education to build on and were able to bring themselves back. As an example of that international cooperation we spoke about earlier, one of my recent visitors was a German who worked in the field of technology. After he had talked awhile, I said, 'You sound as though you're in favor of a United States of Europe.' And he answered, 'The quicker we get one, the better off all European countries will be.' "

In discussing the future of the space program, Miller is enthusiastic. "We've made great strides, of course, but the benefits are limitless. One of our greatest drawbacks to date has been the high cost of orbiting the vehicles. We're solving this, too. We're now in the process of devising a space shuttle, where planes will ride piggyback, one on top of another.

"The shuttle will take off with conventional fuel, very powerful, and go out beyond the stratosphere. There it will kick off the other plane, which will probably use chemical fuel to hurl itself out farther into space. As this second vehicle goes on, the shuttle will return to earth. Both will be capable of landing just as a conventional plane does, and both will be reusable.

"This should reduce the cost of orbiting them by a magnitude of about ten to one. There will be other savings, too. We already have many satellites in orbit which are no longer functioning. Maybe we can rehabilitate them . . . perhaps by the tightening of one screw, the addition of one little black box. If necessary, we'll pick them up and bring them back to earth for repair. The shuttle will allow us to establish space stations, which will furnish us with greater knowledge of our galaxy and our universe.

"Acquiring this knowledge will set off a series of chain reactions. It will be disseminated among all nations, producing greater understanding among men. Under this leveling influence, these men will work for closer cooperation between themselves and other countries. And each man in the chain, each nation, will influence others.

"Space may still be in swaddling clothes, but it's healthy, and it has brought great benefits to us already. Can you imagine the reaction of the Wright brothers if they could fly in a jet plane?

"And if we could project ourselves into the future, I'm sure we'd be amazed, too. There are truly great wonders in store for us."

H.R. 10948, TO INSURE THAT SOCIAL SECURITY RECIPIENTS RECEIVE FULL BENEFITS OF ANY INCREASE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. ANDERSON of California. Mr. Speaker, a grave injustice has occurred in my home State of California.

When the U.S. Congress increases social security benefits, we expect those older Americans receiving social security and old-age assistance to obtain the full benefits of any increase in these programs. However, a loophole exists whereby the Governor has cut the public assistance that they receive from the State by the amount of the social security increase.

As a result, those who receive State public assistance to supplement their social security benefits, do not receive an increase in income. They merely receive a larger social security check, but a smaller State public assistance check.

Mr. Speaker, this is not fair.

Today, I am introducing H.R. 10948, which is designed to close the loophole in the 1971 social security increase and will enable our senior citizens who are receiving both social security and State assistance to obtain the full cash benefits of any congressional mandated increase.

In the past, Congress has required that the State pass on at least a part of any social security increase. However, the 1971 social security bill, which increased benefits by 10 percent, did not include this "pass through" provision.

The bill that I am introducing would require that all States guarantee old-age recipients at least a portion of the increase in social security benefits. More specifically, no less than $6.40 per month in added income—the amount of the minimum 10-percent increase in social security—would be guaranteed to all recipients.

This measure would also apply to railroad retirement benefits.

Mr. Speaker, with the spiraling inflation that we have witnessed, many older Americans are having difficulty meeting their everyday needs. I feel that we have an obligation to insure that social security recipients receive the full benefits of any congressionally mandated increase so that they may live their remaining days in peace and dignity.

EDITORIAL OPPOSITION TO ENACTMENT OF THE PROPOSED PRAYER AMENDMENT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. CELLER. Mr. Speaker, on September 23, 1971, the New York Times, in its lead editorial, rightfully, I believe, characterized the proposed constitutional amendment on prayer in public schools as "a move to undermine rather than to amend the Constitution." The editorial merits the thoughtful consideration of all the Members of Congress:

PRAYERS AND POLITICS

The action by a bare majority of the House of Representatives to lift the ban on prayers in public schools is a move to undermine rather than to amend the Constitution. The principles at issue—reaffirmed in 1963 by the Supreme Court in an 8-to-1 ruling—are both protection of the individual's freedom from religious coercion and prohibition of the establishment of any religion by the state or its publicly supported institutions.

Religious freedom is as directly endangered when the state usurps the role of the church by mandating or presiding over religious observance as when the state's funds are used to subsidize religious schools. The claim of the amendment's supporters that the school prayers they seek to authorize would be nondenominational is either a deception or an illusion. Since the organized religions have never agreed on the acceptability of nondenominational observance, the creation of such rituals would assign to the school authorities religious powers which belong to the church. It would, in effect, politicize prayer.

The prohibition of prayers in public schools need not deprive a single child of the right to pray—at home and in church—in consonance with each family's faith. The separation of the mission of church and public school is as natural and essential as the separation of church and state itself.

The experience of history, moreover, shows that nondenominational observance tends to turn into imposition of the rituals and texts subscribed to by the local majority. Few controversies in the American past have led to more violent divisions than the efforts by dominant Protestantism to use the public schools as instruments of indoctrination under the guise of Americanization. To return to that battle now, whether the motives be pious or political, would represent a reckless assault on religious and civil liberties alike.

DISTRICT OF COLUMBIA MOTOR VEHICLE ACT

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FAUNTROY. Mr. Speaker, I introduce today the District of Columbia Motor Vehicle Act. This legislation would increase traffic safety and relieve pollution by facilitating the removal and disposal of abandoned vehicles; a provision sorely needed in our Capital City and home of 750,000 people. The bill would also provide for hearings for persons whose operating permits have been suspended or revoked, would increase the maximum allowable imprisonment term for traffic violators, and would allow persons to prove financial responsibility by holding personal liability insurance.

I have set forth below a letter of transmittal from the District government to the Speaker and an analysis of the bill:

THE DISTRICT OF COLUMBIA,
Washington, D.C., April 30, 1971.

The Honorable The SPEAKER,
U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: The Commissioner of the District of Columbia has the honor to submit herewith a draft bill "To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act of 1925, in order to promote increased traffic safety, and for other purposes."

The purposes of this proposed legislation, to be cited as the "District of Columbia Motor Vehicle Act", more fully set out in the attached summary and justification, can be briefly stated as follows:

Title I amends existing law to provide persons whose motor vehicle privileges are suspended or revoked with the due process rights afforded by the District of Columbia Administrative Procedure Act.

Title II provides that a motor vehicle operator required by law to furnish proof of financial responsibility could satisfy that requirement by holding a personal liability insurance policy. Existing law requires either an owner's policy covering specific vehicles or an operator's policy covering the operation of a vehicle not owned by the insured.

Title III authorizes an increase from ten to ninety days in the maximum imprisonment term for traffic violations.

Title IV provides a specific remedy for the problem of abandoned motor vehicles in the District.

For the various reasons stated in the attached justification, the Commissioner of the District of Columbia believes that the enactment of each of the titles of the draft bill will complement and strengthen the existing motor vehicle and traffic laws of the District and, accordingly, he urges favorable consideration of this proposed legislation by Congress.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.

SUMMARY AND JUSTIFICATION OF PROVISIONS OF THE DISTRICT OF COLUMBIA MOTOR VEHICLE ACT

TITLE I—APPLICATION OF ADMINISTRATIVE PROCEDURE ACT TO CASES INVOLVING SUSPENSION OR REVOCATION OF OPERATORS' PERMITS AND OWNER'S REGISTRATIONS

Title I of the proposed bill would amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, hereinafter the Safety Responsibility Act (68 Stat. 120; D.C. Code, title 40, ch. 4), and the District of Columbia Traffic Act, 1925, hereinafter the Traffic Act (43 Stat. 1119; D.C. Code, title 40, ch. 6), to provide for hearings in cases involving suspension or revocation of operators' permits and owners' registrations so as to permit effective application of the District of Columbia Administrative Procedure Act, hereinafter the Administrative Procedure Act (82 Stat. 1204; D.C. Code, title 1, ch. 15).

Under the provisions of the Administrative Procedure Act, a contested case is defined as one in which the legal rights or privileges of any person are required by law to be determined after a hearing before the Commissioner or any agency.

The Safety Responsibility Act does not provide for hearings prior to the suspension or revocation of privileges, and consequently hearings are not afforded in the practical administration of this law. The Act does provide for a "review" of any suspension or revocation, but this review procedure does not come within the definition of a contested case as contained in the Administrative Procedure Act.

A similar situation arises with regard to section 13 of the Traffic Act which provides that the Commissioner may, with or without a hearing, suspend or revoke the operator's permit or non-resident's operating privilege of any person. Therefore, a suspension or revocation under the Traffic Act is, as in the case of the Safety Responsibility Act, not a contested case, and, strictly speaking, no hearing is required in cases involving suspensions and revocations under the Traffic Act. The Traffic Act also provides only for a "review" by the Commissioner.

The proposed amendments to both the Traffic Act and the Safety Responsibility Act would require that any person whose right or privilege has been suspended under either or both Acts must be afforded an opportunity for a hearing, thus bringing such cases under the purview of the Administrative Procedure Act. The present provisions in both Acts providing for "review" procedures are omitted because a formal hearing as prescribed in the Administrative Procedure Act should provide all the due process protection necessary.

The procedure of issuing an order of suspension or revocation under the Traffic Act to take effect five days after its issuance [ten days in the case of nonresidents] is amended to provide that the order shall take effect immediately, subject to a stay upon receipt of a petition for a hearing filed within five days of the date of the order [applicable to residents and nonresidents alike]. This procedure is consistent with that authorized under the Safety Responsibility Act (D.C. Code, sec. 40–420), and permits a person whose license is suspended or revoked to accept issuance of an order immediately and to begin the period of suspension or revocation on the date of issuance rather than wait an unnecessary five days [ten in the case of nonresidents].

TITLE II—PERSONAL LIABILITY INSURANCE AS PROOF OF FINANCIAL RESPONSIBILITY

Title II would amend the Safety Responsibility Act so that persons required to give proof of financial responsibility could procure an insurance policy covering the liability of the person, in lieu of one of the following types of liability insurance policies now required:

(a) an owner's policy, designed to cover only the vehicle or vehicles designated in the policy; or

(b) an operator's policy, designed to cover only the operation of a vehicle *not owned* by the insured.

Existing law requires a motor vehicle owner or operator to file at least one of the above types of liability policies, as a condition precedent to the restoration of his permit or privilege to operate a motor vehicle in the District of Columbia, whenever such person has been convicted of one of the five mandatory revocation traffic offenses, or of operating a motor vehicle without being licensed to do so, or because of an unsatisfied judgment entered against him.

In the case of an "owner's policy", liability coverage is extended only to the operation of vehicles *owned* by the insured. It does not extend to the operation of vehicles *not owned* by him, unless special provisions are made in the policy to cover operation of any vehicle—and such provision, as the law presently stands, is left to the discretion of the insured.

Because the insured, under an owner's policy, might not be covered while operating a vehicle he does not own, his permit should be restricted to the operation of vehicles which he does own. As a practical matter, however, such restrictions are not, in many cases, being placed on driver's permits. When such action is taken, the owner is required to appear at the Department of Motor Vehicles for the purpose of having the restriction placed on his permit, listing also the vehicle or vehicles owned by the insured. Each time the insured disposes of his old car or acquires a new one, the new information has to be placed on the restricted permit. If the insured disposes of his vehicle and becomes a non-owner, his permit restrictions must be changed to reflect this. During the "life" of an operator's permit, numerous changes may require space not available on the current permit form. Further, the time required to contact and persuade a permit holder to appear at the Department so that these restrictions may be placed on his permit may be so long that in the interim accidents may occur in which the operator's liability policy is not effective.

Another problem arises when the insured is covered only by an "operator's policy". Section 57(c) of the Act (D.C. Code, sec. 40–473(c)) specifies that an operator's policy shall provide liability coverage in the event of an accident when the insured is operating a motor vehicle he *does not own*. Consequently, should the insured be operating a motor vehicle which he *does own*, the liability policy is not effective since, under the law, it applies only when the insured is operating a vehicle owned by someone other than himself.

The above problem has been examined in two Maryland cases. In *Galford* v. *Nicholas*, 167 A. 2d 783 (1961), the Court of Appeals of Maryland held that an insurance company was not liable for damages under an operator's policy expressly excluding liability in an accident involving the operator's own automobile.

The operator's policy had been issued in Virginia and certified in Virginia to enable a resident of Virginia to comply with the Financial Responsibility Law of Virginia. The language of the Virginia law, which the court held was applicable in the case, is the same as language in section 57 of existing District law.

In *Inland Mutual Insurance Co.* v. *Stallings*, 263 F. 2d 852 (1959), the U.S Court of Appeals, Fourth Circuit, dealt with the question as to whether an operator's policy provided insurance coverage for a vehicle registered by the insured in Maryland. The court held that the insurer was liable under the policy, because the Maryland law specifically states that a person insured under an operator's policy is covered while driving any vehicle, whether owned by him or by another. Such would be the effect of the District law if section 57 of the Act be amended as proposed by the Commissioner.

Because the policy of the law is to assure liability coverage of certain motorists who have demonstrated that some extraordinary risk is involved in permitting them to be licensed to operate a motor vehicle, that policy would be better served if the individual—rather than his vehicle—be made the focal point of such coverage and that he be compelled to insure against any loss he may occasion regardless of ownership of the vehicle he is operating.

TITLE III—INCREASED PENALTY FOR TRAFFIC VIOLATIONS

Section 6 of the District of Columbia Traffic Act, 1925 (46 Stat. 1426; D.C. Code, sec. 40–603), would be amended by title III to increase the maximum imprisonment term for traffic violations from ten to ninety days.

The Traffic Coordinating Committee of the District of Columbia has endorsed the proposed amendment after careful study and comparison of the amendment with related provisions of the Uniform Vehicle Code of the National Committee on Uniform Laws and Ordinances.

The amendment merely increases the maximum allowable penalty under the Traffic Act and leaves unaffected the trial judge's prerogative to examine all circumstances surrounding a given traffic conviction and to impose a just sentence within a range varying from neither fine nor imprisonment up to a maximum of both a $300 fine and a 90-day jail sentence.

Also, the increase of the allowable penalty for violation of traffic regulations to 90 days would bring this penalty in line with that authorized for violations of the regulations issued pursuant to section 6(c) of the Traffic Act, pertaining to the equipment, registering and titling of motor vehicles.

TITLE IV—DISPOSAL OF ABANDONED MOTOR VEHICLES

The District of Columbia would be empowered by title IV to deal more specifically and effectively with the problem of abandoned vehicles both on the streets and highways and on private property.

The abandoned vehicle has become a blight to the beauty of the Nation's Capital. The ugly sight of junk cars on streets, in alleys, and on vacant lots meets the eye of the resident and tourist alike. Of more immediate concern is the menace to the health, since rodents infest abandoned cars, children play in and around the hulks, and some persons use them for sleeping and toilet accommodations.

While existing law may seem adequate to authorize an effective campaign for the removal of abandoned motor vehicles from public and private property, the overall problem is affected by numerous administrative considerations.

Existing law (D.C. Code, sec. 5–504) generally referred to as the "Nuisance Statute" reads in part:

"The existence on any lot or parcel of land in the District of Columbia . . . of any abandoned vehicles of any description or parts thereof . . . insofar as they affect the public health, comfort, safety, and welfare is hereby declared a nuisance dangerous to life and limb, and any person, corporation, partnership, syndicate or company owning a lot or parcel of land in said District on which such a nuisance exists who shall neglect or refuse to abate the same to the satisfaction of the Commissioners [now Commissioner] of the District of Columbia, after five days notice from them [him] to do so, shall, on conviction in the Superior Court of the District of Columbia be punished by a fine of not exceeding $50 for each and every day said person, corporation, partnership, or syndicate, fails to comply with such notice. In case the owner of, or agent or other party interested in, any lot or parcel of land in the District of Columbia, on which there exists . . . any abandoned or unused vehicles or parts thereof . . . shall fail, after notice aforesaid, to abate said nuisance within one week after the expiration of such notice, the said commissioners [now Commissioner] may cause . . . the removal of any abandoned vehicles or parts thereof . . . adversely affecting the public safety, health, comfort, and welfare, and the cost and expense thereof shall be assessed by said commissioners [now Commissioner] as a tax against the property on which such nuisance exists . . ." (Bracketed words added.)

Augmenting this authority with regard to motor vehicles is section 40–810 of the District of Columbia Code which provides in pertinent part that—

"It shall be unlawful to park, store, or leave any vehicle of any kind, whether attended or not, or for the owner of any vehicle of any kind to allow, permit, or suffer the same to be parked, stored, or left, whether attended or not, upon any public or private property in the District of Columbia, other than public highways, without the consent of the owner of such public or private property and the Commissioners [now Commissioner] of the District of Columbia, and their designated agent or agents, are authorized to remove and impound any vehicle parked, stored, or left in violation of this section . . . and to keep the same impounded until the owner thereof, or other duly authorized person, shall deposit collateral for his appearance in the court to answer for such violation . . . In any prosecution under this section, proof that a vehicle was parked, stored, or left on public or private property shall be prima facie evidence that the vehicle was so parked, stored, or left without the consent of the owner of such public or private property." (Bracketed words added.)

Authority to remove vehicles from the public streets stems from the District of Columbia Traffic Act, 1925, as amended (D.C. Code, sec. 40–603). This Act authorizes the District of Columbia Council to make and enforce "usual and reasonable traffic rules and regulations relating to vehicles . . ."

The Traffic and Motor Vehicle Regulations, promulgated under the authority of this statute, among other things, authorize the Metropolitan Police Department to remove and impound automobiles which have been left standing on a public highway without current identification tags in violation of part III, section 32, or have been parked on a roadway for more than 24 consecutive hours in violation of part I, section 79(f).

A major area of concern in the problem of eliminating unsightly automobiles from the District is the matter of effecting their removal from private property. In order to initiate removal proceedings under the provisions of section 5–504 of the District of Columbia Code, a factual determination must be made by agents of the Department of Human Resources (with respect to vehicles on vacant lots and commercial properties), or by inspectors of the Department of Economic Development (with respect to vehicles on residential property), that an abandoned motor vehicle is a nuisance affecting the public health, comfort and safety.

If a determination be made that such a vehicle is a nuisance, a legal technicality arises. Many so-called "abandoned" vehicles on private property are not actually abandoned within the legal meaning of the term (i.e., a voluntary relinquishment of property by its owner or holder, with the intention of terminating his ownership, possession, and control). Neither statute nor regulation provides a definition of the word adaptable to administrative usage.

The problem of the abandoned vehicle is further complicated by the economic barrier to the enforcement of the "Nuisance Statute". Most abandoned vehicles have no salable or salvage value. This fact, coupled with the lack of readily available disposal facilities, makes most private property owners reluctant to abate such nuisances even when faced with penalties for non-compliance.

To alleviate these factors, title IV of the draft bill provides, *inter alia,* a practical definition of the phrase "abandoned vehicle", and simple procedures for obtaining title to an abandoned vehicle. To further reduce the complications to the private property owner, section 407 of the draft bill strikes from the "Nuisance Statute" all reference to abandoned vehicles or parts thereof.

The Commissioner believes that title IV of this draft bill, by providing clear and unequivocal guidelines for easy disposal of abandoned vehicles, will elicit citizen cooperation. The simple and direct procedures formulated in the draft bill when coupled with pride of community will induce not only the owner of private property but also the average citizen to report the existence and location of apparently abandoned vehicles.

These provisions of section 40–810 of the District of Columbia Code are retained to provide a measure of discretion in dealing with the problem. For example, in instances where the owner of a vehicle coming within the provisions of section 40–810 is readily identifiable, it may be to the interest of the Government to prosecute under that section in the hope of deterring future violations.

FIFTH ANNIVERSARY OF THE INDEPENDENCE OF BOTSWANA AND LESOTHO

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. DIGGS. Mr. Speaker, on September 30, 1971, the Republic of Botswana celebrates the fifth anniversary of its independence. I want to congratulate Botswana's President, Sir Seretse Khama, and its people on this auspicious occasion. Botswana's first 5 years have been both fruitful and eventful. During this period, the country has made great progress in laying a firm foundation for an economic development that promises to benefit substantially the welfare of all its inhabitants. It has established an enviable reputation for its stable democratic government and the statesmanship of its leaders.

The people of Botswana are noted for their tenacious ability to help themselves. This permits the country to make the maximum use of all the resources available to it and has constituted an excellent recommendation for assistance from abroad. I am particularly pleased that the United States has been able to help in Botswana's development efforts.

It gives me great pleasure to congratulate His Majesty King Moshoeshoe II, Prime Minister Chief Leabua Jonathan, and the people of Lesotho on the auspicious occasion of the fifth anniversary of their country's independence. The fortitude of the people of Lesotho in facing the immense problems of economic development is well known. The first 5 years of independence have witnessed significant progress in this area. I am delighted that the United States, which values highly its close and friendly relations with Lesotho, is able to assist in Lesotho's development.

As majority-ruled states of southern Africa, Botswana and Lesotho are of special significance. In August 1969, I visited both countries and observed the improved standard of living which is being gained by their people.

It is with great warmth that I salute Botswana and Lesotho on the occasion of their anniversaries of their independence.

REPUBLICAN PARTY SUPPORTS ERA

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. McCLORY. Mr. Speaker, when the equal rights amendment—House Joint Resolution 208—comes before the full House in the next few days I am concerned that the issue be received by members of both political parties in the proper perspective. Accordingly, I feel it is important to point out again—as I have repeatedly over the past few weeks—that the equal rights amendment was unanimously endorsed by the Republican National Committee in Denver, Colo., on July 24, 1971. In taking this action the national committee urged the 92d Congress to pass this important measure "without nullifying amendments." I am inserting a copy of this resolution at the end of this statement.

Mr. Speaker, while there should be no mistake about the forceful stand taken by the Republican Party on this issue, I feel that it is highly significant to note that of the 50 or more major administration bills waiting action in the last quarter of this year the equal rights amendment ranks as one of the top items on the list. I am confident, therefore, that Republican members will be present when House Joint Resolution 208 is debated and voted upon, and I again applaud the action taken by the Republican National Committee in unanimously adopting the resolution which follows:

Resolution

Whereas The Equal Rights Amendment, House Joint Res. 208, and Senate Joint Res. 8 and 9 as presented to the House and Senate respectively in January 1971, reads:

Sec. 1 Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Sec. 2 The Congress shall have the power to enforce by appropriate legislation, the provisions of this article.

Sec. 3 The Amendment shall take effect two years after the date of ratification, and

Whereas This Amendment would grant first class citizenship to women of the United

States by eliminating inequities and discrimination on the basis of sex;

Therefore be it resolved That the Republican National Committee, officially assembled in Denver, Colorado on July 24, 1971, hereby endorses the Equal Rights Amendment as worded above, without nullifying amendments and urges its adoption by the Ninety-Second Congress.

PONY LEAGUE INTERNATIONAL CHAMPIONSHIP

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. DENT. Mr. Speaker, in these days of great misunderstanding and so-called generation and behavior gaps, it is refreshing to share with my colleagues an account of the final Pony League International Championship game played in Washington, Pa. The account speaks for itself. I am very proud to be able to give witness to this thrilling spectacular made up of young boys up to the age of 14 who played such a game of baseball with style and finesse that they are a credit to their dedicated coaches and managers.

The demonstration of team spirit, cooperation, and clean rivalry is in the true tradition of Frank Merriwell. I am doubly pleased because two of the players on the Orange, Calif., winning team are twin brothers who are star catchers, pitchers, fielders, and hitters, and just happen to be my nephews. Coming from California, they met, in a seven-game series, boys from Hawaii, Mexico, Puerto Rico, Colorado, and many other areas.

The city of Washington, Pa., is in the congressional district of our good friend and colleague, THOMAS MORGAN, and is adjacent to my own district. The public spirit and attention of the organizing committee has, against many odds, developed their Pony League World Series at a cost of great time, effort, and personal expense. It might be worthwhile to investigate some form of Government financial assistance to help maintain this expensive national event.

I was very impressed with the physical plant, and with the local citizens who have dedicated themselves to this youth development project. We certainly should commend them highly for their efforts. I send my heartiest congratulations to the winning team and the Orange City citizens who backed their players so faithfully, and also to their competitors who traveled far and played every game hard, clean, and with dedication. These young men are a credit to themselves, to their parents, and to their communities. Believe me, it was a big show from "little" people—little in stature, but big in the qualities of true sportsmanship.

The aforementioned article follows:

[From the Observer-Reporter (Washington, Pa.) Aug. 28, 1971]

ORANGE CROWNED PONY CHAMPS WITH 6-5 WIN

(By Frank Carr)

A two-run home run by Scott Bigler in the last half of the seventh inning Friday afternoon gave Orange, California a come from behind 6-5 triumph over Denver, Colorado and the 1971 PONY World Series championship.

The championship by Orange marked only the second time in PONY World Series play a team has come through the losers' bracket to win the title.

The feat was first performed by Washington in 1955. After a defeat by Youngstown, Ohio in the third round, Washington came back to sweep a doubleheader from the Ohioans for the championship.

This year, California suffered a 4-0 setback to Honolulu, Hawaii in the opening game then caught fire to sweep the next six games for the 1971 title.

As icing on the cake, rightfielder Billy Stokes of Orange won the individual batting championship with a .444 average and was selected the Most Valuable Player in the tournament.

Stokes, a long ball hitting righthander, collected eight hits in 18 trips to the plate including two home runs, one double, five runs batted in and had five walks to his credit. He also was aboard when Bigler delivered the home run in the seventh inning Friday for the crown.

The game had actually started at 8:30 p.m., Thursday and four and one half innings were played before a thunderstorm forced a suspension until 1 p.m., Friday, with Denver holding what looked like a commanding 5-4 lead.

Orange, faced with a do-or-die situation entering Thursday night's first game, and behind the strong two-hit pitching of Bigler, peeled off a 7-1 victory to force the series into a 15th and final game.

Denver had collected 21 runs and allowed only nine runs entering the final game Thursday when it erupted for a pair of runs in the top half of the first on two errors, two stolen bases and a fielder's choice.

In the third inning the losers scored another run when Mike Delmonico, aboard on a single, crossed the plate on a two-out single by rightfielder Mike McLellan.

Solo home runs by Joe Nedbalski and starting pitcher Jeff Wagner in the visitors half of the fifth accounted for the final Denver runs.

Orange established an all-time series record by collecting 50 hits in the series, one more than West Covina, California in 1960 and Covina, California in 1968.

Six of those came in the championship finale Thursday and Friday. Dave Wheeler singled with one out in the second. With two outs teammate Dennis Christleib also singled but, Wagner was able to retire the next batter on strikes to halt the brief rally.

Greg Barrington drew a leadoff walk and Stokes got aboard on an error by second baseman Jamie Hamilton, and Denver manager Terry Carroll called his star pitcher, Hallinan, to the mound at this point. But the 14-year old youngster, who posted a no-hitter and a two-hitter in two previous appearances, walked Bigler to load the bases. A fielder's choice cut Barrington off at the plate, leaving the bases loaded.

Centerfielder Jim Christopher, with a 1-1 count, drilled the ball over the rightfield fence for a grand slam home run and gave California the lead at 4-3.

Christopher's blast was only the fourth in Pony series history and the first since Robert Burns of West Covina, California slammed one in 1960.

The hit was only the third allowed by John Hallinan in the three appearances in this year's tournament.

Hallinan, a fireballing right hander returned the next two batters on strikes to close out the inning.

After Denver struck for the solo home runs in the fifth, rain forced the continuation until Friday.

With only three shots left, Orange manager Hal Coldren shookup his defensive lineup and Bob Ansari took over the pitching chores from Dave Wheeler. Ansari was credited with the victory, his third of the series, all in relief.

MVP Stokes ripped a single to open the bottom of the fifth Friday afternoon, but Hallinan retired the next three batters to end the inning.

Neither team could muster a run in the sixth although Dennis Christlieb smashed a single for Orange to account for the fifth hit in the game by the Californians.

Pinch hitter Chuck Linnert grounded out to open the bottom of the seventh and on four straight pitches Stokes walked. Three pitches later, Orange California was crowned champions when Bigler's clout cleared the rightfield fence.

DENVER—5

	AB	R	H	RBI	E
Delmonico, 3b	3	2	1	0	0
Go ddard, lf	3	1	0	0	0
Hensley, c	3	0	0	0	0
McLellan, rf, 1b (4)	3	0	1	1	0
Hallinan, 1b, p (4)	2	0	0	1	0
Nedbalski, cf	2	1	1	1	0
Chambers, ss	3	0	0	0	0
Wagner, p	2	1	1	1	0
Winter, rf (4)	1	0	1	0	0
Hamilton, 2b	3	0	0	0	1
Total	25	5	5	4	1

ORANGE—6

	AB	R	H	RBI	E
Stokes, rf	3	2	1	0	0
Bigler, ss	3	2	1	2	1
Triggs, 2b	3	1	0	0	1
Christopher, cf	3	1	1	4	0
Da. Wheeler, p, 3b (5)	3	0	1	0	0
Ansari, lf, p (5)	3	0	0	0	0
Christlieb, 3b, rf (5)	3	0	2	0	0
Wheeler, c	3	0	0	0	0
Barrington, 1b	1	0	0	0	0
Linnert, ph (7)	1	0	0	0	0
Total	26	6	6	6	3

Score by innings:

Denver	201	200	0—	5-5-1
Orange	004	000	2—	6-6-3

HR—Nedbalski, Wagner, Bigler, Christopher (grandslam), Strikeout—Denver 8, Orange 8 LOB—Denver 1, Orange 4.

BRIG. GEN. HAROLD CLIFTON PIERCE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. CONTE. Mr. Speaker, with the recent death of Brig. Gen. Harold Clifton Pierce, U.S. Marine Corps, retired, this Nation lost one of its fine military leaders.

A native son of Massachusetts, General Pierce served 34 years in the Marine Corps. His service was marked not only with courage, daring, and patriotism, but also with imagination and efficiency.

For outstanding service to his country as commanding officer of the Marine detachment in the Nicaraguan campaign, General Pierce was given a special letter of commendation from the Secretary of the Navy and awarded the Navy Cross for meritorious service. During his long and illustrious career. General Pierce also received the Distinguished Service Medal.

We have lost a man of outstanding

achievement and one who gave unswerving loyalty to his country. Mr. Speaker, at this time, I submit for the RECORD the following article on General Pierce which appeared in the September 24, 1971, edition of the Boston Herald Traveler:

GEN. HAROLD PIERCE, AT 82; BURIAL TO BE IN ARLINGTON, VA.

WASHINGTON.—Funeral arrangements were being made yesterday at Arlington National Cemetery for Brig. Gen. Harold Clifton Pierce of Chestnut Hill, Mass. who died Sept. 17 in a Pittsfield Mass., hospital after a short illness. He was 82.

Much decorated Marine Corps officer, Gen. Pierce is survived by his wife, the former Eleanor Harding of Woodland Rd. Chestnut Hill and a son, Harold C. Pierce Jr., of South Egremont, Mass.

Officials at the national cemetery here said that according to Gen. Pierce's request, a "modified military honor ceremony" would be conducted at the Arlington grave site later this week. A "modified honor ceremony," a spokesman said, includes an honor guard, rifle salute and the playing of taps.

Gen. Pierce USMC, was a career man in all its connotations. Not only was he a fighting man, he was a man for peace.

A veteran of two World Wars, he was in the forefront of various campaigns in which the United States was involved around the world.

He conducted elections in Nicaragua where he also maintained the peace as head of the Marine detachment there. He also guarded the U.S. mails and chased bandits in Central America.

As a counter-revolutionary he ended a civil war in one country when he disbanded an armed battalion by the simple expedient of buying their rifles for $10 each.

A simple ballot he designed made it possible for thousands of illiterate Nicaraguans to vote in a national election. The ballot contained two circles to be marked with an "X" one in red to denote the liberals and one in blue to denote the conservatives, and the election went off without a shot being fired.

Gen. Pierce was born in Charlestown, the son of Charles F., and Nellie Bowen Pierce, but the family moved, while he was still a child to Lexington where Pierce's father was town accountant for many years.

He graduated from Lexington High School in 1906 and was accepted as a student at U.S. Naval Academy. He left Annapolis after his third year to join the Marines in 1912.

In 1938 Pierce was named commanding officer of all Marines in the New England district, a post he held during World War II. He received orders transferring him to overseas duty near the end of the war and was retired in 1946.

He was a member of The Country Club, Tennis and Racquet Club and The Society of the Cincinnati.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 1,600 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today there are 213,900 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

RESOLUTION OF REQUEST

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BEGICH. Mr. Speaker, there has been much concern over the lack of adjudicators for the Bureau of Land Management in Fairbanks, Alaska. It was felt by the Bureau that there was no need for adjudicators in Fairbanks.

In response to the misconception of the Bureau of Land Management, I have written several letters to Mr. Harrison Loesch, Assistant Secretary of Public Land Management, to assure him that there is a need for adjudicators in Fairbanks. Certainly a backlog of 13,000 to 15,000 cases in the Fairbanks area illustrates the tremendous need for more adjudicators.

As a result of the lack of affirmative response by the Buerau, the citizens of Fairbanks, through the City Council of Fairbanks, have passed a resolution strongly urging the Secretary of the Interior to assist them in their fight to secure more adjudicators.

I am certain that my colleagues in the House of Representatives will find this of interest.

The resolution follows:

RESOLUTION NO. 777—A RESOLUTION TO REQUEST THE SECRETARY OF THE INTERIOR FOR ADMINISTRATIVE ASSISTANCE IN THE FORM OF ADJUDICATORS FOR THE BUREAU OF LAND MANAGEMENT OFFICE IN FAIRBANKS, ALASKA

Whereas, the City of Fairbanks, Alaska, is the 2nd largest city in the State of Alaska; and

Whereas, said City is and has planned for a pronounced upward surge both in population and economic growth; and

Whereas, the City Council of the City of Fairbanks is of the opinion that assistance from the Department of the Interior, United States of America, in the form of administrative help to assist in the forthcoming economic growth of this community would be most beneficial; and

Whereas, it is well within the purview, ability and responsibility of the Department of the Interior, United States of America, to recognize this urgent need of the citizens of Fairbanks prior to said rapid growth by providing said requested administrative assistance already provided other cities of equal importance; and

Whereas, said assistance is long overdue and urgently required if Fairbanks is to meet its present and forthcoming governmental function; and

Whereas, the Bureau of Land Management, Department of the Interior, is the responsible agency to assist in this regard;

Now, therefore, be it resolved by the city council of the city of Fairbanks, Alaska, as follows:

SECTION 1. That the Secretary of the Interior be encouraged and urged to assist the City of Fairbanks by recruiting and training an appropriate number of land, gas, oil adjudicators and other necessary personnel to adequately staff the Bureau of Land Management Office in Fairbanks to meet the most certain demand for services in this area of responsibility.

SEC. 2. That a copy of this Resolution be forwarded to the President of the United States; the Secretary of the Interior; the Alaska Congressional Delegation; all in Washington, D.C.

Passed and approved this 13th day of September, 1971.

JULIAN C. RICE, *Mayor*.

MASS TRANSIT IN HAMBURG

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, Horst Weigelt, prominent in West Germany in the field of transportation, outlines plans of the city of Hamburg, and the city planning authority, and transport association:

MASS TRANSIT IN HAMBURG

(Address by Horst Weigelt, Mass Transit in Hamburg, delivered September 10, 1971, at the fifth annual International Conference on Urban Transportation in Pittsburgh, Pa.)

The degree of mobility has today become a criterion for judging the attractiveness of a city. In talking about Mass Transit in Hamburg I should like to ask two questions:

(1) How has the mobility of Hamburg been secured up to now? and

(2) What are the plans for the future?

To understand the answers it is necessary first of all to give a rough sketch of the city and its metropolitan area.

Hamburg is situated in northwest Germany on the Isthmus between the Baltic and North Seas. The metropolitan area has in all a population of nearly 2½ ml. It can be divided into the Central Business District, the inner and the outer area of Hamburg and the settlement Corridors in the surrounding states.

Firstly there is the Central Business district (CBD) which is the hub of the metropolitan area. 25% of all jobs available are concentrated in this area of Hamburg.

Because of the continual growth of the tertiary sectors, the Hamburg State launched a scheme to create a "North Business District", 4 miles north of the CBD, which will be served by rapid transit.

Around the CBD stretches the inner area of the city with a radius of approximately 3.5 ml. Together with the port a further 40% of the jobs are located here. But above all it is an area inhabited by approximately half of the city's total population, most of whom live in densely built-up residential districts. Within this inner area of the city there are several local shopping-centres. The most modern of these is the "Hamburger Strasse" centre, which is connected to a Parking House and a rapid transit station.

Around the inner area of the city and the port stretch the outer, mostly less densely built-up, suburban residential areas. Since the war some big housing estates with high population densities have been built on the available open spaces, e.g. the estate in Lohbrügge which has 20,000 inhabitants.

Settlement corridors radiate out of the city, along the railway or rapid transit lines and mainroads leading out into the metropolitan area. Middlesized towns of between 15 and 40,000 inhabitants act as centres and endpoints of these axes.

The concentration of jobs and places of employment within the CBD and inner and port areas has resulted in the development of radial flows of traffic out of the settlement corridors into the CBD, which because of the Elbe, port and Alster lake run into the city in a very characteristic way.

Turning my attention to urban transportation I find myself faced with the difficult task of having to try to give you a good impression of the System subsequent to the New York Times describing Hamburg, after the "Mekka of Mass Transit Experts".

The development of Mass Transit systems is never brought to a conclusion. The diagram of the waves of evolution offers a quick comprehensive picture of the development of the system in Hamburg and the trends for the future. It shows for each year the number of journeys made on each of the different means of transport. The triumphal advance of the electric trams (yellow) followed on the heels of the old horse-drawn tram (brown), pushing them out of existence and reaching their peak around 1950.

When Hamburg's population reached the million mark at the turn of the century proposals appeared from electricity industry and city authorities for the development of Rapid Transit. This resulted in the opening by the State Railways of a rail system (green) which formed the foundations of the later S-Bahn, and in the introduction of the U-Bahn system by the Hamburger Hochbahn (blue). With these two ventures the first courageous and forward-looking decisions were met, which right up to the present have had extremely positive results for mobility in Hamburg.

After the second World War, the private car was endeavouring at a tremendous pace to penetrate the Mass Transit System. From 1956 on the passenger figures for the Mass Transit system began to decline. It must be noted that at this time the German public stared fascinated at the tremendous achievements in the construction of urban motorways in the United States. There were only a few traffic experts and town planners who at that time warned and urged their fellow countrymen "Don't copy the States, learn from them, but don't forget the difference in circumstances."

Thus when it was decided in Hamburg in 1955 to start construction of U- and S-Bahn again and to give this priority over building of urban motorways, it was again a decision which was significant and which looked ahead into the future.

The decision was absolutely necessary, but it was not sufficient. During the following years it was increasingly recognized that the transport service in Hamburg, which was split up among several operators, all of whom had separate tariffs, was an Anachronism that had to be done away with. A milestone was laid in 1965 with the foundation of the Hamburg Transport Association—Hamburger Verkehrsverbund, HVV—and the integration of all operators and services.

As a result of the further construction of the rapid rail system and the integration of all the mass transit undertakings in Hamburg the decline in the passenger figures was finally brought to a halt in 1968, and an increase of 3% was achieved in 1969, and 4% in 1970. The diagram shows the dramatic development since 1961 with the rapid growth in the number of private cars, the decline in the Mass Transit figures, and finally their increase from 1969 onwards. In the following sections I will bring a selection of facts, findings and experiences that have contributed to these successes.

First of all a cross-section of the Traffic structure.

In Hamburg at present there are 240 private cars per 1000 population, somewhat less than in other German cities which have no rapid transit system. Because of the lack of parking-space and the good service offered by the rapid transit system the model split for journeys to the CBD shows the public transport with 79.2%, as carrying a high proportion of the traffic load. Even in the other areas of the Mass Transit network where there are naturally less connections than within the CBD, and where there is more parking-space, the Mass Transit still deals with 42.5% of the traffic.

The road traffic situation is characterized by the fact that there is no continuous unbroken network of urban motorways. In the last decades the city authorities have concentrated on improving the accessibility and means of crossing the CBD, as the old road network was proving insufficient for coping with the presentday increase in traffic. A new East-West road across the CBD was built, and the road network as a whole was expanded and improved.

The by-pass on the eastern side of the city was the first of the motorways to be built. A western by-pass, which is to handle both long-distance and local traffic is at present under construction. It includes a tunnel with 6 lanes 2 miles long running under the Elbe and suburbs.

It is planned to build 132 miles of urban motorways of which 26 miles are already open.

Now, a cross-section of Mass Transit. To the left you see the 8 public transport operators which are merged in the HVV, their branches of transit and their share in the total burden of traffic. The Hamburger Hochbahn Aktiengesellschaft (HHA) which copes with 68.8% of the traffic, is the largest of these carriers. It operates the U-Bahn, Tramroutes, Buses and Alster-ships.

In the Hamburg region the Federal Railways (DB) handle 24% of the traffic. They run 2 rapid transit lines, suburban lines and buses. Besides these two partners the Bus company VHH, 3 railway companies, Federal post office Bus lines and even the harbour ferry boats are all integrated in the HVV.

On the right you can see the individual branches of the Mass Transit service. In 1970 the rapid transit and suburban railways already carried 56.1% of all persons using the Mass Transit system, of which the Rapid-Transit U-Bahn and S-Bahn lines alone had a share of 50.9%. The buses had the next biggest share with 31.3%. Thus you can see that the Concept of Rapid Rail/Feeder Bus has largely been realized.

In turning to the rapid Transit and suburban lines we can see the layout of the present network in this picture:

In red—The U-Bahn of the HHA, which is a rapid transit system.

In green—The federal railways DC electrified S-Bahn which is also a rapid transit system.

In grey—The suburban S-Bahn lines running on mainline tracks—the so-called Diesel/AC-S-Bahn.

And finally in black—The suburban lines of the railway companies AKN, EBO, and ANB.

The U-Bahn has a network 55 miles long. Although the service mainly deals with the inner city traffic, to the north and northeast it also reaches far into the surrounding region. In spite of the fact that the U-Bahn is termed "Underground" the system has only 19 miles actual tunnel track, the rest runs on elevated bridge-constructions and at ground level.

The U-Bahn is equipped throughout with modern cars of which the oldest date from 1958 and the latest from last year. The most up-to-date unit is the DT3, a 3 car unit, which has a maximum speed of 50 mph, and a peak acceleration and braking power of 1.3 m per sec.^{2} The cars are so arranged inside that there are 1 plus 2 comfortable seats per car width of 8.2 feet, so that the unit as a whole has 92 seats. Trains made up of 3, 6, or 9 cars with a maximum length of 390 feet are run. The headways are in the inner part of the lines 2½ minutes in peak hours, 5 minutes out of peak and 10 minutes in the evening.

The federal railways Direct Current S-Bahn has a network 50 miles long. The DC S-Bahn, like the U-Bahn runs according to a regular-interval timetable on special S-Bahn tracks. The trains travelling to the south east are an exception, and are able to run on the Berlin mainline tracks, because the mainline service is rather sparse at the moment.

The S-Bahn-Units are 9.5 feet wide. The latest model the 470, which has been built since 1959, has a maximum speed of 60 miles per hour, and a peak acceleration-rate of 1.0 metre per sec^2. The 3-car unit has 132 2nd class and 68 1st class seats. Trains are made up of 3, 6 and 9 cars with a maximum length of almost 640 feet. Headways are similar to those of U-Bahn.

The suburban S-Bahn-services, which are indispensable for the population of the metropolitan area, are however technically less perfect. They are normal passenger trains, which run on the main line tracks. Because the tracks are heavily burdened and the important intercity trains must always be given priority, it is almost impossible to achieve a regular-interval timetable. But we could manage some sort of quasi-regular-interval-time-table on some stretches, by which the departure times only slightly fluctuate.

The fourth group in this network of Rapid Transit and suburban lines consists of the three private Railways, who offer a regular-interval time-table of so-called Railbuses.

13 miles of U-Bahn, mostly in tunnels, have been constructed in Hamburg since 1955. The main examples are the Wandsbek line (blue) running from the city-centre to the northeastern districts, and the Billstedt line (red) to the east.

The backbone of the old pre-war network was the U-Bahn ring and its branch lines. After the war as the population living along the northeastern U-Bahn line rapidly increased, the eastern side of the ring became completely overloaded. In addition there were the usual fundamental defects of circle lines. Therefore it was decided to cut up the ring and to construct new diametric routes out of the old and new sections. At the same time began the development of the Rapid Transit/Bus system as planning principle for Mass Transit in Hamburg.

Let us now take a closer look at the Rapid transit/bus system on the newest Hamburg U-Bahn line, which runs out to Billstedt and was completed last year.

This line which extends a mere 4 miles east as the crow flies is the backbone of a transit service which encompasses an area 17 miles long. Through the careful planning of the U-Bahn stations and housing estates it has been possible to enable 100,000 people to live within a 10 minute walking distance of their nearest U-Bahn station.

Before the opening of the U-Bahn line the main radial traffic flows running to the CBD were served by the 11 tram and bus lines travelling along a radial street. However when the U-Bahn came into use practically the whole traffic flow went over to the new service, while bus routes took over the feeder traffic and cross communication service. The bus lines have been connected to the outermost Bus terminus at Merkenstrasse, the important Shopping-centre at Billstedt, the shopping- centre at Horner Rennbahn as well as the interchange station at Burgstrasse. Only 2 express Bus lines travel into the CBD. The most interesting interchange layout is at Billstedt. Here it was possible to build the platform with the Bus-island immediately above the 4-track U-Bahn station, and thus to shorten the transfer distance and to reduce the difference in height between the various levels. A bridge over the Bus-island leads straight into the main shopping street of the so-called district shopping-centre, which supports about 80,000 inhabitants.

The centre is as closely as possible attached to the mass transit interchange station, so that the feeder buses serving the rapid transit line can also be used to take people to the shopping centre. The feeder buses are usually of the standard type and are directed by radio communication from the control centre at Billstedt.

What were the results of the arrangements in the transport services?

1. The U-Bahn has taken over as much as 98% of the main flows of radial mass traffic.

2. By withdrawing the trams and buses the road traffic was relieved of the equivalent of 320 private cars units per hour travelling in one direction alone.

3. The U-Bahn managed to reduce the travelling time by as much as 42%, and services became more punctual.

4. Most important of all was the resulting 15% increase in the traffic. The proves that a well organised rapid transit/Bus system is a good means of winning new passengers, assuming that a unified tariff with coordinated services is offered.

The Radial line to Billstedt runs along the old innercity route. In order to relieve this stretch a new U-Bahn line from Schlump to the Main station is at the moment being built. A part of it is already finished. It is technically a particularly difficult section, because the route crosses diagonally directly under existing buildings and housing blocks and part of the Alster. Thus it has been necessary to use the shield tunneling method, which with the help of mechanical shields has been successful in spite of the difficult soil conditions.

Architects have insured that these U-Bahn stations also have attractive individual facades.

Since 1950 28 miles of new DC–S–Bahn stretches have been constructed. Particularly noteworthy is the radial running out into the Northwest. It was earlier served by diesel trains, operating on the main line tracks with a somewhat irregular timetable. The construction of the new, predominantly 2-track rapid rail line has made it possible first of all to introduce a strict time-table with trains running at intervals of 5 minutes, and secondly to attach feeder bus lines to the S-Bahn. These developments together with the rapid growth in population within this settlement corridor has led to an increase in passengers of 70% within 10 years.

The building of the so-called "City S-Bahn" is the most important S-Bahn project. The Hamburg S-Bahn network is characterized by the so-called connection line between the main station and Altona, which instead of travelling through the CBD runs along its northern perimeter. Thus passengers have to walk up to 20 minutes or more, or change onto the U-Bahn shortly before their final destination. In the long run this would inevitably mean that the S-Bahn would be less attractive for those, travelling to the CBD, so that its maximum capacity could not be fully attained and exploited.

It was for me a particularly interesting Assignment in 1963, to act as Chief planning officer in the planning of the new city S-Bahn.

The line runs from the main station under the Alster to the Jungfernstieg. At Jungfernstieg it forms the link in a huge knot connecting practically all of Hamburg's U-Bahn and S-Bahn lines in 3 levels under the Alster lake. At the lowest level there is the station for the new U-Bahn line, which was mentioned earlier. Above this lies the S-Bahn station, and finally on top of all the already existing station for the U-Bahn, the Alster and the street. Work at the railway interchange is extremely difficult, particularly on account of the danger of water bursting through into the existing U-Bahn tunnel. More than 200,000 passengers daily will board or change trains at the Jungfernstieg.

The next city station is at the Town Hall From the station at the Harbour Jetty Passengers can board ferry boats which then take them on to the various wharfs and quays around the port. A further station will serve the famous Reeperbahn day and night.

In place of the present Terminus in Altona there will be a 4 track underground through station, where the 2 radial lines operating in a southerly direction, can run directly to the city S-Bahn. Trains to the old connection line will as before run into northerly direction. This arrangement will give rise to a particular form of cross platform working, with trains leaving in opposite direction from the same platform, offering the passengers two trains to the east at the same time.

Planning of this sort by the HVV is closely connected with the planning of the intended service and performance that is to be offered to the public. An important basis is provided by the continual traffic surveys by the HVV. Experienced trained checkers e.g. systematically note the approximate number of passengers at selected points within the network. In general in Hamburg we have a load of not more than 70% during peak hours—understanding 100% load as the total occupation of all seats and standing places. For journeys to the CBD it is generally possible to limit the time a person must stand to 20-25 minutes. In out of peak hours this is hardly more than 8 minutes, if at all.

The tasks of planning the rapid transit/Bus system and the planning of the level of the performance and service offered, which I have just described form a main part of the activities of the Transport Association. As the HVV has been already described at several International congresses, in particular by Mr. M. Mrob, Dr. Tappert and Dr. Pampel, I can limit myself here to a short survey.

The association is a roof organisation set up by the various transport undertakings in Hamburg. The association was delegated various activities and tasks. The division of tasks is similar to that found in industrial undertakings.

1. The associations main activity is concerned with traffic management and marketing.

2. The main task of the partners is operational management.

They are predominantly concerned with operating the services against payment by the association. The most important duties of the association are:

1. Traffic accounts and transport studies.

2. The specification of the volume of services as well as route connections.

3. Drafting, organisation and further development of the common tariff.

4. Distribution of revenue to the various partners.

The common tariff is the most important instrument for integrating the various services into the HVV. It allows passengers to change between all means of transport and all lines as required. There are single and season tickets. To avoid the repeated payment of fares on single trips two kinds of "area" tickets at 21 cents and 27 cents for journeys within 13 and 26 miles from the city centre are available.

When buying a season ticket the passenger may choose between a ticket covering 2, 4, or 6 segmental zones, within which he may then ride on all lines as often as he likes. He does not have to show his ticket either at the barrier of the stations or at the left hand side door of the buses. We have instead random checks on platforms and in the trains and buses. Passengers who do not then have a ticket are fined 5.5 dollars.

Within the framework of an active marketing policy the HVV has introduced and tried out various special offers in the last few years. The so-called Senior ticket was very successful. This is an out of peak monthly season ticket for persons over 65 at a greatly reduced rate. In 1970 500,000 such tickets were sold.

A further innovations of the HVV, the so-called Abonnement has also been successful. In this case the customer can authorize the Traffic Company to draw monthly installments from his bank account, in return he has a 12 month season ticket for those zones, which he has previously selected.

On the whole the trends towards season tickets has increased. This is a very welcome development because it reduces firstly the burden placed on the busdrivers who also have to collect the fares in the one-man operated buses, and secondly it does away with the queues at the booking offices and automatic ticket machines.

It is throwing one's money away to spend vast sums on advertising and improving the service's image, as long as no proper public information service is operated, for in the face of a mass transit system which he cannot make head or tail of, the passenger often chooses to do without it. Therefore, the HVV has considerably improved information service. Instead of 5 different time-table books, the HVV has issued a comprehensive book with standardized layout and with a route map for the whole network.

Alterations in the network are made known by means of pamphlets, distributed to the inhabitants in the affected areas. By last year one million copies of a HVV primer had been distributed to all households within the transport network, explaining how to make the best use of the various means of transport within the transit service.

One must add however that the finest route maps and timetable-books are of no use to the passenger when he cannot find his way and gets lost in the station labyrinths. Here a special guiding system is required. We have therefore developed a unified system, the basis of which are standardized coloured signs for the rapid transit and suburban lines and the pictograms for all other means of transport. The passenger is directed by means of signs from the entrance of the U- and S-Bahn station, which is labelled with a large U- or S-Bahn sign to the trains. There is always a plentiful supply of route maps in the Stations and trains.

The satisfying degree of mobility which we have in Hamburg today is the result of countless large and small measures. The mobility is better than in Frankfurt or Munich, and inestimably better than in Bangkok or Rio de Janeiro. But we must now ask what is being done for future in the face of the rising motorisation?

There exist 3 sources of action which cooperate together in dealing with the problem. The main objective of the Hamburg Senate's guiding principles is an integrated Mass Transit system for goods and passenger transport, in which not only the various means of public transport but also the private car has its place. The road network is to be there principally for the goods and passenger business traffic. The rapid rail network within the inner zone is to be so built up that there is everywhere a station within a 5 minute walking distance. In the outer districts the private car is to have preference, also for commuter traffic. In the middle zone the commuter traffic travelling by car is to be absorbed into the Park-and-ride system.

The development model for the metropolitan area represents a future-orientated temporarily unlimited skeleton plan which indicates the broad outlines for the future regional and landuse planning in the metropolitan area. Settlement corridors and planned rapid rail lines are painstakingly coordinated and harmonized.

The density model, which has been worked out by the City Planning Authority together with the Transport Association, is particularly important. According to this model wherever it is possible, there are to be plot ratios around the rapid rail stations of 1.3 within a circumference of 350 m, 0.9 within a 700 m circumference, and 0.3 within a circumference of 1050 m.

The concept of the HVV for the further development of the park-and-ride forms the 3rd source of activity. At the present time there are 39 park-and-ride stations in Hamburg with approximately 5000 parking-spaces in all.

Based upon a park-and-ride study the HVV had recommended that the Hamburg Park-and-ride system should be built up within the next decades up to 50,000 parking-spaces, partly in multistory parking houses. Therefore in the future the Mass Transit will develop further towards a system of Rapid Transit/Bus and Park-and-ride.

The picture here shows what such a traffic network in the year 2000 is likely to look like, with settlements-corridors made more accessible by means of rapid rail Feeder Bus lines and park-and-ride traffic, and with express trains for interregional traffic.

Because there is a general trend towards new automatic individualised means of transport and their application to achieve a more concentrated Mass Transit network, in the picture is sketched such an automatic system in the CBD.

In close contact to research in the USA and other countries we in Hamburg will study particularly at our Institute for the research of technological trends the costs and benefits of such systems in order to answer the question whether they should be assimilated into the mass transit concepts in the future.

For as I said at the beginning: Mass Transit Systems are never brought to a conclusion.

APPENDIX

PARTNERS OF THE HAMBURG TRANSPORT ASSOCIATION AND THEIR SERVICES AS AT DEC. 31, 1970

Partner	HHA					HADAG	DB			VHHA	Suburban railways			DBP	
							S-Bahn								
Branch	U-Bahn	Tram	Bus	Express bus	Alster ferry	Port ferry	dc/el.	Other	Bus	Bus	AKN	ANB	EBO	Bus	Total
Vehicles/boats	812.0	285.0	662.0	186.0	15.0	50.0	351.0	111.0	29.0	228.0	25.0	7.0	10.0	13.0	2,784.0
Route mileage	55.0	50.3	343.3	122.9	7.0	43.4	49.7	37.1	27.8	323.4	18.6	6.3	6.2	41.0	1,132.0
Number of lines	5.0	10.0	86.0	13.0	4.0	20.0	2.0	4.0	6.0	54.0	1.0	1.0	1.0	3.0	210.0
Number of stops and stations	78.0	157.0	922.0	272.0	12.0	47.0	45.0	19.0	59.0	763.0	14.0	10.0	7.0	91.0	2,496.0
Passengers carried 1970 (in millions)	190.3	633.0	138.6	14.0	1.4	9.8	111.7	26.1	4.8	27.5	3.0	1.2	.7	.8	593.2
Passenger miles (in millions)	664.7	167.6	361.0	66.6	3.3	18.3	689.8	191.1	21.2	145.6	24.4	4.3	4.2	4.8	2,366.9

Abbreviations:

HHA=Hamburger Hochbahn Aktiengesellschaft.
HADAG=Hafen-Dampfschiffahrts Aktiengesellschaft.
DB=Deutsche Bundesbahn (German Federal Railways).
VHHA=Verkehrsbetriebe Hamburg-Holstein Aktiengesellschaft.
AKN=Eisenbahngesellschaft Altona-Kaltenkirchen-Neumünster.
ANB=Alsternordbahn GmbH.
EBO=Elmshorn-Barmstedt-Oldesloer Eisenbahn Aktiengesellschaft.
DBP=Deutsche Bundespost (German Federal Post).

MUSKIE BLOOPER

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. DUNCAN. Mr. Speaker, I have read a very interesting editorial statement about the "Muskie blooper" and the possibility of a black Vice President. The article is from the September 22, 1971, Knoxville, Tenn., News-Sentinel, and follows:

Muskie Blooper

It is amazing how racially righteous the nation's politicians have become in the wake of a political blooper committed by Democratic presidential contender Sen. Edmund S. Muskie.

Muskie, at a meeting in Los Angeles earlier this month, ruled out a Negro running mate because, he said, the country is not yet ready to elect a black man to the vice presidency.

Naturally, the political leaders of both parties quickly disavowed any similar sentiments.

Muskie (who has an excellent Civil Rights record) is now trying to turn the issue to his own advantage by portraying himself as an honest man who tells it like it is.

Still, with all due respect to the senator's candor, we think he may be selling the voters a trifle short.

After all, the theory went, no Catholic ever could be elected President—until John F. Kennedy was in 1960.

No black man, it was said, ever could be elected senator in Massachusetts—until Edward W. Brooke was in 1966.

No black man ever could be elected state superintendent of public instruction in California—until Wilson D. Riles was in 1970.

And no black man ever can be elected vice president of the United States—until he's nominated, and runs for the office.

REFORM OF OUR PRISONS MUST NOT BE CONSIDERED IN VACUUM

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BELL. Mr. Speaker, it should be clear to all of us now that reform and coordination of our correctional institutions, our court system, and our social services will have to be considered as an integrated whole if we are to have any success in making our criminal justice system more humane and effective.

We must make a determined effort in this Congress to produce meaningful legislation to reform our criminal justice system. We must open the way to innovation in the effort to diminish the alarming rate of recidivism among criminal offenders.

An article by Herbert Sturz in today's New York Times indicates the vital need to direct our thinking in new directions if we are to find some alternative to the tragic waste of human and economic resources in our failing criminal justice system.

The article follows:

And Now, Beyond Attica

(By Herbert Sturz)

Imagine Attica rebuilt—black and Spanish-speaking guards, better food, censorship eased, the screens between visitors and inmates removed, full freedom of religion, daily showers available. There are classrooms, counseling sessions and access to a good library. Officials are making an effort to remember that inmates are human beings.

In spite of such good deeds, good intentions, and money spent, it is clear that those sentenced to the new Attica will arrive with the stamp of the ghetto and the scars of detention pens upon them. They will arrive at Attica hurt and angry and brutalized. The new and improved Attica will, of course, still take away their freedom, and produce resentful, bitter, even vengeful men.

Rebuild Attica? Yes. Make it more humane, of course. But let's not deceive ourselves, Attica reformed will not correct, nor will it rehabilitate. What it will do is provide society with temporary protection from those who have been identified as threatening.

But we can do more than contain people. We can in fact rehabilitate—and thus provide not only genuine protection for society, but some chance for productive lives. But to rehabilitate we must intervene at every way station on the road to Attica.

The road to Attica begins with families uprooted, with bad housing, racial prejudices, drug profiteering; with schools and social agencies unresponsive; with kids growing up feeling left out. Improving the quality of life for these persons would result in fewer setting foot in jair or prison.

Meanwhile, we must bring about changes where we can. Arrest is the earliest time for society to intervene. Every effort should be made to keep an accused person out of jail, where he can only become angrier and more bitter. Whenever possible a summons should be issued by the police in lieu of a formal arrest.

Pretrial service agencies staffed by community liaison specialists should divert the accused into the custody of a community agency. That agency would see that the person comes to court when required and try to help him find a job, deal with his drug habit, or obtain more education.

Intervention after arrest can often circumvent the need for prosecution. The Court Employment Project, begun as a small pilot experiment in Manhattan four years ago, gets jobs and provides counseling, group therapy, and a structured program to persons awaiting trial. If participants get and hold a job and remain crime-free for three months, charges are dismissed by the court.

The Court Employment Project has spread

to Brooklyn and the Bronx and to other cities. It's a beginning. However, 4,000 persons are arrested in New York City each week; the project can help only 40.

Judges can be provided with still another course: the offender can be released to participate under supervision in a community program. One such, recently created in the southeast Bronx, is assuming responsibility for cases diverted by criminal court judges who are adjourning sentencing for varying periods.

Less than half a cent of every criminal justice dollar goes to rehabilitation. That half doesn't go far.

Many men now in Attica should be prereleased to a structured work environment in the community like that provided by Pioneer Services in New York City, a corporation which hires a man only if he has a criminal record, a history of drug abuse or alcoholism, and has been unable to hold a job anywhere else.

Pioneer's first undertaking has been a messenger service employing 25 ex-heroin addicts now on methadone. This is a nonprofit, low-stress work program with supportive services. When the program started in April no one knew whether the men would stick. They have. Out of 10,000 messages delivered to date, not one has been lost. Morale is high; and the men are helping to sign up new clients.

The concept of providing supported work for so-called incorrigibles holds great promise. Successful messengers move on to other supported work projects. This week five Pioneer employes with lengthy criminal records and many years of heroin addiction are "water blasting" the rotunda of the New York City Municipal Building, using a new process which instantly cleans at low cost.

Those who have taken the road to Attica can come back if we give them the resources and the opportunity.

REMARKS OF HON. SILVIO O. CONTE AT THE COMMISSIONING CEREMONY FOR THE U.S.S. "AYLWIN"

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I include the remarks by my distinguished colleague, the Honorable SILVIO O. CONTE, Republican of Massachusetts, at the commissioning ceremony for the U.S.S. *Aylwin,* Boston Naval Shipyard, on September 18, 1971, because of their timeliness in view of the debate on the strength of the Navy, and since they focus on the fine accomplishments of the Boston Naval Shipyard.

The remarks follow:

REMARKS BY THE HONORABLE SILVIO O. CONTE, R-MASS., AT COMMISSIONING CEREMONY FOR U.S.S. "AYLWIN," BOSTON NAVAL SHIPYARD, SEPTEMBER 18, 1971

It almost goes without saying that I consider it a great honor to have the opportunity to speak at the commissioning of the new fighting ship for our Navy.

As a congressman, I often have an opportunity to participate in affairs to which I previously would never have dreamed of being invited. It always overwhelms me a bit. Well, this is one of those occasions, and I'm overwhelmed.

But this time I have an even better reason for feeling this way. I served two years in this Navy—as an enlisted man with the Seabees in the Pacific in World War II. I can honestly say that building those air strips in the jungle heat of the South Pacific was not conducive to daydreaming about sharing a platform with the Navy brass and commissioning a great new ship.

Not that I didn't think about ships, mind you. I thought of one ship day and night—the one that was going to take me home.

Even if it were not traditional to stress the vital importance of our nation's sea power at occasions such as this, I'm sure no one could resist. We are sending out a new ship and crew to join the fleet. We are doing it in one of the most historic of all harbors. And sharing the harbor with us is the proud U.S.S. *Constitution*. If this doesn't bring seapower to everyone's mind, nothing will.

After we in the Congress authorize a ship, there are three historical ceremonies before she physically joins the fleet. These are the keel laying, the launching and christening, and finally the commissioning.

They are all important. But the commissioning, at which the ship attains a crew, a character and, incidentally, a feminine gender, has a special significance for me for it illustrates the importance of people.

In this age of exploding technology, it is too easy to overlook the man, through a preoccupation with the machine. For all our radars, sonars, sensors, missiles and the vast energies of nuclear power, the fact is that *men* must maintain this equipment and *men* must operate these weapons in battle.

The *Aylwin* will be one of 46 Knox class destroyer escorts, identical in design and as standard in configuration as the shipbuilding industry can produce. But among these, the *Aylwin* will be unique. Her uniqueness will come from the men who man her, just as her reputation in the Navy will be solely a reflection of the deeds those men will perform.

For the crew assembled here today—Captain Fenn and the men and officers of the U.S.S. *Aylwin*—this is a profound responsibility. For the *Aylwin* is not just a new ship. She is part of a new class of ship conceived at the same time that the Navy is becoming a "new" Navy.

The Navy has always sought and obtained quality men. But it has now embarked on perhaps the most ambitious program ever to recruit, train and retain the brightest and most alert individuals possible. It's going, as one retired captain told me, "from Oldsmobile quality to Cadillac quality."

The Navy, along with the other services, is very concerned about its manpower resources. It's doing everything possible to provide enlisted men, officers and their families with great opportunities with regard to education, salaries, and improvements in just plain living conditions.

For a while there this whole movement toward a "new Navy" was getting more publicity than Vice President Agnew. But it is a serious, and from my point of view praiseworthy, program designed to attract the best manpower this nation has to offer. The Navy is aiming for the alert individual who is motivated by patriotism and who can adjust to reasonable and even-tempered discipline.

One of the many important factors in all of this is salaries. Efforts to increase pay benefits are constantly being made. The goal of the Navy is to bring the serviceman's pay standards up to those of his civilian counterpart. As a result, three pay raises have been put into effect over the past three years. Besides supporting these raises in Congress, I am one of the sponsors of the proposal which would double the pay for entering enlisted men—and I wish the Senate would get around to acting on it at the full dollar amount.

If I go on in this vein much longer the officers up here might sign me up to help on recruitment drives. But the fact must be stressed because the most important component of any Navy is the people who serve in it.

It is fitting to observe, while on the subject of the men who make up the Navy, that this ship is the fourth to be named after Lieutenant Joseph Cushing Aylwin—a native, appropriately, of Boston.

Lt. Aylwin served on the USS *Constitution* during the War of 1812, was commended for gallantry in battle and was highly praised for his seamanship during the *Constitution's* stunning victories over British frigates. He died a hero at age 35 from wounds suffered in battle aboard the *Constitution*.

The three ships previously named after this brave young seaman have all contributed to the cause of our nation's freedom.

The first, a galley built in 1813, formed a part of Commodore Thomas MacDonough's fleet in the Battle of Lake Champlain. The second, a destroyer, participated in World War I against the vaunted German "Wolf Packs". And the third, the DD 355, earned 13 battle stars in a wartime career that began on December 7, 1941, at Pearl Harbor and lasted through the Okinawa invasion in June, 1945.

The endeavors of these ships to preserve our nation's right to freely use the high seas should be a source of inspiration for the crew of this new *Aylwin* as it joins the Fleet in these turbulent times.

There may well have been no time in our long and proud history when the need to stress the importance of seapower was as pressing as it is today. But before I pursue that thought, I want to emphasize one point. That is that I am not the kind of person who says one thing to one group and the opposite to another group.

I have never hesitated to oppose policies of our government with which I have disagreed—but I have stressed over and over again to groups who would only be happy with a complete dismantling of our defense structure, that I have neither time nor sympathy for such endeavors.

Too many people, I fear, correlate opposition to one policy—specifically the Vietnam War—with opposition to the Armed Forces in general. I reject this as I know many of my colleagues in the Congress do.

It is true that there is a new climate on Capitol Hill, as there is throughout our country. But I do not believe that new climate dictates against a strong defense posture. There has been, and will continue to be, more scrutiny of all proposals—military and otherwise.

The men who run our Armed Forces will be harder put than ever before to fully justify every request for every project. The weapons system with 57 varieties—only five of which are needed—may not make it. But for the legitimate defense needs of this country, we can spare no cost. They must and will be met.

This Government has set a new course in international relations. It is marked by a willingness, even an eagerness, to negotiate. The Paris Peace Talks, the Strategic Arms Limitation Talks, the President's planned trip to mainland China, and other initiatives, are the outward manifestations of this new course.

The motivation is the deep desire for peace and the understanding that this desire must be pursued with our adversaries. Peace does not simply occur, it must be waged.

We must never forget, however, that the basis for this new course is strength. Strong powerful nations have precious little reason to negotiate, to give and take, with countries ill-equipped to defend themselves.

With the commissioning of this ship today, we are telling friend and foe alike that we intend to stay a great nation; that we are prepared, if need be, to protect our rights and interests.

The primary mission of this ship is antisubmarine warfare. This mission is in direct support of the principal function of the United States Navy—preservation of the freedom of the sea which began when the United States first became a nation. Freedom of the oceans and their airspace is absolutely essential to the security of the United States. This country is an island. We have only two international borders. One of our states lies overseas. Another, Alaska depends upon the seas for a major share of its commerce with the continental United States. We look to overseas nations for both cultural and commercial exchange. And, despite the rapid growth of air transport, it is a fact that 99 percent of our overseas trade travels by ship.

From a military point of view, our nation's military strategy is predicated on a forward posture, with critical reliance placed upon our overseas allies and our own forward deployed forces. Of the 43 countries involved in treaties with the United States, only two of them share a common border with us. All others are overseas nations. There is no current plan for overseas military operations which does not depend upon our free use of the seas. Unless we can assure ourselves continued free use of the seas against the most determined and capable potential opposition, our entire politico-military posture loses its credibility.

At the end of World War II, the U.S. Navy was supreme on the seas. The Axis fleets had been destroyed, the Allied navies were severely reduced through wartime attrition and post-war economies. The Soviets had no modern forces capable of sustained operations at seas. In recent years, however, a new and formidable challenge has risen to contest our supremacy on the high seas. The Russian bear has developed a taste for the salt water.

Since 1950, the Soviet Union has been embarked on a program which reveals a singular awareness of the importance of seapower and an unmistakable resolve to become the most powerful maritime force in the world. Its naval forces have undergone a continuing modernization program including the building of missile-armed cruisers, helicopter carriers, and several new classes of nuclear and conventional submarines. As a result, the Soviet navy has become a fleet capable of sustained open ocean operations. For the first time in its history, the Soviet Union is using a deployed naval force in support of foreign policy in areas not contiguous to its borders.

Its force in the Mediterranean includes warships armed with surface-to-surface and surface-to-air missiles, amphibious ships with naval infantry embarked, and torpedo and missile-armed submarines.

I believe a good yardstick of the Soviet Union's increased presence in the Mediterranean is given by the following statistic: In 1963, the Soviets logged about 750 steaming days in those waters. This year, they are expected to surpass 19,000.

Coupled with the Soviet Union's growing number of shore facilities in that area for support of its fleet, this statistic indicates quite clearly the great impact that country now has on the always explosive Middle East situation and on the United States' unrestricted use of the seas.

While our adversary was modernizing her fleet and greatly expanding its numbers, we were bogged down in a war on the other side of the world which drained our resources and precluded a matching modernization of the United States Navy.

Admiral Moorer, Chairman of the Joint Chiefs of Staff, described the bind we were in very clearly in a speech in Seattle last month:

"In the late 60's", he said, "during our peak involvement in Vietnam, our budget guidance was to buy for attrition and not for modernization. As a result, all of the services went through a period of scant modernization. Today, we need this modernization if we are to keep pace with the efforts of the Soviet Union."

The U.S.S. *Aylwin* will be a vital factor in our fleet modernization. It will have the most modern anti-submarine sensors and weapons that our technology offers today. It will be your job, Captain Fenn, and that of your crew, to exact the full measure of potential from your ship. When she takes her place in the fleet, you must, and I am confident you will, do your part to assure that the United States Navy maintains its superiority at sea over all other possible adversaries—a sea supremacy absolutely essential to the security of this great nation.

In this grand endeavor, I wish you good luck and Godspeed.

GOVERNOR SIGNS CORRECTION BILLS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. RAILSBACK. Mr. Speaker, as a member of the Judiciary Committee. I believe one of the most pressing issues we face today is the need to reform our correctional system. There is a desperate need for more education and job training, more medical and psychiatric care and more social facilities, to mention just a few of the innovations.

I am proud to say that my own State of Illinois has one of the finest, if not the best system of corrections in the entire country. Governor Ogilvie recently approved 50 bills which will enhance correction reform even further.

An article from the Arlington Heights Herald in Illinois of July 28, 1971, gives an excellent summary of some of the major legislation recently enacted.

There being no objection, the article was ordered to be printed in the RECORD as follows:

GOVERNOR SIGNS CORRECTION BILLS

Gov. Richard B. Ogilvie last week approved 50 bills which he called "the most far-reaching legislation in the field of corrections" since 1899.

Ogilvie signed the bills at a meeting of the Illinois Law Enforcement Commission in Springfield, where he was the principal speaker.

Citing the advances made by the department of corrections since its creation in January, 1970, the governor hailed the new legislation as "a monumental advance on the goal of bringing a new sense of purpose and a concern for results to Illinois' correctional system."

Among the correctional bills signed by Ogilvie were:

Senate Bill 756 amends the prisoners' furlough act, providing the legal machinery to help offenders work their way back into the free community on a gradual basis. The new law allows carefully screened inmates who are within one year of being eligible for parole to visit their homes, families and friends for three-day periods to help them reestablish their relationships.

The bill also authorizes Dir. Peter B. Bensinger to release inmates for short periods of time to appear before certain educational and professional groups interested in a better understanding of the causes and results of crime, and to talk to students about the dangers of drug abuse.

House Bill 2819 authorizes the department to grant educational furloughs to certain qualified inmates and permits educational field trips. Under the bill, inmates may continue their academic or vocational educations in programs developed with junior colleges and the state's universities.

Thirty-one bills remove the arbitrary licensing and registration restrictions which have heretofore barred felons from gainful employment in a wide variety of pursuits. The occupations affected are: physical therapists, chiropodists, optometrists, veterinarians, psychologists, plumbers, beauty culture operators, barbers, funeral directors, water well pump installers, nursers, court reporters, employment agency operators, liquor dealers, sanitarians, blood bank operators, structural and professional engineers, surveyors, business and vocational school operators, livestock and swine dealers, architects, medical practitioners, pharmacists, dentists and dental surgeons.

House Bill 1705 allows carefully screened inmates to volunteer for assignment outside penitentiary walls on conservation, anti-pollution and environmental work projects.

Senate Bill 752 amends the Criminal Code by extending the correction department's authority to give conditional releases for periods of up to 180 days prior to the date the inmate is eligible for final discharge, by expiration of his sentence. The previous statute allowed for periods of not more than 90 days.

Senate bill 213 authorizes payment of up to $10,000 to families of correctional personnel fatally injured in performance of their official duties. The bill, previously affecting only policemen and firemen killed in line of duty, now includes youth supervisors, guards, wardens, captains, lieutenants, parole agents, counselors, maintenance workers and other institutional personnel.

Senate Bill 753 gives penitentiary officials police powers off the institution grounds to recapture and reimprison escapees.

House Bill 1616 amends the Sentence and Parole Act to provide a notification and writ process in connection with parolees or conditionally released individuals who have been arrested by local police or sheriffs for another crime.

Other correctional bills signed by the governor were:

SB 32 amending the State Reformatory for Women Act providing for placement of babies born at the institution by the Department of Children and Family Services, SB 33 amends the Code of Criminal Procedure to prevent limiting the Department of Children and Family Services' powers in taking custody of babies born at the Dwight institution; SB 751 changes the name of the department's Bureau of Community Services to the Bureau of Field Services.

SB 754 amends the Code of Criminal Procedures to require notification of the corrections department in cases where there is an unexpired federal sentence and a subsequent Illinois sentence which is to be served in federal custody concurrently; SB 755 amends the State Reformatory for Women Act to include women over 18 years of age sentenced and committed for one year or longer, or women sentenced or committed for six months or over at the department's discretion.

SB 757 amends the Probate Act, providing that a person under conviction as a felon is not qualified to act as an administrator of an estate; SB 1057 removes disfranchisement of persons convicted of felonies upon completion of their sentences; SB 1058 amends the Election Code, removing disfranchisement of persons convicted of crime upon completion of their sentences:

HB 1615 adds inmates released, pardoned or paroled to those entitled to suitable clothing, transportation and spending money upon leaving the penitentiary; HB 1648 transfers land in Will County to the City of Joliet; HB 1674 transfers land owned by the department's juvenile division to the City of

Vienna; and HB 2178 provides that if a candidate for parole is in the department's custody, the Parole and Pardon Board shall interview him.

POTOMAC STATE COLLEGE CELEBRATES GOLDEN ANNIVERSARY—DR. PERRY GRESHAM, PRESIDENT OF BETHANY COLLEGE PARTICIPATE—INSTITUTION IS MODEL OF COLLEGE-COMMUNITY INVOLVEMENT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 30, 1971

Mr. RANDOLPH. Mr. President, Potomac State College of West Virginia University recently celebrated its golden anniversary. This outstanding institution of higher learning, nestled in the beautiful hills of the Mountain State at Keyser, Mineral County, has a most distinguished history.

Through dedicated and effective leadership from the late Joseph W. Stayman, the first president, and from Dr. E. E. Church, Dr. Todd H. Bullard and the current executive dean, Dr. Harold C. Doster, the college has grown and expanded its influence in the educational fields. Potomac State College is in the forefront of the national trend toward a more personal relationship between faculty and student and between college and community.

The beloved Dr. Gresham, who is retiring as President of Bethany College at the end of the school year, said he hopes that higher education "will always strive to preserve certain special values." He said these include "the patient and persistent search for truth," and to these he added the virtues of "gratitude, and humility, and the right to owning property without having to tolerate its being stolen or abused, and finally the value of coupling job with education."

Mr. President, I ask unanimous consent to have two articles from the Keyser, W. Va., Mineral Daily News-Tribune, printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

[From News-Tribune (W. Va.), Sept. 24, 1971]

FIFTY YEARS A JUNIOR COLLEGE—COLLEGE REACHES RARE LANDMARK

It was quite a party, and they were all there! Students and staff of past and present congregated yesterday afternoon in the auditorium of Potomac State College's Church-McKee Arts Center to concelebrate a rare and unusual landmark: a Golden Anniversary year reached by a junior college.

The atmosphere was gay and made the more so by the presence and sparkling wit of the principal speaker, Dr. Perry Epler Gresham, resplendant in brilliant green and white academic attire.

Dr. Gresham has announced plans to retire at the close of this academic year after 18 years as president of Bethany College. "It's a matter of health and fatigue," he said "—probbaly some of the people over there are sick and tired of me, and I of some of them." He said he replied to an inquiry of how he stands being a college president in times like these that it bothers him not at all. "I sleep like a baby—sleep an hour, cry an hour."

As anyone who has heard Dr. Gresham knows, his keen sense of humor is always just icing on the cake. In more serious vein he took his theme from Rupert Brooks' poem, "These I Have Loved," as he expressed the hope that higher education will always strive to preserve certain special values.

One of these, he said is "the patient and persistent search for truth," in contrast to some modern practices of honoring "action" at the cost of truth. In this age of misology (hatred for reason), he cited Cardinal Newman's philosophy of learning by establishing point after point.

In contrast to today's motto "leap before you look," he upheld suspended judgment: "It took John Locke 18 years to complete his essay on human understanding," he said, adding ". . . it's a great thing for people to be decent to one another."

To these he added the virtues of gratitude, and humility, and the right to owning property without having to tolerate its being stolen or abused, and finally the value of coupling joy with education.

These was nostaglia for some, curiosity for the newest among students and staff, to see and hear former Presidents Ernest E. Church and Todd H. Bullard, both introduced by Academic Dean James T. Handlan, who chaired the program.

Dr. Church, whose 28-year span of experience at the helm of Potomac State witnessed most of the institution's dramatic changes, said "Some in West Virginia are inclined to draw their skirts—or academic regalia—closer to avoid contamination with the junior college" as he gloated over the fact that Potomac State's 45-year record of full accreditation by the august North Central Association of Colleges and Secondary Schools is equalled by few of the state's institutions, exceeded by none.

He expressed delight in the fact that "generation gap" was not much of a problem to him and his predecessor, President Joseph Stayman, for their regimes came at a time "when faculty and students were partners in the enterprise of teaching and learning." It was their philosophy that every young man and woman who had a thirst for learning and who knocked for admission to this college should not be turned away . . . but guided to his objective, limited only by his God-given abilities."

Dr. Bullard, who returned from Rochester, N.Y., to take part in the celebration, touched the hearts of his listeners when he said, quoting Webster in the Dartmouth College case, ". . . it is only a small college but there are those of us who love it," as he referred to his attitude about Potomac State.

He said that the age alone of the institution "is not terribly significant . . . it is what has been done with time that really matters" and as we consider the thousands of men and women who "can trace their educational awakenings to this college, it is not only the memory of skills and ideas but of people . . . like Nancy Miller, "Horse" Lough, Ernest Church, Kirkland McKee—yes and Ernie Kissinger, and a host of others, many still here . . . who loved young people and responded to them at a crucial time in their lives . . . this, I think, is the historical significance of Potomac State College."

The present Executive Dean, Dr. Harold C. Doster, spoke of the significance of the junior college's role in today's higher education, asking "what are we doing that we can do better and what are we failing to do that needs to be done."

Dr. Doster mentioned the scores of congratulatory messages which have poured into the college from business and industry, the professions and government, church and civic leaders from the state and beyond. He read the message of the senior Sen. Jennings Randolph whose wife had lived in Keyser.

Dean Handlan read a message from Dr. Webster Stayman, Philadelphia, who spoke of the significance of the day to his family, in light of the fact that ". . . my father devoted the better part of his life to Potomac State."

Organist for the academic processional and recessional was by Mrs. Mary Evelyn Coffman. Prof. Paul F. Iverson gave the invocation. Prof. Richard A. Davis directed the Singers as they did "Choose Something Like a Star," a Randall Thompson selection.

A reception followed in the arts wing, with Mrs. John Stanhagen as chairman.

(From News Tribune (W. Va.), Sept. 23, 1971)

OUR ALMA MATER DEAR

Anyone standing in the middle of the campus quadrangle in September 1921, when Potomac State began to operate as a junior college after 19 years of being a preparatory school, would have been but two major buildings, the Administration Building and Davis Hall.

For the record, the original 16 acres of land forming the main campus was donated by Col. Thomas B. Davis of Keyser when he learned that the Legislature had passed, on Feb. 15, 1901, a bill introduced by Judge F. M. Reynolds a Mineral County legislator, to establish a then much-needed school offering secondary educational programs.

No ordinary land, this central part of the campus was originally part of a grant from the King of England to Lord Thomas Culpepper, whose heirs deeded it to Lord Thomas Fairfax in the mid-18th Century, and the property changed hands half a dozen times before it was given to the state for the school. During the Civil War, this was the site of Fort Fuller, manned by Union forces which yielded it only briefly to the Confederates.

The first building erected was an Administration building, where the first students began classes the fall of 1902 with L. L. Friend (for whom Friend Hall is named) as "principal." This rather handsome building with its high clock tower was completed for about $35,000. There were no funds to provide dormitories, so the school obtained the "old Keyes House" on Armstrong Street and East Street, near the court house, to house about 20 boys. Girls lived in "approved homes." When Davis Hall was completed in 1914, boys lived in one wing and girls in the others.

The original Ad Building was destroyed by a "fire of unknown origin" May 3, 1917—not just the building and its furnishings but all the records and many valuable books from the library. Some rooms in Davis Hall had to serve as classrooms until another Administration Building (the present one) was completed in 1919. The cost jumped to $105,000. Fortunately insurance covered part of it.

Meantime, the late Joseph W. Stayman, who became the first president of the junior college in 1921, had been here as principal since 1911, and he had much to do with the early development of the physical plant, including Davis Hall, the worry of the fire and plans for the new Ad Building, the purchase of 128 acres in 1919 for use as an experimental farm, and getting Reynolds Hall dormitory for women, in 1925. This $88,000 structure even "had room for the home economics department in its basement area." (And that's exactly where the home economics department remained until completion of the Science Hall in 1951.)

Another 1925 acquisition was the house and lot on the northeast corner of the campus which became the president's home.

In 1927, the chemistry classes and laboratories were moved into a small building, next to Reynolds Hall, which had been used as a heating plant. (When the Science Hall was completed in 1951 this small building was used for psychology classes. After further remodeling in 1963, it became the present Language House.)

Physical education classes and basketball games took place in the basement of the Ad Building until completion of the present gymnasium in 1928. Football games and other outdoor sports such as track were played right in the middle of the quadrangle, until Stayman Field was hewn out of part of the farm land, with the help of federal funds, 1932–1934. The concrete bleachers, an NYA project of the Depression days, came about 1936. (The field house was added much later—1958—making it no longer necessary for the football players to hike all the way back to the gym at halftime.)

Dr. E. E. Church began a 28-year career as president here in 1936, and one of his first obligations was to complete some of the projects begun by his predecessors—two buildings for faculty housing (1936). Next came a dairy barn (1940) and extension of the college farm's acreage, and cattle to meet demands of the agriculture curricula.

The outbreak of World War II meant a diminishing of male staff and students, and erection of a temporary tiny but important building near the spot where the campus drive now exists. This was an airplane spotter's post (a local Civil Defense project) manned from 6 p.m. to 6 a.m. by men, in groups of three's, and during daytime hours by women.

With the end of the war came a vast influx of veterans in the mid-1940's, and Dr. Church was faced with providing "instant housing." He went after surplus materials from service camps along the East coast, which resulted in enough quickly erected barracks-type buildings to take care of 24 married and 72 single veterans in 1946; a portable building with two classrooms placed around the drive on the east side of the Ad Building; and (in 1947) the basic part of what is now the Student Union could be seen nearing the end of its trip from Camp Patrick Henry as it came up State Street marked "wide load." The foundation dug under it was first used by the maintenance department. The brick facing, the porch and pillars, and the attractive interior walls and decorations were added gradually over the years. (The first heavy Navy surplus tables, with their curled up edges to keep plates intact on ships, and the canvas folding chairs are among the memories.)

The first completely new major building since the gymnasium (1928) was the $800,000 Science Hall opened in 1951, which gave space for classes and laboratories in chemistry, biological sciences, physics, geology, engineering, agriculture, and home economics.

It was hard to say which area of campus life should be given priority in the years that followed because the college needed housing and many other facilities.

The men got a new dormitory (Memorial Hall) in 1956. The library had to wait till 1961 to move out of its crowded quarters in the Ad Building, where faculty offices now fill the space, but this handsome facility seems well worth the long wait.

The National Guard's Kelley Armory was put to use the fall of 1961, giving the ROTC program a "home." Friend Hall for women, a $460,000 dormitory, opened in 1963.

One of two buildings completed during the presidency of Dr. Todd H. Bullard is the $1,400,000 Church-McKee Arts Center (opened fall 1967), an air-conditioned, multipurpose building with a 1,000-seat auditorium, and classrooms-studios-practice rooms for music, drama, art.

The music department used one large room on the second floor of the Ad Building from 1902 to 1947, when a house adjacent to the local hospital was rented. (Their former room in the Ad Building was needed for expanding secretarial science programs.) The department occupied a remodeled private home to the left of the gymnasium, 1950–1967. From the mid-1940's increased enrollment made it necessary to have convocation programs and commencement in the gymnasium.

Latest addition to the physical plant is the $825,000 air-conditioned Academy Hall, which opened the fall of 1969 with facilities for the commerce department, the Computer Center and its classes, journalism, technological engineering; also seminar rooms, large classrooms, and an instructional materials center.

THE UNDECLARED WAR ON FEDERAL WORKERS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BRASCO. Mr. Speaker, after 2½ years of uninterrupted economic disaster, this administration has publicly admitted that its vaunted game plan to end inflation has culminated in semicatastrophe for the American economy. In near panic, the administration has leaped across the fence, dividing it from political critics and opponents, abrogated sacred Republican economic theory and clutched desperately at solutions Democrats have advocated for years. Such a conversion is laudable, and I applaud this belated realization of error. Not even Paul of Tarsus on the Road to Damascus saw any clearer or more blinding vision. What a pity, then, that such realization is too late, and that it is taking more than a slightly negative form.

Too late in that Democrats gave the administration this authority more than a year ago. Negative, because the Democrats envisioned price and wage controls to be pressed with equal vigor on all segments of our economy.

Mr. Chairman, this is known as elementary fairness—a concept that is too often completely forgotten. A concept, by the way, that most Americans understand and accept. If it were not for what I consider basic unfairness in the administration approach to price-and-wage control, I would support the administration plan without exception.

The President's economic package is first and foremost a ribbon-bedecked gift of a series of tax breaks for most major industries of this Nation. These are the same corporations whose greed in price hikes has been exceeded only by their inability to compete with some foreign-made goods. Rather than pursue more enlightened policies, they have instead made war on their own workers by accusing them of fueling the wage-price spiral This administration, never one to pass up a chance to belabor the average worker for the purpose of aiding the corporate area, has utilized this opening to seek to hand yet a second accelerated depreciation gift to massive vested interests, if Congress will concur.

Unfortunately, every action has a reaction. Every gift given to one group must be at the expense of another. In this case, the administration has hauled off and delivered another mighty wallop at its favorite helpless target. I speak of none other than the Federal worker. Here are several million decent American citizens, engaged in furthering the life and death and bread and butter work of our National Government. True, they can be often termed a bureaucracy of sorts, yet this need not be a derogatory term. In the mouths of the spokesmen of this administration, it becomes a curse word.

From the President on down in this administration, we hear the Federal employee referred to by inference as a drag on the national ship of state. They are accused of everything but doing their jobs, which is what the huge mass of them do very well. Should they ever cease to function effectively, we would know it in short order. Yet the typical attitude of criticizing Government services is looked up by the administration as an opportunity to belabor them in order to earn political capital.

Federal workers have become targets of political opportunity as have other groups this administration feels it may move against in some manner with political impunity.

So it really should not come as any surprise to us that the President, as a vital portion of his new economic policy with its title conveniently borrowed from Lenin, should single out the Federal work force as one of the main sufferers on its behalf. Who will bear the main cost of these new tax breaks for those barefoot boys on Wall Street? Why the Federal worker, of course. General Motors, U.S. Steel, Parke-Davis, Standard Oil and all those other poverty stricken orphans of our corporate world are going to have to gain at someone's expense. Revenue lost to the Federal Treasury through their tax breaks must come from someone's pocket. Why not the Federal worker? After all, there are only between 2 and 3 million of them. And they all have just average families. They can do without better clothes, a bit extra in their diets and perhaps a chance at a college education.

This administration knows full well how hard such people have to struggle. Most Government workers are at relatively low salary levels. Many of them must struggle to even survive in major metropolitan areas, such as my home city of New York, where the cost of living is among the highest in the country. That minimal salary raise they were going to receive in January was a vital factor in their considerations. Now the President has postponed it for 6 months.

It also hits at the military, where morale is sagging. Where are all the fine words about easing their lot? Piled with all the other press releases and broken promises.

The people who dominate and run major corporations do not have to worry about a job cut, such as do Federal employees, because of the 5 percent reduction in total employment ordered by the President. Yet all these people, taken cumulatively, have it within their power to make a job cut of one at the very top next fall.

Mr. Speaker, I cosponsored and strongly support the Post Office and Civil Service Committee resolution, House Resolution 596, which mandates a level of decency and fair play in the distribution of sacrifice during this time of economic stress. I sincerely hope this Congress recognizes the need to approve this legislation so that not only will no employee be singled out for harsh treatment, but that all segments of our economy will bear equal impact of the President's directive.

BICENTENNIAL MEDAL COMPETITION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 30, 1971

Mr. SCOTT. Mr. President, I take this opportunity to commend the Franklin Mint of Philadelphia for the fine job it is doing in the preparation of a medal commemorating our Nation's bicentennial. The Franklin Mint is sponsoring a design competition to select the final design of the medal. This competition will run currently in all 50 States with combined prize funds of over $500,000. An additional $½ million will be spent on the mint's efforts to promote and advertise the fifty contests. The Franklin Mint's nationwide design competition is the most significant and far-reaching act of commitment to the Bicentennial made by private enterprise to date. The following article, which I ask unanimous consent to have printed in the RECORD, explains some additional details of the mint's plans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Bicentennial Newsletter, August–September 1971]

BICENTENNIAL MEDAL COMPETITION SET

A competition for the designing of Bicentennial commemorative medals in all 50 states, with prizes totalling $500,000, was announced August 11th by the Franklin Mint, world's largest private mint. The announcement was made by the president of the company, Joseph M. Segel, at the New York City premiere of the new documentary film, "Of Art and Minting."

Artists in each state will be invited to design a Bicentennial medal commemorating their state's contributions to the heritage of the nation. There will be $10,000 in prize money for each state competition: first prize—$5,000, second prize—$2,500, third prize—$1,500, fourth prize—$1,000. The total prize fund of $500,000 is the largest amount ever offered in an art competition in the United States.

Actually, the investment in the program by the Franklin Mint will be at least one million dollars. In a telephone interview with USA–200, Segel said the company has budgeted an additional $500,000 for nationwide promotion and advertising in support of the 50 contests.

State Bicentennial Commissions have been invited to co-sponsor the competition in each state, and judging of the design entries will be done by state panels in cooperation with a national advisory panel of distinguished artists and art experts. In states which elect to cosponsor the program, the Franklin Mint will defer to the Governor or State Bicentennial Commission in appointing a panel of judges.

Under varying plans of endorsement or cosponsorship, Segel told USA–200, it will be possible for the individual state to receive royalties of 10 to 50 per cent generated by the public sale of the medals, for use in supporting other state Bicentennial programs. A conservative estimate of the royalties likely to be generated for distribution among participating State Bicentennial Commissions, Segel said, would be one million dollars, with the potential being considerably higher.

The fifty state competitions, to run concurrently, are scheduled to open in January 1972 and close on March 31, 1972. Segel said he anticipated that first edition proofs of the complete 50-medal set would be available by the end of September 1972. There would be later mint editions and possibly other editions sponsored by various states.

The elements of the program—the million dollar investment, the unique opportunity afforded artists, the commemorative value of the completed medals, and the prospect of substantial royalties for use in other Bicentennial activities—makes it the most significant and far-reaching act of support and commitment to the Bicentennial made by private enterprise to date.

THAT'S ALWAYS THE WAY IT IS FOR JOHN MITCHELL

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BAKER. Mr. Speaker, Attorney General John Mitchell knows he is in a hot spot. I am sure he expects—human nature being what it is—he will be cussed more than he is praised. I am sure, also, that this does not bother him very much. He is dedicated to being effective and he is content to be measured on the kind of job he does for the people.

Malcolm S. Forbes, editor-in-chief of Forbes magazine, has seen fit to point out some of the accomplishments of the Department of Justice under the leadership of John Mitchell. I think it is important not only for the Members of Congress, but for all the people, as well, to keep these accomplishments in mind and not let them be submerged by the clamor and rhetoric of those who rail against the Attorney General because he takes a no nonsense approach to his job

The excellent editorial follows:

THAT'S ALWAYS THE WAY IT IS FOR JOHN MITCHELL

Take the publishing of that top secret report of our involvement in Vietnam, revealing an incredible distrust and misleading of the American people and their Congress on a scale and with a cynicism that few would have dreamed possible by a U.S. government. Who gets nearly as much blame as the perpetrators? Attorney General Mitchell, of course—because as the Constitutionally-charged chief law enforcement officer of the United States, he is the one who must go to court to try to halt publication of top secret documents.

Never mind that Mr. Mitchell told newsmen: "I hope a way will be found to let the American public know what is in those documents. I think it is absolutely essential that they have such knowledge and have it at the appropriate time and in the appropriate circumstances." That was a footnote at the bottom of one story, while front page, day after day, were the Attorney General's court actions.

If Mr. Mitchell is making a major speech outlining progress of his department's massive and quite successful efforts to cope with the spreading hard-dope menace, his wife's hairdo or what she said before she hung up on the telephone to some newsman gets all the play that day.

In Civil Rights, it's not what his department has done by way of enforcement that counts, but its hesitancy in pioneering in new areas where it hasn't been specifically charged with responsibility.

If it's antitrust, the one that might have gotten away understandably gets infinitely more attention than the increased number of prosecutions and the sizable diminution in numbers of corporate combinations.

There's a wee touch of irony in the fact that during the successful Nixon Presidential campaign, which John Mitchell managed, the growth of crime in all areas and particularly in the streets of urban America was a burning election issue; it currently isn't such a hot issue because the Attorney General has done much to lessen the problem and thus has lost the issue.

It's likely that soon Mr. Mitchell will be leaving the Cabinet to head once more the President's campaign for the Presidency. Before he bows out as Attorney General and again brings his quiet, two-fisted perceptions back to the political wars, I think it's high time more people were aware of the very considerable and quite extraordinary accomplishments of the man in the tough job he has held for almost three years.

The Department of Justice's "war on crime" has shown some very real successors: During the period 1968–70 approximately half of the top bosses of the nation's two dozen organized crime syndicates were indicted or convicted. Some 27 pieces of legislation, developed by Justice to aid it in its crime fight, have been passed by Congress. The number of U.S. marshals and assistant U.S. attorneys has been substantially increased, as have grants to local law enforcement agencies. The efforts have begun to pay off. In 1970 the crime rate dropped in 22 cities of more than 100,000 population. An even more encouraging sign was the fact that in the first three months of 1971, 60 major cities reported an actual decrease in crime.

Recognizing that rehabilitation could be one of the keys to stemming the crime wave, a ten-year program has been developed to modernize the Federal prison system, with greater emphasis on correction therapy and job training.

The department has shouldered the major share of the Nixon Administration's all-out campaign on the narcotics problem. The amount of heroin and cocaine removed from the domestic market more than doubled from 1969 to 1970, tripled in the case of marijuana.

Civil Rights: Due largely to Justice Department action, the percentage of black children in the 11 southern states attending desegregated school systems increased from less than 6% in the fall of 1969 to 92% in the fall of 1970. Action in fair employment and public accommodation cases has been stepped up.

Protection of Environment: Justice has greatly increased legal action against polluters. Cases under the Refuse Act quadrupled in 1970 compared with the preceding two years; a landmark ruling against thermal pollution was won; and a consent decree with the Big Four auto manufacturers was signed, which should speed up the development of an auto smog device.

Firm action has helped create a climate in which conglomerate mergers have markedly decreased; 112 antitrust cases were filed in 1969–70.

In summary, John Mitchell as Attorney General has been the most effective gangbuster, crime-coper and menacer to the drug menace who ever held the Attorney General's office.

No one seems to think or talk about that, though.

Additionally, he did manage the successful Nixon campaign, though no one ever seems to give him credit for being one of the more astute minds in the political arena.

Probably no one in such a continous limelight has been given more blame for things beyond his power and less kudos for accomplishments within his power.

I don't think the man really minds that very much—so long as he can get his next big job done—President Nixon reelected.

TURTLE CREEK MAN KILLED IN VIETNAM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Sp4c. Curtis C. Kastler, Jr., of Turtle Creek, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Specialist Kastler for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

TURTLE CREEK MAN KILLED IN VIETNAM

The name of one district man was included in a list of soldiers killed in Southeast Asia just released by the U.S. Defense Department.

The Pentagon announced that Spec. 4 Curtis C. Kastler Jr., husband of Linda J. Kastler of the 900 block in Turtle Creek, died as the result of hostile action. He was the son of Mr. and Mrs. Curtis C. Kastler of Harper Drive.

According to a relative, Spec. Kastler was a graduate of Turtle Creek High School and Slippery Rock State College, and held the Army's Bronze Star Medal for heroism performed earlier this year in Vietnam.

No details of the soldier's death were released by the Pentagon.

PULASKI DAY PARADE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. EILBERG. Mr. Speaker, on Saturday, October 3, Philadelphia will hold its annual Pulaski Day parade and ceremonies to commemorate the contributions to our country of Polish-Americans. I am proud to have been invited to be in the reviewing stand at Independence Hall, in Philadelphia.

The history of the United States is rich with the Americans of Polish descent, many of whom brought their love of freedom and independence when their country was conquered by foreign powers.

Some of our earliest settlers were Polish. In 1608, Poles landed in Virginia where they were praised by Capt. John Smith for their hard work and industry. However, in 1619, when they were denied representation in the first Assembly in Jamestown, they went on strike.

Their work stoppage threatened to cause such a disruption of the Colony's commerce and life in general that they were quickly enfranchised. This strike for political equality can be regarded as the earliest fight and victory for freedom in America.

During the Revolution their contributions were enormous. The names of Thaddeus Kosciusko and Casimir Pulaski are known to every student of that struggle.

In later days there were such men as Lt. Felix A. Wardzinski, who fought with Sam Houston, at the Battle of San Jacinto, during Texas' War for Independence.

Adam Gurowski was a Polish patriot who came to this country after the unsuccessful struggle to free his native land. He published many scholarly works and was an ardent foe of slavery in America.

Edward Sobolewski was one of our greatest musicians and composers; Casimir Bielawski was a great engineer and explorer in California where a mountain was named in his honor; Leopold F. Beck was a founder of the first polytechnical institute in the United States and Dr. Marie Zakrezewska was one of the first woman physicians.

There are hundreds more and there are the thousands of Polish-Americans who helped to build our great cities and who give many of their neighborhoods the flavor and zest of the Polish culture.

In my city, Philadelphia, such men as Councilman Joseph L. Zazyczny and John Cardinal Krol are among our community's finest leaders.

Recently the Polish National Alliance, the largest ethnic fraternal organization in the United States met in Pennsylvania. It was started in 1880 in Philadelphia by 189 Polish-Americans who wanted to preserve their heritage.

This heritage and the contributions of Polish-Americans is something of which we can all be proud and thankful.

ORDER TO GIVE LIFE?

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

HOUSE OF REPRESENTATIVES—*Friday, October 1, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Teach us to number our days, that we may apply our hearts unto wisdom.—Psalms 90: 12.

O spirit of the living God,
  Thou light and life divine:
Descend upon this House once more
  And make it truly thine!
Fill it with love and joy and power,
  With righteousness and peace,
Till Thou shalt dwell in human hearts,
  And sin and sorrow cease.

Teach us to utter living words
  Of truth which all may hear,
The language all men understand
  When love speaks loud and clear:
Till every age and race and clime
  Shall blend their creeds in one,
And earth shall form one brotherhood
  By whom Thy will is done.

—HENRY H. TWEEDY.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 10538. An act to extend the authority of insuring loans under the Consolidated Farmers Home Administration Act of 1961.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 539. An act for the relief of Grant J. Merritt and Mary Merritt Bergson.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, reserving the right to object, would it be permissible, under my reservation of objection, to propound a parliamentary inquiry to the Speaker on another subject?

The SPEAKER. The Chair will receive the gentleman's inquiry.

Mr. GROSS. Mr. Speaker, I am prepared now or later in the day to offer a highly privileged motion to proceed to the immediate consideration of House Resolution 596, a privileged resolution disapproving the President's alternate comparability pay plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems.

Mr. Speaker, my parliamentary inquiry is, Would the Speaker now or later in the day recognize me for that purpose?

The SPEAKER. Of course, that is a highly privileged motion. The Chair would be constrained to recommend against that, since the resolution was reported by another Member, but the Chair has no control over the matter.

Mr. GROSS. Well, would the Chair recognize me for that purpose?

The SPEAKER. If the gentleman insists, the Chair has no discretion about recognizing Members on a highly privileged matter, such as the one the gentleman mentions.

Mr. GROSS. I thank the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT OVER TO MONDAY, OCTOBER 4, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 279]

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Ashbrook
Ashley
Badillo
Barrett
Belcher
Bell
Biaggi
Bingham
Blackburn
Brasco
Brinkley
Brotzman
Buchanan
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Celler
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conable
Conyers
Corman
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Delaney
Denholm
Dennis
Dent
Derwinski
Devine
Diggs
Dingell
Dorn
Dow
Dowdy
Downing
Edmondson
Edwards, Ala.
McKevitt
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evins, Tenn.
Flynt
Foley
Ford, William D.
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Goldwater
Goodling
Grasso
Gray
Griffiths
Grover
Gubser
Hall
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hays
Hébert
Helstoski
Hicks, Mass.
Holifield
Hunt
Ichord
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Keating
Keith
King
Kluczynski
Koch
Kuykendall
Landrum
Latta
Long, La.
Lujan
McCloskey
McClure
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Mann
Mathis, Ga.
Mazzoli
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mollohan
Moorhead
Morgan
Moss
Murphy, N.Y.
Nedzi
Nelsen
Nichols
Nix
Obey
O'Neill
Passman
Pelly
Pickle
Pirnie
Podell
Poff
Price, Ill.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Rousselot
Roy
Runnels
Ruppe
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schmitz
Schneebeli
Shipley
Shoup
Sikes
Slack
Smith, Calif.
Snyder
Staggers
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stuckey
Sullivan
Teague, Tex.
Terry
Thone
Tiernan
Ullman
Vander Jagt
Ware
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H.
Wydler
Wylie
Wyman
Yatron
Zion

The SPEAKER. On this rollcall 234 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON S. 2007, ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, and consider the same in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. ERLENBORN. Mr. Speaker, reserving the right to object, I did not hear the title of the bill which was read. Could the gentleman advise us what this bill is?

Mr. PERKINS. The bill is S. 2007, and I have asked to consider the same in the House.

Mr. ERLENBORN. What is the subject matter of the bill?

Mr. PERKINS. The Economic Opportunity Act extension.

Mr. ERLENBORN. I see.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill.

AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS: Strike out all after the enacting clause of S. 2007 and insert in lieu thereof the provisions of H.R. 10351, as passed, as follows:

That this Act may be cited as the "Economic Opportunity Amendments of 1971".

SEC. 2. (a) For the purpose of carrying out the Economic Opportunity Act of 1964 (hereinafter referred to as the "Act"), there are hereby authorized to be appropriated $2,194,066,000 for the fiscal year ending June 30, 1972; and $2,750,000,000 for the fiscal year ending June 30, 1973.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1972, and for the next fiscal year, the Director shall reserve and make available a sum sufficient to permit the funding of local initiative programs authorized under section 221 of the Act at a level not less than $350,000,000 each year.

SEC. 3. Sections 171, 245, 321, 408, 615, and 835 of the Act are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years". Section 523 of the Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years."

SEC. 4. Section 222(a)(1) of the Act is amended by adding at the end thereof the following: "The Director shall not promulgate any general eligibility requirement which requires payment for participation in projects assisted under this paragraph by members of families whose annual family income does not exceed $4,500 for a family of four, or comparable amounts in the case of other sized families, but such eligibility requirements may be varied to reflect individual family and geographic situations and special program needs."

SEC. 5. Section 222(a)(4)(A)(ii) of the Act is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

SEC. 6. (a) Section 222(a)(8) of the Act is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts and assisting employers in dealing with addiction and drug abuse problems among formerly hard core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process: *Provided, however*, That there shall be no change in income eligibility criteria for initial admission to treatment and rehabilitation programs under this Act."

(c) Section 222(a) is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for working on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment and the improvement of the quality of life in urban and rural areas.

"(1) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to rural housing development corporations serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses, revolving development funds, nonrevolving land, land development and construction write-downs, rehabilitation or repair of substandard housing, and loans to low-income families. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, except that if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish: *Provided, however*, That no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum: *And provided further*, That any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly. There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, and $15,000,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out this program."

Sec. 7. (a)(1) Section 225(a) of the Act is amended by striking out "the Director shall allot" and all that follows down through "He shall also reserve", and insert in lieu thereof the following: "the Director shall reserve".

(2) Section 609(1) of the Act is amended by striking out "; except that when used in Section 225 of this Act the term means only a State or the District of Columbia".

(b) Section 225(c) of the Act is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

Sec. 8. Section 231 of the Act is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211(b) applies files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall, forthwith, terminate further assistance under this title, to such agency until he has received assurances satisfactory to him that further violations will not occur."

Sec. 9. Section 244 of the Act is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community so that all significant segments of the low-income population are being served."

Sec. 10. (a) Section 312(b)(3) of the Act is amended by inserting after the word "Government" the words "employment or".

(b) Title V–B is amended by striking out the center caption for such part B and sections 521, 522, and 523 and substituting in lieu thereof the following:

"**Sec. 521.** Parts B, C, D, E, F, G, and H of this title may be cited as the 'Comprehensive Child Development Act'.

"STATEMENT OF FINDINGS AND PURPOSE

"**Sec 522.** (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

"(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and success gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

"TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS, DIRECTION TO ESTABLISH PROGRAM

"**Sec. 523.** The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

"CHILD DEVELOPMENT PROGRAMS

"**Sec. 524.** Funds appropriated under section 530 may be used (in accordance with approved applications) for the following activities:

"(a) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

"(b) establishing, maintaining, and operating child development programs, which may include activities such as—

"(1) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

"(2) food and nutritional services (including family consultation);

"(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

"(4) programs designed to meet the special needs of minority groups, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home;

"(5) a program of daily activities designed to develop fully each child's potential;

"(6) other specially designed health, social, and educational programs (including afterschool, summer, weekend, vacation, and overnight programs);

"(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

"(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

"(9) preservice and inservice education and other training for professional and paraprofessional personnel;

"(10) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

"(11) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

"(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children; and

"(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

"(c) staff and administrative expenses of local policy councils and child development councils.

"PRIME SPONSORS

"**Sec. 525.** (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:

"(1) any State; or

"(2) any unit of general local government—

"(A) which is a city with a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

"(B) which is a county or other unit of general local government with a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which the Secretary determines has general governmental powers substantially similar to those of a city; or

"(3) any combination of units of general local government having a total population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; which proposes to operate programs authorized by this Act through contract with public or private nonprofit agencies or organizations including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of Indians, employers of working mothers and local public and private educational agencies and institutions, serving or applying to serve children in a community or neighborhood or other area possessing a commonality of interest;

"(4) an Indian tribal organization; or

"(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection (a) in the event that (A) such unit (or combination of units) of general local government either has not submitted an application pursuant to this section within one hundred and twenty days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 526 within two hundred and forty days of said implementation during the first fiscal year in which this title is funded or earlier than ninety days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (8) of this section not to be satisfactory implementing a child development plan which adequately meets the purpose of this title, (B) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families, or (C) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged children, preschool-age children, or children of working mothers or single parents residing in the area served by a prime sponsor designated pursuant to paragraphs (1) through (4) of this subsection.

"(b) In the event that a State, a city, a unit of general local government, a county or other unit of general local government, any combinations thereof, or an Indian tribal organization have not submitted a plan under section 526 or the Secretary has not approved a plan so submitted, or where the Secretary has withdrawn authority under section 525 or where the needs of migrants, pre-school-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund programs, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

"(c) Any State, unit or combination of units of general local government or Indian tribal organization that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an applictaion for designation as prime sponsor which, in addition to describing the area to be served shall provide for—

"(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 526. Each Local Policy Council shall elect at least one representative to the Child Development Council; and one-half of the members of such Council shall be elected representatives of Local Policy Councils. The balance shall be appointed by the chief executive officer of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

"(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or, pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 527 designed to fulfill that plan.

"(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, Indian tribal organization, or any local educational agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965 of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 526 for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activities, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of programs assisted under this title: *Provided*, That such delegate agency will be ultimately responsible for its actions to the Child Development Council and will cooperate with the Local Policy Councils.

"(d) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a)(5) in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

"(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a)(5);

"(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

"(3) provide for the establishment of a local policy council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

"(e)(1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a city or an Indian tribal organization which is eligible under paragraph (2) or (4) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall approve the application of the city or the Indian tribal organization.

"(2) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a unit of general local government which is a county or combinations of units of local government which is eligible under paragraph (2)(B), or (3), of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the State or unit of general government which he determines will most effectively carry out the purpose of this title.

"(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor or is acting as prime sponsor serving a geographic area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

"(4) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

"(5) When a unit (or combination of units) of general local government is maintaining a pattern and practice of exclusion of minorities, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or non-profit agency or organization in the area representing the interests of the minority and economically disadvantaged people.

"(f) The Governor or appropriate State agency shall be given sixty days to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.

"(g) Except as provided in subsection (c), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

"(1) written notice of intention to disapprove such application including a statement of the reasons therefor;

"(2) sixty days in which to submit corrective amendments to such application or undertake other necessary corrective action, and

"(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(h)(1) If any party is dissatisfied with the Secretary's final action under subsection (g) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation, such party may, within sixty days after notice of such action, file with the United States Court of Appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modificed findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"COMPREHENSIVE CHILD DEVELOPMENT PLANS

"SEC. 526. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 525(c) only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

"(1) identifies child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

"(2) meets the needs of children in the prime sponsorship area, to the extent appropriate and feasible, including (A) priority programs for pre-school children 5 years of age and under, of working mothers and single parents, (B) before and after school programs, and (C) infant care programs as well as insuring the availability of child care services for the children of single parents or working mothers who must work or attend school or other employment related training or educational activities on night shifts of night sessions;

"(3) gives priority to providing child development programs and services to economically disadvantaged children by reserving for such children from such funds as are received under section 531 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a)(1) of the Economic Opportunity Act of 1964; and by reserving no less than 65 per centum of the remainder of its allotment under section 531 for child development programs and services for those children of families having an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor;

"(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers;

"(5) provides, insofar as feasible, that such programs under this Act will be approved only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection;

"(6) provides that charges for child development services provided for any child under programs assisted under this title shall be made in accordance with a fee schedule prescribed by regulations by the Secretary (which shall be consistent with any fee schedules for similar purposes under the Social Security Act) for part or all of the cost thereof based upon the ability of a family to pay including the extent to which payments from a third party (including a public agency) are available;

"(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education of or other services to handicapped children, will make such services available, where appropriate, to programs approved under the plan;

"(8) provides that insofar as possible, persons residing in communities served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

"(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

"(10) provides comprehensive services to meet the special needs of minority groups, Indians and migrant children, with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home;

"(11) provides equitably for the child development needs of children from each minority group residing within the area served;

"(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in non-public preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

"(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

"(14) provides for direct parent participation in the conduct, overall direction and evaluation of programs;

"(15) provides to the extent feasible for the employment as both professionals and paraprofessionals of persons resident in the neighborhoods from which children are drawn;

"(16) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

"(17) provides that, to the extent appropriate, programs will include participation by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

"(18) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

"(19) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

"(20) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary schoolchildren, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

"(21) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination when appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

"(22) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

"(23) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

"(24) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

"(25) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

"(26) sets forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulation;

"(27) provides that consideration will be given to project applications submitted by public, private, nonprofit, and profitmaking organizations with emphasis given to ongoing programs, and that (A) comparative costs of providing services shall be a factor in deciding among applicants, and (B) such organizations must meet the standards for service under authority of this title;

"(28) provides that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them; and

"(29) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one percentum of the cost of the project).

"(c) No comprehensive child development plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

"(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this Act or under section 222(a)(1) of the Economic

Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(2) an educational agency or institution in the area to be served responsible for the administration of programs under section 222(a)(2) of the Economic Opportunity Act has had an opportunity to submit comments to the prime sponsor and the Secretary;

"(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian tribal organization, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

"(d) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"PROJECT APPLICATIONS

"SEC. 527. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 525 (c) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant workers, Indian organization, private organization interested in child development, labor union, or employees and labor-management organization, which submits an application meeting the requirements of subsection (b).

"(b) A project application submitted for approval under this section shall—

"(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

"(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

"(3) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

"(4) provide assurance that any person employed on such project, except for volunteers participating under section 526(a) (17), shall be paid no less than the prevailing rate of pay for such employees in the area in which the project is to be carried out: *Provided*, That in no case shall such employee be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938 as amended (29 U.S.C. 206);

"(5) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 526.

"(c) The appropriate Local Policy Council may conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding. Further, the Local Policy Council may appeal to the Secretary any action or decision by the Child Development Council which the Local Policy Council feels does not meet the intent of this Act.

"(d)(1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 525 (a)(5), which submits a project application meeting the requirements of subsection (b).

"(2) Such financial assistance may be provided from the funds alloted under section 531 to the prime sponsorship area in which the section 525(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 525(a)(5)(B) such financial assistance may be provided from the funds reserved pursuant to section 531(a)(1).

"(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 528. (a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with reguations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontrators on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

"(f) In the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"PAYMENTS

"SEC. 529. (a)(1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of providing child development programs. The Secretary may, however, in accordance with regulations establishing objective criteria, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged persons.

"(2) The Secretary shall pay to each prime sponsor approved under section 525(a)(5)(B) 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

"(3) The Secretary shall pay to each prime sponsor approved under section 525(a)(4) 100 per centum of the costs of providing child development programs for children on federally recognized Indian tribal organizations.

"(b) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union and employer contributions: *Provided*, That fees collected for services provided pursuant to section 526(a)(6) shall not be used to make up the non-Federal share, but shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allotment under section 526(a)(3);

"(c) If, in any fiscal year, a prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 530. There is authorized to be appropriated for the fiscal year ending June 30, 1973, and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title.

"ALLOTMENTS AMONG PRIME SPONSORS

"SEC. 531. (a) The Secretary shall first reserve the following from the amount appropriated under this title:

"(1) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be made available to prime sponsors under section 525(a)(5)(B);

"(2) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children who are members of Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian tribal organizations for programs serving such organizations so that the amount apportioned to each such organization bears the same relationship to the total amounts reserved pursuant to this paragraph that the number of children who are members of such organization bears to the total number of children residing who are members of all such organizations;

"(3) a sum, not in excess of 5 per centum thereof, for use by him, for purposes of this this Act; and

"(4) a sum, not less than 7 per centum thereof, for use by him, to guarantee special services to handicapped children pursuant to the purposes of this Act.

"(b) The Secretary shall allot the remainder of the amount appropriated under this title (after making the reservations required in subsection (a)) among the States in the following manner:

"(1) 50 per centum thereof so that the amount alloted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a) (1) and (2);

"(2) 25 per centum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the number of children through age 5 in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2);

"(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the total number of children of working mothers and single parents in all the States, excluding those who are eligible for services funded under subsection (a) (1) and 2.

"(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

"(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged child through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

"(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

"(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State.

"(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data, available to him.

"(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under subsection (c), in proportion to the original allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallotted among the States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallotted to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

"(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

"(h) If the allotment to any State under subsection (b) for any fiscal year ending before June 30, 1973, is less than the amount received by it, and by public and private agencies in the State, during the fiscal year 1971 under the Economic Opportunity Act of 1964 (other than section 221 thereof), and title IV of the Social Security Act for purposes for which assistance may be provided under this title (as determined by the Secretary), then there shall be alloted to each such State from sums appropriated to carry out this subsection (and such appropriations are hereby authorized) the amount by which its allotment under subsection (a) from such appropriations is less than such amount so received in such fiscal year.

"OFFICE OF CHILD DEVELOPMENT

"SEC. 532. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

"FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

"SEC. 533. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance authorized under this title, to be known as the Federal Standards for Child Development Services.

"(b) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies for organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222 (a) (1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

"DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

"SEC. 534. (a) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 533.

"(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act.

"(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

"(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance authorized under this title or in which programs receiving such assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

"USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"SEC. 535. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

"(b) The Secretary may require then, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State, unit (or combination of units) of local government of a public school system shall agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

"REPEAL, CONSOLIDATION, AND COORDINATION

"SEC. 536. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this Act, the following statutes are amended, effective July 1, 1973:

"(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

"(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

"(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children' and inserting in lieu thereof 'assistance in securing child development services for children, but not operation of child development programs for children.'

"(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children' and inserting in lieu thereof 'assistance in securing child development services for children' and adding after the word 'employment' the phrase 'but not including the direct operation of child development programs for children.'

"(5) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children.'

"(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

"(c)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out 'or civil defense' and inserting in lieu thereof 'civil defense, or the operation of child development facilities'.

"(2) Section 203(j)(3) of such Act is amended—

"(A) by striking out, in the first sentence, or public health' and inserting in lieu thereof 'public health, or the operation of child development facilities',

"(B) by inserting after 'handicapped,' in clause (A) and clause (B) of the first sentence the following: 'child development facilities,', and

"(C) by inserting after 'public health purposes' in the second sentence the following: ', or for the operation of child development facilities,'.

"(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

" '(8) The term "child development facility" has the meaning given in section 201(b)(1) of the Comprehensive Child Development Act.'

"TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

"SEC. 541. (a) It is the purpose of this section to assist and encourage the provision of urgent needed facilities for child care and child development programs.

"(b) For the purpose of this section—

"(1) The term 'child development facility' means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

"(2) The terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary') is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 534 of this Act.

"(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

"(6) That in the plans for such child development facility due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

"(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

"SEC. 551. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence. 'There is additionally authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.'.

"SEC 552. Section 205(b) (3) of the National Defense Education Act is amended as follows, by adding after the word 'nonprofit' the phrase 'child development program,' by striking out 'and (C)' and inserting in lieu thereof the following: '(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (D)'.

"SEC. 553. The Secretary of Health, Education, and Welfare is authorized to provide directly or through grant, contract or other arrangement for the training of personnel employed, preparing for employment or volunteering for work in a program funded under the Act.

"SEC. 554. There is authorized to be appropriated for the purposes of section 553 the sum of $5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

"TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

"SEC. 561. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

"(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

"(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies, and

"(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

"(A) provides that the child development program shall be administered under the direction of the agency commission;

"(B) provides that the program will meet the Federal interagency standards for child development;

"(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

"(D) provides for a scale of fees based upon the parents' financial status; and

"(E) provides for competent management, staffing, and facilities for such program.

"(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the official or officials in charge of the agency or agencies whose employees will be served by the child development program.

"SEC. 562. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

"(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably evaluated, fees collected from parents, union and employer contributions.

"(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

"(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

"SEC. 563. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year, the sum of $5,000,000.

"TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

"EVALUATION

"SEC. 571. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal involvement in child development which shall include—

"(1) enumeration and description of all Federal activities which affect child development;

"(2) analysis of expenditures of Federal funds for such activities;

"(3) determination of effectiveness and results of such expenditures and activities; and

"(4) such recommendations to Congress as the Secretary may deem appropriate.

"(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

"(c) The Secretary may enter into contracts with public or private nonprofit or profits agencies, organizations, or individuals to carry out the provisions of this section.

"SEC. 572. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

"SEC. 573. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

"TECHNICAL ASSISTANCE

"SEC. 574. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 525.

"(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPC's, for expenses relating to development, submission, and planning for implementation of child development plans and project applications.

"(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

"SEC. 575. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

"TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

"DECLARATION AND PURPOSE

"SEC. 581. It is the purpose of this title to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs from research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

"NATIONAL CENTER FOR CHILD DEVELOPMENT

"SEC. 582. (a) There is established in the Office of Child Development an agency to be known as the National Center for Child Development (hereinafter referred to as the 'Center').

"(b) The activities of the Center shall include—

"(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

"(2) evaluation of research findings and the development of these findings into effective products for application;

"(3) dissemination of research and development effective into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

"(4) production of informational systems and other resources necessary to support the activities of the Center; and

"(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

"GENERAL AUTHORITY OF THE CENTER

"SEC. 583. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

"(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

"(b) to make such expenditures as may be necessary for administering the provisions of this title;

"(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

"(d) to acquire by purchase, lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

"(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 571;

"(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"ANNUAL REPORT

"SEC. 584. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the

Center and the grants, contracts, or other arrangements entered into during the preceding year, and making such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

"COORDINATION OF RESEARCH

"SEC. 585. (a) Funds available to any department or agency of the Government for the purposes stated in section 571 or the activities stated in section 572 shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

"(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

"(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner as to assure—

"(1) maximum utilization of available resources through the prevention of duplication of activities;

"(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title;

"(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 571.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 586. There are authorized to be appropriated such sums each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

"TITLE VII—GENERAL PROVISIONS

"ADVANCE FUNDING

"SEC. 591. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"PUBLIC INFORMATION

"SEC. 592. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

"FEDERAL CONTROL NOT AUTHORIZED

"SEC. 593. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

"SEC. 594. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

"SEC. 595. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

"SEC. 596. The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

"DEFINITIONS

"SEC. 597. As used in this Act—

"(a) 'child development programs' means those programs which provide the educational, nutritional, social, health, and physical services needed for children to attain their full potential; nothing in this or any other provision of this Act shall be deemed to authorize or require medical or psychological examination, immunization, or treatment for those who object thereto on religious grounds except where such is necessary for the protection of the health or safety of others;

"(b) 'children' means children through age 14.

"(c) 'economically disadvantaged child' means a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary in accordance with criteria prescribed by him in regulations, which take into consideration family size, urban-rural differences in the cost-of-living, and other relevant factors, including factors taken into account in determining fee charges in other Federally-assisted child development programs.

"(d) 'handicapped children' means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

"(e) 'program' means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided;

"(f) 'parent' means any person who has day-to-day responsibility for a child or children;

"(g) 'single parents' means any person who has sole day-to-day parental responsibility for a child or children;

"(h) 'working mother' means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

"(i) 'minority group' includes persons who are Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term 'Spanish-surnamed American' includes but is not limited to any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

"(j) 'bilingual" includes but is not limited to persons who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term bilingual family means a family in which one or both parents is bilingual;

"(k) 'Secretary' means the Secretary of Health, Education, and Welfare; and

"(l) 'State' includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

SEC. 11. Section 616 of the Act is amended to read as follows:

"TRANSFER OF FUNDS

"SEC. 616. Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing appropriations for such program or activity, not to exceed 10 per centum of the amount appropriated or allocated from any appropriation for the purpose of enabling the Director to carry out any such program or activity under the Act may be transferred and used by the Director for the purpose of carrying out any other such program or activity under the Act; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum."

SEC. 12. Section 632(3) of the Act is amended by inserting at the end thereof the following: "Such plan shall be presented to the Congress no later than December 31, 1971, and documents updating such plan shall be presented to the Congress no later than December 31 of each succeeding calendar year."

SEC. 13. Part B of title VI of the Act is amended by adding at the end thereof the following new section:

"GUIDELINES

"SEC. 639. Copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be provided to the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor at least thirty days prior to their effective date."

SEC. 14. (a) The Act is amended by adding at the end thereof the following new title:

"TITLE IX—EVALUATION

"SEC. 901. (a) The Director shall provide for evaluations that describe and measure the impact of programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. He may, for these purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act.

"(c) The Director may require community action agencies to provide independent evaluations.

"(d) Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he judges appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director with such statistical data, program reports, and other materials as they presently collect and compile on program operations, beneficiaries, and effectiveness.

"(e) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

"(f) The Director shall consult, where appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"(g) The Director shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(h) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(i) The Director shall publish and summarize the results of activities carried out pursuant to this title in the report required by section 608."

(b) The following provisions of the Act are repealed:

(1) Section 113(a);
(2) Section 132(b) and (c);
(3) Section 154;
(4) Section 233; and
(5) Section 314(b).

(c) Section 632(2) of the Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(d) Section 132 and 314 are each amended by striking out "(a)".

Sec. 15. The Act is amended by adding at the end thereof the following new title:

"TITLE X—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"Sec. 1001. The Congress hereby finds and declares that—

"(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"Sec. 1002. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"Sec. 1003. (a) There shall be a transition period of six months following the date of enactment of the Economic Opportunity Amendments of 1971 for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons or their designee: the president of the American Bar Association, the president of the National Legal Aid and Defender Association, the president of the Association of American Law Schools, the president of the American Trial Lawyers Association, and the president of the National Bar Association. The incorporating trusteeship shall meet within thirty days after the enactment of the Economic Opportunity Amendments of 1971 to carry out the provisions of this section. The incorporating trusteeship shall provide procedures for the provision of a list of nominees by the national professional associations of attorneys in accordance with section 1004(a).

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, and national organizations of persons eligible for assistance under this title, shall establish the initial Advisory Council to be composed of sixteen members selected in accordance with procedures established by the incorporating trusteeship, from among attorneys who are actively engaged in providing legal services under any existing legal services program and from among individuals eligible for assistance under this title. No more than eight members of the Council shall be individuals eligible for assistance under any existing legal services

"(2) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the incorporating trusteeship. In order to carry out the provisions of this subsection, the Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services and financial and other resources as it may require.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1971, the client members of the Advisory Council as established in subsection (c), and the project attorney members of the Advisory Council shall each meet and each shall submit recommendations as provided in section 1004(a) to serve on the initial board of directors.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) During the ninety-day period immediately following the period specified in subsection (e) of this section the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the Economic Opportunity Amendments of 1971.

"DIRECTORS AND OFFICERS

"Sec. 1004. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) one member shall be appointed from lists of nominees submitted by the Judicial Conference of the United States;

"(2) seven members shall be appointed from among individuals in the general public, no fewer than three of whom shall be members of the bar of the highest court of a jurisdiction;

"(3) two members shall be appointed from among individuals who are eligible for assistance under this title after due consideration is given to the recommendations of the client members of the Advisory Council as established in 1003(c);

"(4) two members shall be appointed from among former legal services project attorneys after due consideration is given to the recommendations of the attorney members of the Advisory Council;

"(5) one member shall be appointed from lists of nominees submitted by the Asssociation of American Law Schools;

"(6) four members shall be appointed from lists of nominees submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association. Members appointed under this clause subsequent to the initial board shall be from lists submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association in accordance with procedures established by the board of directors.

"(b)(1) The directors appointed under clause (1) of subsection (a) shall be appointed for terms of three years except that—

"(A) the terms of directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1971 and shall expire as follows—

"(1) the term of the director appointed under clause (1) of subsection (a) shall expire at the end of one year;

"(2) the terms of the remaining directors appointed under subsection (a) shall expire as designated by the President at the time of appointment, (i) in the case of directors from the general public appointed under clause (2) of subsection (a), two at the end of three years, two at the end of two years, and three at the end of one year, (ii) in the case of appointments under clause (3) of subsection (a), one at the end of two years, and one at the end of three years, (iii) in the case of appointments under clause (4) of subsection (a), one at the end of three years and one at the end of one year, (iv) in the case of the director appointed under clause (5) of subsection (a), at the end of three years, and (v) in the case of appointments under clause (6) of subsection (a), one at the end of three years, two at the end of two years, and one at the end of one year.

"(B) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committees of the board, and the Advisory Council shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) Any board after the initial board shall, in consultation with the Advisory Council, provide for rules with respect to the subsequent meetings of the Advisory Council.

"ADVISORY COUNCIL

"SEC. 1005. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, and after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of an Advisory Council subsequent to the first such council established under section 1003(c)(1) of this title to be composed of not more than sixteen members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among individuals who are eligible for assistance under this title and lawyers actively engaged in providing legal services in any existing program. Equal representation shall be given to lawyers and clients. Procedures must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on the council be from any one State. The Advisory Council shall advise the board of directors and the executive director on policy matters relating to legal services and the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate. The Advisory Council shall submit recommendations of persons for appointment as members of the board in accordance with section 1004.

"(b) The board shall provide for sufficient resources for the Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 1006. (a) Effective six months after the enactment of the Economic Opportunity Amendments of 1971, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 1003 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government, including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client communtiy; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program:

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys are bound by the same Canons of Professional Responsibility as are applicable to other attorneys practicing in the same jurisdiction;

"(8) establish standards of eligibility consistent with those established by the Office of Economic Opportunity for the provision of legal services to be rendered by any grantee or contractor of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations or services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal service programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date on enactment of the Economic Opportunity Amendments of 1971, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) The Corporation shall insure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(d) The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or committees request that the attorney make representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

(e) "The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation: *Provided, however,* That solicitation, as here employed, shall not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community."

"(f) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractor of the Corporation to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

"(g) No funds 'or personnel' made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

"(h) At least thirty days prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"(i) Where any legal proceeding is brought by attorneys employed by the corporation or by attorneys paid in whole or in part from funds provided by the corporation then the corporation shall be liable to any prevailing defendant or defendants for payment of reasonable legal fees and court costs awarded in connection with such proceedings.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 1007. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d) Full time employees of the Corporation or of programs funded by the Corporation are subject to provisions of section 7324 of title 5, United States Code. The exemption in section 7326(1) of such title shall not be applicable in the case of such individuals.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 1008. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractor who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 1009. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 1010. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b) (1) The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 1008(b) and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c) (1) Each grantee or contractor, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and disposition by such receeipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination of any books, documents, papers, and records of the recipient that are pertinent to assistance received under this section. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 1011. The Corporation shall prepare an annual report for transmittal to the President and to Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 1012. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'representative of the client community' includes any person who is selected by members of the client community whether or not a member of that community;

"(6) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities;

"(7) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States;

"(8) 'nonprofit' as applied to any foundation, corporation, or association means a foundation, corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

"FEDERAL CONTROL

"SEC. 1013. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees, contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

"SEC. 1014. The board shall prescribe procedures to insure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractor has been given reasonable notice and opportunity to show cause why such action should not be taken;

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractor has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 1015. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractors to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 1016. (a) Notwithstanding any other provision of law, on and after such date as may be prescribed by the Director of the Office of Management and Budget, or six months after the enactment of the Economic Opportunity Amendments of 1971, whichever is the earlier, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a) (3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective six months after the date of enactment of the Economic Opportunity Amendments of 1971, all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held or used primarily in connection with any function of the Director under section 222(a) (3) of this Act shall be transferred to the Corporation.

"(c) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such corporation of financial assistance to legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

"(d) Effective six months after the date of enactment of this Act, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed.

"(e) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

"(f) Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

" 'INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

" 'SEC. 623. Nothing in this Act, except title X, and no reference to this Act unless such reference refers to title X, shall be construed to affect the powers and activities of the National Legal Services Corporation.' "

SEC. 16. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of Action may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

The SPEAKER. The question is on the amendment offered by the gentleman from Kentucky (Mr. PERKINS).

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs PERKINS, HAWKINS, WILLIAM D. FORD, BURTON, GAYDOS, CLAY, Mrs. CHISHOLM, Mr. BIAGGI, Mrs. GRASSO, Messrs. QUIE, ASHBROOK, BELL, REID of New York, ERLENBORN, and DELLENBACK.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. JONES of North Carolina (at the request of Mr. PREYER of North Carolina), for today, on account of official business.

Mr. SAYLOR (at the request of Mr. GERALD R. FORD), for today and Monday, official business.

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD), for today and Monday, October 4, 1971, on account of official business.

Mr. SHOUP (at the request of Mr. STAGGERS), on account of official subcommittee business.

Mr. PICKLE (at the request of Mr. STAGGERS), on account of official subcommittee business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 539. An act for the relief of Grant J. Merritt and Mary Merritt Bergson; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10538. An act to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2613. An act to extend the Federal Water Pollution Control Act, as amended, for 1 month.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, is a request for tellers in order?

The SPEAKER. The gentleman can always demand tellers on any motion.

Mr. GROSS. Mr. Speaker, I demand tellers.

Tellers were refused.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

Accordingly (at 12 o'clock and 40 minutes p.m.) under its previous order, the House adjourned until Monday, October 4, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1178. A communication from the President of the United States, transmitting an amendment to the request for appropriations for fiscal year 1972 for foreign assistance (H. Doc. No. 92–166); to the Committee on Appropriations and ordered to be printed.

1179. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination 72–4, concerning the grant of defense articles, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1180. A letter from the Administrator of General Services, transmitting a prospectus amending the authorization for alterations to the Treasury Building and the Treasury Annex, Washington, D.C., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on September 30, 1971 the following report was filed on October 1, 1971]

Mr. PATMAN: Committee on Banking and Currency. H.R. 9961. A bill to provide temporary insurance for the member accounts of certain Federal credit unions, and for other purposes; with an amendment (Rept. No. 92–543). Referred to the Committee of the Whole House on the State of Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of Sept. 30, 1971]

By Mr. BLATNIK:

H.J. Res. 908. Joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. CULVER:

H.J. Res. 909. Resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. REUSS:

H. Con. Res. 413. Concurrent resolution to authorize the President to strengthen the U.S. economy; to the Committee on Banking and Currency.

By Mr. DELLUMS:

[Submitted Oct. 1, 1971]

H.R. 11051. A bill to reduce the concentration of industrial power in certain markets; to the Committee on the Judiciary.

By Mr. LINK:

H.R. 11052. A bill to authorize the carrying out of certain repairs and rehabilitation work on the Mann Dam on the Heart River, N. Dak.; to the Committee on Interior and Insular Affairs.

By Mr. PREYER of North Carolina:

H.R. 11053. A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. PATTEN:

H.J. Res. 910. Joint resolution designating the song, "Keep America Free" the Bicentennial Song for 1976; to the Committee on the Judiciary.

By Mr. WOLFF (for himself and Mr. Abourezk, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Carey of New York, Mr. Dow, Mr. Gibbons, Mr. Gude, Mr. Halpern, Mr. Jacobs, Mr. Karth, Mr. Leggett, Mr. Mikva, Mr. Patten, Mr. Podell, Mr. Rees, Mr. Roe, Mr. Rosenthal, and Mr. Waldie):

H. Res. 632. Resolution directing the Secretary of State to furnish to the House of Representatives certain information concerning the role of our Government in the events leading to an uncontested presidential election in South Vietnam on October 3, 1971; to the Committee on Foreign Affairs.

SENATE—*Friday, October 1, 1971*

The Senate met at 9 a.m. and was called to order by Hon. Adlai E. Stevenson III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Father God, whose love never ceases and who wearies not at our oft coming to Thee, we bow in this forum of freedom to open our hearts to Thy grace and our minds to Thy wisdom. May Thy servants here concert their best endeavors for the highest welfare of the Nation. Bind them together heart to heart, soul to soul, mind to mind in common endeavor. To their human strength add Thy divine power. Give to each a sharpened intellect, a sensitive conscience, accommodation in the things which do not matter much, staying strength for the right, and unwavering fidelity to all that belong to that kingdom we pray may come on earth as it is in Heaven.

In His name who taught us thus to pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., October 1, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Adlai E. Stevenson III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4713) to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 30, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an article published in the Christian Science Monitor on September 30, 1971, written by Richard L. Strout, entitled "Side Effects of Viet War Pinch U.S.," and an editorial from the same newspaper on the same day entitled "Back to Bombs?"

There being no objection, the article and editorial were ordered to be printed in the Record as follows:

Side Effects of Viet War Pinch United States

(By Richard L. Strout)

Washington.—The Vietnam war, longest in U.S. history, keeps on rolling along and intermittently dominates the news.

On Sunday the South Vietnamese hold their one-man "election."

Senate Majority Leader Mike Mansfield of Montana has just reintroduced his end-the-war rider.

President Nixon reassures the wives of American prisoners.

The United States resumes bombing of North Vietnam.

The steady pullout of U.S. combat GIs goes on.

In historical perspective the Vietnam war is one of the most important that America has fought but hardly in the way expected. Its side effects may be more significant at home than abroad. It has cost some 50,000 lives and perhaps $100 billion.

ON THE ECONOMIC FRONT

Failure to "pay for the war" in the Johnson administration, most economists agree, precipitated the current inflation and set the stage for all the economic consequences that have followed, right down to the present gathering of delegates at the International Monetary Fund meeting in Washington. Sooner or later the dollar would probably have been cut adrift from gold—Vietnam made it sooner.

POLITICAL

President Johnson, who might otherwise have been elected in the two-term tradition, took himself out of the 1968 race largely because of Vietnam. In the hairline 1968 election Mr. Nixon got in, but without a clear mandate or a Republican majority in Congress. Certainly the Vietnam war was a factor in the events that changed political history and still deeply affect Mr. Nixon's situation.

CONGRESS

Erosion of congressional power has gone on for half a century, and Vietnam seemed to accelerate the trend. The conflict was begun without a congressional declaration of war; Congress voted for the Tonkin Gulf Resolution on what appears to have been inadequate information, without a single dissent in the House and only two in the Senate (Wayne Morse and Ernest Gruening, both defeated) and, again, the incursion into Cambodia by President Nixon was taken without advance notice to Congress. Senator

Mansfield now is still trying to get a six months end-the-war rider enacted, this time as an amendment to the $21 billion defense-procurement bill, but success seems doubtful. Congress has generally stayed almost wholly in the background.

COURTS

The Vietnam war brought the famous 6-to-3 Supreme Court decision in the Pentagon papers case. This settled the immediate dispute, but each of nine judges wrote separate views and left a general feeling that great issues have been raised for the first time and are left in some doubt for future crises.

MORALE

No war in history has so affected American morale. It all but disrupted the 1968 Democratic convention, sent repeated waves of protest into Washington, and brought examples of civil disobedience that resulted in widespread malaise. Phrases like "My Lai," "tiger cages," "Kent State," "moratorium," and "defensive reaction" entered the vocabulary. Using modern polling techniques the Potomac Associates of Washington, in a small booklet "Hopes and Fears of the American People," concluded that a majority of the people feel the nation is in deep trouble, and a plurality said that national unrest has reached a level at which it could produce a real breakdown.

INTERNATIONAL

What the war has done in Asia remains in dispute. The results hardly support views of U.S. leaders a few years ago. Vice-President Hubert H. Humphrey, in October, 1967, said:

"The threat to world peace is militant, aggressive Asian communism, with its headquarters in Peking, China. . . . The aggression in North Vietnam is but the most current and immediate, action of the militant Asian communism."

President Johnson in 1965 said:

"History and our own achievements have thrust upon us the principal responsibility for protection of freedom on earth. . . . No other people in no other time has had so great an opportunity to work and risk for the freedom of all mankind."

This mood of American global evangelism now is largely discounted, and a more modest approach to international affairs together with a latent isolationism are perhaps among the biggest consequences of Vietnam.

The war, it is felt, has not guaranteed democracy in South Vietnam nor even that country's continued existence. The so-called coming "election" is widely considered to be a fiasco.

Some optimists still see advantages in American intervention in Asia.

Most viewers, however, believe the extraordinary American intervention is unlikely to be repeated for many years.

BACK TO BOMBS?

We would prefer to think that the big American air raid on North Vietnam last week (Sept. 21) was a last off-stage sound of things receding into the past, but the chances are that it's the other way around. The overtones are disturbing.

It was a big raid. There were 200 reported sorties. It took eight hours for the big bombers flying in from their remote bases to unload their cargo. It was the biggest application of American air power to North Vietnam since March 21–22. It was the kind of thing we hoped was over and finished.

The clue to why it was done is in the weather. In Vietnam the rains are beginning to slack off. Campaigning can begin again fairly soon. Small-scale fighting that can be managed with limited local supplies is already building up again. And the South Vietnamese Army is not doing as well as its American trainers and teachers would have hoped.

If they can't do better than they have of recent days against small-scale attacks, what will happen when the rains are really over and the North Vietnam Army can come down out of the mountains in full force?

In other words, the great big final test of Vietnamization is just over the horizon. Everything that U.S. General Creighton W. Abrams, Jr. can do to get the South Vietnam Army ready for its ordeal has been done. It had better "shape up" now.

Washington has been clinging to the hope that it would be sufficiently trained and equipped to be able to defend itself effectively during the campaign season just ahead.

The very weight of the Sept. 21 bombing is itself evidence of anxiety. Every reason except military danger would counsel against it. The war is receding on the American home front, and in international relations. Anything which seems to revive the war is bound to revive uneasiness about it in the United States and in all world capitals. It seems atavistic, and out of date, and out of step with the new times which began with President Nixon's "opening to China."

It proves that in the minds of the American military leadership the North Vietnam Army has every intention of hitting the South Vietnam Army just as hard as it can as soon as the weather permits. And that in turn would mean that the men of Hanoi have never for an instant given up their intention of winning the war and gaining political control of Saigon.

The Nixon administration has hoped that most American ground forces could be out by next April without a collapse of the South Vietnam Army. It makes a big difference to Mr. Nixon's political position for the 1972 campaign if this hope is fulfilled. It could make a bigger difference if it is not.

The course of the fighting between the two rival Vietnam armies during the season just ahead will determine the political price Mr. Nixon will have to pay to get America out of the war and the prisoners out of the prison camps.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, and the distinguished deputy majority leader at my side, as well as the distinguished acting minority leader, it should be stated that at the conclusion of the morning business today we will go, under the agreement reached, into consideration of the school lunch program; and following disposal of that legislation, we will then revert to the amendment which was being considered last evening but not finally disposed of.

REMOVAL OF INJUNCTION OF SECRECY ON AMENDMENT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a protocol dated at New York, March 12, 1971, relating to an amendment to the Convention on International Civil Aviation—Executive K, 92d Congress, first session—transmitted to the Senate on Thursday, September 30, 1971, by the President of the United States, and that the protocol, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The President's message reads as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of a protocol dated at New York, March 12, 1971, relating to an amendment to the Convention on International Civil Aviation.

The protocol, embodying a proposed amendment to Article 50 (a) of the convention, enlarges the membership of the Council of the International Civil Aviation Organization from 27 to 30.

I also transmit herewith, for the information of the Senate, the report of the Secretary of State regarding the protocol.

RICHARD NIXON.

THE WHITE HOUSE, *September 30, 1971.*

MILITARY PROCUREMENT AUTHORIZATION — A UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on any amendment to the Montoya amendment on next Wednesday, October 6, 1971, be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the manager of the bill, and that such time come out of the time allotted to the amendment in the first degree.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I further ask unanimous consent that time for debate on any motion or appeal, except a motion to table, relating to the military procurement bill H.R. 8687, or amendments thereto, be limited to 10 minutes to be equally divided between the mover of such motion or appeal and the manager of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Utah (Mr. BENNETT) is now recognized for 15 minutes.

THE OPPORTUNITY AND THE CHALLENGE OF THE PRESIDENT'S NEW ECONOMIC PROGRAM

Mr. BENNETT. Mr. President, when President Nixon unveiled his dramatic new economic policy on August 15, he spoke about opportunity. He specifically said:

> America today has the best opportunity in this century to attain two of its greatest ideals; to bring about a full generation of peace, and to create a new prosperity without war.

The President then went on to firmly grasp this opportunity and propose a detailed, comprehensive plan to meet the economic challenges now facing this Nation.

The vast significance of the new economic program comes not in its individual parts. Each element of the program has been suggested and debated many times over recent years. The genius comes in putting all of these elements into an integrated, cohesive blueprint for restoring economic stability to our Nation.

Those who wish to constructively evaluate the President's program must recognize this fact. Taken by themselves, each proposal may be subject to criticism on one ground or another. And it is certainly conceivable that chipping away at the various parts will destroy the whole package. But we cannot allow this to happen. The President has advanced a unique, comprehensive program to stimulate economic growth, stabilize prices, reduce unemployment and improve our position in the world economy. We in the Congress must not ignore this opportunity and destroy the President's proposal to deal with these undeniable economic challenges by chipping away at details—and thus destroying the power and balance of the coordinated whole.

To meet the challenge of greater economic growth and reduced unemployment, the President has proposed as part of this balanced package, three tax measures. First is the job development credit, modeled on the investment tax credit first instituted in 1962. The job development credit was proposed at a 10-percent rate for the first year and 5 percent thereafter. It now appears that the other body will change this to a flat rate of perhaps 7 percent.

We should look closely at this alternative. The President's proposal intends to stimulate business investment over the immediate period, to provide increased jobs and economic growth now. Some have argued that business firms will merely "borrow" investment from future years to take advantage of the high 10-percent rate available now. This may be true to some extent. But we must remember that any increased stimulus now will produce favorable reactions in the economy which could well help to provide a higher level of consumption and investment in the following periods ahead. If our objective is to get the economy moving at a faster pace now, we must carefully consider the two-phase job development credit the President has proposed.

The job development credit will reduce Federal revenues by $4.8 billion in calendar year 1972. A number of people have criticized this proposal coming on top of the asset depreciation range—ADR—system announced in January as being too much tax relief for business. They suggest the ADR system be rescinded before the job development credit is enacted.

There are two points that should be made here. First, the ADR system and the job development credit are not interchangeable. We must not view the job development credit as in any way a substitute for the ADR system. They serve essentially different but equally necessary objectives.

The ADR regulations represent a major permanent improvement in the administration of depreciation deductions for tax purposes. Furthermore, they provide a framework for development of a much more intelligent depreciation system in future years. The new regulations allow taxpayers to shorten the "useful lives" of their assets up to 20 percent of the "guideline" lives originally specified for classes of assets in 1962. The regulations explicitly recognize the reality of continuing new developments in the duration of all productive plant and equipment, and thus will produce changes that business taxpayers are entitled to as a matter of fairness. The useful lives of assets are always being shortened in reality as a result of a constantly increasing rate of technological change, as well as by a greater degree of competition from foreign competitors with new, highly efficient facilities, and of the impact of the demand for broader environmental protection.

Viewed in this perspective, the ADR system produces no true revenue loss, but merely redresses the unfair and damaging treatment of productive assets over the last several years. Furthermore, this change raises our pattern of depreciation allowances closer to those of other major industrial countries.

This is an essential point. Few people realize that cost recovery allowances in this country fall far behind those of other leading industrial nations. For example, without the ADR system, the percentage of the cost recovery of industrial machinery and equipment allowed during the first taxable year in this country is only about 8 percent. In Western Germany, the comparable percentage is almost 17 percent, in France it is over 20 percent, in Japan it is almost 35 percent, and in the United Kingdom it is 57.8 percent. A 7-percent investment tax credit would only bring this recovery up to about 22 percent. Yet this would still be less than half of what Great Britain allows, and over a third less than what Japan permits.

This comparison is from the report of the President's task force on business taxation published a year ago. I will include the relevant table from that report at the end of my remarks.

Of course, this difference in cost recovery during the first year of an asset's life is not the sole factor retarding productive investment and cost competitiveness with other countries. However, as the Organization for Economic Cooperation and Development—the OECD has found, the United States has the lowest percentage of investment in productive facilities in relation to gross national product among all the principal industrialized nations. Certainly, our very conservative cost recovery allowances are a major contributory cause to our poor performance in this crucial area.

The ADR regulations provide a significant simplification of the administration of depreciation regulations. The reserve ratio test was adopted in 1962 to compare useful lives claimed for tax purposes with actual replacement practice. This test has proved to be totally unworkable, and the ADR system will be applied without it. Moreover, the ADR regulations simplify the treatment of repair and maintenance expenses and provide rules for ending unnecessary disputes over salvage value, all in a fair and reasonable manner.

This is the rationale for the ADR system. The job development credit has a different purpose—it is aimed specifically at stimulating investment and providing new jobs in our economy. It is not a reform or simplification measure. Our economy needs the stimulus inherent in the job development credit proposal. Our taxpayers deserve the reform represented by the ADR system. Our Nation will benefit from both.

It should not come as a surprise to members of this body that implementing tax incentives for investment along with depreciation reform is not a new idea. In 1962, the 1942 bulletin F standardized asset lives were replaced by the depreciation guideline lives, which were approximately 30 to 40 percent shorter. In the same year, President Kennedy's proposal for an investment tax credit was enacted by Congress, and the economy received the benefit of both measures. The arguments made at that time, that we needed to modernize and expand our productive capacity for a greater rate of economic growth and stronger competition in world markets, are just as applicable today.

The ADR system is a percentage reduction of business tax liabilities comparable to that of the guidelines in 1962. Furthermore, it makes good a pledge that Kennedy's Treasury Secretary Douglas Dillon made at that time:

> The guidelines will not be allowed to become outdated—as was the case for so long with Bulletin F, which the new guidelines replace. Our revision of depreciation guidelines and rules recognizes that depreciation reform is not something that, once accomplished is valid for all time.

The ADR regulations are the first significant revision of depreciation since that statement was made.

A second point must be made about the job development credit. When viewed in the perspective of tax legislative history, it is not the unfair shift of tax burden from corporate enterprise to individuals as some have argued. The Tax Reform Act of 1969 sharply cut the tax liabilities of middle- and low-income individuals while sharply increasing the taxes of business corporations. The Treasury Department has shown that when we measure the differing impact that the Tax Reform Act, the ADR system, and the President's recent tax proposals will have over the 5 years 1969 through 1973, we see a startling result. Over this period, individual Federal income tax payments will have been reduced by almost $34 billion. But corporate tax liabilities will have been cut by only slightly more than $1 billion.

When viewed in the proper perspective, the enactment of the President's tax recommendations will not shift tax burdens inequitably from business to the individual. The score in this tax reduction ball game is still 34 to 1 in favor of the individual taxpayer.

The President's proposals contain tax provisions that will directly benefit the individual as well. The administration recommends that the increased personal exemption and the liberalized standard deduction, now scheduled for January 1, 1973, be moved forward 12 full months. This means that individuals will receive tax relief on January 1 of $4.9 billion, counting both scheduled and proposed tax reductions. This is substantial relief. It will further lessen the burden on low and moderate income taxpayers. Furthermore, it will provide a healthy boost to consumption and all the job and production benefits that it will produce.

The proposed repeal of the 7-percent automobile excise tax will also provide these dual relief and stimulus benefits. The relief comes from the reduction in automobile prices when the tax is removed, averaging about $200 per new automobile. Used car prices will be pressured downward as well, so that direct economic benefits will accrue to all income groups. And let us lay to rest the argument that this excise tax is an efficient and equitable source of revenue. All the President is asking Congress to do is make good on the promise we made in the 1965 excise tax cut. The automobile excise tax is just as inequitable now and its repeal just as beneficial as it was when that bill was enacted.

The removal of this tax will be stimulative as well. Lower automobile prices resulting from the repeal of this excise will reduce automobile prices which will stimulate demand for new cars. This can fairly be translated into 150,000 new and necessary jobs.

These are the important domestic tax proposals in the President's new program. They deserve speedy consideration, if we are to continue and contribute to the momentum the President has begun. Failure to act quickly on these measures will be to lose the opportunity to improve our prospects for increased economic growth and lower unemployment. We as a nation cannot afford to risk losing either.

Of course, the President's new economic program also attacks our other economic problems. To bring this inflation to a final conclusion, the administration has implemented a 90-day freeze on all wages, prices and rents. This freeze aims at two objectives. First, it has helped break the back of inflation by stopping spiraling prices and costs in their tracks for 90 days. It cannot by itself kill the momentum, but it has significantly restrained it. But we must realize that the freeze is not an end in itself. It is more importantly a means to buy time in which to create a mechanism that will work toward the elimination of cost-push inflation over the longer run.

The second objective of the freeze is to allow the government breathing space to develop a "phase II" wage and price policy. The President does not intend to produce this policy in a vacuum. He and his officials have been conferring with all sectors of the economy to solicit their views on the best way to fairly and systematically eliminate these cost pressures. What this policy will be, no one knows as yet.

The President has promised the Nation to announce his plan by the middle of October. But one thing is certain. The program will be aimed at solving the basic conundrum of a sound economic policy for our country in the modern world. How to reconcile a high level of economic growth, a low rate of unemployment, and price stability is a riddle which no nation has successfully solved. The President has set his sights on nothing less than a viable social compact among labor, business and government which will be effective for a long period of time.

I understand that some members have suggested that Congress take the initiative for developing a phase II incomes policy away from the President. If they suggest we give the Administration the benefit of our advice, and recommend alternatives or modifications of the phase II program, this is no less than our duty.

However, if they mean to develop a full-fledged program to be enacted in place of the President's merely in order to preempt the field, this would be most unwise.

Whatever the President's phase II policy turns out to be, it will be the product of delicate negotiations and compromise among the consumer, business and labor sectors of our economy, which have been actively proceeding for many weeks. Furthermore, any such program must be administered by the executive branch. The Congress is not equipped to do this. If Congress attempts to block the President's program with one of its own, the whole exercise will become a charade with no substance. Congress will have carried out its function if it will monitor and constructively evaluate the administration's phase II program. However, we must leave to the administration the task of creating and administering it. We must give this program a chance to work.

The domestic portions of the President's new program are aimed at expanding the economy and reducing inflation, both now and over the long run. The President's proposals to deal with our balance-of-payments difficulties are similarly designed.

It is essential that we take the lead to provide a basis for achieving essential changes in the international monetary system and long overdue reform of international trading arrangements and practices. We must remember that the war-torn and industrially infant nations we helped rebuild have now grown up. Europe and Japan are now industrially mature enough to meet with us on an equal footing in world trade, and in some respects, overmatch us. There is no longer any justification for them to hide behind discriminatory trade practices and unrealistic exchange rates that penalize us. Certainly, we can no longer afford to allow them this luxury. And the new economic program deals strongly with this reality.

By imposing a temporary import surcharge and cutting the dollar loose from gold in world markets, the President has forced other nations to look closely at their trading practices and exchange rates. The ball is definitely in their court. They must determine whether the free world will turn toward the freer trade and more realistic exchange rates which provide the only basis for a stable healthy and growing world economy. Once they agree to help us move in this direction—and the administration intends to stand firm until they do—we and they can get on with the job of building a more flexible and fundamentally sound international economy.

In closing, I do not think it is an exaggeration to say that the President's dramatic new economic program is rekindling the American spirit. Certainly the recent surveys of consumer confidence and polls of popular support for the President's program indicate this. The people are now generally optimistic about their economic future, and are apparently anxious to get America back on the track which will achieve a healthy, growing economy and provide the jobs and price stability the country must have.

If we in Congress will work with the President, take his program and modify it if need be, but basically support its principles, we can make it work to produce progress based on stability. It would be hypocritical at this point to minimize the challenges facing us. But if we firmly grasp the opportunity the President has created, we can achieve the full generation of peace and prosperity that is this Nation's birthright.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Chair recognizes the Senator from New York for a period of not to exceed 15 minutes.

(The remarks of Mr. Javits when he introduced S. 2632 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

(The remarks of Mr. Javits when he submitted Senate Concurrent Resolution 43 are printed in the Record under Submission of Concurrent Resolutions.)

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia was to be recognized for a period of not to exceed 15 minutes.

Mr. BYRD of West Virginia. Mr. President, may I be recognized?

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that that request was automatically vacated by the subsequent listing of Senators Bennett and Javits to be recognized prior to the morning business.

The ACTING PRESIDENT pro tempore. In any case, the period for the transaction of routine morning business now begins.

Mr. BYRD of West Virginia. Mr. President, may I be recognized?

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

TIME ON MOTIONS TO RECONSIDER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order entered a bit earlier today with respect to time on motions and appeals, relating to the military procurement bill and amendments thereto, be vacated with respect only to motions and appeals as they may relate to amendments in the second degree to the pending amendment in the first degree by Mr. FULBRIGHT. I will explain why I make this request.

Last evening, there was considerable debate and discussion—and confusion—with respect to whether or not, in a situation in which time on an amendment is limited and a vote on that amendment is taken, and a motion to reconsider the vote is not tabled, there is any time available to debate the motion to reconsider.

If I am correct, Mr. President, that question has not yet been settled. There was a parliamentary inquiry regarding the question last night, and the Chair made a statement in response to the parliamentary inquiry, but there was no ruling.

It is my further understanding that there is really no direct precedent on the point, and that the material quoted last evening from the book on Senate procedure in reality can be traced back only to a parliamentary inquiry rather than to a ruling, and that, therefore, there is no clear precedent relating to the question.

I may be in error in what I am saying, but it is by way of explanation as to why I have just made the pending unanimous-consent request.

It appearing that the same situation occurring last evening could arise on any of the amendments to the pending military procurement bill which are yet to be voted on, I thought it appropriate to propound a request to assure Senators at least 10 minutes in which to debate any motion to reconsider, any motion to recommit, or any appeal from the ruling of the Chair. Otherwise, we cannot be sure that there would be any time for debate on such motions. There may or may not be such a situation. That request has now been agreed to.

There might be the appearance of evil in what I do, if there are those who wish to read that into it, but in order to avoid that appearance, Mr. President, may I say that with respect to the Fulbright amendment in the first degree the Senate is already beyond that point, anyway. It is already beyond the point of reconsideration, and its next vote, once amendments in the second degree are disposed of, will be on the amendment in the first degree. So my request had nothing to do with that, but it could arise with respect to an amendment in the second degree to that amendment in the first degree, and it is for that reason that I now request that the order limiting time on motions or appeals be vacated with respect to amendments in the second degree to Mr. FULBRIGHT's pending amendment in the first degree.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXTENSION OF AUTHORITY FOR INSURING LOANS UNDER THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 10538.

The ACTING PRESIDENT pro tempore laid before the Senate H.R. 10538, an act to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961, which was read twice by title.

Mr. TALMADGE. Mr. President, this matter has been cleared with the ranking majority member of the Committee on Agriculture and Forestry as well as with the committee having jurisdiction.

The Senate, earlier this year, passed S. 1806, which provided, among other things, for a 4-year extension of the loan insurance authority under the Consolidated Farmers Home Administration Act of 1961. H.R. 10538 would make that authority permanent. The law expired at midnight last night, so the bill is of an emergency nature. I ask unanimous consent that the Senate proceed to its present consideration.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the bill.

Mr. TALMADGE. Mr. President, I ask that the bill be passed.

The ACTING PRESIDENT pro tempore. The question is on the passage of the bill (putting the question).

The bill (H.R. 10538) was passed.

FREE AND REDUCED PRICED LUNCHES FOR NEEDY CHILDREN

Mr. HRUSKA. Mr. President, later in the day the Senate will consider Senate Joint Resolution 157 on a limited-time basis. Rather than encroach upon the time alloted for that purpose, I shall now make sundry comments on the joint resolution and also present for inclusion in the RECORD some material which I hope will be helpful not only to the Senate but also to the other body concerning the subject to the national school lunch program as brought up in the other body.

In the first place, this observation, I believe, is in order: Senate Joint Resolution 157 in reality includes or contains appropriation language. It is different from Public Law 92-32, which was enacted by Congress on June 30 of this year, and that law authorizes the use by the Secretary of Agriculture of section 32 funds, whereas in Senate Joint Resolution 157 the Secretary is directed to use those funds. The precise language is that the "Secretary shall use section 32 funds."

There is another point of difference in the law that was enacted on June 30. There was a fund certain, namely, that the Secretary was authorized to use funds not to exceed $25 million. In Senate Joint Resolution 157, no specific amount whatsoever is mentioned in terms of dollars. Of course, as I am informed, Senate Joint Resolution 157 is capable of interpretation as an openend resolution, with open end features, and with no upper limit for reimbursement. It would make necessary a revision of regulations designed by the Department to comply with Public Law 91-248, the amendments which were enacted by Congress last year.

A further observation is that the funding structure for the school lunch program as embraced in Senate Joint Resolution 157 is a very complex structure. It has been made more complex by the involvement of section 32 funds, as indicated by the joint resolution itself.

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. TALMADGE. Mr. President, if I may be recognized, I yield my 3 minutes to the Senator from Nebraska.

Mr. HRUSKA. I thank the Senator from Georgia.

To illustrate this proposal in some detail, I ask unanimous consent that portions of a statement made by Assistant Secretary of Agriculture Lyng before the Senate Select Committee on September 7 be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, I call attention to the summary points contained in that statement which Mr. Lyng emphasized:

First, our proposals—

Proposals of the Department of Agriculture for the disbursement of funds for the school lunches—

are not designed to save funds. We expect to spend all the funds authorized in our 1972 appropriation act.

Second, we have not reduced the maximum rates of assistance that were authorized for last year.

Third, we will be placing a floor under section 4 and section 11 rates on a Statewide basis for the first time—a floor that is guaranteed no matter how much expansion a State is able to achieve.

Fourth, we do not believe that we should have continued a method of distributing funds among the States which—because of the vagaries of statistical apportionment formulas—allowed some States a "funding feast" while other States suffered from a "funding famine."

Finally, we want to reemphasize that the National School Lunch Act contemplated that the funding program would be a joint Federal, State, and local responsibility. This principle was reaffirmed in the Public Law 91-248 amendments. One of those amendments required, beginning this fiscal year, that all States put State tax revenues into the program. It also provided that States should disburse these tax revenues in a manner that would concentrate them on assistance to the neediest schools.

That is the conclusion of the points to which I referred in Mr. Lyng's testimony. It is my hope that later the Senate will direct its consideration to the points raised, particularly to the points raised by Mr. Lyng, so that we will make the best of a situation that will provide for the most desirable school lunch program possible.

Mr. AIKEN. Mr. President, will the Senator from Nebraska yield on my 3 minutes?

Mr. HRUSKA. I am happy to do so.

Mr. AIKEN. Of course, inflation has raised the cost of serving school lunches. It is higher than it was at one time. There is a proposal that the Government should provide up to 40 cents instead of the 35 cents for which lunches have been provided lately.

Mr. HRUSKA. That is correct.

Mr. AIKEN. If that is done, and a minimum of 40 cents is established, which will probably be the cost—it is almost impossible to get accurate information—it will probably cost, according to the best estimates we can get, about $150 million more to carry on the school lunch program.

The Senator from Nebraska is the ranking member of the Subcommittee on Agricultural Appropriations. Does he have any doubt that the Committee on Appropriations would appropriate a sum adequate to meet whatever level is set to provide lunches, whether it be 30, 35, or 40 cents? Is there any doubt that the Committee on Appropriations would appropriate whatever sum is necessary if the matter is not taken away from the Appropriations Committee?

Mr. HRUSKA. I would not think so. As a matter of fact, members of the Appropriations Committee who are likewise members of the legislative Committee on Agriculture and Forestry have indicated that the joint resolution contemplates a 40-cent minimum. On that basis, the program would cost about $140 million more, because if the cost is increased 5 cents a meal, the increase would be about $70 million. That is on the basis of the present plan and the present number of meals. If the number of meals were to increase, that amount, of course, would also increase.

EXHIBIT 1

STATEMENT OF ASSISTANT SECRETARY RICHARD LYNG BEFORE THE SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS, SEPTEMBER 7, 1971

I am pleased to appear before the Committee today concerning the proposed amendments to the school lunch regulations which we issued for public comment on August 13th. It is apparent that there has been considerable confusion about those proposed regulations and their impact on the 1971–72 school lunch program. Therefore, we welcome this opportunity to clarify the issues.

Last year—the initial year of operations under the Public Law 91–248 amendments—resulted in substantial progress in the National School Lunch Program. In September of 1970, the month when most schools opened for the 1970–71 school year:

A total of 22.1 million children were being reached with a school lunch.

A total of 4 million children were being reached with a free and reduced-price lunch; and

A total of 77,454 schools were approved for participation in the program.

By April of 1971:

A total of 24.1 million children were being reached with a school lunch—up 9 percent over September.

A total of 7.3 million children were being reached with a free and reduced-price lunch—up 3.3 million over September, or 82 percent.

A total of 79,754 schools were approved for participation. Attendance in these schools represented 84 percent of all elementary and secondary school attendance.

That record of progress represented the combined work of local, State, and Federal government units, and thousands of dedicated school officials and concerned local citizens—back by the traditional combination of local, State, and Federal financial support for the program.

There was, in fact, a sharp increase in Federal funding of school feeding programs for 1971—largely as a result of the Administration's request for a supplemental appropriation of $217 million following approval of Public Law 91–248.

The amount of the direct appropriations under section 4 and 11 of the National School Lunch Act more than doubled—from $212.6 million in fiscal year 1970 to $429.8 million in fiscal 1971. In addition, these direct appropriations were augmented by over $150 million in special section 32 funds—most of which was intended for free and reduced-price lunches. This augmentation was specifically authorized in our 1971 appropriation act and was a very substantial increase over the $99 million in special section 32 funds made available in the previous year's appropriation act. This level of 1971 Federal funding was designed to support a national average section 4 rate of reimbursement of 5 cents per lunch and a national average rate of 30 cents under section 11 for additional assistance for free and reduced-price lunches.

I am here today, Mr. Chairman, because the Committee and a number of States have raised a question as to whether past progress in the program can be maintained in 1972—much less additional progress obtained—under the 1972 Federal funding structure outlined in the proposed regulations the Department issued on August 13th.

We believe that significant additional progress is possible. In fact, Mr. Chairman, we believe that our proposal presents a dramatic breakthrough in program funding.

First, we can avoid the mid-year funding uncertainties of last year. At that time, fund shortages in some States were threatening the continuation of their programs while other States had millions of dollars in excess funds.

Second, there is an increase in the amount of Federal funds available to provide special assistance for free and reduced-price lunches in 1972—about $78.8 million more than was spent in 1971.

Third, for the first time in the history of the program, a State—needing to expand its program to substantially more schools and substantially more children—can do so without fear that such expansion will be at the expense of an unwarranted reduction in levels of assistance to already participating schools and children.

That your Committee and some States could have such very different initial reaction to our proposed regulations certainly raises the question as to whether our proposals were, in fact, clearly stated or clearly understood.

The funding structure of the National School Lunch Program is complex. And it has become more complex in the past three years because our annual appropriation acts have authorized the use of some section 32 funds to augment the funds directly appropriated for the National School Lunch and Child Nutrition Acts. We have concluded, therefore, that to clarify the intent and impact of our proposed regulations, it is essential to explain the structure under which the school lunch program is federally funded; to review 1971 program funding; the situation that would have existed if we had continued the 1971 funding structure in 1972; and, finally, how our proposed 1972 funding structure will actually work.

THE BASIC FUNDING STRUCTURE

The National School Lunch Act authorizes two annual appropriations for the program—one under section 4 of the Act and one under section 11. The Act also specifies exactly how each of these annual appropriations is to be apportioned among the States.

Section 4 funds are apportioned among the States on the basis of the number of Type A lunches previously served by each State and the relationship between each State's per-capita income and the per-capita income of the United States. For fiscal 1972, the apportionment formula uses the number of Type A lunches served by each State two years ago—in fiscal 1970.

Section 11 funds are apportioned on the basis of the relative number of school-age children in households with annual incomes below $4,000 that reside in each of the States.

The section 4 funds are used to help schools buy food for the lunches served to *all* children—to both children who pay the full price of the lunch and the children who receive free and reduced-price lunches. *The section 11 funds* are used to provide additional special assistance for lunches served free or at a reduced price to children who meet a school's eligibility standards for such lunches.

Both the section 4 and 11 funds are actually disbursed to schools by the State on the basis of an assigned per-lunch reimbursement rate. The section 4 rate is applied to all the lunches; the section 11 rate applies only to the free and reduced-price lunches. In the program regulations, the Department of Agriculture establishes maximum reimbursement rates that a State may pay under section 4 and section 11. Thus, the actual rates of assistance a State may pay a school under section 4 or section 11 depend upon two factors: (1) The amount of funds made available to the State for section 4 and 11 purposes each fiscal year; and (2) the maximum per-lunch rates of assistance authorized by the Department.

MAXIMUM RATES OF ASSISTANCE

Many people have interpreted our proposed regulations as requiring a reduction in the maximum rates of assistance that were in effect during the last school year. This is not the case.

The *maximum* rates authorized for section 4 and section 11 are, of course, considerably higher than the rates actually paid on an average basis. The higher maximums permit the States, if they so elect, to vary rates around the average—in order to provide above-average rates to poorest schools and less-than-average rates to the affluent schools.

In the regulations we issued last September for the 1970–71 school year, the following *maximum* rates were authorized:

12 cents per lunch under section 4;

30 cents in addition for each free and reduced-price lunch under section 11, with a proviso that the neediest schools could receive up to 60 cents for each free and reduced price lunch.

If a State determined that a school needed in excess of 30 cents for a free and reduced-price lunch, our regulations required that such a school receive section 4 assistance at the maximum rate of 12 cents. The section 11 rate could then exceed 30 cents up to a maximum of 48 cents—or a total of 60 cents in combined funds.

As you know, Mr. Chairman, this latter provision—called the "12-cent rule"—met opposition among the States. They felt it endangered the total program because section 4 funds had to be diverted from the more affluent schools in order to pay 12 cents in section 4 funds to the neediest lunches required by the neediest schools should be financed out of funds available for section 11 purposes.

Effective in February, we did, in effect, suspend the 12-cent rule. We allowed States to finance the required increase in section 4 rates for the neediest schools out of funds available for section 11 purposes.

The maximum rates of assistance we have authorized in the proposed regulations remain essentially unchanged from the 1970–71 rates. A State is still authorized to pay its neediest schools up to 60 cents for a free or reduced price lunch. (A maximum rate of 50 cents is authorized if the school is serving a significant number of reduced-price lunches because it would be receiving revenues from the reduced price payments.)

Our proposed amendments are concerned with the distribution of available funds among the States—with the average reimbursement to be paid on a statewide basis—not the maximum rates.

1971 PROGRAM FUNDING

The 1971 appropriation act contemplated a national average section 4 rate of 5 cents and a national average reimbursement rate of 30 cents in additional assistance for free and reduced-price lunches.

The following amounts were provided in the 1971 appropriation act to finance those contemplated rates: A direct appropriation of $225 million in section 4 funds and a direct appropriation of $204.7 million in section 11 funds. The use of $154.7 million in special section 32 funds also was authorized in our appropriation act.

As I indicated earlier, the National School Lunch Act specified how the section 4 and section 11 funds are to be divided among the States. The use of the special section 32 funds is at the discretion of the Department but the appropriation act contemplated that most of the special section 32 fund would be used to supplement the section 11 appropriation for free and reduced-price lunches.

Without any experience on which to judge the impact of Public Law 91–248, the Department decided to use the special section 32 funds as follows:

The entire amount—$154.7 million—was apportioned to States under the section 11 apportionment formula. The section 11 formula was selected because most of these section 32 funds were expected to be used for section 11 purposes for free and reduced price lunches.

We did give States flexibility in the use of these section 32 funds. In addition to using them for free and reduced-price lunches, they were authorized to use the funds to augment funds appropriated for the school breakfast program and the funds for equipment assistance for needy schools, especially for "no-program" needy schools.

However, as we gained operating experience under Public Law 91–248, it was apparent that the method of distributing the special section 32 funds was creating a problem. It did not put the funds in the States where they were needed. By January, some States were reporting that they would soon exhaust their funds; other States reported they had a surplus in funds. By mid-April—under the cumbersome and time-consuming reapportionment method—we were able to transfer over $30 million from States with a surplus to States with a deficit. But, during the period we were effecting those fund transfers, the deficit States had to operate upon our assurance that we could obtain the release of funds from other States.

After this experience, we concluded that it would be in the best interest of all of the States if a method for distributing the available funds could be found that would better distribute the funds among the States in accordance with expected participation at the beginning of the school year.

This exploration led us to another conclusion; one that—in our view—represents a real breakthrough in school lunch financing. We concluded that we needed to go beyond funding at proposed national average reimbursement rates of 5 cents under section 4 and 30 cents under section 11. We felt we needed to guarantee each State that—no matter how much it expanded its program—it could be assured that it would be able to maintain a Statewide average rate of 5 cents under section 4 and a Statewide average rate of 30 cents under section 11.

This is the essence of our August 13th proposal.

States will be able to maintain average rates in excess of these guaranteed average rates if they can afford to do so out of their share of the direct appropriation of section 4 and 11 funds in 1972. No State will be asked to release any of their direct apportionment for use by other States. It is true that a few fortunate States would have been able to maintain even higher section 11 rates in 1972, if we had continued last year's method of distributing section 32 funds. But those higher rates would have meant that other States might have been able to pay only an average of 20 to 25 cents in section 11 assistance—and in a few States the rate could have been below 20 cents.

THE IMPACT OF OUR PROPOSALS

We have a series of charts that summarize the impact of our proposed regulations on section 4 and section 11 funding.

This first chart shows the 1971 expenditures for section 4 and section 11 purposes and the amounts provided under our annual appropriation act for 1972 for these same purposes:

[In millions of dollars]

	1971	1972
Sec. 4 apportionment	225.0	225.0
Needy schools and children:		
Sec. 11 apportionment	203.8	237.0
Special sec. 32:		
To finance the 12-cent rule	20.8	
Free and reduced price lunches	86.8	153.2
Subtotal	311.4	390.2
Grand total	536.4	615.2

As this chart indicates, the amount of money available for section 4 purposes in 1972 is the same as was appropriated in 1971—$225 million.

There is $78.8 million more available for special assistance for free and reduced-price lunches than was spent in 1971—$390.2 million compared to $311.4 million.

Fewer total lunches, and fewer free and reduced-price lunches, were actually served in 1971 than had been estimated in the 1971 appropriation act. As a result, the 1971 national average section 4 rate was 5.9 cents, compared with the planned rate of 5 cents. The national average rate for free and reduced-price lunches (section 11) was 31.1 cents, compared with the planned rate of 30 cents. Additionally, substantial amounts of the special section 32 funds were used for equipment assistance, although the appropriation act contemplated that most of the special section 32 funds would be used for free and reduced-price lunches.

The second chart shows the Statewide average section 4 rates that were paid out of the $225 million in 1971 by the 50 States and the District of Columbia; the projected average rates that those States could have paid in 1972 without our proposed change in the use of the special section 32 funds; and the projected average rates under our proposal:

	1971	Number of States 1972	
		Without revision	With revision
Statewide rate, sec. 4:			
7 cents and above	6	2	2
6 to 6.9 cents	9	11	11
5 to 5.9 cents	22	21	38
4 to 4.9 cents	12	12	0
Below 4 cents	2	5	0
Total	51	51	51

In the absence of our proposed change, 17 States were faced with an average Statewide section 4 rate of less than 5 cents and five of these were faced with an average rate of less than 4 cents. We are proposing to guarantee every State a Statewide average rate of 5 cents.

The third chart shows the same information for the section 11 rates—the special assistance for free and reduced-price lunches: The average Statewide payments out of the $311.4 expended for this purpose in 1971; the projected rates that would have prevailed in 1972 if we had not proposed a change in the distribution of special section 32 funds; and the projected rates under our proposal.

	1971	Number of States 1972	
		Without revision	With revision
Statewide rate, sec. 11:			
40 cents and above	11	15	0
35 to 39.9 cents	9	8	1
30 to 34.9 cents	15	9	50
25 to 29.9 cents	12	7	0
20 to 24.9 cents	2	9	0
Below 20 cents	2	3	0
Total	51	51	+51

If we had continued last year's method of distributing the $153.2 million in special section 32 funds, *and every State used all of its section 32 money for free and reduced-price lunches*, 19 States could have faced Statewide average rates of less than 30 cents for free and reduced-price lunches. Of these 19 States, the average rates in 12 States could have been below 25 cents and 3 of the 12 could have faced an average Statewide rate of less than 20 cents for each free and reduced-price lunch. Our proposal guarantees every State at least a minimum Statewide rate of 30 cents for each free and reduced price lunch.

EQUIPMENT ASSISTANCE

Before summarizing these proposals on the distribution of available funds, I want to comment on a second part of our August 13th proposals—those that affect the equipment assistance funds.

Section 5 of the Child Nutrition Act authorizes Federal equipment assistance for schools which draw their attendance from areas in which poor economic conditions exist—in short, needy schools. The funds can be used to help needy schools which have "no, or grossly inadequate" food service equipment.

In 1971, a total of $15 million was appropriated for this equipment assistance. But States elected to use substantial amounts of their special section 32 apportionment for equipment assistance last year. In total, reports from the States now show that a total of $36.7 million was used for equipment assistance last year.

Our fourth chart shows the amounts used for equipment assistance for needy schools in 1970 and 1971. You will note that most of these funds went to schools that were already operating a food service.

There is no doubt that some already participating schools did have "grossly inadequate" equipment. But, we now believe greater emphasis should be placed on the use of these funds to bring needy "no-program" schools into the Type A program.

We are holding equipment funds in 1972 to the $16.1 million authorized in our appropriation act. We have amended our regulations to place a positive obligation on States to seek out—and work with—needy "no-program" schools. And, we are proposing that at least half of each State's equipment funds be held in reserve for "no-program" schools until March 1—unless the State can demonstrate that the funds should be released for already participating schools at an earlier date.

SUMMARY

Returning to our August 13th proposals on the distribution of cash assistance funds to the States, we would want to emphasize these points:

First, our proposals are not designed to save funds. We expect to spend all the funds authorized in our 1972 appropriation act.

Second, we have not reduced the maximum rates of assistance that were authorized for last year.

Third, we will be placing a floor under section 4 and section 11 rates on a Statewide basis for the first time—a floor that is guaranteed no matter how much expansion a State is able to achieve.

Fourth, we do not believe that we should have continued a method of distributing funds among the States which—because of the vagaries of statistical apportionment formulas—allowed some States a "funding feast" while other States suffered from a "funding famine".

Finally, we want to re-emphasize that the National School Lunch Act contemplated that the funding of the program would be a joint Federal, State, and local responsibility. This principle was re-affirmed in the Public Law 91–248 amendments. One of those amendments required, beginning this fiscal year that all States put State tax revenues into the program. It also provided that States should disburse these tax revenues in a manner that would concentrate them on assistance to the neediest schools.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Stevenson) laid before the Senate the following letters, which were referred as indicated:

Prospectus Relative to Alterations to Treasury Building

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus amending the authorization for alterations to the Treasury Building and the Treasury Annex, Washington, D.C. (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Labor and Public Welfare, and the Committee on Interior and Insular Affairs, jointly, with amendments:

S. 2482. A bill to authorize financial support for improvements in Indian education, and for other purposes (Rept. No. 92–384).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS (for himself, Mr. Brooke, Mr. Hatfield, Mr. Stafford, Mr. Taft, Mr. Mathias, Mr. Packwood, Mr. Schweiker, and Mr. Saxbe):

S. 2632. A bill to amend the Internal Revenue Code of 1954 to permit a tax credit for the creation of additional jobs. Referred to the Committee on Finance.

By Mr. BAKER (for himself and Mr. Brock):

S. 2633. A bill to authorize an appropriation for a bridge on a Federal dam. Referred to the Committee on Public Works.

By Mr. ANDERSON:

S. 2634. A bill to authorize the Secretary of Agriculture to exchange certain National Forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbra Grant, in the State of New Mexico, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PROXMIRE:

S. 2635. A bill to amend title II of the Interstate Commerce Act in order to exempt from certain provisions of such title, motor vehicles used in carrying processed milk products. Referred to the Committee on Commerce.

By Mr. HARTKE:

S. 2636. A bill to amend the Federal Hazardous Substances Act, to provide for a special study of household detergents and to provide for the labeling of those household detergents found to be hazardous, and for other purposes. Referred to the Committee on Commerce.

By Mr. BEALL:

S. 2637. A bill to extend to volunteer fire companies and volunteer ambulance and rescue companies the rates of postage on second class and third class bulk mailings applicable to certain nonprofit organizations. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself, Mr. Brooke, Mr. Cook, Mr. Hatfield, Mr. Mathias, Mr. Packwood, Mr. Percy, Mr. Randolph, Mr. Saxbe, Mr. Schweiker, Mr. Stafford, Mr. Taft, and Mr. Williams):

S. 2632. A bill to amend the Internal Revenue Code of 1954 to permit a tax credit for the creation of additional jobs. Referred to the Committee on Finance.

Mr. JAVITS. Mr. President, I wish to address myself to the new economic policy, as my colleague, the Senator from Utah (Mr. Bennett) has done. I shall be offering a measure which I hope will materially improve the administration's proposal for job development through an investment tax credit.

The difficulty, as I see it, with the job development investment tax credit as it has been proposed is that it is essentially based on capital goods and does not have a direct and immediate relationship to the increase of employment as a direct consequence of the incentive which is furnished by the tax.

Therefore, on behalf of myself and Senators Brooke, Cook, Hatfield, Mathias, Packwood, Percy, Randolph, Saxbe, Schweiker, Stafford, Taft, and Williams, I introduce a bill, which I send to the desk for appropriate reference, to provide a direct incentive, through the use of a tax credit, to every business in America to expand its work force.

Under this bill any employer whose employees work more man-days during taxable years beginning in 1972 or 1973 than in the immediately preceding taxable year would be eligible for a tax credit in the amount of $4 per additional man-day—approximately $1,000 per man-year. All employers would be eligible and there are no restrictions on the amount of the credit which would be available except that in the case of additional man-days attributable to mergers or acquisitions or the fact that an employer was not in the business during the entire immediately preceding calendar year the amount of the credit would be determined pursuant to regulations issued by the Secretary of the Treasury.

It is estimated that at the maximum this tax credit will cost the Treasury $1.8 billion and result in approximately 500,000 new jobs in the first year of operation.

I believe that a tax credit linked directly to expansion of employment is a logical complement to the investment tax credit proposed by the administration; in my judgment both should play an important role in our efforts to restore economic vitality and full employment through a new economic policy. The investment tax credit is primarily designed to provide an incentive to businessmen to modernize capital facilities; but it will provide jobs only in directly and mostly in capital goods industries. It is also true that in some cases, the use of automation will actually reduce employment. That is nothing against it.

Just about one-half of American business is service and the other half is manufacturing. The President's proposal would, except in the indirect ways I mentioned, not really affect the service industries.

Under the bill I have introduced today, on the other hand, all industries, including the service industries which now employ almost 50 percent of all American workers, will be encouraged to expand their workforce. In addition, since the amount of the tax credit is keyed directly to additional man-days worked rather than net increase in payroll cost, it will particularly encourage employment of low-income, marginally skilled employees.

The use of additional man-days, rather than increased payroll cost, also greatly simplifies administration of the law. At the same time, because the term "man-day" is defined in the bill as a day upon which an employee works at least 7 hours—or a cumulative total of 8 hours in the case of part-time employees—there is no possibility that an employer will be able to take advantage of the tax credit simply by working his employees overtime or hiring part-time employees to replace full-time employees. Finally, the bill contains a safeguard against economic exploitation by providing that no credit is allowable for any man-days worked by employees who are paid less than the prevailing Federal minimum wage.

As I already stated, preliminary computerized analysis by the staff of the Joint Economic Committee indicates that the tax credit I have proposed could reasonably be expected to produce approximately 500,000 additional jobs by the end of the fourth quarter after it first goes into effect. The cost to the Treasury would total approximately $1.8 billion during the first year and would taper off sharply thereafter.

In addition, Senator Brooke of Massachusetts, who is joining me in sponsoring this tax credit proposal, has brought to my attention a similar proposal by Professors B. F. Roberts and Richard N. Thunen of the California economic forecasting project. Although there are differences between the Roberts-Thunen proposal and my own, the general theory is the same: a tax credit linked directly to expansion of employment. They have concluded that such a tax credit "could significantly stimulate employment and production, increase both labor income and profits, reduce the Federal deficit, and diminish inflationary pressures."

I find considerable support for the basic concept which I have put forward, and I am deeply gratified that so many

Senators have joined me in sponsoring it. I hope we can get action on the measure, either in its own right or most probably as an amendment to the President's measure which will in due course be before us as it comes over from the other body. If other Members wish to join us in this effort, I would certainly be very grateful.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2632

A bill to amend the Internal Revenue Code of 1954 to permit a tax credit for the creation of additional jobs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Employment Incentive Act of 1971".

STATEMENT OF FINDINGS AND PURPOSES

Sec. 2. The Congress finds and declares that—

(1) high unemployment persists in the Nation despite all previous efforts made to ameliorate it;

(2) high unemployment represents a tragedy for millions of workers who are unable to find gainful employment, and a waste of the Nation's most precious resource—its workers;

(3) high unemployment reduces the purchasing power of American consumers and thereby hinders economic growth;

(4) under section 1 of the Act of February 20, 1946 (15 U.S.C. § 1021) it is the responsibility of the Federal Government to take vigorous action to encourage full employment.

It is therefore the purpose of this Act to provide a special incentive to private businesses of all types to expand their work force.

Sec. 3. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"Sec. 40. Expansion of Employment.

"(a) General Rule.—For the purpose of encouraging the expansion of employment there shall be allowed to a taxpayer as a credit against the tax imposed by this chapter an amount determined by multiplying four dollars by the number obtained by subtracting the total number of man-days worked by all of his employees during the base period from the number of man-days worked by all of his employees during the current taxable year.

"(b) Limitation.—The credit allowed by subsection (a) shall not exceed the amount of tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(c) Definitions.—

"(1) Base period.—As used in this section, the term 'base period' means the taxable year immediately preceding the current taxable year.

"(2) Man-days.—As used in this section, the term 'man-days' means a calendar day on which at least seven hours of work is performed by one employee, *provided that,* in the case of employees working less than seven hours per day, each eight hours worked by one or more such employees shall be counted as one man-day.

"(d) Special Rules.—

"(1) New businesses.—A taxpayer who had no employees during the base period, or who was not engaged in business during the full base period, shall determine the credit allowable to him under subsection (a) in accordance with regulations prescribed by the Secretary or his delegates.

"(2) Merger consolidations, etc.—Whenever a taxpayer increases the total number of man-days worked by his employees during the taxable year by purchasing or otherwise acquiring the business operations of another taxpayer, he shall adjust his base period in accordance with regulations prescribed by the Secretary or his delegate in order to determine the credit allowable to him under subsection (a) for that and subsequent taxable years.

"(3) No credit shall be allowed under this section for any man-day worked by any employee unless such employee was paid for his work during such man-day at a rate not less than the minimum rate of pay then prescribed under section 6(a)(1) of the Fair Labor Standards Act.

"(e) Regulations.—The Secretary or his delegate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart is amended by striking out "Sec. 40. Overpayments of tax." and inserting in lieu thereof:

"Sec. 40. Expansion of employment.
"Sec. 41. Overpayments of tab."

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1971, and before December 31, 1972.

Mr. BROOKE. Mr. President, I rise today to join Senator Javits in introducing the Employment Incentive Act of 1971, which sets forth an employment tax credit proposal of enormous significance. Senator Javits and I have already joined together with other Republican colleagues in introducing Senate bills 2413 and 2414 which provide for the establishment of a Commission on Wages and Prices and a National Productivity Council to mitigate against the effects of inflation and bring about price stability.

The bill which we are introducing today is designed to provide a direct incentive for all employers to expand their work forces and, hence, productive capacity. This fiscal policy instrument could significantly stimulate employment and production, increase both labor income and profits, reduce the Federal deficit, and diminish inflationary pressures.

Faculty research at the University of California, Berkeley's School of Business Administration has dealt with the potential of an employment tax credit as an instrument for increasing employment and dampening inflationary pressures. The results of experiments using an econometric model suggest that the employment tax credit can have a significant impact.

Prof. B. F. Roberts, director of the California economic forecasting project at Berkeley, and his assistant, Richard N. Thunen, suggest in a policy working paper dated September 22, 1971, that if the employment tax credit were used as a supplement to the President's "new economic policy," by the fourth quarter of 1972 employment would increase by 1.9 million workers, GNP by $23.7 billion, wages by $24.3 billion and profits by $3.7 billion. In addition, the unemployment rate would have been reduced by 0.7 percent and the Federal deficit by $5.9 billion.

The proposed policy instrument is a tax credit granted to employers for net additions to employment. Under the proposal being advanced today, any employer whose employees work more total man-days in any year than in previous years, will be eligible for a tax credit in the amount of $4 per man-day, or approximately $1,000 per man-year.

As Senator Javits has pointed out, this proposal is a logical complement to the administration's proposal for restoration of the investment tax credit for capital facilities. The employment tax credit, however, would not depend on the acquisition of capital goods and would benefit all industries including those service industries which do not acquire capital goods.

It has been argued, and with some justification, that restoration of the investment tax credit may not have any significant impact on jobs in 1972. Last week, the New York Times reported that although the tax credit would be universally welcomed by business leaders, it probably would not have a major effect on capital spending plans for 1972. Most businesses, however, would reap substantial profits if it is applied to equipment which has already been ordered and to machinery that would have been ordered even if the tax credit had not been announced. While there were some exceptions to the general rule—most notably, the railroad industry. The New York Times' survey was significant. I ask that the complete text of this article be printed at the conclusion of my remarks.

While I support the basic proposition of an employment tax credit as outlined by Senator Javits, additional thought must be given to refining its provisions. Instead of limiting its effectiveness to a 2-year period as is true of the Javits bill and freezing the credit rate at $4 per man-day, greater flexibility might be included in such a proposal.

Thus, as has been suggested by the University of California study:

> The tax credit . . . [could] be calculated as a fraction of the wages paid to the employee during a specified period of time.

Additional incentives would thereby be provided to employ persons with technical background who might command higher salaries. In addition, as the Berkeley study recommends:

> Locational variations in the credit rate to preferentially promote employment in high unemployment areas could be obtained by calculating the credit rate as a function of the local unemployment rate.

To obtain maximum flexibility, the Secretary of Treasury or his designee—for example, the Commissioner of Internal Revenue—could obtain employment figures from the Bureau of Labor Statistics and thereafter announce tax credit rates applicable to various workers, various industries and various localities. The credit rate could be structured in such a manner that when unemployment rates were high, the employment tax credit could be pegged at a correspondingly high level. Conversely, as we approach full employment, the employment tax credit could approach zero.

The employment tax credit could thus be structured in such a manner as to induce additional employment during periods of rising unemployment, while eliminating such inducements when labor is scarce. The advantages of such an automatic stabilizing system are clear.

The employment tax credit which Senator JAVITS and I are proposing is based on the presumption that employers will find the utilization of additional inputs of labor more profitable if the cost of these inputs is reduced; and that such fiscal stimuli should be applied during periods of high unemployment.

I have been extremely impressed with the initial conclusions of the Berkeley study. I ask unanimous consent that this policy working paper be printed in its entirety at the conclusion of my remarks. I am convinced that we must take bold measures to increase employment not only during this period of adjustment, but during similar periods which will undoubtedly recur. The employment tax credit offers an extremely effective tool which can be used to address to these pressing needs.

I urge President Nixon to give this proposal and the variations which I have discussed above his personal attention in formulating phase II policy recommendations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 20, 1971]

TAX CREDIT SEEN AS A SPUR TO PROFITS, NOT JOBS; MINOR IMPACT ON SPENDING EXPECTED

(By Michael C. Jensen)

President Nixon's proposed tax credit of 10 per cent on business investments in new machinery and equipment appears more likely to increase corporate profits than to create additional jobs for unemployed workers next year.

And although the tax credit has been almost universally welcomed by business leaders, it probably will not have a major effect on capital spending plans for 1972, particularly during the first half of the year, according to a New York Times survey.

Most companies said they will replace machinery and equipment at about the same rate they had planned before last month's announcement of the proposed tax credit.

The program that was billed by President Nixon as one that will create more jobs for Americans may do precisely that in the long run.

EFFECT IS ASSESSED

But for the next six months to a year at least, its impact will be more strongly felt on corporate profit-and-loss statements, industrialists and economists asserted.

Few new jobs will be created quickly through plant expansion or in the industries supplying new machinery, the survey indicated. Most businesses, however, will reap extra profits if the tax credit is passed, because it applies to equipment already ordered and to machinery that would have been ordered even if the tax credit had not been announced.

It was generally agreed by those surveyed that the consumer holds the key to prosperity because of his accumulated savings. Also the general level of economic activity will be a more important factor in determining capital spending than the investment tax credit.

No businessmen were willing to go on record as opposing the credit, since it gives them a significant tax advantage for their machinery and equipment spending, whether or not such spending was planned before the announcement.

Most industries, however, said they would not substantially increase their level of capital spending. An exception was the railroad industry, which predicted a heavy influx of freight car orders if the tax credit is passed.

Many businesses, it was pointed out, have long lead times for their major capital projects, sometimes as long as five or six years. This reduces the short-term impact of a tax credit.

Economists generally agreed that the immediate impact would be slight. Albert H. Cox Jr., chief economist of Lionel D. Edie & Co., the economic forecasting arm of Merrill Lynch, Pierce, Fenner & Smith Inc., said capital spending will probably rise by about 8 per cent next year if the credit is allowed.

He explained, however, that the increase would probably be 6 per cent even if the tax credit were not passed by Congress and if new, liberalized depreciation guidelines were eliminated.

Mr. Cox noted that "a goodly part of capital spending for 1972 is already firmly in place," and said "remaining decisions, over the next six months at least, will depend to a very large extent on the tempo of incoming orders and production."

Martin R. Gainsbrugh, chief economist of the Conference Board, an organization of businessmen, agreed that the tax credit historically has had a stimulating effect, but with a six-month to nine-month time lag.

"Its impact won't be very great," he said. "It will be a minor rather than a major role, but is nevertheless a significant one."

Mr. Gainsbrugh was critical of the provision of the tax credit that restricts it to purchases of equipment made in the United States.

"Exclusions of that type can only lead to restraint of trade," he asserted. Furthermore, he said, for maximum effectiveness, a tax credit should be spread out over a protracted period. The President's proposed 10 per cent credit is for one year, with a 5 per cent credit thereafter.

Pierre A. Rinfet, president of Rinfret-Boston Associates Inc., a consulting company, predicted that the credit may be made retroactive to April 1 rather than Aug. 15 as proposed by Mr. Nixon. He also was optimistic about its impact on spending.

"My hunch is that it will make a difference next year," Mr. Rinfret said, noting that it usually takes three months after passage of such a tax credit for investment decisions to be made, and six months for the impact to be visible.

The tax credit, Mr. Rinfret pointed out, applies to machinery and equipment at the point it is placed in service, not when it is ordered or paid for.

NO SPEED-UP PLANNED

This means, he said, that the formula specifying a topheavy 10 per cent credit for one year is virtually meaningless, because most heavy machinery cannot be ordered and put into service within a year.

It seems likely, he observed, that a flat 7 per cent continuing credit will be adopted.

"The tax credit's initial impact will clearly be an improvement in the bottom line (of the profit statement)," he said, "but we should begin to see new orders moving forward by the second quarter of 1972."

Many businessmen asserted, however, that they had no intention of substantially speeding up their purchases of machinery and equipment next year.

A spokesman for American Metal Climax, Inc., a mining and manufacturing company, said the concern's capital spending next year probably will match this year's $170-million rate.

"The tax credit isn't going to make an awful lot of difference to us," he said. "On a one-year basis it's really meaningless in making decisions. We're in favor of it, though, because it will help business generally and stimulate demand for the things we produce."

An executive for one of the country's large steel producers said it was doubtful whether any capital spending programs in his company would be accelerated by the tax credit.

He pointed out that the industry has just finished a major round of capital improvement and is currently operating at only about 50 per cent of capacity.

A generally cautious attitude was found in the chemical industry. A spokesman for E. I. du Pont de Nemours & Co., Inc., said it would be difficult to pinpoint any short-term effect of the tax credit on du Pont's capital investment program.

NEEDS ARE CONSIDERED

The company makes decisions based on the needs of the business, he said, rather than on tax advantages. He noted, however, that over the long term, the credit will provide more funds for investment and could have a stimulating impact on future construction spending.

Gordon Grand, president and chief executive officer of the Olin Corporation, a chemical and metal producer, said that the investment tax credit would have little or no short-term effect, since the company's capital spending is scheduled on a long-range basis.

"However," the executive said, "to the extent that the credit would make additional cash available for capital projects, it would tend to speed up spending on those projects that were being deferred until more funds were available. The question often is not whether to go ahead with a certain project but when, and the tax credit might reduce the waiting time."

The impact of the tax credit in the chemical industry may be diminished, one observer said, by the amount of excess plant capacity, currently about 25 per cent. Surges in capital spending normally occur only when production reaches about 90 per cent of capacity, he asserted.

SOME CRITICISM VOICED

In other heavy industries, similar comments were voiced, as well as specific criticisms of the proposed credit. The controller of a major glass producer, who asked not to be identified, said he would like to see the Government be more consistent on the percentage of the credit.

Changes in either direction, he said, made corporate investment planning very difficult. President Nixon recently indicated he would accept a 7 per cent tax credit if he could not get a 10 per cent credit through Congress.

In the airline industry, the official position was spelled out by Stuart G. Tipton, president of the Air Transport Association.

He said restoration of the investment credit "would be one of the most important steps that could be taken to ease the financial distress within the airline industry."

However, Donald Lloyd-Jones, executive vice president for finance of American Airlines, said he doubted whether a restoration of tax credit would have much effect initially, because the airlines have most of their equipment purchases in place for the next few years.

RISE IN ORDERS UNLIKELY

"Because of a certain amount of overcapacity," he said, "it is doubtful that orders will be increased by the domestic carriers for some time."

Mr. Lloyd-Jones explained that the airlines have been unable to take full advantage of accumulated investment credits in recent years because their earnings "have been so low."

One exception to the generally reserved outlook for increased capital spending was the railroad industry. Frank E. Barnett, chairman of the Union Pacific Railroad, predicted a "great influx" of orders for new railroad equipment if the investment credit is restored.

He recalled that in 1966, when a 7 per cent tax credit was in force, the railroads ordered 112,898 new freight cars, whereas last year their new orders fell to 58,201.

Mr. Barnett emphasized that the investment credit was critically important to the railroad car and equipment builders. "I hope to God they don't mess with it too long," he said.

INQUIRY ON ORDERS

Mr. Barnett's prediction was borne out by Samuel B. Casey, Jr., president of Pullman, Inc., the world's largest freight car builder. He said that within 72 hours of the President's speech, his company had received inquiries regarding possible purchases of about 10,000 cars, representing an investment of $150-million to $200-million.

"This is the same kind of exercise these railroads went through in 1961 and again in 1966 so they could be assured of delivery of cars in the event the credit was granted," he said.

A spokesman for the Norfolk & Western Railway, said the investment tax credit deliberations would be a "significant factor" in his railroad's consideration of its 1972 capital budget. In 1971 the N. & W. is spending $103.2-million on upgrading and improving its plant and equipment.

Representatives of leading paper companies said the investment tax credit was not likely to have much impact on their capital spending plans. The key reason, they said, was the current level of sluggish demand in the industry, a situation that has created considerable amounts of spare productive capacity.

Paul A. Gorman, president and chairman of the International Paper Company, the largest in the industry, offered this comment:

POLICIES SUPPORTED

"While the International Paper Company solidly supports the Administration's economic policies, the capacity situation in the paper industry is such that investment tax credit proposals are not likely to have an immediate influence on our capital spending plans."

Peter J. McLaughlin, a vice president of the Union Camp Corporation, Wayne, N.J., said it was "difficult to gauge the impact of the investment tax credit until its exact terms were known."

"A 7 per cent or 10 per cent credit by itself," he said, "should not be enough to sway a decision on equipment that's going to be used for 20 years."

A more important factor, Mr. McLaughlin explained, is the rate of return on investment. "Right now, returns in the paper business are so low that we are not planning any major expansion of capacity," he said.

"A more logical avenue" for paper companies, Mr. McLaughlin said, would be expenditures for relatively minor types of equipment that can help to reduce costs and improve the efficiency of existing larger equipment.

ACCELERATION OF PROJECTS

J. W. McSwiney, president of the Mead Corporation, Dayton, Ohio, said the company's capital spending plans would not be "much different" because of the investment tax credit but said some projects might be accelerated from 1973 into 1972.

Mr. McSwiney said the credit would be "a welcome help to cash flow and a good incentive for the future."

In the same vein, Mr. McLaughlin of Union Camp said that the investment tax credit would "help profits" and also be a "significant" contributor to cash flow.

He noted that Union Camp's earnings in 1970 and early 1971 were enhanced substantially by the completion of projects that began under the earlier investment tax credit program.

Some businessmen were wary of the tax credit. For example, L. Allan Schafler, president of Elgin National Industries, Inc., which imports and assembles watches and other consumer products, said the uncertainties about the timing of the credit have created confusion.

Some industries that are not capital intensive, like the pharmaceutical industry, said they did not oppose the tax credit, but did not find it particularly helpful either.

A spokesman for the Warner-Lambert Company said: "We believe the investment tax credit will be helpful to business in general and to Warner-Lambert. But since we are not a capital intensive industry, we won't be making 'go-or-no-go' decisions on plant expansion based on the proposed regulations."

"Our capital investment program in 1971 will again be in the area of $80-million, and therefore the proposed regulation should have a favorable effect."

A Pfizer, Inc., spokesman added that there had been no decisions on capital spending that were induced by the President's proposals.

The textile industry, like others, welcomed the investment tax credit as a significant earnings development.

James D. Finley, chairman of J. P. Stevens & Co., Inc., said:

"The investment credit proposed by President Nixon could be very significant to the United States textile industry. The industry is losing jobs because of imports, and I believe the investment credit will do some good toward rectifying this situation."

PLANS HELD UNCHANGED

James Robison, chairman of Indian Head, Inc., said: "The tax credit is very welcome but it does not change any of our plans. We lay out our capital expenditures program on a three-year model plan—and any single type of credit is not enough to make a margin investment viable. We have been investing $17 or $18-million a year steadily over the last few years—and it doesn't change much when business gets bad. Of course, we do take advantage of special situations as they arise, but that has nothing to do with a tax credit."

Ely Callaway Jr., president of Burlington Industries said his company's investment plans are based on the needs of the market and are not particularly influenced by tax credits. In the case of Burlington, he said, it has been subject to a disadvantage by the fact that large investments for knitting machinery made in Europe constitute a large part of the company's capital improvement, and there is no tax credit on foreign machinery.

Capital spending in the auto industry is expected to rise in 1972 spurred by both the incentives of the President's new economic policy and the sweeteners offered to car buyers by the elimination of the excise tax on purchases, observers said.

The elimination of the excise tax should increase the number of cars sold, putting pressure on existing plants and equipment while the capital spending portion of the program will encourage equipment purchases in 1972 rather than 1973.

The lower labor costs of foreign car manufacturers will make plant automation more attractive, with a likely increased commitment to this form of capital spending.

EMPLOYMENT TAX CREDIT: PROPOSAL FOR STABILIZATION POLICY [1]

(By B. F. Roberts and Richard N. Thunen, University of California, Berkeley, September 22, 1971)

This paper suggests a fiscal policy instrument—employment tax credit—which in the current economic situation could significantly stimulate employment and production, increase both labor income and profits, reduce the federal deficit, and diminish inflationary pressures.

It is estimated that a modest application of this instrument as a supplement to the President's new economic program could, by fourth quarter 1972, increase employment by 1.9 million workers, GNP by $23.7 billion, real GNP by $17.0 billion, wages by $24.3 billion, and profits by $3.7 billion; and reduce the unemployment rate by .7 percent, and the federal deficit by $5.9 billion, more than can be obtained by the President's program alone. Also, it is expected that implementation of the employment tax credit will improve the unemployment-inflation tradeoff and permit the phasing out of wage-price controls as early as 1972. In addition, this fiscal instrument can easily be structured as an automatic stabilizer which once implemented will not need adjustment, and can be administered by the Internal Revenue Service in cooperation with the Bureau of Labor Statistics without additional bureaucracy.

The proposed policy instrument is a tax credit granted to employers for net additions to employment. The tax credit associated with each net new employee would be calculated as a fraction of the wages paid to the employee during a specified period of time.[2] The magnitude of the credit fraction, or credit rate, granted the employer can be structured to depend progressively upon the unemployment rate, such that when the unemployment rate is high, the credit would be relatively large, but when the unemployment rate is low (at a level reflecting only transitional or frictional unemployment and generally regarded for practical purposes as "full employment"), the credit rate would go to zero. The employment tax credit would thus provide a progressive inducement, through labor cost reduction, to hire additional employees when labor markets are slack but would eliminate the inducement when labor markets are tight to avoid upward pressure on wage rates.[3] Structured this way, the employment tax credit has the character of an automatic stabilizer.

The presumption that the employment tax credit will induce additional employment rests on the plausible notion that entrepreneurs will find the utilization of additional factor inputs more profitable if the cost of additional input units is reduced. This notion has been the basis for numerous incentive schemes to promote local industry.[4] It is also the basis for belief in the effectiveness of the investment tax credit toward promoting expenditures for capital goods.[5]

While the employment tax credit shares the same conceptual foundation as the investment tax credit, and is in some ways symmetric with it, there are important distinctions relevant to the design of economic policy. The employment tax credit is tied to a primary factor of production (labor), provides a direct inducement to increase the productive employment of labor and thus increase the aggregate supply of goods and services and, subsequently, by increasing total wage income, stimulates demand. The investment tax credit is tied to a produced factor of production (capital), provides a direct inducement to order new capital stock and thus increase aggregate demand, and subsequently stimulates increased production of capital goods and the employment of labor.

The alternative channels of supply-demand versus demand-supply, through which the

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Footnotes at end of article.

two instruments are routed, are of crucial importance for designing stabilization policies under the current circumstances of high unemployment and strong inflationary pressures (price rises are being confined by the freeze but inflationary pressures persist). The conventional monetary and fiscal instruments, including the investment tax credit, operate through the demand-supply channel and are currently thought to face an unfavorable trade-off between attainable unemployment and inflation.[6] By supplementing the conventional instruments by others, such as the employment tax credit, which operate through the supply-demand channel, the terms of the apparent unemployment-inflation trade-off might be substantially improved.[7] A crucial effect expected from the employment tax credit is an expansion of the aggregate supply of goods and services relatively faster than aggregate demand, thus shifting the unemployment-inflation trade-off.

Whether the employment tax credit will actually work is, of course, an empirical matter that can be verified only if implemented. Reasoned estimates of the effects can, however, be derived from simulation experiments with econometric models. The numerical results of two such experiments, using the California Economic Forecasting Project national econometric model, are reported here.[8] The two cases reported are:

Case I—President's New Economic Program.

The principal assumptions of this simulation are: the President's program of August 14 is enacted, wage-price control will be implemented after the freeze to restrict inflation to three percent annual rate, the import surcharge is converted to a five percent revaluation of the dollar, and monetary expansion is gradually slowed to seven percent annual rate.

Case II—President's New Economic Program Plus Employment Tax Credit.

The principal assumptions of this simulation are identical with those of Case I plus a modest application of the employment tax credit. The credit rates and dollar amounts of the credits for this simulation are:

Quarters	1971 IV	1972 I	1972 II	1972 III	1972 IV	1973 I	1973 II
Credit rate (percent)____	26.0	23.8	20.0	16.6	12.2	8.2	5.0
Credit (billions)____	$2.1	$4.0	$5.5	$6.6	$5.2	$3.7	$2.5

The credit rates shown here have been calculated as an increasing function of the unemployment rate of the preceding quarter. This formulation permits the credit rate which will apply for any specific period to be calculated and announced at the beginning of that period. These credit rates represent the percent of wages paid to net new employees (at wage rate prevailing when hired) for a period of one year. Employers must maintain or increase the level of their employment for a one year period in order to receive full credit. Numerous other formulas, giving various degrees of employment incentive, are possible.

The simulation results of Cases I and II for selected variables are summarized in the following tables:

Quarters	1971 III	1971 IV	1972 I	1972 II	1972 III	1972 IV	1973 I	1973 II
Total civilian employment (millions of dollars, seasonally adjusted):								
Case I____________	78.9	79.3	79.8	80.5	81.2	82.0	82.8	83.7
Case II___________	78.9	79.9	80.9	81.9	82.9	83.9	84.9	85.9
Unemployment rate (percent, seasonally adjusted):								
Case I____________	6.1	6.0	5.8	5.7	5.5	5.3	5.1	5.0
Case II___________	6.1	5.9	5.6	5.3	4.9	4.6	4.4	4.2
GNP (billions of dollars, seasonally adjusted annual rate):								
Case I____________	1,056.3	1,079.7	1,106.1	1,131.0	1,155.8	1,180.6	1,205.5	1,230.5
Case II___________	1,056.3	1,085.5	1,117.7	1,147.7	1,176.7	1,204.3	1,230.9	1,256.4
Real GNP (billions of dollars, seasonally adjusted annual rate):								
Case I____________	742.3	754.7	768.1,	780.2	792.3	804.1	815.9	827.6
Case II___________	742.3	759.1	776.7	792.6	807.5	821.1	833.8	845.7
Wages and salaries (billions of dollars, seasonally adjusted annual rate):								
Case I____________	580.7	587.0	597.6	608.3	622.0	635.2	648.6	662.1
Case II___________	580.7	592.3	609.5	625.4	643.5	659.5	673.9	687.5

Quarters	1971 III	1971 IV	1972 I	1972 II	1972 III	1972 IV	1973 I	1973 II
Corporate profits and inventory valuation adjustment (billions of dollars, seasonally adjusted annual rate):								
Case I____________	77.0	82.7	87.5	91.6	94.4	97.4	100.4	103.4
Case II___________	77.0	84.3	90.0	95.1	98.6	101.1	103.8	106.3
Change in business inventories (billions of dollars, seasonally adjusted annual rate):								
Case I____________	1.1	5.2	8.5	10.2	11.4	11.7	11.7	11.4
Case II___________	1.1	7.5	11.8	13.6	14.4	13.9	13.1	12.1
Federal deficit (billions of dollars, seasonally adjusted annual rate):								
Case I____________	22.3	24.2	29.5	27.6	26.1	21.2	18.5	14.6
Case II___________	22.3	24.9	29.2	25.8	23.0	15.3	10.3	5.1

The simulation results for Case I, the President's program, represent a moderately optimistic view. Some forecasters are suggesting greater optimism based largely on greater consumer and investor enthusiasm than is suggested here. Regardless which view of the President's program is used, the employment tax credit supplements that program and the relative improvement represented by Case II is of the greatest importance for estimating the impact of the employment tax credit.

The Case II results show an immediate response to the fourth quarter 1971 introduction of the employment tax credit. Employment, output, inventories, wages, and profits all show substantial gains. With the pace of activity increased, the federal deficit is gradually decreased suggesting that the employment tax credit more than pays its way.

The employment tax credit rates used for the Case II simulation may actually be higher than required to induce these levels of hiring. The model's response to the credit was intentionally dampened to minimize the possibilities of overstatement in favor of the tax instrument. Even if the initial rate is higher than necessary, the automatic stabilization feature of the proposal would make the system self correcting during subsequent periods and there would be little if any federal revenue loss due to initial high rate.

The assumption of wage-price control has been maintained for both simulations. All indications to date are that phase II of the President's program will include some form of wage-price controls so this assumption is probably realistic. However, it is interesting to question whether controls are actually necessary to contain inflation. The reasoning developed above suggests that the employment tax credit could be an inflation dampening force. To investigate this, simulations of Cases I and II with price controls removed mid-year 1972 have been run. For Case I (the President's program) the simulation suggested that the economy tends toward a stable situation characterized by a 5 percent unemployment rate and a 3.3 percent annual inflation rate, in terms of the consumer price index. For Case II (Case I plus employment tax credit) the economy tends toward a stable situation characterized by a 4.2 percent unemployment rate and a 3.7 percent annual inflation rate. Case II has a substantially lower unemployment rate but a higher inflation rate but this combination seems to represent a favorable shift in the unemployment-inflation trade-off.[9]

The tentative nature of the estimates in this paper should be recognized and their use in contemplating policy implications should be tempered with caution. They are estimates obtained through experiments with a specific econometric model and our judgments. Our work is continuing and we hope that the issuing of these estimates, while the nation is searching for effective new economic programs, will prompt other investigators to conduct independent experiments with the employment tax credit to evaluate probable impact.

FOOTNOTES

[1] This revises and extends an earlier draft given limited circulation dated April 26, 1971.

[2] The employment tax credit is similar to the negative wage bill tax discussed by Ragnar Frisch, *Price-Wage-Tax-Subsidy Policies as Instruments in Maintaining Optimal Employment*, Economic and Employment Commission, Economic and Social Council, United Nations, April 14, 1949.

[3] Locational variations in the credit rate to preferentially promote employment in high unemployment areas could be obtained by calculating the credit rate as a function of the local unemployment rate.

[4] See John E. Moes, *Local Subsidies for Industry*, University of North Carolina Press, 1962, and Harry Richardson, *Regional Economics, Praeger*, 1969, for discussions of local incentives to industry.

[5] See Robert E. Hall and Dale W. Jorgenson, "Tax Policy and Investment Behavior," *American Economic Review*, June 1967, and subsequent related communications by Robert M. Coen; Robert Eisner; and Robert E. Hall and Dale W. Jorgenson, *American Economic Review*, June 1969, for detailed examination of the investment tax credit.

[6] It is widely believed that low unemployment and stable prices are competing objectives and that the unemployment-inflation trade-off is such that high inflation must be accepted to maintain relatively full employment or, high unemployment must be accepted to maintain stable prices. This topic has received considerable recent discussion. See for example: *Economic Report of the President 1971*, Government Printing Office; Milton Friedman, "The Role of Monetary Policy," *American Economic Review*, March

1968; Arthur M. Okun, *The Political Economy of Prosperity*, Norton, 1969; George L. Perry, "Changing Labor Markets and Inflation," *Brookings Papers on Economic Activity 3*, 1970; Robert J. Gordon, "Inflation in Recession and Recovery," *Brookings Papers on Economic Activity 1*, 1971.

[7] A reminder of this possibility was given by Professor Stefan Robock in the *Wall Street Journal*, May 18, 1970:

"Strategy should shift to one of increasing supply rather than reducing demand. Inflation is most frequently described as an excess of demand over the supply of goods and services. But it is equally valid to consider inflation as a shortage of supply in relation to demand. In other words, inflationary pressures can be reduced by expanding supply faster than demand."

[8] A technical description of the CEFP national econometric model is in preparation.

[9] Estimated unemployment-inflation tradeoff curves for the U.S. economy have been constructed by Robert J. Gordon, "Inflation in Recession and Recovery," *Brookings Papers on Economic Activity 1*, 1971. The unemployment-inflation combination of 5 percent, 3.3 percent, respectively, of the President's program is compatible with these trade-off curves. The combination 4.2 percent, 3.7 percent of the President's program supplemented by the employment tax credit falls below Gordon's trade-off curves.

By Mr. BAKER (for himself and Mr. BROCK):

S. 2633. A bill to authorize an appropriation for a bridge on a Federal dam. Referred to the Committee on Public Works.

Mr. BAKER. Mr. President, I send to the desk a bill and ask that it be appropriately referred which would provide authority for the construction of an additional two lanes on the bridge across the Tennessee River at the Chickamauga Dam, which is located across the Tennessee River in Hamilton County, Tenn., approximately 4 miles north of the central business district of Chattanooga.

At the time this dam was being designed by the engineers of the Tennessee Valley Authority, the Tennessee Department of Highways in cooperation with the U.S. Bureau of Public Roads—now the Federal Highway Administration—conducted a feasibility study to determine the desirability for utilizing the dam as a traffic carrying structure, to provide an additional highway facility across the Tennessee River in the vicinity of Chattanooga, and to relieve the then two existing bridges in downtown Chattanooga.

The above-mentioned study pointed out that a bridge across this dam would afford great savings in time and travel distance for both local and through traffic on the highways of this area. An origin and destination survey was conducted from May 5 to 16, 1947, to determine the traffic desire lines and to aid in projecting the volume of vehicles that could be expected to use this facility. From this survey and the statewide and local trends in traffic increases at that time, the study estimated that 3,914 vehicles a day could be expected to use the bridge in 1950. The 20-year projection to 1970 was for 5,714 vehicles per day.

The Chickamauga Dam is designed to accommodate a four-lane bridge with 52 feet between the curbs. The traffic estimates mentioned above indicated that a two-lane bridge with 30-foot roadway would prove adequate for quite a number of years; and therefore, only two lanes were included in the initial construction. The bridge across the dam was completed and opened to traffic in 1953 and since that time the traffic using this bridge has exceeded all expectations. The present traffic now using this bridge is in excess of 23,000 vehicles per day and on weekends the traffic volumes frequently exceed more than 27,000 vehicles, which is far beyond the practical capacity of this two-lane bridge; and of course, traffic volumes are expected to increase and to place an even greater demand on this facility.

It is apparent from the intolerable traffic congestion now being experienced at this bridge that it is one of the most serious traffic problems now facing the State of Tennessee.

The Tennessee State Department of Highways has conducted an extensive engineering investigation and economic analysis of the project from which they derive a benefit cost ratio for this project in the range of 2½ to 1.

Much of the increased traffic load across this dam is due to the construction of interstate routes in the Chattanooga vicinity for which this road serves as a connector. It is my belief that construction of this facility would increase the efficiency of use of these interstate highways as well as enhancing safety. This project has been carefully and objectively considered and would make an excellent addition to the highway system of the southeastern region.

By Mr. ANDERSON:

S. 2634. A bill to authorize the Secretary of Agriculture to exchange certain National Forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. ANDERSON. Mr. President, I am today introducing legislation which would enable the Forest Service to obtain, through a land exchange, a very valuable and useful museum in New Mexico which features exhibits dealing with forestry and nature conservancy. This proposal meets with the approval of the Forest Service, the owners of the museum, and other interested parties, and would most assuredly be in the best interest of the public.

The Ghost Ranch Museum, well known throughout the southwestern region, is located on U.S. 84 near the Carson National Forest in northern New Mexico. It is very effective in depicting man's place within the natural scheme of things, and pointedly illustrates—with graphic examples—how man must accommodate himself to the natural order if the life cycle is to be maintained, and indeed if man is to survive. The lesson is much more effective because of the beautiful natural setting of the museum, in an area of grassland mountains and timber and because part of the exhibits are not in the building at all but are a part of that natural setting.

The museum was financed by the Charles Lathrop Pack Forestry Foundation and is now operated by the Board of Christian Education of the United Presbyterian Church, which also operates a nearby retreat used by religious, educational, and other organizations. The appraised value of the museum and its improvements has been estimated at slightly more than $100,000.

The Board of Christian Education now wishes to turn over the museum to the Forest Service for use as a visitor information center. Such usage would be very compatible with the needs of the Forest Service because most of north-central New Mexico, an area larger than some States, is made up of national forests. In turn, the Board of Christian Education wishes to obtain several tracts of national forest land in the region which, for the most part, are occupied by economically poor small farmers and ranchers. The Forest Service finds this proposed exchange agreeable not only because it wishes to acquire the museum but because the land exchange would ease the administration of the tracts in the Sante Fe and Carson National Forests.

It should be added that the Board of Christian Education added additional acreage to its share of the exchange when it was found that the museum and immediate acreage did not amount to the value of the Forest Service lands. The values are now very nearly equal on each side.

Mr. President, I think this legislation is in the public interest, and I hope it will receive speedy approval.

By Mr. PROXMIRE:

S. 2635. A bill to amend title II of the Interstate Commerce Act in order to exempt from certain provisions of such title motor vehicles used in carrying processed milk products. Referred to the Committee on Commerce.

MILK PRODUCTS AND THE INTERSTATE COMMERCE ACT

Mr. PROXMIRE. Mr. President, today I am introducing legislation to amend the Interstate Commerce Act so as to clarify the impact the act has on processed milk products carried by motor vehicles engaged in interstate commerce.

At the present time motor vehicles carrying ordinary livestock, fish, and agricultural commodities are exempted from the act by section 203(b)(6) of the act. This is one of a series of exemptions, including schoolbuses and taxicabs, that make it possible for certain activities to be carried out without the necessity of following time-consuming and costly procedures for the filing of tariff schedules, and so forth required by the act. This often results in cheaper and more convenient transportation.

Because this particular exemption is primarily intended to help the farmer get his products to market inexpensively and quickly, to the ultimate benefit of the consumer, the exemption expressly excludes manufactured products made from agricultural commodities. As a result of this exclusion certain farm commodities have been the subject of a series of confusing and often difficult to understand rulings as to whether they are exempt. Perhaps dairy products are the best example.

Buttermilk is exempt from the act. Butter is not. Powdered milk is exempt from the act. Condensed milk is not. Pasteurized and homogenized milk are exempt from the act, but not chocolate milk.

My proposal will simply insure that all processed milk products are exempt from the Interstate Commerce Act. This will erase a number of inequities. Milk products shipped from the same cooperative processor will be governed by the same standards whether they be in the form of buttermilk or chocolate milk, powdered milk or condensed milk.

This sort of exemption is particularly appropriate because of the structure of the milk industry. Processed milk products are usually produced by dairy cooperatives that represent the farmers themselves and are acting on behalf of these farmers.

Mr. President, I hope that my proposal will receive early and careful attention. It should clarify a confused situation and insure the even-handed application of the law.

By Mr. HARTKE:

S. 2636. A bill to amend the Federal Hazardous Substances Act, to provide for a special study of household detergents and to provide for the labeling of those household detergents found to be hazardous, and for other purposes. Referred to the Committee on Commerce.

NONPHOSPHATE DETERGENTS

Mr. HARTKE. Mr. President, today I am introducing legislation designed to make clear the legislative mandate of this Congress that dangerous products, such as household detergents, should be labeled as such.

Within the past 2 weeks, housewives have been subjected to statements from Government officials which are confusing and perplexing. In recent years, much publicity has been given to the fact that the phosphates which are contained in household detergents and other products are harmful to our environment. Most sewage treatment facilities in use today do not filter out phosphates. As a result, phosphates are transferred from the household drain to nearby lakes and rivers. These phosphates, in turn, pollute the waters of our Nation and result in the destruction of both plant and animal life in those waters.

In an effort to reduce the seepage of phosphates into lakes, streams and rivers, many housewives have resorted to using nonphosphate detergents. Unfortunately, at least some of these nonphosphate products contain caustic sodas which can be harmful to the eyes, nose, and throat. In addition, just as all other detergents, they pose an acute hazard to health if swallowed.

All of these facts, of course, are not new. They have been the subject of extensive discussion in the press and in Congress. What is new, however, is the recent Government advice to housewives to return to the use of phosphate detergents in light of the health hazards of many of the nonphosphate detergents. I consider this announcement to be one of the most ecologically irresponsible decisions of the Nixon administration.

Certainly the Government should alert housewives to dangers posed by any and all household products. But there is a proper and reasonable method of issuing such a warning. The Hazardous Substances Act already provides the Secretary of the Department of Health, Education, and Welfare with the authority to determine if any household detergents are hazardous substances within the meaning of the act. If any detergents can be so classified, the Secretary is further empowered to establish labeling requirements.

Despite this legislative authority, no effort has been made to ban any detergents from the market because of their hazard to human health; nor has any apparent effort been made to determine whether any detergents are hazardous substances within the meaning of the Federal statute. The announcement by Government officials was an ill-conceived response to the problem. It would have made far more sense for the administration to have used its statutory authority as the basis of a rational response.

The administration's announcement also serves to undercut the courageous efforts of those states, including my own State of Indiana, to ban the sale of phosphate detergents. They acted in an effort to protect the ecology of their waters. Now, they are being told that their efforts were in vain; that they must be outweighed by the hazards which nonphosphate detergents pose to human health.

I do not find this argument convincing. In the first place, there has been no evidence that nonphosphate detergents currently on the market pose so acute a hazard to human health that they should not be used. If the Government possesses such information, it should act promptly to ban the sale of these detergents. The fact that they have not acted in this manner indicates that they have no such evidence.

Second, in light of the fact that phosphate detergents pose a threat to the Nation's waters, and at least some nonphosphate detergents pose a potential threat to human health, the Government should have acted to make this information available through such statutory devices as the Hazardous Substances Act.

Third, the Government's announcement fails to take into account the imminent development of nonphosphate, biodegradable detergents which will also be substantially nontoxic. It is my understanding that, if such products are not on the market today, they will be there very soon.

Fourth, the Government's announcement bases the solution of the phosphate problem in the construction of newer, more effective sewage treatment facilities. Unfortunately, this position fails to take into account the snail's pace at which local and State governments have moved within the past decade to construct such facilities.

In light of these facts, I am introducing legislation today which has three specific objectives.

First, it directs the Secretary of Health, Education, and Welfare to conduct a special study to determine if any household detergents are hazardous substances within the meaning of the Hazardous Substances Act, or if they are otherwise a threat to the public health and welfare.

Second, it directs the Secretary to establish labeling requirements for use in connection with any detergent found to be a hazardous substance.

Third, it authorizes the Secretary to enter into contracts for the development of a "child proof" container for detergents. This provision will help to neutralize the potential hazards of detergents containing caustic sodas as well as the potential hazards of other detergents which have long been on the market.

Mr. President, this legislation embodies the type of response which I believe the Government should have made to the phosphate detergent dilemma. It is both reasonable and effective. If this legislation is enacted into law, it will help to end the confusion now confronting the housewife.

I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Hazardous Substances Act (74 Stat. 372) is amended by redesignating section 19 as section 20 and inserting immediately after section 18 the following new section:

"DETERGENTS

"SEC. 19. (a) The Secretary is authorized and directed to conduct a special study to determine if any household detergents are a hazardous substance within the meaning of this Act, or are otherwise a threat to the public health and welfare.

"(b) The Secretary shall establish labeling requirements pursuant to this Act for use in connection with any detergent found to be a hazardous substance under subsection (a).

"(c)(1) The Secretary is authorized and directed to enter into contracts with public or nonprofit private entities for development of a 'child proof' container for detergents.

"(2) For the purpose of making payments pursuant to contracts made under this subsection there are authorized to be appropriated $100,000."

By Mr. BEALL:

S. 2637. A bill to extend to volunteer fire companies and volunteer ambulance and rescue companies the rate of postage on second-class and third-class bulk mailings applicable to certain nonprofit organizations. Referred to the Committee on Post Office and Civil Service.

Mr. BEALL. Mr. President, I rise to introduce a bill to extend to volunteer fire companies and volunteer ambulance and rescue companies the rates of postage on second-class and third-class bulk mailings applicable to certain nonprofit organizations.

I have always admired the unselfish work of the volunteer fire companies, and have felt that Congress must do everything possible to assist them in their indispensable duty.

In the 91st Congress, I was proud to be a cosponsor of House Joint Resolution 1154, authorizing the President to proclaim "National Volunteer Fireman's Week" and was indeed pleased when this measure was signed into law.

Also, in the "Education Amendments of 1971," which passed the Senate prior to the recent recess, I helped add in committee an amendment to the proposal introduced by my colleague, Senator Boggs of Delaware, making volunteer firemen eligible for training under vocational education programs. Under present law, training programs are not considered to be vocational education programs unless such lead to "gainful employment." Volunteer firemen do not serve for pay and therefore they are not considered "gainfully employed." Thus, their training was not considered fundable vocational education programs. This important amendment should generally aid the training of volunteer firemen.

Now we must focus our attention on another pressing problem. The measure I advance today deals with the problem often common to volunteer fire companies that of adequate finances. This bill will ease volunteer fire companies from a financial burden that threatens to impair their levels of effectiveness.

Mr. President, let me point out that the members of these fire companies and rescue and ambulance squads are indeed volunteers—men sacrificing their time, often at the risk of their own health and lives, to serve their communities. They ask for no material rewards, seeking instead the inner satisfaction that comes with helping their fellow man.

These organizations receive little or no help from Government. Thus, the costs for purchases and maintenance of modern equipment must be raised often through direct mail campaigns, as the companies seek help from the people they serve so well.

These companies undoubtedly need every penny they raise. Ironically, however, all too much of the contributions garnered from these citizens is swallowed up in the commercial postage rates these public-service groups are forced to pay under present law. Hence, the money which was given by concerned citizens for the the newest equipment to fight the disasters of fire and the anguish of personal injury is instead diverted to meet the rising costs of regular second and third class postage. This, Mr. President, is an unnecessarily high overhead that must be reduced.

Volunteer firemen have continuously shown a sincere dedication to the job of protecting persons and physical property. It is incumbent on the Congress to do all it can to aid their missions of mercy. This bill is a big step in that direction.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2097

At the request of Mr. Percy, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of S. 2097, to establish a Special Action Office for Drug Abuse Prevention in the Executive Office of the President for the purpose of concentrating the resources of the Nation against drug abuse.

S. 2593

At the request of Mr. Humphrey, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 2593, the Universal Child Nutrition and Nutrition Education Act of 1971.

SENATE RESOLUTION 157

At the request of Mr. Talmadge, the Senator from South Dakota (Mr. McGovern), and the Senator from California (Mr. Cranston) were added as cosponsors of Senate Resolution 157, to recognize the 50th anniversary of the Disabled American Veterans.

SENATE CONCURRENT RESOLUTION 43—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO DOLLAR PARITY

(Referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. JAVITS. Mr. President, I now allude directly to the presentation made this morning by the distinguished Senator from Utah (Mr. Bennett). The Secretary of the Treasury made what is very widely considered to be a much more precise definition of what the President proposes to the other major trading nations of the world in order to bring about an alleviation of the difficulties in our own balance of payments and to realine the relationship of the dollar to other currencies.

The Secretary of the Treasury for the first time, and I have been urging it constantly, gave clear notice that the United States is ready and willing to negotiate, and gave some indication that the negotiations would not require an absolute and complete and immediate realization of the three objectives of the United States, to wit, a redressing of the balance of payments, the establishment of a new international monetary system, and a means for getting over the worst effects of the major barrier to trade and more equitably sharing the burden of the defense security and the deployment of U.S. troops, especially in Europe, but in other parts of the world. He indicated the United States is ready to make a short-term arrangement for taking off the import surcharge.

The danger of keeping the tax surcharge on for an unduly long period of time, much as I approved its being put on as a necessary bargaining device, is the fact that it will become imbedded into our economic situation so that even the President cannot remove it, and could, over time, engender retaliatory trade wars all over the world, which could plunge the world into a depression, in view of the fact that there is no stopping that kind of declaration, in terms of economic activities, once it starts.

So I welcome this statement by the Secretary of the Treasury, and ask unanimous consent that the speech which he made on yesterday, before the delegates and governors of the World Bank and International Monetary Fund on the part of the United States, be made a part of my remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Statement by the Honorable John B. Connally, Secretary of the Treasury and Governor of the Bank and Fund for the United States, at the Joint Annual Discussion

After a remarkable quarter century of stability and development, nurtured by close collaboration within the International Monetary Fund and the World Bank, events have challenged the underlying premises and functioning of the system devised at Bretton Woods. Some of those basic premises are now invalid.

Those at Bretton Woods planned for the transition from a war-torn world to a world of reconstruction and peaceful prosperity. The founders could assume, without challenge, a world in which the United States, for a time, possessed the dominant economic and financial power. The challenging goal was to rebuild the strength of others, in a context of flourishing trade, freedom for payments, and rapid development.

Now, our very success has produced new problems. Trade has grown enormously—but the patterns have not been in sustainable balance. International transactions have been substantially freed and investment accelerated—but we have not learned to maintain an equilibrium in underlying payments or in exchange markets. And, after twenty-five years, international monetary stability can no longer depend so heavily on a single nation.

The announcements by President Nixon on August 15 recognized these long-building realities. In doing so, his intention was to launch the United States into a new economic era—and to assure more balanced and sustainable economic relationships with the rest of the world. His actions accept, as a basic point of departure, the links already emphasized here by several Governors between effective domestic performance, a secure balance of payments, and international financial stability.

We are committed to curbing inflation and revitalizing the American economy—not just this year or next, but for the longer pull. We are committed to ending the persistent deficit in our external payments; indeed, at this point in time, the only choice can be the means to that end, not the end itself. Finally in taking the difficult decision to suspend the convertibility of the dollar into reserve assets, we are committed to negotiating with our friends for a monetary order responsive to the needs and conditions of this generation.

The United States has not been alone among the countries represented here in grappling with the problem of achieving vigorous growth and productivity while dealing with the destructive forces of domestic inflation.

To cope with this situation, President Nixon moved boldly to apply a 90-day wage-price freeze to make a simple point as forcibly and directly as he could: cooperation in the elimination of inflation is a prime national priority.

We are now deeply engaged in a broad effort, involving all elements in our economy, to develop an effective, forceful follow-on program to the freeze. In a matter of weeks, that program will be announced. At the same time, we will be implementing other parts of the President's domestic program to assure both near-term growth and lasting gains in efficiency, productivity, and technology.

In its entirety, this program is designed to fulfill our first obligation both to ourselves and to the international monetary system: a stable, prosperous domestic economy.

Nevertheless, crucial as they are, I believe it is now fully understood that domestic measures alone cannot deal with the present and prospective imbalance in the external payments of the United States. The specific monetary and trade measures which we introduced on August 15—including the imposition of a temporary import surcharge—will not in themselves solve the problem. They were, however, the necessary first steps to arrest an intolerable deterioration in the balance of payments position of the United States. The deterioration in our position has, of course, had its counterpart in improvement abroad—and only by working together can we find solutions conducive to expanding trade and monetary stability.

I would like to emphasize the connection we see between the balance of payments adjustment now required, on the one hand, and the long-range evolution and improvement of the monetary system on the other.

First, without a full and lasting turnaround in the balance of payments position of the United States, any new monetary arrangements inevitably would break down.

Secondly, such a turnaround cannot be fully assured and lasting unless necessary exchange rate changes are accompanied by trading arrangements that assure fair access to world markets for U.S. products.

Thirdly, a more balance sharing of responsibilities for the security of the free world can and must be a part of a balanced economic order.

These adjustments are both entirely feasible and eminently desirable in the light of the impressive economic growth and strength of other leading trading nations. Indeed, we believe our objectives are shared by all nations with a fundamental interest in a stable and balanced world trading and monetary system. We also share a common concern in seeing our deficit eliminated by means consistent with open economies and expanding trade.

We do not underestimate the difficulties of the process. But I am in no way disheartened or surprised by the absence of instant solutions in the six weeks since the President's action. The simple fact is that progress is being made. In contrast to early August, I believe there is explicit and general recognition that:

We face together an adjustment problem of substantial magnitude;

There is a need for a broad realignment of relative currency values;

Measures outside of the exchange rate field are a factor in restoring lasting strength in the U.S. balance of payments;

For the longer run, the international monetary system requires far-reaching reform, including a lesser role, at the least, for gold.

Indeed, we are now launched into an agreed program of work toward a solution in all these areas as soon as feasible.

Much can be done in bilateral and multilateral negotiations in the weeks ahead.

We are all gratified, I believe, that we have progressed this far. But none of us, at least I don't, mistake progress in understanding and agreement on procedures for the hard policy decisions necessary for a satisfactory solution. Much difficult work remains, both of an urgent and of a painstaking nature.

As you know, the United States has made explicit its own analysis of the needed turnaround in our own balance of payments position. It reflects the hard fact of a substantial underlying adverse trend in our trade position.

Some have urged that the adjustment sought by the United States is too large. We are told time is of the essence. It is said we must be satisfied with an admittedly partial solution, lest restrictions and even retaliation begin and recessionary forces take hold. At the same time, we are told that the quick and partial solution must entail a change in the official dollar price of gold and that our surcharge must be removed as a prelude to negotiations.

We can fully appreciate the expressed concerns. We also fully understand that our surcharge—while applied across the board in a non-discriminatory way—as a practical matter affects products and countries unevenly. We are conscious of the political sensitivities of decisions on exchange rates. Yet, in the interest of frankly discussing the issues, I must say plainly that we find a certain inconsistency between the expressed concerns and the proposed remedies.

A change in the gold price is of no economic significance and would be patently a retrogressive step in terms of our objective to reduce, if not eliminate, the role of gold in any new monetary system. Removal of the surcharge, prior to making substantial progress toward our objectives, would accomplish nothing toward correcting the balance of payments deficit. Nor can measures by others to resist exchange rate realignment or other adjustment measures by controls, restraints, or subsidies help the process of resolving the situation promptly and effectively.

We must find more timely and constructive ways to meet these economic and negotiating problems—to avoid the contentious issue of the gold price, to achieve the earliest possible removal of the surcharge, and to help determine the size and distribution of the needed exchange rate realignment. Faced with these difficulties, I believe we should welcome the help that the market itself can provide in reaching crucial decisions.

Many nations already are allowing their currencies temporarily to float, but they have done so with widely varying degrees of intervention and controls. As a result, some adjustments clearly needed are being delayed or thwarted, the process of multilateral decision-making impeded, and political questions multiplied. In this respect, our surcharge and restrictions on capital flows could, like those applied by other countries, themselves be a disturbing influence.

If other governments will make tangible progress toward dismantling specific barriers to trade over coming weeks and will be prepared to allow market realities freely to determine exchange rates for their currencies for a transitional period, we, for our part, would be prepared to remove the surcharge.

This would provide one possible path for moving expeditiously, reversing any tendency to maintain and extend restrictive trade and exchange practices and to provide more satisfactory arrangements for settling individual transactions, consistent with the Resolution that has been proposed to the Governors.

I recognize that floating rates will not necessarily, over any short time period, indicate a true equilibrium. I also know full well from experience that the present fixed rate system has failed to maintain an equilibrium, and we need assistance, during this difficult transitional period, from the objective, impersonal forces of the market place in making decisions.

In any event, we will continue to work in detailed and frank negotiations, bilaterally and multilaterally, to seek agreement on appropriate measures which may most fruitfully achieve and maintain the needed adjustments. This will lay the foundation for constructive consideration of the longer-term problems of our trading and monetary arrangements.

I am following with great interest the suggestions of other Governors concerning the shape of the future world monetary system. These comments bear out what President Nixon said on August 15 regarding the need for a new monetary system. Chairman Schiller forcefully pointed out at the start: we cannot expect or wish simply to go back to the old and familiar.

In contrast to the world that faced the architects at Bretton Woods, there is a far greater balance of strength, particularly among the North American, the European, and Japanese economies. This development—so welcome in its own right—in turn calls for a different and more symmetrical balance of opportunities and responsibilities.

We and the world had grown accustomed to U.S. deficits. The counterpart of those deficits were rather persistent surpluses for others, and those surpluses helped satisfy the individual goals of other countries. But a monetary system dependent on U.S. deficits is no longer tolerable, economically, financially, or politically, for you or for us.

The implications are fundamental. A return to specified parities without United States deficits will require ample alternative sources of official liquidity, internationally managed and controlled. There must be arrangements for adequate exchange rate flexibility, available to all countries, to help maintain a reasonable payments balance. There must be means—more effective than those incorporated in the Fund Agreement at present—of encouraging timely and appropriate action by surplus countries which escape the financial pressures forcing adjustment on deficit countries.

There is another area in which we are, in a sense, victims of our own progress. As economies have become more closely intertwined, as international capital markets become more effective and efficient, and as controls and restrictions are reduced, the potential for volatile and disturbing capital flows expands enormously. This had already been a matter for international consideration before August 15 and for considerable comment at this meeting.

If not yet unanimously acceptable, substantially wider margins are already viewed as a necessary part of any establishment of new parities. Other difficult questions concern the mix of national fiscal and monetary policies, joint or coordinated action in international money markets, and the proper role, if any, for limited restrictions on financial intermediaries—always keeping in the forefront the fundamental need of free and competitive markets to serve the needs of traders and investors.

A number of speakers have already emphasized that, whatever the particulars of new monetary arrangements, a fundamental need will remain for fair, widely understood, and enforceable international codes of conduct in trade and monetary matters. I share that emphasis. The further corollary is that the International Monetary Fund, itself, should play a central role in developing and monitoring such codes.

Discussions of these matters have now been launched not only in the Executive Board but in the Group of Ten. In emphasizing the need for these discussions, I also note these matters are of direct interest not only to large and highly developed countries but to that wider spectrum of Fund membership ready and able to assume a share of the responsibility for maintaining an effective monetary system.

While dealing with the monetary system as a whole, we shall, for our part, also proceed with the associated task of dismantling unfair barriers to trade and impediments, including our own, to the free flow of long-term capital.

We will also need to deal with many questions bearing more specifically upon the economic well-being of developing countries. My Government particularly welcomes the discussion at this meeting and elsewhere of the pressing problems posed by population trends in much of the world, the new emphasis on nutritional and environmental concerns, and the more careful consideration of the implications of external debt burdens.

We are impressed by the growing scope of the traditional activities of the World Bank and its affiliates under the able leadership of President McNamara. President Nixon has called for an increase in the emphasis that we, ourselves, give to multilateral institutions in our development assistance effort, and we plan to continue that process.

The high levels of lending by the World Bank Group are supported for the most part by Bank borrowing in the developed countries. Twenty-five years of activity has encouraged increased direct financial support by all developed countries, and I hope other nations will continue to open their capital markets to the Bank.

As the level of activity expands, the Bank must take even more care with the efficiency and effectiveness of its operations and must question old premises. It is in this light that I welcome the evaluation efforts being undertaken by the Bank. It is important not only that we ensure that the Bank Group processes projects quickly and efficiently but also that its funds have their planned impact—including assurance that these resources are reaching all the people of the developing countries.

As the World Bank Group further develops its ambitious plans, I must also speak frankly of our own situation and intentions. I can do so explicitly with respect to the pending replenishment of the International Development Association, without which the plans for the years ahead will be gravely impaired.

We firmly support that replenishment. In reducing our total of assistance by some 10 percent over the current fiscal year, we mean to avoid any reduction in that major commitment. Within our constitutional system, however, IDA replenishment requires, but has not yet received, Congressional approval. The fundamental sympathy and support of the Congress for IDA over the years has, I believe, been amply demonstrated. Nevertheless, Congress will have to be convinced, as never before, that: first, this development assistance efficiently serves to promote growth in the developing world; and, second, that our own situation will strengthen to the point where this and other burdens on our payments can be safely assumed.

All these official efforts must be supplemented by flows of private capital. I am disturbed when I see instances of developing countries treating private investment in a manner not accepted by international law. In a world already short of capital to meet pressing demands, the adverse effects on the investment climate of such practices are bound, in a very tangible sense, to deny real benefits to the people. The damage in reducing the flow of capital can extend beyond the parties immediately involved to other potential investors or recipients of funds.

It is in this context that the United States firmly supports the creation of the proposed International Investment Insurance Agency. The maintenance of a healthy climate for private investment in those countries which recognize the important role such investment can play has become a matter of concern for all such nations. The interest in this proposal at last year's meeting has not yet produced a result. I am hopeful that a new resolve and firmer commitment to this idea by both developed and developing countries will produce agreement in the coming year.

A logical complementary development would be more active reliance on the Center for the Settlement of Investment Disputes. Of course, the policies of the World Bank itself, in situations when existing foreign investments are unfairly treated, will importantly affect the future climate for the flow of public development assistance as well as for foreign private investment.

In conclusion, I would only reiterate we have a large agenda before us. We all know the present situation has both risk and opportunity.

We should not fear the one nor fail the other.

With the same vision that motivated those at Bretton Woods, we can build a better monetary and trading world.

With wisdom, we can devise monetary arrangements that combine an essential stability with the capacity to adapt.

With courage, we can move together to reduce restrictions on trade and payments, in recognition of our mutual dependence.

With patience, we can work together, finding a balance of opportunity and responsibility for rich and poor alike that fits the imperatives of today's world.

These qualities are present in the men who have come to Washington this week and in the governments they represent. You can be sure the United States will join you in the vanguard of the effort. In this sure knowledge, I look ahead with confidence.

Mr. JAVITS. Mr. President, I now address myself to one specific question that was raised, but not answered by the Secretary of the Treasury. A particular impediment to reaching a short-term arrangement between the major trading countries of the world relates to any change in the gold price of the dollar. I believe that this issue, by the Secretary's statement, which I shall read into the RECORD, has now been brought out openly and publicly into the public domain and that it should have the attention of our colleagues, because only the Congress can, in a final way, make this change. It is one of the provisions of the resolution by which we have approved the Bretton Woods agreement. The Secretary said:

> A change in the gold price is of no economic significance and would be patently a retrogressive step in terms of our objective to reduce, if not eliminate, the rule of gold in any new monetary system.

I hope to agree with the Secretary, but this still does not answer the point that the whole world, the active and industrial trading nations, insist we must make this gesture or contribution to the total settlement. Over the interim period a small change in the dollar-gold parity could even be encompassed in the power of International Monetary Fund to change the par value in terms of gold by 5 percent up or down.

In order to stimulate discussion upon this subject and to determine just how the Congress does feel about it—because the general impression abroad is that Congress has a rather strong bias against doing anything about it—I am joining with a Member in the other body, Representative REUSS, in submitting today—he introduced it yesterday—a sense of the Congress resolution making it clear to the President that the Congress believes that it would be fair to agree to some kind of change in the dollar-gold parity, but in a manner which is consistent with the articles of agreement of the International Monetary Fund and which will in due course be authorized by the Congress, but it will at least serve as a lightning rod to rally Senators as to what the President of the United States may feel necessary to do, knowing there is a sentiment in the Congress adequate to support it, as only the Congress can make this change in a final and finite way.

So, for that reason, and reserving to myself as well as all other Members their rights, but in order to crystalize the issue, I send forward this concurrent resolution, which has been introduced in the other body, to the desk and ask that it be appropriately referred, and I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 43) reads as follows:

S. CON. RES. 43

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President of the United States, in the interest of strengthening the economy of the United States and in order to secure the appropriate revaluation of other major currencies, may agree to a fair and realistic change of the dollar-gold parity in a manner consistent with the Articles of Agreement of the International Monetary Fund, as amended, and as authorized by the Congress.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENTS

AMENDMENT NO. 453

(Ordered to be printed and referred to the Committee on Foreign Relations.)

THE PRESIDENT ASKS—"A 10-PERCENT CUT IN FOREIGN AID"—BUT WHERE?

Mr. HUMPHREY. Mr. President, now that the Congress is considering the President's proposals to curb inflation, I want to draw the attention of the Senate to the specific recommendation for a 10-percent reduction in our foreign assistance program. The President called for this reduction in his two most recent national addresses on the economy without entering into the specifics of where he intended to make the cuts.

I appreciate the fact that the nature of these speeches did not permit the President to go into great detail and that further information would be provided by Government officials. In his testimony before the Foreign Operations Subcommittee of the Senate Appropriations Committee, Secretary Rogers threw some light on where the administration would be asking that reductions be made in the foreign assistance program: in nonmilitary assistance.

Based on Secretary Rogers' statement, I have been prompted to introduce an amendment to the Foreign Assistance Act of 1971, S. 2295, which would specifically tie the administration's request for a 10-percent reduction to the military and security sections as opposed to the nonmilitary, assistance program.

The total request made by the administration for the fiscal 1972 budget is $3.3 billion. Over $2 billion of the total is devoted to what is presently considered "security assistance programs"—security assistance includes both military and security supporting assistance. That leaves slightly more than $1.2 billion for economic development assistance. These figures, of course, do not include additional funding for military assistance through other legislation. If grouped together, the entire program would be anywhere in the range of $4.8 to $7 billion for 1972.

Recognizing the President's concern for economizing and the national goal of revitalizing our economy, I support in principle the idea of making selective reductions in federal expenditure. I cannot stress enough, however, that these reductions be selectvie—that they keep in mind the needs of our own citizens and people throughout the world.

A 10-percent slice in our foreign economic development assistance is not what I call a "selective" reduction. It does not conform to what I think should be our underlying concern for people. In the name of economy, the President is proposing a measure which is not particularly economical and which is disastrous from the point of view of human welfare.

This year's report on the Foreign Assistance Act of 1971 by the House Foreign Affairs Committee points out that our foreign aid program has steadily declined over the years. At the time of the Marshall plan roughly 3 percent of our GNP was for foreign aid and now, it is less than one-half of 1 percent. Among the 16 wealthiest nations in the world who form the Development Assistance Committee, the United States ranks 11th, expressed in terms of the percentage of its GNP devoted to foreign aid, whereas it once ranked first.

More to the point, our security assistance allotment has grown rapidly relative to the nonmilitary portion, especially over the last few years. According to the Brookings study, "Setting National Priorities, the 1972 Budget," development assistance expressed in 1972 dollars has gone from 6,592,000,000 during the Marshall plan period (1949–1952) to 2,287,000,000 in 1971. Security assistance, on the other hand, has travelled a different track. During the Marshall plan it was 1,842,000 and it was 4.436,000 in 1971.

Among the top recipients of our military and economic supporting assistance programs are Vietnam, Cambodia, Republic of China, and Korea. This selection raises another question of just where our security interests lie, and just what kind and quantity of assistance is needed to best implement this essential goal. Then there is the basic question of what supporting assistance is all about. Section 531 of the Foreign Assistance Act of 1971 says that—

> The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this act on such terms and conditions as he may determine, in order to support or promote economic or political stability.

The Republic of Korea has put to good use the military and security assistance as has the Republic of China. This amendment should in no way be interpreted as a criticism of these two countries.

In his foreign aid message to Congress, the President states that—

> It is the sense of the Congress that security assistance shall not be provided to military regimes that deny the growth of fundamental rights or social progress to their people.

By this standard, the choice of recipient countries is somewhat questionable, at least it should be questioned.

One thing is certain, however. The amount of our security assistance can be reduced by 10-percent without substantially affecting our own security or the security of those countries who receive military and supporting assistance. Security assistance is the fattest part of our foreign aid program and can afford a little loss in weight.

Our economic development programs, on the other hand, cannot. Study after study, and expert after expert have told us of the growing gap between the developing and the developed world. They have described the extent of human suffering which is endured in other parts of the world. And our own inner selves must tell us that it is incumbent upon us to do whatever we can to relieve the suffering and raise the economic and social opportunities for all.

If moral responsibility is not enough of a motivation to continue and improve our economic development assistance, then there are sufficient economic arguments. Only from the most limited perspective can it be said that security assistance provides more economic benefit for ourselves than development assistance. On the contrary, development assistance includes direct capital transfers which raise the purchasing power of the recipients and hence, improve market conditions for our own goods. Several of our loan programs are tied to the purchase of American goods, so here again, there is a built-in stimulus for our own economy.

After all, that is what the President should be talking about—ways to stimulate our own economy and improve our trade position in the world. Development assistance can do just that with the positive side effects of directly affecting the social and economic welfare of those in less-developed countries.

I do not intend to degrade the value of security assistance by stressing the importance of development assistance. On the contrary, I think bilateral foreign aid must provide a mix of the two. What I am suggesting, however, is that in terms of economic efficiency, moral responsibility, and diplomatic expediency, it would be better to reduce by 10 percent out of necessity the security assistance portion of our foreign aid package than the economic development portion.

Ultimately, I think that our entire foreign aid program is in need of reform. The President has made several helpful suggestions and we in Congress should consider them carefully over the next year so that we can devise with the help of the executive branch a suitable policy for the future.

It is unfortunate that the United States is forced to tighten its belt at all when it comes to foreign aid. But if our temporary difficulties are presented in a positive light to other countries and to our own people, the prospects for the future will be most promising. All countries will stand to gain if a 10-percent reduction in security assistance is seen as a step to strengthen the U.S. economy and the fiber of international understanding; if a 10-percent reduction is viewed as over a 10-percent gain in the reordering and restructuring of the entire U.S. foreign assistance program.

For this reason, I urge my colleagues to accept my amendment and vote for a 10-percent reduction in our security assistance. I ask, Mr. President, that this amendment be printed in the RECORD and considered as part of the effort to reduce expenditures and the outflow of capital which are partially the cause of the present state of inflation in our economy.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 453

On page 5, line 7, after the dollar sign, insert the following: "540,000,000".

On page 6, line 2, after the dollar sign, insert the following: "635,000,000".

ADDITIONAL COSPONSOR OF AMENDMENT

AMENDMENT NO. 437

Mr. BYRD of West Virginia. Mr. President, I was requested to do this late yesterday, but I inadvertently failed to do so, or was unable to do so—both of which excuses I think will apply—so now I ask unanimous consent that the name of the distinguished Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of amendment No. 437 to H.R. 8687.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Without objection, it is so ordered.

ANNOUNCEMENT OF HEARINGS IN MANILA, UTAH, BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), and at his request, I announce for the information of the Senate and the public that on Friday, October 8, 1971, the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs will hold a public hearing in Manila, Utah, to obtain information on the advisability of the Federal Government acquiring private property located within the boundary of the Flaming Gorge National Recreation Area and the effect of such proposal upon the tax base of Daggett County, Utah. The hearing will be held at the Manila High School at 1 p.m.

Any member of the Senate or of the general public who wishes to testify at this hearing should so advise the committee.

ADDITIONAL STATEMENTS

REDUCTION OF INTERNATIONAL AIR FARES

Mr. PEARSON. Mr. President, much interest has been aroused by the current wave of fare reductions for international air travel.

I think it appropriate and timely, therefore, to consider the thinking of one person in the aviation industry who has first-hand knowledge of these rapidly changing affairs and who has endeavored to adopt policies to deal with them in a sensible and effective manner. Mr. Edward J. Driscoll, an intelligent and straight-talking man, president of the National Air Carrier Association, recently spoke before the International Aviation Club on this subject. I ask unanimous consent that his remarks be printed in the RECORD. I invite them to the attention of the Senate.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

"Sanity in the Air—An Impossible Dream?"

(Address by Edward J. Driscoll, president of the National Air Carrier Association, before the International Aviation Club, Tuesday, September 21, 1971)

In looking at the title I selected for this talk several weeks ago, I begin to wonder if I might not have the gift of ESP.

For the events and actions of recent days could make one believe that "Sanity in the Air" is truly an impossible dream.

It is really ironic that an industry like ours, so advanced in technology, could have become so irrational and self-destructive.

All of us associated with the International Aviation Club can be proud of the role we play in a 20th century industry that has become the keystone of the world's transport system. We are proud to play a socially significant role in bringing the people of the world closer together and in transporting the products of industry and agriculture to every corner of the globe. But I dare say that we are not equally proud of the evolving practices which make us appear like peddlers in a Casbah bazaar, apparently with little worry as to the morrow.

Let me make it clear from the outset that when I chose the title for my talk, I did not anticipate the so-called "transatlantic rate war." I say "so-called" deliberately because to my mind the situation that some of my scheduled airline friends consider "fun and games" is nothing more than an outright plan to eliminate effective competition in air transportation. This was made clear when Lufthansa admitted that it would lose money during the first year of operation under its recently announced new fare structure.

The charter airlines favor low fares. We introduced them. We prompted them. We built our success on the conviction that the consumer has the right to the lowest cost of air transportation that could be provided by the carrier—without burdening other classes of passengers, without government subsidy—while still earning a fair and reasonable profit. It's history. It's a fact.

The latest fare announcements are merely outward symptoms of a much deeper problem. Even without them, we still feel that psychiatric advice is needed by an industry that refuses to take rational actions to cure its ills.

Perhaps we were so successful in riding the crest of a new and booming business that we never took the time to learn how one operates a public service business; how new markets are developed; and how one must operate within a budget. Isn't it time to forget the "glamor" of aviation, to put aside the notion that we're in show business, to stop dealing in such irrelevancies as live entertainment in 747 lounges, gourmet meals, exotic wines, and get about the business of air transportation? Isn't it about time that we thought less about pirating the other guy's customers and thought more about that vast and untapped market of Americans who have not yet been exposed to the advantages of safe, dependable and low-cost air transportation?

Let me cite some examples of the kind of irrational behavior that we accept as normal in the air transportation industry.

Is it rational that a youth or student pay less than another passenger for his transportation? Does he take less room? Does he eat less? Does it really cost less to furnish him air transportation or is the adult in the next seat paying an unnecessary premium to make this bargain possible? Think for a minute. Does he pay less for his typewriter, or his clothes, or his records? Are his tuition fees lower than those of an adult who goes to night school? The answers are no. Now it can be argued—with justification—that it is socially desirable for young people to have the educational experience of international travel. But we all know that these opportunities are already available, through student charters pioneered by the supplemental carriers. Each student pays his pro-rata share of the cost for such flights. These types of charters are available to students through their schools and through other arrangements, by scheduled and supplemental carriers. If we are going to furnish below-cost fares as a social service, why not provide them to our senior citizens? Why not increase rates again so that discounts can be given to low-income workers?

If student and youth fares are to be allowed, shouldn't we at the same time adopt the regulations which are followed in Europe, where all students are able to participate in charters without the necessity of adhering to any affinity regulations.

Is it rational behavior to create a fare structure that tells consumers that the longer they stay abroad the cheaper the fare, while at the same time announcing that they can secure reduced rates on domestic transcontinental travel of four days or less? It's Alice in Wonderland for the travel agent who tries to explain this to one of his customers. If it costs the airline less to carry the passenger who goes abroad for 14 to 28 days, and even less for those who have 29 to 45 days to spend abroad, a reasonable person would expect to travel free if he spends a year abroad. And if he is informed about our dollar drain and the Visit USA program, how can he understand a policy that encourages longer trips abroad but penalizes him if he wishes to take more than a four day trip across his own country?

Is it rational to tell the customer who wishes to purchase a fixed price Inclusive Tour to a particular vacation spot that government regulations require a minimum stay of 7 days, 3 overnight stops—50 miles apart even though he wishes to visit one particular vacation area. Yet that is what is required if he is to be eligible for the savings of an ITC—an inclusive tour charter. With our holidays now falling on Monday, these archaic rules make it impossible for us to exploit the vast potential of three-day holiday trips. We pride ourselves in the United States in being a progressive industry, yet in Europe a gigantic inclusive tour industry has been built on the ability of charter carriers there to offer short tour packages to a single destination.

Is it rational for U.S. charter carriers to be subject to daily bureaucratic whims of foreign civil aviation authorities concerning landing and uplift rights when governments protect the rights of scheduled carriers through bilateral agreements? Why isn't the American citizen who carries a valid passport and visa and who chooses to travel on a charter flight given the same government protection as his neighbor who travels on an individually ticketed basis on a route carrier?

Look at the situation that exists in so many foreign countries with regard to landing and uplift rights for U. S. supplemental air carriers. Now, I ask you, is there really any rational basis for giving preferential treatment to a charter operated by a scheduled carrier over one operated by a supplemental airline?

Neither are covered by any inter-governmental agreement. But, in most cases, a scheduled carrier can fly a charter between points A and B merely by filing notice, whereas the charter carrier must obtain prior approval for each and every flight—with no guarantee that approval will be granted in any given instance. How long can the United States go on being "Mr. Nice Guy," handing out licenses and permits on a non-reciprocal basis—providing foreign carriers with five year operating permits for charters, while U. S. carriers must ask permission for each and every flight to those same countries. Where is the reciprocity? By what stretch of the imagination can this be considered good for the United States, or even good for world aviation?

We must, therefore, come up with a system whereby permits for charter services, whether performed by independents, IATA carriers, or their charter subsidiaries, are provided for in bilateral agreements covering air transport services between respective countries. Is it rational for our government to allow foreign charter carriers the right to carry transatlantic cargo to or from the United States, while at the same time prohibiting its own charter carriers—the U. S. supplemental airlines—from transporting a single pound of commercial cargo on transatlantic flights? Why can't we develop a cargo industry that will be truly responsive to the needs and cost requirements of American shippers?

Let's not take piecemeal action such as restricting the right of air freight forwarders to charter. Before we take precipitous action, let's analyze the whole structure and system and develop a program for expanding the cargo market—for I believe a balanced system requires not only an individually way-billed system but equally an efficient cargo charter system. Is it rational to have non-IATA charter subsidiaries of IATA airlines? Lufthansa, BOAC, KLM, and others have formed such companies. What kind of relationship can we expect to see between these non-IATA "daughter" carriers and their IATA fathers. I have chosen the father-daughter analogy carefully, because I have the feeling that these young things are going to be well-protected and well-cared-for by their doting parents. Will these "subsidiary" charter carriers be permitted to operate without restriction in the United States while the governments that spawned them practice an exclusionary policy against the U.S. charter airlines that have Presidential approval to operate internationally.

I am not in any way opposed to scheduled carriers operating charter flights, and governments certainly should not try to dictate to any country what type of carrier should be used to perform its transportation services.

Just who is going to get reciprocal rights when these non-IATA daughter carriers start operating in and out of the U.S.? Certainly not Pan Am and TWA. They are expressly prevented by law from establishing any kind of non-scheduled subsidiary. And you can rest assured that foreign governments aren't planning to voluntarily grant reciprocal rights to the U.S. supplementals.

Reciprocity must be obtained if these carriers are to be permitted to operate into the United States.

One of the things that troubles me most is that in any given situation, more often than not, it's the U.S. carriers—and I'm talking about scheduled airlines as well as supplementals—who come out with the short end of the stick.

Is it rational to force consumers to join an organization before they can secure the benefits of low-cost charter travel? Would it not make more sense to allow any group of individuals to band together to buy bulk transportation at plane load rates? The CAB has moved in this direction in its non-affinity charter proposal, which we hope soon will be adopted.

Is it any wonder then that I question whether sanity in the air is an impossible dream?

The latest thrust, and I am sure that we may be in for more of the same, is that of the comic strip's Red Baron who advertises his "Everybody's Fares." If it is truly everybody's fare, why does the businessman or government traveler who cannot stay abroad for 14 days or more have to pay double the price for the same transportation?

I might remind the U.S. scheduled carriers who will have to match this fare that the Red Baron is eligible for a subsidy from his government . . . and when the damage has been done, and they count their losses for '72, it will do them no good to run around like Snoopy, shouting "Curse you, Red Baron!"

Our industry's basic problem is that it still does not understand that the consumer will support an everybody's fare that really is fair to all; that does not discriminate on the basis of length of stay, time of year, day of week, time of day, and age of passenger. Once the scheduled airline industry recognizes this and comes up with a low-cost, across-the-board rate structure in which the cost of service is borne equitably among all the passengers, I believe that regularly scheduled service will again begin to prosper.

The Department of Transportation recognized this principle in its recent opposition to youth fares. It said, in essence, that if the youth fare is not discriminatory, then it must be predicated upon reasonable cost. If it is, why not make it available to everybody? You can bet that if they did make it available to everybody, the airlines would accelerate their losses. You can't continue to amass the kind of losses that they have been suffering in recent years—and which some are going to experience in 1971—and then expect that a lower yield per passenger will put you in the black.

The IATA carriers apparently do not recognize what was so well stated in the President's International Air Transportation Policy, namely that there is a need for two separate and distinct types of air services to move goods and passengers. These are the scheduled and the charter services. There is need for both in a properly balanced system of air transportation.

Ladies and Gentlemen:

It is time for a return to reason.

It is time to forget the past, to dispense with "traditional" solutions to our problems, and to start finding answers that do more than shuffle passengers back and forth from one class of service to another, or from one class of carrier to another. We are just kidding ourselves if we think that is any way to fill the empty seats that have resulted from the vastly increased capacity of the past few years.

It is time for action.

As you know, Senators Magnuson and Cannon have announced that hearings on international air fares and other matters will be held on October 19, 20 and 21. In thirty days, the Senate Commerce Committee will hear the views of government, industry and the public.

In the past, the divergent views of every special interest have often side-tracked vital legislation. In the present crises, I believe that all of us have a higher duty. We have the duty to come to some consensus on what is best for all elements of the industry and the American public. More of the same old claims and counterclaims will only serve to prevent constructive action.

Therefore, I respectfully request that responsible government leadership bring all parties to the conference table. Let's make the maximum use of the next thirty days to assess the views of government—the CAB, the Department of Transportation and the Department of State; the industry—both scheduled and supplemental carriers; and the consumer of our services—the traveling public.

First, let's get an overview of our problems and the proposed solutions. Let's stop taking piecemeal action.

Then, let's see if we can agree on a plan, a program, and what needs to be done by Congress, the executive branch and the industry.

I'm not talking about another study designed to gather dust in government archives. I believe a properly designated representative group given a mandate for action, and irrevocable deadlines, can overcome parochialism and bring back some sanity in our air transportation system. We will all have to make some concessions if we are to right our ailing industry and restore it to its proper role in world aviation.

All of us will have our own ideas for consideration by this blue-ribbon panel. For my part, I would suggest that it consider the following five-point program.

First, broaden the base of air travel for both the scheduled and supplemental transportation systems. For example, this can be accomplished by the introduction of one-stop inclusive tour charters, non-affinity charters, and properly structured individually-ticketed promotional systems designed to reach the untapped markets which now exist. Markets such as low-income groups, the weekend holiday set, ski charters within the U.S. and the like. Let's make the three-day weekend really mean something. Let's develop two vacations a year rather than one. Let's not only make the people air-minded, let's make them air travelers.

Second, create a balanced air transport system which recognizes retail and wholesale concept of air transportation, and that individually ticketed and charter—or bulk—services are complimentary. Basic to the establishment of such a system would be a greatly simplified and rational fare structure. Adoption of two basic elements, cost and service, should be the guiding criteria in setting figures that benefit both the public and the airline industry.

Third, safeguard the U.S. market, which is the largest air transport market in the world into which all countries enjoy traffic-generating operations. Give the Civil Aeronautics Board adequate authority to deal with complex and destructive loss leader fares proposed or filed as tariffs by international scheduled carriers. Foreign scheduled carriers, of course, are protected by their governments and are subsidy eligible.

Fourth, recognize that landing rights are government rights, not carrier rights. Each government has the right to designate and certificate the carriers which will provide the services for its country. Once designated and certificated by the President, attempts to frustrate these rights must be vigorously opposed.

Rights into this country should not be granted under the bilateral agreement or pursuant to a permit, except on a satisfactory record that insures reciprocal rights to U.S. designated and certificated interests.

Permits must be conditioned to terminate rights granted by the U.S. should reciprocal rights be withdrawn!

And fifth, protect the consumer's right to reasonably priced air transportation and guarantee that his rights to free movement are not inhibited or abridged by reason of arbitrary and anticompetitive rules or regulations rifled against a particular class of carrier. Insure that the consumer is adequately represented in fare-setting and other regulatory proceedings.

I make no claim that these five points offer an all-inclusive cure to the current problems of the aviation industry. They merely represent my perspective. The blue-ribbon panel I have proposed should examine and assess everyone's ideas, for there are no pat solutions. All of us must recognize the claims of others. But above all, we must realize that our first priority is the perfection of a sound and balanced air transportation system that meets the needs of all travelers and all shippers.

I know the thirty day time-limit I have suggested may sound like an unrealistic deadline. But we are faced with a rate war in which there can be no victors. We are in a crisis situation that calls for emergency measures.

I think we owe it to the future of world aviation to make this effort.

TESTIMONY ON GOVERNMENT FACILITIES RELOCATION ACT

Mr. CRANSTON. Mr. President, earlier this year, I was pleased to join as a cosponsor of S. 1282, the Government Facilities Relocation Act, introduced by Senator RIBICOFF. Last month Senator RIBICOFF testified before the Banking, Housing and Urban Development Committee in support of S. 1282. His testimony was both lucid and eloquent. It brought to light both facts and considerations which argue for the passage of this bill. I ask unanimous consent that Senator RIBICOFF's statement be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR ABRAHAM RIBICOFF BEFORE THE HOUSING AND URBAN AFFAIRS SUBCOMMITTEE OF THE SENATE BANKING, HOUSING AND URBAN AFFAIRS COMMITTEE ON TUESDAY, SEPTEMBER 16, 1971, IN SUPPORT OF S. 1282, THE "GOVERNMENT FACILITIES LOCATION ACT"

This subcommittee has long been at the forefront in the battle to assure decent housing to all Americans. The 1968 Housing Act reaffirmed our national goal of "a decent home and a suitable living environment for every American family." In the last decade, you have passed legislation to meet the increasing needs for adequate housing for our low- and moderate-income citizens.

This progress is now threatened by the tremendous growth of jobs and housing in the suburbs of this country to the virtual exclusion of millions of low- and moderate-income workers and their families.

The facts are clear. Nearly two-thirds of all Americans live in metropolitan areas. By 1985 these areas will contain an estimated 178 million people, a number equal to the entire U.S. population in 1960.

This enormous growth is taking place almost entirely on the suburban fringes of our metropolitan areas. In fact, while the population of our central cities increased by less than 2% from 1960 to 1969, the surburban areas experienced a 30% jump in population.

The population of our central cities, however, is not stable. While the total increase was less than 2%, the black population there rose by 32%. The leveling factor was a 5% decrease in white population—most of whom moved to the suburbs.

Although the number of blacks in the suburbs has increased substantially over the last decade, they remain a small minority. In 1969 nearly 96% of the suburban population was white. Of all the whites living in our metropolitan areas, 60% resided in the suburbs while close to 80% of the blacks lived in the central city.

Many of the blacks who have managed to escape the inner city find life not much different in the suburbs. Suburban Negroes often live in residentially segregated areas where the housing is unsound and crowded, family income is low, education is inferior and white-collar jobs almost nonexistent.

This shift of population to the suburbs has been accompanied by an equally rapid growth of industrial and commercial activities there. An analysis of nonresidential building permits reveals that in the last five years approximately 70% of all metropolitan industrial buildings were constructed outside the central cities.

The Suburban Action Institute found that the 40 largest metropolitan areas gained 5.1 million jobs in manufacturing, wholesale trade, retail trade and related services in the last five census years. The suburbs gained 4,370,000 or 85% of these jobs.

Many commentators have called this

movement industry's flight to the suburbs. The evidence is, however, that "flight" is a misnomer, and that the growth in suburban employment is primarily attributable to development of new businesses or expansion of existing suburban plants.

The Department of Labor has found that the expansion of manufacturing employment in the suburbs has primarily been in new types of industry such as electronics, aircraft and aerospace. The Suburban Action study found that the 40 metropolitan areas studied gained 2,080,000 manufacturing jobs, 2,055,000 or 99% of which went to the suburbs. This expansion has been followed by retail firms and a variety of service industries while employment in the central city increasingly is concentrated in finance, insurance, communications, and manufacturing headquarters.

The growth of manufacturing and service jobs in the suburbs has begun to distort our labor market because those most able to fill those jobs are often unable to reach them. Our present housing policies have served to effectively exclude millions of low- and moderate-income Americans from new employment opportunities in the suburbs.

Most of the nation's housing units now being constructed are going up in the suburbs. In fact, it is now estimated that only 1% of the vacant land in our central cities is zoned for residential use. The housing being built, however, is simply too expensive for low- and moderate-income families. The land is there to be used, but low- and moderate-income housing has been zoned out through the use of large-lot zoning and the absence of any provisions for low density multi-family zoning. The only growth policy in existence is a negative one which has made it all but impossible for low-income families to live near their jobs.

The House Banking and Currency Committee found earlier this year that 28.4 million families—101 million people—cannot afford payments on a $20,000 mortgage. Yet the median sales price for an existing single family home is now over $25,000. The average cost of a new home in Montgomery County, Maryland, is over $40,000 with virtually no homes in the $15,000 to $25,000 range being built.

In fact approximately 80% of the housing on the market nationally now is above the level a family with an $8,000 income can afford. This means that the people who need the jobs opening up in the suburbs are trapped in the central city. The result is a scarcity of needed employment for the poor and in some cases an actual shortage of low- and moderat-income employees for suburban concerns. Numerous suburbs are now discovering that they have even priced their teachers, firemen, policemen and other municipal employees out of their own cities.

Improved transportation programs are often offered as a solution to this problem. There's no doubt that our existing systems only aggravate the situation.

Our transportation systems are designed to bring suburbanites into the city in the morning and out again at night. Our nation's urban highway networks serve moderate- and upper-income workers who can afford to live in the suburbs and own a car. They are useless, however, to the low-income workers who cannot.

The majority of low-income workers must rely on public transportation systems to reach their jobs. For many such workers even reaching inner-city jobs is a formidable task. To get out to the new jobs in the suburbs is almost impossible—because of the time and cost involved.

Take Washington, D.C. for example: residents of outlying Maryland suburbs reach the central city each morning and leave each night on express buses which take an average of only 36 minutes. For a person going in the reverse direction at the same time to a job in the suburbs, the trip averages 54 minutes and usually involves two transfers.

Simply improving mass transportation out to the suburbs will not be enough, however. Many "reverse commuter" experiments have been tried and most have proven uneconomical. Suburban job locations are usually too dispersed to warrant, in economic terms, running separate transportation lines.

The only solution to the nation's housing shortage and labor market distortion is to build more of our low- and moderate-income housing units near suburban jobs. Unless the government begins to assist in building the necessary housing in the suburbs, the unemployment, welfare and social dependency now endemic to the central cities will continue to soar upward at an alarming rate.

The present Administration and its predecessors have shown a noticeable lack of interest in attacking this problem. HUD, for example, has continued to place most of its low-income housing in the inner cities at great expense to both the taxpayers and the residents.

As of June 20, 1970, only 25% of the Sec. 235 home ownership reservations, 12% of Sec 236 rental assistance reservations, 10% of rent supplement reservations and 13% of the 221(d) (3) below market interest rate reservations were located in the suburbs. The majority of these units are being built where the costs are the highest.

For example, the average cost of land purchased under the urban renewal program ranged from $46,000 per acre in Atlanta to $695,000 in New York City. The average cost of an acre on the suburban fringe is less than $4,000.

The Administration's position has been that restrictive zoning practices make it impossible to place more low- and moderate-income units in the suburbs and that such practices, unless clearly based on racial motives, are not illegal.

Without entering into an argument over the constitutionality of restrictive zoning practices, I believe that it is unconscionable for the Federal government to support and subsidize exclusionary zoning practices. Yet this is precisely what we have done for years. Numerous Federal agencies including the Departments of Housing and Urban Development, Health, Education and Welfare, and Labor still provide financial assistance to communities which have virtually outlawed low- and moderate-income housing.

The situation is indefensible when Federal agencies and Federal contractors are allowed to locate facilities in communities where the lack of adequate housing turns their workers into either long distance commuters or names on an unemployment compensation list. S. 1282 which I have introduced with the cosponsorship of Senator Mondale, Cranston and Brooke, deals directly with this facet of the problem.

S. 1282 would use the enormous leverage of Federal site location to help provide decent low- and moderate-income housing for employees near their jobs. This bill is not offered as a panacea, but rather as a first step toward ending the economic and racial separation occurring in the metropolitan areas of this country.

Government agencies and Federal contractors now locating in the suburbs are seldom limited to only one area. Numerous cities seek to obtain their favor.

The reasons are obvious. Location of a major installation in a community often sets in motion dramatic physical, economic and demographic changes. New services are started to serve the people coming in and often provide an impetus for other private or governmental development.

The Civil Rights Commission has documented the effect location of the Manned Spacecraft Center has had on Houston, Texas. Since 1960, the population in the area near the Center has increased 600%—from 6,500 to 40,000. Total area bank deposits rose from $4.8 million in one bank in 1964 to $30.9 million in five banks in 1966. NASA has estimated that for every 100 jobs at the Center an additional 65 jobs have been generated on the outside. The mere presence of the Center has caused an influx of over 125 aerospace firms alone.

This pattern has been repeated across the country and has led thousands of states and cities to compete vigorously for the location of such facilities. The Commission found, however, that despite the leverage the Federal government has in locating its facilities, it has made little or no effort to insure that its low- and moderate-income employees can find accessible housing nearby. In fact, some Federal moves into the suburbs have resulted in the loss of jobs to low- and moderate-income employees.

Government contractors have equally deplorable records. The Commission's hearings in St. Louis disclosed that one large contractor locating in the area failed to object to the obvious discriminatory practices of local realtors. In fact, the company's housing office at one time maintained separate lists of housing for blacks and whites.

My legislation, therefore, provides that before a Federal facility. State facility or Federal contractor's facility may be located in any community, the agency or contractor involved must secure, in the form of a contract between the community and the Chairman of the Equal Employment Opportunity Commission, assurances that the community provide at least one unit of adequate housing for each prospective low- or moderate-income employee. This legislation will simply grant the economic benefits of site locations to those communities that are also willing to assume the responsibilities for the workers in those facilities.

If a community reneges on its plan, the Chairman may take court action to enforce it. Should a contractor locate in a noncomplying community, the Chairman shall terminate existing Federal contracts. A State agency would be equally liable for any move into a noncooperating area.

The effect of such a requirement can be dramatic. The Federal government alone employs over 6 million men and women. Another 4.3 million people are directly employed under Federal contracts.

This legislation recognizes that many communities will find it difficult to handle an influx of low- and moderate-income families without some assistance. Much of the suburban opposition to low- and moderate-income housing stems from fears that taxes will have to be raised to maintain existing levels of municipal services, particularly education. Since as much as 50 to 65% of most suburban budgets is devoted to education expenses, S. 1282 provides assistance for education to any community that makes the housing required by this legislation available.

Many people will argue that no assistance should be provided to such suburbs. The mere fact that they get the facility should be sufficient incentive.

In many cases, that may be true. But I am concerned with those communities that would be willing to cooperate if they were assured that the level of their educational activities would not suffer.

An analysis of the Massachusetts anti-snob zoning law has shown that a primary reason for its ineffectiveness is that it ignores the economic and tax consequences imposed on suburbs that admit low- and moderate-income people. In particular, the failure to adjust school aid formula for suburbs has been highlighted as a major area of concern of suburban homeowners.

A few months after this bill was introduced, and perhaps in response to it, the Department of Housing and Urban Development and the General Services Administration joined in a memorandum of understanding to help insure adequate housing near new Federal job sites.

Under the agreement HUD will advise GSA as to the availability of low- and moderate-income housing near a projected government facility. If GSA must locate in an area where no such housing is available, HUD and GSA will join in a plan to provide such housing within 6 months after the facility is to be occupied.

I applaud this action. It has taken the Federal government a long time to recognize its obligations to its employees. The agreement, however, does not go nearly far enough in meeting these obligations.

First, the agreement is simply that—a memorandum with no real power. If HUD and GSA agree that such action needs to be taken, then they should not hesitate to support legislative remedies.

Secondly, it is still possible under the agreement to locate a facility well away from any housing. If a community has zoned out the possibility of low- and moderate-income housing, there is little HUD and GSA can do to provide it.

For example, the 20 local governments in a 400 square mile area around Princeton, New Jersey have zoned enough under-developed land for industry and research firms to support 1,200,000 jobs. The same towns, however, have zoned the remaining land to house only 144,000 workers—one-tenth of the potential work force. Any other community could be equally restrictive on a smaller scale.

Finally, the agreement does not cover Federal contractors. Federal contractors and subcontractors are required by law to practice nondiscriminatory hiring policies. To allow the same firms to locate in areas where its low- and moderate-income workers cannot live could in effect negate the equal employment laws. The location of a plant can prove just as discriminatory as the failure to hire a man because of his race or religion.

Enactment and implementation of S. 1282 will not, of course, open up the suburbs overnight to low- and moderate-income workers. It will, however, show that the Federal government is willing to take the steps necessary to make the ideas or rational urban growth, adequate housing and equal employment opportunity a reality.

The top 500 corporations and their allied 50 largest corporations in banking, insurance, retail trades, utilities and transportation, account for approximately 80% of all new jobs created each year.

If these companies along with the government are made aware of the urban policy implications of their site selection procedure by this legislation, the effect would be dramatic.

OPERATIONS OF THE BUREAU OF LABOR STATISTICS

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the Record a news report published in the Washington Post of September 29 and a related editorial published in the New York Times of September 30 concerning the Nixon administration and its alleged efforts to stack the Bureau of Labor Statistics with political appointees in order to interpret statistical data relating to the economy in a light favorable to the administration.

A hallmark of the Bureau of Labor Statistics has been its independence and fairness in surveying many sectors of our Nation's economic development and presenting statistical data to show where we are. Like the Bureau of the Census, it has steadfastly avoided any taint of political partisanship regardless of the administration in power. If the case were otherwise, the reliability of its reports would be so seriously jeopardized as to render its efforts a waste of the taxpayer's money.

There have been several proposals in recent years by a considerable number of Senators and Representatives to circumscribe the authority of the Bureau of the Census to ask questions of the American people because of the increasing impositions of Government data seekers on the American public.

As chairman of the Committee on Post Office and Civil Service, which has sole legislative jurisdiction over the Bureau of the Census and any other agency of the executive branch which collects statistics, I have refrained from endorsing that kind of legislation because of my faith in the integrity and philosophical detachment of those agencies.

The statistical data upon which the Consumer Price Index and other reports of the Bureau of Labor Statistics are based represents the information upon which the Government and many enterprises in the private sector of the economy bases major economic decisions. For instance, all Federal salary decisions, excluding blue-collar wage surveys, are based upon "comparability surveys" made by the Bureau of Labor Statistics. The administration actively supports legislation to include our 800,000 blue-collar employees within such statistical data gathering procedures. If adopted that would mean that 3 million soldiers, sailors, marines, and airmen, as well as 3 million civilian employees of the Government, would receive pay increases in accordance with the statistical results of BLS surveys. Nearly 1 million widows, orphans, and retired civil service employees receive pension increases according to the figures of the BLS; or to put it the other way, do not receive increases in accordance with BLS figures. The Consumer Price Index is used as the indicator for wage adjustments under the terms of several major labor-management contracts in the private sector of the economy. Thus, millions of Americans rely upon the reliability and integrity of these surveys. Even to suggest that these agencies might be used for any partisan political purpose would be an economic disaster to a major sector of our public and private economy. If the public and its representatives are expected to rely upon these invaluable statistics, we must be assured of their integrity—even if it might mean establishing such data-gathering agencies outside the purview of political interference.

The allegations suggested in the Washington Post report are very serious, and I would advise Senators today that when I have a report from the appropriate responsible officials in the executive branch I will do one of two things: Exonerate the administration from any culpability in trying to impose politics or partisan viewpoints upon the Bureau of Labor Statistics, or, if the evidence does not suggest that avenue, propose legislation to insure that partisan considerations will not be a factor in any data-gathering machinery operated by our Government which is paid for by our taxpayers.

There being no objection, the items were ordered to be printed in the Record, as follows:

Nixon Ousting Labor Analysts

The Nixon administration is bringing hand-picked political appointees into the Bureau of Labor Statistics to interpret wage and price data, displacing career technicians who incurred White House displeasure last winter.

It is another chapter in a continuing controversy which the administration claims stems from the technicians being exposed to embarrassing policy questions. Critics charge, on the other hand, that the technicians' analysis of economic trends conflicted with the roseate interpretations put out by White House spokesmen.

A major victim of what the government calls a reorganization—and the critics call a purge—is Peter Henle, chief economist in charge of analysis. He is scheduled to leave BLS for a post with a private research foundation. He has refused to comment on the move.

Also affected is Harold Goldstein, assistant commissioner of labor statistics for manpower and employment. It was understood his job is being split in two with Goldstein assigned to presumably non-controversial long-range analysis.

Goldstein, who used to conduct monthly briefings for the press on employment and unemployment statistics, played a key role in the incident which culminated in the controversial abandonment of these briefings.

Last March, BLS reported that unemployment dropped from 6.0 to 5.8 per cent (it has since risen to 6.1 per cent). But some unfavorable developments—a contraction in the number of jobs and a decline in the average work week—caused Goldstein to call the February picture "sort of mixed."

At practically the same time Secretary of Labor James D. Hodgson was calling the February report, "favorable," "hopeful," and "indeed heartening." It was an open secret that the White House and Hodgson were miffed with Goldstein.

Two weeks later the government dropped its monthly briefings on both the job figures and the consumer price index.

Administration sources explain that the shakeup in BLS, which is slated to take place Nov. 1, is only the result of a long-planned reorganization of government statistical services set forth in a federal publication in July.

Under this, a new Office of Data Analysis will be established in BLS. It will have the responsibility, formerly borne by Goldstein and other top career technicians, for the analysis and interpretation of the consumer price index, employment and jobless figures, productivity statistics and the like.

There have been persistent reports that this job will be filled by an unidentified University of Texas economist recommended for the job by Sen. John G. Tower (R-Tex.).

At the same time there were similar reports that Goldstein's present functions will be taken over by John Myers, an economist for the Conference Board, a research organization supported mainly by business.

But Geoffrey H. Moore denied yesterday that these appointments have been made although he confirmed that the Bureau is going through a reorganization.

It was made clear that the present data-gathering functions of the bureau will not be affected, only analysis.

Congressional sources said they had been told a number of BLS professionals will receive reductions in grade as a result of the reorganization and some employees are being encouraged to retire. There was one report that an under secretary for statistics would be created in the Labor Department but there was no confirmation.

Advised of the impending BLS shakeup, Chairman William Proxmire (D-Wis.) of the

House-Senate Joint Economic Committee, charged that the Nixon administration "would bring in analysts whose conclusions would be subordinated to the political interests of the administration."

Proxmire, who strongly protested abandonment of the briefings and has summoned BLS officials to explain price and unemployment figures before his committee in their absence, said:

"After Nov. 1, when the Bureau of Labor Statistics provides an analysis of the latest economic figures, it will be what the administration wants the public to believe about the figures, not what objective economic experts believe they signify."

In another development yesterday, it was learned the Census Bureau will take what perhaps is the first public opinion poll conducted by the government itself about its own policies.

The poll was ordered by the Cost of Living Council, headed by Treasury Secretary John B. Connally Jr. The questions are designed to determine Americans' knowledge of the details of the 90-day wage-price freeze, how it has affected them, how effective they think it is, and whether they think it is fair.

A copy of the questionnaire for interviewers' use and obtained by The Washington Post also asks a number of personal questions—income, education, employment status and whether the person polled belongs to a labor union.

The latter question brought an explosive reaction from the AFL–CIO.

A federation spokesman, told about the survey, said "we think it's pretty obvious that this is a continuation of a campaign to drive a wedge between the leadership and the membership of labor to prove their (the administration's) ill-founded claim that George Meany is out of step with its membership."

After AFL–CIO President Meany criticized the freeze for alleged inequities, an administration leader suggested he is "out of step" with his members.

On learning of the poll, another labor official said "it strikes me as 1984 and doublethink."

It was reported that the questions will be asked of those making up part of the sample for the quarterly survey on consumer buying intentions conducted by the Census Bureau. The total sample is about 17,000, but since the freeze poll will involve only those about to be dropped from the sample after six surveys to make room for new interviewees, the number is expected to be a bit less than 3,000.

Politicizing the B.L.S.?

Few agencies in or out of Government have a more distinguished record for objectivity and integrity than the Federal Bureau of Labor Statistics. Instead of representing the bureau's most prized adornment, that quality of scholary detachment seems to have become a liability in the present Administration.

Last March the B.L.S. technicians, who had for years held monthly press briefings to answer reporters' questions on cost-of-living and unemployment trends, were abruptly muzzled because their factual responses did not fit in with attempts by their superiors in the Department of Labor and the White House to convince the country that things were getting better when, in truth, they were getting worse.

President Nixon's decision on Aug. 15 to junk his steady-as-you-go economic policy represented tacit acknowledgment that the B.L.S. economists had been quite precise in their analyses of what was happening to the economy. But the vindication supplied by events has brought no let-up in the Administration's apparent resolve to downgrade the career technicians responsible for these dispassionate appraisals.

Two ranking economists are reportedly planning to leave the bureau on the eve of a reorganization that would considerably reduce their areas of authority. Administration spokesmen insist that the shake-up, part of a general overhaul of Federal statistical services announced last July, has nothing to do with politics. The initial list of new appointees rushed out by the White House yesterday has done a little to dispel reports of political maneuvering in connection with B.L.S. restaffing.

The surest way of discredit both the bureau and the data it compiles would be to adulterate its statistics with political sugarcoating in the months before the 1972 Presidential voting. The country has just embarked on a painful period of wage-price controls. The confidence of all Americans in the reliability of the Government measuring rods for charting ups and downs in living costs and jobs will be more needed than ever, especially since the period of economic regulation may extend for many years.

PRESIDENT NIXON AND SECRETARY LAIRD SPEAK ON PRISONERS OF WAR

Mr. GRIFFIN. Mr. President, on September 28, 1971, President Nixon and Secretary of Defense Melvin R. Laird addressed the annual meeting of the National League of Families of American Prisoners and Missing in Southeast Asia.

I ask unanimous consent that the text of their statements before the group be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Remarks of the President at the Annual Meeting of the National League of Families of American Prisoners and Missing in Southeast Asia

Mrs. North, Mr. Secretary, all of the distinguished guests who are at the head table and all of those who are in this audience:

I have spoken in this room many times over the past, believe it or not, 24 years, starting as a Congressman. I can assure all of you that this brief remark that I will now address to you is spoken more from the heart, I think, than anything I have ever said before.

The Secretary of Defense—and I have had an opportunity to read his remarks and endorse them—will address you later. He will tell you what we have been doing, what we are doing, what we hope to do with regard to the great objective in which all of you and all of us are interested, and that is obtaining the release of all of our POW's and missing in action wherever they may be in Southeast Asia.

But I wish to underline what the Secretary will tell you by indicating the personal commitment of the President of the United States. As you can imagine, whoever holds the office of the Presidency cannot take upon himself all of the various assignments that come across his desk. Much must be delegated.

I want each and every one of you to know, however, that from the time in the White House Library, at Christmas time, 1969, I met a group of wives and one mother of some POW's and missing in action, from that time, as the Secretary of Defense can tell you, and the Secretary of State can tell you, I have considered the problem of obtaining the release of our POW's and missing in action as being one that has Presidential priority.

I can assure you that every negotiating channel—and now I say something here that I am sure all of you will understand—including many private channels that have not yet been disclosed, have been pursued, are being pursued and will be pursued.

I can assure you that with regard to this problem, that whenever any matter comes to the attention of the Secretary of Defense, or the Secretary of State, from a Senator or Congressman or the rest, it is brought to my desk and we run out the lead, whatever it may be.

You know the tragedy we have found so often—hopes are raised and then dashed, because we are dealing here with a savage enemy, one who has no concern for humanitarian ideals.

But on the other hand, we believe that it is essential to check every possible lead; we don't care where it comes from. We are doing that.

I have personally ordered that and we will continue to do so, and I believe that we will eventually succeed in our goal. That is my commitment that I make to all of you.

Now, I have delayed your dinner too long, but I would like to add one other rather personal note. Many times when I travel around the country, people—particularly young people in school—will say, "You know, Mr. President, that must be a terribly awesome responsibility to serve as President of the United States." And people sometimes feel that all of the great burdens of the world are on the shoulders of the President and that the responsibilities are indeed awesome. I would be less than candid if I were not to say that the responsibilities are heavy.

But let me tell you something: Any day that I sometimes feel that it has been a rather hard day and that I have had to make some real tough decisions, and I haven't had very much support, and any time I begin to feel a bit sorry for myself, I think back to that day just before Christmas in 1969.

I think of airports where children have come up and said, "My daddy is missing in action." I think of the wives who I have seen and the mothers and the rest. I think of their courage and what they have done and what they have given for their country, and then realize my job isn't all that hard.

I am just so proud of how great you have been and I am not going to let you down.

Address by the Honorable Melvin R. Laird

In my many meetings with the wives, parents and other family members of our Prisoners of War and missing in action around the country, I have come to know many of you personally. To be with you here this evening is again an inspiring and humbling experience.

You have won the admiration of the nation and of a great part of the civilized world because you have borne uncertainty and loneliness with dignity and courage.

I pray that you will continue to have the inner resources to maintain that dignity and that courage until the day on which uncertainty ends and on which those who are prisoners are reunited with their loved ones. I want tonight to reaffirm my pledge to you that we will not forget your husbands, your sons, your fathers—and, we will not forget you.

Each of you is aware that the U.S. Government was following a policy of virtual silence on the issue of prisoners of war and the missing until early in 1969. This former approach was followed, I know, not because of lack of concern for the men who were in prison or whose fate was unknown. On the contrary, it was assumed that the welfare of the prisoners would be best served by public silence.

A change of policy was effected after President Nixon entered the White House. We felt that the enemy's violation of the Geneva Convention should not continue to pass unnoticed. We were disturbed by Hanoi's failure to account for our servicemen whom they held and for those who they knew had died in territory under their control in North Vietnam, South Vietnam, and Laos. We were incensed by reports of inhumane treatment of Americans.

And so I recommended that a different policy be pursued and that we discuss the humanitarian issue of prisoners of war and missing in action, openly, candidly, forcefully, and repeatedly.

As you know, I have made it a point on my trips to Europe and even on my last trip to Vietnam, to make a stop in Paris for the exclusive purpose of meeting with our delegation on this issue. Also, I have sought, whenever possible, in any meeting with my fellow Defense Ministers or other foreign government officials to discuss it and to seek the active support of other governments for our efforts to return these men to their families. I will continue to do so every chance I get.

The President of the United States, our Commander-in-Chief similarly has made this topic a priority item on the agenda in his discussions with leaders around the world and he will continue to do so.

I need not remind you that President Nixon has made far-reaching proposals at the negotiating table in Paris, including specifically the immediate and unconditional release of all prisoners of war. That proposal was perhaps the most forthcoming ever made on prisoners of war in history. Yet, the other side has refused even to address it.

I believe that whatever the frustrations, whatever the uncertainties, we jointly should continue our policy of focusing world attention on our prisoners of war and the missing in action.

As long as Americans are held prisoners in Southeast Asia, as long as Americans missing in action have not been properly accounted for, our efforts must continue to keep this issue before the public in our own country and in the rest of the civilized world and to reinforce the demand for justice for these men.

We must continue unceasingly to demand that the rights of prisoners of war under the Geneva Convention be respected. We must continue to call attention to Hanoi's violation of those rights.

The Geneva Convention requires that prisoners be humanely treated and protected. This provision has been consistently violated. Among other things, the enemy paraded prisoners in the streets, forced them to make statements and used them for purposes of propaganda.

The Geneva Convention requires neutral inspection of prisoner camps be permitted, including interviews of the prisoners without witnesses in attendance. The enemy has never permitted such inspection or such interviews.

The Geneva Convention requires that the names of all prisoners be released promptly. Such names as the enemy has released have not been released promptly nor through regular channels. And its lists have not been complete. No list of prisoners held in South Vietnam and Laos has been furnished.

The Geneva Convention requires notification of deaths in captivity and full information on the circumstances of death and place of burial. There is strong ground for doubt that its list of the deceased is accurate or complete.

The Geneva Convention requires that prisoner of war camps be marked clearly and their location be made public. The enemy has not marked its camps nor divulged their location.

The Geneva Convention requires that the seriously sick and wounded be repatriated or interned in a neutral country. The enemy has refused to comply with this provision.

The Geneva Convention requires that prisoners be permitted to send at least 2 letters and 4 cards a month. The average has been 2 or 3 letters a year and none at all from some prisoners. Only one letter has been received from a prisoner held in South Vietnam, and none from prisoners in Laos. I am deeply disturbed that, after a marked increase in the mail received from prisoners last year, this year's trend has gone down. We have worked through international postal contacts to try to establish special channels for prisoner mail to no avail. In every instance, North Vietnam has rebuffed the efforts of our intermediaries. Most recently, earlier this month, the North Vietnamese stated they prefer the present arrangements.

The Geneva Convention requires that sufficient food must be given to prisoners. Yet, all of the released prisoners have been found to be underweight and suffering from malnutrition.

The Geneva Convention requires that prisoners not be held in close confinement. Yet, the enemy has held some men in solitary confinement for years.

This list of continuing injustices impels us to persist in our efforts to see that Americans who are prisoners anywhere in Southeast Asia are accorded all the rights they possess by the Geneva Convention. We will persist in our efforts to obtain full information about the missing. We are not satisfied that any list so far released of those held prisoner and of the deceased is complete.

We stand by all the proposals we have made relating to exchange and release of prisoners. We urge particularly that the sick and the wounded be released immediately.

At this convention, you have wisely given careful attention to the problems of readjustment which will be faced when these men return home. It is important to plan now to meet these problems. I want to assure you that the Department of Defense and other agencies of government want to do everything we can to help you meet this challenge.

Let me deal briefly with the varying interpretations of the enemy's Seven Points presented at the Paris negotiations on July 1 of this year. There are many Americans who have claimed on the basis of some direct or indirect contact with North Vietnamese that Hanoi is prepared to be flexible on the issue of separating the release of the prisoners from the other issues. Yet, whenever our delegation in Paris has pressed Hanoi's representatives for a clear-cut explanation of Hanoi's stand, they have received no response or a response veiled in ambiguity.

Among the questions of particular concern to you which Hanoi's representatives refuse to answer are these:

Does the release of prisoners mean *all* prisoners—or only those whom Hanoi has admitted it holds in North Vietnam? What about the other American prisoners including those held in South Vietnam, Laos, or elsewhere? When and how and where will release take place?

What about the missing? Will they be accounted for? Without such an accounting, we cannot know whether any list of prisoners is complete.

At the time of the 120th plenary session of the formal talks, the North Vietnamese had met about 130 times with various unofficial American delegations. These meetings have produced in our own society much misleading speculation about the war, the Paris talks, and the prisoners of war issue. In fact, Hanoi has never said to any one authorized to negotiate for the United States that the prisoners will be released if American troops withdraw, and, of course, there are other conditions which they want fulfilled.

On Setember 16 the North Vietnamese restated their seven point peace plan in the hardest terms, apparently repudiating the reports made by some Americans who see flexibility in Hanoi's propaganda.

Hanoi's inflexibility and changing signals, coupled with its failure to abide by the most rudimentary humanitarian standards, have led to unproductive results. We shall continue to press urgently for a full explanation of Hanoi's position, but we will not accept any proposition which is not clearly in the interests of this nation or of the prisoners themselves.

I wish I could say that I fully appreciate the anguish that each of you has undergone and continues to bear. Yet I realize that no one but you who are separated from your loved ones can know how hard it is to wait without knowing when the waiting will end. As I said at the outset, you and your loved ones are in our thoughts and in our prayers. We pray that you will continue to have the strength to hold fast to the conviction that the waiting will end—and it will.

Every resource of your government will be employed to speed the day when the waiting ends. Our efforts on behalf of the prisoners and the missing and on your behalf will not flag.

If together we continue to persevere, to remain united in purpose, to continue to keep the question of the prisoners and the missing high on the list of international priorities, we will achieve the objective for which we have been working. We will learn what has happened to the missing. And together we will welcome back our men.

THE UNITED STATES ASTRIDE THE GLOBE

Mr. FULBRIGHT. Mr. President, Mr. Merlo Pusey, one of the most experienced and perceptive journalists of our time, has written an excellent book entitled "The U.S.A. Astride the Globe." His observations contain much wisdom from which this body, as well as the executive branch, can profit.

A review of this book by one of America's most distinguished historians, Henry Steele Commager, published in the Washington Post of today, gives a succinct and interesting account of the essence of Mr. Pusey's views. I ask unanimous consent to insert it in the Record.

There being no objection, the review was ordered to be printed in the Record, as follows:

The U.S.A. Astride the Globe

(By Merlo J. Pusey)

(Note.—The reviewer taught at Columbia University for 20 years and is now the Simpson Lecturer at Amherst College. He testified this spring before the Senate Committee on Foreign Relations on presidential powers in foreign policy.)

When James Russell Lowell wrote that America was nurtured "by strong men with empire in their brain" he had in mind that empire which stretched from the Atlantic to the Pacific, not one that encompassed the globe. To the generation of the Founding Fathers, and their successors through most of the 19th century, these two concepts of empire were antithetical; more, they were irreconcilable.

Mr. Pusey here conducts an inquiry into the nature of the new American empire, one which ostentatiously plunges into the "exterminating havoc" and the "degradations" of every quarter of the globe. The new American empire, in sharp (and perhaps in the long run beneficent) contrast to earlier empire, from those of Alexander and Augustus to those of Louis XIV and Queen Victoria, is neither cultural nor economic, but almost wholly military.

Mr. Pusey has analyzed and charted the manifestations of this American response to the Communist challenge: $1,000 billion in military expenditures; an annual military budget of some $80 billion; military bases in 33 countries; an elaborate network of alliances which has led us to propping up the Franco regime in Spain, the rule of the colonels in Greece, the military regime in Brazil, the Thieu dictatorship in South Vietnam and so forth; the world's largest fleet off the China coast, perhaps the second largest fleet in the Mediterranean; enough nuclear overkill to destroy any enemy 10 times over; CIA subversion in some 60 countries. He has not explored, though he hints at, the larger costs—to the success of the United Nations, to our standing in the international community, to our own internal unity, to our economy, our culture and our morality.

How has it happened that a people who so long cherished the notion that they were happily isolated from the rest of the globe now eagerly embraces involvement—military and political involvement—in every quarter of the globe?

This is a large subject and one which Mr. Pusey does not undertake to illuminate. Two considerations appear to be relevant.

Santayana has said that Americans never really solve any problems; they amiably bid them good-bye. We are now in process not merely of bidding problems good-bye but of bidding good-bye to both history and experience; it may be doubted that there has ever been an American administration as ignorant of and contemptuous of history as that which now presides over our frustrations and defeats. The Founding Fathers did not feel themselves bound by history—indeed, they were confident that America was to open a new page in history—but they were familiar with it, and with its "lessons". They thought that history was "philosophy teaching by examples" and studied that philosophy and those examples: thus Madison and Hamilton in the "Federalist Papers," John Adams in the "Defense of the Constitution," Jefferson in all of his state papers; Tom Paine in "The Rights of Man."

We no longer read history in this way or to this purpose; yet Presidents Johnson and Nixon might have done worse than study the history of the Sicilian Expedition as told by Thucydides: taken to heart, that lesson might have allowed us to escape from Vietnam.

The last four administrations have been prepared, in little things as in big, to ignore history, even our own. They have been prepared to ignore what we ourselves long took for granted: that secrecy defeats itself; that you can't fool all the people all the time; that the military cannot be trusted with responsibility for national policies; that power corrupts; and that—in the words of John Stuart Mill—a government which dwarfs its men in order to make them docile instruments of power will find that with small men no great things can ever really be accomplished.

This readiness to forego the lessons of the past is in part responsible for the second major source of confusion and error: our persistence in a double standard—a double standard of national and international conduct that has by now become second nature. Examples are familiar: we denounce Russia (and justly) for invading Czechoslovakia to overthrow a government it disapproves, but we ourselves invade Santo Domingo for much the same purpose; we regard it as "a dark day for mankind" when China detonates a nuclear bomb but we ourselves dropped nuclear bombs on Japan and threaten Vietnam and China with them; we have one standard for the Germans guilty of war crimes at at Nuremberg and for Japanese in the Tokyo Trials, but a very different one for our own violation of international law, the laws of war, the treatment of prisoners, and the Mylai massacre.

It is, still, always the other side that cheats—Russia or China, or Cuba, or North Vietnam. They are the aggressors. It is they who violate the law. It is they who are the militarists and force us, all unwilling, to take to arms.

Mr. Pusey proposes some remedies and some changes designed to advance peace throughout the world and harmony at home. Put an end to the Vietnam adventure; get out of Southeast Asia, and, eventually, of Korea and the Philippines. Abandon our excessive bases in most parts of the globe—but not NATO: NATO is a beneficent institution. Limit the arms race, defuse trouble spots in the Middle East and India and the Caribbean, restore civilian control of the military and restore the balance between the executive and the legislative power.

All of this is, needless to say, to the good; needless to say it is not good enough. It leaves the Cold War almost as cold as ever. The Soviet is not going to loosen pressure on her border states as long as we maintain a mighty military presence in Germany; it is not going to stop playing a power game in the Middle East as long as the U.S. Navy dominates the Mediterranean and Greece and Turkey are part of NATO. China is not going to abandon the Cold War as long as we insist on a two-China policy or force rearmament on the Japanese, whom we once forbade to arm. The Pentagon is not going to be returned to that subordinate place which it should occupy in our political system as long as Presidents and Secretaries of Defense are prepared to act as its spokesmen and champions; the Congress is not going to recover its constitutional equality as long as so many of its members are pusillanimous in performance of duty. Americans are not going to abandon their delusive double standard either at home or abroad as long as their schools, their press, their television, their leaders continue to impress upon them that they are a peculiar people who are not to be judged by ordinary standards.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, as we here in Congress and around the Nation continue to discuss and debate our ever-expanding population, I think it is vitally important for us to have up-to-date population figures available. I would, therefore, like to share with Senators and fellow Americans population estimates prepared by the Census Bureau. These are approximations only, but they convey something of the magnitude of the problem we are facing.

According to current calculations, the total population of the United States as of today, October 1, is 208,098,266. This represents an increase of 164,408 since September 1, or roughly the size of Hartford, Conn. It also represents an addition of 2,165,244 since October 1 of last year, an increase which is larger than the size of Philadelphia, Pa.

THE EISENHOWER-DULLES PRECONDITIONS FOR INTERVENTION IN SOUTHEAST ASIA

Mr. BEALL. Mr. President, as our military disengagement from Southeast Asia begins to enter its final phase, I believe that we should reflect back to the wisdom of late President Dwight David Eisenhower and his Secretary of State, John Foster Dulles. The Eisenhower-Dulles approach to foreign affairs was based on what was practical, realistic, and obtainable. I should like to bring to the attention of the Senate an editorial entitled "The Dulles-Eisenhower Rules" published in the Christian Science Monitor of July 6, 1971. In the article, President Eisenhower's four basic criteria for effective intervention are outlined. In light of the consequences of our involvement in the conflict in South Vietnam, a situation which did not fit the Eisenhower-Dulles preconditions for intervention, we might want to reflect on the wisdom of our 34th President.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Dulles-Eisenhower Rules

When all the meanings of all the words in the Pentagon papers are added up and put together and analyzed and squeezed down for what is most important we think we have a pretty good idea where it will come out.

We think it will mean that back in the days of Dwight D. Eisenhower and John Foster Dulles the United States had a pretty sound set of operating principles for American foreign policy which their successors could, to their advantage, have honored more than they did.

Mr. Dulles was great on high-flown rhetoric and thus earned for himself the title of "brinksman." He even invented "brinksmanship" by the claim that he found it necessary to walk up close to the "brink of war." Yet the truth of the matter is that Mr. Dulles's actual operating policies, as distinct from his rhetorical policies, when tempered by Eisenhower caution were conservative and restrained.

In the Dulles speeches which did not make headlines, and in his private conversations and in his actual management of American foreign policy he worked out for President Eisenhower a set of rules under which he would approve or disapprove of an American commitment to friendly factions in countries under real or presumed danger of internal or external aggression.

He was willing to give economic and military aid and even, if necessary, send American troops provided that:

1. The government in the country involved requested aid.
2. The government requesting aid was in effective control of the bulk of the country.
3. The government was backed by a majority of the population, and
4. Government and people were ready, willing, and able to fight effectively in their own defense.

Under this formula all of Western Europe, much of the Mediterranean, most of Latin America, South Korea, Japan, Oceania, and Southeast Asia were kept out of the hands of adventurers and adventurous elements unfriendly to the United States and its allies. Egypt was a loss against the plusses.

Even more important, so long as the Eisenhower-Dulles formula was observed, the United States did not get into any difficulty too big for it to handle. To over-simplify, President Eisenhower believed in intervention—when the odds were on his side. Playing it cautiously paid off. He never got himself dangerously overextended.

Intervention in Vietnam was not measured by the old Eisenhower-Dulles rules. Had they been applied, there never would have been an American commitment there at all.

In the beginning there was never even a request for American troops. President Diem had to be maneuvered into asking for them. It was his fatal misfortune that he did let himself get talked into asking for them.

At no time was the regime in Saigon in substantial control of the bulk of the country. There is no convincing evidence that it has enjoyed the solid support of a majority of the people. And the evidence is still all too painful that government and people have yet to acquire the will and capacity to fight their own battles.

The Eisenhower-Dulles formula would have justified intervention in Korea. It would not have justified the massive intervention in Vietnam which came during the Kennedy-Johnson era. Every rule in their formula was ignored by the commitment to Vietnam.

The chances are that when the Vietnam affair is really over and the books are closed, as they are bound to be one of these days soon, someone will remember it all as an example—of how safer the old formula really was.

POSTAL SERVICE DELIVERY

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in yesterday's Washington Post concerning the U.S. Postal Service's recent achievement of overnight delivery of some letter mail in metropolitan areas. The article is a column by Mike Causey, pointing out that letters which bear meter cancellations must be dated the day following their deposit in the mail system if they are actually mailed in business areas after 5 p.m., or whatever hour is the last regularly scheduled mail pickup.

Mike Causey's article also relates to a recent news story in the Post regarding the success of this program in Washington. According to Washington postal officials, next-day delivery reached 98 percent over a 4-week test period, and all this was done, the Postal Service proudly pointed out, without additional workers, overtime, or equipment. The simple additive to achieve this magic was that all night collections from mail deposit boxes were eliminated.

Claiming some expertise in the field of postal operations, I should like to suggest that an effective combination of these two schemes would be to require that all mail be postdated 1 day and required to be deposited by noon. In that way, perhaps more than 98 percent could be delivered before it was mailed.

Levity aside, I view this improvement in mail service, if that is what it can be fairly called, with some misgivings. Last year, when our Post Office and Civil Service Committee was drafting the language of the Postal Reorganization Act, the Postmaster General and his associates expressed great misgivings about any language requiring overnight delivery of letter mail as a goal of the Postal Service—mind you, not a requirement, but even as a lofty principle to look toward. In the postal reform bill which I introduced, S. 3613, the statement of policy on service was this:

> Modern methods of transporting mail by containerization and programs designed to achieve overnight delivery of mail to all parts of the Nation shall be a primary goal of postal operations.

The Post Office Department fought that language tooth and nail, and I must say, particularly after the postal strike and they had sufficient votes to carry the day, they prevailed upon Congress to eliminate such a lofty proposal from the policy of the Postal Service. The policy of the law now reads:

> Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation *to the destination* of *important* letter mail shall be a primary goal of postal operations.

The italic are mine. The significance of the italicized portion of the policy statement is that the Postal Service recognized at once the duty of principle which we were attempting to establish, and did not want to shoulder the burden of delivering, attempting to deliver, and trying to attempt to deliver, everybody's letter mail expeditiously. Just important letter mail.

What "important" means remains to be seen. It may mean letters for which the customer may be assured overnight delivery to the place of destination—notice that does not mean to the addressee, just the city where the addressee lives—for a mere $1.50 postage, a cost, I might add, that surely bears much more weight of postal operations than a fair and equitable rate structure might establish. It may mean airmail, special delivery, which now costs 71 cents for 1 ounce, and which, in my most recent personal experience with that class of mail, was not actually delivered to the addressee.

Another aspect of this which bears some thoughtful problems is what effect this has on the mailers. Does a business which meters $500 of postage a day lose that postage if it incorrectly dates the mail? By incorrectly, I mean that they put the date on the letter of the day which they deposit the mail, but not the date of the day following the day which they deposit the mail. Postal regulations require deposit before the last collection of the day or the mail will be returned to the mailer for proper dating, or postdating, as it were. But when I raised this issue with the Postmaster General some months ago, he assured me that this was not the case. He said:

> Metered mail which is dated one day but which is not collected until the following day is not regarded as being wrongly dated.

Mailers might be pleased to hear that, were it not for the wording on the notices they have received which state:

> Postal regulations require meter mail bearing the date of mailing *must* be deposited in a mail chute in the building or street collection box before the last collection of that day. Mail prepared after the last collection must bear the next day's date.
>
> Firms that hire pickup or courier services to deliver their mail to the Post Office must inform the agent to deliver to the Mail Post Office before 9:00 p.m. of the date shown in the meter.
>
> Employees of your organization should be fully informed of these regulations to insure that your mail is properly prepared to conform with the procedures outlined above.
>
> Meter mail improperly prepared will be returned with instructons to enclose in new envelopes bearing the correct date in meter stamp.

The wording in that notice is taken from a bulletin received by mailers in Washington, D.C., from the local postmaster.

Mr. President, there is a definite contradiction here between what the Postmaster General told me as chairman of the Senate committee and what one of his subordinates told mailers. They had best get their heads together and find out just what the regulations and policies of the Postal Service are.

"Newspeak" may have reached the Postal Service just in time to assure yesterday's delivery of tomorrow's mail, making no night collections good and correct metering bad. The new advertising program for which the public will be asked to pay a great deal of money to put that sort of program over to itself may carry the day. But for those who are interested in improved service as a fact, at fair and reasonable postage rates, and not gimmicks and public announcements of test programs, the actual data from which never reaches the public eye, or money-back guarantees with fine print in the contract, the Postal Service has yet to make its case.

I ask unanimous consent to have printed in the RECORD several letters and papers relating to the subject I have just discussed.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY WINTON M. BLOUNT

Postmaster General Winton M. Blount announced today plans for overnight delivery of virtually all of the nation's local area first class mail deposited by 5 p.m.

"The goal," Mr. Blount said, "is next-day delivery of letters and other first class mail within cities and surrounding areas. This affects more than half of all first-class letter mail. Customers of every post office in the country will benefit."

Well over 50% of the 52 billion pieces of first-class mail handled annually are for delivery in the city where deposited or in nearby communities.

The Postmaster General said that by September 9 regional and local postal officials will identify exact areas within which next-day delivery will be provided for ZIP-Coded first class mail deposited by 5 p.m. on weekdays in business areas, and at collection points on main thorofares.

At all collection boxes in residential areas for which the last collection is earlier than 5 p.m. a notice will be posted showing the location of boxes in shopping centers, near postal stations or on main thorofares where collection will be made at approximately 5 p.m.

Where possible, Postmasters will designate depositories in or near post offices where later than 5 p.m. deposits may be accepted and still make established standards.

The areas in which overnight delivery will be provided will extend well beyond local city boundaries. The next-day service boundaries will be announced publicly in every community. ZIP-Code definitions of the areas will be made available.

A minimum goal of 95% successful performance in each area by October 31 has been established. Constant monitoring will be used to identify any problem areas and to insure that the performance goals will be met.

Mr. Blount urged mailers to deposit as much of their mail as possible earlier than the 5 p.m. cutoff to help insure maximum success with the new first-class mail standards.

At a minimum, overnight delivery will be provided within and between all post offices in a postal "sectional center." Sectional centers include many surrounding post offices, as well as the sectional center post office—usually a larger, strategically situated office. In addition, post offices in immediately adjacent sectional centers will also get next-day delivery.

Postmasters at local offices will publicize lists of communities to which they can provide overnight delivery.

"Some areas of the country already are receiving next-day local delivery," Mr. Blount commented. "This program will reinforce the already high delivery standards in those areas and broaden them in some cases.

"This new plan, however, adds a new dimension to local service, including specific delivery timetables to clearly defined areas, with known performance standards."

New improved standards for first-class mail moving out of local areas are under development and will provide delivery within specified timeframes, depending upon distance.

[From the Washington Post, Sept. 22, 1971]

NEXT-DAY DELIVERY OF DISTRICT OF COLUMBIA AREA MAIL HITS RECORD 98 PERCENT

(By Henry Aubin)

A Postal Service official said last week that 98 per cent of all letters mailed from one location to another within metropolitan Washington are being delivered the next day.

Carlton G. Beal, manager of metropolitan postal operations, said the finding was based on a survey over the past four weeks using 1,520 test letters, which serve to measure the time elapsed between collection and delivery.

A similar survey last June, before a new efficiency program was introduced, showed that only about 77 per cent of all letters were getting overnight service.

In its own survey of local mail service, the Washington Post mailed 100 letters over the last nine days from locations in the District of Columbia and suburban Virginia and Maryland. Ninety-five per cent of them were delivered to Post employees' homes, scattered throughout the area, the following day.

Four were received the second day and the fifth letter—mailed from Wheaton to a copyboy living in the 1100 block of Massachusetts Avenue NW took five days.

The surveys show that the local post office may already have attained the goal announced by Postmaster General Winton M. Blount to provide overnight service for 95 per cent of first class mail within all the nation's metropolitan areas.

'We're about to climb on cloud nine if this keeps on going, said Beall.

He said in an interview that quicker service was accomplished without increases in manpower, overtime or equipment. It may even cost less than before, he said.

To achieve the faster service, all night collections were eliminated. To get overnight service, residents must mail a letter before the last collection—which can be in the morning in some residential areas and as late as 5 p.m. along main arteries, Beall said.

Until this summer, some mailbox collections were as late as 1 p.m., he noted.

The former system of night collections seldom resulted in faster deliveries because, Beall said, the late mail generally used to lie around post offices all night before being processed.

In addition to the District, the new service applies to all of Fairfax, Arlington, Prince William and Loudoun counties and much of Falls Church, Alexandria and Fairfax.

In Maryland, it includes Prince George's and Montgomery counties and also parts of Howard, Calvert and Anne Arundel counties.

The Post survey found no pattern to the late letters. No neighborhoods appeared to get particularly shoddy service.

For example, a person living in the 4400 block of B Street SE received a letter mailed from downtown Washington two days later. But the following day, she received letters mailed five blocks away and she also received letters from Arlington, Leesburg and Wheaton the next day.

A reporter living in Bethesda received letters from Reston and Northeast Washington the next day, but he got a letter from Arlington two days later.

Beall agreed about the random nature of late letters. Postal officials blame them mostly on human error by employees or on unclearly hand-written addresses (The Post's envelopes were typed).

Beall said the Postal Service survey showed that mail sent from one location to another within the District of Columbia arrived the next day 97.9 per cent of the time. Mail flowing between the District and suburbs was slightly better, 98.2 per cent.

In another experiment, The Post tested zip codes' zip.

Ten letters without zip codes were mailed from the same mailboxes and to the same addresses as 10 letters including zip codes.

All 20 letters arrived the next day.

[From the Washington Post, Sept. 30, 1971]

POST OFFICE ORDERS MAIL POST-DATED

(By Mike Causey)

The U.S. Postal Service has found a sure fire way to make the public believe mail service is getting better. Key to the operation is a gimmick billpayers with low bank balances have used for years, called post-dating.

Under the system, the mail-moving corporation now requires letters mailed after the last mailbox pickup to bear the next day's date on the postage meter stamp.

It also permits the Service to look better despite cutbacks in late-hours mail pickup.

In the old days, like last July, mailroom clerks in businesses stamped letters with the date they were mailed from their offices, usually between 5 and 6 p.m.

But since the postal service has eliminated some 7 and 8 p.m. mail pickups, complaints from customers expecting next day delivery have increased.

To counter this, the post office now requires "meter mail bearing the date of mailing must be deposited in a mail chute in the building or street collection box before the last collection of that day. Mail prepared after the last collection must bear the next day's date."

New regulations mean the mail rooms who miss the 5 p.m. pickup on Monday must redate their postage meters to Tuesday. Otherwise, the postal service returns their letters, rather than deliver them "late" to customers.

Mailers are furious over the new regulation, particularly since the Postal Service has shortened its pickup service day in many areas.

The post-dating method gives the Service a big-jump, and makes patrons think they are getting next-day, or same-day service when they aren't.

There is some tongue-in-cheek speculation that the postal wheels will next require two-day post-dating on mail going cross-country. That would give them an additional time cushion. In some cases, it would permit a letter from Washington to arrive in Los Angeles the day before it was written.

U.S. POST OFFICE,
Washington, D.C.

Postal regulations require meter mail bearing the date of mailing *must* be deposited in a mail chute in the building or street collection box before the last collection of that day. Mail prepared after the last collection must bear the next day's date.

Firms that hire pick up or courier services to deliver their mail to the Post Office must inform the agent to deliver to the Main Post Office before 9:00 PM of the date shown in the meter.

Employees of your organization should be fully informed of these regulations to insure that your mail is properly prepared to conform with the procedures outlined above.

Meter mail improperly prepared will be returned with instructions to enclose in new envelopes bearing the correct date in meter stamp.

Very truly yours,

C. G. BEALL,
Postmaster.

MAY 27, 1971.

Hon. GALE MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further response to your letter of April 16 concerning the erroneous dating of postage metered mail.

The regulation to which she refers is intended to be applied only in those instances where a mailer regularly deposits wrongly dated metered mail after having disregarded requests for corrective action. Also, metered mail which is dated one day but which is not collected until the following day is not regarded as being wrongly dated.

Miss Jablonski also asks "who, other than the post office, really looks at the date on the envelope?" She might be interested in knowing that we receive hundreds of letters each week concerning delayed mail. Erroneous dating could make it appear as if mail had been delayed, when, in actuality, it had not.

Sincerely,

WINTON M. BLOUNT.

EMERGENCY EMPLOYMENT ACT FUNDS

Mr. TAFT. Mr. President, I continue to be disturbed about the way in which funds under the Emergency Employment Act have been allocated by the Department of Labor. Under section 6 of that act, $250 million was reserved for areas of substantial unemployment. These areas were to be determined by the Secretary of Labor upon his finding that they have experienced unemployment equal to or greater than 6 percent for 3 consecutive months.

The basis for my concern is the fact that $200 million of the $250 million has now been allocated by relying entirely upon the unemployment figures for the months of May, June, and July. Upon a determination that unemployment equalled or exceeded 6 percent during the months of May, June, and July, the allocation was then made on the basis of the May unemployment figures.

The reason the allocating this money on the basis of May unemployment entirely escapes me. The purpose of section 6 is to provide help where unemployment is—not where it was.

One of the reasons why I was not enthusiastic about S. 31 as it was reported from the Committee on Labor and Public Welfare was precisely because it did not provide funds for local areas of heavy unemployment. As I indicated in my individual views, "for the unemployed, it makes no difference whether the national rate of unemployment is more than 4½ percent or not."

Fortunately, the House-Senate conferees subsequently put in language, now in section 6, which provides special funds for local areas which are most heavily impacted by unemployment.

In allocating $200 million under section 6 entirely upon the May unemployment figures, the Labor Department has substituted administrative ease for the needs of America's unemployed.

In my own State of Ohio many of our steelmaking communities have been particularly hard hit by this allocation formula. May was a good month in Ohio as most steel mills were operating near capacity in anticipation of a summer strike. The massive unemployment in those areas now is not alleviated by an allocation formula based upon the May figures.

For example, of the $200 million allocated by the Department of Labor under section 6, not one dime has been provided for the cities of Youngstown and Warren or the counties in which they are situated. These great steelmaking centers are currently hard hit by unemployment. In the Youngstown area, I am informed that there are between 17,000 and 18,000 men and women currently unemployed, out of a work force of 110,000. Obviously this is more than 6 percent and if the Emergency Employment Act funds were not being disbursed according to out-of-date May figures, we could provide help for these unemployed workers and their families.

I believe that the funds under the Emergency Employment Act should be allocated over the full term of that act, using always the most current and up-to-date unemployment figures. Only in that way can we be sure that we are spending where it is needed.

GENOCIDE: 2,000 YEARS OF PROGRESS

Mr. **PROXMIRE**. Mr. President, history reminds us that genocidal mass murder is not solely a modern-day concern. Perhaps the best chronicle of past incidents of genocide is not the statistical record of numbers murdered, but the anguished statements of civilized survivors.

For example, let me quote briefly from the writings of Seneca, the great Roman philosopher:

> We are mad, not only individually, but nationally. We check manslaughter and isolated murders; but what of war and the much vaunted crime of slaughtering whole peoples?

Having lived from 8 B.C. to A.D. 65, it is certain that Seneca must have witnessed or known of some of the rather gruesome incidents in the early history of genocide. What progress have we to show 2,000 years after Seneca?

No much.

As a result of tremendous increases in man's tactical and technological power, nations have become capable of greater and greater atrocities. It could almost be said that the passage of time has enabled man to refine his technique—if "refine" was not the wrong word to apply to acts as brutal and vicious as genocide.

Our duty, then, is to upgrade the effectiveness of our legal mechanisms deterring genocide. At present, no such legal mechanism exists. The conduct of nations on matters of international concern such as genocide is virtually lawless. Nations try to "coexist" in a state of relative anarchy, while guarding their right to anarchy by calling it "sovereignty."

I am not calling for an end to the concept of sovereignty. Obviously it is still a valid concept, and one that most of the world's people believe in.

But I do feel that we can add some measure of rule by law without sacrificing our cherished independence. Thus I propose that the Senate ratify the International Convention on Genocide, which would make genocide an international crime and establish procedures for trial and punishment of violators.

There are not constitutional barriers to ratification. There is no danger of jeopardizing our national interest. And most important, there is absolutely no justification for the inaction of the United States in this vital area of human rights.

Civilized man simply cannot allow the instruments of mass murder to outstrip the legal controls placed upon mass murder. Yet that is what is happening as we continue to delay ratification of the Genocide Convention. We cannot afford to wait any longer. Let us ratify the Genocide Convention now.

THE "BIG SHOTS" OF THE DRUG WORLD

Mr. **HARTKE**. Mr. President, recently much attention was given to the announcement of the Turkish Government that it would end all legal opium production within 1 year. For many years, Turkey has been thought to be the source of as much as 80 percent of the heroin which reaches the United States. The announcement that opium production in that country would henceforth be illegal was both welcome and long awaited.

At the same time, the Turkish announcement does not mean that it will be more difficult to buy heroin in the United States. In recent years, an increasing amount of heroin has been produced in Southeast Asia. Iran recently resumed opium production after a 13-year hiatus. And in anticipation of the Turkish decision, heroin dealers throughout the world have stockpiled enough of that dangerous drug to supply the needs of American addicts for many years to come.

If we are to stop the international traffic in heroin, we must put out of business each and every laboratory which is used to refine opium into heroin. It is the laboratory which is the weakest link in the chain of international drug traffic. Opium is produced in farm fields spread throughout the world, but it is refined in a relatively few laboratories and then placed back into a complicated and impossible-to-detect transportation network.

One of the largest centers of laboratories in the world exists in Marseilles, France. This past spring, when I visited Paris, I met with John Cusack, head of European operations for the Federal Bureau of Narcotics and Dangerous Drugs. He emphasized the awesome task facing U.S. narcotics agents in Europe in their efforts to keep heroin from reaching our shores. It was clear to me following that discussion that, without the active cooperation of several foreign governments—almost all of them friendly to our own—there is no hope of stopping the international drug traffic.

Recently, a series of articles appeared in French newspapers containing interviews with Mr. Cusack. Mr. President, I ask unanimous consent that the articles, together with the response of the Director of the French National Police, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MARSEILLE: OBJECTIVE NO. 1 OF NARCOTICS BUREAU

(By Marc Ciomei)

JOHN CUSACK. The "Big shots" of the drug world are in Marseille, and we will catch them.

On a "ring" located within the limits of South-Eastern France, a regular death boxing match is being fought. On one side, 3 or 4 shadowy figures whose empire covers hundreds of thousands of people on their way to perdition: they are the "big shots" of the drug underworld, and they live and manage their business in Marseille. On the other side of the "ring", a "cop".

The "cop", I saw him . . . a few days ago, in Paris, on the 6th floor of the U.S. Consulate, on rue de la Boetic. He had just arrived from Washington, and was on his way to Rome. He is bald-headed, blue-eyed, and likes "bouillabaisse".

In a few weeks—perhaps less than two—he will be in Marseille, and not for culinary reasons. His name: John Cusack. His occupation: boss of the "Narcotic-bureau." He has received his mission from President Nixon himself, and he does not conceal it: to destroy Marseille laboratories which flood the U.S. with drugs.

He has promised to come back a winner. This is what he will explain to me for more than three hours in his transit office where, around a wooden table—with no whisky—but smoking blond tobacco cigarettes, some of his associates will join us.

On the wall, a map of Europe. John Cusack gazes fixedly on the French Mediterranean Coast, his eyes stop on the point marked "Marseille", and, as he realizes that I am watching him, he nods:

"Yes . . . Yes, it's there . . . It's in Marseille!" a meaningful smile on his lips.

He received me in "American fashion", of course, in a setting of "incorruptibles"; large waiting-room, two very "pin-up" (here I go using American language myself) secretaries come and go; a deputy whose appearance would not clash on the terrace of a cafe in Palermo or Marseille, and who, in an Eddie Constantine voice and accent, asks:

"Well, it's going to be a hard task."

The double-door swings open: John Cusack enters, hands outstretched, direct gaze. We move from the large office to a more comfortable corner of the room, where a large divan and easy chairs are placed.

For once I have taken a notebook out of my pocket, ready to write down, word for word, what he is going to tell me. But my pen remains up in the air . . . For a while, John Cusack talks about Marseille, which he already knows well, of the Vieux-Port, of the "bouillabaisse", and of souvenirs of a touristic nature . . . But, all of a sudden, his voice changes . . .

Chest forward, the "cop" leans his elbows on his knees. He does not even look at me anymore, busily searching for words. I even have the feeling that he is not talking, but that he is dictating, with precision and with a sort of calm and relentless will. In fact, right now I see John Cusack on the "ring" and, like a "champion" in the Middle-Ages, challenge his opponents.

WE WILL DESTROY THE ANT-HOLE!

"There are at present in Marseille"—he goes on "three or four big shots in the drug underworld who, on the strength from their bank accounts, their acquaintances and the respect which surrounds them, feel secure.

"They go about quietly, either because they are feared, either because some people do not believe they are guilty or feel that, should they denounce them, it would be they, the people, to pay for it.

"This "state of things" must be done away with, first of all"

"I am certain that when people from Marseille and its environs learn that we have huge means at our disposal, they will come to us. They will give us the information needed by us to destroy the laboratories and the sources of supply".

"Together, we will kick the ant-hole with our feet, we will force the ants to come out, to disband; it will be up to us to destroy them, and especially to find the big ants.

"A big step will have been accomplished if we succeed first of all in Marseille, because it is there, and nowhere else, that opium passes in transit. It is in your city, in its nearby suburbs, that conversion laboratories are to be found. It is also in Marseille, and not elsewhere, that "big shots" in direct liaison with the Mafia and successors of Al Capone have established their residence."

"This is where we have to strike our blow, quickly and strongly".

After this real declaration of war, John Cusack remains silent for a while. Like a fighter before the fight, he concentrates . . . Most probably going over in his mind what he has just told me, examining every key idea, in order not to forget anything in the challenge to the Marseille underworld, to what he calls "the big shots," the quartet of rich financiers who scorn their fellow-men to build fortunes.

Because, as in all wars, money is its backbone. Thousands of dollars, millions of francs. In spite of the extreme risks, it is money that drives drug traffickers to this "occupation".

To fully understand this struggle, it is necessary to be aware of this economic factor: in Marseille only—in evaluating what John Cusack calls "domestic consumption", daily amount of about 10 million old francs is spent. And that is without counting the cost of deintoxification cures in hospitals, cures, etc.

CONCERTED ACTION WITH FRENCH POLICE

However, the aim of John Cusack and his agents is not directed at these "local" problems. This is the task of the French police, and the honest citizens of Marseille have the right to ask from public means to give the police the orders it is waiting for.

Of course, one is bewildered if one compares the paucity of the means the French Police has, to the powerful ones at the disposal of John Cusack.

"It is not within my duties to substitute for your police. I only know that it needs more men, more vehicles, more money, too".

"The duties of "Narcotic-Bureau" agents in Marseille will be to coordinate and obtain information. Our action will always be concerted with the French police. If we are in Marseille, it is because revelations made as a result of at least five seizures have convinced us that laboratories exist in Marseille or its surroundings.

"Every single time, whether it is in Porto-Rico, Barcelona, or New York, every important investigation brings us back to Marseille . . ."

Statistics provided by John Cusack are irrefutable and refer to recent seizures:

Late June, at the Spanish border: seizure of 50 kilos of heroin; the drugs were obtained at Marseille.

July 23, at Porto Rico, two Frenchmen from the South are arrested in possession of 100 kilos of heroin. Their car, a Citroen, transited in Marseille.

July 29, at Valencia (Spanish); a French couple, coming from Marseille, is found in possession of 113 kilos of heroin.

The "No. 1" of the "Narcotic-Bureau" likes to stress the efficiency of the French police who, on February 24, seized 3 kilos of base, but, his hand, palm-down, posing down on a map of Provence, he exclaims: "Always in Marseille, always in Marseille . . ."

"Of course, it's not only in Marseille" says he. "We know there are laboratories in Germany, but we are convinced that the main laboratories are in Marseille."

"Their bosses are from Marseille. In fact, they are very important; we know that they deal on an equal basis with the Mafia, perhaps even at an advantage, having excellent chemists and installations."

"This organization was formed long ago. Certainly about twenty years ago. It has many associates, is well acquainted with the local citizenry, and has much money . . ."

Yet, for various reasons which we have already analyzed and unfolded, drugs are getting more and more popular in the Western world: its problem is no longer limited to the world of criminal and addicts.

This problem is at our door, as we have pointed out several times very frankly, very straightforwardly, even though this may annoy some . . .

And this is why traffickers must be pitilessly pursued and brought down.

In coming to Marseille, John Cusack must fullfil a "world health" mission. Only the U.S.A. can engage in this battle with some hope of winning. President Nixon, worried for his country and responsible for the physical and moral welfare of his people, has delegated this job to an intelligent and courageous man, and, in a certain way, has made him his "champion".

The latter is now perusing files, verifying information, exploring the ground; from his corner, he watches. He knows he is fighting powerful people "who always have witnesses, alibis, guarantees . . ." Being a good fighter, John Cusack knows that when the bell rings, his blows will have to be precise and strong.

This is the reason why he wants to feel the people of Provence with him, with him he wants the people of Marseille who are tired of "hoodlums" even if they are rich.

"All those who wish to work with us will be received" he told me. "We are ready to pay for any information which will lead us to the ten or so laboratories in the Marseille area."

"As to the "big shots", I'll take care of them".

Even though these words are said from the 6th floor of the rue la Boetie, John Cusack's words are not "just words".

MARC CIOMEL.

[From "Le Provencal" August 25, 1971]

MARSEILLE, THE HEART OF THE PROBLEM

It was feared that the summer would witness an increase in drug traffic and abuse, and, unfortunately, it turned out to be a reality. The use of narcotic products, the road leading to madness, downfall, and death, is wide enough in our area to urge us to make our readers of today acquainted with this problem. As a matter of fact, today drugs are again on the "agenda": three Marseille traffickers, kept under surveillance for quite some time and well-known to the Special Narcotic Service, have just been arrested in Baden-Baden. They were carrying 75 kilos of morphine base valued at 1,115,000 francs. As a result, Louis Ambrosino, Leonie Del Allah, and Rapheal Malvezzi have been put "out of circuit" by the Regional Service of Judiciary Police, in Marseille, by Interpol, and by the Central Narcotics Office.

From his office located on the sixth floor of a large building on the rue de la Boetie, John Cusack, boss of the Narcotic Bureau, must have followed this seizure with close attention. His Service is the "spearhead" of traffic repression. This recent seizure is an important one because drugs often transit via Germany prior to be brought into the United States or Canada.

John Cusack, whom I met a few days ago, is aware that France has reached a turning point in drug traffic enforcement.

"A lot of time has been wasted in Europe before really facing this problem; naturally, we Americans try to understand this negligence which was fatal to us: until the very recent years, drug consumption only concerned the United States. And even if we knew that Europeans, and French people in particular, had no reason to go to great trouble in the repression of drugs, since they were not directly hit by this plague, it was difficult for us to conceal our concern. It took the death of an 18 year old girl—death from an overdose—to rouse and stir public opinion. Much time has been wasted, but there is no use crying over it. It is time to strike, without hesitation. Do they hesitate, the traffickers, the poisoners?"

The inscrutable face of this calm man lights up. The Narcotics boss is a "super-policeman", but he is also a father, like anyone else.

"I know that my children can become victims, too." This dreadful plague can contaminate people of all social levels, all generations. In the U.S. some ten year old kids have already had a "fix" of heroin. There is no age limit to become a "junkie" (in American slang: consumers of hard drugs such as heroin, morphine, and opiates). I don't want such a tragedy to happen in my home. I am in a better position than others to be on the alert and stop this plague. But I wish your people would know that they must strike at all levels if they want to check this disease.

To check the disease means to start with Marseille.

Sad but true, our city is a haven for traffickers. Long ago, John Cusack knew that a branch of the Narcotic Service was needed here. U.S. policemen work in collaboration with the Narcotics Brigade.

Every day they can witness the traffic being carried out in the streets of the various sections of the city. Like in the large cities in the U.S., meeting places occur in crowded areas where the addict can hide himself in the crowd formed by the other inhabitants. Everybody knows that heroin addicts and others addicted to less dangerous drugs frequent the "Prefecture" area and the "Vieux Port" of Marseille. Naturally, we are aware of this market in broad daylight. But, aside from a few rare exceptions, this market does not yield much information as far as major international traffickers are concerned. It is not a poor miserable addict found in the Vieux-Port who can lead us to the laboratories. Then, of course, the people who witness this sad spectacle are stirred and ask that an end be put to it. But it is often too late. Can every single addict be locked up?

At a first interview, John Cusack told me that the really successful way to hit traffickers is to seize laboratories, adding that "There is no reason to believe that chemists have left the Marseille area. The implantation of such an industry demands a network of complicity which cannot be created in one day. These complicities are still as effective; traffickers who have been the victims of some set-backs (such as Mimet, Mazargues) are doubly careful. All of our efforts are directed at this aim. However, the discovery of a laboratory is essentially possible only through an information. And the people of Marseille know how to keep their tongue".

A few weeks ago, the Bureau of Narcotics advised of its intention to pay important rewards to anyone providing information likely to strike a blow at the traffic. "Le Provencal" advertised it. This method is already being used in the United States, where it has proved successful in spite of the ever growing drug market. This means may have shocked certain people; some said it was a kind of "denouncement".

John Cusack answers: "Do you think criminals like that have to be handled with gloves".

FRANCOIS MISSEN.

[From "Le Figaro," Aug. 26, 1971]

FOLLOWING THE STATEMENTS MADE BY MR. CUSACK, DIRECTOR OF THE "NARCOTIC BUREAU" IN FRANCE

RESTATEMENT BY THE GENERAL DIRECTION OF THE NATIONAL POLICE

"Opium transits via Marseille. It is in Marseille and its surroundings that conversion laboratories are to be found, and it is in Marseille that big shots in direct contact with the Mafia have established their residence". These are the statements made to two Marseille newspapers by Mr. Cusack, Director of the "Federal Bureau of Narcotics" Office in France.

In this regard the General Direction of the National Police gave out the following communique, yesterday evening:

"The interview granted to two newspapers by Mr. John Cusack calls for the following comments: "Mr. Cusack stated that "Marseille is the transit point for drugs and that in Marseille there are three or four big shots who, thanks to their bank accounts, their acquaintances, and the respect they inspire, feel in safety".

It is not the first time that Mr. Cusack makes, on his own initiative, such statements which, up to now, have proved purely unfounded. Back in 1970, the Press reported that Mr. Cusack had some information regarding drug traffickers, specifically in the Marseille area, and the political protection they enjoy. Interrogated by the Director of the French national police, Mr. Cusack replied by letter:

I wish to advise you that I have no documents or information of a particular nature regarding traffickers and their political protection; therefore, the allegations reported by the Press are completely unfounded."

If Mr. Cusack's recent statements are based on facts, it is his duty—in view of the cooperation established between the Judiciary Police and D.N.D.D. (sic) to immediately take the necessary steps in order to the activities of the traffickers he is denouncing. This line of action would be the only one that would be in conformity with the dispositions of the Protocol which was signed in Paris on February 26 by the U.S. Attorney General and the French Minister of the Interior.

Police officials—whatever their country may be—must never proceed by insinuations, but by presenting the facts as they are, and giving the names of culprits. In view of this, the Direction of Judiciary Police requests from Mr. Cusack all necessary clarifications.

CONTROVERSY OVER EQUAL RIGHTS FOR WOMEN

Mr. SAXBE. Mr. President, for the past 100 years we have been in the midst of a peaceful revolution, to make sure that all of our citizens, whether or not part of a minority, are truly equal. It is certainly possible for the courts of this country to interpret the Constitution to make another equal rights amendment totally unnecessary; but anyone who has read any decision from the Supreme Court, any Federal circuit court, or any district court must know, by now, that this is not happening.

Prejudice against blacks is becoming unacceptable although it will take years to eliminate it. But it is doomed because, slowly, white America is beginning to admit that it exists. Prejudice against women is still acceptable. There is very little understanding yet of the immorality involved in double pay scales and the classification of most of the better jobs as "for men only."

It is true that part of the problem has been that women have not been aggressive in demanding their rights. This was also true of the black population for many years. They submitted to oppression and even cooperated with it. Women have done the same thing. But now there is an awareness of this situation particularly among the younger segment of the population.

When a young woman graduates from college and starts looking for a job, she is likely to have a frustrating and even demeaning experience ahead of her. If she walks into an office for an interview, the first question she may be asked is, "Do you type?"

There is a calculated system of prejudice that lies unspoken behind that question. Why is it acceptable for women to be secretaries, librarians, teachers, nurses, but totally unacceptable for them to be administrators, managers, doctors, and lawyers.

More than half of the population of the United States is female. But women occupy only 2 percent of the managerial positions. They have not even reached the level of tokenism yet. No women sit on the AFL–CIO Council or Supreme Court. There have been only two women who have held Cabinet rank, and at present there are none. Only two women now hold ambassadorial rank in the diplomatic corps. In Congress, we are down to one Senator and 10 Representatives.

At the present time, there are many instances of discriminating laws and practices which can and should be abolished. For example: dual pay schedules for men and women performing the same jobs; laws and practices operating to exclude women from State colleges and universities; State laws placing restrictions on the legal capacity of married women or on their right to establish a legal domicile; State laws which require married women, but not married men, to go through a formal procedure of obtaining court approval before they may engage in independent business; social security and other social benefits legislation which give greater benefits to one sex than to the other, and areas of family, military, and labor law in which women are treated as different from men.

As in the field of equal rights for blacks, Indians, Spanish-Americans, and other groups, laws will not change such deep-seated problems overnight. But they can be used to provide protection for those who are most abused, and begin the process of evolutionary change by compelling the insensitivity majority to reexamine its unconscious attitudes.

SCIENCE FICTION AND SCIENCE FACT

Mr. HANSEN. Mr. President, an article that deals with a matter that may be of great importance to the national security of the United States, and to the security of the free world, was printed today in the Washington Post.

The article, by Michael Getler, a Post staff writer, reports on the findings of the seven-member Ad Hoc Committee on Professional Standards of the Operations Research Society of America—ORSA. According to Mr. Getler, these findings show that:

> Prominent scientists who led the attack two years ago against the Safeguard ABM project have now been criticized for the quality of their presentations before Congress and in the press during the ABM debate.

Mr. President, this would appear to be a highly serious and most disturbing matter. Most Americans, because we live in a country that has prospered greatly from the advances in scientific technology, have become accustomed to giving great credibility to the statements of prominent scientists. We expect scientific presentations to be devoid of emotion and political slanting, and to deal strictly with the facts.

Unfortunately, the committee findings indicate this was not the case in the debate 2 years ago over the pros and cons of the Safeguard anti-ballistic missile—ABM—program. The program came dangerously near defeat, gaining Senate acceptance by a single vote margin.

According to Mr. Getler, the scientific report about which he writes, will be made public today for the first time. It is just as well that the release is after, rather than during, the just completed debate on the portion of the Military Procurement Act which relates to the ABM. This gives the report credibility that might have been lost had it been presented during the heat of the debate.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 1, 1971]

COLLEAGUES CRITICIZE ANTI-ABM SCIENTISTS

(By Michael Getler)

Prominent scientists who led the attack two years ago against the Safeguard ABM project have now been criticized for the quality of their presentations before Congress and in the press during the ABM debate.

The criticism is contained in a lengthy report, to be released today, by a seven-member Ad Hoc Committee on Professional Standards of the Operations Research Society of America (ORSA).

Among those scientists whose work has been specifically challenged in the 135-page report are: Dr. Jerome B. Wiesner, provost of the Massachusetts Institute of Technology; Dr. Geroge W. Rathjens, visiting professor of political science at MIT; Dr. Steven Weinberg, a physics professor at MIT, and Dr. Ralph Lapp, an author and nuclear physicist.

In a summary of its findings after 21 months of studying the record of the ABM debate, the committee states:

"The evidence strongly supports the disturbing conclusion that when prominent experts outside the administration supported their opinions on Safeguard development with arguments or results of an operations-research nature, these analyses were often inappropriate, misleading or factually in error."

"Quite often," the report goes on, "the misleading nature of an analysis is not apparent on a superficial reading. Because of this, poor analysis can be quite effective in public debate."

The committee said it also found some "shortcomings in the analysis of the ABM situation provided by Pentagon officials and their supporters. But "they nowhere near equalled the cumulative mass of inadequacies compiled by the operation."

The 1969 fight over the Safeguard system to defend U.S. land-based missiles against Soviet attack was the most intensive battle ever waged in Congress over a single weapon system. The administration, which supported the development of Safeguard, won that battle by a vote of 51–50. Vice President Agnew cast the deciding vote.

The pro- and anti-Safeguard forces used many devices to affect the outcome. There were campaigns to fill up newspaper letters-to-the-editor columns. There were full-page newspaper advertisements, books, magazine articles, television debates. And through it all there was a procession of prominent scientists lining up on both sides of the issue. Rathjens, Weisner, Weinberg and Lapp led the scientific assault against Safeguard.

The stakes seemed to be enormous. On the one hand, billions of dollars in defense contracts were involved and that meant many thousands of jobs as well as profit potentials.

Beyond that, the debate had heavy political overtones. It pitted the Nixon administration against its critics, the "military-industrial complex" against those who would divert military funds to domestic purposes. In a vague sense, it was a "liberal" versus "conservative" confrontation.

Finally, there was the issue of "national survival." Safeguard, said the administration, was essential to the security of the nation. Its critics said it was an unworkable weapons system that would merely fuel the arms race and add to insecurity.

The report by the ORSA committee was, in effect, a reprimand to the several scientists criticized. It was administered by a body of their peers.

ORSA undertook its investigation of the matter at the suggestion of Dr. Albert Wohlstetter, a University of Chicago professor. Wohlstetter, one of the prominent academicians who supported the Safeguard project, said the study should deal with "professional standards and professional ethics and the responsibility of those who engage in operations research not to mislead . . . (the) lay public by distortion of facts . . ."

He urged that the study not focus on the merits of Safeguard and the ORSA committee says it followed his advice. It dealt only with "faulty professional practices" and was unanimous in its findings on the performance of Rathjens, Wiesner and others in the debate. But the organization's president, Robert E. Machol, said in an introduction to the findings that the committee was still "divided on the merits of 'Safeguard.'"

Machol had one compliment for the scientists criticized by the ORSA committee. The country, he said, owes a "debt of gratitude" to all the "public-spirited men" who took part in the ABM debate.

ORSA founded in 1952, has about 8,000 members. They are employed by universities, private companies and the government. Their work involves observation, analysis and predictions about the workability of highly complex systems. The government is a major purchaser of their services.

The ORSA committee focused its study on one central issue in the Safeguard debate: Would the 1,000 U.S. Minuteman missiles be vulnerable to an attack by Soviet missiles without the protection of Safeguard?

On that point, the committee concluded that Rathjens, in his anti-Safeguard arguments, "ignored readily available classified material and used instead nonrelevant unclassified material in situations in which the more valid classified data would have substantially weakened his case."

Another conclusion was that Rathjens used a faulty method in arriving at an estimate of the numbers of individual warheads that could be carried by a single Soviet SS–9 missile. As a result, the committee said, Rathjens wound up "substantially underestimating the SS–9 delivery capability".

Other committee criticisms of Rathjens included a judgment that he overestimated the ability of Minuteman silos to withstand attack, that he used "invalid" techniques in estimating the effectiveness of Soviet missiles against U.S. missile silos and that he was over-optimistic in his estimates of how many U.S. missiles could survive a Soviet attack. Rathjens said in the debates that 25 per cent of the Minutemen missiles could survive an attack by 500 SS–9s without Safeguard. Wohlstetter, whose techniques were approved by the review committee, put the number at 5 per cent.

The committee criticized Wiesner of MIT for accusing the Defense Department's top scientist, Dr. John S. Foster, of having "altered" data to gain support for Safeguard. Wiesner made the accusation at a Senate hearing on May 14, 1969. He said Foster at one point claimed that Soviets had only 500 SS–9 missiles and at another point raised the figure to 600.

The charge was unfair, the committee said, since Foster was talking about estimates for different years.

Wiesner and Dr. Steven Weinberg were further criticized for "ascribing official validity" to an estimate of the "kill" probability of an SS–9 if they were used against Minuteman silos. The committee points out that the Pentagon provided a range of estimates and that some of them were higher than the one picked by the MIT scientists.

The criticism of Lapp, a popular author on scientific subjects, involved three matters. The committee said Lapp underestimated the number of multiple-warheads the Soviets would have and the reliability of their missiles. He also is accused of assigning a "grossly inefficient" targeting doctrine to Soviet war planners.

Wiesner, Rathjens and Weinberg, none of whom are ORSA members, were asked to comment on the report by the committee, but declined to do so. The three MIT scientists said they "found nothing in the report to cause us to change our views"—as outlined in a letter on Dec. 22, 1969, at the outset of the project—"About the absurdity of the enterprise."

In their 1969 letter to ORSA, the MIT scientists maintained that the ABM debate could not be judged according to the standards of operations research, and that it was doubtful ORSA had the resources to carry out such an inquiry.

Such an inquiry, they maintained, would have to deal with the administration's shifting rationale for Safeguard, derivation of intelligence estimates, "and the possibility that it selectively released classified information to make its case."

The trio said that it is also important to find out "whether or not administration statements, regarding the threat to our total retaliatory capability and Safeguard's effectiveness in countering any such threat, were misleading to the Congress and the public."

"We believe," the MIT group wrote in 1969, "that the ABM debate has been one of the most salutary developments in American political life." Such an inquiry as was then being proposed, they wrote, "could well appear to the nation as an ugly resurgence of those attacks on civil liberties and dissent that were far too common 15 years ago."

The committee, in its study, did investigate Dr. Foster's presentations and did criticize the defense research chief for "using a type of model and a set of data that tended to underestimate the expected number of surviving Minutemen." The net result of Foster's alleged errors, however did not amount to much.

The seven-man ad hoc committee included four former presidents of the ORSA.

Chairman was Thomas E. Caywood of the Caywood-Schiller Div. of A. T. Kerney & Co. Other members, in addition to Berger, were Joseph H. Engel, University of Chicago; John F. Magee, Arthur D. Little, Inc.; Hugh J. Miser, University of Massachusetts; and Robert M. Thrall, Rice University.

TRAFFIC SAFETY PROGRAM IN COLUMBUS, GA.

Mr. GAMBRELL. Mr. President, one of the most crippling problems we have today is that of traffic deaths on our Nation's highways. Last year alone there were 54,800 people killed in traffic accidents in America.

Whenever I hear of work done in this area to improve this terrible waste of lives, I am moved to commend them.

I wish to congratulate the Honorable Ben A. Jordan, coordinator of highway safety for the State of Georgia, and the Honorable J. R. Allen, mayor of Columbus, Ga., for their work in implementing a highway safety program through the utilization of 402 funding as authorized by the National Highway Safety Act of 1966.

Also, Mr. President, a slide presentation describing the countermeasures applied to reducing traffic losses in Columbus has been prepared by Mr. Jordan, who would be very happy to appear before any Member of Congress to discuss this program and how it may apply to other parts of the Nation.

I ask unanimous consent that the report prepared by Mr. Jordan, entitled "Demonstration Traffic Survival—Columbus, Ga." summarizing the Columbus project, be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Demonstration Traffic Survival—Columbus, Ga.

The City of Columbus, Georgia, utilizing a long-range, step-by-step approach to traffic safety, has scored a significant breakthrough in reducing deaths, injuries and property damage resulting from automobile collisions.

The years since 1967, when the first of five traffic safety programs was initiated, have seen a rewarding drop in fatalities, so that today, Columbus leads the four largest State metropolitan areas in the lowest number of deaths per 100,000 population.

Compared with the base years 1963, 1964, 1965 and 1966 prior to Columbus' systematic improvement of their programs, the years 1967, 1968, 1969 and 1970 showed an average annual drop in fatalities of 8.4 persons. Macon registered a 3.5 drop, while Atlanta's rate rose by 5.1 fatalities, and Savannah's rate rose by 6.6 fatalities.

Ben A. Jordan, State Coordinator of Highway Safety, points to the sound, logical planning for, and implementation of, basic safety programs for this payoff in lives saved, which, far from costing money, has saved Columbus, Muscogee County, and the State an estimated $6,000,000. (The National Safety Council backs a figure of $205,000 as the economic loss suffered by the community for every traffic fatality.)

"Columbus has accomplished what other cities have tried to accomplish piece-meal," Mr. Jordan explained. "We have tried to sell a sound, management approach to traffic safety, and Columbus was quick to adopt it."

"Today, we are witnessing some pretty good evidence that this approach can work in any community."

The Coordinator outlined the step-by-step principle employed by Columbus this way:

Basic to any community's attack on traffic collisions is a modern, adequate records system. Traffic records may be dry, dusty items to many persons, but to the law enforcement units, to the traffic engineer, to the emergency ambulance services, and many other parts of community traffic control systems, records are vital to intelligent operation. Without adequate records, community leaders cannot know where they've been, where they are, or the right direction in which to lead to correct the problems underlying the great majority of traffic collisions.

"Columbus established as a first step an adequate, continuing records system," Mr. Jordan said, "and used this record system in reducing their traffic losses based on sound data and not on guesswork."

Companion programs to survey and identify collision locations went hand in hand with the records system, feeding in intelligent data on not only high accident locations, frequency of collisions, but the major and underlying causes of these traffic collisions so that action could be taken to correct the condition contributing to the high collision rate.

"Any records system is only as good as its input," Mr. Jordan said. "Columbus went after the best data on the what, when, why, where and who in traffic collisions, and then made certain this data was used by those empowered to do something to correct the traffic situation."

Beginning in July, 1969, enough data on the traffic situation in Columbus had been gathered and analyzed to point to the need for revision and updating of the city traffic ordinances, and a program was initiated in the City Attorney's office to tighten legal loopholes through which offenders had been escaping to commit the same offense time and again.

"This program," Mr. Jordan continued, "threw the spotlight on laws that were out of keeping with the Columbus traffic situation, more in step with horse and buggy days than an era of powerful, high speed vehicles on a street system getting more crowded every day.

Columbus brought its City Traffic into compliance with the Uniform Vehicle Code. The Uniform Code has been recommended by practically every highway safety group as the set of legal principles to avoid a situation which makes traffic laws and justice a hodgepodge of conflicting, often contrary laws.

Columbus followed with another program in Police Traffic Services, using a helicopter, and traffic collisions which had risen sharply each month before the 'copter went into operation, fell just as sharply when it began to be used for traffic surveillance. Although full statistics on the 'copter's effectiveness are not yet in, observers are confident that it can prove its worth in reducing accidents.

Only recently, Columbus was awarded a three and one-half year program to control drinking and driving which will cost $1,600,000 and when it becomes operational, this program should further reduce fatalities, injuries and property damage. This program is fully funded by the National Highway Traffic Safety Administration.

Costwise, traffic safety programs amounting to some $442,000 in additional funds, plus an equal amount in Columbus' funds have been implemented. City funds allocated to this area were normal operating funds for the City of Columbus, and represented only slight increase in cost to the city.

However, had Columbus had no planned, coordinated approach to the solution of her traffic safety problem, and had fatalities continued to mount as they were going up in the four years previous to the programs, fatalities would have cost, in addition to the pain and suffering and grief, approximately $6,000,000 to the community as a whole.

"This is proof as good as any State is likely to get," Mr. Jordan said, "that far from costing money to a city, a county or the State, traffic safety is a means of safeguarding not only lives but economic wellbeing.

"We might even go far enough to say, that in the case of Columbus, for each dollar spent on traffic safety, this city has saved seven dollars, not to mention the saving in lives and suffering on which none of us would put any price."

FATALITIES OVER 8-YEAR PERIOD FOR THE 4 LARGEST GEORGIA CITIES

	Base period fatalities						Program period fatalities					
	1960 population	1963	1964	1965	1966	Average rate[1]	1970 population	1967	1968	1969	1970	Average rate[1]
Columbus	116,779	16	23	19	23	17.3	154,168	19	10	11	15	[2] 8.9
Atlanta	487,455	67	73	85	105	16.9	496,973	104	111	102	120	[3] 22.0
Savannah	149,245	14	9	13	21	9.5	118,349	20	16	20	20	[4] 16.1
Macon	69,764	9	6	16	22	19.0	122,423	15	19	19	23	[5] 15.5

[1] Rate based on fatalities per 100,000 population.
[2] Down 8.4.
[3] Up 5.1.
[4] Up 6.6.
[5] Down 3.5.

SENATOR ELLENDER'S BIRTHDAY

Mr. GRIFFIN. Mr. President, it is a pleasure and a privilege to join with my colleagues in extending best wishes to the distinguished Senator from Louisiana (Mr. Ellender) on his birthday anniversary.

We in the Senate, on both sides of the aisle, are deeply indebted to him for his leadership in carrying on the unending work of the Senate.

As President pro tempore, as chairman of the Senate Appropriations Committee and in many other activities, he is one of the Senate's busiest Members. However, as arduous as his duties are, he carries them out with outstanding effectiveness and with zeal that are the envy of many of us who are considerably younger by that uncertain measurement known as years.

As we say "Happy Birthday" to our friend and colleague, I am sure he will continue to bring to his labors here the zest which underscores the verity of Browning's words:

> "Grow old along with me!
> The best is yet to be . . ."

FBI LAW BULLETIN FEATURES CHEYENNE

Mr. HANSEN. Mr. President, on the cover of October's "FBI Law Enforcement Bulletin," is a fine picture of Police Chief James Byrd, of Cheyenne, Wyo., standing in front of my State's capitol building, and inside this edition is an excellent article by Chief Byrd detailing his strategy for maintaining order during Cheyenne's annual Frontier Days Celebration.

Those of us who know Chief Byrd are aware that the citizens of Wyoming's capital city have great confidence in his ability and are quick to support him and his men. Chief Byrd has, through skillful and efficient administration of his department, earned a reputation as a firm and always fair enforcer of the law.

In the article, Chief Byrd discusses the kinds of problems faced by law enforcement officials when thousands of visitors annually descend on Cheyenne for the week-long celebration of Frontier Days, and details the methods used by him to deal with these problems in an effective way.

I consider Chief Byrd to be an outstanding law enforcement official, and I recommend that others read his excellent remarks about the value of calm but thorough advance planning to prevent the need for heavy-handed police tactics. As Chief Byrd puts it:

> . . . the Cheyenne Police Department is prepared for any contingency. We know from experience that a prescribed plan of action can mean the difference between order and unlawful pandemonium. Our objective is always to be prepared.

Mr. President, I ask unanimous consent that Chief Byrd's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cheyenne Frontier Days

(By James W. Byrd, Chief of Police, Cheyenne, Wyo.)

The city of Cheyenne had its beginning in 1867, when the railroad came through on its way to the West Coast. A primary factor in Cheyenne's development and economy was the livestock industry. By 1890, ranching made Cheyenne one of the wealthiest per capita cities in the world.

In 1897, the local newspaper suggested that if Colorado could stage successful community days, perhaps it would be both good business and fun for Cheyenne to have a "Frontier Day." Within 20 days after the suggestion, the first show had been organized and held. From that first Frontier Day has grown the now world famous, oldest, and largest rodeo in the world, the "Daddy of 'em All," Cheyenne Frontier Days, which celebrated its 75th Anniversary this year.

Thus, what was begun as a casual local contest between trail riders and ranchhands now draws contestants from all over the world. Spectators from every State in the Union as well as Canada, Mexico, and other countries pack into Cheyenne during the last full week in July each year to witness the old West come alive again. The 1971 version was extended to 9 days from the traditional 7 in honor of the event's diamond jubilee.

During Frontier Week something is going on all the time. Old and young alike enjoy the exhibitions, street square dancing, band concerts, parades, Indian dances, night arena shows, carnival, and, last but most important, the rodeo. The "Daddy of 'em All" is a full week of fun for visitors. There are free activities and events open to the entire family, with continuous entertainment each day and night.

INCOMING THRONGS

Obviously, there are problems in policing a celebration of this size and proportion. The population of Cheyenne is about 41,000, but during Frontier Week that number swells to well over 60,000 people. A large group of college students from nearby colleges and universities and many young people from neighboring communities attend each year. Also, a sizable contingent of Sioux Indians from the Pine Ridge Reservation join the festivities.

Thus, our police force of 51 sworn officers and 12 civilian employees is faced with the considerable task of providing protective and enforcement services to overflow crowds of celebrating participants and visitors. Some major restructuring is necessary each year, and special approaches are used to meet our responsibilities and insure a maximum of safety for Cheyenne's citizens and her guests.

The Cheyenne Police Department has no auxiliary or reserve unit. To augment our regular complement of officers, we employ from 8 to 12 special policemen for the Frontier Week. Most of these special officers have law enforcement experience, and most have served with the department during Frontier Week previously. All such special police officers are fully commissioned by the city council and, for their brief tour of duty, have all the powers and responsibilities of regular city patrolmen.

Additional measures are taken to maintain the department's manpower. All leave periods and regular days off for officers are canceled for Frontier Week, and as a rule, the men work extended shifts.

Because the celebration is centered around special activities and events, the distribution of manpower for the week is different from that of other weeks. Officers are needed for the daily rodeos, the night arena shows, and the carnival. Their work consists primarily of patrolling the area on foot and assisting the public when needed. Few arrests are made on the rodeo grounds, but the officers must remain alert for such problems as minor thefts, lost children, and disturbances.

ASSIGNMENTS

Traffic and crowd control assignments for all officers are required for each of three long parades in the downtown area on Tuesday, Thursday, and Saturday of Frontier Week. The parades contain a large number of old carriages and similar vehicles pulled by horses. Since many of the horses are high spirited and unaccustomed to large crowds, special measures have to be taken to insure the safe travel of these animals along the parade route.

On Wednesday and Friday morning of Frontier Week, the Kiwanis Club, together with local civil defense authorities, presents a free, all-you-can-eat, chuckwagon breakfast on a downtown street. In addition to the festive nature of these events, they offer both groups an opportunity to test their emergency mass-feeding plans. The police department assists by barricading the street and routing traffic around the site. Usually, over 3,000 people attend each session of the breakfasts and are entertained by musical groups as they eat.

In recent years the number of college and university students attending the celebration has increased. During Frontier Weeks of 1966 and 1967 these young people congregated in a one-block area of the downtown section, obstructing traffic, littering streets and sidewalks with empty beer bottles, cans, and hindering the passage of other people by sitting in the middle of the sidewalks and along the curbs.

Some shop windows in the area were broken, trash receptacles were overturned, and other minor acts of vandalism occurred. The problem was contained, but it was apparent that the city would have to strengthen its enforcement procedures to handle future difficulties.

In planning the 1968 celebration, the downtown merchants association met with the city council and the chief of police to establish procedures to curtail the vandalism and rowdiness that marred the event the two previous years.

TACTICAL PLAN

As a result of this meeting, our department developed a complete tactical plan to deal with upcoming rodeos. Basically, the plan was to anticipate the potential types of trouble, as well as the trouble spots, and to be prepared to cope with them. A new intelligence unit was established, proven tactical methods were adopted, and arrangements were made with other police agencies, including the FBI, to provide our personnel with specialized training in mob and riot control techniques.

The plan provided for the coordination of efforts of the three law enforcement agencies in the Cheyenne area: our department, the Laramie County Sheriff's Office, and the Wyoming Highway Patrol. In addition, the Wyoming National Guard would be on standby. In the event of a major disturbance or civil disorder, the Cheyenne Police Department Headquarters would become the core of an emergency operations center, and other law enforcement agencies would have liaison officers assigned to the command post.

Our plan called for the strict enforcement of two city ordinances, which we felt, if complied with, would greatly reduce some of the potential problems. Section 5–21 provides that "no holder of a license issued under the provisions of the laws of the State within the City or the servant or employee of such holder shall give, sell, or deliver alcoholic beverages to any person under the age of twenty-one years. No holder of any such retail liquor license or his servant or employee shall permit any person under the age of twenty-one years to remain in the place, except drugstores, in which he sells intoxicating or malt liquors. No persons under the age of twenty-one years shall buy, sell, or solicit the sale or purchase of intoxicating liquors." If underage drinking could be reduced during Frontier Week, many enforcement problems would never arise.

RESTRICTIONS EMPHASIZED

Section 5–19 of the city code provides that "no alcoholic or malt beverages shall be consumed or carried by any person in open containers of any type in any restaurant, hotel dining room or in any public place or on any street, sidewalk or curb whatsoever within the city limits except inside such places as are operated by a license under this chapter." In order to better enforce this law, we planned to place signs at the exits of each retail liquor outlet saying: "Warning: Any Person Taking Opened Intoxicants From Premises Is Subject to Arrest and $100 Fine."

With the arrival of Frontier Week 1968, the plan went into effect. Needless to say, members of our department were much better prepared to cope with any problems which might occur. All went well, and no unusual incidents arose until Saturday, the last day of the celebration.

On Saturday afternoon, immediately following the third and final parade of the week, our police intelligence unit reported that an unusually large number of vehicles were moving toward Cheyenne from Colorado to the south. Cheyenne is only 11 miles from the Colorado State line and just 100 miles north of Denver. By 4 p.m. the downtown area was jammed. The crowd was composed mostly of young people, many of whom had come in with the caravan sighted earlier.

Following our plan to strictly enforce the city ordinances, officers began arresting persons carrying containers of opened intoxicant onto the streets. A number of persons under the age of 21 were likewise arrested and brought to police headquarters for booking.

Enforcement activities continued at a busy but not critical, pace into the evening. About 11 p.m. the crowd began to get unruly. Plate glass windows of three stores were broken, and a generally unstable situation developed. At this time, Phase I of the department's tactical plan was put into effect, and an order was given from the command post to disperse the crowd. At the same time personnel connected with the backup force of Phase II were alerted to a standby position.

Our intelligence unit on the scene reported that the initial complement of 20 officers would be insufficient to control the mass of people in the one-block area, and we immediately went into Phase II and dispatched 17 additional officers to assist.

At this time the Wyoming Highway Patrol and the Laramie County Sheriff's Officers were summoned to the command post on a standby basis. At 1 a.m., conditions had worsened, and we committed the backup personnel in an attempt to disperse and control the crowd.

INCREASING VIOLENCE

A large number of arrests had been made, the windows of many businesses had been broken, several M–80 firecrackers had been thrown, trash receptacles had been overturned and many set afire, and rocks and other projectiles were being hurled at police officers.

On the basis of the increase of violence, Phase III was put into effect, and the Wyoming National Guard was called to a standby basis at the National Guard Armory. Also at this time, the command post ordered the use of chemical agents including Mace and tear gas (CN) to clear the streets. This was done, and the problem quickly eased. Constant vigil was maintained through the morning hours, but normal operations did not resume until late Sunday morning.

A survey of the downtown area on Sunday showed that our plan had done the job. It prevented a highly explosive condition from becoming a full-scale riot. True, there was plenty of evidence of vandalism, but no deaths occurred, no major fires developed, and the damage was confined to one specific area.

A total of 417 persons were arrested, and while the traditional concept of Frontier Week had not been destroyed, its image had been besmirched somewhat by the unruly crowd. The effective use of law enforcement techniques during Frontier Week of 1968 had a telling effect on the celebration in 1969. The trouble makers either did not show up or had learned their lesson. While we were ready with our tactical plan, its implementation was unnecessary. The number of arrests for the week dropped to 289, and property damage was at least 50 percent less than the previous year.

An even more dramatic change was experienced during Frontier Days 1970. The number of arrests dropped to a mere 149, scarcely double that of a regular summer week. The property damage was negligible. What a pleasure and a relief it was for the merchants, the townspeople, and especially the Cheyenne policemen to see Frontier Week return to "normal."

While the amount of violence and disorder occurring during Frontier Week may fluctuate due to the makeup and mood of crowd elements, the Cheyenne Police Department is prepared for any contingency. We know from experience that a prescribed plan of action can mean the difference between order and unlawful pandemonium. Our objective is to always be prepared.

FREE LUNCHES—REDUCED PRICE LUNCHES FOR NEEDY CHILDREN

The ACTING PRESIDENT pro tempore. The period for the transaction of routine morning business has expired. In accordance with the previous unanimous-consent agreement, following the conclusion of routine morning business the unfinished business is temporarily laid aside, and the Senate will proceed to the consideration of Senate Joint Resolution 157, the school lunch measure, which the clerk will state.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 157) to assure that every schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the names of the distinguished Senator from South Dakota (Mr. McGOVERN) the distinguished Senator from California (Mr. CRANSTON) and the distinguished Senator from Indiana (Mr. BAYH) be added as cosponsors of Senate Joint Resolution 157.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the amendment of the Committee on Agriculture and Forestry be agreed to and that the text of the joint resolution as so amended be considered as original text for the purpose of further amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The committee amendment, as agreed to, is as follows: on page 3, insert the following new sections:

SEC. 2. Funds made available by this joint resolution shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced price lunches, and such funds shall be apportioned and paid as expeditiously as may be practicable.

SEC. 3. The Secretary of Agriculture shall immediately upon enactment of this resolution determine and report to Congress the needs for additional funds to carry out the school breakfast and nonfood assistance programs authorized by sections 4 and 5 of the Child Nutrition Act of 1966 during the fiscal year ending June 30, 1972, at levels which will permit expansion of the school breakfast and school lunch programs to all schools desiring such programs as rapidly as practicable.

SEC. 4. Section 11(e) of the National School Lunch Act is amended by adding at the end thereof the following: "Such maximum per meal amount shall in no event be less than 40 cents; and the Secretary shall establish a higher maximum per meal amount for especially needy schools based on such schools' needs for assistance in providing free and reduced price lunches for all needy children.".

Mr. TALMADGE. Mr. President, Senate Joint Resolution 157 will assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act.

This resolution is an emergency resolution, because there is an emergency situation in school districts all over the country. This emergency was precipitated by regulations proposed by the U.S. Department of Agriculture on August 13, 2 weeks before many schools opened their doors.

The rate of reimbursement which is provided by these regulations will not enable many school districts to finance a school lunch program which provides a free or reduced-price lunch to every needy child in the school. The schools are already in operation, but their school lunch program is in a state of chaos. Irreparable damage has already been done because some school districts have been forced to cut back or eliminate their free lunch program.

Mr. President, this is tragic.

It is tragic because last year Congress passed a law which required that every needy schoolchild in the Nation receive a free or reduced-price lunch. This law made it unmistakably clear that if a schoolchild cannot afford to pay anything for lunch, he is to receive that lunch free.

It is tragic because when President Nixon signed this bill into law, Public Law 91–248, he promised to put an end to hunger among American schoolchildren.

It is small wonder that there is a credibility gap in America when the Federal Government makes a commitment and passes a law which requires that every needy schoolchild be fed and then refuses to make the money available to carry out this commitment.

Although irreparable damage has been done to the school lunch program, although many school administrators have lost confidence in the program, and although many schoolchildren are not receiving the lunches they are entitled to under the law, Congress can undo much of the damage that has been done by taking prompt action on this emergency resolution.

I was the original Senate sponsor of the bill which became Public Law 91–248, the law which mandates the feeding of every needy schoolchild in America. When this law was enacted, I did not regard it as just an empty promise.

I do not intend to stand by and see the law ignored or subverted by administrative regulations and inaction. Therefore, I introduced on September 20 Senate Joint Resolution 157. Subsequently, after conferring with school lunch leaders, I agreed to offer three amendments to this resolution. The Committee on Agriculture and Forestry agreed on September 29 to report Senate Joint Resolution 157 with the amendments that I offered in the committee session.

This amended resolution would:

First, direct the Secretary of Agriculture to use section 32 funds to the extent necessary to assure every needy child of the free or reduced-price lunches that he is entitled to under section 9 of the National School Lunch Act.

Second, require the Secretary to determine and report to Congress the needs for additional funds to carry out the school breakfast and nonfood assistance programs at levels which will permit expansion of the school breakfast and lunch programs to all schools desiring such programs as rapidly as practicable.

Third, provide that the maximum per-lunch limitation contained in section 11(e) of the National School Lunch Act on the amounts of funds that States may reimburse schools for special assistance under section 11 shall not be fixed by the Secretary at less than 40 cents.

The first two provisions I described would be applicable only to the current fiscal year which ends on June 30, 1972. The use of section 32 funds would be authorized only until a supplemental appropriation could be enacted, and the supplemental appropriation would reimburse the section 32 funds for the amount spent for school lunches under the authority of this resolution.

The third provision which I described, the provision fixing the maximum per-lunch limitation at not less than 40 cents, would be permanent legislation.

Mr. President, I became aware of the current crisis in the school lunch program during the congressional recess in August. I spent the recess period making speeches and visiting constituents in Georgia. In the week before Congress ended its recess, I began to get frantic calls and letters from school lunch administrators over the State concerning the school lunch regulations which had been published by the Department of Agriculture on August 13.

These school lunch administrators were frantic because they had planned their school lunch program for the coming school year on the assumption that they would receive the same rate of reimbursement for free and reduced-price lunches that they had received at the end of the last school year.

During the last few months of the past school year, schools in Georgia had received over 42 cents per meal to reimburse the cost of preparing and serving free and reduced-price lunches. Now, as they were opening the doors of their schools for the new school year, they were told that they would receive only 35 cents to reimburse the cost of free and reduced-price lunches.

This, of course, placed the school districts in an impossible situation. There are only two sources that local school officials could turn to in order to make up the funding deficit. They could either increase the price of lunches for those children who are able to pay for lunches, or they could attempt to raise additional local tax revenue.

As a practical matter, both solutions were foreclosed to the school districts. The President's wage-price freeze prevented school districts from increasing the cost of lunch for the paying pupils. And everyone knows that it is impossible to raise additional local tax revenue on such short notice.

I received a great deal of mail from all over the country pleading for assistance in getting the proposed USDA regulations changed. School lunch officials in Pennsylvania stated that their cost of preparing a school lunch is more than 60 cents and the proposed USDA regulations would leave the schools with a deficit of 25 cents per meal.

Realizing that immediate action must be taken to alleviate the crisis in the school lunch program, I wrote to President Nixon on September 2 to express my strong objections to the proposed USDA regulations and to request that these regulations be changed. In this letter, I stated:

> Public Law 91–248 was the product of a bipartisan effort to provide nutrition for the needy school children of this country. Since the regulations promulgated on August 13 are clearly contrary to the intent of Public Law 91–248, and since these regulations will clearly make it impossible to provide meals to all the needy school children in the Nation, I hope that you will have your Department of Agriculture reconsider and issue regulations that will conform with the dictates of the law.

Unfortunately, I received only an acknowledgment of this letter from a White House aide; I received a further reply from an aide again today. I never received any indication from the President or from the Secretary of Agriculture that my request was being taken seriously.

In view of the mounting fiscal crisis in the school lunch program around the country and the administration's refusal to take action, I called hearings in the Committee on Agriculture and Forestry, of which I am chairman, on September 16. In these hearings, the committee heard testimony from those people who are directly affected by the school lunch program, the State and local officials who are charged with the administration of this program.

The committee heard from a small town school superintendent, Mr. B. P. Taylor of San Diego, Tex. Mr. Taylor testified that the new USDA regulations would adversely affect his program and that he would be required to cut back on academic programs in order to carry on his child nutrition program.

The committee also heard from two big city school officials, Mr. Howard Briggs of the Detroit, Mich., public schools, and Dr. Eugene Sampter of the Buffalo, N.Y., public school system. Both officials indicated that USDA regulations would be extremely detrimental to the school lunch program in their districts. Dr. Sampter indicated that Buffalo will be forced to suspend the feeding of needy children in the city some time during the coming winter if the rate of Federal reimbursement is not increased.

The committee heard from a witness who is charged with administering a State program, Miss Josephine Martin, administrator of the school food service program in Georgia. I have great faith in Miss Martin, for not only is she the able administrator of Georgia's program, but also, she is recognized as one of the leading authorities in the Nation on the school lunch program.

Miss Martin testified that at the end of the last school year, Georgia schools were receiving a rate of reimbursement for free and reduced-price meals of 42 cents. Under the new regulations, these Georgia schools will get less than 36 cents per meal.

Miss Martin also gave us an idea of the impact of these regulations on other States and school districts around the country. She presented a survey conducted by the American School Food Service Association which indicates that the national deficit in school lunch funds would be between $150 and $180 million.

Mr. President, I ask unanimous consent that this survey be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

SUMMARY REPORT, FREE AND REDUCED PRICE LUNCH PROGRAM, FISCAL YEAR, 1971-72

State or school district	No. type A lunches served 1970–71 (free or reduced)	No. type A lunches to be served 1971–72 (free or reduced)	Anticipated loss in 1971–72 at 35 cents
Alabama	35,789,305	40,000,000	$5,250,000.00
Birmingham	2,606,563	2,668,812	373,633.68
Alaska: Anchorage	234,000	277,200	85,100.00
Arizona	7,434,448	10,000,000	1,476,159.00
Phoenix (Isaac District No. 5)	52,220	75,000	8,775.00
Phoenix	42,220	50,000	17,700.00
Tucson	930,889	1,000,000	150,000.00
Arkansas	18,873,010	22,703,962	987,622.00
California	89,000,000	133,500,000	9,000,000.00
Oakland	3,455,540	4,000,000	724,000.00
Sacramento	1,285,411	1,542,493	116,927.34
Palm Springs	43,246	57,000	11,400.00
Colorado	8,560,387	11,000,000	550,000.00
Littleton	26,435	31,000	29,450.00
Denver	3,094,057	3,500,000	(2)
Connecticut	4,829,218	5,312,139	700,000.00
East Haven	71,282	72,000	22,320.00
Delaware	1,724,159	2,500,000	(1)
Florida	36,674,477	43,067,674	6,916,668.00
Miami	5,370,196	5,859,180	412,858.00
Broward County	2,658,354	3,000,000	222,300.00
Bay County	418,890	564,256	67,710.00
Baker County	100,897	101,197	13,356.00
Hillsborough County	3,660,067	4,323,600	367,586.00
Palm Beach County	2,543,286	3,000,000	150,000.00
Georgia	44,298,239	63,859,511	6,002,794.00
Columbus (Muscogee County Southern District)	1,050,517	1,075,517	75,286.19
Atlanta	7,005,696	7,461,066	500,000.00
De Kalb County	756,851	800,000	80,000.00
Macon	1,311,486	1,861,569	186,156.90
Hawaii	1,945,713	2,288,000	457,600.00
Idaho: Jerome	35,688	40,000	1,600.00
Illinois	47,255,707	52,272,000	16,000,000.00
Chicago (archdiocese of)	1,374,559	1,700,000	(2)
Indiana	9,832,652	27,068,940	5,251,104.00
Indianapolis	1,915,468	2,563,730	307,647.60
Iowa	6,783,989	9,900,000	352,440.00
Ames	18,941	20,000	3,500.00
Kansas	4,766,830	6,595,865	659,586.50
Shawnee Mission	90,727	95,200	20,000.00
Dodge City	76,188	77,688	8,500,000.00
Wichita	648,000	1,000,000	(2)
Kentucky:			
Todd County	78,081	93,690	12,179.70
Louisiana	37,346,845	48,600,000	0
New Orleans	72,000	77,000	0
Maine	4,677,677	6,630,000	1,326,000.00
Maryland	14,533,800	15,987,180	9,996,795.00
Montgomery County	475,238	1,110,000	388,500.00
Baltimore County	327,162	500,000	100,000.00
Massachusetts	11,677,391	16,200,000	3,240,000.00
Boston	988,027	3,554,040	248,783.00
Michigan:			
Detroit	5,800,657	7,000,000	1,400,000.00
Livonia	32,585	[2] 6,800	[2] 1,402.14
Midland	44,100	50,000	6,500.00
Minnesota	13,563,160	14,919,476	$2,154,000.00
Minneapolis	2,683,045	3,000,000	750,000.00
Crosby	36,058	50,000	6,500.00
St. Louis County	159,709	165,000	21,450.00
Mississippi	34,715,547	38,187,101	1,140,000.00
Greenodle	709,885	735,000	30,000.00
Missouri	15,449,143	20,000,000	4,000,000.00
St. Louis	3,500,000	6,000,000	750,000.00
Kansas City	2,114,997	2,326,496	465,299.20
Hazelwood School District	10,648	10,648	44,000.00
Kirkwood	10,982	12,000	2,400.00
Montana	1,573,014	1,844,460	(2)
Great Falls	170,404	200,000	60,000.00
Nebraska	5,165,556	6,202,800	496,224.00
Omaha	1,602,318	2,052,300	420,000.00
Nevada			
Las Vegas	479,935	749,835	64,485.00
New Hampshire	1,907,254	2,155,187	215,518.70
New Jersey	17,154,000	24,300,000	8,019,000.00
Paterson	522,381	525,341	(2)
Newark	5,495,241	64,000,000	1,936,000.00
Elizabeth	738,717	838.323	159,281.37
New Mexico	11,187,023	12,000,000	1,200,000.00
Albuquerque	2,151,923	2,582,308	82,375.63
Gallup	1,230,312	1,275,000	185,000.00
Sante Fe	500,686	756,000	604,800.00
New York	95,000,000	110,000,000	(2)
Sweet Home Central Southern District	7,000	12,000	3,600.00
Buffalo	4,082,758	3,750,000	950,000.00
North Carolina	44,229,463	48,652,409	3,259,711.00
Winston-Salem	1,096,757	1,276,757	293,654.00
North Dakota	2,286,001	2,500,000	(2)
Ohio	24,419,524	26,500,000	5,565,000.00
Cleveland	3,388,359	5,312,199	1,965,513.63
Lima	201,304	215,000	55,000.00
Columbus	1,327,691	1,600,000	320,000.00
Cincinnati	2,866,733	3,000,000	210,000.00
Akron	1,467,415	2,000,000	380,000.00
Dayton	1,268,972	2,000,000	500,000.00
Toledo	289,857	450,000	47,000.00
New Philadelphia	26,946	30,000	5,658.45
Oklahoma	12,892,752	14,697,737	1,000,000.00
Tulsa	927,558	1,159,448	200,000.00
Oklahoma City	1,654,000	2,000,000	317,027.00
Oregon	5,926,467	8,473,249	1,476,175.54
Portland	1,473,112	1,732,500	361,471.56
Pennsylvania	22,442,315	23,400,000	5,000,000.00
Elizabeth	29,847	39,000	10,000.00
Pittsburgh	4,188,618	3,587,580	748,203.00
Cheltenham Township	6,790	10,620	----------
Philadelphia	4,809,661	8,447,400	777,161.00
Monongahela	54,000	60,000	12,960.00
Murrysville	22,832	25,000	10,000.00
East Allegheny School District	299,460	389,298	52,764.94
Marietta	14,395	17,525	6,200.00
Ligonier	19,800	30,000	10,000.00
Shaler Area School District	6,000	47,840	9,568.00

Footnotes at end of table.

SUMMARY REPORT, FREE AND REDUCED PRICE LUNCH PROGRAM FISCAL YEAR, 1971-72—Continued

State or school district	No. type A lunches served 1970-71 (free or reduced)	No. type A lunches to be served 1971-72 (free or reduced)	Anticipated loss in 1971-72 at 35 cents
Pennsylvania—Continued			
Plymouth Meeting	31,477	34,624	$10,387.20
Fort Washington	11,965	14,000	4,900.00
South Carolina	31,794,679	52,800,000	9,891,200.00
South Dakota	2,900,000	5,525,000	828,750.00
Tennessee	29,179,653	31,500,000	2,772,000.00
Memphis	7,000,000	7,500,000	975,000.00
Knoxville	656,214	750,000	26,250.00
Kingsport	110,561	135,000	34,750.00
Nashville	1,617,503	2,644,800	259,190.00
Texas	50,930,126	88,500,000	8,850,000.00
Austin	1,337,711	1,515,960	197,177.00
Dallas	3,787,408	4,700,000	569,466.00
El Paso	1,333,543	1,500,000	750,000.00
Corpus Christi	1,061,150	2,500,000	125,000.00
Houston	3,720,979	5,437,440	652,493.00
Fort Worth	1,090,532	1,658,432	331,686.40
Utah	4,095,241	4,259,050	468,495.00
Grant School District	603,000	660,000	6,600.00
Davis County	318,380	100,000	15,000.00
Vermont	1,454,000	1,900,000	$600,000.00
Rutland	85,565	90,000	16,650.00
Virginia:			
Newport News	739,856	813,842	48,000.00
Arlington County	180,000	230,000	77,000.00
Fairfax County	476,989	524,688	5,246.88
Washington	10,245,426	12,593,000	2,668,000.00
Northshore School District	85,888	100,000	13,939.40
West Virginia	19,799,891	28,300,000	2,661,300.00
Wyoming	455,676	501,244	45,823.93
Wisconsin	7,427,518	9,900,000	1,435,500.00
Addendum—Information reviewed too late for tabulation			
San Diego, Calif	2,147,260	2,301,000	$345,150.00
Michigan	16,440,549	25,000,000	3,500,000.00
Caswell County, N.C	282,379	300,000	27,900.00
Sanderton, Pa	1,725	1,743	0

[1] Insufficient data

[2] Lunches discontinued in elementary schools—high schools only.

Mr. TALMADGE. Mr. President, the committee heard the testimony of Assistant Secretary of Agriculture Richard E. Lyng, who presented the case for the Department of Agriculture. Mr. Lyng presented a carefully worded statement attempting to show that the USDA regulations were the most equitable method of distributing available funds. However, under cross-examination the Assistant Secretary admitted that many States would be receiving less money than they did during the past school year.

Members of the committee attempted to determine whether the appropriation of the Congress was adequate to carry out the school lunch program. Despite the fact that the administration had requested no more funds for the school lunch program than had been appropriated for the previous fiscal year, the Congress had appropriated $33.8 million above the budget request to bring the total school lunch appropriation up to $615.2 million.

Committee members were somewhat dismayed to learn that the present appropriation was not sufficient to provide an adequate rate of reimbursement for school lunches even though the Congress had been told repeatedly by the administration that we have sufficient funds for an adequate school lunch program.

Under questioning from the Senator from Alabama (Mr. ALLEN), Assistant Secretary Lyng refused to state whether the administration would spend additional funds even if these funds were provided.

The pending resolution is designed to provide additional funds and require the Secretary of Agriculture to spend these funds to provide an adequate rate of reimbursement.

Mr. President, I would have preferred to have followed regular procedure in regard to the school lunch program. Unfortunately, regular procedure has failed in this case. Regular procedure has failed because the Congress has been unable to get reliable information about the amount of money that is required to carry out the law.

The Congress acted in good faith, thinking that it had appropriated sufficient money to provide a free or reduced price lunch to every needy school child in the country. Now we are told by the USDA that there is insufficient money to provide a rate of reimbursement above 35 cents per meal.

Although this emergency resolution is not the normal way of dealing with funding problems, there is sufficient precedent for this procedure. On June 17 of this year, the Senate Committee on Agriculture and Forestry, by a unanimous vote, reported to the Senate H.R. 5257. This legislation, which passed the Senate on June 18, 1971, authorized the Secretary of Agriculture to use section 32 funds for the remainder of fiscal year 1971 and for fiscal year 1972 to pay any amount necessary to carry out the provisions of the National School Lunch Act.

This bill was approved by the Senate by a unanimous vote.

After differences between the House and the Senate versions of H.R. 5257 were ironed out in conference, the conference report was agreed to by both the House and Senate and the bill was enacted into law, Public Law 92-32, on June 30, 1971.

I believe that it is important to emphasize that in every step toward enactment, Public Law 92-32 was passed without objection in the Senate. The relevant provision of this law is as follows:

> SEC. 15. (a) In addition to funds appropriated or otherwise available, the Secretary is authorized to use, during the fiscal year ending June 30, 1971, not to exceed $35,000,000 in funds from Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the provisions of this Act, and during the fiscal year ending June 30, 1972, not to exceed $100,000,000 in funds from such section 32 to carry out the provisions of this Act relating to the service of free and reduced price meals to needy children in schools and service institutions.

Public Law 92-32 was rushed to enactment because of a funding crisis which then existed in regard to the summer feeding program of the U.S. Department of Agriculture. Congress must act promptly now because an even greater crisis exists in our school lunch program.

I believe it is important to emphasize that section 32 funds will be used only until such time as Congress can act on a supplemental appropriation bill. Should we wait until action on the supplemental appropriation, schools around the country will be well into their school year and even more schools will have been forced to cut back on their child feeding programs.

I am hopeful that Senate Joint Resolution 157, which directs the Secretary to use section 32 funds to the extent necessary to assure that every needy child gets a free or reduced price lunch, will force an immediate revision of the disastrous regulations which have been promulgated.

The committee has heard a great deal of testimony about the amount of money that is needed to pay for the cost of a school lunch. Some authorities peg the national average cost of preparing and serving a school lunch at 52.6 cents per meal. USDA officials themselves indicated in the committee hearing on September 16 that this average cost was around 60 cents.

Of course, it is impossible for legislators to determine precisely the reimbursement that is needed. I am aware that the cost of preparing a school meal varies greatly between States and within a State. However, it is clear that 35 cents is not an adequate rate of reimbursement in any State.

The language of Senate Joint Resolution 157 expresses the feeling of the committee that a rate of reimbursement of 45 cents is preferable to the Department of Agriculture's 35-cent rate. The resolution would amend section 11(e) of the National School Lunch Act to provide that the maximum per lunch limitation on the amount of funds that States may reimburse their schools for special assistance shall not be fixed by the Secretary at less than 40 cents. When the section 4 reimbursement of 5 cents per meal is added, the schools would have a total of 45 cents.

Senate Joint Resolution 157 also contains language which makes it clear that the funds made available by the resolution will be apportioned to the States in a manner that will enable these schools to best meet their obligations with respect to the service of free and reduced price lunches.

The resolution also requires that these funds be apportioned and paid as expeditiously as possible. A number of school lunch officials have indicated that the proposed regulations of the USDA would delay Federal reimbursement to the States, thus causing even greater fiscal problems for State governments and local school districts. While the committee did not attempt to establish the procedure whereby the USDA shall make reimbursement, I hope that this language will be sufficient to insure that school lunch reimbursements are made as expeditiously as practicable.

There is some confusion about the amount of money that is needed to enable States to purchase the equipment that is necessary to comply with the law which requires that every schoolchild receive a free and reduced price lunch. There is also some controversy over the amount of funding that is needed to permit extension of the school breakfast program to those schools desiring such a program. Therefore, section 3 of Senate Joint Resolution 157 requires that the Secretary of Agriculture shall immediately determine and report to the Congress the needs for additional funds to carry out the school breakfast and nonfood assistance programs at levels which will permit expansion of the school breakfast and school lunch programs to all schools desiring such programs as rapidly as practicable.

Mr. President, the basic issue at stake on the question of passing Senate Joint Resolution 157 is whether Congress intends to honor its commitment to provide a free or reduced price lunch to every schoolchild in America. The pending resolution serves notice that the Senate intends to honor its commitment. With every day's delay, additional irreparable harm is done to the school lunch program of this country. Additional children are forced to go to school without a decent meal.

I hope that the Senate will approve this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. I yield 10 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, it is with great reluctance that I oppose and will vote against the pending joint resolution.

The joint resolution reported by the Committee on Agriculture and Forestry sets up new and more liberal standards for Federal assistance to the school lunch program. I am not opposed to this part of it. As a member of the Senate Committee on Agriculture and Forestry and for more than 20 years a member of the Senate Subcommittee on Agriculture Appropriations which has always handled the funding of the school lunch program, I have supported both a more liberal program and more liberal funding year after year.

Mr. President, I have no opposition to that portion of the pending resolution which would liberalize the school lunch program. What I am opposed to, and very strongly, is that this resolution is actually appropriating additional funds for the school lunch program which is beyond and outside of the jurisdiction of the Senate Agriculture Committee. The Subcommittee on Agriculture Appropriations holds extensive hearings each year on the school lunch program and it is much more knowledgeable on the needs of this program than is the Senate Agriculture Committee.

Mr. President, if all the legislative committees got into the business of appropriating funds, much of our checks and balances would be lost. The legislative committees authorize programs such as the school lunch program, but it is indeed rare when a legislative committee tries to appropriate funds for any program.

To follow this procedure would not only weaken our system of checks and balances between the authorizing and appropriating committees, but it would lessen by far the careful consideration and scrutiny that Federal expenditures now receive by both Houses of Congress.

If the Senate followed this procedure, then the Senate Armed Services Committee could appropriate, as well as authorize, all of the funds for the Department of Defense. The same would be true of the Public Works Legislative Committee. If they were permitted to follow this procedure, they could not only authorize all public works projects, but also fund them at the same time.

Mr. President, this joint resolution makes available an undetermined amount of money from section 32 funds for the school lunch program. No one seems to know how much this joint resolution will increase the costs of the school lunch program. There is no specific amount in the joint resolution itself. Guesses range from $100 to $300 million. If this increased funding for the school lunch program were handled by the Appropriations Committee, as it should be, that committee would find out how much was needed for the liberalized school lunch program and a specific amount would be appropriated.

Presently, appropriations for the Department of Agriculture for food assistance programs of all kinds for fiscal year 1972 are $3,815,784,000. If this resolution is approved, it would push food aid costs chargeable to the Department of Agriculture to over $4 billion.

Mr. President, Congress has been very liberal with food assistance to people. Practically $4 billion is charged to the Agriculture budget and, unfortunately, most people think this is a subsidy for farmers. These appropriations for family assistance have risen from $908,910,000 only 5 years ago, in the fiscal year 1968, to $3,815,784,000 this year. I ask unanimous consent to have this table printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Appropriations for USDA food assistance programs, fiscal years 1968–72

Fiscal year:	
1972	$3,815,784,000
1971	2,876,968,000
1970	1,621,912,000
1969	1,201,332,000
1968	908,910,000

Mr. YOUNG. Mr. President, these are meritorious expenditures, but when they reach this magnitude, I think it behooves Members of Congress to give careful consideration to the procedures under which these funds are increased and further information should be had concerning the extent of the increase. Undoubtedly, additional funds are justified for the school lunch program, but I cannot understand the great rush to follow this unusual procedure of making additional funds available without any facts or information as to how much it will cost.

The House and Senate Appropriations Committees are now considering a supplemental appropriations bill to which additional funds for the school lunch program could appropriately be made a part. I would be very happy to support the additional funds necessary if it were handled through regular appropriations procedures and rules of the Senate. The appropriations bill for these funds might well pass the Congress long before this joint resolution. There is serious doubt whether the House will even consider this resolution, but they would consider an amendment to the appropriations bill.

The agriculture appropriations bill which passed Congress only about 2½ months ago contained $782.3 million for the school lunch program. This includes the breakfast program, administrative costs and the section 6 appropriation for commodity purchases. The previous year, fiscal year 1971, the appropriation was $696.9 million.

Only about 2 months ago we appropriated about $85 million more than we did a year ago for the school lunch program. Certainly these funds have not all been spent, particularly since the school year just began.

To give some idea of how liberal Congress has been with this program, I ask unanimous consent to have printed in the RECORD a table prepared by the Budget and Planning Division of the Food and Nutrition Service giving the appropriations for the past 5 years.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

School lunch program funding: Fiscal years 1968–72—Appropriations for school lunch, school breakfast, administrative costs, nonfood assistance, and nonschool food program

[In millions]

Fiscal year:	
1972	$782.3
1971	696.9
1970	415.7
1969	296.8
1968	227.8

SOURCE.—Budget and Planning Division, Food and Nutrition Service, USDA, Sept. 30, 1971.

Mr. YOUNG. Mr. President, it should be noted from this table that the total appropriation for fiscal year 1968 was only $227.8 million as against $782.3 million this year. This certainly indicates Congress has not been niggardly with this program.

When the donated food commodities provided through the Department of Agriculture are included, the total available contribution from the Federal Government to the school lunch program for this fiscal year is $1,051,300,000.

I ask unanimous consent that this table be printed in the Record giving the figures for the past 5 years.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

Total program level, child nutrition programs, fiscal years 1968–72—Appropriated funds and value of donated commodities

[In millions]

Fiscal year:	
1972	$1,051.3
1971	865.2
1970	616.8
1969	504.7
1968	448.3

Mr. YOUNG. Mr. President, I wish to point out again that if this joint resolution only contained the liberalizing provisions of the school lunch program and left to the Appropriations Committee the funding of the program, I would be supporting it. It is with great reluctance that I find it necessary to vote against it in order to preserve sound fiscal practices. It would be far better if we were trying to improve on the manner in which we dish out hundreds of billions of dollars, rather than to relax our procedures.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield 10 minutes to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I yield to no man in the Senate in my efforts, past and present, in supporting the feeding of schoolchildren.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Mr. President, at this point I concur wholeheartedly in support of what the senior Senator from Louisiana has said. He was one of the original authors of the school lunch program, and he has supported it throughout the years.

Mr. ELLENDER. Mr. President, I thank the distinguished senior Senator from Georgia. I wish I could find myself in agreement with him in this instance, but I believe the precedents he is following to be bad ones. The Senator from Nebraska (Mr. Hruska) will cite the precedents which I believe to be controlling in this case.

This year is the 25th anniversary of the national school lunch program. It was 1946, World War II had just ended, and we were turning to the new priorities of peace. High on the list was the national school lunch program. I remember well because I was a sponsor of that legislation.

Passage of the National School Lunch Act on June 4, 1946, provided basic legislation authorizing Federal school lunch assistance in the form of a State grant-in-aid program. Since the midthirties, the Department of Agriculture had been providing commodities to States for use in school feeding programs and in fiscal 1944 and 1945, $50 million in cash was made available from section 32 funds. In 1946, this assistance was given a statutory basis which has continued to this day.

The program which we established in 1946 was a cooperative program. Federal, State, and local governments joined in providing balanced, nutritious lunches.

During the past 25 years, I have watched the school lunch program grow, and I can say with some pride that as a member and later chairman of the Agriculture and Forestry Committee, I have helped it grow.

During 1971, 24.1 million children were being reached by the school lunch program and 7.3 million needy children were receiving free and reduced price lunches at the end of the school year.

In 1971 for the first time, Federal support for child feeding programs reached almost a billion dollars. The total was $981 million up $260 million from the year before.

Our greatest efforts in recent years have been directed to being sure that needy children receive the free and reduced price lunches to which they are entitled. Special assistance funds for this have increased yearly eightyfold in the last 4 years, from $4.9 million in 1968 to $390 million appropriated for 1972. But, with all of these additional funds, the program, even for the needy children, has continued to function on a cooperative basis. Under the amendments to the School Lunch Act which were passed last year, each State educational agency must inform the Secretary of Agriculture of the manner in which it proposes to use the funds provided under this act.

During the past year, the portion of the total lunch program cost which is borne by the Federal Government has increased substantially. In 1968, the Federal share of total expense was 23.2 percent. State and local governments contributed 23.6 percent and children's payments provided 53.2 percent of total program cost. By 1970, the Federal share was up slightly to 25.6 percent, the State and local share rose to 24.6 percent, and children's payments were 49.8 percent. Then last year, there was a 1 year jump in the level of Federal support to 32.7 percent of program cost. The State and local share dropped slightly to 23.1 percent and children's payments were down to 44.2 percent.

The changes contained in Senate Joint Resolution 157 minimize the cooperative concept which has long been at the base of the school lunch program.

Local government is often more sensitive and effective in managing funds which come at least in part from local sources.

The resolution before us was precipitated by reactions to new school lunch regulations proposed by the Department of Agriculture. Those regulations have been greatly criticized. We should recognize, however, that those regulations do things which each of us will approve.

The Department of Agriculture's proposed regulations will distribute approximately $78 million more in special assistance for free and reduced price lunches than was spent for these lunches last year. These are moneys available because of action by the Congress.

Under the proposed regulations, funds will be distributed to States in better relation to program growth and size. This will avoid the midyear funding uncertainties of last year when fund shortage in some States were threatening the continuation of programs while other States had millions of dollars in excess funds.

For the first time in the history of the program, a State needing to expand its program to substantially more schools and substantially more children can do so within its available funds, without the fear that such expansion will be at the expense of an unwarranted reduction in levels of assistance to already participating schools and children.

The Department's proposed regulations are designed to place a floor under school lunch funding so that States and localities can count on a predictable level of program support. In the past, some States have had reimbursement rates far above the national average while other States with large and expanding participation have had rates which are far lower.

The resolution which is before us today will provide a more generous level of Federal support for free and reduced price school lunches. But, it violates the regular procedure.

Therefore, I urge you to join me in opposing the passage of Senate Joint Resolution 157. If additional funds are needed for this program this year, the Appropriations Committee will do all within its power to see that such funds are made available.

The point I wish to emphasize is simply this. In the past the appropriations for this program have been handled by the Committee on Appropriations. But here is an effort made to permit the Committee on Agriculture and Forestry to direct how much money shall be spent from the so-called 32 funds in order to carry out this work. I believe that the establishment of this precedent is wrong, although there was evidence to show that in one or two cases the Committee on Agriculture and Forestry in the early days did suggest that funds be taken from the 32 funds in order to supplement appropriations made by Congress.

The distinguished Senator from North Dakota stated a moment ago that 2 days ago the President sent us a supplemental bill. This supplemental bill amounts to about $1.25 billion, although there is nothing mentioned in that bill pertaining to the school lunch program, as I understand it. It is my intention that when the supplemental bill comes from the House we will hold hearings on this specific point. I have already notified the Senator from Wyoming (Mr. McGee) to bring before his subcommittee people from the Department of Agriculture who will testify as to what is needed in order to carry out what the President stated earlier this year. That is, to provide sufficient funds so that every needy child in school will have the opportunity to have a free or reduced price lunch and an adequate diet.

Mr. President, I do not like this backdoor funding. Of course, that is what this amounts to. We are taking from a special fund, the section 32 fund, moneys—cash—in order to carry on this program. I admit it has been done in the past. The Department of Agriculture has submitted figures to us indicating that the sums raised through section 32 of the Agricultural Adjustment Act could be used in order to carry out the program. That has been done but section 32 was enacted by Congress for a purpose different than that for which it is now being used. It was placed on the statute books in order to assist in the administration of some commodity programs wherein we do not have price supports.

Section 32 funds are used mostly for the purchase of commodities for distribution to needy persons and for distribution through the school lunch and other feeding programs.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. The Senator pointed out the precedent for an act of this kind which occurred last June, but it is my recollection that that bill was passed by the unanimous vote of the Senate.

Mr. ELLENDER. Yes.

Mr. AIKEN. The Senate can take most any action by unanimous consent, but on the other hand, the rules of the Senate state that the Committee on Appropriations cannot be bypassed.

If a person breaks the law once and gets away with it, does that give him a license to violate that same law forever afterward without running the risk of being called to account for it?

Mr. ELLENDER. Of course it does not.

Mr. AIKEN. We violated the rules once by unanimous consent, and we can do almost anything by unanimous consent in the Senate, but that does not give us authority to continue with the violations.

Mr. ELLENDER. I agree with the Senator.

When we did that, we established a bad precedent. The Senator knows that I have always supported the school lunch program, but I also believe that the committee of the Senate which has charge of this, the Committee on Appropriations, should provide the necessary funds. That is all I am pleading for. I am as much for this program as the distinguished Senator from Georgia or any other Senator in this body. But let us provide the funds necessary through the proper channels, and the proper channels would be the Committee on Appropriations.

As I said, the Committee on Appropriations is going to take up the matter in a few weeks. There is now ample money on hand to proceed with the operation until well beyond that time. The purpose of the USDA regulations is more or less to equalize the money at hand so that some States would not have excess funds, as has been the case in the past, while others have an insufficient amount.

Last year the department had to take States that could not spend them, and transfer that money to States that needed it.

The purpose of the rules and regulation placed into effect by the Department of Agriculture is also to divide the money more equitably. I state to the Senate that whatever is necessary should be provided by the Committee on Appropriations. Let us proceed in an orderly manner, as it should be done. Let us not take more from the section 32 funds than may be necessary.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. YOUNG. I yield an additional 5 minutes to the Senator.

Mr. ELLENDER. If we permit all the moneys necessary to operate the lunch program be taken from section 32 receipts as is provided in this resolution, then it may be that some other programs may suffer. I would much prefer that we continue to use the appropriations process.

I want to assure the Senate that hearings will be held, probably beginning next week, even before the bill reaches the Senate. If the distinguished Senator from Georgia will obtain from the Department of Agriculture an estimate of the amounts necessary in order to carry out the program as he wishes, I can give him assurance that the committee will consider these figures.

It is our intention to call on the Department to make its case before us. And believe me, they will be questioned closely.

And last, I want to assure the Senate that I will do all in my power to see that such additional funds as are necessary will be provided by that committee.

I have always had a deep and abiding interest in the success of the school lunch program. I have always had a deep and abiding interest in seeing that all needy children receive free or reduced price lunches. I still do.

I ask unanimous consent that a brief history of the national school lunch program be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A Brief History of the National School Lunch Program

The National School Lunch Program is currently operated under Public Law 396, 79th Congress, as amended by Public Law 518, 82nd Congress; Public Law 823, 87th Congress; Public Law 302, 90th Congress; and Public Law 248, 91st Congress, and is a grant-in-aid program of Federal assistance to the fifty States, the District of Columbia, Puerto Rico, Guam, American Samoa and the Virgin Islands.

Federal assistance to school lunch operations began in 1933. In that year, the Reconstruction Finance Corporation provided loans to several communities in Missouri to pay labor costs of preparing and serving school lunches. By the end of 1934, assistance was being provided in 39 States through the Civil Works Administration and the Federal Emergency Relief Administration. Later the Works Projects Administration and National Youth Administration furnished both labor and trained management personnel for lunchroom operations.

The enactment of Public Law 320, 74th Congress, in August 1935, made it possible for the Federal Government to provide additional assistance in the form of donated commodities. Section 32 of that Law appropriated annually an amount equal to 30 percent of all customs receipts for the general purpose of encouraging the exportation and domestic consumption of agricultural commodities.

One of the activities financed with Section 32 funds was the program for purchase of surplus food commodities and their distribution to eligible recipients. The Federal Surplus Commodities Corporation purchased the commodities and turned them over to State welfare agencies for distribution to nonprofit school lunch programs, charitable institutions, and welfare recipients. By March 1942, six million children were participating in lunch programs receiving surplus commodities.

Our entry into World War II brought an unprecedented demand for food which, in turn, resulted in the production of a larg volume of foods suitable for local purchas for school lunch programs. In March 1943 therefore, the Department of Agriculture announced that assistance would be granted in the form of cash reimbursement.

Under this program, any nonprofit public or private school was eligible. Local sponsoring groups entered into agreements with the Department to operate lunch programs in accordance with certain standards and regulations, and were reimbursed directly for a portion of their food expenditures. The most important of these operating standards were as follows:

1. Lunches served should meet nutritional standards established by the Department of Agriculture.

2. The lunch program should be operated on a nonprofit basis.

3. Children unable to pay the full price of the lunch should be served at a reduced cost or free.

Direct distribution of surplus foods acquired by the Department continued, although the quantities available were substantially smaller than in prewar years. During fiscal years 1944 and 1945, Congress authorized the use of $50 million of Section 32 funds for the operation of the school lunch program. In fiscal year 1946, Congress appropriated $50 million of Section 32 funds and later voted a deficiency appropriation of $7½ million.

Passage of the National School Lunch Act, on June 4, 1946, provided basic legislation authorizing Federal school lunch assistance, in the form of a State grant-in-aid program. Specifically, the Congress declared that the objective of the 1946 National School Lunch Act is ". . . to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food." The Act authorized the continuance of food assistance in the form of cash reimbursements for a portion of the food costs and direct distribution of suitable foods acquired by the Department of Agriculture in its purchase operations. In addition, Section 6 of the Act authorized the expenditure of part of the food assistance funds for the direct purchase and distribution by the Department of certain foods which would improve the nutritional quality of the lunches.

Public Law 518, 82nd Congress, was approved on July 12, 1952, and amended the Act to include Guam as an eligible Territory. Also, this law amended the Act with respect to the apportionment of funds to Hawaii, Alaska, Puerto Rico, Guam and the Virgin Islands.

On October 15, 1962, the Act was amended by Public Law 87–823, which provided for several major changes. First, the formula for apportioning Federal funds to the States (Section 4) which had been based on (1) the number of school children in the State and (2) the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State, was changed to utilize the factors of (1) the participation rate for the State and (2) the assistance need rate of the State. The assistance need rate is based on relative per capita income of each State, but gives lesser weight to it than the initial apportionment formula. The participation rate is the actual number of lunches served in each State the preceding year. Another major change involved the addition of a new Section 11 (Special Assistance). This Section authorized the appropriation of funds to provide special assistance in the form of higher rates of cash reimbursement to schools drawing attendance from areas in which poor economic conditions exist for the purpose of assisting these schools in meeting the program requirement concerning the service of lunches to children unable to pay the full cost of such lunches.

On May 14, 1970, Public Law 91–248 was enacted to amend the Act to clarify respon-

sibilities related to providing free and reduced price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children. State revenue appropriated or utilized specifically for program purposes are to be used to constitute part of the State matching requirement. For the first time the Secretary is authorized to set minimum national income poverty guidelines for eligibility for free and reduced price lunches. Section 11 (Special Assistance) was amended to make the needy child, rather than the school, the eligible entity for special assistance reimbursement payments. This legislation also requires each State educational agency to submit each year a State Plan of Child Nutrition Operations which outlines how the State plans to extend the Child Nutrition Programs to reach more children.

Today, nearly 23 million children in about 78,000 schools are participating in the National School Lunch Program daily. The increase in program participation in recent years has been approximately one million children a year.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Assistant Secretary of Agriculture Richard Lyng.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ASSISTANT SECRETARY RICHARD LYNG BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY, SEPTEMBER 16, 1971

We are pleased to meet with the Committee this morning to discuss the amendments to the school lunch regulations we issued for public comment on August 13.

Those proposed amendments deal with the program's funding structure for 1972—specifically, with the method to be used to distribute the special section 32 funds to States. They represent our judgment as to the most effective and equitable way to distribute the school lunch funds made available in the Department's appropriation act for fiscal 1972.

Last year—the initial year of operation under Public Law 91-248—resulted in substantial program progress. In September of 1970, a total of 22.1 million children were being reached with a school lunch. Four million of these children were being reached with a free or reduced-price lunch. By April 1971, 24.1 million children were being reached—up 9 percent over September. A total of 7.3 million children were being reached with a free or reduced-price lunch—up 82 percent over September.

The total number of school lunches served last year increased by 7.7 percent—from just over 3.5 billion in fiscal 1970 to just over 3.8 billion in 1972. But, there were substantial differences in growth rates among the States. In eight of the State agencies, the rate of increase was more than double the national rate. The growth rate was less than 5 percent in 23 States.

The number of free and reduced-price lunches served increased 35.6 percent last year—from 852 million in fiscal 1970 to one billion in fiscal 1971. Again, the growth rate varied among the States. In 10 of the State agencies, the growth rate was more than double the national average. In contrast, 14 State agencies had a growth rate of less than 25 percent.

Last year's progress represented the combined work of local, State, and Federal governmental units, thousands of dedicated school officials, and concerned citizens—backed by the traditional combination of Federal, State, and local financial support.

There has been a sharp increase in Federal funding for cash assistance payments to schools. Between 1970 and 1971, direct appropriations under sections 4 and 11 of the Act more than doubled. In addition, in 1971, these direct appropriations were augmented by over $150 million in special section 32 funds—most of which was intended for free and reduced-price lunches. In three years, the amounts made available under section 4, section 11, and in special section 32 funds increased from $204 million in fiscal 1969 to just over $300 million in fiscal 1970, and to over double that amount in fiscal 1971.

States have raised a question as to whether past progress in the program can be maintained in 1972—much less additional progress obtained—under the funds requested and appropriated for 1972 and the funding structure outlined in the proposed regulations the Department issued on August 13. We believe that significant additional progress is possible.

First, there is an increase in the amount of Federal funds available to provide special assistance for free and reduced-price lunches in 1972—about $78.8 million more than was spent in 1971.

Second, available funds will be distributed to States in better relationship to program growth in the various States. Thus, we can avoid the mid-year funding uncertainties of last year. At that time, fund shortages in some States were threatening the continuation of their programs while other States had millions of dollars in excess funds.

Third, for the first time in the history of the program—a State needing to expand its program to substantially more schools and substantially more children can do so within its available funds, without fear that such expansion will be at the expense of an unwarranted reduction in levels of assistance to already participating schools and children.

It is clear, Mr. Chairman, that some States do not understand the method we are proposing to use to distribute the available funds in 1972. We hope to clear up that misunderstanding in the course of this hearing.

THE BASIC FUNDING STRUCTURE

The National School Lunch Act authorizes two annual appropriations for the program—one under section 4 of the Act and one under section 11. The Act also specifies exactly how each of these annual appropriations is to be apportioned among the States.

Section 4 funds are apportioned among the States on the basis of the number of Type A lunches previously served by each State and the relationship between each State's per capita income and the per capita income of the United States. For fiscal 1972, the apportionment formula uses the number of Type A lunches served by each State two years ago—in fiscal 1970. Section 11 funds are apportioned on the basis of the relative number of school-age children in households with annual incomes below $4,000 that reside in each of the States.

The section 4 funds are used to help schools buy food for the lunches served to *all* children—to both children who pay the full price of the lunch and the children who receive free and reduced-price lunches. The section 11 funds are used to provide additional special assistance for lunches served free or at a reduced price to children who meet a school's eligibility standards for such lunches.

Both the section 4 and 11 funds are actually disbursed to schools by the State on the basis of an assigned per-lunch reimbursement rate. The section 4 rate is applied to all the lunches; the section 11 rate applies only to the free and reduced-price lunches. In the program regulations, the Department of Agriculture establishes maximum reimbursement rates that a State may pay under section 4 and section 11. Thus, the actual rates of assistance a State pays an individual school under section 4 or section 11 depend upon three factors: (1) The amount of funds made available to the State for section 4 and 11 purposes each fiscal year—the Statewide average rate that can be financed; (2) the maximum per-lunch rates of assistance authorized by the Department; and (3) how the State varies rates of assistance in accordance with the relative need of the individual schools, within that Statewide average rate.

MAXIMUM RATES OF ASSISTANCE

Many people first interpreted our proposed regulations as requiring a reduction in the maximum rates of assistance that were in effect during the last school year. This is not the case.

In the regulations we issued last September for the 1970-71 school year, the following *maximum* rates were authorized:

12 cents per lunch under section 4;

30 cents in addition for each free and reduced-price lunch under section 11, with a proviso that the neediest schools could receive up to 60 cents for each free and reduced-price lunch.

If a State determined that a school needed in excess of 30 cents for a free and reduced-price lunch, our regulations required that such a school receive section 4 assistance at the maximum rate of 12 cents. The section 11 rate could then exceed 30 cents—up to a maximum of 48 cents—or a total of 60 cents in combined funds.

This latter proviso—called the "12-cent rule"—met opposition among the States. They felt it endangered the total program because section 4 funds had to be diverted from the more affluent schools in order to pay 12 cents in section 4 funds to the neediest schools. They felt *all* the extra assistance for free and reduced-price lunches required by the neediest schools should be financed out of funds available for section 11 purposes.

Effective in February, we did, in effect, suspend the 12-cent rule. We allowed States to finance the required increase in section 4 rates for the neediest schools out of funds available for section 11 purposes.

The maximum rates of assistance we have authorized in the proposed regulations remain essentially unchanged from the 1970-71 rates. A State is still authorized to pay its neediest schools up to 60 cents for a free or reduced-price lunch. (A maximum rate of 50 cents is proposed if the school is serving a significant number of reduced-price lunches because it would be receiving revenues from the reduced-price payments.)

Our proposed amendments are concerned with the distribution of available funds among the States—with the average reimbursement to be paid on a Statewide basis—not with the maximum rates.

1971 PROGRAM FUNDING

The 1971 appropriation act contemplated a national average section 4 rate of 5 cents and a national average reimbursement rate of 30 cents in additional assistance for free and reduced-price lunches.

The following amounts were provided in the 1971 appropriation act to finance those contemplated rates: A direct appropriation of $225 million in section 4 funds and a direct appropriation of $204.7 million in section 11 funds. The use of $154.7 million in special section 32 funds also was authorized in our appropriation act.

As I indicated earlier, the National School Lunch Act specified how the section 4 and section 11 funds are to be divided among the States. The use of the special section 32 funds is at the discretion of the Department but the appropriation act contemplated that most of the special section 32 funds would be **used to supplement the section 11 appropriation for free and reduced-price lunches.**

Without any experience on which to judge the impact of Public Law 91-248, the Department decided to use the special section 32 funds as follows:

The entire amount—$154.7 million—was apportioned to States under section 11 apportionment formula. The section 11 formula was selected because most of these section 32 funds were expected to be used for section

11 purposes for free and reduced-price lunches.

We did give States flexibility in the use of these section 32 funds. In addition to using them for free and reduced-price lunches, they were authorized to use the funds to augment funds appropriated for the school breakfast program and the funds for equipment assistance for needy schools, especially for "no-program" needy schools.

However, as we gained operating experience under Public Law 91–248, it was apparent that the method of distributing the special section 32 funds was creating a problem. It did not put the funds in the States where they were needed. By January, some States were reporting that they would soon exhaust their funds; other States reported they had a surplus in funds. By mid-April—under the cumbersome and time-consuming reapportionment method—we were able to transfer over $30 million from States with a surplus to States with a deficit. But, during the period we were effecting those fund transfers, the deficit States had to operate upon our assurance that we could obtain the release of funds from other States.

THE 1972 PROPOSAL

After this experience, we concluded that it would be in the best interest of all of the States if a method for distributing the available funds could be found that would better distribute the funds among the States in accordance with expected participation at the beginning of the school year.

This exploration led us to another conclusion; one that—in our view—represents a real breakthrough in school lunch financing. We concluded that we needed to go beyond the funding level planned in the 1972 appropriation—a national average reimbursement rate of 5 cents under section 4 and a national average rate of 30 cents under section 11. We felt the available section 32 funds should be used to guarantee each State that—no matter how much expanded its program—it could be assured that it would be able to maintain a Statewide average rate of 5 cents under section 4 and a Statewide average rate of 30 cents under section 11.

This is the essence of our August 13th proposal.

Some States have interpreted our proposed regulations to require them to initially establish rates of assistance within the funds apportioned to them under sections 4 and 11 of the Act. That is not the case. That would, in effect, cancel out our announced guarantee that no State will have to establish Statewide average rates at less than 5 and 30 cents.

The regulations, as amended by our proposal, instruct States to establish rates "within the funds available" to the State agency. The funds available to a State agency in 1972 under the regulations are:

Its apportioned share of the $225 million appropriated for section 4, *plus* such amounts of special section 32 funds as the State needs to maintain a Statewide average section 4 rate of 5 cents; and

Its apportioned share of the $237 million appropriated for section 11, *plus* such amounts of special section 32 funds as the State needs to maintain a Statewide section 11 rate of 30 cents.

With program expansion in 1972, these 5-cent and 30-cent guarantees will use all of the special section 32 funds made available under our 1972 appropriation act.

Under our proposal, some States would be able to maintain Statewide average rates in excess of 5 cents or 30 cents in 1972—out of their apportioned share of the direct appropriations for section 4 and section 11. They would be able to pay those higher rates. They would not, of course, receive any section 32 funds to enable them to pay still higher rates. On the other hand, they would not be asked to release any of their apportioned funds for use by other States.

Some have interpreted our proposed regulations to mean that no school can receive more than 35 cents for a free or reduced-price lunch. That, too, is not the case. States can continue their past authority to vary rates among schools—paying above the Statewide average rate to the needier schools and less than the Statewide average rate to the more affluent schools.

THE IMPACT OF OUR PROPOSALS

We have a series of charts that summarize the impact of our proposed regulations on section 4 and section 11 funding.

This first chart shows the 1971 expenditures for section 4 and section 11 purposes and the amounts provided under our annual appropriation act for 1972 for these same purposes:

[In millions of dollars]

	1971	1972
Sec. 4 apportionment	225.0	225.0
Needy schools and children:		
Sec. 11 apportionment	203.8	237.0
Special sec. 32—		
To finance the 12-cent rule	20.8	
Free and reduced-price lunches	86.8	153.2
Subtotal	311.4	390.2
Grand total	536.4	615.2

As this chart indicates, the amount of money available for section 4 purposes in 1972 is the same as was appropriated in 1971—$225 million.

There is $78.8 million more available for special assistance for free and reduced-price lunches than was spent in 1971—$390.2 million compared to $311.4 million.

The second chart shows the Statewide average section 4 rates that were paid out of the $225 million in 1971 by the 50 States and the District of Columbia; the projected average rates that those States could have paid in 1972 without our proposed change in the use of the special section 32 funds; and the projected average rates under our proposal:

		Number of States, 1972	
	1971	Without revision	With revision
Statewide rate—Sec. 4:			
7 cents and above	6	2	2
6 to 6.9 cents	9	11	11
5 to 5.9 cents	22	21	38
4 to 4.9 cents	12	12	0
Below 4 cents	2	5	0
Total	51	51	51

In the absence of our proposed change, 17 States were faced with an average Statewide section 4 rate of less than 5 cents and five of these were faced with an average rate of less than 4 cents. We are proposing to guarantee these States a Statewide average rate of 5 cents.

The third chart shows the same information for the section 11 rates—the special assistance for free and reduced-price lunches: The average Statewide payments out of the $311.4 million expended for this purpose in 1971; the projected rates that would have prevailed in 1972 if we had not proposed a change in the distribution of special section 32 funds; and the projected rates under our proposal.

		Number of States, 1972	
	1971	Without revision	With revision
Statewide rate—Sec. 11:			
40 cents and above	11	15	0
35 to 39.9 cents	9	8	1
30 to 34.9 cents	15	9	50
25 to 29.9 cents	12	7	0
20 to 24.9 cents	2	9	0
Below 20 cents	2	3	0
Total	51	51	51

If we had continued last year's method of distributing the $153.2 million in special section 32 funds, and every State used all of its section 32 money for free and reduced-price lunches, the average rate in seven States would have been between 25 and 29.9 cents. In an additional 12 States, the average rate could have been below 25 cents, and 3 of the 12 could have faced an average Statewide rate of less than 20 cents for each free and reduced-price lunch. Our proposal guarantees every State at least a minimum Statewide rate of 30 cents for each free or reduced-price lunch.

It is true that a few fortunate States would have been able to pay higher rates of assistance under section 11 in 1972, if we had continued last year's method of distributing section 32 funds. But, these higher rates would have meant that up to 19 States would have a Statewide average rate of less than 30 cents in 1972.

EQUIPMENT ASSISTANCE

Before summarizing these proposals on the distribution of available funds, I want to comment on a second part of our August 13th proposals—those that affect the equipment assistance funds.

Section 5 of the Child Nutrition Act authorizes Federal equipment assistance for schools which draw their attendance from areas in which poor economic conditions exist—in short, needy schools. The funds can be used to help needy schools which have "no, or grossly inadequate" food service equipment.

In 1971, a total of $15 million was appropriated for this equipment assistance. But States elected to use substantial amounts of their special section 32 apportionment for equipment assistance last year. In total, reports from the States now show that a total of $36.7 million was used for equipment assistance last year.

Our fourth chart shows the amount used for equipment assistance for needy schools in 1970 and 1971. You will note that most of these funds went to schools that were already operating a food service.

There is no doubt that some already participating schools did have "grossly inadequate" equipment. But, we now believe greater emphasis should be placed on the use of these funds to bring needy "no-program" schools into the Type A program.

We are holding equipment funds in 1972 to the $16.1 million authorized in our appropriation act. We have amended our regulations to place a positive obligation on States to seek out—and work with—needy "no-program" schools.

And, we are proposing that at least half of each State's equipment funds be held in reserve for "no-program" schools until March 1—unless the State can demonstrate that the funds should be released for already participating schools at an earlier date.

SUMMARY

Returning to our August 13th proposals on the distribution of cash assistance funds to the States, we would want to emphasize these points:

First, our proposals are not designed to save funds. We expect to spend all the funds authorized in our 1972 appropriation act.

Second, we have not reduced the maximum rates of assistance that were authorized for last year.

Third, we will be placing a floor under section 4 and section 11 rates on a Statewide basis for the first time—a floor that is guaranteed no matter how much expansion a State is able to achieve.

Fourth, we do not believe that we should have continued a method of distributing available funds among the States which—because of the vagaries of statistical apportionment formulas—allowed some States a "funding feast" while other States suffered from a "funding famine".

Finally, we want to re-emphasize that the National School Lunch Act contemplated that the funding of the program would be a joint Federal, State, and local responsibility. This principle was reaffirmed in the Public Law 91-248 amendments. One of those amendments required, beginning this fiscal year that all States put State tax revenues into the program. State matching is required only for the funds made available under section 4 of the Act. But, Public Law 91-248 requires States to distribute the matching State revenues they put into the program in a manner that concentrates their use on the financing of free and reduced-price lunches.

FEDERAL FUNDING—NATIONAL SCHOOL LUNCH PROGRAM FISCAL YEARS 1971 AND 1972

[In millions of dollars]

	1971 (preliminary)	1972 (appropriation)
Regular sec. 4 apportionment	225.0	225.0
Needy schools and children:		
Sec. 11 apportioment	203.8	237.0
Special sec. 32:		
To finance 12-cent rule	20.8	
Free and reduced price lunches	86.8	153.2
Subtotal	311.4	390.2
Grand total	536.4	615.2

Source: U.S. Department of Agriculture. Food and Nutrition Service.

AVERAGE SECTION 4 REIMBURSEMENT RATES FROM $225 MILLION APPORTIONMENT, 50 STATE AGENCIES AND DISTRICT OF COLUMBIA

	Number of States		
		Fiscal year 1972	
Average statewide rate per lunch	Fiscal year 1971 (preliminary)	Without USDA proposal	With USDA proposal
7.0 cents and above	6	2	2
6.0 to 6.9 cents	9	11	11
5.0 to 5.9 cents	22	21	38
4.0 to 4.9 cents	12	12	0
Below 4 cents	2	5	0
Total	51	51	51

Source: U.S. Department of Agriculture, Food and Nutrition Service.

AVERAGE REIMBURSEMENT PAYMENTS FOR FREE AND REDUCED-PRICE LUNCHES, 50 STATE AGENCIES AND DISTRICT OF COLUMBIA

	Number of States		
		Fiscal year 1972	
Average statewide rate per lunch	Fiscal year 1971 (preliminary)	Without USDA proposal	With USDA proposa
40.0 cents and above	11	15	1
35.0 to 39.9 cents	9	8	0
30.0 to 34.9 cents	15	9	50
25.0 to 29.9 cents	12	7	0
20.0 to 24.9 cents	2	9	0
Below 20 cents	2	3	0
Total	51	51	51

Source: U.S. Department of Agriculture, Food and Nutrition Service.

EQUIPMENT ASSISTANCE FOR NEEDY SCHOOLS

	Fiscal year 1970	Fiscal year 1971 (preliminary)
Schools:		
Total schools assisted	7,974	15,500
No-program schools assisted	524	1,402
Dollars:		
Total for nonfood assistance	16,705,170	36,697,000
Total for no-program schools	2,799,569	9,242,966

Source: U.S. Department of Agriculture, Food and Nutrition Service.

Mr. ELLENDER. I ask unanimous consent to place in the RECORD tables from the Department of Agriculture indicating how the section 32 funds are and have been used over the last few years.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NATIONAL SCHOOL LUNCH PROGRAM—PROGRAM SUPPORT

The table below indicates, on a per meal basis, the amount of program support and the proportion of the total from each source.

The Fiscal Year 1972 data are projected assuming: (1) a 5 percent increase in total program support to meet increased living costs; and (2) the 1972 Federal proportion of support at the 1971 level.

	Amount per meal (cents)				Proportion of support (percent)			
Fiscal year	Federal [1]	State and local	Children's payments	Total	Federal	State and local	Children's payments	Total
1968	13.5	13.7	30.9	58.1	23.2	23.6	53.2	100.0
1969	14.1	14.1	30.9	59.1	23.8	23.9	52.3	100.0
1970	15.9	15.3	31.0	62.2	25.6	24.6	49.8	100.0
1971 estimate	21.5	15.2	29.1	65.8	32.7	23.1	44.2	100.0
1972 projected [2]	22.6	46.5		69.1	32.7	67.3		100.0

[1] Federal support includes cash and donated commodities.

[2] The projected 1972 rates are based on the assumptions that increased costs of 5 percent in 1972 over 1971 will be reflected in the program support and the proportion of Federal support would continue at the 1971 level of 32.7 percent.

U.S. DEPARTMENT OF AGRICULTURE, SEC. 32—SUMMARY OF USE OF FUNDS

[In thousands]

Item	Fiscal year— 1960	1970	1971	1972
Carryover from prior year	$300,000	$299,921	$300,000	$300,000
Recovery of prior year obligations	667	130		
Appropriation	251,446	698,463	728,760	765,887
Total available	552,113	998,514	1,028,760	1,065,887
Transfers to—				
Child nutrition program	43,657	194,266	238,358	232,043
Agricultural Research Service		15,000	15,000	15,000
Foreign Agricultural Service	2,493	3,117	3,117	3,117
Interior Department [1]	4,994	7,636	7,627	7,552
Total transfers	51,144	220,019	264,102	257,712

Item	Fiscal year— 1960	1970	1971	1972
Commodity purchases and export payments	[2] $104,720	$331,843	$288,666	$295,674
Financial assistance to States		5,801	13,655	19,700
Special feeding program		127,161	152,609	181,758
Surplus removal operating expenses	2,449	7,186	7,046	7,669
Marketing agreements and orders	1,776	2,576	2,682	3,374
Food and nutrition aids		34		
Total obligations	108,945	474,601	464,658	508,175
Unobligated balance returned to the Treasury	91,222	3,894		
Unobligated balance carried forward to subsequent years	[3] 300,802	300,000	300,000	300,000

[1] Department of Commerce in fiscal year 1972.

[2] Included production payments on cranberries of $7,500,000.

[3] Includes a recovery of prior years obligations of $802,000 available in fiscal year 1961.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. AIKEN. Mr. President, I yield 1 more minute to the Senator.

Mr. ELLENDER. Mr. President, I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I suspect that the Senator from Louisiana and some others, especially those of us on the Appropriations Committee, who will vote against the joint resolution will be labeled as being against the school lunch program. I would like to point out again that the Senator from Louisiana was coauthor of the present School Lunch Act, and he led the fight 5 years ago to put the breakfast program in the school lunch program.

Mr. AIKEN. Mr. President, I yield myself 2 minutes at this time, because I would like to comment on what the Senator from North Dakota said.

When we had our executive committee meeting 2 days ago, at which this joint resolution was ordered to be reported to the Senate, there was a generous supply of public relations men in the committee room—three to be exact, two employed by the committee and one besides. I was surprised when shortly after the meeting a reporter came to me and told me he had heard that anyone who voted against this measure was against the school lunch bill.

I was further amazed to find in the report the names of Senators ELLENDER, Aiken, Young, Curtis, and Dole in big letters, as voting against this bill. Coupled with what the reporter was told, it means that these five Senators were against the bill.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. TALMADGE. The Reorganization Act requires the report to state how the Senators voted. It was done for that purpose alone, in compliance with the Reorganization Act, which I voted against, may I say. I thought it was unwise. I certainly would not want this Record to indicate that the distinguished Senator has been dilatory or negligent in his support of nutrition programs, because that is not true.

Mr. AIKEN. I thank the Senator from Georgia for I was not aware of this change in the rules, but I had never seen the names listed in that manner before in a report of the Committee on Agriculture and Forestry.

Mr. HRUSKA. It is required.

Mr. AIKEN. If it is required by law. I am for it, but I do want to say that the Senator from Louisiana (Mr. Ellender) is the father of the school lunch bill and he was assisted in that effort by the Senator from North Dakota and myself, and I will say that no one has worked harder for a good school lunch program than those who are recorded as voting against this resolution, which would bypass the Appropriations Committee.

What we insist on is an adequate school lunch program and we will, I am sure, vote for every dollar necessary to feed every child in this country who is entitled to a school lunch, and possibly some who are well able to pay for their own.

We ask for efficient management of the school lunch program, and above all, we want honest and above board management.

I will yield myself a few minutes later to give an example of what I mean by that latter statement.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require. I dislike finding myself in the role of being in disagreement with the distinguished former chairman of the committee, the able and distinguished Senator from North Dakota, the able and distinguished Senator from Nebraska, and the able and distinguished senior Senator from Vermont, former chairman of this committee himself. We find ourselves fighting together for the same objective the overwhelming majority of the time, but in this instance we disagree. All of these gentlemen have said they are, and knowing their records, I know they are ready, willing, and prepared to vote for every dime in a supplemental appropriation bill which may be necessary to carry out the program. Knowing of their dedication and their conviction and their loyalty to this program, I know that to be correct, but they make the argument that we are bypassing the Appropriations Committee.

I want to read from page 2, beginning on line 3, of the joint resolution:

> . . . the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use so much of the funds appropriated by section 32 . . . as may be necessary.

That does not bypass the appropriations process. As a matter of fact, it is a stopgap measure, waiting until the Appropriations Committee can act. It is important to do so because the regulations that have been promulgated by the Department of Agriculture have created chaos and consternation and confusion in our school lunch programs throughout the length and breadth of this country. Those regulations have provided for payments per meal less than were made available last year and detained and delayed carrying out the program. The law mandates, on the one hand, that it be carried out; the Department of Agriculture regulations, on the other hand, would provide inadequate funds for the purpose of carrying it out.

So it is imperative that the Senate act, and act now. This is not new or novel. The Senate, in 1968, did exactly the same thing in Public Law 90–328, a joint resolution approved June 4, 1968, which originated in the Senate Committee on Agriculture and Forestry.

I ask unanimous consent that it be printed in the Record.

There being no objection, the statute was ordered to be printed in the Record, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is hereby authorized and directed to make advances to the Emergency Credit Revolving Fund (7 U.S.C. 1966) in a total amount not to exceed $30,000,000. Such advances together with interest at a rate which will compensate Commodity Credit Corporation for its cost of money during the period in which the advance was outstanding shall be reimbursed out of appropriations to the fund hereafter made.

Approved June 4, 1968.

Mr. TALMADGE. And on June 30 of this year, 1971, an act originating in the Committee on Labor and Education of the House of Representatives came over here, went to our committee on Agriculture and Forestry, was reported by the committee by unanimous vote, and was passed by a unanimous vote of the Senate. I ask unanimous consent that that act, Public Law 92–32, be printed in the Record at this point.

There being no objection, the statute was ordered to be printed in the Record, as follows:

An Act To Extend the School Breakfast and Special Food Programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National School Lunch Act (42 U.S.C. 1752) is amended by adding at the end of the Act the following new section:

"Sec. 15. (a) In addition to funds appropriated or otherwise available, the Secretary is authorized to use, during the fiscal year ending June 30, 1971, not to exceed $35,000,000 in funds from Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the provisions of this Act, and during the fiscal year ending June 30, 1972, not to exceed $100,000,000 in funds from such section 32 to carry out the provisions of this Act relating to the service of free and reduced-price meals to needy children in schools and service institutions.

"(b) Any funds unexpended under this section at the end of the fiscal year ending June 30, 1971, or at the end of the fiscal year ending June 30, 1972, shall remain available to the Secretary in accordance with the last sentence of section 3 of this Act, as amended."

Sec. 2. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated for each of the fiscal years 1972 and 1973 not to exceed $25,000,000 to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools."

Sec. 3. (a) The first sentence of section 4(c) of such Act (42 U.S.C. 1773(c)) is amended by striking out "to reimburse such schools for the" and inserting "to assist such schools in financing the".

(b) The last sentence of such section 4(c) is amended to read as follows: "In selecting schools for participation, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist, to those schools in which a substantial proportion of the children enrolled must travel long distances daily, and to those schools in which there is a special need for improving the nutrition and dietary practices of children of working mothers and children from low-income families.".

Sec. 4. Section 4(d) of the Child Nutrition Act of 1966, is amended by striking out "80 per centum" and inserting "100 per centum."

Sec. 5. Section 4(e) of the Child Nutrition Act of 1966 is amended by striking out the sentence reading "In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies." and inserting the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household. None of the requirements of this section in respect to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school breakfast program under the provisions of subsection (f) until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

Sec. 6. In addition to funds appropriated or otherwise available, the Secretary of Agriculture is authorized to use, during the fiscal year ending June 30, 1972. not to exceed $20,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for the purpose of carrying out in any area of the United States direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any State or local welfare agency, he is authorized to pay the administrative costs incurred by such State or local agency in carrying out such program.

SEC. 7. (a) The first sentence of section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended to read as follows: "There is authorized to be appropriated $32,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions.".

(b) In section 13(c)(2) of the National School Lunch Act (42 U.S.C. 1761(c)(2)) after the first sentence insert: "Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to equipment and services.".

Approved June 30, 1971.

Mr. TALMADGE. I now yield 5 minutes to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, I thank the distinguished Senator from Georgia for yielding. I wish to pay tribute to the very effective and vigorous leadership he has been providing in this very important matter.

Mr. President, I rise in support of Senate Joint Resolution 157, the Emergency resolution for full Federal funding of the free and reduced price school lunch program.

California has a special stake in the resolution of this latest school lunch crisis. We have almost 5 million school children from kindergarten through the 12th grade in California, and 1 million of these have been identified by the State education department as "needy" students. That is, one-fifth of the total elementary and secondary school population in my State is eligible for the free and reduced price lunches available under section 11 of the National School Lunch Act, as amended.

The principal purpose of Public Law 91–248, enacted by Congress in May, 1970, was to facilitate the provision of free and reduced price lunches for all needy children. In fact, the mandate of Congress in Public Law 91–248 is quite clear: all needy children shall be served meals free or at a reduced cost.

The regulations proposed by the Department of Agriculture on August 13 reduce the Federal reimbursement rate per lunch under section 11 to 30 cents, although the actual cost per meal averages around 50 cents—after deducting about 10 cents worth of donated Federal commodities. Unless these regulations are revised to provide a more adequate Federal reimbursement level, the entire school lunch program in California will be jeopardized. In their present form, the regulations simply do not carry out the intent of Congress that every needy child shall be served a free or reduced price lunch.

The resolution before us today would direct that the Federal reimbursement level be raised to 40 cents for free and reduced price lunches. Dr. Wilson Riles, California's superintendent of Public Instruction, informs me that 40 cents is the minimum Federal reimbursement needed to maintain the gains made in the California school lunch program under his able leadership.

Dr. Riles office has identified 1 million children as meeting the income criteria for the free and reduced price lunches. Last year, 500,000 needy children in some 800 school districts in California were served free or reduced price lunches—400,000 of these received free lunches. This year, the State set a goal of providing 750,000 free and reduced price lunches, and next year California hopes to have reached all 1 million needy children. Dr. Riles, who has taken the congressional mandate to heart and has endeavored to provide free and reduced price lunches to every needy child, is extremely concerned about the effect of these regulations on California's lunch program—30 cents is just not adequate to do the job.

With unemployment climbing, school districts in California have no means to raise the additional revenue to continue their lunch programs. Governor Reagan vetoed $6 million from the State budget that was to have provided 10 cents in State funds to assist school districts. Without an increase in the Federal reimbursement, districts may be forced to terminate their school lunch programs.

The East Whittier School District has already dropped out of the program. At least a dozen other school districts have expressed concern to Dr. Riles office that they, too, may be forced to terminate their lunch programs.

I submit, Mr. President, that it is appallingly callous to deny lunches to hungry schoolchildren because of this administration's policies in fighting inflation. Surely our underprivileged undernourished hungry children need not be sacrificed for those policies. Just what are our priorities? Adequate funds must be made available immediately if the people of this Nation are to maintain any faith in the promises of their elected representatives. It has been more than 2 years since President Nixon declared—

> The moment is at hand to put an end to hunger in America itself for all time.

The moment is still at hand. For the sake of the schoolchildren in California and across the Nation, I urge the Senate to approve this resolution.

Mr. PASTORE. Mr. President, will the Senator yield me 2 minutes?

Mr. TALMADGE. I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, I believe that one of the finest things we do for the nutritional care of our children is this school lunch program, especially as it affects needy children who cannot afford to buy the kind of food to give them the sustenance that is necessary to allow them to grow into healthy womanhood or manhood.

I have received an abundance of mail from my State. I realize that arguments can be made pro and arguments can be made con, but I think that of all the programs that we have, this is one program where there has been less abuse and where there has been less waste than in any other program that I know of.

As I say, I have received an abundance of mail from most of our cities and towns—stating that unless we do something, and do it rather quickly, they will have to abandon or curtail their participation in this program. I am afraid that unless we do something as a stopgap until such time we appropriate the proper amount of money the ones who are going to be the losers in all this will be the young children of America.

I say that even if we make a mistake here today, which I strongly doubt, we are making it on the side of our children, to see that they are fed well, and I hope we will move along with the resolution.

I know there are no more dedicated Members of this body than the Senator from Louisiana (Mr. ELLENDER), my good friend the Senator from North Dakota (Mr. YOUNG), my good friend the Senator from Nebraska (Mr. HRUSKA), and my good friend the Senator from Vermont (Mr. AIKEN), who has been here fighting time and time again for the needy—I remember the great fight he put up on the floor of the Senate on prenatal care. There is no greater humanitarian in the Senate than Senator AIKEN, my good friend from Vermont.

I hope if a mistake is made here today, we make it on the side of the children. So let us get on with it, and pass this resolution.

Mr. TALMADGE. I yield 5 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, the chairman's (Mr. TALMADGE) statement was most informative and conclusive, and in my judgment made the case for the resolution.

I call the attention of the Senate to the provision in section 9 of the School Lunch Act which refers to the needy children. It says:

> Such meals shall be served without cost or at a reduced cost not exceeding 20 cents per meal to children who are determined by local school authorities to be unable to pay the full cost of the lunch.

The point that is made there is that they shall be served. It is mandated. In fact, the Department of Agriculture mandated the school authorities to prepare a program to feed needy children.

When you do that, it means that you expand the program, and when you expand the program it costs more. You do not expand the program by reducing the amount of funds that goes for each meal. You may be able to expand the total coverage, but you make it impossible for some of the schools to participate.

The other point I should like to make is that where there is State participation, many State legislatures are already out of session. They cannot make the adjustments that would be required by the present rules and regulations of the Department of Agriculture for the coming school year.

The point has been well made that we are not advancing anything here from the committee that is new. The chairman of the committee has presented two resolutions previously adopted by Congress, one by this Congress and one by a previous Congress, that extended the use of section 32 funds on the principle of reimbursement.

That is one of the reasons for section 32 funds, that it gives some flexibility in emergency situations. Sometimes it was for citrus fruits, sometimes it was for meat. This time it is for school lunches. But the resolution requires the appropriation process to make the reimbursement.

I think it also should be noted that in the last school year the payments were running about 42 cents per lunch for the lunch program. This year, it is 30 cents out of section 11, 5 cents out of section 4, which means 35 cents. This resolution would provide not less than 40 cents—which, by the way, would be 2 cents less than last year, at the end of the year, when new programs were offered and advanced.

So, under the existing rules and regulations, section 32 would provide the additional amount that would make it possible to have a minimum of 40 cents.

The committee report points out what the committee amendment would do. The committee amendment would make it clear that funds provided by the resolution would be apportioned in a manner that would best enable schools to provide lunches to needy children, and that is required by the mandate of the law.

It would also require that these funds be apportioned and paid as expeditiously as practicable, because reimbursement is necessary for school lunch programs in local schools and school districts. There is not a school district in this country, with few exceptions, that is not hard pressed. Every school lunch program has been affected by inflation, just as the market basket of the average home has been affected by inflation. If the Senate were filled with housewives, who have to go out every day to do the shopping at the supermarket, they would be laughing at us to think that a school lunch could be provided at 30 or 35 cents. They know that it cannot be done, particularly when last year it required 42 cents.

If anyone can present a scintilla of evidence that the costs of food have gone down since last year, it will be the greatest news flash that has come across this country since the end of World War II. It has not happened. Yet, the administration apparently thinks it has.

What we are saying here, further, is that we would require the Secretary of Agriculture to determine and report to Congress the needs for additional funds for fiscal 1972 for the school breakfast and nonfood assistance programs. Finally—and this is the important provision—this amendment, presented today, provides that the maximum reimbursement rate under section 11(e) of the National School Lunch Act shall not be less than 40 cents.

I repeat: We have not become spendthrifts. We are not just casting the public funds around recklessly. Quite frankly, we have been debating a bill called the military procurement bill in which we have much less certain evidence than this, by far, on things for which we have been voting. Yet, we are arguing about whether or not we are going to provide an extra nickel, an extra 5 cents per schoolchild, a needy child, for school lunches; and we are going to go through the appropriation process. I have to say, most respectfully, that I recognize the importance of procedure in this body; but may I say that this is all taxpayers' money. It belongs to the people. It does not belong to Congress. We are here to serve the American people and, in this instance, the American schoolchild.

I am amazed that President Nixon and his Department of Agriculture have ignored the advice and, indeed, the protests of hundreds of school administrators in refusing to change the school lunch regulations published on August 13—regulations which will impair the school lunch program.

It was expected that the regulations would be formalized last Friday. But somehow there was a delay. Perhaps it was because, as we have evidenced here today, the Congress will not stand by and allow the President to turn his back on needy children in the name of economy or departmental and budget restrictions.

If the President decides to stand by these regulations, he will have ignored the mandate of the law, as well as a lot of hungry children.

This administration has also ignored the advice of school lunch officials around the country.

It has ignored a letter signed by 44 Senators, including myself, as well as individual letters from other Members of Congress.

It has ignored thoughtful pleas of congressional committee chairmen who are responsible for school lunch legislation.

And it has reneged on a promise made by President Nixon in 1969, when he pledged to put an end to hunger among American schoolchildren.

These regulations of the Department of Agriculture will destroy the school lunch programs for many school districts and limit or weaken the program in other schools.

Surely the President cannot ignore the Senate when it adopts today's resolution. Surely he cannot ignore the House when it does the same. Nor can he any longer ignore promises given to American schoolchildren made in the happy glow of promise created by a White House Conference on Nutrition at Christmastime in 1969.

The Conference on Nutrition did not produce the legislation we are now operating under. Despite the administration's flowery promises, it was the Congress that took the leadership and acted.

When the Congress passed the authorization for the school lunch program last June, it gave the Secretary of Agriculture more than he asked for in appropriated funds, and it gave him the discretion to use his customs receipts section 32 funds to supplement the appropriations.

In other words, this Congress did not believe that USDA could operate a bigger program on the same number of dollars. Our action today in adopting Senate Joint Resolution 157 would take away the Secretary's discretion on spending the money and require that he do so. And we have put a money figure in the resolution so that they can not by regulations ignore our language this time.

In the newspaper accounts of this crisis, we have been oblique references that it is not the fault of the Department of Agriculture that poor American children will not be fed this year—no, it is some faceless bureaucrat at the Office of Management and Budget who caused all this.

I say that is nonsense. The Office of Management and Budget is under the control of the President of the United States. Let us put the blame where it belongs, on the President and the Department of Agriculture.

Recently I introduced additional legislation to provide a daily free nutritious meal for every schoolchild from the high school level down.

This bill (S. 2593) is designed to end the incredible patchwork of limiting legislation, administrative regulations, and bureaucratic redtape that typifies our present child feeding programs.

This bill would mean increased costs for our child nutrition programs, but the increased expenditures will be repaid many times by the benefits provided and the contributions the bill would make toward the health and educational development of young people.

Healthy, well educated children are more likely to become healthy, responsible adults. But without the assurance of adequate nutrition and nutrition education, we cannot expect to achieve these goals.

Mr. President, I hope there will be prompt passage of Senate Joint Resolutin 157. And I hope the Senate will adopt a further amendment to this resolution, which is being submitted by the Senator from Iowa (Mr. Miller). I fully support this additional action to help schools finance free and reduced price lunches, by increasing the minimum reimbursement level under section 4 from 5 to 6 cents. By these actions the Senate can help assure an effective program under which every needy child can be fed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. I yield 1 additional minute to the Senator.

Mr. HUMPHREY. I believe one of the unfortunate things about this discussion is that someone may be led to believe that we are arguing about whether children ought to be fed. That is not the case. I look on the other side of the aisle and on this side of aisle, at Senator Ellender, Senator Aiken, Senator Young, and other Senators who have given of their lives to this program; and I join others who have commended them. These are the finest friends the agricultural people have and that the schoolchildren have.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. AIKEN. The Senator from Minnesota has recently introduced a bill which would provide for the feeding of all children. Whether from needy families or not.

Mr. HUMPHREY. That is correct.

Mr. AIKEN. I want to remind him that no one has worked more strenuously against putting eartags on our schoolchildren than I have. One thing we strenuously object to is designating these children by class. These are poor kids whose folks cannot properly take care of them. And there are well-to-do kids. As a matter of fact, according to my belief, it is the well-to-do people who pay the taxes that make the meals for the poor children possible.

I am very much interested in the bill which the Senator from Minnesota has introduced.

Mr. HUMPHREY. I thank the Senator.

Mr. AIKEN. But I am also interested in competent management of the whole program.

Mr. HUMPHREY. I think the Senator from Vermont has brought up a point which our committee must look into—the competent management of the program. The Senator from Vermont brought this to the committee's attention, and I would hope that we would pursue the request and the suggestion made by the Senator from Vermont; because a good program like this loses much of its public support if it is mismanaged. We cannot afford to have that.

Mr. AIKEN. Poor children ought not to be pointed at or downgraded in any way.

Mr. HUMPHREY. I could not agree more. I thank the Senator.

Mr. TALMADGE. Mr. President, I yield 5 minutes to the distinguished ranking minority member of our committee, the Senator from Iowa.

Mr. MILLER. Mr. President, the problem presented by the new USDA school lunch program regulations with which the pending resolution is concerned is that school districts throughout the country, and particularly in my State, formulated their budgets for fiscal 1972 last spring on the assumption that reimbursement from the Federal Government would be continued at the same rate per meal as for fiscal 1971.

Last year, there was a basic reimbursement of 5 cents under section 4 and 30 cents under section 11—national average. However, some States received a higher rate of reimbursement. In Iowa it amounted to nearly 6 cents under section 4 and 47.6 cents under section 11. The school districts in these States budgeted accordingly. At the same time, the States were encouraged to expand their school lunch programs. Accordingly, there is an estimated growth of 11 percent in Iowa.

The new USDA regulations provide for a reduced reimbursement rate, amounting to 5.4 cents and 31.7 cents in Iowa. This would mean that school district budgets in Iowa will be several thousands of dollars short and, for the State as a whole, at least $1.4 million short.

The problem does not appear to be with the money appropriated by the Congress, because this has been increased from $536 million for fiscal 1971 to $615 million for fiscal 1972, and Iowa as well as other States will receive more money to accommodate growth in the program. Rather, it is the limitation on reimbursement contained in the regulations which is the problem. If this problem is not resolved, a number of school districts in my State will be forced to discontinue their school lunch program, and I understand this is true in at least 22 other States.

To be fair about this, the new regulations are designed to provide higher rates when free or reduced price lunches are served. There is something to be said for this. The trouble is that the change in reimbursement rate was not announced until long after the school district budgets were set, and anyone familiar with local schools knows what chaos results when carefully worked up budgets which have been approved have the rug pulled out from under them later on. This problem has been discussed many times here in the Senate in connection with proposals to change the formula on impacted aid, and one of the arguments always advanced has been the hardship that would be worked on school districts which had budgeted in anticipation of such aid being received at the same rate as in previous years.

I do not say that the school lunch program reimbursement system is the best that can be devised. However, if there are going to be any changes, I believe these should be worked out in close cooperation with State and local school officials and published early enough so that school district budgeting can take into account any changes that would be effective for the following year.

Accordingly, I support the pending resolution.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the distinguished Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, I am a member of the Committee on Agriculture and Forestry. I have supported every school lunch program that has come out of that committee, as well as the milk program, which also has come out of that committee.

I do not know of any more desirable or beneficial legislation that has ever come out of Congress than the lunch program and the milk program which feed our children through our schools.

This bill and the bills before it merely provide that children who do not have the money to purchase a school lunch can be provided with free lunches or lunches at a reduced price if necessary.

As most Senators know, the United States, in its generosity, has been helping to feed hungry children all over the world for many, many years. I am proud to have helped support that worthy project, because I do not want any child in the world to go hungry. At the same time. I think it is certainly our duty to see that our own children have ample lunches or breakfasts, or whatever food is required, so that a child is properly nourished and will not go hungry when he is in school.

I am sure that no hungry child can do a good day's work in the classroom. That has been proved by the finest physicians in this country, that a child's thinking power, his brain, does not mature as well as it should if he does not have proper nourishment. That is a known fact. The place to get proper nourishment, if not at home, is in the school, because the school is where the child will be through most of his lunch periods and that is the place for him to eat.

I am thoroughly in support of this piece of legislation. I am one of its cosponsors. I hope that there will be a unanimous vote to see that this extra amount of money is provided and that the Secretary of Agriculture is required to make up the difference in the amount of money which is now short, in order that the school lunch program can be carried out to its fullest extent.

Let me say to the Senator from Georgia that I associate myself with all the good speeches which have been made today in favor of this resolution. The speeches have brought out the fact that it is necessary that our children receive the right amount of nourishment, because when they get the right amount they will grow up to be strong and healthy, as we want them to be.

I am, therefore, delighted to be a cosponsor of this piece of legislation.

Mr. AIKEN. Mr. President, I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, I had not intended to speak on the pending resolution until I read a UPI release which is now spread across the country which states in part:

> The Senate scheduled a vote today on an antiadministration move to force full financing of the Nation's school lunch program for needy children.
>
> The target of an Agriculture Committee resolution which must pass the Senate and House to take effect was an administration decision last August to cut Federal financing of the program of free or reduced price lunches for needy children.
>
> Committee sources said resolution sponsors feared heavy administration pressure might gun the measure down on the Senate floor unless there was a good turnout of members—which is unlikely on Fridays.

I do not quarrel with the last part of the statement. In any event, I want to point out that we are spending $78.8 million more this fiscal year than before.

FEDERAL CONTRIBUTIONS TO CHILD FEEDING PROGRAMS

Mr. President, there has been a sharp increase in Federal assistance to child feeding programs—in school lunch, school breakfast, special milk, equipment assistance, and special—nonschool—feeding programs. In fiscal year 1968, these Federal contributions totaled $502 million. For fiscal 1972, the Federal contribution will be more than double that amount—$1,157,989,000.

Most of that increase in Federal funds has been in special assistance for free and reduced-price school lunches to needy children. Between 1968 and 1972 there has been nearly an eightyfold increase in Federal funds for free and reduced-price lunches—from under $5 million in fiscal 1968 to $390 million in 1972.

It is now estimated that more than three times the number of free and reduced-price lunches will be served in 1972 than in fiscal 1968. But—with an eighty-fold increase in Federal assistance for free and reduced-price lunches between 1968 and 1972, I believe that this is a clear demonstration that the Federal Government has held to its commitment to see that needy children have access to a school lunch.

FEDERAL CONTRIBUTIONS OF SCHOOL LUNCH PROGRAM COSTS ON A PER-LUNCH BASIS

It is true that with a general increase in price levels, the costs of a school lunch program have been increasing. But, so also have the Federal Government's contributions in cash and commodity assistance.

In the fiscal year 1968, the Federal contribution in cash and commodity assistance averaged 13.5 cents for each school lunch served. By fiscal 1970, that per-lunch rate of assistance was 15.9 cents. Last year, the Federal contribution in cash and commodity assistance increased to 21.5 cents per lunch.

In a 4-year period—fiscal 1968 to fiscal 1971—the Federal contribution per lunch has increased by about 8 cents, or 60 percent. During that same 4-year period, State and local contributions increased by less than 2 cents per lunch—from 13.7 per lunch in 1968 to 15.2 cents in fiscal 1971.

Again, the Federal Government's increased contributions have more than kept pace with a growing program, and have been increasing at a far faster rate than those of State and local governmental sources.

THE FEDERAL SHARE

As a result of the significant increase in Federal funding since 1968, the Federal Government is financing a larger share of the cost of school lunches.

So, Mr. President, I think it is not a question of pro- or anti-administration on this matter. As I understand from the debate that took place in the committee, what we have here is a jurisdictional problem, whether the Agricultural Committee is not binding the hands of the Appropriations Committee in the committee's effort. The Appropriations Committee should have that authority. I am not certain how I may feel today, but I have had a lot of telegrams from home, and the inference is clear. As suggested by the Senator from Minnesota (Mr. Humphrey), we are not talking about whether to feed or not to feed children. That is not the question. There is no man in this Chamber who would not appropriate the necessary funds to feed needy children. What we have here, though, is a jurisdictional dispute, not any anti-administration move in the Senate.

There is no effort on the part of the administration to cut what we do for needy children. I would point out that in the past fiscal year we are now up to $615.2 million in this program, an increase of $78.8 million.

Now to return to my comments on the Federal share. For many years, the Federal Government was putting up about 23 percent of the cost; State and local sources put up about another 23 percent, and the payments made by children who could afford to pay for their lunches supplied the rest of the funds.

By 1971, the Federal Government was contributing 32.7 percent of the cost; State and local contributions remained at about the past level—23 percent; and children's payments represented the remainder.

Again, this demonstrates that the Federal contribution to school lunch costs have outstripped those of their State and local governmental partners.

Mr. President, we have all acclaimed public education as the backbone of our Nation's great progress. Quality and equality are crucial features of our public education. Both of these factors are essential in creating a sound educational foundation in order to prepare the students of today to meet the challenges of our rapidly changing society.

Our goal of providing quality education for all students will not become a reality until additional measures are taken to enrich educational programs for the low income and for the minorities. The nutritional needs of all school children must be fulfilled.

There is no longer any doubt that a direct interrelatedness exists between nutrition and school success or failure. Children with empty stomachs cannot learn. They must be provided with free and reduced price lunches.

The effect of providing school feeding programs for eligible students is manifest in many indirect ways. These feeding programs often convince many hungry students who are potential dropouts to stay in school. These students find that learning is a secondary yet important result of feeding programs and our Nation is the beneficiary of their education.

To deny our Nation of its future productive citizens who contribute in a positive way to the progress of our society is unthinkable. To deny these students of their rightful place in society is deplorable.

The school lunch bill passed by Congress last year provides the mechanism to provide every needy child a nutritious lunch. I worked closely with the distinguished chairman of the Agriculture Committee in supporting this legislation. It is good legislation and calls upon the Secretary of Agriculture to see that no school child goes without lunch. The legislation delegates to the Secretary the authority to carry out this program within certain guidelines that assures participation of local, State, and Federal funds.

Through inflationary pressures experienced in recent months, we have experienced some radical increases in school lunch costs in various areas. School lunch directors from 37 States have voiced their concern with proposed USDA regulations that assure an allocation of at least 30 cents per lunch for every needy child fed under this program.

Understandably, my distinguished colleagues have responded to their constituencies' protest in submitting this resolution. It is apparent from the testimony presented in committee hearings that inequities will exist under these proposed regulations and additional funds are needed.

I fully support the need for additional funds for this program and am confident our appropriations system will respond to the needs of the program.

So, Mr. President, I would again like to make it clear that there has been no effort on the part of the administration that I know of to deny anyone free and reduced price lunches. To the contrary, that there has been an increase.

There has been a suggestion that perhaps the General Accounting Office should look into this entire program, to see whether it is being properly administered in the States, to see whether the funds are being properly expended in the States, and to see whether we might modernize and bring the program up to date. I feel, and I know that there are other Senators who also feel that perhaps, as we continue to add and add and add, we should take a good, long look at the total program, whether it be section 4, section 11, or the special section 32 funds. I believe that some of us will be pursuing this effort to determine: Are the funds being properly spent? Are they going to the children who should have these free and reduced price lunches?

To me, that is the important question.

I repeat, what we are voting on here today, as I understand it, will be the question of whether the Appropriations Committee or the Agricultural Committee should have jurisdiction.

Mr. HUMPHREY. Mr. President, will the Senator from Georgia yield me 1 minute?

Mr. DOLE. I am in full agreement with the Senator from Minnesota on this.

Mr. TALMADGE. I yield 1 minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. HUMPHREY. I want to be sure that the Senator from Kansas understands that I was not saying it was a question of whether we feed or not feed children but is a question of jurisdiction. I felt that we had established an adequate precedent covering that matter. So I think that we are both on the same wavelength.

Mr. DOLE. We are, at this point.

Mr. HUMPHREY. That is a refreshing experience.

Mr. DOLE. For both of us, yes.

Mr. TALMADGE. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. HOLLINGS. Mr. President, in a few short weeks, Americans will once again be observing the annual celebration of American abundance and opportunity. We all will be giving thanks for the many and varied blessings that our Creator has bestowed upon this great Nation. Yet Thanksgiving of 1971 will be simply a cruel joke to many millions of poverty-stricken Americans. And more cruel still is the empty promise made nearly 2 years ago by President Richard Nixon. The White House promised that by Thanksgiving of 1970, every needy school child would receive a free or reduced price school lunch. Well, that particular Thanksgiving is gone. And today, the Senate faces an important decision on whether this body's own promises will be fulfilled or whether we shall allow an agency of this Government to make a mockery of congressional mandate.

That mandate is clear: That needy schoolchildren be fed in order to learn and grow up with strong bodies and inquiring minds.

Today's crisis in the American school lunch program is especially saddening, because it has been repeated so many times during the past 2 years. It is a crisis not only of hungry children in schools which will not be able to afford to feed them, but of more than 10 million Americans who are not getting any help whatsoever from our family feeding programs. This situation is all the more cruel because we could eradicate hunger and malnutrition from this Nation without raising another bushel of wheat or harvesting another ear of corn. Children who are malnourished will grow to maturity permanently handicapped and unable to make their maximum contribution to the wealth and well-being of our country. This is a well-documented fact, one which our national leadership is all too slow to grasp. I have dozens of pages of reports and studies which strongly indicate that malnutrition during the formative years of life can rob a youngster of 20 percent of his God-given mental abilities—brain power which can never be fully regained. This must not be tolerated in a country which takes pride in human life and in its good business sense. Malnutrition clearly interferes with a child's ability to learn. As all too many teachers can attest, a hungry child is listless, lacks curiosity and cannot respond to mental stimulation. And if this were not bad enough, malnutrition breaks down a child's resistence to disease—causing him to miss school more often. These poor children are doubly damned—damned by a seemingly uncaring government and by a combination of factors owing to malnutrition which eventually will drag them down for good.

Mr. President, I would like to relate a story about my own State. In South Carolina, we have had one of the finest, if not the finest, school lunch programs in the United States. We have led the Nation in the percentage of all schoolchildren participating in the school lunch program and in the free and reduced cost program. This has been an uphill fight, but through dedicated leadership of our school lunch supervisor, Miss Kathleen Gaston, and because of the determination of school officials throughout the State, we were succeeding. Now, I am told that if the proposed new regulations of the Department of Agriculture are allowed to stand unchallenged, South Carolina will lose as much as $9.8 million in funds which were expected to have gone into the free and reduced price lunch program.

Just yesterday, the legislature of South Carolina passed a joint resolution urging the Congress to restore the program to full funding. No one can accuse South Carolinians of denying food to needy youngsters. No fuzzyheaded bureaucrat over at the Department of Agriculture can ever look down his nose at our State and say we have not tried, in fact, have not tried harder than anyone.

It is about time that the people of America and the Congress of the United States began asking President Nixon what has become of the lofty promises to put an end to hunger in America itself for all time. It is our duty to ask this administration why it is—in effect—cutting back on the food stamp program by denying expansion of this food assistance to counties which want it. More than 180 counties are waiting in line to switch from Government surplus commodities to food stamps. But the administration is saying no, because any expansion would push the program beyond its budgeted level. And apparently, the administration feels it would be fiscally irresponsible to feed hungry Americans and little children.

We have every right to ask why this administration allows its Department of Agriculture to shortchange the poor with a commodity food program which does not meet minimum nutritional needs. The Department's distribution guide promises to distribute 37 pounds of food per month. But in fiscal 1971 only 27 pounds were given out—meaning that the recipients got about half of the nutritional requirements set by our own Government as minimal standards.

This Congress should demand to know why hundreds of applications from States and counties were rejected as the budget cutters wiped out the supplemental food program, a program which was an outstanding and resounding success in South Carolina. The citizens of this country should ask, and be told, whatever happened to the National Nutrition Survey which documented the bleak facts about malnutrition in our country; about the findings of a special report prepared by the then Bureau of the Budget on the cost of malnutrition to the American economy; and to the West Point study conducted on behalf of the White House, all dramatically pointing out that there is hunger in America.

Mr. President, I urge that these things be considered as we decide today upon Senate Joint Resolution 157. I, personally, urgently request its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. MONDALE. Mr. President, I particularly rise to express my profound admiration to the leadership and to the very distinguished Senator from Georgia (Mr. TALMADGE) on this serious issue—providing adequate nutritious lunches for the schoolchildren of America.

I cannot think of anything that is more disgraceful than living in this land of agricultural abundance, great wealth, and great power, and trying to save a few pennies on the school lunch program that is needed to provide nutritious meals for the schoolchildren of this country when we know beyond any doubt, based upon the Senate Select Committee on Nutrition, of which I am privileged to be a member, and based on the hearings held by the Senate Committee on Agriculture and Forestry, that millions of needy American children are being denied the nutritious lunch they need for their health and in terms of their ability to learn in school.

Mr. President, I cannot think of any area in which those savings are more reprehensible and less justifiable than in the area of attempting to save money at the expense of a child's health or to save money at the expense of a child's capacity to learn.

For that reason I rise to commend the Senator from Georgia for his powerful leadership in bringing this joint resolution before the Senate. I hope the joint resolution will be passed. I had submitted an earlier, more liberal proposal, which I would have preferred. However, I realize at this point that it has little or no chance of enactment. So, I do not intend to press it. But I do believe that the proposed joint resolution recommended by the Committee on Agriculture and Forestry is an important and fundamental step forward.

I am pleased to join in its support, and I commend the chairman of the committee for his leadership on this issue.

Mr. President, when my distinguished colleague, the Senator from Georgia (Mr. TALMADGE), first introduced legislation last week, I joined as a cosponsor of his proposal, Senate Joint Resolution 157. I would like to commend his diligence and concern to assure that needy children receive meals guaranteed under the National School Lunch Act.

The August 13 regulations issued by the Department of Agriculture, soon to be implemented, would so harm schools participating in the school lunch program, it is necessary for Congress to act to set higher minimum payment rates.

Many of us in Congress were astonished and deeply dismayed by the new regulations. They would not only prevent a reported 2 million children who have never received federally guaranteed meals from being fed this year, they also would jeopardize existing school lunch programs in thousands of schools, and may force some out of the program.

Statistics from my own State indicate that the August 13 regulations would create a school lunch deficit of nearly $90,000 for the city of Duluth. In Minneapolis, the estimated loss is $800,000 and on a statewide basis for Minnesota a $2-million deficit is expected.

Minnesota is not the only State that would be hurt by the new regulations. A recent survey by the American School Food Service Association reports: California would lose $9 million; Oklahoma, more than $1 million; Massachusetts, $3.2 million; Georgia, $6 million; Maine, $1.3 million; Ohio, $5.5 million—and so on throughout the country.

On September 28, 1971, the Washington Star disclosed:

> A number of school districts are reported to be abandoning the school lunch program

or considering such a move. They include: Albuquerque, New Mexico; Bridgeport, Connecticut; and, Buffalo, New York.

Unquestionably, Congress must act to remedy this critical situation, and to fulfill the legislative guarantee to needy children clearly expressed in the National School Lunch Act, as amended May 14, 1970.

Although payment rates have been established by Federal regulations in the past, immediate action to fulfill the word of Congress to provide meals to needy children, and to alleviate the serious crisis within our schools—is so essential we cannot allow this issue to rest on precedent alone.

It is evident that time limits for feeding needy children, imposed by Congress in Public Law 91-248, have not been interpreted literally by the administration. All needy children were assured lunches by January 1, 1971. Perhaps it is that the law lacks an effective mechanism to assure that eligible children are fed free and reduced price meals.

Senate Joint Resolution 157 would make perfectly clear that the Congress does mean to feed our needy children this year. And I hope it will also provide the mechanism to fulfill our promise to these youngsters.

While some administration budget officials may think the Federal Government cannot afford to carry out its promises to low-income children, surely we have the resources to see that these youngsters receive one decent meal a day.

Can we think that guaranteeing loans to Lockheed, building space shuttles, or developing inessential weapons systems, are more important than the children who represent a good part of our country's future. In fact, these children are a national resource as precious as any I know.

No, I do not think we can ignore our promises to them. Moreover, I do not believe we can pass the cost of school lunch funding on to the States or to schools.

Whether we agree that revenue sharing is the answer, I think the Congress and the administration are united in searching for a solution to the fiscal crises in State governments. Now, would we ask that they spend more money—millions more—to pay for school lunches?

We see evidence in the findings of the Select Committee on Equal Educational Opportunity of a parallel crisis in school finance. This year we have had the largest number of school bond issues—and the largest number of bond rejections—in our country's history.

Millions of taxpayers in the United States are deeply troubled that they can no longer afford to support even basic school functions—such as libraries and cafeteria—unless budget deficits are alleviated. While these deficits are caused primarily by factors other than school lunch—increasing outlays for meals only would aggravate the desperate situation our schools are in.

I believe we must not only assure that every needy child will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act, but also alleviate the financial burden on the States and local schools in providing nutritious meals for all schoolchildren.

Mr. President, these objectives merit prompt action by Congress.

However, foremost among these must be assuring that the National School Lunch Act is clarified and strengthened so that needy children can—and will—be fed this year.

We are already a year behind in fulfilling the promise of that law. Many children have suffered needlessly. Some of their losses we can remedy. Others—physical and educational—may be irreparable.

But it is not too late to prevent any more tragedies of this kind. And it is both our legislative and human responsibility to do so without delay.

Senate Joint Resolution 157 recognizes that responsibility, and I hope that the administration will cooperate in seeing it is met.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. AIKEN. Mr. President, some of my colleagues may wonder why I am so concerned over the school lunch program at this time inasmuch as I have supported and will continue to support it fully for as long as I shall be a Member of the Senate.

I am very much concerned over the handling of the program. A few weeks ago I heard from a school lunch director in Vermont who stated that her school could not get the money which they were entitled to for the school lunch program.

After a little time, it appeared that the people in charge of the State office had a press conference. At the conference, as reported by the press:

> Several state officials charged Friday that some poor Vermont schoolchildren will go hungry in classrooms this year because the administration of President Richard M. Nixon has subverted the intent of a congressional appropriation for hot lunches.

This story appeared in several of our State papers. I will read an excerpt from a story appearing in another newspaper, and this is dated September 18. The story reads in part:

> According to Edward Fabian and Edward Ryan of the Education Department and Steve Rose of Legal Aid, the reduction is the result of an order from the Bureau of the Budget to the Department of Agriculture which funds the program.
>
> The officials stressed that Congress had appropriated funds for the program which the USDA is now forbidden to spend.

These stories went all over the State. It did not make any sense to me inasmuch as the school lunch allocation for Vermont was $564,172 in 1970 and $1,180,977 in 1971. That is an increase of 112 percent. There had been a 9-percent increase in the total number of lunches served to school children in Vermont and a 6-percent decrease in the number of lunches that were served to poor and needy children within the State.

I began to inquire into the matter.

These decreases in lunches served to needy children were due to the fact that the children in one selected county had been declared eligible for free or reduced price lunches.

I was advised finally that a letter of credit for $158,000 had been sent to the State and was not being used by the State. Someone somewhere was sitting on it. I was told first that it was our State office.

A week or so ago I had people from the State office and also from the school lunch program downtown come to my office. One of the topnotch people from downtown said:

> No, I guess it was not the State office. It was the regional office that held up the $158,000.

I do not know who was sitting on it, but in the meantime they were giving out false stories and telling the people of the State that it was the administration which had stopped their children from being fed. I did not like that at all.

I am still unable to get the facts. I am still unable to find out why the cost of the school lunches went up several times the rate of the inflation increase. However, I also believe that what happened in Vermont is also happening in other States of the Union as well. People are being told that the administration is holding up this money and keeping it from being spent.

As far as I am concerned, I will vote for every dollar necessary to feed every kid in school in the United States, whether a child is poor, of middle income or even from well-to-do families.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. AIKEN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. However, Mr. President, I want to know that that money is spent correctly. I want to know that the people are told the truth about it. I find it difficult to get proper estimates. I feel the Committee on Appropriations is in a position to get proper estimates. That is why I think that committee should handle this legislation.

The Senator from Nebraska (Mr. HRUSKA) has already assured us that the committee would undoubtedly approve an appropriation for whatever is necessary to carry out this program in full. So, Mr. President, that is why I shall vote against this resolution. I feel that the bill before us is not the way to handle the situation. It is an appropriation.

Only the day before yesterday I heard from one community that had been told there would be no money available for them for the rest of the school year, and that is not true.

Is that right?

Mr. TALMADGE. Yes.

Mr. AIKEN. Yes. But that is what they are being told. I think that better management is necessary. I do not question the honesty of any person involved, but do feel that we need better cost controls.

I agree with the Senator from Kansas (Mr. DOLE) this is a proper subject for the General Accounting Office to make a complete and thorough investigation.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, I should like to address myself to the real issue which is presented here. It is alleged that speed is necessary in this matter because of the fact that certain regulations have been proposed and they are being miscarried in this area.

It is charged by some that the issue is whether children will be fed or not, whether the program is going to be abandoned, and so on. Of course, that is all wrong. Five years ago we had a budget of $227 million for this purpose and now it is $782 million. The Department assured us they will spend all of that $782 million. They have explained to the committee how they propose to do it.

If the legislative committee of this body and the other body want to change that policy or increase the amount, or do anything with the policy, that is their legislative jurisdiction. However, when they go over to the field of appropriations we reach a fundamental proposition. I submit that the resolution, when it states:

> The Secretary of Agriculture shall * * * use so much of the funds appropriated by section 32 of the act * * * as may be necessary * * *

For purposes in the act, that is appropriation language and there is no question about it.

A precedent is cited in the bill known as Public Law 92-32 which we enacted last June 30. But I wish to suggest to this body that that is not a precedent applicable to this situation. I will read the language from section 15(a) of that law which stated:

> The Secretary is authorized to use during the fiscal year ending June 30, 1971 not to exceed $35,000,000 from section 32 funds.

To direct a Secretary to use certain funds is appropriation language. Or when, however, as last June, Congress said that the Secretary is authorized to use section 32 funds, another step is necessary, to wit, the appropriation process, and a proper appropriation pursuant to that authority.

There is another thing wrong with the resolution and that is that it is an open-ended resolution. It does not specify any particular sum or any limit thereon. The way we are able to control expenditures is to see that they are diverted to the purposes for which they are declared. If, after resorting to the appropriation process the figure is supplied, and if the policy of Congress is changed to require more money, that is proper. The fact is, we will get more money.

In the last 5 years we jumped from $227 to $782 million.

It is said that speed is of the essence. Speed will not be served by enacting and approving this resolution. There is considerable doubt that the other body will consider this resolution as such for the very reasons outlined so specifically and logically by the Senator from North Dakota, because of ignoring the appropriation process. Speed will be served if we take this matter to the Committee on Appropriations in the regular fashion, when we process the supplemental bill which is now before the other body and which will be over here soon. What we should do is proceed on the basis that we will reject this resolution, not the program, to get at it in the proper and logical way and the program will go forward in the range of $782 million in any event.

By way of summary, let me say that Mr. Lyng, when he came before the Select Committee, explained there has been some confusion by reason of recent regulations, but here is what he said in summary:

> SUMMARY
>
> Returning to our August 13th proposals on the distribution of cash assistance funds to the States, we would want to emphasize these points:
>
> *First*, our proposals are not designed to save funds. We expect to spend all the funds authorized in our 1972 appropriation act.
>
> *Second*, we have not reduced the maximum rates of assistance that were authorized for last year.
>
> *Third*, we will be placing a floor under section 4 and section 11 rates on a Statewide basis for the first time—a floor that is guaranteed no matter how much expansion a State is able to achieve.
>
> *Fourth*, we do not believe that we should have continued a method of distributing funds among the States which—because of the vagaries of statistical apportionment formulas—allowed some States a "funding feast" while other States suffered from a "funding famine".
>
> *Finally*, we want to re-emphasize that the National School Lunch Act contemplated that the funding of the program would be a joint Federal, State, and local responsibility. This principle was re-affirmed in the Public Law 91-248 amendments. One of those amendments required, beginning this fiscal year that all States put State tax revenues into the program. It also provided that States should disburse these tax revenues in a manner that would concentrate them on assistance to the neediest schools.

It seems to me we will have expediency if we revert to the regular conventional appropriation process, as opposed to the unauthorized, unorthodox, and improper fashion of proceeding.

Mr. PERCY. Mr. President, I rise in support of Senate Joint Resolution 157 which would permit Federal support of the school lunch program to continue at its present level.

Twenty-five years ago, in the course of debate on the original school lunch bill in the Senate, my distinguished colleague Senator AIKEN pointed out how shortsighted we were as a Nation to willingly spend about $300 billion on World War II and then quibble and debate and argue whether we as a nation could afford to spend $50 to $100 million on a feeding program for our children. He termed the health and capabilities of those same children as the best and first line of defense for America. I have been reminded of his statement by the resolution we are debating today.

Public Law 91-248 passed in 1970 mandated that all children in need should receive a free or reduced price lunch subsidized by the Federal Government. Now the Department of Agriculture is proposing that the burden of funding these programs fall more heavily on the already overburdened States. If less Federal funds are available, then in order to meet the cost of the lunches, more State and local school district funds will have to be made available. The effect of the proposed regulations is to remove a relatively high reimbursement ceiling and replace that with a relatively low reimbursement floor.

The State of Illinois alone stands to lose about $7 million, or 30 cents per meal, this year from the Federal Government as a result of these proposed new regulations. It is almost impossible for the State to make up that difference at this point. These regulations cause an even greater hardship because they were announced only a few weeks before the opening of school. Clearly, it is impossible for a State or school district to budget for a whole year on a few days' notice.

In addition, many States will suffer, because they will now be prevented from shifting funds between programs. In Illinois, our flourishing breakfast program will have its funding cut in half during the school year if these regulations become effective.

Therefore, today I strongly support Senate Joint Resolution 157.

Mr. HART. Mr. President, we often rise in the Senate and begin our remarks by complimenting the chairman of the committee who brings a bill before us. I suspect that sometimes our hearts are much more in those compliments than other times.

But today I hope the chairman of the Senate Agriculture will accept the fullness of heart with which I thank him; thank him for assuming the leadership in finally coming to grips with a problem that has plagued us since 1962 and that has been crying for just such leadership. He is moving decisively, in his role as chairman of the Senate Agriculture Committee, to see that the will of Congress with respect to feeding hungry children is heard at the other end of Pennsylvania Avenue. He deserves the profound thanks of all of us who have with such frustratingly meager results knocked on the door of the Department of Agriculture.

Since the proposed new regulations of the Department of Agriculture were announced on August 13, 1971, I have heard from many schools in Michigan and from the State Department of Education, protesting this backward step at a time when every effort is being made to reach more of Michigan's needy children with a school lunch.

Mr. President, I support this resolution which directs the Secretary of Agriculture to use section 32 funds to the extent necessary to assure every needy child of free or reduced price launches, until a supplemental appropriation may provide the necessary funds. This step is evidently required to make a reality—a year late—of the President's promise to see that by Thanksgiving we would be feeding all hungry children. Certainly it is required so that the people of this country may believe that their Government will deliver on its promises.

Mr. CANNON. Mr. President, I join with Senator TALMADGE and other Members of this body in urging that Senate Joint Resolution 157 be adopted so as to insure that the intention of Congress as well as the purpose of the National School Lunch Act is carried out.

I was quite surprised when I discovered that the Department of Agriculture had issued proposed regulations during the congressional recess which reduced the reimbursement rate per meal to 35 cents in view of the fact that the average cost of meals is somewhere above 50 cents per meal. This action was particularly surprising in view of the earlier Presidential commitment insuring that every needy child in this country receive a free or reduced-price meal by Thanksgiving 1970.

It is particularly disturbing to minority groups, to school lunch supporters, and other allies of the poor to witness the kind of retreat this administration is adopting toward the school lunch program. If these proposed regulations are permitted to take effect, our school lunch program in Nevada will be very hard hit and expansion drastically curtailed. The lunch program in Nevada is really just getting off the ground in our largest county, and I would hate to see the Department of Agriculture cut back on their financial contribution at this crucial time. It was my understanding that the Congress as well as the administration had made a strong and firm commitment to hungry children throughout the Nation.

So I strongly urge that this resolution be adopted today and that the President and the Secretary of the Agriculture reevaluate the proposed regulation in light of the action taken by this body today.

Mr. BROOKE. Mr. President, I rise today to express my concern over the actions which the Nation has witnessed in the past several months with regard to the implementation of the school lunch program.

The Congress has made it crystal clear that it is willing and eager to support the priority of this administration for assuring that no child will have to learn on any empty stomach. The strong support for this policy during the last part of the previous school year made the distribution of thousands of lunches to needy children a reality. Local school districts were excited at the prospects. They began to gear their programs to expansion and innovation—to an emphasis on feeding those most in need. They were receiving adequate assistance from the Federal Government and for the first time were able to do what they should have done years ago.

Encouraged by the levels of Federal support in the last school year, these local districts and State coordinating agencies developed programs for this school year which dramatically included more of the Nation's poor children. In addition, legislation passed by the Congress last year provided a clear legislative mandate to support administration efforts to feed poor children in the public schools. "Any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income poverty guidelines shall be served meals free or at a reduced cost." The key phrase was:

> Shall be served meals free or at a reduced cost.

This is now law, and the State and local agencies are willing and eager to comply with this law.

But suddenly, we seem to have witnessed a change of heart. The States and the Congress are now told that they must accept restricting guidelines, because the funding for the school lunch program at its present level is inadequate to meet the high demand. We are now told that we must pull back in our efforts to feed every hungry child, or else place the cost burden on the already overburdened local communities. With the tremendous spending deficits which most inner-city school systems are sustaining, and the pressure on rural areas just to provide education and facilities, the added financial responsibility which the Department would place on these systems cannot be accepted or honored.

At the end of the last school year the States were receiving 12 cents reimbursement for every regular lunch and 42 cents reimbursement rate for free lunches. The rates which are to become effective would reduce the rates to 5 cents for every regular lunch and 30 cents for every free or reduced-price meal. Added to this is the restriction placed on the use of section 32 funds.

In my State of Massachusetts the legislature passed last year a most far-reaching law. It would insure a free lunch to every child enrolled in a school in the State by the fall of 1973. With the help of the Federal Government this program was moving forward with speed and promise. With the new regulations, however, disaster is presently facing the programs already in effect. Not only will the communities have to pay approximately 13 cents per free lunch, but the State will not be able to use section 32 funds for the purchase of much needed equipment in order to bring more schools into the program. Last year the nonfood assistance funds were doubled by the use of some section 32 moneys which extensively expanded the program. With 1,305 schools in the State without any lunchroom facilities or central kitchens whatsoever, such funds are essential. The new regulations, however, place a freeze on section 32 funds. They will be used to supplement the need for funds under section 11, and will be used once the expenditures can be determined, probably some time in August of next year.

Mr. President, I am greatly disappointed over the retrogressive role of the Department of Agriculture in the present situation. It seems inconceivable to me that the Department has flatly refused to fund the school lunch program at a level adequate to meet the needs of our Nation's schoolchildren. Over the strenuous objections of Members of Congress, school administrators, teachers, and parents alike, the Department has preferred to use its resources to benefit the producers rather than the consumers. The numerous hearings held before the Select Committee on Nutrition and Human Needs and the Department of Agriculture have not made a significant impression on the Department. I can only hope that our positive action today on Senate Joint Resolution 157 will bring with it the force and impetus needed to cause a change of heart and a change in policy.

It is with these concerns in mind, and particularly keeping in mind the needs of the millions of children between the ages of 6 and 16 who must go to school each day with empty stomachs, that I urge support for this resolution and a speedy implementation of a full and effective school lunch program.

Mr. GAMBRELL. Mr. President, I urge that Senate today adopt Senate Joint Resolution 157 to require the Department of Agriculture to restore cutbacks in the school lunch program.

It is my privilege to be a cosponsor of this legislation with Georgia's senior Senator, HERMAN E. TALMADGE.

In August of this year, the administration announced regulations proposing to cut the Federal school lunch program by approximately 20 percent. In the case of many Georgia school systems, this would require abandonment of the program.

The alarm was sounded from every corner of the country and an investigation was immediately commenced. The legislation was introduced last week, and has been brought before the Senate with uncommon speed. This is a testimonial not only to the urgency which the Senate attaches to the issue, but also to the leadership furnished by Senator TALMADGE and his Committee on Agriculture.

The school lunch program was established during the depression of the 1930's by the late Senator Richard B. Russell. Its benefits have been extended to thousands upon thousands of children of all races and creeds in bad times as well as good.

It has served the country well and should be sustained at not less than current levels.

Mr. CASE. Mr. President, I am pleased to join Senator TALMADGE in supporting Senate Joint Resolution 157, a resolution that will help assure free or reduced price lunches to all needy children.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement I made on the Department of Agriculture's revised regulations for the school lunch program.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CASE ON REVISED DEPARTMENT OF AGRICULTURE REGULATIONS FOR SCHOOL LUNCH PROGRAM

The Department of Agriculture's revised School Lunch Program regulations will not serve the needs of our nation's needy children. The Department's regulations create a subsidy for children who can afford to purchase lunches at the expense of those who cannot pay for lunches. In creating this form of subsidy, the Department of Agriculture has destroyed the flexibility in the Lunch Program that allowed State officials to feed low income school children properly. In short, the revised regulations prevent the expansion of the program where the need is greatest, a regulative action directly contrary to the intent of Congress.

Because of these regulations, new and necessary programs will be seriously set back. The School Breakfast Program will be especially hard hit in New Jersey. This program benefitted from the transfer of funds from the School Lunch Program, now prohibited under the new Agriculture Department regulations. New Jersey planned to expand this program so that school children who came to school hungry would have a nutritionally adequate morning meal.

Educators have pointed out that children who come to class hungry are poor learners. New Jersey was preparing to add twenty five schools to the breakfast program, allowing them to serve an additional 10,000 low income children. Now this cannot be done. Some schools have implemented a stop gap measure. Children are being fed luncheon as early as 10 a.m. in the monring, in an effort to make one meal do for two.

Another program seriously affected by budgetary cutbacks is the Special Food Service Program. This program helps pre-school children in day care and child care centers. We initiated this program last year and under it we were able to assist 6,000 children from low income families in New Jersey.

There are over 150,000 pre-school children of such families in New Jersey. The restrictions mean that New Jersey will be able to serve only an additional 1,500 of them this year.

At the same time that new funds are being restricted, the Office of Management and Budget will not authorize the use of existing money that was left over from the Emergency Summer Lunch Program. Joined by my colleagues in the Senate, I strongly supported the release of funds earlier this year to feed children during the Summer months. We succeeded in this effort but, because we had a late start, $300,000 remained unexpended in the program in New Jersey. If this money were released to New Jersey, New Jersey could feed twice the number of needy preschool children. I am writing to Budget Director George Shultz urging him to release this money at once.

I am confident that my colleagues in the Senate will join me in this effort to secure the release of these funds as they have in the past.

Mr. SPONG. Mr. President, I support Senate Joint Resolution 157, which is designed to assure that every needy schoolchild will receive a free or reduced price lunch as required by legislation which this Congress enacted last year. I commend the distinguished Senator from Georgia (Mr. TALMADGE) for his prompt action to meet a crisis situation in the school lunch program.

For more than 20 years, we in Congress have made efforts to improve the nutritional levels of thousands of American schoolchildren. Last year, in the passage of the National School Lunch Act Amendments, we took a giant step toward the elimination of hunger among the schoolchildren of our Nation. This action came in response to extensive hearings in which the effects of hunger and malnutrition on children and their educational endeavors were widely documented. It came in response to the visits which a number of Senators, including the Senator from Georgia and myself, made to view various school lunch programs.

The question now is whether or not we are willing to put actions where our words have been.

The question is whether we are willing to take a stand or to see a program emasculated by administrative regulations—regulations which are clearly at odds with the stated intent of Congress.

We are all aware of the financial difficulties facing our Nation. We are all aware of the need for budget-cutting and restraint in spending. But, I believe that in trimming our budget we must follow some set of priorities and I do not feel that those priorities place children in need of a hot lunch at the bottom of the list.

The administration has claimed that its proposed regulations will result in a more equitable distribution of school lunch funds among the States. I sympathize with their objective. But, I do not feel that the reductions which will occur in the school lunch program if the proposed regulations are allowed to go into effect are the correct way to achieve equity.

Furthermore, the timing on the announcement of the proposed new regulations was shameful. The new proposals were made within several weeks of the time school was scheduled to start, at a point when they could do nothing, but play havoc with school budgets. As one who has long been interested in advanced funding which would allow our school districts to plan ahead, I resent the timing on the issuance of these regulations.

Congress moved in the right direction last year in passing the National School Act Amendments. It also, at that time, made a commitment to the American people and to the schoolchildren of that Nation. I believe we should continue in that direction and honor the commitment which we made.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. I yield 5 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I have a statement which I wish to place in the RECORD in full but I was fortunate enough to be here when the Senator from Vermont and the Senator from Nebraska made their statements.

The question I was going to ask of the chairman of the committee is whether there is any assurance at all that they would spend these funds under the resolution and, of course, there is not.

My purpose in speaking for these 5 minutes today is to go further down the line and discuss the administration's decision not to implement Public Law 92-32, section 6 and its decision to impound $20 million appropriated by Congress for the emergency food and medical services program. We can appropriate this money, but they will sit on it. The Senator from Vermont pointed out sometimes it is very difficult to know who is sitting on it. But we have no assurance in this field that if and when we appropriate funds as recommended—which I think we will and I hope we will—that the administration will spend it, or how they will spend it, or whether they will withhold it here or spend it over here. I have a hunger problem which we are suffering within four counties in my State where there is 17-percent unemployment.

It is a hunger problem. The people are lined up in the streets. The Department of Agriculture said that food stamps are going to be sufficient. But they are not. A great number of people, particularly people living on social security, cannot afford the $80 to buy food stamps. They have to pay their rent first. They have to pay for heat and light, so they have a place to live. There are hunger lines all over Seattle. The churches in four counties in my State have gotten together and are distributing free food at 35 checkpoints. There are pictures in the newspapers two or three times a week showing the people lined up. Congress appropriated $20 million to feed people in areas of high unemployment. I say to the Senator from Vermont that the administration has impounded these funds and refuses to use them to feed hungry people.

Mr. MAGNUSON. The law is clear. We passed a bill, before we recessed, which provided they could distribute the food without regard to whether or not it was under a food stamp program or under a system of direct distribution, or both.

What do we do in a situation like that? I think Members of this body have done a great job on the school lunch program. It is one of the best programs we have in the United States, or would be if it were administered correctly and they spent the money Congress appropriated. This is the real problem.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. AIKEN. If my information is correct, the full amount which was appropriated for the school lunch program will be spent, and if the limit is raised from 30 to 40 cents, or whatever we make it, then the Appropriations Committee will be expected to appropriate enough to make up the difference. However, I would like to know who withholds funds when they get out of Washington. Somebody has a reason for it. And why did they put the blame on the administration?

Mr. MAGNUSON. The Appropriations Committee ought to be able to find out.

Mr. AIKEN. I think it ought to.

Mr. MAGNUSON. I have received letters like those received by the Senator from Nebraska saying "We are going to spend it," but it is not, or it is maladjusted, or something happens.

I am going to put a statement in the RECORD which deals with the problem we are dealing with here—hunger. I have a history of the hunger problem and many documents related thereto. I have letters in the same tenor, saying, "We are going to spend it." But it does not happen. It the money and says, "We want it spent Right or wrong, if Congress appropriates the money and says "We want it spent for these people," it should be spent. There are some rare cases where the administration should impound money, but when we get into the field of school lunch and hunger, that is something else.

The Senator from Nebraska talked about time. Time is of the essence in this case. There are hunger problems all over. When one is hungry, he is hungry, and he cannot wait while some bureaucrat writes letters back and forth.

I think we have here the finest program concocted in the United States, and I include Headstart and all the other programs in HEW. All I want them to do at OMB is to spend the money we have appropriated for that purpose.

My people are lined up this very weekend. There is food in the warehouses. The Senator from South Carolina saw that 2 months ago. The food is stacked up in the warehouses. They will not distribute it to hungry people. What good is writing letters back and forth?

Mr. President, I applaud the work of the Senate Agriculture Committee and its distinguished chairman in expediting the consideration of Senate Joint Resolution 157 in order that free and reduced priced lunches will continue to be available to schoolchildren.

I understand deeply the frustration felt by Senators concerned about the question of hunger. This summer, I asked the Secretary of Agriculture to implement section 6 of Public Law 92-32. This provision authorized the use of $20 million of section 32 funds for the purpose of:

> Carrying out in any area of the United States direct distribution or other programs, *without regard to whether such area is under the food stamp program or a system of direct distribution,* to provide, in the immediate vicinity of their place of permanent residence, either directly or though a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any State or local welfare agency, he is authorized to pay the administrative costs incurred by such State or local agency carrying out such program.

The Department of Agriculture has flatly refused to implement that section of the law. In Seattle, Wash., Neighbors-In-Need, a volunteer church group, gives donated foods to 8,000 people a week and turns away an additional 12,000 hungry Americans. We have a hunger crisis in my State that the food stamp programs cannot meet. We have documented the fact that 40 percent of the people eligible for food stamps are not in the program, because of a number of reasons, basic of which is a lack of disposable income. They cannot afford to buy food stamps.

These are the new poor many of whom held, until recently, high-paying jobs and were respected members of the community. My State is in a depression and yet the Agriculture Department refuses to respond with commodities or free food stamps as Public Law 92-32 clearly permits.

Mr. President, I am a man who refuses to take the answer "no" easily, especially when that "no" means that thousands of my people continue to suffer severe hunger and malnutrition.

After the Department of Agriculture refused to act, I amended the Labor-HEW appropriation bill in order that $20 million could be transferred to OEO's emergency food and medical services program. This $20 million was to be used in areas of high unemployment as an emergency measure.

What happened to that $20 million that was unanimously approved by the Congress in order to feed hungry people? Nothing.

It is now being held in budgetary reserve. I appealed that decision to the President of the United States for, in the final analysis, he is in charge of OMB. The answer I got back was the same—no relief, no implementation of either of these laws passed by the Congress to aid those not aided under other provisions of the law.

It is a slap at every Member of Congress. I wanted today to tell the distinguished chairman of the Agriculture Committee that I share his concern about this administration's lack of concern and its unwillingness to implement the law as passed by the Congress.

We have passed the law, appropriated the funds, and pleaded for action, but nothing has happened except slight changes in regulations. This administration seems to follow an economic policy planned to cause high unemployment. At the very least it could have the decency to feed the victims of their policies. Never in my career in public life have I seen such calloused attitudes on the part of Government officials. I hope that the distinguished chairman of the Agriculture Committee can help me find an answer to this tragic problem.

Mr. President, I ask unanimous consent to insert in the Record several articles and letters on this issue.

There being no objection, the material was ordered to be printed in the Record, as follows:

Washington State Legislature,
Olympia, Wash., July 1, 1971.

Hon. Warren G. Magnuson,
U.S. Senate,
Washington, D.C.

Dear Senator Magnuson: At a meeting called June 29 by the King County Democratic legislators and held in the office of Mayor Uhlman, it was pointed out that a tragic emergency exists in King and other depressed counties of the State of Washington. More than half the poor and hungry eligible for food stamps are unable to buy them because they have no money.

Local food banks cannot obtain government food stocks because of Agriculture Department rulings that such food will not be made available in counties with the food stamp program. Food stocks of many food banks are depleted. Thousands of adults and children are in actual hunger.

We propose immediate action to marshal every state and local resource, but urgently request you exert every influence at the national level to impress this tragic and emergent situation on those with authority to relax the present stringent and unrealistic rulings to immediately place food in the mouths of our state's poor and hungry.

Sincerely yours,

William Chatalas.

State Senators: Frank Connor, Fred H. Dore, Martin Durkan, George Fleming, Pete Francis, R. R. Greive, Gordon Herr, and Robert Ridder.

State Representatives: John Bagnariol, H. Stan Bradley, Dave Ceccarelli, Donn Charnley, Albert Shinpoch, Mark Litchman, King Lysen, and Peggy Maxie.

State Representatives: Gary Grant, John Merrill, John Rosellini, Al Williams, Robert Perry, John L. O'Brien, Jeff Douthwaite, and James McDermott.

Public Law 92-32, 92d Congress, H.R. 5257, June 30, 1971

An Act to extend the school breakfast and special food programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National School Lunch Act (42 U.S.C. 1752) is amended by adding at the end of the Act the following new section:

"Sec. 15. (a) In addition to funds appropriated or otherwise available, the Secretary is authorized to use, during the fiscal year ending June 30, 1971, not to exceed $35,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the provisions of this Act, and during the fiscal year ending June 30, 1972, not to exceed $100,000,000 in funds from such section 32 to carry out the provisions of this Act relating to the service of free and reduced-price meals to needy children in schools and service institutions.

"(b) Any funds unexpended under this section at the end of the fiscal year ending June 30, 1971, or at the end of the fiscal year ending June 30, 1972, shall remain available to the Secretary in accordance with the last sentence of section 3 of this Act, as amended."

Sec. 2. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated for each of the fiscal years 1972 and 1973 not to exceed $25,000,000 to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools."

Sec. 3. (a) The first sentence of section 4(c) of such Act (42 U.S.C. 1773(c)) is amended by striking out "to reimburse such schools for the" and inserting "to assist such schools in financing the".

(b) The last sentence of such section 4(c) is amended to read as follows: "In selecting schools for participation, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist, to those schools in which a substantial proportion of the children enrolled must travel long distances daily, and to those schools in which there is a special need for improving the nutrition and dietary practices of children of working mothers and children from low-income families.".

Sec. 4. Section 4(d) of the Child Nutrition Act of 1966, is amended by striking out "80 per centum" and inserting "100 per centum".

Sec. 5. Section 4(e) of the Child Nutrition Act of 1966 is amended by striking out the sentence reading. "In making such determinations, such local authorities should to the extent practicable, consult with public welfare and health agencies." and inserting the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household. None of the requirements of this section in respect to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school breakfast program under the provisions of subsection (f) until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SEC. 6. In addition to funds appropriated or otherwise available, the Secretary of Agriculture is authorized to use, during the fiscal year ending June 30, 1972, not to exceed $20,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for the purpose of carrying out in any area of the United States direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any State or local welfare agency, he is authorized to pay the administrative costs incurred by such State or local agency in carrying out such program.

SEC. 7. (a) The first sentence of section 13 (a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended to read as follows: "There is authorized to be appropriated $32,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions.".

(b) In section 13(c)(2) of the National School Lunch Act (42 U.S.C. 1761(c)(2)) after the first sentence insert: "Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to equipment and services.".

Approved June 30, 1971.

U.S. SENATE,
Washington, D.C., July 9, 1971.

GEORGE P. SHULTZ,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. SHULTZ: As a co-signer of Senator Case's letter regarding the Summer Lunch Program, I was extremely pleased that the President has decided to use Section 32 in order to provide the necessary funds for this program.

Under Section 6 of recently enacted amendments (P.L. 92-32) to the National School Lunch Act, $20,000,000 in funds is authorized from Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) to be used for the purpose of:

"Carrying out in any area of the United States direct distribution or other programs, *without regard to whether such area is under the food stamp program or a system of direct distribution*, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food. Food made available to needy children under this section shall be in addition to any food made available to them under the National School Lunch Act or the Child Nutrition Act of 1966. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any State or local welfare agency, he is authorized to pay the administrative costs incurred by such State or local agency in carrying out such program."

Thus, the language of Section 6 clearly authorizes funds to be used to supplement the existing food stamp program. The most just and fair form of distribution of funds authorized under Section 5 would be according to the need of a particular area and according to the severity of existing economic conditions facing that area. I, therefore, urge you to give first consideration to Washington State which is suffering from economic conditions worse than those experienced during the Great Depression, and the severest rate of unemployment in the United States except for Alaska.

I am writing the Governor of my state urging that Washington State immediately apply for Section 5 funds now that the Administration has made it clear that it will use these funds to implement P.L. 92-32.

Additionally, I am concerned about statements made by the Regional Director of the Department of Agriculture regarding the legality of having both a food stamp and a supplemental feeding program operating at the same time in any single county. Senator Hollings advised me that in Beauford and Jasper Counties of South Carolina three food programs are in simultaneous operation (food stamps, supplemental feeding and free food stamps).

As previously mentioned, Washington State faces a severe economic emergency and if a three-part program is or will be possible under existing law P.L. 92-32 and P.L. 91-671 or under demonstration or test programs, then I urge that the hardest hit areas in Washington State be considered for such a program.

Your immediate attention to this grave program facing needy and hungry citizens in Washington State will be most appreciated.

Sincerely,

WARREN G. MAGNUSON,
US. Senator.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., August 4, 1971.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Thank you for your letter of July 9, 1971, regarding Public Law 92-32. You suggest that the broad language contained in Section 6 of that act provides authority for distributing commodities in the State of Washington.

Senator Allen, the subcommittee chairman and floor manager of this legislation in the Senate described Section 6 as "the program under which supplemental foods are made available to pregnant women, nursing mothers, and infants." (Congressional Record, June 23, 1971, page 21588). We are advised by Agriculture Department that supplemental food program for pregnant women and infants is already operating in King County, Washington, under the authority of identical legislative language. That program is presently operating at only one-third of its authorized level of 1,500 participants, and therefore, there is no need at this time, to use funds provided under Public Law 92-32 for its expansion.

The Department of Agriculture does have general authority to distribute commodities in areas where the food stamp program operates, provided that no household may participate in both the food stamp and commodity programs simultaneously. When the two family feeding programs operate concurrently they must use identical eligibility standards. Therefore, anyone who may be benefited by a concurrent commodity program is already eligible for the food stamp program.

The food stamp program in Washington has expanded many-fold in response to the current severe economic conditions in the State.

Food stamp outlays in the State have increased six-fold and participation has tripled in the past 24 months.

Year ending June, Federal food stamp outlays, number of participants

1969, $6,629,697, 89,135 (June).
1970, $18,870,753, 221,710 (June).
1971, $44,250,000 (est.), 263,259 (June).

I can assure you of the President's concern that needy people should not suffer from hunger due to insufficient food. Therefore, careful attention will continue to be given to identifying and eliminating such occurrences within the broad authorities provided by Congress.

Sincerely,

GEORGE P. SHULTZ,
Director.

TESTIMONY BEFORE THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. Chairman, members of the committee: For years Americans have been hearing that other Americans were suffering from hunger and malnutrition. This committee knows that story well for it has been compiling the evidence for more than two years. This congress has listened to that story and, as you know, has taken important action to write a new ending to that story.

But the executive agency charged by the congress with the responsibility of providing an adequate diet to hungry Americans—the Department of Agriculture—has apparently not heard that story. Nor is it prepared to implement legislation passed by the Congress to feed hungry people. And—most intolerable of all—it even refuses to listen to the story or to acknowledge the existence of hungry people.

I make these criticisms, Mr. Chairman, based on a meeting which I and other members of the Washington State Congressional delegation had last Thursday in my office with Assistant Secretary of Agriculture Lyng. We called Mr. Lyng to my office, Mr. Chairman, to ask that the Department implement Public Law 92-32, passed by the congress on June 30th, and—more specifically—to implement section 6 of that law for which you and Senator Hart are primarily responsible.

The committee, of course, is fully aware of section 6 of this new law but for the sake of a clear record let me briefly summarize that section. It authorizes the Secretary of Agriculture to use $20 million of section 32 funds—and I quote from the law itself—*"To provide . . . an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food."*

Furthermore, the language of section 6 makes it perfectly clear that the additional food assistance it authorizes can be made available to areas which also have food stamp programs or to needy children already participating in the school lunch program. Moreover, the law also authorizes the Secretary to pay the administrative costs incurred by State or local agencies which administer this additional food assistance.

Mr. Chairman, when you and Sen. Hart introduced the amendment—which became section 6—to provide the $20 million you stressed the high unemployment and severe economic conditions in many parts of the country which made such assistance necessary. I support that idea entirely.

This $20 million—which of course is only a very minute portion of the $700 million in section 32 funds—should be allocated by the Department of Agriculture to the areas of the highest and most prolonged unemployment. And it should be allocated in ways that best accommodate local programs and capabilities. Although the supplemental food program was one of your immediate concerns, the language which you used in writing section 6 is flexible enough to authorize a variety of food assistance efforts. Officials in my State, for example, are drafting proposals to use section 6 funds to make the food stamp program available to more families as well as to improve and expand existing supplemental feeding efforts with both food packages and food vouchers. These supplemental efforts would be directed specifically to assisting pregnant women and young children who are especially vulnerable to malnutrition.

Mr. Chairman, it was with section 6 of the new law in mind that we asked Mr. Lyng to meet with us last week. And it was in an effort to impress upon him the need for this additional food assistance in our State that we told him:

That a voluntary food bank program in Seattle organized by churches and supplied by voluntary donations of groceries is feeding 8,000 people every week.

That organizers of that program estimate that they could feed up to 20,000 people every week if they had enough food.

That there are 97,000 unemployed people in the Seattle area making its current unemployment rate 15.2 per cent—the highest of any of the 150 major labor market areas in the Nation.

That there are 164,000 unemployed people in the State making its unadjusted unemployment level 11.6 per cent and its seasonally adjusted rate 12.5 per cent.

And that visitors from other States tell us they have never visited any other place where food—just plain ordinary food—was such a constant concern of so many.

In response to these stark facts and our pleas that the Department use the $20 million of section 32 funds authorized for additional food assistance programs in section 6, Mr. Lyng had two responses. Both negative.

First, he flatly rejected our pleas to implement section 6 despite the fact that it can be considered no less than a congressional mandate for Executive action. Second, he expressed the Department's official opinion that there are, in fact, no hungry people in my State who cannot now afford to purchase food stamps. That opinion, Mr. Lyng informed us, was based upon a Department survey of Washington. Mr. Chairman, to the best of my knowledge the only USDA official to survey my State was one man from the Department's regional office in San Francisco who spent two days in Seattle last month.

The Department apparently assumes that this two-day visit by one official to one part of Washington affords it an understanding of the needs of hungry people in my State which is more complete than that held by all of the State's elected representatives, its newspapers which have detailed the tragedy of hunger in numerous news stories, and its citizens who write to me daily to express their disgust with an administration which will not feed hungry people.

Mr. Chairman, I reject that assumption. And I reject the Department's conclusion that the food stamp program alone is meeting or can meet the needs of all the hungry people in my State despite the fact that it is experiencing unemployment starkly reminiscent of the 1930's.

As early as 1969, a survey of the food stamp program in Washington—prepared I believe for this committee—estimated that 164,000 households or about 442,000 individuals were then potentially eligible for the food stamp program. Mr. Chairman, in 1969 unemployment in Washington State never rose above 5.9 per cent. Today it is 11.6 per cent—almost double the 1969 peak. If 164,000 households were potentially eligible for food stamps in 1969 when the unemployment rate was half of the present rate I should think that about twice as many would be eligible now when unemployment has doubled.

And yet, we find that there are only 90,000 Washington households—or about 263,000 individuals—receiving food stamps today.

Furthermore, families which were once using food stamps are now being forced to drop out of the program because they can no longer afford to participate in it. The *Seattle Times* reported a poll of families using the church-sponsored food banks which showed that 38 per cent of them had originally been receiving food stamps but can no longer afford them. Increasingly, the answer given by hungry people not using food stamps is that they simply cannot afford to buy into the program.

Even those families able to purchase food stamps find their basic nutritional needs are not being adequately met. As this committee knows, a family of four receives stamps worth only $106 per month. Yet even the Department of Agriculture acknowledges that at least $134 per month is needed for an adequate diet. Recipients in Seattle, which has the fourth highest cost of living and the highest unemployment in the Nation, find this $106 limit both inadequate and unrealistic. Nor will the new food stamp schedules make any meaningful difference to hungry people in Seattle and throughout Washington. Raising the monthly allotment by only $2 while requiring many participants to spend more for their stamps epitomizes the kind of economic double-think which we have become so accustomed to hearing over the past 2½ years.

Assistant Secretary Lyng also argued in our meeting last Thursday that food stamps are only a diet supplement and should not be viewed as a form of income maintenance. Unfortunately, Mr. Chairman, in the midst of those semantics Mr. Lyng overlooked the fact that thousands of unemployed people in my State have no *basic diet* to supplement.

Food stamps are their diet—their entire diet—and food stamps are simply not enough. Despite the fact that the Washington State food stamp program has consistently been praised as a model program.

Mr. Chairman, that is the conclusion which I and other members of the Washington congressional delegation reached as far back as last December—seven months ago. And for seven months we have been urging the Agriculture Department to act on that fact.

In December we urged the Secretary to expand statewide the food supplement program or the pilot food certificate program—each operating on a very limited basis in a single county in Washington.

In January the Secretary responded by asserting that the food stamp program could provide for all hungry Americans. After repeating the same request and receiving the same answer from the Department, I sent a member of my staff together with a State welfare official to meet with the Administrator of the Department's Food and Nutrition Service. Once more the Department was urged to expand either the supplement food program or the pilot food certificate program. And once more the Department refused.

The Department, it seems, has concluded—on the basis of another *survey*—that the food certificate program is an ineffective one which should not be expanded. The Department reached this conclusion despite the fact that the pilot project in my State, which State officials tell me has been a good program, was not even included in the survey. In fact, as I'm sure the committee knows, the Department's survey included only 2 of the 5 pilot projects.

In May, I joined with many members of the committee and with other Senators to protest that the proposed food stamp regulations would eliminate many needy Washington citizens—including many of the elderly—from the already inadequate food stamp program.

Also in May, Mr. Chairman, I urged that the FY 1972 appropriation for the food stamp program be raised, and joined in co-sponsoring your proposed food stamp bill, S. 1773.

In June, I asked the Secretary to solicit specific recommendations from the regional officer who made that *two-day survey* of Seattle as to how additional food assistance could be made available to my state.

Just a few weeks ago I joined with other Senators to obtain the release of funds for the summer lunch program.

Last Thursday I met with Assistant Secretary Lyng.

That afternoon, after the disappointing meeting with Mr. Lyng, the Senate adopted my amendment to the Agriculture Appropriations bill re-emphasizing that it was the intent of the Congress in passing P.L. 92–32 that $20 million in section 32 funds be used to implement commodity distribution programs in areas where there is excessive unemployment even if they have food stamp programs.

And today I have come here to present once more the case for additional food assistance to Washington state.

Mr. Chairman, you know, the committee knows and I know that there are people in my state and in other states who are hungry. We know the food stamp program is not providing enough assistance to all those in need of it and that it will not be able to do so as long as unemployment and inflation continue to mount as they have during the past 2 years. And no amount of surveys is going to make those hungry people disappear or fill their stomachs.

Public Law 92–32—and especially section 6—demonstrates the Congress' awareness of these people and its desire to feed them.

My amendment to the Agriculture Appropriations bill underscores that awareness and that desire.

It is absolutely intolerable that the Department of Agriculture refuses to acknowledge these hungry people—and refuses to act upon the mandate which Congress has given it in the McGovern-Hart section of P.L. 92–32 and which the Senate re-affirmed last Thursday in unanimously passing my amendment to the Agriculture Appropriations bill.

For Needy Here: Surplus Foods May Be Issued

(By Al Dieffenbach)

Surplus foods owned by the federal government apparently can be distributed to the needy here, Senator Warren G. Magnuson said yesterday.

The food distribution would be in addition to the food stamp program. Up till now, counties which have used the food stamps have not been eligible for free surplus foods.

Church and welfare workers have complained that many persons are going hungry because they cannot afford to buy food stamps. Meanwhile, surplus food is stockpiled in warehouses.

In a letter to Clifford Hardin, secretary of agriculture, and George Shultz, director of the Office of Management and Budget, Magnuson said:

"The language of Section 5 of the National School Lunch Act (Public Law 92–32) clearly authorizes funds to be used to supplement the existing food stamp program.

"Under Section 5 of recently (June 30) enacted amendments . . . $20 million in funds is authorized . . . without regard to whether such area is under the food stamp program or a system of direct distribution."

Magnuson's announcement would seem to have broken the federal red tape that had prevented the distribution of federally purchased surplus food to persons in need in this economically depressed area.

As recently as last week, Department of Agriculture officials had maintained that federal rules prevented food-stamp and food-distribution programs in the same county.

Some of the surplus commodities had been made available to the hungry through organizations that agreed to cook and serve the food, but not for direct distribution to the user.

Magnuson, who asked Hardin and Shultz to give priority to food-distribution programs in areas hardest hit by economic problems, also urged Gov. Dan Evans "to immediately expedite a request for these funds for Washington State, stressing the seriousness of existing economic conditions."

Magnuson said he and other members of the state's congressional delegation would seek to meet with Hardin this week on plans to put the food-distribution program into operation.

According to an aide to the state's senior senator, the Section 5 funds can be used to provide distribution of surplus food "either directly or through a state or local welfare agency."

Again citing the new amendment, he said that the secretary (of agriculture) is authorized to pay all of the administrative costs of the program.

The federal rule changes had been sought for months locally by hunger fighters who sensed that volunteer feeding programs supported by public donations of food and money could not continue to cope with the needs.

The major volunteer feeding program here has been Neighbors in Need, a church-supported project in which an estimated 170,000 persons were given free food in the past six months.

The program may qualify as a "local welfare agency," Magnuson's aide said, and be entitled to receive the surplus food.

Maggie Urges Counties To Seek Food Aid

Sen. Warren G. Magnuson urged yesterday that economically hard-hit counties in Washington apply for federal food distribution programs to supplement food stamps.

In letters to Secretary of Agriculture Clifford M. Hardin and Budget Director George P. Shultz, Magnuson insisted that Congress has provided for multiple food distribution programs in any single county and suggested that immediate consideration be given to an additional program for Washington State.

The Magnuson letters continued a controversy involving 40 U.S. senators who have accused the Nixon administration of promoting a free lunch program for hungry children but not providing enough money to pay for it.

According to the senator, Congress has expressly provided that a county that has already selected either a food stamp or a commodity distribution program could still qualify for an additional program to feed hungry children and adults who are without sufficient food through no fault of their own.

Magnuson said that $20 million has been authorized under this section of the law and that he is urging Gov. Dan Evans to submit appropriate requests to the Department of Agriculture for an additional food distribution program.

He added that he and other members of the state's Congressional delegation would seek a meeting with Secretary Hardin next week in an attempt to iron out any confusion in the department regarding the implementation of additional programs.

[From the Seattle Times, July 22, 1971]

It Is Official: No Surplus Food for Washington

(By Richard W. Larsen)

The United States Department of Agriculture confirmed today that no surplus-food distribution program will be authorized in the state.

Richard Lyng, assistant secretary of agriculture, announced in Washington new regulations on the nationwide food-stamp program. Although the new program for the first time also would allow surplus commodities to be distributed in an area that has a food-stamp program, Lyng said this won't be done.

Lyng predicted last week that such would be the department's policy. The prediction provoked angry reaction in Washington's congressional delegation.

Senator Warren G. Magnuson today called the department's action "intolerable." Magnuson testified before the Select Committee on Nutrition and Human Needs.

Gov. Dan Evans implied today that he has given up hope of changing the minds of anyone in the Department of Agriculture. He told a press conference he will talk with other administration officials to seek a policy change. Evans repeated that he plans to travel to Washington, D.C., but he didn't say when.

Lyng today outlined new program regulations that for the first time allow free distribution of food stamps. A family of four, with income of $30 a month or less, will qualify.

But the cost of food stamps will rise for families that have higher incomes. A family of four, with an income of $360 a month, previously could purchase $105 worth of food stamps for $82. Now that family will be able to buy $108 worth of food stamps for $99, Lyng said.

Lyng today officially stamped as U.S.D.A. policy the statement he made at last week's stormy meeting with Magnuson and the state's delegation in the House of Representatives:

There will be no "duality." No area will be certified for free-food distribution if it has a food-stamp program. Washington has a state-wide program.

Lyng said there is not enough money in the federal surplus-commodity budget to allow such a broadened program.

He added: "There is tremendous cost in setting up food-distribution facilities, which would have to be borne by the state." He estimated it might cost the state $1.25 million to administer such a program, an amount the state can't afford.

Magnuson said today, "We all know the food-stamp program is not providing enough assistance to all those in need of it and it will not be able to do so as long as unemployment and inflation continue to mount."

Lyng made his comments during a press briefing in which he outlined the administration's new food-stamp policies. The administration backed off from a plan proposed in April to cut off 375,000 higher-income welfare families. Instead it reduced the stamp benefits to them.

The revised proposal will implement a new law passed by Congress late last year. Barring further hangups, officials expect most states and counties to have the new plan in operation by early 1972.

At present anyone on welfare in participating counties is eligible for government food stamps. In April, under new uniform national income standards proposed by the Agriculture Department, many persons in states with larger welfare payments would have been cut off.

Now all welfare people will be eligible for stamps regardless of their cash welfare benefits.

Other provisions, relating to elimination of food stamps for hippie-type communes and other unrelated groups living in the same household, will be retained.

A controversial work requirement forcing able-bodied adults to register for and accept jobs in return for food stamps was retained. It was clarified to allow exemption of persons whose health and safety would be jeopardized by work.

(The county executive received the impression that surplus food can be released under certain circumstances. B 1.)

[From the Christian Science Monitor, July 24, 1971]

Political Battle Lines Form: Feeding Washington State Needy

(By Robert P. Hey)

Washington.—Another storm is beginning to blow up in Congress over Nixon-administration policies for feeding the needy, this time in the State of Washington.

Senators and congressmen from the state say many Washington residents are hungry and without money—largely due to the severe economic recession in the state. They cite figures to support their position.

But as of this writing the administration has flatly refused to use federal emergency money to feed the people in Washington.

Thus the stage is set for a direct collision between Washington's Democratic Sen. Warren G. Magnuson, one of the most powerful men in Congress, and the Nixon administration.

It is reminiscent of the power struggle of a few weeks ago when it took pressure from nearly half the Senate to get the Agriculture Department to agree to use extra money it already had to feed hungry children this summer.

This time, however, those who wanted to pry the funds out of the administration may have a harder time mobilizing broad congressional support. Last time the issue was a nationwide program to feed children; this time, a program to feed people in the State of Washington.

MEETING HELD

Senator Magnuson and five congressmen from Washington attended the meeting; Sen. Harry M. Jackson (D) and the remaining congressmen were represented by staff aides. They went into the meeting with the quiet confidence that Assistant Secretary for Marketing and Consumer Services, Richard E. Lyng would agree to release some of the $20 million in emergency funding, voted June 30, to feed needy persons in Washington.

The Washingtonians cited statistics to back up their requests. They noted that 164,000 people were unemployed in the state in May—1.6 percent of the total labor force. Over 70,000 persons exhausted unemployment compensation last year.

Senator Magnuson cited a church-feeding program in King County, a joint product of several churches. "It distributes donated food to anyone who says he is in need. They estimate they are now feeding 8,000 people per week. [They say they could feed 20,000 needy people if they had enough food.] They have served over 170,000 people in seven months."

But Assistant Secretary Lyng said no—he would not use federal funds to finance an emergency program to distribute surplus foods. The reason, he said, is that in his judgment there is no hunger in the State of Washington the food-stamp program cannot handle. He also said it is against the policy of the Agriculture Department to operate two food programs—food stamps and free commodities—simultaneously in one area.

EXPLANATION

(A Department of Agriculture spokesman explained Friday to this reporter the reasoning behind this policy: Food stamp and commodity programs are administered separately, and it would be too difficult, he said, to have to administer two separate programs in one area.)

Senator Magnuson said the commodity program is needed because there are many hungry people in Washington despite the food-stamp program. And, he said, South Carolina Sen. Ernest F. Hollings (D) had told him that in two South Carolina counties three food programs are in simultaneous operation—food stamp, supplemental feeding, and free food stamps.

Mr. Lyng replied, according to three participants present, that circumstances are different—there is hunger in South Carolina, but there is no hunger in Washington the food-stamp program could not meet.

"Further," Senator Magnuson says, "Secretary Lyng told us the department could see no circumstances in which they would utilize the authority [to provide emergency surplus foods] anywhere in the United States at this time."

REACTIONS VARY

Members of Congress from Washington emerged from the meeting with varying reactions. Senator Magnuson called it "the most callous meeting" he'd ever attended in his entire 35 years in Congress.

Washington Rep. Brock Adams (D), present at the meeting, said Secretary Lyng's "statements were incredible. I can't understand why the administration has made a policy decision not to release surplus commodities to Seattle, and I violently disagree with his statement that we do not have many hungry people in the area. If that is so, why do we have long lines of people trying to obtain food? The Nixon Administration is more worried about administrative problems than about people being hungry."

Senator Magnuson sputtered the next day of the Department of Agriculture that "they've apparently got their feet in concrete. . . . They were pretty hardheaded. There wasn't any awareness of anything—just an attitude of 'Let the food-stamp program take care of everything.' "

He said, "the evidence we have is that it is not—particularly for elderly people."

The Senator didn't say what step he will take next. But those who know him do not doubt he will take one.

Empty Stomachs Not Enough Proof for U.S. Officials

(By Ray Ruppert)

Belief that there is hunger in the Seattle area is almost an act of faith.

It rests upon things unseen more than upon objective evidence and upon the testimony of people who say they are hungry but whose experience cannot be measured or weighed.

Those who have labored to give out food through the Neighbors in Need food banks for seven months are believers, accepting the witness of the embarrassed, reluctant people who come for food.

But officials in the federal Department of Agriculture are skeptics, unwilling to accept subjective evidence and looking for the statistical reports on the number of empty stomachs here.

And this conflict of belief vs. disbelief is really what is behind the Agriculture Department's refusal to allow distribution of surplus commodities in the Seattle area.

Why do volunteers accept hunger as a fact and why do some federal officials doubt it? The answer may be found in their opposite approaches to people who say they are in need.

The Rev. Alan Ward, a minister on the staff of the Ecumenical Metropolitan Ministry, sometimes paraphrases the Bible. Christ said (Matthew 7:9): "What man is there of you, whom if his son asks bread, will give him a stone."

Mr. Ward puts that in his own words in advice to the food-bank volunteers: "Don't hand the folks a rock; feed them."

This means that any person who comes to a Neighbors in Need food bank and says he needs food is given food—if there is food to be given.

On this basis, the 34 food banks in the Seattle area are now providing food to an estimated 8,000 persons a week. This is based upon a schedule of 2½ hours a day, three days a week.

Mr. Ward estimated that if the banks were open five days a week, as they were in the beginning in November, 1970, they would be providing food to 15,000 to 20,000 persons a week.

What happens to those who are turned away?

"A lot of people are eating nothing but slices of toast," the Rev. Perry Harold O. Perry of the Fellowship of Christian Urban Service said.

More than half of those getting food are on some kind of government-aid program—public assistance, food stamps and so forth—which they find inadequate.

When the food banks give out, they get along with what they have or they ask neighbors or friends for food.

Mr. Ward said the basic philosophy of the food banks was based on a conviction that most people will not come after food unless they need it. The trouble of coming, the damage to personal pride, the limited food available all work against any extensive attempt at cheating, he said.

Mr. Perry commented, "There are relatively few people who will cheat. It takes all the courage a person can get to come to a food bank. To demean him with administrative tricks is absurd."

Such a view is not compatible with most governmental programs based upon some kind of means test to establish through statistics, investigation, questionnaires and statements that a person is in need.

In effect, the entire Puget Sound area has been subjected in recent weeks to a means test by U.S.D.A. officials—and failed. That's why federal officials have taken an adamant stand against releasing surplus commodities here.

Northwest officials, including Gov. Dan Evans and the Washington congressional delegation, had attempted to get into the surplus-food warehouses through two doors.

One was a direct approach, using a change in the federal Food Stamp Act which allows a state to have commodity distribution and food stamps.

That change will become effective when U.S.D.A. regulations are published, perhaps next week, although it may take several more weeks to make adjustments in the department.

The other Northwest approach was through an amendment to the National School Lunch Act, providing $20 million for commodity distribution in areas which already have other federal food programs.

The man who barred both doors was Richard P. Lyng, an assistant secretary of agriculture. Lyng made it very plain on Thursday that the U. S. D. A. would not release surplus foods for general distribution here.

The new law is permissive but not mandatory as far as a dual operation in a state is concerned, Lyng told The Times.

"We have made the decision not to go on commodities," he said.

Behind this decision is a conviction that Washington now has an outstanding food-stamp program. Lyng called it "spectacular," noting that bonus stamps amounted to $6.6 million in fiscal year 1969 and were up to $44.2 million in fiscal year 1971.

The bonus is the difference between what the stamps cost the user and their money value in the grocery. That bonus varies according to the income of the family. Theoretically, it is the measure of the free food provided by the government to hungry people.

A sample of 100 families getting aid from food banks showed that 38 per cent had been getting food stamps but could no longer afford them. The cash was needed for other basic expenses.

Lyng said the department was "hard pressed to believe that anybody is suffering" because of hunger in the Seattle area. He said the administration recognized the area's economic situation but considered it an income problem rather than a food problem.

Lyng also said, "It's really not proper to solve an income problem through modification of what is already a good food program."

The new Food Stamp Law will provide free food stamps to those on the lowest rung of the economic ladder. A family of four whose monthly income is less than $30 will get $108 in free food stamps.

But the cost will go up at the other end of the scale. A four-person family with a monthly income of $350—a little more than unemployment compensation—will be able to buy $108 in food stamps for $95.

These people—the so-called "new poor"—in particular, might benefit from surplus-commodity distribution. They would be able to get $60 to $65 a month in surplus foods without putting out the $95 in cash—which probably is needed for a house payment and other fixed expenses.

In any case, no family would be able to get both food stamps and surplus commodities.

Under the law, the state would have to pay the administrative cost of food distribution. But The Times has been told that financial assistance might be available from the federal government if there were "a hard enough pitch."

This, however, has become somewhat academic as long as Lyng's position prevails.

Probably, only two considerations would change the decision.

One would be a reversal of government philosophy, founded, ironically, in the Protestant work ethic and the depression roots of feeding programs, that need must be proved objectively.

That's not likely.

But U.S.D.A. philosophy might be bent a little because of political pressure, since Lyng is responsible to his superiors in the White House.

But that, too, may be difficult. One of the reasons the U.S.D.A. is reluctant to release surplus commodities is a belief that this would make difficult the eventual shift to a family-assistance plan which President Nixon wants. The conversion from food stamps would be much easier.

And, meanwhile, belief that there is hunger in the Seattle area is almost like an act of faith.

Spellman Sees Nixon Aide on Surplus Food

County Executive John Spellman yesterday said "innovation and continued negotiations" apparently are the best tools to reach a middle ground in settling the dispute over release of surplus foods for the Seattle area.

Spellman met with Richard Lyng, assistant secretary of agriculture, in Washington, D.C., yesterday. He said they explored alternate solutions to the problem. Lyng had told Washington's congressional delegation Thursday that surplus commodities would not be made available here.

The County executive was called to the capital Thursday by Representative Tom Pelly "to discuss another matter."

During the conference with Lyng, Spellman said the reasons for the withholding of the surplus foods were discussed.

"I believe there may be some middle ground which will allow both food stamps and surplus commodities in our area," Spellman said. "That middle ground can best be reached by innovation and continued negotiations."

Spellman left the Capital today for Milwaukee to attend the National Association of Counties convention. He will return to Seattle Wednesday.

"Look How Many Are Out of Work"

(By Paul Andrews)

Tom Lile is a soft-spoken, driven man who has given most of his own time for eight months to the patchwork job of keeping the Greenwood food station of Neighbors in Need in operation.

He sat in the office of the Oak Lake Baptist church where the food bank is kept and flipped through a log of forms filled in by those who come for food.

"Here's one," Lile said. "A family of five. Applied for food stamps. It'll take at least a week for her to be processed . . .

"Here's another woman, a family of six, mother's been ill. Here's one, family of four, applied for welfare . . ."

In another room, Lawrence Kabel put down a sack of groceries he had been given and said, with a shrug, "I don't mind talking about it. Look how many people are out of work in Seattle."

Kabel, 50, is a burly unemployed merchant seaman who lives in the North End with his wife and 16-year-old son. He was hungry.

"I know I'm not alone," he said, peering through his glasses, "These food banks are really needed around here these days."

Kabel found out about the food bank through a friend. The Oak Lake Baptist Church in the Aurora Greenwood area is one of 34 local food-bank outlets.

Kabel has been to the food bank only twice. He will receive $35 a week until he becomes eligible in December for pension benefits. His wife works as a nurse's aide for $1.80 an hour.

"By the time I make the home payments, and the lights and heat, there's not much left," Kabel said. "I don't like to use the food bank, but every now and then you need a few extra groceries."

"I'm not convinced that people do realize the need," said Lile, moderator of the Oak Lake church and food-bank manager.

"If you figure that 15 per cent of the people of Seattle are out of work now, that still leaves 85 per cent who are insulated enough from the hunger around not to realize how much it exists," Lile said.

Like Kabel, most of the 100 or more persons who file through the line at the Greenwood food bank daily have come only two or three times before. "I had anticipated that there would be many repeaters, but there haven't been," Lile said.

Some recipients come only during a family crisis involving money or illness, he said. Others, sensitive to the unstated but real social stigma attached to hunger, undoubtedly avoid the food banks until their hunger overcomes their pride.

Still the demand remains great. Food banks in the Central Area and University District continually run out of stock and are forced to close their doors, a situation the Greenwood outlet experienced for the first time last week.

"It's summertime, and the people who regularly contribute go on vacation for two or three weeks, so we don't get their contributions," Lile said. Fifteen Greenwood-area churches are "heavily involved" in contributing to the food bank along with some local food stories and service groups, he said.

But the shelves in the Greenwood food bank are sparsely stocked. There are signs with printed directions: "Please take only enough for your family for three or four days"; "Three items are hard to get. Please take one only."

"We've usually operated here on the basis of letting people help themselves," Lile said. "But lately we've had to limit them to one of each type of item."

"Most people realize the limited supply of food and hesitate to take too much," he added.

"We get people in here all the way from college age to senior citizens," Lile said. "Middle-aged people, between 40 and 50, would probably be the majority group."

Many of those using the bank are waiting for the red tape to unravel in their applications for welfare or food stamps.

A food-bank staff volunteer commented: "You wonder what those people would have done without the food bank for all these months."

The hungry in Seattle are wondering the same thing.

State Officials Bitter at Surplus-Food Give-and-Take

(By Richard W. Larsen)

"Some people were playing politics with hunger," Gov. Dan Evans snapped in one of his frequent moments of frustration this past week.

The Nixon administration's decision on a hunger issue involving Washington State was "absolutely unbelievable," snorted Senator Warren G. Magnuson.

The issue: Should surplus food be distributed in this state for needy people?

It seemed like a question with an easy, humanitarian answer.

But as it was whipped through a transcontinental debate about laws and policies, the issue, question and answer seemed lost in a blur.

Puget Sounders, already in deep economic uncertainty, were lowered further into new bewilderment.

The action began with a request from some Democratic legislators that the governor do something about hunger. Food programs, Evans replied, were a federal matter.

The state's congressional delegation, led by Senator Warren G. Magnuson, focused on the problem of hunger and examined federal programs for food distribution.

Magnuson has immense political clout on Capitol Hill and his specialty is thumping agencies into action. So Magnuson set up a conference in his office, summoning top Department of Agriculture officials to talk over the facts about food programs.

Nearly all the state's congressional delegation showed up. Their objective: Find, then push the button to activate a special new $20 million national program of commodity distribution—free surplus food for needy Washingtonians.

They expected success.

Hours earlier Governor Evans, in Jackson, Wyo., for a governors' conference, said he had been told such a program could be started within days. His source was Assistant Secretary of Agriculture Richard Lyng.

Lyng was the federal administration's spokesman at the Magnuson meeting. It was scheduled for 15 minutes. It simmered, then heated through an hour and 15 minutes, finally ending in a boilover of exasperation.

Magnuson and the congressmen focused on a new law in force since June 30: the so-called Hart Amendment, named for Senator Philip Hart, Michigan Democrat.

In its usual technical language, the law authorizes use of $20 million in so-called "Section 32 Funds" to carry out "in any area of the United States, distribution or other programs, without regard to whether such area is under the food-stamp program, or a system of direct distribution . . ."

Also, the law directs that the program provide ". . . an adequate diet to needy children and low-income persons determined by the secretary of agriculture to be suffering, through no fault of their own, from general and continued hunger . . ."

It also says the federal government may pick up the tab of administering the program—a big item for the budget-squeezed state, counties and cities.

The Hart amendment program has another special value: It allows a food-stamp program and a food-distribution program to go on simultaneously in one area. That quality previously was forbidden in law.

Washington has a food-stamp program. Thus it was ineligible previously for a commodity-distribution program.

Lyng told the congressmen that a federal nutrition official from San Francisco had visited the Puget Sound area. He saw economic trouble, Lyng said. But he added, "We have yet to have anybody substantiate that the food-stamp program fails to meet the problems."

"In the State of Washington we have what is probably the outstanding state food-stamp program anywhere," Lyng said.

Recipients prefer food stamps. The stamps can be used for shopping in most food stores, to buy all foodstuffs. The selection is better. The nutrition is better.

The surplus-commodity program, though free, is limited only to those commodities in the federal stock at the time.

But, Magnuson wondered, why not use the Hart Amendment authority? Giving out surplus food could help those middle-class unemployed of Seattle—those whose income has diminished, but still is not low enough to qualify them for the bargain-basement food-stamp program.

The assistant secretary cited budget problems: Section 32 money—source of the Hart Amendment's $20 million—is limited. Most of it already is committed to other food programs.

If a special program were started in Washington—and Lyng repeated it really wouldn't offer much help beyond food stamps—a precedent would be set.

And the $20 million—a "drop in the bucket" nationally, he added—would evaporate quickly as it began moving into other pockets of distress.

Lyng thought the intent of the Hart Amendment was to expand a special feeding program for such recipients as expectant mothers and infants.

Magnuson and his congressional colleagues replied that the law is broader: It talks about "persons."

Men are out of work. Paychecks stopped. Savings accounts dwindled. Mortgage payments or rent continue, along with other living costs. Many families are caught in that set of problems and they could be helped by food distribution, Representative Brock Adams, Seattle Democrat, said.

The delegation argued: 1. The legal authority is there; 2. The money is there; 3. There is a need for the program in the state.

With tempers rising, there was talk, too, of a new law, which probably will come into operation within days.

It will, for the first time, allow dual programs: Food stamps and the general national surplus-commodity program will be allowed in the same area. (A household, however, cannot receive both stamps and free food.)

That offers an even more broadly funded program than the Hart-Amendment program. To participate, though, this state would have to be certified by the secretary of agriculture.

But Lyng said Washington would not be certified for that program, either.

An angered Magnuson asked Lyng if he were laying down an interpretation of the law.

Or, Magnuson asked, "Is this a policy decision?"

Lyng replied it was a policy decision.

There was no yielding, no political salving, no suggestion that it would be taken under consideration. It was a flat "no".

Magnuson and the congressman seethed. Then concluded that the Nixon administration again was denying the ailing Puget Sound area.

After the meeting even Representative Thomas M. Pelly, of Seattle, the lone Republican in the congressional delegation, criticized the decision. Lyng's performance, he said, was "just awful."

Meanwhile in Wyoming, The Times informed Evans of the decision. He, too, was angered. Already that week he had had a spat with the administration: "He complained Tuesday that with the state bleeding economically, the administration was offering "Band-Aid treatment." Now this!

Evans telephoned Lyng. There was animated conversation.

Afterward Evans told The Times that Lyng had taken full responsibility for the change in decision—the turn around after Lyng's earlier prediction there would be a food-distribution program.

In controlled tones, Evans said the Department of Agriculture was showing a reassuring concern about the well-being of the nation. But, he added, his state seems to be in the federal blind spot. "We simply have to have unusual responses for unusual circumstances," Evans said.

Evans vowed to talk with Secretary of Agriculture Clifford Hardin. Lyng may have been announcing the department's policy. But perhaps the governor could get it turned around, Evans reasoned.

"It seems ironic to me that here we have surplus commodities . . . and we have people who could readily use them . . . Somehow the system is so inflexible that they can't put the two together," Evans said.

That issue has been raised often.

The surplus-commodity program—based on the "Section 32 fund"—traditionally has been used to stabilize the farmers' market.

If a commodity becomes a surplus, causing price trouble, the fund money may be used to buy the farmers' surplus.

Use of the food to feed people—the hunger question arose as a major national political issue only in recent years.

The Section 32 Fund gets its money largely from Customs revenues. The fund this fiscal year is estimated to be at $800 million. Most of that money already is committed to feeding children and other special programs.

The fact that the program is operated by the secretary of agriculture, rather than the secretary of Health, Education and Welfare, suggests that it is not geared to be responsive to hungry people, Adams pointed out.

Lying seemed worried that, with two programs in the state—food stamps, plus distribution—there would be recipient cheating, Adams said.

That would be "a minimal problem," Adams added. "Suppose they get instances where people get both stamps and free food—and I don't think that would happen often—why is that so bad when it's balanced against the fact that you'd get food to people who need it?"

"These guys have got an iron wall down . . . They are in the commodity-stabilization business," Adams said.

Can Washington's hunger be proved?

"I think there has been exaggeration by some of the hunger problem," Evans said. But he said there is no doubt about the need of food: The statistics of welfare, of persons who exhausted unemployment-compensation benefits, are abstract evidence; the people who show up to stand in line for food at voluntary food banks are visual proof.

Evans was putting together such evidence to use in his appeal against the Department of Agriculture decision.

THE HUNGER CRISIS IN THE SEATTLE AREA

(Statement of Abraham B. Bergman, M.D., Chairman, Health Care Committee, Governor's Urban Affairs Council)

Countless meetings have been held, numerous reports written, endless statistics compiled, local officials have flown back to Washington, D.C. and federal officials have flown out to Seattle—yet the Nixon Administration has not budged one inch towards alleviating the hunger crisis in the Puget Sound area. As winter sets in and more persons lose their unemployment benefits, the dimensions of the tragedy will expand enormously.

The incredible irony is that hunger is about the one social problem in our society that is *readily solvable*. Problems like crime, unemployment, poor housing and education are all complex; they don't command instant answers. Food is a different matter. Warehouses in certain areas of the country are bulging. To cut down on abundant surpluses, the government pays millions of dollars to farmers *not* to grow crops. A federal warehouse at the Sand Point Naval Air Station is filled with surplus commodities with a large padlock figuratively on the door.

NIXON IS MAKING THE DECISION

The responsibility for locking out Seattle's hungry from relief must be squarely laid at the door of the White House. It is not bureaucratic functionaries from the U.S. Department of Agriculture who are making decisions in the Seattle situation. The evidence is clear that the signals are being called directly from the office of President Nixon.

ADMINISTRATION EXCUSES

The Administration has used all kinds of excuses for not allowing commodities to be distributed in the State. First they said that commodities and food stamps could not both be used in the same State. Senator Magnuson came up with an Agriculture law (PL 92–32) which did allow simultaneous programs and on July 15th succeeded in getting the Senate to allow Agriculture Department appropriations to be used for this specific purpose. The President responded by refusing to implement PL 92–32.

A few days later, Senator Magnuson obtained approval from both Houses of Congress to add $20 million to the appropriation of the Office of Economic Opportunity for special feeding programs in needy areas. The President so far has refused to spend the money.

Why is President Nixon withholding surplus food from the Seattle area? It isn't lack of legal authority, or money. The question cries out for a straightforward answer from the President himself.

TIME FOR GOVERNOR EVANS TO ACT

The man who would seem best able to obtain that answer and hopefully change the President's mind is Governor Daniel Evans. In the middle of July, the Governor promised to seek a personal audience with the President if appeals to White House staff members failed. What is he waiting for? Senator Magnuson and other members of the Washington Congressional delegation are pushing hard. Perhaps it takes a personal appeal from a Republican governor to a President of his own party to gain a favorable decision.

Earlier in the year, the Governor and a planeload of prominent business leaders winged back to Washington, D.C. and successfully obtained reversal of a previous Presidential order to close all the nuclear reactors at Hanford.

The Governor must demonstrate a similar degree of personal commitment to feeding the hungry. I urge him to act on his pledge to seek a personal audience with President Nixon.

NEIGHBORS IN NEED SHIFTS DIRECTION

(By Ray Ruppert)

The future of Neighbors in Need may be coming clear.

There are indications that the volunteer program to feed hungry people, a program that is showing signs of age, may evolve into something its organizers did not envision a year ago.

That something is Neighbors in Need as a quasi-government institution which will attempt to retain the volunteer concept but with the help of government funds both to obtain food and to hire a skeleton staff from among the area's unemployed.

There are two key questions: Why the decision to move away from the volunteer concept? What hope is there for federal money, considering the refusal of the Department of Agriculture thus far to help in any significant way?

These and other complex problems—such as the relationship of Neighbors in Need to other community programs, for example, Operation Hunger—were discussed Friday in frank give-and-take.

Huddled with the steering committee of Neighbors in Need in the office of the Ecumenical Metropolitan Ministry was Representative Brock Adams.

He heard much about the frustration and anger among volunteers over what they consider the failure of their government to respond to an emergency among people.

Adams also heard predictions that the need for emergency food would increase drastically with the coming winter.

Later the congressman sat in a rickety chair at the Capitol Hill food bank while those who had come for food swirled around him.

A single-file line snaked out from the cluster of people on the front lawn and wove in and out through the old frame house to pick up a bag or a box of enough food to last a family two to three days.

Adams made clear his opinion that any government aid to Neighbors in Need would not be expected through the Agricultural Department which he described as responding to the wishes of large farms, particularly in the South.

Rather, Adams said, any money to help the food problem in the Seattle area would have to be sought through some "more sympathetic agencies" such as Health, Education, and Welfare or the Office of Economic Opportunity.

This was what Senator Warren G. Magnuson attempted by pushing through Congress a supplemental $20 million appropriation for a feeding program through H.E.W.

But the funds have been frozen by the President.

Getting those funds released was picked by Adams as "a particular, direct, sensitive spot" to approach in seeking federal assistance in the food program.

Three spokesmen for Neighbors in Need were to go to Walla Walla today in the hope of a personal, face-to-face meeting with President Nixon.

One of the beliefs of the volunteers is that government agencies and officials are responding to the Seattle situation on the bases of regulations and statistics rather than on the basis of people.

The argument goes that if the President were really, personally aware of the seriousness of hunger here he might make aid available.

Expected to make the trip are the Rev. Harold Perry, director of the Fellowship of Christian Urban Service; Mrs. Ruth Velozo, of the staff of the Ecumenical Metropolitan Ministry, and Mrs. Peggy Maze, chairman of field operations for Neighbors in Need.

They will join State Representatives King Lysen and Gladys Kirk in efforts to see Mr. Nixon or, if that fails, in meeting with John Ehrlichman, presidential adviser.

Lysen, 31st District Democrat, and Mrs. Kirk, 36th District Republican, are cochairmen of a subcommittee investigating poverty and hunger.

Lysen said the first objective of the Seattle group will be to impress upon the President the fact that hunger exists in the Puget Sound area. Some federal officials, notably in the Agriculture Department, have doubted this.

Then, the Seattle group will suggest steps the federal government might take to alleviate hunger.

Among the proposals will be that Mr. Nixon release the frozen $20 million. Another will be the possibility of making surplus commodities available to individual families.

An imaginative suggestion is that school cafeterias be open in the evening to provide meals to poor families, using surplus commodities, possibly buying some food to balance the diet and hiring staff through the Emergency Employment Act.

Another goal today, Lysen said, will be to set up subsequent meetings with Agriculture Secretary Hardin or his assistant, Richard Lyngg.

Lysen said the legislative subcommittee plans hearings in October or early November in the food banks in order to dramatize the situation and convince officials of the fact of hunger.

A sore point between government agencies and the volunteer feeding program has been the question of a means test.

Neighbors in Need has refused to establish any eligibility requirement for people who come and say they need food. To have such requirements would be demeaning, require a large staff and have no real benefit, the volunteers have argued.

Furthermore, the volunteers say that a person who stands in line four hours in all kinds of weather for a bag of groceries isn't going to do that unless he's in need.

Government programs in general have been set up with stringent eligibility requirements written in.

The Rev. Alan Ward of Neighbors in Need told Adams:

"If there are restrictions and if federal money begins to exclude people, the folks just won't stand for it."

These getting help at the food banks have "experienced being fed in a human way," Adams was told.

Adams was told that Neighbors in Need is spending about $15,000 a week from private contributions to augment donated food in order to keep food banks open three days a week.

Peter Schurman, Northwest Area director, American Jewish Committee, told the congressman: "This economy can't stand that kind of contribution."

Mr. Ward said, "If we're going to do the government job, we ought to have our tax dollars back to do that job."

The question of Operation Hunger was raised.

It is a move to attempt to raise money to be turned over to Neighbors in Need but it has been looked upon with some question by Neighbors in Need.

"Our approach is that if any of these folks with expertise want to help, we'd be delighted to have them work with us," Mr. Ward said.

He said he had indicated Neighbors in Need would be pleased to work with Operation Hunger but added, "I don't see why another incorporated body is necessary. We'll be grateful if they raise some money. But we'd rather they work with us."

Mr. Ward estimated that Neighbors in Need has raised and distributed about $1 million since it began in mid-November, 1970. This figure does not include donations directly to neighborhood food banks.

At the food bank, Adams said, "I'm really here to learn."

He did—that about 300 boxes of food are given out from noon until the food supply is exhausted three days a week; that what goes into the boxes is whatever may be on hand; that the food is expected to last a family two to three days.

And Adams may have sensed the frustration and anger among both workers and recipients at attempting to make the food go as far as possible.

Adams called the work of the volunteers "magnificent." But he said they could not be expected to continue indefinitely a task that belonged to other agencies—governmental or private.

This is what the volunteers increasingly have been saying among themselves in recent weeks.

Schurman told Adams: "This program takes the heat off the government. But it would be a very difficult choice to stop the food."

Mr. Ward is a chunky, mustached, ex-prison guard who doesn't let his ordination as a United Methodist minister get in the way of sometimes strong and colorful language.

He told Adams that after the most recent visit of Agricultural Department officials to Seattle he told them to leave town and not return until they had something definite to offer.

They have not been back.

At another meeting recently, Mr. Ward responded to a question about the release of surplus commodities to help feed the hungry:

"Obviously, to have money to buy food in the store like everyone else would be a better approach than to have someone give you lard and cornmeal. But if lard and cornmeal is the best we can get out of our government, we're going to get something."

Mr. Ward put the position of Neighbors in Need concisely:

"We didn't start out to be permanent. We don't want to become a better substitute for the government.

"We might consent to become a pilot program to show better ways to do some things But we sure don't want to be substitute. That's what we are right now."

The Neighbors in Need Volunteers might have sighed an inaudible: Amen.

AUGUST 9, 1971.

Hon. GEORGE SHULTZ,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. SHULTZ: This letter is to call your attention to the following language in HR 10061:

"Provided, further, That $20,000,000 of this appropriation shall be used by the Office of Economic Opportunity to finance Emergency Food and Medical Services programs in eligible areas of exceedingly high unemployment, as defined in section 6 of the Emergency Employment Assistance Act of 1971, to be reimbursed to the Manpower Training Services Appropriation by the Office of Economic Opportunity immediately upon enactment of an appropriation Act for the Office of Economic Opportunity in fiscal year 1972."

The Senate and conference report accompanying HR 10061 indicated that the purpose of the bill language was to provide an essential expedient to permit the OEO to finance these vital programs in those areas of greatest need pending the appropriation of funds for this purpose to the OEO.

The language included in the bill reflects my strong feelings about immediate implementation of this program.

Because I believe the matter to be of a most urgent necessity, I am writing to you to secure your support in seeing that this program is implemented at once.

If you have any problem please contact me immediately.

I would be most pleased to have your early *favorable* reply on this issue.

Sincerely,

WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor-Health, Education and Welfare.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., August 23, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor-Health, Education, and Welfare, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: George Shultz has asked that I reply to your letter of August 9, 1971, in which you requested his support in implementing the new $20 million Emergency Food and Medical Services (EFMS) program which was included in the Department of Labor and Health, Education and Welfare appropriations, 1972.

As you are undoubtedly aware, the Office of Economic Opportunity in preparing the FY 1972 budget, decided to begin phasing out this program. Mr. Wesley L. Hjordevik, Deputy Director of OEO, testified on this subject on May 19, 1971, before the Senate Subcommittee on Employment, Manpower and Poverty. He cited three reasons for this decision: (1) the expansion and improvement of the food stamp and commodities distribution program; (2) the expansion of EFMS beyond its original scope, which reached only those counties in most dire need of food assistance, to a program which threatened to duplicate the main Federal food programs—food stamps and commodities—and to become a permanent bureaucratic fixture; and (3) the expected advance of welfare reform. Even though the President in his "Challenge of Peace" address on August 15, 1971, announced that he would ask Congress to delay the implementation of welfare reform one year, the phaseout of EFMS remains consistent with this Administration's determination to increase reliance on income maintenance rather than services. Although the other Federal food programs have been expanded, this is only over the short-run. When welfare reform has been implemented, these programs also will be phased out to the replaced by cash payments.

The Administration is requesting continued legislative authority for EFMS. In the event that the expanded food stamp and commodity programs do not meet the food needs of the poor, OEO is prepared to reprogram funds into EFMS. Such an action would, of course, have Administration support, and if the other Federal food program were not doing the job, the $20 million appropriated for EFMS in the DOL appropriation would also be released. I have your concern about the economic problems in the Seattle area. We are not convinced, however, that the use of EFMS funds is the optimum way to handle the food situation. Instead, we have asked HEW and USDA here in Washington, as well as the Federal Regional Council in Seattle, to make certain that red tape and regulations do not hamper the effectiveness of the food stamp and commodity programs. We believe that their regulations can be interpreted in such a way to take care of most of the serious situations in which you are very properly concerned.

I will keep you informed of the action on this.

Sincerely,

CASPER H. WEINBERGER, *Deputy Director.*

AUGUST 26, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I have been informed by a letter from the Deputy Director of the Office of Management and Budget, Mr. Caspar W. Weinberger, that a decision has been reached not to allow the expenditure of twenty million dollars appropriated by Congress to the Emergency Food and Medical Services program. These funds were appropriated because of an amendment I offered to the Labor, Health, Education and Welfare appropriation Act for fiscal year 1972. The amendment directed that those funds be used in areas of the Nation having the highest rates of unemployment. It was unanimously passed by Congress.

This decision is terribly distressing to me and to the thousands of volunteer workers in Washington State that have been attempting to secure emergency commodities for hungry people facing crisis conditions. There has been a massive volunteer effort led by Neighbors in Need, a local organization of churches, to collect and to distribute food to thousands of hungry people. The decision to freeze these appropriated funds demonstrates the complete unawareness by the Office of Management and Budget of the desperate emergency conditions facing thousands of families and individuals in this State.

The letter to me states: "In the event that the expanded food stamp programs do not meet the food needs of the poor, OEO is prepared to reprogram funds into the Emergency Food and Medical Services program. The stark facts are that the food stamp program has failed to meet the existing need. Forty per cent of the people qualified to participate in the program are not participating for a number of reasons most important of which is that they simply cannot afford to buy food stamps.

Recent changes in the United States Department of Agriculture regulations made it more expensive for many to participate in the food stamp program, thus compounding the problem. Neighbors in Need turns away 12,000 hungry people each week in the Seattle area which is the strongest available evidence that the existing food stamp program operation alone is not adequate.

My amendment to the Labor, H.E.W. Appropriation Act provided the authority and it provided the funds to feed people facing emergency conditions. Congress by passing this amendment demonstrated its intent to feed hungry people in areas having the highest rates of unemployment.

I believe we should use this authority and this money now.

Mr. President, you recently reversed a decision by the Office of Management and Budget and the Department of Agriculture on the Summer Lunch Program; this was a just and humane decision widely applauded by all Americans. I believe that this decision to freeze funds appropriated for the Emergency Food and Medical Services Program should also be reversed, and I hope that you will see fit to do that for I know this was not a political decision on the part of your administration.

Thousands of people in Washington State are facing the crisis of hunger for the first time, and are stunned and confused by the lack of a meaningful federal response. I have never in my career in elective office seen a volunteer effort that has done more to help people in need. Yet there simply is no way for this effort to meet the growing need unless supplemented by either emergency commodity distribution, emergency food stamp distribution or allowing the use of emergency money vouchers.

I would appreciate your reviewing the reasons for this action and, Mr. President, I again urge you to reverse this decision on the simple basis that we cannot allow people to go hungry in America in this day and age.

Sincerely yours,

WARREN G. MAGNUSON,
U.S. Senator.

THE WHITE HOUSE,
Washington, D.C., September 24, 1971.

Hon. WARREN C. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The President has asked me to reply to your letter of August 26, 1971, regarding the non-release at this time of the $20 million Emergency Food and Medical Services (EFMS) program which was included in the Labor-HEW appropriation for fiscal year 1972.

When Cap Weinberger wrote to you on this subject on August 23, 1971, he indicated that OEO was prepared to reprogram funds into EFMS in the event that the expanded food stamp and commodity programs do not meet the food needs of the poor. But because the Administration is not convinced that the use of EFMS is the optimum way to handle the food situation in Seattle, HEW and USDA here in Washington, as well as the Federal Regional Council in Seattle, have been asked to make certain that red tape and regulations do not hamper the effectiveness of the food stamp and commodity programs, wherever they are operating.

USDA and HEW have been carrying out Cap Weinberger's instructions. Since his letter of August 23, 1971, Mr. Philip C. Olsson, Deputy Assistant Secretary of Agriculture, together with officials from HEW, have visited Washington State to look into the situation. Two steps are being taken to ensure that the food stamp program in Washington State is meeting the food needs of eligible recipients.

First, efforts are underway to improve the distribution system both by exploring the possibility of using post offices and employment security offices as stamp distribution locations and also by encouraging States, including Washington State, to improve their outreach efforts. Those efforts should provide faster service for food stamp recipients as well as less travel to reach a distribution point.

Second, the available offsets against income are being emphasized. USDA has urged local welfare officials to make greater use of the provision in the regulations which permits deductions from income for families with unusual financial commitments such as high medical bills or out of the ordinary rental or house payment requirements. This should be of particular benefit to families who have some cash income but neavy demands on this income. The new food stamp regulations will also benefit families with very low cash income since free food stamps will be available to those whose monthly income is $30 or less.

These steps indicate the Administration's commitment to ensure that the food stamp and commodity programs are meeting the needs of eligible recipients.

Consequently, the EFMS money will not be released at this time. Nevertheless, I would reiterate Cap Weinberger's statement in his letter to you of August 23, 1971: "In the event that the expanded food stamp and commodity programs do not meet the food needs of the poor, OEO is prepared to reprogram funds into EFMS." Such a decision, however, should not be made unless we find that food stamps and commodities are not doing the job.

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

STATEMENT BY THE WASHINGTON STATE DEMOCRATIC LEGISLATIVE CAUCUS, JUNE 1971

In this the most progressive state in the richest nation in the world, tens of thousands of our citizens are unemployed through no fault of their own. Largely as a result of the inept economic experiments of the federal administration, they face a frightening and unprecedented combination of economic stagnation and spiraling inflation.

Now because of the insensitivity and bureaucratic inflexibility of that same administration, thousands of these same Washington citizens, many of them helpless children, are suffering actual hunger while surplus food deteriorates in locked government warehouses.

This tragic and irrational situation exists because the federal government refuses to permit distribution of surplus food in counties where the Food Stamp Program exists.

Yet more than half the King County citizens legally entitled to food stamps cannot get them because food stamps cost money and they do not have money.

Until 1963 surplus foods were distributed directly to the needy in all counties but in September of that year a pilot food stamp program was established in Grays Harbor County. Almost immediately the number of participants dropped by 68% from those who had made use of the surplus food program largely because those eligible didn't understand the complexities of the food stamp procedures or were financially unable to buy the stamps.

Despite this experience the Food Stamp Program pushed by the Federal government has gradually expanded to a state-wide basis. This was accomplished in 1967 although not by action of the full legislature. It was inserted by conference committee action with strong pressure from Governor Evans' office.

It was claimed by the Governor's Council for Reorganization of State Government that the Food Stamp Program would result in major savings over the cost of distributing the surplus food commodities. These savings have failed to materialize. The last statistics for surplus food costs showed an expenditure of 37½¢ per recipient. The current cost of food stamp distribution is 51¢ per recipient.

Advocates also argued that "Food stamps are a substantial benefit to grocers." and "have gained widespread support from banks" and that "since the stamp purchases are subject to the state sales tax the state gains additional revenue."

These statements are doubtless true. The supermarkets receive their regular markup on food purchased with food stamps, banks receive 35¢ per transaction for distributing food stamps and the state does indeed take its 5% off the top for sales taxes.

Under the surplus food distribution programs, there were no hands in the pockets of the poor. They received a dollar's worth of food for every dollar they were entitled to without first paying off to the bank or the grocer and the tax collector.

There are other obvious weaknesses in the food stamp program: Food stamps are said to be worth an average of 33% more than their purchase price at the grocery store. Yet how much of this 33% advantage remains after the stores' profit markup and the state sales tax has been paid?

The Food Stamp Plan does not control the diet. Stamps may be spent for almost anything in the store except beer, wine and tobacco and since they are "just like money" knowledgeable recipients can easily get around these restrictions. The result is often complete failure of the program's avowed purpose of assuring a balanced diet to every needy family. Surplus food, while not glamorous or of wide variety, did assure a minimum level of nourishment.

Food stamps are as negotiable as currency and provide temptations to the unscrupulous to use them as the means of defrauding the government as well as the recipients.

We face a human tragedy of major proportions. Children are weeping in their beds from the pangs of hunger. Partisan politics and profitable expediency must be put aside and put aside now. We propose the following action and pray that every public official in this state regardless of political affiliation will join with us:

1. To immediately urge the entire Washington congressional delegation to give the highest priority to a unified effort to remove the Food Stamp Program from the strangling entanglement of federal red tape, permitting the distribution of stored surplus food by state and/or local food bank facilities.

2. In the event such a plea to the federal administration proves unavailing to give equally high priority at the forthcoming January session of the legislature to a new set of laws in the area of basic human needs eliminating the Food Stamp Program if as it now appears it does not feed the hungry but in fact denies them available and surplus food.

Mr. AIKEN. Mr. President, I yield 1 minute to the Senator from Nebraska (Mr. HRUSKA).

Mr. HRUSKA. Mr. President, not too long ago—in fact, within the past hour—the assurances of Assistant Secretary Lyng were read into the RECORD that the entire amount of $782 million will be spent.

Let me say that Nebraska has been apportioned this year $3,675,000 under the regular appropriation for this fiscal year. That is $400,000 more than last year, and it has been allocated. It has been apportioned. They have it. But I think we ought to inquire into whether or not the delivery system has broken down, as described by the Senator from Vermont, and the proper place to do that is in the Appropriations Committee, where we have access to and where we can process that matter and determine what amounts have gone forward and what further amounts should be provided for.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. MAGNUSON. I am sure the Appropriations Committee, like the legislative committee, feels keenly about this matter. We will appropriate here, but the problem is the question of being assured that they are going to distribute it and spend it and do it right. That is my problem.

Mr. HRUSKA. Except for letters that are confused or ill-informed, they all indicate that Nebraska has had the funds apportioned, and to the extent of $400,000 more than last year.

Mr. MAGNUSON. Well, the State of Washington is still looking for one dime of the $20,000,000 Congress appropriated for the emergency food and medical services program.

Mr. HRUSKA. For school lunch money?

Mr. MAGNUSON. To get money that we have appropriated spent to feed hungry people.

Mr. AIKEN. Mr. President, I yield myself 1 minute.

I have tried, ineffectively to find out what has caused the big increase in the cost of the lunches. We know that inflation of prices has caused some of it. I have asked if the cost of the food has resulted in doubling the cost of the school lunch program, as it has in some areas, or whether it was the cost of supervision, or as a result of contracting it out to somebody at a high price, or what it was. I have not been able to get a very good answer.

That is why I think the Appropriations Committee is better able to get the answers than we are.

I want to see this program carried out and have the children get the fullest benefit out of it. As I said some time ago, I am very much interested in the bill introduced by the Senator from Minnesota which would provide lunches for all children. I am not making any promises at this time, but I want to tell him I am interested in the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. Mr. President, a parliamentary inquiry. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. TALMADGE. I yield 1 minute to the Senator from Kentucky (Mr. Cook).

Mr. COOK. Mr. President, the issue today is quite simple. In the words of Senate Joint Resolution 157, it is to "assure that every needy schoolchild will receive a free or reduced price school lunch" as required under the existing school lunch act. It is unfortunate that such an assurance is necessary.

On August 13, pursuant to Public Law 91–248, the Department of Agriculture issued regulations which in the opinion of the State directors section of the American School Food Services Association poses a very real threat to the national school lunch program. In many parts of the country, a nutritious lunch costs as much as 60 cents in preparation and service. Under the 35-cent reimbursement rate required by the August 13 regulations, the States operating such programs will be faced with a multimillion dollar deficit. Obviously, on such short notice, the States cannot make up this loss. Their only alternative is cancellation or reduced participation.

The Department of Agriculture in refusing to modify its August regulations has not only ignored the intent of the law, but also the needs of many schoolchildren in the country now participatin the school lunch program.

The facts cannot be ignored. Many local school officials have complained that they will be unable to continue their lunch programs for the needy under present regulations. In Kentucky alone the breakfast program will be canceled unless more money is allocated.

Through the untiring efforts of many of my colleagues on both the Select Committee on Nutrition and Human needs and the Agriculture Committee, we can today rectify this situation. Very simply, Senate Joint Resolution 157 provides that the Secretary of Agriculture may provide additional funds to assure the continuation of feeding children, who through no fault of their own, are undernourished and hungry.

Mr. President, 44 Members of this body have, by a letter to the President, gone on record as supporting this measure. For the benefit of my other colleagues I ask unanimous consent that this letter urging the President to require the Department of Agriculture to withdraw the August 18 regulations be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate Select Committee
on Nutrition and Human Needs,
Washington, D.C., September 9, 1971.

The President
The White House
Washington, D.C.

Dear Mr. President: We are writing you out of a deep concern regarding the purpose of proposed school lunch regulations issued by the Department of Agriculture on August 13, 1971. The proposed regulations concern the use of federal funds to carry out the mandate of Public Law 91–248 which provides that "any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines *shall* be served meals free or at a reduced cost." Thus, the real test of the adequacy of the proposed new regulations is whether or not they will make it possible for the states and localities to meet the obligations and requirements which Public Law 91–248 imposes upon them.

After careful study and analysis, it is our judgment that the proposed regulations will not meet this basic test. Therefore, we find ourselves in agreement with the unanimous conclusion of the State Directors Section of the American School Food Service Association that the proposed regulations in their present form pose a very real threat to the continued progress of the National School Lunch Program.

If these regulations are not altered we believe the following events will occur. Many schools will be forced to eliminate Child Nutrition Programs. There will be further hardships to the nation's economy through unemployment and reduced consumption of raw resources such as food and equipment. Absenteeism, dropouts, and apathetic students will negate the benefits of the multi-billion dollar investment for public and private schools. And finally, and most important, there will continue to be hungry children in America's schools.

The adverse effect of the proposed regulations is compounded by the fact they were announced only three weeks before school was to open, creating chaos in the states. The anticipated loss to the states in the 1971–72 school year under the 35 cent reimbursement rate set by the proposed regulations, as compared to what the states would have received under the rates instituted by the Department of Agriculture last March, will run into millions of dollars. For example, the state directors have estimated Missouri will lose $4,000,000; California $9,000,000; Massachusetts $3,240,000; Ohio $5,565,000; Oregon $1,476,175; Tennessee $2,772,000; Georgia $4,100,000; West Virginia $2,661,300; and Florida $6,916,668. The states cannot make up this loss from state or local funds and will have no alternative but to reduce planned participation to stay within the limitation of available funds. Therefore, many needy and eligible children will go without school lunches.

Certainly, this was not the intent of Congress when it passed Public Law 91–248, nor your intent when signing it into law on May 14, 1970.

In regard to the School Breakfast Program, the proposed regulations have not only placed a limitation on the expansion of this program but have also precipitated a situation where several states will be forced to cancel the School Breakfast Program this school year. In the past, the Department of Agriculture has set a precedent in that many states in 1970–1971 used Section 32 funds for breakfast expansion. These funds were provided as a bloc grant to be used where needed in the individual states for expanding food programs to eligible needy children. However, the proposed regulations have made no provisions for continuing the authority to transfer such funds from Section 32 to the School Breakfast Program.

In addition to this matter of transfer of Section 32 funds, there is another important question which needs to be answered in regard to the Breakfast Program. According to Public Law 92–32 (Section 2), the Department of Agriculture is authorized to use $25 million for the School Breakfast Program. Only $18.5 million, however, has been allocated to the states. A memorandum of September 1 from the Department stated that the remaining $6.5 million will be allocated only to those states, "demonstrating the need for these funds to maintain their program at the April level." The response from several state directors has strongly indicated that there is a need for this $6.5 million to be allocated immediately. For example, in the State of Kentucky, the Breakfast Program will need to be cancelled at the beginning of October unless more money is allocated. In the reality that cancellations will occur, we implore that there be a reconsideration by the Department of Agriculture to transfer Section 32 funds to the Breakfast Program and to immediately allocate the remaining $6.5 million of the authorized $25 million to those states who face a possibility of cancelling their Breakfast Programs.

We, therefore, request that the proposed regulations be withdrawn and be replaced with regulations that would provide for a maximum reimbursement rate of 48 cents from Section 11; a maximum reimbursement rate of 12 cents from Section 4 for free and reduced price lunches; and guaranteed reimbursement from Section 4 of 5 cents for generally assisted lunches. We also suggest that the regulations pertaining to the use of Section 32 funds allow an immediate allotment of these funds for free or reduced priced lunches to all states based on need accompanied by transfer authority. In this way we could be certain that the funds Congress made available to the Secretary under this authority would be fully utilized.

We further suggest that before any proposed regulations are published that they be submitted to the National Advisory Council, created by Public Law 91-248, and the State Directors Section of the American School Food Service Association in order that these regulations could be instituted with the greatest degree of cooperation so that any further delays in the implementation of the intent of Public Law 91-248 may be avoided.

Respectfully,

Marlow W. Cook, Philip A. Hart, George McGovern, Vance Hartke, Alan Cranston, Abraham Ribicoff, Charles McC. Mathias, Jr., Charles H. Percy, Edward W. Brooke, Richard S. Schweiker.

John V. Tunney, Walter F. Mondale, Gale W. McGee, Birch Bayh, Quentin N. Burdick, Howard W. Cannon, Claiborne Pell, Ernest F. Hollings, John L. McClellan.

Henry M. Jackson, Frank Church, Warren C. Magnuson, Clifford P. Case, Robert C. Byrd, William B. Saxbe, Henry Bellmon, James B. Pearson, Mark O. Hatfield.

Edward M. Kennedy, Adlai E. Stevenson III, Lawton Chiles, Edmund S. Muskie, Frank E. Moss, Harold E. Hughes, Thomas F. Eagleton, Gaylord Nelson.

Harrison A. Williams, Jr., Joseph M. Montoya, Alan Bible, William B. Spong, Stuart Symington, Hubert H. Humphrey, Fred R. Harris, Daniel K. Inouye.

Mr. COOK. Mr. President, to summarize, the only problem is that the regulations were established on August 13. Not a school system in the United States would have had time to secure the additional funds. The tax rates are set in the spring in our State. Budgets are set. State legislatures do not meet until next year. The breakfast program in my State goes down the drain in October because it has not adequate financing under the regulations.

The real problem is that if they had brought out the regulations a year ago, we would have had an opportunity to look at and analyze it and the situation would not be what it is today. It is chaotic today because regulations were given to the school systems on the 13th of August, when the schools were getting ready to open in 2½ weeks. Their budgets had been set. Their contributions had been set. They had no way to rearrange those matters. They had no way to pick up the additional funds. That is the significance of the problem we face today.

Mr. President, if we can afford F-14's, B-1's, and ABM's, we can afford to feed the needy children in the richest country in the world. I urge the speedy adoption of Senate Joint Resolution 157.

Mr. TUNNEY. Mr. President, I strongly support the enactment of Senate Joint Resolution 157 to insure that our schoolchildren receive adequate meals.

This legislation would:

First, direct the Secretary of Agriculture to use funds under section 32 of the Agriculture Act of 1935 for food assistance in the national school lunch program;

Second, require the Secretary of Agriculture to determine and report to the Congress the needs for additional funds to carry out the school breakfast and nonfood assistance programs at levels which will permit expansion of the school breakfast and lunch programs as rapidly as practicable; and

Third, provide that the maximum per-lunch limitation contained in section 11 (e) of the National School Lunch Act on the amounts of funds that States may reimburse schools for special assistance under section 11 shall not be fixed by the Secretary at less than 40 cents.

With regard to the last provision, I would like at this time to ask unanimous consent to place in the Record a letter which I have received from Wilson Riles, California superintendent of public instruction.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Education,
Sacramento, August 31, 1971.

Hon. John V. Tunney,
U.S. Senate, Senate Office Building,
Washington, D.C.

Dear John: I am writing you in reference to the proposed regulations affecting the national school lunch program recently announced by the Department of Agriculture. I believe the new regulations if adopted at the proposed funding level would have a disastrous effect on the free and reduced price school lunch program in California.

In the current program in California, school districts are reimbursed 30¢ from federal funds for free school lunches for needy children. In addition to this 30¢, districts are reimbursed 10¢ from state funds for free lunches for children from AFDC families.

As you may recall, Governor Reagan deleted the $6 million proposed in the 1971-72 budget for the state program. This eliminated any state reimbursement to local school districts participating in the program adopted, local school districts in Califrnia will have to find 10¢ or more per meal from local funds in order to continue to participate in the free school lunch program.

I have been informed that the proposed changes in the regulation governing the national school lunch program are not final. I strongly urge you to request the Department of Agriculture to revise its proposed guidelines by increasing the guaranteed reimbursement for free school lunches for needy children from 30¢ to 40¢. This is absolutely essential if we are to maintain the existing effort much less begin to meet our commitment to provide for the health and welfare of our school children.

Sincerely,

Wilson Riles.

Mr. TUNNEY. As my colleagues can see, it is of vital importance to California's schoolchildren that this resolution be enacted at once.

The national school lunch program is authorized by the National School Lunch Act and administered by the Department of Agriculture. This program gives State educational agencies cash grants and commodities to assist in providing low-cost and nutritious lunches for schoolchildren.

Funds for food assistance to schools are authorized under the National School Lunch Act, particularly section 4, general cash for food assistance and section 11, special assistance for children of low-income families.

Senate Joint Resolution 157 is designed to mandate the expenditure of section 32 funds and to ensure that the maximum per-lunch limitation is 40 cents rather than the 30 cents proposed by the Department of Agriculture.

Recently, the Department of Agriculture has proposed school lunch regulations which would have a very deleterious effect on the program.

On September 9, I was pleased to join with my colleagues Senator McGovern, Senator Hart, and Senator Cook in a letter to the President requesting drastic revisions in proposed school lunch regulations in order to ensure the adequate expansion of the program.

I ask unanimous consent that this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Select Committee on Nutrition
and Human Needs,
Washington, D.C., September 9, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We are writing you out of a deep concern regarding the purpose of proposed school lunch regulations issued by the Department of Agriculture on August 13, 1971. The proposed regulations concern the use of federal funds to carry out the mandate of Public Law 91-248 which provides that "any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines *shall* be served meals free or at a reduced cost." Thus, the real test of the adequacy of the proposed new regulations is whether or not they will make it possible for the states and localities to meet the obligations and requirements which Public Law 91-248 imposes upon them.

After careful study and analysis, it is our judgment that the proposed regulations will not meet this basic test. Therefore, we find ourselves in agreement with the unanimous conclusion of the State Directors Section of the American School Food Service Association that the proposed regulations in their present form pose a very real threat to the continued progress of the National School Lunch Program.

If these regulations are not altered we believe the following events will occur. Many schools will be forced to eliminate Child Nutrition Programs. There will be further hardships to the nation's economy through unemployment and reduced consumption of raw resources such as food and equipment. Absenteeism, dropouts and apathetic students will negate the benefits of the multi-billion dollar investment for public and private schools. And finally, and most important, there will continue to be hungry children in America's schools.

The adverse effect of the proposed regulations is compounded by the fact they were announced only three weeks before school was to open, creating chaos in the states. The anticipated loss to the states in the 1971-72 school year under the 35 cent reimbursement rate set by the proposed regulations, as compared to what the states would have received under the rates instituted by the Department of Agriculture last March, will run into millions of dollars. For example, the state directors have estimated Missouri will lose $4,000,000; California $9,000,000; Massachusetts $3,240,000; Ohio $5,565,000; Oregon $1,476,175; Tennessee $2,772,000; Georgia $4,100,000 and West Virginia $2,661,300. The states cannot make up this loss from state or local funds and will have no alternative but to reduce planned participation to stay within the limitation of available funds. Therefore, many needy and eligible children will go without school lunches.

Certainly, this was not the intent of Congress when it passed Public Law 91–248, nor your intent when signing it into law on May 14, 1970.

In regard to the School Breakfast Program, the proposed regulations have not only placed a limitation on the expansion of this program but have also precipitated a situation where several states will be forced to cancel the School Breakfast Program this school year. In the past, the Department of Agriculture has set a precedent in that many states in 1970–1971 used Section 32 funds for breakfast expansion. These funds were provided as a bloc grant to be used where needed in the individual states for expanding food programs to eligible needy children. However, the proposed regulations have made no provisions for continuing the authority to transfer such funds from Section 32 to the School Breakfast Program.

In addition to this matter of transfer of Section 32 funds, there is another important question which needs to be answered in regard to the Breakfast Program. According to Public Law 92–32 (Section 2), the Department of Agriculture is authorized to use $25 million for the School Breakfast Program. Only $18.5 million, however, has been allocated to the states. A memorandum of September 1 from the Department stated that the remaining $6.5 million will be allocated only to those states, "demonstrating the need for these funds to maintain their program at the April level." The response from several state directors has strongly indicated that there is a need for this $6.5 million to be allocated immediately. For example, in the State of Kentucky, the Breakfast Program will need to be cancelled at the beginning of October unless more money is allocated. In the reality that cancellations will occur, we implore that there be a reconsideration by the Department of Agriculture to transfer Section 32 funds to the Breakfast Program and to immediately allocate the remaining $6.5 million of the authorized $25 million to those states who face a possibility of cancelling their Breakfast Programs.

We, therefore, request that the proposed regulations be withdrawn and be replaced with regulations that would provide for a maximum reimbursement rate of 48 cents from Section 11; a maximum reimbursement rate of 12 cents from Section 4 for free and reduced price lunches; and guaranteed reimbursement from Section 4 of 5 cents for generally assisted lunches. We also suggest that the regulations pertaining to the use of Section 32 funds allow an immediate allotment of these funds for free or reduced priced lunches to all states based on need accompanied by transfer authority. In this way we could be certain that the funds Congress made available to the Secretary under this authority would be fully utilized.

We further suggest that before any proposed regulations are published that they be submitted to the National Advisory Council, created by Public Law 91–248, and the State Directors Section of the American School Food Service Association in order that these regulations could be instituted with the greatest degree of cooperation so that any further delays in the implementation of the intent of Public Law 91–248 may be avoided.

Mr. BYRD of West Virginia. Mr. President, I rise to express my support for Senate Joint Resolution 157, which is designed to assure that every needy school child will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

This legislation is necessary because on August 13, 1971, the Department of Agriculture published proposed regulations which, in effect, reduced the school lunch reimbursement rate per meal to 35 cents, even though the actual cost of a meal averages above 50 cents per meal. These regulations were published only 3 weeks before the schools were due to open and they have created havoc and uncertainty throughout the school districts of the Nation, since, under these new regulations, the States and school districts anticipate losses amounting to many millions of dollars. An excellent example of how these regulations will adversely affect the States is my own State of West Virginia. The State director of the food service program has estimated that West Virginia will lose $2,661,300. This anticipated loss is compounded by the fact that, the States, since they did not receive timely and adequate notice of these proposed changes in the school lunch regulations, have no conceivable way to make up for these losses from either State or local funds on such short notice. Therefore, the affected States will have no alternative but to reduce participation in the program in order to stay within their limitation of available funds. Furthermore, if this situation is not corrected, the school districts' only alternatives for future consideration will be to increase the price of school lunches for the children who can afford to pay, or to increase local school taxes. In a State such as West Virginia, which has a high percentage of needy students receiving reduced price or free lunches, or where the school districts have a high percentage of unemployment, these are impractical solutions.

These regulations also have an adverse effect on the school breakfast program in that they not only limit expansion of the program, but also, in some cases, will require several States to cancel the school breakfast program this year, since they make no provision for continuing the authority to transfer section 32 bloc grant funds to the States needing them to expand this program to eligible needy children.

Mr. President, the Departments of Health, Education, and Welfare and Agriculture have both financed literally hundreds of nutritional studies which have proved the importance of children receiving a balanced nutritional breakfast, and how this first meal of the day directly affects their ability to concentrate and to learn.

I was one of the signers of a letter, dated September 9, 1971, to the President which outlined this situation to him, and asking that he take action to withdraw the proposed regulations. To date, the regulations have not been withdrawn or revised.

I commend the chairman of the Senate Agriculture Committee (Mr. Talmadge) for his thorough and expeditious handling of this legislation which is urgently needed to correct the situation which I have described above, and I join him in support of Senate Joint Resolution 157.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Florida (Mr. Chiles).

Mr. CHILES. Mr. President, I think one of the problems here is that there is an increase in dollars this year over what the request was last year for the needy lunches, of $78.8 million, but the Department did not ask Congress for enough money, if the States were going to continue to expand their programs as we had mandated that they must expand their programs.

I think the Department realized this, and they had two choices as to what to do. Either they had to cut down the amount per lunch, to make sure there would be enough funds to provide some funding or all the requests, or some of the requests had to be denied. They knew that if they had imposed these regulations, they could reduce the requests because schools would be forced to withdraw. But in neither case did the States know. We have mandated that they feed all the needy children, and we did not provide the funds to do it. To resolve the situation, it is necessary either that we get an emergency appropriation, or provide for the use of section 32 funds until we can appropriate enough funds otherwise.

This is something we ought to do. We ought to determine how many dollars are needed, so Congress can make the decision. Are we going to force these school districts out of the program, or are we going to pay our fair share?

The PRESIDING OFFICER. The time of the Senator from Georgia has expired. The Senator from Vermont has 9 minutes.

Mr. AIKEN. Mr. President, lest I be accused of using them to unfair advantage, I yield back my 9 minutes.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the resolution.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MILLER. I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Miller's amendment is as follows:

On page 2, line 9, insert "(1)" before the word "to";

On page 2, line 13, insert the following before the period: "and (2) to carry out the purposes of section 4 of the National School Lunch Act and provide a rate of reimbursement of not less than six cents per meal";

On page 2, line 20, after "out", and "section 4 and";

Amend section 2 of S.J. Res. 157 to read as follows:

"Sec. 2. Funds made available by this joint resolution shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced price lunches and to meet the objective of this point resolution with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act. Such funds shall be apportioned and paid as expeditiously as may be practicable."

Mr. MILLER. Mr. President, we have two sections that we are concerned about in this school lunch program.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. MILLER. I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. MILLER. Mr. President, the Senate is not in order. I ask that the Senate be called to order.

The PRESIDING OFFICER. What did the Senator say?

Mr. MILLER. The Senate is not in order. I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HUMPHREY. Mr. President, would the Chair state the time limitation on each amendment?

The PRESIDING OFFICER. Thirty minutes total, 15 minutes to each side.

Mr. MILLER. Mr. President, in this school lunch program we are dealing with two sections, section 4 and section 11. The pending resolution deals only with section 11, but I suggest that we have a problem with section 4 also.

Section 4 provides funding to cover all lunches served in a school district, reduced price, free lunches, and all others. Section 11 covers only reduced price and free lunches.

To the extent that section 4 funds go to cover reduced price and free lunches, we are talking about poor and needy children. To the extent that they go to other lunches, we are not. But in part, at least, section 4 is concerned with the very problem that the resolution covering section 11 is concerned with.

Last year, the reimbursement to the States under section 4 varied from roughly 4 cents up to, as I understand, 12 cents in some cases. Most of the States, I believe 32 of them, received reimbursement under section 4 in excess of 5 cents.

New regulations of the Department now provide for a flat 5 cents per lunch. According to testimony received before the committee from Josephine Martin, administrator of the school service program of the State of Georgia, by doing this, by placing this section 4 money at a rate of 5 cents, there would be 37 States adversely affected. In my own State of Iowa, for example, last year they received a reimbursement of 5.6 cents. Under section 11, they received a reimbursement of 47.6 cents. So we had, in Iowa, 53.2 cents per meal.

Under the U.S. Department of Agriculture regulations there would be a reimbursement of 5 cents under section 4, and under the resolution which is pending, and which I hope will be adopted, there would be 40 cents under section 11, for a total of 45 cents. Senators can see from that that even if we adopt this resolution, the school districts in my State will be cut roughly 8 cents from the way they got along last year, and this is going to happen in a great many other States also.

The purpose of my amendment is to increase the section 4 money to provide for a minimum of 6 cents instead of the provision, under the regulations, of 5 cents. In the committee, an amendment was offered to increase the amount to 6.5 cents. I regret that I was not present at the meeting of the committee, although I did leave my proxy with our distinguished chairman in favor of the resolution itself.

I suggest to my colleagues that if they are interested in this school-budget problem, this amendment should be agreed to. We may argue as to whether or not section 4 funds should be increased beyond what is needed to cover needy children. That is an argument that should be worked on during the remainder of this year. But the school district budgets have been set up in 37 States in anticipation of what they received last year under section 4, and now, if we do not do anything about it, they are going to be cut to 5 cents, as provided by the regulation.

My amendment would cover only this fiscal year. It is designed to prevent more chaos in our school district budgeting systems.

I ask unanimous consent to have printed in the RECORD at this point, Mr. President, a telegram from the State director of school food services from the State of South Dakota, one from the same official from the State of North Dakota, one from the same official from the State of Wisconsin, one from the same official for the State of Illinois, and one from my own State of Iowa, in support of this amendment.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

PIERRE, S. DAK.

Senator JACK MILLER,
Senate Agriculture Committee,
Washington, D.C.:

Appreciate effort to increase reimbursements to 6.5 cents and 40 cents for lunch programs. Many of our schools need these as a minimum.

MARTIN SORENSEN,
State Director, School Food Services,
Department of Public Instruction.

BISMARCK, N. DAK.

Senator JACK MILLER,
U.S. Senate,
Washington, D.C.:

North Dakota Food Service commends you for recommending 6.5 cents under section 4S and 41 cents for each free and reduced price lunch. We urge your support of SJ157 to provide flexibility in funding schools for feeding needy children.

ROBERTA A. BOSCH,
Director, North Dakota
School Food Services.

MADISON, WIS.,
September 30, 1971.

Hon. JACK MILLER,
U.S. Senate,
Washington, D.C.:

You are to be commended for recommendation in Senate Agricultural Committee for funding to support school lunch reimbursements of 6.5 cents under section four and 40 cents under section eleven funding necessary to meet program commitments. Urge continued support on Senate floor tomorrow for minimum of 6 cents and 40 cents.

WILLIAM C. KAHL,
State Suprintendent, Wisconsin Department of Public Instruction.

SPRINGFIELD, ILL.,
September 30, 1971.

Senator JACK MILLER,
Senate Office Building,
Washington, D.C.:

Our wholehearted support and appreciation in your recommendation.

ROBERT E. OHLZEN,
Director, School Food Services, Section OSPI, State of Illinois.

DES MOINES, IOWA,
September 30, 1971.

Senator JACK MILLER,
Washington, D.C.:

Read headlines in Des Moines register of your courageous leadership re committee yesterday. Urge you continue battle tomorrow for six and half cents under section 4 which is needed by many States. 40 cents under section 11 is only half of problem we may wind up with fine cart for free and reduced price lunches but no horses to pull it.

VERN CARPENTER,
School Lunch Director, Department of Public Instruction.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. MILLER. Yes, indeed.

Mr. PASTORE. How is the State of Rhode Island affected?

Mr. MILLER. I can only answer the Senator's question this way: I do not have a tabulation, but if he knows what the State of Rhode Island received last year under section 4, I could answer that question. If last year the State of Rhode Island received 6 cents, and it is going to be cut to 5 cents by the regulations of the USDA, 1 cent for every meal served in the State of Rhode Island is going to be unbudgeted by the school districts.

I would guess, because of the cost of living in that part of the country, that probably they had a reimbursement substantially in excess of 6 cents under section 4. There are 37 States affected; I would certainly guess the Eastern Seaboard States are in that category, but I do not know.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, the Senator from Iowa was out of the city, unfortunately, when this resolution was considered by the committee. He left his proxy with me, with the instruction that the 6.5-cent amendment be submitted to the committee. I did so. The committee rejected the amendment offered by the Senator from Iowa.

Under the regulations that existed last year, the average contribution from section 4 funds this year would be 5.2 cents. That would be the average nationwide. The Senator's amendment would raise each State to 6 cents.

Section 4 funds, for the information of the Senate, is money made available by the Government to the various States and school districts for every meal that is served, whether that meal be at the full price, whether it be at a reduced price, or whether it be totally free to the needy children. So it would be applicable across the board, to all the children, regardless of their income and regardless of the price they pay for the meal.

Under normal conditions, I might be tempted to vote for the Senator's amendment; but as chairman of the committee and floor manager of the bill, because our committee rejected the amendment, I cannot support it at this time.

I yield 2 minutes to the distinguished Senator from Vermont.

Mr. AIKEN. I thank the Senator from Georgia.

As I have stated two or three times today, I think the Appropriations Committee is in a much better position to find out these facts than we are on the floor of the Senate.

I understand that under the new regulations, some States will get more, some will get less, but the money will be all gone and more is needed. I think we should get it in the regular way. I understand that if we have a 40-cent rate, the additional funds required probably will be about $150 million, which I will gladly support, but I cannot vote for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MILLER. I am pleased to yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Iowa (putting the question).

The ayes appear to have it.

Mr. TALMADGE. Mr. President, I ask for a division.

The PRESIDING OFFICER. All Senators in favor please stand and be counted.

All Senators opposed please stand and be counted.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The Chair is not sure about the result of the division.

All Senators in favor please stand and be counted.

All Senators opposed please stand and be counted.

On a division, the amendment was agreed to.

Mr. PASTORE. Mr. President, let the Record indicate that the Senator from Rhode Island stood up in the affirmative.

The PRESIDING OFFICER. The Record will so indicate.

The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from South Carolina (Mr. Hollings), the Senator from Nevada (Mr. Cannon), and the Senator from Louisiana (Mr. Long) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from South Carolina (Mr. Hollings), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from New Mexico (Mr. Montoya), and the Senator Utah (Mr. Moss) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott) is absent because of death in his family.

The Senator from Oklahoma (Mr. Bellmon), the Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Pennsylvania (Mr. Scott), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Nebraska (Mr. Curtis) was detained on official business, and has announced his position.

If present and voting, the Senator from Colorado (Mr. Dominick), and the Senator from Pennsylvania (Mr. Scott) would each vote "yea".

The result was announced—yeas 75, nays 5, as follows:

[No. 246 Leg.]

YEAS—75

Allen
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Williams

NAYS—5

Aiken
Ellender
Hruska
Stafford
Young

NOT VOTING—20

Allott
Bayh
Bellmon
Cannon
Cotton
Curtis
Dominick
Goldwater
Harris
Hollings
Inouye
Jackson
Long
McGovern
Montoya
Moss
Mundt
Muskie
Scott
Weicker

So the joint resolution (S.J. Res. 157) was passed, as follows:

S.J. Res. 157

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), as may be necessary, in addition to the funds now available therefor, (1) to carry out the purposes of section 11 of the National School Lunch Act and provide a rate of reimbursement which will assure every needy child of free or reduced price lunches during the fiscal year ending June 30, 1972, and (2) to carry out the purposes of section 4 of the National School Lunch Act and provide a rate of reimbursement of not less than 6 cents per meal. In determining the amount of funds needed and the requirements of the various States therefor, the Secretary shall consult with the National Advisory Council on Child Nutrition and interested parties. Funds expended under the foregoing provisions of this resolution shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 4 and section 11 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

Sec. 2. Funds made available by this joint resolution shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced price lunches and to meet the objective of this joint resolution with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act. Such funds shall be apportioned and paid as expeditiously as may be practicable.

Sec. 3. The Secretary of Agriculture shall immediately upon enactment of this resolution determine and report to Congress the needs for additional funds to carry out the school breakfast and nonfood assistance programs authorized by sections 4 and 5 of the Child Nutrition Act of 1966 during the fiscal year ending June 30, 1972, at levels which will permit expansion of the school breakfast and school lunch programs to all schools desiring such programs as rapidly as practicable.

Sec. 4. Section 11(e) of the National School Lunch Act is amended by adding at the end thereof the following: "Such maximum per meal amount shall in no event be less than 40 cents; and the Secretary shall establish a higher maximum per meal amount for especially needy schools based on such schools' needs for assistance in providing free and reduced price lunches for all needy children.".

The preamble was agreed to, as follows:

Whereas it appears that under the proposed apportionment of funds available for special assistance under section 11 of the National School Lunch Act for the fiscal year ending June 30, 1972 (including funds appropriated by section 32 of the Act of August 24, 1935, and made available for that purpose), only six States will receive more than 30 cents in such assistance per free or reduced price lunch; and

Whereas it appears that this amount per lunch is not adequate to enable States and schools to continue to participate in the school lunch program and to achieve the objectives of the National School Lunch Act, particularly that of providing a free or reduced price lunch to every needy child:

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. MILLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table is agreed to.

Mr. CURTIS. Mr. President, on this

rollcall vote just completed, I was detained in my office and failed to reach the Chamber before the vote was announced. Had I been able to be present to vote, I would have voted "Yea."

Mr. LONG. Mr. President, I was on my way from the committee hearings to the Senate floor. I was unaware of the fact that the vote was going on. Had I been present at the time I would have voted "Yea."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that Mr. King had been appointed as a manager on the part of the House at the conference on the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes, vice Mr. Gubser, resigned.

The message announced that the House had passed, without amendment, the bill (S. 2613) to extend the Federal Water Pollution Control Act, as amended, for 1 month.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER (Mr. Bentsen). Under the previous order the Chair lays before the Senate the unfinished business, which the clerk will report.

The assistant legislative clerk read as follows:

> Calendar Order Number 355, H.R. 8687, a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that there then be an additional period of 3 minutes for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SILENCING THE BUREAU OF LABOR STATISTICS

Mr. PROXMIRE. Mr. President, recent administration actions to reorganize the Bureau of Labor Statistics have strong political overtones. BLS is one of the most professional and highly respected agencies in the Federal Government. Yet its top technical experts are being moved to less responsible positions ostensibly under the guise of an executive reorganization of Federal statistical programs. In light of previous administration handling of BLS statistical releases, this latest move poses a threat to the credibility of Government statistics.

I refer to the cancellation in March of the monthly press conferences conducted by the BLS technical experts on price and unemployment data. In response to the presidentially appointed Gordon Committee, the Bureau began conducting press conferences to explain the data in a technical nonpolitical manner. The Gordon Committee report recommended:

> The need to publish the information in a non-political context cannot be overemphasized. By and large this has been the case . . . nevertheless a sharper line should be drawn between the release of the data and their accompanying explanation and analysis, on the one hand, and the more general type of policy-oriented comments which is the function of officials responsible for policy making on the other.

The committee's directive to separate technical comment from political rhetoric was effectively thwarted when the BLS conferences were canceled. In subsequent months press conferences have been held either by the Secretary of Labor or the White House. Had it not been for the hearings scheduled by the Joint Economic Committee to hear the technical experts, the chances of broad news coverage of the BLS technical comments would have been diminished. It is true that the Department of Labor continued to make the technicians available to the press on the telephone, but I maintain that this is not even remotely comparable to a televised news conference by the technical experts where questions can be posed by all the reporters present.

Mr. President, in testimony before the Joint Economic Committee, Robert A. Gordon, who chaired the Gordon Committee, questioned the administration's motives in canceling the press conferences. He said:

> I wonder if I am unfair in suggesting that the Administration has in effect announced by this action that it wants to be free to minimize bad news and to maximize good news without any interference from its own technical experts who know most about the facts.

The recent action taken to oust Mr. Harold Goldstein, Assistant Commissioner for Manpower and Employment Statistics, and Mr. Peter Henle, Assistant Commissioner and Chief Economist, from their present positions lends more credence to Mr. Gordon's suggestion.

Apparently the administration's efforts to downgrade these technicians reverts to their refusal to color evaluations of the data with political overtones. As a New York Times editorial put it:

> Instead of representing the Bureau's most prized adornment, that quality of scholarly detachment seems to have become a liability in the present administration.

Mr. President, a new economic policy was clearly warranted by the economy's sluggish performance in 1970 and 1971. As the President and his advisers have admitted, the public's confidence in the new economic measures will play a significant role in determining the success or failure of the program. An undermining of the technical data will only serve to reduce both the press and the public's willingness to believe Government statements. It is unfortunate, moreover, that the administration fails to appreciate the detrimental long-term effects that this action will have on the credibility of Government statistics. The New York Times suggested:

> The surest way to discredit both the bureau and the data it compiles would be to adulterate its statistics with political sugar-coating in the months before the 1972 Presidential voting.

Mr. President, I ask unanimous consent that the New York Times editorial and an accompanying news article be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 30, 1971]

Politicizing the BLS?

Few agencies in or out of Government have a more distinguished record for objectivity and integrity than the Federal Bureau of Labor Statistics. Instead of representing the bureau's most prized adornment, that quality of scholarly detachment seems to have become a liability in the present Administration.

Last March the B.L.S. technicians, who had for years held monthly press briefings to answer reporters' questions on cost-of-living and unemployment trends, were abruptly muzzled because their factual responses did not fit in with attempts by their superiors in the Department of Labor and the White House to convince the country that things were getting better when, in truth, they were getting worse.

President Nixon's decision on Aug. 15 to junk his steady-as-you-go economic policy represented tacit acknowledgement that the B.L.S. economists had been quite precise in their analyses of what was happening to the economy. But the vindication supplied by events has brought no let-up in the Administration's apparent resolve to downgrade the career technicians responsible for these dispassionate appraisals.

Two ranking economists are reportedly planning to leave the bureau on the eve of a reorganization that would considerably reduce their areas of authority. Administration spokesmen insist that the shake-up, part of a general overhaul of Federal statistical services announced last July, has nothing to do with politics. The initial list of new appointees rushed out by the White House yesterday has done a little to dispel reports of political maneuvering in connection with B.L.S. restaffing.

The surest way to discredit both the bureau and the data it compiles would be to adulterate its statistics with political sugar-coating in the months before the 1972 Presidential voting. The country has just embarked on a painful period of wage-price controls. The confidence of all Americans in the reliability of the Government measuring rods for charting ups and downs in living costs and jobs will be more needed than ever, especially since the period of economic regulation may extend for many years.

[From the New York Times, Sept. 30, 1971]

Politics Denied in Labor Agency Shift

(By James Naughton)

WASHINGTON.—The Nixon Administration disclaimed political motives today in undertaking a major reorganization of Federal agencies that gather and issue economic and social statistics.

The White House press secretary, Ronald L. Ziegler, described as "absurd" and a Department of Labor spokesman labeled "false" an article in The Washington Post stating that career experts in the Bureau of Labor Statistics were being supplanted by political appointees.

To counter such speculation—and the outcries that followed it today from Democratic politicians—the bureau prematurely announced several appointments involved in the reshuffling. Nearly all were career technicians.

Mr. Ziegler said that the changes at the Bureau of Labor Statistics were part of an overall reorganization, under way since July, of the statistical agencies in the Departments of Labor, Commerce, Agriculture and Health, Education and Welfare.

ANALYSTS LOSE POSTS

Geoffrey H. Moore, Commissioner of the Bureau of Labor Statistics, acknowledged in a statement, however, that two officials whose analyses of unemployment statistics conflicted with more optimistic appraisals from Labor Secretary James D. Hodgson would no longer deal with current employment trends.

One of them, Harold Goldstein, the director of current employment analysis, has been asked to head a new section dealing with long-term manpower trends. Last March, after Mr. Hodgson had assessed the unemployment data as "heartening," Mr. Goldstein told reporters that the data were "mixed."

The second official, Peter Henle, the bureau's chief economist in charge of analysis, is taking a leave of absence, after which "an appropriate new assignment" will be arranged, Mr. Moore said.

The changes in the bureau are similar to those being made at other agencies in response to a directive last July from George P. Shultz, Director of Management and Budget at the White House.

Among reasons he cited for ordering the changes were "wide disparities" in the quality of data developed by 40 different agencies, differing standards, "operation inefficiencies" and overlapping collection activities. The attempt to structure the agencies along similar lines is also a prelude to combining most of them under the Cabinet reorganization proposed by President Nixon.

The skirmish over changes in the Bureau of Labor Statistics revived a simmering dispute—heightened by political maneuvering on economic issues—over the Administration's insistence on leaving interpretation of economic data to policy officials rather than technical statisticians. The bureau halted its monthly briefings by Mr. Goldstein after the March incident, substituting written analyses more easily subject to clearance by his superiors.

Lawrence F. O'Brien, the Democratic national chairman, quickly characterized the accounts of bureau changes as a "sorry comment on the credibility and integrity of the Administration." He said that Mr. Nixon "should have learned long ago he cannot make bad news go away by beheading the messenger."

Senator William Proxmire, Wisconsin Democrat who is chairman of the Joint Economic Committee, professed concern that career analysts might find their conclusions "subordinate to the political interests of the Administration."

A White House official said that some Nixon aides were describing the allegations as "off base," but another official suggested they were "seasonally adjusted" to reflect the 1972 Presidential campaign.

Walter Heller, the University of Minnesota economist who was President Kennedy's economic counselor, said that he saw "no reason why policy officials can't take the numbers and make what they want of them," but he added that career technicians should also be available to make their interpretations.

Mr. Heller said that some of the "illusions" about the economy in recent years were attributable to "over-interpretation of the data."

Among the personnel changes announced today in the Bureau of Labor Statistics, all involved career officials of the bureau except for the appointment of Daniel Rathbun to direct the Office of Data Analysis, replacing Mr. Henle. Mr. Rathbun is currently the staff director of a Presidential commission on Federal statistics, and has held other economic posts in Government and higher education.

William H. Shaw, president-elect of the American Statistical Association and a former Assistant Secretary of Commerce under President Johnson, was advised of the appointments and said that "on balance, I would have to say these appear to be professional appointments."

The bureau has not yet named a replacement for Mr. Goldstein.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended by an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR ELLENDER'S 81ST BIRTHDAY

Mr. BYRD of West Virginia. Mr. President, the senior Senator from Louisiana is 81 years of age today. His career in public service to his State and Nation spans a great national depression, two World Wars, a so-called police action in Korea, as well as the conflict in Vietnam. His is a record that should not be taken lightly by serious students of American politics and society. Over a period of 58 years. Senator ELLENDER has risen from the position of city attorney to hold the chair of Senate President pro tempore, third in line for the Presidency of these United States. I believe it is worthwhile for us to ponder upon that fact for a moment. I am convinced that even a cursory study of Senator ELLENDER's record will provide valuable insight into the 20th century history of these United States.

I shall here make no attempt to dwell at length on all aspects of that record. Others I am sure will speak to his accomplishments. They will note his record-breaking tenure as chairman of the Senate Committee on Agriculture and Forestry. They will, no doubt, laud his early coauthorship of the first School Lunch Act. They will, without question, speak to his ground-breaking activity in the enactment of the Agriculture Adjustment Act of 1938—legislation which to this day forms the basis for our agricultural programs.

I will, however, tell a story which may have been missed by others in their commentaries. When Senator ELLENDER first came to the Senate in 1937, agriculture was perhaps the most sought after committee assignment in the Senate. Joe Robinson of Arkansas was then serving as majority leader. Mr. Robinson queried Senator-elect ELLENDER as to his first three preferences for committee assignments, to be listed in order of first, second, and third.

At that time Mr. ELLENDER was already known as one of the most progressive leaders of southern agriculture. By seeking out and using the newest and most promising techniques, he was instrumental in vastly improving the production of Irish potatoes on land in his beloved Terrebonne Parish of Louisiana. He had made such a name for himself in his endeavor before joining the Senate that Henry Wallace, then Secretary of Agriculture, made a special visit to view his farm. From that meeting, by the way, sprang a long time and valuable friendship between Senator ELLENDER and the man who subsequently became Vice President.

To return to my story, in response to Majority Leader Robinson's query as to his first three preferences of committee assignments Senator ELLENDER wrote back as follows:

First choice—Agriculture.
Second choice—Agriculture.
Third choice—Agriculture.

As I said, the Agriculture Committee was considered a choice assignment. Majority Leader Robinson told the young Senator-elect that it would be a difficult thing for him to accomplish. Senator ELLENDER made the attempt, however, and perhaps with the aid of Henry Wallace was able to secure a position on that committee. That the faith of the Senator and of those who supported him was not misplaced is evident from the fact that the Senate President pro tempore has maintained his position on that committee to this day. He went on from a junior membership to hold the position as chairman longer than any other man in the history of the Senate.

Early this year Senator ELLENDER gave up that chairmanship to assume the new post of chairman of the Senate Committee on Appropriations. The Senator first joined this committee in 1948. It has often been called the "salt mines of the Senate" and from that day 23 years ago, the senior Senator of Louisiana has proved himself a hard and willing worker.

It is not a glamorous committee. It is not one that naturally attracts the spotlight of national publicity and Senator ELLENDER, as he has gone about his day-to-day duties in behalf of the Senate and the Nation's taxpayers, has not gone out of his way to seek that spotlight. There are those who might say he has suffered thereby and perhaps this is true. His name is not a household word and his face is not seen on the nightly television screen. But if he has not been in the spotlight over the years, this Senate and this Congress, and the Nation has not suffered. I say that because I believe Senator ELLENDER's name is an office word among the executive agencies charged with the administration of this Government. He is well known and respected in the Congress as one whose thinking is based on pragmatism and one who exerts every power in his command to see that the taxpayer is returned a dollar's value for every dollar spent.

I have dwelt on his leadership and experience on the Appropriations Committee perhaps longer than I should. I could not leave the subject, however, without making a bow to the contribution he is making as the committee's new chairman in the field of Senate procedure. This is a subject which concerns me greatly and I am pleased to know that he shares this concern.

For too long the Congress has fallen into the habit of extending the appropriations process through the entire year. Senator ELLENDER has taken it upon himself to expedite the consideration of these all-important bills. He has made every effort to prevail upon the committee, the Senate, and the House of Representatives to see that the annual money bills are enacted by the beginning of the fiscal year to which they will apply. A good start has been made, and I commend him for it. This single step will do more to make our Government more rational and effective than any other procedure that I can think of.

As I indicated, Senator ELLENDER joined the Appropriations Committee in 1948. Prior to that time he had served as a member of the Senate Labor and Public Welfare Committee. In that capacity, he was an architect for many of the institutions so many of our people seem to take for granted today. He was one of the early advocates of the need for an effective public housing program in the country. This has largely been forgotten today, but at that time the concept of public housing had not been accepted by the American people. His devoted and wholehearted support was not a popular position in many parts of the country. Yet, he was instrumental in drafting and bringing through to enactment the Nation's first Housing Act of 1949 over considerable political opposition.

As a matter of fact, he stumped the country making public appearances in support of the bill, and finally his efforts were rewarded. The Housing Act of 1949, once again, forms the cornerstone and the foundation of all our subsequent housing legislation. If faults remain in the program and if its operation leaves something to be desired, these failures cannot be laid at the feet of the Louisiana senior Senator.

In the field of Federal assistance to education we find Senator ELLENDER again providing a strong effective part of the early leadership. His activities and support of aid to education legislation began in 1946. In that year the Senate Committee on Labor and Public Welfare, of which he was a member, reported the Educational Finance Act known at the time as the Thomas-Hill-Ellender-Taft bill. The 1946 bill was not considered by the Senate until the following year when it was again introduced and reported.

This legislation finally passed the Senate in 1948 to become the first general aid to education legislation to be approved by either House of Congress in almost 100 years. By means of this legislative vehicle, Senator ELLENDER sought to provide aid to elementary and secondary schools according to a formula based on the number of children between five and 17 in each State, and according to each State's "annual income payments" or the State's total personal income. The equalization formula devised by him and other members of the committee has been called the "most sophisticated equalization formula ever to be presented to the Congress in a general aid to education bill."

I think it might be useful to record here certain features of that early legislation. I think it would tell you something about the operation of this Congress and of the formulation of our Nation's public policy.

The Education Finance Act of 1948, when it finally passed the Senate, contained three basic principles which Senator ELLENDER and others, notably Senator Taft of Ohio, brought with them when they entered national life. These were the preservation of local control, the belief that assistance should be based on need, and a belief that the States should do their part through local taxation. This is a philosophy which at one time ruled this Congress, although I sometimes think that its influence is dwindling away.

In any event, these are the general principles which made our Nation great and they are still adhered to by Louisiana senior Senator. The House refused to accept the aid to education bill of 1948 and it remained for Lyndon Johnson, 17 years later, to push a similar bill through to final passage. The 1965 Act of General Aid to Education contained many of the features and earmarks first drafted by Senator ELLENDER and others many years ago.

I am sure that the President pro tempore is proud of the fact that he supported the 1965 bill, although no doubt he has serious reservations about the manner in which its provisions have come to be administered.

In foreign affairs the senior Senator from Louisiana has also made a name for himself. It is a reputation again based on pragmatism. Although he is known as a great scholar, there is much in the way he looks at the world that is the very essence of the scholarly approach. By that I mean he is not satisfied to take what others see and what others have said as his own viewpoint. He desires to see things for himself and come to a judgment based on the facts as he finds them to be. I will not dwell on this subject but I do think it would be well for us to take particular note of it at this time.

In the early 1950's Senator ELLENDER withdrew his support from the foreign aid programs because, as he viewed it, they were not working as Congress intended. In 1958 he was the first Senator to attempt to call national attention to the declining gold balances of the Nation. At that time his was a voice crying in the wilderness, but I think that we have all come to agree with his warning from 13 years ago.

As a matter of fact, on August 13 President Nixon stated that for years our Nation had been in the position of a card player in a poker game who had won all the chips. And in this position it was thought to be incumbent, he said for us to contribute the chips—meaning gold—to other players around the table. I am reminded that this exact statement was elicited from a ranking administration official in 1958 by one of Senator ELLENDER's appropriations subcommittees. President Nixon on August 13 stated that we could not longer maintain that position. Senator ELLENDER 13 years ago, when we were in far better financial shape, gave exactly that response at that time.

Again, by 1960 the senior Senator from Louisiana had begun to cast serious doubt on the role we were assuming vis-a-vis Western Europe and the NATO countries. Based on his personal experiences and observations abroad, Senator ELLENDER came to the perceptive conclusion that for all practical purposes the United States of America was the only NATO partner fulfilling its contributions. For the most part, he said, other nations viewed their participation to be one of promise-making. The divisions supposedly on hand to protect against invasion from the East were there on paper only. We were providing the defense; we were providing the dollars. Western Europe was content to bask under our military umbrella and concentrate on their own domestic economy. I would imagine that the majority of this body would today agree with that analysis and now there is little question as to what the policy has cost us.

The Senate has taken a pause from its busy schedule to salute the President pro tempore on the occasion of his 81st birthday. Senator ELLENDER has seen more of this country's public life during this century than any other personage that I can easily think of. He has remained up to date in his thinking, but has always maintained the right to make up his own mind on the basis of facts as he sees them. None of us can do any more; none of us should do any less. On many birthdays we wish the recipient a long and happy life. On this occasion I close by wishing Senator ELLENDER, our President pro tempore, a longer and happier one.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) laid before the Senate messages from the President of the United States submitting several sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of Senate proceedings.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. The time has expired, as requested by unanimous consent.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The question is on the amendment in the second degree to the amendment by the Senator from Arkansas, No. 438. The yeas and nays have been ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the quorum call which I am about to suggest is completed, there be an extension of the time of 5 minutes.

The PRESIDING OFFICER. For morning business?

Mr. MANSFIELD. No, under the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Would the Senator from Montana make clear whether he means the 5 minutes to be on the bill or on the amendment to the amendment?

Mr. MANSFIELD. On the amendment to the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to make a unanimous-consent request, with the understanding that if it is granted, the Fulbright amendment in the second degree will be withdrawn.

Mr. STENNIS. Mr. President—reserving the right to object—and that another second degree amendment from any source will be out of order.

Mr. MANSFIELD. That is the understanding.

Mr. FULBRIGHT. That is right.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the announcement of the vote on the Montoya amendment on Wednesday next, the vote then be taken on the Fulbright-McGee amendment, with the amendment in the second degree deleted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. There will be no time limit. The Senate should know that it will be a one-two vote in rapid order, and there will be no discussion on the Fulbright-McGee amendment at that time.

The PRESIDING OFFICER. It just applies to the amendment in the first degree?

Mr. MANSFIELD. It just applies to the original amendment and not to the amendment in the second degree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I ask unanimous consent to withdraw the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I do not believe the point has been covered in the unanimous consent agreement that any other amendment in the second degree would be out of order.

Mr. MANSFIELD. I had forgotten that. That is to be a part of the unanimous consent request.

Mr. BYRD of Virginia. Reserving the right to object, that does not preclude a motion to reconsider, I presume.

Mr. McGEE. Then it is a new ball game, I would say.

Mr. BYRD of West Virginia. As to the motion to reconsider, we have already passed that point. That is behind us.

The PRESIDING OFFICER. That is correct.

Mr. BYRD of Virginia. I thank the Senator.

Mr. MANSFIELD. Mr. President, do I correctly understand, on the basis of the unanimous-consent request just granted, that there will be a straight up and down vote on the Fulbright-McGee amendment?

The PRESIDING OFFICER (Mr. BENTSEN). The Senator is correct.

Mr. STENNIS. Mr. President, reserving the right to object, I do not believe the Senator put in his request that no other amendment in the second degree may be offered.

Mr. MANSFIELD. Yes; I did.

Mr. STENNIS. Oh. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment which will be offered by the distinguished Senator from Colorado (Mr. ALLOTT) on Monday next.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, a unanimous-consent request had already been granted, that it be in order to order the yeas and nays thereon at any time, am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. The same is true, then, with respect to the Symington amendment.

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. The same is true with regard to the Buckley amendments——

Mr. MANSFIELD. Just a moment—one at a time, please.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the Symington amendment.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inquiry: Is it not true that the vote on the Fulbright-McGee amendment in the first degree on Wednesday next will be an automatic rollcall?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the Chair.

The unanimous-consent agreement reads as follows:

Ordered, That, on Monday, October 4, 1971, when the unfinished business is laid down, the amendment No. 430, by the Senator from Colorado (Mr. Allott), be made the pending business and that debate thereon be limited to 3 hours, to be equally divided and controlled between Mr. Allott and the Senator from Mississippi (Mr. Stennis).

Provided, That debate on any amendment to the amendment be limited to 30 minutes, to be equally divided and controlled by the mover and the Senator from Mississippi.

Ordered further, That, following the disposition of the Allott amendment No. 430, the Senate proceed to the consideration of the amendment by the Senator from Missouri (Mr. Symington) No. 434 which amendment will remain pending until disposed of that day. Debate on the amendment shall be limited to 5 hours, to be equally divided and controlled by Mr. Symington and Mr. Stennis. Debate on any amendment to the amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of the amendment and Mr. Stennis.

Ordered further, That on Tuesday, October 5, 1971, when the unfinished business is laid down the amendment of the Senator from Alaska (Mr. Gravel) be made the pending business and that debate thereon be limited to 2 hours, to be equally divided and controlled by the Senator from Alaska and Mr. Stennis. Debate on any amendment to the amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover thereof and the manager of the bill.

Ordered further, That, following the disposition of the Gravel amendment the Senate proceed in turn to amendments No. 447, No. 448 and No. 449 by the Senator from New York (Mr. Buckley) with debate on each limited to 1 hour, to be equally divided and controlled by the Senator from New York and Mr. Stennis. Debate on any amendment to each of the 3 amendments shall be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment and Mr. Stennis.

Ordered further, That, on Wednesday, October 6, 1971, when the unfinished business is laid down the amendment of the Senator from New Mexico (Mr. Montoya) No. 419, be made the pending business and that debate thereon be limited to 3 hours, to be equally divided and controlled by the Senator from New Mexico and Mr. Stennis. Debate on any amendment to the amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover thereof and the manager of the bill. *Provided*, That, the time for debate on any amendment in the second degree be deducted from the 3 hours allotted to amendment No. 419.

Ordered further, That, following the vote on amendment No. 419, the Senate immediately proceed to vote on amendment No. 438 by the Senator from Arkansas (Mr. Fulbright); no amendment in the second degree being in order.

Ordered further, That, after the disposition of amendment No. 438, debate on the bill, H.R. 8687, be limited to 3 hours, to be equally divided and controlled by Mr. Stennis and Mr. Scott or his designee. *Provided*, That time for debate on any further amendment to the bill be limited to 30 minutes, to be equally divided and controlled by the mover and Mr. Stennis, and shall be deducted from the time on the bill. *Provided further*, That time from the bill may be used on any amendment, or motion except a motion to table.

Ordered further, That, following the expiration of the time allotted above there be a vote on final passage of the bill.

Ordered further, That, time on any motion, or appeal except a motion to table, be limited to 10 minutes.

PROGRAM FOR MONDAY, OCTOBER 4

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. Following recognition of the two leaders, there will be a period for transaction of routine morning business for not to exceed 15 minutes, with the usual 3-minute limitation.

At the conclusion of morning business, the Senate will consider amendment No. 430, by Mr. ALLOTT, with debate limited thereon to 3 hours, and debate on any amendment thereto limited to 30 minutes. A rollcall vote has been ordered on the Allott amendment.

Upon disposition of the Allott amendment, the Senate will take up amendment No. 434, by Mr. SYMINGTON, under a time limitation of 5 hours, with a limitation of 30 minutes on any amendment thereto. A rollcall vote has been ordered on the Symington amendment.

Senators are alerted, therefore, to the fact that there will be at least two rollcall votes on Monday and possibly more.

ADJOURNMENT TO 10 A.M., MONDAY, OCTOBER 4, 1971

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 1 o'clock and 1 minute p.m.) the Senate adjourned until Monday, October 4, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 1971:

AMBASSADORS

Malcolm Toon, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Federal Republic of Yugoslavia.

Donald B. Easum, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Upper Volta.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Louis H. Wilson, Jr.
John N. McLaughlin
Robert R. Fairburn
Homer S. Hill
Leo J. Dulacki
Carl W. Hoffman
William G. Johnson
Herman Poggemeyer, Jr.
William C. Chip

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of major general:

John R. Blandford
William J. Weinstein

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

Victor A. Armstrong
Thomas H. Miller, Jr.
Robert H. Barrow
Herbert L. Beckington
Leonard E. Fribourg
Robert D. Bohn
William F. Doehler
Edward J. Miller
Wilbur F. Simlik
James H. Berge
James R. Jones

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Louis Conti
Verne C. Kennedy
Harold Chase

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of colonel:

James W. Abraham
Billy M. Adrian
James R. Aichele
Harry L. Alderman
Peter F. Armstrong
James M. Bannan
Roger H. Barnard
Richard S. Barry
George L. Bartlett
Arnold E. Bench
Lee R. Bendell
Darrel E. Bjorklund
Rollin Q. Blakeslee
Louis A. Bonin
Frank L. Bourne, Jr.
Eugene R. Brady
Thomas E. Bulger
Robert N. Burhans
John J. Cahill
Richard E. Campbell
Robert J. Chadwick
Clement C. Chamberlain, Jr.
Byron T. Chen
Charles G. Cooper
Harry O. Cowing, Jr.
William S. Daniels
John K. Davis
Hillmer F. Deatley
Birchard B. Dewitt
Frank L. Dixon, Jr.
Lawrence R. Dorsa
Joshua W. Dorsey III
Edward J. Driscoll, Jr.
Jimmie W. Duncan
Cecil G. Dunnagan
Theodore S. Eschholz
Donald L. Evans, Jr.
James E. Fegley
Mark P. Fennessy
Paul R. Fields
Charles R. Figard
William B. Fleming
Herbert L. Fogarty
Kenneth S. Foley
Eugene D. Foxworth, Jr.
Joseph J. Gambardella
Jesse L. Gibney, Jr.
Carlton D. Goodiel, Jr.
John E. Greenwood
William R. Grubaugh
Robert E. Gruenler
John R. Hansford
Elwin B. Hart
William M. Herrin, Jr.
Henry Hoppe III
William K. Horn
George W. Houck
Dwight E. Howard
Robert E. Howard, Jr.
David J. Hunter
Robert E. Hunter, Jr.
David J. Hytrek
Corbin J. Johnson
Charles M. Jones
Don L. Keller
William D. Kent
Edwin C. King
Elliott R. Laine, Jr.
James W. Laseter
Frederick D. Leder
Carl R. Lundquist
Dean C. Macho
William R. Maloney
Jerry F. Mathis
Bain McClintock
William G. McCool
Norman B. McCrary
Donald N. McKeon
Joseph V. McLernan
Paul G. McMahon
Alexander P. McMillan
Edward J. Megarr
David G. Mehargue
Richard D. Mickelson
William R. Miller, Jr.
Anthony A. Monti
Ira L. Morgan, Jr.
Roddey B. Moss
Ross L. Mulford
Joseph Nastasi
Albert O. Nelson
George L. Newton
P. W. Nieson
James R. O'Mara
William K. Parcell
John W. Parchen
Reagan L. Preis
Vincent J. Pross, Jr.
Heman J. Redfield III
David M. Ridderhof
Kenneth L. Robinson, Jr.
William K. Rockey
Earl F. Roth, Jr.
Edward J. Rutty
Raymond M. Ryan
Joseph L. Sadowski
Cornelius F. Savage, Jr.
Joseph F. Shoen, Jr.
Richard C. Schulze
Parks H. Simpson
Erin D. Smith
William J. Spiesel
Donald C. Stanton
Donald R. Stiver
Robert M. Stowers
John H. Strope
Otto I. Svenson, Jr.
Oral R. Swigart, Jr.
Aubrey W. Talbert, Jr.
John M. Terry, Jr.
Francis H. Thurston
Edward A. Timmes
Rodolfo L. Trevino
George F. Tubley
James S. Turner
David M. Twomey
Hiel L. Vancampen
Wendell N. Vest
Hal W. Vincent
Robert A. Walker
Ralph D. Wallace
Charles A. Webster
Thomas B. White, Jr.
William V. White
Gary Wilder
Paul E. Wilson
James W. Wood
Arnold G. Ziegler

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Richard J. Alger
Arthur R. Anderson, Jr.
Roi E. Andrews
Richard F. Armstrong
Roger W. Badeker
David H. Balius
Brudge B. Barrow
Charles A. Barstow
Daryl E. Benstead
Carl F. Bergstrom, Jr.
James L. Biegler
Daniel G. Bishop
Barry N. Bittner
Richard J. Blanc
Rudolph W. Bolves
Henry J. Bond
Paul G. Boozman
Donald P. Bowen
William C. Bradley
Harvey D. Bradshaw
Charles R. Brindell
Phil E. Brookshire
Jerome W. Brown
Gordon H. Buckner II
Louis H. Buehl III
Wayne F. Burt
Ernest W. Buschhaus
John B. Cantieny
Gary L. Carlson
Gerald P. Carr
Stanley A. Challgren
Donald R. Chapell
Ronald A. Clark
John E. Clewes
James C. Click
John K. Cochran
Arthur C. Crane
George J. Delong
Richard L. Dennis
Herman C. Deutschlander
Laurin DeWolf
Walter R. Dillow
Clarence W. Dilworth
Merritt W. Dinnage
Arthur A. Dittmeier, Jr.
Alvin J. Doublet
George H. Dunn II
Thomas L. Edwards
Martin J. Egan, Jr.
William R. Etnyre
Ernest E. Evans, Jr.
John W. Everett
Joseph L. Felter
Wallace E. Fogo
William C. Frank
Francis X Frey
Lawrence Furstenberg
Louis Gasparine, Jr.
Robert E. Gibson
Lawrence J. Godby
Edwin J. Godfrey
Roland N. Grattan
Vincent J. Guinee, Jr.
Joseph R. Gutheinz
Roger C. Hagerty
Richard E. Haislip
Thomas M. Hamlin
James L. Harrison
Franklin A. Hart, Jr.
Vincent P. Hart, Jr.
Joseph C. Hedrick
James R. Heflin
Ted R. Henderson
Joseph E. Hopkins
Edgar A. House
John I. Hudson
John D. Ingraham
Kevin M. Johnston
Paul R. Jones, Jr.
Thomas W. Jones
John J. Keenan
Harrison W. Kimbrell
Homer L. King
Robert D. King
Robert W. Kirby
Peter N. Kress
Jene R. Kutchmarek
Fred E. Lacey, Jr.
Curtis G. Lawson
Willard T. Layton III
Walter R. Ledbetter, Jr.
David A. Lerps
Stanley P. Lewis
James F. Lloyd
Horace S. Lowrey, Jr.
Anthony Lukeman
Dan J. Lyttle
Eddie R. Maag
Bruce M. MacLaren
Robert T. MacPherson
Gene H. Martin
David J. Maysilles
George X. McKenna
William E. McKinstry
Stanley J. Michael, Jr.
Morris A. Miller
Robert D. Miller
Robert L. Modjeski
Jacob W. Moore
Jimmie G. Morgan
James M. Moriarty
Dennis J. Murphy
Edmond J. Murphy
Louis B. Myers
Donald J. Norris
Jerome L. Norton
Thomas J. Ortman
James L. Owens
Vincent B. Pagano
James C. Page
Edwin C. Paige, Jr.
Charles B. Palmer
Perry M. Peterson
Charles L. Phillips, Jr.
Edward R. Pierce
James D. Pierce
Charles H. Pitman
Charles O. Pitts, Jr.
Raymond R. Powell
Daniel Prudhomme
Delbert G. Ranney
Bobby J. Ready
John E. Redelfs
Robert J. Reid
Richard D. Revie
Alvin F. Ribbeck, Jr.
Francis Riney
Robert O. Ritts
Robert P. Rose
Joseph S. Rosenthal
Eugene B. Russell
Gary L. Rutledge
Patrick J. Ryan
Paul M. Ryan
George W. Ryhanych
Glen Sanford
Patrick J. Saxton
Charles W. Schreiner, Jr.
Joseph A. Siler
George P. Slade
Alois A. Slepicka
Donald G. Smith
Lloyd W. Smith, Jr.
Roland E. Smith

Howard L. Snider
Louis G. Snyder
Richard L. Spreitzer
Cleo P. Stapleton, Jr.
Alfred E. Stark
Willard M. Stephens
William K. Stratford
William G. Swigert
Charles E. Thompson
William J. Tiernan
Jan P. Vandersluis
Donald L. Waldvogel
Edwin G. Weatherford
Robert D. White
Willis E. Wilson, Jr.
Robert C. Wise
Robert J. Woeckener
Fitz W. Woodrow
Peter Yadlowsky
John R. Yates, Jr.
Hans A. Zander
Charles L. Zangas
James R. Ziemann

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

Thomas A. Bailey
John M. Ballard
Ivan M. Behel
Harold W. Biesemeier, Jr.
James S. Bloxom
Denham W. Bowman
Ronald D. Bussey
George E. Carpenter
Robert H. Dobrow
Gene L. Dowell
Carl W. Fredericksen
James R. Frisbie
Lawrence E. Garcia
Gregory K. Gordon
Arlo D. Gravseth
William H. Hamilton
Harold L. Inabinet
Joseph J. Jannik, Jr.
James H. King, Jr.
Harry C. Leeper, Jr.
Joseph X. McCormack III
Hugh M. McIlroy, Jr.
Maurice G. Michaud
Frederick J. Moon
Charles R. Rivenbark
Gregg Roberts
Stanley C. Schlegel
James S. Shi
Richard Y. Shintani
Paul D. Skinner
David M. Thomas
John B. Ullman
Leroy D. Vansciver
James H. Walker
Richard W. Walker
Thomas A. Walsh
John H. Whitney
Hensley C. Williams

EXTENSIONS OF REMARKS

OTTO TELLER: A TROUT'S BEST FRIEND

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, September 30, 1971

Mr. METCALF. Mr. President, Otto Teller, the new president of Trout Unlimited, knows how to explain to men some of the problems fish have, which are also mankind's problems of perceiving and remedying environmental damage.

Recently, State Editor Dale A. Burk of the Missoulian interviewed Mr. Teller, who resides during part of the year—the best fishing season—in my native Ravalli County. Mr. Teller's philosophy and insights are good and useful reading to anyone, fisherman or not. I ask unanimous consent that the article, published in the Missoulian of September 26, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OTTO TELLER: A TROUT'S BEST FRIEND

(By Dale A. Burk)

"A trout can tell you many things, not only about himself but the stream he lives in and the land around it," the fisherman said as he released the pound and a half brown trout and watched it swim slowly back into the current of the Bitterroot River south of Hamilton.

"Take this one, for instance," Otto Teller said. "He's sluggish from the cold water, and tired from his upstream run to spawn. He's feeding but he's not very scrappy."

But the trout was alive and free again, resting in the cold current under a clear Bitteroot sky one cold morning just a week ago. The fish had no way of knowing it, but it had been caught and released by a man who only a few days earlier had been chosen by other fishermen to speak out for trout like this from coast to coast.

NEW TU PRESIDENT

Otto Teller, a resident of Hamilton in the summer months and a member of the West Slope Chapter of Trout Unlimited in Missoula, is the new president of the national fishing-conservation organization, Trout Unlimited. As such, he heads an organization that is dedicated not only to protecting trout, but to protecting the watershed that provides them their home.

Teller was elected president of Trout Unlimited at a time when, under its imaginative and dynamic executive director, R. P. Van Gytenbeek, the group is intensifying its conservation programs. That is as Otto Teller says he wants it. This is a time when fishermen must fight for trout water or there will be no water that will support them.

"If we don't have water we can't have trout," Teller said in an exclusive Missoulian interview at his cabin on the Bitterroot River "but we can't simply concern ourselves with the water that is in a stream. We also have to consider the watersheds that produce the water for those streams."

THE COUNTRY'S LIFEBLOOD

Teller said he believes water to be the lifeblood of the country and the fact that trout live in it is only incidental.

"TU's greatest concern is the management of our watersheds," Teller said. "If the water is depleted by mismanagement of our forests or other bad land management practices, we are in serious trouble."

He said that if watersheds are properly managed there will always be trout, and water for man's use. Teller pointed out that it generally is after water has passed through trout habitat that it becomes of the greatest use to mankind in the downstream portions of a stream.

Teller said that trout are a good indication of the quality of a stream.

"If you have trout in a stream, you are sure of two things," Teller said. "One, that there is enough water to support trout life and two, that if trout live in it, the water can be used for almost any other use."

He said that Trout Unlimited considers its mission to be the protection of water and to find instances of bad forestry, farming, mining, road construction or damming practices, and to report those findings.

CHANGE BAD LAWS

"I also believe it is a primary mission of TU to seek out bad water laws and work to change them," Teller said. He cited as an example a Colorado law that states that water must be removed from a stream to be of any beneficial use to man.

Teller said that because of its membership make-up, Trout Unlimited often is one of the first conservation groups to become aware of problems involving resource management.

"Our people fish the headwaters of most of our great streams," Teller said. "They often see changes in stream ecology before anybody else."

Teller credits his fishing with arousing his own concern for conservation, and says that two Montana streams are responsible for his involvement in watershed conservation—the Gallatin and Bitterroot Rivers.

SILT IN GALLATIN

"About 25 years ago I fished the Gallatin River quite a bit," Teller said, "and one day I noticed they were starting to build a road up the Gallatin to Gallatin Gateway. They had to get into the stream and disrupt it, but they told us they had to get the logs out of the mountains."

Teller said that in subsequent years, the Gallatin silted up whenever it rained.

Throughout the last 30 years, Teller has also fished the Bitterroot extensively but it wasn't until 1965 that he bought a ranch on the river upstream from Hamilton.

"Since I was in the area more then, I began to go up into the mountains and viewed the timbering operations," Teller said. "I was absolutely appalled at what I saw."

He spoke of finding huge clearcuts, one involving a trip where he measured seven consecutive miles on a speedometer with clearcuts on both sides of the roads.

"I've since checked many of the technical questions involved," Teller said, "but then as now my major concern was what this was doing to the naturally regulated waterflow we get from the watershed in the Bitterroot."

NOT NATURAL

He said that one of the most serious effects of Forest Service management in the area through its widespread use of clearcutting and terraced planting has been that much of the Bitterroot no longer is a naturally regulated watershed.

"I picked up a Forest Service brochure in Hamilton one day that stated that the source of our nation's water is a snowflake falling on a wooded slope," Teller said. "I began to wonder how they could justify clearcutting such huge areas in the high lodgepole pine area and still expect to provide a naturally regulated waterflow."

Teller said that in subsequent years he found that in 1943 the Forest Service itself had conducted a detailed survey in the Bitterroot in which most of the high altitude areas which are now being cut was recommended to never be logged.

SURVEY IGNORED

"The study said these high areas greatest use was watershed and wildlife." Teller said, "and in 1971 the Forest Service is clearcutting these areas to the ground."

Teller says that concern for the streams must originate at the headquarters, pointing out that most of the nation's great streams have their headwaters in the Rocky Mountains and two of them in particular—the Columbia and the Missouri—in Montana.

"If we can't protect our watersheds at the Continental Divide, we can't protect them anywhere," Teller said. He added that keeping a stream clean in its upstream portions means improved habitat and water downstream.

"I think that because we've taken a stand on the upper watersheds we hope to benefit all the downstream fishermen, too," Teller said, "and that includes the bass fisherman, the estuary fisherman and even the ocean fisherman."

ORGANIZATION CHANGING

He said that TU, once a fly fisherman's organization, is no longer simply for those who use artificial flies.

"I like to fish with a fly because it is the biggest challenge," Teller said, "but I've also fished for steelhead with bait. My basic philosophy on this point is that fishermen should use whatever they enjoy most as long as they can release most of the fish they catch."

On the latter point, Teller said that fishing has changed in the last few years.

"Fishing has become a contemplative sport rather than something to fill the icebox," he said.

LIMIT KILL

He said that in keeping with this, TU has pursued a philosophy based on the motto "Limit your kill rather than kill your limit."

Teller says, however, that modern-day fishermen can't afford to isolate themselves from the problems involved with watershed conservation.

"All this talk about what sort of equipment you use is really only philosophical," Teller said. "We've got to consider the basics first. If there aren't some fish in the stream, it doesn't matter much what sort of equipment you use."

He said he will follow this basic philosophy as he leads TU over the next year in pursuit of the organization's two-fold objectives of habitat protection and improvement, and sound trout, steelhead and salmon fisheries management.

"Trout are very comparable to the canary in the mine," Teller said. "A healthy trout fishery is one sign of a well-managed watershed which is well suited for people seeking a quality environment."

TRIBUTE TO "TEX" TALBERT

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BELL. Mr. Speaker, on Sunday, October 3, 1971, a testimonial dinner will be given in Beverly Hills for my friend Paul "Tex" Talbert, a Los Angeles businessman, civic leader, and long-time Republican Party activist.

Born in Fort Worth, Tex., a graduate of Stanford University, a second lieutenant in the Field Artillery Reserve, and former national president of the Organized Reserve Corps of the Field Artillery, Tex has lived in the Beverly Hills area since 1938 and has had offices there since he founded and became president of the Paul H. Talbert Co., specializing in oil well insurance, 27 years ago.

For almost a third of a century Tex Talbert has been a leader in the community life of the city of Beverly Hills. He has served as director of the Beverly Hills Chamber of Commerce membership committee and as a director of the Beverly Hills Men's Club and Beverly Hills Rotary Club. He has been active in the junior chamber of commerce, in the community chest, and in virtually every other local organization or project in which the indispensible ingredient has been service to others.

In 1938 Tex helped organize the Boys Club of Hollywood, an affiliate of the Boy's Clubs of America, and has unselfishly donated his time to that organization as president, as director, as finance chairman, for more than 30 years. In Republican politics the number of party leadership positions he has held and the number of political careers he has helped get started are beyond estimation.

In Washington and in Sacramento today, and for many years in the past, there are and have been elected Republican officeholders, making important contributions to the State and Nation, who would not be in public life at all if it were not for the encouragement and sponsorship which Tex Talbert has provided.

Tex Talbert believes deeply in, and talks a great deal about, the free enterprise system in the United States of America. In his very successful business career he demonstrates the potential of free enterprise initiative. But most important of all, through generosity and through service, he makes the system work.

And for these reasons, Mr. Speaker, it is with special pleasure that I call attention to the program honoring Tex Talbert on October 3 and to note that I will be joining his many Los Angeles friends in the Crystal Room of the Beverly Hills Hotel on that evening to try to show him something of our profound admiration, gratitude, and respect.

IRS THREAT TO RELIGIOUS LIBERTY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. SCHMITZ. Mr. Speaker, at a time when the National Council of Churches and various other church organizations continue to lobby actively for legislation of which they approve—I am sure you find their activities reflected in your mail as they are in mine—and when openly avowed revolutionaries such as Jerry Rubin are allowed to use tax-exempt foundations to evade payment of taxes on the profits from the sale of their inflammatory publications, it is disturbingly significant to find the Internal Revenue Service carrying on its 5-year effort to deny tax-exempt status to the Christian Echoes National Ministry—Christian Crusade. Despite a ruling by a Federal district judge in favor of the Christian Crusade, the IRS is carrying its campaign to the Supreme Court, which apparently will be asked to authorize the IRS to decide whether or not particular Christian churches may be built and particular Christian ministers granted the usual tax status for those of their calling.

Therefore, I am taking this opportunity to call your particular attention to the following statement by the head of Christian Crusade, describing the IRS actions and the findings of the U.S. district judge in this case. The issue here transcends any one particular individual's or organization's tax problems, raising the prospect of fundamental infringements on religious liberty in this country.

STATEMENT BY BILLY JAMES HARGIS CONCERNING FURTHER HARASSMENT OF THE INTERNAL REVENUE SERVICE AGAINST HIS ORGANIZATION

On Thursday, June 24, Judge Allen E. Barrow of the U.S. District Court in Tulsa, decided in favor of Christian Echoes National Ministry (Christian Crusade) and against the Internal Revenue Service. In issuing his decision, he stated that the Internal Revenue Service's revocation of our tax-exempt status in 1966 was unconstitutional and illegal and had, in fact, denied us our rights under the First Amendment, Fifth Amendment and even our due process of law. Judge Barrow specifically stated that Christian Crusade had been singled out for persecution by the Internal Revenue Service because of its fundamental and conservative theology.

We had hope at the time of Judge Barrow's decision that this would be the end of coercion and harassment of this organization by the Internal Revenue Service. We should have known better. After nine years of constant investigation and harassment, the Internal Revenue Service has signified that it will not accept the decision of Judge Allen E. Barrow and will continue its vendetta against Christian Crusade and Billy James Hargis by appealing this decision and assessing unfair taxes against us.

In a series of three events, the Internal Revenue Service has for one thing assessed Christian Crusade $218,481.09 in back income taxes for 1964, 1965 and 1966. It is interesting to note that the income taxes that the Internal Revenue Service is trying to collect for these years are on the contributions that were made by our supporters across America to build the Cathedral of the Christian Crusade, 2808 South Sheridan Road in Tulsa. The IRS now seeks to make us pay income taxes on tithes and offerings that were collected to build a church house in Tulsa, Oklahoma. This particular assessment, showing the desperate desire of the IRS to eradicate this ministry, came on June 25, the day following Judge Barrow's favorable decision to Christian Crusade and against the IRS.

Furthermore, since the June 24 decision, the Internal Revenue Service has assessed me personally for back income taxes, contending that I did not qualify for deductions allowed all ministers of the Gospel. They are now resorting to two approaches, harassing me as an individual and the organization which I head, attempting to discourage the continuation of my ministry of Christian evangelism.

Now, on Friday, July 23, we have been notified that the Internal Revenue Service will appeal Judge Barrow's decision to the United States Supreme Court. Apparently they feel that their agency of the government has the constitutional right to determine what is and what is not religious. Since Judge Barrow's decision questions the constitutionality of the Internal Revenue Service's defining religion, they are resorting to the United States Supreme Court to establish their right to define religion. The Internal Revenue Service, by this action, would attempt to set aside the provisions of the First Amendment, guaranteeing an individual the freedom to worship God according to the dictates of his conscience and his understanding of the Word of God.

In the case of Billy James Hargis and Christian Crusade, the Internal Revenue Service would deny us the right to worship God and preach the Gospel of Christ as we understand it, since it is apparently contrary to the opinions of the many "powers that be" in the Internal Revenue Service offices in Washington.

As stated in the Internal Revenue Service letter, assessing Christian Crusade $25,151.60 for 1964; $108,338.94 for 1965; $84,990.55 for 1966; or a total of $218,481.09 for the three years; we have 90 days in which to file a petition in the United States tax court. Otherwise, the taxes must be paid. *We most certainly will file a petition.*

Of course, with the June 24 favorable decision from Judge Barrow and the U.S. District Court, we are not about to pay $218,481.09 in income taxes, since a favorable decision for Christian Crusade removes any liability for payment of income taxes.

It is difficult for me to understand why President Richard Nixon allows the Internal Revenue Service in Washington, D.C., which is under his jurisdiction, to carry on this wicked vendetta against Christian Crusade which started under the administration of President Kennedy and was carried on under the administration of President Johnson.

We are calling upon Christian friends around the United States to ask the President of the United States and members of Congress to look into this harassment and coercion of one Christian organization by the Internal Revenue Service. We have all learned the effect the American people have on Congress and the President, whenever they make known their will. The only way in the world that this long-running harassment of Christian Crusade by the Internal Revenue Service will ever be stopped is for the people to react, in the name of fair play and justice, and *demand a congressional investigation of the Internal Revenue Service and their actions toward Billy James Hargis and Christian Crusade.*

If necessary, we will fight the Internal Revenue Service before United States Supreme Court. We will certainly appeal these assessments against Christian Crusade and me personally. We are sick and tired of being persecuted by an agency of the government that is being used too often to reward its friends and persecute its opponents.

Considering Christian Crusade's traditional stand for Christ and for America, we cannot understand why we have been the subject of such persecution from the Internal Revenue Service. Rather than discouraging us, the IRS, by its un-American actions, has made us more determined than ever to fight unfair and dictatorial acts.

APPOINTMENT OF WOMEN TO THE U.S. SUPREME COURT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mrs. ABZUG. Mr. Speaker, the present vacancies on the Supreme Court occasioned by the retirement of Associate Justices Hugo Black and John M. Harlan present an unparalleled opportunity for the President to demonstrate to Americans that the Supreme Court is, indeed, the Nation's highest tribunal for all the people and that 51 percent of the population is not foreclosed from membership by reason of their female sex.

The Constitution, and the Supreme Court that interprets it, must be open to all citizens, not just those who hold a particular judicial or political philosophy. Nothing in the Constitution requires, or even suggests, that Supreme Court appointments must, or should, be made solely in the image of the President. This is particularly apparent when the seat to be filled is that of Justice Hugo Black, a jurist whose judicial philosophy was apparently unacceptable to Mr. Nixon. Diversity has been the hallmark of this Nation and it has been the hallmark of the membership of the Supreme Court—it is the taproot of both.

To say that qualified women cannot be found to fill the Supreme Court vacancies is to ignore the facts. The White House has been given the names of at least 10 highly qualified, distinguished women lawyers and jurists—the choice of any one of whom would be a credit to the Court and the country. These women include Federal judges, law school professors, Members of Congress, and prominent women lawyers in private practice and public service. While any one of these women would individually constitute an outstanding appointment, the inequities of the past and the realities of the present require that women who have been historically excluded from the process of government by accident of birth must be afforded this opportunity to participate in the decisions which will affect their lives. I urge the appointment of a woman to the position of Associate Justice of the U.S. Supreme Court.

U.S. SPACE PROGRAM

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. CHAMBERLAIN. Mr. Speaker, as the shortened Apollo program nears its end, the question arises about the future of America's space program. One of the main features of the next stage of development is to be the creation of a space shuttle system whereby space vehicles would be reusable and thereby reduce some of the high costs of the program to date. The State Journal of Lansing, Mich., in an editorial appearing September 26, 1971, presents a strong case for moving ahead in this area and concludes:

> The plain fact is that the United States cannot afford to abandon its tremendous investment in space research just as it has reached the threshold of making it pay off.

I commend the editorial to the attention of my colleagues:

U.S. SPACE SHUTTLE A VITAL NEXT STEP

In the decade of the sixties the world witnessed the marvel of men leaving the confines of earth and landing on the moon. It was a thrilling experience not only for Americans but for millions throughout the world.

In the aftermath, however, questions were soon being raised about what comes next. As the Apollo program progressed with successive manned landings on the moon there was growing criticism about the cost and what really could be accomplished by carrying out a long series of such ventures to a barren planet.

Congress got the message and soon started to chop the NASA budget from a peak of $5.9 billion to the current level of $3.5 billion. This resulted in sharp curtailment of the Apollo program and the layoff of thousands in the aerospace industry.

As the struggle went on there was even stronger pressure in some quarters for more cuts in the NASA program with some critics proposing that the United States get out of the space exploration business entirely and concentrate all of its resources on resolving the domestic problems of the nation.

Still others pushed for bigger and better space spectaculars such as a manned flight to Mars and probes into deep space.

Between these two extremes we believe there is a better answer and there is encouraging evidence that Congress, which controls the purse strings, is moving in that direction.

It involves the practical matter of finding a way to reduce the immense cost of building the space vehicles, launching them into space and then abandoning them after a mission because there is no way to return them to earth.

The encouraging factor is that Congress has authorized continuation of research and development of the so-called space-shuttle, space vehicles which can be launched into orbit, link up with an orbiting scientific space research station and then fly back to earth like a conventional aircraft. They would be used over and over.

NASA officials believe the shuttle could become operable within the next six or seven years. This change in thinking, we believe, is the logical one needed to keep America in the vital field of space research.

Extensive exploration of the moon and the setting up of manned scientific laboratories on that near earth neighbor may come later. But the immediate goal as stressed by Sen. Howard W. Cannon, D-Nev., is to expand the new knowledge we have gained during the space program to date. The real potential, he notes, has barely been touched. Cannon is a member of the Senate Committee on Aeronautical and Space Sciences.

The use of orbiting space stations serviced by returnable space craft would make it possible for trained scientists, for the first time, to carry out research in space regarding such things as world weather forecasting, development of better communications systems, agriculture research and pinpointing pollution dangers on earth, to name a few.

While reducing immense costs of present space efforts, such a program also could lead to far greater development of the aerospace industries, provide more jobs and spinoff industries—certainly a key element in current domestic problems.

Such a program does not envisage the commitment of a massive share of the national budget to space research. It can, in fact, be done with a relatively modest amount.

The plain fact is that the United States cannot afford to abandon its tremendous investment in space research just as it has reached the threshold of making it pay off.

Another hopeful development involves reports that Soviet space scientists are now showing increasing willingness to cooperate with U.S. space research teams in joint projects involving space stations.

As Sen. Cannon said recently:

"Logic dictates that we should move ahead with the shuttle program. Experience tells us that the aerospace industry can respond to even seemingly impossible challenges—and that nations that reject major challenges of their times do not remain major powers.

"And a hard fact of international economics is that the United States can remain prosperous in this world only by maintaining and utilizing its advanced technology."

INFLATION—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on inflation. I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON INFLATION

As the tabulation of your opinion poll questionnaires proceeds, it is obvious that citizens of the Sixth District consider inflation to be the number one problem facing the nation.

So, I thought today we'd talk about inflation—what it is, its causes, its effects, how we got in this mess, and what measures the country should take to curb inflation.

According to *Webster's Dictionary*, "inflation is an increase in the volume of money and credit relative to available goods resulting in a substantial and continuing rise in the general price level". Remember the definition of inflation for we will return to it later in this discussion.

As Americans experience ever-rising increases in the cost of living—groceries, clothes, rent—they are voicing concern and demanding action. Most Americans no longer accept promises of massive expenditures of additional funds and new give away programs as answers because all share the wealth programs have failed and the people, except for higher taxes and the wealthy getting richer, have only suffered faster inflation which is the cruelest of all taxes. More people are becoming harder to fool because more people are getting hurt in the pocketbook.

Rising prices on commodities and costs of services such as medical and dental care are not the causes of inflation as the people are being repeatedly told to believe. Such a myth is the equivalent of saying that wet streets and sidewalks are the cause of rain. A rise in the price level is a result of a consequence of inflation. The price rise according to the definition is caused by an excess of money relative to available goods for sale. So any action which would add more money to an already excess of money in circulation over the goods available would be inflationary.

Excessive federal spending for welfare and in other non-productive areas which add more purchasing power but nothing to the economy in the way of available goods is inflationary just as is the action of raising wages by a percentage considerably higher than the percentage increase in productivity. I certainly want to see the wages and the standard of living of our working people improve, but only in the same proportion as the increase in productivity. To increase wages at a much higher rate than the rate of increase of productivity must add to the inflationary spiral. The employer passes the raise on to the consumer, prices soar, and the workers would see their wage increases soon eaten up by increases in the cost of living. In 1965, the average worker earned $5,710. By 1971, that average had risen to $8,000. In terms of buying, however, the $8,000 would be equivalent to $6,235 in 1965 dollars. In other words, over 75% of the increase was eaten away by inflation. And other non-union segments as well as retired people on fixed income suffer with little chance of recovery.

The rapid increase of crime and lawlessness has reached such a magnitude that it cannot be overlooked as a factor contributing to inflation. The many bank robbers and burglaries of businesses and homes give the culprits purchasing power but adds nothing in the way of goods and services to the economy. Likewise, insurance premiums must increase and claim payments must add buying power. Businesses destroyed through bombings, fires, or vandalism throughout America have simply closed shop. Other businessmen who had plans for expansion and would have increased production of goods are cancelling such plans because of the fear of lawlessness.

Another major cause of inflation is deficit spending by the government. Candidate Nixon in 1968 advocated fiscal responsibility and a balanced budget. Once in office he declared that he was a disciple of John Maynard Keynes, a Fabian socialist who promoted the idea that "the more money you owe, the richer you are." The U.S. Treasury has admitted a deficit of $26 billion; yes, I said billions not millions, for the fiscal year just past ending June 30. The President and Congress through fiscal irresponsibility have added fuel to the fire of inflation causing the flames to go higher and higher. I consistently voted against the exorbitant and wasteful give-away money bills of the LBJ Administration and now the Nixon Administration, primarily because they are improper functions of government in most instances, but also because I realized that such reckless spending in excess of income relative to production would cause inflation—the most cruel tax of all.

Inflation does not affect everyone equally. Speculators, especially those privy to contemplated government spending plans and awarding of big contracts are able to benefit from inflation. The hardest hit by inflation are retired people on a fixed income—the retired worker from the railroad, Esso, Ethyl, or other plants; the retired teacher, retired public servant, the retired person living off social security, the widow trying to make ends meet on ever shrinking income from pensions, social security, or interest on savings.

Also, the value of savings—such as savings bank accounts or Building and Loan accounts, life insurance, and bonds are reduced by inflation—interest on deposits hasn't kept pace with loss from inflation. Inflation discourages thrift and encourages extravagance and speculation. "Spend your money now before it becomes worth less", is a common trend of thinking.

Prior to a few decades ago, this country operated under a sound money system where paper money was redeemable in gold or silver and prices were set in a free competitive market with government intervening only to protect the public from monopolists and other unethical business practices designed to fix prices. During this span of time, periods of inflation and deflation of short duration occurred but the country returned to normal business within a short period of time.

When inflation continues over a long period of time and is not curbed it can but lead to financial chaos and bring on oppressive government control of wages, prices, and use of property, as we are witnessing today. The threat of price and wage fixing feared by big business is now welcomed by big government as a solution to the problem it created.

President Nixon proclaimed on TV in June of last year: "Now here is what I will not do. I will not take this nation down the road of wage and price controls, however politically expedient that may seem." Then about three months ago, the President stated that wage and price controls would be too costly to impose, and would be grossly unfair to the great majority. Yet, on Sunday, August 15th, he changed his mind as has become his custom and declared: "I am today ordering a freeze on all prices and wages throughout the United States for a period of 90 days."

Many persons in desperation felt that wage and price controls were long overdue. They reason: "The way to stop inflation is easy—simply set price controls and prohibit prices from rising." Price controls, however, without other controls will keep prices stable only for a very short time. Controls merely repress the symptoms of inflation temporarily. History has proved over and over again that price controls have never worked. As more and more citizens complain of violations, the government must hire more and more bureaucratic price supervisors who receive taxpayers' money and produce nothing useful and thereby add to the inflationary spiral.

History proves that whenever a government intervenes with price control laws, production goes down, because such action by government destroys initiative and the competitive spirit. However, all we need to do to realize this is to look at the economic status of people in socialist controlled countries like Cuba and Russia. When shortages exist, then government rationing is the next step—and that, I predict will be another control bound to come if the wage-price freeze continues past the 90-day period.

And if the controls are not removed, the confusion and injustice which they will engender can be seized upon by the Administration for imposing almost complete dictatorial controls without Congressional approval over transportation, labor, communications, education, and all other phases of American life. The President gave himself this power when in his recent proclamation Number 4074 of August 15, he proclaimed a national emergency which gives him and his top executive aides the de facto authority to effectuate Executive Order 11490, assigning emergency preparedness functions to federal departments and agencies.

And this administrative dictatorship takeover could well be accomplished in the name of domestic peace unless Congress moves to prevent it. The nation has been divided into ten regions for control—ten regional divisions which simply override and ignore States and State boundaries in the administering of federal laws by all departments and agencies except the Treasury, Agriculture, and the Veterans Administration. For the benefit of listeners who may not be aware of this highly unconstitutional trampling on the rightful domain of the sovereign States which formed the federal government, we in Louisiana are now a part of Region 6 with our new regional capital in Dallas, Texas. It's high time the sovereign States call a halt to the violations by Congress of the U.S. Constitution at the expense of State sovereignty. If the people through their State legislatures and Governors do not take action to challenge the unconstitutional regional government action of the Federal Government, then the states are by omission approving the actions of the Federal Government.

Let us look again at the definition of inflation: Inflation is an increase in the volume of money and credit relative to available goods resulting in a substantial and continuing rise in the general price level.

Rising prices are the result and wage and price controls or even rationing attack the result and not the cause. There are two basic elements which constitute the cause—volume of money and credit available and availability of goods.

When a free competitive market is allowed to operate, the common sense of people and the profit motive will see that supply and demand of goods are kept more or less in balance. But what about the money supply? I will discuss this important element of inflation in a following telecast.

STOKES, CAUCUS GAINING POWER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. CLAY. Mr. Speaker, last Tuesday, September 28, 1971, in Cleveland, Ohio, the Nation received a crash course in the new black politics.

While the newspapers, the large business organizations, and the local Democratic Party leadership vied among themselves in favor of one or the other of the two Democratic candidates in the primary, the 21st Congressional District caucus was mobilizing votes for the primary candidate of its choice, James M. Carney. The suburbs were surprised, the city fathers were shocked, but the black community knew what was going to happen.

Black communities are organizing along political lines. Black people are becoming increasingly aware of the power to be had with the vote and of the fact that black men and women can be elected to Government positions at all levels.

In November, Democratic candidate Carney will meet Independent candidate Arnold Pinkney. It is no secret that Mr. Pinkney is favored by the 21st Congressional District caucus and by the black community as a whole. And considering the recent primary contest, it should come as no surprise to anyone when Arnold Pinkney becomes mayor of Cleveland in November.

Until now, the two major parties have been slow to recognize the realities of black politics. Hopefully, after the lesson of Cleveland, and by the time of the national conventions, both parties will be prepared to rise to the yet unmet challenge of trying to represent all of the people. They have no other choice.

On September 30, an editorial about the 21st District caucus victory appeared in the Cleveland Plain Dealer. I commend it to the attention of my colleagues.

The article follows:

STOKES, CAUCUS GAINING POWER

Mayor Carl B. Stokes and his 21st Congressional District Caucus won a momentous victory in Tuesday's primary elections.

It is they who capsized the Democratic organization and nominated James M. Carney for mayor. They got out a near unanimous bloc vote for him in the biggest surprise in Cleveland's political history.

But also they were invincible in every Council contest they got into. They plowed Democratic regulars under. Examples: Warren Gilliam, in midtown, Mrs. Mary E. Yates in Glenville, Clarence R. Thompson out near Lee-Seville. They either won or put into the November runoffs their entire slate, including a former foe, Ceasar Moss, and others brought into line and then approved.

Thus the Stokes-21st District Caucus party humbled the Democratic party. Mayor Stokes and his group showed up the party's weakness. They taught Democrats, political prophets, newspapermen and poll takers some lessons in political strategy.

This makes Carl Stokes look like the master urban politician, the wizard of confrontation, the shrewdest tactician in the use of black power.

The 21st District Caucus considered Carney the opportune candidate to vote for in the primary. They certainly consider him expendable in the Nov. 2 final, when they will have the independent Negro, Arnold R. Pinkney, to vote for. Pinkney is Stokes' choice to succeed him.

In City Council the Stokes group seems sure to control a much firmer block of votes, at least 11, possibly 14. All will owe more now to the Stokes-21st District Caucus, which hand-picked and then backed them.

This makes the Stokes-Caucus group into the real opposition party, the only real second party in Council. It could control 40% of Council in challenges to the bare 17-vote majority which the Democrats will manage to muster.

Anyone who calls the upsets of Tuesday's primaries a fluke or a mere trick is refuted by the ward-by-ward vote on the East Side. It took long, deep, thorough work to produce big, solid votes for caucus candidates in wards which, to complicate things further, had just been redistricted by the Democratic organization.

The party led by Mayor Stokes and the 21st District Caucus has proved what an important force it is in city politics, and what a wide base it has among the city's most politically conscious residents.

CHATTANOOGA COMMUNITY CONTINUES PIONEERING SPIRIT

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BAKER. Mr. Speaker, we live in an era in which the welfare check has nearly replaced the paycheck in some of our Nation's largest cities. It is a sad note when we realize welfare recipients in America's biggest metropolis now number over 1 million. One out of every eight New York City residents is supported at public expense.

In this age of the big government handout it is heartwarming to note there are still communities in which the American traditions of hard work, pride, and individual initiative still flourish.

I am proud to commend one such community in the Third Congressional District of Tennessee. The citizens of the St. Elmo area of Chattanooga, Tenn., my hometown, are proving the individual still counts. Forming a neighborhood improvement league to beautify the area, these public-spirited residents have set about helping themselves—without the intervention of a government "Santa Claus."

It gives me special pleasure to point to progress being made in St. Elmo, because this is the area of Chattanooga in which I grew up. I still attend church here and maintain close ties with the community. St. Elmo, once a separate city, is the oldest community incorporated into the city of Chattanooga. Rich in historical heritage, it lies at the foot of famous Lookout Mountain, on whose summit and sides the "Battle Above the Clouds" of Civil War fame was fought.

In recent years, St. Elmo has faced problems of aging which plague older areas of many cities. But its citizens are meeting the problems in their own way and looking toward the future with confidence.

Several years ago, homeowners in this community were practically offered Federal grants from $1,500 to $8,000 to improve their property. These proud people rejected the Government money, preferring to accomplish needed changes gradually, on their own, rather than crawling to the Federal trough.

These citizens have answered the perennial question, "What can I do as an individual citizen?" with concrete action.

Under the leadership of the St. Elmo Improvement League, the community is getting a facelift. The taxpayers of Tennessee are not footing the bill. The changes are slow, but they are steady. Improvements have not been dramatic, but they are marked.

In joining forces to create a better community, the citizens of St. Elmo have rejected the "something for nothing" philosophy. They know progress cannot be made overnight. But it can and is being made in St. Elmo.

The Chattanooga Times, in its September 24 issue, saluted the St. Elmo community with a forward-looking editorial entitled "There's More To Come." I join in its praise. It is this kind of pioneering self-sufficiency which has built America's great cities, opened up our Western frontier. This same spirit is now conquering man's last horizons—our atmosphere and oceans and the far reaches of the solar system. As long as Americans display the kind of spirit shown by the Nelms, Ryans, the McDonoughs, and all the other fine residents of St. Elmo, we will remain a great nation.

The editorial outlining the community's specific accomplishments follows:

THERE IS MORE TO COME

It's symbolic, perhaps, that the most dramatic phase in the thrust of St. Elmo's determination to clean up and beautify is the painting of the underpass at 37th Street and Tennessee Ave. It bridges the chasm between indifference and achievement, brings together the merchants directly concerned with that heavily traveled stretch of businesses and the residents of the proud neighborhood who patronize them.

But the painting of the underpass is only part of the improvements steadily being made in the area of the St. Elmo Improvement League under the presidency of Roy Nelms and chairmanship of Mrs. Conroy Ryan. It is not an overnight transformation but during the past few months a large field adjacent to the railroad has been cleared, the area next to the Incline Drug has been made more attractive for visitors and incline-riders, lawns have been neatly edged and members of the Masonic Lodge have quietly volunteered their services to make repairs for those needing help with house improvements.

"Would you believe that we took out 20 truckloads of brush from that field," remarked Martin McDonough Sr., who with his son operates the drug store. "And three loads of that was just tin cans." And there are plans for the future like beautification of the new traffic triangle where Tennessee joins Broad, a fountain for the small park area across the street from the foot of the incline and even eventual removal of the unsightly hump of chert behind those businesses.

Improvements come slowly, perhaps—the painting of the underpass is being done by a group called The Neighborhood whose identities are kept anonymous by choice and they have to work when traffic is light—but in St. Elmo they are coming steadily.

Other neighborhoods would do well to chat with Mr. Nelms, Mrs. Ryan, Mr. McDonough and the others out in that part of town to find out how the magic is performed, and then go and do likewise.

THE AMBASSADORS OF SONG, U.S.A.

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. EILBERG. Mr. Speaker, in August of 1972, the Frankford High School a cappella choir will make its fifth goodwill singing tour of Europe. Frankford High is located in my northeast Philadelphia congressional district.

The group is known as the Ambassadors of Song, U.S.A., a name bestowed upon it by the State Department after its first highly successful tour in 1964.

On its coming trip, the choir, led by Mr. David M. King, will appear in Germany and Italy. The young people have a repertoire that includes the sounds and rhythms of American music as well as a wide selection of the music of the countries they visit.

The choir is made up of some of our finest young people. It represents America with honor wherever it goes and it is an independent organization.

The members and their parents are currently working to raise the $60,000 necessary to meet the group's expenses on the forthcoming trip.

In order to help them reach this goal, a booster organization called Twenty Thousand Americans has been formed. Its purpose is to find 20,000 Americans willing to contribute $1 and thereby share in this wonderful experience and cultural exchange. It is my privilege to appear on their list of honorary chairmen.

The Ambassadors of Song consists of 80 members, all working for a better relationship between the United States and Europe through song—one of the best ways of expressing a friendship.

THE PRESIDENT'S POLITICAL MAP

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. STOKES. Mr. Speaker, as the present administration has woven its way into our daily newspapers—and our daily lives—we have become increasingly aware of its inadequacies and inconsistencies. All of us have spent more time than we should have, trying to figure out just what Mr. Nixon and his loyal entourage stand for, where they are going, and why.

However, as far as the administration's position concerning the black and the poor, we now have all the answers we need. The President has done us the favor of presenting us with a map, both geographical and political. I suggest that we do him the favor of looking at it.

Let us begin with Washington, D.C., where the President postponed a meeting with the congressional black caucus for over 2 years. When he finally consented to a meeting, the Congressmen-at-large for over 25 million Americans presented him with 60 suggestions for improving the lives of all our citizens. His response was his own document, which cost the taxpayers a fortune to prepare, and which said absolutely nothing.

We should now proceed to Madrid, Spain. It was there, following his trip to Africa, that the Vice President denounced all American black leaders for their so-called constant recriminations.

Now let us make a brief stop in Pontiac, Mich., or any of the other cities across the country where local officials are trying desperately to comply with the Supreme Court ruling on busing while the President tells them not to bother.

This is a good place to pause and attempt to make some sense of the statements and events we have recalled as we looked at the President's map. This is an administration that does not have time to listen to the leaders of 13 percent of the American population. And it is a President who feels he can flaunt our highest Court, if that Court makes a decision not to his liking.

But if we are still unsure about the Chief Executive and his motives, I invite you to scan the map from San Quentin to Attica. We all know what happened in both places. We now know that George Jackson was shot in the back. This information came out with the release of a corrected autopsy. The coroner "decided," following consultation with ballistics experts, that George Jackson was not shot in the head, as was originally reported. And we know that 42 people were slaughtered from four directions at Attica on the basis of a rumor that turned out to be false. The President's only statement concerning either of these tragic incidents was a wholehearted expression of support for Governor Rockefeller's action which resulted in the senseless massacre of 42 human beings.

On September 22, 1971, an incisive and intelligent analysis of this administration appeared in the New York Times. It was prepared by Mr. Joseph Rhodes, a graduate student at Harvard and formerly a member of the Scranton Commission. It is Mr. Rhodes' thesis that our administration does not value all human life equally, that black life is somehow cheaper than white life, that the life of a man in prison is worth less than that of a man who is not in jail.

I agree with Mr. Rhodes' analysis, and invite my colleagues to study it:

THE ADMINISTRATION'S VISION OF THE WORLD

(By Joseph Rhodes, Jr.)

CAMBRIDGE, MASS.—Ever since Vice President Agnew asked President Nixon to remove me from the Scranton Commission, I have followed the statements and actions of Mr. Agnew in a perhaps hopeless attempt to understand what vision of the world motivates this Administration. Because Mr. Agnew speaks more frankly than Mr. Nixon, I had thought that his views might reveal the deeper philosophies that underlie the policies and directions of the President. No statement of the Vice President's has more troubled and confused me than his recent denouncement of the leadership of black America during his trip to Africa last summer. Since that extraordinary condemnation of our black leadership, I have waited for some evidence that might explain this bitter attack by the Vice President.

The article that Mr. Agnew wrote for the Op-Ed Page last week on the "root causes of Attica" provides such an explanation. It offers an insight into this Administration's approach to the problems and injustices that poor Americans and poor black Americans in particular suffer. The vision of America that Mr. Agnew projects is a revealing one if only because of its detachment from the reality that is the common experience of millions of impoverished and helpless Americans.

If I understand the Vice President's point of view correctly, he feels deeply outraged that some black leaders in America have attributed the Attica tragedy to the basic conditions that reign in our nation, the most severe such condition being the powerlessness of poor black people. He cites statments by "heretofore responsible Negro" leaders as an unreasonable allegiance to the "radical ideological premise of original sin which holds every outbreak of violence in our society to be further evidence of the intrinsic evil of the system."

Nothing infuriates our Vice President more than all the fuss over the deaths of the black prisoners: "To compare the loss of life by those who violate the society's law with a loss of life of those whose job it is to uphold it—represents not simply an assault on human sensibility, but an insult to reason." In his mind the Attica tragedy happened because of an expression of "criminal arrogance fed by the long-time accommodation of moderate spokesmen, white and black alike, to the extremism of word and deed practiced by black power militants." Incredibly, Mr. Agnew holds the black leadership of America responsible for the violence at Attica.

I have only one question for Mr. Agnew. Why, sir, do you think there is such a high proportion of black people in American prisons? Why are 80 per cent of the men at Attica black men and nearly all the dead prisoners of Attica, dead black men? There are only two possible reasons for this: either black men have a natural proclivity for crime, which is a racist point of view, or something about the American system tends to disproportionately produce black criminals and black convicts. Mr. Agnew, if the latter is the case, then there exists a serious inequity in the actual conditions of life for black Americans and not simply an excess of inflammatory rhetoric by black leaders.

Is it possible, Mr. Vice President, that so many black people end up in prison because of the economic and social conditions that black Americans endure? You referred to the nurturing of the "roots of violence such as occurred at Attica and, not long before, at San Quentin." But did you bother to check on the actual circumstances that led to the ten-year imprisonment of George Jackson? As a lawyer, you could only agree that if a white middle-class youth in California had committed Jackson's "crime," he would never have spent ten years of his life in California maximum-security prisons.

Just because a black man ends up in a prison does not remove him from the role of humanity. I wish you could open your eyes and realize that thousands of black people sit in prisons because they are black and because they are poor. Thousands more live in conditions only slightly better than those of Attica.

When our Vice President refers to the "previous confrontations between society's authority and antisocial force" he probably has Kent State and Jackson State in mind. The great threat facing our society is not that the cries of the suffering will provide "the violent-prone" with a "civilized rationale for their psychopathic proclivities." Some of these "violent-prone" people wear the uniform of the Ohio National Guard and the New York State police. To have waited a few more days before unleashing these armed men on Attica would not have amounted to an "acquiescence to the demands of the criminal element." It might have saved a few lives, human lives, convict or otherwise.

If our society comes to the point where it regards criminals as nonhumans and deserving of any punishment that they get, we will have advanced tragically closer to the Fascist society Mr. Agnew so desperately wants to avoid. The "storm troopers" were not criminals in prisons; they were officers of the law and carried out their horror under the "civilized rationale" of upholding law and order.

KANSAS CITY JAZZ REVISITED

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BOLLING. Mr. Speaker, the recent Monterey, Calif., Jazz Festival included a musical salute to Kansas City of the 1930's which is reported in the following story by Melvin D. Lewis in the Kansas City Star of September 19:

KANSAS CITY JAZZ REVISITED

(By Melvin D. Lewis)

MONTEREY, CALIF.—The setting was the Monterey County Fair Grounds, but the sounds were from an era 35 years ago and more than 2,000 miles away as the 14th annual Monterey Jazz Festival paid tribute to jazz, Kansas City style, featuring some of the great musicians who played in Kansas City in the 1930s and 1940s.

Among them were Mary Lou Williams, pianist with Andy Kirk for many years; Jay McShann, pianist; Big Joe Turner, blues singer; Jimmy Witherspoon, blues singer; Harry (Sweets) Edison, trumpet, and the Jesse Price blues band.

Price opened the session with up-tempo blues featuring some outstanding tenor saxophone work by Jimmy Forrest in the earthy style of Sonny Stitt.

Big Joe Turner joined the group and among the blues he sang was an old favorite, "Everyday." Turner is remembered by many Kansas Citians for his down-to-earth rendition of "Piney Brown Blues."

Moving center stage next was Mary Lou Williams, who recently came out of retirement, backed by Bill Hadnot on bass and Louis Bellson on drums. That she was well remembered was evident in the round of applause she received when she walked on stage. Retirement had not hurt Mary Lou. Her left hand maintained that steady bass roll that made her a standout with Kirk's Clouds of Joy, while her right hand carried the melody with clean and incisive notes.

Her opening number was an Afro-Cuban rhythm piece well supported by Edison and Hadnot. The number evolved into a straight jazz number reminiscent of the days when she was playing such numbers as "Roll 'em," with Kirk.

Mary Lou then played a swinging version of "Caravan," and the trio was joined by Roger Glenn on flute. Roger is the son of Tyree Glenn, trombonist with Cab Calloway for many years, displaying a musical heritage handed down from his father.

McShann, leader of one of the last big bands in Kansas City, took over the stage with Hadnot and Paul Gunther, drums. The trio revived many old-time Kansas City favorites—"My Chile," "Confessin' the Blues," "After Hours" and "Vine Street Boogie."

As the session moved on the trio was joined by Clark Terry, trumpet; Herman Bell, tenor sax and guitar, and Claude Williams on the violin.

During the McShann stint on stage, the music became so exciting that throughout the sell-out crowd of almost 7,500, people began dancing in the main arena and grandstands.

The wrapup of yesterday's musical offerings featured Al Hibbler, blind vocalist who sang with Duke Ellington from 1943 to 1951.

Hibbler sang two of his best known numbers, "Until the Real Thing Comes Along" and "Do Nothing Til You Hear From Me."

The day's activities ended with a flourish. A singing blues jam session featured Hibbler, Witherspoon and Turner. Their trading of choruses had the audience standing on its feet and calling for more as the curtains were drawn marking the end of yesterday's "Kansas City Revisited."

The entire afternoon was typically Kansas City style with soloists riding high above a background of solid 4-4 beat and riffs originated in Kansas City by persons such as Count Basie, McShann and others who laid the foundation of what is known today as Kansas City jazz.

THE MILITARY ORDER OF THE WORLD WARS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. HALL. Mr. Speaker, the Military Order of the World Wars is an organization composed of individuals who have held commissions in the service of their Nation during the time of war.

Established in 1920, the order had as its first national commander in chief, general of the armies, John J. Pershing. Since that time it has had many illustrious leaders, including Gen. Douglas MacArthur.

Recently the order, during its 1971 national convention passed a resolution expressing its concern about the continuing deterioration of our Armed Forces. The resolution was then forwarded to President Nixon at the White House.

The letter and resolution follow:

WASHINGTON, D.C.,
August 26, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MISTER PRESIDENT: The Military Order of the World Wars is seriously concerned about the continuing deterioration of our Armed Forces and, perhaps even more important, about the apparent unconcern of Americans generally in this problem. We feel that our survival as a free nation is seriously jeopardized—today—by our Nation's second best military capability when compared to that of Russia.

The Order has expressed its concern and set the tone of its 1971 National Convention by passing the enclosed First Day Resolution. We request that you take appropriate action to awaken this Nation to the deadly peril confronting it. Our National concerns and priorities must be re-ordered. What can be more important than our National survival.

Sincerely,

A. R. BROWNFIELD,
Brigadier General, U.S. Army, Retired,
Chief of Staff.

FIRST DAY RESOLUTION

Whereas, no other organization in America more sincerely desires to have and to continue to have full and complete confidence in our Chief Executive and national administration; and

Whereas, through our observation of the obvious and appalling progressive deterioration of our military establishment and national spirit, we have had our confidence severely shaken and most sorely tried; and

Whereas, the future foreseeable to us holds little hold of a rapid change in the nature of the world to a benign utopia wherein our nation would be certain of never again needing the ability to defend itself; and

Whereas, the past has shown us full well the folly and tragedy of unpreparedness; and

Whereas, we believe the unpreparedness of the United States at the present time, in terms of morale, military hardware, trained and ready active forces and reserves, and above all, the will to fight if necessary, represents a reckless and shortsighted policy of extreme danger to our nation, leading inevitably to national suicide if not soon altered;

Be it hereby resolved, that we, The Military Order of the World Wars, in national convention assembled, do hereby call upon President Richard M. Nixon to recognize and relieve the great and growing concern, not only of The Military Order of the World Wars, but of all citizens who love the United States and hope to see it survive as a free nation, by clearly re-stating the national goals of the United States in the inspiring terms of the great principles and moral values upon which the nation was founded. We call upon him further to forcefully assert and demonstrate his constitutional powers and his authority and responsibility as our national leader, by commencing and carrying out a vigorous and fully adequate program of strong military preparedness and national defense, starting with the rebuilding of national morale, pride and patriotism, and continuing with the immediate building of whatever modern military equipment and trained forces are required to positively assure this nation of a secure future in the world.

Be it further resolved, that this resolution shall be printed in the "World War Officer Review" and be sent forthwith, under the personal letter of our Chief of Staff, to the President, all members of the United States Senate, all members of the United States House of Representatives, the Secretary, National Security Council, and all radio and television networks and news wire services.

THE URGENCY OF PRISON REFORM

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. SEIBERLING. Mr. Speaker, in today's New York Times there is a very fine article by former Attorney General Ramsey Clark concerning the need for a major national effort to reform our medieval penal system so that its emphasis will truly be on correction not corruption.

The recent tragic events at Attica simply underscore our failure until now to develop a truly humane and workable correction system. For this our society is paying a fearful price. All but a tiny fraction of the inmates of our prisons will eventually return to the outside community. They should be returned as truly rehabilitated individuals and not embittered, hardened, dehumanized enemies of society.

The text of Mr. Clark's article follows:

A NICKEL FOR REHABILITATION

(By Ramsey Clark)

WASHINGTON.—Attica reminds us how quickly America resorts to violence and how little we revere life. We created the "Big House," knew of the inhumanity there and waited for the recurrence of death and destruction that was bound to come. When the crisis arose we accepted, perhaps wanted, official violence to smash the prisoners we hated and feared.

The same qualities of character that call for shooting looters, that condone police killing Black Panthers, and support the National Guard when it fires high-powered rifles and takes the lives of unarmed students justify the avoidable slaughter of prisoners and guards. Attica can only remind prisoners throughout America of the value we place on human life—theirs and the men who guard them. Attica shows again America's reliance on violence as a problem solver.

Can society be expected to make a significant effort for people whose humanity it denies, whose lives it holds of such small value it will sacrifice them on the alter of order? If we are to begin to make sense with our treatment of offenders, we must first recognize our common humanity and want them to live at peace with themselves and others. Until then, whatever we say or do or spend will fail.

The Congress and state legislatures could quickly double national expenditures for corrections. We spend less than two billion dollars a year in all correctional activities, Federal, state and local. Sixty per cent of the expenditures are by state governments. We employ about 150,000 people. Our ability to train and beneficially employ additional personnel provided by such increases in a short period of time seems clear.

Ninety-five cents of every dollar spent in penology is for custody, pure custody. Five cents is for services essential to rehabilitation and crime reduction. Approximately 80 per cent of corrections budgets supports prisons and jails while 20 per cent is used in community activities. Prisons place the prisoner in the starkest possible segregation from the community to which he must return. We should not spend more than 20 per cent of our resources on prisons and jails. No funds should be invested in prisons or jails housing more than 100 inmates. Those in existence should be dismantled as soon as possible.

A mere increase in expenditures for corrections will be inadequate, even dangerous. We do not need more of the same. We require essentially different qualities in corrections activity. Priorities should include the following:

First, a philosophy of avoiding detention wherever possible through prevention efforts, community treatment and probation supervision.

Second, recognition that the needs of each individual are different. Corrections programs should be carefully tailored to individual needs.

Third, the creation of new substantive rights of persons convicted of crime that would impose duties on governments to fulfill basic human needs:

Health—full social-medical services for the care and cure of alcoholism and addiction; adequate psychiatric and psychologist treatment and counseling for all in need; mental health services; prohibition of unhealthy or overcrowded quarters; provision of good food and diet.

Safety—freedom from assault by guards or other prisoners, forced homosexuality, corporal punishment and solitary confinement.

Communications—free access to family, friends, advisers, attorneys and the press. Freedom to write letters, articles and literary works.

Education and Vocational Training—immediate placement in an academic program with remedial help as needed; vocational training, with special programs for the handicapped and retarded.

Job Placement—in highest skills for which qualified at the earliest feasible time on work-release basis where partial confinement is necessary; programs for on-the-job training to teach higher skills.

Fourth, the creation of new procedural rights of prisoners, including due-process standards, the right to see and hear all evidence, to confront witnesses, to an impartial trier of fact and to counsel on issues such as program, institution transfer, denial of privileges, release on parole.

Fifth, an intensive effort to move offenders to the community where they will live. Funding for full probation and parole services can make these techniques an effective tool of corrections. Work-release, pre-release guidance and halfway houses are but beginnings. The need is for small, unmarkd community facilities with skillful community service personnel to help assure the individual social stability as he continues schooling or vocational training, works at a job, adjusts with family counseling to return home.

If these priorities seem radical, it is because radical solutions are needed. We have tinkered long enough and tortured ourselves with antisocial conduct.

KEATING WADES IN TO SAVE THE "DELTA QUEEN"

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. KEATING. Mr. Speaker, I am joining with my distinguished colleague, Mr. McCULLOCH, in introducing a bill to permanently exempt the sternwheeler *Delta Queen* from the 1966 safety at sea law.

This bill is designed to save America's last overnight paddlewheel steamboat from destruction.

As many of my colleagues know on three occasions, in 1966, 1968, and 1970, the House and Senate have voted unanimously to grant the *Delta Queen* a stay of execution from the Safety at Sea Act.

The safety at sea law provides, among other things, that U.S.-flag vessels with overnight accommodations for 50 or more passengers, must be constructed entirely of fire retardant materials. Therefore, because the *Delta Queen* is an American-flag vessel constructed partly of wood, it is condemned under the law.

By definition and intent of Congress and by my interpretation, the *Delta Queen* should have not been included in the Safety at Sea Act to begin with.

Last winter, the *Delta Queen* was upgraded and refurbished at the Avondale Shipyard in New Orleans at the cost of $500,000. The total investment in the *Delta Queen* during the last 4 years totals $1 million.

Mr. Speaker, I am proud to say that the *Delta Queen* has its home port in Cincinnati and is a traditional landmark for Queen City.

We are proud of her and consider it a permanent Queen City institution equal with the Cincinnati Reds, bratwurst sausage, the opera in the park, and the Tyler-Davidson fountain.

Under the present temporary legislation, the *Delta Queen* is exempt under law until November of 1973.

Supporters of the paddlewheel ship contend that it must have permanent exemption.

The law which threatens the destruction of the *Delta Queen*, nevertheless, permits a foreign vessel built with wood to continue to carry U.S. passengers from U.S. ports.

The law obviously discriminates against the *Delta Queen*. It also does not recognize the vast difference between the deep-draft ocean vessel and a paddlewheel river boat.

The operation of *Delta Queen* is limited entirely to inland rivers. It is only a short distance from shore and never encounters the hazards of the open sea.

Safety improvements to the *Delta Queen* during the past 4 years include the removing of 45 years' accumulation of oil-base paint on the exterior. The bulkheads and overheads are treated with three coats of fire-retardant and fire-resistant paint. The interior of all staterooms are similarly treated.

The *Delta Queen* owners have met U.S. Coast Guard requirements during annual and quarterly inspections.

The owners of the *Delta Queen* also installed a new diesel electric generator and electrical pumps to make sure that the ship's main and auxiliary fire sprinkler system would function in case of a power failure.

I am impressed with the good faith shown by the owners of the *Delta Queen* in making these improvements and I believe they have fulfilled the trust the 91st Congress placed in them by granting last year's 3-year exemption.

I submit to my colleagues that the *Delta Queen* represents a nostalgic part of American tradition.

As it plys the Ohio River between Pittsburgh and Cairo, Ill., and into the majestic Mississippi River to the port of New Orleans, thousands of Americans in some 16 States take certain comfort in hearing the churning of the huge paddlewheel and lonesome wail of its steam whistle.

We should not deprive our citizens of this part of America's tradition.

HOUSE JOINT RESOLUTION 191

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. CORMAN. Mr. Speaker, on Tuesday, September 21, sufficient signatures were gathered on discharge petition 1 to order the Judiciary Committee to discharge from its consideration House Joint Resolution 191 entitled "A joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings." Because this extremely important resolution will now be brought to the House for a vote with virtually no consideration by the committee this year, I would like to take this opportunity to review the history of the prayer amendment and remind my colleagues of the controversy which has surrounded it since its conception in 1963.

In 1962 and 1963, the Supreme Court handed down a series of ruling regarding prayer and Bible reading in our public schools which, in effect, reinforced each individual's freedom of religion and prevented public officials, including teachers, from directing prayers in the classrooms. As a result of these decisions, the first prayer amendment was introduced in the 88th Congress on January 9, 1963, by Congressman Frank J. Becker of New York. Floods of mail protesting the Supreme Court decisions concerning prayers and Bible reading in public schools placed great pressure on Congress to act during the 88th Congress.

As of September 1963 a total of 151 measures relating to prayers in the public schools had been introduced in the House with another 14 having been introduced in the Senate. Mail from individual constituents was overwhelmingly in favor of these measures in contrast to to bulk of religious organizations which were generally in opposition to such an idea.

Though Chairman CELLER was opposed to the proposed constitutional amendments, he agreed to call hearings when the discharge petition which had been filed was successful in getting 167 of the 218 names needed to release the measure from committee.

Hearings on 150 pending resolutions to amend the Constitution with respect to school prayers, Bible reading, and other related matters were begun by the House Judiciary Committee on April 22, 1964. Testimony on the 35 different forms of amendment to the Constitution which had been proposed was heard from distinguished church leaders, as well as experts in the fields of constitutional law, theology, and education during the 18 days of hearings which followed.

As a member of the Judiciary Committee in 1964, I was among those who repeatedly heard witnesses testify regarding the dangers inherent in the practice of devotions within our public schools. It was the consensus of the witnesses that the first amendment of the Constitution in its present wording has minimized tension and conflict among religious interests and has for nearly 200 years provided the framework within which responsible citizens and our courts have been able to afford maximum protection for the religious liberty of all citizens. The first amendment, by removing the coercive forces of government from among those that play upon the theological convictions of the people, has served well to protect the freedom of belief of Americans.

It was the belief of the witnesses, as it is my belief, that we should not depend upon Government in any way to give a status or a protection to a particular religion. We should instead hold to the basic protection that we have all been afforded by the first amendment.

I believe the Judiciary Committee gave exhaustive consideration to the prayer amendment in 1964 because of what seemed to be substantial support for its enactment. But by the end of the committee's deliberations there was no substantial support for the amendment and a majority of the committee was opposed to making any changes in the first amendment.

In 1967 the Senate was also successful in defeating the enactment of a similar amendment but the dogged supporters of the issues have refused to let it die and have resorted to emotionalism in bringing new life to the issue in 1971.

Unfortunately the supporters of this amendment have sought to strengthen their forces by equating opposition with this amendment to opposition with religion, by equating opposition with Bible reading in the public schools with opposition to the Bible. This is not the case. The first amendment was constructed in two parts; the first says Congress shall make no law respecting an establishment of religion and the other says there can be no law prohibiting its free exercise. The first amendment is based on the premise that the separation of the church and state is best for the church and best for the state and secures freedom for both. It is not the function of the state to undertake the responsibility which is that of the parent to determine when or in what manner the children shall pray or read the Bible. For nearly two centuries this assumption has proved valid. Religion today enjoys in the United States the highest degree of esteem, reverence, and influence anywhere in the world. It was the first amendment which brought this about with its guarantees securing rights to the individual and restricting the state. Should the Wylie amendment, House Joint Resolution 191, be adopted it would be the first time in nearly two centuries that the Bill of Rights as adopted by the fathers of our Constitution will ever have been amended.

I am opposed to the Wylie amendment and believe that by rejecting it, we will be protecting from challenge the basic liberies that promise freedom for all. For this reason, I would like to encourage my colleagues to carefully study the testimony of the 1964 hearings which is available from the Judiciary Committee as well as the statements of religious leaders, educators and constitutional law authorities which I will be inserting in the RECORD daily until this issue is brought before the House for a vote.

ADVISORY COUNCIL APPOINTEE

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BELCHER. Mr. Speaker, it is with a great deal of pleasure that I call to the attention of the House of Representatives a recent appointment made by President Nixon to the National Highway Safety Advisory Council.

Dr. Ruth E. Winkler, an outstanding optometrist who is actively engaged in practice in Tulsa, Okla., was appointed to the Advisory Council by President Nixon on September 13. I commend the President for his wise and careful choice of a highly qualified individual to fill the vacancy created by expiration of one of the 3-year terms on the 35-member Council.

Dr. Winkler has been closely identified with, and exceptionally active in highway safety programs at the local, State, and national levels, making her an ideal choice for this position. As we are well aware, good vision is a vital factor in highway safety. Dr. Winkler's expertise in the preservation and enhancement of functional vision and her experience in applying that knowledge to highway safety will combine to make her a valuable contributor to the deliberations and recommendations of the National Highway Safety Advisory Council.

A graduate of the Northern Illinois College of Optometry, Dr. Winkler first entered practice in partnership with her father, the late Dr. Thomas Winkler in Tulsa in 1950. She has been a driving force in making the entire community more safety conscious, through participation in various civic and service organizations.

To list all of the groups which have benefited from Dr. Winkler's dedication to improving the safety of our streets and highways would require considerably more space than might be proper here. However, I would like to call your attention to just a few of her past and present affiliations and activities. She is currently serving as national secretary of the National Association of Women's Highway Safety Leaders and president of that group's Oklahoma section; chairman of the Tulsa Mayor's Safety Coordinating Committee; and a member of the executive committee of the Oklahoma Safety Council.

Over the years, Dr. Winkler has brought the highway safety message to the Tulsa Business and Professional Womens' Clubs; the Illuminating Engineering Society; the Northwestern Traffic Institute on Vision and Traffic Safety, and various parent-teacher organizations.

In addition to these activities, Dr. Ruth Winkler has also served her own chosen profession of optometry as chairman of the Oklahoma Optometric Association Committee on Motorists' Vision and Highway Safety, and for 3 years as a member of the American Optometric Association Motorists' Vision and Highway Safety Committee.

All who are concerned with the improvement of safe driving practices owe a debt of gratitude to this fine lady who has now been provided a further opportunity to serve the Nation and its citizens through the use of her special skills and dedication to solving one of America's most difficult problems.

I know I speak for everyone in my district and the State of Oklahoma when I offer my most sincere congratulations to Dr. Ruth Winkler on her appointment to the National Highway Safety Advisory Council.

THE FIRST LADY OF NORTH ATTLEBORO

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, an eloquent example of the role of a woman in modern society is movingly presented in a tribute appearing in the Attleboro Sun Chronicle of September 14, expressing the deep respect and community affection in which Mrs. Alice Agnew is held. It is a pleasure for me to incorporate the column of tribute in my remarks.

The many diverse and rich contributions of Mrs. Alice Agnew to the improvement of social ills, and the betterment of community life, would require many, many pages to elaborate with justice to Mrs. Agnew. Known popularly as "Mrs. United Fund," and "The First Lady of North Attleboro," for many years she has been an active and dynamic force in educational and civic programs within North Attleboro. Mrs. Agnew, who served my distinguished predecessor in his personal affairs coincident with the expansion of North Attleboro, as the first woman to ever serve as a vice president of the North Attleboro United Fund, a marked reflection of her competence and reputation, inasmuch as this was in 1955. In 1967, 11 years later, she was chosen through election as chairman of the fund's executive committee. Mrs. Agnew is the first woman to be entrusted with an executive position in the North Attleboro Chamber of Commerce, just as she was the first woman to serve on the Joseph W. Martin, Jr., school building committee. Mrs. Agnew has also served as a member of the North Attleboro school committee, and served as the first president of the Quota Club of Attleboro, which undertakes highly commendable endeavors in women's circles. Perhaps a revealing insight into the true worth and sincerity of purpose of this remarkable woman is the special meaning that her position on the vestry of Grace Episcopal Church holds for her. For Mrs. Agnew is the first woman to ever hold such a position.

The creditable life's work of this extraordinary woman richly deserves recognition, and her achievements reflect well upon the promise of all women, with aspirations to serve their community and State as she has done.

The article follows:

North Attleboro's Alice Agnew Leading Busy Civic Life

(By Marjorie Ashworth Dix)

North Attleboro.—In common with the nation and the state, this town has a first lady, but it is not a courtesy title. It was earned by Mrs. Alice Agnew because of her exceptional executive ability. And because of this ability and her willingness to use it for the betterment of the town, she has been appointed the "first woman ever to serve" on a long list of the town's important boards, committees and commissions.

Miss Alice Wharmby came from Pawtucket to North Attleboro in 1930 to work for the Holbrook Insurance Company, and she stayed with this organization for 11 years. But by that time she was no longer Miss Wharmby but Mrs. James Agnew and she and her husband, whose business was located in Pawtucket, were thinking of building a home in that city, when Joseph W. Martin Jr., owner of the A. T. Parker Insurance Co., offered Mrs. Agnew a position in his office. This, of course, made it necessary for the Agnews to make some radical changes in their plans, which they did. They built their new home on Anawan Road.

UNITED FUND ACTIVITY

In 1955 she became vice president of the town's United Fund, a position which up to this date, had always been held by a man. She served in this capacity for 11 years. In 1967 she was elected chairman of the fund's executive committee and in 1969 she was appointed head of the special gifts division and this year she is chairman of the committee that requests donations from clubs and organizations. On a bronze plaque awarded her for her long and tireless service, in addition to noting the various positions she has held in this organization, there is a line which refers to her as "Mrs. United Fund."

CHAMBER

Mrs. Agnew is the first woman to hold an executive position in the North Attleboro Chamber of Commerce. For a number of years she served as its vice president and is presently a member of the board of directors. She is also the first woman to be honored by this body with a testimonial dinner held at the Gerald E. Riley chalet which was not only largely attended by her local business associates but by state dignitaries as well.

Another 'first' was added to the list when she was appointed the only woman to serve on the Joseph W. Martin Jr. School Building Committee. She served this board as secretary.

But of all the outstanding positions she has held, there is one she treasures above all others. She is the first woman ever to hold a seat on the vestry of Grace Episcopal Church. This is a group that handles the business affairs of the parish, and up until Mrs. Agnew's appointment it had always been composed of male members.

QUOTA CLUB

There is another field in which Mrs. Agnew played an important role. She was elected the first president of the Quota Club of the Attleboros when that women's service club was chartered in May 1954. Later she became lieutenant governor of the 15th district of Quota International of which the local chapter is a member, and was in line to become governor of the district if ill health had not prevented her accepting the post.

This completes the list of firsts' that have been bestowed upon Alice W. Agnew, but there is an important position which, although she isn't the first woman to hold it, she did an outstanding job while in office. In 1958 she was elected to the North Attleboro School Committee. And it was through her efforts during her term that the members of the local high school honor society were first entertained at breakfast by the Chamber of Commerce, a practice that has become an annual May event.

Alice Agnew not only served as office manager for Speaker Martin's insurance agency but attended to his personal affairs during most of the years he was in Washington. She continued with the agency for about a year after Mr. Martin's death. Then she retired to care for her husband who, after a lingering illness of several months, passed away.

KEEPS BUSY

It was then that she discovered the importance of keeping busy. So rather than dwell upon her loss, she delved into serving the town with renewed vigor. At the present time she is secretary of the North Attleboro Industrial Commission. This commission is engaged in planning to turn town lands into an industrial park. The land, mostly forest, lays off Toner Boulevard and when cleared will provide excellent sites for factory buildings. Mrs. Agnew is also a volunteer worker for the bloodmobile and she attends to sending cards and flowers from the Episcopal church to members of the parish who are in hospital or have suffered a loss of some member of the family.

How she manages to handle the many duties she takes on is a mystery to her friends and associates. Probably it's just because Alice Wharmby Agnew is blessed with those qualities which make a First Lady.

CONGRESSMAN PAUL ROGERS DEMOCRAT, OF FLORIDA NATIONAL HEALTH LEADER

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. FASCELL. Mr. Speaker, at a time when the country has indicated its firm resolve to reorder its priorities and make serious attempts to remedy the myriad social and economic problems facing us at home, an unusually dedicated and capable leader has emerged in the field of health care. I speak, of course, of our colleague, Paul Rogers of Florida. This year Paul assumed the chairmanship of the Interstate and Foreign Commerce Committee's Subcommittee on Public Health and Environment.

The subcommittee has acted on major health manpower legislation including the Nurse Training Act and the Comprehensive Health Manpower Act. Both of these measures are now in conference. Urgent action was also taken on the administration's proposal to eliminate the public health service hospitals and clinics. A resolution expressing congressional opposition to the President's proposal is also in conference.

And this week the Rogers subcommittee continues its extensive hearings on proposals to increase cancer research.

The list of accomplishment speaks for itself. The subcommittee, under Paul's direction, has taken a major leadership role.

The chairman's unique position added an important dimension to his recent experience in a Chicago hotel. I call to the attention of our colleagues an article from the Miami Herald of September 10, 1971, regarding that experience:

[From the Miami (Fla.) Herald, Sept. 10, 1971]

Paul Rogers' Sore Throat Could Improve Your Health

(By Judith Randal)

Washington.—On his way back from a recent trip to Asia, a man named Paul Rogers checked into a Chicago hotel to write a speech he was to make the next day.

His throat was sore and he had a fever, so he called the front desk for help. To shorten a long story, he found that the days of the hotel physician are over and that if you are a stranger in the headquarters city of American medicine—both the American Hospital Association and the American Medical Association are Chicago-based—you will be hard put to find a doctor at night.

Were it not for the fact that this particular Paul Rogers is the Democratic representative from Florida who heads the House subcommittee on public health and environment, this would be just another story which a traveler to almost any American city could recount. The difference between this traveler and others is that Rogers is in a better position to do something about health care in this country and seemingly intends to try.

After years in which health has been a secondary issue on the House side of Capitol Hill, Rogers in the last few months has had intensive and extensive hearings on medical manpower, probed the attempts of the Nixon administration to divest the government of its network of Public Health Service hospitals and clinics, and kept its feet to the fire on the agonizing intricacies of drug abuse both in this country and abroad

When Congress returned from its summer recess yesterday, he started right in with more of the same. This week alone, his subcommittee is having pharmaceutical company executives in to discuss pooling their firms' research efforts to develop an agent to block the effects of heroin that—unlike methadone—would be non-addictive, and is looking into the safety of foods, including the botulism situation and the recent chemical contamination of fresh eggs.

Before Christmas, he also plans to hold hearings on legislation he has sponsored to give the Food and Drug Administration the authority to regulate medical devices and on the whole question of "Health Maintenance Organizations," the recently coined term for what used to be called prepaid group practice. Rogers' purpose in holding the hearings will be to discern how deeply the Nixon administration actually is committed to the HMO concept, which emphasizes preventive medicine and comprehensive care for a fee agreed on in advance.

Also in the Florida Democrat's thinking are a national health insurance proposal and legislation that would create a separate Department of Health. Before taking up either of these matters, however, he and his subcommittee will have a long, hard look at what probably is the most burning health topic of the year—whether or not it is in the public interest to separate the National Cancer Institute from the National Institutes of Health and give it semi-independent status. Three weeks of hearings will begin September 15.

No one disputes that cancer merits more research money. The additional $100 million requested for this purpose by the President already has been voted by Congress. Rather, the question is whether the bureaucratic strategy really makes any sense.

Like Gaylord Nelson, the Wisconsin Democrat who was the only senator to vote against the measure, Rogers feels that the clumsy arrangement it would create might retard, rather than speed, the conquest of cancer and threaten the effectiveness of the NIH as a whole. Before the House makes its decision, the Rogers subcommittee will explore every aspect of the matter and the weakness of government-sponsored medical research in general. If the hearing record it compiles can convince Rep. Harley Staggers (D., W. Va.), the chairman of the parent Commerce Committee, wisdom instead of political expediency may yet prevail.

Rogers is, in some ways, a curious man to have chosen the role of health advocate. Elected in 1955 to fill his father's West Palm Beach seat, he has been conservative on most issues from busing to the war. Yet the deeper he has delved into health and environment issues, the more committed he has become to the need for a greater governmental role, and his constituency apparently is behind him.

He does not always see eye to eye with his opposite number in the Senate, Edward M. Kennedy (D., Mass.). Indeed, he and Kennedy differ somewhat on their approach to health manpower and hold opposing views on the cancer authority. Yet there is a suggestion here that, just as Lister Hill of Alabama and the late John Fogarty of Rhode Island were the "Messrs. Health" of the Senate and House respectively during the '40s, '50s and early '60s, Rogers and Kennedy may be headed for the same sort of teamwork now.

MUNICIPAL SERVICES—THE WEAKEST LINK IN INDUSTRIAL AND ECONOMIC DEVELOPMENT IN ARKANSAS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. ALEXANDER. Mr. Speaker, the death of a small town continues to be one of the most tragic sagas in America today. This disappearance of small towns and communities in the hinterlands of this Nation cannot be allowed to persist if we as a nation are to reach the goals we have set for ourselves.

There is still time to save the backbone of America—the small towns. We in Congress, and we as a people, must be willing to redirect the resources needed to achieve the community development required for this task.

Because of the awareness currently being exhibited in the Congress, I believe my colleagues will be interested in testimony presented at my hearings on community development needs. The first hearing was held at Brinkley, Ark., on August 30. I would like to share with you the thoughtful statement given at that time by Mayor Adrian White of Pocahontas, president of the Arkansas Municipal League.

Mr. White's statement follows:

MUNICIPAL SERVICES—THE WEAKEST LINK IN INDUSTRIAL AND ECONOMIC DEVELOPMENT IN ARKANSAS

INTRODUCTION

I am Adrian White, Mayor of Pocahontas, Arkansas, and President of the Arkansas Municipal League. The population of Pocahontas in 1970 was 4,544. Pocahontas is the 48th largest city in Arkansas; 399 towns and cities in Arkansas are smaller than my city.

423 towns and cities in Arkansas have less than 10,000 population, 301 Arkansas cities and towns have less than 1,000 population. I speak for the people in Arkansas' small towns and rural areas—unless we receive help—*help in the form of massive financial assistance*—our small towns will die and their people will leave Arkansas to find employment in large cities elsewhere.

A. Recent History of Arkansas

A few years ago the vast majority of Arkansas people were earning their livelihood in agriculture, timber and mining. We all know how these areas of employment have become mechanized and fewer and fewer employees are needed on the farm, in the forest and in the mines.

We in Arkansas have been trying to bring industry to our cities in order to provide jobs for the people who are being displaced by the mechanization of agriculture, timber and mining.

The total population of the 146 cities over 1,000 population is today over one million people; in 1930 it was only 488,945. These 146 cities over 1,000 population have more than doubled their population since 1930.

The industries in our cities and towns provide job opportunities for hundreds of thousands of Arkansas people who live in the rural areas of our state. In some cities 80% of the employees in the factories live outside the city.

But very few of the 301 towns and cities under 1,000 population have been able to attract an industry to their community because they have not been unable to provide the city services to a new industry and they cannot present a picture of a neat and clean municipality providing adequate municipal services to their own citizens much less being able to provide municipal services to a new industry. Unless these small towns can provide job opportunities for their people; the people wil leave Arkansas for job opportunities elsewhere and these communities will wither and die.

In 1940 Arkansas had a total population of almost 2 million out of a national population of 130 million. Today, we still have less than 2 milion people while the national population is over 200 million. Hundreds of thousands of Arkansas people have had to leave our state because our towns and cities were not attractive enough to industry to provide the job opportunities for our own people.

B. History of Municipal Financial Problem or Why is Arkansas 50th in the Nation in Municipal Revenues Needed to Perform Vital Municipal Services

1. *Antiquated State Constitution—Property Tax Inadequate.* Our present State Constitution was adopted in 1874, during a period of extreme conservatism and reaction following the abuses of the reconstruction period after the Civil War. This 97-year-old Constitution limits our towns and cities in 1971 to a 5-mill property tax to operate all the municipal government.

Art. 16, Sec. 5 of the Ark. Const. provides: "All the property subject to taxation shall be taxed according to its value, *that value to be ascertained in such manner as the General Assembly shall direct*, making the same equal and uniform throughout the State."

This leaves to the *Arkansas General Assembly* to determine the percentage of true value which property should be assessed and the General Assembly has the power to provide for a 100% assessment if it thinks property should bear a greater percentage of the load of financing local government.

Prior to the great depression property was assessed at 50% of its value. As late as 1932 general property taxes amounted to 67% of the revenues of cities and towns in Arkansas. With the bottom dropping out of values during the depression, and with many people losing their homes because they couldn't pay their taxes, our elected assessors naturally let the assessment ratio fall until it was only 5 to 10% of true value. For the past 16 years we have been trying to raise it to 20% of value.

Today the 5-mill tax on 20% of value amounts to less than $5 million to all the cities and towns in Arkansas. It will not even operate one department of city government. Cities and towns receive very little of the property tax. Arkansas people paid over $100 million in property taxes in 1967; cities and towns received only $11 million or 11% for all purposes including bond issues. If you doubled assessments in Arkansas you would raise property taxes over $100 million but only increase city general funds by $5 million; this is approximately $4.35 per person on the average. The property tax provides only about 10% of the operating funds of our towns and cities.

The first reason Arkansas cities and towns are financially bankrupt is the almost complete erosion of the property tax base in financing municipal services.

2. The Arkansas Legislature has not permitted municipalities to levy non-property type taxes in sufficient number or amount to finance municipal services!

In many states, cities and towns levy all types and kinds of local taxes. All of these types of taxes would be helpful but the municipal problem is now so great that the only local non-property taxes that will really help is broad based taxes.

There are only two broad based taxes—they are sales taxes and income taxes. Over 6,000 cities and towns in the United States levy local sales taxes; many cities levy local income or payroll taxes; of course, these should be collected by the state and returned to the cities after deducting a collection charge.

The 1971 Legislature passed a statutory Home Rule Act applying to cities of the first class.

This will be of absolutely no assistance to 336 towns and cities under 1,500 population and very little assistance to the 87 cities between 1,500 and 10,000 population.

3. The State of Arkansas has not returned to Arkansas Towns and Cities an equitable share of state collected taxes!

The State of Arkansas is in almost every field of taxation and returns to towns and cities only about 2% of the over $250 Million General Revenues collected.

4. *Arkansas Constitution is very restrictive as to funds for Municipal Capitol Improvements.*

Amendment No. 13 to the Arkansas Constitution permits Ad Valorem Bond Issues for capitol improvements for a specific list of public improvements. Bonds cannot be issued for longer than 35 years and cannot bear interest at the rate of more than 6% per annum.

With high interest rates and the federal threat to tax municipal bonds, very few cities have issued Municipal Bonds under Amendment No. 13 in the last three years.

Cities are limited to a total of 5 mills (on 20% assessment) for all capitol improvements; with an additional 5 mills for water and light plants only. Once a city makes a capitol improvement and pledges its 5 mills for 20 or 30 years then it cannot make another capitol improvement until these bonds are paid off.

C. Importance of municipal services

Eleven years ago a group of Arkansas businessmen formed a Business Executives Research Committee which was jointly sponsored by the Arkansas State Chamber of Commerce and the Industrial Research Extension Center of the University of Arkansas College of Business Administration.

The Research Coordinator for this report was Dr. Ralph Gray and the Coordination Committee was composed of Frank Cantrell of the State Chamber of Commerce, Dean Paul Milam of the University of Arkansas, and Dr. John M. Peterson.

They published a report in March, 1960 entitled, "The Problems of Financing Urban Growth in Arkansas: A Challenge to Arkansas Leadership", which said the following:

Summary of findings and recommendations:

"Since the close of World War II, Arkansas cities have encountered increasing difficulty in responding to the demands of a dynamic, growing population. City growth has brought a host of new pressures, each of which has grown into a serious problem for the cities, simply because they have found themselves not equipped financially or administratively to deal effectively with new challenges as they arise.

"Long-standing millage limits, inflation in league with lagging assessments, and preemption of revenue sources by the state have rendered the cities unable to expand revenues as rapidly as population growth and demands for more and better services have added to the municipal responsibilities. As a result, Arkansas cities spend far less per person for municipal services than their neighbors or their northern competitors."

The Importance of Municipal Services:

"The growth of Arkansas' economy depends, for the most part, upon the growth of industrial employment. For Arkansas to be attractive to potential outside investors, it should be able to boast of well-managed attractive cities which render the quality of services to which officials and skilled employees of industrial plants have long been accustomed. This generally means higher expenditure levels and higher taxes, and thus raises the question 'Can Arkansas afford better government service?' The committee finds that the relationship between acceptable municipal performance and attractiveness to potential industry, and therefore to income growth, is so clear that Arkansans cannot afford not to raise municipal service levels. Accordingly, the committee urges that citizens' groups be formed to promote local and state action toward making possible more and better services."

Let me repeat the question and the answer: "Can Arkansas afford better government service?" *The committee finds that the relationship between acceptable municipal performance and attractiveness to potential industry, and therefore to income growth, is so clear that Arkansans cannot afford not to raise municipal service levels.*

D. Arkansas towns and cities 50th in Nation in municipal taxes

The Bureau of the Census, U.S. Department of Commerce, has recently completed the 1967 Census of Governments.

In its publication, "Finances of Municipalities and Township Governments", issued July, 1969 we find the following:

The average per person municipal taxes for the U. S. is $89.61.

The average per person municipal taxes for the 17 southern and border states is $59.24.

Guess what the average is for Arkansas and where we rank?

You guessed it, we are 50th with an average per person tax of $16.52.

This is less than a nickel per day per person in municipal taxes—all municipal taxes for all municipal purposes.

This $16.52 municipal tax rate is the major reason that Arkansas is *50th* in the nation in state and local taxes, ($200 per capita—National Average $330) and the municipal tax is only 8¼% of total state and local taxes.

Also, you can see that the national average is 5 times as much as Arkansas. The southern average is 3½ times that of Arkansas.

The 49th state, West Virginia, (with $29.28 per person) is almost double Arkansas. In other words, Arkansas cities and towns are in such a dead last position in local municipal taxes we would have to double our local taxes to raise to 49th.

E. What a community needs to attract industry

The most important needs of a community are public water supply, sewer system, good streets, police and fire protection and health and sanitation.

1. Small and medium size towns and cities need massive financial assistance to improve their water systems to provide services for industrial development. The present administration has been especially cruel to small communities in cutting off Federal Grants for water and sewer projects.

2. The cost of sewer treatment and especially the treatment of industrial sewage is very expensive and the Federal Government must make a major commitment to aid small and medium size cities in the drive to clean up the environment.

3. Our towns and cities are using their street turnbacks to improve their street systems.

4. The Federal and State Governments must give financial assistance to help pay for the sanitary disposal of solid waste.

5. One of the greatest areas of need in our towns and cities is better police and fire protection. These services cannot be financed on a fee basis.

A beginning has been made in assistance to local police departments but this must continue.

Police protection is very expensive. It must be furnished 24 hours a day, 365 days a year. All of our merchants, businessmen and even home owners are seeing their burglary insurance rates going up and many are finding it hard to buy at any price. So we pay for adequate police protection even if we don't have it.

To have one policeman on duty at all times on basis of a 40-hour week takes five policemen on the payroll. Using a cost of $5,000 per policeman it costs the city $25,000 a year to keep one man on duty around the clock.

The people of our cities—the people of Arkansas—simply must have law and order! They must have police protection. This is the No. 1 duty of government. Yet, Arkansas is failing in this regard more than in any other area.

According to a recent publication of the U.S. Bureau of Census, the one area of expenditures where Arkansas was 51st in the nation (yes, 51st because they counted the District of Columbia as a state) was in the area of police protection.

We were not last in education, in local schools, higher education, highways, public welfare, health and hospitals, local fire protection but, we are *dead* last in police protection. Is it any wonder that our burglary insurance is going up?

The area of city government closest to my heart, and for which I don't mind spending city money, is fire protection.

Every dollar we spend on fire protection is an investment. An investment in saving lives, preventing injuries caused by fire, saving our businesses, our factories and our homes.

Also, we are saving money for the people living in our cities. We will cost our constituents money when we fail to increase taxes and fail to improve our fire departments.

Fire protection is very expensive but the lack of fire protection is even more expensive. Even working 72 hours a week it takes three firemen on the payroll to have one on duty around the clock. For the cities to have a 56-hour week, it would take four firemen on payroll to have one on duty.

We are dealing with people's lives, their homes, their businesses, the place where they work—when we talk of police and fire protection: How much are the lives of your people worth? What kind of society can we have without adequate police and fire protection? *A society not worth living in.*

With adequate water and sewer service, sanitary disposal of solid waste, and police and fire protection we cannot only protect the lives and property of our people; we can make our communities attractive to industry.

Let's remember two things: First, small towns and cities have no way to raise revenues. We have no unlimited millages the people could vote; we have no local authority to raise revenues. *Second,* by making our small towns attractive to industry we can stop the exodus to large ghettos of the north and make taxpayers of many of our citizens who are now on public welfare.

This is the second insertion into the CONGRESSIONAL RECORD of testimony and other material which I have gathered during my search for answers to the need for community development in sparsely populated areas and those areas threatened by population losses. Other material on this subject appears in the CONGRESSIONAL RECORD of September 22 on pages 32740 and 32741.

BUSING SCHOOLCHILDREN ACCORDING TO RACE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. SCHMITZ. Mr. Speaker, House Joint Resolution 651, a constitutional amendment introduced by Congressman FLETCHER THOMPSON, which I have cosponsored along with 12 other Congressmen, states simply that "no public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school."

This is exactly what the antiracists long and loudly insisted—until lately—that they were trying to achieve. Yet now House Joint Resolution 651 rests unmoving in the House Judiciary Committee, and we have to seek signatures on a discharge petition, an unusual and difficult maneuver required to force a bill out of committee. For most of the antiracists have stopped pretending that a colorblind, equal-opportunity society is their goal. Rather, they are openly advocating a reorganized society run by them as social engineers—a society in which children will be assigned to schools according to race, but as the social engineers, not their parents, may choose.

Thus racism appears in a new form, as a vital aspect of an intolerant, totalitarian elitism which moves other people's children around vast metropolitan areas like pawns on a chessboard, to obtain the sociological mix most satisfying to the dominant academic and bureaucratic cliques of the moment. That is the real meaning and importance of the nationwide controversy over busing schoolchildren according to race, now flaring with new fury as another school year begins.

In its decision last April in the case of Swann et al. against Charlotte-Mecklenburg Board of Education, the U.S. Supreme Court, tragically unanimous in error, not only read into the Constitution a power for a single Federal district court judge to set school attendance rules for an entire city—a power which could not by the remotest stretch of the imagination be conceived as having been in the minds of the Founding Fathers when they drafted the Constitution—but overturned the explicit language of their own historic Brown against Board of Education decision which said that new school attendance areas should be "compact units." When the Supreme Court begins to override not only laws passed by Congress, not only long-established legal precedents, but even its own recent and best-known rulings to advance its sociological objectives, it is heading straight for tyranny or chaos.

On September 13 I introduced H.R. 10614 which would deprive all Federal courts of jurisdiction over cases involving the assignment of schoolchildren to attend particular schools on the basis of race. A bill of this kind has the advantage over a constitutional amendment in that it requires only a simple majority vote for passage, rather than two-thirds. But it now rests in the same House Judiciary Committee which has bottled up every bill to check in any way the enormous abuses of Federal court power.

However, it may still be possible—at least in some areas of the country—to turn the Supreme Court's own twisted logic against itself. The Swann decision appeared to say that busing on the basis of race was being authorized only in those States which once had a dual school system segregated by law. It did not uphold—yet—the growing number of lower court decisions requiring busing in States such as California where any past or present racial "imbalance" in schools resulted solely from neighborhood housing patterns. Therefore no school outside the South is yet under Supreme Court mandate to bus for racial integration. Until such a decision is forthcoming from the Supreme Court, no local school board outside the South is compelled to take this action and even lower court order requiring it may and should be appealed.

If enough public support builds up for House Joint Resolution 651 and H.R. 10614 to curb the power of the courts in these cases, the Supreme Court might finally be willing to listen to reason on this issue.

PERKINS STUDENTS IN WESTWOOD

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, a rather touching article appeared in the Quincy Patriot Ledger Monday relating the visit of a group of 10 teenagers to the two nature trails specially designed for the benefit and pleasure of the unsighted in Westwood, which is located within my 10th Congressional District. Until June of this year, the Cedar Ridge trail offered the sole trails for the unsighted in New England. Similar trails have been opened at the Cape Cod National Seashore. These fine and high-minded teenagers, students at the famed Perkins School for the Blind in Boston, found their visit to the Hale Reservation a most rewarding and enjoyable one, in great part, I am sure, due to the Braille markers which have been placed along the reservation for the enjoyment of the visually handicapped.

It is a pleasure for me to present the full article, and I do hope that it will serve as a stimulus to other communities to adopt such a worthwhile and laudable program.

The article follows:

TEN GIRLS GET "TOUCH" OF NATURE

WESTWOOD.—Ten teenage girls who camped out at Hale Reservation over the weekend were like any other campers except that they were the first visually handicapped to spend a night there.

RARITY

Accompanied by an instructor, Miss Ingrid Watkins, and instructors in training, the youths, all students at the Perkins School for the Blind in Boston, chose Hale because of its specially-designed nature trails which have Braille markers.

Laughter and good-natured remarks about one another came easy for these girls who for the most part considered their stay Friday night and Saturday morning a special treat.

The rarity of camping accounts for them being more appreciative of people taking the time and effort to explain what camp life is all about, Miss Watkins said.

They felt particularly welcome at Hale because of the two nature trails designed for the blind.

The 1100-foot Cedar Ridge trail has 26 markers and the Spruce Hill trail, 13. They were the first trails for the blind in New England until June when others opened at the Cape Code National Seashore.

MARKERS

All of the markers describe the vegetation, animal life, ecology, and geology of each spot in terms of the sense of touch.

The printed markers were made by the Massachusetts Association for the Blind, and Braille zinc markers were made by the Perkins School.

Funds for the markers were provided by the Massachusetts Federation of Women's Clubs junior membership and the Westwood Lions Club.

CONGRESSMAN McFALL SPEAKS ON HEALTH CARE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. WALDIE. Mr. Speaker, while reviewing materials available on various aspects of health care as they may pertain to the work of the Post Office and Civil Service Committee, of which I am a member, it was my good fortune to obtain a copy of a brief address presented by our esteemed colleague from the 15th District of California, Mr. JOHN J. McFALL.

I believe Representative McFALL's comments presented to the San Joaquin Optometric Society contain food for thought for all of us who must consider, deal with, and vote intelligently upon health legislation. With this in mind, I insert Mr. McFALL's address in the CONGRESSIONAL RECORD so that more concerned citizens, both in and outside the Congress, may share the benefit of his cogent thoughts on the subject of health care:

SPEECH BY CONGRESSMAN JOHN J. McFALL

I want to thank my friends in optometry for this opportunity to discuss with them and others in the community one of the most vital as well as controversial problems that faces the Americans and in turn their Representatives in the Congress—that of health care and how and at what cost to provide it to the American people. And while we are on the subject I will include some comments on specific legislation of interest to the members of the optometric profession.

Most Americans are beginning to believe that good health care like a good education ought to be a fundamental right of American citizenship. This represents a rapid shift in public opinion because it was just in 1965 that we were able to obtain passage of medicare and medicaid after a twenty year struggle that met with bitter resistance and smothering cries of socialism.

Programs to provide this care are receiving broad support among members of congress and are variously backed by labor unions, chambers of commerce, hospital administrators, insurance executives and the American medical association.

It's been said that what lies behind this shift in national attitude is widespread frustration, especially in the middle class—over higher taxes for ever more costly governmental health programs, the failure of private health insurance to control soaring medical costs and the inability of millions to get health service when and where they want it.

The biggest question mark has been posed by a social security administration study of health care costs released earlier this month. How do Americans want to pay for their health care and how much and who do they want to handle the cash-private insurers (including some companies that would make a profit) or the lower overhead federal government (a choice that would virtually abolish the private health care system and, also, make the government bigger).

Part of the discussion necessary to reach a solution that will be acceptable to the American people must be between the legislative and professional sector of our society. Optometry, which has been waging a battle to win the recognition it deserves as primary health care provider, is a vital and necessary participant in that discussion because your profession has repeatedly demonstrated how self regulation can set guidelines for the welfare of the citizens it serves and provide the foundation for incorporation of this needed service in government administered programs.

The nature of America's health care problems can be identified primarily in three areas.

First, we are confronted with immense increases in the cost of health care.

Secondly, there are acute shortages of thousands of qualified practitioners of the healing arts.

And, thirdly, there seems to be a lack in present-day health care for a policy of preventive medicine, backed by vigorous medical programming.

The cost of goods and services has precipitated a situation where personal financial ruin can be the result of serious illness. Notwithstanding, other legislative bills have been introduced in Congress, and a number would provide for Federal assistance for an illness defined as catastrophic. Under these plans, the Government would assume all the expenses associated with an individual's illness after they exceed, for example, $4,000. Nevertheless, ordinary supportive services, such as diagnostic tests, X-rays, and blood tests are beyond the reach of far too many of our citizens.

Medical personnel shortages are graphically evident. Last year alone, more than 5,000 highly qualified students could not gain acceptance to medical schools in the United States. These potential physicians must now either select other fields of endeavor or delay their studies or study abroad. Those who select to study abroad find, upon returning to the United States, that they face an additional two years of study to gain recognition from professional organizations.

Medical research provides us with machines and organs to assist or replace our hearts and kidneys, but people continue to die needlessly, because we lack effective preventive medicine. Prohibitive costs and limited production have made those advance available to only a small number of our citizens.

A simple illness can become serious because of the lack of early treatment. Earl detection and treatment can in many cases eliminate or reduce the possibility of serious consequences at a later date.

As insurmountable as the national health care problems appear in the areas of rising costs, shortages of medical practitioners and thrust of preventive medicine, Congress is taking positive action to arrive at responsible and working solutions.

During the beginning of this Congress, the House and Senate have taken the initiative in finding a legislative avenue to prevent the present deterioration of health care services and ensure the availability of good health medical treatment for our people.

So this evening I would like to bring you up to date on some of the major health care proposals pending before the Congress, and outline where optometry is included in them.

The proposals cover a wide spectrum from the national health insurance plan advocated by Senator Kennedy and Congresswoman Griffiths which would provide individuals with all of those health needs whether major or minor and including a corrective lenses and the professional services of optometrists, to the more conservative proposals which provide only for services which are currently available under health insurance plans, such as the "medicredit" proposals which are primarily fostered as such by Congressman Fulton of Tennessee and Dr. Hall of Missouri.

Permeating any discussion of health care programs on a national scale are the basic questions of how Americans wish to pay for their health care and whether they wish to handle the funding through private insurers which of course include companies who keep some of the money in profits or the lower overhead Federal Government. The latter probably would lead to the end of the private health insurance system, as we know it, and also increase the size of the government.

To shed additional light on the subject and put the matter into perspective, I would like to cite a few pertinent statistics from an analysis recently made by the Social Security Administration and issued by the Department of Health, Education, and Welfare.

The study shows that the costs of health care are rising at an astronomical 12½% per year, and it appears certain such costs will be $105.4 billion in the 1974 fiscal year beginning July 1, 1973. This would compare with the previous fiscal year's cost of $67.2 billion. The staggering growth of health care costs will be reached even if no new Federal level health plan at all is passed and if we just continue today's piecemeal methods of paying for medical care.

At the present time we now pay for our care in many bits, including doctor bills, insurance premiums, dozens of taxes and hard cash if hospital emergency room treatment is required.

Of the various plans proposed, the Kennedy-Griffiths program represents the most drastic departure from the traditional and fragmented health care system we have had in this country. Nevertheless, the Kennedy-Griffiths plan has picked up significant support.

The Kennedy-Griffiths program would have the Government pay for almost everything and this would cost some $113.8 billion in fiscal 1974. Some proponents of the Kennedy-Griffiths plan would describe this difference "as a bargain."

The program would require the taxpayer to spend an estimated $97.9 billion in taxes but his direct out of pocket cash spending for health care would drop to $11.2 billion.

The plan would have private insurers handling only $1.9 billion of the annual health care bill for the Kennedy Plan would not pay for all psychiatric care, or prescription drugs, or non-prescription drugs, long-term nursing home care, or adult dentistry. It is not a cradle-to-the-grave free medical care program, as some have said, and it does not appear that any such program is likely to happen in this country in the foreseeable future.

In contrast to the Kennedy-Griffiths plan is the administration's proposal which would more or less stick to the present methods of paying for health care through expanding employer-employee payments for private or commercial insurance.

Under the administration's proposal, the Nation's total health bill would jump to $107.2 billion which would cost only 5½% less than the Kennedy plan. Under the Nixon proposal the total fiscal 1974 costs to the taxpayers at all levels would be an estimated $44.6 billion and their cash out of pocket direct payments, not including insurance premiums, would be $28.3 billion.

Private insurers under the Nixon plan would handle $30.4 billion as compared to the scant $1.9 billion as provided under the Kennedy-Griffiths program. The administration's proposal would provide for eye examinations for children up to age 12 subject to deductibles and co-insurance.

Another comprehensive health care plan has been advocated by Senator Javits of New York. The Javits proposal would amend the Social Security Act to extend medical care to all age groups, utilizing a step-by-step method. Initially, the Javits program would provide complete health benefits, including yearly visual examinations, to those persons 65 years of age or older, and after several years, children under the age of 19 would be included. Eventually, the Javits plan would provide for the entire population and would increase the cost of medical care in fiscal 1974 by $7.6 billion including a $4.6 billion increase in Federal taxes.

The American Medical Association's plan to encourage purchase of private health insurance via a tax credit system would increase the cost of health care in 1974 by about $4.1 billion and increase Federal taxes some $6.3 billion.

The American Hospital Association's plan would require all employers to furnish private health insurance. The increase during fiscal 1974 would be $9.5 billion and call for a $4.9 billion Federal tax increase.

Congressman John Dingell of Michigan has proposed a Government health insurance plan which would increase the costs in 1974 by $11.4 billion and provide for a $61.3 billion Federal tax increase.

Less extensive is Senator Russell B. Long's proposal which would provide Government insurance to cover catastrophic illness and this would increase national health insurance costs in 1974 by an additional $1.1 billion and require $3.1 billion in Federal taxes.

It must be emphasized that regardless of the plan which ultimately evolves from the legislative process, I believe it absolutely inherent that the traditional and valuable doctor-patient relationship be preserved. This sacred relationship is a cornerstone to any sound medical system and it cannot and should not be eroded under any program, or in the name of efficiency, which would provide assembly line medicine.

Although the delivery of vision care and general health care under the new, emerging proposals are of great concern to practitioners, there are many other federally funded programs in which vision care is an important element.

The Congress is well aware of the need for continuing support of optometric teaching institutions as well as those of the other primary health professions.

There is no doubt that schools and colleges of optometry could not have made the tremendous strides they have, except for the financial assistance provided by the Health Professions Educational Assistance Act, or title 7 of the Public Health Service Act. This legislation provides authorization for construction grants for new schools; construction grants are available for remodeling and expansion of existing physical facilities; institutional grants for basic support for the teaching program; special project grants for innovative programs and special situations; and the student loan scholarship programs which are so important to those students who require financial aid.

As the act presently operates, schools of medicine, osteopathy, dentistry, pharmacy, podiatry, veterinary medicine and optometry are all provided for. The act was due to expire July, 1971. Several changes have been urged by various groups during the hearings on this legislation. Optometry's major problem, however, is that the administration's bill would do away with practically all of the continuation of construction and institutional grants that have previously been extended for your schools and colleges, although it still allows optometry students to get loan money. The major health professions educational assistance proposals before the Senate Labor and Public Welfare Health Subcommittee and the House Interstate and Foreign Commerce Subcommittee, however, *would* include optometry schools in re-authorizing legislation and *would* authorize more money to our schools and colleges and our students.

This conflict between the administration's proposals and those that would include optometry has precipitated a heated debate in the Congress over the Health Professional Educational Assistance Act. I recognize that this program is really the lifeblood of the schools and colleges of optometry. I believe optometry schools must be retained and treated equitably.

Another subject which has held the interest of your profession for some time is legislation to obtain equitable treatment for military optometry officers, with respect to special pay and other career incentives.

After a number of unsuccessful attempts to bring the special pay issue before the House Armed Services Committee, the matter was resolved during the present session of Congress, when special pay was made a part of legislation to extend the Military Selective Service Act. As you know, extension of the draft has been a very difficult and emotionally charged issue, but the House has passed the bill and it is now awaiting final action by the Senate. The House version, and the bill approved by the Senate Armed Services Committee *do* include the special pay provision for optometrists in the military services. Assuming the Military Selective

Service Act is extended, it appears that special pay for optometrists will be an accomplished fact.

Professional visual care for veterans has been a matter of serious concern to your National Association and to the Congress. There is legislation under consideration now which proposes expansion of eye care for veterans, and creation of a new position of chief optometry officer within the VA Department of Medicine and Surgery. This new position would be consistent with the continuing efforts of Congress to provide our veterans with truly comprehensive health care services when they have completed their military service. At present, optometrists perform eye care services on an outpatient basis. While the current practice is better than no care at all, it leaves a great deal to be desired in terms of well-organized, comprehensive health care services which take the visual aspect into account. Under the proposed amendments to the veterans administration legislation, optometry would be accorded its rightful place within the framework of the health care team, just as dentistry and nursing have enjoyed and made major contributions for many years.

One final area of specific legislation I know to be of interest to you is that dealing with the Vocational Rehabilitation Act and the Blind Vending Stand Act.

In 1967 provision was made in the vocational Rehabilitation Act for optometrists to aid handicapped persons under the vocational rehabilitation program, especially in the area of orthoptics. However, although Federal law makes adequate provision for optometry in this regard, it is known that vocational rehabilitation people who actually administer the program at the State level do not accept an optometrist's certification of eligibility for vocational rehabilitation. So long as this situation exists, optometry is effectively excluded even though Federal law provides for inclusion. Vocational rehabilitation amendments before the 92nd Congress would accomplish two goals: First, an optometrist's statement would be accepted as a certificate of eligibility for vocational rehabilitation; and secondly, optometrists would be authorized to certify blindness under vocational rehabilitation.

In addition, there is a program operating under vocational rehabilitation known as the Blind Vending Stand Act which allows those persons who are considered blind to operate vending stands on Federal installations. This legislation, first enacted in 1934, provides that blindness, for purposes of the act, can only be certified by a duly licensed opthalmologist. Several bills to update this law were introduced in the 91st Congress, and they redefined blindness as 20/200 acuity (with correction) but they were silent as to who could certify.

A freedom of choice provision in the definition section of the Blind Vending Stand Act has been proposed. The Senate has passed that bill, providing that blindness could be certified for the purposes of the act by either a physician skilled in the diseases of the eye, or by an optometrist.

WHAT IS RIGHT WITH AMERICA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. CRANE. Mr. Speaker, it is common at this time to hear a great deal about what is wrong with America. Our country, of course, has many problems. It is, after all, a society of men—and men, being finite, have not yet achieved perfection—either in moral, social, economic, or political spheres. Much criticism is, in fact, a criticism of the human condition itself, and not of the American society in particular. I join those who wish men were less selfish and more altruistic, less parochial and more willing to open their minds and hearts to truth, and to other men. It seems, however, that human nature is constant, and is very much the same as it was a thousand years ago. Most likely it will be the same a thousand years from now.

Given the fact that man is what he is, it is only fair when judging any society that it be compared with other societies and not with utopian constructs in the minds of dreamers. By a utopian standard even the best and most humane society would appear barbaric and unjust.

Our American society, when compared with other societies in the world today, does not appear nearly as negative as many of our critics would lead us to believe. Recently Andrew W. Nickle, the outstanding senior man at Hillsdale College in Hillsdale, Mich., expressed a viewpoint which is very different from that of many students who have been in the news in recent years.

Mr. Nickle asked us to look for a moment at some of the things that are right about America. To those who attack our system of capitalism and free enterprise, he replies:

> It has been so successful that if we wanted to put ourselves on the same level as our nearest competitor, the Soviet Union, we would have to: Destroy two thirds of our rail mileage; destroy about 60 per cent of our houses; destroy 60 per cent of our steel mills; destroy nine out of every 10 telephones; move about 60 million people back to the farms; and reduce our standard of living by a full 60 per cent.

To those who speak of the race question, Mr. Nickle points out that—

> Today there are more blacks in college in America than there are English in college in England or French in college in France. ¶To those who speak of our crisis in education he provides the reminder that—¶ More Americans have completed high school than any other people. No other nation comes close to matching 6.5 million students now enrolled in our colleges and universities.

These facts should not make us less firm in our commitment to solve the problems which remain and which are within our ability to influence and correct. We should, however, understand our country as it really is, and not permit those who have distorted history and present reality to dominate the intellectual scene and become arbiters in the marketplace of ideas.

I wish to share Mr. Nickle's thoughtful statement with my colleagues, and insert excerpts of his address in the CONGRESSIONAL RECORD at this time:

A STUDENT SPEAKS

Andrew W. Nickle, "Outstanding Senior Man" at Hillsdale College (Hillsdale, Mich.), recently expressed a viewpoint very different from that of many students in the news in recent years. Excerpts of his address at the college's commencement follow.

Currently, it is fashionable to be a critic of our society and it is "out" to be a supporter, especially within my generation. While I believe there is certainly room for valid criticisms of various aspects of our society, I also believe that by overstating their cases, critics and reformers have led many of us to accept a pessimistic attitude about our nation's future.

The strength of this country lies in the physical, moral, and spiritual strength of her people—people who have a sense of what is right and what is wrong. The strengths we possess individually we possess collectively as a nation. All these strengths have led us to create the healthiest, wealthiest, most generous nation in the history of the world.

Under attack today is our free enterprise system. Some claim it is failing and others see it as repressive. However, I say it is more than a coincidence that it has produced more goods and services for more people than any other system. The record of our free enterprise system speaks for itself and needs no defense.

It has been so successful that if we wanted to put ourselves on the same level as our nearest competitor, the Soviet Union, we would have to:

Destroy two-thirds of our rail mileage; destroy about 60 per cent of our houses; destroy 60 per cent of our steel mills; destroy nine out of every 10 telephones; move about 60 million people back to the farms; and reduce our standard of living by a full 60 per cent.

Economically we are the strongest nation the world has ever seen, and we have shared our wealth as no nation has ever done. In foreign aid and assistance, we have given more than 200 billion dollars to other nations.

Despite our unequaled economic standing, we constantly read and hear of poverty in America. Once again, the critics are overstating their case. It is true that there are many Americans whose standard of living should be raised. However, to state this is a nation plagued with poverty is nothing short of an asinine remark.

In this country, we view any income below $5,000 as a poverty case. But do you know that less than one per cent of the people in the world earn $5,000. Much of the world views our "poor people" as kings and queens as our poverty cases enjoy shelter, plumbing, clothes, food, televisions, cars, and education opportunities. The fact is, we don't know what real poverty is.

Many say we should not dwell on America's material accomplishments, but we should worry about the problems of people. However, because America is strong and rich, because America is so productive, we are able to do things about our problems.

Of course there is the problem of race relations. In this area there are many black pages in our history. However, the past 20 years have been marked by unprecedented progress. While we still have a long way to go, and I don't believe we can move fast enough, new opportunities are continually opening up for minority group Americans. Today there are more blacks in college in America than there are English in college in England or French in college in France. There are also more black millionaires in America than in the rest of the world combined.

Another current crisis is that of unemployment. We are constantly told we are in a recession and unemployment has reached frightening proportions. But the facts show that our current rate of six per cent is about par, and is nothing near the 25 per cent unemployed in the 30's. Even the Kennedy years saw unemployment surpass the seven per cent mark.

We also hear of the education crisis in America. However, Americans today are the best educated people the world has known. More Americans have completed high school than any other people. No other nation comes close to matching the 6.5 million students now enrolled in our colleges and universities.

Then there are those who tell us that we are unfeeling and uncaring about other people. Yet the facts show that last year alone, Americans donated more than 14 billion dollars to charitable causes.

Of all the good things in America, the best of all is her people. If we lose faith in ourselves, we will become what our critics say we are. Our challenges are too great and at the same time our potential is so unlimited that we cannot afford to listen to the preachers of disasters.

We should all love America. But let us love her not because she is rich, not because she is strong, but because America is a good country and we are going to make her better.

FARM CREDIT

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BELCHER. Mr. Speaker, it was with great interest that I read the speech of the Secretary of Agriculture, delivered at Jackson Hole, Wyo., before the National Conference of Farm Credit Directors, September 21, 1971.

In this speech, Secretary Hardin comments on the barriers erected by the Common Market to U.S. farm products:

> The United States is continuing to press the Community to modify those aspects of its policy that are unfairly harmful. We favor European integration, but we don't believe that American farmers should be forced to pay unduly for the unification of the European Economic Community.

Having seen these walls repeatedly threaten American agricultural products over the years, I certainly want to commend the Secretary and urge his Department to persevere in this area for the benefit of all our farmers.

I also was interested to note the Secretary's comments in support of the Farm Credit Act of 1971. We share the Secretary's view that the bill will enable the cooperative farm credit system "to meet the growing credit needs of farmers in years to come."

Secretary Hardin says he looks forward to "favorable House action in the near future" on the farm credit bill. In that this bill has been passed by the Senate and hearings have been completed by the House Agriculture Committee, I too hope that we can move this bill to the House floor for action as soon as possible. There is great support in most of rural America for the main provisions, and I believe that this bill merits our earliest attention.

The fact that this bill will require no Federal tax dollars, no Government loan subsidies or special guarantees of any kind, commends it as one measure which will not add to the burdens of the American taxpayer.

Mr. Speaker, I ask unanimous consent that Secretary Hardin's speech be printed at this point in the RECORD.

The speech follows:

FARM CREDIT

I am delighted to see so many good friends and to meet with this leadership group, from all parts of the country, whose members are concerned on a day-to-day basis with that vital ingredient of agricultural progress, reliable credit.

I wish to take this opportunity to express my deep personal interest and satisfaction in the painstaking search that you have been making over the last two years for better ways of making dependable credit sources available to farmers. You are to be complimented on performing a truly monumental task—looking far ahead, anticipating changes in agriculture and changes in farmers' credit needs, and developing feasible means of updating lenders' services.

What you really have been doing is looking at agriculture the way it likely will be 10 years from now—and how you might best serve it. You have decided to make your System more flexible and more responsive in order to keep up with the changes in agriculture.

This is something all of us should do. We should be alert to the emerging situation with our three kinds of farmers—commercial farmers, small farmers, and part-time farmers. Each requires special help tailored to meet his particular needs as he fits into the kinds of farming, and kinds of rural communities, that we will have in the decade ahead. We should be willing to change, and ready to change, so that we can be responsive. And we should judge our efforts by how well they deliver useful services to the farmers and rural residents of this Nation.

The farmers of America are doing a tremendous job, and we of the Administration are well aware of that fact. Farmers have been a bulwark against inflation; they have strengthened our balance of payments; they have fed this Nation well; and all too often they have gotten far too little for it. Many of their achievements have been directly aided by the pioneering and performance of the farmer-owned Farm Credit System in the area of agricultural financing.

President Nixon recently observed that "If private lenders and the Farm Credit System continue to expand their credit assistance to the same rate as during the 1960's, there should be adequate credit available to meet the needs of commercial agriculture during the 1970's."

The President also demonstrated his concern for those farmers whose circumstances prevent them from obtaining loans from private lenders. "I pledge," the President said, "that my Administration will continue to be responsive to the needs of those farmers who are unable to qualify for private credit."

His pledge was significant. It was important not only to operators of small family farms, important not only to the fundamental health of our agricultural economy, but potentially important to the future of the Farm Credit System. Many of the programs of the Farmers Home Administration aim to be of particular benefit to young farmers who, in due course, will reach the point where they can participate in the organizations you represent. And you, too, are putting new emphasis on credit for young farmers.

Today's young farmers who have the managerial talent to make the most of their resources, and who use credit as a true tool of production, will have a significant and, I am confident, a rewarding part to take in the agriculture of tomorrow. Nothing that we can do will pay higher dividends than helping our young people.

Even though there's talk about the dwindling number of farms and farmers, agriculture is truly a dynamic growth industry—a $57 billion gross industry from farm production—one that has grown 24 percent from 5 years ago and 48 percent from 10 years ago. And I have faith that in the years ahead, farming is going to be a better business—and a better life—than it has ever been before.

As you are well aware, the soaring costs of equipment and production inputs during the middle and late Sixties offset much of the gains farmers might have realized from their rising gross sales. You know, and I know, of many farmers who have been producing more, selling more, but are earning little more—or even less—net income because of the cost-price squeeze and inflation. Inflation has been hard on the farm business and on farm family living. We are committed to do something about that.

Farmers have good reason to feel encouraged by the fact that we are winding down the Vietnam war and have come to grips with inflation. If the effects of the wage-price freeze extend well beyond the current 90-day period, as we intend they shall, the outlook for farmers ought to improve.

Costs of production will be more stabilized, while no lid was put on the prices of raw farm products. This gives farmers the chance to realize more from efficiency and specialization. Also, the President's new policy is designed to stimulate business activity, create jobs, and boost exports. The result of more people working and earning should mean stronger markets for farmers, and farmers will benefit from strengthened export markets.

Tax reductions and investment credits, which will be another direct assist to farmers as well as to industry, assuming Congress acts favorably on the President's proposals, will encourage greater investment in new productive equipment. Again, the net effect should be to strengthen and enlarge the markets for farm products.

To the extent that interest rates drop as a result of less inflationary pressure, this will be of help to farmers and the total economy. Inflation and the expectation of rising prices tends to drive rates to levels higher than normal. But now that pressure is subsiding interest rates have declined some.

Meanwhile, related parts of the President's new economic policy are aimed at improving America's foreign trade position. This is obviously a matter of great importance to farmers in light of the fact that in fiscal 1971, more than half of all America's production of wheat, soybeans, and rice went to foreign markets—and total farm exports were record high.

The release of the dollar from its gold price peg should bring about a realignment of world currencies, better reflecting their true value. This may take time. As it happens, it will improve the competitive position of U.S. farm products and tend to stimulate their sale abroad.

I believe it is reasonable to assume that the long-term benefits of reform of the international monetary system, increased economic growth among all nations, and adjustments in the flow of international commerce to meet true market needs, will be even more beneficial than the short-term effects of the new economic policy.

Some people may ask, for example, what the prospects will be for a continued high level of exports to Japan in light of the present situation. My answer would be that the prospects are good. The Japanese economy continues to grow. Their farm imports continue to rise. We expect to continue to supply our share of that market, which in the last fiscal year was worth $1.2 billion to American farmers.

The United States is Japan's biggest customer; and Japan is America's best offshore customer. A sign of this healthy and mutually valuable trading partnership is the straight-forward manner in which they and we have been discussing our mutual problems, none of which are unsolvable. I have said before that Japan will be our first $2 billion agricultural customer. I see no reason to amend that statement.

Looking toward Europe, we must contend

with the obstacles posed by the protective Common Agricultural Policy and its variable levy system. The variable levy automatically adjusts the price of wheat and feed grains in the European Community. For this reason the prices of U.S. feed grains on EC markets are not likely to change substantially in the wake of the currency provisions of the President's new policy.

Over several years, the Common Agricultural Policy has curtailed access to European markets for many American farm products. Last year was exceptional in that our exports to Europe reached an all-time high of $1.8 billion, owing largely to short European crops and lowered stocks. This year the Community is harvesting record grain crops.

As and when the United Kingdom joins the Community, our problems could become more complicated. The possibility exists that an American export market worth nearly $400 million will be put behind the protective walls of the Common Agricultural Policy. The greatest impact would probably be on our exports of tobacco and grains; rice, lard, fruits and nuts could also be adversely affected.

The United States is continuing to press the Community to modify those aspects of its policy that are unfairly harmful. We favor European integration, but we don't believe that American farmers should be forced to pay unduly for the unification of the European Economic Community.

In spite of the difficulties that exist, I am convinced that the goal of $10 billion in exports sales of agricultural products is attainable during the decade of the 1970's. The market potential is there. Population is on the increase. Economies are growing. Buying power is rising in most countries—and as it rises, people demand more and better food.

Of course, world agricultural productivity is also rising, and this means increasing competition. However, thanks in substantial measure to the credit you have provided for farmers over the years, American agriculture has an unmatched productive capacity and efficiency in a wide range of commodities. It has the ability to capitalize on the numerous opportunities that are developing. The sharp increase in world demand for livestock products, for example, creates a significant opportunity for the American farmer. He is second to none in the efficient production of the grains and protein meals needed for meat production.

Just when the $10 billion export breakthrough will occur is not predictable. Farm exports over the past decade show gains, losses, and plateaus from year to year. But the overall trend has been up. As you know, it reached a record high point of $7.8 billion last fiscal year.

The ups and downs of the export curve reflect weather, insects, disease, domestic and foreign farm policies, and many other factors. Not the least of these are the all-too-frequent shipping tie-ups brought on by labor disputants who are not deterred by how badly farmers and other of their fellow Americans get hurt in the process.

We have the markets in sight. We have the productive power. If we have the will to compete—as I am confident we do—and if we can gain the cooperation of dock workers and others who handle our shipments, the time will come when America's farmers will get their $10 billion share of the world market.

But for agriculture to accomplish that, and at the same time continue providing our home population with an abundance of wholesome food, farmers will have to keep themselves geared to the task. Essential to the gearing up process will be readily available, flexible means of financing. This is why modernization and expansion of the Farm Credit System will come as a timely and highly constructive step.

Members of your Federal Board and Governor Jaenke have provided me with insights into the Farm Credit Act of 1971. I am impressed by the intensive efforts that have gone into the preparation of a measure that represents the best thinking, not only of people in the Farm Credit System, but of leaders of the agricultural and financial communities generally.

In line with the Department of Agriculture's missions to improve farm income, strengthen the rural economy, and help achieve balanced national growth, a number of the bill's provisions are of special interest.

I realize some honest differences of opinion have come out in discussions of the bill; yet I see no real reason why they cannot be resolved in your minds and in the thinking of the thousands of member-owners of your System.

It is my opinion that the new act will broaden your horizons and enable you to meet the growing credit needs of farmers in years to come. I am pleased that the bill has been approved by the Senate, and look forward to favorable House action in the near future.

This new legislation, when you get down to essentials, bears out a philosophy of the Farm Credit System that offers an important guide to all who are engaged in agriculture. It gives new emphasis to self-reliance, to a man's management ability, and his character. These are the factors, over and above collateral security, that really count—and your System of Banks and local associations has been uniquely designed to nurture these qualities among the farmers of America.

So I salute you for the work you are doing, and I wish you success as you enter a new era of service in agricultural credit. There is no question that farmers, ranchers, cooperatives, and rural Americans will benefit. And so will the rest of the Nation.

WATER POLLUTION CONTROL

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. VANDER JAGT. Mr. Speaker, I am pleased to place in the RECORD a statement of the Honorable HENRY REUSS, chairman of the Government Operations Subcommittee on Conservation and Natural Resources. The statement was presented by Mr. REUSS to the House Public Works Committee relative to water pollution control legislation. I am pleased to associate myself with this excellent statement:

STATEMENT BY REPRESENTATIVE HENRY S. REUSS OF WISCONSIN BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS ON PENDING WATER POLLUTION CONTROL LEGISLATION AND THE REFUSE ACT OF 1899, SEPTEMBER 24, 1971

I appreciate this opportunity to testify today in support of an effective water pollution control effort on the part of the Federal Government.

My purpose in coming before you today is to urge that, in your deliberations over the contents of a new water pollution control bill, the Refuse Act of 1899 not be impaired.

The Refuse Act is a clear and concise statute. It simply states that no one may discharge or deposit his polluting wastes into a navigable waterway or its tributaries, except with a permit from the Corps of Engineers. oBth civil and criminal remedies are available to enforce this requirement.

Some 18 months ago the House Committee on Government Operations, in a report (H. Rept. 91–917) entitled: "Our Waters and Wetlands: How the Corps of Engineers Can Help Prevent Their Destruction and Pollution," said that vigorous enforcement of the 1899 Refuse Act "can substantially help to prevent pollution of our Nation's waters."

Since then, President Nixon issued, last December 23, Executive Order 11574 directing the Corps of Engineers to establish under the 1899 law an effective permit program as of July 1 of this year. The Executive Order also gave the Environmental Protection Agency a dominant role, from a water quality standpoint, in determining whether or not permits can be issued and, if issued, what conditions to protect water quality should be included. The program has been well integrated with EPA's water quality standards program.

Last February, Senator Hart's Subcommittee and my Conservation and Natural Resources Subcommittee held extensive joint hearings on the new permit program. At those hearings, the Administration witnesses emphasized, and we agreed, that the one significant deficiency in the program was the lack of authority for EPA to require and approve States' water quality standards for intra-state waterways.

The water pollution amendments to the Federal Water Pollution Control Act now pending before the Congress would cure this deficiency. I understand that the Senate Public Works Committee has included provisions for such standards in the bill it is now considering. I strongly urge that this committee do the same.

I would not be here today but for the fact that in recent days witnesses for both the National Association of Manufacturers and the Administration testified before this committee and recommended amendments to the 1899 Refuse Act.

The NAM witness, Dr. William Haun, recommended on September 13 that the Refuse Act be amended "so as to limit it to consideration of anchorage and navigation" only.

If the NAM amendment were to be adopted, the Refuse Act would be "gutted" as an effective anti-pollution tool. Not even an empty shell would be left.

The NAM amendment would take away an effective tool for citizen participation. The Refuse Act has become widely known, mainly because of its provision that an informer who gives information which "leads to a conviction" is entitled to one-half the fine. I myself have used this law to inform U.S. Attorneys in Wisconsin of scores of cases of polluting discharges by industry into our waterways. I have collected half the fine in several of the cases prosecuted thus far, and I have donated my share of the fines to help municipalities cure their municipal water pollution.

Other citizens have also helped U.S. Attorneys throughout the Nation in providing information on polluting discharges. Under the permit program they will be able to review permit applications and make their views known on them to the Corps and EPA at public hearings. When a discharger fails to file an application, the citizen can inform the U.S. Attorney who, according to a very recent report, is on the Corps' "backs every day" anxious to file actions against such dischargers. If a permit is issued, the citizen can monitor compliance and inform the Government of any violation.

Thus, the Refuse Act is a law that has stirred citizen interest and participation. It has also stirred the ire of many polluters. They are feeling the pinch of this simple one-paragraph law. One State witness who complained about its use recently said that "invoking of the 1899 Refuse Act . . . overnight, placed the Federal Government with boots and helmets in the front office of nearly every waste-discharging industry in the nation".

I for one cannot think of a better place for the Federal Government to be if we are to halt the degradation of our waters. It is time—indeed, long overdue—that the industrial polluters of this nation felt the hot breath of the Government's army of enforcers, meek as they are.

The NAM recommendation would also result in abandoning the "No Polluting Discharge" standard of the 1899 law. The old "assimilative" capacity theory under which our waters are simply private sewers of the polluters would then continue to reign supreme.

Only three days after the NAM urged this gutting amendment, the Administration, following the NAM line, also testified before this Committee. The Administration witness began by extolling the virtues of the 1899 law and ended up by urging that it be emasculated.

He urged that Congress (a) "integrate" the Refuse Act into the Federal Water Pollution Control Act, (b) provide for a "transfer of the permit authority" to the Environmental Protection Agency, and (c) provide for "delegation of the permit-issuing authority" to the States.

The Administration would thus transform a simple, easily enforceable, one-paragraph anti-pollution law into a lengthy, cumbersome, and fragmented law of dubious value.

The Administration's proposal that the Refuse Act he "integrated" into the Federal Water Pollution Control Act has an enticing sound, until we remember that the Refuse Act permit program established by the President last December has, as I have said, already "integrated" the two acts.

I only hope that EPA will exercise this responsibility effectively. A July 15, 1971, memorandum by EPA's General Counsel to its regional offices raises many doubts in my mind whether EPA will do so. The memorandum clearly suggests that many applications for permits will receive only a cursory review by EPA.

Certainly, we do not need a new and more complicated permit statute to carry out the President's Executive Order. If EPA cannot act responsively under this simple one-paragraph law, I shudder at what would be the result under a lengthy and more complicated one.

The notion that the permit program should be transferred to the States borders on the ridiculous.

One very clear conclusion Senator Hart and I drew from those joint hearings last February was that the States could not effectively handle such a program.

Eight States have no standards for intrastate waters and, in almost half the states, the standards are inadequate.

A November 1970 EPA staff report states that it is "questionable whether all interstate systems have been included in the water quality standards" program under the FWPC Act, and that at least "34 States have unilaterally extended their implementation schedules for various communities and industries."

Many States are not even ready today to process applications for State certifications under section 21 (b) of the Federal Water Pollution Control Act. That section was enacted nearly 18 months ago.

Also, let's not forget that Chairman Train said last week that "shortcomings in State permit and enforcement programs" caused the Administration to initiate the Refuse Act permit program last December, in the first place. I would be interested in learning how the States have succeded in curing these "shortcomings" in just 10 months.

A permit program run by 50 different governments will become an environmental nightmare. It will encourage industries that dislike the tough permit administration of one State to shop around to locate in a less progressive State. The result will be economic hardship to the State which effectively enforces its anti-pollution laws, and loss of jobs to its citizens.

The Refuse Act permit program is a Federal program established under a Federal law and pursuant to President Nixon's Executive Order. It should be run effectively by a Federal agency, not by the States. The States have a proper role in certifying, under section 21(b), that applicants will not violate state water quality standards. But that role should not be expanded into destroying the proper Federal role under the Refuse Act.

The Administration's suggestion that the Refuse Act permit program be transferred to EPA may perhaps be appropriate at some later date. But not now.

The permit program was just begun last February. Industry has filed with the Corps, as of September 13, some 18,000 applications covering over 32,000 discharge points. The Corps has already asked EPA to review over 6,000 of them. Three permits have been issued.

EPA lacks the funds and personnel to do this job. It is still in the throes of reorganization. Congress has appropriated funds to enable the Corps to carry it out. The Corps has the personnel and the machinery to do the job with advice from EPA on water quality, Interior on the effects on fish and wildlife, and from HEW on health effects of each discharge.

Let's not change the rules again. Transferring this program now would cause grave delay and additional chaos. We need action to protect our waters with the most effective tools, not bureaucratic paper shuffling and musical chairs.

The Administration's approach sounds a great deal like that proposed in a committee print prepared by the staff of the Senate Committee on Public Works which was widely circulated last June as a "devil's advocate type discussion paper". The Senate Committee, to its great credit, has since discarded that approach in favor of one that retains the Refuse Act intact, while strengthening the FWPC Act and the water quality standards program, and harmonizing them with the Refuse Act program.

I applaud the Senate Committee for that decision. I believe it is the right one. I urge that this committee and the full House follow suit.

Let's listen, not just to industry-oriented spokesmen, but to the public. I detect no great clamor from the public that the Refuse Act be amended or repealed, or that the Refuse Act permit program be transferred to the States. On the contrary, there is widespread public support for this law as it is because it is effective.

The League of Women Voters testified before this Committee on September 16 that the "Refuse Act permit system . . . be used to its fullest to help curb the sources of pollution".

The Izaak Walton League of America also testified before this Committee on that same day, urging "retention of the Refuse Act permit system now in effect".

The Friends of the Earth also testified last August that it would "consider any language in new legislation unacceptable which relinquishes Federal authority for water pollution control under the 1899 Refuse Act to the States", and urged that Congress "not mitigate in whole or in part" the 1899 permit program.

Unlike the Federal Water Pollution Control Act, which has never been tested in court, the Refuse Act has been widely reviewed and interpreted by many courts. These judicial interpretations, including those of the Supreme Court, have enhanced its effectiveness as an anti-pollution tool. The courts have upheld injunctions to compel a polluter to stop polluting and to remove the wastes discharged, and judgments compelling the polluter to reimburse the United States for its expenses in removing refuse deposited by the polluter.

No one urges that the judicial interpretations are wrong. Yes, I have heard it said, by some lawyers representing industrial polluters, that the Refuse Act "was not intended by Congress to function as a pollution control device", but only to protect navigation because in 1899 "every municipality and industry dumped its raw wastes into the nearest stream". I marvel at the hindsight of these lawyers and their knowledge of the intent of Congress in 1899.

Every first year law student knows that legislative history has a bearing on the intent and meaning of a law only when the law itself is ambiguous. But the Refuse Act of 1899 is far from being ambiguous. Certainly, the courts have had no difficulty in this regard. They have uniformly held that the 1899 law applies to the polluting discharges of today.

Since this is so, I cannot perceive any reason to repeal or amend the law, except to achieve the negative objective of the NAM to cripple the law.

Instead, Congress should applaud the Administration for adopting after much prodding, the unanimous recommendations of the House Committee on Government Operations for vigorous enforcement of the 1899 law.

Without the Refuse Act, the Administration would still be bogged down in lengthy procedures under the FWPC Act trying to stop the 10 mercury polluters from discharging that toxic material into our waterways. Similarly, the Justice Department would not have had an effective enforcement tool to halt the discharge of cyanide by the Armco Company into the Houston Ship Channel, or to control thermal heat discharges planned by a Florida power company into Biscayne Bay. In the latter case, the Government asserted that such discharges would have turned this national monument established by Congress into a "biological desert".

In summary, I urge that this committee reject the suggestions to repeal or amend the 1899 Refuse Act, to transfer its administration to EPA at this time, and to delegate the permit program to the States.

I urge that the committee hold the line and insist that this venerable statute be left unscathed.

I also want to add my voice to that of Congressman Vander Jagt and the Izaak Walton League and other public interest groups in strong support for two very important features of the Senate committee's bill.

The first provides that waste treatment systems which recycle pollutants and reclaim water, such as the land disposal approach of the Muskegon project in Michigan, be given a first priority in providing Federal grants to finance such systems, and that a second priority be given for those that provide "the best available treatment" of pollutants. Such a priority system does not exclude the more conventional treatment systems if the same results can be achieved at less cost. But it does encourage systems which deal with the question of ultimate disposal of the wastes. I believe this is needed. Moreover, it will help to upgrade the goals of the Administration from one of secondary treatment to the drinking water concept. Secondary treatment, in the case of most of our waters, guarantees a continuing decline in water quality.

Second, I support the need for a strong citizen suits provision in the Federal Water Pollution Control Act. Michigan, Minnesota, and Massachusetts have adopted such a provision. The Clean Air Act also has one. Citizen participation under the Refuse Act has stirred the Government into action. Such a provision in the water pollution control law is the real guarantee that the law will work.

MILITARY-INDUSTRIAL COMPLEXITIES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. SCHMITZ. Mr. Speaker, an interesting article entitled "Military-Industrial Complexities," appeared in the February 1971 edition of the Bulletin of the Atomic Scientists.

The author of this piece, Charles Wolf Jr., makes an examination of the aspects of the military-industrial complex, supposedly unique and responsible to a large degree for what are assumed to be inflated defense budgets, and finds that these characteristics are not peculiar to the field of military preparedness but in fact exist to an even greater extent within the health care and educational complex.

For an enlightening comparison between the military-industrial complex and the health care and educational complex this article is recommended.

The article follows:

MILITARY-INDUSTRIAL COMPLEXITIES

(By Charles Wolf, Jr.)

How can one approach the question of the role of the Military-Industrial Complex in American life? What is its degree of influence? Charles Wolf, Jr., who discusses the problem is head of the Economics Department at the Rand Corporation. The views he expresses here, however, are his own and should not be interpreted as reflecting those of Rand or the official opinion or policy of any of its governmental or private research sponsors.

"Do we buy more defense than we 'need'?" Those who, like General David Shoup, view the "new American militarism" as having an insidiously controlling grip throughout society, answer with a resounding affirmative. Others, like Dean Acheson, who feel that the military-industrial complex (MIC) is at most a "marginal" problem, are inclined to answer in the negative. How can one usefully approach this question, as well as account for the widely divergent answers that people give to it?

The answer to the initial question depends on whether one thinks the national decisionmaking process trends to misestimate one or more of three variables.

The first variable concerns the threat, and whether the decision process operates to bias threat estimates. If one believes the threat tends to be overestimated, the answer to the initial question is biased upward. Accordingly, if the assumption previously underlying U.S. planning for general-purpose forces was to prepare for 2-plus simultaneous major contingencies, a better assumption should be 1-plus simultaneous contingencies, or something similar, instead. The composition of threat estimates is, of course, as important as their total size. For instance, the strategic threat may be underestimated while the conventional threat is overestimated. The result is not one good estimate, but two bad ones. Thus, the U.S. military both overestimated and underestimated the Viet Cong: including tanks and anti-tank weaponry in the equipment of U.S. divisions in Vietnam reflected an error of the first type; the heavy casualties repeatedly incurred by U.S. troops on large-unit actions, due to booby traps and land mines, were a consequence of the second type of error.

Lying behind the proper threat estimate are a number of basic, and usually unexamined, premises. For example, what premise does one adopt about the interdependencies of the estimate, the decisions we make based on it, and the actions of others, both allies and adversaries? (Are these actions compensating, or are they largely independent of our own actions? Over what time period?) What estimate is proper also depends on how willing one is to bear the risks of underestimating rather than overestimating.

The more one views the Soviet Union or the Chinese People's Republic as implacably hostile (or simply disposed to exploit any opportunity for advantage against us or our allies), the higher one tends to assess the threat and the number of contingencies we should be prepared for; hence, the more defense we need. On the other hand, the more one views potential adversaries as behaving in compensatory ways—responding to whatever we do in offsetting ways—and the more one feels disposed to bear risks, the less defense we need.

A second variable is the social opportunity costs associated with other public (as well as private) resource claims—that is, the benefits foregone from other possible uses to which military resources would be put if not expended on defense. To the extent that people believe that military activities take resources away from other national programs (especially those at home), and to the extent that they assess the other needs as more compelling than national security needs, to this extent people feel that we buy more defense than we need or can afford. In principle, these costs depend on the output resulting from using resources for other purposes. When someone says that resources should, from the standpoint of national goals, be devoted to poverty rather than defense, he is implying something about the consequences of devoting more resources to the poverty problem. All too frequently, however, he stops with the foregone inputs, and avoids the crucial question of what the output would be.

The third variable concerns the efficiency of defense production. In this case, we take as given the need or demand for military activities. We then ask whether there are characteristics of the MIC that inflate the costs of producing defense services—for example, in the weapons acquisition process, in the way we man and operate bases, perhaps in the way we tend to fight unconventional wars in a conventional manner? (If demand is relatively inelastic, higher unit costs will increase the amount expended on defense.)

In other words, while the first variable concerns whether, and to what extent, the armed services, the Congress, defense industry, and the defense research community tend to inflate demand (in relation to other national needs), the third variable concerns the effect of the MIC in inflating the cost of meeting any given demand. Underestimates of social opportunity costs can affect both demand and supply.

MIC CHARACTERISTICS

Next, consider characteristics of the MIC which people have in mind when they contend that some of these variables tend to be misestimated, and hence that we buy more defense than we need or can afford. These characteristics are presumed to be unique to the MIC, or to differ in substantial degree from those which are associated with other industrial complexes (OICs).

What are these characteristics and how do they affect the variables of the model?

1. Secrecy is one such characteristic. The demand for defense is exaggerated, it is argued, because those with access to secret information are part of the MIC and so are biased on the side of higher threat estimates. Unavailability of classified information also protects inefficiency in the production and operation of forces and systems, and prevents careful comparison of the returns from defense with those from other public sector activities.

2. The complexity of weapons systems makes it additionally difficult for the outsider to judge whether a system is being produced or employed efficiently, or whether a proposed system is needed at all.

3. Supported by secrecy and complexity is the supposed absence of countervailing forces to oppose or control the MIC. As a result, exaggerated estimates of the threat and inflated production costs are insufficiently challenged, and nondefense uses or resources get inadequately represented as competing claimants for defense resources.

4. Related to the absence or weakness of countervailing forces is the contention that the MIC is riddled with conflicts of interest. Those who determine the demand (e.g., the military services, the Armed Services Committees, defense intellectuals) are in, or at a later time acquire, a position also to benefit from higher costs in meeting that demand. Both demand and supply can be biased upward as a result.

5. The appeal which can be made to patriotism and national tradition is another characteristic that putatively strengthens the MIC's hand in overestimating threats, inflating production costs and underestimating social costs. Consider the familiar belief that we can "afford" whatever national security expenditures we "need"; that "nothing is too good for our fighting men."

6. The scale of defense spending is also a relevant characteristic. Since the magnitudes involved are so huge, additions to them may be more easily obscured. And when defense expenditures are increased in wartime, the urgency of the circumstances and the pace at which the additions occur are often so pressing that circumspection and independent review may go by the board.

7. Institutional rigidity is advanced as a final perverse characteristic of the military. The "go-by-the-manual" syndrome tends to impede innovation and adaptation. Substantial inefficiencies and increased costs are likely to result.

AN EVALUATION

Let us consider these characteristics in turn to see how each bears on the original question. Most of the seven attributes are not unique to the MIC. They apply equally, or with greater force, to other complexes, especially health care and education—the two from which I will draw most of my examples. But in part the argument is intended simply to establish a benchmark. If, as is sometimes suggested, the defense budget is "out-of-control," we need to know whether that is because these characteristics apply to the MIC uniquely, or to an egregious extent. If they don't, then we can't use this benchmark as the explanation, or else we have to accept an equal presumption that OICs are out of control too.

Secrecy is one characteristic that applies uniquely to defense questions. Even here, however, the extent to which this characteristic prevents scrutiny and control may be exaggerated. Anyone who invests a modest amount of time in reviewing the Defense Secretary's annual posture statement has access to a great deal of relevant information on which to base judgments about strategy and weapons systems choices. To some extent, classification is an impediment to full disclosure. But the extent to which this restricts discussion is much exaggerated. Much of the relevant information on threats and systems, and on the uncertainties surrounding them, is openly available (as suggested by the recent public debate on the SS-9). Nonetheless, I would agree that more information should be made available to raise the level of public understanding and discussion, and that the communications media, as well as other institutions, can do a far better job of presenting the available information than they have in the past. (Incidentally, secrecy can lead to underestimates, as well as overestimates, or threats. Consider the United Kingdom before World War II, or the United States before Pearl Harbor.)

The complexity of defense matters poses a further obstacle to intelligent and public judgments. But is this obstacle any greater than what we confront in education? For example, the Coleman report suggested some of these complexities when it pointed out that expenditures' schools and on teachers' salaries, or on changes in class size, or on changing student-teacher ratios, did not seem to affect educational performance (U.S. National Center for Educational Statistics, 1966). Notwithstanding various criticisms directed against the study, Coleman's major results, by and large, have stood up remarkably well. Billions of dollars and words are expended on programs and arguments in this field without a clear understanding of what inputs are likely to be effective in raising educational performance. Are these issues really any less complex, or better understood than, for example, those that relate to the vulnerability of land-based or sea-based missiles, or to the case for (or against) providing a "thin" ABM but not a "thick" one?

Next, consider the contention about a lack of countervailing forces to check the MIC. In fact, there are numerous and strong countervalences. For example, analytical countervalences (systems analysis, planning-programming-and-budgeting systems, and other means of analyzing costs in relation to effectiveness) have been much more extensively and effectively applied in the military sector than in any other public activity. There has been nothing in health and education approaching the application of these techniques to the defense sector. Without slighting the technical difficulties involved in such new applications, and without exaggerating the results already attained in defense, it is fair to say that political and organizational oppositions to applying these techniques of budget control and resource management has been much more severe in health and education than in defense.

The same applies when one looks at other countervalences. Groups and individuals in Congress, in the media, in the academy, and in public life that dispute and control military expenditures are powerful, active and visible. Opponents of the American Medical Association and the teachers' unions, with the knowledge and organization to argue effectively for cost reduction, for improvements in quality, and for institutional and technological innovation, are rare and their arguments usually shortlived—in Congress or among the public generally.

Concerning conflict-of-interest problems within the MIC (for example, in connection with the 2,000 retired military officers who are employed in executive positions in defense industry), one should note the existence of a similar problem in the health-care industry. For example, the National Institutes of Health have often been hard-pressed to find panel members to decide on research allocations in a particular field who would not themselves be in a position to benefit, or to have their institutions, students or colleagues benefit, from such allocations. Paneling does in fact often come close to conflicts of interest, with attempts made to relieve the problems by such unsatisfactory devices as having a panel member leave the room when a grant to his institution is considered, or using foreign panel members.

Now consider the notion I discussed in connection with patriotism and nationalism that "nothing is too good for our men." In the health-care industry, conventional wisdom tends to justify increased costs in much the same way that inefficiencies are protected in defense matters. Again, "nothing is too good." Drastically escalating costs, with quite ambiguous effects on the quality of output, tend to result. Indeed, both health and education have been such sacred cows, with the purposes they serve so highly valued, that even raising the question of inefficiency is regarded as crass and unfeeling.

Consider next the point about institutional rigidity in the military tending to inflate costs through inefficiency. By way of comparison, the educational system has always operated so as to prevent or impede differentiation of teachers' salaries according to market value. Thus, the costs of getting better mathematics and science teachers in high school are enormously inflated, because salary levels that would enable the schools to compete for these skills have to be extended to teachers of physical education, home economics and history as well. (Incidentally, although the point is not "secret," is it well known to the public?) More particularly, this costly institutional rigidity results from the inertia of school administrators, as well as the political power of teachers' unions. As a barrier to innovation in health care, the institutional rigidity of the American Medical Association is no less a force to be reckoned with (for example, in its opposition to large-scale expansion of group practice, prepaid comprehensive medical care programs like the Kaiser Foundation, or the substitution of paramedical for medical personnel) than is the professional military in its insistence that war be played by the (last) book, almost irrespective of changed circumstances, as in Vietnam.

Or consider the effect of institutional inertia on the introduction of new technology. Here the education industry is at the opposite pole from the military services: technological innovations (such as computer assisted instruction, or automated record-keeping and information retrieval systems) have been painfully slow in developing, in sharp contrast to the military services, which sometimes latch onto the newest technology almost regardless of its effectiveness. In both cases the effect is increased costs. Moreover, this malpractice cannot be extenuated in education by one of the serious impediments to efficiency in the military: the fact that reliable testing procedures for new systems can only be provided in war time.

Turning finally to scale, the budget for the Department of Health, Education, and Welfare is nearly $65 billion for fiscal year 1971 ($23 billion is for health and education). The defense budget is larger ($72 billion), although this figure has come down by $7 billion in two years (and considerably more than that in real terms due to price inflation). In fact, as a proportion of federal expenditures (36 per cent), and as a proportion of GNP (seven per cent), defense expenditures are now at their lowest shares in 20 years.

Of course, defense is still awfully large. Yet if one adds state and local expenditures in health and education (another $40 billion) to the federal figures mentioned above, the total amount exceeds the defense budget. Expenditures on health care alone run to about $50 billion annually of which more than 30 per cent is public expenditure. The education industry entails annual outlays of about $60 billion, three-quarters of which is public expenditures. In their extensive interactions with the public sector at all levels, both of these complex industries are highly organized, politicized, and influential. While their efforts are not as centralized at the federal level, particularly in the case of education, as those of the MICs, this difference entails disadvantages, as well as advantages, from the standpoint of public awareness and control.

So the military is huge, and demanding of public scrutiny and control. But the scale problem is not fundamentally different from that of the OICs.

One of the numerous complexities about the MIC is that it is surely not the sole offender nor, probably, the worst. And if the answer to the question of whether we spend too much on defense remains elusive, the facts are that these expenditures are controlled relatively severely and that the totals are already sharply reduced and will probably be more so.

BICENTENNIAL MEDAL COMPETITION

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. WARE. Mr. Speaker, the Franklin Mint, world's largest private mint, which is located in my congressional district, has recently announced an outstanding competition for the designing of bicentennial commemorative medals in all 50 States, with prizes totaling $500,000. This announcement was made in August by Joseph M. Segel, president of the company at the New York City premiere of the new documentary film "Of Art and Mining."

BICENTENNIAL MEDAL COMPETITION

Artists in each state will be invited to design a Bicentennial medal commemorating their state's contributions to the heritage of the nation. There will be $10,000 in prize money for each state competition: first prize—$5,000, second prize—$2,500, third prize—$1,500, fourth prize—$1,000. The total prize fund of $500,000 is the largest amount ever offered in an art competition in the United States.

Actually, the investment in the program by the Franklin Mint will be at least one million dollars. In a telephone interview with *USA–200*, Segel said the company has budgeted an additional $500,000 for nationwide promotion and advertising in support of the 50 contests.

State Bicentennial Commissions have been invited to co-sponsor the competition in each state, and judging of the design entries will be done by state panels in cooperation with a national advisory panel of distinguished artists and art experts. In states which elect to cosponsor the program, the Franklin Mint will defer to the Governor or State Bicentennial Commission in appointing a panel of judges.

Under varying plans on endorsement of co-sponsorship, Segel told *USA–200*, it will be possible for the individual state to receive royalties of 10 to 50 per cent generated by the public sale of the medals, for use in supporting other state Bicentennial programs. A conservative estimate of the royalties likely to be generated for distribution among participating State Bicentennial Commissions, Segel said, would be one million dollars, with the potential being considerably higher.

The fifty state competitions, to run concurrently, are scheduled to open in January 1972 and close on March 31, 1972. Segel said he anticipated that first edition proofs of the complete 50-medal set would be available by the end of September 1972. There would be later mint editions and possibly other editions sponsored by various states.

The unique opportunity afforded artists, the commemorative value of the completed medals and the prospect of substantial royalties for use in other bicentennial activities, makes this a significant act of support and commitment to the bicentennial which I feel should be of interest to other Members of Congress.

EAST PAKISTANI REFUGEES

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. DRINAN. Mr. Speaker, I bring to the attention of my colleagues a very important and significant statement made by the 25 Roman Catholic bishops who make up the administrative board of the U.S. Catholic Conference.

On September 15, 1971, this group of prelates called upon the President and Congress to "take the leadership" in promoting a massive international relief program for East Pakistani refugees by pledging at least $300 million to that effort.

The statement of the governing board of the U.S. Catholic Conference follows:

BISHOPS' BOARD URGES MASSIVE RELIEF EFFORT FOR PAKISTAN REFUGEES

WASHINGTON, Sept. 15.—The Administrative Board of the United States Catholic Conference today (September 15) called on the President and Congress to "take the leadership" in promoting a massive international relief program for East Pakistani refugees.

The board, composed of 25 Roman Catholic bishops from around the country, said the U.S. government should ask the United Nations and other foreign governments to mount a relief effort totaling at least $1 billion.

It urged the U.S. to "set an example" by pledging at least $300 million to the effort.

The U.S. Catholic Conference is the national-level action agency of the Catholic Church in this country. Following is the statement of the Administrative Board, which met here this week:

"STATEMENT

"In an age that has witnessed more than its share of tragedies that have darkened the lives of thousands upon thousands of people, there is probably none more tragic than the plight of the millions of refugees from East Pakistan who have fled into India to save, if possible, the lives of themselves and their families. No one can offer an exact figure on the number of refugees who have already fled, but it is now being variously estimated at between seven to ten million, and there is no end to the exodus. It is said that even at this moment, 25 to 40 thousand refugees cross the border each day. In its concern for the East Pakistani refugees, the world must not lose sight of the fact also that many thousands of their fellow countrymen are still suffering from the cyclone which devastated their land late last year. Efforts to come to their assistance, more particularly to provide for their rehabilitation, were more or less suspended at the outset of the present tragedy and it is only recently that they have been partially resumed.

"It is almost impossible for the news media to adequately portray the plight of the refugees. Having arrived with barely the clothes on their backs, without food or shelter, they have found their way into hundreds of refugee camps. The Indian Government, with funds from a number of other governments, including our own United States, and the assistance of international and national governmental and private agencies, is feeding some hundreds of thousands on a minimum sustaining diet and is providing them with at least make-shift shelter from the heat and rain. Nevertheless, there are literally thousands, who because of lack of transportation facilities and the relative scarcity of supplies, for whom death seems to be the only escape from their suffering. One relief worker, when asked what they needed most, replied without hesitation, 'Crematoria.' It seems almost miraculous that a plague has not already destroyed hundreds of thousands of others.

"It is agreed amongst all who represent the agencies which are struggling to meet this situation that, unless a relief effort is mounted on a gigantic scale than that which is presently going on, no hope whatever can be held out for hundreds of thousands of those who are already suffering so tragically.

"The Bishops who comprise the Administrative Board of the United States Catholic Conference, conscious of the gravity of the situation through the relief program of Catholics in the U.S. which is carried on under the auspices of their Catholic Relief Services, are keenly aware and deeply disturbed by the gravity of the situation. Meeting this week in our nation's capitol, they urge our President, the Administrative branch of our government and our Congress to take the leadership in promoting a much broader international relief program.

"Our government should ask the United Nations and the more favored nations of the world to mount a program of relief, to be administered by the United Nations, that would have a value of at least one billion dollars to which the United States would set an example by pledging at least $300 million. These monies would be added to those already pledged by the United States Government and others to make available the ships and airplanes needed to get food and medical supplies to those parts of India where refugees are temporarily settled and to East Pakistan. Nothing should be spared and no political considerations should stand in the way of getting aid to both of these groups.

"An international approach of this type would not only provide the immediate needs for the refugees, but could cope with their long term needs and their rehabilitation as distinct from the immediate need for survival. There is plentiful evidence pointing to the certainty of widespread famine in East Pakistan by October. Food must be supplied on a massive scale directly to the rural areas of East Pakistan on a politically neutral basis. This should be accomplished through a greatly augmented United Nations staff with a specific mandate and adequate facilities for effective action. In order to facilitate this massive movement of food and supplies, we urge the Government of Pakistan and the leaders of the Bangla Dash movement to cooperate fully with this emengency humanitarian program.

"The Administrative Board of the United States Catholic Conference appeals to the Bishops of the countries of western Europe in particular to use their influence as religious leaders to have their governments join in this kind of an international project."

A TRIBUTE TO J. EDGAR HOOVER

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. KLUCZYNSKI. Mr. Speaker, in a few years the United States will observe the 200th anniversary of its founding. I suppose that we as a nation have experienced no more troubled era than that through which we have passed in this century. It is sobering to reflect that the public career of J. Edgar Hoover has coincided with some of the most challenging decades in our history, years of trial and of triumph. Through them all, he has been a tower of strength, a man of fierce integrity, sheer leadership has recreated the Federal Bureau of Investigation to win for it universal respect.

Deeply committed to the ideals which have made America great, relentless in his opposition to every alien ideology, J. Edgar Hoover has come to symbolize something fundamental in our national life. His abilities, his unshakable loyalty, his selfless dedication, and the sterling example of his personal and public life have been a continuing inspiration to millions in the ongoing war against organized crime and subversion. As a result of his diligent efforts and his intelligent application of his professional arts in the service of crime detection and crime prevention, all our people are able to sleep with a greater degree of safety. The freedoms which we cherish can only be maintained by ceaseless vigilance, a truth which he has always understood. In honoring him, we are honoring a priceless part of our common American heritage, a heritage which he has served and, with God's help will continue to serve faithfully and well.

WHAT U.S. MONEY AND THE "NEW" HUMANISM HAVE BOUGHT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. RARICK. Mr. Speaker, the IMF, our international beggars, have now used our money and intellectual leadership to become destroyers. They now brazenly meet like a flock of vultures preying over the carcass to tell their benefactors, that is, the American people, how we must run our monetary affairs.

But, seemingly, possibly since we do not have enough gold to pay off our IOU's, the IMF bankers are talking themselves into another substitute for gold called paper gold or SDR's.

Since the international bankers all profess that gold is an archaic symbol of the past and no longer has any significance to wealth nor is a desired object in the international field, then there remains no reason to prohibit Americans from owning and possessing gold.

Since the IMF people have progressed beyond gold, then there is no longer any reason for a law by this Congress to prohibit those private Americans who have not yet attained the intelligence level to the IMF crowd from owning gold, if for no other reason than a keepsake.

Before coming to Congress I had long felt that it was wrong to deny Americans the right to own gold; and since being in Congress, I have repeatedly introduced legislation in every term to give Americans this right.

I include a related news clipping and the text of my gold ownership bill, H.R. 353 and my bill H.R. 352, and urge their immediate consideration and adoption.

The material follows:

PROMPT SETTLEMENT OF CRISIS DEMANDED BY IMF DIRECTORS

(By Lee M. Cohn)

A resolution demanding prompt settlement of the monetary and trade crisis, plus movement toward long-range reform of the world's financial system, has been approved at the International Monetary Fund meeting.

Although the resolution—approved unanimously by the organization's executive directors yesterday—pins down no details and resolves no issues of substance, it is stronger and more specific than usual for the IMF.

Sources at the meeting predicted the resolution's tone of urgency will push the United States and the other major powers into negotiating compromises to end the crisis, which the executive directors warned "contains the dangers of instability and disorder."

Beyond the immediate crisis, a consensus appeared to be emerging for a new monetary system downgrading the role of the dollar.

SHIFT FROM DOLLAR SEEN

Finance ministers of leading nations, in speeches yesterday, proposed a gradual shift away from reliance on dollars as monetary reserves to the use of special drawing rights—artificial reserves issued by the IMF—for that purpose.

The most detailed proposals were presented by Anthony Barber, Britain's chancellor of the exchequer. He was supported in varying degrees by many of the other speakers, including the finance ministers of France, Italy, Japan and Canada. No one spoke in opposition.

U.S. officials reacted favorably to the thrust of these proposals although they did not commit themselves.

The executive directors who approved the resolution on negotiations are the permanent representatives of the member nations at the IMF. Formal adoption of the resolution by the IMF governors—finance ministers and central bankers of the 118 members—is certain at Friday's concluding session of the organization's annual joint meeting with the World Bank.

To settle the immediate crisis, the resolution calls on members to "collaborate . . . as promptly as possible" to establish new currency values and to reduce "restrictive trade and exchange practices."

BROAD LANGUAGE

It also urges "a reversal of the tendency in present circumstances to maintain and extend restrictive trade and (currency) exchange practices," and "satisfactory arrangements for the settlement of international transactions"—a reference to convertibility of currencies.

The language is broad enough to cover the negotiating positions of the United States and leading foreign countries.

U.S. officials want the others to raise the value of their currencies to give American goods a competitive advantage in world trade. In addition, the United States wants a reduction of foreign trade barriers and increased foreign contributions to mutual defense costs.

Only then does the United States intend to remove the 10 percent import-surcharge—additional tariff—imposed on imports by President Nixon.

DEVALUATION ASKED

The other countries want the United States to remove the surcharge as soon as agreement is reached on new currency values, leaving the issues of trade barriers and defense costs for later negotiation. They also insist that the United States join in the realignment of currencies by directly devaluing the dollar through an increase in the $35-an-ounce official price of gold.

There is no reference in the resolution to defense costs, because this is outside the IMF's jurisdiction. All the other issues are placed on the negotiating table by the resolution.

The references to restrictive trade practices, for example, can be interpreted to cover the U.S. import surcharge, or foreign trade barriers against American goods, or both.

A U.S. official said the resolution's "studied ambiguity protects our position," as well as the positions of other countries. He said it gives the negotiators a free hand, while setting the general direction and demanding that they work out a solution promptly.

NEGOTIATIONS SCHEDULED

Deputy finance ministers of the 10 leading non-Communist nations are scheduled to begin substantive negotiations in mid-October. If they progress, the finance ministers will meet in November, with the hope of settling the crisis by year-end.

U.S. and foreign officials agreed that the gloom and acrimony of last week have been alleviated by the formal speeches and private discussions during the IMF meeting. But they cautioned that hard bargaining lies ahead.

Beyond the immediate crisis, the resolution calls for accelerated studies on basic reform of the monetary system, a subject that has dragged on for years. The crisis has convinced most countries that the system must be overhauled to prevent a breakdown of world trade, investment and aid.

The resolution asks the executive directors to recommend reforms "without delay," presumably so that the IMF charter can be amended at next year's meeting, or perhaps to allow interim changes of the rules even sooner.

DETAILS OF STUDY

The reform study is to include "all aspects of the international monetary system, including the role of reserve currencies, gold and special drawing rights, convertibility, the provisions of the (IMF charter) with respect to exchange rates and the problems caused by destabilizing capital movements."

Speakers yesterday outlined the probable direction of reform, with their proposals for a shift from dollars to special drawing rights as monetary reserves.

The IMF began to issue special drawing rights (SDR) in 1969 to supplement dollars and gold in monetary reserves. Countries need reserves to settle balance of payments deficits and to support the value of their currencies.

SDR A MAIN ASSET

As discussed by Barber and the others, the new system would greatly enlarge the role of SDRs, which have been nicknamed paper gold. The role of the dollar would be limited primarily to commercial transactions and use for government intervention in currency markets.

This curtailed role for the dollar would reduce the dominance of the United States in the world economy, and would enforce discipline on the U.S. balance of payments. It no longer would be so easy to spend and invest more abroad than could be earned from foreign sources, because other countries would not need to accumulate so many dollars in their reserves.

However, there might not be much effect on the economic situation of average Americans.

"The SDR could become the main asset in which countries hold their reserves," Barber said. "Eventually—it would no doubt take time—the SDR could become the major element, with currency holdings largely confined to working balances."

Barber implied that the IMF could evolve into a world central bank. He said the SDR system would require "the controlled creation of adequate but not excessive world liquidity (money and credit) without reliance on the deficit position of one or more countries.

ROLE OF RESERVE BOARD

The Federal Reserve Board in the United States and central banks in other countries have as their main responsibility just such control of money and credit, to influence domestic economies.

Barber's reference to reducing reliance on the deficits of particular countries was an allusion to the present system, in which U.S. balance of payments deficits provide dollars for the reserves of other nations.

There now is agreement that chronic U.S. deficits have flooded the world with too many dollars, and must be reduced. This has led to the search for new reserves that could be controlled cooperatively, so the world economy would not be so susceptible to U.S. policies.

If the system is shifted from dollars to SDRs, Barber said, a procedure will be needed to retire existing dollars reserves.

He suggested creation of an SDR account in the IMF. Dollars would be deposited in the IMF in exchange for issuance of SDRs.

PAR DENOMINATOR

The SDR also would serve as the denominator for par values of currencies, Barber said. That is, the British pound, the German mark, the U.S. dollar and other currencies would be defined as so many SDR's or some fraction of an SDR.

The dollar has served as the denominator for par values, and the dollar in turn has been linked to gold through the U.S. offer to buy and sell gold at the fixed price of $35 an ounce. This system has broken down because President Nixon has halted gold sales, and most major currency values now are fluctuating—or floating—in market trading.

If SDRs served as the denominator, Barber said, the United States would be able to change the dollar's par value in the same way as other countries change the parities of their currencies.

The prospective new role for SDRs has been used as an argument for the United States to raise the price of gold. SDRs are denominated in terms of gold, so maintenance of the present gold price would reduce their value relative to currencies other than the dollar if these currencies were revalued upward.

H.R. 352

A bill to prohibit the redemption in gold of any obligations of the United States for, and to prohibit the sale of any gold of the United States to, any nation which is indebted to the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. No department, agency, or instrumentality of the United States may redeem in gold any obligation of the United States for any foreign government which is indebted to the United States, except where the obligation of the United States is limited to that of a bailee.

SEC. 2. No gold may be sold by any deparment, agency, or instrumentality of the United States to any foreign government which is indebted to the United States.

H.R. 353

A bill to permit American citizens to hold gold in the event of the removal of the requirement that gold reserves be held against currency in circulation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. At any time when reserves in gold or gold certificates are not required by law to be held against currency in circulation—

(1) the Secretary of the Treasury shall sell any gold held by the United States to any citizen of the United States on demand at a price equal to that then being charged foreign governments, banks, firms, or individuals for gold purchased from the United States Treasury.

(2) the Secretary of the Treasury may purchase from any citizen of the United States any gold tendered at a price equal to that then being paid to foreign governments,

banks, firms, and individuals for gold being purchased by the United States Treasury.

(3) no prohibition in the Gold Reserve Act of 1934 or any other law, and no prohibition in any regulation, shall be effective to prohibit or restrict the acquisition, holdings, or disposition of gold by any citizen of the United States.

INTRODUCTION OF THE GUN CERTIFICATION ACT OF 1971

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. MURPHY of New York. Mr. Speaker, since 1963 when I introduced my first mail order gun bill I have been calling for stiffer gun controls. Along with the late Senator Dodd of Connecticut, I suffered the abuse of the gun lobby and those in Congress who have been hoodwinked by the Nation's gun runners. Most of our successes in getting laws passed came in the wake of some shocking and senseless killing: The students killed by a sniper from the Texas Tower; the assassination of Senator Robert Kennedy and Rev. Martin Luther King, Jr.

And so it went. People were gunned down by snipers, lunatics, thugs, madmen, relatives, neighbors, and a few of us in Congress kept saying simply that if guns were made less accessible to those who should not have them, fewer people would be shot and murdered. And while little changed, there was some progress.

In 1967 we saw the "age of the sniper" appear. Not on some far-off battlefield, but in cities across the United States. And Congress began to awaken to the need for new gun legislation.

In 1968, the "Year of the Assassin," Congress finally passed legislation outlawing importation of most foreign guns, mail order gun sales, and out of State sales over the counter. New York City also passed a tough gun control act requiring the registration of buyers of rifles. New Jersey also passed a tough gun control measure.

But as I have said so often in the past, the answer to gun violence will not be found by passing piecemeal legislation, State by State, city by city. For as long as there is no national policy controlling the ownership of firearms then anyone will be able to buy a gun by simply going someplace where gun control laws are lax or nonexistent.

One promising step toward effective national regulation of guns will be the passage of my bill to ban the sale of cheap, small caliber handguns, often called "Saturday night specials." These guns account for a large percentage of the gunshot murders and assaults not only in New York City, but in every American city.

It is unfortunate that it takes a series of tragedies such as the killing of New York policemen, or a President, or a Senator, to focus attention on the Nation's failure to bring about domestic arms control. It is a tragedy that makes me wonder how many more policemen, public officials, and citizens will be shot to death before we finally take action to get the guns out of the hands of people who should not have them.

The Gun Control Act of 1968 was a good gun bill that was long overdue. The act marked the first time in America's history that effective controls were put on the interstate traffic in firearms.

But now we need to augment that good law with a law that will enable us to find out who owns the existing millions of guns.

In introducing the Gun Certification Act of 1971, I point out to Members that this is part of my continuing effort to increase the overall effectiveness of the Federal firearms laws in the United States. The 1968 act applied mainly to all new sales of weapons and the law has been tremendously effective in this area. Arrests of criminals and others prohibited from purchasing firearms rose over 400 percent in the first 2 years of the act's existence.

I welcome the Johnny-come-latelys to the legislative gun fray who have only recently joined me in my efforts to close a loophole in the 1968 law. This oversight has allowed the domestic production of 2½ million cheap Saturday-night-special handguns, a large number of which are used in crime. It seems to be the fashion of late to be "against" these terrible killers what with the administration and a host of Senators and Congressmen after many, many months joining me in denouncing these lethal, American-made manstoppers.

But what about the more expensive guns and the guns that are already possessed by assassins, robbers, maniacs, and habitual drunks, those who kill and maim? We must control these weapons if the firearms problem in this country is to be fully met.

The Gun Control Act of 1968 was a good beginning.

I cannot be content, however, to let the matter rest only half done. The problem of firearms abuse in the United States increases with each passing day and the lives of innocent Americans are snuffed out wantonly by the gun killer who now account for 65 percent of our Nation's murders.

As of today, an American is killed or wounded by gunfire in the United States every 2 minutes.

The legislation that I introduce today provides for a Federal certificate of eligibility to possess any firearm.

Just as one would establish his credentials in seeking to purchase narcotic or prescription drugs, I propose that current and prospective gun owners establish their status as responsible, noncriminal citizens before being allowed to possess a gun.

Briefly, this act will require that persons who possess firearms on the effective date of this firearms act obtain from the Secretary of the Treasury a certificate which would evidence their eligibility to possess firearms.

In applying for a certificate, an applicant would submit identifying information on himself and the firearms that he possessed.

A certificate would not be granted to felons, fugitives, mental incompetents, or citizens who renounce their citizenship.

In addition, juveniles under 18 years of age could not obtain certificates, and minors could not obtain a certificate other than for rifles and shotguns.

Ammunition could not be sold to a noncertificate holder.

With this proposal we should insure that noncriminal, responsible, mature citizens would be in lawful possession of firearms.

We obtain a license to drive an automobile without inconvenince and I see no more burden involved with respect to the obtaining of a certificate to possess firearms.

A certificate initially obtained would be valid for life, unless revoked because of the holder's falling into one of the prohibited classes by virtue of his actions.

The fee to obtain a certificate is $1, no matter how many firearms the applicant possesses.

A person purchasing a firearm from a licensed dealer would furnish a copy of his certificate and the dealer would record the certificate number and retain it as part of the records which he is now required to keep by Federal law.

Transfers of firearms between nonlicensees would be regulated and the information furnished to the Secretary.

I am certain that such an approach is necessary if we hope to reduce crimes of gun violence in America.

I am convinced that the time has come to take a firm stand on this controversial and emotional issue and I invite Members in both Houses to study my proposal and join me in this fight.

What I propose in this bill would not seriously inconvenience the law abiding citizen. It would require that he apply for a certificate of eligibility to possess a firearm.

It would vest the regulatory authority with the Secretary of the Treasury and would require that he issue a certificate to any person who does not fall within prohibited class.

What I am proposing is that we provide additional tools to implement and enforce the Gun Control Act of 1968.

That act makes it unlawful for a Federal licensee to sell a gun to a felon or a fugitive or a drug abuser or a mental incompetent. But it does not require that the licensee take any positive action to determine whether the purchaser is in one of the prohibited classes.

However, if a purchaser possesses a certificate of eligibility to buy guns, as my new bill requires, then the dealer is secure in the knowledge that he has made a lawful sale.

If a prospective purchaser does not have a certificate, then the dealer could not sell to him lawfully.

This is simple and expedient. I am convinced it will be effective.

In view of the current crime picture in this country and the contribution made to it by gunfire, I see no other alternative than to press for the enactment of the type of Federal controls contained in my proposed Federal Gun Certification Act.

We can no longer afford the extravagant human expense of inaction.

We can no longer tolerate gunsmoke in the streets.

I include a document entitled "Brief Summary of the Provisions of the Federal Gun Certification Act of 1971" in the RECORD Immediately following my remarks:

BRIEF SUMMARY OF THE PROVISIONS OF CONGRESSMAN MURPHY'S PROPOSED FEDERAL GUN CERTIFICATION ACT OF 1971

1. The bill provides that a person who possesses a firearm on the effective date of the Act obtain within 120 days, (unless he elects to sell the gun), a "Federal Certificate of Eligibility to Possess a Firearm."

2. It provides that a person who purchases a firearm must obtain a Certificate prior to such purchase.

3. In applying for a Certificate the applicant must submit the following information to the Secretary of the Treasury:

(a) Name, address, date and place of birth, social security or taxpayer identification number of applicant;

(b) Name of the manufacturer, the caliber or gauge, the model and the type and serial number of any firearm;

(c) Name and address of the person from whom the firearm was or is to be obtained and the date and place of the transfer; and,

(d) Date on which the application was made.

4. The application for a Certificate is valid as temporary evidence of eligibility to possess a firearm for a period of 90 days unless it is rejected by the Secretary because of the applicant's status in one of the following classes of proscribed persons:

(a) A person under indictment for or convicted of a crime punishable by a term of imprisonment exceeding one year;

(b) A fugitive from justice;

(c) An unlawful user of or addicted to marihuana, a depressant or stimulant drug or a narcotic drug;

(d) An adjudged mental defective or a person committed to a mental institution;

(e) In the case of a rifle or shotgun, a person under 18 years of age and in the case of all other firearms a person under 21 years of age;

(f) a person dishonorably discharged from the Armed Services;

(g) A person, who having been a citizen of the United States, renounces his citizenship; and,

(h) An alien who is illegally or unlawfully in the United States.

5. None of the above classes of persons in Item 4 may lawfully posses a firearm.

6. The Secretary is given the authority to revoke a Certificate if the holder subsequently falls into one of the classes outlined in Item 4.

7. In sales or deliveries of firearms involving Federally licensed dealers, the transaction would be lawful if made to a Certificate holder and the transaction would be recorded by the dealer and the information including the Certificate number retained in his records.

8. All private transfers of firearms would be regulated in the following manner:

(a) The transferor within five days would be required to forward to the Secretary the following information:

(1) Name, address and Certificate number of the transferee;

(2) Identification of the gun (as in 3(b) above); and,

(3) Name, address and Certificate number of the transferor and the date and place of the transfer.

(b) Lawful transfers could only be made between Certificate holders.

9. A licensed dealer may not sell ammunition to a non-Certificate holder.

10. Unlawful acts include possession or purchase without a Certificate, transfer or sale to a non-Certificate holder and possession by one of the classes of proscribed persons outlined in 4(a) through (h).

11. General penalties prescribed are: 2 years maximum imprisonment and $2,000 in fines, or both. Penalties for furnishing false information to avoid complying with the Act's provisions are 5 years maximum imprisonment or $10,000 in fines, or both.

12. Exceptions: Residents of states with comparable firearms certification systems are exempted provided that they furnish proof of state certification to a licensed dealer when so required by the Act's provisions.

TRUTH COULD COST MUSKIE DEARLY

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. RIEGLE. Mr. Speaker, the following column by Paul Hope published in the Evening Star September 27 is worth reading. I am pleased to insert it in the RECORD:

TRUTH COULD COST MUSKIE DEARLY

(By Paul Hope)

If it is true—as every politician, including President Nixon, is wont to say—that politics is the art of the possible, then why all the hullabaloo over Sen. Edmund S. Muskie's statement that he couldn't be elected president with a Negro on the ticket?

The way the Republicans and a number of Democrats are carrying on, one would think that maybe politics has been redefined as the art of lying.

If it has, then Muskie comes up short. Whatever else may be said about him—that he sometimes seems overly cautious, that he has a temper, that he has demonstrated some ineptness as a political organizer—it can't be said that he is untruthful.

Muskie's comment is being equated by some with George Romney's remark in 1967 that he was "brainwashed" by American officials when he visited Vietnam. Romney was crucified for it, and the remark turned out to be a major factor in scuttling his race for the 1968 Republican nomination before it even got under way.

A very high-ranking official of the Johnson administration remarked not long ago in an off-the-record discussion that Romney was absolutely right—that he had indeed been brainwashed. "They brainwashed me, too, not once but twice—and I swore, by God, they would never do it again," he said.

If the time is at hand that a candidate for elective office can't tell the truth as he sees it without wrecking his future, then politics really has reached a low state.

What Muskie did was to tell a group of black leaders that in his judgment it would be a futile gesture to put a black on his ticket. More than that, it would be a setback to efforts to implement his and their commitment to equality for blacks, because one first has to be elected to be able to do much about the problem.

That is practicing the art of the possible.

Now comes the Republican National Committee's newsletter with a long and pious article accusing Muskie of shifting "rightward on the civil rights issue" and of making blacks "second class citizens" in the Democratic party.

"The remark," said the GOP newsletter, "made it plain—if Muskie is in the driver's seat at the Miami Beach convention, black Democrats will ride in the back of the bus."

Considering that the Republican National Committee at a recent meeting in Denver thought the subject of how much black participation there should be at the Republican convention was too touchy to handle, one might ask if very many blacks will get on the bus at all when the GOP gathers at San Diego next year.

The newsletter makes a lot of to-do about criticism of Muskie's statement from three black Democratic House members. One can understand their "exasperation and rage," said the newsletter. It might be stated here that at least the Democratic party has some black House members. There are no black Republicans in the house to express exasperation and rage about anything.

The GOP newsletter's solicitude for blacks would be touching were it not for reminders from Republicans such as Michigan Gov. William Milliken and Virginia Gov. Linwood Holton that the Republican party's arms aren't exactly thrown wide open to blacks.

Then comes President Nixon, vowing not to talk about politics, but accusing Muskie of a "libel on the American people" for suggesting that they would not approve a Negro nominee for vice president—and declaring that it is "very important for those of us in positions of leadership not to tell a large number of people in America . . . that because of the accident of their birth they don't have a chance to go to the top."

No one asked Nixon, when the subject came up at his press conference, whether he would take a black on his own ticket next year.

Says the GOP newsletter: "Perhaps more important than the political issue is the moral issue. Sen. Muskie has said, in effect, to every Negro—'You have no chance to participate equally in the white community.' "

Well, let's wait until August and see if Nixon puts a sign in the convention window at San Diego: "Help Wanted: Candidate for Vice President. Equal Opportunity Employer."

A FRIEND IN NEED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. ROSENTHAL. Mr. Speaker, opposition to the appointment of Peter B. Hutt as General Counsel of the Federal Food and Drug Administration is widespread and well founded.

The game of "musical chairs" played between Federal regulatory agencies and the firms they are charged to supervise finds the consumer losing every round. He is left standing—without protection and without recourse.

Friendly association is fine; it is federally associated friends within the regulatory process which disturbs me. It is time the consumer had reliable friends.

I am inserting the following editorial from the Miles City, Mont., Star of September 12, 1971, into the RECORD at this point:

AN "OILY" FRIENDSHIP

Some U.S. Congressmen certainly are unreasonable. Take Rep. Benjamin S. Rosenthal, D-N.Y., for instance.

It seems that back in May, William W. Goodrich, general counsel of the federal Food and Drug Administration (FDA), announced his retirement and recommended a friend, Peter B. Hutt, to succeed him.

This ruffled a few feathers among consumer advocates such as Ralph Nader, because Hutt's private law clients included the Institute of Shortening and Edible Oils, a trade group of about 15 firms, all of whom are subject to FDA regulation. Nevertheless, Hutt got the job.

But the day before Hutt started his new job, guess who else started a new job? Goodrich—as president of the Institute of Shortening and Edible Oils.

Hutt and Goodrich said the job switch was just a coincidence. But Representative Rosenthal said, "It's an outrage. It's shameful, disgraceful . . . for high level people to engage in this musical chairs game where they may favor a special interest . . ."

Well, perhaps we can smell a slight odor of oil on the breeze, even this far from Washington, but what about that Congressman Rosenthal? Has he no respect, do you suppose, for the sacred ties of friendship?

Would he want the FDA general counsel to have to deal, over at the Institute of Shortening and Edible Oils, with a stranger?

PROFESSIONAL SPORTS AND THE ANTITRUST LAWS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. CELLER. Mr. Speaker, today I introduce legislation explicitly placing organized professional team sports under the sanctions of the antitrust laws, thus remedying an increasingly evident pattern of oppressive business practices in this country.

In this effort, I am delighted to join with my distinguished friend, Senator SAM ERVIN of North Carolina, who is today introducing an identical bill on the Senate side.

Following is a copy of the legislation and a press release calling attention to the bill and the intolerable abuses it seeks to eliminate:

To provide for the application of the prohibitions contained in the Sherman Act to the businesses of organized professional team sports

That the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, (26 Stat. 209, as amended; 15 U.S.C. 1 et. seq.) is amended by adding at the end thereof the following new section:

"SEC. 9. Notwithstanding any other provisions of the law, on and after the effective date of this section, the business of providing for profit public games or contests between any teams of professional players shall not be exempt from the prohibitions contained in sections 1, 2, and 3 of this Act."

SEC. 2. This Act shall take effect one year from the date of its enactment.

ERVIN AND CELLER ASK FOR END TO ALL PRO SPORTS MONOPOLIES

WASHINGTON, D.C., Sept. 30, 1971.—Today Senator Sam J. Ervin, Jr. (D-N.C.) and Congressman Emanuel Celler (D-N.Y.), Chairman of the House Judiciary Committee and its Antitrust Subcommittee, introduced legislation to end the antitrust exemption which professional baseball and football have enjoyed in this country. The legislation would remove the preferred status that baseball and football have enjoyed by placing them under the same antitrust sanctions applicable to all professional sports.

Ervin and Celler charged that "too often, the sport monopolies come crying to Congress for special legislation because they feel that the health of professional sports is in the national interest. But when it comes to blacklisting and throttling player negotiations, charging high prices to fans, blacking out TV, and moving franchises at will; the sports monopolies act with the greedy single-mindedness of a child reaching in a candy jar—more, more and more. There is no question," said the lawmakers, "that the same abuses that prompted the passage of the Sherman Antitrust Act in the 19th century are at work among the sport trusts today."

Both Ervin and Celler decried the restrictions which professional teams impose on the players right to bargain. "There is no question that these restrictions are the only government sanctioned restraints on an individual's right to bargain to sell his services and they effectively exclude the player from the free enterprise system. The restrictions amount to serfdom," they continued, "and we can think of no better term for the team owners than 'czar'."

Chairman Celler said he is considering holding hearings on the entire sports field that would necessitate a careful look at all team finances, including the tax uses which an owner makes of his team. Ervin said that the Senate Antitrust hearings on the proposed basketball merger which he is currently chairing could be broadened to include all professional sports.

WEEP FOR JACK THE RIPPER?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. SCHMITZ. Mr. Speaker, agitation in and around our penal institutions is moving to the fore as an essential aspect of what the Communists refer to as their "extended democracy program"—see my newsletter 70–22. The battle for "extended democracy" is directed against all aspects of local, State, and Federal law enforcement designed to protect our citizens from criminals—politically motivated and otherwise. Tactics vary from assaults on police officers, to smear campaigns against intelligence-gathering agencies and congressional committees investigating subversive activities, to pressure campaigns to repeal internal security laws, to disruption of our Nation's courts. The battle has now been carried dramatically into the prisons.

The goals of the "extended democracy program" are: First, to cripple and render usless the institutional mechanisms of government designed to cope with the destructive activity of individual and organized predators; second, to overturn constitutional government in the name of the Constitution; third, to create conditions for the establishment of a totalitarian state using the banner of freedom; fourth, to establish total tyranny under the guise of fighting oppression.

Although, according to Marxist-Leninist theory the criminal class is not considered an adequate base from which to launch a revolution, the chairman of the defense commission of the U.S. Communist Party, James J. Tormey, stated in last October's issue of the CPUSA theoretical monthly Political Affairs that "What is needed is a comprehensive campaign against anti-Communism in general"—read internal security—"always associating our oppression as a political minority with the oppression of other minorities." The Communists, in other words, will manipulate, glorify, and attempt to identify with the "lumpen proletariat," as they call the criminal elements of "bourgeois" society, as a tactic in their drive to dismember our legal system.

The case of George Jackson is a striking current example of this tactic. Jackson had a criminal record dating back to 1957 and was what is known as a "three-time loser." Prior to being sentenced for robbery in 1961, he had been in and out of California Youth Authority institutions, escaping twice and being paroled twice. In January 1970 Jackson was implicated in the brutal slaying of a guard at Soledad Prison. His recent breakout attempt from San Quentin resulted in the murder of three guards and two other inmates. To paraphrase Washington Star Columnist Smith Hempstone, you might as well weep for Jack the Ripper as for George Jackson.

But the stage has been set for transforming hoodlum into hero. The murder of the Soledad prison guard had elevated Jackson and the two other implicated to the role of celebrities. The so-called Soledad brothers were touted as victims of racist oppression and became a focal point for agitation against the entire correctional system. The "Soledad Brothers Defense Committee" was formed as an organizational nucleus for operations. Its chairman, Lenin Prize winner, Carlton B. Goodlett, is a sponsor of the American Committee for Protection of the Foreign Born, which was cited as "subversive and Communist" by former Attorney General Tom Clark, is a member of the presidium of the World Peace Council, and was a member of the coordinating committee of the People's Coalition for Peace and Justice—PCPJ. See my newsletter 71–23. Treasurer of the Soledad Brothers Defense Committee is Lenin Prize winner, Linus Pauling. Members include named Communist Party members Jessica Mitford, Pete Seeger, and Craig Vincent, along with such radicals as Tom Hayden, William Kunstler, and Mario Savio. John Thorne, a long-time member of the National Lawyers Guild, cited as a Communist front and the "foremost legal bulwark of the Communist Party," acted as a counsel for Jackson and his cohorts.

In August 1970 an attempt by Jonathan Jackson, George's brother, to take a convict charged with knifing a prison guard from a San Rafael courtroom by force resulted in a blood bath. During the escape attempt, Jackson blew off Judge Harold Haley's head, the district attorney and one juror were seriously wounded, and Jackson and two other convicts were killed. CPUSA member Angela Davis was charged with complicity in this act—see my newsletter 70–9.

The National Lawyers Guild swung into high gear. A "People's Law School" was established in the San Francisco Bay area to instruct radical young lawyers. In March of this year the Prison

Lawyers Association was set up in the Berkeley offices of National Lawyers Guild attorney Fay Stender to further increase tensions and harass the authorities. The propaganda campaign to free the "Soledad Brothers" and Angela Davis took on international dimensions with demonstrations staged in their behalf in the Soviet Union, Cuba, and elsewhere.

Then last month Stephen Bingham, a lawyer associated with Fay Stender's law firm, walked into San Quentin and is charged with having given a gun to George Jackson. In the ensuing escape attempt three guards and two inmates were murdered by having their throats slit, and Jackson, who some feel was set up by the good comrades, was killed.

The climate created by this kind of agitation was almost certainly responsible for the recent riot and murders at Attica State Prison in New York. The PCPJ has included agitation at Danbury Prison in Connecticut in its fall offensive this year. We must understand that these people are not fighting for freedom but working to destroy those essential mechanisms of civilization which protect the decent and law-abiding citizen from the ravages of criminals and violent revolutionaries.

NATION'S FIRE CHIEFS HONOR CAMBRIDGE BOY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. O'NEILL. Mr. Speaker, our youth today is constantly being criticized from many quarters of American society. The news media seems to concentrate on incidents involving youth which concern demonstrations, violence, or drugs. Too often the public loses sight of the fact that it is the Nation's youth which soon grows up to assume the reins of leadership and responsibility. I have placed this story about a Cambridge boy in the RECORD so that all can be made aware that there are outstanding young individuals in this Nation who will give an excellent accounting of themselves when the time comes for them to take their rightful place in American society.

SAVED 6 IN FAMILY—NATION'S FIRE CHIEFS HONOR CAMBRIDGE BOY

ST. LOUIS.—The nation's fire chiefs honored a Cambridge teen-ager yesterday for saving his mother and five brothers and sisters from a fire that swept the family home in April.

Teddy Dizon, 13, was awarded the 1971 Junior Fire Marshal Gold Medal at the opening session of the International Ass'n of Fire Chiefs convention.

Dizon also received a citation from the U.S. Federal Fire Council and a paid-up $5000 life insurance policy from the sponsor of the junior fire marshal program, The Hartford Insurance Group.

Young Dizon, awakened by shouts of "fire!" at 5 a.m. on April 5, led his mother and four of his brothers and sisters down two flights of stairs to safety.

Realizing an 8-year-old brother was missing, Ted reentered the burning house and found the boy still asleep. He was unable to rouse his brother sufficiently to walk out of the house, so he carried the child outside.

A Junior Fire Marshal program spokesman said Dizon followed safety rules he learned through participation in the program at his school. These included holding a damp cloth over his nose and mouth to prevent smoke inhalation and opening his bedroom window from both top and bottom.

VICTIMS OF FLOODS NEED CONGRESSIONAL HELP

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. GALLAGHER. Mr. Speaker, I am today introducing legislation to make it possible for people in flood-ravaged areas which have been declared disaster areas to receive the Federal aid to help in their rebuilding job.

The action is necessary because of a provision in the Federal flood insurance program which at this stage serves to penalize innocent victims of flooding conditions.

In my own congressional district, Elizabeth, Linden, and Rahway, as well as other Union County cities were hard hit by floods in late August and then by heavy rains which followed in early September.

The State was declared a disaster area, opening the way for assistance to residents who sustained damages from the rampaging waters.

But then a stumbling block appeared, Mr. Speaker, in the section of the flood insurance program. This language provides that in areas where the program is available and 1 year has elapsed, people who failed to buy the insurance for whatever reason are denied financial Federal disaster relief to the extent they could have purchased the insurance.

Only a relatively few flood insurance policies were issued in Elizabeth and similar situations have arisen in other areas of the country. I feel this happened, Mr. Speaker, in large measure because of a lack of sufficient notice by the Federal Government.

The legislation I am introducing, Mr. Speaker, would extend the signup period for one additional year and make the Small Business Administration loans available under provisions of the flood insurance program.

This is the only fair thing to do for the people who have been so hard hit in Elizabeth and other cities where damage is widespread because of recent hurricanes and tropical storms.

Even as these words are being spoken, Mr. Speaker, another devastating hurricane named Ginger is slamming into the State of North Carolina. It has been tagged as one of the largest and most durable hurricanes on record.

I pray that this storm's wrath quickly turns back toward the open sea and that injuries and damage are held to an absolute minimum. But, Mr. Speaker, people in this area may find themselves in a situation comparable to the one facing my own constituents and those from Texas. We need to provide assistance and we need to do it now. It is for this reason, Mr. Speaker, that I have introduced this legislation to clear away obstacles imposed by the existing provisions relating to a duplication of benefits.

In Elizabeth, N.J., alone, Mr. Speaker, more than 20 square blocks were affected by the flooding. There was damage inflicted upon some 10,000 dwelling units in this city of about 112,000 people.

Mayor Thomas G. Dunn of Elizabeth has sheduled a public meeting for Friday night so residents of the area can get the answers to questions about the flood and its aftermath there.

I also have been working, Mr. Speaker, with Mayor John T. Gregorio of Linden and Mayor Daniel Martin of Rahway on flood problems in their communities with a view to providing control measures to stem the flood tide at its source.

It is my hope, Mr. Speaker, that Congress will take prompt action on my proposal. It is just. It is necessary.

NAVY DEPARTMENT NOT ACTING IN BEST INTEREST OF SMALL BUSINESS IN AMERICA

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. CARNEY. Mr. Speaker, on August 5, 1971, I made a speech on the floor of the House of Representatives calling upon the Department of the Navy to have its supplies made by an American company and American workers.

This week I presented a statement to the House Small Business Committee, Subcommittee on Government Procurement, in which I again called upon the Navy to reconsider its decision and award a defense contract to an American firm rather than a foreign firm.

In view of the high unemployment and business recession which plagues our Nation, it is incumbent on the Department of Defense to consider the needs of the American people for jobs when it awards a contract.

The Department of Defense should not buy supplies from foreign firms unless the supplies cannot be obtained at a reasonable cost here at home. If the Defense Department cannot or will not take such action, then Congress must.

Mr. Speaker, I include my statement before the Small Business Committee in the CONGRESSIONAL RECORD at this time for the information of my colleagues in the House and Senate:

STATEMENT BY THE HONORABLE CHARLES J. CARNEY

I regret that I must bring before the Committee today a case which indicates that the Department of the Navy has not been acting in the best interest of small business in America.

I am referring to a case in which the Navy Department by-passed four American companies and awarded a defense contract to a Canadian company. The contract was for torpedo tubes which the Youngstown Welding and Engineering Company, in my home district, has been making since 1958. The Youngstown Welding and Engineering Company has an excellent record of service to the Department of Defense. In addition, the

Youngstown company was led to believe that it would be awarded the contract again. Instead, the contract went to Canadian Vickers Ltd. of Toronto, Canada. The loss of this contract may mean the closing of still another American business and force proud American men onto the welfare rolls.

Each year Defense Department officials ask American taxpayers for more and more of their hard-earned money. But, these same officials are unwilling to cooperate with American companies and American workers in the granting of Defense contracts.

The justification given by the Navy for bypassing the Youngstown company was that the Canadian company offered the lowest bid. However, there was only a 1% difference in extended bids. The contract is presently being held up by the GAO pending an appeal by Youngstown Welding and Engineering, and I am hopeful that the 10% import surcharge imposed by President Nixon will force the Navy to reconsider this vile act.

As you are aware, Mr. Chairman, the existing laws are lax enough to permit this blatant sellout to a foreign firm. Navy officials have been quick to point out that the contract was in full accord with the Buy-American Act and other statutes. For this reason, I urge this subcommittee to investigate the possibility of amending the law to prohibit consideration of bids from foreign firms for the manufacture of American defense supplies unless the supplies are unavailable in the United States.

The American people have built the Navy with their tax dollars and it is their sons who serve in it. When the Department of Defense awards a contract to a foreign-based firm, then Congress should act to correct this situation. The American people are fed up with policies that favor foreign companies and foreign workers over American companies and American workers. It's time we started putting the interests of American workers and American industry first.

TRUONG DINH DZU

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. REID of New York. Mr. Speaker, yesterday the distinguished gentleman from Tennessee (Mr. ANDERSON) introduced House Resolution 627, expressing the sense of the House that Truong Dinh Dzu, the runner-up in the 1967 South Vietman presidential election, be immediately released from prison. I wish to lend my wholehearted support to this resolution and urge my colleagues to do the same.

Mr. Dzu was jailed by President Nguyen Van Thieu very shortly after the 1967 presidential election because he had had the temerity to suggest during the campaign that a coalition government might be necessary to achieve peace in Vietnam. Today, nearly 4 years later, on the eve of this year's presidential election, he still languishes in prison despite failing health.

This travesty of justice and democracy forcefully underscores the corrupt and dictatorial nature of the regime in Saigon, which the United States continues to insist upon supporting.

Surely the release of Mr. Dzu from prison after these long months and years would be a safe enough act of charity for President Thieu, who has so skillfully bulldozed his way to certain victory on October 3.

For this House, and this country, to countenance such blatant repression belies our stated commitment to principles of justice and humanity and can only make the rest of the world wonder about our sincerity.

DOW CRITICIZES DRUG CONTROL EFFORTS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. DOW. Mr. Speaker, the outlook for stopping the international traffic in heroin is pretty dismal.

I joined a number of other Congressmen at a Capitol meeting today with U.S. officials working on the drug problem who included David Popper, U.S. Ambassador to Cyprus; Ed Masters of the East Asian Bureau for Narcotics at the State Department; and George Belk of the Justice Department's Bureau of Narcotics.

There are several basic handicaps. The poppies which produce opium and heroin grow in a belt running from Southeast Europe all the way across Central Asia.

Thus a reduction in the growing of poppies in Turkey, where the main supply originates, will not necessarily end worldwide production. In fact, U.S. officials expect that Burma, Thailand, and Laos will be growing more poppies than before. This is another reason for us to pull our boys out of that disgraceful situation in Southeast Asia.

A second major problem is the fact that none of the many nations involved will easily accept any control that limits their national sovereignty. The power of the United States to override them within their own borders is very limited.

This is especially true of France where much of the opium is refined into heroin. France does not depend any longer on the United States for financial or military help.

There will be a United Nations convention in March 1972 to deal with narcotic drugs. The United States will propose a number of amendments to the very feeble control exercised by the existing international system.

Some of these amendments relate only to information gathering. The strong amendments that may tread on their sovereignty will be opposed by the prideful little countries involved.

At the moment the most active drug traffic arises in Turkey and moves in sealed containers across many international borders of Europe, ending finally in the Marseilles area of France. The State Department officials were a little vague on why the Turkish authorities continue to seal these containers and send them scot-free out of the country.

It is true that Turkey has agreed to end opium production after planting the year end crop for 1971 and the spring crop for 1972. Many of the Congressmen were critical because this supply will still be flowing perhaps years after the 1972 crop is harvested.

Congressmen at the meeting also asserted that the optimistic picture which the U.S. agencies painted of cooperation by French officials toward closing down the French refineries was not justified. Some Congressmen while in France observed that French authorities are helping very little.

Although they are critical and frustrated about the very slight progress which is really being made to slow down international traffic, the Congressmen frankly admitted that control of drugs in many of their home districts is not succeeding. It will take a great deal more outcry from the public and from our legislators to make the institutions of Government work hard and more effectively on this grave ailment in our society.

Just think, despite all the clamor and all the pressure, the U.N. budget for staffing the International Narcotics Control Board is only $100,000. This is utterly ludicrous when you consider that one person could probably smuggle heroin of that value into the United States any Wednesday afternoon.

I will say again that the great institutions of our society, including the Congress, the Defense Department, the State Department, our court systems, our prison systems, and a great many others are not responsive to the needs of individual human beings. These institutions deserve a good shakeup.

PRAYERS IN PUBLIC BUILDINGS AND SCHOOLS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. O'HARA. Mr. Speaker, the first amendment to the Constitution declares that—

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Soon the House of Representatives will be called upon to approve a postscript to the first amendment in the form of a new constitutional amendment which would permit nondenominational prayers in public buildings, including schools.

Those who support this amendment are dedicated citizens. They believe, as I do, that the practice of religion should be encouraged. I also believe that the proponents of this amendment would be among the first to defend each person's right to worship as he pleases.

The proposed constitutional amendment would permit voluntary participation in nondenominational prayers in public buildings, including public schools. Its intent is to skirt the first amendment so as to authorize prayer in the classrooms of our public schools.

Someone would have to select or write the prayer. It might be the State legislature, or the school board, or the individual teacher.

But whomever makes this selection, no matter how dedicated to its "nondenominational" content, there is the clear prospect that the legislature, or the school board or the teacher will write or choose a prayer reflecting the majority will of the community and in the process impinge upon the beliefs of the minority albeit that they may choose not to participate if they so desire. Quite frankly, I do not believe it possible to write a "nondenominational" prayer that will satisfy Baptists, Methodists, Jews, Mormons, Lutherans, and Catholics, much less the many other religions practiced by our citizens.

In some communities, I am sure, the prayer will reflect the inclinations of a Protestant majority; in others the prayer might well tend to conform with the Catholic faith; in some western communities the prayer could be expected to be associated with the scriptures as discovered by the founder of the Mormon religion, Joseph Smith.

What about the rights of the minority—whether it be Protestant, Catholic, Jewish or any other religion—in these cases?

This danger is recognized by representatives of a number of leaders of major religions, who recently issued a statement expressing opposition to the proposed amendment.

In it the church leaders declare:

> The major faiths themselves have never been able to achieve consensus on a definition of prayer, much less a definition of "nondenominational" prayer. We deny that any elected body or governmental authority has the right to determine either the place or the content of prayer, as implied in the proposed constitutional prayer amendment. To authorize government by a constitutional amendment to intervene in the sacred privilege of prayer, long enshrined in the character and tradition of our nation, is to make of government a judge of theology and an administrator of religious practice. If such a proposed amendment should become a part of the Constitution of the United States, a new religion of "nondenominationalism" would in a measure become established which could destroy the integrity of both church and state.

The statement contains a warning which should not be taken lightly:

> The proposed constitutional amendment would introduce devisiveness into our national life and among the institutions of religion. Ostensibly proposed in behalf of religion, it would paradoxically proscribe and distort freedom of religious expression.
>
> If the proposed prayer amendment should become a part of the Constitution, the Bill of Rights would have been amended for the first time in our nation's history. Such an amendment would open the doors for governmental instrusion into the religious affairs of the people. This we protest.

Mr. Speaker, this amendment, while its implications are complex, is now widely known simply as the "prayer amendment." Inevitably, many will interpret our votes as being for prayer or against it, or proreligious or antireligious. In this statement I have tried to illustrate that the issues go deeper than this simple label implies.

I would like to see more religious training and greater religious faith among all mankind. But I do not believe that the way to do this is through government sanctioned prayers. I believe that when the people consider the very serious implications of this amendment, they will agree that Government best stay out of religion leaving the development of religious faith to parents and to the churches.

Mr. Speaker, my children receive regular religious instruction. I insist upon it. They receive their training at the church of their parents' choice, with their mother and I offering appropriate guidance.

I do not want a school board, Mr. Speaker, or an individual teacher, telling my children how they ought to pray.

PORT OF PHILADELPHIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. EILBERG. Mr. Speaker, since the colonial period, the Port of Philadelphia has been one of America's great shipping centers. It is our largest fresh water port and it ranks first in the total tonnage handled annually.

But, a port must be continuously growing and improving if it is to serve the needs of modern day shipping. For this reason, Philadelphia has embarked on a $120 million port development program to make sure the most up-to-date facilities are available on the city's waterfront.

A recent message from Philadelphia's Office of the City Representative outlines one of the steps being taken to modernize the port.

With the unanimous consent of my colleagues, I ask that it be included in the RECORD:

PORT OF PHILADELPHIA

As a result of increased general cargo business and in anticipation of future needs for handling containerized cargo at the Port of Philadelphia, the City will purchase two more general-purpose gantry cranes, City Representative and Director of Commerce S. Harry Galfand announced today.

One of the cranes will be installed at the Packer Avenue Marine Terminal and the other will be installed at the new Tioga Marine Terminal, making them the second such cranes for handling cargo at these two terminals.

Specifications are being prepared for the new cranes which are expected to be similar to the Kocks cranes presently in operation at the two terminals. The estimated cost is between $1.3 million and $1.4 million each.

While the Kocks cranes are used for all types of general cargo, Galfand said, they are especially suited for containerized cargo. In raised position, the cranes' boom extends about 200 ft. in the air, the equivalent of a 20-story building. They have a forward reach of 113 ft., beyond the outshore rail for loading and unloading ships, and a back reach of 94 ft., from the inshore rail for stacking shoreside cargo.

The cranes each weigh 700 tons, are 93 ft. long, travel on 32 wheels, and have a lifting capacity of 45 tons.

The new cranes will be leased by the City to the Philadelphia Port Corporation which will sub-lease them to a commercial operator. They should be in operation in about 18 months from now since it takes about that time for the awarding of the contract and setting up large cranes of this type.

Galfand said the purchase of the two new cranes are part of the City's program to strengthen the Port's competitive position among other East Coast seaports for general cargo business including containers.

"Because of the new facilities at both Tioga and Packer Avenue terminals, we now have three regularly-scheduled containerized services from Philadelphia and serious negotiations are going on with other container operations," Galfand said.

"While the prospects are encouraging, this is a period of intense competition among Port cities. It is therefore vital to the economy of this entire region that the Port construction and development be continued. The new business which these new facilities will attract will favorably affect labor and many Port-related industries."

The Tioga Marine Terminal, the newly-completed all purpose terminal, is considered one of the finest in the world capable of handling all kinds of general cargo, and serving seven ships at one time.

The Packer Avenue complex is essentially a twin of Tioga in that it provides the same complete flexibility. In addition to the Kocks container crane, the Packer Avenue Terminal has a mobile LeTourneau all-purpose crane which works in combination with the Kocks crane.

Both terminals are part of the City's $120 million Port development program, made possible by voter approval of City bonds in previous elections. Additional Port related improvements will be authorized by voter approval of bonds at the November 2 election.

TORTURE OF GREEK PRISONERS AGAIN REVEALED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. EDWARDS Of California. Mr. Speaker, I would like to share with my colleagues a letter written by my good friend, Maurice Goldbloom, which appeared in the New York Times on the 21st of this month. Mr. Goldbloom, the editor of News of Greece, is a frequent witness for House and Senate committees investigating the current deplorable political situation in Greece. His letter tells not only of the torture of prisoners by the present Greek regime, but also exposes that Government's unsuccessful attempts to hide this aspect of their oppression:

TORTURE OF PRISONERS IN GREECE

Thrasyvoulos Kamarineas, Director of the Greek Consulate General's Press Service, in his recent letter seeks to discredit without really denying my statement that the cruiser Elli, under his command, was a place of torture for political prisoners. He does this by asserting that the Elli "was dismantled ten years ago and auctioned for scrap last year."

It is true but irrelevant that the Elli was decommissioned—not "dismantled"—when it served as a place of confinement and torture for political prisoners in 1968. Gerassimos Notaras told the Athens Court Martial:

"I was taken to the naval ship Elli, which was out of commission, where Lieutenant

Commander Kamarineas, R. N., and Major Theophiloyannakis of the Security Police were waiting for me. I remained under interrogation on this ship from the above date [Feb. 10, 1968] until March 8, 1968. . . . I repeatedly suffered the Falanga torture . . . they put me to the torture of electric shock . . . they continually threatened that I should be drowned, as if by accident, if I did not confess. . . . I was never allowed to wash or smoke or read and only two glasses of water a day were allocated to me. . . ."

Further details may be found in the European Human Rights Commission's report on the Notaras case in Vol. II, Part 1 of "The Greek Case," published by the Council of Europe, on pages 266–289. The junta did not let the commission interview Notaras, but submitted the transcript of an official investigation of his charges by Lieut.-Col. Nostrakis—which, of course, produced a whitewash.

At one point (p. 276) Nostrakis asserted that when Police Inspectors Mallios and Babalis arrived on the Elli, "Lieut. Kamarineas gave them your extensive, revealing notes, and they proceeded to make additional arrests based on the information contained therein."

Notaras replied: "When I met Police Inspectors Mallios and Babalis on the Elli, I had not yet written the notes in question. On the contrary, it was Police Officer Mallios, who, together with Lieut. Kamarineas and Major Theophiloyannakis, put to me the questions I was to answer."

He had already (p. 275) told Nostrakis: "Those notes were the result of a whole week of torture, and most of the information in them was known to my interrogators. They knew these things and they made me include them in my allegedly spontaneous confession."

Mr. Kamarineas's own account of his role in the questioning of Notaras is on p. 286, followed by the commission's analysis of unexplained discrepancies between it and the testimony of other official witnesses, and its reasons for believing Notaras.

The commission did not examine the Paleologos case in detail—he could not be brought back to life to testify—but the facts are summarized on p. 35 of Volume II, Part 2 of the report.

THE NORTHERN IRELAND SITUATION—REPORT NO. 8

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BIAGGI. Mr. Speaker, for the last 2 days I have been including in the Record parts of a report prepared by my daughter Jackie, following her visit to Northern Ireland recently.

Today in the last segment she describes the effect a constant state of war and a fear of death has on the individuals involved. These oppressed people need help. An outcry of indignation at the affront to basic human rights by the government of this country would be a start. Moreover, the United States should insist that the United Nations intervene to restore peace. How much longer must these people suffer?

The report follows:

Report of Jackie Biaggi—Part III

There is one point, however, that I think has been lost in all news accounts of the Northern Ireland crisis—the human element, the frustration and fear of these people and as it happened the human element played a very important role in our stay in Belfast. Take for example, the case of a seventeen year old boy, Gerard B. On August 9, 1971 the army entered his neighborhood and began dragging people out into the streets. The people state Gerard was virtually unarmed and began breaking windows, stealing buses to block the army. It was during this melee that Gerard, unarmed, though taking part in the attempt to protect himself and neighbors, was shot. I saw the bullet wounds. It is something I never hope to see again. However, the real irony in the situation is that should he go to the hospital there is danger of his being arrested. Consequently, he is receiving inadequate medical attention. But Gerard considers himself lucky—at least he is alive to tell about it. Later two other men, who had been detained were brought in for interviews with similar stories. Thomas L. fifty-three years of age, was at home with his wife when at approximately 4:30 a.m. British soldiers barged into his home, knocking his wife to the floor and dragging him out of the house. After running him about ¾ mile, he was thrown into a truck with several other men and covered with a blanket. Neither at this time nor at any later time was he told where he was being taken and why. All belongings were removed from him. When orders were not obeyed immediately, his legs were hit with a bat and a soldier stepped on Mr. L's bare feet with hob nailed boots. After a Polaroid picture was taken he and the others were made to sit in a room where periodically six men were taken out, later returning after screams and shouts of pain had been heard in the next room. When it was Mr. L's turn to be interrogated, he was threatened with the possibility of a one to two year sentence without any reason being given. At this point several hours had passed but he, like the others were afraid of falling asleep because the butt of a soldier's gun kept them awake. During the entire time requests for medical attention (because of injured feet) went unheeded. Prior to his release he was told "you came into the world at the end of a war and you're going out at the beginning of one." A group picture was taken and the men were warned that if they were ever seen in a riot area, they would be arrested. Consequently, they would have to live the rest of their lives under constant threat. From what I gathered, it seems mass arrests do occur so that more often than not, innocent people are brought up on charges, detained or unheard of for long periods. For example, in a recent report of three hundred "suspected IRA members" being arrested, it seems from everyone I spoke to that a good deal of those people were innocent. There appears to be another interesting practice—i.e. substitution of one person for another when the wanted person is not present at the stated address. For example, one man interviewed was the father of a suspected IRA member. When the soldiers came, the boy was not at home so the father was arrested.

Of course these are not all the occurrences of our three day stay—just some highlights. The fear, the tension that stalks the city of Belfast is *incredible!* We were lucky we could escape it but for those who must stay for whatever reason, there is no escape and that is a pretty sad thing to live with when your city is dying.

JOB DEVELOPMENT TAX CREDIT ACT

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. PETTIS. Mr. Speaker, the President and Congress are moving with boldness, vigor, and imagination in this year of domestic and international economic crisis to control the inroads of inflation and stimulate the economy so as to create new jobs in an environment of greater productivity.

We on the House Ways and Means Committee, for our part, have been attempting to deal soundly with the tax aspects of President Nixon's new economic program, and under the leadership of the gentleman from Arkansas (Mr. Mills) and the gentleman from Wisconsin (Mr. Byrnes), I am sure the committee is succeeding in that very important undertaking.

As Members of the House know, the Ways and Means Committee has reported, in somewhat modified form, the proposed Job Development Tax Credit Act or investment tax credit bill, as some prefer to call it.

We have approved, and the administration has accepted, a 7-percent tax credit, retroactive to April 1, 1971, on capital investment by American business and industry.

Unfortunately, this important stimulus for the risk of capital in new plant and equipment will have its least beneficial effect in the very sector of industry that today most sorely needs a boost.

I am referring, of course, Mr. Speaker, to the research and development-oriented, high technology industry of the United States, which has borne the brunt of budgetary cutbacks during this transition period from war to peace, with resulting shifts in program emphasis.

This American industry, too, has borne the brunt of a major technology lag in comparison with its competition in advanced countries in Europe and the Far East, which are driving us out of world markets the United States has been accustomed to dominate since World War II. This is one big reason for our current world trade deficits.

R. & D.-oriented, high-technology industry is not normally capital intensive, in terms of plant and equipment. Its biggest investment is in the brains of its scientists and engineers, and the knowledge they accumulate through costly research and experiment.

Congress must give this crucial segment of American industry the same incentives to invest in progress, to create new products and new jobs, that it intends to give to capital-intensive industries like autos, steel, and the like. In this effort, Congress would be both doing equity to a highly important sector of the U.S. economy and better achieving the principal purpose of the job development tax credit—the prompt creation of new jobs for thousands of unemployed.

The President, in his recent address to Congress on the new economic program, assured us that the problem of promoting American technology and science has his serious attention. He promised recommendations for R. & D. incentives early next year. High administration officials, including Commerce Secretary Maurice Stans and Treasury Assistant Secretary Murray Weidenbaum, have expressed similar concern and have given similar assurance in recent congressional hearings.

But to delay until next year may bring relief too late. We are confronted today with a crisis in scientific and technological unemployment, a lag in productivity and new product development.

Accordingly, Mr. Speaker, I have introduced H.R. 10793, to provide that investment credit tax benefits would be available for qualified research and experimental expenditures.

My amendment would extend the investment tax credit provisions, approved by the Ways and Means Committee for plant and equipment spending, to R. & D. investment as that term is now defined in the Internal Revenue Code.

No exact figures are yet available to me as to the cost in tax revenues. The growth in research spending in the private sector slowed in the 1960's. Last year it totaled just over $10 billion. Only a 6-percent increase is projected for this year.

A 7-percent R. & D. credit could thus total, across the board, perhaps $1 billion a year. This would put the stimulus where industry needs it most, and give important new meaning to the President's job development program.

Such a program, Mr. Speaker, would have its own multiplier effect. It would first generate new jobs for thousands now unemployed in science and technology; it would then generate new products as research and development resumed its interrupted growth; and finally the manufacture and marketing of the resulting new products would generate still more jobs.

I can think of no more effective tax stimulus for our troubled economy. Accordingly, Mr. Speaker, I am urging the early and favorable consideration of H.R. 10793 by the administration and by the Congress.

GOOD OLD-FASHIONED SOAP MAY HELP RESOLVE POLLUTION

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. DOW. Mr. Speaker, modern science has brought forth many wondrous things. Man has walked on the moon. He invents things which were not even dreamed of a decade or so ago. He turns his technology into many labor- and time-saving devices.

But with all this advancement, he still falls prey to a false adage: "If it's new it must be good."

The detergent industry was quick to jump into the cleansing business. The answer, we were told, was increased use of phosphates, Then it was discovered that phosphates generate pollution in our water supplies. The next answer brought about the use of the so-called phosphate substitutes. Within the past few weeks these substitutes, according to the U.S. Surgeon General, are worse than the phosphates.

Federal officials then urged a switch from the substitutes back to phosphates as the lesser of two evils. I regret a simpler approach was not taken. That is the good old-fashion soap like my mother and hundreds of thousands of Americans with her used for cleaning the weekly laundry, the dishes and for other household chores.

Mr. Speaker, the Evening News, a daily newspaper in Newburgh, N.Y., which I represent, carried an editorial on September 28, 1971, pointing out the confusion the Federal Government has generated over the use of phosphates and detergents. I would like to share that editorial with my colleagues and a weekly report I recently distributed to my district.

The articles follow:

AS WE SEE IT—DETERGENT CONFUSION

Federal officials may have made a serious mistake in recommending that housewives return to using phosphate detergents despite their role as a cause of water pollution.

U.S. health and environmental officials said that phosphate substitutes in non-polluting detergents are too great a personal hazard.

They cited NTA and caustic soda, both of which can be harmful to human health. NTA, however, is no longer used in detergents because it also is ecologically harmful.

The statement—by William D. Ruckelshaus, administrator of the Environmental Protection Agency; Dr. Jesse L. Steinfeld, surgeon general; Russell E. Train, chairman of the Council on Environmental Quality, and Dr. Charles C. Edwards, head of the Food and Drug Administration—said caustic soda "is a cause for serious concern" because it could damage eyes, nose and throat.

Phosphate detergents "are the safest thing in terms of human health," Dr. Steinfeld added.

Unfortunately the new U.S. policy overlooked other safe alternatives to caustic detergents and failed to recognize that some phosphate detergents are also dangerously caustic. Other household cleaning products such as liquid bleach and ammonia, in fact, are far more dangerous.

In its most recent report on the subject last May one science group warned:

"No detergent of any kind is safe in eyes or nose or mouth. Some phosphate-free detergents are not substantially more alkaline than those which contain phosphates. Therefore, they are no more likely to cause skin troubles."

The new federal policy also fails to recognize non-detergent, non-caustic and non-phosphate alternative laundry products such as old-fashioned soap flakes and soap powders.

Unless the government can show that the new policy was not based solely on convenience considerations or that it was simply the result of manufacturers' pressures, it has performed a disservice to the cause of clean water.

In the light of evidence now available, we urge manufacturers to continue to offer non-phosphate detergents adequately labeled with clear warning about the danger of exposure to eyes, nose, mouth, throat and skin.

And those who choose not to turn to safe soaps should continue to use non-phosphate detergents with the same caution with which they would use any dangerous drugs, poisons and hazardous household cleaning products.

GOOD OLD FASHIONED SOAP MAY HELP RESOLVE POLLUTION

(By Congressman JOHN G. DOW)

In the fight against pollution we are becoming increasingly aware that keeping the environment clean is everybody's business, and not just the job of government or industry.

Everyone has a role to play in choosing the products we buy, the manner in which we maintain our automobiles, the type of chemicals we use on our lawns and gardens, whether we litter, and in many other areas.

Like many other products of modern technology, our powerful laundry cleaners have turned out to be a mixed blessing. Accordingly, one of the greatest areas for an individual contribution to the quality of our environment lies with the simple choice we make about laundry products.

Modern detergents have chemicals for brightening and whitening clothes, protecting washing machines against corrosion, stabilizing suds in top-loading machines and for suppressing suds in tumbler machines.

Unfortunately, the phosphates in these detergents which get our clothes so clean are the same chemicals which have a lot to do with making our lakes and rivers so dirty.

These chemicals can cause what the scientists call "eutrophication"—a process in which water becomes increasingly choked with algae and other aquatic vegetation upsetting the normal balance of life. While eutrophication can occur naturally, as when a lake "ages," scientists have now shown that a substantial part of the increasing nutrient load in our lakes and rivers can be traced directly to the phosphorous-based detergents used extensively at home and industry.

As a result, many states and communities have moved to ban the sale of phosphate detergents.

A great deal of effort has been made in recent years to find phosphate substitutes which are safe and effective for household and industrial uses but do not pollute. What is needed is a greater degree of coordinated national action.

I was quite surprised to learn that the Surgeon General of the United States, in cooperation with the Food and Drug Administration and the Environmental Protection Agency is now urging housewives to return to the use of phosphate-based detergents as the lesser of two evils. This decision is based on the very commendable motive of protecting the public from the dangers of the various substitute cleaners that have been developed.

This decision, however, is very confusing to the housewife who at first was told that phosphates were bad, but now has been told that she should go ahead and use them anyway. Such on-again-off-again advice must cause some people to wonder if our government knows what it is doing.

Such a lack of government planning and foresight is almost tragic. The government has overlooked a third possibility of encouraging the housewife to use soap powder for her laundry, instead of either phosphates or the new harmful synthetic substitutes.

Soap powder is "bio-degradable." It is easily absorbed into the environment and reduced to harmless component parts. Moreover, soap powder does not contain either the phosphates which pollute our waterways or the harmful substitutes which endanger mothers and children.

My mother always used to rely on borax soap and tar soap as well as good old fashion regular soap.

By using soap powder, our clothes may not always be blindly bright, but combined with other efforts, its use can make our waterways sparkling clean.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

U.S. TECHNOLOGY IS THREATENED

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. GUBSER. Mr. Speaker, I commend to the attention of my colleagues the following article, written by Mr. Charles A. Anderson, president of the Stanford Research Institute in Menlo Park, Calif., which appeared in the August 22 edition of the New York Times.

In my opinion, Mr. Anderson has made some very important points concerning the need to maintain a balanced and adequate level of basic R. & D. expenditures, and I believe his comments merit perusal by readers of the Congressional Record:

[From the New York Times, Aug. 22, 1971]

U.S. Technology Is Threatened—Curbing R. & D. Cripples Progress

(By Charles A. Anderson)

The United States must soon face the fact that it is living on its research and development capital and the account is beginning to run low. If we fail to acknowledge this, our technological affluence will be lost.

The assault on America's leadership in science and technology is both external and internal. Externally, Western Europe, Japan and the Soviet Union are making rapid strides in areas that have traditionally been controlled by the United States. In radio astronomy, high energy physics and conventional energy research we have already been surpassed. Internally, a new national distaste for science and technology is undermining the national research and development effort.

The external challenge is beyond our control. But we must correct negative attitudes toward science and technology at home.

To be sure, technology assessment is necessary if individual freedom and the quality of life are to be maintained. Our concern, however, should be with the end-product of technology and its use, not with the research and development process itself. To attack the value of this process is to discard our best tool in achieving whatever goals we might formulate for the nation.

Our technological society is the product of past research and development efforts. We have inherited both the benefits and problems of technology, and one's point of view determines which of those two elements is dominant. One thing does seem clear, however. The solution to our present environmental, population, urban housing and other problems lies primarily with more technology, not less. A romantic retreat to cottage industries in a pastoral setting is both undesirable and impossible with a population of over 200 million people.

Our supply of natural resources is shrinking while our demands for such materials are growing. Only research and development can produce the advances in recycling, transportation systems, oceanographic research and nuclear fusion for clean electricity that must be made in the remaining years of this century.

At the same time, we are moving steadily toward a service-dominated economy. By 1980 nine of every 10 new jobs will be in the service area. Service functions have traditionally been resistant to productivity increases. We are still early in the learning process of applying technology to the service industries in order to yield productivity growth. We must succeed in this task if we hope to have the healthy economy necessary to pay for social programs.

The source from which advances will be drawn is not a cornucopia but a pipeline in time. Research and development funds and manpower must be added at this end if new technology is to be produced at the other end 10 years hence. By constricting the flow of funds and manpower into the pipeline now, we are crippling future progress.

A major source of our current problems in R. & D. undoubtedly lies in the financial and spiritual disruptions caused by Vietnam. In addition to aggravating the general inflationary picture and dislocating both the civilian and military R. & D. effort, it has among many people stamped science and technology as a war machine that produces such things as defoliants and napalm. This view is perhaps predominant among the young, which further imperils the future of technology.

In a military sense, the war has been most kind to the Soviet Union. While we have been forced to divert substantial portions of our defense budget from research and development into tactical hardware, the U.S.S.R. has been free to move forward in the development of the next generation of missiles, aircraft and naval vessels. The Soviet military R. & D. input is growing by 10 to 13 percent annually. If present trends continue, the U.S.S.R. could assume technological superiority over the United States within a few years. Congress is now facing this situation. The cost of military R. & D. and procurement deferred by the war will probably negate and exceed any "peace dividend" generated by the end of our major commitment in Southeast Asia.

The effect of insufficient government funding for high-technology programs, research and development has been predictable program cancellations, professional unemployment, disbanding of research teams.

While trained scientists and engineers are being forced out of their fields, young professionals are entering at a diminished rate due to the uncertain occupational future and declining reputation of the scientific professions. In aerospace, the hardest hit area, the scientific and engineering labor force is down from 223,000 in 1968 to 154,000 today.

The Stanford Research Institute, a nonprofit contract research organization, has moved against the tide and its 1970 revenues of $65 million marked a record high.

Another significant problem is funding continuity. Important programs have been cut back or canceled in midpoint. As a result, budget-wise scientists are now lowering their sights and submitting proposals for shorter-term projects that have a better chance of maintaining funding to completion. Thus, scientists are becoming responsive to finances rather than need, and many worthwhile projects are being shelved in the process.

We've long since passed the time when the individual scientist, working with little equipment, could produce the significant discovery. Research today requires the assembly of men and equipment and the development of programs pointed toward long-term goals. Funding continuity becomes a vitally important element in such an environment.

Basic research is particularly vulnerable in the budget-pruning process. Increasingly, it is considered "irrelevant" and a low-priority item by critics and legislators more concerned with the immediate solution of social problems through infusion of Federal funds.

We cannot go on attempting to judge basic research in physics or biology on the same scale with social programs and determine that one is more relevant than the other. It is not "either-or." All have value, but they must be considered independently. Basic research must be justified first as part of the continuing search for knowledge. At the same time there is a need for balance between basic and applied scientific work. They are interdependent since knowledge without application is useless and application without knowledge is impossible.

Inevitably, the Federal Government must continue to play the biggest role in supporting basic research in the United States. There are definite limits to the amount of R. & D. risk that can be assumed by the private sector. Only the Federal Government, for example, can afford the immense investment necessary to sponsor research in space travel or astronomy. Government-sponsored research has, over the years, produced the discoveries that have triggered the development of computers, lasers, atomic power and many others. We all benefit from such advances.

Despite our position as the world's leader in science and technology, we are still unsure of their place in our society. How shall they be programmed? How shall they be financed? Who shall judge the priorities for research funding allocations?

These questions need to be answered so that a rational science policy can be developed that will avoid the erratic expansions and contractions of recent Federal research and development budgets and the manpower dislocations that accompany them. Like it or not, this country's future is tied to science and technology, and it is time to give that fact its just due.

URBAN LAW INSTITUTE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. FAUNTROY. Mr. Speaker, I noticed in the Congressional Record last Monday, a statement critical of the Urban Law Institute of Antioch College, an OEO-funded research and demonstration program. This program, which has received the highest marks in several consecutive years of OEO evaluations, as well as a clean bill of health from the GAO in recent months, is if anything an example of the excellent work which OEO is doing in the area of assisting the poor people of America. The statement seems to take the position that the OEO amendments coming up this week should be opposed because of the agency's funding of the Urban Law Institute. I would submit just the contrary. The Antioch College grant, which goes only for the planning of a new public interest law school, is a model of the kind of reform in legal education which the poor people of this country must have if legal redress is to mean anything to them. The need is not only to increase the number of lawyers who will serve the poor, but also to create new institutions to develop the field of poverty law and to build acceptance for this field within the legal profession generally. I think the OEO grant is doing just that, and I commend the agency for its innovative and constructive use of research funds to that end. I am confident that if my colleagues read the GAO evaluation of the Urban Law Institute they would see that OEO was entirely justified in making its award, and that the untimely termination of former sponsorship of the program by George Washington University was hardly justified. For the RECORD, I submit at this point the text of the GAO report and several recent newspaper articles and editorials on the Urban Law Institute of Antioch College:

AUDIT OF THE OFFICE OF ECONOMIC OPPORTUNITY GRANT TO THE GEORGE WASHINGTON UNIVERSITY FOR OPERATION OF THE URBAN LAW INSTITUTE

(By the Comptroller General of the United States)

APRIL 13, 1971.

Mrs. JEAN CAMPER CAHN,
Director, Urban Law Institute,
Washington, D.C.

DEAR MRS. CAHN: Enclosed is a copy of our report to a Member of the Congress on our audit of the Office of Economic Opportunity's grant to the George Washington University for operation of the Urban Law Institute during the fiscal year ending June 30, 1971.

Very truly yours,
ELMER B. STAATS,
Comptroller General of the United States.

GENERAL ACCOUNTING OFFICE AUDIT OF THE OFFICE OF ECONOMIC OPPORTUNITY GRANT TO THE GEORGE WASHINGTON UNIVERSITY FOR OPERATION OF THE URBAN LAW INSTITUTE

INTRODUCTION

Pursuant to a congressional request, we made an audit of the records pertaining to a grant to the George Washington University for operation of the Urban Law Institute during the fiscal year ending June 30, 1971. The grant of $568,880 was made by the Office of Economic Opportunity (OEO). Our audit was directed toward determining whether the grant funds were expended in accordance with conditions of the grant and applicable OEO policies and instructions. We did not attempt to determine how effective the Urban Law Institute had been in attaining the program objectives for which the grant was provided.

We examined personnel records and, on a test basis, financial transactions for the period July 1 to December 31, 1970. Our test of financial transactions included items amounting to about $124,725 of the $285,534 expended during the 6-month period under the fiscal year 1971 grant. We reviewed applicable legislation, OEO policies and instructions, and the grant agreement. We also interviewed officials of the university, institute, and OEO who had cognizance of the grant. The audit was made at the George Washington University and OEO headquarters in Washington, D. C.

Officials of OEO, the university, and the institute have not been given an opportunity to examine and comment formally on this report, but the findings were discussed with their representatives.

The Urban Law Institute program includes training lawyers and has been funded by the Federal Government since May 1968 as a demonstration project under section 232 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2825). The objective of the institute's program for training lawyers is to experiment with and demonstrate new approaches and methods in the delivery of legal services to groups or classes of disadvantaged persons. Under arrangements with private law firms and private organizations, program participants are to be assigned to work for the public good under the supervision of senior attorneys. An important element in accomplishing this objective is the development of a curriculum for effectively teaching this type of legal practice. The program also provides assistance to candidates in obtaining a master's degree in poverty law. Grants made to the university for operation of the Urban Law Institute were as follows:

Fiscal year:	*Amount*
1969 [1]	$117,066
1970	331,656
1971	568,880
Total	1,017,602

[1] Covers the period May 1968 to June 1969.

The university administers the grant funds under its regular procedures for handling grants and maintains the accounting records for the grant. Under these procedures expenditures, including payrolls, are first approved by the institute's management and are then paid by the university if the expenditures are within the limits of the budget as approved by OEO. As shown on page 6, expenditures under the fiscal year 1971 grant for the 6-month period ended December 31, 1970, totaled $285,534.

As of December 31, 1970, the institute's personnel consisted of 16 professional and 12 administrative full-time employees, 13 candidates for master's degrees in law, one candidate for a law degree, and several part-time employees. The candidates are required to work 30 hours a week on institute activities.

The university's Office of Public Relations, in its "Monday Report" dated March 1, 1971, stated that the university's National Law Center had announced that it planned to sever its ties with the institute because the institute was evolving into a large public-interest law firm over which it had no control.

FINDINGS

We found that the Federal grant funds were expended in accordance with the conditions of the grant and applicable OEO policies and instructions except for a few expenditures discussed below. To put these questioned expenditures in proper perspective, we want to point out that the amounts of the questioned items were small both in relationship to the total of the institute expenditures and in comparison to amounts we have questioned in reviews of other OEO demonstration grants. Furthermore, the university records maintained for the grant compare favorably with those maintained by most other OEO grantees whose records we have reviewed. The university has orderly financial management procedures and an adequate accounting system; for the most part, its expenditures are well supported by appropriate documentary evidence.

In addition to our review of financial transactions, we also reviewed the quarterly reports submitted by the institute to OEO for the period covered by our review to determine whether the activities reported by the institute were within the scope of activities contemplated under the terms and conditions of the grant. The institute reported on (1) its accomplishments in developing teaching material for university courses in urban law, (2) cases pending and under litigation in which it was involved, and (3) other activities such as providing guidance and assistance to disadvantaged economic and social groups. The activities of the institute, as described in the quarterly reports to OEO, were, in our opinion, within the scope of activities contemplated by the terms and conditions of the grant.

There has been some confusion by certain OEO headquarters officials responsible for administering the grant as to which OEO instructions applied to this grant. OEO has not issued a complete set of instructions and requirements that are applicable to demonstration grants, the type of grant under which the institute is funded. As early as February 1965, OEO had planned to issue instructions applicable to such grants. As a stopgap measure, OEO since 1965 has relied, in part, on its instructions applicable to community action grants although some of the instructions do not apply to a demonstration grant.

Details of the expenditures which we questioned follow.

Limitation on starting salaries of new employees

OEO instructions governing compensation of employees of grantees require that starting salaries of new employees paid over $5,000 annually be limited to an increase of 20 percent over their prior salary or $2,500, whichever is less, unless OEO approval is obtained.

Our review of employees' personnel folders for the 36 employees hired by the institute during the period July 1, 1970, through December 31, 1970, showed that incomplete or no information had been obtained on prior salaries of 12 employees. For these employees we were thus unable to determine whether the salary limitation had been complied with. We were informed by a university personnel official who had responsibility for maintaining records of employees' qualifications that he was unaware of the OEO requirement governing starting salaries and therefore had not always obtained prior salary data.

Our review of the personnel folders for the 24 employees which contained complete prior salary data revealed that two employees had received starting salaries in excess of the OEO limitation. The folders contained no evidence that the required OEO approvals had been obtained. The annual salaries of these two employees exceeded the limitation by $627 and $877, respectively. The amounts actually paid to the two employees in the 6-month period covered by our review exceeded the limitation by a total of $360. The university advised us that the two employees' salaries had been set at these levels so that their salaries would be consistent with the university's pay scale for comparable work.

In March 1971, we discussed this matter with officials of the university and OEO. Subsequently, by letter dated April 1, 1971, OEO advised the institute that the starting salaries granted to the two employees were approved.

Overhead

The terms of the OEO grant provide for the university to be reimbursed for its overhead from grant funds at the rate of 20 percent of the approved grant personnel costs. The university in computing the reimbursement applied the overhead rate to personnel costs and stipends paid to candidates for master's degrees. These stipends, however, were not classified as personnel costs in the OEO-approved budget for the grant.

The budget provided for financial assistance to 16 candidates for master's degrees in the form of a stipend to each of $6,800 and classified the amount budgeted as nonpersonnel costs. The university, by applying the overhead rate to these nonpersonnel costs, charged the grant for additional overhead of about $6,000 for the period July 1, 1970, to December 31, 1970.

We brought this matter to the attention of the university's comptroller, who advised us that the university would seek to obtain OEO's approval to reclassify the stipends as personnel costs.

Travel expenses

OEO instructions require that travel by employees of grantees be authorized and paid for in accordance with the Standardized Government Travel Regulations. Our examination of travel expenditures of about $5,900—selected from the total expenditures of $9,800 for the period July 1, 1970, to December 31, 1970—showed that the university had not followed certain administrative practices required by the regulations relating to the authorization and approval of travel on an actual expense basis.

The regulations permit travel expenses to be paid on the basis of a per diem rate of up to $25 or of actual travel expenses. The regulations require, among other things, that conditions be prescribed under which reimbursements may be authorized or approved for actual travel expenses and that such conditions shall restrict travel on an actual expense basis to those travel assignments where necessary subsistence costs are unusually high.

The university followed the practice of reimbursing institute employees on the basis of their actual travel expenses and had not prescribed conditions restricting such travel. Although the amount of the reimbursements to some institute employees for actual travel expenses exceeded the amount allowable under the regulations on a per diem basis of $25, we were unable to determine the amount of the overages and underages because some of the travel claims did not show the departure and arrival times which affect a per diem computation. However, of the $5,900 travel expenses that we examined only $1,500 was for per diem type travel.

University officials advised us that it was the university's policy to pay actual travel expenses for its employees and, since the grant was being funded through the university, they were of the opinion that the university's travel policy should apply to the institute. We were advised also that they were not aware of the OEO requirement that the Standardized Government Travel Regulations were to be followed.

Salary ceilings

The grant contains a requirement that salaries of institute employees in excess of $15,000 must be approved by the Associate Director, Office of Legal Services, OEO. We found that two employees, one is the director of the institute, were being paid salaries from grant funds of $17,500 and $18,000 without approval from OEO. Although the institute notified OEO on August 18, 1970, of the salaries being paid to these two employees, OEO and institute officials were unable to furnish us with evidence that the salaries had been approved.

In March 1971, we discussed this matter with officials of the university and OEO. Subsequently, by letter dated April 1, 1971, OEO advised the institute that the salaries being paid the two employees in excess of $15,000 were approved.

Financial reporting

For the months of May 1970 through January 1971, the university did not prepare and submit to OEO monthly financial reports as required by OEO instructions. An OEO directive states that delinquent reports by grantees impair OEO's ability to administer grants and to meet its financial reporting responsibilities to the Congress and other Federal agencies.

Although OEO did not receive the required monthly financial reports, we found no record indicating that OEO had sought to obtain the reports.

In February 1971, we brought this omission to the attention of university officials with the result that the required reports were prepared and promptly submitted to OEO.

The expenditures under the fiscal year 1971 grant for the period July 1, 1970, to December 31, 1970, are shown below.

Expense category and amount expended

Salary—faculty full time	$8,750
Salary—nonacademic	108,214
Wages—part-time personnel	21,973
Stipends—candidates for degrees	30,075
Personal services, other	23,522
Telephone	3,923
Travel	8,831
Conference—includes about $1,000 for travel	2,481
Printing	10,556
Program development	6,026
Tuition—candidates for degrees	6,753
Office expense	10,221
Books and material	657
Staff benefits	14,620
Overhead—preliminary, subject to adjustment at end of fiscal year	28,932
Total	285,534

[From the New York Times, May 16, 1971]

LAW STUDENTS: A PLAN TO "LEARN WHILE YOU DEFEND"

Many of the young people who are applying to the nation's law schools in record numbers see the law as a tool to help the underprivileged and oppressed. At the same time, a growing faction in the legal profession is expressing doubts about the capacity of the law schools to respond to a demand for that kind of legal education.

Last week, a group of activist lawyer-educators and a small liberal arts college announced a plan aimed at reconciling the two views. Antioch College, in Ohio, has agreed to join the Urban Law Institute in the establishment in Washington of a new kind of law school, dedicated to "clinical legal education" of a learn-while-you-defend orientation.

FIRST SUCH VENTURE

Apart from its graduate school of education, this will be Antioch's first venture into professional education. The goal—depending on funding—is to admit the first class in the fall of 1972.

The plan is the offspring of an academic controversy. The Urban Law Institute, founded by Jean Camper Cahn, a young black alumna of Swarthmore and Yale Law School, had for the past three years been part of the National Law Center of George Washington University. It is funded by the Office of Economic Opportunity and staffed by about 20 lawyers who divide their time and efforts between offering legal services to the urban poor, and reforming the curriculum and teaching methods of traditional law education.

Earlier this year, Dean Robert Kramer of the university's law school, though reaffirming the institution's own concern with poverty urban law, severed the relationship with the institute. "We never contemplated that the university would operate a large law firm and engage directly in * * * Washington would be happy to cooperate with some of the institute's activities, it was "not willing . . . to take responsibility for a public interest law firm."

Supporters of the institute saw in this an academic institution's reluctance to enter into activist, i.e. controversial ventures. Ralph Nader, citing that "during World War II, Harvard Law School and other law schools scrapped their entire curriculums and turned themselves into complete instruments of the wartime effort," considered the current social crises serious enough to call for similar activism.

Mr. Nader and other supporters of drastic changes in legal education denounced the "concept of legal educational academitis" which, he charged, must shoulder part of the responsibility for "a pretentious legal system which puts the premium of access and success on wealth and power. . . ."

As the initial anger over the separation of the institute from the university died * * * institute concluded that the traditional law schools might be more readily persuaded to consider new approaches, if a new kind of school could become the proving ground.

Washington seemed the best location for such a school. Antioch College, with a tradition in progressive education and community involvement, seemed ideologically well suited. The college has always operated on a plan of alternating campus attendance and off-campus field work which regularly takes many of its students and faculty away from the home community.

MEDICAL MODEL

The concept of clinical legal education borrows heavily from medical training, with its combination of academic work and internship, involving the student with the patient or client. The law school that really is a teaching law firm is comparable to the teaching hospital.

* * * * *

Recently, Chief Justice Warren Burger said: ". . . One could hardly conceive a system of legal education farther removed from the realities of life than the pure case method." He complained of lawyers licensed "without the slightest inquiry into their capacity to perform the intensely practical functions of a counselor or advocate." He criticized the kind of preparation that avoids "the antiseptic odor of the jail house and the problem of the 'unmarried mother,' of dependent children and the aged and infirm—in short, escapism from the depressing atmosphere which surrounds 'the short and simple annals of the poor.'"

The clinical law school experiment plans to stress, in addition to traditional academic instruction, the following priorities:

Curriculum development, drawing on field work and research.

* * * * *

Client services, by providing lawyers as counsel to community groups, locally and nationally, as an aid to the poor, a laboratory in which to develop techniques and curriculum materials. The institute has already completed five textbooks to be published in the 1971–72 academic year.

Among the areas to be stressed in curriculum development are actions related to Federal programs, community organization, consumer problems, and housing for the poor. This will lead to the production of case studies that eventually could be used by other law schools, as supplementary reading in traditional courses, and by poverty lawyers in the field.

In addition, the school wants to work on the improvement of legal office management because its planners believe that "legal service programs have by and large suffered from weak administration, and virtually no lawyers coming out of law schools today know how to manage an office."

SOME RESERVATIONS

Mrs. Cahn and her husband Edgar may, in the view of many law school deans and faculty members, exaggerate the extent of the educational revolution they see necessary and feasible. They may also underestimate the changes that are already taking place in established schools.

But one eminent legal educator, though questioning how much of the experiment will be applicable to the majority of law students, emphatically agreed that the clinical approach offers a valuable alternative for some.

Moreover, the history of education reforms shows that, despite the Establishment's initial skepticism, change in traditional institutions has usually come in the wake of iconoclasm of a few who decided to go it alone. Antioch College itself is among those historic examples.

The Cahns, writing in the May, 1970 "Yale Law Journal," said: "The law school in the future will have to begin working with colleges and high schools—and even grammar schools—to develop legal curricula . . . and to take responsibility for imparting to the population at large not merely a rote legal knowledge, but a sensitivity to those fundamental values of due process, fair play, free speech, privacy and official accountability."

[From the Advocate, Mar. 1, 1971]

BURGER MAKES MEDICAL ANALOGY

(By Chief Justice Warren E. Burger)

The modern law school is not fulfilling its basic duty to provide society with people-oriented counselors and advocates to meet the expanding needs of our changing world.

In retrospect one could hardly conceive a system of legal education farther removed from the realities of life than the pure case method. And that is why so many modifications have been made in recent years. Perhaps we may shed light on the problem by asking whether we could train doctors simply by having them do autopsies for five years in medical school and then finish up with one course on how to examine and question and diagnose a live patient with a pain. Obviously this would not produce very good doctors.

When medical education became more formalized a half century ago, the medical educators quickly realized that the purpose of medical education was to train doctors to heal patients and that this could be done with patients—not just with books and lectures. It is axiomatic that no medical school can function without ready access to a large hospital where students see and work with people afflicted.

Today the education of a doctor is approximately 20–25% books and classrooms and 75–80% clinical or the direct observation of a doctor's treatment of the sick. In this real life process the medical student spends roughly 80% of his time with practicing doctors as his teachers.

Today, in many courtrooms, cases are being inadequately tried by poorly trained lawyers, and people suffer because lawyers are licensed, with very few exceptions, without slightest inquiry into their capacity to perform the intensely practical functions of a counselor or advocate.

An increasing number of law professors have become involved in activities outside the Law School and in turn have related their practical experience in their teaching. A growing number have taken part in government and community work and as volunteer counsel for the poor in civil and criminal cases.

[From the Advocate, Mar. 1, 1971]

THE CAHNS ON CLINICAL LAW

The issue is whether the law school, as an institution of higher education, can utilize its unique vantage point and its relative detachment to enable society to proceed more rationally to reshape its legal system, to provide effective redress of grievances and to permit orderly and rapid social change within the framework of the rule of law. As quasi-public institutions, law schools have a fiducary obligation. That obligation must be given a structural correlative in order to discharge an institutional commitment which transcends the good intentions, and even good deeds, of any individual professor.

If the law schools are to fully discharge their institutional obligations and remedy the defects generic to legal education, the line of demarcation between the law school and the outside world will have to be redrawn.

Just as the outside world must enter the law school, so too the law school must expand its walls to include the urban environment in which it is situated. Clinical legal education is the rubric under which the law schools have undertaken their initial sortie in this direction.

Clinical programs must not be permitted to degenerate into a grandiose abdication or responsibility whereby the law school simply abandons the student during the third year and leaves him largely to his own devices under the guise of affording him "practical experience." It must become a joint venture in discovery for the academic community where undigested chunks of reality are subjected to the most highly disciplined form of intellectual scrutiny.

If the relative insulation of the law school is to serve any unique function, it is to be found in the partial liberation which the detachment of the institution affords from consumption pressure, and the freedom it provides to design new legal institutions, new doctrines and new modes of coping with the clear and present danger to the rule of law. That insulation, that tradition of a community of scholars, becomes even more precious if the law school ceases to be an island for contemplation of one's jurisprudential navel and becomes instead the sanctum in which the inner life of the law is born and reborn of experience.

[From the Washington Post, July 31, 1971]

BETTER LAW FOR THE POOR

For a few years now, many of the nation's law schools have been offering one of the most meaningful and exciting kinds of legal education: involving the student with the client. This is comparable to the teaching hospital where medical training combines learning in the classroom with daily work in the sickrooms and wards. The practice of clinical law has been a way of facing the problem recently expressed by Chief Justice Warren Burger, of lawyers licensed "without the slightest inquiry into their capacity to perform the intensely practical functions of a counselor or advocate." Among the better known and more successful experiments has been the Urban Law Institute which until recently had been a part of the National Law Center of George Washington University. The bitter dispute following the university's still-puzzling decision to drop sponsorship of ULI was happily resolved last May when Antioch College of Ohio agreed to sponsor the institute and begin work on opening a law school in Washington, one that will be dedicated to clinical legal education—learning while you practice.

The union of ULI and Antioch is fitting, and promises a type of reform that is needed. The college as a long history of embracing educational innovations and of not being afraid of involving its faculty and students in the social problems of the community. Although the college has a graduate school of education, this is its first move into a professional field. As for the record of the three-year-old Urban Law Institute, it has served and defended many of the clients that traditional law firms seldom if ever go near—the poor. The program's lawyers and students have ruffled, even clipped, the feathers of many established powers, but the Nixon Administration, through the Office of Economic Opportunity, has not hesitated to fund it from year to year. The director of ULI, Jean Camper Cahn, a young black graduate of Swarthmore and Yale Law School, has had her share of controversy, but her successes overshadow it. As Rep. Parren J. Mitchell of Baltimore told Mrs. Cahn followed the Antioch merger, "Your success means that given the courage and commitment of black folks, racism, apathy, bigotry, deceit, hypocrisy—all of these can be beaten into the ground." An article in a 1965 Yale Law Journal by Mrs. Cahn and her lawyer husband Edgar led to the formation of the federal Legal Services Program.

The ULI-Antioch law school, now on the drawing board, is scheduled to open in September, 1972. As a teaching law firm, it will be valuable not only to the legal profession and the students, but also to the power community of Washington—the consumers of law who need justice the most.

EAST AND WEST CENTRAL HOSPITAL COUNCILS' SEMINAR

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. ROGERS. Mr. Speaker, on Friday, September 17, 1971, Mr. James W. Foristel, assistant director, department of congressional relations, American Medical Association, delivered an address to the East and West Central Hospital Councils' seminar at Tampa, Fla.

Mr. Foristel directed his remarks to health legislation before the 92d Congress, and I would like to insert, at this point in the RECORD, Mr. Foristel's remarks for the benefit of my colleagues:

REMARKS OF JAMES W. FORISTEL

The Nation's Capitol is full of NIH proposals and the Ways and Means Committee is planning to commence public hearings after it completes its work on revenue sharing. According to that committee's chairman, Wilbur Mills, there will not be time for any bill to be passed by the House of Representatives in 1971. It is quite likely, he says, that legislation will be enacted in 1972, but surely not later than sometime in 1973.

Therefore, it is all to the good that so much thought and effort has already been given, it is good that legislation has been introduced in support of plans offered by AMA, American Hospital Association, the insurance industry and by many other groups and legislators who now make up the more than 350 sponsors of NIH type legislative proposals.

I welcome the opportunity to discuss AMA's entry in this legislative idea derby and for approximately one-half of my allotted time I will try to make clear the several elements of AMA's Medicredit proposal. Let me say now that I do not consider it important that you understand every minute detail of the AMA's bill. What is important at this stage is that AMA make known to Congress and the public the conceptual design of its plan.

Let me begin then with the list of principles which AMA's Council on Legislation prepared before their legislative draftsmen began their work on what is admittedly a set of medical benefits and a financing mechanism. The AMA's Council on Legislation and its Board of Trustees has committed the Association to support other programs and legislation such as peer review, the health manpower extensions and improvements and others. In this connection Senator Kennedy claims that Medicredit is inadequate because it is only a financing mechanism. AMA admits Medicredit is only a financing mechanism, but the Association, as I have already said, is committed to actively support ideas to correct deficiencies in the health care system such as the manpower shortage and to completely dispose of the Kennedy criticism let me read you a letter from Congressman Paul Rogers, the Florida Democrat Chairman of the Health Subcommittee of the House Interstate and Foreign Commerce Committee.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 16, 1971.

Mr. JAMES W. FORISTEL,
Department of Congressional Relations,
American Medical Association,
Washington, D.C.

DEAR JIM: Today the House Rules Committee granted a rule in connection with the Health Manpower and Nurse Training bills (H.R. 8629 and H.R. 8630). Passage in the House in the next several legislative days seems assured.

Please convey to AMA's officers and membership my personal thanks and congratulations for being in the forefront in the support of this legislation. The data and expertise of the Association's witnesses were most helpful. The AMA's governing body wisely included medical manpower legislation as a part of the Association's legislative package. I feel this legislation is a keystone to any additional health programs that may be passed by the Congress. As Chairman of the Public Health and Environment Subcommittee, it is my intention to continue for the balance of this year considering other areas in which the Federal Government might be of assistance, and this will include the several bills before our Committee on Health Maintenance Organizations and various approaches providing better preventive medicine to the public. I am looking forward to continued cooperation from the American Medical Association in these endeavors.

Kind regards and best wishes.

Sincerely yours,

PAUL G. ROGERS,
Member of Congress.

I said earlier that the Council on Legislation first prepared a list of principles which should be followed in any legislative proposal. That list reads as follows:

1. Solutions to financing health care should be through the voluntary health insurance industry on an underwriting and risk-taking basis.
2. The mechanism should be voluntary, but with financial incentives to encourage participation (rather than compulsion).
3. There should be a pluralistic system for the delivery of health care.
4. Financing should be done through general revenues, state funds, and private sources—not through a payroll tax.
5. The scope and duration of benefits must be comprehensive and adequately applied, and adequate in their description and provision.
6. State certification for licensure of physicians should not be violated.
7. Any corporate arrangements must specifically be under professional medical control with strict conformance with medical ethics.
8. There should be provision for cost-sharing and coinsurance by the recipient.
9. Government assistance should be related to the individual's financial resources.

Now, with the principles I have just read in mind, the Medicredit proposal was drafted to accomplish three things. First, replace the present Title XIX or Medicaid Program with a federally financed free enterprise type insurance mechanism for the poor. Second, toward the cost of health insurance premium, the bill authorizes tax credits ranging from 99 percent to 11 percent to assist those taxpayers who have income tax liabilities ranging from $1 to $890 and to assure a 10 percent credit for all those who pay in excess of $890 in federal income tax. Third, to to require that all eligible insurance plans must include catastrophic coverage so as to assure that no individual or family need ever suffer bankruptcy or spend life savings to meet medical expenses.

This three-prolonged legislative approach has met the approval of 151 Members of the House and Senate who, at this point in time, are sponsors of the AMA bill. The closest competitior proposal is the labor bill offered by Senator Kennedy sponsored currently by 103 Members of the House and Senate. Another bill providing catastrophic coverage introduced by Congressman Hall, a physician Member of Congress, has about 40 sponsors and none of the bills have as many as 20.

Let me discuss the three main missions of Medicredit. First, replacing the Title XIX or Medicaid Programs needs little more explanation other than to say that insurance company administration of health care would be substituted for the present arrangement under which states administer Medicaid. Regarding financing, the states would be relieved of their responsibility and the federal government would pay the total cost of almost all health care except the deductibles and co-insurance. Part two of the AMA's Medicredit Bill allowing tax credits might be explained in more detail by saying that for every $10 of tax liability after the first dollar, the tax credit decreases by one percent.

For example, a taxpayer whose tax liability is only $10 receives a 99 percent credit. Taxpayers with liability from $91 to $100 receive only a 90 percent tax credit. Taxpayers who pay between $591 and $600 income taxes receive only a 40 percent tax credit. Taxpayers who pay in the range of $881 to $890 receive only an 11 percent tax credit and those who pay $891 and over [also] receive a 10 percent tax credit. This arrangement of varying tax credits was included in the AMA bill to overcome the Ways and Means Committee concern of phasing in those persons not considered poor and those who have little income and are just above the poor category.

Let me admit here and now that this section of the AMA's bill may meet difficulty in the Ways and Means Committee because there has been an objection on the part of some members of the Committee to any tax credit mechanism. Chairman Mills several years ago made a public statement that tax credits tend to destroy a tax system. The third and final section of the AMA's bill has to do with providing catastrophic health protection.

To further detail this section, let me explain that no health insurance program under AMA's proposal would be deemed eligible unless it includes catastrophic protection. Prior to the catastrophic health protection being activated, the patient must have exhausted the health benefits included in the basic package of health protection which includes, for instance, 60 days of inpatient care in a 12-month period, inpatient hospital services which covers all care customarily provided in a hospital such as bed, board, nursing services, drugs and oxygen, blood and plasma, biologicals and supplies, appliances and equipment furnished by the hospital, surgery or delivery room, recovery room, intensive care services, rehabilitation services and psychiatric care.

It includes also all of the inpatient extended care facility services customarily provided in an extended care facility. It provides also outpatient or emergency care and all care customarily provided under that classification. Finally, all medical services ordered by an M.D. or an osteopath without limitation with the exception of cosmetic surgery and even here this is included when related to birth defects or burns or scars caused by injury or illness.

As a lobbyist for AMA for more than 20 years, it is my considered opinion that the most compelling reason to most of AMA's 151 legislation sponsors has been the inclusion of this catastrophic protection section of the bill. Members of Congress receive the horror stories of families made destitute by long-term expensive catastrophic illnesses and recognize the need for including this kind of protection. In constructing the language of a catastrophic section, AMA draftsmen were careful to write the protections which would guard against over use and abuse of medical service by erecting a deductible corridor of dollars which must be spent by those above the poor class before the government offered protection.

This was accomplished by providing that the corridor be computed as 10 percent of the first $4,000 of taxable income. Now, let's make this clear. Persons who need the additional help of catastrophic or extended care coverage are required to satisfy a deductible corridor after expenses under basic coverage runs out and before catastrophic begins. Thus, when I mentioned that persons have to expend 10 percent of the first $4,000 of their taxable income before the corridor begins as this would apply to an individual or family, it means that with exactly $4,000 of taxable income an individual or family would have to expend $400 of his or its own money.

This section provides further that the individual or family would have to pay 15 percent of the next $3,000 of taxable income. There is a further provision that individuals or families with taxable incomes exceeding $7,000 would have to expend an additional 20 percent of taxable income.

Additional protection is built into the bill. Three deductibles are required. 1. The patient will pay $50 per stay in the hospital as an inpatient. 2. The patient must pay 20 percent of the first $500 of expenses for outpatient or emergency care in a 12-month period. 3. The patient must pay 20 percent of the first $500 of expenses for out of hospital medical services in a 12-month period. However, whatever deductions the patient pays in the basic medical coverage of the Medicredit Bill may be counted as part of the corridor liability of the patient under the catastrophic protection section.

Now, if I haven't been specific enough to satisfy you or if my explanations have not come through clearly, let me say this is not important. It is only the concept of AMA's Medicredit or of these other bills being discussed here that has any importance because experienced legislators will tell you that no bill will be enacted as it is introduced. What is important is that the Committee agree with a concept—its draftsmen will write the finished product.

Now, let me devote the balance of my remarks to the legislative situation in Washington as I view it. It is this situation with its many aspects under which any health insurance bill will be considered. First, a majority of the Congress is desirous of enacting a national health insurance plan although most every Member of Congress will tell you that he does not yet have a clear concept of the details of such a program. Second, the cost of the eventual program to be passed will be the major consideration.

Surely, in this connection the Kennedy Bill, in the opinion of most Congressmen, would do more harm to a balanced budget situation than any of the other proposals since one half of those costs must be raised from general revenue. Can you imagine the Ways and Means Committee or the Senate Finance Committee being willing to subject federal Treasury funds to a $53.1 billion annual bite by 1974 (the Administration study of national health insurance proposals made, at the request of Congress and delivered to them in early August, predicted that the Kennedy Bill would cost $81.6 billion in 1974) and that the prescribed payroll tax would yield only $28.5 billion (see page 26 of cost report)? Fact number three is that cost controls such as prospective charges of providers (possibly a full year in advance) will be required to assure against cost overruns during any single year. Fourth, cost and quality controls will be enacted likely as part of H.R. 1 in this Congress. Thus, this item may be removed from consideration in an overall NHI proposal. Fifth, an employer-employee mandated program of financing such as is suggested in the Administration's and the Health Insurance Association's proposals possibly is the most popular currently with the House Ways and Means Committee. I don't have a reading among Senate Finance Committee Members. It is certainly more popular than a Social Security type payroll tax included in the Kennedy proposal because the employer-employee mandate concept would have the least damaging affect on budget balance. Sixth, a catastrophic provision seems certain to be part of any program to be enacted because so many Members favor insuring against medical bill bankruptcy of their constituents.

I appeared on a panel of the Georgia Hospital Association some months ago as the representative of the AAA. Other panelists were Doctor Egeberg explaining the Administration's plan, Doctor Ainsworth speaking for the American Hospital Association and E. G. Marshall representing the Committee of 100, the Kennedy plan. I said then and I want to re-emphasize here that I have no criticism of any of these plans except the Kennedy plan on the basis of concept.

Conceptually only the Kennedy plan would tear down the present medical structure, only the Kennedy plan would totally destroy the private enterprise insurance system in this nation, only the Kennedy plan would provide that the sole payor of all health providers would be the Federal Government. I pointed out then that it is hypocritical of organized labor to have drafted a bill which would have all providers totally subservient to the sole provider, the Federal Government, when the same labor unions would scream their bloody heads off if their members had the Federal Government as their employer.

It is time that the sponsors of legislation whose proposals rely upon the concept of not having the Federal Government take over the health delivery system join together to debate representatives of the Kennedy supporters who urge a total federal system. I re-urge that point for the consideration of all those in this audience who are not sold upon a total federal system.

NIXON ECONOMICS AND THE TAX BILL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. VANIK. Mr. Speaker, at the recent Governors' conference, Vice President Agnew stated that—

> Rising corporate profits are good for the average man and are needed more than ever by the poor.

The President's tax proposals, being reported out by the Ways and Means Committee with some amendments, substantially support this economic theory of "trickle down." The President's tax proposals are harsh and cruel to the individual. A taxpayer with $9,000 income and three dependents would save only $26 this year, or 7 cents a day. This policy will clearly fail to spur consumer demand. It will fail to put unemployed workers and idle machinery back into production.

I enter in the Record a column which appeared in the Friday, September 25, 1971, Evening Star, entitled "Why Do Profits Trickle Only Down?":

Why Do Profits Trickle Only Down?

(By Arthur Hoppe)

"Rising corporate profits are good for the average man and are needed more than ever by the poor."—Vice President Agnew, addressing the National Governor's Conference.

"Good news, Maude! Good news!" Jud Joad's breath came raspingly as he negotiated the last of the 120 steps leading to the Joad's fourth-floor, cold-water walk-up on Clancy Street.

"Oh, Jud," cried Maude, clapping her wrinkled hands together like a young girl. "The landlord—he's going to fix the toilet?"

"Better'n that," said Jud, easing himself down on a rickety kitchen chair and spreading out a day-old newspaper. "It says here where General Motors is looking forward to knocking down an extra billion or two in the current fiscal year."

"Oh," said Maude. "Well, I'm right happy for the General. But what's it got to do with us?"

"What's good for the rich is good for the poor. The vice president, says so himself. What us poor folks need more'n ever, he says, is rising corporate profits."

"We need what?"

"Pay attention, Maude. It's called the old Trickle Down Theory. Now I been fighting poverty man and boy for nigh on 60 years. And if'n there's one thing rich folk believe in with all their hearts, it's that their riches are going to trickle down on us poor folk."

"How's it work, Jud?"

"Well, now, Maude, you know how I've been hankering to be a night watchman."

"And a good one you'd be, Jud, the way you like watching things. Besides, you been sleeping poorly lately."

"Only I can't find a job. But if'n the fellow who runs General Motors can make a few more billions for the company by firing some of the help, shoddying up the merchandise and raising the prices, why then the company's going to be mighty grateful. And they're going to give him a big bonus. Maybe half a million dollars. And what's he going to do with it? He's going to buy himself a great big shiny old yacht."

"How's that going to help us, Jud?"

"Wait, now. You forgot about the fellow who sells him the yacht. He's going to make maybe $100,000 on the deal. So he's going to buy this big estate in the country. And the real estate man is going to make $10,000 and put in that swimming pool his wife's always wanted. And the swimming pool man, he's going to make a thousand or two and buy a new car from General Motors. And . . . Well, you can see how it goes."

"My, Jud! Yachts, estates, swimming pools, fancy cars . . . But now does it all trickle down to us. Seems like the rich just keep getting richer."

"That's right, Maude. Like the fellow says, "The rich get richer and the poor get madder." And the madder the poor get, the more they want what the rich folks got. So the vice president's right: The more the rich get, the more they'll need me around night to watch the things they got."

"Well, I don't know, Jud. Seems like a long way 'round just to get you a job."

"You got a better idea, Maude?"

Maude was thoughtful for a moment. "I know, Jud!" she finally cried triumphantly "Why don't they start with us for a change and trickle up?"

ERIE COUNTY LEGISLATURE SUPPORTS PRESIDENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. KEMP. Mr. Speaker, I insert in the Record the text of a resolution adopted by the Erie County Legislature commending the President on his courage in ordering a freeze on wages and prices as a means of controlling runaway inflation.

The President's recent economic proposals, I feel, are important steps in solving our domestic and international economic problems, and these measures should have the support of all Americans.

The resolution follows:

Resolution

Whereas, runaway inflation has destroyed the buying power of the American dollar, and

Whereas, persons on fixed incomes, pensions and annuities, usually the old and retired are most directly affected, and

Whereas, inflation leads to unemployment and loss of business confidence,

Now, therefore, be it resolved, that the Erie County Legislature lauds the courage of President Nixon in clamping a wage and price freeze on the American economy in an effort to curtail this inflation, and be it further

Resolved, that this Legislature pledge to the President its full support, and cooperation, and be it further

Resolved, that this cooperation be exhibited by sending a copy of this resolution to the President and this area's Congressmen, which the Clerk of this Legislature is authorized and directed to do.

THE F-14 OR THE BOMBER WHICH IS A BOMB

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BINGHAM. Mr. Speaker, yesterday, the Senate voted to keep on funding the F-14. This was a costly mistake, for the plane is an unnecessary aviational extravaganza which will cost the taxpayer $16.7 million each, for a grant total of $801 million for the proposed 48 planes. The plane has so far shown itself to be only a mediocre improvement on existing technology. It is designed to protect aircraft carriers against Soviet bombers and fighter planes in a prolonged conventional war, and tries to serve two functions—that of a fighter and that of a launch platform for Phoenix air-to-air missiles. But in truth, the plane is good for neither function—it is too slow to serve as a fighter and the Phoenix missiles are still plagued by bugs.

An excellent editorial on the subject appeared in yesterday's Washington Post, as follows:

The F-14: Is This Plane Really Necessary?

For the past 10 days or so the Senate has been considering a variety of amendments to the $21 billion military procurement bill, and the debate will continue for some time. Most of the amendments have been designed to trim or eliminate authorizations for specific weapons systems. So far, none has succeeded. Whether or not they should have, and whether or not the string of amendments yet to come should be approved, it seems to us that the vote on one amendment—possibly to be taken today—is crucial and that the amendment should be passed. We refer to the move to eliminate from the fiscal '72 budget some $800 million in funds for the purchase of 48 tactical aircraft that go by the name of the F-14. This air-to-air-missile-bearing Navy fighter plane is pretty much a textbook case of what can go wrong in weapons planning—from the drawing board on.

The F-14 is meant to fulfill the mission of protecting our aircraft carriers against Soviet bombers and fighter planes in any prolonged conventional war we might have with the Soviet Union. It is thus to be equipped with the Phoenix air-to-air "standoff" missile for dealing with Soviet bombers and it is also supposed to have the characteristics—speed maneuverability, and so forth—that would be necessary to engage Soviet fighter planes. Two large questions loom over the vote that now faces the Senate. One is whether a plane s needed at all to fulfill this particular mission. The other is whether the F-14 is the right plane to fulfill that mission if it is ndeed a realistic or legitimate one.

It is our opinion, based on the argument and testimony so far concerning the F-14 that its mission is at the very least a dubious one. We are inclined to credit the widespread view that any conflict such as that for which the F-14 is designed—i.e., prolonged conventional warfare with the Russians who have the only aircraft that would make such plane necessary—the F-14 would be unable to protect U.S. carriers from the main threat they would face, namely, Soviet torpedoes and cruise missiles. The very notion that carriers would have a useful role to play in this particular kind of conflict is questionable, and to invest in this plane before the future size and shape of our carrier force has been determined seems impractical and reckless to say the least.

More to the point, even if the F-14's mission could be justified, it would be far from obvious that the F-14 as we are about to know it is the plane for the job. In endeavoring to create a plane that could fulfill two different functions—that of fighter and that of launch platform for the Phoenix air-to-air missile—the Navy and Grumman aerospace appear to have wrought a plane that can likely fulfill neither very well. Owing to the requirements for the Phoenix missile, for example, the F-14 is a relatively slow and inadequate fighter plane. And the Phoenix missile which it is meant to bear is still in the throes of 10 years worth of trouble that has plagued it. The F-14 is less adequate as a fighter plane than the modified F-4 which it would replace. What is especially interesting about this point is that it will cost four times as much. Current estimates are $16.7 million per plane, and each firing of the Phoenix—if it can be made to function properly in this aircraft and if its mission has any point in the first place—will cost around half a million dollars. The F-14 program, at Senator Proxmire has observed, "is in many respects a microcosm of many of the problems which plague our defense establishment today: Initial cost estimates which later balloon; the incredible inertia of 10-year-old ideas which have never been thought through; the failure to test new systems before they have been deployed; and the continued emphasis on multimission aircraft which do no mission well."

Though the Senate Armed Services Committee in its careful report on the military procurement bill recommended procurement of these planes, it can hardly be said to have done so in a spirit of enthusiasm. It restricted purchase to 48 planes, the minimum possible under the terms of the contract with Grumman, and made its principal argument the fact that it would be even more expensive to buy the planes under any renegotiated terms. As it happens, the administration—if it is authorized to go ahead with the purchase—will have to do so by Oct. 1 to observe the contract's terms. Thus the Senate vote has a double urgency. The F-14 has too many attributes of another great defense turkey to be approved at this time by the Senate. We believe the Senate should send the Navy back to the drawing board to come up with either an improved F-4 or a new fighter plane that is not too costly to be purchased in adequate numbers and that has a reasonable chance of performing a valid function.

NATIONAL 4-H WEEK

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. SEBELIUS. Mr. Speaker, today we constantly hear of the idealism of American young people, particularly the young citizen who becomes an activist regarding government and politics, We are also reminded constantly that through this idealism we can reshape America so that we all can truly enjoy the fruits of the American dream.

I recognize this, but I am concerned that so much of what we hear and see involves not idealism but the politics of blame and negativism. Instead of providing the necessary idealism and motivation for government to institute the decade of reform and change that we so urgently need, too often we find ourselves involved in the new politics of partisan blame, problems, and no answers.

Personally, while I understand and share the frustrations of many or our young people, I feel the politics of blame and emotion are too easy, and worse, do not really accomplish what the art of politics can provide—answers for our problems.

In this regard, I think it is most important that we try to work together to solve problems rather than antagonize, blame, and create divisions in our society. And to this end, there is one outstanding youth organization that does just that. I am speaking about a national 4-H organization composed of millions of young people throughout our Nation. These young citizens are concerned, are enthusiastic, and are truly believers in a better America. Most important, they work for a better America rather than taking the easy way out.

I would like to take this opportunity to call attention to the fact that this coming week is National 4-H Week. The theme for this year's observance is "4-H Bridges the Gap."

This theme is most appropriate since the 4-H program provides the means for combining the idealism of American youth with the practical experience of parents and adult leaders.

The record of 4-H in both rural and urban America is an outstanding success story; 4-H provides that rare blend of motivation and discipline which spells progress and achievement; 4-H youngsters, through their project work and business meetings, learn responsibility and must rely on personal initiative and ingenuity for success. They also learn to accept responsibility for their actions—a very important lesson in life.

Over 4 million rural and urban youth and millions of volunteer leaders and parents participate in 4-H. Through individual projects in agriculture, citizenship, personal development, and leadership training, 4-H'ers have the opportunity to learn by doing.

The 4-H pledge—"I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health for better living for my club, my community and my country"—captures the spirit of our American heritage and serves as a constant reminder to 4-H'ers that they must continually seek to make their best better.

In observing National 4-H Week, I want to pay special tribute to USDA extension personnel, volunteer leaders, parents, and local civil leaders who "put it all together" in coordinating 4-H programs. Their self-sacrifice and personal involvement bring about the two-way communication and sincere interest so necessary to successfully bridge the "generation gap."

Through youth-adult cooperation in 4-H work, a depth of understanding and mutual respect is achieved that could serve as a model for successful youth programs and service efforts throughout the Nation.

The positive influence of 4-H is well summarized in a recent editorial by Dr. Glenn M. Busset, Kansas State 4-H leader. Mr. Speaker, I request unanimous consent to insert this editorial, "If there were a fifth leaf—A philosophy for 4-H Sunday," to emphasize the value of a 4-H experience in bridging the gap between the real and the ideal—and the young and the old:

IF THERE WERE A FIFTH LEAF—A PHILOSOPHY FOR 4-H SUNDAY

(By Glenn M. Busset)

Many persons have paraphrased the H's with words suited to their purposes, such as Happiness, Help, Home, and Humanity. They are all meaningful words, but if there were another leaf to the clover, Hope would be a worthy word for it.

A word or phrase may drop out of use for years, then through some event it suddenly takes on new life and is on everyone's lips. Such a word is Hope and since there is no fifth leaf, I would like to think of Hope as a part of our Heart H.

Hope is based on a vision or image of what is coming. Hope arises when we believe we have power to shape the future. The case for Hope has never rested on provable facts or rational assessment. Hope, by its very nature, is independent of the apparatus of logic. What gives Hope its power is not the accumulation of provable facts, but the release of human energies generated by a longing for something better. Logic and fact tell us what we cannot do, but just the capacity for hope is the greatest fact in life.

Hope is the beginning of plans. Hope is dreams, it is plans, it is the spirit of Christmas for every day. Hope gives us a destination, a sense of direction for getting there, the energy to get started, and the sustenance to maintain us through discouragement and disappointment. Hope enlarges our sensitivities and brightens our lives, so that in time that for which we only hoped becomes our expectations, our ambitions, and our life goals.

Life is offered to each of us on different terms. Life was offered to Helen Keller on different terms from those on which it was offered to Albert Schweitzer, yet each accepted the gift of life with reverent hands; each made something wonderful out of the gift and enriched the world.

Regardless of our physical and mental equipment that may seem to place the odds against us, each of us has something in our favor to use in facing life—we have our own unique brand of hope. This is an asset that we bring to the task, an asset that is peculiarly ours. No one else can have dreams—and hopes—just like ours.

How about you? What is your acceptance, your philosophy in life? Will you reason, as did the Old Testament poet, "Is this cup half full or half empty? No one's cup of life is full and no one's empty. Each of us has some happiness and some sorrow. One's life is sad or happy depending on how one sees the cup—rejoicing always that it is half full or sorrowing always that it is half empty."

Romans 5:3–5 has always had an inspirational meaning for me in this special sense ". . . we rejoice in our sufferings, knowing that suffering produces endurance, and endurance produces character, and that character produces hope, and hope does not disappoint us . . ."

Admittedly, there is more passion than logic in hope, but more people are held back by the absence of dreams than by the pressures of reality. If the dreams are good enough, no realities can stand against them. It was man's imagination far more than science that sent him to the moon. Human uniqueness is represented by man's ability to disprove elaborate theories about the impossible.

Less than one hundred years ago, a bishop was talking one day to a college president. The bishop expressed the view that everything of human importance had been invented, discovered, or revealed. All man had to do now was learn to use what he had in the world. The college president disagreed, saying, "I predict that within fifty years man will fly like the birds." The bishop was shocked, replying, "Flight is reserved for angels, and you are guilty of blasphemy." The bishop was Milton Wright; he had two young sons named Wilbur and Orville.

"Hope springs eternal in the human breast," wrote the eminent Alexander Pope. In the years ahead, 4-H'ers have much to dream—and hope—for. They have had educational experiences in projects and in the social process that place them in an excellent position to hope—and work—to "Make the Best Better." Reason tells us that we can't improve on the "best"—Hope says that we can and will.

GERMAN KNIVES, DANISH PISTOL CHILDHOOD MEMORIES

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. HAGAN. Mr. Speaker, today I want to bring to the attention of our colleagues a story which appeared recently in the Savannah Morning News in Savannah, Ga.

This story comes from the heart of one who saw her country turn toward socialism and later suffered under Hitler's invasion of Denmark. She is Mrs. Birthe Turner, formerly of Kalundorg, Denmark. Her observations are worth taking the time to read, for here in our country today we are seeing similar circumstances developing and must not only become aware of the danger signals but do something about them while we can.

The story follows:

[From the Savannah (Ga.) Morning News, Sept. 14, 1971]

GERMAN KNIVES, DANISH PISTOL CHILDHOOD MEMORIES

(By Trish Ainsworth)

"Please Mama, I don't want to go to that school!"

Mother gathers her child to her and soothes her. "Hush, you'll be all right. Don't worry about it, just go to school."

As contemporary as this conversation sounds, you'll be surprised to hear that it took place almost 40 years ago in Denmark.

The little girl is grown now, with children of her own. And now she's a citizen of the United States.

Mrs. Birthe (pronounced Beer-ta) Turner, a resident of Savannah, remembers that she did, indeed, "hush and go to school" . . . which was four towns away.

"The military bused us there. Later children were trucked and boxcarred to school. Our government was more considerate . . . at least we had seats in the trucks and boxcars. Hitler didn't even bother to build seats for the children to sit on."

That began in 1932, and Birthe grew up watching the children across the border in another school like hers. "The only difference is they would get BB guns and prance around in the schoolyard like little soldiers during a military drill. They were members of the Hitler Youth. We didn't have that at our school because we were across the border."

Life was tense, both for children and grownups, in those days in Denmark before 1939. Parents were soon forced to pay for the train rides their children had to take to school, as well as for their lunches, and a special tuition fee . . . although the parents had no say in where their children attended school.

The government eventually took control of the schools entirely, then they financed the churches, and gradually turned toward socialism.

"There was only one private school on that side of the island," says Mrs. Turner, whose hometown was Kalundorg, Denmark, "and the upper class had that filled fast. By the time anyone realized it was wrong, there was nothing you could do about it." The children came home from the government day care centers until their parents came home from work. "Children and parents were together just long enough to say goodnight and good morning."

The year 1939 found Denmark a land of plenty. There was food, mainly because Denmark is a farm country, and there jobs for people. It didn't seem to matter that Denmark had few troops. They were concentrated at the little border that exists between Germany and Denmark, and that seemed enough.

The morning of April 9, 1939, dawned very clear and pleasant in Kalundorg, but by the time the townspeople managed to get to their windows, the sky was dark and gray with German planes from horizon to horizon. German tanks lumbered through the streets bumper to bumper, so to speak.

The invasion of Denmark was so organized the German troops even knew which offices and buildings they were going to occupy. They knew every building that held important documents and records, remembers Birthe, who was in secondary school at the time.

Mrs. Turner recalls that the Danish king came on the radio periodically that day, begging the people not to fight until they got better organized and had weapons. "It's no good to get mowed down senselessly," he said.

It wasn't long before everyone in Denmark was either a member of the underground resistance movement organized from England by Sir Winston Churchill, or they were the enemy. "There was no neutral stand," says Birthe, "either you were with us or you were against us."

Birthe and her family joined the resistance when she was still in her teens. Orders and weapons for the resistance fighters came from England or Sweden, and the fighters did everything from gathering information on troop movements and freeing resistance prisoners to "liquidating" German soldiers.

"The Germans would house resistance prisoners on the lower level of the buildings they occupied in an effort to keep themselves safe. But we would free the prisoners moments before the English bombers arrived to level the buildings," says Mrs. Turner, who watched neighbors gunned down mercilessly, and her own father tortured.

Her brow wrinkles as she recalls painful memories. "There was a time in Denmark when you couldn't leave town for 24 hours without reporting it to the police. Denmark became a police state, complete with Gestapo."

Among the mementos of her childhood are such "playthings" as German knives and the pistol she was given to fight with. There's the German knife she took off a German soldier who got too curious about the sack of "potatoes" she was carrying, which were really hand grenades. And there are the scars she carries, both inside and out.

Mrs. Turner is proud of her adopted land, but each night she listens to her shortwave radio and picks up broadcasts from many nations, some of which are Communist.

"Do you know what they're saying?" she asks, obviously concerned. "They're saying they will take America without firing a shot. They say the U.S. is infiltrated with Communism, and the American people don't even see it!" Mrs. Turner is obviously upset by these slurs on the U.S. She is also upset over the busing issue.

"That's how it started in Europe. The government bused the children, gained control of the schools and the churches and finally turned to socialism, which is only a refined form of Communism. Mrs. Turner also warns against the suppression of any one race. "If there is a suppressed race, that's a weakness. That's where communism can gain a foothold. People who are happy with capitalist government will not turn to communism . . . suppressed people will. They are ripe for communism."

One of Mrs. Turner's children was scheduled to be bused this year, but she has removed him from school. She is planning to enter him in a private school not far from her home. Her other two children luckily attend the school of her choice.

"I fought this in my country before the war. I came to the U.S. because they guaranteed me freedom of choice when I immigrated. What kind of freedom of choice is this? I will fight it here, too, if I have to."

When a woman like Mrs. Turner vows to fight for her freedom, it doesn't take much to believe her.

THE NONWAR WAR

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. WOLFF. Mr. Speaker, Herbert Mitgang, the highly respected member of the editorial board of the New York Times, has seen with clear perception beyond the smokescreen which the administration has sought to create around the American involvement in the Indochina war. Mr. Mitgang, whom I am proud to count as a constituent, wrote a column which appeared earlier this week and which showed that the air war over Indochina is not winding down at all.

At a time when the American people are so clearly joined in a desire to see an end to this war it is most unfortunate that the administration continues to prop up a corrupt regime with U.S. air support. Hopefully, columns such as that by Mr. Mitgang will help bring an end to this senseless business. In order that my colleagues might have the benefit of Mr. Mitgang's column I include it in the Record at this point:

The Nonwar War

(By Herbert Mitgang)

The uncontested nonelection next Sunday for the South Vietnamese presidency has its counterpart in creative fantasy for over 200,000 Americans there: from the Delta to the DMZ and beyond they are shooting and being shot at in an unofficially undeclared nonwar.

The biggest public relations triumph of the Administration thus far is planting the impression that, like Pan Am's commercial, President Nixon is making the going great. He told Congress and the country this month about "our success in winding down the war" but, skeptical Senators and Vietnam-watchers say, he has only succeeded in winding down persistent opposition to the war.

This year the casualties and body counts have dropped sharply but the going is slow, costly, still perilous and pegged to politics. Senator Mansfield's original amendment to the draft-extension law calling for a nine-month troop withdrawal deadline was weakened into phrasing that is openended. The only "date certain" for withdrawal there is considered to be the '72 election here.

It was not Mao but Confucius who said that the best way to leave is simply by going through the door. But the revived fury of United States aerial strikes in the last fortnight indicates that our exit is through the bomb bays.

The air war is very costly in human and financial terms. A year ago about 5,000 American planes (1,000 fixed-wing and 4,000 helicopters) were operating over Indochina. There are still 3,500 American planes (500 fixed-wing, 3,000 helicopters) in action today. One and at times two aircraft carriers are in coastal waters. Plane losses by hostile fire and accidents have been heavy: more than 3,300 fixed-wing and more than 4,500 helicopters in the war up to now.

Nor has the theater of combat been narrowed in this twilight time of disengagement. Five states are still directly involved. Thailand remains the base of operations for B-52 missions; Laos and Cambodia are regularly interdicted to hinder the enemy's supply system; North Vietnam above the demilitarized zone is photographed by reconnaissance planes and struck by fighter-bombers on "protective reaction" missions; South Vietnam is one big free-fire zone when required to bail out Saigon's soldiers.

In the semantic acrobatics of the Vietnam war, "protective reaction" strikes against antiaircraft emplacements and missile and fuel sites have been stressed. But far more dangerous in the future are the actions behind two less-familiar phrases: "pre-emptive attack" against troop infiltration on the trails and "ancillary effect" bombing—meaning, in support of South Vietnamese forces. When ARVN troops retreated from a Cambodian town a few months ago, under heavy United States air cover, Gen. Creighton Abrams remarked, "Dammit, they've got to learn they can't do it all with air. If they don't, it's all been in vain."

In this withdrawal phase of Vietnamization, American troops are supposed to be in a defensive posture. On-the-ground combat responsibilities now belong to the ARVN; it is their turn to search-and-destroy and carry the fight. But an Air Force colonel explains, "Consistent with this concept we support ARVN ground operations with air and artillery. Both B–52's and tactical fighter-bombers have been involved." In this operations the American Air Force's role is restricted to "air logistical support and close air support."

Translated into what has taken place this month alone, the clear implication of these terms seems to be that American "advisers" and fliers are very much part of offensive actions. They have been engaged in a two-front war in September: carrying South Vietnamese infantrymen into battle deep in the Mekong Delta 145 miles southwest of Saigon and backing them up with helicopter gunships; bombing in the southern panhandle of Laos in direct support of Royal Lao forces and C.I.A.-trained guerrilla battalions. These activities hardly accord with the periodic announcements from Washington about "winding down the war" through Vietnamization.

It is difficult to predict what American casualties will be in the next twelve months of nonwar if no settlement is achieved in the Paris talks (and the Administration shows no eagerness to advance the prospect of a settlement there). The present rate of fewer than 100 killed a month is an encouraging drop but it could go up or down, depending not on American-originated actions but on the support given to sustain the governments of client states. The United States has become their hostage militarily.

The probability at this point is that the Air Force activity will be kept at a steady level. Two years ago there were 1,800 sorties (one aircraft on one mission) a month; currently the monthly rate is 1,000. It has gone up this month. The cost of one B–52 sortie in Southeast Asia today—for fuel and bombs alone—is between $35,000 and $45,000. Multiplied, this comes to more than $35 million a month.

Many moribund national programs—for education, housing, employment, parklands—could be revived by the hundreds of millions of dollars now falling out of the bomb bays on Southeast Asia. Perhaps a more meaningful local measure, even though Federal funds are not directly involved, is to compare just the financial costs of the B–52 bombings with what it would take to reopen the main branch of the New York Public Library evenings ($350,000), Saturdays ($350,000) and Sundays and holidays ($200,000) for a full year.

A few nonflying days, not to mention peace, would do it.

MISS MILDRED BIXBY IS HONORED AT WORLD CONFERENCE OF WORLD PEACE THROUGH LAW CENTER

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, the Center Associates of the World Peace Through Law Center held its first world conference in Belgrade in July 1971, in conjunction with the Fifth World Conference on World Peace Through Law.

More than 250 lawyers, jurists, legal professors, and interested persons assembled in Belgrade to participate in the world conference.

One of the women was Miss Mildred Bixby, a prominent Boston lawyer, who is a longstanding member of the center planning committee.

At the conference Miss Bixby was selected as one of the seven outstanding women members of the legal profession from throughout the world to receive the "Pax Orbis Ex Jure" Award, in recognition of her dedicated support of the cause of world peace. I would like to take this opportunity to express my hearty congratulations to Miss Bixby who is indeed worthy of the award she received. I know that she will continue to work with her associates for the cause of world peace.

CHINA-UNITED NATIONS POLICY

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. PRICE of Texas. Mr. Speaker, I feel compelled to comment upon what I consider to be the very ill-considered two-China-U.N. policy being proposed by the United States. It just so happens that my views on this matter mirror the sentiment of the overwhelming number of people in northwest Texas; and since this is the case, it is all the more reason for me to make my views known.

At the outset, Mr. Speaker, I would like to make crystal clear my longstanding opposition to U.S. participation in that international debating society known as the United Nations. I use the words "international debating society" because on occasion after occasion and in crisis after crisis the United Nations has proved impotent—it has proved incapable of preserving world order or world peace.

My personal opinions regarding U.S. involvement in the U.N. notwithstanding, however, I do think it would be most regrettable if Red China were to be given a seat in the U.N. The famed Spanish philosopher Santayana once made a telling observation which I think is most appropriate here. He said:

> Those who are ignorant of history are doomed to repeat it.

Have we forgotten what Neville Chamberlain's policies of appeasement toward Nazi Germany cost this Nation and Europe during World War II? Will we never learn that aggression is not stopped by yielding to it?

Some who cry for the seating of Red China in the U.N. claim that this will help further promote the cause of world peace and world justice. To them I say that Red China in its domestic and foreign policies has given no indication that it is interested in pursuing either peace or justice. At home the Communist leaders have enslaved and dominated 700 million people in conditions which are tolerable for some, but for many mean little food, little material comfort and no freedoms. As for foreign affairs, there is hardly a nation in the third world whose leaders have not been threatened by Chinese Communist behind-the-scene's maneuverings, or whose peoples have not been propagandized and urged to revolt by Red Chinese agents and their fellow travelers. This, by no stretch of the imagination, is behavior that would be pursued by any country that was concerned with peace and justice.

I find still another aspect of this matter most disturbing, and that is if Red China is seated in the U.N. then the Republic of China, one of our stanch allies and a founder of the organization, may well be given the boot. Such an action would, I think, run clearly contrary to the express provisions of article 6 of the U.N. Charter which declares that a member nation can only have its membership revoked for committing serious and continuing violations of the U.N. Charter and by two-thirds majority of the General Assembly. Since no one even pretends that Nationalist China has violated any provision of the U.N. Charter, to kick that country out of the U.N. and seat Red China in its stead would be an international power play of the crudest and most illegimate sort.

Finally, seating Red China in the U.N. may seriously imbalance the delicate fabric of world power relationships. At the present time the United States and Soviet Russia are at a standoff. At the present time there is an uneasy peace existing between Soviet Russia and Red China. If Red China gains further legitimacy by being admitted to world councils, this will have serious repercussions on existing power balances. In the East-West area for example Japan, which has since the Second World War been firmly alined with the United States, may find that it is in its own national interest to forge a new alliance with Red China. In this connection, even today, quiet overtures are being made by the leaders of Communist China to various individuals and groups in Japan. Couple this with Japan's recently awakened interest in creating its own nuclear military force the alarming potential for a third world war, this one between the Caucasians and the Orientals, becomes chillingly apparent. I need not comment further on this latter point as those of us in this Chamber are all too well aware of the twisted and tortuous turns that international relationships and international power struggles take.

In sum, Mr. Speaker, the risks to this Nation and the world that would be created by seating Red China in the U.N. far outweigh any imaginable benefits that could be derived from such an occurrence. For this reason, I fervently hope that this Nation will rethink its activities in this regard, and I have urged appropriate Government leaders to reexamine the situation before it is too late. It is one thing for the President to go to Peking and talk with the Chinese leaders. After all this Nation can no longer afford to act as though the most populous nation in the world does not exist. It is an entirely different matter, however, to welcome that nation into the peace-keeping councils of the world.

STATEMENT OF CHURCHES AND RELIGIOUS ENTITIES IN SUPPORT OF THE PROPOSED CONSTITUTIONAL PRAYER AMENDMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. WYLIE. Mr. Speaker, recently, every Member of the House of Representatives received in the mail a "Statement of opposition to proposed constitutional prayer amendments." It was also inserted in the Congressional Record on September 20, 1971. The correspondence was signed by various religious groups and leaders and expressed their opposition to House Joint Resolution 191, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

Many clergymen, religious entities, civic organizations wholeheartedly endorse a prayer amendment to the Constitution. An analysis of the broad based support for the prayer amendment is contained in a recent publication prepared by "Citizens for Public Prayer," a nonsectarian, nonpartisan group. I commend this information to the Members for careful study:

SUPPORT FOR CIVIL RIGHT OF FREE PRAYER IS NATIONWIDE

One of the most wonderful aspects in the national drive to repeal the Supreme Court's two tragic prayer-ban decisions (1962 and 1963) is the survival of a massive public will for repeal. Despite the incredible silence of some so-called "religious leaders" and the open opposition of others, Americans everywhere have persisted in their conviction that the Court was very seriously wrong and that only a radical reversal of its majority conclusions can suffice to make safe again the civil right of public reverence in these United States.

"Religious leaders" who oppose a carefully worded prayer amendment are in most cases, we are certain from our long experience of the situation, *generals without armies*. There are, however, a number of religious leaders and organizations which do support free prayer in our public schools. Among them:

1. Dr. Billy Graham.
2. Patrick Cardinal O'Boyle (DC).
3. The North Carolina Baptist Convention.
4. Bishop Fulton J. Sheen.
5. The National Council of Catholic Youth.
6. Professor Charles E. Rice (Notre Dame).
7. Very Rev. Theodore Hesburgh (Notre Dame).
8. Nat. Association of Evangelicals.
9. Orthodox Greek Diocese of N. America.
10. Dioc. Council of Cath. Women (Pitts).
11. Dioc. C. of Cath. Women (Worcester).
12. Dioc. Council of Cath. Women (Buffalo).
13. Bishop Bernard J. Flanagan (Worcester).
14. Daughters of Isabella (RC).

Among other organizations supporting free prayer in public schools are:

1. The National JAYCEES.
2. Veterans of Foreign Wars.
3. The American Legion.
4. The legislature of Massachusetts.
5. The legislature of Maryland.
6. The legislature of North Carolina.
7. The legislature of Louisiana.
8. Nat. Federation of GOP Women.
9. National Kiwanis.
10. Nat. Conference of Mayors.
11. Nat. Conference of Governors.

Other indications of the massive public will for amendment are:

1. In the first official referendum on school prayer, on the Maryland ballot in November of 1970, 73% voted for amendment despite the tacit opposition of a popular governor who was overwhelmingly reelected and the absence of any organized campaign to win votes.

2. The latest Congressional poll of a home district on the subject of school prayer, announced by Congressman J. Irving Whalley of Pennsylvania on 21 July 1971, shows 94% in favor of free school prayer.

3. An Opinion Research national poll conducted for The Advocates TV program in January and February of 1971 shows upwards of 80% across America united in support of free school prayer, with majorities in each of the major faith groups.

4. Polls by Gallop, Harris, "Good Housekeeping" magazine, and numerous local and regional news media show, unanimously, a massive will for reversal of the Court.

5. One Congressional staffer, from Connecticut, told CPP that "in my eight years on the Hill, here, no subject has so motivated our district to political awareness as the subject of free school prayer." Another, from Maine, told CPP that his office had received "an unprecedented volume of mail on this matter." Senator Dirksen, who led the fight in the Senate at one point, described his mail as "king size."

Speaking to the Congressional First Friday Club in the Rayburn House Office Building on 10 September 1971, the National Coordinator of Citizens for Public Prayer, Rev. Robert G. Howes said in part:

> It has been said there is no power like the power of an idea whose time has come. We are convinced that the idea of a national rededication to the principles of our foundation has come and that no better means to assure this exists than through ratification of a peoples amendment for public prayer.

ATTENTION ON STRIPPERS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. ASHLEY. Mr. Speaker, the Toledo Blade recently carried an article by its fine writer, Frank Kane, outlining the untiring efforts of my distinguished colleague from West Virginia, Representative Ken Hechler, to ban strip mining in the United States. As one of the 80 House cosponsors of this legislation, I applaud his efforts to secure passage of a strong law to end this wanton destruction of our environment.

At this point, I should like to insert in the Record the Toledo Blade article:

[From the Toledo (Ohio) Blade, Sept. 26, 1971]

ATTENTION ON STRIPPERS: CONGRESS TO LOOK AT A BUNCH OF BILLS ABOUT SURFACE MINING

FRICTION ARISES OVER CARE OF ENVIRONMENT AND NATION'S COAL NEEDS FOR ELECTRICITY

(By Frank Kane)

WASHINGTON.—The biggest environmental argument going on in Congress today centers on whether the strip mining of coal—otherwise known as "surface mining"—should be banned or strongly regulated by the Federal Government.

A score of bills have been introduced on the subject.

The most stringent is one sponsored by Rep. Ken Hechler, a Democrat from West Virginia, the No. 1 coal-producing state in the nation.

His bill calls for prohibiting all strip mining for coal within six months after enactment, except for those operations that the administrator of the Environmental Protection Agency might find necessary for effective reclamation of the land.

Mr. Hechler says he has lined up 90 cosponsors in the House and Senate, including Edward Kennedy of Massachusetts, George McGovern of South Dakota, and Gaylord Nelson of Wisconsin.

On the House side many of his supporters are from the urban areas, such as Thomas

Ashley of Toledo; Louis Stokes, Charles Vanik, and James Stanton of Cleveland; John Seiberling of Akron, and Charles Whalen of Dayton.

Significantly, no other West Virginia member of congress has endorsed the Hechler bill.

Also backing the Hechler measure are such environmental groups as Friends of the Earth, the Sierra Club, the Wilderness Society, and Environmental Action, banding together under the name COALition.

Passage of the Hechler measure is given little chance, primarily because of the nation's need for coal and because more and more of it is supplied through surface mining.

But Mr. Hechler's arguments dramatize the case for some federal legislation to regulate the practice, and he thinks that some will emerge, "which would be a great victory in itself."

As of now, according to the West Virginian, 26 states have strip mining operations. An area of land nearly the size of Delaware and Rhode Island has been what he calls "disturbed" by them.

He says that the U.S. Geological Survey has estimated that mining of all the strippable coal reserves in the nation would increase this to an area larger than the states of Pennsylvania and New Jersey combined.

He goes on to recite the horrendous things that he says strip mining has left in its wake: huge acreages of devastated and unreclaimed land; 1,500 tons of mine acid a day which pollute streams and kill fish and other aquatic life; highly unstable spoil banks which cause massive landslides; an outward migration of people from those areas which have been heavily strip mined.

One thing that should particularly alarm people, he contends, is the startling growth of strip mining versus underground mining—from only 1.2 per cent of the total coal production a half century ago to 32.3 per cent in 1961 and 43.7 per cent in 1970.

He says that the 1971 figures probably will show that strip mining now accounts for half the coal mined in the nation.

Ohio was the second leading state in the nation in surface-mined coal production in 1970, according to the National Coal Association, composed of the major coal companies. It produced 37 million tons, valued at $64 million, in a surface mining industry which employed 4,039 persons with a payroll of $43 million.

Kentucky was the leader, with 62 million surface tons.

Mr. Hechler and others also cite what they term a great strip-mine boom going on in Arizona, Colorado, Montana, New Mexico, North Dakota, and Wyoming.

There are reportedly many billions of tons of strippable coal reserves, much of it the low-sulphur type preferred for combatting air pollution, in these states.

Strip mining is relatively cheap compared to underground mining. Power equipment such as "Big Muskie," a giant earth mover that can pick up 220 cubic yards of earth in one scoop and 4 million tons a month, is utilized in the southeastern Ohio coal fields.

Fewer workers are required, although Mr. Hechler says that they are often quite highly paid because of the machinery they operate, and there is no need to meet the safety regulations recently enacted by Congress for underground mines.

Mr. Hechler says he introduced his bill because of a growing feeling on the part of the people of his home state that something should be done to protect its hills, streams, and forests from the strip miners.

"West Virginia is a great hunting and fishing state," he notes. "Even the people in the coal industry like to hunt and fish and don't want a state scarred like the face of the moon."

It also may be of interest that in West Virginia only about one-eighth of those working in coal mining are employed in surface mining, according to National Coal Association figures.

Mr. Hechler also contends that the West Virginia tourist industry employs about four times as many people as those in strip mining.

Thus, the relative employment impact of a ban on strip mining in West Virginia would not be too great, he argues. Besides, many of the earthmoving equipment operators in strip mining could be shifted to housing or road construction, he contends.

West Virginia Secretary of State John Rockefeller IV recently tried to get the state legislature to ban strip mining but failed. A coalition of coal firms, public utilities (principal users of coal), and railroads (which haul it) put enough pressure on the legislature to defeat it, Mr. Hechler says.

But the legislature did prohibit new mines in certain counties. The congressman says that this was a laughable move because many of those counties don't have strippable coal anyway, and in the process the state's law regulating strip mining was weakened.

Most of the states where strip mining occurs do have laws requiring the operators to put the stripped land back into decent shape. But, Mr. Hechler contends, most of these laws are weak or not effectively enforced.

And since the laws vary in severity from state to state, they create competitive pressures which can be used to persuade the legislature of one state to further weaken its own law in order to prevent strip miners from moving jobs to another state, he adds. This argument, of course, is one of the chief points in favor of some form of federal regulation.

The National Coal Association, the United Mine Workers Union, and the Nixon administration all are opposed to any outright ban on strip mining.

Carl Bagge, president of the mine owners' group, argues that without strip-mined coal the electric utility industry simply would not be able to meet the demands now placed on it.

Russell Train, chairman of the President's Council on Environmental Quality, says that "foreclosing surface coal mining would mean more reliance on other forms of mining which have not at all been proven to be less damaging to human values."

Environmental consequences of underground mining, such as acid mine drainage and the subsidence of the land above the mines, can be very serious without adequate controls, he adds.

"In light of the cost advantages of surface mining, it may prove cheaper in human and economic terms to require surface miners to be environmentally responsible than to rely solely on underground mining," Mr. Train argues.

As a result, the Administration is backing a bill which would set up federal guidelines for the regulation of both surface and underground mining. The states, however, would be given a two-year opportunity to develop "effective" regulations and if they did not act then the Department of the Interior would step in and promulgate and enforce regulations.

This provision for giving the secretary of the interior regulatory powers has evoked considerable criticism. As noted by Rep. Clarence Miller, a southeastern Ohio Republican who has a strip-mine bill of his own, the Interior Department has some interests which could "compromise its effectiveness."

For one thing, it controls millions of acres of federally owned land in the West which the coal interests want to lease or already are leasing for mining. And Interior's Bureau of Mines, according to both Mr. Hechler and Mr. Miller, is oriented toward increasing coal production.

Therefore, these congressmen want EPA to take over any federal regulatory functions.

Mr. Miller also wants the EPA administrator to issue regulations without waiting for any further state actions and to allow a state to assume the regulatory function only if it adopts standards which are equal to or exceed those at the federal level.

Another bill, introduced by Congressman John Seiberling of Akron, a Democrat, incorporates the Hechler ban on strip mining but also goes a step further by calling for federal financial aid to any workers who are laid off by mine shutdowns.

Rep. Wayne Hays, a southeastern Ohio Democrat, has put forward a bill to prohibit strip mining in areas where, after public hearings, it is determined that the land could not be reclaimed through natural growth or technological processes.

The Hays bill also provides that mining also could be banned if it might cause such things as stream pollution, landslides, flooding, or destruction of esthetic values. A three-man presidentially appointed commission would be established to issue licenses for strip mines and enforce the act, including reclamation processes.

The National Coal Association appears resigned to the prospect that some federal regulation may be inevitable, but it wants to make sure that the industry and the states will have some voice in shaping the rules. The association also keeps pouring out statistics on what it says are the tens of thousands of acres of strip-mined land that are being reclaimed successfully for other uses each year.

Mr. Hechler contends that in many cases true reclamation is impossible, citing a Case Western Reserve University study of a reclaimed area in Belmont County in Ohio.

The study found, among other things, that three years after reclamation, the area cannot support plant and animal life; that the acid condition produced by strip mining releases amounts of minerals and nutrients toxic to plant life, and that eutrophication processes of a lake in the area have been rapidly increased by dissolved chemicals, according to Mr. Hechler.

Mr. Seiberling and the environmental groups also say that, with 750 billion tons of deep coal reserves in the United States, the coal industry could easily reverse the trend toward strip mining and concentrate on underground mines.

The industry's answer is that it would cost much more to mine all the coal from underground mines and that this in turn would lead to higher electric power prices for the general public.

GREEK REGIME OPPRESSES WOMEN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mrs. ABZUG. Mr. Speaker, the repressive Greek dictatorship of Premier George Papadopoulus, a beneficiary of U.S. military and economic aid, is to get still another seal of approval from the Nixon administration, with the announcement that Vice President Spiro Agnew will pay an official visit there soon.

As one who believes that our tax dollars should not be used to help foreign governments deprive their people of elementary democratic rights, I voted for a cutoff of economic aid to Greece and believe we should not send another weapon or dollar there as long as the current military junta remains in power. Announcement of the Agnew visit was in sharp contrast to our Government's deliberate silence about the mass arrests and trials that mark the Papadopoulus regime's response to political opposition.

We were informed of the Vice President's visit at the same time that we were reading of the military trial and conviction in Athens September 28 of Lady Amalia Fleming; Mrs. Athena Psychoghiu, a Greek-American; John Skelton, an American student; and Constantine Androutsopoulus, a lawyer. There has not been a word of protest from our Government, just as it has remained silent about the arrests in Saigon of Madame Ngo Ba Thanh and other political opponents of the Thieu military dictatorship.

According to newspaper accounts, Lady Fleming, the widow of the British discoverer of penicillin, confessed that she had tried to arrange the escape from prison of Alexander Panagoulis, who had been accused of an assassination attempt against the Greek Premier. Lady Fleming was quoted as saying she was obsessed by the thought that Mr. Panagoulis had been tortured in prison for more than 3 years.

According to information I have received from Margaret C. Papandreou, chairman, Relief to Junta Victims, Panhellenic Liberation Movement:

> Lady Fleming remained in Greece after the dictatorship, regained her Greek citizenship which she had lost earlier because of her marriage to Sir Alexander Fleming, and regained it in order to stay in Greece and fight the junta as a Greek. She had free access in and out of the country and could have left at any time to live in a more civilized environment. Instead she chose to fight. She made known her views by standing up for defendants in military trials who had been charged with anti-regime activities.

The Greek Government has been charged repeatedly with torturing political prisoners, with exiling opponents to remote mountain villages where they are harassed and threatened by the police, and with being especially vindictive against women prisoners. In the women's prison in Alicarnassos, Crete, women have reportedly been awaiting trial for as long as 4½ years, separated from their children and husbands.

One particularly tragic case that has been brought to my attention is that of Eleni Voulgari, who, several months after her arrest and trial, gave birth to her son in Averof prison in Athens. Her husband is in prison under a life sentence, she for 10 years. The child stayed with her in prison for 2½ years and was finally removed to a private school when his health began to deteriorate. The mother is reportedly very ill, but has been denied medical help.

In a speech last August to the National Student Association meeting in Colorado, Margaret Papandreou paid tribute to the remarkable courage of Greek women who oppose the antidemocratic government. She said:

> Today, right now, there are women in jail in Greece and in island concentration camps. Some have been there since the night of April 21, 1967. Others have been arrested for anti-national activities and given long jail sentences. Others have been denied the right to work for refusing to cooperate with the police in giving information on fathers, brothers and husbands. Many, many have been tortured by the sadistic interrogators at Bouvoulinas Street and in the Military Security Headquarters.

Mr. Speaker, it is outrageous that our Government's foreign policy is linked so closely with the perpetuation of oppressive, militaristic governments, such as that in Greece, South Vietnam, and Spain. I hope that more and more Americans will demand the release of political prisoners and a change in a Government policy which insults the beliefs upon which our country is founded.

At this point, I include in the Record the text of Madame Papandreou's remarks at the NSA meeting:

Tribute to the Women of Greece

> Since I mentioned women, I want to talk about women in Greece. It was fascinating to me after the coup to watch what happened in that male-dominated culture to the men, and to the women. When I say male-dominated I think I can best express what I mean by describing an answer a Greek may give to the question, "How many children do you have?" and he will say, "two children, and, excuse me, two girls." Girls fall into a category other than children, and one must apologize to the listener before mentioning their existence.
>
> After the coup, when totalitarian rule stomped down on all human rights and freedoms, when the male could no longer expound his political theories in the local tavern, and it became clear that the choice was either silence, or collaboration with the junta, or resistance—it was the women who were adamant. When the men wavered, the women stated their position, defiantly and without doubt, and readied themselves for the struggle ahead.
>
> The first two people to make visits to my home as the morning dawned after the night of the military takeover, were women asking if they could help. The second day after the coup a Greek woman who had been planning a trip to France, came by to offer to take out any messages or materials. Being a Greek national, she could have been searched at the airport and arrested.
>
> Outside of Greece, the first voice of protest from a known Greek came from Irene Pappas, who was attending the festival of Cannes to promote a picture. She agreed to see reporters on one condition, that they not ask her about her new film but ask her questions about the barbaric military takeover of her homeland. She would speak on that subject, and that subject alone.
>
> Melina Mercouri, playing in the broadway version of Never on Sunday used her intermissions to plead that the Western world react to the rape of democracy in Greece. Mrs. Nikos Kazantzakis, the wife of the writer of *Zorba the Greek, Freedom or Death,* and many other magnificent books, started a tour in the United States and Europe for the cause of freedom in Greece.
>
> Back in Greece, as perhaps you know, many women joined the group active in the hiding of Mikis Theodorakis, the songwriter and a political leader of the left. Eleni Vlahos, the publisher of two right-wing newspapers, refused to publish under a dictatorial regime, called Pattakos a clown, was put under house arrest, and finally escaped to London. Mrs. George Magakis, wife of a professor of law at the University of Athens, called in the press and charged the junta with torturing her husband. She was convicted for "slandering the government" and spent a year and a half in Averof prison. Mrs. Anastasia Skoulas of Crete was arrested while pregnant for anti-regime activities and lost her baby in jail.
>
> Today, right now, there are women in jail in Greece and in island concentration camps. Some have been there since the night of April 21, 1967. Others have been arrested for anti-national activities and given long jail sentences. Others have been denied the right to work for refusing to cooperate with the police in giving information on fathers, brothers and husbands. Many, many have been tortured by the sadistic interrogators at Bouvoulinas Street and in the Military Security Headquarters.
>
> So I would like to pay a tribute tonight to the women of Greece, and state this hope, that the liberation of Greece will be their liberation as well, for they deserve much better than what they have got.

SCHOOL OF ECOLOGY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. WOLFF. Mr. Speaker, on Sunday, September 19, the Washington Post contained a most interesting article about a unique experiment in higher education being conducted on the Maryland shore. I refer to Kirkland Hall, a junior college, which has become an ecology institute at the suggestion of the distinguished newspaper columnist, Jack Anderson.

Exploiting its fine location, Kirkland Hall is giving high emphasis throughout its entire program to matters of the environment. Not only will the school train specialists in this important field; all graduates will have vital knowledge about conserving our environment.

Mr. Anderson is to be congratulated for this innovative idea and the administrators and faculty of Kirkland Hall are to be congratulated for having the courage to undertake what should be a valuable experiment.

Because Kirkland Hall may well prove to be a model for other efforts in other parts of the country, I include the aforementioned article from the Washington Post in the Record at this point:

School of Ecology: Funds Short, Plans Plentiful at Eastern Shore College

(By Tom Huth)

> Easton, Md., September 18.—Kirkland Hall, a very young and very small junior college that is short of money but has a wealth of natural beauty on its riverside campus, is being transformed into a school of ecology.
>
> When classes begin Wednesday, each of the 130-odd students will be required to attend ecology seminars and take part in outdoor activities and projects. Environmental issues will be woven into other areas of the curriculum. A division of ecology and conservation has been established and will grant two-year degrees. An ecology research center is operating.
>
> The idea came from syndicated columnist Jack Anderson, who has been granted strong authority in setting the new direction of this five-year-old private school.
>
> "This isn't going to be accomplished in one summer," he says, but he thinks a good start has been made toward creating "the finest ecology center in the country."
>
> If ever a college made peace with its own environment, this is it. The 80-acre campus is part of an old 700-acre estate on the Miles River near the Chesapeake Bay.
>
> The farm buildings have simply been refitted inside for academic use. Thus the

Georgian manor house is now the president's residence, the adjoining guest house is the administration building, the carriage house is a science laboratory, an old storage barn is a dining hall and library, the dairy barn serves as a dormitory, and the milk shed is now the bookstore.

A fair was held on campus today to raise money for the college. A White House limousine used by President John F. Kennedy and Mrs. Kennedy and donated by an obstetrician who is a friend of the college was sold for $9,000 to an ad hoc "syndicate" of eight couples, including Maryland Comptroller Louis L. Goldstein and his wife.

Among others buying the car were Carter Burgess, former ambassador to Argentina under President Kennedy, and J. Robert Sherwood, president of Suburban Trust Co. The car, a 1960 Lincoln, may be sent on a tour of the country to raise funds for the college, said Washington investor George DeFranceaux, another of the buyers.

Kirkland Hall was established by a group of private citizens in 1967 and had only 10 students that year. Now there are 15 faculty members, all with master's degrees or doctorates, and two full-time administrators.

The bottom-heavy structure is intentional. "Our primary objective right from the start was to really concentrate on individual instruction and to make the student our most important product," says President Walter Stencil, 56, a retired Navy captain.

From the beginning, "we had conservation courses, what we called nature studies, but we didn't formalize it into a program until this year," Stencil says.

Columnist Anderson got involved because his son attends Kirkland Hall. Anderson went to parent's day last May and had a talk with Stencil.

"Jack and I spent the day together, and, well, we turned each other on," Stencil recalls. "He looked at the advantages of our location, what he calls the nature wonderland. He said, 'Why can't we specialize?' I said, 'There's no reason why not.'"

Anderson tells it a little differently: "Stencil told me that the college was in financial trouble and asked me to help . . . I said, 'I'm not interested in supporting a junior college, but I am interested in supporting an ecology college.'"

So, Anderson says, the board of trustees "agreed to transform Kirkland into an ecological institute" and "in effect voted me a right of veto over any policy matter, so that I wouldn't wind up supporting an ecology college that endorsed Dow Chemical or General Motors or something."

Summer school this year served as a trial run for the school's new focus. Courses were held in marine technology, biology of the Chesapeake Bay, conservation, the seafood industry and other fields.

Every student chose at least one of the courses, Stencil says, "and student interest was the highest I've ever seen."

A vice president for development, Hal Walter, was appointed with Anderson's approval and began working July 4 to raise money.

So far, Walter says, the college has received an $85,000 grant from the U.S. Enviromental Protection Agency for a series of workshops and is hoping for another $200,000 grant from the federal government. Two corporate gifts, totaling $50,000, have been pledged and more are being sought.

Stencil is reluctant to talk about financial difficulties, pointing out that "every private college has budget problems." Anderson says the school was "in deep financial trouble." Walter says that there were times when the school was in danger of closing, but that now "the college is over a great many hurdles."

One aspect of Kirkland Hall's new orientation will be ecology workshops presented with the help of the national organizations of governors and mayors, according to Anderson.

Other workshops, to be held at the college or at a site that has been offered to the school in Naples, Fla., are expected to bring "the top executives of the companies that are in pollution trouble together with some of the conservationists . . . to seek a practical solution," the columnist says.

While Anderson provides a certain overall direction, raises money, serves as a trustee and promotes the school through his column and his high-level contacts, Stencil and his faculty are working out the curriculum.

The required seminars, for which students will get academic credit, are meant to heighten awareness of ecological issues, Stencil explains. The introduction of environmental issues to psychology, history, literature and other classes will serve the same purpose. All students also will get credit for the outdoor activities, such as water survival and seamanship.

The research center will be staffed by faculty and students and will seek out and collect information on the environment. Stencil hopes the center eventually will be able to draw on its pool of knowledge to give outsiders guidance on specific ecological problems.

Besides its regular program, the college will run a training school for specialists in water purification.

EULOGY TO HON. JAMES S. GOLDEN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. MAZZOLI. Mr. Speaker, with great regret and a sense of personal grief, I call to the attention of the House the recent demise of the Honorable James S. Golden, who represented the Kentucky Eighth District in this Chamber, from 1948 to 1954.

James Golden was many things—farmer, lawyer, father, legislator, expert in agriculture—and everything he did he did well. At the moment of his parting he had just celebrated his 80th birthday, and had declared his satisfaction with life as it had served him. No Member of the House, I am led to understand, had more close friends than he during his tenure in Washington; and no wonder, for he was indeed a splendid man.

James Golden attended the University of Kentucky during the administration of William Howard Taft, graduating in 1912. He was the grandson of a Union chaplain in the War Between the States and the son of a captain in the war with Spain. As an undergraduate, he was president of the junior class, president of the Union Literary Society, and an outstanding scholar. Following graduation, he studied law at the University of Michigan, Ann Arbor, but returned to Kentucky to open a law office in Knox County. Entering politics as a Republican, he was elected county attorney and served 4 years before returning to private practice in the Federal and State courts.

For the next three decades James Golden was busy establishing a record as one of the best lawyers in Southeast Kentucky. But with the close of World War II, and the rise of Republican strength in his district, he was called upon to return to the political mill, and answered affirmatively to the call. He was nominated for Congress in 1948 and subsequently elected. In Washington, he brought his influence to bear on all matters coming to his attention as a member of the Agriculture Committee, on which he became at once a leading figure.

Following a forceful canvass, he was reelected in 1950, and won considerable attention in the 1952 campaign as a vigorous supporter of Gen. Dwight D. Eisenhower, the Republican candidate for President. Reelected again in the Eisenhower victory of 1952, James Golden found himself a high-ranking majority member of the Agriculture Committee in the 83d Congress, and as such was influential in the consideration and passage of several farm bills of considerable importance. The fortunes of political warfare deserted his cause in the election of 1954, and he retired to private life, where he once again excelled as a practicing attorney.

During his tenure in Congress, James S. Golden revealed that special ability to intermix concern for his district and the rights of his constituents with national concerns and his own philosophical beliefs, predicated on the highest Christian virtues. In all his endeavors, political and personal, he made manifest a special interest in the best American principles and traditions, and all who knew him or were familiar with his work must grieve his departure from this earth.

MORMON WELFARE MEANS YOU EARN WHAT YOU GET

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. SPRINGER. Mr. Speaker, the Mormon Church has been among the leaders all over the world in trying to take care of those in their church who are in genuine need of welfare and welfare supplemental programs.

In a country where welfare seems to be bordering on chaos, we find a religious faith that very quietly is attempting to solve its own welfare problems within the scope of its religion. I had heard about this program, but in view of the fact that the Mormon people seem to work at their religion rather quietly, it had never before been brought to my attention in a public article.

Janice Law, the religion news editor of the Church Chronicle, published by the Houston Chronicle, has an article in the September 24, 1971, issue titled "Mormon Welfare Means You Earn What You Get." I feel sure my colleagues will enjoy reading the theory of welfare in the Mormon faith and how it is brought about.

I know of no other religious group which is working on this problem of taking care of the members of its own church and without application to the Federal Government for assistance. The real surprising things is that Mormon welfare rolls have shown a steady decline in the past 3 years whereas U.S. Government welfare rolls have expanded in a tremendously increasing rate over the same period.

The article follows:

MORMON WELFARE MEANS YOU EARN WHAT YOU GET

(By Janice Law)

The welfare program of the Church of Jesus Christ of Latter-day Saints (Mormon) is so unique that laymen and government officials from over the world come to see it in operation at its headquarters in Salt Lake City, Utah.

Most visitors shake their heads in amazement and wonder if the Mormon program could be adapted to solve the ever increasing complaints about government welfare programs, Mormon officials say.

The Mormon welfare program is unique because:

Those who receive welfare must work (unless ill or physically handicapped) to produce what they receive.

Those not on welfare must actually help provide welfare commodities.

Welfare items given are first class, brand new.

Great care is taken to preserve the dignity and self respect of the recipient, to remove any stigma of being on welfare.

Budget planning, economic, and social problem counseling are provided, too.

Mormon welfare rolls show a steady decline from 1969 to 1971, in contrast to growing government welfare rolls.

The Mormon program is extended to Mormons only, except in individual cases of extreme emergency or international natural disasters such as earthquakes and floods. In the case of natural disasters, Mormons ship surplus goods from their storehouses to the affected areas.

The bishop, who serves without pay, is the key figure in the church welfare program. He is given the responsibility of caring for the needy in his ward, which consists of 100 to 200 families.

Teams of men and boys, called home teachers, are responsible for visiting the homes of ward members, monthly or more often, and reporting to the bishop any unemployment, sickness, aging difficulties or other problems.

After the bishop determines, from the home teachers' reports, that there is a need for welfare, he sends his chief aide to counsel with the family and determine its needs. The chief aide is always president of the ward's women's group.

She makes out a "bishop's order" for commodities needed, which could include food, furniture, chicken and cattle feed or clothing.

The "bishop's order" is the medium of exchange in over 100 bishop's storehouses across the nation. The storehouses are like large discount department stores. The storehouse in Salt Lake City is the largest and oldest.

FEW IN HOUSTON

Houston area officials said there are so few persons here on Mormon welfare that the church makes arrangements through local chain stores so welfare recipients can pick up groceries and dry goods that are charged to the church. There are about 8000 Houston area Mormons.

The commodities filling the storehouses are made by the people on welfare and through volunteer labor by other Mormons.

Welfare recipients are required to work for one of the storehouses—clerking, bottling milk, harvesting crops, making furniture or storing supplies. Thus the welfare is not a something for nothing dole.

In the case of Houston area Mormons, both those on welfare and those not, work for six weeks each January at a Baytown plant producing over 80,000 20-ounce cans of peanut butter annually. All help is volunteer but those on welfare will be given "work receipts" which may be redeemed later for commodities.

Most of the peanut butter from the Baytown plant is shipped to Salt Lake City.

SOMETHING FROM EVERYWHERE

Each geographical area of the United States is assigned a project compatible with the products produced in that area: Milk and dairy products from Wisconsin and Utah, fruit and vegetables from Florida and California, wheat and grain from Kansas and Iowa.

The products are interchanged to provide a balanced commodity offering in each of the 100 storehouses.

The church owns most of the canning or harvesting facilities, soap factories, bakeries and chicken farms. A few are rented at commercial rates.

Products are labeled with the Deseret brand, which cannot be bought commercially. Deseret means "busy bee."

In 1968, 112,055 persons were on Mormon welfare. In 1969, the number was 113,133. In 1970 it was 96,429 and thus far in 1971, 84,507 persons have been on Mormon welfare. There are two million Mormons in the nation.

Mormon officials can offer no explanation for the program's success except the nature of the welfare program itself, which encourages people to get off welfare.

The church also operates an employment service to find welfare recipients jobs in private industry. The number placed has increased from 6809 in 1968 to 9226 this year.

Welfare Square, Mormon welfare headquarters in Salt Lake City, is a big tourist attraction, with over 2,000 visitors this July alone. A free bus leaves Mormon Square in downtown Salt Lake for the round trip to Welfare Square at 10:15 a.m. and 12:15 p.m. daily. Guides are volunteer laymen (or perhaps welfare recipients) who show people around the square block of white buildings dominated by a huge white grain elevator built with volunteer help.

IT IS ALL NEW

All goods given to welfare recipients are new. "We avoid the policy of some welfare agencies, where welfare recipients are given ill-fitting, worn, cast off clothing, or damaged furniture which is no longer needed by the donors," said an official.

Among the few items purchased outright by Mormons are shoes, because they cannot be easily made. Thus welfare recipients get new shoes in their correct size.

Mormons see to the smallest detail to preserve the dignity of the welfare recipient.

Unmarked trucks take goods each week to those infirm persons who can't pick up goods at the storehouse. Different colored unmarked trucks are alternated each week so recipients never need to worry that "the neighbors know we are on welfare."

Visitors to Welfare Square are always invited to make written comments on the operation and the most frequent is "Why doesn't the government do something like this?"

When the church established the welfare program in 1936, its principle was that of Mormon pioneer Brigham Young, who said: "My experience has taught me that it is never of benefit to give out and out, to man or woman, money, food, clothing or anything else if they are able-bodied and can work and earn what they need. To pursue a contrary course would ruin any community in the world and make them idlers."

THE NATIONAL SERVICE ACT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BINGHAM. Mr. Speaker, last June, at its national convention, the American Veterans Committee adopted a resolution endorsing a program of national volunteer service. In its key elements, the AVC proposal is very similar to H.R. 1000, the National Service Act, which I introduced with distinguished bipartisan cosponsorship.

Although the Congress has unfortunately voted to extend the draft for 2 years, it must continue to give careful attention to the manner in which American youth will serve their country. I firmly believe that the future lies in a national service system which will give every American the opportunity to choose how he or she will express his or her commitment to this country. The American Veterans Committee is but another clear voice among a growing legion of supporters who favor the national service concept.

The text of their statement follows:

RESOLUTION ON NATIONAL VOLUNTEER SERVICE, AMERICAN VETERANS COMMITTEE

Whereas, the zeal of our youth to build a better society has never been clearer than it is now. Yet opportunities to work constructively for a better society are limited. Compared to national needs, relatively few jobs in the service fields are available to young men and women.

Whereas, such service is vitally needed by society—in such fields as education, health, conservation and municipal services. Many of these needs could be met by young people, those who are asking for relevance in education, for a chance to meet their service responsibility outside the armed forces, and for first-hand experience with problems whose outcomes will determine the kind of world to be passed on to their children.

Now, therefore, be it resolved that in order to meet many of our most pressing needs and to permit young men and women to become engaged in the building of a better society, the American Veterans Committee *endorses a program of national volunteer service*, which would have these basic features:

1. Service opportunities would be available to all young people. The main criterion for admission would be willingness to serve.

2. Each participant would serve and learn. Learning would range from development of specific skills to growth in self-knowledge, problem-solving, and working with people.

3. Service activities would be directed and financed at the local level to the extent permitted by available resources, and would include projects organized and directed by young people. Thus, maximum local initiative would be encouraged.

4. The basic reason for national volunteer service is the need society has for the service of youth. Main areas are tutoring, health and mental health, as well as conservation and beautification, the cleaning up of our rivers, lakes and seashores, our cities and our forests, and various kinds of community and family service. By serving in these fields, young people would be able to test themselves through service to society and would receive valuable experience for their careers.

5. Young people who seem poorly qualified by conventional standards could serve effectively. High school drop outs are today serv-

ing as tutors, and doing a good job; others are receiving specialized training for responsible hospital positions. Each participant would be given the training and supervision needed for the assignment.

6. There would be a transition phase. Growth of national volunteer service would be constrained by identification of useful tasks, finding enough trainers and supervisors, and obtaining sufficient funds. The transition phase would permit experimentation with various techniques and activities on a pilot program basis.

7. Participation would be by means of contract, voluntarily entered into by all parties. The contract would spell out the responsibility of the participant, the sponsoring agency and the funding agency.

8. Duration of service would range from a minimum of one year to a maximum of four years. The normal contract period would be one or two years, renewable.

9. Participation in national volunteer service would be viewed as fulfillment of a person's service obligation. Thus, satisfactory completion of national volunteer service—for at least the same period of time as needed to complete one's military service obligation—would place participants in the same draft category as veterans of military service. Also as armed forces manpower requirements are likely soon to be met solely by volunteers in view of large increases in service pay and diminishing manpower needs for Viet Nam there may be no need to relate civilian service 'to military service since both would be manned by volunteers.

DEDICATION OF THE WORLD'S LARGEST TOTEM POLE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BEGICH. Mr. Speaker, today the town of Kake, Alaska—"the town that never sleeps"—is the site of the official raising of the world's largest totem pole. The ceremony is in the form of the traditional "potlatch"—the great winter ceremonial among the tribes of the Pacific Northwest. This is a festival in which gifts are made, totems are raised, and ornaments of cultural significance are exchanged and sold. The festival is accompanied by dancing, singing, and feasting.

It is appropriate that dedication of this totem—136 feet tall—should be the occasion for this traditional celebration. For the program is under the auspices of the Southeast Alaska Community Action program and the totem is fittingly representative of all southeastern Alaskan culture. Tingit and Haida Indians, who inhabit this area, have a long tradition of hospitality and good will.

The ceremony—and the totem by which it is symbolized—is further representative of the vitality and promise of Alaska in the world of today. It is significant that the totem itself comprised the 1967 Alaska Centennial project and thereafter was displayed in the 1970 World's Fair in Osaka, Japan.

I, therefore, express my own great pride in this momentous symbol of Alaska's rich cultural heritage and her hopes for the future. My warmest best wishes go to the people of Kake on the occasion of this happy event in the history of our State.

THE NEW YORK TIMES EDITORIAL ON THE ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. ASPIN. Mr. Speaker, today I would like to include in the RECORD a copy of of a New York Times editorial entitled "The Oil Can Wait" which appeared in the Times today. The Times editorial is an excellent and an important one. The editorial argues that a Canadian pipeline, as an alternative to the proposed trans-Alaska pipeline, should be fully studied before any decision is reached on the Alaska pipeline; it points out many of the apparent ecological advantages a Canadian pipeline would have over the Alaska line; and it argues that there is no immediate need for developing the North Slope oil, even within the next decade.

There is, however, one problem with the editorial. It praises the Secretary of Interior Rogers C. B. Morton for his recent statements concerning the Canadian pipeline alternative, which were made in an interview in the current issue of U.S. News & World Report. Indeed, those statements by Mr. Morton were both enlightened and encouraging, and deserve praise.

What the Times editorial does not acknowledge, however, is that literally within a matter of hours after the Associated Press had written an article on the Secretary's statements in U.S. News & World Report, the AP reported new statements made by the Secretary which directly contradicted his statements in the U.S. News interview. I attempted to point out the Secretary's inconsistencies in a statement "Trying to Keep Up With Secretary Morton's Flip-Flopping", which appeared on page 33735 of the September 28 CONGRESSIONAL RECORD.

The Times carried the first AP story on Mr. Morton's U.S. News interview in its Wednesday edition, a day after most other morning papers carried the story. As far as I know, it did not carry the second AP story on the Secretary's latest and contradictory statements, which appeared in most afternoon papers on Tuesday. Thus, it is entirely possible that the editorial writer on the Times who wrote "The Oil Can Wait" editorial was not aware of the second AP story.

The Times editorial follows immediately below. After that, I have included the first AP article on Mr. Morton's U.S. News interview which appeared on page 1 of the Washington Post under the headline "Alaska Oil May Flow Via Canada" on Tuesday, September 27. Immediately following that. I have included the second AP story on Secretary Morton's most recent statements, which appeared in the Washington Star that afternoon on page A–5 under the headline "Changes Clear Way For Alaska Pipeline".

The three articles follow:

[From the New York Times, Sept. 27, 1971]

THE OIL CAN WAIT

President Nixon's recent statement in Anchorage about the proposed trans-Alaskan oil pipeline had the ring of a comment designed to mollify some of the local citizens, in haste to get on with the project, rather than to indicate a final commitment on his part to the building of the line. It promised to reconcile the exploitation of natural resources and protection of the environment without quite saying that this could be done with a pipeline carrying oil from Prudhoe Bay in the Arctic to Valdez on Alaska's southern coast.

What offered hope that Mr. Nixon's mind is still open on the subject was his reference to "alternative means for the movement of Arctic oil"—and, even more, the emphasis on such an alternative in a U.S. News & World Report interview with Secretary of the Interior Rogers C. B. Morton. The possibility the Secretary dwelt on was the suggested route from Alaska's North Slope, up the Mackenzie River Valley in Canada, all the way south to Edmonton, Alberta, whence some of the oil would move in pipelines to the Pacific Northwest and some to refineries in the Midwest.

The advantages of such a line would be the complete elimination of overwater hazards and the fact that a pipeline is almost sure to be built in the Mackenzie Valley in any case in order to carry natural gas from the North Slope. As Mr. Morton suggests, "that raises the question: Why not bring the oil out that way, too?"

The answer to that question requires time. The Canadian route *could* endanger the Wildlife Refuge in northeastern Alaska and it could prove a hazard to the Canadian terrain, although that land is considerably less subject to the kind of seismic disturbances that add so greatly to the risks of the trans-Alaskan scheme.

President Nixon's statement did pledge that *if* a pipeline is built from Prudhoe Bay to Valdez the job would be done with the greatest concern for the environment, but opponents of the trans-Alaskan line can take little comfort in such a prospect. Even if the pipe could be guaranteed against the kind of rupture that would pour oil over miles of tundra, there would be no assurance against spills and leaks in the beautiful waters of King William Sound, where the oil would have to be transferred to tankers—or along the scenic coasts of British Columbia en route to Pacific Coast refineries.

All of which raises once again the question of timing. No one argues that oil from the North Slope is vital to this country's welfare this year, next year or even in the next decade. And the armed forces have raised no question of national security.

On this major aspect of the matter there is less cause for cheer in the President's suggestion of a decision this fall than in Secretary Morton's disinclination to act until he is "sure that the total spirit of the Environmental Policy Act has been complied with" and that there are no alternatives that would better serve this country's interest.

[From the Washington Post, Sept. 27, 1971]

ALASKA OIL MAY FLOW VIA CANADA

Secretary of the Interior Rogers C. B. Morton hinted strongly yesterday that oil from Alaska's North Slope may ultimately go to market through Canada.

Morton said that a routing through Canada would require extensive negotiations with Canadian authorities and added that, as far as he knows, no application for construction of a pipeline from the North Slope through Canada has ever been lodged with the Interior Department or with Canada.

But, he said, there apparently is going to be a gas pipeline from the North Slope through Canada "because compressing the gas and transporting it by ship is not practical."

He added:

"Now, if there is going to be a pipeline through Canada, that raises the question: Why not bring the oil out that way, too? So we will have to look at the economics of that."

Strong opposition to a proposed Alaskan pipeline has come from conservationists and some Alaska natives who fear its impact on the environment.

Morton in effect ruled out any 1971 start on a trans-Alaska oil pipeline.

He acknowledged he would be unable to meet his tentative deadline of October for a decision on the much-disputed project to bring oil down from the new field on the North Slope. And he implied it may be months before the decision is made.

He said he would not act until he consults other federal agencies and until "I am sure that the total spirit of the Environmental Policy Act has been complied with."

The Cabinet member, who was traveling to Alaska yesterday with President Nixon, gave his assessment in a copyrighted interview in the magazine U.S. News & World Report.

Morton said one thing holding up the final decision is that in the mass of material submitted by the Alyeska Company, which wants to build the pipeline, there were "some discrepancies and some elements that were not congruent with the stipulations which we had made and which we thought the company had agreed to."

He said another delaying factor is the study of alternative routes as required by the Environmental Policy Act. "The major viable alternative is a pipeline over another route, most of which would actually be on Canadian land," he added. This would be an alternative to the Alyeska plan to run the pipeline to the Alaska port of Valdez and then ship it by tanker to the West Coast.

Discussing the possible Canadian route, Morton said:

"It would be up the Mackenzie River, and then would bifurcate at Edmonton (Alberta). From there, part of the oil would go over the intermountain pipeline into the Pacific Northwest, and the other part would go into the pipeline grid on the central part of the continent serving the Great Lakes corridor and the Midwest.

"We have to study the environmental aspects of this alternative route, and we have to study the economic aspects of it, too. Remember this pipeline is to be built by private enterprise, so it has to be commercially viable from their point of view. And since this route would be through Canada, international politics is involved.

"Canadians would obviously have to be for the pipeline and would have to participate. There would have to be sophisticated international agreements dealing with it."

[From the Washington Star, Sept. 27, 1971]

CHANGES CLEAR WAY FOR ALASKA PIPELINE

ANCHORAGE, ALASKA—The Interior Department may be able to make a favorable environmental report on the trans-Alaska oil pipeline because of changes agreed to by the proposed builders, Interior Secretary Rogers Morton says.

The pipeline "can be built compatibly with the environment" and an Interior Department report on the project should be issued by the end of the year, possibly before Dec. 1, Morton said here last night. He said construction could start before March.

Morton accompanied President Nixon on his trip to Alaska to meet Japanese Emperor Hirohito.

Morton said the Alyeska Pipeline Service Co., the combine of oil firms which proposes to build the 800-mile line, has agreed to allow the Interior Department to stop construction if it is not satisfied environmental requirements are being met.

"CAN'T FORESEE DIFFICULTIES"

Morton said virtually all reports on the pipeline were in from other government agencies, including the departments of Commerce and Defense, and added: "I can't foresee any difficulties with any of them."

The pipeline has been opposed by conservationists and Alaska native groups who fear it could harm the Arctic ecology along its route from the Alaska North Slope to the ice-free port of Valdez. Opponents also have argued that fishing grounds would be endangered by the possibility of oil spills at the line's southern terminus on the Gulf of Alaska.

Prior to his meeting with Hirohito, Nixon issued a prepared statement in which he said he felt environmental problems could be solved, although he did not commit himself to support of the project.

NIXON: NO IMPASSE

"Based on the information now at hand, I do not believe that the apparent conflict between oil and the environment represents a permanent impasse," he said.

"Instead," he said, "it presents a challenge—challenge to our engineering skills and a challenge to our environmental conscience."

"I believe we can meet that challenge, proving that natural resources—in the Arctic or elsewhere—can be developed and transported in a responsible manner and respect to environmental values."

Morton suggested later that engineering was equal to the task of solving environmental problems.

WAGES AND OTHER INCOME, INSTEAD OF RELIEF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BOB WILSON. Mr. Speaker, all of us are concerned with the heavy cost of welfare and its burden on the working taxpayer. Many efforts have been made to reduce the welfare roles and encourage more of the welfare recipients to become self-sustaining. One of my constituents, Mr. Merlin M. Paine, has devoted much of his time and energy to the study of the welfare problem. Recently he prepared a paper on welfare operations in San Diego County and I wish to bring it to the attention of our colleagues for their review. The paper follows:

WAGES AND OTHER INCOME, INSTEAD OF RELIEF

(By Merlin M. Paine)

A certain number or percentage of relief recipients, leave Welfare because of employment of the *recipient*. An additional number leave, because of the employment of a member of the recipient family, *NOT* a recipient. Still others leave because of an increase in wages, or because of an increase in income other than wages. Therefore, when the figure "5% employable" is used to describe the financial potential of relief recipients, not enough information has been supplied.

To get fuller information, a quick look at San Diego Welfare statistics, summarized herein, shows that at least 12.3%, on relief during an eleven month period, left because of someone's employment; and an additional 5 or 6% left because of increased income. 4.5% were transferred off Welfare to some other public aid, and only 1.7% died while on Welfare.

We say that "at least 12.3%" left Welfare because of employment, since in more than one-third of cases leaving Welfare, the *economic* reasons were not clear. (See comments on "Savings not Clear", following the statistics.) A total of 37.4% left Welfare during the period studied, of which possibly 30% left in order to improve their economy, while saving taxpayer's money, at the same time. Moreover, this percentage would rise if we extended the period studied. In fact, every one leaves relief eventually, with surprisingly few because of death. And this suggests the *time on relief*, as our major problem.

Social workers know very well how to reduce the time on relief. A book, "Social Diagnosis", by Mary Richmond, is the key to good social work. It describes the only, fully tested way to help people off relief, who do not realize their own need for help. First printed in 1917, this book is still a text in schools of social work. The best social workers are needed at Welfare intake, to stress with applicants what each can do to improve his own income. Delays in using applicants to help themselves can be very costly. Except for "emergency grants", no grant should be confirmed until after a first home visit, as described in "Social Diagnosis". Then "resources" listed in this book should be visited. The list of facts now checked by eligibility workers (all items listed in "Social Diagnosis") is not enough, either to justify relief or to help people off relief.

The cost of government is persistently rising, faster than the growth of taxpayer incomes. We must reverse this trend or go broke. To help relief recipients to find work, or to find other income that will take them off relief, a Governor's Study of Welfare, in 1962, recommended five new schools of social work in California State Colleges, and a school in each University that had no such school. Only the schools in State Colleges were started. Before the depression of the 1930s, social workers were highly successful in reducing relief rolls. Obviously, jobs must be available; and obviously, when we tried raising interest rates "to stop inflation", this threw millions out of work—and did not stop inflation. The San Diego Chamber of Commerce is working on jobs for the needy, and social workers should support this drive.

Next to the Welfare Department, the Employment Service has second most responsibility for clearing relief rolls. For example, only the Employment Service can make direct placements on work; but actually, direct placements do little to clear relief rolls, because 95% of job placements, in some industries, are made "at the gate", with no clearance through the Employment Service. Moreover, jobs not sought by the relief recipient, himself, may not satisfy him, so that he will do poorly and soon be out of work, again.

To help fit the worker to the job and the job to the worker, a suggestion has been made that social workers in Welfare be moved to the Employment Service. A number of questions need answers before this happens: Can social workers promote work, if they believe that only 5% of relief recipients are employable? Can social workers promote work, if employers feel that social workers are siding against them in a political battle? And will social workers lose "authority" if they are moved to the Employment Service? At present, when a relief recipient fails to cooperate with the Employment Service, he is returned to Welfare, because Welfare has more authority, due to its control of eligibility determination.

Not only can social workers be more "authoritive", if they remain with Welfare, they can also control the many reasons for leaving Welfare, of which the Employment Service has no knowledge. These include all of the dozens of reasons for leaving relief, other than employment, that are included in the following statistics. Help on all of these reasons for leaving relief would be lost, if Welfare surrenders its social workers.

A more serious threat to social workers in Welfare is the presence of eligibility workers in Welfare. Both sets of workers must know and interpret all eligibility rules which makes workers compete. But "authority" now rests with eligibility workers who may dismiss a relief recipient, with no notice to the social worker.

When social workers lost authority to eligibility workers, this placed social workers, in Welfare, on a par with social workers in private family agencies, who also lack authority, because they handle no relief. The San Diego family agency commented on this Welfare-social-worker loss of authority, before it happened, and they are still concerned, because stripping social workers of authority, in effect, abandons those relief recipients who most need counsel but will not ask for it. These "reluctant" relief recipients must be visited, if we expect to serve them; and "authority" is needed to justify such a visit.

To solve these problems, a further change, in the status of social workers in Welfare, can be expected soon. For the change to be successful, here are some items that need careful thought: Our most able social workers should remain, at Welfare intake, to discuss withdrawal from relief, before relief is approved.

Next, only those social workers should be hired by Welfare, who are hopeful about moving recipients off relief, whether by employment or by the other means listed in the following statistics. Those not hopeful may be usable in other agencies, but not in Welfare. The Welfare personnel office is already considering this point.

A proposal, that Welfare "contract" for social work, from an agency outside Welfare, would still leave "authority" impaired. No contract is needed with existing family agencies; they have always accepted referrals. The proposal, to place social workers in more "Service Centers", also discounts "authority". In fact, these centers may condone inadequacy, more than they promote self-reliance. The centers are "kind", but not always "stimulating".

It is conceivable that eligibility workers may completely replace social workers in Welfare—because eligibility workers accept "authority" as a social tool, as some social workers do not. Many eligibility workers are already good social workers, but if they take over the job of "social worker", this would leave eligibility workers overworked, as social workers were overworked, before eligibility workers appeared. Therefore, whichever group remains with Welfare, it may need more clerical help, and/or reduced caseloads. Finally, we must distinguish between "authority" and "legal dictation". See later comments, on page 6, under the heading "Refused to Cooperate", as a reason for leaving relief.

Statistics on Old Age Security, 7/1/70 thru 5/31/71.

(a) Total on relief during July: 15,646. Left during July: 249.

(b) Percent leaving in July, 1.6%.

(c) Total on relief for 11 mo: 15814 (end of May), plus 3212 turnover=19,026.

(d) Percent turnover during 11 mo: 16.8%.

Reasons for leaving relief:

1. Left for employment	46
2. Savings not clear	2,105
Left San Diego, or lost residence	524
Left relief, giving no reason	194
Change in property value	205
"Other," with no reason in report	1,182
3. Help from relatives and other income	88
4. Pensions	66
5. Transfer to institution, or to other public aid	87
6. Died	820
Total turnover, same as turnover in item (c), above	3,212

Statistics on Totally Disabled, 7/1/70 thru 5/31/71.

(a) Total on relief during July: 8295. Left during July: 239.

(b) Percent leaving in July: 2.8%.

(c) Total on relief for 11 mo: 8940 (end of May), plus 2692 turnover=11,632.

(d) Percent turnover during 11 mo: 23.7%.

Reasons for leaving relief:

1. Left for employment	91
2. Savings not clear	1,347
Left San Diego, or lost residence	252
Left relief, giving no reason	380
Change in property value	87
No longer disabled	51
"Other", with no reason in report	577
3. Help from relatives and other income	102
4. Pensions	191
5. Transfer to institutions, or to other public aid (323 to OAS)	583
6. Died	398
Total turnover, same as turnover in item (c), above	2,692

Statistics on Blind, 7/1/70 thru 5/31/71:

(a) Total on relief during July: 750. Left during July: 13.

(b) Percent leaving in July: 1.7%.

(c) Total on relief for 11 mo: 778 (end of May), plus 183 turnover=961.

(d) Percent turnover during 11 mo: 19.6%.

Reasons for leaving relief not detailed (see later comments).

Statistics on Children in Boarding Homes and Institutions, 7/1/70 thru 5/31/71.

(a) Total on relief during July: 1875. Left during July: 221.

(b) Percent leaving in July: 11.7%.

(c) Total on relief for 11 mo: 1686 (end of May), plus 2044 turnover=3730.

(d) Percent turnover during 11 mo: 54.6%.

Reasons for leaving relief not detailed (see later comments).

Statistics on Family Group, no breadwinner (AFDC–FG), 7/1/70 thru 5/31/71.

(a) Total on relief during July: 15,417. Left during July: 883.

(b) Percent leaving in July: 5.6%.

(c) Total on relief in 11 mo: 17,327 (end of May), plus turnover 10,855=28,182.

(d) Percent turnover in 11 mo: 38.5%.

Reasons for leaving relief:

1. Left for employment reasons	2,802
New employment	926
Increased income (plus 52 other income)	511
Parents resume support	1,365
Parent returns home	405
Marriage	272
Parent takes chn, etc	688
2. Savings not clear	5,580
Lost residence, or left San Diego	1,681
Whereabouts not known, etc	1,038
Change in property value	122
No longer disabled	150
No eligible child in home	725
Refused cooperation	389
"Other", with no reason in report	1,475
3. Help from relatives and others	40
4. Pensions	none
5. Reduced budget (medical & other)	470
6. Changes in law, or in interpretation of law	308
7. Transfer to other public aid	1,664
8. Died	none
Total turnover for 11 mo., compare (c), above	10,864

(Corrected figure, 10,855.)

Statistics on Family, with unemployed breadwinner (AFDC–U), 7/1/70 thru 5/31/71.

(a) Total on relief during July: 2,204. Left during July: 386.

(b) Percent leaving in July 17.5%

(c) Total on relief in 11 mo.: 2,372 (end of May), plus 6241 (turnover)=8,613.

(d) Percent turnover in 11 mo.: 73.0%.

Reasons for leaving relief:

1. Left for employment reasons	3,563
New employment	2,403
Increased income (12 other income)	1,152
Parents resume support	8
2. Savings not clear	1,375
Lost residence or left San Diego	331
Whereabouts not known	389
Change in property value	32
No longer disabled	1
No eligible child in home	35
Refused cooperation	209
"Other", with no reason in report	378
3. Help from relatives and others	3
4. Pensions	none
5. Reduced budget (medical & other)	103
6. Changes in law, or in interpretation of law	24
7. Transfer to other public aid	1,171
8. Died	none
Total turnover for 11 mo. compare (c), above	6,239

(Corrected figure, 6,241.)

Statistics on General Relief, 7/1/70 thru 5/31/71 (based on four month averages).

(a) Total on relief for one mo: 1,405. Left during one month: 345.

(b) Percent leaving during one month: 24.5%.

(c) Estimated total 11 mos: 1405 (1st Mo), plus 10x403 (new cases)=5435. Left relief during 11 mo: 11×345=3795.

(d) Percentage leaving during 11 mo: 69.1%.

Reasons for leaving relief not detailed (see later comments).

STATISTICS SUMMARIZED FOR 7 CATEGORIES, JULY 1, 1970 THROUGH MAY 31, 1971

Category	Total for 11 months	Turnover, 11 months	Category	Total for 11 months	Turnover, 11 months
Old Age (OAS)	18,026	3,212	Family, includes unemployed (AFDC–U)	8,613	6,241
Disabled (ATD)	11,332	2,692	General relief (GR)	5,435	3,795
Blind (AB)	961	183	Total	77,389	[1]29,052
Children in boarding homes (BHI)	3,740	2,044			
Family, no breadwinner (AFDC–FG)	28,182	10,885			

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[1] Equals 37.5 percent turnover, 11 months; 6.1 percent turnover, 1 month.

REASONS FOR LEAVING RELIEF, HELPFUL TO TAXPAYERS AND TO RELIEF RECIPIENTS

Category	Employment	Relative	Pensions	No longer disabled	Dependent placed	Reduced budget	Other
OAS	46	88	66				
ATD	91	102	191	51	0	?	?
AB	?	?	?	?	0	?	?
BHI	?	?	0	0	2,000	?	?
AFDC-FG	2,802	40	0	1	0	470	?
AFDC-U	3,563	3	0	150	0	130	?
GR	3,000	?	?	?	0	?	?
Total	9,502	233	257	202	2,000	573	?

Percentage Leaving Relief, for different reasons:	*Percent*
Percentage employed in 11 months	12.3
Savings not clear	13.3
Child placed in family	2.6
Reasons, each under 1%, including relatives, pensions, no longer disabled, reduced budget, etc	3.0
Transferred (still on public aid)	4.5
Died	1.7
Total turnover in 11 months	37.4

(Compare 37.5%, above.)

Statistics Omitted from Study: This study includes turnover figures for eleven months, in every category of relief. The study has included reasons for turnover in only four categories, omitting reasons for the Blind (a small figure), for Boarding Homes, and for families on General Relief. To replace these missing figures, we have estimated just two figures to show 3000 leaving General Relief because of employment, and 2000 leaving Boarding Homes because of adoption, or return to the child's own home.

Turnover: In the turnover figures shown in this study, only 6.1% of those on relief for one month, left during the month; but 37.5% of those on relief during eleven months, left during the eleven months. If additional months had been added, the turnover could rise above 100% because of recipients repeating on relief, and a surprisingly few departures are because of death.

Statistics to Show Time on Relief: Although every one leaves relief, eventually, and for reasons that can be speeded up, we have no figures showing the time on relief.

"Savings not clear": Under item 2, in each category of the statistics here shown, we have tried to collect reasons for leaving relief, where a savings or lack of it, is not clear. Here are some questions about these statistics:

1. *"Loss of residence":* Who supports recipient after he leaves Welfare? Could the recipient have found the same support before relief started? etc.

2. *"Whereabouts not known":* Did this recipient leave for employment? Should he have left sooner? Although we cannot always anticipate, can we anticipate better?

3. *"Left San Diego":* Same questions as above.

4. *"Change in property value":* Do most of these return promptly to relief? Does the new value result from hidden assets? Or is the change due to a tax revaluation that adds nothing to the landowner's financial position? When the law forces a sale which results in rental payments, does the government lose money? When relatives start support to prevent a sale, should they have been approached sooner? Is this law flexible enough to permit good judgment?

5. *"No longer disabled":* Was it medical care or vocational training that changed the disability status? Presumably, this recipient left relief to accept employment; is it never possible to tally two or more reasons for leaving?

6. *"No eligible child in home":* How many of these families are "transferred" to another category, and remain on relief? Could the "transfer" be tallied?

7. *"Refuse to cooperate":* Why is this item tallied for ADFC families only? Is it "cooperation", if one side controls the other? Some social workers side with the poor against the taxpayer; if the poor (with help) controlled the rich, would this produce "cooperation"? No law can force an employer to hire, or a workman to work—apart from slavery; can both sides profit under mutually agreeable terms? Are social workers responsible for getting mutually agreeable terms?

8. *"Other"*, totalling 3,612, show no reason for leaving in the statistics studied.

Summarizing all eight items.—For one-third of families on relief, Welfare statistical reasons for leaving relief show no benefit either to the taxpayer or to the persons leaving relief. Since the reasons for leaving relief are multiple, rather than one reason per case, as shown, could we get more meaningful statistics by selecting those reasons that have an economical significance? On the other hand, if the economic reasons are not known, what does this tell us about Welfare supervision? A social worker cannot *always* "anticipate", but he *must* anticipate, if he is to be helpful in substituting wages, or other income, for relief.

Discrimination against the aged.—With little doubt, "discrimination" keeps many of the aged off work, before they are ready to "retire". Only 46, on relief, found employment during the eleven months studied, and only one of these got County help in finding work. Only one-quarter of the aged on relief died while on relief, and less than 3%, of those who left relief, entered an institution. In fact, we have placed nearly two-thirds of the aged in the class "Savings not clear" (see the last paragraph, above.)

Major implications of this study:

1. Our statistical knowledge can be improved.

2. It is misleading to suppose that only 5% of relief recipients will ever find work. We are doing much better than this now, and can do still better.

3. Moreover, "through wages" is not the only way to help the poor, and relieve taxpayers. There are scores of other reasons, and combination of reasons, why people leave relief.

4. A social worker can be "advocate" for relief recipients *and for taxpayers*, at the same time, if more wages and more other income can be substituted for relief. No political battle can help either rich or poor. We must inform both sides, not fight.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. HOSMER. Mr. Speaker, following is the text of a newsletter I am releasing for distribution in my congressional district:

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEW NOTES, OCTOBER 1971

GOD'S FROZEN PEOPLE

The President has asked Congress for sweeping changes in economic policy, including stimulation of buying power through tax revisions. As a result, what looked like a fairly speedy wrap-up for Congress now has been transformed into the prospect of weeks of work on some knotty problems.

Ironic, isn't it, that most of the moaning and groaning about the wage-price freeze is coming from the same people who were pushing it on him six months ago and those who complain loudest about unemployment? They forget that it takes a healthy business economy to provide jobs and wage increases.

WHAT IS THE AREA CODE FOR PEKING?

In outlining U.S. foreign policy for the 1970's, President Nixon was referring to Red China when he said: ". . . an international order cannot be secure if one of the major powers remains largely outside it and hostile toward it. In this decade, therefore, there will be no more important challenge than that of drawing the People's Republic of China into a constructive relationship with the world community, and particularly the rest of Asia."

Evidence is mounting, beyond the President's slated trip to Peking, that the Red Chinese are making moves to rejoin the world. They have resumed direct telegraph communications with the U.S. after a break of nearly three years. AT&T also has received notice that the mainland Chinese switchboard in Shanghai is being reopened for direct calls—again after a three-year silence. Communications is a small step, but a beginning toward workable relations with a hostile, but nonetheless important, nation.

THE DOOMSDAY LOBBY

Commenting on dire predictions that the country is going to hell in a hack, Thomas R. Shepherd, Jr., publisher of *Look* magazine, pointed out some pertinent facts:

"Environmentalists to the contrary, there is precisely as much oxygen in the air today as in 1910; despite pollution, drinking water is safer than ever before, certainly safer than that which caused Philadelphia's 1793 epidemic which killed one of every five residents; if the present drop in United States birth rates continues, nobody will be here in the year 4,000, but don't worry about that either; fish caught 44 years ago contained double the mercury as any fish processed this year; while 50 species of wildlife will probably become extinct in this century, the same number disappeared in the 90's. Life expectancy of Americans has doubled in 150 years . . . and our economic system with all its faults is the world's best."

NOTICE

In the event of atomic attack all rules against praying in schools will be considered suspended!

MORE HOMES

Housing appears to be on its way to an all-time record during 1971. The National Association of Home Builders says new housing may pass the 2 million mark during the year. The best previous showing was in 1950 when 1.95 million homes were built. One reason: The Administration has moved to have the Federal Home Loan Bank Board raise the price paid thrift institutions on Goverment-backed mortgages. Chief result will be a break for home buyers, as it will help hold down the cost of mortgages for homes in the $24,000 to $33,000 range.

The nation's 55,000 home builders expect to benefit from the wage-price freeze through stabilization of prices on construction materials. While factory built housing offers a vast market for the future, the industry today still depends on the small builder who constructs about 25 houses a year, with only 5 percent being built by the "giants" of the industry. Economists also are predicting that mortgage rates will soon dip—more good news for prospective home buyers.

BIG YEAR FOR SCHOOLS

The hue and cry of many educational groups would lead the public to believe that our schools are being fiscally abused, operating at the pauper level. The Department of Health, Education and Welfare points out that during the coming school year Americans will spend $85 billion educating 60.2 million students, a record high and an increase of $7.5 billion over last year.

CUBAN CASABA CAPER

While the news media made much of a recent victory over the U.S. by a Cuban basketball team at the Pan American games, there was hardly a line about the fact that five members of the Cuban squad defected, cited political repression and asked for asylum in Colombia.

LIFE IN SHUN CITY

While New York Mayor John Lindsay was making statements about the need for ending the Vietnam war, the Defense Department announced ZERO casualties for U.S. forces. Meanwhile, the murder rate in New York City rose to 786 for the first six months of this year, over 30 per week. Perhaps John ought to begin talking about ending the war against the citizens of Gotham.

STATE BLESSING FOR WILDLIFE REFUGE

The State Fish and Game Commission has taken the unusual step of okaying Craig Hosmer's bill to create a National Wildlife Refuge at the Seal Beach Naval Weapons Station.

"Normally, the Commission, a strong advocate of states' rights, would have second thoughts," writes Executive Secretary Leslie Edgerton. "However, since the land is already Federal land and the salt water marshes are so in need of protection, we commend you for your farsightedness."

SOME DATA ON NOISE POLLUTION FROM LAKE AIRPORTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. MIKVA. Mr. Speaker, I am honored to count among my constituents Prof. Stephen Berry of the University of Chicago. Professor Berry was recently in Copenhagen where he conferred with Danish scientists and engineers who are involved in the planning of a program airport which would be quite similar to the diked airport in Lake Michigan which has been proposed by certain interests in Chicago.

In a letter to me, Professor Berry raises some interesting and troubling questions about the relationship between noise pollution and an airport in a lake.

The relevant portion of the letter follows:

> One of the major problems is clearly the noise transmitted across the water. (Recall how conversations on rafts can be heard clearly on shore.) According to Svane's experiments with a single airplane, one can expect a level of 85 decibels for the median of the high-intensity sound due to an airplane at their airport, about 6.5 kilometers (miles) from shore. A level of 97 decibels was the maximum observed. Some of the more serious problems arise when a temperature inversion causes a focusing of the sound waves. Under this condition, sometimes the shore can be relatively quiet, and points a mile or so inland can receive a very heavy dose of noise. Sometimes the shore would be at the focus of the sound. A point of considerable interest is the susceptibility of glass-walled buildings to noise transmission. At some times, the level of sound inside high-rise buildings would be pretty intolerable.

NATIONAL ENERGY POLICY—PART X

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. COUGHLIN. Mr. Speaker, recently the Pottstown, Pa., Mercury published a supplement to its regular edition that was devoted entirely to the issue of nuclear energy. I consider it one of the best, most thoroughly researched, most balanced pieces of journalism I have ever seen. Any newspaper in the country would be proud to call it its own.

What strikes me most about the supplement entitled "Nuclear Power—Promise—Or Peril?" is that it reflects so accurately all the hopes and fears of a community faced with the possible location of a large nuclear powerplant in the immediate vicinity. Specifically, I am referring to the proposed construction of the 2.2 million killowatt Limerick Nuclear Power Station, which would be located on the banks of the Schuylkill River several miles downstream from Pottstown.

Here in the supplement are the views of the utility company, various environmentalists, doctors, technical experts, the man in the street, the State and Federal organizations. Some favor the construction of the plant, others oppose it, and still others do not know what to think or are unsure of their own views.

There are also articles on nuclear fuel supply, safety, the Price-Anderson Act, several related court decisions, the problems of pollution and aesthetics, and other interesting items.

Altogether, they reflect a responsible community's effort to come to grips with a situation which, one way or another, will dramatically affect its people's lives for the next several generations.

Mr. Speaker, I have never previously asked that so much material be included in the RECORD, but I feel in this case an exception must be made. What propels me to ask is the belief that the concerns which both interest and trouble the minds and consciences of citizens in Montgomery County, Pa., particularly in the Pottstown area, on the issue of nuclear power also may be the same concerns which interest and trouble other communities throughout the Nation faced, or about to be faced, with the same issue.

The wide range of a community's points of view reflected in these articles is a national phenomenon, not confined to Pottstown. But the Pottstown Mercury has done us all a great service by capturing the entire issue under one cover. It is for this reason that I ask that the material be included in the RECORD.

The material follows:

[From the Pottstown Mercury, Sept. 20, 1971]

MORE ENERGY NEEDED FOR OUR SURVIVAL

(By Glenn T. Seaborg, Former Chairman, Atomic Energy Commission)

(EDITOR'S NOTE: After a decade of heading the Atomic Energy Commission, Glenn T. Seaborg is resigning to return to his professorship at the University of California, Berkeley. In the following article written especially for the Associated Press, the Nobel prize winner discusses the future of atomic energy for peaceful purposes.)

WASHINGTON.—I have been asked what lies ahead for nuclear energy and what my concerns might be for its future development to meet our energy needs.

Let me begin by stressing those needs. Contrary to much that is being said today—and notwithstanding much that we might do to use our energy more efficiently and wisely—we are going to use an enormous amount of that energy in the years and decades ahead. In particular we are going to see an increasing demand for electricity which is our most versatile means of using energy and can be our cleanest.

The reasons for this continued growth of electric power are inevitably tied to our growing population, the rising expectation of that population—particularly those of it for whom the American Dream is still far from a reality—and the need of more, not less, power to clean up our environment and keep it that way.

NEED ESTABLISHED

I have no doubts that nuclear power will be needed to supply an increasing share of our electric power. For environmental, economic and energy resources reasons we simply will not be able to get along without this shift toward nuclear power. And it must be a well-planned and well-managed transition in which the highest priority is given to environmental and safety considerations.

I believe that at present we are pursuing such a transition.

Of course there has been criticism of the development of nuclear power—some of it justified—but all things considered, our advances in nuclear energy have been remarkable. And it is indeed unfortunate that many who are critical of the atom do not understand it better and do not evaluate it on a comparative basis with other sources of energy.

Future developments in the nuclear energy field will not be without much hard work to meet and master technical challenges. But I feel that at the moment the major problems facing the nuclear field are more sociological, psychological and economic than they are scientific or technical.

For one thing, recognition of our environmental problems has made us a nation of people overly suspicious of new growth, technical innovation and the need to develop any technology that carries with it a small potential risk. We have, as I have often stated recently, become "environmentally uptight" and we have failed to realize we must accept some risks to achieve the far greater benefits that will accrue to society as a result.

We must also take the positive approach of working towards the reduction of those risks through constant upgrading of our work and innovations in our technologies, rather than merely letting the thoughts of those risks—all the "What if's" and disaster predictions we hear today—freeze us into paralyzing inaction.

DYNAMIC SOCIETY

Ours is a dynamic technological society in which inaction and lack of innovation are the worst risks of all. This does not mean we must have growth for growth's sake or change for change's sake. It does mean we must generate and apply the best rational thought and action to control and direct those forces already in motion due to human activity and its interaction with our environment.

In addition to the sociological and psychological problems involved in nuclear matters today we face the problem of a reorientation in our economic thinking—and this applies not only to nuclear power and electricity but to so many other aspects of our technological society.

History shows that few if any developments of importance to the human race were "economic" at their inception or for some time to follow. And today we realize that much of the costs of the social and industrial growth we have viewed as economic were taken out of the hide of the environment.

Today we know we must rectify this situation. We must, at considerable cost, buy back a health environment and we must do this at the same time that we advance our man-made, urban-industrial environment.

This is directly related to the cost of energy and particularly to the cost of electricity which has always been considered an energy "bargain."

If we are going to generate the large amounts of electricity we will need in the future—regardless of which resources we use—and do so with a minimum impact on our environment, the cost of electricity is bound to rise.

This will be true in order to clean up fossil fuels, to assure the safest and most efficient use of nuclear resources, to reduce the thermal effects of all power generation, to site plants in more acceptable locations and to manage the long-distance transmission of their electricity in a more efficient and aesthetic manner.

The public must realize that it is going to be expensive, for example, to desulphurize coal and oil, to gassify coal, to develop untapped energy sources such as geothermal heat and solar energy and new conversion systems such as MHD, to site plants at coastal "power parks" or on off-shore islands, if this proves feasible, and to place high-voltage transmission cable underground.

It is also going to be costly to carry out the necessary developments in the nuclear field to see the success of a commercial breeder reactor and eventually full-scale controlled fusion.

Our most immediate need is to move ahead rapidly to the commercial introduction of the Liquid metal-cooled Fast Breeder Reactor (LMFBR). Such a timely introduction of this type of nuclear system will have widespread advantages—in many ways it will be essential to our overall energy picture.

The LMFBR will effect tremendous efficiencies in the use of our natural nuclear fuels, it will reduce the environment of our natural nuclear fuels, it will reduce the environmental and thermal effects of nuclear power and it will significantly reduce the cost of nuclear power as we approach an era—the turn of the century—when supplies of fossils fuels will be much tighter and perhaps more than half of the nation's primary energy sources will be going into the generation of electricity.

The government and private industry will have to share the cost of breeder development—to bring our breeder program, already making great strides, to its successful fruition.

Beyond this, of course, is the hope that we will eventually see controlled fusion first be proved feasible and then be advanced through the necessary development stages to become a full-scale commercial source of power.

When this happens we will have achieved the ultimate source of power able to supply man's needs for millions of years. But unfortunately, this achievement is not "just around the corner" as some would have us believe.

In my opinion it may be 30 years or more before controlled fusion will be developed to the point where it is our major source of power. And this is one reason why we must have breeder reactors on the line. To gamble either on the major use of fossil fuels or the full-scale success of controlled fusion could lead us into a global energy crisis of incredible proportions.

In the years to come, we must move ahead wisely with an overall energy plan that considers all aspects of energy growth—natural resources, technological possibilities, social and economic factors, environmental demands and human needs.

Energy—an enormous amount of it—is going to be essential to our survival and we are going to have to devote our best talent and considerable effort and resources to making it available where and when we need it and in ways compatible with other needs of life. I am confident that we can—and will—be able to succeed in this difficult task.

I am grateful for the opportunity I have had to play a small role in the development of nuclear energy. I will look forward to—and continue to work toward—its future development, for I think we have seen only the beginning of the Nuclear Age.

An Editorial: Nuclear Power?

The progress of man has always been feared by some men.

But never have so many been concerned as there are now about nuclear power.

When locomotives first came on the scene there were warnings that only evil could come from men "leaving their homes at 15 miles per hour."

At one time it was thought that man's lungs would burst if he reached a speed of 20 miles an hour. Prior to man achieving the speed of sound, some thought that he would be turned into an idiot if he surpassed this speed.

But today's fear of nuclear power can't be equated with those fears of the past.

A steam engine never could eliminate mankind.

Nuclear power could.

Initially a steam engine could only affect the lives of a few people.

Nuclear power can affect the lives of everyone.

An explosion in a steam engine could only stop a train.

An explosion in a nuclear plant could kill thousands and tens of thousands.

So the concern by many is justified. They are entitled to their views, their fears and their opposition.

This special edition of The Mercury on nuclear power is designed to inform the public of the fears, the safeguards, the need of it.

The stories are many and varied. Some are complex. All should be informative.

The Mercury's study of nuclear power took more than six months. Reporter Thomas Geyer is responsible for the majority of research and contents of this edition.

During the long research both pro and con were heard and studied.

Environmentalists shared their beliefs that thermal pollution in addition to radiation might be a problem.

Officials of Philadelphia Electric shared their views that safeguards are more than adequate.

If the study proved anything it was that there are no quick answers, no simple solutions and no authorities that can be 100 percent positive of their positions.

Should we proceed with nuclear power?

The answer is yes, proceed.

But proceed with caution.

Pennsylvania May Earn Title as "Nuclear State"

Pennsylvania is on its way to becoming the "Nuclear State." More nuclear power plants have been announced for construction by private utilities in Pennsylvania than in any other state—13 being the most recent total.

Pennsylvania also was the first state to have a nuclear power plant. The small pressurized water reactor at Shippingport in western Pennsylvania, a joint project of the Atomic Energy Commision and Duquesne Power and Light Co., went into operation in 1957.

It was modeled after power plants used in nuclear submarines.

Most recently, Philadelphia Electric Co. announced plans to build the world's most efficient nuclear power plant, a large high temperature gas-cooled reactor, at an undisclosed site by 1980.

Average Citizen Feels Helpless in Nuclear Evaluation

A man and woman, fortyish, stood with a small child at the corner of * * * streets, waiting for the walk signal. It was hot and the child looked ready to cry. The father wiped his brow.

"Sir. what do you think of the atomic power plant they're building in Limerick?"

The man turned, nervously blew his cheeks full of air, and sighed.

"Well, I don't know. I've heard things about it. Pretty complicated I guess. But if it isn't okay I don't know what I can do about it.

"It's too scientific for me."

The light changed. The child wailed. The couple pulled him on to the crosswalk and they disappeared into the crowed.

The response was typical—and understandable.

WISDOM QUESTIONED

The wisdom of Philadelphia Electric's plans for Limerick, and of the nationwide push toward nuclear power in general, is a question inevitably tied to a vast number of complex and highly technical problems.

The average citizen feels helpless when he tries to add up all the pluses and minuses for himself and arrive at a simple answer.

But the cry for "public participation" in decisions surrounding nuclear power has been taken up by environmentalists throughout the country.

"Weighing the risks against the benefits of nuclear power means making a moral decision," says Dr. Harry Blanchard, head of the science program at Kimberton Farms School.

"Moral decisions should not be left to a technical elite. In a Democracy, moral decisions regarding their own welfare should be left to the people."

LIFE AND DEATH

The opposition feels nuclear power may be a life and death issue.

As nuclear plants and fuel processing facilities sprout like mushrooms around the nation and the problem of radioactive waste disposal grows more acute, more and more members of the public become the potential victims of nuclear accidents or whatever harmful effects routinely released radiation might have.

Now those who live in the vicinity of Limerick joined that small minority of the public.

"Why us?" local citizens ask. "The Limerick plant might have been more economical closer to Philadelphia where most of its customers are."

But the Atomic Energy Commission doesn't want big reactors too close to big cities. Too many people . . . what if there were an accident? So nuclear power plants have to be built in the country where there is nothing nearby but farms and small towns.

Those who live near the Limerick plant, say within 10 miles or so, so far had nothing to say about it. Philadelphia Electric secretly began buying land for the Limerick plant in 1964 and didn't let the cat out of the bag until October, 1969, when it made the announcement at a cocktail party at Collegeville Inn.

CONCRETE POURED

Now the excavations are complete and concrete is being poured. Still the public had no voice.

So say the opponents.

Naturally the Philadelphia Electric Co. takes a very different point of view.

Secrecy in purchasing the site, its spokesmen say, was simply standard business practice to prevent landowners from jacking up prices unreasonably.

And far from singling out country dwellers to bear most of the risk from the plant, they say, the company is taking a sensibly conservative approach by locating generally outside of large population centers.

But there is no real danger no matter where they put the plant, according to company officials, who feel their opponents take unreasonable advantage of the fact that very cautious safety measures are taken by concluding that precautions must mean danger.

"We're damned if we do and damned if we don't," said one PE engineer, pointing out that if the company tried to put the plant in the middle of Philadelphia it would be criticized for taking needless risks.

OTHER CRITICS

Dr. Blanchard and other critics of the nuclear program do not deny that decisions about plant location and the growth of nuclear power in general might have turned out the same way even if they somehow were left up to the public at large.

But, they argue, that doesn't justify keeping citizens in the background when such decisions are made.

As far as the oppenents are concerned, both the public and the utilities were "sold a bill of goods" by the Atomic Energy Commission and the Joint Committee on Atomic Energy in Congress which were set up to promote the "peaceful atom."

They are convinced that nuclear power is neither safe nor economical, a fact which they say the "elitists" in the Atomic Energy Commission managed to cover up until recently by involving its powers of censorship to conceal not only strategic secrets but its own mistakes and miscalculations.

These security privileges were diminished considerably in the early 1960s but the opposition still feels the AEC makes little effort to be forthright with the public or to publish possibly embarrassing information in a form the public can understand.

RIGHT DIRECTIONS

"If the people are appraised of the facts they will react in the right direction," insists Nora Natof, president of Limerick Ecology Action.

"If not, then our Democracy might as well close up shop."

But even the states were barred from setting their own rules controlling radiation emissions from power plants on the ground that they would be pre-empting powers reserved to the federal government.

Minnesota currently is fighting that ruling before the U.S. Supreme Court and few observers within the AEC are rooting for Minnesota to win.

The states, the AEC argues, are not competent to take such responsibility. It looks with even more jaundiced eyes on proposals that states be given complete authority to regulate nuclear power plants within their own boundaries.

"The idea is so horrifying I refuse to discuss it," declared Craig Hosmer, a member of the AEC, before a Minnesota audience in 1969.

Who stands guard over reactor safety now? And if the problem is too technical for the state governments to handle, how can the general public be directly involved?

SWEEPING POWERS

When the AEC was set up in 1945 it was given sweeping and unprecedented powers to regulate and own all reactors and fissionable materials in the United States.

In 1954 private enterprise was given the right to own nuclear reactors under strict supervision of the AEC's division of licensing and regulation.

But as far as radiation is concerned, the AEC's only responsibility is to see that federal standards are met. The AEC has no authority to see that federal standards are met.

The AEC has no authority to set these standards itself—though many of its employees and consultants undoubtedly influence what the standards will be.

Who does set the standards? Radiation protection guidelines are laid down by the International Commission on Radiation Protection, the National Commission on Radiation Protection and the Federal Radiation Council, whose functions now have been taken over by the Environmental Protection Agency.

REACTOR LICENSE

There also is an Advisory Committee on Reactor Safety that studies applications for each reactor license and hands down recommendations to the AEC.

Speaking of these regulatory and standard setting bodies in sum, Hosmer said:

"No where in the world today or at any previous time has been a more meticulous, detailed and scrupulously unbiased machinery for assuring public protection against any hazard."

He added, "The AEC is not a nuclear Mafia conspiring to cram unsafe and unneeded nuclear plants down the throat of an unwilling but helpless nation . . ."

Concerning scientists who raise objections to nuclear power, Hosmer said, "This should be done in a technical meeting where scientists can discuss these matters with their fellow scientists.

"The public rally, the cardboard placard and the licensing board hearing are inefficient vehicles for communication and should not be used for that purpose."

Hosmer's argument is that the functions of the AEC are primarily technical and that complaints about standards or broad policies affecting the public interest should be directed to Congress or the standard-setting bodies.

His sentiments are echoed by J. L. Everett, president of PE.

MOB RULE

"Public participation through orderly government is fine, but when you let any Tom, Dick and Harry step in and try to convince everybody something is wrong, you have mob rule. They want to substitute mob action for orderly government."

Where does all this leave a worried citizen whose confidence in orderly government has been exhausted by the political debacles of the last decade?

Dr. Blanchard feels strongly that the public must assert its right to know and to make decisions about risks and goals. He admits that purely technical questions must ultimately be resolved by scientists, but believes an "adversary" system—a kind of scientific judiciary—could be set up within the scientific community designed to separate the guardians from the promoters whenever a conflict arises between progress and safety.

Mrs. Natof adds, "Sure the Democratic system is messy. It guarantees the right of any citizen to stand up in the public forum and make a fool of himself. But we always have gone on the assumption that the public should prevail and that any other kind of thinking means tyranny."

WITHOUT EXPERTS

Perhaps the final question is whether traditional representative Democracy can exist when it is no longer possible to govern intelligently without relying on experts.

Dr. Blanchard insists it is but only with great public effort. Broad education of the people in the dilemmas of technology, he believes, is the only way to prevent the takeover of a scientific priesthood in any technically sophisticated society that aspires to be just.

Doctors' Views, Attitudes Differ on Nuclear Power

What do area doctors think about the plans for Limerick? Singling them out as generally well-informed members of the community, The Mercury took a poll that showed a remarkable mixture of emotions and attitudes among local physicians about nuclear power.

Dr. Robert O'Connell, a Pottstown general practitioner, is one doctor who is against the Limerick project.

He is aware of Limerick and very concerned—concerned because no one knows the long range effects of radiation.

"We are dealing with something that is hazardous and I think it is time to slow down. I'd be willing to do without all the extra electrical conveniences while further studies are made," he said.

"Unfortunately it is difficult to get good statistics on the topic and arguments presented by both sides are extremely convincing."

NO INTERPRETATION

Dr. O'Connell added that there doesn't seem to be anyone who is giving out figures that the public can interpret "because no one has figures over 30 years or more—over a generation of people."

"I don't trust the government because I don't think it really knows. It hasn't had enough studies and most figures are projected," Dr. O'Connell said.

"If in the long run there is an increase in leukemia, which radiation is said to cause, it won't affect my life but what of my children and their children?"

O'Connell added that not only is he against the project because of a danger from radiation and pollution, but Limerick will be a gigantic occular pollutant with cooling towers seen for miles.

"We won't be able to stop the plant from going up but I feel there definitely should be more studies made. This takes maybe 30 to 40 years and Limerick now will make Pottstonians the guinea pigs. They will be studying us in another generation."

PROVE WRONG

O'Connell concluded that statistics may prove him wrong. "But at this point I have seen no such facts that will change my mind."

Dr. Nicholas Chapis, a Pottstown gynecologist, doesn't feel Limerick is necessary.

I don't think the extra power is needed for a good standard of living, especially before further studies. I'm sure most people would be willing to cut down and could live comfortably without the additional power of the nuclear plant," Dr. Chapis said.

Dr. Chapis is worried about the prospect of hundreds of nuclear reactors generating power across the countryside. Worried and concerned especially since the closing of a nuclear plant near Detroit last year.

"We may not always be so fortunate to discover the danger areas before a catastrophe occurs. What it boils down to is human lives versus human luxuries.

There is a certain amount of background radiation that everyone knows is present. This may be from natural radiation (occurring through explosions and tests throughout the world) or possible from color television, Dr. Chapis noted.

FATAL STRAW

"Even though the radiation from a plant such as Limerick may be small," he said, "it adds to the already current degree of radiation and this may be the straw that breaks the camel's back.

"The effects of radiation are cumulative, so the effect from any one source may not be harmful but the total effect is what may be dangerous," he added.

Dr. Chapis does strongly feel that if nuclear power plants are going to be built that it should be a public service venture rather than a private enterprise.

"No private individual should profit monetarily from a project which is potentially hazardous to the community and which can possibly have such a detrimental effect on a large number of persons," he concluded.

Dr. Fred Winter, a radiologist at Pottstown Memorial Medical Center, also is interested and concerned with the Limerick project.

"Concerned to some may, however, mean worried and I am not worried about Limerick," he said.

"I am a lot more worried about the power going off in the hospital; the lights failing in the operating room or the X-ray machines not functioning properly," Dr. Winter said.

Dr. Winter added that he feels Limerick and other such nuclear plants will play an important part in the future of the country and this is something that the public is going to have to accept regardless of the possible harmful effects.

Dr. James Guthrie, an internist, also is aware of the Limerick project. He is not worried and has no great fear of the nuclear plant, adding, "I suspect it will pollute the atmosphere much less than some of the local plants."

"I'm sure that there is strong feeling in the country that these projects should be tried before being built, but in general I feel they can be programmed to be operated safely.

CONSERVATIVE AEC

Dr. Guthrie said he trusts the government and thinks the Atomic Energy Commission is conservative and very strict in its criteria of safety.

Dr. Daniel Gross, Pottstown orthopedic surgeon, said he has followed the Limerick project from its beginning and is personally concerned about the possibility of contamination in the area.

"The facts are, however, very confusing to me because both sides are very convincing, one group says one thing, another something else. It's difficult to evaluate just whom do you believe?"

COUGHLIN QUESTIONNAIRE FAVORS NUCLEAR PLANTS

Almost six out of 10 responding to the questionnaire poll of U.S. Representative Lawrence Coughlin (R-Pa.) gave nuclear generating plants a qualified endorsement.

In final results, the Montgomery County Congressman said 59 percent checked "Potentially good: proceed with caution" in assessing the role of the nuclear facilities in meeting increasing demands for sources of energy.

Coughlin said the results were based on a total of 28,858 responses received before the Aug. 1 deadline. First results of the mail poll were disclosed last week.

Twenty three percent of those answering the questionnaires sent to every household in the 13th Congressional District, including the Pottstown area, agreed with the statement on nuclear plans, "Satisfactory: move ahead as is."

MORATORIUM

Twelve percent termed the nuclear facilities, "Unsatisfactory: stop and call moratorium." Six percent wrote in answers ranging from accelerating construction of the plants to abandoning them for traditional fossil-fuel facilities.

Coughlin said the nuclear question generated much interest in parts of the county near Limerick Township where Philadelphia Electric Co. plans to construct an atom-power plant. Hearings on construction permits for the controversial project tentatively are scheduled this fall.

In a far-ranging question on domestic spending, Coughlin asked constituents to choose whether "more," "less" or the "same" Federal tax dollars should be spent on various programs.

Coughlin said that more than 50 percent of those responding called for more spending on five of the eight programs.

MOST SUPPORT

Environmental protection got the most support with 76 percent favoring expenditure of more funds. Only five percent said spend less while 19 percent wants about the same expenditures.

Coughlin said the program that received the least support was defense other than for Vietnam. Thirteen percent wants more spending on defense while 55 percent favors less expenditures. Thirty-two percent approves of current spending.

Space exploration drew 15 percent favoring increased expenditures as opposed to 54 percent seeking less spending. Current expenditure receive approval of 31 percent.

Thirty-six percent favors increased spending to aid the poor as compared with 29 percent wanting less funding. Thirty-five percent indicated support for current expenditures.

In a key question on environmental protection, Coughlin said 71 percent still feels the federal government is not placing enough emphasis on this issue. Twenty-three percent is satisfied with the government's current role while six percent marked undecided.

Coughlin asked a two-part question on the FBI and found that two-thirds of those responding are satisfied with the FBI's general performance. Twenty-five percent was not satisfied and nine percent was undecided.

Fifty-six percent indicated FBI Director J. Edgar Hoover should retire now. Thirty-three percent opposes his retirement now. Eleven percent was undecided.

Coughlin asked, "Without regard to the relative merits of various proposals, do you feel we need a system of national health insurance?" Fifty-five percent said "yes" while 32 percent said "no." Thirteen percent checked the undecided column.

LONG RESEARCH PRECEDES EDITION

Mercury Reporter Thomas P. Geyer is responsible for most of the articles in this special nuclear edition of The Mercury.

He spent the past five months on research, development and writing. He interviewed scores of engineers, radiation biologists, environmentalists, government officials, lawyers and citizens.

In the course of research Geyer consulted representatives of Philadelphia Electric Co., the Atomic Energy Commission, the Pennsylvania Offices of Radiological Health and Biostatistics, the Department of Environmental Resources, the Franklin Institute Laboratories, the Environmental Coalition on Nuclear Power and other organizations. All cooperated fully in this effort.

His work reflects the pros and cons, the fears and assurances of nuclear power.

In the final stages he was assisted by Reporters Charles H. Pitchford and Joseph E. Dougherty. Editors who helped in the preparation were Dollie Smith, Robert J. Urban and Robert J. Boyle.

ENORMOUS COOLING TOWERS—LANDMARKS OR EYESCORES?

Most nuclear power plants inspire some alarm and protest among neighboring citizens when they are announced and while they're under construction but are destined to be virtually forgotten and ignored once they begin their silent and smokeless operations.

"We don't even know it's here," a York County neighbor of PE's Peachbottom reactor station said recently.

But the presence of the Limerick plant, whatever your feelings about it, will be hard to ignore.

In fact the Limerick plant will rank among Pennsylvania's most spectacular landmarks—or worst eyesores—depending on your point of view.

The conspicuous feature of the installation will be its two enormous cooling towers—the largest in the world—perched on high ground above the generating plant.

Each of these leviathans will be more than 500 feet high, measuring from ground level.

On a clear day they should be visible for 15 miles.

The base of each tower will be 450 feet in diameter and cover an area equal to 30 football fields. At the top they will be 220 feet in diameter.

On an average day 35 million gallons of evaporated water mixed with warm air will billow from the tops of the towers, forming "wisps" of white vapor that will become invisible a few hundred feet above the towers as evaporation is completed.

But on some cold days in winter the plumes will remain white and visible for miles, forming cumulus clouds several thousand feet high and many miles long.

Experts insist the towers will have no significant effects on the environment, but they and PE officials admit concern over the looks of the giants.

They hope some residents of the area will see an element of majesty in the sight.

"They're not unattractive looking," suggested Dr. Charles Hosler, Dean of the College of Earth and Mineral Science at Penn State and one of the consultants in their design.

"If an artist built them they probably would be regarded as great works of art."

Dr. Hosler added jokingly he had suggested to the company that it sell advertising space on their vast curving sides.

TOWERS NEEDED

Without the towers there could be no Limerick plant. From the beginning the great drawback of the site was the lack of a large water source to supply cooling to the plant's huge reactors.

The lazy Schuylkill can't begin to fill the bill. Without cooling towers, rivers the size of the Delaware or Susquehanna or cooling ponds with several square miles of surface area are needed.

Even with the cooling towers, water will have to be piped from the Delaware to make up the water lost by evaporation.

All fuel-burning power plants need tremendous amounts of cooling. The reason is simply that such plants waste more than half of the heat they produce and turn only 40 per cent at most into electricity.

Because they operate at relatively low temperatures nuclear plants are even more inefficient and make use of only 30 to 35 per cent of the heat they generate.

HEAT DISPOSAL

The rest of the heat must be disposed of continuously if the plants are to operate. More specifically, the heat must be removed from used steam after it passes through the turbines. At this point the steam has done its work and has to be condensed to water again in order to create a vacuum beneath the turbine for more steam to flow into.

Without the continuous cooling and condensation of the used steam the turbines would stop turning.

In all steam generating plants cooling is accomplished by pumping cold water in pipes through the steam. This takes place in a "condenser."

As the cold water flows through the condenser it picks up heat and carries it outside of the plant.

Then where does it go? At most plants the warmed water is simply released into an adjoining river, lake or bay. But this practice can cause problems even in large bodies of water because waste heat raises the water temperature and upsets the balance of life among the bacteria, algea and fish.

Ecologists call the problem "thermal pollution."

At Limerick the cooling water from the condensers will be circulated through the cooling towers, where it will release its heat to the atmosphere and then return to the condensers.

The towers will supply cooling in much the same way the human body cools itself by the evaporation of perspiration from the skin. When warm water from the condensers reaches the base of one of the towers it will be splashed over obstacles while a strong draft of air generated by the chimney effect of the tower blows through the droplets.

As a result the water is cooled and the air becomes warm and saturated with vapors. The warm, moist air rises up the inside of the tower and pours out the top at a speed of about 15 feet per second.

The cool water returns to the condensers to pick up more heat. But a little of it has been evaporated into the air in the cooling tower and this amount, about 54 cubic feet per second or 35 million gallons a day, must be made up from the Delaware.

PLUME RISES

What happens meanwhile to the heat and moisture released into the atmosphere?

According to Dr. Hosler, a meteorologist, the plume will rise like a hot air ballon to as high as two miles in the air and disperse, adding its moisture to the moisture of the surrounding atmosphere.

The latent heat carried in the water vapor will be released and radiated into outer space when the vapor eventually condenses into rain.

Does this mean the area will have more rain than before? The answer to that question is essentially no, Dr. Hosler says. The amount of water evaporated into the atmosphere from the cooler towers seems great by human standards but is really very small compared with what is already there.

To put it another way, 35 million of way water is about equal to the daily natural evaporation from 10 square miles of cornfield.

CUMULUS CLOUDS

The cooling towers probably will contribute to the formation of cumulus clouds downwind, possibly causing slightly heavier rainfalls on rainy days.

But it won't rain more often than usual, Hosler says, and extra precipitation on days when it does rain will be too small to measure.

What about fogging, ice and frost on the ground? Dr. Hosler is certain none of these effects will occur around Limerick because the size of the towers will make it impossible for the plumes to reach the ground.

The large, buoyant volumes of warm air will rise with enough force to puncture through even the kind of strong inversion layers that trap smog near the ground, he says.

Dr. Hosler has observed smaller cooling towers at the Keystone generating plant in western Pennsylvania and says the plumes there reached the ground only once in several years of operation.

At Limerick he recommended the four towers originally planned be replaced by two larger towers to guarantee it won't happen here at all.

"Observations and calculations show clearly that the tower installation proposed will minimize visible plumes and eliminate surface effects," he told the Public Utility Commission last year.

"There is no possibility of a change in climate as a result of moisture addition (to the air)" he added.

"Since the moisture pattern will not reach the ground, there will be no possibility of an impact on the ecosystem."

FEARS

Some local critics have expressed fears that the moisture from Limerick will help form sulfuric acid in the air that could be harmful to health or property.

This has been somewhat of a problem with cooling towers in use at fossil-fueled plants where smokestacks beside the towers spew out tons of sulfur dioxide pollution. The sulfur dissolves in water to form highly corrosive sulfuric acid and falls to the ground as slightly acid rain.

But the sulphur content of the air around Limerick is negligible according to the Philadelphia Electric Co. In fact Hosler says the towers may serve to diminish any local acidity in rain.

His theory is that humidity from the towers will slow evaporation of raindrops as they fall so that their acid content will be more dilute when it reaches the ground.

In any case, Hosler says, no more acid will be formed than is formed by natural precipitation.

LIMERICK STATION TO BE ONE OF WORLD'S LARGEST—AREA WILL JOIN AGE OF ATOM

Suddenly the Atomic Age has reached our back yards.

Some are afraid, more are indifferent and many agree that neither we nor the nation has much choice about nuclear power.

Peril or promise, it is with us.

Limerick Nuclear Power Station is rising on the banks of the Schuylkill River barely two miles from Pottstown. It will be one of the largest atomic power plants in the world, larger than any now operating.

The Philadelphia Electric Co. believes it will generate cheaper, cleaner electricity than any other kind of plant it could build.

The utility also stands firm in its belief that more power must become available on demand if the Delaware Valley is to prosper over the coming decades.

Cheap electricity is the lifeblood of our industrial economy. Not only does it run our lights, subways, televisions, elevators and electric toothbrushes but it is needed to manufacture them.

BEER CAN

The electricity needed to make a car would run an average home for several years. Most of the cost of an aluminum beer can pays for electricity used to manufacture it.

Before the age of the atom, all electricity came from the sun. The sun in ages past stored energy in plants which decayed to form oil and coal and natural gas—the fossil fuels. Burning these fuels releases heat to generate power.

The sun makes the rivers flow by evaporating rain. It drives our hydroelectric plants. It is even the energy from the sun that moves the winds.

But most of the good sites for hydroelectric dams have been put to use.

And it took 600 million years to make the earth's limited supply of fossil fuels. In a single century, man has used so much coal and oil that already we must begin to search for other means to feed our growing appetite for energy.

AIR POISONED

Meanwhile the earth, water and air are being poisoned by soot and toxic fumes from the ravenous furnaces of industry and homes. The wilderness and the oceans are falling victims to vast strip mining operations and spilled oil.

"Turn back," say the friends of the earth. "The environment came first. We must come to terms with it or risk our own survival."

But the rich rarely have given up their wealth without a struggle to the death. The American consumer doesn't seem inclined to change his ways either.

"Clean up," say the friends of the earth. "Give us time," industry replies.

Into this conflict stepped our infant hero, the peaceful atom.

Hiroshima showed the world the atom's power. Two decades later, possibly spurred as much by guilt as by the need for a new power source, the Atomic Energy Commission and private industry produced the first truly commercial nuclear power plant at Oyster Creek, N.J.

NO SMOKE

The Oyster Creek plant produced no smoke, soot or ash. It made no noise. It consumed no oil, coal or gas. Futurists envisioned a nation spotted with gleaming power plants, surrounded by parks, silently pouring out all the electricity man could ever use.

Sure enough, dozens of formerly skeptical utilities quickly jumped on the nuclear bandwagon. Scores of nuclear plants were ordered and started since the late 1960s.

Now 21 are operating and more than 60 are in various stages of construction. The mushrooming of nuclear power plants was stimulated by the soaring costs of fossil fuels which have doubled in price in this area since 1970.

Nuclear fuels cost only a fraction of the delivered price of low-sulfur coal or oil per megawatt of heat they produce, which helps offset the high initial costs of nuclear power plants.

This was a factor in PE's decision to "go nuclear" at Limerick instead of building the fossil fuel plant it originally planned for the site.

BRIGHT FUTURE

The nuclear future looked bright after Oyster Creek.

But meanwhile the doubts of environmentalists were growing rather than diminishing. At the very time nuclear power first became a commercial proposition, concern for the environment was growing into a broad-based popular movement.

To the dismay of industry and the AEC, nuclear power was not by any means exempt from the environmentalists' scrutiny. Despite the widely heralded ecological benefits of nuclear power, the local resistance that usually came with the construction of early plants began to spread into a national concern.

Even scientists began to bolt the fold and join in the public hand-wringing over the proliferation of atomic reactors across the landscape.

The potential hazards of nuclear power were obvious. A reactor contains hundreds of tons of uranium and radioactive decay products under heat and pressure.

After two years of operation, the Limerick reactors will hold more radioactivity than would be produced by 1,000 Hiroshima-size bombs.

CATASTROPHE

The escape of any sizable fraction of these materials into the air and water would be a catastrophe beyond imagination, possibly killing thousands and contaminating hundreds of square miles of land.

The safety of nuclear power depends upon insuring that this will never happen at any of the dozens of nuclear plants to be built in this country in the next 30 years.

All these reactors will produce tons of intensely radioactive, long-lived wastes that must be processed, transported, buried and possibly guarded continuously for several hundred thousand years.

Furthermore, nuclear plants waste nearly two thirds of the heat they produce. The heat must be disposed of, usually into rivers, lakes or bays.

More recently, as at Limerick, cooling towers were designed to dispose of waste heat into the atmosphere by evaporation.

Environmentalists point out that the burdan of proof rests with the utilities and the government to show that both radiation and heat pollution will be controlled without danger to the public or the environment.

COMPLEX PROBLEMS

But the problems are so complex and the hazards potentially so great, that the doubters find it hard to be satisfied.

Their fears were aggravated by recent news of the test failure of one the major reactor safety systems and they feel their criticisms of the AEC's regulatory procedures were justified this summer when a federal court rapped the AEC for "foot-dragging" in environmental matters.

A local groups, Limerick Ecology Action, called for an indefinite halt to the nuclear power program until all questions can be thoroughly answered by independent experts.

They will seek to stop or delay the Limerick project at public hearings this winter on the construction license for its two reactors.

PE says that if the Limerick plant is not completed on schedule, its peak power loads will begin to exceed the company's capacity to supply electricity by 1974.

The opposition's solution is for the company to build a fossil-fueled plant instead that would burn clean gas made from coal. The environmentalists also believe that some way must be found to curb the spiralling consumption of electricity—even if it means changes in our standard of living.

DIFFICULT BATTLE

The controversy over nuclear power is one of the most complex and technically difficult public battles ever waged.

The dispute has profound social, economic and political implications that are important far beyond the neighborhood of Limerick.

The full story is far too vast to tell here. Some may even secretly feel that laymen can never know more than half the truth about so technical a subject and would be better off in total ignorance.

Maybe so. But The Mercury hopes the time has not yet arrived when public concern transcend in complexity the limits of public education.

Are Reactors a Threat to Public? Experts Disagree

The basic goal of reactor safety is to insure that virtually all the radioactive materials in the fuel core be kept isolated from the public— always and no matter what happens.

Not one millionth of the radioactivity inside a large reactor can be allowed to escape because of mechanical failure, a technician's error or attempts to sabotage the plant.

A nuclear power plant also must be proof against earthquakes, tornadoes, plane crashes, industrial accidents or any other remotely likely disaster.

The problems are staggering, which only makes it more remarkable that nuclear engineers seem to have succeeded in assuring this kind of containment—a feat that proved more difficult than getting reactors to work.

Hundreds of millions of dollars were spent on the safety problem during the past 20 years and improvements have come steadily. But the technical difficulties also increase as reactors grow larger, and controversy over their safety persists.

Public clamor has increased to a low roar in the past few months since the AEC revealed that tests conducted on one of the key reactor safeguard systems indicated the system might not work if needed. (See story on emergency cooling.)

Why do reactor engineers insist they can assure safety?

Reactor safeguards can be divided into two categories: systems designed to prevent mishaps and systems designed to mitigate their consequences if they do occur.

The preventive safeguards are supposed to make the others unnecessary except under very rare circumstances. But just in case, both Limerick reactors will be encased in a building designed like a fortress and sealed like a tomb.

The 1½ foot thick roof of this enormous building will be constructed of concrete and reinforced steel strong enough to withstand the impact of a Boeing 727 jetliner.

Surrounding ground will be lighted and the doors monitored to guard against intruders. Its three foot thick walls will protect the reactors from tornado-borne missiles, mild earthquakes, nearby railroad accidents and other upheavals outside.

Inside, the building will be maintained at a slightly lower air pressure than the outside atmosphere. Thus air leaks in the building will be from the outside inward and in the event of a radiation leak from the reactor, contamination in the air inside the building will have to pass through filters before the air is vented into the outdoors.

The designers of Limerick and the Atomic Energy Commission which regulates reactor safety feel that even if there is a serious accident and all other safeguards fail, ("impossible," they say), the reactor building and its ventilation system will be able to protect the public.

"We've got Fort Knox containment here," says R. A. Mulford, supervisor of the Limerick project.

But opponents of the plant are quick to point out that such assurances rely heavily on mathematical predictions and that the emergency safeguards have not been, for the most part, tested under actual operating conditions.

In a sense this lack of firsthand experience is something to be thankful for—the only way to obtain it would be from real accidents or by destructive testing of reactors, which is extremely expensive and could be dangerous.

Nuclear engineers counter criticism by insisting that their calculations are based on experiments that accurately simulate operating conditions and that any uncertainities are compensated for by generous safety margins.

What could go wrong in a nuclear power plant? What is done to guard against mishaps?

The main point of concern is the reactor itself. The core of a nuclear reactor is relatively fragile compared with the tremendous amounts of heat it generates, and it is within the core that most of the plant's radioactivity lies.

Theoretically, two kinds of accidents could happen.

First, if the control rods dropped out of the core or inadvertently were withdrawn too far the chain reaction could accelerate and overheat the reactor.

Second, the flow of cooling water could be interrupted for some reason. This is the most worrisome possibility because without a constant flow of coolant the core will begin to melt within seconds—even if the chain reaction is shut down instantly.

The first type of accident is called an "excursion"—an uncontrolled jump in the heat output of the fuel.

The first line of defense against heat excursions—in fact against any kind of accident—is a crew of highly trained operators and very careful design and construction of all control equipment.

But if anything does go wrong deep inside the reactor its operators have to know about it immediately. To insure that they will electronic monitoring systems feed information constantly into the control room concerning temperatures, pressures and coolant levels in the nuclear furnace.

Vital information is recorded by three different measuring instruments simultaneously and fed to the control room by separate cables. If one malfunctions it can be checked against the other two.

In the middle of the control room a prominent red button—marked "scram" and protected against accidental triggering by a metal hood—is ready in an emergency to slam the control rods all the way into the core and shut down the chain reaction in less than a second.

But if something caused the reactor to overheat suddenly the operators probably wouldn't get a chance to do anything about it themselves. Automatic devices would "scram" the reactor immediately.

All these safeguards necessarily are extremely complicated, a fact that leads some engineers to ask if this intricacy might not itself bring on failures.

But reactor engineers worry the other way around. They say the safety mechanisms are so sensitive and primed for action that great care must be taken not to trigger them unnecessarily.

In some reactors, for instance, a set of control rods hangs poised over the core ready to drop by gravity whenever overheating melts a mechanical latch.

If the latch is released accidentally and the rods drop into the core the reactor will shut down and stay shut down until each of the rods is painstakingly withdrawn with a crane.

On top of all this there are a number of natural safeguards against excursions in water cooled reactors. In the Limerick reactors, for instance, the cooling water in the core also acts as a "moderator" to increase the efficiency of neutron capture by slowing neutrons down.

As water gets hotter it becomes a poorer moderator, tending to slow the chain reaction that is causing overheating. If it gets hot enough to flash into steam the chain reaction is snuffed out.

But none of this helps overcome what is probably the biggest safety problem with large fission reactors—residual heat.

Residual heat is heat that keeps pouring out of radioactive fuel even after the chain reaction has been stopped. It is emitted by the radioactive "decay products" of split uranium atoms—the "ashes" of the nuclear fire.

After a reactor has been running for some time there is enough residual heat in the fuel to melt the core if cooling water is not supplied continuously for several hours after shutdown.

This is the problem that makes a "loss of coolant" accident potentially very serious.

A pipe break, pump failure or an obstruction that interrupted normal coolant flow could quickly turn the core into an intensely hot, radioactive and chemically explosive mass of molten material which some engineers say could not be contained in the reactor building by any methods now employed.

Some even claim that a completely melted fuel core would burn through the reactor vessel, through the earth's crust.

PE engineers call these claims "science fiction" and say the molten fuel probably wouldn't even get out of the reactor, let alone out of the building.

In any case such horror stories are purely alarmist speculation so far as they are concerned. They are satisfied that the safeguards provided for Limerick give absolute insurance against large-scale melting of the core after any accident.

Again, the first defense against loss of coolant accidents is strict quality control and ultra-conservative design of equipment.

This includes installation of "redundant" systems with backup equipment ready to take over if the primary systems fail.

But if the normal flow of water through the fuel stops for some reason, emergency cooling systems are provided to spray water into the core until the reactor has stopped producing dangerous quantities of heat.

Each of the Limerick reactors will have four such cooling systems and PE engineers are certain they'll work if they're ever needed.

But emergency core cooling systems have been the subject of loud controversy recently, a topic discussed in another story in this edition.

The ultimate line of defense against reactor accidents is the series of steel and concrete systems surrounding the reactor vessel.

They are designed to contain within the reactor building virtually all the radioactive materials that conceivably could be released in an accident.

Containment begins in the fuel itself. The fuel pellets are made of porcelain-like material that hold in almost all radioactive fragments of split uranium atoms. Some of these fission products are gases, however, which find their way out of the fuel.

To prevent these gases from leaking into the cooling water the fuel pellets are sealed in their metal fuel rods—the next stage of containment. Unfortunately the thin-walled fuel rods are prone to developing pinhole leaks that can allow some of the gaseous and volatile fission products to escape.

This is one way the cooling water becomes contaminated. Other sources of coolant contamination is the water's tendency to dissolve trace quantities of material from solid parts of the core, and the ability of hydrogen atoms in water to capture neutrons to form radioactive hydrogen isotopes.

In a boiling-water reactor the cooling water becomes the steam that drives the turbine generator. As the cooling water becomes contaminated with radioactivity, so does the steam, the turbine, the condenser and the circulating pumps.

Therefore the water-steam cycle and its associated equipment must be designed as a closed, sealed system surrounded by radiation shielding to protect plant workers.

Most of the contamination in the water-steam cycle is removed continuously by elaborate cleaning systems. Radioactive gases are separated from the steam when it reaches the condenser. The gases are passed through chemical filters that capture most of the contaminants except for the chemically inert isotopes of noble gases such as krypton, xenon and radon.

In most power plants these small quantities of inert gas are released into the outside air after being held up for half an hour or so in a delay line to let their radioactivity die down somewhat.

But at Limerick a new refinement has been added. Gases removed from the steam will be liquified at extremely low temperatures and bottled. Releases of radioactivity into the air will be too small to measure beyond the plant boundaries, and thousands of times less than the maximum the AEC allows.

A small stream also is continuously diverted from the cooling water and cleansed of dissolved contaminants.

These measures protect the environment from radioactive contamination during normal operation of the power plant, but much more elaborate precautions must be taken to ensure protection in event of an accident.

The reactor itself is the first line of defense. Immediately after any event that might cause damage to the core and release large amounts of radioactive matter into the cooling system, valves come into play to seal off all inlet and outlet pipes. This helps keep contamination from getting out of the reactor and spreading to other parts of the generating cycle.

At the same time the emergency core cooling systems flood the core with water to prevent dangerous overheating and the control rods are instantly inserted to stop the chain reaction.

To protect against explosive release of steam from the reactor a secondary containment is provided.

Secondary containment at Limerick will consist of steel and concrete shields many feet thick surrounding the reactor to form a "drywell."

The drywell is vented through large pipes into a wetwell" so that vapors released from the reactor in an explosion or melt-through are allowed to expand and bubble through pools of water. This process condenses the vapors harmlessly and relieves pressure within the containment.

Enclosing the secondary containment is the reactor building itself.

The Atomic Energy Commission and private reactor manufacturers point with pride to the enormous care and meticulous attention given to the safety of nuclear power plants and clearly they feel they have succeeded in virtually guaranteeing the safety of the public from radiation hazards.

They point out the near perfect safety record of the nuclear power program to date. No one ever has been killed as a result of a commercial reactor accident.

Lee Everett, president of PE and one of the nation's first nuclear engineers, said, "No doubt serious accidents can and will occur in nuclear power plants. But their effects will be minimized and contained within the plant.

"It is unrealistic to talk in terms of a major accident that could harm the public."

Nuclear proponents also point out that the builders, buyers and licensors of nuclear reactors have a big stake in ensuring safety. Nuclear power plants represent huge investments in money and in public confidence. The nuclear industry cannot afford a major catastrophe that would reawaken the public's slumbering memories of the horrors of Hiroshima.

Nevertheless, the adequacy of the reactor safety program guided, regulated and largely financed by the Atomic Energy Commission has been seriously questioned.

Edward Teller, one of the chief developers of the H bomb and a strong advocate of the "peaceful atom," has said repeatedly that nuclear reactors belong underground.

"So far we have been extremely lucky," Dr. Teller stated.

"But with the spread of industrialization, with the greater number of simians monkeying around with things they do not understand, sooner or later a fool will prove greater than the proof even in a foolproof system."

But nuclear power plants are not put underground for the simple reason that it would be very expensive. Underground reactors would not be commercially feasible and experts feel above ground reactors are safe enough.

Critics also point out the embarrassing fact that some research remains to be done on the reliability of various safety systems and on earthquake protection, yet the Atomic Energy Commissions safety research budget has been cut back during the past year and appropriations were only about half the $60 million requested.

The government says it wants private industry to take on more of this burden so the AEC can concentrate on its crash program to develop the fast breeder reactor.

Meanwhile a full-blown controversy has blossomed over the important problem of emergency core cooling systems, a safety question outlined in another article.

CONCERNED SCIENTISTS CALL REACTORS TOO HAZARDOUS

The Union of Concerned Scientists—the Boston chapter of the American Federation of Scientists—the past July recommended "a total halt to the issuance of operating licenses for nuclear power reactors currently under construction."

In its report, the UCS said it believes nuclear power can be made clean and safe but concluded that "critical flaws" in current large reactors make them "unacceptable risks."

Until the risks can be corrected, it said, nuclear power plants are too hazardous for commercial use.

The principal target of the scientists criticism was emergency core cooling, one of the most vital safeguards against a major catastrophe following a reactor accident.

Emergency core cooling systems have been a source of public concern and controversy since the past winter when the AEC revealed that scale model testing of the emergency cooling system now used in large pressurized water reactors had failed.

THORN IN SIDE

But the problem of emergency cooling was somewhat of a thorn in the AEC's side for several years. A 1968 report by one of its own scientists identified testing of ECC systems as a "very urgent, key problem area" in the AEC's reactor safety program.

Meanwhile, a testing program designed to confirm that the systems would perform as predicted dragged on through years of delay, suffering budget cuts and poor management.

The importance of emergency core cooling stems from the "residual heat" problem described in the reactor safety story in this edition. In the event of a "loss of coolant" accident inside a large reactor, hundreds of tons of uranium fuel and metal fuel cladding would begin to melt within seconds unless emergency cooling water was supplied immediately.

Emergency cooling is necessary even if the nuclear chain reaction is shut down immediately because the fuel will continue to pour large amounts of heat for days.

PREVENTION VITAL

And prevention of fuel melting is vital.

If cooling water suddenly stopped flowing through the core of a large reactor and no emergency cooling were applied the entire core would melt quickly into a liquid mass of intensely radioactive metal at temperatures high enough to melt concrete and steel.

Within 30 to 60 minutes, the UCS scientists estimated, the molten core would melt its way through the 6-inch steel wall of the reactor vessel and begin eating away at the concrete foundations of the reactor building.

Within a few hours it would pass through "any man-made structures" and start melting into the bedrock beneath the building, continuing to sink for as long as a week, according to the report.

Meanwhile vast quantities of radioactive gases could be released into the atmosphere and the molten core could contaminate the water table.

Such a disaster could render the Schuylkill Valley uninhabitable if it happened at Limerick.

NOBODY KNOWS

PE engineers say they "don't think" a melted core would get through the reactor vessel but nobody really knows. It's never been tried.

Reactor engineers don't ponder such possibilities much because they believe they have made total meltdowns virtually impossible.

That's what emergency core cooling systems are for.

But in tests in Idaho last December, virtually no emergency cooling water reached the hot reactor core in a simulated loss-of-coolant accident with a small mock-up reactor.

Steam pressure inside the reactor prevented the water from reaching its electrically heated fuel rods.

The AEC tried to play down the significance of this result and told the public that the mock-up reactor didn't accurately simulate "real" operating conditions.

But it ordered several operating plants to "backfit" their emergency systems with new equipment by 1974 and to step up inspections and reduce operating temperatures meanwhile.

BOILING WATER

PE was notified that its reactor license application should not be affected because its reactors are of the boiling water type rather than pressurized water.

PE engineers insist they are "certain" the ECC systems on their reactors will work if they ever are needed.

But after the Union of Concerned Scientists reviewed the test data independently, they reported they were "astonished at the gaps in basic knowledge concerning the effectiveness of the safety features of large power reactors, the surprising scarcity of adequate tests, amounting nearly to a total lack."

The Idaho group is going ahead with its ECC tests and plans the destructive testing of an actual reactor by 1974. By then scores of nuclear power plants are expected to be in operation.

A utility engineer who says he is sure the current systems will work confided that he thinks these tests may be "too late."

Sophisticated computer techniques, he believes, give adequate predictions of safety system performance.

In fact, he is worried that if the tests are not rigorously conducted they will do more harm than good. Failure in such tests would not mean much but would further alarm the public, he says.

But a study group of the American Society of Engineers recommended the AEC go ahead with the tests as rapidly as possible, feeling that public confidence already is so eroded that mathematical abstractions alone won't do.

NUCLEAR POWER STATIONS DIFFER FROM OTHER PLANTS IN FUEL SOURCE

The only difference between the working principles of a nuclear power plant and those of any other type of fuel-burning power plant is the source of heat it uses.

Heat in a nuclear power plant comes from the fissioning of uranium or plutonium atoms in a reactor, which replaces the usual coal- or oil-fired boiler.

As in all plants that use heat as the original source of energy for the generation of electricity, the heat energy boils water and is transformed to steam pressure which turns the blades of a huge rotating turbine.

The turbine turns the rotor of an electrical generator.

After passing through the turbine the steam is condensed back to water by a separate stream of cold water and pumped back to the heat source to become steam again.

The reactions that take place in nuclear fission are less familiar than the chemical reactions that make fire, but in concept they may be simpler.

Nuclear fission is the splitting of heavy atoms, such as uranium, into lighter atoms, releasing heat, radiation and particles called neutrons.

The neutrons fly away from the split atom and strike other uranium atoms, splitting those. Once started this process is self-sustaining provided the neutrons are free to go where they like and there are enough uranium atoms around.

ENRICHED

The continuous splitting of atoms in this fashion is called a "chain reaction."

In a reactor of the Limerick type, fuel pellets of enriched uranium dioxide are placed in hollow metal rods 12 feet long. The rods are assembled in bundles which are carefully arranged in a large steel tank—the reactor vessel.

When the reactor is operating neutrons fly among the rods, pentrating the fuel and splitting uranium atoms. The heat thus released boils water pumped into the bottom of the reactor and through the bundles of fuel rods.

HEAVY

In this kind of nuclear furnace the reactor itself acts as the boiler—hence the term "boiling water reactor."

Each of Limerick's two large boiling water reactors will be about 70 feet high and 20 feet in diameter and hold thousands of fuel rods weighing altogether 800 tons.

Water flowing through these reactors by the millions of gallons will be heated to 550 degrees to make steam at a pressure of 1000 pounds per square inch.

The steam will be piped to the turbines and then cooled in a condenser by a separate stream of cold water circulated through the cooling towers.

There is another common type of water-cooled reactor called a "pressurized water reactor" which is used in most nuclear ships and submarines and some power plants.

A pressurized water reactor adds another step to the process of generating steam.

The water pumped through the reactor is kept under high pressure so that it doesn't boil when heated. The pressurized water carries heat away from the fuel rods into a heat exchanger, where it is circulated in pipes to heat and boil a separate stream of water to make steam.

CLEANER

This system is more complicated but cleaner than a boiling water reactor because the radioactively contaminated water passing through the reactor never reaches the turbines and other equipment.

Still other types of reactor still in development use helium gas, liquid metals such as sodium or organic compounds to carry heat from the reactor.

Any substance used for that purpose is called a "coolant."

In a water-cooled reactor the water also acts as a "moderator." In other words it slows down the neutrons in the reactor, which increases their effectiveness in causing fission.

The reactivity, or rate of nuclear fission and heat production in a reactor, is controlled by movable rods of neutron-absorbing material that can be inserted among the fuel rods. The same thing can be accomplished in pressurized water reactors by adding soluble neutron blotters such as boron to the cooling water.

Thus the basic parts of a reactor are:

A core of fissionable fuel.

A moderator.

A cooling system to carry heat away from the reactor core.

A control system to regulate the speed of the chain reaction.

DECAY PRODUCTS OF URANIUM CAUSE ENGINEERING HEADACHES

Nuclear fission is a messy process.

In addition to useful heat the splitting of uranium produces intense gamma radiation from which plant workers must be shielded.

Even more of a problem is the material left over after uranium has fissioned. A uranium atom can split in about 40 different ways, producing two lighter atoms that usually are unstable (radioactive.)

This means that at some point in time each of the new atoms will spontaneously relieve the tensions in its nucleus by throwing off some kind of radiation, transforming itself into still another kind of atom.

These radioactive "ashes" of the nuclear fire are called "fission decay products" or "daughter products" of uranium.

Chemically the decay products are identical to familiar elements such as iodine, cesium, iron, strontium, cobalt or the inert gas krypton, for instance. But because these atoms are radioactive they are called radioactive "isotopes" of these elements.

CAUSE HEADACHES

As quantities of decay products build up inside fuel pellets they cause a number of headaches for engineers.

For one thing the concentration of unused uranium atoms decreases, slowing the chain reaction and making replacement of the fuel necessary every two years or so.

Next, as was pointed out in the story on reactor safety, the decay products give off heat on their own initiative, which means that the fuel stays hot and radioative even after fission has been stopped. This creates serious problems in handling, storing and disposing of spent fuel.

For the most part it is the decay products in nuclear fuel that post potential dangers to the public. If through accident or carelessness they should escape from the reactor, transportation cask, reprocessing plant or disposal site they could get into the atmosphere and water supplies, plants, fish and animal life and ultimately to human beings.

Most decay products are no real hazard to the public because they are extremely short-lived and transform themselves into stable, nonradioactive atoms within a fraction of a second after their creation.

But others lose their radioactivity slowly over a period of hours, days, years or even centuries. The artificial radioactive element plutomium, for example, loses half its radioactivity every 24,000 years.

The dangers presented by these longer lived isotopes vary tremendously according to the type of radiation they emit and their chemical properties.

The isotope of iodine I–131 is one of the most worrisome because iodine is a "thyroid seeker." That means that when ingested by mammals almost all iodine becomes concentrated in the thyroid gland. If the iodine is radioactive, the thyroid can become highly radioactive.

Likewise, strontium-90 and radium are "bone seekers." Concentrated in the bone they can induce leukemia in the sensitive blood-producing cells of the bone marrow.

Plutonium can be extremely dangerous. Not only is it radioactive and chemically poisonous, but it readily burns in air to form a radioactive "smoke" that humans can breathe or ingest in food.

It takes only a few thousands of a gram of plutonium inhaled into the lungs to cause death or lung cancer.

Other radioactive decay products are gases. Chemically active gases that routinely escape from the fuel of a reactor can be captured in filters inside the plant. But others are inert gases such as krypton and xenon which are difficult to capture and are simply released into the outside air at most plants.

Fortunately, the fact that they are chemically inert means that they are not readily absorbed by living things. But they can be inhaled. They also expose people to external radiation as they mix with the air.

Though the Atomic Energy Commission insists that public exposure to released inert radioisotopes is too slight to be dangerous, public pressure to make exposures "as low as practicable" prompted the Philadelphia Electric Co. to design special systems costing about $7 million to capture essentially all radioactive gases that will leak from the fuel of the Limerick reactors.

PE expects exposures to people living at the boundary of its plant site to be only a few thousandths at most of the maximum permitted by the Atomic Energy Commission.

URANIUM FUEL IS EXPENSIVE TO PRODUCE

Nature provides only one substance capable of sustaining a chain reaction by nuclear fission—an isotope of uranium called U-235.

But the bulk of natural uranium consists of another isotope, U-238, with a concentration of less than 1 percent of useful U-235. While it is possible to sustain a chain reaction with natural uranium containing this low concentration of U-235, most reactors use "enriched" fuel in which the concentration of fissionable uranium has been increased to several percent.

The enrichment process, originally developed for production of fissionable materials for atomic bombs, is extremely expensive and complicated because various isotopes to a given element, such as uranium, are chemically identical and difficult to separate.

The method used in this country is to convert mined uranium into a gas in the form of uranium hexafluoride, which is forced through ceramic filters in hundreds of successive stages called a "cascade."

HEAVIER

As the U-235 atoms are slightly heavier than the U-238 atoms, the fissionable atoms move slightly faster through the "gaseous diffusion" process, increasing their concentration in the gas.

The gaseous diffusion plants in this country cost about $24 billion to build and they consume about 4 per cent of the nation's electrical output. All are owned by the Atomic Energy Commission.

A complete fuel core for one of the Limerick reactors, for instance, will cost in the neighborhood of $100 million—a huge initial investment.

But one pound of fissionable fuel produces as much heat as 3 million pounds of coal.

At today's coal prices, that makes uranium fuel almost three times cheaper than fossil fuels in this part of the country.

After enrichment the uranium hexafluoride gas is shipped to fuel fabrication plants, now privately owned, and converted to solid uranium dioxide and processed into heat-resistant ceramic pellets.

Encapsulated in rods made of thin zirconium-aluminum alloy, these pellets are the fuel of a reactor. Before use they are not highly radioactive and can be handled without shielding.

But care must be taken to insure that the fuel material is not stored or allowed to accumulate in one container in sufficient amounts to let a chain reaction get started. (The amount of fissionable material required to sustain a chain reaction is called a "critical mass" of that material.)

The bundles of fuel rods are lowered into the reactor in a carefully arranged geometrical configuration designed to prevent a chain reaction while the control rods are fully inserted in the core, and to allow fission to begin and proceed at controlled rates as the control rods are slowly drawn out and neutrons start to move through the core.

LIMERICK PLANT CONTRACTOR IS VETERAN IN FIELD

The generation of electricity through atomic fission is an art which didn't begin, like many other art forms, in ancient Egypt or the Middle Ages.

It's virtually new, with few in the country able to boast any term of experience in the field.

But if the label "getting in on the ground floor" can be applied to any it must be affixed to a San Francisco-based firm known as the Bechtel Organization, the prime contractor on this area's nuclear power station.

The organization (actually it's a corporation) has been engaged in work with nuclear power for peaceful purposes since 1948 when it designed the buildings for one of history's first particle accelerators at the Atomic Energy Commission's Van de Graaff facility at Los Alamos, N. Mex.

DESIGN AND CONSTRUCTION

Since then the Bechtel Organization has been responsible for the engineering, design or construction of nine commercially operational nuclear plants housing 11 generating units in the United States and overseas.

Additionally, the firm currently is engaged in the design or construction of 18 new plants encompassing 33 atomic reactor units which ultimately will produce, altogether, 31,500,000 kilowatts of electricity.

Officials of the firm say one of the "most significant" of these is the Philadelphia Electric Company's Limerick generating station.

Bechtels's Power and Industrial Division began preliminary site work on the Limerick station during July, 1970. Of the two boiling-water type reactor units to be constructed, the first is scheduled to be operational in 1975 and the second in 1977.

Each of the units will produce 1,065 megawatts of electric power.

ALTER SUBJECT

Whenever company officials are asked to speak about Bechtel's history they quickly alter the subject to the safety they say they are building into the Limerick generating station.

It becomes obvious that rather than speak about themselves, officers of Bechtel rather would talk about what they already have produced in the area of nuclear reactors and what they currently are producing.

During any conversation, however, it is disclosed that the man in charge of the overall design, engineering and construction of everything at Limerick except the nuclear reactor and turbines is R. A. Bowman, senior vice president of Bechtel and head of its Power and Industrial Division.

He, too, would rather talk about the elaborate safety features being built into the Limerick generating station than the history of his firm.

And that construction project, he said, will involve a tremendous number of men. He estimated that when operations are at their peak more than 2,500 men will be employed in various phases of construction at the site.

During Bechtel's 23 years experience with nuclear power it has worked on such "historic" projects as Commonwealth Edison's Dresden Nuclear Power Station in Morris, Ill., completed in 1959, and America's first privately-owned nuclear fuel reprocessing plant at Ashford Hollow, N.Y.

It has additional experience working on virtually all types of nuclear reactors currently available, including:

Boiling water reactors at Peach Bottom for Philadelphia Electric, the Government of India's Tarapur plant, Boston Edison's Pilgrim Station, and Consumers Power Company's Big Rock Point plant.

Pressurized water reactors for Florida Power and Light Company's Turkey Point; Duke Power Company's Oconee plant in Seneca, S.C., and Wisconsin Michigan Power's Point Beach plant.

High temperature gas-cooled reactor for Philadelphia Electric's Peach Bottom unit.

Bechtel Corporation has been busy. It could be called a leader in the field of nuclear power station design engineering and construction.

It's also been so busy, in fact, officials of the firm speak of accomplishments and current projects rather than the corporate structure, history of, or plans for the Bechtel Organization.

PROJECT HEAD STRESSES BEAUTY OF COMPLEX

(EDITOR'S NOTE: Last year R. A. Mulford, PE supervisor of the Limerick project, testified to the Public Utility Commission concerning the design and appearance of the power station. Here is his testimony.)

PUC: Please describe in detail the generating station building, substation control buildings and their auxiliary appurtenances proposed to be constructed by Philadelphia Electric Co. in Limerick Township.

PE: The major portion of the generating station building, which I shall refer to as the turbine hall, will be rectangular in shape, 620 feet in length, 175 feet in width and 130 feet in height, with the longest side perpendicular to the Schuylkill River. The superstructure will be of structural steel.

Exterior walls of the turbine hall will be concrete panels or metal siding of a color compatible with the surroundings. This section of the building will house the turbine generators and the heat cycle equipment.

Along the length of the turbine hall there will be a rectangular wing housing the reactor and auxiliary equipment which will be 326 feet in length, 163 feet in width and 180 feet in height. It will be constructed of reinforced concrete. Exterior walls of this portion will be of finished concrete to a height of 130 feet and above this point the exterior walls will match the exterior walls of the turbine hall.

Parallel to the opposite side of the turbine hall there will be a rectangular wing which will be 350 feet in length, 50 feet in width and with a height which is stepped from a minimum of 20 feet to a maximum of 75 feet. This wing will be connected to the turbine hall by another wing perpendicular to the turbine hall, which will be elevated and which will be 150 feet in length, 50 feet in width and 30 feet in height.

The exterior walls of this combined L shaped wing will match the exterior walls of the turbine hall. This L shaped wing will house administrative and maintenance facilities.

Approximately 750 feet due north of the turbine hall there will be located two cooling towers. These towers will be hyperbolic in shape and will be approximately 475 feet in diameter at the base, 220 feet in diameter at the top and 500 feet high. The towers will be constructed of reinforced concrete and will be approximately 400 feet apart at the base.

The circulating water pump structure will be located immediately north of the main building. Approximately 450 feet southwest of the main building will be the river water intake and pumping facility.

The Reading Railroad runs through the plant site adjacent to the Schuylkill River. A service rail spur will be constructed connecting the plant area to the Reading Railroad.

The control houses for the two adjacent substations will be one-story, prefabricated metal buildings. Each building will be 36 feet wide, 64 feet long and 16 feet high. These buildings are of the rigid-frame, gable roof type.

Summer green has been selected for the color of the two substation control buildings so as to harmonize with the surroundings.

PUC: Describe in detail the aesthetic features of the entire project.

PE: The Limerick Generating Station will be located on a site consisting of approximately 400 acres in Limerick Township and 90 acres in Lower Pottsgrove Township on the east bank of the Schuylkill River, and approximately 100 acres in Chester County on the west bank of the river. Most of the 590 acre area currently is owned by Philadelphia Electric Company.

The generating station building and the two cooling towers will be situated in the approximate center of this 590-acre area, thus maintaining a distance of about a half mile between the plant and its nearest neighbors.

The land within the 590-acre area is primarily woodland and farmland. Practically all of the woodland will be preserved with the station facilities being constructed in open areas. The plant facilities will be so located as to take maximum advantage of the screening effect of existing woodland on the site.

In addition, a landscaping program will be undertaken in the area of the entrance to the station site, along both sides of the access road to the plant itself and in the immediate area of the plant. Open areas in the vicinity of the plant will be graded and seeded.

The generating station building, with its clean architectural form extensively employing color-coordinated, decorative exterior wall panels, will be one of the most attractive buildings ever constructed for a power generating station.

Transmission towers in the area of the plant will be of modern design for aesthetic purposes and will blend with the advanced design of the main building.

PE PRESIDENT SEES BRIGHT FUTURE FOR ATOMIC ENERGY

Few executives in the utility industry have enjoyed more spectacular careers than James Lee Everett, who was named president of Philadelphia Electric Co. the past April at the age of 43.

During his two decades with the company, which he joined in 1950 as a novice mechanical engineer fresh out of Penn State, the quiet, clear-spoken native of North Carolina came to be regarded with an unmistakable tinge of awe even by the older men who became his subordinates.

Everett's rise to the top was bound up with the development of peaceful nuclear power almost from the beginning.

When PE joined a group of other utilities in the early 1950s in an effort to study the possibilities of the infant atom, Everett was assigned to participate in the development of a sodium-cooled fast breeder reactor with a working group in Detroit.

Still in his mid-20s, he became one of the world's first nuclear engineers.

In 1955 he returned to PE and the next year was named engineer in charge of mechanical research where he continued his association with the company's nuclear power plans.

From June, 1958, to June, 1959, Everett attended Massachusetts Institute of Technology as a Sloan Fellow and earned a master's degree in Industrial Management.

In October, 1960, he was named director of research and through the next eight years continued his steady rise in the research and engineering department. In 1968 he was appointed executive vice president of PE.

Since the early 50s Everett has been a part of PE's pioneering efforts to help make nuclear power commercially feasible. The company participated in the construction of the Enrico Fermi fast breeder plant near Detroit, the first commercial fast breeder in the world.

In the late 1950s PE decided to build a small demonstration high-temperature gas cooled reactor at Peach Bottom, again the first commercial reactor of its kind in the world.

Now two large boiling water reactors are nearing completion at the Peach Bottom site and two more are under construction at Limerick.

Just this month, PE announced it will build a large reactor similar to the first one at Peach Bottom by 1980. It is expected to be the most efficient nuclear power plant ever built.

Everett was named "Outstanding Young Man of the Year" in 1961 by the Philadelphia Jaycees. He is a member of the boards of directors of Philadelphia National Bank, Power Reactor Development Co., and Atomic Power Development Associates.

He is chairman of the board of Radiation Management Corp. and a director of the Urban Coalition, Chester County Council of Boy Scouts of America and the Philadelphia YMCA, of which he is president.

Everett was a charter member of the American Nuclear Society.

ON POWER AND PROGESS

Question: According to published estimates you expect the demand for electricity to double by 1980 and double again by 1990, and you plan to build enough nuclear and fossil fueled plants to meet this demand. But the Environmental Protection Administration of New York City has recommended: "Government must take immediate steps to decrease overall demand for . . . electricity in particular. If permitted to continue unchecked, industry's effort to expand the use of electricity will inevitably result in irreparable damage to public health and environment, and in crisis rationing of power."

Do you agree that steps should be taken to curb the growth of power use, or should you continue your effort to meet any demand that arises?

Answer: We can continue to expand and must if the environment is to be improved. We will need power for the recycling of glass and metal, to run sewage treatment plants, to run anti-air pollution devices.

The improvement of our standard of living also is tied to electricity. My kids have the same right to improve their standard of living as I had.

I think the balance between power needs and environmental needs will be achieved economically rather than by government. We will pay the cost of clean power.

As far as power rationing is concerned, I don't see that as the answer. Who gets rationed? If its the home consumer then his standard of living will be lessened and the use of electricity will not have the same chance to grow.

If industry is rationed then general economic growth will be limited. With power rationing we would be living in a government-controlled economy like Russia, China, Hitler's Germany or Mussolini's Italy. The government would have to decide what is built, what is produced, what is used. I don't think that's what we want.

Question: Your critics complain that you are spending $7 million a year on advertising electricity compared with only $1 million a year for research into such problems as pollution control. Is this accurate?

Answer: We never spent anything like $7 million a year on advertising—between $1 million and $2 million is more like it. This year our advertising budget is way down—we aren't spending anything to sell a single kilowatt hour to the general public. We still would like to sell more electric heating, though, to balance the summer air conditioning load.

But I don't see why it's a crime to spend more on advertising than research. If the government wants us to do research we will, but people seem to think research is free if you get the utilities to do it. The fact is that the cost always comes back to the public no matter who does it.

Question: Do you advertise to attract industry to your area?

Answer: Utilities traditionally are interested in the economic health of their areas. We need more industry to prosper and grow, and we're fighting to do that.

Question: You believe then that economic and industrial expansion means having more material wealth per person which means progress?

Answer: Yes. If the American public doesn't want that kind of life it can show it by not buying. We would have to change direction. But as I see it the overall economy is a way for people to contribute to the overall good, hopefully by doing something they're happy at. One person makes shoes for many people, and so forth.

Question: Even if there were signs of changes in the public attitude, is it possible for a corporation committed to earning profits to change direction and cease to promote its own expansion?

Answer: For us to change we would have to see a clear change on the part of the public. It's hard to read what the public wants. I think our company is big enough to respond to a clearly discernible change in attitude.

We are going through a lot of soul-searching in our society but I don't see any radical shift. When this is all sorted out there may be a reordering of values, of priorities, but everything isn't going to stop.

Question: You would agree, then, with this statement from the 1970 stockholders report of the Arizona Public Service Co.: "The no-growth or slow growth philosophy is a concept that could threaten our entire economic system. It would magnify rather than alleviate poverty and unemployment. And it is a direct contradiction of those fundamental instincts that motivate people to complete, to acquire and to improve their way of giving"?

Answer: I think I agree. A steady-state society? Who has enough? Everybody wants more of something. We've got built into the human mechanism the motivation to strive for more. I haven't seen any public reaction that suggests any change.

ON THE OPPOSITION TO NUCLEAR POWER . . .

Question: What will you do to counteract public opposition to nuclear power?

Answer: We must educate people to the benefits—and risks—of nuclear power. A tremendous amount of misinformation is getting to the public on this subject.

Telling it like it is very important in refuting the erroneous claims of those who run around claiming the sky is falling. Nuclear power is safe and clean. . . . We're not saying this because we have any stake in nuclear manufacturing—we have none. Our job is simply to pick the best kind of generating facility to provide power to the public.

Our confidence in nuclear power comes from decades of experience in the operation of reactors. The nuclear power plant at Oyster Creek has proven to be one of the most reliable plants in the Pennsylvania-New Jersey-Maryland Interconnection. The big new coal fueled plants at Keystone and Conemaugh look bad by comparison.

Question: Has opposition from environmental groups delayed PE's program in nuclear power?

Answer: I can't say the groups have delayed us yet. But the opposition of one group did delay for a while the decision of the Delaware River Basin Commission to allot us the water we need for Limerick from the Delaware.

Question: An executive of your company has said that delays and interference from such groups could make nuclear power uneconomical. Do you agree?

Answer: If opposition causes delay after delay we might have to go ahead with fossil plants to meet the power demand. It seems kind of foolish to me.

Question: Are you worried by the rash of bills concerning nuclear power plants and power plants in general that have been introduced by congressmen and senators lately?

Answer: Most of these bills expedite the process of choosing sites for power plants and provide more public participation in choosing sites. Other than ensuring proper siting, they expedite the selection process.

Actually it would help us if the people or the government would tell us where to put our plants—it would relieve us of an unwelcome responsibility.

Question: How do you feel about more public participation in decisions concerning utility management. Isn't this what the environmentalists are demanding?

Answer: It depends on what you mean by public participation. Public participation through government is fine, but when you let any Tom Dick and Harry step in and try to persuade everybody that something is wrong, you have mob rule. They want to substitute mob action for orderly government.

Question: But the public seems to be losing its faith in the government as well as big business. Some people claim, for instance, that the Atomic Energy Commission has tried to hide the dangers of nuclear power from the public. What do you say to them?

Answer: There is a lot of mistrust of the government. But the AEC has given out the straight dope. I don't think the AEC can hide anything—the whole machine down there is one that spills the beans immediately.

In fact most of the criticism of the AEC has come from AEC employees. Dr. Gofman and Dr. Tamplin (authors of "Population Control through Nuclear Pollution" and "Poisoned Power") are the chief critics of the AEC and they still draw their paychecks from the AEC.

Question: How can PE convince the doubters that its statements are frank and honest?

Answer: We'll just have to keep telling our story the best way we can.

Question: What do you say to people who think nuclear power plants are dangerous?

Answer: In its own self-interest PE will ensure safety. A man once asked how we could be sure our nuclear plants would be safe. I asked him if he realized that one of Philadelphia's water treatment plants keeps 100,000 pounds of liquid chlorine on hand in tanks to treat water. That's enough chlorine to kill everyone in Philadelphia if it all got out and the wind were right. But the public doesn't worry because it has accepted the idea that it is possible to handle dangerous materials safely if the proper care is taken.

We're not a Johnny-Come-Lately in the nuclear field. People don't seem to realize there are nearly 100 nuclear reactors running around the oceans and moving in and out of harbors right now.

Accidents can happen—but facilities must and can be designed to contain accidents and minimize their effects.

ON POLLUTION

Question: But what about the pollution problem? Won't it get worse as you generate more and more electricity?

Answer. I think the tide has turned as far as pollution is concerned. A lot of people in industry hoped during the first few years of the environmental movement that it would all blow over and go away. But now I think the idea has been accepted that pollution must be controlled. We are more regulated now and we have a much more pro-environmental attitude.

PE, for instance, will spend $2 billion all told over the next five years and $120 million of that will go for environmental improvement. Industry-wide, that's not unusual.

We are trying to do our part to reduce the impact of our facilities on the environment. But it's like shooting at a moving target. Every time we meet one set of regulations something new crops up—there are many more regulatory agencies to satisfy these days.

We have tremendously reduced our sulfur emissions.

Question: Your critics charge that you are spending practically nothing for research into pollution control despite the fact that power plants contribute a great deal of the sulfur dioxide pollution in the nation's atmosphere and no proven means to control it exists. Do you think your efforts in this direction are adequate?

Answer: The electric utility industry has never been called upon for the design of such equipment. But we have supported the efforts of companies like General Electric and Westinghouse which manufacture generating equipment and do research into pollution control.

Lately there has been a good deal of work in this field and we will be taking a bigger and bigger role in it. Our new oil burning plant at Eddystone will have devices for sulfur removal—we hope they work. It's a tough thing to accomplish. You have to make sure new processes for controlling air pollution don't increase water pollution.

Actually nobody has really analyzed whether sulfur dioxide is very harmful. In fact the Edison Electric Institute did some tests with monkeys and found they did better with some sulfur dioxide in the air than without it.

More work needs to be done on this instead of simply setting arbitrary standards to control emissions.

Question: Will the wider use of nuclear power plants reduce the consumption of fossil fuels below present levels?

Answer: I believe it will.

Question: It has been estimated that if all nuclear power plants projected for construction by the year 2000 are built, they will need half the natural water runoff of the United States for cooling. Do you see this as a problem?

Answer: I haven't seen that figure. But water will be one of the major restraints if we continue to build evaporative cooling towers. Nuclear plants are proliferating faster than we expected 10 years ago.

One solution with a good bit of promise is dry cooling towers and they should become economically feasible in a few years. Dry cooling will have its place.

Another good possibility is a hybrid tower that will operate as a dry tower during the winter and as an evaporative tower during the summer.

Question: The towers you plan for Limerick will evaporate 35 to 40 million gallons of water a day. Will this be a burden to the atmosphere or the rest of the environment?

Answer: No. That sounds like a lot of water but we have estimated it is the amount evaporated naturally on an average day from ten square miles of cornfield. That's a space approximately equal to the paved areas around Pottstown.

Question: Then to sum up you don't agree with the New York City report that doubling your power output will irreparably harm the environment?

Answer: In our own case I can safely say that if we double our power output in the next decade it will not irreparably harm the environment. In fact the environment will improve.

We can't afford to jeopardize the public in our business and we can't move our operations elsewhere. We have to stay right here and live with what we create.

ON THE PROBLEMS OF THE PRESENT

Question: What do you see as the biggest problems facing PE during the near future?

Answer: We're up against a rapid increase in power demand for air conditioning and we're desperately trying to meet this growth. Air conditioning has grown much faster than expected. But I think we're succeeding. We met the load today without much problem. (It was 95 degrees and humid outside.)

As far as economic problems are concerned, we're facing a tremendous rise in fuel costs and interest rates. Half of our operating cost is fuel. In the past year or so this cost has about doubled from 30 cents to 59 cents per million B.T.U. (a measure of the heat produced by fuel. Nuclear fuels, by comparison, cost 18 cents per million BTU.)

The rising cost of oil is a result of new regulations requiring low sulfur fuel, and low sulfur oil is in short supply. Coal has gone up partly because of new mining regulations that have shut down marginal operators and increased the costs of the big operators.

Mine wages have gone up too. It's hard to find people to work in the mines—it's not the most attractive kind of thing to do.

Interest rates are another problem. Half of our funds to build Limerick (which could cost $1 billion or more) come from borrowed money which costs us 7 to 9 per cent interest now. We used to get it for 3 to 5 per cent.

Question: Some investigators claim most of the coal reserves in this country are owned by "competing" oil companies and that high prices are the results of artificially created shortages designed to drive up prices.

Answer: I honestly don't believe price management is behind fuel prices.

RELEASE RADIOACTIVITY

Researchers have found that coal-burning power plants release more radioactivity from naturally radioactive elements in their smoke and soot than is emitted routinely by most nuclear power plants.

THE PRICE-ANDERSON ACT: A GUARANTEE OR GIVEAWAY?

Last May Mike Gravel, a U.S. Senator from Alaska, introduced a bill to repeal major portions of the Price-Anderson Act of 1957.

The Price-Anderson Act provides federal liability insurance for damage from radiation accidents at privately owned nuclear power plants—coverage up to a maximum of $560 million for each plant.

In a public statement that accompanied his bill to cancel federal insurance on nuclear power plants, Sen. Gravel said, "I believe anyone who uses nuclear material should accept the financial liability for damage with which that nuclear activity may cause to the public.

"My belief is based on the simple observation that, in our economic system, public liability is the principal restraint on reckless activity."

"I fundamentally question the wisdom of the Price-Anderson Act," he continued, "which 'in order to encourage the development of the atomic energy industry . . .'" stipulates that "the United States may make funds available for a portion of the damages suffered by the public from nuclear incidents, and may limit the liability of those persons liable for such losses."

Many critics of nuclear power cheered Sen. Gravel's bill.

"Repeal Price-Anderson" has been one of their rallying cries for several years.

ACKNOWLEDGEMENT

As far as the opposition is concerned, the act is an official acknowledgement that nuclear accidents can happen.

Worse, it allows utilities to build nuclear power plants without responsibility for the possible consequences, despite the fact that private insurance companies will not carry full coverage.

And still further, the act limits the total liability for an accident to a sum which might not cover the damages.

The opposition bases this last claim on a report written by scientists at Brookhaven National Laboratory in 1957 at the request of Congress which estimated the maximum theoretical damage from a reactor accident.

The worst result the report came up with—for a 1957 size reactor—was 3,500 deaths, 45,000 injured and property damage amounting to $7 billion.

This report, often quoted by nuclear critics, was labeled WASH-740 and until relatively recently was classified by the Atomic Energy Commission.

The same critics say that the bill was necessary because private insurance companies refused to insure nuclear power plants, and the utilities refused to buy them unless they were relieved of liability for accidents.

If nuclear plants are really so safe, said Sen. Gravel, let the utilities "put their money where their mouths are."

The power companies and the AEC, for their parts, point to all the fuss over Price-Anderson as a prime example of the distortion, misinterpretation and misuse of facts they say is behind much of the opposition to nuclear power.

J. L. Everett, president of the Philadelphia Electric Co., likens the purpose of Price-Anderson to that of the Federal Deposit Insurance Corp.

The FDIC was set up following the Great Depression to reassure depositors that the government stood behind the new banking system. It guarantees deposits of up to $15,000 in the nation's banks.

"That guarantee today runs into billions of dollars," says PE. Should all banks fail the government would be liable for all this money. Even though the risk of this is vanishingly small, the FDIC is considered essential to assure the public that the government stands behind the banking system."

The Price-Anderson Act serves essentially the same purpose, its defenders say.

"It demonstrated both to the public and to the utility industry that the government had confidence in nuclear power and would take all necessary steps, including regulation, to assure safety and to protect the public," says PE.

"It is highly improbable that a nuclear accident could occur that would create a major liability under the Price-Anderson Act.

Private insurance companies did not refuse to provide coverage to nuclear reactors. In 1957 no data of any kind was available to indicate what the statistical financial risks might be, but insurance companies did agree to put up $60 million in coverage for each reactor.

This coverage was to be used first if needed, then the government insurance.

Gradually private coverage has increased to $82 million per reactor, and will be $100 million within a few years.

Meanwhile both the government and private insurance firms have reduced premiums paid by utilities for coverage.

Defenders of the industry also claim that the maximum theoretical damage estimates in the Brookhaven Report were vastly exaggerated, even for today's huge reactors.

Thomas Gerusky, Director of the Pennsylvania Office of Radiological Health, was a member of the Brookhaven staff in 1957 when the report was written.

As he describes the study, it was based on "entirely theoretical" assumptions.

The scientists who wrote it were instructed to assume that by unspecified means, all the radioactive gases, half the volatile compounds and half the solid fuel materials inside the reactor were somehow released to the atmosphere in aerosol form.

When the report was updated in 1965, they were instructed to use the same assumptions, despite the fact that experiments had by then shown that less than 2 per cent of the solid radioactive materials would be released even if by some inconceivable catastrophe a reactor were broken open like an egg, Gerusky says.

The writers of the report chaffed under these "unrealistic" standards. Gerusky has no explanation for why they were imposed except that Washington officials apparently wanted to know the worst that could happen, no ifs, ands or buts.

The AEC complains that all these limitations of the Brookhaven Report should be obvious to anyone who reads it carefully. The fact that it has been so often misread and misinterpreted, in its opinion, illustrates the reasons for the AEC's much-criticized hesitancy to release some kinds of information.

Should Price-Anderson be repealed?

Everett says his company hasn't given it much thought.

"But we could get along without it," he said.

Cooling Tower Water To Travel 36 Miles

Makeup water for Limerick's cooling towers will come 36 miles from the Delaware River at Point Pleasant. It will be pumped through an 8-mile pipeline to the east branch of Perkiomen Creek and flow downstream in the open for 20 miles.

Where the creek crosses PE's right-of-way for its 500,000 volt transmission lines, the water will be pumped into a 36-inch pipeline once again for the final 8-mile leg of the journey to Limerick along the right-of-way.

Condenser Cooling

Cooling water for Limerick's steam condensers will be circulated between the condensers and the two cooling towers through steel pipes 9 feet in diameter at a rate of 900,000 gallons per minute.

Limerick Ecology Action—10 Reasons Why Area Group Opposes Nuclear Plant

(Editor's Note.—The following is Limerick Ecology Action's official statement of opposition to Limerick Nuclear Power Station.)

We the membership of Limerick Ecology Action believe we are obligated to oppose the construction and operation of the Limerick nuclear power plant proposed for this area.

Our judgment is based on the following:

1. We feel that the evaporation of 35 million gallons of heated vapor per day into the atmosphere may adversely affect climate, vegetation and animal life in the area.

2. The ability to transport, reprocess and store radioactive wastes has yet to be demonstrated as being safe to life and property.

3. We cannot condone the logic which advocates siting reactors the size of Limerick (2,200 megawatts total) in a heavily populated area when there has been no previous operating experience with reactors this size. We further submit that the risk we would be expected to tolerate is an indignity no citizen of the United States should have to endure.

4. Until the scientific community acknowledges a safe threshold of radiation to the human body and other forms of life—taking into consideration the concentration factor and the possible contamination of the food chain—no citizen should be subjected to constant and deliberate low level emissions of radiation from nuclear power plants, let alone run the risk of overexposure because of the all too frequent malfunctions experienced by existing plants.

5. Studies by Dr. John Gofman and Dr. Arthur Tamplin of the Atomic Energy Commission's Livermore Laboratory in California and by Dr. Ernest Sternglass of the University of Pittsburgh, among others, suggest a link between atomic power plant emissions and increased rates of cancer, leukemia, lung disease, infant mortality and genetic defects within a 50-mile radius of such plants. Until these studies can be disproved a moratorium should be declared on the construction of nuclear power plants. During this time an independently financed study should be conducted to ascertain the safety of nuclear power plants and the advisability of continuing with further development and extension of such plants.

6. We maintain that with the current state of technology other means of power can be developed and employed without endangering the environment and present and future generations. A few alternatives may be fusion power, solar power, geothermal, natural gas or the conversion of coal (coal is still one of Pennsylvania's leading industries) into a pollution-free gaseous form.

7. The supply of uranium is limited and is expected to expire by the year 2000. There is enough fossil fuel to last for several hundred years and, since uranium is becoming increasingly scarce, utility companies will have to turn to the more dangerous breeder reactor in order to continue with the nuclear program. (The breeder reactor has as a by-product plutonium and is capable of an uncontrolled reaction able to damage and permanently contaminate a wide area.)

8. Since uranium is becoming scarce and more expensive, the turn to nuclear power will not keep utility prices down. To the contrary, the price of the fuel and the high cost of construction of atomic plants will necessitate further increases in utility rates.

9. The Price-Anderson Act, which is government insurance paid for by taxpayer's money, pays only a few cents on the dollar in the event of a nuclear accident. The utility companies are not liable at all.

10. The utility companies receive their money from the public. In effect, then the public is expected to pay for costly and potentially dangerous atomic power plants and bear the full burden, both physically and economically, in event of a disaster.

Couple's Indifference to Plant Grows to Fierce Opposition

From Stuart and Nora Natof's comfortable farmhouse on Linfield Road in Limerick Township the huge steel towers that carry high voltage lines majestically toward the Schuylkill loom prominently on the horizon.

Just a mile away where the lines meet the river, work has begun on Limerick Nuclear Power Station.

The Natofs don't want to live that close to a nuclear power plant. If and when Limerick begins to run in 1975 as scheduled, they probably will move away.

But Nora and Stuart Natof are convinced the plant will never operate.

"Within two years Congress will have halted the nuclear power program in this country," Natof, a mechanical engineer in the research department of Union Camp Corps., declares.

But the Natofs also believe the nuclear tide will not be turned in the committee rooms of Capitol Hill unless the public realizes the dangers that lie, as they have come to see it, not only in nuclear power but in our national creed that "science is God and growth is good."

GROUP FOUNDED

During the past year the Natofs and other members of Limerick Ecology Action, a citizens group they founded, have circulated petitions, passed out brochures in shopping centers, sponsored public debates between scientists for and against nuclear power and testified before legislative committees of both the state and federal governments.

Meanwhile, Limerick Ecology Action (LEA) has joined the Environmental Coalition on Nuclear Power, a Philadelphia-based organization of 30 environmental groups across eastern Pennsylvania claiming a total membership of 11,000.

Interestingly enough, the Natof's passionate opposition to the nation's nuclear power program grew out of an initial feeling of relative indifference toward the Limerick project.

When the Philadelphia Electric Co. first announced in October 1969 it would build a nuclear power plant at Limerick, the Natofs, like most of the rest of the neighboring public, felt no particular alarm.

They knew next to nothing about nuclear power but assumed it must be all right.

The announcement served mostly to end local speculation about mysterious sales of large tracts of land along the river which had been going on for several years through a real estate agent.

"At first we had no real feeling one way or the other," says Mrs. Natof. "We were interested but didn't know where to get more information."

DEBATE

Their first chance to learn more came the following summer when the Environmental Coalition on Nuclear Power sponsored a debate at Fellowship Farm between a PE engineer and a professor from Columbia University opposed to nuclear power.

"Most of the debate lulled me to sleep," Mrs. Natof remembers. "But the question and answer period afterward left me with more questions than answers.

"As an engineer my husband was interested in the design of the plant and I think he was satisfied with answers on that point at the time. But Mr. Allen from PE said he didn't know much about the radioactive waste disposal problem or the effects of low-level radiation released from the plant—he told us the utility simply abides by Atomic Energy Commission standards as far as health hazards are concerned.

The first "real crack" in the Natof's confidence in the utility and the government came, ironically, several weeks later when they visited PE's public information trailer while it was parked at the Royersford A&P.

The elaborate traveling exhibit called "Nuclear Power—the Key to Your Future" is supposed to tell the public about "the constructive, beneficial and peaceful uses of energy liberated from the atom."

Inside was a map of the Limerick site, displays of colored lights showing how nuclear power plants work and a scale model of the Limerick plant.

CAREFUL LOOK

When you pushed a button above the model a taped commentary began to play, introduced by a surge of violins.

"We took a careful look at the exhibit," says Natof. "There was no mention anywhere of any pollution; no mention of the radioactive gases emitted from the plant, no mention of waste disposal problems.

"They didn't even show plumes of vapor coming out of the cooling towers."

From their experience in the trailer and after discussions with executives of the electric company, the Natofs became convinced PE is anxious to avoid public airing of such problems.

"The basic philosophy of the Philadelphia Electric Co. seems to be that these things should not be discussed in the public forum, that the public can't understand them, that these matters are very technical, that PE knows what it's doing and should be let alone," said Mrs. Natof.

Nevertheless the company reacted quickly when the Natofs wrote and asked questions. R. A. Mulford, project supervisor for Limerick, and Robert Logue, the company's chief nuclear engineer, were dispatched to the Natof house to spend an evening talking in person.

But the Natofs still were far from satisfied.

The PE men had to refer many of their questions to the Atomic Energy Commission and the Natofs were not convinced by "blanket statements" that evaporating 35 million gallons of water a day from the cooling towers would have no effect on the local environment.

So they decided to organize Limerick Ecology Action, a citizens group determined to bring about "full public disclosure and discussion of the hazards of the nuclear power program."

HEADQUARTERS

LEA's headquarters is the Natof's living room, where hundreds of documents from the Atomic Energy Commission and environmentalists across the country compete for space with two children, two dogs, a collection of Oriental antiques and some startling chairs made by Mrs. Natof's grandfather.

Nora Natof is the granddaughter of Frank Lloyd Wright. She never volunteers that information, but his ghost lingers in the Oriental heirlooms and furniture, and in her intense blue eyes and unabashed willingness to say what she thinks.

Her husband if anything is even more outspoken and confident of the outcome of his battle with the giants.

His big weakness, he admits, is his hopeless fascination with machines. An inveterate tinkerer, Natof spends much of his spare time in his shop behind the house making everything from remote controlled airplanes to camper attachments for his station wagon.

But Natof thinks his love of things mechanical helps him understand what he believes is the blind and dangerous love of nuclear engineers for their reactors.

During the past year the doubts that initiated the Natofs' opposition have grown into strong convictions.

They and their colleagues have been convinced by their research that nuclear technology has grown too fast to assure the kind of near-perfect reliability public safety demands.

Even if there are no accidents, the members of Limerick Ecology Action feel PE has not proved the environmental impact of Limerick Power Station will be as small as claimed.

They are further convinced that powerful factions within Congress and the Atomic Energy Commission are so anxious to push the development of commericial nuclear power that many of the hazards and uncertainties are deliberately concealed from the public.

BATTLE PUSHED

The Limerick group pushed forward its battle against the power plant on several fronts.

The members began collecting signatures on a petition drawn up by local Attorney Henry Markofsky, a member of LEA, calling for an independent government study of the need for nuclear power plants.

The petition also asked for study "of the effects that nuclear radiation in any amount will have on the children, both born and unborn, and adults living in the area of nuclear operation. as well as thermal effects on the environment and other ecological factors" with recommendations of priorities, safeguards and controls.

Finally the petition requested a government-imposed moratorium on the construction of new nuclear power plants for at least five years until the independent studies are made.

In the past year LEA has obtained nearly 4,000 signatures from area residents to this petition.

The Natofs and Dr. Harry Blanchard, head of the science program at Kimberton Farms School and one of LEA's most effective spokesmen, have taken their message to church groups and civic organizations with talks accompanied by charts and diagrams.

In cooperation with the Environmental Coalition for Nuclear Power they also have gone to the powers that be in Harrisburg and Washington, testifying before Sen. Edwin G. Holl's nuclear investigative committee and others.

Dr. Blanchard, a chemist who worked as an executive research engineer for the General Electric Co. before turning to teaching, testified before the U.S. Congress Joint Committee on Atomic Energy recently against efforts to "streamline" reactor licensing procedures by reducing opportunities currently afforded for citizen intervention.

Last January LEA sponsored a public debate at Spring-Ford Junior High School between Dr. Ernest Sternglass, a physicist from the University of Pittsburgh, and Dr. Robert Linnemann, a radiologist from the University of Pennsylvania.

Dr. Sternglass believes routine radioactive emissions from nuclear power plants dramatically increase infant death rates in surrounding counties—a theory that has made him famous.

Dr. Linnemann was brought in by EPE to refute his claims.

The debate was something of a disaster for the electric Company, as even PE ruefully admits. Company representatives arrived to find the small auditorium packed to the seams with suspicious citizens fully prepared to discount the soothing assurances of big business and distinctly sympathetic to Dr. Sternglass, the underdog.

The electric company didn't help matters any by prefacing its presentation with a standard and rather boring speech about all-electric living and the good life.

The company was caught flat-footed when Dr. Sternglass presented graphs purporting to show that infant death rates rose 50 per cent near PE's small reactor at Peach Bottom—a surprise announcement PE was not specifically prepared to refute.

In some desperation Dr. Linnemann pointed out to the audience that not a single qualified scientist in the United States believes Dr. Sternglass is right—not even other severe critics of the nuclear power program.

The debate ended with loud charges of "personal attack" echoing back and forth across the stage.

AMBUSHED

"We were ambushed," commented the president of PE several months later. He wasn't there himself, but like ereyone else in the company he's heard about it.

Whatever the merits of his case, the presence of Dr. Sternglass in Royersford, the reaction of the audience and PE's display of naivete seemed to bring into focus the widening national war between friends and foes of nuclear power.

For indeed the fight is not limited to Limerick nor did it begin there.

Throughout the past decade, announcements of plans for nuclear power plants usually have resulted, after an initial period of bewilderment and apathy, in the formation of citizens groups and protest organizations in the affected areas.

But in the early days these groups rarely were well organized or very sophisticated about the technological problems, and applications for construction licenses often went unchallenged in local public hearings required by the AEC.

CHANGE

Gradually, that has changed. Respected and well-financed groups such as the Sierra Club began to enter the lists to do battle with large utilities and scored one decisive success in California when their opposition stopped construction of an atomic plant on top of an earthquake fault.

At the same time public attitudes toward environmental problems started to change fast as the pollution problem came to the fore. Some also began to question publicly the cherished American belief in the virtues of unlimited growth in the consumption of goods—a form of "progress" closely tied to the power industry—and perhaps most important of all, the man on the street's tacit trust in the integrity of government and the scientific establishment began to erode away.

This trust has been shaken deeply in the past few years by the sudden public awakening to the disastrous effects of DDT, for example, or the disclosure that cyclamate might produce cancer, or the tragic carelessness that led to birth of babies deformed by thalidomide.

In the political sphere, a disastrous war and the recent publication of the Pentagon Papers has done nothing to shore up the people's confidence in the competence of the federal government.

ADD FUEL

All these things add fuel to the fire when environmentalists claim the Atomic Energy Commission is trying to cover up the truth about its highly touted "peaceful atoms."

This distrust is intensified as the public begins to see scientists from many fields banding together to act as watchdogs on the very technologies they helped to create.

As early as 1962 a group of 10,000 scientists across the nation signed a letter calling for an end to atmospheric bomb testing, pointing out that fallout levels were rising alarmingly.

More recently the AEC has come under fire from a few of its own employes. Physicists John Gofman and Arthur Tamplin have published such books as "Population Control through Nuclear Pollution" and "Poisoned Power" which argue that current radiation exposure standards for the public could allow tens of thousands of cancer and genetic deaths each year if public exposure reached the maximums allowed.

Other AEC scientists strongly disagree, but Drs. Gofman and Tamplin remain on the AEC payroll.

And just this summer the anthropologist Margaret Mead, president of the Scientist's Institute for Public Information, filed suit in federal court against the AEC demanding that alternatives to its fastbreeder reactor program be offered before proceeding.

Some observers see this phenomenon as part of a profound revolution of the national spirit that began in the last decade with the flower children and grew to influence all American art and culture.

The fear that technology has become a self-controlling force, an artificial monster beyond the wildest dreams of Dr. Frankenstein, seems to be plaguing even the technologists themselves.

"Arrogant technologists" Dr. Blanchard calls those who persist in the belief that growth must continue at all costs. Which may provide some clue as to why he left the research division of General Electric to become a teacher.

"I got tired of covering up for the organization," he explains simply.

Ironically, GE is one of the two largest manufacturers of nuclear reactors and another of the area's most dedicated opponents of nuclear power is former employe of that corporation.

Douglas Baker, Norristown, has been working full time for nearly a year—without pay—as one of the heads of the Environmental Coalition on Nuclear Power.

Baker, 31, who recently became a father for the first time, has been living on savings accumulated during Baker's eight years as a systems analyst and aerospace engineer for GE though he hopes to start earning a small income soon with a glass recycling project.

The young, soft-spoken engineer perhaps typifies a new breed of anti-establishment technologist emerging slowly from the ranks of the engineering professions

He grew up in a small Pennsylvania town and went on to Penn State to earn a degree in aerospace engineering. Then he joined GE and spent three years in an advanced engineering training program. As a systems analyst for the company he worked in the missile-space vehicle division, the large steam turbine division, in military electronics and spent a year in California with GE's technical-military planning operation working on the Anti-Ballistic Missile system.

DISILLUSIONED

But in 1969, his growing disillusionment with the corporation and his work led him to "drop out" and enter Drexel University where he earned a master's degree in Environmental Engineering. Since last year he has devoted all his energies to the battle against pollution and uncontrolled technological growth.

"I think a lot of the people I worked with at GE would have liked to do the same thing, but they were tied down with families and property," he says.

Despite his unpreposing manner, Baker has proven an able organizer and a formidable witness for his cause.

Recently, at a hearing before the Pennsylvania Public Utility Commission on a request by PE for a rate increase, Baker testified why he believes nuclear power is a poor investment for the rate-payers to have to support.

On cross-examination PE's experienced legal staff—which in the past has tripped up many an ill-prepared nuclear opponent—seemed to have met its match in Baker.

Every question they raised about his position was met with a torrent of words and data that suggested Baker was better prepared to defend himself than they were.

But the real showdown should come this fall or winter when the AEC finally holds public hearings in Norristown or Pottstown on the construction of the Limerick plant.

Public hearings are required by the Atomic Energy Act of 1954 before a commercial reactor construction permit can be issued—though more and more delays from citizen intervention at these hearings have prompted the AEC and the utilities to ask that they be eliminated.

The Natofs, Baker, the LEA and ECNP will be there—with a lawyer. And they have plenty of questions to ask.

Radiation, the Enemy of Life, Must be Contained

The controversy over the use of nuclear power is hard to understand without some grasp of the nature of radiation and its effects on living things.

In general, radiation is an enemy of life. Radiation in its various forms can penetrate and disrupt the complex chemistry of living cells, killing them, mysteriously triggering cancer, working changes in the genes or interfering in other ways with the intricate processes of life.

A large nuclear reactor generates hundreds of tons of intensely radioactive materials, some of which rank among the deadliest and most persistent poisons known.

What if they get out? critics ask. Can radioactive wastes be disposed safely? Are the controlled amounts of radioactive matter released from nuclear installations really no threat to the health of the public?

ALTER MOLECULES

The word "radiation" is applied to a variety of familiar things—heat, for instance, which may come from a "radiator" or light, which is emitted by something that's "radiant."

But radiation in the more specific sense refers to ionizing radiation powerful enough to penetrate and alter the molecules in cells.

Ionizing radiation includes gamma rays, emitted by some radioactive atoms, and X-rays. Both gamma rays and X-rays, like light and radiant heat, are electromagnetic waves.

The term also includes fast-moving particles smaller than atoms which can damage living cells. Among these are alpha ray and beta rays emitted from radioactive atoms.

These forms of radiation must be distinguished for some purposes because some are more powerful than others.

Alpha rays, for instance, are relatively large, slow-moving particles that can be stopped by the skin or a few sheets of paper.

Beta rays are stronger—these particles can be stopped by a thin sheet of metal or a few feet of air.

PENETRATE STORY

X-rays, as everyone knows, can penetrate the human body completely and gamma rays can go through several feet of concrete.

The radioactive atoms inside a reactor emit alpha, beta and gamma rays in vast quantities. But radioactivity also is found in nature in tiny amounts.

In fact all living things including man evolved in a bath of weak radiation. It pours over us from the sun and is emitted by a few naturally radioactive elements dispersed in rocks, water, soil, the air and even our own bodies.

X-RAYS DISCOVERED

We are exposed to faint radiation from these sources every second of our lives. Scientists call it "background" radiation. They haven't yet been able to find out if background radiation has any significant effects on living things but if it does the effects are too slight to be measured easily.

In fact no one knew such radiation existed until about the turn of the century when William Roentgen discovered X-rays and Henri Becquerrel found that radiation is emitted naturally by some minerals.

These discoveries led rapidly to the artificial production of radiation far more intense than any found in nature. At this point the problem of over exposure first arose.

But scientists were slow to realize the dangers. Hundreds of researchers, unaware of the risks they were taking, died premature deaths for from over exposure to high energy radiation.

Marie Curie and her daughter died from prolonged contact with rays from radium; early medical radiologists died, on the average, five years earlier than other doctors.

During the 1930s at least 40 women employed as radium watch-dial painters died from radiation-related diseases because they wet their paint-brushes on their tongues.

GENERAL TONIC

Early discoveries about the dangers of radiation were slow to penetrate to the medical profession before World War II. The fact that radiation can cause genetic mutations was discovered in the early 1920s, but no warnings about genetic effects appeared in textbooks on the medical use of X-rays for more than a decade.

In those days radium was considered a general tonic by many doctors and X-rays were used to treat everything from tumors to acne. The medical profession was slow to adopt precise methods of measuring X-ray doses, a fact that makes serious radiation burns common.

The public first became acutely aware of the dangers of radiation after the detonation of the atomic bomb in Hiroshima and the cold war period that followed.

At this point the biological effects of radiation became a strategic question which helped funnel huge sums of money into research programs. The military had to know how effective atomic bombs would be in killing people and when the Soviet Union got the bomb, how much damage they could do to us.

Also in question was the safety of bomb testing programs in submarines and ships and the safety of the nuclear power program.

The study of the biological effects of radiation also promised to reveal a great deal about the nature of life itself.

MAJOR EFFORT

Thus began one of the major scientific efforts since the war. In the past 10 years the Atomic Energy Commission and other agencies around the world spent more than $1 billion on research into the effects of radiation in its many forms on living things.

Many mysteries remain. Radiation affects the most fundamental life processes which we are just beginning to understand.

But radiation biologists still say that radiation hazards have been adequately investigated.

"We are not groping with the unknown or mysterious to the extent that one might gather from the public clamor and from the multiplication of safety factors in radiation standards," said J. Newell Stannard, president of the Health Physics Society.

SMALL DOSES

Most biologists say radiation is by far the best understood environmental hazard. Enough is known, they say, to allow radiation standards for the public to be set with confidence.

But some aren't so sure.

They worry that the long-range effects of small doses of radiation accumulated over periods of years might be greater than expected.

They worry even more about the immense complexity of the pathways by which radioactive contamination moves into the environment and the difficulty of predicting how much of it will find its way into living things.

"I view the burgeoning nuclear power industry with great deal of anxiety," says Dr. Arthur Tamplin, an outspoken radiation physicist at the AE Lawrence Radiation Laboratory.

"What is needed is a comprehensive study that takes into account both physical and biological concentrating mechanisms."

Radiation exposures can be discussed in terms of doses. To simplify things a little, biologists sometimes ignore the distinction between alpha, beta, gamma and X-rays and talk about "rads."

A rad is a unit dose of radiation energy absorbed by a gram of tissue regardless of the type or source.

A "millirad" is 1/1000 rad.

The average Pottstown resident receives a dose of about 100 millirads, or .1 rad, each year from the sun, air, the walls of his house and so forth.

HIGHER ALTITUDES

The dose increases slightly at higher altitudes because the thinner air provides less shielding against radiation from the sun. In isolated areas of Brazil and India, high concentrations of radioactive salts in the rocks and soil bring the annual background dose as high as 10,000 millirads.

The Pottstown background dose of 100 millirads can be doubled by a chest X-ray—another 100 millirads.

In treating a cancerous tumor, doses almost great enough to kill the patient may be given because the radiologist feels the risk is worthwhile if the dose might kill the cancer.

The lethal dose for humans, as determined from studies of X-ray patients and survivors of the Hiroshima blast, is about 500 rads (500,000 millirads).

This dose will kill 50 per cent of any group of adults within 90 days. But larger doses may be survived if absorbed over a long period of time.

A man who suddenly absorbs 500 rads develops acute radiation sickness. After 12 hours he begins to feel nauseated and tired. But this passes after a day or so and he feels all right for several weeks, though many of his blood cells are dying.

BECOMES SERIOUS

Finally the damage to his blood becomes serious. The victim may die of hemorrhage, anemia or infection encouraged by his low resistance.

But if these dangers pass, he may recover completely and live out a normal life.

A sudden whole-body dose of much more than 1,000 rads is always fatal and a really intense burst of 100,000 rads or more can kill instantly by destroying the cells of the central nervous system.

An exposure to the eyes of several hundred rads can induce cataracts; a similar dose to the genitals can cause temporary or permanent sterility.

Mutations producing birth defects in future generations probably can brought about by any amount of radiation, though the probability of such damage increases with the dose.

Studies of Hiroshima victims and thousands of patients who received rather high doses of radiation led to the conclusion that radiation can induce leukemia and other cancers.

One measure more or less accepted is that a dose of 200 rads triples an individual's chances of contracting leukemia within 10 years.

In sum, a great deal is known about the effects of high-level radiation delivered in sudden doses because they produce obvious and often immediate effects such as radiation sickness, burns, sterility, premature aging or a quick death, and occasionally cancer or genetic mutations.

LITTLE KNOWN

But much less is known for certain about what happens to large groups of people exposed to small amounts of radiation over long periods of time.

This is the kind of exposure one gets from nuclear plants (in normal operation), from minor fallout, routine X-rays and background.

It has been widely assumed that doses in the range of natural background levels are essentially harmless, and even doses of 50 rads produce such slight effects that they are very hard to measure directly.

But that doesn't mean that these effects are never serious.

It was estimated using pessimistic assumptions, for instance that for each rad received by every member of a group of 1 million people, one extra case of leukemia might occur per year.

Leukemia is a serious disease—usually fatal. But since 70 cases usually appear anyway each year in a group of a million people, it is nearly impossible to determine even with sophisticated statistical methods whether very small doses of radiation really have affected the incidence of leukemia.

The estimate given was derived from studies of the survivors of the Hiroshima explosion and of X-ray therapy patients who received high doses of radiation.

By studying to what extent high doses increase the occurrence of leukemia and assuming that low doses cause increases in the same proportions, the possible effects of low doses can be calculated.

Actually, many scientists believe that a "threshold" does exists below which no real damage is caused (except for occasional genetic mutations). But lack of proof, they assume to be on the safe side that no threshold exists and that any amount of radiation exposure can be harmful.

One scientist, Dr. Karl Morgan of the Atomic Energy Commission, estimated on this assumption that natural background radiation is responsible for 12,000 cancer deaths each year in the U.S.—several per cent of the total cancer deaths.

But most biologists believe doses on the order of background level are not harmful. In fact, studies on mice indicate that steady exposure to radiation at 10 to 30 times background level increases their life spans.

Another fact to consider is that a human infant in the womb, especially during the first three months after conception, is many times more sensitive to radiation than an adult.

CELL DIVIDE

At this stage in life the cells of the body are dividing and reproducing at tremendous rates and this is when cells are most vulnerable to radiation damage.

An embryo or fetus exposed to mild X-ray doses during the first three months of pregnancy (when the pregnancy often isn't known) can increase several times the child's chances of contracting leukemia, not to mention other cancers.

This is an important factor in determining radiation exposure limits for women of childbearing age.

How do these facts affect those who live near nuclear power plants?

Only an "incredible" accident that released considerable quantities of the radioactive matter inside a reactor could expose members of the public to doses high enough to kill or cause any immediately detectable effects.

J. L. Everett, president of the Philadelphia Electric Co., has said it "unrealistic" to think there is any significant chance such an accident could occur at Limerick.

But, as we've mentioned, the plant will routinely release tiny quantities of radioactive gas and liquid. New types of emission control systems should make these releases too small to be detected beyond the boundary of the plant, and the maximum possible dose to any member of the public has been estimated at .005 millirads per year—far less than the dose from a radium dial watch.

NO WORRIES

If these levels can be maintained area residents will have nothing to worry about.

But broad grounds for controversy on other aspects of the question remain. The legal limits set on public radiation exposure from nuclear installations are far higher than the releases actually predicted to occur. Many critics feel the standards are far from "safe."

Despite the rule that public exposure should be kept "as low as practicable," there are no guarantees that Limerick would be shut down if it began emitting far higher levels of radioactivity than are predicted now as long as the emissions were within the limits set by the government.

In the past, other reactors were permitted to release thousands of times more radioactive gas and liquid that Limerick is expected to emit simply because it was considered too expensive to keep them in, and the Atomic Energy Commission believes any emission within the limits set pose no threat to the public.

RADIOLOGIST PONDERS LONG RANGE GENETIC EFFECT

Dr. Fred S. Winter is a radiologist at Pottstown Memorial Medical Center. He has been involved in radiology since 1948, the past three and a half years at the local hospital.

As a radiologist. Dr. Winter is concerned with the effects the new Limerick nuclear plant will have on the Pottstown area and discusses the Limerick project and his own work with radiation.

According to Dr. Winter, the biological effects of radiation in general, such as the effects of radiation on cell structure and animals, is understood quite well.

This he said is because animals have been exposed in the laboratories.

"From these studies we know that the general biological effects of low-level radiation exposure are understood and proven safe."

"But the thing that scientists don't understand is the long range genetic effects," he said. "What will be handed down from generation to generation?"

The only statistics on human population, Winter said, are the results of mass exposure from those at Hiroshima and Nagasaki.

From laboratory tests, scientists believe they can correlate between animals and humans and predict what the biological effects will be.

"But the genetic effects are much more difficult to control and won't be known for some time," he said.

As far as the Limerick nuclear plant is concerned, Winter said he has no reason to feel that the government hasn't been frank with the public about the hazards of radiation.

"I believe it will try to keep the public fully informed because of the caliber of men working with the Atomic Energy Commission," he said.

"I don't think the government is out to get the people. If I were living in some foreign country I might be more suspicious, but I think we are pretty well protected. After all, look at the Food and Drug Administration and how far it carries some of their legislation for our protection.

Because of the dwindling reserves of oil and other sources of energy, Winter said we are going to have to accept energy from atomic sources despite potential hazards.

"Up to now, I feel that there isn't enough proof that small levels of radiations are harmful," he said, "and the added benefits from getting energy from atomic sources would far outweigh any possible harm that might occur."

Winter said he feels that the medical use of radiation is a far more serious problem than emissions from nuclear power plants.

"The medical use of the x-ray is one of the most important factors contributing to the high quality of medical care in the present day," Winter said, "but certain abuses have sprung up."

In the United States it has become so necessary to x-ray a patient in a possible legal situation that there is an over use of medical radiation.

According to Winter, insurance companies insist that x-rays be taken of any injury because if there is a medical claim they must know about it.

"If the x-ray is not taken, there is the fear of being sued or being accused of neglecting the patient," Winter added.

Several other doctors agreed that they would order far fewer x-rays if there was not the fear of legal reprisal.

Winter said a number of the above mentioned tests for injuries is negative which adds to the excessive use of the x-ray machines. But at the same time he asked, "what is the substitute. What can be done to avoid using x-rays?"

He stressed that X-rays are not given indiscriminately, but "far too many are taken."

"As far as the value of medical X-rays for curing and treating patients, its value is very high and plays an important part in the medical field.

"We wouldn't cure nearly the number of patients we do without X-ray," he added.

It has been estimated that radiologists receive a lifetime dose of 200 rads from their work, hundreds of times more than other people get from all sources.

Winter, who was an assistant professor at Hahnemann Medical College and Hospital and a member of the radiology staff at the Guthrie Clinic prior to coming to Pottstown, agreed with these figures, but did not seem too concerned.

"Radiologists have learned to protect themselves from too much exposure and because of this, specific illnesses from overexposure have been prevented."

Winters was referring to leukemia, which used to appear more often among radiologists than other physicians.

"There is some feeling that a few months or even years of life shortening may occur to radiologists, but the average lifespan measures up agreeably well with other physicians," he noted.

Winter said he chose to be a radiologist, it's his job and he is aware of the effects and dangers of radiation. "I do however, feel that the contribution I make in my specialty far outweighs any minimal harmful effects that might occur to me."

Can Waste Heat Create Tropical Resort?

Isn't there some way to use the fantastic amounts of heat wasted in generating nuclear power? In current plants almost two thirds of the heat from the reactors winds up in rivers, lakes or the air.

Getting rid of the heat is a problem anyway. That's what Limerick's cooling towers will be for.

The problem with using it is that the waste heat is "low grade." That means there's lots of it but at low temperatures—110 degrees in water.

A town in Scandinavia uses the waste heat from a local reactor to heat its homes. But that's not practical unless ordinary heating is expensive and the houses are close by.

Some visionaries have come up with some wild ideas. If the heated water were piped beneath fields, for example, you might be able to grow crops all year round or even create a tropical environment.

Or how about starting a hot springs health resort? Limerick's giant condensers will produce enough heated water to supply several million people a day with warm baths.

How about a heated lake for swimming, water skiing and sailing all year round? Stocked with tropical fish, maybe.

It's something of Limerick businessmen to think about. The little village could become the Miami of the north with a little ingenuity.

Uranium Fuel

Before use, uranium fuel for a reactor is not very radioactive and can be handled without shielding. But after fissioning in a reactor, the fragments of split uranium atoms are unstable and make the fuel material intensely radioactive.

Energy Crisis Looms—Environment Paying for Power, But More Energy Is Needed Now

"Power is too cheap!" the witness for the Environmental Coalition on Nuclear Power finally blurted out.

Laughter burst from the corner of the Public Utility Commission hearing room where Philadelphia Electric Co. representatives were sitting. The faces of half a dozen PE men lit up with gleeful smirks.

Even the examiner in charge roused himself from his heavy-lidded torpor behind his high bench and looked around.

"Power is too cheap," repeated the witness, Douglas Baker, who was supposed to be testifying in opposition to the $100 million rate increase PE is asking for.

Spurred by the laughter, Baker talked faster.

The consumer pays only a small part of the cost of power, he said. The rest is paid by the environment. Generating electricity pollutes the air, poisons waterways and is rapidly using up the world's fuel sources.

Only by letting the environment bear so much of the burden can electricity be sold cheaply, he said. Utilities got by for years without paying for expensive anti-pollution equipment or for research into pollution control and better ways to generate power.

Rates should be raised, he insisted, not to get money to build more and more power plants, but to stop the fouling of the environment and slow down the suicidal increase in power gobbling by American consumers and industry.

The stenographer wrote it all down. The examiner seemed to relapse into his trance while the PE men listened once again impassively.

They were not particularly disturbed by Baker's blast against their company. They were convinced he was wrong and reasonably sure from long experience that the PUC would see things their way.

Still, Baker was pleased. So was Lawrence Sager, a Pottstown attorney who represented the coalition at the hearings.

For the first time in the history of the PUC Sager had succeeded in getting permission for an environmental group to intervene and present testimony on environmental matters in a "rate case."

If the confrontation was only preliminary sparring, still it marked the first time a group has been allowed to go on record before the PUC in opposition to the one of the basic creeds of our industrialized society—that the unlimited expansion of manufacturing and power consumption is the only way to keep the economy healthy.

The local skirmish was a sign of the widening national war between conservationists determined to save mankind from ultimate destruction and energy enthusiasts who insist that electricity is the key to the future—a battle that sometimes seems touched with the religious fervor of the crusades.

There is a sense of urgency in this conflict partly because of the national "energy-crisis," as observers have tagged the pressing shortage of power in many parts of the country.

The demand for electricity has been rising astronomically. Consumption doubled during the 1960s and most utilities expect—and hope—power consumption will double again in this decade.

The phenomenal growth in the use of air conditioning and the advent of "all-electric living" as well as the spectacular industrial growth of the '60s caught many utilities unprepared despite the fact that they promoted it themselves.

Blackouts and brownouts became a constant threat during summer heatwaves as peak power loads occasionally soared beyond generating capacity.

As far as the utilities are concerned the problem they face is simply to meet the demand—just as in any other business.

The electric companies have pressed hard to build more and more power stations, an effort in which Limerick Nuclear Power plant is only a small part.

During the 1960s they built as much new generating capacity as had been installed since the birth of electric power. In the next 10 years the electric industry, like a budding amoeba, will completely reproduce itself once more.

Big business and most government officials see this trend as a sign of our fundamentally healthy economy. Cheap electricity is the lifeblood of industrial civilization and the source of many of the comforts and conveniences most of us enjoy in our private lives.

Unlimited supplies of cheap power are the key to prosperity, high employment and the continuing improvement in our material standard of living, according to traditional economic thinking.

But the environmentalists are pointing frantically to the dark side of this picture.

Some say that industrialized man has so far overstepped the limits of nature that he already is doomed, while others believe we can save ourselves only by radically rearranging our habits and thinking about man, his world, and "progress."

They are appalled by the fact that mankind has consumed more energy in the past 30 years than in all previous history before 1940, and that we will use far more during the next 30 years.

The United States currently consumes a third of the world's power output, though we represent only 6 per cent of the world's people.

More gas, oil, coal and nuclear power are used in this country than in the Soviet Union, Britain, West Germany and Japan combined.

And our rate of power consumption is rising far faster than the population.

This fantastic gluttony for power to run our television sets, electric can openers, heaters, humidifiers, factories, trains, lights—has been taking an even greater toll on the environment.

Electric power plants contribute half the sulfur dioxide pollution in this country's atmosphere. They pour vast quantities of heat into natural waterways and lakes, upsetting their delicate natural lifecycles.

They blacken the landscape and cities with soot and fly ash.

Power plants consume coal, oil and gas at incredible rates, by the hundreds of millions of tons a year, fed almost continuously by railroad tankers and boxcars.

Supplying fuel to these monstrous installations ravages wilderness areas with strip mines, oils the oceans and is ever more rapidly depleting the world's limited supply of fossil fuels.

The plants need fresh water in such huge quantities for cooling that the New York City Environmental Protection Administration has estimated they will need half the daily natural water runoff of the United States by the year 1990.

The same agency in a recent study said the projected growth of power output will begin to cause widespread deaths in populated areas from air pollution within a decade unless measures are taken to curb growth and clean up plant emissions.

"Government must take immediate steps to decrease overall demand for energy in general and electricity in particular, as well as to ensure that essential needs are supplied with the least possible harm to public health and the environment," the study recommended.

"If permitted to continue unchecked, industry's efforts to expand the use of electricity will inevitably result in irreparable damage to public health and environment, and in crisis-rationing of power."

The environmentalists are especially bitter about the indifference the utilities showed toward these problems until the government began to crack down.

No proven method of removing all sulfur dioxide from generating plant smoke has been demonstrated yet, but even today the utilities, including giant Philadelphia Electric, spend virtually nothing on research into the problem. Nor did they make much effort to find out how much damage they were doing and bring the problem to society's attention.

Now the utilities, and increasingly the public—feel themselves caught in a vise pressing from both sides.

From one side comes the economic pressure to generate more and more electricity to satisfy the insatiable appetites of consumers and industry.

From the other side the government, prodded by swelling public concern for the ecosphere, is piling on restraints and regulations that make expansion more difficult and costly than ever before.

The utilities are only the focal points of these pressures. Their dilemma is really a dilemma facing our entire society. Can we afford to continue in our traditional belief that growth without limit is possible? Are we nearing the end of our economic horizons on earth?

If so, how must society change?

Different groups offer different answers to these questions—even among environmentalists.

Radicals in the environmental movement insist we must change our most basic attitudes toward life if we are to survive. We must cease to think of better living in terms of wealth and material goods. We must slow our rate of consumption. The population must be controlled. Technology must be rigidly policed.

Man, they say, must learn to accept his restricted niche in the delicate balance of life on the skin of the earth.

Traditionalists see this approach to the problem as "sudden hysteria."

In practical terms, they say, these goals could only be accomplished by the total abolition of free enterprise and rigid control of all human production by a dictatorial government.

Such thinking is "alarmist" anyway, they say, because things are not so serious as they may seem. All we have to do is put technology to work more intelligently and responsibly.

A few decades of research, they predict, will give us electricity from nuclear fusion, fueled endlessly and cheaply by the oceans, generating no pollution.

Meanwhile fossil fueled plants can be cleaned up, they insist, and clean nuclear power can take over much of the load.

Even as PE doubles its power output during the 1970s, according to its president, "the environment will improve."

The urgency, as the energy enthusiasts see it, lies in the need to produce more power to keep things going and growing.

If we fail, the poor will get poorer and the economy will sag.

An Arizona utility even went so far as to publish a statement complaining that a "no-growth" economy would be against human nature.

The truth of the problem probably lies somewhere between these extremes of philosophy on a wide middle ground where more practical suggestions are being made by both sides.

Prodded by environmentalists, the utilities are burning low sulfur fuels, cutting back advertising for new ways to use electricity, and are slowly beginning to take second looks at their environmental and long-range growth policies.

The environmentalists have suggested a surtax on power to finance research into cleaner fuels and better anti-pollution devices. Many have advocated new rate structures that would make big users of power pay more—instead of the present system whereby industry pays less for power the more it uses.

Meanwhile the federal government this year began to take coordinated action to fit the outstretched hand of the consuming public into the environmental glove.

In June, President Nixon sent to Congress a message on "supply of Energy and Clean Air," the first comprehensive statement on energy policy to be issued by the chief executive.

He called for the formulation of a wide-ranging national energy policy designed to deal with energy needs and problems in a systematic way.

He also announced a program to insure "a sufficient supply of clean energy to sustain healthy economic growth and improve the quality of our national life."

To encourage research he announced:

—A program to operate a commercial fast breeder reactor that breeds more fuel than it burns by 1980.

—Accelerated research into converting coal into clean gas.

—More research into fusion, magnetohydrodynamics and high voltage transmission lines underground.

To increase the fossil fuel supply he said he would open federal lands for exploration and leasing to oil companies.

He also promised measures to help make the public use of power more efficient, national planning of power plant sites and power lines and incentives to help industry cut down on sulfur oxide emissions.

The utilities greeted the president's message with acclaim, feeling that their needs and problems finally had been recognized at the highest levels.

But many environmentalists were outraged.

They saw the message as a boost to the power industry with only a token bow to the needs of the environment.

Opponents of nuclear power were especially upset by the big push toward faster breeder reactors, which they regard as even more dangerous than ordinary fission reactors.

Conservationists envisioned the last preserves of virgin wilderness in federally-owned territory being handed over the oil and gas interests to be raped for private profit.

Still, most environmentalists were glad to see the federal government begin to show interest in centralized planning and control of energy production.

What they would like to see now is a willingness at the highest levels of government to consider a deliberate slowdown in our growth-based economy.

Critics of the slow-growth philosophy accuse environmentalists of ignoring the real needs of the poorer segments of our society.

An economic recession designed to help the environment would hit the poorest workers first and hardest, and probably would deny them the chance to acquire the comforts the rest of us already have, they say.

"This much is enough, let's stop here," is a slogan that middle and upper income people can adopt less reluctantly than those who still are working toward their first air conditioner, private home or car.

"It's hard to tell a man who earns $1.50 an hour that all-electric living isn't desirable," admits Nora Natof, president of the Limerick Ecology Action.

Meanwhile, leaders of industry feel that a balance between our energy needs and environmental limitations will be struck within what remains of the good old free enterprise system that helped them prosper.

Government regulations will protect and improve the environment and the consumer will pay the cost, they feel, without the need for power rationing.

Whatever economic curbs are necessary will be imposed automatically by the higher costs of electricity and fuel.

But neither side denies that public vigilance and universal recognition of the fact that the cornucopia of the earth is not inexhaustible will be essential to the continued improvement in the quality of our lives.

RADIANT HEAT ENERGY

The radiant heat energy falling on the earth from the sun at each moment equals 100,000 times the total world's present installed electric-power capacity. Most of this energy is reflected back into space directly or through evaporation of water.

Though some see solar power as the ultimate energy source, few engineers believe it is feasible to collect the greatly diffused energy from the sun for extensive use on earth.

CAN OPPONENTS STOP LIMERICK?—COURTS STRENGTHENING ENVIRONMENTAL COALITION'S POWER PLAY

On Sept. 9 the Environmental Coalition on Nuclear Power formally notified Philadelphia Electric Co. and the Atomic Energy Commission that it will intervene against PE's application for a construction permit for Limerick Nuclear Power Station during public hearings this winter.

The group, of which Limerick Ecology Action is a member, hopes to persuade the AEC licensing board that the proposed reactors will be unsafe, unreliable, uneconomical and damaging to the environment.

It hopes to cancel or at least delay the huge project, which PE says it must construct immediately to meet the power needs of the mid-70s.

MATTER OF COURSE

Such interventions have become a matter of course at public hearings on new nuclear power plants across the country. So far, no application for a construction permit ever has been turned down by the AEC, but environmentalists have managed in many cases to delay construction, force tighter review of safety and environmental standards and even change the standards themselves.

Within the past six months the positions of environmental groups were greatly strengthened by court rulings and new AEC policies.

Utilities such as PE, on the other hand, are beginning to anticipate the opposition. The company feels it has covered its bets on Limerick by designing an irreproachable plant—except that it may be an eyesore to some, the company admits.

The prime example is the amount of radiation nuclear plants are allowed to release into the air and water.

Environmentalists argued for years that the permissible levels of radiation release were dangerously high.

In fact, two AEC physicists, Dr. John Gofman and Dr. Arthur Tamplin, published estimates that if the maximum permissible doses were received by the whole population, cancer deaths would increase by 32,000 a year.

REVISED STANDARDS

Though the AEC denied these figures, it revised its standards this year. New plants have to be designed to release less than 1 per cent of the old limits.

"Because of the opposition, the AEC is treading with tender toes these days," admitted R. A. Mulford, project supervisor for Limerick.

But PE wasn't fazed by the new restrictions on plant design. It reacted to the public clamor even before the AEC officially revised its regulations by designing new equipment into the Limerick station that will capture virtually all radio active materials that escape from its two reactors.

As late as last June, J. L. Everett, president of PE, said the opposition had not caused any significant delays in the construction of the plant.

But the environmentalists won a major victory July 23 when a federal court ruled that AEC licensing procedures made a "mockery" of the National Environmental Protection Act of 1970 (NEPA) and ordered changes.

The ruling could delay not only Limerick but more than 60 other nuclear power stations now under construction in the U.S.

The court sharply criticized the AEC for its failure to take responsibility for the over-all environmental impact of the nuclear plants it regulates.

In the past the AEC insisted it had jurisdiction only over hazards related to radiation releases and safety. It refused to consider testimony on other environmental problems such as thermal pollution associated with nuclear power plants.

This policy was changed somewhat—after months of delay—when NEPA was passed by Congress.

NEPA required full consideration of all environmental problems connected with projects under the jurisdiction of all government agencies.

In what the court termed an inadequate effort to meet this provision, the AEC revised its procedures to allow environmentalists to present evidence at licensing hearings. It also required certification from other state and federal agencies that new plants met the provisions of all environmental protection laws.

Plants that already had received construction permits before March, 1971, were exempted from these rules in an effort to get them finished without delay.

MORE EXPECTED

But the federal court, ruling on a petition against Baltimore Gas & Electric's Calvert Cliffs plant in Maryland, said the AEC had to do more.

It is the duty of the AEC the court said, to study all aspects of each plant's environmental impact and balance its costs against its benefits before issuing a license.

The AEC protested that it lacked the staff and the time to perform this feat of research and paperwork but decided last week not to appeal the decision.

Not only has it begun to revise its rules once more to require utilities to submit extensive environmental reports, but recently it sent notices to 33 plants already licensed to "show cause" why they should not have the permits revoked.

Completing all the necessary reviews could delay some plants a year or more, according to some AEC officials.

PE says it is not worried about passing the environmental review. The major environmental problem with nuclear power plants—as in the Calvert Cliffs case—has been the huge quantities of wasted heat they pour into adjoining rivers, lakes and basins.

COOLING TOWERS

Since the Limerick plant will use cooling towers to dispose of waste heat into the atmosphere, thermal pollution should not be a problem.

But still it must go through the review process and this could mean months of delay.

At public hearings on Limerick's construction permit this winter the ECNP, represented by local Attorney Lawrence Sager, will question the wisdom of the Delaware River Basin Commission in allowing PE to take 35 million of gallons of water a day from the Delaware to cool the Limerick reactors.

This is only a tiny fraction of the total flow of the Delaware, but the group says no adequate studies were done to make sure the loss of water flow will not allow the salt water line Delaware Bay to creep closer to Philadelphia.

The ECNP also will question PE closely on the degree to which it can guarantee the safety of finance of the $725 million Limerick plant.

* * * its reactors from accidents, on the problem of nuclear fuel supplies in the decades to come and the problems of radioactive waste disposal.

But the first skirmishes between the area environmental group and PE already are over.

ECNP intervened this summer in hearings before the Public Utility Commission on a request by the electric company for a $100 million rate increase.

OBJECT TO INCREASE

The coalition, backed by Chester County Legislator Samuel Morris, objected to the increase on the ground that the money will be used to help finance the nuclear plant.

ECNP pointed out that the plant has not been finally approved thus far and claimed that future safety problems might make it useless anyway. Electric company customers, Sager argued, should not have to bear the financial risk of PE's nuclear venture until it is officially approved.

The PUC's decision on the rate increase should be in by mid-October.

Company Says Plant Is Necessity

(Editor's Note: Vincent Boyer, vice president in charge of engineering and research at PE, explained the need for Limerick Nuclear Power Station from his company's point of view at Public Utility Commission hearings last year. He also testified about the decision to locate at Limerick and environmental factors. Here is some of what he said:)

PUC: Would you describe the applicant, Philadelphia Electric Co., in terms of its service area and customers?

PE: Philadelphia Electric Co. is a public utility corporation supplying electricity to the public in southeastern Pennsylvania, including all or substantially all of Philadelphia, Montgomery, Bucks, Delaware, and Chester Counties, and a portion of York County.

The total electric service area covers 2,400 square miles in which we serve a population of more than 3,900,000.

PUC: Explain the necessity for the proposed situation of the generating station building and substation control buildings at this particular location.

PE: As I previously indicated, the total service area of the Philadelphia Electric Co. covers 2,400 square miles, approximately 95 per cent of which is located in the suburban areas outside of Philadelphia where the rate of growth in power requirements doubled over the past 10 years.

Population projections for Montgomery and Bucks Counties during the decade of the 70s indicate an increase in population of from 25 to 35 per cent for the 10 year period. Increased power consumption will continue to accompany the increase in population.

To meet the increased usage on the part of our customers, it is necessary for Philadelphia Electric Co. to install additional generating capacity. The estimated peak load of our company in 1971 is 5,360 megawatts. This is expected to increase to 7,500 mw in 1975 and to 8,600 mw in 1977.

In order to reliably supply the requirements of our customers, our installed generating capacity must exceed our expected loads by a reasonable margin so that the contingencies of equipment outage, load forecasting deviations, weather changes, and other factors can be accommodated.

We currently are installing nuclear units in the southern part of our territory (at Peach Bottom) for service in the 1972-1973 period. The additional generating capacity required in the 1975-77 period should be installed in the northern part of our territory in order to maintain a geographic balance in area demands and power generation.

When completed, the Limerick Generating Station will serve as a main source of power for the needs of our customers, particularly those in the expanding suburban areas north of Philadelphia, including Montgomery and Bucks Counties.

Since the proposed Limerick Generating Station will be a major source of power to supply the predicted increasing requirements for electrical energy in the Philadelphia Electric Co. service area during the second half of this decade, it is essential that the units meet their planned service dates of March 1975 for Unit No. 1 and March 1977 for Unit No. 2.

Without the Limerick units, our production reserves will be at a critical value and the reliability of power supply to our service area will be at an all-time low.

Generating station site selection is based on a thorough analysis of many factors. The Limerick site was selected for the location of our next generating facility because of the availability of open land, the population characteristics of the area, the routing of transmission lines required to deliver the power generated to the high voltage transmission system of the Philadelphia Electric Co. and interconnected systems, the location in relation to load centers, rail and highway access, and the geology, hydrology, and other geographic aspects of a site.

All these considerations led to the selection of the Limerick site, with recognition that special provisions would be required to insure the availability of water to meet the plant service and cooling requirements.

Among the primary attractive features of the Limerick site is the existence of a 500,000 volt transmission line crossing the site and the access to railroad rights-of-way which greatly facilitate the installation of the necessary transmission facilities and minimize the environmental impact of these installations.

Furthermore, since recent generation facilities have been some distance from the load centers of our system, the overall system reliability will be enhanced by placing a plant at this location.

PUC: Is any other suitable location available for the situation of the proposed generating station building and substation control buildings outside of areas now subject to zoning restrictions.

PE: To the best of our knowledge, there are no other suitable locations not subject to zoning regulations and meeting our requirements. As I previously indicated, a number of factors must be considered in the selection of a generating station site.

After reviewing these factors, the choice came down to two locations. One site was on the Delaware River. This site had an adequate water supply, but would have required obtaining extensive new transmission line rights-of-way. The Limerick site, on the Schuylkill River, required no new transmission corridors even though it had a less than adequate water supply.

After consultation with Pennsylvania state agencies and the Delaware River Basin Commission, the company decided water from the Delaware River could be made available to the Limerick site. The fact that now new rights-of-way were required to construct the necessary transmission lines to deliver the power to the load centers of our system significantly influenced the final selection of Limerick.

This site minimizes the use of Pennsylvania land resources, lessens the environmental impact, and keeps the capital investment at a reasonable level.

PUC: Will the proposed situation of the facilities involved create noises or other conditions objectionable to occupants of neighboring premises.

PE: The operation of a nuclear generating plant is safe, clean and essentially noiseless, and produces less of an effect on the environment than other thermal methods of producing electrical energy. This will also be true of the proposed Limerick Generating Station.

It will not have any need for coal stock piles, no ash handling equipment will be necessary and the station will also be free from large oil storage equipment and from coal and oil rail handling activities.

Air pollution associated with fossil fuel combustion is completely eliminated at nuclear generating stations such as Limerick.

In the operation of the proposed station liquid, solid and gaseous radioactive wastes will be produced within the plant but these wastes will be contained, controlled and handled in such a manner that they will have no deleterious effect upon the occupants of neighboring premises or upon the environment.

Liquid radioactive wastes will be collected as equipment drains, floor drains, chemical wastes and laundry drains, and will then be processed by methods of filtration, demineralization or evaporation. After treatment, all but the laundry drains will be recycled for reuse in the plant feedwater system. After treatment, the laundry drains will be sampled and released to the Schuylkill River under controlled conditions.

The radioactivity contained in such liquid releases will have a concentration at the point of discharge into the Schuylkill River equal to or less than 1 per cent of the regulatory limits for such discharges imposed by the United States Atomic Energy Commission and by the Sanitary Water Board of the Commonwealth of Pennsylvania.

Philadelphia Electric Company's license application to the Atomic Energy Commission is now pending and the company will shortly file an application for an industrial waste permit from the Commonwealth of Pennsylvania.

Solid radioactive wastes will consist of spent filter and demineralized resins, evaporator sludge and rags and miscellaneous material resulting from maintenance operations.

None of this material will be disposed of at the plant site or in the neighboring area.

This material, as well as spent fuel, will be shipped off-site by rail or truck in containers designed to meet the strict standards of the United States Atomic Energy Commission and Department of Transportation, and State regulations.

Gaseous radioactive wastes produced in the operation of the plant will be collected and processed so that the amount of radioactivity will be reduced to the point that the gases can be released to the atmosphere with a level of radioactivity which is well within the limits enforced by the United States Atomic Energy Commission and the Pennsylvania Air Pollution Commission.

In fact, the gaseous releases from the Limerick Generating Station will be equal to or less than 1 per cent of the permissible limits of the United States Atomic Energy Commission and the State of Pennsylvania.

As I previously indicated, the Company's license application is now pending before the Atomic Energy Commission. The Company will also shortly apply for a permit for the Limerick Generating Station from the Pennsylvania Air Pollution Commission.

PUC: Will you describe the thermal effects, if any, of the operation of the proposed plant upon the Schuylkill River?

PE: The rejection of the latent heat contained in the exhaust steam is associated with the generation of power generating station, whether it is fossil or nuclear fueled. This heat is released during the condensing process of the power generating cycle, and is removed by circulating cooling water through the condenser.

There are three methods of releasing this heat to the environment. These are first open loop direct river water cooling which has been employed by most generating stations in the past, and, which will impose a large heat load on the receiving body of water.

Second, a closed system using cooling ponds which for this facility would require as much as 4,000 acres of surface area.

Third, cooling towers, a modern system in which the heat is dispersed to the atmosphere. The least objectionable of these from an ecological viewpoint is cooling towers.

At Limerick, cooling towers will be used to dispose of the latent heat. As a result, during the normal operation of the station, the heat released to the Schuylkill River will be limited to the relatively small amount contained in the cooling tower blowdown water.

This blowdown water, about 20 cubic feet per second, is required to maintain proper water quality in the circulating water loop, and in the effluent to the river. The dispersion of this heat released into the Schuylkill River has been analyzed in accordance with regulations of the Pennsylvania Sanitary Water Board and the Delaware River Basin Commission for both summer and winter conditions, and has been found to be within applicable regulations.

The temperature rise in the river outside the commission's prescribed mixing zone is estimated to be, under low flow conditions, less than 1 degree during the summer and approximately 2 degrees during the winter.

In each instance, these temperatures are within regulatory limits. Under average river flow conditions, there will be no perceptible temperature rise outside the mixing zone.

PUC: When did the applicant acquire the tract of land designated in the application upon which the proposed generating station building and substation control buildings will be built?

PE: The property in Limerick Township upon which the proposed buildings will be built was acquired in eleven different parcels beginning on November 27, 1964, and with the latest parcel acquired May 21, 1970.

PUC: Has any protest been filed with Philadelphia Electric Co. objecting to the erection of the proposed facilities at the Limerick site?

PE: To my knowledge no such protests have been filed with Philadedphia Electric Company.

PUC: Please describe Philadelphia Electric Company's experiences in the field of nuclear power generation.

PE: Philadelphia Electric Co. was active in the development of atomic energy for electric generation for many years. In 1952 it became a charter member of the Dow Chemical—Detroit Edison Nuclear Power Development Project, which subsequently became Atomic Power Development Associates Inc. (APDA). This organization designed and developed a fast breeder power reactor for the Atomic Energy Commission's Power Demonstration Program.

The company also participated in the formation of Power Reactor Development Company (PRDC), which was organized to finance, construct, own and operate the fast breeder reactor designed by APDA for the Enrico Fermi Atomic Power Station.

The company's engineers have been assigned at various times to full time duties in many phases of nuclear projects, including:

Assignments to APDA for design and development of core and fuel elements, shielding design, coordination of research at various levels on the metallurgical and chemical aspects of fuel elements.

Shift supervisor duties and pre-operational duties, including preparation of plant operation manuals, at the Enrico Fermi Atomic Power Station.

Assignment to PRDC for coordination of control instrumentation and electrical features.

Assignments to the Nautilus nuclear submarine project for field engineering and mechanical operations during startup and initial operation.

Assignment to the nuclear-reactor at Shippingport, Pennsylvania for training and operational duties.

Assignment to the Knolls Atomic Power Laboratory at Schenectady, New York, for participation in prototype design of a solium boiler for a submarine reactor.

Philadelphia Electric Co. gained additional nuclear experience through the construction and operation of its Peach Bottom Atomic Power Station's Unit No. 1, and through the construction of Units 2 and 3. Unit 1 is a 40,000 kilowatt, high temperature, gas-cooled reactor.

The Atomic Energy Commission authorized operation of this reactor at full power on January 12, 1967, and since that date it has operated very successfully, producing 458,170,000 kwhr of electric energy for the Philadelphia Electric Co. system.

The operation of this plant also established basic technical information to guide the power industry in the future design and operation of gas cooled reactors. Units 2 and 3 at Peach Bottom are boiling water reactors, and each is rated at 1100 mwe. These units are scheduled for service in 1972 and in 1973.

The company maintains an engineering and research department staffed by several hundred qualified engineers. This staff reviews and approves plant design features; conducts, with the aid of outside consultants, a quality assurance program; and follows field construction activity to plant completion.

The proposed Limerick units are essentially duplicates of the two Peach Bottom boiling water reactors.

Conservationists Fail To Halt Nuclear Plant

CLEVELAND.—A suit by two conservation groups against a land transfer involving part of the site of the Davis-Besse nuclear power station being built near Port Clinton was dismissed over the weekend by U.S. District Judge William K. Thomas.

The suit contended the transfer of 533 acres of the Navarre Marsh federal wildlife refuge to Toledo Edison Co., and the Cleveland Electric Illuminating Co., for a 480-acres private preserve known as Darby Marsh had an adverse effect on the wildlife of the region, including migratory birds and fish.

Judge Thomas dismissed the suit with prejudice, meaning the issue could not be raised in another suit but Attorney Jerome S. Kalur of the Sierra Club said an appeal would be filed in the 6th U.S. Circuit Court of Appeals in Cincinnati.

The suit by the Sierra Club and Citizens for Clean Air and Water was similar to one they filed earlier that was dismissed in April by U.S. District Judge Ben C. Green. He ruled the doctrine of sovereign government can refuse to be sued, applied.

MORE NUCLEAR REACTORS

Nuclear reactors now produce only about 1.4 percent of this nation's electricity. The figure is expected to be 25 percent by 1980 and as much as 50 percent by the turn of the century.

During the same period power consumption is expected to keep rising much faster than the population.

Are Radioactive Wastes From Plants the Ultimate Problem of Pollution?

Opponents of nuclear power call radioactive wastes from nuclear power plants "the ultimate pollution problem."

The hot, intensely radioactive by-products of uranium fission in nuclear reactors remain dangerous for thousands of years.

They are physically hot, often chemically corrosive and must stay sealed away from man and the living environment virtually forever.

Figuring out what to do with radioactive wastes has been one of the biggest and most controversial headaches plaguing the Atomic Energy Commission since the beginning of atomic power.

Today, with nuclear power growing into a booming industry across the U.S., the AEC admits it waited until the pressing need developed before pushing the waste disposal problem to top priority.

But it also feels it has the final solutions in sight—despite the strong doubts of environmentalists.

The AEC's answer is an abandoned salt mine 1,000 feet below the prairies near Lyons, Kansas.

Banking on salt's resistance to heat, radiation and erosion to keep high level wastes safe, the government hopes to transform the mine into the nation's first permanent burial site for atomic age "ashes."

PACKED INTO CRYPTS

The boiling-hot waste materials will be solidified by techniques only recently developed and packed into crypts drilled into the rock salt floor of the mine.

Salt beds are dry and extremely stable geological formations that underlie much of this country's land surface.

Rock salt is almost as good as concrete as a gamma ray shield and plastic enough under heat and pressure that cracks heal themselves.

The AEC believes that burial in salt deposits far beneath the earth offers plenty of protection for the fantastically radioactive materials they must dispose of.

By the time it is filled to capacity the mine at Lyons will hold more radioactivity than probably would result from a worldwide nuclear war.

To illustrate, it would take more than a trillion gallons of water to dilute one gallon of high-level liquid wastes to levels of radioactivity permissible in drinking water.

Solidifying these wastes for burial will concentrate their radioactivity at least six times.

At the rate nuclear plants are expected to be generating wastes, the Lyons site could be filled shortly after the end of the century.

CRUSHED SALT

Then the mine will be packed with crushed salt and sealed. The buried wastes inside could remain untouchable for as long as 500,000 years.

The bulk of the radioactive wastes the AEC is responsible for are "low—level" and relatively simple to dispose of. To date some four million cubic feet of contaminated materials—scrap from obsolete facilities, laboratory implements and aprons, containers, etc.—lie buried in trenches dug in the Idaho desert.

The AEC says these wastes are not an environmental problem, though one of its advisory committees has warned that in the long run, the practice of burying such refuse "in or above fresh water tables" will lead to "serious fouling of man's environment."

But it is the high-level wastes—leftover decay products from fissioned uranium or plutonium fuel—that are the real problem.

Though relatively small in volume, they represent more than 99 per cent of all the radioactivity in waste products.

Currently most of the high-level materials on hand are in liquid form—about 80 million gallons stored at a number of locations around the country.

The exact volume is secret. Most of the wastes come from the AEC's plutonium production facilities for manufacturing bomb materials.

Only about half of one per cent were produced by commercial power reactors.

But the balance will change rapidly as nuclear power grows. By the year 2000, commercial plants are expected to generate 60 million gallons of high level wastes from 10 to 30 times more radioactive than current weapons-related wastes.

STEEL TANKS

Right now, liquid wastes are stored in gigantic steel tanks shrouded in concrete. The problem is that the tanks wear out, eaten away by the heat and radiochemical action of their contents. The life expectancy of these tanks is only about 20 to 30 years, compared with a radioactive life span of perhaps 600 years for the wastes they hold.

Containers for highly corrosive fluorine wastes give out faster—one plan was to keep building new containers around the old ones as the older tanks wore out.

But that would mean active guardianship of the wastes for centuries rather than permanent disposal.

Such problems, and the danger of buried liquid wastes seeping through rock and mineral strata to contaminate water supplies, lead to solidification as the only safe technique for long-range disposal.

Processes have been developed that will concentrate hot, intensely radioactive liquids into a glassy sand-like material or ceramic substance with good heat resistance.

This technique seems to be a long step toward a final answer.

But it is relatively expensive. The AEC has simpler and cheaper ideas too. It has looked into the possibility of pumping liquid wastes into bedrock caves underground, for instance.

The AEC feels this method shows promise, but it appalls critics who feel that integrity of the caverns against leaks could never be guaranteed. Even many AEC scientists agree that this solution might be too controversial to experiment with.

Meanwhile, the governor of Kansas and a number of environmental and scientific groups have expressed doubts even about salt mine burial.

Though they agree it's "the safest choice available now," they feel the AEC has far from demonstrated its adequacy.

Some opponents of nuclear power point to the problem of high-level waste disposal as the strongest moral argument against the atom as a power source.

LEGACY OF DEATH

They see spreading nuclear power plants as the source of a legacy of death for future generations that we have no right to force upon them.

But J. L. Everett, president of the Philadelphia Electric Co. and a strong advocate of nuclear power, believes the "relatively low volume" of high level wastes means that ultimately disposing of them will not be an overwhelming problem.

"If we ever decide we don't want radioactive wastes on earth, we have a simple solution," he says.

We can load them in rockets and shoot them into the sun."

Limerick Residents Accepting Nuclear Neighbor

The $725 million nuclear power plant under construction in Limerick Township has been accepted with calm by most people who live within a mile of the site.

News of such nuclear plants in many cases sets off chain reaction protests, but the Limerick project hasn't upset too many residents of the immediate area, according to a Mercury survey.

David L. Gable, Fricks Lock Road, Pottstown RD 1, said he believes some people are discontented with the Limerick project and there is still some opposition, "but more and more people are beginning to accept it."

Gable, who lives in a home owned by Philadelphia Electric Co., has been informed of the project and said he isn't particularly worried.

"I don't feel that they would be allowed to build unless the entire project was ruled safe. I believe the government is imposing restraints now that wouldn't allow anything to be built and operated if it weren't safe."

"I'm an electrician and realize that we need more power and the only way to generate enough power and still live comfortably is through nuclear sources," he said. "I believe it is necessary and a thing of the future."

Gable moved to his Fricks Lock Road home two years ago and since that time has leased the building on a month to month basis.

NOT WORRIED

"I don't know when I'll be told to move, maybe next month or possibly not for a few years, but I'm not worried about nuclear power and don't think I'll move from the area."

John L. Piechota, Fricks Lock Road, Pottstown RD 1, lives across the Schuylkill River, about a half mile from the site. He owns his own home and has not been contacted by Philadelphia Electric Co.

Piechota said he is not against the nuclear plant and has no plans of moving.

"Despite all the talk about the dangers of the nuclear plant, I believe it is for the good of the country and this area," Piechota said. "People don't really know too much about such plants, but there hasn't been any real harm caused by the others across the nation."

Piechota said there is some opposition but it seems that it isn't coming from people in the immediate area of the plant site, that "most everyone here knows it's being built—we can't stop progress."

Nevin Youse, Sanatoga Road, Pottstown RD 1, has talked with people from the Atomic Energy Commission and read about similar plants. He said he has no worries, "as long as they keep the landscape in shape."

"They put a lot of research and work into the Limerick project and I'm sure they wouldn't go ahead unless it was proven safe," Youse said.

"As far as fish life in the Schuylkill River, it's so polluted from industry now that the nuclear plant's contribution won't make any difference," he added.

Youse said he doesn't know if the power will be transmitted out of the area or used here, but added if we want electricity we will have to accept this or do without.

Mrs. Mary Anne Keen, Sanatoga Road, Pottstown RD 1, has accepted the new nuclear plant since it was explained during a meeting of the Parker Ford women's club last year.

"Maybe I only heard one side of the story, but I'm not upset and have no fears of Limerick's nuclear plant," she said.

"Some people are upset about the Limerick project, but I've lived here 22 years and I'm planning to stay. I think the project is needed and I feel the government wouldn't let it be built if it weren't safe."

She added the new plant will be a cheap source of power and will eliminate any future power losses. "For me a power loss may cause some inconvenience, but for industry a loss of power means a loss of work and a loss of money—it could be a catastrophe."

Carl R. Shotwell's property on Sanatoga Road, Pottstown RD 3, borders the plant site.

He hasn't been contacted by Philadelphia Electric Co., but attended meetings when talk of the plant began.

"I am worried and concerned about the nuclear power plant being built in Limerick Township, but I'm not really in opposition," Shotwell said. "I believe it is a thing of the future and something that is needed."

"It definitely will boost the economy of the surrounding townships, will assist in decreasing unemployment and help draw more industry to the area," he said.

"As far as any accidents, it's just as easy to have an accident in a plant or a car. If we are worried about that we might as well not step out of our homes," he concluded.

Howard E. Rumler, Democratic candidate for the Lower Pottsgrove Township Board of Commissioners, lives a block from the plant site on Evergreen Road. He is concerned and last year toured a similar plant at Peach Bottom to learn more about what is taking place in Limerick.

He said he believes there is no real opposition from people in the immediate area of the plant and while most people might not support the project, they are accepting it.

"We in this area have already benefited from the project. The roads leading to the plant site have been widened and improved, everything that has been done has been done in an orderly fashion and there have been no problems," Rumler said.

"Some people are more concerned with the speeding on the new and wider roads than with the potential hazards of the plant," he added.

Rumler noted that the area surrounding the plant site is zoned for industrial use and with additional power supplied by the plant, new industries maybe drawn to the Pottstown area.

Mrs. Lillian Detwiler, Pottstown RD 1, is not afraid of the nuclear plant. She lives across the river and has been watching progress from her back yard.

She noted that there was some opposition in the area when news of the plant became public, "but one by one the people have been accepting the fact that the plant will be built."

"Some of my friends living in the lower end of Fricks Lock Road have had to sell their homes and property to the electric company. These people are worried—worried about losing their home or finding a new place to live, not about the dangers of the new plant," she concluded.

NUCLEAR FUTURE DEPENDS ON BREEDER REACTORS

In June, President Nixon announced a major effort to develop a commercial "liquid metal fast breeder" reactor within this decade.

Such reactors, he said, will be vital if a supply of nuclear fuel for atomic power plants is to be assured for the future.

But the announcement set off widespread reaction, some at high levels.

Gov. Milton Shapp wrote a public letter to the President asking that no fast breeders be built in Pennsylvania. One had, in fact, been under consideration for the Tunkhannock region.

Earlier the anthropologist Margaret Mead, president of a union of scientists, wrote to the government spelling out objections and reservations about the fast breeder project.

Why the fears?

Breeder reactors are an alchemist's dream They produce more fuel than they consume. With an acute shortage of natural uranium fuels for conventional reactors expected within the next generation, fast breeders are a must if nuclear fission is to have a future.

Ordinarily fission reactors use little of the uranium in their fuel cores. Only the isotope U–235, which makes up only a few per cent of most enriched fuels, is fissionable.

The bulk of uranium consists of an isotope called U–238, which won't fission to produce useful heat.

But U–238 can be converted to fissionable plutonium by bombardment with neutrons, and thus becomes a useable fuel.

In a fast breeder reactor, U–238 is packed around the rector core. It absorbs unused neutrons reflected from the core while the fuel is fissioning, and becomes plutonium.

NO MODERATOR

This type of reactor is called a "fast" breeder because it uses no moderator to slow down the neutrons in its core as conventional reactors do. An unmoderated reactor produces more excess neutrons free to take part in the breeding process.

But the use of fast neutrons to carry on the fission process creates complex engineering problems.

The core of fuel must be denser than an ordinary reactor's; thus an extremely efficient liquid coolant is needed to carry heat rapidly away from the fuel.

The coolant cannot be water, as in most conventional reactors. Water is not a sufficiently effective coolant, for one thing, and water is a moderator, for another.

The answer most often suggested—and used—is liquid metal, namely sodium or potassium. These metals have high heat capacities and become liquid at a few hundred degrees fahrenheit.

But anyone who ever has experimented with these materials in high school chemistry class can see the engineering problems they present. Warm sodium burns fiercely on contact with air or water.

In a hot-sodium cooling system, any air or water leaks could spell disaster, and breakdowns are difficult to fix.

At the first large sodium-cooled reactor built in this country—the Enrico Fermi plant near Detroit, a metal plate inside the reactor broke loose and blocked a coolant outlet pipe.

Heat built up and partially melted a portion of the fuel. The reactor was shut down immediately, but it took months to find out what was wrong and longer to fix.

Even with optical probes, nothing could be seen inside the reactor because the sodium coolant was opaque and much heavier than water.

But as far as engineers are concerned, the mechanical difficulties presented by liquid metal coolants are simply problems to overcome. They will be overcome, say the professionals, and the reactors will be safe and reliable.

But those who fear fast breeders raise a stronger objection. Plutonium is the real nemesis haunting the breeder program, they feel.

Once the breeders get underway, plutonium gradually will replace natural uranium as the fuel in water-cooled reactors such as Limerick's.

It also will be used in the breeders themselves. Plutonium could become the nation's major source of energy.

The U.S. would become a "plutonium economy."

But plutonium is dangerous, too dangerous for any widespread use, so far as the opposition is concerned.

The "critical mass" of plutonium necessary to sustain a chain reaction is considerably smaller than that of U-235.

Critics fear that if a mishap caused overheating and melting of a fast breeder core, a pool of melted plutonium might collect, explode and break open the reactor.

Such an accident could be devastating to a wide area. Plutonium readily burns in air to form an intensely radioactive "smoke".

This gas is not too deadly to humans so long as contact was restricted to the skin, because plutonium's radioactivity is not very penetrating.

But a few thousandths of a gram inhaled into the lungs can bring death, either immediately or in the long run by inducing lung cancer.

Furthermore, plutonium is chemically poisonous.

Proponents of fast-breeders discount fears of plutonium accidents.

They say a large-scale meltdown of the core of such a reactor is just as unlikely as a similar accident in a conventional reactor, and maybe more unlikely.

But even if one did occur, they insist, it would be virtually impossible for a critical mass of plutonium to collect by chance.

And even if one did, it wouldn't blow open the reactor, they conclude.

In fact Chauncey Starr, dean of the engineering school at the University of California at Los Angeles, has stated that breeder reactors are in principle safer than water-cooled varieties, which have to store large amounts of extra fuel in their cores.

Nuclear power means plutonium power—at least until unlimited supplies of clean fusion energy become available in 20 or 30 years.

Even those who oppose fast breeders generally admit that only a full-scale return to coal to satisfy our energy needs in the coming decades could stop the rush to fast-breeders and plutonium.

LAWYERS WANT NUCLEAR ANSWERS; POLITICIANS' FEELINGS MIXED

The forthcoming debut of a nuclear power generating station in the Possum Hollow section of Limerick Township is generating mixed emotions among public officials and the borough's legal community, a Mercury survey disclosed.

Public officials, those who must respond to the wishes of voters and other elected officials, by and large favor advent of the Philadelphia Electric Co. facility, not only because it will fill a pressing need for increased electrical power, but because of a feeling it somehow will bring with it remarkable economic benefits.

Lawyers, on the other hand, expressed misgivings, not over the plant's coming to Limerick but because of a number of questions that haven't been answered, and the unknown factors concerning the facility's effect on the environment.

THREE QUESTIONS

Each person interviewed during the survey (all men) was asked three questions:

Do you generally favor the coming of a nuclear power station to Limerick, or does it cause you to worry?

Do you feel the public should have more to say concerning plant site selection when nuclear reactors are involved?

Do you believe Philadelphia Electric Co. and the responsible governmental agencies have been completely candid and open with information concerning the use of nuclear energy to create electricity?

Three of the four government officials responded that they welcomed the plant while a fourth said he had no feeling one way or the other.

Pottstown Borough Manager Joseph D. Banta said that because of the proximity of the plant in the area, he feels it will have a beneficial effect on the economy as well as being the catalyst for increased population growth.

He pointed out that while he is an engineer, it isn't in the field of nuclear energy and " . . . therefore I depend on the Atomic Energy Commission to oversee and regulate the operation of nuclear plants.

MANY FACTORS

"And lacking the technical knowledge I'd have to go along with whatever the AEC says. As far as the site selection there are dozens of economic and technical factors involved, factors which the utility and the AEC would be in a position to know more about. I don't think site selection by others would be a good idea."

Stephen Ross, acting borough manager of Phoenixville, said he welcomes construction of the nuclear power plant in Limerick.

"I believe there's a dire need for additional electrical power in the area and on the basis of what I've read it's almost a necessity."

Ross said citizens have no alternative but to place their faith and trust in the federal government and the controls they set up not only to govern the operations of nuclear plants, but the selection of sites as well."

Pottstown Tax Collector Guy Sperat Jr., a former borough council president, said he also favors inception of the plant for economic reasons.

"As far as selection of the site, I believe the public should be kept informed of properties under consideration, but any selection should be up to the technical people. It's easy for a person not living near a potential site to favor it, whereas those in the immediate area without the proper information probably would be greatly concerned."

Sperat said he has close contacts with employes of other nuclear facilities and on the basis of conversations with them he believes the government is telling everything about the plants.

Royersford Mayor Ralph H. Landes said his initial thoughts on location of the Limerick power plant were ". . . neither pro or con just mediocre."

He does, however, have specific views on public involvement in site selection and on the government's policy of dispensing nuclear information.

"It is the utility which is building the facility and it should be up to it to decide where the plant shall be located."

Is the government being completely candid in dispensing information on nuclear power reactors?

"Hopefully so. If the government and the AEC think nuclear reactors are okay why should we be concerned? Look at Peach Bottom. It's been operating for years and there has been no reaction from the people living around it, so apparently there are no problems."

UNIQUE POSITION

State Rep. William H. Yohn, Jr. is in a unique position. Not only is he an elected public official, he's a lawyer as well, and his reception to the nuclear power plant is cautious.

"I am very conscious of the need for additional electrical power and the threat of pollution problems from fossil-fueled plants. But at the same time I am not yet convinced we received anything close to all the answers to the safety of such a plant or its effects on the environment in the Limerick area."

Yohn said while he believes the government may conduct itself candidly in providing information, "The concern of the public, and demand for more information is much greater than was anticipated. Consequently not enough people have gone deeply enough into the subject to provide all the answers."

On the matter of site selection, Yohn said he believes the public should have in hand in the process through appointment of a public agency."

In this regard the lawmaker last year submitted proposed legislation which would have created a state atomic energy council made up of people in the environmental field.

PUBLIC HEARINGS

Before any land could be purchased in the state, under the bill, public hearings would be held if the land was to be used for construction of nuclear reactors.

On the basis of testimony delivered at the hearings the agency then would make a determination on whether or not the site was good enough. If not, permission would not be granted.

Yohn's bill never got out of committee. But there's a new one now being studied by the House Conservation Committee and he is predicting it will be reported out for House action sometime after the members return in October.

C. Edmund Wells, Pottstown lawyer and former borough solicitor, said he's concerned over construction of the Limerick power station.

"While I feel we are embarking on a necessary pursuit for the required power demanded by the increased population, I am not so sure that we currently have all the scientific and technical answers on the possible future impact of atomic power plants on the environment.

BIGGER ROLE

"I absolutely feel that the public should play a bigger role in site selection but with the qualification that sufficient information be made available to enable the public to make intelligent and reasonable decisions."

On the matter of disclosure of information Wells commented:

"I have my own personal reservations as to whether or not there have been full disclosures by those who currently are making the decisions."

Richard Spare, Pottstown lawyer and member of the Pottstown School Board, said he was pleased to learn of inception of the power plant because it will fill the continuing need for more electricity and at the same time will create less pollution than a new fossil-fuel plant.

"It's the lesser evil."

UP TO GOVERNMENT

And while Spare doesn't think nuclear power plants should be placed in residential areas, he said he doesn't think the public should have a role in site selection. "That's something which should be left up to the government and the power companies, but it shouldn't be done secretly."

Spare said he has faith in the government and in the electric companies and he feels they are disclosing all information concerning nuclear reactors.

"I know that some people are trying to scare the public regarding the dangers of a nuclear power plant. Nobody's completely candid when you get right down to it."

DICK BOSMAN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. ASPIN. Mr. Speaker, it is with a great deal of sadness that I went to see the Washington Senators play their next-to-last game here in Washington last Wednesday night, September 29. Having the Washington Senators here has been a good thing and from my personal viewpoint, a very enjoyable thing. It is to be regretted that they are leaving.

Particularly rewarding for me this year has been the opportunity to get to know the Senators' star pitcher, Dick Bosman, who hails from Kenosha, Wis., in my congressional district. Dick has certainly been one of the pillars of the team and I am going to miss seeing him on the mound out in Kennedy Stadium.

I wish Dick every success with the team in Dallas-Fort Worth and hope that everything does work out for this fine sportsman.

FAIR TREATMENT FOR OUR FOREIGN SERVICE OFFICERS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. ASHBROOK. Mr. Speaker, in February of 1968 I called to the attention of Congress the need for a fair and objective appeals procedure for Foreign Service officers in the State Department who have long been denied a vehicle to air their grievances such as is accorded employees in the civil service. I later introduced legislation aimed at corrective action and in May of this year reintroduced this proposal with some changes; namely, H.R. 8523. In the Foreign Service an FSO can be retired if he does not advance from grade to grade at a certain established rate or if he finds himself at the bottom 10 percent of the Foreign Service. He is then selected out and in most cases has no channel for appeal.

In 1968 I cited the case of Stephen Koczak, and FSO with high qualifications and prior commendable service, who made the mistake of reporting serious security violations on the part of one of his superiors. In 2 succeeding years Mr. Koczak's ratings dropped. He was selected the next year, 1963, while his superior was continued in service.

Later I called attention to the case of John Hemenway, another FSO who suffered the same fate after reporting abuses which he judged detrimental to the Foreign Service and the Nation's foreign policy. Mr. Hemenway fared better than Mr. Koczak in that he was the first FSO to be accorded a grievance hearing which is continuing at the present time.

But the case which brought public attention early this year was the unfortunate case of Charles W. Thomas, another FSO who, trying for 2 years after being selected out to gain a redress of grievances, committed suicide in despair. Shortly thereafter, statements began emanating from the State Department about proposals outlining a new appeals procedure approach.

Today, before the Senate Foreign Relations Committee, the issue of fair treatment for Foreign Service officers came under discussion at the nomination hearing of Mr. Howard P. Mace, former personnel director of the State Department, who has been selected to be the next Ambassador to Sierra Leone. In opposition to Mr. Mace's confirmation was the above-mentioned John Hemenway who read a prepared statement after requesting to be placed under oath, a procedure not normally followed by the committee. In support of his charges Mr. Hemenway distributed to members of the committee a transcript of his grievance committee hearing of July 29, 1971, which involved Mr. Mace.

Preceding Mr. Hemenway in testifying was Mr. Xavier M. Vela, President of Local 1534 of the American Federation of Government Employees—AFL-CIO—who recommended that the Foreign Relations Committee thoroughly examine the personnel practices of the Department and the role played in them by Howard P. Mace. The part of Mr. Vela's testimony which I found pertinent to H.R. 8523 was Mr. Mace's involvement in the Allison Palmer case. This further indicates the urgent need for a disinterested board of appeals and review, outside the State Department and USIA, which would make the final judgment. This is the crux of the H.R. 8523 proposal which includes a member of the Senate Foreign Relations Committee and the House Foreign Affairs Committee as members of the board.

Several days ago I called attention to a recent study by the Congressional Research Service of the Library of Congress entitled "The Senate Role in Foreign Affairs Appointments" which was made at the request of the Foreign Relations Committee. The study pointed out that there are at present some executive appointments, important in reference to the treaty-making process, which do not require Senate confirmation but which would improve executive-legislative relations if that body were consulted, thus involving the Senate more deeply in foreign policy matters. Likewise, the inclusion of two members of Congress in the appeals board proposal outlined in H.R. 8523 would involve Congress more meaningfully in the affairs of those who are the heart of our foreign policy implementation—our Foreign Service officers.

Much more than the suitability of an individual for an ambassadorial position was at issue in the hearing this morning before the Foreign Relations Committee. The charges raised were but a variation on an old theme—the unfair treatments of Foreign Service officers in the selection out process by the arbitrary manipulations of State Department officials safe, for the most part, from the overseeing eyes of Congress.

I insert at this point a short account of the hearing as it appeared in today's Washington Star under the byline of Phillip Shandler.

The second item is the prepared statement of Mr. Vela of AFGE, mentioned above.

The third insertion is the prepared statement of Mr. Hemenway followed by the transcript of his grievance hearing of July 29, 1971, which was distributed to members of the Committee and to which he refers in his statement:

[From the Washington Star, Sept. 30, 1971]

FIRED DIPLOMAT SAYS MACE IS UNFIT TO BE AMBASSADOR

(By Phillip Shandler)

An ambassadorial nomination was challenged at a Senate confirmation hearing today by a federal-employe union leader and a former foreign service officer who claims he was unfairly fired.

The target was President Nixon's nomination of Howard P. Mace, former personnel director of the State Department, to be U.S. ambassador to Sierra Leone.

REVIEW IS ASKED

The head of the American Federation of Government Employes local at the State Department asserted that Mace had "taken an active part" in personnel actions over the past few years which "denied scores of employees their most basic rights of due process."

The unionist, Xavier M. Vela, did not flatly oppose Mace's nomination, but rather asked the Senate Foreign Relations Committee to review Mace's role in the cases of several Foreign Service officers he said had been arbitrarily "selected out."

But one of those officers, John D. Hemenway, told the committee, "I do not believe that Mr. Mace is fit for the office for which he is being considered." Hemenway charged, under oath, that Mace "puts untruths in his letters . . . misrepresents his own policy positions to be all things to all men . . . and disregards regulations."

Mace, at the beginning of the hearing, had cited as an accomplishment of his tenure as State Department personnel officer, from October 1969 to last month, the granting to Hemenway of the first hearing for a Foreign Service officer protesting involuntarily retirement.

"OBSTRUCTIONISM" ALLEGED

But Hemenway accused Mace of "obstructionism" for two years since granting the hearing and still refuses to testify under oath.

"I wonder, Mr. Chairman, if Mr. Mace violates regulations here in Washington, what will he do abroad unsupervised as an ambassador when he may find it inconvenient or disagreeable to follow certain instructions?" Hemenway asked Sen. J. William Fulbright, D-Ark., who conducted the hearing.

Fulbright is planning hearings starting next week on legislation sought by some unionists and Foreign Service officers that would strengthen employe rights in State Department personnel actions.

Following today's testimony, the committee said there would be no action on the Mace nomination until further testimony is received next week.

ACCOUNTABILITY AND STATE DEPARTMENT MANAGERS

(A statement by Xavier M. Vela, President of Local 1534 of the American Federation of Government Employees (AFL-CIO) on the nomination of Howard P. Mace as Ambassador to Sierra Leone)

The Department of State has in the past few years denied scores of employees their most basic rights of due process. Mr. Howard P. Mace has taken an active part in these denials. We, therefore, would ask your Committee, Mr. Chairman, to look into the rationale for State's policy and examine Mr. Mace's part in its planning and execution.

Let me list the most recent State Department actions which, I believe, undermine the rights and morale of our dedicated, competent Foreign Service.

First, you should know, Mr. Chairman, that in October of last year Local 1534 of the American Federation of Government Employees petitioned for exclusive recognition as the collective bargaining agent for five groups of civil and foreign service employees in State and the Agency for International Development. Not only would management not recognize the appropriateness of these bargaining units but it asked for and received Presidential exemption of all Foreign Service employees from the Executive Order (11491) which spelled out these rights of due process. Furthermore, those rights of due process provided by other regulations, laws, executive orders can be and have been ignored.

Even when the legal Counsel of State knows these violations are occurring and advises the bureau concerned to take corrective action no change will necessarily be made. (See Exhibit A)

A "substitute" order has been in preparation for several months and meanwhile, Foreign Service employees have no bargaining rights whatsoever. The rationale according to the State Department is that all Foreign Service employees have an intimate relationship with the President of the United States which is incompatible with collective bargaining. Many FSO's believe this line of argument is invalid and, in fact, undermines efficiency and morale. (See Exhibit B)

Second, let me outline State's policy on discrimination toward women. Our union helped obtain the first formal grievance hearing ever held for a Foreign Service Officer on any kind of grievance. Upon realizing the threatening prospect of such a hearing with its verbatim transcript and possibility of public scrutiny, Mr. Macomber, with Mr. Mace's active concurrence, informed the Secretary of State that Foreign Service employees should be exempted from *this* Executive Order as well. (Executive Order 11478 which bans race and sex discrimination by the United States Government). The Department's plan, however, was overtaken by events and the hearing officer was appointed by the Civil Service Commission before the exemption was formally requested. Since then, the hearing examiner has found for the complainant but State has yet to grant any redress for the damage done her career. The Department has, instead concentrated on issuing *mea culpa* press releases admitting it discriminated but vowing it will never do so again. I repeat: State has yet to grant any relief in this, its first documented sex discrimination case which was concluded over three months ago.

State's only proposal is to rig the promotion board in the complainant's favor, a procedure which vitiates both the merit system of promotion and the E.E.O. program. The grievant has flatly rejected this proposal. (See Exhibits C and D)

Third, Mr. Chairman, despite repeated complaints of management intimidation of union representatives no effort has been made to remind senior officials of the unfair labor practices provisions of EO 11491. (See Exhibit E)

The latest incident unfortunately involves Mr. Mace's brusquely interrogating a Foreign Service Officer who happened to be a Union official and ordering him to immediately furnish a copy of the union resolution on Mr. Mace's nomination. Mr. Mace, of course, should have requested that the union give him the document through the appropriate management channels. We would have been happy to comply.

Fourth, Mr. Young's article of September 25, 1971 in the Evening Star and the attached cables (See Exhibit F) will illustrate the censorship used by State to inhibit the free flow of ideas between employee organizations and Department employees. Today an employee group can send an "interested party" telegram. Tomorrow this right is unilaterally suspended without prior consultation or notice because of the "administrative problems" that it would cause.

Is it that State fears the "administrative problems" which might arise or does it fear the class action suit against selection out which the cables discuss?

In this particular case the Ambassador to Rome refuses to distribute a cable in the usual fashion and accuses the sponsors of a legal defense fund of using tactics which are "revolting" and "nauseating". The Ambassador's statement is allowed to stand as State Department policy. Does this mean that Ambassadors are not under the control of the Department? That they cannot be reprimanded or made to comply with personnel or even security regulations? Not according to Mr. Mace and Mr. Burns. (See Exhibit G)

Fifth, let me say a word about the so-called new grievance procedures. The press has recently focused on the tragic suicide of Mr. Charles William Thomas and the Department's constant denial of hearing rights to complainants. Mr. Mace was unfortunately, an active party in many of these cases as Deputy Director and later Acting Director of the Foreign Service. His attitude of disapproval towards both grievance procedures *and* FSO's who try to use them is clear. He has authorized only one such hearing and it is unresolved. He has tried to discourage several other hearings. Furthermore, in an official letter (drafted by his Special Assistant who confirmed under oath that the letter's content represented Mr. Mace's viewpoint) Mr. Mace is quoted as warning that a grievance procedure started by an FSO could adversely affect the decisions of the FSO Selection Boards (these boards determine not only promotion but also selection-out). (See Exhibit H)

State's response to this recently publicized practice has been to issue a new set of grievance procedures which have been characterized by Senator Humphrey as, in some respects, worse than the old regulations.

These procedures are clearly part of a public relations campaign to convince the Congress that there is no need whatsoever to legislate Foreign Service grievance procedures like those introduced by Senator Birch Bayh in the Senate and Congressman Ashbrook in the House.

We, of course, believe that this country desperately needs a "Little Wagner Act" for all Federal Employees but that in light of the Administration's denial of collective bargaining rights to Foreign Service employees under EO 11491 an interim legislated grievance procedure exclusively for Foreign Service employees is absolutely necessary. The Charles William Thomas Memorial Legal Defense Fund (Box 19443, Twentieth Street Station, Washington, D.C. 20036) will in the meantime sponsor a class action in Federal District Court against the selection out system as now practiced and thus try to gain more immediate relief for those in imminent danger of losing their jobs to the "up or out" juggernaut.

We, of course, believe that the demonstrably incompetent should be fired, whether supervisors or non-supervisors. But the arbitrary, capricious selection-out system is not the way to accomplish this. The weaknesses and lack of control in these Selection Board proceedings are vividly described in the attached transcript, by an official who provides staff assistance to the Boards. (See Exhibits I and J)

Collective bargaining agreements, enforceable in court, have for decades successfully coped with this and other fundamental employee-management problems.

I will end this statement by pointing out some of the attachments which I would like entered into the record and which, among other things, demonstrate the active part in State's personnel system played by Mr. Mace in the last years as Deputy Director and Acting Director of the Foreign Service.

Exhibit K is a series of documents from the Alison Palmer hearing mentioned earlier which indicate that Mr. Mace denies having seen in 1969 an important memorandum confirming Miss Palmer's charges of sex discrimination. The Director of the Office of Equal Employment later testified that he showed this memo to Mr. Mace and discussed it with him on several occasions.

Miss Palmer testified that Mr. Mace refused to accept the findings of the investigation, carried out by a Foreign Service Inspector. Mr. Mace later admitted that before rejecting these findings he had not read the investigation file on the case.

There is an important four-page memo which Mr. Mace showed to Miss Palmer almost two years ago. It included a fourth page with recommendations and a finding by the State Department Legal Office that she had been discriminated against. Weeks later she inspected her official file and found the memo. But it lacked the last page. At the hearing on June 23, 1971 Mr. Mace promised to insert the complete memo, signed by him, in her file. A check on June 30 revealed that the complete memo was now there, but still was not signed by him. It was finally signed on July 1, 1971.

Also included is an exchange between a union committee and Mr. Mace earlier this year regarding assignments for Foreign Service Officers to a para-military unit in Viet Nam. Even though an attempt was made simply to express the views of the union Mr. Mace refused to discuss how particular assignments were made and later wrote the union saying that "dispute or debate" on this subject was out of order.

Our attempt, Mr. Chairman, was not to debate, but to learn if the process by which FSO's are assigned to a military advisory group in Vietnam is free of favoritism. We still do not know. (See Exhibit L)

For example, Mr. Chairman, an FSO who expresses moral reservations about assignments to South Africa or Portuguese Angola may be given another assignment. Whereas many FSO's who express similar feelings about Vietnam are given a choice between going or resigning. The above exhibit demonstrates that such forced resignations have been submitted.

In brief, we believe that Mr. Mace has been an active part of a personnel policy which is based on two premises:

(1) Right or wrong, you don't question the boss.

(2) The policy is right because the Department of State's top staff says it's right.

This, I submit, is the same kind of tragic shortsightedness that has been revealed in this chamber by State Department spokesman in the past when discussing other matters of interest to this Committee.

Before allowing the Department of State's incipient employee-management conflict to deteriorate any further I request that this Committee, Mr. Chairman, thoroughly examine the personnel practices of the Department and the role played in them by Howard P. Mace. Thank you.

STATEMENT OF JOHN D. HEMENWAY

("Retired" Foreign Service Officer, formerly Chief of the Berlin Section, US Department of State)

Mr. Chairman, I request that you have the oath administered to me. My remarks today are properly made only under oath. (Pause for oath.)

My remarks concern Mr. Howard P. Mace, a man aspiring to the high rank of the President's personal representative in a foreign land. I do not believe that the President could possibly know of all the well-documented and legitimate complaints against Mr. Mace which bear on his qualifications for the office to which he aspires. I believe his name is before you today because persons promoting Mr. Mace's nomination have not fully informed you and others charged with the scrutiny of such appointments of the great weight of evidence showing that he is not qualified for such an office.

I have personal knowledge of Mr. Mace and I believe I am able to report honestly and authoritatively concerning his qualifications. I come here because I believe that the career in which I served for many years should have high standards of service; that only men of high integrity should be allowed to rise to commanding positions in that service. Mr. Mace is not such a man. I say this not from any personal malice, but actually with a heavy heart. I speak, however, with certainty because of knowledge I have gained by personal, first hand experience.

Mr. Chairman, you personally have made it a matter of public record that ". . . it is time for a searching look at the Senate's role in the confirmation of nominees to foreign affairs positions at home and abroad." You could not begin such a policy with a better candidate than Mr. Mace. As I said I do not believe that Mr. Mace is fit for the office for which he is being considered. Neither do I believe that Mr. Mace was properly executing his last office, that of Director of Personnel of the Department of State.

I asked to be put under oath because this Committee has a right to know that my testimony is the truth. As I stated, my name is John Hemenway and I reside at 4816 Rodman St., NW, in Washington, D.C. I am a graduate of the US Naval Academy at Annapolis, a Rhodes Scholar at Oxord and a doctoral candidate at Georgetown University.

I am also a "retired" Foreign Service Officer. I put quotation marks around the "retired" because, in fact, the Department of State's highest official, in official correspondence, has done just that. Actually, I was fired. I was fired after 24 years of honorable service for the United States Government with no blemish on my record. In the year I was fired, officers ranked in the bottom of my foreign service class were retained. The last position I held—which I had held for three years—was Chief of the Berlin Section of the Department of State. Except for my tenure, that position has always been held by an officer with a rank higher than I had, FSO-4. Despite commendable reports in my file from the US Ambassador to Germany, George C. McGhee, the US Minister to Berlin, Brewster Morris, the Chairman of the Berlin Task Force, Deputy Assistant Secretary of the State Walter Stoessel, and a Senior Foreign Service Inspector, Daniel Braddock, who inspected me while I was serving as Chief of the Berlin Section—despite all this, I was fired.

Why? Because, as an officer of the Department told me two days ago, the personnel system of the Department is "sick—sick—sick." The fact is that someone can invest 20 years of his life in the Foreign Service; yet such personal service can be snuffed out without reason or recourse. The Department's personnel system is more than sick, Mr. Chairman, it is corrupt. It is the Alice of Wonderland of Management and Personnel Administrators. The Director of Personnel during the period that I shall discuss with Mr. Howard Mace.

As I said, I am convinced Mr. Mace lacks essential qualities for the office of ambassador. He lacks them to such a degree that he does not merit your confirmation. To my own knowledge:

1. He does not make decisions, and when he does he makes poor judgments; he is guilty of latches, i.e., he is literally asleep at the switch.

2. He puts untruths in his letters and he clears official correspondence which he knows to be wrong and untrue.

3. He misrepresents his own policy positions to be all things to all men.

4. He uses his official position for his personal ends and disregards regulations, which he does not enforce uniformly.

5. When faced with a clear, unequivocal duty, he is capable of setting that duty aside, for reasons of expediency.

The list could be longer. And Mr. Mace is the Director of Personnel, a position he has held in one form or another for years. As my friend said, the Department's personnel system is sick.

I am now engaged in the first grievance hearing ever conducted by a Foreign Service officer. This hearing was granted under regulations that have since been abolished by Mr. Mace, in harness with the administrators of the Department of State. In that connection and the events that led up to the Hearing I have been forced to have many contacts with Mr. Mace as Director of Personnel. All my contacts with him indicate that he does not measure up to the standards I believe you would want the Foreign Service to require of its ambassadors.

Let me be quite specific.

On September 26, 1969, I asked—and received permission—from Mr. Mace to have a

Hearing. (I will not burden you with that matter because the Hearing is now in progress—after delays extending over two years!) I believe that Mr. Mace never intended actually to permit the Hearing he originally had authorized.

For two years documents directly relevant to the case have been withheld, either totally, or overclassified so as to make them unusable in a fair and open hearing. My hearing is open to the public—that in itself is a precedent the Department of State does not like—Mr. Mace and his legal advisor, who appeared yesterday at the Hearing prefer Hearings closed to the public. The Hearing Committee itself has been harassed by Mr. Mace. Thus, for example, on this particular point:

Mr. Mace willfully and illegally discharged the Chairman of my Hearing Committee in the middle of the procedures which he personally had authorized and knew were in progress.

On January 23 of this year, having been informed that I was tired of over one-year's delay and that I intended to press my right for a Hearing, Mr. Mace informed Hearing Chairman Toussaint that his services as an employee of the Department of State would be terminated effective February 28, 1971. (The first Hearing Session was scheduled for three days later, March 3.)

On February 22 I wrote Mr. Mace to inform him of what he already must have known, that his action was illegal and violated Foreign Service regulations. Thereupon the Chairman's dismissal notice was lifted and he was extended—by oral arrangement only—for one more month.

On March 13, after only the initial Hearing in which I indicated what I intended to prove and my means for proving this, Mr. Mace wrote the Hearing Chairman again to terminate his employment at the Department of State, as of 1 April, 1971. I feel this clearly violated Foreign Service Regulations. Again I pointed this out to Mr. Mace in writing. This had the effect of influencing the progress and process of my Hearing because the Hearing Chairman had to operate for the next three sessions under the threat of being terminated again at the end of the month. In fact, that happened. The Hearing Chairman was fired despite my appeal to the Civil Service Commission and to Mr. Mace, again in writing, and my own lawyer's appeal to Secretary Rogers. Mr. Mace knew the regulations and was reminded in writing that the regulations specifically forbade tampering with personnel connected with Hearings—but he again moved to fire the Chairman—and on April Fool's Day, to boot.

Thanks to the US Constitution and to the interest in the matter and in due process generally shown by your colleagues in the Senate, Mr. Chairman, the Hearing Chairman was re-hired as a "consultant" and put back on the roles so that he could continue as Chairman of the Grievance Committee, the first in the history of the Department.

I wonder, Mr. Chairman, if Mr. Mace violates regulations here in Washington, what will he do abroad unsupervised as an ambassador when he may find it inconvenient or disagreeable to follow certain instructions?

Mr. Mace had a direct, clear unequivocal duty under the law and the regulations to provide my Hearing Committee with guidance. No such guidance was received during the entire period that Mr. Mace was Director of Personnel. In fact, his contribution has been two years of obstruction.

Mr. Mace apparently has a proven record of acting arbitrarily and capriciously—giving different officers varied treatment under the law. Shifting personnel policies implemented and directed by him personally have wrought havoc to the careers of dedicated officers, some of whom I have known personally who now are dead—the names of Warren Blumberg and Charles Thomas come to mind.

In my own affairs I know Mr. Mace is a man capable of deception. He does not stop merely at losing files, misinforming the Congress, concealing facts and practicing nepotism. Yet he actually is being considered for the high post of ambassador.

While I do not wish to involve you unduly in my affairs—and I know that some ill-informed persons may question my motives—I would like to call to your attention a Transcript of my Hearing of July 29, 1971 (no. 8 in a series that has now reached 10, over two years—two painful years.) At that one Hearing Mr. Mace was requested to appear—but refused. From a perusal of this one document you will be given some insights into what is wrong with the U.S. Department of State Personnel System as administered by Mr. Mace.

You may wish to glance through a summary of the principal contents of that Hearing transcript.

(Read the contents of the copy, attached.)

It is not my role here to delve into Mr. Mace's motivation for his conduct in these matters. Nor is it my duty to examine the pressures on him. (I would reject the defense that he was "only following orders.") It is also not my role to speculate on how widespread such evidence or corruption is in the Foreign Service—though I suggest it is much wider than even you suspect. Surely a service must be in trouble that requires more than 500 reforms as proposed by the present Deputy Under Secretary of State for Management. It is clear that many of these proposed reforms bear on personnel procedures. This can be no ringing endorsement for the Director of Personne. And the Director of Personnel has been Howard Mace.

Ambassador Loy Henderson once told me—and I believed him—that the Foreign Service system was the finest in the world, *provided it was properly administered.*

Who has been administering the Foreign Service—in significant part, the personnel system, *Mr. Howard Mace.*

We wonder about the "generation gap" and the "distrust of government." We wonder how it comes to pass. Could the appointment of such officials as Howard Mace have any bearing on this problem?

Mr. Chairman, if it is legerdemain this Committee is after you want Howard Mace. Look at his record. His expertise is said to be personnel administration. Then look at the wreckage that is the personnel system of the Foreign Service. No doubt a few men who have prospered under it even during its time of troubles or need the favor of the Personsonel system for an assignment will be deaf to any criticism of the Service or blind to the faults of its Director of Personnel. Such people should have attended my Hearing of yesterday at which perjury was committed.

Bumbling, maladroit ambassadors are nothing new to our diplomatic service. But if this kind of man becomes the model for our career diplomatic service, then I weep for that service—and I weep for our country.

Mr. Chairman, I have one personal request to make of this Committee. For the fourth time Mr. Howard Mace has been requested to appear at my Hearing to testify under oath. Previously he has refused to come. This time the Hearing Committee Chairman has asked him to come on October 6. Would you please hold open the Hearing record of this committee for 10 days so that I may submit additional material after October 6?

Transcript of Proceedings, Grievance Committee Hearing, Thursday, July 29, 1971, in the Matter of: John D. Hemenway Complainant

Mr. Toussaint. I think we are ready to begin. The record will show that the eighth meeting of the Grievance Committee in the matter of John D. Hemenway is being held in Room 3H15, Civil Service Commission Building, 19th and E Streets, N.W., Washington, D.C., on July 29, 1971, at 10:00 A.M.

Present are the members of the committee; the complainant; counsel, Mr. Joyce; and employee representative, Mr. Hite. Representing the German desk, Bureau of European Affairs, is Mr. Ellwood Williams. Also present are Mrs. Thomas, and Mr. Clark Mollenhoff. As observer for the American Foreign Service Association present, Miss Marian Nash.

I had thought at our meeting last week I had picked up all the loose threads, but I had not. But before I pick up two more, I would like to submit, and will include in the record at W-2 a letter dated July 28, 1971, addressed to me from Mr. Hemenway, in which Mr. Hemenway calls attention to the transcript of the July 23 meeting. Mr. Hemenway also calls attention to the fact that Mr. Mace, who had been invited to appear on July 23, had not appeared. Mr. Hemenway resubmitted the request that Mr. Mace be invited to appear at today's meeting.

This was hand carried to me by Mr. Hemenway yesterday, and I immediately hand carried a copy to Mr. Mace and one to Mr. Lyerly. I have not heard from either Mr. Mace or Mr. Lyerly. That will be at W–2.

I believe I gave you (Mr. Burris) a copy, or left a copy at your office for you yesterday. And I gave you one, General, this morning.

Mr. Hagan. Yes, I have it.

Mr. Toussaint. I have a few extra copies if anyone would like to see it. Did you give copies, Mr. Hemenway, to Mr. Joyce?

Mr. Hemenway. I have no objection to anyone present interested in the hearing receiving one. Just pass them down.

Mr. Toussaint. First loose thread concerns my approach to the Bureau of European Affairs with a request that a telegram be sent to Ambassador Puhan calling attention to the hearings held up to the date of my memorandum, which was May 3, and calling further attention to the fact that Ambassador Puhan had been identified in the initial memorandum from Mr. Hemenway to Mr. Mace calling for a grievance committee as one of the officers alleged to have caused to have inserted into the official records of the Department of State false, untrue, slanderous statements.

Ambassador Puhan, I was told by the desk officer for the Hungarian Desk, was on his way back to the United States for consultation and leave, and it was felt that the telegram I suggested be communicated to him might cross Mr. Puhan on his way west with a telegram going east. The telegram was not sent. However, when Ambassador Puhan was in Washington, the memorandum, my memorandum of May 3, as well as the draft telegram, were shown to the Ambassador. On May 18 I received a memorandum from Mr. John Baker of the Hungarian Desk referring to my May 3 memorandum, stating—quote—"I handed your memo of May 3, 1971 and the attached telegram to Ambassador Puhan on May 17, 1971, and he read it in my presence." Unquote.

I think to keep some chronology, or at least facsimile of chronology, of events, copies of my memorandum, my suggested telegram, and Mr. Baker's reply will be inserted in the exhibits at X–2.

Mr. Hemenway. Mr. Chairman, would you be good enough to read your offer to Mr. Puhan? Or perhaps you wanted to read the whole thing, I don't know. Did you want to say what your plan was—what you suggested Mr. Puhan do?

Mr. Toussaint. The telegram would have come from the Department. It has been slugged for Ambassador Puhan. I will quote from the text.

Paragraph 1. "Paul A. Toussaint, Chairman subject committee, has requested that the following be communicated to you; 'At request John D. Hemenway and pursuant provisions of 3FAM1820 grievance committee created October 1969 hearings not initiated until March 1971. To date committee has held five hearings during course of which Hemenway alleged his grievance to be that false untrue slanderous statements were introduced into Department's official records by Ambassador Puhan/ConGen Johnpoll. Verbatim transcript has been maintained of each hearing."

Paragraph 2. "In view your imminent return the U.S. you may wish avail yourself opportunity examine five transcripts now in existence (and such documentary evidence thus far introduced into the record) and such other additional transcripts as may then be in existence."

Paragraph 3. "Whether you wish to comment in any way on transcripts then in existence or defer comment or comment at all is your decision."

Paragraph 4. "Mr. Toussaint may be reached in the Department on extension 29442 or at home Bethesda, Maryland area code 301 540-3558." Period, end of telegram.

Mr. Joyce. Did Mr. Puhan comment?

Mr. Toussaint. Mr. Puhan did not comment.

Mr. Joyce. Did he offer to come testify and put on rebuttal testimony?

Mr. Toussaint. He made no such offer. In fact, I never heard from Ambassador Puhan, directly or indirectly, orally or in writing.

Mr. Hemenway. Just for the record, Mr. Chairman, you will recall that I too took an interest in your efforts to contact Mr. Puhan at the time you drafted this telegram. I want it established in the record that I called Mr. Baker at the time you were being told that Mr. Puhan was out of country. I was told the same thing and I told Mr. Baker in response that I had that very morning a telegram in my hands from Hungary signed Puhan. Now, anyone familiar with the Foreign Service regulations knows that if a telegram is signed by the Ambassador he is in country.

That is all I have.

Mr. Toussaint. Okay. The only other item I have refers to the General's suggestion at the last meeting that an effort be made to reach someone in the White House with the authority to, in effect, instruct the Department of State to release the portion of the Parsons-Penfield report which was wiped out or excised; namely, paragraph c of Tab A.

Mr. Hemenway. You mean paragraph, Mr. Chairman, or section? Is there just one paragraph?

Mr. Toussaint. Well, all right, let's call it section then. Section c of Tab A. That Section c is entitled "Others," and below that appears, "Deleted—refers to privileged communications between a high level officer of the Department with the White House upon request of the latter."

I think I have been able to identify someone at the White House who would be in position at least to listen to me and listen to the request suggested by General Hagan; to wit, that this portion be released and that the White House take the steps necessary to effect its release. I have phoned the gentleman three times. Once he was out; twice he was in meetings. I left my office phone and my home phone. I have not heard from him. I did not try this morning because I didn't think I would have the time over the phone to give him the background of this case of the past nearly two years then go into the real details of the problem raised by the Department in its refusal to release this particular section. I will continue to telephone him at the White House, and, hopefully, between now and the end of work tomorrow have at least an opportunity to discuss it and arrange to meet with him.

That brings us up to this point.

Mr. Hagan. Mr. Chairman, you will recall that another loose end that I noted last time was the fact that we are proceeding under the procedures prescribed by our own intuition and intelligence. Have you had occasion to again address this vital problem to the attention of the Deputy Assistant Secretary of State for Personnel?

Mr. Toussaint. I called his attention to it in this manner: When I received the copies of the transcript, I left a copy with Mr. Mace's secretary and told her to call his attention to certain pages. One of them, I believe, is page 25, which refers to your request for something in writing which would serve as a cloak for immunity in the event we reach that quicksand, and to other pages where specific requests are made. And I did the same thing with Mr. Lyerly's office. He was not in, so I left the transcript, a copy, with his secretary with a similar notation. I have not heard from either party with respect to the transcript or to any request or point raised in the transcript.

Mr. Hagan. I do not want to press the point unduly at this time, but I am sure, I am confident, that you are of a similar mind, that here is a tremendous gap with which we were first faced at the first time of our hearing, by what would we be guided? I also would like to ask the question, am I alone in thinking that under the FAM regulations that there is a clear duty, or affirmative duty, on the Deputy Assistant Secretary for Personnel to provide this committee, his own committee, with procedures for conducting a hearing of this character? Am I the only one who, in our group, feels that way? If so, Mr. Chairman, I will propose at the next hearing session to heal the problem, cure the problem, and to heal the situation by certain recommendations that I will then make. Before I do move in this fashion, I would like to know if you gentlemen on the committee have the feeling this is a requirement laid on the Deputy Assistant Secretary for Personnel. Have either one of you looked at this in the FAM again, referring to the only guiding document we have left on the hearing procedures?

Mr. Burris. This being the first of these proceedings, I believe that is accurate. In way of a Foreign Service Officer having filed a request for and granted a request for a grievance proceeding, I think we have all been aware from the beginning that there is a—detailed and specific procedures have been very difficult to identify and get at. I think this is something that we as a committee have to take under advisement and discuss very carefully.

Mr. Hagan. Well.

Mr. Toussaint. Well, I personally don't think that we have to take it under advisement, because 3FAM1826—I don't remember the subsection—is very clear that the responsibility rests upon the Deputy Assistant Secretary of State for Personnel to provide the necessary guidance and procedures to the committee. It's there. Now, he can read it as well as we can. His legal adviser can read it and counsel him. And I don't think it is up to us, this committee, or any member of the committee, to call attention, or call Mr. Mace's attention, to something which is in regulations that his own office has to enforce.

Mr. Hagan. Well, I'm glad to hear——

Mr. Toussaint. And in the absence of specific guidance, we just proceed as we have and hope that the procedures we do adopt are fair and lend themselves to a fair hearing. The only thing that I might mention which could be construed as guidance offered the committee by Mr. Mace was the suggestion made by Mr. Mace to me very early in the life of this committee, in addition to calling my attention to the Foreign Affairs Manual, that these hearings he expected, and consistent with 3FAM1826, would not be open to the press and the public. At that time I told him that I thought it was up to the committee to make that decision.

Mr. Hagan. Well, thank you, Mr. Chairman, that answers my question as to the provisions of the FAM. I don't happen to have that particular——

Mr. Hemenway. Maybe I could help, General. I can only use common sense in interpreting this. But 3FAM1821.6, among other things, says he, that is, "the Deputy Assistant Secretary for Personnel, or his representative (whom he has never designated you recall), gives instructions on the procedure to be followed to the grievance committee, to the officials designated to make an administrative review, or to the employees desiring to appeal a grievance." I don't think there is any possibility of misinterpretation. Two years ago this committee should have had in its hands essential guidance. For two years you have been without guidance, and the Deputy Assistant Secretary, who has been the same person all this time, has a positive duty required by the regulations.

Now, as I say, that is a common sense interpretation, but would any member of the committee not agree with that interpretation?

Mr. Toussaint. No, I won't quarrel with it.

Mr. Hagan. Well, I wanted to get the text.

Mr. Hemenway. Would you like to read it?

Mr. Hagan. No, this is quite all right.

Mr. Toussaint. It is in the exhibit book.

Mr. Hemenway. It is Tab A.

Mr. Hagan. Thank you very much. That answers my question. And then what we do about it we can discuss.

Mr. Toussaint. Do you have anything, Mr. Burris? Mr. Joyce?

Mr. Joyce. No comment at this time. I believe Mr. Hemenway would like to make a statement.

Mr. Hemenway. Mr. Chairman, our lack of progress, except on intricate discussion of administrative details, has concerned me, of course, as I know it has members of the committee. I wonder if you would permit me to reflect on a few principles for just a moment. I confess to being puzzled, and it is the application of these principles to my affairs and my grievance that troubles me.

I would like to set out two principles for your consideration. The first principle is due process and a fair hearing. Nearly two years ago Mr. Mace promised me a fair and equitable hearing under the regulations. This was not a casual act. It was the first grievance hearing in the history of the Foreign Service, and he knew that. He was aware of the regulations. He must have been aware of their implications when he granted that hearing. He granted me the hearing in writing. It was Mr. Mace who promised me the hearing, and 3FAM1821.6 provides Mr. Mace with the authority to see to it that I got the fair hearing that I had requested and that he had granted. Yet, two years has gone by and he has done nothing to see that I receive a fair hearing. In fact, we introduced into the hearing record on April 16—for your reference, if you want to study it, it is on page 44 and 45—a brief summary of the positive acts of obstruction directly attributable to Mr. Mace in connection with this hearing.

At the July 23 hearing last week, my attorney, Mr. Joyce, cited the press to establish that Mr. Mace admits publicly that he doesn't know what it is all about—or perhaps I should really say that he knows too well what it is all about. The comment attributed to Mr. Mace in the Washington Star of Monday June 7 is that "we are all babes in the woods." He "never heard of a grievance hearing until two years ago." You know why he heard of it two years ago. It was this hearing that he heard about. In fact, that entire remark by Mr. Mace seems incredulous to me. I refer to page 22 and 23 of the transcript of July 23.

Well, reflecting on those facts, we then come to the 22nd of July in a note penned on top of your memorandum, Mr. Chairman, which requested his appearance at this hearing committee. Mr. Mace had the temerity to declare that he will not answer any questions because he intends to be my judge, my jury, and my appeal court all in one. Mr. Mace was aware when he wrote you this, Mr. Chairman, that he could not be held accountable for this pettifoggery. He knew at that time that plans were afoot to send him overseas as Ambassador. He also knew that I, advised by my counsel, Mr. Joyce, would never permit him to take such a role, that we would object to Mr. Mace reviewing this committee's work.

As we already pointed out in the April 16 hearing, within the Department of State it was rumored that whether Mr. Mace actually received his Ambassadorial post would depend on the outcome of the Hemenway case. Our hearing record subsequent to that time has been replete with delays, objections, all traceable to the man responsible for this hearing, or responsible for advising this hearing committee—Mr. Mace.

Those are comments I would like to make on the first principle, due process and a fair hearing.

The second principle follows logically. And it is, I think, common sense that we will object, and that we ought to object, to any Director of Personnel participating in the review of these matters or otherwise exercising any role in influencing the affairs of this hearing committee who has been involved in prior events pertaining to me and leading up to my grievance.

Specifically, I have in mind such a person as Robert Brewster, who is rumored to be the next Director of Personnel if Mr. Mace is confirmed as Ambassador to Sierra Leone. Now, it is the fact that Mr. Brewster was contacted by Ambassador Parsons and Ambassador Penfield, and considerable material is attributed to this contact in the Parsons-Penfield report, which, as I have noted in an earlier hearing, is a distorted, rigged effort that clumsily achieves its end by selective use of some facts and by inventing others. It is a disgrace to its authors, Parsons and Penfield, and no doubt that is why it is falsely classified confidential and why a section of that report is withheld even from the scrutiny of people at this table who are cleared for top secret.

Therefore, I would like to say here today at this hearing, even if he becomes Director of Personnel, Mr. Brewster, like Mr. Mace, should appear before this hearing committee under oath. I think you will find his name in my first list of witnesses, Mr. Chairman. (I am not certain of that without looking it up.)

No doubt, if Mr. Brewster wished to avoid such a confrontation he might, like Mr. Mace, put forward the argument that—quote—"because he is required to make a decision after considering the evidence, he feels it would be inappropriate to appear before this committee." I want to state now before Mr. Brewster becomes the Director of Personnel that he is needed as a witness, and because of his earlier involvement in this case, and with Mr. Puhan in his office—that is, Mr. Brewster's office—as Executive Director of European Personnel, he is disqualified from making any judgments in this case. Any honorable man would disqualify himself under these circumstances. I am sure that Mr. Brewster will if the circumstances present themselves. If, however, he does not, we shall challenge his impartiality as we have been forced by Mr. Mace to challenge his.

Well, those are the two principles and some facts surrounding them. I said I was confused as to the application of these principles, Mr. Chairman. And the source of my confusion, frankly, is that yesterday, July 28, 1971, I read in the official Department of State Newsletter, Number 123, of July 1971, under the following rubric—and I quote—"Development of a Grievance System for the Foreign Service: A Status Report"—end of quote. This article discusses as an event for the future a project in which Mr. Macomber, Deputy Secretary of State for Administration, is said to be—quote—"on public record as favoring an amendment to the Foreign Service Act which would insure that all members of the Foreign Service have access to a grievance procedure." End of quote. I think members of the committee are familiar with this periodical, Mr. Chairman. That same issue has on its front cover, by the way, "180-Day Progress Report" (concerning "reform") and is filled with talk of reform. But, Mr. Chairman, hasn't anyone told Mr. Macomber—he has a very large staff—that he has a grievance procedure for Foreign Service Officers? No new laws are needed; just fairly administer the existing regulations. Does Mr. Macomber not even read the letters he signs to Mr. Fulbright? On June 3, 1971, he signed a six-page letter which mentioned me by name four times.

It mentions two other Foreign Service Officers by the way, among them Charles Thomas. I am just going to confine my remarks today to things I know first hand, so I want to limit myself to just one paragraph of that letter. We would be delighted to, if the committee wanted us to, to go into it in detail. In that June 3 letter Mr. Macomber conveys the impression that the Foreign Service under his administration is honorably following its own regulations in the matter of John Hemenway and others.

Let me read this one paragraph, Mr. Chairman. It is on page 4 of the letter signed by Mr. Macomber, William B. Macomber, Jr.—actually signed Bill M.—dated June 3, 1971, to the Honorable J. W. Fulbright, Chairman of the Committee on Foreign Relations. I quote: "Just prior to leaving the service Mr. Hemenway submitted a memorandum requesting a formal hearing before an impartial grievance committee. In accordance with the regulations, the specific nature of the complaint and the specific action sought was set forth. (It should be noted that Mr. Hemenway's specific complaint did not concern the question of his failure to achieve promotion, as such questions are specifically excluded from the grievance procedures applicable to Foreign Service Officers.) A grievance committee was established, and the hearings are currently being held at intervals suitable to all the parties concerned. The fifth session was held on April 16, 1971."

Well, we could, as I think you are aware, tear that paragraph to shreds. I will just address myself to one of the statements. "A grievance committee was established." That is true. And "hearings currently are being held at intervals suitable to all the parties concerned." That is not a true statement, and anyone who has even lightly perused the transcripts should have known it wasn't a true statement. If Mr. Macomber wasn't told this by the people who drafted the letter or people who briefed him before he signed the letter, he has been misled. We are not satisfied with the frequency of these hearings; we never have been. My lawyer, Mr. Joyce, has told this hearing committee repeatedly that we want to move forward. But you can't move forward, unless you want to move forward into a star chamber, without the witnesses, without the documents, and without fair administration which would give me what I was promised, a fair and equitable hearing.

I wonder if at this moment I could just ask you, Mr. Chairman, why it is you were not given a copy of this letter. Is it not your understanding of our request that we have requested all materials concerning John Hemenway and all files concerning John Hemenway?

Mr. Toussaint. Yes.

Mr. Hemenway. Would you please request this letter (handing paper to the Chairman). I will not give it to the committee because I think it should be provided you by the Department of State. But that will let you have some idea of its authenticity.

Mr. Toussaint. I have several copies.

Mr. Hemenway. I see.

Mr. Toussaint. That I obtained through other sources, not the standard Department source.

Mr. Hemenway. I don't feel, and I know you agree—you didn't get these from me?

Mr. Toussaint. No.

Mr. Hemenway. I want that just for the record, Mr. Chairman. And may I say for the record that the source of this letter was not you, Mr. Chairman.

Mr. Toussaint. That is correct.

Mr. Hemenway. I think you will agree, and I think members of the committee will agree, that we should not have to resort to unofficial sources for the materials that should be freely provided by an administration interested, it says, in reform, which is, in any event, bound by regulations to provide us with all the materials necessary for a full and fair hearing. Would that be the sense of the committee, Mr. Chairman, that we should get these materials?

Mr. Toussaint. Speaking for myself, certainly I agree.

Mr. Hemenway. Well, let me make just one or two other points that are germane to these two principles that concern me. And I know they have concerned you. And I think to the extent that anyone on the outside looks at these procedures they would concern any American who believes that the first ten amendments to the Constitution are a reality. I am concerned that whoever writes these letters that are then signed by Mr. Macomber and Mr. Mace must have a different scale of values than I have—than most Americans have.

I am reminded of a speech made in the Senate two days ago by Senator Case concerning a former colleague of mine. Senator Case said, and I quote, "When Miss Palmer requested that Deputy Under Secretary of State Macomber be called as a witness in her case, he declined on the grounds that 'it would not be appropriate for Mr. Macomber to be a witness in a case in which he has responsibility for the final decision'." End of quote. Now, does that piece of pettifoggery sound familiar? It should, because Mr. Mace wrote this committee—and I quote—"I feel it would be inappropriate for me to appear before the committee. Pursuant to the regulations, the committee is required to report to me, and I am required, after considering the evidence, to make a decision." End of quote. Signed by Howard P. Mace, 7/22/71.

If you believe, Mr. Chairman and members of the committee, as I do, that these phrases stem from the same basic pattern or formula of evasion, I submit that it is because Mr. Mace's decision not to appear before this hearing and Mr. Macomber's decision not to appear in the other matter emanate from the same source, J. Edward Lyerly, legal adviser to both men. You will recall Mr. Lyerly from document G–2 in our hearing record. And that document G–2 is a letter which I wrote to Mr. Mace on the 22nd of February 1971, to point out that Mr. Lyerly has no role under the regulations for injecting himself into the procedures. Yet he seems to have done that at that point and again and again. And I might add he still seems to be interfering.

I cannot advise Mr. Mace and Mr. Macomber from whom they should take legal advice, but I can remind this hearing committee of what I wrote to Mr. Mace in that letter, and I quote—"Moreover, Mr. Lyerly is a party to certain highly important aspects of my grievance. His participation in any way in decisions adverse to me or contrary to my expressed requests under regulations is improper because of his conflict of interest in this matter. Mr. Lyerly will be called by me as a witness during the proceedings. It is possible that he would prefer that the proceedings never take place. Based on aspects of my grievance which he knows first-hand and of information about which he has personal knowledge, his appearance will be important to several major aspects of my case. I mentioned this to you now"—this is written to Mr. Mace—"because it seems evident that

Mr. Lyerly may have neglected fully to inform you." End of quote.

Now, this committee will recall the context of that letter. We had not yet had a single hearing session at that time, after one and a-half years of delay. When we did, my designee, General Hagan, was contested. He wasn't immediately allowed to take his place in the hearing committee. And the Chairman was under threat of imminent dismissal in a reprisal action by this same Mr. Mace, acting within the knowledge of Mr. Macomber's office, with legal advice again provided by Mr. Lyerly. And these are the people, Mr. Chairman, who, according to the most recent *Newsletter*, are in charge of reform.

I think in this context I won't hold you much longer with this narration of details, but I think it is important to raise one more matter at this time concerning Mr. Lyerly. I think it is important because Mr. Mace seemingly relies so heavily on his guidance. I am reliably informed that on July 13, 1971 Mr. J. Edward Lyerly told Foreign Service Officer John J. Harter the following: I quote from a memorandum of conversation dated July 13, 1971, written by Mr. Harter. Quote—"Mr. Lyerly said it is now generally recognized that there is a need for some form of grievance procedure in the Foreign Service. He expected that such procedures will be developed and approved during the months ahead. However, he would be strongly opposed to the development of grievance procedures that would apply to such circumstances as those which I described regarding my own case"—that's the Harter case—"He believed there had recently been much loose talk of 'due process' in the Foreign Service, appearing to imply concepts which he considered incompatible with the essential precepts of the Foreign Service."

Let me repeat that one phrase. "He—Mr. Lyerly—"believed there had recently been much loose talk of 'due process' in the Foreign Service."

Let me quote one more phrase from a lower paragraph on page 3 of that memorandum written by Mr. Harter. Quote—"He also thought I should not seek to have my name associated with that of Charles Thomas, who clearly was a mediocre Officer unable to meet Foreign Service competition. He frankly urged me to cease and desist forthwith from my continued pressure for a hearing." End of quote.

Mr. Chairman, I believe there is this lesson to be learned from all these closely related events I have been reciting today, which you have been so patient to hear. Does Mr. Mace share the attitudes of Mr. Lyerly concerning due process? We don't know. He isn't here. We can't ask him the questions. We are talking to an empty chair. That is just one of the questions we would like to have him answer. How closely does he associate himself with the concept that there is too much loose talk of "due process" in the Foreign Service? I submit this does have a bearing on the fact that, contrary to regulations, this committee has not been provided with the guidance Mr. Mace, Deputy Assistant Secretary for Personnel is required, has a duty, an obligation, to provide you with. At any rate, there is an empty chair. We can't get any answers from it; we can only pose questions. We will pose more questions as time goes on, in their proper order.

I do note one thing. Mr. Mace promised me a full and fair hearing on October 3, 1969, when he designated Mr. Burris as a member of the committee. That you will find in document B of the file. However, with the sophisticated advice of Mr. Lyerly, the record ever since has been one of delays and interference. Is Hemenway in the mind of Mr. Mace and others in the hierarchy just like Charles Thomas, a—quote—"mediocre officer unable to meet Foreign Service competition"?

I wish Mr. Mace would come here, sit in that empty chair, and see what competition is like in the Foreign Service. What is the caliber of the man who gets designated as an Amabassador who refuses to come to hearings to address junior Officers, Officers who can't meet the competition? I will tell you something about that competition. If the actions of the PER seen at this hearing are representative of the results of—quote—"competition"—unquote, it does indeed tell you something about the need for reform in the Foreign Service. Since nearly two years ago, the individuals who were alerted to their positive duty in providing our guidance for this hearing have ever since been in the midst of literally hundreds of so-called reforms. And a recent newsletter establishes that they have yet to address the specific needs of grievance hearing procedures. That tells you something about the speed and efficiency of the thrust of these intended reforms. It also tells you a great deal about the reformers.

Mr. Toussaint. Mr. Hemenway, do you have many more?

Mr. Hemenway. Mr. Chairman, that is all I have on that point. Thank you for your patience.

Mr. Toussaint. I was going to suggest probably a five- or ten-minute recess to give Mr. Eubank a respite.

Mr. Hemenway. My side would welcome that in any event.

Mr. Toussaint. We will recess for ten minutes. [Recess]

Mr. Toussaint. The hearing will resume, after a ten-minute recess. Mr. Hemenway.

Mr. Hemenway. Mr. Chairman, you will recall when we were in your room examining documents the other day something came to our attention which we had not seen. And, surprisingly enough, just like the report of the Special Panel, the report of Ambassadors Parsons and Penfield, we have been provided with large portions of this document and other portions are denied us so far. It might be an oversight, but, at the risk of showing some impatience, this kind of oversight seems to be prevalent in our contact with the archivists of the State Department in this hearing.

Specifically, I refer to a document, memorandum from Howard P. Mace to the Secretary of State. It has an SS number on it of 12880. It is labeled "confidential." But under that label "confidential" there is the notation: Unclassified without attachments. I have here a copy you provided me that hasn't got the attachments; therefore, it is an unclassified document. We have this document. We also have—or I have from earlier sources, and I know you have in your files; I have never bothered you for them—a letter to Mr. Shipley. You may have even given that to me. It is in the record, is it? And a letter from Mr. Shipley. That is Tab A and Tab B, respectively, of SS document no. 12880.

What we do not have is Tab C, copy of suggested reply Harlow to Senator Thurmond. This memo is undated, but it was drafted August 19, 1969. Now, in our conversation in your room you will recall that we raised the question of obtaining Tab C. It occurred to me then, and no doubt to you, Mr. Chairman, that Tab C has to be directly pertinent to all of the documents we requested concerning the Thurmond correspondence.

You will recall two sessions ago in this hearing I provided the Committee with my half of this correspondence. This was in response to Mr. Burris' question on denial of employment. And I asked you to inquire into obtaining for us the other half of that correspondence, which I presumed at that time emanated from the State Department. Well, from this we know now that it must have emanated from the State Department, and here is a cross reference to it in SS document 12880.

I would respectfully request that we be provided with this tab. It seems to me that, since I have a copy, and I have already provided the hearing committee with the copy of the final reply, which is unclassified, that the draft reply, the suggested reply, must also be unclassified. And since the other two tabs are, I know, unclassified, we have the curious anomaly of all three tabs being unclassified, and yet the covering memo is confidential unless the attachments, which are unclassified, are detached.

So you have again this wonderful alchemy of bureaucracy. In my left hand I could hold a memo which is unclassified, and in my right hand three attachments, all unclassified. If however, I touched them together, according to this, they become confidential. I can't understand that. Maybe the mystery will solve itself when we receive a copy of Tab C, which says here, "Copy of suggested reply, Harlow to Senator Thurmond." In fact, you will recall it was not Mr. Harlow who signed it, it was Mr. Cowen, I think.

Mr. Joyce. Mr. Chairman and members of the committee, the newspapers have carried a report that the Department has set up a separate council to attack this problem peculiar to the State Department and to execute the policy after the present positions have been made. And here they have set up this smaller council which was intended to consider specific requests for declassification and publication of documents previously unavailable to the public, and I was wondering whether the committee might have made some motions in connection with this new procedure that has been outlined by the Department to have these documents declassified that we have asked for that have been classified.

Mr. Toussaint. It is my understanding, Mr. Joyce, that this committee, special group, is still searching for the proper basis and proper regulations to implement whatever the decision is, that they have not yet reached that stage—the special council.

Mr. Hemenway. Perhaps you could alert them, Mr. Chairman, that since our classification problem has had a chronology of two years behind it, and it is a small task, we could be considered first when they do resolve this. We, after all, have played within the rules, and the larger problem they are seized with, as I understand it, is the Ellsberg papers. I find it strange that the Department of State would give Ellsberg's actions priority over the actions of this committee which was established two years ago. Surely that couldn't be the White House wish, even if we are assured it might be by the officials in the State Department.

Mr. Toussaint. I don't believe that the State Department committee's mandate stems totally from the Ellsberg case. I think the Ellsberg case sort of blew up in their faces and they had a raft of papers in the files of the Department of State which might be subject to declassification, and in anticipation of requests for political type documents this group was created.

Mr. Hemenway. I see. We might then, at our request, if you would be good enough to address such a communication to them, enjoy some kind of priority because we have an active need for the declassification.

Mr. Toussaint. I will be glad to do it.

Mr. Joyce. Just one further point I wanted to make, Mr. Chairman and members of the committee, along the lines that Mr. Hemenway had commented, that it would seem to suggest to one's mind that the procedures we are following here that we have an empty chair such as we have seen in political campaigns where the opponent refuses to debate, not only refuses to debate but won't even answer questions.

I am further concerned by the statement by Mr. Lyerly related by you in the last hearing, that Mr. Lyerly would defy court orders or requests of Congress for documents, and particularly this Parsons-Penfield report. And I would just like the record to note that Mr. Lyerly may have his chance. It is very easy to say this behind his plush mahogany desk; it is a different thing for a lawyer to stand up in front of an open court room, United States District Court of the District of Columbia, and to say that to a district judge. He may have that opportunity in this case.

And the last request I have to make is that when the hearings resume I would like to have present here as our first witness Mr. Penfield, and I request that he bring with him all documents, memoranda, papers that he utilized in his part in preparing the document we refer to as the Parsons-Penfield report. I would appreciate your advising me when he may be available so we can set a date for the next hearing.

Mr. TOUSSAINT. Very well. Is there anything else? It is, therefore, not possible to set a definite date obviously for the next hearing.

Mr. HEMENWAY. Mr. Chairman, just a point of information. On the preliminary list of witnesses that I handed in to the committee on March 3rd I had done some research on where these people were, and my last lead on retired Ambassador Penfield was that he was in the State of Washington.

Mr. JOYCE. I think that is closer than Finland. [Note: reference is to Amb. Parsons, co-author of the Parsons/Penfield report on Hemenway's "Notes to the Secretary" who was in Helsinki, with the SALT talks, at the time of this Hearing session.]

Mr. TOUSSAINT. Considerably. Very well, the committee will adjourn subject to call when we have the opportunity and wherewithall to set a definite date. That is all. Thank you.

Mr. HEMENWAY. Thank you gentlemen.

[The hearing adjourned at 11:00 A.M.]

LET US TEACH OUR CHILDREN TO PRAY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BENNETT. Mr. Speaker, I greatly enjoyed hearing an address of the distinguished gentleman from Hawaii this morning at breakfast and I am, therefore, sharing it with others by including it here:

LET US TEACH OUR CHILDREN TO PRAY

(An address of the Honorable SPARK M. MATSUNAGA, before the Congressional Prayer Group, Thursday, September 30, 1971)

Thank you, President Floyd Hicks, for the generous introduction.

My friends, I am glad to start this day right, not only by joining you in prayer this morning, but also in being introduced by your president who can pronounce my name correctly.

For some strange reason, easy to pronounce as my name is, most non-Orientals have difficulty with it. For example, in my freshman term, when I asked Doc Morgan, Chairman of the Foreign Affairs Committee to yield me time so I could speak in support of his foreign aid bill, he consented, but before yielding he asked me, "Sparky, how do you pronounce your last name?" I said, "Matsunaga." He repeated, "Matsunaga," and asked me to repeat it once more. I said, "Matsunaga." He repeated "Matsunaga," and said, "Okay, fine." But when the time to yield arrived, he stood up and said, "I now yield five minutes to the gentleman from Hawaii, Mr. Matsu, Matsu—Sparky."

And when I appeared to testify before a subcommittee chaired by the late Fats Everett—some of you no doubt remember him—he started out by saying, "And now we shall hear from the distinguished gentleman from Hawaii, Mr. Spark Matsonga." I immediately corrected him by saying, "Matsunaga." "Oh yes, I'm sorry," he said, "Mr. Matsugana." I repeated very slowly, "Matsunaga." Trying real hard this time, he said, "Matsugun—Damn it, Sparky, I'll never learn to pronounce your name right." "I don't blame you, Mr. Chairman," I said, "for it's a little more difficult than 'Fats'."

Then there was the time when President Kennedy arrived in Hawaii in June of 1963 to deliver his first major civil rights address before the National Conference of Mayors. There were more than 10,000 people at the airport to greet him. And as he addressed the crowd from a temporary platform which was built for this special occasion, he started out by recognizing those on the platform with him: "Governor Burns, Senator Fong, Senator Inouye, Congressman Gill;" then he looked at me standing to his extreme right and said, "and my good friend Sparky."

This went over so big with my constituents that I just didn't have the heart to tell them that the great President could not pronounce my last name.

My name is not the only thing that has caused me problems. There must be something about my face which confuses people, for when I visited Alaska I was mistaken for an Eskimo, when I visited Okinawa I was taken for an Okinawan, when I was in Tokyo they mistook me for a Japanese, in Taipei as a Taiwanese, in Hong Kong as a Chinese, and in Korea as a Korean.

I must tell you of the experience I encountered in Pakistan. It happened in December of 1965 when Pakistan and India were engaged in a shooting war. I was a member of a Congressional study group headed by Clem Zablocki. There were nine of us Congressmen, eight of whom were white.

The Pakistani officials were leading us to a refugee camp which they claimed was made necessary because the Indians had driven the young children and the aged from Ahzard Kashmere.

As we approached the Camp on foot, I suddenly realized I had forgotten my camera in the car and returned to get it. In the meantime, my colleagues were greeted by student demonstrators, numbering well over a thousand, who had lined themselves alongside the narrow dirt roadway leading to the Camp. They were holding picket signs, reading, "Go home, Yankee," "Stop genocide in Vietnam," "Stop genocide in Kashmere," and "Up with China—Down with U.S." You will recall that this was at a time when the Pakistani were charging that the United States was aiding India while Red China was assisting Pakistan.

As my colleagues, preceding me by 50 or 60 yards walked between the two rows of demonstrators, they started yelling in unison, "Go Home, Yankee! Go Home, Yankee," and made ugly hand signs and let out jeers and boohs.

When I appeared on the scene, one of the student leaders spotted me and mistook me for a Chinese Communist. "Ah, Chinese!" he said, and the word went down, "Chinese, Chinese." As I walked between the two rows of demonstrators, they cheered and they applauded me. I was not about to let this great show of friendship for an American go to waste, so I waved at them as I walked past them, with a great big smile on my face. Then when I got to the end of the line, out of sheer curiosity I raised my hand high over my head, just to see what would happen.

They cheered, and then as I raised both hands there was a sudden quiet. Here was my chance to propagandize for good old U.S.A., I thought, and started out, "I am not a Chinese, I am not a Chinese Communist. I am an American—I am of Asian ancestry, just like you. But although I am of Asian ancestry, just like you, I serve in the highest legislative body in the United States—the Congress of the United States on equal terms with those white Americans whom you just jeered and boohed, and I repeat, despite the fact that I am of Asian ancestry just like you," I said pointing at them.

The response was something unbelievable. They merely raised their index finger at me and said, "Uh-huh, huh huh!" They wouldn't believe me. They just refused to believe that one of Asian ancestry could be serving as a United States Congressman. So I turned to the nearest student leader and said, "Don't you believe me? I spoke the truth!" He laughingly looked at me and replied, "Oh, No, no! You're just making fun of the Americans!"

They absolutely refused to believe me.

I relate this actual experience of mine to illustrate the point that people believe only what they want to believe, or what they are taught to believe.

When I was asked to head the discussion this morning, I was a bit hesitant because I felt I could not speak of God and prayer without revealing my innermost feelings and personal experiences. Religion, I believe we can all agree, is a very personal matter. Each of us makes his own choice on the basis of what he believes is the best approach to fostering his relationship with God. But what we need to remember, particularly if we have children of our own, is that much of what we believe, we believe because we were taught to believe.

It has been my long conviction that if I succeeded in teaching my own children to believe in God and to seek Him in prayer regularly, I would have succeeded as a father to them.

The *choice* of religion is not the all-important thing. I consider myself a Christian, a lowly Episcopalian. But my father was a preacher of the Nichiren sect of Buddhism.

It was he, however, who sent me to live with a Christian minister for four years during my student years, with the advice, "America is a Christian nation. You're an American—You should be a Christian."

His philosophy on religion was put into verse which I translated:

"When I think of the foolish fight
That men o'er religious differences make,
I can see mortals in blind plight
Headed towards one goal whatever path they take
As waters seek the easiest routes
And ferret rivers to one great sea,
So do men make different rites
And found religions to one great Deity."

Regardless of what one's choice of religion may be, whether it be one of the established and recognized religions or not, he maintains his own personal relationship with God through prayer. Prayer, therefore, is the very means by which we keep alive our faith in God.

Yet, how difficult it is for so many of us who profess to be Christians to offer even a simple prayer. I have known many a church goer respond with awkward embarrassment when unexpectedly called upon to lead a group in prayer.

Even at the battlefront, where I learned there are no atheists in the foxhole, men close to death found themselves fumbling for a way to communicate with the Almighty.

It is as important to teach a child to pray, therefore, as it is to teach him that there is a God.

"Ogamu koto wa, osanai toki ni oshie"—so goes an old Japanese adage which I was taught as a child. It means "Teach one to pray when he is but an infant."

If, after my decease, I am to be remembered at all I would like to be remembered as a man who taught his children to pray. To me, the greatest thing which my own father taught me was to bow in reverence before God every night to offer a prayer, for in this nightly ritual I have found the greatest source of comfort and a constant reaffirmation of my own convictions. Through this means of communication with my Creator I have found a real purpose in life.

Several years ago, when Dr. Dana Farnsworth of Harvard University researched into the question of why so many of the youngsters of America were turning to crime and delinquency, he concluded that the principal reason was that they lacked a purpose in life. The overwhelming majority of the young men and women in America, Dr. Farnsworth discovered, did not know what they were living for.

Fortunate indeed is the man who early in his life has asked himself, "What am I living for? What is my purpose in life?" And discovered it. Rich is a Nation whose people have learned their purpose in life.

I may sound more like a preacher than a lawmaker when I say this, but what greater purpose in life can we have than to work for the betterment of one's fellowman.

We can help our children to find this purpose in life and keep them from turning to delinquncy and criminality, if we but teach them to pray—to communicate with Him from whom cometh all wisdom and good.

Thank you very much.

THE FACTS ABOUT THE PRISON RIOTS

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. SKUBITZ. Mr. Speaker. I think it is about time we recognized that most inmates of prisons are there because they committed crimes against society; that they are not romantic Robin Hoods and Friar Tucks or that misplaced justice put them where they should not be.

The facts behind prison riots and the ethics and ethos of those who lead and participate in them are effectively portrayed, in my judgment, in two recent newspaper columns, Mr. William F. Buckley's column, titled, "The Real Line on George Jackson," that appeared in the Washington Star of September 22 paints a somewhat different picture than some that have been portrayed of this young man. The handkerchief sobbers who have been told that Jackson was in jail for life for a $70 robbery may want to put away their handkerchiefs.

The second column by Kevin Phillips appeared in yesterday's Washington Post, titled, "On Romanticizing the Criminals." While I am not an unstinted follower of Mr. Phillips' line of political logic, I am impressed with his evenhanded attempt to make clear that all the prisoners are not noble and all the guards are not evil and most importantly, that we face a serious problem that is not solved by the laments of the handwringers for convicted criminals.

I insert the text of the two columns in the RECORD:

ON ROMANTICIZING THE CRIMINALS

(By Kevin P. Phillips)

The bloodstained prison town of Attica lies in upstate New York's "Classical Belt" of towns and cities named for Greek and Roman heroes, places, and battles. Nowhere else in the United States can you easily travel from Troy to Rome, Utica, Pompey, Apulia, Syracuse, Cicero, Marcellus, Lyander, Cato, Scipio, Ithaca, and Ovid. Ironically, Attica itself is named for the peninsula on which Athens is located—the sunny Aegean locale of Greek culture at its fullest bloom.

Hardly coincidental, these names reflect the influence of the "Classical" and "Romantic" era upon the culture of the early decades of the 19th Century. One prominent New Yorker closely identified with this romanticism was author James Fenimore Cooper. He loathed the American business ethic and wrote scathingly of contemporary teamsters, tavernkeepers and peddlers. In contrast, he praised the "noble savage"—the heroic Redman (remember Uncas and Chingachgook of "The Last of the Mohicans"?) whose native virtues transcended the commercial cheapness of the frontier.

Much of the same overblown romanticism is being practiced today—i.e., Tom Wickerish laments for the noble prisoners persecuted by Attica in particular and American society in general. Pity the poor muggers, bombers and arsonists; shed nary a tear for guards and law officers whose deaths just take another beer-guzzling Agnew voter from the bosom of his unstylish family.

Kindred attitudes doubtless played a role in triggering the Attica episode. After all, when enough guilty upper-middle class whites romanticize mugging, rape and assault into the almost excusable "political" response of the downtrodden, then minority group prisoners will also grab onto this exculpatory psychology. People always look for an excuse not to blame themselves. Spurning the individual realizations of guilt and regret that must generally precede rehabilitation, the prisoners turn to group militance—the sort of clearly in evidence at Attica and elsewhere in U.S. prison systems.

Contemporary jurisprudence is aiding and abetting these psychologies. Court decisions aimed at reshaping U.S. education and housing patterns on behalf of minority groups must find a basis for action in past official discrimination, however remotely related to the problem in question (usually residential concentration). And if the media and the courts link discrimination-cum-persecution to virtually every circumstance of minority group life, then why shouldn't prisoners excuse themselves in the same way—as victims of society rather than perpetrators of offenses against it?

Obviously, U.S. society has laid the groundwork with injustices too obvious to dispute. But unfortunately, affluent liberal guilt and romanticism have inflated these injustices into a dangerous mystique—hostile to middle-class values while servile toward the violent poor—that can only increase national tension. So long as current romanticism is unchecked, flattering the "political" pretense of slashers and thugs, there are bound to be more Atticas and more urban guerrillas.

Who knows what the answer is? At this point in time, it obviously does not lie in mere "law and order" rhetoric unencumbered by reform and sociological awareness. President Nixon and his Justice Department are sometimes too prone to minimize the sociological roots of crime. "Sociology" goes beyond the leftist blatherings of the Ramsey Clarks. It is not something to be dismissed out of hand; otherwise there may be nothing between our society and civil war but the further passage of time.

[From the Washington Star, Sept. 22, 1971]

THE REAL LINE ON GEORGE JACKSON

(By William F. Buckley, Jr.)

The line is that George Jackson, who was killed a month ago at San Quentin after he had killed, or caused to be killed, five guards, was a victim of America—or of Amerika, as he used to put it. A typical formulation is Tom Wicker's to wit, "George Jackson, sentenced at 19 for one year to life for confessing to a $70 robbery. . . ." That does sound excessive, does it not?

The Los Angeles Times has done a superb job of digging, and we have now a systematic account of what went on before the sentencing, and after it.

On Jan. 5, 1957, 15-year-old George Jackson was 6 feet tall and weighed nearly 200 pounds. He was arrested for stealing a motorcycle. The judge released him to the custody of his parents.

On Jan. 22, the police picked him up again, this time for stealing motor bicycle equipment. Young George's behavior on this occasion was unusual. When the juvenile officer began to search him, Jackson flailed out with his fists, throwing the officer off balance, and bruising a woman officer who tried to intervene.

Disposing of her, Jackson took the officer and bent him over a desk, "slowly forcing him toward a long, steel filing spike sitting atop a blotter. "This guy would have put that spike through my back," the official recalls. Other guards arrived in time. The incident, by the way, was the cause of local reform. Thenceforward, all spikes were bent L-shape. Jackson was briefly detained, then released on probation.

On March 5, 1957, Jackson broke a skylight, but retreated on hearing a burglar alarm which brought the police out in force. He ignored an order to surrender, and a policeman fired four shots, one of which caused a superficial wound. Jackson was sent to a reform school for boys, from which he was paroled a year and a half later, on Dec. 20, 1958.

The succeeding May, he was picked up for following a woman late at night under extraordinary circumstances. The police found a screwdriver concealed in his belt; but he was let go.

On Aug. 20 he became angry with his employer and slashed the seats of a bus, and answered the ensuing complaint by threatening him with a knife. He was arrested. He lied about his age, was treated as an adult and sentenced to 10 days in jail.

On Sept. 24, he and two other youths held up a service station. He was caught and sent to the Youth Authority, but escaped Oct. 21 and made his way to Illinois.

There, in November, he got into trouble, was picked up by the police and sent back to California to the Youth Authority. But, on Dec. 30, he escaped yet again—from a hospital to which he had been taken for treatment of minor injuries during a fight.

He was recaptured the next morning and served under the Youth Authority from February 1959 to June 1960, when he was paroled.

On Sept. 19, 1960, back with a friend from a trip to Tijuana, he stuck up a service station and took the fabled $70. He pleaded guilty and, this being the third conviction, he was given the fabled one-year to life sentence.

He was denied parole 10 times between February 1962 and June 1970, having collected 47 entries in his disciplinary file. "Not a record number," writes the Times, "but not too far behind."

There were the minor infractions of the rules, but the curve was toward violence and explicit insubordination. On April 4, 1965, he stabbed a prisoner. Another prisoner claimed on Sept. 17, 1966, that Jackson had tried to stab him during a fight. On Jan. 17, 1967, he came out of a cellblock gang fight carrying a length of pipe. On June 8, 1967, he refused to obey an order, then assaulted the guard who gave it. On Oct. 17, 1969, guards caught him in possession of a simulated gun, made from a coat hanger and masking tape.

On Jan. 16, 1970, he and two other prisoners beat a guard to death: Or so it was alleged. (There is no doubt that the guard was beaten to death.) On being led back to his cellblock, he smashed a guard in the rib cage, shouting, "I'm going to kill you."

And then, of course, the next gun he was caught with, on Aug. 23, of this year, was a real gun, not a false one. That gun allegedly was given to him by a young man I used to know, the kind of man who takes seriously the allocations of blame according to Tom Wicker.

CONGRESSMEN CHARLES B. RANGEL AND FRANK J. BRASCO DISCUSS ATTICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. RANGEL. Mr. Speaker, on Sunday, September 26, my friend and colleague from Brooklyn, N.Y., Representative FRANK BRASCO, and I appeared on WNBC–TV's "Newslight" program to discuss the situation at Attica with members of the working press.

Congressman BRASCO and I serve together on the Select Committee on Crime and were part of the investigating team from the committee which visited the Attica correctional facility. Last Wednesday, September 29, I returned to Attica myself in an attempt to clear up some of the many questions still unanswered.

Because of the significance of Attica in light of our history of failure to recognize and deal humanely with the problems of prisoners in our society, I believe my colleagues will be interested in reading our remarks, based on our first-hand investigation.

The remarks follow:

NEWSLIGHT

Guests: U.S. Representative Frank J. Brasco (Dem.-N.Y.), U.S. Representative Charles B. Rangel (Dem.-N.Y.).

Moderator: Ben Grauer.

Panel: Gabe Pressman, NBC News, Jay Levin, New York Post, Jack Newfield, The Village Voice.

ANNOUNCER. WNBC-TV invites you to join the working press in action here on Newslight. To introduce our guests and our panel here is the moderator of our program, Ben Grauer.

BEN GRAUER. Good morning, and welcome to Newslight. We have two guests on Newslight today, Representative Charles Rangel, Democrat, from New York's Eighteenth Congressional District in Harlem, and Representative Frank Brasco, Democrat, from New York's Eleventh Congressional District in Brooklyn. Both these gentlemen are members of the Congressional Committee investigating the insurrection at the Attica Prison which led to the death of forty people, and the death of George Jackson is also part of their investigation. Jackson, one of the so-called Soledad Brothers at San Quentin Prison in California. Here to question Congressmen Rangel and Brasco is a panel which includes Gabe Pressman of NBC News, Jack Newfield of The Village Voice and our panel is completed with Jay Levin of the New York Post. We'd like to give you a reminder that questions presented by members of our panel do not necessarily reflect their personal point of view, but are put forward to elicit information and comment from our guests.

Mr. Pressman, will you begin the questioning?

GABE PRESSMAN. Congressman Rangel, you have been investigating—that is, your Congressional Committee has been investigating the Attica and San Quentin uprising for several weeks. Do you think anything will come out of this investigation in concrete form?

Congressman CHARLES B. RANGEL. There's no question in my mind that things will come out. We have the responsibility of bringing forth suggestions that would minimize the possibility of these tragedies recurring. Some of those things are to have a minimum standard in the protection of the rights of human beings who are in prison. Others would include breaking down the prison system so that it could be closer to society and not exclude people, keeping a fellow out of a cell for some part of the day in order to rehabilitate himself. But in answer to your question as to whether or not society and state and federal legislative bodies are prepared to accept these reform measures, I believe the answer is "no". We are about to stretch out a rubber band until it pops.

PRESSMAN. You mean that whatever you come up with will not be passed by Congress, will not be passed by the legislatures, for instance, of New York and California?

RANGEL. That's correct. Instead of trying to find out the facts and circumstances that caused these things to happen, we are now witnessing one of the biggest news blackouts in history. And it's not new to our country. It happened with Kent State. It happened in Jackson. It happened in Chicago with the Black Panthers. It's happening all over this country. And instead of coming in and saying "what can we do to avoid it," what America is saying, through Governor Reagan, through Governor Rockefeller and through President Nixon is "that we must have more law and order, even if we have to break the law to achieve it."

GRAUER. Before you get into details, Congressman, I presume, Mr. Pressman, you'd like to have——

PRESSMAN. You concur, Representative Brasco?

Congressman FRANK J. BRASCO. No, I do not, Gabe. I think that previously society's attitude with respect to those who commit criminal acts was that you apprehend them, you convict them, you put them in jail and that's the end of our problem. But I think the tragedy at Attica and San Quentin has told us very clearly that that is not the end of our problem, but only the beginning. I think that psychologically we are approaching the area where reform to society will be acceptable. I want to just add that one week prior to the Attica rioting, Commissioner Oswald who has been in office only eight months, and put in office because he was considered to be a liberal reformer, had been at Attica after he had just received some four million dollars in a grant from the federal government, and was talking about a whole host of reforms with the prison inmates and some of them had already been instituted. The one that was instituted was that at that time inmates could send out sealed letters to their legislators, both in the congress, the state, and the city, and received sealed returns. They were talking about work release programs, and as a matter of fact, not too many people know this, at Attica, during the time of the rioting, there were still six inmates who were involved in work release programs going to and from the localities of Batavia, I believe, and Attica itself working; during the day and coming back to the prison at night.

PRESSMAN. Well, very briefly, you disagree with Congressman Rangel.

BRASCO. Yes.

PRESSMAN. You think something good will come of it.

BRASCO. Yes, I think in the nature of reform, it will.

GRAUER. Mr. Newfield.

JACK NEWFIELD. I'd like to address my question to both Congressmen. Assemblyman Eve of Buffalo, and Assemblyman Beatty of Bedford Stuyvesant have both suggested that a grand jury be convened to consider an indictment for murder of Governor Rockefeller. Do you think that's crazy rhetoric, or do you think if your investigation leads in that direction, that the governor might be indicted?

BRASCO. The governor wasn't there. That's the unfortunate fact. I believe sincerely that . . .

NEWFIELD. Angela Davis wasn't there either.

BRASCO. We should have a grand jury investigation; I think it should be a federal grand jury panel immediately, to determine what violations of the criminal law occurred on either side of the cellblock in the institution. I don't think that, that identifying a potential defendant prior to the time that this constitution has had an opportunity to work, because we're living now in a society that there's very little to believe that this constitution works for all people. I think it's not just the question of prison reform. You know, it's no mistake that eighty five per cent of those inmates are black and Puerto Rican. And I don't think this is genetic. And I think we have to look further and see what happened in Chicago. We have now placed such little value on the life, not only of prisoners, but also of white low-income people who are relegated at positions of being guard, and this is something for America to look at. And I'd just like to say this, that because it's been so difficult for you in the news media to get news there, I think that you grab any and everything you could get without looking for a very large segment of this jig-saw puzzle and no one has demanded his appearance. And I suggest that he is being kept incommunicado, because.

NEWFIELD. Who are you referring to?

BRASCO. Once he is interviewed, you may find out what ninety per cent of the problems are in Attica, New York. And I refer to Warden Vincent Mancusi. This is a man that nobody had asked for. How can you possibly have an investigation without asking to talk with the warden of the institution, who was brought to Attica six years ago in order to maintain law and order at Attica, and he's kept the hot—the pot really boiling right there. I'd like to say that when the Congressional Committee on Crime met with him, when we visited Attica, and the response to one of my questions as to what caused it; it is the belief of the warden that as a result of him instituting the liberal reform policy of allowing inmates to send out uncensored mail to "politicians and lawyers," that this allowed an outside conspiracy to be grown in connection with aiding and abetting the colored communists Maoists. Now this is the man that's the warden.

GRAUER. This is a quote that you're giving us, sir?

BRASCO. No question about it. This is his belief as to why we had this tragedy. . . .

NEWFIELD. Colored communists what, I didn't hear.

BRASCO. Maoists.

(Crosstalk.)

BRASCO. So, what I'm saying is, that if we can have someone like this. . . .

NEWFIELD. Does the warden come from the civil service list, or was he appointed by the governor or the commissioner?

BRASCO. I don't know how he got there, but . . .

(Crosstalk.)

Brasco. He made this perfectly clear; that he came up through the ranks; he just received his bachelors degree and that he knows prison reform inside and out. And that's the extent of it. And you have to recognize that there was no movement made on any of the twenty eight legitimate demands of those inmates; among those included a baseball field; the opportunity to wash one's behind more than once a week and the opportunity to have clean food, if not decent food.

Grauer. Mr. Newfield asked for Congressman Brasco's opinion also on the possible grand jury. . . .

Brasco. Well, with respect to your question, Mr. Newfield, an indictment of the governor, I think that's more rhetoric than anything else. I . . .

Newfield. Why?

Brasco. I think it's probably an effort to lock the issues if they're not already locked, to a deeper extent. I think that from my own personal observation of what had occurred, you might disagree with the governor's judgment or Commissioner Oswald's judgment, but when you talk about criminal prosecution, you talk about a question of intent and as far as I'm concerned, from my own limited observation, I don't perceive any intent to commit any wrongdoing. I think there was a serious concern about what was going on in the prison. I might say this, if I may. I think that what the commisioner had to work with at the time, and I personally believe that in consultation with the governor, that the commissioner made the decision, he had fact; he had rumor, and obviously fear.

Grauer. Decision what, to attack?

Brasco. To assault or storm the prison. There was at least one guard killed at that point. There were inmates who were coming out injured, one we were told had been practically sodomized to death by other inmates; another one had gasoline poured down his throat; and these inmates who came out all told, some thirty of them, were giving stories about other inmates being killed. And the proof was in the pudding. They found four inmates killed. As a matter of fact, when we went around and spoke to inmates, they told us that they were afraid themselves; that many of them didn't want to be in the yard, and I believe them because some of them were to be paroled within a matter of weeks; some of them were to be unconditionally released, one on a Friday and we spoke to ten or twelve of them. So there was a combination of circumstances that led to a judgment, and the question of malice aforethought in connection with that judgment, I don't think is realistic. You may disagree with the judgment, but in criminal intent I don't think that there's any there.

Grauer. Now Mr. Levin.

Jay Levin. Well, you spoke to more than prisoners; you spoke to officials and you were among the first to pierce the news blackout. Did you get the sense that the decision at that moment was absolutely unnecessary; that the governor should have honored the negotiating committee's weeping appeal to come there; to hold off on any kind of use of force; that they felt something could be resolved if he came there and talked to them, not to the prisoners?

Grauer. You're asking Congressman Bra . . .

Newfield. I'll ask Congressman Rangel first, and then Congressman Brasco.

Rangel. From those that were there, and you'd have to recognize Governor Rockefeller was not there and neither was I. It seems to me that the negotiating committee and everyone else thought that his presence might have brought about a different ending. Of course, we never know and therefore, the indictment won't come from me there. But I have spent most of my time at Attica—and I'm going back on Wednesday—trying to find out what facts were available to those who made the decision that might indicate that this attack, and especially the attack orders as given, would minimize the loss of life. I can't see how those instructions being carried out as we found them to be could lead to the conclusion that less life could have been lost than if they went in with their immobilizing gas, or if they went in without arms as we know has happened in the Tombs.

Grauer. Congressman Brasco.

Brasco. Well, in connection with that question Jay, from our investigation it was clear that in the closing hours, just prior to the storming of the prison, conditions had deteriorated inside the yard. We had been shown a video tape that was taken, at which time, and the last time that Commissioner Oswald went in himself, and we had gone in on three occasions, the prisoners asked for him, and I might add that after the rioting when we spoke to the prisoners they all thought very well of him. And I think Mr. Rangel can verify that; the point is that the commissioner could not get out the last time; there was someone on the microphone yelling, "Let's hold him as hostage", and indeed he was held I understand, close to two hours. Some of the people on the negotiating committee, who we spoke to found it very difficult in terms of personal fears, returning to the cellblock "D" area themselves. So that in that deteriorating confused situation, in which the last demands were for amnesty, and there seems to be a question as to whether or not one of the negotiators allowed the prisoners to believe that there were members of "Third World" organizations outside ready to take them to foreign countries, "non imperialistic countries"—these were the last two demands which the governor said he could not grant. The twenty eight demands which had been forgotten about, they were agreed too, and I think rather forward looking, were already agreed to in writing by the commissioner. And at that point I don't know what the governor could have done, if anything.

(Crosstalk.)

Brasco. There is a fact though, that some of the members of the negotiating committee felt that he at least should have shown his face. Whether or not that would have changed things I honestly don't know.

Rangel. But that's just not so as far as the demand to go to a "Third World" country. That was dropped by the inmates and the two demands were the firing of the unseen and locked up Warden Mancus; and the amnesty question. But since you touched on the video tape, which I understand that the press has not had the opportunity to review, it would also indicate, as we viewed it, that on the eve of the orders of attack the inmates were still building their negotiating position to protect the mediators. They had every reason to believe they would return and talk to them. In addition to that, we were very anxious to see those tapes to find out what happened during the attack. And while the administration was very cooperative, the entire film is blurred after the orders were given to attack. We saw the tear gas and after that we saw nothing.

Grauer. Mr. Pressman.

Pressman. You said earlier that you didn't think anything would come of any of these investigations, or at least the congressional investigations. . . .

Grauer. Congressman Rangel.

Rangel. I believe that legislation will come out of this. It will come to the floor, but I think what the President has done was an attempt to formulate public opinion against it.

Pressman. Do you think public opinion is against prison reform?

Rangel. Think about the order of priorities, those people who are concerned with medical attention, those people who are concerned with the heavy tax burden that we have. What we normally do, and I say society normally does, is to find out where can we cut the fat away from the budget. And, normally, who's selected? The least powerful people in this society. And I think you would have to agree that in this society, cutting funds for the powerless inmates is the first money knocked off. So I don't see this nation coming forward now, saying "Why can't we avoid . . ."

Pressman. Do you think this nation is on the side of the guards or on the side of the prisoners?

Rangel. It's tragic, and I sincerely hope that I'm wrong. But in leaving Attica and finding the people in that town even refusing to believe their doctor's reports, that the inmates and the hostages died by gunfire, I believe that this country is on the side of the guards, even if in fact the grand jury did prove that there were violations of the law on both sides of the cellblock.

Pressman. Do you think Congressman Rangel, that there is going to be greater repression of prisoners now than there was before?

Rangel. Well, there's no question in my mind. I don't think Congressman Brasco disagrees that we saw evidence of greater repression in Attica, where so-called. . . .

Pressman. As permanent by-product of what's happened, or as a. . . .

(Crosstalk.)

Rangel. There's talk right now from the governor's office right on down, that prisoners now will be labeled as to whether or not they're rebellious, they're revolutionists, or they're moderate, and they will be systematically segregated or removed from the general prison population.

Grauer. Congressman Brasco.

Brasco. I wanted to add to that. I don't think that the general public is against prison reform. I think really what happens Gabe, is that as we talk in terms of trying to assess blame, we sort of have sort of the kids game of choosing up sides, are you on the sides of the prisoners or the guards? But obviously both sides were hurt. This is a kind of problem that affected all people. And one thing that was very glaring to me, is that I don't care what kind of a prison you construct, you cannot—you cannot prevent inmates from taking hostages. So with that in mind, and with the fact in mind that some of these prisoners that we spoke to had very fine minds; minds that were capable of being saved and should be saved. I think that if we put this thing in its proper perspective, and learn the lesson, mainly that . . .

(Crosstalk.)

Pressman. . . . of human beings and of voters to think that now the public will chose up sides, and that they will be on one side or the other?

Brasco. I think that if we continue in some of the empty kinds of rhetoric, you know, that have been tossed around, in charges and countercharges that we're going to cause further polarization. I think that society on its own is ready to make the determination that we must go forward. And again I must point out that just prior to this, Commissioner Oswald received four million dollars with another million dollars in abeyance from the federal government, under the Law Enforcement Assistance Act, specifically to improve prison conditions. I think we're on the way to doing this. And obviously the sooner the better. But I think that society is ready to accept it.

Grauer. Mr. Levin.

Levin. The governor said the other night that he just can't deal with these radical revolutionaries, indicating that in the future we might have the same decisions from him on a similar situation. I wonder if you feel that it was a matter of radical revolutionaries, or do you think that these people could have been negotiated with? And in light of your being there also, what do you think retaliation was taken by the guards or by the state troopers afterwards? Those beatings and wanton shootings against those radical revolutionaries who they seem to think had led. . . .

Grauer. Who is your question directed to?

Levin. Both gentlemen.

Brasco. All right. In connection with that, let me say this. I think that you have, and we have to face up to some very serious problems. I think it's—from what I've seen, we interviewed a young man who was, I think, twenty one years old, who had been convicted of stealing a motorcycle; going out into the street, violation of parole, and back again. And then you have people convicted of murder in the first degree. Sixty per cent of the inmates population are people who have been convicted of murder, manslaughter, felonious assault, robbery and burglary. So that there has to be, in my opinion, a separation of inmates by virtue of age, crimes committed, and of course sentences that have to be served. And I think that in that context, what happened was, is that the leaders in the uprising at Attica were the same people, or some of the same people who were involved as leaders in the uprising in the Tombs; who were involved as leaders in the uprising in the Auburn situation. Now in a correctional institution, as I was led to believe by the Commissioner of Corrections, security is determined by the individual who is most apt to cause trouble. Now when you determine security for those individuals, this young fellow here who is no security problem—the motorcycle case, is stuck with that extra and additional security which means that he and others like him spend sixty per cent of the time in the cells because of a security problem.

Obviously there has to be some separation of prisoners. Obviously we have to have smaller prisons, so that security and vocational programs and recreational programs can be completed with safety. And I think that this is a hard fact that we have to look at. And I don't see that that's particularly pointing people out and, you know, punishing them in any way. I think the facilities all ought to be equal, but you have to understand that there are different problems with different inmates. And I think in one of the demands that the prisoners pointed out themselves, that different inmates have different problems by virtue of the crimes they committed, and their backgrounds, and they wanted to see something done along those lines so they don't all get hung with the problems of any one individual.

Rangel. Let me say this in answer to your question. Asking for a baseball diamond or the opportunity to shower more than once a week does not to be epitomize a radical revolutionary. Those twenty eight demands were conceded by Commissioner Oswald to be just a minimum standard of common decency, regardless of what crime the person had been convicted of. What frightens me is that the governor is using a lot of labels. He's talking about a conspiracy and there has been no evidence submitted to anybody that would give rise to this conclusion. And he's also talking about rebellious radicals and revolutionists. And I submit that if he walked the streets of central Harlem, south Bronx, south Jamaica, where black folks are, you'll be unable to distinguish between the black folks—the militant blacks, the revolutionary blacks, because I think that black folks now are concerned about the loss of life: white, Puerto Rican and black. And we are not going to minimize our standards of human dignity attached to the value of life. We'll have to get rid of these labels. I told the governor that once you start segregating the revolutionists who are you going to select to put a label on me?

Grauer. Mr. Newfield.

Newfield. I'd like to ask Congressman Rangel a few questions about what may be the next Attica, Dannemora Prison. Two months ago Commissioner Oswald announced that he was passing a new ruling where inmates can communicate with journalists if they wished. This week I got a letter from—which I'll pass to you—an inmate in Dannemora which the warden wrote during this prohibited—and I got this from his lawyer, this inmate says that the inmates in Dannemora are being force fed Thorazine to dope them up; that they are not given toilet paper—this week Senator Dunne was not allowed in Dannemora State Prison. I understand that the warden of Dannemora, Mr. Lavalier, has been given a hundred thousand dollar home, paid for by the state, and these inmates can't get toilet paper. And I can't get into Dannemora and Senator Dunne can't get into Dannemora.

Brasco. Well you just stand in line, because Senator Dunne and other legislators have a statutory right to go into any state penal institution, and in addition to this, Senator Dunne has been one of the most outstanding reformers in this area. To exclude him just widens the credibility gap, as we attempt to search for the truth.

Newfield. Do you intend to try to get in this week?

Brasco. I will be there on Wednesday.

Newfield. Will you see that inmate

Brasco. But I'm saying this, that this is consistent, every time people are shot down. State governments come forth with facts which later found out are just not true. So that as they keep trying to put the lid on, I'm afraid that what we're doing is just stretching the rubber band a little too far.

Grauer. We have three minutes. The next question, Mr. Levin.

Levin. I'd like to get back to something I asked before—the second part. Did you feel that there were wanton shootings by the state police and that the leaders were singled out; that anybody was singled out to be killed after the police moved in, based on your interviews in the prison?

Rangel. I have no information that would lead me to believe that this unorganized, frustrating chaotic attack was intended to single out individuals for death. I believe it so strongly because even the lives of the hostages could not possibly have been considered during this attack. I do believe also, as a fact, that after the administration took control of Attica that certain inmates were selected and segregated for systematic beatings. We saw evidence of that when we were there last.

Levin. There is now a contention by some of the lawyers that at least one inmate was singled out and shot. They have his name; they released it yesterday. Did you hear anything to that effect?

Rangel. I have been forced to receive only the wildest type of rumors because of the seal that has been placed on information by the governor.

(Crosstalk.)

Newfield. How do we get . . .

Grauer. Just a moment Mr. Newfield, Congressman Brasco, on that letter from Dannemora, do you want to comment?

Brasco. Well, on the letter from Dannemora, I think that obviously this is—you just can't agree with this, and it's one of the reasons why all of our attention should be directed towards one objective—reform. I think one of the interesting things that's going on in Attica right now is the Goldman Commission, in which Mr. Clarence Jones, the editor of the Amsterdam News is a participant. One of the twenty eight demands was for a permanent ombudsman, in connection with the community. I think this is a worthwhile objective in all prisoners, or I should say all prisons should institute this kind of procedure so that Dannemora letter is done away with as soon as possible.

Newfield. Well how do we . . .

Grauer. Just a moment Jack. We have one moment. Mr. Pressman.

Pressman. Congressman Rangel. You're a member of the black caucus in congress. Did Senator Muskie's recent statement that he didn't believe the country was ready for a black vice-presidential candidate sour the black caucus on supporting Senator Muskie?

Rangel. I don't know whether he was ever considered the candidate by the black caucus, but I do know we were seriously studying the—the problem is whether the country is ready for a Polish Catholic for President.

Grauer. We've gone far uphill from the area we've been discussing up to this moment and now I'm afraid our time is up. And we won't be able to continue. So we express our thanks to our two guests today, Congressman Frank Brasco and Congressman Charles Rangel.

Until next Sunday for Newslight, this is Ben Grauer bidding you goodbye.

PUBLIC HAS RIGHT TO KNOW HOW ITS MONEY IS SPENT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. YOUNG of Florida. Mr. Speaker, I have just introduced a bill to guarantee the public's right to know how its money is being spent. This measure would close a serious loophole in the present Freedom of Information Act—section 552 of title 5, United States Code—which requires public disclosure by Federal agencies, but fails to include recipients of Federal grants.

The American people provide the funds to run our Government, and they are entitled to a full accounting of how the funds are spent. Any person or agency, public or private, receiving Federal funds for a public purpose, would have to make such an accounting. The only exceptions would be in areas of national defense, foreign affairs or cases involving a clearly unwarranted invasion of personal privacy.

This bill requires that a willingness to provide full public disclosure be made a condition to receiving a Federal grant; that complete records must be kept on how the funds are spent, and that refusal to make these records public will result in the grant being withdrawn.

At present, a recipient of public funds through a grant need not open his books to public inspection. He is only held accountable through a Federal agency administering the grant, or through the General Accounting Office. This can often be a long, cumbersome procedure at a time when prompt information is required.

Democracy thrives in the clear, bright light of full public disclosure; it withers and dies in the closed, dark atmosphere of secrecy. Only a fully informed citizenry can make the meaningful judgments required if our form of government is to work.

The American taxpayer has a right to know how his tax money is being spent.

PENNSYLVANIA RECLAIMING STRIP MINED AREAS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 30, 1971

Mr. SCHWEIKER. Mr. President, the Commonwealth of Pennsylvania, rich in valuable coal resources, for years has suffered from the consequences of past strip mining practices. Pennsylvania has had more land areas scarred by this type of mining than any other State in the Union.

In recent year, significant changes have been made, both in the concern about remedying the problem on the part of the State government and in the attitudes of the mining companies themselves. Citizens have demanded that something be done and have supported tough enforcement of strict new laws by State officials.

In large part, the credit for what Pennsylvania is accomplishing must go to one man who has led the fight and refused to back down—William E. Guckert. I have known Bill Guckert for years, and he has done a tremendous job which has set an example for the entire Nation.

The most recent issue of Life magazine includes an article entitled "Taming the Strip-Mine Monster" which highlights the work that Bill Guckert and Pennsylvania have been doing. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAMING THE STRIP-MINE MONSTER

(By Edmund Faltermayer)

I have long loathed the very idea of strip mining. When men tear open the land to a depth of a hundred feet or more to get at a seam of coal and then abandon the site in a naked condition, the devastation can take millennia to heal. Nearby streams become murky with silt and toxic with acid. The huge, ugly spoil banks—the rocky material dumped to the side to expose the coal—support little vegetative cover and are prone to landslides. And when machines chew into the side of a mountain they leave steep "highwalls," or manmade cliffs, on the uphill side of the cut. Not long ago I saw hundreds of miles of these cliffs that have been slashed across the slopes of Appalachia, and it was a sickening sight.

Spurred by the shortage of coal for generating electricity, strip mining is expanding at a fearsome rate and now produces 40% of the nation's coal. Angry voices are calling for a halt to the practice. In West Virginia, young John D. Rockefeller IV, running for governor, demands that stripping be outlawed in his state "completely and forever." Another West Virginian, Representative Ken Hechler, has 90 cosponsors for his bill in the U.S. Congress to outlaw it nationwide. Abolition is the only solution, argues Hechler, because the various state laws requiring companies to restore strip-mined sites are weak, or have been sabotaged by lax enforcement. Furthermore, say the abolitionists, good reclamation—assuming companies could be compelled to do it—is so costly that it would wipe out the economic advantages of strip mining.

Yet the consequences of a total ban on strip mining—which would mean more reliance on nuclear power, and sending more men down to underground mines—are pretty unattractive too. Besides, the abolitionists haven't made a case that good reclamation of strip mines is prohibitively expensive. It costs $1.50 a ton less, on the average, to strip coal than to send men into the bowels of the earth for it. That cost advantage is so great that strip-mining companies can afford to do some pretty fancy regrooming if they are made to do it. I know this is so, because I've been to Pennsylvania, a state which rigorously enforces its reclamation law, the toughest in the land. A lot of Pennsylvania companies are now going beyond what the law requires—replacing topsoil, for example. "They've really got religion on reclamation now," says William E. Guckert, who runs the state's enforcement program. "But," he quickly adds, "they didn't get religion until we put the screws to them."

Cynics will greet with disbelief the news that there is a state government anywhere that puts the screws to the strip-mining industry. How it happened is worth telling. With more scarred acreage than any other state, Pennsylvania also has the country's biggest constituency of outdoorsmen to notice all the ruined terrain—1.1 million licensed hunters and 800,000 fishermen—and they know how to lobby. Pennsylvania also has Bill Guckert, a powerhouse of a man at 63 who got into the strip-mine fight in the 1950s.

The outdoorsmen fought hard to get a tough law on the books, Guckert recalls, and when some legislators sat on the bill "we beat the living H out of them" at the polls. A good law finally passed in 1963, and Guckert took over the enforcement agency four years later. Almost immediately, he was pressured by a political boss to go easy on a strip miner who was violating the rules. But Guckert, who had the full backing of then Governor Raymond Shafer (as well as his successor, Milton Shapp), angrily refused. From that day, he says, he has operated without political interference.

In the four years that Guckert and his 20 inspectors have been riding herd on 360 bituminous strip-mine operators, the results have begun to show. At 16 different locations I saw the land completely "backfilled" by law to approximately its original contours. This means that all the material in spoil banks has been bulldozed back into the deep trenches where the coal lay, in a manner that completely buries those ugly "highwalls." In Pennsylvania they not only backfill completely, but do it promptly, in order to minimize the exposure of acid-forming strata to air and water. Even temporary water pollution is prohibited. Water that collects while mining is under way must be treated in settlement basins.

We came to Emerson Bowser's farm in Jefferson County. His rolling cropland was literally turned upside down for coal—with vast spoil banks and 80-foot-high walls at one point—but today you'd never know it. Tall corn grows in the replaced topsoil, and the fertility is coming back. In five years, says Bowser, "there won't be any difference" in his crop yields.

Pennsylvania in fact is getting an extra dividend from its law: vast tracts of land damaged in bygone days, when laws were lenient, are being restored. With today's bigger machines, companies can return to formerly strip-mined sites to work seams that were too deep to be stripped profitably in the past; and when they do, they must put the whole thing back together. In a mountainous area near Clearfield, in the center of the state, the improvement is breathtaking. On one side you can see an "active" site with spoil banks and highwalls from the past, newly churned up for deeper coal—a lunar landscape if there ever was one. On the other side the land is regraded and planted as far as the eye can see. Companies returning to old sites are restoring "thousands of acres at no cost to the taxpayer," Guckert says. That is why he doesn't want to ban all strip mining now, for then the state itself would have to restore these "orphan" lands at enormous cost.

In the early 1960s, when trying to prevent passage of the Pennsylvania law, strip-mine companies warned that the cost of elaborate reclamation would put them out of business. As it turns out, strip-mine production of soft coal has increased somewhat under the new law, and reclamation adds an amazingly low 15¢ to the average cost of getting a ton of coal out of the ground.

The foes of strip mining take little comfort from the Pennsylvania experience, which to them comes from a unique combination of broad public concern and honest enforcement. Meanwhile, they say, the damage goes on. Stripping is just getting under way on a large scale in such western states as Montana, Idaho and Wyoming. To appreciate the freebooting atmosphere that stil prevails in most states, cross from Pennsylvania into Ohio as I recently did. There, under a reclamation law that is an insult to the intelligence of that state's citizenry, companies are leaving sheer vertical highwalls, some of them 150 feet high and close to busy roads.

Obviously something has to be done, and quickly. Pennsylvania's reclamation standards, which may soon be tightened further, should become the minimum for the whole nation. The Nixon administration has proposed that Congress set federal standards for reclamation, to be applied within two years if states don't enact sufficiently strong rules in the meantime. But the states should not need a prod from Washington. Public indignation is rising, and a whole industry is, in a sense, on trial for its life.

PRAYER IN PUBLIC SCHOOLS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. DRINAN. Mr. Speaker, on August 1, 1966, I had the honor to testify before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee regarding a proposal made by Senator Everett Dirksen to amend the Constitution to allow prayer in public schools. Because this issue has once again come before the Congress I thought that my testimony at that time might be of interest to my colleagues. My testimony follows:

TESTIMONY OF REPRESENTATIVE ROBERT F. DRINAN BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENT, AUGUST 1, 1966

Father DRINAN. Thank you very much, Senator.

Distinguished Senators, ladies and gentlemen, I speak in opposition to the proposal on which hearings are being held this morning.

It is difficult to overstate the significance of the fact that the Bill of Rights has never been amended in all of American history. The 10 amendments to the Constitution which spell out the fundamental guarantees have existed there now in a remarkably durable way under the oldest written operative constitution in the world.

The one partially successful attempt in American history to change the first amendment's provisions was the Blaine amendment in 1896, and that proposal, which all but passed the Senate except for one vote, which had been passed by the House of Representatives, would have simultaneously done two things. It would have required Bible reading in the public schools while simultaneously denying any Federal aid or State support for church-related schools. The Blaine amendment reflected the mood at that time and sought somehow to capture the mood and seek the apothesosis of a public school with Bible reading.

Justification therefore for amending the Bill of Rights in the nature of things should be very, very serious. And especially it seems to me, should it be grave when we consider that the 16 words about religion in the first amendment have served us well in this country and that they have gone unchallenged, really undefined, in the period from 1791 until at least 1947. We should say, therefore, that in the long range we have had only 20 years of constitutional construction and only seven decisions at most in which the establishment clause, which is in issue here today, has been defined.

We therefore should say that before we change the substance of the first amendment that we should be very certain that the changed version is more advantageous to today's religiously pluralistic nation than the wording of that amendment can be.

I wish to speak therefore about three distinct but closely related subjects: First, the problem of the secularization of the public school; secondly, the impossibility of any "voluntary" prayer being the answer to this problem; and, third, I want to speak about the infirmities, the inconsistencies, and the contradictions which are implicit in Senate Joint Resolution 148 which is being discussed here today.

Let me speak first about the secularization of the public schools.

Since the end of World War II the student population in church-related elementary and secondary schools has more than doubled. These schools—operated by Catholic, Lutheran, Orthodox Jewish, and other groups—now enroll every seventh child who goes to school in America. The unprecedented growth of these institutions in the last 20 years is both the cause and the effect of the secularizing process which has been going on over a long period of time in the public schools.

The private sectarian school seeks to create a religious orientation within its curriculum which will combine with secular learning the essential elements of the Scriptural, sacred, and spiritual values of the Judaeo-Christian culture. The nonpublic church-related school is built on the premise that the orientation of the public school is and must continue to be secular; some advocates of denominational schools would in fact claim that the public school is secularistic—even to the point of unconstitutionally "establishing" a secular or nonreligious philosophy of education.

Whatever one might think about the need or wisdom of private, church-related schools, it is undeniable that the public school has become an institution where religious values may be referred to or taught only in the most general way. It is a school whose only religious orientation is that it has no religious orientation.

The public school has in fact been an institution of this character for a long time; the banning of Bible reading and of prayer by the Supreme Court in 1963 merely stripped away the widespread illusion that the American public school somehow combined piety and learning in an eminently satisfactory way. The various constitutional amendments proposed by Congressmen and Senators to restore to the public schools the last vestiges of their piety—Bible reading and prayer—constitute an almost irrational refusal to surrender one of the most persistent myths in American life—the illusion that the public school can train future citizens in morality and piety.

Every attempt to restore religion to the public school is an endorsement of a philosophy of education that maintains that piety should be encouraged as a most helpful and possibly an indispensable means to inculcate moral and spiritual ideals. And I say, repeating a bit, that this is but an echo of that illusory hope that prompted the Congress of the United States almost a century ago to pass the Blaine amendment. The hope at that time was that they would freeze the status quo, keep the Bible in the public schools and downgrade and possibly eliminate church-related private schools.

Now, as a Catholic and as an educator, I more than most Americans concede and lament the thunderous silence about religion in the public schools. Along with an ever-increasing number of critics of the public schools, I note with regret that virtually all public school administrators have failed to give any leadership or exercise any initiative in establishing courses about religion or any programs dealing with the history of religion and its impact in world events. And I say categorically that the absence of objective teaching about religion in the public school is one of the most serious educational limitations of public education in this country. Now no one pretends that the structuring of courses about religion or the selection of personnel to teach these courses are easy tasks. But educators would concur that religion should have its place in a public school curriculum which teaches every subject from art to zoology.

There are several feasible and constitutional ways by which the secularization of the public school can be lessened. No one pretends that any of these methods is entirely satisfactory but clearly they offer a more realistic way by which students can actually learn about religion than is offered by the so-called voluntary prayer. Among the clearly available and perfectly constitutional options open to the public school are the following:

1. Released or dismissed time off the school premises, clearly validated in 1952 by the *Zorach* opinion.

2. Teaching about religion. The U.S. Supreme Court went out of its way in the majority and concurring opinions to point out that the Supreme Court in its 1962 and 1963 opinions was not saying anything against the constitutionality of teaching about religion.

3. A study of the Bible. Once again the Court expressly stated that the Bible as literature, the Bible as one of the world's most influential books, certainly can and should be studied.

In view, therefore, of the options that are available to public school educators, which to be sure they have neglected, but why is it that anyone can think that a "voluntary" prayer can have any significant effect in neutralizing the impact of 30 hours every week of religionless teaching on the mind and heart of a child? It seems to me that the solution for the problems that arise from a secular or a secularistic school will not be a simple one. But I feel certain that it will not be found in the introduction of the so-called voluntary prayer into the daily routine of children in the public school.

Let me come to my second point. The impossibility of this so-called voluntary prayer being a solution to the secularized school.

The gentlemen here are familiar with the hearings that were conducted by the House of Representatives 3 years ago, and I have here 1 volume of the 3 volumes of the 2,774 pages of testimony which were elicited in the spring of 1964, and it seems to me that that testimony demonstrates overwhelmingly that the reaction of Congress at that time was not responsive to any professional body of educators or any organized or unorganized religious body. It seems to me that the 2,700 pages of testimony manifest rather the obvious and sometimes truly pathetic desire of Congresmen to be identified in the popular mind with those individuals who want more godliness in our schools and more fervor in our public piety.

We might have hoped that this nostalgia for the past that erupted in June 1963 when the Bible and prayers were banned by the Supreme Court—we might have hoped that that might have subsided by August 1, 1966. Clearly, educators and religious leaders have come to a broadly based consensus that the sectarian practices that were struck down by the Supreme Court had at best minimal educational or religious values.

The piety of Congress continues, however, and, gentlemen, piety is most commendable, but I must say that the piety of the Senate seems to have receded from the more fervent devotion of the House of Representatives 2 years ago, because the House of Representatives had 146 proposals; most of these proposals wanted both Bible reading and prayers in the public schools, and Senate Resolution 148 is going to settle for voluntary prayers without even a pious affirmation that the Bible is worthy of reading.

Well, if congressional piety has been on the wane, then perhaps it may be that soon it will not be a problem.

It is distressing to me—I say, with great candor, and with great regret—it is distressing for me to have to say that I was requested and strongly urged to testify here today by Catholic, Protestant, and Jewish individuals and organizations, and the overwhelming majority of leaders in all of these three religious bodies is strongly opposed to any constitutional change in the first amendment which would permit voluntary prayers in the public school. Why is it then, I ask, that 40 Members of the U.S. Senate introduced in March 1966 a resolution seeking to do that which is directly opposed to the best judgment of virtually all of the religious leaders and denominational groups in the Nation? Why have these 40 Senators subscribed to a resolution seeking to accomplish an objective which the leading churches and synagogues of America have vehemently repudiated as unwise and unconstitutional? For what reasons do 40 Senators seek to appear more pious than the churches and more righteous than the Supreme Court?

It is also distressing to me to note that no professional organization of educators, to my knowledge, would endorse an amendment to the Constitution which would permit the recitation of prayers. By what process of reasoning, therefore, do 40 Senators think that they can or should propose an addition to the curriculum of the public schools of this Nation which has not been requested and indeed has been rejected by the vast majority of public school educators in America?

Experts on constitutional law who will support Senate Resolution 148 are as scarce as the religionists and educators who will endorse it. The vast legal literature about the *Engel* and *Schempp* decisions has in general tended to join the consensus among religionists and educators to the effect that an amendment of the Bill of Rights is not the way to bring religion into the public schools.

However, I repeat again that I am not minimizing in any way the problem to which Senate Resolution 148 is directed. I think that it is very clear that the problem of furnishing academically adequate instruction about religion and morality in the public school is a problem which is much more acute than most educators will admit and more crucial than most parents and even churchmen realize. The public school, furthermore, has as one of its tasks the advancement of community understanding in the face of serious and substantial religious differences in our population. The public school cannot carry out that task unless it can teach children to learn to understand and appreciate and respect the religious differences around them, and that cannot be done by a blackout of discussion of religious differences in the school where these future

American citizens attend for the first 17 years of their lives.

If I may make an analogy which I think is appropriate: The nontreatment of the Negro which has characterized American public education until the recent past has clearly added to and deepened the prejudice of the white majority toward the Negro about whom they have learned virtually nothing in the public school. Similarly, nontreatment of religion in the public school can only result in the perpetuation into the next generation of existing misunderstanding over religious differences.

It seems clear to me beyond dispute that the proposal in Resolution 148 offers no solution whatsoever to the religious vacuum in the public school. And I think that the ineptness and the undesirability of the proposals contained in 148 become even more evident when we examine the unbelievably amorphous and ambiguous language of this resolution, and I come, therefore, to my third and final point.

One of the things proposed in Senate Resolution 148 is the "permitting" of "voluntary participation by students * * * in prayers." No amendment to the Constitution is necessary to permit prayers. It is very clear that if children want to voluntarily participate in a prayer which does not interfere with the academic program of the school, they may do so.

The basic contradiction, as I see it, in Senate Resolution 148 comes from the removal of the prohibition from "the authority administering any school" "from providing for * * * the voluntary participation by students * * * in prayer." However you read that, it gives to any school official the broadest power to "provide for" prayers by pupils, and if a school official provides for prayers, can this prayer be said to be voluntary? In every definition of the term, in every dictionary, "provide for" includes the idea of a person or institution arranging beforehand for some services which will be received by individuals at least on a quasi-involuntary basis. Consequently, it is difficult to understand how providing for prayers by school officials can result in voluntary participation.

The inherent contradiction is so baffling that I, for one, conclude that the purposes and intent of this resolution are simply not clear.

It is more obscure when you read that there is withdrawn from school officials who can provide for prayers the power to prescribe the form or content of any prayer, and I, for one, cannot imagine a school official who, on the one hand, has the power to provide for the recitation of prayer, but, on the other hand, has no authority to prescribe the form or content of a prayer for which he has authorization to provide.

The incredible obscurity of this thing is further compounded by the shadowy reference to people in a public building for whom "voluntary participation * * * in prayer" is also guaranteed. The reference apparently is to citizens in a "public building" such as a courthouse where "the authority administering * * *" such "public building" may provide for the "voluntary participation in prayer."

The amorphous aims of this resolution do not stop with public institutions. Every public building which is "supported in whole or in part through the expenditure of public funds" will be under the jurisdiction of an official authorized to "provide for" prayers "by students or others." No definition of "in part" is supplied—thus permitting the inference that a private school which receives Federal subsidies for children's lunches may be sufficiently "supported * * * in part" to be subject to any public official who desires to "provide for" prayers for the students.

Two conclusions. Whatever may be said above is not intended in any way to minimize the enormous problems which the secularization of the public school has created in America. As a Catholic, I am fully aware of this problem since at least half of all the Catholic children go to church-related elementary and secondary schools. Educators and religious leaders with the help of Congress and State legislatures should resolutely confront the problem and seek to overcome as far as possible the neglect and nontreatment of religion in the public schools. But surely an almost incredible amendment to the first amendment can only make more unresolvable this problem which some have called intractable.

If the Senate and the House ever approved resolution 148 and sent it to the States for ratification by three-fourths of them within a period of 7 years, the entire Nation would be profoundly confused by reason of the basic ambiguities in the proposed amendment to the Constitution. This confusion could and would lead to division and to disunity and I say this in conclusion, that the passage of this Joint Resolution No. 148 would, in my judgment, be a profound mistake.

Thank you very much.

Senator BAYH. Thank you very much, Dean Drinan, for taking the time to come and let us have the benefit of your wisdom.

Do you have time to subject yourself to questions?

Father DRINAN. Yes; certainly, Senator.

Senator BAYH. Obviously, in your position as a leading educator, and as a leading Catholic scholar, you must feel that religious training in schools or a religious-oriented education is beneficial to the student; is that correct?

Father DRINAN. Very much so, Senator. I think that it is a profound problem how the public school can teach about religion, teach the religious dimensions of our culture without in any way indoctrinating, and I think that has been a dimension which is seriously overlooked.

Senator BAYH. Then in your statement you emphasize that you are not making light of the value of religious training, but rather that a mere voluntary prayer does not really provide the morality and the piety which you feel can be accomplished by a more thorough religious training.

Father DRINAN. I think, as a matter of fact, Senator, that this would be taken as the outer limit of what the public school could do in the area of religious education.

If this ever passed, this would be taken as the one thing that the public school could do, and it would inhibit further attempts by educators to give courses about the Bible, about the history of religion, because that would be under a cloud of unconstitutionality.

This, therefore, might seriously inhibit very fine efforts that are now being made by public educators everywhere to introduce the religious dimensions into the courses, such as history and literature, where they properly belong.

Senator BAYH. Your church, and a few other churches, take advantage of the exchange time or the release time in which students are permitted to absent themselves from classrooms and get religious training within the church. Are there other suggestions that you can make, which you feel would do a better job of bringing the type of morality and beneficial aspects of religious training to a student which is not presently being utilized by the school because the churches have not taken the initiative that is necessary?

Father DRINAN. I think this, Senator: that the public schools should say, "We have an obligation to teach about religion just as we have an obligation to teach about everything from art to zoology; we are not going to give children moral values which they are just going to accept. We are going to explain the options to them. We are going to tell them the enormous impact of religion in the history of Western culture, what religion has meant in the history of mankind, and tell them what religion has been in the history of mankind."

That is what a public school should do.

It seems to me that moral and spiritual values should be communicated, but they should also be validated, and that if you want to tell the child not to cheat or lie, you have to give him a reason why that is so.

Senator BAYH. Let me yield before some further questioning to some of my colleagues on the committee.

Senator DIRKSEN. I have just got one observation to make, Mr. Chairman. This is a very sophisticated argument that Dean Drinan makes. He alludes to the hearings in the 88th Congress in the House of Representatives. I have the whole set here.

Among those who testified were archbishops, church administrators, priests, ministers, rabbis, professors, lawyers, the American School for Democratic Action, church foundations, church councils, veterans' organizations, and the Civil Liberties Union, the American Farm Bureau Federation, professors of theology, labor leaders, divinity schools, religious institutes.

As I went through that, it occurred to me that somehow we had had every sophisticated argument except an argument from the common man of this country, who was defined as one who works and prays and pays his bills and goes to church, rears a family in decency as law-abiding children. Strange, in all this, we have not heard from any of those, and we are beginning to hear from him by the millions, and he is going to have his say.

What is said here about the ambiguity of this amendment is just tortured interpretation, in my judgment. What is said about secularization is just going around Robin Hood's barn. I am interested in the people who own this country, for if I can read the Constitution correctly, it says, "We the people, do ordain and establish this Constitution," and because the Supreme Court in *Engel* v. *Vitale* has left a situation whereby everybody now interprets the decisions to suit themselves, and we are getting some rather interesting results, because as I see the commissioner of education in New York has refused to permit the school authorities at Hempstead to use one verse in "My Country 'Tis of Thee" for school purposes, and in another school district up there they have refused to let the school authorities use the fourth stanza of "The Star-Spangled Banner," oddly enough because it mentions God.

I see in one section of the country they are going to start fooling with the pledge of allegiance to the flag since the Congress itself authorized the inclusion of the words "under God."

I am going—I hope I live to see just what the people of this country have to say. Petitions and names have come in by the millions, and I have here a list of 4,000 people who are interested in a little freedom of choice which is the foundation of the country itself. They are going to bring another 20,000 names of ministers before they get through. People mean business this time, and I am not going to be dissuaded by what I think is a little sophisticated reasoning assigned when somehow we do not take account of the proper drive of the American people. That is basically it. That is all I have. I will make my statement later.

Senator BAYH. Fine, we look forward to it. Senator Hruska, do you have any question to address to Dean Drinan?

Senator HRUSKA. Yes, I have one, Dean.

I noted with some interest your statement that the Bill of Rights has never been amended in all of American history. In its very first sentence article I reads: "Congress shall make no law respecting any establishment of religion or prohibiting of the free exercise thereof."

If it is true that that article has not been amended to date, I presume Congress is the only legislative body that is prohibited from making such a law; is that true today?

Father Drinan. I think, Senator, at least since the *Cantwell* decision in the thirties, that the guarantees of the 1st amendment have been transferred to the States by way of the 14th amendment.

Senator Hruska. How did the 14th amendment get adopted?

Father Drinan. Professor Freund teaches constitutional law, and I am certain he would be much more expert in answering that than I.

Senator Hruska. We know, don't we, it was subjected to the regular amendment process prescribed in article V of the Constitution. Everyone · knows that. It was passed as a resolution by Congress, and then it had to meet the approval of three-fourths of the States. From the time it was promulgated as the 14th amendment it applied to the 1st amendment, did it not?

Father Drinan. The Bill of Rights has never been amended, Senator. I stand on my statement.

Senator Hruska. Very well. It is a highly legalistic argument, and does not touch upon the practicalities of the situation, does it? It has been amended because it no longer means just the Congress, it means not Congress, not any legislature, nor any public body shall make such a law.

Father Drinan. I think it is just one sentence in my argument, Senator. I am not saying it should not be amended in a proper case.

Senator Hruska. Well, apparently, a great deal of reliance is placed upon it. It is the first point that you make. The statement seeks thereby to make this a sacrosanct area never before breached. We know better than that because of the practical effect of an amendment adopted some 100 years ago.

In a part of your statement, I believe it is on page 6 of the version which I have, you raise many questions as to why it is that 40 Members of the U.S. Senate introduced this resolution. You say, "Why have they subscribed to a resolution? For what reason do 40 Senators seek to appear more pious than churches and more righteous than the Supreme Court?"

Senator Dirksen. Will you amend it and make it 48?

Senator Hruska. Forty-eight.

Senator Dirksen. Yes, 48.

Senator Hruska. Yes, I would be happy to amend it.

Let me ask you, Why do you think they did it? You have studied the hearings, and you have read many of the speeches, you have become a known spokesman for those who oppose this resolution.

Why do you think 48 Members of the U.S. Senate subscribed to this resolution?

Father Drinan. I am not doubting, Senator, that they have the highest motives. I just wonder, and I make no assertion in the text, no assertion as to why they, with no substantial support from the leading churches or synagogues, or from any professional educators, why they would prescribe something for the curriculum of the public schools.

Senator Hruska. You have no idea then why we have done it?

Father Drinan. I am just a poor lawyer, I am not a psychologist.

Senator Hruska. What is the implication which caused the posing of those questions? For what impression do you seek to lay a foundation? What is the purpose of putting it that way? Certainly, to ask a question is not to answer it.

Father Drinan. I put it that way because I think that it is quite anomalous that the U.S. Senate should be recommending something which the overwhelming majority of churches and synagogues oppose, and which all professional educational groups in this country also oppose, and if the U.S. Senate desires to assist the schools of this country, as it does, why then, it seems to me that it would be appropriate to listen to the two groups involved in this particular area.

Senator Hruska. Well, there is one suggestion that you make in regard to the other body. I was hoping, perhaps, that you might associate this body with the other body of the U.S. Congress. But on page 5 of your statement, you refer to the 3 volumes, and almost 3,000 pages of testimony collected in 1964. You testify as follows:

"The 2774 pages of testimony taken in 1964 manifest rather the obvious and somewhat truly pathetic desire of Congressmen to be identified in the popular mind with those individuals who want more Godliness in our schools and more fervor in our public piety."

Would you elaborate on this "truly pathetic desire" of the elected representatives to reflect the thinking and the voices and the desires of those who are responsible for their being in public office?

Father Drinan. It seems to me that Congressmen should decide this on basic constitutional principles, regardless of what the masses or the vast majority or people who write letters say, that they should decide this on educational, religious, constitutional grounds, regardless of how many individuals want more godliness in the schools.

Senator Hruska. Well, that is an anomaly, really, when you suggest that these elected representatives of the people should decide this on the basis of truly constitutional principles. You see, this is one step of remaking the Constitution. This is not a matter of interpreting the Constitution. This is one of the many steps necessary to change the Constitution.

Now, to what source should these representatives repair in that desire to represent their people? Should they go to the Founding Fathers who said, "Congress shall make no law," should they go back that far or should they go to the present interpretation and say, "No, we will make no change," or should they go to the people? That is the question, should they go to the people they represent?

Father Drinan. You are assuming, Senator, that the people, according to a scientific Gallup poll, are opposed to *Schempp* and *Murray*, and I do not think that that is so. That was a 6-to-1 decision, you know, and there was a good deal of controversy about it. But the dust has settled, and I would say that individuals who understand the issues more and more feel that those decisions were correctly decided.

Senator Hruska. Of course, I have every respect for the clergy and for men of religion. I think my life and my career as a citizen have demonstrated that pretty well. Maybe not well enough, and I am humble enough to say so. On the other hand, you know politicians are in the business of assessing the popular mind. We are very close to that situation because every 6 years we have to march before the people of our State and say, "Ladies and gentlemen, how did I do? Did I do well enough to go back for another 6 years?"

In view of the fact that we are experts in that field, some lesser and some greater experts, would it not seem reasonable that since we have a problem for which there might be a solution to the rather harsh impact of the decision of the Supreme Court thus causing it to be a controverted issue to a degree that would render it wise for this Congress to submit that issue to the people? They must govern themselves.

Does that answer some of the many questions that you ask on page 6, such as, why did 48 Senators join in this resolution?

Father Drinan. Senator, I am more aware than most Americans about the problem of nonreligion in the public schools. I think that there is a very serious vacuum about religion in the public schools. But this resolution is no answer to that problem. It misstates the problem, and it gives a false, erroneous, illusory solution.

Senator Hruska. Now, Dean, I have the highest respect for your intelligence and for the long experience and study that you have devoted to this subject. But, you see, neither you nor I, nor the officials of the church organizations, nor even the Members of Congress should tell them what to do. They are self-governed.

If there is a substantial difference of opinion, why not let the people decide whether they agree with your view or Senator Dirksen's view as subscribed to by 47 other Senators, and resolve it in that way? Is that an unreasonable request?

Father Drinan. Senator, it can be resolved by litigation. They can bring subsequent cases, as they did in *Stein*—in the *Stein* case in New York.

Whenever a decision of the U.S. Supreme Court comes down it sets guidelines, but further cases can erode that guideline or even eventually change the whole thing.

I would think—I would say that if people are seriously concerned about having this, then they can have a law enacted or a regulation promulgated, and they can litigate it, and I would say that that is what the courts are for.

But I do not think that this particular resolution will assist in the problem to which it is directed.

Senator Hruska. Of course, they can litigate and they have litigated, and each time the line gets pushed farther and farther back. But they can also amend the Constitution, can they not?

Father Drinan. Yes, Senator.

Senator Hruska. Yes, they can. But you still have not answered my question. Do you see anything too implausible in the situation that I have described where there is a vast and substantial difference of opinion on this subject, do you see anything wrong with referring that to the people and let the people who govern themselves make that decision? What is wrong with that?

Father Drinan. Senator, I do not know, I cannot understand what is being proposed.

Senator Hruska. Well, I know you say you cannot. I think I can. I know that 46 other Senators, besides the 2 of us who are here, who are cosponsors, they think they can. But why not let the people decide. If they do not understand, they won't approve. If they do understand and approve, then it will become a part of the Constitution.

I still say one's own conclusion about a matter is not conclusive as an answer to my question. What is wrong with referring this to the people for their decision?

Father Drinan. The least the people can expect of the Congress of the United States is a proposed amendment to the Constitution which is clear about the objective that it is seeking, and this is not clear, Senator, with all due deference.

Senator Hruska. Well, again, I say I have the highest regard for your having arrived at that decision. There are some, including 48 Senators who feel it is clear enough that it should be referred to the people of America, so that they can decide.

If you have any suggestion to improve its clarity, please do so, and we might see fit to amend it.

Father Drinan. The basic concept of the first amendment is not to have majority rule, is not to have a Gallup poll on a thing like this. It is to say that the basic liberties of our people shall be interpreted by the U.S. Supreme Court, and if somebody thinks that *Murray* and *Schempp* and *Engel* are wrongly decided, they have the privilege of doing that.

But to say that therefore we have to take this resolution to the people and let the majority rule—this is directly contrary to the basic reason why we have the Bill of Rights.

Senator HRUSKA. Well, Dean, there is a provision made for the amendment of the Constitution. It requires a two-thirds vote in the Senate, a two-thirds vote in the House, and a three-fourths vote of all the States. That is not a Gallup poll. That is an official registration of the thinking and desires of the people as to how they want to be governed.

Now, do you know of a higher law than that? Will it be another guess by the Supreme Court? What higher law is there than the people in a matter of determining what Constitution they will be governed by?

Father DRINAN. Senator, I just do not think that this proposed amendment would achieve or would resolve the problem that it is supposed to resolve.

First of all, it leaves out Bible reading, which many people are more deeply concerned about, frankly, than the so-called voluntary prayer, and it is totally uncertain to me what would be permitted if this, in fact, were ratified by three-fourths of the States.

Senator HRUSKA. Well, those are good reasons to address to people when the time comes for them to act for their part in determining whether the Constitution should be one thing or another.

There are those who do not want to give them that opportunity and that is, I think, quite clear.

You do suggest in your testimony, I believe it is in the last full paragraph, if this amendment were submitted, that the entire Nation, would be profoundly confused by reason of the basic ambiguities in the proposed amendment to the Constitution. This Constitution could and would lead to division and to disunity.

What is wrong with division and disunity on a political issue when expressed in a proper legal and constitutional way?

Father DRINAN. Because that division and disunity would come by reason of the fact that the Congress of the United States would not have given the people an amendment to the Constitution which would not be clear to anyone.

Senator HRUSKA. In whose mind?

Father DRINAN. In the minds of educators, in the minds of lawyers, in the minds of religious leaders, and I have talked, Senator, with a number of people about the language that is contained here, and no one understands what is intended.

When a school official can provide for prayers which, however, are going to be voluntary——

Senator HRUSKA. I won't get into that.

Father DRINAN (continuing). That is the essence of the whole thing.

Senator HRUSKA. There is no language in the resolution that says "providing for prayers." The language more truly set out is "providing for or permitting the voluntary participation," yet repeatedly in your testimony there is mention of the public body providing for prayers. There is no such language here. It is the participation that they can provide for. I do not care to get involved in that unless you have some particular comment on it.

But again I say where will the disunity and the confusion be if there is a chance for the people to speak on this issue and they decide one way or the other? The people of America have that tradition for accepting with dignity and with satisfaction the ruling of the Supreme Court on those things.

Will it be said that they will not accept the will of the people on an issue of this kind? Isn't it a fact that if and when the 7 years for ratification have come and gone, and there is not ratification that it will be accepted as unqualifiedly as the decision of the Supreme Court?

On the other hand, if within the 7 years the amendment is approved, they will accept that.

Father DRINAN. And, Senator, the people will have received the concept, and it will be in the public mind that voluntary participation by students in prayer is forbidden, and the Supreme Court has never said that.

Senator HRUSKA. At that time we go to the courts, don't we, Dean? At that time, if we have a new constitutional provision, and if it is not as clear as you say it is, that is when we have recourse to the courts. It is for them to say they will construe it in this way.

I come back to my fundamental proposition that the people of this Nation ought to have a chance to say whether they want their kind of Constitution or not.

Senator Dirksen is right. The first three words of the Constitution do not say "We, the Supreme Court," not "We, the Council of Churches," or not "a predominance of religious leaders," not even "We, the Congress," it is "We, the people."

Father DRINAN. Are you suggesting, Senator, that the National Council of Churches, which represents virtually all Protestant bodies is not actually speaking for the constituency?

Senator HRUSKA. I am suggesting that they are speaking as well as they know. I give them every fair intendment for being sincere and motivated by the highest of religious and civic duties. The kind of life and the activity in which I have participated show that on a sustained basis. But I say again if we want to follow the process of amending the Constitution, we go to the people, and that is what I feel should be in the thinking of many who consider this resolution.

Those are all the questions I have at this time, Mr. Chairman. Thank you very much.

Senator BAYH. Thank you, Senator Hruska.

Dean, may I address one or two other questions to you please?

Father DRINAN. Yes.

Senator BAYH. I want to make absolutely certain that we dissipate all the misunderstanding as we can on the impact of the Court's decision. At least, we want to make sure that we do not have a misunderstanding as to what you think the impact of it is.

It is my understanding, according to what I have heard in your original testimony and the colloquy which followed it, that you feel that the Supreme Court decision is correct. At least you do not object to it?

Father DRINAN. I agree with it in principle.

Senator BAYH. Could you tell me, please, what do you think is permissible in Public School No. 58 or whatever number, in light of the present Supreme Court decision?

Father DRINAN. If students wanted really to participate voluntarily in prayer, there is no reason why they cannot gather together in the courtyard, in the playroom beforehand and participate voluntarily. That is not forbidden, even though it is on the school premises.

However, the moment that you say "provide for," that means that the school can provide for a time or a place or a particular arrangement, and then you collide with the decision.

So I say that you intermingle, or that the resolution intermingles, two things, and that there is no need of a resolution, of an amendment, to permit the voluntary participation. But I think this is somewhat of an illusion that children are going to voluntarily participate in a prayer, and I think that the intermingling is bad, and when you bring in the "providing for" you obviously have to overturn *Murray* and *Schempp* and *Engel* because that brings in a State-sponsored or a State-arranged or State-provided for.

Senator BAYH. Suppose, at initiation of the first class in the morning, Mrs. Brown, the teacher in Public School 58, says, "All right, now, children, for the next 5 minutes you may meditate, you may pray, you may think for yourself on whatever subject you want. Does that come within the province——

Father DRINAN. Yes; 5 minutes sounds a bit too long.

Senator BAYH. Two minutes.

Father DRINAN. But a moment of silence, a minute of silence, where the teacher would make it clear——

Senator BAYH. Why would 5 minutes be too long?

Father DRINAN. You can think about anything you want to that is permissible.

Senator BAYH. The time she permits is not important, is it?

Father DRINAN. Well, if it were a substantial amount of time from their academic studies a question could arise, I think.

Senator BAYH. It seems to me that if 1 minute is a violation of the Court ruling, and it is as violative as 5 minutes.

Father DRINAN. No. You see, this would be a voluntary thing on their part in the sense that they do not have to pray, they can think about anything that they want to think about or, I suppose, that they could read. In other words, it is a moment of reflective silence, and we do not have any law on the thing.

Furthermore, why is this desirable and why should the Congress of the United States go on record that this is desirable at the beginning of the day? This is a ritual which has been denomination and sectarian, and which has now been declared by the Supreme Court to be unconstitutional. Why is it so important?

Senator BAYH. We might also ask, on the other side of the coin, why is it undesirable? If it is voluntary and does not specify that the child has to pray, apparently it comes under the three categories of the decision, according to your opinion. Can she do this? I think if we say why it is necessary we also have to say why it is bad.

Father DRINAN. It is true she can do what she wants to, and if she thinks this helps them as children to form their character, this is her privilege.

Senator BAYH. But you feel this is possible for her to do this under the present decision?

Father DRINAN. Yes.

Senator BAYH. One concern that I have heard voiced in opposition to the Court decision, and it has been talked about here, is just how far the decision might go.

I would like to read for the record, to give us some idea of what the Court said in the *Engel* v. *Vitale* decision, the following. It pertains to the Court's view of the use of God and reference to Deity in the school. The Court said:

"There is, of course, nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for country by reciting historical documents such as the Declaration of Independence which contains references to the diety or by singing officially espoused anthems which include the composer's profession of faith in a supreme being or with the fact that there are many manifestations in our public life of the belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance."

So I think we have had the Court speaking to their thought that it is still possible to refer to the Deity and to God.

I would like to ask one last question.

The language of Senate Joint Resolution 148 reads:

"Nothing contained in this Constitution shall prohibit the authority of administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of the public funds from providing for or permitting the voluntary participation by students or others in prayer."

It would seem to me that if this were passed we would be dealing with only one aspect of religious training—namely, prayer—is that correct?

Father DRINAN. Voluntary prayer?

Senator BAYH. Voluntary prayer.

Father Drinan. Yes.

Senator Bayh. It would do nothing to change the other aspects of religious teaching.

Father Drinan. No. Senators do not believe in Bible reading, I guess.

Senator Bayh. I——

Father Drinan. That does not follow.

Senator Bayh. I do not believe that is true, really with all due deference to my colleagues, I would take exception to that.

Father Drinan. No; I am sorry.

Senator Bayh. In your criticism of this amendment, you indicated concern about the words "providing for." I have heard some of our colleagues also express concern about that.

Suppose we struck the "providing for," and just retained the word "permitting." That would deny permission to provide for but would enable the school administrator or teacher to permit the voluntary participation by students or others in prayer. What would be your thoughts about that?

Father Drinan. Unnecessary.

Senator Bayh. Unnecessary? Why?

Father Drinan. Because it seems to me that if the first amendment means anything it means that the free exercise clause and the establishment clause taken together clearly mean that there can be voluntary participation by citizens in prayer.

This cannot be done at every time, at every place, but certainly they can do it.

Senator Bayh. You see what we are talking about, sir? I do not mean to try to interpret the thinking of the 48 Members who signed this resolution. The two who are here can more than adequately speak for themselves, as to their thinking, but I have heard it expressed that they are concerned about the opportunity for voluntary prayer in schools. They are concerned about the fact that in many cases the family unit, where this should be done, is falling down on the job. They are looking for some saving measure, and that is this. Even as inadequate as this may be, it is a gesture in that direction.

They are concerned that, perhaps, a future Court decision may rule that the voluntary prayer which you and I consider now permissible is prohibited. This resolution would say to the Court and to all our citizens that we do not believe a further restriction is wise. It would make it clear that we think it always wise to permit or provide for voluntary prayers in school. Perhaps this brings in something else.

Father Drinan. Well, Senator, assuming that the "providing for" were deleted, and the amendment would propose only that no public official in a school system could or that he would be required to permit the voluntary participation, this assumes that they are now forbidding voluntary participation by students in prayer, and I think that that is an illusion.

Children do not get together and pray voluntarily. If they do that, it is arranged or provided for by a church, some religious organization, or by the school. I think that the proposal that you suggest omitting "providing for" would be even more meaningless and needless than the present article.

Senator Bayh. Well, thank you. I have no further questions.

I think that you can understand that, inappropriate as it may seem in a hearing in which we are discussing prayer, that if we are going to really get the full benefit of your thoughts, we have to play the devil's advocate from time to time.

Father Drinan. Thank you very much, Senator.

Senator Bayh. Senator Hruska, do you have anything further?

Senator Hruska. No, thank you very much.

THE SHARPSTOWN FOLLIES—XL

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. GONZALEZ. Mr. Speaker, I have written two letters to the Attorney General outlining the Sharpstown Follies, and especially my serious questions as to the fitness of Assistant Attorney General Wilson. Weeks have passed, and I have received no reply, nor even a note saying that my letters had been received.

These are serious questions, and they deserve a reply, not mere contemptible silence. In the absence of any reply, all I can presume is that the Attorney General agrees with me. I assure him that I will continue to raise these questions.

Mr. Speaker, for the edification of my colleagues, I append to the Record a copy of my latest letter to Mr. Mitchell:

September 22, 1971.

Hon. John Mitchell,
Attorney General,
Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: On August 27, I wrote you a letter expressing my belief that Assistant Attorney General Will Wilson is unfit for office and should be asked to resign.

Since that time a number of prominent publications, including three nationally circulated magazines, have raised similar questions.

There is, for example, the record of a large number of questionable deals Mr. Wilson participated in, or had knowledge of, during his six year association with Mr. Frank Sharp, who may well be the biggest swindler of our time. Mr. Wilson has stated variously that these deals took place after he left Sharp, that he knew nothing of them, or that he was a "patsy." None of these explanations is adequate, and none dispels the doubt that has been cast over his integrity and fitness.

Mr. Wilson admits to having accepted a $30,000 loan from Mr. Sharp's interests at a time when Mr. Sharp was under investigation, an investigation which Mr. Wilson had every reason to know of, since it had been discussed with him by a Sharp associate.

Mr. Wilson admits to having paid a bill for the electronic surveillance of rooms used by Federal bank examiners at the Sharpstown State Bank, but claims that he did not know at the time that the bill was for that purpose. His professed ignorance is astonishing, in view of the fact that at the time this transaction took place, he had long known the Sharpstown bank was under increasing criticism from Federal bank examiners, and in view of his self-professed sharpness of wit.

Mr. Wilson admits that his brokerage account was used to buy stocks for a Federal bank examiner, an illegal transaction. He says that he did not know at the time who the examiner was, again astonishing, in view of Mr. Wilson's position in the bank heirarchy.

Mr. Wilson claims that he knows nothing about how Sharp financed the purchase of National Bankers Life Insurance Company, although he had negotiated the deal himself. Mr. Sharp claims that Wilson did advise him on this, and did so under oath. Since Sharp has been given total immunity by the government, he has no reason to lie. Either he is a reliable witness or not, and if he is not, he should not enjoy your continued protection. Naturally if he is telling the truth, Mr. Wilson is not. It seems important to me that you find out which man is the liar.

Reports indicate that Mr. Wilson has a very poor record of attendance in his office, poorest of all the Assistant Attorneys General. By his own account he maintains a very active investment program, which might well conflict with his official duties. Certainly while in elective office, he felt free to carry out any number of ventures, though he excoriated others who did likewise. I personally feel that a public official has no business taking fliers in the stock market or otherwise undertaking ventures that have any possibility of raising a conflict of interest.

Any member of observers have commented on the situation involving Mr. Wilson. There have been editorial calls for his resignation. There is no doubt that a great many people besides myself have grave doubts about the fitness of Mr. Wilson to serve.

This entire situation calls into doubt the integrity of the Department of Justice. That is to me an intolerable situation. I would think that you would be sensitive to a growing scandal of this kind. Yet I have not received so much as an acknowledgment to my letter.

I think that the public is entitled to know the truth, even if you do not feel inclined to answer any questions. It seems to me that if you cannot or will not respond, I would be left with no alternative but to suggest impeachment proceedings, which would at least enable the truth to be fully known.

Sincerely,

Henry B. Gonzalez,
Member of Congress.

BLACK POPULATION AND BLACK JUDGES IN 50 LARGEST CITIES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. MIKVA. Mr. Speaker, more than 1,000 black lawyers and judges attended the 46th annual meeting of the National Bar Association in Atlanta last August. At that meeting, the Honorable Edward B. Toles, referee in bankruptcy in the U.S. district court for the northern district of Illinois and chairman of the NBA's judiciary committee submitted a report demonstrating the relationship between black population and the number of black judges in the Nation's 50 largest cities.

As the report shows, there has been some improvement over the past year, but we still have a long way to go before minority citizens achieve full representation in the legal profession and in the judicial system.

The report follows:

Black Population and Black Judges in 50 Largest Cities

The 1970 Census reveals that the black population of the nation's 50 largest cities continued to grow during the decade of the 1960s. Black electoral strength is rising rapidly too. More black Judges are being elected and appointed to Federal, State and Municipal posts.

But of the reported 50 cities with the largest black populations, only 38 had elected or appointed black Judges while eleven

Southern cities and one Northern City, Gary, Indiana, had no black Judges.

Blacks constitute about 11 per cent of the population; nearly half the nation's black population is now concentrated in 50 cities, and a third of the total is in 15 cities, according to a Census Bureau compilation.

The 1970 Census Report of the 50 cities with the largest black populations and the National Bar Association's Report of the number of black Judges in each city is listed as follows:

POPULATION BREAKDOWN FOR THE 50 CITIES WITH THE LARGEST BLACK POPULATIONS—1970[1]

Rank	City and State	Total population (number)	Total black population (number)	Percent black	Black judges
1	New York City, N.Y	7, 867, 760	1, 666, 636	21.2	42
2	Chicago, Ill	3, 366, 957	1, 102, 620	32.7	24
3	Detroit, Mich	1, 511, 482	660, 428	43.7	10
4	Philadelphia, Pa	1, 948, 609	653, 791	33.6	12
5	Washington, D.C	756, 510	537, 712	71.1	19
6	Los Angeles, Calif	2, 816, 061	503, 606	17.9	10
7	Baltimore, Md	905, 759	420, 210	46.4	7
8	Houston, Tex	1, 232, 802	316, 551	25.7	2
9	Cleveland, Ohio	750, 903	287, 841	38.3	11
10	New Orleans, La	593, 471	267, 308	45.0	2
11	Atlanta, Ga	496, 973	255, 061	51.3	2
12	St. Louis, Mo	622, 236	254, 191	40.9	6
13	Memphis, Tenn	623, 530	242, 513	38.9	1
14	Dallas, Tex	844, 401	210, 238	24.9	1
15	Newark, N.J	382, 417	207, 458	54.2	6
16	Indianapolis, Ind	744, 624	134, 320	18.0	3
17	Birmingham, Ala	300, 910	126, 388	42.0	0
18	Cincinnati, Ohio	452, 524	125, 070	27.6	1
19	Oakland, Calif	361, 561	124, 710	34.5	2
20	Jacksonville, Fla	528, 865	118, 158	22.3	0
21	Kansas City, Mo	507, 087	112, 005	22.1	2
22	Milwaukee, Wis	717, 099	105, 088	14.7	1
23	Pittsburgh, Pa	520, 117	104, 904	20.2	2
24	Richmond, Va	249, 621	104, 766	42.0	0
25	Boston, Mass	641, 071	104, 707	16.3	3
26	Columbus, Ohio	539, 677	99, 627	18.5	2
27	San Francisco, Calif	715, 674	96, 078	13.4	3
28	Buffalo, N.Y	462, 768	94, 329	20.4	1
29	Gary, Ind	175, 415	92, 695	52.8	0
30	Nashville-Davidson, Tenn	448, 003	87, 851	19.6	2
31	Norfolk, Va	307, 951	87, 261	28.3	0
32	Louisville, Ky	361, 472	86, 040	23.8	4
33	Fort Worth, Tex	393, 476	78, 324	19.9	0
34	Miami, Fla	334, 859	76, 156	22.7	2
35	Dayton, Ohio	243, 601	74, 284	30.5	1
36	Charlotte, N.C	241, 178	72, 972	30.3	1
37	Mobile, Ala	190, 026	67, 356	35.4	0
38	Shreveport, La	182, 064	62, 152	34.1	0
39	Jackson, Miss	153, 968	61, 063	39.7	0
40	Compton, Calif	78, 611	55, 781	71.0	2
41	Tampa, Fla	277, 767	54, 720	19.7	0
42	Jersey City, N.J	260, 545	54, 595	21.0	1
43	Flint, Mich	193, 317	54, 237	28.1	1
44	Savannah, Ga	118, 349	53, 111	44.9	0
45	San Diego, Calif	696, 769	52, 961	7.6	1
46	Toledo, Ohio	383, 818	52, 915	13.8	1
47	Oklahoma City, Okla	366, 481	50, 103	13.7	1
48	San Antonio, Tex	654, 153	50, 041	7.6	0
49	Rochester, N.Y	296, 233	49, 647	16.8	1
50	East St. Louis, Ill	69, 996	48. 368	69.1	2

In the legal profession in the United States, there are more than 300,000 lawyers. Of these, a few more than 4,000 are black, a National Bar Association report reveals. The Black Bar association has estimated that there is one lawyer for every 637 persons in the United States, but only one black lawyer for every 7,000 blacks. A 1970 National Bar Association Report lists 240 black Judges among Federal, State and Municipal Judges in the 50 States of the United States.

Estimates of the total number of all Judges in the United States vary. However, Past Chairman of the American Bar Association's National Conference of Special Court Judges, Judge Robert Beresford, writing on this subject in the February 1971 issue of *Oyez! Oyez!*, the Bulletin of the ABA Section of Judicial Administration (Vol. 14, No. 1, Page 3), stated: "using statistics compiled by the *American Judicature Society*, Judge James A. Noe disclosed that the number of full time Judges of special courts comprise 10,761 of a total of 16,294 full time state court Judges;—(there are) "approximately 5,000 part time Judges in this country";—and an "estimated 15,000 special court Judges" in the nation."

A May 1971 Report of the ABA Appellate Judges Conference lists 565 Appellate Court Judges as members of the Conference and notes that there are still 330 Appellate Judges who are not Conference Members. (*Oyez! Oyez!*, Vol. 14, No. 2, Page 2)

Black Judges, Federal, State and Municipal, number only 240. Federal Judges, appointed by United States Presidents since the first black Judge was appointed by President Theodore Roosevelt in 1901, total 30 Judges from an Associate Supreme Court Justice to Judges of the Superior Court of the District of Columbia.

The first black lawyer in the U.S. licensed to practice law was Macon B. Allen, born free in Indiana in 1814 and admitted to the bar of the State of Maine in Portland on July 3, 1844. (State of Maine Supreme Court of Cumberland County Roll of Attorneys, July 3, 1844)

Since Allen's admission in 1844, some 300 black Judges have been appointed or elected to judicial office in the U.S. (Allen himself was later elected a Judge by the South Carolina Assembly in 1873.)

A list of the first black Judges during the first century holding judicial office since the first black Judge was appointed in 1852 is as follows:

1852. Robert Morris, Magistrates Court, Boston and Chelsea, Mass., Appointed by Mass. Governor George N. Briggs.

1870. Jonathan Jasper Wright, Associate Justice of South Carolina Supreme Court. Resigned in 1877. First black lawyer admitted to Pennsylvania bar in 1866. Elected by South Carolina General Assembly for six year term.

1872. George Lee, Judge, Inferior Court of Charleston, South Carolina., Elected Mar. 13, 1872 by General Assembly of South Carolina.

1873. Macon B. Allen, Judge, Inferior Court of Charleston, South Carolina. First black lawyer admitted to American State Court., Elected Feb. 26, 1873 by South Carolina Assembly to succeed Judge George Lee.

1873. Mifflin Wister Gibbs, Judge, Municipal Court, Little Rock, Arkansas., Elected Municipal Court of Little Rock, Arkansas.

1883. George Lewis Ruffin, Judge, Municipal Court, Charlestown, Mass., First black graduate Harvard Law School in 1869—elected member Boston Common Council 1875–76., Appointed Judge Municipal Court, Charlestown, Mass., by Governor Benjamin F. Butler, Nov. 7, 1883.

1901. Robert H. Terrell, Justice of the Peace for District of Columbia; upon Congressional creation of Municipal Court in 1909, became Judge of Municipal Court and served until death, Dec. 20, 1925. Appointed by President Theodore Roosevelt, Dec. 17, 1901 for 4 years as one of 10 Justices of the Peace of District of Columbia. Reappointed 1909.

1924. Albert B. George, Judge, Municipal Court of Chicago. First black Judge elected in the North since Reconstruction. Elected Chicago Municipal Court, Chicago, Ill.

1930. Charles E. Toney, James S. Watson, First two black Judges elected to Municipal Court. New York Assembly created new Municipal Court Districts in 1930 in New York City.

1936. Myles A. Paige, Magistrate, Judge, Court of Special Sessions, Judge, Court of Domestic Relations, now retired, oldest living black Judge. First appointed by Mayor Fiorella LaGuardia, New York City.

1937. William H. Hastie, Judge, District Court for the Virgin Islands. First black U.S. Judge of U.S. District Court. Appointed by President Franklin D. Roosevelt, 4 year term.

1939. Jane Bolin, Judge, Domestic Relations Court. First black woman Judge in the U.S. at age 31. Still sitting in New York's Family Court. Appointed by Mayor Fiorella LaGuardia for 10 years.

1942. Patrick B. Prescott, Judge, Municipal Court of Chicago. Wendell Green, elected Judge, Municipal Court of Chicago, appointed 1950 Circuit Court of Cook County. Appointed by Governor, Dwight H. Green of Illinois, Dec. 10, 1941. First Elected black Judge since 1924, in Chicago, Ill. Served until death, Aug. 23, 1959.

1945. Irvin C. Mollison, Judge of United States Customs Court. First black lifetime Judge of U.S. Court. Appointed by President Harry S. Truman. Served until death, May 5, 1962.

1949. William H. Hastie, Judge of Circuit Court of Appeals, Third Circuit. First black lifetime Judge, appointed to Circuit Court of Appeals. Appointed by President Harry S. Truman. First black Chief Judge, retired to Senior Judge 1971.

1952 to 1970. Black Judges in most of the 50 States have been appointed and elected to State and Municipal Courts, from an Associate Justice of the Supreme Court (Ohio) and Appellate Courts in the District of Columbia, New York, Pennsylvania, Ohio, Illinois, Washington, and California to Presiding Judges of Municipal Courts.

Federal Judges have been appointed to all courts, including the Supreme Court of the United States, Circuit Courts of Appeals, the Customs Courts, United States District Courts, the Court of Military Appeals, Referees in Bankruptcy, and Magistrates of the U.S. District Courts.

EVENTS IN SAIGON

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—

POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

OEO IGNORES RURAL POOR

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. THOMSON of Wisconsin. Mr. Speaker, last evening as we debated amendments to the Economic Opportunity Act, I planned to introduce an amendment to correct what I consider to be a serious situation regarding the distribution of antipoverty funds. Simply put, that serious situation is the heavy bias in favor of funding programs to assist the urban poor while shortchanging programs to assist poor people living in rural areas. This maldistribution, ignoring the location and residence of poor people, gravely imperils the central purpose of the act; namely, to provide assistance and opportunities to all our economically deprived citizens.

A poor person should have equal access to the program benefits of the OEO program regardless of the location of his residence, whether he lives in a big city, a smaller town or in a rural area. Unfortunately, there is every indication that this is not now the case. A poor person living in a rural area is denied equal assistance in rising above his poverty status. Our policy should be to provide equal assistance to needy persons wherever they might reside.

Last year, an estimated 80 percent of OEO assistance was directed to residents of urban places. This contrasts sharply, and unfavorably, with the fact that 43 percent of our Nation's poor people live in rural areas. In Wisconsin, 45 percent of the OEO budget was devoted to the two largest cities which comprise only 20 percent of the population. We must better direct our funds to areas of high poverty incidence.

My amendment would have required that the Office of Economic Opportunity apportion its funds within each State to those areas where poor people live. This would have assured equality of access among poor people to the governmental services designed to lift them out of poverty. It is hypocritical to administer an act designed to help all the poor in such a way as to discriminate against the rural poor.

The House was obviously set against such a reasonable amendment. A similar attempt to amend one portion of the act to require apportionment of funds to rural and urban areas in accordance to the needs of each was unsympathetically and overwhelmingly defeated. I am hopeful that increased recognition of the burdens placed on the large cities by rural inmigration to them will convince some of my colleagues representing urban areas to support this reasonable and equitable amendment in the future.

ALASKA RESOLUTIONS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. BEGICH. Mr. Speaker, the Association of Village Council Presidents of southwest Alaska has recently passed several resolutions which pertain to the concerns of its membership. The association, which has been organized for the past decade, is comprised of at least 50 communities and represents almost one-fourth of all the rural communities of Alaska.

The resolutions express and illustrate many of the concerns I share with the members of AVCP and other communities of Alaska. For your information, I wish to include the resolutions in the RECORD:

RESOLUTION No. 71-3

Whereas, there is a need to be funded an Adult Basic Education program using associate VISTA Volunteers who are from the villages; and

Whereas, there is a need for ABE classes in the villages to teach classes for adults; and

Whereas, the Association of Village Council Presidents passed a resolution preventing VISTA Volunteers from working in the Bethel area unless the programs are approved by the Association of Village Council Presidents, Inc.,

Therefore, let it be resolved that the Association of Village Presidents approves the associate VISTA program for sixty Adult Basic Education teachers in rural Alaska.

RESOLUTION No. 71-7

Whereas, the Village of Akiachak does not have an AVEC power in the village; and

Whereas, the Village people desire to have electricity in the village; and

Whereas, a lot of the families now have freezers, and other electrical equipment; and

Whereas, the people of Akiachak have discussed the desirability of receiving electricity from the Bureau of Indian Affairs;

Now be it resolved that the Bureau of Indian Affairs provide electricity to the Village of Akiachak.

RESOLUTION No. 71-8

Whereas, the Bureau of Indian Affairs has given the Association of Village Council Residents, Inc. opportunity to contract for Social Services and improve its services to the people; and

Whereas, the Board of Directors has determined the proposed contract and plan of organization will accomplish its purpose;

Now be it resolved that the President of the Association of Village Council Presidents, Inc. is authorized to execute the proposed contract and proceed with its implementation according to policies set by the Board of Directors and the Administration Committee.

RESOLUTION No. 71-14

Whereas, the Outreach Program is designed to help those who need further education to qualify for jobs in our American society; and

Whereas, the major portion of this program is needed in the Bethel rural area; and

Whereas, the way the program is now structured causes great problems for those that it was designed to help; and

Whereas, the Association of Village Council Presidents know that the Outreach Program is not helping the people of the Bethel rural area in an efficient manner at great expense to the public,

Therefore, let it be resolved that the Association of Village Council Presidents request our Governor and Alaska Delegation in Washington, D.C. to move as quickly as possible to transfer the offices of the Outreach Program to Bethel and advertise for qualified Natives to administrate the Program.

RESOLUTION No. 71-17

Whereas, the Association of Village Council Presidents, Inc. was established to secure the interest of its memberships; and

Whereas, the City of Mekoryuk is member of the Association of Village Council Presidents, Inc. in good standing; and

Whereas, the Bureau of Indian Affairs school at the Village of Mekoryuk has faulty sewage disposal system; and

Whereas, the Bureau of Indian Affairs personnel have been contacted and informed of their faulty sewage disposal area at Mekoryuk; and

Whereas, the children have been found playing in and around the seeping deposit area; and

Whereas, fish caught in the bay for subsistence have been known to have consumed untreated human waste and other harmful effluents; and

Whereas, the people of Mekoryuk can no longer tolerate the unhealthy, seeping, and odorous sewage located in front of the city; and

Whereas, the City of Mekoryuk has City Ordinance prohibiting the disposal of human waste within the City Site; and

Whereas, the City of Mekoryuk will take legal actions against the Bureau of Indian Affairs if and when immediate steps are not taken to correct their faulty sewage disposal area,

Therefore, let it be resolved that the Bureau of Indian Affairs take immediate steps to make their sewage disposal area and surrounding a clean and healthy area,

Now let it be resolved that the honorable members of the Association of Village Council Presidents endorse and support this resolution.

RESOLUTION No. 71-18

Whereas, the Association of Village Council Presidents, Inc. was established to secure the interests of its membership; and

Whereas, the City of Mekoryuk is a member of the Association of Village Council Presidents, Inc. in good standing; and

Whereas, over population of musk ox on Nunivak Island is physically eminent; and

Whereas, the Federal and State of Alaska wildlife game biologists concur on the over population of musk ox on Nunivak Island; and

Whereas, old adult bulls are biologically unsuitable for reproduction and transplant operations; and

Whereas, older animals die of old age and these animals represent unrealized potential sources of benefit to the residents of Nunivak Island; and

Whereas, Federal and State of Alaska wildlife game biologists are in favor of controlled hunt of older animals; and

Whereas, the final authority to authorize the hunt of musk ox lies with the powers of the Secretary of the Interior; and

Whereas, State of Alaska, through its legislative body passed a law authorizing hunt of musk ox,

Therefore, let it be resolved that the Secretary of the Interior take precautionary measures to preserve the rare animals from self-destruction by practicing good sound game management, Now let it be resolved, that the honorable members of the Association of Village Council Presidents, Inc. endorse and support the controlled hunt of older animals (musk ox) on Nunivak Island.

ASSOCIATION OF VILLAGE COUNCIL RESIDENTS

RESOLUTION NO. 71-20

Whereas, the Association of Village Council Presidents, Inc. was established to secure interest of its membership; and

Whereas, the City of Mekoryuk is member of the Association of Village Council Presidents, Inc. in good standing; and

Whereas, life and property have been lost at Mekoryuk due to lack of proper fire fighting equipment; and

Whereas, Federal Government has multi-million dollar buildings at Mekoryuk with no means of quelling fires; and

Whereas, the Bureau of Indian Affairs have been approached for purchase of proper suppressing apparatus, however, to no avail; and

Whereas, the Villages of Mekoryuk has organized a Fire Department soon to be registered with the State Fire Marshal; and

Whereas, the City of Mekoryuk is held responsible for the proper training of its Fire Department personnel; and

Whereas, the City of Mekoryuk is lacking the necessary funds to purchase adequate fire fighting equipment; and

Whereas, the City of Mekoryuk through its legislative body has introduced City Ordinance establishing Fire Department,

Therefore, let it be resolved that the Bureau of Indian Affairs make fire fighting equipment available to the City of Mekoryuk; and

Now, let it be further resolved that the honorable members of the Association of Village Council Presidents endorse and support this resolution.

RESOLUTION NO. 71-22

Whereas, the Bureau of Indian Affairs has advised its policy to contract with Native organizations for assistance in carrying out its work; and

Whereas, the Association of Village Council Presidents, Inc., qualifies and is ready, willing, and able to assume responsibility for administration of the Bethel Area General Assistance, Child Welfare, and Institutional Care Programs;

Be it resolved, That the Association of Village Council Presidents, Inc., requests the Bureau of Indian Affairs to contract with the Association of Village Council Presidents, Inc., for conduct of Bethel Area General Assistance, Child Welfare, and Institutional Care Program.

RESOLUTION NO. 71-23

Whereas, the housing conditions of Pitkas Point are substandard; and

Whereas, BIA Housing is preferred by the residents of Pitkas Point; and

Whereas, Housing project is much needed: Therefore be it

Resolved, That the Association of Village Council Presidents, Inc., requests Bethel Bureau of Indian Affairs Housing to consider the needs of Pitkas Point: Now be it

Resolved, That construction of houses be built immediately.

THE NEW FOREIGN AID MEASURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. RARICK. Mr. Speaker, now that the Legislative Reorganization Act has passed, and we deal in speculation and dreams rather than in actuality, Congress learns that foreign aid over the next 5 years is limited to run $51 billion for an approximate average of $10 billion per year.

Some Members were so upset with the new manner of business that they even voted against the last Exim-Bank Act which provided that the obligations of the Bank not be listed in the Federal budget.

By continuing to operate on guesses and theories, it will eventually be possible to balance the budget by just not including the Government debts.

I include the following:

FOREIGN AID 5-YEAR TOTAL IS PROJECTED

The Senate Foreign Relations Committee staff has projected that the United States will provide about $51 billion in foreign assistance over the next five years, with the possibility that the total could go higher under Nixon administration foreign aid policies.

Of the estimated $51 billion total—roughly the same amount spent in the last five years—the study predicted that $24 billion would be for development and humanitarian assistance and $27 billion for military assistance.

The committee, which is writing up the foreign aid authorization bill for the current fiscal year, took the unusual step of drafting its own projections of foreign aid spending after the Nixon administration, on grounds of executive privilege, refused to supply the panel with Pentagon's five-year plans for military aid.

Similarly, the State Department has not supplied the committee with any estimates of future spending on economic aid.

The committee contends that it is entitled to such information because under the Legislative Reorganization Act passed last year, committees are obligated to estimate the five-year cost of any legislation they send to the House or Senate floor.

COMMENDATION FOR VETERANS' ADMINISTRATION DOCTORS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mrs. MINK. Mr. Speaker, in time of need there is nobody who is more important than the doctor. This is equally as true with regard to our doctors in the Veterans' Administration as elsewhere—perhaps even more so, for they are responsible for the treatment of those to whom we owe a special obligation, our veterans.

Recently Mr. Joseph Capsin, of Honolulu, Hawaii, put his appreciation of two Veterans' Administration doctors into a thoughtful and sincere letter.

Because in this hurried world all too few of us pause long enough for such personal courtesies, I would like to give wider recognition to this kind gesture of tribute. I enclose Mr. Capsin's letter at this point in the CONGRESSIONAL RECORD.

The letter follows:

CAPSIN,
Honolulu, Hawaii.

DR. C. E. GANTENBEIN,
Director, Outpatient Clinic, Regional Office, V.A., P.O. Box 3198, Honolulu.

DEAR DOCTOR GANTENBEIN: I have just learned that you are to be reassigned, and I want you to know how deeply grateful I am to you for having Doctor Harold H. Deabler check me once a month. You could not have assigned a finer doctor or person—Never, in all my experience with the Veterans Administration, [from 1919] have I known more conscientious and better medically qualified medical practitioners than yourself and Doctor Deabler. Thank you for assigning this fine doctor to my case. I am sorry you are leaving Hawaii, but hoping you will enjoy your new assignment.

With kindest regards.

Sincerely,

JOSEPH CAPSIN.

EMPLOYMENT TAX CREDIT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. HANNA. Mr. Speaker, the House will soon have a bill reported from the distinguished Committee on Ways and Means which would extend to American businesses an investment tax credit. While the bill will probably not be exactly what the President has requested of the Congress, it will in principle be the same.

The argument made by the President for such a tax credit is that it will stimulate greater employment and thus help to alleviate the Nation's now critical unemployment problem. While such a purpose obviously is beyond reproach, Mr. Speaker, I ask the Members of the House to consider carefully whether the proposed tax credit offers us any real assurance that the objective will, in fact, be realized. I suggest to my colleagues that a corporation may, as a result of the tax credit, automate their production and thus put people out of work. At a time of high national unemployment, I question whether the U.S. Government should subsidize the replacement of workers with machines.

This is not to say that the tax credit is not an appropriate device by which the Federal Government should endeavor to meet its responsibilities under the Full Employment Act of 1946. I am suggesting that the tax credit ought to be applied in such a way as to better insure that the result will be more jobs for people.

A proposal has been brought to the attention of the California delegation by two economists at the University of California. Messrs. B. F. Roberts and Richard N. Thunen suggest that instead of offering a tax credit to business on money spent for new equipment, give them a tax credit on money spent on wages for new employees. In this way we could be assured of achieving the objective of lessening unemployment in return for reducing the tax burden on business.

Mr. Speaker, it is possible that any tax credit we may enact will be a shift of the tax burden from corporate taxpayers to personal income taxpayers. In order to justify such a move, we must insure that there is sufficient benefit to outweigh the disadvantages. The investment tax credit holds out no such guarantee. An employment tax credit, on the other hand, would have such an assurance.

I am enclosing the text of the proposal by Messrs. Roberts and Thunen for review and consideration by my colleagues in the House and I invite their careful attention to it:

EMPLOYMENT TAX CREDITS PROPOSAL FOR STABILIZATION POLICY [1]

(By B. F. Roberts, Richard N. Thunen, University of California, Berkeley)

This paper suggests a fiscal policy instrument—employment tax credit—which in the current economic situation could significantly stimulate employment and production, increase both labor income and profits, reduce the federal deficit, and diminish inflationary pressures.

It is estimated that a modest application of this instrument as a supplement to the President's new economic program could, by fourth quarter 1972, increase employment by 1.9 million workers, GNP by $23.7 billion, real GNP by $17.0 billion, wages by $24.3 billion, and profits by $3.7 billion; and reduce the unemployment rate by .7 percent, and the federal deficit by $5.9 billion, more than can be obtained by the President's program alone. Also, it is expected that implementation of the employment tax credit will improve the unemployment-inflation trade-off and permit the phasing out of wage-price controls as early as 1972. In addition, this fiscal instrument can easily be structured as an automatic stabilizer which once implemented will not need adjustment, and can be administered by the Internal Revenue Service in cooperation with the Bureau of Labor Statistics without additional bureaucracy.

The proposed policy instrument is a tax credit granted to employers for net additions to employment. The tax credit associated with each net new employee would be calculated as a fraction of the wages paid to the employee during a specified period of time.[2] The magnitude of the credit fraction, or credit rate, granted the employer can be structured to depend progressively upon the unemployment rate, such that when the unemployment rate is high, the credit would be relatively large, but when the unemployment rate is low (at a level reflecting only transitional or frictional unemployment and generally regarded for practical purposes as "full employment"), the credit rate would go to zero. The employment tax credit would thus provide a progressive inducement, through labor cost reduction, to hire additional employees when labor markets are slack but would eliminate the inducement when labor markets are tight to avoid upward pressure on wage rates.[3] Structured this way, the employment tax credit has the character of an automatic stabilizer.

The presumption that the employment tax credit will induce additional employment rests on the plausible notion that entrepreneurs will find the utilization of additional factor inputs more profitable if the cost of additional input units is reduced. This notion has been the basis for numerous incentive schemes to promote local industry.[4] It is also the basis for belief in the effectiveness of the investment tax credit toward promoting expenditures for capital goods.[5]

While the employment tax credit shares the same conceptual foundation as the investment tax credit, and is in some ways symmetric with it, there are important distinctions relevant to the design of economic policy. The employment tax credit is tied to a primary factor of production (labor), provides a direct inducement to increase the productive employment of labor and thus increases the aggregate supply of goods and services and, subsequently, by increasing total wage income, stimulates demand. The investment tax credit is tied to a produced factor of production (capital), provides a direct inducement to order new capital stock and thus increase aggregate demand, and subsequently stimulates increased production of capital goods and the employment of labor.

The alternative channels of supply-demand versus demand-supply, through which the two instruments are routed, are of crucial importance for designing stabilization policies under the current circumstances of high unemployment and strong inflationary pressures (price rises are being confined by the freeze but inflationary pressures persist). The conventional monetary and fiscal instruments, including the investment tax credit, operate through the demand-supply channel and are currently thought to face an unfavorable trade-off between attainable unemployment and inflation.[6] By supplementing the conventional instruments by others, such as the employment tax credit, which operate through the supply-demand channel, the terms of the apparent unemployment-inflation trade-off might be substantially approved.[7] A crucial effect expected from the employment tax credit is an expansion of the aggregate supply of goods and services relatively faster than aggregate demand, thus shifting the unemployment-inflation trade-off.

Whether the employment tax credit will actually work is, of course, an empirical matter that can be verified only if implemented. Reasoned estimates of the effects can, however, be derived from simulation experiments with econometric models. The numerical results of two such experiments, using the California Economic Forecasting Project national econometric model, are reported here.[8] The two cases reported are:

Case I—President's New Economic Program: The principal assumptions of this simulation are: the President's program of August 14 is enacted, wage-price control will be implemented after the freeze to restrict inflation to three percent annual rate, the import surcharge is converted to a five percent revaluation of the dollar, and monetary expansion is gradually slowed to seven percent annual rate.

Case II—President's New Economic Program Plus Employment Tax Credit: The principal assumptions of this simulation are identical with those of Case I plus a modest application of the employment tax credit. The credit rates and dollar amounts of the credits for this simulation are:

Quarters	1971 IV	1971 I	 II	 III	 IV	1973 I	 II
Credit rate (percent)	26.0	23.8	20.0	16.6	12.2	8.2	5.0
Credit (billions)	$2.1	$4.0	$5.5	$6.6	$5.2	$3.7	$2.5

The credit rates shown here have been calculated as an increasing function of the unemployment rate of the preceding quarter. This formulation permits the credit rate which will apply for any specific period to be calculated and announced at the beginning of that period. These credit rates represent the percent of wages paid to net new employees (at wage rates prevailing when hired) for a period of one year. Employers must maintain or increase the level of their employment for a one year period in order to receive the full credit. Numerous other formulas, giving various degrees of employment incentive, are possible.

The simulation results of Cases I and II for selected variables are summarized in the following tables:

Footnotes at end of article.

	1971		1972				1973	
	III	IV	I	II	III	IV	I	II
Total civilian employment (millions of dollars, seasonally adjusted):								
Case I	78.9	79.3	79.8	80.5	81.2	82.0	82.8	83.7
Case II	78.9	79.9	80.9	81.9	82.9	83.9	84.9	85.9
Unemployment rate (percent, seasonally adjusted):								
Case I	6.1	6.0	5.8	5.7	5.5	5.3	5.1	5.0
Case II	6.1	5.9	5.6	5.3	4.9	4.6	4.4	4.2
Gross national product (billions of dollars, seasonally adjusted annual rate):								
Case I	1,056.3	1,079.7	1,106.1	1,131.0	1,155.8	1,180.6	1,205.5	1,230.5
Case II	1,056.3	1,085.5	1,117.7	1,147.7	1,176.7	1,204.3	1,230.9	1,256.4
Real gross national product (billions of dollars, seasonally adjusted annual rate):								
Case I	742.3	754.7	768.1	780.2	792.3	804.1	815.9	827.6
Case II	742.3	759.1	776.7	792.6	807.5	821.1	833.8	845.7
Wages and salaries (billions of dollars, seasonally adjusted annual rate):								
Case I	580.7	587.0	597.6	608.3	622.0	635.2	648.6	662.1
Case II	580.7	592.3	609.5	625.4	643.5	659.5	673.9	687.5
Corporate profits and inventory valuation adjustment (billions of dollars, seasonally adjusted annual rate):								
Case I	77.0	82.7	87.5	91.6	94.4	97.4	100.4	103.4
Case II	77.0	84.3	90.0	95.1	98.6	101.1	103.8	106.3
Change in business inventories (billions of dollars, seasonally adjusted annual rate):								
Case I	1.1	5.2	8.5	10.2	11.4	11.7	11.7	11.4
Case II	1.1	7.5	11.8	13.6	14.4	13.9	13.1	12.1
Federal deficit (billions of dollars, seasonally adjusted annual rate):								
Case I	22.3	24.2	29.5	27.6	26.1	21.2	18.5	14.6
Case II	22.3	24.9	29.2	25.8	23.0	15.3	10.3	5.1

The simulation results for Case I, the President's program, represent a moderately optimistic view. Some forecasters are suggesting greater optimism based largely on greater consumer and investor enthusiasm than is suggested here. Regardless which view of the President's program is used, the employment tax credit supplements that program and the relative improvement represented by Case II is of the greatest importance for estimating the impact of the employment tax credit.

The Case II results show an immediate response to the fourth quarter 1971 introduction of the employment tax credit. Employment, output, inventories, wages, and profits all show substantial gains. With the pace of activity increased, the federal deficit is gradually decreased suggesting that the employment tax credit more than pays its way.

The employment tax credit rates used for the Case II simulation may actually be higher than required to induce these levels of hiring. The model's response to the credit was intentionally dampened to minimize the possibilities of overstatement in favor of the tax instrument. Even if the initial rate is higher than necessary, the automatic stabilization feature of the proposal would make the system self correcting during subsequent periods and there would be little if any federal revenue loss due to the initial high rate.

The assumption of wage-price control has been maintained for both simulations. All indications to date are that phase II of the President's program will include some form of wage-price controls so this assumption is probably realistic. However, it is interesting to question whether controls are actually necessary to contain inflation. The reasoning developed above suggests that the employment tax credit could be an inflation dampening force. To investigate this, simulations of Cases I and II with price controls removed mid-year 1972 have been run. For Case I (the President's program) the simulation suggested that the economy tends toward a stable situation characterized by a 5 percent unemployment rate and a 3.3 percent annual inflation rate, in terms of the consumer price index. For Case II (Case I plus employment tax credit) the economy tends toward a stable situation characterized by a 4.2 percent unemployment rate and a 3.7 percent annual inflation rate. Case II has a substantially lower unemployment rate but a higher inflation rate, but this combination seems to represent a favorable shift in the unemployment-inflation trade-off.[9]

The tentative nature of the estimates given in this paper should be recognized and their use in contemplating policy implications should be tempered with caution. They are estimates obtained through experiments with a specific econometric model and our judgments. Our work is continuing and we hope that the issuing of these estimates, while the nation is searching for effective new economic programs, will prompt other investigators to conduct independent experiments with the employment tax credit to evaluate its probable impact.

FOOTNOTES

[1] This revises and extends an earlier draft given limited circulation dated April 26, 1971.

[2] The employment tax credit is similar to the negative wage bill tax discussed by Ragnar Frisch, *Price-Wage-Tax-Subsidy Policies as Instruments in Maintaining Optimal Employment*, Economic and Employment Commission, Economic and Social Council, United Nations, April 14, 1949.

[3] Locational variations in the credit rate to preferentially promote employment in high unemployment areas could be obtained by calculating the credit rate as a function of the local unemployment rate.

[4] See John E. Moes, *Local Subsidies for Industry*, University of North Carolina Press, 1962, and Harry Richardson, *Regional Economics*, Praeger, 1969, for discussions of local incentives to industry.

[5] See Robert E. Hall and Dale W. Jorgenson, "Tax Policy and Investment Behavior," *American Economic Review*, June 1967, and subsequent related communications by Robert M. Coen; Robert Eisner; and Robert E. Hall and Dale W. Jorgenson, *American Economic Review*, June 1969, for detailed examination of the investment tax credit.

[6] It is widely believed that low unemployment and stable prices are competing objectives and that the unemployment-inflation trade-off is such that high inflation must be accepted to maintain relatively full employment or, high unemployment must be accepted to maintain stable prices. This topic has received considerable recent discussion. See for example: *Economic Report of the President 1971*, Government Printing Office; Milton Friedman, "The Role of Monetary Policy," *American Economic Review*, March 1968; Arthur M. Okun, *The Political Economy of Prosperity*, Norton, 1969; George L. Perry, "Changing Labor Markets and Inflation," *Brookings Papers on Economic Activity 3*, 1970; Robert J. Gordon, "Inflation in Recession and Recovery," *Brookings Papers on Economic Activity 1*, 1971.

[7] A reminder of this possibility was given by Professor Stefan Robock in the *Wall Street Journal*, May 18, 1970: . . . strategy should shift to one of increasing supply rather than reducing demand. Inflation is most frequently described as an excess of demand over the supply of goods and services. But it is equally valid to consider inflation as a shortage of supply in relation to demand. In other words, inflationary pressures can be reduced by expanding supply faster than demand.

[8] A technical description of the CEFP national econometric model is in preparation.

[9] Estimated unemployment-inflation trade-off curves for the U.S. economy have been constructed by Robert J. Gordon, "Inflation in Recession and Recovery," *Brookings Papers on Economic Activity 1*, 1971. The unemployment-inflation combination of 5 percent, 3.3 percent, respectively, of the President's program is compatible with these trade-off curves. The combination 4.2 percent, 3.7 percent of the President's program supplemented by the employment tax credit falls below Gordon's trade-off curves.

HONESTY IN GOVERNMENT—THE PEOPLE'S RIGHT TO KNOW

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. RARICK. Mr. Speaker, Ronald L. Ziegler, the White House Press Secretary, may not get a raise in pay or commendation for his recent news report, but there are many who admire him for his truth and honesty.

At the President's meeting with the Soviet Ambassador, Mr. Ziegler introduced Henry A. Kissinger as Secretary of State Kissinger and later introduced Kissinger as head of the National Security Council.

Many are inclined to agree that his announcements are correct in reality though anomalous in protocol.

[From the Evening Star, Sept. 30, 1971]

Here's Secretary Kissinger "Or Whatever His Title Is"

In a series of slips, White House Press Secretary Ronald L. Ziegler elevated national security adviser Henry A. Kissinger first to Secretary of State and then to President.

Briefing reporters yesterday on President Nixon's meeting with Soviet Foreign Minister Andrei Gromyko, Ziegler declared that the participants included "Secretary of State Kissinger."

The reporters, reflecting the widespread impression here that Kissinger, not Secretary of State William P. Rogers, is Nixon's chief foreign policy adviser, broke into laughter.

Embarrassed, Ziegler sought to put his remarks off the record, but the reporter's shouted back: "Oh, no!"

Ziegler stepped down from the podium and then back up, commenting with a smile that he did not know who it was who had preceded him and appealing: "Let's start again."

On the second go-around Ziegler described Kissinger as "head of the National Security Council," a position that is held by the President.

When the reporters again broke into laughter, Ziegler amended: "Or whatever his title is."

A TRIBUTE TO GEORGE SEFERIS: A LIFE FULL OF NOBLE MOMENTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. EDWARDS of California. Mr. Speaker, a giant passed from the midst of civilized society last week. His passing should not go unnoticed in the halls of Congress.

George Seferis, poet, diplomat, man of nobility, and the only Greek of this century to win a Nobel prize, died at 71. Along with the physical ailments which burdened his last days, he was saddened by the fact that Greece with living "in a state of enforced torpor," because of the military dictatorship.

Last Thursday, Seferis was buried. A throng estimated at 20,000 followed the casket from the church to the cemetery. Most were university students and young men and women. This was a significant demonstration in view of the martial law which continues in full force after 4½ years.

The mourners chanted, "Athanatos. Athanatos."—"Immortal. Immortal." They did so honor him, I am informed, for two reasons. First, he was the national poet and his achievements as a poet will live for ages. Second, he had the courage to publicly issue a powerful statement against the regime in March 1969, and this, too, will live.

When Seferis made his statement, the dictatorship, in the style of the Soviets, branded him as insane.

In his recent book, "Five Men—Five Centuries," Panayiotis Kanellopoulos, the former Prime Minister, a man of wide literary achievement himself, wrote, in discussing Sophocles:

> Life is full of great noble moments . . . And we also have experienced such moments around us. And those which neither Sophocles nor we have perceived, those that have occurred in his time and at all times in what for us are invisible corners of life, are without number. . . . In our time terrible things have happened on the earth, and are still happening in one way or another. Those things have not provoked in man only fear or malice or cowardice. They have also impelled the nobility of the soul, the spirit of human solidarity and self-sacrifice, to rise to a height in no way less exalted than the height of no-

bility in those human beings that Sophocles created. Had those heights been "unapproachable", the human race would have disappeared.

Seferis reached heights of nobility. So has Mr. Kanellopoulos, who was the foremost figure to walk in that final march of tribute. The British Ambassador also marched, perhaps out of personal friendship, perhaps out of admiration, perhaps out of recognition of Seferis's outstanding performance as Greek Ambassador to Great Britain during the most turbulent years of the Cyprus controversy.

Under leave to extend my remarks in the Record, I set forth below the New York Times obituary of George Seferis, the 1969 Seferis statement on the tragedy of the Greek dictatorship, and a Seferis poem, "The Return of the Exile," written in March 1938, when Greece was last under a dictatorship:

[From the New York Times, Sept. 21, 1971]

Poet Won 1963 Nobel Prize

Athens, Sept. 20.—George Seferis, Nobel Prize-winning poet, died tonight in a hospital here. He was 71 years old.

According to the hospital director, the immediate cause of death was pneumonia aggravated by a second stroke following surgery for a bleeding duodenal ulcer seven weeks ago.

George Seferiadis, the veteran Greek diplomat and scholar who as George Seferis the poet won the Nobel Prize for literature in 1963, was a liberal thinker who inherited a strong democratic tradition from his family.

For the last four years under the Greek military rule, Mr. Seferis felt oppressed and refused to publish poetry under what he considered censorship. His last poem, "The Cats of St. Nicholas," was contributed to an anthology of anti-dictorial prose and verse published by a group of anti-regime intellectuals.

In a statement issued in March 1969, Mr. Seferis said the military junta had caused a "state of enforced torpor in which all the intellectual values are being submerged in a swamp."

"MY OWN VOYAGES"

To those who asked him the message of his poetry, Mr. Seferis would reply:

"What is the central point in Homer's Odyssey? Ulysses' travels in the world. Well, my poems are my own voyages over the world."

And, he said, "because there is nothing human which is pure" there are no pure poets.

An example of Mr. Seferis's work, taken from "The Collected Poems of George Seferis, 1924–1955," as translated by Edmund Keeley and Philip Sherrard and published by Princeton University Press, follows:

Three years
We waited intently for the herald closely watching
The pines the shores and the stars.
One with the plough's blade or the keel of the ship,
We were searching to rediscover the first seed
So that the ancient drama could begin again.
We returned to our homes broken,
Limbs incapable, mouths cracked
By the taste of rust and brine.
When we woke we traveled towards the north, strangers
Plunged into mists by the spotless wings of swans that wounded us.
On winter nights the strong wind from the east maddened us,
In the summers we were lost in the agony of the day that couldn't die.
We brought back
These carved reliefs of a humble art.

Educated in Athens and Paris, where he studied law "and a lot of literature," Mr. Seferis wrote his first verse at the age of 14. In 1931, after publishing translations of French poetry in Athens and composing his own verse, he won his place among Greece's leading poets when the critics acclaimed his collection "Stofe" ("The Turning Point.")

A consular assignment to London influenced the evolution of his work and marked the beginning of a lifelong friendship and association with T. S. Eliot, whose works he translated into Greek. He also translated the works of Ezra Pound.

In the mid-thirties, Mr. Seferis composed "Epiphany," a collection of poetry from which the Greek composer Mikis Theodorakis was 20 years later to cull songs that became among the country's most popular.

Among American poets, Mr. Seferis reserved his greatest admiration for Archibald MacLeish, whose "Letter From America" Mr. Seferis also translated. Mr. MacLeish dedicated to Mr. Seferis his "Hercules." Mr. Seferis also admired the work of Richard Lowell and Theodore Roethke, a friend.

Through all the years of shifting diplomatic assignments and wartime upheaval, Mr. Seferis continued to compose his own works and to record his experiences.

PUBLIC RECOGNITION

The first public recognition of his outstanding contribution to Greek poetry came in 1947, when he was awarded the Palamas Prize. While in London in 1960, he was awarded an honorary degree in philosophy at Cambridge.

The announcement of the Nobel Prize for his poetry was made in October, 1963, and Mr. Seferis received the prize personally in Athens that December. A year later, he was made an honorary Doctor of Literature at Oxford, and the following year Princeton awarded him an honorary degree.

In 1966, Mr. Seferis became a foreign honorary member of the American Academy of Arts and Sciences. In December, 1966, he published a new collection of poetry under the cryptic title "Three Secret Poems," which was soon translated into Italian and Spanish. His poetry has been translated into most European languages and into Chinese.

Mr. Seferis began his diplomatic career in 1926 as an attaché in the Greek Foreign Ministry. In 1931 he was posted to London as a consul, and in 1936 was serving in Albania.

Two years later, his work took him to Athens as press chief for the Foreign Ministry. An early foe of dictators, Mr. Seferis reacted against the dictatorship of Gen. Ioannis Metaxes in 1930 by printing what then seemed to be subversive poetry, and distributing it only * * *.

When the Nazis invaded Greece in 1941, Mr. Seferis and his wife Maria, fled with the Greek Government to exile in the Middle East. After the war, he was assigned to Ankara, and then to London.

Becoming a minister in 1953, Mr. Seferis was posted to Arab countries and became involved in the Cyprus problem. This special knowledge weighed on his appointment as Greek Ambassador to London in 1957, during the most crucial phase of the dispute. When agreement was finally reached in 1959, it fell to him to try to mend cracks in traditional Anglo-Greek friendship; he did well.

AN HONORARY ENVOY

After leaving the Foreign Service, Mr. Seferis was named an honorary ambassador for life. He and his wife lived in a beautiful island-style home behind the all-marble stadium of Athens.

To his frequent visitors he would say, "I am tired of traveling; I have had too much of it." But when the Athens regime refused to grant him a diplomatic passport he was entitled to as an honorary ambassador, he put up a fight and won. The ban on his exit lifted, he went on a trip last year to western Europe. The ban had been a reprisal for his public declaration against the regime in March, 1968, when he said:

"We all know that in dictatorial regimes, the beginning may seem easy, yet tragedy awaits, inescapably, at the end. It is this tragic ending that consciously or unconsciously torments us, as in the ancient choruses of Aeschylus."

Mr. Seferis, son of a French trained lawyer, was born in Smyrna (Kizmir), Turkey, on a date that exists no more: Feb. 29, 1900. When the switch from the Julian to the present Gregorian calendar took place in the 1920's, this extra day on the century's first leap year, was eliminated. The poet, who was amused by this, celebrated his birthday anniversary once every four years.

[From the Christian Science Monitor, Apr. 10, 1969]

This Anomaly Must Stop

(By a staff correspondent of the Christian Science Monitor)

Washington.—The following statement by George Seferis, Greek poet who received the Nobel Prize for Literature in 1963, has been received in Washington from Athens. The Greek Government recently published an answer to Mr. Seferis but did not permit publication of his statement in Greece.

The text follows:

"It is now some time since I took the decision to stay out of my country's politics I have tried in the past to explain my decision but this does not mean that I am indifferent to our political life.

"From that time until now I have abstained from touching upon such matters. In any case, from what I had published up to the beginning of 1967 and from my subsequent position (I have published nothing in Greece from the time liberty was silenced)

I believe that I have clearly shown my thoughts.

"In spite of this, for some months I have felt within me and around me that more and more it is becoming imperative for me to speak out on our present situation. With all possible brevity, this is what I would say:

"It is almost two years since a regime was imposed upon us, utterly contrary to the ideals for which our world—and so magnificently our people—fought in the last world war. It is a state of enforced torpor in which all the intellectual values that we have succeeded in keeping alive with toil and effort are being submerged in a swamp, in stagnant waters. It would not be difficult for me to understand that such catastrophes do not count very much for some people. Unfortunately that is not the only danger.

"We have all learned, we all know, that in dictatorial regimes the beginning may seem easy, yet tragedy waits at the end inescapably. It is this tragic ending that consciously or unconsciously torments us in the ancient choruses of Aeschylus. As long as this anomalous situation continues, so long does evil progress.

"I am a person with absolutely no political bond and I can say that I speak without fear or passion. I see in front of me the abyss to which we are being led by the oppression which has engulfed our country. This anomaly must stop. It is a national demand.

"Now I resume my silence. I pray to God that never again may I find myself under such compulsion to speak.

"George Seferis."

The Return of the Exile

My old friend, what are you looking for?
After years abroad you've come back
With images nourished
Under foreign skies
Far from your own country.

I'm looking for my old garden;
The trees come to my waist
And the hills resemble terraces
Yet as a child
I used to play on the grass
Under great shadows
And I would run for hours
Breathless over the slopes.

My old friend, rest
You'll get used to it little by little;
Together we will climb
The paths you once knew
We will sit together
Under the plane-trees' dome.
They'll come back to you little by little,
Your garden and your slopes.

I'm looking for my old house,
The tall windows
Darkened by ivy;
I'm looking for the ancient column
Known to sailors.
How can I get into this coop?
The roof comes to my shoulders
And however far I look
I see men on their knees
As though saying their prayers.

My old friend, don't you hear me?
You'll get used to it little by little.
Your house is the one you see
And soon friends and relatives
Will come knocking at the door
To welcome you back tenderly.

Why is your voice so distant?
Raise your head a little
So that I understand you.
As you speak you grow
Gradually smaller
As though you're sinking into the ground.

My old friend, stop a moment and think:
You'll get used to it little by little.
Your nostalgia has created
A non-existent country, with laws
Alien to earth and man.

Now I can't hear a sound.
My last friend has sunk.
Strange how from time to time
They level everything down.
Here a thousand scythe-bearing chariots go
past
And mow everything down.

DR. WALTER DRZEWIENIECKI

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. DULSKI. Mr. Speaker, more than 200 friends gathered last weekend to honor one of Buffalo's distinguished citizens, Dr. Walter Drzewieniecki, Polish community leader.

The affair was in recognition of Dr. Drzewieniecki's outstanding work over the years as an American citizen of Polish extraction, who has been given credit for initiating an ethnic revolution in western New York State.

Dr. Drzewieniecki was selected from our community for recognition by the State University of New York at Buffalo, the first individual with a Polish name to be so honored.

As part of my remarks I am including a newspaper article and a summary of Dr. Drzewieniecki's background:

[From Buffalo (N.Y. Evening News, Sept. 25, 1971]

POLISH SCHOLAR HAILED FOR ETHNIC CONTRIBUTION

Dr. Walter Drzewieniecki, Polish community leader, was serenaded Friday evening with the song "Sto Lat" (May He Live 100 Years) by about 200 friends in the Adam Mickiewicz Library and Dramatic Circle, 612 Fillmore Ave.

Dr. Drzewieniecki, professor of history and chairman of the Soviet and East Central European studies program at Buffalo State University College, received the 125th anniversary award of the State University of Buffalo last May.

Friday evening's program, which featured a traditional Polish style meal of golabki (stuffed cabbage) and pierogi (stuffed dough with cheese), was for the many friends who "did not have the opportunity to be at the May ceremony," according to John M. Frysiak, assistant state attorney general and president of the Polish Cultural Foundation.

Dr. Drzewieniecki's achievements include the establishment of the Polish Cultural Foundation in 1965 and the East European Studies Program in 1966.

Mr. Frysiak, in a short after dinner speech, said of the Polish leader: "In the days when the merit of the existence of the ethnic Pole was challenged, he rose in the role of defense. Where others, perhaps better equipped, perhaps in a more advantageous position floundered, he acted."

"It is my belief that history will credit Dr. Drzewieniecki with initiating an ethnic revolution in Western New York."

Other accolades to Dr. Drzewieniecki came from Fillmore District Councilman Gus Franczyk, who presented him with a gold bison on behalf of Mayor Sedita.

Prof. Joseph Ertavy, assistant professor of Modern Languages at Buffalo State College, added that the 125th anniversary award was the "first time in the history of the State University of Buffalo that such high honors were presented to a man with a Polish name and—more importantly—for his unceasing work on behalf of the ethnic community."

Dr. Drzewieniecki, an "I am proud to be a Polish American" button on his lapel, outlined his past and future endeavors, saying: "This movement for the dignity and betterment of the Polonia (Poles who no longer live in Poland) for a well-deserved place in American society is rapidly gaining the dimensions of a revolution, of an avalanche, which must include all Polish Americans."

Wallace Boguszewski, president of the Polanie Club, presented a $500 check to the Polish Central Foundation to be used for scholarships for Polish studies.

CITATION TO DR. DRZEWIENIECKI

Dr. Walter Drzewieniecki, Professor of History and chairman of the Soviet and East Central European Studies Program at the State University College was one of the few outstanding individuals who received the 125th Anniversary Award of the State University of New York at Buffalo "in recognition of distinguished services which have contributed to the benefit of mankind."

The citation of the award, signed by Dr. Robert Ketter, president of the University, and Mr. William Baird, chairman of the University Council reads as follows:

"Your efforts on behalf of the 300,000 Western New Yorkers of Polish descent have been myriad. Within the academic community, you have won recognition for the cultural contribution of your people through the establishment of the East European studies program at State University College at Buffalo. To insure community involvement in this and other programs, you spearheaded the formation of numerous Polish-American citizens groups, most notably, the Polish Cultural Foundation. Your lectures, your exhibits, your encouragement to others interested in the field, and most of all, your personal example are a continuing source of inspiration to Polish-Americans in Western New York and, indeed, throughout the nation. In recognition of your service, the State University of New York at Buffalo is honored to present you with its 125th Anniversary Award."

As these glowing words indicate, an eminent Polish American had been recognized for his untiring efforts to help maintain the cultural inheritance of Americans with East European background.

It is the first time in the history of the University of Buffalo that such high honors were presented to a man with a Polish name and—more importantly—for his unceasing work on behalf of the ethnic community. This fact reflects a marked change in the old myth of America being an all dissolving melting pot.

A new ethnicity is developing and the changing attitude toward the component cultures of this great nation puts more and more emphasis on cultural maintenance, thus the danger of extinction no longer looms darkly over ethnic America.

It is now widely recognized that unity shall be attained by the people of our country not through the elimination of the color and substance of each national heritage but rather by the gradual blending of the highest cultural achievements each of these nationalities are capable of reaching within the framework of our national life.

The resurgence of ethnic awareness in America may seem, to some, as a force of division, the sensitive observer, however, will interpret this movement as the final and necessary stage in the emancipation process of the immigrant masses and their descendants and a belated attempt on their part to make real use of the unique opportunities, rights and privileges available to all the people of this land.

In fact, in this new ethnicity one can see the manifestation of the final maturity of fifty million Americans who were free all along but did not quite know how to live with all the blessings of freedom.

After this gentle ethnic "revolution" will be over we are going to witness a new America with more purposeful patriotism, with greater degree of brotherhood among its people, with wider cultural horizons, with an equal and more dignified citizenry.

Dr. Drzewieniecki is one of those amply qualified leaders whose participation in this great endeavor will help make it a success. May God give him a long and fruitful life!

THE CASE FOR A CEILING ON IMPORTS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. O. R. Strackbein, a very close friend and constituent of mine is president of the Nation-Wide Committee on Import-Export Policy. He has been very active in the field of foreign trade products for many years and is recognized as an authority on the subject.

Under leave to extend my remarks, I would like to call to the attention of my colleagues an article by Mr. Strackbein which appeared in the Wall Street Journal on Friday, September 24, 1971, together with a comment in the Review and Outlook column which appeared in the same edition of the Journal:

THE CASE FOR A CEILING ON IMPORTS

(By O. R. Strackbein)

The need for a new trade policy has been borne in upon us in recent months by the successive monthly trade deficits we have suffered since last spring.

The harsh reality of our weak competitive position in the world, including our own market, was recognized in August when the President proclaimed a supplemental duty of 10% on roughly half of our total imports, and cut the dollar loose from gold internationally.

In our trade, neither the action taken, nor anything so far contemplated by the administration in the form of trade legislation, has thus far reflected recognition of a far more basic affliction that plagues our economy. This is the changed competitive position of American industry in relation to imports, and the far-reaching implications of this change. To understand this change will require a review of our economic history of the past century.

TWO IMPORTANT CONDITIONS

Mass production had its origin in this country. Its economic potential depended on two important conditions: (1) fair competition as an antidote to monopoly and as assurance of passing reduced costs attributable to technology to the consumers, and (2) increasing mass purchasing power.

Our inventiveness and energy assured technological progress if incentive beckoned. The efficacy of fair competition was clearly perceived and resulted in the Sherman Anti-Trust Act (1890) and later in the Clayton and Federal Trade Commission Acts and yet later in the Robinson-Patman Act.

The automobile industry, especially as represented by Henry Ford, provides the classical example in the development in this country of the uniquely productive system that brought us to world industrial leadership. Ford's insight led him to tie the fortunes of mass-production to the mass-market or consumer purchasing power. He introduced the $5-a-day wage as an earnest fee of his faith.

A third element for the success of the vision was selection of products that were likely to enjoy an elastic demand, i.e., products so far acceptable to potential consumers that these would buy more and more of them as the price came down. Essential goods do not answer to this description. The demand for them is inelastic. Food is an example. The number of stomachs is limited by the population. Nonessential goods that cater to human needs and desires (especially to ease, comfort, convenience, beauty and social prestige) once discovered or invented, are prime candidates for mass consumption if the price is sufficiently reduced.

After the unbelievable success of the automobile, a vast array of other products followed suit. Household appliances of all kinds, washers, driers, refrigerators, the telephone, radio, television; luxury wearing apparel, sports and recreational items, proliferated over the land to the point of saturation. The great moving power in this phenomenal process was the rich mass market that could be reached if the price was progressively brought down. We needed no imports to develop our mass market for goods of all varieties. Our enterprising manufacturers had only to behold what the mass market had meant to one product after another and then go and do likewise.

Indeed, we depended on new products and their conquest of the mass market to absorb the annual crop of new workers. If a new product initially cost $5,000 few customers would be found and little new employment would be generated. If the price was cut in half, or to a quarter, many more units could be sold. Sales were better yet if the price could be brought down to $500, and still better if it dropped to $100. A jackpot awaited the successful industrial genius.

Employe compensation, as recognized by Henry Ford, provides the great bulk of purchasing power if it keeps pace with rising productivity. Thus instead of looking upon wages as a necessary evil, to be kept as low as possible, as the early British economists saw it (Ricardo, Mill and others), American economists began to see them as the greatest of market constituents. Our laws began to reflect this recognition—so much so, in fact, that, with the addition of social welfare and other burdens (such as national defense) industrial costs of production became highly inflexible in this country except on the upward slope. Almost no competitive maneuverability remained. Great pressure developed for automation and worker displacement.

This process, indeed, was relied upon to strike additional layers of income on the way to the mass market. Such is the nature of a truly elastic demand that consumption will grow distinctly faster than job displacement if prices are brought down within reach of the income levels of potential customers.

MILLIONS OF JOBS GENERATED

Without being explicitly conscious of it our enterprising product developers and merchandisers generated millions upon millions of jobs in this country by finding likely products and awakening the latent demand for them, reducing costs by mass production and then reaping the monetary reward.

Thus did our unique system come to lead the world. After World War II the other leading industrial nations, having seen the magic of our technology and business methods, embraced the system and adopted it with generous help from us.

Before long we were faced with an unpalatable fact: The other countries embraced our mass production but were reluctant to put into effect Ford's vision, namely rising wages as an absorbent of the volume of goods produced. While foreign wages did rise, they did not close the gap between them and us. Thus with lower wages and soaring productivity, foreign producers came to enjoy a widening gap between their unit costs and ours. Because their home purchasing power was inadequate they looked abroad for a market. We offered the most attractive of all.

The response of our industries was natural. They began heavy direct foreign investment—up to some $75 billion by now. Thus they enjoy the low foreign wage levels and rapidly rising productivity. Beyond that, many industries licensed use of their patents by foreign producers.

As a result any prospective new industry in this country has in the past few years come to stand before a wholly different prospect from the past. No longer does a mass market beckon—not because the potential is not there but because the new industry can no longer call it its own. Outsiders can beat it in any race to the mass consumer market.

What then of the expansion and the new jobs that previously could be anticipated with confidence? How readily will our capital venture into so uncertain a future?

The accustomed climate of 1910–1955 is gone. It will not return of its own account.

INFLEXIBLE BURDENS

Trussed in the inflexible burdens imposed by legislation and other factors in this country, thus making labor-displacement as a means of becoming or remaining competitive the only alternative, willing capital sees the foreign scene as a beckoning alternative. The mass market (consumers) characteristically smiles on merchandisers who offer the more attractive bargains. These are less and less of the native variety and more and more the foreign. Our mass market is diverted to serve as an outlet, not for innovaters and entrepreneurs at home, but the foreign based.

Our economy is being outflanked, upset and consumed by the very forces to which it gave birth and by ironic generosity handed over to other countries. We are driven to ever greater dependence on service activities rather than production even though we still have the most productive machine in the world.

Is there an alternative? If we can restore the former climate we can hope to reopen the doors to expanding employment. The restoration can be assured if we set a ceiling on the share of our market imports may supply and thus prevent their heading us off at the pass that leads to the mass market. This share might differ from product to product and provide reasonable flexibility.

In such a restored climate our industry could resume the course of cost and price reductions with both new and old products that enjoy an elastic demand, and thus restore to our system its employment-generating motivation.

Failure to understand the dilemma posed by the silent reversal of the international competitive tide which in time will leave our economy beached, will bedevil and even embitter our international relations, while an understanding of it will open the way to fruitful adjustment.

Our Over-the-Hill Economy

In adjoining columns O. R. Strackbein paints a dreary picture of the U.S. economy, a view that may seem to be confirmed by recent events. Business has been sputtering along well below capacity, unemployment has been discouragingly high, and the U.S. has been having growing troubles with foreign competition.

Mr. Strackbein, an ardent spokesman for the new protectionism, feels that this country has simply encouraged and permitted too much of that foreign competition. In the process, he says, American industry has lost a major asset: domination of a huge domestic market.

It's certainly true that the domestic mass market has had much to do with the rapid growth of American industry. (In passing, it should be noted that free trade within the United States has made possible both the mass market and the industrial growth.)

We would concede, too, that other nations have made vast strides in technology, frequently with U.S. help. As President Nixon has been stressing lately, moreover, other countries seek unfair advantage over America by clinging to artificial exchange rates that favor their exports and discourage imports from the U.S.

When all that has been said, though, we still think Mr. Strackbein's solution smacks of defeatism. What he is saying, essentially, is that the U.S. should rope off much of its domestic market solely for domestic producers since, in his view, American companies will never again be able to compete on equal terms with foreign firms. Implicit in this plan, of course, is a renunciation of all foreign markets in favor of foreign companies.

This sounds quite a lot like the stagnation arguments of the 1930s: there's not much hope for much more expansion, so we had better content ourselves with dividing what we have.

The argument was wrong in the 1930s, and it's wrong now. Many of the U.S. companies that have been going abroad have gone not so much in search of cheap labor as in pursuit of what they see as a greatly expanding international market. Gradually, often painfully, the economic nationalism that has served the world so badly for several centuries has been giving way to a new internationalism.

Common Market countries discovered that, once they lowered the trade barriers among themselves, they had a huge domestic mass market of their own. After they made the discovery and began to profit from it, they unfortunately became rather protective about it, taking a tack somewhat similar to the one Mr. Strackbein now urges for the U.S.

The U.S., for its own selfish interest if nothing else, needs to encourage the rest of the world to continue to find and benefit from the virtues of freedom. To do so it will have to show the rest of the world that the 10% import surcharge is only temporary, that this country does not intend to reverse the progress toward freer trade that has been made over the past four decades.

Looking toward the increased competition that would ensue, the U.S. does indeed have some problems extending beyond unrealistic exchange rates, problems that need correction. Careless financial policies have permitted inflation to boost prices of exports and make imports more attractive. Government policies overly friendly to unions have made it difficult, if not impossible, for American producers to keep labor costs under control.

A significant part of the problem, finally, is that great American industrial asset: the domestic mass market. Many American producers came to take that market almost for granted. As a result, they relaxed—in research and development, in salesmanship, in simple management techniques. And foreign companies began to clobber them.

Around the world there is an enormous mass market opening up, one that can aid and abet many thousands of producers, both in this country and abroad. If less-developed countries get easier access to the world market for their raw materials and other products, they will also become bigger customers in the market.

Given reasonable federal financial and labor policy, we're convinced that many American companies can compete quite successfully in a swiftly expanding world market. Unlike the protectionists, in other words, we still aren't persuaded that the American economy is irretrievably over the hill.

COMMENDATION TO ARCHBISHOP ECKARDT AND PHILATHEA COLLEGE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. HANNA. Mr. Speaker, I wish to bring attention to a milestone in Canadian-United States relationship and pay particular honor to a distinguished man of the cloth, Archbishop Benjamin C. Eckardt. He has helped foster this fine and lasting friendship between two nations whose borders remain clear of armament, forts and guard stations. An example for all the world to note and emulate.

On June 19, 1971, Philathea College, located in London, Ontario, Canada, celebrated its 25th anniversary as a college and at the commencement exercise held in the Church of Christ, Elizabeth Street and Dundas in London, it was announced that Philathea College was granted full accreditation as a 4-year college by the American Association of Specialized Colleges. Philathea College has joined such noted schools of higher learning as Drake College, Ft. Lauderdale, Fla., Hussan College, Bangor, Maine, Benjamin Franklin University, Washington, D.C., Cleary College, Ypsilanti, Mich., Aero-Space Institute, Chicago, Ill., Belknap College, Center Harbor, N.H., Bliss College, Columbus, Ohio, and Indiana Northern University, Gas City, Ind., to name but a few.

Following the graduation ceremonies, three bishops were consecrated by Dr. Eckardt. Elevated to the bishopry were Rev. Russel G. Fry, Jr., Schwenkeville, Pa., who becomes bishop of Pennsylvania. Rev. William Carson Thompson, of Indianapolis, who becomes archbishop of Indiana. Rev. Gordon A. Da Costa, president of Indiana Northern University, was named Indiana's auxiliary bishop.

Archbishop Benjamin Eckardt, of the Free Protestant Episcopal Church and the Church of Christ, is president of Philathea College and as its founder, is to be congratulated on his accomplishments and tireless work in bringing together the several church organizations, schools, and colleges representing so many thousands of parishioners, students, and missionary workers throughout the world.

Archbishop Eckardt is to be congratulated on his work in law enforcement, padre with the rank of inspector in the Royal Canadian Police and as a member of Interpol, for his outstanding work in education and for his worldwide service to mankind through the church and many civic organizations. We wish to thank Archbishop Eckardt for helping to bring the peoples of these two great nations closer together through understanding, education, fellowship, and church.

We recognize Philathea College as a fully accredited 4-year college and pay particular note and credit to its outstanding graduate school. We wish this institution of higher learning continued success in bringing all the peoples of the world, peace through understanding.

THE NEW ROYALTY AT COURT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. RARICK. Mr. Speaker, the international aristocracy of the world banking community were received at court last evening here in Washington.

Reportedy, the World Bank president and his wife, Mrs. Robert Strange McNamara, and the International Monetary Fund's managing director rented the John F. Kennedy Center of the Performing Arts to wine and dine the visiting financial nobility.

The rental tab alone is reported to have run $18,622, and the $11-a-bottle imported champagne ran like water for the estimated 2,000 guests from 118 national banking houses.

Who picks up the tab is a predetermined conclusion, that is, the U.S. taxpayer. The gala affair is comparable to the missionary blessing the cannibals before being put in the pot to be eaten. The purpose of the IMF's international banking convention is to force the U.S. Government into further destruction of the purchasing price of the U.S. dollar.

I include the newsclipping of this social event:

SOMETHING OTHER THAN THE "PEDESTRIAN"

(By Margaret Crimmins)

The administration's economic mutations haven't exactly been warming the cockles of the hearts of world financiers, but a party last night at the John F. Kennedy Center for the Performing Arts probably helped.

World Bank President and Mrs. Robert S. McNamara and International Monetary Fund Managing Director and Mrs. Pierre-Paul Schweitzer bought out the Opera House and treated economic leaders from 118 nations meeting here to a champagne reception and performance by the American Ballet Theatre, a departure from the usual dinner at a hotel.

The tab for the seats alone would run to about $18,622. And then there were the bottles and bottles of champagne and sherry. "They're being uncorked like water," said one of the white-gloved waiters. "It's all imported; I think it has to be for a crowd like this." (The champagne was Moet & Chandon Brut Imperial which sells for about $11 a bottle in supper clubs.)

McNamara, who was Secretary of Defense under Presidents Kennedy and Johnson, looked down the massive, red-carpeted Grand Foyer and said, "It's great, just great."

The idea to entertain world financiers at the memorial to President Kennedy was Mrs. McNamara's, he said. "She started working on it months ago."

As McNamara and others explained, Washington has never been known for its ambience in entertaining delegates to IMF and World Bank conferences. "We've had some very pedestrian dinners in the past," said McNamara. "Small rooms in hotels; the size of this place is great."

His approximately 2,000 guests, sipping the Moet and nibbling at shrimp, steak tartar and avocado canapes, agreed that Washington looked much better this time around. (The IMF and World Bank meet here every other year.)

"This is much more dignified and more elegant, suitable for an international crowd like this," said a Britisher, now with the World Bank, who did not want to be identified.

"This is quite a different atmosphere from what we have been accustomed to in Washington," said N. V. Lough, deputy secretary of the treasury of New Zealand. "In the past there has always been so much noise in rooms with low ceilings and no culture."

Karl A. Schiller, West Germany's minister for economic affairs and finances and chairman of the conference, pronounced the center "magnificent, I do not understand all of the criticism." Standing close beside Schiller was his bride of four months, in a gold dress cut low at the neckline and slashed high from the bottom. She was feeding him appetizers because he did not have time for dinner.

"This was a very good idea to let all of us see this center," said S. R. Sen, executive director for the World Bank in India. "This is one of the best parties given in Washington."

He said the American embassy in New Delhi, also by architect Edward Durrell Stone, looks "very much" like the Kennedy Center from the outside. But never have I seen anything this large."

Mrs. J. Dewey Daane, whose husband is governor of the Federal Reserve district in Washington, admitted she has been "embarrassed at the lack of glamour in Washington" when international monetary figures met here.

"I used to feel rather sorry for the foreigners coming to Washington. In Europe they really roll out the red carpet. Last year, for example, we were guests for a performance of the Royal Danish Ballet in Copenhagen. In Washington, we'd go to a hotel, where they rather sling food at you.

"I'm really proud we could show some culture this time," said Mrs. Daane. "The whole conference seems to have been better. Someone has put some extra effort into it."

That extra effort for monetary leaders last night also meant that the "No Parking" spaces in front of the Center were filled with limousines, Rolls-Royces and Mercedes-Benzes, with nary an orange traffic ticket.

MASS FOR LIFE THROUGH HEALTH

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. RYAN. Mr. Speaker, the tragedy of childhood lead poisoning has stirred the hearts of thousands of people—not only people who have personally confronted this devastating illness, but others, as well, who have been moved by the needless ravages it produces.

In the city of Rochester, N.Y., there have been some very active and dedicated individuals and groups who have been combatting what is, in fact, a preventable disease. One of the most moving expressions of individual and group concern about eradicating this sickness which I have come in contact with is the "Mass for Life Through Health," a worship service jointly sponsored by the parishioners of Rochester's Immaculate Conception Church and the faculty, staff, and students of the University of Rochester's Department of Preventive Medicine and Community Health.

I am including at this point a brief description of the "Mass for Life Through Health," published in the University of Rochester's Summer, 1971 "Rochester Review." I would offer one question for contemplation by my colleagues and others who might read this—why, when so many people are seeking to fight a dread disease which is clearly preventable, is the Federal Government—the executive, and the Congress—so reluctant to help by providing adequate funds?

The article from the Rochester Review, entitled "Mass for Life Through Health," follows:

MASS FOR LIFE THROUGH HEALTH

Each year some 400,000 of the nation's children are affected by a preventable ailment: poisoning by lead-based paint. Today's paints no longer are leaded, but the peeling chips in old ghetto dwellings remain a hazard for inner city youngsters. Not all "lead chip" victims die; not all suffer permanent injury to body or brain. But a sizeable number experience some lingering disability from eating paint from the flaking walls and window sills of ghetto buildings.

To parishioners of Immaculate Conception Church in Rochester's Third Ward and to faculty, students, and staff members of UR's Department of Preventive Medicine and Community Health, lead poisoning poses a constant threat to area children. From this mutual concern came the idea for a jointly sponsored worship service related to health and, specifically, to lead poisoning. The result—a unique Mass of Life Through Health—drew more than 1,100 participants to two services on a chilly Sunday morning late this spring; among the visitors, children from suburban Temple B'rith Kodesh and ex-prisoners from the county penitentiary who are engaged in a neighborhood health program with Medical School personnel.

For two weeks prior to the Mass, the eight grades in the Immaculate Conception School discussed lead problems in classes conducted by the UR team, and many youngsters entered their drawings, paintings, posters, and skits in a school art contest on the subject. Meanwhile, UR medical students and neighborhood volunteers blanketed the area with pamphlets on lead poisoning and offered to test paint from residents' homes.

Appropriately, the unusual Mass blended the traditional and the topical. There was gospel music and soul music . . . a sermon by Assistant Professor Naomi Chamberlain of the Medical School . . . the world premiere of "Paint Chips," a song written as a meditation hymn by Charles Blackwell, production manager for the Broadway musical "Promises, Promises." There were new words for much of the liturgy:

For those who own the houses with leaded paint—that is in a condition to maim and kill children—Open their minds and hearts today. Oh Lord let us pray

And new lyrics for the familiar "Jesus Loves Me":

In our homes and in our beds
Keep us safe from poisoned lead
To Jesus each of us belong
So help Him keep us well and strong

During the service, envelopes were passed out so that parishioners could send paint chips to the Medical School, which has developed a simple test for lead content. In the offertory procession, children carried some of the art contest entries to the altar; after the first service the prize-winning works were displayed at a coffee hour on lead poisoning.

Although the project has won widespread attention (the Mass was broadcast over the CBS "World of Religion" program and is being featured in leading religious and lay publications), its more significant outcome, for organizers and participants alike, is a very personal one; a greater awareness of a shared problem and a sense of community in trying to solve it, as, in the closing words of the service, "we are sent out now to find more life through health, for ourselves, our brothers, our children."

From the sermon delivered by Naomi Chamberlain, UR assistant professor of preventive medicine and community health, at the Mass for Life Through Health:

The practice of painting the inside of dwellings with such (lead) paint almost belongs to the past. The problem and tragedy of 400,000 children, little children between the ages of one and six, becoming poisoned from leaded paint eaten or chewed . . . is a problem and tragedy of the present.

Today is not to be used to accuse or attack that which has happened in the past, for we are "forgetting those things which are behind and reaching forth into those things which are before." Isaiah 43:18–19, this morning's word, is "Behold I will do a new thing; now it shall spring forth; shall ye not know it?" . . .

Some good things have been done in relation to the problem and tragedy of lead poisoning of children, little children. Today we recognize the good that has been done and we offer an act of appreciation for those things, but today we must leave them and "do a new thing" . . .

We can, each in our own way, move from the past into a present and future where active concern becomes concerned action.

EGAN WRITES NIXON—SCORES STATE DEPARTMENT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. BEGICH. Mr. Speaker, on September 15, 1971, I introduced into the House of Representatives a comprehensive legislative package aimed at revitalizing the American fishing industry. At that time, I also introduced several bills designed to protect American fishing grounds and marine resources from foreign fishing activities.

One bill which I introduced would authorize the use of the "straight baseline" method for determining the inner boundary of the territorial sea. This method allows the inclusion of bays and other indentations in the coastline to be included within the territorial sea. This can add as much as 30 percent to the area subject to control and protection by United States and Alaska authorities.

In a recent letter to the President which was also published in one of Alaska's most distinguished newspapers, the Petersburg Press, Gov. William Egan expressed his strong support for the straight baseline concept. At this time, I would like to bring his letter to the attention of my colleagues in the Congress:

EGAN WRITES NIXON—SCORES STATE DEPARTMENT

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of State recently completed what we consider to be a carelessly executed project which threatens serious harm to the national interest and to the people of Alaska. We feel that corrective action must be taken promptly in order to prevent the Department's labor from resulting in a major international incident.

In concert with the Coast and Geodetic Survey of the Environmental Science Services Administration of the Department of Commerce, the State Department has undertaken the publication of documents or charts purporting to delimit provisionally the territorial sea, contiguous zone and internal waters on the maritime boundaries of the United States. These charts have now been published. Though fortunately not yet widely dispersed, they are available for purchase by the public and by representatives of foreign governments.

These charts do not use the straight baseline concept in measuring the Alaska coastline, a method which is increasingly the standard method used in international law. I have little doubt that such a technique would be peacefully accepted by our neighbors. It is the normal method used by countries endowed with a highly irregular coastline for determining that part of their boundary. The nations employing the straight base-line concept are: Norway, Sweden, Poland, Finland, Spain, West Germany, Saudi Arabia, Egypt, Ecuador, Yugoslavia, Iran, Iceland, Cuba, Venezuela, Indonesia, Ireland, People's Republic of China, Korea, Albania, Bulgaria, Denmark, Italy, Romania, Australia, Canada, New Zealand and Great Britain.

As a result of the failure to use this standard, a generous slice of the American continental boundary, encompassing thousands of square miles of precious sovereignty has been all but surrendered by the stroke of a draftsman's pen. I urge you to take a hard look at the use of the straight base-line concept in determining the boundaries of the United States.

Incidentally, but critically, the use of the straight baseline method would enormously simplify, to the advantage of all, certain technical, contentious and litigious issues in determining the historic waters of the United States in Alaska and Maine. Earlier consideration of this method would have prevented the grave error which has caused me to write to you directly out of concern for a situation which could get out of hand.

Without consulting the historic record, including the judgment of the Alaska Boundary Tribunal of 1910–11, without examining a continuous pattern of assertion of sovereignty by public authorities going back to the Treaty of Acquisition, and without consulting the State of Alaska, the cartographers have allowed the high seas, including the contiguous zone, to invade every historic bay and channel of the Alexander Archipelago (the Alaska Panhandle) more than six miles wide, as well as the Bristol Bay fisheries and other waters on the periphery of the Alaskan land mass and related islands.

Mr. President, if this is allowed to stand, it will effectively destroy the fisheries regulation program conducted by the State of Alaska. It will encourage the intrusion of foreign fishermen into the internal waters of the United States, and open the door to penetration by foreign warships.

I cannot stand by and let this happen. A few years ago, protecting the sovereign jurisdiction of the State and the United States, the Alaska State Department of Fish and Game was forced to seize a Japanese vessel in Shelikof Strait. This action was taken only after I pleaded with the State Department to take appropriate action. Federal authorities ignored my plea that they urge the Japanese ambassador in Washington, D.C., to take steps interceding with Japanese fishing companies who had announced in Tokyo that a Japanese fishing fleet was preparing to go to Alaska's Shelikof Strait on a herring fishing expedition designed to establish, in their words, "historic fishing rights." Because of failure on the part of the U.S. Department of State to recognize the seriousness of the situation at that time, I was left with no other choice than to order the apprehension of the Japanese when they came in and persisted in violating the fishing laws and regulations of the State of Alaska. As well as protecting the sovereignty of State of Alaska waters, my action headed off potential violence. The Federal Administration was embarrassed by the national press coverage surrounding the incident, and now we are faced with a larger problem.

This situation is potentially more serious than the Shelikof Strait situation and threatens our good relations with our Canadian neighbors. If Canadian halibut boats attempt to fish Chatham Strait or any other waters which are internal to the State of Alaska, the State has no alternative but to act.

This is not a theoretical issue; we understand that already a Canadian vessel has experimented in testing these maps by fishing in the Strait and the U.S. Coast Guard forbore from action after consulting these maps.

We cannot so forbear. Not only do I feel it is my constitutional obligation to act, but in addition, if firm governmental action is not forthcoming, I would be fearful of violence as traditional fishing grounds of the United States and Alaska are invaded.

I would hope, Mr. President, that you could investigate the situation immediately. I am fearful that subordinates in the government, without your knowledge, have taken steps which could gravely injure the national interest.

Pending completion of your investigation the maps should immediately be withdrawn from sale and the Coast Guard and other agencies should be instructed to disregard them and not use them to change any established policy or practice.

One last feature of this arbitrary action by the government I would call to your attention. Under the National Environmental Policy Act, all agencies of the Federal Government are required to include in every recommendation on proposals for major federal actions significantly affecting the quality of the human environment a detailed statement on the impact of the proposed action on the human environment.

There is no doubt in my mind that the manufacture and distribution of these maps is such a major federal action significantly affecting the human environment. Yet arbitrarily and capriciously and without the public hearing which would have been an invaluable aid to the State Department, the two agencies have proceeded without the slightest regard for the National Environmental Policy Act to take action which could do irreparable harm to the national resources of Alaska. This alone is sufficient reason to rescind the action, at least until adequate public hearings are held and the Act complied with.

I urge you to act promptly to correct this deplorable and dangerous situation.

Sincerely,

WILLIAM A. EGAN,
Governor.

PENTAGON MANIPULATES HISTORY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. MIKVA. Mr. Speaker, it has come to my attention that in its memorial to the late President Eisenhower, the Defense Department has misrepresented his farewell address to the Nation of January 17, 1961. In the Eisenhower Corridor of the Pentagon, certain portions of the late President's final address are quoted in an edited form which I believe distorts the essential thrust of the speech.

President Eisenhower was deeply concerned that advances in technology combined with the growing needs of the country had created an opportunity for the Military Establishment and the armaments industry to exert undue and improper influence in the formation of national policy. As a former general in the U.S. Army, no one knew the potential uses and abuses of military power better than he.

President Eisenhower balanced his belief in a strong defense with a firm dedication to the principle of civilian control of the military. He recognized the crucial distinctions between a strong military and strong military-industrial complex, and those between the necessity for security and the unnecessary luxury of expanding needless weapons systems.

National security, said Eisenhower, depended on "security with solvency . . . not in overindulging sentimental attachments to outmoded military machines and concepts, or in heeding noisy trumpeting about dazzling military schemes or untrustworthy programs."

President Eisenhower was deeply committed to the goal of disarmament. "The quest for peace," he said, "is the statesman's most exacting duty."

In his farewell address to the Nation, which he spent many hours personally drafting and revising, Ike said:

> In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will exist.

History has made a prophet of the late President. But the Pentagon would manipulate history by the stroke of the censor's pen. They would ignore the general's ominous warning, and tailor his statements to the specifications of the Pentagon brass. The Pentagon's memorial to General Eisenhower, with its substantial editing of Ike's remarks, is more of an exercise in self-justification than an honest testimonial to the late President.

Mr. Speaker, I would like to insert in the RECORD the entire, uncensored Eisenhower speech for comparison with the abbreviated edition which appears in the Eisenhower Corridor just down the hall from Secretary Laird's office at the Pentagon:

[Delivered from the President's Office at 8:30 p.m.]

FAREWELL RADIO AND TELEVISION ADDRESS TO THE AMERICAN PEOPLE, JANUARY 17, 1961

My fellow Americans: Three days from now, after half a century in the service of our country, I shall lay down the responsibilities of office as, in traditional and solemn ceremony, the authority of the Presidency is vested in my successor.

This evening I come to you with a message of leave-taking and farewell, and to share a few final thoughts with you, my countrymen.

Like every other citizen, I wish the new President, and all who will labor with him, Godspeed. I pray that the coming years will be blessed with peace and prosperity for all.

Our people expect their President and the Congress to find essential agreement on issues of great moment, the wise resolution of which will better shape the future of the Nation.

My own relations with the Congress, which began on a remote and tenuous basis when, long ago, a member of the Senate appointed me to West Point, have since ranged to the intimate during the war and immediate postwar period, and, finally, to the mutually interdependent during these past eight years.

In this final relationship, the Congress and the Administration have, on most vital issues, cooperated well, to serve the national good rather than mere partisanship, and so have assured that the business of the Nation should go forward. So, my official relationship with the Congress ends in a feeling, on my part, of gratitude that we have been able to do so much together.

II.

We now stand ten years past the midpoint of a century that has witnessed four major wars among great nations. Three of these involved our own country. Despite these holocausts America is today the strongest, the most influential and most productive nation in the world. Understandably proud of this pre-eminence, we yet realize that America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

III.

Throughout America's adventure in free government, our basic purposes have been to keep the peace; to foster progress in human achievement, and to enhance liberty, dignity and integrity among people and among nations. To strive for less would be unworthy of a free and religious people. Any failure traceable to arrogance, or our lack of comprehension or readiness to sacrifice would inflict upon us grievous hurt both at home and abroad.

Progress toward these noble goals is persistently threatened by the conflict now engulfing the world. It commands our whole attention, absorbs our very beings. We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake. Only thus shall we remain, despite every provocation, on our charted course toward permanent peace and human betterment.

Crises there will continue to be. In meeting them, whether foreign or domestic, great or small, there is a recurring temptation to feel that some spectacular and costly action could become the miraculous solution to all current difficulties. A huge increase in newer elements of our defense; development of unrealistic programs to cure every ill in agriculture; a dramatic expansion in basic and applied research—these and many other possibilities, each possibly promising in itself, may be suggested as the only way to the road we wish to travel.

But each proposal must be weighed in the light of a broader consideration: the need to maintain balance in and among national programs—balance between the private and the public economy, balance between cost and hoped for advantage—balance between the clearly necessary and the comfortably desirable; balance between our essential requirements as a nation and the duties imposed by the nation upon the individual; balance between actions of the moment and the national welfare of the future. Good judgment seeks balance and progress; lack of it eventually finds imbalance and frustration.

The record of many decades stands as proof that our people and their government have, in the main, understood these truths and have responded to them well, in the face of stress and threat. But threats, new in kind or degree, constantly arise. I mention two only.

IV.

A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

Our military organization today bears little relation to that known by any of my predecessors in peacetime, or indeed by the fighting men of World War II or Korea.

Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security more than the net income of all United States corporations.

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.

In this revolution, research has become central; it also becomes more formulated, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal government.

Today, the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.

The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded.

Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

It is the task of statesmanship to mold, to balance, and to integrate these and other forces, new and old, within the principles of our democratic system—ever aiming toward the supreme goals of our free society.

V.

Another factor in maintaining balance involves the element of time. As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

VI.

Down the long lane of the history yet to be written America knows that this world of ours, every growing smaller, must avoid becoming a community of dreadful fear and hate, and be, instead, a proud confederation of mutual trust and respect.

Such a confederation must be one of equals. The weakest must come to the conference table with the same confidence as do we, protected as we are by our moral, economic, and military strength. That table, though scarred by many past frustrations, cannot be abandoned for the certain agony of the battlefield.

Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

Happily, I can say that war has been avoided. Steady progress toward our ultimate goal has been made. But, so much remains to be done. As a private citizen, I shall never cease to do what little I can to help the world advance along that road.

VII.

So—in this my last good night to you as your President—I thank you for the many opportunities you have given me for public service in war and peace. I trust that in that service you find some things worthy; as for the rest of it, I know you will find ways to improve performance in the future.

You and I—my fellow citizens—need to be strong in our faith that all nations, under God, will reach the goal of peace with justice. May we be ever unswerving in devotion to principle, confident but humble with power, diligent in pursuit of the Nation's great goals.

To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spirital blessings; that those who have freedom will understand, also, its heavy responsibilities; that all those who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.

[Abbreviated version]

FAREWELL ADDRESS TO THE AMERICAN PEOPLE

So—in this my last good night to you as your President—I thank you for the many opportunities you have given me for public service in war and peace. I trust that in that service you find some things worthy; as for the rest of it, I know you will find ways to improve performance in the future.

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That all who are insensitive to the needs of others will learn charity;

that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and

that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.

CLIFTON C. CARTER—GREAT AMERICAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. TEAGUE of Texas. Mr. Speaker, Samuel Johnson once said:

> We cannot tell the precise moment when friendship is formed.

These words are so true, because friendship is a positive and unalterable choice of a person whom we have singled out for qualities that we most admire. Clifton C. Carter was just such a man to me. Although he never held a public office per se, he was a public servant; a devoted husband and father; a true American and a Christian gentleman. His untimely death is a great loss to the country which he dearly loved and fought for. I share the grief of his family and so that some small part of the contributions which he has made to his country and to mankind will be a part of the recorded annals of the Congress, I would like to insert at this time the articles which appeared in both the Washington Star and the Washington Post following his death:

[From the Washington Post, Sept. 23, 1971]

CLIFTON C. CARTER DIES AT 53; ADVISER TO PRESIDENT JOHNSON

(By Michael Hodge)

Clifton C. Carter, former President Lyndon B. Johnson's "political troubleshooter" and former executive director of the Democratic National Committee, died Tuesday at Arlington Hospital. He lived at 3811 N. Nelson St., Arlington.

Mr. Carter was born in Smithville, Tex., 53 years ago, and had been a key assistant to Lyndon Johnson since he volunteered to help out in Mr. Johnson's first congressional campaign in 1937.

He initially enrolled in Schreiner Institute, at Kerrville, Tex., but transferred to the University of Texas.

His education was interrupted by World War II when he was called to active duty with the 36th Texas National Guard Division, in which he rose to the rank of lieutenant colonel.

During the war he earned the Legion of Merit, Bronze Star and Croix de Guerre.

In 1948, he headed up Mr. Johnson's race for the Senate. In 1949 he was appointed U.S. Marshal for the Southern District of Texas and served there until 1954.

In 1957 he joined Mr. Johnson's staff to direct his home office in Texas. Four years later, he came to Washington to assist the then Vice President.

In 1963, Mr. Carter moved back to Texas to return to private business but stayed there only a few months before he returned to Washington and became Mr. Johnson's chief liaison with the Democratic National Committee.

A year later, he became executive director of the Committee. He left the Committee in 1966 to head his own public relations firm here.

He returned to politics briefly in 1968 to help Mr. Johnson with his decision to run for another term.

Mr. Carter is survived by his wife, the former Mary Jane Garrett of the home; three daughters, Mrs. Michael Livingston of Austin, Tex., Mrs. Daniel B. Shuffle of Annandale and Laurie of the home; two sons, Bill, a student at the University of Cincinnati and Lyndon, a student at the University of Texas; two sisters, Mrs. Gordon Hughes of Smithville and Mrs. Joe Marshall of Lake Jackson Tex., and a brother John P. Carter of McLean, Va.

[From the Washington Star, Sept. 22, 1971]

CLIFTON C. CARTER DIES; FORMER JOHNSON AIDE

Clifton C. Carter, 53, a former executive director of the Democratic National Committee and a political lieutenant in most of Lyndon B. Johnson's election campaigns, died yesterday in Arlington Hospital after a brief illness. He lived at 3811 N. Nelson St., Arlington.

Mr. Carter began working for Johnson elections as a volunteer during the former President's first campaign for the House in Texas in 1937.

Since resigning as national committee executive director in 1966, Mr. Carter had been in the investment business here, both as a counselor for several firms and for individuals.

Mr. Carter was born in Smithville, Tex., a railroad town near Austin. He attended Schreiner Institute in Kerrville, Tex., and was president of the student body and captain of the football team before transferring to the University of Texas. There he played tackle on teams coached by Francis X. Bible.

During World War II, Mr. Carter became a lieutenant colonel in the Army. He served overseas 30 months with the Texas National Guard's 36th Infantry Division. His decorations include the Legion of Merit, the Bronze Star and the French Croix de Guerre.

After the war, he operated a soft-drink bottling business in Bryan, Tex., where he became president of the Lions Club, Jaycees and Chamber of Commerce. He also once was president of the Texas Bottlers Association. Mr. Carter served on the Bryan city commission and by 1947, he was named an outstanding young man in Texas.

He was campaign manager in 1946 for Rep. Olin E. Teague, D-Tex., in the special election in which Teague was elected to his first House term. That victory was regarded by Texas politicians as proof of Mr. Carter's ability to reconcile the irreconcilable in a five-man race. Teague finished second, barely forcing a runoff, but by midnight of election day, Mr. Carter had lined up the three eliminated candidates to support Teague. Two days later the frontrunner withdrew.

Mr. Carter handled the Teague (6th) district for Johnson when he ran for the Senate in 1948. In 1949 he was appointed U.S. Marshal for the Southern District of Texas.

After Johnson was reelected in 1954, Mr. Carter became chairman of Johnson's statewide political oragnization.

In the 1960 presidential election Mr. Carter played a major role in carrying Texas for the Kennedy-Johnson ticket.

Mr. Carter joined then-Vice President Johnson's staff here in 1961. A month after President Kennedy's assassination, he was designated as the White House liaison man with the Democratic National Committee.

In 1963 Mr. Carter moved with his family back to Texas to work in private business, but at Johnson's request he returned here several months later.

He became executive director of the national committee in 1965. In early 1966 the White House took a firmer grip on party finances by seeing that Mr. Carter became committee treasurer. He had been acting treasurer since the resignation of Richard Maguire.

Mr. Carter, as executive director, ran the national committee while National Chairman John M. Bailey, installed during the Kennedy regime, was largely a figurehead chairman.

Mr. Carter's 1966 resignation came as the Democrats were gearing for the fall elections. A surprise to most committee personnel and to Capitol Hill party strategists, the move was regarded by some Democrats as a matter of Mr. Carter's frustration at some of the tasks he had been assigned. He had to see that the heavy Democratic majority was maintained in Congress, and to cut committee expenses and staff, and to endure criticism on an "ad book" the committee published to pay off the heavy 1964 campaign debt. Democratic sources said that Mr. Carter had done yeoman work under financial and other handicaps.

He leaves his wife, the former Mary Jane Garrett; three daughters, Mrs. Michael J. Livingston of Austin, a bridesmaid in the wedding of Luci Johnson Nugent, Mrs. Daniel B. Shuffle of Annandale, and Laurie; two sons, William G., at the University of Cincinnati, and Lyndon, at the University of Texas, and three grandchildren.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

NATHANIANA AT "DRIVE TIME"

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. HARRINGTON. Mr. Speaker, every weekday afternoon from 2 to 6 p.m., one of my constituents carries on with droll conversation, plays records and generally makes life easier for the thousands of motorists parked bumper-to-bumper on the Southeast Expressway. Between those hours, Norm Nathan broadcasts from his "plush but not overly ostentatious studio above scenic Morrissey Boulevard."

Norm does not work alone. His assistant on WHDH, Marilyn Garelnik, helps him conduct the Teen Canteen and gets some of the shyer participants over the rough spots. She is particularly considerate with Frieda because none of the boys will dance with her.

But no tribute to Norm would be complete without mentioning his wife Norma, a State House reporter for the Lawrence Eagle-Tribune. Together, they form a team composed of alliteration, warmth, and great good humor.

Norm is an acknowledged expert on jazz and when he was hosting "Sounds in the Night," it was a pleasure to have insomnia. But in Boston, the greater common good was served by shifting Norm to a daytime hour. The Boston Globe had a feature on Norm this week. To acquaint my colleagues with this Boston institution, I am placing the article by Bruce McCabe in the RECORD:

NATHANIANA AT "DRIVE TIME"

(By Bruce McCabe)

At about 2:05 p.m. yesterday on WHDH, the last lingering echoes of Barbra Streisand's lush, rather heavily orchestrated version of "Beautiful" were fading when a voice, slightly nasal and slightly irreverent, said:

"That takes care of the overture."

The voice belongs to Norm Nathan, an owlish, subtly iconoclastic 45-year-old disc jockey who, perhaps as much as anyone in Boston broadcasting, is responsible for whatever knowledge Bostonians have about some of the better things in popular music. To many homeward-bound commuters, it is a voice as familiar as the sound of an engine idling.

Sometimes it seems as if Norm Nathan has been doing his show forever, from some studio secreted away on one of the most cosmic middle-of-the-road music stations in the universe. But this is not true. He has been on afternoons, during what he refers to as "drive time," only for the past three years.

Authentic experts on Nathaniana stress that it was during a 12-year stretch, from October 1956 to June 1968, on "Sounds in the Night," which was aired nightly between the approximate hours of 11:30 p.m. and 5:30 a.m., than Nathan emerged as somewhat of an institution on Boston radio.

"That was my first decent job," he says. "I started out playing half an hour of Mantovani and half an hour of Andrei Kostalanetz, but then I started slipping in a little Duke Ellington and Charlie Barnett and pretty soon I dropped the other stuff."

His aversion to lush, overripe instrumentation a la Mantovani is something that persists to this day. He responds to the selection of one of these records by his music department by playing it as background music to graphic narrations extolling the "beautiful Georgetown, Mass., gravel pits" or the "charming sanitary landfill operation at the Peabody dump."

(One of the less happy aspects of Nathan's switch to days is the section of his material by someone other than himself, someone with taste more commercial(ized). When he was doing "Sounds in the Night," he scheduled his own music and "it was like being in business for yourself," he says.

Nathan may have done more than anyone to promote jazz in Boston over a sustained period of time. Besides scheduling it for his show, he talked intelligently about it with guests who dropped by the studio when they were in town, Louis Armstrong, Errol Garner, Buddy Rich, Sarah Vaughn and Stan Kenton among them.

Nathan came to WHDH after winning a couple of summer replacement auditions. He got the "Sounds in the Night" assignment after the Andrea Doria sank and the station decided that it wanted an on-the-air announcer in case of similar disasters. Nathan replaced a device that played recorded music on the program and he considers it one of his triumphs that "I am one of the few humans to replace automation."

Some of his purist listeners, accustomed to him as a voice in the night, were offended by his decision to take the day job. But Nathan has no regrets.

"Jazz was losing its popularity among college-age kids. They were switching to folk and rock. And when you start losing the kids, you lose a lot of your audience. It's the kid that stay up all night. Married people go to bed after the 11 o'clock news."

At its start, Nathan's afternoon show was more-or-less straitjacketed in the Wayne Newton-Robert Goulet-Al Martino-Jerry Vale syndrome, but, under the insistent prodding of music director Bob Clayton, it is becoming more adventurously middle-of-the-road. Led Zeppelin will probably not make it for a while, but Joan Baez and the Beatles have infiltrated successfully.

In a sense, popular music is moving in a rather circular direction today, making such distinctions as "middle-of-the-road" rather suspect.

"White singers from Minnesota and North Dakota are singing 'black' in imitation of English singers who imitate blacks. Everybody sounds like a Mississippi Delta black except the guy who comes from there. The blacks are teed off and I don't blame them. There is a young guy in town now, Bill Withers, who is billed as 'the black James Taylor.' And Taylor is a white guy who sings 'black.' Where does it end?"

Nathan has also developed a cast to assist him with his show, one member of which is a melodramatic sportscaster named Ron Lillis who sounds suspiciously like Don Gillis and whose expertise lies in the story that ends, ". . . and that man was . . ."

Another is the never-heard but "always lovely Marilyn Garelnik," whose tips about news from the world of entertainment (carwash openings, rodeos on ice and nose-flute concerts) sound strangely like the items from the city's poorest-written nightclub column.

And finally there is "Your beloved story teller, Arnold," a rather mauldin moralizer who specializes in such tales as the criminal "fence" who distributed his ill-gotten watches and jewelry to neighborhood kids and their parents, thus proving the adage that "good fences make good neighbors."

Nathan reserves his most colorful descriptions for what he refers to as "WHDH Broadcast City," a sprawling complex that bears little relation to the station's Morrissey boulevard quarters but which contains a heated swimming pool, a short subjects theater, a sauna bath-health room and periodic fashion shows which feature the smiling and ever-popular "WHDH beauties." (Nathan broadcasts from "plush but not overly ostentatious studios.")

All of which is, as Nathan says, a long way for a boy born in Boston, raised in Everett and graduated from Chelsea High School.

In a busines known for its pressures and its flamboyance, Nathan remains solid and stable. His vivacious wife, Norma, is a staffer for the Lawrence Eagle-Tribune, and they have two daughters, Sonja, 12, and Sarah, 4. The family has lived in Middleton for years and has just moved into a Colonial on 28 acres of land where Nathan says he has high hopes of "growing things."

Unlike many radio personalities, he is not panting to do television, or even talk radio, which he describes as "like asking your milkman to make a speech on where he stands—who cares?"

Perhaps the only thing he feels really strongly about is the tendency of a younger generation to link him with the kind of music Lawrence Welk plays, as if age somehow automatically hardened one's musical arteries.

"I never did like Lawrence Welk and I doubt that I ever will."

Mr. Speaker, the Gloucester Times, a daily newspaper in my district, recently won second honorable mention in its division for the A. J. Liebling Memorial Awards. In citing the Times, the Newspaper Editorial Workshop Services noted that the Times has exceptional news, feature, and photography coverage. From firsthand knowledge of the paper, I have to agree. The reporters and editors take their jobs seriously and Charles Lowe, the paper's photographer, adds art to what otherwise would be a straight news photo. The Gloucester Times is an integral part of Gloucester, and the recent award is well deserved.

NIXON'S ECONOMIC PROGRAM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1971

Mr. KOCH. Mr. Speaker, the President's recent reversal of his past economic policies is in essence an acknowledgement of the failure of his administration to deal with the now all-too-familiar problems of inflation, unemployment, and balance-of-payments disequilibrium. During the past 2½ years of Nixon's presidency, unemployment has climbed from 3.3 to 6.1 percent, prices have risen at an annual rate of 8.4 percent, the GNP has fallen for the first time since 1958, and the United States suffered its first balance-of-trade deficit since 1893. Clearly, it was high time for the Nixon administration to give second thought to its optimistic claims about impending economic recovery and to yield to the long-standing recommendations of many economists and Congressmen.

Although I feel it is essential that the basic outlines of the President's new economic program be put into effect, I do have several serious reservations about particular aspects of this program. H.R. 10947 has dealt with some of these; in particular, I support those changes in Nixon's original program which would provide for additional tax relief for low-income individuals. I also support the bill's reduction of the accelerated depreciation allowances and of the investment tax credit from the proposed 10 percent to the present 7 percent. In Nixon's original program these alone would have cost the Government over $8 billion in loss of revenue.

I have joined other Democratic representatives in a statement proposing certain other modifications of the President's program which would benefit the consumer as much as the President's bill benefits business. To review these briefly, the statement recommends:

First, that the President use the authority he now has under the Credit Control Act of 1969 to limit increases in interest rates;

Second, that more funds should be used to expand emergency public service and public works job programs and for the enactment of welfare reform;

Third, that additional needed revenues be raised by closing the loopholes in the Federal tax system which benefit special interests;

Fourth, that the local property taxpayer be helped by maintaining Federal aids for State and local governments needed to head off further increases in the property tax; and

Fifth, that efforts be made to get labor and management agreement on effective wage-price controls which protect the interests of all parties, including the consumer.

In addition, I feel that two other aspects of the President's program need revision—the 10-percent import surcharge and the President's action in deferring Federal pay raises and reducing Federal employment by 5 percent.

The import surcharge, combined with the suspension of the dollar's convertibility into gold, has served its temporary usefulness in bringing about much-needed revaluations of Japanese and several European currencies and in stimulating reform of the international monetary system. The surcharge by itself, however, cannot be relied on to improve the U.S. balance of trade; in fact, unless its temporary nature is specified, it more probably may serve to trigger a retaliatory trade war.

Not only is the surcharge a departure from the rules of the general agreement on trade and tariffs and an irritant in our foreign relations, but it also sabotages the interests of the American consumer and indeed Nixon's anti-inflationary objectives themselves, in the sense that it deprives Americans of lower priced products and thereby insulates the U.S. economy from world prices.

In another sense, too, it seems that the President's program has unequally distributed the burdens of national sacrifice. While I would agree that it is important for the Federal Government to set an example in austerity, I do feel that the President's directive in extending the freeze for Federal employees and in requiring a 5-percent cut in Federal employment is decidedly unfair and can only serve to damage the morale of Federal workers and the attractiveness of Federal service itself.

Government workers have lagged behind organized labor in cost-of-living wage increases, and now it seems they are being asked to endure special sacrifices in order to help compensate for the Government's revenue loss from the investment tax credit, the repeal of the automobile excise tax, and the accelerated depreciation allowances. The 6-percent Federal raises granted by Congress in January 1970 cannot by themselves be considered a causal factor of wage-push inflation, for they were in fact recommended by the Bureau of Labor Statistics in order to restore wage comparability to Federal workers at that time—in January 1970. To deprive Federal workers of these raises by extending the freeze for them would certainly be an injustice which they cannot be expected to tolerate.

Furthermore, I would also recommend that some real mechanism of enforcement be created which could insure that those whose salaries are less visible than Government workers' salaries share equally in the burdens of the wage-price freeze.

On the matter of the freeze on rents, let me say that I wholeheartedly support Congressman RYAN's legislation to extend the rent freeze until April 30, 1972. The housing problem is one of the most serious this country has to face. If the rent freeze is not extended, tenants may well be presented with rent hikes so exorbitant as to make middle-income housing almost impossible to find.

SENATE—*Monday, October 4, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Vouchsafe Thy blessing, O Lord, upon the Senate and upon all work undertaken in Thy fear and for Thy glory; and grant that all who serve Thee here—Senators, officers, staff, and attendants—may keep the spirit of service ever before them, remembering Him who said, "Whoever would be greatest among you, let him be the servant of all."

Grant Thy higher wisdom to the President and all who are set in authority that justice and righteousness may prevail at home and peace may be achieved abroad among the nations.

In the name of the Prince of Peace. Amen.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2613. An act to extend the Federal Water Pollution Control Act, as amended, for 1 month; and

H.R. 10538. An act to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961.

The enrolled bills were subsequently signed by the President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 1, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE SENATE FLOOR FOR THE CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 368, Senate Resolution 171.

The PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

S. Res. 171, relative to extending the privilege of the Senate floor to the Chaplain of the House of Representatives.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

SENATE RESOLUTION 171

Resolved, That, rule XXXIII of the Senate be amended to insert a new line following "The Architect of the Capitol", as follows: "The Chaplain of the House of Representatives."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 364), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 171 would amend rule XXXIII of the Standing Rules of the Senate by adding the Chaplain of the House of Representatives to the list of persons who may be admitted to the floor of the Senate while the Senate is in session.

This action has been taken by the Committee on Rules and Administration as an expression of comity with the House of Representatives, which customarily has admitted the Chaplain of the Senate to the House floor while the House has been in session.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination in the U.S. Coast Guard.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination in the U.S. Coast Guard on the executive calendar will be stated.

U.S. COAST GUARD

The second assistant legislative clerk read the nomination of William M. Benkert, to be a rear admiral.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business for a period not to exceed 15 minutes, with each Senator limited to 3 minutes.

The Senator from Illinois is recognized.

THE UNCONTESTED SOUTH VIETNAMESE ELECTION

Mr. STEVENSON. Mr. President, the curtain has come down on the latest act in the South Vietnamese political puppet show. By some final legerdemain Mr. Thieu's vote in the uncontested and boycotted presidential election was held to less than 100 percent.

There are those who patronizingly say that democracy was irrelevant anyway and that nothing is lost. Others had only hoped that the unpopular Thieu regime might acquire a veneer of legitimacy in elections. For them, too, little is lost.

But for those of us who believe in the universality of the principles of self-government first declared by our political forefathers and have seen a weary South Vietnamese people in village elections and in Senate and Assembly elections striving, and at times succeeding, to govern their own affairs it is a bitter, bitter moment.

An ugly war is now stripped of its one decent purpose. A war for self-determination is now clearly a war for the self-perpetuation of a corrupt and autocratic regime in South Vietnam.

The people of South Vietnam have sought to govern their own affairs. And they have received precious little help from an administration that preaches the ideal of the American revolution and aids and abets the genocide of Yahya Khan in East Pakistan and the tyranny of Mr. Thieu in South Vietnam.

But, Mr. President, the history books are not yet written. Some day it may still be said that the Americans in the final hour had the good sense to leave and that the South Vietnamese resolved their own differences and made peace. It may still be said that after many mistakes the Americans left the Vietnamese to work out their differences and negotiated the withdrawal of their troops and the return of their men held hostage in the North.

It may still be written that the North, deprived of an enemy, and the South, deprived of the prospect of endless American support for war, made peace.

The Senator from New Mexico (Mr. MONTOYA) foresaw the events which have now taken place in South Vietnam, but his amendment to declare a 4-month deadline unless the President certifies a fair election comes too late. The elections are already passed and the Senate has already declared that the United States will withdraw within 6 months, provided our prisoners are released, with or without a fair election. The only way now to help ourselves and the long-suffering people of South Vietnam is to come home.

We may yet succeed in our misguided efforts at self-determination if we distinguish in this late hour between the interests of a people yearning to be free and the interests of a regime yearning to be in power. Some good could still come of our sacrifices in South Vietnam if the Congress now recognized that a war for self-determination has, indeed, become a war for the self-perpetuation of a corrupt and autocratic regime. We have done all we can and now is the time, if it has not passed, to withdraw all military support from the Thieu regime.

I have often wondered, Mr. President, why we did not seek to Vietnamize the politics and the economics of South Vietnam instead of a senseless war. But perhaps some good will come of this last act in the Vietnam tragedy. The Congress could write the sequel. It could adopt the Mansfield amendment and the President could, as in other things, sustain one day what he opposed the day before.

The PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, OCTOBER 6, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the prayer by the Chaplain, the recognition of the majority leader and minority leader, if they desire recognition, and any special orders which may be entered into in the meantime, there be one-half hour on Wednesday next for the transaction of routine morning business with a time limitation of 3 minutes attached thereto.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY ON TUESDAY, OCTOBER 5, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Illinois (Mr. PERCY) be recognized after the leadership recognition tomorrow morning for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The President pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF TITLE 10, UNITED STATES CODE

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize, with respect to certain officers of the Army Reserve or Air Force Reserve their employment as, and retention in an active status beyond 28 or 30 years if they are, Army Reserve or Air Reserve technicians, and for other purposes with an accompanying paper); to the Committee on Armed Services.

REPORT UNDER TITLE II OF LEGISLATIVE REORGANIZATION ACT OF 1970

A letter from the Comptroller General of the United States, reporting, pursuant to law, on progress made under title II of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improvements Needed in Leasing Federal Lands for Agricultural Purposes", Corps of Engineers (Civil Functions), Department of the Army, dated October 1, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ASSISTANCE ACTIVITIES

A letter from the Attorney General, transmitting, pursuant to law, a report on Federal law enforcement and criminal justice assistance activities, dated October 1, 1971 (with an accompanying report); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reports relative to suspension of deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF A CERTAIN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, on the suspension of deportation in the case of Wong Tai, also known as Wong Sup (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORTS RELATING TO THIRD PREFERENCE AND SIXTH PREFERENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, transmitting, pursuant to law, reports relating to third preference and sixth preference for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT RELATING TO BONDING OF CERTAIN OFFICERS AND EMPLOYEES

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of operations by Federal departments and establishments in connection with the bonding of officers and employees, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Common Council of the City of Madison, Wis., praying for the enactment of the national health security program; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CURTIS, from the Committee on Agriculture and Forestry, without amendment:

H.R. 9634. An act to change the name of the "Nebraska National Forest," Niobrara division, to the "Samuel R. McKelvie National Forest" (Rept. No. 92–385).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

H.R. 6915. An act to amend the tobacco marketing quota provisions of the Agriculture Adjustment Act of 1938, as amended (Rept. No. 92–387).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, without amendment:

S. 2395. A bill to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate with the Republic of Mexico in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States (Rept. No. 92–388); and

S. 2396. A bill to amend the act of July 6, 1968, to authorize the Secretary of Agriculture to cooperate with Central American countries in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States (Rept. No. 92–389).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

S. 1838. A bill to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities (Rept. 92–386).

EXECUTIVE REPORTS OF COMMITTEES

Mr. MAGNUSON. Mr. President, as in executive session, I report favorably sundry nominations in the U.S. Coast Guard which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Klaus Addie, and sundry other officers, for promotion in the Coast Guard.

H.R. 8629 AND H.R. 8630—APPOINTMENT OF SENATOR TAFT AS CONFEREE

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. Williams), I ask unanimous consent that the Senator from Ohio (Mr. Taft) be appointed as a conferee of the committee of conferees on the disagreeing votes of the two Houses on the amendments of the Senate to H.R. 8629 and H.R. 8630, in lieu of the late Senator Prouty.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. INOUYE:

S. 2638. A bill for the relief of Dr. Corazon Cadiz. Referred to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 2639. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. Referred to the Committee on Commerce.

By Mr. PEARSON:

S. 2640. A bill for the relief of Farouk Brahimi. Referred to the Committee on the Judiciary.

By Mr. FONG:

S. 2641. A bill for the relief of Chu York Lui (also known as Cheu Wah Lui); and

S. 2642. A bill for the relief of Felipe Cardinas Mejia. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2643. A bill for the relief of Terence John Peet. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 2644. A bill for the relief of Miss Maxine Shillam. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2645. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the highway use tax, and to require that evidence of payment of such tax be shown on highway motor vehicles subject to tax. Referred to the Committee on Finance.

By Mr. HUMPHREY (for himself, Mr. Eagleton, and Mr. Inouye):

S. 2646. A bill relating to transportation and other public accommodations and services involving blind persons accompanied by a dog guide in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. MOSS:

S. 2647. A bill relating to comparability adjustments in pay rates of the Federal statutory pay systems based on the 1971 Bureau of Labor Statistics survey. Referred to the Committee on Post Office and Civil Service

By Mr. HUMPHREY (for himself and Mr. Mondale):

S. 2648. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. MANSFIELD (for Mr. Jackson and Mr. Allott) (by request):

S. 2649. A bill to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians. Referred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD (for Mr. Jackson and Mr. Allott) (by request):

S. 2650. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD:

S. 2639. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. Referred to the Committee on Commerce.

Mr. PACKWOOD. Mr. President, I am introducing today in the Senate a bill entitled the "Marine Mammal Protection Act of 1971." A similar proposal, H.R. 10420, was introduced on the House side by Congressman Anderson of California, for himself, and Congressmen Pelly, Don H. Clausen, Karth, Leggett, Mailliard, Obey, Pickle, Saylor, and Fraser. It is one of the proposals on which the House Committee on Merchant Marine and Fisheries has held hearings.

The language of this bill has evolved from a great deal of research which was stipulated by the nationwide public furor over the question of taking and/or harvesting of marine mammals. There are several bills pending before this Congress which deal with protection of some or all species of marine mammals. Some provide research authority only; some deal with only certain types of marine mammals; some are directed at the humane or inhumane methods of taking—such as S. 685, which I introduced at the beginning of this Congress; and one bill would impose an absolute ban upon the taking of all such mammals. The bill today is an aternative which would impose such a ban, but would permit the Secretary of the Interior to issue permits for taking of marine mammals, after full public review. This proposal was drafted to provide comprehensive authority in the Secretary of the Interior to manage the taking of all marine mammals within the jurisdiction of the United States. The bill covers all marine mammals, including seals, whales, polar bears, walruses, and other mammals which spend all or a good part of their lives at sea.

The bill creates an absolute prohibition upon the taking of these animals, but softens this by providing the Secretary of the Interior with authority to issue permits for the taking of marine mammals. Before doing so, he is required to make an annual determination of quotas to be taken, subject to review by the public and an independent Marine Mammal Commission. Criminal and civil penalties are provided for violation of the law, as well as forfeiture of the animals.

There is an exception to the act for Indians, Aleuts, and Eskimos, who may take marine mammals within their cultural tradition, if not for sale or resale. The Secretary is encouraged to develop cooperative arrangements with the Governors of coastal States to cover the taking of mammals within territorial waters.

The bill also established an independent three-man Marine Mammal Commission, charged with an overview of the entire program, and authorized to review and to report on the progress of activities under the act on an annual basis. The commission is to be assisted in its responsibilities by a committee of expert scientific advisers. The activities of the Commission, its scientific advisory committee, and of the Secretary of the Interior are all to be matters open to public inspection and review.

Mr. President, since the introduction of S. 685—which would amend the Fur Seal

Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or any other land and water under the jurisdiction of the United States—a number of research efforts have been made to throw more light on the overall question of marine mammals. Many issues surfaced, such as:

First. Where should the line be drawn between Federal as opposed to State enforcement of protection of marine mammals? This will involve a constitutional issue as well as one of proper resource management.

Second. Should Federal research authority for marine mammals, presently quite small and scattered, be coordinated and expanded? If expanded, to what level?

Third. Is it desirable, practical, and possible to reinstate authority for management of marine mammals in one agency, such as Interior? Until last year, Interior had these, but the transfer of the Bureau of Commercial Fisheries to the Department of Commerce last October transferred responsibility for seals and whales—except as these may be endangered, and thus still within the responsibility of the Office of Endangered Species in Interior.

Fourth. What should be the relationship of any bill to the existing Whaling and Fur Seal Acts?

Fifth. Should the Government be given the authority to restrict the importation of marine mammals, or products of these, in cases where these have been taken in other countries by methods which the United States will not permit?

Sixth. Should an absolute ban or moratorium be imposed upon the hunting or killing of certain types of marine mammals?

Seventh. Should greater urgency be impressed upon the Department of State to bestir itself to develop more effective international agreements for the protection of marine mammals which currently have little or none?

Eighth. Should porpoises knowingly taken in the course of American tuna fleet operations be excluded from protection?

Ninth. Should "finders' fees" be added to the criminal sanctions, to encourage more adequate enforcement of a law which might be difficult to enforce without it?

Tenth. Are the criminal penalties proposed adequate? The profits from killing a large whale can be larger than the potential fines.

Eleventh. Should greater restrictions be placed upon the capture of marine mammals for public display in zoos, private collections, commercial "marinelands," and the like? The major incentive for these organizations to take adequate care of their animals is often only the cost of their replacement, and in coastal areas, this cost may well be negligible.

Mr. President, the principal use of marine mammals by man today are, first, furs, for a luxury market; second, meat, for consumption by natives and as food for mink and cats; third, oil and spermaceti from the sperm whale—barred from the United States of America as of December 1971; and fourth, "sport," in the case of the polar bear.

The extent of Federal interest and control over marine mammals varies widely. It is intense in the case of the Alaska fur seal, and it is virtually nonexistent in the case of animals such as walruses and hair seals.

There are few international agreements for the protection of marine mammals. There is a treaty for the management of the fur seal, which is generally considered to be successful, and there is a treaty for the regulation of whaling, which is rarely considered to be successful. These treaties lack adequate funding, and many consider them to be relatively toothless.

Federal research funding for marine mammals is concentrated on whales and fur seals, with limited funds available for polar bears and sea otters. The annual research budget for marine mammals in the Interior and Commerce Departments combined is less than $200,000.

Scientists generally will state that our level of knowledge of marine mammals is very low. The only real exception to this is found in the case of the fur seal, and even here our system of experimentation seems to be on the order of "Let's wiggle it and see what happens."

Conceivably, one or more of the marine mammals may prove to be of great importance to mankind in the future. This strengthens considerably the arguments of those who claim that greater protection should be given to species which are endangered, or which might conceivably become endangered. Also to be considered in this context is that all of these animals are dependent upon the oceans for their survival, and evidence before the House committee has been that the oceans are becoming more polluted, hence increasing the biological stress upon all animals in it. This suggests that we should be far more conservative in our projections of what level of "cropping" or management any given species can take without severe attrition.

Barring better and more information, it would, therefore, appear to be wise to adopt a cautious attitude toward the exploitation of marine mammals. This approach was strongly endorsed at the recent international conference on the biology of whales; one of the scientific working groups stated clearly that those who wish to use a given species or population stock of animals should carry the burden of demonstrating that the rate of killing will not endanger that species or stock.

COMMENTS ON PARTICULAR TYPES OF MARINE MAMMALS: THE WHALE, ORDER CETACEA

Whales are generally classified as belonging to one of two groups: baleen whales and toothed whales. The baleen whales—as might be expected from the categories—have no teeth, but instead feed on plankton and tiny animals, strained through plates of baleen or whalebone which act as sieves. The baleen whales tend to be larger in size, and are far scarcer than the toothed whales. They have been more heavily hunted and killed than most of the toothed whales, some to commercial and perhaps even to biological extinction.

Seven of the eight species of whales on the endangered list are baleen whales: the blue, grey, bowhead, right, fin, sei, and humpback whales. Also members of this suborder are the minke whales, which tend to be small in size, and which, therefore, until recently have been largely ignored by the whalers. There are indications, however, that hunting of minke whales is on the increase, and so it may just be a question of time before these too join the others on the list of endangered or extinct species.

Scientists have expressed particular concern for the protection of the baleen whales, since these are highly efficient harvesters of small ocean life which cannot otherwise be effectively gathered. Thus, the reasoning goes, we would be well advised to preserve these animals, if for no other reason than their ability to serve as a source of food in the future. If these whales should be lost, a resource of tremendous potential value would be irretrievably beyond our grasp.

The more numerous toothed whales include many species of porpoises and dolphins, as well as the sperm whale—the only toothed whale on the endangered list. The major traditional use of the sperm whale has been for its oil, or spermaceti, although this use is now about to be terminated since products from whales on the endangered list may no longer be imported in the United States after December 1971. Few other members of the toothed whale suborder are taken deliberately at this time, although the U.S. tuna fleet is known to kill as many as 2 million porpoises per year in the course of the operation of its purse seine fleet, and other nations may be doing the same.

Porpoises are tied to the surface of the sea because they breathe air; they feed with tuna, and this makes it a relatively simple matter for the tuna fleet to find where the tuna may be found: They just look for feeding porpoises and draw their seines around the feeding activity. Some effort is reportedly made by the fishermen to frighten the porpoises away by cherry bombs in the water and other methods, but these are far from successful. Although porpoises can and do leap above the surface of the water, when frightened they tend to dive, and they run in to the nets. A biologist in the National Marine Fisheries Service is studying this problem, and an effort will be made to develop more information on the subject in the hearings.

NMFS also grants scientific and other permits for the taking of whales by U.S. nationals. It considers that its jurisdiction extends only to whales within the interest of the International Whaling Commission. In recent years, this bureau, operating from various departments, has issued up to 200 permits a year for the taking of whales of the categories listed as endangered—sperm and grey whales.

The major fleets now engaged in whaling are Japanese—three fleets; Russian, three fleets; and Norwegian, one fleet. In addition there are known to be "pirate" whaling operations, based in countries which are not signatories to the 1946 International Convention for the Regulation of Whaling; what is not known is the extent to which these fleets are continuing to make inroads on species which even the IWC is willing to protect.

The International Whaling Commission has been in existence since 1948, and many feel that it has been very much less than successful. Although there is a body of scientists who sit as advisers to the Commission, the Commission has often failed to follow the advice of its advisers, invariably in the direction of catching more whales than the scientists consider wise.

The conservation community has been attempting for years to develop an international observer scheme, permitting representatives of other countries to be present on the whaling ships to insure that only whales of permitted species, size, and sex will be caught. The IWC has accepted the proposal "in principle" for a number of years without ever implementing it. The current U.S. Commissioner, Dr. J. L. McHugh, reports that "substantial progress" toward this objective was made at the last meeting of the Commission in June of this year. Only time will tell if his hopes will be fulfilled, and no one can say how much time species such as the blue whale have left to them.

Another sore point with international conservationists has been the existence of quotas for whaling fleets set by reference to the "Blue Whale Unit"—1BWU=2 fin whales, 2½ humpback whales or 6 sei whales. The imprecision inherent in this system is apparent; the feeling is that future catches must be regulated by species and population stocks if these whales are to be protected adequately. The Commission did agree to set quotas by species at next year's meeting in London.

The essential problem confronted by the IWC is that it is essentially toothless. It must convince all nations of the correctness of its position, and any nation which dissents may in effect veto any position of the Commission. It has no police powers, a tiny budget, and no way to control nationals of countries which are not signatories to the convention. Its defenders within the Department of State and elsewhere have generally adopted the position that "They do the best they can"; its opponents respond in the manner of the common law "demurrer":

> That may be true, but it is simply not adequate.

Federal research on whales within the Departments of Commerce and Interior is tiny—on the order of $80,000 per annum. It is clear that much more must be known about the world's whales, if they are to survive as significant elements of the world's oceanic ecosystem; but it is also clear that stronger measures are needed to provide some assurance that the whales will continue to be in existence, when and as this information is gathered.

It seems likely that the pressure on the remaining whales not yet listed as formally "endangered" will increase both as a source of funds and as a source of food for a protein-hungry world. Rumors, not yet confirmed, are that some nations in the South Pacific are giving serious consideration to tooling up to catch porpoises and dolphins for food. Whether or not this is true today, it will probably be true at some time in the future, unless steps are taken today to prevent this.

Most of these points were specifically taken up and discussed in detail at a recent international conference on the biology of whales, held in the Shenandoah National Park in the week preceding the IWC meeting. Points made in the course of the conference were:

> Whale stocks at low levels should be encouraged to grow to higher population levels, as opposed to the maintenance of the status quo.
>
> A great deal more knowledge is required if whale species and stocks are to be effectively managed.
>
> Whales can be used as effective monitors of ocean quality, since they can be more easily observed than fish.
>
> The burden of proof should rest on the harvester to show that his activities will not endanger a species or stock.

THE EARED SEALS—AND SEA LION

Members of this family include the sea lion and the fur seals. The sea lion is not heavily utilized; several thousand are believed to be taken each year in Alaska from a population of perhaps a half million, for food and hides. In California, the sea lion is protected under State regulation.

The major controversy as to this family concerns the Alaska fur seal, taken by the thousands each summer on the Pribilof Islands, in the Bering Sea. No one contends that the species is endangered; although its population has fluctuated widely, from a reported 5 million to perhaps 215,000, the herd size today is estimated at 1.3 to 1.5 million, of which a substantial proportion is immature and not yet available for breeding.

The fur seal was first commercially utilized by Russian fur traders, who made substantial inroads on the population of the fur seals in the 18th and early 19th centuries. The United States acquired Alaska in 1867 for $7,200,000, and one of the major incentives for the purchase was the fur seal.

Perhaps the major reason for the heavy attrition suffered by the fur seal was the fact that it had been traditionally killed in the water, by pelagic sealing. This made it impossible to distinguish between males and females; if a female was taken, it could mean the death of a fetus and an immature pup as well. The fur seal is polygamous by nature, and when they reach the rookeries in the Pribilofs, the mature females congregate in harems of up to 100, but averaging about 40 per bull. Since the sex ratio at birth is approximately equal, this means that a large number of bachelors are left with only their own company. A long-standing policy of killing only males was broken in 1955 to permit the killing of females as well; the earlier policy was reinstated in the 1969 season and is in effect today. The kill of females in 1968 was 13,335.

The process of killing the seals is not complicated. Each morning a crew goes out to one of the areas in which the bachelors congregate, and then drives a number of these inland to a killing ground. Small groups are cut out from the herd, and then these are killed as promptly as possible by hitting them over the head with a hardwood club and then cutting a major artery. The clubbing is usually enough to kill them if it is done accurately.

The number killed each year will vary somewhat; it is set not by quota but the time within which killing is allowed. In recent years this has generally been the last week in June and all of July. Since the seals arrive in waves, beginning with the oldest, this is expected to insure that enough males survive each year to carry on the propagation of the species. Efforts are made to concentrate on the 3- and 4-year-olds, and males do not usually reach breeding age until they are 10 or so.

The word for the fur seal program is "management." Scientists have been experimenting for years with various procedures for selecting which seals are and are not to be killed. There has been a continuing effort to develop "humane" ways by which these animals are to be killed, but the Department of Commerce, which inherited the program as a function of the Bureau of Commercial Fisheries in the 1970 reorganization, claims that clubbing and sticking is the most humane—and safest for the clubbers—method yet devised.

Here, Mr. President, I quote excerpts from NOAA Week, a Commerce Department publication, dated September 10, 1971, volume 2, No. 36, in the CONGRESSIONAL RECORD, as follows:

VETERINARY PANEL CALLS PRIBILOF SEAL HARVEST HUMANE

> A Panel of six distinguished Doctors of Veterinary Medicine has found the annual Pribilof Islands fur seal harvest humanely conducted.
>
> The panel, in a preliminary report after viewing the Pribilof operation, stated unanimously that killing methods "cannot be criticized from the standpoints of humaneness and efficiency."
>
> The panel also pointed out that "not a single instance of inhumaneness was noted among . . . visitor reports (obtained from tourists), independently collected over a three week interval in 1971."
>
> Early this year, Commerce Secretary Stans invited the team of nationally known veterinarians, headed by Dr. C. Roger Smith, of Physiology and Pharmacology, to review sealing practices of the National Marine Fisheries Service, and to make recommendations, if possible, for improvement.
>
> While on St. Paul Island from July 7 through July 14, the group conducted its investigation with complete freedom of action and with the cooperation of all NMFS employees involved in the harvest.

Highlights of the report were:

> In the present operation, good management and supervision aid in achieving humaneness.
>
> The aleut sealers are continuously supervised, performing their strenuous, dangerous jobs "in a serious manner and without evidence of malice toward the animals."
>
> Animals were not forced to travel at maximum speed from the beach to the killing field, and were rested en route where it appeared desirable.
>
> Killings were confined entirely to male

> seals, generally in the 3–4-year age class. (Widely circulated advertisements have implied that baby seals are taken, which is never the case.)
>
> Clubbing is a rapid, highly efficient and humane method of rendering the animal unconscious when properly performed. . . . Clubbing, followed by exsanguination, constitutes painless, humane euthanasia.
>
> Quick, deep unconsciousness followed stunning, with not one recovery of consciousness in the 30–60 elapsed seconds between the stunning and sticking of the 3200 animals viewed by the panel.

Mr. President, there are approximately 600 inhabitants on the islands of St. Paul and St. George in the Pribilof group. These are descendants of people transported to the islands as slave labor by the Russians in the 18th and 19th centuries. Roughly one-third of the 176 persons employed in the annual taking of fur seals are from these islands; the rest are from Alaska, the Aleutians, and the "lower 48." The natives skin the seals and give the skins preliminary treatment before they are shipped to the mainland for ultimate processing.

The Fouke—pronounced Fowk—Co. of South Carolina has had a negotiated contract for several years with the Federal Government to process these skins and then to sell them for the account of the United States. I am told Fouke itself did the killing until BCF took over in 1962 and made the local residents Federal employees. Now the Fouke Co. merely sends observers to insure that the skins are handled properly before shipment.

Fouke holds auctions each spring and fall for the sale of skins from the Alaska kill, and at these auctions skins are sold for the United States, Russia, and Japan. The price of skins has been declining somewhat in recent years, perhaps in part as the result of expressions of concern by animal lovers. The Fouke share of the sale is tied to the sale price and computed by a complicated formula; it is estimated that Fouke's share in recent years has run to roughly 40 to 50 percent of the sale price of the skins—averaging plus or minus $80. The proceeds of the sale, after deducting the Fouke share, are applied to the operation of the Pribilof Islands and research connected with the fur seal operation. Any funds remaining go 70 percent to Alaska, and 30 percent to the Pribilof Fund. Last year there were no net profits, although in earlier times the State of Alaska received up to $1 million from this program in 1 year.

There has been in existence since 1911, interrupted only by World War II, a treaty governing the taking of fur seals. This treaty, to which the United States, the U.S.S.R., Canada, and Japan are signatories, governs the taking of fur seals by these nations. It provides, in effect, that seals may be taken only in their rookeries on a commercial basis. Since these rookeries are United States and Russian, these countries are entitled to the lion's share of the skins. Canada and Japan, which had extensive pelagic sealing operations, have each agreed to forgo these in return for a 15-percent share of the take from both this country's and Russia's operations. The present treaty has been extended until 1975, and will terminate in 1976 unless further extended.

Concern has been expressed that the termination of these treaties would mean a return to the old wasteful methods of pelagic sealing, on a "catch as catch can" basis. If these concerns were to prove correct, it seems likely that the population of the fur seal herd would decline precipitously. While it is possible to point to deficiencies in the current program, it must also be said that current management practices assure that the fur seal herd is in no danger of disappearance.

It appears that the herd is not growing as fast as we would like; it may even be declining. The Bureau of Commercial Fisheries had previously stated that it was attempting to stabilize the herd at the level of 500,000 pups born each year—see, for example, 1969 annual report of Pribilof Sealing Operations, page 1—but estimates are that only around 300,000 pups are currently being produced. It would appear, however, that policies of taking only "excess" males, if not changed because of the short-term advantages of overexploitation, should ultimately bring the herd to a larger level. Whether or not this is large enough is not clear. The annual take of fur seals in the 1970's was roughly 100,000 per year, although this level of killing could not be sustained by the herd at its present size. It also appears that the annual "take" of fur seals has been declining in recent years, from a high in 1955 of 125,000 to just over 30,000 this year. There is, as might be expected, controversy between scientists and others as to how large the herd should not be allowed to grow; others argue the question is essentially one of ethics or morality.

A letter to Members of Congress from hunting and conservation groups was accompanied by a document entitled "The Harvest of the Pribilof Fur Seals: A Fact Sheet." This document, with minor changes, is a replica of another with the same name published by the Department of Commerce. While the "facts" in this document are essentially correct, it should be recognized that it was prepared by the Government to support a continuation of the status quo and should be read in that light. Other facts with equal relevance, but not supporting the same conclusion, were of course not stated.

The annual research program on the fur seal is approximately $250,000. There is virtually no federally funded research on any other species in the family of eared seals.

THE EARLESS—OR TRUE—SEAL

Animals within this classification include the harbor seal, the ringed seal, the harp seal, the grey—or Atlantic—seal, the Monk seal, Ross's seal, the sea leopard, the hooded seal, and the sea elephant. Few of these are endangered. Interior lists only the Caribbean Monk seal as endangered, and states that the Ribbon and Hawaiian Monk seals are "rare."

In this category the animal that has received the greatest public attention is the Canadian harp seal. This is the baby seal which is killed by the hundreds of thousands each spring; the annual killing for the past few years has been covered by journalists from all over the world. While the harp seal may not be listed as endangered, it is surely in trouble. The size of the herd has been estimated at 1.3 to 1.5 million—roughly the same as the size of the Alaska fur seal—yet the number of baby seals killed last year was 240,000—six to eight times the number of fur seals killed in the Pribilofs. The St. Louis Post Dispatch carried a story on March 25, 1971, which indicated that the chief Canadian biologist for the harp seal program has indicated that the 1971 kill should not exceed 140,000 but that the official quota set by the Canadian Government was 240,000.

There are a great many varieties and species of eared seals; they are mainly taken for their hides. No one appears to know the extent to which they are taken by U.S. citizens or within U.S. waters, or even imported. As far as is known, the only one of these species that is protected in any way by Federal law is the Hawaiian Monk seal, which is protectable as a resident of the Hawaiian Islands National Wildlife Refuge. There is virtually no research funding in this area by the Federal Government.

THE WALRUS—FAMILY—ODOBENIDAE

Together with many other marine mammals, the walrus suffered heavily from man's predation toward the end of the 19th century. There are indications that whalers turned to the walrus as the available whales decreased.

The principal use to which the walrus has been put recently has been a source of food and of ivory. Alaskan natives still eat and feed walrus meat to their dogs, but the demand for this meat is dwindling as the Arctic dog teams are displaced by snowmobiles. State law regulates to some extent the taking of walrus by natives and trophy hunters.

Little is known of a factual nature as to the size of the herd. There may be as many as 100,000 in the Bering Sea, and there may be only half that, or less. There are indications that Russia is looking into the possibility of taking walruses in the Bering Sea—BSFW, "Wildlife Research—Problems, Programs, Progress, 1969," page 76.

There is no international agreement in existence between this country and the U.S.S.R. governing the taking of walruses. A strong case can be made that this should be done, and soon, before resource utilization pressures build up. There does not appear to be any Federal law on the taking of walruses, since the Alaska Statehood Act overrode an earlier Federal statute prohibiting the taking of walrus (55 Stat. 632).

THE SEA OTTER—ENHYDRA LUTRIS

The sea otter, as a species, was hunted almost to extinction by the end of the 19th century by a horde of unregulated fur hunters. In 1911, what remained of the population was given protection by Federal legislation, at least to the extent that it involved persons subject to U.S. jurisdiction. The Fur Seal Act of 1966 continued this regulation, as it affected animals beyond the 3-mile limit; this regulation is not particularly significant since sea otters are rarely found in waters over 180 feet deep, which pretty well restricts them to territorial waters.

The sea otter is found primarily in Alaskan and Californian waters—the Californian population is classified as "rare" in Interior's "Redbook." The population size of the sea otters is not known: Probably the most knowledgeable American scientist in the area is Karl Kenyon, who estimated in a 1969 publication—Interior Publication No. 68, "The Sea Otter in the Eastern Pacific Ocean," cited as "Kenyon"—that—

> (a) general estimate of the world population, presuming that some populated areas have not been observed, is about 32,000 to 35,000 animals. (p. 200).

The hunting and conservation group fact sheet indicates, without evidence, that the population has grown to about 40,000 to 50,000 animals.

This fact sheet also indicates a high rate of population growth for sea otters, and that they are rapidly spreading into new areas. It concludes that—

> Where populations are crowded the sea otter resource could easily be cropped . . .

There is now in existence an experimental program in Alaska, involving the killing of some 300 sea otters per year.

Pressure upon the sea otter is almost certain to increase. Kenyon describes a sale of skins in Seattle in 1968, at which the average price per recently taken skin was $280 each, and where some skins sold for $2,300 apiece—pages 41, 42. Contrast this with an average sale price of fur seal of some $82 per skin and the nature of the demand becomes apparent. Kenyon also notes that the environmental deterioration of the area otter's habitat will preclude their reoccupying areas in which they used to thrive, and indicates that acute pollution will affect their food supply—page 281. For the sea otter this is a highly significant limiting factor, since they consume food in the amount of 25 to 30 percent of their body weight per day—Kenyon, page 126.

The sea otter also suffers from man's activities in other ways: California fishermen claim that the sea otters are competing with them for abalone, and are known to kill them, in spite of their protected status under California law. And then of course there are the people who shoot at anything that moves—Kenyon, page 282. There is some evidence, however, that the principal cause of the undisputed depletion of the abalone beds is, not sea otters, but too many fishermen harvesting a limited resource—Kenyon, page 130.

The annual Federal budget for research on sea otters seems to hover around $18,500. The AEC Milrow and Cannikin programs have augmented this budget in recent years, since the center of the Alaskan sea otters seems to be in the area of Amchitka Island, where these nuclear "events" are taking place. We know of one $20,000 research project funded by the AEC, and there may be others.

POLAR BEAR

Of all the marine mammals covered by the various bills before Congress, the polar bear—Ursus maritimus—is the only one which can be said to be hunted as a "game animal." Its only natural predator is man and other bears; it has been hunted for years by natives as a religious symbol and as a source of meat, and more recently, by natives and trophy hunters, for its hide.

Five countries own land in which the polar bear is found today: Russia, the United States, Canada, Denmark, and Norway. It is not believed to den in Alaska—the bears which are killed in this country are very likely Russian and Canadian in origin, although no one is certain. Similar uncertainties pervade most of the discussions of facts relating to the polar bear.

The size and composition of the polar bear population is not known. There is learned scientific discussion as to whether the polar bear is one general, circumpolar species, or whether there are two or more subspecies within the general classification. There is no agreement. The size of the population is thought to be between 10,000 and 20,000, which seems a fairly large margin of error.

The issue is complicated by a lawsuit presently pending in which Friends of Animals is seeking to have the Secretary of the Interior place the polar bear on the endangered species list. Interior has resisted, on the principal ground that the status of the bear is not yet known; it has placed the polar bear in the status of an animal with an undetermined status. This of course affords the bears no protection at all.

There have been at least three international conferences on the polar bear. The first of these was held in Fairbanks, Alaska, in September 1965, and reached no conclusions other than general statements of concern. The Russian delegation attempted unsuccessfully to have a ban placed on the killing of bears, or barring that, a 5-year moratorium until more facts were known. There is some evidence that the bears killed in the United States are principally Russian in origin, which may serve to explain the nature of their concern. "Why," they appear to be saying, "should we save the polar bear, and thereby forgo a valuable source of income, simply to have the bears which we save shot by American trophy hunters?"

Subsequent conferences were held under the auspices of the International Union for the Conservation of Nature and Natural Resources—IUCN—in Morges, Switzerland, in 1968 and in 1970. A certain amount of research has been done by the countries affected, singly and in concert, and more information seems to be developing, although the basic questions appear to be as unresolved as they have ever been.

The Alaskan delegation at the 1965 meeting indicated their position that hunting of the polar bear should be allowed to continue, in part on the basis that the annual take of bears contributed some $450,000 to Alaska's economy. If problems were later to appear, and it were to be shown that bear stocks were being overexploited, then the U.S. delegation stated that regulations would be enacted to "limit the harvest within the annual recruitment."

In support of their contention that polar bear stocks were not in danger, they developed statistics to show that the bears being killed were from a "large reservoir of adult males," and were not getting smaller in size. Had this been the case, this might indicate that the hunters were cutting into the breeding stock and were in fact overexploiting the resource.

The picture has changed. The figures developed in Alaska, from 1966 to 1969 and submitted at the 1970 IUCN conference showed that the average age of bears killed in Alaska declined from 7.7 years old in 1966 to 6 years old in 1969. This is, of course, not conclusive evidence, in the scientific sense, that the polar bear is in trouble, but it suggests strongly that U.S. practices should be closely and critically examined.

The Bureau of Sport Fisheries and Wildlife has taken the position since 1959 that additional regulations are necessary to prevent U.S. nationals from killing bears on the high seas, beyond the jurisdiction of the State of Alaska. There has also grown up a strong sentiment in hunting and nonhunting circles alike, that the hunting of polar bears by airplane should be terminated. For many years the Alaska Department of Fish and Game resisted these pressures; it has now indicated that it will eliminate the hunting of polar bears by aircraft for the hunting season of 1973—and presumably thereafter—"not because we feel it is required to protect the species, but rather because of public sentiment on methods of hunting these animals." Letter of July 27, 1971, from the Acting Director, Division of Game, to the Office of Endangered Species, Interior.

There are presently no Federal laws regulating the taking of polar bears—all such regulation is handled by the State of Alaska. In part the new regulations prohibiting the hunting of these animals by aircraft was adopted as a deliberate program to forestall the possibility of the imposition of Federal or international controls. The vast majority of bears killed in Alaska today are taken by this method, which typically involves the use of two airplanes, one to act as a "spotter," which then drives and herds the bear at top speed toward the other which has landed with its "hunter" aboard, who may then shoot the exhausted bear at his leisure. The State of Alaska has indicated that the disappearance of airborne hunters will mean the increasing use of hunting by dogsled, possibly by boat, and—far more significantly—by snowmobile. This will certainly diminish the scope of the area which the hunter can cover, and will presumably lengthen his stay or restrict the number of bears killed—or both. Whether hunting by snowmobile is significantly more "sporting" than hunting by airplane remains to be seen.

The 1965 Alaska conference on the polar bear made the point that the principal threat to the polar bear arose from man's exploitation—that their habitat was "intact and relatively undisturbed by man." This is no longer the case. The scientists as the 1970 IUCN conference produced a release following that conference, which "noted the increasing economic development in the Arctic, and expressed general concern that serious ecological problems could arise as a result of oil spills, offshore drilling, and other economic activity." Observers have also noted that grizzly bears and polar bears are suffering from increased predation by man near the drilling and other camps that have sprung up in recent times—these men are known to go out and shoot bears just to relieve the monotony of Arctic life—New York Times, May 7, 1970.

An affidavit supplied to the House Committee on Merchant Marine and Fisheries by the Department of the Interior, prepared in connection with the lawsuit already mentioned, appears to but does not contradict these known facts. In describing the discussions as to whether the polar bear should or should not be classified as "endangered," the Department argues that—

> The perils or inimical factors represented by loss or change of habitat, over-exploitation, predation, competition or disease, singly or combined, did not jeopardize the species.

This may or may not be true, but the operative word in that sentence is species—if there is only one circumpolar species, then one could freely wipe out every Alaskan polar bear without endangering that species, since the polar bear would continue to exist in other countries. The Department's statement does not and cannot take account of the plight of the polar bear in other countries, in none of which except Russia is the polar bear given complete protection.

THE SEA COW—MANATEE, DUGONG

The only remaining species of sea cows in U.S. waters is found in Florida. It is there protected by State law; it is also on the U.S. endangered species list, and completely protected within the boundaries of the Everglades National Park by Federal law and Federal officials.

Manatees are shy by nature, and will not breed in captivity. There are indications that it has suffered from man's activities to a great extent; one species has disappeared within the last century—Stellar's sea cow. The Florida species has been taken for meat, and possibly even for "sport."

It is herbivorous; a recent article in the Washington Post by Claire Sterling points to the possible importance of the sea cow as a consumer of the water hyacinth, which has been a source of considerable anxiety and expense to water resource managers, who have found that the water hyacinth tends to proliferate in reservoirs, and to create massive ecological and esthetic problems—May 3, 1971. If the manatee survives, and if we are eventually successful at propagating it, we may ultimately find that its value to mankind is considerable.

Mr. President, it is my hope that hearings will be announced shortly covering the various legislative proposals calling for protection of marine mammals. I would hope that when those hearings are held by the Commerce Committee, that these questions will be explored in detail:

First. What is the current status of species and important population stocks within these categories; that is, are they growing, declining or remaining constant?

Second. What is happening to the environment upon which these animals depend?

Third. What national laws and international treaties for management and protection of these animals are currently in existence? Are these adequate and are they likely to be adequate, if demands increased?

Fourth. How much research time and money is available and currently devoted to these animals within and outside the U.S. Government?

Fifth. What are the current and reasonably foreseeable demands, both United States and international, upon these animals for food, clothing, display, research and/or sale of skins?

Mr. President, I ask that the full text of the bill be printed at the close of my remarks in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2639

A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Mammal Protection Act of 1971."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of disappearance as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they can maintain that equilibrium at which they may be managed on an optimum sustained yield basis, and measures should be immediately taken to replenish any species or population stock which has already diminished beyond that point;

(3) there is inadequate knowledge of the population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken, as soon as possible, to encourage the development of international arrangements for research on, and conservation of, marine mammals; and

(5) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected to the greatest possible extent commensurate with sound policies of resource management.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "marine mammal" means any seal, whale, walrus, dugong, manatee, sea otter, sea lion, polar bear, porpoise, or dolphin.

(2) The term "population stock" means a group of interbreeding marine mammals of the same species or smaller taxa in a common spatial arrangement.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(5) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908, 16 U.S.C. 1091–1094).

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS PROHIBITIONS

SEC. 101. Except as provided in sections 103, 107, and 109 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel to take any marine mammal in waters under the jurisdiction of the United States or on land appurtenant thereto:

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with acts prohibited under paragraphs (1) and (2) of this section; and

(4) for any person to engage in any of the following acts with respect to marine mammals or parts of marine mammals (including raw, dressed, or dyed fur or skins) taken in violation of this section after the effective date of this title:

(A) possess any such mammal or part thereof,

(B) transport, sell, or offer for sale any such mammal or part thereof in interstate commerce, and

(C) import any such mammal or part thereof into the United States.

LIMITATIONS ON TAKING OF MARINE MAMMALS

SEC. 102. (a) The Secretary, after notice and opportunity for public hearing, shall prescribe such limitations with respect to the taking of each species of marine mammal (including limitations on the taking of individuals within population stocks) as he deems necessary and appropriate to insure that such species or population stock—

(1) is not threatened with extinction, disappearance, or undue attrition whether by natural or manmade causes, and

(2) can be managed on a sustained-yield basis.

(b) The limitations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken in any calendar year pursuant to permits issued under section 103;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken; and

(4) the manner and locations in which animals may be taken.

(c) Before prescribing any annual quota under paragraph (1) of subsection (b) of this section, the Secretary shall, in addition to any other requirements imposed by law with respect to agency rulemaking, publish and make available to the public—

(1) a statement of the existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed quota on such species or population stock; and

(3) any studies made by, or for, the Secretary of the Marine Mammal Commission which relate to the establishment of such quota.

(d) Any limitation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems necessary to carry out the purposes of this Act.

PERMITS

SEC. 103. (a) The Secretary may issue permits, after notice and opportunity for public hearing, which authorize the taking of any ocean mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable limitation established by the Secretary under section 102, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

(c) The Secretary may modify, suspend, or revoke in whole or part the terms and conditions of any permit issued by him under this section—

(1) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable limitation prescribed under section 102, and

(2) in any case in which a violation of the terms and conditions of the permit is found. Any modification, suspension, or revocation of a permit under this subsection shall take effect at the time notice thereof is given to the permittee. The permittee shall then be granted opportunity for expeditious hearing by the Secretary with respect to such modification, suspension, or revocation.

(d) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized taking;

(2) the period of any transit of such person or agent which is incident to such taking; and

(3) any other time while any marine mammal taken under such permit is in the possession of such person or agent.

(e) The Secretary shall prescribe such procedures as may be necessary to carry out this section, including the manner and form in which application for permits may be made and the information which should accompany with an application to enable the Secretary to review and evaluate the proposed taking.

PENALTIES

SEC. 104. (a) Any person who violates any provision of this title or any regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court may review the violation and the assessment of the civil penalty de novo.

(b) Any person who knowingly violates any provision of this title or any regulation issued thereunder shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both.

FORFEITURE

SEC. 105. (a) Any vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provisions of this title, including its tackle, apparel, furniture, appurtenances, cargo, and stores, shall be subject to forfeiture and all marine mammals or parts thereof, taken or retained in violation of this title or the monetary value thereof shall be forfeited.

(b) All provisions of law relating to the seizure, summary, and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, or the proceeds from the sale thereof, and remission of mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

ENFORCEMENT

SEC. 106. (a) The Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title.

(e) Such person so authorized may—

(1) with or without warrant or other process, arrest any person committing in his presence of view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel and to arrest such person;

(3) seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals or parts thereof taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

EXCEPTIONS

SEC. 107. (a) The provisions of this title shall not apply with respect to the taking of any marine mammal by Indians, Aleuts, or Eskimos who dwell on the coasts of the North Pacific or Arctic Oceans if such taking (1) is done solely in accordance with customary traditions as an adjunct of the native culture, and (2) is not done for purposes of direct or indirect commercial sale or resale. The provisions of this title shall apply to Indians, Aleuts, and Eskimos who are employed by any person for the purpose of taking marine mammals, or who are under contract or agreement to deliver the skins of any marine mammals to any person.

(b)(1) Nothing in this title shall prohibit any person deemed qualified by the Secretary from obtaining written consent from the Secretary to capture on his own account and in a humane manner any marine mammal for (A) public display or educational purposes, or (B) for legitimate scientific or medical research.

(2) The Secretary shall by regulation specify the methods of capture, supervision, and transportation applicable in the case of marine mammals captured under the authority of this subsection.

(3) Any person authorized to take a marine mammal under this subsection shall be required by the Secretary to furnish a report on his activities pursuant to such authority. Such report shall be made to the Secretary as soon as practicable after the close of any expedition made for the purpose of such taking, whether or not any marine mammal was taken during such expedition.

INTERNATIONAL PROGRAM

SEC. 108. The Secretary, in cooperation with the Secretary of State and other appropriate Federal officers and agencies, shall develop an international program for the protection of marine mammals and shall take every possible step to encourage the adoption of international arrangements which would be appropriate for effectuating such program.

COOPERATION WITH STATES

SEC. 109. The Secretary is authorized and directed to develop cooperative arrangements with the appropriate officials of the several States for the conservation and protection of marine mammals. Such arrangements shall prescribe the circumstances under which marine mammals which pass through or reside within the territorial waters of any State may be taken, and any marine mammal taken within the scope of such cooperative arrangements shall be deemed to have been lawfully taken within the meaning of this title.

REGULATIONS

SEC. 110. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

APPLICATION TO OTHER LAWS AND CONVICTIONS

SEC. 111. The provisions of this title shall be deemed to be in addition to the provisions of any other law, treaty, or conviction which may otherwise apply to the taking of marine mammals.

APPROPRIATIONS

SEC. 112. There are authorized to be appropriated such sums as may be necessary to carry out this title.

EFFECTIVE DATE

SEC. 113. This title shall take effect one hundred and eighty days after the date of its enactment.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of three members who shall be appointed by, and serve at the pleasure of, the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, of individuals knowledgeable in the fields of marine ecology and resource management. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission may each be compensated at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a comprehensive review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their management, and of humane means of taking marine mammals;

(3) undertake or cause to be undertaken such studies as it deems necessary or desirable for determining the need for additional measures for the protection and management of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and management of marine mammals;

(5) recommend to the Secretary such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(6) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The activities of the Commission, and the reports and recommendations which it makes, as well as all comments and correspondence in regard to such reports and recommendations, shall be matters of public record and shall be available to the public at all reasonable times. The Commission shall furnish to the Council on Environmental Quality copies of any such reports, recommendations, and related comments that are made by Federal, State, or local agencies.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within ninety days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman with the advice of the Director of the National Science Foundation, the Chairman of the National Academy of Science, and the Secretary of the Smithsonian Institution. The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, and any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to Congress with a written explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a comprehensive description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by the Commission pursuant to section 202, together with the responses made to its recommendations by the appropriate Federal agencies.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and other efforts in carrying out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private, including the Committee; and

(4) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATION

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000.

By Mr. HUMPHREY (for himself, Mr. EAGLETON, and Mr. INOUYE):

S. 2646. A bill relating to transportation and other public accommodations and services involving blind persons accompanied by a dog guide in the District of Columbia. Referred to the Committee on the District of Columbia.

ACCESS TO PUBLIC FACILITIES FOR PERSONS ACCOMPANIED BY GUIDE DOGS

Mr. HUMPHREY. Mr. President, there are only four States and the District of Columbia that are without laws relating to transportation and other public accommodations and services involving blind persons accompanied by a dog guide. Because of this, I am today introducing legislation on behalf of myself and Senators EAGLETON and INOUYE which provides that any blind person accompanied by a dog guide shall be entitled to any and all accommodations, advantages, facilities, and privileges of all public conveyances, public amusements and all places of public accommodation, within the District of Columbia, to which persons not accompanied by dogs are entitled. My bill provides further that no such blind person shall be required to pay any charge or fare for or on account of the transportation, within the District of Columbia, on any public conveyance of himself and such dog so accompanying him in addition to the charge or fare lawfully chargeable for such person's transportation. Any violation of the act would be punishable by a fine of not more than $300.

Mr. President, many of the blind who live and visit in the District of Columbia are dependent on "seeing eye" dogs as a means of navigation. Unfortunately, there are some public facilities which deny these trained animals access to their accommodations. This practice creates an unnecessary inconvenience for those whose everyday life is complex enough.

We have come a long way, Mr. President, in breaking down the barriers which once prevented the handicapped from leading normal lives. It is time that our Nation's Capital discontinue this type discrimination against the blind.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the date of the enactment of this Act, any blind person accompanied by a dog guide specially trained for that purpose shall be entitled, if such dog is properly and safely muzzled, to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and all places of public accommodation, within the District of Columbia, to which persons not accompanied by dogs are entitled. No such blind person shall be required to pay any charge or fare for or on account of the transportation, within the District of Columbia, on any public conveyance of himself and such dog so accompanying him in addition to the charge or fare lawfully chargeable for such person's transportation.

SEC. 2. Any violation of this Act shall be punishable by a fine of not more than three hundred dollars.

By Mr. MOSS:

S. 2647. A bill relating to comparability adjustments in pay rates of the Federal statutory pay systems based on the 1971 Bureau of Labor Statistics survey. Referred to the Committee on Post Office and Civil Service.

FEDERAL PAY COMPARABILITY ADJUSTMENTS

Mr. MOSS. Mr. President, this morning I announced that the Senate Post Office and Civil Service Committee would be meeting early this week to consider Senate Resolution 169, a resolution to allow Federal pay comparability increases to become effective as scheduled in January 1972. It was for this reason that the Senator from Maryland (Mr. Mathias) agreed to withhold his Federal pay raise amendment to the military procurement bill.

All Senators will agree, I am sure, that the Federal employee should be treated like everyone else during phase II of the economic stabilization program. The Civil Service should be the object of neither special benefits nor specal burdens. I am now introducing a bill which, if passed, will clarify Senate intent.

My bill would require that any pay increase permitted under the Federal Pay Comparability Act of 1970 be limited to those guidelines established for private industry.

It is my hope that, before Thursday, the Post Office and Civil Service Committee will report on this proposal as well as on Senate Resolution 169.

Considering this legislation and the resolution together, the Senate can guarantee that the Federal pay comparability increases will be permitted, but will be limited to guidelines established for the private sector. I believe that this removes the last possible justification for calling the Federal salary increases inflationary or contrary to national policy. Such action insures that national policy in phase II will be the same for all wage earners whether they happen to work for the Government or for private industry.

By Mr. HUMPHREY (for himself and Mr. Mondale):

S. 2648. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes. Referred to the Committee on Agriculture and Forestry.

STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT OF 1971 URGENTLY NEEDED

Mr. HUMPHREY. Mr. President, I am today introducing a bill to establish a national strategic reserve of feed grains, wheat, soybeans, dairy and poultry products. My proposed Strategic Storable Agricultural Commodities Act of 1971 would, if enacted, establish reserve inventories not to exceed 300 million bushels of wheat, 25 million tons of feed grains and 100 million bushels of soybeans. These reserve levels should be considered as minimums to protect this Nation and the world we help feed, from any future crop failures that might occur either here in the United States or elsewhere in the world. I recall only too well during the sixties when India was faced with mass starvation of its people due to crop failures. The United States was called upon to provide that country with immediate food aid which was not only done, but was accomplished under the most difficult of conditions. Almost 20 percent of our Nation's total wheat crop that year was sent to India.

In addition to establishing such reserve inventories we must insulate them from the marketplace so as to avoid the depressing effect their presence would otherwise have on farm prices. Mr. President, I have long advocated that this action be taken. And, the time to take it, is now as we find ourselves once again moving into a surplus situation regarding wheat, feed grains, and dairy products.

The record high 1971 feed grain crop will add at least 25 million tons to our carryover stocks next year, pushing it to a new record high of almost 60 million tons, 25 percent more than desirable.

This year's wheat crop was 18 percent larger than last year which was much more than was anticipated for domestic utilization and for export. Over 200 million bushels will be added to our carryover of those stocks. We are also faced with the additional prospect of having an even higher production of wheat next year. 1971 fall planting intentions for wheat are reported to be up 20 percent over last year.

The impact that these additional supplies of farm commodities is having on farm prices already is being deeply felt throughout the grain producing regions of our Nation. Corn is below 90 cents per bushel in many local country markets today and it is expected to continue downward. The availability of these large additions to our feed stocks without any insulation from the market, will not only lead to cheaper feed prices but also will eventually lead to cheaper livestock, poultry and hog prices for farm producers. Every time we have had a period of feed grain surpluses, big increases in the production of livestock seems to follow with its accompanying drop in prices.

Although similar to the bill introduced in the House by Congressman Neal Smith of Iowa, which already has been reported by the House Subcommittee on Livestock and Grains to the full Committee on Agriculture, my bill contains the following differing provisions:

First. Dairy and Poultry products have been added to the list of commodities authorized for reserve inventories.

Second. The Secretary of Agriculture cannot offer any commodity held in reserve for sale for less than 130 percent of the average price farmers received in the United States during the preceding 5 marketing years.

Third. Provided that such sales shall in no event be less than market price for the commodity at the time of sale, and

Fourth. Added disposal authorization for these inventories under the Disaster Relief Act of 1970 and for use to meet famine or other urgent or extraordinary requirements outside the United States.

As to the other provisions of Congressman Smith's bill which I have incorporated into my bill and to the general situation which makes it imperative that this legislation be considered immediately by the Congress, I would like to ask unanimous consent, Mr. President, to insert at this point in the Record two items: Congressman Smith's testimony on his bill, H.R. 1163, before the Livestock and Grains Subcommittee of the House Committee on Agriculture and an article which appeared in the October 3 edition of the New York Times concerning this year's bumper crop of corn.

There being no objection, the material was ordered to be printed in the Record, as follows:

TESTIMONY OF CONGRESSMAN NEAL SMITH

Mr. Chairman and Members of the Committee: I appreciate your scheduling this bill for hearings and providing me with this opportunity to appear in support of the bill to authorize the establishment and maintenance of a strategic reserve of feed grains, wheat and soybeans. As some of you know, I have sponsored and supported this proposition for 7 years. While I believe we should have established the reserve years ago to protect our markets, it has never been so important to feed grain producers as it is at the present time.

FEED GRAIN SITUATION

The most recent estimates of the Department of Agriculture estimate a 1971 corn crop of 5.345 billion bushels and a carryover of 700 million bushels from 1970. With imports of 1 million bushels, this makes a total estimated supply for the 1971 marketing year of 6.046 billion bushels. Utilization last year totaled 4.414 billion bushels. That means that in the coming years there will be a supply of more than 1.6 billion bushels of corn available in excess of the amounts used in the past year and the carryover will probably more than double in one year. Also the carryover will be more than one-third of a normal crop. Therefore, there is no question about the fact that there is going to be a reserve—the only question is who is going to pay the cost of carrying the reserve and of producing the reserve.

The grain market has set a price of about $5.3 billion for the 1971 crop regardless of its size. When it was estimated that the production might be as low as 4 billion bushels the market price was such that farmers would have received about the same total number of dollars for their crop that they are now being bid for 5.3 billion bushels. Under these circumstances, I assume everyone agrees that the producers of feed grains face a severe economic situation. Their money problems do not result from a strike, from failure to work hard enough, from bad weather or anything they could have done as individuals. Their severe problem results from having done so much so well and with the cooperation of the weather. Feed grains producers in 1971 are to be penalized for success and as it now stands they will absorb the full risk and the losses resulting from producing bumper crops on more acres of feed grains in order to make sure that there would be no shortage. There is something wrong with a system which penalizes the good farmers of America for success and hard work to the extent that many will face bankruptcy. Perhaps we cannot by Federal legislation cure everything that is wrong with farm income; but we can at least take the step provided in this bill to help alleviate the hardship. I think it is obvious that if the Government were to buy about 500 million bushels of feed grains at harvest time or to announce that it will be purchased during the marketing year and placed in an insulated reserve, farmers would not only be paid for the 500 million bushels but also receive for the remaining 4.8 billion bushels about the same amount they would have otherwise received for the total crop. Farm income might be increased by more than $600 million. H.R. 1163 authorizes the Department of Agriculture to make those purchases necessary to increase farm income under certain definite guidelines for acquisition and eventual distribution.

In their negative report, the Department states that "substantial reserves, no matter how well insulated, overhang the market and depress prices to farmers." The fact is the reserve will be present whether this bill passes or not; and an uninsulated reserve depresses the market more than an insulated reserve. So I sincerely believe this reason for opposing the bill falls of its own weight under the present surplus situation.

HOW IT WOULD WORK IN 1971

In the 1971 marketing year, as it is related to corn under H.R. 1163, the bill would work this way. The Secretary could buy a maximum of 720 million bushels of corn and other feed grains. This is 80 percent of the net additional estimated total carryover for the 1971 marketing year and is less than the maximum reserve inventory of 875 million bushels. For this 1971 corn, the Department could pay a maximum of $1.17 using local grain dealer's prices and this compares to about 97 cents currently being bid. If the local price were to increase by 20 cents to $1.17, the Department would stop buying. This acquired corn would be held in a strategic reserve and stocks would not be sold in excess of those purchased during any succeeding year unless it is a year when demand actually exceeds supply. If corn supplies were short this year, the minimum selling price using farm prices would be $1.41. The Commodity Credit Corporation acquired stocks can be sold under existing law for considerably less than this amount and their sales are not limited to the amount needed to make supply equal demand.

GOVERNMENT HELD STOCKS AND SPECULATIONS

If this reserve is not established, the Government will eventually receive much of this corn through the CCC defaults on nonrecourse loans anyway. Therefore the argument that the Government should not lay out the money for this corn is not valid because they will eventually lay out the money for it anyway. However, corn acquired through the CCC route will hang over the market for the entire marketing year and depress the price of the entire crop down to the loan rate which was reduced this year. If the supply acquired for the reserve is substantial, the controlling factor which will influence the market is the condition under which it can be released or sold. H.R. 1163 provides that price alone shall not be a criteria for sales as it is under existing law. In addition to a minimum price of 120 percent of the average of the preceding five years (for 1971 this would be $1.41 compared to the $1.23 at which CCC sold corn last year), sales shall not exceed the quantity by which estimated domestic consumption of exports exceed domestic consumption and imports. There is now abundant evidence that price alone should not be a criteria for making sales of Government-held grains. In recent years vast numbers of speculators have been getting in and out of the grain market and using it as a gambling device. Under these conditions, it cannot reflect supply and demand accurately and price alone can no longer be an accurate barometer for the need of increased supply. Many of the speculators are buying and selling on a basis of whether they think other speculators will enter the market either on the short or the long side rather than buying or selling on a basis of whether supply and demand justify the price movement.

These people do not intend to take the delivery of grain and the higher they push the futures market, the further it will drop, thus over-reactions both ways become excessive. The downward overreaction occurs at the time grain is being delivered and that is when farmers need a strong cash market. In both 1966 and 1970, officials of the CCC sold grain just because speculators temporarily had pushed the price up and even though the marketable supply situation did not justify the huge sales being made. Thus the CCC was really acting as a speculator and reacting to price only rather than as a supply adjuster. We have never had this kind of a provision for Government-held stocks before and I want to emphasize that I think it is terribly important that at least some of this year's crop be carried under such restrictions on sales.

The Department's report on this bill states that the bill "might require purchases to be made at times when sound farm policy would dictate sales." This statement actually scares me. It indicates that in spite of the markets that have been made by the Commodity Credit Corporation in the past 10 years in the selling when they should not have been selling, they still think they should sell under conditions such as were present last year when they sold at an average price of $1.23 into a market where their own figures indicated there was no supply shortage. The fact that they evidently still have not learned this lesson is a strong additional reason for establishing the definite provisions in H.R. 1163 for handling at least part of the new reserve which will be created this year.

SETTING ACREAGE GOALS

We got into this situation partly because the Department was afraid that with blight or a drought there might be a shortage; therefore, they set the program for an increased acreage. If a reserve had been held under a situation where it were insulated from the market until needed, that grain could have been used to relieve the fear of the shortage and therefore the program could have provided this year for more diverted acres. This is an additional reason why we need a strategic reserve. I do not think the leafblight scare was a unique situation. In fact, in this year of surplus, I want to state flatly that we will again surely see a year when we produce less than we use. I do not know when, but it will occur. When we produce so much grain, then the conditions are right for those diseases that feed upon grain. The laws of the balance of nature are more powerful than man—we only manipulate and temporarily change the conditions under those laws. Whenever one form of life flourishes, other forms of life and diseases which feed upon such abundance will increase and drag it down. We have manipulated the resources of this country so much in violation of the basic laws of survival and the law of the balance of nature, that we have created the very conditions that will permit a quick and severe shortage. We have built up the need for grain and are growing it in large fields to such an extent that one can drive through several states without leaving the sight of a cornfield more than a few minutes. Under these conditions, new grain diseases, new resistant corn borer, insects and weeds will be coming forward in future years which can spread rapidly across the United States. If we stopped developing new chemicals to meet new situations, there would be new uncontrollable weeds, diseases or insects within a few years and a shortage of grain. Even a 10 percent reduction in a corn crop when so many people live in cities and the volume consumed is so great, can cause a severe problem both domestically and to our export customers. This makes it even more imperative than ever before that we establish a strategic reserve which can be called upon for the protection of consumers and our export customers. Last year we had a scare from the corn blight. This year there has been detected a new disease known as "pysoderma" which has destroyed as much as 30 percent of corn yield in isolated fields in Illinois. Other diseases will start and spread rapidly in future years.

LIVESTOCK INCOME

As Members of this Committee are aware, the livestock industry has been riding piggyback on our feed grains programs. Although we have not had direct aid programs other than a purchase program for pork and beef products, their numbers and tonnage to a considerable extent is regulated by the total tonnage of feed grains available for conversion into red meats. The hog market suffered a tremendous decrease during the past 2 years and is just now showing signs of recovery. With a 900 million bushel increase in the supply of corn, obviously a huge increase in the tonnage of pork could be expected and the hog market would be severely adversely affected. Since cattle are on a longer cycle and increases in the production of pork can occur more quickly, the effect on the cattle market could be delayed but it would certainly also occur a little later.

MISCELLANEOUS PROVISIONS

There are some other provisions of the bill which I think are important and should be enacted which are largely for the purpose of correcting situations which have arisen in the CCC's handling of grain. One is the provision at the bottom of Page 4 to buy and sell the same quantity of grain on the same date where this would result in better handling and location of a reserve. Such purchases to offset sales must be made within 2 market days. This would permit the Government to use the grain industry to locate grain where there is a market instead of having to move particular bushels of grain from one location to another which can take so much time that a sale is lost. It also would save having Government personnel doing work that the grain trade itself can do.

Another provision on Page 5 requires that a holder of grain against a warehouse receipt must at all times have the grade stated on the warehouse receipt or a better grade available for delivery. This is to correct an abuse which occurred for many years where obligors on warehouse receipts held low grade grain and even trash against warehouse receipts and then paid the difference between the 2 grades upon delivery. Sometimes the grain was not fit for the purpose it was sold for and besides the investment was less and the warehouser was almost given an incentive to hold low value grain. We want high value grain in the strategic reserve.

The bill also provides for a definite time at which the Department will announce the amount of grain that will be acquired during the marketing year. In the case of corn this would be done on the last Friday in October. This gives them 3 weeks of the new market year in which to use their own statistic-gathering services to determine the amount the carryover will increase for each commodity involved. By announcing on a particular date the quantity they will be buying during the year, the industry can know exactly what the reserve policy will be for the entire year and make its business judgments accordingly. When such decisions and announcements are delayed, as is permissible by CCC for their stocks, the delay in announcements always hurt the farmers.

I do not want to detract from the principal purpose of the bill by pointing out other provisions on Pages 4 and 5 of less importance, but would be glad to answer any questions concerning them.

Again Mr. Chairman, I appreciate the opportunity to present this testimony in support of H.R. 1163 and for the protection of consumers, to promote and protect our export markets to assure that we can respond to unexpected demands anywhere in the world, to help stabilize livestock prices and for the sake of a badly needed increase in farm income, I sincerely urge this Committee to take favorable action to establish a strategic reserve this year.

[From the New York Times, Oct. 3, 1971]

Bumper Corn Crop Overflows Silos

(By Len Richardson)

(Note.—Mr. Richardson is feature editor of Big Farmer magazine.)

Frankfort, Ill.—"Farmers have planted corn in every corner but the cemetery," warned Larry Simerl, University of Illinois economist, prior to the September crop report. "This fact will weigh heavier on the market than the [corn] blight."

With the September report, it now appears that plantings could have included the cemeteries. This year's corn crop is expected to be 30 per cent larger than last year's, and for the first time since 1948 this country will produce more than 600 million bushels of corn in excess of what it can use or export.

Why? Aided by a new program that induced them to plant up to 30 per cent cornland, farmers geared up to cash in on high prices resulting from the blight. Seed corn companies switched to normal (blight-resistant) seed, and dry weather in July and August prevented the fungus from spreading.

Now farmers are venting their anger with the Government for encouraging more corn acreage. "In November of 1970 we begged Secretary Hardin on bended knees not to increase acreage," declared Walter W. Goeppinger, a large-acreage corn farmer in Iowa and South Dakota who serves as president of the National Corn Growers Association.

"Here is our official statement to Mr. Hardin in November of 1970," said Mr. Goeppinger, (pointing an I-told-you-so finger from his Boone, Iowa, headquarters). "The probabilities of favorable weather for reoccurrence of Southern corn-leaf blight in the Central and Eastern corn belt are only one in 50. We suggest you not expand acreage to a point where we get into the same difficulties as the expansion that occurred in 1967—that took three years for farmers to work off surpluses and poor prices."

Although less dramatic, the harvest picture is similar for other feed-grain crops. Wheat alone is up 18 per cent, and the harvest of corn, wheat, sorghum, soybeans, oats and barley combined are estimated at 10,437,058,000 bushels—1,796,056,000 bushels over last year. Nearly half of the increase (44 per cent) comes from the four-state area of Nebraska, Iowa, Kansas and Missouri.

The movement of corn futures on the Chicago Board of Trade this summer is a dramatic picture of the warning Mr. Goeppinger issued in November, 1970. Prices fell 40 cents in less than two months as facts about the blight and the size of the feed-grain crop became clear.

Knowing farm income will be hurt, farm organizations are asking for relief. The militant National Farmers Organization (N.F.O.) has asked Secretary of Agriculture Clifford M. Hardin for a moratorium on the delivery of farm-stored grains and sharp increases in the loan rates for major crops. Their proposal asks for a loan rate of $1.56 per bushel for corn; $1.75 per bushel for wheat and $2.75 per bushel for soybeans.

The National Farmers Union has asked the House Agriculture subcommittee for legislation establishing a national strategic reserve for a broad range of farm commodities.

At harvest it would authorize purchase of up to 875 million bushels of corn, 300 million bushels of wheat and 100 million bushels of soybeans. Under the plan such a reserve would be insulated from the market, and no stock would be sold in the open market at less than full parity prices, except in a declared national emergency.

Responding to the big corn crop, the National Corn Growers Association is requesting that price-support loan rates for 1971 be raised by 20 cents to $1.25 a bushel, and that the present, non-acreage, restricted, set-aside land program be dropped in favor of the old crop-land adjustment program.

They are joined by the National Wheat Growers in seeking a return to voluntary, paid-acreage diversion. This option, spokesmen point out, is open to the Secretary under Section 501–C1 of the new farm law. Wheat growers are predicting farmers will increase plantings 20 per cent next year unless a change is made.

One point is clear—farm income will be hurt. Consider the last two corn crops. In 1969 farmers harvested about 4.6 billion bushels. Prices paid during October, November and December averaged $1.09. Thus at harvest time the value of the crop was about $5-billion. The blighted drought-damaged 1970 crop was 10 per cent smaller with 4.1 billion bushels. Harvest prices averaged $1.33 a bushel, putting the crop's value at nearly $5.5-billion.

This year harvest prices have dropped to as low as 80 cents at some country elevators. Even with a $1 a bushel harvest average, the 5.2 to 5.3 billion bushel crops will be worth less in total dollars than last season's 4.1 billion bushel crop.

"Southern corn leaf blight," said one angry Illinois farmer, "was the most successful farm-witholding action ever staged."

Even at a $1.05-a-bushel average support price, the 30 per cent larger crop will be worth only 2 per cent to 3 per cent more at harvest. Farmers will still have to pay a higher harvesting, drying, storage and marketing bill for an extra 600 million bushels of corn.

In the meantime, farmers are wondering how to store and market this crop. Many Government storage bins no longer exist. Farmers would need to place 700 to 800 million bushels of corn under a price-support loan to short the supply of "free" corn enough to raise prices to the current loan level of $1.05 per bushel.

In 1967, the year of the last bumper crop, only 400 million bushels were placed under Government loans. Lacking storage, grain must move to market. Practically speaking, most of this year's wheat is still in the country. When it starts moving this fall, it will meet competition from the huge feed-grain crops for box-car space.

If a box-car shortage develops (railroads have never handled a crop this size), farmers will be angrily dumping grain.

The main question now facing Agriculture Department policymakers is how land will be used. Only the bumper soybean harvest is welcome. The current carryover of soybeans is barely enough to keep mills and pipelines running until the new bean harvest. The Soybean Processors Association had urged, but failed to get, an extra 10 million acres of soybeans last year.

While future farm policies are still being debated in Washington, it seems clear that Agriculture Department officials plan no radical change from the new farm program.

By Mr. MANSFIELD (for Mr. Jackson and Mr. Allott) (by request):

S. 2649. A bill to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Jackson) for himself and Mr. Allott, I introduce for appropriate reference a bill to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians.

This legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the draft proposal be set forth in full at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., June 8, 1971.

Hon. Spiro T. Agnew,
President, United States Senate,
Washington, D.C.

Dear Mr. President: There is enclosed a draft of a proposed bill "To declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

This proposal provides that 40 acres of federally owned land will be held in trust by the United States for the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, subject to valid existing rights-of-way of record and to the continued right of the State of Wisconsin to use the fire observation tower located on the land. It also provides that the Indian Claims Commission will determine the extent to which the value of the title conveyed should or should not be set off against any claim against the United States determined by the Commission.

This tract was purchased by the Government from the heirs of the Indian allottee in 1932 at a cost of $500. The parcel was procured as a site for a fire observation tower, and 2.5 acres have been used continuously for forest fire protection purposes since the tower was constructed in 1937.

Based on an appraisal report made by the Bureau of Indian Affairs, the estimated fair market value of the 40 acres, including timber, is $2,100. The fire observation tower has no value to the public in general and dismantlement costs would exceed the salvage value.

Starting in the late 1930's and continuing up to the present time, the fire observation tower has been manned by the State of Wisconsin Conservation Department which performs fire control on the Lac du Flambeau Reservation. The State holds an approved revocable permit for use of the tower and the 2.5-acre site, and is granted continued use by this bill. The remaining acreage will be incorporated with the present forest landholdings of the Band and managed for forest purposes under the presently approved Forestry Management Plan. In addition, the Band has under consideration the development of this contract together with adjoining areas for winter recreation, that is skiing and tobogganing.

A gravel surfaced road traverses the south boundary of the property. The right-of-way for this road was approved in 1962, and has been assigned to the town of Lac du Flambeau for maintenance. An unimproved gravel road provides access to the tower which is located in the northwest corner of the property.

This parcel is bordered on the east and south by Indian alloted lands and on the west and north by lands in non-Indian ownership. All of the lands contiguous to its boundaries are forested tracts. As a part of the band's approved land purchase program, it has purchased heirship interests in allotted lands in the area and is in the process of purchasing others. For fiscal year 1971 the band was allotted $50,000 to use for acquiring heirship interests. Because of its limited resources, however, we do not believe that consideration should be given to requiring the band to pay for this parcel.

The Bureau no longer has a need for the land and improvements. However, they have not been reported to the General Services Administration as excess because of the Lac du Flambeau Band's interest in obtaining the land. The Band through its tribal council submitted a formal resolution stating its need for the property. The enactment of this legislation will also enable the Band to give consideration to any leasing opportunities for winter recreational development.

The bill contains the usual language requiring the Indian Claims Commission to consider whether the value of the land should be set off against any claims judgment against the United States awarded by the Commission.

As the band can effectively utilize this parcel and since it is excess to the needs of the Federal Government, we urge the enactment of this proposal.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

By Mr. MANSFIELD (for Mr. JACKSON and Mr. ALLOTT) (by request):

S. 2650. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), for himself and Mr. ALLOTT, I introduce for appropriate reference a bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

This legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the Executive communication accompanying the draft proposal be set forth in full at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 21, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "To provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill consists of three titles, all relating to certain existing units of the National Park System. Title I increases statutory ceilings on appropriations for land acquisition at five areas; title II increases statutory ceilings on appropriations for development at three areas; and title III authorizes boundary revisions at nine areas.

Enclosed is a section-by-section analysis of the bill. Costs involved are estimated as follows: Title I, authorization increases for land, total $675,500; title II, authorization increases for development, total $2,494,600; and title III, authorizations for funds to acquire lands included within revised boundaries, total $228,000. Combined authorizations in all three titles of the bill total $3,398,100.

The Department has been concerned for sometime about the need to develop a less cumbersome means by which needed increases in appropriation ceilings and certain kind of boundary changes in units of the National Park Service can be considered both by the Committees and within the Executive Branch. At the same time the Department believes such a method should be limited in its application to only those changes which are both necessary to implement and are consistent with the basic legislation authorizing a particular park service area. In cases where a change, regardless of how desirable it may be, would substantially alter the existing authorization insofar as the size, cost, or the general character of an existing area, the Department believes consideration of separate legislation is desirable.

The bill which we are recommending for your consideration includes changes in authorizations for existing areas which we believe are appropriate for inclusion in an omnibus bill. The Department has developed criteria which we have used in determining the areas to include in this proposal and which we would expect to use in determining the area to be considered for inclusion in future similar omnibus proposals. We will be prepared to present and discuss the criteria which we have developed at the Committee hearing.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

Assistant Secretary of the Interior.

SECTION ANALYSIS

TITLE I—ACQUISITION CEILING INCREASES

Section 101. Amends the following laws which limit the appropriation of funds for land acquisition, by increasing the limitation as indicated below:

Area	Act	Existing limitation	New limitation	Increase
Big Hole National Battlefield, Mont	May 17, 1963 (77 Stat. 18)	$20,000	$42,500	$22,500
Effigy Mounds National Monument, Iowa	May 27, 1961 (75 Stat. 88)	2,000	14,000	12,000
Fort Donelson National Military Park, Tenn	Sept. 8, 1960 (75 Stat. 875)	226,000	454,000	228,000
Lincoln Boyhood National Memorial, Ind	Feb. 19, 1962 (76 Stat. 9)	75,000	395,000	320,000
Shiloh National Military Park, Tenn	July 3, 1926 (44 Stat. 826)	57,100	150,100	93,000

Land cost estimates have been made on the basis of fair market value, plus acquisition costs and overhead. They do not contain funds for benefits which must be paid pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and which would be required to be charged against land acquisition funds.

TITLE II—DEVELOPMENT CEILING INCREASES

Section 201. Amends the following laws which limit the appropriation of funds for development, by increasing the limitation as indicated below:

Area	Act	Existing limitation	New limitation	Increase
Herbert Hoover National Historic Site, Iowa [1]	Aug. 12, 1965 (79 Stat. 510)	$1,650,000	$3,500,000	$1,850,000
Booker T. Washington National Monument, Va.[2]	Apr. 2, 1956 (70 Stat. 86)	200,000	600,000	400,000
Johnstown Flood National Memorial, Pa.[2]	Aug. 31, 1964 (78 Stat. 752)	2,000,000	2,244,600	244,600

[1] Original law combines appropriation authorization ceiling for development and land acquisition. Increase herein is $1,772,000 for development and $78,000 for land acquisition.

[2] Original law combines appropriation authorization ceiling for development and land acquisition. Increase herein is for development only.

Section 202. Makes applicable to appropriation ceilings for development engineering cost indices in order to preclude need for further amendment due to normal increases in cost of labor and materials.

TITLE III—BOUNDARY CHANGES

Section 301. Authorizes the Secretary of the Interior to revise boundaries of 9 areas to add or exclude lands as follows:

Area	Change authorized	Land cost
Adams National Historic Site, Mass.	Add 3.68 acres	$122,000
Fort Caroline National Memorial, Fla.	Add 12.5 acres	None
George Washington Birthplace National Monument, Va.	Add 62.3 acres	57,000
Glacier National Park, Mont.	Add 233.15 acres; delete 68.47 acres.	6,000
Isle Royale National Park, Mich.	Add 0.52 acres	31,500
Johnstown Flood National Memorial, Pa.	Add 53.6 acres	11,500
Lassen Volcanic National Park, Calif.	Delete 482 acres	None
Petersburg National Battlefield, Va.	Delete 257.53 acres.	None

Lands recommended for addition to Adams, George Washington Birthplace, and Fort Caroline are historically significant and should be protected. Addition to Isle Royale is needed to complete the development programs for this area. Additions to Johnstown Flood are necessary to prevent adverse developments which would be inconsistent with the existing park environment. Deletions at Lassen Volcanic and Petersburg are to facilitate management of these parks. Changes at Glacier are necessary to conform boundary to relocated road and railroad rights-of-way necessitated by flooding.

Section 302. Provides that boundary changes are to be effective upon publication of map or other description in *Federal Register.*

Section 303. Authorizes acquisition of lands added and disposition (by exchange, transfer, or as surplus) of lands deleted from areas. Also authorizes retrocession of legislative jurisdiction to State with respect to any lands excluded. It is expected that this retrocession authority will be exercised in connection with the deletion at Petersburg, which involves exclusion from the park of roadways over which the United States presently exercises "exclusive" legislative jurisdiction.

Section 304. Authorizes appropriation of not to exceed $228,000 for acquisition of lands added to boundaries. As in title I, land cost estimates do not include funds for benefits which must be paid under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Costs other than for land acquisition but attributable to the boundary changes authorized in title III are shown on the attached table.

Section 305. Declares authorities to revise boundaries, acquire lands, etc., in title III to be supplementary to any other authorities. Existing laws applicable specifically to the areas for which boundary changes are authorized in this title limit acreages of those areas. This section makes it clear that authority to add acreages in this title is in addition to limitations in existing laws.

Total additional costs attributable to title III—Boundary changes

Development:	
Adams	$50,000
Ft. Caroline	89,100
Geo. Wash. Birthplace	None
Glacier	None
Isle Royale	307,000
Johnstown Flood	[1] 244,600
Lassen Volcanic	None
Perry's Victory	4,537,000
Petersburg	None

[1] Authorized development increase in title II.

Total additional costs attributable to title III—Boundary changes

Development:	
Adams	$50,000
Ft. Caroline	89,100
Geo. Wash. Birthplace	None
Glacier	None
Isle Royale	307,000
Johnstown Flood	[1] 244,600
Lassen Volcanic	None
Petersburg	None

[1] Authorized development increase in title II.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2345

At the request of Mr. Hatfield, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 2345, to amend the Internal Revenue Code of 1954 to allow an income tax deduction for donations of blood.

S. 2529

At the request of Mr. Hruska, the Senator from Colorado (Mr. Allott) was added as a cosponsor of S. 2529, to incorporate Junior Achievement, Incorporated.

S. 2604

At the request of Mr. Humphrey, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 2604, the Federal Impoundment Notification Act.

S. 2620

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Magnuson), I ask unanimous consent that the Senator from New Jersey (Mr. Williams) be added as a cosponsor to S. 2620, a bill to promote the economic well-being of the United States by providing authority to negotiate commercial agreements including the granting of most favored nation treatment with countries having nonmarket economies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 129

At the request of Mr. Fannin, the Senator from South Carolina (Mr. Thurmond), and the Senator from Oregon (Mr. Hatfield) were added as cosponsors of Senate Joint Resolution 129, proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits.

SENATE JOINT RESOLUTION 149

At the request of Mr. McClellan, the Senator from Nebraska (Mr. Hruska) was added as a cosponsor of Senate Joint Resolution 149, to authorize and request the President to proclaim the year 1972 as "International Book Year."

SENATE JOINT RESOLUTION 158

At the request of Mr. Weicker, the Senator from Colorado (Mr. Allott) was added as a cosponsor of Senate Joint Resolution 158, to declare May 6, 1972, as "Clean Up America Day."

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 38

At the request of Mr. Stevens, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of Senate Resolution 38, relative to the Select Committee on Small Business.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENTS

AMENDMENT NO. 454

(Ordered to printed and to lie on the table.)

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

DESIGNATION OF EARTH WEEK—AMENDMENTS

AMENDMENT NO. 456

(Ordered to be printed and referred to the Committee on the Judiciary.)

EARTH WEEK

Mr. NELSON. Mr. President, as the first nationwide environmental review after Earth Day, Earth Week, 1971, April 19–25, was a tremendous success, and was supported by all segments of our society. It was widely supported in Congress by both Democrats and Republicans, and was proclaimed by the President and also was proclaimed by at least 40 governors and by many mayors. Earth Week also received the support of the national conservation organizations and national educators' groups.

The news media utilized the Earth Week observance to review the status of the environmental issue, with most of the national networks, magazines, and newspapers doing special environmental reports, in addition to broad coverage of the week given by media in localities all across the country.

With Earth Week's emphasis on environmental education, many grade schools made the week an occasion for special environmental events within their schools, culminating their annual environmental studies.

Additionally, hundreds of communities participated in reviews of past environmental progress, inventories of current problems, and planning for future environmental efforts.

For Earth Week, 1972, April 17–23, we are optimistic that all 50 Governors will issue proclamations. In addition, we will work for adoption of Senate Joint Resolution 15 and its companion in the House, to put Congress firmly on record in support of this nationwide event. Today I am introducing an amendment to the measure to confine its scope to Earth Week, 1972, to conform with committee policy of declaring events only on a year by year basis.

Already, the Earth Week resolution is cosponsored by 57 Senators and I am inviting all other Senators to add their names as cosponsors.

I ask unanimous consent that the following items be printed in the Record at the end of these remarks: The President's proclamation of Earth Week, 1971; the Senate cosponsors of the Earth Week resolution, and the States whose Governors proclaimed Earth Week, 1971.

There being no objection, the material was ordered to be printed in the Record, as follows:

EARTH WEEK, 1971—A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Few concerns facing America and the world today are more compelling than the quality of our physicial environment. All that we do, all that we hope to achieve for ourselves, all that we hope to create for our children will go for nothing if the world itself is made unfit to live in. The question of what we do with our environment is a matter of cosmic consequence; there is a limit to how long the matter rests merely with man, and if that limit is exceeded, the success of man as an earth creature may itself be limited by forces he no longer controls.

The earth and its atmosphere are a closed system. They are finite. The good water cannot purify itself indefinitely. The good air cannot cleanse itself endlessly. And the good earth cannot sustain and repair the injustices of man forever. Man must help to put his own earthly house in order.

We have made a beginning in this. But we have only begun. Now there must be a conscious, sustained effort by every American and, we might hope, by every citizen of the world if our posterity are not to look back in sorrow and wonder why, when God had created the earth and seen that it was good, man did not agree and leave it that way.

Now, therefore, I Richard Nixon, President of the United States of America, do hereby designate the period of April 18 through April 24, 1971, as Earth Week.

I call upon the Governors of the several States to encourage observance of this period and its purposes through appropriate ceremonies and to give special consideration to means of educating our citizens to the preservation of our environment.

In witness whereof, I have hereunto set my hand this second day of April, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

THE 57 SENATORS WHO HAVE COSPONSORED SENATE JOINT RESOLUTION 15, FOR EARTH WEEK

Howard Baker (R) Tenn.
Birch Bayh (D) Ind.
J. Glenn Beall (R) Md.
Henry Bellmon (R) Okla.
Alan Bible (D) Nev.
J. Caleb Boggs (R) Del.
Quentin Burdick (D) N. Dak.
Robert Byrd (D) W. Va.
Howard Cannon (D) Nev.
Clifford Case (R) N. J.
Frank Church (D) Idaho.
Norris Cotton (R) N. H.
Alan Cranston (D) Calif.
Peter Dominick (R) Colo.
Thomas Eagleton (D) Mo.
J. William Fulbright (D) Ark.
Mike Gravel (D) Alaska.
Edward Gurney (R) Fla.
Fred Harris (D) Okla.
Philip Hart (D) Mich.
Vance Hartke (D) Ind.
Mark Hatfield (R) Oreg.
Harold Hughes (D) Iowa.
Hubert Humphrey (D) Minn.
Daniel Inouye (D) Hawaii.
Henry Jackson (D) Wash.
Jacob Javits (R) N.Y.
B. Everett Jordan (D) N. C.
Harrison Williams (D) N. J.
Edward Kennedy (D) Mass.
Warren Magnuson (D) Wash.
Mike Mansfield (D) Mont.
Charles Mathias (R) Md.
Gale McGee (D) Wyo.
George McGovern (D) S. Dak.
Thomas McIntyre (D) N. H.
Jack Miller (R) Iowa
Walter Mondale (D) Minn.
Joseph Montoya (D) N. Mex.
Frank Moss (D) Wash.
Edmund Muskie (D) Maine
Robert Packwood (R) Oreg.
John Pastore (D) R.I.
Claiborne Pell (D) R. I.
Charles Percy (R) Ill.
William Proxmire (D) Wis.
Jennings Randolph (D) W. Va.
Abraham Ribicoff (D) Conn.
William Roth (R) Del.
Richard Schweiker (R) Pa.
William Spong (D) Va.
Ted Stevens (R) Alaska
Adlai Stevenson (D) Ill.
Robert Taft (R) Ohio
Strom Thurmond (R) S. C.
John Tower (R) Texas
John Tunney (D) Calif.

THE 40 STATES WHOSE GOVERNORS HAVE ISSUED EARTH WEEK PROCLAMATIONS

Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska.

Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENTS

AMENDMENT NO. 457

(Ordered to be printed, and referred to the Committee on Foreign Relations.)

Mr. FONG. Mr. President, the Subcommittee on Refugees and Escapees has been having some very searching hearings on the problems in East Pakistan.

These hearings have all too clearly pointed up the awesome suffering of the millions of East Pakistanis who have fled to India as well as of those who have remained in East Pakistan.

Human suffering is not a novel condition in this area, one of the most densely populated rural areas in the world. The November 1970 cyclone disaster followed by the floods and the civil disturbances have exacerbated that, at best, precarious existence of these peoples.

While to date our Government has contributed over $83 million to the international relief effort in India alone—$35.5 million in cash and $47.7 million in Public Law 480 food—there is still much to be done to alleviate the condition of the East Pakistani refugees in India.

To help alleviate the starvation and suffering in East Pakistan, the United States, to date, as part of its contribution to the $143 million in dollars and food being distributed by the U.N. has provided over a million tons of food and $9 million toward U.N. operating costs, cost of other relief supplies and for chartering vessels to distribute these supplies. We have also made available $13.5 million equivalent in rupees for U.N. relief assistance and for work programs to generate self-help and employment in East Pakistan.

But, that too is not enough.

Verily, we must do more.

The House of Representatives foresaw the need developing in this area when the Foreign Assistance Act of 1971 was before its Committee on Foreign Relations this summer.

They amended H.R. 9910 to authorize $100 million to be appropriated to the President for fiscal year 1972 for use in providing assistance for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan, the funds to remain available until expended. With such amendment, the bill passed the House on August 3, 1971.

By October 1, 1971, President Nixon recognized that this $100 million would be inadequate. He requested that Congress raise the figure to $250 million.

In his statement the President commented:

> The United States has been deeply concerned over the situation in South Asia both on humanitarian grounds and because of the implications for peace.
>
> Recent events in East Pakistan, compounding the destruction from natural disasters, have led to widespread human suffering. Unchecked, this situation could drift toward greater disaster in the form of famine or even war. It is a primary objective of the Administration to relieve suffering and help avert such a situation.
>
> Acting on its mandate as the conscience of the world community, the United Nations, under the leadership of the Secretary General, has focused concern on the plight of those who are caught in this situation. Through its special missions in Dacca and New Delhi, the United Nations has also provided the operational framework for channelling relief supplies to the millions who need them both in India and in East Pakistan.
>
> Many countries and private donors are responding to this enormous challenge. The United States has already provided substantial amounts of food and foreign exchange to support the programs of the United Nations in aid of the millions of refugees in India and the millions who could face starvation in East Pakistan.
>
> But more needs to be done—by the United States and by other donors. The costs of dealing with this problem through this fiscal year are expected to be over a billion dollars, far beyond the means of India and Pakistan. The House of Representatives early recognized the need for unusual humanitarian relief for South Asia and on August 3, 1971, authorized $100 million in additional funds under the Foreign Assistance Act. Since that time, however, the magnitude of the need has grown. It is also important that we be able to play our proper role promptly if contingencies in the relief operation arise.
>
> Together with food supplied under Public Law 480, these funds ($250 million) will enable us to do our share in mitigating the effects of this human crisis, and thus help avert the deeper tragedies that all too easily could follow.

H.R. 9910 is now being marked up by the Senate Foreign Relations Committee.

I am therefore submitting this amendment to H.R. 9910 to meet the currently foreseeable needs of the East Pakistanis, be they refugees in India or in need of humanitarian relief in East Pakistan. This amendment authorizes an appropriation of $250 million, thus meeting at least the presently foreseeable needs of these people so as to relieve their suffering. The funds to remain available until expended.

I urge Senators to support this amendment to H.R. 9910.

AMENDMENT NO. 458

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. CASE. Mr. President, I am today introducing an amendment to the Foreign Assistance Act which would put an absolute ceiling on the number of Americans who could be assigned to Cambodia. My amendment would essentially freeze current personnel levels.

There are currently 50 U.S. military men assigned to the military equipment delivery team—MEDT—in Cambodia and 24 servicemen in the office of the American military attaché. Additionally, 10 marine guards protect the U.S. Embassy, and at any given time up to 15 American military men assigned elsewhere are in Cambodia on temporary duty.

Taking into account these 84 military men permanently stationed in Cambodia and allowing the current level of temporary duty personnel of about 15, the Case amendment sets a limitation of 100 U.S. military men in Cambodia, whether permanent or temporary.

There are also 47 Americans assigned to the civilian part of the American Embassy, and the Case amendment would put a ceiling of 50 on these personnel.

I have become increasingly alarmed by recent reports of the expanding American mission in Cambodia. Congress clearly spoke its mind on this matter last year when it prohibited American military advisers—and combat troops—in Cambodia. But with a $185 million program of military assistance in fiscal 1971 and a projected $200 million program in fiscal 1972, the administration has felt it necessary to send a military equipment delivery team—MEDT—to Cambodia.

A year ago only six men were running this program, but the number has been steadily augmented since then. In July, the MEDT ceiling was increased from 23 to 50 and I have learned from reliable sources that at that time the Pentagon had requested an increase to nearly 100.

I have also learned that many on the civilian side of our Government had opposed any increase at all, since they felt that the 23 MEDT men then in Cambodia could handle the job.

The administration's stated policy in Cambodia has been to avoid either a commitment to the Cambodian Government or a high level of American involvement. I wholeheartedly support this policy.

What I am trying to avoid is increased American involvement through an increased American presence. A year ago our officials in Cambodia extolled our low profile there and said their aim was to keep the American Embassy so small that all officials and their families could be evacuated on one airplane. Well, we are now into at least our third Boeing 707, and I am told by people in the Government who know that there is pressure for further expansion. And with further expansion, of course, would come those camp following institutions without which Americans seem almost incapable of surviving overseas. A high official of the American Embassy in Phnom Penh recently described thusly: "The next thing they'll want is military police, then a PX, then a movie house, and next thing you know there will be a thousand men here."

American involvement in Cambodia is already extremely serious. We have made the Cambodian Government almost totally dependent on us through our economic and military assistance and we are providing massive air support.

We should go no further—at least not without a firm decision by the Congress and the American people that an expanded war in Cambodia is the course our country should follow.

I cannot approve a policy of upping our commitment to Cambodia through the back door approach of sending increased numbers of Americans and then perhaps claiming—as was the case earlier in Vietnam—that we have to do more in order to protect what we have already done.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD.

Mr. President, I also ask unanimous consent that several relevant newspaper articles on Cambodia be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 458

On page 14, between lines 16 and 17, insert the following new section:

SEC. 305. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended by adding at the end thereof the following new section:

"SEC. 653. Limitations on the Number of United States Personnel in Cambodia.—The number of members of the armed forces of the United States present in Cambodia at any one time shall not exceed 100. The number of civilian officers and employees of executive agencies of the United States Government present in Cambodia at any one time shall not exceed 50. For purposes of this section, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government."

On page 14, line 17, strike out "305" and insert in lieu thereof "306."

[From the New York Times, Sept. 20, 1971]

MILITARY GAINS GROUND IN U.S. EMBASSY IN CAMBODIA

(By Craig R. Whitney)

PNOM PENH, CAMBODIA, September 17.—United States Embassy officials who wanted to keep the supporting American military presence here down to a bare handful have lost some ground that they considered important.

These Americans, led by Jonathan F. Ladd, the embassy political-military counselor and former commander of United States Army Special Forces in Vietnam, have been outmaneuvered, and now, according to diplomatic sources, have less influence in the embassy than the 50-man Military Equipment Delivery Team headed by Brig. Gen. Theodore C. Mataxis.

General Mataxis, who used to spend a couple of days a week in Pnompenh and the rest in Saigon, has now moved to Phompenh with his staff and has more than doubled the size of the Pnompenh contingent of the team. When it moved to Cambodia in January he had 16 men. In May it was expanded to 23.

There are also 63 other men attached to the team but based in South Vietnam, where most Cambodian soldiers get their basic training from the South Vietnamese and are issued equipment—field radios, M–16 rifles, and uniforms—by the Americans. The total of 113 men in Pnompenh and Saigon has been the same since May.

Helped by the equipment, the Cambodian Army has been winning back some territory lost to the enemy.

American military advisers were prohibited in Cambodia by Congress last year. According to a United States official in Pnompenh, the members of military equipment delivery team are not advisers, and are not engaged in training Cambodian troops. "They perform a certain logistic advisory function, seeing that the right equipment gets to the right units and is used "properly," the official said.

FACT SHEET ISSUED

A Department of Defense fact sheet issued in Saigon today and in Washington yesterday emphasized that the team is "operating with the Congressional approved military body" and said that it was deliberately organized with a lower number of personnel than would eventually be needed."

In addition to the team's members there are 25 servicemen in the office of American military attache, Col. Harry O. Amos.

So far that is all, but one disgruntled advocate of a smaller American establishment here said the other day, "the next thing they will want is M.P.'s, then a PX, then a moviehouse, and next thing you know there will be a thousand men here."

Authoritative American sources here say that is not likely, but the pressure is on the embassy for still more staff members. The team, while operating under the supervision of Ambassador Emory C. Swank, comes under the commander in chief of the Pacific in Hawaii.

The American military aid program last year consisted of $180-million, which included both the expenses of training and equipping Cambodian troops in South Vietnam and delivering other equipment to Cambodia.

This year's request by the Administration is for $200-million, 60 per cent of which goes toward ammunition.

"The guidance from Washington is to help them maintain a light infantry force, modestly supported by artillery and air," one aide said. "In other words, not to make them a ——— conquering army."

The Cambodians have been given six helicopters and six T–28 propeller-driven bombers. They also get air support from American jets based in Vietnam and Thailand. The money for those air strikes is not accountable to the military assistance program here.

According to official sources, the team members make field trips in unmarked American helicopters that come from Vietnam but only to inspect the military equipment and how it is used. Before each trip Ambassador Swank is informed, the sources say.

The four officers on Colonel Amos's staff also make field trips to gather information, the sources said. Colonel Amos does not wear a uniform in Pnompenh but in his second floor office last week several majors in combat green uniforms came in to make reports.

"Those guys have to grit their teeth when they can't advise," one civilian observer said. "Now they've got a flag officer here, next they will want a major general, then a lieutenant general, and it'll end up being MACC," or Military Assistance Command Cambodia.

So far, however, the Cambodians have not asked for that, and Ambassador Swank, an advocate of the low profile for the American presence here, is likely to hold the day—at least for now.

[From the Washington Post, Aug. 12, 1971]

CAMBODIA PLANS U.S.-AIDED DRIVE

(By Murrey Marder)

Cambodia is planing a winter offensive with "American air cover" and South Vietnamese ground support against Vietnamese Communist forces, Acting Prime Minister Slaowath Sirik Matak said here yesterday.

The Cambodian general told a press conference that he was "worried" before he left his capital of Phnom Penh that the United States might "withdraw all troops from South Vietnam." One of his associates quickly interjected, "in the near future."

"But after seeing President Nixon" on Tuesday, Sirka Matak said through an interpreter, this "worry is over."

Sirik Matak said that Cambodia is now discussing plans with the United States for the intended "dry season" offensive whose objective will be to recapture four provinces in the north and northeast now controlled by North Vietnamese and Vietcong forces.

This operation "will require American air cover" plus reinforcing South Vietnamese troops, he said. The dry season in Cambodia begins in the November–December period.

U.S. officials neither denied nor disputed what Sirik Matak told newsmen in a morning meeting. The Cambodian leader, who also serves as his nation's defense minister, conferred over lunch yesterday with Defense Secretary Melvin R. Laird and other U.S. military planners.

Defense Department spokesmen said afterward that the meeting with Sirik Matak was "private." But they noted that Laird's position is that although the American air commitment in Southeast Asia is not "open-ended," Laird would recommend that the United States provide air support to countries "willing to help themselves under the Nixon Doctrine."

Pentagon spokesman Jerry W. Friedheim confirmed to newsmen earlier that the number of U.S. personnel in the Military Equipment Delivery Team in Cambodia has now been doubled, from 23 to 50.

The total number of these personnel in Saigon or Phnom Penh remains at 113, said Friedheim, but only 63 of them will now be stationed at the supply point in South Vietnam.

The spokesman said the main reason for increasing American personnel in Cambodia is that the Cambodian forces, who were poorly equipped when the United States began providing substantial military aid last year, can now absorb larger quantities of American equipment mostly small arms.

It is known that to comply with congressional sensitivities, the number of U.S. personnel formally "assigned" to Phenom Penh was kept deliberately low, with the bulk of the men based in Saigon and often temporarily assigned to Phenom Penh.

This year, the aid program is expanding with the Nixon administration asking Congress for $200 million worth of military assistance for Cambodia, and $110 million in new economic aid, plus another $11 million worth of "excess" military hardware.

There was great controversy in Congress last year about whether U.S. air operations in Cambodia transgressed President Nixon's pledge that they would be limited to "air interdiction" of enemy forces endangering U.S. troop withdrawals from bordering South Vietnam.

Fears were also expressed that use of American "advisers" might grow into "another Vietnam." This resulted in legislation banning the use of American ground combat troops or advisers in Cambodia.

U.S. personnel in Cambodia are operating neither as advisers or as military trainers, Friedheim said yesterday. But he said the "teams do travel in the countryside from time to time to check on the end use of the equipment." Friedheim said the military personnel "normally" wear uniforms when they travel—a question raised by the suspicions aired last year.

Sirik Matak, in talking with newsmen, referred to Cambodia's armed forces as numbering 220,000. But this is a goal; many units are far under strength or exist only in plans.

Cambodian government forces, he said, now control "two-thirds of the population and the country" and hope to control the remainder as a result of the planned offensive. U.S. officials avoid any such optimistic forecast.

Sirik Matak attempted no prediction about when Cambodia's forces could withstand a major Communist onslaught on their own. Instead, Cambodia's hope, repeated, is that a settlement of the war in Vietnam will result in withdrawal of Communist troops from Cambodia as well. He emphasized his belief that the United States "should not withdraw all forces from Asia."

[From the Washington Evening Star, Aug. 11, 1971]

PENTAGON WILL DOUBLE ITS TEAMS IN CAMBODIA

(By George Sherman)

The Nixon administration is set to double the size of the Pentagon team in Cambodia directing American military deliveries there.

According to informed sources, acting Prime Minister of Cambodia Sisowath Sirik Matak—now on a five-day visit here—was to work out final details in a meeting today with Secretary of Defense Melvin R. Laird.

The plan, according to these sources, is to increase the relatively small "Military Equipment Delivery Team" in Cambodia from 23 to 46, and perhaps 50, officers. In addition, 17 other officers performing standard duties in the embassy remain in the office of the military attache.

The Military Equipment Delivery Team (MEDT, for short) is responsible for channeling military aid—mostly ammunition, rifles small artillery, communication and amphibious equipment—to the Cambodian armed forces.

LAIRD UNHAPPY

For some time Laird has been unhappy about the inefficiency of having such a small team account for huge amounts of aid. The Nixon administration rushed $185 million military aid to Cambodia in the fiscal year that ended June 30.

It has requested an additional $200 million military aid to this fiscal year in the overall foreign aid package now tied up in the Senate Foreign Relations Committee.

Officials admit that they are under conflicting pressures from Congress about the size of the American military presence in Cambodia. Sen. J. William Fulbright and his Foreign Relations Committee have insisted that the huge military aid program is only the first step to a large American involvement in Cambodia.

To placate them last year, Laird agreed that the U.S. would establish no military training or advisory mission for the 200,000-man Cambodian armed forces. The MEDT has the limited task of supervising delivery of equipment, not its use.

In addition the administration has stuck by the President's pledge that no American ground forces will be reintroduced—as in the invasion with the South Vietnamese in April–May last year.

SCANDAL FEARED

But the chief fear in the Pentagon is that millions of dollars of military equipment will be lost through improper American supervision of its distribtuion to the Cambodians. The nightmare is that one day the General Accounting Office, watchdog of Congress over the Executive Branch, will uncover a "scandal" the Cambodian aid program produced by the meager American presence.

Even with the increase, officials point out, the U.S. military presence in Cambodia will remain tiny and limited in function, compared to the huge advisory establishments in neighboring Thailand and South Vietnam.

Nevertheless, American officialdom in Cambodia has multiplied enormously since Prince Norodom Sihanouk was ousted in March 1970 and all-out war with North Vietnam and the Viet Cong began. The embassy has grown from five—diplomatic relations had just been re-established in March 1970—to 100 today, including all the military personnel.

Acting Prime Minister Sirik Matak in his public remarks here yesterday, stressed the "evident stabilization" of the military situation, thanks to American aid and Cambodian determination. The Communist siege of the capital of Phnom Penh has been broken and enemy initiative lost, he told a luncheon at the National Press Club.

But Sirik Matak, fresh from an hour with Nixon discussing how to find peace in Asia, coupled his military optimism with concern over the inflationary economic situation. He made it clear that Cambodia needs more and faster economic aid if it is to support the continuing war.

ECONOMIC AID SLOW

U.S. officials admit that economic aid has been funneled there far more slowly than military. Of the $70 million committed last fiscal year, only $20 million has actually found its way to Cambodia. For the present fiscal year, the administration is asking an additional $130 million economic aid—including up to $20 million in PL480 food shipments.

On the diplomatic front, Sirik Matak repeated strong praise of his government for Nixon's visit to Communist China. "We warmly support the recent and dynamic initiatives of President Nixon leading to the establishment of a constructive dialogue with Peking," he said at the Press Club.

The 57-year-old acting prime minister—here in place of the ailing Premier Lon Nol—said Cambodia is ready to participate in a new Geneva conference confirming the neutrality of Indochina first set up in 1954. But he stipulated that deposed Prince Sihanouk and the "few trailors" now residing in Peking not be permitted to attend.

In contrast to Sihanouk, Sirik Matak told questioners yesterday that he expected "a kind of peace" to be restored in Cambodia and Asia by Nixon's talks in Peking. Sihanouk, echoing the line taken by Hanoi, has warned that no "outside powers" can impose a settlement in Indochina.

After the luncheon Sirik Matak conferred with Secretary of State William P. Rogers, and was guest of honor at a dinner given by Rogers and his wife last night. The Cambodian leader leaves Washington for New York Saturday.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 419

At the request of Mr. Montoya, the Senator from South Dakota (Mr. McGovern), and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of amendment No. 419, to H.R. 8687, the military procurement authorizations bill, 1972.

ANNOUNCEMENT OF HEARINGS ON SURFACE MINING

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Jackson) I wish to announce that on November 16 and 17 at 10 a.m. in room 3110, the Senate Interior and Insular Affairs Committee will begin hearings on proposals now pending before the committee to regulate surface mining in the United States. Measures presently pending before the committee are: S. 77, S. 630, S. 993, S. 1160, S. 1240, S. 1498, and S. 2455. The first 2 days of hearings will be limited to hearing the views of State officials responsible for the reclamation of mined lands in their respective States, administration representatives, and representatives of conservation organizations and industry.

Senator Jackson states that the hearings will be the first of a series; that on-site inspections and field hearings are planned in various parts of the country so that the differing geographical situations and different kinds of mineral development and mining efforts can be thoroughly reviewed and studied; and that it is important that people living in areas where surface mining activities are taking place be given an opportunity to present their views to the committee.

NOTICE OF HEARINGS ON SENATE RESOLUTION 108

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Special Subcommittee on Human Resources of the Senate Labor and Public Welfare Committee will hold hearings on Senate Joint Resolution 108, the Population Stabilization Resolution, on Tuesday, October 5, and Friday, October 8, at 9:30 a.m. in room 4232 of the New Senate Office Building.

These are the second and third hearings on the resolution, of which the Senator from Ohio (Mr. TAFT) and I are the principal sponsors. If enacted, the resolution would establish a national policy of achieving population stabilization by voluntary means consistent with human rights and individual conscience.

Among those testifying tomorrow, October 5, are former Secretary of the Interior Stewart Udall; Ellen Peck, author of "The Baby Trap"; Robert Lamson, staff associate at the National Science Foundation—testifying as a private citizen—and George Grier, of the Washington Center for Metropolitan Studies and author of its recently issued report projecting the possibility of achieving population stabilization during this century. At 1:30 tomorrow afternoon, October 5, we will receive testimony from Nobel Peace Prize winner Norman Borlaug.

Friday's hearing will include testimony from economist Alan Sweezy of the California Institute of Technology, Leonard Lee Lane, associate political director, Zero Population Growth, as well as a panel of experts on family planning services and population research programs. The panel of experts will include Dr. Leslie Corsa, Jr., director of the Center for Population Planning at the University of Michigan, School of Public Health; Dr. Oscar Harkavy, director of the population program, Ford Foundation; and Mr. William Nicholas, former director, Los Angeles Regional Family Planning Council, and cochairman, family planning directors' forum.

Additional hearings will be held the following week on October 12, when representatives of the administration will testify, and on October 14, when additional public witnesses will present testimony.

NOTICE OF HEARING ON FLAMMABLE FABRICS AND OTHER FIRE HAZARDS TO THE OLDER AMERICAN

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Idaho (Mr. CHURCH), I ask unanimous consent that a statement by him relating to a hearing on flammable fabrics and other fire hazards to the older American be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

HEARING ON FLAMMABLE FABRICS AND OTHER FIRE HAZARDS TO THE OLDER AMERICAN

Mr. CHURCH. Mr. President, the Special Committee on Aging will conduct a hearing on "Flammable Fabrics and other Fire Hazards to the Older American," on October 12 at 10 A.M. in room 3110, New Senate Office Building.

Our purpose is to explore issues related to possible dangers which arise to the elderly because of fire hazards related to materials with which they may come into contact, perhaps to a greater degree than in other age groups. In addition, there is reason to believe that many elderly persons may be especially vulnerable to such hazards.

Our Subcommittee on Long-Term Care, under the chairmanship of the Senator from Utah (Mr. MOSS), has already performed an invaluable service by taking testimony on recent nursing home fires in which smoke from carpeting apparently was a major cause of death. The hearing on October 12 will focus primarily upon the noninstitutionalized elderly.

ADDITIONAL STATEMENTS

ADDRESS BY SENATOR ELLENDER BEFORE ANNUAL MEETING OF SOUTHWEST LOUISIANA ELECTRIC MEMBERSHIP CORP.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD the address I delivered before the annual meeting of the Southwest Louisiana Electric Membership Corp. at Lafayette, La., on October 2, 1971.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ALLEN J. ELLENDER

Ladies and Gentlemen: Since August 15, the White House and Congress have been in an uproar over this nation's financial status. They are screaming that the American dollar is in trouble. They are complaining that our exports are dwindling. They are screeching that inflation is running a race with unemployment and that both of them are setting records.

I sympathize with the President's economic problems. He is absolutely right. We are in deep financial trouble.

However, I am a little puzzled by the sudden uproar about our financial condition. Some people act as though we have just fallen over an economic cliff. That is not the case at all. We have been tumbling down the side of the economic mountain for years. I know, because I have been yelling for help for a long, long time. But, we got more ridicule than help when we complained about old-fashioned fiscal responsibility.

Some people in Washington act as though the horse just broke out of the economic barn. Well, that old nag is not just out of the barn, he is already down the road many, many miles. If I were not so young, I would be tired trying to catch him. But, maybe, now we will get some help.

Ladies and gentlemen, it is bad manners for an 81-year-old man to say "I told you so." But I am going to say it anyway because some people still are not listening to common sense.

You do not have to be an economist to know we have been getting in economic trouble for years. Any housewife can tell you that prices have been shooting up like a rocket for a mighty long time. She sees that every time she goes to a grocery . . . and every time she buys shoes for the children.

Any farmer can tell you that prices for machinery have been climbing for years.

And anybody buying a car or electronic equipment could have told you years ago that we were losing ground on the world market.

The engineers who have been out of jobs for months know that unemployment is not a new problem.

Baton Rouge has been over the six per cent unemployment rate for a long time. So have a lot of other cities throughout our country.

Until August 15, nobody paid much attention to our speeches about the gold crisis. The sophisticated economists said we did not have to worry about our gold supply dropping from 22 billion dollars in 1957 to 10 billion dollars this year. At the same time, our liquid liabilities to foreigners increased from 15 billion dollars to 49 billion dollars. But only old-fashioned bookkeepers worry about such things.

The concern about inflation started to grow in Congress a few years ago. We gave former President Johnson the power to freeze wages and prices. But he did not use it. President Nixon inherited that same power in 1969. But he waited until mid-August of this year to use it.

Meantime, our economic problems have galloped a long way down the road. Today, in the midst of all the sudden concern . . . we are hearing a lot of solutions to our economic problems.

President Nixon has come up with his New Economic Policy. . . . which is quite a switch from his old policies. The various Presidential candidates have come up with some amendments to that policy. So have a lot of other so-called experts. Even foreigners are telling us how to run our economy. . . . for their benefit.

I will support President Nixon's legislative package, although late in coming.

I will support his request to drop the sever per cent excise tax on automobiles. That might help Americans auto manufacturers complete with Germany and Japan.

I will support the President's request to increase income tax deductions in January. . . . instead of waiting until 1973. Our people certainly need some relief from high taxes if they cannot get relief from high prices.

I will support Mr. Nixon's request to give industry an investment tax credit, although we may settle on seven per cent instead of ten per cent.

I will support these Presidential recommendations—and his ten per cent surcharge on imports—because I believe we have to do something quickly. . . . even if the horse is already out of the barn and miles down the road.

However, the 90-day freeze will not solve our long-term problems. And, so far, no one seems willing to get to the real base of our financial troubles.

The sources of our economic problems are rooted deeply in both our Federal Government and in our present-day attitudes.

The solutions will require a tremendous reevaluation of our priorities. They will require more economic and diplomatic courage than we have been seeing in Washington in ages. They will require study. . . . understanding. . . . and sacrifices by both politicians and citizens.

This nation is in financial trouble for a variety of reasons. One is that we are smothering in our own debt. Another is that we are losing our leadership in productivity to Germany and Japan. A third reason is that we have forgotten how to mind our own business.

Our Federal debt is now over $400 billion. It is larger than the combined debts of all other countries in the world. It is nothing to be proud of or happy about.

Most of us cannot even imagine 400 billion dollars. But if you stretched out 400 billion dollar bills, you could produce a 35-foot wide ribbon that would reach to the moon and back. And with 400 billion dollar bills you could pack nearly 35 hundred box cars. That would make a train 36 miles long.

There are a lot of ways to dramatize the size of our debt.

But the most down-to-earth fact is that the debt amounts to $2,000 for every man, woman and child in the United States—including the 14 million Americans on welfare. I fear that millions of other Americans could not put up that $2,000 today . . . tomorrow . . . or next year.

But the frightening fact is that the debt will be even bigger next year. It will climb nearly $40 billion by next July.

We just raised the legal debt limit from $395 billion to $430 billion. We will doubtless have to raise the limit again early next year. But I will vote against the increase . . . as another protest against our spending policies.

Both the Johnson and Nixon administrations have tried to sugar-coat our economic facts of life.

First, they came up with the so-called "unified budget." In the unified budget concept, you pad your income figures by throwing in all the trust funds—funds for such things as social security payments and highway construction. Since these are dedicated funds, you cannot use them for any other purpose. But the use of those funds to offset expenditures does make the deficit look smaller. But even with the unified budget, the administration had to admit, prior to June 30 of this year, to a $23 billion deficit. It was actually $30 billion.

The White House has come up with a new gimmick . . . the "full employment" budget. That is a concept in which you base your spending on the taxes you would collect if the United States had full employment.

That is like a farmer counting on a full return from every seed he plants. Farmers know that a certain percentage of that seed will never deliver produce to market. They budget less than they would get from a full harvest.

We knew we would not have full employment in this country last year. We know we will not have it this year, nor next, yet the gimmick is still in full use. That kind of thinking will never get us out of financial trouble.

Another reason for our financial troubles is that we are losing our lead in productivity to Germany and Japan. We rebuilt those two countries after World War II. Now we find ourselves straining to compete with them in the world market.

Part of the problem is that our growth in productivity is leveling off. There was a time when most of our wage increases were balanced by increases in productivity. Today, our wage increases must be followed by proportionate price increases . . . simply because there is little increase in productivity to absorb the higher costs.

The result today is price controls. In November, we will have to straddle that thin line that separates government control and voluntary controls. Otherwise, we will be priced out of both the foreign and domestic markets.

Meantime, we continue to pour billions of dollars into other nations. The Senate Foreign Relations Committee estimates we are spending $10 billion per year in one kind of foreign aid or another.

The more aid we give other nations . . . the more competition we are building for ourselves. We must realize that we can no longer support the rest of the world . . . economically or militarily. We have done more than our share in the past 25 years. Uncle Sam can no longer afford such generosity. The time has come for us to start looking after our own interests.

We now have a very serious deficit in our balance of payments. Unless we become tougher traders . . . . unless we quit giving away billions of dollars . . . . unless we insist our allies carry their full share of the free world defense, we will continue to have financial problems.

We can no longer be accused of giving away our wealth. What we are giving away now is borrowed money.

This year we will pay $21 billion interest on that borrowed money. That represents about one-tenth of our national budget.

Defense represents nearly a third of the budget. Foreign aid chews up another large chunk of it.

As a result, we have to cut corners when it comes to taking care of our own people . . . financing our school . . . and developing our land and water resources.

Ladies and gentlemen, you will frequently read that Allen Ellender has argued for an increased spending on public works . . . on school lunches . . . on food stamps . . . on housing . . . and on education. People ask how I can support these increases and still fuss about the national debt. The answer is that I believe in helping our own people. I believe in developing our land and water resources because these projects are justified on a cost-benefit ratio. They are investments to preserve our own land, our own water resources. They pay off handsomely. And the amounts we can squeeze for such worthy projects are small compared to the money we spend to support and defend other nations.

Unfortunately, we count our hurricane and flood control funds in the millions of dollars. We count the money we spend abroad by the billions of dollars. We must change our priorities—to give Americans a better break.

Another reason for our deep financial trouble is that we insist on sticking our noses into other people's business. We should have learned something from the Korean war. I hope we have learned plenty from the Vietnam war.

We will remain in financial and international trouble if we continue to support and defend dozens of governments around the world—some of which do not deserve our support at all.

In my seven trips around the world, I came away convinced that our money was frequently not filtering down to the people. Too often, we have simply supported a repressive government instead of helping the people. If we are going to defend ourselves against communism, we must preserve our own strength, financially as well as militarily. We have been spreading ourselves too thin around the world.

As early as 1954, I reported to the Congress that we should not send American troops to Vietnam under any circumstances. But eventually the Congress gave in to the pressure from the White House . . . the Pentagon . . . and the State Department.

We pumped billions of dollars into Vietnam. Eventually we had to pour over a half-million men to back up that investment. We lost 45,000 lives . . . wrecked the morale of our nation and got ourselves into an economic crisis.

Ladies and gentlemen, if we are going to solve our nation's domestic problems . . . if we are going to reunite as Americans . . . we will have to solve our financial problems. And if we are going to solve our financial problems, we must make up our minds to live within our means . . . just like any family must do.

We must discipline ourselves to compete in the world market again . . . by regaining some of our old enthusiasm and pride in our productivity.

We must learn that we can no longer give away our wealth. Our wealth itself must be rebuilt.

We have to insist that our allies carry their share of the defense load.

We must stay out of internal conflicts in other nations.

We can rebuild faith in this nation. But first we must put our house in order.

MISS BETSY FUNK, LEBANON COUNTY, PA., NATIONAL 4-H AWARD WINNER

Mr. SCOTT. Mr. President, a young lady in Lebanon, Pa., has demonstrated outstanding leadership and citizenship by being named the State winner in the citizenship category of the 4-H national awards program. Her name is Betsy Funk, and I believe her achievements deserve special recognition.

Betsy has planned 4-H meetings and activities throughout Lebanon County and the Commonwealth. Furthermore, today, when youth are curious about government and its functions, Miss Funk provided a means for them to get answers by organizing a county government day for local 4-H'ers. Leadership and spirit of this caliber are valid evidence that our youth are working for a better and stronger America.

Miss Betsy Funk will now advance to the National competition, and she will ably represent Pennsylvania. The Commonwealth wishes her the best of luck.

APOLLO 15—A DREAM COME TRUE

Mr. ERVIN. Mr. President, my grandnephew, Jimmy Hall, of Richmond, Va., was privileged to witness the launching of Apollo 15. After so doing, he wrote an article entitled "Apollo—A Dream Come True," which was published in the Richmond press. Inasmuch as the article depicts the viewpoint of a high school student and is worthy of dissemination on that account, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Apollo—A Dream Come True

(By Jimmy Hall)

(Editor's Note.—Jimmy Hall, a June graduate of The Collegiate Schools, says he has been a manned spacecraft fan "ever since I can remember." He has faithfully viewed each launch on television, has a sizable collection of books, records, photographs and other space paraphernalia, and has even tape-recorded significant events in nearly every Apollo mission "as an historic record." He is a former youth editor for the Young Virginians section and plans to attend Princeton in the fall with aerospace engineering as his goal. He is the son of Dr. and Mrs. James K. Hall of 8907 Tolman Road.

His invitation to attend the Apollo 15 launch Monday was "the thrill of a lifetime" and this is his story of it.)

Having a dream and fulfilling it are two different things.

Not until recently did I actually consider the possibility of seeing a Saturn V moon rocket in person. But on pursuing the matter further (and with a little help) I was lucky enough to receive an invitation from Dr. James C. Fletcher, administrator of the National Aeronautics and Space Administration, to the launch of Apollo 15.

Through the help of a relative, U.S. Senator Sam J. Ervin Jr. of North Carolina, the invitation included VIP status, which I shared with six to seven thousand other not-very-important persons, who either "knew somebody" or were somebody.

"I was lucky"

A family in Titusville, Fla., approximately eight to ten miles from the Kennedy Space Center, was kind enough to allow me to stay with them. I was lucky. All lodging accommodations were packed within a 50-mile radius of the Cape months in advance, according to the Greater Titusville Chamber of Commerce. Estimates of up to one and a half million visitors had been made.

Upon arriving at Kennedy Space Center,

I found it impressive at once. To realize that this is the only location in the world from which man has left for the moon, and where man has begun countless important accomplishments, fills an onlooker with excitement and almost a feeling of perhaps reverence.

PEOPLE RESPONSIVE

The people of the Cape Kennedy area are very responsive to the thousands upon thousands of space buffs who come from throughout North America to see "a rocket" leave the earth over a period of two minutes, at the greatest. Titusville as well as other space age communities seem to have a united spirit for the program, and this helps give the area a friendly attitude. It consists of pride, and with the large, yet rapidly dwindling number of NASA personnel and its contractors' employees, a persevering devotion is evident.

There is a great deal of unhappiness among the people of the area about the cut in employment, as well as the reduction of manned flights to the moon to only two more, without another one for 10 to 15 years. Perhaps this is what draws the people to the Cape. There were at least two camper-trailers from Alaska. And every other state was represented among the appoximately one million "bird-watchers". Cars from Saskatchewan, Nova Scotia, and Quebec, were also there.

SENSE OF UNITY

The sense of unity is overwhelming. Everyone was interested in the shot; they were proud that they were there and that their nation was performing this program.

The NASA tours are extremely popular. They take you by every important place, including the location where Alan Shepard began his suborbital flight in 1961 by saying "the clock is started," and where his rocket has been re-erected, where the first rocket was launched in Florida 21 years ago, where the Gemini-Titan programs were carried on, and where the Apollo components are put together in the largest building in the world, the VAB (Vertical Assembly Building).

Then, the most exciting location of all, Pad A at Launch Complex 39, is viewed from a distance of about a half a mile, much closer than at launch. The place is just teeming with modern day history, as well as with people who soon realize that the space program may just be a very good investment, with such programs as Skylab, to study the earth's pollution, resources, and other aspects from space, and the Space Shuttle, which will enable a re-usable spacecraft to fly at a tremendous speed, allowing Americans to reach Tokyo in 45 minutes.

EARLY RISING

Yet all this is forgotten and cast aside on Monday morning. It is necessary to arise at 4:45 a.m. to have breakfast, and ride out to Cocoa Beach to get on a bus to the viewing area. The sun rises beautifully and the pad with the gigantic Apollo 15 on it is clearly visible from the distance. The thousands of persons parked alongside the Indian River's banks gaze across to see the vehicle on Merritt Island. The sense of excitement increases.

Our bus, one of countless dozens, arrives at the viewing area, next to the VAB, three and a half miles from the pad, with no obstructions at all. I leave the bleachers behind me and race to get a good seat alongside a rope, perhaps 250 yards further towards the rocket, where all sorts of cameras are being set up. At about T-minus 1 hour 55 minutes, I get set for what I thought would be a slow countdown. Soon, things get a lot more crowded, as they must be at the press site, on the other side of the VAB. Red badges with Apollo 15's insignia, serving as passes, are worn by each person.

Soon, a man from near-by Orlando arrives with his son. Nearby, a young man from New Jersey gets set. We listen intently to the announcements booming across the field from Kennedy Launch Control. Such things as watching the cross-arms leave the rocket and seeing the venting of fuel occupy our time. Cameras are readied and binoculars are glued to the mammoth figure. The man from Orlando gives us his own upgrade on how many minutes remain.

SPURT OF FLAME

Then we hear the last few seconds counted down. At 9:34 a.m., people whisper excitedly "Light, baby, light!" It does light and the first of many applauses sweeps through the crowd. The initial spurt of flame grows into a huge fire. We hear "launch commit", and within seconds, start shaking, screaming, and filming. A terrific popping noise reaches us and many people are utterly speechless.

Unparalleled beauty is before me as I watch the gleaming white bird rise slowly with a beautiful yellow flame beneath it. The fuel used in the first one second of flight would take a Boeing 707 jetliner across country but that fact can't stand up to the beauty of this launch. Soon the bird will be travelling twice the speed of a bullet.

Everyone simply stands and watches this unmatched expression of power, under control trying to get it on firm so they will be able to enjoy it again.

Soon we hear the astronauts, Dave Scott, James Irwin, and Al Worden, confirm a maneuvering program. We watch Saturn V until it goes out of sight in the distance. The ignition of the second stage produces countless sighs and "Wow!"s from the crowd. Thousands of cameras return to ground level. The earth settles once more and people rush away to get into the traffic jam, overlooking the fact that John Glenn, the first American to orbit the earth, is within a few feet of them.

As we leave, the squawk box confirms the fact that our astronauts are already in earth orbit. People wander around with beaming faces—they have seen the launch of a Saturn V and the beginning of a trip to the moon.

OUR LAST FRONTIER

Mr. STEVENS. Mr. President, the history of the State of Alaska is the subject of the cover story in the latest edition of the American Bar Association Journal. The story, entitled "Our Last Frontier," was written by Donald J. Jarosz, who follows the Great Land's transition from the time of purchase by the United States to the present day. His article provides the reader with a capsule history of my State and a look at its progress during the transition from territory to statehood. I ask unanimous consent that the story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR LAST FRONTIER

Alaska from the Aleut word "alakshak," which refers to the part of the mainland now known as the Alaska Peninsula, is physically the largest state in the Union (2,260 miles wide and 1,400 miles long). In 1967 Alaska observed its centennial, marking the one hundredth year since its purchase from Russia. The centennial motto, "North to the Future", reflects the hopes and aspirations of the young and vigorous population.

Alaskans are faced with problems not common to other states—a harsh winter climate, rugged topography, limited capital and distant markets—but there are compensations—pure air and water, breathtaking scenery, room to expand and grow, untouched natural resources and many challenges. In its quest for statehood, Alaska faced and overcame many obstacles.

The organization as a territory in 1912 and the introduction of the first statehood bill in 1916 were only two steps in a long series that led to statehood for Alaska. Senator William McKendree Gwin of California was one of the first men to promote interest in the United States' acquisition of Alaska, but his overtures were interrupted by the Civil War in 1861. After the war ended, fishermen of the Washington Territory pushed for acquisition, but it remained for William H. Seward, when he was Secretary of State, to accomplish the purchase.

For many years it was uncertain why Seward had negotiated the purchase of Alaska. Today, the memoirs of the Russian court, reports from Hudson Bay officials and United States Government papers indicate that the purchase was the fulfillment of a gentleman's agreement.

When the United States was in the midst of the Civil War, the Confederate cruiser *Shenandoah* reached Alaska and did considerable damage to American whaling ships. Facing the distinct possibility that France and England might recognize the Confederacy, the Union found in Russia a friend willing to send her fleets to American harbors as a friendly gesture if properly compensated. Seward made a gentleman's agreement with Russia—our government was to pay Russia for this demonstration of seeming friendship.

Czar Alexander fulfilled his part of this top-secret agreement and dispatched his navy to the United States. While part of the Russian fleet was anchored in San Francisco Bay, other vessels visited the Eastern ports of Washington, Boston and Annapolis. When word reached San Francisco that the Confederate navy was nearing the Golden Gate, Russian Admiral Popoff even cleared his decks and made ready for combat.

England and France did not side with the Confederacy, the war ended, Lincoln was assassinated and Andrew Johnson became President. With the war ended, payment to Russia, especially as a war measure, became complicated. The solution seemed to be the purchase of Alaska. Alexander's finances were not as strong as they once had been, the fur trade seemed to be diminishing, and Russia saw the Canadian border as a British menace.

Admittedly, the purchase of Alaska was done in a spirit of venturing into what appeared to be a promising commercial enterprise for the United States. The treaty was signed on March 30, 1867, and the United States paid Russia $7,200,000 (less than 2¢ an acre). In reality, according to one source, part of the payment—$1,400,000—was for the purchase of this new territory, and the other portion—$5,800,000—was for the naval display of friendship and cooperation during the Civil War. The formal transfer took place on October 18, 1867, in Sitka at Baranof Castle, for many years the official residence of the representative of the Emperor of Russia. Alexiei Pestchourof announced the confirmation of the transfer: "By authority from his Majesty of all Russia, I transfer to the United States the Territory of Alaska." On behalf of the United States, Brigadier-General Lovell Harrison Rousseau accepted Alaska, a territory that was to be forgotten for some time by its new owner.

A period of close-fisted commercialism soon followed, and although the administration of Alaska was placed under the Department of War, which loosely governed the territory for the ten-year period immediately following the purchase, little thought was given to the administration of justice, law or government organization. The uprising of the Nez Percé Indians in Idaho caused the withdrawal of the Army in 1877, leaving the settlers of Sitka and Wrangell outnumbered by the hostile Indians and totally unprotected.

Seventeen years after the purchase of Alaska there still was, strictly speaking, no administration of justice until Congress passed "An Act Providing a Civil Government for Alaska", which was approved on May 17, 1884. This is commonly referred to as the "Organic Act", and it constituted Alaska a civil and judicial district, placing the seat of government at Sitka.

Through the Organic Act, Alaska was subsequently provided with a district court "with civil and criminal jurisdiction of district courts of the United States, and such other jurisdiction not inconsistent with the act as may be established by law". Under this act the President of the United States appointed a district judge who was to hold at least two terms of court at Sitka and one at Wrangell each year. In addition, the act made provision for Presidential appointment of a United States attorney, a United States marshal, a clerk of court and four commissioners. "Such commissioners", it provided, "shall exercise all the duties and powers, civil and criminal, now conferred on justices of the peace under the general laws of the state of Oregon, so far as the same may be applicable in said District, and may not be in conflict with this act or the laws of the United States."

With the Organic Act came the first semblance of the administration of justice, although the act was unsurpassed for uncertainty. However, an important factor was lacking: Alaska still had no laws of its own, for by virtue of the Organic Act, the laws of the State of Oregon were declared law in Alaska. No definite improvement was made in the administration of justice or in the organization of the judicial system until 1900, when the Carter Act gave Alaska a criminal code and designated Juneau the capital. It was about this time that notoriety of the vast natural wealth and resources caused Americans to take notice of this territory that had almost been forgotten since its purchase.

Today Alaska, the last American frontier, is anything but forgotten. It has the smallest population of the fifty states, but one of the highest percentages of population increase in recent decades. The more than thirty-five years of territorial status eventually proved advantageous when fifty-five delegates met for seventy-five days at the University of Alaska at College, near Fairbanks, in November of 1955 and drafted the constitution. The delegates to the constitutional convention, drawing on the lessons and experiences of the other states, were able to give Alaska perhaps the finest and most modern constitution of the Union.

The voters of Alaska approved their new constitution on April 24, 1956, by a better than two-to-one majority. The basic structure of the 12,000-word document embodies concepts of good court administration. It provides a bicameral legislature of sixty members, forty of whom are in the House of Representatives and twenty in the Senate. Unlike other states which today find their constitutions hopelessly outdated, Alaska faces none of these problems. The delegates to the constitutional convention provided for a strong executive branch, a truly representative legislature and many modern constitutional provisions including the nineteen-year-old vote, protection of natural resources, an up-to-date Declaration of Rights and provisions for amendments and constitutional conventions.

One of the most outstanding and unique constitutional provisions was the creation of the "borough" system of government. When the delegates met and drafted the constitution, they were especially aware of the needed revision in the system of local government. At the time of statehood there were no counties or area-wide political subdivisions, and, outside the cities and the special districts, there was no local government. "Borough" was defined as a place organized for local government purposes, as opposed to "county", which is simply a unit for state administrative purposes. The borough provides three mandatory services—planning and zoning, education, and tax collection and assessment—and is designed "to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax levying jurisdictions".

Alaska's transition from territory to statehood was a long, slow process. Since statehood, Alaska has grown politically, socially and economically. The cover of this issue shows the modern State Court Building in Anchorage superimposed on Alaska's state flag. Although Alaska lacks some of the older, historical landmarks and buildings found in other states, it does not lack a long and interesting history.

WALL STREET JOURNAL WARNS AGAINST DISC PROPOSAL IN NEW TAX BILL.

Mr. PROXMIRE. Mr. President, one of the little noted proposals in the President's new economic policy is that for a "Domestic International Sales Corporation," commonly known as DISC. It is now a part of the tax bill in the House.

As the Wall Street Journal points out, the DISC proposal may revive the "tax haven" idea that Congress stopped a few years ago. It allows corporations to "defer" Federal income taxes on profits from exports, but the proposal may well allow an exemption from taxes altogether, rather than merely defer them.

The danger is that DISC will not only become a huge new tax loophole, but that this will happen with virtually no increase in exports which is the stated purpose of the proposal.

Virtually every expert economist who has studied the proposal has come out against it. The House Ways and Means Committee has already reduced its impact and effect. Hopefully, the Senate Finance Committee or the Senate, will kill it altogether.

Mr. President, I ask unanimous consent that the editorial, entitled "That Shiny Disc," published in the Wall Street Journal of September 30, 1971, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THAT SHINY DISC

While not everything can be applauded in the new tax package that emerged from the House Ways and Means Committee last week, there is at least one evidence that the committee is fulfilling its obligation to check administration inpetuosity.

Chairman Mills and his committee took some of the shine out of an administration tax gimmick designed to encourage American business corporations ta step up their export activity. If the idea disappears entirely before the tax bill becomes law, it will be no great loss.

The idea in question is the administration's proposal that American corporations be allowed to set up "domestic international sales corporations," or "DISCs," to handle their export business. DISCs would be allowed to "defer" federal income taxes on profits from exports if those profits were applied to new export or "export-related" activities.

In a recent Washington Post article, Harvard Law School tax expert Stanley S. Surrey said that the administration proposal would, to a large degree, have been an exemption, not merely a deferral, that it would have revived the "tax haven" idea that Congress tried to kill nine years ago and that it would have cost the government some $1 billion a year. Professor Surrey, who was the Treasury's top tax specialist in the Kennedy and Johnson administrations, added that there is very little assurance that the tax bonus would in fact boost exports appreciably.

Professor Surrey's objections are persuasive and can be augmented. The use of special tax incentives to further public policy is a doubtful technique in principle, to begin with. It soon gets the entire tax structure out of kilter, creating loopholes for some taxpayers and transferring to others the burden that has been lifted from the fortunate. The result is a sense of unfairness and ill will among taxpayers, which is the first step towards wide scale efforts at evasion.

There are still other objections. DISC is another example of the practice, which is becoming too popular, of trying to fudge against the accepted rules of international trade.

U.S. authorities who try to justify such activities insist that other nations give incentives to exporters. They do, but such things are partly a matter of degree, and few nations have gone as far as the original DISC proposal would have gone towards an outright exemption from income taxes. The U.S. already is inviting retaliation from its trading partners for its 10% surcharge on imports and it is not likely that tense trade relations can withstand much further aggravation.

Further, there is a serious flaw in the idea that subsidizing industry somehow makes it more competitive. A subsidy supplies the means to become less, not more, competitive, as should have been adequately proved a long time ago by the heavily subsidized U.S. ocean shipping industry.

Despite all these objections and despite the fact that DISC-type proposals have been cut out of some tax bills of past years, Ways and Means did not kill DISC outright this time. The committee tried to provide that the tax benefit would actually be an incentive and at the same time sharply cut its potential impact on revenues. In the new version, DISC tax benefits would be based mainly on the amount by which their export sales exceeded the three previous years.

Treasury Secretary Connally doesn't think this would be sufficient "incentive" to exporters. In our view, it is a better incentive than the original, since only measurable gains would be rewarded.

But the Ways and Means version still doesn't answer the objection to tax incentives in principle. Nor does it preclude the possibility that once DISCs are established they will win further concessions. With that thought in mind, we would be very happy if the full Congress decides to send this particular DISC sailing, far enough that it wouldn't be likely to return.

PREVENTIVE DETENTION AND NO-KNOCK WARRANTS

Mr. ERVIN. Mr. President, the New York Times for September 27, 1971, published an article by Robert M. Smith reviewing the history of the first 7 months' use of the preventive detention and no-knock provisions of the controversial District of Columbia Crime Act. This article discloses that the preventive detention provisions of this act have been invoked only seven times and the no-knock provisions have been invoked only three times during this period of 7 months. While the article does not so state, my information is that four of the cases in which the preventive detention provisions were invoked were cases involving persons arrested for crimes while on probation. In my judgment, this article makes it manifest that these provisions of the act are virtually worthless as instruments for enforcing the criminal law. Moreover, as I have repeatedly stated, they are affronts to basic liberties.

I ask unanimous consent that Mr. Smith's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DETENTION POWER AND NO-KNOCK WARRANTS USED LITTLE IN CAPITAL; OTHER STEPS EFFECTIVE

(By Robert M. Smith)

WASHINGTON, September 26.—In the nation's first experiment with preventive detention and no-knock police warrants, prosecutors, judges and police officials here are making scant use of either one of the controversial crime control measures.

But other less widely discussed changes—an increase in judges, an extension of felony jurisdiction, a shift of some juvenile cases to adult court, the "decriminalization" of some family offenses—are having a major impact.

It has been seven months since the comprehensive law providing for those changes went into effect, over strong constitutionalist objections but with the Nixon Administration's hope that it would serve as a model for the nation.

In that period three no-knock warrants have been issued and seven individuals have been held under preventive detention.

The police say they are intentionally limiting the use of no-knock warrants to necessary and important cases. But preventive detention has been found to involve so complex and time-consuming a process that it is being widely avoided.

In its place magistrates appear to be detaining defendants they consider dangerous by setting high money bail, an expedient that is not uncommon elsewhere but that here deprives the accused of precisely the due process hearing that preventive detention would call for.

FINDING THE "EASY WAY"

"We have between one and four cases a week that we consider are proper for preventive detention," John F. Rudy 2d, an assistant United States attorney said in an interview. "But usually in those cases high money bond is set."

In setting bond, magistrates are not supposed to weigh a defendant's possible danger to the community, as they would do at a preventive detention hearing; their sole criterion should be whether they think he will flee.

But faced with a prosecutor reluctant to ask for detention and a three- to six-hour hearing if he does ask for it, high bond of $10,000 or more is, in the words of someone who is involved in the system every day, "the easy way."

The single most important element in the crime control package, it is generally agreed, is the reorganization of the district's courts.

Among other things, the law has extended the Superior Court's jurisdiction to include some felonies, increased the number of judges on the court by 10 to 37, and created the job of court administrator to handle the budget, hire nonjudicial personnel, and schedule staff and supplies for court sessions.

Chief Judge Harold H. Greene is proud of the results. "Felony indictments are doubling this year," he said. "For the last 20 years, there have been about 2,000 cases. What happened was the District Court was not capable of trying more than 2,000 felonies, so the others were broken down to misdemeanors."

BACKLOG CLEARED

Since taking over jurisdiction in some juvenile cases, Superior Court has succeeded in clearing up a backlog of 5,000 juvenile cases. Judge Greene says juveniles are now being tried within 45 days. Previously, there were delays of up to a year or more.

Under the act, the United States attorney may determine which juveniles he wants to try in adult court. In the past a hearing before a judge was required before a juvenile could be tried in adult court.

Now, in cases involving rape, homicide, armed felony and some burglaries, the decision is made by the prosecutor. That discretion is now under challenge in appeals court.

Lawrence H. Schwartz of the Public Defender Service estimates that "about 60 per cent of the juveniles are now tried in adult courts."

Under another provision of the act, juveniles' jury trials have been eliminated. This, Mr. Schwartz says, "means kids can't get fair trials. We were winning at least half or better of our cases with jury trial. With court trials, I can count on one hand the number we've won."

In a recent challenge, the Supreme Court ruled that juveniles need not be tried by a jury.

The crime control act also created a Commission on Judicial Disabilities, heartening those critics who think that judicial laziness and irresponsibility have reached scandalous proportions.

The commission, made up of a Federal judge, two lawyers and two laymen, investigates complaints of misconduct by judges and can impose a range of punishments up to removal, subject to higher review. It has already taken a number of complaints under consideration.

The lawyer for the D.C. police department, Gerald M. Caplan, explained the value of the commission this way:

SHIFT ON FAMILY OFFENSES

"We have judges that feel like playing golf on Friday or come into court at 11 o'clock instead of 9:30. And sometimes a policeman avoids making an arrest to avoid getting into some crazy judge's court. This is important symbolically, and because it will temper intemperate judges."

Another important provision of the court reorganization allows intra-family offenses to be handled by social workers or through a civil relief order telling the husband to stay away from the wife.

There have been an average of 200 such cases a month since the law went into effect. Of those, more than 350 either have been or will be before full court hearings, with the rest handled by social workers.

Despite the wide impact of such court changes, by far the most attention was devoted to the new law's preventive detention and no-knock warrant provisions as it was progressing through Congress.

When the omnibus crime control bill was introduced, Attorney General John N. Mitchell said it would "point the way for the entire nation at a time when crime and fear of crime are forcing us to alter the pattern of our lives."

Senator Sam J. Ervin, a North Carolina Democrat and civil libertarian, said the bill was "as full of unconstitutional, unjust and unwise provisions as mangy hound dog is full of fleas."

Despite Mr. Ervin's protests, the crime bill passed. The President signed the bill last July, and no knock and preventive detention have been available to the police and prosecutors since February.

OTHER REASONS CITED

Aside from the fact that preventive detention hearings sometimes take as long as the trial itself would, there are a number of other reasons why the Government has not sought preventive detention:

The bill provides for holding for five days anyone on parole or probation while the authorities decide if the new charge against him warrants revocation of his freedom. Mr. Rudy explained that "generally when we get a person we would consider for preventive detention, he is on probation or parole and generally the probation officer or the parole board will move for revocation."

The Government must reveal a good part of its case to the defense to prove to the magistrate or judge that the man it wants detained is likely to be found guilty.

The Government attorneys do not feel they gain much from holding a man for only 60 days. As one of them said, "Offer me 120 days for all that effort, and we'll talk about it."

The Government has been waiting for strong cases.

One challenge to preventive detention is already before an appeals court. Citing the Eighth Amendment and the Due Process clause, as well as other parts of the Constitution, it asks that the preventive detention section of the law be struck down.

As an example of how preventive detention works, two of the seven defendants detained so far were alleged to have robbed a supermarket. According to the prosecutor, they were found about 20 minutes after the robbery in a car with the money, a gun and their accomplices. He said they were both narcotics addicts. The two were detained, and while they were in D.C. jail awaiting trial pleaded guilty.

Given the problems associated with preventive detention, why has the Administration already proposed a bill that would make it apply in Federal courts in all the states?

According to Donald E. Santarelli, an associate deputy attorney general and self-proclaimed "captain" of the Government's preventive detention team, "because we hadn't enough experience with it before we put it in again."

Mr. Santarelli blames the peculiarities of the district for the limited use of preventive detention. "In this jurisdiction," he said, they want to take six days to do it. In other jurisdictions, it needs six hours. It's treated too complexly and it doesn't need to be. The United States Court of Appeals sets the tone and it's clearly a liberal court."

USE OF NO-KNOCK CLAUSE

The no-knock statute, under which the police may apply to a magistrate for a warrant that lets them enter a house without announcing their authority and purpose, has not been stymied by the courts, however. Mr. Caplan, the lawyer for the D.C. police department, explained why it has been so sparingly used this way:

"We've been reserving it for only the most important cases. Everything the police is given is subject to abuse. We never intended to use it routinely. It was always viewed as an extraordinary law enforcement need."

To try to make sure it stays extraordinary, Jerry V. Wilson the chief of the D.C. police, has issued an order requiring that he personally approve all requests for no-knock warrants.

Two of the warrants used so far have been for gambling raids. The third was issued in a narcotics case, but on the ground that the suspect was armed.

In the first gambling case, the police said they needed to burst into the apartment because it was on the third floor and if they announced themselves downstairs the suspect might have destroyed the gambling paraphernalia. They got their man—on his way to an adjoining room.

In the second case, the man had been arrested before, but had been able to throw all of his betting slips, which were water-soluble, into a bucket of water. He was still able to destroy some of them when the police burst in unannounced, apparently because it took them some time to knock down his well-buttressed door.

In the third case, the police were after an alleged narcotics distributor whose nickname was "yellow" but who reportedly carried a gun. They made the arrest, and he did have a pistol.

CREATURE OF THE PRESS

Mr. Caplan contends the no-knock issue was "a creature of the press."

"Every jurisdiction has no-knock," he said. "We've always had no-knock. The law never says how long a policeman has to wait after knocking—what, five seconds? ten seconds?"

Judge Greene calls the no-knock statute "the anti-perjury bill of 1970—it excuses the officers from saying they knocked."

In the end, Mr. Santarelli and his colleagues in the Justice Department argue that it is not any one of these specific provisions that really count.

"The biggest significance of the act," Mr. Santarelli said, "is that it has focused public attention on improving the system. Money is being broken off for every level."

"In the fall of 1968 there was almost a hysterical despair about crime here," he continued. "The climate now has not returned to the gay 'nineties, but it is a lot better than it was."

Others agree, like the prosecutor who said, "Psychologically, at least, people are beginning to feel it's not all geared to protecting the defendant."

Some, like Senator Ervin, remain very worried about what they see as an impairment of constitutional rights. Others argue that the bill does nothing about the economic and social causes of crime. And others point out that the streets of downtown Washington are still empty at night.

When all the results are in, however, even Mr. Santarelli does not hope for too much.

"The bill," he pointed out, "was a comprehensive approach to the whole criminal justice system." But, he acknowledged, "There's so much cumbersomeness in the whole damn system that no matter how and where you tinker with it, the thing manages to elude you."

THE CRISIS OF INADEQUATE RETIREMENT PLANS

Mr. CRANSTON. Mr. President, the tragic economic squeeze on Americans who are struggling to survive on fixed retirement incomes is one of the most deplorable effects of continuing inflation. Older Americans are the hardest hit by inflation. Pension rate increases fail to match cost-of-living increases. People who have worked hard all their lives to provide for their senior years retire only to find that the comfort and security for which they have toiled have vanished in a puff of high-priced smoke.

The largest group of retired Americans are those who depend upon social security, which supports only a bare subsistence. When H.R. 1, the Social Security Amendments of 1971, comes before us, I will support not only increased benefits for our older citizens, but also automatic cost-of-living increases, higher outside income allowances, lower age eligibility, and the requirement that States pass along social security increases to people who are also recipients of public assistance allowances.

As the new chairman of the Railroad Retirement Subcommittee of the Committee on Labor and Public Welfare, my first task was to consider legislation to increase railroad retirement annuities. I appreciated the support in the Senate for a 10-percent annuity increase, which was signed into law by the President on July 12. The amendments extending the time limit for the Railroad Retirement Commission will afford us an adequate opportunity to study the report. I believe we must seize this opportunity to find a solution which will not further jeopardize the already overburdened railroad retirement account and at the same time will relieve railroad retirees and their survivors.

Many Americans devote a major portion of their lives to the service of their Government and to their fellow citizens. Yet, at retirement, these Federal employees meet with discriminatory policies of compensation, health care, taxation, and survivor benefits. For this reason, I have joined with the Senator from Utah (Mr. Moss) as a cosponsor of a series of bills designed to remove these inequities. S. 1445 would establish a $200 per month minimum for a retiree with one or more dependents and a $100 per month minimum for a single retiree. S. 1444 would raise the Government's contribution for health insurance from 40 to 50 percent. S. 1442 would allow a tax deduction for the first $3,000 of civil service annuities—both social security and railroad retirement benefits are already tax exempt. S. 1443 provides restoration to full annuity to the annuitant whose dependent for whom he has also provided dies before he does.

A number of bills have been introduced to lower the age at which civil servants can retire without penalty. Permitting Federal employees to retire early would release many jobs which are desperately needed during this crisis of unemployment. Unfortunately, the administration, which is largely responsible for the dismal state of the job market, has announced its opposition to early civil service retirement programs, because of the cost.

The retirement system for career servicemen is in need of overhauling. This is another group which has performed faithful service to its country. There is a great need for the recomputation of military pay for servicemen whose active duty began prior to 1958. Retired career veterans from World War II, widows and survivors must have our help if they are to meet the increased cost of living.

Teachers who move across State lines during the course of their careers lose their retirement credit with each move to a new State. S. 2082, which I had the pleasure of cosponsoring with our distinguished colleague from New Jersey (Mr. WILLIAMS) would set a formula under which teachers moving from State to State would not be penalized in later years. This legislation is long overdue.

And speaking of the portability of teacher retirement plans, one of the areas we have most neglected legislatively is that of mobility from one retirement classification to another. For example, the person who works for a part of his career under social security and then goes to work for the Federal Government often receives very low annuities under both plans. He would have received much more had he spent his entire career under one plan. I believe we should work toward the formulation and early passage of legislation which would realistically meet the needs of our increasingly mobile society.

PROF. RICHARD N. GARDNER COMMENTS ON INTERNATIONAL ECONOMICS

Mr. STEVENSON. Mr. President, I had the good fortune recently to come across testimony of Prof. Richard N. Gardner before the Committee on Foreign Affairs of the House of Representatives. Professor Gardner was Deputy Assistant Secretary of State for International Organization Affairs from 1961 to 1965 and more recently has served on the President's Commission on International Trade and Investment Policy. His comments on international economics are timely, and I commend them to the Senate.

I ask unanimous consent that Professor Gardner's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF RICHARD N. GARDNER

My central thesis today can be summarized as follows: The United States, Europe, and Japan are drifting into an economic war. It can be avoided only by a major negotiation launched at the highest political level. This negotiation should cover trade, monetary and investment questions. It should deal not only with urgent short-term issues but with long-term arrangements. Its aim should be bold—the elimination within this century of all barriers to trade and investment between the OECD countries. Success in this extraordinarily difficult negotiation will require major concessions from all the parties—including the United States—and an unprecedented strengthening of international economic organizations.

I have reached these conclusions after serving for the last year as a member of President Nixon's Commission on International Trade and Investment Policy, sometimes referred to as the "Williams Commission" after its able Chairman, Albert L. Williams of IBM. This Commission consists of 27 members and includes the heads of major American business firms, trade unions and farm groups, as well as a few members of the academic community like myself. We were assisted by a staff of distinguished economists and heard testimony from nearly 100 experts from all over the world. Our report, which covers more than 300 pages plus two volumes of supporting documents, was submitted to the President in July, and made public on September 13. Whether one agrees with its conclusions or not, it is certainly the most comprehensive examination of our international economic policy that has ever been undertaken.

Let me emphasize that the views I express today are mine alone—they do not necessarily represent the views of the President's Commission. But I believe they are consistent in most respects with the Commission's report and find support in the statistics and supporting papers attached to it.

President Nixon's actions on August 15 have had the salutary effect of forcing the principal trading nations of the world to reform the presently inadequate system of economic arrangement. This "shock treatment" will prove beneficial, however, only if it is followed by constructive therapy in the form of multilateral negotiations based on a willingness by all major countries to reexamine their policies and take a broader view of their national interests. A successful outcome, I believe, will require progress in five main areas.

U.S. DOMESTIC POLICY

In my own view, the most fundamental cause of America's trade difficulties has been our domestic inflation resulting from the Vietnam war and the failure of the Johnson Administration to pay for it on a current basis with taxation. Between 1965 and 1969, U.S. wage costs per unit of output in manufacturing rose much more rapidly than in Europe and Japan. In only two major European countries did wage costs per unit of output in manufacturing rise faster than in the U.S.—England and France—and these countries more than compensated for this by devaluing their currencies against the dollar.

The impact of inflation on our trade and payments position has been devastating. A study prepared for the Williams Commission by Robert Solomon of the staff of the Federal Reserve Board estimated that our trade surplus and balance of payments position would have been better by $4—$6 billion a year had we maintained the same record of non-inflationary growth in the second half of the 1960's that we did during the first half. I do not say that Vietnam and domestic inflation are the whole cause of our trade difficulties, but I believe they are the major cause. We should not get ourselves into the frame of mind that the problem is mainly caused by the policies of other nations (though they have been a contributing element) or by a built-in inability of the United States to compete in world markets.

We cannot correct the errors of the past, but the United States simply must achieve a record of wage and price stability in the 1970's at least as good as its industrial trading partners. This should not be impossible in the light of inflationary pressures in Europe and Japan. As the Williams report emphasizes, however, the United States will not succeed in this goal by monetary and fiscal policy alone. We must curb our inflation—but we must also reduce our rate of unemployment to a level that is politically and morally acceptable. To do this our government must develop an incomes policy, which is to say it must bring the public interest to bear on wage and price decisions. This will mean a system of federal wage and price guidelines to guide decisions by business and labor, with federal government power to enjoin wage and price increases in exceptional cases, where these guidelines are clearly violated. The difficulty of administering an incomes policy is great, but the difficulty of carrying on without one in the present circumstances in even greater.

There are other things that the United States can and should do to restore and maintain its international trade position. The U.S. government should undertake a major program to increase U.S. exports by assisting research and development in the export sector and by expanding facilities for export credit. It should undertake a comprehensive industrial and manpower policy to facilitate adjustments within the U.S. economy. Part of this policy should be a vastly expanded program of adjustment assistance to retrain and relocate workers who lose their jobs due to import competition. Adjustment assistance should also be granted to business firms and communities injured by imports, so that they can adapt to new lines of productive activity. A comprehensive program of adjustment aid is needed not only to restore the health of the American economy but to make liberal trade policies politically acceptable.

BALANCE OF PAYMENTS ADJUSTMENT AND INTERNATIONAL MONETARY REFORM

The Administration is clearly justified in asking for a realignment in the currencies of the major trading nations. It is obvious that liberal trade policies cannot survive at present exchange rates. Since the Second World War the rest of the world, with few exceptions, has been devaluing against the dollar. The Japanese obstinately held to their parity of 360 yen to the dollar from 1949 until last month, ignoring the profound change in their relative economic position. Moreover, our severe inflation since 1965 has necessitated realignments vis-a-vis other surplus countries as well.

The surplus countries of Europe and Japan should also make their full contribution to adjustment by removing remaining import quotas, export subsidies and restrictions on capital exports as well as accepting a more equitable sharing of defense costs.

We also need reforms in the international monetary system that will permit greater flexibility in exchange rates. We need a wider band in which rates can vary around parity in order to discourage speculation and short-term capital flows resulting from differences in interest rates. We also need more timely parity changes in response to changes in fundamental economic conditions. European monetary integration should be carried forward with a view to permitting greater flexibility for European currencies to move as a group against the dollar.

On these points the recommendations of the Williams Commission are broadly consistent with Administration Policy. But a special word is necessary on the import surcharge imposed on August 15.

The Williams report, which was completed in mid-June and submitted to the President in mid-July, did not recommend the imposition of an import surcharge at this time. What it said was this: "If our balance of payments problem persists, and if other countries find a further accumulation of dollars objectionable, the United States should indicate its readiness to adopt a temporary uniform import tax and export subsidy." (Williams report, pages 11 and 42.) Of course, our trade and payments situation deteriorated sharply between mid-June and August 15 and it is possible that in the circumstances that faced the President in August the Commission might have supported the imposition of the surcharge *before* further negotiations instead of proposing that it be held in reserve during negotiations.

Moreover, it should be stressed that our Commission linked the surcharge only to solution of the world payments problem. We specifically voted down a suggestion that it be used as a bargaining device to secure changes in trade policies of foreign governments across-the-board, such as the European Community's farm policy and preferential arrangements or nontariff barriers in Europe and Japan.

Speaking personally, I would hope the Administration in the near future would indicate its willingness to remove the surcharge once satisfactory currency realignments have been agreed to and agreement has been reached in principle on a system for more flexible exchange rates. To preserve our bargaining position in the latter negotiation we could announce a timetable for the removal of the surcharge in two installments of five percent, with the first installment to be carried out concurrently with the parity changes and the agreement in principle on currency flexibility and the second installment to be carried out in a year assuming that the latter agreement has been embodied in appropriate international instruments.

An approach along these lines would seem to be required by the rules of GATT as interpreted by the United States in recent years. When Britain, France and Canada imposed import surcharges during the last decade we were prepared to accept them only when coupled with a firm timetable for removal. It can be reasonably argued that the Contracting Parties of GATT have now accepted the legitimacy of import surcharges for balance of payments reasons as well as the quantitative restrictions specified in Article 12, but it should be noted that Article 12 only permits restrictions for balance of payments reasons. We have no legal or moral right to cancel the Kennedy and Dillon Rounds unilaterally as a bargaining device to force a comprehensive re-writing of all the trade rules in our favor.

Moreover, a limited set of conditions for removal of the surcharge serves our national self-interest. If we make our list of conditions a long one, or fail to specify them, the surcharge will become an obstacle to the currency revaluations we seek rather than a stimulus to them. The more conditions, the longer the surcharge is likely to remain, and the longer it remains the greater will be the domestic pressures for keeping it and the foreign pressures for retaliation. Moreover, the longer it remains the more it feeds our domestic inflation, drives up the cost structures and undermines our competiveness.

URGENT TRADE QUESTIONS

Some policies of Europe and Japan have undermined the U.S. trade position and added fuel to U.S. protectionist demands. In addition to the unjustifiable restrictions on imports and capital export already mentioned, there are subsidies to exports, protectionist policies in government procurement, the Common Market's preferential arrangements with non-members, and its Common Agricultural Policy. Moreover, by its restrictions against Japan the Community is obliging the U.S. to take a disproportionate share of Japanese exports. For example, the United States currently absorbs over 50 percent of Japan's textile and apparel exports while Europe absorbs 5 percent.

The imminent enlargement of the Common Market poses additional problems that must be discussed now. The United States should not sit idly by as the Common Agricultural Policy is extended to the U.K. or as new preferential arrangements are formed.

These matters cannot simply wait until the enlargement of the Community is completed. If a negative U.S. reaction is to be avoided, a parallel negotiation by the Community should be envisaged now to deal with the interests of the U.S. as well as other non-members. From the U.S. point of view the aim of this negotiation should be firm assurances to protect U.S. agricultural exports and also the elimination of preferential arrangements between the Community and other countries. Where preferences are not eliminated there should be full compensation to the U.S. through reductions in Common Market tariffs in accordance with the rules of GATT.

Of course, this negotiation on urgent trade questions cannot be wholly one-sided. Europe and Japan will naturally seek elimination of unjustifiable U.S. restrictions such as the American Selling Price method of customs valuation. We have no reason to be self-righteous in trade matters. In the last decade the number of our imports subject to mandatory or "voluntary" quotas has increased from 6 to 67. The cumulative restrictive impact of these restrictions in trade terms is roughly equivalent to the liberalizing effects on our import trade of the Kennedy Round.

THE LONG-TERM NEGOTIATION

The Williams Commission recommends that, concurrently with negotiations on the problems discussed above, we undertake longer-term negotiations to prepare the way among the developed countries "for the elimination of all barriers to international trade and capital movements with 25 years." (Williams Report, page 10.)

A commitment to such a program now could transform the present grim climate of economic diplomacy. It would arrest the ominous trend toward economic blocs and assure the gradual elimination of trade discrimination against the U.S. and Japan. The prospect of the gradual opening up of the U.S. and Japanese markets to Europe would provide an important incentive to the Community and the U.K. to accept a commitment to global free trade. By following a gradual approach severe displacement of labor and capital would be avoided, yet there would be an irrevocable movement toward trade freedom on the basis of which people could plan.

The long-term negotiation, in my view, should include these main elements:

An automatic formula for the gradual elimination of tariffs. For example, tariffs of ten percent or less could be eliminated within a period of 20 years, tariffs above 20 percent could be eliminated by the year 2000.

The reduction and eventual elimination of non-tariff barriers. For example, government procurement would be opened upon a reciprocal basis and subjected to internationally agreed rules under the amount of price discrimination in favor of domestic suppliers would be gradually eliminated. (In this connection, the decision taken on August 15 to tie the investment credit to expenditures for equipment produced in the United States is a most unfortunate step.)

The gradual reduction of agricultural price supports and agricultural imports barriers. For reasons of U.S. politics as well as equity, no major effort of trade liberalization is possible unless agriculture is included.

International investment. The rights of American subsidiaries to operate without discrimination in Europe and Japan, the rights of the host countries to subject these subsidiaries to reasonable regulation, and the problems of jurisdictional conflict in areas like anti-trust, balance of payments controls, and taxation—all these questions will require new measures of cooperation in the OECD.

Trade with Communist countries. As the U.S. removes its outdated restrictions on trade with the Soviet Union and China, a common approach to trade with Communist countries should be sought, and these countries should be associated with GATT.

Trade with the developing countries. We need to fix a specific timetable to eliminate the barriers maintained by developed countries against the exports of developing countries if we are to have any hope of success in our attack on world poverty.

Such a comprehensive program could possibly develop out of the recent initiative of Secretary of State Rogers in the OECD. The Rogers initiative has thus far involved procedure without substance. Now that the report of the Williams Commission has been made public, I would hope it could form the basis of broad negotiation among the OECD countries to sort out their economic problems. This negotiation could best be launched by an extraordinary economic meeting of Heads of State, leaving it to a high-level steering committee to supervise the interrelated elements of the negotiations as they unfold in existing international forums.

Such a program will be called "impractical". It is—except when compared with the alternatives. I do not see any other approach that can contain protectionist forces in America and Europe, reconcile European integration with the interests of the United States and other outsiders, and provide the open trading world essential to economic and social progress for all.

Admittedly, the present mood in the United States and Europe is not favorable for such a bold program. The United States may say, "Don't bother us until after Vietnam and the 1972 elections." The Community may say, "Don't bother us until we have worked out our internal problems and our problems of enlargement."

If this happens, I fear the worst. In trade matters, one cannot stand still indefinitely. Unless there is forward movement soon towards a U.S.-European-Japanese understanding, we are going to move backwards. A vicious cycle of economic retaliation could quickly undermine political and security arrangements.

STRENGTHENING THE INTERNATIONAL ORGANIZATIONS

The weakness of the main international economic organizations is one of the reasons for the present crisis. This is not the fault of the agencies themselves; it is the result of the neglect and short-sightedness of their members, including the United States. The IMF has been virtually by-passed in the present monetary crisis. The GATT has been so enfeebled that hardly anyone takes a trade problem to it any more with any real expectation of positive results.

This situation works against the interests of the United States in an open, non-discriminatory system of international trade and payments in which benefits and burdens are fairly shared. A twilight of the Fund or a "Gatterdammerung," if you will pardon the pun, would be a tragedy for most other countries as well.

The United States took the leadership during and after the Second World War in the creation of these institutions. But we have often pursued policies that have weakened these institutions and worked against our long-term interests.

In the IMF, for example, we initially opposed features of the Keynes Plan that would have forced surplus countries to revalue their currencies and take their full responsibility for international adjustment and we rejected the bold concept of a Clearing Union in which international reserves would take the form of an international unit, "bancor", instead of gold and dollars. We insisted that the Fund be supervised by permanent representatives in Washington rather than high-level decision-makers from capitals. In all of these matters we weakened the IMF in ways which we now have reason to regret.

We also failed to throw our full support behind strong international machinery in the field of trade. The unwillingness of the Congress to approve the ITO or even the more modest OTC turned out to be extremely shortsighted in terms of both American and general interests. When, in the 1960s, the United States and others needed a strong international trade agency to sponsor across-the-board tariff cuts, to cope with regional trading groups, to arrest agricultural protectionism, to eliminate barriers to the exports of the less-developed countries, and to deal with new questions like the multinational corporation, many U.S. officials had reason to regret that GATT had been left so long in an undernourished condition. It is more than a little ironic that, in contrast to U.S. participation in OECD, the United States is still not represented in GATT at the ambassadorial level and the Congress still has not enacted any permanent authorization for contributions to the GATT secretariat.

I believe the time has come for a fundamental re-examination of the governing structure of both the IMF and the GATT and of the national arrangements covering our participation in these institutions. We will also need to consider some amendments or supplements to the basic substantive provisions of these institutions.

SUMMARY

One of the dangers in the present situation is that the internal political requirements in the United States, Europe and Japan could become fundamentally irreconcilable. With this in mind, it is important to avoid statements that encourage unrealistic expectations about what other countries can reasonably be expected to do.

The Williams Report includes this significant sentence: "The core of our present difficulty is the fact that government policies and practices, and international arrangements for collective decisionmaking, have not kept abreast of the high degree of international economic integration which has been achieved since World War II."

I believe that statement is correct.

The interdependence of nations has outpaced the development of economic policy. We must find economic policies to match the facts of interdependence or the benefits of interdependence will be sacrificed. This is a challenge to statesmanship second only to the search for lasting peace.

NATIONAL EMPLOY THE HANDICAPPED WEEK, OCTOBER 3-9, 1971

Mr. DOLE. Mr. President, since the end of World War II, the first week of October has been dedicated to increasing employment opportunities for our handicapped citizens. This year by President Nixon's proclamation, National Employ the Handicapped Week will be observed from October 3-9. During this week lunches, speeches, radio, and television programs, and public ceremonies will be conducted to mark the occasion and help the handicapped attempt to capture the public's eye and ear as well as the public's intelligence and conscience. Today, I suggest that we do more than just devote a week to this cause. I propose that this week of dedication to the handicapped be extended throughout the year so that we may do everything possible to fully meet the needs of the handicapped.

Particularly because of the work of the President's two task forces on the physically and mentally handicapped, the past few years have seen outstanding ideas and plans to benefit the handicapped put forward. It is time now to take up where these reports and plans leave off and translate their recommendations and suggestions into reality. By giving the highest priority to the needs and potential of the handicapped, we can help them achieve the fullest measure of self-development and meaningful participation in family and community life.

We are moving closer to this goal. More than 8 million handicapped men and women have found jobs in competitive employment through the public employment offices since 1945. The Federal Government alone in the past 25 years has hired over 500,000 physically or mentally handicapped workers.

REHABILITATION RECORD

Employment, of course, is one end of our Nation's efforts to help the handicapped, help themselves, but education, training, and rehabilitation are the important basic first steps.

During fiscal year 1971, the Department of Health, Education, and Welfare reports that a record number of 291,272 handicapped Americans were rehabilitated, meaning that for every dollar invested in rehabilitating a handicapped man or woman, that individual can expect to earn $24 during his working years which will follow his training. The significance of rehabilitation is immeasurable to the individual who becomes a taxpaying contributor, rather than a tax-using recipient, for a return to dignity is the real gain in rehabilitation.

FURTHER GOALS

Yet with these remarkable advances in rehabilitation and employment, we have a distance to go to insure equal opportunities for the handicapped. Nearly two-thirds of the severely handicapped live in families with incomes of less than $5,000 a year, but at the same time, fewer than 30 percent of the 18 million working-age handicapped receive public assistance. Far too many of the employed handicapped remain on the bottom rung of the ladder, just a step above the unemployed handicapped.

Statistics show that the poor person and the handicapped person are frequently the same. Public health service figures reveal that there exists a general ratio of 50 percent disability for families with incomes of under $3,000, and a contrasting 10 to 11 percent occurrence in those families making $7,000 or more.

These figures are even more alarming when one realizes that the number of handicapped continues to spiral relentlessly through birth defects, illness, injury, and war. Today there are 245,000 Vietnam veterans receiving disability compensation from the Veterans' Administration. Several thousand more will be added to this number as they are discharged from the military.

Advances in medical science and swift evacuation have undoubtedly helped to save our veterans, but, as a consequence, we have a far higher percentage of 100 percent disabled men returning from Vietnam. Many of these young men with a lifetime ahead of them return with little more than their wounds. Far too many have not completed their education and have neither training nor experience in skilled jobs.

These young veterans have earned our assistance. Their sacrifices were unquestioned. Our assistance must be unstinting. We must assist the Veterans' Administration in carrying out a complete rehabilitation of these fine men. We must also insure that they are properly placed in good jobs with a good future.

WORK OF THE PRESIDENT'S COMMITTEE ON IMPROVEMENT OF THE HANDICAPPED

The problems of the disabled veterans and the disabled poor have been addressed most capably for the past 25 years by the President's Committee on Employment of the Handicapped. On their anniversary today I wish to commend Chairman Harold Russell for his outstanding leadership throughout the years.

Mr. Russell has dedicated himself and the President's committee to exploring the very difficult problems facing our handicapped citizens and to seeking new ways of meeting and resolving these problems, while continuing their national education and information programs to acquaint the American people with the outstanding qualities of the physically and mentally handicapped worker.

The President's committee depends on its volunteers in every State across the Nation. And these volunteers in turn depend on the American people to rise to the challenge of the disabled veteran and the disabled poor.

THE PRESIDENT'S MESSAGE

President Nixon, in his proclamation naming October 3 to 9, 1971, as National Employ the Handicapped Week has asked for the opening of "a newly self-reliant and fulfilling way of life for many thousands of handicapped men and women."

The President placed particular emphasis on America's "special trust of redeeming the sacrifices of our disabled veterans of the Vietnam era by giving them the very best in rehabilitation and employment assistance."

I would like to join the President in recognizing the partnership of business, Government, and the public which has worked together on the President's Committee on Employment of the Handicapped.

Truly, as President Nixon says:

> American society is learning that no handicap is insurmountable when a man has an unlimited view of himself and an ounce of help from his fellows.

I propose that we join together in continuing to provide that "ounce of help" to our disabled fellow citizens. Throughout this entire year we must implement existing recommendations and rededicate our efforts to find new means of helping the disabled Vietnam veteran and the disabled poor.

I ask unanimous consent that the proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

[Presidential Documents]

PROCLAMATION 4073.—NATIONAL EMPLOY THE HANDICAPPED WEEK, 1971

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation from Beethoven, who could not hear but gave the world magnificent symphonies, to Franklin Roosevelt, who could not walk but led America through giant strides in peace and war, history is full of proof that the whole of human potential is far greater than the sum of its physical parts—limbs or organs or faculties.

It was in recognition of this truth, and of the Hebrew wisdom that "the best alms are . . . to enable a man to dispense with alms," that the President's Committee on Employment of the Handicapped was established 24 years ago. For nearly a quarter century now, business, government, and the public have worked together as partners in this Committee—to open a newly self-reliant and fulfilling way of life for many thousands of handicapped men and women, and to unlock for the rest of us the benefits of the unique contribution each handicapped person has to make. Through such efforts, American society is learning that no handicap is insurmountable when a man has an unlimited view of himself and an ounce of help from his fellows.

This is a record to be proud of—and to build on still more energetically. Our responsibility to help provide training, jobs, and real opportunity for those who are handicapped as a result of accidents, birth defects, or disease, is a continuing challenge. In addition, we bear today the special trust of redeeming the sacrifices of our disabled veterans of the Vietnam era by giving them the very best in rehabilitation and employment assistance.

Now, therefore, I, Richard Nixon, President of the United States of America, in accordance with the joint resolution of Congress approved August 11, 1945, as amended (36 U.S.C. 155), designating the first full week of October of each year as National Employ the Handicapped Week, do hereby call upon the people of the United States to observe the week beginning October 3, 1971, for such purpose.

I urge the Nation's Governors, mayors, and all other public officials, as well as leaders in every area of American life, to join with the handicapped themselves in active participation in this observance.

In witness whereof, I have hereunto set my hand this 13th day of August, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-six.

RICHARD NIXON.

[FR Doc. 71-12046 Filed 8-13-71; 4:39 pm]

A VOTE OF CONFIDENCE FOR WOMEN IN POLITICS

Mr. PROXMIRE. Mr. President, we can talk and talk about equal rights for both sexes. Husbands and wives talk about it constantly. A certain balance has come to be expected.

In this country the issue of equal political rights for women is just beginning to emerge in the public consciousness. It is a question not only of equal rights for women, but also of equal rights for men. For if women now possess less political power than they deserve as the numerical majority in this country, it stands to reason that men possess more representative power than they deserve, at least on a purely numerical basis.

An abstract value such as equality should not be computed solely on a numerical basis, of course. It seems quite reasonable to me that certain men might represent the true interests of women more adequately than certain women would.

Still, one's sense of justice and equality must be somewhat disturbed at the thought that legislation affecting the welfare of both sexes should be deliberated and decided upon by a body of 99 men and only one woman.

Let us face up to the facts: This body would be more representative of the people of this country if there were more female Senators.

Until the various State constituencies choose to elect more women to high office, however, there are still things that the Senate can do to demonstrate our willingness and eagerness to bring more women into positions of political power in America. For example, the Senate could ratify the Convention on the Political Rights of Women. Although we do not like to think of ourselves as a backward nation, it is interesting to note that over 40 other nations have already gone on record as supporting the convention.

Over 40 nations have acted to demonstrate the commitment to full political equality between the sexes, but on this issue the United States still lags behind. Mr. President, I strongly urge that the Senate ratify the Convention on the Political Rights of Women. Let the Senate stop delaying consideration of this treaty. The women of America deserve a vote of confidence.

A UNIQUE, EFFECTIVE EDUCATION PROGRAM

Mr. HANSEN. Mr. President, the city of Casper, Wyo., carries out a community health education program utilizing the communications media which is both unique and extremely effective, and which I am pleased to bring to the attention of others.

More than 2 years ago, members of the Natrona County Medical Society joined with businesses, representatives of the news media, and volunteer workers in Casper to initiate the "Dr. Dial" program—a one-of-a-kind effort utilizing several telephone lines to provide to the public important information about health problems.

Surveys were conducted in the public school system at Casper to determine what health questions were in the minds of students. Qualified medical personnel provided the answers to the questions, and these were converted to recorded telephone messages offering professional and helpful information to those who called the "Dr. Dial" numbers. The news media and various businesses and organizations in Casper cooperated to make the citizenry aware of the "Dr. Dial" program. The success of this effort is dramatically demonstrated by the fact that during the 2 years the "Dr. Dial" system has been operating, more than 500,000 calls were logged in this community of 40,000 persons—an average of 3,704 calls per week.

It was not long before news of this outstanding program spread outside of Casper, and the U.S. Department of Health, Education, and Welfare became interested. Impressed by the effectiveness of the "Dr. Dial" program as a means of reaching the public with vital health information, HEW chose Casper as the site for an experimental model program to test utilization of mass communications media for dental health education.

The HEW-aided pilot project, sponsored by the Central Wyoming Dental Society, has been completed and a preliminary report prepared which indicates the program was highly successful and should be tried in communities throughout the country.

Mr. President, the results of the program were excellent, and the reason it was so successful was because of the tremendous amount of local cooperation and mutual effort. The news media—radio, television, and the newspapers—did an outstanding job of making the public aware of periodontal disease, a problem most believe could be totally prevented with proper dental care.

Basic information about the prevention and control of periodontal disease was provided through the four "Dr. Dial" telephone lines at the local hospital, and individuals were informed of ways to self-evaluate and improve their oral hygiene practices through materials available at pharmacies throughout Casper.

The local banks aided the program by including post card questionnaires through their bank-by-mail service to determine how many people were aware of the "Dr. Dial" service and how many had visited a dentist as a result of the program.

It was learned that about 60 percent of dental patients queried had been exposed to the media material. And, as the HEW report states:

> The most important outcome of a health education program of this kind is to actually get people into the dental offices for preventive treatment. The most dramatic finding of the Casper project relates to this objective. Approximately 14 per cent of the patient group appeared in the dental offices because they had been reminded by the program of the consequences of dental neglect. More than half of this group acknowledged "Dr. Dial's" influence specifically on their seeking dental care.

The report further notes that:

> The Casper project demonstrates conclusively that the potential for dental health promotion through the talent and energy of individual citizens and community groups is enormous.

Mr. President, the approximate cost of this program in a community the size of Casper, excluding developmental costs, would be a ridiculously low $500, because the members of the community provide the manpower and talent to carry it out. They are happy to contribute because the program can only help their city.

Now that the HEW pilot dental hygiene program has been completed, Casper is continuing as before to provide vital information to its residents through "Dr. Dial."

Now contemplated is a drug education program that would be carried out essentially the same as the dental education program. The news media would be called upon to publicize the program, and "Dr. Dial" would continue to advise callers, this time concerning the pittfalls of drug use.

The director of Casper's "Dr. Dial" program is Dr. Louis Williams, a practicing orthodontist and an enthusiastic and committed man. Dr. Williams is working now with others, including experts at the University of Wyoming at Laramie, to help establish "Dr. Dial" health education programs elsewhere.

Mr. President, I believe this to be an outstanding program not only because it is so effective, but because it involves the citizens of a community in an effort to improve their own circumstances. It is such a sensible and logical means of reaching people. I commend those in Casper who have worked on this fine project, and I hope the idea will be examined by other communities.

I ask unanimous consent to have printed in the Record at the conclusion of my remarks a brief summary of the "Dr. Dial" dental hygiene program and a listing of some of the Casper citizens, in addition to Dr. Williams, who have helped carry out the program.

I hope to work with Casper citizens as they apply this most effective technique to the problem of drug abuse, and I know they will accomplish a great deal because of their ability to work as a community to meet local problems.

There being no objection, the summary was ordered to be printed in the Record, as follows:

SUMMARY

A mass communications system was used in Casper, Wyoming, for a six-week health education project on the prevention and control of peridontal disease. The mass media—radio, television, and newspaper—were used for creating public awareness to peridontal disease and stimulating interest in the program. Five radio and television spot announcements served this purpose. Four open telephone lines at a local hospital which disseminated basic information about the prevention and control of the disease encouraged the public to take action. Six telephone messages, one for each week of the program, served this purpose. These messages were presented by "Dr. Dial," a fictitious but authoritative source of health information in Casper. In addition to the usual opportunity to seek care in the dental offices of the community, individuals were also afforded an opportunity to self-evaluate and improve their oral hygiene practices through educational materials available from the pharmacies throughout the community. These materials were comprised of brochures, disclosing tablets and toothbrushing charts.

The dental health spot announcements were aired 737 times during the six weeks of the project. Approximately 60% of the dental patients who had appointments during the program reported that they had seen or heard the spot announcements on radio or television. A total of 33,394 calls was received by "Dr. Dial," an average of 5,566 calls for each week of the project. The demand for the dental health materials distributed through the pharmacies was low. The most dramatic finding was that 14% of the patients who appeared in the dental offices were there because they had been reminded by the program of the consequences of dental neglect.

This model program is recommended for application in other communities throughout the country.

ACKNOWLEDGEMENT

In addition to the organizations in Casper, referred to in the text of this report, special acknowledgement is made to the following individuals whose assistance in the project contributed a large measure to its success:

Larry Wakefield ("Dr. Dial"), KATI Radio.

Angela Peach, Central Wyoming Dental Auxiliary.

Richard Sheldon, Mountain Bell Telephone Company.

E. D. Merrill, KTWO Television.

James Nelson, President, Natrona County Pharmaceutical Association.

Virginia Lathrop, Blue Envelope Fund.

Sabrina Kincaido, Casper Youth Council.

Warren Perkins, First National Bank of Casper.

Members of the Advisory Committee:

Dr. Donald K. Allen, Dr. A. F. Germon, Dr. Bruce Eddy, Dr. William Harris, and Dr. M. G. Prugh.

Larry Wakefield, KATI Radio; Robert Johnson, Kassis Department Store; Joan Marcus, Casper Star-Tribune; Dana Van Burgh, Jr., Casper Public Schools; and Donn Driscoll, Casper Public Schools.

National Institutes of Health, HEW:

James Secrest. Terry Brickley, Marinora Krause, Dr. Edwin Evans, and Tula S. Brocard.

SOVEREIGNTY OF ROYAL LAO GOVERNMENT

Mr. DOMINICK. Mr. President, a recent column by Rowland Evans and

Robert Novak, published in the Washington Post, provides a most concise and objective assessment of the situation in Laos. Simply stated, the two columnists, writing from Vientiane, conclude that the Royal Lao Government can maintain its sovereignty against invading North Vietnamese troops only with continued U.S. military aid. And they state that Lao officials live in fear of the day the U.S. Congress will end the essential military aid and with it all hope of resisting the North Vietnamese.

Mr. President, this firsthand report comes at a time when once again we are being asked to act to restrict the support which is essential to the survival of the Vientiane government, and at a time when our allies in Asia and other parts of the world are wondering what the Nixon doctrine will mean to them.

For Congress to act to restrict the President's program for support of this country would be a serious mistake, not only because we would in effect be insuring another foothold for Hanoi in its conquest of Indochina, but because it might very well signal others of our friends in the area that Congress is not prepared to support the President in his pledge to help those who are willing to help themselves in the fight against outside aggressors.

I commend the Evans and Novak column, entitled "U.S. and the Agony of Laos," published in the Washington Post of September 27, 1971, to the Senate. I urge Senators to consider its message most carefully as we prepare to vote on this matter. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. AND THE AGONY OF LAOS

VIENTIANE, LAOS.—Dark apprehension inside the Royal Lao government over this country's future stems from the questioned credibility of the Nixon doctrine in protecting small Asian states from Communist aggression.

The facts are brutally simple: This small kingdom can maintain its sovereignty against invading North Vietnamese troops only with continued U.S. military aid. But that aid is being reduced under Washington's budgetary pressures. Far worse, Lao officials live in daily dread that the U.S. Congress—if not this year, then next—will effectively end military aid here and thereby throttle resistance to the invaders.

Apprehension in Laos, then, tends to confirm the worst suspicions about the Nixon doctrine when first enunciated in 1969: That it is not really a system for helping Asian countries wishing to defend themselves but is a cosmetic covering American withdrawal from Asia. Fear grows in this capital that Laos may lose its independence as the price of American disillusionment over mistakes in Vietnam.

Certainly, Laos fully meets Nixon doctrine specifications. The problem is not ineffective Communist Pathet Lao guerrillas but four divisions of North Vietnamese regulars. To resist them, Laos receives from Washington neither American troops nor the lavish multi-billion-dollar spending still maintained in Vietnam but a lean, dedicated cadre of professional military advisers from the U.S. Central Intelligence Agency and a $375 million ceiling on annual aid.

There is no realistic diplomatic alternative. Hanoi's Pathet Lao puppets will not even admit the existence of North Vietnamese troops in Laos, making negotiations impossible. In truth, Hanoi properly views Laos as part of the overall Indochina war. That means a peaceful settlement here short of capitulation by the Vientiane government is impossible without a settlement in Vietnam itself.

Given such bleak diplomatic prospects, there is doubt how long Laos can hang on with American aid. Defense Minister Sisouk na Chamassak told us frankly he questions whether resistance can last even two or three more years because of the attrition of Lao manpower.

But American aid is steadily diminishing. Whereas the war in Vietnam is still fought essentially without dollar ceilings, this is a pinch-penny struggle where every military operation has a budget limit.

The result: Lao troops are badly outgunned. Only 40 per cent of Lao guerrilla forces, the country's most effective units, have M–16 automatic rifles. Sorties by U.S. Air Force jets have been drastically reduced. Only two new T–28 propeller-driven bombers arrive for the Royal Lao air force each month, an inadequate replacement rate. Washington refuses to supply tanks against Soviet armor increasingly used by North Vietnameses units. Nor are any armored personnel carriers or M–60 machine guns supplied.

Congressional reductions of this threadbare level could stifle resistance to the North Vietnamese. In particular, a congressional proposal to ban U.S. payment of salaries for some 5,500 volunteer troops from Thailand would be fatal. Its own manpower base depleted, Laos could not have survived in 1971 without Thai army units.

The fact that American liberals are outraged by 5,500 invited Thai troops and ignore 57,000 invading North Vietnamese is part of the topsy-turvy reasoning which rightfully baffles the Lao government. Similarly, shamefully erroneous reports of systematic American bombing of Lao villages caused an uproar in Washington, which ignores certifiable devastation of villages by Communist mortars.

Self-imposed bombing restrictions were dramatized during the recent recapture of Paksong from the North Vietnamese. Hovering over the battle in a helicopter some 2½ hours, we watched U.S. and Lao bombers carefully exclude the town from attack even though Lao troops were being butchered by North Vietnamese mortars intentionally set up in the center of Paksong.

Facing uncertain support from Washington, high Lao officials desperately place their hopes—almost surely unfounded—on President Nixon's visit to Peking somehow resolving the Vietnam war and, with it, the agony of Laos.

Therefore, the future of Laos depends upon American help, whether it be military or diplomatic. Ngon Sananikone, Minister of Public Works and Transport, puts it poignantly. "We are a small country dependent upon the great powers for our fate," he told us. "We chose to put out fate in the hands of the United States." In Vientiane, officials now fear that choice may have been tragically in error for this country's future.

SMALL TOWNS NEED DOCTORS

Mr. HATFIELD. Mr. President, during the August recess, I met in Oregon with a group of Oregonians recognized as leaders in the medical and health care professions. Our discussion covered many topics in the broad health care area, and one was the problem of doctor-short small towns.

Attracting general practitioners to small towns is but one facet of the broader problem of encouraging a better population distribution across the country. Until a small town has adequate medical service, its attempts to improve its quality of life will be stifled.

One of the men with whom I discussed this problem was Carl W. Anderson, the respected administrator of one Portland clinic. He sent me an article on attracting doctors to small towns which I read with interest.

The Federal Government must assist in efforts to attract doctors to small towns, as well as pushing forward in other areas of assistance, so we can help achieve a better population balance.

I ask unanimous consent that Dr. Anderson's letter and the article from Medical Opinion be printed in the RECORD, I only wish there were some way to duplicate the beautiful colored pictures accompanying the article.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE PORTLAND CLINIC,
Portland, Oreg., August 25, 1971.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.
(Attention Mr. Walter Evans).

DEAR SENATOR HATFIELD: In connection with our discussion last Sunday, I thought you might be interested in the enclosed article from "Medical Opinion" dated July, 1971.

As you can see, some of these places seem to offer beautiful conditions but they have been unable to keep a practicing physician for any length of time. Regardless of the physical beauty, I would guess that part of the problem stems from the fact that one man, working alone, cannot assume such responsibility without eventually deciding the long hours and inability to get away for an occasional break make life too short. This, at least, has been the feeling expressed to me on many occasions by those who have tried such situations. Apparently there is going to have to be some way devised to provide periodic relief for the physician who assumes responsibility for taking care of medical problems in a small community.

Sincerely,

CARL W. ANDERSON,
Administrator.

Enclosure.

GREAT PLACES THAT NEED A GP

(By Bernard Magil)

Like the vanishing Indian, the General Practitioner refuses to disappear. But he often is hard to find. Some 136 counties and thousands of towns and villages in the U.S. are without a physician. Many of them have population enough to assure a flourishing practice, and are actively looking for a practitioner.

In addition, there are communities that do have a GP or two but need more, either because the patient load is too heavy or because some of the practitioners plan to retire. In such cases, a newcomer often has the option of solo practice or partnership with an established physician.

Small-town life can be dull and provincial to the physician enamored of the pace and sophistication of a large city. But others may welcome escape from urban pollution and decay to smaller communities that offer attractions of a different type: a more healthful environment for children, outdoor sports and recreation, quieter life-style, and opportunity to know patients better and provide medical care in a more personal way. *Medical Opinion* offers a sampling of small, but great places that need a GP.

INDIAN LAKE, N.Y.—High in the heart of Adirondack State Park, this community of 1,200 (5,000 in summer) has a fully equipped health center but no physician. A 77-year-old GP who retired has resumed part-time practice until a permanent full-time physician can be found.

The health center facilities would be rent-free, and the town will guarantee $10,000 annually in addition to private fees. An additional $2,700 a year could be earned as school physician and health officer. The nearest hospital is at Tupper Lake, about 50 miles away. The town and nearby areas offer a wide range of year-round recreational activities: swimming, boating, water skiing, fishing, two nine-hole golf courses, tennis, horseback riding, hunting (deer, black bear, birds, snowshoe rabbits, coyotes, bobcats), and winter skiing.

Contact: Max Golde, Indian Lake, N.Y. 12842.

Tekoa, Washington.—The interested GP will be able to step into a fully equipped clinic and start practicing immediately in this town of 950 in the east central part of the state, near the Idaho border. Doctors who served here in the past grossed upward of $37,000 a year.

The nearest hospital is at Colfax, 32 miles away; there are other hospitals in Spokane, 45 miles by freeway. Plans are being made to build a 60-bed nursing home.

This community, which has a drawing area of over 4,000, is in the midst of rich wheat farm country. Logging and mining add to the economy. Schools cover 12 grades, Washington State University is 50 miles away, the University of Idaho is about the same distance. There are several churches.

The town has a golf course, a bowling alley, a swimming pool, a library, and a movie theater. Fishing and hunting are nearby.

Contact: Dave Drain, Box 340, Tekoa, Wash. 99033.

Olathe, Colorado.—"You get away from the rat race here," says one long-time resident of this town, 5,400 feet above sea level. Set in the midst of scenic splendor, Olathe looks at Grand Mesa, the world's largest flat-top mountain, and its more than 200 lakes and waterfalls, only 25 miles away. The town is vitrually next door to the Black Canyon of the Gunnison National Monument.

Some 60 percent of the town's population are pensioners, but the drawing area of 3,000 contains a cross section of all ages. The community needs a general practitioner and offers him an office with X-ray and other equipment. One hospital is at Montrose and another at Delta, each about 10 miles distance.

There is good hunting and fishing in the immediate vicinity, ski areas on Grand Mesa and Crested Butte, golf courses and movie theaters nearby.

Contact: Herbert W. McGrath, R.Ph., Box 528, Olathe, Colo. 81425.

Afton, N.Y.—Situated among heavily wooded hills in the valley of the Susquehanna River in the south central part of the state, Afton is a very attractive community of 1,200 with a drawing area of approximately 6,000 people. The town is now seeking a GP to share the professional burden of one who has been practicing here for 15 years. The new physician would share the office and the major equipment of the established practitioner. A partnership with that practitioner is possible.

A 99-bed municipally-owned hospital is in Sidney, 11 miles away; an extended care unit to be built will add 30 beds. Afton has an elementary and high school, several colleges are nearby—Cornell and Colgate are only an hour's drive. There are one Catholic and four Protestant churches.

Boating and fishing are popular on the Susquehanna River and there are many trout streams in the area. Within an hour to an hour-and-a-half drive are four ski resorts. Chenango County, in which Afton is located, is considered one of the best deer hunting areas in the state.

Contact: Charles H. Graf, M.D., Afton Medical Building, Afton, N.Y. 13730

Hertford, N.C.—This historic old town of 2,300 is in the northeastern part of the state in Perquimans County. There is no physician in private practice in the county.

But the people have shown their determination to get one by voting a $250,000 bond issue for a medical clinic. A site has been purchased, but construction plans await the finding of a GP. With a drawing area of more than 15,000 people, there would be no dearth of patients. Hospitals in Edenton, 12 miles south, and Elizabeth City, 18 miles north, both outside the county. A round-the-clock rescue squad has 75 volunteers and three ambulances.

County children attend three elementary and two high schools. The two-year College of the Albemarle is in Elizabeth City, as is the four-year Elizabeth State College, a Negro institution. East Carolina University is in Greenville, 80 miles southwest of Hertford. There are churches of various denominations.

The Perquimans River flows through Hertford, and Albemarle Sound is 12 miles from the town; both offer excellent swimming, boating, water skiing, and fishing. In the fields, forests, and waterways there is a variety of game: ducks, geese, quail, rabbit, squirrel, deer, bear. Golf courses are in Edenton and Elizabeth City.

Contact: Joe Nowell, Star Route, Winfall, N.C. 27985.

Reedsville, Wisconsin.—"I came here 17 years ago expecting to stay only two or three years, but you couldn't get me to leave," is how Superintendent of Schools John Worachek sums up his feelings about Reedsville.

Located in east central Wisconsin dairy country, this community of 1,000 is between Lake Michigan and Lake Winnebago, 27 miles south of Green Bay. The town has a modern, well-equipped two-doctor-and-dentist medical center, built with the assistance of the Sears-Roebuck Foundation. After several doctorless years, a physician is arriving this month, but another is sought since the drawing area of 5,000 can support two GPs.

The nearest hospitals are in Manitowoc on Lake Michigan, 17 miles each, other hospitals are in the city of Green Bay. A school through 12th grade recently was built. The University of Wisconsin at Green Bay, and Lawrence University in Appleton, are each 30 miles away; other colleges and universities are nearby. There are four churches.

The lakes and bay are favorite spots for swimming, boating, water skiing, and fishing. Goose and deer hunting are a short distance away as are several golf courses.

Contact: John Worachek, Reedsville, Wis. 54230.

Eagle, Colorado.—On Interstate 70 at the town of Eagle (population 700) hangs a banner: "Eagle Valley Needs a Doctor." Whoever answers the call will find himself in the midst of a continuous technicolor spectacular where mountains, lakes, rivers, national forests, and recreation areas abound. Thirty miles east and 70 miles south, respectively, are the ski meccas of Vail and Aspen—the latter also internationally famed as a cultural and winter sports center. Denver is half an hour by plane from the county airport.

The town has a drawing area of 2,400. A modern medical center facility has been doctorless for two years. A 35-bed hospital is at Glenwood Springs, 30 miles west.

Eagle has a 12-grade school, Methodist and Catholic churches, a weekly newspaper, and a movie theater. For the hunter there is game aplenty: mule deer, elk, bighorn sheep, bear, grouse, ptarmigan, and sage hens. Fishermen can find trout in the Eagle and Colorado Rivers, in mountain streams and lakes.

Contact: Mrs. George Chandler, Box 233, Eagle, Colo. 81631.

OR LOOK INTO THESE

Homedale, Idaho.—Population 1,600, drawing area 5,000. Office space is available, the nearest hospital is 15 miles away. Homedale is on the Snake River where fishing and boating are popular. The area is one of the best in the state for pheasant and duck hunting. Deer country is a 50- to 100-mile drive. Two golf coursse are 15 miles distant.

Contact: Lester Corter, Box 276, Homedale, Idaho 83628.

Chebeague Island, Maine.—This community of 350 (1,800 in summer) needs a part-time clinician, perhaps a semiretired GP. Estimated income about $8,000–$9,000, plus a rent-free two-story residence that includes office and examining room. There are two hospitals in Portland, 15 miles away. A yacht club and golf club are opposite the residence office.

Contact: Louis B. Dennett, Chebeague Island, Me. 04017.

Provincetown, Mass.—This famous summer resort and fishing village at the tip of Cape Cod is looking for an associate for an established elderly GP, with an opportunity for partnership. The 3,700 population swells to 12,000 in summer. There is one other GP in town, a nearby medical group provides an additional doctor in summer. A hospital is located in Hyannis 50 miles away.

Contact: Daniel H. Hiebert, M.D., 322 Commercial Street, Provincetown, Mass. 02657.

Delta Junction, Alaska.—This town of 1,000 in the east central part of the state is at the terminus of the Alaska Highway where it meets the Richardson Highway. The drawing area contains some 2,500 persons engaged chiefly in farming, retail merchandising, and civil service (the civilian employees of Fort Greely miltiary base, five miles away).

An office facility awaits the enterprising physician; it has a waiting room, two examining rooms, X-ray equipment, and a laboratory. The former occupant grossed $33,000 a year. The nearest hospital is at Fairbanks, 100 miles northwest; but the Delta Hospital Corporation has purchased a site and plans a fund-raising drive to build a local hospital. The arrival of a new clinician would stimulate these efforts.

The local school goes through the 12th grade, the University of Alaska is at Fairbanks where theater, music, lectures, and other cultural fare are available. There are churches of various denomination. This is great hunting and trapping country; within 50 miles are grizzly bear, moose, caribou, lynx, wolf, coyote, bison, ptarmigan, willow grouse, snowshoe rabbits, wolverine, fox, porcupine, beaver, and horned wall sheep.

Contact: George N. Norton, Box 892, Delta Junction, Alaska 99737.

Anguilla, V.I.—A GP who can handle general surgery is urgently needed on this island, population 6,000, situated 80 miles east of U.S. Virgin Islands. Doctor will have rent-free modern house, servant, car. Government salary, $6,000; private practice brings income up to $20,000. Anguilla has a small Cottage Hospital, moderately well equipped. Magnificent climate, beaches, sailing, fishing.

Contact: B. Schaffner, M.D., 220 Central Park South (3A), New York, N.Y. 10019.

Hamilton, Tex.—"Deep in the heart" and almost in the exact center of the state, Hamilton is a prosperous town of 3,500. It has a 77-year-old MD who is ready to semiretire, a board-certified general surgeon, and an osteopathic physician. The town has an accredited hospital. Another GP is sought who can, if he wishes, join in partnership with the surgeon.

Contact: Ovid C. Dill, Hamilton County General Hospital, 400 North Brown Avenue, Hamilton, Tex. 76531.

ADDRESS BY SENATOR HUMPHREY BEFORE NATIONAL WATERWAYS CONFERENCE, INC., AND UPPER MISSISSIPPI WATER ASSOCIATION

Mr. ALLEN. Mr. President, during the 92d Congress, it has been my pleasure to serve on the Subcommittee on Rural Development of the Committee on Agriculture and Forestry. This has been a labor of love, because I firmly believe rural development holds the key to so many of the problems which currently trouble our great Nation and my home State of Alabama.

The members of the subcommittee have also been extremely fortunate to work under the very able leadership of the former Vice President, the junior Senator from Minnesota (Mr. Humphrey). He has been a vigorous chairman, as is evidenced by the numerous field trips which we have made to investigate rural development needs in all sections of the country.

My own State was privileged to play host to one of our field trips; and while in Decatur, Ala., in July, we had a chance to witness what the Nation's water resource program can mean to rural revitalization and the achievement of a more rational population balance.

I believe our distinguished chairman (Mr. Humphrey) was as impressed as I was with what has happened in the Tennessee Valley as a result of water resource improvements and the advent of river navigation.

In this connection, I was happy to obtain a copy of the excellent speech which the Senator from Minnesota made on September 15 to a combined meeting of the National Waterways Conference, Inc., and the Upper Mississippi Waterway Association in St. Paul, Minn.

As Senator Humphrey pointed out, water programs are one of the few Federal undertakings which tend to disperse rather than concentrate the population. Most water projects are located in rural areas, and they quite often provide the stimulus for unparalleled growth and expansion of less populated areas.

I was also pleased to see that the distinguished chairman of our Rural Development Subcommittee came out firmly against proposals to levy tolls or user charges on the inland waterways. As the Senator so rightly said:

> Such charges would not only curtail the agricultural economy; they would limit the ability of water projects to sustain industrial growth and job development.

Water resource programs can be a major instrument of rural improvement programs. But if we cripple these programs through discriminatory and shortsighted tax schemes, we will negate the role of water projects in rebuilding rural America.

Once again, let me congratulate the distinguished Senator from Minnesota for what I consider to be a perceptive and timely speech. With his continued leadership, I am sure that we can begin to make some progress in this field that has been too long neglected.

Mr. President, I ask unanimous consent that Senator Humphrey's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Freedom To Live the Good Life

(By Hon. Hubert H. Humphrey)

If the average American were asked to list some of the Freedoms he enjoys in this country, I'm sure he or she could come up with an impressive list: Freedom of press; freedom of speech; freedom of religion; freedom to vote and belong to the political party of your choice; and even freedom to protest against actions of the government

All of these are cherished freedoms, and we constantly must be on guard against their erosion. We must remember that unless these freedoms are extended to all persons, they potentially can be denied to everyone. So our freedoms must be indivisible and universal in their application.

Today, however, I would like to talk with you about a growing list of freedoms that the average American is just beginning to articulate and demand. These new demands might be summed up as the *Freedom to Live the Good Life*. Just what do I mean by this expression?

Perhaps the most elementary aspect of the Good Life is the right of personal security and safety in your everyday activities. This is a freedom that most of us took for granted when we were growing up, and it has only been within the last few years that the freedom of personal safety has come under attack.

What kind of life is it to live in constant fear that your children may come under the influence of drugs? Yet, when we look at many of our big cities today, we see just that kind of fear stalking the streets. We read that apartment buildings, schools, and even private homes are becoming virtual armed fortresses.

We add more policemen, but the crime rates continue to go up. Raid after raid and arrest after arrest fails to stem the flow of drugs into our large urban centers, and our children become the victims.

Certainly our citizens cannot have the Freedom to Live the Good Life unless they can live in safety, but in recent years neither government nor society seems able to provide that guarantee of freedom.

A second "right" being demanded by our citizens is the freedom to enjoy a quality environment. They are tired of polluted rivers and streams; they are literally sick of polluted air; and they are fed up with noise, traffic jams, and the rush, rush, rush of everyday life. But how many of our major metropolitan areas can offer an environment free of noxious pollution? Not many, I can tell you.

In a great number of our cities—thank goodness Minneapolis and Saint Paul are not yet among them—pollution has become a way of life. Americans in these cities do not wake up to the sunrise; they wake up to haze, fog, and smog. Those of us in Washington often experience days in which you can hardly see the dome of the Capitol because of pollution. Noise levels and traffic jams seem to be on the increase almost everywhere.

I don't think many people would include pollution, noise, and congestion as elements of the Good Life. Yet fewer and fewer Americans live in an environment free of such things.

Going hand in hand with the demands for a good physical environment is a desire for what might be called psychological freedoms. I have already mentioned the freedom from fear. But we would also like to have neighbors and be neighbors, in the true sense of the word. We would rather not be treated rudely on the streets or the sidewalks. We would rather not be crowded, congested and rushed all the time. We would like to live in an atmosphere of mutual trust and friendship.

But do you find this kind of atmosphere in our big cities? Not very often. People either don't have time to be friendly, or they are afraid that if they extend the hand of friendship they will be betrayed. It has reached the point that people have actually been murdered in broad daylight while passers-by stand around and watch—afraid to get involved. This kind of psychological fear and distrust breeds on itself and can eat away at the very fibre of the Nation.

So our citizens are demanding relief from those terrible psychological stresses and fears which prevent the Freedom to Live the Good Life.

More and more Americans are demanding the traditional—but often ignored—freedom of economic security which I suggest is directly tied to yet another freedom—namely—freedom of residence:

The current recession has reminded us once again that "unemployment" and "under employment" are not simply terms in the jargon of economists; they are very real facts of life for millions of our fellow citizens today.

Today's recession has merely compounded the already worsening situation of job opportunity dislocation in our nation.

Welfare rolls in our big cities have grown to such an extent that welfare now consumes a major portion of the budgets of cities like New York, Washington, D.C., Atlanta, Los Angeles, Detroit and Chicago. Many of those on these welfare rolls are rural migrants or children of rural migrants. Many of these people simply cannot find work in either their rural communities of their origin or in the big cities to which they have migrated.

Such movements of people have exacerbated the problems of crime; psychological stress and environmental pollution in our larger cities and have stripped our rural countryside of both its potential and its promise.

Add all of these things together and you have anything but the Good Life. You have something more akin to a life of trial and tribulation. So if we are going to restore the Freedom to Live the Good Life, how shall we go about it? Where do we start?

You have no doubt noticed the association I have made between the demands for a Good Life with what is popularly called the urban crisis. This is no accident, becaues in most cases the loss of those freedoms which contribute to the Good Life can be traced directly to the urban crisis.

Many of you here today, who like myself grew up in rural areas or small towns, can remember a time when people thought nothing of leaving their doors unlocked while running errands or going downtown. Some can probably even remember times when your family occasionally slept with the doors unlocked.

When I grew up in South Dakota a big crime was chicken stealing—not mugging. We knew all our neighbors and worked and played together. We helped each other out in times of trouble. We had our hardships, especially during the Depression, but we never turned on each other. We remained good neighbors.

Life was not congested, crowded, nor forever rushed. And the word "pollution" was not even in our vocabulary. We experienced economic insecurity, but there were always friends and family to help out in times of need.

Perhaps some will think I am a romantic who dwells on the "good ole days." That is not my purpose. I am a realist; I know we cannot go back to the "good ole days." We cannot eliminate our cities, nor people's desire to live in them. We cannot indiscriminately close down factories that provide jobs, simply because they create some pollution. Nor can we eliminate crime and drugs merely by wishing they would go away.

No, my friends, these are real problems we are dealing with—and there are no "instant solutions" to them.'

But being a realist, I also know there are alternatives to these huge megalopolises which are spawning so many of the problems inimicable to the Good Life.

The alternative I want to talk about today is rural development and balanced national growth. Most everybody is familiar with the tremendous migration from our farms and smaller communities to our large cities, which has taken place during the last three decades—30 million people in just 3 decades. Many of us in this room were part of those migrations. We have gone from a Nation in which 60 percent of all Americans lived and worked in rural areas at the turn of the century to a time when the rural population makes up less than 30 percent of the population.

Seventy percent of our population lives on less than 2 percent of the land. Demographers tell us this situation is likely to worsen due to projected natural population increases that are expected in our urban areas, plus continued inmigration and a continued migration of rural young people to our nation's large cities.

If our huge metropolitan areas in 1971 no longer provide the freedoms necessary for the Good Life, what will they be like in the 2000? I almost shudder to think of a situation in which all the job opportunities are limited and further concentrated in our huge metropolitan regions. When we reach that stage, the Good Life will be impossible.

The American people—who often seem to be ahead of the government in realizing the cause of problems—are very much aware of the connection between over-populated cities and the problems of crime, drugs, pollution, congestion and psychological stress. As long ago as 1968, a Gallup poll showed that 56 percent of all Americans would prefer to live in rural communities, with 18 percent preferring city life and 25 percent the suburbs.

In a recent poll taken in California, 29 percent of that State's population indicated they would like to leave that state. Of those people who have been there less than 8 years, almost half said they want to live elsewhere.

In the 1970 Agricultural Act and the 1970 Housing and Urban Development Act Congress stated that revitalization of our rural areas and pursuit of a balanced national growth strategy are "essential to the peace, prosperity and welfare of all our citizens" and that they must be given the "highest priority." President Nixon in his 1971 State of the Union Message made a commitment to a national growth policy that would "not only stem the migration to urban centers but reverse it."

So both the legislative and executive branches, and most importantly a majority of the American people, are on record as favoring a policy of rural development and balanced national growth.

This being the case, I think it is time we stopped giving lip-service and endorsements to these important pursuits and actually start to do something about them. Rhetoric comes cheap, but action is the true test of one's commitment.

To that end, the Senate Subcommittee on Rural Development has recently developed legislation that will provide some of the mechanisms through which we can begin to accomplish these stated objectives.

The Consolidated Farm and Rural Development Act which I have introduced—and which 50 other Senators have also co-sponsored—would do two things: 1) it would extend the authority of the Department of Agriculture to extend credit for farm and non-farm rural development programs; and 2) it would establish a system of regional rural development credit banks to provide additional credit to private and public borrowers for rural development purposes.

The legislation states that one of the primary purposes for these loans would be "the conservation, use and control of water." This specifically includes water and sewer projects, water conservation projects, water transportation systems, and many other public works development projects—which are of great interest to the National Waterways Conference, Inc., and the upper Mississippi Waterway Association.

I believe water resource programs can and should play a major role in the Nation's rural re-development. One factor that our Subcommittee has discovered is that water programs are uniquely suited for rural revitalization.

Water is an essential ingredient for every aspect of man's life: He depends upon it for life itself. It is older than the wheel, or even fire. It serves man in many different and wondrous ways.

Water serves as a primary source of energy.

Water serves as one of our oldest and most reliable conveyance of transportation.

Water nourishes our agricultural crops, livestock and aids in the processing and manufacturing of most non-agricultural products

Water provides us with some of our most beautiful and scenic vistas.

Water provides us with some of our most enjoyable recreation opportunities

It serves as our most important means to cleanliness and safety

And, water, and waterways, have provided our Nation with much, if not most of the stimulus for economic growth and development, including the development of our urban way of life

Let us look for a minute at what our own public investment in waterway development have provided our Nation.

Water supply projects constructed by the Corps of Engineers and Bureau of Reclamation provide water for over 19 million people today.

Water borne commerce has increased from 163 billion ton miles in 1950 to 265 billion ton miles in 1966—a 62% increase in 16 years.

Although total public expenditures for flood control to date has reached $6.8 billion damage prevented by this program is estimated at $22 billion.

Hydroelectric power investments now generate over $1 billion annually in Federal revenues in addition to the power they generate which has been essential to our Nation's growth and development.

In 1965, 2.8 billion activity days of recreation were enjoyed by the American public on all our Nation's waterways. The year 2000 water borne recreation is expected to reach almost 8 billion activity days.

Waterborne tonnage is expected to increase about 6 times in the next 50 years within the U.S. In 1971 it is estimated that 300 billion ton miles of goods and cargo will move over U.S. waterways.

The 207 Bureau of Reclamation river projects provide water to irrigate almost 9 million acres of agricultural lands with a crop value of almost $2 billion federal income tax payments generated by these projects since 1940 estimated at almost 10 billion dollars—$2 billion more than all federal expenditures for reclamation since 1902:

These are the kind of public investments that have contributed so much to our nation's phenomenal growth and development. Therefore you can understand why I have so little time for those who talk of such public investments as "pork barrel" or too costly for government to underwrite. And we need to do more. Further development of our waterways and our other natural resources in a manner consistent with their protection and concern for our environment should always remain as an important national goal. And as far as money is concerned we must—as of our forefathers did—be willing to think big. With a trillion dollar economy today, this means we must think in 10 and 100 billion dollar terms.

The existence of non-polluted water supplies will to a great degree determine what areas of rural America experience redevelopment. One thing is certain, you cannot develop an area without water.

Another factor which makes water programs attractive is that most water projects are located in rural areas. This is in stark contrast to so many federal programs in which projects are located in and around major urban areas which are already overcrowded. This not only contributes to the congestion, but it also creates a "snowball" effect that draws in more and more people—continually compounding the problem.

I think the Federal government, if it believes what it says, must make a conscious effort to locate more of its projects and installations in less densely populated areas, which, I might add, is now required as a result of Title IX of the Agricultural Act of 1970.

That is the advantage of water programs. With the exception of urban water supply and flood control, most water resource projects are located in rural America. In fact, one noted political scientist (Professor Lynton K. Caldwell of Indiana University) testified before the Senate Commerce Committee that water programs are the only major Federal undertaking which tends to disperse rather than concentrate the population.

This is vividly borne out in a Tennessee Valley Authority study of industrial growth that occurred in the Tennessee Valley after its river development program. This study showed that 52 percent of all waterway-created jobs in the Tennessee Valley have been located in 33 rural counties with no major cities. Twenty-five percent were located in medium-sized counties, and only 23 percent in metropolitan counties.

On one of our Subcommittee field trips, we toured the Tennessee Valley and I was quite impressed with the city of Decatur, Alabama, which is a rapidly growing community of some 40,000. Before the Tennessee River improvement program, Decatur was just another struggling rural community. Now it is a vital, bustling regional growth center. Growth like this is taking place all along the Tennessee River—but not in major urban areas that are already crowded to capacity.

This leads me to yet another aspect of water resource programs. They can be quite instrumental in helping produce the economic base for rural growth and development. Certainly that has occurred in the Tennessee Valley. The same thing, I understand is happening along the McClellan-Kerr Arkansas River Navigation Project, which we had an opportunity to fly over during one of our Rural Development field hearing trips to Oklahoma earlier this month. Relatively small communities like Muskogee, Oklahoma and Ft. Smith, Arkansas are becoming new growth centers as a result of this project.

Those of us who have grown up along the Mississippi River know what that river means to rural areas. It provides a transportation system that enables the Midwestern farmer to get his products to market cheaply so that he can compete in domestic and world markets.

Without low-cost water transportation, it is doubtful that Midwestern grain would retain its competitiveness and many of our farmers would end up migrating to the big cities.

In Minnesota we are doubly fortunate. We are at the head of navigation on the Mississippi River and we also have access to the Great Lakes-St. Lawrence Seaway System. To give you an idea of what this means to my State, I would cite the results of a study conducted by the Minnesota State Planning

Agency in 1969 (Economic Significance and Outlook of Minnesota Waterborne Transportation).

This study concluded that port area incomes in Minnesota from water transportation and related port activities, including overland shipping within the State to and from ports, generates incomes "probably in the general neighborhood of $200 million per year." The agricultural economy is the benefactor.

Without the availability of low-cost water transportation on the Mississippi and the Great Lakes, Minnesota farmers could be at a severe disadvantage. Our state is located hundreds of miles from major domestic markets and a thousand miles from seaports along the coasts. Barges on the rivers and bulk carriers on the lakes help to keep our farm products competitive. We are able, therefore, to sell more, and our farmers get more for what they sell. As most of you probably know, havings in transportation costs mean more money in the farmer's pocket.

For these reasons I am quite skeptical of proposals for higher tolls on the St. Lawrence Seaway and the prospect of user charges on domestic water routes like the Mississippi. Such charges would not only curtail the agricultural economy; they would limit the ability of water projects to sustain industrial growth and job development.

I also believe the President was extremely short-sighted when he vetoed the public works acceleration program passed earlier this year by Congress. Public works projects can and do create jobs—that has been recognized for many decades. And they are not necessarily dead-end jobs, as some have claimed. There's nothing dead-end about the jobs associated with the Port of Saint Paul or the Port of Duluth, I can tell you that.

I would be remiss, however, if I did not admonish the Nation's water planners to make sure that their use of water resources does not result in the pollution of our rivers, lakes, and streams. In re-building rural America, I believe we can do it without making many of the mistakes that have been made in our urban centers. We can do a better job of planning; we can and must guard against all kinds of pollution; and we can produce orderly, uncongested growth patterns.

So I would encourage your two organizations to get behind and vigorously support rural development programs. I know that the Senate Subcommittee on Rural Development will welcome your suggestions and help when our bill comes up for hearings later this year. As I said, water programs have a major contribution to make in this area and we are counting on your support.

As I said in a recent Senate speech, rural revitalization is more than just a program for Rural America; it is a program for the entire country. It will help not only the farmers but also America's small towns, its villages, and its growing communities that can serve as centers of growth. And just as significantly, it is a program to help relieve the urban areas of over-congestion and its attendant problems of pollution, crime, and congestion.

And returning to my original theme—which is akin to the theme of this convention—rural renewal is a program that can help restore the "Freedom to Live the Good Life"—a freedom that should be the birthright of all Americans.

OUR NATION'S CHILDREN

Mr. DOLE. Mr. President, for more than 40 years, the Nation each year has observed Child Health Day. This year, October 4 has been designated for this observance.

Since the time when President Hoover issued the first proclamation, in 1929, Child Health Day has reflected concern about what seemed at the time to be the most pressing national priorities in protecting the health of children.

Some of the early observances, for example, centered on adequate nutrition, better organization of health services, greater attention to the health of babies at the time of their birth, as well as throughout the period of their growth and development.

During the critical days of World War II, Child Health Day observances emphasized immunizations against diphtheria and smallpox, traditional foes of childhood; protection of the health of teenagers holding war jobs; and the need for complete national birth registration.

Since 1956, by agreement with the United Nations and the United Nations' Children's Fund, Child Health Day has been observed in conjunction with Universal Children's Day, which falls on the first Monday in October. This double observance emphasizes our concern as a Nation not only for the health of our own children, but for those in other countries which are striving, as we are, to make childhood a healthy and emotionally secure time for all children.

Today's special observance, Child Health Day, provides a fitting time to take inventory of how well our resources are being used on behalf of children, and to define the most important jobs we can undertake to safeguard their health for the future.

I am aware that many governors issue annual proclamations urging public and citizen action on behalf of children in connection with particular State needs. The President of the United States speaks for all of us, through his proclamation, in citing some of our past accomplishments and future goals for child health.

Certainly, we can all be proud of the fact that our national infant mortality rate now stands at the lowest point in our history—19.8 per thousand live births in 1970 is the provisional figure. But we are still ranked below several other nations of the world in reducing infant mortality to its lowest achievable level.

It is also true that much remains to be done if we are to provide needed health protections for our growing citizens, particularly those boys and girls who live in densely populated, low-income urban areas and in isolated rural areas.

We must stop today and dedicate ourselves to see that all parents are given the opportunity to bear and raise healthy normal children. We must also dedicate ourselves to see that those children who suffer from mental or physical handicaps or illnesses are provided the best possible care and rehabilitation, for they, too, are our future citizens.

I hope that on Child Health Day, 1971, we can measure our progress and once again set new goals for the year ahead to bring better health to our Nation's children.

UNION BOSSES OUT OF STEP WITH RANK AND FILE

Mr. FANNIN. Mr. President, union leaders have again demonstrated that they put self-interest far above the good of their rank and file workers or the good of the Nation.

These union leaders—who were instrumental in causing the disastrous inflation which has plagued our Nation—have cried the longest and loudest about the wage-price freeze. Now they are threatening to sabotage efforts to effect a recovery from the damage they have caused.

I concur with those who say that these union bosses are sadly and dangerously out of step with the rank and file.

Mr. President, on this subject, I invite the attention of Senators to a poll which was made by Opinion Research. The poll was included in a column written by Ralph de Toledano. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Union Members Are Turning on Their Leaders

(By Ralph de Toledano)

George Meany and the AFL-CIO are screaming again. Angering them is a poll that the Census Bureau plans to take to determine how well Americans understand the 90-day wage-price freeze, how it has affected them, and how fair they believe it to be. To set the answers in context, those polled will be asked questions about their income, education, profession, and membership in labor unions. To the labor sachems, these questions smack of "1984 and doublethink"—a reference to George Orwell's novel about the future Communist society.

"We think," one AFL-CIO spokesman told the Washington Post, "it's pretty obvious that this is a continuation of a campaign to drive a wedge between the leadership and the membership of labor to prove (the Administration's) ill-founded claim that George Meany is out of step with its (sic) membership."

But how "ill-founded" is the contention that rank-and-file labor is at odds with the men who dominate Big Labor? A poll, largely ignored by the mass media, indicates devastatingly that Mr. Meany and his satraps are, indeed, out of step with the membership. It was taken by the highly respected and highly accurate Opinion Research survey of Princeton, New Jersey—and it is not likely to gladden the hearts of those who work at Mr. Meany's big white palace on Sixteenth Street in Washington.

Here are the questions and the results:

"Some labor union leaders have criticized President Nixon's new economic policies. When they do this, as you see it, are they representing the views of the average labor union member, or only their own views?"

Fifty-two percent of the union families polled answered that labor leaders were expressing only their own views. Against this, 32 percent felt that the labor leaders were expressing the views of the average union member and 6 percent said that both leadership and rank-and-file views were being expressed.

"In your opinion, have recent strikes and labor troubles seriously hurt the country as a whole, or haven't they had that much effect?"

Of the union families polled, 61 percent said that the country as a whole had been seriously hurt, whereas 33 percent responded that strikes and other labor troubles had not had much effect.

Far more startling was the reaction of union families to the following question:

"Do you think union demands for higher wages and benefits will cause higher prices and more inflation, or can companies meet union demands without raising prices?"

A thumping 63 percent of union families thought that union demands for higher wages caused higher prices and more inflation. Only 26 percent believed that companies could meet union demands without raising their prices. It should be noted that 74 percent of all those polled felt that union demands were responsible for the present inflation.

"How would you rate labor union leaders in this country on living up to their responsibilities to the public's interest as well as to the interests of their members. Would you say excellent, good, only fair, or poor?"

Response to this significant question demonstrates the low state to which Big Labor has fallen. Among union families, 66 percent rated the labor leadership as "only fair, or poor," whereas 24 percent rated it "good" and 6 percent "excellent." Of the total sampling, only 18 percent voted in the good-to-excellent category, with 73 percent falling into the fair-to-poor rating.

The question arises, therefore, of why Big Labor maintains its grip on union members. The Opinion Research poll more than indicates that union members hold their leaders in very poor repute. Obviously, they believe that the leadership is working against their interests and those of the country. Yet Mr. Meany and the AFL–CIO can impose their will on those whose dues keep them in the chips.

The answer, of course, is that union members are stuck with Big Labor and its sachems. Membership in most industries and in a majority of the states is compulsory, and if the rank-and-file attempts to withdraw, it can do so only if it is ready to give up its livelihood. This is something which labor's friends and errand boys in the Congress refuse to admit. If they did, where would those millions in political contributions come from?

THE MENOMINEE: VICTIMS OF EXPERIMENT

Mr. McGOVERN. Mr. President, William Greider, in the Washington Post of October 3, has presented a very graphic account of the problems encountered by the Menominee Tribe of Wisconsin as a result of the termination policy of the 1950's. The Menominee Tribe was terminated because it was believed that the Menominees, as one of the most advanced tribes from a social and economic standpoint, were among the best prospects for termination.

The result was chaos for the Menominees. As Mr. Greider points out, these problems continue to this day. If anything, Mr. Greider's article shows the futility and foolishness of imposing solutions to the "Indian problem" here in Washington. Indians are demanding a voice in their destiny, and rightly so. In 1966, it was my honor to first introduce this policy in the form of a resolution calling for an end to the termination and at the same time making the Indian the master of his own destiny through programs designed not in Washington, but at the grassroots level.

Because I think Mr. Greider's article shows the wisdom of this course I suggested, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"TERMINATED" TRIBE FIGHTING DISASTER: THE MENOMINEE: VICTIMS OF EXPERIMENT

(By William Greider)

Moon Weso of Keshena, Wis., told them it was wrong. He told them in English and he told them in Menominee, an ancient Algonquin tongue once common in the Great Lakes forests, confined now to one small county in Wisconsin.

"I was quoted in the Congressional Record," Weso, an old man now, said, mixing pride and bitterness with his memories. "I got a copy somewhere I can show you. I was one of the delegates and I objected."

Nick Dodge, who belongs to a younger generation of the same tribal blood, agrees it was a terrible mistake but he doubts that it can ever be undone.

"Based on our experience with Congress—damn—they just don't repeal what they do," Dodge said. "It takes practically the whole country rising up."

In their own small way, the Menominee are rising up. A band of them set out yesterday for a two-week march from their tribal homeland along the Wolf River to the Wisconsin state capital in Madison. They hope their demonstration will jog the government's memory and, perhaps, the nation's conscience.

A decade ago, the Menominee people were the "guinea pigs" in a social experiment loaded with good intentions. When the experiment failed, however, the government turned to other policies while the 3,200 Indians lived on with the results—disastrous results, most everyone now agrees.

The Menominee were "terminated" as a tribe, a grim but bloodless expression which means that the federal government, by act of Congress, ended the responsibilities for protection and aid which it assumed, by treaty with the tribe, a century before. The reservation became a county, the tribal council became a corporation, the tribal rolls were closed and the Bureau of Indian Affairs withdrew.

"We are much worse off now as the 72d county of Wisconsin than we ever were as a reservation," said Mrs. Georgiana Ignace, a young doctor's wife and a leader of the march. "We have more to lose now. We're losing our land, our assets, our people. We hope the march will make known exactly what is happening in Menominee County."

Mrs. Ignace and an organization called DRUMS ("Determination of Rights and Unity of Menominee Stockholders") want to reverse "termination" and restore their federal status—their tribal land held again in trust by the government and protected from predatory interests; their tribal membership re-opened to Menominee children; federal health, welfare and education aid restored.

Other Menominee, especially men like Dodge who run the tribal corporation, agree that "termination" was ill-considered but they think "un-terminating" is an impossible goal and perhaps not a desirable one. They want federal aid restored without the old paternalism. "The last thing we need now," said Dodge, "is a bunch of federal officials running around telling us what to do."

The result is bitter tribal factionalism. DRUMS organizers like Mrs. Ignace, a college graduate who lives in Milwaukee while her husband completes his hospital residency, are denounced as "outside agitators." The Indians who run Menominee Enterprises Inc. (MEI), the tribal corporation, are portrayed as a "small clique" conspiring with powerful white interests to destroy the Menominee.

The recent evidence is that DRUMS has wide supoprt among the people, despite the charge that most of its organizers are college-educated emigrants who no longer live there. In April they defeated the MEI directors in a nasty proxy fight. Last month, the corporation held an advisory referendum to see if the Menominee want to sell the shoreline of their wild and beautiful Wolf River to the National Park Service. The proposal was rejected by 98.6 percent of the vote.

The DRUMS leaders charge that, under pressure to stay afloat, the tribal corporation is converting the Menominee into a tourist playground for Milwaukee and Chicago. "Outvoted, out-numbered, our most valuable land gone, our survival as an Indian community will be doomed," the organization warns.

"It's like selling your furniture to pay the rent," complained Jim White, a DRUMS leader who works as a mental health consultant in Chicago. "We are selling our land to keep up with the taxes."

"The saying is," Mrs. Ignace said, "that the Wolf River is the heart of the Menominee and, when you take that away, the Menominee dies. They say they want to keep the Wolf River wild. That's a farce. In a few years, it will be just as polluted as other rivers."

Nick Dodge, who is manager of resource development for the tribal corporation agrees with her on the Wolf River park proposal. But he insists that the previous sale of 5,100 acres for a tourist development was a wise step toward solvency.

"Legend Lake," as it is called, already has added substantially to the tax base of the impoverished county where the cost of schools and local government has rested almost solely on the tribal corporation, Dodge said. So far, 1,700 lots have been sold mainly to non-Indians and MEI's proportion of the tax base has dropped from 83 per cent two years ago to 62 per cent in 1971.

Even so, Dodge doesn't argue strenuously with DRUMS' dire predictions. He too fears that future pressures could lead to more land sales and the eventual demise of the Menominee.

"That's been going on," he said dryly, "since the first Jesuit came and he'd give us religion, then he'd take our land. If I had the magic answer to that, I'd come up with it right now. All you can do is forestall and hope you avoid more losses. This is the story of Indian land through the whole history."

When the Indian treaties of the 19th century established reservations, federal trust protection was intended to shield Indian land from the pressures of the larger economy, speculators and developers and tax collectors. What's often forgotten is that most tribes, like the Menominee in the Wolf River Treaty of 1854, gave up huge areas of their territory in exchange for the promises of federal protection and aid. Many have criticized the quality of the federal stewardship over Indian lands, but most tribes have a deep fear of losing it—falling prey to the same pressures facing the Menominee.

In its most benevolent expression, "termination," as a policy developed in the Eisenhower Administration, was intended to "free" Indians from government paternalism and the limited economic opportunities of reservation life so they could become assimilated with the mainstream. It was tried with a few reservations and abandoned. Paternalism was succeeded by economic chaos; Indians did not want to stop being Indians. To them, their land means their best hope for survival as a people.

When President Nixon took office, tribal leaders feared that Republicans would revive the old doctrine. Instead, he renounced "termination" and proposed new forms of government aid which would give Indians more control without severing the federal relationship. Ironically, as the Menominee week to un-do their terminated status, Congress this year is just getting around to enacting a resolution which would formally drop the old policy, the one they are still living with.

When termination was first proposed in 1954, the Menominee were among the most prosperous of the reservations, though still poor compared to most Wisconsin neighbors. They owned their own forest and sawmill, the reservation's principal employer. They even paid the federal government for many of its services.

Among other things, the transition meant converting the communally-owned Menominee land to private title held by the corporation. Many Indian families had to re-buy their own homesites. The government's hospital and school were closed (both rated substandard by the state).

The newly-established county government had to contract with neighboring counties for basic services such as jails and judges. Menominee children, no longer with legal status as Indians, went to school with children from an adjoining county and, according to DRUMS, the drop-out rate climbed. The county has no health facilities now.

Faced with property taxes for the first time, some low-income families lost their newly-purchased land through delinquency. Others on state welfare had to sign over to the state bonds issued them by the tribal corporation, thus losing their annual dividends from the forest products, a subsistence income for many. The mill and forest, the bedrock of the tribe's chances, ran into economic setbacks unforeseen by the federal planners.

During the 1960s millions of dollars in special federal aid were directed to county by the War-On-Poverty and other programs, but even this belated assistance did not alter the tribe's basic social and economic problems.

Gary Orfield, a political science professor at Princeton who studied the "termination" experiment, notes that the transition to self-government and economic independence, ill-conceived as it was, stopped short of the real thing.

"Tribal members have received all the responsibilities of ownership but few of its advantages," he wrote, describing the layers of directors and trustees, including many non-Indians, which separated the Menominee from major decisions.

When the corporation began selling Menominee land three years ago, it stimulated the beginning of the current protest. Since the several DRUMS members have won seats on the 11-member Voting Trust which controls the land sales, but they are still a long way from command. This April, even though they out-voted the corporate managers 119,000 to 118,000 shares, DRUMS failed to abolish the trustee arrangement because the group did not get 51 per cent of the total outstanding shares.

White and Mrs. Ignace claim they would have won stockholder control of the corporation's affairs if it had not been for the First Wisconsin Trust Co. of Milwaukee which votes a block of 48,000 shares for minors and incompetents. The trust company voted with MEI management and, in the process, became a target for DRUMS picketing.

Catherine Cleary, president of the trust company, defended the vote. "Our feeling is that the group trying to run the corporation deserves support," she said. "They've made progress and the Voting Trust keeps the control of this thing from being fragmented where no one could run it."

The bank, Miss Cleary, said, could have cast its votes proportionately with the way the Indians themselves voted—which also would have kept DRUMS from a 51 per cent majority. "This is a fight between two blocks of Menominee and we're an easy sitting duck," she said.

Nevertheless, it is a strange arrangement for a people supposedly granted self-determination 10 years ago. They can elect local government officials, but the local government depends almost entirely on the corporation, which is managed by the trustees and directors, not by the people who own it. Trustees are elected—one each year.

Unlike some of his fellow directors, Dodge agrees that it is an undesirable arrangement and he believes that the Menominee people will be given a larger voice in company affairs.

Like the DRUMS leaders, Dodge fears the 1974 deadline when Menominee shareholders will be able to sell their stock in the tribal corporation, a step which poverty or desenchantment might encourage, especially among those who have moved away.

"If there is a run by Menominee to sell their shares," said Dodge, "then all we've done has been for nothing. It's not just losing the land. In less than three years, the whole thing could fall into the hands of someone else—not Menominee."

In the meantime, DRUMS is fighting MEI on every level, from lawsuits to picketing the Legend Lake sales office.

Dodge acknowledges that their protests and the publicity have hurt sales. "People come in to purchase property," he said, 'then they go home to Milwaukee and hear about what DRUMS is doing. In a while, we get a letter that says, gosh, in view of the way the Indian people feel,' they'd like to get out."

Moon Weso, who is 68 and knows the old stories and songs, is more optimistic than the young corporate manager. He believes that the Menominee are beginning to demand the changes which they should have fought for long ago.

"Thinking about it in an Indian way," he said, it seems like the spirit of Indian is reviving all over. Its hard to explain that, but you see it. Certainly, we could feel it here again."

Jim White puts it more fiercely:

"What's incredible is that all this crap is still going on. We read about it, the stealing from the Indians and all, and we think that happened 100 years ago. The hell it did. It's happening right today. If we could just show our people that they don't have to take this lying down."

FEDERAL ELECTION REFORM

Mr. ALLEN. Mr. President, on behalf of the Senator from Nevada (Mr. CANNON), I ask unanimous consent to have printed in the RECORD a statement by him and an insertion relating to Federal election reform.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CANNON

Mr. CANNON. Mr. President, the Washington Post for Friday, October 1, 1971, contains an editorial entitled "The Votes That Money Can Buy." I commend the Washington Post for publishing articles and editorials urging the adoption of vitally needed, effective election reforms to replace the antiquated and meaningless Corrupt Practices Act. Support from every source is welcomed and encouraged if it tends to move this kind of legislation toward Congressional approval and signing by the President.

1 must protest, however, the implication in the editorial that while the Republican leadership of the House "has put its full weight behind the Senate bill" the Democrats would prefer to preserve the present system.

Democrats in the House have sponsored and are diligently supporting in both the Administration and Commerce Committees of that body proposals substantially similar to the Senate-passed bill, S. 382. It is not fair to suggest that one party alone is causing or contributing to the breakdown of committee action on election reform. Nor is it helpful at this time to point to interparty differences in approaches to election reform. Rather, it is most important to urge bipartisan action to approve an effective act prior to the 1972 election campaign.

The editorial indicates that the Senate-passed bill is deficient in that it does not apply overall limitations on campaign contributions and expenditures. The bill does apply formula limits on spending for broadcast and nonbroadcast media but does not place ceilings on other expenditures or upon contributions, because of the thrust of the legislation is toward broad, timely, and specific public disclosure. Almost without exception, expert witnesses testified that a strict limitation upon contributions or expenditures by individuals would be an unconstitutional restriction of the freedom guaranteed by the First Amendment. Moreover those same witnesses were of the opinion that the public should judge whether too much money is being received or spent by particular parties or candidates. Such judgments would be rendered at the polls.

No one claims that the Senate-passed bill is flawless or that, if enacted, it would be a kind of "miracle drug" for election campaign ills, but it is the result of hard work, bipartisan support, lengthy hearings, mark-up sessions, and committee and Senate debate—all directed toward the passage of the best bill possible.

Its passage in the Senate by a vote of 88–2 is a tribute to the almost unanimous approval of Democrats and Republicans. In fact no Democrat voted against the bill.

I ask the Washington Post and all other news media to employ their energies in encouraging positive and bipartisan action in the House of Representatives in order to enact at an early date a Federal Election Campaign Act which will restore confidence in the integrity of the election process.

I ask unanimous consent that the editorial be printed in the RECORD.

[From the Washington Post, Oct. 1, 1971]

THE VOTES THAT MONEY CAN BUY

Hopes were bright a couple of months ago that Congress would take the first step this fall toward bringing under control the worst aspect of the American political system—the manner in which elections are bought and sold. A campaign spending bill, not the best Congress could write, but a good one and one that made a start in the right direction, had passed the Senate. Now—suddenly—the whole subject of campaign spending has been caught up in the internecine warfare of the House, with the result that even this attempt to limit the corrupting influence of money is being nibbled to death.

Two House committees—Commerce and Administration—are at work on the issue and their members seem to care more about saving the scandalous practices of the past than trying to restore the integrity of a democratic political system. Their maneuvering, over the protests of the leaders of both political parties, poses the threat that either no now bill will be passed this year or that one will come out of the House which is just as much of a farce as the 30-year-old Corrupt Practices Act.

The principal elements of any respectable campaign spending bill are (1) realistic limitations on expenditures and contributions, (2) adequate reporting requirements, and (3) machinery which can enforce the other requirements. The Senate bill is somewhat deficient in two of these in that it fails to set limits on contributions and does not give the Independent Elections Commission it would establish sufficient enforcement power. But instead of trying to eliminate these deficiencies, some members of the two House committees have set about to make them more glaring by gutting the reporting requirements and the limitations on expenditures.

Last week, for instance, the Commerce Committee voted to impose a 10 cents per voter limit on total campaign expenditures in each election. This is the same limit approved last summer by the Senate—but with one crucial difference. The Senate bill would restrict the candidate to spending no more than 60 per cent of this total on radio-television advertising. The House committee, by voting against the restriction, did nothing to stop wholesale attempts to buy public office via television advertising. The gimmick is that everyone knows the television limitation is far more important in its political impact than limitations on other kinds of spending. So unless the House overrides its committee, don't count on seeing anything but political advertisements on television during October and early November of 1972.

Underlying this, of course, is the financial imbalance of the two national parties. The Democrats came out of the 1968 campaign with a deficit of more than $9 million and are still so deep in the red that their credit is non-existent. The Republicans, on the other hand, will have a fat campaign kitty. The failure of the House to approve a bill that sets legitimate and enforceable limits, particularly on television spending, means that the Republicans will probably be able to outspend the Democrats four or five to one in 1972.

Given that situation, the conduct of the Democrats in the House in failing to muster their forces for any effective legislation is simply incomprehensible. The Republican leadership there has put its full weight behind the Senate bill and deserves nothing but credit for its action. The Democrats ought to seize that opportunity to strengthen the Senate bill and to add to it the income tax checkoff proposal urged several times by President Johnson and other Democratic leaders. Together, the two would provide the country with a chance to get campaign spending under control and to take the first step toward the public financing of campaigns, the system which must be adopted eventually if money and big contributors are to be prevented from taking over complete control of the election process.

In a burst of candor, Sen. Russell Long once said that campaign contributions "can be viewed as monetary bread cast upon the waters to be returned a thousandfold." His words mean just what you think they mean—that the current method of financing campaigns corrupts and that in the end the American taxpayers provide the payoffs. The House of Representatives could do its part toward correcting that situation by improving the Senate bill. But the way things are going now suggests that many of its Democratic members want to preserve the present system in which the rich get richer and the rest of us pay the bills.

A BETTER LIFE IN RURAL WYOMING

Mr. HANSEN. Mr. President, in the State of Wyoming, large rural areas remain open to growth and the building of fine new communities. Our five biggest cities range between 10,000 and 50,000 people. They account for a third of our total population.

This is a State where rural life predominates, and where the rising national emphasis on rural development concerns and involves almost every community.

We look to rural service agencies for most of the support we need in efforts to improve our communities, and to insure that Wyoming's young people can find their future in Wyoming rather than have to leave for distant places.

In this connection, we are especially encouraged by the new resources that are being placed at the disposal of rural people through the Farmers Home Administration of the U.S. Department of Agriculture.

Farmers Home over the past 2 years is one of the most improved direct service agencies of the Government. Working through its local county offices, it has brought into rural areas of Wyoming half again as much capital for better housing, modern community water and sewer facilities, and family farming and ranching as its annual volume of 3 years ago.

Fiscal 1971, the year ended last June 30, saw the various rural FHA programs add $14.8 million to agricultural and community development in Wyoming. This was a 40-percent gain over the previous year's $10.8 million. Credit outstanding in the State from Farmers Home Administration programs now totals some $58 million. About one-fourth of this was supplied in the year just past.

The importance of this agency's input into the total progressive efforts of a rural area can be seen as we add up what is being done in Lincoln County, Wyo.

This is a county of about 8,700 people on our far western border, across the State from our largest cities. In the southern half there is mining, sheep grazing, irrigated grain farming. In the northern half, Star Valley with its dairy farms lies between some of the most magnificent scenic mountains to be found in the Western United States. This is an area of great beauty still unspoiled and uncrowded, a natural center for winter sports, lying just south of the Jackson Hole and Yellowstone vacation regions.

Lincoln County is a corner of the West where people both young and elderly have famliy ties they would like to maintain; where young families can live in an environment less fraught with the hazards of drugs and crime that affect many other areas.

Lincoln County local community organizations have been working for nearly a decade to offset the forces of rural decline that compel the outmigration of rural people. About 95 project measures now are progressing under local leadership—projects directed toward the creation of more jobs in local industry, a stronger agriculture, and better living standards for the average family of modest means.

Credit supplied through the Farmers Home Administration, supplementing all local and private resources available, plays a decisive role in many of these projects.

In agriculture, Farmers Home loan financing, combined with Soil Conservation Service engineering and ASCS cost-sharing, have made it possible to develop irrigation sprinkler systems which, by next year, will water 179 of the 500 farms in Lincoln County. Seventy farms have been saved for family operation by the farm credit services of the Farmers Home Administration.

Six modern community water systems, which solve the problem of water for home and industrial use, also have been developed in this county through the Farmers Home Administration's rural community facilities program.

These basic services and provisions for the necessities of family living underly the strength and tenacity of Lincoln County's community projects to create new employment.

One such community is Afton—a mountain town 60 miles from the nearest railroad, accustomed to snow on its roads 6 months of the year. Afton in recent times has developed and maintained the operation of a plant that builds small aircraft, and a sawmill that provides 150 jobs and accounts for the livelihood of one-third of Afton's 1,500 people. There are new homes, and now there is a golf course that the people have privately financed.

Throughout Wyoming, more than 1,600 families of low to moderate income have moved from bad to good, modern homes on the strength of $17 million in rural FHA home loans now outstanding in the State. Indicating the recent improvement of FHA's rural housing program, one-fourth of these homes, representing $5.8 million of development, were produced within the past year.

More than 2,000 farm loans outstanding in the State represent $36.4 million added to other credit available for the operation of agriculture.

Small rancher associations have established 26 grazing ranges with nearly $6 million of insured loan financing through FHA.

The rural community facilities program has brought modern water and waste disposal systems to some 40 rural communities.

Farmers Home Administration programs can be judged by their visible affect on family standards of living and community improvement. The fruit of this good work is seen on an increasing scale in every county of Wyoming.

We can point with much satisfaction to the way this administration is applying the greater resources now provided for a better life in rural America.

And for Wyoming, we congratulate National Administrator James V. Smith and State Director Bill Clark on the outstanding record that the Farmers Home Administration is making in our State.

CONGLOMERATES RESHAPE FOOD SUPPLY

Mr. McGOVERN. Mr. President, the distinguished Pulitzer Prize winning reporter of the Washington Post, Mr. Nick Kotz, is currently writing a series of articles of vital importance to all Americans who are concerned about the cost and type of the food supply we will have in America.

Mr. Kotz very accurately describes some of the aspects of the corporate inroads into American agriculture. According to his series, this corporate inroad is now threatening the bastion of the family farm, the American Midwest. Even though the economies of scale which might be expected from larger operations have already been met by larger family farm investments and operations, the family farmer is in dire straits because of years of low farm prices. Only last Friday the U.S. Department of Agriculture informed us that the parity ratio had slipped to 68 percent, the lowest since the worst days of the great depression. It is small wonder that farmers are leaving the farm at an unprecedented pace and farm foreclosures are increasing.

The alternative to the family farm system is corporate agriculture. The consumer has a direct stake in who will control American agriculture. If the large, vertically organized corporate conglomerates are permitted to control the basic commodities from the farm to the supermarket. I am convinced that the food costs the consumer pays will skyrocket. We will also have to find jobs in our already overcrowded cities for the tens of thousands of persons in the farm belt whose jobs are directly related to agriculture.

I am hopeful that the trend to a corporate agriculture can be reversed. First, the consumer must become aware that his best friend is the family farmer. First and foremost, the American farmer must have a fair price for his products. We must resist efforts to cripple efforts for meaningful farm bargaining by turning farm organization against farm organization. We should encourage the States to enact legislation prohibiting farming by large conglomerate corporations, close loopholes which abet tab tax-loss farming and also provide easier credit for young men who wish to start farming. We have made some significant strides in this direction, but not nearly enough to deal with the scope of the problem.

Because Mr. Kotz's articles dealing with the corporate agriculture and the family farm are so incisive, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 3, 1971]

FARM-TO-MARKET CONTROL—CONGLOMERATES RESHAPE FOOD SUPPLY

(By Nick Kotz)

The name "Tenneco" is not yet a household word to American consumers, but it weighs heavily on the minds of the nation's embattled farmers and of government officials who worry about the cost of food and the fate of rural America.

For Tenneco, Inc., the 34th largest U.S. corporation and fastest-growing conglomerate, has become a farmer.

Its new activities symbolize an agricultural revolution that may reshape beyond recognition the nation's food supply system. Dozens of the largest corporations with such unfarm-like names as Standard Oil, Kaiser Aluminum and Southern Pacific have diversified into agriculture.

What concerns farmers, processors and wholesalers is that the new breed of conglomerate farmers does not just grow crops or raise cattle. The corporate executives think in terms of "food supply systems," in which they own or control production, processing and marketing of food.

"Tenneco's goal in agriculture is integration from seedling to supermarket," the conglomerate reported to its stockholders. Its resources to achieve that goal include 1970 sales of $2.5 billion, profits of $324 million and assets of $4.3 billion in such fields as oil production, shipbuilding and manufacturing.

The conglomerate invasion of agriculture comes at a time when millions of farmers and farm workers have already been displaced, contributing to the problems of rural wastelands and congested cities. More than 100,000 farmers a year are quitting the land, and more than 1.5 million of those who remain are earning less than poverty-level farm incomes. Their plight is severe.

Although the U.S. census still counts 2.9 million farmers, 50,000 grow one-third of the country's food supply and 200,000 produce more than one-half of all food. The concentration of production is especially pronounced in such crops as fruit, vegetables and cotton.

In 1965, 3,400 cotton growers accounted for 34 per cent of sales, 2,500 fruit growers had 46 per cent of sales and 1,600 vegetable growers had 61 per cent of the market.

The medium to large-size "family farms"—annual sales of $20,000 to $500,000—survived earlier industrial and scientific revolutions in agriculture. They now face a financial revolution in which traditional functions of the food supply system are being reshuffled, combined and coordinated by corporate giants.

"Farming is moving with full speed toward becoming part of an integrated market-production system," says Eric Thor, an outspoken farm economist and director of the Agriculture Department's Farmer Cooperative Service. "This system, once it is developed, will be the same as industrialized systems in other U.S. industries."

Efforts to bar large corporations from farming have come too late, says Thor: "The battle for bigness in the food industry was fought and settled 35 years ago—chain stores versus 'Ma and Pa stores.' "

* * * * *

farming has not lowered question of whether large-scale industrial food systems provide cheaper food for consumers. Corporation takeover of the poultry industry did result in lower consumer prices. But for numerous food products, corporate farming has not lowered grocery costs, because the price of raw food materials is not a significant factor in determining final retail prices. For example, the cost of a food container is sometimes more than the farmer receives for the food packaged in it.

The new corporate farmers account for only 7 percent of total food production, but they have made significant inroads in certain areas. Twenty large corporations now control poultry production. A dozen oil companies have invested in cattle feeding, helping shift the balance of production from small Midwestern feed lots to 100,000-head lots in the High Plains of Texas. Just three corporations—United Brands, Purex and Bud Antle, a company partly owned by Dow Chemical—dominate California lettuce production. The family farmer still rules supreme only in growing corn, wheat and other grains, and even here constantly larger acreage, machinery, credit and higher prices are needed for the family farmer to stay profitably in business.

Tenneco hopes that its new brand name, "Sun Giant," will one day become for fresh fruits and vegetables what "Del Monte" now means for canned foods. It hopes housewives will pay premium prices to buy its nationally advertised specially packaged fresh produce.

Tenneco, which started out as Tennessee Gas Transmission Co., says it made "giant strides" in 1970 toward its agriculture goals.

Resources rapidly accumulated by the giant conglomerate include: Kern County Land Co., which controls 1.8 million acres of land in California and other states; J. I. Case Co., a manufacturer of farm machinery; Packaging Corp. of America, which makes food containers; Tenneco Chemicals, a producer of pesticides, and Heggblade-Margoleas, the nation's largest processor-marketer of fresh fruits and vegetables.

Even the largest independent California farmers question how they can compete with a corporation which can, at least in theory, own or control virtually every phase of a food supply system. Tenneco can plant its own vast acreage. It can plow those fields with its own tractors, which can be fueled with its own oil. It can spray its crops with its own pesticides and utilize its own food additives. It then can process its food products in its own plants, package them in its own containers and distribute them to grocery stores through its own marketing system.

Financing the entire operation are the resources of a conglomerate with billions in assets, hundreds of millions in tax-free oil income and interests in banking and insurance companies. Tenneco, according to reports filed with the Securities and Exchange Commission, had 1969 gross income of $464 million and taxable income of $88.7 million. Yet due to federal tax breaks, Tenneco not only paid no taxes on that income, but had a tax credit of $13.3 million.

Tenneco officials—who don't want to be named—acknowledge they are building a vertically integrated food delivery system, but they deny any plans for coordinated use of the conglomerate's total resources. Each company must compete and earn a profit separately, they say. Nevertheless the Federal Trade Commission is actively scrutinizing the corporation's agricultural activities for possible antitrust violations.

Tenneco is reluctant to discuss details of its finances in agriculture, but available information indicates the scope of its present agricultural interests.

In 1970, Tenneco reported agricultural and land development sales of $107 million and profits of $22 million. It farmed 35,000 acres directly and 95,000 acres through 324 tenant farmers. It produced 2 million boxes of grapes, 1.5 million boxes of strawberries and large amounts of other fruits and vegetables. But that is only the beginning.

MARKETING FIRM

Heggblade-Margoleas, Tenneco's processing and marketing firm, sold its own products and those of about 2,000 other farmers. Heggblade-Margoleas is the nation's largest, marketer of fresh fruits and vegetables and the world's largest marketer of table grapes. Its processing facilities include a new 8-acre plant and the world's largest date processing plant. Tenneco even has its own farm lobbyist in Washington.

Tenneco agricultural operations employ 1,100 full-time workers and 3,000 at the peak of harvest. Faced with a boycott of its other products, Tenneco last year signed a contract with Cesar Chavez's United Farm Workers Organizing Committee.

The 1970 contract signed with Tenneco and other grape growers raises basic wages to $1.75 to $1.80 an hour and provides a piecework bonus that can add another $1 an hour during harvest season. Before Chavez's union began its grape strike, wages averaged between $1 and $1.25 an hour. The contract also established a medical care fund, an economic development fund and safety precautions to protect workers from pesticide poisoning.

Tenneco's future plans include development of its Sun Giant brand produce and putting into production 30,000 newly irrigated acres.

FARMERS OVERPOWERED

The type of food system being put together by Tenneco and other conglomerates frustrates and frightens independent farmers.

They see every element of the food business acquiring market power but themselves. On one side, they confront the buying power of giant food chains. Now they must compete with conglomerates that can take profits either from production, processing, or marketing. The individual farmer usually does not have such options. The giant competitors also benefit most from a variety of government subsidies on water, crops and income taxes.

Contrary to popular notion and most galling to the efficient, large, independent farmer, the corporate giants generally do not grow food cheaper than they do. Numerous USDA and university studies show that enormous acreage is not needed to farm efficiently.

For example, maximum cost-saving production efficiency is generally reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches. Thousands of independent family farmers possess such needed acreage, and farm it with the same machinery and techniques used by their new rivals.

In fact, studies show that the largest growers incur higher farm production costs as they employ more workers and layers of administrators.

A full-scale economic battle between the conglomerates and independent farmers is now unfolding in the nation's single most important farm area, the rich central valleys of California, which far outdistances Iowa as the first-ranked state in farm sales. California farms grow 40 per cent of the nation's vegetables, fruits and nuts. The state produces at least 90 per cent of the country's supply of 15 crops and leads the nation in 25 others.

"If the Tenneco operation is allowed to go unchecked, it can change the whole complexion of farming in the valley," says Fresno attorney Donald Thuesen. "They have the marketing power to make or break the market. They can sell below cost, as a loss leader, to get other business, and sustain losses that no farmer can afford."

Thuesen represents a large grape grower who claims Tenneco forced him into bankruptcy by selling the grower's grapes below the market price. A former Tenneco tenant farmer makes similar claims involving the marketing of his potatoes. Tenneco denies these charges.

"Tenneco sells their produce first and you get what's left over," contends John Giacone, who grows cantaloupes in the San Joaquin Valley.

In an effort to market his own cantaloupes, Giacone built a plant to box and market his produce. But now he finds supermarket chains will not buy his cantaloupes unless he uses a different kind of container. The chains have changed their container specification deciding that another kind of box is more convenient for their retail operations.

Remodeling his shed for the newly required packing process would cost $500,000, says Giacone, and that "will take the family jewels and then some."

At a time when they are confronted with overproduction in numerous crops, Californias' independent farmers are distributed to see the conglomerates, with taxpayer's help, each bringing into production 5,000 to 100,000 newly irrigated acres.

A California state water project will irrigate 450,000 new acres for crops. A Ralph Nader task force calls the water project an unwarranted $1,000-an-acre "welfare scheme" for a few big landowners. Tenneco plans to grow fruits and vegetables on 30,000 of these acres. Other major beneficiaries include Southern Pacific, Standard Oil of California and Belridge Oil Co.

INEFFICIENT FARMING

"Belridge Oil Co. is spending $185 million to develop 20,000 acres of fruit and vegetables," says Jack Bowen, a peach grower in Modesto. "They grew 640 acres of peaches last year just to see whether they wanted to grow them. If corporations like that get serious, we've had it. "We can produce more efficiently than these corporations but we may not be around long enough to prove it."

Bowen is not a small peach grower. A sign outside his spacious 350-acre orchard proudly proclaims "A Family Business for Four Generations." His annual sales exceed $300,000. He replaced the jobs of several hundred non-union migrant workers with a giant machine, which clutches peach trees by their trunks, then shakes off the peaches into a conveyor and onto trucks.

As a practical matter, Bowen and other California peach growers have become too efficient for their own good. Faced with ruinous prices last year, they destroyed 40 per cent of their harvest.

"We only have 53,000 acres of peaches in production," says Ugo Caviana, president of the California Peach Canning Association. "One big corporate grower like Tenneco could wipe us all out."

Caviani says the number of California cling peach growers has declined from 2,200 to 1,700 in only three years, while the number of canners has dropped from 40 to 14.

The nation's fruit and vegetable growers are not strangers of the tough competition of agribusiness. For many years, they have wrestled with the market power of chain stores and major food processors. They sell to canners such as Del Monte, Libby-McNeil & Libby, Green Giant Co., H. J. Heinz Co. and Minute Maid Corp. (a subsidiary of Coca Cola). Each of these canners also competes with the independent farmer by growing large amounts of its own food supply.

But the new conglomerate represents a different kind of competition. The older agribusiness corporations are primarily food companies and must make money somewhere in the food distribution system. Such is not necessarily the case with the new conglomerate farmers, for whom millions of dollars of agribusiness investment may represent only a fraction of their total holdings. Only 4 per cent of Tenneco's sales are from agriculture.

In fact, the conglomerates may find their food investments profitable even without earning anything from them. The profits may come from land and speculation, federal crop subsidies, or generous federal tax laws. Tenneco received almost $1 million in 1970 cotton and sugar farm subsidies.

The new conglomerates utilize a variety of federal tax provisions that permit them to benefit from tax-loss farming and then profit again by taking capital gains from land sales. Tenneco, for example is now developing six new California suburban communities on former farm land.

Tenneco officials insist they are farming to make money, to serve the consumer quality products and to help strengthen American agriculture.

"LAND AS INVENTORY"

However, Simon Askin, Tenneco's executive vice president for agriculture and land development, recently told the Los Angeles Times: "We consider land as an inventory, but we're all for growing things on it while we wait for price appreciation or development. Agriculture pays the taxes plus a little."

The federal government has been hesitant to bring antitrust actions against conglomerates that move into farming. So farmers and corporations are watching closely a key test case that is developing in California's Salinas Valley, the lettuce and celery capital of the country.

The Federal Trade Commission has charged both United Brands, the 81st largest U.S. corporation, and Purex Corp., the 316th largest, with seeking to monopolize the production and supply of fresh vegetables.

The FTC is negotiating a settlement with Purex but the United Brands case is in federal court. The government charges that United Brands is transforming the lettuce and celery business from a competitive one of small, profitable, independent growers into a non-competitive industry dominated by large conglomerates. The FTC will seek to prove that United Brands cannot grow lettuce more cheaply and that it provides no price benefits to consumers.

In its reply to the FTC complaint, United Brands contends that the country needs large corporations in the farming business. United Brands, represented by President Nixon's former law firm, states:

"Although there may be some nostalgic desire to see a market composed of many small growers, that structure cannot survive against a market buyer (chain stores) that is composed of fewer and fewer companies with larger and larger market shares."

"SMALL FARMERS"

United Brands contends there is no economic justification for "a lettuce market composed of many small farmers who all are at the mercy of the buyers."

The FTC case illustrates dramatically the vastly different concepts by which industry and farmers measure bigness in agriculture. Most of the "small farmers" referred to by United Brands are, by present farm standards, among the largest independent farmers in the country. Their annual sales range from more than $100,000 to several million dollars.

Although admitting the increasing concentration of corporate power in fruit and vegetable production and the corporate takeover of poultry farming, USDA officials generally contend that this phenomenon will not spread to other farm products.

Many Midwestern cattle, hog and grain farmers disagree.

They fear that the cattle and hog feeding businesses, their best source of income, may follow the pattern in which independent poultry growers were wiped out.

About 20 corporations including Allied Mills, Ralston Purina and Pillsbury Co., originally went into poultry production as a means of developing markets for their feed. Farmers were signed up to grow the corporations' poultry, using their feed.

According to USDA studies, the poor but once independent poultry farmers are still poor as contract workers, earning about 54 cents an hour. A Ralph Nader task force on agriculture called this corporate farm system "poultry peonage."

The corporations, however, contend that they have benefited small farmers with a steady, if small, source of income. And, they say, they have given consumers lower priced chicken and turkey.

The farmer sees everyone he must deal with in the food production system acquiring more power except him. The supermarket chains, the grocery manufacturers and the new conglomerate farmers all have economic clout in the marketplace and political influence in Washington. Even migrant farm workers, still the lowest paid laborers in the country, have made some progress, signing contracts with the new conglomerate farmers, who are vulnerable to boycott of their brand products.

Only the individual farmer, with the exception of powerful cooperatives in a few crops, remains unorganized in the marketplace.

A battle to achieve market power now pits rival farm producer groups against each other, farmers against processors and farmers against migrant farm workers.

The battle has produced some strange new alliances and has strained old ones. It is now being fought with strikes and boycotts and in the halls of Congress.

[From the Washington Post, Oct. 4, 1971]

ENORMOUS AGRIBUSINESS FIRMS THREATEN THE FAMILY FARM

(By Nick Kotz)

Joseph Weisshaar looks the part of Modern American Farmer, textbook version: educated at Iowa State, conservative in speech and manner, efficient in the latest technology, industrious as a businessman, proudly independent.

He is 39 years old and grossed more than $100,000 last year selling hogs. He has presumably "made it." But in fact he is a troubled man, fearful that he and thousands of farmers like him in this country cannot survive the industrial and financial upheavals in American agriculture that have been brought about in recent years by the emergence of enormous "agribusiness" corporations.

So he has become a "militant" of sorts, a card-carrying member of the hell-raising National Farmers Organization which is using collective bargaining, law suits, strikes, boycotts, crop dumping and even occasional violence to win higher farm prices for its growing membership.

The NFO's ultimate goal is to protect the "family farmers" of the world from forces over which they have minimal control—giant food chains, food manufacturers and conglomerates that are attempting to bring to agriculture the industrial bigness, efficiency and control that characterizes much of the American economy.

The threat to the "family farm," and the way of life it represents, is so strong that even the American Farm Bureau Federation, the nation's largest and most conservative farm organization, shows symptoms of upheaval. In the past, the AFB has consistently and vigorously opposed federal intervention in the farm economy. But today it is swallowing its ideology and asking for federal laws to strengthen individual farmers in dealing with the new corporate forces in agriculture.

The stakes in this struggle between farmers like Weisshaar and the giant new farm corporations are immense.

Food is the nation's largest business with $114 billion in annual retail sales. More than $8 billion in annual farm exports keep the U.S. balance of trade from becoming an economic disaster. The question of who in agriculture is to share in this bounty and on what terms is at the root of the NFO's militance and the Farm Bureau's philosophical turnaround.

Will the family farm survive in the years ahead? Or will agriculture become—like steel, autos, and chemicals—an industry dominated by giant conglomerate corporations such as Tenneco, whose operations were described in an article yesterday? In that case, the nation will have lost its prized Jeffersonian ideal, praised in myth and song, of the yeoman farmer as the backbone of America.

What will become of rural America if the greatest migration in history—40 million to the cities in 50 years—is further accelerated? Farmers have provided the economic base of the small towns and that base is becoming perilously small..

What will be the effect of a rural wasteland on the American political system? The power of the farm lobby and the small towns, already in sharp decline, has traditionally provided a counterbalancing force to the politics of the big cities.

How will the nation's food supply be affected? Production efficiency of the family farmer and general affluence have made food a relative bargain in the United States. Can the conglomerates provide a steady, efficient supply of food?

FAMILY UNITS DOWN

On all these questions, the symptoms are not encouraging for the family farm system. A million farms are eliminated every 10 years and only 2.9 million remain.

The average farmer today is 58 years old—compared to a median age of 38 for all Americans in the work force. Young aspirants who would like to fill the retiring farmer's shoes can't get capital. And many who start farming soon quit, discouraged by low returns and mounting debts.

The contest between the family farmer and the conglomerates is, on the surface, incredibly unequal. There is Tenneco with its $4.3 billion in assets and its ability to employ its own land, tractors, pesticides, oil, processing plants, and marketing system. On the other side, there is Joe Weisshaar trying to hold on. Weisshaar has to quit, but he is perplexed about what it takes to earn a decent living farming.

GOAL REACHED

After 10 years applying the lessons taught him at agriculture college, Weisshaar last year reached his personal goal—the magic circle of 50,000 farmers who sold at least $100,000 worth of farm products and produced one-third of the nation's food.

It was not a happy experience.

"I figured I would have it made when I reached the $100,000 mark," (in sales) says Weisshaar, 39, who farms 540 acres near Creston, Iowa, "but I ended up $1,300 further in debt. It seems like the bigger you get, the harder you fall. You depend heavily on credit and with one bad year of hog prices you are in deep trouble."

The Weisshaars have taken only one vacation in 10 years. The family bought only one costly item last year, a new refrigerator. Mary Jane Weisshaar, an attractive college graduate and mother of three young children, paid for it by driving a corn-hauling truck in a job that begins at 5 a.m.

"All that talk in the cities about free time and recreation?" questions Weisshaar. "I wonder whether we farmers aren't subsidizing that recreation."

With his credit already stretched to meet operating expenses, including payments on expensive farm machinery, Weisshaar must farm leased land, rather than buying his own.

"The doctor and lawyer uptown are buying up the farm land as a tax write-off and a hedge against inflation," he complains. "When they get done with it, there is only one other place it can go—to the farm corporations."

INVESTMENT IN YOUTH

"This country is going to wake up one day and discover that the price of food has doubled," says Weisshaar's banker, Charles Ehm, who worries that young men can't get a start in farming. "We decided to start out five young farmers a year—a good investment for the bank and for the community. It's not working and it just tears my heart.

"The worst part of it is that they are not 'pool hall boys.' They work night and day. They are efficient, good farmers. I could name at least a half dozen who will sell out this winter, and they shouldn't have to."

Ehm says the family farm will soon disappear unless farmers get higher prices, and the government provides special financial credit for beginning farmers.

Weisshaar worries that Midwestern farming will be taken over by "vertically integrated" corporate farms, similar to ones that now dominate California agriculture.

While the Tennecos haven't yet moved into Iowa on the grand scale they have spread through California's central valleys, you can almost hear their footsteps.

Feed manufacturers, processors and other corporations already have taken over poultry production, and are now applying similar tactics to move in on hog and cattle feeding—the midwestern farmer's best source of income.

Ralston Purina Co., a leader in the corporate takeover of poultry, has made a pitch to Weisshaar, offering to finance his hog operation, if Weisshaar will buy the corporation's feed and grow its hogs on contract. Remembering what happened to the once independent poultry grower, Weisshaar doesn't want that kind of partner. He doubts the advertisements of Kleen-Lean, Inc., the Ralston Purina subsidiary, which beckon him with "Swine Leasing Will Work for You."

THE PROFITCHAIN

But Weisshaar is faced with a dilemma. If the processors and conglomerates gain control of hog and cattle feeding, then Midwestern family farmers will have to get all their income from growing corn, wheat, and soybeans. Farmers fear they cannot survive, if their only function is to provide grain for an integrated food system in which most profits are taken further up the food chain of animal feeding, processing, marketing and retail sales.

"It doesn't matter whether there are 500,000 of us left or 50,000," says the muscular but soft spoken Iowa farmer. "If we are powerless in the marketplace, we'll just keep on overproducing and killing each other off."

Out of this dilemma, the NFO arose and the Farm Bureau began rethinking its strategy. Farmers started turning up in unfamiliar places—with picket signs at packing plant gates, and with highway barricades seeking to bar farm products from going to market at low prices.

The NFO plan for saving the family farmer includes legislation prohibiting farming by large conglomerate corporations, closing loopholes that promote tax-loss farming by non-farmers, and providing easier financial credit for young farmers.

But the NFO has little confidence in getting help from a Congress in which the farm vote has shrunk into political insignificance.

Its basic strategy is to organize farmers into bargaining blocks of sufficient power to raise prices for their beef, hogs, grain, and other commodities. When buyers refuse to bargain or market prices get too low, the NFO tries to withhold commodities from the marketplace.

Weisshaar believes that an NFO-bargained contract with the John Morrell Co. will mean high prices this year for his hogs and better income to support his family.

"The NFO is the only hope we've got," he says. "We've got to block together our production and demand prices that will give us a decent living."

The Farm Bureau has called for relatively mild legislation that would require processors "to bargain in good faith" with farm groups representing a significant number of farmers. A three-man board, appointed by the President and approved by the Senate, would approve the farmer bargaining agents.

The Farm Bureau legislation, introduced by Rep. B. F. Sisk (D-Cal.), represents, at least in part, a response to the competition of the NFO.

BUSINESS BALKS

Several years ago the Farm Bureau organized voluntary bargaining associations, but learned to its surprise that its old friends and philosophical allies in agribusiness were not cooperative. Agribusiness corporations such as Campbell Soup Co., Green Giant Co., Del Monte Corp., and Pillsbury Co. flatly refused to sit down at the bargaining table.

Many Farm Bureau members suddenly looked at their prestigious organization in a different light. The Farm Bureau had built a $4-billion empire selling life insurance and supplies to farmers. But what, asked farmers, had the Farm Bureau done for them?

So John Kuhfuss, Illinois farmer and Farm Bureau President, went to a House Agriculture Subcommittee to complain. Agribusiness will not bargain with the Farm Bureau, he said, but insists on buying from individual farmers on "a take-it-or-leave-it-basis—a one-sided process that is getting more one-sided as changes continue to occur in American agriculture."

Still another approach to increased farmer power is taken by advocates of giant cooperatives, which already are powerful in the dairy industry and in California citrus. The coops believe farmers must compete by creating their own vertically integrated systems of production, processing and marketing.

The giant dairy coops also seek to win higher prices under government-approved marketing orders by exercizing political muscle in campaign financing. The dairy coops already have poured $170,000 into a 1972 Republican campaign chest for President Nixon's re-election.

"Agriculture is acting a great deal like the buggy whip industry acted at the turn of the century," says Eric Thor, director of the Agriculture Department's Farmers Cooperative Service and an advocate of giant, integrated coops. Instead of trying to reduce costs and sell cheaper buggy whips, says Thor, that outmoded industry should have become a manufacturer of fan belts or air cleaners.

Similarly, Thor says "the family farm could disappear" unless farmers compete collectively as processors and marketers of food. He believes farmers are wasting time concentrating all their energy on production efficiency, at a time when food industry profits are controlled in food marketing.

COOPS BIG TOO

Some farmers complain, however, that the "super coops" have become just another kind of conglomerate giant from which they get few benefits. For example, Sunkist Growers, Inc., which dominates 80 per cent of California citrus, is a many-layered, pyramid-shaped corporation. Small growers are at the bottom. Contrary to general knowledge, the processors at the top of this "super coop" include major private corporations as well as farmer-owned processors. Critics contend that decisions are made and profits are taken at the top of the pyramid, with too little consideration paid to the economic interests of the small grower.

Iowa farmer Weisshaar is not eager to have his interests buried in such coops. "If I wanted to go into something like that," he says, "I would have gone into meat packing or the grocery business. I like being a farmer."

The various plans of farm groups to save the family farm face an uncertain future.

Their legislative and organizational prospects are seriously weakened by traditional divisions in their own ranks. The NFO is suspicious of the Farm Bureau and is itself distrusted as too "radical" by other farmers. The National Farmers Union which represents midwestern grain producers, has its own legislative goals.

Other farmers, including cattlemen, fear that mandatory bargaining—a Farm Bureau proposal—will merely stimulate further vertical integration by the conglomerates. Faced with the prospects of collective bargaining, giant meat packers, canners and sugar refiners may respond by growing even more of their own raw food materials.

It is difficult to design legislation to meet the differing problems of Iowa corn producers and California fruit growers.

Furthermore, the agriculture committees of Congress are confronted with new conflicts of interest. In the past, these committees had little trouble satisfying both big farmers and corporate food processors.

The big farmer and conglomerate both benefited from farm subsidy payments, a cheap labor supply, and foreign aid food programs.

But now the Senate and House Agriculture Committees are faced with difficult choices—resolving new conflicts between independent farmers and the corporations. Agribusiness, led by the National Canners Association, National Broiler Council, and the American Meat Institute strongly oppose bargaining legislation.

These committees give considerable weight—as do many economists—to the agribusiness argument that farm commodity prices are determined on a day-to-day basis in a highly competitive world market and that rigid bargaining legislation might well weaken the ability of American agriculture to compete in world trade.

They are concerned, too, about maintaining the vigorous competition that now exists among food processors who fight for position in retail stores and who seek to satisfy shifting consumer preferences that often are geared to price. Processors want to retain this pricing flexibility and fear the rigidities that could come from enforced bargaining.

MANY LOBBYISTS

In terms of effective political power, 200 Washington lobbyists representing the food industry are far more influential than farmer lobbyists. Food processors have plants scattered all over urban America and can appeal to urban as well as rural Congressmen. For example, the Grocery Manufacturers of America maps out its legislative campaigns with charts showing the location of food plants in each congressional district.

"Most members of the agriculture committees wish this farm bargaining issue would just go away," says one agribusiness lobbyist. "Whatever they do, the politicians figure they will make one friend and six enemies."

The Nixon administration also feels and reflects the conflicting pressures from farmers and food manufacturers. The administration has tentatively supported the Farm Bureau Bargaining bill. But a high administration source confides:

"The White House owes a political debt to the Farm Bureau, but we aren't very enthusiastic about this legislation. If you look at our proposed qualifying amendments, you'll see there really isn't much left."

The political disputes and maneuvering are still largely regarded by consumers, urban politicians, and the news media as intramural issues involving "the farm problem."

But the broadest issue involves the future shape of America and of its rural communities.

There is the strong, compelling desire in rural America to maintain the family farm and the small town.

Joe Weisshaar questions whether a way of life his family loves will be replaced by another industrialized system, administered by the forces of big labor and big industry.

And migrant farm workers, struggling to organize, question whether society does not have some obligation to help the lowest-paid worker who is being replaced by machines.

WHY BIGNESS?

Creston banker Charley Ehm asks: "Why is this country so obsessed with bigness? Why can't a young fellow farm 300 acres and make a living? We need to replace the economists and corporate planners with someone who has a concern for human beings."

Even assuming that industrial agriculture can be more efficient, Don Paarlberg, the Agriculture Department's chief economist, says: "People are asking, whether in as affluent a country as the United States, efficiency should be the sole criterion for the form of agriculture we are going to have. We now supply ourselves with food—the best diet ever, anywhere, with 17 per cent of our income. How much is it worth to drive that percentage down to 15 or 12 or 10?"

"Should we sacrifice a form of agricultural production that has served us well, that has produced good people as well as good crops and livestock?"

Paarlberg had no answer for the question.

CONGLOMERATES THREATEN EXISTENCE OF THE INDEPENDENT FARMER

Mr. HUMPHREY. Mr. President, in 1950 our Nation's farm population was about 23 million or slightly over 15 percent of our Nation's total population. Today, the number of people on farms is below 10 million and they represent less than 5 percent of our Nation's total population. In 1950 we had 5.4 million farms operating in this country. Today that number is below 3 million. Furthermore, 70 percent of all farm marketings today are provided by only 400,000 farms and even within this group a small number control and produce most of the marketings of a few commodities. We see this concentration especially occurring in many of the specialty crops grown in California and in the cattle and poultry industries. This concentration and economic integration within agriculture has some genuine threatening overtones for maintaining a family farm structure in this Nation. Mr. Nick Kotz of the Washington Post has written a series of articles about this situation. I ask Members of the Senate to review and study the articles carefully. There are implications concerning this development for everyone, ranging from the farmer to and including the consumer.

Mr. President, I ask unanimous consent that the first two articles of the series be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CONGLOMERATES RESHAPE FOOD SUPPLY

(By Nick Kotz)

The name "Tenneco" is not yet a household word to American consumers, but it weighs heavily on the minds of the nation's embattled farmers and of government officials who worry about the cost of food and the fate of rural America.

For Tenneco, Inc., the 34th largest U.S. corporation and fastest-growing conglomerate, has become a farmer.

Its new activities symbolize an agricultural revolution that may reshape beyond recognition the nation's food supply system. Dozens of the largest corporations with such unfarm-like names as Standard Oil, Kaiser Aluminum and Southern Pacific have diversified into agriculture.

What concerns farmers, processors and wholesalers is that the new breed of conglomerate farmers does not just grow crops or raise cattle. The corporate executives think in terms of "food supply systems," in which they own or control production, processing and marketing of food.

"Tenneco's goal in agriculture is integration from seedling to supermarket," the conglomerate reported to its stockholders. Its resources to achieve that goal include 1970 sales of $2.5 billion, profits of $324 million and assets of $4.3 billion in such fields as oil production, shipbuilding and manufacturing.

The conglomerate invasion of agriculture comes at a time when millions of farmers and farm workers have already been displaced, contributing to the problems of rural wastelands and congested cities. More than 100,000 farmers a year are quitting the land, and more than 1.5 million of those who remain are earning less than poverty-level farm incomes. Their plight is severe.

Although the U.S. census still counts 2.9 million farmers, 50,000 grow one-third of the country's food supply and 200,000 produce more than one-half of all food. The concentration of production is especially pronounced in such crops as fruit, vegetables and cotton.

In 1965, 3,400 cotton growers accounted for 34 per cent of sales, 2,500 fruit growers had 46 per cent of sales and 1,600 vegetable growers had 61 per cent of the market.

The medium to large-size "family farms"—annual sales of $20,000 to $500,000—survived earlier industrial and scientific revolutions in agriculture. They now face a financial revolution in which traditional functions of the food supply system are being reshuffled, combined and coordinated by corporate giants.

"Farming is moving with full speed toward becoming part of an integrated market-production system," says Eric Thor, an outspoken farm economist and director of the Agriculture Department's Farmer Cooperative Service. "This system, once it is developed, will be the same as industrialized systems in other U.S. industries."

Efforts to bar large corporations from farming have come too late, says Thor: "The battle for bigness in the food industry was fought and settled 35 years ago—chain stores versus 'Ma and Pa stores.'"

* * * question is whether large-scale industrial food systems provide cheaper food for consumers. Corporate takeover of the poultry industry did result in lower consumer prices. But for numerous food products, corporate farming has not lowered grocery costs, because the price of raw food materials is not a significant factor in determining final retail prices. For example, the cost of a food container is sometimes more than the farmer receives for the food packaged in it.

The new corporate farmers account for only 7 per cent of total food production, but they have made significant inroads in certain areas. Twenty large corporations now control poultry production. A dozen oil companies have invested in cattle feeding, helping shift the balance of production from small Midwestern feed lots to 100,000-head lots in the High Plains of Texas. Just three Corporations—United Brands, Purex and Bud Chemical—dominate California lettuce production. The family farmer still rules supreme only in growing corn, wheat and other grains, and even here constantly larger acreage, machinery, credit and higher prices are needed for the family farmer to stay profitably in business.

Tenneco hopes that its new brand name, "Sun Giant," will one day become for fresh fruits and vegetables what "Del Monte" now means for canned foods. It hopes housewives will pay premium prices to buy its nationally advertised specially packaged fresh produce.

Tenneco, which started out as Tennessee Gas Transmission Co., says it made "giant strides" in 1970 toward its agriculture goals.

Resources rapidly accumulated by the giant conglomerate include: Kern County Land Co., which controls 1.8 million acres of land in California and other states; J. I. Case Co., a manufacturer of farmer machinery; Packaging Corp. of America, which makes food containers; Tenneco Chemicals, a producer of pesticides, and Heggblade-Margoleas, the nation's largest processor-marketer of fresh fruits and vegetables.

Even the largest independent California farmers question how they can compete with a corporation which can, at least in theory, own or control virtually every phase of a food supply system. Tenneco can plant its own vast acreage. It can plow those fields with its own tractors, which can be fueled with its own oil. It can spray its crops with its own pesticides and utilize its own food additives. It can process its food products in its own plants, package them in its own containers and distribute them to grocery stores through its own marketing system.

Financing the entire operation are the resources of a conglomerate with billions in assets, hundreds of millions in tax-free oil income and interests in banking and insurance companies. Tenneco, according to reports filed with the Securities and Exchange Commission, had 1969 gross income of $464 million and taxable income of $88.7 million. Yet due to federal tax breaks, Tenneco not only paid no taxes on that income, but had a tax credit of $13.3 million.

Tenneco officials—who don't want to be named—acknowledge they are building a vertically integrated food delivery system, but they deny any plans for coordinated use of the conglomerate's total resources. Each company must compete and earn a profit separately, they say. Nevertheless the Federal Trade Commission is actively scrutinizing the corporation's agricultural activities for possible antitrust violations.

Tenneco is reluctant to discuss details of its finances in agriculture, but available information indicates the scope of its present agricultural interests.

In 1970, Tenneco reported agricultural and land development sales of $107 million and profits of $22 million. It farmed 35,000 acres directly and 95,000 acres through 324 tenant farmers. It produced 2 million boxes of grapes, 1.5 million boxes of strawberries and large amounts of other fruits and vegetables. But that is only the beginning.

MARKETING FIRM

Heggblade-Margoleas, Tenneco's processing and marketing firm, sold its own products and those of about 2,000 other farmers. Heggblade-Margoleas is the nation's largest marketer of fresh fruits and vegetables and the world's largest marketer of table grapes. Its processing facilities include a new 8-acre plant and the world's largest data processing plant. Tenneco even has its own farm lobbyist in Washington.

Tenneco agricultural operations employ 1,100 full-time workers and 3,000 at the peak of harvest. Faced with a boycott of its other products, Tenneco last year signed a contract with Cesar Chavez's United Farm Workers Organizing Committee.

The 1970 contract signed with Tenneco and other grape growers raises basic wages to $1.75 to $1.80 an hour and provides a piecework bonus that can add another $1 an hour during harvest season. Before Chavez's union began its grape strike, wages averaged between $1 and $1.25 an hour. The contract also established a medical care fund, an economic development fund and safety precautions to protect workers from pesticide poisoning.

Tenneco's future plans include development of its Sun Giant brand produce and putting into production 30,000 newly irrigated acres.

FARMERS OVERPOWERED

The type of food system being put together by Tenneco and other conglomerates frustrates and frightens independent farmers. They see every element of the food business acquiring market power but themselves. On one side, they confront the buying power of giant food chains. Now they must compete with conglomerates that can take profits either from production, processing, or marketing. The individual farmer usually does not have such options. The giant competitors also benefit most from a variety of government subsidies on water, crops and income taxes.

Contrary to popular notion and most galling to the efficient, large, independent farmer, the corporate giants generally do not grow food cheaper than they do. Numerous USDA and university studies show that enormous acreage is not needed to farm efficiently.

For example, maximum cost-saving production efficiency is generally reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches. Thousands of independent family farmers possess such needed acreage, and farm it with the same machinery and techniques used by their new rivals.

In fact, studies show that the largest growers incur higher farm production costs as they employ more workers and layers of administrators.

A full-scale economic battle between the conglomerates and independent farmers is now unfolding in the nation's single most important farm area, the rich central valleys of California, which far outdistances Iowa as the first-ranked state in farm sales. California farms grow 40 per cent of the nation's vegetables, fruits and nuts. The state produces at least 90 per cent of the country's supply of 15 crops and leads the nation in 25 others.

"If the Tenneco operation is allowed to go unchecked, it can change the whole complexion of farming in the valley," says Fresno attorney Donald Thuesen. "They have the marketing power to make or break the market. They can sell below cost, as a loss leader, to get other business, and sustain losses that no farmer can afford."

Thuesen represents a large grape grower who claims Tenneco forced him into bankruptcy by selling the grower's grapes below the market price. A former Tenneco tenant farmer makes similar claims involving the marketing of his potatoes. Tenneco denies these charges.

"Tenneco sells their produce first and you get what's left over," contends John Giacone, who grows cantaloupes in the San Joaquin Valley.

In an effort to market his own cantaloupes, Giacone built a plant to box and market his produce. By now he finds supermarket chains will not buy his cantaloupes unless he uses a different kind of container. The chains have changed their container specifications deciding that another kind of box is more convenient for their retail operations.

Remodeling his shed for the newly required packing process would cost $500,000, says Giacone, and that "will take the family jewels and then some."

At a time when they are confronted with overproduction in numerous crops, California's independent farmers are disturbed to see the conglomerates, with taxpayer's help, each bringing into production 5,000 to 100,000 newly irrigated acres.

A California state water project will irrigate 450,000 new acres for crops. A Ralph Nader task force calls the waterproject an unwarranted, $1,000-an-acre "welfare scheme" for a few big landowners. Tenneco plans to grow fruits and vegetables on 30,000 of these acres. Other major beneficiaries include Southern Pacific, Standard Oil of California and Belridge Oil Co.

INEFFICIENT FARMING

"Belridge Oil Co. is spending $185 million to develop 20,000 acres of fruit and vegetables," says Jack Bowen, a peach grower in Modesto.

"They grew 640 acres of peaches last year just to see whether they wanted to grow them. If corporations like that get serious, we've had it. We can produce more efficiently than these corporations but we may not be around long enough to prove it."

Bowen is not a small peach grower. A sign outside his spacious 350-acre orchard proudly proclaims "A Family Business for Four Generations." His annual sales exceed $300,000. He replaced the jobs of several hundred non-union migrant workers with a giant machine, which clutches peach trees by their trunks, then shakes off the peaches onto a conveyor and onto trucks.

As a practical matter, Bowen and other California peach growers have become too efficient for their own good. Faced with ruinous prices last year, they destroyed 40 per cent of their harvest.

"We only have 53,000 acres of peaches in production," says Ugo Caviani, president of the California Peach Canning Association. "One big corporate grower like Tenneco could wipe us all out."

Caviani says the number of California cling peach growers has declined from 2,200 to 1,700 in only three years, while the number of canners has dropped from 40 to 14.

The nation's fruit and vegetable growers are not strangers of the tough competition of agribusiness. For many years, they have wrestled with the market power of chain stores and major food processors. They sell to canners such as Del Monte, Libby-McNeil & Libby, Green Giant Co., H. J. Heinz Co. and Minute Maid Corp. (a subsidiary of Coca Cola). Each of these canners also competes with the independent farmer by growing large amounts of its own food supply.

But the new conglomerate represents a different kind of competition. The older agribusiness corporations are primarily food companies and must make money somewhere in the food distribution system. Such is not necessarily the case with the new conglomerate farmers, for whom millions of dollars of agribusiness investment may represent only a fraction of their total holdings. Only 4 per cent of Tenneco's sales are from agriculture.

In fact, the conglomerates may find their food investments profitable even without earning anything from them. The profits may come from land speculation, federal crop subsidies, or generous federal tax laws. Tenneco received almost $1 million in 1970 cotton and sugar farm subsidies.

The new conglomerates utilize a variety of federal tax provisions that permit them to benefit from tax-loss farming and then profit again by taking capital gains from land sales. Tenneco, for example is now developing six new California suburban communities on former farm land.

Tenneco officials insist they are farming to make money, to serve the consumer quality products and to help strengthen American agriculture.

LAND AS INVENTORY

However, Simon Askin, Tenneco's executive vice president for agriculture and land development, recently told the Los Angeles Times: "We consider land as an inventory, but we're all for growing things on it while we wait for price appreciation or development. Agriculture pays the taxes plus a little."

The federal government has been hesitant to bring conglomerates that move into farming. So farmers and corporations are watching closely a key test case that is developing in California's Salinas Valley, the lettuce and celery capital of the country.

The Federal Trade Commission has charged both United Brands, the 81st largest U.S. corporation, and Purex Corp., the 316th largest, with seeking to monopolize the production and supply of fresh vegetables.

The FTC is negotiating a settlement with Purex but the United Brands case is in federal court. The government charges that United Brands is transforming the lettuce and celery business from a competitive one of small, profitable, independent growers into a non-competitive industry dominated by large conglomerates. The FTC will seek to prove that United Brands cannot grow lettuce more cheaply and that it provides no price benefits to consumers.

In its reply to the FTC complaint, United Brands contends that the country needs large corporations in the farming business. United Brands, represented by President Nixon's former law firm, states:

"Although there may be some nostalgic desire to see a market composed of many small growers, that structure cannot survive against a market buyer (chair stores) that is composed of fewer and fewer companies with larger and larger market shares."

SMALL FARMERS

United Brands contends there is no economic justification for "a lettuce market composed of many small farmers who all are at the mercy of the buyers."

The FTC case illustrates dramatically the vastly different concepts by which industry and farmers measure bigness in agriculture. Most of the "small farmers" referred to by United Brands are, by present farm standards, among the largest independent farmers in the country. Their annual sales range from more than $100,000 to several million dollars.

Although admitting the increasing concentration of corporate power in fruit and vegetable production and the corporate takeover of poultry farming, USDA officials generally contend that this phenomenon will not spread to other farm products.

Many Midwestern cattle, hog and grain farmers disagree.

The fear that the cattle and hog feeding businesses, their best source of income, may follow the pattern in which independent poultry growers were wiped out.

About 20 corporations including Allied Mills, Ralston Purina and Pillsbury Co., originally went into poultry production as a means of developing markets for their feed. Farmers were signed up to grow the corporations' poultry, using their feed.

According to USDA studies, the poor but once independent poultry farmers are still poor as contract workers, earning about 54 cents an hour. A Ralph Nader task force on agriculture called this corporate farm system "poultry peonage."

The corporations, however, contend that they have benefited small farmers with a steady, if small, source of income. And, they say, they have given consumers lower priced chicken and turkey.

The farmer sees everyone he must deal with in the food production system acquiring more power except him. The supermarket chains, the grocery manufacturers and the new conglomerate farmers all have economic clout in the marketplace and political influence in Washington. Even migrant farm workers, still the lowest paid laborers in the country, have made some progress, signing contracts with the new conglomerate farmers, who are vulnerable to boycott of their brand products.

Only the individual farmer, with the exception of powerful cooperatives in a few crops, remains unorganized in the marketplace.

A battle to achieve market power now pits rival farm producer groups against each other, farmers against processors and farmers against migrant farm workers.

The battle has produced some strange new alliances and has strained old ones. It is now being fought with strikes and boycotts and in the halls of Congress.

AGRIBUSINESS THREATENS FAMILY FARM

(By Nick Kotz)

Joseph Weisshaar looks the part of Modern American Farmer, textbook version: educated at Iowa State, conservative in speech and manner, efficient in the latest technology, industrious as a businessman, proudly independent.

He is 39 years old and grossed more than $100,000 last year selling hogs. He has presumably "made it." But in fact he is a troubled man, fearful that he and thousands of farmers like him in this country cannot survive the industrial and financial upheavals in American agriculture that have been brought about in recent years by the emergence of enormous "agribusiness" corporations.

So he has become a "militant" of sorts, a card-carrying member of the hell-raising National Farmers Organization which is using collective bargaining, law suits, strikes, boycotts, crop dumping and even occasional violence to win higher farm prices for its growing membership.

The NFO's ultimate goal is to protect the "family farmers" of the world from forces over which they have minimal control—giant food chains, food manufacturers and conglomerates that are attempting to bring to agriculture the industrial bigness, efficiency and control that characterizes much of the American economy.

The threat to the "family farm," and the way of life it represents, is so strong that even the American Farm Bureau Federation, the nation's largest and most conservative farm organization, shows symptoms of upheaval. In the past, the AFB has consistently and vigorously opposed federal intervention in the farm economy. But today, it is swallowing its ideology and asking for federal laws to strengthen individual farmers in dealing with the new corporate forces in agriculture.

The stakes in this struggle between farmers like Weisshaar and the giant new farm corporations are immense:

Food is the nation's largest business with $114 billion in annual retail sales. More than $8 billion in annual farm exports keep the U.S. balance of trade from becoming an economic disaster. The question of who in agriculture is to share in this bounty and on what terms is at the root of the NFO's militance and the Farm Bureau's philosophical turnaround.

Will the family farm survive in the years ahead? Or will agriculture become—like steel, autos, and chemicals—an industry dominated by giant conglomerate corporations such as Tenneco, whose operations were described in an article yesterday? In that case, the nation will have lost its prized Jeffersonian ideal, praised in myth and song, of the yeoman farmer as the backbone of America.

What will become of rural America if the greatest migration in history—40 million to the cities in 50 years—is further accelerated? Farmers have provided the economic base of the small towns and that base is becoming perilously small.

What will be the effect of a rural wasteland on the American political system? The power of the farm lobby and the small towns, already in sharp decline, has traditionally provided a counterbalancing force to the politics of the big cities.

How will the nation's food supply be affected? Production efficiency of the family farmer and general affluence have made food a relative bargain in the United States.

FAMILY UNITS DOWN

On all these questions, the symptoms are not encouraging for the family farm system. A million farms are eliminated every 10 years and only 2.9 million remain.

The average farmer today is 58 years old—compared to a median age of 38 for all Americans in the work force. Young aspirants who would like to fill the retiring farmer's shoes can't get capital. And many who start farming soon quit, discouraged by low returns and mounting debts.

The contest between the family farmer and the conglomerates is, on the surface, incredibly unequal. There is Tenneco with its $4.3 billion in assets and its ability to employ its own land tractors, pesticides, oil, processing plants, and marketing systems. On the other side, there is Joe Weisshaar trying to hold on. Weisshaar has not quit, but he is perplexed about what it takes to earn a decent living farming.

GOAL REACHED

After 10 years applying the lessons taught him at agriculture college, Weisshaar last year reached his personal goal—the magic circle of 50,000 farmers who sold at least $100,000 worth of farm products and produced one-third of the nation's food.

It was not a happy experience.

"I figured I would have it made when I reached the $100,000 mark," (in sales) says Weisshaar, 39, who farms 540 acres near Creston, Iowa, "but I ended up $1,300 further in debt. It seems like the bigger you get, the harder you fall. You depend heavily on credit and with one bad year of hog prices you are in deep trouble."

The Weisshaars have taken only one vacation in 10 years. The family bought only one costly item last year, a new refrigerator. Mary Jane Weisshaar, an attractive college graduate and mother of three young children, paid for it by driving a corn-hauling truck in a job that begins at 5 a.m.

"All that talk in the cities about free time and recreation?" questions Weisshaar. "I wonder whether we farmers aren't subsidizing that recreation."

With his credit already stretched to meet operating expenses, including payments on expensive farm machinery, Weisshaar must farm leased land, rather than buying his own.

"The doctor and lawyer uptown are buying up the farm land as a tax write-off and a hedge against inflation," he complains. "When they get done with it, there is only one other place it can go—to the farm corporations."

INVESTMENT IN YOUTH

"This country is going to wake up one day and discover that the price of food has doubled," says Weisshaar's banker, Charles Ehm, who worries that young men can't get a start in farming. "We decided to start out five young farmers a year—a good investment for the bank and for the community. It's not working and it just tears my heart.

"The worst part of it is that they are not 'pool hall boys.' They work night and day. They are efficient, good farmers. I could name at least a half dozen who will sell out this winter, and they shouldn't have to."

Ehm says the family farm will soon disappear unless farmers get higher prices, and the government provides special financial credit for beginning farmers.

Weisshaar worries that Midwestern farming will be taken over by "vertically integrated" corporate farms, similar to ones that now dominate California agriculture.

While the Tennecos haven't yet moved into Iowa on the grand scale they have spread through California's central valleys, you can almost hear their footsteps.

Feed manufacturers, processors and other corporations already have taken over poultry production, and are now applying similar tactics to move in on hog and cattle feeding—the midwestern farmer's best source of income.

Ralston Purina Co., a leader in the corporate takeover of poultry, has made a pitch to Weisshaar, offering to finance his hog operation, if Weisshaar will buy the corporation's feed and grow its hogs on contract. Remembering what happened to the once independent poultry grower, Weisshaar doesn't want that kind of partner. He doubts the advertisements of Kleen-Lean, Inc., the Ralston Purina subsidiary, which beckon him with "Swine Leasing Will Work for You."

THE PROFITCHAIN

But Weisshaar is faced with a dilemma. If the processors and conglomerates gain control of hog and cattle feeding, then Midwestern family farmers will have to get all their income from growing corn, wheat, and soybeans. Farmers fear they cannot survive, if their only function is to provide grain for an integrated food system in which most profits are taken further up the food chain of animal feeding, processing, marketing and retail sales.

"It doesn't matter whether there are 500,000 of us left or 50,000," says the muscular but soft spoken Iowa farmer. "If we are powerless in the marketplace, we'll just keep on overproducing and killing each other off."

Out of this dilemma, the NFO arose and the Farm Bureau began rethinking its strategy. Farmers started turning up in unfamiliar places—with picket signs at packing plant gates, and with highway barricades seeking to bar farm products from going to market at low prices.

The NFO plan for saving the family farmer includes legislation prohibiting farming by large conglomerate corporations, closing loopholes that promote tax-loss farming by non-farmers, and providing easier financial credit for young farmers.

But the NFO has little confidence in getting help from a Congress in which the farm vote has shrunk into political insignificance.

Its basic strategy is to organize farmers into bargaining blocks of sufficient power to raise prices for their beef, hogs, grain, and other commodities. When buyers refuse to bargain or market prices get too low, the NFO tries to withhold commodities from the marketplace.

Weisshaar believes that an NFO-bargained contract with the John Morrell Co. will mean high prices this year for his hogs and better income to support his family.

"The NFO is the only hope we've got," he says. "We've got to block together our production and demand prices that will give us a decent living."

The Farm Bureau has called for relatively mild legislation that would require processors "to bargain in good faith" with farm groups representing a significant number of farmers. A three-man board, appointed by the President and approved by the Senate, would approve the farmer bargaining agents.

The Farm Bureau legislation, introduced by Rep. B. F. Sisk (D-Cal.), represents, at least in part, a response to the competition of the NFO.

BUSINESS BALKS

Several years ago the Farm Bureau organized voluntary bargaining associations, but learned to its surprise that its old friends and philosophical allies in agribusiness were not cooperative. Agribusiness corporations such as Campbell Soup Co., Green Giant Co., Del Monte Corp., and Pillsbury Co. flatly refused to sit down at the bargaining table.

Many Farm Bureau members suddenly looked at their prestigious organization in a different light. The Farm Bureau had built a $4-billion empire selling life insurance and supplies to farmers. But what, asked farmers, had the Farm Bureau done for them?

So John Kuhfuss, Illinois farmer and Farm Bureau President, went to a House Agriculture Subcommittee to complain. Agribusiness will not bargain with the Farm Bureau, he said, but insists on buying from individual farmers on "a take-it-or-leave-it basis—a one-sided process that is getting more one-sided as changes continue to occur in American agriculture."

Still another approach to increased farmer power is taken by advocates of giant cooperatives, which already are powerful in the dairy industry and in California citrus. The coops believe farmers must compete by creating their own vertically integrated systems of production, processing and marketing.

The giant dairy coops also seek to win higher prices under government-approved marketing orders by exercising political muscle in campaign financing. The dairy coops already have poured $170,000 into a 1972 Republican campaign chest for President Nixon's re-election.

"Agriculture is acting a great deal like the buggy whip industry acted at the turn of the century," says Eric Thor, director of the Agriculture Department's Farmers Cooperative Service and an advocate of giant, integrated coops. Instead of trying to reduce costs and sell cheaper buggy whips, says Thor, that outmoded industry should have become a manufacturer of fan belts or air cleaners.

Similarly, Thor says "the family farm could disappear" unless farmers compete collectively as processors and marketers of food. He believes farmers are wasting time concentrating all their energy on production efficiency, at a time when food industry profits are controlled in food marketing.

COOPS BIG TOO

Some farmers complain, however, that the "super coops" have become just another kind of conglomerate giant from which they get few benefits. For example, Sunkist Growers, Inc., which dominates 80 per cent of California citrus, is a many-layered, pyramid-shaped corporation. Small growers are at the bottom. Contrary to general knowledge, the processors at the top of this "super coop" include major private corporations as well as farmer-owned processors. Critics contend that decisions are made and profits are taken at the time of the pyramid, with too little consideration paid to the economic interests of the small grower.

Iowa farmer Weisshaar is not eager to have his interests buried in such coops. "If I wanted to go into something like that," he says, "I would have gone into meat packing or the grocery business. I like being a farmer."

The various plans of farm groups to save the family farm face an uncertain future.

Their legislative and organizational prospects are seriously weakened by traditional divisions in their own ranks. The NFO is suspicious of the Farm Bureau and is itself distrusted as too "radical" by other farmers. The National Farmers Union, which represents midwestern grain producers, has its own legislative goals.

Other farmers, including cattlemen, fear that mandatory bargaining—a Farm Bureau proposal—will merely stimulate further vertical integration by the conglomerates. Faced with the prospects of collective bargaining, giant meat packers, canners and sugar refiners may respond by growing even more of their own raw food materials.

It is difficult to design legislation to meet the differing problems of Iowa corn producers or California fruit growers.

Furthermore, the agriculture committees of Congress are confronted with new conflicts of interest. In the past, these committees had little trouble satisfying both big farmers and corporate food processors.

The big farmer and conglomerate both benefited from farm subsidy payments, a cheap labor supply, and foreign aid food programs.

But now the Senate and House Agriculture Committees are faced with difficult choices—resolving new conflicts between independent farmers and the corporations. Agribusiness, led by the National Canners Association, National Broiler Council, and the American Meat Institute strongly oppose bargaining legislation.

These committees give considerable weight—as do many economists—to the agribusiness argument that farm commodity prices are determined on a day-to-day basis in a highly competitive world market and that rigid bargaining legislation might well weaken the ability of American agriculture to compete in world trade.

They are concerned, too, about maintaining the vigorous competition that now exists among food processors who fight for position in retail stores and who seek to satisfy shifting consumer preferences that often are geared to price. Processors want to retain this pricing flexibility and fear the rigidities that could come from enforced bargaining.

MANY LOBBYISTS

In terms of effective political power, 200 Washington lobbyists representing the food industry are far more influential than farmer lobbyists. Food processors have plants scattered all over urban America and can appeal to urban as well as rural Congressmen. For example, the Grocery Manufacturers of America maps out its legislative campaigns with charts showing the location of food plants in each congressional district.

"Most members of the agriculture committees wish this farm bargaining issue would just go away," says one agribusiness lobbyist. "Whatever they do, the politicians figure they will make one friend and six enemies."

The Nixon administration also feels and reflects the conflicting pressures from farmers and food manufacturers. The administration has tentatively supported the Farm Bureau Bargaining bill. But a high administration source confides:

"The White House owes a political debt to the Farm Bureau, but we aren't very enthusiastic about this legislation. If you look at our proposed qualifying amendments, you'll see there really isn't much left."

The political disputes and maneuvering are still largely regarded by consumers, urban politicians, and the news media as intramural issues involving "the farm problem."

But the broadest issue involves the future shape of America and of its rural communities.

There is the strong, compelling desire in rural America to maintain the family farm and the small town.

Joe Weisshaar questions whether a way of life his family loves will be replaced by another industrialized system, administered by the forces of big labor and big industry.

And migrant farm workers, struggling to organize, question whether society does not have some obligation to help the lowest-paid worker who is being replaced by machines.

WHY BIGNESS?

Creston banker Charley Ehm asks: "Why is this country so obsessed with bigness? Why can't a young fellow farm 300 acres and make a living? We need to replace the economists and corporate planners with someone who has a concern for human beings."

Even assuming that industrial agriculture can be more efficient, Don Paarlberg, the Agriculture Department's chief economist, says: "People are asking, whether in as affluent a country as the United States, efficiency should be the sole criterion for the form of agriculture we are going to have. We now supply ourselves with food—the best diet ever, anywhere, with 17 per cent of our income. How much is it worth to drive that percentage down to 15 or 12 or 10?

"Should we sacrifice a form of agricultural production that has served us well, that has produced good people as well as good crops and livestock?"

Paarlberg had no answer for the question.

POLICY ANALYSIS AND THE ABM

Mr. JACKSON. Mr. President, on October 1 the Operations Research Society of America, through its Committee on Professional Standards, issued a report on "Guidelines for the Practice of Operations Research." The report has stirred renewed interest in the controversy over the deployment of the Safeguard ABM system because it includes a detailed critical analysis of the Safeguard debate of 1969.

On October 1, both the Washington Post and the New York Times published extensive accounts of the contents of this important and interesting report. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 1, 1971]

(By Michael Getler)

Prominent scientists who led the attack two years ago against the Safeguard ABM project have now been criticized for the quality of their presentations before Congress and in the press during thet ABM debate.

The criticism is contained in a lengthy report, to be released today, by a seven-member Ad Hoc Committee on Professional Standards of the Operations Research Society of America (ORSA).

Among those scientists whose work has been specifically challenged in the 135-page report are: Dr. Jerome B. Wiesner, provost of the Massachusetts Institute of Technology; Dr. George W. Rathjens, visiting professor of political science at MIT; Dr. Steven Weinberg, a physics professor at MIT, and Dr. Ralph Lapp, an author and nuclear physicist.

In a summary of its findings after 21 months of studying the record of the ABM debate, the committee states:

"The evidence strongly supports the disturbing conclusion that when prominent experts outside the administration supported their opinions on Safeguard development with arguments or results of an operations-research nature, these analyses were often inappropriate, misleading or factually in error."

"Quite often," the report goes on, "the misleading nature of an analysis is not apparent on a superficial reading. Because of this, poor analysis can be quite effective in public debate."

The committee said it also found some shortcomings in the analysis of the ABM situation provided by Pentagon officials and their supporters. But "they nowhere near equalled the cumulative mass of inadequacies compiled by the opposition."

The 1969 fight over the Safeguard system to defend U.S. land-based missiles against Soviet attack was the most intensive battle ever waged in Congress over a single weapon system. The administration, which supported the development of Safeguard, won that battle by a vote of 51–50. Vice President Agnew cast the deciding vote.

The pro and anti-Safeguard forces used many devices to affect the outcome. There were campaigns to fill up newspaper letters-to-the-editor columns. There were full-page newspaper advertisements, books, magazine articles, television debates. And through it all there was a procession of prominent scientists lining up on both sides of the issue. Rathjens, Weisner, Weinberg and Lapp led the scientific assault against Safeguard.

The stakes seemed to be enormous. On the one hand, billions of dollars in defense contracts were involved and that meant many thousands of jobs as well as profit potentials.

Beyond that, the debate had heavy political overtones. It pitted the Nixon administration against its critics, the "military-industrial complex" against those who would divert military funds to domestic purposes. In a vague sense, it was a "liberal" versus "conservative" confrontation.

Finally, there was the issue of "national survival." Safeguard, said the administration, was essential to the security of the nation. Its critics said it was an unworkable weapons system that would merely fuel the arms race and add to insecurity.

The report by the ORSA committee was, in effect, a reprimand to the several scientists criticized. It was administered by a body of their peers.

ORSA undertook its investigation of the matter at the suggestion of Dr. Albert Wohlstetter, a University of Chicago professor. Wohlstetter, one of the prominent academicians who supported the Safeguard project, said the study should deal with "professional standards and professional ethics and the responsibility of those who engage in operations research not to mislead . . . (the) lay public by distortion of facts . . ."

He urged that the study not focus on the merits of Safeguard and the ORSA committee says it followed his advice. It dealt only with "faculty professional practices" and was unanimous in its findings on the performance of Rathjens, Wiesner and others in the debate. But the organization's president, Robert E. Machol, said in an introduction to the findings that the committee was still "divided on the merits of Safeguard."

Machol had one compliment for the scientists criticized by the ORSA committee. The country, he said, owes a "debt of gratitude" to all the "public-spirited men" who took part in the ABM debate.

ORSA founded in 1952, has about 8,000 members. They are employed by universities, private companies and the government. Their work involves observation, analysis and predictions about the workability of highly complex systems. The government is a major purchaser of their services.

The ORSA committee focused its study on one central issue in the Safeguard debate: Would the 1,000 U.S. Minuteman missiles be vulnerable to an attack by Soviet missiles without the protection of Safeguard?

On that point, the committee concluded that Rathjens, in his anti-Safeguard arguments, "ignored readily available classified material and used instead nonrelevant unclassified material in situations in which the more valid classified data would have substantially weakened his case."

Another conclusion was that Rathjens used a faulty method in arriving at an estimate of the numbers of individual warheads that could be carried by a single Soviet SS–9 missile. As a result, the committee said, Rathjens wound up "substantially underestimating the SS–9 delivery capability".

Other committee criticisms of Rathjens included a judgment that he overestimated the ability of Minuteman silos to withstand attack, that he used "invalid" techniques in estimating the effectiveness of Soviet missiles against U.S. missile silos and that he was over-optimistic in his estimates of how many U.S. missiles could survive a Soviet attack. Rathjens said in the debates that 25 per cent of the Minuteman missiles could survive an attack by 500 SS–9s without Safeguard. Wohlstetter, whose techniques were approved by the review committee, put the number at 4 per cent.

The committee criticized Wiesner of MIT for accusing the Defense Department's top scientist, Dr. John S. Foster, of having "altered" data to gain support for Safeguard. Wiesner made the accusation at a Senate hearing on May 14, 1969. He said Foster at one point claimed that the Soviets had only 500 SS–9 missiles and at another point raised the figure to 600.

The charge was unfair, the committee said, since Foster was talking about estimates for different years.

Wiesner and Dr. Steven Weinberg were further criticized for "ascribing official validity" to an estimate of the "kill probability of an SS–9 if they were used against Minuteman silos." The committee points out that the Pentagon provided a range of estimates and that some of them were higher than the one picked by the MIT scientists.

The criticism of Lapp, a popular author on scientific subjects, involved three matters. The committee said Lapp underestimated the number of multiple-warheads the Soviets would have and the reliability of their missiles. He also is accused of assigning a "grossly inefficient" targeting doctrine to Soviet war planners.

Wiesner, Rathjens and Weinberg, none of whom are ORSA members, were asked to comment on the report by the committee, but declined to do so. The three MIT scientists said they "found nothing in the report to cause us to change our views"—as outlined in a letter on Dec. 22, 1969, at the outset of the project—"About the absurdity of the enterprise."

In their 1969 letter to ORSA, the MIT scientists maintained that the ABM debate could not be judged according to the standards of operations research, and that it was doubtful ORSA had the resources to carry out such an inquiry.

Such an inquiry, they maintained, would have to deal with the administration's shifting rationale for Safeguard, derivation of intelligence estimates, "and the possibility that it selectively released classified information to make its case."

The trio said that it is also important to find out "whether or not administration statements, regarding the threat to our total retaliatory capability and Safeguard's effectiveness in countering any such threat, were misleading to the Congress and the public."

"We believe," the MIT group wrote in 1969, "that the ABM debate has been one of the most salutary developments in American political life." Such an inquiry as was then being proposed, they wrote, "could well appear to the nation as an ugly resurgence of those attacks on civil liberties and dissent that were far too common 15 years ago."

The committee, in its study, did investigate Dr. Foster's presentations and did criticize the defense research chief for "using a type of model and a set of data that tended to underestimate the expected number of surviving Minutemen." The net result of Foster's alleged errors, however did not amount to much.

The seven-man ad hoc committee included four former presidents of the ORSA.

Chairman was Thomas E. Caywood of the Caywood-Schiller Div. of A. T. Kerney & Co. Other members, in addition to Berger, were Joseph H. Engel, University of Chicago; John F. Magee, Arthur D. Little, Inc.; Hugh J. Miser, University of Massachusetts; and Robert M. Thrall, Rice University.

[From the New York Times, Oct. 1, 1971]

(By William Beecher)

WASHINGTON, Sept. 30.—Much of the supposedly expert testimony during the 1969 Senate debate on the Safeguard anti-ballistic missile program was unprofessional and often misleading, in the view of the principal professional society of cost-effectiveness analysts.

In a 135-page special study, nearly two years in preparation, the prestigious Operations Research Society of America, challenges the accuracy of assertions by both advocates and opponents of the Safeguard ABM system.

Singled out for greatest censure in the report, published in the September issue of the Society's Operations Research Journal, were the testimony and writing of a handful of nongovernment scientists arrayed actively against Safeguard, including Jerome B. Wiesner, currently president of the Massachusetts Institute of Technology.

After the long 1969 debate, the Senate voted by a one-vote margin for deployment of the Safeguard. That margin rose to five votes in 1970 after another long debate. Continued deployment of the ABM at two sites was approved by a vote of 64 to 21 yesterday after only two hours of relatively moderate debate.

Among other conclusions, the analysts' report alleges the following:

The pro-ABM American Security Council, private lobbying group, overrated Russia's comparative missile strength by stressing total payload and downplaying such important factors as missile accuracy and multiple warheads.

A key Administration scientist miscalculated the number of giant Soviet SS–9 missiles that might destroy 95 per cent of America's Minuteman missiles in a first strike.

Anti-Safeguard scientists chose to use data they should have known was misleading, understated the Soviet missile submarine threat to United States B–52 bombers, and dismissed as unfeasible a feasible simultaneous Soviet attack on American bombers and land-based missiles.

The report has already caused considerable argument among scientists and analysts in government, industry and academic circles. Being debated are such questions as whether expert witnesses on highly technical subjects before Congress have a special responsibility to avoid the kind of overstatement and partial truth that often characterize political issues, and whether a group such as the Operations Research Society has any right to attempt to police the performance of nonmembers.

On the latter point, Professor Wiesner and two other M.I.T. colleagues, George W. Rathjens Jr. and Steven Weinberg, went on record at the start of the study as challenging the the "standing and capacity" of the society to judge non-members such as themselves.

The three M.I.T. professors were invited in the winter of 1969 to nominate someone to serve on the six-man blue ribbon panel investigating charges of nonprofessionalism in the ABM debate. They refused and warned that such an undertaking might appear to be "an ugly resurgence of those attacks on civil liberties and dissent that were far too common 15 years ago."

"Even the Spanish Inquisition reserved the charge of heresy for those who had been baptized," they said in a letter to the society.

After the final draft was submitted to them this summer for comment, the three professors asked that their 1969 letter be printed along with the report. They wrote that "we find nothing in the report to cause us to change our views about the absurdity of the enterprise."

LETTER CALLED "ARROGANT"

One evidence of the depth of debate came in the form of a letter to The New York Times from Alain C. Enthoven, for several years Assistant Secretary of Defense for Systems Analysis under the Kennedy and Johnson Administrations and currently president of Litton Medical Products, a subsidiary of Litton Industries. He took no part in the 1969 ABM debate.

Praising the appropriateness and quality of the study, he then added: "I thought that the Rathjens-Wiesner letter objecting to the committee was extremely arrogant. Imagine Linus Pauling objecting to a critical examination of his theories on Vitamin C by the medical profession on the grounds that he isn't a member."

But five of the 13 members of the society's own governing council objected to the study, in part because of the difficulty of obtaining clarifying information from participants in the debate who were not members of the society, and declined to cooperate in its investigation.

The six men who conducted the study were Mr. Berger of the Xerox Corporation, Rochester; Thomas E. Caywood of A. T. Keraney & Co., Chicago; Joseph H. Engel of the University of Illinois; John F. Magee of Arthur D. Little, Inc., Cambridge, Mass.; Hugh J. Miser of the University of Massachusetts, and Robert M. Thrall of Rice University.

Mr. Caywood, Mr. Engel, Mr. Magee and Mr. Miser are all former presidents of the Operations Research Society. Mr. Berger is a past president of the Military Operations Research Society; and Mr. Thrall is a former president of the Institute of Management Sciences.

Although the report went into exhaustive analysis of the specific technical elements of the Safeguard debate, its principal conclusions were summarized in a few sentences.

"The evidence strongly supports the disturbing conclusion," it found, "that when prominent experts outside the Administration supported their opinions on Safeguard deployment with arguments or results of an operations-research nature, those analyses were often inappropriate, misleading or factually in error."

All too often, the report stated, expert witnesses failed to distinguish properly between the roles of "analyst and advocate." It concluded that "misleading" analysis was not apparent to the nonexpert and could therefore have been "quite effective in public debate."

The report criticized one element of the testimony of Dr. John S. Foster Jr., director of research and engineering for the Defense Department, who was the Government's chief ABM advocate.

In one calculation, the report said, Dr. Foster estimated that 420 Soviet SS–9 missiles, with three warheads each, could be targeted to destroy all but 50 of America's 1,000 Minuteman missiles in a surprise attack.

The panel declared that Dr. Foster used a slightly high estimate of the "kill probability" for the SS–9. It said that a similar calculation by Albert Wohlstetter of the University of Chicago estimating that it would require 500 SS–9's to destroy that many Minutemen, was more realistic.

It was Professor Wohlstetter, the principal nongovernment witness supporting Safeguard, who triggered the study by the society to analyze critically the performance of expert witnesses in the debate.

The report found "no significant defects" in the Wohlstetter testimony and lauded one document he prepared for the Senate as "a model for the professional and constructive conduct of a debate over important technical issues."

GOOD DATA FOUND IGNORED

On the testimony of Dr. Rathjens, the panel concluded that he "had access to and used classified information but ignored readily available classified material and used nonrelevant unclassified material in situations in which the more valid classified data would have substantially weakened his case."

The report asserted that Professor Wiesner incorrectly charged the Pentagon with changing its projected kill probability for Soviet missiles, understated the potential threat to B–52 bombers from Soviet missile submarines in a manner that might have misled the layman, and dismissed as unfeasible the simultaneous Soviet attack on American bombers and land-based missiles that the panel said was potentially feasible.

In his letter to The Times, Dr. Enthoven declared:

"In my years as Assistant Secretary of Defense, I was often struck by the great difficulty in getting strictly scientific advice from the scientists and strictly military advice from the military—as opposed to political advice and value judgments from both.

"If inquiries of the kind conducted by the Operations Research Society of America were regularly conducted by equally qualified and impartial panels of professional leaders, members of Congress and other public officials would have a better chance of getting expert advice from the experts—confined to the limits of their expertise.

In the long run, the Pentagon's Dr. Foster commented, studies of this kind "may make both sides in future debates a little more careful about their calculations and assertions, and that would be all to the good."

In a 26-page comment made available late today, Professors Weisner, Rathjens and Weinberg declared:

"We do not claim infallibility. We made

mistakes, but we believe not serious ones. Such errors as we made were a reflection of the fact that, with limited time and resources, we devoted our efforts to the issues of fundamental concern. We believe the Administration spokesmen, and to an even greater degree Mr. Wohlstetter and the O.R.S.A. committee, avoided many of these issues, preferring to dwell on minutiae.

Mr. JACKSON. Mr. President, the Operations Research Society of America is a highly professional technical society whose remarkable findings raise a number of questions about the technical advice that was presented to the Senate on the deployment of the Safeguard system. The ORSA committee summarizes its findings in this way:

> The evidence strongly supports the disturbing conclusion that when prominent experts outside the Administration supported their opinions on Safeguard deployment with arguments or results of an operations-research nature these analyses were often inappropriate, misleading, or factually in error. Moreover, in many instances, elementary standards for proper presentation of results to permit verification and meaningful dialogue were not met. Failure to distinguish properly between the roles of the analyst and the advocate contributed to the lack of complete research to clarify the presentation.
>
> Quite often the misleading nature of an analysis is not apparent on a superficial reading. Because of this, poor analyses can be quite effective in public debate.
>
> By no means was all the analysis bad. There were specific examples of well documented analyses of high quality and of high standards of professionalism.

The full report of the Operations Research Society of America was published in the Journal of the ORSA, September 1971, volume 19, number 5. I ask unanimous consent that Appendix III of that report, entitled "Treatment of Operations-Research Questions in the 1969 Safeguard Debate," be printed in full in the RECORD.

There being no objection, the Appendix III of the report was ordered to be printed in the RECORD, as follows:

[From *Operations Research*, The Journal of the Operations Research Society of America, "Guidelines for the Practice of Operations Research", September 1971, Volume 19, Number 5]

APPENDIX III—TREATMENT OF OPERATIONS-RESEARCH QUESTIONS IN THE 1969 SAFEGUARD DEBATE

As stated in the Introduction to the main body of this report;

"When public debate is joined by eminent practitioners of operations research, advocating opposing positions on important issues and offering apparently contradictory testimony (all based, in part, on operations-research methods), the confidence of the public in this approach may be undermined, and the decision makers to whom the testimony is being offered may become confused rather than enlightened."

The controversy over the deployment of the Safeguard antiballistic missile system, which took place during the period from the beginning of 1969 through about September 1969, is a notable example of public debate over a major policy issue in which many of the arguments presented pertained to matters partly within the domain of operations research. Charges of nonprofessional conduct by scientists and other experts in that debate indicated to the Council of ORSA the need for a statement of professional standards and the desirability of encouraging publication of critical reviews of the operations-research material submitted in such debates.

Hence the Ad Hoc Committee on Professional Standards prepared the following analysis of the methodologies employed and publicly displayed by the participants in that debate. The Council has approved publication of this Appendix, which represents the opinion of its six authors. Of course, this does not mean that this Appendix represents a position taken by the Society.

It is not the intent of the Ad Hoc Committee or the Council to take a position, explicit or implied, on the question of Safeguard deployment. It would be inappropriate to do so, even if the issue could be dealt with solely by the techniques of the profession. Moreover the issue involves many questions well beyond the scope of analytical treatment.

The Committee and the Council also make no judgment on the motives or ethics of any participants in the debate. This too is not a proper function of ORSA or the Council.

I. INTRODUCTION AND SUMMARY OF FINDINGS

A. *Introduction:* Many scientists and members of other technical professions have engaged in the debate over Safeguard deployment. A review of the issues of the debate reveals only a few differences over physical phenomena. Rather, the major points of dispute belong either to the political or sociological areas, or to the realm of operations research.

The analysis below is limited to a treatment of major issues within the scope of operations research and is based on a careful review of major statements and supporting documents issued by experts outside the government as well as public government documents such as the publications of Congressional Committees and the Congressional Record. Additional relevant information and analyses performed by individuals or groups both inside and outside the government were obtained to aid in this review. Where possible source documents rather than newspaper accounts were used. The period from approximately the beginning of 1969 through September 1969 is covered.

In the sections below, we first summarize the background leading up to the debate. This includes the 1969 Safeguard deployment proposal of the Administration, the major changes from its predecessor Sentinel, and the Administration's rationale for Safeguard and the change from Sentinel. Some of the major issues of the debate of an operations-research or systems-analysis character are discussed.

An extensive review is conducted of a major issue of the 1969 debate, whether the Soviet Union might achieve a capability to destroy most of the United States land-based missile and bomber forces by the time Safeguard would become fully operational. There were numerous conflicting calculations and assertions on this issue and it led to two major exchanges between experts.

The final section documents a list of methodological errors in the use of operations-research techniques that occurred in the debate and categorizes these by type of error.

B. *Summary of Findings*: The evidence strongly supports the disturbing conclusion that when prominent experts outside the Administration supported their opinions on Safeguard deployment with arguments or results of an operations-research nature these analyses were often inappropriate, misleading, or factually in error. Moreover, in many instances, elementary standards for proper presentation of results to permit verification and meaningful dialogue were not met. Failure to distinguish properly between the roles of the analyst and the advocate contributed to the lack of complete research to clarify the presentation.

Quite often the misleading nature of an analysis is not apparent on a superficial reading. Because of this, poor analyses can be quite effective in public debate.

By no means was all the analysis bad. There were specific examples of well documented analyses of high quality and of high standards of professionalism.

II. BACKGROUND OF THE 1969 SAFEGUARD PROPOSAL

During the Johnson Administration Congress approved the initiation of deployment of a thin area ballistic missile defense system, "Sentinel." President Nixon promised to review the deployment decision and, if he concurred that a ballistic missile defense system should be deployed, to resubmit the question to Congress.

Out of the review came a recommendation for deployment of a modified Sentinel system that came to be called Safeguard.

The 1969 Safeguard proposal was for a 'phased deployment' beginning with Phase I, a deployment of two sites for the protection of two Minuteman wings. Phase II, the full Safeguard system, had several sub-options, but the full deployment would be a thin area defense covering the contiguous 48 States and consisting of 12 sites, including the two of Phase I. One of the proposed sites of Phase II is at Washington, D.C. and four of the sites are at Minuteman Wings (including the two of Phase I). Although not formally a part of Phase II, the Administration stated that sites could also be built to defend Hawaii and Alaska.

The Administration gave the following missions for the full Phase II deployment:

Defense of Minuteman from a Soviet Intercontinental Ballistic Missile (ICBM) attack.

Defense of bombers from a Soviet Sea Launched Ballistic Missile (SLBM) or Fractional Orbit Ballistic System (FOBS) attack.

Defense of the National Command Authority.

Defense of the population against an attack by China or other small nuclear powers.

Defense of the population against accidental or unauthorized attacks.

The principal changes from Sentinel are:

Fewer sites; 12 rather than 15 (page 64, Stennis Hearings).

Movement of sites away from cities.

Addition of more radar faces to give better coverage against SLBMs.

Increased deployment at Minuteman wings.

Program stretch-out.

Initial deployment at Minuteman sites (Phase I).

In justifying the Safeguard proposal, the Administration accepted the rationale of the preceding Administration on the desirability of a defense against China and also on the undesirability and infeasibility of a defense designed to protect the population against Soviet attacks, since it was felt this would merely force the Soviets to buy a larger offensive force. The Nixon Administration also concurred with the policy of preceding Administrations of continuing to maintain both bombers and land-based ICBMs in the strategic forces rather than depend only on sea-based systems.

The reasons presented for the changes from Sentinel to Safeguard were:

By moving sites away from cities it would be more expensive and take longer to thicken the system to provide a significant anti-Soviet population defense. Safeguard was thus less worrisome and provocative to the Soviets, and less likely to interfere with the Strategic Arms Limitation Talks (SALT).

The Sentinel system, which was northward looking, could not protect itself or the bomber force from SLBMs[1] and FOBS.[1]

Footnotes at end of article.

Developments in the Soviet posture and Chinese ICBM work called for a shifting of priorities from those of Sentinel.

The Soviets SS–9 force had continued to grow instead of levelling off as had been hoped. Furthermore, the Soviets had begun testing a MRV[1] believed to be a forerunner to a MIRV[1] capability for the SS–9 that could seriously threaten Minuteman survivability in the mid to late '70s.

The Chinese ICBM development program had slipped, so there was less urgency in defending against China.

Although the Administration put a greater priority on defense of Minuteman it did not abandon the area defense objectives of Sentinel in its arguments for Safeguard. However the public and Congressional debate focused primarily on the Minuteman defense issue.

III. SOME MAJOR ISSUES OF THE DEBATE WITHIN THE DOMAIN OF OPERATIONS RESEARCH

In examining the record of the debate over Safeguard, about two dozen issues that fell within the domain of operations research were uncovered. Rather than list and discuss them all, the Committee has attempted to be selective and concentrate on two major issues. These are:

A. *Vulnerability of Minuteman and Bombers without Additional Protection* (and the sensitivity of these results to assumptions about the Soviet ability to reprogram its missiles).

B. *The Operational Feasibility of Certain Defensive Tactics:* A major issue not treated adequately in the debate, perhaps because of the manner in which the Administration characterized the missions to be accomplished by Phase II deployment of Safeguard (*see* Section II) is:

C. *Requirement for the Defense of Minuteman Bombers as Part of the Total U.S. Deterrent Force:* In Section IV, which follows, Issue A will be the major subject of discussion, but Issues B and C will also be touched on.

IV. THE VULNERABILITY OF LAND-BASED MISSILES AND BOMBERS IF THE U.S. TAKES NO ADDITIONAL PROTECTIVE MEASURES

A. *Importance:* The potential vulnerability of land-based missiles and bombers to Soviet attack was a central issue in the debate for several reasons:

(1) Protection of land-based systems as a part of strategic posture depending on more than one type of system, each with its own class of protective measures, has been a basic element of U.S. strategic policy during the Kennedy, Johnson, and Nixon Administrations. Thus, development of a threat to any one component of the strategic forces, not to say two, would be a matter of major concern, and continued protection of a component would be abandoned only if it proved excessively expensive or infeasible to achieve.

(2) The Nixon Administration used the potential vulnerability of the land-based missiles and bombers to argue for the urgency of initiating ABM deployment without additional delay.

(3) Safeguard opponents presented numerous calculations and statements intended to establish that the Administration had over-stated the potential vulnerability of the land-based systems.

(4) The Press gave great prominence to the issue, particularly the land-based missile vulnerability component. These articles presenting the opposition point of view often strongly suggested that the Administration was using "scare" techniques and was creating a "credibility gap."

Potential vulnerability of these systems was only one of several related issues, including whether the land-based systems were needed at all and whether Safeguard was an appropriate response. The behavior of experts on these additional issues is treated elsewhere in this report.

People hold differing views on the importance of given levels of survivability of the land-based forces. Nonetheless, the issue was of sufficient importance that Senators, Congressmen, and the general public deserved careful, straightforward, and honest treatment by the experts. One would expect that different experts would come up with different answers, as indeed they did. However, the calculations are sufficiently simple that in principle it should be possible to reach agreement among the professionals if not on their results, at least on where their assumptions differ; and then to conduct a debate over the validity of one or the other set of assumptions.

B. *Timing (and Its Effect on Ability to Predict)*: The issue of vulnerability of the land-based forces should be stated with careful attention to the time in the future for which the calculations are made. Fuzziness on this point led to a great deal of confusion in the debate. For example:

What might the Soviet first-strike capability against land-based missiles or bombers be *during the time period* when Safeguard Phase II would become operational and shaken down, if approved as requested?

The emphasis on time is important, since a central issue of the debate was whether it was necessary to proceed immediately or whether there was time to delay Safeguard deployment for a year or perhaps even develop a new ABM or other alternative.

According to statements made by Deputy Secretary of Defense Packard on March 26,[2] and May 13, it would appear that calculations intended to show a lack of urgency should be based on capabilities no earlier than, say, January 1977 for bomber survival. Since the four Minuteman sites might be ready earlier than full Phase II, calculations using, say, January 1976 capabilities at the earliest might be justified for the Minuteman component. The factors of possible slippages, time needed truly to shake down a nominally operational system, and the fact that a "no" was believed to imply a delay to at least 1978 for full operational status all imply that calculations based on later times are also relevant.

Calculations of Soviet capabilities five or more years from now are inherently uncertain. Hence, proper qualifications should accompany any quantitative estimate of the survivability of the United States land-based systems that far into the future. Indeed, the context in which a result is quoted can determine whether it is being used properly or not. Examples will be given below of outcomes that appear to be well within the range of uncertainty but which have been used improperly because they were accompanied by such phrases as "no matter what attack one imagines."

C. *Vulnerability of Land-Based Missiles Without Additional Protection:* The vulnerability of U. S. land-based ICBM's, predominantly Minuteman, received much more attention in the debate than did that of the strategic bomber force, and of all the issues in the debate it was the one on which there was a series of direct exchanges between principal experts. It is also a question coming clearly within the scope of operations research. These factors, coupled with the extreme simplicity of the calculations, make this an excellent example for evaluating the conduct of the experts in the debate. Two major exchanges occurred on this subject.

The first began with Albert Wohlstetter's testimony before the Senate Armed Services (Stennis) Committee on April 23 in which he stated that recent proofs "that purport to show our Minuteman will be quite safe without any extra protection . . . depend heavily on optimistic estimates of limitations in Russian delivery accuracies, reliabilities, and associated offense capabilities and sometimes on very poor offense tactics." On May 23 he submitted a supplementary[3] statement on this matter to which Wolfgang Panofsky[4] and George W. Rathjens, Jr. responded. The controversy with Rathjens continued through two exchanges of letters in the *New York Times* and into correspondence between the two and with Senator Symington.

The second exchange began with a speech on May 12 by John S. Foster, Jr., Director of Defense Research and Engineering, in which he challenged calculations of ICBM vulnerability in the book, *ABM: An Evaluation,* edited by Abram Chayes and Jerome B. Wiesner. Wiesner replied in testimony two days later.[5]

This subsection presents analyses of these two exchanges. It then discusses ICBM reprogramming (which played an important role in these exchanges, but is not the only major difference between both sides in the discussion, as has been claimed by some). Finally, the subsection will look at some calculations by Ralph E. Lapp, followed by the chronology described above.

(1) *The exchange between Rathjens and Wohlstetter*

(a) Introduction and Summary: The Annex presents an example of a prominent public debate over major technical issues with a substantial systems-analysis component, with particular emphasis on differing calculations of the vulnerability of Minuteman without Safeguard.[6]

This subsection analyzes the course of that debate in order to establish specific findings on the maintenance or violation of professional standards by one or the other or both of the participants.

We begin with a review of the statements on assumptions and conclusions on Minuteman vulnerability leading up to the *New York Times* letters. Following this we state specific abuses of professional standards in this debate and present supporting evidence and analysis as needed.

The list of abuses found may seem one-sided, since most of them were committed by only one of the participants in the debate. However, we have assiduously attempted to be balanced in our examination of the record.

(b) Chronological Review of Statements on Minuteman Vulnerability Calculations: On March 26, before the Gore Subcommittee, Secretary of Defense Laird and Deputy Secretary Packard made public:

A chart showing growth in Soviet missiles (p. 279 of the published hearings) indicating approximately 460 SS–9s at end of 1975.

The 'Packard chart' on Minuteman vulnerability, showing probability of a Minuteman silo being destroyed as a function of accuracy for warheads of one, five, and 25 megatons.

The information that the SS–9 could carry either a single 20- or 25-MT warhead on three 5-MT warheads. Regarding the 20- vs. 25-MT warhead, Deputy Secretary Packard stated (ibid, p. 286):

"This is a figure [25 MT] which is in the range of estimates. The best information I have seen is that they do have variable warhead sizes on these missiles, and they do have the capability of carrying a 25-MT warhead."

This appears to be the first public statement of these estimates by the Administration.

Two days later, on March 28, Rathjens presented testimony prepared prior to the above statement to the same Subcommittee in which he stated:

"If one assumes *highly accurate MIRVs* are developed by the Soviet Union and deployed on the SS–9s, they might pose a greater threat. If the Soviets can do as well in achieving a high accuracy as we apparently expect to do, according to figures released in late 1967 by former Deputy Secretary of Defense Nitze—then a *500-missile* Soviet

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Footnotes at end of article.

SS–9 force might destroy three-quarters of the Minuteman force." (Emphasis added)

One month later (April 23) both Rathjens and Wohlstetter testified before the Stennis Committee. On the day before, Wohlstetter asked Rathjens how he had made his calculations. Rathjens in his replying note indicated he used data appearing in testimony presented in 1967 by then Deputy Secretary of Defense Paul Nitze[7] to deduce that four 1–MT reentry vehicles could be delivered by an SS–9, assumed 500 SS–9s, used the "Packard Chart" to deduce an estimate for the hardness of Minuteman appearing in the note, derived a terminal kill probability (PK) for a 1–MT warhead of 0.6, and used a reliability of 0.75. From this he arrived at the result that 25 percent of the Minuteman would survive.

In his written testimony to the Stennis Committee, Rathjens essentially repeated his result of a month before (p. 1252):

"Yet even if the Soviet SS–9 missile force were to grow as rapidly as the Defense Department's most worrisome projections, even if the Soviet Union were to develop and employ MIRVs with those missiles, and even if they achieved accuracies as good as we apparently expect with our MIRV forces (according to figures released in late 1967 by former Deputy Secretary of Defense Nitze) a quarter of our Minuteman force could be expected to survive a Soviet preemptive SS–9 attack."

In Appendix II of his written submission, he states (p. 1258):

"For the Soviet Union to have a capability to destroy 90 percent of the Minuteman force in a preemptive attack using a MIRVed SS–9 force, about 850 missiles would be required (assuming accuracies similar to those we expect and reliabilities of about 75 percent)."

Wohlstetter, in his prepared statement of that day said (p. 1264):

"I have tried with some effort to reconstruct various numerical proofs recently presented or distributed to the Congress that purport to show that our Minuteman will be quite safe without any extra protection; these proofs depend heavily on optimistic estimates of limitations in Russian delivery accuracies, reliabilities, and assocated offense capabilities and sometimes on very poor offense tactics. Suppose, however, that by 1976 when Safeguard is deployed, or by 1977 when it may be shaken down, the Russian have:

"(1) Accuracies like those of the systems we are deploying now.

"(2) Overall reliabilities currently attributable to them.

"(3) Methods familiar to us for using extensive and timely information as to which missiles have failed so that others can replace them, the technique known as shoot-look-shoot.

"(4) Continued production of SS–9 boosters at past rates.

"(5) Modest numbers of MIRVs per booster (e.g., the three 5-megaton reentry vehicles stated by Secretary Laird for the SS–9).

"Then the percentage of the Minuteman force that would be destroyed, if undefended, comes to about 95 percent.

"These results are based on quite moderate assumptions about Russian capabilities. Better accuracies, for example, may be expected in the late 1970s, and higher degree of MIRV'ing. Reliabilities of any given offense missile system improve with use. Do those who favor a hardpoint defense but would postpone a start really consider these Russian capabilities I have outlined 'extremely implausible'? Or at all implausible?"

In the afternoon question and answer period, Senator Jackson raised the subject of Wohlstetter's statement concerning various "proofs" that Minuteman would not be vulnerable in the time period when Safeguard would become operational (p. 1292).

Concerning Rathjens' calculations, Wohlstetter stated (pp. 1293, 1294):

WOHLSTETTER. "Dr. Rathjens and I have much less disagreement about the method of calculation and how you go about this. We assumed the same accuracy, the same number of boosters, and in fact we assumed the same overall reliability."

Senator JACKSON. "And warheads, the yield?"

WOHLSTETTER. "Yes. There was a difference in the warhead yields that we used and this certainly affects our results. But I think there would not be any serious disagreement between us as to whether the SS–9 will be able to carry three warheads of 5-megaton yield. He chose what he thought was the optimum yield. I chose a number that had already been made public by Secretary Laird—three 5-megaton reentry vehicles per booster. The latter I believe closer to optimum.

"Now there are two other important differences between our calculations and they illustrate precisely how sensitive the results are to such assumptions. One is that Dr. Rathjens, in the best faith, of course, assumed a blast resistance which was two-thirds higher than I assumed, but also two-thirds higher than that of the Minuteman. I used the actual hardness we estimate for the Minuteman.

"The second is that he did not exploit the information that one can have as to what missiles have failed. A high proportion of failures happen before launch or during launch right on the pad. You get information about them right away. You also can know of failures at cut-off. And you can get information beyond that point. There are very familiar, well-known methods of arranging it so that you can reprogram missiles to replace a very large proportion of your failures, since most of them take place in a way that enables timely information. This is the shoot-look-shoot method I referred to earlier. Dr. Rathjens and I assumed the same overall reliability. When you divide up the expected failures into the ones that can be learned about and replaced and those that cannot, using current planning factors for this division, you get a much more devastating result than was shown by Dr. Rathjens.

"The result of the three differences in our assumptions, in short, is that instead of getting a 25 percent survival of our Minuteman one gets a 5 percent survival. The reason this is important is, of course, that neither of us knows precisely what Russian capabilities are going to be (nobody knows) but these are quite likely capabilities."

Rathjens did not disagree at the Hearing and requested permission to file a "classified statement." He did so April 30, and on May 30 he stated that it "dealt with Wohlstetter's criticisms."

However, except for stating that his classified calculations used 460 SS–9's (Read from Secretary Laird's chart for 1 January 1976), the classified submission does not contain any statement of performance characteristics used.[8]

Thus, when Wohlstetter prepared his *Supplement on Purported Proofs That the Minuteman Will Be Safe Without Further Protection* submitted on May 23 he had no reason to doubt that the information supplied him by Rathjens on April 22 validly stated Rathjens' assumptions, and that "Since Rathjens and I compared notes on April 22, I am able to fix quite precisely where we agreed and where we differed. (p. 1447)." Wohlstetter summarized his understanding of the two sets of assumptions in the following table (p. 1448):

DIFFERENCE BETWEEN ASSUMPTIONS USED BY DR. RATHJENS AND MYSELF

Assumption and difference

Number of SS–9s: Same.

Overall reliability: Same.

Accuracy: Same.

Minuteman blast resistance: (Dr. Rathjens', ⅔ higher than official estimate) (mine, official estimate).

SS–9 payload: (Dr. Rathjens', 4 reentry vehicles at 1 MT, less than CC–9 capability) (mine, 3 at 5 MT, SS–9 capability).

Use of partial information on missile malfunctions: (Dr. Rathjens' not used) (mine, used).

Rathjens, in his letter of June 5 to the *New York Times*, takes exception on three points:

(1) Computation of Terminal Kill Probability: There is the question of whether I used the right "hardness" for Minuteman silos in my calculation. I used a chart released by Deputy Secretary of Defense Packard and data made available by former Deputy Secretary of Defense Nitze on Nov. 8, 1967. Nitze's data implies that the PK of a hypothetical U.S. missile against a Soviet hardened silo would be in the range 0.12–0.17 (p. 48).

"One cannot determine unambiguously either the hardness of a Minuteman silo or the accuracy we expect from MIRV's from this data. However, by using both releases one can derive a probability for a Minuteman silo being destroyed without knowing the exact hardness. This I did. Any error in estimation of hardness is irrelevant because it is offset by a compensating difference in estimation of accuracy.

"(2) Number of 1–MT Warheads Deliverable by a MIRVed SS–9: it is alleged that I made an error in assuming four 1-megaton (MT) warheads per SS–9 missile rather than three 5-MT warheads as Mr. Wohlstetter assumed. My statement for Senator Albert Gore's subcommittee was prepared before anyone had suggested that the Soviet Union could employ the latter option with the SS–9. I saw no reason to change it, since I continue to regard a payload of less than three 5–MT warheads as a plausible threat and because the difference is small compared with the following more important points.

"(3) Availability to the Soviets of Reprogramming and Significance: The major difference between Mr. Wohlstetter's analysis and mine is with respect to the extent to which the Russians could retarget some of their missiles to take account of failures of others.

"Mr. Wohlstetter has assumed perfect information would be available to them about missile launch failures, failures during powered flight, and failures in separation and guidance of the individual warheads, and that they would be able to use that information with the high confidence required to make a preemptive attack a rational choice. I have assumed they would not be able to obtain and use information about such failures in a timely fashion. This accounts for most of the difference in our estimates of Minuteman survival."

(c) Evaluation: Since the June 5 letter is the first place in which Rathjens challenges Wohlstetter's assumptions and explanation of their differences, this is a good place to analyze the validity of the differing claims so far.

(1) Minuteman Blast Resistance: Rathjen's assertion that "any error in estimation of hardness is irrelevant because it is offset by a compensating difference in estimation of accuracy" will be treated below under item (3).

Rathjens informed Wohlstetter of a blast resistance derived from the 'Packard Chart' and this blast resistance is, as Wohlstetter stated, two-thirds higher than the usually accepted figure for actual Minuteman hardness. Moreover, Wohlstetter is correct in stating that the Packard Chart does not lead to the hardness stated by Rathjens. Even if the CEPs[9] on the chart are read as statute miles[10] the resulting overpressure is still significantly lower than that stated by Rathjens.

(2) SS–9 Accuracy (CEP): Again, the rele-

Footnotes at end of article.

vance to Rathjens' estimate is discussed below. The question at hand is given the information supplied him on April 22, did Wohlstetter interpret it correctly or not?

A simple check reveals that, if one does assume the overstated Minuteman hardness of Rathjens' note and 1–MT, then essentially the same CEP must be assumed as was used in Wohlstetter's calculations to achieve the PK by a reliable warhead stated in Rathjens' note. Hence, on the evidence in that note, Wohlstetter was justified in asserting that the two agreed on CEP.

(3) Estimate of Probability of a Reliable Warhead Killing a Target (PK): Rathjens' assertion that he used both the Packard and Nitze data to derive a PK estimate cannot be supported mathematically. One can either:

(a) Use the Packard Chart and a CEP assumption to read a PK, or

(b) Use the Nitze data and an exponent for scaling lethal radius with yield to deduce PKs for 1–MT using the Nitze PKs for 50–KT.

In neither approach does one use both sets of data. Rathjens asserts "one cannot determine . . . the hardness of a Minuteman silo . . . from this data." But one can do exactly that from the Packard Chart. Thus Rathjens' explanation is not only inconsistent with his earlier statements to Wohlstetter, it is internally inconsistent as well.

The model used by Rathjens in deriving kill probabilities for 1-MT warheads from kill probabilities for 50-KT warheads assumes that the 'lethal radius' of a warhead against a particular target scales as the cube root of the yield. For hardened silos, this is an invalid scaling assumption. For these targets, damage is determined not only by peak overpressure but also by the duration of the overpressure pulse, and hence a scaling exponent larger than one-third is called for. Using an appropriate larger exponent would lead to a higher kill probability for a 1-MT warhead.

(4) Estimation of Number of 1-MT Warheads Deliverable by a MIRVed SS-9: In his April 22 note to Wohlstetter, Rathjens explained the model he used to deliver the number of 1-MT warheads per SS-9 used in his calculation. If N_1 and N_2 are the number of reentry vehicles of yields Y_1 and Y_2 respectfully, then he assumed there was a constant a such that $N_2/N=AY_1/Y\ )^a$. From Nitze's 1967 data he deduced the value 0.435 for a. The same value of a was then used for the SS-9 with $Y_1=25$-MT, and $N_1=1$. It then follows that for $Y_2=1$-MT, $N_2=4$.

Since N_2 plots as a linear function of Y_2 on log paper with slope $=-a$, the above formula can be called the 'log-linear model.'

Plots of N and Y for alternative payloads that have been designed in detail indicate a relation that, instead of being log-linear, is strongly concave downward. The effect of this 'bowing' would be quite significant in interpolating between 50-KT and 10-MT (these two yields differ by a factor of 200).

Figure 1 (not printed) illustrates the invalid log—linear model, showing the line for the Nitze data and the same line scaled up to the SS-9 warhead size.

Rathjens could just as well have applied the log-linear model to the existing data on the SS-9: one reentry vehicle at 25-MT and three reentry vehicles at 5-MT. This would have led him to use *nine* reentry vehicles at 1-MT rather than just 4. This is shown by the dashed line in the figure.

But the important and plain fact is that the SS-9 could carry significantly more than four 1-MT weapons if the Soviets chose to develop such a system.

(5) Availability and Operational Difficulties of Reprogramming to the Soviets: (a) Rathjens, in his submission of April 30, comments on reprogramming: "This technique is not trivially simple to use, and its use would result in some spreading out of the arrival time in Soviet missiles. There is no basis that I am aware of for believing that the Soviet Union employs such a technique, and I do not believe we do." He appears to be correct in his statements concerning the existence of Soviet and U.S. reprogramming systems. Wohlstetter, on the other hand, does not claim that either we or the Soviets have such techniques now, but only that they are not difficult to achieve and should be considered a real possibility if a force has significantly greater effectiveness with them.

Elsewhere in this report (pp. 1201 ff.) there is a general discussion of reprogramming that shows what can be gained for a particular set of force parameters by reprogramming only for countdown failures, reprogramming for launch failures as well, and finally reprogramming for a portion (roughly one-half) of in-flight failures. Peculiarities of individual missile guidance systems that were not designed with reprogramming in mind may make it difficult and expensive. But, in general, while not 'trivially simple' it may well be feasible at modest cost, and should be easier for first-strike forces than for retaliatory forces. In this regard, the U.S. considered carefully a second-strike reprogramming capability for Minuteman, called 'Taps.' Taps was rejected, not because of engineering and cost difficulties, but because it appeared to add little to Minuteman's capability to attack urban targets.

A careful look at possible reprogramming schemes (*see elsewhere* in this report) demonstrates that the 'spreading out of arrival time' argument is unfounded. First detonations at only a few Minuteman sites would be delayed by at most a matter of a very few minutes. Other warheads detonating in the missile fields would make it impossible to launch even these few Minutemen safely.

(b) Rathjens, in his *New York Times* letter, claims that Wohlstetter used perfect reprogramming. In fact, Wohlstetter clearly stated that he assumed only partial replacement of in-flight failures—in his second letter to the *New York Times* he further states that about one-half the in-flight failures were assumed to be non-reprogrammable.

(c) Rathjens states that the difference in MIRV assumptions is small compared to more important points including "The major difference between Mr. Wohlstetter's analysis and mine is with respect to the extent to which the Russians could retarget some of their missiles to take account of failures of others."

Nowhere does he acknowledge Wohlstetter's calculations of the effectiveness of SS–9s with the estimated payload of 1–MT MIRVs and *no* reprogramming appearing in the *Supplement on Purported Proofs* . . ., the document that prompted Rathjens letter. In that document, Wohlstetter presents the following table:

EFFECT OF ASSUMPTIONS ON MINUTEMAN SURVIVABILITY

Minutemen surviving:	*percent*
Dr. Rathjens' result	25
Adjust for correct Minuteman blast resistance and three 5–MT MIRV per SS–9	16
Alternative adjust for correct Minuteman blast resistance and number of 1–MT MIRV warheads the SS–9 is capable of carrying	7.3
Using correct Minuteman blast resistance, either three 5–MT MIRV per SS–9, or the correct number of 1–MT warheads per SS–9, and information as to missile malfunctions	5

This table shows that, using the estimated number of 1–MT MIRVs per SS–9 and *no* reprogramming leads to essentially the same result as using three 5–MT warheads and partial reprogramming for in-flight failures, i.e., 7.3 percent vs. 5 percent surviving.

Wohlstetter repeats these results in his reply to Rathjens' first *New York Times* letter and adds the result that with three-warhead 5–MT configuration using reprogramming only through launch failures leads to 8 to 9 percent surviving.

Rathjens never specifically addressed these results.

(d) Conclusions Concerning Rathjens' Presentations: On the basis of the above analysis and checking of the relevant classified sources, the Committee concludes that Rathjens:

(1) Had access to and used classified information but ignored readily available classified material and used instead nonrelevant unclassified material in situations in which the more valid classified data would have substantially weakened his case. Moreover, in using the unclassified data, he made the following two important modeling errors:

(2) Used a faulty interpolation technique for arriving at the number of reentry vehicles of a given yield that could be carried in a MIRV configuration of the SS–9, thus substantially underestimating the SS–9 delivery capabilities; and

(3) Scaled single-shot kill probabilities against hard targets by yield using a scaling relation known to be invalid for such targets. He thus underestimated the kill probabilities for his assumed yields and delivery accuracies.

Comments (2) and (3) above apply to Rathjens' later statements on how he arrived at his kill probabilities. Earlier, in a note to Wohlstetter, he gave a different basis for his kill probabilities involving a derivation of Minuteman hardness. In using that basis, he:

(4) Improperly read the "Threat to Minuteman" chart presented by Deputy Secretary Packard so as to arrive at a Minuteman hardness two-thirds higher than a correct reading of the chart yields. (He claims that this error occurred because he read the miles scale as statute rather than nautical. But this does not account for the miscalculation—using statute instead of nautical miles leads to a hardness only one-third higher.)

(5) Failed to acknowledge properly or directly challenge key points, specifically:

(a) That his later basis for computing kill probabilities was different from the one he earlier supplied Wohlstetter, which Wohlstetter attributed to him in joint testimony and also used in comparing their calculations in his supplementary statement.

(b) Wohlstetter's claim that using pre-Nixon estimates of the number of 1-MT weapons deliverable by an SS–9 and no reprogramming results in 7.3 percent of the Minuteman surviving as compared to 5 percent using reprogramming and the three-at-5-MT MIRV option. (It was essential that Rathjens address this statement if he were to maintain his claim that he and Wohlstetter differed mainly on whether they attributed a reprogramming capability to the Russian SS–9 force).

(6) Failed to clarify adequately the time period for which his results applied—the context of his testimony suggests the calculations are to show that Minuteman is likely to be safe enough during the time period. Safeguard was expected to become operational (characterized by Wohlstetter as the "late '70s"), whereas Rathjens' June 22 letter stated that his results do not apply to the late '70s but only to the mid-'70s.

(7) Failed to document adequately the assumptions that went into his calculations in the classified letter that he claimed "dealt with" Wohlstetter's criticisms.

(e) Conclusions Concerning Wohlstetter's Presentations: This Committee further finds that Wohlstetter:

(1) Used Rathjens' earlier explanation of how Rathjens did his calculations correctly. After Wohlstetter published his supplement, Rathjens stated he used other techniques. However, even though Rathjens was with Wohlstetter at the April 23 hearing in which Wohlstetter stated his understanding (based

on his exchange of notes with Rathjens the day before) of how their calculations differed, Rathjens made no attempt to change that understanding.

(2) Is correct in his claim that Rathjens' results "no matter how derived, simply do not jibe with the designed blast resistance of Minuteman silos and pre-Nixon intelligence estimates of SS–9 performance by 1972."

(3) Used accepted techniques for making his calculations, and used performance data substantially in agreement with projected U.S. and Russian capabilities.

(4) Assumed only partial information on missile malfunctions in his reprogramming calculations, not the "perfect programming" attributed to him by Rathjens. Moreover, his testimony and supplement are quite explicit on this.

(5) Had difficulty in duplicating Rathjens' results. This difficulty persisted in spite of personal communications between Wohlstetter and Rathjens during and after the testimony and apparently accounts for conflicting statements from the two of them regarding the use of the Nitze data by Rathjens. This illustrates the need for participants in public debate to exhibit for open criticism the substantiating operations research.

(2) The Exchange between the Authors of "ABM: An Evaluation" and Foster (Director of Defense Research and Engineering)

(a) The Authors of "ABM: An Evaluation": Statements concerning the vulnerability of U.S. land-based ICBMs to SS–9 attack in the relevant time period appear in two essays in *ABM: An Evaluation*, edited by Jerome B. Wiesner and Abram Chayes.

(1) Wiesner, in *"Some First Strike Scenarios":* In this essay, Wiesner early states that "conclusions arrived at will not be significantly different from those of a study with full access to classified material" (p. 72 of book[11]). In presenting calculations of the vulnerability of Minuteman to 500 SS–9s with 3 MIRVs he assumes, in the Ms version, that they carry a "weapon having a 0.8 kill probability against the present Minuteman with the MIRV guidance accuracy" (p. 6, Ms). In the book form this is altered to read "each one can deliver 3 MIRVs against the present Minuteman with the MIRV guidance accuracy estimated by Secretary Laird" (p. 73, book). Since his detailed results are unaltered, and because of other remarks made elsewhere as noted below, the change in wording does not imply a change in assumptions.

He further states:

"If the SS–9s are targeted solely against U.S. missiles and control centers (for a total of 1100 targets), the Titans and approximately 350 Minuteman will have 2 MIRVs directed at them, the remaining 650 Minuteman only one. Approximately 230 of the single-targeted Minuteman will survive, as well as 40 of the doubly-targeted Titans and Minuteman. This would leave a total of 270 U.S. attack missiles—a very convincingly retaliatory force all by itself. (p. 73))

He then adds:

"In these calculations we have assumed an accurate MIRV and a highly reliable missile system."

Although Wiesner did not state it explicitly in the book, a little arithmetic shows that he assumed a 0.8 reliability factor in addition to a 0.8 terminal kill probability (this is also consistent with his later statements). He also makes it clear that the 0.8 mentioned in the text is the terminal kill probability of a reliable warhead.[12] It further appears that Wiesner committed an arithmetic error in computing the doubly-targeted survivors—the correct result is in excess of 50, not 40 as stated.[13]

(2) Steven Weinberg, in his essay, "What Does Safeguard Safeguard?", states:

"The United States has about 1050 ICBM silos. Thus we must suppose that Moscow can deliver at least 2100 reentry vehicles (RVs) with megaton yield and high accuracy, two for each of our ICBM silos." (p. 86)

He supports this statement by a calculation using a terminal kill probability of 0.8 and furthermore implies this is an underestimate of required Soviet deployment by stating:

"I will throughout only quote figures for the number of Soviet RVs which actually arrive near the target. Thus, if the overall Soviet ICBM reliability is 50 percent, then the actual Soviet ICBM deployments must be at twice the levels quoted here." (p. 86)

To justify the 0.8 terminal kill probability, he cites Deputy Secretary of Defense David Packard:

"In testimony before the Senate Armed Services Committee on March 20, 1969, Deputy Secretary Packard stated that an ICBM with a CEP of 0.6 to 0.8 miles would have to carry a 20-MT warhead if it is to have an 80 percent chance of destroying a hardened Minuteman silo." (p. 86)

These references to a 0.8 terminal kill probability, attributed in the one case to Secretary Laird for a 5-MT warhead and in the other case to Deputy Secretary Packard for a 20-MT warhead, take on additional significance in the responses to Foster's speech, as noted below.

(b) Foster in his speech of May 12 stated: Other statements in the ABM book seem to play a strange numbers game. At one point the book states:

"With our Minuteman in hardened silos, it would take at least two attacking ICBM's to be reasonably sure of destroying one Minuteman."

An ICBM with three independently aimed warheads can attack three silos. The U.S. has designed, but not deployed, a system which allows a missile to signal the launch-control point if it has launched its re-entry vehicle properly. With this system, the control point could reprogram another missile to make up for failures. For example, a missile system having a 20 percent failure rate and carrying 3 re-entry vehicles per missile, would require only 420 missiles to attack 1000 silos. If the yield of each re-entry vehicle was a reasonable 5 MT and the accuracy a reasonable one-quarter of a mile, about 95 percent of the silos could be destroyed. This would mean 50 of the 1000 Minutemen survive. It would be foolish to attack half of the silos twice as the book advised, rather than all of them once.

(c) Further Testimony of Wiesner: On May 14, Wiesner in testimony before the Gore Subcommittee engaged in the following exchange (p. 491):

Senator SYMINGTON. "As I understand it, Dr. Wiesner, your statement is based on your giving every advantage possible to the enemy."

WIESNER. "Yes."

Senator SYMINGTON. "The Chairman is right. There is no testimony I have seen that says the SS–9 has a MIRV. On the other hand, even if it does have MIRVs, your point is that your extrapolations are still right."

WIESNER. "Yes sir, assuming that my estimates of accuracies are right, and for this *I have used the published Defense Department estimates."*[14]

A few sentences later (p. 492), Wiesner states:

"Since I prepared my testimony, Dr. Foster has suggested that my calculations regarding the surviving Minuteman force were in error. These are the estimates that I just gave you. He estimated that only 50 missiles would survive a Soviet SS–9 attack instead of the 270 shown in our ABM book. *Now my calculations were based on Department of Defense data released in March and April of this year, but Dr. Foster has now changed those figures. He says that the SS–9 warhead will have a 0.95 probability of destroying a Minuteman rather than the 0.8 previously predicted. This involves a new estimate of the MIRV accuracy and reliability, a reliability which I do not find easy to accept. His data, incidentally, has also changed the estimate of Soviet SS–9s from 500 to 600.*[15]"

He then raises another point that recurs often; the possibility that the United States could launch between the "waves" of an attack that used reprogramming:

Dr. Foster also says, and this is implicit in his number of 50, in contrast to my number of 270, that the Soviets might have the capacity for monitoring their MIRV warheads and only using a second one against a target when the first has obviously failed. This is certainly technically possible. It is a technical complication in addition to the MIRVs, and I do not believe it would be used. Even if it were used, *there is an easy counter to it*. The attack will have to come in two waves spaced by a few minutes so that the attacker can determine which re-entry vehicles have failed and need back-up. *It seems unlikely that we would wait for the second attack to hit, rather than fire the remaining missiles after the first weapons explode*. In this case, about 290 land-based missiles (Minuteman and Titan II) would be available for counterattack assuming a 0.9 probability for the Soviet warhead which I find, as I say, harder to believe but I am willing to accept that, though not the 0.95.[16]

Shortly he returns to the alleged changes in data (p. 493):

"I find it hard to believe that the changing rationalizations, data, and intelligence estimates in support of the Safeguard system can be based on a truly careful study."

Later, in disagreeing with Edward Teller, who (pp. 520, 521) defended Foster's results, Wiesner becomes more specific about the 0.8 kill probability (p. 525):

"The fact remains, though, that the numbers have changed, and I think my analysis of the situation is a little different than Dr. Teller's. *The original estimate of the 5-megaton warhead kill probability, as given by the Defense Department, was 0.8, and it is this 0.8 that we are talking about*.

"In addition to that value, various people, myself included, have assumed that the missile reliability, fire reliability, would also be 0.8, so that the overall kill probability of a missile plus a single warhead would be the product of these numbers or 0.64. The probability of not killing a silo would be the difference between 1 and that or 0.36.

"Incidentally, Mr. Foster, in some of his papers, has said 0.7 rather than 0.8, but this is hardly different. What I am objecting to, or at least pointing out, is that *now instead of an 0.8 kill probability for a single warhead Dr. Foster is using a value of 0.95*, and I object for two reasons. Though they have the privilege of using any number they please, when they say my document is in error because with an 0.95 kill probability *they show fewer missiles survive than calculated based on data they published no more than couple of months ago*, I think I have a right, if not to be offended, at least to defend myself, and I think that they also owe you an explanation."[16]

In a letter of June 4 to Senator Gore commenting on Foster's criticism of *ABM: An Evaluation* (p. 590 of Gore Subcommittee Report), Wiesner repeats his claim that "earlier Pentagon information gave a kill probability of 0.8 for the warhead alone" and further questions Foster's calculations on his assumption that "the combination of warhead reliability, MIRV guidance, and re-entry shield reliability when combined with the kill probability of the weapon itself against the Minuteman targets would yield an overall kill probability of 0.95."

He also states that neither the assumption of independent targeting for the Soviet multiple re-entry vehicles nor a reprogram-

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Footnotes at end of article.

ming capability for the Soviet offensive forces are based on intelligence evidence (a point also made in the testimony). Finally he asserts that reprogramming systems would add "troublesome complexity" and are subject to countermeasures such as jamming.

(d) Evaluation: The hearing with Teller and Wiesner was reported in the *New York Times* the next day, May 15, under the headline "Pentagon Charged with Changing Data to Help Antimissile Plan".[17]

(1) Estimate of Killing a Target with a Reliable Warhead: Thus the existence or lack of it of the alleged officially estimated 0.8 terminal kill probability for a Soviet warhead from a MIRV configured SS–9 becomes a major point in evaluating the conduct of Foster compared to Weinberg and Wiesner, in particular, Wiesner.

The Committee therefore undertook a careful search of the Congressional testimony of Department of Defense officials and Department of Defense press releases for this alleged estimate. *The Committee has been unable to find any statement made in the debate by Secretary Laird, Deputy Secretary Packard, or Foster or any other Defense spokesman that can be interpreted as asserting that reliably delivered Soviet SS–9 warheads, whether or not with MIRVed yields, would have a 0.8 terminal kill probability against Minuteman silos.*

Furthermore, such an estimate is not likely to have been made in reference to a 5-megaton MIRV option for the time period in question, because it would be substantially lower than implied by both pre-Nixon and post-Nixon intelligence projections of delivery accuracies achievable well before the post-'75 time period.

The reference made by Weinberg to Packard's testimony of March 20 is to a passage in which Packard does *not* say that an SS–9 20–MT warhead would have a 0.9 single-shot capability against a Minuteman. He said that it would have that single shot kill probability *if* the CEP were "in the range of 0.6 to 0.8 of a mile." (Packard was clearly merely explaining how to read the chart he was presenting.) One could just as well quote Packard five sentences later, when he stated that a 5–MT warhead with an accuracy "between 0.2 and 0.3 of a nautical mile" would have a very high destruction probability. The chart Packard was discussing at the time showed that "high value" meant in fact a single-shot kill probability in excess of 0.95. (*See* pp. 161, 162, and 178 of the Stennis Committee Report.)

This chart (or a redrawn version of it with slightly lower kill probabilities for 5-MT in the 0.2 to 0.3 nautical mile region shown in the Mahon Subcommitee Report, p. 34) was referred to at several hearings by Packard and once by Laird (May 22, Mahon Subcommittee, p. 9). There is a variation from one presentation to another in the values chosen for illustration, substantiating the point that the values were intended to be merely illustrative. However, the implication of the context is clear—without pinning themselves to a particular numerical result (these were unclassified presentations) both Packard and Laird were stating that the SS–9 with a 5-MT warhead could have a very high terminal kill probability against a Minuteman silo, significantly higher than 0.8.

(2) SS–9 Estimate: Concerning Wiesner's claims that Foster had "changed" the estimate from 500 to 600, the Committee observes that the 600 figure was for 1976, the first year it was believed Safeguard Phase I could be operational if turned down in 1969. Foster's speech makes it quite clear that the change from 500 to 600 is due to a slippage in time, not a change in estimated Soviet SS–9 deployment rates. Thus this was not a change in data on Foster's part, but a legitimate change in year for consideration.

(e) Conclusions Concerning Wiesner's Presentations and Weinberg's Statements: Thus the Committee concludes that:

(1) Wiesner and Weinberg ascribed official validity to a purely hypothetical kill probability, and

(2) Wiesner's charges of May 14 and June 4 that Foster or the Pentagon had altered data were incorrect.

(f) Conclusions Concerning Foster's Presentations: (1) The Committee concludes that: Foster's use of a 0.95 probability to account for all failures past reprogramming (including the probability of receiving a correct malfunction signal and the terminal kill probability) is too high in our judgment.

(2) Foster used a type of model and a set of data that tended to underestimate the expected number of surviving Minuteman. He used an expected-value model and used a number of missiles and a reprogrammable reliability yielding almost exactly an expected 1000 reprogrammed reentry vehicles. This means, as discussed in the later paragraphs on reprogramming, that he picked a particular case in which the expected value model underestimates force requirements and one in which it is doubtful that single-RV failures (as distinct from failures of a whole booster-load) could be made up on a one-for-one basis because of targeting constraints of MIRV systems. Both of these considerations would either increase the expected survival of Minuteman for the given SS–9 inventory considered or would increase the number of missiles needed to achieve the given effectiveness level.

Wohlstetter used somewhat more conservative reprogramming assumptions, which seem more reasonable. Also his case is one in which the expected value models is a good approximation and in which single-RV failures can be handled about as efficiently as booster-load failures. Thus his estimate of 50 survivors from a 500 SS–9 attack seems more in line with achievable capabilities than Foster's estimate of 50 survivors from a 420 SS–9 attack.

(3) Several places in the Chayes-Wiesner book it is stated that at least two warheads should be allocated to each Minuteman site. However the Committee finds no basis for Foster's statement that the book suggests that half of the silos should be attacked twice rather than all of them once.

(4) Concerning the suggestion that Foster or other Defense officials were bending intelligence by assuming independently targetable multiple warheads or by assuming a reprogramming capability, we note that:

(a) Apparently (assuming public statements to be correct) there is no definite intelligence that the Soviets have or are getting either; however,

(b) The Department of Defense has been quite forthright in acknowledging this and has only claimed that these are technically possible, compatible with observed Soviet development, and of such utility to the Soviets that it is reasonable to take seriously the consequences of their possessing them.

(5) Thus, considering all of the above, there is no support for the claim that the Administration altered intelligence to suit its case in the 1969 debate.

Concerning Wiesner's proposal that the United States could launch Minuteman between the 'waves' of a reprogrammed missile strike, the Committee finds this to be an infeasible alternative.[18] As is pointed out in the paragraphs below on reprogramming, a careful look at the reprogramming process reveals that the re-entry vehicles would *not* come in two distinct waves with a lull between them. Rather, there would be a moderate spreading of impacts over time, somewhat greater than that from a salvo launch.[19] Since any ICBM symbol is vulnerable during portions of its powered flight, the procedure of launching Minuteman while multi-megaton detonations may be occurring at nearby silos would be bad tactics, not the "easy counter" of Dr. Wiesner.

(3) An Independent Discussion of Missile Reprogramming: Both the 1969 and 1970 debates saw considerable dispute over the use of "reprogramming for missile failures," i.e., the technique of monitoring for missile failure and then reprogramming (retargeting) additional missiles to attack the targets of those that failed. This section presents a simplified discussion of reprogramming.

(a) Why Reprogram? Reprogramming (also called 'shoot-look-shoot') is a means for approaching the type of efficiency that would be achievable in the ideal situation where the battle planner knew in advance exactly which of his missiles would be good and which would fail.

(b) ICBM Reprogramming: For our purposes the overall reliability of an offense missile such as an ICBM can be treated as the product of the following conditional probabilities:

Alert rate.
Countdown reliability.
Launch reliability.
In-flight reliability.

These can be further broken down: in particular, in-flight reliability for a single warhead missile can be broken down into booster-phase reliability, re-entry reliability, and warhead reliability. The terminal kill probability will also enter the calculations in the same manner as do the conditional reliabilities. The composite probability of successfully killing a target with an alert missile is simply the product of all these probabilities except the alert rate.

If the missile has a MIRV or MRV warhead, the situation is more complicated, since the RV dispensing mechanism may malfunction in such a way as to affect all, several, or only one RV. For our simplified discussion, however, we will assume only two types of events—a gross malfunction that makes all RV's fail and an independent conditional probability per RV that it is successfuly dispensed, given no gross malfunction of the whole dispensing process.

It seems reasonable to assume that, when a missile goes off alert another missile can be given its targets, so reprogramming for alert-rate is assumed throughout the rest of this section.

For any reprogramming beyond this point, however, say for countdown or launch failures, it is necessary to have some fraction of the force configured so that it can be quickly retargeted. Conceptually and computationally it is simplest to think in terms of a pool or 'retargetable reserve' such that any missile in it can be allocated to any set of targets, subject to only MIRV or MRV footprint constraints [20] and that is what is assumed here. (Actually, one can do almost as well by grouping missiles into sets of 10 to 20 with a few of them held as a 'retargetable reserve' able to cover any targets of the others in the group. This simplifies operational problems but complicates our computational problems, so this possibility is ignored here.)

Since failures occurring during launch are almost instantly detectable, it is possible to reprogram for them with a few seconds delay.

It is also possible to reprogram for some portion of in-flight failures. To do this requires monitoring and communications equipment of the type used in booster and reentry vehicle development to send a signal to the ground indicating that performance was or was not within specified tolerances.

For a second-strike force, problems of communications vulnerability resulting from the nuclear burst environment and possible attacks on ground stations make the problem more difficult. However, a system for Minuteman (Taps) has been investigated and found technically feasible at modest cost even for second-strike conditions.

The *utility* of reprogramming in terms of increased strike effectiveness that is due to

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Footnotes at end of article.

a more efficient distribution of re-entry vehicles to targets depends on the parameters of the attack and the target system.

It has been found to be of marginal utility in retaliatory attacks against cities when overall force survivability from the enemy first strike is high and the cities are not strongly defended with ABM. Thus, studies of reprogramming for Minuteman have questioned its utility for that force, but not its feasibility or cost.

For strikes against other target systems:

(1) If the ratio of re-entry vehicles to targets is less than or equal to one before reliability degradation factors are applied, and the target system is uniform in value and characteristics, then reprogramming has exactly zero utility.

(2) If the ratio of re-entry vehicles to targets before reliability degradation factors are applied is greater than one, then:

(a) If a single arriving RV has no more than a moderate probability of destroying a target, then reprogramming will have some utility.

(b) If a single arriving re-entry vehicle has a high probability of destroying a target, then reprogramming can have an important effect on strike effectiveness.

For the expected performance characteristics of the SS–9 against Minuteman in the early 70s, and assuming by mid-70s an SS–9 inventory of about 500, MIRVed with three RVs at 5–MT each, the applicable situation is that described under (2b) above, i.e., reprogramming can have a substantial effect on the seriousness of the SS–9 threat to Minuteman in the mid-70s. For a more highly MIRVed 1–MT per re-entry vehicle force, (2a) applies and reprogramming has only a modest effect.

Thus, for first strikes with the SS–9 force,

(1) Reprogramming is technically possible, and

(2) Reprogramming can substantially improve Soviet first-strike effectiveness for some MIRV configurations.

Hence it is imprudent to ignore the possibility of reprogramming in assessing Soviet first-strike capabilities.

(c) Illustrative Calculations: Consider the following hypothetical parameter values for a Soviet force of 500 SS–9s MIRVed with 3 RVs each:

Alert rate, 0.95; Countdown reliability, 0.95; Launch reliability, 0.90; In-flight reliability, 0.90; Terminal kill probability, 0.99; (single RV vs missile silo).

In the following we carry out calculations for three levels of sophistication in reprogramming capability:

(1) Reprogramming before launch,

(2) In addition, reprogramming for launch failures, and

(3) In addition to above, reprogramming for a portion of in-flight failures.

Then we will discuss in some detail the sequence of operations for the third case. Expected value modelling is used throughout, but, except where noted, this assumption does not affect outcomes significantly for the case under consideration.

A simplifying assumption, the significance of which is discussed later, is that any missile or warhead available for reprogramming may be assigned to any desired target (or targets equal in number to re-entry vehicles).

(1) Reprogramming before launch:

There are 500 missiles in silo, of which 500×0.95 or 475 are known to be available. These are readied for launch and 475×0.95 or 451 turn out to be ready. These 451 missiles have 1353 RVs that are targeted against 1,000 U.S. ICBM targets (Minuteman or Titan) as follows: 353 targets—2 RVs per target, 647 targets—1 RV per target.

Since we assume no further reprogramming takes place, each RV has an overall kill probability equal to the product of the launch reliability, in-flight reliability, and terminal kill probability, i.e., 0.90 × 0.90 × 0.99 or 0.80. The overall survival probability per RV is 1−0.80 or 0.20. One then finds the following number of targets surviving:

$$
\begin{aligned}
353 \times (0.20)^2 &= 14.1\\
647 \times (0.20) &= 129.4\\
\hline
\text{Total targets surviving:}\quad & 143.5
\end{aligned}
$$

(2) Reprogramming for launch failures: As in the case of reprogramming before launch, there would be 451 ready missiles. Of these 451 × 0.9 or 406 would be launched successfully, leading to 1218 RVs that would be targeted as follows: 218 targets−2 RVs per target, 782 targets−1 RV per target.

From this point on, the overall kill probability per RV is 0.9 × 0.99 or 0.891. One thus gets the following number of targets surviving:

$$
\begin{aligned}
218 \times (0.109)^2 &= 2.6\\
728 \times (0.109) &= 85.2\\
\hline
\text{Total targets surviving:}\quad & 87.8
\end{aligned}
$$

(3) Reprogramming for a portion of in-flight failures:

Assume that the 0.90 in-flight reliability is the product of two terms: 0.947 reprogrammable reliability, and 0.95 nonreprogrammable reliability.

In other words, after reprogramming for in-flight failures, there is a residual 0.05 probability an RV will not reach the target area.

As in the case of reprogramming for launch failures, 406 missiles launch successfully, leading to 1218 RVs. There would be additional failures in-flight leading to 1218 × 0.947 = 1153 warheads that would be targeted as follows: 153 targets: 2 RVs per target, 847 targets: 1 RV per target.

Because of the 0.95 nonreprogrammable reliability and the 0.99 terminal kill probability, each of these RVs has an overall kill probability of 0.95 × 0.99 or 0.94. One thus gets the following calculation of targets surviving:

$$
\begin{aligned}
153 \times (0.06)^2 &= 0.55\\
847 \times (0.06) &= 50.82\\
\hline
\text{Targets surviving:}\quad & 51.4
\end{aligned}
$$

(d) A Reprogramming Scenario: To some, the concept of reprogramming for launch and in-flight failures conjures up the image of hundreds of missiles containing well over a thousand warheads launched without targeting instructions, whereupon a massive data processing job is done in which it is ascertained which RVs are 'good' and then these are directed to targets.

The following somewhat simplified description is intended to do away with this misapprehension by describing approximately how one might go about reprogramming.

The description is simplified in many ways from an actual operational situation. First we are using an 'expected value' model—i.e., the average or expected outcome is assumed to occur at each stage of the process. In reality, one would expect variations from the mean outcome at each stage. The difference between the outcome with a stochastic model and our expected value description is not great,[21] and to describe the stochastic situation adequately would force this section to become overly technical.

As before, we have, out of 500 missiles, 475 that are 'available,' the remaining 25 having been taken off alert for one reason or another. We also have 1000 targets to cover.

Of these 475 available missiles, let us designate 334 as 'primary' and assign to them the 1000 targets, one per RV, with two RVs left over. (We will ignore the descriptive problems of roundings of numbers.) The remaining 141 available missiles are designated as 'secondary'—they will presumably all have targets (of the 1000) assigned to them but we are prepared to use some of them as back-up to the primary missiles.

When command is made to make ready for launch, approximately 17[22] of our primary and 7 of our secondary missiles will turn out to reveal malfunctions during the countdown procedures. Of the 134 secondary missiles that are ready for launch, 17 will then be added to the primary force to take the place of the 17 primary missiles that failed in the readiness hurdle.

We will then have 334 ready primary missiles covering the 1000 targets and about 117 ready secondary missiles covering some of these targets a second time. We also have 24 nonready missiles plus the preceding 25 nonavailable missiles for a total nonalert force of 49 missiles.

When the launch command is given, only 334 ready primary missiles will be signaled to launch. Of these, 301 will launch successfully and 33 will fail. Immediately 33 secondary missiles will be programmed to cover the targets assigned to the 33 that failed, and these 33 will be launched. (The data processing for this and other reprogramming steps described below should take only seconds of time using current state-of-the-art data processing techniques.)

Now of these 33 that are launched seconds after the first wave, about 3 would fail, so a third and perhaps a fourth 'wave' of a few missiles each would be required, separated only by seconds.

All in all, to make up for launch failures in the primary missiles, one would expect to use about 37 of the secondary missiles in order to get 33 successfully launched to complete the coverage of the targets after launch of the primary missiles.

At this stage, we have successfully launched 334 missiles targeted at the 1,000 targets with exactly one RV per target. We have left 81 'secondary' ready missiles some of which will be held to make up for in-flight failures, and some of which can be launched immediately (since some targets will get two RV's anyway). We now must calculate how many of these we should keep to make up for in-flight failures.

We must also look at the 'footprint problem.' Any MIRVed missile will be limited in the amount of geographic dispersion among the targets for its reentry vehicles. For instance, physical limits on the degree of dispersion may limt all reentry vehicles from a single booster to targets within, say, 50 miles of a 'mean impact point.'

The 'footprint problem' refers to the possiblity that one may wish to replace RVs that were targeted from separate boosters aimed at widely dispersed points and that cannot be covered from a single booster. To cover these targets may take as much as a separate booster for each target. However, as long as there are substantially more reliable RVs than targets, a number of targets will be receiving two RVs anyway. In this situation, the 'footprint problem' will not degrade the effectiveness of the attack, since, if a single booster load must be allocated to compensate for one RV failure, the excess RVs in that booster may be used as second RVs on nearby targets.

The 334 missiles successfully launched contain about 1,000 RVs. Because of the 90 percent in-flight reliabilty, only 900 of these will actually reach the target areas, and of the 100 that fail we will get information on about 53.

For each booster known to fail, an additional booster must be launched to cover its targets. In addition, there will be known failures of the MIRVing mechanism to function properly—these will often mean all three RVs are destined to fail. Thus, in effect, many of the known in-flight failures will occur on a booster-by-booster basis, so "footprint" problems for the replacement boosters will not often occur. When they do occur

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one can as discussed, double-target a few silos in the vicinity of those being single-targeted with replacement boosters.

If launch and in-flight failures of the secondary ready missiles are taken into account, to cover the 53 RVs known to be in-flight failures will require from 21 to 63 secondary ready missiles, depending upon the severity of the footprint problem. The approximately 81 secondary missiles would amply cover this requirement and those that are not needed for this job would be launched as the last phase of the attack to double-target some silos.

To summarize the degree of reprogramming involved in the above scenarios:

Approximately 17 missiles will be reprogrammed prior to launch; 37 missiles will be reprogrammed immediately after first launch, for first launch failures; 21–63 will be reprogrammed and launched for in-flight failures; and the rest will be launched either before or after reprogramming for in-flight failures—these will be covering targets for a second time.

Note that only approximately 58–100 missiles need to be given new targets after first launch, i.e., the number of missiles that must have a reprogramming capability are relatively modest.

Since reprogramming for launch failures involves no appreciable delay, most targets would be attacked essentially as rapidly as if the attack had been launched with equal efficiency in targeting but no reprogramming. First detonations will be delayed at only about 50 targets and in most of these instances the delay will be only a matter of a few minutes.

Since missiles are relatively soft during launch, and since there will be many megaton-yield detonations occurring in the missile fields as the attack comes in, it is difficult to imagine our depending completely on the launch of Minuteman during an intelligently reprogrammed attack such as the above, as was suggested in testimony of Wiesner.

(e) Defense Interceptor Reprogramming: In defending a city or an ABM radar there is a high premium on preventing even a single re-entry vehicle from 'leaking through.' This premium is less for silo attackers since it is expected that some fraction of the silos will be lost to the attack in any event.

To achieve a low leakage rate without salvoing several interceptors per re-entry vehicle, US defense interceptors have been designed for high reliability, and the combination of interceptor, radar, and computer have been designed for both a high terminal kill probability and a high probability of knowing if a failure has taken place and quickly launching a replacement interceptor.

However, even a few seconds between shots in a 'shoot-look-shoot-look . . .' sequence can substantially limit the number of chances the defense has per re-entry vehicle.

In designing a defense site for Minuteman defense, interceptor and radar locations are chosen to balance the requirements for protecting the silos and the radars, with attention paid to the requirement that the leakage rate for radar attacks be kept low.

Because of the limited number of chances per re-entry vehicle, in some circumstances techniques such as 'shoot-look-salvo two' must be used.

With interceptors having high overall kill probabilities, only a small fraction of first intercepts will fail; hence the expected number of interceptors required per arriving re-entry vehicle will not be much larger than unity whether a strategy such as 'shoot-look-shoot-look-shoot' or one such as 'shoot-look-salvo two' is used.

As an illustrative example, assume a defense interceptor has an overall combined probability of 0.9 of a successful intercept. If the defense uses a firing doctrine giving an opportunity for three shots per attacking re-entry vehicle, the leakage rate will be $0.1^3=0.001$.

If it is possible to look between each of the three potential shots, then only one interceptor would be required for 0.9 of the re-entry vehicles, two interceptors would be required for $0.1(0.9)=0.09$ of the attackers, and three interceptors would be required for the remaining 0.01 (all expected values). Hence the expected number of interceptors per attacking re-entry vehicle would be $1(0.9)+2(0.09)+3(0.01)=1.11$. Using the 'shoot-look-salvo two' doctrine, the expected number of interceptors per attacker would increase to $1(0.9+3(0.1)=1.2$.

Either of these doctrines would yield the presumably acceptable leakage rate of 0.001. It is proper to ask, however, if the high overall kill probability cited in the above example is achievable for high-performance defense interceptors or, if it is not, what are the implications for the effectiveness of the defense.

Unfortunately, it is impossible for us, in this document, to reach a finding on likely interceptor reliabilities. One cannot simply take the average number of successes over some period in the development program as an estimate, for several reasons.

First, development shots differ from operational firings. They tend to be instrumented and launched at predesignated times with engineers scrutinizing every element of the missile. This is as it should be in development, since one wants to find out exactly what is happening with the missile components so as to find and correct any design deficiencies.

Second, the information gained by the shots in particular failures, leads to system modifications intended to remove the causes of failure.

Thus, extrapolating good performance toward the end of a development series may lead to an overestimate of performance when field degradation factors have their effect. Yet, extrapolation of poor performance may underestimate system performance, since problems thus discovered may be rectified.

Gross analogies with offensive missiles are inadequate for reasons discussed later in Section V–B2.

One must look in detail at what has gone on from firing to firing and combine both statistical estimates of performance by component with engineering judgment to arrive at an estimate of operational reliability. Obviously, this cannot be done on an unclassified basis. And, even so, the detailed analysis required is well beyond this Committee's resources. This applies as well to any individual asked to testify as an expert. The best one can hope of from such an expert is that he review the studies that are used to arrive at projected reliabilities and present some judgment as to their validity.

We have seen no evidence that in the debate any outside expert took this approach or was asked to do so.

We can, however, look at the impact of lower reliabilities on system effectiveness. Suppose, for instance, that interceptor reliability is only 0.8. Then using the shoot-look-salvo two firing doctrine, the leakage rate would be 0.008 instead of 0.001. In order to achieve a 90 percent probability of at least one RV leaking through, approximately 290 would have to arrive at the target instead of the 2300 that would be required if the interceptors had a reliability of 0.9. It is, therefore, perfectly proper to question and examine the achievable effectiveness per missile of the Safeguard System.

(4) Lapp's Calculations: On 4 April 1969 Ralph Lapp issued a statement titled, "The Case Against Missile Defense." In a note appended to this statement, he challenges the existence of a serious threat to the U.S. Minuteman force by the Soviet SS–9s. However, his calculations are open to serious question, and it is the purpose of this section to analyze his calculations and assumptions step by step.

(a) Total 1976 Inventory of 5–MT Warheads on SS–9s: Lapp assumes a maximum of 1,000. This figure may be low as published intelligence projections (Packard testimony) show a Soviet capability for 500 SS–9s by 1976 for a total of 1,500 warheads. However, intelligence projections of an enemy threat have sometimes been on the high side, so an estimate of future size of a warhead inventory must indicate reasonable limits of uncertainty. A 'capability' estimate may represent a high estimate of future achievement.

(b) Reserve Forces: Lapp, in his calculation, assumes 250 of the 1,000 Soviet warheads are held 'in reserve.' Since the Soviets have other forces more suitable for use as 'reserves' (withheld retaliatory forces) such as the SS–11s, there is no military justification for this assumption.

(c) Combined Reliability: Lapp assumes 20 percent launch guidance failures up to the MIRVing stage, and 20 percent failures past the MIRVing stage for an overall reliability of $0.8\times0.8=0.64$

This is at the low end of overall reliability experience for missiles. A more reasonable assumption for a third generation ICBM is an overall reliability of 0.75 and even higher reliabilities have been demonstrated for some of our own weapon systems.

Furthermore, effectiveness depends on the degree to which weapons can be reprogrammed to account for unreliability. The development of a reprogramming capability is known to be feasible at a reasonable cost and the development of targeting doctrines for taking advantage of this capability is a tractable problem and one that is particularly easily solved for attacks against missile fields. (*See* the preceding section on missile reprogramming.)

It is not unreasonable to assume that the overall reliability is 0.75 and is the product of two reliabilities—a 'reprogrammable reliability of about 80 percent and a 'nonreprogrammable reliability' of 95 percent.

(d) Missile Accuracy: Lapp emphasizes the difficulty of achieving very high accuracies. However, in the testimony of Nitze quoted by Lapp, it is stated that we would then (1967) develop a MIRV missile capable of achieving 0.12–0.17 terminal kill probability using a 50-KT warhead against hard silos. This scales to a terminal kill probability of 0.96–0.98 for a 5-MT warhead against a hard silo, if cube-root scaling is used. A higher kill probability would result if hard target ductility were taken into account.

(e) Targeting Doctrine: The targeting doctrine used by Lapp is grossly inefficient for the assumptions he is using. Lapp states that "any military realist" would assign two warheads to each target even though the case treated is one where a single weapon has a high probability of destroying the target and many targets are left unattacked. Thus instead of sending the second weapon to an otherwise unattacked target he sends it to a target that has a high probability of already having been destroyed.

(f) Effect of Other Assumptions: The sensitivity of results to each of the points raised above is shown in the following table in which Lapp's assumptions are replaced, step by step, with reasonable alternatives that reflect greater Soviet capability and more sensible targeting policy than assumed by Lapp.

	MM Surviving
Lapp's result	760
Remove 2 warheads per target requirement	540
Remove reserve force requirement	385
Use 1500 instead of 1000 MIRV warheads	280
Use 0.75 instead of 0.64 for overall reliability	180
Use reprogramming for unreliability (0.75 overall reliability)	73

(g) Requirement for Destroying All But 50 Minutemen: Lapp states it would take approximately 4000 MIRVs (1,333 SS-9s) to destroy all but 50 Minutemen. Using the assumption of the last row of the table above, it would take approximately 1875 MIRVs, i.e., 625 SS-9s.

(h) Sensitivity to Terminal Kill Probability Assumptions: If, instead of using the low estimate of 0.96 for the terminal kill probability of a 5-MT weapon, the higher estimate of 0.98 [23] is used, then the number of SS-9s needed to reduce the Minuteman force to 50 surviving would be only 550.

D. *U.S. Bomber Vulnerability:* The Chayes-Wiesner book devotes two pages to the question of bomber vulnerability (in Wiesner's essay), and concludes that there is no significant problem. This conclusion is based partly on an evaluation that the following assumptions are "far-fetched" (p. 75):

(1) . . . that the Soviet Union will have a substantial fleet of Polaris-type submarines by 1975.

(2) That it would be willing to use them for an attack upon the U.S. bomber bases.

(3) That the U.S. antisubmarine warfare capability is so poor that a large fleet of hostile submarines can come into position close to U.S. shores without being challenged.

(4) That their navigation and command-and-control capabilities are such that they could carry out such an attack.

It is possible to question these assumptions, but Wiesner has presented no justification for calling them "far-fetched." First the assumption that the Soviet Union will have a large fleet of Polaris-type submarines by this time period is by no means a stretching of intelligence. Foster stated in 1969 that the Soviet Union already has "eight and possibly nine" Polaris-type submarines (p. 1746) and later he talks about attacks by 15 or 20 submarines that appear to be well within a straight-forward extrapolation of current production. This number of submarines on station could certainly be interpreted as meaning that the Soviet Union had a "substantial fleet." [24]

Second, the question should not be whether the Soviet Union would or would not be 'willing' to use these boats in a first strike role, but whether it would be feasible for them to be so used.

Third, while submarines close to the coast might be detected (and this is not certain for the 300 mile distance that Wiesner uses), it would hardly seem reasonable to assume that in peacetime operations they would be "challenged" in any sense that affected their operational capability. Hence, if the Soviets establish peacetime patrols over a length of time within this assumed firing distance, it seems reasonable to assume that the U.S. would be obliged to become inured to their presence. While it might be argued that the bombers could be flushed every time submarine fleets of some given size were detected within firing range, this would be a very expensive operation to use over any protracted length of time.

The fourth assumption is on somewhat better grounds than the other three. The command-and-control problems of a simultaneous first strike are not trivial; but this does not mean they cannot be achieved, and hence that the U.S. should not worry about the possibility. The primary requirement would be the ability to transmit 'prepare to launch' and 'launch' signals with a high confidence they will be carried out.

The results of the sample calculations cited by Wiesner (p. 75) can not be checked, since no information is given on the number of submarines assumed available for the attack, their firing capabilities, missile reliabilities, missile trajectories (minimum energy or depressed), or locations of the bomber force. Moreover, Wiesner assumes "reaction time" to get the first aircraft airborne in 2 to 5 minutes, and it is not stated whether this includes the time between launch of the first SLBMS and the sounding of the alarm at the bases. Wiesner does not make clear if he is also accounting for the period of time the aircraft are vulnerable after being airborne in his calculations.

Assuming the five minutes means the time from sounding the Klaxon to wheels up, as seems the most reasonable interpretation, other calculations have been made that differ widely with those cited in the book. Using a thirty-second interval between takeoffs, the approximately uniform distribution of aircraft across the dispersal bases, reasonable assumptions on missile reliabilities, a depressed trajectory, and an arbitrary firing rate uniformly distributed over seven minutes,[25] submarine fleets of the order discussed by Packard can result in survival of between 10 and 20 percent of the bomber force. If 540 aircraft were on alert, as in the Wiesner calculations, only about 50–100 would survive, rather than the 200 quoted.

However, the assumption of 540 aircraft on alert is higher than has been planned for the relevant time period.[26] And, of course, under the attack assumptions essentially no nonalert aircraft would survive.

The second sample calculation discusses a reaction time of two minutes for the bombers. In this case, one does indeed get large numbers of aircraft surviving; in fact, calculations show that the survival rate for alert aircraft would be in the 75–80 percent range. However, the assumptions are unrealistic and Wiesner provides no clue to his reader that this is so.

Moving the aircraft to inland bases may help but provides less benefit than claimed by Wiesner, since the additional time required to reach the interior bases with an SLBM would be at least partially counteracted by the additional time required to flush all the bombers from the inland bases, due to the time between takeoffs. The net effect may be beneficial, but tradeoffs need to be considered. It is not the simple solution that Wiesner sees it to be, and again, his use of a two-minute reaction time is misleading.

An airborne alert, also suggested by this section of the book, was discarded some time ago for cost reasons, the danger of accidents, and because it severely shortened the life of the aircraft. Furthermore, even a very limited airborne alert would greatly reduce the number of bombers on ground alert.

In summary, Wiesner's results are much more favorable for the bombers than can be justified on the basis of careful calculations using reasonable planning factors. For the layman, unable to judge the reasonableness of his assumptions or the validity of his calculations, they are misleading.

E. *The Problem of Coordinating Strikes on Both Missiles and Bombers:* Opponents of Safeguard frequently raised the objection that even if Minuteman and bombers were separately vulnerable, it would be impossible to design an attack that did not give one or the other component enough warning to launch before being attacked. For instance, Wiesner states that an SLBM attack on the bomber bases "would occur before attacking ICBMs launched at the same time would reach their targets and that this could provide the basis for firing the U.S. missile force" (p. 75 of the Chayes-Wiesner book), and Panofsky states in testimony on April 22 (p. 1128, part 2, Stennis Committee):

"If we did imagine a coordinated attack both on our missile sites in the north by multimegaton missile warheads, and at the same time arrival of an attack from the sea on our bomber bases, then the amount of warning available to us from detecting the launch of a massive ICBM attack against our missiles would be ample to get the SAC bombers into the air. On the other hand, if the bomber base were attacked first, although part of the bomber force might not escape destruction, our missiles would be intact and the Soviet planners would know that they would be exposed to an overwhelming retaliatory strike from our Minuteman force . . . Therefore the combined strategic bomber and land-based missile force assure survival of one or the other from attack."

These statements ignore the possibilities of SLBM attacks on the Minuteman force during the time interval before ICBMs impact on the Minuteman sites spaced to make it unwise to launch Minuteman. With the numbers of submarines cited by Foster for this time period, and with reasonable SLBM reliabilities, this type of joint bomber and missile pindown attack may well be feasible. Those who wish to challenge the possibility of a pin-down attack by the Soviets must treat all reasonable tactics that might lead to pin-down, and demonstrate that none of them will succeed. This was not accomplished during this debate.

This point was discussed further in the 1970 debates. Foster stated in this connection (Stennis 1970, pp. 2332–2333). "We believe that a first strike against both the Minuteman force and the strategic bomber force, although difficult, is technically feasible. The most suitable Soviet tactic would be to launch from its submarine fleet simultaneously an attack on our bomber bases and an attack to prevent our launching Minuteman. The timing of such an attack, although critical, is by no means infeasible."

Panofsky's reply was, "We are faced again with a claim that a coordinated attack which would disable both Minuteman and the Strategic Air Command is technically feasible in a 'first strike scenario.' Because of the timing problems I have referred to in previous testimony such an attack would indeed require 'an attack to prevent our launching Minuteman' from sea-launched missiles. This would require an enormous increase in numbers of Soviet missiles, their accuracy, and in the confidence the Soviets would have to have in their system. Moreover, the SAC fleet would have to remain on the ground as 'sitting ducks' even in times of stress, that is, they would have to be not on airborne alert; moreover the SAC airfields would have to be within reach of the Soviet's SLBM, a fact we are presently changing.

"The final remark given in this DOD comment is covered by the statement in my testimony, 'We are giving the Soviets credit for a degree of performance and reliability of the military systems, which we could not dream of achieving ourselves.'

"The type of reasoning presented in this DOD comment represents the kind of contrived threat which totally ignores the kind of realities the Soviet planner would have to face."

The Committee does not feel that discussion by Panofsky on the infeasibility of coordinated strikes against U.S. bombers and missiles satisfactorily refutes Foster's claims.

V. CRITIQUE OF OPERATIONS RESEARCH METHODOLOGY

A. Introduction

Many examples of the abuse of the principles of sound analysis and its proper reporting are to be found in the record of the debate. Only examples of some significance are presented here, i.e., those in which the error or failing played an important role in the point being made. Examples are to be found not only in the controversy over vulnerability of land-based systems described in the preceding Section, but also in the treatment of virtually every other major issue of the debate.

Most of the abuses were committed by those experts on record as opposing the Safeguard program. The Committee is reluctant to draw the conclusion that the opposition was more unprofessional as a group than the support-

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Footnotes at end of article.

ers, since most supporters outside the Administration did not attempt to buttress their positions with analysis or claims to analysis. It must be noted, however, that the analytical arguments presented by spokesmen for Safeguard within the Administration were carefully examined. While shortcomings were found as documented below, they nowhere equalled the cumulative mass of inadequacies compiled by the opposition. This is as one might expect. Official administration spokesmen are paid professionals whose function it is to direct such analyses and to advocate Administration positions. The statements of Wohlstetter, the major authority outside the Administration who both supported the Safeguard decision and presented analytical arguments on the major issues, were thoroughly reviewed and no significant defects were found. In fact, his challenge of the opposition on the Minuteman vulnerability issue in his "Supplement on Purported Proofs That the Minuteman Will Be Safe Without Further Protection" stands (for the most part) as a model for the professional and constructive conduct of a debate over important technical issues.

The examples supporting these conclusions and the findings of the summary report are presented below. In order best to serve the purposes of this Committee, which is primarily concerned with improving the use of analytical methods, these are categorized by the following types of error or omission:

(1) Failure to present assumptions and facilitate the constructive discussion of differences among experts.

(2) Improper use of source material.

(3) Failure to incorporate major features of systems under consideration.

(4) Use of inefficient tactics and failure to look at a suitable range of strategies.

(5) Suggestion of impractical alternatives.

(6) Use of improper criteria.

(7) Use of improper costing.

(8) Failure to recognize the multifunctional character of systems.

(9) Failure to recognize lead-time problems.

(10) Failure to address the potential system interactions.

B. Examples of faulty operations-research methodology

(1) Failure to Present Assumptions and Facilitate the Constructive Discussion of Differences Among Experts: There is a striking difference between the performance of Rathjens and Wohlstetter in this regard. Wohlstetter presented an unclassified supplement that laid out in as much detail as security permitted the assumptions that he used and that were used by others in their calculations of Minuteman vulnerability. Furthermore, he presented a classified supplement that stated explicitly all of the assumptions that he used and that he understood others had used.

Rathjens, on the day of his testimony with Wohlstetter, made no comments on Wohlstetter's detailed response to direct questioning concerning the differences between his calculations and those of Rathjens and others. Instead, Rathjens requested that he be allowed to submit a classified letter in which he would deal with this matter authoritatively. He later in his *New York Times* letters, refers to the classified letter as having "dealt with" his differences with Wohlstetter. The classified letter, however, does not say a word about the assumptions he used in his unclassified calculations and only states that he used official intelligence estimates and 460 SS–9s in his classified calculations. Rathjens does attempt to justify certain aspects of his calculations in his *New York Times* letters. However, his explanation is deficient in ways that we have discussed in detail in the preceding section, and he fails adequately to address such important matters as whether or not he used an appropriate number of 1-megaton re-entry vehicles per MIRV SS–9.

As has been noted previously, Wiesner's calculation of bomber survival from SLBM attacks in the Chayes-Wiesner volume is inadequately documented and, therefore, the reasons why these differ so greatly from the results of others cannot be established.

It is true that security problems often prevent the complete disclosure of assumptions in unclassified documents or hearings. However, classified submissions giving full details can and should be made available to those with appropriate clearances and need-to-know. There are some issues for which security problems make public debate impossible. It is the responsibility of both the Legislative and Administrative branches of the Government to see that full hearings on such matters are held at the proper security level. However, experience indicates that many of the major issues can be discussed in unclassified hearings with appropriate classified back-up statements. The failure to discuss assumptions and their consequences adequately produced another undesirable side effect:

It led to inadequate discussion of the implications of uncertainties in hypotheses.

This shows a basic weakness in arguments presented on both sides of this controversy. It is an example, perhaps, of a deficiency in the "advocacy procedure" in that this procedure does not guarantee adequate presentation of both sides of a debate.

To illustrate, conclusions were drawn concerning numbers of survivors of Minuteman and Titan on the basis of a chain of reasoning involving several hypotheses, notably:

Numbers of SS–9's employed,
SS–9 reprogramming capability,
SS–9 reliability,
SS–9 terminal kill probability.

None of the hypotheses concerning the above, as estimated for 1975, are firm.

More discussion should have been directed towards the analysis of the effects on conclusions due to uncertainties in hypotheses and assumptions.

To some degree these effects may be deduced by comparing the conflicting testimony that developed during this advocacy procedure, but the light shed thereby was dim and spotty.

For example, depending on the particular combination of assumptions made, conclusions have been drawn concerning the number of undefended Minuteman and Titan missiles surviving an SS–9 attack. The number of such survivors varies, in these analyses, from a low of 50 to a high of 270. Whether these two estimates do, in fact, bracket the possibilities has not been adequately explored.

One of the reasons why it was not possible during this protracted debate to devote adequate attention to the effects on conclusions of variations in basic assumptions, seems to be the failure of participants in the debate to present, far enough in advance, complete written analyses embodying complete discussions of the issues dealt with. Assumptions, basic data, discussion of methods of analysis, presentation of the results of analyses, conclusions, and recommendations were seldom available for advance study by the Senatorial Committees being addressed.

There was present, throughout the debate, a complete intermixture and confusion of the roles of the analyst and the advocate. To the extent that advocating analysts attempted to provide convincing arguments supporting the validity of the conclusions and recommendations they favored, the calm orderly presentation of the analysis on which these conclusions were based suffered.

Of course, it may be impractical for an expert to anticipate all potential points of disagreement in advance. He should, however, be prepared to provide written documentation for any of his statements that are challenged in the advocacy process.

(2) Improper Use of Source Material: Both Wiesner and Weinberg in the Chayes-Wiesner volume use a 0.8 terminal kill probability to which they ascribe an official validity. However, as we have noted above, this attribution is incorrect.

Wiesner's testimony on May 14 and his letter of June 4 used this 0.8 kill probability and the fact that Dr. Foster used a 0.95 kill probability as a basis for stating that the Pentagon had altered intelligence data to suit its needs in the Safeguard debate. This aspect of his testimony was widely circulated by the news media.

Another example of the misuse of source material is the use by Wiesner, Weinberg, and Rathjens of data from an article by Daniel J. Fink in *Science and Technology* magazine. Fink sent a letter to Senator Gore and others on June 30 in which he states "In his (Dr. Wiesner's) letter, he used my material on ICBM reliability to indicate that an ABM interceptor could be expected to have reliability of about 50 percent with an implication to the reader that the ABM would only work half the time or that half the ICBMs would therefore get through. This is simply an erroneous application of my material and I would like to give the correct interpretation." Then Fink explains how reprogramming would greatly alter the interpretation of the numbers he presented and closes by saying: "Finally, Dr. Wiesner states that the ABM interceptors are more complicated than ICBMs and thus could be expected to be less reliable. Probably the reverse is true. ICBMs are self-contained; that is, each missile has its own guidance and computer system. In an ABM system, the computer and most of the guidance equipment is on the ground and thus can be maintained to a higher order of reliability.

"I apologize for taking so long to respond to one paragraph in Wiesner's letter. I found it so misleading, however, as to warrant a more thoughtful reply."

The Committee finds that Fink's statements are substantially correct as regards interceptor reliability and his objections are well founded. Furthermore, they apply not only to the letter from Wiesner in the June 17 *Congressional Record* that was the object of Fink's letter, but also to the use of the same numbers in the same context in the Chayes-Wiesner volume, in testimony, and in the Rathjens-Wiesner-Weinberg paper distributed by Senator Kennedy titled: *A Critique of Pentagon ABM White Paper*. We do not, however, read Wiesner's letter as suggesting that a defense site would only work half the time.

It is true, on the other hand, that the radar required for guidance of the ABM system is a particularly vulnerable and 'soft' target. Also, the ABM interceptor flight requirements (to bring the ABM missile to a point in space where the explosion of the ABM warhead can damage the RV so that the RV will not damage its target) are quite stringent. The performance of the entire system can be adversely affected by near misses, or by detonations of atomic warheads in the atmosphere in the vicinity of the ABM guidance radar. Thus while Fink has refuted Wiesner's statement that an ABM interceptor is more complicated than an ICBM, he has not addressed the question of the reliability of the ABM interceptor functioning as part of a system under attack. (*See* the discussion on page 1208 ff.)

(3) Failure to Incorporate Major Features of Systems Under Consideration: The most glaring example of this is the almost uniform failure to recognize the shoot-look-shoot capabilities being built into the Safeguard system. In the technical writings of the opposition to the ABM throughout the Chayes-Wiesner volume, and particularly in the article by Weinberg in that volume, failure to recognize this feature of the system coupled with the use of low reliability

numbers gives the impression that the system is extraordinarily 'leaky' and, therefore, that it would be almost impossible to defend the radars adequately. Furthermore, in practically all estimates of interceptor requirements made by the opposition, this capability was ignored. This led to requirements for two, three, or even more interceptors per incoming reentry vehicle. Hence, interceptor requirements are overestimated by a substantial factor and calculations of offense/defense exchange ratios are greatly distorted.

On page 92 of the book, Weinberg indicates that he is aware of the possibility of reprogramming since he argues that it is "a very difficult tactic." However, his objections do not correlate with the design capabilities of Safeguard and he completely ignores the very extensive technical work and literature that has been devoted to just this problem in the development of ABM systems.

(4) Use of Inefficient Tactics and Failure to Look at a Suitable Range of Strategies: Lapp in his report titled, *"The Case Against Missile Defense,"* submitted to Senators Cooper and Kennedy and distributed to the press in early April deduces that "maximum values" for Soviet capabilities against Minuteman would lead to "76 percent of the Minuteman surviving." (This paper by Lapp is discussed at length above.) In arriving at this result, he arbitrarily withholds one-fourth of the SS–9 force. Furthermore, Lapp assumes the Soviets would only attack one-fourth of the Minuteman silos with two re-entry vehicles each rather than the much more effective tactic of targeting half the silos as possible with one re-entry vehicle each.

As noted in Section IV, both Panofsky and Wiesner failed to explore seriously the possibility of coordinated attacks before claiming that it was impossible for the Soviets to attack both bombers and missiles without giving warning to one or the other of these forces.

(5) Suggestion of Impractical Alternatives: Several examples are found in the record of the debate, including the following:

(a) *The proposal to launch Minuteman on warning.* The possibility of preventing the destruction of substantial parts of the Minuteman force by merely launching it on the basis of warning of an impending attack, has been proposed by, among others, Wiesner and Weinberg in the Chayes-Wiesner book.

(b) *Armed air alert.* This was quite casually suggested as a solution to the bomber vulnerability problem with no consideration of the high costs and risk of accidents involved. Carl Kaysen, p. 65 of *ABM: An Evaluation,* states:

"Second, if the purpose of the system is to increase the survivability of our offensive forces, it should be evaluated in cost-effectiveness terms against alternatives such as further hardening of existing missile sites, increasing the proportion of the B–52 force on air alert and other possible measures. There is no evidence that a careful evaluation of these logical—and probably less expensive—alternatives have been made."

The statement that there is no evidence that the alternatives have been studied is simply false; both measures plus other measures have been extensively analyzed. In fact, keeping B–52s on air alert was discarded after many years of experience with high costs, a shortened lifetime of the aircraft due to fatigue, and several accidents involving crashes of B–52s carrying nuclear weapons.

(c) *The proposal to disperse B–52s widely to airports including those commercial airports near large cities.* This coupled with the necessity to launch rapidly in case of warning of an SLBM attack would appear to create conditions conducive to nuclear accident that are more serious than those of the proposal to deploy ABM sites near cities, which created public opposition to the Sentinel system.

(d) *Launching Minuteman between the waves of a reprogrammed missile strike.* The defects of this proposal have been discussed in Section IV.

(e) *The proposal to increase the Minuteman force.* To quote even an opponent to Safeguard:

"The notion of increasing offensive forces to compensate for the imminent deployment of MIRV is extremely ill-considered. It is a recipe for an arms race such as the world has never seen. We must not entertain the thought that we have an easy or comfortable fallback option of this kind." [27]

In addition, lead-time problems make this an impractical proposal—*see* the paragraphs on lead-time problems below.

(6) Use of Improper Criteria:

(a) The Importance of Criteria: Any analysis to aid decision among alternatives must, besides predicting the consequences of these alternatives, use some criterion or test of preferredness, even if it does this only implicitly. In fact, it has been widely recognized among operational researchers that the selection of an appropriate criterion is often the key problem in designing an analysis that clarifies and provides evidence for a policy decision. (*See,* for example, Hitch and McKean, *The Economics of Defense in the Nuclear Age,* pp. 120, 158 ff.) Using a wrong or incomplete criterion is tantamount to answering an irrelevant question.

In the strategic field a classic illustration at the end of the 1950's of the use of bad criteria to evaluate the capabilities deployed in planned forces involved the use of a simple count of actual or expected numbers of vehicles in the inventory of both sides—this without any serious consideration of their performance characteristics and in particular their peacetime operation and control, the ability of the controls as well as the vehicles themselves to survive attack, and of the surviving vehicles to penetrate active and passive defenses and destroy their targets under a variety of contingencies at the outbreak of war. The 'missile gap' debate was misleading not simply because of erroneous forecasts as to the relative number of strategic vehicles likely to be available to the two sides, but, more important, because a simple count of vehicles that showed either a 'gap' or none at all would establish little or nothing about the safety or vulnerability of the forces on either side. A smaller force might be enough for purposes of retaliation or for other useful strategic objectives and a larger force might be quite inadequate. Merely to count the number of vehicles on each side is barely to begin analysis. It is far from offering a basis for choosing among alternative policies for a strategic force. And the same goes for simple counts of other units, such as reentry vehicles. Simple counts on both sides ran lead either to demagogic alarm or demagogic reassurance.

Unfortunately, in the Safeguard debate such irrelevant criteria were widely, though not universally, used by scientists on both sides of the debate. We do not imply that all scientists taking part in the debate were equally careless in the criteria they used Some were quite scrupulous. Many, however, were not.

What follows we will take as examples of improper or incomplete criteria:

1. The matching by some distinguished pro-ABM scientists of U.S. and S.U. strategic vehicles or the megatons they could carry, and the equally misleading matching by distinguished scientists who oppose ABM of U.S.-S.U. reentry vehicles.

2. The use of incomplete criteria for evaluating the ABM protection of Minuteman such as number of MM saved or cost per MM saved.

(b) Criteria Using Simple Counts of Pre-Attack Offense Inventories: The American Security Council of American University, which includes among its members many distinguished scientists, issued a series of charts and statements comparing past, present, and likely future numbers of U.S. and Soviet missiles and bombers. The language accompanying the charts strongly implies that such strategic objectives as deterrence were being forfeited by the U.S. on the evidence of this comparison alone. (*See,* for example, Fig. 6, page 47, *The ABM and The Changed Strategic Military Balance,* Acropolis Books, Washington, D.C., 1969.)

Other statements issued by the American Security Council counted megatons in the strategic inventory of both sides and used the comparative count as showing that the United States was disarming unilaterally. (*See* their advertisement in the *New York Times,* October 27, 1970 and the earlier pamphlet, *The Changing Strategic Military Balance,* US.A. vs. USSR, 1967, p. 31.)

There is no doubt at all that the total number of missiles on launchers and their total payload has something to do with our ability to fulfill our strategic objectives, including an ability to retaliate an attack on our own strategic offense. Moreover, the size of the missile payload is one important factor that influences such potentials: Large payloads can involve very large yields and might be now or later subdivided into many reentry vehicles. However, such an exercise in counting hardly starts to consider the complex of interacting factors that will determine whether our force will have a capability to strike back after it has been subjected to nuclear attack, or whether it is likely to be useful in fulfilling our NATO commitments to respond to an attack on one of our European partners. It leaves out the question of how well the missile launchers are protected, what future as well as current developments in accuracy, payload, tracking and search capacity, etc., on the other side might be. And it leaves out of account how the payload is or may be divided.

Unfortunately, distinguished scientists opposing ABM used criteria quite as misleading to advance equally inconclusive considerations. They counted the total number of re-entry vehicles on both sides. In doing this, they treated some American re-entry vehicles as the equivalent of Russian ones that may have 50 times the American yield. (*See,* for example, "The Limitation of Strategic Arms," by Rathjens and Kistiakowsky, *Scientific American,* Vol. 222, No. 1, January, 1970, p. 20.) What is more, so primitive a procedure as matching re-entry vehicles neglects the host of factors, some of which are listed above, that would determine whether a force on one side containing a given number of re-entry vehicles along with its essential command control and communications could survive an attack by a specified force on the other side. The use of the question-begging concept of 'overkill' to summarize the potential of a variety of weapons systems, some of which are extremely vulnerable, was current throughout the debate and led only to confusion. (*See,* for example, the Gore Subcommittee Hearings, Part I, Spring, 1969, p. 299.)

Confusion was sometimes compounded by biases in the selection of what vehicles to count on each side. The American Security Council included Russian intermediate- and medium-range ballistic missiles but excluded some of our own theater air capable of reaching the Soviet Union. On the other hand, scientists opposing ABM excluded Russian medium bombers that are quite capable of reaching the United States with air refueling or post-strike staging, even though not long ago the bulk of our own strategic force was made up of precisely such strategic weapons and it had been widely recognized throughout the 1950's that medium bombers were

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Footnotes at end of article.

strategic weapons in the hands of either the Russians or ourselves.

There is no question but that the potential for using multiple independently aimed reentry vehicles (MIRVs) is a relevant matter. It is one of several important factors that affect the capability to destroy soft or hard military targets such as aircraft on airfields and hard missile silos, respectively. And it is one of several factors that affect the capability of destroying cities. But it is not the case that effectiveness in general increases proportionately to the number of reentry vehicles, even if we ignore such matters as vulnerability on the ground, etc. Even neglecting ground vulnerability, in some cases a MIRVed vehicle may be less effective than a corresponding unMIRVed vehicle. Much of this may be illustrated by a table presented by Deputy Secretary of Defense Paul Nitze[28] in 1967 testimony that is frequently cited in other contexts by scientists opposing ABM. Nitze was addressing himself specifically to a refutation of the type of count of megatons on both sides used as a measure of effectiveness by the American Security Council.

APPENDIX III

COMPARATIVE EFFECTIVENESS OF 2 HYPOTHETICAL MISSILE PAYLOADS

[Number of targets destroyed]

Type of target destroyed	10 50-kt. warheads	1 10-mt. warhead
Airfields	10	1.0
Hard missile silos	1.2 to 1.7	1.0
Cities of 100,000 population	3.5	1.0
Cities of 500,000 population	.7	1.0
Cities of 2,000,000 population	.5	.6
Total megatonnage	.5	10.0

The table illustrates well Nitze's point that total megatonnage provides no reliable index of the comparative effectiveness of two hypothetical missile payloads. However, it also illustrates that total number of warheads is not a reliable index either. This latter works only for the case of unprotected aircraft concentrated in the relatively small space of an airfield. The ten 50–KT warheads that might be fitted in Nitze's hypothetical missile as an alternative to a single 10-megaton warhead are less effective than large warheads against some cities and more effective against others. In none of Nitze's cases other than the airfield example is total number of re-entry vehicles a reliable index of effectiveness, even assuming that re-entry vehicles are delivered.

Some simple indices and rules of thumb are sometimes useful for an analyst who understands their limitations in the preliminary work of sifting out a great many alternative systems intended to achieve some of a variety of complex objectives. But even for a given mission such rules of thumb are likely to be valid only for limited ranges of other important parameters. Thus, for comparing different MIRV options with the same CEP and reliability in attacking hard point targets the so-called "$NY^{2/3}$ Index' is sometimes useful. To compute this index, one weights the number of warheads by their yields to the two-thirds power.

However, this criterion breaks down if accuracies, yields, target vulnerabilities, and reliabilities are such that some warheads compared have very high individual kill probabilities, and reliabilities are such that some warheads compared have very high individual kill probabilities. In the example used by Nitze, ten 50-kiloton weapons destroy 1.2 to 1.7 targets while one 10-megaton weapon kills one target. Measuring yield in megatons, the value of $NY^{2/3}$ in the first case is $10 .(0.05)^{2/3}=1.4$ and in the second case is $1.(10)^{2/3}=4.6$ so that, by this criterion, the 10-megaton option would appear to be much the more effective rather than the correct result. Were missile CEP and target hardness such that the larger weapon had a kill probability substantially less than one, however, then the $NY^{2/3}$ index would have led to an approximately correct result.

Other indices are sometimes used as rough measures of effectiveness against large urban targets: "megaton equivalents" is one such measure. For this limited purpose it is better than number of re-entry vehicles or number of megatons, but it, too, must be used with extreme caution.

Perhaps the largest defect in all the criteria that use simple counts of pre-attack offense inventories, whether the count be of megatons or of re-entry vehicles, is the neglect of the problem of defending the offense force. The confusions connected with simple counts occurred especially in the part of the debate that were supposed to bear on the need for further protection of our land-based forces. For that question in particular neglecting the difference between pre-attack and post-attack inventory of a strategic force that might be subjected to attack is plainly an essential error if one wants to know whether further protection of that strategic force against attack is in order. However, even when the debate concerned only the effectiveness of alternative methods of protecting the strategic force, quite inappropriate criteria were used. One outstanding example persisting throughout the debate was the use of number of Minuteman saved.

(c) Improper Criteria Involving Offense-Defense Interactions: Proponents, primarily within the Administration, used the criterion of number of Minuteman saved as a measure of Safeguard effectiveness. During the summer opponents began stressing a different criterion, number of warheads needed to negate Safeguard. As an example of the first, a proponent stated:

"The relative effectiveness of Safeguard option 2A in defending our Minuteman force can be measured in terms of the threat I mentioned earlier; namely, the large Soviet SS-9 type missile equipped with three independently targetable 5-megaton warheads with an accuracy of one-quarter of a mile. With a force of 420 of these missiles on launchers and an assumed failure rate of 20 percent, the Soviets could place over the Minuteman fields about 1,000 warheads. Without any ABM defense, it is possible that only about 50 Minuteman would survive. (A mixed force made up of fewer large missiles but including a number of highly accurate small missiles could produce similar results.) With Safeguard Phase 1, perhaps two or three times as many Minuteman would survive and with Safeguard option 2A perhaps five or six times as many. (The actual number surviving would vary, depending upon both the offensive and defensive tactics employed.)" (Mahon subcommittee, May 22, pp. 27, 28.)

An example of the use of the second criterion is an opponent's statement in which he submitted a classified graph supplied by the Defense Department showing the number of Minuteman missiles surviving plotted against the number of 5-megaton warheads impacting with 0.25 n. m. CEP. The opponent concluded "only a relatively minor increase of enemy warheads would totally nullify the protective effect of Safeguard deployment."

A third point of view was expressed by a proponent:

"Any fixed amount of defense can, of course, be overcome by adding enough to the offense. This is obviously true. It is equally true that any fixed amount of offense can be smothered by adding enough defense. Both these truths are nearly tautological. For adversaries with roughly the safe resources, the practical question has to do with how much extra the offense must pay to overcome a given amount of defense and how this compares with the cost of that defense itself. The answer in the case of Safeguard defense of Minuteman is that it would cost the Russians more than twice as much to add offense as it would cost us to add an offsetting number of Sprint missiles with their fair share of the missile site radar expense."

It does not appear to be an exaggeration to state that differences over the appropriate criteria were central to the closing phases of the Senate debate over Safeguard in 1969. Senator Symington, for instance, on "Meet the Press," June 1, made the statement that if the classified chart supplied by the Defense Department were ever made public the debate would be over (*New York Times*, June 3). The major, and perhaps decisive, debate over this issue occurred in a closed session of the Senate on July 17, called by Senator Symington in order to present the chart. Although this report is concerned with the performance of members of the scientific and technical community and not with that of Senators, this debate by members of the Senate demands comment both because of its historical importance and because it illustrates so well the impact of criteria on conclusions.

The debate was conducted with both sides conceding, for the purpose of argument, the validity of the graph. Senator Symington, after stressing that he did not necessarily agree with the premises of the chart, stated:

"I am sure all Senators will note with interest that an increase of not more than a few tons of (deleted) SS–9s, which would be no problem whatever to the Soviets within the time frame considered, would reduce the number of surviving Minuteman well below (deleted). . . . To be sure every Senator understands, this would be true after Phase II of Safeguard was deployed."

Senator Jackson, in supporting Safeguard, did not use the "number of Minuteman saved" criterion but instead argued in terms of the relative cost of the offense and defense in attempting to counter each other:

". . . suppose the Soviets continue to increase the RV threat. If they build up beyond 1,100 and go up to about 1,400 re-entry vehicles, we could then add four more missile site radars, which would cost $700 million—still maintaining the 200 minimum survivable Minuteman.

"Now, here is an interesting point. If the Russians continue to pursue their three warhead configuration of 5 megatons each, it would cost the Soviets $3.6 billion to neutralize this step of defense, which we could make at a cost of $700 million."

If a defense can be overcome using readily available technology, then it is clearly not enough to merely compute 'missiles saved' or 'cost per missile saved' values without considering how easy or difficult it is for the enemy to negate the defense. Thus proponents in the Administration who used these criteria for fixed offenses were presenting an incomplete picture.

On the other hand, if a defense can be expanded or improved in response to offense developments, it is clearly inadequate to ignore such responses when investigating quantitative or qualitative increases in the offense. Thus opponents who stressed Safeguard 'thinness' without investigating what it might take to thicken the system were also guilty of presenting an incomplete picture.

While admittedly there are difficulties in computing likely responses of the opponent and their costs, some rough idea of the relative efforts required by both sides in attempting to negate each other is needed in analyzing most defense proposals.

Often these are only incorporated implicitly. Thus the justification of the Polaris program historically was not that it was cheaper than Minuteman for a given level of effectiveness (in fact it was more expensive), but that it was much more difficult to counter, (i.e., the costs of passive and active track-

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ing or search and destruction, using air, surface, or underwater platforms, were higher compared to Polaris costs themselves), although explicit costs to counter Polaris were probably not developed.

(7) Use of Improper Costing: Not only was it improper to compare cost per Minuteman saved by Safeguard with the cost of a Minuteman, but both costs were improperly computed in some prominent cases.

Rathjens[29] states that the procurement cost of an additional Minuteman would be "perhaps four million dollars." In his letter of June 16 to the *New York Times*, Rathjens states that the marginal cost for Minuteman procurement of four million dollars per missile is "consistent with testimony provided by various defense officials over the last years." He fails to give a specific reference.

Several years ago, four million dollars was the estimated *procurement* cost per additional Minuteman missile of the type being considered then, but that is not true of the missiles actually being purchased. (As a matter of fact, Wohlstetter stated on June 29 that "The relevant marginal *systems* [italics added] costs are twice that or more.") Rathjens and other members of the ABM opposition continually stressed the fact that weapon system cost estimates increase substantially over time. Since the apparent source for his cost estimate is approximately a decade before the additional Minuteman would be procured, in using this cost figure he was substantially underestimating the relevant cost of procuring an additional Minuteman.

In computing the cost of Minuteman saved with Safeguard in the Appendix to his Gore Subcommittee testimony, Rathjens presents a line of reasoning to show that "an estimate of 25 to 100 million dollars per Minuteman saved is very conservative." In making the calculation leading to the lower of these two numbers, he uses only Phase I of Safeguard rather than Phase IIa (the full Safeguard defense of Minuteman only plus an NCA defense site) or the Minuteman components of the full Phase II, in spite of the fact that the Administration stressed that Phase I was only an initial limited deployment intended primarily to pave the way to full-scale deployment if it developed that it was desirable to proceed based on further information. Hence quoting cost per unit of effectiveness for Phase I is something like comparing the cost of an education to its returns before the age of twenty. Furthermore, Rathjens assumes that the total Grand Forks and Malmstrom PAR costs should be included arguing that these two sites cover relatively little population.

However, in the full Phase II deployment, these two PARs would play an essential role in the area defense protection provided by other sites that cover a large percentage of the total population of the country. He justifies the higher $100 million cost per Minuteman saved on the basis of several arguments, including the one discredited above that it may be necessary to allocate at least two Sprints to each incoming warhead. He also incorrectly states that doubling the number of Sprints per incoming warhead would double the cost per Minuteman saved. This ignores the fact that most of the cost of Phase I is in the radars.

In the Appendix to his later Stennis Committee Testimony, Rathjens' minimum cost per Minuteman saved is $50 million. In this case, Rathjens charges the whole $2.1 billion dollars for Phase I to the defense of Minuteman, thus ignoring the fact that much of this would have been expended for on-going research and development whether or not Phase I was deployed.

In the July 1 paper by Rathjens, Wiesner, and Weinberg entitled "A Critique of Pentagon ABM White Papers" it is stated that the total costs of the full $10.3 billion Phase II Safeguard deployment are allocated to the function of defending Minuteman.[30] The authors ignored the fact that a major portion of the costs of the full Phase II are for elements serving the functions of defending bombers, population against an Nth country attack, the National Command Authority, and against accidental or unauthorized attack.

(8) Failure to Treat the Multifunctional Character of Systems Adequately: That most obvious multifunctional system in the Safeguard debate was Safeguard itself, and it will be taken up below. However, other examples were involved, in particular offensive missile systems such as Minuteman, Polaris, and Poseidon. Although these are usually thought of by the United States as second-strike systems, they also have a first-strike capability. Whether this capability is significant enough to be worrisome to the Russians depends on several factors, but particularly on the hard-target kill capabilities of the missiles and this in turn depends on factors such as yield, CEP, and relative sizes of the two postures. It seems ironic that ABM opponents who were concerned with the "arms-race implications" of ABM would propose the alternative of increasing the offensive vehicle inventories—thus looking only at their second-strike function and not at their first-strike potential.

Safeguard, of course, was presented as having five functions (defense against attacks on Minuteman, defense of the bombers from SLBMs and FOBs, defense of population from a Chinese Peoples Republic attack, defense of the National Command Authority, and defense of the population against unauthorized or accidental attacks) for purposes of discussion here we will collapse these to two—defense of Minuteman and area defense.

It is interesting that both supporters and opponents of Safeguard became caught in a logical fallacy. Among the many changes from Sentinel to Safeguard there was a shift in priorities—whereas in Sentinel, area defense was considered to have the highest priority with defense of Minuteman as a possibility to be implemented if the need arose, in Safeguard defense of Minuteman was given first priority. Many experts and public figures took this to mean that the new ABM should be optimized only for Minuteman defense, and that area defense should be 'tacked on' later. However, this is fallacious reasoning. The shift in priorities was primarily a shift in time urgency. Although defense of Minuteman would be begun initially, there was no doubt expressed by the Administration that area defense of bombers and area defense against China were still major goals of the system and would ultimately be implemented, if approved, although provision was made for reviewing this decision.

There was presumably intelligence that the Chinese ICBM had slipped in development, but no doubt was expressed in the public statements of the Administration that the Chinese were continuing a major development effort on an ICBM. Nor was there any doubt that the Soviet SLBM threat to the bombers could develop. Since the ultimate deployment would involve (with some changes in detail) both the area and hard-site defense functions, there is no reason why the character of the system should be radically altered when the timing of the installation is changed.

By discussing Safeguard as if defense of Minuteman were its only objective, as occurred in numerous statements by both sides, this fallacy was obscured, and Legislators and the public, as well as many experts, were apparently confused.

(9) Failure to Treat Lead-Time Problems Adequately: A central point in the debate was whether there was urgency to 'act now' or whether it was possible to wait a year or more for further confirmation of the developing threat, and crucial to the analysis of this point were lead-times of various alternatives to Safeguard. Thus Panofsky in a letter to the *New York Times* on June 8 suggested that we could wait.[31] Similarly Carl Kaysen in *ABM: An Evaluation* argues there is "safety in waiting." However, neither attempts to substantiate his assertions.

Rathjens, Weinberg, and Wiesner do.[32] They quote Secretary of Defense Laird's statement that "it only takes 18 to 24 months from the start of construction to the operational availability of an ICBM in a silo" to argue, "We could wait until about 1972 or 1973 before we would have to begin deploying additional ICBMs if we elected that as a response to a possible mid-70 threat."

The authors have taken Secretary Laird's statement out of context and misapplied it. It clearly applies to the time between U.S. *initial knowledge* of Soviet silo construction and operational status. Much more must be included in estimating lead-time, including time to make preliminary site location decisions, receive Congressional approval, acquire sites, negotiate construction contracts, and survey sites. If the usual procurement process were followed, it would probably be between 5 and 6 years before the first additional site was available. Even on a crash basis, the time would be from 3 to 4 years twice the lead-time used by Rathjens, Weinberg, and Wiesner.

Most of the 'wait-and-see' proposals as well as those urging development of new hard-site defense components would require large crash programs to match the threat. Since the members of the Committee share the concern of others that the impact of defense expenditures on domestic problems be minimized, we feel obliged to note that crash programs tend not only to be more expensive than the same programs if implemented in an orderly way, but also tend to have more disruptive effects on the Federal budget and the economy through the necessary sudden swings in expenditures.

(10) Failure to Treat the Potential System Interactions Properly: A procedure that has been followed throughout the history of the design, analysis, and evaluation of ABM systems is to invent measures by which the opponent might overcome the defense and invent responses that might be used to maintain effectiveness of the defense. The process is reiterated continually, and feasibility, cost, and effectiveness are evaluated for both sides. A fully candid and comprehensive evaluation of a defense should discuss the results of such offense-defense interaction analyses, presenting implications of both offensive and defensive responses in a balanced manner.

The opponents were guilty of stressing offensive actions and neglecting the possible responses available to the defense, while the Administration, too, failed to present adequately the possible need for expansion beyond Phase II if the Soviet threat continued to grow, at least until Foster's speech of May 12 in which he claimed that the effects of increments in offense could be met by increases in defense at an approximately equal cost. However, that speech does not clearly face the issue of expansions beyond Safeguard.

In June and July the main point made by Panofsky, Rathjens, Weinberg, Wiesner, and Senator Symington was that the Safeguard defense of Minuteman could be easily overwhelmed. This was the focal point of Senator Symington's presentation at the secret session of the Senate which he called on July 17.

However, the opponents failed to treat the issue adequately and fairly on two counts:

(a) They failed to discuss adequately efficient means by which the United States could expand Safeguard to restore the desired level of effectiveness.

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(b) They failed to discuss adequately the difficulties and costs the Soviets would encounter in implementing some of their proposed means of 'cheaply' overcoming the defense.

One of their proposals was to use the SS–11s for attacks against the radars in order to exhaust the interceptor stockpiles. The attractiveness of this proposal depends upon treating the SS–11s as almost a "free good," i. e., a force that has no other utility to the Soviets in a general war in which they struck first and that was essentially costless to maintain until used. To procure more SS–11s for this task would be much more expensive to the Soviets than the interceptors 'exchanged' would be to the United States, and even the operating expenses of these missiles from now until the time Safeguard would be operational would exceed the interceptor costs. Furthermore, these missiles could have significant utility in other uses in such a conflict—as 'withheld retaliatory forces' to deter U.S. attacks against Soviet cities with what residual forces we might have, or as a force to 'draw fire' away from their cities. SLBMs are often thought of as being the ideal retaliatory force. However, in a Soviet attack deter ICBM launch SS–9 warheads could arrive.

In the "An Overview" section of the Chayes-Wiesner volume, Chayes, Wiesner, Weinberg, and Rathjens discuss "cost exchange" on page 23. However, they do it in a misleading manner, and they do not substantiate their claims. They compare incremental costs of attacker forces to total costs of ABM. They also assume three to five Sprints per incoming re-entry vehicle.

In *Critique of Pentagon ABM White Paper*, Rathjens, Weinberg, and Wiesner argue that the Soviets could put 20–30 warheads on each SS–9 and use these to exhaust the interceptors at the Minuteman sites of Phase II (or IIa). However, the costs of developing such a specialized highly MIRVed payload for so few missiles would be very high on a 'per re-entry vehicle' basis—they would include the costs of developing a special warhead, special re-entry vehicles for the warhead, and post-boost control systems and the cost of tens of SS–9 boosters needed to flight-test the new system.

Except for Foster's statements in his May 12 speech, the Administration appears to have avoided adressing the basic issue in the analysis of defenses—how easily can they be countered and what must we do if the opponent attempts to do so?

The point was treated qualitatively but extensively and soundly in Wohlstetter's article "Good Guys, Bad Guys and the ABM," including a discussion of the possibility of generating defense-favorable "offense-defense exchange ratios" by the addition of multiple radars and preferential defense.

It is inherent in any defensive system that to maintain effectiveness against a larger than planned-for (or qualitatively better configured) force will require a larger than planned-for expenditure. It is regrettable that the Administration did not address this problem squarely early in the debate and that the opposition did not treat it in the balanced manner that the public and the Legislative Branch deserve.

A particularly important interaction that has not been treated properly in this debate is the problem of the amount of defense of Minuteman believed adequate to preserve, in the combination with other survivors of a Soviet first strike, a believable surviving U.S. second-strike force.

It has been argued that the credibility of the U.S. deterrent policy is built upon making it apparent to the Soviet Union that enough of the total U.S. strike force (in all its components; bombers, ICBMs and sea-launched ballistic missiles) can survive any conceivable Soviet first strike, so as to retain an ability to inflict unacceptable damage on the Soviet homeland.

If this principle is accepted, an argument that Minuteman must be defended (by Safeguard or any other defensive system) against a heavy Soviet SS–9 attack cannot be conclusive, unless, as an minimum, it shows that:

(i) The undefended Minuteman survivors as well as all other surviving U.S. strike forces will not suffice to present a believable and adequate second-strike force, and,

(ii) When Minuteman is defended, the total surviving U.S. strike force is sufficient to inflict unacceptable damage on the Soviets.

Even such an argument does not suffice to demonstrate conclusively that Minuteman should be defended. It merely provides (if accomplished) an existence proof of one possible procedure to employ for preserving the credibility of the U.S. deterrent posture. Whether there exists some other procedure that may be superior has not been discussed definitely in the same context as the pro and con Safeguard arguments. For example, the money and resources proposed for expenditure on Safeguard might more effectively be spent (in terms of contributing to a surviving U.S. second strike force) on defense of other components of the U.S. deterrent force, or on augmenting some portion of the deterrent force itself (not excluding Minuteman).

The failure of this public exchange of views to deal with this question, whether in conformity with the wishes of the Executive or Legislative branches of the government, is a basic failure to deal with a most fundamental issue.

C. Logical Deficiencies of the Debate

It is disturbing that the following simple logical approach was not stated or followed by both sides of this debate.

The proponents of the ABM should show that there exists a reasonable set of future circumstances for which the ABM is desirable. The opponents must show that for *all* reasonable sets of future conditions the ABM is undesirable. Desirability in both cases should be represented in terms of cost-effectiveness or cost-benefits. The postulation of a particular set of future conditions for which the ABM is undesirable cannot show that the program should not be pursued.

ANNEX: CHRONOLOGY OF THE MINUTEMAN VULNERABILITY ISSUE

The major public statements on this issue in 1969 occurred as follows:

(a) *March 14:* The President Nixon announcement of conclusions regarding the Sentinel System stresses continued Soviet build-up of strategic forces including "very large missiles with warheads capable of destroying our hardened Minuteman forces" and present a modified deployment plan putting emphasis on defense of the retaliatory forces. This point of view is also stated later in the testimony of Department of Defense officials before Senate and Congressional Committees and Subcommittees.

(b) *March 30:* Deputy Secretary of Defense Packard before the Senate Armed Services Committee makes public:

(i) A chart showing growth in Soviet missiles, indicating approximately 460 SS–9s at the end of 1975 (Stennis Committee, Part I, pp. 160, 169, 177).

(ii) A "Threat to Minuteman" chart showing Probability of a Minuteman Silo Being Destroyed vs. Accuracy (Miles) for 20–MT, 5–MT, and 1–MT yield warheads (ibid, p. 178).

(c) *March 26:* Deputy Secretary Packard reveals that the Soviets were testing multiple warheads on the SS–9 [33] and that the SS–9 has the capability of transporting three 5-megaton independently targeted warheads.[34]

(d) *March 28:* George W. Rathjens, Jr. before the same committee, stated: [35]

"If one assumes that highly accurate MIRVs are developed by the Soviet Union and deployed on the SS–9s, they might pose a greater threat. If the Soviets can do as well in achieving high accuracy as we apparently expect to do, according to figures released in late 1967 by former Deputy Secretary of Defense Nitze—then a 500-missile Soviet SS–9 force might destroy three-quarters of the Minuteman force."

(e) *April 4:* Ralph E. Lapp in a report titled "The Case Against Missile Defense" submitted to Senators Cooper and Kennedy, estimates a maximum capability of 1000 5-megaton warheads (333 missiles) for the Soviets by 1976 and concludes that these would leave 760 Minuteman available for retaliation. The study also concludes that at least 4000 warheads (1333 missiles) are required to cut the number of Minuteman surviving to 50 or less. This study was page one news in the April 9 *New York Times*.

(f) *April 22:* Wolfgang Panofsky, before the Stennis Committee, states (p. 1129 of the Committee Report): ". . . an attacker would have to compensate for the limited reliability of his force by targeting at least two and possibly more warheads against each of the 1000 Minuteman silos." He also stated that he believes that there is sufficient time for carrying out the development of an optimized hard-point defense.

(g) *April 23:* Rathjens, before the Stennis Committee states: (p. 1252)

"Yet even if the Soviet SS–9 missile force were to grow as rapidly as the Defense Department's most worrisome projections, even if the Soviet Union were to develop and employ MIRVs with those missiles, and even if they achieved accuracies as good as we apparently expect with our MIRV forces (according to figures released in late 1967 by former Deputy Secretary of Defense Nitze) a quarter of our Minuteman force could be expected to survive a Soviet preemptive SS–9 attack."

In Appendix II of his written submission, he states: (p. 1258, Stennis)

"For the Soviet Union to have a capability to destroy 90 percent of the Minuteman force in a preemptive attack using a MIRVed SS–9 force, about 850 missiles would be required (assuming accuracies similar to those we expect and reliabilities of about 75 percent)."

Albert J. Wohlstetter, at the same session, states: (p. 1264, Stennis)

"I have tried with some effort to reconstruct various numerical proofs recently presented or distributed to the Congress that purport to show our Minuteman will be quite safe without any extra protection; these proofs depend heavily on optimistic estimates of limitations in Russian delivery accuracies, reliabilities, and associated offense capabilities and sometimes on very poor offense tactics. Suppose, however, that by 1976 when Safeguard is deployed, or by 1977 when it may be shaken down, the Russians have:

"Accuracies like those of the systems we are deploying now.

"Overall reliabilities currently attributable to them.

"Methods familiar to us for using extensive and timely information as to which missiles have failed so that others can replace them, the technique known as shoot-look-shoot.

"Continued production of SS–9 boosters at past rates.

"Modest numbers of MIRVs per booster (e.g., the three 5-megaton reentry vehicles stated by Secretary Laird for the SS–9).

"Then the percentage of the Minuteman

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force that would be destroyed, if undefended, comes to about 95 percent.

"These results are based on quite moderate assumptions about Russian capabilities. Better accuracies, for example, may be expected in the late 1970s, and higher degrees of MIRVing. Reliabilities of any given offense missile system improve with use. Do those who favor a hardpoint defense but would postpone a start really consider these Russian capabilities I have outlined 'extremely implausible'? Or at all implausible?"

Abram Chayes, before the same Committee, states: (p. 1268, Stennis)

"In fact, however, even if we accept the Secretary's figures, the U.S.S.R. will not have mounted a convincing threat against Minuteman. He is talking about 500 SS–9s altogether. If each carried three MIRVs, there would be 1500 warheads in all. But it seems to me to be agreed that the attacker would need at the very minimum 2000 accurate warheads—two for every one of our silos—before being able to think about a first strike."

In the afternoon question and answer period, Senator Jackson raised the subject of Wohlstetter's statement concerning various 'proofs' that Minuteman would not be vulnerable in the time period when Safeguard would become operational (p. 1292). Dr. Rathjens states in this regard: (p. 1295)

"I would like to comment very briefly but then I would also like to ask a question and that is, would I be permitted to file a classified statement dealing with this problem. I think I can answer it more authoritatively if I do that.

"On the unclassified record here though, I would just like to say that it seems to me it is a matter of time. There is going to be some time, and I do not know when—it will be in the seventies—when Minuteman will be vulnerable. Accuracies are going to get better. The Soviet force is going to build up. The time is going to depend on the particular assumptions you make about the rate of that buildup, how reliable the Soviet missiles might be, the yields they can carry, and their accuracy."

(h) *April 30:* Rathjens submits abovementioned classified letter to Stennis Committee. (Censored version appears beginning p. 1453 of Committee record.) Results of calculations using "latest intelligence estimates and other classified information" are presented, but specific assumptions used are not, except that it is stated that 460 SS–9 missiles were used.

(i) *May 4:* Lapp, in an article in the *New York Times* magazine, "From Nike to Safeguard: A Biography of the ABM" calculates that 500 SS–9s with three independent warheads each, would "leave about 500–750 operable Minutemen."

(f) *May 5:* Manuscript version of the book *ABM: An Evaluation of the Decision to Deploy an Antiballistic Missile System,* Abram Chayes and Jerome Wiesner, Editors, distributed to the White House, the State Department, and the Defense Department and released to the press on May 6 (page one story by John W. Finney, *New York Times,* May 7).

The "Overview" section of this book (by Chayes, Wiesner, Rathjens, and Weinberg) states that today "it would take at least two attacking ICBMs to be reasonably sure of destroying one Minuteman" (p. 48, MS and p. 35 of the final book).

"Some First Strike Scenarios" by Wiesner (p. 3 of MS and p. 71 of book) states that "the conclusions arrived at will *not* be significantly different from those of a study with full access to classified materials." Then, assuming 500 SS–9s with three MIRVs carrying a "weapon having a 0.8 kill probability against the present Minuteman with the MIRV guidance accuracy" (p. 6 of MS) would lead to 270 Minuteman and Titan missiles surviving out of an attack directed at a total of 1100 targets (including some command and control points). It is further stated that "we have assumed an accurate MIRV and a highly reliable system." (p. 6 of MS and p. 73 of book.)

In the book form (p. 73) the statement of a 0.8 kill probability is altered to read "with the MIRV guidance accuracy estimated by Secretary Laird."

"What Does Safeguard Safeguard?" by Steven Weinberg states (p. 86, book version):

"The United States has about 1050 ICBM silos. Thus we must suppose that Moscow can deliver at least 2,100 re-entry vehicles (RVs) with megaton yield and high accuracy, two for each of our ICBM silos. (Even with two Soviet RVs targeted on each U.S. ICBM, and assuming that each RV had an 80 percent chance of destroying a hardened silo, 42 ICBMs would still be left, and these could destroy a sizable fraction of Soviet industry). He justifies the 80 percent kill probability by the footnote 'In testimony before the Senate Armed Services Committee on March 20, 1969, Deputy Secretary Packard stated that an ICBM with a CEP of 0.6 to 0.8 miles would have to carry a 20-MT warhead if it is to have an 80 percent chance of destroying a hardened Minuteman silo.' This kill probability does not incorporate the readiness, launch and inflight reliabilities of Soviet ICBMs. Instead of attempting to take these unknown reliabilities into account explicitly, I will throughout only quote figures for the number of Soviet RVs which actually arrive near the target. Thus, if the overall Soviet ICBM reliability is 50 percent, then the actual Soviet ICBM deployments must be at twice the levels quoted here."

(k) *May 12:* John S. Foster, Jr., Director of Defense Research and Engineering, in a speech before the annual meeting of the Aviation-Space Writers' Association in Dayton, Ohio, states:

"Other statements in the ABM book seem to play a strange numbers game. At one point the book states: 'With our Minuteman in hardened silos, it would take at least two attacking ICBMs to be reasonably sure of destroying one Minuteman.'

"An ICBM with three independently aimed warheads can attack three silos. The U.S. has designed, but not deployed, a system which allows a missile to signal the launch-control point if it has launched its re-entry vehicle properly. With this system, the control point could reprogram another missile to make up for failures. For example, a missile system having a 20 percent failure rate and carrying three re-entry vehicles per missile, would require only 420 missiles to attack 1000 silos. If the yield of each re-entry vehicle was a reasonable 5–MT and the accuracy a reasonable ¼ of a mile, about 95 percent of the silos could be destroyed. This would mean 50 of the 1000 Minuteman survive. It would be foolish to attack half of the silos twice as the book advised, rather than all of them once."

See also Foster's May 13 testimony to the Stennis Committee beginning p. 1711 of the Hearings.

(l) *May 14:* Wiesner, testifying before the Gore Subcommittee, states (p. 492 of the Hearings):

"Since I prepared my testimony, Dr. Foster has suggested that my calculations regarding the surviving Minuteman force were in error. These are the estimates that I just gave you. He estimated that only 50 missiles would survive a Soviet SS–9 attack instead of the 270 shown in our ABM book. Now my calculations were based on Department of Defense data released in March and April of this year, but Dr. Foster has now changed those figures. He says that the SS–9 warhead will have a 0.95 probability of destroying a Minuteman rather than the 0.8 previously predicted. This involves a new estimate of the SS–9 MIRV accuracy and reliability, a reliability which I do not find easy to accept. His data, incidentally, has also changed the estimate of Soviet SS–9s from 500 to 600.

"Dr. Foster also says, and this is implicit in his number of 50, in contrast to my number of 270, that the Soviets might have the capacity for monitoring their MIRV warheads and only using a second one against a target when the first has obviously failed. This is certainly technically possible. It is a technical complication in addition to the MIRV's, and I do not believe it would be used. Even if it were used, there is an easy counter to it. The attack will have to come in two waves spaced by a few minutes so that the attacker can determine which re-entry vehicles have failed and need backup. Our early warning system will certainly indicate that there are two components to the attack. It seems unlikely that we would wait for the second attack to hit, rather than fire the remaining missiles after the first weapons explode. In this case, about 290 land-based missiles (Minuteman and Titan II) would be available for counterattack assuming a 0.9 probability for the Soviet warhead which I find, as I say, harder to believe but I am willing to accept that, though not the 0.95."

Edward Teller, states: (p. 520 of the Hearings)

"I, furthermore, would now like to say that there have been in Dr. Wiesner's testimony several points of difference, not with me, but with a very thorough, very conscientious man, Dr. John Foster, whom I have known for very many more years, I think, than most of you have known him.

"I know that his figures are not given out without exceedingly reliable checking, and I think I can make a little progress in clearing up for you differences between what Dr. Foster says and what Dr. Weisner says.

"Dr. Foster says that the probability of a hit is 0.95. Dr. Weisner's report said 0.8. Dr. Foster does not disagree. He says that of the 20 percent failure, 15 percent occur in the takeoff phase. This 15 percent which fail to take off properly can be promptly replaced and this, he claims is the kind of operation we know how to do and which it would not be unreasonable to assume the Russians also know how to do.

"Therefore, his 95 percent, does not look to me unreasonable, and furthermore if Dr. Foster's scenario is followed, the time delay between the first firing and the followup firing would be only the time period that is needed to see that the takeoff did not function properly.

"Therefore, the time delay argument, that this would give us time to release our missiles, is also, I think, not quite realistic."

And a bit later (p. 521 of the Hearings):

"Finally, there is a little difference between 500 and 600 SS–9s. Dr. Wiesner said that Dr. Foster mentioned 600 SS–9s, whereas I think Secretary Packard mentioned 500. Dr. Foster did mention 600 because he used not the year 1975 but the year 1976 taking into account the delay that would be imposed by our not deploying Safeguard. He said if we do not deploy, then we will be faced by 600 SS–9s before we can have any hard point defense."[38]

Wiesner responded (p. 525 of the Hearings):

"Now, I do not want to undertake to destroy the credentials which Dr. Teller has given for Dr. Foster, because Foster is also an old friend of mine and I have the highest regard for him. This is one of the difficulties of this kind of a debate.

"The fact remains, though, that the numbers have changed, and I think my analysis of the situation is a little different than Dr Teller's. The original estimate of the 5-megaton warhead kill probability as given by the Defense Department, was 0.8, and it is this 0.8 that we are talking about.

"In addition to that value, various people, myself included, have assumed that the missile reliability, fire reliability, would also be 0.8, so that the overall kill probability of a

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Footnotes at end of article.

missile plus a single warhead would be the product of these numbers or 0.64. The probability of not killing a silo would be the difference between 1 and that, or 0.36.

"Incidentally, Mr. Foster, in some of his papers, has said 0.7 rather 0.8, but this is hardly different. What I am objecting to, or at least pointing out, is that now instead of an 0.8 kill probability for a single warhead Dr. Foster is using a value of 0.95, and I object for two reasons. Though they have the privilege of using any number they please, when they say my document is in error because with a 0.95 kill probability they show fewer missiles survive than calculated based on data they published not more than a couple of months ago, I think I have a right, if not to be offended, at least to defend myself, and I think that they also owe you an explanation."

(m) *May 22:* Secretary Laird, appearing before the House Subcommittee on Department of Defense of the Committee on Appropriations (Mahon Subcommittee) restates the result presented May 12 by Foster that 420 SS–9s with 0.25 n mi CEPs, 3 MIRVs at 5 megatons each, a 20 percent failure rate, and reprogramming for inflight failures would destroy all but 50 Minuteman. (p. 27, Mahon Subcommittee Hearings)

(n) *May 23:* Wohlstetter submits to the Stennis Committee his "Supplement on Purported Proofs that the Minuteman will be safe without further protection" (p. 1446, Stennis Hearings) along with a classified appendix. The unclassified statement challenges the results of, among others, Lapp, Rathjens, Weinberg, and Wiesner and documents his statement that "these proofs depend heavily on optimistic estimates of limitations in Russian delivery accuracies, reliabilities, associated offense capabilities, and sometimes on poor offense tactics."

(o) *May 29:* Panofsky writes Senator Gore, "I am somewhat perturbed that the difference among the calculations of Wohlstetter, Lapp, and Rathjens have been given this degree of attention. Fundamentally, these calculations differ only in their assumptions on the reliable CEP of the Soviet MIRV warheads carried on the SS–9, on the assumed hardness of Minuteman, and on the targeting doctrine adopted by the Soviets in a first-strike attack." (Transcripts of the Gore Subcommittee, p. 599).

(p) *June 4:* Wiesner submits letter to Senator Gore answering Foster's criticism of the Chayes-Wiesner book. (Gore Hearings, p. 590.)

(q) *June 15 and June 22:* Rathjens and Wohlstetter have two exchanges of letters in the *New York Times* on their differences. This exchange is extended into private correspondence and correspondence with Senator Symington.

(r) *July 1:* Rathjens, Wiesner, and Weinberg, in "A Critique of Pentagon ABM White Paper" issued by Senator Kennedy challenge the May 22 testimony of Secretary Laird questioning the ability of the Soviets to achieve a 0.25 n mi CEP and 0.80 reliability and the attribution to them of a "full" retargeting capability.

FOOTNOTES

[1] MIRV: Multiple Independently Targetable Reentry Vehicles; MRV: Multiple Reentry Vehicles (the reentry vehicles in a MRV system must all attack the same target, perhaps in a fixed pattern; the reentry vehicles in a MIRV may be independently targeted to separate targets); SLBM: Submarine-Launched Ballistic Missile; FOBS: Fractional-Orbit Ballistic System.

[2] Are for 1969 unless otherwise noted.

[3] Stennis Committee Hearings—Part 2, p. 1264.

[4] Ibid., p. 1452.

[5] Gore Subcommittee Hearings—Part 2, p. 492.

[6] Other issues are raised in the documents of the Annex, p. 1238, and many of these are treated elsewhere in this report.

[7] *Scope, Magnitude, and Implications of the United States Antiballistic Missile Program.* Hearings before the Subcommittee on Military Applications of the Joint Committee on Atomic Energy, Nov. 6 and 7, 1967, pp. 47 and ff. in which Department Secretary Nitze states "One possible US Missile could carry ten separately aimed 50-kiloton warheads" or "one 10-megaton warhead."

[8] This is clear from the wording of the sanitized version appearing in the Stennis Committee Hearings (p. 1453).

[9] CEP (Circular Probable Error): The radius of the smallest circle centered at the desired aimsport such that there is a 50–50 chance of landing within the circle. Thus, the smaller the CEP, the more accurate the missile.

[10] The Packard Chart does not explicitly state whether CEP is to be measured in statute or nautical miles. In one instance, early in the debate, the abscissa is referred to as "nautical miles," Packard, March 20 (p. 102). In any case, nautical miles is the accepted unit of measurement for CEP, not statute miles.

[11] The manuscript version of the book is different in some passages from the final version. Since the manuscript received wide circulation (according to the *New York Times* it was distributed to all members of both Houses of Congress and to members of the White House, State Department, and Department of Defense as well as to members of the Press), it is as significant a document as the final version. Where cited passages differ between Ms and book, both will generally be cited; otherwise only the book passages will be cited.

[12] The survival probability of the singly-targeted Minuteman is approximately 230/650, or about $0.36=1-(0.8)\ (0.8)$.

[13] The 0.36 survival probability for the singly-targeted missiles implies a 0.13, or $(1-0.64)^2$, survival probability for the doubly-targeted missiles surviving.

[14] Emphasis is added.

[15] Emphasis is added.

[16] Emphasis is added.

[17] *See also Aviation Week and Space Technology,* May 19, 1969, p. 20.

[18] There are other examples in the debate, as discussed in section IV B of this report.

[19] Most of the "reprogrammed" warheads would be replacing launch or earlier failure, not in-flight failures as suggested by Wiesner.

[20] *See* discussion, p. 1207 ff.

[21] The difference becomes noticeable only when the number of reprogrammed RVs is almost an exact integer multiple of the number of targets. We do not have such a situation here. When that case does arise, the "expected value" approach slightly underestimates the size of an attacking force needed to achieve a given effectiveness.

[22] We are rounding these numbers to the nearest integer.

[23] Based on the Nitze testimony.

[24] Also note Laird's release of April 23 on the number of USSR Yankee-class subs.

[25] Which is more restrictive than Wiesner's assumptions of simultaneous launch and launches destributed over three minutes.

[26] Secretary Laird stated before the Mahon Subcommittee (p. 10) that the alert force is 40 percent of the operational inventory.

[27] Senator Brooke, Address to closed session of the Senate, July 17, 1969, *Congressional Record*, vol. 115, pt. 15, p. 19850.

[28] *Scope, Magnitude and Implications of U.S. ABM Program,* Hearings before the Subcommittee on Military Applications of the Joint Committee on Atomic Energy, 1967, p. 48.

[29] p. 360 Gore Subcommittee Hearings and p. 1253 Stennis Committee Hearings.

[30] Including RDT&E costs of $2.5 billion and AEC facility cost of $1 billion that would be incurred even without a deployment decision (*see* page 29 of Mahon Subcommittee Hearings).

[31] He also suggests waiting and then increasing Minuteman if necessary; ". . . we could afford to wait several years because production time of the additional Minuteman missile is very much shorter than for the new, complex ABM defense." Remarks prepared for the San Francisco Democratic Forum, May 20, 1969 (Stanford University News Service News Release, May 21, 1969).

[32] Critique of Pentagon ABM White Paper.

[33] Gore Subcommittee Hearings, Part I, p. 260.

[34] Ibid, p. 286.

[35] Based on the Nitze testimony.

[36] According to the released copy of his speech, Department of Defense News Release No. 381–69, Dr. Foster stated, "Second, it is important to maintain continuity of this hedge against the still evolving threats. You should realize that ever since the approval by Congress, and Secretary McNamara's decision in 1967, we have been building up our capability to produce and deploy these components. If authorization to continue deployment were delayed until next year, the current capability would decay, and we would lose not just one year but two or more years. Without authority for production and deployment, we would have to close our developmental production lines, discharge our production personnel, and cease our engineering on sites. Later, when authority was granted to reinitiate production, site acquisition, and on-site engineering and construction, we would re-engage the necessary personnel and train them before productive work could be accomplished. This means that the first two sites could not be in operation until 1976 at the earliest, instead of 1974. If at the same time, the Soviets continue on their present course, they could have another hundred SS–9 missiles making a total perhaps of 600, with up to 1800 warheads to attack our 1000 Minuteman. We would then be defending with too little too late."

OREGON OTTER TRAWL RESOLUTION

Mr. HATFIELD. Mr. President, recently I received a resolution adopted by the Oregon Otter Trawl Commission. Over the years—both as Governor and as Senator—I have worked closely with this group and I want to tell Senators how many advances our State fishing industry owes to the dedicated work of the Otter Trawl Commission.

I have spoken before in the Senate about the dismal future facing our domestic fishing industry unless steps are taken to protect the resource from pillaging—and that is the word I want—our fish off our east and west coasts.

I ask unanimous consent that the resolution of the Oregon Otter Trawl Commission be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Conference on Law of The Sea is to be held in Geneva in 1973, and

Whereas, rules and regulations governing fishing in international waters will no doubt be laid down, and

Whereas, among Maritime Nations the position of the United States in fishery has deteriorated in twenty-five years from a front-runner to a tail-ender, and

Whereas, distant water fishing fleets of foreign powers are pillaging the fish resources off our shores, and have virtually wiped out the once abundant rockfish populations off the Oregon and Washington coasts, and

Whereas, the deterioration of the United States fishery, and especially the trawl fishery, will continue at an accelerated pace unless immediate steps are taken to halt this downward plunge, now therefore be it

Resolved, that the Otter Trawl Commission of Oregon go on record in support of the program of the National Federation of Fishermen as proposed at their meeting in San Francisco in June 1971, which is as follows:

I. COASTAL SPECIES

Coastal nations shall have the ownership of all the fish and shellfish resources which live on or above or are dependent upon the Continental Shelf and slope adjacent to the coastal nation and/or the waters above the shelf and slope for the reproduction and/or survival during the major part of their life.

When stocks of fish are underharvested by the coastal nation to which they belong, provisions shall be made for harvesting by other nations subject to licensing and control by the coastal nation.

II. ANADROMOUS SPECIES

Anadromous fish shall be the property of the coastal nation of origin. No nation shall harvest anadromous species of fish without express consent and approval of country of origin. Where anadromous fish is habitating and is harvestable in territorial waters of a country other than the country of origin, it shall be mandatory upon the nations involved to work out harvesting rules consistent with conservation with due regard to the rights of each nation to its proper share of the allowable catch.

III. HIGH SEAS SPECIES

All species of fish not included in paragraphs I and II and in particular, fish of oceanic origin and habitat, shall not be subject to ownership and control by the coastal nation. The conservation and management of such species shall be the responsibility of multi-national control to be exercised jointly by the harvesting countries and by countries whose coast borders the distribution of such fish stocks, and be it further

Resolved, that copies of this Resolution be sent to the Hon. William P. Rogers, Secretary of State, Sen. Mark O. Hatfield, Sen Robert W. Packwood, Governor Tom McCall, Representative Wendell Wyatt, Fish Commission of Oregon and the Game Commission of Oregon.

Passed at the Otter Trawl Commission of Oregon meeting in Newport, Oregon on September 24, 1971.

COLUMN OF JACK ANDERSON

Mr. McCLELLAN. Mr. President, the October 2 column of Jack Anderson contained a malicious and false personal attack upon the chief counsel of the Subcommittee on Patents, Trademarks, and Copyrights, Thomas C. Brennan. This column was apparently timed to coincide with the final processing by the subcommittee of the legislation for the general revision of the patent laws, including significant amendments proposed by the minority leader. In the column of October 2 and earlier columns, Mr. Anderson has indicated his strong opposition to the amendments proposed by the minority leader.

The gist of Mr. Anderson's attack is that the counsel improperly and without authorization made available to the relevant committees of the American Bar Association and the national patent bar associations the text of a staff prepared working draft of the proposed new title 35 of the United States Code. It was alleged that the consultation with the bar associations was not authorized by me and that the counsel was "slipping the patent lobby restricted data from committee files."

The falsity of these allegations is a matter of public record of long standing. If Mr. Anderson had read the public hearings on the legislation which he discusses in such a glib fashion, he would have been aware that I as chairman of the subcommittee publicly invited the technical assistance of the patent bar associations at the time of the markup of the legislation.

At the completion of the testimony of the then president of the American Patent Law Association, Mr. Eben M. Graves the following colloquy occurred:

> Senator McCLELLAN. Do I understand you will supply the committee with one of your technicians, counsel, to advise with the committee when it undertakes to mark up the bill?
>
> Mr. GRAVES. Yes, sir. I think it would be possible.
>
> Senator McCLELLAN. We appreciate that offer and may very well take advantage of it. I don't say this just for the interests you represent or for whom you testify this morning but we would welcome the best counsel and the best technicans that can be made available to us. This is not an area where any of us, so far as I know, have any personal feelings or concepts that are not subject to reevaluation. What we want to do is to get the very best system we can for our country.
>
> Mr. GRAVES. That is certainly true, Mr. Chairman, and we would be happy to recommend someone, and I am sure the other bar associations would do the same.
>
> Senator McCLELLAN. That is right. Very well.
>
> (Part 2, Hearings on Patent Law Revision of the 90th Congress, page 538)

Even if I had not specifically and publicly endorsed consultation with the bar associations, it would have been the responsibility of the staff to have the language of the proposed new title 35 reviewed by the Patent Office and by the technicians of the patent bar. Because of the issues presented by the amendments of the minority leader sections of the proposed title were also made available for review by the relevant committee of the section on antitrust law of the American Bar Association. The draft was properly labeled as constituting a working draft prepared by the staff and not representing the views of the subcommittee. It was indicated that the draft was made available strictly for the purpose of personal review and comment on the proposed language.

The Sunday Star of October 3 contains a balanced discussion of the issues presented by the amendments of the minority leader. In the course of that story Mr. Brennan summarized his attitude toward the patent bar associations. He stated—

> You recognize and you accept their expertise. But when it's a question of resolving policy disputes, then you have to recognize their special interest.

Certain of the issues presented by this legislation, particularly the amendments of the minority leader, involve complex issues of public policy in which competing rights and philosophies are involved. The integration of the patent system and the antitrust law is not an easy task, and there is ample ground for honest differences of opinion. The case of the opponents is not advanced by muckraking. It is to be hoped that the subcommittee can now proceed to resolve the remaining contested issues solely on the merits of the competing viewpoints.

The readers of Mr. Anderson's column are entitled to more accurate and reliable reporting than is contained in his column of October 2.

Mr. President, Mr. Anderson's column places great stress on the comments submitted informally by the Committee on Legislation of the Patent, Trademark, and Copyright Section of the District of Columbia Bar Association. A review of these comments indicates that all of the suggestions of the committee were of a technical nature and do not relate to the amendments of the minority leader. I ask unanimous consent that there be printed at this point in the RECORD the comments submitted informally by the District of Columbia Patent Trademark and Copyright Section Committee on Legislation.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

COMMENTS BY THE DISTRICT OF COLUMBIA PATENT, TRADEMARK AND COPYRIGHT SECTION COMMITTEE ON LEGISLATION

PAGE 5, SECTION 11, PUBLICATIONS

In subsection (a) "The Commissioner *shall* . . .", in subsection (b) "The Commissioner *may* . . .", it is suggested that classification manuals and indices (line 20) must needs be printed or otherwise published so that the storehouse of knowledge which it is the Patent Office function to produce and to disseminate can be effectively used. It has been suggested consideration be given to place lines 20 and 21 as a numbered paragraph under subsection (a) as by insertion following line 11.

PAGE 6, SECTION 23, EVIDENCE IN PATENT OFFICE CASES

"The Commissioner *shall* establish regulations . . ."

Question was asked why has this been made mandatory by use of the word "shall." As printed S. 643 read "may." It is assumed Congress upon enactment will have foreclosed possibility of wide open presentation and production of evidence, as taken in conjunction with section 24, last sentence, last phrase beginning ". . . insofar as . . ."

PAGE 9, SECTION 41(a)

Historically, the Bar has supported 50% recovery. The essential service of the U.S. Patent Incentive System is that it secures disclosures and puts invention into public domain. Both attorneys in private practice and corporate practice voiced concern that funds are limited, that balance between information to public and costs to applicant should hold down fees.

Nothing in 41(a) gives instruction as to proportion certain kinds of services shall bear to the "overall recovery", there specified, i.e., should Commissioner be required to distribute between services and examination on a certain proportion basis?

Commissioner has no control over costs. He is "locked in" on his costs.

With respect to estimates to clients, the point is raised that "just one more item of expense remains uncertain" because no one knows what a Commissioner may do in any two-year period. The prosecution of an application could extend over several such periods. Inflation and other matters were considered.

It was expressed that if Congress sets the appropriations, Congress should set the fees.

D.C. Bar reportedly took position that they really did not care for any amount or percentage of recovery but if there had to be one, it should be 50%.

It was recognized the Commissioner can allocate expenses in three different categories, but the bill as marked up does not control or call for such allocation. We are trending toward 100% recovery. It becomes increasingly expensive to deal with Patent Office.

MAINTENANCE FEES

The suggestion was made that the climate is somewhat warmer on maintenance fees. Why not remain silent on this point? This, ultimately, might permit lowering fees at least up to time of disclosure when patent issues, i.e., ultimately maintenance fees may be charged. It is recognized that there is considerable opposition to maintenance or "deferred" fees.

It was noted that the Bar Association never favored putting such a statement in the bill.

It is understood that the word "designed" permits flexibility in that it broadens whatever range is stated. Thus, what is stated is a goal, i.e., the language is *not* "fees shall effect on overall recovery".

The recovery should be based upon ". . . costs of operation of the Patent Office," based on the most recent completed fiscal year. Page 10, lines 5–8 are noted. Perhaps (a) and (c) on pages 9 and 10 respectively, when read together, take care of the suggestion here reported.

PAGE 10, SECTION 42

There appears an omission at end of Section 42. See S. 643, as printed, page 11, lines 8 and 9.

PAGE 12, SECTION 102(C)(5)

It was suggested that language appearing here might be clarified to state in line 4 of (5) that the "time of the invention" is when it ". . . was made . . ."; please note ". . . was made . . ." in line 2 of (5). The word "invention can include conception, possible diligence and reduction to practice. One person thought that in line 4, after "invention" there might be inserted—was completed—.

The foregoing sufficiently points out the question.

However, another suggestion was made that line 4 read ". . . at the time the invention was made, which invention is the subject of the application;".

Another suggestion was that line 4 begin with the word "then" so that lines 3 and 4 would read for the pertinent part ". . . does not then stand abandoned . . ." The remainder of the phrase would be suitably adjusted.

PAGE 12, SECTION 103, LINE 25

It was suggested that the phrase "obvious from such prior art be discussed in the report stating that only clarification and no substantive law change is intended.

PAGE 20, SECTION 131(C), EXAMINATION

With respect to 131(c), there is the problem which may arise with respect to statements or arguments made at a time when *all* of the prior knowledge in the art has not been available but later becomes available. A statement made with respect to some art could well have a different meaning when all of the art has become available. It might be considered that a statement arguing patentability may involve matter which is included only because the maker of the statement was unaware of other art which later has become available and, therefore, chose language which unknown to him was unacceptable. Had he known of all of the art, he would have made his statement differently. Will such a statement be available as "a ground for holding a patent invalid."

I understand that when patentability briefs were being considered on a voluntary basis, it appeared ⅓ of the Examiners said they helped, ⅓ said they took more time and ⅓ did not care. This information was elicited by a question asked: "Would this (the patentability brief) effect savings in costs of operation of Patent Office?"

It can be seen that in court a statement made with respect to some art would be argued as an admission against interests with respect to art becoming available after the statement was made. A simple example is now given. The patentability brief states that reference A does not show element X. The later available art shows element X. Had art becoming available later been available, the attorney might well have said that reference A does not show element Y.

While this situation on its facts of substance does not differ from that in which the Examiner having shown element X is given the further argument that the reference does not show element Y, there is at least the psychological effect which might be produced on a court.

PAGE 27, SECTION 183, RIGHT TO COMPENSATION

The suggestion is made that this section could be made into several subsections so that "The right to compensation for use . . ." now in line 34 would be a subsection and so that "A patentee receiving a settlement . . ." in the last line would also be a subsection. This would separate ". . . . compensation for use . . ." and ". . . settlement . . . for damages . . ." because of an order of secrecy.

It is understood that damages which may be awarded because of order of secrecy would compensate for lack of ability to license to non-government licensees.

PAGE 30, SECTION 192, PUBLIC USE, AND SO FORTH

In (a)(1) ". . . such application for patent . . ." does not appear to have an antecedent.

On page 31 of S. 643, as introduced, none of the three subsections (a)(1), (2) and (3) made reference to ". . . application for patent . . ."

PAGE 37, SECTION 271(f), LINE 4

"validity" should be changed to "invalidity".

PAGE 39 UNDER "CHAPTER 29"

In the listing of sections, Sections 294 and 295 no doubt are intended to be listed.

OREGON AND FOREIGN TRADE

Mr. HATFIELD. Mr. President, I wish to address a few comments to the subject of foreign trade as it affects my home State of Oregon.

I have spoken here many times before about our State's role in foreign trade and the specifics involved in our trade with countries of the Pacific Basin, particularly Japan.

The disasterous effects of the dock strike and the imposition of the 10-percent import surtax renew the need to examine the role of Oregon in foreign trade.

I have tried many avenues which I hoped would assist in reaching an end to the dock strike. Before the August recess, I wrote Ambassador Nobuhiko Ushiba to ascertain his views on the efforts of the strike on our Japanese trade.

I ask unanimous consent that my letter to the Ambassador and his response be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 2, 1971.

His Excellency NOBUHIKO USHIBA,
Ambassador of Japan,
Embassy of Japan,
Washington, D.C.

DEAR MR. AMBASSADOR: As you are aware, my state of Oregon has a vital interest in insuring the continuance of good economic relations with your country. One of the greatest contributions of Oregon to our mutual trade is in the area of agriculture exports.

I am writing to ascertain your views on the current West Coast dock strike—and the rail strike as well—and its effects on the commerce between our countries.

While I personally am well aware of the current impact of the strikes on the export of wheat and feed grains, I would like to know your thinking on its effect thus far, as well as what will happen if the strike continues for a long duration.

Have these strikes had an impact on your country's economy? How will it increase as the strike continues?

Can you comment on the effect of the strike on the export of logs and other forest products from our West Coast?

While I believe we face an immediate crisis as far as this summer's crops are concerned, I also am troubled by potential long term effects of these strikes. I would be very interested in your thoughts on the future impact—and the potential—to our agriculture exports that these strikes are having.

Naturally, I also would welcome any further comments you have that I have not raised.

If you have no objections, I would like to make public your response. In view of the critical time factor, I look forward to hearing from you at your earliest convenience.

Thank you for your attention to these points.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

EMBASSY OF JAPAN,
Washington, D.C., August 5, 1971.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you for your letter of August 2. I am very aware of the fact that your state of Oregon and my country have long benefitted from our mutual trade. In 1970, Portland shipped $296.1 million worth of goods to Japan and imported $149.1 million worth of goods from us. I believe that the continuation of these good economic relations is most desirable for both of us.

In your letter, you asked my views on the current West Coast dock strike and its effects on the commerce between our countries. I am happy to inform you of the following facts:

(1) Since the storage capacity for wheat in Japan is limited to about one month's consumption, Japanese purchases of West Coast wheat have been obliged to shift their source of supply to Gulf ports as well as to Canada, Australia, etc. Already about 100,000 tons of wheat have thus been purchased from other countries. If the dock strike continues, it is possible that such a shift to other supply sources will take place on a much larger scale.

(2) Other American exports to Japan are likewise adversely affected. For example, the exports of fresh grapefruit, whose import into the Japanese market was liberalized on June 30 of this year by my Government have been adversely affected, much to the disappointment of the Japanese consumers, who had looked forward to price reductions because of the liberalization. It is reported that Japanese importers are now considering imports of fresh grapefruit from South Afri-

ca as alternative sources of supply. Likewise, if the strike continues for a long period, the stock of American logs in Japan presently available in two months' supply, will be depleted, and it is expected that the Japanese importers of this commodity will also be obliged to look to other supply sources.

(3) Generally speaking, experience tells us that once a market has been lost because of a shift in supply sources, it is difficult for the exporter to regain them. This is particularly true with respect to agricultural products. I am afraid that such development may harm the long-term interest of the United States.

I hope that the above information answers your questions.

Yours sincerely,
NOBUHIKO USHIBA,
Ambassador of Japan.

Mr. HATFIELD. Mr. President, a recent article in the Capital Journal, in Oregon, also discussed the impact of the dock strike. I ask unanimous consent that portions of that article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WEST COAST DOCK STRIKE COSTING MILLIONS

The West Coast longshoremen's strike, entering its fourth month, has cost Oregon forestry, agriculture and shipping about $135 million.

And Oregonians have lost $50–60 million in personal income, estimates the chief economist for the U.S. National Bank of Oregon.

The agricultural community is hardest hit in Oregon commerce, sustaining daily losses of about $1 million—an estimated $90 million loss in farm revenues since the strike began.

Farmers hope to recapture this loss next year, but revenue lost during the strike is irreplaceable because Japan and other Far Eastern countries have turned to Canada and Australia for their wheat imports.

Irvin Mann Jr., director of the Oregon Department of Agriculture, says the most acute problem is the danger of downgrading the entire Oregon wheat crop by mixing rain-damaged and low grade wheat with higher grades.

Farmers are being forced to store their harvested wheat on open ground during the rainy season because grain elevators on docks and across the state are overflowing. The quality of grain mixed as such would not meet Japanese standards, effectively eliminating any chance to make up lost revenue even after the strike is ended.

Oregon farmers also produce 97 per cent of the domestic bent grass seed market, 85 per cent of which normally is exported to Europe. Mann estimates seed growers are dropping $300,000 in that market alone.

Elsewhere in Oregon's export trade, manufacturers of wood products are forfeiting markets to the Soviet Union and Canada.

Bill Carey of Western Wood Products Association says he doubts if missed revenue in lumber exports will be made up after longshoremen return to the docks.

Oregon is suffering two-thirds of the losses in the lumber and chip industry on the West Coast. The financial toll averages $630,000 in Oregon each day. The total West Coast loss is $943,000 a day.

So far, the dock tie-up has resulted in a $41 million loss in revenue to lumber and chips firms in Oregon. The total West Coast figure exceeds $61.3 million.

Experiencing less severe difficulties are plywood producers, who do not normally move their shipments by sea.

The American Plywood Association says firms use the rails as the main means of transporting plywood to domestic markets, which comprise 98 per cent of the total industry. Only two per cent of total plywood output is exported, largely to Europe.

A severe shortage of rail boxcars and increased competition for boxcar space from strike-affected industries has put pressure on plywood producers to meet housing market demands. The APA expects the industry to yield 16 billion square feet of softwood plywood this year, 50 per cent of which goes to residential building markets.

At dockside in Oregon, port officials are feeling a direct financial bite as they watch idle ships anchored in the harbors. The Ports of Portland and Astoria have lost about $4 million in berth fees and other revenue simply because the ships cannot tie up to the dock.

In Astoria about 18 ships lie at anchor, 6,000 tons of flour and newsprint wait on the docks for export, and one million bushels of grain spill over the grain elevators. The strike has cost the Port of Astoria an estimated $325,000.

A total of 15,000 West Coast dock workers have lost $45 million in personal income while striking.

The main issue blocking settlement of the walkout is a dispute with the Pacific Maritime Association over which union handles containerized cargo—the teamsters or the longshoremen.

Mr. HATFIELD. Mr. President, Mr. Frank Galloway, executive director of the World Affairs Council of Oregon, has written a fine article on the impact of foreign trade on Oregon. While it does not cover all areas, it does give a broad picture of the role in our State played by foreign trade.

I ask unanimous consent that this article, published in the Capital Journal of October 1, 1971 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Capital Journal, Salem, Oreg., Oct. 1, 1971]

FOREIGN TRADE IS VITAL TO OREGONIANS

(This analysis of the impact of foreign trade on Oregon was written for the Capital Journal by Frank Galloway, executive director of the World Affairs Council of Oregon)

When the subject of foreign trade comes up for discussion, Oregonians are inclined to give the world outside a shoulder-shrugging dismissal.

That may not be very surprising in a state that still enjoys plenty of open space, where people still have a sense of pioneer independence and a healthy desire to mind their own business and have others do the same.

To acknowledge that the attitude is not surprising isn't to say the attendant misapprehensions can, or should, continue, for Oregon is mightily dependent on foreign trade.

How dependent?

The latest figures (1969) indicate 4.2 per cent of total employment is in foreign trade. By use of the commonly accepted mutliplier of 2.5 percent, the employment impact of foreign trade is 9.4 per cent of total employment and the number of supported or dependent population is 319,000 persons. That means that almost every seventh person in the state is fed and sheltered by foreign trade.

These figures do not reflect the current anomalies created by the recent railroad strike. The impact of these domestic wage and jurisdictional confrontations cannot be assessed at this time. In the short run it creates hardship and worse for many who have no direct stake in the eventual settlement, but are dependent upon the orderly and timely flow of imports and exports through Oregon's ports. In the long view, the strike may represent only a momentary dislocation in what has been a remarkable period of growth in both imports and exports.

It should be noted that certain agriculture products, such as wheat, have suffered loss of markets that may be unrecoverable. Thinking wheat growers are beginning to look for synergistic product mixes, taking them out of the subsidized and perilous "one crop Johnny" class. That a strike might hasten such a move is ironic but not unreasonable and the long term benefits east of the Cascades may be great.

One major farmer has already, in a matter of three years, moved from a net wheat exporter to a '"self-feed" grower. In beef, poultry and other forms of animal life, he expects to locally consume his wheat, thus producing an exportable product with a naturally higher profit margin. The scale upon which he is doing this is part of the new agri-business. The use of economic feasibility techniques, the magnitude of the dollar investment, and the use of joint venture devices with overseas corporations is substantial in a way that makes agriculture resemble our large manufacturing industries.

It is a dramatic move and if it is as successful as current projections indicate, it may well mean significant increases in both employment and capital investment east of the Cascades, with a great deal of the cash flow and profit derived from foreign trade.

Oregon enjoyed a substantial growth in international trade in the past decade. We have done this while maintaining a favorable balance of trade, which is to say, Oregon sells more than it buys. The Oregon customs district covers more than the state of Oregon. The state's Economic Development Commission estimates that of the customs district's total figures, Oregon alone represents 67.5 per cent. Under that assumption, the following emerges:

In 1960 export dollars totaled $248 million and by 1969 they had climbed to $449.5 million.

While imports have increased we have maintained a net $200 million advantage of exports over imports. This favorable balance is deceiving in a fashion because by far the bulk of our trade is essentially colonial.

Historically, colonies provide raw materials and function as granaries for the "mother country." In turn, the colony buys manufactured goods. Oregon's favorable trade comes largely in "low end" raw materials (wood) and bulk agriculture (wheat) and what we purchase abroad arrives as finished products.

Two tons of steel is a relatively cheap product with a relatively small profit to the producer and is a minimum multiplier of dollars. Two tons of automobile, however, reflects all the multipliers, mining, milling, machining, assembly, transportation, advertising and a higher per unit mark-up. Just think of the jobs, salaries and purchases involved. It is readily apparent that selling raw materials doesn't support as many people as will the production of finished goods.

Lest the environmentalists and James G. Blaine Society members take wing in a cloud of umbrage, let it be made clear that what is needed and wanted is clean industry, not steel mills, and jobs for our 6-plus per cent of unemployed, not migrations of unemployed Californians.

Oregon now is observing Japan Week. While this observance—ending Sunday—is centered in Portland, it really is for all of Oregon. Unfortunately, down state and east of the Cascades interest can be safely described as minimal. In fact, most Oregonians, including many Portlanders, can't quite understand the intensity of interest in things Japanese such a major cultural and commercial effort represents. Aside from the beauty of their ancient arts and crafts, filthy lucre is a major reason. The importance of our commercial relations with Japan reach deep into the lives of everyone in Oregon.

In 1970, Japanese-Oregon trade totalled nearly $500 billion. Oregon's total foreign trade was slightly over $1 billion in that same period. Obviously, any nation that represents nearly 50 per cent of your action is pretty important. The significance of Japan to the future economic welfare of Oregon will be even greater in dollars. It is hoped, however, that their percentage of our overseas trade will diminish as Oregon business becomes more sophisticated and aggressive in the Pacific Rim markets.

On Aug. 15, President Nixon changed the rules of the international trade game. The eventual outcome is still veiled but some facts about Japan-U.S. trade clearly indicate why the Japanese Minister of Labor, Mr. Hara, said in Portland recently: "We are at the moment suffering from Nixon shock. It will take time to discover the proper course of action, but we are very disturbed about the 10 per cent import surcharge and sincerely hope that it will be temporary."

The spectre of a tariff war, he intimated, filled the Japanese government with dread. Thoughtful Americans who have studied or remember the disastrous effects of the Smoot-Hawley tariff bills on world trade in the 30s share that dread.

Why are the Japanese concerned about the surcharge? An examination of the relative value of Japanese-U.S. trade for 1969 illuminates their concern quickly. Thirty-one per cent of Japan's total exports went to the U.S. A ten per cent surcharge on almost one-third of your overseas business is a cause for concern for any nation, company or individual.

The United States' treasurer recently returned from a meeting in London with financial representatives of the ten leading non-Communist industrial nations. This nation was adamant in its position that it would not devalue the dollar in relation to gold ($35 per ounce) and that our friends must simply revalue their currencies upward. The meeting accomplished little or nothing with our friends saying, in effect: "This is not right. Your house is not in order and you want us to pay for it. You should devalue the dollar as it is the "sick" currency and you should not bend the intent of GATT (General Agreement on Trade and Tariffs) with your surcharge of 10 per cent."

Not too surprisingly, the U.S. position is: "If our currency is 'sick,' it is because we have for far too long carried your burdens, underwritten your financial and industrial development, and paid the cost of your military protection. Twenty-five years is too long. Now you help us for awhile."

If the top ten industrial nations accept our dicta and revalue their currency upward, it means the yen would be worth up to 18 per cent more in relation to the dollar. So far the Japanese have grudgingly inched the yen up about 6 per cent following the "Nixon shock."

In a land of almost continuous earth tremblors "shock" is a particularly accurate and poignant word to describe what the U.S. has done to the facade of their economy. Already there have been both bankruptcies and suicides among the small and middle-sized exporters.

In the long view what may we expect? Doomsayers offer one of the alternate future projections and in it, the U.S. does not remove the surcharge soon enough to fit other countries' interpretations of "temporary" and, in consequence, world trade begins to wither as its circulation is proscribed by even higher tariffs raised between nations seeking to give their economies parity, if not advantage, in the market.

A factor in the above would be all or a few of the major ten refusing to let these currencies float upward, thus compelling the U.S. (in its view) to continue the surcharge as a method of creating the revaluation by fist as opposed to revaluation by "float" or free market. There is no question that either the dollar is overvalued and should be deflated or that the mark, yen, franc and others are undervalued and must go up in relation to the dollar. The "correct" assessment depends upon what name your currency bears.

It is axiomatic that internal political tranquility depends to a large degree upon a stable currency. The average man anywhere prefers that his money be predictable and safe. He plans, saves and invests on that assumption. This nation with a near trillion dollar gross national product is economically stronger than any of our friends. Perhaps our view will prevail. If not, trouble may lie ahead, for no U.S. president up for re-election will willingly saddle himself with the emotion-laden stigma of devaluing the dollar.

It is the 10 per cent surcharge on imports of all Nixon's program, that gains unanimous dismay abroad. It can and will bring to many nations increased unemployment. Japan may move from approximately 2.4 to 3.4 per cent unemployment. It is not an increase that will cause the U.S., suffering as it is with 6 per cent unemployment, any twinge of concern. But will the surcharge really help the U.S. by making the price of foreign manufactured goods on our market more nearly equal the price of comparable domestic manufactured? The answer is an unequivocal maybe. As a matter of pure mathematics, a $1,900 Japanese two-door sedan now will cost $1,800 plus 10 per cent, or $1,980, while the competing American manufacturers will move from $2,000 less 7 percent excise tax, to $1,860. Great! Now, "buy American." It's $100 cheaper.

Is it really? Some Japanese cars carry as standard what U.S. makes sell as options. Further, buying habits are often more emotion than price oriented. If that is not enough to muddy the water, consider what happens if the Japanese manufacturer and his American dealers each take a 2½ per cent cut in gross profit? Will Toyota, Datsun or even Volkswagen fail to consider narrowing, hopefully temporarily, their profit in order to protect American buying habits so painstakingly and expensively created? It would be a rash man who would say, absolutely, "No."

Since 1950 the United States has followed a policy that has seen the restoration of shattered industrial complexes to not only our allies of World War II, but also the axis powers we so bitterly fought. In some circles this is considered proof of Uncle Sam, the sucker, in others of our enlightened application of the Judeo-Christian ethic. Those among us of a more cynical bend see it as enlightened self-interest, both from the standpoint of political buffers between ourselves and potential enemies of enormous size and also economically profitable to ourselves.

As one participant at the World Affairs Council's annual "Salishan Conference" (Protectionism, Nationalism and the Multinational Corporation, April, 1971) said, "There's no market for my high-end technological product in poor or undeveloped countries; you need rich, developed countries for good trade."

Much blame for our current domestic economic woes is laid upon our Vietnam involvement, and much is laid at the door of labor. Unquestionably these are important factors. However, elements of our basic industries' leadership should also share the blame.

For example, at the end of World War II, the U.S. had the largest and only intact steel industry. Twenty years later its leaders asked for and got government protection from foreign steel through the device of U.S. government negotiated "voluntary quotas" on Japanese and German steel imports to this country. U.S. Steel, America's largest, built following World War II the Benjamin Fairless Works, the "largest in the world" at the time. Unfortunately, they designed and built it on engineering and production concepts of the thirties. Even though a far cheaper and faster smelting process was known to exist.

So-called growth industries, such as electronics and chemicals, re-invest nearly all their gross profits but the steel industry continued to pay out dividends sanctified by tradition even as they saw foreign steel makers invest in equipment that would inevitably give them an edge on the world market and, alas, even the U.S. In far too many cases our vaunted ingenuity and free enterprise competitiveness have been honored by word at National Association of Manufacturers' convocations and the like while in practice, industry stood bound by traditions of capital use and in unwillingness to accept innovations created by other nations.

Arguments advanced by U.S. interests that claim our problems are largely due to our role as protector of the "free world," a protector who has been over-generous to client nation trading interests, are incomplete truths. The amount of finger-pointing and elsewhere blame-laying engaged in by American business, labor and government would not be tolerated by any parent among his children.

President Nixon called for a new national spirit with his price freeze. So far, it has not emerged. "Equity of application" is disturbing labor while others seek "adjustments" not possible under the existing executive order: All of which indicate a current unwillingness in this nation to put our house in order. It is a serious source of complaint among the Common Market nations and Japan.

Several months prior to Nixon's freeze, West Germany attempted to meet the growing international monetary crisis by letting the mark "float." This did not sit well with the French, among others. Germany nevertheless decided to take one of the tentative first steps toward meeting the problem. A member of the German Finance Ministry was quoted at the time as saying: "The U.S. economy is much like sleeping with an elephant. No matter how friendly he is, there is always the danger he will roll over." Well, the elephant has rolled over.

Enough time has elapsed for the free world economies to take stock of the damage the elephant has done. Now, they are beginning to respond. In Europe the comments, largely hostile, are open and often the speaker is identified. The Japanese, however, have kept a more serene public posture. Privately, the Japanese are far from serene and politically the Japanese are the only nation likely to have a change of government as a result of recent U.S. actions. The aging and able Premier Sato anticipated retiring with a safe nomination for his chosen successor, who would continue his policy of close, friendly U.S. relations.

Nixon's discourtesy, failing to consult on the China visit, and the ten per cent surcharge have changed the probabilities. It may well be that the next Japanese Diet will reflect a less conciliatory economic policy toward the U.S.

Oregon is but one of the 50 states, yet the above is of particular importance when you consider that Japan is our own bread and butter account and any diminishment in our exports could be more catastrophic here than the scrapping of the SST was to our sister state.

Let us speculate:

A new Japanese government, chafing at the surcharge and resentful of the externally forced upward revaluation of the yen, looks elsewhere for forest products. Meanwhile U.S.-China relations continue to improve and an anxious Russia begins courting the Japanese as a counter-balance. Commerce is often the balm that softens old political scars and Siberian timber out of Vladivostock could make Oregon smart something awful.

To shift from possible external threats to the viability of the Oregon economy as an exporter, let us look at Oregon's largest single employer. Tektronix has established overseas manufacturing operations to avoid certain international trade restrictions. Recently, Oregon has benefited substantially in a manner not foreseen at the time Tektronix established its overseas facilities. The recent U.S. recession hit particularly hard the electronics and space industries and Tektronix's domestic sales declined sharply.

After much agonizing and several stop-gap attempts to maintain their employment in Oregon at a constant level, Tektronix's management reluctantly reduced their domestic work force this summer. The results were painful for the community, but if it were not for the over 40 per cent of total income from overseas, the employment drop would have been disastrous.

The fact that they were able to sustain people, now unemployed, as long as they did was because the overseas market held up as the domestic market went into a tailspin. Moreover, management says that their foreign operation contributes directly to domestic employment that would not exist had they no overseas manufacturing centers.

One example in this case does not equate with "one swallow not making a summer"; it does in a classic way point out the dynamics of international trade and how very important it is to Oregon, this nation, indeed, the world.

Oregon's relation to foreign trade is far more significant to this state than foreign trade is to the U.S. as a whole. Total U.S. foreign trade represents less than 6 per cent of our gross national product. Oregon's sensitive position in part reflects our poor product mix or lack of diversification. As mentioned above, it is vital to this state's economic welfare that we gain a stronger manufacturing base that multiplies employment both directly and indirectly. Oregon's 6 per cent unemployed possess to a large degree the requisite skills or the intelligence to learn skills. They should have the opportunity to work. Not all industry is terribly polluting, not all change is bad. What is bad, what is a gross pollution, is a stagnant economy that breeds despair and revolution among those who want and need work.

It behooves the Oregon Legislature, the Port of Portland and other interested parties to communicate a willingness to welcome clean industry. It is regrettable that for several years the development of an International Trade Center has been beached on the shoals of politics. The Seattle International Trade Center, a cooperative venture of the Port of Seattle and the state government, came into existence and there was subsequently an increase in port business that Oregon's principal port failed to match. This is but one example of how to create a good "climate" for trade. Another is to say, "Welcome, Mr. Manufacturer, Oregon's a great place to live and prosper. We have good workers, a clean climate, an open door to the Orient and half the world's people. We are growing up now, we know times change, if you join us we can both prosper and you can enjoy our beautiful country but of course, you must care about the quality of life as we do."

SENATOR ALLEN J. ELLENDER

Mr. INOUYE. Mr. President, I wish to join Senators in extending to our distinguished dean of the U.S. Senate my best wishes for his 81st birthday. It is only from his honored position in this body—certainly not from his appearance and demonstrated youthful vigor, that one can judge him so senior. He has the demeanor of a much more youthful man.

Senator ALLEN ELLENDER came to this body while I was still a young boy in my early teens. For more than a third of a century he has given to our Nation, through his service here, his dedicated courage and vision. He has been a major architect of many of our Nation's laws—particularly those dealing with agriculture, and has given untiringly of his energy on behalf of the people of his State in service to our Nation.

As one of the newest members of the Committee on Appropriations I particularly want to thank him for his help and for his counsel. As chairman of our committee he has demonstrated his great energy and drive in moving the business of that committee forward with dispatch.

Senator ELLENDER has established a record of which he can be justly proud and which others will gladly emulate. Despite his years he is a young man in spirit, in energy, in capacity for work and in his interest in new ideas and new experiences. These characteristics he combines with a wisdom based upon his many years of participation. He is indeed a most valuable Member of this body, and I am personally privileged to extend to him my greetings on the occasion of his birthday anniversary this year. May he be with us for many, many more.

DEATH OF WILLIAM O. COWGER, LOUISVILLE, KY.

Mr. COOPER. Mr. President, I join with my colleague from Kentucky (Mr. COOK) in expressing deep sorrow over the death of William O. Cowger of Louisville, Ky. He was a remarkable mayor of Louisville, leading that city and its people to the greatest progress achieved in any 4-year period.

In the House of Representatives in which he served 4 years—although it was a short period in time—he attracted the respect of its Members for his progressive outlook and accomplishments.

This enlightened approach to human problems—those of the people—marked him a great man as well as a great leader, and at a later date I shall endeavor to speak in more detail of his record.

In a very personal way, I found William Cowger to be one of the truest, warmest friends of my political life.

His death is a loss to all those who knew him. Our hearts go out to his children and family.

DEATH OF ADM. RICHARD HARRISON JACKSON, OF ALABAMA

Mr. ALLEN. Mr. President, on Sunday, October 3, 1971, at the age of 105, Adm. Richard Harrison Jackson, a native son of Tuscumbia, in northwest Alabama, died. Until his death he was the oldest military officer in the United States.

A much-decorated hero, Admiral Jackson's service began when sails still provided the power for most of our Navy, and he lived to see the successful use of nuclear energy for vessels of our fleet.

Alabamians, while saddened at his death, are proud of the long record of heroism and achievement which he established. His dedication to God and country should be goals which each of us should strive for.

Mr. President, I ask unanimous consent that the Navy's official biography of this distinguished Alabamian and distinguished American be printed in the RECORD along with the news story of his death as it was published in the Washington Post of October 4.

There being no objection, the material was ordered to be printed in the RECORD. as follows:

ADM. RICHARD H. JACKSON, U.S. NAVY, RETIRED

Richard Harrison Jackson was born in Tuscambia, Alabama, on May 10, 1866, and entered the U.S. Naval Academy, Annapolis, Maryland, on appointment of the Honorable Luke Prior of the Eighth Alabama District on June 4, 1883. Completing the four-year course in June 1887, he served the then required two years as Passed Midshipman in USS *Boston* and USS *Trenton*. When *Trenton* was wrecked in the Samoan Hurricane of March 1889 he distinguished himself by leading crewmen in manning the yards to form a human sail that allowed the ship to be beached instead of sinking with great loss of life. Not among the few selected for commissioning, he was honorably discharged from the Navy on June 30, 1889. He entered the University of Virginia Medical College that fall and was graduated the following June with the MD degree. Meanwhile, in recognition of his gallantry in Samoa, the Congress passed special legislation to commission him an Ensign in the Navy, to date from July 1, 1890. When he decided to make a career in the Navy rather in civilian medicine, he became the only officer ever to be commissioned by Special Act of Congress.

Receiving progressive promotions he attained the rank of Captain on July 11, 1915. Appointed Rear Admiral (temporary) on June 30, 1919, he was commissioned in that rank on June 3, 1921. He served in the rank of Vice Admiral from October 5, 1925 to July 24, 1926, and that of Admiral from July 24, 1926 to July 9, 1927. Transferred to the Retired List of the Navy, in the rank of Rear Admiral, upon reaching the statutory retirement age of sixty-four, on May 10, 1930, he was advanced to the rank of Admiral (the highest rank in which he had served), on the Retired List (by Congressional legislation), on June 16, 1942. He is now the oldest living graduate of the Naval Academy and the oldest living officer in any service.

After his return to the service, he was ordered on October 17, 1890, to the USS *Yorktown* in which he served as Watch and Division Officer until October 1892. He served as Assistant Inspector and later Inspector at the Midvale Steel Works, and on March 5, 1896 joined the USS *Cushing*, transferring successively to the USS *Puritan*, USS *Foote*, and USS *Gwin* before completing that period of service afloat in the spring of 1900.

In June 1900 he was ordered to the Training Station, San Francisco, California, for passage to Asiatic Station, and on July 31, joined the USS *Nashville*, in which he served for three years. He reported to the Naval Academy on October 1, 1903, for duty as an Instructor in the Department of English and Law, and on January 12, 1905, assumed command of the USS *Atlanta*, in reserve there. He served as Navigator and later as Executive Officer of the USS *Colorado* and, returning to the United States, reported on May 20, 1908 for duty as Assistant to the Inspector of Ordnance in Charge, Naval Proving Ground, Indianhead, Maryland. He served as Inspector in Charge before his detachment in August 1909, for duty at Hampton Roads, Virginia, in connection with Atlantic Fleet target practice.

Again ordered to the Asiatic Fleet, he sailed for Manila, Philippine Islands, on November 29, 1910, serving first at the Navy Yard, Cavite, and from August 12, 1911 until September 1912 in successive command of the USS *Albany* and the USS *Helena*. He had brief duty in the Navy Department, Washington, D.C., and after serving from December 1912 to April 1913 at the Naval Academy, returned to the Navy Department for two years' duty in connection with the General Board.

On May 16, 1915 he assumed command of the USS *Virginia*. On June 2, 1917, soon after the United States entered World War I, he went to Paris, France, reporting to Commander U.S. Naval Forces Operating in European Waters, for duty as Liaison Officer with the French authorities. In March and April 1918 he had additional temporary duty in London, England, in connection with the Inter-Allied Naval Council Meeting, and served from May of that year until after the Armistice as Naval Attache, Paris.

He was awarded the Navy Cross and cited "For distinguished service in the line of his profession as Naval Attache and Liaison Officer at Paris, France," and was made an Officer of the Legion of Honor by the French Government as "Naval Attache at Paris during the most trying period, manifested great devotion to duty and the highest efficiency."

Returning to the United States, he reported on December 3, 1918 to the Office of Naval Intelligence, Navy Department, Washington, D. C., and on January 26, 1919, he reported as Senior Officer, U.S. Naval Forces in Bermuda. From April 8, until November 5, 1919, he commanded the Azores Detachment of the U.S. Fleet. The ships under his command there assisted in guarding the NC planes on the first trans-Atlantic flight. For his service to that country he was awarded the decoration of Grand Official of the Military Order of Aviz by the Government of Portugal.

After brief temporary duty with the Naval Examining Board and the Naval Retiring Board, Navy Department, he had a years' instruction at the Naval War College, and was graduated with the Class of December 1920. Thereafter, until December 1921, he had duty for a year each as a Member of the General Board, and of the Naval Retiring Board, Navy Department.

Ordered next to duty as Commander Battleship Division Six, Pacific Fleet, Admiral Jackson commanded that division, and later Division Three, of Battleship Divisions, Battle Fleet, until May 12, 1923, when he returned to Washington, D.C., for duty as Assistant Chief of Naval Operations. On August 26, 1925, he was designated Commander, Battleship Divisions, Battle Fleet, with the rank of Vice Admiral, and hoisted his flag on the USS *Maryland* on October 5. On September 4, 1926, he was appointed Commander in Chief, Battle Fleet, with the rank of Admiral, and served as such until July 1927 when he returned to the General Board in his permanent rank of Rear Admiral.

On February 4, 1930 he was ordered relieved of active duty pending his retirement on May 30, that year.

In addition to the Navy Cross and French Legion of Honor, and the Order of Aviz by Portugal, Admiral Jackson had the Spanish Campaign Medal; the Philippine Campaign Medal; the China Relief Expedition Medal; and the World War I Victory Medal with Overseas Clasp.

[From the Washington Post, Oct. 4, 1971]

ADM. R. H. JACKSON, 105, OLDEST MILITARY OFFICER

SAN DIEGO.—Retired Navy Adm. Richard Harrison Jackson, whose heroism saved a warship in 1889 and won a special commission from Congress, died yesterday at 105—the oldest military officer in the United States.

A spokesman for Balboa Naval Hospital said Jackson succumbed of heart failure. He was hospitalized two weeks ago after breaking his hip in a fall at his home.

The Alabama native, born a year after President Lincoln's assassination, was a 23-year-old midshipman aboard the Trenton when the full-rigged sailing ship foundered in a hurricane off Samoa. Using 20 seamen, Adm. Jackson rigged a human sail that allowed it to be beached instead of sinking at great loss of life.

In 1930, when retired as commander of the U.S. Battle Fleet, Adm. Jackson was 64. His wife Catherine died in 1924.

An aide and housekeeper cared for the aging admiral in recent years in a two-story house across from a golf course in Coronado, a San Diego suburb.

NUTRITION LABELING

Mr. MOSS. Mr. President, on September 8, Giant Foods, Inc., through its consumer adviser, Esther Peterson, announced a new program of nutrition labeling. The Senator from Michigan (Mr. HART) and I were hosts at a reception and news conference at the time Giant Foods introduced this innovation, because we considered this new nutrition labeling program as a very significant advance, and we felt the Senate should indicate clearly its pleasure when businesses make significant consumer protection advances.

For that reason, Mr. President, I ask unanimous consent that several articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Advertising Age, Sept. 13, 1971]

GIANT LAUNCHES LATEST "MEANINGFUL" CONSUMER MOVE: NUTRITION LABELING

(By Stanley E. Cohen)

WASHINGTON, Sept. 8.—Not every company can announce new marketing programs at a news conference and reception in the offices of the Senate commerce committee, with tv cameras grinding and with prominent senators as hosts. But not every company employs Esther Peterson as its specialist on consumer affairs.

Unusual access to top government quarters is one of the pluses which have accrued to the Giant food chain here during the past year since Mrs. Peterson left the Amalgamated Clothing Workers of America to join the chain's executive group. Giant, with 94 stores and a half billion dollar volume, is a regional chain that just makes the top 20 list in the food field, but with the addition of Esther Peterson it has become a recognized pacesetter on consumer matters, commanding official recognition that frequently upstages the industry's trade associations and leaders.

Sen. Philip Hart (D., Mich.), for example, opened today's news conference. He recalled that he first met Esther Peterson nearly a decade ago when she was supporting his truth-in-packaging bill. He said he was there to applaud Giant's new nutritional labeling program, the subject of the news conference. "It's a very significant consumer advance," the senator said. "No politicians had anything to do with it. I wish they had. Because it is a good idea." Sen. Frank Moss (D., Utah), chairman of the Senate's consumer subcommittee, joined Sen. Hart in hosting the reception.

Also assembled to help launch the chain's latest consumer project were Dr. Jean Mayer, professor of nutrition at Harvard, and former chairman of the White House conference on food, nutrition and health; James Turner, former Nader Raider, who wrote Nader's report on the Food & Drug Administration, "The Chemical Feast"; and Dr. Ogden Johnson, director, division of nutrition, Bureau of Foods, Food & Drug Administration.

The nutritional labeling experiment is the latest in a series of moves by Giant during the past year since Esther Peterson joined the company with a pledge to develop "real and meaningful programs" to implement the consumer's "right to be informed," "right to safety," "right to choose," "right to be heard ," "right to redress" and "right to service." Among those moves: One of the most comprehensive unit pricing programs in the food retailing industry; extensive open dating; and aggressive efforts to respond to environmental problems, including non-polluting detergents and private brand recycled paper.

Mrs. Peterson had returned to the labor movement after serving as White House advisor on consumer affairs, and Assistant Secretary of Labor during the Johnson administration. When she took a leave of absence to join Giant a year ago, it was "on approval"—for both parties to the contract—with Giant assuring her that she would find that the best opportunities to contribute to the solution of consumer problems exist in the business community.

She said today that it has worked as Giant promised, and that both she and Giant are pleased with the way things are going. She has just officially notified the union she won't be coming back.

At the news conference today, Mr. Turner said one of the most significant things about Giant's nutritional program is that it was developed for the company by an advisory committee which draws on informed consumer representation. "It's the beginning of an important change in our economic system," Mr. Turner said. "in which consumers and retailers join together to let manufacturers know their need. We are seeing here an example of citizens coming together with business to solve problems rather than waiting for government or the court."

Esther Peterson and Giant share this view. In addition to the widely publicized consumer programs like nutritional labeling, unit pricing and open dating, Giant is quietly using its economic muscle of function as the consumer's purchasing agent in dealing with food industry sources.

It is notifying some of the biggest food, drug, vitamin and soap makers that it won't carry specific items where it feels that packaging or other factors raise questions of safety or deception. In some instances where producers resist, there are reports Giant has hinted it will run counter-ads explaining why Giant won't stock the item.

A few months ago Giant surprised the food industry by officially endorsing a move by LABEL, a group of George Washington University students, organized by John Banzhaf III, to require full ingredient labeling on foods, even though they conform to official government standards. In short order, other chains and leading industry associations announced they will voluntarily adopt new labels providing the kind of information LABEL proposed.

The nutritional labeling program announced today uses labels and posters. It provides nutritional data on labels of 10 house brand canned foods. In addition, posters strategically located in Giant stores give similar information for 48 meat, dairy, produce and frozen food products.

The advisory committee, under Dr. Mayer, which developed the program, involved leading names from a wide range of activist consumer groups, as well as labor and professional groups, and a representative of the National Canners Assn. Mrs. Peterson said today that the committee is also working on new approaches to percentage disclosure of ingredients. She said this proved to be a more difficult problem than nutritional labeling, so it was temporarily shunted aside.

Mr. Johnson, the FDA representative on Giant's committee, said Giant's nutritional labeling program is one of six experiments which his agency is monitoring, including test programs now getting under way at Jewel, First National, Kroger and the Berkeley Co-op. He said FDA will be examining consumer reaction to the various approaches, as a basis for developing a national nutritional labeling program after the research results are in next year.

Giant's public announcement of the nutritional labeling included a half hour special on WMAL–TV, and full-page newspaper ads. Officials stressed they are not expecting miraculous public response. "It'll be a total marketing program, built around the nutritional labeling symbol," a top Giant merchandiser said. "It may not catch on with many of the older housewives," he said, "but we are looking to the long run, when younger women, who may be more sensitive to this need, will be using it."

Dr. Mayer said changing food technology creates a situation where the industry must either support educational programs like nutritional labeling, or submit to stringent government regulations which dictate food enrichment requirements.

Summing up her first year at Giant, Mrs. Peterson said she feels her experience has effectively disposed of the fear that consumerism is bad for business. "If people agree in principle," she said, "you can follow up with meaningful action."

In the same vein, she agrees that marketplace tests are often preferable to legislative action in dealing with some types of consumer problems. She cites current tests of unit pricing as an example. "If the food industry had experimented with consumer packaging problems before the battle 10 years ago," she said, "we would have done a much better job in writing the truth-in-packaging legislation."

She says Giant was right when it told her the best opportunities for dealing with consumer problems now are often inside business.

She finds the programs are good for Giant in terms of impact on the public, as well as its acceptance in government circles. "I'm beginning to experience the kinds of responses I have not had since I was in the White House," she said. "People stop me on the street or in the stores. Today at the stockholders' meeting (where Giant reported sales for its latest fiscal quarter up 14% over the comparable quarter of 1970), one man said, 'I bought Giant stock because of you'."

Giant's president, Joseph B. Danzansky (who is also president of the Washington Board of Trade, and who is currently negotiating to buy the Washington Senators baseball team), reflected the "no nonsense" attitude toward consumerism after a reporter noted the industry has frequently contended in the past that changes in labels required by government add to costs. Mr. Danzansky said the additional costs of nutritional labels "is minimal. We have to have labels anyway."

Asked why Giant adopted the nutritional he explains, adding that it would be easier for consumers to understand the nutritional con- labeling test, he quipped, "Two words: Esther Peterson." Then a more serious and elaborate explanation was offered.

[From the Evening Star, Sept. 8, 1971]

Read Labels for Nutrition

Giant Foods has undertaken an ambitious and complex experimental program of educating the public about the nutritional content of various food products.

Beginning today its stores will carry nutritional labeling on 48 items: 10 products canned under their own brand name and 48 meat, dairy, bakery, produce and frozen food items.

Spearheaded by Esther Peterson, the chain's consumer advisor, a committee of nutritionists, consumers, and representatives of industry and government worked in cooperation with the FDA under the chairmanship of Dr. Jean Mayer, professor of nutrition at Harvard and chairman of the White House Council on Food, Nutrition and Health. Committee members were to meet with the press this afternoon at a briefing sponsored by Sens. Philip Hart and Frank Moss.

The system, one of six the FDA is considering in determining guidelines, lists eight of the essential nutrients that an adult needs each day and the amount of each contained in a stated portion of food. The committee has worked out a method equating 10 units of each nutrient with the recommended daily dietary allowance for adults. A rating of one unit indicates there is at least 10 percent of the recommended allowance; a rating of 5 means 50 percent. The nutrients listed are proteins, Vitamin A, Vitamin B1 (thiamin) B2 (riboflavin) and niacin, Vitamin C, calcium and iron. In addition, the grams of protein, carbohydrates and fat, plus the calorie count for each portion, are included.

A pie-shaped symbol divided into five colored wedges indicates the product contains this nutritional information.

TOO COMPLEX

When it was suggested to Dr. Mayer that the labeling scheme might be too complicated for the average consumer to understand, he said the idea did not disturb him because he sees the program as "more educational than informative." The four traditional basic food groups bear less and less relationship to the increasing number of processed foods consumed, he explained and "the consumer must be reeducated". To illustrate his point he is fond of asking "what food group is pizza?

"We are looking 15 to 20 years ahead," the nutritionist says. "If only people who are recent high school and college gradautes take advantage of the information, it would be worth it. A whole program of education in the stores, on radio and television is necessary" for the labeling scheme to work.

Helen Nelson, another member of the advisory committee who is associate director of the center for consumer affairs at the University of Wisconsin, considers the present scheme "a fairly simple procedure." It's the kind of information that "once absorbed will not have to be reabsorbed each time."

She sees an additional merit in the nutritional labeling because "it will serve to encourage the manufacturer to be cautious about reducing protein content of (processed) foods like soup and chicken pot pie. I think it will put a floor under the deterioration of quality in complex foods" the economist says.

Consumer author and committee member, Sidney Margolius, is not so sure. Margolius and several committee members "had been fighting for percentage labeling of ingredients" because nutrition labeling "might lead to economic deception."

INGREDIENT LABELING

In order to have foods of sufficient nutritional value, Margolius thinks manufacturers might resort to using "cheap synthetics and charging extra high prices. I'm against people paying meat prices for vegetable protein," tent of foods with percentage labeling. Believing that "it is difficult for consumers to understand the nutritional labeling," he is concerned that educating them will be "a futile and massive problem."

Neither Dr. Mayer nor Mrs. Peterson is opposed to ingredient labeling, but Mayer says because of the "technically more difficult problem" it will require more study.

Whether the consumer accepts and utilizes the nutritional information being made available—other chains are already or soon will be testing other labeling systems—Dr. Mayer has no doubt that it eventually will become a governmental requirement, especially since more and more synthetic foods are coming to the market place. "The cost of labeling," he says, "should be nil because the information is available anyway."

The only alternative he sees is "to regulate enrichment and fortification with every type of nutrient needed in every food." His feeling is that most people find this alternative undesirable because "it is too much regulation."

In conducting this year-long test during which researchers will conduct shopper surveys Giant is making available an eight page chart listing the 58 foods and their nutritional content. It provides the nutrition-conscious shopper with some surprising information.

"An apple a day keeps the doctor away," becomes a useless myth when compared with the other fruits listed. Of vital nutrients, it offers only ½ unit of Vitamin C while watermelon offers 5 units of Vitamin A and C, ½ each of B1 and B2 and 1 of iron. Dr. Mayer says he is eating more watermelon and fewer apples because of the chart.

KALE OVER CABBAGE

Kale has far more nutritive value than cabbage, offering 8 units of Vitamin A, 6 of Vitamin C and 1 of calcium while cabbage has only 4 units of Vitamin C.

And it turns out that cheese pizza isn't such a poor nutritional value after all, having 1 unit of Vitamin A, ½ each of Vitamin B1 and 2, niacin and Vitamin C and 1 unit of calcium.

The chart also backs up the contention of all health food aficionados that beef liver is one of the most important sources of nutrients in the diet, offering 5 units of protein and Vitamin C, 10 units of Vitamins A and B2, 2 of Vitamin B1, 9 of niacin and 6 of iron. And to get all that one need eat only ¼ pound.

The reaction of a handful of shoppers to the program has been positive, but restrained. All think it is a public service, but several question whether the consumer will use it. One however, said that it was just the impetus she needed to become nutrition-oriented. "I think I could educate myself with this. I have two small children and I always mean to learn about nutrition. I will do it now."

[From the Washington Post, Sept. 9, 1971]

Nutritional Labeling Pilot Program

(By Carole Shifrin)

Washington's first pilot program in nutritional labeling of foods was started yesterday by Giant Food, Inc., in its 93 area stores.

Ten house-brand canned foods went on sale with labels designed to tell the shopper at a glance exactly how much of the average person's daily requirement of certain nutrients he is getting for his money.

Nutritional information about 48 other food items—frozen foods, meats, dairy products, baked goods, fruits and vegetables—is on posters displayed near the items.

Giant has picked out ten nutrients, including protein, vitamin A, thiamin (b1), riboflavin (B2), niacin, vitamin C, calcium, iron, carbohydrates, and fat, for its labeling program.

Dr. Jean Mayer, professor of nutrition at Harvard University and chairman of Giant's nutritional labeling advisory committee, said yesterday that listing all the vitamins and minerals available in foods would have been impossible. "If you eat a varied diet, balanced in remiss too seriously on the others," he assured.

Giant's system of providing nutritional information is somewhat different from other programs being tested in markets throughout the country. Instead of telling the consumer that a serving of the food will provide a certain percentage of the recommended dietary allowance of a vitamin or mineral, Giant has placed the nutrients on a scale of 10.

Getting 10 units of Vitamin C in a serving of a food, for instance, would mean that the consumer would have all he needed of that vitamin for the day. Getting 3 units of the vitamin would mean he was receiving 30 per cent of the recommended dietary allowance.

This is what a consumer can expect to find:

The label on Giant's "California tomato juice" tells consumers they should eat a variety of foods in order to obtain a total of 10 units of each nutrient listed.

Then it lists the units of each nutrient available in a 6-ounce serving of the tomato juice:

Protein	—
Vitamin A	3
Thiamin (B1)	½
Riboflavin (B2)	—
Niacin	½
Vitamin C	4
Calcium	—
Iron	½

In addition, it tells consumers the serving contains 2 grams of protein, 8 grams of carbohydrates, no grams of fat, and 35 calories.

This means that by drinking six ounces of the tomato juice, the consumer gets 30 per cent of the vitamin A he needs that day, 40 per cent of the vitamin C, and 5 per cent of the thiamin, niacin, and iron. He gets no protein, no riboflavin, and no calcium from the juice.

"The label says what is in that product as well as what is not there," Esther Peterson, consumer adviser to the president of Giant Food, pointed out.

Giant's program—which is an experiment, they say—is one of six being tested in markets around the nation. All the programs are being watched closely by the Food and Drug Administration, which has said it would eventually like to see some form of uniform nutritional labeling system adopted throughout the nation. Dr. Ogden Johnson, director of the Division of Nutrition of the FDA's Bureau of Foods and a member of the Giant advisory committee, said yesterday the programs vary a great deal.

The program run by the Jewel Co. in Illinois, for instance, uses percentages of daily requirements of nutrients. First National in Boston is using words to tell the consumer a product is a "good" or "excellent" source of the nutrients listed. A program run by Co-op Markets in California is more complicated and comprehensive.

The FDA is trying to evaluate consumer response to each of the programs by interviewing shoppers in the markets to see whether they undertsand and use the labeling information. The FDA expects to have by April of next year enough information to determine which program is the best.

[From the Daily News, Sept. 9, 1971]

STORES TELL NUTRIENT CONTENT: GIANT STEP TAKEN ON FOOD LABELS

(By Ann McFeatters)

Giant Food, Inc., a 94-store food chain here, today began showing shoppers some of its products aren't very nutritious.

Giant, which operates from Richmond to Baltimore swung its long-awaited nutrition labeling program into operation by listing either on the label or an accompanying poster the amount of nutrients in an average serving of 58 items.

For example, one-half cup of Giant's canned Cling peaches, the same as most brands, supplies 10 per cent of the vitamin A each person needs a day and 5 per cent of the vitamin C, plus 26 grams of carbohydrates and 100 calories. But the peaches supply no protein, thiamin, riboflavin, niacin, calcium or iron which are also required for a good daily diet.

BALANCED DIET

The shopper is supposed to check different categories of food and buy enough of the proper food groups to provide a balanced diet.

Eventually the Food and Drug Administration, which worked closely with Giant, hopes consumers across the country will be able to tell at a glance the nutritional value of what they're eating.

Experiments similar to Giant's, announced last February, have or will be undertaken by Jewell Companies in the Midwest, First National Stores in Boston, a co-op system in Berkeley, Calif., Kroger Food Stores and by Consumer Research Institute in projects in Bridgeport, Conn., and Atlanta.

RESULTS BY APRIL

Dr. Ogden Johnson, FDA nutrition director, predicted results of these various experiments should be known by April. The FDA then will choose a labeling system for nationwide use.

Sen. Philip Hart, D-Mich., a leading consumer advocate in Congress, called the Giant program a "significant consumer advance." But he said it would be "unrealistic" to expect Congress to pass laws for nutritional labeling, which some congressmen want. Voluntary approaches would be better and Congress wouldn't know enough about setting up such a program, he said.

Esther Peterson, former President Johnson's consumer adviser for three years and now Giant's consumer adviser, says consumers are "nutritionally illitreate" mostly from lack of information at the stores. She has called for a nationwide nutritional education program and disagrees with skeptics who say consumers won't use the information.

COSTS "MINIMAL"

Giant President Joseph Danzansky said the cost of the labeling is "minimal."

The Giant program was worked out by a government-business-consumer committee. It included Dr. Jean Mayer, Harvard University nutritionist and chairman of the White House Conference on Food, Nutrition and Health, and Jim Turner, author of the Ralph Nader critique of the FDA, "The Chemical Feast."

Dr. Mayer said nutritional labeling is essential because:

Food undergoes so much processing—frozen french fries replace fresh potatoes, frozen spinach souffle replaces fresh spinach, textured vegetable proteins will replace $5 billion worth of meat by 1980.

The traditional patterns in which people have fed themselves have changed—40 per cent of all meals are eaten outside the home and many eaten inside are snacks only.

He said the next step must be percentage ingredient labeling so the shopper can tell at a glance what ingredients are in a product and in what amounts—how much sugar, how much water, how much salt, how much chemical.

But a government-business-consumer committee working on percentage labeling says the food industry is opposed to the idea. And the FDA director of the bureau of foods said the FDA is not interested in it now.

JUSTICE TOM C. CLARK AWARD TO OLNEY B. OWEN

Mr. COOPER. Mr. President, on June 3, 1971, the Honorable Olney B. Owen, Chief Benefits Director, Veterans' Administration, of the national office in Washington, received the "Justice Tom C. Clark Award" for 1971. I am very proud that Olney Owen is a Kentuckian and that he started his remarkable career with the Veterans' Administration in Louisville, Ky. But beyond the personal gratification and joy that all of us who have known Olney for so many years have for his deserved recognition, it is the fact that he has been honored for his loyal service to the Veterans' Administration and his devotion to the needs of our veterans, their dependents, and beneficiaries.

The award makes us remember also the great service of Justice Tom C. Clark as a member of the U.S. Supreme Court, and that he has maintained his deep interest in career lawyers in Federal Government and for so many worthy causes of our country.

I ask unanimous consent to have printed in the RECORD the commendation and certificate of award received by Olney B. Owen.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

COMMENDATION

This certificate is awarded to Olney B. Owen in recognition of his contributions to the Veterans Administration as Chief Benefits Director. Under his leadership, improvements have been achieved in each program of the Department of Veterans Benefits. In addition he and his program advisors developed a legislative program that was highly responsive to the needs of veterans, their dependents, and beneficiaries. These accomplishments led to his nomination by the agency for the 1971 Justice Tom C. Clark award for outstanding career lawyers in the Federal Government.

Given at Washington, D.C. this 3rd day of June, 1971.

DONALD E. JOHNSON,
Administrator of Veterans' Affairs.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

(H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 430

The PRESIDENT pro tempore. On the pending amendment, amendment No. 430, there is a limitation of debate of 3 hours.

The assistant legislative clerk proceeded to read the amendment.

The PRESIDENT pro tempore. Without objection, the text of the amendment will be printed in the RECORD.

The amendment is as follows:

TITLE VI—PAY INCREASES FOR CERTAIN PAY GRADES OF THE UNIFORM SERVICES

SEC. 601. (a) That portion of the pay table contained in section 203(a) of title 37, United States Code, relating to the pay of commissioned officers in pay grades O–5, O–4, O–3, and O–2, with four years of service or less, is amended as set forth below together with pay grade designations and appropriate hearings from such table:

"COMMISSIONED OFFICERS

"Pay grade	"Years of service computed under sec. 205		
	2 or less	Over 2	Over 3
0–5	$922.20	$980.70	$1,047.90
0–4	825.00	867.60	914.40
0–3 [2]	738.90	772.50	789.90
0–2 [2]	674.10	706.80	748.20"

(b) That portion of the pay table contained in section 203(a) of title 37, United States Code, relating to the pay of commissioned officers in pay grade O–1, is amended as set forth below together with the pay grade designation and appropriate headings from such table:

"COMMISSIONED OFFICERS

"Pay grade	"Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
0–1 [2]	$593.10	$629.79	$653.40	$653.40	$653.40
	Over 8	Over 10	Over 12	Over 14	Over 16
0–1 [2]	$653.40	$653.40	$653.40	$653.40	$653.40
	Over 18	Over 20	Over 22	Over 26	Over 30
0–1 [2]	$653.40	$653.40	$653.40	$653.40	$653.40".

(c) That portion of the pay table contained in section 203(a) of title 37, United States Code, relating to the pay of commissioned officers who are in pay grade O–1 with fourteen years of service or less, and who have been credited with over four years' active service as enlisted members, is amended as set forth below together with pay grade designation and appropriate headings from such table:

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

"Pay grade	"Years of service computed under section 205				
	Over 4	Over 6	Over 8	Over 10	Over 12
0–1	$653.40	$679.20	$702.90	$724.50	$747.30"

(d) That portion of the pay table contained in section 203(a) of title 37, United States Code, relating to the pay of warrant officers in the pay grade of W–1, with two or less years of service, is amended by striking out "441.90" and inserting in lieu thereof "465.60".

(e) The pay tables contained in section 203(a) of title 37, United States Code, relating to the pay of enlisted members are amended to read as follows:

"ENLISTED MEMBERS

"Pay grade	"Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
E–9 [1]					
E–8					
E–7	$443.40	$478.50	$496.20	$513.60	$531.30
E–6	392.10	417.90	435.00	453.00	470.40
E–5	359.70	378.60	393.90	409.80	426.90
E–4	333.60	351.30	368.70	389.40	405.00
E–3	320.10	336.60	351.00	367.20	367.20
E–2	306.90	306.90	306.90	306.90	306.90
E–1	291.00	291.00	291.00	291.00	291.00
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9 [1]		$756.90	$774.30	$792.00	$809.70
E–8	$635.10	652.80	670.20	687.90	705.30
E–7	548.10	565.50	583.50	609.60	626.70
E–6	487.50	505.20	531.30	548.10	565.50
E–5	444.00	461.70	478.50	487.50	587.50
E–4	405.00	405.00	405.00	405.00	405.00
E–3	367.20	367.20	367 20	367.20	367.20
E–2	306.90	306.90	306.90	306.90	306.90
E–1	291.00	291.00	291.00	291.00	291.00
	Over 18	Over 20	Over 22	Over 26	Over 30
E–9 [1]	$827.70	$843.90	$888.60	$975.00	$975.00
E–8	722.10	740.10	783.60	870.90	870.90
E–7	644.10	652.80	696.90	783.60	783.60
E–6	574.50	574.50	574.50	574.50	574.50
E–5	487.50	487.50	487.50	487.50	487.50
E–4	405.00	405.00	405.00	405.00	405.00
E–3	367.20	367.20	367.20	367.20	367.20
E–2	306.90	306.90	306.90	306.90	306.90
E–1	291.00	291.00	291.00	291.00	291.00

"[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185 regardless of cumulative years of service computed under section 205 of this title."

SEC. 602. The table contained in section 403(a) of title 37, United States Code, relating to basic allowance for quarters, is amended by striking out

"E–4 (Over 4 years' service)

81.60 121.50"

and inserting in lieu thereof the following:

"E–4 (Over 4 years' service)

86.10 126.90".

SEC. 603. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"SEC. 3. For the duration of this Act, section 403(a) of title 37, United States Code is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E–1, E–2, E–3, and E–4 (four years' or less service) and inserting in lieu thereof the following:

"E–4 (4 years' or less service)	$86.10	$126.90
E–3	76.20	114.00
E–2	70.20	105.00
E–1	60.00	105.00".

SEC. 604. The amendments made by this title shall become effective on November 16, 1971.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be taken from either side.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr ALLOTT. Mr. President, I yield myself such time as I may use.

The PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, the Senate is about to vote on my amendment No. 430 concerning military pay.

The vote will be a second emphatic Senate endorsement of an idea whose time has come. This idea is that we must respect our military men and women, and we must demonstrate this respect by paying them at a respectable rate.

The purpose of the amendment is to bring spending for military pay increases back up to the level voted by the Senate 51 to 27 on June 8. It will restore to the men in the lower ranks the increases that were eliminated by the draft bill conference committee. It will bring military pay into line with the pay schedules I outlined under the category "Suggested compromise" in my Senate remarks on September 13. These new rates will go into effect November 16. Relevant details of the various pay plans we have considered this year are contained in tables following.

Amendment No. 430 was prepared at my request by professionals in the Department of Defense. This guarantees that the compensation schedules are internally valid. That is, they avoided, by reason of that professional assistance, inversions in pay.

THE SUPPORT FOR AMENDMENT 430

This amendment has the full and reiterated support of the President of the United States. Both he and Mr. George Shultz, the Head of the Office of Management and Budget, desire and expect the amendment to be passed.

The Department of Defense has strongly endorsed this amendment. In addition, I have a commitment for this amendment from the distinguished chairman of the Senate Committee on Armed Services (Mr. STENNIS) which was done at the time just prior to the passage of the draft bill.

Mr. President, it is easy to understand the widespread support for this amendment.

The President recognizes that the amendment is a necessary step toward achieving his great goal of making a prompt and orderly transition to an all-volunteer armed force.

Senators know from their mail that simple justice demands that we begin to provide decent pay for the men in the lower ranks. I know that every Senator receives a lot of very moving and dismaying mail describing the hardships of the life lived by military families who must subsist on what we pay the lower ranks.

The pay raise that was passed as part of the draft extension bill was defended on the ground that it virtually eliminates military personnel from welfare.

Mr. President, that is not good enough. I do not think any Senator is satisfied with pay provisions which are so disrespectful of the military. The military profession is among the most honorable in our society. Yet we continue to degrade it by actually forcing military men and women to draw welfare.

In addition, the condition of our men overseas is especially deplorable. Consider the plight of the military people and their dependents in Germany. For some while the German mark has been floating up in value, the dollar floating down; serious inflation continues in Germany and nobody has "frozen" German prices and rents.

Let us not flinch from the facts. There are Americans, at home and overseas, who face grinding poverty because they are in the service of their country. And the poverty is inflicted as a matter of policy by the country they are serving.

We are told that the recent military pay raise was a large one, and that is true. But that does not mean that amendment 430 is not needed.

On the contrary, it is some measure of the glaring inadequacy of our record regarding military pay that we can pass such a substantial amendment and find that we are still not paying our military men and women enough to get all of them off welfare.

It goes without saying that we are not yet paying the men in the lower ranks at a rate comparable to the earnings of their peers in similar civilian positions. And needless to say, this makes the armed services extremely uncompetitive when it comes to attracting young people who are beginning careers.

Mr. President, the matter of military manpower policy has received uncommonly thorough examination in the Senate this year. As a result of this fit and proper treatment, the Congress and the administration have reached remarkable accord on what was, just a few months ago, a controversial subject.

Specifically, there is broad agreement on four points. They are the following:

First. Military compensation, and especially compensation for the men in the lower ranks, is not what it ought to be, and has been inadequate for many years.

Second. Improved compensation—in the form of basic pay and various allowances—is the key to attempting an orderly and prompt transition to an all-volunteer armed force.

In fact, Mr. President, in my opinion, a revision of the present pay schedule is absolutely necessary if we are even to think in terms of pride to achieve an all-volunteer armed force.

Third. Such an attempt is greatly desired by the overwhelming majority of Americans.

Fourth. Even those who do not favor an all-volunteer armed force do recognize that simple justice demands that we pay our soldiers at a rate comparable to pay for comparable civilian employment.

I do not need to call to the attention of the Senate the alarming and discouraging reports of declining morale in the armed forces. The recent uncertainty about desperately needed pay raises has only aggravated this condition.

I do not need to remind the Senate that the unfortunate delay of the draft bill, with its flawed but necessary pay increases, handicapped the Armed Forces during the peak summer recruiting season. Prompt enactment of my amendment will do much to strengthen the Armed Forces' recruiting efforts.

The reasons for this delay are well known, and do not need recounting here. The basic point is that on June 8, the Senate voted 51 to 27 to raise military pay in accordance with the recommendations of the President's Commission on an all-volunteer armed force—the so-called Gates Commission Report. This vote was an historic step toward equitable treatment for the military, and toward ending the draft.

Earlier the House of Representatives also had voted for military pay increases, costing approximately what the Senate plan would have cost—$2.7 billion. The conference committee that met to iron out the differences between the two versions cut the total by more than $300 million under what either House wanted to spend. These cuts came, unfortunately, at the expense of those who both Houses most wanted to help—the men in the lower ranks. Amendment 430 will correct this unfortunate result by putting $381.1 million back into the pay for the lower ranks.

The conference decided the new pay rates it favored should become effective on October 1. The fiscal year 1972 cost of that conference compromise—October through June—would have been $1.8 billion. But with amendment 430 and a mid-November effective date, our spending for pay increases will promote the basic goals of the original Allott amendment and will cost less—only approximately $1.7 billion from mid-November 1971—at the end of the wage price "freeze"—through June 30, 1972. Thus we can adopt as of now more equitable pay rates; we can take a giant step toward ending the draft; and we can do this while spending less money than we agreed to spend just a few weeks ago when we adopted the draft bill conference report.

These, then, are the facts.

On June 8 the Senate voted resoundingly for spending for military pay increases at a level of $2.768 billion on an annualized basis. My amendment will bring new spending for pay increases to $2.747 billion on an annualized basis, which is of course lower.

On June 8 some Senators voted against substantial pay raises because they and the President had doubts as to whether we could afford it. For the rest of fiscal 1972, costs of pay increases, including those continued in my amendment, will be $1.717 billion—a billion dollars less than the Senate originally voted to spend.

WHY AMENDMENT 430 IS NEEDED

In establishing a sense of the issues and stakes in the dispute about military pay, it is useful to consider this question. After two decades of neglect of the men in the lower ranks; with morale in the lower ranks suffering; with the public urgently and properly anxious to make the transition to an all-volunteer armed force—with these conditions obtaining, is it reasonable to believe that today generals deserve larger pay raises than privates?

All those who think that is unreasonable should reaffirm the Senate's judgment of June 8 by supporting amendment 430.

Mr. President, so that all Senators can have before them the relevant facts about the various military pay plans that have been before Congress this year, including the pending amendment, I ask unanimous consent to have printed in the RECORD at this point the following tables:

First. A breakdown of the cost of amendment 430.

Second. A comparison of the total costs of the final administration House and Senate pay plans, and the cost of the pay plan devised by the draft bill conference committee and supplemented by amendment 430.

Third. Basic pay comparisons between the original Senate plan, the plan devised by the draft bill conference committee and supplemented by amendment 430; the original House plan, pay rates presently in effect, and the number of persons affected in each pay grade.

Fourth. A comparison of average regular military compensation under the rates presently effective, the original House and Senate plans, the plan devised by the draft bill conference committee, and the conference committee plan supplemented by amendment 430.

Fifth. Comparison of the original House and Senate plans, and draft bill conference committee's plan supplemented by amendment 430, as regards drill pay for reservists and National Guardsmen.

Sixth. Comparison of BAQ rates under the plan devised by the draft bill conference committee, and under that plan as supplemented by amendment 430.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—*Fiscal year 1972 cost of amendment 430 (Nov. 16, 1971—June 30, 1972)*

	Million
Basic pay	$225.4
Dependents Assistance Act	11.7
Basic allowance for quarters	1.1
Basic allowance for subsistence	0
Enlistment bonus	0
Recruiter expenses	0
Optometrists	0
DAA reservists	0
Total	238.2

TABLE 2.—COMPARISON OF THE COST OF THE ORIGINAL HOUSE AND SENATE PLANS; THE PLAN ADOPTED BY THE DRAFT BILL CONFERENCE COMMITTEE; THE DRAFT LAW PLAN AS SUPPLEMENTED BY AMENDMENT 430

[Based on 2,553,000 average force as stipulated by the Senate and as accepted in conference]

				Draft bill		New draft law increases as supplemented by amendment 430	
	Administration	House (annual total)	Senate (annual total)	Conferees agreement (annual total)	Conferees agreement (cost from Oct. 1)	Annual cost	Cost from mid-November
Basic pay	900.9	1,811.2	2,646.2	1,811.2	1,358.4	2,171.8	1,357.4
Dependents Assistance Act	78.4	182.7	78.4	105.1	[1] 105.1	123.8	77.4
Basic allowance for quarters	0	635.1	0	406.6	305.0	408.4	255.2
Basic allowance for subsistence	0	37.5	0	0	0	0	0
Enlistment bonus	40.0	0	40.0	20.0	[1] 20.0	20.0	12.4
Recruiter expenses	2.9	2.9	2.9	2.9	[1] 2.9	2.9	1.8
Optometrists	0	.5	.6	.6	.5	.6	.4
DAA Reservists	20.0	20.0	0	20.0	14.9	20.0	12.4
Total	1,042.2	2,689.9	2,768.1	2,366.4	1,806.8	2,747.5	1,717.0

[1] Retroactive to July 1.

TABLE 3.—BASIC PAY COMPARISONS BETWEEN ORIGINAL SENATE PLAN FOR INCREASES; RATES ACHIEVED WITH THE ALREADY VOTED PAY INCREASE PLAN AMENDMENT 430; THE ORIGINAL HOUSE PLAN; AND PRESENT RATES (BEFORE THE RAISE IN THE DRAFT LAW BECOMES EFFECTIVE)

Pay grade and plan	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O–5: Lieutenant colonel-commander:									
Senate plan	$941.40								
New rates with No. 430	$942.20								
House plan	$834.60								
Present	$834.60								
Number	0								
O–4: Major-lieutenant commander:									
Senate plan	$834.20	$886.80							
New rates with No. 430	$825.00	$867.60							
House plan	$704.10	$856.50							
Present	$704.10	$856.50							
Number	0	0							
O–3: Captain-lieutenant:									
Senate plan	$758.10	$791.70	$809.10						
New rates with No. 430	$738.90	$772.50	$789.90						
House plan	$654.30	$731.10	$781.20						
Present	$654.30	$731.10	$781.20						
Number	781	2,343	15,253						
O–2: 1st lieutenant-lieutenant (jg.):									
Senate plan	$693.30	$726.00							
New rates with No. 430	$674.10	$706.80							
House plan	$570.30	$622.80							
Present	$524.40	$622.80							
Number	13,726	26,103							
O–1: 2d Lieutenant-ensign:									
Senate plan	$612.30	$648.90	$672.60						
New Rates with No. 430	$593.10	$629.70	$653.40						
House plan	$495.00	$515.40	$622.80						
Present	$450.60	$499.20	$622.80						
Number	33,511	2,821	2,828						
O–1E: O–1 with 4 years previous enlisted service:									
Senate plan				$672.60	$698.40	$722.10	$743.70	$766.50	$790.50
New rates with No. 430				$653.40	$679.20	$702.90	$724.50	$747.30	$773.10
House plan				$622.80	$665.10	$690.00	$714.60	$739.80	$773.10
Present				$622.80	$665.10	$690.00	$714.60	$739.80	$773.10
Number				9	121	193	162	274	293
W–2: Chief warrant-commissioned warrant:									
Senate plan	$544.10	$576.60	$576.60						
New rates with No. 430	$530.40	$573.60	$573.60						
House plan	$530.40	$573.60	$573.60						
Present	$530.40	$573.60	$573.60						
Number	21	924	851						
W–1: Warrant officer:									
Senate plan	$484.80	$517.20	$517.20						
New rates with No. 430	$465.60	$507.00	$507.00						
House plan	$441.90	$507.00	$507.00						
Present	$441.90	$507.00	$507.00						
Number	949	558	109						
E–7: Sergeant 1st class-chief petty officer:									
Senate plan	$445.80								
New rates with No. 430	$443.40								
House plan	$443.40								
Present	$399.00								
Number	5								
E–6: Staff sergeant-petty officer, 1st class:									
Senate plan	$411.30	$431.70	$448.80	$463.20	$480.30	$497.40	$514.20		
New rates with No. 430	$392.10	$417.90	$435.00	$453.00	$470.40	$487.50	$505.20		
House plan	$382.80	$417.90	$435.00	$435.00	$470.40	$487.50	$505.20		
Present	$344.10	$417.90	$435.00	$435.00	$470.40	$487.50	$505.20		
Number	180	911	1,051	6,813	17,358	24,347	30,821		
E–5: Sergeant-petty officer, 2d class:									
Senate plan	$378.90	$397.80	$413.10	$429.00	$446.10	$462.90	$479.70	$496.80	$505.50
New rates with No. 430	$359.70	$378.60	$393.90	$409.80	$426.90	$444.00	$461.70	$478.50	$487.50
House plan	$336.30	$366.00	$383.70	$400.50	$426.60	$444.00	$461.70	$478.50	$487.50
Present	$297.30	$366.00	$383.70	$400.50	$426.60	$444.00	$461.70	$478.50	$487.50
Number	38,331	63,262	74,315	79,211	50,229	28,368	24,214	15,497	57,706
E–4: Corporal-petty officer, 3d class:									
Senate plan	$352.80	$370.50	$387.90	$405.30	$421.20	$430.20			
New rates with No. 430	$333.60	$351.30	$368.70	$389.40	$405.00	$405.00			
House plan	$323.40	$341.40	$361.20	$389.40	$405.00	$405.00			
Present	$249.90	$312.90	$330.90	$356.70	$374.40	$374.40			
Number	243,071	174,196	118,420	27,785	8,910	8,700			
E–3: Private-1st class-seaman:									
Senate plan	$336.90	$353.40	$367.80	$384.00	$392.40				
New rates with No. 430	$320.10	$336.60	$351.00	$367.20	$367.20				
House plan	$311.10	$328.20	$341.10	$354.60	$354.60				
Present	$180.90	$252.30	$269.70	$287.40	$287.40				
Number	292,749	55,928	16,709	6,445	2,453				

Pay grade and plan	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
E-2 private-seaman apprentice:									
Senate plan	$320.70	$336.60	$353.70						
New rates with No. 430	$306.90	$306.90	$306.90						
House plan	$299.10	$299.10	$299.10						
Present	$149.10	$208.80	$208.80						
Number	219,692	9,752	2,225						
E-1 (over 4): Recruit-seaman recruit:									
Senate plan	$310.80	$326.40							
New rates with No. 430	$291.00	$291.00							
House plan	$268.50	$268.50							
Present	$143.70	$191.10							
Number	40,083	3,300							
E-1 (under 4): Recruit-seaman recruit:									
Senate plan	$301.50								
New rates with No. 430	$291.00								
House plan	$268.50								
Present	$134.40								
Number	89,928								

TABLE 4.—COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION[1]

	House plan	Senate plan	Draft law conferees agreement	New draft law rates supplemented by amendment 430	Present (Jan. 1, 1971) rates		House plan	Senate plan	Draft law conferees agreement	New draft law rates supplemented by amendment	Present (January 1, 1971) rates
Pay grade—											
O-10	$43,872	$40,827	$42,725	$42,725	$40,827	W-3	$14,537	$13,097	$14,023	$14,023	$13,097
O-9	39,169	36,319	38,107	38,107	36,319	W-2	12,299	11,108	11,859	11,859	11,104
O-8	35,772	33,042	34,751	34,751	33,042	W-1	10,138	9,195	9,738	9,814	9,033
O-7	31,654	29,065	30,689	30,689	29,065	E-9	14,919	13,417	14,392	14,392	13,417
O-6	27,197	24,850	26,389	26,389	24,850	E-8	12,812	11,571	12,334	12,334	11,571
O-5	21,821	19,796	21,122	21,122	19,796	E-7	11,063	9,980	10,634	10,634	9,980
O-4	18,234	16,527	17,630	17,630	16,527	E-6	9,550	8,647	9,160	9,160	8,611
O-3	15,025	13,591	14,501	14,536	13,516	E-5	7,691	7,248	7,356	7,445	6,889
O-2	11,474	11,138	11,045	11,754	10,166	E-4	6,457	6 329	6,189	6,363	5,253
O-1	8,985	9,611	8,659	9,782	7,807	E-3	5,893	5,831	5,663	5,850	3,931
W-4	17,653	16,088	17,074	17,074	16,088	E-2	5,484	5,530	5,311	5,488	3,345
						E-1	5,036	5,320	4,872	5,150	3,165

[1] Regular military compensation is defined as basic pay, basic allowances for quarters, basic allowances for subsistence and the tax advantage which accrues because the allowances are not subject to Federal income tax.

TABLE 5.—EFFECT OF PAY PROPOSALS ON DRILL PAY FOR RESERVISTS AND NATIONAL GUARDSMEN

	Longevity	Present drill pay for 1 weekend drill (MUTA-4)	House plan	Senate plan	New rates supplemented by amendment 430
Pay grade—					
O-3	Under 2 years	$87.24	$87.24	$101.08	$98.52
O-2	do	69.92	76.04	92.44	89.88
O-1	do	60.08	66.00	81.64	79.08
E-7	do	53.20	59.12	59.44	59.12
E-6	do	45.88	51.04	54.84	52.28
E-5	do	39.64	44.84	50.52	47.96
E-4	do	33.32	43.12	47.04	44.48
E-3	do	24.12	41.48	44.92	42.68
E-2	do	19.88	39.88	42.76	40.92
E-1	do	19.16	35.80	41.44	38.80
E-1	Under 4 months	17.92	35.80	40.20	38.80

TABLE 6.—COMPARISON OF BAQ RATES—CONFERENCE AGREEMENT IN THE DRAFT LAW; AND THOSE RATES SUPPLEMENTED BY AMENDMENT 430

Pay grade—	Without dependents		With dependents		Pay grade—	Without dependents		With dependents	
	Conference agreement	Supplemented by amendment 430	Conference agreement	Supplemented by amendment 430		Conference agreement	Supplemented by amendment 430	Conference agreement	Supplemented by amendment 430
O-10	$230.40	$230.40	$288.00	$288.00	W-2	$137.10	$137.10	$173.70	$173.70
O-9	230.40	230.40	288.00	288.00	W-1	123.90	123.90	160.80	160.80
O-8	230.40	230.40	288.00	288.00	E-9	130.80	130.80	184.20	184.20
O-7	230.40	230.40	288.00	288.00	E-8	122.10	122.10	172.20	172.20
O-6	211.80	211.80	258.30	258.30	E-7	104.70	104.70	161.40	161.40
O-5	198.30	198.30	238.80	238.80	E-6	95.70	95.70	150.00	150.00
O-4	178.80	178.80	215.40	215.40	E-5	92.70	92.70	138.60	138.60
O-3	158.40	158.40	195.60	195.60	E-4	81.60	86.10	121.50	126.90
O-2	138.60	138.60	175.80	175.80	E-3	72.30	76.20	105.00	114.00
O-1	108.90	108.90	141.60	141.60	E-2	63.90	70.20	105.00	105.00
W-4	172.50	172.50	207.90	207.90	E-1	60.00	60.00	105.00	105.00
W-3	155.40	155.40	191.70	191.70					

Mr. ALLOTT. These tables—and especially table 2—reveal that in compromising the basic pay differences between the original House and Senate pay plans, the conference committee on the draft bill took the low House figure, and did not give the Senate a single dollar. As the following chart reveals, E–1's, E–2's, E–3's, E–4's, O–1's, and O–2's received less total compensation than they would have under either the House or the Senate version.

I ask unanimous consent that a chart designated as table 7 be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

TABLE 7.—COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION

Pay grade	House plan	Senate plan	Conference compromise in the draft law
O-10	$43,872	$40,827	$42,725
O-9	39,169	36,319	38,107
O-8	35,772	33,042	34,751
O-7	31,654	29,065	30,689
O-6	27,197	24,850	26,389
O-5	21,821	19,796	21,122
O-4	18,234	16,527	17,630
O-3	15,025	13,591	14,501
O-2	11,474	11,138	[1] 11,045
O-1	8,985	9,611	[1] 8,659
W-4	17,653	16,088	17,074
W-3	14,537	13,097	14,023
W-2	12,299	11,108	11,859
W-1	10,138	9,195	9,738
E-9	14,919	13,417	14,392
E-8	12,812	11,571	12,334
E-7	11,063	9,980	10,634
E-6	9,550	8,647	9,160
E-5	7,691	7,248	7,356
E-4	6,457	6,329	[1] 6,189
E-3	5,893	5,831	[1] 5,663
E-2	5,484	5,530	[1] 5,311
E-1	5,036	5,320	[1] 4,872

[1] Conference compromise falls below both House and Senate versions.

Mr. ALLOTT. It will be noted that under the House plan, and O–1, for example, would have received $8,985; under the Senate plan, he would have received $9,611; and under the conference compromise, $8,659, or about $950 less a year than he would have received under the Senate plan.

And in the enlisted ranks, for example, on an E–4, under the House plan, he would have received $6,457; under the Senate, $6,329; and under the conference report, $6,189. So, from a comparison of the figures in table 7, it will be seen that the conference compromise, for E–1's, E–2's, E–3's, and E–4's, and for O–1's and O–2's, fell under the amount fixed in the House bill and under the amount fixed in the Senate bill.

The significance of this is clear. The privates and corporals and sergeants and lieutenants—those who have been shortchanged again and again and again in pay raises dating back to World War II—were the only losers. A private first class received less of a raise than a one- or two-star general.

As you can see by table 2—above—the pay increases in the new draft law involve over $323.5 million less on an annualized basis than either House voted, and $401.7 million less than the Senate voted. This is particularly important to note because the cuts come from the paychecks of our first-termers. Only the E–1's through E–4's and O–1's and O–2's received less in average regular military compensation than either the House or Senate passed. It is these men, and these men alone, who suffered from the conference compromise on the draft bill. The restoration of that money, as proposed by my amendment 430, returns to them the compensation they have lost since the draft bill first left the floor of the Senate.

Mr. President, there is no mystery about why the conference committee did the kind of economizing it did. All economizing is an attempt to save money. That is a noble objective—until it leads us to consistently take the savings out of the pocketbooks of those who can least afford it.

What is most striking now is how unnecessary and self-defeating this type of economizing is. Consider the facts as they stand today, after much delay, and in the middle of a wage-price freeze.

The Department of Defense has planned all along to spend $2.7 billion in pay increases, but over a 2-year period. The spending for the remainder of fiscal year 1972 should be the focus of our interest because DOD's announced intention is to reach the $2.7 billion level of pay increases in a two-step period, the second step coming in fiscal year 1973. Remember that one of the central reasons for making the $2.7 billion increase in one step was to give us a more decisive, dramatic and informative test of the usefulness of decent pay as an incentive for volunteers.

Remember that the "savings" exacted from the paychecks of the lowest ranks almost certainly will be false savings, because they will have costs—economic and otherwise—which stem from delay in achieving the more efficient volunteer armed force. Remember that the administration budgeters originally planned for the administration's proposed $1.049 billion increase to become effective May 1. Thus the delay in passing the draft bill, and the wage-price freeze mean that there has been an unanticipated windfall for the Government involving a 6½-month saving.

Remember these facts. And then consider the following one point, which demonstrates that we can afford amendment 430. The point dramatizes the fact that amendment 430 will bring fiscal year 1972 spending for military pay raises to a level that is still much less than both bodies of Congress originally wanted to spend this fiscal year and the fiscal year 1972 cost of the pay increase incorporated into the draft law plus the fiscal year 1972 cost of amendment 430 will be less than the amount of money which the draft bill conference report called upon us to spend.

The point is this.

The pay compromise improvised by the draft bill conference committee, and scheduled to become effective October 1, would have cost $1,807 million in fiscal year 1972. The fiscal year 1972 cost of pay increases with amendment 430, effective in mid-November, will be $1,717 million. Thus, the compromise I will suggest would cost $89.8 million less than we voted to spend under the terms of the draft bill conference report; and I must remind the Senate that at that time we had already cut back on the salaries of these people.

At this point, Mr. President, we should remember that the military has already lost the cost-of-living increase that had been scheduled for January 1, 1972. And it is important to understand why cost-of-living increases, while necessary, are not responsive to the real problem.

All cost-of-living increases are inadequate because the objective of such increases is to maintain pay for the military in whatever relation exists at a given time with regard to rising pay in the private sector during a period in which the cost-of-living is rising. But this mechanism for maintaining the status quo does nothing to close the deplorable gap between military pay and pay for similar skills and employment in the private sector.

The cost-of-living increases are necessary to prevent a further deterioration of existing deplorable conditions. The purpose of my amendment is to improve the conditions. It is obvious that the cost-of-living increases are mere holding actions on behalf of hard-pressed people.

Fortunately, Congress is acting responsibly by not relying on cost-of-living increases. Congress is legislating where legislation is clearly needed.

For years we have refused to give the average GI the pay he deserved. This year we will do better. When both Houses of the Congress agreed that spending for military pay should be increased by $2.7 billion this fiscal year, this constituted an implicit promise to the men and women in uniform. Amendment 430 enables us to keep that promise.

Were we not to keep that promise—were we to neglect again the men most in need of help—two kinds of bad consequences would result. Morale in the military would suffer another unnecessary blow; and young men who are considering volunteering for service—and perhaps for a military career—would lose interest. After all, who wants to join the armed forces if Congress does not respect those forces enough to pay them decently?

Young men in the military, and young men considering the military, are watching what we do with regard to pay for the lower ranks.

In a speech on July 27, Secretary of Defense, Mr. Laird, said the following:

> We believe we can move away from selective service to zero draft calls and an all-volunteer armed force. The most important thing which we must do in the period of the nineteen seventies and beyond is to see that the military service is recognized by all sections of society as a contribution which is being made by men and women to the peace forces of this nation and the peace forces throughout the world so that the mistakes of the seventies, the mistakes of the fifties and the mistakes of the sixties are not repeated again.

Mr. President, I agree with the Secretary of Defense. I agree that the key to achieving an all-volunteer armed force is regaining for the military the respect which properly is owed it by this Nation. I agree with the Secretary that we can only help the military if we avoid past mistakes. And the worst mistake we could make would be to end this year without making amends to the men in the lower ranks.

Consider the following report by Air Force Times Editor Bob Schweitz in the February 3, 1971, issue. These, perhaps, are some of the most significant words that can be said in support of this program.

> From 1952 to 1965 there were no pay raises for enlisted men with fewer than two years of service. The raises for all other grades since 1952 have more than doubled those for the "under two's."
>
> Overall, the military force has received a cumulative pay hike of 154.3 percent since

1952, while the junior enlisted men have received only 86 percent, including the raise effective January 1, 1970. . . .

At this point I should emphasize that the fact that we are voting on military pay raises during a wage-price freeze is significant and should cause Senators to ponder past policies regarding military pay. It is significant in the sense that this freeze although necessary, is unfair to many people. It is unfair to persons who are in an unfair economic position when the freeze is imposed; such persons are frozen into their disadvantaged positions.

The case of men and women in lower ranks in the military is a poignant illustration of the unavoidable unfairness of a freeze. And the unfairness they are suffering should spur us on to the completion of the task we began June 8—the task of ending the unfairness inherent in current pay policies. We should be powerfully moved by the remainder that the unfairness the military experiences during the freeze is derivative from the unfairness which we in the legislative branch have inflicted on them through more than two decades of unfair pay policies. Given these facts it is not surprising that we have had trouble recruiting volunteers. What is gratifying is the fact that, because we are moving toward decent pay for the military, we are clearly advancing to our goal of zero draft quotas.

When we get proper pay provisions, the pace of recruiting will quicken beyond the rate currently projected by DOD. We will just have to wait and see how many draftees are needed to meet transitional manpower needs as the armed forces manpower is phased down to the 2.407 million figure by June 30, 1972.

But whatever the transitional figures may be, clearly we are nearing the end of the draft. I have reluctantly recognized the need for a 2-year extension of the draft at this time. Mr. President, no man can say, in this great, uncertain, turmoil infested world—and I want to make my position very clear—what the needs of this Nation will be in the future. But, barring some unforeseen deterioration of relations between nations, I do not expect the draft will need to be renewed 2 years from now.

Thus, I and kindred spirits attach special importance to pay provisions; to the question of simple decency and due respect for the military; and to all other matters which are vital to the prospects of an all-volunteer armed force.

The President has given his unqualified support to my amendment. It is my hope that every Senator will support it. Then I am sure the amendment will receive the prompt and favorable attention of the House, and we all will have made a mighty contribution to ending the draft.

We will all have made a great contribution to moving toward a volunteer force, which many of us would like to do. The only way we can find out whether we can have a volunteer force is by raising the pay in the E–1, E–2, E–3, and E–4 and the O–1 and O–2, which are the lower grades of the enlisted men and the officers.

But above all, if anyone has visited any of our bases and posts and has seen these young men—some of whom enlisted voluntarily, some of whom enlisted because they knew that they might be drafted and that by enlisting they could control the tempo and the scheduling of their life, some of whom were drafted—and has seen the way some of these people have lived and have had to live, under the demands we have placed on them—you and I—then there would be no choice except to vote for my amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the following tables:

A. Detailed Cost Analysis.
B. Basic Pay Comparison.
C. BAQ/DAA Comparison.
D. Average RMC Comparison.
E. Distribution of Cost by Pay Grade.
F. Disposable Income Comparison.
G. Selected Examples of Annual Compensation.
H. Selected Examples of Annual Compensation for Members with Less Than Two Years Service.
I. Estimate of Personnel Affected.
J. Effect on Reservists and National Guardsmen.
K. Basic Pay Table.
L. Average Basic Pay Increases since 1952.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

COMPARISON OF COST OF ALLOTT AMENDMENT, H.R. 8687, AND PRESENT, H.R. 6531

[Millions of dollars—2,553,000 force]

	Under 2 years of service		Over 2 years of service		Total
	Amount	Percent	Amount	Percent	
I. Annual cost of Allott amendment, H.R. 8687 over Jan. 1, 1971:					
Basic pay	$1,730.9	79.7	$440.0	20.3	$2,171.8
Dependents Assistance Act	84.5	68.3	39.3	31.7	123.8
Basic allowance for quarters	21.4	5.3	387.0	94.7	408.4
Total	1,836.8	67.9	867.2	32.1	2,704.0
II. Annual cost increase of present, H.R. 6531 over Jan. 1, 1971:					
Basic pay	1,561.6	86.2	249.6	13.8	1,811.2
Dependents Assistance Act	68.8	65.4	36.3	34.6	105.1
Basic allowance for quarters	21.4	5.3	385.2	94.7	406.6
Total	1,651.8	71.1	671.1	28.9	2,322.9
III. Incremental cost increase (annualized) of Allot amendment (H.R. 8687) over the present (H.R. 6531);					
Basic pay	$169.3	46.9	$191.3	53.1	$360.6
Dependents Assistance Act	15.7	84.0	3.0	16.0	18.7
Basic allowance for quarters	0	0	1.8	100.0	1.8
Total	185.0	48.5	196.1	51.5	381.1
IV. Incremental cost increase of Allott amendment (H.R. 8687), over present (H.R. 6531), implementation, Nov. 16, 1971:					
Basic pay	105.8	46.9	119.6	53.1	225.4
Dependents Assistance Act	9.8	84.0	1.9	16.0	11.7
Basic allowance for quarters	0	0.0	1.1	100.0	1.1
Total	115.6	48.5	122.6	51.5	238.2

BASIC PAY COMPARISON BETWEEN PRESENT (H.R. 6531) AND ALLOTT AMENDMENT TO H.R. 8687

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O–5:									
Allott proposal	$922.20								
Present (H.R. 6531)	$834.60								
Dollar difference	$87.60								
No. of personnel	0								
O–4:									
Allott proposal	$825.00	$867.60							
Present (H.R. 6531)	$704.10	$856.50							
Dollar difference	$120.90	$11.10							
No. of personnel	0	0							
O–3:									
Allott proposal	$738.90	$772.50	$789.90						
Present (H.R. 6531)	$654.30	$731.10	$781.20						
Dollar difference	$84.60	$41.40	$8.70						
No. of Personnel	781	2,343	15,253						
O–2:									
Allott proposal	$674.10	$706.80							
Present (H.R. 6531)	$570.30	$622.80							
Dollar difference	$103.80	$84.00							
No. of personnel	13,726	26,103							

BASIC PAY COMPARISON BETWEEN PRESENT (H.R. 6531) AND ALLOTT AMENDMENT TO H.R. 8687—Continued

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-1:									
Allott proposal	$593.10	$629.70	$653.40						
Present (H.R. 6531)	$495.00	$515.40	$622.80						
Dollar difference	$98.10	$114.30	$30.60						
No. of personnel	33,511	2,821	2,828						
O-1 E:									
Allott proposal				$653.40	$679,20	$702.90	$724.50	$747.30	$773.10
Present (H.R. 6531)				$622.80	$665.10	$690.00	$714.60	$739.80	$773.10
Dollar difference				$30.60	$14.10	$12.90	9.90	$7.50	0
No. of personnel				9	121	193	162	274	293
W-1:									
Allott proposal	$465.60								
Present (H.R. 6531)	$441.90								
Dollar difference	$23.70								
No. of personnel	949								
E-6:									
Allott proposal	$392.10								
Present (H.R. 6531)	$382.80								
Dollar difference	$9.30								
No. of personnel	180								
E-5:									
Allott proposal	$359.70	$378.60	$393.90	$409.80	$426.90				
Present (H.R. 6531)	$336.30	$366.00	$383.70	$400.50	$426.60				
Dollar difference	$23.40	$12.60	$10.20	$9.30	$.30				
No. of personnel	38,331	63,262	74,315	79,211	50,229				
E-4:									
Allott proposal	$333.60	$351.30	$368.70						
Present (H.R. 6531)	$323.40	$341.40	$361.20						
Dollar difference	$13.20	$9.90	$7.50						
No. of personnel	243,071	174,196	118,420						
E-3:									
Allott proposal	$320.10	$336.60	$351.00	$367.20	$367.20				
Present (H.R. 6531)	$311.10	$328.20	$341.10	$354.60	$354.60				
Dollar difference	$9.00	$7.80	$9.90	$12.60	$12.60				
No. of personnel	292,749	55,928	16,709	6,445	2,453				
E-2:									
Allott proposal	$306.90								
Present (H.R. 6531)	$299.10								
Dollar difference	$7.80								
No. of personnel	231,669								
E-1:									
Allott proposal	$291.00								
Present (H.R. 6531)	$268.50								
Dollar difference	$22.50								
No. of personnel	133,311								

BAQ AND DAA COMPARISON BETWEEN PRESENT (H.R. 6531) AND ALLOTT AMENDMENT TO H.R. 8678[1]

Pay grade	With dependents			Without dependents		
	Present	Allott	Dollar increase	Present	Allott	Dollar increase
E-4	$121.50	$126.90	$5.40	$81.60	$86.10	$4.50
E-3	105.00	114.00	9.00	72.30	76.20	3.90
E-2	105.00	105.00	0	63.90	70.20	6.30
E-1	105.00	105.00	0	60.00	60.00	0

[1] E-4 with over 4 years of service receive BAQ; whereas E-4 with less than 4 years service, E-3, E-2, and E-1 receive DAA allowances.

COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION[1]

Pay grade	Jan. 1, 1971 rates	Present (H.R. 6531)	Allott amendment H.R. 8687
O-10	$40,827	$42,725	$42,725
O-9	36,319	38,107	38,107
O-8	33,042	34,751	34,751
O-7	29,065	30,689	30,689
O-6	24,850	26,389	26,389
O-5	19,796	21,122	21,122
O-4	16,527	17,630	17,630
O-3	13,516	14,501	14,536
O-2	10,166	11,045	11,754
O-1	7,807	8,659	9,782
W-4	16,088	17,074	17,074
W-3	13,097	14,023	14,023
W-2	$11,104	$11,859	$11,859
W-1	9,033	9,738	9,814
E-9	13,417	14,392	14,392
E-8	11,571	12,334	12,334
E-7	9,980	10,634	10,634
E-6	8,611	9,160	9,160
E-5	6,889	7,356	7,445
E-4	5,253	6,189	6,363
E-3	3,931	5,663	5,850
E-2	3,345	5,311	5,488
E-1	3,165	4,872	5,150

[1] Regular military compensation is defined as basic pay, basic allowance for quarters, basic allowance for subsistence and the tax advantage that accrues because the allowances are not subject to Federal income tax.

DISTRIBUTION OF COST BY PAY GRADE—ALLOTT AMENDMENT TO H.R. 8687

[In millions of dollars]

	Basic pay	Basic allowance for quarters	Total
Pay grade—			
O-3	$3.52		$3.52
O-2	43.07		43.07
O-1	44.10		44.10
W-1	.28		.28
E-6	.02		.02
E-5	38.23		38.23
E-4	60.24	$11.90	72.14
E-3	39.68	8.33	48.01
Pay grade—			
E-2	$21.38	$0.30	$21.68
E-1	35.71		35.71
Total	286.23	20.53	306.76
Related costs[1]			74.01
Total			380.77

[1] Related costs are increases in cost of items related directly to the levels of basic pay, such as reenlistment bonus, Government contribution to FICA, pay for Reserve and National Guard, separation payments, pay of cadets and midshipmen, and death gratuities.

DISPOSABLE INCOME COMPARISON[1] (TYPICAL EXAMPLES)

Pay grade	Years of service	Number of dependents	Jan. 1, 1971	Present (H.R. 6531)	Allott (H.R. 8687)
0-10	35	2	$29,464	$30,508	$30,508
0-9	32	2	26,912	27,956	27,956
0-8	29	3	25,169	26,213	26,313
0-7	27	3	22,662	23,706	23,706
0-6	25	3	18,938	19,997	19,997
0-5	17	3	15,552	16,529	16,529
0-4	12	3	13,460	14,305	14,305
0-3	7	3	11,438	12,225	12,225
0-2	2	1	8,251	8,428	9,745
0-1	0	0	6,042	6,714	7,615
W-4	24	3	13,075	13,830	13,830
W-3	19	3	11,026	11,767	11,767
W-2	7	2	$8,374	$9,019	$9,019
W-1	0	0	5,964	6,428	6,637
E-9	23	3	11,123	11,894	11,894
E-8	20	3	9,636	10,263	10,263
E-7	18	3	8,617	9,175	9,175
E-6	10	3	7,241	7,720	7,720
E-5	5	2	6,092	6,495	6,583
E-4	2	0	4,488	5,002	5,145
E-3	1	0	3,262	4,619	4,747
E-2	0	0	2,958	4,411	4,557
E-1	0	0	2,804	4,083	4,290

[1] Disposable income is the cash pay an individual has remaining after deductions for Federal income tax and FICA.

SELECTED EXAMPLES OF MILITARY COMPENSATION[1]

[By pay grade, longevity and number of dependents]

Pay grade and title	Years of service	Number of dependents	Basic pay	Basic Allowance for quarters	Basic Allowance for subsistence	Federal Tax advantage	Regular military compensation	
							Monthly	Annual
0-10—General/admiral:								
Allott	30	2	$2,967.60	$288.00	$47.88	$257.35	$3,560.83	$42,730
Present			2,967.60	288.00	47.88	257.35	3,560.83	42.730
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
0-9—Lieutenant general/vice admiral:								
Allott	30	2	2,618.40	288.00	47.88	225.73	3,180.01	38.160
Present			2,618.40	288.00	47.88	225.73	3,180.01	38.160
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
0-8 Major general/rear admiral (upper half):								
Allott	30	3	2,361.00	288.00	47.88	199.30	2,896.18	34,754
Present			2,361.00	288.00	47.88	199.30	2,896.18	34,754
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
0-7—Brigadier general/rear admiral (lower half):								
Allott	28	3	2,052.60	288.00	47.88	170.87	2,559.35	30,712
Present			2,052.60	288.00	47.88	170.87	2,559.35	30,712
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
0-6—Colonel/captain:								
Allott	24	3	1,662.60	258.30	47.88	123.20	2,091.98	25,104
Present			1,662.60	258.30	47.88	123.20	2,091.98	25,104
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
0-5—Lieutenant colonel/commander:								
Allott	21	3	1,421.10	238.80	47.88	100.91	1,.08.69	21,704
Present			1,421.10	238.80	47.88	100.91	1,808.69	21,704
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
0-4—Major/lieutenant commander:								
Allott	19	3	1,230.30	215.40	47.88	83.30	1,576.88	18,923
Present			1,230.30	215.40	47.88	83.30	1,576.88	18,923
Dollars increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
0-3—Captain/lieutenant:								
Allott	8	3	938.70	195.60	47.88	65.27	1,247.45	14,969
Present			938.70	195.60	47.88	65.27	1,247.45	14,969
Dollars increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
0-2—1st lieutenant/lieutenant (junior grade):								
Allott	4	1	773.10	175.80	47.88	52.24	1,049.02	22,588
Present			773.10	175.80	47.88	52.24	1,049.02	12,588
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
0-1—2d lieutenant/ensign:								
Allott	0	1	593.10	141.60	47.88	37.52	820.10	9,841
Present			495.00	141.60	47.88	37.91	722.39	8,669
Dollar increase			98.10	0	0	—.39	97.71	1,172
Increase (percent)			(19.8)	(0)	(0)	(—1.0)	(13.5)	(13.5)
W-4—Chief warrant/commissioned warrant:								
Allott	24	3	1,056.00	207.90	47.88	73.83	1,385.61	16,627
Present			1,056.00	207.90	47.88	73.83	1,385.61	16,627
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
W-3—Chief warrant/commissioned warrant:								
Allott	21	3	897.90	191.70	47.88	61.31	1,198.79	14,385
Present			897.90	191.70	47.88	61.31	1,198.79	14,385
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
W-2—Chief warrant/commissioned warrant:								
Allott	18	3	781.20	173.70	47.88	48.05	1,050.82	12,610
Present			781.20	173.70	47.88	48.05	1,050.82	12,610
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
W-1—Warrant officer/warrant officer:								
Allott	14	3	673.20	160.80	47.88	41.32	923.20	11,078
Present			673.20	160.80	47.88	41.32	923.20	11,078
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)

Footnotes at end of table.

SELECTED EXAMPLES OF MILITARY COMPENSATION [1]

[By pay grade, longevity and number of dependents]

Pay grade and title	Years of service	Number of dependents	Basic pay	Basic Allowance for quarters	Basic Allowance for subsistence	Federal Tax advantage	Regular military compensation	
							Monthly	Annua
E-9—Sergeant major/master chief petty officer:								
Allott	20	3	$843.90	$184.20	$46.23	$54.94	$1,129.27	$13,551
Present			843.90	184.20	46.23	54.94	1,129.27	13,551
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
E-8—Master sergeant/senior chief petty officer:								
Allott	19	3	772.10	172.20	46.23	43.94	984.47	11,814
Present			722.10	172.20	46.23	43.94	984.47	11,814
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
E-7—Sergeant, 1st class/chief petty officer:								
Allott	18	3	644.10	161.40	46.23	41.12	892.85	10,714
Present			644.10	161.40	46.23	41.12	892.85	10,714
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
E-6—Staff sergeant/petty officer, 1st class:								
Allott	14	3	548.10	150.00	46.23	37.11	781.44	9,377
Present			548.10	150.00	46.23	37.11	781.44	9,377
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
E-5—Sergeant/petty officer 2d class:								
Allott	10	3	461.70	138.60	46.23	35.53	682.06	8,185
Present			461.70	138.60	46.23	35.53	682.06	8,185
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
E-4—Corporal/petty officer, 3d class:								
Allott	5	1	389.40	121.50	46.23	35.11	592.24	7,107
Present			389.40	121.50	46.23	35.11	592.24	7,107
Dollar increase			0	0	0	0	0	0
Increase (percent)			(0)	(0)	(0)	(0)	(0)	(0)
E-3—Private 1st class/seaman:								
Allott	1	0	320.10	76.20	46.23	31.66	474.19	5,690
Present			311.10	72.30	46.23	30.28	459.91	5,519
Dollar increase			9.00	3.90	0	1.38	24.28	171
Increase (percent)			(2.9)	(5.4)	(0)	(4.6)	(5.3)	(5.3)
E-2—Private/seaman apprentice:								
Allott	1	0	306.90	70.20	46.23	29.60	452.93	5,435
Present			299.10	63.90	46.23	27.99	437.22	5,247
Dollar increase			7.80	6.30	0	1.61	15.71	188
Increase (percent)			(2.6)	(9.9)	(0)	(5.8)	(3.6)	(3.6)
E-1—Recruit/seaman recruit:								
Allott	0	0	291.00	60.00	46.23	26.82	424.05	5,089
Present			268.50	60.00	46.23	26.22	400.95	4,811
Dollar increase			22.50	0	0	.60	23.10	278
Increase (percent)			(8.4)	(0)	(0)	(2.3)	(5.8)	(5.8)

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[1] Present refers to the rates prescribed in H.R. 6531.

SELECTED EXAMPLES OF ANNUAL COMPENSATION FOR MEMBERS WITH LESS THAN 2 YEARS SERVICE (FOR PAY GRADE AFFECTED BY ALLOTT AMENDMENT, H.R. 8687)

Pay grade	Title	Number of dependents	Basic pay	Basic allowance for subsistence	Basic allowance for quarters	Federal tax advantage	Regular military compensation	
							Monthly	Annua.
0-3	Captain/lieutenant:							
	Allott (H.R. 8687)	1	$738.90	$47.88	$195.60	$55.43	$1,037.18	$12,454
	Present (H.R. 6531)		654.30	47.88	195.60	50.00	947.78	11,373
	Dollars difference		84.60	0	0	5.43	90.03	1,081
	Percent difference		(12.9)	(0)	(0)	(10.9)	(9.5)	(9.5)
0-2	1st lieutenant/lieutenant (junior grade):							
	Allott (H.R. 8687)	1	674.10	47.88	175.80	45.95	943.73	11,325
	Present (H.R. 6531)		570.30	47.88	175.80	44.30	838.28	10,059
	Dollar difference		103.80	0	0	1.65	105.45	1,266
	Percent difference		(18.2)	(0)	(0)	(3.7)	(12.6)	(12.6)
0-1	2d lieutenant/ensign:							
	Allott (H.R. 8687)	1	593.10	47.88	141.60	37.52	820.10	9,841
	Present (H.R. 6531)		495.00	47.88	141.60	37.91	722.39	8,669
	Dollar difference		98.10	0	0	—.39	97.71	1,172
	Percent difference		(19.8)	(0)	(0)	(—1.0)	(13.5)	(13.5)
W-1	Warrant officer/warrant officer:							
	Allott (H.R. 8687)	1	465.60	47.88	160.80	43.28	716.56	8,599
	Present (H.R. 6531)		441.90	47.88	160.80	42.74	693.32	8,320
	Dollar difference		23.70	0	0	—.46	23.24	279
	Percent difference		(5.4)	(0)	(0)	(—1.1)	(3.4)	(3.4)
E-6	Staff sergeant/petty officer 1st class:							
	Allott (H.R. 8687)	1	392.10	46.23	150.00	40.76	629.09	7,549
	Present (H.R. 6531)		382.80	46.23	150.00	40.80	619.83	7,438
	Dollar difference		9.30	0	0	—.04	9.26	111
	Percent difference		(2.4)	(0)	(0)	(—.1)	(1.5)	(1.5)
E-5	Sergeant/petty officer 2d class:							
	Allott (H.R. 8687)	1	359.70	46.23	138,60	38.69	583.22	6,999
	Present (H.R. 6531)		336.30	46.23	138.60	38.64	559.77	6,681
	Dollar difference		23.40	0	0	.05	23.45	318
	Percent difference		(7.0)	(0)	(0)	(.1)	(4.2)	(4.2)
E-4	Corporal/petty officer, 3d class:							
	Allott (H.R. 8687)	1	333.60	46.23	126.90	36.31	543.04	6,516
	Present (H.R. 6531)		323.40	46.23	121.50	35.17	526.30	6,316
	Dollar difference		10.20	0	5.40	1.14	16.74	200
	Percent difference		(3.2)	(0)	(4.4)	(3.2)	(3.2)	(3.2)

Pay grade	Title	Number of dependents	Basic pay	Basic allowance for subsistence	Basic allowance for quarters	Federal tax advantage	Regular military compensation: Monthly	Regular military compensation: Annual
E-3	Private 1st class/seaman:							
	Allott (H.R. 8687)	0	$320.10	$46.23	$76.20	$31.66	$474.19	$5,690
	Present (H.R. 6531)		311.10	46.23	72.30	30.28	459.91	5,519
	Dollar difference		9.00	0	9.30	1.38	14.28	171
	Percent difference		(2.9)	(0)	(5.4)	(4.6)	(3.1)	(3.1)
E-2	Private/seaman apprentice:							
	Allott (H.R. 8687)	0	306.90	46.23	70.20	29.60	452.93	5,435
	Present (H.R. 6531)		299.10	46.23	63.90	27.99	437.22	5,247
	Dollar difference		7.80	0	6.30	1.61	15.71	188
	Percent difference		(2.6)	(0)	(9.9)	(5.8)	(3.6)	(3.6)
E-1	Recruit/seaman recruit:							
	Allott (H.R. 8687)	0	291.00	46.23	60.00	26.82	424.05	5,089
	Present (H.R. 6531)		268.50	46.23	60.00	26.22	400.95	4,811
	Dollar difference		22.50	0	0	.60	23.10	278
	Percent difference		(8.4)	(0)	(0)	(2.3)	(5.8)	(5.8)

COMPARISON OF PERSONNEL AFFECTED

Pay grade	Estimate of personnel affected by— Present, H.R. 6531	Estimate of personnel affected by— Allott amendment H.R. 8687
O-10		
O-9		
O-8	152	
O-7	296	
O-6	8,782	
O-5	24,063	
O-4	39,945	
O-3	55,431	18,234
O-2	39,173	39,518
O-1	38,426	38,893
W-4	1,569	
W-3	1,829	
W-2	8,500	
W-1	2,503	942
Subtotal	220,669	97,587

Pay grade	Estimate of personnel affected by— Present, H.R. 6531	Estimate of personnel affected by— Allott amendment H.R. 8687
E-9	8,954	
E-8	24,586	
E-7	89,810	
E-6	164,381	179
E-5	234,740	302,966
E-4	576,550	560,607
E-3	371,365	371,365
E-2	229,862	229,862
E-1	132,271	132,271
Subtotal	1,832,519	1,597,250
Total	2,053,188	1,694,837

EFFECT OF PAY PROPOSAL ON DRILL PAY FOR RESERVISTS AND NATIONAL GUARDSMEN FOR 1 WEEKEND DRILL (MUTA 4)

Pay grade	Longevity	Jan. 1, 1971	Present (H.R. 6531)	Allott (H.R. 8687)
O-3	Under 2 years	$87.24	$87.24	$98.58
O-2	do	69.92	76.04	89.88
O-1	do	60.08	66.00	79.06
E-5	do	39.64	44.84	47.98
E-4	do	33.32	43.12	44.40
E-3	do	24.12	41.48	42.62
E-2	do	19.88	39 88	40.98
E-1	do	19.16	35.80	38.82
E-1	Under 4 months	17.92	35.80	38.80

BASIC PAY TABLE IN SUPPORT OF ALLOTT AMENDMENT TO H.R. 8687

Pay grade	Years of service: Under 2	2	3	4	6	8	10	12	14	16	18	20	22	26
Commissioned officers:														
O-10	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,910.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00
O-7	1,408.20	1,404.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
O-5	[1]922.20	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
O-4	[1]825.00	[1]867.60	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30
O-3	[1]738.90	[1]772.50	[1]789.90	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.60	1,063.80	1,063.80
O-2	[1]674.10	[1]706.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1	[1]593.10	[1]629.70	[1]653.40	[1]653.40	[1]653.40	[1]653.40	[1]653.40	[1]653.40	[1]653.40	[1]653.40	[1]653.40	[1]653.40	[1]653.40	[1]653.40
Commissioned officers with over 4 years active service as an enlisted member:														
O-3	0	0	0	864.90	906.00	938.70	989.10	1,038.30	1,080.30	1,080.30	1,080.30	1,080.30	1,080.30	1,080.30
O-2	0	0	0	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.30	914.40	914.40	914.40
O-1	0	0	0	[1]653.40	[1]679.20	[1]702.90	[1]724.50	[1]747.30	773.10	773.10	773.10	773.10	773.10	773.10
Warrant officers:														
W-4	666.30	714.60	714.60	731.10	764.40	798.00	831.00	889.80	930.60	963.90	989.10	1,022.10	1,056.00	1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W-1	[1]465.60	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20
Enlisted members:														
E-9	0	0	0	0	0	0	756.90	774.30	792.00	809.70	827.70	843.90	888.60	975.00
E-8	0	0	0	0	0	635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	443.40	478.50	496.20	513.60	531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	683.60
E-6	[1]392.10	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	[1]359.70	[1]378.60	[1]393.90	[1]409.80	[1]426.90	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	[1]333.60	[1]351.30	[1]368.70	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	[1]320.10	[1]336.60	[1]351.00	[1]367.20	[1]367.20	[1]367.20	[1]367.20	[1]367.20	[1]367.20	[1]367.20	[1]367.20	[1]367.20	[1]367.20	[1]367.20
E-2	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90	[1]306.90
E-1	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00	[1]291.00

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[1] Amounts affected by proposed increase.

Note: C/S 3,000.00; M/S 1,185.00.

[In percent]

	Under 2		Over 2	
	Enlisted	Officer	Enlisted	Officer
AVERAGE BASIC PAY INCREASES				
1952	4.0	4.0	4.0	4.0
1955	0	0	12.2	12.2
1958	0	0	8.4	12.8
1963	0	0	15.5	18.8
1964	0	8.5	2.5	2.5
1965	17.3	22.0	11.0	6.0
1966	3.2	3.2	3.2	3.2
1967	5.6	5.6	5.6	5.6
1968	6.9	6.9	6.9	6.9
1969	12.6	12.6	12.6	12.6
1970	8.1	8.1	8.1	8.1
1971	7.9	7.9	7.9	7.9
H.R. 6531	61.2	9.1	3.0	0
Allott amendment (H.R. 8687)	3.8	18.9	1.0	.9
CUMULATIVE PERCENTAGE INCREASES				
Jan. 1, 1971	79.4	102.5	144.5	149.4
H.R. 6531	189.2	120.9	151.8	149.4
Allott amendment	200.2	162.7	154.3	151.6

Mr. ALLOTT. Mr. President, I yield the floor.

QUORUM CALL

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENTSEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. STENNIS. Mr. President, am I in control of this time?

The PRESIDING OFFICER. The Senator has 90 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. Mr. President, I am in favor of the pending amendment. I do not believe we will have any trouble on it.

Mr. President, I have a brief statement to make on the pending amendment. I have a communication here from the General Counsel of the DOD which purports to speak for the administration and the President regarding the matter. But first I want to bring forward a statement I made on the floor of the Senate on September 16, 1971, during debate on what is known as the extension and revision of the Draft Act. This matter came up when the Senator from Colorado was making his arguments against the conference report, and in favor of tabling it the remarks I made were based on the fact that the conference report would be agreed to, as it now has been, and signed by the President, and be the law of the land.

I stated at that time:

> If the President says that in order to make the plan work that is in the conference report—in order to make it work and carry it out—this manpower plan needs the additional money—he has not said this in his other recommendations to us—but if he does make that recommendation, I will favor it and support his recommendation. This is entirely in line with my position all the time to favor giving him the necessary funds to solve the manpower problem in our service.
>
> This, I have assured the Senator, and am glad to assure anyone, that I would look with greatest interest on an amendment to fill out what the President now thinks is necessary, should the plan not stand up under examination. I would do this even if the amendment had to come in on the military procurement bill, because of the time elements, there being no other salary bill up this year.
>
> I speak only for myself, though, in saying that I can support it.

So, Mr. President, as I shall show later, the President has made such a recommendation in a letter addressed to me through the Counsel for the DOD.

Now a few preliminary remarks:

Mr. President, I would like to make a few brief comments on the amendment offered by the Senator from Colorado (Mr. ALLOTT). This amendment would add $381.1 million on an annual basis to the $2.4 billion increase in military pay under the conferees' agreement. I have a chart here that compares the total costs, on an annual basis, of the original administration, House and Senate pay proposals, the conferees' agreement, and the Allott amendment.

The rates proposed by Senator ALLOTT would, of course, more closely approximate the increases originally voted by the Senate when it accepted the Gates Commission pay rates. Of the $381-million increase under this amendment, about $360 million or 95 percent will go into basic pay primarily for junior officer and junior enlisted personnel, that is, first termers. For example, the E-1—recruit—will receive $291 under this amendment, an increase of $156.60 or 116 percent over the present rate of $134.40 and an increase of $22.50 or 9 percent over the conferees' rate of $268.50. An O-1—2d lieutenant—with under 2 years of service, will receive $593.10 under this amendment, an increase of $142.50 or 32 percent over the present rate of $450.60, and an increase of $98.10 or 20 percent over the conferees' rate of $495. As one can see, the present amendment would provide fairly sizable increases for the first termers over what the conferees' had proposed.

Now, Mr. President, I have a letter here from the General Counsel of the DOD, Mr. J. Fred Buzhardt, which I should like to read into the RECORD. The letter is dated September 23, 1971. It is addressed to me as chairman of the Committee on Armed Services, and it reads:

> This is in response to your request for the views of the Executive Branch with respect to Amendments No. 430, intended to be proposed by Senator Allott, for himself and others, to H.R. 8687.
>
> The amendment would provide pay increases estimated to cost $381 million for the armed forces on an annual basis. Of this amount, about $185 million would go to personnel with less than two years' service; and about $196 million to personnel with more than two years' service. Almost all of the proposed increase would be placed in basic pay.
>
> There is no way to determine at this time the precise levels of pay that might ultimately be required to achieve an all-volunteer force; or even the most efficient allocation of such pay among the various elements of military compensation, including the special and incentive hazardous duty pays.
>
> It is possible to determine with reasonable accuracy, however, particularly at the entry level, the compensation required to be reasonably competitive with civilian pay alternatives for personnel with qualifications similar to those needed by the armed forces. We believed that the pay provisions in the conference report on H.R. 6531 met the tests of equity and competitiveness. For that reason we strongly supported the conference report.
>
> During the course of Senate and House consideration of the conference report on H.R. 6531 various members of Congress expressed strong support for even higher pay increases than were contained in the report. Although the Department of Defense fully supported the conference report, we concur in the additional increases proposed to be provided in Mr. Allott's amendment.
>
> The Office of Management and Budget advises that, there is no objection to the presentation of this report and that adoption of the amendment would be in accord with the Program of the President.
>
> Sincerely,
>
> J. FRED BUZHARDT.

Mr. President, that is the ordinary way of making a budget recommendation by the President under circumstances of this kind. Ordinarily what we call a budget recommendation is his request for money to carry out existing law. But this amendment is not law. This is just a code. So it does not come in the ordinary request for the money. It comes in the form of requests here that the Office of Budget and Management provide for this if there is no objection to the presentation. It also advises that agreement to the amendment would be in accord with the program of the President.

It would have to have the approval of the President. I am advised by the staff members who are very familiar with all of the customs and precedents that this is a recommendation of the President for the authorization of this pay scale, and that he in turn would ask for the money.

If there is any question here of any percentage reductions or anything that would apply to a freeze or anything of that kind, if this becomes law, it would apply to this part as well as the other.

Mr. President, this presents the matter. I am not speaking for the committee on this, as I have said. I am speaking, as I was the day that I made this statement on the floor.

Under these circumstances and in the light of the Presidential report on the amendment, I will vote for it. I support it in that way.

Mr. President, unless there are some questions, I yield the floor, but before doing so I ask unanimous consent that a comparison of the original Senate amendment, the present Allott amendment, and the conference report rate of basic pay be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ANNUAL COST OF ORIGINAL ADMINISTRATION, HOUSE AND SENATE PAY PROPOSALS, CONFEREES AGREEMENT AND ALLOTT AMENDMENT

[Based on 2,553,000 average force as stipulated by the Senate and as accepted in conference]

	Administration	House	Senate	Conferees agreement	Allott amendment
Basic pay	900.9	1,811.2	2,646.2	1,811.2	2,171.8
Dependents Assistance Act	78.4	182.7	78.4	105.1	123.8
Basic allowance for quarters	0	635.1	0	406.6	408.4
Basic allowance for subsistence	0	37.5	0	0	0
Enlistment bonus	40.0	0	40.0	20.0	20.0
Recruiter expenses	2.9	2.9	2.9	2.9	2.9
Optometrists	0	.5	.6	.6	.6
DAA Reservists	20.0	20.0	0	20.0	20.0
Totals	1,042.2	2,689.9	2,768.1	2,366.4	2,747.5

Mr. MOSS. Mr. President, will the Senator from Mississippi yield me 5 minutes?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, the Senator from Maryland (Mr. MATHIAS) and I have been discussing a proposed amendment by the Senator from Maryland. I would like to inquire of the Senator from Maryland whether he proposes to call the amendment up during the debate today, or what is his plan concerning the amendment that the Senator from Maryland has to offer?

Mr. MATHIAS. Mr. President, I am glad to respond to the question of the distinguished Senator from Utah.

I have stated often in the past weeks that I support the President's new economic policies. I believe the times called for bold, decisive action, and that the President responded appropriately. I hope that the three major pieces of legislation which he recommended—the job development credit, the repeal of the auto excise tax, and the acceleration of the standard personal income tax exemption—will be approved by the Congress in the very near future.

I believe very deeply, with the President, that both the benefits and the burdens associated with the new policies must be shared equitably by all Americans. But it is becoming clear that under the temporary order first announced, civilian employees of the Federal Government will be singled out to shoulder special burdens without commensurate benefits. The President has declared that the wage-price freeze will terminate in mid-November. Yet the freeze on the legislatively enacted raises for civilian Federal employees is still slated to last until July 1 of next year. Congress provided for these pay increases to bring the level of Federal salaries more in line with those of private industry. But now our public servants are asked to go to the end of the line and stand hat-in-hand for 8 more months. This is unfair to the individuals and families involved who should not be favored over other Americans, but who also should not be prejudiced by the fact that they spend their lives in public service.

I have an amendment which is prepared containing additional language and will follow the pending amendment, the so-called Allott amendment.

It would have the effect of permitting Federal civilian employees to receive such additional compensation as is contemplated by the existing act of Congress which called for a pay increase at the end of the current year, but only to the extent, Mr. President, that Phase II of the President's economic program allows increases to anyone else in the country. In other words, the purpose is to confine the Federal employees to the scope of the President's overall economic stabilization plan. It is not punitive as far as they are concerned. It does not say that, regardless of what happens to other Americans, they can get a pay raise. At the same time, it does not say that they will get a pay raise if other Americans are being held down.

It merely phases all Federal employees into the President's economic program and treats them exactly the same as everyone else.

If no one else gets a pay raise, the Federal employees would still be frozen even if the amendment were agreed to. However, if the economy becomes more flexible and other Americans are given greater compensation, the Federal employees would be compensated accordingly.

In response to the question the Senator propounded, I have the amendment at the desk. However, after some previous conversations with the Senator from Utah and with the distinguished Senator from Wyoming (Mr. MCGEE), the chairman of the Committee on Post Office and Civil Service, and the distinguished Senator from Mississippi (Mr. STENNIS), the chairman of the Armed Services Committee and the manager of the pending bill, I see that there are some advantages in not calling the amendment up as part of the debate on the Allott amendment.

I am advised that there will be 3 hours left on the bill after the scheduled vote on the Fulbright amendment on Wednesday and that it would be possible to call it up at that time.

This would give an opportunity for the Senate Committee on Post Office and Civil Service to consider a resolution of disapproval with either a straight resolution or with some language such as mine which folds it into the President's program.

It also contemplates the fact that in the other body there is expected to be a vote sometime this afternoon which may lift this whole problem out of our hands.

It would be my contemplation that I would have the amendment printed and that it would be available to be called up, and that I would call it up during the remaining time for debate. However, I would be governed by the action on the Senator's amendment and the action of the other body in the meantime.

Mr. MOSS. Mr. President, I thank the Senator from Maryland for his response.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 5 additional minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 additional minutes.

Mr. MOSS. Mr. President, I want to make it clear that I agree entirely with the objective of the Senator from Maryland. I think it is very inequitable and there is no justification to single out Federal employees for a special freeze and delay the achieving of pay comparability.

There would be inequity involved if one section of the economy were to continue to receive increases while the wages of Federal employees were to remain frozen. This becomes especially inequitable if one considers that the pay increase already enacted by Congress and signed into law to become effective in January was simply to attain comparability and bring wages into line with the private sector. To single out the Federal employees and delay this any longer is certainly inequitable.

Therefore, on the 17th of September of this year, I submitted Senate Resolution 169 which is now pending before the Senate Committee on Post Office and Civil Service.

I have assurances from the chairman of that committee that a meeting will be called this week, depending again on what happens in the other body today, and that this matter could then be reported and the Senate would have its option then to vote up or down on this particular issue.

I, therefore, commend the Senator from Maryland in his willingness not to press the matter at this time until we see if this issue can be presented in this open manner directly, and not involved in the particular bill before us.

There are certain disabilities to attaching the amendment to this bill because the bill would have to go to conference and through all the hurdles to eventually become law, whereas if the Senate decides it wants to free the Federal employees and give them equity and adopt the resolution, that would settle the matter there. I think the matter should be presented squarely on the merits.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. MOSS. I am glad to yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I have before me an editorial which was printed in the New York Times today. I think the editorial states the matter so succinctly that it is worth quoting from. I will read one paragraph from the editorial:

> But it is perfectly plain that the guidelines to govern wages in Phase Two of the

stabilization effort will permit moderate increases, primarily geared to productivity. There is no earthly justification for shutting Federal employes out of such increases, especially since the whole basis for the raise they are now slated to get is comparability with increases already in effect for similar work in the private economy.

I think that is the case we have to make and will make in support of the amendment.

Mr. President, I ask unanimous consent to have the editorial from the New York Times of October 4, 1971 printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 4, 1971]

EQUITY FOR FEDERAL EMPLOYES

A quality of near-hysteria seems to have entered the Administration's campaign to win Congressional approval for the unequal sacrifices the White House seek to inflict on Federal civilian and military employes as part of the national war against inflation. In a week end statement President Nixon asserted that efforts to restore prosperity would be "torpedoed" if Congress upset his order to defer for six months the 6 per cent pay increases Federal workers are scheduled to get Jan. 1.

If Mr. Nixon were proposing that the scheduled increase be made subject to whatever restraints apply to all wages after the present nationwide freeze expires Nov. 13, his statement would be absolutely correct. No group—public or private, civilian or military—should be exempt from the general incomes policy established to check the spiral of wage-price inflation.

But it is perfectly plain that the guidelines to govern wages in Phase Two of the stabilization effort will permit moderate increases, primarily geared to productivity. There is no earthly justification for shutting Federal employes out of such increases, especially since the whole basis for the raise they are now slated to get is comparability with increases already in effect for similar work in the private economy.

The Government's best hope for an effective fight against inflation lies in convincing all Americans that its program is based on equality of sacrifice. That means no loopholes for overly powerful industries or unions and, by the same token, no double burdens for those deprived of economic weapons by a legal ban on strikes.

AMENDMENT NO. 455

Mr. MATHIAS. Mr. President, if the Senator will yield further, I will now send the amendment to the desk and request that it be printed. In line with our previous colloquy on this subject, I will be prepared to call it up after the vote on the Fulbright amendment Wednesday.

The PRESIDING OFFICER (Mr. BENTSEN). The amendment will be received and printed, and will lie on the table.

Mr. MOSS. I thank the Senator for his response to my original question. I think the record is now clear as to what we might expect on the matter of the freeze of Federal salaries and what the options will be in this body in dealing with that problem.

I want to proceed as I indicated with the Committee on Post Office and Civil Service, hoping to have a resolution before it and to the floor and ready for action prior to midnight Thursday which is the deadline by which this body may act.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MOSS. Mr. President, if I may have 30 seconds more, midnight Thursday is the deadline by which this body must act if it is going to act under the provisions of the act which provide comparability and, therefore, the matter would have to be called up sometime on Thursday or earlier.

I thank the Chairman of the Committee on Armed Services for yielding to me.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum, and it may be a live quorum.

Mr. STENNIS. There are other speakers to whom I wish to yield time.

The PRESIDING OFFICER. Does the Senator from Colorado withhold his request?

Mr. ALLOTT. Mr. President, I withhold my request.

Mr. STENNIS. Mr. President, I am glad to yield 5 minutes to the distinguished Senator from Maine and such additional time as she may desire.

Mrs. SMITH. Mr. President, I am constrained to oppose the Allott amendment now before us even though I am sure that it will pass. The genesis of the Allott amendment now before us came this past June when the House and Senate conferees were in conference trying to come to an agreement with respect to the different versions of the draft extension bill as passed by each body. A major difference between the House bill and the Senate bill related to proposed pay between careerists and so-called first termers as provided in the original Allott amendment that was adopted by the Senate over the opposition of the President, the chairman of the Senate committee, myself, and others.

On June 16, 1971, Mr. Labre Garcia and Mr. Charles J. Conneely of the staff of the Senate Committee on Armed Services presented to me for my consideration a draft of a compromise proposal to be offered to the conferees, of which I was one. This proposed compromise had been worked out with Lt. Col. (then major) Paul Arcari of the office of the Deputy Assistant Secretary of Defense for Military Personnel Policy.

After studying the proposal, I notified Mr. Garcia and Mr. Conneely on June 26, 1971, that I had decided not to offer the proposal. I stated that I preferred to stay with the President's position on the issue and that I felt it more appropriate to let the chairman take the lead in this matter in conference. That proposal which I rejected is identical with the present and new Allott amendment now before us.

I say that I believe the Allott amendment will pass simply because I recognize that it is the price to be paid for his withdrawal of his opposition to the draft extension conference report when there was serious doubt as to the adoption of the report because of Senator ALLOTT's opposition and when Senator ALLOTT agreed to withdraw his opposition if the Allott amendment now before us would be placed as a rider to the military procurement bill.

Senator ALLOTT came to me on the Senate floor prior to his withdrawal of his opposition to the draft extension conference report and asked me if I would agree to support his new amendment, which is now before us, as a rider to the military procurement bill. I told Senator ALLOTT that I had opposed his amendment because the President had opposed it in his economic policy and that I would not change my position unless the President himself asked me to do so. I made the same statement to Mr. Clark MacGregor, Counsel to the President for Congressional Relations, as did my assistant to Mr. Tom C. Korologos of the White House Senate liaison staff.

The President has not asked me to change my position and support the Allott amendment. I first decided to oppose this proposal and so expressed myself to Mr. Garcia and Mr. Conneely back on June 26, 1971, when they presented the identical proposal as contained in the Allott amendment presently before us.

We have already voted in the adoption of the Draft Extension Conference Report the largest military pay increase in history. It is not only equitable but it is truly competitive with wagelevel s in the civilian economy.

I cannot believe that the President really deep down in his heart favors the Allott amendment but, rather, to use his own words, considers it to be "political profiteering" because it clearly runs contra, and very seriously so, to his economic policy of greater austerity in trying to fight inflation by cutting down Federal expenditures. Perhaps he does now officially support the Allott amendment after his original opposition to it—his support being the price paid to get the draft extension bill finally passed.

But the price to be paid is too high for me to be willing to agree to pay—for that price is an estimated additional annual cost of $381 million. I just do not think this is in the best interest of the American people, whether they be taxpayers or not, because it will further fan the fires of the inflation Americans are suffering from, whether it be in the prices they pay for goods and services or it be in the jobs they have lost to lower price foreign markets.

The additional compe nsation increases now proposed by the Allott amendment would, among other things, add approximately $15 to $16 per month to the pay authorized young enlistees with less than 2 years of service. Now I just cannot believe that adding only 50 cents a day to the pay of young potential enlistees would materially affect their decision to either enter or remain in the career military service and guarantee a successful manning of an all-volunteer Armed Force.

In the recent past, the Senate Armed Services Committee set a precedent of opposing personnel action riders on military procurement legislation when it refused to agree to the then proposed three-star rank for the Chief of the National Guard Bureau even though the then Chairman of the House Armed Services Committee militantly insisted upon such acceptance. I think the committee acted wisely in refusing to combine personnel riders with hardware procurement legislation. I think it unwise to do so in this case.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I certainly appreciate the sentiments and statements of the Senator from Maine and can fully understand her reasoning and her position.

I wish to reiterate a point I made when this matter came up on September 16, as reflected by the Record at page 32215. When the pay scales become law, which are included in this amendment, I certainly will not yield one bit on my insistence that we go after quality men. With these high pay scales for the lower grades, I think the Army can be filled up with category 4, the lowest category that is eligible to be taken in. They can earn all this money, and we still will not have an Army and we will not have the material that will make an Army. I insisted that it not be done just to make a plan work or make a showing about what can be done with these increased salaries. I am going to have a special statement to make along that line elaborating more on the same principle as soon as we pass the bill on Wednesday.

I want to make that clear. I do not waive my position or any of my beliefs on the matter of quality people only. I think virtually all of the members of the full committee will feel the same way.

There is one other point about the amendment. It runs the money up somewhat, but I conceded the fact when I agreed to support it. That was in line with an amendment that had been adopted by a majority of the Senate. I had resisted it at the time, but, after all, it was adopted. When we went to conference, I thought that the best adjustment we could get was the one we did get, and we got some of the quarters allowances increased, which I thought was important, and brought that back as a part of the compromise.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. STENNIS. Mr. President, I yield myself 2 more minutes.

Of course, those figures stay in the law, because the conference report was adopted, and this measure will be in addition.

I think the big point here is the type of people we are going to take in. No service has to take any person, and I am going to urge the changing of a rule—it is not the law, but there is a rule—that they have to take a certain percentage of these low-category people. I thought it was a great mistake then. I think it is now. I will urge that it at least be changed.

Mr. President, that concludes my remarks. I yield back the remainder of the 2 minutes I allotted myself.

Mr. ALLOTT. Mr. President, I have listened with great interest to the remarks of the distinguished ranking member of the Armed Services Committee, and I think it is incumbent upon me to say I never did have any commitment from her for support of this amendment. So her statement, of course, is entirely correct. I never did.

I would just like to make one or two statements that it occurs to me I need to make in commenting on her remarks. The Senator from Maine made the remark that 50 cents does not mean much, and that is quite true. Fifty cents a day does not mean much to one unless he is close to a poverty level, and that is where we have been keeping these people. I have been there. I know. I have seen the time when 50 cents a day would look awfully good to me, and I am sure it will look good to some of these people.

The ones the Senator from Maine is talking about are recruits, and they are recruits for only 3 or 4 months, and then they go up proportionately.

I note that for a second lieutenant with one dependent my amendment means an increase in regular military compensation of $1,172, or 13.5 percent, which brings these people up to where I think they belong.

I made the point particularly at the time the Allott amendment originally came up that one does not have to be for a volunteer army to be for the Allott amendment. I think it is the only thing that will make a volunteer army halfway feasible. But whether one is for a volunteer army or whether one is against it, as some with whom I have talked outside are, we now have a commitment from the chairman of the Armed Services Committee that he will hold hearings on that matter next year. Whether one is for it or against it, one thing is certain, and that is that we simply cannot continue to raise the pay of military people by percentages, because when we do that, the rich get richer and the poor get children. That is all they get—they do not get money.

As I pointed out a few minutes ago, between 1952 and 1965 I believe these lower grades went without any increase at all.

Let us look at the record and take a look at this evidence. Since the passage of the original Allott amendment, I have talked with hundreds of people here, which I do not think is necessarily a cross-section of the country, but also in other places, and particularly in my own State. I naturally would expect the young men to agree with my amendment, because they are the ones who either through volunteering, or volunteering because the draft is imminent, or because they are going to serve as a result of the draft, are going to serve in these grades. I would naturally expect their support and their approbation, but the thing that has been outstanding to me, Mr. President, about this is the experience I have had with other people and the number of people in my State of middle age—and when I say middle age I am talking about people from 40 to 60 years of age—who have no idea of ever being in the military service again, who have come up to me and said, "This is the greatest thing. We are all for you. It ought to have been done a lone, long time ago."

Then, Mr. President, I was equally astounded just a week ago when I had an occasion to be in a group of very high ranking military people—and I mean high ranking—and I was again pleasantly and happily surprised to find several—at least seven or eight—two-, three-, and even four-star generals, and some brigadiers, who said to me that I was pursuing the right path, and that they were glad to see me waging this fight.

So, taken all in all, I do not think we have to get into a numbers game here. All I am trying to do, and all I have ever tried to do by this proposal, is bring a very simple sense of ethics and fairness to the treatment of these men in the lower grades, the E–1's, 2's, 3's, and 4's, and the O–1's and 2's.

Mr. President, if the distinguished chairman of the committee is ready, as far as I know, I have no further speakers on this side, and I would be amenable to a quorum call. First, however, the matter to which I referred the Senator a while ago is that in my amendment, on page 3, in the table between lines 2 and 3, in the O–1 category, for those over 2 years, the figure is $629.79. The Government Printing Office seems to have run out of ink and it is a little faint at this point, but I believe the figure shown is $629.79 That figure should be $629.70, and I modify my amendment accordingly.

The PRESIDING OFFICER. Is there objection to the Senator's modifying his amendment? The Chair hears none, and it is so ordered.

Mr. BEALL. Mr. President, almost 2 years ago, former Secretary of Defense, Thomas Gates, chaired a commission that studied in depth, the feasibility of establishing an all volunteer Army. The President, a long time backer of the concept of a volunteer military, made this report available to the appropriate committees of the Congress shortly after it was completed. I regret to say that we were slow to respond to this proposal, thus making the recent extension of the draft a necessity.

The pay provisions contained in the recently enacted Selective Service Act of 1971 were an important first step. Our distinguished colleague, the Senior Senator from Colorado, made a clearly significant contribution to that legislation by successfully guiding through the Senate a military pay raise proposal that was designed to bring the greatest possible benefits to the men in the lowest grades. Differences between the House and Senate passed pay raise proposals obligated the conferees to seek a compromise. I commend the Senate conferees lead by the distinguished chairman of the Armed Service Committee, Senator Stennis, and the able ranking member, the senior Senator of Maine, Mrs. Smith, for their fairness and tenacity in putting forth the Senate position relative to this issue.

I rise today, Mr. President, to announce my firm support for Senator Allott's second military pay raise amendment which will, if enacted, became an integral part of the military procurement bill which is presently pending before this body.

I have long favored the concept of a volunteer army. The draft is at best a necessary evil, which I believe, to be a basically ineffective and inefficient method of providing the manpower needed to guarantee our national security. It may, from time to time, be necessary for the Congress to authorize the President to induct men and women into our Nation's military forces but I think that it is equally incumbent upon Congress to do everything in its power to see that our manpower needs are met in a less distasteful fashion.

I believe that Senator ALLOTT's pay raise proposal is the second significant legislative step that is necessary to achieve the objective of a volunteer army. We now have the opportunity to approve this amendment and hopefully gain the concurrence of the House of Representatives so that this higher pay scale can go into effect as soon as the present wage-price freeze expires on November 13.

Today, we have an opportunity to improve the quality of our Nation's military forces, to strengthen our national defense, to reward in a fashion commensurate with their responsibilities and their sacrifices the men who seek to defend the freedom of all Americans and last but not least to seek to promote and expand to the greatest degree possible the concepts upon which our Nation was founded.

Mr. President, I believe that the enactment of this legislation is of vital importance to the well-being of our Nation and I would hope that the overwhelming majority of my colleagues will join me in supporting the amendment offered by our able colleague from Colorado.

Mr. BROOKE. Mr. President, I am pleased to join with Senator ALLOTT and others of my colleagues in urging the adoption of this most important amendment to the military procurement bill.

For many years, I have urged the termination of our present unfair selective service system, and the institution of an all volunteer Armed Force. Before such a transition can be accomplished, however, it is absolutely imperative that the military pay scale be increased to the point where military service will be economically attractive to the potential volunteers. Nowhere is a substantial increase in pay more essential than in the lower ranks, where men and women receive their introduction to military life.

At the present time, a recruit receives an annual salary of $3,245 per year—including quarters allowance and other benefits. Under the bill which passed the Senate on June 24, persons in this rank were to be paid $5,320 per year; the House approved a pay rate of $5,036 per year. Yet the conferees approved a pay rate of only $4,872 per year, or an annual salary barely above the poverty line. Similar transformations occurred in the pay rates approved for others of the lower ranks: privates, PFC's, and corporals. Not until the rank of sergeant is reached do the figures adopted by the conference committee represent a true compromise between the House and Senate figures, and therefore an amount which represents an essentially equitable rate of pay.

The fact that the amounts approved by the conference committee represent an increase of as much as 50-percent over present pay rates is, in my judgment, insufficient reason for the retention of the conference figure. We are primarily concerned with making military pay comparable to salaries in the civilian sector, not to previously inadequate levels of military compensation.

The pending Allott amendment seeks to correct this serious inequity in the military pay scale. It would include many of the rates previously approved by the Senate, with certain modifications to accommodate increases which have already been approved for certain of the higher ranks. The bulk of the increase, however, would go to the lower ranks where it is most needed. At a cost of $238 million for the first year—a cost which the President has already said he is willing to accept—we can remove our lower-ranking servicemen and their families from the welfare rolls, we can grant to military service the dignity and the selfsufficiency which it truly deserves, and we can correct a longstanding injustice to the young men of our Nation, both those who serve and those who choose not to do so.

I am pleased to join with my distinguished colleague from Colorado, once again, in support of this measure. I strongly urge the adoption of the pending amendment.

Mr. STAFFORD. Mr. President, the progress this administration and this Congress have made toward ending draft calls and creating an all-volunteer armed force is historic.

The Department of Defense has undertaken a massive program designed to create a more professional, efficient, and effective Armed Force while at the same time eliminating much of the irrelevant, but harrassing aspects of military life. I appreciate the fact that the armed services are currently going through a period of upheaval. Winding down from a 3½-million-man force to under 2½ million men is a logistics problem of momentous proportions. Nevertheless, the services are to be credited for making the needed effort to modernize and to gear up for a volunteer force. The recruiting command is expanding; new enlistment options are becoming available; reforms of procedures and routines of daily life are moving ahead. More is needed, but the administration has demonstrated its commitment by a most auspicious beginning.

Mr. President, it is against this backdrop, that I would hope the Senate would accept the amendment offered today by Mr. ALLOTT. Passage of this amendment will demonstrate that Congress is willing to do its share to move this Nation closer to the goal of a volunteer Armed Force.

The Military Selective Service Act which was signed by the President just last week takes several steps toward ending draft calls. It provides for an experimental program of enlistment bonuses; it provides a reimbursement for recruiters for out-of-pocket expenses; and it sets new, realistic limits on the active duty strengths for the Armed Forces.

Most significant, however, is the pay raise provided in that bill. The President signed into law last week the largest pay raise for military personnel in history. Yet, the Senate now has before it an amendment to correct a deficiency in those rates. The distinguished Senator from Colorado has made it perfectly clear why this amendment is necessary.

There are two points, however, which I feel deserve special attention. First, is the issue of pay for the first-termer. For too long, since 1948 to be exact, Congress has taken advantage of the presence of a draft to depress unnecessarily the pay for our first-term personnel to a level far below that of their civilian counterparts. It is time this inequity is eliminated completely. If we fail to pass this amendment today, every time we give the military an across the board cost-of-living increase, we will be punishing the first-termer. This is true because without this amendment, that first-termer will still lag significantly behind his civilian counterpart. And every time there is a pay raise, the percentage increase given to everyone will be applied to a basic pay rate which, for the first-termer, is too small, and thus the increase will be too small. In fact, we will be compounding our error. It is time now that we correct that pay curve, so we will not be continuing our inequity day after day.

The earlier we correct these pay tables, the earlier we will remove the penalty for enlisting in the Armed Forces now placed upon our young men. This amendment gives us the opportunity to end the financial sacrifice we require of those who would serve our Nation in uniform; and the longer we delay, the more difficult it is to correct our errors.

The second point I want to raise, Mr. President, is a simple one of arithmetic. The President's freeze of the recently passed pay raise will save approximately $328 million for the current fiscal year. The cost of the Allott amendment is $238.2 million for the remainder of this fiscal year. Thus, we are in fact spending less than the total Congress just enacted. We are spending some $90 million less. So no one can claim that the cost of this amendment is violating the President's economic program; no one can claim that a correction in a 23-year inequity is doing damage to our economic health.

Mr. President, just last week President Nixon made this statement in signing the draft measure:

> I am most hopeful that this is the last time a President must sign an extension of draft induction authority.

In order to help him fulfill that goal, I want to add my support to that of the President's, the distinguished chairman of the Armed Services Committee and to many others for passage of this amendment.

Mr. BAKER. Mr. President, I cannot express too strongly my support for the pending amendment.

Although the Congress has just extended the authority of the President to draft American men into the Armed Forces of the United States, it is the stated policy of the President to reduce draft calls to "zero" well before the expiration of this new draft authority. In this regard, I am encouraged by recent estimates that the calendar 1971 draft totals are likely to be the lowest since 1962.

Historically, enlisted men in the lowest pay grades—and the same is generally true for officers in the most junior grades—have been paid at extremely low rates. These subsistence rates have been possible, because of the draft. Draftees and draft-induced volunteers, having had no choice with respect to entering the service, have consequently had little to say about their pay scales. The fact that men are inducted against their will and then paid far less than comparable exertions and responsibilities would earn them in a competitive economic arena is not the least of the inequities that characterize the draft.

Now that this Nation is moving toward "zero draft calls" and an all-volunteer army, it is imperative that the conditions of service be made more attractive to the potential volunteer. All other Federal pay scales are based on the principle of comparability. The same yardstick can and must be applied to the lower military pay grades.

At a time when urgent and serious questions are being raised about the adequacy of our national defense capability vis-a-vis that of the Soviet Union, it is essential that the strength of our Armed Forces be bolstered, not only through the authorization of necessary hardware, but through the development of a highly trained, highly motivated corps of well-paid military personnel.

I commend the distinguished Senator from Colorado, Senator Allott, for his unflagging efforts in promoting this amendment, and I unreservedly support its prompt enactment.

Mr. HATFIELD. Mr. President, I would like to state my support for the pay increases recommended by the President's Commission on an All-Volunteer Armed Force—Gates Commission—as embodied in the Allott amendment 430 to the military procurement authorization bill, H.R. 8687. Everyone familiar with this issue has been aware of the 4-year battle to implement pay increases for military personnel, salaries that would make military pay roughly comparable with its civilian counterparts.

Mr. President, I need not, at this point, reiterate in detail the numerous reasons for making military salaries equitable. It has long been realized that military personnel, particularly the first-term enlistee, have been severely discriminated against in this area. On grounds of equity alone, these pay increases should be effected. Besides this, however, military pay has been maintained on an inequitable basis for over two decades because the Armed Forces had a cheap and virtually unlimited source of manpower—the draft.

It is a further sign of hope to me that the Senate has seen fit to change its position on this issue since August 1970, as well as during the previous years. It is also a further source of hope that the administration and the Defense Department have changed their positions on this matter. With the support of the President, the Office of Management and Budget, and the distinguished chairman of the Senate Armed Services Committee, the recommendations of the Gates Commission, and others before it, seem in all probability to be verging on implementation.

If the pay increases become effective November 16, 1971, as anticipated, the country will have been relieved of a significant injustice. Furthermore, those who look forward to the abolition of the draft and total reliance on voluntary enlistments will look with the utmost of interest to the effects of the pay increases on the accession rates during the upcoming months.

Mr. President, I would like to compliment the distinguished Senator from Colorado (Mr. Allott) for his adroit and articulate presentation of this issue to the Senate. And I would like to serve notice on my colleagues that if the pay increases have the consequences that have been predicted, an effort will be made at the appropriate time during the next session to create an all-volunteer military.

Mr. ALLOTT. Now, Mr. President, I am ready, if the distinguished Senator from Mississippi, the chairman of the committee, is ready, and I am perfectly willing to ask for a quorum call to be taken out of both sides. I want to be sure that we have a recorded vote on this matter, and when we have enough Senators in the Chamber, we can ask for yeas and nays.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. ALLOTT. If they have been ordered, Mr. President, I think we should have a short quorum call. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. If it is agreeable to the chairman of the committee, the manager of the bill, I am willing to yield back the remainder of my time, if he is willing to yield back his, and we can then proceed, the yeas and nays having been ordered, to vote on amendment No. 430.

Mr. STENNIS. Mr. President, if there is no one who wishes time, I am ready to yield back the remainder of my time.

Mr. ALLOTT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Bentsen). All remaining time having been yielded back, the question is on agreeing to the amendment No. 430 of the Senator from Colorado, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from North Dakota (Mr. Burdick), the Senator from West Virginia (Mr. Byrd), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from Connecticut (Mr. Ribicoff), the Senator from New Hampshire (Mr. McIntyre), the Senator from Alabama (Mr. Sparkman), and the Senator from Nevada (Mr. Cannon) are necessarily absent.

I also announce that the Senator from Wyoming (Mr. McGee), the Senator from New Mexico (Mr. Montoya), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from Connecticut (Mr. Ribicoff), the Senator from New Hampshire (Mr. McIntyre), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), and the Senator from New Mexico (Mr. Montoya) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Utah (Mr. Bennett) is absent on official business.

The Senator from Oklahoma (Mr. Bellmon), the Senator from New Hampshire (Mr. Cotton), the Senator from Kansas (Mr. Dole), the Senator from Michigan (Mr. Griffin), the Senator from New York (Mr. Javits), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock), and the Senator from Connecticut (Mr. Weicker) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. Brock), the Senator from Kansas (Mr. Dole), the Senator from New York (Mr. Javits), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 65, nays 4, as follows:

[No. 247 Leg.]

YEAS—65

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Buckley
Byrd, Va.
Case
Chiles
Cook
Cooper
Cranston
Curtis
Dominick
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Harris
Hatfield
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Mansfield
Mathias
McClellan
McGovern
Metcalf
Miller
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Spong
Stafford
Stennis
Stevens
Symington
Taft
Thurmond
Tunney
Williams
Young

NAYS—4

Fulbright
Kennedy
Smith
Stevenson

NOT VOTING—31

Bellmon
Bennett
Brock
Burdick
Byrd, W. Va.
Cannon
Church
Cotton
Dole
Eagleton
Eastland
Gravel
Griffin
Hart
Hartke
Hollings
Humphrey
Javits

Long
Magnuson
McGee
McIntyre
Mondale
Montoya
Mundt
Percy
Ribicoff
Sparkman
Talmadge
Tower
Weicker

So Mr. ALLOTT's amendment (No. 430) was agreed to.

Mr. DOLE subsequently said: Mr. President, this morning I was unavoidably detained in returning to Washington from Kansas and narrowly missed the rollcall on the amendment sponsored by the distinguished senior Senator from Colorado (Mr. ALLOTT). Had I been present it would have been my privilege to join with the overwhelming majority of my colleagues in approving the Senator from Colorado's proposal to provide substantial pay increases to members of the armed services. Having voted in favor of the earlier, Senate-passed version of the pay increase, I was gratified that Senate approval of this measure was achieved today.

It is important to keep in mind that raising military pay scales is a matter of high national priority for two very crucial reasons. First, by increasing the pay of our men and women in uniform we fulfill an obligation to recognize and reward the contributions they are making to the maintenance of our national defense. In many cases their pay is woefully inadequate and totally unjustified in terms of the responsibilities they bear and the obligations they owe to themselves and their families. And second, by putting military pay in closer competition with civilian wages we take a significant step toward ending the draft and creating an all-volunteer military force. For, only by making a military career attractive and secure monetarily, can we hope to draw to it the type of individuals needed to fulfill the requirements of modern national defense.

I commend the Senator from Colorado for his leadership in seeking to upgrade the pay scales of the Armed Forces and for his longstanding concern and devotion to the men and women who wear the uniform of the United States so proudly and with such great distinction to themselves and their Nation.

ORDER FOR STAR PRINT OF S. 2620

Mr. MOSS. Mr. President, I ask unanimous consent that a star print be ordered for S. 2620, the East-West Trade Exchange Act of 1971, introduced by the Senator from Washington (Mr. MAGNUSON) on Thursday, September 30, 1971. Due to an inadvertence, an incorrect text was attached when the bill was introduced for referral.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 434

The PRESIDING OFFICER (Mr. STEVENSON). Pursuant to the previous order, the Senate will now proceed to the consideration of amendment No. 434 by the Senator from Missouri (Mr. SYMINGTON), which the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. SYMINGTON) proposes amendment No. 434 as follows:

At the end of the bill add a new section as follows:

"SEC. 505. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be obligated or expended in any amount in excess of $200,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972.

"(b) In computing the $200,000,000 limitation on obligation and expenditure authority under subsection (a) of this section in fiscal year 1972, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos, but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(c) No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated or expended for any such purpose during such fiscal year.

"(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation or expenditure of funds to carry out combat air operations over the so-called Ho Chi Minh trails in southern Laos, and over areas immediately adjacent to such trails, by United States military forces.

"(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purpose."

The PRESIDING OFFICER. The time on the amendment is limited to 5 hours. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that James Lowenstein, Richard Moose, and Katherine Nelson, staff assistants of the distinguished Senator from Missouri (Mr. SYMINGTON) be granted the privilege of the floor during the debate on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

Mr. PASTORE. Mr. President, I move to lay the motion on the table.

The PRESIDING OFFICER. Another amendment is pending at the moment, and it will take unanimous consent to reconsider.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

Is there a motion to table?

Mr. PASTORE. I so move.

The motion to lay on the table was agreed to.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROL OF THE COST OF THE SECRET WAR IN LAOS

Mr. SYMINGTON. Mr. President, today I would propose for the Senate's consideration a revised version of an amendment to the military procurement authorization bill which I proposed originally during consideration of the bill by the Armed Services Committee.

This amendment, with one exception, would establish a ceiling of $200 million on U.S. expenditures in Laos during the fiscal year 1972 for economic aid, military assistance, and all other U.S. activities. That exception would be costs connected with combat air operations by U.S. forces over the Ho Chi Minh trail area in Southern Laos.

We now know that for at least 10 years

the U.S. Government has been conducting a war in Laos. I might add, inasmuch as the Secretary of Defense testified before the Committee on Foreign Relations of the Senate that he was not conducting military operations in Laos, it is clear that the functioning of this war has been directed by the Central Intelligence Agency. We have been using funds provided by American taxpayers and appropriated by the Congress without the authorization of the Congress; and largely without the knowledge—therefore obviously without the consent—of either the Congress or the American people.

During these 10 years the cost and the scope of that war have expanded steadily behind a screen of official secrecy.

In recent months some of the facts regarding the participation of this Nation in this war in Laos have been revealed. Those facts prove conclusively that there has been a continuing and growing American involvement.

The only conclusion that can be drawn would appear to be that if there is to be any limit on the increasing cost and scope of our involvement in Laos, it will have to be obtained through the Congress by means of its constitutional right to appropriate, with understanding, the funds necessary to conduct war.

It is now clear that for years the Congress has been appropriating money in the blind to finance this Laotian war. We have not had knowledge of how much money was actually being spent; nor have we had knowledge of how any money spent was expended.

The purpose of the amendment which I offer today is to place the Congress in a position to exercise its constitutional responsibilities with regard to U.S. activities in Laos; an objective which can only be achieved provided the Congress places some overall ceiling on the amount of money that can be spent in Laos and also takes steps to know, both before and after the fact, the nature of our activities in Laos.

Until now, there has been no ceiling whatever on the amounts this Nation could spend in this war; indeed, there has been little information available about what our representatives have been doing. As a result, the costs of this undeclared Laotian war to the American taxpayer have risen steadily as our involvement in Laos—both our direct involvement and our indirect involvement through the use of Thai troops—has steadily deepened.

I believe that many in this chamber will be surprised, even now, to learn the degree of the rise in the costs and our activities, year by year.

The figures on the cost of the military assistance program that were obtained by the staff of the Subcommittee on U.S. Security Agreements and Commitments Abroad from our officials in Laos do provide one index.

In 1963, the year in which the military assistance program began, the staff was told that the cost—the amount actually spent—was $11.9 million.

During the following year, 1964, the cost rose to $21.4 million.

In 1965, that cost reached $40.8 million; in 1966, $59.7 million, and in 1967, $80.8 million.

By the fiscal year 1971 the cost had risen to $162.2 million.

Finally, for fiscal year 1972, while the executive branch has asked for $138.5 million in new obligational authority, the Armed Services Committee has been told that the program cost—that is the amount which actually will be spent—will be $221.2 million.

In other words, the cost of military assistance to Laos doubled between the fiscal year 1963 and fiscal year 1965, doubled again between 1965 and 1967; and in the current year, if some limitation is not imposed, it will be almost three times as large as it was in the fiscal year 1967; and nearly 20 times as large as it was when it all began in secrecy 9 years ago.

Mr. PASTORE. Mr. President, will the Senator yield so that I may ask a question?

Mr. SYMINGTON. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. I would like to ask the distinguished Senator from Missouri whether this limitation would in any way impede or contribute to the danger of our troops that are being withdrawn from Vietnam. The argument would be made and I wonder what the Senator's reaction would be to that question.

Mr. SYMINGTON. I would say to my able friend from Rhode Island that we have been careful to exclude the bombing of the Ho Chi Minh Trail in order that we would not be justifiably criticized for doing anything to affect the withdrawal of our troops from Vietnam. The position taken by the administration in this matter is that any limitation of any kind on what we are doing over there is wrong.

I worry about this a great deal. The Prime Minister of Laos, who is currently in town, asked the People's Republic of China to build roads in northern Laos for him, and they are now doing so. Therefore, in areas adjacent to where our bombers and fighters are operating in northern Laos, we are running the danger of hitting some of those thousands of Red Chinese in northern Laos.

Our operations in northern Laos have little to do with the operations going on in southern Laos, hundreds of miles away and, therefore, are separate from our operations in South Vietnam.

Few, if any, Members of this body could have been aware of the steadily mounting cost of our military program in Laos, because before this year the actual costs of the total program had never been assembled and presented to the Congress; or even to the Armed Services Committee.

The actual costs were, of course, readily available to the executive branch had they chosen to share them with the Congress. Instead they presented only estimates of obligations against single year authorizations.

Each year for the past few years the Senate Armed Services Committee has been asked to recommend to the Senate the authorization of specific amounts for military assistance to Laos; and the committee has regularly complied, apparently in the belief that the amounts of new obligational authority requested constituted at least a rough index of the size of the program involved.

We now know just how wrong that assumption was. In presenting its justification for authorizations to support free world forces in Vietnam, Laos, and Thailand in the fiscal year 1970, the Defense Department told the Armed Services Committee that it needed $74.2 million for military assistance to Laos; but the recently declassified figure for the actual cost of the Laos military assistance program was $146.4 million.

For the fiscal year 1971, $117.3 million was sought; but the actual costs that year were $162.2 million.

On May 6 of this year, Defense Department witnesses discussed the Laos military assistance program before the Armed Services Committee in terms of a new authorization of $125.8 million. At roughly the same time, two members of the staff of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Foreign Relations Committee were in Vientiane; and there learned that the estimate of the 1972 military assistance program actually being planned for Laos was nothing like the $125.8 million, but actually was $252.1 million, just twice the amount described to the Armed Services Committee.

Prior to this year, the only figures available to Senators, even on a classified basis, for the cost of the U.S. Laotian operations were the amounts of the classified requests for new obligational military assistance authority and the public figure for the AID program. The total of these two figures revealed a cost much greater than anything the public could have known, but this amount was still only a portion of what was actually being spent in Laos.

In the fiscal year 1971, for example, as noted above, $117 million in new obligational authority was requested for military aid and $52 million for economic aid, for a total of $169 million. Following the secret session of the Senate, in which I discussed the report of our subcommittee staff, the Secretary of State acknowledged in a press conference on June 15 that the total of U.S. expenditures in Laos, excluding U.S. Air Force operations in both northern Laos and the Ho Chi Minh Trail area, was not in the realm of $169 million, but was actually more than double that, "in the neighborhood of $350 million." That was twice the amount previously given on a classified basis to the few Members of the Senate.

Although, as mentioned, the Secretary did not give figures for the cost of air operations in either northern Laos or the Ho Chi Minh Trial area, in testimony before the Armed Services Committee on this year's defense authorization bill, it was revealed that U.S. expenditures in Laos will actually total $490.2 million in this fiscal year. That figure includes $143.4 million for U.S. air support excluding the Ho Chi Minh Trail area.

It is clear, therefore, that the Senate has been kept in the shadows as far as actually knowing how much we are spending in Laos is concerned. It is clear also that the public has been kept completely in the dark.

Prior to this year the only figure the public knew was the annual cost of the economic assistance program, which has been running at about $52 million a year since the fiscal year 1969.

Think of that, Mr. President. We live in a democracy where the people have the right to know. Actually, we have spent over $1.5 billion in Laos, if we count the bombings of the Ho Chi Minh Trail; yet the only figure the American people knew about was $52 million.

Those few members of the press and public who have followed this subject closely might have learned from reading the published hearings of the Subcommittee on U.S. Security Agreements and Commitments Abroad that military assistance costs in Laos for fiscal year 1970 were estimated by Defense officials at about $90 million. It subsequently developed that they were $146.4 million; and there were no official figures generally available to the Congress or the public for total U.S. expenditures in any previous fiscal year prior to the Secretary of State's admission, which he made last June 15, that costs for the last fiscal year in that little country, and exclusive of any air operations, were "in the neighborhood of $350 million."

Not only was the cost of our Lao operations concealed before this spring, but the scope and character of the war—and the details of our participation in it—were not acknowledged until recently.

In a statement on March 6, 1970, President Nixon provided the American people with what he described as a "precise description of our current activities in Laos." According to the President, the pertinent facts were: .

First. The United States was providing regular and irregular Lao forces with equipment, training, and logistics support.

Second. The United States was conducting air operations to interdict the Ho Chi Minh Trail, reconnaissance flights in northern Laos; and, on request from the Lao Government, combat support missions for Lao forces.

While this description of our activities in Laos went beyond previous acknowledgments of such activities, it glossed over the following details which subsequently came to light through the work of our Commitments Subcommittee:

First. Most of the war in Laos is coordinated through and by the American Embassy in Vientiane.

Second. The United States trains, arms, and feeds the Lao Army and Air Force.

Third. The United States, through the Central Intelligence Agency, trains, advises, pays, supports, and coordinates an irregular army, elements of which are deployed in four of the five military regions in Laos.

Fourth. The United States, through the Central Intelligence Agency, and in cooperation with the Thai Government, trains, pays, supports, and coordinates a growing force of Thai soldiers in Laos.

Fifth. In addition to interdiction operations over the Ho Chi Minh Trail, the U.S. Air Force flies hundreds of combat air missions throughout Laos in close support of Lao regular and irregular ground combat forces. These missions are also coordinated by the American Embassy in Vientiane. Included in this American air effort are strikes by B-52 bombers in northern Laos, far from the Ho Chi Minh Trail area.

There is considerable doubt in my own mind whether the Congress, if presented with a straightforward proposal to spend half a billion dollars to carry on such activities, would have agreed to do so; but insofar as we can determine, no congressional committee, before this year, was ever given any comprehensive picture of our operations in Laos. The two committees of the Senate most directly involved, the Armed Services and Foreign Relations Committees, have been given only a partial and, therefore, misleading, picture of what has been going on in that country.

The history of Thai forces in Laos provides an excellent example. It is a history replete with missing pages—written in large part in invisible ink.

During the last session of the Congress, a law was passed prohibiting U.S. support for Vietnamese or other free world forces—this is the law—"in actions designed to provide military support and assistance to the Government of Cambodia or Laos." The intent of the sponsors of this legislation is beyond question. One of their specific purposes was to preclude U.S. financing of Thai forces to fight in Laos.

Despite the passage of this law, it has now become public information that there are thousands of Thai fighting in Laos. The executive branch now acknowledges the presence of these forces, although claiming they are all "volunteers" serving under Lao military command.

The Department of State has also recently acknowledged, in a letter which I will ask be printed in the Record at the conclusion of these remarks, that most of these Trai have served in the Thai Army; that the units in question are formed in Thailand and include volunteer officers and NCO's who have severed their connections with the Thai armed forces; that there are Thai officers, including a general, stationed in Thailand who perform liaison functions with the Lao government; and that the Thai units in Laos include an "artillery capability composed of individuals with previous artillery experience."

At no point in the State Department letter is the claim made that the Thai in question are ethnic Lao. Nor is it explained why some of these Thai have said, in various interviews with journalists—where we get most of our new information—that they are regular Thai army troops who were asked to accept special assignment in Laos for extra pay.

The administration has now acknowledged publicly that the cost of this extra pay, as is true of the other expenses involved in this program of Thai forces being sent to Laos, are borne by the United States.

Up to now, however, the administration has refused to make public any additional details as to the specific numbers of Thais now involved, or the number it is planned to have involved in the future. Nor has it said any more about the arrangements for recruiting, organizing, directing and financing these forces.

Nevertheless, the executive branch is now asking the Congress, in this bill to authorize additional funds so as to continue, even expand, this program of Thai forces in Laos; in fact, based on what we can learn, three times as many additional Thais are to be financed for fighting in Laos, which will require three times as much U.S. money in the fiscal year 1972 as was used for this purpose in the fiscal year 1971.

In an article in the September 23 issue of the Washington Evening Star, written from Vientiane by Tammy Arbuckle, he reports that—

> American official sources confirmed that 12,000 Thais will be available to meet the expected dry season offensive by the North Vietnamese early next month.

Mr. Arbuckle notes that—

> This will more than double the current force of between 5,000 and 6,000 Thai army troops deployed in Laos.

Mr. President, I am a member of the Senate Committee on Foreign Relations, and I heard the debate in that committee. We passed this legislation through that committee, which was ultimately made law, passed by both Houses and signed by the President, and I know that what we were doing there was an effort to prevent such activities as Thai troops fighting in Laos.

In addition to the highly dubious legality of our paying for these Thai soldiers in the face of the legislation passed last year, there are the policy risks entailed by drawing the Thais, to whom we have a defense commitment under SEATO, into more direct conflict with the North Vietnamese.

There would also seem to be something grossly out of line about the costs to the American taxpayer of these Thai mercenaries. While I am not at liberty to make public the exact figures involved, I can tell the Senate, on the basis of testimony by the U.S. Ambassador in Laos before the Foreign Relations Committee, that the proposed expenditures for supplying Thai soldiers to fight in Laos in fiscal year 1972 are 25 percent higher than the proposed military assistance program for the Royal Lao Army itself—30 percent higher than the cost of the Lao irregulars—and this despite the fact that the number of Thai soldiers involved is far less than a quarter and less than half the strength of the total strength of the Lao Army the Lao irregulars.

This brief review of the major facts which underlie current U.S. operations in Laos should be sufficient to demonstrate why the time has come for the Congress to place at least some restraints upon the conduct of this undeclared and uncontrolled war.

The amendment which I offer, therefore, would place a limit of $200 million on all U.S. expenditures in Laos, exclusive, I emphasize, of the air operations over the Ho Chi Minh Trails area. This amount is sufficient to cover all amounts which the executive branch requested and justified at the outset of the Armed Services Committee's consideration of this bill this year.

Since the time when the committee initially considered the Southeast Asia portion of the military procurement authorization bill, for this fiscal year, the administration has agreed that the cost of U.S. operations in Laos in the coming year—again exclusive of air operations over the Ho Chi Minh Trails area—is nearly $500 million—$490.2 million to be exact—of which $221.2 million will be expended for the military assistance program. Note that in May the estimated amount of new money need for the fiscal year 1972 military assistance program in Laos, as presented to the Armed Services and Foreign Relations Committees, was $125.8 million.

I believe it entirely fair to assume that this new figure for the cost of our Lao operations would not have come to light if members of the staff of the commitments subcommittee had not made an extended actual visit to the area in question. Following a report of their findings to a secret session of the Senate on June 6, with subsequent inquiries by Armed Services and Foreign Relations for additional details of expenditures in Laos, executive branch witnesses again appeared before the Armed Services Committee on July 22; and at that meeting, the true dimensions of the Laos program began to emerge for the first time.

The justification then presented for an expenditure of $490.2 million was essentially the same as that offered in May. No different explanation was offered to justify an increase in the military assistance program to $221.2 million than that presented in May when the program was being described in terms of $125.8 million.

Year after year the Defense Department has had enough excess money and material available to support a program much larger than that authorized—sometimes twice as large. Similarly, there was no explanation, whatever, offered as to how the anticipated costs of the Thai mercenaries—a category of expenditure not even mentioned in the earlier session—had been computed.

It was acknowledged that the per man cost of the Thai was somewhat higher than that of the Lao irregulars, but there was no emphasis of the fact the real ratio is 33 percent more money for less than half as many Thai troops as Lao irregular troops, both of which groups we finance and train. This fact did not become clear until administration witnesses testified before the Foreign Relations Committee later on the same day.

There are many other gaps in this effort to justify a half a billion dollars for Laos, exclusive of the trails. To the best of my knowledge, at no point have the costs of the CIA operations in Laos been explained as a separate item to any congressional committee. Neither has the nature of U.S. air operations in northern Laos ever been fully described to any committee.

As noted earlier, the President has referred to combat support missions which have been flown at the request of the Royal Lao Government. The fact is that the U.S. Air Force is engaged in an around-the-clock campaign of intensive combat operations of all sorts throughout Laos, ranging from the stationing of forward air controllers and aircraft to B-52 strikes in the northern portion of Laos, hundreds of miles from the Ho Chi Minh Trails, and far closer to the boundary of the People's Republic of China.

In short, none of the above activities has as yet been described to Congress in sufficient detail—nor has the derivation of the costs of these activities yet been explained in a manner which would support any such appropriation. In effect, all that Congress has been told is that the United States is conducting many more programs in Laos than were known before; therefore, twice as much money is required.

This new information which has come to light, coupled with the now universally admitted serious economic problems we face here at home, makes me even less willing than before to continue expenditures in Laos at this steadily higher level. I believe that any American policy in Laos which costs more than $200 million to support is too expensive, or too dangerous, or both.

This belief is reinforced by the acknowledgement of administration witnesses before Armed Services that, notwithstanding all we are currently doing in Laos—there could not be a more important point—the North Vietnamese and the Pathet Lao presently have the capability, if they so chose, at any time to complete their takeover of Laos.

In the face of this admitted fact, the waste and futility of this effort becomes all too apparent.

Surely, Congress has the right to receive from the executive branch justification for specific additional authorization requests, plus an explanation of the reasons why such additional authority is needed. Section (e) of my amendment would establish a requirement for a written explanation of the purposes for which any future funds for Laos are requested.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the amendment.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

SEC. 505. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be obligated or expended in any amount in excess of $200,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972.

(b) In computing the $200,000,000 limitation on obligation and expenditure authority under subsection (a) of this section in fiscal year 1972, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos, but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated or expended for any such purpose during such fiscal year.

(d) The provisions of subsection (a) and (c) of this section shall not apply with respect to the obligation or expenditure of funds to carry out combat air operations over the so-called Ho Chi Minh trails in southern Laos, and over areas immediately adjacent to such trails, by United States military forces.

(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Laos, during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purpose.

Mr. SYMINGTON. In addition to establishing a requirement for written explanations in connection with any future fund requests for Laos, section (c) of the amendment would prohibit the obligation or expenditure of funds for any purpose after the date of enactment of the amendment unless such funds have been specifically authorized by law.

As noted earlier, in the past the amounts of money specifically identified in requests to Congress as being for use in Laos have constituted only a portion of the total cost of U.S. operations in that country. The purpose of section (c) of the amendment is to insure that Congress knows when it is authorizing or appropriating money for this country; and, conversely, to prevent the diversion to Laos of funds appropriated for other purposes.

Mr. President, what is wrong with that? What is wrong with our being told as to what they did with the money requested, particularly if they did not do with it what was asked for when it was authorized and appropriated? In my opinion, that could well be the basic thrust of my remarks.

Mr. AIKEN. Mr. President, will the Senator yield, so that I may ask three or four questions to clarify the amendment somewhat?

Mr. SYMINGTON. I am happy to yield.

Mr. AIKEN. Does the Senator's amendment affect the expenditures now being carried out by the CIA in Laos?

Mr. SYMINGTON. That would be covered by the amendment.

Mr. AIKEN. Does the Senator think that would affect the operations of the CIA?

Mr. SYMINGTON. In Laos?

Mr. AIKEN. Yes.

Mr. SYMINGTON Inasmuch as the Secretary of Defense testified that he was conducting no military operations in Laos, the only conclusion I can draw from that, based on my experience, is that the Central Intelligence Agency is conducting these operations under the direction of the State Department, and funds for such operations are included in this ceiling

Mr. AIKEN. I understand that a great many more Laotians now live in Thailand than remain in their home country and that considerable recruiting is done in Thailand for the purpose of strengthening the comparatively weak forces they have at home. Would this amendment also apply to the recruiting now done in Thailand if such recruits were paid by the United States?

Mr. SYMINGTON. The word "ethnic" is the only way, I say to my able friend, that the administration can justify what it is doing on any basis. Otherwise, it is clearly breaking the law.

I would say if there were people who had lived in Thailand for a period of years and the United States claimed that, because their grandfather or their great-grandfather originally came from Laos, we could, therefore, under the law, pay, train, and finance them to fight in Laos, that interpretation of the law is certainly in violation of the interest of the Congress.

Mr. AIKEN. I understand that about three or four times more Laotians are now living in Thailand than the number living in Laos, and the Laotian Army depends on them for the Laotian forces to maintain their numbers—I do not know for sure though.

Mr. SYMINGTON. I believe that the figures the Senator presents are correct.

Mr. AIKEN. How would this amendment affect the air cover which is now provided for the Laotians in the Plain of Jarres, which I believe is considered a crucial area in that country?

Mr. SYMINGTON. Mr. President, before answering that, I would like to mention that at no time has the executive branch ever contended to me or to the subcommittee that the so-called volunteers are ethnic Lao; and, based on other testimony we have received, I think that might be difficult for them.

Mr. AIKEN. They are Laotian in the same sense that a third or fourth generation European living in America now is loyal to the old country, their great-grandfather's country. Is that correct?

Mr. SYMINGTON. I believe so.

In the statements by the Secretary of Defense and the Under Secretary for Political Affairs, before the Armed Services Committee, there was considerable discussion of the Thai forces in Laos, about how they are all volunteers—that was the big word—and how they have severed their connection with the Thai Armed Forces. But there was no mention whatever of the fact that they are ethnic Lao. I think if the Senator looks at the record, he will see that because what they have done is pretty clear, they have constantly raised new justification for it.

Mr. AIKEN. Frankly, I do not know, and that is why I raised the question. I also asked about the air cover for the Plaine of Jarres, which is considered a crucial area in defense of the whole country.

Mr. SYMINGTON. I think that any support that Vang Pao can get he will welcome. Therefore, any support we give—including in the Plaine of Jarres—would be better for him. I do not think it would have much to do with the question of whether the country will exist as a country under the present government, because, as mentioned, we have had testimony that any time the North Vietnamese and the Pathet Lao under Souvanna Phong, want to take the country over, they can do so.

Mr. AIKEN. The reason I asked is that there seems to be some apprehension that they would take the country over quickly if Laos lost the protection of our Air Force over the Plaine of Jarres.

Mr. SYMINGTON. I think we have a great deal of apprehension about what would happen in South Vietnam, what would happen in Cambodia, and what would happen in Laos. There is no doubt that pretty soon we would have the same story told to us about Burma and Thailand.

May I say to my good friend that this amendment does not cut out air support in northern Laos, but merely puts a limit on what we can spend. So what the amendment does is to force a little discrimination with respect to how the money will be used; and to provide the Congress with knowledge to that end. I know the Senator from Vermont would agree with me that we should have knowledge of what we appropriate.

Mr. AIKEN. The Senator is saying that if we should spend $20 million or $30 million to complete a hydroelectric plant, that same money could not be spent for any other purpose.

Mr. SYMINGTON. A hydroelectric plant in Laos?

Mr. AIKEN. Yes. I think there is one there.

Mr. SYMINGTON. Money spent for that plant would fall under the limitation. One of the reasons I am keen for the amendment is that we need a little money back in my State.

Mr. AIKEN. The next question is, if the Government of Laos should fall to the enemy, with the North Vietnamese leading the enemy forces, what does the Senator think would be the result on our position in South Vietnam? Would it make our withdrawal more likely, less likely, or what?

Mr. SYMINGTON. When we get into the question of what government we support, which is the question that comes up in so many countries where we invest American taxpayers' money, we run into a problem of decision as to what would be the reasons. I personally heard the Prime Minister of Laos in Washington some months ago, stating frankly that when he first thought he had trouble, he applied to the North Vietnamese for arms. He said that that was rejected, so he left it there; but the presumption was that if the United States did not continue to support him in the way he felt was right, he would apply to them again for arms. As the able Senator knows, it is difficult in a country like this, which is a tribal country with a king we do not hear much about, to really know what is going on. We know, as an example, that the present prime minister has asked the People's Republic of China to build roads in his country and that there are thousands and thousands of Chinese now quite close to the capital of Laos. Because of all these factors, therefore, I honestly cannot answer a question like that.

Mr. AIKEN. One last question and this is the last one. The Peoples Republic of China is supporting the North Vietnamese at this time, and we are told that Russia is also giving them support—I do not know how much from each country—but except for the support from Russia and China, it is likely that the North Vietnamese could actually threaten to take over Laos itself, assuming that we withdraw all our military strength from South Vietnam. Does the Senator from Missouri believe that Russia and China would withdraw much of their support from those forces which are harassing Laos at the present time?

Mr. SYMINGTON. Well, Mr. President, based on the briefings which cannot be discussed on the floor of the Senate today, and at which the able Senator from Vermont and I have been present, I would say that problems between the Soviet Union and the People's Republic of China are such that whatever one of the two countries did with respect to Laos, the chances are the second country would take a directly reverse position.

Mr. AIKEN. It would appear to me, however, that if we withdraw, the pressure on Laos from the Pathet Lao, supported by Russia, and China, or both, would be somewhat reduced, would it not?

Mr. SYMINGTON. Would the Senator please repeat that.

Mr. AIKEN. It appears to me that if we should withdraw from South Vietnam, the pressure—the support, rather, that Russia and China are giving the North Vietnamese and the Pathet Lao, would be somewhat—if not wholly reduced—at least substantially reduced. Am I thinking in the right direction?

Mr. SYMINGTON. I do not think there is any question about that. I would think, if we left South Vietnam, the chances are a good many to one, that President Thieu would go with us. Thus I think that the North Vietnamese, the Viet Cong, the National Liberation Front and the South Vietnamese would, in a period of weeks, if not days, take over South Vietnam and get rid of the present government.

Mr. AIKEN. Does it appear to the Senator from Missouri that our unfortunate venture in Indochina, South Vietnam particularly, is largely responsible for the very great difficulties that Laos and Cambodia find themselves in now?

Mr. SYMINGTON. I think that is a logical conclusion.

Mr. AIKEN. That is my last question.

Mr. SYMINGTON. Mr. President, I thank the able senior Senator from Vermont, and may I present to him and to the Senate that there is no one in this body for whom I have greater respect. As is seen clearly in the testimony on the pending legislation before the Armed Services Committee, the administration contends that it cannot be bound within a fixed budget for Laos; and the preference of the executive branch to have no budgetary restrictions or limitations is understandable. That position is tantamount, however, to saying that the authority to appropriate, given to the Congress by the Constitution, nevertheless should not be taken seriously.

Section (f) of the present amendment would require quarterly reports to the Congress showing the total amount of funds expended in, for, or on behalf of Laos.

In the past, the Department of Defense has furnished quarterly reports of obligations against those funds authorized under the Defense procurement bill for the support of free world forces in Vietnam, Laos, and Thailand; and although frankly we had not realized it before this year, the latter reports represented a far from complete picture of the cost of military assistance to Laos. This experience furnishes evidence that a more complete and detailed accounting by the executive branch is essential if the Congress is to have any assurance that it knows what is going on; and that is the purpose of section (f).

As noted earlier, the present amendment excludes any obligations and expenditures incident to U.S. air operations over the Ho Chi Minh Trail area because it is maintained by the administration that these operations are essential to the safety of American troops in South Vietnam and also to the successful implementation of the Vietnamization program.

Successive administrations have been able to pursue these policies and programs in Laos because there have been virtually no public or congressional restraints upon that policy. The absence of any restraints has been due, in large part, to the fact that for some 10 years neither the public nor the Congress has known anything about what was going on.

In other words they are operating without the approval and without the knowledge of Congress; and this despite the clause which specifically states our rights when it comes to participation in foreign policy decisions. What is the purpose of our being here if when we send out able members of the various committee staffs of the Congress, we find out there are different sets of facts from those given by the Executive when we were asked to first authorize and then appropriate the money.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. Mr. President, the Senator asked concerning our relevance and why we are here. I suggest that we do play a role, because our being here makes most of the people of the country think we have a role. It gives a kind of facade behind which the executive branch can do as it pleases without taking responsibility for it.

The Senator from Missouri and I have a responsibility. We try to make the executive take some responsibility. However, the executive does not even write any more letters. The Secretary of Defense and the Secretary of State rarely answer a letter inside of 3 or 4 months, and that is usually to say why they cannot supply the information to the Senate.

As the Senator well knows, at the beginning of September when we pressed hard enough to get answers relevant to the matter of foreign aid, the administration refused the information and pleaded executive privilege. That is the first time they did it so formally. They do not have to do it by delay. They just do not come.

Mr. SYMINGTON. The Senator from Arkansas is primarily responsible for their taking executive privilege because for the first time we said, "If you don't take executive privilege, you won't get the money." So, that was a banner day for Congress.

Mr. FULBRIGHT. Mr. President, I congratulate the Senator for his many accomplishments. He has done so much to get information to the committee. And he has done so much to bring into the public domain what information has been found.

On the pending amendment, I will wait until the Senator completes his statement which is nearly completed before I ask further questions.

Mr. SYMINGTON. Mr. President, I appreciate the remarks of the able Senator from Arkansas. I will not be much longer.

Mr. President, we now know far more than before about what is going on in Laos, therefore are in a better position to reach judgments about the future course of U.S. policy. We have also discovered just how much we did not know, and accordingly have a clearer idea about what information we need to have in the future if we are to exercise our constitutional responsibilities. The amendment which I offer is a vehicle for assuring a continuing flow of information to the Congress with reepect to our Laos operations.

No war should be planned and conducted without the knowledge and authorization of Congress, especially when one considers the risks such wars may entail in terms of the involvement of other nations.

The purpose of this amendment is not to put an immediate end to the war in Laos. Desirable as that objective would be, it is not a realistic possibility at the present time. But the amendment does represent an opportunity and a challenge to the Senate to both accept and exercise its full responsibilities in the constitutional process.

Surely the Congress should not appropriate money without knowledge of the purposes for which it is being used; and now that we do know what has been happening in the past, I believe we should bear our full share of responsibility for what will follow in the future.

I ask unanimous consent that the following material be printed in the RECORD at this point: My letter of August 10 to Secretary Rogers; the article in the August 9 Washington Post by D. E. Ronk entitled, "CIA Backed Thais in Laos Say They Are Regular Army;" Mr. Abshire's reply of September 24; also the article in the September 23 issue of the Evening Star by Tammy Arbuckle entitled, "Thai Combat Troops for Laos Expected To Double by March."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CIA-BACKED THAIS IN LAOS SAY THEY ARE REGULAR ARMY

(By D. E. Ronk)

VIENTIANE, LAOS.—Thai soldiers serving with the CIA-supported irregular forces in Laos say they are regular army troops of Thailand, asked to accept special assignment in all Thai battalions.

Their assertion contradicts a Senate Foreign Relations Committee staff report made public last week. The report, prepared by Committee staff members James G. Lowenstein and Richard M. Moose referred to Thai troops in Laos as "irregulars."

Heavily censored in most of its references to Thais serving in Laos, the report said the Thai fighting men "are recruited for service in Laos from outside the regular Thai army."

Speaking to a reporter, several Thai soldiers said they were asked to accept an assignment in Laos after the advantages of such service were explained. They have the option of refusing, they said.

According to the Lowenstein-Moose report, "the CIA supervises and pays for the training of these irregulars in Thailand and provides their salary, allowances (including death benefits), and operational costs in Laos."

Their units are formed in Thailand with Thai commissioned and non-commissioned officers and are given special training for Laos.

They arrive in Laos aboard CIA-supported Air America planes from Udorn airbase in Northern Thailand. All orders, from the battalion level down, are issued by Thais, the soldiers said. Only at the very top, with Gen. Vang Pao, the Meo commander of Laos Military Region Two, and the CIA's Armee Clandestine, is there interference with the Thai chain of command, they said.

Vang Pao does not command the Thais, they said, but consults with Thai officers and the CIA "case officers" who actually make the decisions.

The Thai soldiers agree with press reports that there is at least one Thai general in Laos, using the code name Nai Caw. This is the equivalent of John Doe. The Thai troops say he is a lieutenant general.

Code names are frequently used by and for Thai troops in Laos. Reliable sources in Thailand say that until recently all wounded Thais treated in the U.S. hospital at Udorn Airbase were listed as John Doe One, Two, Three, etc. to hide their national origins.

At present the troops say, there are 10 or 12 Thai battalions in Laos, or about 4,800 men. Two Thai battalions are at Pakse, in southern Laos, and "about ten" in northern Laos, with headquarters at Long Cheng, the soldiers said.

Reliable sources in Bangkok say, moreover, that another Thai artillery battery has either just entered Laos or shortly will, accompanied by an American major. The U.S. officer is to advise them on the operation of unfamiliar equipment, believed to be aiming devices.

Official U.S. sources deny knowledge of such a unit, that an American officer has been given such an assignment, and that a new American officer has arrived or is expected, even on temporary duty.

The Bangkok sources say the officer will be traveling on a civilian passport and in civilian clothing.

A Thai soldier now stationed in Pakse outlined the sequence of events in his assignment to Laos. Returning to Thailand from duty in South Vietnam, he said, he was sent for advance training in Thailand following a 30-day leave. He was told the training was for assignment to Cambodia, he said.

Following the training, he was told his assignment was changed to Laos, but that he could refuse to go and remain in Thailand.

After the pros and cons were explained he decided to accept and became a volunteer.

Following formation of a special battalion," he was sent to Udorn, then to Long Cheng. At Long Cheng, the unit was engaged in defense of that headquarters. The Thais fought in one "heavy" battle in a sector called "Skyline" by U.S. personnel.

Shortly before the fall of the Bolovens Plateau in southern Laos to North Vietnamese forces last May the Thai battalion was flown to Ubon Air Base in Thailand then to Pakse, where they were airlifted to the vicinity of Ba Houei Sai, on the Bolovens Plateau.

As a result of the Hanoi offensive, they withdrew to Pakse. The soldiers said they are not deeply involved in the current counter offensive to recapture the Bolovens, though some of them are used as forward air guides, relaying bombing targets from ground to air.

Recent visitors to Pakse say the Thai soldiers are very much in evidence in hotels and bars. They do not wear Thai army markings on their uniforms and the soldiers say they carry no identification, on orders from their officers.

AUGUST 10, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The Washington Post of August 9 contains an article from Vientiane, Laos by Mr. E. E. Ronk which includes several statements dealing with Thai troops in Laos. Mr. Ronk notes in his story that statements made by Thai soldiers in Laos contradict the recent report of the staff of the Subcommittee on United States Security Agreements and Commitments Abroad concerning Laos. Because the information in the staff report concerning Thai troops was based on information provided by United States officials I would appreciate receiving your comments on the substance and the details of the following portions of Mr. Ronk's story:

1. "Thai soldiers serving with the CIA supported irregular forces in Laos say they are regular army troops of Thailand, asked to accept special assignment in all Thai battalions."

2. "Their units are formed in Thailand with Thai commissioned and non-commissioned officers . . ."

3. "All orders from battalion level down, are issued by Thais . . ."

4. "Vang Pao does not command the Thais . . . but consults with Thai officers and the CIA case officers . . ."

5. "The Thai soldiers agree with press reports that there is at least one Thai general in Laos, using the name Nai Caw."

6. "Reliable sources in Thailand say that until recently all wounded Thais treated in the U.S. hospital at Udorn Airbase were listed as John Doe One, Two, Three, etc. to hide their national origins."

7. "Reliable sources in Bangkok say, moreover, that another Thai artillery battery has either just entered Laos or shortly will, accompanied by an American major."

8. "A Thai soldier now stationed in Pakse outlined the sequence of events in his assignment to Laos. Returning to Thailand from duty in South Vietnam, he said, he was sent for advance training in Thailand following a 30 day leave. He was told the training was for assignment to Cambodia," he said.

"Following the training, he was told his assignment was changed to Laos, but that he could refuse to go and remain in Thailand."

9. ". . . some of (the Thai soldiers) are used as forward airguides, relaying bombing targets from ground to air."

10. ". . . the (Thai) soldiers say they carry no identification, on orders from their officers."

I am confident that you share my desire that the official record dealing with the facts of the nature, composition and command arrangements of Thai forces in Laos should be as accurate as possible. With this end in mind, I look forward to receiving your comments on Mr. Ronk's story.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security, Agreements and Commitments Abroad.

SEPTEMBER 24, 1971.

Hon. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate

DEAR MR. CHAIRMAN: The Secretary has asked me to reply further to your letter of August 10, 1971, citing a newspaper article concerning Thai volunteers in Laos, and to your followup letter of September 22.

On the basis of information available to us here the following comments are made on the article:

The Thai forces in Laos are composed exclusively of volunteers, most of whom have served in the Thai Army, but have been discharged. The voluntary character of this program is illustrated by the fact that Thai personnel are free to leave their units in Laos and return to Thailand before their contract period ends without penalty or punishment by Thai authorities. Many have in fact done so, as noted in the article.

In view of its importance to the security of Thailand, the Thai volunteer program in Laos has the approval and support of the Thai government. Cooperation between the Lao and Thai governments has facilitated the formation of Thai volunteer units in Thailand, thus obviating many of the problems that would develop if the Thai units had to be organized from scratch after the individual Thai volunteers arrived in Laos. These units are fully staffed—to include volunteer officers and volunteer NCO's who have severed their connections with the Thai Armed Forces.

General Vang Pao controls the use of Thai volunteers in Military Region II. Like any effective military commander, Vang Pao consults with a number of individuals. Among these are Thai military officers stationed nearby in Thailand who perform liaison functions with the Lao government. One of these is a Thai general officer. Vang Pao also consults with the CIA officers advising his forces, but it is he who makes the military decisions involving the Thai volunteer units.

There are no Thai generals stationed in Laos.

Thai volunteers were treated on an emergency basis at the U.S. hospital at Udorn but this service has been discontinued.

The Thai volunteer units in Laos include a modest and rather thinly spread artillery capability composed of individuals with previous artillery experience. There are no American military personnel with any of the Thai volunteer units.

It is true that all of the Thai in the Lao irregular program are under no legal military or other enforceable obligation to serve in Laos or to remain in the program for any specified length of time.

It is also true that some of the Thai volunteers like their Lao counterparts are used as forward airguides, relaying bombing targets from ground to air. I am not familiar with the identification procedures used by the Thai volunteers in Laos but it would not be surprising, in view of the Thai and Lao desire to keep the Thai volunteer program as low profile as possible, if the volunteers did not carry ID cards.

I hope the above information will be helpful to you and the Subcommittee.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional, Relations.

[From the Evening Star, Sept. 23, 1971]

THAI COMBAT TROOPS FOR LAOS EXPECTED TO DOUBLE BY MARCH

(By Tammy Arbuckle)

VIENTIANE.—Twelve thousand Thai troops will be available for combat in Laos by March 1, high-ranking Lao military sources say. This will more than doube the current force of between 5,000 and 6,000 Thai army troops deployed in Laos.

American official sources confirmed that 12,000 Thais will be available to meet the expected dry season offensive by the North Vietnamese early next year, but they said that "all of these Thais will not be in Laos at the same time. Units will be rotated to Thailand for rest and rehabilitation."

The additional troops will come from Thailand's Black Leopard Division which is withdrawing from South Vietnam. Headquarters will be at Kanchanaburi, northwest of Bangkok and many hundreds of miles from Thailand's border.

The Bangkok Post, an English language daily, has quoted government sources as saying the new troops will be used as a guerrilla force within Thailand to counter the Communist insurgency problem in Thailand.

Lao military sources said there would be an announcement telling of the formation of the Thai guerrilla force to fight in Thailand, but that the troops actually are destined to fight in Laos.

Thus American officials handling funds would be able to disburse money to the Thais, although they would be paying for troops in Laos.

The reason for this is that administration officials are trying to get around the congressional ban on the use of Defense Department funds to pay for mercenaries in Laos. As part of this, U.S. government officials here and in Washington describe the Thais as "volunteers" and ethnic Lao from northeast Thailand.

In reality, however, the Thais serving in Laos are regular members of the royal Thai army who volunteered to serve in Laos for extra pay.

Eight Thai soldiers who were interviewed confirmed the arrangement. Three of the soldiers came from Bangkok or its sister city, Thonburi, one was from Nonthaburi and the others were from north or northeast Thailand.

The Thais have their own command system and have almost nothing to do with the royal Lao army. The only Lao military decision which affects them is by a Lao regional commander who may ask American officials to deploy the Thais in a certain place as part of an over-all Lao army operation.

U.S. administrators have claimed the Thais are part of the royal Lao army, but none of the eight Thais spoken to considered themselves as such. American officials attempting to circumvent the congressional restriction deserve some sympathy, for their problem is a difficult one.

The Thais are essential to the survival of the royal Lao forces against the North Vietnamese. The Lao army is sadly depleted, with its casualties running at 10 men killed in action a day.

This year the Thais have been involved in most major action in Laos. They fought at Houei Sai on the Bolovens Plateau when it fell. They took part in the Plaine of Jarres operation, helping the Lao recapture the area. Thai artillerymen are manning firebase Lion on the plain now.

The Thais also took the responsibility for clearing out a new enemy position at Pak Song last week, freeing sufficient Lao troops for a helicopter lift to take Pak Song from the east.

The high Lao casualties at Pak Song (1,262, including 212 killed and 295 missing out of a force of fewer than 3,000) make it likely that Thais will be needed in the southern Laos Bolovens Plateau.

QUORUM CALL

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum call not be charged against my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 248 Leg.]

Allen
Bentsen
Boggs
Chiles
Curtis
Ervin
Fannin
Fulbright
Hansen
Harris
Hruska
Hughes
Jackson
Jordan, N.C.
Magnuson
Mansfield
Mathias
Metcalf
Miller
Moss
Packwood
Roth
Stennis
Symington

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Case
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Ellender
Fong
Gambrell
Goldwater
Gurney
Hart
Hatfield
Humphrey
Inouye
Jordan, Idaho
Kennedy
McClellan
McGovern
Mondale
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Taft
Thurmond
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER (Mr. BEALL). A quorum is present.

Who yields time?

Mr. HUGHES. Mr. President, the distinguished Senator from Missouri (Mr. SYMINGTON) agreed to yield me 10 minutes on his time.

The PRESIDING OFFICER. The Senator from Iowa may proceed.

Mr. HUGHES. Mr. President, I am pleased to join the distinguished senior Senator from Missouri (Mr. SYMINGTON) in this effort to put a $200 million ceiling on American expenditures in Laos. We should all be grateful for the persistence which he has shown in prying the facts about our involvement there from our secrecy-ridden Government and then in bringing these facts before the Senate and the American people.

In an important sense, the principle of establishing some ceiling is even more urgent than the precise figure. If the Congress is to exercise its duty of authorizing and appropriating funds, we must know how much is being spent and for what purposes. The burden of developing and justifying programs falls on the executive branch, but the Congress can and should decide how much may be spent and under what restrictions.

Gradually, in recent years, the Congress has done what successive administrations failed to do: Put limits on the conflict in Southeast Asia. First, we forbade extension of U.S. ground combat operations into Laos and Thailand. Then we set clear limits to the war in Cambodia. For several years, we have imposed a ceiling on the amount of money which could be spent for support of South Vietnamese and other forces in South Vietnam.

Amendment 434 is the next step in this process—and it is a necessary step if we are to prevent the shifting into neighboring countries of the tragic violence which has scarred Vietnam. If we really believe in "winding down the war," as virtually every Member of this body favors, then we must cap the volcano in Laos.

The administration argues that a ceiling would somehow "cut the ground" out from under our friends in Laos, I do not follow that logic. Is there any evidence, for example, that our $2.5 billion limitation on overall military aid to Indochina has made the South Vietnamese less willing or able to fight? If conditions change, and there is persuasive new evidence of need, surely the Congress can add to the $200 million figure established by this amendment.

One of the most attractive features of the Symington amendment is that it sets a total, all-inclusive limit to U.S. expenditures in Laos. The only exception is for the cost of bombing along the Ho Chi Minh trails, which the State Department admits is related to the conflict in South Vietnam and is separate and distinct from the other war in Laos. This amendment reaches across the many separate and even secret bills and line items which have hitherto prevented the Congress from assessing the totality of our involvement in Laos.

Until a few months ago, the Congress did not even have a full and accurate picture of U.S. expenditures in Laos. If one looks at the budget submission for total economic and military assistance for Laos planned for fiscal year 1972, the figure is a seemingly modest $178 million. As recently as June 7, when this body met in secret session, the admitted cost of our economic and military assistance was put at $284 million. Barely a week later, Secretary of State Rogers announced that the total for U.S. expenditures in Laos, exclusive of bombing, was $350 million. Thus, in fact, the American people have been paying over twice as much to support the war in Laos as they had initially been led to believe.

Even these costs are rising. In July, Secretary of Defense Laird said that planned expenditures for fiscal year 1972 would reach the staggering level of $490 million. In other words, we will be spending 40 percent more this year than last. And the total cost will be more than twice the gross national product of that poor country.

I am pleased that the administration is now more open about the costs of our involvement in Laos. I am still waiting, however, for a persuasive justification of the need for such increased expenditures. In military aid alone, the U.S. Government plans to spend nearly three times as much in 1972 as it did in 1969.

When we consider what we are really buying with these expenditures, I believe that few people will see the need for such increases. In fact, one might well conclude that we are pouring money into a futile and destructive effort.

In a nation where perhaps one-third of the people have been refugees at some time in recent years, the overwhelming desire is for peace. Our own Ambassador told the Armed Services Committee last July that "the Lao have been bled white by this war."

The truth of this statement can be seen in the casualty figures. Our people are upset, and justifiably so, when American deaths are 29 per week, as they were last week. Yet in Laos, with only one-one-hundredth our population, the death toll on the Royal Government side averages out to about 70 per week, according to calculations based upon the Moos-Lowenstein report. In other words, the Lao casualty rate is the equivalent of 1,000 Americans dying every day.

We must put a halt to this killing. Even though we may think we have the best of motives, I do not believe that the United States should be financing suicide.

Much of our aid has gone for the tough, patriotic Meo tribesmen. But a decade of vicious war, prolonged by strong U.S. support, has seen that tribe lose a huge percentage of its population—perhaps one-fourth. Reports from Laos now say that 12- and 13-year-old boys have been pressed into service. At least one report last month said that rice supplies were being withheld from Meo who refused to send their sons to fight.

To keep the war effort going, the United States is financing Thai soldiers who fight alongside the Lao. Although the administration claims that these troops are not regular Thai military personnel, Ambassador Godley admitted that assistance has been sought from the Thai Government "in facilitating the volunteering" of its people. By paying for these foreign troops, we are perpetuating the historic struggle between Thailand and Vietnam for dominant influence in Laos.

Besides financing protracted conflict, our funds also support the logistics of the Lao military, yet persistent reports from journalists and knowledgeable officials contend that much of the opium and its derivatives, which ultimately is the heroin consumed by U.S. forces in Vietnam, travels through Laos on the planes and trucks which America pays for. This is a question that has neither been adequately pursued nor answered by our Government.

There must be some limit to this conflict. If the President is unwilling to draw the line, then I believe it is time that the Congress must.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, will the distinguished Senator from Virginia yield me 5 minutes?

Mr. BYRD of Virginia. Mr. President,

I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, having visited Laos and South Vietnam quite a few times and having witnessed the operations over there, I am more than a little bit aware of what is going on.

I am quite disturbed by this amendment and the effect it could have. We have to keep in mind, Mr. President, that we have been unmercifully bombing part of Laos for the past 10 years. It is a very important part of the South Vietnam operation. Without that bombing and without tactical air attacks on the so-called Ho Chi Minh Trail, the enemy never could have been contained by the South Vietnamese or by us.

I have felt all along that we certainly owe something to that country for the destruction we have wrought in the eastern part of it. The help we have been giving Laos in a military way, I think, is a method of repaying it for the debt we owe by reason of using their country to fight a war involving other countries. I would have to see this combination upset.

I think if the amendment were agreed to, we could almost judge the time that Laos would fall as a country to either Red China or North Vietnam. And, I have to add, this would be just the beginning of the failures over there, because Thailand would be next. The Red Chinese have now completed a road to the Burmese border. And certainly they have not built that road just for an exercise in highway construction.

I think their ultimate aim—as I have felt for a long time—is the domination of Southeast Asia and then the domination of all of Asia.

If we allow this to happen, I think we can very safely foresee the beginning of another world war, because Red China with domination over Asia will then be a serious threat to Russia on Russia's southern border. We, by that time, would have vacated the world leadership spot, which we seem to be in a great hurry to do. The world leadership would start us on another war. And the conflict would start between Red China and their then acquired land and the Soviet Union who would resist this effort.

Mr. President, I would hate to see the amendment agreed to. I know that it is a very attractive one. I know that it means the saving of money. However, the saving of money and the saving of a country and the saving of our country from participation in a third world war, I think, is an entirely different subject.

Mr. President, I yield the floor.

Mr. MONDALE. Mr. President, I strongly support Senator SYMINGTON's amendment to the military procurement authorization bill establishing a $200 million ceiling in fiscal year 1972 on U.S. expenditures in Laos for economic aid, military assistance, and all other U.S. activities. This ceiling would not apply to costs connected with U.S. combat air operations over the Ho Chi Minh Trail area in southern Laos.

More than any Member of the Senate, Senator SYMINGTON has tried to alert the Congress and the American public to the "secret war" in Laos and America's increasing involvement in that war. We are still a long way from knowing the full truth about America's participation in that war; but what we have learned is a result of Senator SYMINGTON's persistent efforts to get at the truth. I believe that his work in trying to curtail this undeclared and uncontrolled war will be regarded as one of the major contributions in the distinguished career of our colleague from Missouri.

For years, Congress has appropriated funds to finance this Laotian war without knowing how much money was being spent or how his money was being used.

Because of Senator SYMINGTON's investigation, we now know that our military assistance program to Laos has skyrocketed from $11.9 million in 1963 to the $221.2 million requested for fiscal year 1972.

And this $220 million is only part of the story. According to Senator SYMINGTON, the administration had admitted that the cost of all U.S. operations in Laos in fiscal 1972—exclusive of operations over the Ho Chi Minh trails area—is approximately $490 million.

These figures were only made available this year. Thus, a program we knew virtually nothing about has been vastly expanded over the past several years.

In part, this increase is a result of the United States subsidizing the use of thousands of Thai mercenaries in Laos—a fact which I revealed on January 19, 1971. In using U.S. Government funds to pay for these Thai troops, the executive branch ignores Congress prohibition of U.S. support for Vietnamese or other free world forces "in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

While we have learned somewhat more about our involvement in Laos, neither the cost of CIA operations in that country nor the nature of U.S. air operations in Northern Laos have been fully described to any congressional committee.

We do know that the U.S. Air Force is engaged in an around-the-clock bombing in Laos—hundreds of miles from the Ho Chi Minh trails. While the full impact of this bombing is not yet clear, there are ample news stories documenting the destruction and devastation of Laotian villages and the suffering of the Laotian people.

Without any real understanding or approval by the Congress or the American public, U.S. military forces are deeply involved in still another Asian war. After our Vietnam experience, we are entitled to ask "Where does it all stop?"

The limited assistance to South Vietnam led to American "advisers" and the bombing of the North.

We know where those so-called limited commitments took us.

Is there any reason to believe that our limited commitment to Laos will not take us down the same path—will not lead us to an ever-increasing involvement in that war?

Since our commitment to Laos continues to escalate, it is imperative that Senator SYMINGTON's amendment be adopted. For if this amendment becomes law, the Congress will make it clear to the executive branch that Laos will not become another Vietnam—and that the United States will not be dragged into another Southeast Asian quagmire.

As Senator SYMINGTON has pointed out, this amendment will not put an immediate end to the war in Laos. But it will prevent the executive branch from unilaterally expanding U.S. involvement in that war—without the knowledge and approval of the Congress.

In addition to limiting U.S. expenditures in Laos, the amendment would require the executive branch to submit a written explanation describing the purposes of any future funding requests for Laos. And the amendment would prohibit the obligation or expenditure of funds for any purpose in Laos unless such funds have been specifically authorized by law.

For too long now, the Congress—and particularly the Senate—has abdicated its constitutional powers. We have authorized and appropriated funds in the dark—without even the most minimal knowledge of how these funds were being used.

America's involvement in Laos—perhaps more than any other event—has clearly demonstrated the atrophy of congressional power.

This amendment offers us the opportunity to accept and exercise our constitutional responsibilities.

In meeting our responsibilities, we may prevent another tragedy in Indochina.

Mr. DOLE. Mr. President, I rise to urge that this body reject the original amendment offered by the distinguished Senator from Missouri. This amendment, if passed, would have the effect of undermining the chances for a careful withdrawal of U.S. forces from Vietnam. It would also contribute to the political deterioration of the Laotian Government at a time when its stability and endurance could lead to enhanced prospects for political negotiation in Indochina as a whole. The Senator from Kansas believes that the pending amendment would thereby constitute a double disservice to the interests of the United States as we seek to both stabilize and disengage ourselves from Southeast Asia.

The original amendment to the Defense Procurement Act would set a ceiling of $200 million on all U.S. assistance to Laos, both economic and military, with the exception of U.S. air interdiction efforts against the Ho Chi Minh Trail. The restriction would cover (a) AID, (b) MASF * for the Royal Lao Army, (c) the Lao irregular program, (d) support for Thai volunteers in the irregular forces in Laos, (e) U.S. air activities in support of Lao regular and irregular forces, and (f) U.S. support for ground actions—for example, by GVN forces—in the trail area. The administration believes that such an amendment would not contribute to the attainment of U.S. foreign policy objectives in Southeast Asia.

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*U.S. Military Assistance Funding.

NIXON DOCTRINE

The Nixon doctrine provides for the replacement of U.S. direct participation in Asian defense by greater indigenous efforts with U.S. support. It has been deemed advisable to reduce the numbers of American soldiers as Southeast Asians themselves acquire the capability to defend themselves effectively against external aggression. It is therefore clear that under the Nixon doctrine the costs of U.S. assistance to foreign governments may have to increase as American forces are withdrawn; it would be unreasonable to attempt to reduce both the American participation and American material support for Asia's defense. For example, an important part of our efforts to increase the capability of the Lao to permit them gradually to replace U.S. efforts in the area is building up the Lao air force. This would entail an increase in ordnance expenditures significantly as an item in the MASF program for Laos. An element of the Nixon doctrine is U.S. support for regional cooperation in defense. One example of assistance to regional cooperation is U.S. support for Thai volunteers serving in irregular forces in Laos under the command of the Royal Lao Government.

The original Symington amendment would directly reduce our ability to act without delay and as required to respond to surges in North Vietnamese attacks in Laos. The ceiling proposed is quite inadequate to continue essential ongoing operations in Laos which facilitate our general objectives in Southeast Asia, including Vietnamization and withdrawal of U.S. forces. The administration has accepted overall limitation on MASF funds for Vietnam, Laos, and Thailand. Imposition of a subceiling for Laos alone would limit dangerously U.S. ability to respond to North Vietnamese actions there. As President Nixon noted in his October 7 peace proposal, the current struggle in Indochina is basically indivisible. As reductions are made in other areas, particularly South Vietnam, it may become necessary to maintain expenditures in Laos. In any event, any amendment whose limitations include expenses for U.S. air support for Lao regular and irregular forces would be difficult to implement. Although it is possible to devise a rough estimate for the costs of an average sortie and to multiply this estimate against the total number of sorties which are considered to have been in support of Lao forces rather than interdiction efforts against the trail, it would be in practice difficult to devise bookkeeping which could satisfy the Congress that the intent of this amendment was being observed. In any case, a ceiling of $200 million which would include U.S. air operations—except against the Ho Chi Minh Trail—would be highly unrealistic. As Secretary Rogers has noted, the value of support in Laos for fiscal year 1971 is $350 million, exclusive of all U.S. air operations. If the level of North Vietnamese activities is not reduced through some agreement or at least a local cease-fire, the arbitrary cut in Lao effectiveness through such a drastic cut in U.S. assistance could almost inevitably result in a political as well as military collapse in Laos.

EFFORT TO REACH A SETTLEMENT IN LAOS

We are encouraging the Royal Laotian Government's current efforts to explore actively with the Lao Communists the possibility of arriving at some form of a settlement which would permit the reduction of the level of hostilities in North Laos. There are indications that the Government of North Vietnam now recognizes that there are mutual advantages in a local cease-fire. If progress can be made on this front, it should be possible gradually to reduce U.S. support for activities in Laos—outside the trail area—to a level which could be within a $200 million ceiling. However, if such a congressional limitation were passed while the negotiations are underway, it would be clearly seen by the enemy as having drastically reduced the ability of the Royal Laotian Government to defend itself, and hence the Communists would considerably harden their negotiating position to the detriment of the Royal Laotian Government. The Royal Laotian Government would be unable to exact concessions from the Government of North Vietnam in return for reductions in U.S. military support—such as a bombing halt and withdrawal of Thai volunteers. An unfavorable settlement would have serious consequences for the ability of other friendly governments in the area to resist North Vietnamese expansionism, and could affect Vietnamization and thus the withdrawal of U.S. forces.

LAOS—CRUCIAL NEGOTIATING PERIOD

Since March 1970 Lao Prime Minister Souvanna Phouma has been actively engaging in internal talks with the Lao Communists. The talks have proven to be a useful way of defining the basic positions of each side and of furthering contacts which, at an appropriate point, might assist in arriving at a settlement in at least North Laos. In addition, such a settlement could spread to other areas of Laos, and the form of political accommodations might be precedence for settlements elsewhere in Indochina. It is important that the Lao prime minister and other non-Communists be in a position to hold out for a settlement which does not compromise basic Lao national interests—nor those of Thailand, South Vietnam or Cambodia. For the example of Berlin shows that continued firmness may indeed encourage the Communists to abandon extreme positions which they have insisted on, sometimes for years, and enter into serious negotiations.

The coming year will be a crucial one for Indochina. Even without formal progress in the Paris talks, it is obvious that other changes in Indochina will have an impact upon the development of a solution there. The President's trip to Peking, the continuing progress of successful Vietnamization and withdrawal of U.S. forces, the increased competence and capability of the Cambodian Government, and the increasing Thai efforts to deal with their concern about threats to their own security, all will have an important effect upon Laos. In view of the Communists continued assurances of support for the Geneva agreements of 1962 and its internal arrangements, the principal elements for a possible Lao solution acceptable to both the Communists and to the non-Communists are available. The North Vietnamese desire to reach an overall settlement in the area. Such a settlement could begin with progress in Laos and create movement toward an Indochina solution.

Delicate political negotiations leading to shifts and maneuvers will take place during the crucial year of 1972. It would take unilateral military steps which woul seem highly inadvisable for this body to take unilateral military steps which would disrupt the negotiating position of the Royal Lao government or undermine that government's very stability. Drastic cuts in U.S. support or the elimination of U.S. support for Thai assistance with volunteers could undermine totally the Royal Lao government's defensive position during the coming dry season. If Lao Prime Minister Souvanna Phouma were faced with military disaster, he could well decide to resign. Souvanna is the symbol of Lao neutralism and would be indispensable to any attempt to return to the framework of the Geneva agreements. He will also be a crucial figure in efforts to move toward a solution of the conflict on the Indochinese Peninsula. His disappearance from the scene could only reduce drastically the chances for a settlement of the conflict in Laos which in turn could complicate the solution of the rest of the conflict in Indochina.

The Senator from Kansas urges that this body reject the pending amendment which can only serve to undermine our goals of withdrawing from Southeast Asia and of creating a viable political situation as we do so. The amendment would be a critical blow against the Nixon doctrine and against the interests of the United States.

Mr. SYMINGTON. Mr. President, I yield to the Senator from Arkansas whatever time he desires.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, the principle of the amendment of the Senator from Missouri, I support.

The distinguished Senator from Missouri has done more work, I think, in trying to enlighten, and in enlightening, the Senate, the committee, and the public about the war in Laos which this and the predecessor administration has gone to such length to keep secret from the Congress and the public. He deserves great credit.

I agree with the principle in this amendment that attempts to limit our involvement in Laos. When I finish my prepared remarks, I wish to elaborate upon that idea.

Mr. President, the amendment offered by the Senator from Missouri puts a limitation—where there has been no limitation—on our steadily increasing involvement in Laos and which requires—where there has been no requirement—that the Congress be kept informed of the purposes for which public moneys are being spent in Laos. The amendment has been proposed by the Senator who, perhaps more than any other, has demonstrated a consistent concern with regard to the war in Laos and a persistent determination to find out what was going on in that country and to insure that the

American people, whose tax moneys pay for the war, are made privy to as much of this information as possible. Without his efforts, in the last few years through the Subcommittee on U.S. Security Agreements and Commitments Abroad, we in the Senate would still be in the position of approving the expenditure in Laos of far more money than we thought we had appropriated for military activities of which we were barely aware.

One reason the war in Laos remained unnoticed for so long, and unexamined after it had been noticed, was that it has been and still is overshadowed by the war in Vietnam. The situation in Laos, like that in Cambodia, is, of course, intimately related to the war in Vietnam. In these other two countries of Indochina we see reflected the false hopes and mistaken judgments that led us into the quagmire of Indochina in the first place and that continue to keep us there. I find it cause for serious concern, for example, that since the policy known as Vietnamization began, Cambodia has become engulfed in war and is now virtually entirely dependent upon the United States both militarily and economically. The costs to the American taxpayer of our involvement in Cambodia are increasing rapidly, and the outlook for the immediate future is that these costs will continue to increase.

In Laos, too, our costs have never been greater. Yet the situation of the Royal Lao Government has never been weaker. I gather that the most that can be hoped for militarily is that the Royal Lao Government can maintain its hold on the one-third of its territory that remains under Government control, and even this objective will require a continued heavy American investment and an increasing Thai involvement for which the United States must pay.

The Senate has been tardy, if not derelict, as far as the war in Laos is concerned. Until recently we could plead ignorance, although ignorance of a war is no more valid an excuse for avoiding the consequences than is ignorance of the law. Now, however, due principally to the efforts of the senior Senator from Missouri and his subcommittee, we no longer have that excuse. Yet the war continues without any real authorization by the Congress except in the annual appropriations we have voted, appropriations which mask the scope and details of our involvement and which do not represent an accurate measure of the expenditures involved. We are now considering the latest of these appropriations but we are doing so, for the first time, with sufficient information to enable us to debate and decide whether we wish to exercise some control over what has been essentially an uncontrolled war.

It seems that the only way in which we will be able to exercise some control over, and impose some limitations on, our activities in Laos is through the appropriations process. We tried last year by legislation to prevent our underwriting third country participation in the war in Laos because it was our judgment that this was not a wise course of action for the United States. That legislation was not respected. It was circumvented by the executive branch through the device of calling the Thai forces that were sent into Laos, and who were paid by the U.S. "local forces" in Laos. It is now contended that they are "local forces" because they had severed their connections with regular Thai military and had "volunteered" for service in Laos. We learn from the press, however, that this is not what the volunteers themselves think they have done. They still appear to believe that they remain in the regular Thai army.

The cost of this program of underwriting Thai forces to fight in Laos will increase in this fiscal year. The program began because there was no longer sufficient Lao manpower to defend what remained of the territory under Royal Lao Government control, as Ambassador Godley made clear in his testimony before the Armed Services Committee. If the fighting in Laos continues, and there is no prospect that it will not, Lao manpower will be further depleted and even more Thai may be needed at even higher costs to American taxpayers. That is precisely the situation the Senate attempted, through legislation last year, to prevent.

We have not used the appropriation process before to attempt to control our involvement in Laos. Before the staff of the Subcommittee on U.S. Security Agreements and Commitments Abroad submitted their report on Laos to the subcommittee, we did not even know the rough order of magnitude of U.S. spending in Laos, for that figure had never before been announced. Now we do know, and the costs in this fiscal year will be almost half a billion dollars, not including the cost of bombing the Ho Chi Minh Trail.

Surely these costs are too high. Even administration witnesses before the Armed Services Committee admitted that if the North Vietnamese wished to devote sufficient resources, they could take Laos any time they wished to. Thus, in the long run it would make little difference whether we were to appropriate $100 million or $200 million or a billion for, as the subcommittee staff report on Laos stated:

> Perhaps the only real protection the Laos have is whatever limits the North Vietnamese wish to place on themselves.

Large amounts of American economic and military assistance, and an intimate American involvement in military operations in that country, have not brought peace to Laos. There are now twice as many North Vietnamese forces in Laos as there were three and a half years ago. The bloodshed and destruction continue, exacting a terrible price from the Lao people.

I believe that the emphasis must shift in Laos from military confrontation to political accommodation and that this shift will not take place as long as we continue to underwrite the war without limitation. It is, of course, not only in Laos that there must be a shift in emphasis but within this government as well and that shift, it appears, can only be achieved if we in the Congress force it.

There is no evidence that the United States has ever seriously considered a negotiated settlement in Laos. The Pentagon papers indicate that in the past the United States deliberately undercut efforts to attain such a settlement. The negotiating alternative has never been taken seriously because the executive branch has never been constrained in any way in prosecuting the war in Laos. The public did not know how extensive the American involvement in the war was, and the Congress had no idea of the costs involved.

In addition to reversing the trend of American expenditures, and forcing a shift in emphasis from the military to the political sphere, the amendment proposed by the senior Senator from Missouri would impose certain requirements on the executive branch to keep the Congress informed. I believe those requirements are of utmost importance. Without them, there is every indication that the executive branch will continue to keep the Senate in the dark. As those who attended the secret session of the Senate on June 7 will remember, the senior Senator from Missouri pointed out, at the beginning of that session, that on January 27 of this year I wrote the Secretary of Defense asking for statistical information relating to the military situation in Laos and Cambodia similar to that information regularly supplied to the committee with regard to Vietnam. Mr. G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, replied on April 14 and said that he was unable to comply with my request because—

> It would not be at all appropriate to discuss or disclose outside the Executive Branch highly sensitive information on military combat operations of the kind which your questions would elicit if answers were to be provided.

I then wrote Mr. Nutter on April 20 and asked whether he could provide the committee with a list of the items requested which he considered to be in the category of "highly sensitive information on military combat operations" which it would not be "appropriate to discuss or disclose outside the executive branch."

He replied on May 5, and said in his letter:

> The information required to respond to questions concerning the size and combat readiness of indigenous armed forces, their air and ground combat operations, the enemy forces they encounter and the casualties they inflict and sustain, etc., is normally provided through U.S. military personnel acting in a military advisory assistance role who accompany the host country forces on combat operations. However, the Geneva Accords, the so-called Cooper-Church Amendment and certain other restrictions imposed by the Congress in enacting the Defense Authorization Bill have, in combination, prohibited by law the presence of U.S. military advisory in Laos and Cambodia which, in turn, effectively precludes reliable reporting to the Department of Defense of information of that nature.

I then wrote to Mr. Nutter again on August 9, renewing my request on Laos on a monthly basis. I said in my letter that since the exchange of correspondence had begun, two members of the subcommittee staff had visited Laos and had obtained answers to virtually all of the questions regarding the situation in Laos which I had asked. I also noted that their report had now been declassified and published, after review by the Departments of State and Defense and the Central Intelligence Agency, and that it thus did not seem to me any longer credible to claim that he could not provide answers to these questions on the ground that it would not be "appropriate" to discuss or disclose this information outside the executive branch or that the information was not available because we did not have U.S. military personnel Laos "acting in a military advisory assistance role who accompany the host country forces on combat operations."

As I said, my most recent letter to Mr. Nutter on this subject was dated August 9. Today is October 4. I have not yet received a reply to my letter. Apparently, the Department of Defense cannot decide how to respond to, or perhaps it should be said how to avoid meeting, a simple request to be provided with an updating of information which the committee staff has already been able to obtain on its own. If that is the kind of cooperation that we can expect to receive, it seems to me that we must compel the executive branch by law, as would the amendment before us, to provide the kind of information which they are obviously unwilling to provide otherwise.

I ask unanimous consent that my exchange of correspondence with the Department of Defense on this subject be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **FULBRIGHT**. Mr. President, but to leave the question of information and to return to the question of controlling the war, if this amendment is adopted the options of the executive branch in Laos will be limited to those which the Congress has decided we can afford. This amendment represents the first application of precise fiscal controls to the war in Laos. It is, of course, opposed by the Defense Department which argues that a budgetary ceiling is unthinkable as well as unworkable and, for that reason, has not been imposed before.

It is a new departure for the Congress to attempt to impose fiscal controls on our activities in Laos. But this is a practice which the Congress follows, and the executive branch is compelled to observe, in all of our domestic programs. We regularly decide how much we can afford to spend on the war against poverty and in the war against crime. If we can place limits on how much we can spend and for what purposes on problems such as these, which are of such enormous consequence to us at home, what earthly argument can there be for not placing similar limitations on the war in Laos.

Mr. President, the amendment of the Senator from Missouri provides for a substantial reduction in the amount which the administration proposes to spend and no doubt will spend. It is true that I and some of my colleagues have almost been reduced to the situation where it makes no difference what is put into the law, the administration will not abide by it. We had a restriction on the employment of Thai troops in Laos, but the Executive did so any way. This being a political question, I do not see how it could be brought into the courts. If we passed a clear expression, even over a presidential veto, that there should be no bombarding in the north, I am sure the Executive would continue to bomb and call them protective reaction strikes.

I do not know how to deal with a Government in which there is no respect between the legislative and the executive branches, when there is no respect with regard to waging war and the law. With regard to the Cooper-Church amendment, the Executive ignored the restrictions on limiting the number of Americans in Cambodia.

I hold in my hand an article with a Phnom Penh dateline; which was published in The New York Times on September 20, 1971. I ask unanimous consent that the entire article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILITARY GAINS GROUND IN U.S. EMBASSY IN CAMBODIA

(By Craig R. Whitney)

PNOMPHENH, CAMBODIA, Sept. 17—United States Embassy officials who wanted to keep the supporting American military presence here down to a bare handful have lost some ground that they considered important.

These Americans, led by Jonathan F. Ladd, the embassy political-military counselor and former commander of United States Army Special Forces in Vietnam, have been outmaneuvered, and now, according to diplomatic sources, have less influence in the embassy than the 50-man Military Equipment Delivery Team headed by Brig. Gen. Theodore C. Mataxis.

General Mataxis, who used to spend a couple of days a week in Pnompenh and the rest in Saigon, has now moved to Pnompenh with his staff and has more than doubled the size of the Pnompenh contingent of the team. When it moved to Cambodia in January he had 16 men. In May it was expanded to 23.

There are also 63 other men attached to the team but based in South Vietnam, where most Cambodian soldiers get their basic training from the South Vietnamese and are issued equipment—field radios, M–16 rifles, and uniforms—by the Americans. The total of 113 men in Pnompenh and Saigon has been the same since May.

Helped by the equipment, the Cambodian Army has been winning back some territory lost to the enemy.

American military advisers were prohibited in Cambodia by Congress last year. According to a United States official in Pnompenh, the members of military equipment delivery teams are not advisers, and are not engaged in training Cambodian troops. "They perform a certain logistic advisory function, seeing that the right equipment gets to the right units and is used properly," the official said.

FACT SHEET ISSUED

A Department of Defense fact sheet issued in Saigon today and in Washington yesterday emphasized that the team is "operating with the Congressionally approved military advisory training team in Cambodia" and said that it was deliberately organized with a lower number of personnel than would eventually be needed."

In addition to the team's members there are 25 servicemen in the office of the American military attaché, Col. Harry Q. Amos.

So far that is all, but one disgruntled advocate of a smaller American establishment here said the other day, "the next thing they'll want is M.P.'s, then a PX, then a moviehouse, and next thing you know there will be a thousand men here."

Authoritative American sources here say that is not likely, but the pressure is on the embassy for still more staff members. The team, while operating under the supervision of Ambassador Emory C. Swank, comes under the commander in chief of the Pacific in Hawaii.

The American military aid program last year consisted of $180-million, which included both the expenses of training and equipping Cambodian troops in South Vietnam and delivering other equipment to Cambodia.

This year's request by the Administration is for $200-million, 60 per cent of which goes toward ammunition.

"The guidance from Washington is to help them maintain a light infantry force, modestly supported by artillery and air," one aide said. "In other words, not to make them a goddam conquering army."

The Cambodians have been given six helicopters and six T–28 propeller-driven bombers. They also get air support from American jets based in Vietnam and Thailand. The money for those air strikes is not accountable to the military assistance program here.

According to official sources, the team members make field trips in unmarked American helicopters that come from Vietnam but only to inspect the military equipment and how it is used. Before each trip Ambassador Swank is informed, the sources say.

The four officers on Colonel Amos's staff also make field trips to gather information, the sources said. Colonel Amos does not wear a uniform in Pnompenh but in his second floor office last week several majors in combat green uniforms came in to make reports.

"Those guys have to grit their teeth when they can't advise," one civilian observer said. "Now they've got a flag officer here, next they'll want a major general, then a lieutenant general, and it'll end up being MACC," or Military Assistance Command Cambodia.

So far, however, the Cambodians have not asked for that, and Ambassador Swank an advocate of the low profile for the American presence here is likely to hold the day—at least for now.

Mr. **FULBRIGHT**. Mr. President, the point is that the military team in Cambodia has just recently been doubled. I will read part of the article:

> United States Embassy officials who wanted to keep the supporting American military presence here down to a bare handful have lost some ground that they considered important.
>
> These Americans, led by Jonathan F. Ladd, the embassy political-military counselor and former commander of United States Army Special Forces in Vietnam, have been outmaneuvered, and now, according to diplomatic sources, have less influence in the embassy than the 50-man Military Equipment Delivery Team headed by Brig. Gen. Theodore C. Mataxis.
>
> General Mataxis, who used to sped a couple of days a week in Pnompenh and the rest in Saigon, has now moved to Phompenh with his staff and has more than doubled the size of the Pnompenh contingent of the team. When it moved to Cambodia in January he had 16 men. In May it was expanded to 23.
>
> There are also 63 other men attached to the team but based in South Vietnam.

The fact is that I realize as a Senator we have to keep up the appearance of dealing with these laws trying to restrict them, even though the executive department refuses to take them seriously and abide by them.

I have mixed feelings about the amendment I shall support the $200 million limitation. I shall not, however, support the amendment which gives the administration the equivalent of the $490 million, or the $350 million, exclusive of bombing. This would be no restriction on the amount; but I predict the other portions of the amendment requiring reports, and so forth, they will pay no attention to.

The basic law on foreign aid today requires the Executive to submit all relevant documents on foreign aid. It says so n the law in very broad language. It could not be any broader. So when we ask for the documents, the President refuses to send them to us on the ground that they are internal working documents and claims Executive privilege. I do not agree that such privilege is applicable to matters of this kind. I think it is an absolute distortion of the whole concept. I do not think there is any legal basis for it. It is a clear violation of the clear requirements of the law.

Now the Senator from Missouri puts n this requirement, and I am for that, of course, because, as a Senator, I have to proceed as if this were still a law-abiding country and that people abide by the law, even though I strongly suspect that some will not do so if it is inconvenent to them, just as they have not abided by the law in the case of the Cooper-Church amendments, and the amendment limiting use of Thai troops, or requirements for furnishing information to the Senate on foreign aid.

The real reason why this executive has such contempt for the Congress and the law is that it believes it controls the Congress. With the Democrats split about 50–50 and the Republicans standng close together, the administration thinks anything it considers important will pass, anyway; so why should it respect a body which has no role? I can understand that. I, nevertheless, believe that, in the long run, when this war is over, this country will return to its senses and we will then have an opportunity to resurrect the basic principles of law on which this country was founded.

But as long as the war is going on, I realize that the administration does not have to pay attention to those in Congress or the Senate who disagree with its views, because the administration has the votes, and it does not make any difference what they think about the providence of the war in Laos or Cambodia. Just as was true of the preceding administration, as long as the administration has the votes it will do as it pleases.

I want to read one other paragraph from this article:

> In addition to the team's members there are 25 servicemen in the office of the American military attaché, Col. Harry O. Amos.
>
> So far that is all, but one disgruntled advocate of a smaller American establishment here said the other day, "the next thing they'll want M.P.'s, then a PX, then a moviehouse, and next thing you know there will be a thousand men here."

That is exactly what happened in Vietnam. The President committed himself in the last election to get our troops out of Vietnam. What he appears to be doing now is gradually, but too gradually, much too slowly, moving soldiers, although he held that up until that election yesterday. That was a very enlightening election. One cartoon said, "One man, one vote. What could be more democratic?"

That is what it was—it was a very democratic election—one man, one vote. Mr. Thieu did not get as many votes as Hitler did. Hitler got 99 percent of the votes. The president of South Vietnam got 89 percent, I believe, so he is 10 percent off Hitler's record. But I say with a tone of sarcasm it was a great election, and I suppose it is being celebrated both in Saigon and downtown as a great victory which has now given South Vietnam the opportunity for self-determination, which is the way the administration, I believe, has described it.

The President has never made a commitment, as far as I know, to get out of Cambodia or Laos. That is the reason they are doubling—and they are doubling—the size of our military contingent in Cambodia. I want to predict now that Cambodia will turn out to be more sensitive, in many respects, than Vietnam.

Mr. Sihanouk, both hereditary and elected ruler of Cambodia, resides in Peking today. There are many indications that the Chinese regard Cambodia more or less as a ward. One reason is Prince Sihanouk. There are other reasons. Cambodia has been under the influence of the Chinese in the past. The Cambodians have always regarded themselves as a people of superior culture to the people of Vietnam. They have great pride in the former kingdom of the Khmers which resulted in Angkor Wat, and so forth. They have a history somewhat different from that of Vietnam and I think a history of close association with the Chinese. The Chinese have regarded them as a tributary state but, nevertheless, have regarded them as a state for which they have a responsibility.

I think it is very dangerous for us to escalate the war in Cambodia, in some cases more dangerous, on ideological and psychological grounds, than in Laos. It is a great tragedy that we are escalating the extension of the war and the cost of the war in Laos as well as Cambodia. I understand they will be spending some $200 million or more in Cambodia this year. We never know how much, because the actual amounts are never carried in a way that one can recognize them in the budget itself. There is so much that is secret. So much of it is spent through the CIA or some other activity of this kind and it is mixed up with the cost in Vietnam. Some of the Army men who are serving much of the time in Cambodia are based in Vietnam and no doubt they show up in the costs of Vietnam itself.

I shall support the amendment limiting aid to Laos to $200 million. I am not sure, since the Senator has sent another amendment to the desk, if it increases it to the current amount. If so, I cannot vote for it. There is no point in my voting for an amount which means a great escalation. I do not want to vote for any amendment, because there are those who later will look at this RECORD and say "Look, you voted for authority for war in Laos." I do not want my vote to be interpreted as authority for war in Laos. Of course, in a technical sense, it could be that I voted for it. But this amendment should be viewed as an attempt to restrict, restrain, and prevent an escalation of the war in Laos.

That is exactly how the Tonkin Gulf resolution was presented to us. It was presented as a way to prevent a layer war in Southeast Asia. President Johnson and his advisers said—

> If you will give us this quickly, it will show the solidarity of the Congress behind the President. This is the only way to discourage the North Vietnamese from escalating the war. This is the way to prevent a widening of the war. If you do not give us this authority, then the war will inevitably escalate because they will not have any fear or concern about what we will do in Southeast Asia. We have got to impress the Vietnamese with our determination and our strength, and this is the way to stop the war in Vietnam. This is the way to prevent the North Vietnamese for enlarging their activities.

That was the whole thrust of that program.

Of course, I have always been criticized, and still am—every day, practically, someone in this body or somewhere else who says:

> Did you not vote for the Gulf of Tonkin Resolution?

Well, they will say in this case:

> Did you not vote for the authority for the Laotian war?

This measure is not intended as authority for the war. They are already spending this money. They are going to spend much more if they can. I have no confidence that they will pay any attention to restrictions in any way. Nevertheless, for the sake of appearance, I have to support an amendment to restrict not only the amount of money but the way they report it and their activities in addition to spending the money.

I know this is going to be considered a cynical speech—"You do not have any confidence in our system," and so forth. Well, it is not that I have no confidence in the system. In wartime our democratic procedures break down. They have always done so throughout history. We delegate power. This has been done. That is the way it goes.

I have no doubt that we could get this war over if we do not keep backing widening the war into Laos and Cambodia. If we can stop the war in Vietnam, I believe this country will return to a democratic, law-abiding community. But we cannot make much progress doing that until we get the war in Vietnam over, and the wars in Cambodia and Laos stopped also.

This amendment is an effort to stop the war, to restrict the war in Laos, not to authorize it. What has been going on there has not been authorized, not even acknowledged. The support of the Meo army has been primarily through the CIA, which they do not acknowledge. We all know it, but they do not admit it. It is like Radio Free Europe; the CIA paid for it, but they pretended the public paid for it.

Here the CIA has paid for the war and we have never acknowledged support for it publicly. The Senator from Missouri produced evidence in a hearing that is very persuasive to that effect, and no man in his right mind can say it is not public knowledge now. But I do not think there has ever been a law passed authorizing so much money for a war in Laos. If I am wrong, I am willing to stand corrected. I do not think there has been authorization to carry on a war in Laos.

Those wishing to make capital of it could say this amendment is an authorization for the war in Laos, just as those who wish to take advantage of the technicality said the Gulf of Tonkin resolution was an authorization for the war in Vietnam, whereas its purpose was the prevention of a wider involvement in Southeast Asia.

But in order to get a $200 million limitation, I said I would vote for the Senator's amendment; but I cannot vote for any larger sum than that.

[EXHIBIT 1]

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
January 27, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As you know, at the request of the Committee on Foreign Relations the Department of Defense has, for some time, been supplying it with monthly statistical data relating to the situation in Vietnam. This information has proved to be extremely valuable in following developments there.

The Committee is finding it increasingly difficult to keep abreast of the rapid developments in Cambodia, Laos, and North Vietnam, and I believe that a monthly report containing data relating to those countries would be helpful. The Committee would, therefore, appreciate the Department's cooperation in supplying, on a monthly basis, the information requested on the enclosed list.

I, of course, have no objection to your making this information available to other interested congressional committees, as was done in the case of the Vietnam reports.

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

[Enclosure]

MONTHLY DATA ON MILITARY OPERATIONS IN SOUTHEAST ASIA

Cambodia

1. Size of Cambodian Armed Forces:

(a) Trained and Combat Ready;

(b) In training (specific location if outside Cambodia) or other;

(c) On duty outside Cambodia (other than training).

2. Number of friendly foreign troops in Cambodia:

(a) South Vietnamese;

(b) Other (specify).

3. Number of enemy troops in Cambodia;

(a) North Vietnamese/Viet Cong;

(b) Cambodian Communist;

(c) Engaged in combat operations:

1. against Cambodian forces;

2. against South Vietnam forces.

4. Combat air operations in Cambodia:

(a) Sorties flown by:

1. U.S. planes;

2. Sorties flown by Cambodian planes;

3. Sorties flown by South Vietnamese planes;

4. Sorties flown by Thais or other forces;

(b) Ordnance expended (bomb tonnage and other) by U.S. aircraft in Cambodia:

1. B–52.

2. other fixed wing aircraft;

3. helicopter gunships, etc.

5. Casualties (military):

(a) Enemy killed, wounded and captured;

(b) Cambodian killed, wounded and missing;

(c) South Vietnamese killed, wounded and missing;

(d) U.S. casualties or missing as a result of air or other operations.

6. Transport and Supply Operations:

(a) Number of flights flown by U.S. military transport aircraft to Cambodian airports;

(b) Number of U.S. helicopter transport flights flown in Cambodia;

(c) Number of air drop missions flown by U.S. aircraft in Cambodia;

(d) Number of transport flights by U.S. non-military aircraft (Air America, etc.);

(e) Number of transport flights by South Vietnamese or other aircraft;

(f) Number of supply missions by South Vietnamese naval vessels;

(g) Please provide copies of any contracts or agreements with foreign government or private entities relating to supply or transport operations in Cambodia, including data on amounts paid or reimbursed for such services and the sources of the funding.

7. Payments made by the United States to South Vietnam or other countries for operations in or services rendered in behalf of Cambodia:

(a) Amounts or any such payments and the purpose;

(b) Provide copies of any agreements entered into by the United States concerning payments to foreigners for services rendered in or in behalf of Cambodia and the source of the funding.

8. Number of U.S. personnel involved:

(a) Number of U.S. personnel attached permanently or temporarily to the U.S. Embassy in Cambodia—civilian, military;

(b) Number of visits in Cambodia by U.S. personnel in a TAD or other temporary status and total number of days of such duty by all personnel during the month;

(c) Number of U.S. personnel in South Vietnam, Thailand, or Laos whose duties relate to operations in Cambodia, including training and logistics operations.

9. U.S. Naval operations:

(a) Number and type of U.S. ships operating in or near Cambodian waters during the month engaged in operations relating to Cambodia;

(b) Number of visits to Cambodian ports by U.S. naval vessels engaged in supply or transport operations.

10. Estimated number of U.S. prisoners held in Cambodia:

Laos

1. Number of United States personnel in Laos:

(a) Civilian (government employees);

(b) Military;

(c) Personnel on temporary duty, civilian and military (total number of man-days);

(d) Contractor employees (Air America, etc.).

2. Number of friendly military forces:

(a) Regular Laotian Armed Forces;

(b) Irregular Forces;

(c) Thai Forces in Laos;

(d) Other Forces in Laos (Cambodian, South Vietnamese, etc.).

3. Enemy forces in Laos:

(a) Pathet Lao;

(b) North Vietnamese;

(c) Viet Cong.

4. Air Operations in Laos:

(a) U.S. air sorties over Northern Laos and munitions expended;

1. B–52;

2. Other aircraft.

(b) U.S. air sorties over Southern Laos and munitions expended;

1. B–52;

2. Other aircraft.

(c) Air sorties by Laotian forces and munitions used.

5. Casualties—killed or wounded:

(a) United States;

(b) Laotian;

(c) Other friendly;

(d) Enemy.

6. Incursions into Laos from South Vietnam or Cambodia:

(a) Purpose, date and number of U.S. and foreign personnel involved in each incursion.

7. Please provide copies of any contracts or agreements entered into during the month between the United States and other countries or private parties relating to military operations in Laos.

8. Estimated number of U.S. prisoners held in Laos:

North Vietnam

1. U.S. air operations over North Vietnam:

(a) Number of reconnaissance flights flown;

(b) Number of escort sorties flown;

(c) Number of helicopters or other manned aircraft sorties flown;

(d) Number of drone flights.

2. Enemy actions and U.S. losses:

(a) Number of times U.S. aircraft were fired upon while over North Vietnam;

(b) Number of times U.S. aircraft were fired upon from North Vietnam while over Laos;

(c) Number of U.S. aircraft lost (by type) over North Vietnam due to enemy fire;

(d) Number of U.S. aircraft lost over North Vietnam (by type) not as a result of enemy fire;

(e) U.S. personnel losses.

3. Retaliatory action taken:

(a) Number of times North Vietnam targets were attacked;

1. Number of aircraft involved in retaliatory actions;

2. Quantities of munitions used in retaliatory action.

4. Description of actions by Southvietnamese or other forces in North Vietnam.

5. Estimated number of U.S. prisoners held in North Vietnam.

ASSISTANT SECRETARY OF DEFENSE,
INTERNATIONAL SECURITY AFFAIRS,
Washington, D.C., April 14, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Laird has asked me to respond to your letter of 27 January in which you requested that the Senate Committee on Foreign Relations be furnished, on a continuing basis, a detailed monthly report on military operations in Southeast Asia.

I regret that we are unable to comply with your request in this instance. Deputy Secretary Packard's letter to Senator Symington of 11 June 1970, a copy of which Senator Symington forwarded to you, pointed out that it would not be at all appropriate to discuss or disclose outside the Executive Branch highly sensitive information on military combat operations of the kind which your questions would elicit if answers were to be provided.

Sincerely,
G. WARREN NUTTER.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., June 11, 1970.

Hon. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Senate Committee on Foreign Relations, Washington, D.C.

DEAR SENATOR SYMINGTON: I understand that when Generals Burchinal and Polk appeared as witnesses before your Subcommittee in late May, they were requested to make available to the Subcommittee copies of written instructions they had received both in connection with the European trip of staff members Pincus and Paul and with reference to their testimony before your Subcommittee.

I am sure you will appreciate that those instructions, by definition, were documents intended solely for internal use within the Dertment of Defense and I would hope that u would agree with me that such docu- nts should not be distributed outside the ecutive Branch.

From your personal experience as a former cretary of the Air Force, you are well ac- ainted with the fact that, on the basis of stom, tradition, usage and precedent, the gislative and Executive Branches have me to accept and recognize that there are rtain matters which, for varying reasons, e not normally discussed outside the Ex- utive Branch. The instructions in question ntained topics meeting that general de- ription for the most part and included such ms as military contingency plans, National curity Council documents, Inspector-Gen- al Reports of investigations, matters still in e planning, proposal stage upon which no cision has been reached, operational pro- dures and methods involving the risk of e or safety of military personnel and so rth.

arly in the Subcommittee hearings, a mis- nderstanding apparently developed in con- ection with the handling or manner of eatment of information on nuclear weap- s, a misunderstanding which, as I under- and it, has been resolved by the briefing ven to the Senate Committee on Foreign elations on 27 May 1970.

These categories of information are those hich have become widely accepted and gen- ally recognized as topics which in the na- onal interest, should be strictly limited in ther dissemination or discussion. Be as- red that any prohibitions against dis- ssing such topics apply to all testimony d were not, of course, restrictive solely witnesses appearing before your Sub- mmittee.

Secretary Laird asked me to convey his ology for the delay in responding to your quest, a delay whcih was occasioned by e urgency of preparing for his trip to urope.

I trust that you will find this responsive your Subcommittee's interest in this atter.

Sincerely,

David Packard.

April 20, 1971.

on. G. Warren Nutter,
ssistant Secretary for International Security Affairs, Department of Defense, Washington, D.C.

Dear Mr. Nutter: I wish to acknowledge ur letter of April 10 in reply to the Com- ittee's request for a monthly report on rtain developments in Cambodia and Laos.

You state that the information requested ould involve "highly sensitive information n military combat operations" which would ot be "appropriate to discuss or disclose out- de the Executive Branch." Would you please ovide the Committee with a list of the ems requested which you consider to be in is category. In order to avoid further delay d without passing on the merits of the epartment's position on those items, would appreciate your providing the Com- ittee with monthly reports on the other ems not in this category.

Sincerely yours,

J. W. Fulbright, *Chairman.*

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ssistant Secretary of Defense,
International Security Affairs,
Washington, D.C., May 5, 1971.

on. J. W. Fulbright,
hairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This will acknowl- dge the receipt of your letter of April 20, 71, relative to our exchange of correspond- nce in connection with the request of the enate Committee on Foreign Relations to provided a monthly report on a continu- g basis of certain military combat opera- ons conducted by U.S. forces and the indigenous forces of the governments of Laos and Cambodia.

The information required to respond to questions concerning the size and combat readiness of indigenous armed forces, their air and ground combat operations, the enemy forces they encounter and the casualties they inflict and sustain, etc., is normally provided through U.S. military personnel acting in a military advisory assistance role who accompany the host country forces on combat operations. However, the Geneva Accords, the so-called Cooper-Church Amendment and certain other restrictions imposed by the Congress in enacting the Defense Authorization Bill have, in combination, prohibited by law the presence of U.S. military advisory personnel in Laos and Cambodia which, in turn, effectively precludes reliable reporting to the Department of Defense of information of that nature.

Additionally, there are a number of other questions that were posed such as those relating to U.S. civilian personnel in Laos and Cambodia who are employed either by other U.S. Government agencies or by private contractors that do not fall under the cognizance of the Department of Defense.

Finally, the possibility that identical or similar missions are military operations may be required in the same general geographical area at some indefinite future date creates a sensitivity that precludes discussing, outside the Executive Branch, specific details with respect to cross border incursions by allied forces, intelligence gathering operations, frequency and area of coverage of reconnaissance and attack sorties, types of aircraft employed and types and tonnages of ordnance expended, etc.

Again, I regret that we are unable to respond to your Committee's request in this instance.

Sincerely,

G. Warren Nutter.

August 9, 1971.

Mr. C. Warren Nutter,
Assistant Secretary for International Security Affairs, Department of Defense, Washington, D.C.

Dear Mr. Nutter: On January 27, 1971, I wrote Secretary Laird, noting that the Department of Defense had been supplying the Committee for some time with monthly statistical data relating to the situation in Vietnam and asking for a monthly report relating to developments in Cambodia, Laos and North Vietnam. You replied, for Secretary Laird, on April 14 and said that you were unable to comply with my request because "it would not be at all appropriate to discuss or disclose outside the Executive Branch highly sensitive information on military combat operations of the kind which your questions would elicit if answers were to be provided."

I then wrote you on April 20 and asked whether you could provide the Committee with a list of the items requested which you considered to be in the category of "highly sensitive information on military combat operations" which would not be "appropriate to discuss or disclose outside the Executive Branch."

You replied on May 5, saying in your letter:

"The information required to respond to questions concerning the size and combat readiness of indigenous armed forces, their air and ground combat operations, the enemy forces they encounter and the casualties they inflict and sustain, etc., is normally provided through U.S. military personnel acting in a military advisory assistance role who accompany the host country forces on combat operations. However, the Geneva Accords, the so-called Cooper-Church Amendment and certain other restrictions imposed by the Congress in enacting the Defense Authorization Bill have, in combination, prohibited by law the presence of U.S. military advisory in Laos and Cambodia which, in turn, effectively precludes reliable reporting to the Department of Defense of information of that nature."

I now renew my request for the information on Laos on a monthly basis requested in my original letter of January 27, 1971. Since our exchange of correspondence, two members of the Committee staff have visited Laos and they have obtained the answers to virtually all of the questions regarding the situation in Laos in the enclosure to my letter of January 27. Furthermore, as you know, their report has now been declassified and published, after review by the Departments of State and Defense and the Central Intelligence Agency. Thus, it does not seem to me any longer credible to claim that you cannot provide answers to these questions on the ground that "it would not be at all appropriate to discuss or disclose outside the Executive Branch highly sensitive information on military combat operations of the kind which your questions would elicit if answers were to be provided." Nor, it seems to me, can you sustain the argument that "The information required to respond to questions concerning the size and combat readiness of indigenous armed forces, their air and ground combat operations, the enemy forces they encounter and the casualties they inflict and sustain, etc., is normally provided through U.S. military personnel acting in a military advisory assistance role who accompany the host country forces on combat operations."

Semantic arguments aside, the fact of the matter is that the information I have requested is available because it has been provided to members of the Committee staff. I would now like to receive this information on a monthly basis.

I am enclosing a copy of the questions I sent the Department of Defense regarding Laos as an enclosure to my letter of January 27.

Sincerely yours,

J. W. Fulbright,
Chairman.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. I congratulate the able Senator for the way he has presented his case. It is true that money has not been authorized, but it is also true that it has been appropriated.

Mr. FULBRIGHT. And spent. I agree with that.

Mr. SYMINGTON. It sort of makes one wonder what the system is. I respectfully commend the able Senator, for he is the one who has consistently, with great courage, pointed out the tragic mess that we have gotten ourselves into in Southeast Asia.

With respect to this amendment, to be frank, my thinking goes along the line, at this point, that it is better to have half a loaf than none at all.

I agree with the Senator that whether my amendment said $200 million, or $350 million, or $490 million, sometime someone might get up and say, "You voted money for a war in Laos, and therefore, in effect, you were for the war in Laos."

On the other hand, the perfecting amendment, and on which I shall ask for a vote, if I may run through it a bit with the able chairman, would be as follows.

We say:

> Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act

The word "obligated" is taken out for technical reasons.

> may be expended in any amount in excess of $350,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972.

One reason for the perfecting amendment is that under the continuing resolution and at this point in the fiscal year, a substantial part of this money has already been spent. Another thought is that, after discussing it with some of my colleagues, it is my opinion there would be no possibility of getting the controls which we do by this amendment if we did not raise that figure.

On page 2, we continue with the concept of eliminating the word "obligation." On page 3, lines 2 and 3, we strike out:

> Over the so-called Ho Chi Minh trails in southern Laos, and over areas immediately adjacent to such trails,

And insert:

> In or over Laos

Which would signify that we would place no restriction on bombing the Ho Chi Minh Trails or in Northern Laos.

Then subsection (e), which is very important to me as a member of the committees involved:

> After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

Then the next paragraph, and it is not long:

> The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purpose.

My point is that if we tried to tie the executive branch to $200 million—and I fully sympathize with the able chairman's position—the $200 million figure could be a little unrealistic because of the amount of money that has already been spent. If we make the change about combat air operators over Laos, we would, in effect, be giving the administration more along the lines of what they asked for, but we would also be establishing, for the first time, controls on this unfortunate operation. Would not the able Senator agree with me on that?

Mr. FULBRIGHT. I would if I had any confidence that controls would be respected. Putting it all together, to give them all the money in return for the controls, which are certainly proper controls, would enable them to say they have a certain lawful authority if they spend more. It is a matter of degree, it is true. They will use about $490 million, as the Senator knows, to effectuate present plans. They could go through the ceiling; it could be twice that, and the Senator has no way of stopping it.

Mr. SYMINGTON. The Senator implies that by taking the air out, exclusive of the trails, it would be $490 million instead of $200 million; but for the first time we would have direct controls.

Mr. FULBRIGHT. If you expect them to be observed.

Mr. SYMINGTON. If you do not believe that, you might as well not have any amendment at all.

Mr. FULBRIGHT. I think the Senator's purposes are good, and you never know what will happen. I said I would support the $200 million. The only reason I support the $200 million is because of the controls that the Senator has in there. But I do not want us to become more involved there. We are already in——

Mr. SYMINGTON. The only reason that I would change the $200 million is that I have now found out there would be little or no chance of getting it through the Senate. If we could agree on the compromise figure, it would not only get through the Senate, but as a conferee I would hope we could uphold it in conference as a sound and constructive move.

Mr. FULBRIGHT. I would expect the greatest value of offering it is at least getting the expenditures on the record—in trying once more to draw to the attention of the country, the press, and the people—what is going on. I do not think most people have been aware of what has been going on. I do not think they approve it. Even Members of Congress certainly have not been aware of it until very recently, if at all.

So I think it serves a very good purpose to discuss this subject, whether or not this amendment is enacted, because I myself cannot imagine that the House of Representatives, with the attitude they have taken toward the war, would accept this amendment and when they are as determined as they have been on a very simple statement of policy such as the Mansfield amendment to the draft bill, and resist that, then you can imagine what they will do to something substantive dealing with money.

That is the explanation for my lack of enthusiasm for an amendment which is certainly justified on all grounds to be enacted as far as the restrictions go—on all grounds other than giving them a lot of money to carry on an unwanted war. The argument that this authorization is necessary for the protection of the withdrawal of our troops is absurd, however. It is about as absurd as the South Vietnamese elections yesterday.

One of the justifications for this activity was that it would help us get the troops out of Vietnam safely. If anybody believes that, he is liable to believe anything.

Mr. SYMINGTON. I suggest to the Senator from Arkansas that without the controls that are in here, even though the amendment is agreed to the way he wants it, if that were defeated—and I am afraid it would be—we would have no control over expenditures.

Mr. FULBRIGHT. I do not want to discourage the Senator. I will support his first amendment, simply because it i
substantial reduction in the amount; a
I think the one thing—the only thing
that the administration is likely to ab
by is the lack of money.

I have never figured out how they
able to spend money that has neith
been authorized nor appropriated. Th
have ways of drawing on unexpend
funds. I imagine there is at least $50 b
lion of unexpended funds in the pipeli
as they call it, as reserve for the Pe
tagon.

So I would not be sure that even wit
prohibition against the appropriation
any money, they could not find some i
very short time.

I wonder if the Senator would allow
to ask a question or two about Th
troops.

It was my amendment originally th
I believe prohibited the hiring of Th
to fight in Laos. Can the Senator tell
why, with one-fourth as many Th
troops as there are in the Royal L
Army, they cost 25 percent more? Th
would indicate that they pay two or thr
times as much to a Thai fighting in La
as to a Lao fighting in Laos. Is that
fact?

Mr. SYMINGTON. Not only tha
there is more to it than that. For exa
ple there are less than one-half as ma
Thais as there are Lao irregulars, b
the Thais cost 33 percent more. The
fore, there is a very great difference b
tween what the Thais, who are sub
dized to fight in Thailand, receive
against what we pay for the Laotian
regulars.

Mr. FULBRIGHT. The Senator w
recall that I had another amendme
which prohibited the practice of payi
foreign troops brought into Vietnam t
special allowances which at that tim
gave them more than was given to
American soldier. Does the Senator r
call that?

Mr. SYMINGTON. Yes, I do.

Mr. FULBRIGHT. In this case, b
cause we had no war—acknowledg
war—at that time in Laos, I assume th
take the position that that restricti
does not apply to Laos. Is that corre

Mr. SYMINGTON. I would think
did, yes. But it was my understandi
that we were not going to support a
Thais in either Laos or Cambodia, or a
mercenaries in either Laos or Cambod
and it was my understanding that th
is what our amendment was design
to do, as I said on the floor earlier t
day.

On the other hand, the press is n
reporting that it is planned to finan
and train 12,000 Thai to fight in La
and I imagine the executive bran
will continue to handle this matter j
about the way they see fit. That is w
I am particularly anxious for the d
tinguished chairman—who has done
much in this field as I have—to agree
modifying the money. I agree with h
that we may be accused, somewhat, ev
if we vote for the money involved. B
at least for the first time we would
setting some controls, so that the wh
operation of the Senate will not be
farce, as it has been in the past; becau
no Member of the Senate, including m

f, a member of the Foreign Relations mmittee, a member of the Armed Serv- es Committee, and a member of the bcommittee on the CIA until recently s had the faintest knowledge of what s going on in Laos.

If it had not been for the able group investigators who went to Laos, it is ry possible—in fact, I think, probable—at we would not yet know what we do w.

Mr. FULBRIGHT. The Senator has id that although there is an existing ovision of law prohibiting the hiring mercenaries, they are hiring them. hy does the Senator think they will spect his restrictions any more than ey respected that restriction?

Mr. SYMINGTON. It is a good ques- on, and I would answer it in this way. First, they claim—I do not justify the aim; I simply state their claim—that ey are all volunteers, that they volun- ered to go there. Inasmuch as we found it that many of them were regulars in e Thai military, including at least one neral officer in Laos, and that they ere given bonuses to go to Laos and eir families were given privileges if ey did go or were wounded, it is hard follow that argument.

On the other hand, they also use the stification that they are ethnic Lao. he testimony is that twice as many Lao e actually living in Thailand as are ving in Laos, and three times as many e living in Thailand as are controlled the present government in Laos that e support.

These are the reasons they give to stify the Thai forces in Laos, despite e amendment that the able Senator om Arkansas succeeded in having dopted, for which I voted and which, to y mind, said they should not do what ey are apparently doing.

Mr. FULBRIGHT. So, the Senator inks that for some reason they might espect his restrictions, although they ave not respected that one?

Mr. SYMINGTON. The Senator is aking a very tight argument. I would y that they have just as much chance respecting the $350 million amend- ent as they would the $200 million mendment.

Mr. FULBRIGHT. I would grant the enator that.

Why do they feel that they have to ire Thais who are so expensive? Why an they not hire somebody else at half e price? That seems an exorbitant um, if it is 3 or 4 times as much as they ay the Laotians.

Mr. SYMINGTON. I have always ound that people in government are not s good traders as people in private busi- ess. Perhaps they could have made a etter deal with the Thais.

This deal, to my mind, is not nearly as dvantageous to the Thais as the deal as for the Filipinos who went into Viet- am under the previous administration, ecause they went in with heavy bonuses, lus the assurance that under no cir- umstances would they ever have to go to combat. At least, this is a better deal an the one that was made with the hilippines.

Mr. FULBRIGHT. I think that is damning with faint praise. Nobody I know of justifies the Philippine deal as other than a very crude shakedown.

Mr. SYMINGTON. It was a deal that was made secretly. The reason I am giving consideration to a perfecting amendment—in fact, I will offer one—is that at least we would get this matter out in the open, and we do get into the question of expenditures, which brings in the very powerful Appropriations Committees in both Houses. I think that if we support it, there will be a good chance of getting it through conference with the House.

Mr. FULBRIGHT. Does the Senator not think that supporting one army would be more efficient than supporting three? We have the Thai, the Royal Laotion Army, and the Lao regulars. To have three different armies in Laos, all of them supported by the United States, seems to me to be very improvident. Can we not operate the way mergers are effected in the business field and merge them into one army and have only one officer corps and thereby save a great deal of money? Would that not be much wiser?

Mr. SYMINGTON. It would be much wiser, but it would be much more difficult. I recall that 10 years ago, when I was going through Thailand to get to Saigon, the Thais and the Cambodians were practically at war. These being tribal countries, I believe there would be great difficulty in having officers that could serve with all three armies.

The Senator's point is well taken, however, and I would hope that we could get better organized out there with these mercenaries.

Mr. FULBRIGHT. I think we ought to come home. I think that is the only answer.

Mr. SYMINGTON. I would agree with that, but I thought the Senator was talking about troops from other countries.

Mr. FULBRIGHT. I was. I said that is what I would like to do.

Mr. President, I should like to close by citing a short article published in the Washington Post for September 1, 1971, headlined, "China Says U.S. Eyes Laos Move."

It reads:

> China accused the United States today of plans to send more Thai troops into Laos to expand the war there.
>
> An editorial in the Official Peking People's Daily said the United States showed its intention on Aug. 9 when it accused North Vietnam of a "massive" invasion of Laos.
>
> "It is futile for the U.S. government to try and cover up its own aggression with the guise of an alleged 'invasion' of Laos by the Democratic Republic of Vietnam," said the editorial. It charged that the United States is planning to send "still more Thai accomplice troops to Laos to expand the war of aggression there."

Mr. President, that shows that the Chinese have their eye on Laos and Cambodia.

I repeat, Cambodia is much more sensitive in the eyes of China than Laos. We are taking grave risks in escalating the war in Cambodia and Laos as we pull our troops out—very gradually—out of Vietnam.

Mr. SYMINGTON. May I ask a question of the able chairman?

Mr. FULBRIGHT. Yes, indeed.

Mr. SYMINGTON. Does it not run through the Senator's mind that perhaps the basic plan, especially as we talk so much about getting out of Indochina, is to "hole up," we might say, on the Southeast Asian mainland by establishing a bastion in Thailand where we have superb fighter bases—six to be exact—and, in addition, one of the finest strategic bomber bases in the world, south of Bangkok; and might it not be that the great interest we have built up in Laos and Cambodia, at the same time we emphasize we are going out of South Vietnam as quickly as possible, is that we have the SEATO agreement with Thailand, and might that not be one of the reasons why we are operating the way we are?

Mr. FULBRIGHT. It well might be, although the SEATO agreement would not require that we do anything with Thailand, but we can do what we like with Thailand as long as Thailand is agreeable. It would not exclude that at all. Cambodia is completely dependent upon us. We pay for everything. It is a pawn in our hands, whereas Thailand retains a government of its own and, except for our vast expenditures there, they could assert their independence again. Cambodia and Laos are, I think, in a much weaker position.

If we are concerned about the Laotian people, we could make a serious effort to bring about an agreement between Souvanna Phouma and the Pathet Lao—they are led by half-brothers, as the Senator knows, they are close ethnically, as the Senator has said. But we have not made much of an effort to do that. I think it would be far wiser to do that than to continue to escalate the war and spend half a billion dollars this year in this poor little country. It is going to be an ever more burden on this country, as the Senator has said. Much more so than in times gone by, given our present financial situation. It seems incredible that we are called upon to continue this kind of expenditure in a little, mountainous country 10,000 miles away from us. It makes absolutely no sense from any point of view to spend $490 million on such a futile undertaking.

Mr. SYMINGTON. I certainly agree with the Senator from Arkansas. One of my constituents wrote me recently, asking why I spend so much time on Laos, and I said the more time I spend on Laos and all these other overseas expenditures, and try to get them reduced, the more money will be available to do the things which are needed so desperately back in Missouri.

Mr. FULBRIGHT. What we are doing is keeping the Laotian people involved in a war that is decimating them, making refugees out of them, and ruining their country for nothing that can possibly benefit them.

Mr. SYMINGTON. I thank the distinguished Senator from Arkansas.

Mr. President, I send a perfecting amendment to the desk and ask that it be considered as an amendment to my present pending amendment.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read the amendment as follows:

> On page 1, line 3, strike out "obligated or".
>
> On page 1, line 4, strike out "$200,000,000" and insert in lieu thereof "$350,000,000".
>
> On page 2, line 4, strike out "200,000,000" and insert in lieu thereof "$350,000,000".
>
> On page 2, lines 4 and 5, strike out "obligation and".
>
> On page 2, line 16, strike out "obligated or".
>
> On page 2, line 23, strike out "obligated or".
>
> On page 3, line 1, strike out "obligation or".
>
> On page 3, lines 2, 3, and 4, strike out "over the so-called Ho Chi Minh trails in southern Laos, and over areas immediately adjacent of such trails," and insert in lieu thereof the following: "in or over Laos".
>
> On page 3, line 20, strike out the period and insert in lieu thereof a comma and the following: "except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the Secretary of Defense can make taking into consideration all information available to him."

The **PRESIDING OFFICER.** Is there objection to the present consideration of the amendment to the amendment?

There being no objection, the amendment to the amendment was considered and agreed to.

QUORUM CALL

Mr. **SYMINGTON.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** On the Senator's time?

Mr. **SYMINGTON.** Yes.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **SYMINGTON.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **SYMINGTON.** Mr. President, as I said earlier the purpose of my original amendment was not to put an immediate end to the war in Laos. As desirable as that might be, it does not seem to be an immediate military or political possibility.

It is, however, possible for the Senate by its action today to place itself in the position to know what is going on in Laos, to know how much is being spent there and thereby in future years to play a more active role in the formulation of policy which may lead the United States out of the war in Laos and put an end to the fighting which has destroyed so much of that country and has decimated such a large portion of its population.

Having in mind as my primary objective the assertion of congressional authority over the conduct of the war in Laos, I have discussed my amendment with the distinguished chairman of the Armed Services Committee and have found him receptive to the idea of the spending controls and reporting requirements set forth in my amendment.

Accordingly in the belief that the principles embodied in these controls will in the long run be more important than the amount of money involved—although I continue to believe that half a billion dollars of U.S. expenditures in Laos is far too much—I have sent to the desk a perfecting amendment which would increase the ceiling for U.S. expenditures in Laos to $350 million in fiscal year 1972. At the same time it will exclude from the operation of the ceiling the cost of all U.S. air activities in and over Laos.

I am pleased that the distinguished chairman of the Armed Services Committee has indicated his willingness to support the revised amendment which provides as follows:

For the first time, a ceiling on U.S. expenditures in behalf of the Lao Government—section (a).

Requires that, in the future, any money requested for Laos must be identified and explained—section (c).

Precludes use in Laos of money authorized for other purposes—sections (c) and (e).

Requires the executive branch to submit quarterly reports on expenditures in Laos including description of purposes—section (f).

Mr. **DOMINICK.** Mr. President, would the Senator yield?

Mr. **SYMINGTON.** I am please to yield to the Senator from Colorado.

Mr. **DOMINICK.** Mr. President, I would like to ask the Senator from Missouri to comment on a statement he just made in which he said his amendment, as modified, would preclude use in Laos of money authorized for other purposes. It does not read that way in the original amendment. I wondered what modifications the Senator had made in the amendment.

Mr. **SYMINGTON.** Mr. President, the Senator is correct. The amendment as modified would eliminate from the ceiling restriction all air activity in and over Laos. Therefore on the premise that the amount of money being spent this year outside of the Ho Chi Minh Trail in the air is $140 million, it would increase it actually from $200 million in the original amendment to $490 million.

Mr. **DOMINICK.** Mr. President, would the Senator point out what changes he has made on page 3 of the amendment to accomplish that?

Mr. **SYMINGTON.** Mr. President, I would be very glad to do so. Has the Senator from Colorado got a copy of the amendment?

At the top of page 3, we would eliminate the words "obligation or" which is a technical limitation that the entire staff recommends. Then, it would read:

> With respect to the expenditure of funds to carry out combat air operations in and over Laos by U.S. military force.

Mr. **DOMINICK.** I thank the Senator. That clarifies that point. The only problem I still have is that I find it difficult to reconcile this with the fact that a great number of us were critical when the previous administration was directing tactical operations when we were already in hostilities. I find it difficult to determine why 535 Members of the Congress should try to do it.

It is my understanding that t
amendment, as modified, contains t
amount of money for Laos that has be
requested.

Mr. **SYMINGTON.** The Senator is co
rect. I emphasize that, because we a
compromising on a reduction of t
money in order to get the controls th
the dignity of the Senate requires.

I am confident that the able Senat
from Colorado, with whom I have t
honor to serve on the Armed Servic
Committee, does not like to authori
money when he does not know, as I ha
not known in the past, how that mon
is to be used.

Mr. **DOMINICK.** I thank the Senat
for his comments. I have some difficul
in interpreting the last statement becau
I know that the distinguished Senat
from Missouri—as well as I—has bee
briefed on this matter on a great numb
of occasions, including times by the pr
vious Ambassador when we were in Vie
tiane on a number of occasions. Howeve
despite that fact, it seems to me the pro
lem is whether we should try to exerci
congressional control over the present a
tivities or over some future activities.

Mr. **SYMINGTON.** I would say to t
distinguished Senator that sections (
and (f) justify the amendment. All
the sections of the amendment, I thin
with the modifications, would give
better control.

Mr. **DOMINICK.** I thank the Senat
from Missouri.

Mr. **SYMINGTON.** Mr. President, whi
I continue to believe that it would ha
been highly desirable to more severe
limit the amount of money to be spe
in this fiscal year, I believe that t
amendment in its revised form co
stitutes a significant assertion of o
rights and our responsibilities here in t
Senate.

I am very pleased, but not surprised,
be joined in urgent adoption of t
amendment as perfected by the ab
chairman of the Armed Services Commi
tee. His role in overseeing the activiti
of the Department of Defense is o
which should have earned him the a
miration, if not the sympathy, of all t
Members of this body.

His support is appreciated and in tu
I will appreciate the support of all Mem
bers of this revised amendment.

The **PRESIDING OFFICER.** Wh
yields time?

Mr. **STENNIS.** Mr. President, I sug
gest the absence of a quorum.

The **PRESIDING OFFICER.** On whos
time?

Mr. **STENNIS.** On my time.

The **PRESIDING OFFICER.** The cle
will call the roll.

The legislative clerk proceeded
call the roll.

Mr. **STENNIS.** Mr. President, I a
unanimous consent that the order f
the quorum call be rescinded.

The **PRESIDING OFFICER.** Withou
objection, it is so ordered.

Mr. **STENNIS.** Mr. President, this en
tire subject matter pertaining to mil
tary aid and economic aid in Laos is
very involved and rather complicat
matter, and the money has grown
rather large amounts. Before th

amendment is voted on I hope there is some way yet to get this information before the membership of the Senate. I had been thinking I might ask for a closed session, primarily to get the membership into the Chamber, so we could talk about the high points, but I do not think it is necessary to have a closed session this afternoon.

The amendment has been offered by the Senator from Missouri, who, I am glad to say, has done a great deal on this subject. I am pleased that he has. It is hard, difficult work, and he stayed with it. He has made more than one trip, to Laos and to other places in the area, and he is entitled to credit on this subject matter.

Mr. President, we have had requests this year for items that go to make up these military programs, and also for economic aid in Laos. In a few minutes I will go into the figures. The original amendment of the Senator from Missouri limited these programs to $200 million, excluding the cost of bombing on the Ho Chi Minh Trail. The proposal in his modified amendment not only leaves out the cost of that part of the bombing, but also the costs for bombing and other air activities, in and over all of Laos. The air activities is not all bombing. Some of it is strafing and some of it is close air support. The cost of all that is excluded now.

For economic aid, we have the Agency for International Development—the AID program. That is listed here at $50.5 million.

All of those programs outside the bombing and the other air activities add up to $350 million. So the Senator has modified that provision which we limited to the total expenditures. This pertains to expenditures for fiscal year 1972.

I could not have supported the amendment at $200 million under any circumstances. One reason was that almost that much already has been spent or will be spent under continuing resolutions.

By the time the appropriation bill leaves the President's desk almost one-half of the programed amount will have been spent under the continuing resolution. In conversation with the Senator from Missouri I brought up the question of these requested amounts, the question with reference to the committee's responsibility, and also the question of having these matters identified. I told the Senator if he saw fit to modify his amendment, putting it at $350 million for the fiscal year 1972, that I could support it and that I would.

I do wholeheartedly support the modified amendment. I do think we have a control problem here. I think the President has a problem. I think this is the best way for us to get on, and I hope there will be a good strong vote here. I hope the Senate will pass this amendment which relates to expenditures and values of equipment that may be sent in or supplies that we have already used. It provides a total amount of $350 million. At the same time it gives legislative recognition to the fact that these funds are needed and it gives us a start toward a consideration of this matter for next year.

We do have the unusual matters that come up. The Senator from Missouri and I, should there be an unusual development or added need before this bill leaves Congress, agree that it could be considered. That added figure could be considered in conference although I do not expect anything like that to happen. It is covered, anyway.

I think this has been a misunderstood matter. Incidentally, we have the money totals that related to this amendment in the present form. Some of the information is classified. I cannot read it all. We had these figures this year in our files. We have made headway within the last 3 years in getting more and more accurate information with respect to the expenditures. It is a very difficult matter to keep up with these war expenditures. We have requested it and the utmost effort is being made to get these matters before Congress.

The total is about 20 percent above the amount for these items for fiscal year 1971, the fiscal year that closed June 30. The modified amendment carries a figure that is 20 percent above the figure for last year. It excludes bombing and air activity over the Ho Chi Minh Trail and over any part of Laos from any limitation. The original amendment excepted only that part relating to the Ho Chi Minh Trail.

The modified amendment places a limitation on expenditures of $350 million for fiscal year 1972 on all the various programs being carried on in Laos.

That word expenditure is there, and it is interpreted to include also the values of equipment and supplies that have already been used. We have a provision in the regulations that this material cannot be valued at a very small amount, but have to be valued at least one-third of initial cost.

Limitations are placed on expenditures for these programs as compared with the original amendment, which placed the limitations on both the obligations and expenditures.

Since almost half of the fiscal year 1972 will have elapsed by the time this bill becomes law and appropriations are actually made, language has been added which would require interim estimates being made.

All this means that if this amendment, in its modified form, is adopted, it will provide, in substance, for the same money, in terms of program, that has been requested by the administration.

Another point is as follows: This amendment does not add any power to our legislative control of these matters. We have had the power and legislative control. It does outline a method of operation that goes deeper into these matters and it sets a pattern for the committee to follow in the future.

Frankly, Mr. President, as chairman of the committee, I welcome a chance here to have such a pattern, a program, a method that can more clearly and more definitely go into these matters.

These funds, at the beginning, were emergency funds to meet specific situations, but this has now been going on a good while. I do not know whether this is classified, or what has come out, but this has gone on for many years, without anyone being at fault. Nothing wrong has been done. No law has been violated. But I think this amendment is a satisfactory way, since all these matters have been brought out, of settling it. It will be fair to the administration and to the legislative branch of the Government, and will not put any impediments that I can see in the path of those representing us in the war in Vietnam.

There is no doubt that the fighting in Laos is part of the Indochina war. No one would be approving the $350 million—the Senator from Missouri would not be offering it—he would not be approving it, I would not be, none of us would be, if this were not connected with the war in South Vietnam. I think it is a very important part of it.

I do not think that this provision will cripple anyone—the President, the administration, or the military. I think there is a better pattern of responsibility being exercised by us, a better pattern of accountability for the executive branch and the military. We have this example, and a road may be before us that will serve as a basis by which these matters will be handled.

There has been no contention about some of these measures being ill-conceived. Some persons do not approve of them, but no one says they are not relevant. No one asserts that they are not valid. Some persons think they are too much, or some persons, as a matter of principle, perhaps will not want to vote for anything in that field.

I commend the Senator from Missouri for being willing to meet the situation. He is willing to vote for money that will meet this problem, and he is willing to espouse modifications in his own name. I commend him for it.

The Senator said time had made his proposed ceiling somewhat out of date, but even with a moderate increase I would have been compelled to ask Senators to oppose it. As I see it now, I am satisfied that this is the best approach, and I think it is the best solution. I know it is no crippling device on the President. I cannot see where it possibly would be. I believe it will be helpful to us in years to come, and I think we will look back on this with considerable satisfaction. We have found a way to work it out along this line.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 123 minutes remaining.

Mr. STENNIS. I do not think we will use that time, but I would like to reserve that time for any Senator who may want to speak.

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I am ready to yield back the remainder of my time, but before doing so, I would like to make a couple of observations.

Mr. President, I have been asked, with

regard to section (b) of the amendment, whether it is the intent of the sponsor to include within the ceiling the fair market value of any equipment or supplies sold for use in Laos. That is correct. Section (b) refers to transfer by gift, donation, loan, lease, or otherwise. Otherwise would certainly include sales.

I have also been asked a question regarding section (f) which requires reports on funds expended. The question is would obligations and transfers of the nature described in section (b) of the amendment also have to be reflected in the quarterly reports.

The answer is yes, we believe they would. In this sense, section (f) must be read in conjunction with section (b).

I might add with regard to another question which has been raised, that although the revised amendment which excludes combat air operations from the provision of Section (c) which requires specific authorization, requests for funds for air operations in Laos must still be so identified pursuant to section (e) and expenditures for air combat operations must still be reported under section (f).

Mr. President, I should like to bring up one other point again to submit to the Senate: Inasmuch as the Secretary of Defense testified before the Foreign Relations Committee, in open session, that the Defense Department was conducting no military operations in Laos, that means that this operation is being conducted through the ambassador, by the Central Intelligence Agency, or, if it would be preferred, directly by the President, because the Central Intelligence Agency reports to the National Security Council, which is an advisory body to the President. Under those circumstances, it seems to me that wars more properly should be handled by the Defense Department than by an agency such as the Central Intelligence Agency.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have already been——

Mr. SYMINGTON. I am advised that the yeas and nays were ordered last week.

The PRESIDING OFFICER. That is correct.

Mr. SYMINGTON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STENNIS. I want to use 2 minutes.

Mr. President, I would like to make some other remarks about this money, but it involves classified material. I do not think it is necessary to make those remarks at this time. Therefore, I will forego doing so.

But for reasons I have already given, Mr. President, I think that this is a satisfactory disposition of the amendment as it is now modified with the budget amounts and I hope that it will get a good solid vote of the membership. I believe that it will be a framework for fuller understanding and consideration in the future, not only of the Armed Services Committee on this bill, but in the Appropriations Committee on other bills as well.

So, unless someone else wishes time to speak, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back.

The question is on agreeing to the amendment, as amended, of the Senator from Missouri (Mr. Symington).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia (Mr. Byrd), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from New Hampshire (Mr. McIntyre), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Alabama (Mr. Sparkman), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee), and the Senator from New Mexico (Mr. Montoya), are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Oklahoma (Mr. Harris), would each vote "yea".

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Fannin), the Senator from Michigan (Mr. Griffin), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), the Senator from Illinois (Mr. Percy) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. Fannin), the Senator from Maryland (Mr. Mathias), the Senator from Illinois (Mr. Percy) and the Senator from Texas (Mr. Tower) would each vote "yea".

The result was announced—yeas 67, nays 11, as follows:

[No. 249 Leg.]

YEAS—67

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Burdick
Byrd, Va.
Case
Chiles
Cotton
Cranston
Curtis
Dole
Eagleton
Ellender
Ervin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hart
Hollings
Hruska
Hughes
Humphrey
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
McClellan
McGovern
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—11

Brock
Brooke
Buckley
Cook
Cooper
Dominick
Fulbright
Hatfield
Mansfield
Smith
Taft

NOT VOTING—22

Bellmon
Byrd, W. Va.
Cannon
Church
Eastland
Fannin
Gravel
Griffin
Harris
Hartke
Jackson
Javits
Long
Mathias
McGee
McIntyre
Montoya
Mundt
Percy
Ribicoff
Sparkman
Tower

So Mr. Symington's amendment, as amended, was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMINGTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, it is my understanding that there may be a few voice votes this afternoon, but there will be no more rollcall votes this afternoon.

PROGRAM

The schedule for tomorrow is as follows:

The Senate will convene at 9 a.m. Following the recognition of the joint leadership and the expiration of any 15-minute orders for speeches which may be entered in the meantime, the Senate will then consider amendment No. 433 by Mr. Gravel, with a limitation of 2 hours thereon; and a rollcall vote is expected.

Upon disposing of the Gravel amendment, the Senate will consider the Buckley amendments Nos. 447, 448, and 449, with regard to each of which there is a limitation of 1 hour; and there may be rollcall votes thereon.

Following the disposition of Senator Buckley's amendments, and he may or may not decide to call up all of the three amendments, the Senate will proceed to consider any amendments to the military procurement bill which may be called up.

No amendment has been clocked into the schedule for Tuesday afternoon but it is hoped that Senators who have amendments will call them up.

I note from the schedule that there is no time for the conduct of morning business. I ask the Chair if an order has been entered to that effect.

The PRESIDING OFFICER. There has been.

Mr. MANSFIELD. I thank the Presiding Officer.

It is my understanding that the distinguished Senator from Illinois (Mr. Percy) is the only Senator who has asked and been granted a special order for not to exceed 15 minutes tomorrow.

The PRESIDING OFFICER. The Senator is correct.

ORDER FOR STAR PRINT OF AMENDMENT NO. 419

Mr. MANSFIELD. Mr. President, at the request of the Senator from New Mexico (Mr. Montoya), I ask unanimous consent that the amendment of the Senator from New Mexico (Mr. Montoya), amendment No. 419, be reprinted as a star print with some minor changes that reflect the fact that the October 3 presidential elections in South Vietnam have been completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 4, 1971, he presented to the President of the United States the enrolled bill (S. 2613) to extend for 1 month the Federal Water Pollution Act, as amended.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. GOLDWATER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 8, line 8, strike out the period and insert in lieu thereof a colon and the following:

"*Provided,* That $14,500,000 of funds available to the Air Force for aircraft procurement shall be available for the procurement of 30 armed STOL aircraft."

ARMED STOL AIRCRAFT

Mr. GOLDWATER. Mr. President, this amendment would provide authority for procurement of 30 armed STOL aircraft for operational testing by the Air Force. The amendment does not add any money for this purchase because prior year money is available for this purpose.

This program was submitted by the President on July 30, 1971 as an amendment to the fiscal year 1972 budget. The committee considered the program but declined to include it in the bill to permit further evaluation of the program. The Air Force has now determined that there are 1971 funds that can be reprogramed to finance the program.

Mr. President, this is a new program, and my amendment is submitted to protect the integrity of the authorization process. This amendment has the support of the chairman of the Armed Services Committee and I am informed that the reprograming subcommittee has heard testimony and I believe the subcommittee will recommend approval of use of the 1971 funds.

Let me briefly describe the armed short take-off and landing aircraft concept. What the Air Force wants to do is to buy cheap, off-the-shelf aircraft and test these aircraft to see if they can be used in a limited interdiction role in South Vietnam.

It would be my hope that eventually this would be a breakthrough for a cheaper approach for a tactical airplane for our forces.

I want to emphasize that the 30 aircraft I am speaking of are for operational tests. Whether the program goes any further will depend on the tests. The aircraft are not for Cambodia, Laos, or Thailand—they are for testing in South Vietnam.

Mr. President, one of my concerns is that time is of the essence. The Air Force wants to test this concept during the next dry season. In order to meet their schedule, the go-ahead must be given now. It's not often we see a relatively inexpensive approach such as Air Force is proposing.

I urge acceptance of this amendment.

Mr. STENNIS. Mr. President, I am glad to report that I support the amendment. I think this experiment is certainly worthy and well worth doing, and I feel we will be going down the road toward something worthwhile in this field.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. PROXMIRE. I understand this does not duplicate the AX.

Mr. GOLDWATER. No.

Mr. PROXMIRE. This is a one-man trainer type with a cannon. Is that correct?

Mr. GOLDWATER. The Senator is correct.

Mr. PROXMIRE. With no missile.

Mr. GOLDWATER. They call it the mini gunship. It is not a new airplane. It was originally built in Switzerland, and subsequently built by two companies in this country, both of which will participate in this effort. They have 20 millimeter cannon where the seats would go and they could fire from the side of the ship.

Mr. PROXMIRE. This would not commit us to any program in the future, it is just an experiment.

Mr. GOLDWATER. Yes. I am hopeful it might result in a real breakthrough for us.

Mr. STENNIS. The amount is $14.5 million of old money.

Mr. GOLDWATER. The Senator is correct.

Mr. STENNIS. Money already appropriated in prior years.

Mr. GOLDWATER. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona (Mr. GOLDWATER).

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, I call up an amendment I have at the desk, which is called the "Bomber Hedge" amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD. I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 9, line 11, strike out "2,910,744,000" and insert in lieu thereof the following: "2,912,244,000, of which amount not less than $500,000 shall be available only for a contractor study of the feasibility of equipping the B–52 G and H series aircraft with high by-pass ratio turbofan engines and not less than $1,000,000 shall be available only to carry out contractor design studies of the feasibility of modifying existing aircraft for use as stand-off missile launching strategic bombers."

Mr. PROXMIRE. This amendment has two provisions. The first would add $500,000 to the bill before us to explore the feasibility of initiating a B–52 reengining prototype program of the kind the Boeing Co. has proposed.

When it first proposed such a program, Boeing suggested that it would take about 20 months and cost $6 to $10 million to conduct. The Air Force—perhaps in an attempt to discourage the idea—now estimates a 24 month schedule and a cost of $40 million. It also suggests that the feasibility of the idea should be explored further in a 6-month study preceding prototype work.

The $500,000 provided by the first provision of my amendment would permit Boeing to undertake that study. It could be completed by early next year, at which time its conclusions regarding the ultimate costs and probable advantages and disadvantages of reengining could be made known to the Congress. I recognize that the Air Force is conducting a similar study of its own. I feel it crucial, however, that an independent study be conducted and made available to the Congress.

The second provision of my amendment would add $1 million to the bill to initiate Air Force funded contractor studies of the possibility of modifying existing airframes into stand-off missile launching bomber designs. Many experts believe that if and when we build a new follow-on bomber to replace our B–52's, this is the kind of bomber we should build. Such is the view held, for example, by the Office of Management and Budget in this administration. And we have a number of large, new airframes today which might be admirably suited to this use—the DC–10 and the Boeing 747, to name just two. In fact, the Air Force itself recently initiated a study of the 747 as a strategic tanker for the B–1.

It might be equally suited to the standoff launch of long-range attack missiles in a strategic bomber role. Several airframe alternatives could be studied with the $1 million my amendment provides for this purpose.

JUSTIFICATION

Now why am I proposing this amendment?

First, I am proposing it because I oppose the B–1 program. I believe that a reengined B–52 with SCAD missiles aboard would dramatically improve both the prelaunch survivability and the penetration capability of our present bomber force, which by the Air Force's own admission has more than 15 years of service life remaining at present utilization rates. And I believe that a standoff missile launching bomber, as an eventual replacement for the B–52, would offer virtually the same effectiveness as the

B–1 at much reduced costs, both directly and in the tanker support it would require.

But my views in this regard are well known. I have spelled them out before, most recently in an earlier speech on this bill. What I would like to talk about now are my other reasons for proposing this amendment, reasons which I hope would be persuasive to B–1 supporters and opponents alike. All of these reasons concern the advantages of having a hedge against the large number of uncertainties facing the B–1 program.

COST HEDGE

My amendment would provide a hedge against cost problems with the B–1. There is a great difference of opinion about how much the B–1 would eventually cost, with responsible estimates of direct investment costs rising as high as $20 billion and estimates including operations and maintenance costs reaching $50 billion. These estimates are not to be brushed aside lightly when our much less complex existing bomber force costs $1.3 billion per year now just to operate and maintain. I am sure there are some Members of this body who would want to buy the B–1 at any cost. But I would hope that the majority of my colleagues would like to keep their options open.

My amendment would provide a hedge also against technical problems with the B–1. I do not doubt that if we spend enough money and take enough time we can make the B–1 fly. But whether we can make it meet all its specifications is another question. Right now it has several advertised advantages over the B–52, some more critical than others. If its lower penetration altitude and higher penetration speed advantages proved difficult to attain, or if it suffered further degradation in its already limited range, a number of the present assumptions about its effectiveness would have to change. The FB–111 is a good case in point, since it is in many respects a smaller-scale version of the B–1. We know now that its payload capacity is too small to carry the large number of SRAM's and SCAD's needed for bomber penetration, and its range is so limited it would fall into the ocean halfway there if it tried to fly to Russia at the supersonic speed which was once touted as a great advantage.

My amendment would provide a hedge also against changes in the international political climate. There might be SALT agreement; for example, which diminished our need for the B–1. Or there might be changes in Soviet air defenses which negated the ability of the B–1 to penetrate and forced reliance on standoff missiles instead.

In fact, if we made clear our willingness not to commit ouselves to the B–1 only, the Russians might go slower in their bomber programs.

OPTIONS AVAILABLE

What we would need to respond intelligently in any of these situations is readily available options. We will not have those options, however, unless we make them available now. As I indicated earlier, it would take 2 years to do the R. & D. which would have to precede the reengineering of our B–52 forces. And it would require about the same length of time before we could start work on actually converting an existing airframe into a stand-off missile launching bomber.

Too often in the past we have been stuck without options. We have committed ourselves to one specific weapon system from one specific contractor and have been forced to take it regardless of the cost or technical problems involved. That is why all of us are now in favor of competitive development programs and the new prototype efforts which the Defense Department has initiated.

We cannot afford a competitive B–1 development program. That plane is simply too expensive. But we can afford the competition of a different sort which my amendment would provide.

The minor increase in this defense budget which my amendment would entail is well worth the cost. In fact, I think it would save money, even if we eventually go ahead with the B–1 and scuttle the alternatives my amendment explores. It would do this because of the incentive it provides to keep an eye on all unnecessary costs in the B–1 program. If we saved less than 1 percent of B–1 costs we otherwise would have spent, my amendment would have paid for itself.

In fact, there is really only one justification for opposing this amendment—a belief that it threatens the B–1 itself. But this is a nation and this a deliberative body which prides itself on a tradition of decisionmaking through the process of rational debate. If the B–1 cannot continue to survive this process on its own merits, if it can be kept alive only if other options are closed off, it must be a very dubious program indeed.

Mr. GOLDWATER. Mr. President, I am happy to answer my friend from Wisconsin, particularly on this matter. The reengining of the B–52 is no new concept. The Boeing study, I believe, was made in 1969. There was never a very comprehensive study; it was what I would call a sort of salesman's dream. We can understand that from one who wanted to sell more airplanes, particularly at that time, when they had not quite caught up with their domestic work. It has been given thorough study by the Air Force. It has been given thorough study by aeronautical engineers. It has been and is being given great study.

Airplanes are never things that are dreamed up overnight. The B–1's concept was studied for 10 years.

There are some problems involved in reengining, and I think the idea of reengining the B–52 has a lot of sex appeal. A lot of people think of the B–52, as they should, as one of the greatest airplanes we have ever had. Anything that might be done to make it live longer has great appeal. But there are great problems we have to recognize.

The B–52 is getting to be 18 years old. That is a long time for an airplane to live, particularly in combat, and particularly this airplane, which has what we call a droop wing. The wing tips rise 13 feet before the plane gets enough lift to get into the air. This causes a constant flexing of the wing, the strain going into the spar and also into the fuselage itself.

This plane was designed for high-altitude bombing, but it has been used in the last several years, especially in Vietnam, for low altitude bombing. So this has caused problems because of the altitudes these planes have had to fly at, and it is now becoming a problem.

While we have not checked the metal fatigue of this airplane, I can say that the B–47, which was a medium bomber which we used back in the 1950's, had a safe life of 4,000 hours. While I think the B–52 will go well beyond that, most of them have that much time on them now and some of them are going back for metal fatigue correction.

The Senator suggested that the C–5A engine, which is the engine on the C–5 transport airplane, might be used. The diameter of the nacelle of that engine is 100 inches. That is over 8 feet. That is over 2 feet taller than I am. When you take into consideration the droop aspect of the wing and you want to put two nacelles on each side of the fuselage, instead of the four we have on each side now, there is a grave question in my mind whether or not this airplane could safely operate even on the finest of runways.

An engine that is placed too low will pick up dirt and pick up objects that hurt the engine. The engine size is one of the factors that has kept the Air Force from getting too enthusiastic about it.

Another major problem in reengining the B–52 is that the B–52 has a much greater radar profile than the B–1. This is one of the major reasons for wanting a new carrier or bomber, such as the B–1, so it could go at low altitude at mach .9 or .95 with supersonic abilities at the higher altitudes. So the fact is that the probability of using low altitude bombing by the B–52 would create one of the major problems.

While the B–52 reengined would have greater range, it would not have more speed than the present B–52. In fact, there is question whether it would go as fast. I think it would. The total output of the engine would be a little more than that of the present engines, but the drag created by the larger nacelle would destroy that advantage, and, as I say, it would have no greater speed.

It is also a fact that the Air Force is now engaged in a study of this matter, not to see whether the B–52 can handle it, but to see whether this might be an idea we could apply to aircraft of the future, to see whether we can change engines as we get improved engines.

As to the assertion that the B–1 seems to be in trouble, Mr. President, I have visited the North American plant several times. I have been in constant touch with them. I cannot think of any military-management team that has worked better. The last time I visited their factory, the plane had gone up less than a million dollars, when its opponents have been talking of $50 million. There is no question that it is going to go up in price, because we do not seem to be able to stop inflation in this country, and until we can do that, we cannot say anything firm about prices.

While I have not been able to get the prices—I do not think anyone could ever actually give them—I have a feeling that if we reengined the B–52, by the time we got through restructuring the fuselage, restructuring the wing, and adding new weapons systems, we would have as much in the B-52 as in the B-1 when they are delivered.

The function of the B-1 is not to fly supersonically at a low altitude. We use what we call high-low attack. If we had to attack targets on the continent of Europe, we would make a high-altitude approach, probably in the area of 50,000 feet, refuel at least once—once would probably do it—and then come down to form a low target, and fly at altitudes, probably, around 200 feet. This, with the B-1 profile, would make this plan admirably suited for this kind of attack.

As I say, Mr. President, the idea has a lot of appeal, and to Senators who have not made a lifetime study of aeronautics, as I have, I think it would sound good. But, Mr. President, it is an unworkable thing. It is going to be more costly in the long run than the procedures we are voting, and I hope the Senate will express its disfavor of it.

Mr. STENNIS. Mr. President, if the Senator will yield me 1 minute here, I think the Senator from Arizona has expressed the sentiment of the committee; and whatever may come out of this, the Air Force is working on it, and I do not think the cause would be served by agreeing to this amendment now. I hope the Senate will reject it.

Mr. PROXMIRE. Mr. President, let me say, before we vote on this amendment, that I am not advocating that the B-1 be scuttled. We had a vote on that, and lost that vote.

What I am saying is that we ought to have options available if the B-1 does not work out. The Senator from Arizona has just introduced an amendment, and a good one, to spend $14 million of already appropriated funds on research and development to work out plans for a better fighter. What I am suggesting is only to spend a million and a half dollars to keep our options open with regard to the B-1.

The remaining life in combat that I set of 15 years for the B-52 is a figure taken from the Air Force itself, not my calculation, but theirs.

The major part—$1 million of this $1.5 million—would be used to study the prospects of using existing airframes, such as the 747, the DC-10, and so forth, as bomber platforms to be used for standoff missile launching from air to ground. That may or may not be a practical approach, but some very capable people think it might very well be, and I think it is worth a relatively modest amount to study something that might have a very effective usefulness in strengthening our security, and also to provide an option in the event that the B-1 does not work out as we hope it would.

Mr. GOLDWATER. Mr. President, if the Senator will yield, I would like to answer a couple of those points.

The standoff bomber concept is certainly not a dead one. The Air Force is very actively interested in it. They are considering and have considered some of the larger airframes, like the DC-10, the 747, and the 1011 coming along, as possibilities.

We have, frankly, some time to go before we will have missiles that are quite ready for this concept. I am not saying that the time period of the 1980's and the 1990's might not bring forth a whole new concept of bombing, where we do away with the dropped bomb and use the standoff. But for the foreseeable future, the B-1 is the instrument that we have, and we have some standbys. We have the B-1-1, which is designed to be a fighter and tactical aircraft.

So, Mr. President, I think we are better off going the way we have.

The PRESIDING OFFICER (Mr. BEALL). The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was rejected.

AMENDMENT NO. 436

Mr. PROXMIRE. Mr. President, I call up my amendment No. 436.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PROXMIRE. I ask unanimous consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. PROXMIRE's amendment (No. 436) is as follows:

On page 9, line 10, strike out "$2,376,869,000" and insert in lieu thereof "$2,401,869,000, of which not less than $25,000,000 shall be available for research and development in connection with a light fighter prototype aircraft".

LIGHT FIGHTER AMENDMENT

Mr. PROXMIRE. Mr. President, I call up at this time my amendment No. 436, which would authorize $25 million for a new light weight Navy fighter prototype development program.

When I introduced this amendment, I hoped that such a program could be initiated as a substitute for the F-14 program, which is so enormously complicated and represents such a large commitment. I offer it now as a complement to the F-14.

As I indicated the other day, one of the things which disturbs me most about the F-14 program is its force structure implications.

Since the mid-1950's, we have purchased about 1,500 F-4 and F-8 fighters for the Navy and the Marine Corps inventories. About 500 of these planes have already been lost to attrition, leaving 1,022 in the inventory as of January 31 of this year.

We are now thinking of replacing these planes with only 300 F-14's, which will suffer attrition themselves. If this plan were implemented, our new generation of fighters would have only one-fifth as many planes as our old.

PROTECT NATIONAL SECURITY

This would have serious national security implications. Even if we reduced the number of carriers in the Navy's inventory, and even if we put an engine on the F-14 which would allow it to outperform the old F-14, we could probably not get by with only 300 new Navy fighter planes. If we tried to do so, we would seriously risk a sharp numerical disadvantage in some future crisis down the road.

The answer is not simply to buy additional F-14's. It is because the F-14 costs so much per copy that the Navy has cut back on the size of its intended buy, from 710 at the beginning of the year to 301 today. If we are to solve our force structure deficiencies, it will have to be by supplementing our F-14's with additional cheaper planes.

Let us look for a moment at the arithmetic involved. I remain convinced that the unit program cost for the first 300 F-14's we buy will eventually reach $20 million. If we bought more, the unit cost would decrease, but it would stabilize in the vicinity of $15 million each. That being the case, an additional 400 F-14's would cost approximately $6 billion. If operations and maintenance costs ran the usual 100 percent of investment costs every 5 years, it would cost another $12 billion to keep these planes running until they were 10 years old. That is an $18 billion total.

By contrast, many of the contractors and Government officials connected with the Air Force light fighter prototype competition believe they could turn out 400 light fighters for $3 million each. This is probably optimistic. But even assuming the light fighters cost twice as much, or $6 million each, the investment cost for 400 planes would be $2.4 billion. Ten-year operations and maintenance costs would run $4.8 billion, for a $7.2 billion total.

SAVE $10 BILLION

In short, we could save $10 billion by supplementing a 300-airplane F-14 force with 400 light fighters instead of 400 more F-14's, even if the light fighters turned out to cost twice as much as some people now expect.

There is nothing magic about these figures—either the cost calculations or the 400 aircraft chosen for calculating purposes. But there is no disputing the basic point: We will need more than 300 new Navy fighters to maintain a viable Navy force structure and we will not be able to afford many if they are F-14's.

But force structure needs, and the order of magnitude cost advantages which a light fighter would enjoy in meeting them, are only one reason why I believe a Navy light fighter prototype program should be initiated at this time. There are many others, but I will cite only a few.

First, I remain concerned by the limited dogfighting capability of the F-14. Both we and the Soviets could build a much more maneuverable fighter. And if the Soviets did build such a fighter, and if the F-14's new Sparrow missiles prove no more effective than the old, the F-14 would fare poorly even in one-on-one encounters.

Second, I remain concerned by the prospect of technical problems with the F-14—the flat spin and directional stability problems to cite just two. These problems could further compromise the existing deficiencies of the plane.

REALISTIC FIGHTER

Third, we should recognize the kinds of involvements in which the Navy's fighters will be used. There is far more likelihood that they will face Soviet allies rather than Soviet forces directly. And these allies are bound to have cheap high-performance fighters, not the kind of complex, multimission aircraft represented by the F-14. So even if one agrees—and I do not—that the F-14 is needed to match Soviet forces directly, we do not need F-14's for that portion of the carrier force level allocated to other contingencies.

We could protect both our pocketbooks and our security by initiating a light Navy fighter prototype development program at this time. The Air Force has recognized as much, and it has initiated a light fighter prototype program as a complement to the F-15.

The Navy, on the other hand, has shown no interest. The purpose of this amendment is to encourage such interest, by making initial funds available. If it is not accepted, we will have no alternative later but to give the Navy an Air Force developed plane.

On August 25, 1971, Secretary Packard's directions regarding the Air Force light fighter program were transmitted to the Air Force. Let me quote from these directions:

> Fund to competitive programs for an operationally suitable light weight fighter. This program will receive Navy monitoring to encourage carrier compatibility, but will have a minimum of specific requirements.

In short, there are two directions in which we can proceed in finding a light fighter complement for the Navy. This amendment can be accepted and a true Navy plane, optimized for spotting factor constraints and the rigors of carrier landings, can be developed, as additional design teams are put to work. Or the Navy can later receive a carrier compatible plane developed by the Air Force primarily for Air Force use.

That is the choice now presented. The Navy has not pushed for its own plane now. If it is given an Air Force plane later, it should not complain at that time.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I do not intend to defend the F-14. I have done that at great length on the floor.

The Senator is asking for $25 million to encourage the development of a lightweight fighter. I will tell the Senator that, as I understand it, next year, to encourage this prototype development, approximately $67.5 million will be recommended by the administration.

We already have at least two companies—I think three—working on a lightweight fighter with their own funds. One is Northrup, one is Lockheed, and I believe the other is Cessna. I have heard Cessna is playing around with it.

These are being developed for high speed, high rate of climb. The rate of climb is fantastic—60,000 feet a minute—with speeds in the mach 2 neighborhood. But they have a very short range.

I have to get into that briefly, because what the Navy needs is not primarily a highly maneuverable interceptor fighter type. It has to have sort of a compromise: An airplane that can go up, a good radius, and then come back, and carry air-to-air weapons that can be fired at a distant target and hit, and can also carry a cannon in case it has to get into a dogfight.

The importance of this type of fighter over the lightweight dogfight type of fighter is that whenever the enemy air gets over our Navy, our Navy is in trouble. We saw that all over the Pacific. When we developed longer range fighter planes to go out and get them before they got to us, we were able to protect our fleet.

I have to say to the Senator from Wisconsin that I have a feeling that the day of the carrier is about over. I think the Navy feels this, and I think they are realizing this in not pushing for more and more airplanes, in view of what they have today and what the chances are of prolonging the carrier fleets.

Mr. President, this is a nice sounding program, but we are already in it. Private companies are spending their own money to develop this type of fighter, and we will have more than $67 million in the budget next year, hopefully, to be used for prototyping.

Mr. PROXMIRE. Mr. President, may I say in rebuttal that the two amendments I offer are the same kind of amendments. They are designed to keep our options open on the F-14 and the B-1. The arguments are basically the same on both.

It seems clear to me that if we are going to have any utility at all in the aircraft carrier option, we ought to have a plane that can do an effective job in meeting the enemy in a dogfight without an enormous expense.

The fact is that we do not need something as elaborate and immensely expensive as the F-14 for most of the missions the aircraft carrier will have. If what the Senator from Arizona has told us is correct, if the aircraft carrier is on its way out and is going to be phased out in the next few years, it seems to me that we are really throwing enormous sums away in moving ahead with the F-14, because that is a program that is going to cost us billions of dollars.

On the other hand, if we can continue to use the aircraft carrier, as many people in the Navy and the majority in the House and the Senate believe—after all we are still building them—then I contend that we ought to have an aircraft carrier fighter than can meet the mission the aircraft carrier can best serve and that certainly is not in conflict with the Soviet Union.

The distinguished Senator from Arizona also contended that we already have a program underway with respect to a light fighter, that the private companies are engaging in this kind of study now, and that $67 million will be provided for this purpose next year. I cannot understand the timing of this. Certainly, if we are going to have options at all available to us in the future on going ahead with the enormously expensive F-14, we should make this limited commitment for an alternative fighter now. The only reason I can understand for postponing it for another year is that this will protect the F-14 from any decision in the future by Congress to reduce the program or stop it.

I think the Senate and the House of Representatives should be in a position to exercise their judgment based upon what is the best way we can have a strong military force with our available resources. In my view, the best way is to proceed with this kind of experimental program now.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was rejected.

DEATH OF WILLIAM O. COWGER, FIRST REPUBLICAN MAYOR OF LOUISVILLE IN OVER 30 YEARS

Mr. COOK. Mr. President, I am sad to report that William O. Cowger, former mayor of Louisville, and twice a Member of the House of Representatives from Kentucky's Third District, died of a heart attack in Louisville, Saturday night at the age of 49.

He is survived by his former wife, Cynthia, and his two children, David Cowger and Mrs. Larry Wilson. I extend to them my deepest sympathy.

On November 8, 1966, Bill Cowger was elected to the U.S. 90th Congress—House of Representatives—to represent the the Third Congressional District of Kentucky, which is the city of Louisville. On November 7, 1968, he was reelected to a second term in Congress. In 1970, he was narrowly defeated in his bid for reelection by 112 votes out of over 100,000 cast.

Bill was born in Hastings, Nebr., on January 1, 1922. He attended Hastings High School where he was on the football and debate teams. After a year at Texas A. & M., he graduated with a degree in political science from Carleton College, Northfield, Minn. Upon graduation from the Navy Midshipman's School at Columbia University, New York City, he served 20 months on an LST in the Atlantic and Pacific Oceans during World War II. He also attended graduate school at American University here in Washington and at the University of Louisville.

An energetic and dynamic personality, he was active in many business, civic, and charitable organizations. As president of the Cowger Mortgage & Realty Co., a mortgage loan company specializing in the financing of commercial real estate, he served in 1954 as president of the Louisville Mortgage Bankers Association. Recently he entered into partnership with Nelson Miller to form the Cowger & Miller Mortgage Co. He was elected president of the Louisville Junior Chamber of Commerce in 1953. In 1955, he was selected as one of Kentucky's Three Outstanding Young Men. In 1964, he was named "Louisville Realtor of the Year," and "Kentucky Realtor of the Year." Cowger was, for 2 years, Kentucky chairman for Crusade for Freedom and has served on the board of directors of United Cerebral Palsy, Louisville International Center, the Red Cross, and the Louisville Urban League. He served for 3 years as president of the Inter-American Municipal Organization and was general chairman of the Inter-American Municipal Congress held in Louisville in

1964. He was elected to the Executive Committee of the American Municipal Association—now the National League of Cities—and was past president of the Kentucky Municipal League. He was a past member of the Board of Deacons of the Fourth Avenue Presbyterian Church.

Congressman Cowger was elected in January 1967, as president of the 90th Club, which consists of 59 Republican Congressmen, representing one-third of the Republican voting strength in the 90th Congress. He served on the U.S. House of Representatives' Banking and Currency Committee and the Government Operations Committee. He also served on the Consumer Affairs, International Trade, Legal and Monetary Affairs, and Special Studies Subcommittees. In November of 1967, in recognition of his expertise in urban matters, he was appointed chairman of the Republican Task Force on Urban Affairs. In 1969, he was selected to serve on the Republican Policy Committee.

However, his greatest achievement was his 1961 election as the first Republican mayor of the city of Louisville in over 30 years. He accomplished this against a supposedly infallible political machine. With this same determination he helped make a truly outstanding record of achievement for the city of Louisville.

It was my privilege to be elected and to serve as Jefferson County judge at the same time that he was mayor. He was a progressive mayor, and one of the very first of a new breed who recognized the ills besetting our cities. He attempted to right these ills. In the urban sprawl, the city government under his leadership built a new spirit of cooperation rarely seen, either before or after, between the city and county governments.

During his innovative administration Louisville was awarded an All-American City Citation by Look magazine and the National Municipal League. Major accomplishments of his tenure were: Along with the county government, the purchase, maintenance, and promotion of the Belle of Louisville which has become a world famous attraction; the new Brown Theater was opened for Louisvillians to see orchestras, plays, and musicals; more protection in public housing projects; a successful legal fight against the State government for additional representation in the Kentucky General Assembly; the new Louisville Zoo; established the human relations commission; established the economic progress commission; established the youth commission; brought Shakespeare to central park in the summers; opened the new senior citizen's house; combined city-county departments; established one of the Nation's first learn more-earn more project; established a first-class civil defense department; worked with senior citizen's house; combined city-county library systems; developed an award winning urban renewal program; set up a central fire alarm system to stimulate lower insurance rates; opened a public information center; established open house at city hall; increased law enforcement; and consolidated Louisville Water Co. and the independent water districts for lower rates, and raised the company's contribution to city from zero to $1 million annually.

Bill was a close personal friend, as well as a political ally to me. At a time such as this, words alone are not sufficient. At his inaugural address in 1961, Bill said:

> There will be no bronze plaques or marble monuments erected in tribute to our endeavors. But in the hearts of those who truly love our Louisville, I sincerely hope we can leave a lasting impression of a "job well done."

Mr. President, I know that I am not alone when I say he has left "a lasting impression" and truly deserves the accolade a "job well done."

QUORUM CALL

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRITICAL SITUATION IN AMERICAN AGRICULTURE TODAY

Mr. HUMPHREY. Mr. President, the matter to which I wish to address myself this evening for a few moments is the critical situation developing in American agriculture which, regrettably, goes almost unheralded, unnoticed, and unreported in Congress and throughout the Nation.

If what is happening to our agricultural economy was happening to the American economy in general, the headlines of our newspapers would be breathing fire about the catastrophe which was befalling the economy.

Congress and this administration seems almost devoid of any concern about agriculture, yet it represents the very foundation of the American economy. Corporations like General Motors fade into insignificance compared with the invested values of agriculture. Yet, if stock in General Motors should fall, there would be headlines about it, but when something happens of critical importance to American agriculture, people just yawn.

I repeat, as we read the daily press which comes to the Senate, there is not one item, with very few exceptions, unless it is from a Midwestern community, a Southern State, or some cattle county in the Rockies, about agriculture. We seem to have forgotten our farm friends.

People wonder what has happened to jobs. Well, Mr. President, let me tell the reporters in the gallery and the people in this audience that recessions are farm fed and farm led.

Mr. President, unless there is an improvement in farm prices, President Nixon has no more chance of revitalizing the economy than he would have of walking across the Atlantic Ocean to London.

Somehow or other, basic economics seem to have fallen by the wayside and people in high places, and in less than high places, have forgotten what makes for prosperity.

The economic situation within our Nation's agriculture today is worsening daily. With bumper crops of wheat and feed grains being produced this year and further increases expected next year, something simply must be done to alleviate the depressed farm economy that is certain to follow if nothing is done.

The administration encouraged increased production of corn and wheat, fearing a reduction in feed grains. At the end of this crop year there will be a 60-million-ton carryover supply of corn and over 1 billion bushels of wheat.

This morning's Wall Street Journal reminds us that agricultural exports will drop this year approximately 12 percent below what they were last year.

It has been agricultural exports that have always been responsible for any kind of favorable balance of trade. Now there will be a drop in our agricultural exports for the first time since 1893. The United States of America, with its fabulous economy has a drop in agricultural exports at a time when we should be seeking to strengthen our balance of trade. This is much more important news than anything that the young people in our schools will be studying any time this year. However, it goes unnoticed.

Television, radio broadcasts, and newspapers do not care about farmers. Well, let me say that a lot of them will lose their jobs unless they start to care. Many U.S. Representatives and Senators do not seem to care. A few midwestern legislators and Governors care. There are not many farm people left, and there will be fewer of them at the rate of the farm mortgage failures over the last 10 years.

Corn is already selling below 90 cents a bushel in many country market points throughout the feed grain producing regions of this Nation. Wheat is down to about 2 cents per pound or $1.12 per bushel. That means about a 35- to 40-percent drop from last year.

I wonder what a worker would feel like if his wages were to drop approximately 35 or 40 percent. I would like to see what would happen if private industry's profit were to drop that much. Would it be good for the consumer? It might mean that someone would produce a better car.

Not too long ago when the Bureau of Labor Statistics released their figures, the Government said they had depended on farm prices dropping. Farmers are supposed to take it on the chin. Farm income month after month continues to decline.

I have just returned from my home State. The Government has ordered the storage bins emptied and the corn to be put on the ground. The deadline set for this action is this week. I wrote the Secretary of Agriculture and asked him if that situation could not be changed to avert the price depressing effects such action would have on farm market prices. Farmers cannot get a fair price in the market when this is happening. My letter has been ignored.

As a Member of the United States Senate, I protest the treatment, not for myself, but for one of the largest corn-producing States in the United States.

Farm income is vital to the security of this country, and the prosperity of this land. But I see little or no concern or interest shown for the farmer.

One can go to a college campus today and cannot find a speaker who will talk about agricultural income or the plight of the rural people. They will talk about what is happening in the prisons, but not what about is happening on the farms. Both of them are in deplorable shape. I suggest that there should be a better balance established in our public concerns.

Mr. President, as I have said, feed grain prices have dropped precipitously. Corn is selling below 90 cents per bushel in many country places. Wheat is down to about 2 cents a pound or $1.12 a bushel. In 1950, wheat sold for $2 a bushel. In the 1960's it was over $2 a bushel. Now it is down to $1.12 at many country marketing points.

This morning—there was a little news item over the radio at home—because those in the Midwest know how to spell farm and farmer, words that some seem to have forgotten about in other parts of the country—relating that a merchant in North Dakota is selling color televisions, not for money but for a certain quantity of wheat. They have wheat, but they do not have money.

Mr. President, as of September 15, the farm parity ratio dropped to 68 as farm prices dropped 2 percent, the lowest since December 1970. The farm parity ratio is now at approximately what it was in the 1930's, the depression years.

Between August and September, hog prices declined 70 cents per hundredweight to $17.90.

I have news for the Senate. One cannot raise hogs for less than $18 a hundredweight. That does not include the labor or investment. That is just to feed them. They are now at $17.90 a hundredweight.

Vegetables declined 10 percent. Fruits declined 8 percent. Potatoes and beans declined 10 percent. There were declines in beef cattle, lambs, and sheep. Against these price declines, farmers were required to pay 2 percent more for farm machinery in September than in August. The tax rates and property taxes on real estate on every farm across the land have been increasing constantly.

I should like to also report that the U.S. Department of Agriculture in its July Farm Income Situation publication reports that realized net farm income for the first half of 1971 is estimated to have been at a rate of $14.7 billion as compared to the near record high during the first 6 months of 1970 of $17 billion.

While some Department spokesmen are predicting a better second half year during the last 6 months of 1971, the plummeting prices I see occurring in grains, vegetables, potatoes, and livestock today prevent me from sharing such optimism.

I would suggest that rather than looking at the farm prices from behind a mahogany desk in Washington, they should talk to the people who produce the crops and who look for a market in which to sell them.

I am convinced that we can expect at least a $2 billion drop in realized net farm income this year. And if this is allowed to happen, many thousands of family farm businesses will go out of business. That relates also to the small businessmen along main street in rural America. They will also go under.

I chair a special committee of this body known as the Rural Development Subcommittee which has to do with rural development. The farmer should receive a fair price for farm production. The ordinary farmer is entitled to it.

I notice that the newspapers talk a great deal about the dairy farmer getting a little increase in his price. However, he is still paid less than $1.10 an hour. We have a minimum wage law in this country that requires anyone who can lift up his head or hold up his arm to get $1.60 an hour. Yet, the farmer with a large investment is receiving an income on an hourly basis in this high-quality industry known as dairy farming of under $1.10 an hour.

The administration economists can help avert some of these problems if they help avert this economic crisis in agriculture. I would suggest that before the President enters into so-called phase II of his economic program, his economists can start talking to people in rural America. He has met with labor and business. The bankers are here as if they own the town. I think it is time for somebody to meet with the farm people across this country and see what we can do to bolster farm prices because there is no way this economy will produce jobs and there is no way it can grow and expand without gross distortions, unbelievable distortions, unless farm income is substantially improved.

Mr. President, earlier today I introduced a bill to establish a national reserve inventory of wheat, feed grains, and other commodities which I hope will be acted upon rapidly, indeed, as soon as possible. The purpose of the bill is to lend some stability to the market and also to protect us in case of any shortages.

The United States needs to have a constant reserve of critical food items. We are cattle producing, we are hog producing, with big farm economy in many areas, and we need reserves of grains and feedgrains.

Too often the farmer is the victim of what we call the boom-and-bust market; when he gets a lot of produce his prices go down, and when he does not get a lot of produce, the prices go up, but he has nothing to sell.

The purpose of my bill is to establish a national reserve inventory of wheat, feedgrains, and other commodities to help give some stability to the marketplace, assuring an adequate supply of goods for ourselves and our role in the world.

The House Agriculture Committee reported H.R. 1163, a bill introduced by Representative NEAL SMITH of Iowa for what is known as a strategic reserve. That strategic reserve bill was reported out of committee today and that is what prompts my remarks.

I am asking the Committee on Agriculture and Forestry of the Senate to take up my bill and other similar bills on this subject as soon as possible. In addition, I call upon the Secretary of Agriculture to institute an acreage diversion payment program for wheat and feed grains next year so that production of these commodities can be brought more in line with utilization and consumption requirements at the earliest possible date. The Secretary of Agriculture has that authority under the provisions of the Agricultural Act of 1970. No new legislative authority is required in this regard. The administration has all the authorizing legislation it needs to act now and the sooner it announces such a program, the better.

What is needed is the will to act. I intend from time to time to make comments about the agriculture economy until it get the attention it deserves. There is such a lack of attention given to farm families it is nothing but an outrage. If we had 10 students or someone else demonstrating in front of the Capitol, every television camera in town would be there. If we had someone calling people bad names, someone would report it. But the plight of the American farmer is a close-kept secret from the average American.

A bill was passed in this Congress known as freedom of information. I think that should be used to spread information about what is happening in rural America. That information is not getting out. I would like to notify my friends in Congress and the media that there is no law that prevents you from telling what is happening to rural America.

Freedom also includes consideration of the friends of the soil. So I would hope that the appropriate committees of Congress, as they look to the economy, would give some consideration to the needs of millions of people who still till the soil, still milk the cows, still feed the cattle and hogs, raise the chickens, and market the produce.

I hope we do not live to see the day when corporations take over American agriculture and there is managed control of the marketplace, because if that happens the consumer will pay through the nose, and how.

If Mr. Farmer were to be given credit for his productivity, his improvement in productivity, which is the guideline we use in all other elements of the economy, he would be getting today $6 a bushel for wheat, $3 a bushel for his corn, $50 a hundredweight for his cattle. That is what he would be getting if he were dealt with fairly, instead of $1.12 a bushel for wheat, 90 cents a bushel for his corn, and $17.90 for his hogs, and having declining cattle prices.

The Presiding Officer (Mr. Moss) understands these matters. I appreciate his attention and dedication to the welfare of the rural people of America.

QUORUM CALL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Moss). The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

ADJOURNMENT TO 9 A.M.

Mr. MOSS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 27 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, October 5, 1971, at 9 a.m.

CONFIRMATION

Executive nominations confirmed by the Senate October 4, 1971:

U.S. COAST GUARD

The following-named officer of the Coast Guard for promotion to the grade of rear admiral:

William M. Benkert.

HOUSE OF REPRESENTATIVES—*Monday, October 4, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Live as free men, yet without using your freedom as a pretext for evil: but live as servants of God.—Peter 2: 16.

Eternal God, who has given us this good land for our heritage: We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor, eager to do Thy will and ready to serve our fellow man. Bless our land with honorable industry, sound learning, and good manners. Save us from violence and discord, from pride and prejudice, and from every evil way. Defend our liberties and fashion us into a united people seeking the good of all men.

Endue with the spirit of wisdom those who guide our Nation that there may be justice and peace at home and in our world. In periods of prosperity fill our hearts with gratitude, and in the time of trouble let not our trust in Thee fail. In the spirit of the Lord of Life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 157. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce that the Chair is going to recognize only one Member for a unanimous-consent request in order to announce the death of a former Member of the House, and will not take other unanimous-consent requests until later in the day.

The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

THE LATE HONORABLE WILLIAM O. COWGER

Mr. MAZZOLI. I thank you, Mr. Speaker. I am shocked and saddened that William O. Cowger, a former Member of the House, and an outstanding leader of the city of Louisville, should have been taken from us in the very prime of his life.

Few men in the recent history of Louisville have more deeply committed themselves to the service of the community that William O. Cowger.

During 8 of the last 10 years of his life, he put aside the advancement of his private business career in order to take on the burdens of a full-time public servant.

For 4 years he served as an outstanding mayor of the city of Louisville and for 4 more years he served the city as my distinguished predecessor in the House of Representatives.

His stature in Congress was such that his Republican colleagues singled him out for the chairmanship of a congressional task force on urban affairs. He also was selected by his peers to serve as the president of the GOP's 90th Congressional Club.

However, Bill Cowger's most important legacy is to be found in the contributions he made to the betterment of the city he adopted upon coming out of the naval service at the end of World War II.

Among those many achievements in behalf of his adopted city was the realization, during his term as mayor, of his longtime personal goal of obtaining for the city of Louisville a zoological garden.

The thousands of children—and the parents who accompany them—are indeed indebted to the memory of William O. Cowger for their enjoyment of the Louisville Zoological Garden.

But Bill Cowger's record of unselfish and public-spirited activity predates his elevation to high governmental offices. As a private citizen, he labored tirelessly for many worthy causes including the Red Cross and the United Cerebral Palsy.

Other organizations to which he donated his valuable services include the Louisville International Center, the Urban League, and the Fourth Avenue Presbyterian Church in Louisville, of which he was a member of the board of deacons.

William Cowger's grasp of urban problems is reflected by the leadership roles he assumed in various organizations concerned with the problems of cities. He served as president of both the Inter-American Municipal Organization and the Kentucky Municipal League. He also served on the executive committee of the American Municipal Association.

My personal association with Bill Cowger was as a political adversary; however, my respect for his accomplishments and his public spiritedness is in no way diminished.

Mr. Speaker, the Louisville, Ky., area has indeed been diminished by the loss of a truly outstanding citizen.

Mr. CARTER. I thank the distinguished gentleman for yielding.

Mr. Speaker, it was with deep personal regret that I learned of the untimely passing of our distinguished and respected former colleague, William O. Cowger.

Bill Cowger was a fine individual and had an outstanding record as mayor of Louisville. He did much to revitalize that city and it was during his administration that Louisville was designated as an all-American city. He made Louisville a better place for people of all walks of life and all races.

As a Congressman, Bill quickly won the admiration and respect of his fellow freshmen Congressmen, who elected him to head the 90th Club. His dedication and work in behalf of his constituents was not only outstanding, but inspired. His pride in Louisville was boldly proclaimed on all his official envelopes—with the seal of the all-American city.

In his own words, the most memorable aspect of public life was service to those whom he represented. To quote him directly—

> I would say the most important thing is the personal satisfaction that you get out of doing things for people . . . This is the real payoff in public service.

He will be sadly missed and I extend my deepest sympathy to his family.

Mr. MAZZOLI. I thank the gentleman for his kind remarks.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the distinguished minority leader.

Mr. Speaker, I am most grateful that the gentleman from Kentucky would yield to me on this sad occasion.

I was shocked when I learned in the paper in the last 24 hours of the passing of Bill Cowger. He came here in 1966. He immediately achieved a very fine reputation as an outstanding legislator.

He was a most able member of the Committee on Banking and Currency, and his impact on the floor of the House was substantial. In addition to that he had been recognized by the freshman Members on our side of the aisle by being elected president of that group. He was a real leader in that group that was one of the most substantial in numbers that had come to the House of Representatives on our side in a long, long time.

He was respected on both sides of the aisle. I think this is understandable when one looks at the fine record of public service that Bill Cowger had prior to his coming to the House of Representatives.

We had many fine instances of personal friendship He was an outstanding person in every respect. He was a delightful guy. His achievements in the House, although short in time, will be one that will be remembered for a long, long time as an excellent record.

I extend to his family my deepest condolences in this, their hour of sadness.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Michigan for his comments. The gentleman from Michigan did mention some of Mr. Cowger's most outstanding achievements, and they were on this floor, but he also had an outstanding record as mayor in the city of Louisville for 4 years, as a Congressman from that district, and as a person who, prior to going into public life, was a man who used his efforts in the community to better the community.

Mr. Speaker, I now yield to my colleague, the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I was shocked and saddened by the sudden death of our good friend and former colleague, William O. Cowger of Louisville. Bill's sudden passing last Saturday is difficult to comprehend and accept. The citizens of Louisville and Jefferson County have lost a great friend and public servant.

He was the first Republican mayor in Louisville in 30 years and during his term as mayor, Louisville was designated an all-American city. It was an achievement that gave him much pride for he had a sincere and genuine concern for the progress and betterment for urban communities and for Louisville in particular. As the mayor of Louisville from 1961 to 1965 he led in the enactment of the first public accommodations ordinance in the United States south of the Mason-Dixon line.

Bill served two terms in Congress as the Representative from the Third Congressional District of Kentucky from 1966 to 1970. He served the people of Louisville with a dedication that is rare. The Police Assistance Act of 1970 carried his name.

He said after his narrow defeat in 1970:

> I would say the most important thing to me is the personal satisfaction that you get out of doing things for people. This is the real payoff in public service.

He was well liked here in the House and was elected chairman of the freshman GOP Representatives in his first term. He loved his country and the people it was his privilege to represent. He said on leaving the Congress he would miss most his association with fellow Congressmen and, No. 2, he always liked to be where the action was and the action was here in the Congress. He felt the action was here particularly in his years of service and as a dedicated public servant. He went on to say:

> I really don't think I'd want to be in Congress during a time of Utopia when everything is milk and honey.

Mr. Speaker, those of us who were privileged to know him as a concerned representative of the people knew, too, of his great faith. A faith that sustained him throughout the brief years of his life. It was a privilege to know him and to work with him. The House was made richer by his presence here for 4 brief years and the people of Louisville are poorer by his untimely passing.

I feel a great sense of loss and extend to his family my deepest sympathy for one of our most dedicated public servants of Kentucky.

Mr. MAZZOLI. Mr. Speaker, I now yield to my colleague, the gentleman from Kentucky (Mr. STUBBLEFIELD).

Mr. STUBBLEFIELD. Mr. Speaker, I too wish to join with my colleagues in paying my deep respects to my good friend, Bill Cowger. Bill was a longtime personal friend.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. MONTGOMERY. Mr. Speaker, I join my colleagues in mourning the passing of our former colleague William O. Cowger. Bill Cowger and I both came to the Congress together in 1967. It was my good fortune to have my office next to his on the fifth floor of the Cannon Building during the 91st Congress. I always found him to be a man with an easy going personality, but yet he was firm in his convictions and worked for those programs which he felt were best for the people of Kentucky's Third District and the Nation. Bill Cowger was always ready to lend a helping hand to anyone who came to him for assistance. His loss will certainly be felt by the people of Kentucky and his many other friends across the Nation. I extend my deepest sympathy to his family.

Mr. MAZZOLI. I thank the gentleman for his remarks.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. PERKINS. Mr. Speaker, I, too, am shocked and saddened by the news of the death Saturday of William O. Cowger, who until last January represented Kentucky's Third Congressional District.

Bill Cowger's death is especially distressing, in that it has robbed his party and his home community of Louisville of a vigorous, progressive young leader.

The qualities of leadership which he displayed as a young businessman in Louisville early marked him for a distinguished career. Although he was not a Kentuckian, not a native Louisvillian, his adopted city took him to its heart.

Ten years ago next month, Bill became the first Republican mayor of Louisville in three decades, coasting to power with now Senator MARLOW COOK, then a candidate for county judge, as a team of youthful reformers.

After serving 4 years as mayor of Kentucky's largest city, he was elected to Congress in 1966, and was with us as a Member of this House until the expiration of his second term last January.

Bill served his city and his district well. Though he and I were of different parties, I liked the way he approached problems and issues here. Once at a Washington meeting of visiting Kentuckians here attending a convention, Bill Cowger said of his Democratic colleagues in the Congress:

> Back home, we might differ on politics; but here in Washington, we all work together for Kentucky.

I am genuinely sorry to hear of his passing, and extend my sympathy to his family.

Mr. MAZZOLI. I thank the gentleman for his remarks.

Mr. ZION. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. ZION. Mr. Speaker, I guess I knew Bill Cowger as well as anyone. We traveled back and forth between our districts together for 4 years. It was during one of these trips that he confided in me that he had suffered two heart attacks and had been advised to slow down.

Bill did not know how to slow down. He was a fighter. He felt compelled to take on the newspapers, his Governor, his party leaders, Eastern Air Lines, and anyone else that he felt should get a comeuppance.

Someone once said:

> Live while you live, then die and be done with it.

Bill would want us to say that he did just that.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman and I thank the House for paying its tribute today to the late Congressman Cowger.

Mr. NATCHER. Mr. Speaker, I shall always be grateful that I had the opportunity to serve in the Congress of the United States with William O. Cowger.

Bill Cowger represented the Third Congressional District of Kentucky in the Congress for two terms and, as a former mayor of Louisville, was one of the chief spokesmen in the House for the Nation's cities.

He was always a cheerful, humble, dedicated leader of the House of Representatives and was always loyal to his friends and to the people of his district.

In addition to his outstanding ability as a legislator, Bill Cowger possessed a delightful sense of humor and his inherent kindness endeared him to all with whom he came in contact. A wise, experienced leader and a great Kentuckian has gone to his eternal reward.

I extend my deepest sympathy to the members of his family.

Mr. MILLER of Ohio. Mr. Speaker, it is with a deep sense of loss that I join with my colleagues in the House in expressing my sympathy at the sudden passing of Bill Cowger. Bill was a public servant of the highest integrity. He brought to Congress the same sense of pride and purpose that was characteristic of his business, civic and public-service contributions to the city of Louisville and the State of Kentucky.

Bill Cowger was a distinguished public servant. He served for 3 years as the president of the Inter-American Municipal Organization and served on the executive committee of the American Municipal Association. He worked constantly for all that is good in America, and as one who sincerely appreciated Bill and what he stood for, I know that his death will be felt by all those who love this country.

Mr. RIEGLE. Mr. Speaker, it is with great sadness that I rise to acknowledge the death of my good friend and colleague Bill Cowger. How distressing it is that we should lose a man that the country needs so much.

Bill was a man of conscience, feeling, dedication, and decency. Those of us privileged to work with him are endebted to him for his leadership and personal example.

And while it is easy to feel bitterness about his untimely death—we must instead be thankful for his life—his work—his essential goodness as a human being. The fact is that.

Bill lives on in all of us—his sense of humor—his courage on human rights—his love of life and truth.

Our deepest thoughts today are with him and his family.

GENERAL LEAVE TO EXTEND

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the life and character of our late colleague the Honorable William O. Cowger.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar.

For what purpose does the gentleman from Iowa rise?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, I am prepared to offer a highly privileged motion.

The SPEAKER. The Consent Calendar takes precedence over the motion of the gentleman, which the Chair thinks he has in mind to offer.

Mr. GROSS. I thank the Speaker.

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

VILLAGE OF ORLEANS, VT.

The Clerk called the bill (S. 708) for the relief of the village of Orleans, Vt.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I have been advised that many of the questions in connection with the bill, S. 708, have been resolved; to wit, that the money orders in question were never cashed, and there has never been any question of embezzlement, nor would the money accrue to the benefit of the city.

Previously when the bill was called due to questions regarding the above, and based on the report of the committee, I felt constrained to ask that it be put over without prejudice. At this time, unless there is additional question or information to the contrary, I am constrained to withdraw my reservation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the clerk read the bill as follows:

S. 708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 5103 (d) of title 39, United States Code, the Postmaster General is authorized and directed to (1) receive and consider any claims of the village of Orleans, Vermont, for the repayment of six unpaid United States money orders issued to such village in 1945 for the aggregate amount of $527.31, and (2) provide for the payment of the face value of such money orders to such village.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. FLOWERS. Mr. Speaker, there is an amendment to the bill, S. 708.

The SPEAKER. Did the gentleman send the amendment to the desk?

Mr. FLOWERS. It is at the desk, Mr. Speaker.

The SPEAKER. Without objection, the proceedings whereby the bill was read a third time. and passed are vacated and the gentleman will offer his amendment.

There was no objection.

AMENDMENT OFFERED BY MR. FLOWERS

Mr. FLOWERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

The amendment offered by Mr. FLOWERS: Page 1, line 4, insert "former" before the word "title".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUIRING PROTECTION, MANAGEMENT AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS ON PUBLIC LANDS

The Clerk called the bill (H.R. 9890) to require the protection, management, and control of wild free-roaming horses and burros on public lands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of whoever is handling this bill on the Consent Calendar today, as to whether or not there is an intention to offer an amendment; and, if so, is the amendment, which is most highly unusual under the circumstances and subject only to presentation by the committee, approved by the committee? Mr. Speaker, for this purpose I yield to the chairman of the Committee on Interior an Insular Affairs.

Mr. ASPINALL. I thank my friend from Missouri.

Mr. Speaker, may I state that the amendment has not been cleared as such by the committee, but it has been cleared by the committee members who are interested in this legislation, and I would suggest to my friend from Missouri that this is not a matter being considered on the Suspension Calendar but rather on the Consent Calendar, and in a situation in which an amendment has been agreed to by the leaders on both sides of the committee aisle and by the one who has an amendment he wishes to offer, that, I think, would make the amendments in order.

Mr. HALL. Mr. Speaker, I thank the gentleman for his constructive help, and if he will say either "yea" or "nay," whether the committee is in favor of this bill passed on the Consent Calendar rather than on the Suspension Calendar, I will be glad to comply. I have no objection, but only support for the bill.

Mr. ASPINALL. May I say to my friend that the committee is in favor of the bill being on the Consent Calendar with the two amendments which the gentleman from Michigan will offer.

Mr. HALL. I thank the gentleman. That is explicit, and I withdraw my reservation.

Mr. GUDE. Mr. Speaker, reserving the right to object—and I do not like objecting—this is the mustang bill which is presently listed on the Suspension Calendar as item No. 9. If I object and the bill is withdrawn from the Consent Calendar, will it still be on the Suspension Calendar?

The SPEAKER. The gentleman is correct.

Mr. GUDE. Mr. Speaker, this bill was unanimously voted upon by the committee after long hearings and considerable thought and study, and I do object.

The SPEAKER. Objection is heard.

The Clerk will report the next bill on the Consent Calendar.

LAND EXCHANGE, FORT BLISS MILITARY RESERVATION, TEX.

The Clerk called the bill (H.R. 2566) to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands.

There being no objection, the Clerk read the bill as follows:

H.R. 2566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, or his designee, is authorized to convey to the State of Texas, subject to such terms and conditions as the Secretary of the Army, or his designee, may deem to be in the public interest, all right, title, and interest of the United States, except as retained in this Act, in and to a certain parcel of land containing 20 acres, more or less, out of and a part of section 2, block 81, township 2, Texas and Pacific Railroad Company Survey, El Paso County, Texas, within the Castner Range area of the Fort Bliss Military Reservation, being more particularly described as follows:

Starting at a United States Government monument, marking the corners common to sections 2, 3, 8, and 9, block 81, township 2, El Paso County, Texas, thence proceeding north 88 degrees 48 minutes 17 seconds east, along the south line of said section 2, a distance of 94.09 feet to a point on the east line of the proposed North-South Freeway; thence north 01 degrees 18 minutes 22 seconds west, along the east line of said freeway, and the west line of a 95.00-foot wide easement to the city of El Paso, Texas, a distance of 95.00 feet, to the point of beginning of subject parcel;

thence north 01 degree 18 minutes 22 seconds west, along the east right-of-way line of said North-South Freeway, and the west line of subject parcel, a distance of 1,244.58 feet to a point;

thence north 88 degrees 48 minutes 17 seconds east, into said section 2, a distance of 700.00 feet to a point;

thence south 01 degree 18 minutes 22 seconds east, along the east line of subject parcel, a distance of 1,244.58 feet to a point on the north line of a 95.00-foot wide easement to the city of El Paso, Texas;

thence south 88 degrees 48 minutes 17 seconds west, along the north line of said easement to the city of El Paso, Texas, and the south line of subject parcel, a distance of 700.00 feet to the point of beginning.

SEC. 2. In consideration for the conveyance by the United States of the property desired in section 1, the State of Texas shall convey to the United States a parcel of land containing 18.3106 acres, more or less, out of and part of section 21, block 81, township 2, El Paso County, Texas, said parcel being a portion of a 24.25-acre parcel of land heretofore conveyed by the United States to the State of Texas for National Guard and military use by deed dated November 4, 1954, pursuant to the Act of August 30, 1954 (68 Stat. 974), said 18.3106-acre parcel being more particularly described as follows:

Beginning at a point on the south line of Hayes Avenue, and the west right-of-way line of the proposed North-South Freeway;

thence south 30 degrees 26 minutes 35 seconds west, along the west line of said freeway, and the east line of subject area, a distance of 570.42 feet to a point;

thence south 34 degrees 26 minutes 10 seconds west, along the line of said freeway and the east line of subject area, a distance of 260.00 feet to a point;

thence south 27 degrees 15 minutes 37 seconds west, along the west line of said freeway, and the east line of subject area, a distance of 218.63 feet to a point on the north line of Truman Avenue;

thence south 86 degrees 32 minutes 40 seconds east, along the north line of Truman Avenue and the south line of subject area, a distance of 635.32 feet to a point on the east line of Pollard Street;

thence north 03 degrees 27 minutes 20 seconds east, along the east line of Pollard Street, and the west line of subject area, a distance of 902.37 feet to a point on the south line of Hayes Avenue;

thence north 88 degrees 01 minute 34 seconds west, along the south line of Hayes Avenue, and the north line of subject area, a distance of 1,116.62 feet to the point of beginning.

SEC. 3. The legal descriptions in sections 1 and 2 may be modified, as agreed upon by the Secretary, or his designee, and the State of Texas, consistent with any necessary changes which may be disclosed as the result of an accurate survey.

SEC. 4. There shall be reserved to the United States in the conveyance of lands described in section 1 hereof the following:

(a) all mineral rights including gas and oil;

(b) rights of ingress and egress over roads in the described lands serving buildings or other works operated by the United States or its successors of assigns in connection with Fort Bliss, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which now exist, or which may become necessary to the operation of the said Fort Bliss.

SEC. 5. The conveyance of the property authorized by section 1 of this act shall be upon the following conditions:

(a) That such property shall be used primarily for training of the National Guard and for other military purposes, and that if the State of Texas shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition, all improvements made by the State of Texas during its occupancy shall vest in the United States without payment of compensation therefor.

(b) That whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state of war or of such emergency plus six months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto.

(c) That the State, in accepting the conveyance from the United States authorized in section 1 hereof, shall covenant and agree to all responsibility for clearance of ammunition from the area and to hold the United States harmless from liability in connection with any incidents arising therefrom.

SEC. 7. All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the foregoing provisions of this Act shall be borne by the State of Texas.

SEC. 8. Section 3(b) of Public Law 91-202 approved March 4, 1970 (84 Stat. 20), is hereby amended to provide that structures and improvements which shall be replaced in kind at the expense of the city of El Paso, Texas, shall be constructed on land conveyed to the State of Texas under section 1 of this Act instead of the site designated in Public Law 91-202, with all other provisions of that law remaining in full force and effect.

Mr. WHITE. Mr. Speaker, I urge the passage of H.R. 2566, to authorize an exchange of land between the Army and the State of Texas. This exchange is supported by both the Army and the State of Texas, and will be to the mutual advantage of both parties.

The land to be received by the Army is contiguous to the main post of Fort Bliss, and is in a highly desirable location for the future development of the post. It has been used as a National Guard training site by the State of Texas for a number of years but the Texas National Guard Armory Board has advised the Department of the Army that the recent construction of a freeway through the area is making it impossible for the Texas National Guard to have safe and convenient access to the area.

It was therefore proposed that the Army trade a 20-acre tract, located on Castner range, a former Army firing range now declared surplus by the Army. The 20-acre site was specifically reserved from the surplus declaration, so that it might be traded to the State of Texas for the 18-acre site adjacent to the main post.

The 20-acre site will afford the National Guard ready and safe access to the north-south freeway in both directions. At the present site, the only access for National Guard vehicles would be through a Fort Bliss housing project. The estimated value of the 18 acres to be acquired by the Army exceeds that of the 20 acres to be conveyed to the State.

Mr. Speaker, there are no Federal funds involved in this land transfer, and because it is for the betterment of both Fort Bliss and the Texas National Guard, I respectfully ask unanimous consent for the passage of H.R. 2566.

Mr. BENNETT. Mr. Speaker, the purpose of H.R. 2566 is to authorize the Secretary of the Army, or his designee, to convey to the State of Texas, subject to such terms and conditions the grantor deems necessary in the public interest, a certain 20-acre parcel of land, more or less, within the Castner Range area of the Fort Bliss Military Reservation, Tex., in exchange for a parcel of land containing 18.3106 acres, more or less, which was part of a larger area—24.25 acres—previously conveyed by the United States to the State for National Guard and other military use.

The Texas National Guard Armory Board, which administers the properties of the Texas National Guard, has advised the Department of the Army that the taking of a portion—5.9 acres—of the 24.25-acre tract for a freeway right-of-way will make it impossible for the National Guard to function efficiently on the remaining portion of the facility, due to the lack of access to the freeway or other arterial streets. For this reason the Texas National Guard Armory Board has proposed an exchange of the portion of its present facility, which will remain after the conveyance of 6 acres or less to the city of El Paso, for a 20-acre parcel of Fort Bliss located in the Castner Range area. The State considers that the Castner Range site will be a suitable replacement area and will provide a desirable site for the construction of an approved new armory.

The 20-acre parcel which the State of Texas desires to acquire is an unimproved tract lying in the southeast portion of the Castner Range area of Fort Bliss, formerly used as a small arms range, but inactive in recent years. The land which the Department of the Army would acquire, described in the bill as containing 18.3106 acres, it contiguous to the main post of Fort Bliss, bounded on the north by a Capehart housing area. This site is considered a more desirable location than the Castner Range parcel for future development of Fort Bliss. The estimated value of the land to be acquired by the Army exceeds that of the land to be acquired by the State.

I recommend approval of H.R. 2566.

The bill was ordered to be engrossed

and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING TITLE 10, UNITED STATES CODE, TO LIMIT THE SEPARATION OF MEMBERS OF THE ARMED FORCES UNDER CONDITIONS OTHER THAN HONORABLE

The Clerk called the bill (H.R. 10422) to amend title 10, United States Code, to limit the separation of members of the Armed Forces under conditions other than honorable, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 10422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Chapter 59 is amended as follows:

(A) Section 1161 is amended to read as follows, and the analysis item for that section is amended to correspond with the revised catchline:

"§ 1161. Members: limitations on separation under other than honorable conditions

"(a) Under regulations prescribed by the Secretary concerned, a member of an armed force may be separated under other than honorable conditions from an armed force as a result of—

"(1) an approved recommendation of a board of officers upon a finding based on preponderance of the evidence of record, of misconduct (in the case of enlisted members), or of misconduct or moral or professional dereliction (in the case of officers, cadets, and midshipmen), or that the member's retention would not be clearly consistent with the interests of national security;

"(2) resignation or request for discharge in lieu of board action under clause (1) or trial by court-martial, submitted after an opportunity to consult counsel having the professional qualifications prescribed by section 827(b) of this title;

"(3) absence without authority for one year;

"(4) final conviction by a civilian court, or adjudication as a juvenile offender, for an offense the punishment for which under chapter 47 of this title is death or imprisonment for more than one year;

"(5) an aggregate of three separate final convictions during a three-year period (the three-year period next preceding the date of conviction of the last offense) by separate courts-martial, or civilian courts, or both, of offenses the punishment for each of which under chapter 47 of this title is confinement for three months or more; or

"(6) in time of war, by order of the President.

"(b) Under regulations prescribed by the Secretary concerned, which shall be uniform for all of the armed forces—

"(1) the board of officers appointed under subsection (a)(1), and the member, shall have equal opportunity to obtain witnesses and other evidence; and

"(2) the board shall have power to issue process to compel the attendance of witnesses and production of evidence coextensive with the power accorded courts-martial under section 846 of this title.

The Secretaries concerned shall prescribe rules of evidence, including rules as to the taking and use of depositions and ex parte statements, which shall be uniform for all the armed forces, and shall be reported to the Congress.

"(c) Under regulations prescribed by the Secretary concerned, a board of officers appointed under subsection (a)(1) is required to conduct a hearing which affords the member concerned an opportunity to—

"(1) appear before the board and present evidence in his own behalf;

"(2) be represented by counsel having the professional qualifications prescribed by section 827(b) of this title, unless counsel having those qualifications cannot be obtained because of physical conditions or military exigencies, and if such counsel cannot be obtained because of physical conditions or military exigencies, the board proceedings may be held, but separation under other than honorable conditions may not be recommended or approved;

"(3) subject to exceptions prescribed in the rules of evidence, confront the witnesses against him; and

"(4) examine the documentary and real evidence against him.

The member shall be notified in writing reasonably in advance of the proposed hearing and of the reasons therefor. If the member is confined in a civilian jail or penal institution at the time of the hearing, and he is represented by counsel qualified under section 827(b) of this title, it may be conducted out of his presence.

"(d) Except where he cannot be obtained on account of physical conditions or military exigencies, one nonvoting member of the board prescribed under subsection (a)(1) who has the professional qualifications prescribed by section 826(b) of this title shall act as legal adviser and rule on all interlocutory questions which ruling shall be final, and if such legal adviser cannot be obtained because of physical conditions or military exigencies, the board proceedings may be held but separation under other than honorable conditions may not be recommended or approved.

"(e) Under regulations prescribed by the Secretary concerned, the recommendation of a board of officers appointed under section (a)(1) for separation under other than honorable conditions may be appealed by the member to a review board established by The Judge Advocate General concerned, or the General Counsel of the Department of Transportation, as appropriate. Each review board shall be composed of not less than three officers having the professional qualifications prescribed by section 826(b) of this title and, unless it cannot be avoided, each such officer shall be senior to, and outrank, the member. The review board shall determine whether the proceedings before the board of officers appointed under subsection (a)(1) is correct in law and may direct a rehearing. The review board is limited in its consideration to—

"(1) the record of proceedings of the board of officers which, in cases of appeal only, must be a verbatim record; and

"(2) written arguments of counsel based upon those proceedings.

A review board may not recommend that the member be separated under conditions less favorable than those recommended by the board of officers, but it may recommend mitigation of adverse board recommendations. The action of the review board is final with respect to matters of law. With respect to other matters, the action of the review board is advisory in nature with the final decision, except as to matters of law, being exercised by the authority empowered to separate the member. An officer whose case is reviewable under section 1184(b) of this title, or section 323 of title 14, is not entitled to an appeal under this section.

"(f) Except where the findings or recommendations of a board of officers are determined to have been obtained by fraud or collusion, a member who has been retained as a result of proceedings under this section may not be required to appear before another board of officers convened under this section solely for conduct which was the subject of the previous proceedings.

"(g) Except as provided in this chapter, chapter 47, and chapter 60 of this title, or chapter 11 of title 14, a member may not be separated from an armed force under conditions other than honorable.

"(h) Notwithstanding any other provision of law, a commissioned or warrant officer of an armed force, other than a regular component of that armed force, is entitled to the safeguards provided for regular officers under section 1182 of title 10 whenever he is being considered for separation from active duty because of misconduct, moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security."

(B) Section 1163 is amended—

(i) by amending the second sentence of subsection (a) to read as follows: "This subsection does not apply to a separation under section 1003, or a transfer under section 3352 or 8352, of this title.";

(ii) by repealing subsection (b); and

(iii) by striking out "except under subsection (b)," in subsection (c).

(2) The chapter analysis of subtitle A and the chapter analysis of part II of subtitle A are each amended by inserting the following new item:

"60. Separation of Regular Officers for various reasons"

(3) Part II of subtitle A is amended by inserting the following new chapter after chapter 59:

"Chapter 60.—SEPARATION OF REGULAR OFFICERS FOR VARIOUS REASONS

"Sec.
"1181. Boards of officers: substandard performance of duty; authority to convene.
"1182. Boards of officers: other than substandard performance of duty; authority to convene.
"1183. Boards of inquiry: composition; duties.
"1184. Boards of review: composition; duties.
"1185. Removal of officer: action by Secretary upon recommendation.
"1186. Rights and procedures.
"1187. Officers considered for removal: voluntary retirement or discharge; severance benefits.
"1188. Officers eligible to serve on boards.

"§ 1181. Boards of officers: substandard performance of duty; authority to convene

"The Secretary of the military department concerned may at any time convene a board of officers to review the record of any commissioned or warrant officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, as the case may be, to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary, to show cause for his retention on active duty.

"§ 1182. Boards of officers: other than substandard performance of duty; authority to convene

"The Secretary of the military department concerned may at any time convene a board of officers to review the record of any commissioned or warrant officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, as the case may be, to determine whether action should be taken in accordance with section 1161 of this title to remove him from active duty because of misconduct, moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security.

"§ 1183. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened, at such places as the Secretary of the military department concerned may prescribe, to receive evidence and make findings and recommendations whether an officer who is required to show cause for retention under section 1181 of this title should be retained on active duty.

"(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"(c) If a board of inquiry determines that the officer has failed to establish that he should be retained, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer has established that he should be retained, his case is closed. However, at any time after one year from the date of that determination, an officer who is required to show cause for retention under section 1181 of this title may again be required to show cause for retention.

"§ 1184. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers shall be convened by the Secretary of the military department concerned, at such times as he may prescribe, to review the records of cases of regular commissioned or warrant officers recommended for removal by a board of inquiry under section 1183 of this title. If after reviewing the record of the case, a board of review determines that the officer—

"(1) has failed to establish that he should be retained, it shall send its recommendation to the Secretary for his action; or

"(2) has established that he should be retained on active duty, his case is closed; however, at any time after one year from the date of that determination, he may be again required to show cause for retention in those cases reviewed under section 1181 of this title.

"(b) Boards of review shall be convened in accordance with section 1161(e) of this title to review the proceedings of a board of officers convened under section 1161 of this title in which that board has recommended the removal of a regular commissioned or warrant officer from active duty. It shall send its recommendation to the Secretary of the military department concerned for his action.

"§ 1185. Removal of officer: action by Secretary upon recommendation

"The Secretary of the military department concerned may remove an officer from active duty in the regular component of an armed force if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"§ 1186. Rights and procedures

"Each officer under consideration for removal by a board convened under section 1183 of this title shall be—

"(1) notified in writing of the reasons, at least thirty days before the hearing of the case by a board of inquiry, for which the officer is being required to show cause for retention;

"(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the military department concerned, to prepare his defense;

"(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

"(4) allowed full access to, and furnished copies of, records relevant to the case at all states of the proceedings.

"§ 1187. Officer considered for removal: voluntary retirement or discharge; severance benefits

"(a) At any time during proceedings under this chapter and before the removal of an officer, the Secretary of the military department concerned may grant a request—

"(1) for voluntary retirement, if the officer is otherwise qualified therefor;

"(2) for honorable discharge under subsection (b) in those cases brought under section 1181 of this title; or

"(3) for discharge under subsection (b) in those cases brought under section 1182 of this title.

"(b) Each officer removed from active duty or a regular component of the armed forces under this chapter shall—

"(1) if he is eligible for voluntary retirement under any law on the date of his removal, be retired in the grade and with the pay for which he would be eligible if retired at his request;

"(2) if he is ineligible for voluntary retirement under any law on the date of his removal, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active commissioned or warrant service, as the case may be, but not more than twelve, by one month's basic pay of that grade in those cases brought under section 1181 of this title; or

"(3) if on that date the officer is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active commissioned or warrant service, as the case may be, but not more than twelve, by one month's basic pay of that grade in those cases brought under section 1182 of this title.

"§ 1188. Officers eligible to serve on boards

"(a) No officer may serve on a board under this chapter unless, with respect to the Army and Air Force, he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board. No officer may serve on a board under this chapter unless, with respect to the Navy and Marine Corps, he is serving in a grade above commander in the Navy or lieutenant colonel in the Marine Corps, and is senior in grade to any officer considered by that board.

"(b) No person may be a member of more than one board convened under this chapter for the same officer."

(4) Subtitle B is amended by repealing chapters 359 and 360.

(5) The chapter analysis of subtitle B and the chapter analysis of part II of subtitle B are each amended by striking out the items relating to chapters 359 and 360.

(6) Subtitle D is amended by repealing chapters 859 and 860.

(7) The chapter analysis for subtitle D and the chapter analysis of part II of subtitle D are each amended by striking out the items relating to chapters 859 and 860.

SEC. 2. Notwithstanding any other provision of law, the separation of any commissioned or warrant officer of the Coast Guard under clause (2) of section 321 of title 14, United States Code, shall be in accordance with the applicable procedures and safeguards set forth in section 1 of this Act.

SEC. 3. This Act shall become effective on the first day of the sixth month following the month in which it is enacted.

Mr. BENNETT. Mr. Speaker, the purpose of H.R. 10422 is to prescribe the circumstances in which a member of an armed force, either enlisted, commissioned or warrant officer, may be administratively separated therefrom under other than honorable conditions, and to assure that certain basic rights be extended to members who are subjected to such administrative action.

With the exception of certain statutory provisions set forth in several chapters of title 10, United States Code, pertaining to the administrative elimination of officers of the Army and Air Force, the procedures and rights governing the administrative elimination of members of the Armed Forces under other than honorable conditions are governed entirely by regulation. The bill establishes, with the status of Federal law, uniform authority, criteria, procedures, and rights governing the administrative elimination under other than honorable conditions of enlisted and officer personnel of the Army, Navy, Marine Corps, Air Force, and Coast Guard. Heretofore, neither statutory authority for nor procedures or criteria governing the administrative elimination of naval and Marine Corps officers under other than honorable conditions has existed.

The proposal is addressed to procedures under which an administrative discharge under other than honorable conditions may be awarded, but does not change the substantive criminal law, its definitions or sanctions.

The proposed legislation provides that a member of an armed force can be separated under other than honorable conditions only as the result of:

First, an approved recommendation of a board of officers based upon the preponderance of the evidence of record, of misconduct—in the case of enlisted members—of misconduct or moral or professional dereliction—in the case of officers, cadets, and midshipmen—or a finding that the member's retention would not be clearly consistent with the interests of national security;

Second, resignation or request for a discharge in lieu of the board action mentioned above, or in lieu of trial by court-martial;

Third, absence without authority for 1 year;

Fourth, final conviction by a civilian court or adjudication as a juvenile offender, for an offense for which under the Uniform Code of Military Justice the punishment is death or imprisonment for more than 1 year;

Fifth, an aggregate of three separate final convictions during a 3-year period by separate court-martial, or civilian courts, or both, for offenses which under the Uniform Code of Military Justice the punishment is confinement for 3 months or more; and

Sixth, in time of war by order of the President.

Mr. Speaker, I feel that this is one of the finer bills our committee has worked on this year. It was gone into in great depth, and I believe it is a real breakthrough for constructive improvement in the procedures for handling discharges under other than honorable conditions and I urge passage of this proposed legislation.

Mr. BOB WILSON. Mr. Speaker, over the years many Members of Congress, various congressional committees, and bar associations have been concerned over repeated complaints about the administrative discharge practices in the services—with particular reference to the separation of enlisted personnel. This has been particularly evident since the enactment of the Uniform Code of Military Justice. Recently there has been an added emphasis on administrative separations as a substitute for punitive action, and cases have been reported alleging that undesirable discharges were awarded under procedures that lacked the fundamental protections of administrative due process.

There have been improvements over the years, but these improvements have been administrative in nature and not subject to the strict compliance requirements inherent in our statutes. The committee has no doubt of the serious consequences of discharges under conditions other than honorable and of the absolute need for statutory regulation in that area. Indeed, a judge on the Court of Military Appeals has said that, generally, one may be better off with a bad conduct discharge than an undesirable discharge, since the latter is "very severe."

So far as is possible in the legislative process, this proposal is designed to cure those problems by prescribing the circumstances under which a member of an armed force may be separated administratively under other than honorable conditions.

This measure provides for quasi-judicial hearing board procedures conducted by an attorney, an application of sound rules of evidence, and an opportunity for appellate review. The only exceptions are when the respondent has been found guilty of a lengthy absence for a year or more,when he has been convicted of a felony, is a repeated offender or waives board procedures.

In addition, officer cases involving misconduct or dereliction will be handled exactly the same for all of the services with every opportunity for a hearing in accordance with the standard tenets of administrative due process.

I urge my colleagues to support this measure which is a real step forward in the administration of military discharge procedures.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CENTRAL ADMINISTRATION OF TRAINING PROGRAMS FOR VA INTERNS OR RESIDENTS

The Clerk called the bill (H.R. 10879) to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask my colleague, the chairman of the Committee on Veterans' Affairs if this is also approved by the current Department of Veterans' Affairs?

Mr. TEAGUE of Texas. Mr. Speaker, the Department of Veterans' Affairs asked for this legislation.

Mr. HALL. I thank the gentleman, Mr. Speaker. The report was signed by a former Administrator, and I wanted to be sure.

My second question is only in the interest of the bill itself, I will assure the gentleman. Does the gentleman know what pay scales are planned for interns and residents in the hospitals of the Medical Division of the Department of Veterans' Affairs, and whether they will be comparable or competitive with the "going rate" for residents and interns who are training in civilian hospitals?

Mr. TEAGUE of Texas. Of course, the gentleman is very familiar with the intern program within the VA and he knows they are not. We have had that matter under consideration. However, we have talked with the VA and they have asked for this legislation.

Mr. HALL. Mr. Speaker, I understand that, and as the gentleman says, I am familiar with this; but I repeat that I ask these questions only in the interest of this legislation—that is, in order to expedite it. I think a little legislative history needs to be made. I am one of those who helped form the original Dean's committees for the majority of the Veterans' Administration hospitals. I have followed it as a physician through the years, and of course, particularly since I have been on the House Committee on Armed Services, and second, as one of the "doctors in the House"—to use a cliche. My only interest is that, inasmuch as the legislation gives the Administrator, any Administrator now or in the future, carte blanche to set the fees and stipends; will he and the committee in its oversight be certain that it is not overdone, does not force additional inflationary spirals, and that the competition for these "helpers under supervision of preceptors" who thus enhance their training experience and specialist education, do not become excessive and get out of hand?

We must see that they are not out of line. If the gentleman has discussed this with the Administrator, that is quite satisfactory to me.

Mr. TEAGUE of Texas. Of course, it has been. The hospitals work with it.

Mr. TEAGUE of Texas. Mr. Speaker, H.R. 10879 is identical with a draft proposal submitted by the Administrator of Veterans' Affairs to the 91st Congress which has subsequently introduced but was not acted upon by that Congress. The bill would authorize the Administrator to enter into agreements with hospitals, medical schools or medical installations for the central administration of interns and residency training and would allow him to expend appropriated funds for the purpose of paying to the central administrative body the costs involved for the periods during which the trainees serve with the Veterans' Administration.

The committee is advised that in the department of medicine and surgery there are several types of residency and internship programs. This bill is designed to reduce the administrative complexity in the operation of certain types of residency and internship programs.

Under the present programs, there are three types of residents and interns: First, those whose residency program is established and directed by a Veterans' Administration hospital and who, although they may serve a portion of their residency in other hospitals, receive the entire amount of their stipends, fringe benefits and leave privileges under Veterans' Administration regulations; second, those whose residency program is established and directed by other than a Veterans' Administration hospital but who serve a portion of their residency in a Veterans' Administration hospital, receiving their stipends, fringe benefits, and leave privileges under Veterans' Administration regulations only for the periods they are serving in a Veterans' Administration hospital; and third, those whose residency program is established and directed jointly by a Veterans' Administration hospital and one or more participating institutions and who serve on a rotating basis in the participating institutions, receiving their stipends, fringe benefits, and leave privileges under Veterans' Administration regulations only for the periods they are serving in a Veterans' Administration hospital. It is in the latter two types that administrative problems arise, and this bill is designed to minimize those problems.

The reports of the present Administrator and his predecessor, which are included in the committee's report, explain in specific detail the procedures which would be authorized for achieving the desired central administration cost. The committee is persuaded that the enactment of this bill would enhance the Veterans' Administration's ability to participate in this important area of medical personnel training.

The Veterans' Administration advises that the enactment of this proposal would result in no additional net cost to the Government and the committee concurs in this view.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 10879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4114 of title 38, United States Code, is amended by deleting "(b)" at the beginning of subsection (b) and inserting in lieu thereof "(b)(1)" and by adding the following new paragraph:

"(2) In order to more efficiently carry out the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provisions of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as an agency for this purpose. The Administrator may pay to such designated central administration agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) such stipends as fixed by the Administrator pursuant to paragraph (1) of this subsection. (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such fund to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5 of the United States Code, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employees benefits to which he may be entitled under this title or title 5 of the United States Code. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5 of the United States Code. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident of the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVISION OF COTTON GINNING CENSUS REPORT DATES

The Clerk called the bill (S. 932) to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates.

There being no objection, the Clerk read the bill, as follows:

S. 932

Be it enacted by the Senate and House of Representives of the United States of America in Congress assembled, That section 43 of title 13, United States Code, is amended to read as follows:

"§ 43. Records and report of cotton ginners

"Every cotton ginner shall keep a record of the county or parish in which each bale of cotton ginned by him is grown and report at the completion of the ginning season, but not later than the March canvass, of each year a segregation of the total number of bales ginned by counties or parishes in which grown."

With the following committee amendment:

On page 1, line 5, strike out "report" and insert in lieu thereof "reports".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYING CERTAIN LAND TO TWENTYNINE PALMS PARK AND RECREATION DISTRICT

The Clerk called the bill (H.R. 9346) to convey certain federally owned land to the Twentynine Palms Park and Recreation District.

There being no objection, the Clerk read the bill, as follows:

H.R. 9346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described land are hereby conveyed to the Twentynine Palms Park and Recreation District:

Commencing at a point on the west line of section 33, township 1 north, range 9 east, San Bernardino base and meridian, California, 139.5 feet north of the southwest corner of the northwest quarter of said section, thence north along west line of said section 208.71, thence east parallel with the south line of said section 208.71 feet, thence south parallel with the west line of said section 208.71 feet; thence west parallel with the south line of said section 208.71 feet to the point of beginning, containing one acre, more or less.

With the following committee amendment:

Page 1, line 5, strike out "District:" and insert: "District, subject to the provisions of section 2:" and on page 2, after line 3, add a new section 2:

"Sec. 2. The land conveyed by this Act shall be used only as an Indian cemetery and a historical museum site for the interest of the general public, and title to the land shall revert to the United States if the land is used for any other purpose."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER.** This concludes the call of the eligible bills on the Consent Calendar.

DISAPPROVING THE ALTERNATE PLAN, DATED AUGUST 31, 1971, FOR PAY ADJUSTMENTS FOR FEDERAL EMPLOYEES UNDER STATUTORY PAY SYSTEMS

Mr. **DULSKI.** Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 596) disapproving the alternate pay plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems.

The **SPEAKER.** The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution House Resolution 596, with Mr. Roush in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The **CHAIRMAN.** The general debate on the resolution will be limited to not to exceed 2 hours, to be divided equally between the gentleman from New York (Mr. Dulski), who will control the time in favor of the resolution, and the gentleman from Iowa (Mr. Gross), who will control the time in opposition to the resolution.

The Chair recognizes the gentleman from New York.

Mr. **DULSKI.** Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the pending disapproval resolution merits the support of every Member of this body.

This issue is one of simple fairness. Adoption of the resolution leaves the Chief Executive with the same control over Federal pay which he has over pay in the private sector. These sectors deserve equal treatment.

The Chief Executive has the authority under the law to offer an alternate comparability pay plan for Federal workers, which he did on August 31.

But in exercising that right during a wage-price freeze he has singled out Federal workers for special treatment. He proposes to lock them into a formula before he announces what he intends to do about control of wages in the private sector.

I have no idea what the Chief Executive will decide to do when the freeze on wages expires next month. I am not insisting or even proposing that he be required to announce his plan at this point.

But neither do I think that it is fair for him to freeze one element of the economy on wages without giving any hint or otherwise as to how he plans to deal with the rest of the work force after the current freeze expires.

I am quite aware of the eleventh hour appeal that came from the Florida White House over the weekend. . . . Those words from among the palm trees at Key Biscayne.

In the words of one of our Nation's great statesmen: "Let's look at the record!"

Indeed, it is perhaps surprising that the Chief Executive should have taken this discriminatory action against Federal employees in the light of his own record.

I would like to cite three excerpts from the remarks by this same person when he was campaigning for the office of Chief Executive.

He said on September 24, 1968:

> Federal employees in my Administration are not going to be treated as numbers in a machine or a second-class citizens.

On that same day he also said:

> The Republican platform provides for insuring comparability of Federal salaries with private enterprise pay.

He said further:

> Finally, I intend to direct appropriate officials of the Administration to examine the comparability of all areas of fringe benefits, including Federal employee retirement benefits particularly with social security and railroad retirement programs.

These are the verbatim quotations from remarks 3 years ago by the same individual who as Chief Executive issued an Executive order this past August 31 providing discriminatory treatment for Federal workers.

It is true that the Federal Pay Comparability Act of 1970 requires that the Chief Executive issue an order by August 31 if he intends to offer an alternate plan.

But his alternate plan this year consisted simply of a 6-month delay in the effective date of the next comparability adjustment to be based on the 1971 figures compiled by the Department of Labor.

Instead of proposing a delay, the Chief Executive could have treated the Federal workers equally and, therefore, more fairly if he had instead proposed the no-more, no-less plan recommended by our committee. Our committee has reported out H.R. 10881 which provides that Federal workers should receive identical treatment with whatever restrictions may be placed on the workers in the private sector under phase II.

Therefore, let it be very clear that in offering the pending resolution, we are not asking for anything extra for Federal workers. Rather, we are asking that Federal workers have equality in treatment with all workers in the civilian economy.

This was the clear intent of the members of my committee when we ordered this resolution reported.

In sponsoring and approving H.R. 10881, our committee spells out our legislative intent that Federal workers should receive either no more or no less than proportionate adjustments for other workers which are permitted under the President's yet to be announced post-freeze plan.

It had been our hope that the House first would have a chance to vote on H.R. 10881, but the parliamentary situation has changed. Nevertheless, if this pending resolution is approved, it still is my firm intention to press for action on H.R. 10881 so that our congressional intent will be more than verbal legislative history. It will be an action of the Congress spelling out in black and white what we mean.

Perhaps, ironically, the pending resolution concerns the first function of the permanent semiautomatic method of adjusting Federal pay as set up in the law which became effective last January.

Over the years, the matter of Federal pay legislation has been left to the Congress to handle on a periodic basis.

In order to eliminate the pressure and frustrations of handling Federal pay schedules by separate laws, our Post Office and Civil Service Committee came up with this new system.

Carefully incorporated into the plan is the provision for allowing the administration to offer alternates subject to congressional veto.

It is regrettable that in this first function of the system, the Chief Executive has acted unfairly in exercising his right to offer an alternate plan subject to congressional veto.

The unfairness occurs because he has chosen to delay the functioning of the system at this uncertain time of a wage-price freeze when there is no information on what he plans to do with regard to workers in the private economy after the freeze.

I want to emphasize that the Chief Executive has the authority to control the pay of Federal workers in exactly the same manner in which he imposes restrictions on wage adjustments in the private sector.

It is my firm conviction that the Chief Executive under his order has chosen to distort the intention of the Federal Pay Comparability Act of 1970 as it relates to his policies affecting the Nation's economic health.

Further, he has gone against his own pledge of 3 years ago—his pledge to treat Federal workers exactly as workers in the private sector are treated.

Mr. Chairman, I feel strongly that there is every justification for the House to support our committee and adopt the pending disapproval resolution.

Such action need have no effect upon the administration's economic policies as they apply to phase II.

The Chief Executive will have the same authority which he has had right along to control wages and prices in both the public and private sectors.

I urge my colleagues to support the pending resolution.

Mr. Chairman, as a part of my remarks I include the texts of excellent editorials from two of the Nation's leading newspapers:

[From the New York Times, Sept. 21, 1971]

Parity for Federal Employees

The Administration effort to build a special refrigerator to freeze the wages of Federal employes has suffered a merited rebuff at the hands of the House Post Office and Civil Service Committee. Whatever rules are established by President Nixon to curb the wage-price spiral after the present over-all freeze expires Nov. 13 ought to apply to Government workers, but there is no justification for imposing upon them an arbitrary six-month delay in the 6 per cent pay increase they are scheduled to get next Jan. 1.

The obligation on the Government for evenhandedness is made greater by the fact that the whole point of the projected increase is to bring Federal employes level with the standards prevailing for comparable work in the rest of the economy. Perhaps the greatest test confronting the Administration in making Phase Two of the general stabilization program work effectively is to convince the American people that it is based on equal treatment for everyone, to the maximum extent possible in this ramified economy. Putting Federal employes in an unwarranted position of special sacrifice is a poor model for that kind of program.

[From the Washington (D.C.) Evening Star, Sept. 18, 1971]

No More, No Less

Federal employes and their families have just as much to gain as all other Americans if President Nixon's economic measures prove successful.

And federal employes are prepared to do their part along with all other Americans in whatever national sacrifices are necessary.

But Mr. Nixon's action in ordering a six-month delay in government pay raises, compared to only a 90-day pay freeze for the private sector, is discriminatory and unfair.

All government employes want is to be treated the same as their fellow Americans—no more and no less.

Administration arguments that defeat of the President's six-month federal pay delay by Congress would wreck his anti-inflation and economy recovery program don't stand up. The President still has broad authority under the stabilization act to make certain that federal pay raises don't exceed those of industry during the second stage of his program.

Consequently, the absolute six-month federal pay delay move by the President should be modified and government salaries adjusted at the same pace and rate as those in the private sector. Treating government employs as second-class citizens will inevitably lead to second-class government.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 280]

Addabbo
Annunzio
Ashley
Blatnik
Brasco
Byrne, Pa.
Byrnes, Wis.
Casey, Tex.
Chisholm
Clark
Clawson, Del
Clay
Conte
Conyers
Daniels, N.J.
Dellums
Denholm
Dent
Diggs
Dorn
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Fraser
Frelinghuysen
Galifianakis
Gallagher
Giaimo
Gray
Hanna
Hungate
Hunt
Ichord
Kuykendall
Landrum
Leggett
Long, La.
Lujan
McClory
McCloskey
McClure
McEwen
McKevitt
Martin
Mikva
Miller, Calif.
Minish
Minshall
Murphy, N.Y.
Passman
Pelly
Pepper
Price, Ill.
Reid, N.Y.
Rodino
Runnels
Scheuer
Seiberling
Smith, Calif.
Stanton,
James V.
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Teague, Calif.
Thompson, N.J.
Vander Jagt
Widnall

Accordingly the Committeee rose, and the Speaker having resumed the chair, Mr. Roush, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the resolution, House Resolution 596, and finding itself without a quorum, he had directed the roll to be called, when 360 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. Broyhill).

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of the pending resolution.

We are going to hear a great deal today about the cost of this proposal, the problems of inflation, the imbalance of our Federal budget, and the fact that the Federal Government cannot afford a pay increase.

We have heard that same argument over and over and over again, every time we have proposed a pay increase for Federal employees in the past. But those views did not prevail, and somehow or other our Nation has survived.

I have often wondered what kind of personnel setup we would have in the Federal Government if those views had prevailed in the past.

Now, I am all for economy, just as much as the opponents of this resolution, and I will match my record on economy with the record of most of those who will be speaking against this resolution today.

I am a former employer, and I learned that one cannot compete successfully with other people in an industry and be more efficient by paying substandard wages to his employees. One has to pay competitive wages if he is going to compete in business.

The Congress has acknowledged this fact of life. We have adopted a policy, which this resolution reaffirms here today, that we are going to pay equal pay in the Federal Establishment for equal work, for work that is comparable with similar positions in free enterprise.

Mr. Chairman, I support the pending freeze on wages and prices. I do not feel there should be any exceptions to it. But if we are going to lift the freeze and let wages be increased in other industries, then why should we make an exception and prohibit Federal employees from receiving similar increases?

The wage increases in the past for Federal employees did not start or cause the spiral of increase in wages. On the contrary, the law provides that Federal salaries increase after salaries in private industry for similar work is increased.

Unfortunately, we are always several months behind in our effort to catch up. If this resolution is not adopted today, it will cause even further delay. I say further delay is unfair and we would be reneging on our commitments to our Federal employees.

Incidentally, if we cause a further 6-month delay in these increases, this will cause some of these employees who are planning on retiring in the next 3 years a reduction in their annuities for the rest of their lives.

Mr. Chairman, I repeat I am all for economy. All of us are for economy. But if we want to economize, we should economize by a cut in the number of employees and not a cut in the quality of those employees. How can we cut the number of employees? By merely cutting back on the programs that we have enacted. A 10-percent reduction in foreign aid is not sufficient. Unless we are willing to cut back on the Federal programs in some of our own pet projects, we should not point the finger of scorn at those of us who are trying to provide the proper salaries for Federal employees. We should not try to economize by providing substandard wages for our Federal employees.

Mr. GUDE. Mr. Chairman, will the gentleman yield to me?

Mr. BROYHILL of Virginia. I am happy to yield to my colleague from Maryland.

Mr. GUDE. Mr. Chairman, I want to commend the distinguished gentleman from Virginia on his remarks. He has long worked on behalf of the Federal employees to give them comparability with others outside the Federal civil service, and he well deserves being called the champion of the Federal employee. My colleague served on the Post Office and Civil Service Committee for many years which is where he first demonstrated his deep concern for these workers and earned his reputation. He has sponsored and fought for improved employee benefits constantly.

Most recently, Representative BROYHILL spoke in behalf of increasing the Federal Government's contribution to employees' hospitalization which would relieve some of the pain if this resolution does not pass today.

I feel that the defeat of this resolution will indeed be a setback. As my colleague has stated:

> We cannot compete successfully with other people in an industry and be more efficient by paying our employees substandard wages.

I, too, support the pending freeze on wages and prices, and I do not feel that there should be any exceptions. However, if exceptions are to be made, it certainly appears to be unfair to single out civil service and military personnel for denial of comparability pay increases 7½ months beyond the lifting of controls on the private sector.

If we accept the principle that Federal employees should be treated equally and equitably when their rate of pay is determined, then we also undoubtedly will accept as a fair American principle that the Federal employees' sacrifice should be only equally as burdensome as that asked of any other workers. In the name of equity, how can we ask these workers to make any greater sacrifice than would be asked of any other group? Unless we act favorably on this disapproval resolution, the wage-price freeze for Government employees will last, not the 90 days that all other Americans are being asked to accept, but, rather, the freeze for Federal employees would last more than 290 days.

The Federal employees are seeking only equitable treatment, not preferential consideration, in asking our passage of House Resolution 596. If the administration hopes to make phase II of the program work effectively, it must convince everyone that it is based on equal treatment for all. Putting Federal employees in this unwarranted position of sacrificial lambs is a poor model for that kind of program. I feel very strongly that all Americans must be treated equitably in any economic stabilization program, and, therefore, I support House Resolution 576.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I am glad to yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, I thank the gentleman from Virginia for yielding to me.

I would like to express my personal disappointment at the fact that even though I am a member of the Committee on Post Office and Civil Service, I was unable to get time on my side of the aisle to give my views because they do not happen to coincide with those of the leadership or the President.

However, I would like to associate myself with the remarks of the gentleman in the well and say that what we are doing for Government employees is what we are doing for those in the private sector, no more and no less.

Mr. GROSS. Mr. Chairman, I yield myself 1 minute to respond to the assertion of the gentleman from Maryland (Mr. HOGAN) that he was not able to get time.

The gentleman from Maryland (Mr. HOGAN) came to me just a minute or so ago, after practically all of the time had been allocated, to ask for time. Had he made his request earlier, he could have had time.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Chairman and Members of the House, I am imposing on your time here because I know of no issue that has confronted this House this session or one that is forthcoming that is as important as the matter you are going to be called upon to vote on here today.

The issue, I say to my friends, is plain. Every man in this House as well as the distinguished other sex is aware of the fact that the greatest problem that faces this country today is not communism, but the thing that is uppermost among the enemies of this country is inflation. For if we lose the battle against inflation, we will have lost everything.

Some people do not like the idea that the President has asked to defer this pay raise for 6 months.

It does not mean that the Federal employees are not going to get a pay raise. The President has merely asked that that pay raise be deferred because of the effect that it would have on all other segments of the economy.

My friends—and I want you to remember this now—if you break the line today, if you open the dikes, then the inflationary fields will become flooded. How is the President going to do the job we gave him; how is anyone going to hold the line, if you, the responsible Representatives of the people of this country, refuse to hold it?

I am sure that we have all heard from many of the officers of the Federal employee unions. I am not sure, while I do not disparage their motives, that they serve the Federal employees best by insisting on opposing the President's order delaying their pay increase for 6 months. I suspect that I have more Federal employees in my congressional district than the average Member of this body. Most Federal employees are intelligent, reliable people. I am confident that when they analyze the situation that they will agree that their best interest lies in curbing runaway inflation.

I am going to respond to my Federal employees—and I have more than most of you do—I am going to respond to them by doing the thing that is for their best interest in the long run, because it will not benefit them if they get a pay raise in January rather than in July if the cost of all the commodities that they consume are raised.

Let me say to those of you who are politically minded—and I am sure that that is very few—this is not a party issue. If it is a party issue, then I want to say to you that the President of the United States in my judgment has got the advantage because the people of the country are behind him and you are going to find it out.

If this resolution is approved here today—and I have no inside information or access to the White House—I say to you you can expect to see the President of the United States in my judgment go on the air and lay the responsibility for the breaking of the line right here where it belongs.

Mr. Chairman, two members of the committee, Congressman HENDERSON of North Carolina, a Democrat, and Congressman GROSS of Iowa, a Republican, will point out to you the logical and practical reasons why this resolution vetoing the President's order should be voted down. I can only appeal to you in all sincerity to uphold the President in this important matter.

Mr. Chairman, the Nation's house is on fire, engendered by ruinous and ever increasing inflation. This resolution would, if approved, add fuel to the flames.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I have the sneaking suspicion that most Members have made up their minds, having been called back by our respective party leaders to participate in this high-level legislative action.

Mr. Chairman, when you clear away the smoke raised by labor leaders in the debate over the resolution of disapproval of the President's alternate pay plan for Federal employees, either these so-called leaders are tremendously shortsighted or they are simply using the Federal employee to go after bigger political game.

Should these so-called leaders succeed in their mission to destroy a critical part of the President's economic program, who is the loser? It is certainly the Federal employee.

If this group commands the votes to force a Federal pay raise in January, thereby committing upwards of $1.2 billion that the President has announced must be trimmed from the 1972 budget, where then must this money come from? Have these so-called leaders considered the fact that a reduction-in-force of Federal employment is a looming alternative? The President, in announcing a 5-percent reduction in Federal employment by July 1972 has indicated that such a reduction will come through attrition, as well it might without hardship. However, should his hand be forced in the direction of a January pay increase, then massive cuts in Federal employment may be necessary to accomplish the projected reductions in budget outlays which are essential to his economic program.

Should this group of so-called labor leaders succeed in breaking the dike against inflation through passage of House Resolution 596, who stands to take the brunt of the inflationary tidal wave that would follow? None other than the middle-level Federal employee whose neck these so-called leaders are putting on the block.

These so-called labor leaders fail to recognize that the alternative pay plan submitted by the President is the best of all alternatives available to him in the face of national economic crisis. The President has pledged a full comparability pay adjustment in July, just 6 months later than it would have taken effect under the provisions of the comparability pay act of 1970. And looking down the road, under the provisions of this same act, another comparability adjustment is due in October 1972.

Have these shortsighted so-called leaders considered the effect their action today will have on Federal pay adjustments in October or even in the following year? I suggest that any short-term benefits that these so-called labor leaders may achieve today will seriously imperil the long-range picture of Federal comparability adjustments.

I believe that Federal employees have the ability to look around and detect just what it is that these so-called labor leaders are doing to them in this concerted labor effort to torpedo the proposals of the President to clamp the lid on inflation, to overcome unemployment, and to restore the economic health of the Nation.

I suggest these so-called labor leaders are playing politics with issues that go far beyond the matter of whether or not Federal pay increases are delayed 6 months—and in doing so they are dangerously inciting inflationary forces and are risking the economic well-being of 200 million Americans.

Mr. Chairman, at this point I believe it is in order for me to discuss another important question before us.

Even though we for the most part, certainly more so than the other body, conduct ourselves as diplomats and statesmen, we do occasionally recognize the practical world of politics and the reaction of the public which, in about 13 months, will be facing most of us.

I would suggest to the Members, especially those who were not here in 1967, that they review the legislative package that was part of the postal rate and Federal employee salary increase. The House Committee on Post Office and Civil Service, which produced this statesmanlike item which we are debating today, wrote into the law the new procedure by which in January of 1969 we, the Members of the Congress, received a pay increase to $42,500 which was approximately, I believe I am correct, a 41-percent pay increase.

It was a fact that this raise was of course recommended to the Congress by retiring President Johnson, objected to by a few Members, with one Member heroically refusing for at least a year or so to accept the pay increase, but it is also a fact that the pay raise for Members of Congress, Federal, judiciary, and certain executive branch personnel drew an adverse public reaction and added nothing to aid the image of Congress as a prudent legislative body.

Mr. Chairman, although, at the time, I joined in the minority views opposing the congressional pay procedure just as I have joined in the minority views opposing the resolution before us, I would say most of the ladies and gentlemen of the Congress are certainly worth the $42,500 they are being paid. But I think anyone who is in position to be objective would agree with me that this was as bad a precedent and had much to do with triggering the inflationary wave that swept the country, as any single action by a body of the Government.

The example of the huge pay increase granted in this action was certainly publicized and commented on whenever the matter of employee compensation was debated and psychologically it became impossible for the Congress to lecture an industry, lecture a company, lecture a union on what was a commonsense approach to wage and salary increases having set a precedent that continues to haunt us. And we have taken more abuse, and properly so, from the public on that congressional pay raise than anything we have done in the period from 1967 up to the present time.

I would suggest to the Members of the House of Representatives that if we follow through this afternoon and wipe out the action that the President has commenced to halt inflation and, in effect, dictate a political rather than commonsense economic Federal policy, we will break the back of the battle that is being fought against inflation, the battle that is being fought to stabilize prices, the battle that is being fought to end unemployment, because we will in effect say that here in the Congress for obviously political purposes, we are willing to restimulate the spiral of inflation, weaken our dollars at home and abroad, and add complications to the entire economy.

I would suggest that rather than being political, the position that should be taken at this point is to overwhelmingly reject the majority position of the members of the House Committee on Post Office and Civil Service. There might be some short-term political advantage, there might be a few hurrahs in the forthcoming conventions of a few of the Federal employee groups, but this resolution is against the best interests of the Federal employees, it is against the best interests of the taxpayers of the country, and it will probably do more to restimulate the inflationary process than anything pending on the horizon.

So I would certainly hope this afternoon that we reject politics, and that we take a statesmanlike approach and keep in mind the adverse effect that the congressional pay raise had on the atmosphere of the country, and let us reject the resolution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, it is, indeed, unfortunate that this resolution—House Resolution 596—is necessary to give our Federal employees what they are justly entitled to in a commitment made by the Congress in Public Law 91-656. We assured these Government workers that they would enjoy pay comparability with employees in private industry. This pay adjustment was scheduled to start January 1972. I think it is well to remind the Members of this House that this guarantee was made to the Government employees long before the so-called Presidential freeze on August 15.

All the Government employees and most of the American public know that this House and also the Senate, in December 1969—approximately 22 months ago—gave the President complete power and authority to curb and place ceilings on prices, wages, and so forth. The President, at that time, had complete authority to call in the Federal Reserve Board to curb, reduce and stabilize the fabulous and scandalous rising high interest rates that existed then and has increased several times in the last 22 months. The President would not throw this 6-month financial burden on the Federal employees had he carried out the authority given him by Congress 22 months ago in our fight to curb inflation. During the intervening period between December 1969 and when he made his 90-day freeze declaration on August 15, steel, automobiles, furniture, food prices, rents, and so forth, have been increased many times by industries, conglomerates, business, interest rates, and so forth.

Can any well-informed citizen understand why the President delayed and allowed the inflation fires of our economy to spread and expand over this long period of inaction.

Only last Thursday the Ways and Means Committee appeared before the Rules Committee with the President's recommendation of his so-called second phase legislation to take the place of the 90-day freeze. The members of the Ways and Means Committee who appeared before the Rules Committee on last Thursday could give no reasonable explanation why a 7-percent investment tax credit should be granted industry, business, and conglomerates to aid them in conducting their highly profitable business. Maybe the White House economy experts thought by deducting 6 months pay raise from the Federal employees would be a start toward offsetting the multibillion-dollar tax bonanza they are donating to industry, business, and the large conglomerates.

Some members of the Ways and Means Committee testified last Thursday that this 7-percent bonanza was a reduction from the 10 percent the President recommended that the American taxpayers should give big industry to aid them in improving their plants with machinery, equipment and so forth. My congressional district is probably one of the largest industrial congressional districts in the United States. As of today there is no immediate need whatsoever for new machinery in the steel mills, oil refineries, and about 200 other industries, large and small, in my area because a large percentage of their present installations are idle. I would like to quote from the August 1971 issue of the Monthly Economic Letter of the First National City Bank of New York:

> Earnings in the second quarter rebounded almost to pre-recession peaks. Both sales and margins improved. . . . Reports from nearly 1,300 non-financial corporations tabulated by the First National City Bank's Economics Department showed an average year-to-year increase of 11 percent in after-tax earnings in the second quarter. In the first quarter, in this same group of firms had a 7 percent rise in profits. . . . Only four quarters in the past two decades have shown a more widespread advance in profits.

During the Nixon administration high interest rates and profits from business have been fabulous and this applies to foodstuffs, clothing, furniture, and so forth. Members of the Ways and Means Committee who appeared last week were unable to explain why this trickle-down financial policy should give big industry a tax bonanza of this magnitude. This so-called tax credit will cost the American taxpayer, including public employees, approximately $40 to $50 billion in the next 4 or 5 years. The audacity and brazenness of asking the public employees to forfeit 6 months of a long-awaited salary increase is beyond explanation of even the most eager of the profiteers.

Just imagine what could be done with the billions of tax credits to business, industries, banks, and so forth, if it were diverted into the needs of the public and also help put this idle machinery and equipment to work in thousands of plants throughout the country. To mention but a few necessities to expand the American economy.

The Federal employees if they could receive this 6-month increase which was promised, could more greatly aid in buying power and help reopen the factories and so forth.

America needs schools and hospitals, parks, and recreation areas.

America needs a vast expansion of medical facilities and medical personnel.

America needs 25 million new housing units.

America needs new, efficient, low-cost transit systems in every major city.

America needs new waste-disposal systems, new technology and new hardware to extract poisons from the air, the water, and the soil.

Public investment and buying power in short, is precisely what America needs to strengthen the economy and provide millions of much-needed jobs. With 6.1 percent of the labor force jobless—5.1 million workers without employment—the United States needs incomes and purchasing power to put these people back in the marketplace to buy the goods of plants now idle.

Mr. Chairman, I ask consent to include with my remarks a resolution of the Democratic Steering Committee at its meeting on last Thursday:

SEPTEMBER 29, 1971.

ENDORSEMENT OF HOUSE RESOLUTION 596 AND H.R. 10881

The House Democratic Steering Committee met and unanimously adopted the following Resolution which was offered by the Majority Leader:

"Whereas the Congress in Public Law 91–656 made a commitment to Federal government employees that they would enjoy pay comparability with employees in private enterprise, and Whereas President Nixon's proposal to postpone the comparability pay adjustment for Federal employees scheduled for January 1972 to July 1972 is inequitable because it would discriminate against Federal employees in apportioning the burden of wage controls, be it resolved by the House Democratic Steering Committee that all Democratic Members of the House are urged to support and vote for House Resolution 596 disapproving the delay of the comparability pay adjustment from January 1972 to July 1972. The Democratic Steering Committee also endorses H.R. 10881 which would insure equal treatment for Federal employees in pay adjustments accorded employees in private industry."

Prior to the adoption of the Resolution, Chairman Thaddeus J. Dulski (D., N.Y.) of the House Post Office and Civil Service Committee, and Representative Morris K. Udall (D., Ariz.), presented statements in support of H. Res. 596 and H.R. 10881. Both Speaker Albert and Majority Leader Boggs also recommended the adoption of the Resolution endorsing H. Res. 596 and H.R. 10881.

RAY J. MADDEN,
Chairman.

The CHAIRMAN. The Chair will advise the gentleman from Indiana that permission to revise and extend his remarks in the Committee of the Whole was properly granted, but permission to include his resolution must be obtained in the House.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, let me preface my remarks with a response to part of the statement that the gentleman from Indiana (Mr. MADDEN) made. He indicated that postal workers were included in this bill. However, pay and working conditions of postal workers are decided by long-term contracts. Congress, in its wisdom, took away its authority and the authority of the President to determine pay and working conditions of postal workers.

But this bill does, in fact, cover a large number of Government employees. We often hear here in the House that we should vote our district. I am going to vote my district, but I am going to vote against this resolution. I make that statement because even though I believe I have as many Government employees in my district as any Member of the House, I also believe it is the interest of the Government employees to control inflation and to stimulate the economy.

Federal employees and their representatives come to us from time to time. They come seeking better retirement benefits than they have, or they want other fringe benefits. They used to come seeking increases in their pay. But if we have a poor economy, if our Nation's health, economic health, is not good, Federal employees are not going to get the things they seek from the Congress.

My district includes part of Metropolitan Washington. Many Members on the Hill live within the Eighth District of Virginia. Many other Government employees from agencies throughout this city live in my congressional district. We have Fort Belvoir, Quantico, the Naval Weapons Laboratory, at Dalgren, and we have Camp A. P. Hill. I do not believe there is any district in the country with more Federal employees. However, inflation overrides the interests of any special group, be they Government employees or otherwise.

I think that we might also look to the alternatives open to the President in the event this resolution is approved. He indicates that he wants to cut Government spending by $5 billion. And that would include a reduction of 5 percent in the number of Government employees. That would primarily be taken care of by attrition. But if we go ahead and permit this increase in pay in January, the President may well—and the suggestion has been made that he will—look for other places to cut Government expenses and this could be a reduction in employment and could not be achieved by attrition. The Government employee is much better off with a job than without one. He is also much better off if we have a sound economy.

This legislation, in my opinion, would constitute a break in the dike. It would be a disapproval of the President's program. It might well defeat his efforts to control inflation to the detriment of the entire country.

Mr. Chairman, let me say that, according to a research poll that was conducted by the Opinion Research Corporation of Princeton, N.J., on August 21 and 22 of this year, the question was asked: The President postponed for 6 months a scheduled pay raise for Federal employees: do you approve or disapprove? Sixty percent of the people responding said they approved. Twenty-six percent disapproved. Ten percent had no opinion. When that was broken down between union and nonunion people, in both instances the overwhelming majority of the people did approve the presidential action in this regard.

So I would agree with our distinguished colleague, the gentleman from Mississippi (Mr. COLMER). If Members are thinking about politics, they are on the right side to vote against this resolution, because the people of the country are against it.

Mr. Chairman, I think we should realize that if this resolution is disapproved, under the proposals of the President after the 90-day freeze is over, the employees will still get their within-grade raises, they will get a cost-of-living increase on July 1, and under the law, as it exists, they are entitled to another cost-of-living increase on October 1 unless that is deferred or amended in some way by the President. They will still get those cost-of-living increases next year.

Mr. Chairman, I would like to think that this Congress will act responsibly, that it will try to help the President in his effort to control inflation and stimulate the economy.

Mr. Chairman, I concur with the President's thinking. I feel the Congress should support it. If we disapprove this resolution, which I strongly feel we should, we will announce to the country our awareness of the problems of the economy and our willingness to lead the way in solving those problems. We have an opportunity to witness to the Nation our determination to restore the economic health of the Nation. I urge that the disapproval resolution be rejected.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the cochairman of our committee, the gentleman from North Carolina (Mr. HENDERSON).

Mr. GROSS. Mr. Chairman, I yield the gentleman from North Carolina an additional 5 minutes.

The CHAIRMAN. The gentleman from North Carolina is recognized for 10 minutes.

Mr. HENDERSON. Mr. Chairman, I thank the distinguished Chairman and the gentleman from Iowa for yielding the time.

Mr. Chairman, I rise in opposition to House Resolution 596.

This resolution disapproves the President's delay of the January 1, 1972, Federal employees pay raise until July 1, 1972. It should be noted that the President's action does not reduce the amount of the employees pay raise, but simply delays it.

What is in the best interest of our Federal employees and the military in this regard? Just as all other American workers and citizens, it is in the best interest of Federal employees and the military to get control of runaway inflation and prices. The President has taken steps to accomplish this and the delay in the pay raise is one step he contends is essential.

We do not yet know—and the President is not yet ready to announce—what kind of follow-on wage-price guidelines are going to be initiated after the present 90-day freeze. In the face of this uncertainty, it is both untimely and unnecessary for the Congress to set the pattern for a new round of pay increases. Surely if we do, industry workers and others can contend that they should be given earlier and greater pay increases.

We can protect our Federal employees without approving House Resolution 596. After the present 90-day freeze—and when we know what is done for industry workers generally—the Congress can enact specific legislation granting the Federal employees comparability with industry workers.

Finally the Members of this body should know that I have strongly supported comparability pay for Federal employees. Both last year and this year I supported as strongly as possible a bill to provide for a fairer wage schedule for our prevailing rate employees and the House passed this bill both years.

We should vote down House Resolution 596 and I will do my utmost to see to it that you get an opportunity early in the next Congress to vote for whatever legislation is necessary at that time to insure that Federal employees are treated comparably with employees in the private sector.

Mr. Chairman, I should like to emphasize what was pointed out in the minority views. I quote from the report:

> It must be emphasized at the outset that the Congress, in giving the President the authority to regularly adjust Federal pay under the comparability procedure, provided specifically for the President to deny the pay raise entirely—

He did not do that—

> to reduce it—

He did not do that—

> or to postpone it—

And that is what he did.

And I quote further:

> Because of national emergency or economic conditions affecting the general welfare, the President should, in any one year consider it inappropriate to make the pay adjustment.

The President, in his message which was released on October 2 and delivered to most of us this morning, had this to say:

> The sacrifice being asked of the Federal workers is not so heavy as to be inequitable, at a time when all Americans are asked to sacrifice. The average Federal white collar worker earns almost $13,000 in pay and benefits; his pay has risen 21 percent since mid-1969; with this deferral the principle of comparability is maintained. The comparability increase will become effective July 1, 1972.

There are two things to remember about this paragraph.

First, the President says, as the law says, that the comparability increase will become effective July 1, 1972.

But note the rise in Federal employee percentages. It is 21 percent since 1969. Now, the cost of living, as determined by the Bureau of Labor Statistics, from July 1969 to date has risen 10.8 percent. Well, the Federal employees and the military who follow them, have received about 10 percent more than the rise in the cost of living since July of 1969.

And in the next paragraph of the President's message, as he refers to the language I quoted from the law, he pointed out that we are now in the situation in which he has declared a national emergency. His words are:

> Such conditions now exist.

I realize that there are many Members of this body who have been concerned, as I am, about military pay. Certainly if the Federal employees are to be given the earlier January 1 increase by our action today the military pay will follow. And it should follow.

But I still contend that I believe the majority of our military will receive only real benefits if we get control not only over the cost of living in our own Nation but some control also over our international monetary system, because I can say that our servicemen in Europe are certainly having a hard time with regard to the devaluation of the currency.

The President's action here, it seems to me, is all one package.

By this action today the House of Representatives, without the concurrence or action of the other body, will override the President's action in delaying the comparability pay increases for Federal employees. This could certainly put us in an indefensible position with our constituents regarding inflation.

Yes; I think even the Federal employees ought to be urging us not to take this action at this time. The argument is made that they have been inequitably treated. We do not know that yet, because if following the 90-day pay freeze period the President's wage-price stabilization policy does follow a tough line—and he said it would be, and I hope it will be—then the workers generally will have to do without a pay increase for a period of 6 months or perhaps even a greater period. Federal workers then will not have suffered, if a tough line is followed. But if we find when we come back next year that the action by the

President and the administration in this wage stabilization period has been unfair to Federal employees, we can legislate after we know what the facts are. Today we are not only legislating in the dark, but we can certainly anticipate that this first action of the Congress, coming even before the action scheduled later this week with regard to taxes coming out of the Committee on Ways and Means, seems to be running contrary to consistency.

I think every person who is going to vote against the package which the Ways and Means Committee will present us with, should vote for this resolution, but every Member of this House who is going to vote to give the President the economic tools which he says he needs—and I think the majority of us agree that he needs them—should certainly not today vote against the President's pay action.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. COLLIER. Mr. Chairman, will the gentleman yield to me?

Mr. YOUNG of Florida. I am glad to yield to the gentleman.

Mr. COLLIER. Mr. Chairman, I want to reiterate as the previous speaker properly pointed out that the Federal salaries have increased 21 percent since 1969. I believe it is also proper to point out that since 1966 that increase was 42 percent and since 1960 it has been 102 percent.

Mr. YOUNG of Florida. Mr. Chairman, when President Nixon, in August of this year, advanced his move to stabilize the economy, the very boldness of that action focused attention on the seriousness of our problem and the need for ambitious effort for solution.

He did it because our Nation and the people of our Nation are faced with one of the most serious economic problems of our time.

The stakes in the President's new economic policy for the United States are high. The success or lack of success of the President's program will affect everyone. Success will depend largely on the willingness of our Government, its leaders, and our citizens to make certain sacrifices. This is the reason I urge rejection of House Resolution 596.

In announcing his comprehensive economic program to the Nation, President Nixon recommended certain economic initiatives to create more employment, curb inflation, and stabilize the dollar. To check the rise in the cost of Government, the President ordered a postponement, not a cancellation, but a postponement of Federal pay raises that were scheduled to be effective January 1972.

When he submitted his alternate plan to the Congress, President Nixon said this:

> Our Nation's public servants are entitled to a fair wage in line with the established policy of a comparability with private enterprise; I regret the necessity of postponing pay increases, but our fight against the rising cost of living must take precedence. Of course, success in holding down inflation will benefit the Government worker as well as all Americans.

Mr. Chairman, phase I of President Nixon's attack on our economic problems has a favorable effect on the economy and enjoys widespread support throughout the United States: to attack and undermine phase II even before we know what it is to be would be totally irresponsible. Those in our Nation's private sector have responded unselfishly.

Mr. Chairman, are we to join with the people and sustain the President in his attempt to establish a healthy economic climate or are we in Government going to be first in line to break the President's program?

If we decide on the latter course we would immediately destroy the confidence and psychological stimulus the President's program has already engendered. We would in effect be falling into the very illogical trap of saying, "Do as I say, not as I do."

We will have served notice on the private sector that the Federal Government is not willing to share the burden by bringing its fiscal house in order and is instead calling on the private sector to carry the burden.

Mr. Chairman, it is an economic truth that one of the chief causes of inflation is Federal spending in excess of Federal income. Therefore, I urge my colleagues to follow the President's leadership in his efforts to reduce the costs of the Federal Government and establish an example for the private sector to emulate.

A "no" vote on House Resolution 596 will accomplish that purpose.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, it does seem to me that what we are dealing with in this instance is not a request on the part of the President for the Federal employee to engage in sacrifice to assist the President in restoring the economy of this Nation. But what we are dealing with is a decree of the President sacrificing the Federal employees to the failure of his economic policies.

I think in examining the President's approach that if his denial of a wage increase to Federal employees would be an example that might be constructive to the private economy it is well to examine the differences between the two employers, the public and the private.

Can you imagine the president of General Motors saying to his employees with whom he has negotiated a cost-of-living increase to take effect in January 1972, that in the interest of preventing the failure of General Motors and its economic practices that the members of the unions should forgo accepting their January 1, 1972, pay raise that had been negotiated? It is conceivable that the members of the union would accept it, but the fact of the matter is they have other options open to them. They could strike or they could sue for a breach of contract.

Mr. Chairman, the Federal employee has no options open to him when the President of the United States says to the Federal employees that although he had agreed to pay them a certain amount at a certain date, he withdraws it. He has only one option. He can either take it or leave it, unless the Congress of the United States, representing these employees, tells the President he must give the employee that pay raise he was promised.

Mr. Chairman, let us examine what the President has already indicated to the private sector, and in that examination I call your attention to two items which appeared on today's wire services. The first item involves the Postal Service. You will recall that the President said one of the reasons he was doing this was to set an example for the private sector of the economy in the hope that they would exercise restraint in the amount of money they would offer their employees.

The Postal Service is clearly not a part of the private sector. The Postal Service operates in another sector closely allied with the President. However, let us examine from today's wire service the restraint which the Postal Service is exercising.

Today's wire services say:

> The Postal Service said today that it appears likely that it will have to ask for another raise in the price of stamps next spring.
>
> A spokesman said the scheduled pay raises for postal workers would be the compelling reason for the request, assuming that President Nixon's wage-price freeze is allowed to expire.
>
> If Nixon's freeze expires as scheduled in November, these raises would go into effect next January, July and January 1973.

That is the President's own Postal Service that has said their pay raises that they negotiated prior to the freeze will go into effect in January.

Let us examine what the President has done with regard to the military, actions that I approve, but let us examine them in the light of the President's contention that he is exercising restraint in Federal expenditures for the example of the private sector of the economy.

Today's UPI reports this:

> The Senate today approved the second military pay raise within a month, designed to spur enlistments and help create an all-volunteer army.
>
> The pay increase, which would cost $381.1 million annually, would come on top of the $2.4 billion raise approved by Congress and signed by Nixon. The raises would go into effect in mid-November, after the wage-price freeze expires.
>
> The amendment to the military procurement bill was supported by President Nixon.

Does that set the sort of example that the President seeks to set by denying Federal employees a wage increase that was promised them on January 1, 1972? And that wage increase is not inflationary. That wage increase is based upon the Bureau of Labor Statistics. If they are not due the increase according to the Bureau of Labor Statistics, it will not be paid them. It is not inflationary in any aspect at all.

One other point: The Committee on Post Office and Civil Service reported out a bill which will come before this House on Wednesday next, hopefully. That bill says in effect that this resolution prevents the President from treating the Federal employees any differently than he treats not only the rest of the Federal employees, the military and the Postal Service employees, but the private sector of the economy. If he wants to expand his wage-price controls, and I for one hope he does, he can do it to include all of them.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DULSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. WALDIE. Mr. Chairman, I thank the gentleman for the additional time.

I hope the President does include additional wage-price controls to cover additional Federal and private sector employees, but if he does not do so, the matter you will vote on next Wednesday, hopefully, will say that under no circumstances, whatever is in phase II of the President's economic plans, will the Federal employees be treated better than private sector employees, and that to me is important.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I am delighted to yield to our distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Chairman, I thank the gentleman for yielding, and I wish to associate myself with the presentation that he has made. All we are trying to do is to place the public and private sectors on an equal basis. I for one hope, as the gentleman does, that the President does use his authority to help get inflation under control.

Mr. Chairman, again I congratulate the gentleman in the well.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, in other words, what our distinguished Speaker said, and what the gentleman in the well has also stated, is that those of us who want to put Federal employees and the private sector employees on a parity in regard to further wage increases, would have to vote today for this resolution in order to set the stage for that. Otherwise, if this resolution is not adopted, then Federal employees will not be included in the parity formula contained in H.R. 10881. Is that correct?

Mr. WALDIE. The gentleman is correct. In furtherance of that argument, let it be clearly understood that if we do not pass this resolution, we in effect are legislating—what we are legislating is no pay raise in January 1972. Whatever we do today we are legislating. If we pass it, we are legislating a pay raise that will go into effect. If we do not pass it, we are legislating a pay raise that will not go into effect.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I would like to commend the distinguished gentleman from California (Mr. WALDIE) for his great leadership in this effort. Hopefully, the position of the gentleman from California (Mr. WALDIE) will prevail, and if so, literally millions of Federal workers will be deeply indebted to our distinguished colleague from California.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. GROSS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, the issue before the House today is perfectly clear and needs little reiteration. As the President said in his weekend statement, the Congress—and in particular this House—faces the acid test of its determination to cooperate in the national campaign to control rising prices, and whether in meeting this test, it can resist the mounting political pressures.

Under authority granted to him by legislation of the 91st Congress, the President has sent to the Congress his "alternative plan" for adjusting the pay of Federal employees. This alternative plan proposes a 6-month deferral of salary increases for Federal employees, from January 1972 until July 1972. This deferral is, as every responsible economic spokesman has stated, a vital and integral part of the President's economic offensive.

The resolution before us, House Resolution 596, would, by the single action of this House, overturn the President's alternative pay plan and force a comparability pay increase next January. We must, Mr. Chairman, reject the resolution of disapproval and support the President if we are to have any semblance of economic recovery in this time of crisis.

In sending his alternative pay plan to the Congress, the President stated:

> Since continuing emphasis will be placed on the exercise of responsible industrial and labor leadership throughout the Nation in the months to come, I must apply such fiscal restraints as will clearly signify the good faith of the Federal government as a major employer, and to continue to set an example for the American people in our striving to achieve prosperity in peacetime. I place full reliance on willingness of Federal employees along with their fellow Americans to make whatever temporary sacrifices in personal gain may be needed to attain the greatest good for the country as a whole.

Mr. Chairman, the deferral of Federal pay increases for a period of 6 months until July 1972 will result in a reduction in 1972 fiscal budget outlay of approximately $1.3 billion. This amount is a critical part of the some $5 billion which must be cut from the fiscal 1972 budget outlays if the corresponding tax reductions are to be noninflationary.

It would be totally irresponsible to insist on additional Federal expenditures in the form of payroll costs while at the same time causing a reduction in Federal tax revenues.

Mr. Chairman, when the Congress enacted Public Law 91-656, the Pay Comparability Act which the President is administering, it was clearly contemplated, and expected, that the annual pay adjustments would be subject to certain disciplines. The act stated that if "because of national emergency or economic conditions affecting the general welfare, the President should, in any one year, consider it inappropriate to make the pay adjustment" he may deny the pay raise entirely, reduce it, or postpone it.

I can think of no phrase more descriptive of our current situation than "because of national emergency or economic conditions affecting the general welfare."

It is ironic, therefore, Mr. Chairman, to find the very authors of this law, the proponents of the decision to turn over to the President this nearly unilateral authority to fix Federal civilian pay, to be the leaders of the forces to subvert the authority of the President the first time he attempts to use it.

At the time this so-called Comparability Act passed the House—on the final day of the 91st Congress and under conditions completely foreign to orderly legislative procedure—these leaders told us it was absolutely necessary to remove Federal pay fixing from the arena of political pressures.

And yet, Mr. Chairman, we have the incredible spectacle today of these same leaders dragging an economic decision of the President, with respect to Federal civilian pay, right back into partisan politics.

Mr. Chairman, I was not and am not now an advocate of the so-called Pay Comparability Act of 1970. But the law is the law, and the sword cuts both ways. The authority exists in that law for the President to make annual pay adjustments without regard to the Congress. And the authority is clearly set forth in that law for the President to deny, reduce, or postpone Federal pay increases in times of national economic distress. I maintain that had the authors of this legislation not intended for the President to have such authority, they should not have given it to him. But, since the Congress gave that authority to the President, I abhor the action of those who would now subvert this authority in an effort to play partisan politics with the Nation's economic recovery.

I hope, Mr. Chairman, that the Members of this body will see through the political smokescreen and reject this resolution, House Resolution 596, on the simple basis that it does irreparable damage to a program designed to restore the economic health of our Nation as it affects each and every citizen, including the Federal employee and his family.

Mr. WALDIE. Mr. Chairman, I yield 5 minutes to the distinguished majority leader (Mr. BOGGS).

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BOGGS. Mr. Chairman, I think it is well to take a look at the record and see how this came about and where we are. First, the gentleman from California (Mr. WALDIE) stated with great knowledge how comparability finally got into the law, and pointed out that the adjustments made as a result of comparability would certainly not be classified as inflationary. In effect, they are cost-of-living adjustments.

Second, it seems to me that there is a distinction here between civilians and the military. In the draft bill, which I supported and which was signed last week by the President, there is a total increase of about $2.4 billion for the military. This increase is needed and justified. According to the President, that increase will go into effect on November 13, and that additional sum, as I understand it, will now be further subject to comparability, so that when our military people are up for adjustment again, they will have a base increased by approximately $2.5 billion.

Finally, and most importantly, I would refer again to the statement made here quite briefly a moment ago by the distinguished Speaker when he said that what we were seeking was not an advantage but equality. I think it is well to point out, so the Members of the House will be reminded of it, I have here a whip notice that went out this week. I think you have your whip notice. I am sure you have the same thing on the Republican side. I call your attention to the program for next Wednesday. The second bill proposed is H.R. 10881, comparability pay raise adjustment for January 1972, followed by this resolution disapproving the President's alternative comparability pay plan.

Now, we are not able to consider the bill on the calendar as we originally had planned to consider it. The way we had originally planned to consider it was to adopt the bill sponsored by the gentleman from Arizona (Mr. UDALL) and practically every other member of his committee, including the chairman, and then vote on the resolution.

Why was that? Because the bill of the gentleman from Arizona spells out that the Federal employee would get exactly what the employees in private industry or in comparable positions receive as the result of the action taken on November 13. Now that is fair. If you do not do that, then quite the opposite prevails; namely, the Federal employee is treated with less fairness.

The distinguished gentleman from Florida (Mr. YOUNG) made a statement a few minutes ago that interested me. He said we are attacking the second phase before we know what the second phase is. If what we propose is an attack on the second phase, then I plead guilty, and I also plead guilty to not knowing what the second phase is. I am not unique in that. I think it is about time that the President take the Congress into his confidence and tell us what it is.

Practically every collective-bargaining agreement entered into in this country has been, at least temporarily, suspended during the 90-day freeze. The President came here and made a speech before a joint session in which he announced that the freeze would be removed on November 13. Since then he said there would be a substitute. That is about all the information I have. I do not know of anybody else who has any greater information, and if he does, it is a deeply held secret.

So, acting on the basis of information which we have been made privy to, we have sought here in the leadership to say OK, comparability is something that the Federal employees and the military have fought for, for a generation, and finally we have achieved it. Now we are not going to set it aside, but also we are not going to give the Federal employees undue preference, so we scheduled the bill of the gentleman from Arizona (Mr. UDALL) for consideration on Wednesday, and because of the great anxiety of my distinguished friend, the gentleman from Iowa, we are unable to do so. First, he wanted to consider the measure on Friday, and we adjourned the House.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. DULSKI. Mr. Chairman, I yield the gentleman from Louisiana an additional minute.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I commend the gentleman from Louisiana for the statement he is making, and I concur with the assertions he has made. This is the procedure that was to have been followed, so that everybody would know that under no circumstances were the Federal employees to get special privileged treatment. This logical orderly procedure has been short-circuited by the parliamentary razzle-dazzle here today.

MOTION OFFERED BY MR. UDALL

If the gentleman will yield further, Mr. Chairman, I move that the Committee do now rise.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, inasmuch as this matter is brought up under a highly privileged procedure, one spelled out specifically in the act itself, where there was no choice on the part of the distinguished Speaker as to whether he could or could not recognize the gentleman from Iowa or any other Member on the matter before the House, I raise the question whether or not a motion to rise is appropriate, if it means that the House will then be faced with a motion to postpone action under the resolution.

The CHAIRMAN. The Chair will advise the distinguished gentleman from Michigan that a motion to rise is a privileged motion in the Committee of the Whole and is therefore in order at this time.

The question is on the motion offered by the gentleman from Arizona.

TELLER VOTE WITH CLERKS

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GROSS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DULSKI, GROSS, HENDERSON, and DERWINSKI.

The Committee divided, and the tellers reported that there were—ayes 175, noes 198, not voting 59, as follows:

[Roll No. 281]

[Recorded Teller Vote]

AYES—175

Abourezk
Abzug
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney
Celler
Chappell
Chisholm
Collins, Ill.
Corman
Cotter
Culver
Danielson
de la Garza
Delaney
Dellums
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gaydos
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hagan
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Link
Long, Md.
McCormack
McFall
McKay
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Perkins
Pickle
Pike
Poage
Pryor, Ark.
Pucinski
Purcell
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Steed
Stephens
Stubblefield
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
White
Whitehurst
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NOES—198

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bell
Betts
Bevill
Biester
Blackburn
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Byron
Cabell
Caffery
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dowdy
Downing
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Findley
Fish
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Heckler, Mass.
Henderson
Hillis
Horton
Hosmer
Hull
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keating
Keith
Kemp
King
Kyl
Landgrebe
Latta
Lennon
Lloyd
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Mizell
Montgomery
Morse
Mosher
Myers
Nelsen
Nichols
O'Konski
Pelly
Pettis
Peyser
Pirnie
Poff
Powell
Preyer, N.C.
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor

Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton,
J. William
Steiger, Ariz.
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Wampler
Ware
Whalen
Whalley
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—59

Addabbo
Annunzio
Ashley
Brasco
Byrne, Pa.
Byrnes, Wis.
Casey, Tex.
Clark
Clawson, Del
Clay
Conte
Conyers
Daniels, N.J.
Denholm
Dent
Diggs
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Gallagher
Giaimo
Hanna
Hungate
Hunt
Ichord
Kuykendall
Landrum
Leggett
Lent
Long, La.
Lujan
McClory
McCloskey
McEwen
Mikva
Miller, Calif.
Minish
Minshall
Murphy, N.Y.
Passman
Patman
Pepper
Podell
Price, Ill.
Riegle
Rodino
Runnels
Smith, Calif.
Stanton,
James V.
Steele
Steiger, Wis.
Stokes
Stratton
Stuckey
Terry
Vander Jagt
Widnall

So the motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman and ladies and gentlemen of the committee, each Member of the House today is placed on what some people may say is a spot, no matter what your position might be. No matter how you vote you are going to be criticized by some. Perhaps in the eyes of some my position to oppose the resolution from the House Committee on Post Office and Civil Service is an unpopular one. I am not one who stands here today saying to you that I or Mr. Nixon have completely clean hands. He has made some mistakes in ordering a freeze which are uncalled for in my personal opinion. It was for example in my opinion a mistake on the part of the President on Sunday night, August 15, to say to a national television audience that he was going to freeze wages and prices for 90 days. To place such a time limit of 90 days in view of the troubles we are having was, in my personal opinion, a serious mistake. There is no solution to be found in 90 days. He compounded that mistake on Thursday, after we reconvened, when he addressed a joint session of the Congress. He said, without telling us what he proposes to do in phase II, that he was going to remove the controls which he had imposed on Sunday night, August 15. But the background of the situation which brings us to where we are here today is in part of our own doing. This Congress on two occasions has passed legislation having to do with pay invoking the so-called principle of comparability. The last one, and I have a copy of the act here in my hand, was signed into law and became law on January 8, 1971.

But this is not all that Congress has done. On two occasions, and I was a party to both of these acts, we passed legislation here in this House of Representatives, and the Senate did the same, and the legislation was signed into law, which gave standby wage and price control authority to the President of the United States if he made a determination that the situation in this country made it necessary. And under the authority of these two acts, one supporting the other, the wage and price control act, and the pay comparability act, we find the sources of the authority which the President has utilized to try to bring about through imposing freezes, some stability to the economy in this country to protect the integrity of the dollar at home, and to protect the integrity of the dollar abroad.

There are some of you who were not here a little bit earlier when this statement was made, and let me read you from that law. Paragraph 5305(c)(1) on page 3 of the law, says:

> If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefor, in lieu of the pay adjustments required by subsection (a) of this section.

The odd thing about it is, even though the President has this authority, the people who want to override his actions now are the people, when we passed the comparability bill, who were wholeheartedly in favor of it.

There were some of us who argued against this principle who said the President should not have this authority but those of us who argued against it, now I believe are going to stand with it now. He is simply doing what we authorized him to do.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. No, I do not have time to yield. I want to complete my statement, if the gentleman will allow me to proceed.

The President on August 15 complied with the law when he said among other things he was going to defer these Federal pay increases until July 1, 1972. He did it before September 1, and, further, the President knew that he had to do this. Many Members of this Congress who are going to support the resolution from the Committee on Post Office and Civil Service today, even though he said on Sunday, August 15, he was going to defer these proposed increases, said they were going to support the Presidential battle to try to restore some economic stability in this country.

In my personal opinion, the state of the economy in this country today makes it necessary over and above any other consideration that we do something about checking inflation in this country, if we are going to do anything at all about protecting the integrity of the dollar at home and abroad. To me, this is the greatest need that we face in this country today.

Some people said when he made the announcement of controls on August 15 that he should have done that earlier. I, too, think it should have been done earlier, but now that he has done it, I think it is for the good of this country and we have to support him. None of us can have our way as individuals.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. GROSS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WAGGONNER. Mr. Chairman, there is no such thing as providing for equity in compensation for Federal employment. We have never passed an act which had to do with pay that did not provide for equity. Somebody or some group always says that our actions are inequitable so far as they are concerned.

But if you think you are providing equity for all our people by voting for this resolution and allowing inflation to continue and removing the possibility of maintaining some effective controls, go ask the retired people who are living on savings and income that is ever dwindling and getting smaller and smaller and with no chance of getting greater income, some of whom are the parents of Federal workers.

Go ask the old people who are living on welfare and old age pension checks, some of whom are parents of Federal employees. Go and ask some of the disabled veterans whose savings and whose pensions are far too small for today with inflation running wild; they too need protection. In my personal opinion, we are going to have to accept this and lead the way for all to see in this Congress, if we are going to do anything about checking inflation. It will be bad for the Democratic Party because Mr. Nixon is going to ram it down the Democratic Party's throat in 1972. If you oppose him now and his late but welcome efforts fail, what are you going to say when he tells the people he tried but there were some who would not help.

This is a deferral and the alternative to this deferral is not the loss or the reduction of just 100,000 Federal jobs—66,000 now on the payroll and not hiring another 34,000 who are scheduled to be hired—but a reduction of another 100,000 jobs of people who are already on the payroll—which is worse—a deferred paycheck or no paycheck at all, for those who are also additionally going to be removed from the payroll? Unemployment is already too large. To pass this resolution today would make a mockery of the Ways and Means economic package to be considered tomorrow.

The presumption is that everybody is going to get a pay raise on January 1. However, this simply is not so. The presumption is that there will be no controls after November 12 of any sort. This is not so.

Something must follow and I say we should adopt a wait-and-see attitude. If the phase II controls are no good, then is the time to act. We have time to do whatever we choose. It has been distasteful but others have had increases deferred since August 15.

I, too, have heard many pleas. We want inflation checked, almost everyone has said, but for God's sake—do not ask me, some say now, to do anything about it. When I stand here and say we have to do something about leading the way and checking inflation, I am saying to you Members that something is going to have to be done and I call upon others, as well as on myself to make some sacrifices on our own part. Our salaries should be frozen. I am standing here telling you, I am willing to do it and it is going to have to be done if we are going to hold the line. This we have to do. This is not a task for George—it is a task for us all.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. HENDERSON. Mr. Chairman, I want to emphasize the point the gentleman made. The President not only deferred the pay raise, but ordered a 5 percent reduction in Federal employment.

Mr. WAGGONNER. That is true.

Mr. HENDERSON. If we do not sustain the deferral of the pay raise, we could assume the President is going to have to order reduction in forces far greater than 5 percent, and there will be more unemployed Federal workers.

Mr. WAGGONNER. The No. 1 issue in this country today is I personally believe to lend some stability to the dollar at home and abroad, it is in the best long-range interest of this Nation and is to be preferred over a temporary deferral of anybody's pay raise.

Regardless of the unpopularity with some, which I understand, the vast majority of the people nationwide believe deferral is mandatory. So in closing I urge you to do whatever your heart and conscience tell you to do in the long range best interest of the entire Nation. My heart tells me to support the President and vote no on the proposed resolution. You follow the dictates of your heart if you disagree and we will still be friends when we are through.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Arizona, a member of the committee, Mr. UDALL.

Mr. UDALL. Mr. Chairman, let me review for just a moment what we have heard today, as I have moved around on the floor today and I heard a great deal of misunderstanding. On August 15 the President moved, and I can say I agreed with him—and we all agreed with him about inflation and taking positive action.

What did he say on August 15? He said all business in this country is going to slow down—and that the steelworker and auto worker wages are frozen and so are prices. In the Federal Government it was the same—we are all standing together and there is going to be equality for everybody.

Then he stood right here and said that on November 15—

> When the 90 days are up, I have already determined that there is going to be no extension of the freeze.

Everybody would be out from under the freeze—the steelworkers, the automobile workers and the rubber workers. Except for one group—the President said—

> Now there is one exception—everybody is unfrozen but—one—the Federal employees—not the Post Office workers—they are going to get $1,000 between August 15 and July 1, 1972—but all other Federal workers will suffer.

Remember this: The mailman is going to get $1,000. Not all Federal workers are frozen, just some Federal workers. The guy who works for the Forest Service, the FBI, or the Soil Conservation Service—what does he get? He gets zero. He is frozen.

And if you vote today against this resolution, you are saying that is fair. That is what you are saying.

I am surprised that some of my friends, particularly in my own party, would not let us put this thing off until Thursday, when we would have had an opportunity to pass H.R. 10881.

Everybody says, "You are shooting in the dark. We do not know about phase II. We are going to take care of the matter in phase II."

The Speaker and the majority leader scheduled the bill to which I have referred on Wednesday, and it would take care of phase II. It says that if the President does—and I hope he does—put a lid on everybody, the same lid will have to apply to Federal workers, too. That is what we wanted to do on Wednesday. That is why I moved that the committee rise. That is why I was going to move to postpone further consideration until Thursday, so that we could make sure and place everybody in the same boat.

If the President had come in here and said, "Ladies and gentlemen, we are going to unfreeze everybody but we are going to select 4 million schoolteachers in America and we will let them be frozen for another 7½ months," you would have laughed him out of the Chamber. If the President had come in here and said, "We are going to require, for example, farmers to remain frozen until next July," you would have laughed him out of the Chamber.

We will just freeze prices in the rubber industry, automobiles, or steel: We will freeze them and nobody else. Is it not a sad commentary on ourselves and our participation in our Federal Government that we will sit here and seriously debate and argue over the proposition of singling out a few million Federal employees and the military? You know, those who vote against this resolution, should test your logic sometime if you will. I suggest when you go home this weekend and this resolution has been beaten—and it looks like it will be—and you have frozen civilian and military workers until next July—go out to a military base and see a private first class who has been drafted and who is living in a trailer. Say to him. "My friend, we are fair in the Congress. Let me tell you what we have done. Grocery prices will be unfrozen on November 15. The rent you are paying on your trailer will be unfrozen on November 15. But in the Congress the Members in their wisdom have decided that you ought to sacrifice a little bit, and we are going to freeze you until next July 1."

Then go to the post office to your favorite postal worker and say, "You are not frozen at all. You will have $1,000 in this period. But we think it is fair that the other Federal employees be frozen."

If you cannot face the logic of the President's position stated just like that, it is because you cannot face the truth. Because that is what they are seeking to do.

This has nothing to do with the fight on inflation. The mechanism we set up for Federal employees is very simple. The mechanism established states that Federal pay follows the private economy. It does not lead. Federal pay is based upon surveys taken in July 1970. They are already a year or 15 months behind everybody in the private sector. What are you saying if you vote "no" on this resolution? You are saying, "We think that is just lovely. Keep them a year and a half behind. In fact, they will still remain behind because what happens next July is they will still be getting pay based upon early 1971 figures. The whole mechanism is that we follow. We do not lead.

The President sat by in 1970 and early 1971 while settlements were made for 10, 20, and 30 percent in the private sector. Not a voice was raised, not a whimper. Now, all of a sudden, we have to make the Federal employees the ones who should continue the fight on inflation, and I think that is wrong.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. HANLEY).

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. HANLEY. Mr. Chairman, the issue we deliberate today is one of fairness, and the question, as I see it, is whether or not we want to single out a specific category of American people and describe them as second-class citizens. I rise in support of House Resolution 596, which I had the privilege of cosponsoring.

As did many in the House, I supported the President's wage-price freeze when he made his announcement on August 15. I feel that everything in our power should be done to eliminate some of the inequities; and I firmly believe that strong action was needed to stop the growing cancer of inflation.

While I applaud firmness in this area, I would also insist that every segment of the economy be treated equally. The President, in announcing his plan to ask for a 6-month postponement of statutory pay increases, has violated this principle. His action is grossly unfair and inequitable to an important segment of our economy—the Federal employee and military personnel.

Almost a year ago, Congress reaffirmed its position that the salaries of Federal employees should be comparable with those in private industry. With the support of the administration we developed a mechanism by which salaries could be set according to the comparability principle with a minimum of political interference.

In making his recommendations for a postponement, the President has almost completely circumvented this process.

Bureau of Labor Statistics figures upon which pay recommendations are supposed to be based will not be ready for more than a month. To my knowledge, there has not even been a meeting of the Advisory Committee on Federal Pay or the Federal Employees' Pay Council as required by law.

The President, therefore, is reneging on a pledge he made with Congress barely a year ago—that Federal employees should be treated on a par with private industry. I do not think that we, too, should go back on that pledge.

There have been some arguments in the press—particularly put forth by the U. S. Chamber of Commerce—that Federal salaries are already significantly ahead of those of private industry. At best, these figures are based on fragmentary evidence and are highly misleading. I would concede that in a few cases—because of the way the Federal salary system is structured—some individual occupations might be slightly overpaid. But Bureau of Labor statistics have consistently showed that on the average Federal salaries are consistently lower than private industry. Last year, the lag was about 6 percent, this year we expect it to be again in the 5- to 6-percent range. So, if we accept the President's proposal, we are building one inequity upon another.

I am also concerned about the effect that postponement will have on military salaries. Our soldier's pay raises are geared to civilian pay increases. It should be made abundantly clear that by postponing civilian increases we are also postponing military increases. This would be most unfortunate, particularly for our low-paid enlisted men.

Let me emphasize in closing that all we are asking here today is that the Federal employee be treated on a par with everyone else. We are not asking for more—we are not asking for less. Under present law granting the President broad economic authority, the President still has control over Federal salaries. If he decides to impose a partial or complete wage freeze on the rest of the economy, he has the authority to do the same with Federal employees. All we will be doing today will be insuring that Federal employees are treated fairly. I strongly urge that we adopt House Resolution 596.

Because, should the overture prevail—by that I mean the defeat of this resolution—this is exactly what we are doing.

As I interpret the Equalization Stabilization Act of 1970, as amended, it precluded the possibility of the President singling out any one category, any segment in our society, for special treatment. So it seems to me if the freeze mandate prevails, then we are not exactly adhering to the law as approved by this House and the Senate and enacted into law.

Much has been said about comparability and the accuracy of the figures associated with it. As I understand it, these figures come directly from the Bureau of Labor Statistics, and if these figures are inaccurate, then it is high time we dismantled that Bureau. But the fact of the matter is that their figures are quite accurate.

The National Chamber of Commerce, has quite erroneously stated that the Federal worker is overpaid by 40 percent. I would hope that its statement would be based on fact.

Again, as has been stated by previous speakers here today, we are dealing not only with the Federal employee, but with military personnel also. So I find it very difficult to conceive how we can deny these two categories of Americans this entitlement. The military personnel who happen to walk into a grocery store, as the gentleman from Arizona (Mr. UDALL), mentioned, that private has to pay the same price for the loaf of bread and the quart of milk and the package of potatoes that anyone in the private sector has to pay. Are we going to deny this individual what is rightfully his?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I will tell Members what the public is going to have to pay for a car. We repealed the 7-percent tax on automobiles here, and Members can bet the last penny they have that the automobile manufacturers on the day the freeze goes off, which is November 15, are going to raise the price of the 1972 cars at least 6 percent, if not the whole 7 percent. Just put that down as a prediction.

Mr. HANLEY. Mr. Chairman, I thank the gentleman for his contribution.

Certainly, as most of us did, we supported the President's wage-price freeze when he made his announcement on August 15, but again when he appeared before the Congress and again singled out this particular category of people for this kind of treatment, some of us scratched our heads. I feel that everything in our power should be done to eliminate inflation. And I firmly believe that strong action is needed to stop the growing inflation, and I cosponsored the authorizing wage-price control legislation which has allowed the President to move in this direction—an overture which, in the judgment of many of us is long overdue—but the gist of what we are attempting to decide here is equality.

Mr. Chairman, it is unfortunate that this legislative procedure was adopted and that we could not have proceeded with the announced schedule and have disposed of the bill which was intended to be brought up on Wednesday, which would insure that no Federal employee and no military personnel would be treated any better than anyone in the private sector. Unfortunately the procedure today disallowed the possibility of that consideration. What I am saying is, look, I do not want the Federal personnel and the military personnel treated one iota differently from others in the private sector, but I do want the treatment to be the same. So what we really are saying is what is good for one is good for all.

Mr. GROSS. Mr. Chairman, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, the central issue before us today is not just the question of whether Federal employees deserve a comparability pay increase in January, but rather is the Congress going to sustain the President in his attempt to come to grips with inflation, unemployment, and the dollar drain.

The President, in effect, announced to the world that this country was not going to continue tolerating inflation, the imbalance of payments, and the dollar crisis. To correct these conditions, he proposed a wide range of economic initiatives.

To achieve these objectives, the President has set a minimum target of $5 billion in reduced Federal spending for this fiscal year. Forty percent of that total, or $2.025 billion must come from actions affecting Federal personnel. The 6 months' deferral of white collar and military pay will effect a savings of approximately $1.2 billion.

Now, if the Congress should veto the President's alternate plan and thus allow for the January pay boost, we can logically expect the President to search elsewhere to meet his minimum target of $5 billion in reduced spending for this fiscal year. One such alternative could result in massive reduction in the Federal payroll.

Mr. Chairman, I cannot impress too much on how important it is to vote "no" on House Resolution 596.

Mr. GROSS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, in my judgment, the Waldie resolution (H. Res. 596) is unreasonable because it establishes a preferenced, elite class in our economy.

We do not know yet what kind of incomes policy this country will adopt under phase II of the new economic policy. We do not know which of the groups will determine or enforce the incomes policy. One group, the AFL–CIO, has recommended a voluntary approach free of all governmental controls. This resolution, House Resolution 596, is surely contrary to that recommendation.

If we pass this resolution, we will preempt the President in the establishment of an incomes policy. Such an act is well within our authority, and may be desirable; but if we do so, we will also assume the responsibility for the success of the new economic policy.

The Congress cannot have it both ways. If we vote today to set economic policy, we also vote to accept responsibility for it.

I support equity for Federal employees, but I do not support the creation of a special class in our economy for them. I will reserve judgment until the mechanics of Phase II have been set out. Therefore, I will vote "no" on House Resolution 596.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, many of us, time and again, while inveighing against the cancer of inflation and declaring their support for the President's purposes in fighting it, then repeat the splendid exception, "but not now." It is a formula all too often used by Representatives who view their constituencies as a collection of special interests, who view their jobs as the representation in one vote after another of more special interests, and who trust that few will take the trouble to check up on their total records in this respect.

I submit, Mr. Chairman, that our function here is not just to represent the interests of our constituents, but also to "put it all together" in a pattern of government that is rational and responsible. We do not just create exceptions in a vote like this; we set patterns. If we do not set responsible patterns in government, using the mandate that sent us here, who then will have the discipline or opportunity to do so? How can we expect the President to present a credible case for comparable private restraint in phase II if we have not permitted him to exercise restraint with respect to a portion of the wage scale which is subject to our direct control?

Most of our constituents, Mr. Chairman, are trusting, supportive citizens, without an ax to grind in a special interest to be catered to. We do not hear from them very often, and we do not represent them enough, but their interests are at stake in this vote. Now is the time to fight inflation, if we are ever to succeed. Failure to exercise discipline today will strike a serious blow to our national effort, and cause a recurrence of inflationary psychology just as we appeared to be making some progress.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Utah.

Mr. LLOYD. Mr. Chairman, if this Congress overrules the President and grants a $1.3 billion wage increase to Federal employees on January 1, we will bear a direct responsibility for the inevitable resurgence of runaway inflation which we are now desperately attempting to prevent, and families of Federal employees will suffer along with everyone else from the disaster.

Spokesman for Federal employees claim that the President's action is discriminatory. Yet, this Congress has approved repeated wage increases since pay comparability with private industry was achieved in 1969—within the past 2 years there has been a total of 12-percent increase following upon a 9-percent increase in July 1969.

As the Nation's largest employer, the Federal Government has a clear responsibility to be steadfast in its anti-inflation efforts. We will be voting this week for tax reductions to spur the economy, which will affect every American family including Federal employees. We cannot sensibly add to this a $1.3 billion pay raise and still insist we mean it when we say excessive inflation must stop. The vast majority of Federal employees have not been affected by the current 3-month wage freeze because step increases were not scheduled in that period. Meanwhile, however, schoolteachers and millions of other employees whose wages are substandard have worked under the freeze restrictions.

In my judgment, a so-called victory by the Federal employees today will be counterproductive. They will find they have added fuel to the fires of inflation and that those who are anxious to raise prices and profits will find a ready excuse by such action. Business, labor and all of the American people need to be united at this time in consistent efforts targeted toward the attack against inflation. This means emergency stabilization of prices, profits, and wages. A defeat of the President's action by this Congress will bring permanent compulsory controls closer to our free society, and when free, competitive enterprise comes to an end, we will be chartering a new course along the paths of planned society. The alternative to possible mandatory, permanent controls is further significant reduction in Federal work force. Either way, Federal employees and their families will have long-term loss with any short-time gain.

Mr. PEYSER. Mr. Chairman, until the last two speakers one word that I did not hear mentioned that I wanted to hear more of, was "fairness." I will admit that the last two speakers used the word. I believe fairness is what we are talking about with respect to Federal employees.

In my discussions with them, the Federal employees have indicated they only want a fair break.

While I disagree with and am going to vote against this proposal on the floor, I do agree that Federal employees should be entitled to a break, and the same break that the private sector is going to get.

I have heard it said that the present proposal is the only way we can protect the Federal employee, this is not true. I believe we can pass legislation that will guarantee the Federal employees will not be discriminated against. I will support legislation that will allow their incomes to be increased in January 1972 at whatever rate is decided on in phase II of our new economic program.

Mr. DULSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, when President Nixon announced his new economic program, he called on all Americans to make economic sacrifices to stimulate the economy and to guard against inflation, to do something about inflation.

Since that time, the form of the President's sacrifice has come into clear and discouraging focus—to curb inflation, wages are to be frozen; to stimulate the economy, big business is to receive unparalleled bonanzas. There has been no control on profits, dividends, or interest, and I doubt that there will be after November 15.

We are about to give business new tax breaks and tax allowances which are bound to be inflationary. Working people and small businessmen will be left holding the bag.

The President's action seeking to delay an already overdue wage increase for Federal civilian employees is a very serious manifestation of the administration's benefit-for-business and sacrifice-for-workers philosophy.

To imply that our economic difficulties could or would be solved by extraordinary sacrifices on the part of Federal civil servants is nonsense and must be rejected out of hand.

I believe that our economic problems will only be solved when we begin to disassemble the gluttonous military-industrial machine that turns us away from the socially useful and necessary production programs which could really stimulate our economy.

If the administration believes that the Federal budget must be reduced at the same time it is trying to stimulate the economy, it must start with the $76 billion defense budget and the dollar-draining military bases abroad, and not the wage comparability increases.

Federal wage increases do not stimulate inflationary wage demands. Even under comparability they lag more than 6 months behind private industry. The pay increase which is to become effective next January 1 will provide comparability as of mid-1971. In other words, Federal workers whose pay increases the administration seeks to postpone would be making the same salaries that those with comparable jobs in private industry made before the wage-price freeze.

It is indefensible for us to do anything but support this resolution before us today.

It is indefensible for the administration, on top of discriminating against workers in general, to seek to specially discriminate against Federal workers.

Accordingly, I urge the adoption of this resolution.

Mr. DULSKI. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, thank you for yielding this time to me. I wish to rise in support of the resolution before us today and to express my dismay at the chicanery that has been used by certain Members from the other side of the aisle in forcing this issue at this time.

I, like many of you, heard what the President said during his campaign upon seeing a sign held by a little girl which read, "Bring Us Together." I have listened for these past few years to his promises, and I have voted many times with the President on various issues, but I never thought I would live to see the day when discrimination would be the official attitude of the President and his administration.

Yet, this is what is written into the latest wage-price freeze. The President's plan is clearly discriminatory against a very responsible segment of our population—our Federal employees and Armed Forces personnel. The fact that they are

Federal is of no consequence. They are employees who are being discriminated against.

There has been a lot of talk from those opposed to this resolution that they are concerned with fair play. Yet fair play is exactly what the Federal employees are not getting. These people have historically suffered from the lowest pay scales in the job market. When this body finally enacts a law that will assure them pay comparability with the private sector, the President moves to thwart that plan.

This would not be as distasteful if in a spirit of fair play, all pay raises were delayed for 6 months. However, that is not the case here. Moreover, these pay raises are necessary to bring Federal workers even with those who have already gotten cost-of-living increases for comparable jobs in the private sector. These are catchup raises that are sorely needed by Federal employees.

I have also heard comments from the other side of the aisle that this is not the proper method to deal with the problem at hand. I could not agree more. Yet I would remind these remonstrators that a proper plan was formulated to be taken up on Wednesday of this week. Our Post Office and Civil Service Committee wisely voted out this resolution followed by a bill that would require Federal pay increases in January to be brought in line with any wage-price controls announced by the President for the post-freeze period.

This would have been a fair compromise, but those on the other side of the aisle and the administration have decided to force the issue today. The architect of this parliamentary chicanery did this knowing full well that at least 12 congressmen who would have voted for this resolution are out of the country today doing committee work as part of a long-term commitment. These Members had received the assurances of the leadership of both parties that the matter would not be taken up until Wednesday. They left only after these assurances were given.

So fair play is not the question here. In fact if it is fair play one wants then he should vote for this resolution.

Let me say that I have long advocated wage-price controls. I have long advocated a reduction in Federal expenditures to help curtail inflation. I was one of the first to welcome the President's action in August as a positive step toward halting the upward spiral of inflation. I applauded his positive move which although late and perhaps not perfect, was an effort in the right direction.

Inflation hurts everybody. The Federal employee certainly wants to curtail inflation. Those in the private sector would like to see a halt to rising prices and costs as well. More and more of our senior citizens are finding themselves living in poverty as their meager fixed incomes no longer cover their ever-escalating bills.

However, I cannot contemplate discrimination against our Federal employees. If it is controls the President wants to establish to fight inflation—and I still think they are needed—then the burden should be shared equally by the Federal employee, the private sector worker, the investor, the banker, and the corporate executive.

However, let us not treat our Federal employees as second class citizens. It is unjust and devisive. How about our boys in Vietnam who would also benefit from this needed pay raise? Our military forces are already suffering under ridiculously low wages. This increase would greatly improve their prospects for pay comparability. Can we abandon our combat soldier, those men who defend these shores, a small increase in salary? Can we require them to bear the greater burden of fighting inflation while business profits and bank interest charges are not controlled much less delayed for a period of time?

If a compromise were offered where Federal employees would bear an equal burden with workers and employees in the private sector, I am sure everyone would support it. All we seek is fair play—if the national burden is great, no one will shirk their duty as citizens. But it is patently unfair to ask one sector of the work force to bear the brunt of that burden. It is time the President stopped playing politics with the pennies of the poor workingman.

Mr. Chairman, I repeat, if its fair play that is sought, if it is justice and honesty that is considered, then this resolution will pass overwhelmingly.

Mr. GROSS. Mr. Chairman, may I address an inquiry to the gentleman from New York?

How many more speakers does the gentleman have?

Mr. DULSKI. One additional speaker.

Mr. GROSS. Mr. Chairman, I yield 10 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD.)

Mr. GERALD R. FORD. Mr. Chairman, I think it is vitally important that we get one point absolutely straight. Statements have been made that at the end of the 90 days there will be a total lifting of the wage-price freeze. These statements are predicated on what allegedly the President said on September 9 when he spoke to the House and the Senate in joint session. The President did say that the freeze would be lifted on November 13, but he added the following, and I quote:

> But I assure the Congress and the American people that when this temporary and necessarily drastic action is over we shall take all the steps needed to see that America is not again afflicted by the virus of runaway inflation.

He went on to say, and again I quote:

> The system of wage and price stabilization that follows the freeze will require the fullest cooperation not only between the executive and legislative branches but by all Americans.

The President did say on September 9 that there will be wage and price controls after Novemebr 12. Therefore it is inaccurate and erroneous to say that there will not be any wage or price controls from November 13 on.

It is also interesting to note that the action that the President is taking under the Wage Comparability Act is action which is precisely provided for under the bill masterminded and drafted by the distinguished gentleman from Arizona (Mr. UDALL).

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield for a question?

Mr. GERALD R. FORD. Let me finish and I shall be very glad to yield to the gentleman.

Mr. Chairman, on September 21, 1971, in the report coming from the House Committee on Post Office and Civil Service, on page 9 thereof, there is one paragraph which I think is vitally important to this whole debate, and let me quote it:

> It must be emphasized at the outset that the Congress, in giving the President the authority to regularly adjust Federal pay under the comparability procedure, provided specifically for the President to deny the pay raise entirely, to reduce it, or to postpone it, if "because of national emergency or economic conditions affecting the general welfare, the President should, in any one year, consider it inappropriate to make the pay adjustment."

In other words, under the law masterminded by the gentleman from Arizona (Mr. UDALL) he specifically provided that the President of the United States had the authority, if there was a national emergency or if economic conditions justified it to postpone a pay increase for Federal employees. That is precisely what the President is doing now. The President is using the Udall law as it was intended by the author.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. The President could have said there would be no pay increase at all under the terms of the so-called comparability act masterminded by the gentleman from Arizona Mr. UDALL, but the President has ordered only a postponement.

Mr. GERALD R. FORD. At this point in the debate we must understand two things: First, the 90-day freeze will be followed by phase II which will be a wage and price control period.

The President has not announced the specific terms of that succeeding period, but he has said in meetings with labor, with management, consumers and others that the phase II program will have teeth, teeth as to wage increases, teeth as to price increases. So, the lid is not going to be taken off. Let us understand that right here and now.

Now, why is that important? It is very simple. For the first 90 days the private sector of our economy had a stiff lid imposed on it as to wages and as to prices. The private sector could not get any wage increases even though contracts had been previously signed for wage increases, and price increases have not been approved either under the consistent and stringent policy of the Cost of Living Council. But, during the period of the first 90 days when workers for General Motors or General Electric and others in the private sector had to forgo wage increases, Federal employees, with the exception of those that had earned ingrade promotions, have not been affected at all. From August 15, the employees of many, many private corporations and other employers had to tighten their belts, had to sacrifice and had to suffer some hardships. During that 90-day period, no Federal workers, except those with ingrade pay promotions have had to tighten their belt one bit, not one bit.

Because of this situation, the President said the only way we can call upon Federal employees to share some hardship is to ask them to take a pay increase postponement for 6 months in 1972.

If there were not going to be any teeth in phase II for the private sector, perhaps some of these arguments we have heard would be applicable. I repeat, there will be teeth in the second phase. There will not be any general pay increases given across the board in the private sector in phase II.

So, in order to equalize the sacrifices between the private sector and the Federal Government sector we should vote "no" today. It is the only fair, it is the only equitable way that I see whereby we can all meet the challenge.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I promised the gentleman from Oklahoma (Mr. EDMONDSON) I would yield to him first.

Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

The gentleman may have perhaps just answered the question I wanted to ask, but I would like to get it specifically on the record:

Can the gentleman tell us that he has assurances that the President, after November 15, will deny wage increases due under contract in the private sector by reason of increases in the cost of living.

Mr. GERALD R. FORD. I cannot categorically answer the gentleman.

I can say this: That there will be a lid kept on those in the private sector, and I think there should be. I do not think I ought to categorically answer the question if I do not know specifically. But I will put it another way: If there is a general increase granted to those in the private sector in phase II then I will be willing to support legislation that would add a comparable amount for those in the employment of the Federal Government. I think that is a fair promise on my part under the circumstances.

Mr. EDMONDSON. If the gentleman will yield further, the gentleman said a moment ago that there will be no pay increases in the private sector after November 15.

Mr. GERALD R. FORD. No across-the-board increase. I think that is a fair statement, but I cannot say there will not be any increases granted in the private sector.

Mr. EDMONDSON. Is the gentleman saying that if there is a wage contract calling for a cost-of-living increase after November 15 in the private sector that the President would be likely to go along with that?

Mr. GERALD R. FORD. I cannot answer that question categorically. I have not seen what phase II is. But I will repeat what I said a moment ago: that if there is a general increase granted to all employees in the private sector, all employees, then I will support comparable pay increases in the Federal sector, as I think I should on the basis of good conscience.

Mr. BOGGS. Mr. Chairman, will the gentleman yield in connection with that line of questioning?

Mr. GERALD R. FORD. Surely.

Mr. BOGGS. Mr. Chairman, the gentleman made a few statements that gave me some concern. No. 1, the notion that all employees in the private sector since the wage-price freeze have suffered a pay adjustment of some kind. Is it not a fact that only those employees who had contracts which provided for an adjustment or an increase during the past 90 days have been affected?

Mr. GERALD R. FORD. All employees of the private sector even those with legitimate contracts have been precluded from getting any pay increase in the 90-day period. Does the gentleman deny that?

Mr. BOGGS. No; I do not deny that.

Mr. GERALD R. FORD. All right; that is a fact. And you also have to admit that during——

The CHAIRMAN The time of the gentleman from Michigan has expired.

Mr. GROSS. Mr. Chairman, I yield 5 additional minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. I thank the gentleman for the additional time.

A good many of the people who had contracts for pay increases have had for 90 days those pay increases prevented from taking effect.

Mr. BOGGS. A good many people, a great many people, a majority of the people have not been affected by the 90-day freeze. This is true because many contracts for pay increases do not became effective until November or December, or January 1, so that the comparison the gentleman makes with respect to the Federal employees is just not accurate.

Mr. GERALD R. FORD. I certainly differ with my friend, the gentleman from Louisiana, because there are many, many instances of labor-management contracts in the railroad industry, in the trucking industry, in General Motors, Ford, Chrysler, others in the automotive industry, where pay increases were supposed to go into effect in the 90-day period, and they were stopped, they did not go into effect. So those individuals covered by those contracts have had to make a sacrifice. No Federal employees except those who were to get in-grade pay increases have had any adverse impact whatsoever.

Mr. BOGGS. Will the gentleman yield further?

Mr. GERALD R. FORD. Please let me finish.

Mr. BOGGS. The gentleman has been very generous in yielding to me. Would the gentleman not yield for one further question?

Mr. GERALD R. FORD. Mr. Chairman, I cannot yield further to the gentleman because I have less than 3 minutes left, and I would like to make one or two comments, and then the gentleman from Louisiana can get time from the gentleman from New York if the gentleman from New York has time.

Mr. Chairman, it is amazing to me that people who voted first, in July of 1970; second, on December 7, 1970; and again on March 10 of 1971, to approve the Economic Stabilization Act, are now the first who apparently are eager to undermine the strength of that legislation.

They gave the President the authority to do something about wages and prices. Then when the President uses that legislation, the first thing they want to do is, by an indirect approach, to undermine his effort to do something affirmatively about inflation.

If you are really sincere about implementing the Economic Stabilization Act and the wage and price control action by the President, you ought to vote "no" on this motion today.

Let me just make one final observation. If this motion is approved, it means that you undermine and you undercut the President's attempt to stabilize the economy, and you will severely in a psychological and substantive way undermine the whole effort to stabilize the economy.

The President had a package in his new economic plan—a tax reduction, a price and wage freeze, a surtax on imports, and a freeze on expenditures in the Federal Government.

If you vote "yes" today—then psychologically and substantively you will be undercutting the total effort.

If you vote "yes"—you will signal to the world that the Congress has buckled under—that the Congress did not stand up for what 64 percent of the American people say is right.

It is interesting to note that in a poll taken by one of the most reputable polling agencies that 60 percent of union members support the President's total economic package.

If you vote "yes" today, it indicates that the Congress is buckling under and is not responding and reflecting the views of the American people.

I would just point out that if you vote "yes," you might also irritate a few housewives who are going to be hurt by inflation. If you vote "yes" today, I think you are going to irritate some of the people in the private working sector who have had to make sacrifices during phase I.

I strongly urge that in order to equalize the sacrifices and in order to equalize the hardships and in order to win the battle against inflation and to stimulate the economy that you ought to vote "no." I urge it as strongly and as sincerely as I can for the good of all Americans because it is in the best interests of the country.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. GERALD R. FORD) has expired.

The Chair recognizes the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, does the gentleman from Iowa have any more speakers?

Mr. GROSS. Mr. Chairman, the minority has no further speakers.

Mr. DULSKI. Mr. Chairman, I yield the balance of the time to the gentleman from Arizona (Mr. UDALL).

The CHAIRMAN. The gentleman from Arizona (Mr. UDALL) is recognized for 12 minutes.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. HOGAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there has been a great deal of rhetoric on both sides this afternoon. But there is one unmistakable fact—that Federal employees, if we vote "no" on the resolution today, are going to bear an inordinate share of the burden of the President's antiinflation program. We ask the employees in the private sector to forgo raises for 90 days and we are asking those in the Federal sector to forego them for 10 months.

There are many ways we can save money every day in this Chamber. We would save $1.3 billion from this pay freeze of Federal workers. We can carve that out of any program on any day in this Chamber and I will support any effort to do so, especially from the $3 billion we spend for foreign aid which does not help our country's economy at all.

Federal workers will willingly share the same burden as other workers. Why should they be forced to bear an inequitable burden?

The pay raises Federal workers have received have been designed to help them keep pace with the rising cost of living. They have always lagged behind, even though the Congress promised them comparability with private industry in 1962. By denying Federal workers the pay raise due them January 1 because of increases in the cost of living, we will compound an inequity.

I urge my colleagues to vote "aye" on the resolution.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I will yield to the distinguished majority leader if he will apologize to whatever people in Utah might have been insulted by his reference to me earlier as being the gentleman from Utah.

Mr. BOGGS. The gentleman from Arizona. First, I condemn—I commend the gentleman.

Mr. UDALL. I am afraid the gentleman is going back to a time earlier this year.

Mr. BOGGS. The gentleman has done a very commendable job.

Mr. UDALL. I thank the gentleman.

Mr. BOGGS. He has presented issues in a most forceful manner.

I was much taken by one of the remarks made by the distinguished minority leader in reply to the gentleman from Oklahoma when the question was propounded about what would happen if the President made certain adjustments after November 15 in the private sector. The answer came back, as I understood it, that the gentleman from Michigan would favor legislation and whatever was required to bring about the necessary adjustments for the Federal employees.

Now, unless I am unable to read, the gentleman from Arizona is proposing exactly that. Is that not the case?

Mr. UDALL. That is correct. We had it programed for Wednesday with the help of the Speaker and the distinguished majority leader. I do not know of anybody in this Chamber who would have been against it, because it would establish equality for Federal employees. It said that if the private sector is frozen to 3 percent, it would be 3 percent for Federal employees, and so on.

Mr. BOGGS. Will the gentleman from Arizona yield?

Mr. UDALL. I yield to the distinguished gentleman from Louisiana, for whom I have great respect.

Mr. BOGGS. Is it not a fact that in order to spell it out, we had scheduled the gentleman's bill prior to the consideration of this resolution?

Mr. UDALL. The gentleman is exactly correct, and I thank him for his help.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield briefly to the gentleman from Maryland and then I will yield to my friend from Iowa briefly.

Mr. MITCHELL. I thank the gentleman for yielding. I simply want to indicate to the distinguished minority leader that I have a social security installation in Woodlawn in my district. He is very much in error when he points out that there have been no sufferings on the part of Federal employees. He is quite right in pointing out that they get their wage increment, but those employees entitled to a raise in pay, from a GS-2 to a GS-3, for example, they have been denied under the existing freeze. So not only have they tightened their belts, they have tightened them to the point that there are no notches left.

I am very proud to be associated with the distinguished gentleman from Arizona in this effort. I wish to speak to one other facet of this problem. Unfortunately, despite the best efforts of some people in this House, blacks, chicanos, and other minorities are still concentrated in grades 1, 2, 3, 4, and 5 in the Federal Government, which means that they bear the brunt and the freeze far more than any other group of Federal employees. When the President stood before this body and talked about "the ethic of work" and how important it was that everybody put his shoulder to the wheel he was applauded vigorously. I cannot for the life of me comprehend the resistance to giving the people in grades 1, 2, 3, 4, and 5 and all Federal employees a fair shake.

I thank the gentleman for yielding.

Mr. UDALL. I thank the gentleman for his support.

I yield to my friend from Iowa.

Mr. GROSS. Is it not true that the gentleman's bill to which the majority leader referred is now before the Rules Committee, that no hearings have been held, and are not likely to be held for a day or two; that there is no way in the world by which that bill could be gotten out to the floor Wednesday or Thursday?

Mr. UDALL. I have no crystal ball. The gentleman may loan me his. I have never seen the Rules Committee turn their back on a bill that every Member of the House favors. Does the gentleman know a Member of the House who thinks that if the private sector is frozen, Federal employees should be unfrozen, or be in for some special treatment? Because if anybody believes that, then he ought to be against the bill; otherwise he ought to be for it.

Mr. GROSS. The gentleman is aware I am sure, that the Rules Committee's time is occupied with legislation brought to it before the legislation which the gentleman espouses went to the Rules Committee. I am talking about the time factor.

Would the gentleman yield for a correction of the record?

Mr. UDALL. Very briefly. I had a couple of things I wanted to say.

Mr. GROSS. I thank the gentleman. I think the gentleman to whom the minority leader yielded was the gentleman from Oklahoma (Mr. EDMONDSON) not some mythical gentleman from Texas—but from Oklahoma.

Mr. UDALL. The gentleman has me so confused that I thought for a moment I was from Iowa. I yield very briefly.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield very briefly to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would like to ask, is it not true that if the gentleman's bill was passed by this House, it would still not be effective unless acted upon by the other body, whereas this resolution, if passed by this body only, becomes effective?

Mr. UDALL. Of course, unless my elementary civics has deserted me, it takes both the House and the Senate to pass a bill. The fact is that this resolution will have the effect of vetoing the President's pay plan. The gentleman is correct.

Mr. SCOTT. Then it follows that an action by this House on both bills is not equally effective.

Mr. UDALL. One would be final, and the other would not be, but as I say, I do not know any Member of this House who thinks the Federal employees ought to have favorable treatment over anybody else. There are many who think the employees ought to have equality. I have heard many in favor of that.

It reminds of the story of the Eastern dude who was asking about rattlesnake bites and what you do with them. The punch line of the story is, "That is when you find out who your friends are." It occurs to me that today the Federal employees, the 1.3 million people who work for our Government and determine in the longrun whether people really get service or do not—and we need a great many improvements in the Federal Government—and the 2.8 million members of the military service, many of them drafted, who have gone into the service involuntarily, are going to find out about who their friends are, and who thinks they ought to be singled out to bear all the sacrifices the minority leader speaks so eloquently about.

I read in the papers today about the longshoremen's strike tying up the Nation. I checked the BLS figures, and I found the pay raises have been running at the rate of 16 percent annually, 16 percent in the last quarter of last year, and 10 percent in each of the first three quarters of 1971. I will bet my right arm that the longshoremen's strike will be settled within the next few days, for, oh, 30 percent, and would the Members believe it will come out to 12 or 15 percent a year? Along about Christmas longshoremen are going to be getting a big chunk in their paychecks, the longshoremen and everybody else who will be unfrozen, but the friendly FBI agent and the fellow in the Forest Service and the black workman in the Social Security Administration in Baltimore are going to be frozen for another 6 months. That is what we are saying today is fair.

It reminds me of the old Biblical saying—and this is kind of a bad pun—that "Many are cold, but few are frozen." This is what we are doing here today. We are letting everybody else out from under, but we are going to let the Federal employees and the military bear the sacrifice.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding and for correctly identifying my State as well.

The gentleman from Michigan a few minutes ago, in answer to the question which I placed to him, made a statement then that I think needs to be carefully considered by Members of the House here today, because he said he would support a bill to help the Federal employees get a cost-of-living increase on down the road if the President acted to give cost-of-living increases or increases to all other people in the United States—not to the majority of them and not to 75 percent or 80 percent or 90 percent of them, but only in the event all other workers in the United States got increases would he consider some cost-of-living increase in order for the Federal employees. As Members know, the Federal employees, under present law, are overdue by more than 6 months now in getting that cost-of-living increase. I think that position needs to be corrected by the gentleman from Michigan, unless that is the way it stands, and the way the administration stands on this point.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield briefly to the gentleman, so the gentleman from Michigan can confess his errors.

Mr. GERALD R. FORD. Mr. Chairman, I am glad the gentleman from Arizona has yielded. I would like to point out two things. First, from July of 1969 up to the present time, the Federal employees have gotten approximately 22 percent in pay increases.

Mr. UDALL. Let me tell the gentleman about that.

Mr. GERALD R. FORD. Wait just a minute. Let me make one other comment. During the same span of time, mid-1969 to the present time, the private industry pay increase has averaged 13.18 percent.

Mr. UDALL. I am going to tell the gentleman something about this, because he credited me with authoring this new pay machinery. Do the Members know why the employees were given this 22 percent in such a short time? It is because year after year after year, from 1962 on, after we pledged comparability, every year we said: Wait until next year. Always there was recession or inflation or a war was on. No time was right for comparability. Finally, in 1967 we wrote a bill and said: This is the year. We are going to have comparability.

In order to catch up we had three slices in 18 months. After a full generation of promises we finally had the Federal employees caught up. That is why they got 22 percent.

If we take a longer period, say 15 or 20 years, we will find that we shortchanged Federal employees time after time.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield further?

Mr. UDALL. Very briefly.

Mr. GERALD R. FORD. I believe the record should be clear that under the legislation authored by the distinguished gentleman from Arizona this 22 percent pay increase came under this administration, under a President who believed in wage comparability and has a record to prove it.

Mr. UDALL. Mr. Chairman, the resolution ought to be adopted.

Mr. ANDERSON of California. Mr. Chairman, Federal employees do not want special treatment. Like all wage earners, they want a day's pay for a day's work.

The Congress has recognized this, and in order to attract and keep capable, highly motivated individuals from being lured to private industry, the Congress has tied Government salaries to those of comparable employees in the private sector.

I have supported comparability.

However, the administration has attempted to delay deserved pay increases for Federal employees, thus letting them bear the brunt of the fight against inflation and, also, fall farther behind their brothers in private industry.

This is not fair.

Mr. Chairman, I repeat. Federal employees do not want special treatment—they want and deserve comparability.

At this point, Mr. Chairman, I would like to include as part of the RECORD a statement that I feel is representative of the feelings of those Federal employees who are not treated equitably with their counterparts in private industry:

FEDERAL EMPLOYEES
METAL TRADES COUNCIL,
LONG BEACH, AFL–CIO,
Wilmington, Calif., September 21, 1971.
Congressman GLENN M. ANDERSON,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: We again would like to show our appreciation for your concern for the Federal Employees in this area.

On September 16, 1971, Mr. Dean M. Boswell of Federal Employees Metal Trades Council had a conversation with your Administrative Assistant Mr. David Hayward. This conversation covered several matters. Among the problems discussed were the actions the Federal Employees Metal Trades Council, Long Beach AFL–CIO, had taken as a result of President Nixon's unjust additional 90-day freeze on all Federal wage grade workers.

I believe the handbill enclosed is self-explanatory. We ask that you read this handbill into the Congressional Record letting all the elected leaders of our country know how the Federal Employee will react when he is not treated equitably with their Brothers and counterparts in private industry.

Sincerely yours,
RUSSELL HATFIELD,
President, Federal Employees Metal Trades Council.

FEDERAL EMPLOYEES METAL TRADES COUNCIL,
AFL–CIO

Paul J. Burnsky, President, Metal Trades Department, AFL–CIO advised Council President Hatfield that at the meeting of the National Wage Policy Committee on 2 September, 1971 the labor members unanimously adopted the following position, which was read into the record and transmitted to Chairman Hampton for delivery to the President:

"The labor members of the National Wage Policy Committee express their unanimous shock and dismay at the sweeping and totally unjustified action of the President yesterday in freezing government wage worker increases for an additional three months beyond the general wage freeze, which he earlier imposed.

"Federal wage workers rates are statutorily adjusted annually based on surveys made of private industry rates already in effect in the respective communities. The rates resulting from the surveys, in fact, only allow Federal wage workers to catch up to rates already being enjoyed by their private industry counterparts.

"In addition to the impact of the general 90-day freeze on Federal wage workers which prevents them from receiving increases reflective of rates already being paid to private industry workers in their communities, the imposition of an additional three months freeze compounds the inequity.

"During the general freeze Federal wage employees suffer particularly as their wages perpetually lag behind wage rates in the community and lag behind the higher price levels already in existence. At the end of the general freeze period price adjustments will obviously take place while rates for Federal wage workers in their respective communities continue to be frozen.

"The Government will then pay higher prices for the goods it buys, power, commodities and all other goods and services except the services of its own directly employed workers.

"Even during the stress of World War II and the Korean War no such drastic inequity was placed upon the government's own wage force.

"Certainly the President can't expect Federal Wage Workers to bear a larger burden in peacetime than they have ever borne in wartime or to continue to work at rates substantially below those being paid for similar work in their communities.

"We respectfully request that Chairman Hampton convey our unanimous expression to the President urging him to immediately rescind his discriminatory action of September 1 in imposing this additional 90-day freeze on federal wage workers."

The labor organizations represented on the National Wage Policy Committee include representatives of four AFL-CIO organizations: the Metal Trades Department, the International Association of Machinists and Aerospace Workers, the International Brotherhood of Electrical Workers and the American Federation of Government Employees.

THE WHITE HOUSE,
Washington, D.C., September 1, 1971.

Memorandum for the heads of executive departments and agencies.

Subject: Deferment of Federal Wage Increases.

On August 15, 1971, I announced a number of new economic initiatives to combat the persistent problems of inflation and unemployment. One of the key aims of Executive Order 11615 is a sustained effort to achieve continuing stabilization of salaries, wages, prices and rents throughout the economy.

One of the actions which I announced to implement the new economic policy is to defer pay raises for Federal workers for a period of six months. Accordingly, in order to comply with the needs of the public interest, as provided in subchapter IV of Chapter 53 of title 5, United States Code, I direct that the schedules for conducting wage surveys be revised so that beginning September 1, 1971, wage adjustments for all Federal wage employees will be delayed for a total period of six months, including the delay occasioned by my action of August 15, 1971. As soon as practicable following the period of delay, the normal survey cycle should be resumed.

I am designating the Chairman of the Civil Service Commission to coordinate the requirements of this directive and to develop similar plans with the heads of executive departments and agencies having negotiated wage schedules and rates or wage schedules which are administratively established so that an equivalent deferment of any wage increase will be achieved for Federal wage employees covered by such plans.

RICHARD NIXON.

Mr. ZWACH. Mr. Chairman, I regret that this issue must be voted upon today. It should come before us when the program of control comes after the 90-day freeze.

Mr. Chairman it is correct to say that unless inflation is slowed down everybody suffers a continuous pay cut related to purchasing power. It is also correct to state that if inflation is stopped everyone will have a pay increase in relation to purchasing power. If the President's control program works on June 1 the Federal employees and all America will be in a better position.

It is, Mr. Chairman, imperative that Federal employees be treated on a fair basis with all other employed people. I will vote against the disapproval resolution today but will make a re-assessment when the 90-day freeze expires and the continuing program is announced. If restrictions are lifted I will support salary adjustments for January 1, 1972.

Mr. Chairman, I ask the committee to bring out a resolution cutting back administrative and legislative salaries for the same duration. Congress against my votes increased its salary and that of the executive and judicial branches by unreasonable amounts and helped fire this inflation. Let us now contribute our share to slowing the robber, inflation.

Mr. COTTER. Mr. Chairman, I rise in support of House Resolution 596, which disapproves the President's plan to freeze Federal Government employees' wages until July of 1972.

The issue is crystal clear. The President has chosen one group, Federal employees, to bear a disproportionate burden in his attempt to salvage our sagging economy.

I support strong action to aid our current economic position. For this reason, I cosponsored and supported the bill that gave the President authority to freeze wages and prices. Thus I speak with some authority when I say I am convinced that selective controls violate the spirit, if not the letter, of the law.

Also, there are other disconcerting features of the President's economic policies. The experience of price behavior during the 90-day freeze indicates that the administration is more interested in freezing highly visible wages and less concerned with keeping prices under similar restraint. Indeed, the President did not restrict increases in interest rates or attempt to systematic control of dividends. Furthermore, the President's tax program demonstrates an unhealthy bias in favor of large corporations.

The President stated that later this month he will announce his plans for the so-called phase II which will go into effect after the current 90-day freeze. The details of this new program are very unclear, but I believe at a minimum the guidelines should apply to all economic groups, both business and labor, white collar and blue collar workers. Unfortunately, without detailed information about the President's plan I cannot in conscience vote to freeze the Federal Government workers' salaries until July of 1972 without asking other workers to accept the same burden. This is the main reason why I will vote against the President's plan.

There is, however, another point which must be made.

I am convinced that there is a lack of sensitivity in the President's new economic game plan. Our economy has been allowed to stagnate under the old Nixon economic policy which produced continued inflation and record unemployment, amid official predictions of economic progress. Such a situation requires drastic action. I will support strong and constructive moves to revive our economy but I will not support action that will require working men and women to bear a disproportionate economic burden.

Therefore, Mr. Chairman, I will vote to reject the President's plan which would freeze Federal employees' wages until July of 1972, but I will support H.R. 10881 when it comes before the House later this week. This bill specifically requires Federal employees' wage increases to be subject to the same guidelines as those wage increases in the private sector. This, I submit, is the most equitable means for handling wage increases.

Mr. WRIGHT. Mr. Chairman, I support both H.R. 10881 and House Resolution 596. The two, coming together as they do, make the intent of Congress crystal clear.

I vote today for House Resolution 596, on the clear understanding that we shall have the opportunity to adopt H.R. 10881, its companion.

In adopting these two bills we are saying two things.

First, we are saying that Federal employees will be willing to set a good example and share equally on exactly the same basis as private employees in any general wage freeze which may come about as an instrument to fight inflation.

Second, we are saying that we in the Congress do not intend that Federal and military personnel should be required to bear the entire brunt of the anti-inflation fight if other wages are allowed to escalate.

It is difficult for me to see how anything could be fairer. In fact, no other doctrine could claim the description of fairness.

If all wages are to be frozen, very well. Let Federal wages be frozen in exactly the same manner.

If other wages are to be released from the freeze, then in fundamental equity Federal civilian and military wages should be released in exactly the same manner.

If guidelines are to come about under which a ceiling would be placed upon an allowable percentage of increase, then let it fall evenly. If the President should decree, for example, that wage increases in the private sector after the expiration of the present freeze shall be held to no more than 5 percent annually, then let this same rule apply to Federal civilian and military personnel.

But let us not have one rule for one group of our citizens and another rule for the remainder.

The military personnel who defend this Nation and the civilian Federal employees who serve it do not ask and should not ask to be placed in a privileged class.

But neither should they be asked to serve as scapegoats in the Nation's fight against inflation—for increasing prices ravage their paychecks just as they do those of others.

Comparability is the goal. Equality of treatment is the aim. The fairness and credibility of our national anti-inflation effort is at stake.

Let us, therefore, enact these two measures side by side and leave no room for doubt that Congress intends and indeed insists that the burden of sacrifice shall fall evenly on the shoulders of us all.

Mr. FUQUA. Mr. Chairman, It is with some reluctance that I oppose the action taken by the House Post Office and Civil Service Committee in reporting out a resolution of disapproval to the President's alternate plan for Federal pay raises. In this regard, I want to point out that I cannot agree with any plan that would treat Federal employees any differently than those in the private sector. A heavy volume of constitutent mail shows that the Federal employees affected only desire to be treated equally and not be forced to carry an inordinate share of the President's austerity program. Certainly, Federal employees and their families stand to benefit as much as others from the stabilization of our economy and they recognize this.

My primary concern, however, is that the committee action is untimely and will present real problems in the efforts to combat the ills of inflation and unemployment. The President has given us no indication of what action he will take upon the expiration of the wage-price freeze and, if he should institute further controls on the wages in the private sector, I feel these should apply to the Federal employees as well. Conversely, however, if the President does not institute such controls, I believe the Federal employees should receive the full raises to which they are entitled. It makes sense, then, to postpone consideration of the pay raises until we can act in concert with the President's program after the freeze.

The President has not made our job any easier and I call on him to announce his plans for the post-freeze period. I cannot understand how the President can expect the Federal employees to carry the burden of his antiinflation measures when they could be spread more equitably over the whole economy. The President's only reaction is that if the pay raises are given it will necessitate a drastic cutback in Federal jobs. I reject this response as specious in that it still places an inordinate burden on the Federal employee.

This is the old chicken and egg question and I feel that it can be resolved by postponing consideration of the pay raises until after the freeze. At that time we will know what is involved in phase II of the President's proposals and we can act accordingly. I can assure the President, however, that I will vigorously oppose any plan which would discriminate against the Federal employee.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of House Resolution 596, to disapprove the President's alternative plan for pay adjustments for Federal employees under statutory pay systems.

As a representative of many thousands of Federal employees, I have talked with many of them and received letters and other communications from many others over recent weeks. I find them almost unanimous in their support for the President's efforts to cool inflation. But they are also almost unanimous in feeling that denial of their comparability increases this January means singling them out for a sacrifice far greater than that being asked of any other group of American workers.

Only a few months ago the Congress enacted the Federal Pay Comparability Act of 1970 to establish a permanent method of adjusting rates of Federal pay. We did this because both the Congress and the executive branch realized that Federal employee pay had been lagging behind pay for comparable work in private industry for many years, and that as a result we were unable to attract the most capable employees to Federal service. Even the permanent method did not provide for instant comparability, because we provided for the adjustment due this January to be based on statistics gathered last June, thus allowing for a built-in 6 months delay.

If we do not disapprove the President's proposal, we add to the built-in 6 months another 6 months delay, and Federal employees will, as of next July, be paid at rates comparable to those paid for similar work in private industry 1 full year earlier. And, as every employer knows, economies at the expense of employees inevitably lead to loss of the best of the employees to competitors willing to provide more liberal compensation for their labors.

Another point worthy of mention, Mr. Chairman, is the fact that by denying Federal employees this increase, the administration is attempting to hold the Federal Government as an employer as an example for others to follow. What happens to this economy when loss of capable employees forces the Government to once again attempt to achieve full comparability? The increases will of necessity have to be substantially larger than would be the case today. Laborers in the private sector will immediately clamor for equally substantial increases, another runaway inflationary cycle will begin, and again the Federal employees will lag behind.

Mr. Chairman, the Congress and the President working together established this system for comparability after much thought and deliberation. I submit we will make a terrible mistake if we now scrap it in one more of a long line of attempts to make loyal Federal employees pay more than their share of the cost for the many wasteful and useless Federal spending boondoggles which have created the economic chaos with which this Nation is faced. If the wage and price freeze must be continued beyond the 90-day period for all American workers, I know the Federal employees would not object to further sacrifice. But they only ask to be treated equally with all other workers, and I urge my colleagues to support this resolution to guarantee that they will be.

Mr. HOGAN. Mr. Chairman, I rise in support of House Resolution 596, a resolution of disapproval of the President's alternate pay plan for Federal employees.

As a member of the Republican Party, I do not like to oppose my Republican President. However, I would not be true to myself or my constituents if I did not rely on my own judgment rather than that of the President.

During the 91st Congress the President opposed legislation giving him discretionary authority to freeze prices, interest, rent, wages, and salaries. I voted for that measure even though I shared the President's reservations about the possible ill effects of imposing a wage-price freeze. He has since used that authority.

Today I am again opposing the course of action proposed by the President with regard to the postponement of the Federal employees' pay raise. I do so, because I am convinced that to do otherwise would be to condone an inequity. I have, therefore, cosponsored House Resolution 596, the disapproval resolution which we are considering today. The Post Office and Civil Service Committee on which I serve approved this resolution by a vote of 14 to 12. I was the only Republican to vote for the resolution in committee and if I had not done so it would have failed with a 13-to-13 vote.

If we look at the history of Federal pay comparability, Mr. Chairman, we find that the Congress of the United States promised Federal employees comparability in 1962. But this was an empty promise until last year when Congress created, and the President signed into law, the Federal Pay Comparability Act of 1970. I was pleased to be a sponsor of that legislation which created a new permanent system for annual adjustments of Federal civilian and military salaries. The first comparability adjustment was scheduled for January of 1972.

As part of his new economic program announced on August 15, the President ordered that this first scheduled pay adjustment be deferred until July 1, 1972. Yet, on September 9, when the Chief Executive addressed a joint session, he announced that the wage-price freeze will expire on November 15 of this year and will not be renewed.

Just looking at the calendar dates makes it eminently clear, it seems to me, that Federal employees are once again being asked to bear the brunt of the inflationary burden—in fact, they are being asked to bear a double burden. Unless this body acts favorably on this resolution before us today, the wage-price freeze for Government employees will last, not the 90 days that all other Americans are being asked to accept, but rather the freeze for Federal employees would last more than 290 days. This, Mr. Chairman, is blatantly discriminatory. Across-the-board wage freezes for all Americans are one thing. Selective freezes for certain segments of the population are quite another.

As a member of the Post Office and Civil Service Committee, I am acutely aware of the numerous times that Government employees are asked to make sacrifices in the interest of Federal fiscal integrity. But it seems to me, Mr. Chairman, that fiscal restraint can be exercised in other aspects of Federal spending rather than in the salaries of Federal employees. For example, we spend about $3 billion yearly in foreign aid. Instead of trying to cut $1.3 billion from expenditures by postponing pay raises, why not cut it out of foreign aid? Or why do we not knuckle down and prevent those 100-percent cost overruns in everything from military hardware to the Kennedy Center for the Performing Arts?

Those are some areas where we should seek to insure fiscal integrity. It is grossly unfair to fail in those areas and then turn to Federal employees and say, in effect, "Cutting back on your salary increases is the only way we can be certain of saving money."

The President has recommended tax cuts to put more money into circulation. I assure him that the pay raises given to Federal employees would be spent—spent in an effort to keep up with the rising cost of living which that January 1 pay raise was designed to compensate for.

Mr. Chairman, I urge my colleagues to approve this resolution, yet I would like to emphasize that such approval would not preclude equal treatment for the Federal employee in the Phase II period immediately following the 90-day Phase I freeze.

For this reason, I have also cosponsored H.R. 10881 which was designed to assure that no Federal salary adjustment due January 1, 1972, can be higher than whatever guidelines are applied by President Nixon in his Phase II program. This is scheduled for action Wednesday. In other words, this legislation would guarantee that should the President issue a new wage freeze order—or put a ceiling on increases—private industry employees and Federal employees would be treated on exactly the same basis.

The President has indicated that policies and procedures will be developed to maintain economic growth without inflationary increases after the end of the current 90-day wage-price freeze. Should these procedures impose further restrictions on wage increases for employees in private enterprise, such restrictions would be equally applicable to Federal employees under the provisions of this bill.

Mr. Chairman, I urge that both of the measures before us today, House Resolution 596 and H.R. 10881, receive the approval of the Members of this body in the interests of fair treatment for all.

Mr. KOCH. Mr. Chairman, I would like to express my support for House Resolution 596. While I believe that the nationwide wage-price freeze was a necessary action, I feel it is unfair to ask Federal workers to bear a greater burden of the national sacrifice than would be borne by those working in the private sector. If the wage freeze is lifted for the private sector, then so must it be lifted for Federal workers. To extend the wage freeze for Federal workers is in effect to penalize them for electing to devote their time and energies to Federal service. The only result of such an action is damage to the morale of Federal workers and the attractiveness of Federal service.

Government workers have lagged behind private sector employment in cost-of-living wage increases, and now it seems that they are expected to endure special sacrifices in order to help compensate for the Government's revenue loss from the investment tax credit, the repeal of the automobile excise tax, and the accelerated depreciation allowances. The 6 percent Federal raises granted by Congress in January 1970, cannot by themselves be considered a causal factor of "wage-push" inflation, for they were in fact recommended by the Bureau of Labor Statistics in order to restore wage comparability to Federal workers. It is, of course, important for the Government to set an example in austerity, but to deprive Federal workers of these well-deserved raises by extending the freeze for them would certainly be an injustice which they cannot be expected to bear.

The wage-price freeze was a sudden though long overdue action by the President and the mechanisms of enforcement were makeshift. One must wonder whether it is not only because Federal workers' salaries are so visible and easily controlled that they are being singled out for special treatment.

The President is wrong in seeking to limit Federal wage increases and I believe he should be repudiated by this House of Representatives by voting for House Resolution 596.

Mr. HORTON. Mr. Chairman, I rise in opposition to House Resolution 596, which would disapprove the alternate plan for Federal pay adjustments submitted to Congress August 31 of this year. It is my understanding that a vote against this resolution is a vote in favor of the 6-month delay in Federal civilian employee cost-of-living raises from January 1, 1972, until July 1, 1972. It is my intention to support that delay.

There have been many who have argued strongly and effectively that any delay in the Federal civilian pay increase would be discriminatory against public sector employees as opposed to those in the private sector, who will come out from under the wage-price freeze as of November 13. This is only partially true, Mr. Chairman. As far as cost of living raises are concerned, the Federal employee is being asked to wait 6 months longer for the scheduled increase under the Federal Pay Comparability Act. But the delay sought by the administration does not apply to longevity and merit increases, including step and grade increases and promotions. My understanding is that only the automatic, Governmentwide cost-of-living raise, scheduled for this coming January would be delayed. The President has already said that merit and seniority increases could proceed after the 90-day freeze is lifted.

The opponents of the salary increase delay, while they have not denied the existence of a national economic crisis, and while they have not stated that we need take no action to ease this crisis, have nevertheless stated that to permit this 6-month delay in the Federal civilian cost-of-living increase would destroy the fair, equitable, and automatic Federal pay system set up under the long-sought after Federal Pay Comparability Act.

This is a serious charge, Mr. Chairman. It is a charge that I take seriously, because I was among those who sought to take Federal pay policies out of the political arena, and who supported the Comparability Act which, as you know, obviated the need for Federal employees to wait until Congress was ready to review their pay scales every year or 2. I state here and now that I do not take the purpose of this law lightly, nor would I consciously vote or work to disrupt the pay system which was developed under this enlightened law. If, for example, I thought that the President's request for a 6-month pay delay was simply a political maneuver to extract the administration from an embarrassing budget situation, I would oppose the delay, and strongly so.

However, I recall clearly when the Comparability Act was passed, that Congress, in its wisdom, permitted the Executive to submit alternative pay plans, and I quote:

> Because of national emergency or economic conditions affecting the general welfare.

We anticipated the very situation we find ourselves in now, Mr. Chairman. We anticipated flexibility in the Federal pay system in times of true economic and national crisis.

Can anyone here doubt that we are in the midst of the most severe economic crisis America has seen since the great depression of the 1930's? Has not our balance of trade, of exports over imports, become a negative figure for the first time in this century? Has not the trend in industrial and manufacturing jobs become such as to bring us close to the brink of becoming a service-oriented, and not primarily a productive and industrial economy? Has not the Congress, a full year before they were invoked, voted to give the President the unprecedented powers to freeze and control wages, prices, and rents? Has not the President, in exercising these and other powers, taken the drastic step of cutting the tie between the dollar and gold, of imposing a unilateral 10-percent tariff wall against all imports, of turning the international monetary system of the free world inside out and, most significantly, of asking stimulative tax relief for individuals and for business, despite a large demand for Government services, and despite a large budget deficit?

Can anyone here deny the existence of an economic crisis which may hold the key to the very future of this Nation's potential for prosperity and international leadership? I think not. Nor can anyone deny, whether or not they agree with all of the elements of the administration economic policy, that the President has taken bold steps to meet and end this crisis.

One of those steps, and a necessary one, if our economic allies and trading partners are to be convinced of our sincere desire to curb inflation of the dollar at the same time we reinvigorate our industrial economy, has been a concerted effort to minimize the Federal budget deficit. Particularly in light of the generous sacrifice of tax revenues, in the form of tax cuts across the board, some moves had to be made to control the size of what will already be a near-record deficit in fiscal 1972.

This situation is the backdrop for the President's submission of this alternative Federal pay plan. He is asking more sacrifice from Federal workers than from those in the private sector, and particularly from those workers in the Federal structure who may lose their jobs through reductions in force, moves, which, by the way, I would like to see avoided.

But, in accord with the letter and spirit of the Federal Pay Comparability Act, the President is saying, we now have a situation of economic emergency and, in accordance with the law, I am submitting a pay plan which, in my judgment, is appropriate to help deal with this emergency.

Mr. Chairman, I believe that Federal employees are deserving of this increase that is scheduled for January 1. They, most of them, are deserving of even more than this increase would afford. I have never missed an opportunity to vote for legislation which would afford larger

Federal pay increases at a sooner time in all of my 9 years in the Congress.

So today, Mr. Chairman, I am not casting my vote to delay the pay raise in any casual way. I have very thoroughly reviewed the history of across-the-board pay increases—not including individual seniority, merit, or promotion increases—in the Federal civilian work force, and in the private sector. I have prepared, after some time spent at arithmetic, two 10-year pay charts which illustrate how successful we are getting to be in affording the Federal worker the comparability he deserves.

In reviewing these charts, it must be kept in mind that the Federal worker in 1960 was far indeed from any kind of real comparability with the pay received by workers in the private sector. But let the facts speak for themselves about the progress of the Federal worker since 1960:

FEDERAL CIVILIAN EMPLOYEES

Year (date of increase)	Percent increase	Percent of 1960 base
1960 (June 30)		100.00
1960 (July 1)	7.5	107.50
1962 (Oct. 11)	5.5	113.41
1964 (Jan. 1)	4.1	118.06
1964 (July 1)	4.2	123.02
1965 (Oct. 1)	3.6	127.45
1966 (July 1)	2.9	131.14
1967 (Oct. 1)	4.5	137.04
1968 (July 1)	4.9	143.76
1969 (July 1)	9.1	156.84
1969 (Dec. 27)	6.0	166.25
1971 (Jan. 1)	5.96	176.16
Total	[1] 58.26	[2] 76.16

[1] Individual increases.
[2] Cumulative increase.

PRIVATE SECTOR WHITE COLLAR (PROFESSIONAL, ADMINISTRATIVE, TECHNICAL, AND CLERICAL POSITIONS)

Year	Percent increase	Percent of 1960 base
1960		100.00
1961–62	2.9	102.90
1962–63	3.0	105.99
1963–64	3.1	109.27
1964–65	3.1	112.66
1965–66	3.3	116.38
1966–67	4.5	121.61
1967–68	5.4	128.18
1968–69	5.7	135.49
1969–70	6.2	143.89
Total	[1] 37.2	[2] 43.89

[1] Yearly increases.
[2] Cumulative increase.

As you can see, Mr. Chairman, the Federal worker has outstripped his counterpart in the private sector since 1960 with a 76.16-percent overall cumulative increase as compared with a 43.8-percent cumulative increase for the private sector employee. The basic data for these charts was obtained from the Bureau of Labor Statistics, and it was interesting to note that figures for blue collar, skilled and unskilled jobs in the private sector were closely comparable to increases for private sector white collar employees. I am including this data as an appendix to my statement.

Mr. Chairman, while it is not fair or possible to conclude from these figures the degree of hardship placed on families of Federal employees by the 6-month delay in their cost-of-living increase, it can at least be seen that Congress and the Federal Government as a whole have been more than sympathetic to the financial plight of Federal workers. Simply put, the 6-month delay is a sacrifice, and a major one, to ask anyone to make.

The question we must decide, is whether the economic situation warrants this kind of sacrifice, as, whether, indeed, it warrants the current sacrifices being made by teachers, by workers losing wage increases won by contract negotiation, and in fact, by all Americans.

In my judgment, the situation is that serious, and the delay is justified. It is all the more justified by the fact that if Congress were to override the delay, it would be a signal to our very nervous trading partners around the globe that our commitment to recast our economic system, and the world economic system is, at best, a shallow one. If we do not, at this late hour, earnestly swallow the tough decisions needed to minimize inflation during this period of massive economic readjustment, then we can expect little cooperation from abroad, and little results at home.

The data follows:

FEDERAL PAY INCREASE STATISTICS

(SOURCE.—Data taken from Post Office and Civil Service Committee Print No. 9.)

DATE CITED EQUALS DATE PAY INCREASE WENT INTO EFFECT

July 1, 1960, 7.5% (PL 86–568).

October 11, 1962, 5.5%+additional step for first three grades (PL 87–793).

January 1, 1964, 4.1% (PL 87–793).

July 1, 1964, 4.2% (PL 88–426).

October 1, 1965, 3.6% (PL 89–301).

July 1, 1966, 2.9% (PL 89–504).

October 1, 1967, 4.5% (PL 90–206).

July 1, 1968, 4.9% average—3% minimum or one-half comparability (PL 90–206).

July 1, 1969, 9.1%—full comparability.

December 27, 1969, 6.0% (PL 91–231).

January 1, 1971, 5.96% (PL 91–656).

PAY INCREASES IN PRIVATE SECTOR

Data compiled only since 1961.

WHITE COLLAR JOBS—PROFESSIONAL, ADMINISTRATIVE, TECHNICAL, AND CLERICAL POSITIONS

	Percent
1961–62	2.9
1962–63	3.0
1963–64	3.1
1964–65	3.1
1965–66	3.3
1966–67	4.5
1967–68	5.4
1968–69	5.7
1969–70	6.2

BLUE COLLAR JOBS

Skilled maintenance workers

[February figures]

	Percent
1961–62	3.1
1962–63	2.7
1963–64	2.7
1964–65	2.4
1965–66	3.7
1966–67	4.1
1967–68	5.5
1968–69	6.5
1969–70	5.9

Unskilled plant workers

[February figures]

	Percent
1961–62	3.2
1962–63	3.3
1963–64	3.1
1964–65	2.9
1965–66	3.1
1966–67	4.3
1967–68	5.4
1968–69	6.1
1969–70	6.1

Mr. SIKES. Mr. Chairman, it is a distressing thing to be called upon to vote to postpone pay increases which already have been approved by the Congress for Federal employees and military personnel. I know the increases are needed by every family affected. Living costs are constantly going up. Yet if we do not postpone these pay increases, it very probably will destroy the efforts now in progress to stabilize the national economy. The Federal Government is by far the biggest employer of personnel. If these personnel fail to live up to the mandates that are established for others, the obvious action of labor and industry will be to disregard the fight for responsible action against inflation. For the Congress to blow a gaping hole right through the President's program at this stage would make meaningless everything that has been projected toward the achievement of economic stability.

Congress has been generous in dealing with Federal employees and with military. Their interests have not been neglected. Now they are asked to accept the same sacrifices that are imposed on others. It is even possible that they are being asked to accept a greater sacrifice in that the President has proposed a 6-month postponement for Federal pay increases. Federal employees and the military should not have to make a greater sacrifice than are other segments of the economy, and if it is found that this is being done, the Congress will have ample opportunity in another effort at a later date to correct any inequities which may actually be found to exist.

I am convinced that the public wants the domestic economy revitalized. It desires continued American economic leadership in the world. To achieve either there must be continuing support of the policies announced by the President on August 15. I have stated previously and I state again—if there is hardship areas, these should be given special consideration. But to exempt an entire class such as the Federal employees and the military would simply destroy the efforts now in progress—efforts which seem to be producing results—to help insure a better America for tomorrow.

Mr. BOLAND. Mr. Chairman, I want to express my support for ths legislation. The delay President Nixon seeks in the pay raise schedule for Federal workers, denying them for 6 months the wage rates everyone takes for granted in private industry, is patently unfair. Indeed, it lacks any remote semblance of justice. The administration's demand would force Federal workers, already underpaid, to make a still harsher sacrifice: A full half year of the pay raises they plainly deserve.

Workers in private industry will be freed in November from the President's moratorium on wage increases. Even the military—now awaiting the $2.4 billion pay increase that has won the administration's grudging approval—will leave the freeze behind in November. Why should Federal workers be the lone exception? Why should their pay raises, designed to bring their wage rates within range of those granted workers in private industry, be delayed throughout the first half of 1972—from January to July?

Such a delay would make the brunt of President Nixon's economic restraint program fall squarely on Federal workers, making them its principal victims.

The administration itself has tacitly acknowledged the need for Federal pay increases. A Bureau of Labor Statistics survey, carried out under the provisions of the Federal Pay Comparability Act, shows that Federal workers' wages lag about 6 percent behind wages in private industry. I want to emphasize, Mr. Chairman, that this 6 percent figure holds valid only for the middle of 1971. Even if Federal workers are promptly granted their pay increases in January, their wages would still fall short of what is termed "comparability."

The companion bill to the one now before us would make Federal pay increases subject to any new wage restraints imposed under phase II of the administration's economic policy. That is only fair, Mr. Chairman. All groups—public or private, civilian or military—should share equally in the sacrifices necessary to check inflation.

That is all that Federal workers are asking for, Mr. Chairman.

Justice demands passage of both House Resolution 596 and H.R. 10881.

Mr. ANDERSON of Illinois. Mr. Chairman, not too long ago there were those who critized the President for not adopting a new economic game plan. More recently there have been those who have criticized the President for adopting his new economic game plan. And the curious thing is that these criticisms have emanated from the same circles. I think this is especially ironic because the rules upon which the new game plan are based were written in these same circles.

The Economic Stabilization Act of 1970 gave the President authority to freeze wages and prices in dire economic circumstances and the Democrats criticized the President when he didn't exercise that authority sooner. Yet low and behold, when the President did exercise his authority, many of these same Democrats cried "foul."

The same ironic farce is being played out again today in this resolution. The Democratic-controlled 91st Congress gave the President authority to alter comparability pay plans in dire economic circumstances. The President has now exercised that authority, and many of these same Democrats are again crying "foul."

Mr. Chairman, the scenario is becoming all too clear, the moves all too predictable and frequent as the New Year approaches. The President has acted boldly and decisively to restore orderly economic growth and full employment while restraining inflationary pressures. He has presented the Nation with a tightly-knit ball of economic initiatives to accomplish this objective.

And yet, at a time when it is so crucial that we play ball, we find, much to our dismay that there are those who are more intent on unraveling the ball—at nitpicking, if you will, like a bunch of mischievous kittens. They argue that this string or that string would not make much difference in the composition of the ball. Besides, who says a ball has to be round? Why cannot it be a little soft, and lopsided and unbalanced?

Mr. Chairman, the point I am trying to make is that the President's alternate comparability pay plan—a simple 6-month deferral—is an integral part of his new economic package, as was the 90-day freeze, and as is the Revenue Act we will be considering later this week. The Federal pay deferral is designed to offset the revenue loss and inflationary pressures which might otherwise accrue from the proposed tax reductions and other economic stimuli in the package. Fiscal restraint is necessary if we are to prevent a new round of inflation at this very critical juncture. And public service sometimes entails public sacrifice. To claim that there is or should be no difference between Federal employees and their private industry counterparts under certain extraordinary circumstances is to ignore the soundness of this very basic principle. Federal employees are a major component in the fiscal picture and it is sometimes necessary to exercise fiscal restraint in the national interest.

We hear a lot of talk about priorities these days, and if ever there was an overriding priority, it is getting our economy back in shape. The President has accepted this priority and is exercising the authority given to him by Congress to cope with the economic crisis confronting us. Either we were serious about delegating that authority to deal with such crises or we were not. Today's vote is a test of our seriousness. I therefore urge defeat of this resolution of disapproval.

Mr. RANDALL. Mr. Chairman, I support House Resolution 596 which is intended to disapprove the delay of the comparability pay adjustment for certain Government employees from January 1, 1972, to July 1, 1972.

There are certain key words that we must keep in the focus of our attention as we consider this resolution. Certainly one word is "comparability." Another thought we must keep in mind is that the approval of this resolution will not accord the Federal workers any advantage but only equality.

As we approach a decision on this resolution it is important that we take note of some dates involved. The Federal Pay Comparability Act was originally passed by the House and also later by the Senate late in 1969. There was no final agreement reached between the two bodies until late in 1970. Such enactment became Public Law 91–656. The record will show this enactment was not actually signed by the President until January 8, 1971. Let us not overlook the fact that the Comparability Act was based on figures obtained from the Department of Labor for salaries in private industry in 1969, not 1970 or 1971. Let us also not forget that this law provided one increase effective in January 1971, the second increment in January 1972, and the final step to become payable in October 1972.

The President, by Executive order, has now directed that the second increment due January 1, 1972, be deferred or delayed until July 1972. In other words, that Executive order proceeds to nullify a law enacted by the Congress which he himself signed not just a short time before but more than 8 months before the announcement of his new economic program on August 15, 1971.

No one can deny that the ideal operation of any freeze would be to deny exceptions of any kind. But we also know that if that happens there will remain some acute inequities such as are now being applied to some of our schoolteachers, our blue-collar workers or wage board workers in the Federal Government and also certain other Government workers. The adoption of this resolution may not solve the problem of the wage board or blue-collar workers but it will certainly serve as an indication by the Congress that they have not been forgotten. In our district there are hundreds upon hundreds of these blue-collar Federal employees who as civilians work on our two large military bases. Last year the Congress passed a pay raise but it was vetoed by the President. This year the House approved a similar increase in H.R. 9092 on July 28, 1971, while the Senate is now delaying action on this bill pending the duration of the President's freeze. Who could deny that these blue-collar workers as a result of this inequity in 1970 and now the delay in 1971 are facing unwarranted hardship?

The suggestion has been made we must wait on an action like House Resolution 596 until the President announces what will be his plan for phase II before we act on this resolution. My response to an argument of that kind is that Congress is being charged with obstructing phase II before we even know what it is. No one on earth can know what this next phase II will do or not do. Perhaps the President should take the Congress and the American people into his confidence on his next phase long before the end of the 90-day freeze on November 15. So far he has certainly not spelled out any of the details.

I supported the motion a while ago for the committee to rise. This may have seemed to be only a parliamentary maneuver. Actually it was a vote on a very meritorious effort to delay further action on House Resolution 596 until later this week when the House could consider H.R. 10881. This latter bill specifically provides that there would be no salary adjustments higher than whatever guidelines would be applied by the President in his phase II program. This bill very clearly spells out that if we reject the President's request to freeze all Government salaries for the additional 6 months from January 1, to July 1, 1972, there will be no increases allowed which would exceed either the President's phase II guidelines for other workers or the comparability figures developed by the Department of Labor—in accordance with Public Law 91–656 signed on January 8, this year—whichever is lower. Now what could be a fairer procedure than that?

I have read in the papers that the President has found time to meet with leaders of business, industry, and banking but there is no record he has found time to this point to meet with representatives of his own public employees, those who are Government workers. If the President is not willing to sit down at the conference table with representatives of his own Federal family, meaning with those employees who have so long served their country with loyalty and pride, then perhaps it is true that this group has been singled out for inequitable treatment in the struggle against inflation.

Unless we adopt this resolution, the President's present course of action will unnecessarily and unfairly single out for a special penalty a group of Americans, men and women, who have made our Federal machinery operate so effectively and efficiently.

Someone has said that the Federal employees have received since 1969 percentagewise, greater increases in pay than those in private industry. I am not sure what figures have been used but agreeing to the assumption that since 1969 Government workers have received some substantial increases, then even they are only now getting close to true comparability with private industry. It has taken them an entire generation to achieve a status even near or close to comparability.

Many segments of private industry have received some substantial percentage increases and some, in fact, just prior to the freeze were honored. However, the President's Executive order directs that the Government workers must do without their increase due January 1, 1972, for another 6 months, which in the judgment of many is asking these workers to assume an inordinate burden. If we adopt House Resolution 596 and then proceed to enact H.R. 10881, then not only will we have some comparability but also fairness and equality. Equity will prevail. The Government workers are asking for no advantage or privilege, just equal treatment. House Resolution 596, if adopted, will assure that Federal employees receive their rightful increase January 1 which the President signed into law way back on January 8, 1971. H.R. 10881, when it passes, will assure Government workers of equal treatment and pay adjustments accorded to employees in private industry with a formula that will allow no increase to exceed either the President's phase II guidelines, whatever they may be, for other workers, or else the comparability guidelines developed by the Department of Labor Statistics provided by Public Law 91-656, whichever is lower. This resolution and this bill, which will follow, will assure Federal employees will not be shut out of increases already in effect for similar work in the private economy. It will provide the same treatment accorded employees in private industry, no more and no less.

Mr. **DULSKI**. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROUSH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 596) disapproving the alternative plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems, had directed him to report the resolution back to the House with the recommendation that the resolution be agreed to.

The **SPEAKER**. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 596

Resolved, That the House of Representatives disapprove the alternative plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems, recommended and submitted by the President to Congress under section 5305 (c) (1) of title 5, United States Code.

The **SPEAKER**. The question is on the resolution.

PARLIAMENTARY INQUIRY

Mr. **GERALD R. FORD**. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The gentleman will state it.

Mr. **GERALD R. FORD**. Mr. Speaker, for the information of the Members of the House, is it true that an "aye" vote on the resolution is a vote against the alternate plan as submitted by the President postponing adjustments in Federal statutory pay systems, and that a "no" vote is a vote to approve the alternate plan?

The **SPEAKER**. In response to the parliamentary inquiry, the Chair will state that a vote of "aye" on the pending resolution is a vote against the alternate plan postponing adjustments in Federal statutory pay systems as submitted by the President; a vote of "no" is a vote in favor of the alternate plan as submitted by the President.

The question is on the resolution.

Mr. **DULSKI**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 207, answered "present" 1, not voting 49, as follows:

[Roll No. 282]

YEAS—174

Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Tenn.
Aspin
Badillo
Barrett
Begich
Bennett
Bergland
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton
Cabell
Carey, N.Y.
Carney
Celler
Chappell
Chisholm
Collins, Ill.
Corman
Cotter
Culver
Danielson
de la Garza
Delaney
Dellums
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Ford, William D.
Forsythe
Fraser
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Link
Long, Md.
McCormack
McFall
McKay
Macdonald, Mass.
Madden
Mailliard
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Pepper
Perkins
Pickle
Pike
Poage
Pryor, Ark.
Pucinski
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Steed
Stephens
Stokes
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
White
Whitehurst
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NAYS—207

Abbitt
Abernethy
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Betts
Bevill
Biester
Blackburn
Blanton
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Byron
Caffery
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dowdy
Downing
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Findley
Fish
Fisher
Flowers
Foley
Ford, Gerald R.
Fountain
Frenzel
Frey
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hillis
Horton
Hosmer
Hull
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McKevitt
McKinney
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Morse
Mosher
Myers
Nelsen
Nichols
O'Konski
Patman
Patten
Pelly
Pettis
Peyser
Pirnie
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steiger, Ariz.
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Terry
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalen
Whalley
Whitten
Wiggins
Wilson, Bob
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

ANSWERED "PRESENT"—1

Mills, Ark.

NOT VOTING—49

Addabbo
Annunzio
Ashley
Brasco
Byrne, Pa.
Byrnes, Wis.
Casey, Tex.
Clark
Clawson, Del

Clay
Conyers
Daniels, N.J.
Denholm
Dent
Diggs
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Giaimo
Hanna
Hungate
Hunt
Ichord
Landrum
Leggett
Long, La.
Lujan
McClory
McCloskey
McEwen
Mikva
Miller, Calif.
Minish
Minshall
Murphy, N.Y.
Passman
Podell
Price, Ill.
Rodino
Runnels
Smith, Calif.
Stanton, James V.
Steele
Steiger, Wis.
Stratton
Stuckey
Widnall

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Mills of Arkansas against.

Mr. Addabbo for, with Mr. Flynt against.

Mr. Steele for, with Mr. Widnall against.

Mr. Leggett for, with Mr. Passman against.

Mr. Podell for, with Mr. Minshall against.

Mr. Byrne of Pennsylvania for, with Mr. Del Clawson against.

Mr. Annunzio for, with Mr. Steiger of Wisconsin against.

Mr. Brasco for, with Mr. McClory against.

Until further notice:

Mr. Dent with Mr. McCloskey.

Mr. Minish with Mr. Frelinghuysen.

Mr. Evins of Tennessee with Mr. Byrnes of Wisconsin.

Mr. Runnels with Mr. Lujan.

Mr. Miller of California with Mr. Smith of California.

Mr. Stratton with Mr. McEwen.

Mr. Clark with Mr. Eshleman.

Mr. Ashley with Mr. Diggs.

Mr. Mikva with Mr. Conyers.

Mr. Price with Mr. Daniels of New Jersey.

Mr. Giaimo with Mr. Ichord.

Mr. Hanna with Mr. Clay.

Mr. Hungate with Mr. Landrum.

Mr. Edwards of Louisiana with Mr. Joseph V. Stanton.

Mr. Casey of Texas with Mr. Stuckey.

Mr. Murphy of North Carolina with Mr. Denholm.

Mr. MILLS of Arkansas. Mr. Speaker, I have a live pair with the gentleman from New Jersey (Mr. RODINO). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1971

The SPEAKER. The Chair desires to announce that on Friday, October 1, 1971, the House took from the Speaker's table the bill S. 2007, struck out all after the enacting clause and inserted the provisions of H.R. 10351 as passed by the House. The House then insisted upon its amendment to S. 2007, requested a conference with the Senate and the Chair appointed conferees.

Without objection, the proceedings whereby H.R. 10351 was passed will be vacated and H.R. 10351 laid on the table.

There was no objection.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on House Resolution 596, just considered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALLING FOR THE HUMANE TREATMENT AND RELEASE OF AMERICAN PRISONERS OF WAR HELD BY NORTH VIETNAM AND ITS ALLIES IN SOUTHEAST ASIA

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 374) calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes.

The Clerk read as follows:

H. CON. RES. 374

Whereas more than one thousand six hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and its allies in Southeast Asia have refused to identify all prisoners they hold, to allow impartial inspection of prisoner facilities, to permit free exchange of mail between prisoners and their families, to release seriously sick and wounded prisoners, and to negotiate for the release of all United States citizens they hold captive; and have committed other violations of the provisions of the 1949 Geneva Convention Relative to Treatment of Prisoners of War, which North Vietnam ratified in 1957; and

Whereas the General Assembly of the United Nations and the International Conference of the Red Cross have adopted resolutions calling on all parties to armed conflicts to comply with the terms and provisions of the Geneva Convention so as to insure humane treatment for prisoners of war; and

Whereas it is the policy of the United States to observe the requirements of the Geneva Convention in treatment of prisoners; and

Whereas the Congress, the executive branch, and the American people have repeatedly appealed to North Vietnam and its allies in Southeast Asia to comply with the provisions of the Geneva Convention; and

Whereas every opportunity should be pursued which will focus attention on the plight of these United States servicemen and the anguish suffered by their families and friends, and bring to bear against North Vietnam and its allies the force of world opinion on behalf of humane policies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of the United States servicemen held prisoner by North Vietnam and its allies in Southeast Asia and calls on them to comply with the requirements of the Geneva Convention Relative to the Treatment of Prisoners of War.

The Congress approves and endorses efforts by the people and Government of the United States, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment for prisoners of war and immediate repatriation of the sick and wounded; and urges that negotiations for the release of all prisoners in the Indochina conflict be given the highest priority by the governments and peoples involved, and calls upon the signators to the Geneva Convention who have relations with the parties involved in the conflict in Indochina to act as protecting powers to see to the welfare and safety of the prisoners of war and missing in action.

Resolved further, That it is the sense of Congress that allied authorities should—

(1) Arrange the immediate, unconditional release of as many North Vietnamese prisoners of war held in South Vietnam as are willing to return to their homeland, up to a number equaling the number of Americans listed as missing in action or imprisoned in Southeast Asia.

(2) Effect the release of all such prisoners simultaneously from the same location on the demilitarized zone at the conclusion of a ceremony during which officials of allied governments would issue a supply of rations to each prisoner released and make an appropriate public appeal to North Vietnamese, National Liberation Front, and Pathet Lao leaders for similar humane treatment of prisoners they held. Prisoners would then be permitted to proceed on foot toward North Vietnam.

(3) Plan and carry out all procedures under the close supervision of the International Red Cross and take special precautions to prohibit forced repatriation.

The SPEAKER. Is a second demanded?

Mr. FINDLEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution—House Concurrent Resolution 374—expresses the concern of the Congress for our American servicemen who are known to be prisoners of war, or who are missing and may be prisoners of war, in Southeast Asia.

This resolution is similar in its substance and language to a resolution which was adopted unanimously in both the House and Senate during the 91st Congress.

It expresses the heartfelt concern of Members of this body for the plight of the 465 men who are listed as prisoners of war in Southeast Asia and the 1,150 more who are missing in action.

Two hundred and sixty-six Members have expressed their own concern by introducing or cosponsoring one of the 44 resolutions introduced into the 92d Congress on the subject of prisoners of war. Pages 1 through 4 of the report on House Concurrent Resolution 374 lists the names of those Members and the legislation which they have introduced.

A number of those Members testified on their proposals before the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs.

That subcommittee, after extensive hearings on the subject, reported a resolution which was further amended, strengthened, and improved by the full House Foreign Affairs Committee.

As a result, the legislation before this House today is, I believe, worthy of broad support in the Congress.

In discussing House Concurrent Resolution 374, I will not belabor the plight of our prisoners or the numerous violations of the Geneva Convention relative to the treatment of prisoners of war committed by the other side in Vietnam and elsewhere in Southeast Asia.

We are all aware of those tragic facts.

Rather, I wish to make two principal points: First, to underscore why a congressional resolution is necessary and useful in the present situation regarding our prisoners, and, second, to discuss why the approach suggested in supplementary views to the report on House Congressional Resolution 374 is inadvisable.

There are a number of excellent reasons why a congressional resolution addressed to the problem of American prisoners of war in Southeast Asia is desirable and, indeed, necessary:

First, because of the inhumane and illegal treatment being given American prisoners of war in Southeast Asia, there is a clear necessity for the Congress—representing the American people—to speak out against these outrages in a manner which will leave no doubt in the minds of either our friends or our foes of how we feel.

Despite differences of opinion held by Members of this body, or among the American people, about U.S. involvement in Southeast Asia, we are all—I believe—firmly united in the cause of obtaining humane treatment and the earliest possible release for our prisoners.

The 91st Congress put itself firmly on record on this issue—the 92d Congress can do no less.

Second, I believe this resolution is a practical way for each of us as individual Members of Congress to stand up and be counted as our conviction that the matter of American prisoners of war as a matter of highest concern and priority.

For that reason, I shall request a rollcall vote on this resolution, believing that it is of such importance as to require that each Member make his views known.

Third, adoption of this resolution will express to the wives and children, mothers and fathers, brothers and sisters, relatives and friends, of men who are missing or captured that we share their deep anguish and sympathize with loved ones in Southeast Asia.

As you know, last week the National League of Families of American Prisoners and Missing in Southeast Asia held its annual convention here in Washington. In order to contribute to the success of that event, the Subcommittee on National Security Policy and Scientific Developments—which developed House Congressional Resolution 374—held a hearing at which some of the wives testified.

At the convention and in our hearing it was clear that the relatives of the prisoners are becoming increasingly frustrated and desperate over the situation. Some believe that as time passes the plight of their loved ones is being forgotten, even by the Congress.

Passage of this resolution will help reassure those families of prisoners and missing that we in the Congress continue to place the highest priority on efforts to obtain humane treatment and early release of our men.

A fourth reason for supporting this resolution is that its adoption can help move toward the attainment of our national goals for American prisoners of war.

For example, it may be a factor in convincing the North Vietnamese and their allies in Southeast Asia that they should live up to the international obligations of the Geneva Convention by providing humane treatment for all prisoners and immediate repatriation for the sick and wounded. Further, the resolution—through its second "resolve" clause—may provide a mechanism whereby the eventual release of American prisoners may be possible.

A fifth and final reason for passing this resolution is that its adoption is certain to encourage and assist efforts by our Government, the American National Red Cross, and other domestic and foreign organizations, which are laboring to bring relief to American POW's and their families.

In that regard, I call your attention to page 8 through 11 of the report in which are reprinted letters from the Department of State and Defense, and the American National Red Cross. They describe the many uses made of the resolution passed in the 91st Congress on behalf of our prisoners of war.

In that context, I want to point out to my colleagues that the amount of mail coming to the families from American prisoners in North Vietnam has fallen off drastically in recent months.

Many of the families believe this development is the result of slackening attention both in the United States and abroad to the plight of prisoners of war. While the glare of world public opinion was on the leaders of Hanoi, they permitted relatively frequent letters; now that the spotlight has turned elsewhere, they are once again clamping down on the prisoners.

Let us hope that our resolution will help convince the Communist leaders of North Vietnam that they should—at the very least—permit frequent communication between the prisoners and their families.

At this point I wish to address myself to the supplementary views attached to the report on House Concurrent Resolution 374.

Those views regret the deletion of a paragraph from an earlier version of the resolution which called on the President to take specific actions regarding negotiating a date for total withdrawal of all American military forces from South Vietnam.

Although I voted in subcommittee to report POW resolution with language along those lines, it rapidly became clear that the political implications of such a statement imperiled the very possibility of passage with its higher humanitarian purposes.

The spectacle of this body or the other body caught up in a political hassle and controversy over the plight of American prisoners of war in Southeast Asia would not be a desirable development. It might harm the very cause which the resolution seeks to promote.

Therefore, I urge my colleagues who signed the supplementary views, as well as those who feel similarly on the issue, to understand the necessity of seeking unanimity on a resolution of this kind and to cast their votes accordingly.

Mr. FINDLEY. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, first of all, I would like to compliment the gentleman from Wisconsin for providing what I consider to be the very best forum in the United States for the expression of the concerns and interests of families of prisoners of war and those missing in action in Southeast Asia.

Through regular hearings he has enabled anyone with an idea to advance or an opinion to express a ready way to do that. He has given assurance that the subcommittee will continue to meet at least monthly for that purpose.

One of the parts of this resolution proposes the unconditional release of 1,600 North Vietnamese prisoners of war now held in South Vietnam. This idea has long been advocated by Secretary of Defense Laird, who assured me just recently that it is acceptable to President Thieu of South Vietnam. Col. Frank Borman, the President's special ambassador on prisoners of war, endorses the idea and feels it very important that it be approved by the Congress.

House Concurrent Resolution 374 proposes the unconditional release of 1,600 North Vietnamese prisoners of war now held in South Vietnam.

The basic purpose is to set the best possible, most dramatic example in respect to humane treatment of POW's.

Best possible, because the prisoners would be turned loose, free to return home without condition. Each would be supplied rations for the homeward journey. The International Red Cross would supervise the entire operation including selection, assembly and release of the prisoners. No forced repatriation would occur.

Most dramatic, because a release of this magnitude involving up to 1,600 prisoners would be without precedent in history. The report of this event by the worldwide news services would surely mobilize opinion worldwide to our advantage and against Hanoi's POW policy.

The resolution calls for the release of "as many North Vietnamese prisoners of war held in South Vietnam as are willing to return to their homeland, up to a a number equalling the number of Americans listed as missing in action or imprisoned in Southeast Asia."

The proposal urges our Government to schedule the simultaneous release of enemy prisoners along the demilitarized zone. An appropriate ceremony would be conducted during which our Government would make a plea for similar humane treatment of U.S. servicemen held by the North Vietnamese, National Liberation Front, and Pathet Lao. Prisoners would then be given a supply of food and permitted to proceed on foot to the border between North and South Vietnam. All plans would be carried out under the supervision of the International Red Cross and special precautions would be taken to prohibit forced repatriation.

The purpose of this massive, repatriation would be to focus world attention on the plight of POW's and to bring the maximum pressure to bear on Hanoi and the NLF for a humanitarian response.

I feel a response may be forthcoming, although it might not be immediate. I base this optimism on two factors. First, it should be abundantly clear to all the parties in Southeast Asia that the United States is withdrawing all its troops from that beleaguered subcontinent. The reelection this weekend of President Thieu in an uncontested election adds stability and continuity to the political life of South Vietnam.

Only one factor can slow the pace of withdrawal, and that is the status of our men held captive by the North Vietnamese, Vietcong, and Pathet Lao. Very soon, it will surely be apparent to the enemy that it is in its own self-interest to release all American prisoners in order to assure the continuing and uninterrupted withdrawal of American troops.

The second factor which causes some optimism is a recently stated willingness by the enemy to accept the return of their own men held prisoner by the South Vietnamese. In the latest peace proposal advanced by the enemy at Paris, they stated for the first time that they would agree to the return of patriots as a part of an overall settlement of the Vietnam war. This is the first time the enemy has even admitted that it has troops in the South. In the face of previous refusals to accept returning prisoners, it must be taken as quite significant, and those government officials who have watched the stalled Paris peace talks so view it.

In any event, whether the enemy responds or not, I believe the massive repatriation proposed by House Concurrent Resolution 374 would be a significant initiative for the United States to make. The ceremony and release would receive widespread attention through television, radio, and press coverage.

Each enemy POW released would recognize, as would the entire world, that his newly gained freedom symbolized the uncertain fate of one American presently held prisoner or missing in action. This humanitarian gesture at the DMZ would dramatize as no other way possibly could the treatment of POW's by the allies as contrasted with that of the North Vietnamese, the Vietcong, and the Pathet Lao.

This proposal has gained widespread support from many prominent Americans. Col. Frank Borman, President Nixon's Special Representative for POW Affairs, told me "this should be accomplished with the maximum haste". Mrs. Joan Vinson, coordinator of the National League of Families of Americans Missing in Southeast Asia, has also expressed her support, as has Defense Secretary Laird.

GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. Mr. Speaker, I, too, would like to compliment the chairman of the subcommittee for the way in which he has conducted these hearings and his great concern for the prisoners of war and those missing in action and their families.

I would like to speak briefly on the subject embraced in the supplemental views. I was one of the signers of the supplemental views. It was our feeling that this resolution is all right as far as it goes, but it does not go to the heart of the problem of the prisoners of war, which is how to secure their release.

Mr. Speaker, we had extensive hearings in the subcommittee on the subject and two forms of proposals were submitted, and only two, as to how to get the prisoners out.

There are those few who believe that the only way is for the United States to invade North Vietnam. There is not very much support for that view. I think none in the committee and none that I know of in the House.

The other type of proposal that was made by Members and also by a number of witnesses was that the United States should set a date for the total withdrawal of American forces, such withdrawal to be conditioned upon the release of all American prisoners, and it was that view which it contained in the paragraph referred to in the supplemental views.

Mr. Speaker, I think the events of the last weekend, the so-called election in Vietnam, once again emphasize that the priorities the present administration seems to be following in Vietnam are upside down. If the administration was placing the prisoner of war problem first, No. 1, they would be following the course of setting a date for total withdrawal. However, unfortunately, the POW–MIA problem is not top priority insofar as the administration is concerned. The top priority seems to be the maintenance in power of the government headed by Thieu.

We have seen this weekend a farcial charade of an election, accompanied by all kinds of pressure upon the people of Vietnam, which indicates the character of the government our administration seems to be determined must be kept in power—kept in power at the cost of continuating the war, at the cost of continued loss of life for American fighting men.

This, Mr. Speaker, is intolerable.

So, those of us on the committee who signed the supplemental views—and there were 12 of us who did so—feel it is tragic that there is nothing in this resolution dealing with the problem of setting a date so that the prisoners of war and those missing in action can be returned to this country.

Mr. ZABLOCKI. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. Montgomery).

Mr. MONTGOMERY. Mr. Speaker, I commend Chairman Zablocki and the members of his subcommittee for the extensive hearings they held on the matter of prisoners of war and those listed as missing in action. I also commend him and the entire Foreign Affairs Committee for reporting out the concurrent resolution we have under consideration. This measure will once again provide the Congress an opportunity to reaffirm that it will do everything in its power to secure the release of American POW's and gain information concerning our MIA's.

Mr. Speaker, another reason for my rising this afternoon is to discuss with my colleagues a proposal that Congressman Miller of Ohio and Congressman Davis of South Carolina and I have had under consideration. We have been discussing the possibility of establishing a Capitol Hill liaison office for the families of prisoners of war and missing in action. The purpose of the office would be to provide one central place where these families could write, call, or visit for any type of problem they might have. The office would provide direct contact with the Defense and State Departments and other Government agencies that might be of assistance. The liaison office would also provide up-to-date information and help on legislation that affects the POW's/MIA's and their families.

Hopefully the office could be staffed by personnel detailed from one or several of the standing committees or Federal agencies that have a direct interest in POW's/MIA's. Of course, funds would also be needed for general office supplies, but I have faith they would be forthcoming from private individuals and businesses for such a worthy cause.

As envisioned, the liaison office would draw together all of those resources presently available to the families of POW's/MIA's and cut through the redtape with which the families are now faced.

As I mentioned earlier, the proposal is only under consideration at this time. Congressman Miller, Congressman Davis or I would be happy to discuss the idea with any of our colleagues in order to determine if they feel such a liaison office would be feasible and might be helpful.

Mr. Speaker, we need to continue our negotiations for prisoner release and continue to press for humane treatment of our captured servicemen. But I also feel that we need to provide help and assistance to the families for as long as their loved ones are held captive by the cruelest enemy we have ever fought.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, I would also like to add my congratulations for the presentation of this resolution that has come before us today, but I would also like to stress the need that exists today at a time when our country has not been able to do anything toward securing the return of our prisoners of war, and yet we have the families here who are undergoing the daily turmoil of existing without a father. I think there is need for this liaison office.

When we worry about what will be the mental state of a prisoner when he returns, if he returns, we often forget about what is the mental state of his family at home now. They are at the breaking point, they are almost at the point of losing faith in their Government. I think this liaison office is a way—and a real way—by which we can show that we do care, that we are willing to take positive actions to promote and help the families of those who have given so much for their country and for their loved ones.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from South Carolina for his very worthwhile and timely comments, and I hope our colleagues will consider this proposal.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to congratulate the gentleman in the well on his excellent statement, and to ask the question on whether a liasion office that would join the various offices and agencies in the executive department might not be the correct approach to take, and not particularly a liaison office that is situated in the Congress, or in a committee?

I think the Congress is doing enough, and we have people who are tremendously interested in this problem such as our subcommittee and others, and the question then is which side of the Government should it be? Which department needs strengthening? I would think it would be the executive office on a liaison basis.

Mr. MONTGOMERY. The point of the gentleman from Pennsylvania is well taken. The idea as envisioned by the three Members who worked on this proposal of a liaison office would be that it would make no policies, it would merely give the families a place to come to, and a place where a small staff would be on duty and available to help families with problems pertaining to the Government.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, it does not take a great deal of courage to subscribe to this resolution. I do not think there is anybody in this room who does not want to see the repatriation of our American soldiers who are prisoners in Southeast Asia. In fact, I recently introduced a resolution—House Resolution 559—calling upon the President to pursue the July 1 peace offer of the Vietcong and the North Vietnamese. That offer, as you will recall, clearly stated that upon our setting a date certain for withdrawal, the repatriation of prisoners would proceed concurrently with the removal of our troops from Vietnam.

I regret that no congressional action has been taken on that resolution, and am most distressed that the President has effectively rejected the golden opportunity which the peace initiative presented to get us out and to provide for the repatriation of our soldiers.

I am sorry that this resolution is coming up under suspension of the rules, for, had it come up under a rule, it would have been subject to amendment on the floor. As reported to the full Committee on Foreign Affairs, this resolution contained a "resolved" clause which, in language similar to that contained in House Resolution 559, called upon the President to pursue the July 1 proposals. Unfortunately, this clause was deleted by the full committee in reporting out the resolution.

As presented to us here by the committee, this resolution not only has nothing controversial about it, but also nothing really meaningful.

One of the characters in the musical, "1776," asks:

> Is anybody there?
> Is anybody listening?
> Does anybody care?

I fear that if those questions were asked of us, the answer to each would have to be in the negative.

Again and again, we have stated that we would not consider getting out unless there were some arrangement for the release of the POW's. On the 1st of July, the North Vietnamese responded in clear and unmistakable language, proposing that the repatriation and the withdrawal proceed at the same time.

Were we there?

Were we listening?

Did we care?

Apparently not, for rather than responding to the July 1 proposals, all we do is to keep on mouthing our desire to have these men released. It is clear that what we must do is to accept the offer.

There is no reason left for our being in Vietnam today. We cannot possibly help the prisoners unless we agree to set a date for the withdrawal of our troops. The election Sunday was the final and the ultimate mockery of our presence in Vietnam.

We must set a date certain for our withdrawal from Vietnam. Only then will the prisoners be returned to us, and only then will this body be acting so as to reflect the views of the overwhelming majority of the American people.

Mr. MYERS. Mr. Speaker, I want to urge my colleagues to support the resolution calling for the humane treatment of all American prisoners of war held by North Vietnam and its allies.

The people of the United States must not relax in our efforts to educate and mobilize public opinion to the plight of the prisoners of war.

President Nixon's statement last week reiterated his efforts on behalf of the more than 1,600 Americans captured and missing. President Nixon should be credited with the conscious shift in policy in 1969 designed to bring the full force of public opinion to bear on the North Vietnamese.

Since that time, concerted efforts on behalf of the POW's have resulted in some concessions on the part of the North Vietnamese in their handling of American prisoners.

It must be recognized that such concessions by the North Vietnamese fall far short of their obligations both to the Geneva Convention and to the concept of humane treatment. Thus the reason for this resolution which reaffirms our condemnation of the treatment of prisoners. Much more needs to be done before any measure of satisfaction may be derived by those who have been striving on behalf of the prisoners.

Mr. WOLFF. Mr. Speaker, as a coauthor of this resolution I am proud to rise to urge its unanimous passage. Last week I spoke with the families of the men who are prisoners and who are missing in Indochina. I would like to paraphrase them now: Make the POW issue No. 1, not Thieu.

Mr. RODINO. Mr. Speaker, I am happy to rise today to speak in support of House Concurrent Resolution 374. At the same time, I am deeply distressed that the situation is such that we find it necessary to bring up this legislation calling for humane treatment and release of our prisoners of war.

Humane treatment of prisoners of war would certainly seem to be a matter subject to no question by any country considering itself as worthy of a place among civilized nations of the world. It would also seem to be an act of basic humanity to provide information on prisoners of war held captive and on the fate of any servicemen listed as missing in action.

It is particularly appalling that the Hanoi regime remains intransigent in refusing to fulfill the obligations it undertook when it signed the Geneva Convention Relative to the Treatment of Prisoners of War. As our committee has pointed out, North Vietnam, using the despicable grounds that our prisoners are "war criminals," has consistently and blatantly violated the provisions of the Geneva Convention, specifically by—

Refusing to allow impartial inspection of prisoner facilities either by third-country intermediaries or by the International Red Cross;

Refusing to repatriate sick and wounded prisoners;

Using prisoners for propaganda purposes, including taking films of them being driven, wounded, and hurt, through villages;

Subjecting the men to extreme isolation and other forms of psychological pressures and—at times—to physical brutalities;

Refusing to identify all the prisoners whom they are believed to have in custody;

Not allowing prisoners to communicate with their families through normal authorized channels.

Mr. Speaker, in House Concurrent Resolution 374 we seek, foremost, to alleviate the suffering and torment of our prisoners of war and their families who await their return, or for word of their fate, with increasing concern and despair. We ask merely that North Vietnam begin to carry out the provisions of the Geneva Convention to which it has subscribed.

Beyond this, however, we are proposing a truly generous offer to free North Vietnamese prisoners of war in the hope that Hanoi, the National Liberation Front and the Pathet Lao would reconsider and respond with similar humane treatment of our prisoners.

There are a number of viewpoints on how to resolve the agonizing problem of our prisoners of war and servicemen missing in action, but with approval of House Concurrent Resolution 374 we will make it unequivocally clear that the American people, through their representatives in Congress, are solidly united in the cause of achieving humane treatment and eventual release of our captive servicemen

Mr. DONOHUE. Mr. Speaker, as concrete evidence of our deep and continuing concern for our American prisoners of war in Vietnam as well as for the extended anxiety and suffering of their wives and families, I most earnestly urge and hope that House Concurrent Resolution 374 now before us will be speedily and unanimously adopted.

The purpose of this resolution is to register our further appeal and further express our sentiments about the inhumane treatment of American prisoners of war by the North Vietnamese and to ask others to join with us in requesting the North Vietnamese to abide by the legal obligations of the Geneva Convention affecting prisoners of war.

Our adoption of this resolution will graphically demonstrate that, whatever other differences may exist among us, the Congress of the United States and the American people are completely united in their conviction and appeal that the North Vietnamese Government and allies, in accord with international agreement, will promptly provide full information about the names, condition, and whereabouts of all American prisoners of war and furnish all other knowledge they may have about American servicemen who have been reported missing in action.

It is a matter of the most grievous dismay and disappointment to the U.S. Congress and the American people that North Vietnamese officials have thus far shown an utter disregard for the provisions of the Geneva Convention covering the control and treatment of war prisoners and particularly so in their refusal to permit them to correspond with their families.

Global history reveals that, with all its admitted evils, there is still the highest individual honor and courage in war and a mutual respect and esteem for the bravery and loyalty of the opposition. To engage in war differences cannot and will not justify any suspensions or departure from the commonly accepted rules and procedures of the civilized world.

We have reason to believe that the North Vietnamese and their allies are especially interested and impressed by the weight of American public opinion. We would hope they may be equally and rightfully concerned about world judgment.

If this is so, and we pray that it is, we trust that the North Vietnamese Government and her allies will promptly respond to this united and universal appeal for them to provide complete information about and to insure the most complete medical and humane treatment of the hundreds of American prisoners of war they are now holding. It is only by this humane action that they can yet, and I hope they will, historically escape condemnatory judgment before the bar of united American and world opinion.

Mr. BROOMFIELD. Mr. Speaker, no American can be satisfied with the deescalation of the conflict in Vietnam until the estimated 1,600 American prisoners of war held by the Communist government of North Vietnam are released.

Despite the success of President Nixon's Vietnamization program and declining American casualty rates, the harsh realities of this war are inflicted upon these men with each succeeding day of their captivity. Our men have endured great hardships while they have been imprisoned. Their moral strength and loyalty has been tested and they have passed that test.

But more than this, they and their families have suffered years of silent frustration because the enemy has consistently refused to allow them any communication with the outside world. The North Vietnamese have, in violation of the Geneva Convention which they signed in 1957, refused to even identify the prisoners that they are holding.

The passage of this resolution will assert that it is the intention of Congress that the withdrawal of American combat troops must be preceded by an arrangement for the release of American POW's. Mr. Speaker, we have a moral obligation to recognize and affirm the loyalty of our men and to do all within our power to insure their humane treatment.

Mr. HOGAN. Mr. Speaker, as a cosponsor of House Concurrent Resolution 113, a resolution quite similar to the measure presently under consideration in this body, I rise to add my voice in support of this effort on behalf of our prisoners of war in North Vietnam and Southeast Asia.

It is appropriate, Mr. Speaker, that we should be acting on this resolution just as the annual meeting of the National League of Families of American Prisoners and Missing in Southeast Asia concludes here in Washington. Unfortunately, a schedule conflict made it impossible for me to attend a breakfast meeting with this group.

I am sure the families in attendance at that meeting took heart, later in the day, when President Nixon addressed a few remarks at a dinner meeting. The President offered some hope when he said:

> I can assure you that every negotiating channel including many private channels that have not yet been disclosed, have been pursued, are being pursued and will be pursued.
>
> I can assure you that with regard to this problem, that whenever any matter comes to the attention of the Secretary of Defense, or the Secretary of State, from a Senator or Congressman, it is brought to my desk and we run out the lead, whatever it may be.

In addition to these hopeful words of the President, I am certain it was a great comfort to the families of our prisoners of war and missing in action that their cause is the personal commitment of the President of the United States. He said—

> I am just so proud of how great you have been and I am not going to let you down.

Similarly, Mr. Speaker, our vote of affirmation of this resolution today is also indicative of the personal commitment of every Member of this body. No matter what our political inclinations, we cannot help but share a common bond in our anxiety over the fate of these men and their families.

The wives, the mothers, the children of these 1,600 American men—many of whom have endured being separated from their loved ones for as many as 6 years—have suffered tremendously. Children have grown up without knowing their fathers. Wives have been forced to rear their families without the benefit of a husband's help. All of this continues in many cases without the people at home even knowing if their loved one is still alive. Imagine the agony they endure.

Mr. Speaker, I urge that we give this resolution a unanimous vote of approval. We must continue to present a united front of support for the POW's and MIA's since our greatest weapon against Hanoi, at this point, is a show of solidarity. Our cries of outrage in opposition to the atrocities committed against American men should and must continue. Hopefully, sometime soon they will be heeded.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 374, protesting the inhumane treatment of American prisoners of war by the North Vietnamese.

We are all too familiar with the repeated appeals to North Vietnam to abide by the Geneva Convention and their consistent refusal to do so. It has been generally agreed that the primary means to force compliance is through the weight of world opinion. The United States must continue to call attention to the actions of the North Vietnamese and the Congress can do its part by passing resolutions such as the one before us today. Passage of similar legislation last year resulted in some concessions from the North Vietnamese Government. While these concessions were only a small part of what we had hoped for, it is nonetheless an indication that the action taken by the Congress and the mobilization of world opinion were not taken lightly by the North Vietnamese.

The resolution further expresses the support of the Congress for the "immediate, unconditional release of as many North Vietnamese prisoners of war held in South Vietnam as are willing to return to their homeland, up to a number equaling the number of Americans listed as missing in action or imprisoned in Southeast Asia." It is the hope of the Foreign Affairs Committee and its Subcommittee on National Security Policy, under the able leadership of our colleague, CLEM ZABLOCKI, that such a large-scale repatriation would trigger reciprocation from the other side.

Because of the strong expression of protest which House Concurrent Resolution 374 embodies, I urge its unanimous adoption.

I would like to point out, however, that I joined a bi-partisan group of 12 members of the Foreign Affairs Committee in signing supplemental views to the committee report on House Concurrent Resolution 374. I feel strongly that the only effective way to insure the release of American prisoners of war is by setting a date for total withdrawal of U.S. forces from Southeast Asia. The reluctance of the administration to make such a move and the refusal of the North Vietnamese delegates to negotiate at the Paris peace talks have resulted in a complete stalemate.

It was the opinion of those who signed the supplemental views that language should be included in the resolution urging the President "to undertake further steps to negotiate a date for the withdrawal of all U.S. military combat forces from Indochina, such withdrawal to be conditional upon satisfactory arrangement being made, at least 3 months prior to such date, for insuring the safety of the withdrawing forces and for the release of all U.S. prisoners held in Indochina."

While I still strongly support the above proposal, I feel that House Concurrent Resolution 374 is an important and necessary step and a positive contribution toward our goal of securing humane treatment and early release of these brave men.

Mr. **ZABLOCKI**. Mr. Speaker, I have no further requests for time.

The **SPEAKER**. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and agree to House Concurrent Resolution 374.

The question was taken.

Mr. **FULTON** of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 371, nays 0, not voting 60, as follows:

[Roll No. 283]

YEAS—371

Abbitt
Abernethy
Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Stephens
Stokes
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—60

Addabbo
Alexander
Annunzio
Ashbrook
Ashley
Brasco
Byrne, Pa.
Byrnes, Wis.
Casey, Tex.
Clark
Clawson, Del
Clay
Conyers
Daniels, N.J.
Denholm
Dent
Diggs
du Pont
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Ford, William D.
Frelinghuysen
Giaimo
Hanna
Hays
Hébert
Hungate
Ichord
Landrum
Leggett
Long, La.
Lujan
McClory
McCloskey
McEwen
Mailliard
Mikva
Miller, Calif.
Minish
Minshall
Murphy, N.Y.
Passman
Pettis
Podell
Price, Ill.
Rodino
Runnels
Smith, Calif.
Stanton, James V.
Steele
Steiger, Wis.
Stratton
Stuckey
Ullman
Veysey
Widnall
Wyman
Young, Fla.

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Young of Florida.
Mr. Minish with Mr. Widnall.
Mr. Murphy of New York with Mr. Smith of California.
Mr. Casey of Texas with Mr. Lujan.
Mr. Daniels of New Jersey with Mr. Frelinghuysen.
Mr. Diggs with Mr. Ashley.
Mr. Passman with Mr. Veysey.
Mr. Price of Illinois with Mr. Steiger of Wisconsin.
Mr. Rodino with Mr. Byrnes of Wisconsin.
Mr. Alexander with Mr. McEwen.
Mr. Byrne of Pennsylvania with Mr. Eshleman.
Mr. Mikva with Mr. Conyers.
Mr. Landrum with Mr. Ashbrook.
Mr. Giaimo with Mr. Steele.
Mr. Addabbo with Mr. Mailliard.
Mr. Runnels with Mr. Pettis.
Mr. Miller of California with Mr. Del Clawson.
Mr. Annunzio with Mr. Wyman.
Mr. James V. Stanton with Mr. Minshall
Mr. Flynt with Mr. McClory.
Mr. Ichord with Mr. McCloskey.
Mr. William D. Ford with Mr. Clay.
Mr. Leggett with Mr. Denholm.
Mr. Hays with Mr. Edwards of Louisiana.
Mr. Clark with Mr. Evins of Tennessee.
Mr. Dent with Mr. Podell.
Mr. Hanna with Mr. Long of Louisiana.
Mr. Hungate with Mr. Stratton.
Mr. Ullman with Mr. Stuckey.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COOPERATIVE FORESTRY PROGRAMS

Mr. **BURLISON** of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8817) to further cooperative forestry programs administered by the Secretary of Agriculture, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Cooperative Forest Management Act of August 25, 1950 (64 Stat. 473, as amended, 16 U.S.C. 568c), is amended to read as follows:

"SECTION 1. The Secretary of Agriculture is hereby authorized to cooperate with State foresters or appropriate officials of the several States, Territories, and possessions for the purpose of encouraging the States, Territories, and possessions to provide technical services to private landowners, forest operators, wood processors, and public agencies, with respect to the multi-use management and environmental protection and improvement of forest lands, the harvesting, marketing, and processing of forest products, and the protection, improvement, and establishment of trees and shrubs in urban areas, communities, and open spaces. All such technical services shall be provided in each State, Territory, or possession in accordance with a plan agreed upon in advance between the Secretary and the State forester or appropriate official of the State, Territory, or possession. The provisions of this Act and the plan agreed upon for each State, Territory, or possession shall be carried out in such manner as to encourage the utilization of private agencies and individuals furnishing services of the type described in this section."

Sec. 2. Section 2 of the Cooperative Forest Management Act is amended by substituting "$20,000,000" for "$5,000,000" at the end of the first sentence.

Sec. 3. (a) The second sentence of section 3 of the Clarke-McNary Act of June 7, 1924 (43 Stat. 653, 16 U.S.C. 566), as amended, is amended to read as follows: "There is authorized to be appropriated annually not more than $40,000,000 to enable the Secretary of Agriculture to carry out the provisions of sections 1, 2, and 3 of this Act.".

(b) Section 1 of the Act of October 26, 1949 (63 Stat. 909, 16 U.S.C. 566a) is hereby repealed.

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BURLISON of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from Florida, Mr. Sikes, the sponsor of the bill.

Mr. SIKES. Mr. Speaker, H.R. 8817 is a very comprehensive legislative package. It will update all of America's forestry programs. This has not been done for many years.

When you stop to think about it, America's forests are among our greatest assets. They are necessary to a sound environment. They represent a construction and industrial potential of tremendous cash value. They offer important watershed assets and unsurpassed recreational advantages.

Total timberland in the United States is estimated at 510 million acres with a value for land and timber of $100 billion. This is not as big as the national budget, but it is a close second. And I am sure each of us realizes nothing will ever again be as big as the national budget.

Most of us are inclined to take this really tremendous asset for granted. We assume that the forests have always been here and they always will. A look around will show that just is not true. Forest resources are steadily being depleted. There is home and industrial plant construction, highway construction, forest fire destruction, conversion of forests to agricultural land, and other activities which steadily reduce America's forest resources. I think it must be said that at no time in the history of our country has adverse pressure been greater on the Nation's forest resources.

The fact that we do recognize the importance of these assets means that at no time will America's forest resources be totally lost, but there are bare and eroded hills in many parts of the Nation which should remind my colleagues of the barren wastes which are predominant in so many parts of the world that once were timbered and where the forest resources were lost through carelessness and mismanagement.

The problem of forest preservation and improvement in America is such that despite many worthwhile activities and programs, we are not really holding our own. That is the reason for this bill. We want to do a better job for the greatest natural resource that is left to us. H.R. 8817 will make it possible. It will bring America's forestry programs up to date.

This bill will be helpful in many ways. For instance, more than half of the timber resources are in private, nonindustrial forest land. Of this, only 29 percent is considered to be properly managed. Twenty-six percent is in urgent need of planting. Forty-five percent needs timberland improvement work. Many owners do not have the financial resources or the technical capabilities to bring about these improvements. Provision for this type of work is made in the cooperative forest management program. In this area of serious deficiency, the bill now before you can bring about tremendous improvements. The present authorization for Federal funding in this program is $5 million. We propose to increase that authorization to $15 million. In this program the States are carrying the lion's share of the cost—or 69 percent—and this approximate ratio is expected to continue. The Federal Government is not going to take over the expenditures now being incurred by the States. There simply is a great deal of work that is needed which has not been accomplished. This bill will provide the opportunity.

Many of you have heard from women's clubs and others who are supporting this bill, and possibly you have wondered why they are interested in forestry. There is new authorization in the bill which would provide for an entirely new and long-needed program. Section 1 of the bill would broaden the present concept of the Cooperative Forest Management Act to assist the States and cities in the protection, improvement, and establishment of planted areas of trees and shrubs in urban area communities and open spaces. There are, of course, cogent reasons for this. Anyone who enters a city can observe first-hand the deterioration of the urban environment. Our cities are becoming barren wastelands of concrete, brick, and asphalt. Many cities, the trees which add a special dimension to the landscape and give it a much more pleasing appearance, largely are gone. Certainly a wooded area provides a healthier and more wholesome atmosphere. This section would help cities to have green wooded areas—carefully planned, strategically placed, and properly maintained; would help to prevent erosion; and would help to provide for the recreation and aesthetic needs of the people. A number of States and cities already are far along on this program. We won't take over what they are doing. We will provide advice and technical assistance. They enthusiastically endorse what we propose to do here nationwide. An authorization of $5 million is provided. Seventy-five percent of the people of the United States live in metropolitan areas. Yet, there has been no national program for better urban environment forestry practices. Obviously, such a program is overdue.

Now let us talk about the remaining section of the bill. It proposes to double the authorization for funds for fighting forest fires. Fires, of course, are the one biggest factor which deprives the public of the use of forests in obtaining needed wood products, recreation, and favorable wildlife habitat. It is also the hardest to control. Despite the fact that we are appropriating right up to the limit of the present authorization, last year was one of the worst years in history for forest fires. This year may be even worse. Medical experts say that conditions caused by these fires have brought about a large increase in the number of asthma and chronic lung disorders. Wildlife experts advise that this year's fires will have a devastating effect on game populations. The Federal Government has cooperative agreements with all 50 States for fighting forest fires, but the costs actually have been borne for the most part by the States. The Federal Government is authorized to pay up to 50 percent of the costs, but actually is paying only about 15 percent. It is not anticipated that the States will withhold funds as a result of the passage of this bill. Most of them have plans to increase the contributions they are now making. The job is a lot bigger than the money which is available to cope with it. We must do more to stop the destruction of forest land resources by fires.

Now let me call your attention to the fact that nearly 100 Members of the House have joined in the introduction of bills this session, which are intended to strengthen and update the Nation's forestry programs. The committee has carefully studied the problem and it has rewritten the proposals into a single package which I think represents the greatest forward step ever proposed for the preservation and improvement of the Nation's forest resources. We can all be proud of the bill which is advanced here and I want to express, on behalf of the sponsors of the various bills, especial appreciation to the distinguished chairman of this committee, the gentleman from Texas (Mr. Poage); the ranking minority member, the gentleman from Oklahoma (Mr. Belcher); the chairman of the Subcommittee on Forests, the gentleman from South Carolina (Mr. McMillan); the ranking minority member of the subcommittee, the gentleman from California (Mr. Teague); and all of the members of the Committee on Agriculture for a job which is exceedingly well done. May I express, also, my appreciation for the support shown this bill by a great many people in and out of Government who are genuinely interested in a magnificent national asset—the Nation's forests.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. PUCINSKI. Mr. Speaker, I wonder if the gentleman could explain briefly how this legislation would apply and how the funds would be distributed under this bill to the interested agencies. Is there a set formula or a project-by-project formula? How is the money distributed?

Mr. SIKES. I will yield to the distinguished gentleman from Iowa (Mr. Kyl) who is very well versed in this particular aspect of the legislation. I would suggest he provide the details and I will add to it.

Mr. KYL. One part of this bill deals with the on-going program of Federal assistance to the States for co-op forest management.

The formula under which that distribution is made is long established. The money goes where the need is.

The same thing is true regarding fire protection.

The urban forestry program is a new one.

The bill contemplates spending $5 million which is not a great deal of money when you consider all of the cities in the United States—but it is for technical assistance only and it is not to furnish trees, shrubs, and plantings. It is for technical assistance to the communities.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Illinois.

Mr. PUCINSKI. I would like to commend the committee for including in this bill provisions for the protection, improvement, and establishment of trees and shrubs in urban area communities and open spaces. I presume this would include the most serious problem we have in many of our larger cities, which is the Dutch elm disease. We are faced with an epidemic in this country of Dutch elm disease. We have 20 million Dutch elms left in America, based upon present estimates, and the number of trees that are being destroyed every year by the Dutch elm disease has resulted in an estimate that by the end of this century there will be no Dutch elms left in this country. I presume local communities could get some technical assistance in developing more effective programs to deal with Dutch elm disease within the provisions of this act. Am I correct in that assumption?

Mr. SIKES. It is intended under the provisions of this bill that the Federal Government will supplement the forestry programs which now are being carried out by the States. Primarily the Federal Government provides advice and technical assistance. The work of the States and cities in the new national urban renewal programs will also be supplemented and not taken over by the Federal Government. In all of these programs the primary level of activity is determined by State interest in State programs. It will vary, of course, the amount of work required to meet local need to cope with fire control and other forestry programs. There is a schedule by which each State can receive a proper and proportionate share of Federal funds. Disease control is not the primary purpose of the bill. It is done under research programs. Nevertheless, there is guidance under the program for disease and insect control. This supplements disease and insect control under other programs.

Mr. TEAGUE of California. Mr. Speaker, I yield to the gentleman from Iowa (Mr. KYL) as much time as he desires.

Mr. KYL. Mr. Speaker, responding to the gentleman from Illinois, in such problems as control of the Dutch elm disease, we have ongoing programs under the Department of Agriculture in research and beyond research, and they are funded in the Appropriations Act.

I would like to point out one of the difficulties we have in a program of this nature. Right now we have some chemicals which have at least shown promise in certain pilot operations in the control of Dutch elm disease, but because they also present some danger to animals, such as squirrels, and birds, the Agriculture Department has not permitted broad use of those chemicals. Whenever we seek to combat a malady such as the Dutch elm disease we run into a problem of controversy, because there are other values environmentally that are involved. One must weigh, for example, the spraying of DDT to kill Dutch elm disease along with the comparable losses environmentally through the use of that chemical.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. KYL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I presume this legislation would permit further work, discussions, research, and the development of techniques in this field, and that that is the purpose. I would like to congratulate the committee for including the urban areas in this bill, recognizing the fact that we have serious problems in the urban areas. Certainly I would like to urge support of this legislation for that reason, along with the other excellent reasons in this bill.

I am very pleased that the committee deemed it proper and wise to include urban areas for assistance under this act, and I wish to thank the committee for that move.

Mr. KYL. Mr. Speaker, there is always a temptation to become rhapsodic, even emotional, on matters pertaining to the forests of the Nation. I will not take that course, because this proposal before us today is so logical. Let us stay with the facts.

Understanding the bill should be easy. First, the background.

The private, nonindustrial forest lands of America are the most neglected segment of our commercial forests. This is a serious statement when we look at the composition of our forest lands. The Government owns 130 million acres of commercial forest lands—130 million acres. Forest industries own 63 million acres. Three hundred seventeen million acres are owned by individuals and groups, usually in relatively small plots of a hundred acres or less. We may, thus, have a large forested area, but it has very many different owners.

In other words, 60 percent of the total commercial forest lands are in this private, nonindustrial category. It is with these lands that the first sections of the bill are concerned.

These lands have some distinct advantages. They are generally the most accessible. They contain the best growth potential. But they are in the poorest condition. This fact is of national concern because it is obvious they will have to make a much greater contribution to the Nation's fiber needs.

I say they are in the poorest condition. Only 29 percent are considered as properly managed. Twenty-six percent are in urgent need of planting or seeding to establish acceptable forest cover or to reinforce substandard tree stocking. Forty-five percent are found to be in need of timber stand improvement to improve individual tree quality, species composition or growth rates.

Long ago, the importance of this category of timberlands was recognized. The Federal Government initiated a program of cooperative forest management, working with the various States.

The States have carried the big financial load. They now employ 850 service foresters, providing services to more landowners. They have been successful, but today they reach fewer than 3 percent of the owners each year. For emphasis again, I note here that 70 percent of the southern States' forests, 143 million acres out of a total of 200 million acres are owned by more than 4 million individuals. This area alone must produce 2.3 times more wood by the year 2000 to meet its share of the Nation's needs.

In 1970, the Federal appropriation for this co-op service was $4,130,000, the States' contribution, $7,971,000. In 1971, the Federal share was $4,950,000. This bill would provide a Federal share of $15 million. I favor this increase.

Next, this bill would increase the Federal Government's share for fire prevention and firefighting to $40 million a year. The original law in this regard provided that the Federal Government could contribute up to 50 percent of the total funds expended. In 1970, Uncle Sam's contribution was not 50 percent but was, rather, 14.5 percent. This is a Federal share of $16.4 million of a total of $113 million.

Why should this fund be increased? In 1970, large fires accounted for a half of 1 percent of the total number of fires, but accounted for 36 percent of the area burned. I noted, parenthetically, that 90 percent of the total number of fires are still man-caused fires.

The average size of fires has decreased, indicating more efficiency of attack. The total number of fires has reached a plateau. It is about the same for the last 10 years as in the previous 10. This is a sign of progress, because there is today a much greater use of forests by people, and the hazards have, therefore, been tremendously increased. It can be said in truth that fire prevention campaigns have been successful.

Yet, in 1969, 2.9 million acres of land were burned on all forest regions in all protected land. In 1969, an area equivalent to the State of Maryland was consumed by wildfire. In the period from 1965 through 1969, an area equal to all of Vermont, New Hampshire, Massachusetts, and Rhode Island was ravaged by wildfire. Our southern forests are reduced by 1 percent each 2 years, ravaged by wildfire.

Parenthetically, I add that the 1970 fire season in the national forests was one of the most disastrous and costly in history; 555,831 acres of Forest Service protected lands were burned. Seven lives were lost and millions of dollars damage was suffered by our national resources.

We need an increased effort in fire protection.

The third section of the bill is of a different character but, nonetheless, significant.

This section proposes a $5 million a year program for urban forests. There are 133 cities in the United States with a population of more than 100,000 and 594 cities of between 25,000 and 100,000 people. Five million dollars will not go far.

However, I am confident that the committee considers the $5 million figure as a means of determining what can be done and what should be done, rather than considering the amount as "seed money." All funds would be used for advising and consulting rather than for tree planting and associated activities. The funds are for "intelligence," not planting.

Atlanta, Ga., is an example of what can be done: 65 percent of the city is tree-covered. This lends to beauty, coolness, bird life, et cetera, but also actually produces lumber under a well-organized and managed long-range program of urban forestry.

I know this is not a total answer to our problems on private, nonindustrial forests. We need a broad program of incentives and long-term credit. One actual proposal in this regard would cost about $100 million a year. This is not proposed in this bill. I hope we can move toward that goal with other legislation. I strongly recommend passage of the bill we have before us today.

Mr. TEAGUE of California. Mr. Speaker, I would like to make two brief points for the RECORD. One is the committee was somewhat concerned about the fact that the various States might cut down or cease to participate financially in the programs and to pay a fair share of what they should.

Therefore, the committee intends to continue to review this program and suggests respectfully that the Committee on Appropriations do likewise.

Another point: Some of the Members may recall a year or 2 ago we had something called the "Timber Supply Act" before us, which I was very much against and which I helped lead the fight against and defeat, which affected for wilderness areas and potential wilderness areas. For the benefit of ecologists or environmentalists present, I assure the Members this does not invade upon or get into the wilderness areas in any way.

Mr. BURLISON of Missouri. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Speaker, earlier this year, I introduced three bills: H.R. 6082, to authorize additional funds for cooperative forest management; H.R. 6084, to authorize additional funds for cooperative forest fire protection; and H.R. 6086, to authorize an urban environmental forestry program.

Following extensive hearings on this legislation, the Committee on Agriculture, chaired by that distinguished gentleman from Texas, who is knowledgeable and farsighted in the field of forestry and for that matter in all agricultural matters, reported to the House of Representatives, H.R. 8817, which we are considering today.

I was pleased that the ideas which were contained in the three bills which were cosponsored by myself and a good many other Members of the House of Representatives, were incorporated into the provisions of this basic legislation. I would urge my colleagues to lend their support to the bill which we have before us today.

Never have pressures on the Nation's forest resources been as great as they are today. Constantly, new demands are made by homebuilders and buyers, recreationists, conservationists, and others who clamor for forest uses.

Most of the pressure is directed at managers of the public commercial forests which make up about 30 percent of the Nation's total and which currently produce about half of our timber supplies. There continues to be heavy demand on the western national forests for lumber and plywood for building construction. However, both public and private forests together must bear the future impact of changing and increasing demands for wood, water, recreation, clean air, and other benefits. Although we can expect further increases in production from the public forests, the point of diminishing returns is in sight.

Therefore, the nonindustry private forests must step into the breach. This 300 million acres of commercial forest—60 percent of the total—can, and should, provide at least 50 percent of our long-term needs for forest products.

Timber-growing sites on these private forest lands are relatively good; in fact, probably better than on most public forest lands. However, growing stock has deteriorated because of past abuse and poor management. Many of these forest owners have neither the financial resources nor the technical knowledge necessary to bring about improvements.

The cooperative forest management program is a State-action program with State-employed service foresters providing direct assistance to private forest owners. This, and other cost-sharing programs, have resulted in gains in tree planting and timber stand improvement—about 9 million acres in the last 20 years.

However, to improve the productivity of the nonindustry private forests will require much effort and large expenditures of money. Tree planting or seeding is needed on 103 million acres of non-Federal rural land. Timber stand improvement is required on 178 million acres.

Assistance is needed to initiate more efficient and economical logging methods, consistent with restraints and modifications needed in harvesting timber in heavy recreational use areas in my home State. Workshops, training, and other assistance is needed in forest products utilization, processing, and marketing.

During the past 20 years the CFM program in the States has shown a growing concern for recreation, the environment, and other values. State-employed service foresters serve as "frontline" troops in guiding forest owners to improved management and protection of their forest resource. These service foresters are also a great aid to rural community development and provide valuable assistance to private consultants, contractors, and the forest-based industries.

Although this program has proved to be effective, its growth has not kept pace with changing needs. Many of the States today are in desperate straits because of a shortage of appropriations to carry on the work.

In fiscal year 1971, the appropriation is $4,950,000. The authorization allotment for this program is only $5,000,000.

It is extremely necessary, therefore, to increase the Federal authorization. An increase to $20,000,000 is needed.

A major threat to our Federal and private forests is, of course, fire. I fear that the Federal Government has not been meeting its responsibilities in the cooperative forest fire protection program. The Clarke-McNary Act of 1924 authorizes and directs the Secretary of Agriculture to recommend adequate systems of fire prevention and suppression for each forest region of the United States. It also authorizes him to share the cost of such protection up to a maximum of 50 percent. While this does not commit the Federal Government to spending the full 50 percent of such costs, I believe it does place upon it the responsibility of providing enough funds to insure adequate protection without placing too great a burden on the individual States. At the present level of Federal financing, about 14.5 percent, I believe that we are not carrying our share of the load and, therefore, I support H.R. 8817 which would authorize additional funds for this program.

The need for well-equipped, well-trained, efficient firefighting forces increases constantly as our forest resources per capita diminish and their value increases. We can no longer afford the losses occasioned by large forest fires. We must provide the means to reduce the number and size of such fires as much as is humanly possible and economically feasible.

Last fall in California, alone, we suffered intolerable losses. In one 9-day period, southern California had forest fires that caused, at a conservative estimate, $200 million worth of damage to resources and improvements. May I point out that the increase in fund authorization requested in the bill being considered is equal to only one-tenth of that amount and that it would be spread over all 50 States and over a whole year's time.

Mr. Speaker, we are talking about money and properly so. H.R. 8817 is a bill to authorize the spending of more money. It proposes increases in the basic authorization for this program from $20 to $40 million. Furthermore, it is relatively easy to place a monetary value on the tangible resources and improvements, thus giving us something concrete to talk about. However, where forest fires are concerned, there are other values that cannot be reduced to dollars and cents. Last fall's fires in southern California blackened over 430,000 acres. This would be equal to a strip of land 1 mile wide extending from Los Angeles to the Oregon border or from Washington, D.C., to about 40 miles south of Atlanta, Ga. Try to imagine what a blot that makes on the landscape. Who can estimate the thousands, perhaps millions of birds, animals, and fish that lost their lives in those fires? Who can imagine the collective sorrow and inconvenience brought upon the 795 families that lost their homes in those fires or of the families of the 14 persons who died there? Who can imagine the anxiety of the thousands of families forced to flee their homes, not knowing whether they would have homes to return to? Many of them had to abandon pets and other cherished possessions. Who can place a monetary value on any of these things or on the pollution these fires caused to California's lakes, rivers, and air?

Mr. Speaker, we cannot continue to sustain losses like those we suffered in California last fall and in Florida this spring. We do not have the resources to spare and our environment cannot stand the impact of such violent assaults. We must build up our capability to prevent and suppress wildfires to the point that such occurrences are rare rather than commonplace. We cannot expect the States to do the job alone. Most of them are extended about as far as they can go in this direction now. No, the Federal Government must face up to its responsibilities and carry its share of the load. Enactment of this bill would be a step in the right direction.

And finally I turn to the urban environmental forestry program.

Much like giant air conditioners, trees help to cool the city. They provide shade and protection from the elements, and they soften harsh contours of crowded buildings. They clean the air. They deaden sound. And, perhaps most important of all, they provide each city with a much needed measure of beauty and serenity. In fact, a single tree in the city can be appreciated more than entire clusters of its country cousins.

The problems inherent in our modern urban environment have reached crises proportions. Throughout the United States, both in large cities and in smaller communities, a forestry program is urgently needed—needed not only to improve the environment, but also to guide growth and expansion of existing and new cities.

Leadership, coordination, and technical support necessary to assist the States and local communities in an expanded and revitalized forestry program is available in the U.S. Department of Agriculture. The Forest Service, by virtue of many years of administering a cooperative forestry program, has already established the necessary working relationship with State forestry agencies. The Federal role is envisioned as that of providing national leadership and coordination. Primarily, the program is intended for activation at the State and local level and should not involve large numbers of Federal personnel.

Many benefits are to be derived from this program. It will rejuvenate blighted and impoverished slums and urban centers. Suburban areas and small towns will once again become healthy and attractive places in which to live.

Without doubt, the program envisioned in H.R. 8817 will enhance the mental, physical, and social well-being of millions of our citizens throughout the Nation.

As soon as authorization is obtained, the urban forestry program can be set in motion. Accordingly, I hope this committee will take the initial step toward this goal and approve this act.

Mr. BURLISON of Missouri. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the increasing demands being made on our Nation's forests for commercial and recreational use have outdated present forest management legislation. We have before us today, however, a bill that will do much to improve woodland management and bring about an effective, long-lasting forestry program. This bill, H.R. 8817, includes the basic provisions of several forestry bills introduced by Congressman SIKES, myself, and a number of other colleagues last March.

The alarming rate of forest destruction through fire and improper management should provide all the impetus needed for immediate passage of this bill. With over 210 million acres of private and noncommercial woodland considered improperly managed and 31 million acres without fire protection, our forest resources are in serious danger.

The maintainance of adequate fire protection is essential to wood production, recreation, and favorable wildlife habitat. But to date, the contribution of Federal funding in this area has been small, as States have had to bear 85 percent of this protection cost. The technical and financial assistance provided by this measure will help to meet the inadequacies of State and local forest fire prevention forces. By increasing the funds authorized for cooperative fire protection of non-Federal lands from $20 to $40 million, more acreage can effectively be brought under the protection of State and local firefighting divisions.

Projections indicate a developing crisis in the availability of commercial woodlands to meet our greatly increasing lumber demands. One solution certainly lies in the 300 million acres of underdeveloped private, nonindustrial woodlands. The proper usage of this land depends on technical skill and knowledge not found among nonindustry private owners today. Through the cooperative assistance section of this bill under which an additional $15 million is authorized for forestry assistance to landowners, management skills can be provided for proper timber cutting and seeding planting. Additional assistance will be made available to owners who wish to develop recreation or conservation facilities.

A lack of technical assistance also exists in the urban and suburban areas where no Federal funding has been available for management programs. The citizens of these areas are beginning to recognize the importance of preserving wooded regions and green belts. Scientists have demonstrated the need to protect, improve, and establish native trees and shrubs in the private and public areas of the cities, because of their ability to renew the atmosphere, filter the air, muffle noise, conserve moisture, and control erosion. The resources to develop management programs are not available in these regions. Broadening the scope of the Cooperative Forest Management Act to urban and suburban areas will provide cities with the assistance they need.

The combined effect of this legislation will be a balancing of the expenditures of the Federal and State governments. The States can no longer be asked to provide over 80 percent of the funds necessary in the preservation of our Nation's forests. The responsibility for looking ahead and establishing effective assistance programs to assure adequate woodland areas for all usage is ours. I am pleased that the Committee on Agriculture has brought this bill to the floor.

(By unanimous consent, Mr. BURLISON of Missouri was allowed to speak out of order.)

BURLISON URGES POFF RECONSIDERATION

Mr. BURLISON of Missouri. Mr. Speaker, it was most disappointing to learn over the weekend that our distinguished and able colleague, the gentleman from Virginia (Mr. POFF) withdrew his name from consideration for appointment to a vacancy existing on the U.S. Supreme Court.

Many of us do not agree with the political philosophy of President Nixon. At the same time, our system of government is so structured that the President is given the privilege of filling presidential appointments with those who share his philosophy. The people of this country elected Richard Nixon their President in 1968. If they do not like his philosophy, or his performance in office, they will have an opportunity to say so in November 1972.

The gentleman from Virginia is recognized in this body as the top ranking constitutional lawyer herein. He is eminently qualified for this high office. I would hope that he will reconsider his withdrawal from contention, and that the President will reconsider his acceptance of Mr. POFF's withdrawal. Hopefully, the President will submit Congressman POFF's name to the Senate for confirmation.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. McMILLAN).

Mr. McMILLAN. Mr. Speaker, the House Subcommittee on Forestry held extended hearings on this proposed legislation. We did not find anyone who seriously objected to this proposal. My subcommittee feels this proposed legislation will prove to be of great benefit to the forestry industry in this country. We know the people of our country are becoming forestry minded. This legislation, I think, will add a great deal to preserving our forests and preventing fires.

Mr. BURLISON of Missouri. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Speaker, I thank the gentleman from Missouri for yielding.

Mr. Speaker, I rise in support of this bill. I think it is a cooperative program. The local forest programs need to be strengthened. This will go a long step in that direction.

Mr. Speaker, I support the legislation.

Mr. SCOTT. Mr. Speaker, I rise in support of H.R. 8817. Preservation and improvement of our forests are of concern to Americans. In my Eighth District and throughout much of Virginia, forestry is one of our most important enterprises, both in terms of employment and revenue. With reasonable care and foresight, there is no good reason why this should not continue to hold true indefinitely.

H.R. 8817, as already outlined, increases the extent and coverage of cooperation among Federal, State, and private forest groups to the end that forests can be improved, protected from fire and other hazards, and more wisely managed for the good of the country. It also would improve urban areas and communities by authorizing plantings of trees and shrubs.

Today we still have vast forests, but we have seen enough indications in the past to realize we must apply our best efforts to increasing both the quality and quantity of our forests if we are to keep abreast of America's growing requirement for its products.

I hope the House will give strong approval to H.R. 8817 so that we can meet the Nation's current and anticipated future needs for lumber and other forestry products as well as such popular recreation byproducts as picnic and camping areas.

Mr. CLEVELAND. Mr. Speaker, as a cosponsor of the original bills incorporated into H.R. 8817, to update and expand the cooperative forestry programs, I support passage of this needed legislation.

At the time the Forests Subcommittee of the House Committee on Agriculture was holding hearings on this legislation, I submitted a statement in support of the three-bill package that later became H.R. 8817. The points made then deserve repetition.

Our forest resources play a very important role in the welfare of our people. They provide jobs, wood for homes, habitat for wildlife, and places in which to recreate while their hills and valleys serve as catchments for vital supplies of water. In this vast complex the properties of some 4 million private, nonindustrial owners exert a major influence because they occupy nearly 60 percent of all the commercial forest land. Therefore, it is imperative that these private forests produce their share of the goods and services needed by the Nation as a whole.

Surveys in my State of New Hampshire and elsewhere show that private forest owners will improve their properties if shown how to do so. This educational effort is being carried on by the Society for the Protection of New Hampshire Forests, by public service foresters, and by private consulting foresters. But their combined efforts fall far short of reaching more than a small fraction of the many landowners in our State. We need to strengthen this educational effort.

Similar efforts need to be exerted in protecting our forests from damage by fire. While we in New Hampshire have been blessed with an excellent protective organization for some years, other parts of the Nation have not been so fortunate. There still are 45 million acres of commercial forests and nonforested watersheds that do not receive any protection at all. In addition, there are some 200 million acres that are not protected adequately. These areas are being damaged severely in the present rash of spring fires. The protective program needs to be improved.

I am deeply interested in initiation of a program of urban environmental forestry. As you know, about three-fourths of the Nation's people live in cities. By the year 2000 the percentage of urban residents may increase to 85 percent, according to present trends. These people need the benefit of the ameliorating effects of trees and shrubs upon their environment.

Let me point out a single example well known to all of you. Rock Creek Park, a long corridor of trees extending from the center to the outer limits of Washington, provides natural air drainage for a major portion of the city. In addition to offering a place for much-needed recreation by thousands and thousands of people, the trees in the park recharge the atmosphere, filter dust particles from the air, control wind movements, and deaden sound. It is of considerable importance that these trees be kept in a healthy growing condition.

Pioneering programs of urban forestry in some 30 communities in Georgia, Missouri, Illinois, Mississippi, and Arkansas during the past 4 years attest to the effectiveness of such an approach to improvement of the environment.

The SPEAKER. The question is on the motion of the gentleman from Missouri that the House suspend the rules and pass the bill, House Resolution 8817, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURLISON of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the bill just passed (H.R. 8817).

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROHIBITING PIRACY OF SOUND RECORDINGS

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 646) to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes, as amended.

The Clerk read as follows:

S. 646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 17 of the United States Code is amended in the following respects:

(a) In section 1, title 17, of the United States Code, add a subsection (f) to read:

"To reproduce and distribute to the public by sale or other transfer of ownership, or by rental, lease, or lending, reproductions of the copyrighted work if it be a sound recording: *Provided,* That the exclusive right of the owner of a copyright in a sound recording to reproduce it is limited to the right to duplicate the sound recording in a tangible form that directly or indirectly recaptures the actual sounds fixed in the recording: *Provided further,* That this right does not extend to the making or duplication of another sound recording that is an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording; or to reproductions made by transmitting organizations exclusively for their own use."

(b) In section 5, title 17, of the United States Code, add a subsection (n) to read:

"Sound recordings."

(c) In section 19, title 17, of the United States Code, add the following at the end of this section: "In the case of reproductions of works specified in subsection (n) of section 5 of this title, the notice shall consist of the symbol Ⓟ (the letter P in a circle), the year of first publication of the sound recording, and the name of the owner of copyright in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner: *Provided,* That if the producer of the sound recording is named on the labels or containers of the reproduction, and if no other name appears in conjunction with the notice, his name shall be considered a part of the notice."

(d) In section 20, title 17, of the United States Code, amend the first sentence to read: "The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical either upon the title page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title page or the first page of music, or if a sound recording on the surface of reproductions thereof or on the label or container in such manner and location as to give reasonable notice of the claim of copyright."

(e) In section 26, title 17, of the United States Code, add the following at the end of the section: "For the purposes of this section and sections 10, 11, 13, 14, 21, 101, 106, 109, 209, 215, but not for any other purpose, a reproduction of a work described in subsection 5(n) shall be considered to be a copy thereof. 'Sound recordings' are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture. 'Reproductions of sound recordings' are material objects in which sounds other than those accompanying a motion picture are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, and include the 'parts of instruments serving to reproduce mechanically the musical work', 'mechanical reproductions', and 'interchangeable parts, such as discs or tapes for use in mechanical music-producing machines' referred to in sections 1(e) and 101(e) of this title."

SEC. 2. That title 17 of the United States Code is further amended in the following respect:

In section 101, title 17 of the United States Code, delete subsection (e) in its entirety and substitute the following:

"(e) INTERCHANGEABLE PARTS FOR USE IN MECHANICAL MUSIC-PRODUCING MACHINES.—Interchangeable parts, such as discs or tapes for use in mechanical music-producing machines adapted to reproduce copyrighted musical works, shall be considered copies of the copyrighted musical works which they serve to reproduce mechanically for the purposes of this section 101 and sections 106 and 109 of this title, and the unauthorized manufacture, use, or sale of such interchangeable parts shall constitute an infringement of the copyrighted work rendering the infringer liable in accordance with all provisions of this title dealing with infringements of copyright and, in a case of willful infringement for profit, to criminal prosecution pursuant to section 104 of this title. Whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this title, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice."

SEC. 3. This Act shall take effect four months after its enactment except that section 2 of this Act shall take effect immediately upon its enactment. The provisions of title 17, United States Code, as amended by section 1 of this Act, shall apply only to sound recordings fixed, published, and copyrighted on and after the effective date of this Act and before January 1, 1975, and nothing in title 17, United States Code, as amended by section 1 of this Act, shall be applied retroactively or be construed as affecting in any way any rights with respect to sound recordings fixed before the effective date of this Act.

The SPEAKER. Is a second demanded?

Mr. RAILSBACK. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, existing Federal copyright law protects owners of copyright in musical works, but there is no Federal protection of sound recordings, as such:

> Sound recordings are works that result from the fixation of a series of musical, spoken, or other sounds . . ." p. 3, line 17.

As a result, record pirates, if they satisfy the claims of the owners of the musical copyrights, can and do engage in widespread unauthorized reproduction of phonograph records and tapes without violating Federal copyright law. It is also true that the statutory protection being given the owners of copyright in musical works with respect to recordings of their work is special and limited.

The purpose of S. 646, which passed the Senate last April, is twofold:

First, section 1 creates a limited copyright in sound recordings, as such, making unlawful the unauthorized reproduction and sale of copyright sound recordings. The right is "limited" in that it does not include protection with respect to performances. By committee amendment this newly to-be-created right applies only to sound recordings that are fixed, published, and copyrighted on and after the effective date of the legislation and before January 1, 1975.

Second, section 2 of the bill provides that persons engaging in the unauthorized reproduction of copyrighted musical works, for example, by failing to pay the royalty prescribed by law, shall be subject to all the provisions of title 17 dealing with infringement of copyrights, including, in the case of willful infringement for profit, criminal prosecution pursuant to section 104. The committee knows of no objection to the provisions of section 2.

I stress the fact that these proposals are not new. The provisions of both sections 1 and 2 of the bill found their way into copyright law revision legislation (H.R. 2512, 90th Congress) reported by this committee and passed by the House in 1967.

REASONS FOR THE LEGISLATION

The attention of the commitee has been directed to the widespread unauthorized reproduction and sale of phonograph records and tapes. Modern technology makes possible the off-the-air taping of sound recordings at fractional costs, enabling profitable low-cost distribution. It has been estimated that the annual volume of such piracy is now in excess of $100 million.

If the unauthorized producers pay the statutory mechanical royalty for the use of copyrighted music, there is no Federal remedy to combat the unauthorized reproduction of recordings. State remedies * are largely nonexistent and are uncertain at best. The creation of a limited copyright in sound recordings as is done by S. 646 offers a rational solution. It is a solution that is supported by the U.S. Copyright Office and by the Departments of State, Justice, and Commerce. The committee similarly believes that the interest of the producers of sound recordings in freeing their product of piracy—defining piracy as the unauthorized commercial duplication and sale of a reproduction of a sound recording—warrants legislative effectuation and support.

THE GENERAL REVISION

The committee regrets that action on the bill for general revision of the copyright law has been delayed and that the problems of record piracy have not been dealt with as part of a broad reform of the Federal copyright statute, but we are persuaded that prompt action to prohibit piracy is in the public interest. Our action is not to be interpreted as precedent for the enactment of separate legislation on other matters involved in copyright law revision.

COMPULSORY LICENSE NO PRESENT SOLUTION

In the other body, as well as at the hearing before a judiciary subcommittee certain representatives of so-called pirates abandoned the effort to justify the appropriation of sound recordings through uncompensated and unauthorized reproduction. They urged instead that the reproduction of sound recordings be made subject to a compulsory license and the payment of a statutory royalty.

The Senate rejected this proposal (S. Rept. 92–72, p. 6) and the committee agrees. We believe that a strong case has been made for protection against the current practices of the so-called pirates, and that a case for a compulsory license has not been established. Any such compulsory license would require establishment of complicated procedural machinery. What is more, any such compulsory license would necessarily extend to all record producers and any of their recordings. It would have drastic consequences even if some way could be found to establish a fair rate and insure a fair division of receipts. A pirate could select those recordings that became hits, thus invading the producer's market for his profitable recordings, while leaving the producer to suffer the losses from his unsuccessful ones. The committee can further examine this issue in connection with the general revision.

REASON FOR AMENDMENT

Although the committee recommends the prohibition of the unauthorized reproduction and distribution of recorded performances and although we believe that it would be impracticable and unfair at this time to attempt to fashion a compulsory license system to cope with the piracy problem, the committee has offered an amendment to the Senate bill that would restrict the application of the sound recordings provisions to recordings fixed, published, and copyrighted on and after the effective date of the legislation but before January 1, 1975.

The purpose of this terminal provision is to provide a period for further consideration of alternatives for solving the piracy problem before resorting to permanent legislation. By January 1, 1975, moreover, the protection of sound recordings will, it is hoped, be a definitive part of a copyright law revision.

COST TO THE UNITED STATES

After the hearings before the subcommittee, the Assistant Register of Copyrights testified that administration of copyright in sound recordings could be accomplished for approximately $100,000 a year, and could be accomplished better for $125,000. This estimate was based on the assumption that there would be approximately 15,000 registrations a year. The assistant register added that if the registration fee continued at $6 as at present, there would automatically return to the Copyright Office approximately $90,000 in fees. The committee accepts and adopts these estimates.

I urge favorable action on S. 646 and I yield back the balance of my time.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to my friend from Texas.

Mr. KAZEN. Am I correct in assuming that the bill protects copyrighted

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*[State laws on piracy exist in Arkansas, Arizona, California, Florida, New York, Tennessee, Texas, and Washington.]

material that is duplicated for commercial purposes only?

Mr. KASTENMEIER. Yes.

Mr. KAZEN. In other words, if your child were to record off of a program which comes through the air on the radio or television, and then used it for her own personal pleasure, for listening pleasure, this use would not be included under the penalties of this bill?

Mr. KASTENMEIER. This is not inincluded in the bill. I am glad the gentleman raises the point.

On page 7 of the report, under "Home Recordings," Members will note that under the bill the same practice which prevails today is called for; namely, this is considered both presently and under the proposed law to be fair use. The child does not do this for commercial purposes. This is made clear in the report.

I might also add, Mr. Speaker, so far as cost of the legislation is concerned, that we are advised by the copyright office that to administer this would cost about $100,000. Anticipating 15,000 registrations a year, it could cost as much as $125,000 depending on what scheme is used, but we are also advised that the present fee schedule of $6 for registration would recoup approximately $90,000 of that amount. So there is almost an offset in terms of cost to the Government of enforcing the legislation here today.

Mr. SEIBERLING. Will the gentleman yield for a question?

Mr. KASTENMEIER. I yield to my friend from Ohio.

Mr. SEIBERLING. After this legislation was reported out of the Committee on the Judiciary I received communications from some of my constituents who were in the record and tape recording retail business. They stated that there this legislation would deprive them of their commercial rights as dealers in tapes and recordings and would tend to promote a monopoly on the part of the large recording corporations. I must say that I saw nothing in the legislation that would so indicate, but I wonder if you would care to address yourself to that question.

Mr. KASTENMEIER. I thank the gentleman for raising that point.

The fact of the matter is that present practice undercuts the producers of tapes and records. This is not truly competitive, as is pointed up by the Justice Department's report on the measure. The report says, and I would like to quote:

> The competition provided by the pirate record industry does not promote any of the traditional benefits of competition. Although the pirate record companies may greatly undercut the prices charged by the creative industry, their ability to do so results in large part from the fact that they do not compensate the creative writers and artists involved. Such practices discourage the investment of money and talents in new performances and has the potential to gravely injure creative recording.

So we are not talking about something which is truly competitive. Stores will have records, wholly authorized records, to sell to patrons, and in the long run they will not be injured.

Mr. SEIBERLING. In other words, this is an effort to insure that the artists who made the recordings as well as those who produced the compositions will be properly compensated through the licensing arrangements they enter into with the recording companies, who will be in a much better position to protect them than they are under the present state of the law. Is that correct?

Mr. KASTENMEIER. Yes. What the gentleman from Ohio says is true. Not only are the record companies that actually produce the records adversely affected by piracy, but all recording artists who contract their services to produce the records are also undercut, inasmuch as the pirates do not pay them. Some pirates may pay the statutory royalty to the owners of copyright, in musical compositions but they do not in the fact pay for the production of or the talent that goes into the sound recording, because the latter is not protected by copyright.

The problem exists also in the foreign field. We will have a delegation going to Geneva later this month. Our delegation will seek a treaty in concert with other nations affecting phonograms, which are in fact sound recordings. To make our own laws consistent with those of other nations the passage of this legislation is badly needed.

Mr. SEIBERLING. I thank the gentleman for his excellent explanation.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to my distinguished chairman, the gentleman from New York (Mr. CELLER).

Mr. CELLER. In essence the bill seeks to prevent thievery and piracy. Is that not the real essence of the bill?

Mr. KASTENMEIER. Yes. As usual, my chairman is terse and to the point. It does that.

I reserve the balance of my time.

Mr. RAILSBACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my good friend and colleague, the distinguished gentleman from Wisconsin (Mr. KASTENMEIER), in urging enactment today of S. 646, a bill designed to accomplish two urgently needed revisions of the copyright law:

First, this bill would create a Federal copyright in sound recordings. It would, therefore, for the first time provide legitimate producers of phonograph records and tapes with effective legal remedies against the so-called pirates who have been reproducing their products without authority, and selling them in competition with the original producers themselves.

This piracy has become so widespread in recent years that it has been reliably estimated that the practice is currently costing legitimate manufacturers of sound recordings approximately $2 to $3 million per week, and well over $100 million per year.

I agree with the Librarian of Congress, who wrote to the chairman of the Committee on the Judiciary, the Honorable EMANUEL CELLER, on May 25, 1971:

> The national and international problem of record piracy is too urgent to await comprehensive action on copyright law revision, and that the amendments proposed in S. 646 are badly needed now.

The Departments of State, Justice, and Commerce have likewise expressed their strong support of this measure. Indeed, the Department of State concurs with the committee's sense of urgency in seeking prompt passage of the bill, because the United States has played an active role in the development of an international antipiracy treaty which is expected to be adopted at a diplomatic conference which will be held in Geneva this very month.

The unauthorized reproduction and commercial duplication of sound recordings cannot be defended on grounds of equity or public economic interest, so far as could be determined from the evidence adduced in the hearings which Subcommittee No. 3 held on this bill and its House counterpart.

There is no less justification for granting copyright protection to those who invest their time, talent, and financial resources in the process of bringing together composers, performers, sound technicians, and editors to create a final marketable product—the sound recording—than there is for granting such protection to the producers of motion pictures, as current Federal law provides.

Likewise, I have heard no convincing argument to support the contention of the pirates that they should be granted a compulsory license to duplicate and sell the sound recordings produced by the talents, resources, labors, and risks of others. I regard the motion picture analogy here, too, as apt as persuasive that the equities lie against, rather than with, the pirates.

The second, and related, purpose of S. 646 is to confer upon the holders of copyrights in the musical compositions which are the subject of recorded performances the full panoply of remedies for copyright infringement which are accorded to such copyrightholders for other forms of infringement. This would include the imposition of criminal penalties for any wilful infringement for profit.

This latter provision of the bill would take effect immediately upon the act's signing into law by the President, whereas the provisions dealing with the creation of a copyright in sound recordings themselves would not become operative until 4 months after enactment.

The committee's amendment to section 3 of the bill is intended to prevent the new rights created by section 1 of the bill from vesting in any party after December 31, 1974. Any copyright obtained on or before this expiration date, however, will be a full-term copyright, fully renewable.

It is hoped that the committee's amendment will serve two functions: First, to provide an additional incentive for both Houses of Congress to effect general copyright law revision at an early date. Second, to create an experimental period, pending such general revision, during which Congress can monitor and study the economic effects of S. 646, with an eye toward incorporating into a general revision bill whatever modifications of the approach employed in the current bill might appear warranted by our experience thereunder.

In 1967 the House passed a general copyright law revision bill containing the essential provisions of S. 646, but the other body did not act upon it. The passage today of this bill will serve, therefore, to accomplish purposes which we have already recognized as both legitimate and pressing, and I urge my colleagues to lend their enthusiastic support to that effort.

Mr. FULTON of Tennessee. Mr. Speaker, for years, the term "pirate" has conjured up thoughts of bluebeards and Captain Kidds plying their "trade" on the open seas, beneath a fluttering skull and crossbones. As we have been led to believe by old Errol Flynn movies, theirs was a heroic, gallant life—almost.

I would commend the action of my colleagues, however, as they moved today to halt a different form of "piracy", a modern form in which no "Jolly Roger's" are unfurled, no open seas are charted, no gallantry or heroism even remotely demonstrated. I am referring to the "piratic" practice of stealing the lyric and music possessions of legitimate recording firms and artists, people paying or receiving royalties for the right to present their work to the public.

Perhaps few people outside the recording industry realize that for every song that makes its way to the pop charts and scurries up the "hit parade," nine are discarded as rejects, to be counted as a financial, if not artistic, loss. Perhaps few recognize that for companies and artists to stay in business, these losses must be covered by the financial success of those few recordings which do "click."

Under an enterprise system in which the legitimate owners could claim full financial benefits from the songs they produce and record, companies and artists in a highly competitive and admittedly speculative field would stand at least a fair chance for success. However, the presence of those who may purchase the original recording, re-record, and distribute with no regard for copyrights, royalties, or other legal safeguards, make just survival for many firms a difficult task. No industry—even in a strong economy—can year after year lose as much as $100 million and be counted on to thrive.

As the representative from Nashville, "Music City, U.S.A." famous for its "Nashville Sound," I applaud the positive step taken by my colleagues in passing legislation extending Federal limited copyright protection to those firms and artists operating in the legitimate recording field. Hopefully, from this point, the music you hear will remain artistically pleasing; assuredly, it will be honestly paid for, distributed and produced.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the bill, S. 646, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FISHERMEN'S PROTECTIVE ACT AMENDMENT

Mr. DINGELL. Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 3304) to amend the act of August 27, 1954, commonly known as the Fishermen's Protective Act, to conserve and protect Atlantic salmon of North American origin, as amended.

The Clerk read as follows:

H.R. 3304

A bill to amend the Act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fishermen's Protective Act of 1967 (68 Stat. 883, as amended; 82 Stat. 729), is amended by inserting at the end thereof the following new section:

"SEC. 8. (a) When the Secretary of Commerce determines that nationals of a foreign country, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, the Secretary of Commerce shall certify such fact to the President. Upon receipt of such certification, the President may direct the Secretary of the Treasury to prohibit the bringing or the importation into the United States of fish products of the offending country for such duration as he determines appropriate and to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade.

"(b) Within sixty days following certification by the Secretary of Commerce, the President shall notify the Congress of any action taken by him pursuant to such certification. In the event the President fails to direct the Secretary of the Treasury to prohibit the importation of fish products of the offending country, or if such prohibition does not cover all fish products of the offending country, the President shall inform the Congress of the reasons therefore.

"(c) It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to bring or import into, or cause to be imported into, the United States any fish products prohibited by the Secretary of the Treasury pursuant to this section.

"(d) (1) Any person violating the provisions of this section shall be fined not more than $10,000 for the first violation, and not more than $25,000 for each subsequent violation.

"(2) All fish products brought or imported into the United States in violation of this section, or the monetary value thereof, may be forfeited.

"(3) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with this section.

"(e) (1) Enforcement of the provisions of this section prohibiting the bringing or importation of fish products into the United States shall be the responsibility of the Secretary of the Treasury.

"(2) The judges of the United States district courts, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and regulations issued thereunder.

"(3) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this section.

"(4) Such person so authorized shall have the power—

"(A) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States committing in his presence or view a violation of this section or the regulations issued thereunder;

"(B) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this section or the regulations issued thereunder, then to arrest such person.

"(5) Such person so authorized, may seize, whenever and wherever lawfully found, all fish products brought or imported into the United States in violation of this section or the regulations issued thereunder. Any fish products so seized may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulations promulgated by the Secretary of the Treasury after consultation with the Secretary of Health, Education, and Welfare.

"(f) The Secretary of the Treasury is authorized to prescribe such regulations as he determines necessary to carry out the provisions of this section.

"(g) As used in this section—

"(1) The term 'person' means any individual, partnership, corporation, or association.

"(2) The term 'United States', when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, and the United States Virgin Islands.

"(3) The term 'international fishery conservation program' means any ban, restriction, regulation, or other measure in force pursuant to a multilateral agreement to which the United States is a signatory party, the purpose of which is to conserve or protect the living resources of the sea.

"(4) The term 'fish products' means fish and marine mammals and all products thereof taken by fishing vessels of an offending country whether or not packed, processed, or otherwise prepared for export in such country or within the jurisdiction thereof."

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 3304, as reported by the Committee on Merchant Marine and Fisheries, is to authorize the President of the United States to prohibit the importation into this country of fishery products from nations that do not conduct their fishing operations in a manner that is consistent with international fishery conservation programs.

Mr. Speaker, H.R. 3304, as introduced was designed to protect Atlantic salmon of North American origin. Although the reported bill would cover all species of fish, I think it appropriate at this time to briefly describe to the Members of this distinguished body the unique nature of the Atlantic salmon.

Atlantic salmon, as well as the Pacific coast salmon, are classified as anadromous fish. Anadromous fish begin their lives in fresh water, where they live for varying periods, and then migrate to salt water—or to the high seas—where they usually spend most of their adult lives and finally return to fresh water, usually to the stream of their birth, where they spawn and die having completed their life cycle.

The International Convention for the Northwest Atlantic Fisheries, better known as ICNAF, entered into force in 1950. It is composed of 15 nations bordering the North Atlantic Ocean. It has as its purpose the protection and conservation of fishery resources of the Northwest Atlantic in order to maintain the stocks of fish at a level permitting the maximum sustained catch.

Because of the growing threat to Atlantic salmon, in 1969 the ICNAF Commission adopted a ban on high seas fishing of this species. Although the ban was accepted by most member nations, the countries of Denmark, Germany and Norway objected to such a ban and continued to fish the species. The need for this legislation arises from the fact that immature Atlantic salmon are being taken on the high seas by these countries contrary to sound conservation practices, thereby nullifying all efforts to insure an adequate run to their native streams. It is during their adult lives when anadromous fish migrate to the high seas crossing territorial and international boundaries that requires the full cooperation of all nations involved if these species of fish are ever to be protected and preserved for the future use and enjoyment of all nations.

Mr. Speaker, it is the unanimous hope and belief of the members of the Merchant Marine and Fisheries Committee that H.R. 3304, as amended, will accomplish this purpose, not only with the Atlantic salmon but with other species of fish that may be covered by an international agreement to which the United States is signatory.

Briefly explained, H.R. 3304, which was reported with amendments, would amend the Fishermen's Protective Act of 1967 by adding a new section 8 to the act.

Section 8(a) of the act would provide that whenever the Secretary of Commerce determines that nationals of a foreign country are conducting fishing operations in a manner which diminishes the effectiveness of an international fishery conservation program under an agreement to which the United States is signatory, then the Secretary of Commerce would be required to certify this fact to the President of the United States. Upon receipt of such certification, the President, in turn, would be authorized—but not required to do so—to direct the Secretary of Treasury to prohibit the importation into the United States of any or all fish products of the offending country for such duration as he may deem appropriate and to the extent such prohibition is sanctioned by the General Agreement on Tariffs and Trade, better known as GATT.

Section 8(b) of the act would require the President, within 60 days following a certification by the Secretary of Commerce, to notify the Congress of any action taken by him pursuant to such certification. In the event the President failed to direct the Secretary of Treasury to prohibit the importation into this country of any or all of the fish products of the offending country, then the President would be required to explain to the Congress the reasons for his action or lack of action.

Section 8(c) of the act would make it unlawful for any person subject to the jurisdiction of the United States to knowingly bring or import into the United States any fish products prohibited by the Secretary of Treasury.

Section 8(d) would subject violators to a $10,000 fine for the first offense and a $25,000 fine for each subsequent offense. In addition, all fish products illegally imported into the United States would be subject to forfeiture or the monetary value thereof and, in general, all provisions of law relating to seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws would be applicable.

Section 8(e) of the Act would vest enforcement responsibilities in the Secretary of the Treasury and would authorize the judges of United States district courts and United States Commissioners to issue warrants or other processes as may be necessary to enforce this Act and any regulations that may be issued thereunder.

In addition, section 8(e) would provide persons authorized to carry out enforcement activities under this Act with authority to execute warrants or other processes, arrest violators, search vessels, and seize any fish products that may be in violation of the Act.

Section 8(f) of the Act would define terms used throughout the Act such as "person", "United States", "international fishery conservation program", and "fish products."

Mr. Speaker, as introduced, H.R. 3304, had the support of all witnesses testifying at the hearing and all Government Agencies reporting on the bill, except for the Department of State. However, as reported by the Committee on Merchant Marine and Fisheries, H.R. 3304 differs substantially from the bill as introduced. It has been changed to meet the objections of the Department of State and as reported, it incorporates all the amendments suggested by all Government Agencies reporting on the legislation.

Mr. Speaker, the Committee on Merchant Marine and Fisheries were unanimous in ordering H.R. 3304 reported and I urge its prompt enactment.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Will this bill in any way help us in dealing with the growing menace of Russian poaching?

Mr. DINGELL. In answer to the question of the gentleman from Illinois, I would have to say probably not. The committee has under consideration some action with respect to the Russians fishing in the territorial and contiguous seas adjacent thereto. We probably will have legislation dealing with this matter at a latter date, but this bill does not deal with that question.

Mr. PUCINSKI I thank the gentleman.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support H.R. 3304, as reported by the Committee on Merchant Marine and Fisheries.

This legislation will authorize the President to embargo the importation of fishery products from countries whose nationals conduct fishing operations in such a manner as to diminish the effectiveness of international fishery conservation programs.

Mr. Speaker, I was prompted to introduce this legislation because of the severe conservation crisis which has arisen with respect to Atlantic salmon. The Atlantic salmon is a highly prized sports fish. Like all species of anadromous fish, it spawns in fresh water streams, migrates to the sea where it grows to adult size, and then returns to the stream of its birth to reproduce and die, completing the life cycle. The Atlantic salmon spawns in the streams of New England, the maritime provinces of Canada, various countries of western Europe, and most notably in the streams of Scotland.

During the past 100 years, the spawning grounds of the Atlantic salmon have been greatly reduced by man-made obstacles such as dams, and as a result of pollution of fresh water rivers and streams. On the western side of the Atlantic, the United States and Canada have awakened to this crisis and are spending millions of dollars to abate pollution, restore our fresh water streams, and provide means for the fish to overcome man-made obstacles.

Fishing for salmon with rod and reel is perhaps the ultimate in the sport of fishing. Thousands of people earn a living in the more remote areas of New England and Canada, where the best remaining salmon streams are found, as guides and in various related occupations. Commercial fishermen take the Atlantic salmon close in to the shore as they enter fresh water while permitting sufficient numbers to migrate to the spawning grounds. Fishing on the high seas for Atlantic salmon is of relatively recent origin. It results on the taking of immature salmon and effectively nullifies all efforts to insure that an adequate salmon run will be maintained in each stream. Salmon from Europe, Canada and the United States are hopelessly intermingled in the high seas, and their origins can only be determined by microscopic examination of their scales after being taken on board ship.

Until a decade ago, the Atlantic salmon was effectively protected from commercial exploitation by man while in the high seas. Its ocean migrations were unknown, and fishing was limited to inshore waters as the fish congregate for their annual up-stream migration.

In the early 1960's, however, the mystery of the Atlantic salmon was unraveled by Danish fishermen, who discovered that great schools of salmon concentrate between Labrador and Greenland during winter months. During the past 5 years, the commercial high seas catch of Atlantic salmon has risen from a mere 36 tons to over 1,000 tons.

The International Northwest Atlantic Fisheries Commission composed of the 15 principal nations engaged in commercial fishing in these waters has recognized the threat to the survival of Atlantic salmon presented by the Danish fishing effort and has adopted a ban on the high seas taking of this specie. Unfortunately, under the terms of the governing convention, individual nations are permitted to exempt themselves from the decisions of the commission. Thus, Denmark and two other countries—the Federal Republic of Germany and Norway—have refused to abide by the commission's decision. Because of this, the commission then adopted a freeze on the catch of Atlantic salmon establishing a quota of 1,200 tons or approximately the amount caught in 1969. While continuing to ignore the ban, Denmark, Germany, and Norway have agreed to the quota. The quota, of course, solves nothing. It is an interim measure which permitted continued fishing at an already dangerously high level. In time, the Atlantic salmon will disappear, and the quota merely postpones the inevitable.

The saga of the Atlantic salmon unfortunately is being repeated around the world with respect to many other creatures that inhabit the seas, most notably the whale. Commercial pressure has virtually wiped out the largest and most awesome species of whale. The International Whaling Convention, far from being a conservation measure, has proven to be a cloak for over-exploitation on a grand scale. The whale, of course, is but one example of the seeming inability of man to intelligently conserve our natural resources which cannot replenish themselves if reduced below a certain level.

While this legislation was initially prompted by the Atlantic salmon crisis, the whaling issue and the impending over-exploitation of other living marine resources prompted me to suggest to the committee that this legislation be expanded to give the President the authority to embargo fishery products in the case of flagrant violation of any international fishery conservation program to which the United States has committed itself. I am pleased that the committee has adopted this approach.

In addition to broadening the scope of this legislation, the committee has made other important changes which I feel will insure effective implementation. The most important procedural amendment adopted by your committee relates to the authority granted the President. As introduced, the imposition of an embargo would have followed automatically a certification by the Secretary of Commerce to the Secretary of the Treasury that nationals of a given foreign country were conducting fishing operations inimical to sound conservation. As reported by your committee, the legislation gives the President discretion to prohibit the importation of fish products of the offending country for such duration as he deems appropriate.

The legislation recognizes that the General Agreement on Tariffs and Trade imposes certain restraints upon our ability to embargo foreign products. To insure, however, that the President will not ignore this legislation, it provides that within 60 days following a certification by the Secretary of Commerce, the President shall notify the Congress of any action taken by him, and in the event the President fails to prohibit the importation of fish products of the offending country or if the prohibition does not cover all fish products of the offending country, the President must inform the Congress of the reasons for his action. This is not intended to tie the President's hands but merely to insure that the President has developed substantial reasons for not fully utilizing the authority granted him and that Congress is fully informed.

In addition to amending the legislation to give the President discretion, the committee has defined the term "fish products" to include marine mammals. As I have just indicated, whales are the most notable example of an overexploited living marine resource. There is other legislation now pending before your Committee on Merchant Marine and Fisheries, the Marine Mammal Protection Act, which considers this problem in great detail. The expansion of H.R. 3304 to encompass marine mammals is a logical corollary to the pending Marine Mammal Protection Act.

In conclusion, Mr. Speaker, I would like to reiterate several points covered in the committee report on H.R. 3304. The effectiveness of this legislation will depend upon the spirit and dedication to sound conservation of the agencies and individuals responsible for its enforcement. While we have, I believe properly, amended the bill to give the President discretionary authority as opposed to an automatic embargo, I do not expect that this discretion will become an excuse for inaction on the part of the Secretary of Commerce or the President. We are dealing with an aspect of foreign relations, and it is unwise to tie the hands of the Executive, but the enactment of this legislation represents a clear directive from the Congress to the President that the United States will not permit foreign countries which flount international conservation measures to profit through continued access to the American marketplace.

Secondly, Mr. Speaker, the effective implementation of this legislation will depend upon further interpretation of the General Agreement on Tariffs and Trade. The committee has pointed out in its report that it is of the opinion that the GATT treaty authorizes the United States to embargo all fishery products of a country which fails to abide by an international fishery conservation program, even though that program may relate to one specie of fish or marine mammal only. To conclude otherwise would render this legislation meaningless.

For example, as the committee report points out, Danish exports of Atlantic salmon to the United States in 1970 were valued at 63,000 and some odd dollars, whereas all Danish fish exports totaled over $10,000,000 in value. While it is unlikely that the loss of a $63,000 market in Atlantic salmon would have a substantial impact upon the Danish position with respect to the high seas taking of Atlantic salmon, the potential loss of a $10,000,000 market may well have such an impact.

Mr. Speaker, this legislation is supported by a wide range of conservation groups and has broad bipartisan support in the Congress. Correspondence received by the committee from the Departments of Commerce and State reprinted in the committee report indicate their support for the approach taken by the committee in the reported bill. The bill was reported unanimously by the Committee on Merchant Marine and Fisheries, and I urge its passage.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in support of H.R. 3304, a bill to amend the Fisherman's Protection Act to conserve and protect Atlantic salmon of North American origin.

In this, the beginning of the decade of environmental concern, we should all be aware of the necessity for strong legislation to protect and conserve fish species which originate in the territorial waters of the United States but spend their adult life at sea. Under present law the United States has agreed to claim a 12-mile coastal fishing zone, while fish caught outside this area may be taken by any nation. The United States is party to an international agreement to ban the overfishing on the high seas of Atlantic salmon.

Danish fishermen, however, have discovered that Atlantic salmon spawned in U.S. streams congregate off Greenland, a Danish possession. Their overfishing in this area has threatened the extinction of this natural resource which Americans spend millions of dollars each year to conserve.

This bill before us would help correct this state of affairs by banning fish imports into the United States from nations which endanger American stocks of fish by overfishing. The bill calls on the Secretary of Commerce to inform the Secretary of the Treasury when American stocks of fish are endangered by overfishing by foreign fishermen. The Secretary of the Treasury is then authorized to ban fish products of the violating nations from being imported into the United States.

This is a harsh approach to solving both a conservation and economic problem. Nonetheless, being cut off from U.S. markets may be the only method of forcing other nations into negotiating conservation treaties to protect the Atlantic salmon for the long-range benefit of all concerned.

I respectfully urge my colleagues to vote for this important conservation measure.

Mr. SCOTT. Mr. Speaker, I rise in support of H.R. 3304, and commend my distinguished colleague from the State of Washington both for his description of the measure and his explanation of the pressing need for its passage.

Rather than repeat the points already made, I would like to remind my colleagues that another compelling reason for supporting this bill is the tremendous fishing activity that is going on just off our shores by foreign fishing fleets. For example, such intensive fishing as that by the Russians right outside the Chesapeake Bay inevitably can be expected to deplete the ocean resources that America needs and relys on. H.R. 3304 will give us the necessary backup muscle—if and when needed—to help protect species of sea life.

We sometimes tend to forget that it is not only those who live by fishing that sustain loss when a species which was once in abundance becomes scarce or unavailable. Those who live inland, and through choice or need include seafood in their diet, pay increasingly higher prices for scarce species until, quite literally, some excellent high protein products such as salmon have priced themselves out of the market for lower income groups.

H.R. 3304, in my opinion, is an important conservation measure whose time has come, and deserves the support of this body.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 3304.

There is an urgent need to protect stocks of Atlantic salmon from wasteful high seas fishery. It seems that some countries which depend upon the sale of fish products to bolster their economy would cooperate in a program for the conservation and wide use of such valuable resources as Atlantic salmon. However, some countries are not willing to cooperate.

We had just reached the point where programs for the management and enhancement of Atlantic salmon had begun to produce substantial benefits when the high seas salmon fishery problem threatened to remove any incentive or justification for such a rewarding effort. Historically the problems of salmon management were dams, pollution, and spawning success. We now can successfully pass salmon over dams which blocked their migration; we now have cleaned up the pollution in several potentially good salmon streams and we can produce, in hatcheries, the young salmon needed to replenish our streams. Yet unless there is some assurance that reasonable numbers of mature salmon are permitted to return to their home stream, the programs designed to enhance the world populations of Atlantic salmon are doomed to failure and the Atlantic salmon may be doomed as a living species.

It is economically wasteful to invest in the necessary gear and supplies required to harvest salmon on the high seas when these same fish will return to shore in greater poundage and prime condition. It is wasteful because as the gill nets fill with struggling fish and rock in the ocean current, many dead or dying salmon work free of the mesh and are forever lost for either food or sport. Harvest of Atlantic salmon at the mouth of, or within the rivers is more equitable, more practical and really a basis for sound management of the resource. Until, if ever, these species can successfully be propagated wholly within the ocean, they are dependent on rivers and streams for completion of their life cycle. It takes tens of years to develop a race or strain of Atlantic salmon that is best suited for a particular river or stream. Yet, in a matter of weeks, commercial fishing on the high seas can totally eliminate a run from an important river. We just cannot be sure that the fish harvested are from intermingled stocks or that they are not from salmon runs requiring special protection.

H.R. 3304, which I have introduced, is a bill to amend the act of August 27, 1954, commonly known as the Fisherman's Protective Act. This bill has been amended by the Merchant Marine Committee so that fishery products of countries whose fishing fleets conduct operations which lessen the effectiveness of an international fishery conservation program may be embargoed. H.R. 3304 now covers marine mammals as well as fish—this will be of great help in saving the world whale population. The passage of this legislation would be a vital step in solving the Atlantic salmon problem.

I might add that this bill has been further amended to allow the President to impose the embargo for specific numbers of products, as he feels is needed. The President must inform Congress of his action, and if he decides not to impose an embargo, he must advise Congress of his reasons for making such a decision.

The proposed legislation, H.R. 3304, may seem drastice or harsh; it is neither. The rationale behind it is clear to all but a very few. Sure I enjoy drifting a fly over my favorite salmon pool but this is not a pitch to favor sport fishing over commercial fishing. It is a plea to take needed action now so that we may in the future provide society with an exceptionally valuable natural resource.

I urge my colleagues to support this legislation.

Mrs. HICKS of Massachusetts. Mr. Speaker, on behalf of all the fishermen in our country and, particularly, those on the Atlantic coast, I would like to register my support of the Fishermen's Protective Act, which is being considered in the House today.

Our fishermen are constantly under attack by foreign fishermen who exercise little or no conservation restraint in taking fish.

In recent years, extensive fishing by foreign vessels in U.S. coastal waters has caused serious depletion in fish stocks. In addition, the intense competition for fish has produced obstructive tactics to which our fishermen have been subjected, causing substantial financial loss in gear, labor, and catch.

Legislation should be enacted which will insure the conservation of fisheries resources off our coasts, and protect the economic interests of American fishermen.

Mr. KEITH. Mr. Speaker, in the past decade the fishermen of our country and especially those of New England have seen their livelihood literally swept from the seas. Vast fleets of foreign trawlers, mostly Russian, have used mid-water trawl techniques to vacuum specie after specie from areas such as the Grand Banks and Georges Banks.

The restrictions and quotas imposed by the various international commissions and agreements have been inadequate because they are, generally, not agreed upon until after it has been documented that a specie has been overfished. And therefore many of our most valuable fisheries are inadequate to meet the demand. Haddock, for example, is fast disappearing from the New England waters and from the Nation's markets. The controlled and balanced use of the ocean's resources is essential if man is to maintain a maximum sustainable yield from the sea. We have no guarantee that once upset, the ocean's ecological systems can regain their balance and health.

Therefore, Mr. Speaker, I am most anxious that we amend today the Fishermen's Protective Act. I do so as a cosponsor and as an alarmed citizen. I trust that my colleagues will realize its long-range potential to all Americans and to people everywhere.

What this bill does, Mr. Speaker, is to permit the President, under certification from the Secretary of Commerce, to prohibit the importation of fish products of any foreign country that is conducting fishing operations in a manner which diminishes the effectiveness of international conservation programs.

The President has full discretion in exercising this authority. However, he must advise the Congress of his actions, or explain his inaction if such be the case, within 60 days after the Secretary of Commerce has advised him of any foreign fishing transgressions.

The authority set forth in this legislation will prove invaluable in our Nation's attempts to stop the exploitation of the fisheries resources off our coasts. At last, in this bill we hopefully will have the means to effectively enforce international fishery conservation programs.

Mr. Speaker, with enactment of this measure, America's fishermen, such as those from the New Bedford area, will, at last, know that there is some way to punish those who fail to live up to the conservation compacts into which we have entered. The high promises of international conferences, which many of our fisherman have attended, can now hopefully serve our fisheries and those who rely on them.

Mr. DON H. CLAUSEN. Mr. Speaker, I wish to take this opportunity to express my full and strong support for H.R. 3304 which will improve protect and enhance marine and fishery resource conservation programs.

As a coauthor of the original legislation, I am gratified that the Merchant Marine and Fisheries Committee has broadened the scope of the bill to include all species which are protected, or supposed to be protected, under international fishery conservation agreements.

Anadromous fish are an important and valuable resource and we must take every feasible step to insure that they are not brought to the brink of extinction by fishermen using calculated plundering for short-term economic gain.

The North Atlantic salmon is the prime example of a species being ravished thoughtlessly and without regard for appropriate conservation measures. The annual harvest must be controlled so as to insure the continued viability of this great fish. Our approval of H.R. 3304 is the most realistic and effective means to achieve this goal.

Our own domestic conservation programs for the salmon will be valueless if foreign fishermen and others continue to deplete this resource on the high seas before the fish reach maturity. I have been a staunch advocate and supporter of marine and fishery resource conservation programs. The legislation under consideration is another important step toward the ultimate goal I seek—a realistic fish conservation area zone contiguous to our coastal areas and resource management programs that will assure a sustained yield on a perpetual reproduction basis for the resources of the sea.

Mr. HOGAN. Mr. Speaker, being a Marylander, I appreciate the importance of the fishing industry. The living resources of the Chesapeake Bay and the broad Atlantic are important economically and recreationally to my State of Maryland and for these reasons I joined in cosponsoring of H.R. 3305—a bill whose purpose is to protect the existence of the Atlantic salmon. This legislation is similar in scope to that which we are considering today, H.R. 3304, reported by the Committee on Merchant Marine and Fisheries.

The Atlantic salmon has been an important sport and commercial fish for many years. Although threatened by pollution of the stream in which it breeds, it has survived and, as we make progress in cleaning our northeastern rivers, the Atlantic salmon has begun to appear again in those rivers.

A serious situation has developed in recent years however, stemming from the commercial taking of these fish in the open seas. In the Davis Strait between Canada and Greenland there has developed an extensive fishery which nets immature salmon born in North American rivers.

Fourteen nations which fish the North Atlantic have voted to ban fishing for salmon in the North Atlantic through their membership in the International Convention for the Northwest Atlantic Fisheries. Several other nations, notably Denmark, have not. Lacking a means to enforce the will of the majority, opensea fishing for salmon continues. I cite this example of the salmon problem to document the need for sanctions against this type of activity.

As originally introduced, H.R. 3305 would have imposed a degree of unanimity of action with regard to the conservation of the fisheries by requiring the Secretary of Commerce to prohibit the importation of any fish products of an offending country. During the hearings on this legislation, it became apparent that this legislation could serve the broader purpose of covering those innumerable international agreements governing the conservation of various stocks of fish and marine mammals in the Atlantic and Pacific Oceans. Adherence to these agreements on the part of major fishing nations of the world is not uniform partly because some nations are reluctant to participate in reasonable conservation programs designed to insure the continued abundance of the particular species.

For these reasons, the Merchant Marine and Fisheries Committee has amended the reported bill, H.R. 3304, so that fishery products of countries whose nationals conduct fishing operations under circumstances which diminish the effectiveness of an international fishery conservation program may be embargoed.

At the request of the Department of State and other administrative agencies, this bill has been amended to enable the President to impose the embargo at his discretion and to limit the embargo to specific fishery products or impose an embargo generally. Counterbalancing this Presidential discretion is a requirement that the President notify the Congress of his action and if he chooses not to impose the embargo, Congress is to be advised of the reasons therefor.

Because this legislation includes marine mammals as well as fish, it may be of some importance in our continuing efforts to prevent the extinction of the world's whale population.

It is worth adding, I believe, that other nations are experiencing a swell of public sentiment in favor of such restrictions of trade with an offending nation. Hopefully, the enactment of legislation such as we are considering here today will exact prompt compliance with sound conservation practices on the part of offending nations.

The SPEAKER pro tempore (Mr. BOLLING). The question is on the motion of the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 3304, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 3304.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

VETERANS MEDICAL CARE ACT OF 1971

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10880) to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

The Clerk read as follows:

H.R. 10880

A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Medical Care Act of 1971".

TITLE I—AMENDMENTS TO CHAPTER 17 OF TITLE 38, UNITED STATES CODE—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

SEC. 101. (a) Subparagraph (C) of section 601(4) of title 38, United States Code, is amended to read as follows:

"(C) private facilities for which the Administrator contracts in order to provide (i) hospital care or medical services for persons suffering from service-connected disabilities or from diabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) hospital care for women veterans of any war; or (iii) hospital care for veterans of any war in a State, territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978."

(b) Section 610 of such title is amended by adding at the end thereof the following new subsection:

"(d) The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care to the following individuals to the extent that the provision of such care does not interfere with the furnishing of hospital and domiciliary care under subsections (a) and (b) of this section:

"(1) the wife or child of a person who has a total disability, permanent in nature, resulting from a service-connected disability; and

"(2) the widow or child of a person who has died as the result of a service-connected disability."

SEC. 102. Subsection (f) of section 612 of title 38, United States Code, is amended to read as follows:

"(f) The Administrator may also furnish medical services on an outpatient or ambulatory basis to any person eligible for hospital care under section 610 of this title under the following circumstances:

"(1) Where such services are reasonably necessary in preparation for, or to obviate the need of, hospital admission.

"(2) Where such a person has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care.

"(3) Where a veteran of any war has a total disability permanent in nature resulting from a service-connected disability."

SEC. 103. So much of subsection (a) of section 620 of title 38, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(a) Subject to subsection (b) of this section, the Administrator may transfer—

"(i) any veteran who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, and

"(ii) any person who has been furnished care in any hospital of any of the Armed Forces and who upon discharge therefrom will become a veteran,

to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, if the Administrator determines that—".

SEC. 104. Section 626 of title 38, United States Code, is amended by adding after the word "fire" the words "or natural disaster".

SEC. 105. (a) Subchapter III of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 628. Reimbursement of certain medical expenses

"The Administrator may, under such limitations as he may prescribe, reimburse beneficiaries entitled to hospital care or medical services under laws administered by the Veterans' Administration the reasonable value of such care or services from sources other than the Veterans' Administration (including the necessary travel incidental thereto) where—

"(1) rendered in a medical emergency of such nature that delay would have been hazardous to life or health;

"(2) Veterans' Administration or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise or practical, or treatment had been, or would have been refused; and

"(3) rendered to a veteran in need thereof, for an adjudicated service-connected disability or non-service-connected disability associated with and held to be aggravating a service-connected disability (or to a veteran found in need of vocational rehabilitation under chapter 31 of this title, for whom an objective had been selected, or who is pursuing a course of vocational rehabilitation training, and who is medically determined to have been in need of care or treatment to make possible his entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training when interrupted because of illness, injury, or a dental condition)."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting immediately after

"627. Persons eligible under prior law."

the following

"628. Reimbursement of certain medical expenses."

TITLE II—IMPROVEMENTS IN THE OPERATION AND PERSONNEL PRACTICES OF THE DEPARTMENT OF MEDICINE AND SURGERY

SEC. 201. Section 4101(b) of title 38, United States Code, is amended to read as follows:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health service personnel to the Nation, the Administrator shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of training and education of such health service personnel, acting in cooperation with schools of medicine, dentistry, osteopathy, and nursing; other institutions of higher learning; medical centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate."

SEC. 202. Section 4103(a) of title 38, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) Not to exceed eight Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendations of the Chief Medical Director. Two Assistant Chief Medical Directors shall be individuals qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicine. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service."; and

(2) by amending paragraph (7) to read as follows:

"(7) A Director of Pharmacy Service, a Director of Dietetic Service, and a Chief Optometrist, each appointed by the Administrator."

SEC. 203. Section 4107 of title 38, United States Code, is amended by—

(1) amending subsections (a) and (b) to read as follows:

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"SECTION 4103 SCHEDULE

"Associate Deputy Chief Medical Director, at the annual rate provided in section 5316 of title 5 for positions in level V of the Executive Schedule.

"Assistant Chief Medical Director, $37,624.

"Medical Director, $32,546 minimum to $36,886 maximum.

"Director of Nursing Service, $32,546 minimum to $36,886 maximum.

"Director of Chaplain Service, $28,129 minimum to $35,633 maximum.

"Director of Pharmacy Service, $28,129 minimum to $35,633 maximum.

"Director of Dietetic Service, $28,129 minimum to $35,633 maximum.

"Chief Optometrist, $26,547 minimum to $33,627 maximum.

"(b) (1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade, $28,129 minimum to $35,633 maximum.

"Executive grade, $26,143 minimum to $33,982 maximum.

"Chief grade, $24,251 minimum to $31,523 maximum.

"Senior grade, $20,815 minimum to $27,061 maximum.

"Intermediate grade, $17,761 minimum to $23,089 maximum.

"Full grade, $15,040 minimum to $19,549 maximum.

"Associate grade, $12,615 minimum to $16,404 maximum.

"NURSE SCHEDULE

"Director grade, $24,251 minimum to $31,523 maximum.

"Assistant Director grade, $20,815 minimum to $27,061 maximum.

"Chief grade, $17,761 minimum to $23,089 maximum.

"Senior grade, $15,040 minimum to $19,549 maximum.

"Intermediate grade, $12,615 minimum to $16,404 maximum.

"Full grade, $10,470 minimum to $13,611 maximum.

"Associate grade, $9,026 minimum to $11,735 maximum.

"Junior grade, $7,727 minimum to $10,049 maximum.

"(2) No person may hold the director grade in the 'Physician and Dentist Schedule' unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital center, or outpatient clinic (independent), or comparable position."; and

(2) adding at the end thereof a new subsection (d) as follows:

"(d) The limitations in section 5308 of title 5 shall apply to pay under this section.".

SEC. 204. Section 4107 of title 38, United States Code, is further amended by adding the following new subsection (e):

"(e) (1) In addition to the basic compensation provided for nurses in subsection (b) (1) of this section, a nurse shall receive additional compensation as provided by paragraphs (2), (3), (4), and (5) of this subsection.

"(2) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional compensation for each hour of service on such tour not exceeding eight hours, at a rate equal to 10 per centum of the employee's basic hourly rate, provided that four hours or more of that tour fall between 6 postmeridian and 6 antemeridian. When fewer than four hours fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of work performed between those hours.

"(3) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, and which part is not overtime work, shall receive additional compensation for each hour of service on such tour not exceeding eight hours, at a rate equal to 25 per centum of the employee's basic hourly rate.

"(4) A nurse performing service on a holiday designated by Federal statute or Executive order, shall receive such employee's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay, for that holiday work which is not overtime work.

"(5) A nurse performing officially ordered or approved hours of service in excess of forty hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service; the overtime rate shall be one and one-half times the employee's basic hourly rate, not to exceed one and one-half times the basic hourly rate for the minimum rate of intermediate grade of the Nurse Schedule. For the purposes of this paragraph, overtime must be of at least fifteen minutes duration in a day to be creditable for overtime pay. Compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted. Any excess service performed under this paragraph on a day when service was not scheduled for such nurse, or for which such nurse is required to return to her place of employment, shall be deemed to be a minimum of two hours in duration.

"(6) For the purpose of computing the additional compensation provided by paragraph (2), (3), (4), or (5) of this subsection, a nurse's basic hourly rate shall be derived by dividing the annual rate of basic compensation by two thousand and eighty.

"(7) Any additional compensation paid pursuant to this subsection shall not be considered as basic compensation for the purposes of subchapter VI and section 5595 of subchapter IX of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits based on basic compensation."

SEC. 205. (a) Section 4108 of title 38, United States Code, is amended to read as follows:

"§ 4108. Personnel administration

"(a) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses appointed to the Department of Medicine and Surgery, except that no physician, dentist, or nurse employed on a full-time basis may—

"(1) assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Veterans' Administration facility, except in those cases where the individual, upon request and with the approval of the Chief Medical Director, performs professional services to assist communities or medical practice groups, to meet medical needs which would not otherwise be available, for a period of service not to exceed one hundred and eighty calendar days, which may be extended by the Chief Medical Director for a second period not to exceed one hundred and eighty calendar days;

"(2) teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with his duties within the Department;

"(3) accept payment under any insurance or assistance program established under subchapter XVIII or XIX of title 42 for professional services rendered by him;

"(4) accept from any source, with respect to any travel performed by him, any payment or per diem which would be in addition or supplementary to the allowances authorized under this chapter or title 5 for such travel;

"(5) request or permit any individual or organization to pay, on his behalf, for insurance insuring him against malpractice claims or for his dues or similar fees for membership in medical or dental societies or related professional associations; and

"(6) perform professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or his personal benefit, or both and in the case of any such fund or account established before the effective date of this subsection—

"(A) the affiliated institution shall report on a quarterly basis to the Administrator and to the Comptroller General of the United States with respect to such fund or account, and

"(B) no physician, dentist or nurse may receive any cash from such fund or account on or after the effective date of this subsection.

"(b) As used in this section, the term 'affiliated institution' means any medical school or other institution with which the Administrator has a contract or agreement for the training or education of health service personnel."

(b) The table of sections of the beginning of chapter 73 of such title is amended by striking out

"4108. Personnel administration."

and inserting in lieu thereof

"4108. Personnel administration."

Sec. 206. Section 4109 of title 38, United States Code, is amended by striking out "the Civil Service Retirement Act" and inserting in lieu thereof "chapter 83 of title 5".

Sec. 207. Section 4114 of title 38, United States Code, is amended by striking out the words "ninety days" in the last sentence of paragraph (3) (A) of subsection (a) and inserting in lieu thereof "one year".

Sec. 208. Section 4116 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) The remedy—

"(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.";

(2) by striking out the last sentence in subsection (c) and inserting in lieu thereof the following: "After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court."; and

(3) by adding at the end thereof the following new subsection:

"(e) The Administrator may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to which the immunity provisions of this section apply (as described in subsection (a)), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to a State or political subdivision thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States provided by sections 1346(b) and 2672 of title 28, for such damage or injury."

Sec. 209. Section 4117 of title 38, United States Code, is amended to read as follows:

"The Administrator may enter into contracts to provide scarce medical specialist services at Veterans' Administration facilities with medical schools, clinics, and any other group or individual capable of furnishing such services (including, but not limited to, services of physicians, dentists, nurses, technicians, and other medical support personnel."

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

Sec. 301. Chapter 81 of title 38, United States Code, is amended by inserting at the end of the first sentence in subsection (a) of section 5012 thereof the following: "Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 5 of title 41. Notwithstanding section 303b of title 40 or other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Administrator shall give appropriate public notice of intention in the press of the community in which the lands or buildings to be leased are located.".

Sec. 302. Chapter 81 of title 38, United States Code, is amended by striking out in the first sentence of subsection (a) of section 5053 immediately after the parenthesis the words "or medical schools" and inserting immediately after the close parenthesis the words "or medical schools or clinics".

Sec. 303. (a) Chapter 81 of title 38, United States Code, is amended by striking out section 5056 thereof and inserting in lieu thereof the following:

"§ 5056. Coordinating with and participating in programs carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965

"The Administrator, to the extent feasible without interfering with the medical care and treatment of veterans, is authorized to participate in programs under title IX of the Public Health Service Act, and the Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate programs carried out under this subchapter and programs carried out under such title IX of the Public Health Service Act. Nothing in this section shall be construed to authorize the furnishing of care in any Veterans' Administration facility to any individual not eligible for such care under other provisions of this title."

(b) The table of sections at the beginning of such chapter 81 is amended by striking out

"5056. Coordination with programs carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965."

and inserting in lieu thereof

"5056. Coordinating with and participating ing in programs carried out under the Heart Disease, Cancer, and Stroke Amendments of 1965."

TITLE IV—AMENDMENT TO CHAPTER 3 OF TITLE 38, UNITED STATES CODE—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

Sec. 401. (a) Section 234 of title 38, United States Code, is amended by inserting immediately after the words "telephones for" the words "nonmedical directors of centers, hospitals, independent clinics, domiciliaries, and".

(b) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by deleting

"234. Telephone service for medical officers."

and inserting in lieu thereof:

"234. Telephone service for medical officers and facility directors."

(c) The catchline at the beginning of section 234 of title 38, United States Code, is amended by inserting immediately after the word "officers" the words "and facility directors."

TITLE V—APPLICABILITY OF ECONOMIC STABILIZATION ACT OF 1970

Sec. 501. To the extent deemed applicable by the President or his designee, sections 203 and 204 of this Act shall be subject to the provisions of the Economic Stabilization Act of 1970 (84 Stat. 799) as implemented by Executive Order 11615, dated August 15, 1971.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the Record on the bill, H.R. 10880.

The SPEAKER pro tempore (Mr. Bolling). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker,

I yield myself such time as I may consume.

Mr. Speaker, H.R. 10880 is an important bill and is the result of a substantial effort on the part of the Subcommittee on Hospitals. Hon. DAVID E. SATTERFIELD III is chairman of that subcommittee. Hon. JOHN P. SAYLOR is ranking minority member on that subcommittee: The members of the subcommittee are as follows: Hon. JAMES A. HALEY, Hon. WALTER S. BARING, Hon. THADDEUS J. DULSKI, Hon. RAY ROBERTS, Hon. W. J. BRYAN DORN, Hon. ROMAN C. PUCINSKI, Hon. G. V. MONTGOMERY, Hon. DON EDWARDS, Hon. CHARLES J. CARNEY, Hon. GEORGE E. DANIELSON, Hon. LOUISE DAY HICKS, Hon. ELLA T. GRASSO, Hon. LESTER L. WOLFF, Hon. JOHN PAUL HAMMERSCHMIDT, Hon. WILLIAM LLOYD SCOTT, Hon. MARGARET M. HECKLER, Hon. JOHN M. ZWACH, Hon. CHALMERS P. WYLIE, Hon. LARRY WINN, Jr., Hon. EARL B. RUTH, and the Hon. ELWOOD HILLIS.

The subcommittee held extensive hearings on this legislation and a general review of problems confronting the department of medicine and surgery of the Veterans' Administration, and spent a good deal of time in perfecting and improving this bill. It has many far-reaching implications which we believe will have a favorable effect on the department of medicine and surgery and its ability to provide first-class care for veterans and dependents. The gentleman from Virginia (Mr. SATTERFIELD) will explain in detail the provisions in the bill, but I do wish to comment on several features of the bill.

I have had a strong personal interest in the welfare of the widows and children of men who lost their lives from service-connected causes and the families of 100 percent permanently and totally disabled service-connected veterans.

Over the years, Congress has substantially improved benefits for these women and children. About 12 years ago the Survivor Benefit Act was passed which increased the compensation for women and children. Congress has passed the war orphans scholarship program which has provided the basis for education for several hundred thousand children of deceased veterans and 100-percent disabled veterans. We extended education and training benefits to widows and wives of 100-percent service-connected disabled veterans, and more recently we have extended these education benefits to wives and children of POW's and men missing in action. This bill extends hospital and medical benefits to wives and children of service-connected dead and 100-percent disabled veterans. These benefits are to be made available subject to the availability of facilities in the Veterans' Administration.

We have taken this step because of certain serious inequities which exist. The wives and children of retired career military personnel may receive medical care on a bed-available basis in military hospitals, or under the CHAMPUS program. Changes made in the law in 1949 have had the effect of rendering eligible for medical care in military hospitals, and under CHAMPUS, those wives and children of service-connected dead and those retired for medical disability since 1949. The problem arises because prior to 1949 there were very substantial numbers of citizen soldiers who did not qualify under laws at that time as career military personnel, but nevertheless lost their lives or received very serious injuries as a result of their service. In other words, we have a large group, numbering probably about 200,000, of widows and children whose husbands and fathers served principally in World War I and World War II who are not covered by the medical programs now in existence for retired personnel and families or the survivors of career personnel.

This bill will rectify this injustice and extend medical benefits to surviving women and children of service-connected dead and the families of totally and permanently disabled veterans. I think this is a matter of simple justice. I know of no class of beneficiaries that deserves a higher priority of consideration.

One other provision of the bill which is most important which I would like to mention relates to ambulatory or outpatient care. For many years the Veterans' Administration was prohibited from giving outpatient care except in the case of service-connected veterans. This meant that any non-service-connected veteran that was to receive care in a VA hospital must be hospitalized or receive no care at all. This practice resulted in many patients being hospitalized who needed care but did not need to occupy a bed, and it also resulted in an excessive length of stay in many cases. The Veterans' Administration was constantly being criticized because it was keeping patients longer for typical illnesses than was the case in other types of hospitals. This resulted predominantly from the fact that VA could not deal with the non-service-connected patient on an outpatient basis for workup purposes prior to admission.

Several years ago we changed the law and created the so-called pre- and post-hospital-care outpatient program. This meant that the VA could deal with hospital cases for preadmission workup and postdischarge checks on an outpatient basis in the same manner followed by most other hospitals and medical facilities. This program had a remarkable impact on the Veterans' Administration hospital and medical system, and greatly increased the turnover of patients, shortened the hospital stay and allowed the Veterans' Administration to take care of substantially more patients for the same amount of money.

This bill makes a further move in the direction of liberalizing outpatient programs for non-service-connected veterans. It says, in effect, that the Veterans' Administration may furnish outpatient care to an eligible person where such care is reasonably necessary to obviate the need for hospital admission. This change will have an important impact on the medical program. It will require some adjustments and expansions in outpatient facilities, but most important of all, it will permit the doctors of the VA to deal with a patient based on the patient's specific medical needs rather than following an arbitrary rule which results in hospital admissions in some cases where admission is not needed. I fully expect this provision, when in full operation, to further increase the efficiency of the Veterans' Administration and permit the department of medicine and surgery to further expand its ability to care for more patients at a lower average cost.

Dr. Musser, Chief Medical Director, has indicated his great desire for this provision on the basis that it will permit him to practice sound medicine and deal more specifically with the needs of the patient, without regard to arbitrary rules, and we have confidence that Dr. Musser will make efficient use of this provision.

There are several provisions of this bill which expand the role of the Veterans' Administration hospital and medical program in education and will permit it more latitude in working cooperatively with local medical institutions. The ability of the Veterans' Administration to deliver quality care is dependent largely on its affiliation with the medical schools of the Nation, and its ability to cooperate with other medical institutions. We recognize, of course, that the primary role of the VA hospital system is the care of veteran patients, but we are also conscious that the Nation's greatest medical system can make a large contribution to American medicine and the general welfare of the American public, and we are supporting the Veterans' Administration in every way possible so that it can continue and expand its vast educational programs which are creating large numbers of trained medical manpower so badly needed by the American public.

Mr. Speaker, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Virginia (Mr. SATTERFIELD).

Mr. SATTERFIELD. Mr. Speaker, H.R. 10880 is an omnibus bill entitled the "Veterans' Medical Care Act of 1971" and is another important bill stemming from a series of hearings held by our subcommittee on hospitals in both the 91st and 92d Congresses. A number of the provisions represent specific recommendations of the Veterans' Administration and have the approval of the executive branch. In fact, of the 17 separate provisions now contained in this measure 12 of them have the specific endorsement of the Veterans' Administration and two additional provisions appear to be without objection to the agency.

The major provisions of the bill, if enacted, would accomplish the following:

First, permit the furnishing of pre- and post-hospital medical services on an outpatient or ambulatory basis to any person eligible for hospital care under section 610 of title 38, or where such care is reasonably necessary to obviate the need for hospital admission. These services include, in addition to medical examination and treatment, optometrists' services, dental and surgical services, as are now available in the case of non-service-connected disabilities, for treatment after the veteran has been scheduled for admission for hospital treatment or, following hospitalization in connection with treatment he received while hospitalized.

Second, provide pay differentials for nurses performing duty between the hours of 6 p.m. and 6 a.m.; from midnight Saturday to midnight Sunday; or on Federal holidays. Provide overtime pay for hours of service in excess of 40 hours during nurses' administrative workweek, or in excess of 8 hours a day.

Third, provide for furnishing of hospital and medical care, to the extent that it does not interfere with care for eligible veterans, to the wife or child of a totally and permanently disabled service-connected veteran and to the widow or child of a person who has died as the result of a service-connected disability.

The other provisions of the bill are generally administrative or operational in character and are designed to make improvements in the department of medicine and surgery, extend greater flexibility to the administrator in carrying out its responsibilities in the veterans' medical care program, and to clarify and extend certain administrative authority now set forth in title 38 of the United States Code.

The major objectives of the bill which I previously discussed briefly are believed by the committee to be highly desirable and essential to the needs and greater utilization of the facilities of the department of medicine and surgery, the broadening of the authority to extend outpatient or ambulatory care will enable the Veterans' Administration to render such care in many cases which under present law would require initial hospitalization of the non-service-connected wartime veteran concerned. With this expanded authority the need for hospital admission will be obviated, thus making beds available to other veterans where hospitalization is clearly required.

The bill would extend for the first time hospital and medical care entitlement to certain wives, widows, and children of veterans who are either totally and permanently disabled from service-connected causes or who have died as a result of a service-connected disability. The committee believes that the extension of this benefit to a very select and worthy group of dependents of seriously disabled or deceased veterans is reasonable and justified. Such dependents have previously been extended, under certain conditions, compensation, education, and loan guarantee benefits from the Veterans' Administration and we believe this added compassionate benefit is a logical extension of the foregoing. This new provision is aimed particularly at those unfortunate dependents who do not come within the purview of the civilian health and medical program of the uniformed services—CHAMPUS—or other existing medical care programs.

I should emphasize that the bill specifically provides that such care shall be provided only to the extent that it does not interfere with care for eligible veterans.

Finally, the bill authorizes for the first time reasonable weekend, holiday, and overtime pay for the thousands of dedicated nurses in the VA hospital system, without whose services there would be no medical program. The VA strongly endorses this provision and advises us that it is absolutely essential from the standpoint of successful recruitment and retention of such personnel. In this connection, the committee is fully cognizant of the current wage-freeze pursuant to the President's Executive order of August 15, 1971, and has therefore provided that the pay provisions of the bill shall to the extent deemed applicable by the President or his designee be subject to the provisions of the Economic Stabilization Act of 1970, as implemented by Executive Order 11615.

Mr. Speaker, in order to fully round out the record on this very important piece of veterans' legislation I ask unanimous consent to insert at this point a section-by-section analysis of H.R. 10880, including in each instance a notation as to those provisions recommended by the Veterans' Administration, and, where applicable, an estimate of the cost of the provision for the first fiscal year. The report of the committee contains cost estimates for each of the first 5 years.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

(The material referred to follows:)

SECTION-BY-SECTION ANALYSIS AND ESTIMATE OF COST: "VETERANS MEDICAL CARE ACT OF 1971"

TITLE I—AMENDMENTS TO CHAPTER 17 OF TITLE 38, UNITED STATES CODE—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

Section 101(a)

This section would amend subparagraph (C) of section 601(4), title 38, to reflect in the definition of "Veterans' Administration facilities" the long-standing statutory construction of the term to include private facilities for which the Administrator contracts to provide outpatient care for service-connected disabilities. The amendment will not create a new benefit nor expand the outpatient care program nor would there be any additional cost. Recommended by the Veterans' Administration.

Section 101(b)

This section would provide for the furnishing of hospital care, to the extent that it does not interfere with care for eligible veterans, to the wife or child of a totally and permanently disabled service-connected veteran and to surviving widows and children of veterans who died as a result of a service-connected disability.

The first year's cost is estimated to be $16.9 million.

Section 102

This section would amend subsection (f) of section 612 of title 38, to authorize the Administrator to furnish medical services for a non-service-connected disability where (1) such care is reasonably necessary in preparation for hospital admission or obviate the need for hospital admission; (2) a veteran has been granted hospital care, and outpatient care is reasonably necessary to complete treatment; or (3) any veteran of any war who has a total disability permanent in nature from a service-connected disability.

Section 612(f)(1) as added by Public Law 86–639, authorizes outpatient treatment for a non-service-connected disability where such care is reasonably necessary in preparation for admission of a veteran who has been determined to need hospital care and who has been scheduled for admission.

The objectives of that legislation were reduction in the length of patient stay in the hospital, decrease in the cost per patient treated, and a partial check on the development of longer waiting lists as the veteran population ages. While, generally, such benefits have been realized during the period the law has been in force, certain restrictive provisions in the current law serve as an impediment to fuller achievement of these worthwhile goals. Medical services furnished must be limited to those necessary to prepare the patient for hospital care for which he has actually been scheduled.

There is a sizable number of applicants whose need for hospitalization cannot definitely be determined after routine examination. This group frequently requires extensive workup and recalls for consultation to confirm or rule out requirement for hospitalization. Realistically, such procedures often go beyond the need to determine hospital care and constitute treatment.

The provisions in revised section 612(f)(1) will result in a more timely treatment of veterans on an outpatient basis whom the VA admitting physician has certified would otherwise require admission to a VA hospital. The estimate of additional cost the first year for veterans is $6.7 million and for wives, widows and children (in view of Section 101(b) above) would be $6 million the first year. The Veterans' Administration recommended this provision with respect to veterans only.

Section 103

This section would permit the furnishing of nursing home care in public or private nursing homes which have been approved by the Administrator for the care of veterans, persons who have been furnished care in any Armed Forces hospital, thus removing the requirement that these persons be first hospitalized in a Veterans Administration hospital before being provided with nursing home care.

This provision would involve no additional cost.

Section 104

This section would permit the reimbursement of veterans in Veterans Administration hospitals and domiciliaries for the loss of personal effects sustained by natural disaster while such effects were stored in those Veterans Administration facilities. Current law permits reimbursement only in the case of loss by fire.

The additional cost would be insignificant. There is no apparent objection by the Veterans Administration.

Section 105

This section would authorize/reimbursement of certain veterans under limited circumstances, for the reasonable value of hospital care or medical services, including necessary travel expense, when services are furnished from sources other than the Veterans Administration. Eligible veterans are those receiving treatment for a service-connected disability, or a non-service-connected disability associated with a service-connected disability (or veterans in need of vocational rehabilitation because of a service-connected disability whose training would be interrupted or delayed because of the illness). Services must be rendered in a medical emergency and Veterans Administration or other Federal facilities must not be feasibly available.

This provision would merely place in the statute the substance of long-standing administrative regulations on the subject and would involve no additional cost. There is no apparent objection by the Veterans Administration.

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE—DEPARTMENT OF MEDICINE AND SURGERY

Section 201

This section would amend section 4101 of title 38 by amending subsection (b) thereof to make it clear that the Administrator can furnish training and education to health service personnel beyond the direct needs of the Department of Medicine and Surgery and thus assist in providing an adequate supply of such personnel to meet the needs of the Nation to the extent that this is feasible without interfering with the medical care and treatment of veterans.

Section 4101 of title 38 now specifically identifies education and training as a functional responsibility of the Department of Medicine and Surgery. The programs authorized, however, are limited to those which bear reasonable relationship to the basic mission of the Department; namely, the medical care and treatment of veterans. This authority, together with the provisions of section 5053 of title 38, has done much to support the education and training programs of the Veterans Administration and to permit greater participation with the medical community in a more effective utilization of specialized medical resources. Nevertheless, the limitation imposed on our education and training program does, in some measure, impede our ability to realize our full potential for carrying out programs to increase the availability of qualified health service personnel to meet the needs of the Nation.

The Veterans Administration is affiliated with a number of educational institutions, including 79 medical schools, 55 dental schools, 254 nursing schools, 73 social work schools, and 74 graduate departments of psychology. It is manifest that the extensive nature of the Veterans Administration's medical program, together with this broad basis of affiliation with educational institutions, presents an unusual opportunity to contribute to a program of training and education of health service personnel and thereby make a substantial contribution in alleviating the national shortage in these categories of employees.

The provisions of present law limiting the Veterans Administration education and training functions to those which bear reasonable relationship to the medical care and treatment of veterans render it impossible to make the maximum contribution to the Nation's objective to increase the medical manpower.

There would be no necessary additional cost as the result of the enactment of this amendment. The actual cost would be dependent upon the training possibilities which develop and the support given the activity by the Congress through appropriations. Recommended by the Veterans Administration.

Section 202

This section amends subsection 4103(a)(4) of title 38 to provide for the appointment by the Administrator, upon recommendation by the Chief Medical Director, of two additional Assistant Chief Medical Directors who are qualified in the Administration of health services and who shall not be doctors of medicine, dental surgery, or dental medicine.

Under the provisions of Public Law 293, 79th Congress, enacted January 3, 1946, there were authorized not to exceed eight Assistant Chief Medical Directors in the Department of Medicine and Surgery. This number was reduced to five by Public Law 87–793 but increased to six in 1966 by Public Law 89–785. Hence, the net effect of the proposed amendment would be to restore the number of Assistant Chief Medical Directors to eight as previously provided although, for the first time, providing that two of them shall not be physicians or dentists.

The expansion in the type of complex medical programs has concomitantly fostered an increased awareness of the necessity for sophisticated management techniques in implementing these programs. An organization as large and dispersed as the Department of Medicine and Surgery of the Veterans Administration, with an annual budget of almost $2 billion, requires a wide range of specialized disciplines. To this end, the Chief Medical Director should have the option available to him to appoint individuals basically trained in management disciplines, with or without qualifications as doctors of medicine or dentistry. These individuals would supplement the professional skills of the medical Assistant Chief Medical Directors and would provide the Chief Medical Director with the full range of expertise needed to efficiently administer the agency's far-flung medical activities.

The estimated first year's cost is $75,000. This cost would be to some extent offset by savings in salary of classified personnel now performing related duties.

This section also amends section 4103(a)(7) in order to conform the titles "Chief Pharmacist" and "Chief Dietitian" to reflect new designations of Director of the Pharmacy Service and Director of the Dietetic Service to correspond to the other Director of Services titles, such as Chaplain and Nursing, and to provide for a new position of "Chief Optometrist".

Recommended by the Veterans Administration.

Section 203

This section would amend subsections (a) and (b) of section 4107 of title 38, in order to reflect the adjustment in rates of pay effected by Executive Order 11576, dated January 8, 1971, pursuant to authority vested by subchapter I of chapter 53 of title 5, as amended by the Federal Pay Comparability Act of 1970, and section 3(c) of that Act.

The per annum full-pay scale or ranges for positions in this amended schedule in excess of $36,000 are limited by section 5308 of title 5, as added by the Federal Pay Comparibility Act of 1970, to the rate for level V of the Executive Schedule (as of the date of the Executive Order $36,000).

Moreover, this section would amend the "section 4103 schedule" contained in section 4107(a) by providing that the salary range for the Director of Nursing Service would be changed from the equivalent of GS–15 to the equivalent of GS–17 and for the Director of Chaplain Service, the Director of Pharmacy Service, and the Director of Dietetic Service from the equivalent of GS–15 to the equivalent of GS–16. The VA in conjunction with the Civil Service Commission recently completed a study of these positions with a view to determine in particular the appropriateness of linkage in pay between the position of Director of Nursing Service and grade GS–15 under the General Schedule. It was the conclusion in this study that the position of Director of Nursing Service was clearly superior to GS–15 in level. The proposed adjustment in pay for the position indicated is essential for alignment purposes and recognition of their individual responsibilities. The titles of Chief Pharmacist and Chief Dietitian are changed to that of Director of Pharmacy Service and Director of Dietetic Service, respectively, in order to parallel the existing titles for Director of Nursing Service and Director of Chaplain Service. A new salary range is provided for the new position of "Chief Optometrist."

The joint study by the Veterans Administration and the Civil Service Commission also revealed that certain other nurse positions of those presently in the Assistant Director Grade, which equates in pay to grade GS–14 under the General Schedule, were superior to that grade relationship. Accordingly, the purpose of the new Director grade inserted in the "Nurse Schedule" by this amendment is necessary to recognize those positions. The pay range provided is equivalent to that of GS–15 under the General Schedule.

Subsection (b)(2) of section 4107 is amended to confine the prohibition against any person in the director grade serving in any other position than director of a hospital, domiciliary, center, or outpatient clinic (independent) to the "Physician and Dentist Schedule," in order to accomplish the purpose of the amendment creating a director grade in the "Nurse Schedule."

It is estimated that the additional cost of this provision the first year would be $80,000. Recommended by the Veterans Administration.

Section 204

This section would provide that a nurse performing (1) service on a tour of duty, of which four hours or more fall within the period commencing at 6:00 p.m. and ending at 6:00 a.m., would receive additional compensation for each hour of such tour, not exceeding eight hours, at a rate equivalent to 10 percent of the employee's basic hourly rate, and when fewer than four hours fall between 6:00 p.m. and 6 a.m., the nurse would receive an additional 10 percent for each hour of work performed between those hours; (2) nonovertime work on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, would receive additional compensation for each hour of service on such tour, not to exceed eight hours, at a rate equivalent to 25 percent of the employee's basic hourly rate; (3) service on a holiday designated by Federal statute or Executive order, would receive such employee's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay for that holiday work which is not overtime work; and (4) officially ordered or approved hours of service in excess of 40 hours in an administrative workweek, or in excess of eight hours in a day, would be paid for each hour of such additional service at a rate of one and one-half times the employee's basic hourly rate; compensatory time off would not be permitted and such overtime work would have to be of at least 15 minutes duration in a day to be creditable for overtime pay; however, excess service performed on a day when service was not scheduled, or for which such nurse is required to return to her place of employment would be deemed to be a minimum of two hours in duration, regardless of whether or not work is performed for the full two hours.

This section also provides the formula for converting the per annum basic compensation rate into the hourly rate. Such hourly rate would be derived by dividing the annual rate of compensation by 2080, which represents the average number of working hours per year, and is the same formula used in computing the hourly overtime and night rate of pay for Civil Service employees under title 5 United States Code, where the basic rate of pay of the employee is fixed on an annual basis. Moreover, it provides that "the additional compensation" provided by this section would not be considered basic compensation for purposes of lump sum leave payments, severance pay, compensation for work injury, retirement, life insurance, or other benefits relating to basic compensation.

Under current law Veterans Administration nurses do not receive premium pay for those conditions of work which are generally regarded as more onerous to employees both within and without the Federal Government. A study of hospital practices shows that non-Federal hospitals almost universally provide extra pay for nurses working on evening and night tours of duty. Also, by law, Federal employees under the General Schedule, Postal Field Service, and prevailing rate systems of pay are entitled to premium pay for such considerations as Sunday and overtime duty.

The Veterans Administration has found it very difficult to attract and retain qualified nurses for the evening and night tours of duty in many Veterans Administration hospitals. An impairment of our ability to provide adequate nursing care for our ill and disabled veteran patients could result unless immediate action is taken to strengthen our position in this matter.

Developments in recent years with respect to the matter of nurses' pay in private, community and state hospitals throughout the country make it necessary for the Veterans Administration which operates the largest single system of medical facilities in the world, to provide a rounded compensation plan for nurses, including customary provisions for premium pay, in order to remain competitive in attracting and retaining highly qualified nursing personnel.

It is estimated that the annual cost based on present level of salaries, should this amendment be enacted, would be approximately $16 million. Recommended by the Veterans Administration.

Section 205

This section would place into law the existing administrative prohibition against outside professional activities of physicians, dentists, and nurses employed on a full-time basis in the Department of Medicine and Surgery. Specifically, such employees would be barred from: (1) assuming responsibility for the medical care of anyone other than a patient being treated under laws administered by the Veterans' Administration, except where such individual, upon request and with the approval of the Chief Medical Director, performs professional services for communities or medical practice groups to meet medical needs which would otherwise not be available (such service to be limited to 180 days unless extended by the Chief Medical Director for a second period not to exceed 180 days); (2) teaching or providing consultative services at any affiliated institution where such teaching or consultation would conflict with his duties within the Department of Medicine and Surgery; (3) accepting payment for professional services rendered under medicare and medicaid; and (4) accepting travel pay or per diem from any source which would be in addition to or supplement allowances authorized him by chapter 73 of title 38 or under provisions of title 5.

In addition, this section would also prohibit such full-time employees from requesting or permitting any individual or organization to pay his malpractice insurance premiums or his medical, dental, or other professional association dues or membership fees for him, and from performing professional services for the purpose of generating money for any fund or account maintained for the benefit of an affiliated institution or such individual's account. Where such a fund or account is already established, the affiliated institution is required to report on a quarterly basis to the Administrator and to the Comptroller General of the United States with respect to such fund or account and in no event is such an individual permitted to receive any cash from such fund or account on or after the effective date of this prohibition.

The procedures which would be instituted by this section of the bill are similar in purpose to those which were instituted by VA Circular 00-70-22, dated June 3, 1970.

It is estimated that enactment of this section would not result in any additional cost to the Government.

Section 206

This section is a purely technical amendment to place in section 4109 of title 38, United States Code, the appropriate code citation for what was formerly "The Civil Service Retirement Act." Recommended by the Veterans Administration.

Section 207

This Section would amend section 4114 (a)(3)(A) of title 38 to extend from 90 days to one year the present time limit on temporary full-time appointment by the Administrator upon recommendation of the Chief Medical Director, of persons in the Department of Medicine and Surgery, other than physicians, dentists, and nurses. If amended, this authority would parallel the present one-year time limit on part-time appointments of these personnel, other than trainees who currently have no time limit for part-time appointment.

The enactment of this proposal would not result in any significant increase in costs. Recommended by the Veterans Administration.

Section 208

This section would clarify and extend the type of malpractice liability protection now provided medical personnel of the VA Department of Medicine and Surgery by the provisions of section 4116 of title 38, United States Code.

Section 4116 provides, in effect, that a suit against the United States under the Federal Tort Claims Act is the exclusive remedy of an individual seeking to recover for injuries arising while undergoing medical care and treatment in a Veterans' Administration hospital. It was intended to immunize the Department of Medicine and Surgery medical personnel who are covered from personal liability arising out of their official VA duties. It has served its purpose well and has been an aid in the recruitment of much-needed medical personnel. Nevertheless, questions have arisen as to the scope of its coverage in certain situations where a suit against the Government cannot now be brought under the Federal Tort Claims Act (e.g., suits alleging assault and battery, libel and slander, false imprisonment, or relating to a work-incurred injury of a Federal employee).

While several recent decisions by the U.S. Court of Appeals for the Sixth and Ninth Circuits (i.e., *Van Houten* v. *Ralls, 411 F. 2d 940 and Vantrease* v. *United States,* 400 F. 2d 853) have added assurance that the type of protection provided by the so-called Drivers Liability Act (upon which the provisions of 38 U.S.C. 4116 were patterned) was intended to immunize the employees covered thereby from personal liability in all situations where they are sued as a result of their official duties (including when they are sued by a fellow employee for a work-related reason), it is believed desirable to spell out authority in the law itself to insure such immunity.

In addition to providing clarifying language as to the intent of the law, the amendment here proposed would provide Department of Medicine and Surgery medical personnel with a type of protection similar to that contained in the National Health Service Corps Act of 1970 (P.L. 91-623), applicable to Public Health Service Personnel. It would authorize the Administrator, to the extent he deems appropriate, to hold harmless or provide liability insurance for any person to which the immunity provisions of 38 USC 4116 are applicable, where such person might be held liable for damage to property, or personal injury or death, negligently caused while furnishing medical care and treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, under circumstances where the injured party could not bring an action against the United States as provided by Sections 1346(b) or 2672 of title 28. For example, it would provide a means of protecting Department of Medicine and Surgery medical personnel who are assigned to a foreign country, or who are sued for assault and battery, false imprisonment, or libel and slander in connection with the performance of their assigned duties.

By filling a void which exists in areas where a suit against the Government under the Federal Tort Claims Act may now be precluded, this amendment would provide a means of insuring the immunity from personal liability arising out of the performance of official duties, which Congress intended to provide when the provisions of 38 USC 4116 were enacted.

While this proposal may result in a slight increase in the Government's exposure to malpractice claims arising out of the activities of our medical personnel, any cost increase which may be involved would be more than offset by the improvement of morale which would result therefrom, and the added inducement in attempting to recruit shortage category health personnel. Recommended by the Veterans Administration.

Section 209

This section would amend section 4117 of title 38, to authorize the Administrator to enter into contracts to provide scarce medical specialist services at Veterans Administration facilities with medical schools, clinics, and any other group or individual capable of furnishing such services. This contracting authority would include, but not be limited to, services of physicians, dentists, nurses, technicians, and other medical support personnel.

This proposed amendment is intended merely to clarify current law which authorizes such contracting authority with medical schools and clinics. This contracting authority, insofar as clinics are concerned, has been interpreted by the Comptroller General of the United States (B-169747, June 24, 1970) to mean "any medical organization which is capable of contracting for and furnishing the services in question." Moreover, the Comptroller General was of the opinion that the term "medical specialist" may be construed "as including any professional or technician who performs specialist services related to providing medical care and attention."

Enactment of this section would clarify current statutory language whereby the Administrator could contract for scarce medical specialist services with medical schools, clinics, and any other group or individual capable of furnishing such services and wherein an employer-employee relationship is established.

Exactment of this section would not result in any additional cost to the Government. Recommended by the Veterans Administration.

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

Section 301

This section would amend section 5012(a) of title 38, which permits the Administrator to lease lands or buildings under his control for terms not exceeding three years, to exempt such leases from (1) the provisions of section 5 of title 41 requiring advertising where the lease exceeds $500; and (2) from the provisions of section 303b of title 40 which bars lease provisions calling for alteration, repair, or improvement of such leased property as part of the consideration for the rental to be paid. Under the change, the lessee would be permitted to maintain, protect, or restore property where such property is leased to public or nonprofit organizations.

The Veterans Administration only outleases property when it is temporarily excess to its needs. We do not lease for strictly commercial purposes, but only for civic, health, educational or local government use. Thus, advertising in these cases serves no useful purpose but does involve time and expense that is considered unnecessary.

When the Veterans Administration does out-lease property it is most usually to satisfy a particular civic or local community need and is generally to a public or nonprofit organization. In many instances there are benefits, either directly or indirectly, accruing to the Government. Also, there is to be considered the community relations benefits that are derived. In negotiating the rental value we set a rate that will serve to recapture the value of all services provided by the Government. However, in some instances, we could be relieved of certain expenses for materials and personnel if we could require the lessee to provide for maintenance and protection of the property leased.

Prior to the execution of any such lease, the Administrator is required to give appropriate public notice of intention in the press of the community in which the lands or buildings to be leased are located.

It is estimated that the enactment of this section would not involve any additional cost to the Government, but could result in some savings. Recommended by the Veterans Administration.

Section 302

Subsection (a)(1) of this section would amend section 5053(a) of title 38, by deleting immediately after the parenthesis the words "or medical schools" and inserting immediately after the close parenthesis the words "or medical schools or clinics". Current law (38 U.S.C. 5053) requires that the medical school have hospital facilities before any sharing agreement can be made between the medical school and the Veterans Administration.

The amendment proposed here would cure this defect and authorize the Administrator to enter into a contract or agreement with a medical school, whether or not it has a hospital, and with clinics, for the mutual use, or exchange of use of specialized medical resources. Recommended by the Veterans Administration.

This section would amend section 5056 of title 38, United States Code, to clearly delineate the authority of the Administrator to participate in programs under title IX of the Public Health Service Act, and directs the Administrator to the maximum extent practicable, to coordinate with the Secretary of Health, Education, and Welfare, programs carried out under subchapter IV of chapter 81 of title 38, and programs carried out under title IX of the Public Health Service Act. Thus, within certain limitations, a Veterans Administration facility would be eligible to receive funds (through local contracts, agreements, or otherwise) from any institution which is a grantee under section 901(a) of title IX of the Public Health Service Act, and to receive project grants under section 910 of that Act.

The Acting Secretary for Health, Education and Welfare, stated in an opinion dated May 20, 1970, that the Veterans' Administration is not precluded from receiving funds (through local contracts, agreements, or otherwise, from any institution which is a grantee under Section 901(a) of title IX of the Public Health Service Act provided that the Federal facility on its part is authorized to undertake the activity and so to utilize the funds provided. He further stated that by virtue of Section 501 of the Public Health Service Act "research, training, demonstration" project grants may be made direct to Veterans Administration hospitals under title IX of the Act, but only to the extent that the services provided by the Veterans Administration facility, as an affiliate of a regional medical program, constitute a "research, training, demonstration project" to be conducted by the facility as part of a regional medical program. The proposed amendment to Section 5056 of title 38 would make it clear that the Administrator is authorized to participate in programs under title IX of the Public Health Service Act and thus utilize grant funds thereunder.

It is specifically provided in this section that nothing therein shall be construed to authorize the furnishing of care in any VA facility to any individual not eligible for such care under other provisions of title 38.

There would be no identifiable additional cost resulting from the enactment of this provision. Recommended by the Veterans Administration.

TITLE IV—AMENDMENT TO CHAPTER 3 OF TITLE 38, UNITED STATES CODE—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

Section 401

This section amends section 234 of title 38 to permit the installation of official telephone service in the private residences, apartments, or quarters of non-medical Veterans Administration hospital, independent clinic, domiciliary, and center directors.

Present law permits such official telephones only for directors who are physicians. This direct service has proven very valuable in (a) local within hospital emergencies, including such instances as berserk patients and employees, shootings, an employee held as a hostage, and the sudden death of a key employee while on duty after hours; (b) local community emergencies such as Hurricane Camille, tornadoes, and train collisions with multiple victims; and (c) national and area civil defense programs where the support, participation, and coordination by each Veterans Administration hospital director is required on a planned basis. This has permitted direct communications with these key officials without having to compete with the normal family telephone. More well-trained non-medical administrators are becoming available to us as hospital, center, clinic and domiciliary directors and we believe that these non-medical directors have as great a need for rapid telephone service in the case of these within-facility, local, or civil defense emergencies as the other directors.

It is estimated that such a proposal would cost approximately $3,000 annually. Recommended by the Veterans Administration.

TITLE V—APPLICABILITY OF ECONOMIC STABILIZATION ACT OF 1970

Section 501

This section reflects a recognition by the Committee of the possible applicability to parts of the bill of the President's current wage-price freeze and provides that to the extent deemed applicable by the President or his designee, sections 203 and 204 of this Act shall be subject to the provisions of the Economic Stabilization Act of 1970 (84 Stat. 799) as implemented by Executive Order 11615, dated August 15, 1971.

Mr. TEAGUE of California. Mr. Speaker, the bill before the House, H.R. 10880, represents the best judgment of the hard working and conscientious Subcommittee on Hospitals of the Committee on Veterans' Affairs under the able leadership of Chairman DAVE SATTERFIELD of Virginia and the ranking minority member, JOHN SAYLOR of Pennsylvania. Because I am aware of the arduous study the subcommittee has given to this measure, I am confident that it is a good bill and I shall support it.

I am particularly pleased to support the provisions of the bill that authorize outpatient care for veterans as well as the night, Sunday, and holiday differential pay for nurses.

In authorizing outpatient medical treatment before a veteran becomes sick enough to require hospitalization, it is obvious that we are approving a more economical method of health care delivery and, at the same time, we are permitting the physicians to render treatment in many cases, before the onset of serious illness.

The differential pay for nurses authorized by this bill is certainly justified. If the Veterans' Administration hospital system is to recruit and retain qualified and capable nurses, its pay scale and fringe benefits must be comparable to that of other systems that employ nurses. The additional pay for nights, Sundays, and holidays will make a nursing career in the Veterans' Administration more attractive.

For these reasons, Mr. Speaker, I shall support this bill.

Mr. Speaker, I yield 19½ minutes to the distinguished gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, the bill before the House today, H.R. 10880, known as the "Veterans' Medical Care Act of 1971" is a good bill. It was not conceived in haste but rather is the end product of several weeks of hearings followed by several weeks of intensive study and several markup sessions of the Subcommittee on Hospitals. The free exchange of ideas between members and the willingness of an extremely fair-minded chairman, the gentleman from Virginia, Mr. SATTERFIELD, to explore fully any reasonable recommendation has produced a bill in which everyone, in the vernacular of the day, has a piece of the action.

This bill, Mr. Speaker, will expand and improve the delivery of health services in the Veterans' Administration and it will permit the Veterans' Administration to compete with the private sector in the recruitment of nurses and doctors.

I want to discuss several of the more significant provisions of this measure. First, the bill will authorize the Veterans' Administration to furnish hospital care to the wives and children of veterans who are permanently and totally disabled as the result of military service and the widows and children of persons who died as the result of service connected disabilities. While this appears to have far-reaching implications, it will basically correct an inequity of existing law.

You see, Mr. Speaker, a substantial segment of these dependents to whom we extend Veterans' Administration hospital privileges in this legislation are already entitled to Federal Government hospital benefits by virtue of the fact that they are the dependents of retired military personnel or of persons who die while on active duty. Still others are eligible for hospital benefits under the social security medicare program.

So, we have already authorized hospital benefits for the dependents of many of our seriously disabled and deceased service connected veterans. Unfortunately, the largest single group of dependents who are not entitled to one of the Federal Government assisted medical care programs are the dependents of permanently and totally disabled and deceased service connected enlisted personnel of World War II.

Until 1949, Mr. Speaker, only commissioned officers in the military services were eligible for disability retirement and the concomitant entitlement to dependents medical care. Since 1949, both officers and enlisted men with 30 percent or more disability have been eligible for disability retirement. With the dependents of World War I veterans being eligible for medicare, the dependents of World War II enlisted men, despite the fact that the husband or father may have been killed in action or seriously disabled, are not eligible for Federal Government hospital benefits. This bill, Mr. Speaker, corrects this inequity by making Veterans' Administration hospitalization available to the dependents of service connected deceased or permanently and totally disabled veterans.

Another important provision of this bill, Mr. Speaker, will authorize outpatient medical treatment to those eligible for hospital care if such treatment appears reasonably necessary to obviate the need for hospitalization. Because outpatient services today are generally limited to treatment of service connected disabilities, the Veterans' Administration finds itself in the ridiculous position of having to tell the sick veteran who seeks outpatient treatment, "We're not authorized to treat you as an outpatient, but go home, get a little sicker, and then we'll admit you to the hospital for treatment."

This bill, in authorizing outpatient treatment, Mr. Speaker, will permit the Veterans' Administration medical service to practice preventive maintenance. For a nominal cost, they will be able to treat and hopefully cure a veteran patient before it becomes necessary to admit him to a $50-per-day hospital bed.

Another important feature of this bill, Mr. Speaker, will authorize a pay differential for nurses performing duties at night, and on Sundays and holidays. The bill authorizes a 10-percent differential for duty between 6 p.m., and 6 a.m., and a 25-percent differential for Sunday work. Time-and-a-half pay for overtime and double time for holidays is also authorized.

Non-Federal hospitals, Mr. Speaker, generally authorize premium pay for nurses performing night duty. Most pay systems, including that of the Federal Government for general schedule employees, authorize premium pay for Sunday and overtime duty. The Veterans' Administration has informed our committee that they are having very great difficulty in attracting and retaining qualified nurses because of the inability to compete with non-Federal health organizations in pay and fringe benefits. We expect the differential pay provisions of this measure will place the Veterans' Administration in a more competitive position.

Mr. Speaker, these are the major provisions of this bill and I urge that it be passed.

Mr. HALL. Mr. Speaker, I wonder if my friend, the gentleman from Texas, would answer a question before the Speaker puts the question on suspending the rules?

Mr. TEAGUE of Texas. Mr. Speaker, I yield such time as he may require to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding the time.

On page 2 of the report under item (5) having to do with the purposes of the bill, it just is not clear to me whether the two additional "assistant chief medical directors" authorized herein, who are not doctors of medicine, dental surgery or dental medicine, are the ones referred to in the next sentence—who will be director of the Pharmacy Service and director of the Dietetic Service. Or are they also assistant chief medical directors?

Mr. TEAGUE of Texas. No; they are not. But I would like to yield to the gentleman from Pennsylvania or to the gentleman from Virginia, who did most of the work on this bill.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. SAYLOR. I just want to say they are not. They are not necessarily the director of the Pharmacy Service or the director of the Dietetic Service.

Mr. HALL. I would presume then that the requirement for additional assistant chiefs who are nonprofessional, would be to take some of the administrative load off the current medical director—and this has been well rationalized and demonstrated as a necessity before the committee in its hearings. Is that a correct assumption?

Mr. TEAGUE of Texas. We certainly hope so.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. The gentleman has stated exactly the reason that the Administrator of Veterans' Affairs came before our committee and asked for these two specific positions, because he feels that there is a need to have someone other than doctors share a part of this burden.

Mr. HALL. I will ask my colleague, Mr. Speaker, just in continuation of the colloquy, if this is approved by the medical director, inasmuch as we have been down this primrose path before of removing decisionmaking and hospital administration from the professional, to the extent where finally the physicist or the social worker is deciding medical problems?

Mr. SAYLOR. If my colleague will yield to me, I just want to say that this is being done at the direct request of the Director of Medical Services of the Veterans' Administration.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding. I yield back the remainder of my time.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is with much pride and great pleasure that I rise to express my support for enactment of the Veterans Medical Care Act of 1971. This act constitutes a truly meaningful response—an enlightened reaction—to the many problems and burdens confronting our Veterans throughout the Nation. As a member of the Subcommittee on Hospitals, deeply involved in the drafting of this legislation, I can speak with personal knowledge of its relevancy and of its worth. All of us realize only too well the heroic sacrifices of our veterans, and this is no less true of those returning, battle scarred, from Southeast Asia, than of previous conflicts.

The Veterans' Medical Care Act of 1971 addresses itself to compelling needs, not only of our veterans, and returning servicemen, but their families in a responsible and effective way. This legislation will enable the Administrator of the Veterans' Administration to authorize the provision of hospital care, when such would not deprive a veteran in actual need, to the wife or the child of a permanently disabled veteran whose incapacity is a result of his military service.

This legislation will also enable the provision of hospital and medical care to the widow or the child of a veteran who is permanently and totally disabled, and whose incapacity has arisen in direct consequence of his military service, upon death of the veteran, with the reasonable provision that such should not preclude or exempt the right of a veteran to such services, through prior right.

This legislation authorizes the administrator to initiate and carry out a desperately needed program of training and education of such health personnel as will enable the enhanced character of medical care accessible for the care and treatment of veterans in need of such care.

This legislation shall serve to strengthen the administrative functions of the Veterans' Administration, which are highly efficient, through the authorization of appointment of two assistant chief medical directors, which shall have the effect of more measurably smoothing the flow and continuity of the programs administered.

Among many other innovative and meritorious measures contained in this legislation is the provision allowing the furnishing of nursing home care in public or private nursing homes, not within the jurisdiction or authority of the Administrator, a means of enabling those who have been provided care in hospitals of the Armed Forces to receive such nursing home care without prior necessity of hospitalization in a Veterans' Administration hospital.

This legislation also serves to encourage, through appropriate incentives, the continued services of highly valued personnel within the Veterans' Administration, and to enable the recruitment of the most exceptional and valuable resource personnel for the well-being of the veterans receiving services and assistance through the Veterans' Administration.

Of the major features of this legislation is the provision for strengthened nursing care services, and the authorization of allowances for added compensation for the dedicated nurses now employed, for overtime and night duty, with increased retirement benefits which should surely attract even more of the finest of personnel.

Our support of this legislation shall serve as an expression of the debt of gratitude we owe our servicemen, who have "borne the burdens" in the defense of the Nation and the ideals of freedom we hold so dear.

Mr. DORN. Mr. Speaker, I strongly urge my colleagues' support for the Veterans Medical Care Act of 1971. This is a comprehensive bill designed to improve the quality of medical care available to our veterans. And for the first time, it makes VA medical facilities available to the wife or child of a totally and permanently disabled service-connected veteran and to the widow or child of a veteran who died as the result of a service-connected disability.

This bill also directs the VA to develop a cooperative program with schools of medicine and other institutions for the training and education of health service personnel. This program will be especially beneficial to areas such as South Carolina that have insufficient numbers of physicians.

In connection with the extension of medical and hospitalization benefits to certain wives and widows, this is a necessary enlargement of VA benefits to a uniquely deserving group who have special burdens as a result of their husband or father's disability.

Another important feature of this bill, Mr. Speaker, is that it would permit the VA to provide outpatient medical care to veterans where such outpatient care is necessary to prevent hospitalization.

Mr. Speaker, once again our great Chairman "TIGER" TEAGUE has brought before the House a bill to insure that our veterans receive the best possible medical care. His tenacity and dedication to the welfare of our veterans is unsurpassed in any branch of government. We are indebted too, Mr. Speaker, to the tireless service of the gentleman from Virginia (Mr. SATTERFIELD) whose subcommittee on hospitals held extensive hearings to develop this legislation.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. BOLLING). The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 10880.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONSTRUCTION AND ALTERATION OF VETERANS' ADMINISTRATION HOSPITALS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6568), to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to the construction, acquisition, alteration, or closing of veterans' hospitals, and to prohibit the transfer of Veterans' Administration real property unless such transfer is first approved by the House Committee on Veterans' Affairs, as amended.

The Clerk read as follows:

H.R. 6568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5001 of title 38, United States Code, is amended by adding at the end thereof the following:

"(g) (1) No appropriation shall be made to construct any hospital or domiciliary facility or to acquire any such facility involving an expenditure in excess of $100,000, and no appropriation shall be made to alter any such facility involving an expenditure in excess of $500,000, if such construction, alteration, or acquisition has not been approved by a resolution adopted by the Committee on Veterans' Affairs of the House of Representatives, and such approval has not been rescinded as provided in paragraph (3) of this subsection. For the purpose of securing consideration of such approval the Administrator shall transmit to Congress such prospectus of the proposed project, including (but not limited to)—

"(A) a brief description of the facilities to be constructed, altered, or acquired; and

"(B) the location of the project, and an estimate of the maximum cost of the project.

"(2) The estimated maximum cost of any project approved under this subsection as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

"(3) In the case of any project approved for construction, alteration, or acquisition, by the Committee on Veterans' Affairs in accordance with paragraph (1) of this subsection, for which an appropriation has not been made within one year after the date of such approval, the committee may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

"(4) This subsection and subsection (h) of this section shall not apply to any project for construction, acquisition, or alteration (A) with respect to which any funds were appropriated before the date of enactment of this subsection or by Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act, 1972, or (B) after any funds have been appropriated with respect to any such project after the date of enactment of this subsection.

"(h) (1) The Administrator shall submit to the Congress a prospectus of each proposed project to alter any hospital or domiciliary facility involving an expenditure in excess of $100,000 but equal to or less than $500,000. In the case of each such proposed project, such prospectus shall include, but not be limited to, (A) a brief description of the facilities to be altered, and (B) an estimate of the maximum cost of the project.

"(2) No appropriation shall be made to alter any hospital or domiciliary facility involving an expenditure in excess of $100,000 but equal to less than $500,000, unless (A) a prospectus with respect thereto as required by paragraph (1) of this subsection is submitted during the session of the Congress in which such appropriation is proposed to be made, (B) a period of sixty days has expired since the date on which the Administrator submitted such prospectus to the Congress, and (C) the Committee on Veterans' Affairs of the House of Representatives has not adopted a resolution during such sixty-day period stating in substance that it does not favor such proposed project.

"(i) No hospital or domiciliary facility over which the Administrator has direct and exclusive jurisdiction and which is in operation on the date of enactment of this subsection shall be closed unless such closing is approved by a resolution adopted by the Committee on Veterans' Affairs of the House of Representatives."

SEC. 2. Notwithstanding any other provision of law, on or after October 1, 1971, no real property which was under the jurisdiction of the Veterans' Administration on that date may be transferred (by sale, lease, or otherwise) to any public or private agency or person unless such transfer is first approved by a resolution adopted by the Committee on Veterans' Affairs of the House of Representatives.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill, and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the chairman of the Subcommittee on Hospitals, Mr. SATTERFIELD, will explain the details of H.R. 6568, but I wanted to make some comments concerning the background of this legislation. I consider it a very important bill and apparently a bill that is necessary if the future of the Veterans' Administration hospital and medical program is to be assured. The program for construction of Veterans' Administration medical facilities is unique among the other major Federal construction programs.

Many years ago Congress gave authority to the President to recommend the locations of Veterans' Administration facilities. These recommendations are acted upon by the Appropriations Committee, and this is the method which has been followed for many years for the construction of Veterans' Administration medical facilities. The House Veterans' Affairs Committee has tried to be a good partner in this program, but I must say that we have not received a great deal of information or consideration over the years regarding the development of future plans for Veterans' Administration hospital construction and modernization.

Several years ago it appeared that we had solved the problem. A long-range modernization and construction program was developed in conjunction with the Eisenhower administration, and this program was agreed to by the White House, the Veterans' Administration, the Bureau of the Budget, and the Committee on Veterans' Affairs. This was to be a 10-year, billion-dollar program which would modernize the Veterans' Administration medical facilities. The program proceeded satisfactorily for several years, but in recent years it has been subjected to many disruptions.

Each of the last three administrations, including the present one, has seen fit to defer or substantially reduce the scope of the program for at least 1 year. The program has been stretched out and, of course, construction costs have risen. In recent years the Office of Management and Budget has shown an increased reluctance to support the program.

Just before the August recess I had a meeting with the President and Mr. George P. Shultz, the Director of Management and Budget, along with my colleague, CHARLES TEAGUE, the ranking minority member of the committee. The Administrator of Veterans' Affairs was also present at the meeting. I expressed concern to the President about this problem, and following the meeting, I wrote the Director of the Office of Management and Budget, outlining in detail the history of the Veterans' Administration construction program, and expressed concern about the lack of cooperation. That letter, dated August 3, 1971, follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C. August 3, 1971.
Mr. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: I am writing to express my special concern about the failure of the Executive Branch of the government throughout several Administrations to live up to an agreement made with the Congress during the Eisenhower Administration to replace and modernize many Veterans Administration hospital facilities. Many of the structures which are still being used were constructed prior to or during World War II as temporary military hospitals and were later inherited by the Veterans Administration. Two domiciliaries have buildings which are over 100 years old. Four others have buildings which were constructed prior to 1900. In general, these facilities are very crowded and unsatisfactory.

In 1944 Congress authorized expansion of the VA hospital system by appropriating $1.1 billion to add approximately 49,000 new beds to the VA system. In 1958, because of concern that VA hospitals were not keeping pace with those in the private medical sector, the Administrator appointed a special task force, including representatives from the then Bureau of the Budget, to study and appraise long range modernization and replacement requirements. This two year study resulted in a 12 year plan to spend $900 million to modernize 65,629 beds at 72 existing pre-World War II hospitals and to construct 11,029 new beds to replace some completely outmoded facilities. This plan was presented to the House Veterans Affairs Committee and to both Appropriations Committees as a plan to support future appropriation requests. It was accepted by the Bureau of the Budget and the Congress. It received the enthusiastic endorsement of the national veterans organization. Funding for the program was started in 1961 with the appropriation of $75 million and this approximate level of appropriations was maintained for the next four years. Without consultation with the appropriate congressional committees, the plan was revised in 1962 to $1.3 billion over a 15 year period, with an annual funding level of about $90 to $100 million. This new level was reflected in appropriations of about $98 million in fiscal 1965 and about $91 million in fiscal 1966.

Later, and again without consultation with appropriate congressional committees, the plan was revised upward to a $2 billion program to be funded over a 20 year period at approximately $115 million annually. However, funding fell far short of the projected levels. About $52 million was appropriated in 1967 and 1968; about $8 million in 1969; $69 million in 1970; $59 million in 1971; and $93 million in fiscal 1972. During the past twelve fiscal years the Veterans Administration has requested construction funds of almost $1.2 billion. The Bureau of the Budget and its successor, the Office of Management and Budget, has permitted VA to include in their budget a total of $847,604,000 and the Congress has appropriated through fiscal 1972 a total of $827,882,000 or almost $347 million less than the Veterans Administration requested in an effort to keep many of their hospital facilities from deteriorating.

The appropriated funds have or will be used as follows:

[In millions]

New, replacement and relocation hospital	$408
Modernization of hospitals	149
Other hospital improvements	176
Restoration centers	2
VA nursing homes	14
Alterations and construction of research facilities	40
General administration	36

Of the 72 hospitals scheduled for modernization under the original twelve-year plan, 6 have been closed, 1 was destroyed during the San Fernando earthquake, 8 have received partial funding and 41 have not been funded at all through fiscal year 1972. In view of the time lapse on the modernization program, some of the hospitals scheduled for major modernization twelve years ago may now be so outdated and outmoded that replacement with new facilities may be more feasible than major modernization.

I do not believe that the VA construction program can any longer endure the hit or miss funding plan which it has experienced over the past twelve years. The average age of the almost 15 million World War II veterans is now about 52 and they are fast approaching the time when they will be needing more and more acute and long term care similar to that required by the Veterans of World War I. If this nation is to keep its commitment to its veterans, including the millions of Vietnam era veterans who are now being discharged, it is abundantly clear that an up-to-date plan should be presented to the Congress for consideration. I have been told recently that a "six year projection for fiscal years 1973–1978" exists; however, no such plan has been transmitted to our Committee, although it should be obvious to the Veterans Administration that this Committee has a vital interest in the planning and development of VA hospital facilities.

I also know that from time to time there have been substantial sums of unobligated funds in this program; however, I am convinced that many projects have been delayed on order from the Office of Management and Budget in an effort to curtail the program. There are over ten major projects which should have received at least partial or additional funding in the 1972 budget which were not included even though hospital space planning and criteria studies had been completed and the projects were ready to be funded for preliminary plans and other purposes. As of June 30, 1971, approximately $35 million remained unobligated which could and should have been used to improve the delivery of health care to America's veterans. Large numbers of VA hospitals are not air conditioned even though design plans have been developed for many of them.

It is my belief that a new VA hospital construction program plan should be presented to the appropriate committees of Congress, including this Committee, at the earliest possible date. I believe that a tentative plan should be submitted for study by November 1, 1971, and it should be finalized so that the first phase can be included in the 1973 appropriation request.

I appreciated the opportunity of discussing this problem personally a few days ago at the White House. In those discussions emphasis was placed on the care of service-connected veterans. The inference was that an obligation to the non-service-connected veterans does not exist, or at best, is of low priority.

I am aware that the law provides that non-service-connected veterans will receive care on a bed-available basis, but I think it should be pointed out that over 42,000 of the operating beds of the Veterans Administration are utilized in the care of mental cases and I think it is generally recognized that this type of case must be supported in public facilities, whether at the federal, state or county level. In addition, approximately 25,000 of the patients are elderly nursing care cases whose income is minimal. This type of case also requires public care at some level.

We are in the process now of organizing a drug abuse program to meet a current serious public problem. Many of the non-service-connected medical patients in the Veterans Administration are poverty stricken or suffer from disastrous disease affliction. The point I am making is that even if the Veterans Administration closed a substantial portion of its facilities and ceased to care for non-service-connected veterans, this certainly does not mean that most of these cases would not continue to require care in public facilities at the expense of the taxpayer. A substantial number of the VA patients are Medicare eligible, even though VA received no reimbursement.

At the close of our conversation you said to me. "We (the office of Management and Budget) are not as bad as you think we are." For many years we carried on a close, cooperative relationship with your predecessor agency, the Bureau of the Budget, but in recent years we have had no direct contact with the Agency. I am convinced that those personnel of the Office of Management and Budget at the review level are antagonistic to the Veterans Administration medical program. That group has just scheduled a month-long, conference and study "to define the major choices for federal investment in Veterans Administration hospital construction 1973–1977, based on alternative Veterans Administration role in the President's health program and consequent VA hospital bed requirement." The President's health program has been used for some time now as an excuse for not facing up to VA construction and funding requirements. There is no doubt in my mind that when this study is complete that the recommendation will again be, using the President's program as an excuse, to downgrade the Veterans Administration medical program and seek to rely on other sources for veterans health care. It appears to me that the role of the VA medical program should have long since been decided. It certainly does appear to be so in the minds of the Members of Congress.

The constant attempts by review level personnel of the Office of Management and Budget to curtail the Veterans Administration medical program, impede the modernization and construction program and circumvent appropriations made by the Congress is discouraging, is well known to all interested in these programs, and is a source of considerable dissatisfaction in the Congress and among veterans organizations.

I respectfully request that you instruct the appropriate officials in the Office of Management and Budget and the Veterans Administration to proceed with this planning on a priority basis.

If you disagree with the program or policies suggested, I would appreciate knowing the areas of disagreement and your reasons.

Sincerely,
OLIN E. TEAGUE,
Chairman.

I now have a response, dated September 15, 1971, from Mr. George P. Shultz, Director, Office of Management and Budget, in which he says in effect, that the construction program of the Veterans' Administration is being deferred for study because of the President's proposal for a national health-care system. Those of us that believe that a strong medical program for veterans should be continued regardless of solutions to the health problems of the general public view this as an unnecessary delay, or perhaps an evasive tactic, since we do not believe the two programs are substantially interrelated. Mr. Shultz's letter follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 15, 1971.
Hon. OLIN E. TEAGUE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN TEAGUE: This is in reply to your recent letter concerning the VA hospital construction program.

As we discussed in the meeting with the President, we certainly appreciate the strong and personal interest which you have taken in the veterans' medical programs.

It is becoming increasingly clear that opinion in the country is beginning to focus on the broad field of health care as an area in which basic public policy changes must be made. Important proposals have been introduced into the Congress to reform the financing of health care services. The Administration has proposed a major new bill which we believe will provide efficient care for the Nation on a more equitable basis, making full use of our most advanced medical technologies.

Congress will have extensive hearings on health issues. As new national policies for the organization, financing, and delivery of health care are developed, we believe that both the Administration and the Congress need to consider the role of VA medicine in this broader context.

You may be certain that the Administration will carry out its planning on a basis which will enable us to discuss with the Congress these critical health care financing questions during the next year. The House Veterans Affairs Committee has, of course, a vital role in this area and it is our intention to have Don Johnson and others in the Administration with responsibilities in the health field work closely with you and your Committee on these matters.

Sincerely,

GEORGE P. SHULTZ,
Director.

The bill, H.R. 6568, which we have before us would not eliminate the authority of the President to determine the site of Veterans' Administration hospitals, but it would require that plans be submitted to the House Veterans' Affairs Committee, and the Senate Veterans' Affairs Committee if that body chooses to include itself, for ratification by resolution prior to implementation.

This bill, H.R. 6568, addresses itself to another serious problem. This has to do with the disposition of land held by the Veterans' Administration as sites for its hospitals. The Veterans' Administration has been subjected to increasing pressure by the General Services Administration and the Federal Property Review Board to declare surplus portions of land now used as hospital sites. In several cases the Veterans' Administration has tried to resist these surplus declarations, but has been overridden by the Federal Property Review Board. Surveys are going on now at a number of Veterans' Administration hospitals in an effort to declare land surplus.

We have asked the Veterans' Administration to delay surplus declarations of land because all available land may be of use in connection with establishing facilities for educational programs and in some cases may be suitable for cemetery uses. In some instances, sale of the land recommended to be declared surplus by the General Services Administration will seriously effect the esthetic values of hospital sites. Even though the committee has expressed its concern about this land disposal program, we have received no indication from GSA or the Office of Management and Budget that the committee's viewpoint was to be considered, and apparently the program for surplus declaration is going ahead.

This bill would require that real property under the jurisdiction of the Veterans' Administration may not be transferred unless such transfer is first approved by resolutions adopted by the Committee on Veterans' Affairs of the House of Representatives, and the Senate Committee on Veterans' Affairs if that body chooses to include itself in this legislation.

Mr. Speaker, it is apparent that Congress has not been granted full partnership in the planning of Veterans' Administration hospital and medical facilities. I hope the enactment of this bill will move a step in that direction.

Mr. Speaker, I yield whatever time he desires to the gentleman from Virginia (Mr. SATTERFIELD), chairman of the subcommittee.

Mr. SATTERFIELD. Mr. Speaker, H.R. 6568, if enacted, would prohibit any appropriation for construction or acquisition by the Veterans' Administration of a hospital or domiciliary facility which involves the expenditure of over $100,000 or the alteration of existing facilities exceeding $500,000, unless the Veterans' Administration has transmitted a prospectus of the project to the Congress which is thereafter approved by a resolution of the Committee on Veterans' Affairs. If an appropriation is not made within 1 year from the date of approval, the committee may rescind its approval.

The bill would also prohibit appropriations for the alteration of hospitals or domiciliaries which involve expenditures in excess of $100,000 but not more than $500,000, unless a prospectus is submitted to the Congress during the session in which the appropriation is proposed. Appropriations may then be made, after expiration of a 60-day period from the date of submission of the prospectus, provided the Committee on Veterans' Affairs has not adopted a resolution during that period indicating that it does not favor the proposed project.

Finally, the bill would: First, prohibit the closing of Veterans' Administration hospital or domiciliary facilities in operation at the date of enactment unless the closing is approved by a resolution of the Committee on Veterans' Affairs and second, prohibit the transfer, by sale, lease, or otherwise, of any real property under the jurisdiction of the Veterans' Administration on or after October 1, 1971, unless the transfer is approved by a resolution of the Committee on Veterans' Affairs.

In its report on this bill the committee takes note of our counterpart in the other body and observes that in the event of approval of the bill by the House the Senate Committee on Veterans' Affairs will, of course, appropriately exercise its prerogative in determining the extent to which it finds a need to participate in the legislative oversight procedure set forth in the bill.

As Chairman TEAGUE has indicated, there has through the years been almost a complete absence of participation by the legislative branch in the planning and programing of the huge physical plant operated by the Veterans' Administration through the Department of Medicine and Surgery.

The House Committee on Veterans' Affairs is charged under the Legislative Reorganization Act with legislative oversight over these activities, and it is felt that the effective discharge of this responsibility obviously requires that the committee be advised in advance and consulted in advance with respect to the carrying out of the long-range construction program, and other programs, designed to provide medical care and treatment for veterans. The committee feels that the reported bill will insure such advice and consultation, and recommends its enactment.

In conclusion, Mr. Speaker, I should emphasize that this proposal is not unique and, despite certain concern expressed in the agencys' report, does not, in the opinion of the committee, impinge on the constitutional authority vested in the executive branch. The bill is modeled very closely after section 7 of the Public Buildings Act of 1959 which provides for very similar participation by the respective Committees on Public Works of the House of Representatives and the Senate. Further, as the Members are fully aware, many agencies, notably the military departments and NASA, are subject to annual specific authorizing legislation prior to the appropriation process.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may desire to the distinguished gentleman from Pennsylvania (Mr. SAYLOR), ranking Republican member of the subcommittee.

Mr. SAYLOR. Mr. Speaker, I will support H.R. 6568. This bill will require the specific approval by resolution of the Committee on Veterans' Affairs of any new hospital construction involving expenditures in excess of $100,000 or alterations of existing hospitals involving expenditures of more than $500,000. Alteration projects involving expenditures of $100,000 to $500,000 require notification to the committee. A resolution of disapproval must be filed within 60 days if construction is not to proceed.

The bill also provides that no Veterans' Administration hospital may be closed nor Veterans' Administration land transferred to any public or private agency unless approved by resolution adopted by the Committee on Veterans' Affairs.

A measure similar to this one, Mr. Speaker, passed the House in the 88th Congress, but failed of action in the other body.

As Members are well aware, the Committee on Veterans' Affairs and the Appropriations Committee play a significant role in assuring that the Veterans' Administration hospital system is adequately funded and operates sufficient beds to care for the medical needs of the veteran population.

Despite the fact that a long-range program of improvement and modernization of Veterans' Administration hospitals was adopted in 1961 by the President and informally approved by our committee, the Veterans' Administration has on several occasions revised this program without consulting our committee. We believe that the best interests of the Nation's veterans will be served by making an agency of the Congress a full partner with an agency of the executive branch in approving these hospital construction projects, much in the same manner as the partnership exists with respect to military construction and public building construction.

With respect to the provision of the bill that authorizes prior approval of hospital closings by the Committee on Veterans' Affairs, I need not remind Members of the situation that was created by former President Johnson's order of January 1965, wherein he closed 11 Veterans' Administration hospitals. As the result of congressional furor, one-half of these hospitals were kept open. Had the prior approval procedure similar to that contained in the measure before the House today existed at that time, the executive branch could not have closed any of these hospitals without advanced congressional approval.

Mr. Speaker, this is necessary legislation and I urge that it be passed.

Mr. JOHNSON of California. Mr. Speaker, I rise today in support of H.R. 6568, a bill to provide more adequate congressional review of the major construction and modernization programs of hospitals under the jurisdiction of the Veterans' Administration.

I think it goes pretty much without saying that the Congress under the leadership of the Committee on Veterans' Affairs, chaired by the distinguished gentleman from Texas, Mr. Teague, and the Committee on Appropriations headed by his fellow Texan, Mr. Mahon, and their respective subcommittees, has taken a major role in developing adequate hospital facilities for this Nation's veterans.

Just recently the Congress increased the funding for our VA hospital program and I look at the legislation we have before us today as a companion piece of this action. Enactment of H.R. 6568 will give the Congress a long-term view at our hospital needs.

Under the present arrangement the Congress does not become involved in planning and programing hospital programs until the Veterans' Administration comes to the Congress for an appropriation. The long-range planning as to the location and type of facilities are done completely by the executive agencies including the VA, of course, and the Office of Management and Budget.

In recent years some of these changes in concept and program have been extremely far-reaching and the authorizing committees of Congress, namely, the Veterans' Affairs Committees of both the House and Senate have had no opportunity to participate in this long-range planning.

Certainly on the House side the Committee on Veterans' Affairs has established an outstanding reputation of providing adequately for our veterans, and I think that their wisdom and knowledge should be extended to the hospital program. This is what this legislation would accomplish.

I would note that the Veterans' Administration now operates nearly 190 medical and surgical facilities. Planning for and supervision of a medical program of such a vast scope including the programing of new facilities requires all the wisdom that we can put to this responsibility.

In past years the VA has commented that this responsibility "obviously requires an orderly system of long-range planning to achieve the best and most equitable results." Under the Legislative Reorganization Act, the Veterans' Affairs Committee is given the oversight responsibility. This responsibility cannot be met without proper and complete consultation on the part of the executive agency. This we seek to do in this legislation and I would join my colleagues in urging this enactment.

Mr. DORN. Mr. Speaker, I strongly support H.R. 6568 which will vest more authority in the Congress in constructing Veterans' Administration facilities. For years, it appeared that we had solved the problem. A long-range construction and modernization program was developed in conjunction with the Eisenhower administration, and this program was agreed to by the White House, the Veterans' Administration, and the appropriate committees of the Congress. This was to be a 12-year, billion-dollar program to modernize VA medical facilities. The program proceeded satisfactorily for several years, but in recent years it has been subjected to many disruptions. A prime example of how it has been disrupted relates to the Columbia, S.C., Veterans' Administration hospital where there has been much talk and many announcements in the executive branch of the Government about modernization and enlarging this hospital; however, despite most recent announcements, authorization has not been granted to proceed with this sorely needed modernization project and the proposed addition. We have now been informed by the Director of the Office of Management and Budget that no new construction will be undertaken pending study of the President's health care proposals.

Mr. Speaker, passage of H.R. 6568 will give the Congress more authority in VA hospital construction. This bill has been designed to insure that our Nation's sick and disabled veterans will receive proper medical care in future years and I urge its early enactment.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill (H.R. 6568) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

A BILL TO AMEND THE WATER RESOURCES RESEARCH ACT OF 1964

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10203) to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes.

The Clerk read as follows:

H.R. 10203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 100 (a) of the Water Resources Research Act of 1964 (78 Stat. 329; 42 U.S.C. 1961a), is amended (A) by striking out "$100,000" and inserting in lieu thereof "$250,000", and (B) by striking the period at the end of the subsection and adding ": *Provided further,* That for fiscal year 1973 not more than $125,000 shall be appropriated for each of the District of Columbia, the Virgin Islands, and Guam, and for fiscal year 1974 not more than $200,000 shall be appropriated for each of such areas."

Sec. 2. The second sentence of section 100 (b) of the Water Resources Research Act of 1964 (78 Stat. 329; 42 U.S.C. 1961a) is amended by inserting after the word "problems," the following: "and scientific information dissemination activities, including identifying, assembling, and interpreting the results of scientific and engineering research deemed potentially significant for solution of water resource problems, providing means for improved communication regarding such research results, including prototype operations, ascertaining the existing and potential effectiveness of such for aiding in the solution of practical problems, and for training qualified persons in the performance of such scientific information dissemination,".

Sec. 3. Subsection 100(b) of the Water Resources Research Act of 1964 is further amended by adding at the end thereof the following sentence: "The annual programs submitted by the State institutes to the Secretary for approval shall include assurance satisfactory to the Secretary that such programs were developed in close consultation and collaboration with leading water resources officials within the State to promote research, training, and other work meeting the needs of the State.".

Sec. 4. Section 102 of the Water Resources Research Act of 1964 is amended by adding after the first sentence a new sentence reading as follows: "Funds received by an institute pursuant to such payment may be used for any allowable costs within the meaning of the Federal procurement regulations that establish principles for determining costs applicable to research and development under grants and contracts with educational institutions (41 CFR 1–15.3), including future amendments thereto: *Provided,* That the direct costs of the programs of each State institute, as distinguished from indirect costs, are not less than the amount of the Federal funds made available to such State institute pursuant to section 100 of this Act."

Sec. 5. Section 200 of the Water Resources Research Act of 1964 is amended by adding a new subsection (c) as follows:

"(c) In addition to other requirements of this Act, the Secretary's annual report to the President and Congress as required by section 307 of this Act shall specifically identify each contract and grant award approved under subsection (a) of this section in the preceding fiscal year, including the title of each research project, name of performing organization, and the amount of each grant or contract.".

Sec. 6. Section 306 of the Water Resources Research Act of 1964 is amended by changing the period to a comma and adding "the District of Columbia, and the territories of the Virgin Islands and Guam.".

Sec. 7. Section 307 of the Water Resources Research Act of 1964 is amended by striking out "March 1" and inserting in lieu thereof "October 1" and by striking out "calendar" and inserting in lieu thereof "fiscal".

Sec. 8. The Water Resources Research Act of 1964 is amended by inserting the following new section:

"Sec. 308. Excess personal property acquired by the Secretary under the Federal Property and Administrative Services Act of 1949, as amended, for use in furtherance of the purposes of this Act may be conveyed by the Secretary to a cooperating institute, educational institution, or nonprofit organization, with or without consideration, under such terms and conditions as the Secretary may prescribe.".

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the Chairman of the full Committee, the gentleman from Colorado (Mr. ASPINALL).

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks that I shall make, and that all Members may have the same privilege.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. Speaker, the next five bills to come out of the Committee on Interior and Insular Affairs came out, as far as I know, with unanimous support. They are too important to have been considered on the Consent Calendar—and I say that even with respect to No. 2, which was on the Consent Calendar. It is our intention to write a good record on each one of these bills, but we do not intend to take too much time of the House this evening.

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 10203, a bill to amend the Water Resources Research Act of 1964. This bill makes a number of improvements in the act on behalf of more effective and efficient program administration, authorizes the creation of three additional research institutes for jurisdictions where there now are none, and, most important, increases the amount authorized to be appropriated for the annual allotment grant program.

The Water Resources Research Act of 1964 is administered by the Secretary of the Interior through the Office of Water Resources Research. The program has been in operation for some 7 years and is rapidly maturing into the operation that the Congress had in mind when the original act was passed. One of my reservations about this program in the past, Mr. Speaker, has been that not enough emphasis has been placed on finding solutions to the day-to-day problems facing our water resource managers. In the past it has seemed to me that too much emphasis was being placed on purely academic issues which were of interest only to the researcher. This assessment was shared by other observers of this program. My support of this measure today is based on the evidence that most of our operating institutes, as disclosed by the testimony of their directors before our committee, are fully mindful of the need to concentrate their resources on the practical issues now limiting the effective and efficient use of our water resources.

It is clear from our record, and what we otherwise know, that water resource development is becoming more complex and difficult. It is more complex in the technical sense as supplies are exhausted and environmental matters become more a part of our consideration. It is more complex in a political sense as more and more of our people and their leaders project the notion that water resource development is the cause of rather than the solution to our problems. Water resource development is more difficult in the economic and financial sense as competition increases for investment capital. Indeed, there is no shortage of problems needing enlightened research if we are to keep pace with the water needs of a growing population and an expanding economy.

The question, Mr. Speaker, is how much money can be afforded at this time for this purpose. This bill, H.R. 10203, increases the annual allotment program from $100,000 to $250,000 for each institute. This, on its face, looks like a very large percentage increase. I agree, and such a large increase would not often be justifiable all in one step. I believe, however, that the circumstances justify this increase at the present time. They are: First, this is only an authorization bill and the administration need not request nor the Congress appropriate the full amount each and every year; second, inflation and purchasing power of the dollar has eroded since 1964 to the degree that about one-half of the increase is required just to keep the programs at the original level; and third, in the last 7 years entire new areas of activity, notably environmental considerations, have opened up and require research emphasis. In addition, the institutes have developed procedures and have matured into responsible and effective organizations better able to make effective use of their funds. This fact became evident from our hearings and, perhaps more than any other single factor, commends the legislation to me at this time.

Mr. Speaker, I would now like to say a few words about the new institutes that will be authorized by H.R. 10203. They are, of course, for the territories of the Virgin Islands and Guam and for the District of Columbia. Superficially one might think that these jurisdictions are too small and institutionally immature to warrant the same level of consideration under this program as is afforded to the various States. Granted, they are small, this does not make their water resource development and consequent economic problems any less important to the residents of these jurisdictions and the resolution of these problems any less critical to the well-being of the communities themselves. Each of the jurisdictions receiving authorization for a new institute has problems that are unique to it. The District of Columbia is the only jurisdiction in the Nation that is totally urbanized, while the territories are the only jurisdictions, save the State of Hawaii, that occupy an oceanic environment with its peculiar resource characteristics and problems. What this really means is that these localities must perform their own research since it is not plausible to expect some other jurisdiction to be concerned with problems which it does not share.

The bill, as reported, recognizes, however, that newly created institutes do not become instantly mature and administratively coherent. For this reason, authorization of funding in the early years has been curtailed appropriately.

Finally, Mr. Speaker, I would like to say a word about the suggestion that an institute be authorized for American Samoa. The committee did not go along with this suggestion out of the belief that the institution of higher learning on American Samoa is simply not yet ready to assume the responsibility of managing a water resources research institute. This can come along at a later, more appropriate time and I believe that the people of American Samoa will be understanding of this position.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 10203, a bill amending the Water Resources Research Act of 1964.

This bill fulfills the needs of the 51 water resources research institutes established in the 50 States and Puerto Rico, pursuant to the Water Resources Research Act of 1964 for additional funds for annual grants, simplification of fiscal aspects of their programs, changes in accounting procedures, and simplification of methods by which the institutes can acquire excess Federal property used by them in this work. The bill also fulfills the needs of the District of Columbia and the Virgin Islands and Guam for the establishment of research facilities for water related problems by adding those three areas to the list of States and territories authorized to receive grants under the act for water resources research.

Additional annual funding is needed by our land-grant colleges eligible under the law in each of the 50 States and Puerto Rico to conduct new research into water-related problems and to continue research on projects already underway. As we all have been experiencing, the purchasing power of the dollar has been declining recently. When you "pay your money and take your choice," the available choices are fewer and fewer. When we allow our choices to be limited in the field of water resources research, we may be limiting the future availability of one of our necessary elements for survival—necessary water of a quality and quantity suitable to support life as we know it and want it to become in this great Nation of ours. We cannot afford to penny-pinch in this area of endeavor. Additionally, increased funding authorizations will assist institutes in disseminating the results of their research to others and will allow greater participation by others in individual institute programs.

This bill adds the Virgin Islands, the District of Columbia, and Guam to the list of those States and territories authorized to receive annual grants to establish water resources research institutes. Each of those areas has at least one land-grant college that would, under the Water Resources Research Act of 1964, be eligible to receive annual grants to study and attempt to solve water-related problems peculiar to each locale. The colleges that would be eligible to receive grants under this program in each of the new areas are, however, relatively new and small and would not initially be able to utilize the full amount of grant funds efficiently and effectively for conducting the types of water resources research authorized by the act. For that reason, this bill authorizes funds for those institutions at lower initial levels rising to the levels of other State institutes by fiscal year 1975.

This bill retains the cooperative Federal-State concept and nature of water resources research grants under section 100 of the law and improves that relationship by providing for simplification of State programs and project proposal budgets and providing for reduced recordkeeping. Presently, the State institutes are required to segregate program costs to insure that Federal funds are not used for program costs chargeable to State institutes such as employee benefit costs and overhead costs. The bill would do away with that requirement so long as total annual costs chargeable to State institutes were paid by them. Also, State institutes could change this annual reporting requirement from a calendar year basis to a fiscal year basis to coincide with fiscal year program authorization practices.

This bill also authorizes the Department of the Interior to transfer to State institutes the title to equipment acquired thereby simplifying recordkeeping.

I strongly urge the passage of this bill. It will greatly assist us in meeting our future water needs.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I rise in support of H.R. 10203, a bill amending the Water Resources Research Act of 1964, to increase the authorization for water research institutes, and for other purposes, and I urge its passage.

The purpose of the bill is to increase the amounts authorized to be appropriated annually to the 51 institutes established pursuant to the Water Resources Research Act of 1964, and to authorize water resources research institutes in the District of Columbia and the territories of the Virgin Islands and Guam.

Three programs were established under the 1964 act, which authorized the establishment of water resources research institutes at our land grant colleges in each of the 50 States and Puerto Rico. Those programs are: an annual allotment program to each water resources research institute; a matching grant program to those institutes to meet the necessary expenses of specific research projects, including multi-institute project planning and coordination; and a nonmatching grant program to persons, firms, institutions and other entities who undertake research of water problems related to the mission of the Department of the Interior which the Secretary might deem desirable and which are not otherwise being studied.

This bill would increase the amount of allotment authorized to be appropriated under the first of those programs to each eligible water resources research institute from $100,000 to $250,000. The increase is needed for many reasons, not the least of which are increased costs of doing business since the institutes were authorized, and increases associated with inflationary factors. Increased emphasis on environmental problems has resulted in more water resources research. The need to increase information dissemination capabilities of institutes so that others will benefit from the results of research requires additional funding. More important though is the fact that the institutes have matured since their inception; they have become better organized and more sophisticated in their problem-solving approach resulting in an increased capability to produce feasible programs.

The District of Columbia and the territories of the Virgin Islands and Guam each have land-grant colleges that would, under this bill, be eligible for research and training programs. In fact, the District of Columbia has two such institutions that would qualify. They are the Federal City College and the Washington Technical Institute. The District and each territory have water-related resource problems requiring research unique to each locality and they have the prerequisites necessary to qualify as recipients under the act. Timely resolution of their water resources related problems demands that a research capability be created in each jurisdiction and that adequate funding be provided. Amendment of the act to include those jurisdictions fulfills that need.

An important aspect of the increased funding authorized by this bill is the limitation on funding for the new institutes authorized for the District of Columbia, Guam, and the Virgin Islands. Funding for those institutes is not to exceed one-half of full funding for existing institutes the first year and 80 percent for the second year. The reason for the limitation is that newly created institutes require time within which to organize and become operationally effective and cannot, initially, at least, be expected to need as much funding as fully operational institutes.

In order to increase the effectiveness of research programs of the several research institutes, language has been included in the bill to require that programs funded through allotment grants be created in consultation with State or jurisdictional water resource officials. It is hoped that this requirement will increase results by adding an additional measure of practical direction to research undertaken by these institutions.

The bill also includes amendments to the act to simplify accounting procedures, required bookkeeping systems, and reporting procedures.

In sum, this bill modernizes and expands the Water Resources Research Act of 1964 with a view toward meeting the increased challenges and opportunities for scientific research and training in attempting to insure that this Nation will always have sufficient water of quality to meet its needs.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to my colleague from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Speaker, as a cosponsor of this bill in this Congress and as a coauthor thereof along with the distinguished gentleman from Pennsylvania (Mr. SAYLOR) in the previous Congress, I rise in strong support of the bill.

Mr. Speaker, it is a privilege to associate myself with the gentleman from California and his able colleagues from the Committee on Interior and Insular Affairs who have given such close attentiton to these amendments and to the work of the Water Research Institutes throughout the country. These Institutes in every State and Puerto Rico—and soon, I hope, in the District of Columbia, the Virgin Islands, and Guam—are the "data-banks" for many of our present and planned water-pollution control programs. By working to develop environmental planning and management techniques for the water resources of their own areas, they are providing much of the research inventory which will insure the success of future water-pollution control programs. As can be seen by the frequent contributions of representatives and associates of the Water Research Institutes to our own hearings and studies, these institutes are also providing the expertise and talent to man environmental management programs of the future.

As the gentleman from California has explained, this is a modest effort by the standards of most other environmental control programs; yet the seed money which has previously been authorized for the Water Research Institutes has often precipitated a considerable multiplier effect, as successful Water Research Act grants attract as much as 100 times their cost in outside public and private supplemental support. It is to be hoped that, by raising the annual authorization for these institutes to $250,000, their work can have an even larger multiplier effect.

I have urged for some time that the authorization for these research centers be raised to $250,000, both because of the competence and aggressiveness which they have demonstrated during their last 7 years of investigating and planning for water resources problems, and also because of the large potential which presently exists during this age of environmental awareness—and action—for more sophisticated and comprehensive research and planning activities for the conservation and utilization of water resources.

Through the reporting requirements which they initiate, the amendments before you guarantee that this money will be used productively and efficiently. They further insure that work undertaken by the Water Research Institutes will directly benefit State planning needs and goals through coordination and consultation with State planning officials.

The new amendments will also facilitate a wider distribution of the output of the Research Institutes, so that their findings can be quickly available to all interested parties for study and implementation.

By enacting these amendments, we will give the 51 Water Research Institutes a vote of confidence and a mandate to apply themselves even more vigorously to the huge task of assuring clean and plentiful water resources for the future.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the legislation which I have introduced. I am pleased to say this legislation has been recommended for enactment by the Subcommittee on Irrigation and Reclamation, which I have the honor to chair, and by the House Committee on Interior and Insular Affairs, chaired by the distinguished gentleman from Colorado (Mr. ASPINALL).

In 1964, the Congress enacted the Water Resources Research Act, recognizing that a great deal of research would be needed to provide the basic information with which we could mount a coordinated and intelligent attack on the many water resources problems which this Nation faces, including control of pollution and providing an adequate supply of potable water to serve our Nation's homes, industries, and farms. This act sought to establish a Federal-State partnership for encouraging such research work through establishing water resource research institutes in each of the land-grant colleges throughout the Nation. Fifty-one such water resources research institutions, including the University of California, were established pursuant to the basic 1964 legislation, and are now operating with the help of Federal funds.

As the chairman of the Irrigation and Reclamation Subcommittee, I have made it a point to monitor these programs very carefully. I can say that they have functioned with increasing effectiveness and they are making significant contributions to the solution of the water resource related problems in the many fields and disciplines involved in water resource management. Let me take my own State of California, for an example, and outline some of the accomplishments that have been made through the encouragement and stimulation provided through the Office of Water Resources Research funding.

Within the University of California system we have an interdisciplinary research program conducted throughout the more than 30 departments, schools, and institutes on the nine campuses. California established in 1957, before the enactment of the act, a water resources center with Federal funding. This center has expanded its research development, information dissemination, and other activities to a substantially greater level. These activities have been overseen by a coordinating board of 14 members representing the various disciplines and campuses of the University of California and by an advisory council of 24 distinguished citizens. Under this guidance, the State water resources center program, augmented with State funds, has employed some 351 people, including some of the finest local scientists and technicians in the field, to conduct a variety of programs.

These programs include the development of a computer model to determine water flows for the most effective utilization of various conveyance systems; construction of a model showing gross trade interdependencies among western States in relation to water dependent industries; employment of computer technology for the prediction of the rate of salinization of the ground water in the various State of California water basins; development of a system of analysis to determine the public acceptability of the mineral taste in domestic water, this to be used in chemical design and treatment of urban water systems; discovery of measures to decrease the severity of flood flows and sediment production on flood-damaged soils; development of a system of seasonal rainfall forecasting for California and the western region—I am sure there is not one among us who could not imagine the economic impact of long-range weather and rainfall forecasting—finally the discovery of new ways to reduce evaporation and thereby add to the conservation of our water resources.

These achievements, all of which are of national significance, have been attained at a total cost to the Federal Government of $2,270,000 during the entire period that this program has been in operation in the State of California.

It is necessary that consideration be given to increasing the amount of Federal support annually to the various universities throughout the Nation who are participating in this program. This increase is justified by the inroads inflation has made upon the original allocation. All of us know the impact of inflation upon our own pocketbooks during the period from 1964 until the present time. In the water resource research field it is estimated that 60 to 70 percent of the increase which would be granted in this legislation is solely required because of the inflationary trend.

Additionally, however, the various institutes throughout the country have become better organized. They are more imaginative and better able to set forth justifiable programs which would warrant an increase in the level of activity. Increased emphasis on environmental problems has resulted in a need for additional water resources research. One of the related provisions of this legislation is to give statutory emphasis to the dissemination of research findings—an area in which some institutes, unfortunately, have not been as effective as they could have been. This emphasis would require additional funding, which will be provided by the increased authorizations. Finally, I would note that the work which has been accomplished to date gives us a glimpse of what can be accomplished in the future, if these research programs can be given the added stimulation which I believe this legislation would provide.

The future is especially bright in one area, which is of concern to all of us, and that is the control of water pollution. Turning again to my own State of California, I would like to note some of the areas where the additional funds would be spent if this legislation were enacted and thereby the authorizations for Federal funding were increased. The major emphasis would be given on the role of water in protecting California's ecological and environmental complex; the agricultural uses of water in the development of the State's total environment and economy would be given increased scrutiny; more consideration would be given to urban factors and needs in shaping the patterns of water use; greater development including reclamation, demineralization, recycling, and waste disposal; research on human, behavioral, and institutional aspects of water use and management would be intensified; finally the dissemination of research findings for the purpose of increasing understanding of complex water problems and achieving public acceptability and support would be improved.

With these thoughts in mind, I would like to briefly touch upon the provisions of this legislation:

Section 1 increases the annual allotment program for each of the existing Water Resource Research Institutes from $100,000 a year, which is provided at the present time, to $250,000 per year. As I indicated above the three factors of inflation, the need for better dissemination of information, and finally the requirements of increased levels of research make the higher figure much more realistic and certainly necessary.

Section 2 makes mandatory by congressional action the dissemination of information developed as a result of these federally supported research projects.

Section 3 requires better consultation among the several States and the U.S. Government in the development of research activities and programs. This will insure that funds expended through the Office of Water Resources Research will be spent on the most relevant and practical studies possible.

Section 4 simplifies the accounting procedures of the various institutes participating in the program. For example, it is permissible under the revised section to do such things as finance the expenses of the employer's social security contributions and other fringe benefits through the Federal funds, rather than setting up two separate funds for an employee—one paying his salary and the other paying his social security payments and other benefits.

Section 5 requires annual reports to the Congress on this program. This will give the Congress more effective oversight and insure that the overall program is kept in its proper perspective.

Section 6 provides that similar water resource research institutes be established in the District of Columbia and in the territories of the Virgin Island and Guam. None of these three areas are immune to the water resource problems and in each area there are requirements for specialized research.

Section 7 is a technical change in the date that the annual report from the Secretary of the Interior should be submitted to Congress, making it October 1 in lieu of the March 1 date.

Section 8 would permit the Secretary of the Interior to convey property acquired from excess personal property lists to qualified entities with or without compensation. This brings this program into line with similar type programs within the Department of the Interior.

Mr. Speaker, in conclusion, I want to say that I believe that the investment, which this Government has made in past years in the water resources research programs of the Nation and the various States, has returned to the people of this Nation great dividends in improved water resources management. I feel that the legislation which we have before us today would increase these returns substantially. Therefore, I urge my colleagues to give their full support to the enactment of H.R. 10203, a bill to amend the Water Resource Research Act of 1964 and thereby increase and improve the activities sponsored through this vital program.

Mr. McCLURE. Mr. Speaker, I rise in support of H.R. 10203, a bill which would amend the Water Resources Research Act by increasing funding authorizations for State water research institutions; authorizing additional "State" institutions; adding measures to insure research relevancy, and simplifying fiscal aspects at water resources research institutions.

FUNDING AUTHORIZATION

There is a need to increase the appropriations for annual grants to State institutes carrying out water resources research. The presently authorized Federal contribution is not adequate to support needed research and information dissemination in light of increasing water quality and water quantity problems. Although the administration recommended an increase of $100,000, the Committee on Interior and Insular Affairs, after careful consideration, chose to increase the annual Federal grant authorization to State water resources research institutes by $150,000. The additional funding will increase the opportunity for research personnel at other universities to participate in State institute programs and permit expansion of training programs at State institutes for water resource scientists and engineers.

ADDITIONAL INSTITUTES

H.R. 10203 includes authorization for water resources research institutes in three new areas: The District of Columbia, the Virgin Islands and Guam. Each has at least one land-grant college of sufficient size and sufficient water resources related problems to warrant establishment of a research institute. In keeping with past practice in funding new institutes, the grants to these newly authorized institutes are limited during the first 2 years and progressively increase to full funding in fiscal year 1975.

RESEARCH RELEVANCY

To better assure that annual State water resources research programs will contribute to the solution of nationwide water-related problems, the committee has included language in the bill that would require State institutes to include assurance satisfactory to the Secretary of the Interior that their programs were developed in close consultation and collaboration with leading water resource officials within the State.

SIMPLIFYING FISCAL ASPECTS AT STATE INSTITUTES

The State institutes currently operate under a fiscal handicap that this bill seeks to remedy. Institutes cannot, under present law, use any of their Federal annual allotment fund payments for employee fringe benefits or overhead costs. This makes it necessary for State institutes to segregate program costs to assure that Federal funds are not used for employee benefits or indirect costs resulting in cumbersome bookkeeping systems. Auditing such records is often difficult to accomplish. H.R. 10203 would eliminate this bookkeeping problem. State institutes would continue to bear the cost of such expenses, but would not be precluded from using Federal funds for supporting such costs while at the same time using non-Federal funds to support direct costs of their program.

OTHER CHANGES PROPOSED BY H.R. 10203

This bill would authorize the Secretary to make his annual report to the President and Congress on the disposition of moneys appropriated under the act and the results accomplished and expected to be accomplished through projects financed under the act on a fiscal rather than calendar year basis. Since research grants and contracts are funded on a fiscal year basis, the present reporting requirements create unnecessary reporting difficulty that this bill would eliminate. Additionally, the bill authorizes the transfer of title to equipment acquired from Federal excess property sources to State institutes, utilizing it, thus simplifying recordkeeping relating to Federal excess property acquired in furtherance of the purposes and objectives of the act.

SUMMARY

In summary, the bill provides authorization for appropriation of funds needed to continue and expand water resources research; it authorizes establishment of new institutions where they are needed and it provides for housekeeping changes designed to foster greater efficiency in the administration of the Water Resources Research Act. I urge its passage.

Mr. GARMATZ. Mr. Speaker, I rise in strong support of H.R. 10203, because I think that any legislation designed to help clean up and protect our Nation's valuable water resources is worthwhile— no matter what the cost.

Actually, the cost envisioned in this bill is a small price to pay for the goal we are seeking. H.R. 10203 proposes to provide an additional $150,000 annually to the States, so they can conduct vital research on water resources.

Under the Water Resources Research Act of 1964, the States already receive $100,000 annually; this legislation would amend that act to provide an additional $150,000 to those States which care enough about the purity of their water to conduct the necessary research.

As demands for available water increase for recreational, industrial, and municipal needs, the States must be able to make long-range plans and decisions on how to best utilize their water resources. It is important that the States satisfy their economic and recreational needs and at the same time maintain high standards of water quality.

Intelligent choices must be made between these competing interests, but the States will not have the capability to do this unless they have sufficient funds to conduct the necessary research.

Each State has its own peculiar problems. Maryland, for instance, has used money from the existing Federal program to conduct research on such problems as thermal pollution; examining the public and private interests in the development of the Chesapeake Bay area; the impact of sewage outfalls on fish populations; the impact of effluent from various processing plants; and the effect of acid mine waters on water quality.

The cost of research has increased as much as 60 or 70 percent since the program was initiated in 1964, and inflation, which has affected every segment of the economy, is responsible for the largest portion of the increased cost. In addition to this factor, the institutes in the various States—like Maryland's Water Resources Research Center—have proved their capabilities, become better organized and produced imaginative programs which justify an increase in the level of research activity.

Mr. Speaker, I am certain that my colleagues in the House have important water research programs in the States they represent, and I am certain this important legislation will be quickly passed and enacted.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 10203, legislation to increase the authorization for water resources research institutes, and for other purposes.

This bill would increase the annual allotment program for existing water resources research institutes from $100,000 to $250,000 and authorize the establishment of such institutes in the District of Columbia and the Territories of Guam and the Virgin Islands.

The authorization figure proposed by this measure is certainly justified in view of the great importance of the research activities carried out under the 1964 act. Extension of the program to the District of Columbia and the offshore territories of Guam and the Virgin Islands is also needed.

The State of Hawaii is among those areas which have participated in the existing program, through steps to achieve conservation, development, and proper management of water resources. These activities are set forth in detail by Dr. Stephen Lau, acting director, water resources research center of the University of Hawaii, in his statement in the record of hearings conducted by the Subcommittee on Irrigation and Reclamation of the House Committee on Interior and Insular Affairs.

As Dr. Lau says, the increases proposed by this legislation are timely especially with reference to Hawaii. Our water problems are changing rapidly due to the increasing need for more water. With the expanded importance of recreational and esthetic values as well, water quality is becoming more critical at the same time that threats to water quality are elevated by the increasing population, urbanization, and industrialization.

In view of the importance of this legislation to the State of Hawaii and other areas of our Nation, I urge adoption of H.R. 10203.

Mr. JOHNSON of California. Mr. Speaker, the chairman of the full committee explained the purpose of the bill. The bill was heard in the subcommittee and also in the full committee. There was no opposition to the bill in either the subcommittee or the full committee. Therefore, I ask that the rules be suspended and that the House pass H.R. 10203.

Mr. TALCOTT. Mr. Speaker, I support H.R. 10203, to amend the Water Resources Act of 1964.

The major purpose and overriding need for this legislation is to enable the water resources research institutes to more effectively carry on their programs.

Although this authorization may not seem large, when used in conjunction with State funds, it will go far toward enhancing the research capability relating to water resources problems of critical concern to the various States and our Nation.

In California, as in other parts of the United States, water has been and will continue to be a strategic resource in developing our economy and maintaining our environment. However, many critical problems of water supply and distribution yet need to be resolved. If we are going to deal effectively with the essential water needs, greater emphasis must be placed upon research. More investigation into methods of augmenting and protecting water supply and quality, more research on engineering, more study of the various phases of the water cycle are just a few of the fields where research is urgently needed.

The Water Resources Center in California, established in 1957, is responsible for serving all University of California campuses in developing, coordinating, and funding research programs—including the dissemination of findings and conclusions. Although the major financial support for the center is derived from the State, during recent years 20 to 25 percent of the funds have come under the authorization of the Federal Water Resources Research Act. With these appropriations, many worthwhile research projects have been undertaken by the Water Resources Center. These benefit the Nation as well as the State.

I am advised that the University of California has recently reviewed the entire research program of the Water Resources Center and with the increase in the authorization would be in position to intensify research on the role of water in protecting California's ecological and environmental complex; provide more consideration to urban factors and needs in shaping the patterns of water use; increase examination of agricultural uses of water in the development of the State's total environment and economy; give sharper focus to the options and strategies for water utilization and development, including reclamation, demineralization, recycling, and waste disposal; intensify research upon the human, behavioral, and institutional aspects of water use and management; and improve the dissemination of research findings for the purpose of increasing citizen understanding of complex water programs.

Because of the urgent need for increased water research, I urge the House to adopt H.R. 10203.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California that the House suspend the rules and pass the bill H.R. 10203.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REQUIRING PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS ON PUBLIC LANDS

Mr. BARING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9890) to require the protection, management, and control of wild free-roaming horses and burros on public lands, as amended.

The Clerk read as follows:

H.R. 9890

A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

SEC. 2. As used in this Act—

(a) "Secretary" means the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management and the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;

(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros on public lands of the United States;

(c) "range" means the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which need not to be fenced, and which is devoted principally but not necessarily exclusively to their welfare;

(d) "herd" means one or more stallions and his mares; and

(e) "public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service.

SEC. 3. (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this Act. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation, where the Secretary after consultation with the wildlife agency of the State wherein any such range is proposed and with the Advisory Board established in section 7 of this Act deems such action desirable. The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory Board established in section 7 of this Act. All management activities shall be at the minimal feasible level and shall be coordinated with the wildlife agency of the State wherein such lands are located in order to insure adequate consideration for all wildlife species which inhabit such lands, particularly endangered species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands.

(b) Where an area is found to be overpopulated, the Secretary, after consulting with the Advisory Board, may order old, sick, or lame animals to be destroyed in the most humane manner possible, and he may cause additional excess wild free-roaming horses and burros to be captured and removed for private maintenance under humane conditions.

(c) The Secretary may order wild free-roaming horses or burros to be destroyed in the most humane manner possible when he deems such action to be an act of mercy or when in his judgment such action is necessary to preserve and maintain the habitat in a suitable condition for continued use. No wild free-roaming horse or burro shall be ordered to be destroyed because of overpopulation unless in the judgment of the Secretary such action is the only practical way to remove excess animals from the area.

(d) The remains of a deceased wild free-roaming horse or burro may be disposed in any customary manner that is not prohibited by this Act.

SEC. 4. If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshal or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses and burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from harassment, and if the animals were not willfully removed or enticed from the public lands.

SEC. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recover it only if recovery is permissible under the branding and estray laws of the State in which the animal is found.

SEC. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local governmental agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

SEC. 7. The Secretary of the Interior and the Secretary of Agriculture are authorized and directed to appoint a Joint Advisory Board of not more than nine members to advise them on any matter relating to wild free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal or State governments and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall not receive reimbursement except for travel and other expenditures necessary in connection with their services.

SEC. 8. (a) Any person who—

(1) willfully removes or attempts to remove, except for normal and prudent husbandry needs, a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or

(2) converts a wild free-roaming horse or burro to private use, without authority from the Secretary, or

(3) maliciously causes substantial harm to, or the death of, any wild free-roaming horse or burro, or

(4) processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(5) sells, directly or indirectly, a wild horse or burro maintained on private or leased land pursuant to section 4 of this Act, or the remains thereof, or

(6) willfully violates a regulation issued pursuant to this Act,

shall be subject to a fine of not more than $2,000, or imprisonment for not more than one year, or both.

(b) Any employee designated by the Secretary of the Interior or the Secretary of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

SEC. 9. Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

SEC. 10. After the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar months thereafter, the Secretary of the Interior will submit to Congress a report on the administration of this Act, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions as he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this Act and to the maximum feasible extent coordinate the activities of their respective departments in the implementation and enforcement of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. KYL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BARING. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks I shall make, and I ask unanimous consent that the same privilege be extended to other Members of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 9890, a bill to require the protection, management, and control of wild free-roaming horses and burros on the public lands administered by the Bureau of Land Management and the Forest Service.

H.R. 9890 is a clean bill which incorporates all of the amendments adopted by the Committee on Interior and Insular Affairs during the consideration of H.R. 5375 and related bills. H.R. 9890 was passed by the committee by unanimous voice vote. The broad appeal and support for the measure, as reported out by the full committee, is indicated by the 115 House Members cosponsoring the bill in addition to its author, Mr. BARING. A bill essentially similar in purpose but differing somewhat in detail was passed by the Senate on July 29, 1971. It is S. 1116.

The two amendments merely provide that the various State fish and game commissions will be consulted by the Secretary when administering the provisions of the bill, specifically with respect to the establishment of ranges and the allocation of forage.

Mr. Speaker, there is no doubt that additional protection is needed if substantial numbers of wild horses and burros are to be preserved on the public lands as a living symbol of the West. Their numbers have decreased in recent years and undoubtedly will continue to decrease unless steps are taken to reverse this trend. I think that H.R. 9890 will do this but what is even more important, from a humanitarian point of view, is that it will, if properly enforced, eliminate much of the present unnecessary brutality associated with the rounding up and shipping of these animals prior to processing for pet food. This commercial processing is now prohibited.

I am not one of that growing group of idealists that thinks that wild horses and burros should be permitted to increase without limit. As with all animals, whether domestic or wild, there must be provision for a balance between available forage and animal use. H.R. 9890 makes provision for this balancing of range capacity and use. It is also my feeling, and I think that of the committee, that all animal use, including domestic livestock, other wildlife and wild horses and burros, must be considered and where necessary their numbers reduced in order to maintain proper forage and habitat conditions. To me the maintenance of proper forage and habitat is absolutely vital for without this we will not have wild horses and burros, wildlife or domestic livestock on the public lands.

Besides providing the necessary management tools to maintain a proper balance on the public lands, H.R. 9890 authorizes, but does not require, the establishment of ranges for wild horses and burros; it provides for the elimination of old, sick, or weak animals; it establishes a nine member joint advisory board to consult with and advise the Secretary of Agriculture and Interior on wild horses and burros; it establishes a procedure under State law for one claiming ownership of a wild horse or burro; and most important of all, it sets clear penalties for anyone selling, harming, killing, or harassing wild horses and burros, and it totally prohibits the processing into commercial products any wild horse or burro.

The objective of H.R. 9890 is to provide maximum protection to these animals without intensive management. Only in this way can their wild characteristics be retained.

Mr. Speaker, I recommend enactment of H.R. 9890.

Mr. KYL. Mr. Speaker, in spite of the fact that it might seem this is a rather simple matter, it is extremely difficult legislation to write, and I believe the committee has done an excellent job in fulfilling the purpose in a fashion that can be managed.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I rise in support of the legislation.

I have received numerous letters from my constituents expressing concern for the fate of the wild horses and burros which roam on public land in our Western States. I believe that this concern is clearly justified and that adequate legislation must be enacted if we are to protect these living symbols of our historic West from a cruel extinction.

Considered by some as nuisances that destroy valuable forage intended for domestic livestock and by others as an inexpensive source of meat for pet food, these rugged animals have been subjected to decades of inhumane treatment and ruthless commercial exploitation. Those that have survived the indiscriminant slaughter of the hunter have been forced by the rancher into remote and hostile environments, incapable of sustaining herds of significant number.

As a result, of the 2 million wild horses and burros that are estimated to have existed at the turn of the century, only 17,000 remain today. In most areas, their number continues to diminish.

While both the public and private attitude has been changing with regard to the value and the need to protect these animals, there are still too many examples of mistreatment and inhumane commercialization. At the present time, wild horses and burros are afforded little or no protection. They are not claimed as property of the Federal Government, nor are they classified as wild game and thus protected by State laws.

An initial attempt to provide a degree of protection for these animals was made by Congress in 1959 with the passage of the "Wild Horse Annie Act." This legislation prohibited the use of aircraft and motorized vehicles in hunting wild horses and burros. It did little, however, to curb the slaughter of these animals by other means.

A number of bills have been introduced before the 92d Congress to provide more adequate protection for the "free roaming" horse and burro. I have had the privilege or cosponsoring two such bills (H.R. 5648 and H.R. 10018). The measure before our consideration today, H.R. 9890, is similar in purpose and content to the bills which I have cosponsored. The objective of this bill is to preserve the remaining wild horses and burros by designating them as a national heritage species and by assuring that specific areas will be provided in which these animals will be free to roam.

To achieve this objective, H.R. 9890 places all free-roaming horses and burros under the jurisdiction of the Secretary of the Interior. The Secretary, with the cooperation of the Secretary of Agriculture, is directed to designate and maintain specific ranges as sanctuaries for the protection of these animals and to manage these sanctuaries in a manner designed to achieve and maintain a thriving ecological balance. The Secretary is further directed to establish a nine-member Joint Advisory Board to advise him on the care and protection of these animals.

Importantly, the bill provides that no wild horse or burro may be destroyed by anyone except agents of the Secretary of the Interior. In such instances, the destruction of old or ailing animals may occur only if it is deemed necessary by the Secretary as the only practical means of removing excess animals from an area which cannot sustain them. A fine of $2,000, imprisonment of up to 1 year, or both penalties, may be proscribed for anyone violating any of the provisions of the bill.

The plight of the wild horse and burro has become symbolic of the harsh struggle for survival which man, in the name of progress and profit, has inflicted upon wild creatures. It is, therefore, important that Congress take this opportunity to preserve these animals from the near extinction which now threatens so many species of our national wildlife.

For their untamed magnificence and for their contribution to the history of the American West, the wild horse and burro deserve much more than neglect and inhumane abuse. Without the protection provided in H.R. 9890, such treatment will invariably continue.

I strongly support H.R. 9890 and urge its prompt passage by Congress.

Mr. KYL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in mild support of H.R. 9890, a bill to require the protection, management, and control of wild, free-roaming horses and burros on public lands. I rise in mild support of this legislation only, because I recognize it as the best bill we could get out of the Committee on Interior and Insular Affairs.

Personally, I would prefer a much stronger bill than the bill H.R. 9890, reported by the Committee on Interior and Insular Affairs. This bill as reported by the committee does not go far enough in providing the protection and management contemplated in the original legislation as introduced, or the legislation recommended by the Department of the Interior.

If the original intent, purpose, and philosophy behind this legislation was to require protection, management, and control of wild, free-roaming horses and burros on the public lands, it requires doing more than we are presently doing for these animals. H.R. 9890 does nothing more than focus attention on the need for protecting wild, free-roaming horses and burros on the public lands.

In essence, H.R. 9890 as reported by the Committee on Interior and Insular Affairs maintains this status quo, by requiring that these animals be considered as an integral part of the total community life—as components of the public lands coequal with wildlife and domestic livestock. The committee in reporting its clean bill rejects the establishment of ranges for these animals to protect and control them on the basis that "reliance on ranges would defeat the purpose of the legislation by removing their wild, free-roaming character and substitute instead a zoo-like concept." As a matter of fact, the committee states—while not entirely foreclosing the establishment of ranges—it is of the opinion that the confinement of these animals to such ranges should be discouraged. The committee further maintains the status quo in the protection, management, and control of these animals by stating that these animals should be considered as an integral part of the total life community using the public lands as components of the public lands coequal with wildlife and domestic livestock. The committee also states that it is strongly of the opinion that management practices should be kept to a minimum, and, while opposing intensive management practices for wild horses and burros, they should not be considered any differently from other wildlife species.

Most important is the fact that the committee further maintains the status quo with regard to protecting these animals by failing to authorize any appropriation to provide the funds necessary to do more than is presently being done to protect, manage, and control wild, free-roaming horses and burros on the public lands.

In my opinion, H.R. 9890 as reported cannot serve the original intent, purpose, and philosophy behind this legislation as introduced and supported by the Department of the Interior unless it provides money, facilities, and authority to do more than is presently being done to protect, control, and manage these wild, free-roaming horses and burros on the public land. My efforts in committee to provide the needed authority and money by offering the administration's bill as a substitute to the provisions of H.R. 9890 was not supported on a division of seven ayes to 15 nays.

Since H.R. 9890 does serve to focus attention on the need for protecting, managing, and controlling wild, free-roaming horses and burros on the public lands, I urge my colleagues to support a suspension of the rules and the passage of H.R. 9890.

Mr. KYL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, earlier today I objected to this legislation being considered under the call of the Consent Calendar. I discovered that although it had been listed on the Suspension Calendar it had also been placed on the Consent Calendar and amendments were to be considered. These amendments came to my hands just a few minutes before 12 today.

Only two of the original three are now to be offered. I have had a chance to examine these two. I do not believe that these amendments make such substantive changes as to warrant any delay in the passage of this measure in the House. In addition, there will be ample opportunity for consideration of differences between House and Senate versions in conference.

This measure, H.R. 9890, offers sound protection to the remaining wild, free-roaming horses and burros. It directs that these horses and burros be considered an integral part of the life community of the public lands and that they be protected and preserved in their natural habitat without undue interference or unnecessary confinement. Penalties of up to $2,000 and a year in prison would await anyone who killed or maliciously harmed a free roaming horse or burro.

Interest in the plight of the wild horses and burros remaining in the West has soared since, on the first day of this Congress, I introduced a bill for these animals' protection. The bill was lobbied for by a young man of whom I am quite proud—my son, Gregory, who is 11. The Members of this body may recall that Gregory sent a letter to each of us asking support for this bill.

That was only the start of thousands of letters and petitions that have poured in from the young readers of the national school newspaper, The Weekly Reader, and from readers of every major publication from Time magazine to the Wall Street Journal and the Christian Science Monitor. I am sure that most, perhaps all, of the Members have received letters and some of the thousands of petitions that young people have carried around for signatures.

Passage of this legislation will not make any of us younger, but it will show we "think young" and can deal with the environmental problems that so concern the young today.

Let us match the reverence for life of the young.

Let us assure that there will be horses to glimpse running wild and free for generations to come.

This legislation will, in part, fulfill our duties to our young people and to the wildlife of the world which we are charged with protecting as well as using. This will also be a memorial to a reporter, a lady, and a horsewoman, the late Anne Christmas of the Washington Star. Her warm story on my son's interest in this legislation was reprinted throughout the United States and inspired the continuing media interest in the bill.

Mr. Speaker, I strongly urge passage of this important measure as a significant step in our continued efforts to restore and preserve our total environmental well being.

(Mr. CONTE, at the request of Mr. GUDE, was granted permission to extend his remarks at this point in the RECORD.)

Mr. CONTE. Mr. Speaker, I rise in support of this vitally needed measure to protect our Nation's last remaining mustangs. I was pleased to express my wholehearted support of this legislation which I cosponsored when hearings were recently held before the Committee on the Interior and Insular Affairs. As I stated these stately and rugged animals which have become synonymous with ultimate freedom in an age when the mere survival of any wild creature is constantly being jeopardized by man.

The flight of these magnificent animals was dramatically portrayed in the July 12 issue of Time magazine. As recently as 1900, millions of these descendants of the Andalusian horses brought to America by the Spanish conquistadors thrived on our Western lands. Today only 16,000 are left to subsist in arid brush country or to lanquish in pens.

The measure we are now considering would halt the extermination of these animals by making them part of the national heritage and by establishing new refuges on public lands. Only trained Government agents would be allowed to kill these horses—and then only when their number becomes excessive.

The need for this legislation is obvious. We must no longer stand idly by and permit these mustangs to disappear completely. As wild horse Annie, that eminent champion of these animals, expresses it:

> To the people of America, mustangs represent the kind of freedom we were founded on.

Let us not delay in enacting H.R. 9890.

Mr. BARING. Mr. Speaker, I yield such time as he may use to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I want to rise in support of this bill and state that I think this is a very important action that the House is taking today, not for the subject matter alone, important though that is, but because it is one more act reaffirming or restoring the faith of our Nation's young people that we have a humane and concerned Government, concerned with protecting our Nation's wildlife and our national heritage.

I want to commend the committee for its excellent work and prompt action in reporting this bill out.

Mr. BARING. Mr. Speaker, I yield such time as he may use to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I would like to commend the distinguished gentleman from Nevada for an outstanding job in handling this piece of legislation and also the distinguished chairman of the full Committee on Interior and Insular Affairs, Mr. ASPINALL.

I am the author of two amendments alluded to, and by way of legislative history I would like to state that it is not my intention as the author of the two amendments in any fashion to diminish the necessary protection for the wild horses and burros provided herein. These amendments simply require consultation with State game and fish agencies in any State where the ranges for the horses are to be created and also require programs for their protection to be coordinated with the fish and wildlife agency in the State where the program will take place for the protection of native species of fish and wildlife, particularly endangered species, since this is a matter of particular concern to my subcommittee.

This is a matter of particular concern to my subcommittee.

I would like to direct a question to my good friend, the gentleman from Nevada (Mr. BARING), as to whether or not it is the intent of the bill H.R. 9890 to establish wild horse or burro ranges on lands in the national refuges?

Mr. BARING. It is not the intent of H.R. 9890 to establish wild horse or burro ranges on lands other than those lands under the jurisdiction of the Forest Service or the Bureau of Land Management. Public lands, as defined in the bill, are lands under the administration of these two agencies. As lands within a game range or a wildlife refuge, although frequently public lands, are under the administrative jurisdiction of the Bureau of Sport Fisheries and Wildlife, such lands would not be subject to the provision of H.R. 9890 for the establishment of wild horse or burro ranges.

As far as the protection of wild horses and burros is concerned, it is my opinion that they would be protected from indiscriminate slaughter, harm or conversion into commercial products when found on game ranges or refuges as they would be on other public or private lands. The bill states that all wild free-roaming horses and burros are declared to be under the jurisdiction of the Secretary for purposes of protection and management. Therefore, it is my opinion that they would receive protection when found on game ranges and refuges. However, I want to point out that this protection does not exclude proper management practices, including herd reductions where necessary.

Accordingly I feel that the Secretary could authorize herd reductions, or other management measures as necessary, on game ranges or game refuges just as he can on any other public land. I recognize that a proper balance must be maintained between forage and animal use. This bill does not prevent that but it will prevent indiscriminate slaughter of wild horses and burros and assure them of equal consideration on the public land along with other wildlife and domestic livestock.

Mr. DINGELL. I thank my good friend from Nevada for a very helpful answer.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. BARING. I yield to the gentleman from Maryland.

Mr. GUDE. I would like to direct an inquiry to the gentleman from Michigan in regard to the amendments. In reading these amendments I do not believe that they in anyway constitute an attempt to give to the mustang what might be termed second-class citizenship as compared to the other animals?

Mr. DINGELL. If the gentleman from Nevada will yield further; no, I will tell the gentleman from Maryland. As I have stated earlier, very frankly, it is my purpose not to do so.

There is, as the gentleman knows, a given amount of water and forage on our public lands to be allocated between all of the species, both domestic and wildlife that use those resources. It was my intention to see to it that the State game agencies would be consulted on this so that their advice would be available to the Secretary in order to see to it that these allocable resources, the grazing resources and the water not be so distributed under this bill as to diminish the populations of native American wildlife, especially the endangered species like the California big horn, the desert big horn, the Thule elk and other species which are in dangerous peril at this time.

Mr. GUDE. Mr. Speaker, if the gentleman will yield further, therefore you have no thought of conveying the concept to the Secretary of Interior that the mustang will be a second-class animal?

Mr. DINGELL. No. I consider the public lands as a unitary holding. It may be necessary that some allocation of resources will be brought about as a result of the allocation of this bill and these amendments say that it is not our intention that it should jeopardize the species of wildlife to which I have already alluded.

Mr. GUDE. Let me say to the gentleman that in my action earlier I did not intend to insert a burr under the gentleman's saddle.

Mr. DINGELL. I have the highest regard for the gentleman from Maryland and I wish anything that passed between us earlier would not in any way affect our mutual respect of one another.

Mr. BARING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 9890, a bill to require the protection, management, and control of wild free-roaming horses and burros on the public lands.

Before commenting on the provisions of the bill, I would like to give some brief background information on the present situation of wild horses and burros.

In testimony before the Committee on Interior and Insular Affairs, the Bureau of Land Management and the Forest Service told us there are an estimated 17,000-plus wild horses, mainly in Nevada, Oregon, and Washington. But of this 17,000, it is believed that about 7,500 are either branded or claimed. This leaves an estimated 9,000-10,000 unclaimed free-roaming horses. The estimate for burros was placed at about 10,000, and they are found mainly in Arizona and California.

Thus, it is perfectly clear that the

number of these animals have decreased rapidly from the estimated 2 million wild horses that roamed the western ranges in 1900 and that they are, furthermore, decreasing rapidly.

Unless quick action is taken to give these animals greater protection, they will soon be eliminated from the public domain and lost to future generations as a symbol of the west and a part of America's heritage.

For the purposes of this legislation today, I do not think it is necessary to determine the origin of these animals. Some are direct descendants of early Spanish horses, others may be true mustangs and others are undoubtedly the offspring of domestic horses straying from ranches.

However, whatever their origin and whatever their present size and appearance, they are of great emotional interest to a large segment of the American people, especially the young who look upon the wild horse as a symbol of American freedom and liberty. There is also considerable scientific interest in these animals.

At this point, I would like to mention that this is not the first attempt by Congress to give protection to these animals.

In 1959 I authored and had passed Public Law 86-234 this bill, commonly known as the "Wild Horse Annie Act," amended chapter 3 of title 18, United States Code, to prohibit the use of aircraft and motor vehicles to hunt these animals.

Although its objectives were meritorious, in actual practice, for a variety of reasons, this act was largely ineffective and did not provide the protection needed. While the use of aircraft and motorized equipment probably decreased, these horses and burros were harassed, hunted and killed by other means, and their numbers continued to decrease.

At the present time they have little or no protection. They are not wild game protected by the States. They are not on the endangered species list. They are not claimed by the Federal Government. There are still too many examples of abuse, mistreatment and commercialization of these animals. While one may well argue that it is no worse to process a wild horse or burro than a domesticated one, or even a cow, into dog and cat food, I think it is very clear that the treatment the wild ones receive in the gathering and shipping operations is very frequently much more inhumane and abusive than anything we would condone with domesticated animals.

In my opinion, these animals deserve and must have additional protection, and I feel H.R. 9890 gives that protection.

Briefly, H.R. 9890 authorizes the Secretary of the Interior and the Secretary of Agriculture to assume jurisdiction over, and afford protection to, wild horses and burros on the public lands under their respective administration. It does not require the setting aside of specific or exclusive ranges, but likewise it does not prohibit ranges if they are practical and necessary, and it certainly would not require the elimination of the present Pryor Mountain Range in Montana and Wyoming, nor would it in any way detract from the range that has been established in southern Nevada by the Interior Department in cooperation with the U.S. Air Force and the Nevada Fish and Game Commission.

The thought behind the entire proposal is to give maximum protection with minimum interference or management by the Federal agencies. I think it was the feeling of the committee members that they did not want elaborate management schemes, with visitor centers, roads and overlooks. The idea is not to create a zoo atmosphere, but to protect these animals from harm and then to leave them alone.

However, and this is very important, the bill recognizes that there must be some authority by which the Secretary can eliminate old, sick, or weak animals. That he must also have authority to prevent overpopulation and destruction of the habitat. This control is authorized, but it must be carried out in a humane manner.

I want to state most emphatically that it is not the purpose of this legislation to exempt wild horses and burros from all population control on the public lands.

We recognize that these animals may, at some time in the future, overpopulate their ranges. This situation is no different from that presented by any wild game herd or, for that matter, by domestic livestock. There must always be a proper balance between animals using the range and the available forage. Otherwise the habitat suffers and eventually the range will be destroyed.

What this legislation does do is to prevent the wholesale slaughter of wild horses and burros for the benefit of all other animals using the range.

Wild horses and burros, in my opinion, should receive the same consideration as those animals more commonly considered wildlife, such as deer, elk, desert sheep and as domestic livestock now using the public lands. Wild horses and burros alone should not be singled out for slaughter or reduction if and when reduction is required by adverse range conditions. All too often this has been the practice in the past and this is what we want to avoid by this legislation.

While we recognize that there may be, in a very few isolated areas, some competition for forage between, for example, bighorn sheep and wild burros, such competition is unusual. And where such competition does occur, it is much less direct than that between bighorn sheep and domestic sheep or with the introduced exotics such as the barbary sheep in New Mexico.

From the information I have, there is little, if any, competition between wild horses and other game species such as deer or elk. In the unlikely event there is competition, the bill clearly provides authority for appropriate management practices, including herd reductions.

A nine-member joint advisory board has been authorized to assist and consult with the two Secretaries regarding the protection and management of wild horses and burros. It is our intention and hope that this board will play an active and prominent role.

The committee recognized that one of the most difficult problems is the identification of a wild horse or burro from one that has strayed. All privately owned animals are not branded so the lack of a brand was not a complete answer. Recognizing the complexity of this problem, the bill provides that any recovery of a horse or burro, claimed by an individual, must be made under the branding and estray laws of the particular State. While this may not provide a perfect solution, it appears to be a practical approach and permits full play of State law.

In order to prevent over-management, the bill also provides that nothing in it would authorize the Secretary to relocate wild horses or burros to lands where they do not presently exist.

The heart of the bill is in section 8 which sets out the restrictions and protective measures afforded as well as the penalty for violations.

It provides that wild horses and burros may not be removed from public lands or put to private use without authorization from the Secretary. It also prohibits the killing, harming, processing into commercial products of any wild horse or burro as well as the sale of wild horses or burros maintained on private lands. The maximum penalty is a fine of $2,000 or 1 year imprisonment or both.

Mr. Speaker, I think we have a bill here that will give the necessary protection for wild horses and burros to hold their own. The bill has wide popular support and has been sponsored by 115 of my colleagues in the House.

I strongly recommend enactment of this bill, House Resolution 9890, by this body.

Mr. JOHNSON of California. Mr. Speaker, the legislation I appear today to support concerns the preservation of a symbol of the Old West. The few remaining wild horses and burros that can still be found in our Western States represent a small fraction of the herds that once roamed the countryside. Today some are protected on special preserves, but vast numbers are in danger of being captured and carted off to be made into pet food. The approximately 17,000 wild horses and 8,000 wild burros remaining in 10 Western States receive some protection from legislation passed by Congress in 1959, but today new and tougher regulations are imperative.

H.R. 9890 is a very good piece of legislation. It provides for not only the protection of wild mustangs and burros, but for their management and control as well. This bill would authorize the Secretary of the Interior to establish and maintain at least 12 ranges for these living reminders of our national heritage, and it stipulates that the ranges should be managed so as to attain and maintain a sound, natural environment. If any range becomes overpopulated and the ecological balance is threatened, provisions are made for the sale of excess animals to private citizens who wish to use them for recreational purposes. If there are still too many animals, the old and the sick animals may be killed in a humane manner.

This bill, in short, is a comprehensive piece of legislation which touches all bases and considers all parts of the problem. I respectfully urge my colleagues' support of H.R. 9890, which I have been proud to cosponsor.

Thank you.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of House Resolution 9890, a bill designed to protect wild, free roaming horses and burros on public lands.

Today, the descendants of the horses and burros, which were brought to this country by the Spanish and which played such a dramatic role in the settling of the western frontier, have little or no protection. Since they are not classified as wild game, States do not offer any protection. The Department of Interior does not recognize these animals as endangered species, thus they are not protected by Federal law.

Located primarily in California, Arizona, Nevada, Oregon, and Wyoming, there are approximately 9,000 to 10,000 unclaimed free roaming horses and approximately 10,000 burros on the public lands, and unless action is taken to give them protection, they will gradually be eliminated from the West.

This measure, House Resolution 9890, would prohibit the removal, harassment, or killing of any free roaming horse or burro that is on public lands. The penalty for violating this act is a $500 fine and/or imprisonment for not more than 6 months.

Mr. Speaker, I commend the committee for their prompt attention to this problem, and I urge my colleagues to adopt House Resolution 9890.

Mr. DAVIS of Georgia. Mr. Speaker, today we are called upon to vote on House Resolution 9890, a bill for the protection, management, and control of wild horses and burros on public lands. Few times in my legislative career have I received on any issue correspondence which is more heartfelt and sincere. In the course of the last 2 weeks, over 80 students of West End Elementary School in Rome, Ga., have written me concerning this sorely needed legislation. These students have embarked upon an active campaign to protect the wild horses, and I have assured them of my full support. I commend these letters of my young constituents to the attention of my colleagues in the House as follows:

Dear Sirs, (Mr. Davis):

Please remember horses are just like people. They are not harmful. But they are being killed for no reason at all. You know dogs don't live on horsemeat alone. "My dog doesn't even eat it." Montana and Nevada already have a refuge, so lets make it all the states. Now there are less than 17,000. Now without a law to protect them someday there won't be any. So please make a law against the killing of the Mustangs. The article says in 10 years there will be no more at all left, lets make that a long time from now!! Please sir, I am concerned about the lives of these Mustangs. So please make a law against killing these horses.

Thank you very much,
Lori L. (Lunceford),
Just became Age: 12.

Mr. Davis:

I am a horse lover. I have a horse. They are to beautiful to kill. Pet food can be of something else. I will not stand for it.

Frank Tant.

Dear Mr. Davis:

I think it is cruel to catch the mustangs and kill them to make dogfood. Will you try to stop them from killing them because I like horses and I think the dogs should go and hunt for their food. Like cats do.

Sincerely,
Scott Smith.

Mr. Davis:

I'm writing to save the mustang. I think its dumb to kill something that does not hurt us. I hope you can save the mustang. I'll try my best.

Your friend,
Ed Bishop.

Dear Mr. Davis:

I think the slaughter of this helpless animal should be stopped. They have roamed for 50 years, now let's keep it that way. Dogfood can and should be made of something other than the lovely mustang. I protest against killing them. I think it's cruel and ought to be stopped before it's too late.

Sincerely yours,
Kathy Dakin.

Dear Mr. Davis:

As Rome's representative I think you ought to support the Bill to save the wild mustangs from the mustangers and unnecessary killing. I think it's worth it.

Sincerely yours,
John Thomson.

Dear Mr. Davis:

I am writing you to help get a bill passed to save Mustangs. I think it is cruel the way people treat them. I would like to see this cruel treatment stopped.

Sincerely,
Kathy Leiter.

Dear Mr. Davis:

I protest against the slaughtering of the mustangs. If there is not a law against it there will be none for people in the future to enjoy. Two states already have made a law so lets make it 50 states. So please try to help pass a law of the slaughtering of mustangs.

P.S.—For the mustangs.

Jeff Smathers.

Dear Mr. Davis:

I am very concerned about the wild Mustangs. I think there sure should be something done.

Sincerely yours,
Marti (Murphy).

Dear Mr. Davis:

Please make a law against killing wild horses. From being killed to make glue, and dogfood. It's really a sight to see the wild horses running free. So will you please make a law against killing beautiful horses.

Sincerely,
Jan Rohner.

Dear Mr. Davis:

I agree about the mustangs. We should not kill them. So that is why I wrote you.

Sincerely,
Dawn Whitmire.

Dear Mr. Davis:

I am writing this letter to help save the mustangs. I think it's very cruel how the mustangers are killing all these pretty horses just to make dogfood out of them. And I know a lot of other people think the same thing.

So I hope that you will vote *for* the Bill to be passed.

Sincerely,
Dee Anna Eller.

Dear Mr. Davis:

I want you to help save our wild mustangs. Montana and Nevada already have a law, please make it true to all of the other states.

The people of the U.S. would like to see more of these beautiful creatures running around.

These mustangs have enough trouble of their own so why kill them.

We would not like to have our mustangs slaughtered because there are not enough of them.

Yours truly,
Valerie Naiser.

Dear Mr. Davis:

I am a citizen of Rome, Ga. I am a horse lover, so I want to help you save the mustangs. I will try to do everything I can to help.

Yours truly,
Jody Trippe.

Dear Mr. Davis:

At my school West End in Rome, Georgia we were talking about wild mustangs. And I would like to help to have the bill about wild mustangs signed so that no more mustangs be killed.

Sincerely,
Joy Vines.

Dear Mr. Davis:

I am very concerned about the mustangs and I hope you will help them. I want them to protect them.

Yours Sincerely,
Kathy Helms.

Dear Mr. Davis:

I want you to help the Mustangs from kill them. Make it a law.

Your friend,
Russ West.

Dear Mr. Davis:

I protest against the slaughter of mustangs. I bet if dogs knew they were eating horse meat they wouldn't touch it. What if mustangs killed *you* for meat how would you feel, not so good. So leave them alone and let them live in peace. Dogs can survive on regular meat. It is very cruel to kill! I wish you would *try* to make a bill against the slaughter of mustangs.

Cindy Johnson,
Age 11.

Dear Mr. Davis:

Can you support the law of killing the mustangs.

Your friend,
Stephen A. (Amisen).

Dear Rep. Davis:

I would like you to make a Bill to save the wild horses and mustangs.

Wayde Clyde Sherman.

Dear Mr. Davis:

We at school want to save the mustangs. We are each writing a letter. I want to support the mustangs! We are having a campaign for the mustangs. Everybody in fifth and sixth are giving in. We are writing from West End Elm. in Rome. We can for all animals! I have loved animals all my life. But I love mustangs to! I don't like people who kill animals! We love mustangs.

Love,
Allison Davis.

Dear Mr. Davis:

I am writing to you because I want to save the mustangs. They reason I am doing this is because I love horses. Please save the mustangs.

Dona Barfield.

Dear Mr. Davis:

We started a campaign in our school to help save the mustangs. Will you please vote yes? I love mustang horses. I hope you do to. We saw a picture of a mustang in Young Citizen. We want to protect the horses. Will you help?

Sincerely,

ROBBIE SMITH,

DEAR MR. DAVIS:

I would like for you to pass a law to save wild horses before they become extinct. I would appreciate it very much.

What is it like in congress and living in Washington?

Sincerely Yours,

DAVE MCGUFFEY.

DEAR MR. DAVIS:

I am concerned about the wild mustangs. Everyone ought to help them. I know that everyone don't do it. But will you help the doctor to find a way for the disease. What I am trying to say is for you to help pass a law to help them.

ROBIN TENDER.

DEAR REPRESENTATIVE DAVIS:

I am against the killing of wild horses and I want you help pass the bill to stop killing the wild horse in America's last wild horse.

Sincerely,

GREG (MCKIBBEN).

DEAR MR. DAVIS:

I think you ought to do something about these Mustangers killing the mustangs. My school, the 5th and 6th grades of West End Ele. School are starting a little campaign to to try to get that *Bill* to stop the killing of the mustangs.

TONY SMITH.

DEAR MR. DAVIS:

I am concerned very much about the mustangs. I would like for you to propose a bill for not killing any more horses. I am against horse slaughter. Thank you very much for your time.

Sincerely Yours,

SISSY ROBINSON.

DEAR REP. JOHN W. DAVIS:

I hope this letter will help the horses. We have some money to help save them. I don't know what would save them but people voting for a law, money, and hope, that is why I am sending this letter. Our school has a project on saving the horses. I think it is cruel to kill horses for dog food. I have a dog but it rarely eats dog food.

Yours truly,

TOM VAN HOFF.

DEAR MR. DAVIS:

I am for saving the mustang horses before they become extinct. I hope you can save the mustang horses.

Yours truly,

TIM LOONEY.

DEAR MR. DAVIS:

Please save the mustangs! We need them and want them! We don't want them killed or have somebody be cruel to them. My name is Dale Howell and our classroom is writing and giving some money to save the mustangs. Please vote on the law to help protect the mustangs. Others are writing and the sixth grade is writing too.

Sincerely yours,

DALE HOWELL.

P.S. *Please* help save the mustangs! They are great horses!

DEAR MR. DAVIS:

I wish that it would become a law that people must not destroy wild mustangs no more. Will you please help save our wild horses, thanks.

Sincerely yours,

RANDY BOYD.

DEAR MR. DAVIS:

I am very concerned about the mustangs. I love horses and I sure do want to save them. I would appreciate if you would please try to save them.

Sincerely yours,

MISS KATHY BABCOCK.

DEAR MR. DAVIS:

Thier ought to be a law against killing horses. I want to protect horses. I want you to support the law. I like horses. I think it's crule to kill wild horses.

Sincerely yours,

HERMIONE ANDREWS.

DEAR MR. DAVIS:

Please help support the law agains+ killing wild horses and mustangs, and making them into dog food or other things.

Yours sincerely,

LORI TERHUNE.

DEAR MR. DAVIS:

I am against killing wild horses and making dog food out of horses. Please help pass a law so the horses won't become extinct and the dog won't have indigestion.

JOHN RUSSELL.

DEAR MR. DAVIS:

I would like for you to make a law so nobody could kill the wild horses. They're killing the mustangs and making dog food out of them. It's so cruel to make dog food and they use so many horrible ways to kill them. Once there were 3,000,000 wild horses roaming in the U.S. Now there's only 17,000. I hope you will help me and my other friends save the wild horse before they become extinct. Protect all our horses.

Sincerely,

DEBBIE GREEN.

DEAR MR. DAVIS:

I am very concerned about the wild mustang. I know you make laws for us. But I would appreciate it if you make a law to save the mustangs. I feel this way because I think they don't have a right to kill them.

Sincerely,

CAROL WIGGINS.

DEAR MR. DAVIS:

I am concerned about the wild horses. I would appreciate if you would make a law not to kill but protect the mustangs.

Sincerely,

DAPHNE YANCEY.

DEAR MR. DAVIS:

My name is Debbie Douglas. I go to West End School in Rome Georgia. I am writing about the Mustangs. I am one of the citizens in my room that is trying to save the Mustangs from being killed.

Will you as one of the men from congress vote and help save them. They are already almost all dead and in a few years they will be extinct.

The cruel people who kill them should be punished.

Sincerely,

YOUR MUSTANG LOVER FRIEND.

DEAR REP. JOHN W. DAVIS:

I think it is cruel of the man slaughtering these beautiful mustangs just for some dogfood. I protest against the slaughtering of the mustangs and I think there should be a law against the cruel slaughtering of the mustangs. Mustangs are almost like people except they have four legs, and so we should treat them like people.

122 ECHOTA CIR., ROME, GEORGIA.

DEAR MR. DAVIS:

I hope that you can help make the law that people can not kill the wild mustangs. I hope they do not become extinct.

WAYNE PAUL.

DEAR MR. DAVIS:

I would like for you to help and vote to keep the mustang from dieing out. Because I don't like for people to kill animals because I think it is cruel.

ALAN JOHNS.

DEAR MR. DAVIS:

I read the article that was in our Newtime about the mustangs. I think somebody would have to be blood thirsty to do something like that. If they need meat for pet food they could make it out of something else. I feel that there should be a law against killing the mustangs.

Sincerely Yours,

LAURIE BYRD.

DEAR MR. DAVIS:

I think it is cruel the way the men are slaughtering the poor mustangs.

I think the mustangs have just as much of a right to live as we do, and I hope that others feel the same as I do. So PLEASE try to pass a bill to save the Mustangs.

Sincerely Yours,

BILLY TEW.

DEAR SIR:

I think that it is cruel to the Mustangs. I think there should be a law about this. I hope you can do something about this.

P.S.—Good Luck.

Thank you,

GENE ADAMS.

DEAR MR. DAVIS:

I think it's cruel to kill those horses, let them run free without being chased all the time. Dogs don't need horse meat, they can eat something else. I hope we can make a law to stop killing horses.

Sincerely,

CHUCK BURGESS.

DEAR MR. DAVIS:

I hope that you can save the Mustangs. They could be saved just if people would get involved. I hope that you get your wish to save them.

Your Friend,

MATT KOETZLE.

DEAR MR. DAVIS:

I protest of slaughtering of the Mustangs in our country. Two have the law. Why not make it the rest of them?

All the dogs and all of the other pets do not need horse meat. The horses don't need to be killed.

Please do something to back up the bill. It would help the whole country.

Sincerely,

PAIGE SKIDMORE.

DEAR MR. DAVIS:

We elected you to make laws. I would appreciate you to try to help make a law to protect the mustangs. I don't want the horses destroyed! Please help them!!

Sincerely yours,

LYNNE LUNCEFORD.

DEAR MR. DAVIS:

I'm a real horse lover and I hope we can save the mustangs. I read about you in Young Citizens and I hope enough people can vote to save the mustangs. I have ridden a few horses and I know more about them that way. I sent some money to help save the mustangs. I will try to do everything I can do to help save them. I have other friends that want them to be saved. I am very concerned about these horses.

Sincerely,

LEIGH ANN SPEARS.

DEAR MR. DAVIS:

I am against slaughtering wild mustangs. They can make a dog some other dogfood and I protest against it. I think 50 states should have a law against it. Who wants Mustang dogfood anyway?

So please have a law against slaughtering Mustangs.

Thank you,

LYNN GLOVER.

DEAR SIRS: I have heard about the horses being killed. Please save the lives of these horses. I think mustangs should be protected by law. All of my friends feel this way too. I urge you to do this. God made horses to be alive, not dead.

Sincerely Yours,

SANDRA LIND.

DEAR MR. DAVIS: I think that killing mustangs for dog food is cruel. My dog is just a puppy and we feed him Puppy Chow. Not a bit of Puppy Chow is horse meat. I wish everyone would quit buying dog food made of horse meat.

Try your hardest to pass a law to stop them from killing the mustangs. Mustangs are beautiful and I don't see why they have to be killed.

Your friend,

STEVE KIDNEY.

DEAR MR. DAVIS: My name is Pat Baker and I attend West End School in Rome, Ga. I ask you please to vote in Congress to pass a law to save America's last wild horses, the Mustangs. By passing this law we can stop this inhuman killing of these Mustangs. I have a horse of my very own. I and just about everybody else love horses very much and we want to save every one.

Sincerely,

PAT BAKER.

DEAR MR. DAVIS: I think it is cruel the way they are killing the horses. I hope that you will vote for passing the law. Our class is getting up some money to help support the law. It isn't worth it for the mustangers to kill these beautiful horses. Citizens all over should vote for this good cause. I know that you will help protect the mustangs.

Sincerely,

SUSAN SUGGS.

DEAR SIRS: My name is Kay Hardy. I'm 11 years old. I live in Rome. I am in the sixth grade. I go to West End School.

We started studying about the Mustangs in Social Studies class. My Social Studies teacher is named Mrs. Payne. I think the mustang is a beautiful horse. I don't think people should kill the horses and use them for pet food. They can keep them for pets but not for pet food. I ask if there can be put a stop to people killing the horses. If so will you please stop them.

Sincerely,

KAY (HARDY).

DEAR MR. DAVIS: Please send a bill for torturing wild horses in Texas or Wyoming or where ever they roam. Thank you.

Sincerely,

KIM BIGGERS.

DEAR MR. DAVIS:

I feel there ought to be a law against killing horses for dogfood. Why not get another type food? If we keep killing them we wont have any left! I feel your the only one that can save them. There's a law against it in Montana and Nevada. Why not in all the states? Why don't *you* do something? I know you can that's why I believe in you! P.S. Lets make it all the states.

Thank you for reading my letter.

LESLIE WALKER.

DEAR SIR:

I am writing to ask you to please save the mustangs because they will soon become extinct. I am glad you took time to listen to my opinion.

Sincerely Yours,

JULIE FOX.

DEAR MR. DAVIS:

We have elected you to make our laws, and I want you to please see that the law is taken care of to save the wild horses. If you would send me something about the mustangs, because I want to learn about them, I would appreciate it. My address is: 107 Echota Circle, Rome, Ga. Thank you.

Sincerely,

SCOTT BAUGHTMAN.

DEAR MR. DAVIS:

I do not think killing horses for dog food is such a good thing. Do you? I sure don't! I think the mustangs should not kill the horses. Will you please vote for the protection of wild horses. *Please!!* And put in a vote for me TOO! O.K.

Sincerely,

LEE ANNE BLANTON.

DEAR MR. DAVIS:

I am concerned about the mustangs. I would like for you to help pass a law to help save the mustangs before they become extinct. Thank you.

Sincerely yours,

PAM SWANN.

DEAR MR. DAVIS:

I am very concerned about the mustangs. I hope you will help pass the law to protect these animals before they become extinct.

Sincerely,

RODNEY TURNER.

DEAR MR. DAVIS:

I am concerned about the mustangs and the other horses. I wish you would pass the law of saving the horse before they come extinct.

Sincerely yours,

ERIC SHEALY.

DEAR, MR. DAVIS:

I wish you would help pass the law to keep the mustang horses. Because people have been being so cruel to them. So would you please vote to protect and support the horses. It ought to be worth it.

Sincerely,

NATALIE DUKE.

P.S.—Write Back Please.

DEAR MR. DAVIS:

I think there should be a law against capturing wild mustangs and shooting them or letting them starve to death. Kansas and Nevada have laws prohibiting the killing of mustangs. But we need it in all the United States of America. Some people capture these mustangs for their carcus, which they will take to a dog food factory and sell it to them to make dog food out of. I think this is mean, and cruel to treat animals that way. Because I wouldn't want somebody to treat me like that.

Some kill mustangs to obtain horse meat. Others take it to the dog food factory to make money. I think this might could be stopped if everybody will pitch in and do their share of helping to save mustangs.

Mustangs are also becoming rare, because people want them for food and a lot of other reasons. Mustangs are very wild animals to have if you have a pasture to keep them in and a lot of good green grass for them to graze on and feed on.

I wish more people would write letters and maybe we will save them after all.

Sincerely,

KIM BEVIS.

DEAR MR. DAVIS:

I am against the killing of wild horses. I wish you would pass the law of not killing wild horses.

REGINA (REYNOLDS).

P.S.—Please.

DEAR MR. DAVIS:

I think we should have a good law against all of our Mustangs being killed. It is not worth it to kill time by killing all of the countrys Natural resources. We should stop making our animals extinct.

Yours truly,

LOU LINDSAY.

DEAR MR. DAVIS:

I am against the cruel killing of wild horses. Please help pass a law to protect them.

JEFF CASTLEBERR.

DEAR REP:

Could you pass a law saying that people have to stop killing horses to feed the dogs. The killing of these beautiful mustangs is uncalled for. You can feed dogs something other than horse meat.

DAVID PAUL.

DEAR MR. DAVIS:

Please help the mustang live. I think it is cruel to kill them for dog food. There are other dog foods.

JEAN MCDOWELL.

DEAR SIRS:

My mother laughed at the idea of the mustangs. She said, "Nuts." But me I am very concerned about the Mustangs.

Sincerely,

DAVID H. (HICKS).

DEAR MR. DAVIS:

Would you please sign the law to protest the wild mustangs. I am concerned about them. They are being extinct.

Please sign

Yours sincerely,

JODY GONZALES.

DEAR MR. DAVIS:

I wish you could help support the law of killing wild horses.

Signed,

JEFF STATON.

DEAR MR. DAVIS:

Please sign the bill against wild horses being tortured in places wherever they are.

Please help support the bill.

Thank you,

ALLEN BASS.

DEAR MR. DAVIS:

I am concerned about the killing off of the wild mustang!

If they kill them all off now for people to enjoy in the future.

I think horses should not be slaughtered just for dog food. Dogs can live *without* horse meat!

Sincerely,

BETH B.

DEAR SIR:

I am writing in concern for the mustangs. It is very cruel to kill these beautiful horses. To slaughter the horses should be a federal offense! I hope that all the people will protest against the slaughter of these beautiful creatures.

Sincerely,

BERT CLARK.

HELLO, MR. DAVIS:

I'm a concerned person about the killing of the mustangs for dog food? Dogs eat all kinds of food, I should know—I have a

French poodle. And I think they can do without horse meat. So please try to stop the killing of mustangs.

Concerned,

CRYSTAL BLALOCK.

REP. JOHN DAVIS:

I think it is mean to kill the beautiful mustang horses. I think they can make something else for animal food. Help pass a law that these horses may not be killed any more. These animals should stay alive.

SEVEN HILLS PLACE, ROME, GEORGIA.

DEAR MR. DAVIS:

I am concerned about the slaughtering of these beautiful animals. I like animals is the reason I'm concerned. I think it's cruel to kill them. Mustangs should not be killed for food. They will become extinct.

GARY AMMONS.

DEAR SIRS:

I am concerned about the mustangs. I believe it is cruel the way they are treated. I hope that all of us can help them.

Sincerely,

ZAC ALLEN.

DEAR MR. DAVIS:

I am writing to protest the slaughtering of the Mustangs. It seems to me there are other kinds of food for pets. Two states have already passed a bill against it, why not all of the states. So please help try to pass a bill to protect the Mustangs.

CHIP RIDDLE.

DEAR MR. DAVIS:

I am writing because I want a bill past to take care of the Mustangs. I love horses and I can't stand when they are mistreated. I think some people are cruel to these Mustangs. They are very few left. But I think we should take care of these beautiful horses. There are other animals which are being slaughtered. I have wrote letters about these helpless animals, also. I am just a concerned person who feels that all of the Mustangs should be taken care of and right away.

Sincerely,

CRYSTAL SEYMOUR.

DEAR MR. DAVIS:

I protest against the slaughtering of the mustangs. I think there should be a law against this, there is a law against this in Montana and Nevada lets make it true for this state. I think they can make dog food out of something else besides the mustangs.

Sincerely,

JACK LEAHEY.

DEAR MR. DAVIS:

I think that you should pass a law to not kill wild horses, in the places they live.

Wild animals should be able to live, because once they are all gone, you can't bring them back.

Sincerely,

LISA BRYANT.

Mr. RYAN. Mr. Speaker, I strongly support H.R. 9890—of which I am a cosponsor—and which would provide much needed protection, management and control of wild, free-roaming horses and burros on public lands. As a member of the Committee on Interior and Insular Affairs, I have been very concerned about the threat to our wild horses, and the need for protective legislation.

Once there were large herds of wild horses roaming the Western prairies from the Mexican border to Canada. Descended from horses that escaped from early Spanish explorers, these mustangs played an important role in the history of our Nation.

At the turn of the century, some 2 million wild horses freely roamed the Western grasslands. Yet, the Department of Interior has estimated that today only some 17,000 remain, scattered throughout 11 Western States. Of this 17,000 about 7,500 are either branded or claimed, leaving less than 10,000 unclaimed free roaming horses on public lands. And their number is rapidly decreasing.

At the present time there is virtually no protection of our wild horses and burros. They are not on the Interior Department's endangered species list. They are not claimed by the Federal Government. And they are not classified as wild game and so protected by State laws. Thus, they are often hunted for sport or slaughtered for pet food. Unless meaningful action is taken to protect them, the remaining wild horses will gradually be eliminated and lost as living reminders of our great Western heritage.

The Congress has sought to give protection to these animals in the past. In 1959 the "Wild Horse Annie Act" (Public Law 86–243) was enacted into law. It prohibited the use of aircraft and motor vehicles to hunt wild horses on public lands. Although the objective of this act was laudable, it has been, in fact, largely ineffective. Rather than shooting wild horses from planes, hunters now stampede the herds until the animals drop from exhaustion. As a result of this rapaciousness they are fast disappearing.

I believe that it is essential for Congress to insure the protection of wild free roaming horses and burros which indeed are symbols of our Nation's history. The legislation before us today—legislation I have cosponsored—would afford that protection and insure that wild free roaming horses and burros be considered as an integral part of the natural system of the public lands.

The fact that this legislation is now before Congress is in large part due to the dedicated efforts of Hope Ryder, whose eloquent and convincing book, "America's Last Wild Horses," has done so much to alert the public to the perils faced by our wild horses. And I want to take this opportunity, on behalf of all of those who share my concern as to the fate of these splendid animals, to thank her for her endeavors.

Mr. BROOMFIELD. Mr. Speaker, as a sponsor of this legislation which serves to protect wild horses and burros from extermination, I stand today to endorse the passage of H.R. 9890.

At the turn of the century, over a million wild horses roamed the West, living proof of the vitality and free spirit of our heritage. Now numbering less than 20,000, it is clear that without Federal regulations for their protection they will soon disappear from the American scene forever. Two major forces have threatened the future of these animals; progress, that catchall which so often excuses the loss of things which are simple and beautiful, and commercial exploitation. While we all welcome progress and the luxuries that it has provided, I must wonder what benefit we receive from the extinction of these wild mustangs. Frankly, I can think of none.

Yet, I am also aware that they are being slaughtered for commercial purposes. Considered too wild and unfit for breeding their only monetary value lies in the rendering of their carcasses for pet food, fertilizer, and glue. But, if present kill rates continue, soon no wild horses will remain. Those interests engaged in the exploitation of these animals have conclusively demonstrated through large-scale roundups and killings that they have no concern for their protection. Surely if these animals were of real economic value, these interests would seek regulations and quotas designed to increase their numbers rather than cause their loss forever.

It is apparent, then, that a ban on the slaughter of wild horses will cause little or no economic hardship since their numbers are now too small to be of any financial consequences. Additionally, substitute sources for pet food, and other products obtained from their slaughter are easily available.

Finally, Mr. Speaker, if we have learned anything from the pollution of our lakes and streams, the fouling of our air, and the threatened extinction of so many species including the American bald eagle, it is that the quality of our environment must not be sacrificed for short-range economic goals. We can no longer afford nor allow one interest to operate without regard for our environment.

Wild horses and burros are hardly the domain of any commercial enterprise but rather as representatives of our western history and descendants of the first horses brought to the new world by the Spanish, they are a natural resource and as such belong to us all.

Mr. WOLFF. Mr. Speaker, as an original author of this legislation, I am indeed grateful for this opportunity to voice my support for H.R. 9890, to require protection, management, and control of wild free roaming horses and burros on public lands. I know that I join a large number of my colleagues in expressing the concern that strong, but at the same time ecologically sound regulations be provided for those animals.

Mr. Speaker, over the years, the men who govern this great country have been sadly negligent in protecting for future generations the various species of wildlife that make up an integral part of this Nation's history and tradition. We have stood by as the great bald eagle was brought to the edge of extinction; and only now are we beginning to erect the sorely needed barriers to protect these magnificent birds from their final demise. Likewise, we witnessed the disappearance from our ranges of the regal buffalo, once unique to the North American continent, now wiped from the earth.

We have before us today the rare opportunity to couple the principles of conservation with the ideals of our national heritage. In the remaining bands of free-roaming horses that still graze our western plains are the descendants of the stock brought to this continent by the first Spanish settlers in the 16th and 17th centuries. Over the years, these hardy animals mixed with the horses owned by the earliest American settlers until today, there remains a conglomeration of mustangs, burros, and several varieties of wild horses.

At the present time, wild horses and burros have little or no protection under the law. Despite their scarcity, they are not classified as wildlife and thus do not enjoy the protection afforded by State laws. Neither are they considered domestic animals, and so are not covered by regulations for domestic horses. What laws do exist are often not enforced because of pressure from cattlemen and other groups who seek elimination of the animals on grounds that they are a menace to their grazing rights on Federal lands.

The number of wild horses roaming the western grasslands has been reduced from an estimated 2 million to fewer than 17,000 since the beginning of this century. This senseless decimation of the horse population has resulted from their being hunted down for sport and slaughtered for pet food, as well as from epidemics of disease and starvation in the 1920's and 1940's.

I was pleased to note that the committee, in reporting a final bill, included an important provision requiring that "No wild free-roaming horse or burro shall be ordered to be destroyed because of overpopulation * * *" Thus, we will insure that no unnecessary harrassment or destruction of these animals will take place, so long as there is available land to sustain a herd. Likewise, this will insure that no longer will we sacrifice this rapidly disappearing breed to commercialized interests such as the pet food industry.

I was also pleased to see that the committee bill eliminated a requirement to establish any specific number of ranges. While this was not precluded entirely, since there are already two in existence under the management of the Department of the Interior, these great animals nevertheless will be assured of their place as an integral part of the natural habitat without undue interference and without unnecessary confinement.

Mr. Speaker, I cannot emphasize enough the importance of this legislation before us today. Its basic objective is that of providing protection of these animals from man. We have all too often seen how easy it is for man to disturb the careful balance of nature and in doing so destroy one by one the precious parts of our sustaining environment. This legislation is not just a safeguard for one particular species of animal. Rather, in declaring our concern for the preservation of life in its natural state, we will insure that much more the continuation of the natural life cycle, and man's rightful place within it. Hundreds of thousands of concerned citizens have spoken out in recognition of the need to protect and preserve these animals. Of my own constituency, I have received innumerable pleas to act swiftly before it is too late.

We have today the rare opportunity to insure a legacy for future generations of Americans. A legacy of history, of the matchless pioneer spirit that built the West, and a legacy of environmental concern. Our colleagues in the Senate have already passed this bill with overwhelming approval. We should unquestionably do the same.

Mr. RODINO. Mr. Speaker, I am delighted to have this opportunity to speak in support of the bill before us, H.R. 9890, to provide for the protection, management and control of wild free roaming horses and burros on public lands.

It has been a privilege to join as a cosponsor of this long overdue and essential legislation to protect the wild horse, which J. Frank Dobie has described as "the most beautiful, the most spirited and the most inspiring creature ever to print foot on the grasses of America."

I want to commend our committee for the thorough consideration it gave to this legislation and the accomplishment of developing final provisions to assure proper protection for the wild horses and burros of our West. I was particularly pleased that the committee has emphasized that a prime objective of H.R. 9890 is to provide that wild horses and burros will be considered an integral part of the life community on our public lands. It therefore does not include provisions to establish specific ranges for them, though this is not precluded, and emphasizes protection rather than intensive management. This is most important if they are to remain the wild and free creatures which we admire and cherish.

In 1959 I supported the legislation we passed to protect wild horses and burros by prohibiting the use of aircraft and motor vehicles to hunt them. Sadly, enforcement of this Act was ineffective and wild horses and burros continue to be harassed, hunted, and killed in brutal and cruel ways. It is thus heartening that H.R. 9890 contains strong penalty provisions for violation of any of its provisions.

Mr. Speaker, time is running out for these noble and courageous mustangs and burros. We must take immediate and effective action to halt the cruel and senseless slaughter to which they are subjected.

Testimony before the committee disclosed that there is no evidence that the wild horse displaced any other native wildlife or has destroyed his environment. In fact, as the Sierra Club stated:

> The public lands where the wild horses roam are the property of all the people. There is no justification for the destruction of a wild species to benefit a few ranchers.

Without passage of this legislation we would, as on past occasions, be guilty of contributing to the extinction of irreplaceable and beautiful animal species. Throughout the world today we face situations where the continued existence of many species of wildlife is endangered, and efforts are being made to prevent their destruction. An outstanding example is our program to try to prevent loss of our magnificent whooping crane. Hopefully, we will ultimately be successful in these efforts.

In the case of our wild horses and burros we have a positive situation where we can act to protect these living symbols of our historic pioneer spirit, the sanctity of freedom, and demonstrate our respect for all living creatures. I strongly urge approval of H.R. 9890 to assure that our wild horses and burros will continue to flourish and lend esthetic value to our Nation.

Mr. BOLAND. Mr. Speaker, I rise in support of this bill to protect the American West's wild horses and burros.

The need for such legislation is plain—indeed, so obvious it hardly warrants mention here.

An estimated 2 million wild horses roamed free on the Western plains a half century ago. Today a mere 10,000 survive. And the number of wild burros, once teeming throughout the Western States, has been equally depleted.

These animals, a significant part of the American West's storied heritage, are being hunted down savagely and ruthlessly—often for "sport," still more often for their commercial value as dog food.

Wild horses and burros may face extinction within a few years unless the Congress acts.

The bill now before us—H.R. 9890—answers this need for action in an honest and straightforward way. It directs the Interior and Agriculture Departments to protect what few wild horses and burros remain on the West's public lands, calling for the establishment of specific ranges when conditions call for them.

The bill, moreover, directs the Departments to appoint a joint advisory board—nine members, all experts—to advise on the management and protection of wild horses and burros. Anyone who hunts or rounds up these animals on public lands will be liable to a stiff criminal penalty—a $2,000 fine or a year in jail.

I am one of the original cosponsors of this legislation, Mr. Speaker, and I am only too aware of the pressing need for its enactment into law.

I urge its passage today.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of H.R. 9890, an urgently needed measure which would provide for the protection, management, and control of wild free-roaming horses and burros on public lands.

Earlier this session, I joined with over 120 of my colleagues in introducing legislation to protect these animals that are on the verge of extinction. The great need for this type of action is evident—at the turn of the century there were an estimated 2 million wild, free-roaming horses; today, the Bureau of Land Management and the Forest Service have estimated there are approximately 9,500 free-roaming horses on public lands. For us to delay action on this legislation would spell certain disaster for these animals that are living symbols of the pioneer spirit of the West.

This issue has generated a great deal of mail from concerned citizens who recognize the fact that only definitive congressional action can save these animals. I have received hundreds of letters from constituents, many of them young schoolchildren, who are most anxious to see this important part of our national heritage preserved. And I think that we have a responsibility to our young people, and to future generations, to insure the survival of the wild horse and burro.

I therefore urge all of you to vote in favor of H.R. 9890.

Mr. HOGAN. Mr. Speaker, as a lover and owner of horses—including two ponies which were born wild on Assateague Island—I was particularly impressed when the plight of the wild mustangs came to national attention. I was pleased to cosponsor legislation introduced by my colleague from Maryland (Mr. GUDE) to protect these animals.

The free roaming horses and burros that struggle for survival in the remote, wild mountains and deserts of our Western States are, without a doubt, one of our most cherished symbols of freedom, Mr. Speaker. Like so many other aspects of our freedom-loving American way of life, these wild horses and burros are in danger of being exterminated out of existence.

For this reason, I was pleased that the Subcommittee on Public Lands of the House Interior and Insular Affairs Committee recognized the urgency of this legislation and scheduled early hearings. I am pleased to be a sponsor of House Resolution 10015, a bill identical of House Resolution 9890 which we are considering today.

This bill recognizes that the few remaining wild horses and burros are an important part of our national heritage. It would require the Secretary of Interior to control, manage and protect them on public lands. The Secretary would also be authorized to establish special ranges for these endangered animals. The bill further provides that the Secretary would be authorized to enter into cooperative agreements with landowners and certain agencies and to appoint an advisory board to share in the management planning.

Under the bill, a fine of $2,000 and/or imprisonment for 1 year could be imposed for molesting, capturing, or using these animals in any commercial product. The penalties for these and other actions may seem rather stiff, but if we are to stop the abuse, neglect, inhumane treatment, and occasional outright torture that the wild free roaming horses have been subjected to in the past, I feel that strong measures are needed.

At one time great herds of wild horses thrived on the Western plains alongside the buffalo. But like the buffalo the wild horse could not withstand the increasing pressure brought on by the settlement of the West. Something had to give. As usual, it was the native Indian, the buffalo, the timber wolf, and wild horses who were crowded out.

About the turn of the century the Indian ponies and wild mustangs could be numbered in the millions. Today there are less than 17,000 left, and these are mostly in the rugged parts of Nevada and Wyoming.

It is my impression, Mr. Speaker, that the protections in this bill would also apply to the wild ponies on the Assateague National Seashore on the eastern coast of my own State of Maryland. Tradition indicates these wild ponies swam ashore hundreds of years ago from Spanish galleons and have subsisted on the scrub grass growing on Assateague Island. The volunteer fire department at Chincoteague, Va., has been the caretaker of the ponies and rounds them up every year, feeds them, gives them veterinary attention and in other ways helps to preserve these beautiful animals. As I mentioned earlier, I personally own two of these Assateague ponies and they are marvelous, intelligent companions which give my family and me a great deal of pleasure.

During the course of the hearings on this legislation, I expressed my concern over a particular provision in the original legislation which would have provided a penalty for anyone who allows a domestic horse or burro to run with the wild ones. I am pleased, Mr. Speaker, that the committee has eliminated this provision from the legislation before us. I was concerned because on Assateague Island Arab stallions have been turned loose to mate with the wild mares in order to strengthen the breed of the Assateague ponies. Had the penalty provision been included in the final form of this legislation, this essentially laudable practice in the case of the Assateague ponies might have been unlawful.

Mr. Speaker, I am proud to be counted among those who are willing to make the effort to save and protect the free roaming horses and burros as a symbol of the pioneer spirit and the love of freedom that built this great land of ours. Like the famous Western writer, J. Frank Dobie, I, too, feel that the wild horse is "The most beautiful, the most spirited, and the most inspiring creature ever to print the grasses of America."

Mr. Speaker, our colleagues in the other body approved similar legislation on June 29 of this year, I urge my colleagues to meet this challenge favorably and speedily.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Nevada that the House suspend the rules and pass the bill H.R. 9890, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. BARING. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1116

An act to require the protection, management, and control of wild free-roaming horses and burros on public lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That it is the sense of the Congress, consistent with section 101(b)(4) of the National Environmental Policy Act (Public Law 91–190), that wild free-roaming horses and burrows are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; that these horses and burros are fast disappearing from the American scene; that it is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or unlawful death as a national heritage species, and as a national esthetic resource; and that to accomplish these ends they are to be considered an integral part of the national ecological system of the public lands.

SEC. 2. As used in this Act, (a) "Secretary" shall mean the Secretary of the Interior, with the cooperation of and in conjunction with the Secretary of Agriculture when lands under his jurisdiction are involved or where it may be necessary to use veterinarians or other personnel of the Department of Agriculture; (b) "wild free-roaming horses and burros" refer to all unbranded and unclaimed horses and burros on public lands of the United States.

SEC. 3. (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purposes of management and protection under the terms of this Act. The Secretary is hereby authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands and in addition shall designate, establish, and maintain specified ranges on public lands for the protection and preservation of existing bands of wild free-roaming horses and burros. The Secretary shall manage wild free-roaming horses and burros in such a way as to achieve and maintain a thriving, natural, and ecological balance among fauna and flora; such balance shall be determined by qualified scientists in the field of biology and ecology, some of whom are independent of both Federal and State agencies and may include members of the Advisory Board established in section 6 of this Act; *Provided, however,* That such management activities shall be at as minimal a level as feasible. (b) Where a habitat is found to be overpopulated, the Secretary, in consultation with his Advisory Board, may order destroyed in as humane a manner as possible, old, sick, or lame animals, and then if need be, may remove by capture and offer for private maintenance under humane treatment and care, additional horses and burros determined to be in excess provided that such animals shall not be used in rodeos or for monetary gain. (c) Nothing in this Act shall preclude the Secretary from ordering destroyed in as humane a manner as possible a wild free-roaming horse or burro when such action is considered an act of mercy.

SEC. 4. If wild free-roaming horses or burros wander from the public lands onto privately owned land or land leased from the Government, the owners or lessees of such land may inform the nearest Federal marshal or agent of the Secretary, who, in turn, shall arrange to have the animals promptly removed. In no event shall the wild free-roaming horses and burros under the jurisdiction of the Secretary be destroyed except by the agents of the Secretary. However, nothing in this section shall be construed as a prohibition against individuals maintaining wild free-roaming horses or burros on their private lands, or lands leased from the Government so long as these animals are being protected pursuant to the purposes of this Act. Any individuals who maintain such wild free-roaming horses or burros on their private lands shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

Sec. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recovery only to the extent provided by the branding and estray laws of the State in which it is found.

Sec. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local government agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

Sec. 7. The Secretary is authorized and directed to appoint an advisory board of not more than nine members to advise on any matter relating to free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal or State governments and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall be reimbursed at a rate not to exceed $50 per diem for expenses in addition to actual travel expenses when engaged in the actual performance of duties vested in the board.

Sec. 8. (a) Any person who knowingly does, or attempts to do, any of the following, without authority, shall be guilty of a crime and punished by a fine of not more than $2,000 or imprisoned for not more than one year, or both:

(i) willfully removing of a wild free-roaming horse or burro, protected by this Act, from the public domain;

(ii) converting a wild free-roaming horse or burro to a private use;

(iii) maliciously causing the death of any wild free-roaming horse or burro or harassing it; and

(iv) processing or permitting the processing of a wild free-roaming horse or burro or its remains into commercial products.

(b) Any person otherwise violating the provisions of this Act, or the rules and regulations adopted pursuant hereto, shall be subject to a civil penalty, to be assessed by the Secretary, of not more than $1,000 for each such violation. No such penalty shall be assessed unless the person has been given notice and an opportunity for a hearing with respect to such violation. Any such penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed pursuant to this subsection the Secretary shall refer the matter to the Attorney General who shall institute, or have instituted, an appropriate civil action to collect such penalty in the United States district courts which shall have original jurisdiction to hear and decide such actions.

(c) Nothing in this section shall preclude the recovery of actual damages and costs, nor shall this Act preclude customary disposal of the remaining of deceased wild free-roaming horses and burros, including those in the authorized possession of private parties, but in no event shall such remains, or any part thereof, be sold for any consideration, directly or indirectly.

Sec. 9. Any designated employee of the Department of the Interior or Department of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

Sec. 10. The Secretary is authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that he may deem necessary in order to carry out the provisions of this Act.

Sec. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Sec. 12. Nothing in this bill shall be construed to give the Secretary power to relocate wild free-roaming horses or burros to areas of the public lands where wild free-roaming horses or burros do not presently exist.

Sec. 13. After the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar months thereafter, the Secretary of the Interior will submit to Congress a report on the administration of this Act, including a summary of enforcement and a reasonable approximation of the number of wild free-roaming horses and burros under his jurisdiction, together with such recommendations for legislative or other actions as he might deem appropriate.

AMENDMENT OFFERED BY MR. BARING

Mr. BARING. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Baring: Strike out all after the enacting clause of S. 1116 and insert in lieu thereof the provisions of H.R. 9890, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9890) was laid on the table.

ESTABLISHING THE ARCHES NATIONAL PARK IN UTAH

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7136) to establish the Arches National Park in the State of Utah, as amended.

The Clerk read as follows:

H.R. 7136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," numbered RPSSC-138-20, 001E and dated September 1969, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

Sec. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

Sec. 3 Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

Sec. 4. Nothing in this Act shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided,* That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

Sec. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)). his recommendations as the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

Sec. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alinements within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purpose of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

Sec. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $125,000 for the acquisition of lands and interests in lands and not to exceed $1,031,800 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. Aspinall).

Mr. ASPINALL. Mr. Speaker, the bill now before the House (H.R. 7136) by our Utah colleagues (Mr. McKay and Mr. Lloyd) provides for the revision of the boundaries of the Arches National Monument and for its redesignation as a national park. It is the first of three similar measures involving park areas in the State of Utah.

As everyone will recall, I am sure, on January 20, 1969, by the stroke of a pen, the President of the United States substantially enlarged several national monuments in different parts of the country under the authority of a 1906 act. One of the areas involved was the Arches National Monument in the State of Utah which was expanded from about 34,000 acres to nearly 84,000 acres.

Many of us objected to that unilateral Presidential action then, and many of us still oppose massive changes of this type without any opportunity for congressional review and public participation in the decisionmaking process. Regardless of the merits of including a particular area in the National Park System, it would be impossible to conclude that emergency action was required. These lands have been there for thousands of years. Man has not seriously altered them since this Nation was founded; and, I believe they would have survived long enough to be given the usual public consideration afforded by the legislative process.

But our job today is not to debate whether or not that decision should have been made. We are here to recognize an existing fact and to determine whether or not this area merits national park recognition.

Shortly after the announcement of the Presidential proclamation some members of the Committee on Interior and Insular Affairs visited the area now involved in H.R. 7136. Hearings were held in Moab, Utah, and numerous witnesses presented their views. Later in the 91st Congress, and again this year, additional public hearings were held in Washington. As a result of these meetings, the committee has developed its recommendations for presentation to the House.

The area involved in H.R. 7136 is located in eastern Utah. It contains, perhaps, the largest collection of natural arches in the country. In addition, the area abounds in other unusual features carved in the colorful Entrada sandstone by the winds and waters over the ages.

If H.R. 7136 is enacted, the new Arches National Park would total 73,234 acres of land. It was the view of the members of the committee that this scenic area certainly merits national park designation. In making its recommendation, the committee included all of the areas which it deemed essential to the park objective.

This addition to the National Park System, Mr. Speaker, will not involve a massive expenditure for land acquisition, since practically all of the lands are federally owned. It is expected that about $125,000 will be needed if all of the private inholdings are ultimately purchased. In addition, the cost of the long-term development of public facilities at this park are estimated to be $1,031,800. If this legislation is approved, we will give statutory recognition to the enlarged area and, therefore, make it possible for the Appropriations Committees to consider them along with the other outdoor recreation needs of the Nation.

Mr. Speaker, that very briefly explains the legislation now before the House. The committee has reviewed it carefully and we are recommending that the bill be amended to bring it into conformity with the general policies applicable to other national park areas. These recommended changes will be discussed more fully by the gentleman from North Carolina (Mr. Taylor).

As chairman of the Committee on Interior and Insular Affairs, I urge the approval of H.R. 7136, as amended.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Arches National Monument was established by Presidential proclamation in 1929. Since then its boundaries have been revised on three occasions.

This bill, H.R. 7136, redesignates the Arches National Monument as a national park.

Although H.R. 7136 reduces the acreage of the park to 73,234 acres, it should be pointed out to the Members that some additional land has been added, as well as acreage taken out. However, the area that has been added does not require the acquisition of any privately owned land.

There is some privately owned land within the park boundaries; however, these lands are also within the boundaries of the National Monument.

Your committee, as its chairman has stated, has placed a ceiling on future acquisitions within the park of $125,000 and $1,311,800 for development.

As a result of hearings which were held in Utah on this park proposal, numerous questions were raised regarding the rights to use areas for grazing purposes.

Your committee decided that this legislation should conform to the Canyonlands National Park Act.

It also provided that it would be possible for cattlemen and sheep grazers to use certain trails within the park, but that such trails would be regulated by the Secretary.

Mr. Speaker, this is a good bill and I recommend its passage.

Mr. TAYLOR. Mr. Speaker, the House now has before it the first of three proposals involving existing units of the National Park System in the State of Utah. In considering these measures, the Subcommittee on National Parks and Recreation and the full Committee on Interior and Insular Affairs attempted to bring all three areas into general conformity, to the extent possible.

The bill which we are now considering is H.R. 7136 by Representatives McKay and Lloyd. It provides that the Arches National Monument will be redesignated as a national park and it adjusts the boundaries to include those areas deemed essential to the park.

During our deliberations on this legislation, the committee considered and approved several important changes. I would like to explain them briefly:

First. We recommended that the boundary lines for the park area be perfected in accordance with the recommendations of the Department of the Interior and the Director of the National Park Service. This modest change in the bill will result in a slight reduction—about 160 acres—in the size of the park. The park area included under the terms of the bill—73,234 acres—is smaller than the enlarged National Monument—82,953 acres—but it is substantially larger than the monument as it existed at the beginning of 1969—34,010 acres—before being enlarged by Presidential proclamation.

Second. The committee recommends that the bill be amended with respect to continued grazing within the park. We recognize that the immediate termination of grazing rights could result in substantial hardships to the individuals involved unless this activity is phased out gradually. For this reason, the committee adopted the formula approved by the Congress in the Canyonlands National Park Act when it confronted a comparable situation. It would allow leasees and permittees one extension. This, we understand, would phase out grazing in the reasonably forseeable future without seriously jeopardizing any existing operator. Similarly, the committee recommends that the bill provide for the reasonable regulation of driveways used for the trailing cattle and/or sheep through the park.

Third. The committee recommends that the bill be amended to provide for a study of the area under the terms of the Wilderness Act and to provide for a study of proposed road alinements in and adjacent to the park.

Fourth. Mr. Speaker, the committee has written into H.R. 7136, the usual provision limiting the amounts authorized to be appropriated for future land acquisition in, and development of, this area. It is not expected that these costs will exceed $125,000 for land acquisition and $1,031,800 for development.

Finally, some amendments recommended would delete unnecessary language in the bill which repeats existing general authority.

Mr. Speaker, the committee has considered this legislation carefully. We feel that this area is worthy of the recognition which H.R. 7136 would grant. It is an outstanding scenic area containing some 90 known natural arches and many, many other interesting and unusual formations sculptured by the forces of nature.

I am pleased to have this opportunity to recommend the enactment of H.R. 7136, as amended.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Speaker, I rise in support of H.R. 7137, to expand Canyonlands National Park; and H.R. 7136 and H.R. 8213 to redesignate the Arches and Capitol Reef National Monuments as national parks.

All three of these areas lie in the spectacularly scenic red rock country of southeastern Utah. The redesignation of Arches and Capitol Reef will give the State of Utah a total of five national parks.

This legislation has been a point of controversy in my State in recent years since President Johnson, in one of his last official acts before leaving office in 1969, expanded by proclamation both the Arches and Capitol Reef National Monuments.

The bills before the House do not represent an ideal solution to all residents of Utah, and reasonable people will disagree on specific provisions and acreage. However, they do, in my opinion, represent the desire of the overwhelming majority of those who have taken a personal interest in the legislation.

Briefly, the bills accomplish the following:

Arches National Monument will be redesignated as a national park, and reduced from its present size of nearly 83,000 acres to slightly over 73,140 acres, for a net reduction of some 9,660 acres.

Capitol Reef National Monument will also be redesignated as a national park, and will be reduced in size by more than 12,500 acres from the present monument boundaries, for a total park area of 241,671 acres.

Canyonlands, an existing national park created by Congress in 1964, will be expanded by 79,618 acres, for a total park area of 337,258 acres.

Mr. Speaker, as I stated previously, there has been strong opposition in the past to tying up more land under a single use designation in a State which is already nearly three-fourths owned and controlled by the Federal Government. I fully understand and sympathize with those who remain in opposition to this bill, whose roots are deep in this land being converted to national use. Rather than seeing an expansion and protection in the national interest of natural wonders, they see land which they know and respect being removed from multiple use and resources which they feel could be expanded for the benefit of mankind now locked out from what they consider to be appropriate and productive use.

However, I believe that the widespread support for the park boundaries is clear evidence to the fact that the great majority of Utahans have at last come to a consensus of what is realistically possible, and I see no overriding reason now to further delay the proper setting of boundaries so that we can concentrate on the proper expenditure of development funds to make these areas of maximum benefit and enjoyment of present and future generations.

We in Utah are extremely proud of our natural wonders, and feel as keenly as anyone the need to give them full protection.

I would like to address at this point in the record some specific recommendations of the Committee of Interior and Insular Affairs. While I do not fully agree with every provision of the legislation, I believe that it represents a compromise achieved through fair and objective examination of the issues consistent with national objectives on preservation of the national park system.

With respect to grazing privileges, present permitholders in Arches and Capitol Reef are entitled to one 10-year renewal of their permits by the bills before us. This differs from the 25-year phaseout period in the original bills sponsored by myself and my colleague, the Honorable GUNN MCKAY of Utah. I would hope that conference with the other body, that the 25-year phaseout will prevail.

Within the proposed Capitol Reef National Park bill, there is language relative to the granting of easements and rights-of-way across the proposed park. The bill requires the Secretary of the Interior to grant use permits for necessary utility rights-of-way if he finds that they would be compatible with the park and would not significantly affect the park in an adverse way.

This language is clearly intended to be positive in its declaration. It is intended to authorize the Secretary to act to permit the easement under prescribed conditions, not as authority to encourage unnecessary lock-up of essential services. Capitol Reef, as expanded, runs approximately 70 miles north and south through the south central part of the State. Present and future energy needs require that easements be granted for utility lines to wheel power from the southwest corner of the State to the northeast. If the easements are denied, it will have a crippling effect on the development of the State of Utah and its power service to meet growing needs. It is my personal desire that the Secretary recognize how vitally important this is to the public need.

A significant provision added by the committee deals with the study of road alinements in all three park proposals. Parks are for people to enjoy, and the lack of proper access has long been a problem in this southern Utah area. I do not feel the parks should be locked up for the benefit of only a few with the stamina and time to backpack into the vast, remote reaches of the three park areas. Proper roads, consistent with the preservation of the natural beauty, should be provided so that the experience may be enjoyed by all. Local governments, who are often most affected by decisions regarding roads in this area, will be consulted and allowed to participate in the decisionmaking under the requirements of this bill.

The committee report makes reference to discussions on these bills concerning an Advisory Commission to consult with the Secretary in formulating plans for the park areas of southern Utah. Where so many units of the national park system are located in the same area, local residents should be given more consideration on decisions which adversely affect their lives. I strongly urge that the Park Service make every effort to allow local representatives to participate in all decisionmaking processes which affect them.

For the record, I submit the following descriptions of each park area and a summary of the boundary proposals contained in the legislation:

CANYONLANDS NATIONAL PARK

Canyonlands National Park was added to the park system by an act of Congress in 1964, and presently consists of 257,640 acres. The bill before the House today would revise the boundaries by adding four new tracts totaling 79,618 acres, for a total new park area of 337,258 acres.

Canyonlands, located in the southeast corner of Utah, encompasses an area of fantastic canyons, domes, and stone spires carved out from the red sandstone by 300 million years of the forces of nature.

The 1 mile thick accumulation of rock and sand sits on a 3,000 foot thick base of pure salt deposited by an ancient sea trapped millions of years ago. Through evaporation the sea became increasingly briny, and the salt layers formed out of this brine. Over the ages this salt has been buried by the debris of sand, stone, and worn-down mountains. As the salt bed shifts, the sandstone layers above crack, curve, bulge, and collapse into eerie and surrealistic shapes.

The most powerful force in the carving of Canyonlands has been the mighty Colorado River, which has cut intricate canyons and gorges, some over 1,400 feet deep. At the heart of Canyonlands, is the confluence of the Green and the Colorado Rivers, which merge to form one of the wildest and most scenic rivers on the continent.

At the time Canyonlands was created, it was recognized that there were additional areas adjacent to the original park boundaries which were deserving of national park status. These areas are added by the bill before us today, and include:

Horseshoe Canyon: This would be a detached unit of 3,178 acres located 7 miles west of the northwest corner of the park. All of the lands are presently under Federal ownership, and are managed by the Bureau of Land Management. This area includes a scenic portion of the canyon itself, and several groups of ancient Indian pictographs which merit protection by the Park Service.

The Maze: This area consists of 47,313 acres located west of the Colorado River below its junction with the Green River. It includes brightly colored, intricately eroded geologic features known as the Maze, the Land of Standing Rocks, and Ernie's Country. The area includes 4,478 acres of land owned by the State of Utah, which will be acquired by exchange. The remaining land area is federally owned.

The North Side: This is a 17,175-acre area running along the north boundary of the present park. It includes the head of scenic Taylor Canyon, portions of Shafer Canyon and the White Rim. This addition will permit the development of overlooks at Taylor and Shafer Canyons. This tract includes 1,603 acres of State-owned land to be acquired by exchange.

Lavendar Canyon: This area to be

added to the park includes 11,952 acres adjoining the southeast corner of the present park. It contains the upper portion of Lavendar Canyon and a section of Upper Salt Creek Canyon, both highly scenic areas with prehistoric Indian ruins and natural arches. The State owns 1,278 acres of land in this area, and 80 acres are in private ownership. It is expected that acquisition of these private lands will cost approximately $16,000.

Mr. Speaker, I believe these areas are worthy of inclusion in our national park system for the protection of future generations.

The committee made some changes in the bill which should be noted here. Many of the amendments were merely perfecting ones, but three new sections are recommended as substantive additions to the bill.

The first new section directs the Secretary of the Interior to make a study of areas to determine the suitability or nonsuitability of wilderness designation within the park. The second directs the Secretary, in consultation with appropriate public agencies including the State and local governments, to conduct a study of proposed road alinements within and adjacent to the park. This is a most important amendment, in my opinion, and I am hopeful that the study will produce recommendations for adequate access to open up this scenic country to all the people. A third new section limits the amounts authorized to be appropriated for development of the park. It has been noted that most of the land involved here is already under Federal ownership, and the State-owned lands will be acquired by exchange. Most of the costs are associated with development of public facilities, and the committee bill limits the amount for this development to $5,102,000, which represents the estimate of the Park Service for funds needed for this purpose.

Grazing in the area will be phased out over a 10-year period. There are 10 existing grazing permits on the Federal lands to be added to the park.

Mr. Speaker, I support H.R. 7137 and urge its passage by the House of Representatives.

ARCHES NATIONAL PARK

The bill H.R. 7136 will create the Arches National Park at the present site of Arches National Monument. The Arches National Monument, consisting of 34,009 acres was established in April of 1929. On January 20, 1969, President Johnson issued an executive proclamation expanding the area of Arches National Monument to 82,953 acres. The impact of H.R. 7136 will be to reduce the acreage within Arches by 9,660 acres, to a total of 73,140 acres.

In 1970 a total of 178,500 persons visited Arches National Monument. The elevation of Arches to a National Park will greatly increase the attractiveness of the area to tourists. The creation of this park will serve as a boost to Utah's $175,000,000 tourist industry.

Arches lies on the north side of the Colorado River gorge near the city of Moab, Utah. Within the confines of Arches, one finds the greatest concentration of natural stone arches, windows, spires and pinnacles in any known area of the United States. To date, approximately 90 arches have been discovered. It is likely that more of these spectacular features will be discovered as the more remote sections of the park are explored.

The National Park Service is currently administering Arches National Monument and will continue to oversee Arches National Park. Present developments within Arches are quite limited. There are no facilities for food or lodging within Arches. However, these amenities are available in nearby Moab. The Park Service maintains a visitors center at the entrance to Arches. The only other developed facility in Arches is a modern campground located in the area of Devils Garden. In addition to these developments, the Park Service maintains a series of trails, and conducts hiking tours into the Fiery Furnace section of Arches. There now exists a total of 69.42 miles of developed and undeveloped roadways, within Arches.

The flora and fauna of Arches are typical of most of the desert-like regions of the Southwest. Deer, coyotes, and foxes are the most common large mammals found in the area. Other animals include ground squirrels, Kangaroo rats, rabbits and reptiles. The vegetation of the area is limited by the constraints of a desert climate. However, the valley areas, especially Salt Valley, are often carpeted with wildflowers.

It is the spectacular geology of this area which makes Arches worthy of National Park status. The inspiring geologic features of the Arches area are formed in the deep red masses of the Entrada sandstone. The Entrada formation was laid down 150 million years ago during the Jurassic Period when this part of the Southwest was a vast coastal desert. The Entrada layer is about 300 feet thick. Since being deposited by the unremitting winds of a prehistoric age, the Entrada formation has been uplifted and fractured numerous times. Once the Entrada sandstone reached the surface, the intricate processes of weathering began. Moisture began seeping into the formation, dissolving the natural cementation of the rock. Wind and running water then carried away the loose particles of sand. As this process continued, the cracks in the rock began to widen, narrow canyons separated by sandstone fins were formed. The ongoing weathering processes relentlessly cut away the lower walls of these fins. Eventually this natural quarrying process pierced the rock fins, creating first small window formations, and finally the dramatic arches found in the area today.

Many of the important geologic features of Arches can be seen from the roadway and parking areas. Such structures as the Three Gossips, Sheep Rock, the Tower of Babel, the Organ, Courthouse Canyon, and the Windows Section can be viewed in this casual manner. In order to best appreciate the spectacular geologic sculpture of Arches, the vistor will want to spend time walking the trail system maintained by the National Park Service.

The Windows section, located in the east-central portion of Arches is the area most accessible to the hiker. The Windows section contains eight large arches, as well as many passageways, coves, pinnacles, spires and balanced rocks. Within this area the hiker will find Double Arch, Parade of Elephants, Cove of the Caves, North and South Windows and the Balanced Rock is an outstanding feature, consisting of a boulder estimated to weigh 3,577 tons perched atop a radically tapered pinnacle.

The second area of importance is the Devils Garden. The major features of Devils Garden are the Skyline Arch, Broken Arch, Tunnel Arch, Pine Tree Arch, Landscape Arch, Partition Arch, Double O Arch and Dark Angel. The Landscape Arch is the most important of these features. This arch is 291 feet long. It is believed to be the world's longest natural-stone span. Landscape Arch is also of special interest because it was used as a winter campsite by prehistoric Indian tribes. The Fiery Furnace is also located in the Devils Garden. Unlike the other parts of Devils Garden, however, this section is so rugged that much of it remains unexplored. Fiery Furnace derives its name from the striking impact created by the setting sun reflecting off the nearly vertical sandstone walls.

The third portion of arches which should be mentioned is the Courthouse Towers area in the southwestern sector of arches. The highlights of this area are Park Avenue, Sheep Rock, the Three Gossips, the Tower of Babel and the Organ. The most impressive single feature is Park Avenue, a narrow stone corridor lined by towering pinnacles which have been richly stained by deep red desert varnish.

There is a fourth area of arches which is both easily reachable and of geologic significance. This is the portion of arches known as Klondike Bluffs. The Klondike Bluffs area is still developing, providing an excellent opportunity to view differing rates of erosion taking place in the various layers of stone. The most imposing single structure of the Klondike Bluffs area is the Tower Arch. In addition, it should be pointed out that Klondike Bluffs is situated in Salt Valley, the site of much of the wildflower growth which occurs in arches.

The ultimate geologic spectacular of arches is the Delicate Arch. Located in the northeast portion arches, the Delicate Arch stands alone, devoid of the ridgelike fins which surround many of the other arches. The Delicate Arch is located along a trail containing other features of interest, such as a swinging suspension bridge, the Salt Wash and the Turnbow Cabin which dates back to 1906. The Delicate Arch, situated in a background which features gigantic slickrock domes, the gorge of the Colorado River and the snow-laden peaks of the La Sal Mountains, is itself worthy of national park status.

Although many of the features of arches are easily accessible to the casual hiker, parts of this area are so rugged that they can be adequately explored only through the use of four-wheel-drive vehicles. The newly added Eagle Park area fits into this category, as does the remote Herdina Park section which contains such features as the Eye of the Whale and the Hanging Gardens. The National Park Service provides marked trails which may be used by off-road vehicles without damaging the valuable geologic features of arches.

Going beyond those areas suitable for exploration by four-wheel-drive vehicles, some portions of Arches are so rugged and unspoiled that they remain totally untouched by man.

Arches National Park will provide magnificent natural scenery which is situated and developed in such a way that its beauty can be enjoyed by a cross-section of Americans. For the casual tourist there is breathtaking scenery which can be viewed from an automobile during a visit of only a few hours. The traveler wishing to spend more time viewing the spectacle of Arches may avail himself of the fine trail system maintained by the National Park Service. Arches also caters to back-country adventurer by providing thousands of acres of unexplored wilderness. An area capable of providing pleasure to so many different groups is surely worthy of inclusion in our splendid system of national parks.

CAPITOL REEF NATIONAL PARK

This bill, H.R. 8213, will change the status of Capitol Reef National Monument elevating it to national park status and reducing its size by approximately 12,500 acres from the present 254,241 acres. The proposed park would contain 241,671 acres.

Capitol Reef National Monument was created by proclamation on August 2, 1937 and expanded, again by proclamation, on July 2, 1958, and January 20, 1969. The expansion by President Johnson in 1969 increased the size of the monument by 215,056 acres, a nearly sixfold increase.

The bill will exclude several areas annexed by the 1969 proclamation, areas generally of little scenic value and of considerable value as grazing lands. An area near the northeast corner will be added because of significant pictographs.

Within the area there are approximately 60 grazing permittees grazing some 6,000-animal-unit months. The bill will allow one 10-year renewal of a grazing permit. The use of traditional stock driveways and trails will also be allowed.

Capitol Reef is a spectacular area located in south-central Utah containing numerous cliffs, pinnacles, spires, and brilliantly colored rock layers. The Waterpocket Fold, a great doubling up of the earth's crust, is the largest and most spectacular monocline in the United States.

The area has a geologic history similar to many other parts of the Colorado River basin. It was once a low-lying region, consisting of swamps, shallow lagoons, and wide, sluggish streams, inhabited by giant reptiles and amphibians.

For millions of years, streams carried silt, sand, and mud into the swampy lowland. As the sediments were buried, they gradually hardened to become sandstone and shale.

As the Rocky Mountains began to form about 60 million years ago, the rocks of this area were buckled and folded. Water and wind removed the soft upper formations and cut deep gorges in the more resistant rock along fractures. Erosion is thus the sculptor of the innumerable towers, pinnacles, and great domes that are found in Capitol Reef today.

Reconnaissance surveys have indicated that Capitol Reef is of great geological significance. Within an area of some 90 square miles, much of the pre-Tertiary geologic history of the Colorado Plateau Province is presented for study in the rock formations. Also exceptionally well displayed are major geographic structures of Triassic and Jurassic strata and other physiographic features in many stages of development.

The region is also very attractive for archeological studies. Relics and well preserved structures of the Fremont Indian culture occupy niches of the canyon wall. Petroglyphs are common, and many skeletons in shallow graves mark the site of an unrecorded battle or epidemic in the area. The numerous artifacts in the monument collection show phases of aboriginal culture not well known elsewhere.

The prehistoric Indians known as the Fremont Basketmakers raised corn on flat ground near the streams. These Indians lived in open caves and built small stone structures for the storage of corn.

Roads in the monument lie principally upon the Moenkopi formation. This dark red or brown, ripple marked shale shows unusual erosional forms along the cliff base and contains fossil footprints of reptiles and amphibians in many places. Stranded on the Moenkopi beds are large volcanic boulders washed down from the high plateaus by melting glacial ice nearly 10,000 years ago. Above the Moenkopi is a thick exposure of Chinle shale in various colors. Above the Chinle, 600 feet of red Wingate sandstone forms the sheer, high pinnacled cliffs that dominate the landscape.

Finally as cap rock, the grey or white Navajo sandstone rests on top. Its cones, arches, and rounded domes resemble the domes of many capitol buildings.

In addition to the Waterpocket Fold, Grand Wash offers spectacular beauty high-lighted by a narrow canyon where 1,000 foot walls are only 16 feet apart. Capitol Gorge features petroglyphs estimated to be over 1,200 years old.

Throughout the park are great blind arches, "echo chambers," and natural bridges and arches. Hickman Natural Bridge is located in Capitol Gorge and Cassidy Arch is found in Fremont River Canyon.

Because of its peculiar geographic location, the Fremont River drainage was the last section of Utah to be explored and settled. In January 1854, Col. John C. Fremont and members of his expedition first viewed the Capitol Reef area from atop Thousand Lake Mountain. Perhaps the first whites to enter the area was a group of Mormons on a semimilitary expedition, under the leadership of James Andrus, who came from the south over Boulder Mountain. The first written record of entry into the area is in the form of two names, J. A. Call and Wal. Bateman, dated September 21, 1871, which were carved on a rock in Capitol Gorge.

The first geographic and geologic reconnaissance of the area was made in 1875 by Prof. A. H. Thompson, a geographer of the John Wesley Powell survey. It was Thompson who designated many of the names that are still in use today.

After the establishment of a base settlement at Salt Lake City in 1847, Brigham Young and the leadership of the Mormon Church planned to explore and settle vast regions of the intermountain area. Over 360 settlements were established from the time they arrived until 1880. Among these was Junction, at the confluence of the Fremont River and Sulphur Creek. Junction was first settled in 1880 and 20 years later the name was changed to Fruita because of the many orchards established in the area. The early settlers found so many difficulties to overcome in cultivating the tillable land that the area until recently could not support more than 8 or 10 families.

Impassable roads discouraged visitors and the area remained practically unknown to the outside world until the 1930's.

As well as the great natural beauty of the park there are historical sites that have been preserved. They represent three separate historical chapters of the area, travel, mining, and agricultural activities of the early pioneers.

The site that represents the travels of early pioneers in the area is the pioneer register in Capitol Gorge. Sections of the gorge wall are covered with the names of persons who used the gorge as a passageway through the reef. Many of the names are of relatives still living in the area.

The site representing the mining activities is Oyler Tunnel located at the head of Grand Wash along the north wall.

The agricultural activities are represented by orchards still maintained near the headquarters area. These are important because they were the mainstays of those who lived in the area.

The only historic structure is the old Fruita Schoolhouse, used from 1894 to 1941. The building has been restored to represent the 1920's period.

The climate of the region is arid, characterized by long, hot summers, and cold winters. Midsummer temperatures are in the 80- to 90-degree range, and the nights are normally cool. Spring and fall are generally mild, and from December through January it is usually cold.

The vegetation, mammals, and birds of the park are typical of the pinyon-juniper belt of the Colorado Plateau. Sagebrush, saltbrush, and squawbush form most of the shrubby ground cover. Deer, foxes, bobcats, and porcupines and other small rodents make up the bulk of the animal population. Lizards are numerous, but snakes are rarely found. Hawks, owls, ravens, and other birds are common.

Capitol Reef National Monument is under the administration of the National Park Service, U.S. Department of the Interior, under which it would remain as a national park. Campgrounds, restroom facilities, water, and a visitor center are available to users of the park.

The remarkable natural beauty of the area, the usual and rare geologic features found in the monument recommend the monument well for consideration as a national park.

I strongly support the passing of H.R. 8213 by the House, as I feel that this area should be preserved for the enjoyment of many generations to come.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise to urge support of H.R. 7136, a bill which would designate the Arches National Monument in the State of Utah as a National Park, abolish the National Monument which was created by Presidential proclamation, revise the boundaries of the present monument and establish the park boundaries by legislative act.

The bill actually reduces the acreage of the present monument. In this instance, that is salutory because the excluded acreage, about 9,719 acres, is not needed for park purposes. In revising the boundaries of the monument, some new areas were recommended for inclusion and others for deletion. After careful review of those recommendations, the Committee on Interior and Insular Affairs included some strikingly beautiful and worthwhile lands suitable for park purposes that had been omitted when the monument was established in 1929 and later revised, again by Presidential proclamation, in 1938, 1960, and 1969. Unfortunately, an area overlooking this Colorado river known as "the Dry Mesa" is not included for the alleged reason that it is not of sufficient quality to warrant park status. I am in hopes that some time in the not too distant future, that recommendation will be reviewed and revised. None of the lands newly included within the boundaries of the proposed park are privately owned, although there are some private inholding within the present monument boundaries.

The committee has included provisions in this bill that would phase out grazing within the park area in the same manner as in other parks in the State of Utah, but has preserved for the cattle and sheep rancher the right to use traditional trailing and driveways across the park. Also, the usual provisions for a study of the entire area for possible designation of areas within the park as wilderness areas were added to the bill.

Because of the peculiar location of these lands worthy of park designation—an almost unbroken line right down the middle of the southeastern part of the State, the committee included language in the bill requiring a study of proposed road alignments within and without the park to aid in relieving possible problems concerning cross-State access. Additionally, there is language in this bill calling for local participation in park program planning and for a limitation on the amounts that may be authorized to be expended for land acquisition—125,000—and for park development—1,031,800.

The naturally carved arches, some towering 150 feet into the air, and other interesting sandstone formations contained in the area that the bill would designate as a national park are truly unique. Striking rock formations of this nature should be preserved for all to enjoy. I strongly urge the support of my colleagues for the passage of this bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill, H.R. 7136, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, S. 30, to establish the Arches National Park in the State of Utah.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 30

An act to establish the Arches National Park in the State of Utah

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," numbered 138–91,002, and dated January 1971, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the Arches National Park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any deparment, establishment, or agency of the United States, the Secretary shall permit the persons holding such grazing privileges on the date of approval of this Act, their heirs, successors, or assigns, to renew the privileges from time to time subject to such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such privileges shall be extended beyond the period ending twenty-five years from the date of approval of this Act except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five-year period, subject to such terms and conditions as the Secretary may prescribe, if (1) the holder is the person who held such privilege on the date of approval of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of approval of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of approval of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the Arches National Park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

SEC. 4. Nothing in this Act shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(c) The Secretary is directed to study proposed wilderness areas based on the boundaries of Arches National Park as established by this Act, and submit recommendations to Congress.

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Arches National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are auhorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 30 and insert in lieu thereof the provisions of H.R. 7136, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7136) was laid on the table.

REVISING THE BOUNDARIES OF THE CANYONLANDS NATIONAL PARK IN THE STATE OF UTAH

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7137) to revise the boundaries of the Canyonlands National Park in the State of Utah, as amended.

The Clerk read as follows:

H.R. 7137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act providing for the establishment of the Canyonlands National Park (78 Stat. 934; 16 U.S.C. 271) is amended as follows:

(a) Delete section 1 and insert in lieu thereof:

"That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the area generally depicted on the drawing entitled 'Boundary Map, Canyonlands National Park, Utah', numbered 164–91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres. The map is on file and available for public inspection in the offices of the National Park Service, Department of the Interior."

(b) In section 2—

(1) in the first sentence, delete the words "described in section 1 hereof or" which appear after the word "area";

(2) in the third sentence, insert the words "or any amendment thereto" after the word "Act"; and

(3) in the fifth sentence, insert the words "or any amendment thereto." after the word "Act".

(c) In section 3, after the word "Act" insert the words "or any amendment thereto".

(d) Add the following sections—

SEC. 6. Within three years from the date of enactment of this section, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or non-suitability of any area within the national park for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

"SEC. 7. (a) The Secretary of the Interior, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions, shall conduct a study of proposed road alinements within and adjacent to the Canyonlands National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

"(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

"SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $16,000 for the acquisition of lands and not to exceed $5,102,000 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development in the areas added by this Act."

The SPEAKER pro tempore. Is a second demanded.

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the legislation which we are now considering is H.R. 7137 by Representatives MCKAY and LLOYD. It proposes the addition of four new areas to the existing Canyonlands National Park.

Originally, it had been hoped that all three of the Utah park bills could be brought before the House in one measure, since they are all so similar in terms of the lands and problems involved. Unfortunately, due to the parliamentary situation that was not possible, because three separate Senate bills had already been approved. Since the issues are about the same in these measures, however, I believe that we can keep our presentations very brief.

As everyone knows, the Canyonlands National Park was created by the Congress in the mid-1960's. It represents some of the most interesting and colorful canyon country in the Nation. The legislation we are now considering would expand the boundaries of that park from 257,640 acres to about 337,250 acres. Of the four separate additions which it would add, three are contiguous to the park and the other one is located within 7 miles from it.

All of these additions have been reviewed and recommended by the Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. Some members of the committee have seen these areas and the gentleman from Utah (Mr. LLOYD), who is on the committee, is familiar with this country. Everyone seems to agree that these additions would make a meaningful contribution to the park.

In making its recommendations, the committee has agreed that the lengthy metes and bounds description contained in the original act should be replaced with a reference to a boundary map—as we have done in most park proposals in recent years. The committee would also extend some of the provisions of the existing act to the areas being added by H.R. 7137.

Finally, Mr. Speaker, the committee recommends the inclusion of the usual provision limiting the amounts authorized to be appropriated for land acquisition and development. In this case, approximately 80 acres of private lands are involved and the cost of acquiring them is expected to be no more than $16,000—including all costs associated with their purchase. For development of the areas being added, the Federal investment, over the years, is expected to be $5,102,000. Naturally, these funds will be appropriated only after proper justifications are made to the Congress.

Mr. Speaker, H.R. 7137, as amended, is sound legislation and I am pleased to recommend its enactment.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER. The gentleman from Kansas is recognized.

Mr. SKUBITZ. Mr. Speaker, Canyonlands National Park was established by Congress in 1964. It contains some of the most beautiful sandstone cliffs, arches, and spires to be found anywhere.

This bill, H.R. 7137, proposes that four additions be made to the park, containing a total of 79,618 acres of land:

Horseshoe Canyon, 3.178 acres: This is the only addition that is not contiguous to the present park. Its inclusion, however, is warranted because of the presence of prehistoric pictographs found in the area. All of the lands in this addition are presently in Federal ownership.

The Maze, 47,313 acres: Powerful erosive forces carved the Maze from the sandstone formations. All the land is in Federal ownership except for 4,778 acres which are owned by the State. The State lands are expected to be acquired by exchange.

The north side, 17,175 acres: this area is administratively important to the existing park and nearly all the lands are federally owned.

Lavender Canyon, 11,952 acres: the prehistoric Indian ruins in this area should be protected for all to see and enjoy. Eighty acres of private lands are included and need to be acquired. Only 1,278 acres are State lands and the remaining acreage is in Federal ownership.

H.R. 7137 accomplishes the boundary changes recommended by the National Parks Advisory Board by deleting the metes and bounds descriptions contained in present law and substituting a boundary map description which is just as definitive and easier to read.

To avoid unnecessary cross-State transportation problems caused by the number of parks located in Utah—the committee has included a provision in this bill directing the Secretary of the Interior to conduct a study of proposed road alinements.

Development is the outstanding cost feature of this park proposal, since most of the lands proposed to be added are already in Federal ownership.

The committee has limited the amounts authorized to be appropriated to $5,102,000, the figure the Department of the Interior anticipates will be needed.

Acquisition costs are limited to those necessary to acquire private lands, or $16,000.

I urge the passage of H.R. 7137 and the support of my colleagues to that end.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Speaker, my comments on the Canyonlands National Park parallel the comments that I have submitted with reference to the Arches National Park. Here again it is a consensus of the views of Utah citizens in cooperation and direct communication over many months and many years actually with members of the National Park Service. This is a wild and beautiful country of the United States. I urge my colleagues who have not been to Canyonlands National Park to see the great variety of desert, sand, stone, and standing monuments that exist there in the Southwest part of the United States where Canyonlands is located. I recommend the adoption of this legislation to my colleagues and I urge unanimous passage of the bill.

Mr. TAYLOR. Mr. Speaker, H.R. 7137, by our colleagues from Utah (Mr. MCKAY and Mr. LLOYD), authorizes the expansion of the Canyonlands National Park.

As most of the Members of the House will recall, the Congress authorized the creation of the Canyonlands National Park in 1964. At that time, we included approximately 257,640 acres of the vast Utah Canyon country in the park. All of that land was publicly owned so that, except for State lands acquired by exchange, no land acquisition costs were involved.

Like the original legislation, H.R. 7137 involves mostly federally owned lands. It proposes four separate additions to the park. Three of these areas are adjacent to the existing park and would total 76,440 acres; the other would be a detached unit comprising about 3,178 acres of land.

All of these additions have been reviewed by the Committee on Interior and Insular Affairs. One, the Horseshoe Canyon area features numerous prehistoric pictographs which are in danger of destruction. Another, called 'The Maze," includes an intricately eroded area which adds a spectacular addition to the park. The third, known as "Lavender Canyon," contains significant scenic values and some historic Indian ruins. Finally, the bill would add to the north side of the parklands which are needed for administration and development.

Mr. Speaker, it is interesting to note that these important additions can be made to a park carved from the public domain without requiring a substantial outlay for land acquisition. In this case, only about 80 acres of land in these additions is privately owned.

The committee is recommending the adoption of amendments similar to those contained in the bill which the House has just considered. One of those directs the Secretary to study the area in accordance with the provisions of the Wilderness Act. Another directs the Secretary, in consultation with other public agencies, to conduct a study of the proposed road alinements in the vicinity of the park.

As usual, the committee has included in the bill a provision limiting the amounts authorized to be appropriated for land acquisition and development. It is not expected that the land acquisition costs will be significant, since only 80 acres are involved; however, the committee did limit the appropriation for this purpose to $16,000. Most of the costs associated with this legislation involve development of appropriate public facilities at the areas to be added. These costs are expected to total $5,102,000 over a period of years. All of those funds, of course, will be appropriated by the Congress only after the necessary justifications are made.

Mr. Speaker, this legislation has been carefully reviewed. It offers us an opportunity to preserve for present and future generations open areas with nationally significant values at very little cost.

It is a pleasure for me to recommend the adoption of H.R. 7137, with the committee amendments.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 7137, a bill which would revise the boundaries of the Canyonlands National Park, Utah, and add to that park four areas of singular beauty. The areas proposed to be added to the park are termed "Horseshoe Canyon," "The Maze," "The North Side," and "Lavender Canyon." Each bears a name descriptive of that which it contains. Three of the proposed additions are adjacent to the present park and one, "Horseshoe Canyon," a few miles to the west of the park. When this park was established, it was thought that sufficient lands had been included to adequately protect and preserve the natural and historic features there for generations to come to enjoy. Since that time, areas of significant beauty and historic interest not within the park boundaries have been threatened by desecration—even vandalism—and other areas logically includable have been found to be administratively feasible for inclusion. Since those areas all contain features worthy of park status, it is one purpose to include these at this time. About 79,618 acres will be added to the park by the passage of this bill. Of that total acreage, some 85,710 acres were recommended for inclusion.

This bill would amend the Canyonlands National Park Act—Public Law 88–590—by substituting a boundary map for the present metes and bounds description contained in that act. A boundary map is far easier to read and just as definitive as a metes and bounds description.

Just as the Committee on Interior and Insular Affairs did with regard to the Arches National Park bill before this body today, provisions have been included in this bill to provide for a study of proposed road alinements within the park and outside of the park with a view toward precluding transportation problems across the State of Utah.

Because most of the land to be included within the park is already in Federal ownership, the amounts that will be needed for land acquisition are not relatively great. The committee has limited the amounts authorized to be appropriated for land acquisition purposes to $16,000. Authorized appropriations for development are likewise limited, as is the usual practice of the committee, in this case to $5,102,000, which is the amount the Department of the Interior has estimated will be necessary to do the job.

The committee also recommended that the existing grazing permits on the lands to be included be phased out in accordance with the Canyonlands National Park Act and included language making it clear that Bureau of Reclamation and Federal Power Commission withdrawals within the new park areas be terminated.

This bill adds lands to the Canyonlands National Park that are worthy of park status and which will be beneficial to each visitor to that park. I urge the passage of H.R. 7137.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 7137, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 26) to revise the boundaries of the Canyonlands National Park in the State of Utah.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 26

An act to revise the boundaries of the Canyonlands National Park in the State of Utah

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of September 12, 1964 (78 Stat. 934), is revised to read:

"That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands

National Park which, subject to valid existing rights, shall comprise the area generally depicted on the drawing entitled 'Boundary Map, Canyonlands National Park, Utah,' numbered 164-91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres. The map is on file and available for public inspection in the offices of the National Park Service, Department of the Interior."

Sec. 2. Section 2 of the Act of September 12, 1964 (78 Stat. 934) is amended as follows:

(1) delete the words "described in section 1 hereof or" which appear after the word "area" in the first sentence;

(2) insert the words "or any amendment thereto" after the word "Act" in the third sentence; and

(3) insert the words "or any amendment thereto" after the word "Act" in the fifth sentence.

Sec. 3. Section 3 of the 1964 Act is amended as follows: insert the words "or any amendment thereto" after the word "Act".

Sec. 4. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Canyonlands National Park. Such study shall consider what roads are appropriated and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

(c) The Secretary of the Interior is requested to make a study of the areas in Canyonlands National Park suitable for wilderness designation and report to Congress within two years after date of enactment of this Act.

Sec. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Taylor: Strike out all after the enacting clause of S. 26 and insert in lieu thereof the provisions of H.R. 7137, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7137) was laid on the table.

ESTABLISHING THE CAPITOL REEF NATIONAL PARK IN UTAH

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8213) to establish the Capitol Reef National Park in the State of Utah, as amended.

The Clerk read as follows:

H.R. 8213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interest therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158–91, 002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

Sec. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

Sec. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

Sec. 4. Nothing in this Act shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

Sec. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area only if he finds that such easements and rights-of-way:

(1) would be compatible with the purposes of the park, and

(2) would not have significant adverse effects on the administration of the park pursuant to this Act.

(c) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

Sec. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alinements within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

Sec. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $423,000 for the acquisition of lands and interests in lands and not to exceed $1,052,700 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. Aspinall).

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, the final Utah National Park bill is H.R. 8213—a bill introduced by Congressman McKay which would revise the boundaries of the existing Capitol Reef National Monument and redesignate it as a national park.

Like the Arches National Monument, the Capitol Reef National Monument was expanded by presidential proclamation during the final days of the last administration. In this case, however, the unilateral executive action was even more extensive—it enlarged the monument from an area comprising less than 40,000 acres to an area exceeding 250,000 acres. Such drastic expansions should never be undertaken without an opportunity for public participation in the decisionmaking process, but in this case, apparently, time did not permit the usual thorough consideration to be given to it.

H.R. 8213 is consistent with the provisions contained in the other park bills which we have considered today. It contains a provision comparable to the grazing phaseout provision in the original Canyonlands National Park Act and it contains a livestock trailing provision comparable to that contained in the Arches legislation. With respect to this latter provision, it should be emphasized that the trailing of cattle and sheep along traditional crossings is extremely important, because this long, narrow park completely bisects two rural, southeastern Utah counties which depend to some extent on the livestock operations in that area. In addition, there are very few places along this rocky escarpment where animals can cross from one side of this natural barrier to the other.

This bill contains one provision which will not be found in the other measures. Because this park stretches for more than 100 miles through two counties, it is very important that it not unduly interfere with needed utility rights-of-way and other essential easements. For this reason, the committee retained the provision requiring the Secretary to grant such rights-of-way. While most members of the committee felt that such a mandatory provision was appropriate in this case, they also felt that language should be included to assure the protection of the park values involved. In granting easements or rights-of-way, the Secretary is to make a finding that they are compatible with the park—that is that they are capable of existing together in harmony. No one expects the Secretary to deny needed right-of-way merely because it results in some change in the surface or causes some alteration of the scene in the immediate vicinity, but we all expect him to reasonably restrict such activities so as to minimize their adverse impact. If the park is not to be protected against severe intrusions, then many of us feel that it ought not to be elevated to national park status.

Mr. Speaker, the Capitol Reef area is an interesting area. In addition to its unusual natural and scenic values, it has important geologic values. Basically, it features a monocline which developed as the Rocky Mountains were being formed. It is called the Water Pocket Fold because numerous small water pockets catch the run-off and retain water long after all of the streams dry up in the summer heat of this arid region.

Taken together, the Arches, Capitol Reef, and Canyonlands fit together like a massive interlocking puzzle to help tell the geologic story of this part of the west. Individually and collectively they make a valuable contribution to the Nation's national park system.

As chairman of the authorizing committee, I feel that H.R. 8213, which establishes a 241,671-acre park, will accomplish the objective which we seek to achieve in this area. It can be done with a minimum investment in lands—$423,000—since most of them are already federally owned and development costs, over the years, are estimated at not more than $1,052,700.

This legislation has been given the careful attention of the Committee on Interior and Insular Affairs and, as perfected, I believe it merits the approval of the House.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Capitol Reef in southern Utah is presently a national monument—created by Presidential proclamation in 1937.

The purpose of this bill—H.R. 8213—is to redesignate the Capitol Reef National Monument as a national park.

Its present boundaries meander along section and township lines and encompass 254,241 acres of rugged rock formations.

In the bill before you today, the committee has attempted to exclude unnecessary lands and include some that are necessary for a cohesive unit of the national park system.

Under this bill the new boundaries of the park will include 241,671 instead of the present 254,241 acres.

Sheep and cattle grazing are important in southern Utah and for this reason the committee has preserved the traditional crossings through the park by cattle and sheep grazers. But the Secretary has the authority to regulate the use of the trailways.

There is one facet of this bill that is perhaps unique—as parks bills go.

Southern Utah now has three national parks and two more are under consideration today.

Each of these parks is considered worthy of addition to the park system.

Now the physical alinement of these parks within the State could create problems in power transmission and utilities across the State.

Therefore your committee has made provisions for the Secretary of the Interior to grant revocable easements if they will not significantly interfere with the park purposes.

Your committee has also included limits on the amount authorized to be appropriated for development of park facilities to $1,052,700 and $423,000 for acquisition.

I believe the bill merits your approval and I recommend its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Speaker and Members of the House, this is the third of the three parks, of the bills which have been split off from the omnibus bill of the Senate.

This park, which is converted from a monument, is probably the most controversial, from the standpoint of the people of Utah, of any of the three, but even this represents a consensus.

The controversy exists because this park will run approximately 100 miles down the center of the State, to accommodate a great geological wonder, a monocline, which is called a Waterpocket Fold, which includes the Indian petroglyphs and pictographs, et cetera.

It is necessary—and we had considerable controversy in the committee about this—in the wheeling of power from one side of the State to another, to allow for the wheeling of power across this area.

It is significant to note, also, I endorse the comments of the gentleman from Kansas (Mr. SKUBITZ) who pointed out, as also was pointed out in the committee report, that it will be necessary for the Secretary of the Interior to give favorable consideration under appropriate circumstances, which are set out, to the essential necessity for wheeling these power leads, for the grading easement, for the wheeling of power across this Capitol Reef from one side of the State to the other side.

This and the phasing out of grazing rights, which are of great significance, of course, to our State, has led to a larger controversy among our citizens than with respect to the other parks, but nevertheless this is the will of the majority of the people. It is the will of the National Park Service and of the Interior Department. I recommend the passage of this legislation to my colleagues.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 8213, a bill to establish the Capitol Reef National Park in the State of Utah.

Capitol Reef is presently a national monument, having been established by Presidential proclamation August 2, 1937, and enlarged in both 1958 and 1969, all under the Antiquities Act of 1906. The purpose of this bill is to give legislative sanction to the area, establish boundaries by legislative act, and give park status to one of the most unique waterpocket folds—a long monocline extending some 150 miles in length—in the United States. Also included in the area are unique land formations caused by the buckling and folding of the earth's crust millions of years ago that have been reworked by the weather.

A principal change this bill would work on the existing monument is to redesignate boundaries along topographic features rather than township and boundary lines as they are now. The net effect of this change will be to exclude some lands from the park that can be better used for other purposes, reducing the size of the present monument of 254,241 acres to a national park of 241,671 acres.

Since the proposed park will bisect two counties in southeastern Utah where cattle and sheep grazing are of some importance, traditional trailways and driveways are preserved for that use. Grazing will be phased out within the park in conformity with precedents for grazing phase-outs established by prior acts establishing parks in Utah.

My colleagues on the committee have or will comment on a provision of this bill of much importance to the people of Utah. That provision is to the effect that the Secretary must, if it is compatible with and will not adversely affect the park, grant revocable use permits and rights-of-way for necessary utilities transversing the State. The purpose of that provision is to give legislative direction to the authority the Secretary of the Interior already has to grant such necessary easements. It is expected that disruption of park values by the utilization of such permits will not be great and, such as they are, will be minimized.

The usual provisions calling for wilderness studies within the park and limiting acquisition and developments costs have been included by the committee.

The road alinement study provisions contained in the Arches National Park bill and the Canyonlands National Park bill before the House this afternoon have also been included in this bill for the same reasons.

I urge my colleagues' support for the passage of this bill and the establishment of the Capitol Reef National Park in the State of Utah.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the last of the three proposals involving units of the national park system in the State of Utah. This bill, H.R. 8213, by Representative McKay would redesignate the Capitol Reef National Monument as a national park and revise the boundaries of the area so established.

Like the Arches National Monument, which we considered a few minutes ago, this area was expanded by Presidential proclamation on January 20, 1969.

Basically, this area features a long monocline stretching from southeastern Utah through two counties. Its scientific values, geologists say, are extremely significant, but it is also valuable to the visiting public as a scenic, natural area. The bill would include 241,671 acres of land in the park, if enacted.

The bill as recommended by the committee, has been brought into conformity with most of the provisions of the other park bills which we have considered today. It includes a provision to phase out grazing within the park and it provides for the designation and regulation of livestock driveways within the park. Similarly, this revised legislation includes provisions calling for the completion of studies of the entire area for possible future designation as wilderness and, like the other Utah park bills, it calls for studies to be conducted regarding road alinements in this area. Likewise the committee deleted unnecessary provisions in the bill dealing with the exchange authority and the development of the park.

The only significant difference between the provisions in this bill and those of the other bills which we have considered is subsection 5(b). That subsection requires the Secretary of the Interior to grant easements or rights-of-way within the park boundaries. In this case, because of the nature of the area involved, it is felt that a mandatory provision is reasonable. On the other hand, most members of the committee agreed that the Secretary should condition such grants upon a finding that rights-of-way would not unduly interfere with the purposes for which the park is being established. Naturally, it is recognized that any intrusion in the park will have some effect on the values which it is designed to protect, but it seemed to be the general attitude of a majority of the members of the committee that the Secretary should have some authority to control such crossings so as to minimize their impact.

Mr. Speaker, this bill also contains a provision limiting the amounts authorized to be appropriated for land acquisition and development. In this case, it is expected that the acquisition of the privately owned lands would require the appropriation of $423,000 and development of the area in future years is expected to involve an additional $1,052,700.

Mr. Speaker, the members of the committee discussed this legislation at length and concluded that it should be enacted in the form recommended. I want to take this opportunity to urge its approval by the Members of the House.

Mr. Speaker, I yield to the author of the bill, the gentleman from Utah (Mr. McKay).

Mr. McKAY. Mr. Speaker, the three parks bill considered by the House today represent over a decade of work by a large number of distinguished Utahans. They have been painstakingly prepared after lengthy consideration of all of the interests involved. The subcommittee chaired by our distinguished colleague from North Carolina has heard extensive testimony from expert witnesses and has given these bills its usual thoughtful scrutiny and consideration. I am not going to review the testimony that developed in those hearings. It is sufficient to note that there were only a few minor differences between the proposals I initially submitted and the recommendations of the park service.

I do want to assure the House that the areas involved deserve national park status. The land contains a special kind of scenery that is wild and rugged yet fragile and majestic. It is not beautiful in a conventional sense; it does not contain sylvan hillsides, with grassy meadows and small brooks. Instead, one writer has described a portion of this area as follows:

> (It) is mostly red rock, warped and folded, and corroded and eroded in various ways, all eccentric, with a number of maroon buttes, purple mesas, blue plateaus, and gray dome shaped mountains in the far off west . . . a seared wasteland, a sinister and savage desolation . . . infinitely fascinating.

Apart from the fascination of their scenery, these areas also contain much of interest to geologists and archeologists, Capitol Reef, for instance, contains the waterpocket fold, perhaps the finest example of a monocline in the world. The new areas in canyonlands contain petroglyphs and pictographs placed there in prehistoric times. These, and many more similar features will be jeopardized if we do not act now to preserve them.

We have long believed that it is possible to preserve these natural attractions without serious damage to those who would use the lands for grazing and mineral extraction. These bills have been drafted with a view to minimizing the impact on those whose livelihood involves multiple use of these lands. In this, I believe, we have been successful. Certainly, there are a few ranchers who will be adversely affected in the short run, and the bill provides a grazing phase-out to ease this impact. In the long run, the creation of these parks should benefit all of the residents in adjoining areas.

Those of us who live in Utah have a deep affection for the land of our State. We have enjoyed its beauty and have been proud of its historic value. We want, enthusiastically, to share these lands with the rest of the country. By passing these bills, the House will give us this opportunity.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 8213, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 29) to establish the Capitol Reef National Park in the State of Utah.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows.

S. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158–91, 002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

Sec. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

Sec. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such grazing privileges on the date of approval of this Act, their heirs, successors, or assigns, to renew the privileges from time to time subject to such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such privilege shall be extended beyond the period ending twenty-five years from the date of approval of this Act except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five-year period, subject to such terms and conditions as the Secretary may prescribe (if (1) the holder is the person who held such privilege on the date of approval of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of approval of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of approval of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

SEC. 4. Nothing in this Act shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(c) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area, if he finds that such easements and rights-of-way would not have significant adverse effects on the administration of the park pursuant to this Act.

(d) The Secretary is directed to study proposed wilderness areas based on the boundaries of Capitol Reef National Park as established by this Act, and submit recommendations to Congress.

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Capitol Reef National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 29 and insert in lieu thereof the provisions of H.R. 8213, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8213) was laid on the table.

CREDIT UNION SHARE INSURANCE AMENDMENTS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9961) to provide temporary insurance for the member accounts of certain Federal credit unions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 9961

A bill to provide temporary insurance for the member accounts of certain Federal credit unions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Paragraph (2) of subsection (c) of section 201 of the Federal Credit Union Act (12 U.S.C. 1781(c)(2)) is amended by striking out "reject" and inserting in lieu thereof "disapprove".

(b) Subsection (d) of such section 201 (12 U.S.C. 1781(d)) is amended to read as follows:

"(d) In the case of any Federal credit union whose application for insurance is disapproved, if such Federal credit union (1) has transferred such amounts to its reserves as is required under section 116(a), and (2) has not violated any provision of this Act, the Administrator shall nonetheless issue to such Federal credit union a certificate of insurance which shall be valid for a period of two years. The Administrator shall suspend or revoke the charter of any Federal credit union which has failed, upon the expiration of such two-year period of insurance, to file an application for insurance which is approved by the Administrator in accordance with subsection (c). A Federal credit union which is insured under this subsection for a period of two years is an insured credit union under the provisions of this title for such period of two years.

SEC. 2. Subsection (c) of section 201 of the Federal Credit Union Act (12 U.S.C. 1781 (c)) is amended by adding at the end thereof the following new paragraph:

"(3) With respect to State credit unions which are authorized by State law to receive demand deposits, the Administrator shall approve the application of any such State credit union for insurance of its member accounts if (A) such State credit union otherwise meets the requirements for insurance established under this Act, and (B) in the event of liquidation of such State credit union, the claims with respect to demand deposit accounts shall be subordinate to the claims with respect to member accounts. For purposes of this paragraph and for purposes of determining the extent of insurance coverage under this Act, demand deposit accounts shall not be considered member accounts and shall not be insured under the provisions of this Act."

SEC. 3. Section 208(a)(2) of the Federal Credit Union Act (12 U.S.C. 1788(a)(2)) is amended by—

(1) striking out "assumption of its liability by another insured credit union" and inserting in lieu thereof "assumption of its liability by another person";

(2) striking out "may guarantee any other insured credit union against loss by reason of its" and inserting in lieu thereof "may guarantee any person against loss by reason of his"; and

(3) adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'person' means any credit union, individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity."

The SPEAKER. Is a second demanded?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, when Congress passed the share insurance bill last year, it made the provisions of the legislation mandatory for Federal credit unions.

Federal credit unions were required to apply for the insurance and if the application was rejected they had 1 year to correct the deficiencies and gain insurance. If this were not accomplished, the credit union would be forced to liquidate.

To date, more than 11,000 Federal credit unions have been insured under the legislation, and this is indeed impressive and speaks well of the safety and stability of our Federal credit union system. However, there are some 1,400 Federal credit unions who for one reason or another have been unable to obtain this insurance.

The purpose of H.R. 9961 is to make certain that the National Credit Union Administration is not setting unrealistic standards that have caused these credit unions to be unable to obtain the insurance.

Let me make it clear at the very begining that this legislation does not grant automatic insurance either on a permanent or on a temporary basis to all of the rejected credit unions. Some 80 percent of the credit unions who have been turned down because the National Credit Union Administration did not feel that they had adequate reserves. The reserves were based on administrative requirements rather than legislative requirements. Under section 116(a) of the Federal Credit Union Act, credit unions are required by law to meet a specific reserve formula. A second subparagraph of that section allows the Administrator to assess special reserves if he feels such reserves are merited. In reporting H.R. 9961 to the floor, the committee feels that the credit unions are meeting the legal reserve requirements as set out by Congress but are not able to meet the administrative reserve requirements, which in many cases appear to be unrealistically high. For this reason, the committee amended H.R. 9961 to provide that any Federal credit union that meets the congressionally stated reserve requirements of section 116(a) shall be given insurance for a period of 2 years provided they are not in violation of any other section of the Federal Credit Union Act.

In short, as the report on H.R. 9961 states:

> The Committee has withdrawn the special reserve requirement provision as a condition of obtaining insurance.

This does not mean that the special reserve requirement provision has been eliminated for credit unions, but rather that it cannot be used to deny a credit union insurance. If the Administrator feels that special reserves are necessary, he must insure the credit union and give that credit union a 2-year period to meet any special reserve requirements.

It is unrealistic to expect a credit union to meet the extremely harsh special reserve requirements that have been set down without insurance, since the lack of insurance places a cloud over the credit union and makes it difficult for that credit union to attract share capital. Section 2 of the legislation clarifies the authority of the Administrator to insure State chartered credit unions who accept demand deposits.

Last year, the State of Rhode Island enacted legislation that would allow State chartered credit unions to accept demand deposits. The National Credit Union Administration ruled that it did not have the authority to insure such deposits. Following this, Rhode Island Legislature passed a new bill that permitted the Rhode Island credit unions to have demand deposits but did not require that they be insured. Still, the National Credit Union Administration refused to insure share accounts in Rhode Island credit unions accepting demand deposits.

Under section 2 of H.R. 9961 the National Credit Union Administration must insure a State chartered credit union accepting demand deposits if it meets all of the criteria set down by the act. In short, the Administrator cannot deny the insurance solely because the credit union accepts demand deposits. As a further condition, the legislation makes it clear that the demand deposits of such a credit union will not be insured and in order to obtain the insurance the claims of the demand depositors must be subordinated to the claims of the shareholders in the event of a liquidation.

Let me make it clear that this section in no way authorizes Federal credit unions to accept demand deposits nor is it designed to encourage or discourage State credit unions from gaining demand deposits authority. At the present time, only one State, Rhode Island, authorizes credit unions to accept demand deposits, and this was done only after a similar type of authority was granted to other types of thrift institutions. In addition, Rhode Island officials felt that the Federal share insurance law would cover demand deposits. Thus, section 2 of H.R. 9961 is designed to clear up a specific point and does not grant any new authority to either State or Federal credit unions.

Section 3 of the bill gives the Administrator more authority in liquidating a credit union or trying to shore up a credit union with financial problems.

Under present law, if the Administrator wants to merge an open or closed credit union, his only choice is to do so with another insured credit union. Also, if he wants to guarantee the obligations of a credit union to a third party, that third party can only be an insured credit union.

Under section 3, the Administrator is given a wide choice in electing other financial institutions, government bodies, or even private corporations, both profitmaking and nonprofitmaking for the purposes of guaranteeing to them the payment of obligations originally held by the failing credit union. This is merely permissive legislation and has the support of the National Credit Union Administration.

In closing, let me point out that Congress cannot stand by and let 1,400 credit unions go by the wayside without action. Therefore, it is imperative that this bill be passed as quickly as possible.

Mr. Speaker, I now yield such time as he may consume to the gentleman from Rhode Island (Mr. ST GERMAIN) who is the chairman of the subcommittee that held hearings on this bill.

Mr. ST GERMAIN. Mr. Speaker, in October of last year Public Law 91–468, passed by Congress on the recommendation of the Banking and Currency Committee, was signed. This law provided mandatory share insurance for Federal credit unions. Such insurance had never before been made available and was considered to be a reward for the excellent safety record of the credit unions in the past years.

Federal credit unions were required to meet certain management and financial standards within 1 year of disapproval by the Administrator of an application for insurance or be forced to liquidate. As of September 10, there were 11,227 federally chartered credit unions covered by Federal share insurance and 1,400 not covered, or about 11 percent of the total left uncovered. Of these, about 1,100, or 80 percent have been rejected for share insurance because of insufficient reserves.

In many cases, however, the NCUA has gone beyond the reserve requirements set by Congress and established special reserve requirements. This clearly contradicts the intent of the law and has brought to us to the present situation.

H.R. 9961 proposes the initiation of temporary share insurance for a minimum period of 1 year, with the provision that an additional year may be granted at the discretion of the Administrator. This will give the credit unions the necessary time to set their financial houses in order and comply with the necessary requisites. General Nickerson, Administrator of NCUA has agreed that the vast majority of the 1,400 uninsured credit unions are capable of meeting these requirements if given time; and over 50 percent can meet the requirements by December 1972.

There is an amendment to this bill which I sponsored and should like to explain. In my own State of Rhode Island, the State legislature passed a law which allowed credit unions, upon meeting certain reserve and other requirements, to accept demand deposit accounts. For example, total shares must exceed $1,000,000. A reserve of 20 percent must be maintained in cash or equivalent against the outstanding checking account balances, and no overdrafts will be allowed. Of great importance is that member shares and deposits, excluding demand deposits, must be insured.

However, General Nickerson refused to insure the savings accounts of over 200,000 Rhode Islanders who are members of State chartered credit unions, because he said the Federal Credit Union Act did not authorize insurance for those demand deposit accounts permissible under State law.

Further the Administrator refuses such insurance on the grounds that demand deposit accounts will be paid out first in event of liquidation, and the insurance fund will have to pay out to savings depositors. This would place an unfair burden on the fund.

Therefore, I have proposed an amendment which the committee approved to provide insurance for the savings accounts of credit unions of all States who are permitted by State law to accept demand deposit accounts, so long as these savings accounts are placed ahead of the demand deposit accounts in the case of liquidation; moreover, these demand deposits may not be insured with Federal insurance.

Admittedly this is a Rhode Island State's rights amendment. It would apply solely to State chartered credit unions and in fact only to Rhode Island, the only such State at present, but in time there will be others. My amendment is for all States present and future.

There are some who will argue that share insurance is being offered to bail out poor credit unions. This is not so. This legislation is being offered not with the credit union but with the credit union depositor in mind. He deserves and has earned the right to have his funds insured.

In low-income areas where credit unions have accepted the stable funds of utility and industrial companies in the area as a means of adding to the base from which they can make loans, such funds will be driven out if insurance is denied.

To me any alternative short of insurance is unpalatable and unfeasible. Since 1934 when the Federal Credit Union Act was passed, credit unions have had total losses of less than one-tenth of 1 percent of their total shares. Losses for 1971 have been less than projected. Our credit unions have shown their capabilities. I, therefore, urge the passage of H.R. 9961 as amended.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say at the outset that I favor and support the credit union movement in America, and last year the Congress established a Federal system of insurance for the share accounts of credit union members. Under the plan, all Federal credit unions are required to apply for such insurance. The State-chartered credit unions at their election may or may not make application for insurance coverage.

Every applicant however must meet certain minimum qualifications to obtain insurance. The provisions of section 201(c)(2) require the administrator to reject any application for insurance if he finds the credit union: first, has inadequate reserves; second, an unsafe and unsound financial condition; third, unfit management; fourth, would involve undue risk to the insurance fund; or, fifth, had inappropriate charter powers.

In the case of Federal credit unions, those who fail to qualify must correct their problems within a year of rejection of their applications and become insured or be placed in liquidation. At the present time, 11,227 of the 12,647 Federal credit unions are insured. Of the 10,600 State chartered credit unions, only 571 are insured.

It is the plight of the 1,420 Federal credit unions which have been rejected for insurance which gave rise to the introduction of H.R. 9961. As originally introduced, the bill would have required the administrator to grant them temporary insurance for 2 years notwithstanding the fact they did not meet the minimum qualifications for insurance.

The subcommittee did not like H.R. 9961 which gave share or deposit insurance to a credit union regardless of its solvency.

The subcommittee decided on the extension of grace period approach and unanimously adopted an amendment providing a grace period of 3 years in which a rejected applicant could qualify for insurance.

The full committee in considering this legislation rejected this recommendation of its subcommittee and instead, supposedly adopted a modification of the original blanket insurance approach, which is the bill before us today.

To understand the amended bill before us requires a further statement on the Credit Union Insurance Act.

Section 116(a) by statute sets up certain reserve requirements of a credit union before they can obtain the insurance. They must set aside 10 percent of gross income until the regular reserve shall equal 7½ per centum of the total of outstanding loans and risk assets, then 5 percent of gross income until the regular reserve shall equal 10 percent of the total of outstanding loans and risk assets.

There are other provisions that come into play when the reserve declines.

Section 116(b) of the act gives the Administrator additional powers, as follows:

> In addition to such regular reserve, special reserves to protect the interest of members shall be established (1) when required by regulation; or (2) when found by the Administrator, in any special case to be necessary for that purpose.

The Administrator in accordance with this power has made an offer to certain credit unions that if they would set aside certain additional reserves, in addition to the statutory reserve requirements, they could qualify for insurance. Many credit unions accepted this offer and obtained insurance. A number are giving this offer consideration now.

The intent of the bill before us was to deny only authority of the Administrator to set special reserve requirements under section 116(b) of the act and if other conditions were met to mandate insurance of a rejected applicant for a 1-year period within which it was to bring itself into full compliance with the act or have its charter terminated.

I do not believe the language adopted accomplishes the result intended. The language in question is a rewrite of section 201(d) of the act to read as follows:

> (d) In the case of any Federal credit union whose application for insurance is disapproved, if such Federal credit union (1) has transferred such amounts to its reserves as is required under section 116(a), and (2) *has not violated any provision of this Act,* the Administrator shall nonetheless issue to such Federal credit union a certificate of insurance which shall be valid for a period of two years. The Administrator shall suspend or revoke the charter of any Federal credit union which has failed, upon the expiration of such two year period of insurance, to file an application for insurance which is approved by the Administrator in accordance with subsection (c). A Federal credit union which is insured under this subsection for a period of two years is an insured credit union under the provisions of this title for such period of two years.

For a disapproved Federal credit union to obtain the 2-year insurance it must not, as provided in clause (2), have "violated any provision of this act." Section 116(b) granting the Administrator authority to impose special reserve requirements of course is a provision of the act. It is not waived by the amendment and therefore remains in full force and effect. Clause (2) of the amendment completely nullifies the change intended.

There is another unfortunate result of this self-defeating amendment. The 2-year grace period for a credit union to come in full compliance with the act is geared to the credit union being an insured credit union for the 2-year period. Since the rejected credit union could not be insured because it would not meet the test of clause (2) that it "has not violated any provision of this act", it would have to be put into liquidation immediately. The authority in existing law for a straight 1-year grace period for a rejected credit union to come into full compliance of the law is repealed by this defective rewrite of section 201(d). Certainly no one wants that result to happen.

There is another feature of this bill that has been overlooked. How about the credit union that cannot qualify within the statutory reserve requirements? They will have to liquidate immediately, because the bill does not extend the time to qualify for insurance to them. No one right now wants to see any credit union be forced to liquidate. This bill then needs amendment.

It is unfortunate that this bill comes before us today under suspension of the rules. The procedure forecloses the offering of amendments. This proposal is seriously defective and must be amended. Accordingly there is only one course of action open to us. Vote down the request to suspend the rules. The bill can then be brought before the House under regular procedure and amended to correct the errors. Personally, I approve the subcommittee version: a simple 3-year extension for a credit union to qualify for insurance.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. GROSS. Is there a minority report in connection with this bill, and if so where could I obtain a copy of it?

Mr. JOHNSON of Pennsylvania. In answer to the gentleman, Mr. Speaker, there were strong minority views drafted and they were signed by quite a large number of members of the committee. Some confusion was pointed out in the language of a couple of paragraphs in the minority views and it was felt by the minority, it being so late Friday afternoon and we would have had to contact Members all over the Nation who had left by plane that, therefore, we did not file the views. But the minority views are in accord with what I am saying at the present time.

Mr. GROSS. I thank the gentleman.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I would like to indicate I played what I hoped was a significant role in establishing some inner city credit unions in the city of Baltimore. I did this because I am aware of the importance of viable credit unions in the lives of poor people, both black and white.

It seems to me that it should be a major concern to us when 1,400 federally chartered credit unions face loss of their charter because they do not meet certain standards established in a law that is just a year old. However, I am most concerned because the thousands of shareholders in those credit unions are denied the protection that Congress sought to provide when the share insurance law was enacted last year.

It is true that those credit unions have 1 year from the time their application was rejected for insurance to make the necessary adjustments and changes to meet share insurance requirements. But by the very fact that insurance was denied on the original application, the problems of meeting insurance requirements are immeasurably compounded.

Even though the credit union may meet all requirements to pass a National Credit Union Administration examination successfully under the original provisions of the Federal Credit Union Act, the mere fact that it is rejected for share insurance is a real threat to its continued existence, to say nothing of meeting more difficult operating requirements.

The great danger comes from a loss of confidence in the security of their funds on the part of shareholders when they learn the credit union has been denied insurance. The reason for the denial will have little bearing on the reaction; nor will the fact that the credit union may have operated for years when no share insurance existed be remembered. The problem will be most difficult to overcome and it is indeed one which may force a solvent credit union into liquidation should member confidence disintegrate.

These credit unions need share insurance coverage to help meet insurance requirements. They need the member confidence and protection of share insurance during this 2-year period.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, as the coauthor of an amendment to Section 1 of H.R. 9961, which was amended in the full committee, I would like to take a few minutes to discuss the background which led to the inclusion of this section in the bill.

Under the Federal Credit Union Act, credit unions in order to obtain insurance must meet the reserve requirements set down in section 116. Subsection (a) of that section spells out the legal reserve requirements as mandated by Congress, while subsection (b) allows the Administrator to use special reserve requirements.

In section 116(a) of the Federal Credit

Union Act, credit unions are required to maintain a 7½ percent to 10 percent reserve fund. This, in itself, is a high reserve as commercial banks are only required to have 3 percent to 5 percent reserves on their time and savings deposits.

You will note in Section 1 of H.R. 9961 that any credit union which meets the requirements of Section 116(a) of the act, and is not in violation of any other provision of the act, shall receive insurance for a period of 2 years. This 2-year period will give them time to comply with the additional reserve requirements set up by the Administrator under section 116(b).

Any credit union which is in compliance with the provisions of section 116 (a), and not in violation of any other provision of the act, is a sound credit union and should be covered with insurance. H.R. 9961, as originally introduced, provided that all credit unions, regardless of their soundness, would be covered by insurance for a period of not less than 1 year and not more than 2 years. My amendment prevents credit unions which are not sound from receiving insurance.

When the National Credit Union Administration testified before the committee, it gave the impression that the 1,400 credit unions who have been denied insurance were really in poor financial condition and had violated the reserve requirements.

However, that was not an accurate impression. Most of these credit unions have met the reserve requirements set down by Congress but have not met the reserve requirements as outlined by the Administration. These credit unions are being denied insurance based on administrative legislation rather than congressional legislation, and I believe that they are being unfairly punished.

Let me point out some of the special reserve requirements to which these credit unions were subjected. In addition to the regular reserve requirements set down under Section 116(a), the Administrator in many cases required that the credit union:

First, place 15 percent of gross income in reserve until it reaches 50 percent of loans 6–12 months delinquent;

Second, add 100 percent to reserves for all loans more than 12 months delinquent;

Third, add 3 percent of all other loans whether delinquent or not.

I want to emphasize that all of these requirements are in addition to the reserves required by the law. If the Administrator does not feel that the reserve requirements in Section 116(a) are strong enough, then he should submit legislation to Congress to beef up the reserves. He should not try to do this on an administrative basis. I would point out to Members of this body that when Congress passed the share insurance bill last year it included the new reserve requirements in Section 116(a) which were drafted by the National Credit Union Administration. Thus, we have a situation where the Administration will not even abide by the reserve requirements which it suggested to Congress.

Let me cite a case that the committee uncovered of the type of rejection for insurance that is being made by the National Credit Union Administration. This concerns a credit union in the Northeast part of the United States which serves the employees of a manufacturing concern. The credit union has only 42 members but has reached approximately 90 percent of its potential membership. It has assets of $7,000 and loans of approximately $5,000. Not a single loan is delinquent and in fact since the credit union was started 4 years ago, it has charged off against reserves only $4.57.

The management of this credit union is composed of volunteers. According to the State credit union league, this credit union is one of the best run in the state. Quite clearly the credit union is in no way in violation of either the spirit or the intent of the Federal Credit Union Act. In fact, it may well be a model of what the original credit union act had in mind.

The shocking part is that this credit union has been denied share insurance because "it does not have qualified management." There can be no valid reason for denying this credit union insurance.

If there are credit unions who have been denied insurance because they are in violation of the act, the Administrator has a remedy for this situation. Under the share insurance legislation passed last year, Congress provided the Administration with cease and desist authority. By using this power, the Administrator can insure a credit union, thus protecting its members' assets and at the same time correct any problems through cease and desist powers.

Once again, we find a paradox in that the National Credit Union Administration actively sought the inclusion of cease and desist authority in the share insurance legislation but has been reluctant to use this authority. To my knowledge, the Administration has used the power in only one case.

It is important that financially sound credit unions receive this insurance so that their shareholders will not lose confidence in them. I am quite confident that none of us would place an account in a commercial bank that was not insured by the FDIC. To deny a financially sound credit union this insurance can only jeopardize the future of such a credit union.

I strongly support H.R. 9961 because it will give insurance to credit unions that deserve it and will exclude unsound credit unions from being insured. I urge my colleagues to support H.R. 9961.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, I am sure the gentleman understands there are 1,400 credit unions which have not qualified under the Administrator's regulations.

Mr. WILLIAMS. That is absolutely correct.

Mr. PEYSER. And the purpose of this bill is to grant them the insurance whether they are qualified or not, on a temporary basis?

Mr. WILLIAMS. No. The intention of this bill is clearly spelled out. As long as any one of these 1,400 credit unions is in compliance with 116(a) and has between 7.5 and 10 percent reserves, and as long as it is not in violation of any other provision of the Act, we will give it the insurance for a 2-year period, give it 2 years to comply with the regulations promulgated by the Administrator—regulations which I believe are far too strict.

Mr. PEYSER. And then after the end of 2 years, if they have still not complied, what happens?

Mr. WILLIAMS. The Administrator takes the necessary steps to see that it is liquidated, or some other action.

Mr. PEYSER. My concern in that case is whether we are really being fair to the small depositors of the credit unions who are keeping their money here in the assumption that the Federal Government is now backing them, and yet 2 years from now, if conditions are the same, we will not be backing them.

Mr. WILLIAMS. Keep this in mind: 2 years from now, the Administrator himself estimates conditions will not be the same, because he estimates only a very small portion of the 1,400 will not be able to make the grade.

Mr. PEYSER. Then I do not see why we cannot just extend the time.

Mr. WILLIAMS. For the reason I have already pointed out: Would the gentleman put his money in a bank not covered by the FDIC?

Mr. PEYSER. I would not, but evidently these people have.

Mr. PATMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the distinguished gentleman from Pennsylvania (Mr. JOHNSON) made one or two points which I would like to comment on. As the Members will notice, there are no minority views in the committee report. We are very careful in our committee to give members an opportunity to file minority or supplemental views or dissenting views in the time they have got to be filed—which is plenty of time. The vote here was 27 for and four against, and no one filed any minority views. They are just not here.

The truth is, minority views were filed, but they were withdrawn. They were withdrawn, and I do not know why they were withdrawn, but, of course, we could not resist them wanting to withdraw their own minority views, so there are no minority views here.

If there is anything wrong with this bill, I ask Members to deal not so harshly with the people who are working their hearts out with their communities and neighbors and friends, trying to get them to learn the virtues of thrift and savings. We need savings today. These credit unions pick up the savings in small amounts. That gets to be big amounts, and then it is deposited in the bank. Every dollar the credit unions handle goes through a commercial bank. They need the commercial banks and the commercial banks need them. The credit unions are accumulating this money all over the Nation in small amounts. That gets to be big amounts, and it goes into the commercial banks and goes into trade and distribution, and it helps everybody. It helps everybody.

So if there is anything wrong with this bill, the thing to do is not to try to kill it here but to go to the Senate. The bill will go to the Senate, and the Banking and Currency Committee will hold hearings, and if a Member has an amendment he wants to have considered there, they will consider it. They will give it every consideration it is entitled to.

If you are right and they believe you are right, they will put the amendment in the bill.

If there are substantial changes, they will ask for a conference. We will agree in the conference to what is necessary.

There is too little in this bill to stop it here. It would be terrible. There are 24 million people involved, some of the finest and best people on earth, who have worked their hearts out for years putting over these little credit unions all over the Nation. They have done so much good.

As Congressman MITCHELL says, this keeps them away from these loan sharks. These loan sharks have quit charging 18 percent interest. They are charging 24 or 36 percent, or 75 percent, or 100 percent. So when you help these people you help these folks to stay away from the loan sharks, so that they will be able to give more money to the benefit of their families and to provide for the necessities of life.

I hope you will pass this bill by, I wish, a unanimous vote, and send it to the other body, with the knowledge that the Senate will deal with it fairly. If there is anything wrong about it, go before the Senate committee.

I would just wager, if I were a betting man, that they would accept any good, worthwhile, constructive amendment.

I hope you will support this bill. If you do not support this bill now, the Rules Committee has indicated that it will not give me a hearing on a rule for this. So that means in this session of Congress this bill will be dead. That will be a great disservice to a lot of people, and it is not necessary.

There is too little involved here. There are just a few little differences which do not amount to much. They can be adjusted in the Senate. They will come back here, and we will accept them, or have a conference and iron them out and have everybody happy about it.

I hope under the circumstances, when it would be such a great detriment to so many people to think about anything in a bill like this, when it would do so much good, that this bill can be passed. I plead with you to vote for it and support it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. If there is serious defect in this bill, why was it not corrected in the Banking and Currency Committee? Why should we rely upon the Senate or a conference to correct it?

Mr. PATMAN. I am not saying there is a serious fault. I say a Member suggested he would like to have an amendment to it. He was pointing out what he thought to be a fault. I did not see it that way. Others did not, either.

There is no way to amend it here. We know that. The reason why we have this under a suspension of the rules procedure is so that we would not have to go before the Rules Committee.

I hope the Members will vote for the bill.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from Florida, Mr. CHAPPELL.

Mr. CHAPPELL. I thank the gentleman for yielding.

Mr. Speaker, I rise reluctantly to oppose this proposition. I do not oppose the bill, provided we have an opportunity to amend it.

I had hoped the bill would come before the House under circumstances where we might amend it. I am not here to be a part of trying to kill the bill, but rather to get it considered under circumstances where we might amend it.

Of course, here under a suspension of the rules procedure, we cannot do that. It is my intent and purpose to help take it off this calendar so that we might consider it later at a proper time.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. CHAPPELL. Since my time is limited I do not yield at this moment to my chairman, and I apologize for that.

With reference to the minority views, since some comment was made about that, I was a part of those minority views, and in deference to one of the members of our committee, who asked us to withdraw those because it might be a reflection on him if we did not do so, and in deference to a member of the committee those minority views were withdrawn.

I believe what we have here in this bill, Mr. Speaker, is an attempt to require the administrator of this law to insure sick credit unions. I do not believe that is sound with reference to banking. I do not believe that is sound with reference to any kind of financial institution. I believe it is wrong for us here to require the administrator to insure sick credit unions.

There are some almost 14,000 Federal credit unions in the United States. Only 1,400 of those have failed to qualify for insurance. The administrator tells us half of those some 1,400 will be able to comply if we simply give them another year in which to do so.

He said that of the remaining 700 or so half of those will, within an additional period of a year or 2 years be able to qualify. So we are not talking about putting these credit unions out of business, but are simply saying to them that they should get themselves in shape so they meet the standards and thereby qualify for the insurance. To me that is sound and it makes sense.

I do not know of any insurance company that will insure a sick horse. That is exactly what we are requiring the Administrator to do under this bill.

Let me say also that I think the wrong approach is being taken here to consider this bill today when we cannot amend it and do not have an opportunity to test the various approaches that ought to be made. Certainly I believe the Administrator himself, who has done a good job, knows what he is doing when he says to us that if we will extend the period within which these people can comply to 3 years, that is the most helpful way to do it. I concur with that.

Lastly, I call attention to the fact that even if the full intents and purposes of this bill are to waive applicable subsection (b) of the law, it does not do it, because, first of all, it says that the Administrator must grant it for 2 years if he finds that the credit union is in full compliance with the law. It simply says with reference to the reserve requirement under subsection (a) that if he meets that requirement and all the other provisions under the law, then the insurance will be granted for 2 years. That gives it and takes it away at the same time. It does not waive subsection (b) as is intended by this law.

Mr. Speaker, I urge the defeat of this bill under suspension of the rules.

Mr. PATMAN. Mr. Speaker, I will take just 1 minute.

The gentleman who has just addressed the House knows that he had an opportunity to be in our writeup sessions where we were passing on this bill. He was absent. If he had been there, he could probably have gotten his amendment passed, if it were a good and constructive one and if he convinced the majority of the Members. However, he was not there. He was gone. We were not responsible for that. Why should the entire committee be inconvenienced and why should we stop a bill just because one Member is not there? Later he shows up and he sees something that he does not like, but he is still not without a remedy or recourse. He can go to the other body, which will give him consideration. Why should he hold the whole bill up here? That is asking too much.

I yield such time as he may use to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, the Congress has repeatedly recognized the role that credit unions play in bringing credit facilities to low-income groups. We have passed legislation which encourages organizations outside the common bond of membership to make deposits in such credit unions with the objective of infusing additional capital in these credit unions.

But what business or individual will deposit funds in such credit unions if such deposits are not insured?

Obviously these low-income credit unions must offer security to the outside depositor. Unless we make certain that they can offer such security, we have only gone halfway in our efforts to help these credit unions.

This bill will require issuance of share insurance to such credit unions which fail initially to meet insurance requirements for a period of 2 years. During that time, the credit union can take the necessary steps to meet share insurance requirements. If at the end of the 2-year period the requirements are not met, then the credit union would lose its Federal charter.

It seems that the only fair thing to do, if we are to be consistent with our avowed purpose of helping low-income credit unions in their efforts to provide credit for their members, is to pass the legislation embodied in H.R. 9961 in order to give low-income credit unions every opportunity to meet Federal insurance standards.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I would like to utilize the 1 minute I have remaining.

It is with reluctance that I am going

to call for a rollcall vote on this bill. It is so fraught with errors and frailties that it throws the law of credit unions into such hopeless confusion that we will be doing a disservice to the credit unions if we send this bill to the Senate in its present form. The House should correct its own errors. This is a principle of any court, or legislative body. The body that creates errors should correct them. This bill is defective and we should amend it and send a perfect bill over to the Senate.

Mr. BOGGS. Mr. Speaker, the principal purpose of this bill, H.R. 9961, is to give share insurance coverage to some 1,400 federally chartered credit unions whose original application for insurance has been rejected. There are a number of requirements for this insurance—some of which did not exist prior to the passage of share insurance legislation a year ago. The present law gives a rejected credit union 1 year to meet insurance standards or face loss of its charter.

I am very familiar with the argument that if these credit unions cannot meet insurance standards within a year they deserve to lose their charter. That argument fails to recognize the complex problems involved. For instance, a great majority of these 1,400 credit unions are small—their assets are under $50,000. Many of them are comparatively new, and a new credit union is unable rapidly to build the reserves that are required for share insurance coverage.

But perhaps most important of all is the fact that during the year's time that these credit unions are given to meet insurance requirements, they are not insured. Their shareholders' savings are unprotected, and the credit union is at a competitive disadvantage in attracting additional savings or shareholders. The credit union's growth is curtailed, and it becomes increasingly impossible to build required reserves. Thus the credit union is the victim of a vicious cycle of defeat: It is denied an important means of attracting savings and members to further its growth so that it can meet insurance standards.

This bill takes care of the problem by providing 2 years of insurance coverage during the time the credit union has to meet reserve and other requirements of the share insurance law. I support the measure as a safe and sound method of giving 1,400 credit unions a fair deal in meeting new requirements of a law that is barely a year old.

Mrs. SULLIVAN. Mr. Speaker, some 1,400 Federal credit unions have been rejected for insurance under the Federal credit union share insurance program which is administered by the Administrator of the National Credit Union Administration. Over 80 percent of these rejections have been made because of inadequate reserves, as determined by the Administrator.

A high delinquency rate is a factor in the inadequate reserve determination, yet it is an unassailable fact that the Nation is in the midst of an economic slowdown—a period when unemployment is higher and when people are generally unable to meet financial commitments as well as in times of prosperity.

Credit unions are especially vulnerable to the financial conditions affecting a particular area or group because their membership is limited by the common bond principle. Thus if a strike closes a factory, or if economic conditions force layoffs, a credit union in that industry will more than likely find its delinquency rate rising. Yet with the end of the strike, or a return to full production by the industry, the delinquency will be cleared up and the rate drop.

The stringent reserve considerations of the share insurance law as interpreted by the Administrator, NCUA, have led to a high rejection rate for share insurance applicants—some 12 percent in fact of our federally chartered credit unions.

It is going to take time for adjustments to be made by these credit unions. And since the great majority of these credit unions are small—most are well under $50,000 in assets—and since many of them are comparatively new—we must realize that their reserve problems are more difficult and slower of solution. When you add the economic factor of today's economic slowdown, the problems become even more acute. Therefore, it is sound, commonsense to make every effort to help these 1,400 credit unions and the thousands of people they serve by giving them the time to meet the insurance requirements and giving them the added assistance of member confidence by providing share insurance coverage during the time. I believe this bill will accomplish this objective.

GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. HALL. Mr. Speaker, would the gentleman yield for a question?

Mr. ST GERMAIN. Yes; a short one, Doctor.

Mr. HALL. Very short.

Mr. Speaker, I appreciate the gentleman yielding.

Does or does not the present bill we have under consideration contain an amendment adopted by the committee exempting a rejected credit union from complying with the special reserve requirements imposed by section 116(b)?

Mr. ST GERMAIN. As the bill reads, and as it has been explained on the floor, there is a controversy; otherwise, this would have passed without a second being demanded. But, nevertheless, as the bill reads, if the stringent reserve requirements written into the section as proposed under section 116(a) are complied with, then these credit unions qualify for insurance.

On the question of section 116(b), unfortunately, the committee would have had to pass general legislation and the Congress had no way of knowing how section (b) and the special reserve requirements might be interpreted by the Administrator, because we do not know who the Administrator would be. Unfortunately, there are administrators who operate with a little liberalism and others who operate with great conservatism. I do not quarrel with the philosophy of the Administrator accustomed—as the result of a lifetime of living by the book—of being a rather conservative individual. In this instance, he thought that they did not meet the special reserve requirements. No one can tell what these reserve requirements are because when asked for guidelines, they have not been forthcoming.

The SPEAKER. The time of the gentleman from Rhode Island has expired.

Mr. PATMAN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ST GERMAIN. As I was saying, when the credit unions throughout the country, as they were turned down, as well as their organizations—their State organizations and National organizations—when they asked for guidelines these were not forthcoming. It is very difficult to live up to special reserve requirements when you cannot find out what they are and when it is being handled, evidently, on a case-by-case basis.

I repeat again and again that the Congress, the committee, and this House in passing the original legislation set exceptionally stringent requirements, as has been outlined by the previous speakers under section 116(a). The Administrator has the cease-and-desist power that he can utilize and as a result thereof, the committee in its wisdom, after considering the subcommittee's recommendation for 3 years without insurance, felt that, no, this really would not do the trick.

The SPEAKER. The time of the gentleman from Rhode Island has again expired. All time has expired.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Would the Chair advise the Member from Missouri if the gentleman from Rhode Island answered my question?

The SPEAKER. The gentleman can answer that question as well as the Chair.

The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 9961, as amended.

The question was taken.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 197, nays 122, not voting 112, as follows:

[Roll No. 284]

YEAS—197

Abbitt
Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Aspin
Aspinall
Badillo
Barrett
Begich
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Mass.
Burton
Byron
Caffery
Carey, N.Y.
Carney
Carter
Cederberg
Cleveland
Collier
Collins, Ill.
Colmer
Corman

Cotter
Coughlin
Culver
Daniel, Va.
Davis, S.C.
Dellums
Derwinski
Dingell
Donohue
Dow
Drinan
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Eilberg
Esch
Fascell
Fish
Flood
Flowers
Foley
Fountain
Fulton, Tenn.
Galifianakis
Gallagher
Gaydos
Gettys
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gude
Halpern
Hamilton
Hansen, Wash.
Harrington
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Hogan
Horton
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Lent
Link
Long, Md.
McCormack
McDade
McFall
McKay
McMillan
Macdonald, Mass.
Mahon
Martin
Matsunaga
Mazzoli
Meeds
Melcher
Mink
Mitchell
Monagan
Moorhead
Morgan
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Pryor, Ark.
Pucinski
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Robison, N.Y.
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Sebelius
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Staggers
Steed
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
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Whalen
Whalley
White
Williams
Winn
Wolff
Wright
Yates
Yatron
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Zablocki

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Abernethy
Andrews, Ala.
Archer
Arends
Baker
Belcher
Bennett
Betts
Blackburn
Bow
Bray
Brinkley
Brown, Ohio
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Cabell
Camp
Chamberlain
Chappell
Clancy
Clausen, Don H.
Collins, Tex.
Conte
Crane
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Edwards, Ala.
Fisher
Forsythe
Frenzel
Frey
Fuqua
Goodling
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hastings
Henderson
Hillis
Hosmer
Hunt
Jarman
Johnson, Pa.
Jonas
Jones, Tenn.
Keating
Keith
Kemp
Kuykendall
Kyl
Landgrebe
Latta
Lennon
McClure
McKevitt
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Montgomery
Morse
Myers
Nelsen
Pelly
Peyser
Pirnie
Poage
Price, Tex.
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Ruth
Sandman
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shoup
Snyder
Spence
Springer
Stanton, J. William
Steiger, Ariz.
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Whitehurst
Wyatt
Wydler
Wylie
Wyman
Zion

NOT VOTING—112

Addabbo
Alexander
Anderson, Tenn.
Annunzio
Ashbrook
Ashley
Baring
Bell
Blanton
Blatnik
Brasco
Broyhill, Va.
Byrne, Pa.
Byrnes, Wis.
Casey, Tex.
Celler
Chisholm
Clark
Clawson, Del
Clay
Conable
Conyers
Daniels, N.J.
Danielson
Delaney
Denholm
Dent
Diggs
Dowdy
du Pont
Edwards, Calif.
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Flynt
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Fulton, Pa.
Garmatz
Giaimo
Gibbons
Hanley
Hanna
Hawkins
Hébert
Hicks, Mass.
Holifield
Hull
Hungate
Hutchinson
Ichord
King
Landrum
Leggett
Lloyd
Long, La.
Lujan
McClory
McCloskey
McCollister
McCulloch
McDonald, Mich.
McEwen
McKinney
Madden
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Mosher
Moss
Murphy, N.Y.
Passman
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Railsback
Riegle
Rodino
Runnels
Ruppe
Satterfield
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Stanton, James V.
Steele
Steiger, Wis.
Stuckey
Teague, Tex.
Thompson, N.J.
Waldie
Whitten
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Young, Fla.
Zwach

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. McEwen.

Mr. Celler with Mr. Poff.

Mr. Daniels of New Jersey with Mr. Widnall.

Mr. Delaney with Mr. King.

Mr. Rodino with Mr. Frelinghuysen.

Mr. Mills of Arkansas with Mr. Gerald R. Ford.

Mrs. Hicks of Massachusetts with Mr. McKinney.

Mr. Hébert with Mr. Byrnes of Wisconsin.

Mr. Sikes with Mr. Young of Florida.

Mr. Brasco with Mr. Conable.

Mr. William D. Ford with Mr. Clay.

Mr. Waldie with Mr. Diggs.

Mr. Teague of Texas with Mr. Powell.

Mr. Annunzio with Mr. McClory.

Mr. Byrne of Pennsylvania with Mr. Fulton of Pennsylvania.

Mr. Fraser with Mrs. Chisholm.

Mr. Conyers with Mr. Edwards of California.

Mr. Baring with Mr. Ashbrook.

Mr. Dowdy with Mr. Mizell.

Mr. Flynt with Mr. Broyhill of Virginia.

Mr. Price of Illinois with Mr. Hutchinson.

Mr. Moss with Mr. Del Clawson.

Mr. Minish with Mr. du Pont.

Mr. Whitten with Mr. Lloyd.

Mr. Thompson of New Jersey with Mr. Smith of New York.

Mr. Mikva with Mr. Hawkins.

Mr. Madden with Mr. Riegle.

Mr. Ichord with Mr. Minshall.

Mr. Blatnik with Mr. Mosher.

Mr. Dent with Mr. Eshleman.

Mr. Evins of Tennessee with Mr. Erlenborn.

Mr. Garmatz with Mr. Mills of Maryland.

Mr. Podell with Mr. Steele.

Mr. Giaimo with Mr. McDonald of Michigan.

Mr. Metcalfe with Mr. Leggett.

Mr. Clark with Mr. Ruppe.

Mr. Miller of California with Mr. Smith of California.

Mr. Danielson with Mr. Bob Wilson.

Mr. Alexander with Mr. McCulloch.

Mr. Evans of Colorado with Mr. McCollister.

Mr. Hungate with Mr. Lujan.

Mr. Hanna with Mr. Wiggins.

Mr. Murphy of New York with Mr. Railsback.

Mr. Landrum with Mr. Skubitz.

Mr. Hanley with Mr. Steiger of Wisconsin.

Mr. Holifield with Mr. Bell.

Mr. Charles H. Wilson with Mr. McCloskey.

Mr. Gibbons with Mr. Findley.

Mr. Mollohan with Mr. Zwach.

Mr. Anderson of Tennessee with Mr. Hull.

Mr. Passman with Mr. Ashley.

Mr. Satterfield with Mr. Blanton.

Mr. Runnels with Mr. Stuckey.

Mr. Casey of Texas with Mr. Joseph V. Stanton.

Mr. Denholm with Mr. Long of Louisiana.

Mr. Edwards of Louisiana with Mr. Preyer of North Carolina.

Messrs. ABERNETHY and PELLY changed their votes from "yea" to "nay."

Messrs. DUNCAN, VANDER JAGT, HORTON, and COUGHLIN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

FREE LETTER MAIL FOR OVERSEAS SERVICEMEN

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3808) to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces and for other purposes, as amended.

The Clerk read as follows:

H.R. 3808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraphs (A) and (B) of section 3401 (a)(1) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91–375), are amended to read as follows:

"(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while on active duty; or".

(b) Subparagraph (D) of section 3401(a) (2) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 756; Public Law 91–375), is amended to read as follows:

"(D) such letter mail or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while in the services with, or in, a unit under operational control of a command of the Armed Forces of the United States; and".

(c) Section 3401(b) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 756 and 757; Public Law 91–375), is amended by striking out subparagraphs (1), (2), and (3) and inserting in lieu thereof the following:

"(1)(A) letter mail or sound-recorded communications having the character of personal correspondence;

"(B) parcels not exceeding five pounds in weight and sixty inches in length and girth combined; and

"(C) publications entitled to a periodical publication rate published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public,

which are mailed at or addressed to any such Armed Forces post office; and

"(2) parcels exceeding five pounds but not exceeding seventy pounds in weight and not exceeding one hundred inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.".

SEC. 2. (a) Chapter 34 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91–375), is amended by adding at the end thereof the following new section:

"§ 3406. Air transportation of parcels mailed at or addressed to Armed Forces post offices

"Any parcel, other than a parcel mailed airmail or as air parcel post, not exceeding seventy pounds in weight and one hundred inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title shall be transported by air on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment, in addition to the regular surface rate of postage, of a fee for such transportation by air. Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this section, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers.".

(b) The table of sections of chapter 34 of title 39, United States Code, is amended by adding at the end thereof—

"3406. Air transportation of parcels mailed at or addressed to Armed Forces post offices.".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when H.R. 3808 was introduced, 24 members of the Post Office and Civil Service Committee were cosponsors. Generally, the legislation would extend free letter mail service to all U.S. servicemen stationed outside the 50 United States, and would also renew the statutory authority for airlifting parcels to servicemen stationed abroad.

Present law permits free letter mail service only for servicemen assigned to combat areas. This bill would extend that privilege to all servicemen outside the United States for letter mail and sound recorded communications which have the character of personal correspondence. The bill also proposes airlift for second class news value publications for servicemen on overseas assignment.

The law providing for parcel airlift—PAL mail—expired on July 1, 1971, and no provision was made for extension of it in the Postal Reorganization Act we passed last year. The law which expired at the end of June provided a maximum of 30 pounds weight and a size of 60 inches length and girth combined. As introduced, H.R. 3808 proposed that this size limitation be increased to 72 inches. Experience had indicated that the old limit of 60 inches was not adequate in relation to the weight limitation of 30 pounds.

During the Postal Service Subcommittee's hearings on this legislation it was suggested by the chairman of the full committee (Mr. DULSKI) that consideration be given to further increasing the maximum sizes allowed under the PAL program. Increase in size limits to 100 inches in length and girth combined and 70 pounds in weight would permit greater flexibility and choice to the serviceman. By easing PAL restrictions to this extent, servicemen would have the option of mailing home their footlockers at their own expense. At the present time footlockers are generally shipped through freight channels. A side advantage to this would be to insure complete inspection by U.S. customs agents at the port of entry, rather than overseas by inexperienced unit customs officers.

When the subcommittee met to consider H.R. 3808, I proposed an amendment to this effect—increasing the size limitations for PAL mail to not in excess of 70 pounds in weight and 100 inches in length and girth combined. The subcommittee unanimously approved this amendment. The subcommittee also voted unanimously to report H.R. 3808, as amended, to the full committee.

The full committee has unanimously, by voice vote, reported the bill to the House for favorable action. I ask the House to vote in support of this effort.

Mr. GROSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I rise in support of H.R. 3808.

Mr. Speaker, under present law, free mailing privileges are now provided for members of the Armed Forces in designated combat areas; and for servicemen hospitalized as a result of disease or injury incurred in a combat zone. Vietnam is now considered the only designated combat area.

H.R. 3808 will extend these privileges to all servicemen on duty outside the United States. Members of the Armed Forces have no choice about where they will be assigned. Their assignments take them far away from their loved ones and friends, and while it may seem a small thing to do, it seems to me of utmost importance that we take what steps are needed to bridge the distance that separates our servicemen from their families at home.

All these young men in our Armed Forces are performing a necessary service for their country. We owe it to them and their families to make every effort to boost the morale of our servicemen throughout the world, whether or not they are assigned to a combat area.

There are subjected to loneliness and fatigue regardless of where they are stationed. Free letter mail, air transportation of packages not exceeding 5 pounds in weight and 60 inches in length and girth combined, and air transportation of publications entitled to periodical rate published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public, will do much to increase the morale of these men.

In addition, H.R. 3808 provides for air transportation, on a space available basis, for packages up to 72 pounds and 100 inches in length and girth, upon payment, in addition to the surface rate of postage, of a fee for such transportation by air.

H.R. 3808, in effect, establishes the principle that these privileges are being given in recognition of the fact that the serviceman has been separated from his home and family, and the fact that he may or may not be in a combat area is incidental to this principle.

Mr. Speaker, this is a humanitarian measure, and I hope that all my colleagues will join me in support of this bill.

Mr. DERWINSKI. Mr. Speaker, the bill before us, H.R. 3808, is one which I was proud to cosponsor and I urge House approval. The morale among our servicemen stationed overseas is a matter of concern, and anything that we can do to strengthen their morale should be given support. Passage of this bill will assist in keeping up troop morale.

Free letter mailing, and fast and efficient air transportation of packages to our men will certainly aid their morale, and will show them that we in Congress appreciate the service they are rendering for our country, wherever they may serve overseas.

The problem of loneliness among servicemen exists no matter where they are assigned, and anything that we can do to better their personal conditions merits our support.

We are inspiring their wives, mothers, and sweethearts back home to write since they no longer will have to pay the higher airmail rate to get fast delivery of a package to their loved one.

It has been suggested that there is no justification for extending special mailing privileges to servicemen not in combat areas. Since our servicemen overseas have no choice of their stations, they should have these privileges whenever assigned abroad.

Mr. Speaker, I urge my colleagues to join me in support of this sound legislation, and I hope we will have unanimous approval.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3808, which will round out the previous efforts of our Committee on Post Office and Civil Service and the Congress by providing servicemen in all areas outside the United States the benefits of fast and efficient mail service.

Action toward this end started with Public Law 89–315, which provided for free letter mail for letters mailed by a serviceman in a combat area, and airlift for parcels up to 5 pounds between a combat area and point of embarkation in the United States.

Public Law 89–275 extended the free mailing privilege to include sound recordings, provided an airlift for letter mail, sound recordings, and parcels up to 5 pounds, and provided airlift to a combat area for publications having current news value.

Public Law 90–206 added a new category for parcels—PAL—not exceeding 30 pounds in weight or 60 inches, length and girth combined, mailed to or from any APO, including airlift within the United States upon payment of surface rates plus an airlift fee to be fixed by the Postmaster General.

H.R. 3808 is another attempt to provide all the members of our Armed Forces stationed outside the United States with an efficient, less expensive, and convenient way of carrying on communication with their families and friends, and expediting the transmission of packages between them.

Mr. Speaker, it is basically the same legislation that our House Post Office and Civil Service Committee and this body passed in the last Congress.

In my opinion, this is a worthy bill, and it should receive the approval of all of my colleagues.

Mr. ROUSSELOT. Mr. Speaker, the bill before us, H.R. 3808 is one, which in my opinion, warrants unanimous approval. The question of morale among our servicemen stationed overseas, if we are to believe the accounts carried in the newspapers and news periodicals, is not of the best, and anything that we can do to strengthen their morale should be given our utmost support. I believe passage of this bill will assist in doing just that.

Free letter mailing, and fast and efficient air transportation of packages and news periodicals to these men will certainly help their morale, and will let them know that we in Congress appreciate the service they are rendering for our country, whether it be in a combat area or elsewhere in the world.

The factors of loneliness and fatigue among the servicemen exist no matter where they are stationed, and anything that we can do to better these existing conditions merits our support.

What we are saying to these men, in effect, is that when we separate you from your homes, families, and friends by great distances in defense of your country, we will give you the means of communicating with your homes swiftly, efficiently, and less expensively.

We are also telling their wives, mothers, and sweethearts back home that they no longer will have to pay the higher airmail rate to get fast delivery of a package to their servicemen.

It has been said that there is no justification for extending special mailing privileges to servicemen not in combat areas. I submit that our servicemen overseas have no choice of their stations, and they should have these privileges.

Mr. Speaker, I hope all my colleagues will join me in support of this meritorious legislation, and that we will have unanimous approval.

Mr. DULSKI. Mr. Speaker, I rise in support of House Resolution 3808. The bill was cosponsored by 24 members of our committee and was unanimously reported by a voice vote. The bill is similar to legislation passed by the House in the 91st Congress.

This legislation is the fourth legislative proposal from our committee and is based primarily on four reports of on-site studies and investigations by members of the committee.

I will explain the bill briefly at this point, but will include for the RECORD at the end of my statement a detailed comparison between existing law and the changes made by the bill.

Present law permits free letter mail service only for servicemen assigned to combat areas. House Resolution 3808 would extend this privilege to all servicemen on assignments outside the 50 States.

Servicemen assigned overseas have no choice in their assignments and should have afforded to them free mail service.

The bill also provides for airlift of second-class news publications for all servicemen on overseas assignments. These publications contain time value news and are worthless on receipt if they must depend upon slow, routine mail transportation.

The law providing parcel airlift (PAL) expired on July 1, 1971, and no provision was made for its extension in the Postal Reform Act last year. I believe our failure to include the extension of PAL in the reform act last year was a serious oversight.

The law had provided for a maximum of 30 pounds weight and 60 inches, girth and length combined. The bill would extend the maximum weight to 70 pounds and the size to 100 inches.

There is no question in my mind but that the PAL mail is a necessary program which has contributed greatly to the morale of our troops stationed around the world.

I might add that the Postal Service has continued PAL mail administratively. However, I believe that this program involves a policy that should be determined by the Congress and not by postal officials whose policies are sure to change from time to time.

Mr. Speaker, the committee files have considerable documentation on the need and desire for extension of the free letter mail service and the statutory renewal of the PAL program.

The broad support for my bill from our colleagues on the committee is an indication of the strong bipartisan interest of the Members.

I urge passage of the bill, House Resolution 3808.

I include the following:

FREE MAIL

Existing Law: 39 U.S.C. 3401(a), letters and recordings—mailed from a combat area.

H.R. 3808: Subsections (a) and (b) of the first section—extend the free mail privilege now for servicemen in a combat area, to all servicemen outside the 50 States.

TRANSPORTED BY AIR ON A SPACE-AVAILABLE BASIS

Existing law

39 U.S.C. 3401(b):

(1) Letters, recordings, and parcels up to 5 lbs. and 60 in., mailed at, or addressed to, any Armed Forces post office outside the 48 States.

(2) News publications—to combat areas.

(3) Where adequate transportation is not available: isolated hardship or combat support areas; parcels 6–70 lbs. and 100 in., and all surface-type official mail.

H.R. 3808

Subsection (c) extends transportation privileges to news publications mailed at, or addressed to, any Armed Forces post office outside the 48 States.

PAL MAIL

Existing law

Existing law expired on July 1, 1971, but PAL mail has continued under Postal Service regulations. (Applied to parcels not exceeding 30 lbs. and 60 inches.)

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Under section 2, parcels not exceeding 70 lbs. and 100 in., mailed at, or addressed to, any Armed Forces post office may be transported by air on a space-available basis upon payment of an additional fee for transportation by air.

Mr. HOGAN. Mr. Speaker, as a member of the Post Office and Civil Service Committee and as one of the sponsors of H.R. 3808 and of earlier, similar legislation, H.R. 1352, I believe that this legislation is a wise investment in sustaining our overseas military efforts.

The legislation before us today would extend free mail service to all military personnel serving outside of the United States and it would also extend the authority for airlifting parcels to our men stationed abroad.

The present law involving parcel airlift (PAL) expired on July 1 of this year and, during consideration of the Postal Reorganization Act of 1970, extension of this authority was overlooked.

More important even than the extension of the PAL authority is the provision in H.R. 3808 to extend free mail service to all servicemen overseas. A bill to accomplish only this latter objective was acted upon favorably by this body during the 91st Congress. I was pleased to be a sponsor of that bill, along with many of my colleagues on the Post Office and Civil Service Committee who have also cosponsored the legislation before us today.

Unfortunately, the other body failed to take any action on this measure, and, again, this proposal also was not included in the postal reform legislation.

I think it is clear then, Mr. Speaker, that this bill deserves the approval of this body. I can see no valid objections to this legislation.

Presently, this free service is provided only to men who are serving in "combat zones." The designation "combat zone" is, in my opinion, a highly artificial one. Without debasing the valor which is continuously demonstrated by our soldiers in Southeast Asia, the American serviceman in Korea, Berlin, and other critical areas throughout the world is surely serving the Nation equally well and deserves the benefits of this postal service.

For a serviceman who is stationed overseas, the mail is a vital link for keeping in touch with his family and friends and is a key factor in maintaining the morale of our Armed Forces personnel. I would like to make the point here that this mailing privilege would extend not only to letters, but also to sound-recorded communications—a most popular form of keeping friendships and family ties alive.

Mr. Speaker, the purpose of this legislation is just and offers but a small tribute for many great sacrifices. I hope it will be approved by this body without delay.

GENERAL LEAVE

Mr. GROSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 3808.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Arizona that the House suspend the rules and pass the bill H.R. 3808, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AIR TRAFFIC CONTROLLERS CAREER PROGRAM

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8083) to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8083

A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 21 of title 5, United States Code, is amended by adding the following new section at the end thereof:

§ 2109. Air traffic controller

"For the purpose of this title, 'air traffic controller' or 'controller' means an employee of the Department of Transportation who is actively engaged in the control of air traffic, or who is the immediate supervisor of an employee actively engaged in the control of air traffic, in an air traffic control facility. The Secretary of Transportation may prescribe regulations to determine the application of this section to the employees of the Department.".

(b) The analysis of chapter 21 of title 5, United States Code, is amended by adding the following new item at the end thereof:

"2109. Air traffic controller.".

Sec. 2. (a) Chapter 33 of title 5, United States Code, is amended by adding the following new subchapter at the end thereof:

"SUBCHAPTER VII—AIR TRAFFIC CONTROLLERS

"§ 3381. Training

"(a) If an air traffic controller with career tenure who has completed 5 years of service as a controller is to be removed from duties as a controller because the Secretary of Transportation has determined—

"(1) he is medically disqualified for duties as a controller;

"(2) he is unable to maintain technical proficiency as a controller; or

"(3) such removal is necessary for the preservation of the physical or mental well-being of the controller;

the Secretary may provide, with the written agreement of the controller, training to assist the controller in qualifying for employment in another position but such training shall not exceed 2 years duration.

"(b) The Secretary may provide training under this section in a Government or non-Government facility for employment in the Department of Transportation, in another Government agency, or outside the Government.

"(c) During the period of training under this section, a controller shall—

"(1) be retained at his last assigned grade and rate of basic pay as a controller;

"(2) be entitled to each increase in rate of basic pay provided by or under statute; and—

"(3) be excluded from the staffing limitations otherwise applicable.

"(d) Upon completion of training under this section, a controller may be—

"(1) assigned to other duties in the Department of Transportation;

"(2) released for transfer to another Government agency; or

"(3) involuntarily separated from the service.

The involuntary separation of a controller under this subsection is not a removal for cause on charges of misconduct, delinquency, or inefficiency for purpose of determining entitlement to severance pay under section 5595 of this title or entitlement to immediate retirement under section 8336 of this title.

"(e) The Secretary, without regard to section 529 of title 31, may pay, or reimburse a controller for, all or part of the necessary expenses of training provided under this section, including, but not limited to, among the expenses, the necessary cost of—

"(1) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title;

"(2) transportation of immediate family, household goods and personal effects, packing, crating, temporarily strong, draying, and unpacking, under section 5724 of this title, when the estimated cost of transportation and related services are less than the estimated aggregate per diem payments for the period of training;

"(3) tuition and matriculation fees;

"(4) library and laboratory services;

"(5) purchase or rental of books, materials, and supplies; and

"(6) other services or facilities directly related to the training of the controller.

"(f) The provisions of sections 4105(a), 4107(a) and (b), and 4111 of chapter 41 of this title shall apply to the training provided under this section, but no other provisions of such chapter 41 shall apply to training provided under this section.

"(g) The provisions of this section shall not affect the authority of the Secretary to provide training under chapter 41 of this title or under any other provision of law.

"§ 3382. Involuntary separation for retirement

"An air traffic controller who is eligible for an immediate annuity under subchapter III of chapter 83 of this title may be separated involuntarily from the service for retirement if the Secretary of Transportation determines that the separation of the controller is necessary in the interest of—

"(1) aviation safety;

"(2) the efficient control of air traffic; or

"(3) the preservation of the physical or mental well-being of the controller.

Chapter 75 of this title does not apply to a determination or action under this section. The involuntary separation of a controller under this section shall not become final, without the consent of the controller, until the last day of the second month which immediately follows the day on which the controller receives a notification of the determination by the Secretary under this section, or, if a review is requested under section 3383 of this title, the last day of the month in which a final decision is issued by a board of review under section 3383(c) of this title, whichever is later.

"§ 3383. Determinations; review procedures

"(a) A controller subject to a determination by the Secretary of Transportation under section 3381(a) or section 3382 of this title, shall be furnished a written notice of the determination and the reasons therefor, and a notification that the controller has 15 days after the date of receipt of the notification within which to file a written request for reconsideration of the determinaton. Unless the controller files such request within 15 days, or unless the determination is rescinded by the Secretary within the 15 days, the determination of the Secretary shall be final.

"(b) If the Secretary does not rescind his determination within 15 days after his receipt of the written request filed by the controller under subsection (a) of this section, the Secretary shall convene a board of review, consisting of—

"(1) a person designated by the controller;

"(2) a representative of the Department of Transportation designated by the Secretary; and

"(3) a representative of the Civil Service Commission, designated by the Chairman, who shall serve as chairman of the board of review.

"(c) A board of review convened under subsection (b) of this section shall review the determination of the Secretary and, within a period of 30 days after being convened, shall issue its findings and furnish copies thereof to the Secretary and the controller. The board may approve or rescind the determination of the Secretary. A decision by the board under this subsection is final. The Secretary shall take such action as may be necessary to carry out the decision of the board.

"(d) Except as provided under section 3382 of this title, the review procedure of this section is in addition to any other review or appeal procedures provided under any other provision of law, but is the sole and exclusive administrative remedy available to a controller from the Department of Transportation.

"§ 3384. Regulations

"The Secretary of Transportation shall prescribe regulations necessary to carry out the provisions of this subchapter. Regulations pertaining to eligibility for and type and kind of training to be provided under section 3381 of this title shall be based on such considerations as the Secretary considers appropriate, including, but not limited to, length of service, previous occupational skills and education, training needs, and desires of controllers to be trained.

"§ 3385. Effect on other authority

"This subchapter does not limit the authority of the Secretary of Transportation to reassign temporarily an air traffic controller to other duties with or without notice, in the interest of safe or efficient control of air traffic or the physical or mental well-being of the controller; or to reassign permanently or separate a controller under any other provision of law.".

(b) The analysis of chapter 33 of title 5, United States Code, is amended by adding the following new items at the end thereof:

"SUBCHAPTER VII—AIR TRAFFIC CONTROLLERS

"Sec.
"3381. Training.
"3382. Involuntary separation for retirement.
"3383. Determinations; review procedures.
"3384. Regulations.
"3385. Effect on other authority.".

Sec. 3. Section 8335 of title 5, United States

Code, is amended by inserting the following new subsection at the end thereof:

"(f) An air traffic controller shall be separated from the service on the last day of the month in which he becomes 56 years of age. The Secretary of Transportation, under such regulations as he may prescribe, may exempt a controller having exceptional skills and experience as a controller from the automatic separation provisions of this subsection until that controller becomes 61 years of age. The Secretary of Transportation shall notify the controller in writing of the date of separation at least 60 days before that date. Action to separate the controller is not effective, without the consent of the controller, until the last day of the month in which the 60-day notice expires.".

SEC. 4. Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections "(f)", "(g)", and "(h)", respectively; and

(2) by inserting the following new subsection (e):

"(e) An employee who is voluntarily or involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of service as an air traffic controller or after becoming 50 years of age and completing 20 years of service as an air traffic controller, is entitled to an annuity.".

SEC. 5. Section 8339 of title 5, United States Code, is amended—

(1) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), (l), and (m) as subsections "(f)", "(g)", "(h)", "(i)", "(j)", "(k)", "(l)", "(m)", and "(n)", respectively; and

(2) by inserting the following new subsection (e):

"(e) The annuity of an employee retiring under section 8336(e) of this title is computed under subsection (a) of this section. That annuity may not be less than 50 percent of the average pay of the employee unless that employee received training under section 3381 of this title.".

SEC. 6. Subchapter III of chapter 83 of title 5, United States Code, is amended—

(1) by striking out the reference "8339(h)" in section 8332(b)(3), and by inserting the reference "8339(i)" in place thereof;

(2) by striking out the reference "section 8339(m)" in section 8334(g)(5), and inserting the reference "section 8339(n)" in place thereof;

(3) by amending section 8339—

(i) by striking out the reference "subsections (a)-(d)" in redesignated subsection (f), and inserting the reference "subsections (a)-(e)" in place thereof;

(ii) by striking out the references "subsections (a), (b), and (c)", "subsections (c) and (e)", and "section 8336(f)", respectively, in redesignated subsection (h), and by inserting the references "subsections (a), (b), and (f)", "subsections (c) and (f)", and "section 8336(g)", respectively, in place thereof;

(iii) by striking out the reference "subsections (a)-(g)" in redesignated subsection (i), and inserting the reference "subsections (a)-(h)" in place thereof;

(iv) by striking out the reference "subsections (a)-(h)" in redesignated subsection (j), and inserting the reference "subsections (a)-(i)" in place thereof;

(v) by striking out the reference "subsections (a)-(h)" in redesignated subsection (k), and inserting the reference "subsections (a)-(i)" in place thereof;

(vi) by striking out the reference "subsections (a)-(j)" in redesignated subsection (l), and inserting the reference "subsections (a)-(k)" in place thereof; and

(vii) by striking out the references "subsections (a)-(d)" and "subsection (e)", respectively, in redesignated subsection (n), and inserting the references "subsections (a)-(e)" and "subsection (f)", respectively, in place thereof.

(4) by amending section 8341—

(i) by striking out the references "section 8339 (a)-(h)" and "section 8339(i)", respectively, subsection (b), and inserting the references "section 8339 (a)-(i)" and "section 8339(j)", respectively, in place thereof;

(ii) by striking out the reference "section 8339 (j)" in subsection (c), and inserting the reference "section 8339(k)" in place thereof; and

(iii) by striking out the reference "section 8339(a)-(e) and (h)" in subsection (d), and inserting the reference "section 8339 (a)-(f) and (i)" in place thereof; and

(5) by striking out the reference "section 8339 (a), (b), (d), (g), and (h)" in section 8344 (a)(3)(A), and inserting the reference "section 8339 (a), (b), (d), (e), (h), and (i)" in place thereof.

SEC. 7. Section 8335(f) of title 5, United States Code, as added by this Act, does not apply to a person appointed as an air traffic controller by the Department of Transportation before the date of enactment of this Act.

SEC. 8. The Secretary of Transportation shall make a report to the Congress of his operations under the amendments made by this Act. The report shall include a detailed statement of the effectiveness of this Act in meeting the needs of the air traffic controller career program and of the air traffic control system, and any recommendations which the Secretary considers necessary or desirable for sound management of the program or the system. The Secretary shall make his report not later than 5 years after the date of enactment of this Act.

SEC. 9. This Act shall become effective at the beginning of the ninetieth day after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. HILLIS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DULSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill H.R. 8083. It is based on an official recommendation by the Secretary of Transportation.

The bill was reported by a unanimous record vote, attesting to the fact that it has strong bipartisan support. I might add that this legislation is supported by the organizations representing air traffic controllers.

The bill has two main purposes.

First, it will grant to the Secretary of Transportation greater flexibility in the management of the air traffic control work force.

Second, it provides for a new career development training program and improved retirement benefits for air traffic controllers who are unable to continue their duties as controllers.

The bill consists of five main features:

First, the air traffic controllers covered by the bill are only those who are directly engaged in the separation of air traffic and their immediate supervisors, since it was recognized that only these personnel are subject to the stress factors inherent to the controller occupation. The committee did not adopt an amendment which would have included flight service station personnel.

Second, the bill authorizes the Secretary to provide training in Government or other facilities for reemployment, in or outside the Government, to air traffic controllers who are unable to continue in their duties because of health reasons or a loss of technical proficiency. The training to be provided shall be agreed to by the controller, may be of 2 years duration or less, but sufficient to assist the controller in qualifying for other employment, and shall be based on such things as previous occupational skills and education and needs and desires of the controller.

Third, it authorizes the Secretary, in the interest of air safety or health of the controller, to involuntarily separate a controller eligible for an immediate annuity.

Fourth, the bill prescribes procedures for appeal by a controller who the Secretary determines should be separated for training or involuntary separation. The procedures require that the controller be given written notice of the determination and reason therefor. It also provides that the controller has the right of appeal to an independent three men board which shall review the determination and issue a final decision, binding on the parties.

Fifth, the bill authorizes a controller to retire voluntarily or, if involuntarily separated, to receive an annuity after completing 25 years of service as a controller, or after becoming 50 years of age and completing 20 years of controller service. The annuity shall not be reduced if the controller is under 55 years of age, and the annuity may not be less than 50 percent of his average salary.

In addition, except for those controllers appointed prior to the enactment of the bill, there is established a mandatory retirement age of 56, with the added proviso that a controller with exceptional skills could be retained until his 61st birthday.

Mr. Speaker, in the consideration of this bill, the committee was guided primarily by the need to promote safety for the ever increasing number of air travelers. We determined that in order to achieve this goal three things were necessary:

First, the Secretary of Transportation had to be provided with the tools necessary for the needed flexibility in the management of the controller work force. We believe this has been accomplished by granting him the authority to separate controllers either in the interest of air safety or for the health of the controller.

Second, the controller had to be provided with reasonable protection from the increased powers granted to the Secretary. The committee believes it has done so by establishing appeal procedures by an independent board of review.

Third, we recognized that the controller, because of his unique occupation and the stresses attached to it, and who must be separated from duties, would be unduly hampered in securing another position or maintaining a decent standard of living. As a result, provision was made for training or improved retirement benefits.

I believe the committee has reported needed and equitable legislation. The bill warrants the vote of each and every Member.

Mr. Speaker, I strongly urge passage of H.R. 8083.

Mr. HILLIS. Mr. Speaker, I yield myself three minutes.

Mr. Speaker, I should like to congratulate the chairman of our committee, the gentleman from New York (Mr. DULSKI) on the fine statement he has made concerning this bill.

Mr. Speaker, aviation is a very necessary part of today's modern world—yet it remains a field in which there is precious little room for error. Where the highest possible standard of safety is needed at all times.

I know—I pilot a small plane back to Indiana practically every weekend.

Of course, the pilot has to know what he is doing, and his equipment must be in good condition. But equally important is the help that pilot gets from air traffic control centers and towers all over the country—help in preflight planning, inflight communication, and landing assistance. Small errors in this field can be fatal.

That is why it is imperative that air controllers operate at peak performance at all times, day and night, rain or shine. They have to be ready to handle extreme mental and physical stress in any emergency—if traffic becomes heavy, weather conditions become dangerous, and so forth

Believe me, when you find yourself facing a line of thunderstorms midway home and need assistance or critical information, it is mighty nice to know there is an air controller down below who is looking out for you, and on whom you can count to remain cool and competent under any circumstances. A lot of lives depend on it.

The stresses and tension on air traffic controllers have been multiplied in recent years by the explosive growth in air traffic volume. Over the past 10 years, this volume has doubled. In the next 10 years, it is supposed to triple from the present level. In addition, an increasingly larger percentage of IFR pilots are needing greater services from air traffic control centers.

Today there are 730,000 pilots in the United States—of these, 35,000 hold airline transport pilot certificates. That leaves 695,000 general aviation pilots. Out of both groups, 169,800 pilots hold instrument ratings which entitles them to file IFR flight plans and fully utilize the air traffic control system. These centers also handle some VFR traffic on an advisory basis when able to do so.

The FAA forecasts the number of pilots to double within the next 10 years as FAA Administrator John Shaffer stated to the committee. That will impose a bigger workload on the system, particularly the en route centers. And as a result, the FAA estimates some 37,000 controllers will be needed in the next 10 years, as opposed to 24,000 now in service.

Congress has already recognized this growth and need for expansion of facilities by passing the Airport Development Act of 1970, making needed sums available for physical developments in the aviation field in the 1970's. But even in the future, the most complex aviation devices and developments will continue to rely on the human element—this is what makes the aviation system work and work safely. We must prepare now for an adequate and commensurate expansion of trained and vital air controllers, to meet the overwhelming demands of the space age.

Controllers are basically responsible for keeping aircraft properly separated and flowing smoothly. From the moment a pilot takes off until he lands, he is "passed along" a network of traffic controllers who are responsible for overseeing his safety. They keep informed as to the pilot's speed, altitude, and heading, and assist pilots who are lost or in difficulty. Tower controllers also provide a variety of weather, navigational, and flight information to pilots before takeoff and before and during landings.

Considering the continually heavy flow of air traffic minute by minute, is it small wonder the controllers burn out fairly rapidly?

Fortunately, the FAA has always an extremely competent crew of controllers. They are a hard-working crew. But ironically, the harder they work and the more competent service they provide, the sooner they are apt to find themselves "burnt out" and unable to continue to perform flawlessly.

While in most businesses, age and maturity can be counted as assets, this is not so in the air controller field. Unquestionably, this is a young man's business. Numerous studies have shown that as the controller approaches 50, his mental alertness, rapid decisionmaking abilities, and instant reactions, which are so necessary to this vocation, begin a definite decline.

Not many of us can afford to retire at age 50, yet for the controller to stay on in order to support his family is dangerous to both himself and the air traveling public. Any kind of marginal performance can be fatal to hundreds. So what is the alternative?

This bill we have before us today is the alternative. It provides a career development training program for retiring controllers, so they can continue a productive life in a less demanding position. It gives the Secretary of Transportation greater flexibility in shifting and removing controllers deemed no longer capable of continuing high-level performance. And this bill provides improved retirement benefits for long-serving controllers unable to continue their duties.

This measure will also help attract able young men into this important field by giving them security that at age 45 they will not be out on the street hunting for a job, with very limited skills which cannot be applied to most lines of work.

And it will allow them to be removed and retrained or allowed to draw pension benefits when they can no longer meet the demands of traffic controlling.

These measures were recommended by the FAA following an intensive study of the problems in recruiting and keeping top flight air controllers. They will not only provide benefits for controllers, but will also allow the Secretary of Transportation to operate a safer, more efficient national airspace system.

These are certainly vital topics of concern to those presently in the air controller ranks. In researching the need for this measure and the type of benefits it should include, members of the committee spoke to hundreds of controllers as well as airport managers and supervisors.

I visited the FAA Training Center in Oklahoma City, and spent an afternoon observing the pressured operations at the Nation's busiest airway in Oakland, Calif. I was also among a group which visited O'Hare's hectic air control tower, and towers at Dulles and En Route Center at Leesburg—we certainly agreed these men earn their living. We also saw why young men are so vitally important and why older men cannot cope so effectively in this demanding job.

I have personally conferred with other Members of this House who I deem to be particularly qualified to give judgment in this matter, one of whom was Representative DON H. CLAUSEN of California. He most wholeheartedly supports H.R. 8083.

The committee also held extensive hearings, which basically served to verify what committee members had seen in the field—there was some variance of opinion on what benefits should be included in this measure. There were those who argued that much more was needed, while others felt the bill already was too liberal. The committee is convinced the bill now before you is a good compromise between these variant viewpoints.

The committee, in fact, unanimously approved H.R. 8083, by a vote of 16 to 0. The measure also is endorsed strongly by the Department of Transportation, professional air traffic controllers organizations, the Civil Service Commission.

In closing, let me remind you that this measure is aimed at serving no special interest group. Rather, it is aimed at one goal—assuring the absolute ultimate in safety for the air-traveling public by improving the ranks of the air traffic controllers.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. HILLIS. Mr. Speaker, I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of this legislation and also to express my appreciation to the Post Office and Civil Service Committee for advancing the bill to the House, hopefully, for adoption.

I particularly want to commend our colleague from Indiana (Mr. HILLIS) for his leadership in this effort. It is very gratifying to know we have a man of his aircraft pilot competence and experience involved in the investigation and research effort as he visited the air traffic and approach control centers and facilities. One must observe the working and operating conditions of the air traffic controller, first hand—on the spot, in order to fully appreciate the magnitude of pressures they are subjected to in a normal working shift.

I am deeply grateful to Mr. Hillis for the attention he gave to my personal ideas and suggestions affecting career development, training program and the retirement improvement aspects of the legislation.

As a former professional pilot, I can testify to the quality of our FAA personnel and the extraordinary service they provide our general, business and commercial air transportation systems throughout the country.

There is a continuing demand on their judgment and very little margin for error as they perform their vital role in the interest of safe air traffic control procedures. The pressures can be very intense particularly in the high-density traffic areas of our metropolitan airports. Peak performance is a constant requirement.

Aviation growth has been very extensive; electronic communications and air navigation facility improvements have escalated the frequency of approaches to these busy airports. Future aviation developments will continue to expand and will continue to rely heavily on the human element for those on-the-spot decisions and directions required of competent men and women committed to service in our airport-airway systems.

In spite of all the trends toward automation, the qualified and responsive human being will still be needed to make the systems functional, efficient, and safe.

Because of the pressures previously alluded to, personnel directors of the FAA and Administrator John Shaeffer have long recognized and advocated the need to provide "new career development programs" and earlier retirement considerations for this select group of Federal Government employees. I commend Mr. Shaeffer for his efforts, along with the air traffic controller organizations responsible for coordinating the employee grievance presentations to those of us concerned with the problem here in the Congress.

I participated in a meeting in Denver, Colo., with controllers and their families wherein Mr. Shaeffer learned firsthand of the intense feelings these people had over the lack of consideration being given to their frustrations and pressures. At that time, and on other occasions, I pledged to do everything possible to help them.

Upon our return, following the meetings, to Washington, Mr. Shaeffer said:

> Don, we've got to do something for these people who are literally "burned-out" at an early age. We've got to change their career training development and retirement programs in the interest of air safety and, more importantly for the benefit of these competent, dedicated and hard-working FAA people.

Administrator Shaeffer has followed through on this pledge and expression of concern. I am pleased to have been a part of this effort.

While there may be some further improvements needed, I believe this will be recorded as a great day for aviation generally and our air traffic controllers more specifically.

The Congress has faced up to its responsibilities by advancing this legislation, so, on behalf of the entire aviation community, I thank the committee for its extensive hearings and work on this constructive air traffic controller career program.

I hope we will have a unanimous vote thereby demonstrating to the controllers that Congress and Government can be responsible to human needs and problems associated with this unique career segment of our air transportation system.

The future safety of our airways and approach control areas is at stake—the life you save may be your very own.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 8083.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HILLIS. Mr. Speaker, I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I support this legislation and urge its approval by the House.

Generally, I do not favor singling out one group of Federal employees and conferring special benefits on them to the exclusion of other employees. However, the personnel situation with respect to the air traffic controller workforce is such that the additional authorities and benefits provided in this bill are warranted and justified.

The legislation came to the Congress as an official request from the Secretary of Transportation, as a result of an extensive study of the air traffic controller workforce conducted by a special committee appointed by the Secretary. The bill received the careful attention of our full committee and as reported and being considered here today, the bill represents the best judgment of the committee on the number of personnel provisions it contains. The committee did an excellent job of resolving several problem areas which were called to our attention during the course of the extensive hearings.

For example, the bill as originally submitted to the Congress would, at least in my opinion, have permitted the "selection out" by the Secretary of controllers whom he determined to be physically disqualified or otherwise unable to perform the duties of controller in accord with aviation safety. As the Members are aware, I completely oppose the arbitrary "selection out" procedures that currently exist in the Department of State and certain other agencies. I had no intention of supporting this type of an arrangement with respect to air traffic controllers. Accordingly, the bill was amended by the committee to establish proper and meaningful review procedures of any determination that may be made by the Secretary so that the controller cannot be subjected to arbitrary and capricious actions.

The safe and efficient movement of millions of Americans each year through the air is almost completely dependent upon the persons who are covered by this legislation. In my judgment, this is a compelling reason why this bill should be enacted as soon as possible.

Mr. HILLIS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. Wyatt).

Mr. WYATT. Mr. Speaker, I think one of the most important things we have in this country today in the area of travel is air safety.

There is nothing more important to our safety in this country than to have healthy, young, vigorous, active, and happy controllers. I think this bill is a long step in that direction. I do not think it is perfect, but I think it is a good step in the right direction and I support this bill strongly.

Mr. HUNGATE. Mr. Speaker, I would like to reiterate my support for H.R. 8083, which will provide a more equitable career program for air traffic controllers.

When I cosponsored H.R. 8951, a similar bill introduced by my good friend and colleague from Arizona (Mr. Udall), I did so in response to the great need for creating some form of job security and more realistic retirement benefits for this vital part of our Nation's work force.

I heard from many of my constituents who urged my continued support for this legislation. Their comments emphasized the injustices, and included remarks such as:

> I have been an air traffic controller for the past two years with the FAA, and in those two years I have watched controllers fall by the way side, because they could not retire . . . It is rather discouraging to think that I have to work for the next 20 years for nothing.

And:

> I am now 42 years old, have worked 15 years as an air traffic controller, and I personally feel that I cannot handle the present traffic as efficiently as I could 10 years ago. I feel under the present conditions the outlook with the FAA is very bleak . . . I cannot see any relief for years to come. Under the present system, they will be able to count me out too in a few years!

We must maintain a capable air traffic controller work force and we must assure that those who choose this profession will have a secure future. While this bill could have gone a lot further, it is an important step and I urge its passage.

Mr. ROUSSELOT. Mr. Speaker, on August 8, 1969, the Department of Transportation Secretary Volpe appointed an Air Traffic Controller Career Committee inquiring into various aspects of the air traffic controller career.

The Secretary requested that the inquiry "cover, but not be limited to, employee compensation, work environment, employee practices, training, employee management relations, organization and direction."

At the conclusion of this exhaustive and comprehensive study, the committee recognized that the air traffic controller is a central element in the existing system, and made many recommendations on improving his working conditions and thereby significantly increasing aviation safety. Some of the recommendations offered by the special study committee, such as substantial increases in the number of controllers authorized, enactment of the Airport and Airways Group Act, automation of the air transport controllers system, reduced overtime requirements, and better communications between employees and management, have already been implemented administratively by the Federal Aviation Administration and, I understand, are working very well. However, other recommendations on the questions of training, and retirement, require congressional action. That is the reason the bill is before us today.

Our Post Office and Civil Service Committee has determined that air traffic controllers constitute a unique group within the Federal establishment, and thereby require special consideration. It allowed that the physical and mental demands placed on air traffic controllers were uncommon. And concluded what has been said by others before that air traffic controllers is a young man's business.

Mr. Speaker, the provisions of this bill, H.R. 8083, have already been adequately explained by the distinguished chairman of our committee, THADDEUS J. DULSKI. I can only repeat that this is good legislation which will help to contribute to the overall effectiveness and safety of our vast aviation system.

Mr. HILLIS. Mr. Speaker, we have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from New York that the House suspend the rules and pass the bill H.R. 8083, as amended.

The question was taken.

Mr. BURTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred eighty-seven Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 294, nays 0, not voting 137, as follows:

[Roll No. 285]

YEAS—294

Abbitt
Abernethy
Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Aspin
Aspinall
Badillo
Baker
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Boggs
Boland
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Dennis
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Esch
Fascell
Fish
Fisher
Flood
Flowers
Foley
Forsythe
Fountain
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gettys
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lent
Link
McClure
McCormack
McDade
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Miller, Ohio
Mink
Mitchell
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rangel
Rarick
Rees
Reid, N.Y.
Reuss
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruth
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Smith, Iowa
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion

NAYS—0

NOT VOTING—137

Addabbo
Alexander
Anderson, Tenn.
Annunzio
Ashbrook
Ashley
Baring
Barrett
Bell
Bingham
Blanton
Blatnik
Brademas
Brasco
Broyhill, Va.
Byrne, Pa.
Byrnes, Wis.
Casey, Tex.
Celler
Chisholm
Clark
Clawson, Del
Clay
Collier
Conable
Conyers
Crane
Daniels, N.J.
Danielson
Delaney
Denholm
Dent
Derwinski
Devine
Diggs
Dowdy
du Pont
Dwyer
Edwards, Calif.
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Flynt
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Fulton, Pa.
Gallagher
Garmatz
Giaimo
Gibbons
Gubser
Halpern
Hanley
Hanna
Hansen, Wash.
Hawkins
Hébert
Hicks, Mass.
Holifield
Hull
Hungate
Hutchinson
Ichord
King
Landrum
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCulloch
McDonald, Mich.
McEwen
McKinney
Martin
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Morse
Mosher
Moss
Murphy, N.Y.
Nelsen
Nichols
Passman
Patman
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Railsback
Reid, Ill.
Rhodes
Riegle
Rodino
Rogers
Runnels
Ruppe
Satterfield
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Stanton, James V.
Steele
Steiger, Wis.
Stuckey
Teague, Tex.
Terry
Thompson, N.J.
Waldie
Whitten
Widnall
Wiggins
Wilson, Bob
Wright
Young, Fla.
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. McEwen.

Mr. Celler with Mr. Poff.

Mr. Daniels of New Jersey with Mr. Widnall.

Mr. Delaney with Mr. King.

Mr. Rodino with Mr. Frelinghuysen.

Mr. Mills of Arkansas with Mr. Gerald R. Ford.

Mrs. Hicks of Massachusetts with Mr. McKinney.

Mr. Hébert with Mr. Byrnes of Wisconsin.

Mr. Slack with Mr. Young of Florida.

Mr. Brasco with Mr. Conable.

Mr. William D. Ford with Mr. Clay.

Mr. Waldie with Mr. Diggs.

Mr. Teague of Texas with Mr. Powell.

Mr. Annunzio with Mr. McClory.

Mr. Byrne of Pennsylvania with Mr. Fulton of Pennsylvania.

Mr. Fraser with Mrs. Chisholm.

Mr. Conyers with Mr. Edwards of California.

Mr. Baring with Mr. Ashbrook.

Mr. Dowdy with Mr. Mizell.

Mr. Flynt with Mr. Broyhill of Virginia.

Mr. Price of Illinois with Mr. Hutchinson.

Mr. Moss with Mr. Del Clawson.

Mr. Minish with Mr. du Pont.

Mr. Whitten with Mr. Lloyd.

Mr. Thompson of New Jersey with Mr. Smith of New York.

Mr. Mikva with Mr. Hawkins.

Mr. Melcher with Mr. Riegle.

Mr. Ichord with Mr. Minshall.

Mr. Blatnik with Mr. Mosher.

Mr. Dent with Mr. Eshleman.

Mr. Evins of Tennessee with Mr. Erlenborn.

Mr. Garmatz with Mr. Mills of Maryland.

Mr. Podell with Mr. Steele.

Mr. Giaimo with Mr. McDonald of Michigan.

Mr. Metcalfe with Mr. Leggett.

Mr. Clark with Mr. Ruppe.

Mr. Miller of California, with Mr. Smith of California.

Mr. Daniels of California, with Mr. Bob Wilson.

Mr. Alexander, with McCulloch.

Mr. Evans of Colorado, with Mr. McCollister.

Mr. Hungate, with Mr. Lujan.

Mr. Hanna, with Mr. Wiggins.

Mr. Murphy of New York, with Mr. Railsback.

Mr. Landrum, with Mr. Skubitz.

Mr. Hanley, with Mr. Steiger of Wisconsin.

Mr. Holifield, with Mr. Bell.

Mrs. Hansen of Washington, with Mr. McCloskey.

Mr. Gibbons with Mr. Findley.

Mr. Mollohan, with Mr. Zwach.

Mr. Anderson of Tennessee, with Mr. Hull.

Mr. Passman, with Mr. Ashley.

Mr. Satterfield, with Mr. Blanton.

Mr. Runnels, with Mr. Stuckey.

Mr. Casey of Texas, with Mr. James V. Stanton.

Mr. Denholm, with Mr. Long of Louisiana.

Mr. Edwards of Louisiana, with Preyer of North Carolina.

Mr. Rogers, with Mr. Gubser.

Mr. Lennon, with Mr. Terry.

Mr. Barrett, with Mr. Rhodes.

Mr. Patman, with Mr. Michel.

Mr Nichols, with Mr. Martin.

Mr. Wright, with Mr. Devine.

Mr. Gallagher, with Mrs. Dwyer.

Mr. Brademas, with Mr. Crane.

Mr. Long of Maryland, with Mr. Nelsen.

Mr. Bingham, with Mr. Halpern.

Mr. Pryor of Arkansas, with Mr. Derwinski.

Mr. Morse, with Mrs. Reid of Illinois.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes.".

A motion to reconsider was laid on the table.

POINT OF ORDER

Mr. BURTON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will state to the gentleman from California that a quorum has just been established.

CONFERENCE REPORT ON H.R. 8866, SUGAR ACT AMENDMENTS OF 1971

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BURTON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The Clerk will read the report.

The Clerk proceeded to read the conference report.

(For conference report and statement, see proceedings of the House of September 29, 1971.)

Mr. CHARLES H. WILSON (during the reading). Mr. Speaker, I ask unanimous consent that the conference report be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BURTON. I object.

The SPEAKER. Objection is heard.

The Clerk proceeded to read the conference report.

CALL OF THE HOUSE

Mr. BURTON. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. CHARLES H. WILSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair has not established a quorum, is counting, and cannot recognize the gentleman.

One hundred and eighty-one Members are present, not a quorum.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

Mr. ADAMS. Mr. Speaker, before the call starts, a parliamentary inquiry.

The SPEAKER. The Chair is without authority to recognize any Member for a parliamentary inquiry during the establishment of a quorum.

Mr. ADAMS. Mr. Speaker, before the call started, I asked for recognition to make a parliamentary inquiry.

The SPEAKER. The Chair cannot recognize for a parliamentary inquiry during the establishment of a quorum.

The clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 286]

Abbitt
Abourezk
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashbrook
Ashley
Baring
Barrett
Bell
Betts
Blanton
Blatnik
Brademas
Brasco
Broyhill, Va.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Cabell
Casey, Tex.
Celler
Chisholm
Clark
Clawson, Del
Clay
Conable
Conyers
Daniels, N.J.
Danielson
Delaney
Denholm
Dent
Devine
Diggs
Dowdy
Downing
du Pont
Dwyer
Edwards, Calif.
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Flynt
Ford, Gerald, R.
Ford, William D.
Fraser
Frelinghuysen
Fulton, Pa.
Garmatz
Giaimo
Gibbons
Gross
Gubser
Gude
Halpern
Hanley
Hanna
Hansen, Wash.
Harsha
Hawkins
Hébert
Hicks, Mass.
Holifield
Howard
Hull
Hungate
Hutchinson
Ichord
Kastenmeier
Keith
King
Landrum
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCulloch
McDonald, Mich.
McKinney
Martin
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Mosher
Moss
Murphy, N.Y.
Nichols
Passman
Patman
Pettis
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Railsback
Rhodes
Riegle
Rodino
Rooney, N.Y.
Rooney, Pa.
Runnels
Ruppe
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stuckey
Teague, Tex.
Terry
Thompson, N.J.
Tiernan
Waldie
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wright
Wyman
Young, Fla.
Zwach

The SPEAKER. On this rollcall, 285 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. BURTON. Mr. Speaker, I object.

MOTION OFFERED BY MR. BOGGS

Mr. BOGGS. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

CONFERENCE REPORT ON H.R. 8866, SUGAR ACT AMENDMENTS OF 1971

The SPEAKER. The Clerk will read.

The Clerk proceeded to read the conference report.

Mr. CHARLES H. WILSON (during the reading). Mr. Speaker, I ask unanimous consent that the conference report be considered as read. Any Member who wants to vote against it can vote against it.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BURTON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

POINT OF ORDER

Mr. BURTON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Two hundred nineteen Members are present, a quorum.

The Clerk will read.

The Clerk proceeded to read the conference report.

Mr. CHARLES H. WILSON (during the reading). Mr. Speaker, I ask unanimous consent that the conference report be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BURTON of California. Mr. Speaker, I object.

The SPEAKER. The Clerk will read.

The Clerk proceeded to read the conference report.

Mr. BURTON (during the reading). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Two hundred twenty-four Members are present, a quorum.

The Clerk will read.

The Clerk concluded the reading of the conference report.

The SPEAKER. The gentleman from Texas (Mr. POAGE) is recognized.

Mr. POAGE. Mr. Speaker, you have just heard the whole report and I think you surely now understand this is a good report and carries out practically everything the House had in the bill in the first place. We have come back with every member of the conference signing the report. We believe we have a good report. I hope it will be approved with a minimum of delay.

Mr. Speaker, I yield 30 minutes to the gentleman from Oklahoma (Mr. BELCHER).

Mr. BELCHER. Mr. Speaker, this is a good bill—let us vote.

Mr. DELLUMS. Mr. Speaker, it is utter hypocracy for our Government—and our national leaders—to espouse justice, equality, and freedom for American citizens while fostering policies which blatantly and tragically deny these ideals to citizens of other nations.

Yet, once again, we are asked to approve a U.S. Government subsidy to the racist and oppressive Republic of South Africa—a government which practices some of the most ugly and repressive acts upon its citizens of any nation in history.

The South African sugar quota is a quota of blood, violence, and racism. I cannot support legislation with such prejudice—all for the sake of possible lower prices for U.S. consumers.

It is indeed shameful for this body to be involved in supporting South Africa in anything—and I assure you that I will do all I can to hamper the apartheid South Africans and to limit U.S. business concerns doing business in that country.

Mr. GOODLING. Mr. Speaker, I assume each Member has received a letter from our colleague, the gentleman from Michigan, Congressman DIGGS, similar to one I have received.

In it he deplores the sugar quotas given to South Africa.

Let me first say the conference committee took the lowest possible available figure. The House version called for 60,300 tons. The Senate granted a quota of 57,745 tons. The conference committee report calls for 57,745.

Before dealing with South Africa, let us briefly look at some of its black neighbors:

The present bill gives the Malagasy Republic 9,623 tons. The committee compromised on 12,149 tons.

Swaziland now has a quota of 7,359 tons. The report we are considering raises this quota to 30,150 tons.

Malawi presently has no quota. Starting in 1973 this country will have a quota of 15,000 tons.

Uganda presently has no quota. This report gives it a quota of 15,075 tons.

Can anyone say the black neighbors of South Africa were neglected?

Now to specifically refute some of the statements made by Congressman DIGGS.

To avoid confusion, I insert his letter in the RECORD at this point:

> HOUSE OF REPRESENTATIVES,
> *Washington, D.C., October 1, 1971.*
>
> DEAR COLLEAGUE: The Conference report on the Sugar Act Amendments of 1971 is expected to come up for a vote on Monday, October 4. The quota for developed, racist South Africa continues to be part of this bill.
>
> I want to remind you that there is no political or economic justification for a sugar quota for South Africa, with its fully operating industrial complex. Sugar exports to all countries comprise only 2.5% of South Africa's total exports.
>
> The United Nations has pronounced its political system, apartheid, a "crime against humanity".
>
> The United States' bonanza for South African foreign exchange has benefited neither the black sugar grower nor the field worker. Of the $3.9 million premium paid to South Africa in 1969, for example, only about *$60 thousand* went to black growers.
>
> Nor do the exploited field workers fare better. As I personally witnessed during my recent visit to a South African sugar estate, housing conditions of the workers are deplorable. They are paid $14 a month. They work from sun-up to sun-down, on a diet of mealie-meal, with meat served only in the Saturday afternoon meal. Facilities are segregated—the visitors' reception complex, the hospital, the payroll lines, and so on.
>
> The visit of our study mission to the grounds of a sugar estate was arranged by the Indian leader, Mewa Rambogin, husband of Ghandi's granddaughter. I am reasonably certain that this was an important factor in the banning action taken against Mr. Rambogin last week by the South African government. Under the banning order, Mr. Rambogin is under limited house arrest for five years, he is prohibited from attending political, social, and education meetings, and he must report to the police weekly.
>
> The American housewife has to pay premium prices for sugar; the production capacity of the American domestic market is held down to provide this subsidy; and American labor is competing with the "slave" labor system of South Africa.
>
> For all these reasons, if the parliamentary situation permits of any way to register your opposition to this measure, I would earnestly urge you to do so.
>
> Sincerely,
>
> CHARLES C. DIGGS, Jr.,
> *Member of Congress.*

Let me answer just three categories.

First. Congressman DIGGS claims in the second paragraph that "there is no political or economic justification for a sugar quota to South Africa:

South Africa Sugar Association (SASA) dependability as a supplier and its demonstrated ability to fulfill its contractual obligations under the present Sugar Act was best summarized by the Chairman of the House Agriculture Committee, the Honorable W. R. POAGE, when he said:

> Of all the countries in the world, South Africa probably has indicated a greater determination to provide the United States with all the sugar that we sought to receive from them than any other country in the world." (*Congressional Record.* June 10, 1971, p. H5002.)

The House Agriculture Committee in early 1971 set standards for assigning sugar quotas for the next 3 years. These included political and economic criteria.

In the light of this record it is almost superfluous to point out that one of the other important criteria for economic justification was the balance-of-trade picture. In view of the U.S. precarious international trade posture the fact that this country enjoys a favorable balance of trade with South Africa, which amounts to $1 million a day and has enjoyed a favorable balance of trade with South Africa for $1 billion in the last 5 years, provides ample economic justification for favorable consideration of South Africa.

Second. In the fourth paragraph, Congressman DIGGS asserts that sugar quotas has benefited neither the black sugar grower nor the fieldworker.

This statement overlooks the fact that in 1970 the number of independent black farmers producing 500 tons or more of sugar had doubled during the life of the present Sugar Act. In addition, because of the industry's encouragement of the small independent grower, both by subsidies provided by SASA and by technical and agricultural extension assistance, the average yield for the independent small black grower has more than doubled during this same timespan.

During the same 5-year period the number of independent black growers increased by 20 percent to a total of 4,400.

Third. Congressman DIGGS discusses working and living conditions in his fifth paragraph, based on a 2-hour observation of the industry.

Congressman DIGGS claims that fieldworkers are: First, paid only $14 a month; second, are required to work from sunup to sundown; and third, have a diet of mealie-meal with meat provided only once a week.

The facts are otherwise. As shown in the figures supplied to the U.S. Embassy at Pretoria, the average wage for all fieldworkers, although varying from area to area, is $1.67 per day. A conservative estimate of benefits provided to the fieldworkers, including food, housing, and free medical care, bring this average figure up to $3 per day.

The average workday for fieldworkers is 5 to 6 hours, 6 days a week. On the Phoenix estate visited by Congressman DIGGS, the workday for fieldworkers is 8 hours.

On the same sugar estate—Phoenix—each fieldworker is provided 3 pounds of meat per week along with ample rations of fish, potatoes, and other locally grown vegetables.

Although Congressman DIGGS considers the housing he saw deplorable, the fact is that South Africa's biggest problem is in-migration from surrounding African countries, which suggests that others do not share his view of living conditions.

The living and working conditions of fieldworkers in the South African sugar industry are demonstrably higher than in any other African cane-producing nation and many sugar-producing countries in the Western Hemisphere.

I leave it to your better judgment to determine whether or not all the statements made were factual.

Mr. McKAY. Mr. Speaker, at the time the Committee on Agriculture was considering the Sugar Act I submitted a statement of support for it. It was my hope that the act would be amended to require the Secretary to make his initial consumption estimate in October, rather than allowing it anywhere in the last quarter. I am pleased that the bill in final form contains that change.

This act is of special importance in those areas, like Utah, where the raising of sugar beets has become a substantial part of its agricultural efforts. Often, when one segment of our economy seeks protection or regulation, it can only be provided at the expense of some other interest, or of the taxpayer generally. It has been argued that the Sugar Act is no exception, and that consumers pay higher prices because of this legislation. The arguments in support of that position are speculative at best, for the evidence appears to show just the opposite.

It is interesting to compare the price our consumers pay for sugar to those paid by Japanese consumers. Japan acquires most of its sugar from the world market and yet Japanese consumers pay—and have paid—considerably more for sugar than American consumers. And, in addition, they are subjected to prices which fluctuate drastically. Yet even though prices change substantially from year to year in Japan, the price of sugar to the Japanese consumer has never been lower than the price of sugar to the American consumer. It is especially noteworthy that the program imposes no burden on the taxpayer since the revenues supporting it are generated by the program itself.

Nearly every country in the world imposes some sort of restriction on the free sale of sugar. For this reason comparison of our system to the world market is unrealistic. I am pleased that the system of regulation developed in this country has served us so well.

I believe the conferees have done a fine job, as I did the Agriculture Committee of the House. I am pleased to have my vote recorded in favor of extension of the Sugar Act.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

Mr. BURTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. BURTON. Mr. Speaker, I object.

The SPEAKER. The gentleman waited too long.

The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BURTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred ninety-one Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 195, nays 91, not voting 145, as follows:

[Roll No. 287]

YEAS—195

Abbitt
Abernethy
Adams
Andrews, N. Dak.
Arends
Aspinall
Belcher
Bennett
Bergland
Bevill
Biaggi
Blackburn
Boggs
Boland
Bow
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carter
Cederberg
Chamberlain
Clausen, Don H.
Collier
Collins, Tex.
Colmer
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Dickinson
Donohue
Dorn
Downing
Dulski
Edmondson
Edwards, Ala.
Esch
Fascell
Fisher
Flood
Flowers
Foley
Fountain
Frenzel
Frey
Fulton, Tenn.
Galifianakis
Gallagher
Gaydos
Gettys
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Hagan
Haley
Hamilton
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hathaway
Hays
Henderson
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hunt
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
Kemp
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Link
McClure
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Michel
Miller, Ohio
Mink
Monagan
Montgomery
Morgan
Murphy, Ill.
Myers
Natcher
Nelsen
O'Neill
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Roberts
Robinson, Va.
Rogers
Roncalio
Rostenkowski
Roush
Roy
Ruth
Sandman
Satterfield
Scherle
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Smith, Iowa
Spence
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Stratton
Stubblefield
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Udall
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
White
Whitehurst
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wylie
Yatron
Young, Tex.
Zablocki
Zion

NAYS—91

Abzug
Anderson, Calif.
Anderson, Ill.
Archer
Aspin
Badillo
Baker
Begich
Biester
Bingham
Bolling
Bray
Broomfield
Broyhill, N.C.
Burton
Clancy
Cleveland
Collins, Ill.
Conte
Corman
Coughlin
Crane
Culver
Davis, Wis.
Dellenback
Dellums
Dennis
Derwinski
Dingell
Dow
Drinan
Duncan
Eckhardt
Eilberg
Fish
Forsythe
Fraser
Grasso
Green, Pa.
Grover
Hall
Harrington
Hastings
Hechler, W. Va.
Heckler, Mass.
Helstoski
Jacobs
Jarman
Kastenmeier
Keating
Koch
Macdonald, Mass.
Madden
Mann
Mayne
Mitchell
Moorhead
Morse
Nedzi
Nix
Obey
O'Hara
O'Konski
Pike
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Robison, N.Y.
Roe
Rosenthal
Rousselot
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Schmitz
Schneebeli
Schwengel
Snyder
Thomson, Wis.
Van Deerlin
Vanik
Whalen
Whalley
Wydler
Yates

NOT VOTING—145

Abourezk
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashbrook
Ashley
Baring
Barrett
Bell
Betts
Blanton
Blatnik
Brademas
Brasco
Broyhill, Va.
Byrne, Pa.
Byrnes, Wis.
Carney
Casey, Tex.
Celler
Chappell
Chisholm
Clark
Clawson, Del
Clay
Conable
Conyers
Cotter
Daniels, N.J.
Danielson
Delaney
Denholm
Dent
Devine
Diggs
Dowdy
du Pont
Dwyer
Edwards, Calif.
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Flynt
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Fulton, Pa.
Fuqua
Garmatz
Giaimo
Gibbons
Griffiths
Gross
Gubser
Gude
Halpern
Hanley
Hanna
Hansen, Wash.
Hawkins
Hébert
Hicks, Mass.
Holifield
Hungate
Hutchinson
Ichord
King
Landrum
Leggett
Lennon
Lent
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCulloch
McDonald, Mich.
McKinney
Martin
Mathias, Calif.
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Mosher
Moss
Murphy, N.Y.
Nichols
Passman
Patman
Pelly
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Railsback
Rhodes
Riegle
Rodino
Rooney, N.Y.
Rooney, Pa.
Runnels
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stokes
Stuckey
Sullivan
Symington
Teague, Tex.
Thompson, N.J.
Thone
Tiernan
Ullman
Waldie
Whitten
Widnall
Wiggins
Wilson, Bob
Wright
Wyman
Young, Fla.
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Diggs against.

Mr. Hébert for, with Mrs. Hicks of Massachusetts against.

Mr. Passman for, with Mr. Clay against.

Mr. Martin for, with Mr. Gude against.

Mr. Melcher for, with Mr. Bob Wilson against.

Mr. Hanna for, with Mr. Wiggins against.

Mr. Annunzio for, with Mr. Mosher against.

Mr. Blanton for, with Mr. Del Clawson against.

Mr. Blatnik for, with Mr. Devine against.

Mr. Brasco for, with Mr. du Pont against.

Mr. Byrne of Pennsylvania for, with Mr. Frelinghuysen against.

Mr. Hanley for, with Mr. Hutchinson against.

Mrs. Hansen of Washington for, with Mr. King against.

Mr. Slack for, with Mr. Ashley against.

Mr. Stephens for, with Mr. Brademas against.

Mr. Stuckey for, with Mr. Lent against.

Mr. Betts for, with Mr. Conable against.

Mrs. Dwyer for, with Mr. Gibbons against.

Mr. Gubser for, with Mr. Hawkins against.

Mr. Lloyd for, with Mr. Hungate against.

Mr. Lujan for, with Mr. Thompson of New Jersey against.

Mr. Mathias of California for, with Mr. McDonald of Michigan against.

Mr. Minshall for, with Mr. McKinney against.

Mr. Mizell for, with Mr. Pelly against.

Mr. Rhodes for, with Mr. Railsback against.

Mr. Skubitz for, with Mr. Riegle against.

Mr. Steele for, with Mr. Eshleman against.

Mr. Casey of Texas for, with Mr. Stokes against.

Mr. Chappell for, with Mr. Ichord against.

Mr. Daniels of New Jersey for, with Mr. Mikva against.

Mr. Danielson for, with Mr. Edwards of California against.

Mr. Dowdy for, with Mr. Cotter against.

Mr. Teague of Texas for, with Mr. McClory against.

Mr. Ullman for, with Mr. Erlenborn against.

Mr. Steiger of Wisconsin for, with Mr. Fulton against.

Mr. Young of Florida for, with Mr. Halpern against.

Until further notice:

Mr. Abourezk with Mr. Finley.

Mr. James V. Stanton with Mr. Thone.

Mr. Long of Maryland with Mr. Poff.

Mr. Leggett with Mr. Bell.

Mr. Miller of California with Mr. Gerald R. Ford.

Mr. Conyers with Mr. Symington.

Mrs. Chisholm with Mr. William D. Ford.

Mr. Waldie with Mr. Metcalfe.

Mr. Baring with Mr. Broyhill of Virginia.

Mr. Alexander with Mr. Powell.

Mr. Rodino with Mr. Widnall.

Mr. Price of Illinois with Mr. Springer.
Mr. Garmatz with Mr. Ashbrook.
Mr. Patman with Mr. Byrnes of Wisconsin.
Mr. Mills of Arkansas with Mr. Gross.
Mr. Mollohan with Mr. McCulloch.
Mr. Holifield with Mr. McCloskey.
Mr. Whitten with Mr. Wyman.
Mr. Delaney with Mr. Smith of New York.
Mr. Runnels with Mr. Mills of Maryland.
Mr. Denholm with Mr. McCollister.
Mrs. Sullivan with Mr. Zwach.
Mr. Addabbo with Mr. Wright.
Mr. Anderson of Tennessee with Mr. Rooney of Pennsylvania.
Mr. Tiernan with Mr. Landrum.
Mr. Minish with Mr. Pryor of Arkansas.
Mr. Dent with Mr. Lennon.
Mr. Andrews of Alabama with Mr. Long of Louisiana.
Mr. Barrett with Mr. Nichols.
Mr. Murphy of New York with Mr. Fuqua.
Mrs. Griffiths with Mr. Podell.
Mr. Preyer of North Carolina with Mr. Flynt.
Mr. Evins of Tennessee with Mr. Carney.
Mr. Giaimo with Mr. Evans of Colorado.
Mr. Celler with Mr. Moss.
Mr. Clark with Mr. Edwards of Louisiana.

Mr. SEIBERLING changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I have taken this time to announce to the House a change in our program.

We had originally scheduled the so-called equal rights for men and women amendment for consideration on Thursday, for the adoption of the rule and debate on the amendment. We have moved up both the adoption of the rule and some of the general debate until Wednesday next.

OVERSIGHT HEARINGS BY SPECIAL SUBCOMMITTEE ON LABOR TO EXAMINE ADMINISTRATION OF THE SERVICE CONTRACT ACT OF 1965

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I wish to announce to my colleagues that the Special Subcommittee on Labor will hold further oversight hearings on October 13 and 14, to examine the Labor Department's administration of the Service Contract Act of 1965.

This is an act designed to protect the wages and working conditions of service employees such as guards, restaurant workers, janitors, and other employees performing housekeeping functions under Government contracts.

As a result of a series of oversight hearings held this spring, the subcommittee published a unanimous interim report on August 31 which said, to quote from section 2, "Findings and conclusions":

> The subcommittee found that the act is being so interpreted and so administered as to substantially thwart the intent of the Congress in enacting it.

In spite of what we told administration officials when they testified before us in the spring, and in spite of the sharp words and specific recommendations in the subcommittee's report, we have discovered, to our dismay, that the same failures to administer the act properly continue, almost as if our hearings never took place.

We were very critical in the spring, for example, of the Secretary of Labor's failure to apply the virtually mandatory blacklisting provisions of the act to one of the most flagrant and notorious violators of the act. We criticized him on April 6 because he had been delaying a decision since September of 1970. I have discovered today that the Secretary has decided not to blacklist this firm.

We also reported on a support service contract renegotiation at the Kennedy Space Center which resulted in large-scale wage-cutting and loss of jobs for hundreds of employees. We concluded: "What is very clear is that NASA deliberately set out to cut the wages of service workers, and the protections of the Service Contract Act were unavailable because of nonfeasance on the part of the Department of Labor." We called it "a tragic symbol of what is happening to service employees at the hands of unsympathetic Government officials."

What effect did our findings have on the Department of Labor and other Government agencies? Apparently none. We have now learned that the Department has refused to issue a wage determination to cover service workers for a pending contract renegotiation at the Air Force eastern missile range in Cocoa Beach, Fla., a contract involving over 5,000 workers. We can foresee a repeat of the tragic events at Cape Kennedy on an even larger scale.

The sheer effrontery of this decision has convinced me of two things. First, we have to increase congressional oversight efforts to curb the usurpation and abuse of the grants of power we give to the executive branch. Second, although I am a firm believer in giving the executive branch a great deal of discretion in carrying out programs to meet circumstances we may not foresee, the history of this act's administration has convinced me that we are going to have to substantially amend it to insure that it is properly administered.

THE HONORABLE RICHARD H. POFF OF VIRGINIA

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, it is with a sense of sorrow that I rise to address the House of Representatives today.

Sorrow because one of the most distinguished Members of this body has removed his name from consideration as a possible nominee to the highest court in the land.

I rise not as a spokesman for any vested interest group and not even as a fellow member of the bar with him. Rather, I rise because he is a man for whom I have had great personal respect and admiration since long before I became privileged to call him colleague.

The distinguished gentleman from Virginia (Mr. POFF) has long been regarded by many people on both sides of the aisle in this body and by many others in the academic and in the legal fields throughout the Nation as one of the outstanding constitutional law experts in the United States. This reputation is apparently well-earned as two other Members of this body, the distinguished gentleman from Ohio (Mr. McCULLOCH) and the dean of the House of Representatives (Mr. CELLER)—two gentlemen who were frequently on opposite sides of the issue in many debates over the past several decades which have come before this body, nonetheless publicly and unqualifiedly endorsed him for membership on the highest court in the Nation. The former governor of California, a member of the other party, who worked closely over many months with the gentleman from Virginia also publicly endorsed him for this office.

And yet the raucus cacaphony of self-seeking individuals, who claim to represent various vested interest groups, and some Members in the other body had prevailed upon this man of high personal honor and integrity to save the Nation another battle and to put his own personal hopes and dreams aside.

I might add that despite the intensive scrutiny to which he has been subjected, no question was ever raised about the personal integrity or honor of this distinguished gentleman. The only claim that could be made by his opponents was that they disagreed with his political philosophy.

What a sad commentary it is that many of these same individuals who would oppose his political views, were the first to support a former Supreme Court Justice who had to resign under pressure. These same individuals whose voices were mute on that occasion are now pleased to have stopped my colleague, or even more hypocritically, are today applauding his decision to step aside as a noble gesture—these same individuals who only 3 or 4 days previously were saying this distinguished gentleman was incapable of any noble gestures.

Mr. Speaker, it grieves me that my colleague arrived at the decision he did. He would have made an outstanding addition to the Supreme Court.

I am proud to call the distinguished gentleman from the Sixth District of Virginia my "colleague."

HEARINGS SET ON CONSENT TO NEW YORK-NEW JERSEY AIRPORT COMMISSION COMPACT

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, Subcommittee No. 3 of the Committee on the Judiciary, of which I am chairman, wishes to announce 2 days of public hearings on House Joint Resolution 375, House Joint Resolution 404, and House Joint Resolution 433, identical measures granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for entering into the Airport Commission Compact, and for other purposes.

This legislation would authorize the Waterfront Commission of New York Harbor—to be known as the "Waterfront and Airport Commission of New York and New Jersey"—to exercise regulatory powers at airports in New York and New Jersey, in addition to those powers now exercised by the Commission on the Waterfront of New York Harbor. Fundamentally, the powers of the Commission involve licensing of employees and related persons and promulgating regulations for the security of air cargo.

Identical measures were considered by the subcommittee during the 91st Congress but the subcommittee did not complete its deliberations. Meanwhile, changes in the composition of Subcommittee No. 3 make it desirable to hold further hearings.

The hearings will begin at 10 a.m. on Thursday, October 14, and at 10:30 a.m. on Friday, October 15, 1971, in room 2226, Rayburn House Office Building. Persons wishing to present their views may make writen submission to the subcommittee.

RICHARD POFF'S DECISION

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISHER. Mr. Speaker, it was most regrettable—yet understandable—that our distinguished colleague from Virginia (Mr. Poff) has requested the President not to submit his name for confirmation as a Justice of the Supreme Court.

The gentleman from Virginia took this action in order to avoid what he described as "a long and divisive confirmation battle," and in order to save his family from the "agonies of such a battle."

It will be recalled that Mr. Poff's name had hardly been mentioned before some college professors, George Meany for the AFL–CIO, the NAACP, all hidebound and locked inside the narrow limits of their own ideologies and predilections, launched a vicious attack. They were looking for a victim, and they found one.

What they appear to be oblivious to is the fact that all men of any prominence have honest views on many subjects. The proper test is their ability to rise above any personal preferences and apply sound and responsible judicial judgment.

When Arthur Goldberg, former general counsel of AFL–CIO, was nominated to the Supreme Court, whose thinking was obviously pro-labor on any issue dealing with interpretation of labor laws, did Mr. Meany complain about possible lack of judicial temperament and openmindedness on the part of Mr. Goldberg?

When Thurgood Marshall, a man who spent his entire professional life fighting for the NAACP and for any and all sorts of civil rights legislation and causes, was nominated by President Johnson, did the NAACP—or the fuzzy-minded law professors—complain because Mr. Marshall might be biased in dealing with those subjects?

How unfair, narrowminded, and utterly ridiculous can they get? These people appear totally incapable of understanding the existence or the meaning of judicial statesmanship. If that line of thinking ever becomes predominant in this country, then God help America.

Many people are asking: Who will the next victim be?

CONGLOMERATES RESHAPE FOOD SUPPLY

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURTON. Mr. Speaker, I should like to take this opportunity to call to the attention of my colleagues a thought provoking article which appeared in the Washington Post on Sunday, October 3, entitled "Conglomerates Reshape Food Supply."

I could not help but note to myself that under existing exemptions it is possible for these conglomerates to avoid paying even a minimum wage to their employees in the Nation's agriculture industry. This is certainly a loophole which must be closed in the existing law.

I am placing in the Record at this time, the full text of the article:

Conglomerates Reshape Food Supply

(By Nick Kotz)

The name "Tenneco" is not yet a household word to American consumers, but it weighs heavily on the minds of the nation's embattled farmers and of government officials who worry about the cost of food and the fate of rural America.

For Tenneco, Inc., the 34th largest U.S. corporation and fastest-growing conglomerate, has become a farmer.

Its new activities symbolize an agricultural revolution that may reshape beyond recognition the nation's food supply system. Dozens of the largest corporations with such unfarm-like names as Standard Oil, Kaiser Aluminum and Southern Pacific have diverstified into agriculture.

What concerns farmers, processors and wholesalers is that the new breed of conglomerate farmers does not just grow crops or raise cattle. The corporate executives think in terms of "food supply systems," in which they own or control production, processing and marketing of food.

"Tenneco's goal in agriculture is integration from seedling to supermarket," the conglomerate reported to its stockholders. Its resources to achieve that goal include 1970 sales of $2.5 billion, profits of $324 million and assets of $4.3 billion in such fields as oil production, shipbuilding and manufacturing.

The conglomerate invasion of agriculture comes at a time when millions of farmers and farm workers have already been displaced, contributing to the problems of rural wastelands and congested cities. More than 100,000 farmers a year are quitting the land, and more than 1.5 million of those who remain are earning less than poverty-level farm incomes. Their plight is severe.

Although the U.S. census still counts 2.9 million farmers, 50,000 grow one-third of the country's food supply and 200,000 produce more than one-half of all food. The concentration of production is especially pronounced in such crops as fruit, vegetables and cotton.

In 1965, 3,400 cotton growers accounted for 34 per cent of sales, 2,500 fruit growers had 46 per cent of sales and 1,600 vegetable growers had 61 per cent of the market.

The medium to large-size "family farms"—annual sales of $20,000 to $500,000—survived earlier industrial and scientific revolutions in agriculture. They now face a financial revolution in which traditional functions of the food supply system are being reshuffled, combined and coordinated by corporate giants.

"Farming is moving with full speed toward becoming part of an integrated market-production system," says Eric Thor, an outspoken farm economist and director of the Agriculture Department's Farmer Cooperative Service. "This system, once it is developed, will be the same as industrialized systems in other U.S. industries."

Efforts to bar large corporations from farming have come too late, says Thor: "The battle for bigness in the food industry was fought and settled 35 years ago—chain stores versus 'Ma and Pa stores.' "

* * * * *

Large-scale industrial food systems provide cheaper food for consumers. Corporate takeover of the poultry industry did result in lower consumer prices. But for numerous food products, corporate forming has not lowered grocery costs, because the price of raw food materials is not a significant factor in determining final retail prices. For example, the cost of a food container is sometimes more than the farmer receives for the food packaged in it.

The new corporate farmers account for only 7 per cent of total food production, but they have made significant inroads in certain areas. Twenty large corporations now control poultry production. A dozen oil companies have invested in cattle feeding, helping shift the balance of production from small Midwestern feed lots to 100,000-head lots in the High Plains of Texas. Just three corporations—United Brands, Purex and Bud Antle, a company partly owned by Dow Chemical—dominate California lettuce production. The family farmer still rules supreme only in growing corn, wheat and other grains, and even here constantly larger acreage, machinery, credit and higher prices are needed for the family farmer to stay profitably in business.

Tenneco hopes that its new brand name, "Sun Giant," will one day become for fresh fruits and vegetables what "Del Monte" now means for canned foods. It hopes housewives will pay premium prices to buy its nationally advertised specially packaged fresh produce.

Tenneco, which started out as Tennessee Gas Transmission Co., says it made "giant strides" in 1970 toward its agriculture goals.

Resources rapidly accumulated by the giant conglomerate include: Kern County Land Co., which controls 1.8 million acres of land in California and other states; J. I. Case Co., a manufacturer of farm machinery; Packaging

Corp. of America, which makes food containers; Tenneco Chemicals, a producer of pesticides, and Heggblade-Margoleas, the nation's largest processor-marketer of fresh fruits and vegetables.

Even the largest independent California farmers question how they can compete with a corporation which can, at least in theory, own or control virtually every phase of a food supply system. Tenneco can plant its own vast acreage. It can plow those fields with its own tractors, which can be fueled with its own oil. It can spray its crops with its own pesticides and ultilize its own food additives. It then can process its food products in its own plants, package them in its own containers and distribute them to grocery stores through its own marketing system.

Financing the entire operation are the resources of a conglomerate with billions in assets, hundreds of millions in tax-free oil income and interests in banking and insurance companies. Tenneco, according to reports filed with the Securities and Exchange Commission, had 1969 gross income of $464 million and taxable income of $88.7 million. Yet due to federal tax breaks, Tenneco not only paid no taxes on that income, but had a tax credit of $13.3 million.

Tenneco officials—who don't want to be named—acknowledged they are building a vertically integrated food delivery system, but they deny any plans for coordinated use of the conglomerate's total resources. Each company must compete and earn a profit separately, they say. Nevertheless the Federal Trade Commission is actively scrutinizing the corporation's agricultural activities for possible antitrust violations.

Tenneco is reluctant to discuss details of its finances in agriculture, but available information indicates the scope of its present agricultural interests.

In 1970, Tenneco reported agricultural and land development sales of $107 million and profits of $22 million. It farmed 35,000 acres directly and 95,000 acres through 324 tenant farmers. It produced 2 million boxes of grapes, 1.5 million boxes of strawberries and large amounts of other fruits and vegetables. But that is only the beginning.

MARKETING FIRM

Heggblade-Margoleas, Tenneco's processing and marketing firm, sold its own products and those of about 2,000 other farmers. Heggblade-Margoleas is the nation's largest marketer of fresh fruits and vegetables and the world's largest marketer of table grapes. Its processing facilities include a new 8-acre plant and the world's largest date processing plant. Tenneco even has its own farm lobbyist in Washington.

Tenneco agricultural operations employ 1,100 full-time workers and 3,000 at the peak of harvest. Faced with a boycott of its other products, Tenneco last year signed a contract with Cesar Chavez's United Farm Workers Organizing Committee.

The 1970 contract signed with Tenneco and other grape growers raises basic wages to $1.75 to $1.80 an hour and provides a piecework bonus that can add another $1 an hour during harvest season. Before Chavez's union began its grape strike, wages averaged between $1 and $1.25 an hour. The contract also established a medical care fund, an economic development fund and safety precautions to protect workers from pesticide poisoning.

Tenneco's future plans include development of its Sun Giant brand produce and putting into production 30,000 newly irrigated acres.

FARMERS OVERPOWERED

The type of food system being put together by Tenneco and other conglomerates frustrates and frightens independent farmers. They see every element of the food business acquiring market power but themselves. On one side, they confront the buying power of giant food chains. Now they must compete with conglomerates that can take profits either from production, processing, or marketing. The individual farmer usually does not have such options. The giant competitors also benefit most from a variety of government subsidies on water, crops and income taxes.

Contrary to popular notion and most galling to the efficient, large, independent farmer, the corporate giants generally do not grow food cheaper than they do. Numerous USDA and university studies show that enormous acreage is not needed to farm efficiently.

For example, maximum cost-saving production efficiency is generally reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches. Thousands of independent family farmers possess such needed acreage, and farm it with the same machinery and techniques used by their new rivals.

In fact, studies show that the largest growers incur higher farm production costs as they employ more workers and layers of administrators.

A fullscale economic battle between the conglomerates and independent farmers is now unfolding in the nation's single most important farm area, the rich central valleys of California, which far outdistances Iowa as the first-ranked state in farm sales. California farms grow 40 per cent of the nation's vegetables, fruits and nuts. The state produces at least 90 percent of the country's supply of 15 crops and leads the nation in 25 others.

"If the Tenneco operation is allowed to go unchecked, it can change the whole complexion of farming in the valley," says Fresno attorney Donald Thuesen. "They have the marketing power to make or break the market. They can sell below cost, as a loss leader, to get other business, and sustain losses that no farmer can afford."

Thuesen represents a large grape grower who claims Tenneco forced him into bankruptcy by selling the grower's grapes below the market price. A former Tenneco tenant farmer makes similar claims involving the marketing of his potatoes. Tenneco denies these charges.

"Tenneco sells their produce first and you get what's left over," contends John Giacone, who grows cantaloupes in the San Joaquin Valley.

In an effort to market his own cantaloupes, Giacone built a plant to box and market his produce. But now he finds supermarket chains will not buy his cantaloupes unless he uses a different kind of container. The chains have changed their container specifications deciding that another kind of box is more convenient for their retail operations.

Remodeling his shed for the newly required packing process would cost $500,000, says Giacone, and that "will take the family jewels and then some."

At a time when they are confronted with overproduction in numerous crops, California's independent farmers are disturbed to see the conglomerates, with taxpayer's help, each bringing into production 5,000 to 100,000 newly irrigated acres.

A California state water project will irrigate 450,000 new acres for crops. A Ralph Nader task force calls the waterproject an unwarranted, $1,000-an-acre "welfare scheme" for a few big landowners. Tenneco plans to grow fruits and vegetables on 30,000 of these acres. Other major beneficiaries include Southern Pacific, Standard Oil of California and Belridge Oil Co.

INEFFICIENT FARMING

"Belridge Oil Co. is spending $185 million to develop 20,000 acres of fruit and vegetables," says Jack Bowen, a peach grower in Modesto. "They grew 640 acres of peaches last year just to see whether they wanted to grow them. If corporations like that get serious, we've had it. "We can produce more efficiently than these corporations but we may not be around long enough to prove it."

Bowen is not a small peach grower. A sign outside his spacious 350-acre orchard proudly proclaims "A Family Business for Four Generations." His annual sales exceed $300,000. He replaced the jobs of several hundred non-union migrant workers with a giant machine, which clutches peach trees by their trunks, then shakes off the peaches into a conveyor and onto trucks.

As a practical matter, Bowen and other California peach growers have become too efficient for their own good. Faced with ruinous prices last year, they destroyed 40 per cent of their harvest.

"We only have 53,000 acres of peaches in production," says Ugo Caviani, president of the California Peach Canning Association. "One big corporate grower like Tenneco could wipe us all out."

Caviani says the number of California cling peach growers has declined from 2,200 to 1,700 in only three years, while the number of canners has dropped from 40 to 14.

The nation's fruit and vegetable growers are not strangers of the tough competition of agribusiness. For many years, they have wrestled with the market power of chain stores and major food processors. They sell to canners such as Del Monte, Libby-McNeil & Libby, Green Giant Co., H. J. Heinz Co. and Minute Maid Corp. (a subsidiary of Coca Cola). Each of these canners also competes with the independent farmer by growing large amounts of its own food supply.

But the new conglomerate represents a different kind of competition. The older agribusiness corporations are primarily food companies and must make money somewhere in the food distribution system. Such is not necessarily the case with the new conglomerate farmers, for whom millions of dollars of agribusiness investment may represent only a fraction of their total holdings. Only 4 per cent of Tenneco's sales are from agriculture.

In fact, the conglomerates may find their food investments profitable even without earning anything from them. The profits may come from land speculation, federal crop subsidies, or generous federal tax laws. Tenneco received almost $1 million in 1970 cotton and sugar farm subsidies.

The new conglomerates utilize a variety of federal tax provisions that permit them to benefit from tax-loss farming and then profit again by taking capital gains from land sales. Tenneco, for example is now developing six new California suburban communities on former farm land.

Tenneco officials insist they are farming to make money, to serve the consumer quality products and to help strengthen American agriculture.

LAND AS INVENTORY

However, Simon Askin, Tenneco's executive vice president for agriculture and land development, recently told the Los Angeles Times: "We consider land as an inventory, but we're all for growing things on it while we wait for price appreciation or development. Agriculture pays the taxes plus a little."

The federal government has been hesitant to bring antitrust actions against conglomerates that move into farming. So farmers and corporations are watching closely a key test case that is developing in California's Salinas Valley, the lettuce celery capital of the country.

The Federal Trade Commission has charged both United Brands, the 81st largest U.S. corporation, and Purex Corp., the 316th largest, with seeking to monopolize the production and supply of fresh vegetables.

The FTC is negotiating a settlement with

Purex but the United Brands case is in federal court. The government charges that United Brands is transforming the lettuce and celery business from a competitive one of small, profitable, independent growers into a non-competitive industry dominated by large conglomerates. The FTC will seek to prove that United Brands cannot grow lettuce more cheaply and that it provides no price benefits to consumers.

In its reply to the FTC complaint, United Brands contends that the country needs large corporations in the farming business. United Brands, represented by President Nixon's former law firm, states:

"Although there may be some nostalgic desire to see a market composed of many small growers, that structure cannot survive against a market buyer (chain stores) that is composed of fewer and fewer companies with larger and larger market shares."

"SMALL FARMERS"

United Brands contends there is no economic justification for "a lettuce market composed of many small farmers who all are at the mercy of the buyers."

The FTC case illustrates dramatically the vastly different concepts by which industry and farmers measure bigness in agriculture. Most of the "small farmers" referred to by United Brands are, by present farm standards, among the largest independent farmers in the country. Their annual sales range from more than $100,000 to several million dollars.

Although admitting the increasing concentration of corporate power in fruit and vegetable production and the corporate takeover of poultry farming, USDA officials generally contend that this phenomenon will not spread to other farm products.

Many Midwestern cattle, hog and grain farmers disagree.

The fear that the cattle and hog feeding businesses, their best source of income, may follow the pattern in which independent poultry growers were wiped out.

About 20 corporations including Allied Mills, Ralston Purina and Pillsbury Co., originally went into poultry production as a means of developing markets for their feed. Farmers were signed up to grow the corporations' poultry, using their feed.

According to USDA studies, the poor but once independent poultry farmers are still poor as contract workers, earning about 54 cents an hour. A Ralph Nader task force on agriculture called this corporate farm system "poultry peonage."

The corporations, however, contend that they have benefited small farmers with a steady, if small, source of income. And, they say, they have given consumers lower priced chicken and turkey.

The farmer sees everyone he must deal with in the food production system acquiring more power except him. The supermarket chains, the grocery manufacturers and the new conglomerate farmers all have economic clout in the marketplace and political influence in Washington. Even migrant farm workers, still the lowest paid laborers in the country, have made some progress, signing contracts with the new conglomerate farmers, who are vulnerable to boycott of their brand products.

Only the individual farmer, with the exception of powerful cooperatives in a few crops, remains unorganized in the marketplace.

A battle to achieve market power now pits rival farm producer groups against each other, farmers against processors and farmers against migrant farm workers.

The battle has produced some strange new alliances and has strained old ones. It is now being fought with strikes and boycotts and in the halls of Congress.

THE CRISIS IN EMERGENCY MEDICAL TRANSPORTATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, during the past few years, I have watched spirited and dedicated members of the Southern Tier Heart Association in my congressional district design and put into operation the Chemung Country "shockmobile." Although I did not fully understand the significance of this project at its inception, I knew that it would provide a considerable improvement over then-existing emergency medical transportation. As my attention was drawn more closely to the program by its operational successes and as my contacts increased with physicians and medical associations throughout the country who were interested in the Chemung County experiment, I was struck by the fast-accumulating evidence that thousands of our citizens are dying every year, and thousands more are permanently injured or disabled, solely because of unresponsive or inadequate emergency medical transportation.

It may not be surprising to the well-informed; yet, I was given a start when I found that accidental death is the leading cause of death for those between 1 and 37 years of age. The American College of Surgeons has reported that, in 1968, accidents caused more than 100,000 deaths, 10 million cases of temporary disability, and 400,000 cases of permanent disability at a cost of $18 billion.

To the huge caseload created by accidents alone, must be added all other medical emergencies, such as coronary attacks and diseases of old age. Far too many victims of these sudden attacks rely on, and pay for, inadequate and poorly equipped ambulance service, served by untrained or undertrained attendants. Insofar as this service is provided by community volunteers—as is often the case in rural or smaller communities—it is unhappily true that neither their training nor their equipment is on a par with the high motives and admirable dedication of such volunteers. We have asked too much of them and given far too little

My point here needs no strong emotional preface. The fact itself speaks: Too many of our citizens are dying needlessly every day. From studies already completed, and described below, it is conceivable that as many as 20 percent of these accident-induced fatalities could be saved with proper care at the scene of the accident or en route to the hospital. This is not to mention the estimated 25,000 persons who have been reported permanently injured every year by untrained ambulance attendants and rescue workers, a figure which, of itself, demands our consideration.

Rather than merely transporting the patient, the new generation of ambulance, properly manned, can begin treatment to stabilize the patient before he is put in the ambulance, and the patient's condition can be monitored through radio transmission by the receiving hospital. The Chemung County ambulance, which I have mentioned, and several others throughout the country, transmit both verbal information and a continuous electrocardiograph reading to the waiting physician, who is able to prepare the proper medical response while the patient is en route to the hospital.

This new mode of emergency medical transportation, called by some "a hospital on wheels," is not the complete answer to proper emergency response. Such specially equipped vehicles are expensive and would place an excessive financial burden on the small rural community with less than 2,500 population, which is in greatest need of higher quality, emergency medical treatment. Aside from the normal medical emergencies caused by illness, these communities must provide emergency response to an inordinate number of accident victims. It is estimated by the National Academy of Sciences that 70 percent of traffic fatalities occur in such areas. In the small town, it is obvious that the needs of critically injured patients are far outstripping the emergency facilities available, often provided, as I have mentioned, by selfless volunteers.

Mr. Speaker, in the days to come, I hope to further explain the dimensions of our crisis in emergency care; but at this point, with your permission, I would like to insert in the Record an article which recently appeared in a special issue of Medical World News devoted to emergency medical care. Titled "The Ambulance Scandal," this article describes both the best and the worst of this Nation's emergency medical transportation services. Since the article is directed primarily at medical professionals, it includes a few "trade terms" such as ED—emergency department—and EMS—emergency medical services. However, these few abbreviations will not confuse the strong case which this article makes for an improved nationwide emergency medical transportation capability.

The article follows:

The Ambulance Scandal and Its Hazards to Life and Health

In ambulance services, there are centers of excellence like Jacksonville, Fla., Fort Dodge, Iowa, Baltimore, and Miami, but on the average, if a coronary strikes down an American in the street, or if he finds himself with a crushed chest inside a mass of twisted steel on a freeway, the odds are overwhelming that the arriving ambulance will not be equipped—nor will the attendant be trained—to give him the care he needs. Consequently, the doctor in the ED finds his work needlessly complicated—or his best efforts hopeless.

It is certain that many thousands of Americans die or are disabled every year for lack of proper care at the scene of an accident or en route to the hospital. No one can measure the numbers with precision, of course, but projections from studies that have been made indicate that mortality from accidents alone could be reduced by from 10% to 20% by proper care at the scene or en route. Dr. Archer Gordon of Thousand Oaks, Calif., chairman of the American Heart Association's Committee on Cardiopulmonary Resuscitation (CPR), believes that if the public were educated to early recognition of the symptoms of heart attack and if ambulance attendants and EDs generally were capable of prophylactic treatment, at least 30% of cardiac deaths could be prevented. The Ambulance Association of America has estimated that 25,000 persons are permanently injured or disabled every year by untrained ambulance attendants and rescue workers.

The National Highway Safety Bureau (NHSB), U.S. Department of Transportation, notes the occurrence of "many" needless deaths and disabilities in the introduction to its published Standard II dealing with EMs, and continues: "Few areas of the U.S. now have adequate emergency services. In most areas, there has been inadequate planning of emergency logistics, communications, and transportation facilities, and present services are inadequately managed. Ambulance operators, drivers, and attendants are commonly not required to be expert in first aid, nor are they required in most parts of the country to carry adequate equipment. It is imperative that highway and other emergency services be improved."

The magnitude of the problem may be gauged by the fact that accident is the fourth leading cause of death among all Americans, the first for those aged one to 37. Dr. Oscar P. Hampton Jr. of St. Louis, assistant director for trauma activities of the American College of Surgeons, says that in 1968 trauma resulted in more than 100,000 deaths, ten million cases of temporary disability, and 400,000 of permanent disability at a cost of $18 billion. Trauma patients used more hospital days than all heart patients or all obstetrical patients and more than four times as many as all cancer patients—22 million days in all. That, Dr. Hampton points out, is equivalent to 120 hospitals of 500 beds each. A reduction of just 10% in injuries requiring hospitalization would save more than two million hospital days, free physicians for 8,000 work days, and save $1.6 billion a year.

The bitterest aspect of these staggering figures is that the tragic toll could be so greatly reduced by (1) better accident prevention; (2) better protection of people from the consequences of accidents that do occur through such measures as the "safety packaging" of automobile passengers; and (3) better EMS. The last requires only the application of present knowledge by doctors and the public; no scientific breakthroughs are needed.

"Treatment of trauma in this country is unique in that existing competence is more poorly applied than in the treatment of any other disease," says Dr. William T. Fitts Jr., professor of surgery at the University of Pennsylvania. "The gap between what could be done and what is being done is wider than for any other disease."

Adds a report of the National Research Council: "More than one third of the accident fatalities in the U.S. occur at the scene, in the ambulance, or within minutes after arrival in the ER. Yet for decades, the general public and the medical profession have passively accepted ambulances sufficient only for transporting the injured on a litter, with little or no equipment for emergency care, manned by inadequately trained drivers or attendants." Some specifics:

In the 20 counties of northwestern Ohio, with a population of 1.5 million, "ambulances with some exceptions have only enough room for the patient lying down, with little or no room for an attendant to function. Equipment on most ambulances consists merely of an oxygen tank and mask. There are no splints and backboards, no equipment for resuscitation, heart monitoring, keeping the patient's clogged-up windpipe open, or providing intravenous therapy." So wrote the Toledo *Blade* on May 6, 1970, adding that even had such equipment been available, attendants were not trained to use it.

In Chicago, according to a study made public a few weeks ago by the Chicago Hospital Council, an average of 804 emergency cases are transported to hospitals weekly in police "squadrols"—actually paddy wagons that may carry drunks and prisoners with the patients. "Oxygen cannot be given to the 35 cardiac cases per week, nor to the 51 cases of seizures-convulsions, nor to the 21 unconscious cases per week," says the council. "The fractures of the 179 external limb injuries per week could not be splinted nor the 200 laceration cases per week temporarily cared for." The situation, says the report, "presents a substantial threat to the health and even life of the patients transported."

A 1968 University of Iowa study of ambulance service in that state revealed that 59.9% of the services were run by undertakers. Of these, only half required any first aid training at all of prospective employees, and 80% had no regular in-service training; 48.3% gave no first aid "in bad cases" before the patient was picked up, and 29.5% gave none at all, "because our business is transportation." Some 29% of the vehicles were station wagons and another 29% of all ambulances were more than ten years old. About 60% carried no splints. Only 48% of the operators bothered to clean the medical equipment after each use. "These data for Iowa are little different from those gathered in other states," commented the study's author, Lyle L. Shook. "The picture of ambulance service is very discouraging."

A University of Michigan team headed by surgeon Charles F. Frey examined the autopsy protocols of 159 patients who died of motor vehicle accidents in Washtenaw County. Of the victims, 28—18%— might have been salvaged and returned to society in much their previous state of health had the equipment and capability to start I.V. therapy and to perform endotracheal intubation and aspiration for tension pneumothorax been available at the accident scene or enroute to the hospital. Another nine victims were listed as possibly salvageable.

North Carolina began in 1968 strict enforcement of a highway safety program, including minimum standards for ambulance equipment and attendant training. There were 50 fewer highway deaths in 1969, while 1970 is running 100 deaths below the 1969 rate, though no other state in the union shows a significant decline, according to state epidemiologist Martin P. Hines.

Most of the ambulance services in this country were started by undertakers, who operated them at a loss. The work fell to the undertaker partly because in the early days of the automobile, he usually had the only vehicle in town capable of transporting a horizontal patient, partly because he was often a genuinely public-spirited citizen, and partly because running the ambulance gave the operator the inside track on some profitable business if the patient died.

The gruesome conflict of interest between losing money on an ambulance call and making money on a funeral is obvious and is the basis for many horror stories. Undertakers have been accused of not doing their best for critically ill patients and even of deliberately letting them die. At some disaster scenes, undertaker-ambulances have taken away the dead and left the injured living to wait.

The economics of ambulance service tend to encourage the unscrupulous. "I don't know of an emergency ambulance service in the country that charges its full cost," says Dr. Henry C. Huntley, director of the Public Health Service's Division of Emergency Health Services. "They're all subsidized one way or another—by government, by volunteers, by the advertising value to funeral directors." Aside from the amount of charges, the percentage of collections is very low. Frederick J. Lewis, assistant chief of the NHSB's emergency medical program, puts the national average collection ratio at 60% to 65% and says it is as low as 10% in some areas of the South.

Faced with this situation, even the best-intentioned undertakers have rarely been able to furnish satisfactory service. Willingly or not, they have felt forced to hire the cheapest possible labor and to keep costs for equipment and training to the absolute minimum. When, in 1966, federal law began to require a minimum wage of $1.60 an hour for attendants, and Medicare added some paper work costs, funeral directors began to go out of the ambulance business in numbers. In states where minimum standards for equipment and training have been introduced, the process was accelerated. In 1965, 83% of North Carolina's service was provided by more than 1,200 undertakers. Only 120 of them remain in the ambulance business today.

Those who do remain are hurting. An exhaustive study made in 1968 for the NHSB found that the three quarters of the undertaker-operated services were losing money only 4% reported making a profit, and one third said they would go out of business when the national highway standard became effective in their states. More than 10% of the 2,298 municipalities and counties responding (covering 47% of the U.S. population) said the type of purveyor of their ambulance services had changed in the previous five years. By far the largest group discontinuing service were undertakers, who were replaced by commerical services, branches of local government, volunteers, or not at all.

Despite their shrinking numbers, undertakers continue to operate about half of the ambulance services in the U.S. Commercial services have their troubles, too. The NHSB study reported that more than a fourth of them were losing money, and only 23% claimed to make a profit on ambulance services. (Most of the latter have a large volume of profitable nonemergency transfers.) Like the undertakers, commercial operators often depend upon other income for profit. Some operate as arms of medical supply houses, selling or renting such items as wheelchairs, crutches, and braces.

Pete Holden operates the ambulance in Covington, La., in conjunction with his service station and auto-wrecking business. He serves a population of 12,000 to 15,000 in and around Covington and makes about 36 runs a month. Holden was sued a while ago—a widow claims that her husband would have lived if he had been given oxygen—and court action is still pending. This was too much for Pete, who was losing money on the service anyway. He asked the police jury—which runs the parish (county) government—for a subsidy. When they turned him down, he quit.

Two other ambulance services came into town, both went broke, and Covington was without service for two months. So Holden opened up again, but with a grim new rule covering his $12-to-$15 charges. "I used to collect only 40% to 50%, but now I ask for the money right away and collect about 75%," he says. "About half the people who don't pay can, but just don't. Lot's of 'em just won't pay—until the next time they need you. They say they've got a lawsuit coming up or they're waiting for an insurance settlement. Medicare pays 80%, but they've got so many papers that I just don't fool with that. I'd rather let the people pay and then let them collect. Mostly what I lose I pick up on the wrecks. I figure I break about even now."

Commercial ambulance service varies from excellent to atrocious. Last June, the Chicago *Tribune* ran a blistering exposé of some of the private services, calling them "misery merchants" and "profiteers of human suffering." The articles told of attendants demanding $40 from a man suffering from an apparent heart attack; when they found he had only $2 in cash, they stole that and left him. Other incidents included the stories of an epileptic with a fractured hip who lay for two hours in a police "squadrol" waiting for the arrival of a private ambulance whose crew paid off the cops with $10; of a woman who had just suffered a miscarriage being forced to walk downstairs from the third floor; of an attendant pretending to give a woman oxygen so that a $10 extra fee could be charged, but actually turning off the valve.

Interestingly, the *Tribune* was tipped to the story by operators of some of Chicago's better private services, because the miscreants were giving the industry a bad name.

Volunteers provide about a quarter of American ambulance service, mostly in small towns. The system has both advantages and disadvantages. "They are highly motivated people, but it may take as many as 30 of them to provide two-man, round-the-clock, seven-day service," says NHSB's Lewis. "That means you have to invest more money in training. Wisconsin has contracted with us to buy 50 ambulances in the next two years (under a federal 50-50 matching program), and they're bringing in people from the villages to give them 70 hours of training.

"The villages are paying the local half of the cost, not the state. And since the law says that the money must come from public funds, the volunteers are raising it by every means from cake sales to door-to-door canvassing, and then donating it to the town or county."

Finally, about 25% of American ambulance service is provided by local government, usually through the police, fire department, or sheriff's office. (Only about 2% of service is provided through hospitals.) The quality of publicly provided service ranges from excellent, as in Baltimore, where the emergency medical technicians (EMTs) are the elite of the fire department, to the disgracefully low level provided by the police of Chicago (which also provides a better service through its fire department).

Why is the caliber of ambulance service generally so low, when statistically each of us may need it twice in his lifetime and all of us daily face the possibility of "death in a ditch"? as orthopedist Joseph D. Farrington, of Minocqua, Wis., and long-time crusader for better emergency medical services, puts it.

"I think there's only one problem, and it's economic," says Dr. Huntley of the PHS. "We're getting used to the $100-a-day hospital room, but the public in general has not accepted that if you're going to be given effective emergency care in the first hour, it's going to cost about $75 on the average across the country. If you say to somebody, "Pay $75 for a five-mile ride," he'll tell you you're out of your mind. The first job is to educate the public to the fact that what happens in that first hour may be more important than all that follows."

Three are no secrets to the operation of a good service; the elements have been known for years. First of them is adequate communications, including central dispatching, two-way radio between ambalances and hospitals, and means of instant communication between hospitals. Yet only 125 communities in the U.S. have central dispatch. (In Columbus, Ohio, a person needing an amblance can choose from among 45 services listed in the Yellow Pages.) Only 2% of U.S. hospitals have two-way radios.

Second is an adequate vehicle with a body large enough for its purpose and a ceiling high enough to permit an I.V. to drip and an attendant to work standing up. The National Research Council has prepared criteria for NHSB.

Third is adequate equipment, lists of which have been published by both the American College of Surgeons and the NRC.

Fourth is logistics. Ambulances should be stationed in places from which they can quickly and efficiently cover their assigned territories, and patients should be taken, not necessarily to the nearest hospital, but to the nearest one with an ED capacity to handle the problem.

Last is the item without which all others are useless—training. In New York State, a barber must have a year's training and a year's apprenticeship; an ambulance attendant 30 hours. In Washington, D.C., there are pages of law, covering the requirements for barbers and beauticians; the sole requirement for an amblance attendant is possession of a valid chauffeur's license. In places where training is required, it most commonly is no more than the Red Cross advanced first aid course.

The NAS–NRC has developed guidelines for a minimum course of 70 hours, but Dr. Huntley estimates that no more than 5% of all ambulance attendants have that much training. The American College of Surgeons, the American Academy of Orthopaedic Surgeons, and the American Heart Association have active training programs, and the NHSB has published a course consisting of 71 hours of classroom lessons plus ten hours of in-hospital work. It is based on a textbook just published by the AAOS, *Emergency Care and Transportation of the Sick and Injured*. (The book is availalbe for $4.95 from the AAOS, 430 N. Michigan Ave., Chicago, Ill. 60611.)

The way in which these elements can be combined is nowhere better illustrated than in Jacksonville, Fla. Starting from literally nothing just three years ago, Jacksonville has built what is generally considered to be the best ambulance service in the country. The city used to be served by undertakers, and the service was scandalously bad. When a local television station ran a scathing exposé, the undertakers quit in a body and without notice in November, 1967. An hour later, the fire department began service with three station wagons hastily equipped with stretchers. Fortunately, the firemen had all had at least advanced Red Cross training.

At the same time that the city was thrown on its own, an event unusual in local government was occurring. The Duval County government was abolished, its functions were merged into the city government, and the city limits were extended to the county lines, creating geographically the largest city in the world, with 525,000 people living in 848 square miles. More than 50,000 servicemen and students from three military bases and two colleges, plus very heavy transient traffic from six million Yankee tourists traveling through each year, make for a high automobile accident rate. A large retired population creates a high cardiac incidence. Both the need for an efficient ambulance service and the problems facing such a service are thus well above the norm.

Like all municipalities, Jacksonville was squeezed for money. But it was fortunate in several other respects, notably in a concerned and cooperative leadership in the county medical society, and in several remarkable men, among them cardiologist Roy M. Baker, who serves as surgeon to the fire department and medical advisor to the rescue squad for a remuneration of one dollar a year, and Capt. John M. Waters Jr. "Captain John" had been a career Coast Guardsman, chief of the CG search and rescue division, who was loaned to the NHSB to see whether military techniques of picking up and transporting the injured could be applied to victims of highway accidents. In mid-1968, he retired from federal service and became Jacksonville's director of public safety, with duties including supervision of the fire department.

He wangled grants of $250,000 for one year and $113,000 for a second from the NHSB to get his ambulance service off the ground. He set up his communications system in the fire department because it permits faster access, handling only about 10% as many calls as do the police. Ambulances have two-way communications with both central dispatch and directly with hospitals EDs, which also have "hot line" communication with each other. Every household in Jacksonville received, with its utility bills, stickers to be placed on telephones bearing the emergency numbers for police, fire, and ambulance. Old-fashioned street corner fire alarm pullboxes were replaced with telephones from which a citizen can call instantly for firemen, policemen, ambulance, or automobile mechanic. Because the citizen can tell what his trouble is, instead of merely sounding an alarm, there is no time wasted dispatching the wrong equipment. (And because a sign over the light on the central switchboard shows the exact location of the calling box, because it is harder to lie in person than to pull a handle and run, and because it is now generally known that all conversations are taped, false fire alarms have been reduced from about 60% of all calls to less than 5%.)

The basic Jacksonville ambulance is a specially designed box which, with its equipment, meets or surpasses all published standards. The list of drugs carried was drawn up by a committee of physicians and has been steadily augmented as the training of the emergency medical technicians (EMTs) has advanced. The ambulance box is mounted on a standard Chevrolet pick-up truck chassis. ("The ride's not the world's smoothest," Captain Waters confesses, "but when a patient has been stabilized, he doesn't seem to mind, particularly since our men drive at standard speeds. We use the lights and siren going out when every second saved may count, but we use them in less than 5% of our returns.") After every 35,000 miles, the old chassis is traded in and the box transferred to a new one. The captain figures that the boxes should last through four chassis, or about ten years, and that over that time the cost will be about half of what a limousine-type ambulance would cost.

The captain wanted to base all his ambulances at hospitals, but because of their bunched location, found that impossible. Four ambulances are now hospital-based, five stand at strategically located firehouses, and a tenth is in reserve. Average response time in the city from telephone call to arrival is 4.2 minutes. In a city that goes 37 miles east-west and 33 miles north-south, the longest response time in the past year was 17 minutes. "More often than not, we beat the police to the scene," says Lt. Robert L. Kotsis.

The 63 EMTs—all experienced firemen who volunteered for the elite ambulance corps—must know Jacksonville by heart so that no time is wasted making wrong turns or running into dead-end streets. Their training begins with a 20-hour review of first aid and continues with 30 hours of lectures and demonstrations on advanced procedures by 40 participating doctors. The third stage is to learn extrication techniques, to open airways and stop bleeding, apply splints and bandages, to strap the patient to a backboard and start an I.V., all of this as may be necessary before the injured person is moved. Then, if it is necessary, the EMTs will cut the car apart to get the patient out safely. If such a job should be beyond the equipment in the ambulance, they will call a hook and ladder team to do it. "We don't extricate the victim from the car," says Rescue Squad Chief J. A. Dowling. "We take the car away from the victim." And the men witness two autopsies on accident victims.

Next comes 100 hours of in-hospital training, which was by no means easy to arrange.

Despite support from the leadership of the medical society, the hospitals at first refused to let the firemen in to their emergency departments. They were outwitted by Julian ("Jay") Crawford, supervisor of rescue. His wife is a beautician and numbers several nurses among her clients and friends. Jay dropped into an ED one Saturday evening "just to say hello to a friend." He stayed two hours. The next Saturday he was back again and stayed until 4:30 a.m. "Every time I saw a chance to do anything, I did it," he says. "I changed bloody linen, mopped up stuff spilled on the floor. After two nights like this, they must have thought I did a good job, because they let me bring another man the third week. And after three or four months, word got around to the other hospitals that there was good free labor to be had, so they started calling Chief Dowling."

Like the proverbial camel with his nose under the tent, the firemen persisted—quietly, helpfully, and politely. Soon the doctors were teaching them ED techniques and letting them observe deliveries. (The rescue squad has done more than 50 emergency deliveries, all of them safely so far.) "But when we suggested that the EMTs could learn to treat cardiac cases, some of the doctors practically had apoplexy," Captain Waters recalls with a smile.

"But we were lucky enough to have a group of doctors who felt that the heart was very important," says Dr. Baker. "Our hospitals were organizing their CCUs then, and the captain showed them the statistics—we were running 1,500 DOAs from heart attacks. We thought of getting one of those monster mobile CCUs, like the one St. Vincent's has in New York, but we felt that one unit couldn't cover the largest city in the world, and besides, we didn't have the doctors to man it. It was better to have ten fully equipped ambulances, manned by trained EMTs and able to get to the patient in four or five minutes. There was plenty of opposition. It took us almost a year to get the thing through the medical society, despite the support of the then-president, Dr. Clyde M. Collins."

But at last the firemen were in. They receive training in coronary care in their regular 100 hours of hospital work, plus another 30 hours in the CCU itself, where they are instructed by six cardiologists—altogether more than 100 hours just on heart attack. "They learn to recognize the symptoms and the important rhythms, to understand and use the drugs and the gadgetry," says Dr. Baker. "They have become experts in cardiopulmonary resuscitation. These men are running the best mobile CCUs in the world."

Two ambulances respond to a "cardiac red" call. The EMTs are drilled in teamwork, and each of the four men knows exactly what he is to do in any given set of circumstances. At the scene, as necessary, the men will check vital signs, administer closed-chest massage, take cardioscope readings, and, if the patient is fibrillating, "zap" him without waiting for doctor's orders. They will be in touch with a physician in an ED by radio, will send him the patient's ECG by telemeter, and, under his direction, may administer drugs either orally or intramuscularly and give I.V.s. Essentially, with their portable equipment, they perform the same functions as would a nurse in the CCU. "With telemetry and under supervision, our EMT *is* the doctor on the scene," says Dr. Baker. "He is simply an effective extension of the doctor's arm." When the distant physician finds the patient sufficiently stabilized to be moved, the latter is shifted to an ambulance and driven off at the speed the doctor indicates. On the way, monitoring continues both on the ambulance's cardioscope and by telemetry, while continuous care is maintained under radio direction until the doctor boards the ambulance at the hospital door and takes direct command.

At the instance of the state medical association, Florida law was amended to permit all this to be done legally under the "responsible supervision" of an MD, and the legislative history makes clear that that term includes direction by radio or telephone. And Captain Waters is proud of the fact that the premium for malpractice insurance—up to $300,000 for all the coronary care given by his five dozen men—comes to only $4,500 a year.

Does the system really work? In the first six months of this year, the Jacksonville rescue squads handled 508 cases with cardiac symptoms, of whom 88 needed cardio-pulmonary resuscitation. Only 11 were DOA, and some of these were not viable when the ambulance reached them. "Now," says Dr. Baker, "we're trying to close that missing link—the four or five minutes before the ambulance gets there. The Northeast Florida Heart Association is teaching the entire community how to do mouth-to-mouth resuscitation and closed-chest massage." As part of the campaign, which may set a national pattern, special classes are held for relatives of known cardiacs while demonstrations are held by the ambulance men in busy public places, like shopping centers.

Ambulance service and demonstrations are not the only benefits Jacksonville receives from its EMTs. The city has a physical examination program for municipal employees, and the ambulance men do multiphasic screening, drawing blood, giving ECGs, and the like. The hospital-based men have proved themselves invaluable workers in the ED and CCU when they are not on runs, and in some hospitals they do all the ECGs at night.

What does all this cost Jacksonville? It costs $653,554 a year (which would be more in Northern cities because of higher fire department salaries), or $72,450 per ambulance. The cost per run is $36.50, though the city charges those who can pay only $22.50. The charge applies only if the patient is actually carried; service at the scene alone is free. Because many cannot pay, the total collected per call in charges is $14.40, leaving a tax cost of $22.10. This works out to 76 cents per year per resident.

The Jacksonville system, of course, could not be adopted everywhere without modification; e.g., in Montana, where the average ambulance run is 67 miles in each direction and runs of 250 miles are not uncommon. Fort Dodge, Iowa, a town of 32,000 with a surrounding farm population of another 18,000, solved its problem a different way. Until 1958, unsatisfactory service was provided by local undertakers and a cab company, but in that year a new service was begun by what is now Bethesda General Hospital. Bethesda has three vehicles, a $10,000 Pontiac for general duty, an $8,000 four-wheel-drive International Harvester for use on rough terrain, and a $24,000 Cortez—one of only 29 in the U.S.—which is used for general duty, as a rolling emergency room, and, with the addition of a $5,000 coronary cart, for cardiac cases.

About 100 calls a month are handled by a staff of ten men. They are trained in the trauma techniques recommended by the ACS and in CPR, and get renewed in-service training every two years. The hospital tries to have enough men on hand to cover two simultaneous calls, but there are times when an ambulance must go with only one trained attendant and a driver. (State law requires no training at all for an attendant; the Iowan who gets a Bethesda ambulance is one of the lucky ones.)

James A. Anderson, Bethesda's administrator, says the service runs a small deficit, but he keeps his economic head above water by using the attendants in the hospital as orderlies. "Our men are cross-trained both as orderlies and as attendants. When a man is not out on an ambulance or taking care of it, he is doing surgical preps, giving enemas, doing catheterizations, or wheeling patients. We make sure that they are always doing things that someone else can take over instantly.

"This system lets us allocate a good share of the manpower costs to the nursing department, so that the ambulance service does not have to bear it all alone. Also, the men stay in practice at dealing with patients. They're kept to a finely honed edge, and this makes them top-notch attendants. Handling patients every day helps to build in quality of service."

Many experts believe that such a hospital-based system, with its capacity for cost-sharing, represents the best hope for small communities, where the limited number of calls makes the per-call cost of full-time emergency service too high. It has the additional advantage of involving the hospital directly in the quality of care given by the EMTs, who become an extension of the ED, rather than outsiders who deliver a sometimes unwelcome burden.

And many other experts agree with the ACS' Dr. Hampton that government should bear any deficits of service. "Emergency ambulance service should be a third tax-supported emergency service, just as the police and fire departments are," he argues.

Dr. Hampton urges the medical profession to take the lead at the local level to develop public pressure for efficient service; to help organize an advisory council on emergency medical services, including representatives of all concerned agencies; and to improve in-hospital management and continuing education. "Organized medicine has the responsibility to do these things," he declares. "When a community lacks an adequate system of pre-hospital emergency services, a black mark is indelibly placed on the forehead of its medical profession."

The medical profession is not alone in its apathy. The Highway Safety Act of 1966 requires the NHSB to promulgate safety standards that must be adopted by all the states, and it has published what Dr. Hampton calls "a splendid program," including Standard 11, relating to EMS. Unhappily, that is about as far as matters have gone. Not one single state has yet met the EMS standards set by the four-year-old federal law. Nor has even one state submitted the comprehensive plan for compliance, as Standard 11 also requires.

The federal act requires that the Secretary of Transportation cut off, as of January 1, 1969, 10% of all federal highway funds from any state that had not by that date adopted the standards. The department has not complied with this requirement of law. ("Politically this is dynamite," warns NHSB's Frederick Lewis.)

It is a pity. As the PHS's Dr. Huntley puts it, "On the basis of our present knowledge, it is probably true that a dollar spent in this area would bring a greater return in the prevention of death and disability than a dollar spent in any other way."

TENSION IN THE BUREAU OF INDIAN AFFAIRS

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. KYL) is recognized for 10 minutes.

Mr. KYL. Mr. Speaker, During the past several weeks a number of tense situations have arisen in the Bureau of Indian Affairs, and they have had repercussions reaching far beyond the BIA itself. The end result has been that BIA programs have been obstructed while one group quarrels or sets itself against another. The chief victims are the Indian people whom the BIA is supposed to be serving.

Some groups and individuals inside and outside the the BIA have suggested that the BIA is being steered away from the policy of greater Indian involvement in the management of their own affairs.

Knowing Rogers Morton as a forthright and progressive-minded public official, I have been wholly unconvinced that any such fears are warranted. On the contrary, I have sensed that the Secretary's efforts to get programs going that will correct some basic problems have been hampered by agitators. Every step taken by Rogers Morton since he became Secretary of the Interior last January has been aimed at effecting President Nixon's program of strengthening Indian involvement in managing their own affairs.

On October 4, Secretary Morton held a press conference in which he outlined significant new programs and steps he is taking toward this end. They are based on the considered judgments of foremost Indian leaders with whom he has been conferring. His statement to the press exemplifies the thoroughness with which the Secretary has approached the issues in Indian affairs and the foresight with which he is dealing with such fundamental issues as Indian water rights, the need for massive road construction to develop reservation areas, the need for training programs to enable Indians to manage their own affairs well, and the need for greater authority to permit some of BIA's operations to be contracted out to tribal governments.

Mr. Speaker, I include Secretary Morton's October 4 statement in the RECORD:

STATEMENT ON INDIAN AFFAIRS BY SECRETARY OF THE INTERIOR ROGERS C. B. MORTON

I have called this news conference today to announce a series of actions relating to Indian water rights, contracts, roads, self-government, and legislative programs.

My purpose in taking these initiatives towards Indian self-government is setting a course for the Bureau of Indian Affairs designed to protect Indian resources and deal effectively with the root of Indian dissatisfaction—poverty, unemployment, and inadequate educational background. In my opinion this approach will do much to advance the cause of the Indian people of this Nation.

FIRST, WATER RIGHTS

Most reservations are in the arid West and depend for development upon adequate water supplies. In the past, Indian rights have not been protected. I intend to change that. I intend to do my best to see that Indians get their fair share of water.

To insure effective advocacy of Indian water rights, I am establishing an Indian Water Rights Office. It will serve as an interim body until enactment of legislation proposed by the President which calls for creation of an Indian Trust Counsel Authority.

This Office will include members of the Solicitor's Office, the Bureau of Indian Affairs, and the Geological Survey. It will be the focal point for seeing that appropriate action is taken to protect Indian water rights —including timely preparation of suits for submission to the Justice Department for filing in the courts.

This Office will report to the Commissioner of Indian Affairs, and he will report directly to me on water rights matters. In this way, we can assure that proper emphasis and priority continues to be given to this activity. I am also inviting the National Tribal Chairmen's Association to appoint an advisory board to work with the Indian Water Rights Office.

After further consultation with Indian leaders, we will announce the director, deputy director and other appointees to this Office. Supplementing their work will be field teams correspondingly constituted.

Two million dollars will be funded for the first year's operation of the Indian Water Rights Office and its field team program.

I have recommended to the Justice Department that it file suit to protect underground water rights of the Lummi Indians in the State of Washington. The Department is also intervening in the Escondido case now before the Federal Power Commission, and in a State of Idaho proceeding (Duck Valley). Moreover, the Department also intends to intervene in another Federal Power Commission matter involving the Chippewa Dam.

NEXT, CONTRACTING AND SELF-GOVERNMENT PROGRAMS

The expressed desire of many Indian tribes and groups is to contract with the BIA so that they may provide services hitherto performed by the BIA. In addition to the 724 contracts with Indians that have been renewed since May 1, 1971, I have approved 93 new contracts with a total value of $2,435,000.

These numbers show that contracting has by no means come to a halt, despite allegations from a few quarters that this is the case. Nevertheless, there is much more to be done in this direction.

I feel confident that the House and Senate Interior Committees will soon provide us an opportunity to appear before them in support of the President's proposed new legislation providing for broader contracting authority.

In the meantime we will continue to work out self-governing agreements under the authority of the Snyder Act, the Johnson-O'Malley Act and the Buy Indian Act. To the greatest extent possible within budgetary restraints we will continue to issue contracts for the procurement of goods and services from Indians and Indian groups.

Moreover, we are establishing a full-time training program to train BIA employees and prospective contractors in procedures and methods relating to the contracting process, to insure that effective arrangements will result. We will also work with Indian organizations, tribal or otherwise, to help them equip themselves to qualify for contracts. Existing training projects now handled under the Office of Economic Opportunity will be expanded. Tribal and government management training contracts will be set up in cooperation with the Department of Labor.

NEXT, ROADS FOR INDIAN RESERVATIONS

A modern network of roads is the prime physical system upon which social and economic development depend. Indian reservation communities live in the 1930's with respect to the adequacy of their surface transportation roadways. This is an obstruction to health services, to day schooling, to industry, tourism, to housing and sanitation.

Until 1935, no roads were constructed on Federally related Indian reservations. Since that time, the pace of construction has fallen far short of being commensurate with highway and road-building in the U.S. as a whole. The Indian areas are doomed to continuing isolation and poverty until modern roads are built. The BIA has developed a comprehensive construction plan under the direction of Alexander McNabb. I am working with the Office of Management and Budget and the Department of Transportation to seek funding that will open up Indian communities through modern roads systems.

NOW, A FEW COMMENTS ON LEGISLATION

I am releasing the text of a letter (attached) of September 20, 1971, from Assistant Secretary Loesch to Senate Interior Committee Chairman Henry Jackson clarifying the Department's position on the importance of items in the President's Indian legislation program. Certainly, the creation of an Indian Trust Counsel Authority is of prime importance to implement the President's program for Indians.

I will be the lead-off witness for the Indian Trust Counsel and other Presidential legislative proposals as soon as the Senate Interior Committee confirms its schedule of hearings on these bills.

I am delighted to see the House and Senate Interior Committee action on the Alaskan Native Claim bill, a matter so important to Indians. The bills reported out are very close to the version proposed by the President. What this shows is that there is a consensus among the Executive and the lawmakers of both parties reflecting fairness and equity in matters vitally affecting this Nation's first Americans. I am sure the other Indian measures proposed by the President will receive equally favorable treatment in Congress.

NOW, TWO OTHER ACTIONS I AM TAKING

On the recommendations of the Board of Directors of the National Tribal Chairmen's Association, I am creating an advisory board to assure better communications among the Bureau of Indian Affairs, the Secretary's office and the national Indian community. As the NTCA Board suggested, the group will be comprised of 15 members, including representatives from the National Congress of American Indians, the National Tribal Chairmen's Association, and other Indian groups, both reservation and otherwise.

I am instructing Assistant Secretary Loesch and Commissioner Bruce to have a special briefing prepared on the fiscal year 1973 Budget of the Bureau of Indian Affairs. This briefing will be presented for information and advice to officers of the National Tribal Chairmen's Association and of the National Congress of American Indians prior to the Secretary's final approval thereof.

I feel that these measures will help move the BIA efficiently and successfully on its course of implementing President Nixon's program which he outlined in his July 1970 Message to Congress.

But I do not suggest that these steps are the only ones necessary. As further needs become apparent, or additional new directions are needed we are committed to responding constructively to them.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 20, 1971.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of September 8 asking again for our view of the relative priority of Administration proposed legislation on Indian affairs.

There are a number of bills before the Committee enumerated in the President's special message of July 8, 1970, as well as another bill, S. 2237, subsequently recommended by this Department.

We believe all of these to be highly important and urge the Congress to act on them during this session. Among them we consider as most important the Indian Trust Counsel authorization and the two Indian self-help bills, S. 1573 and S. 1574. We hope, however, that any need for protracted hearings on any one of these bills would not become an obstacle to early enactment of the others.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

NAME OF CONTRACTOR, TYPE OF SERVICES PROVIDED, DATE AWARDED, AND AMOUNT

Cherokee Boys Club, Dump Truck Rental, 9/14, $15,000.

Miccosukee Corporation, Management & Operation of educational and social welfare programs for Missosukee Indian people, 5/14, $23,904.

Cherokee Boys Club, Youth Conservation Corps Camp, 5/17, $35,800.

Cherokee Boys Club, Housing Improvement Program, 9/13, $14,416.

Shoshone-Piaute Tribe, Duck Valley, Land subjugation, 6/28, $234,751.

Less S. Thomas, LST Construction, Provide and install L. P. Gas System, Keams Canyon, 6/28, $25,182.

Blackfeet Indian Housing Authority, Housing Development, 5/5, $5,000.

Blackfeet Land Management Service, Irrigation Pasture Demonstration, 5/27, $2,650.

Blackfeet Indian Housing Authority, Home Ownership Training, 5/27, $10,200.

Confederated Salish & Kootenai Tribes, Forest Rehabilitation, 5/17, $5,000.

Confederated Salish & Kootenai Housing Authority, Housing Development, 5/19, $6,000.

Confederated Salish & Kootenai Housing Authority, Home Ownership Training, 5/27, $8,400.

Ft. Belknap Housing Authority, Home Ownership Training, 5/27, $4,200.

Ft. Peck Housing Authority, Home Ownership Training, 5/13, $4,200.

Lummi Tribe, Ground Water Study, 5/20, $7,000.

Spokane Tribe, Water Resources Inventory, 5/17, $25,000.

Yakima Tribe, Water Resources Inventory, 5/17, $36,000.

Colville Tribe, Training for AFDC Recipient, 5/1, $6,000.

Colville Tribe, Community Development Project, 5/25, $7,000.

Shoshone Bannock, Training of Truck Drivers and Heavy Equipment Operators, 5/1, $4,480.

Warm Springs Tribe, Furnish Field Data for Timber Sales, 5/3, $5,803.

Quileute Tribe, Management Services for Organizing a Housing Authority, 6/17, $1,500.

Swinomish Tribe, Management Services for HUD low rent projects, 6/16, $1,500.

Lummi Tribe, Water Resources Inventory, 6/7, $20,000.

Lower Elwha Tribal Council, Management Services for HUD projects, 6/9, $1,500.

Frank Archambault, Study of Modular Home Industry, 6/7, $3,000.

Tulalip Tribe, Construct Duplex building, 6/7, $13,000.

Muckleshoot Tribe, Home repairs, 6/7, $6,930.

Quileute Tribe, Survey of resources, 6/2, $5,000.

Muckleshoot, Management Services for HUD, 6/1, $2,000.

Quinault, Management Services for HUD, 6/1, $2,000.

Yakima Indian Contractors, Repair water line, 6/4, $1,475.

Northern Cheyenne Housing Authority, Housing Landscape Development, 5/18, $3,000.

Northern Cheyenne Housing Authority, Home Ownership Training, 5/21, $11,000.

Chippewa-Cree Housing Authority, Home Ownership Training, 5/24, $5,400.

Chippewa-Cree Tribe, General Assistance & Tribal Work Experience Program, 7/1, $83,000.

Wind River Housing Authority, Home Ownership Training, 5/4, $4,200.

Shoshone & Arapahoe, Housing Improvement Program, 7/1, $75,000.

R.C.K. Inc., Albuquerque, Maintenance & Custodial Services—SWPT Inst., 7/1, $348,-413.

R.C.K. Inc., Albuquerque, Install water filter Zuni, Blackrcck, 5/25, $21,771.

Ramah Navajo Chapter, Tribal Work Experience, 5/6, $3,125.

Southern Ute Tribe, Igancio, Indian Education, 5/27, $5,000.

Santa Dominto Pueblo, Summer Program, 7/1, $3,500.

Mescalero Apache Tribe, Receiving Home Services, 7/1, $9,280.

Zuni Tribe, Compile & Publish Zuni History text, 6/3, $12,500.

Nez Perce Tribe of Idaho, Develop cultural material & publish history text, 5/14, $15,000.

Lukee Enterprises, Grants, Laundry Services, 7/21, $14,700.

Ute Fabricating Ltd. (Ft. Duchesne), Furniture—Haskell, 8/23, $23,800.

Ute Fabricating Ltd., Dorm Furniture—Intermountain, 8/23, $424,502.

Ute Fabricating Ltd., Kitchen Cabinets, 9/7, $5,327.

Smith Electric Co., Install Electric Service, 5/27, $2,129.

Yakima Indian Contractors, Roofing of building, 5/21, $2,415.

Yakima Indian Contractors, Framing of building, 5/4, $2,465.

Hoopa Valley Tribe, Sidewalks and curbs, 5/13, $2,030.

Hoopa Valley Tribe, Irrigation System, 5/21, $7,000.

Pit River Coop. Assn., Repairs to Pit River Flume, 5/28, $2,000.

Pala Indian Tribe, Housing Material, 5/28, $1,000.

Tule River Tribe, Repairs to Irrigation Systems, 5/27, $2,000.

Susanville Indian Rancheria, Adult Education Training Center, 6/28, $2,520.

Inter-Tribal Council of California, Welfare Grants, 5/24, $5,000.

Covelo Indian Community, Meetings, 8/12, $2,000.

Ft. Bidwell Indian Tribe, House Repairs (HIP), 5/24, $1,200.

Hoopa Valley Tribe, Forestry aid services and look-out services, 8/27, $6,700.

Standing Rock Sioux Tribe, Library reference resource material, Adult Education, 5/19, $2,835.

Yankton Sioux Tribe, Summer Education and Recreation Program, 5/21, $11,175.

Standing Rock Sioux Tribe, Summer Education and Recreation Program, 5/21, $15,500.

Standing Rock Sioux Tribe, Judicial and Enforcement Services, 5/21, $15,000.

Flandreau Santee Sioux Tribe, Furnish and Spread Gravel, 5/4, $5,000.

White Eagle Industries Inc., Mattresses, 6/5, $6,803.25.

Rosebud Sioux Tribe, Rental earth moving equipment, 5/10, $3,000.

Rosebud Sioux Tribe, Rental earth moving equipment, 5/10, $2,220.

Cheyenne River Sioux Tribe, Warehouse rental, 5/21, $1,000.

LaRosa Industries, Lawn Services, 5/22, $3,000.

Winnebago Tribe, Provide Indian Culture Program (encampment 50 youth on welfare), 6/21, $12,700.

Crow Creek Sioux Tribe, Advertising & promotion Ft. Thompson Complex, 6/22, $33,000.

Three Affiliated Tribes, Advertising & promotion of Four Bear Park, 6/22, $35,000.

Yankton Sioux Tribe, Employment Assistance, 7/1, $10,000.

Omaha Tribe of Nebraska, Employment Assistance, 7/1, $32,393.

Nebraska Indian Inter-Tribal, Training and employment project, 7/1, $13,386.

Omaha Tribe of Nebraska Scholarship and boarding school processing, 7/1, $97,450.

Omaha Tribe of Nebraska, Adult education, 7/1, $9,750.

Turtle Mountain Band of Chippewa Indians, Adult Education, 7/9, $12,500.

Sisseton Wahpeton Sioux Tribe, Adult Education, 7/1, $41,282.

Devils Lake Sioux Tribe, Operation of St. Michael's School, 7/9, $220,000.

Yankton Sioux Tribe, Judicial Prevention and Enforcement, 7/1, $32,000.

Sisseton Wahpeton Sioux Tribe, Administer Reservation Program, 7/8, $25,000.

Yankton Sioux Tribe, Administer Community Deevlopment Program, 7/1, $17,900.

Sisseton Wahpeton Sioux Tribe, Administering a guidance and Counselling Program, 8/16, $26,544.

Standing Rock Sioux Tribe, Comprehensive Pilot Program Title VIB, 9/15, $22,-520.78.

T. P. Construction, Refinish Gym Floor, 9/22, $3,490.

Donald D. Isberg, School building addition, 9/21, $47,530.88.

T. P. Construction, Rework windows—heating plant, 9/21, $2,960.

Philip S. Byrnes Sr., Grading and draining on 2.140 miles of Cedar Creek Road, 9/9, $24,568.59.

EVALUATION IN THE OEO CHILD DEVELOPMENT BILL

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 30 minutes.

Mr. VEYSEY. Mr. Speaker, for a number of years I have been concerned that Congress and State legislatures are often asked to establish and continued broad social programs with very little, if any, basis for judging their effectiveness. These programs tend to develop their own constituency of financially and emotionally interested adherents who contend that every program and project, good or bad, must be continued as a sign of our commitment to something called social progress.

If all we were doing was demonstrating that our souls are pure, that would be fine; but these programs are more than symbolic. When we vote to continue a massive program like OEO and to establish a major new program like child development we are precluding ourselves from being able to direct Federal resources to programs that might be better.

We owe it to the taxpayers and to the people these programs are designed to aid to be sure the programs we continue are effectively delivering what they promise.

With this in mind I offered an amendment to the OEO bill in committee to strengthen the evaluation sections then spread through the act.

I have been amazed to learn that after 5 years of experience under OEO, and the expenditure of over $11 billion, we really know very little about the effectiveness of any of its programs. It is easy to find the number of dollars spent, or the number of Community Action Agencies established, et cetera, but this is only our investment. It does not tell us what we have actually gotten out of the program.

The sense of my amendment was to require the Director to do certain things: First, to develop and publish standards for evaluation at the time the programs are developed; then to bring about evaluation of the impact of each program, its effectiveness in achieving its stated goals, and its impact on related programs; and finally to evaluate its structure and mechanism for delivery of services including, where appropriate, comparisons with control groups of people who have not experienced the program.

I believe this approach, Mr. Speaker, might lead us in the direction of finding out what part of the OEO programs are really working and what parts are not working. I am sure there are some great successes. I am sure there are some dismal failures. We ought to know which parts are which.

My amendment will cause the Director to take action to lean in the direction of those programs that are effective and away from those programs that have proven themselves to be ineffective.

The text of the amendment is as follows:

TITLE IX—EVALUATION

SECTION 901. (a) The Director shall provide for evaluations that describe and measure the impact of these programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. He may, for these purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

(b) The Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act.

(c) The Director may require community action agencies to provide independent evaluations.

(d) Federal agencies administering programs related to this Act shall—

(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he judges appropriate, to the fullest extent permitted by other applicable law; and

(2) provide the Director with such statistical data, program reports, and other materials as they presently collect and compile on program operations, beneficiaries, and effectiveness.

(e) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinion of program participants about the strengths and weaknesses of the programs.

(f) The Director shall consult, where appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

(g) The Director shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than 60 days after its completion.

(h) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(i) The Director shall publish and summarize the results of activities carried out pursuant to this Title in the report required by section 608.

I am pleased that the House Education and Labor Committee approved this approach and incorporated my amendment in the OEO bill.

Feeling as I do that standards for evaluation should be established at the time a program is designed, I was particularly concerned to see that the massive new child development program would contain an effective evaluation provision. I prepared an amendment to that bill incorporating many of these same principles, but directed to child development which I intended to offer in committee.

The child development bill was passed through the full Education and Labor Committee under confused and rushed conditions. I, therefore, prepared to offer my amendment to the bill when it came before the House, only to find that it was not considered alone, but was amended into the OEO bill.

During floor debate on the Child development amendment I offered my amendment. The original text was as follows:

AMENDMENTS OFFERED BY MR. VEYSEY TO THE AMENDMENT TO H.R. 10351 OFFERED BY MR. BRADEMAS

Strike out sections 501 through 503 and insert in lieu thereof the following and renumber the succeeding sections accordingly:

EVALUATION

SECTION 501. (a) The Secretary shall measure and evaluate the impact of these programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the program or project evaluated.

(b) The Secretary shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider along with other information the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

(d) The Secretary shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than 60 days after the completion thereof.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

SEC. 503. Such portions as the Secretary may determine, but not more than one percent of any appropriation under this Act for program purposes, shall be available to him for evaluations.

REPORTS

SEC. 504. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act.

After the semicolon at the end of section 104(a)(1), add the following:

"And these goals shall be listed in order of priority, and stated as much as possible in a form amendable to quantification;".

I said at that time:

Mr. Chairman, the amendment which I offer would insert a section on evaluation in the Brademas amendment. What Mr. BRADEMAS proposes here today under a rather unusual arrangement is the establishment of an entirely new program, a program which, as has been related to us, could cost as much as $20 billion a year. Now, that is a very major commitment and one which should not be undertaken lightly. It is my feeling, as expressed in this amendment, that there should be careful establishment of goals and objectives before we take the plunge.

There should be evaluation of the results in the performance of the various parts of the program against those goals and objectives as the program develops. This is only prudent in terms of our custody of the taxpayers' money in this massive amount. I have introduced a similar amendment, and it has been approved by the Committee on Education and Labor in conjunction with other sections of the OEO package. I think it is vitally important that this evaluation requirement be placed in this child development section because this section far outstrips in dollar magnitude, that of other sections of the OEO bill to which it would be joined at this point.

This amendment would lay a new requirement on the Secretary to establish the objectives and to evaluate performance against the objectives to determine cost effective use of the dollars in this program. It would give the Secretary the opportunity to eliminate those programs which prove to be not effective and to increase those programs which do demonstrate, after careful and objective evaluation, that they are acomplishing their purpose.

I think this would be a proper direction for us to take at this time, and I hope the gentleman from Indiana (Mr. BRADEMAS) may be able to accept this amendment.

Although there was active interest in the amendment, detailed consideration could not take place on the floor. I am convinced that had time permitted a thorough explanation of the specifics of the proposal the amendment would have been acceptable to the full House. The committee endorsed and the House accepted the approach embodied in my amendment for the OEO Bill in general. It was the time pressure we were under that led to rejection, not the content.

It now appears that my amendment to the child development section of the OEO bill may have been partially redundant and unnecessary. When the House voted to include the child development bill in the OEO bill as an amendment, the evaluation title of the OEO bill took precedence over the sketchy evaluation language originally included in the child development text.

Since the House committee expressly considered the evaluation section of OEO and improved it, this language should be construed to supersede the evaluation sections of other sections subsequently added onto the bill.

I intend to offer similar evaluation requirements in the future. The time has come to insist that the American taxpayer get a dollars worth of value for every dollar he invests in social programs. We all know this has not been the case, but we will have the opportunity and the tools to see that programs will be properly evaluated in the future.

EQUAL ENLISTMENT REQUIREMENTS FOR MEN AND WOMEN

The SPEAKER. Under a pervious order of the House, the gentleman from New York (Mr. HORTON) is recognized for 5 minutes.

Mr. HORTON. Mr. Speaker, today I have introduced legislation to make the minimum enlistment age in our Armed Forces equal for both men and women. With the impending vote on the Equal Rights Amendment, I feel this legislation is a timely contribution to our efforts to assure equal rights for men and women in our country.

This past summer, Miss Melody Hagstrom, a 17-year-old high school graduate in my district, endeavored to enlist in one of the armed services. She contacted the Army, Navy, Air Force, and Marine recruiting offices, but was told by each that she could not be considered until she reached the age of 18, even though she had her parents' consent. Males with parental consent may enlist at the age of 17, but she could not.

My inquiries to the various military departments revealed that the restriction placed upon the age of enlistees is not a matter of policy or regulation. Rather, it has been specifically imposed by the Congress.

Title 10 of the United States Code now states that secretaries of the military departments may accept original enlistments in the regular services of qualified, effective and able-bodied persons who are not less than 17 years of age in the case of male persons and not less than 18 years of age in the case of female persons. However, no male person under the age of 18 years, or female person under 21 years of age, may be originally enlisted without the written consent of his parent or guardian.

My bill would remove the discrimination against women in title 10. It would allow the services to accept women at the age of 17 with parental consent, or at the age of 18 regardless of parental consent.

Mr. Speaker, when Melody's parents wrote to me requesting my assistance, their letter concluded with the following:

> At this time in our country's history when our young people are questioning our laws and our values and the spark of patriotism needs kindling as never before, it seems a shame that a young person who wishes to serve her country is denied this privilege for a biological reason. Our President has been stressing that American women play a more active role in our government and use their talents to serve America. Yet, in the Armed Forces, over which he is Commander-in-Chief, sex discrimination is practiced.

Mr. Speaker, I am pleased to introduce a bill to implement Mr. and Mrs. Hagstrom's call for equal enlistment requirements for men and women.

Since 1967, I have been a strong proponent of an all-volunteer military. Opening up our Armed Forces to women on an equal basis with men would certainly be in line with our efforts to reach the goal of an all-volunteer Army. It should also be recognized that there are in our Armed Forces thousands of noncombat positions which can and should be filled by women.

Mr. Speaker, I call upon each of my colleagues to lend their full support to the measure I have introduced.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. America offers its young people a far greater opportunity for attaining a good education. Heads of families of 61 percent of last fall's college students never went to college themselves. Fifteen percent had attended but were not graduated. Only 24 percent had finished.

TO CLARIFY THE SCOPE OF THE STATUTORY DUTY TO BARGAIN

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, I present for appropriate reference a bill amending the National Labor Relations Act.

The bill amends section 8(d) and it is drawn, Mr. Speaker, to redefine and clarify the scope of the statutory duty to bargain. Briefly stated, section 8(d) as it applies to an employer says he commits an unfair labor practice by refusing to confer in good faith with the representative of his employees as to wages, hours, and other terms or conditions of employment, or by refusing to negotiate an agreement. In a series of recent cases the NLRB has expanded the scope of section 8(d) to encompass rulings and concepts not envisioned by the Congress. These need to be brought back into balance, Mr. Speaker, in the interest of evenhanded and impartial administration of this statute.

Illustrative of these NLRB innovations, Mr. Speaker, is the manner in which these decisions have encroached upon the prerogatives of management. The Board requires an employer to negotiate with the union about such things as operational changes he makes for greater efficiency, or even about his decision to close down a department or an entire plant. See Town and Country Manufacturing Co. 136 NLRB 1022 (1962); and Fibreboard Corp., 138 NLRB 550 (1962).) There is no warrant in the legislation or its history for requiring that such management decisions be the subject of compulsory bargaining. In clarifying the statute as to this point, however, my bill does not prevent the NLRB from requiring that after such a decision is made, management should discuss with the union the impact of that decision on the employees in the bargaining unit.

Another facet of the duty to bargain, Mr. Speaker, is the clear language in the law which says neither party must agree to what the other party proposes, nor is either required to make a concession. Notwithstanding this, the NLRB will hold an employer guilty of an unfair labor practice if he stands firm on the proposals he first offers in negotiations and rejects the union's counterproposals. See General Electric Co., 150 NLRB 192. The NLRB labeled an employer's attitude as adamant and uncompromising when he held to his own proposals and refused to make concessions to the union. See Fitzgerald Mills Corp., 133 NLRB 877. Just last year, the Supreme Court made clear its view that the bargaining should be between the private parties and that Government should not attempt "any official compulsion over the actual terms of the contract." See *H. K. Porter* Co. v. *NLRB*, 397 U.S. 99. Hopefully, this Porter case will limit future NLRB involvement in the bargaining, but we must wait and see how this develops

The net result of these NLRB and court decisions, Mr. Speaker, is that there now is substantial doubt about whether a party to negotiations must make concessions, or whether he can proffer what he regards to be a good faith offer and stick to it. In substance then, Mr. Speaker, this portion of my bill restates the point that bargaining in good faith does not compel a party to negotiations to abandon his own views or make concessions to the other party.

Closely related to the matter of making concessions is the burden the NLRB and the courts have imposed on employers to supply unions with a wide range of information the unions might ask for during bargaining sessions. See *NLRB* v. *Acme Industrial Co.*, 385 U.S. 432; *Curtis Wright Corp.* v. *NLRB*, 347 F. 2d 61. There appear to be no fixed rules, with the NLRB deciding on what seems to be an ad lib basis that certain union demands for information should be enforced. The result is that no employer in a bargaining conference can know what is required of him when confronted with a union request for information. For example, one employer was found to have refused to bargain when he failed to furnish the union with the names of employees who had continued working during a strike. See *Mississippi Steel Corp.*, 169 NLRB 96. Another employer committed an unfair labor practice by failing to divulge company profits and the salaries paid to management personnel. See *Metlox Manufacturing Co.* v. *NLRB*, 378 F. 2d 728; 389 U.S. 1037. Another employer refused to furnish a union with the sales prices of the company's products and the NLRB found this a refusal to bargain. See *NLRB* v. *Frontier Homes Corp.*, 371 F. 2d 974. This amendment, Mr. Speaker, seeks to bring order out of the present chaos by taking one simple step. It provides that neither party can compel the other, under the duty to bargain sanction, to produce information; however, in doing so it makes clear that the parties are permitted to bargain with each other about any information either one would like to obtain.

Mr. Speaker, one of the central building blocks of industrial peace is the notion of stability in collective bargaining contracts. In the Taft-Hartley Amendments of 1947 Congress rejected the thesis that the duty to bargain was a continuing duty and that it applied even after the parties had negotiated a contract for a fixed period of time. Since then, based primarily on the theory of the Jacobs Manufacturing case—94 NLRB 1214; 196 F. 2d 680—the NLRB has ordered employers to bargain during the life of a contract when the union raised new issues not expressly covered in the contract itself. My bill provides that neither party can be forced to bargain about a change in the contract, if that change is to become effective prior to the time permitted by the literal terms of the contract itself. Obviously, parties can bargain voluntarily if they wish at any time. All this amendment does, Mr. Speaker, is make sure they cannot be forced to do so during the term of their collective bargaining contract.

Finally, Mr. Speaker, this bill deals with two other emerging concepts of compulsory bargaining reflected in recent NLRB decisions. In the Kingsport Publishing Co. case—165 NLRB 116—the Board indicated its inclination to require that some contract provisions be continued in effect after the contract itself has expired. In the Pittsburgh Plate Glass Co. case—177 NLRB 114—the Board apparently ignored the law's directive that bargaining be with representatives of employees. It ordered the employer to bargain about those who have retired and who are no longer employees within the meaning of the law. On these two points my bill makes it clear that when a contract expires its separate provisions necessarily expire with it—and that retirees are not to be considered employees named in the act with respect to whom an employer has the statutory duty to bargain.

Mr. Speaker, I commend this bill to the early attention of the House.

TRIBUTE TO THE HONORABLE HUGO LAFAYETTE BLACK, LATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. ECKHARDT) is recognized for 60 minutes.

Mr. ECKHARDT. Mr. Speaker, if we were to await a second emergence of a nominee for the Supreme Court of the caliber of Hugo L. Black we might have to wait for 67 years. That was the time between John Marshall's departure and Oliver Wendell Holmes' appointment, and no Justice in between matched their stature. There was no such gap after Holmes, for Benjamin N. Cardozo was made his replacement in 1932 in the greatest succession of jurists that have served on the Court: Cardozo, Black, Reed, Frankfurter, and Douglas—all appointed in a span of 7 years, the 7 years of the formation of the New Deal. It was these distinguished appointments—and a handful of others that followed—that ushered in the era of Supreme Court primacy in the Nation's progress in these latter years of the Republic.

The 7 years of the formulation of the New Deal marked the great era of the Presidency in this century. Congress came to the fore sporadically at the turn of the century, in the early Wilson administration, and in the 89th Congress; and Congress was a partner in the New Deal. But the quarter of a century between the latter two events will be remembered as the era of the Supreme Court, an era of great, and I hope lasting, judicial, political and humane reform, reform most notably involving racial justice and attendant protection of voting rights and fair representation.

It is Justice Black's figure and its penumbra that most impressively mark the era. Hugo Black brought to the Court a personal knowledge of poverty, hard work, pride in his labor and the damage done to society when power and special interest in society go unchecked.

Hugo Black knew what it was to be poor—to do without. His life began in a Clay County, Ala., farmhouse—a good clapboard house expanded by a kitchen and extra bedrooms as the need arose. Soon his family moved to Ashland, a town of 350 people. Here, the young Hugo learned to work—as a cottonpicker and as a newspaper typesetter for which he could earn as much as 75 cents a day. Justice Black loved books and sports. Early notice was taken of his love of literature by his parents who encouraged him in his reading. Even his name bore a link to literature for his mother had been reading the works of Victor Hugo at the time of his birth. His love of books and sports continued through his Supreme Court days—the walls of his Virginia home being lined with books and his tennis game remaining sharp until the last few years.

The young Hugo Black graduated from Ashland College, but found that his credits would not be accepted at the University of Alabama. He entered the law school there because, under the rules at the time, it was easier to enter the law school than the university's academic branch. Because of his lack of background in university courses, Black found that he had to carry a great deal more of a load than his fellow students—yet he graduated with honors.

Lawyer Hugo Black began practicing at a rented desk in an attorney's office in Birmingham. There he got his first case. Convicts were at the time lent to do work under a "convict lease system" which allowed private employers to "rent" convicts for work almost without State supervision of their treatment. The young lawyer's client was a black convict who had been held 15 days overtime, as a virtual slave.

Black sued in his behalf and won $137.50 for the man. Black later served as a judge in a local police court on a part-time basis. His commonsense treatment of defendants won him the respect of the whole community. His fair treatment of black defendants to come before him was particularly outstanding.

In 1914, he became the prosecuting attorney for Jefferson County and served until he resigned to serve his country in the Army. One of his most telling experiences as chief prosecutor was his investigation of a "torture chamber" that was being used by the Bessemer, Ala., Police Department to obtain confessions from black prisoners. In one case, police officers strapped a 70-year-old black man to a door and nearly beat him to death. Belts, fists, sticks, chairs and—as one of the officers testified—"anything we could get hold of"—were used. The grand jury report in 1915 read that a man does not lose—

> This right to be treated as a human being by reason of the fact that he is charged with—or an officer suspects that he is guilty of—a crime.

This language portended later Supreme Court decisions.

In 1918, Black was home from the war and practicing law in Birmingham. Here he married Josephine Foster in 1921. In the terribly turbulent years ahead, Josephine gave her husband the comfort and sanctuary of home and family that he needed, until she passed away in 1951. There were three children: Hugo, Jr., a Yale Law School graduate and a practicing attorney; Sterling, who received his degree from Columbia and also practices law; and Josephine, who graduated from Swarthmore and married a psychiatrist. Justice Black married Elizabeth Seay DeMeritte in 1957.

Hugo Black's practice of law in Birmingham became enormous as more and more people took notice of the quality of his advocacy. The U.S. Senate then attracted the successful attorney, and he sought the Democratic nomination over four other candidates. He ran as the poor man's candidate. Black won the nomination and the election in 1926.

Realizing that he did not have the university education of many of his colleagues, Black undertook to give himself a liberal arts education in European and American history and the classics. The Library of Congress became his "other office" in Washington. He began to develop friendships among others of a liberal philosophy, and he became one of the most stalwart and important proponents of President Franklin Roosevelt's New Deal in Congress.

During his second term, Black spoke straightforwardly in favor of the Fair Labor Standards Act for which he was the sponsor. The Democratic Party has, he said—.

> Promised the country this kind of legislation. The President has pledged it. The mandate of the—1936—election has ordered it. And at long last the American people are going to have it.

Senator Black was also active in investigating corruption in Government and private business. He led in the investigation of merchant marine subsidies, airline subsidies, utility lobbies, and lobbies in general. Despite his brilliant career in the Congress, President Roosevelt decided in 1937 that Hugo Black could best serve his country on the Supreme Court. History has validated the wisdom of his judgment.

It is impossible for me to survey the spectrum of a Supreme Court career that has spanned 34 years and a judicial philosophy that has influenced one-third of the Chief Justices and one-fourth of all the other Justices that have ever sat on the Court. I would, however, like to point out some highlights of a remarkable career.

That career was never lacking in controversy, but then, in the words of Shakespeare—

> Rightly to be great
> Is not to stir without great argument.

Hugo Black came to the Supreme Court with a firm commitment to the idea of individual liberty and freedom of speech. Indeed, it is in these fields that his opinions have been most influential and controversial.

He believed the first amendment meant what it said that—

> Congress shall make no law . . . abridging the freedom of speech, or of the press . . .

As he said from the bench as recently as the New York Times case involving the Pentagon Papers:

> This does not mean some law.

He believed the constitutional injunction against governmental intervention in the field of free speech and free press is absolute. In his words:

> My view is without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to the people . . . either for the views they have or the views they express or the words they speak or write.

I remember this refreshing and revealing colloquoy in the argument before the Supreme Court in the New York Times and Washington Post cases. Mr. Justice Stewart had been pressing the Attorney General on the question of involving the Court as an instrumentality for affirming in advance whether or not matter sought to be printed endangered the security of the United States. Without purporting exactly to quote the parties, the colloquy went something like this:

> Justice STEWART. Mr. Solicitor General, if we are to examine language to determine whether it justifies prior restraint in this case, will we not set ourselves up as prior censors in all cases of this type?
>
> Mr. GRISWOLD. That is our only choice.
>
> There had been a rather long exchange between Justice Stewart and Mr. Griswold. Then, from another quarter of the bench there was a rather thin, almost quavering voice:
>
> Justice BLACK. I suggest there is an alternative, the first amendment.

Even in these very latter days on the Court Justice Black's reaction was incisive, cogent, and flavored with wit.

Justice Black's devotion to the first amendment's protection of freedom of religion was equally strong. He was the author of the opinions that banned prescribed prayer in the public schools and limited public financing of church-related schools. Far from its being detrimental to religion, he argued that it was essential to the growth of freely practiced religion and that there must be a "wall of separation" between the church and the state.

Justice Black was not only criticized by those who sought limitations placed on an individual's freedom to speak his mind or who wanted Government to prescribe religious forms for schoolchildren, but also by certain civil libertarians on fourth amendment matters. They would have him treat the fourth amendment guarantees against unreasonable search and seizure similar to the way he treated the first amendment's guarantees of free speech. But just as Justice Black read the term "no law" in the first amendment to mean what it said, he also read the term "unreasonable searches and seizures" to mean those which were unreasonable—not all inroads on personal privacy. Thus, he did not go as far as some would wish him to go to include electronic eavesdropping under the conditional ban against searches and seizures.

Speaking of the fourth amendment he said in *Berger* v. *New York*, 388 U.S. 41, at page 76:

> Had the framers of this amendment desired to prohibit the use in court of evidence secured by an unreasonable search or seizure, they would have used plain appropriate language to do so, just as they did in prohibiting the use of enforced self-incriminatory evidence in the Fifth Amendment.

His credentials as a "strict constructionist" are established in the same case at page 87:

> This basic charter of our Government was written in few words to define governmental powers generally on the one hand and to define governmental limitations on the other. I believe it is the Court's duty to interpret these grants and limitations so as to carry out as nearly as possible the original intent of the Framers. But I do not believe that it is our duty to go further than the Framers did on the theory that the judges are charged with responsibility for keeping the Constitution "up to date."

But Justice Black's total influence on the Court did much more to extend protection of the amendments "defining governmental limitations" than to restrict them. He forcefully and consistently argued over the years that the injunction in the 14th amendment against any State depriving "any person of life, liberty or property without due process of law" was meant to "incorporate" the Bill of Rights and thus give Federal constitutional protection against the States as well as the National Government. Partially his views prevailed.

Thus, liberties accorded by the first, the fourth, the fifth amendment's privilege against self-incrimination, the sixth amendment's right to notice, confrontation of witnesses and the assistance of counsel, and the eighth amendment's prohibition of cruel and unusual punishment are guaranteed to individuals against actions by the States to a great extent because of Justice Black's efforts.

The balance between the rights of the individual and the necessity of the Government to protect itself is indeed delicate. Justice Black was a keen judge of this balance. Individuals certainly have an obligation to obey the law, but the Government has an equal obligation to protect their rights. Otherwise, a free Government cannot long endure. Justice Black chose the words of Chief Justice Hughes to express this in his opinion in the Pentagon Papers case:

> The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that Government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional Government.

Justice Black's last word on the first amendment was in the New York Times case on the Pentagon papers where he eloquently reaffirmed his unswerving belief in the absolute guarantees of the first amendment. He stated that:

> In the first amendment the Founding Fathers gave the press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the government. The press was protected so that it could bare the secrets of Government and inform the people.

This is a great, last admonition. It will be a long time before we shall again see the like of Justice Black.

We cannot, it is true, wait to find a man who gives assurance of like quality, else the Nation might wait 67 years again. But there are those who show a glimmer of his brilliance, and we should demand such showing. Since there can be no assurance that his place can be filled, it is not important that his seat be filled quickly.

A Court of seven members with balance and quality is better than the full complement of nine if that balance is lost and that quality diluted. The former situation could continue for a good time without harm to the Republic, but the latter could do great harm in a little time. Let the other body think on that.

Mr. ALBERT. Mr. Speaker, today I join my colleagues and the entire Nation in paying tribute to one of the great figures in American judicial history.

Hugo Black's death is a loss to those of us who knew him personally, but even more a loss to the institution to which he dedicated the better part of his life and whose decisions he so greatly influenced. After 34 years of brilliant service on the U.S. Supreme Court, Justice Hugo Black became himself an institution. Towering high above the legal proceedings of an entire generation, he established a record of rulings and opinions that mirror the central importance of personal liberties to our way of life.

From his appointment in October 1937, he became the Nation's foremost defender and advocate of the Bill of Rights, particularly the 14th amendments' guarantee of due process and the first amendment's protection of freedom of speech and press. He took these guarantees at their face value and applied them to the cases before the Court with a consistency and clarity that did justice to the framers of the Constitution.

Hugo Black was a constructionist in the purest sense of the word. He read the message of the Constitution and made its tenets the bedrock of his illustrious career on the Bench. He contributed to its durability by insisting that it is a document that cannot be bent to accommodate the changing winds of time. Thus he carved out a career on the Court that was unassailable for its integrity and excellence, and his courageous leadership in landmark cases setting the outer limits of freedom of speech will alone assure his rank in the pantheon of great Justices of the Supreme Court.

Hugo LaFayette Black is irreplaceable. It can only be hoped that the members of our highest tribunal, sitting and future, will attempt to emulate the wisdom, scholarship, and dedication to personal freedom that marked the career of this great Justice. Hugo Black will live in the vitality of the free institutions he helped so much to strengthen.

Mr. RHODES. Mr. Speaker, it is always a sad task to join in paying tribute to an individual who has served this country well, and who has been called to his reward. Today is no exception.

The late Justice Hugo Black, perhaps as much as any other single jurist, shaped the course of American constitutional law in the 20th century. He was controversial, I certainly did not always agree with him. However, his imprint is indelible in the course of the American experiment in government in this era.

Hugo Black served the people; as a police court judge, as a prosecuting attorney, as an attorney in private practice, as a U.S. Senator from his native Alabama, and finally as an Associate Justice of the Supreme Court for 34 years. The people and the Nation share a sense of loss in his passing. A man of dignity and ability is gone, but his reputation for courage and integrity will live on.

Mr. ROSENTHAL. Mr. Speaker, there are men who serve their Government well, and there are men who help their Government to serve. There are men who profess the idea of freedom, and there are men who allow the free profession of ideas. There are men who love their country, and there are men who make their country worthy of other men's love. There are men who are Justices of the Court and there are men who fight for justice toward all men.

In his 34 years as a Justice of the U.S. Supreme Court, Hugo Lafayette Black assumed the conviction and dedication necessary to pursue all of these roles. As a devoted citizen of America and as a protector of all America's citizens, he used the full extent of his powers to insure the respect of their rights by the Government. For without the sanctity of those rights, their lives become meaningless and America itself loses her meaning.

No concept was as vital and no task so essential to Hugo Black as the maintenance of an internally free nation. Free from the demagoguery and Government tyranny which threaten our very existence. Free from the repression of thought and argument, of discussion and advocacy. The repression of the mind. Free from restraints upon the intellectual, spiritual, and philosophical growth of the Nation. Restraints that sap our strength. It is the freedoms guaranteed to the citizenry which protect the Nation.

Hugo Black found the promise of such freedom and the element of such protection imbedded in the very cornerstone of American governmental structure. He saw that it was from the great 18th century doctrine of libertarian ideals—the U.S. Constitution—that America derives her energy, her greatness, and her potential. Within the fabric of the Constitution are woven the essentials of freedom and the strong tying threads of human dignity, and to Justice Black they served to weave a noble cloth.

The nobility of that cloth is in its ability to protect but not hide; to cover but not stifle; to cloak but not conceal. So Justice Black made certain that the Constitution retain its full portent by retaining its true meaning.

As a Supreme Court Justice he was a strict constitutional constructionist in the only correct sense of the term: the Bill of Rights guarantees an extensive range of citizenry rights and promises a multitude of specific freedoms, and these are to be meticulously respected and protected by the Government. Not only Government on the Federal level, but on the State and local levels as well. All tiers of government are responsible for acknowledging these rights and obliged to enforce their protection.

For Hugo Black, an absolutist stand on the objects of the Bill of Rights, especially the premise of the first amendment provisions, was the only meaningful position for a jurist who considered them to be the backbone of the Nation.

Strict construction, in Hugo Black's terms, is not a mandate for reactionary governmental policies. Nor is it to be utilized for partisan advantage, political leverage, or racial domination. It is an affirmation of faith in democratic theory and egalitarian principle. It means equal rights, not special rights; governmental protection, not governmental privilege.

His dedication to this concept allowed Justice Black to consistently write decisions which were not tainted with the intolerance or frustration of a Nation in transient ill temper. His judicial priority remained a constant: to deliver to the people of the United States the rights deemed essential for them in 1791 and recognized as vital for them in 1971.

Mr. RODINO. Mr. Speaker, I join with millions of Americans in mourning the passing of Mr. Justice Black—a giant in American constitutional law.

A man of unquestioned integrity and unswerving dedication, a devoted public servant and friend of democracy, he termed our Constitution, "the best hope for the aspiration of freedom which men share everywhere."

Justice Black's decisions on the High Court cemented basic freedoms for generations of Americans, past and future. He was indeed a man of justice.

Mr. Justice Black's passing is a profound loss to this Nation as I know it is to the members of his family, and I extend to them my heartfelt sympathy.

Mr. DRINAN. Mr. Speaker, I rise to express my sense of loss on the passing of Mr. Justice Hugo Black, who, in 34 years on the Supreme Court, espoused and exemplified human dignity:

> My view is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of the Magna Carta, move against people, either for the views they have or the views they express or the words they speak or write. Some people would have you believe that this is a very radical position, and maybe it is. But all I am doing is following what to me is the clear wording of the first amendment.

Those were the words of Hugo Black, as stated in his 1968 book, "A Constitutional Faith." Implicit in those words is a jurisprudence which defines the constitutional history of the United States in the 20th century.

Mr. Justice Black was a fixture in American law. He wrote on every major constitutional issue. He venerated the Bill of Rights, and through his mind and pen the American people embraced the Bill of Rights.

His biography, which has been ably traced by others of my colleagues, is one of the astonishing stories in American history. His career was an irrefutable argument that our democratic and political processes work and produce great men.

His style of writing has been described as one of "extraordinary simplicity, lucidity, and force." But those words describe more than the enormous corpus of dissenting and majority opinions he wrote while on the Court—they describe the jurisprudence of Justice Black.

It will surprise no one who has studied Justice Black's opinions when I say that the man's thinking cannot be reduced to a slogan. He was a "strict constructionist" who confuted obstructionists in the civil rights field. He was a literalist who often differed with his colleague Justice Frankfurter, the voice of judicial restraint. At almost every juncture of his judicial career his views were opposed by ideologists of one stripe or another. Indeed, in all candor it must be said that in recent years some liberals were disheartened by what they first perceived to be an excess of prudence and consistency in some of his opinions. Their doubts gave way to a perception of the timelessness, the continuity of Justice Black's views.

Mr. Speaker, observers of constitutional and social history far more learned than I will study and describe the significance of Justice Black's role in American civilization as long as there is a U.S. Supreme Court or, indeed, a Constitution. We who lived when he did can only hint at the significance of this man. I would like to close by quoting briefly from the very eloquent appraisal of Justice Black by Alan Barth of the Washington Post, which is reprinted in full beginning at 34164 of the September 30, 1971, RECORD:

> What he loved, he loved passionately; what he believed in, he believed in deeply. He loved America and the concept of freedom that constituted the essence of the American idea. And he believed in freedom, in the survival value of a free society.

Mr. MIKVA. Mr. Speaker, the character of a man often can be determined by the company he keeps. That was true in life and in death for Mr. Justice Black. Among the extraordinary men on the Supreme Court in the last 34 years, he was an extraordinary man, sitting with a quarter of all the Justices since the time of George Washington, and a third of all of the Chief Justices. In death, his name joined the company of the other giants of the Court—Marshall, Holmes, Brandeis. His personal, distinctive imprint on the Court and the law was that sweeping and historic.

Prof. Paul Freund of the Harvard Law School has characterized Mr. Justice Black this way:

> He has exhibited to a singular degree an intense moral commitment, concentrated through the focus of an unwavering vision, and brought to bear with immense prowess. One thinks of Justice Brandeis' confident formula for achievement: brains, rectitude, singleness of purpose, and time.

Mr. Justice Black had them all. The son of a Confederate soldier, he was at one time or another a practicing attorney, police judge, prosecuting attorney and a Senator from Alabama. He will be remembered as one of the most influential Justices in the history of the Court, and one of the stanchest defenders of individual rights.

Some people called him a "first amendment fundamentalist;" his mark is imprinted on most of the Court's landmark decisions—school desegregation, right to counsel, the 18-year-old vote, the application of due process to the individual States. Mr. Justice Black had a deep respect for the basics in human life and the life of this country, and that was most evident in his decisions and written opinions.

In my judgment the people of no nation can lose their liberty so long as a Bill of Rights like ours survives and its basic purposes are conscientiously interpreted, enforced, and respected so as to afford continuous protection against old as well as new devices and practices which might thwart those purposes. (Dissenting opinion, Adamson against California).

The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of Government and inform the people. (Concurring opinion, New York Times against United States.)

From the very beginning, our State and National constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble idea cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him. (For the Court, Gideon against Wainwright.)

I had the opportunity to watch Mr. Justice Black for a year when I clerked for one of his colleagues on the Court, Justice Sherman Minton. No one was able to match Justice Black's energy and vitality. He was a hard-working man, and although he was a great scholar, he always considered himself a student—constantly studying, not only the law, but history and literature. His written opinions reflected that breadth of knowledge.

Now, he is gone. Another intellectual pillar has left the Court and, with his departure, it will not be the same. Nevertheless, Justice Hugo Black has left us a legacy of liberty which will not die, and for which America is deeply grateful.

Mr. EDWARDS of California. Mr. speaker, it is difficult enough to speak or write to commemorate a man, to capture in words the substance of a life, but to attempt it about the life and times of a judge who himself put the highest possible premium on brevity is adding still another obstacle. For, indeed, Justice Hugo Lafayette Black always taught the importance of one word to do the work of two, that a revised edition should be twice as good and half as long.

A legal "Paul Bunyan" is dead. In the times ahead, biographers will trace for us each year of his full long life. Legal scholars will examine, dissect, and comment on each opinion, if not on each word of each opinion.

But what has the living and dying of Mr. Justice Black meant? For myself, I cannot attempt to here, answer that question. A description of Black's judicial work would have to be as colossal as the man himself. I feel worthy only to set forth some generalities about the qualities of this man that have been and are so meaningful to me, supported by some of Justice Black's own words.

Justice Black, whose tenure reached over 34 years, has sat with a quarter of all the Justices of the Supreme Court since Washington's time, and a third of all the chiefs.

He is the epitome of Justice Brandeis' confident formula for achievement: "brains, rectitude, singleness of purpose and time".

It appears to me that Justice Black, giant that he was, was an altogether human judge. The plunge to the heart of the matter meant to the human heart of the matter. There was more to law than how the game was played.

His courage, creative vigor and perseverance were directed with a humane sympathy for the common man. He stands as a towering bulwark for the preservation of personal liberties.

If there is an element of truth in the complaint that laws grind the poor, and rich men rule the law, it's not the fault of Justice Black.

Justice Black exhibited two solid commitments when he became a Supreme Court Justice. One, a strong commitment to freedom of speech. He was altogether opposed to censorship, believing the American citizen should be persuaded in no way except by logic and reason.

Another was a solid commitment to fair criminal procedures. He exhibited this early in his life, as a prosecuting attorney in the Birmingham area where he investigated confession abuses. In the Senate, he made it clear he would not vote to confirm a former prosecutor as a Federal judge if he felt the prosecutor had abused fair procedures. On this subject he felt it was the accusing sovereign's business in criminal matters to make out its case like any other plaintiff in strict observance of the constitutional rights of the defendant.

In Chambers against Florida, Justice Black summed it all up—

> No higher duty, no more solemn responsibility rests upon this court, than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our Constitution—of whatever race, creed or persuasion.

Of equal impression on my mind, was Justice Black's statement in an early opinion on the subject of freedom of speech:

> I view the guarantees of the First Amendment as the foundation upon which our government structure rests and without which it could not continue to endure as conceived and planned. Freedom to speak and write about public questions is as important as is the heart to the human body. In fact, this privilege is the heart of our government. If the heart be weakened, the result is debilitation, if it be stilled, the result is death.

For Justice Black, clearly, the essence of law was justice.

He stands still and always will, a tough, determined, kindly colossus of the law.

Mr. RYAN. Mr. Speaker, a man's memory is sustained by the legacy he leaves behind him. Supreme Court Justice Hugo L. Black has left our country a legacy of law and service that will not be forgotten.

Justice Black's judicial philosophy—based firmly on the Constitution, with its bill of rights perceived as a set of absolutes erected by the Founding Fathers to shield and nurture individual freedom—has had enormous impact on the quality of life in this Nation over the past three decades. And its powerful weight will endure. As Alan Barth wrote in the September 26 edition of the Washington Post:

> He shaped the course of American constitutional law as powerfully, perhaps, as any other single jurist of the 20th century.

Perhaps more than any other man in the history of the Supreme Court, Justice Black revered the Constitution as the source of the free and good life. In his own words, he viewed the—

> Constitution, with its absolute guarantee of individual rights, (as) the best hope for the aspirations of freedom which men share everywhere.

During his 34 years on the Court, Justice Black argued that the 14th amendment made the Bill of Rights binding on the States as well as on the Federal Government. Although he never succeeded in having the Court fully accept this view, he had the gratification of watching many of his dissenting opinions eventually become the law of the land. The Court has come to accept Justice Black's views that the 14th amendment safeguards against infringements by the States the right of the indigent to free counsel; the right to counsel and silence during police interrogation; the right of protection against self-incrimination; the right of confrontation of witnesses; protection against illegal search and seizure; and proscriptions against cruel and unusual punishment.

Yet it was in regard to the first amendment guarantees that Justice Black was the greatest force. Perhaps, there is no better way to put forth his views than citing his own words:

> My view is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of the Magna Carta, move against people, either for the views they have or the views they express or the words they speak or write.

In another opinion he declared:

> Freedom to speak and write about public questions is as important to the life of our government as the heart to the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death.

During his tenure on the Court, Justice Black never waivered from his belief in a literal intepretation of the Constitution and his view that there was no halfway ground for protecting freedom of speech and press. Observers sometimes failed to understand his single-minded devotion to the Constitution, and they, consequently sought to categorize him with some convenient label.

But Justice Black had little regard for labels. Referring to his view of the absolute constitutional guarantee of free speech, he said:

> Some people would have you believe this is a very radical position, and maybe it is. But all I am doing is following what to me is the clear wording of the First Amendment that "Congress shall make no law . . . abridging the freedom of speech or of the press."

Yet it was his personal qualities as a human being, as much as his particular legal views, that made Justice Black so remarkable a figure in American life. As Anthony Lewis wrote in the New York Times of September 26:

> There was a serene simplicity in him that battled sophistication, a power that seemed to be drawn from the earth. He was an elemental force.

Justice Black believed in America and he believed that freedom was what America was all about. As he so eloquently said:

> Since the earliest days, philosophers have dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss and deny. The Framers knew, better perhaps than we do today, the risks they were taking. They knew that free speech might be the friend of change and revolution. But they also knew that it was always the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry, free from any kind of governmental control over the mind and spirit of man. Loyalty comes from the love of good government, not the fear of a bad one.

Rare is one who embodies an epoch of history or a great social movement. Rarer still is one who fits this description not because of myth or mystique built around him by others, but because of tangible contributions he has made. Hugo Black was such a person.

As Justice Brandeis responded to the news of the death of Oliver Wendell Holmes, so must we respond to the passing of Justice Black: "And so the great man is gone."

Mr. LEGGETT. Mr. Speaker, on September 25, 1971, Justice Hugo Black died at the age of 85, after 34 years of service on our Nation's highest Court. Had Justice Black been able to serve on the Court until March of 1972, he would have had tenure on this highest bench unequaled by any other member of the Supreme Court. However, such a record term of service would have been a mere footnote to the career of Hugo Black, who will undoubtedly be listed with Taney and Marshall as one of the giants of American jurisprudence.

In an era of concern over our judicial process, and constant recriminations by critics of the bar on both sides of the ideological fence, the career of Justice Black stands as a monument in our judicial history.

Perhaps no other man in the history of the Court so revered the Constitution as a source and rock of the American system. Few articulated so lucidly and forcefully a philosophy of this 18th century document which has served our Nation for almost 200 years.

Justice Black once said—

> I believe that our Constitution with its absolute guarantees of individual rights is the best hope for the aspirations of freedom which men share everywhere.

Justice Black stood by this statement in each of his decisions. One cannot say that Justice Black was not a constitutionalist in the highest sense of the term, and his decisions will stand as examples of the most lucid interpretations and explanations of our Constitution.

To Justice Black, the Bill of Rights was the keystone of the Constitution. These first 10 amendments were absolutes which must stand without equivocation or compromise. In days such as we now face, Justice Black will be missed, for few men can stand before the onslaught which faces our courts in the name of judicial reform.

Of all the amendments, Justice Black considered the first amendment the cornerstone of liberty, freedom of speech the heart of this cornerstone. "My view is, without deviation, without any ifs, buts, or whereases, that freedom of speech means that you shall not do something to people whether for the views they express or the words they speak or write," he said in 1962.

To find a replacement of Justice Black's caliber will be a difficult if not impossible task. This Nation has lost one of its great public figures, and I join with my colleagues in the House in mourning this loss.

Mr. NIX. Mr. Speaker, I welcome this opportunity to pay tribute to a great American.

Justice Black was one of the greatest jurists of our history. He was also one of the great examples of the enobling powers of great responsibility.

When he was named to the Supreme Court by President Franklin D. Roosevelt, there were many, especially many in the black community, who felt that he was wholly lacking in sympathy with the aspiration of the black minority in America. It was felt that his background in Alabama precluded his development of the basic humanitarian qualities necessary in a Justice of the Highest Court in the land.

I am very frank to say that this assessment was thoroughly wrong. And over the years I have come to understand why it was in error.

There is an understandable inclination on the part of public men to aline themselves with the forces that dominate their political environments. There is, however, the saving grace of our national system which was illustrated by the career of Justice Black.

Once a man has achieved the high office of his ambition and once he assumes a national responsibility, the true man is free to emerge from the restraints of his parochial environment.

In the case of Justice Black it was a great man who emerged. His extraordinary talents became upon the Court a vital force for the development of equal opportunity, for justice and for individual freedom in this great land. He revealed himself as one of the greatest of Americans.

I am privileged, Mr. Speaker, to join my colleagues in paying tribute to this great man. The entire Nation is in his debt.

Mr. VANIK. Mr. Speaker, Justice Hugo Lafayette Black is one of the authentic giants in the development of American legal history. As an Associate Justice of the Supreme Court for 34 years, he shaped the course of American constitutional law as powerfully as any other jurist of the 20th century.

As an influential lawyer, a police court judge, and a prosecuting attorney, he served his local community as an outstanding citizen. His diligence and hard work elevated him to national prominence as a U.S. Senator and as a champion of the New Deal. Franklin D. Roosevelt appointed Black to the Supreme

Court, and the Justice served on the highest court for 34 years.

Some called him a radical because he believed in according the freedom of expression to extreme opinions, and in assuring all protection of due process to defendants. These decisions were rooted in the deepest commitment to human equality and individual liberty. In this area particularly, he believed in taking the Constitution altogether literally. He was, in short, an absolute or strict constructionist. He saw the concept of freedom as the essence of American life.

It has been said that the history of American democracy has been the gradual realization, too fast for some, too slow for others, of the full implications of the Declaration of Independence. Justice Black, as much as any man in our Nation's history, has helped bring us to a full realization of the meaning and challenge of true democracy and freedom.

The simplicity of the Justice's private life matched the purity of his judicial philosophy. When he loved, he loved deeply, and what he believed in, he believed in with total conviction. The greatness of his contribution to America is paralleled by his greatness as a man. He will be missed.

Mr. WILLIAM D. FORD. Mr. Speaker, the people of this country have suffered an irreparable loss in the passing of Mr. Justice Hugo LaFayette Black, Associate Justice of the U.S. Supreme Court.

It is very difficult to express our loss in words and even more difficult to summarize the remarkable and memorable qualities that Justice Black's life and career have exemplified.

Born the son of a poor farmer in rural Alabama, Mr. Justice Black rose to occupy two of the highest offices in the land—U.S. Senator and Associate Justice of the Supreme Court.

Although he served with distinction while a Member of the Senate, it was in his final position, as Associate Justice, where he truly excelled. He served his country in this capacity for over one-third of a century, but his impact on our legal system will be felt for centuries.

Mr. Justice Black will be especially remembered for his firm commitment to the Bill of Rights. He was so devoted to our Constitution that he kept a copy with him at all times and believed it to be the best hope for the aspirations of freedom which men share everywhere.

He was not a physically large man, but he will be remembered by all of us as a legal giant, a towering figure of legal wisdom whose service to his profession and to his country typified the very highest standards of the American judicial system.

Mr. Speaker, Mr. Justice Black is now a legend. Generations will read his famous opinions; and generations will recognize him as one of the truly outstanding Supreme Court Justices in our history.

Mr. CARNEY. Mr. Speaker, America has lost one of its greatest men of law in the person of Hugo L. Black, Associate Justice of the U.S. Supreme Court, who passed away this week. A guiding spirit in the development of American jurisprudence over the past three decades. Justice Black opposed the forces of special interest at every turn, and championed the cause of the oppressed. He must be numbered among the most controversial Justices in American history, and, in my opinion, one of the finest.

When he was appointed to the Supreme Court, in 1937, Hugo Black already was famous as a Member of the U.S. Senate, where he had earned a reputation as the champion of economic reform. The country was involved at the time in the New Deal programs of the second administration of President Franklin D. Roosevelt, and Black was a leading supporter of the New Deal. As a member of the Supreme Court he maintained his position as proponent of reform.

In the opinion of Justice Black, the most important document in American history was the Bill of Rights, designed to serve the interests of individual Americans against the excesses of government and the mob. At all times, he held against the notion that the majority has the right to set aside constitutional guarantees at the expense of individual rights. For many years he stood apart from a majority of the Court on issues involving free speech and other personal freedoms. Yet so great was the force of his logic and his arguments that in time the Court altered its position to agree with his.

It has been said that the so-called Warren Court was the most spectacular Supreme Court in the history of the Country—that the decisions handed down under its authority were of more importance than those of any predecessor Court. That may well be the case. And in all such decisions the views of Justice Black were vital to the outcome. When the President of the United States moved to seize control of the steel mills in 1952 by executive decree, Justice Black opposed the action and the Court declared against it. The 1954 decision striking down racial segregation in the public schools was officially unanimous. In fact, however, there was considerable opposition voice behind the scenes, and Justice Black was one of the leaders in favor of this vital change in national policy. When the Court, in 1963, considered the right to counsel on the part of anyone accused of a serious crime, Justice Black declared in favor of the right and again the Court agreed. So it was in case after case of major significance—the right to retain your citizenship until you, yourself, choose to renounce it; the use of public funds to transport children to parochial schools; the 18-year-old voting law—all were defended by Justice Black and all were upheld by the Court.

It is difficult to measure the relative importance of Supreme Court Justices, but Justice Black appears to have played the major role over the past 30 years in guaranteeing equal justice under law to all Americans.

His passing is a great loss to the Supreme Court and to the American people.

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to join in this special order of the gentleman from Illinois (Mr. MIKVA) and the gentleman from Texas (Mr. ECKHARDT) to pay tribute to the late Justice Hugo L. Black who died a week ago at the age of 85 after serving 34 years on the bench. Mr. Justice Black will best be remembered as a staunch defender of the Bill of Rights—as a champion of individual freedoms and civil liberties. In President Nixon's words:

> Justice Black believed that the primary responsibility of the judiciary was that of giving force and effect to constitutional liberties—his faith in the United States Constitution was absolute and so his convictions were rooted absolutely.

Indeed, as President Nixon has said, "his imprint on the Court and our Nation will be indelible." Washington Post staff writer Alan Barth observed of Black:

> What he loved, he loved passionately; what he believed in, he believed in deeply. He loved America and the concept of freedom that constituted the essence of the American idea. He believed in the utility of freedom, in the survival value of a free society.

In his James Madison lecture on the Bill of Rights, Black said the Framers were aware of the risks involved with the first amendment: "they knew," in his words, "that free speech might be the friend of change and revolution. But they also knew that it is always the deadliest enemy of tyranny." Black went on to say:

> With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one.

Justice Black's belief that the due process clause of the 14th amendment was designed to make the Bill of Rights binding on the States as well as the Federal Government—a view set forth in a dissenting opinion back in 1947—eventually gained at least partial acceptance over the years in a series of major cases which together comprise what has been termed a revolution in criminal law. Together, these decisions assure to criminal defendants throughout the Nation almost all of the protections guaranteed in the country's Federal courts. Perhaps the most famous of these was a 1963 decision that the right of counsel guaranteed by the sixth amendment applies to State as well as Federal courts. The decision in Gideon against Wainwright marked a reversal in the 1942 ruling in Betts against Brady, a ruling against which Black had vigorously dissented.

Mr. Speaker, it was 34 years ago today that Justice Black assumed his seat on the Bench as the first appointment to the Supreme Court by President Franklin D. Roosevelt. Only two other Justices have served longer than he, and only two others were older than he when they left the Court. Today we not only mourn the passing of this most distinguished jurist and scholarly legal philosopher, but we take this opportunity to recognize the great contributions he has made to our free society for over a third of a century and the legacy of freedom which is passed on to future generations of Americans because of his efforts.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it was 34 years ago this month that Justice Hugo Black assumed his seat upon the Supreme Court of the United States. As the Court reassembles this month, his loss will be keenly felt, for the impact of his authentic genius for law and commitment to equal justice through law has had a far-reaching influence upon the development of American jurisprudence.

It is with deep sorrow in his passing, and profound respect for the legacy of honor and wisdom and an unparalleled devotion to duty, which were the hallmarks of his character, that I speak in tribute to his memory.

The exemplary character of his life, and the pervasive influences of his judicial commitments to the freedoms of speech, of worship, of opportunity, and of self-growth, reflect great honor, not only upon Justice Black's memory, and the Court, but upon the Nation, and our people, as well.

Remarking once, of his rise from humble beginnings, to the greatness we have recognized in him, Justice Black stated:

> It is a long journey from a frontier farmhouse in the hills of Clay County, Alabama, to the United States Supreme Court.

Mr. Speaker, it was a long journey, and perhaps the most worthy memorial of Justice Black is not in our expressions of respect and affection, but in his own example, which will surely inspire countless young Americans to take a similar long journey, and attain the distinction of this selfless and noble gentleman, whose entire life and judicial career served to carve out in clearer detail the steps, for others to follow, in that long journey.

Mrs. HANSEN of Washington. Mr. Speaker, it is with the deepest regret that Americans observe the passing of Justice Hugo Black. We have been uniquely fortunate during the 34 years of his tenure on the Supreme Court to have a man whose wisdom, convictions, and strength were forged by his early years among common men in rural America. It was his effort to protect their freedoms, as guaranteed by the Constitution, that was continually evident in his superb judicial advocacy. His opinions on the rights of free men and the clarity with which he expressed them have made an impression on our judicial system and our way of life that will never diminish.

The importance of constitutional considerations in our increasingly complex, and often confusing, modern society has grown in magnitude, and the future responsibilities of our highest court will indeed be grave. At a time when his firmmindedness and consistency are most needed, it will be missed. A great scholarly maturing and discipline of exceptional abilities will be necessary to fill the void his death has created.

Mr. FRASER. Mr. Speaker, the death of U.S. Supreme Court Justice Hugo Black after 34 years of service on that body has deprived the Nation of one of the greatest titans in the history of our judicial system. Possessed of a profound faith in our Constitution, he did perhaps more than any other single individual to give force and effect to the protections of the Bill of Rights. Throughout his lifetime he championed the cause of civil liberties and personal freedom.

As a police court judge and prosecutor in his native Alabama, Hugo Black established standards of evidence which helped put a stop to arbitrary arrest and imprisonment of the poor and black for such minor offenses as dice games, and he won a grand jury indictment of police for methods ranging from third-degree interrogation to torture to obtain confessions. In the Senate he fought for the inclusion of blacks under the provisions of the Fair Labor Standards Act. He was a relentless, implacable investigator of powerful industries and corporations and their lobbying techniques, and as a powerful supporter of the New Deal he was an outspoken defender of the "little man," the economic underdog.

From the time of his appointment to the Supreme Court by President Roosevelt, Justice Black argued that the due process clause of the 14th amendment was designed to make the articles of the Bill of Rights, originally applicable only to the Federal Government, binding upon the States as well. Although he never succeeded in persuading a majority of the Court to accept this view, over the years the Court evolved toward his views in ruling that the 14th amendment protects against infringement by the States on the guarantees of the first amendment, the fourth amendment, the fifth amendment's privilege against self-incrimination, the sixth amendment's rights to notice, confrontation of witnesses and the assistance of counsel, and the eighth amendment's prohibition of cruel and unusual punishment.

These decisions, taken together, wrought a revolution in American criminal law, an achievement due in great part to the work of Justice Black. In sum, they extended to criminal defendants in State and local courts almost all the protections guaranteed by the Nation's Federal courts.

However, it was in the area of first amendment rights—the freedoms of conscience, expression, and association—that Justice Black made his greatest contribution and expressed himself with greatest force. His creed was both simple and profound:

> Freedom to speak and write about public questions, is as important to the life of our government as is the heart to the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death.

For Justice Black, it was freedom that constituted the essence of the American idea. He loved America deeply, and he believed that America will remain strong so long as she remains free. This faith found what was perhaps its most eloquent expression in our history in his James Madison lecture on the Bill of Rights. He wrote:

> Since the earliest days, philosophers have dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss, and deny. The Framers knew, better perhaps than we do today, the risks they are taking. They knew that free speech might be the friend of change and revolution. But they also knew that it is always the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow, and carelessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one.

Hugo Black had the essential quality of a great judge—the inner strength to be independent. He devoted his life to the Supreme Court of the United States, and he persistently stood by his principles, even when he constituted a minority of one. No other Supreme Court justice has lived to see so many of his dissents become the law.

This Nation must mourn his passing with sorrow and a deep sense of loss, but the monumental contributions of Justice Hugo Black to our constitutional law will stand as a magnificent memorial to his humanity, his brilliance, and his faith in America.

Mr. WHALEN. Mr. Speaker, it is extremely fitting that we pause today to pay tribute to the late Supreme Court Justice Hugo L. Black. Few citizens have served their National Government for almost a half a century, as Justice Black did. Fewer still have served their country with such singular distinction.

Because Hugo Black spent three-fourths of his service in the judicial branch, we tend to forget the 10 years during which he represented the State of Alabama in the Senate of these United States. Yet, millions of Americans always will reap the benefits of two of his deepest legislative interests—the Tennessee Valley Authority and fair labor standards.

Mr. Speaker, I can think of no greater commendation of Justice Black than to recall, in his own words, the faith he had in the principles upon which this Nation was founded. In the difficult times which confront us, his utterances perhaps can strengthen us as we continually strive to make the ideals of our forefathers realities.

In his James Madison lecture on the Bill of Rights, Justice Black eloquently expressed his faith:

> Since the earliest days, philosophers have dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss and deny. The Framers knew, better perhaps than we do today, the risks they were taking. They knew that free speech might be

> the friend of change and revolution. But they also knew that it is always the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one.

Mr. Speaker, Mrs. Whalen joins me in extending our sympathy to Mrs. Black and their family. May Hugo Black rest in peace.

Mr. FISH. Mr. Speaker, I rise today to join with my colleagues and pay tribute to one of the truly great jurists in the history of this Nation, Justice Hugo L. Black. Mr. Justice Black served on the Supreme Court for a term of 34 years—only two men ever served longer. During this period he came to be recognized as the philosophical leader of the "absolutist" school of legal thought, which came to full fruition in the era of the Warren Court with landmark decisions in the areas of criminal law, civil rights, reapportionment, freedom of speech, religion, and press.

The principles and concepts present in the Bill of Rights were the cornerstone of Black's constitutional philosophy. He believed most strongly that the rights of the individual must be protected against possible incursion by governmental action and that the Bill of Rights was relevant and applicable to modern problems and threats. These views were perhaps best expressed in his famous dissent in the case of Adamson against California:

> I cannot consider the Bill of Rights to be an outworn 18th century "straight-jacket" . . . Its provisions may be thought outdated abstractions by some and it is true that they were designed to meet ancient evils. But they are the same kind of human evils that have emerged from century to century whenever excessive power is sought by the few at the expense of many . . .
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> In my judgment the people of no nation can lose their liberty so long as a Bill of Rights like ours survives and its basic purposes are conscientiously interpreted, enforced and respected so as to afford continuous protection against old, as well as, new devices and practices which might thwart those purposes.

A grateful nation will sorely miss a man who thought and wrote such words. Now dead at age 85, the memory of Hugo Black distinguishes the high court on which he served and the American people he served so well.

Mr. UDALL. Mr. Speaker, it was my good fortune to know Justice Hugo Black and his family on a personal basis, beginning with a friendship I formed with one of his sons at the University of Arizona a quarter of a century ago. I am privileged to join in these tributes to one of the giants of our time.

There are perhaps two qualities of Justice Black's which stand out among many—his fierce independence and his devotion to the Constitution of the United States. Although the man and his service to this Nation were of such a greatness as to defy easy characterization, it is clear that, above any considerations of popularity or the mood of any particular time, he steadfastly pursued the principles the Constitution laid down and from them developed his own judicial philosophy which he applied with equal vigor to each of the cases which came before him.

It is worthy of emphasis that Justice Black's philosophy was a judicial philosophy and not a political philosophy. He embodied the ideal judicial temperament. He felt that his view of the Constitution was that of the Founding Fathers, but political considerations played no role in that belief. Justice Black reached his conclusion on the basis of scholarly legal study which continued throughout his life. One feels certain that if this continuing inquiry had led him to conclude that his interpretation was wrong, he would not have drawn back from change.

Justice Black was for years in a decided minority of the Court on issues of free speech and the scope of the Bill of Rights. In neither of these areas has the Court adopted Justice Black's philosophy in full, but he never wavered from the principles he held so dear and many of his early dissents are law today. All citizens are more secure in their freedoms because of his perseverance. We mourn his passing, but we are grateful for his service. He lives on through his works.

Mr. BEGICH. Mr. Speaker, Washington, D.C., and the United States are filled with men and women who knew Justice Hugo Black and his work far better than I. To them I will leave the privilege of comprehensively eulogizing the personal qualities and wonderful professional contributions of this man.

For my own part, I can express my respect and admiration for Justice Black in very few of my own words, along with many of his own. Justice Black provided constant assurance that the Supreme Court of the United States should provide no haven for mediocrity, and must seat only those of supreme judicial and human quality, regardless of philosophical difference. Justice Black, through his own massive contribution, proved that the greatest tragedy that can befall the Court is not a shift in philosophical direction, but the loss of true judicial quality where the loss is born of a failure to respect the Court itself.

There was no lack of controversy in the history of Justice Black, yet his decisions were marked by a devotion to principle almost unequal in U.S. judicial history. The Black-Frankfurter debate, which lasted a quarter century, is a confirmation of everything the Supreme Court should be.

In the final analysis, which is never possible so shortly after the death of a great man, I suspect it will be his contribution to the meaning of the first amendment which will assure Justice Black's place in history.

In a gesture which became a trademark, Justice Black, when asked about the first amendment, would peruse a tattered copy of the Constitution he knew literally perhaps better than any other man. He would discover the first amendment and read it as if he had never really thought about the problem before, and make very clear findings about what he thought it meant. I would share some of those thoughts with my colleagues. They speak more eloquently than anything I could say:

> The First Amendment provides the only kind of security system that can preserve a free government, one that leaves the way wide open for people to favor, discuss, advocate or incite causes and doctrines, however obnoxious and antagonistic such views may be to the rest of us. *Yates v. U.S.* (1957) (dissent).
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> That is a wonderful aphorism about shouting "fire" in a crowded theater. But you do not have to shout "fire" to get arrested. If a person creates a disorder in the theater, they would get him out of there not because of what he hollered but *because* he hollered. (In response to Justice Holmes' "clear and present danger" test).
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> Freedom to speak and write about public questions is as important to the life of our government as is the heart to the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death. *Chambers v. Florida* (1940).
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> [I believe] that the First Amendment grants an absolute right to believe in any governmental system, to discuss all governmental affairs, and to argue for changes in the existing order. This freedom is too great for bad, tyrannical governments to permit. . . . I happen to believe that our Nation cannot be imperiled by mere talk. (1949).
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> Ultimately, all the questions in this case all boil down to one—whether we as a people will try fearfully and futilely to preserve democracy by adopting totalitarian methods, or whether in accordance with our traditions and our Constitution we will have the confidence and courage to be free. *Barenblatt v. U.S.* (1959).

Mr. BURTON. Mr. Speaker, I join with my distinguished colleagues today in the commemoration of the late Supreme Court Justice Hugo Black.

Justice Black has left an impact on the Court in the tradition of those who have gone before him. To the historic memorial roster which includes many great names in American history: Marshall, Holmes, Brandeis, Hughes, Frankfurter, and Warren must now be added, Hugo Lafayette Black.

Justice Black was a man of intellect and integrity but his hallmark on "the Court," to use his own phrase was his "constitutional faith."

He wrote:

> Under our Constitutional system courts stand, against any winds that blow, as a refuge for those who might otherwise suffer because they are helpless, weak, outnumbered or because they are nonconforming victims of prejudice and public excitement.

Justice Black was a vital part of the strength that withstands these winds and his courage and stature will be sorely missed.

Mr. GUDE. Mr. Speaker, it is with a sense of sadness and loss that I today join my colleagues in paying tribute to Justice Hugo L. Black. During his 34 years on the Supreme Court, Justice Black established himself as one of the most learned and effective men to ever sit on that bench and, beyond any doubt, left his stamp upon the history of American jurisprudence.

Justice Black wrote with clarity, and with the greatest passion and force concerning the first amendment and the individual rights guaranteed therein. He held:

> My view is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of the Magna Carta, move against people, either for the views they express or the words they speak or write.

Hugo Black regarded judicial restraint as a requirement to adhere to the boundaries of the language of the Constitution. In this light, he was the definitive strict constructionist. He followed literally the clear wording of the first amendment that—

> Congress shall make no law . . . abridging the freedom of speech or of the press.

Among the legal doctrines that bear Black's imprint perhaps the most noted is the view that the due process clause of the 14th amendment makes the articles of the Bill of Rights applicable to the States, as well as to the Federal Government. While this argument was never accepted by a majority of the Court, the doctrine of selective incorporation has made a number of the first 10 amendments binding on the States.

No recollection of Justice Black's legal theories, however, can ever represent the man. He will be remembered, along with a handful of past jurists, as one of the giants of the Court, and I feel one of the main reasons for this was his view of our judicial system. He wrote:

> Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice and public excitement.

Hugo Black's wisdom, counsel, and presence will be sorely missed by his legal profession and by his country. The words of tribute we speak today can do nothing to ease this loss. We can count ourselves truly fortunate, however, for the decades of service he gave us, and for the record he left behind.

Mr. STOKES. Mr. Speaker, I rise to join in paying tribute to Mr. Justice Hugo Black. His passing deprives the Nation of its foremost expositor and defender of individual liberties.

I was privileged to argue before the Supreme Court. That experience and the many hours I have spent reading the Court's decision have instilled in me a profound respect for his wisdom and his legal scholarship.

Mr. Justice Black venerated the Bill of Rights and recognized that the rights of persons accused of crime must be protected if the rights of others are to survive. Over and over he expressed the view that freedom of the press and freedom of speech are absolute rights which are guaranteed to dissidents as well as those with whom we agree. He was, without doubt, one of the strongest, most dedicated protectors of individual liberties who has sat as a justice of the Supreme Court.

As a member of the Warren Court, Mr. Justice Black participated in the series of civil rights decisions which so substantially contributed to the progress of the social revolution we have been witnessing. His loss will be felt most deeply by the poor, black, and oppressed citizens of our Nation.

Mr. MORSE. Mr. Speaker, few men in the history of our Nation have been as aware and as sympathetic for the problems of ordinary men and women, and few have contributed so substantially to the development of constitutional protections for our citizens as has Supreme Court Justice Hugo Black. With his passing, this Nation has lost a great and devoted public servant, committed to the protection of the Constitution and the common man.

Born the son of an Alabama farmer, Justice Black served as a police court judge, as a prosecuting attorney, as an influential lawyer in private practice, and as a distinguished member of the U.S. Senate for more than 10 years, where he championed the policies and programs of the New Deal, and sponsored the bill that became the Fair Labor Standards Act. Finally, in 1937, he was appointed an Associate Justice of the Supreme Court by President Franklin Delano Roosevelt, and thus began his historic career of 34 years.

During his term on the Supreme Court, one of the longest in its history, Justice Black was the author of the 1947 ruling permitting the use of public funds to transport children to parochial schools; the 1962 ruling against prayers in public schools; the 1963 decision guaranteeing legal counsel to all criminal suspects; and the 1970 decision upholding the right of 18-year-olds to vote in Federal elections. It was mostly through the cogent reasoning of Justice Black that the Court gradually extended the 14th amendment to protect individuals from actions of State and local governments which violated the liberties guaranteed by the first, fourth, fifth, sixth, and eighth amendments. For Black, the freedoms of conscience, expression and association were at the heart of our Constitution and of democracy, and it was in this area of law particularly that he did his most important work, always striving to apply the protection of the Constitution to ideas, regardless of his personal feelings about them.

Hugo Black was a man of conscience and of law, a spirited and forceful judge. He was a great man, a towering force in shaping the course of American constitutional law. His loss will be felt for many decades to come.

Mr. JONES of Alabama. Mr. Speaker, an unusual record of service to his country was established by Justice Hugo Black during his long tenure on the Supreme Court and during his 10 years as a U.S. Senator from Alabama.

He was steadfast in following a philosophy of government which was held by him during his adult life. He put faith in the Constitution and vigorously espoused the position that the words of the Constitution meant exactly what they said.

Following the announcement of his retirement, numerous comments were offered about the great significance of his work on the Supreme Court.

I include three of these viewpoints as a part of my remarks. All were written before his passing.

The first is an editorial by Mr. Ray Jenkins of the Alabama Journal in Montgomery, Ala. The second is a commentary from the Albany, N.Y., Knickerbocker News Union Star. The third is from the Christian Science Monitor.

The articles follow:

[From the Alabama Journal, Sept. 20, 1971]

THE LEGACY OF HUGO BLACK

In his 34 years as a member of the U.S. Supreme Court, Justice Hugo Black participated in something over 3,000 legal decisions. Many of those decisions remain the source of the most fractious national controversy, but on one point, the justice's admirers and detractors will agree: on his retirement at 85, Hugo LaFayette Black takes his place beside John Marshall, Roger B. Taney, and Oliver Wendell Holmes as the most influential justices ever to sit on the court.

It would be folly to attempt to enumerate even his major achievements in so short a space as this, but if there is a consistent thread that ran through his judicial philosophy, it was his passionate faith that the Bill of Rights, strictly applied, was "the best document that has even been written to control a government."

It follows that he would believe that this Bill of Rights, particularly the First Amendment guaranteeing freedom of speech and of religion, contained certain absolute guarantees which no government from City Hall to the National Capitol could abridge. He believed that the Founding Fathers, painfully and personally familiar with the tyrannies at large in Europe, meant to forbid government forevermore from interfering with the right to speak what one chooses, to associate with whom one chooses, and to worship or not worship as one chooses.

Equally absolute, in Black's mind, are the commands of the Fourth, Fifth, and Sixth Amendments—the fair play guarantees of the Bill of Rights. He believes that these amendments were written to make it difficult, not easy, to put a man in jail or seize his property. He is aware that the strict application of these guarantees will mean that some criminals will escape prosecution. But he is less frightened over the prospect of a criminal at large than the pervasive symbols of governmental tyranny—the rap on the door in the night, detention without charge, denial of legal counsel, coercion of confessions through physical or mental torture, and denial of a fair trial. In one of his most famous dissents, he wrote:

"The framers knew, better perhaps than we do today, the risks they were taking. They knew that free speech might be the friend of change and revolution. But they also knew that it was the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man."

His faith in the utility of free speech was infused in many impassioned dissents at a time when the Court was holding that freedom of expression, conscience, and association could be fettered in deference of something vaguely called "the national interest." On one such occasion, he wrote:

"I cannot agree with the Court's notion that First Amendment freedoms must be abridged in order to 'preserve' our country. . . . The only constitutional way our Government can preserve itself is to leave its people the fullest possible freedom to praise, criticize, or discuss, as they see fit, all government policies and to suggest, if they desire, that even its most fundamental postulates are bad and should be changed. . . . Our Constitution assumes that the common sense of the people and their attachment to our country will enable them after free discussion, to withstand ideas that are wrong."

To many, Hugo Black was a baffling enigma, a former Ku Klux Klansman who was to become the nation's most consistent and eloquent champion of the rights of racial and religous minorites. It was a riddle which is understood; however; by anyone familiar with our region's history. As a product of one of Alabama's poorest sections—Clay County—he could look about him and see his people held down by ignorance, malnutrition, one-crop agriculture, and the like. This tragic waste of human and natural resources, he knew, could only be stopped by vigorous government action as exemplified Roosevelt's New Deal.

It is safe to assume, then, that his affiliation with the Klan was a political necessity if he was to accomplish his higher goals.

So it was that when the time came, he could be in the vanguard of those who would make good the promise of the Constitution which had been meaningless to the 10 per cent of our people who happened to be Negroes. Although this stand initially brought him the scorn of many Southerners, in retrospect it seems clear that he was motivated by that traditonal Southern sense of fairness coupled with an awareness that Constitutional guarantees must protect everybody—regardless of race, religion, or political belief—or soon they would protect nobody.

On his retirement, this state can take much pride that it has contributed to our nation and to history a doughty warrior in behalf of liberty and justice and equality.

[From the Knickerbocker News and Union-Star, Sept. 21, 1971]

Controversial Case Originated in Albany: Justice Hugo Black and the Regents' Prayer

(By Robert G. Fichenberg)

In an age that has not produced many authentic American heroes, a slender 85-year-old man who lives in a lovely old house in Alexandria, Va., and whose chief avocation until his recent illness was playing a brisk daily game of tennis with his wife, truly is of heroic mold.

Hugo LaFayette Black, who retired from the U.S. Supreme Court over the weekend because of illness, after 34 years on the nation's highest tribunal, doesn't look like a hero and would be one of the last persons in the universe to regard himself as one.

He hasn't scaled a hitherto unscaled mountain peak at risk of life or limb. He hasn't flown to the moon or stormed an enemy stronghold in combat or performed any comparable feat of physical derring-do. But for the last 34 years, while other Americans were going about their various personal pursuits, Hugo L. Black waged a ceaseless struggle from his Supreme Court bench to secure for all Americans those basic freedoms supposedly guaranteed by the Bill of Rights—especially the freedoms of speech, religion, press, assembly and the right to a fair trial.

He fought the battles especially for those Americans who were unable to fight effectively for themselves—the poor, the blacks and Puerto Ricans and all the minorities and underdogs and disadvantaged in a theoretically egalitarian society in which, too often, some citizens are regarded as "more equal" than others.

For this he was reviled, as are, paradoxically, most men who speak up for the weak and oppressed. He also is hated because he is one of those rarities in public life: a man who speaks plainly, on principle. Justice Black has spoken up plainly for the Bill of Rights. He happens to think that the first 10 amendments to the U.S. Constitution mean exactly what they say and for a variety of reasons, this seems to infuriate many people.

Of all the stormy issues on which Justice Black wrote a decision, the most controversial by far was on a case that originated in Albany. It was the famous Regents' school prayer case—the very mention of which makes many people gnash their teeth to this day.

Genesis of the historic ruling was a decision by the New York State Board of Regents, during the early 1960s, to have the following prayer said aloud in public schools at the beginning of each school day:

"Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

Soon after the school prayer was introduced, five parents with children in the New Hyde Park, L.I., public schools challenged the prayer in the courts, contending that since the prayer was sponsored by an agency of the government, it violated the "separation of church and state" provision of the Constitution.

After the case had gone up through the New York State courts to the Court of Appeals, which affirmed the Regents' right to institute a school prayer, the plaintiffs appealed to the U.S. Supreme Court.

On July 25, 1962, the day on which Hugo Black completed his 25th year as an associate justice, the Supreme Court struck down the Regents prayer in a 6–1 decision with Justice Frankfurter out ill and new Justice Potter Stewart was the lone dissenter. Justice Black wrote the majority decision.

A storm broke immediately, embracing Congress and the nation at large. There were demands that the six justices who joined in the majority decision resign immediately. When the justices did not oblige, the demands were stepped up to calls for impeachment. Many prominent national figures, public officials and clerics who should have known better reacted with statements that verged on the hysterical.

Few of the critics had read the complete text of Justice Blacks' opinion (The Knickerbocker News was one of the few newspapers that published the text in full) and most of the complainants had missed the essence of the ruling, namely, that what was wrong was not the prayer but the place. One who didn't miss the point was the late President Kennedy, who called the ruling "a welcome reminder to every American family that we can pray a good deal more at home and attend our churches with a great deal more fidelity, and we can make the true meaning of prayer much more important in the lives of all our children."

In his decision, Justice Black went to the heart of the matter: the Constitution meant exactly what it said. The First Amendment's prohibition of any law establishing religion, the justice said, means just that—no law—and the Regents' prayer was established by such a law.

Then Justice Black, followed with a scholarly, but stunningly lucid description of the historic background for the "'separation of church and state" principle in the Constitution.

"It is a matter of history," he wrote as a reminder to those Americans who had forgotten their history, "that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America."

To those who also had forgotten the nature of man, Justice Black had this reminder:

"It is an unfortunate fact of history that when some of the very groups which had most strenuously opposed the established Church of England found themselves sufficiently in control of colonial governments in this country to write their own prayers into law, they passed laws making their own religion the official religion of their respective colonies."

These are some of the reasons why the freedom of religion clause was written into the First Amendment, because—as Justice Black wrote—"these people knew, some from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the government's placing its official stamp of approval upon one particular kind of prayer . . . or religious service.

Justice Black pointed out that the framers of the "separation of church and state" clause were men who had seen what government meddling in religion and religious persecution had done in Europe and who fled to this country "filled with the hope that they could find a place in which they could pray when they pleased to the God of their faith in the language they chose."

Finally, in language that anyone could understand, Justice Black put the issue plainly: The government should stay out of the business of writing prayers and the church should not meddle in government.

Obviously, Justice Black's eloquent decision didn't convert any of the critics, primarily because very few of them, to this day, have read the complete decision. If they had, for instance, so many of them still wouldn't be uttering such nonsense as "They're taking God out of the schools" or "Now they'll have to take all references to God out of the Declaration of Independence and anthems and 'In God We Trust' off our coins."

For if these people had indeed read the school prayer decision in its entirety, they would have come across this important footnote:

"There is of course nothing in the decision reached here that is inconsistent with the fact school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity, or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State of New York has sponsored in this instance."

Clear enough.

[From the Christian Science Monitor, Sept. 21, 1971]

A True Conservative

President Nixon's problem of finding a suitable successor to Mr. Justice Hugo Black is obscured by semantics. In popular parlance Mr. Nixon will be searching for a "strict constructionist" to replace the "liberalism" of many a decision influenced by the towering mind which is now leaving the Supreme Court of the United States.

But the truth of the matter is that Justice Black was one of the great "strict constructionists" of court history. He was a profound believer in the Bill of Rights; that document which was added to the Constitution in the form of the First Amendment to protect the freedom of the individual from the power of the state.

The original Constitution was concerned with the structure of government, not with the relationship of government to the individual citizen. It provides for a republican form of government. Had there been no Bill of Rights the Constitution would have permitted the new government to be as arbitrary towards the individual citizen as was the government from which the American colonies were escaping.

The Bill of Rights has ever since stood between the individual and arbitary state power, but there are always those who want to enlarge the power of the state and narrow down the rights of the individual. Justice Black took the Bill of Rights seriously, even literally. He believed that freedom of speech, no matter what its consequences, was less dangerous to society than censorship; that a citizen really did have the right to refuse to incriminate himself.

Over and over again he influenced the court in the direction of protecting the freedom of the individual against the power of the state.

He was a true conservative; so conservative that he believed the Constitution should and could be made to work.

There is no one else on the court who has felt so strongly about the rights of the individual citizen. Others have often accepted the Black view, but without him it is doubtful how much of the Bill of Rights would survive today.

It is constantly being argued in these times that freedom for the individual is incompatible with the needs of modern, industrialized, urban society. There are plenty of pessimists in the United States today who assume that the kind of individual freedom Justice Black upheld is a relic of 18th century utopianism. The current issue of Time magazine carries on its cover the startling assertion, "We can't afford freedom."

We hope that in selecting a successor to Mr. Justice Black, Mr. Nixon lean to the side of those who believe that the Bill of Rights is still workable, rather than to the side of the pessimists who consider freedom out of date.

GENERAL LEAVE TO EXTEND

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the late Honorable Hugo Black.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RHODESIAN CHROME AND U.N. SANCTIONS SPECIAL ORDER, MONDAY, OCTOBER 4, 1971

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, in its deliberation of H.R. 8687, fiscal 1972 authorizations for military procurement, the other body on Wednesday will consider an amendment which, unless altered, could cripple the United Nations at a time when that body is experiencing a transition that may well determine the course of world affairs for generations to come.

Section 503 of H.R. 8687, as it now reads, instructs the President to end existing prohibitions on imports of strategic and critical materials from non-Communist countries for as long as the importation of like materials from Communist-dominated countries is not prohibited.

While the language of this section alludes neither to the U.N. sanctions against Rhodesia nor to chromite specifically, its obvious intent is to have the United States unilaterally withdraw from the sanctions program so that Rhodesian chromite may be imported into the United States. The Department of State is opposed to section 503 for the following reasons:

First, resumption of trade with the rebellious Rhodesian regime would violate our commitment to the United Nations resolution which imposed economic sanctions against Rhodesia, a resolution wholeheartedly supported by the United States in the Security Council. As one of the five permanent members of the Council, the United States, by adopting section 503, would singlehandedly destroy the effect of article 41 of the United Nations Charter, which provides for the application of sanctions.

Second, such an unilateral action on our part would favor the repressive policies of the Smith regime and undermine British attempts to achieve a just settlement in their ongoing negotiations with the Rhodesian Government. According to the Department of State, these negotiations may bear fruit in the near future.

Third, for the United States to move at this time against the interests of black Africans would not only destroy any credibility we hold with other African nations but would also erode the faith of concerned citizens everywhere who have been advised by our President to "watch our actions, not our words."

More specifically, such an unwise and ill-timed action could be the death knell to our efforts to retain a United Nations seat for Taiwan. If the Taipei government is to remain in the United Nations family, the vote of every Afro-Asian member will be crucial.

Mr. Speaker, at this point I would like to place in the RECORD the comments on this issue which appeared recently in the Washington Post and the Christian Science Monitor editorial pages:

[From the Washington Post, Sept. 30, 1971]

UNDERMINING THE CHROME BOYCOTT

Senator Harry Byrd has a point: it is ironic that we buy chrome, a strategic metal used in jet aircraft, missiles and nuclear submarines, from the Soviet Union, which is the principal country we use the chrome to arm against. Some might argue the irony proves we arm too heavily. Mr. Byrd believes it proves we're becoming dangerously hooked on Soviet chrome. To unhook us, he wrote into the defense procurement bill a section reopening the American market to chrome from Rhodesia. Rhodesia has been unable to sell chrome here since 1966 when the United States agreed, at the United Nations, to stop trading with Rhodesia, which had declared independence from Britain under conditions permitting indefinite rule by a tiny white minority.

Well, legislators worried that we're dangerously addicted to Soviet chrome can relax. Moscow supplies 60 per cent of our needs but, even before the Rhodesian embargo, it regularly and reliably supplied about 30 per cent. Moscow has more than doubled the price but all prices have risen. Even the administration, which has hesitated to buck Mr. Byrd on the issue, concedes there's a big excess of chrome in the strategic stockpile. And only a tenth of our annual consumption goes to defense.

If Mr. Byrd prevails, the United States would—unilaterally and alone—be breaking its international word and its clear United Nations Charter obligation to enforce sanctions against Rhodesia. It would be jeopardizing Britain's current talks with Rhodesia, talks which Rhodesia joined only under the economic pressure created in due part by the chrome boycott and which aim at winning assurances of eventual majority rule. It would be undermining both its reputation for allegiance to democratic values, and its relations with black African states.

The Senate is now about to vote on an amendment offered by Mr. Fulbright which would give the President discretion to suspend the Byrd "buy-Rhodesia" section if "the national interest or a treaty obligation" so requires. It would be nice if Mr. Nixon would help along this bipartisan congressional effort. But even if political considerations hold him back, the Senate should proceed in the direction indicated by Mr. Fulbright.

[From the Christian Science Monitor, Sept. 28, 1971]

AN ILL-TIMED VOTE

The United States Senate, we believe, is morally wrong in voting to lift the ban on the import of chrome ore from Rhodesia in defiance of a United Nations embargo.

Its decision is all the more unfortunate in that it comes at a time when the British Government is engaged in extremely delicate negotiations aimed at finding a formula for reconciliation with its rebel excolony.

It is true that the sanctions imposed by the Security Council in 1968 have failed in their purpose of bringing down Rhodesia's white minority regime. But they have probably hurt the Rhodesian economy more than Prime Minister Ian Smith would like to admit.

Inevitably the Senate vote, which seems likely to be confirmed by the House of Representatives, will be hailed as a major victory by Mr. Smith. It could cause him to toughen his stand in the negotiations with Britain.

These talks can only succeed if Mr. Smith can be persuaded to agree to start his country on the path toward majority (i.e.) black rule.

If he thinks he can ensure Rhodesia's survival otherwise, he will certainly not yield on this one all-important point. For to yield would mean agreeing to elimination of the very raison d'etre of his regime. Now the U.S. Congress is in the process of encouraging him to hold out.

Apparently the Senate decision was influenced by a powerful lobby representing American metal companies with mining interests in Rhodesia. This will only make it look all the worse in the eyes of the black African countries which have long campaigned for tougher action against Mr. Smith's Rhodesia.

Early in this session of Congress, legislation identical to section 503 was introduced in both bodies. The House versions were referred to the Committee on Foreign Affairs and subsequently considered by the Subcommittee on International Organizations and Movements which I chair. In public hearings, the subcommittee heard testimony from witnesses representing the Government, industry and private organizations. Based on the facts derived from these hearings, the subcommittee unanimously agreed to table the legislation on the grounds that it was unwarranted and destructive. Shortly thereafter, the Senate Foreign Relations Subcommittee on Affairs held similar hearings and decided to table legislation identical to that introduced in the House.

Not to be denied, the proponents of this bill were successful in attaching it as a rider to H.R. 8687 in the Senate Armed Services Committee. As the facts surrounding this issue become clear, I am hopeful that the other body will accept the amendment to section 503 offered by the Chairman of the Senate Foreign Relations Committee.

However, should that amendment fail and section 503 remain intact, it is my intention to raise a point of order against that section in the House on the grounds that it is not germane to the question of our Nation's defense.

A THING OR TWO THAT'S WRONG WITH THE REVENUE ACT OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, reducing taxes has an undeniable appeal, and I have voted for my share of tax reduction bills over the years. But I cannot vote for this one. H.R. 10947 does have one or two good features, and it is an improvement over the package submitted by President Nixon; but the bad outweighs the good.

My principal objection to the bill is that it drastically reduces the amount of revenue that will be available to the Federal Government over the next decade. The Joint Committee on Internal Revenue Taxation estimates that the combination of the new "Job Development Credit," the modified rapid depreciation scheme—"Asset Depreciation Range" or ADR—the new Domestic International Sales Corporation—DISC—provision, and the increase in the low income allowance will cost the Treasury an average of more than $9 billion every year over the next 10 years in lost revenue. To put this in perspective, $9 billion is roughly three times more than the Federal Government will spend in the entire 1972 fiscal year on elementary and secondary education, six times more than will be spent on health research, six times more than the entire budget for the Environmental Protection Agency, and 30 times more than Federal spending on mass transit.

There is no indication that the demand or need for spending on such things as health, education, housing, transportation, and pollution control is going to decline over the next 10 years, and the money is going to have to come from somewhere. The Tax Reform Act of 1969 has already drastically eroded the permanent tax base.

The current bill just makes things worse. We are being extremely shortsighted on these tax bills, and we will pay for it in the years to come.

My second objection to H.R. 10947 is that the tax breaks it grants are heavily skewed in favor of corporations. Except for the increase in the low-income allowance—$1 billion a year—the only relief individual taxpayers get is from the one-shot, 1-year speed-up in the deduction and exemption increases. Possibly the elimination of the auto excise tax should be added, but this was scheduled to be phased out anyway, and the auto companies may stop passing the cut on to the consumer after a year or two. Business, on the other hand, gets a permanent $5.1 billion a year cut from the job development credit, a $3.9 billion a year cut from ADR, and $100 to $200 million a year from DISC. The ratio over the long run is about 8 to 1.

I am not opposed in principle to tax cuts for business. But a time when the full cooperation of labor is needed to make phase II wage-price restraints workable is no time to bait labor by pushing through tax cuts designed to send after-tax business profits soaring. If labor is going to be asked to exercise restraint in its wage demands, equity requires that corporate profits be also restrained. An excess profits tax may not be the way to do it, but tax policies designed to do exactly the reverse of what is required are certainly not the way to do it.

Another defect in H.R. 10947 is its protectionism. The buy American feature of the investment tax credit, coupled with the 10-percent import surcharge, takes us right back to the bad old days of Smoot-Hawley. Ironically, our insisting on these protectionist devices prevents our obtaining a decent realinement of currencies—a realinement which would save a lot more American jobs than these protectionist measures.

H.R. 10947 is also likely to be extremely inflationary. We are already facing a 2-year deficit in excess of $50 billion for the fiscal years 1971–72. Now this bill proposes to add another $25 billion-plus to the deficit over the next 3 calendar years, 1971–73. The prospect of these additions being recouped by expenditure retrenchments is approximately nil.

This is fiscally sloppy. It will make it a good deal more difficult to keep prices and wages restrained in phase II.

Finally, and sadly, H.R. 10947 once again ignores the need to finish the job of plugging tax loopholes that was so timidly begun with the Tax Reform Act of 1969. Billions of dollars in revenue are being lost through the jerry-built and loophole-ridden estate and gift tax system, the tax breaks enjoyed by the oil industry continue virtually undisturbed, millionaires continue to receive tax-free income from State and local bonds, and the minimum tax designed to make the very wealthy pay a little something in taxes appears to be filled with loopholes itself. There is going to be another taxpayers' revolt unless we do something about this. And the job is not made any easier by giving away now—for nothing—the tax reductions which may be needed to sugar-coat any real loophole-plugging tax reform.

THE RESTORATION OF MINED LANDS AFTER STRIPPING

The SPEAKER. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER) is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, many of us are concerned about the effects of strip mining of coal, and in a few instances another mineral, in our States.

I have long advocated legislation which would require the restoration of mined lands after stripping, with provision for bonding or otherwise guaranteeing that the reclamation job is done, which would assure its accomplishment even if the mining company went out of business.

My good friend, Congressman KEN HECHLER of West Virginia has introduced a bill to get rid of strip mining altogether. Although radical, his bill has drawn serious attention to the problem.

Congressman WAYNE L. HAYS has introduced another bill, somewhat less drastic, which would provide for Federal regulation to assure mined land restoration and prohibit stripping in areas too steep to be back filled.

The Washington Daily News, which has consistently supported progressive conservation measures through the years, carried an excellent editorial on the subject of strip mining in its September 30 issue. They call for prompt and effective controls, but they face up to the practical fact that 50 percent of our coal supply comes from strip mines and the problem of stopping abuses will not be solved by a measure which proposes to stop this type of mining altogether and force all miners underground where they are considerably less productive and in considerably greater danger.

The Washington Daily News editorial said:

DEALING WITH STRIPPERS

Reports that more than half our coal now comes from strip mines should be another reminder of the need for tighter regulation of coal stripping in this country.

With rare exceptions, the states have done a poor job of protecting themselves against rapacious mining practices—partly because of coal interests in the legislatures, partly because strip mining is often a fly-by-night operation difficult to police.

As a result, nearly a half-million acres of land have been coal-stripped in the last six years, and only one acre in eight has been reclaimed and beautified once the coal was taken out.

Rep. Ken Hechler, D-W. Va., supported by conservationists, has introduced a bill that would ban all strip mining, shut down existing strips within six months and require coal companies to submit reclamation plans within 60 days.

Unfortunately, the problem isn't quite that simple.

In the first place, legislation outlawing strip mining and putting 24,000 miners out of work has little chance of getting thru Congress, especially at a time when the national unemployment rate exceeds 6 per cent.

Secondly, the power companies can't afford to lose 50 per cent of their coal supply if they hope to keep pace with the rising demand for electricity.

And finally, there is solid evidence that stripped land can be restored—and even improved—if states are willing to pass and enforce strict surface mining laws like the one in Pennsylvania.

Rep. Hechler concedes that "much progress has been made in reclaiming strip-mined lands; there is no questioning that fact." So why not try reclamation on a national basis?

The Nixon administration is backing a plan under which the states would be given two years to meet federal mining and reclamation standards.

More direct is the proposal by Rep. Wayne L. Hays, D-Ohio, who wants to set up a Federal Strip Mine Reclamation Commission with the power to regulate strip mining in all the states. Stripping would be prohibited entirely in areas too steep to be effectively backfilled.

Tighter controls on strip mining are long overdue. And at the rate the diggers are defacing the land, there is no excuse for further delay.

Additionally, I offer an editorial from a recent issue of Life magazine by Edmund Faltermayer entitled "Taming the Strip-Mine Monster" which constructively discussed reclamation work in Pennsylvania:

Taming the Strip-Mine Monster

I have long loathed the very idea of strip mining. When men tear open the land to a depth of a hundred feet or more to get a seam of coal and then abandon the site in a naked condition, the devastation can take millennia to heal. Nearby streams become murky with silt and toxic with acid. The huge, ugly spoil banks—the rocky material dumped to the side to expose the coal—support little vegetative cover and are prone to landslides. And when machines chew into the side of a mountain they leave steep "highwalls," or manmade cliffs, on the uphill side of the cut. Not long ago I saw hundreds of miles of these cliffs that have been slashed across the slopes of Appalachia, and it was a sickening sight.

Spurred by the shortage of coal for generating electricity, strip mining is expanding at a fearsome rate and now produces 40% of the nation's coal. Angry voices are calling for a halt to the practice. In West Virginia, young John D. Rockefeller IV, running for governor, demands that stripping be outlawed in his state "completely and forever." Another West Virginian, Representative Ken Hechler, has 90 cosponsors for his bill in the U.S. Congress to outlaw it nationwide. Abolition is the only solution, argues Hechler, because the various state laws requiring companies to restore strip-mined sites are weak, or have been sabotaged by lax enforcement. Furthermore, say the abolitionists, good reclamation—assuming companies could be compelled to do it—is so costly that it would wipe out the economic advantages of strip mining.

Yet the consequences of a total ban on strip mining—which would mean more reliance on nuclear power, and sending more men down to underground mines—are pretty unattractive too. Besides, the abolitionists haven't made a case that good reclamation of strip mines is prohibitively expensive. It costs $1.50 a ton less, on the average, to strip coal than to send men into the bowels of the earth for it. That cost advantage is so great that strip-mining companies can afford to do some pretty fancy regrooming if they are made to do it. I know this is so, because I've been to Pennsylvania, a state which rigorously enforces its reclamation law, the toughest in the land. A lot of Pennsylvania companies are now going beyond what the law requires—replacing topsoil, for example. "They've really got religion on reclamation now," says William E. Guckert, who runs the state's enforcement program. "But," he quickly adds, "they didn't get religion until we put the screws to them."

Cynics will greet with disbelief the news that there is a state government anywhere that puts the screws to the strip-mining industry. How it happened is worth telling. With more scarred acreage than any other state, Pennsylvania also has the country's biggest constituency of outdoorsmen to notice all the ruined terrain—1.1 million licensed hunters and 800,000 fishermen—and they know how to lobby. Pennsylvania also has Bill Guckert, a powerhouse of a man at 63 who got into the strip-mine fight in the 1950s.

The outdoorsmen fought hard to get a tough law on the books, Guckert recalls, and when some legislators sat on the bill "we beat the living H out of them" at the polls. A good law finally passed in 1963, and Guckert took over the enforcement agency four years later. Almost immediately, he was pressured by a political boss to go easy on a strip miner who was violating the rules. But Guckert, who had the full backing of then Governor Raymond Shafer (as well as his successor, Milton Shapp), angrily refused. From that day, he says, he has operated without political interference.

In the four years that Guckert and his 20 inspectors have been riding herd on 360 bituminous strip-mine operators, the results have begun to show. At 16 different locations I saw the land completely "backfilled" by law to approximately its original contours. This means that all the material in spoil banks has been bulldozed back into the deep trenches where the coal lay, in a manner that completely buries those ugly "highwalls." In Pennsylvania they not only backfill completely, but do it promptly, in order to minimize the exposure of acid-forming strata to air and water. Even temporary water pollution is prohibited. Water that collects while mining is underway must be treated in settlement basins.

We came to Emerson Bowser's farm in Jefferson County. His rolling cropland was literally turned upside down for coal—with vast spoil banks and 80-foot highwalls at one point—but today you'd never know it. Tall corn grows in the replaced topsoil, and the fertility is coming back. In five years, says Browser, "there won't be any difference," in his crop yields.

Pennsylvania in fact is getting an extra dividend from its law: vast tracts of land damaged in bygone days, when laws were lenient, are being restored. With today's bigger machines, companies can return to formerly strip-mined sites to work seams that were too deep to be stripped profitably in the past; and when they do, they must put the whole thing back together. In a mountainous area near Clearfield, in the center of the state, the improvement is breathtaking. On one side you can see an "active" site with spoil banks and lightwalls from the past, newly churned up for deeper coal—a lunar landscape if there ever was one. On the other side the land is regarded and planted as far as the eye can see. Companies returning to old sites are restoring "thousands of acres at no cost to the taxpayer," Guckert says. That is why he doesn't want to ban all strip mining now, for then the state itself would have to restore these "orphans" lands at enormous cost.

In the early 1960s, when trying to prevent passage of the Pennsylvania law, strip-mine companies warned that the cost of elaborate reclamation would put them out of business. As it turns out, strip-mine production of soft coal has increased somewhat under the new law, and reclamation adds an amazingly low 15¢ to the average cost of getting a ton of coal out of the ground.

The foes of strip mining take little comfort from the Pennsylvania experience, which to them comes from a unique combination of broad public concern and honest enforcement. Meanwhile, they say, the damage goes on. Stripping is just getting underway on a large scale in such western states as Montana, Idaho and Wyoming. To appreciate the freebooting atmosphere that still prevails in most states, cross from Pennsylvania into Ohio as I recently did. There, under the reclamation law that is an insult to the intelligence of that state's citizenry, companies are leaving sheer vertical highwalls, some of them 150 feet high and close to busy roads.

Obviously something has to be done, and quickly. Pennsylvania's reclamation standards, which may soon be tightened further, should become the minimum for the whole nation. The Nixon administration has proposed that Congress set federal standards for reclamation, to be applied within two years if states don't enact sufficiently strong rules in the meantime. But the states should not need a prod from Washington. Public indignation is rising, and a whole industry is, in a sense, on trial for its life.

THE SHARPSTOWN FOLLIES—XLIII

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, it turns out that one of the unsatisfied creditors of the bankrupt Sharpstown Realty Co. is one Will Wilson, Jr., to whom the sum of $11,000 is owed. This Wilson is none other than the same Will Wilson who was once employed as Sharpstown Realty's legal counsel, the same Will Wilson who himself borrowed tens of thousands of dollars from Sharpstown Realty, and paid it back, not in cash, but in kind. That's the sort of bartering that probably broke good old Sharpstown Realty in the first place.

I said once that Will Wilson at least stuck by his old pal, Frank Sharp. But I guess his loyalty does not reach as far as his wallet, because there is old Will, right in line behind the poor Jesuits, from whom Sharp stole millions, wanting to get his share of the very watery assets of Sharpstown Realty.

How is it that Sharpstown Realty ever wound up owing Will Wilson money, at this late date? He was supposed to have severed his ties with the Sharp empire way back in the beginning of 1969. Moreover, the last I heard, it was Wilson who owed Sharp money, not the other way around. But then the thickets and mazes of brambles of Sharp's finances make anything possible.

So there is old Will, Sharp's chief lawyer, out there in line with Sharp's other creditors. And imagine, Wilson's pals in the Justice Department let Sharp chisel the people out of even so much as having Sharp with a tenth of his crimes. Well, that is justice. If Wilson loses his 11 grand, that will be little enough of the justice he has coming to him. His loss will not hurt him nearly as much as the thousands of stockholders, the thousands of policyholders, and God knows how many other poor innocents who were scalped, sheared, and taken to the cleaners by Sharp and his pals, including our friend Wilson, lawyer, confidant of scoundrels and now, appearing in a new role in the Sharpstown Follies, mustachioed creditor, complete with black cape. I guess that Wilson figures that while it was OK for him to work out his debts to Frank Sharp, Sharp had better ante up his debts to Wilson in cold cash. That is the way things are in Sharpstown, where only yesterday, Wilson was a debtor. He has paid his debt to Sharp, in cash, in kind, and in immunity, and I suppose he figures it is time for Sharp to bleed for Will Wilson for a change.

STRIP MINING: A NEED FOR NATIONAL CONCERN OVER AN ECOLOGICAL DISASTER

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 60 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, the practice of strip mining for coal is a deplorable practice. The price paid in environmental damage, personal injury and death, and sheer drudgery for those who must extract coal or any other mineral and ore simply is not worth the cost.

From time to time, the public's attention is brought to focus on this problem but because of the very nature of strip mining, with low visibility due to remoteness from population centers, it is difficult to maintain the spotlight on the problem.

Nonetheless, the pernicious practice continues and the devastation it causes continues to increase.

Our House colleague, the gentleman from West Virginia (Mr. HECHLER) has fought a continuing battle against this practice with limited success. This is no easy battle. There are many interests involved, many of them human interests, which are difficult to resolve. Nonetheless, he is to be highly commended for his past work and most deserving of assistance as he continues

These efforts are being assisted through the media. In particular, Mr. William Greenburg, of the Nashville Tennessean, is currently doing a series of articles on strip mining and the vast array of problems and complexities involved in equitably halting the practice, or at least bringing under reasonable controls to insure the environmental integrity of the regions which are mined as well as the economic viability and personal safety of those who are engaged in the practice.

I have found Mr. Greenburg's articles to be among the most enlightening and provocative of any I have read to date and ask unanimous consent to include them in the body of the RECORD at this point with my commendation of them to the consideration of my colleagues.

The articles follow:

STRIP MINING LEAVES TRAIL OF WANT, RUIN

(By William Greenburg)

LAFOLLETTE, TENN.—Coal, which once promised riches to this East Tennessee mountain area, after decades of strip mining has left shocking poverty, widespread suffering—and ravaged land.

Last fiscal year coal valued at $12.2 million was strip mined from acreage in Campbell, Claiborne, Anderson, Morgan and Scott counties. Strip mined coal from the entire state was valued at $15.5 million.

But tours of these five counties by a reporter-photographer team during the last 12 weeks show the area has been drained of its mineral, financial and human resources.

These people are poor. Their homeland is barren. The coal is being taken from the earth. Gaping scars and frequent landslides remain. Floods are an everpresent fear.

All across the nation strip mining has become an environmental and political debate. Here in Upper East Tennessee it is not a matter for debate; it is a reality.

Here is the legacy strip mining has left this section of Tennessee:

1. Most of the coal lands in these five counties are owned by a handful of giant land companies, many of whose owners and stockholders reside outside Tennessee and some outside the United States. They pay a pittance in land taxes.

2. The multi-million-dollar sales of coal mined from these Tennessee lands bring not a penny of tax revenue to the state of Tennessee or its counties or cities. There is no state tax on mineral wealth in Tennessee.

3. With the exception of Anderson County—where Oak Ridge is located—these counties where coal is strip mined rank among the poorest in the state and the people are hard pressed by poverty-level incomes. Young people are fleeing from the area by the hundreds each year.

4. Millions of dollars worth of equipment used in strip mining coal, that should be taxed as personal property used in business, is not listed in county assessors books.

5. Landslides threaten human life, roads, railways and farmlands, and create major flood hazards.

6. Streams are choked by debris, silt and gigantic boulders, and sometimes are filled with acid causing danger to health and additional flood threats. Also, pollution could spread to other areas in the state with possible danger to water supplies.

7. Laws governing strip mining in Tennessee are weak and inadequate. Laws governing coal mine operating companies—relating to overweight trucks, motor vehicle operation and blasting—are laxly enforced and often completely ignored.

These five counties make up the state's Northeast Coal Field and in 1970 accounted for 77% of the nearly eight million tons of all coal produced in Tennessee.

Strip mining, however, is increasing rapidly. Nine strip mines have opened in Fentress County during the last year and stepped-up activity is taking place in other areas of the state.

Most people have heard of strip mining—but do not know what it is.

Strip mining is a method of extracting coal by carrying away the dirt and rock cover and scooping the mineral out with bulldozers and front end loaders.

Deep mining, the more familiar method of extracting coal, is done by boring tunnels or sinking shafts. Then the coal is dug out and hauled to an opening.

But strip mining is done mostly on the sides of mountains. This is called contour stripping. Strip mining done on flat terrain is called area stripping.

First a road is cut up the mountain after prospecting has determined coal is present. Then explosives blast away and loosen dirt and rock.

Buldozers move in and clear off dirt and rock by pushing it over the side of the mountain. The dirt and rock is called overburden. The overburden deposited on the mountainside is called the spoil bank.

The flat surface that is left after the overburden has been cleared is called the bench. The coal is exposed here and is dug out, creating a pit—thus sometimes the reference, strip pit. The coal is loaded on trucks which haul it to steam plants or tipples at rail heads.

The steep side of the mountain that has been created by clearing away the overburden and that forms a right angle with the bench is called the high wall.

As more coal is dug from the seam that extends into the mountain, more overburden is removed and the high wall is pushed back until the entire portion of the mountain covering the coal seam is sliced off.

Strip mining of coal has increased because it is cheaper to produce this way.

Coal is covered by one million acres of land in these five counties. Nine land companies that deal in coal own 335,000 acres in these counties.

The largest of these companies is the mammoth Coal Creek combine, composed of Coal Creek Mining & Manufacturing Co., the Poplar Creek Coal Co. and the Winters Gap land holdings.

Coal Creek, which has approximately 65,000 acres in Anderson, Campbell and Morgan counties, is owned by 265 stockholders throughout the United States and Canada.

Tennessee Land and Mining Co. owns 60,000 acres in Anderson, Campbell and Scott counties. The company is a partnership with the major interest held by E. L. Spetnagel family of New Preston, Conn.

Another large landowner with the unusual name of The American Association Ltd. is a British company, 90% of whose stockholders reside in London.

This company owns 44,000 acres in Claiborne County, almost all the coal-producing land, and 6,000 acres in Campbell County.

Even the Payne-Baker Estate, with 39,000 acres in Scott County and 1,000 acres in Morgan County is not held primarily by Tennesseans.

The estate is managed by U.S. Sen. Howard H. Baker Jr., whose mother has a one-ninth interest in the property. The rest of the land is owned by the Payne family in Pennsylvania. Mrs. Baker was a Payne.

Koppers Co., the Pittsburgh-based industrial giant, owns 49,000 acres mainly in Campbell County.

Ford, Faust & Cheely, a Tennessee owned and managed company, has 32,000 acres in Morgan County.

Blue Diamond Coal & Mining Co., founded by a Scotsman and with stockholders all over the country, is a land and mining firm with 19,000 acres in Scott County and nearly 1,000 acres in Campbell County.

These companies are assessed at between $30 and $40 an acre in land that produces not only coal but millions of dollars of timber. By comparison farm land in these five counties is assessed at between $100 and $500 an acre.

Besides paying a small property tax these companies return not one penny in revenue to the state of Tennessee on the income they earn from coal. Moreover, they take a depletion allowance on federal corporate income taxes.

"We have nothing in Tennessee of a definite element that taxes minerals in the state," said Freely B. Cook, director of the State Board of Equalization.

Frank Phillips, Scott County tax assessor, said coal properties are assessed at $30 an acre and mineral rights without surface ownership are assessed at $10 an acre.

This lack of tax revenue from companies that hold a major portion of the income-producing land in the five counties has meant some of lowest earnings per person in the entire state.

Anderson County, because of Oak Ridge, has the highest per-person income in the area.

Morgan County ranks seventh from the bottom in the amount of money earned each year by each of its citizens—$982, well below the state average of $2,038 Claiborne is 10th from the bottom, Scott is 15th and Campbell is 20th.

Net out-migration during the period between 1960 and 1970 was 7,063 from Anderson, 4,587 from Campbell, 1,943 from Morgan, 2,790 from Scott and 1,253 from Claiborne.

These counties are poor not only because the land companies do not pay a share of taxes equal to, or higher than farmers, but also because most of the coal companies do not pay taxes on equipment used in strip mining.

Equipment, furniture and machinery used in business is supposed to be taxed as personal property.

An example is Four Leaf Coal Co., listed in Tennessee Department of Conservation records as either based or doing business in Claiborne County. The company is not on the county tax books.

Four Leaf, in the Conservation Records, submitted a financial statement in support of a self-surety bond stating the company owned $11,756 in vehicles and $1,130,560 in mining equipment.

"They (strip miners) go over the state line. They go over the county lines. We can't find them," said Claiborne County Assessor John Greer.

The coal industry is a financial burden on the state and the counties also because of the damage it causes.

The State Highway Department and county highway departments have spent time and money cleaning roads, culverts and streams of debris that has come down from the strip mines.

Last April Anderson County Engineer Gordon E. Colbern said the county had spent

$17,000 cleaning off on one small section of Frost Bottom Road following closing of the Crass strip mine 16 months before.

In Claiborne, State Highway Department crews have been cleaning out since last spring a section of Highway 90 that has been covered by a slide which also altered the course of a stream.

Acid that has run off from deep mines but aggravated by strip mining which has opened some of the old underground areas has ruined the water supply of the tiny hamlet of White Oak in Campbell County. In Clairfield some persons are forced to boil their water and add Clorox to it to make it safe to drink.

In Petros in Morgan County gardens that once grew corn, beans and other vegetables now look like strip mines from the debris carried down the mountain by Crooked Fork Creek.

"We lost 20 bushels of potatoes and four or five bushels of beans," said Mrs. Melvin Massengil of Petros when asked about flood damage. "We lived here 32 years and we never had such heavy floods until two years ago when they started stripping heavy."

"We are afraid to go to sleep when it rains. We just stay up all night," she added.

Byrd W. Duncan Sr. of Graves Gap in the heart of the Anderson County coal-bearing mountains said the blasting is starting to get heavy.

"If they shatter my home, I'm going to get the law," Duncan said. "I want to see if we really have law in this county. The state man was up here the other day and said the laws were not strong enough to control strip mining and that the strip miners were too powerful."

While the strip miners cover roads and fields with debris, they are riding roughshod over the roads with overweight coal trucks. There is no license plate in Tennessee which permits a vehicle to weigh with its load more than 73,280 pounds.

"I've driven one load that weighed 111,000 pounds and many that weighed 90,000 pounds," said Bud Hackler of Hamblintown in Claiborne County.

Cedric Jurgens, a former Marine officer hired as weighman for Scott County, resigned last week after General Sessions Court Judge Merle Waters dismissed 15 cases against overweight trucks after repeatedly putting the cases off—many since May 12.

It has been 220 years since the first written account of coal in Tennessee was made near Cumberland Gap, 19 years before Daniel Boone passed through the area.

"We camped on the banks where we found very good coal," observed Dr. Thomas Walker on April 13, 1750, while leading the Loyal Land Co. expedition.

Writing in 1947, Robert L. Kincaid in "The Wilderness Road" said the coal Walker had "discovered on the banks of Flat Creek would bring riches to the mountains." But today there are no riches—only poverty, suffering and bare, ravaged land.

LANDOWNERS, MINERS ENJOY TAX LOOPHOLES

(By William Greenburg)

TAZEWELL, Tenn.—Coalfield landowners and strip miners enjoy loopholes and lax enforcement which permits them to realize tax benefits other citizens of Tennessee do not have.

"The strip miners and the landowners don't pay their share of the tax burden when you get right down to it," said Campbell County Judge Jack R. Alexander. "The absentee ownership of the land gets me mad and they have been getting away with it for years."

A study of tax records and property ownership by a team of newsmen investigating strip mining in Tennessee disclosed:

1. Coalfield landowners pay minimal property taxes, less even than farmers. Many of these owners are from out of state.

2. Because there is no mineral tax in Tennessee, the state and its counties and cities receive not one penny in tax revenue on income from multimillion dollar sales of coal.

3. The only county that tried to raise a privilege tax on coal mining found that an alliance of mining companies applied pressure on the quarterly court and beat back the tax measure.

4. Strip mine operators, some of them from out of state, pay little or no property taxes on millions of dollars worth of equipment used in their business.

In 1970, the giant British land company, The American Association Ltd., which owns 44,000 acres in the coal production portion of Claiborne County, paid $6,000 in property taxes.

Consolidated Coal Co., one of the world's biggest and a subsidiary of Continental Oil Co., leases 21,000 acres of American Association holdings.

In the fiscal year which ended June 30, 1970, Consolidation produced, according to the Tennessee Department of Labor, 1,257,240 tons of coal. The market value of coal that year was about $4.50 a ton.

The terms of the lease call for a royalty payment of 15 cents a ton to American Association. This would mean that in one year the firm with 90% of its stockholders living in London made $198,586 from just that lease. Moreover, Consolidation pays the property taxes on its lease, which was $65,000 in 1970, $19,000 of which was in buildings and equipment from its deep mines.

The American Association has coal leases, mainly for strip mining, on the rest of its holdings. Although information on the terms of these leases was not available, the royalties from strip mining of coal throughout the state generally are running:

25 to 40 cents a ton.

A percentage of the gross after the sale price rises above $5.

A stipulated annual minimum.

Provisions to pay property taxes.

This past spring the American Association appealed new appraisals levied as the result of a new state law but later dropped the action. In its appeal, the giant land owner stated:

"For many years the property in Claiborne County was assessed at 10% while The American Association was assessed at fair market value. However, the amount of tax dollars was not sufficient to complain."

Although the combined American Association and Consolidation tax was $71,000 dollars, the county tax books had the American Association down for taxes of $18,000 in 1970 on all its holdings before the assessment was changed in the county trustee offices.

In 1962, and in 1960 the American Association paid $14,479 on its Claiborne County holdings, which it acquired during the 1890's.

It is not possible to pinpoint the income of other large landowners as it was the American Association. The American Association is the single dominant company with a big lease in a county, which permitted analysis.

This disparity between landowner income and tax, however, is obvious. This same situation applies to all other holdings in the northeast coal fields of Claiborne, Campbell, Anderson, Morgan, and Scott counties, among the poorest in the state.

Tennessee Land and Mining Co., controlled by a Connecticut family, owns 60,000 acres in Anderson, Scott, and Campbell counties.

In Anderson County, the company owns 21,324 acres valued at $687,480. The assessment in 1970 was $240,618. With a rate of $4.95, the taxes were $12,107.

E. L. Spetnagel, managing partner of Tennessee Land and Mining from New Preston, Conn., said royalties are a "piddling amount" of the cost of coal.

The Mammoth Coal Creek land combine owns approximately 65,000 acres in Campbell, Anderson, and Morgan counties. On 34,041 acres of land in Anderson County, Coal Creek was appraised at $1,294,170 and assessed at $442,959. Taxes were $21,926.

Warren Haydon, secretary-treasurer and general manager of Coal Creek said his company earns half its income from coal.

Koppers Co., the Pittsburgh industrial giant, owns 49,000 acres, all but a few hundred in Campbell County. In 1962, Koppers sold the coal rights to the Tennessee Valley Authority for nearly $700,000. TVA makes a payment in lieu of taxes to the state. Nothing goes to the county.

The Payne-Baker estate, managed by Sen. Howard Baker Jr., holds all but 1,000 of its 40,000 acres in Scott County. In 1970, the land company paid $18,941 in Scott County on an assessment of $324,315.

Blue Diamond Coal and Mining Co., with stockholders all over the country, has 19,000 of its 20,000 acres in Scott County. It was assessed at $173,165 and paid $12,989 in taxes in 1970.

Ford, Faust, and Cheely, a Tennessee company managed by former University of Tennessee football player Hugh Faust, owns 32,048 acres in Morgan County, appraised at $1,144,550. On a sampling of four tracts totaling 1,815 acres, the assessment was $18,681 and the taxes were $761.

Campbell County had valued The Tennessee Land and Mining holdings at $785,870 and the Lindsay Land Co.'s 3,358 acres at $230,000 to reflect the value of the coal in the ground.

But on the appraisal cards for these firms in the Campbell County Courthouse, the values are crossed out. The Tennessee Land and Mining card reads $449,000 and the Lindsay Land card reads $112,650.

Campbell County Tax Assessor J. P. Ayers said these cases were appealed before he took office. He said the State Board of Equalization changed the appraisals.

In only one county, Sequatchie, which lies in the state's Southeast Coal Field, was the tax assessor, Ivan Condra, partially successful in increasing the value of land to reflect the coal in the ground.

Condra said the contract the state had with the appraisal company did not provide for valuation of mineral wealth. He said this became a problem because land companies challenged him by protesting that he was trying to change figures of expert appraisal firms.

Condra said that in the fall of 1969 he notified the state division of property assessment, and armed with the U.S. Bureau of Mines studies, increased the value of the coal land by approximately $300 an acre.

Condra said the two companies, Tennessee Consolidated Coal Co., and U.S. Steel Corp., appealed to the State Board of Equalization and the appraisal was dropped to an increase of $180 an acre.

Condra added, however, that he has not been able to tax the coal that is strip mined because it is not listed in any county studies by the U.S. Bureau of Mines.

He explained that the strip miners just move along with their drills and where they find coal, they start stripping.

"We must assess a year in advance and we have no way of knowing that coal is present if not included in available studies," Condra said. "When the strippers come in you know that it is there and all you can do is sit and watch the trucks roll by, loaded with coal."

Scott County attempted to raise a tax of another type to reflect income from coal production—a severance tax.

The severance tax will be the center of increasing debate in the state. It is not a property tax, but a privilege tax on the business of extracting minerals from the earth.

The Scott County Quarterly Court requested a severance tax and a private act was passed by the last session of the legislature, only to be rejected by the court in July, just before a special election.

Lawrence Walker, one of three magistrates re-elected, said he voted against the tax because timber was deleted and he thinks the county is taxed enough. He added that the new mine safety law will make coal production more expensive and that something is in store for strip mining that will increase the cost of doing business. He declined to elaborate.

Charles Todd said he rejected the measure because timber was left out.

Paul Phillips, chairman pro tem of the court at the time of the vote on the severance tax, said it was rejected because there was still a question of its legality, timber was left out, and a portion of the funds would go to the road department, instead of all going to the general fund as requested.

"Most people conceded it was a fair thing as far as the county was concerned," Phillips said. "There was a lot of pressure put on by the coal companies. A lot of them have contracts with TVA and they would have to jack up their bids. This would put them in a bad competitive position with operators in Kentucky and other counties.

"This did not set well with the strippers.

"We need a general state law. A guy strips in Scott County for 30 days and goes to another county. It's awfully hard to collect the tax."

Rep. William Blakley, R-Scott County, who introduced the private act for the severance tax said the measure was not changed in any way in Nashville. He added that he thinks the measure failed because of pressure applied to the quarterly court by coal companies.

Blakley said the severance tax from coal and oil would have brought the county $250,000 a year.

Strip mine operators also are enjoying a tax windfall by not paying property taxes on the equipment they use in business.

Bear Creek, C&A, Dixie Pine, Four Leaf and Tackett Creek coal companies are listed in State Conservation Department records as either based or doing business in Claiborne County. Only one of the firms, Dixie Pine, pays personal property taxes and that is in Campbell County.

Another firm, Clairfield Equipment Co., which services strip mining equipment and is the seat of the Arnold mining interests, is in Claiborne County but not listed on the tax rolls.

When asked about this, Edward Dooley, Middlesboro, Ky., accountant who handles the Arnold interests, replied:

"First of all, why should Clairfield Equipment be listed in Clairborne County. To the best of my knowledge it is listed as real property in Campbell County under the name of Mr. U. R. Arnold."

Ulysses Arnold is a pioneer in strip mining of coal. Like many others he governs a large mining combine under a host of names and leases.

The failure to collect property taxes on this equipment adds up to a sizeable loss to the counties.

For example, Warren Lawrence of Thompson & Green Co., Inc., Middle Tennessee distributor for Caterpillar, said the huge D9G bulldozer used in strip mining sells for $106,985. He said the 10-cubic-yard capacity 992 front-end loader is priced at $145,747 and the six-cubic-yard 998 frontend loader sells for $86,422.

In Scott County, only one company listed in official conservation department records is on the tax books for personal property.

Overton Brothers was listed as having equipment worth $36,000 and assessed at $7,200. Taxes were $630.

But even here the corporate structure of the strip miners is not clear.

U.S. Department of Labor mining production records lists Overton Brothers, Overton Coal Co., and Arlie Overton Coal Co., stripping a total of 33,200 tons for the year which ended June 30, 1970.

Frank Phillips, Scott County tax assessor, said he thought Pee Wee Mining Co., listed in the conservation department records as being in his county, was on the tax books in either Campbell or Anderson counties.

Pee Wee Mining was on the Campbell County books with a line through it and a notation that it had gone out of business.

Roger West, listed as principal officer by the conservation department, said:

"The Pee Wee Mining Co. is really not active now. Our company is West Coal Co. We have one job called the Pee Wee Mine. West Coal is a Tennessee corporation domesticated in Kentucky. We were on the McCreary County (Kentucky) books because we stripped in Kentucky before we came to strip in Tennessee. We don't pay personal property taxes now in Kentucky and if we are not paying them in Tennessee we will be.

"I can't see why it's the Nashville Tennessean's business to ask about our personal property taxes."

The State Department of Conservation lists Daugherty Coal Co., Paint Rock Coal Co., Burress Coal Co., and Weslyan Coal Co., as either based or doing business in Scott County.

When asked about these firms, Scott County Tax Assessor Frank Phillips said Daugherty was not on the tax books and he did not know anything about Paint Rock.

Asked about Burres Coal Co., he replied:

"I never heard of them."

He said he never heard of Weslyan Coal Co., either.

In Anderson County, none of the strip mine companies listed by the conservation department are on the county books, and in Morgan County only two, Fred Walt and G&F are on the books, at a fraction of the cost of the equipment.

Hugh Faust, manager of the 32,000-acre Ford, Faust & Cheely land company and a partner in G&F said of the personal property tax:

"They (the tax office) send us the bill and we pay it."

Only Campbell County has been successful in taxing strip miners for personal property.

"We only list coal companies if they have equipment in the county," said assistant assessor Tony Kitts. "The companies won't tell us their addresses. We get a list from the bureau of mines in Knoxville."

Besides not paying personal property taxes, a number of the strippers are from out of state like the landowners, and never return a penny of revenue to Tennessee.

Capital Coal Co. of Frankfort, Ky., is listed by the labor department as stripping 100,000 tons in Claiborne County in fiscal year 1970. This company is not on the county tax books, nor is it listed anywhere in the strip mining permit records of the department of conservation.

E. L. Spetnagel, of New Preston, Conn., and managing partner of the 60,000-acre Tennessee Land and Mining Co., said most of the income from strip mining goes not to the landowner, who might be from out of state, but to the operators who are local.

One of the largest acreage permits for strip mining in the state has been issued for Tennessee Land and Mining Co. property in Anderson County. The permits are for 286 acres and they are for the Cumberland Coal Corp. with an Oak Ridge post office box.

But Cumberland Coal Corp. appears to be merely a front for The Harbert Construction Corp. of Birmingham.

On a power of attorney from the U.S. Fidelity and Guaranty Co. in Baltimore for Cumberland Coal., a number of people are listed from Birmingham, who turned out mostly to be members of the McGriff & Seibels Insurance Co.

Lee McGriff said the member of his firm who handled the Cumberland account was at Harbert Construction Corp. and that they could tell more about it because Harbert owns Cumberland.

John Harbert III would say only that when he feels somebody has potential he will back him.

In the Clinton, Tenn. office of the Tennessee Land & Mining Co., a map on the wall reads:

"The Harbert Lease."

But not all the stripping and landowning is from out of state. Some of it is very close to home.

"Don't go after just the little guy," said Dudley Freels, Morgan County tax assessor. "I was raised back on Mill Creek and they are stripping back there on land owned by the University of Tennessee."

"The Jackson Mining Co. has been stripping up there and they have never fixed that land," Freels said.

Jackson Mining Co., is not listed on the Morgan County books for personal property.

Jackson Mining has a 32-week TVA contract for 64,000 tons of coal for $522,240.

STRIPPING MARS FACE OF NATURE

(By William Greenburg)

NORMA, Tenn.—"It looks like the whole mountain is sliding in," said Mrs. Kathleen Pennington.

"It's just a huge pile of mud, slate, trees, and dirt. It's sort of scary," added Mrs. Pennington, a school teacher at Norma Elementary School about a quarter of a mile from a giant landslide, triggered by strip mining.

"It's dangerous and it should be fixed," said she of the slide in the southwest portion of Scott County.

This giant landslide on the slopes of a mountain near here is a powerful symbol of what strip mining is doing to Tennessee's environment.

It also points up in dramatic fashion how inadequate state laws and state agencies are in dealing with strip miners who are devastating some of the most scenic mountains in Tennessee.

The landslide was triggered in June 1970 by Sandlin & Whalen strip mining company of Florence, Ky., on a slope that had been unstable for years.

The slide, carrying thousands of tons of dirt and rock crashed down the mountain side tearing a gaping hole in the property of Green Day, who owns the slope of the mountain but not the area above it where the stripping was done.

The slide which completely blocked a county road, piling dirt up higher than an automobile and spilling over onto the rail road tracks, has already cost Scott County $725.

Arthur Waters, county road superintendent, said Sandlin & Whalen are now keeping the road below the slide clear. He said another landslide, which was not from stripping and not nearly as bad as the one at Norma, cost the county $7,500 to fix.

This situation, just one example of how strip mining of coal, which has skyrocketed in the last year, is also:

Tearing open the sides of East Tennessee's mountains, ruining timber in the process and leaving much of the damage in a condition that can never be repaired.

Choking streams with silt, causing flooding during the slightest rainfall.

Aggravating acid runoff into the state's waterways, causing pollution and possible danger to water supplies.

The effects of the environmental damage of the Norma landslide are being prolonged by the fact that Dallas Sandlin said the owner of the land on the slope will not let his company repair the damage. Sandlin said he offered to buy the land for $500 but the owner was asking $2,500. Mit Day, who manages the land for his father, said Sandlin & Whalen can repair the slide, whether they do or do not buy the land.

Meanwhile, Scott County has bogged down in trying to initiate condemnation proceedings—a process which would allow the county to take over the property.

Scott County, however, is not the only government body that has had trouble with Sandlin & Whalen. The company has caused trouble for the state for a year—trouble the State of Tennessee is apparently incapable of handling.

Chase Delony, director of the strip mining and reclamation division of the State Department of Conservation, wrote Sandlin & Whalen in November 1970 informing the company it was stripping without a permit.

On Jan. 15, 1971, Delony wrote the company and told them the situation had been "neglected too long" and the case was going to be turned over to the attorney general.

Sandlin & Whalen then satisfied application requirements and was granted a permit.

On March 29, the company mailed a check with a request to strip additional acreage for which they were granted a permit on April 19.

In early June, the vast Normal landslide occurred.

On June 22, Delony's division acknowledged receipt of a cash bond for still more acreage Sandlin & Whalen wanted to strip.

On July 2, Delony wrote the company that its check of March 29 was returned marked insufficient funds, that a surety bond had to be filed and that his office was aware of the landslide.

"We regret the threat of court action and the injunctive process, but the conduct of your business in Tennessee leaves us no alternative," Delony said in his letter to Sandlin & Whalen.

Sandlin & Whalen covered the check, sent in the bond, and in July were granted a permit to strip 15 more acres.

On Aug. 20, Delony wrote the company again:

"To lessen the adverse environmental impact of your mining operations at site No. 1 near Norma (the land slide) you are urged to conclude without delay all grading required by Tennessee strip mine law."

Grading is a process which is supposed to leave the strip mine area looking like a plowed field so the possibility of land slides is minimized and grass and trees are permitted to grow.

Moreover, The Tennessee strip mine law, whether applied at the Norma site or other areas, is mainly ignored. It is also apparent the Conservation Department does not vigorously enforce the law.

Out of the turmoil and embarrassment of the Norma landslide, one seemingly insignificant fact emerges.

The slope on which the strip mining was done measures 40 degrees.

This technical reference is the key to the environmental damage being done in Tennessee by strip mining.

A vertical drop, or straight up and down, is 90 degrees. Flat land is zero degrees. The steeper the slope, the more difficult it is to hold in place the thousands of tons of dirt and rock, the strip miners throw over the side of the mountain to uncover the coal.

There is nothing in Tennessee strip mine law limiting the slope on which strip mining may be done.

Edward T. Luther, of the state division of geology and author of a number of books on the coal industry in Tennessee said most all the mountains in the coalfield have 35 degree slopes.

The Tennessee Valley Authority, the state's biggest coal buyer, will not permit strip mining under its contracts on slopes that are greater than 28 degrees.

Even this slope limit, however, appears to be too great to hold the strip mine spoil banks in place.

On TVA's special contract, the Long Pit Mining Co. operation in Campbell County, there are already at least four landslides. This contract is called "cost plus" and calls for spending as much as needed for the ultimate reclamation and then adding a fixed profit for the strip mining company.

"I don't see how you can stock pile all that overburden even on a gentle slope and not have it wash off when heavy rains come," said Wayne McCoy, engineer with the Tennessee Water Quality Board. "They are stripping up in East Tennessee on slopes so straight they are just up and down. You can't stop the runoff. Those mountains will come down."

McCoy said not enough is known about damage from strip mining to larger water sheds and that a strip mining expert is needed on the water quality staff.

"One thing I can say is that two of the three Okee Reservoirs in Southeast Tennessee are filled with silt from Copper Hill runoff," McCoy said.

Silt is the major source of stream damage from strip mining but acid runoff, usually attributed to deep mines also comes from strip pits.

On TVA's Big Ollis Creek job by the Spradlin Coal Co., just above the LaFollette reservoir in Campbell County, getting grass to grow has not been very successful.

Arthur Wardner, TVA forecaster, explained that the Jellico coal seam which is very acid and very difficult to support growth.

"We have planted here three times and nothing has taken hold," Wardner said. "We have limed the heck out of this area and we can't get anything to grow."

Wardner said the acid condition of the area was known before the stripping began.

Strip miners and landowners contend that if the soil is acid, it must be left alone for one or two years to leech out. The opposing argument is what is to be done to keep the earth in place during that period of time.

LaFollette City officials protested in the spring of 1970 that the Ollis Creek stripping was a danger to the city's water supply. After the State Health Department was called in, TVA spent thousands of dollars building special dams to catch the runoff from the Ollis Creek strip mine.

In the spring of 1970, the State Game and Fish Commission was asked to investigate the effects of strip mining on the bluffs above the Obed River in Morgan County.

Dan Sherry, commission biologist, said the water coming off the strip was "highly acid."

"In 1967 it was estimated that 235 miles of streams were ruined by coal mining both deep and strip, in Tennessee," Sherry said. "This has to be very conservative because it has been estimated that in the Obed River Basin alone, 225 miles of waterways have been ruined for coal mining."

"The New River has been wiped out," Sherry added. "This is a very important scenic river in Tennessee. These streams in this area are some of the most beautiful in the country."

The most famous report on strip mine damage to streams is the 11-year Beaver Creek study in Kentucky by federal and state agencies and the University of Kentucky.

"Strip mining of coal in the Beaver Creek Basin in south central Kentucky has significantly increased the acidity and mineralization of surface and ground water and increased the sediment control of the stream in the mined areas. These effects in turn have reduced or eliminated the aquatic life in the stream," the report said.

The report, based on a study done between 1955 and 1966, said growth of the southwest spoil bank in the Cane Branch area had changed little since 1959.

"Growth is nonexistent on 95% of the spoiled area," the report said.

A U.S. Bureau of Mines official said a great deal is known about reclamation on flat land, but the surface has not even been scratched when it comes to stripping on steep slopes.

Warren Haydon, secretary treasurer and general manager of the giant Coal Creek land combine, said he is very concerned about the pollution of streams from the strip mines.

Hugh Faust, who manages the 32,000 acre Ford, Faust, and Cheely holdings in Morgan County, and a strip miner himself, when asked about his reaction to what is happening in East Tennessee from stripping, replied: "I cringe."

Property Owners Suffer: Rampaging Floods Laid to Strip Mining Debris

(By William Greenburg)

Petros, Tenn.—A flood triggered by strip mining turned Ralph Massengil's garden into a barren patch of land, leaving one sow dead, and an acre and three quarters ruined.

Massengil, who lives on Crooked Fork Creek, in this East Tennessee mountain community, also lost feed, two hog houses, and 1,000 feet of lumber in the flood.

Crooked Fork Creek has been filled with silt and debris from strip mining, and last December when a heavy rain hit, Massengil's yard was destroyed.

Massengil is only one of the many victims in a five-county area in East Tennessee who have had their property destroyed or damaged by strip mining operations.

The Tennessee strip mine law states that unregulated strip mining causes, among other things, impairment of the owners' rights on neighboring property and in general creates conditions adverse to life, and property.

Four years after the law was passed to correct these conditions, damage and danger to neighboring property is as present as ever.

A 12-week investigation by a reporter-photographer team found:

1. Homes with foundations cracked and frames coming apart from strip mining explosions.
2. Yards filled with boulders implanted in the ground after being blasted loose by strip miners.
3. Yards that once grew vegetables and supported livestock, looking like the spoil banks of strip mines.
4. Threats and the fear of retaliation from strip miners and landowners.

A mountaineer standing in front of his home which was coming apart from explosions set off in a nearby strip mine said that explosives were put in 93 holes, 38 feet deep, and four inches wide.

"That's at least four tons of explosives," he said. "Then they set off 30 more holes. After that we told them there was a law and they stopped blasting so heavy."

This mountaineer, who confronted the strip miner, cannot be identified. He says his family has been threatened by associates of the operator.

The roof of his house is separating at the peak and an entire add-on section of his home is coming loose from the original structure.

His yard is strewn with boulders, some as big as basketballs, that strip mine blasting had sent sailing over the hill.

Junior Koontz, Petros postmaster, lives on Hobbs Hill above the community. His home is about two miles from a strip mine and now, after blasting, his foundation is cracked.

"They jarred the food off my plate," Koontz said. "I wrote Atty. Gen. Arzo Carson (of Scott and Morgan counties)," Koontz said. "I asked him if the law could stop the blasting."

Koontz said that he heard from Carson two months after he wrote. He said Carson wrote him a letter saying he would be contacted, but nothing ever happened.

James Bunch, principal of the Petros Elementary School, said his home sustained damage from heavy blasting when the strip miners came around the mountain for the second time last January.

He showed cracks in the permastone and reinforced concrete blocks on his house. He said he settled with the insurance company and was reluctant to talk more about the damage.

Most people in Petros are now frightened that the land above the state's maximum security Brushy Mountain Prison will be sold to strippers. State Corrections Commissioner Mark Lutrell has announced plans to sell the land to raise money for prison reform.

The creek that runs through Petros already floods from strip mining and the people are afraid that the town would be totally inundated from stripping above the prison.

Melvin Massengil said his son's entire yard was wiped out from flooding of Crooked Fork Creek.

Young Messengil's yard was covered with mud, coal, and red dog slate used in building strip mine access roads.

In Hammond Hollow, one mile below a strip pit, Roy Liles said the county had to pay a contractor to clean out a little creek that runs by his home.

His garden is now useless, growing only weeds out of the silt and coal that once was a corn patch.

"This happened two years ago," said Ralph Liles, his brother's neighbor. "The strip miner went broke and there was no more stripping. The first time the stuff came down the mountain we had to dig and truck it out ourselves."

The brother built a wall to keep the little creek in check and now they are afraid of more damage as stripping has started once again above the abandoned pit.

J. W. Bradley, Roy Liles' brother-in-law, who has been battling the strip miners for years, said he asked the operator, Eddie Walls, if he would build slit dams to stop the runoff and said Walls told him he would not do any thing the law does not require.

The 1967 Tennessee strip mine law states that a mining and reclamation plan shall provide for:

"Drainage and water control for all the affected areas so as to prevent soil erosion, damage to adjacent lands, or pollution of streams and other waters, both during and following the mining operations."

The regulations under this law state:

"Wherever necessary, as determined by the commissioner, check dams and silt basins shall be constructed in drainways so as to minimize the amount of sediment flowing into active streams or other bodies of water."

Mrs. Hattie Simpson, 81, who lives across the road from the Liles, in the same house since 1915, had to be carried from her home because of strip mine-triggered flooding.

A mountaineer in another county, who owns an acre sandwiched between giant landowners, said:

"I live about 600 yards from a strip mine. Since this stripping, it doesn't take much rain to cover the road here. They first started stripping 10 years ago, and when we thought it was all over these fellers came again. They kept coming around the mountain and there's plenty of slides that have been started, but they haven't reached us yet.

"I figure we will just get pushed out of here and we will try to go where there is no stripping," said the man who said he has lived there for 65 years.

One woman said her husband was almost killed by a rock from a strip mine blast and only a tree saved his life.

"You can see the strip mine in the winter when the leaves are not on the trees," she said. "When it rains those ponds back up there break loose and the big rocks and boulders get into the branch and then we can't get water."

Darrell Langley is a long distance trucker from Wartsburg, the Morgan County seat. When he came home from one of his trips he found strip mine overburden covering part of a piece of property he owns.

Langley's land holding is modest—a six-acre piece of real estate off Highway 27, six miles south of Wartsburg. He said he and a friend were going to develop the plot for some low-cost home sites.

"Look at it now," Langley said, standing on the spoil bank. "Who would want to live here. They are never going to stop that mud from running onto my land even if the spoil bank stopped at my property line."

Langley said the strippers first came in three years ago and were warned in writing by his attorney. He said they got off his land after doing slight damage. He said they never fixed the damage.

"Six months ago I came home one day and found the spoil over my land." Langley said. "I immediately had it surveyed and markers were placed. My attorney went to see the strippers while they were on the job and they promised to stay off my land. They would not negotiate for damages.

"Then they came back on my land and pushed over my survey stakes."

Langley has now brought his case against the strippers, Calvin Campbell and Willard Lane, to the courts.

But perhaps the most telling case of property damage from strip mining of coal that concerns Tennessee, happened in Kentucky. This is the now well-known Vols Coal case.

In July, The Louisville Courier Journal ran a front page story that Vols Coal Co. of Clairfield, Tenn., after two stormy years of strip mining in Kentucky, had been forced to leave the state.

To anyone familiar with strip mining in Tennessee, Vols Coal did not ring a bell, nor did it appear on any Tennessee records.

Vols Coal is part of the Arnold coal mining interests headed by Ulysses R. Arnold of Lafollette. The mining group is headquartered at the Clairfield Equipment Co., and operates, like most strip miners, under a host of names and leases. One of those names was Vols, which was in Kentucky. At least one Arnold company, Dixie Pine, is stripping in Tennessee.

"No comment. Absolutely no comment," Arnold said when asked about Vols.

William Hayes, Hazard, Ky., area supervisor for the Kentucky division of strip mine reclamation, said there were at least 15 instances of non-compliance with the law against Vols over the two-year period."

"The worst infractions were overblasting and blowing material off the permit area," Hayes said.

Phil Fox of the reclamation division said: "Vols just would not comply. They were before the reclamation board three or four times."

"We were going to revoke their permit. If they get three revokes they cannot work in the state. They decided to dissolve the company," he said.

Byrd W. Duncan Sr. sat on his porch in the heart of the Anderson County coal mountains and voiced concern about the heavy blasting.

"If they harm my home with their blasting, I'm going to get the law," he said. "I want to see if we have law in the county."

STATE WEAK IN MINING SUPERVISION

(By William Greenburg)

A mountaineer who drives a bulldozer for a Tennessee strip mining company said the last time he saw a state inspector was a year ago.

"And that's while I was working in Kentucky," he said.

His observation sums up the condition of the division of strip mining and reclamation of the Tennessee Department of Conservation.

A 12-week investigation of strip mining of coal in Tennessee by a reporter-photographer team has disclosed that the state agency, charged with controlling strip mining and enforcing reclamation, is ineffective.

The strip mining and reclamation division has five men, including its director, and a $65,000 budget to oversee strip mining of all minerals, not just coal, for the entire state.

The Conservation Department's Information and Tourist Promotion Division (public relations) operates on a $1 million budget.

The strip mining and reclamation office is forced to get by on very little despite the fact the untaxed multi-million-dollar coal stripping business causes untold millions of dollars in damage each year—much of which can never be repaired.

There is a danger that unless the division can be beefed up by toughter statutes and manpower, the strip mining damage will never be checked, and the strip miners, after making their money, will leave rather than reclaim the land.

Many operators have already demonstrated they have no intention of reclaiming the land by going out of business and reappearing as another company that the state is powerless to hold responsible for previous damage.

"Thacker Coal Co. will not be in business for more than one or two years at the most. You can print that," said Junior Thacker, one of the biggest operators in the state.

To underscore the problem of not being able to do anything about companies that strip mine and then go out of existence, the Tennessee Valley Authority said this week it has signed a special reclamation agreement.

TVA said in its weekly newsletter it has signed an agreement with Tennco, Inc., to reclaim an abandoned mine. The newsletter said Tennco and TVA will share the cost of reclamation required by the state and that TVA will pay for the additional costs of its stricter requirements.

TVA said the mining was conducted under an early contract which did not include TVA reclamation, even though the actual operations took place after 1967 while the state law was in effect. The mine closed in 1969, the newsletter said.

The area involved is 245 acres on Cross Mountain near Briceville in Anderson County.

What TVA did not say in its newsletter is that Tennco no longer exists and that when it did exist it never owned any land.

Tennco was a big strip minng company that was hit by a strike. The owners quickly reorganized and started operations again as Premium Coal Co., which has a $789,460 contract with TVA.

A spokesman for TVA said the agreement was made with Robert Swisher of Lake City, Tenn., who heads Premium and was a vice president of Tennco. Also, the spokesman said, the mine straddles the property of two major companies. Most of the mine is on Tennessee Land and Mining Co. property and the rest is on land belonging to Coal Creek Mining and Manufacturing Co., two absentee giants.

The agreement between TVA and Swisher means the abandoned mine has been untouched for two years, even though it was subject to the state strip mine law, which does require reclamation.

The law, though, is not specific, and only suggests that reclamation be concurrent with mining operations.

The vague language of the law makes it possible for a strip miner to put off reclamation for three years—and by that time he may be gone and forgotten. The only reminder is the devastation left behind that has to be repaired out of the taxpayer's purse.

A study of a number of folders in the reclamation division annual reports showed that only eight of 75 strip mine companies were released from their reclamation bonds.

All the records showed that the strip miners get back that portion of their bonds that cover the grading of the worked-out strip mine. This means the operators have put the strip mine ground into a condition that resembles a plowed field suitable for planting.

Summer-long investigation of many strip mines revealed very little grading done.

"Most all these operations forfeit that part of the permit bond that pertains to reclamation and planting," said Chase Delony, reclamation division director.

Delony said he is in favor of increasing the bond from $50 an acre to $100. He said there is no penalty other than forfeiture of bond.

The director said companies that forfeit bond will have a hard time coming back to strip in Tennessee. But this does not seem to mean anything since the strip miners come back under different names.

Attempts during the last legislature to improve the position of the reclamation division by giving it more power demonstrate how the Department of Conservation really views its role as guardian of the state's land and waterways.

Conservation Commissioner William Jenkins said at legislative hearings his department would study all bills pending on strip mining reform. He said the administration's measure was not all it could be and that careful consideration would be given in the "days and weeks ahead."

Less than a week after his testimony, a very weak administration bill was introduced by Rep. Jack Bowman, R–Harriman, who subsequently killed the measure when it was strengthened by amendment.

The need for more strength in the law and for forceful enforcement is demonstrated by the condition of the C&A strip mine, recently completed above Buffalo Hollow in Claiborne County. There is no evidence of even an attempt at reclamation by the Middlesboro, Ky.-based company.

A fissure on the bench of the mine looks as though it were caused by an earthquake. This fissure increased in size during the summer as a part of the mountain started to slip away.

A review in the reclamation division office of the permit folder of S&A Coal Co., showed no reclamation inspection report. As usual, however, the company's reclamation plan stated that reclamation would be concurrent with mining operations.

This means the strip mine of C&A Coal Co. was never inspected by the State of Tennessee.

Delony said it is not safe in the area for his division.

"It's rough up there. Some of those boys don't like us around. I almost got it in that area (Claiborne County)," Delony said.

Besides concealing their identities from state authorities by constantly changing names, and using names and addresses of relatives and friends on the permit applications, strip miners keep their identity from the public.

Unless a person knows something about his location in an area in relation to a topographic map, and then is willing to come to Nashville to look at the records, he will never know who is strip mining at the site of an operation.

This is true even though the state law plainly states the operator must post a visible sign at the entrance to his stripping operation with his name and permit number clearly written.

Asked where the signs are, Delony replied: "This is another one of our frustrations."

Delony said his division should be inspecting small operations once a month and big jobs more often.

Permit record folders in the division office, covering activities of more than one year, show at most four inspection reports. Almost all such reports show that everything on the strip mine is running smoothly according to the reclamation schedule.

When prodding of the miner is required the division merely slaps his hands.

"When there is no interference with current mining operations you are urged to grade and plant promptly in a move to help improve the image of the strip mine industry," Delony wrote Four Leaf Coal Co.

In a letter to all strip mine operators in the state dated June 30, 1971, Delony told the operators of citizen concern about strip mining and a resentment that is being "fanned by the press."

He said the ground swell of sentiment is partially justified by the wanton disregard of surroundings by some operators. He continued:

". . . Too many surface coal mine operators choose to ignore a basic obligation owed future generations when the conduct of the mine programs do not include plans for minimizing the adverse effects on the environment."

Delony promised in the letter that for those who continue to violate the law his division will to the best of its ability attempt to stop them from doing business in Tennessee.

The director has said repeatedly he wants his division given more power.

"We would like to have the authority for an inspector to give a warning to an operator and then return a week later and if the violation persists, close them down," Delony said.

Delony has submitted to the attorney general an outline for strengthening the strip mine law. Recommendations include:

The power to deny a permit before stripping begins if the area is found unsuitable for environmental reasons.

Increasing the bond a strip miner must put up.

Requiring that state reclamation provisions parallel the stricter provisions of TVA.

Delony said he would also like to have authority to withdraw a permit temporarily or permanently even if the strip miner is operating in good faith, if environmental damage arises.

While the director would like to upgrade his division's ability to supervise strip mining in the state, the real picture is told best by the stripping industry.

Dexter Rains, a former strip miner, now general manager of Tennessee Land & Mining Co. and a leading spokesman for the industry, said the Department of Conservation is doing a good job and has the right attitude.

Rains said Commissioner Jenkins is approaching the strip mining issue with an open mind.

[From the Nashville Tennessean, Sept. 18, 1971]

Big Coal Firms Branching Out Into Timber

(By William Greenburg)

Middlesboro, Ky.—The giant coal landowner, The American Association Ltd., will not permit residents on its land to cut trees to repair their homes and fences.

The people in the Claiborne County coal area are bitter because they cannot fell trees on land that was once theirs, while strip miners come with their bulldozers and destroy trees.

"We don't allow tree cutting," said Al Funk Jr., general manager for The American Association, British company that holds 50,000 acres in Claiborne and Campbell counties.

"We are in the forestry business. You can't turn people loose to cut timber like that."

Funk said The American Association cuts 3½ million feet of timber a year and has a program to grow 4 to 6 million feet annually. He added that the company is hoping to increase its cutting to 6 million feet a year.

Giant coal landowners are becoming more aware of environmental damage, but only as it relates to the income-producing ability of their properties.

The huge tracts of land in the East Tennessee mountains, where coal is strip-mined, are also producers of valuable timber. One landowner said his company was even thinking about long-range real estate development.

"As a landowner I don't like poor stripping and no reclamation," Funk said. "We have provisions in our leases that the operator has five years to do reclamation."

Funk said he does not agree with the opinion that reclamation must be done while the actual stripping operation is in progress.

"Grading should be done in a reasonable time only to prevent slides and erosion," said Funk who manages a company owned by the London Foreign & Colonial Securities, Ltd.

Funk said planting should wait three to five years. He said land can be held in place just as much with grading as by sowing grasses.

"The problem has been that people have been in too much of a hurry to reclaim. Companies have been forced to spend money that is totally wasted. I was on a strip job where pine trees that were planted were being covered up because bigger equipment was moving in to strip again."

"I would like to see," he added, "prevention of erosion done better, particularly water runoff."

The American Association is the dominant force in Claiborne County, where it owns 44,000 acres in the coal field, a great deal of the town of Cumberland Gap, and the Holiday Inn on U.S. Highway 25E on the Tennessee side of the Tennessee, Virginia, Kentucky lines.

The company was founded by a Canadian engineer, Alexander A. Arthur, who gained financing interests from London to purchase the land in the last decade of the 19th century.

One mountaineer said that the American Association Representatives came to see his parents.

"The American Association said the land was worthless and that they would give my daddy a dollar an acre and we could live on the land and pay rent and they would pay the taxes," the mountaineer said.

"We didn't know it but we were standing barely four feet from a seam of coal when the American Association was talking to us," he added.

Now that all the land has been acquired, The American Association does not want the sons and daughters of the people they bought the land from.

The people in one tiny community, Fonde, Ky., on the state line, had to get a federal grant for a pump for the town water supply. The American Association owns the town.

The people pay about $20 a month rent and The American Association will not make any repairs or improvements that are required of landlords to do.

"We have no desire to be in the housing business," Funk said. "If we didn't have a single house on the property except for our employes we would be happy."

"The people would be better off and we would be better off if they all would be off our land," Funk said.

In the earlier leases between residents and the American Association, the people were required to fight forest fires for the company.

Warren Haydon, secretary-treasurer and general manager of the big Coal Creek land combine, said his company, owned by stockholders throughout the country and Canada, is starting timber management.

"We have good timber and we leased it out. These companies took our best timber and didn't bother about conservation," Haydon said.

"We were very short sighted. We are now starting a timber management program," Haydon said.

Hugh Faust, who manages the 32,000-acre Ford, Faust, and Cheely estate in Morgan County, said he is getting out of stripping and going strictly into timber.

Faust said his land was one of the first areas to be studied for timber management by the TVA.

"I want my land to be what it was originally," Faust said. "But, without stripping we would have had a devil of a time holding our heads above water."

Faust said that on areas where slides occur it is more difficult for trees to take hold.

"I'm replanting about 20% of the trees in the slide areas," he said.

The TVA study of his land indicated that between 1974 and 1984 the Faust holdings should yield an annual timber harvest of 5 million board feet and an annual net return of $65,000.

[From the Nashville Tennessean, Sept. 19, 1971]

SOME BLAME TVA—STRIP MINED POOR LOOK FOR VILLAIN

(By William Greenburg)

LA FOLLETTE, TENN.—When residents of this five-county area where the strip mining of coal ravages the land and impoverishes ordinary people looking for "the villain" responsible for their plight, they search in several directions.

They point their finger in the direction of the absentee landlords who own most of the land and reap huge profits which they take out of state, and sometimes out of the nation.

They point their fingers at the strip mine operators who lease the land and rip it open to steal its mineral wealth—then leave the gaping wounds to threaten the environment.

And they point to the federal agency which is the largest single coal purchaser in the area—the Tennessee Valley Authority.

It may sound strange to some to hear that the TVA is considered "the villain" anywhere in Tennessee. After all, the TVA has long been considered a boon and a provider of a healthy economy that helped all the people of the state.

TVA OFTEN TARGET

The TVA has provided low-cost electric power, flood control, increased river traffic and created vast recreational waterways. In most of the state of Tennessee this has made the TVA something of a hero.

But in the mountains around here TVA is sometimes cursed and often criticized.

The reason: Last year the agency purchased about four million of the eight million tons of coal produced in Tennessee. Of that four million tons, 2.3 million were strip mined.

Strip mining is an enemy of the people of the area.

They live in poverty despite the fact that the strip mining takes millions in wealth from the area each year. The landowners and strip miners pay a pittance in property taxes, thus increasing the tax burden of other residents.

But most of all the strip miners rape and ravage the land, leaving it an ecological disaster area. And since TVA pays to have much of that coal strip mined, TVA is a villain in the eyes of the people around here.

Several days ago a reporter-photographer team visited the site of the Emory River across the stream from where Fred Walt is stripping coal from steep heights under a TVA contract. At least one major landslide could be clearly seen, dropping a sheet of brown down the lush green mountainside.

A resident of the area pointed up and said:

"That is what TVA is doing to us. They tell us they are making the strip miners grow it back. They can never make that mountain green again. And they can never take that slop out of our river again."

Of all agencies of the federal government TVA has worked to build a "public service" image. But here in this five county area that image suffers.

FORK CATCHES TVA

The reason? TVA is locked into a dilemma. On the one hand it must buy coal as cheaply as possible. On the other hand it must protect the environment.

By law TVA is required to buy coal on competitive bids. This means the lowest price. Moreover TVA is now charged with the directive to operate its power division so that it pays its own way—without government appropriataions.

At the same time TVA policy is to require those strip miners with which it contracts to reclaim—which means to heal the deep scars strip mining leaves in the land.

It isn't working—yet. And some residents of this area like the man on the banks of the Emory last week don't think it ever will work.

WAGNER DEFENDS COST

TVA introduced reclamation provisions into its coal contracts beginning in 1965. The provisions have since been updated. Aubrey Wagner, chairman of the TVA, says they have been strengthened.

"We believe the cost of reclamation is a legitimate part of the cost of coal," Wagner said, explaining the TVA board policy. "We believe the cost of reclamation is not excessive and that successful reclamation can be done."

Frank Smith, another member of the three-man TVA board, says that the reclamation provisions have not been in the TVA contracts long enough to provide an adequate test as to whether they will work.

"It is impossible to have instant reclamation," said Smith, pointing out that the ravaging of the mountains has gone on for too long to reverse the trend in six years.

"It is difficult to enforce the provisions of the contract. But we are not throwing up our hands. I'm not claiming that TVA has been perfect by any means. But we are working at reclamation."

According to Smith a major problem is that TVA has no control over the land which produces the coal the agency then buys.

There is a traditional frontier spirit that still holds in the American mind that if you don't own land you can't control the use of it—particularly if you are the federal government.

"A change in that philosophy is beginning to take place," said Smith. "The people of the country are beginning to become sensitive to the need to use the land more advantageously and to allow some direction from government with regard to its use. But it is a slow process, he says.

Smith maintains, not unlike TVA board chairman Wagner, that there is no validity to the argument that reclamation is curtailed because the agency must buy low-dollar coal and be competitive.

Smith said "It is still too early to conclude that land reclamation won't work."

This is the general view held by the directors of the TVA.

DEBATE FROM WITHIN

But within the agency there is debate from various sections. There are the conservationists within the TVA who hold that the agency doesn't take enough force in demanding that the strip mined lands be redeveloped. A few, in candid moments, wonder if reclamation is impossible after the land has been robbed of its coal. Still others, in the fuel purchasing division, are not concerned about reclamation. Their job is buying coal at the cheapest price to provide adequate electric power—an increasing problem—at the lowest consumer rate possible.

Most people within TVA feel that the full burden of reclamation has fallen on their agency shoulders and that nobody else in other branches or levels of government are interested in taking any responsibility.

It is true that the Tennessee Department of Conservation operates a skeleton staff to inspect and oversee strip mining operations. The strip miners laugh among themselves that no state officials ever seem interested in how they treat the land—or even whether there are license plates on the trucks that haul the coal. And usually there aren't.

"We have a program and we are working at it," says Frank Smith. "The Tennessee Department of Conservation is more interested in courting the wealthy sportsmen in the state than in worrying about land reclamation. They could help."

But Smith, as most others in TVA, do not believe that speedy corrective action will come unless the federal government passes stringent laws controlling strip mining activities.

While some in TVA say that there is still a chance that reclamation contracts will help cure the ailment, the cost of coal continues to create problems for the agency.

It remains a fact that TVA must be competitive in its bidding. Still, it must require those from whom it buys coal to charge more for it because they must reclaim the land.

Economists would suggest this can only eventually increase the price of electric power. Indeed last year there were increases as the price of coal skyrocketed.

There was one period last year when TVA was caught short and the price of coal temporarily reached $10 a ton. Still TVA paid a $4.50 a ton average in 1970 and has paid $5.90 in 1971. Prices per ton since 1965 have ranged between $3.96 and $5.90. A check of the long term contracts that TVA awarded last April shows that both strip and deep mine coal is running between $7 and $8 a ton. TVA continuously buys spot coal, which is presently running between $5 and $6 a ton.

More important than the price TVA pays for a ton of coal is the price it pays for the heat value.

If one lump of coal gives off more heat than another lump of coal then less of the first kind of coal is needed to produce the heat required to generate electricity. The measure of heat is called the British Thermal Unit and is another way of saying calories. The British Thermal Unit is known as the BTU.

The price TVA has been paying per million BTU has steadily increased and the number of BTUs in a pound of coal has been steadily going down.

The largest drop in number of BTUs per pound occurred between 1969 and 1971 when the number went from 11,356 to 10,796. This is about the time that strip mining began to build to its present peak.

TVA LOSING QUALITY?

During this two year period TVA paid an increase of seven cents per million BTUs the largest increase since records were kept in 1946. The question is what all this will do to the famous TVA low cost electric power yardstick.

This big decrease in the BTU content of coal may mean that TVA is not getting the quality of coal it needs, and an added burden is the disposal of ash in the coal that will not burn.

The means that the mining companies use to deliver less than the required quality of coal was called capping. The term has been softened and is now called blending.

The strip mine operators load their trucks with poorer quality coal, sometimes outright dirt, and cover it with good coal.

A TVA official said that this practice has ceased, but a talk to officials at the Kingston Steam Plant indicates otherwise.

ASH CREATES PROBLEM

Kingston manager A. O. Spencer said the ash content of the coal the plant is receiving averages about 18% and is sometimes as high at 20%.

"The coal operators are not trying to fool us," Spencer said. They say they are bringing in 20% ash and that's what we get. Once in a while someone tries to sneak a bad load by."

Kingston coal is not supposed to be more than 16% ash.

The more ash, which is dirt that will not burn, there is in coal the more coal is needed to reach the desired heat. Also, the greater the ash content, the more difficult it is to dispose of it.

Spencer said that it takes about 5% more coal to produce 200,000 kilowatts due to increased ash content.

Critics of TVA have suggested that the agency has the organization which would permit it to buy coal in such a manner that would include careful planning to insure an adequate supply for electric power generation and at the same time protect the environment.

While TVA officials challenge that, it is apparent TVA's reclamation provisions are not helped by the need to buy coal at the lowest possible price.

"PRICE NEARLY DOUBLED"

TVA chairman Wagner said he is not qualified to determine just what the cost of reclamation is. TVA officials say such information is not available now because it will vary from strip mine to strip mine. They added that one purpose of TVA's special study contract for strip mining in Campbell County is to come up with guidelines of the cost of reclamation.

"We have felt that when the price of new coal nearly doubled on us a little over a year ago it was not clear that the cost of reclamation or mine safety measured up to the increase in price," Wagner said.

There are already at least four landslides on the TVA model strip mining contract with the Long Pit Mining Co. in Campbell County.

Another large contract in Campbell County, with the Spradlin Coal Co., has demonstrated that the area is not suitable for growing after strip mining. Arthur Wardner, TVA forester, said on a tour of the strip mine that the agency knew of soil conditions before stripping began.

STATE LAWS WEAK

Then there is the Emory River operation mentioned earlier in this article. Fred Walt, the strip mine operator on that job had a stripping job a few miles away on the Obed which was closed down last year because of environmental damage.

Wagner said he believes it is important to bring state strip mine law and TVA regulations for reclamation into line with each other to insure enforcement. State laws are weak and, such as they are, remain unenforced.

Wagner said it would take several years for TVA to switch from strip mined coal to deep mined coal. He said a ban on strip mining would deprive TVA of 40% of its power production.

He said he did not know what portion of TVA's strip mined coal comes from the areas with steep mountains like East Tennessee.

TVA officials said later that 25% of TVA's strip mined coal comes from the sides of steep mountains.

A check of records of the TVA division of fuel purchasing showed that approximately 17.5% of TVA's total coal supply is strip mined off the sides of steep mountains.

With such an involvement in the purchasing of strip mined coal it is not surprising that TVA sometimes is called "the villain" in the five county region where the coal cuts have left gaping wounds in mountainsides and streams clogged and polluted.

But TVA is aware of its image.

Its officials insist they are doing all they can to improve more than their image—they want to improve land reclamation. It is too early to tell—as their officals say—to improve their image or the effort to im- whether they will succeed in either the effort prove the land.

[From the Nashville Tennessean, Sept. 20, 1971]

Baker Says Eaststate Stripping Must Stop

(By William Greenburg)

Helenwood, Tenn.—Strip mining of coal in areas such as northeast Tennessee must be stopped as fast as the law will allow, Sen. Howard Baker Jr. said recently.

"The strippers are moving very fast," Baker said. "They know something is going to happen."

Baker said he thinks Congress will act next session—"we cannot wait."

The state's senior senator has first-hand knowledge of strip mining in the area. He manages a 40,000 acre estate in Scott County, which has been stripped before—and is being strip mined now.

The land Baker manages is the Payne-Baker estate. His mother, a Payne before her marriage, owns one ninth interest in the land, and the Payne family of Pennsylvania owns the rest.

Baker said people and land are subsidizing the price of coal because strip mining allows the sale of coal without including the cost of reclamation.

"Reclamation provisions are a matter of economics," Baker said.

"You wouldn't have stripping if you didn't have the economic advantage. Just guessing, I would say that about $2 a ton is needed for appropriate reclamation where it can be done.

"It's just that you can get coal cheaper by stripping," the senator said.

He also said land should not subsidize the price of electricity by supplying cheaper coal through stripping—then cheaper power production.

Baker said he felt the best approach to strip mining is federal regulations that are uniform throughout the nation.

Flat terrain, he added, will allow a longer phase-out period of strip mining.

"In other areas like northeast Tennessee stripping of coal must be stopped as quickly as due process will allow," he said.

Baker said he felt the coal property is being assessed fairly. He added, however, there should be a severance tax on the production of coal. He said strip miners are getting a break by not paying taxes on the equipment they use in their business.

Most landowners and strip miners have said what they do on their own property is of no concern to the public.

"The concept of private ownership goes back to England," Baker said. "But even in the earliest days in medieval England the king intervened to prevent wasting the land.

"Private ownership of property does not necessarily permit free reign to have absolute disregard for the future of the land or the effect on remote or adjacent landowners or even people who may not be landowners," he said.

"I think," Baker continued, "there is a responsibility to society on the part of the landowner that property be left in decent condition and that it doesn't impose on the rights or the property of others.

"The condition of private property should not be such that it destroys public assets like streams and whole water sheds, and wildlife.

"We have had the dilemma on our land from the very outset, whether to strip or not to strip and to what extent we should require the operator to reclaim.

"The dilemma I face is the inherent concern I have for stripping per se and the concern I have for the huge recent stripping which I deem to be an absolute abomination on the one hand, and my responsibility as a property manager on the other.

"What we have done is lean more heavily as time goes by on the income we could derive from our timber management program instead of from coal and from deep mines of from strip mining."

Baker said abandoned strip mines that have gone unreclaimed—referred to as orphans—present a "thorny" problem. He said one possible approach is for the government to take over the land by condemnation proceedings, reclaim it, and then sell it.

But, he added, this can not happen if the climate continues to exist which creates orphan lands.

[From the Nashville Tennessean, Sept. 24, 1971]

Probe Set of TVA Strip-Mined Coal Purchases

(By William Greenburg)

Washington.—The General Accounting Office (GAO), the official investigative arm of Congress, will investigate the Tennessee Valley Authority's policies in purchasing strip-mined coal.

"We probably won't have anything in the way of a report for another six months," a GAO spokesman said yesterday.

"We are getting ready to make an investigation. Yes, we are tooling up for it. There is definitely no question about that."

Asked about the report, a TVA spokesman in Knoxville said:

"We know that the General Accounting Office will inform us of its interests, and we will be very happy to answer all questions and cooperate with their representatives in every way."

The request for such an investigation was made last month in a letter from Rep. Ken Hechler, D-W. Va., to Elmer B. Staats, comptroller general of the United States, who heads the GAO.

Hechler, who represents the southwestern portion of West Virginia, is the leading opponent on Capitol Hill against strip mining of coal. He has introduced a bill which calls for banning all strip mining of coal in six months.

In his letter to Staats, Hechler stated:

"It would be most helpful for the General Accounting Office to review TVA's contracts for surface-mined coal, including the nature, extent, and effectiveness of reclamation by TVA contractors following surface mining operations."

Hechler said there are questions about the adequacy of the reclamation requirements, the extent and method of enforcement of those requirements, and adequacy and frequency of inspections. He also said there are instances of waivers and exceptions to the requirements.

Hechler asserted there is also a question about the extent to which TVA accepts compliance with comparable reclamation standards as fulfillment of its own reclamation requirements.

By law TVA must buy coal by competitive bidding, which means for the lowest price.

The question has been raised by many persons, particularly in East Tennessee and other areas where TVA buys coal, whether this method of purchasing takes the cost of reclamation into consideration.

[From the Nashville Tennessean, Sept. 26, 1971]

West Virginia Lawmaker Raps "Compromise" on Strip Mining

(By William Greenburg)

Washington.—West Virginia congressman Ken Hechler will vote against any control of strip mining of coal in the United States, no matter how strict.

"If I were the only congressman in the House of Representatives voting no, I would not vote for such a compromise," Hechler declared in an interview in his office on Capitol Hill.

To Hechler, strict control of strip mining of coal is a compromise.

He is for an all out ban and he has introduced legislation to that effect.

The grey haired, energetic, former professor, who represents southwest West Virginia, is the champion in Congress of the antistrip mining movement.

The West Virginia Democrat is far from what people are now referring to as a pure environmentalist.

He sees his battle against coal strip mining as nothing less than a matter of survival related to the destruction of the land and water and their ability to support life and other development.

He contends that those who argue that a ban on strip mining would jack up the cost of electricity and stunt development do not realize that the cost of repairing the havoc that strip mining wreaks on the land may be too great for even this nation to bear.

"There has been a backlash due to the narrow approach of some environmental groups," Hechler said. "But this reaction is due mostly to the big public relations campaign the coal industry has mounted to divide the conservation interests. It has made them appear more selfish than they are. However, the conservation groups should think more about getting together to protect everybody, not just their own interests."

"A fair price of electricity," Hechler said, "must include external costs of protecting the land and the health and safety of the miners. I'm not going to assess what a fair price is going to be."

Hechler said that the cost of strict enforcement of strip mining reclamation would be so massive as to make it uneconomical.

"TVA is a good example. You can not have a nice piece of rhetoric in your contract about reclamation and still produce coal at a profit at the cheapest price," Hechler said.

He challenged the model strip mining regulation program in West Germany. He said that West Germany strips far less coal in proportion to the United States and that West Germany last year imported three and a half million tons of cheap American coal.

"Economically the West German regulations can not work," Hechler said. "If you think the strip mine operators and the National Coal Association are going to sit still for these regulations—they'd rather have abolition."

Hechler's bill calls for a ban on all coal strip mining in six months. He said that there would have to be some kind of transition period to underground mining.

He challenged the coal industry's protestation that such a shift would take three to five years leaving the nation without coal for nearly half of its electric power generation.

"We have an ample supply of underground coal," Hechler said. "There is no indication that the coal industry is even making an attempt to shift underground. They don't even want to plan for it. They should have started planning for the move.

"The coal industry and the administration is not taking the initiative. All they say is we have an energy crisis."

Hechler suggested that one procedure during a transition from strip to deep mining is an adjustment on coal exports. He said that the United States exported 75 million tons of coal last year.

Answering critics who charge that Hechler's bill would send men underground to their deaths, he replied that strict enforcement of the mine health and safety act would do much to eliminate that problem.

Hechler said that deep mining was dangerous, but strip mining is getting more dangerous.

"I'm not saying that strip mining is more dangerous. But, the gap between strip and deep mining is not as great as people may think and the introduction of larger equipment into strip mines will add to the accident rate." he said.

Hechler added that he is mindful of the environmental damage associated with deep mining, particularly subsidence (when the ground is undermined and it gives way). He said his bill includes strict regulations of deep mining against environmental damage. Other damage associated with deep mining is acid drainage and coal fires that burn underground.

"It is going to be more expensive for the consumer of electricity and the coal buyer," Hechler said. "Only it's even more expensive now to bear the cost of strip mine damage," he said.

Sen. Howard H. Baker Jr., who manages 40,000 acres of land in East Tennessee and who has called for banning strip mining in mountainous terrain, said those who protest banning or strict controls must be reminded of the same protests during the fight to ban child labor.

At that time, industry contended that a national disaster would result if children were taken out of the factories.

"This is true of any social legislation," Hechler said. "There are dire predictions of disaster and actually it's just an argument used against progress."

EXEMPT LOW-PAID WORKERS FROM WAGE FREEZE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, on August 8, 1969, President Nixon introduced to the Nation his family assistance plan. In doing so, he made a very pertinent statement—one which is particularly significant today. The President said:

> (T) he government would recognize that it has no less of an obligation to the working poor than to the nonworking poor. . . .

The fact is that there are, indeed, millions of families and individuals whose incomes derived from decent, steady employment fall far below the most meager estimate of a reasonable amount. According to figures released in May of this year, there are some 16 million families in this country who have incomes of less than $7,000. In addition, some 11 million individuals have incomes of less than $6,000.

What do these figures mean? Some idea—although still in the cold, impersonal terms of numbers—is obtained by examining the average family budgets worked out by the Department of Labor's Bureau of Labor Statistics. The Bureau has worked out an average budget for an urban family of four living at a so-called lower level. For this family just to get by in an urban area at a lower level of existence, the Federal Government has estimated the need at $6,960 annually. For the nonurban four-member family, the annual lower level budget comes out to $6,512.

Now I want to be very clear about these figures. They apply to a lower budget family. An intermediate budget family needs annually $10,644. And a higher level family needs $15,511.

I want to stress also that these figures are based on spring 1970 prices. That is almost one and one half years ago, and clearly, in light of the inflation which has afflicted us, all these budgets would have to be readjusted upward to reflect conditions today.

The conclusion is clear. Millions of individuals are working industriously to support themselves and to support their families. Yet even while doing so, they are not sustaining themselves and their families at more than a bare bones level.

Since August 15, this situation has been exacerbated. President Nixon, in announcing his administration's new economic program, instituted a wage-price-rent freeze. The consequence has been that these millions of individuals cannot obtain higher wages in their present jobs. They are locked in poverty and near poverty.

The argument that they are no worse off because their rentals cannot rise, and prices cannot rise, is really beside the point. Even at the currently frozen prices, these millions are still locked into an abysmal standard of living.

This situation is intolerable. The whole thrust of this administration's proposed revision of the welfare laws has been to bring the working poor into a system of governmental income assistance. Even though the levels set under the Family Assistance Plan were far too low, the underlying premise was accurate: Many working people simply do not have enough to live on decently. Yet, given this premise which the administration apparently adopted, the administration has now instituted a freeze which completely ignores that perception.

I say this cannot be. I say that we cannot comfortably lock the corporation executive into his pleasant standard of living, bought with a $25,000 annual income, and just as comfortably consign the millions who barely survive to their meager sums. This is equality, yes; but it is the equality of preserving the disequalities which already exist by treating both the well off and the miserable with evenhanded lack of compassion.

I am today introducing legislation to make clear the Congress rejection of this system. This legislation states clearly and unequivocally that no matter what plans the administration announces for phase II of its economic program, or phase III, or whatever else comes along down the road, we must recognize the plight of millions of workers and we must help.

The concurrent resolution (H. Con. Res. 414) which I am today introducing states the sense of the Congress that no individual whose income is substandard, or who is a member of the working poor or near poor, shall fall within the grip of any wage freeze until such time as that individual has been able to raise his income sufficiently to rise out of the economic category into which he now fits.

Specifically, my House Concurrent Resolution 414 provides:

> It is the sense of the Congress that the Economic Stabilization Act of 1970, as amended, and amendments thereto and regulations issued thereunder pursuant to Executive Order 11615, or any successor amendment, or modification thereof, shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poor or near-poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor or near-poor.

I confess that I view this legislation

as entirely reasonable, appropriate, and necessary. But I need not rely upon my own particularly perspective. In fact, precedent does exist. In 1952, the Defense Production Act of 1950, under which was created the Wage Stabilization Board was amended by Public Law 82–429. This added after the language "no wage, salary, or other compensation shall be stabilized at less than that paid during the period from May 24, 1950, to June 24, 1950, inclusive," the following new language:

> No regulation or order shall be issued or remain in effect under this title which prohibits the payment or receipt of hourly wages at a rate of $1 per hour or less.

Thus, past legislation did in fact make exception for low-income workers. What is significant, as well, is that at the time of enactment of this language, the minimum wage was 75 cents an hour. Thus, not only was exception made for low-income workers from wage freezes, but that exception was so constructed as to let them earn wages a full one-third in excess of what at that time was the statutory minimum wage.

I grant the analogy of this past precedent is not perfect. The Defense Production Act only applied to defense industries workers. However, that was dictated by the exigencies of the Korean war, and the need for full defense production. I see no excuse, in this day and this time—when we recognize more fully the total unacceptability of poverty and near poverty—for not employing the past analogy to its furthest perimeters. And that means exemption from the wage freeze for all workers, regardless of what industry they are employed in, until their wages are no longer substandard or until they are no longer members of the working poor or near poor.

Our obligation is clear. We cannot allow the administration to solidify millions of men and women, and their children, into poverty and near poverty. They must be exempt from the wage freeze.

THE PRESIDENT MUST ENFORCE THE WHITTEN AMENDMENTS

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, I have urged President Nixon to take action to stop the Secretary of Health, Education, and Welfare from violating the law in directing forced school busing.

You will recall that last year I finally got the Congress to adopt the Whitten amendments. They became a part of Public Law 91–380, making appropriations for the Department of Health, Education, and Welfare. This year the Congress adopted the Whitten amendments again—this time recommended by President Nixon. They are sections 309 and 310 of Public Law 92–48, making appropriations for the Office of Education, for the current year. I quote the provisions here:

> SEC. 309. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.
>
> SEC. 310. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Headlined by the liberal news media before Congress adopted them, these amendments to the law have been given the silent treatment since—yet they represent the only successful effort to show the feelings of the great majority of the Congress, the people's branch.

Not only is the Department violating these statutes, at the instance presumably of the Secretary, by directing forced busing or plans that require busing, but, Mr. Speaker, we are having Federal judges, I am advised, directing the Department of Health, Education, and Welfare to violate these sections by calling on them to submit plans which would of necessity require forced busing to carry out the order of the court. The Federal judges have no funds for this purpose.

This matter of force is contrary to the original Civil Rights Act of 1964, and contrary to the expression of the Congress both last year and this year by an overwhelming vote which came after several years of effort on my part, as author, joined by the overwhelming majority of the Congress—House and Senate.

It is my belief that appropriate committees of Congress should make a study of this matter and that they recommend to the Congress appropriate action against Federal judges who direct violation of these statutes; that the American Bar Association make a study in this area and make similar recommendations; and that the General Accounting Office also get into this matter of spending funds prohibited from use for this purpose by law.

Mr. Speaker, it is imperative that we act now to save not only the power of the Congress which has passed these laws, but that we do it in order to save public education and protect the well-being of hundreds of thousands of youngsters and families of all races.

As we know from every section of the country, hundreds of millions of dollars are being required to be spent to move children around like checkers on a checkerboard, in school districts that are already fully integrated as that term is defined in the Civil Rights Act of 1964.

This is being done in areas where the money is badly needed for teachers' salaries and for additional training needed by many teachers.

We must act now. It will be pointed out that this action will not answer all the problems, and it won't, but it will be a solid start toward commonsense.

We have seen law enforcement broken down, all traced back to the Federal courts; we have seen the people's branch, the Congress, seriously weakened by redistricting demands by the courts, in which the Congress has acquiesced. Now if we lose out here and let public education be destroyed, Russian communism will have won without doing anything except use the American people themselves.

In recent weeks there have been numerous constitutional amendments offered and I have joined in each one which has come to my attention. But we all know, Mr. Speaker, provided it is passed by the Congress, that it will take years for a constitutional amendment to be approved by sufficient number of States to become effective. I truly believe President Nixon must act now, under existing law, to put a stop to this destructive force that is destroying the quality of public education and, in the process, striking at the very bedrock of our Nation.

TWO ILLUSTRATIONS OF WELFARE BUNGLING IN THE CITY OF NEW YORK

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in today's newspaper, Jule M. Sugarman, administrator of the Department of Social Services of the City of New York, stated that the new work-relief law enacted by the New York State Legislature requiring that people on welfare able to work, report to State employment centers to pick up their welfare checks has had "only a marginal effect" in reducing the city's welfare rolls. He made public a detailed analysis of the August rolls showing that 1,152 persons of the total required to pick up their welfare check at State employment centers and take available jobs had been removed from the rolls for noncompliance. He said 1,331 others had been taken off for "normal reasons."

He was not able when pressed by reporters to provide an estimate on the savings to the city, State, and Federal governments that resulted from legitimately terminating the 1,152 from the rolls; however, a simple multiplication of that number times what he stated was the average monthly grant of $69.29, if paid for a year, would be $957,864.96. I personally would like to know how many in fact were receiving the larger grants which for a family of four exclusive of rent would be $231 a month. What also bothers me is the fact that Mr. Sugarman accepts with equanimity the fact that 1,152 people were, it appears, fraudulently receiving welfare checks while gainfully employed.

I remember seeing Mr. Sugarman on television not so long ago when the first reports came in after the new work-relief law had gone into effect, saying that one reason welfare recipients might not want to pick up their checks is that, "it is too much of a hassle." I think that public confidence has been eroded in the welfare system because those in charge do not think that it sufficiently important to weed out the corrupt recipients and the mismanagement of the welfare system by the city bureaucracy which has caused huge and unnecessary expenditures of money. For example, New York City spent more than $7 million on welfare hotels last year and continues to use them, paying rents for some families exceeding $1,200 per month. More details on this later.

More than 2 years ago proposals were made to have welfare payments distributed through local banks instead of being sent through the mails where many are reported as stolen or lost. Jule Sugarman delayed month after month putting into effect the banking proposal which had been made to him by a number of legislators including myself—and finally announced such a pilot program only about 2 weeks ago. In the meantime the city, State, and Federal governments were defrauded through forgeries or stolen checks to the tune of about $4 million in 1 year.

Nevertheless, when criticisms relating to the management of welfare in the city of New York are made, no matter how bona fide they are, they are met with the rejoinder that the items covered by the criticisms are of marginal importance in view of the size of the welfare budget in the city of New York, which in the current year is budgeted at $1.1 billion. The difficulty in getting the city of New York to move to correct simple incompetence on the part of the department of social services is dramatically demonstrated in two situations which I wish to bring to our colleagues attention.

The first concerns a young woman, Mary Steward, who has nine children. They are all on welfare, living in a hotel known as the Earle in Greenwich Village. They have been there since September 1970, occupying three unconnected rooms with the city paying for rent and food, at the rate of $2,000 per month. To date, more than $24,000 has been expended. Mrs. Steward has begged the department to place her in an apartment at a reasonable rent that she could some day hope to pay herself if able to obtain a job. She is as angry as you and any of our colleagues must be at this tremendously wasteful expense.

The mayor's office is personally familiar with this matter because on September 17, I held a press conference on the steps of city hall. Some mayoral aides stopped to listen to my remarks, then went into city hall and returned with other aides who questioned Mrs. Steward. The city continues to pay for this family at the rate of $2,000 per month.

The second case involves a woman and a child on welfare. The woman has implored the city to investigate her allegations that her husband earns $32,000 annually so as to determine whether DOSS should act to enforce the support orders issued by the court or perhaps seek a modification of the court orders.

My letters to the department of social services have been unavailing and what particularly outrages me is a letter received from the department of social services stating:

> This Department, however, has no authority to enforce the responsibility of relatives for support. The courts, alone, have such enforcement authority and this Department must abide by their decision.

I have researched the law and DOSS does have the power to seek to implement such court orders. But even if not, should they not at least have requested that power?

Appended is the correspondence which I have had on these two cases with the department of social services and others.

Mr. Speaker, I along with a majority of the Members of this House believe that the Federal Government has an obligation to provide for those who by virtue of economic or other legitimate reasons are not able to provide for themselves. I believe that the Federal Government should bear the entire cost of welfare and that the moneys to be paid to individuals and families legitimately on welfare should be that amount necessary to take them out of abject poverty and degradation wherever they live.

I voted for H.R. 1 because it was a step in that direction although far too minimal in the allowances provided. But our job in making others see the need and indeed the moral reasons for having the Federal Government undertake this burden is made so much more difficult when the city of New York bungles its administration of the existing program and permits incompetence and fraud to take place. My reason for making my correspondence on these cases known and bringing these two matters to national attention is to make the department of social services do what it is charged by law to do. Unfortunately it is not doing it and will not unless the pressure of public opinion compels it to do so.

My correspondence on cases Nos. 1 and 2 follows:

CASE NO. 1

NEW YORK, N.Y., *July 1, 1971.*

Hon. ED KOCH,
New York, N.Y.

DEAR SIR: Mary Steward, at The Earle, has still not been relocated, due to a mix-up. I am going to be out of the country most of the summer and I know she will have no one to turn to, once I am gone, no matter how sick and desperate she becomes. She is terribly depressed and in poor health, besides.

Mary has sickle cell anemia and a serious gastro intestinal disorder which will probably require further surgery. (She had one operation last year.)

One of her nine children has cerebral palsy and cannot walk. She had a fire in her room at The Earle about two months ago and one child was trapped inside and burned. Another suffered smoke inhalation.

She is desperate and feels she has been forgotten. All the other families are out. The Stewards have been at The Earle nearly a year, at a rent of over $300 a week plus restaurant allowance. It has been a nightmare for them.

I have contacted everyone I can think of, including Mrs. Wall of the local planning board, in an effort to get someone else to help her once I am gone, to no avail.

Monica tried to expedite . . . nothing came of it. I realize it takes time but this is a dire emergency and she has been given a very hard time by D.S.S. and treated most unfairly. Mary is not a fighter so she has been taken advantage of, in my opinion. I hope you can help before things get much worse.

Sincerely,
MYRNA POSNER.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 8, 1971.

Mr. JULE SUGARMAN,
Commissioner of Social Services,
New York, N.Y.

DEAR JULE: I would like to bring your immediate attention to a matter which I consider to be of urgent priority.

I received the enclosed letter from a constituent Myrna Posner regarding Mary Steward and her nine children. As you will note, the Stewards apparently have been living at the Earle for nearly a year, under deplorable conditions and at a rental fee of over $300 per week, plus a restaurant allowance. It is my understanding that Mary Steward at one time refused an apartment from the City Housing Authority because she was under the impression that she had another apartment in the offing but unfortunately negotiations were unsuccessful and she did not get either apartment. As a consequence, she and her nine children still remain at the Earle.

In view of the fact that the Stewards are apparently the only family left at the Earle that have not been relocated, and the Department of Social Services is paying an outrageous rate for a family of ten to live under unbearable conditions, without cooking facilities, it would seem that something could be done to immediately assist this family in finding a decent place to live at a much more moderate rate.

I want to draw your attention to the fact that there are several medical conditions involved here. Mrs. Steward suffers from Sickle Cell Anemia as well as an intestinal disorder, one child has cerebral palsy and cannot walk, another was burned in a fire in their room at the Earle which also resulted in still another child suffering from smoke inhalation. These additional problems make this a case requiring special compassion.

I would appreciate your immediate intercession in this matter, and would like to hear from you as soon as possible.

Sincerely,
EDWARD I. KOCH.

DEPARTMENT OF SOCIAL SERVICES,
New York, N.Y., July 28, 1971.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I have your recent letter in which you inquire about the status of plans to assist Mrs. Mary Steward and her family to move from the Earle Hotel.

I share your concern about this family living in the hotel and have asked my staff to make a special effort to rehouse this family. Mrs. Steward has not lost her eligibility for NYCHA project housing but they have not been able, as yet, to find an accommodation large enough to meet her family's needs.

Thank you for bringing this situation to my attention.

Sincerely yours,
JULE M. SUGARMAN,
Commissioner.

NEW YORK, N.Y., *August 12, 1971.*

Hon. ED KOCH,
New York, N.Y.

DEAR SIR: I returned from my vacation today to find, to my distress, that Mary Steward is exactly where I left her six weeks ago, at The Earle.

Furthermore, I received a letter from Bella Abzug stating that "the possibility of public housing is practically non-existent since the city has no apartments of the size her family requires."

In other words, the top priority Monica informed me Mary had was for an apartment which does not exist. She might as well have been on a waiting list for the moon! To lead her to believe she was being helped was cruel. These families have had enough disappointments already.

What is even more unfair is the fact that she was offered an apartment in a project which her caseworker turned down, in favor of private housing, which never materialized, so she was left with nothing.

In order to "accommodate" the owners of The Broadway Central, the city found apartments for larger families than Mary's but that was when the press was available for "publicity." I have begged Mary Nichols to give a few lines to this case but she has ignored it. The subject is passe.

I made a commitment on the basis of information I received from your office. I am going to follow through to see that Mary Steward gets an apartment through the city. It is cruel and inhuman to leave her at The Earle. Perhaps if she stays there long enough, her family will be reduced in size, as were the Sheppards, and she can then "fit" in an apartment.

I will do what I have to do to see that the Stewards get what they were promised, if I have to get myself arrested doing so. I am hoping you will help me. I think a year at The Earle is too much to ask of anyone with children, especially since there are no kitchens now.

Although Mary has nine children only seven live at home and I know several families of this size who got apartments in projects when the press was present and following up on the matter.

The Earle is the cesspool of the earth and is no place to bring up a family. This situation is intolerable and must be remedied at once. What I find outrageous is that all the people who got their names in the papers expressing their "concern" for the welfare families are now unwilling to assist in any way in calling attention to this case. I have begged the Planning Board to help, to no avail. They have used the problems of the desperate and unfortunate to seek glory, giving nothing in return. I find myself quite alone in this community of "great liberals." When the press left so did the "concern." Perhaps The Voice would help if you asked them. It brought immediate results for the Sheppards with a direct call from Mayor Lindsay and an apartment was found when all else failed.

Sincerely,

MYRNA POSNER.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 18, 1971.

Mr. JULE SUGARMAN,
Commissioner of Social Services,
New York, N.Y.

DEAR JULE: I am distressed to discover that as of this date the Steward family about which I wrote to you in July has not yet been relocated outside of the Earle Hotel. I have your letter of July 28 in which you said NYCHA had not been able, as yet, to find accommodations large enough to meet the Steward family's needs. However, I should think "special Efforts" which you indicated your staff would take in this case, would have been sufficient to provide suitable accommodations by this time.

I learned by phone just yesterday from Mrs. Steward that the water at the hotel is black in color and as a consequence the Steward children became ill, which just adds more urgency to this case which has lingered too long.

Please Jule, I urge you to immediately relocate this family.

Sincerely,

EDWARD I. KOCH.

NEW YORK CITY HOUSING AUTHORITY,
New York, N.Y., August 30, 1971.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR ED: This is in reply to your letter regarding Mary Steward who is residing at the Earle Hotel, 101 Waverly Place, New York City.

Our records indicate that this family was interviewed and found eligible for public housing. However, we have not been able to refer their application to any of our developments because of the size of the family.

We have placed their application on the Hotel Emergency waiting list for a suitable apartment. If it is possible to refer it to one of our developments, we will notify them by mail.

Sincerely yours,

SIMEON GOLAR,
Chairman.

[From the Village Voice, Sept. 9, 1971]

HOTEL EARLE: LAST VICTIMS

(By Howard Blum)

Mary Stewart and her seven children are the only welfare family still living at the Hotel Earle. All the other families have been relocated to apartments.

Even in the bright summer daylight, the Hotel Earle is very dark inside. The halls smell. Mrs. Stewart has a small, box-like room, large enough for only a bed. The ceiling is peeling. Down the hall, her children share two small rooms. The mattresses are grouped on the floor. They sit in their room on a sunny Saturday afternoon and watch television.

The city pays $296 a week, or close to $1,200 a month, to house the Stewarts in three small rooms at the Hotel Earle. For this price the Stewarts do not even have cooking facilities. On Wednesday there was a fire at the Earle. Another fire on Friday too, Mrs. Stewart remembers. Last April her six-year-old was burned from a fire in the hall. Now she says junkies are trying to lure her 14-year-old daughter into the basement.

"When is the city going to move us out of here?" she begs. I don't want to be the one to tell her someone has to be the last to leave.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 13, 1971.

JOHN V. LINDSAY,
Mayor of New York City,
New York, N.Y.

DEAR JOHN: I think you should know of the callous treatment the Department of Social Services has been giving Mary Steward and her nine children, who have been living at the Earle Hotel for over a year under deplorable conditions and at a rental fee of close to $1200 per month including restaurant allowances.

In view of the fact that the Stewards are apparently the only welfare family left at the Earle Hotel that has not been relocated and that they have been there for over one year now, it would seem that something could and should be done immediately to assist this family in finding a decent place to live at a much more moderate rate.

On July 8 I wrote to Jule Sugarman, and on July 28 I received a reply, copies of which are enclosed. I also wrote to Simeon Golar on July 22 and again to Jule on August 18, and to date I have not received replies. I am distressed at the apparent lack of concern reflected by these delays.

The Stewards have suffered through many trying and inexcusable incidents. For example, the fire at the Earle last year burned the family out of their rooms and destroyed all their clothing, left one child with second degree burns and a couple of other children suffering from smoke inhalation. The fear of being burnt alive is a constant fear for the Steward children, for the danger of fire is apparently ever-present; the most recent fire, I am told, was approximately two weeks ago between 2 and 3 a.m.

The children are so frightened that they refuse to remove their clothes at night in the event that they might have to run for their lives in case of another fire. The children sleep on beds which consist of nothing more than mattresses on the floor. The sink and bathtub in the room in which the children sleep is clogged up, and noxious fumes enter the children's room from outside the window, where garbage is thrown by tenants living above.

These conditions at the Earle were observed by Carlotta Brantley and Maureen Kirby of my staff, who visited the Steward family on August 27 and were astounded by the conditions under which this family is forced to live. The mere thought that the Steward children must survive on Nathan's Restaurant food day in and day out because of no cooking facilities is, I'm sure you'll agree, outrageous.

I also learned just recently from Mrs. Steward that the water at the Earle is black in color and as a consequence, the Steward children became ill, which just adds more urgency to this case, which has dragged on far too long. It is also relevant to note here the shocking fact that, according to Mrs. Steward, since her family moved into the Earle, the case worker for the family has never visited them.

I urge you immediately to intercede personally in this case and see that this family is provided adequate housing. The Department of Social Services alleges that, because of the size of the family, it is difficult to find them adequate accommodations. With the passage of so much time the delay is inexcusable.

I would appreciate hearing from your office by telephone as to what finally will be done to relocate the Steward family.

Sincerely,

EDWARD I. KOCH.

As of October 4, 1971, no response has been received from Mayor Lindsay.

CASE NO. 2

APRIL 28, 1971.

Mr. EDWARD KOCH,
Congressman, New York City.

DEAR CONGRESSMAN KOCH: My husband has been earning an income of approximately $32,000 annually since 1964. I am still married to this man. Yet, my six year old son and I have been on Welfare for 2½ years. Currently, in spite of his owning a business, warehouse, new car, stock, inventories and living in a luxury apartment in Riverdale, N.Y., I am currently still on Welfare. During all this time, the New York City Department of Social Services never once contacted my husband.

In spite of the fact that my husband is white, enjoys an affluent life-style, is employed and has his own business, he never-the-less is represented by not one, but two attorneys from a Federal-funded, legal poverty organization, that is supposed to give aid only to the indigent. This organization is the Harlem Assertion of Rights, 1646 Amsterdam Ave., New York City 10013. Is it any wonder that legislators were relucant to give financial support to these organizations! I do believe that this sort of legal representation is illegal, especially since two different Family Court judges stated, that my husband couldn't be represented by Legal Aid, because he owns a business. Mind you, Mr. Raymond Gloicher, the chief attorney of this organization together with Mrs. Eva

Brigante, is representing my husband. Now, I am back on welfare with my son, thanks to their efforts.

I would like to present my own case before you, so that through your aid a ludicrous situation can be stopped. In order to do this I am enclosing copies of papers and letters of the following:

(A) Letter to presiding Justice Harold A. Stevens of the Appellate Division, Supreme Court, which explains my legal case from May 18, 1967 to June 12, 1969.

(B) Reply to such letter.

(C) Letter from the Grievance Committee of the Bar. This Committee had a complete file, that I had furnished them and yet no action was taken until I wrote to Justice Stevens.

(D) Letter to Mr. Dicker of the Legal Aid Society, from the Grievance Committee of the Bar. Although I was on Welfare and had a card, I couldn't get any legal aid office or Federal-funded organization to modify my Judgment from Supreme Court to Family Court to collect arrears and support for the child and myself. I was living in Manhattan since December of 1966, collecting Welfare in Manhattan since August 1967, yet I was told that I would have to go to the Bronx Legal Aid Office. I had told Legal Aid that I had already been to the Bronx Legal Aid office and was refused help, though I had a Welfare card. They had referred me to the Referral Services of The Bar Association, with the explanation that my husband owns a business, and is represented by the firm of Gordon, Brady, Heller and Ballon, he could afford to pay for my legal fees. In October the Bronx Legal Aid Society represented me, and had obtained a Modification of the Supreme Court Judgment to collect the arrears of said Judgment and support in Family Court in Manhattan.

(E) Letter to Mr. Bishop, supervisor of Welfare. Having no permanent home and spending two nights with the child in Grand Central station, I finally went to see my husband with the child to explain our situation. I asked him to please take the child temporarily, as we had no place to go, and I wanted to get a job, so I could save some money to make a home for him. His reply was that I should go back to Welfare with the child, it was Saturday, and after much discussion he condescended to take our son. In January I went back to work, and in February, I sublet an apartment from a friend. This apartment consists of one room and the child and I are living there.

(F) Judgment and Order of Family Court.

(G) On January 15, 1971, my attorney represented me at 80 Lafayette St. and my husband was without an attorney, as Mr. Albert withdrew from the case, when my husband failed to post bond of $210 in November. Judge Guerrero was presiding in court, when my husband stated he was trying to obtain a Legal Aid attorney. Judge Guerrero told my husband that he was not entitled to Legal Aid as he owns a business.

(H) My attorney wrote a letter to the court, withdrawing from my case. On January 21, 1971, went before Judge Caputo for a hearing, and again my husband was told he could not have Legal Aid represent him, because he owns a business. Judge Caputo, requested that my attorney re-enter on my behalf, and placed a date of March 8th to be heard again.

(I) Letter to Judge Polier on March 5, 1971.

(J) On March 8, 1971 my husband was represented by Eva Brigante, of the Harlem Assertion of Rights, 1646 Amsterdam Ave., N.Y.C. My husband has his residence in a luxury apartment in Riverdale, N.Y.

(K) March 12, 1971, my attorney's letter to Eva Brigante.

(L) March 22, 1971, my husband was once again represented by Eva Brigante of the Harlem Assertion of Rights, I was not represented, as my attorney was out of town handling a case for his firm, that he is employed by. Judge Polier stating that my husband was disable because of illness, could not work, withdrew her order, excused him from all arrears, in both Supreme Court and Family Court, referred me to Welfare. Although, my husband is ill, he has never filed for his disability insurance, although he is paying the maximum amount for this insurance. At that time, as at the present he is still living and maintaining his apartment, has his business, warehouse, car, and other assets, yet the judge didn't question him on any of these, when she withdrew her order of support. I stated at this time I would produce proof of him working, and a date was set for April 19, 1971.

In preparation for the case, my attorney sent to the court for Judge Polier to sign 11 ribbon copies of Subpoenas Due Tecum for insurance to the following: banks, suppliers, brokerage firm, credit cards and Doctors to testify to his illness, and ability to work. Judge Polier, refused to sign any of these Subpoenas, stating that it only would be a waste of the taxpayers money, but she does not consider it a waste of the taxpayers money having me and the child on Welfare, when my husband can provide for us.

April 19, 1971 my husband was again represented by the Harlem Assertion of Rights, but now by both Eva Brigante and Mr. Raymond Gleicher the head attorney of this office. At this time pictures and testimony was presented to the court on my behalf, showing my husband was working on March 25, three days after Judge Polier withdrew her order and referred me to Welfare. Photos and testimony was presented to the court showing he was working on two other occasions as well, mileage on his car was photographed showing he had driven 1,262 miles in three weeks, indicating he was working full time. My husband was aware that he was photographed, and served the photographer with a summons in Criminal Court on harassment. He told the court he was working part-time, also stated he was still living in his apartment. Judge Polier, stated that if he was maintaining his apartment, he must pay something for the child. Therefore, she granted a $16 per week temporary award.

I had to stop working to take care of the child, as I had no funds, and the court wasn't making my husband furnish any monies, and therefore, I could not afford to pay a sitter. I was making $80 per week net, with no health insurance or benefits from my employer. The great amount of this money was going for rent, and I had to borrow money for child care and car fare plus other essentials, while I was working. Even though I have the child we are not able to afford a telephone. Welfare can not pay the rent on my apartment, therefore, my child and I find ourselves in the same vicious cycle, that we have been going through for the past four years and four months. In spite of constant legal actions, court appearances, orders and judgments from both Supreme Court and Family Court, these actions didn't mean a thing, and wasn't worth the paper that they were written on. Although courts hand down orders and judgments, they do nothing to enforce them, instead they place women and children on Welfare. Is it any wonder that the Welfare rolls swell!

My Judgment from the Supreme Court states that my husband is responsible for all the child's Medical Bills, he has never paid any of them. During the four years and four months that we have been in the courts, he has only paid $1,600 towards the support of the child and myself. My husband is still in business, maintains a warehouse, stock, new car and the same apartment. His lifestyle has not changed since the onset of this action. It's been profitable for him to violate the court's mandate, since no penalties have ever been imposed upon him. Instead, I and my child have been exploited in that we have had to bear the burdens that are rightfully his.

This is an outrageous situation! A man of means represented by a Federal-Funded Organization to keep his wife and Child on Welfare, and the courts condone such action.

Although our Democratic government preaches Justice For All, equality under the law, my past experiences in Justice has only found Politics, Corruption, and no protection.

I have presented this case to you, so you may become aware of what is happening in our courts, and take whatever steps are necessary to stop this outrageous situation.

Yours truly,

Mrs. X.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 27, 1971.

Mr. JULE SUGARMAN,
Human Resources Administration,

Mr. JULE SUGARMAN,

DEAR JULE: I have received the original of the enclosed letter from Mrs. X, which describes what she believes to be an inequitable condition.

I have no personal knowledge of any of the circumstances which she describes. I do think that her complaints should be investigated because if she is correct and if she received the support and maintenance payments which she refers to from her husband, the Department of Social Service would surely be the gainer by being able to remove Mrs. X from the welfare rolls.

I would appreciate your advising me as to what, if anything, can be done in this matter.

I am not including the voluminous exhibits which she sent to me but they are available should you wish to have them.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF SOCIAL SERVICES,
HUMAN RESOURCES ADMINISTRATION,
New York, N.Y., July 2, 1971.

Hon. EDWARD I. KOCH,
New, York, N.Y.

DEAR CONGRESSMAN KOCH: This is in reply to your communication and referral of a letter to Commissioner Jule M. Sugarman, from your constituent, Mrs. X of New York City. In her letter she complains of the failure of the court to order her estranged husband to provide full support for her and her six year old son so that she would no longer require public assistance.

Mrs. X is currently receiving a supplementary Aid to Dependent Children grant from the Yorkville Social Service Center. The Department has verified with the Manhattan Family Court that a support order is in effect against her husband and that another hearing is scheduled for July 18, 1971.

We agree with your statement that adequate support and maintenance payments from the husband would be beneficial to the Department in terms of removal of the family from the public assistance rolls. This Department, however, has no authority to enforce the responsibility of relatives for support. The courts, alone, have such enforcement authority and this Department must abide by their decision.

I trust this information will be helpful to you.

Thank you for your interest.

Sincerely,

MAX WALDGEIR,
First Deputy Commissioner.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 23, 1971.
Mr. JULE SUGARMAN,
Human Resources Administration,
New York, N.Y.

DEAR JULE: I have the letter of July 2, from Deputy Commissioner Waldgeir, in response to my letter to you of May 27th on the matter involving Mrs. X.

Mr. Waldgeir's letter says, and I quote him "This Department, however, has no authority to enforce the responsibility of relatives for support. The courts, alone, have such enforcement authority and this Department must abide by their decision."

His statement is not, however, in accordance with the law. I refer you to the Social Welfare Law, Local Public Welfare, Article 30, Section 102, "Powers of public welfare officials to bring and defend suits," a copy of which I am enclosing.

If the Department of Social Services does not seek to recover payments due a welfare recipient by his or her spouse, pursuant to the regulation referred to above, the Department is, in my judgment, remiss. If the Department of Social Services has not done it before, may I suggest that Mrs. X's case is a good place to begin.

I would appreciate hearing from you on what the Department will do in this matter.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1971.
LOUIS J. LEFKOWITZ,
Attorney General,
State of New York, New York, N.Y.

DEAR LOUIS: I want to bring to your attention a matter involving a constituent, Mrs. X which I believe to be particularly distressing especially in light of recent scandals regarding walfare payments.

Rather than restate the case, I am enclosing Mrs. X's letter to me and my correspondence with the Legal Aid Society and the Human Resources Administration. You will note, however, that I have not received a reply from Jule Sugarman to my letter of July 23rd.

I would appreciate, subject to your regular rules and procedures in matters of this nature, your considering bringing an action on behalf of Mrs. X to recover unpaid support and maintenance as well as obtaining enforcement for future payments.

If you are successful, the City of New York will have a lien against back payments so recovered and will not be required to make the current payments of welfare to Mrs. X. I honestly think it an outrage that the Department of Social Services has not acted in this matter.

You will note that a similar letter has been sent to the Corporation Counsel, J. Lee Rankin. I trust that you will decide between yourselves as to who should undertake this action.

I would appreciate your advising me as to your decision whether or not to proceed. Please reply to my New York office.

I am not including the voluminous exhibits which Mrs. X sent to me but they are available should you wish to have them.

Sincerely,

EDWARD I. KOCH.

cc: J. Lee Rankin.

As of October 4, 1971, no response has been received from J. Lee Rankin.

DEPARTMENT OF SOCIAL SERVICES,
HUMAN RESOURCES ADMINISTRATION,
New York, N.Y., September 24, 1971.
Hon. EDWARD I. KOCH,
Longworth Office Building,
Washington, D.C.

DEAR ED: I have your letter with respect to Mrs. X.

You are quite correct that the Department has the authority "to compel any persons liable by law for support to contribute to the support of any person cared for at public expense . . ." However, in Mrs. X's case the issue has been litigated before the Family Court and the Family Court has rendered a judgment which may or may not be inadequate as far as Mrs. X is concerned, or as far as the Department's own standards are concerned.

While the Department was not a party to that litigation, it is highly unlikely that the Family Court, on the application of the Department, would revise its order absent a showing of change in circumstance. If such a change could be shown. Mrs. X herself could move before the Court for a modification of its order.

I hope you find this information helpful.

Sincerely,

JULE M. SUGARMAN,
Administrator/Commissioner.

NEW YORK, N.Y.,
September 28, 1971.
Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR ED: I have your letter of September 17th, concerning Mrs. X.

I am advised by counsel for the State Department of Social Services that under the Social Services Law (effective July 1, 1967), officials of the City of New York alone are authorized to undertake the legal action which you propose. See Social Services Law, §§ 2(14), 102, 103.

If I may be of assistance in any other way, please let me know.

Best wishes.

Sincerely,

LOUIS J. LEFKOWITZ,
Attorney General.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 30, 1971.
JULE M. SUGARMAN,
Administrator/Commissioner,
Department of Social Services,
New York, N.Y.

DEAR JULE: I am glad that your letter of September 24th regarding the case of Mrs. X recognizes the Department of Social Services' authority to enforce a court order of support for an individual on welfare.

I remain distressed, however, at the DOSS' complacent inactivity in this case, and I am forced to wonder how many other support orders effecting people on welfare are not being pursued by your Department.

Over the past several years, court orders have directed varying amounts of support to Mr. X for his wife and child. Even now there is a court order outstanding directing some support by him. During this time, the DOSS has neither intervened to enforce the court orders, nor, according to Mrs. X, investigated her allegations that her husband earned a large income and should be providing her even greater support than the court ordered. DOSS would have the authority to seek a modification of the court order so as to prevent the misuse of public funds if Mrs. X's allegations were accurate.

If the present court order is not sufficient to remove Mrs. X and her child entirely from the welfare rolls, it would seem to me that the Department still has a responsibility both to the taxpayer and to Mrs. X to see that the court order is enforced. It is my understanding that Mr. X, in fact, is not now paying the support ordered.

It may well be that there are reasons in this particular case that complicate the judgment and the enforcement of the order. I have no personal knowledge of the relevant facts. However, the reluctance of DOSS to investigate the facts to determine whether the order should be enforced, or perhaps even increased, indicates a kind of lethargy that I imagine might be very costly to the taxpayers upon contemplation of the number of similar support cases that no doubt exist. It is my belief that DOSS could act in either of these ways for the woman is on welfare and the husband still has a legal obligation for support (although separated they are still legally married).

Therefore, I am calling upon you to have this case investigated further to see to it that public funds are protected.

Also, I would like to know how many unenforced support orders there are outstanding that effect women and children on welfare? If you do not know this information, shouldn't you, and would not an investigation of this subject be in order?

Please reply to my New York Office.

Sincerely,

EDWARD I. KOCH.

THE TAX BILL SHOULD BE DEFEATED

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, tomorrow, the House of Representatives will begin consideration on the Revenue Act of 1971. This bill is misnamed. It should really be titled the Revenue Give-Away Act of 1971.

It has been a great year for giving away the public's tax money. First there came the Penn Central guarantee and the Lockheed loan. Then followed the President's personal generosity in the Asset Depreciation Range which will cost the Treasury over $30 billion in the next decade.

In this tax bill, we have the 7-percent investment credit which will cost the taxpayers over $50 billion in Treasury loss in the next decade. It is designed to increase corporate profits by about 20 to 25 percent.

If we apply the principle of cost-benefit ratio, we are getting a very bad bargain in the investment credit gimmick. Almost 80 percent of the Treasury loss will result from normal purchases. Three quarters of the tax credit will be given for purchases which would have been made without it. It is an 80-percent giveaway and 20-percent incentive. If the credit were given for purchases which exceed those of a base period—for the increment of purchases in a taxable year—the legislation would have five times the incentive power. Unfortunately, the Ways and Means Committee rejected this approach when I offered the proposal as an amendment.

Pierre A. Rinfret, a private economist high in the esteem of President Nixon, recommended that the business taxpayer be permitted to elect between using the asset depreciation range or the investment credit. This proposal would have spared the Treasury from billions in revenue loss.

In the Ways and Means Committee, I offered an amendment to the bill which would have included this recommendation as an alternative for 1 year, with a termination of the asset depreciation range after 1971. My amendment further provided that the revenue saved would be used to provide a full acceleration of individual tax benefits to make them effective for 1971. This provision would have increased exemptions to $750 and the standard deduction to 15 percent or $2,000 for calendar year 1971. This plan, which would cost no more in revenues, would have given each taxpayer a January refund which would have gone immediately into the marketplace for increased purchases, production, and employment. This tax stimulus would have gone to almost 80 million taxpaying Americans. For taxpayers, a $200 refund would constitute a downpayment on a $2,000 purchase. The consumer is anxious to buy—at the right price—if he has the resources. In wide areas of consumer goods, the American domestic market is considerably underdeveloped.

The individual tax relief provided under this bill is as inconsequential to the taxpayer as it is to the economy. What can the average taxpayer with 3 dependents and earnings of $9,000 per year do with 7 cents per day in 1971 and 24 cents more per day in 1972?

Sixty million taxpayers, earning less than $10,000, representing over 150 million American citizens, have no meaningful part in this program. The American consumer stands like an idle dynamo—there is no incentive for him to contribute to the economy of recovery.

This economic game plan may provide a "little action" for 1972, but it does not have the hallmark of a long range solution to our problems of unemployment, inflation, and underutilization of our productive system.

The economic plan is submitted in ill-advised haste. The business sector is taking advantage of the misery of the moment to avoid its fair share contribution to the costs of Government in a free enterprise system.

This bill should be defeated.

THE VIETNAMESE PRESIDENTIAL ELECTION

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, the rigged South Vietnamese presidential election is over. The fact that there was an 87 percent turnout is of no significance. People turned out because they had to—had to because their election cards have to be stamped to qualify them for food allotments—had to because of army and police harassment of those who did not vote.

What is significant for us as Members of Congress is our continuing failure to fulfill our responsibility to respond to our constituents and to be fully informed as to the critical role of the U.S. Government in that election.

It was clear from the beginning that there was not going to be a fair and impartial election—one candidate does not a contest make. President Nixon had indicated that the desire to assure a fair and impartial election was our only reason for remaining in Vietnam after the American people had demonstrated overwhelmingly their desire to withdraw by a date certain, but President Thieu made a mockery both of democracy and of the Nixon rationale.

Though the nature of the election was clear, the House's knowledge of American involvement in it was not. When it was afforded the opportunity to seek such knowledge through my resolution of inquiry—House Resolution 595—the House indicated that it did not even wish to be informed about the election.

The resolution, introduced on September 14, called for the communications between the State Department and the Embassy in Saigon and between the Embassy and Messrs. Thieu, Ky, and Minh regarding the forthcoming election. It was referred to the Committee on Foreign Affairs, which requested the views of the State Department. The Department replied by letter on September 22, stating that they recommended against passage of the resolution and would brief interested Members of Congress instead.

We followed the course of action suggested by the State Department. We arranged for a briefing to be conducted by the desk officer who receives all the communications from Saigon and sees all the communications from the State Department to Saigon and whom the State Department insisted would be authorized to provide Members of Congress with the information they needed. The briefing was held on Tuesday, September 28.

The State Department claimed that such a briefing would inform Members of Congress—presumably to a decree sufficient to satisfy our responsibilities to our constituents. Were that so, the representatives of the State Department should have come prepared and authorized to so inform us. Unfortunately they did not. They did not give us either the communications or the content of such communications. They would not give us any more information that we had already received through the media, except for some quotes from Mr. Nixon's press conferences and some of their own general observations and opinions.

The Resolution of Inquiry came to the floor this past Thursday. The Chairman of the Foreign Affairs Committee did not observe the usual practice of waiting until the 1-minute speeches were completed. He instead moved to table the resolution before I could even get to the floor to debate it, thus providing another sorry example of the failure of this body to seek information which its Members need to act in the interests of their constituents.

The election is over. We did not press the State Department for information as to the U.S. role in it. It is now incumbent upon us to deal with the facts as they exist.

The people of Vietnam are never going to get a stable, democratic government from a corrupt, self-appointed, dictatorial regime.

The North Vietnamese have offered to release the prisoners upon our setting a date certain and withdrawing our troops, but Congress and the President have thus far failed to act on this proposal.

Instead of winding down the war, the President has resumed bombing of the North on a scale rivaling that of early 1968. There have also been statements from the executive branch to the effect that we will keep between 50,000 and 75,000 troops in Vietnam even after "withdrawal." If this is indeed the case, then the administration's use of the word "withdrawal" is a barefaced lie.

We are now confronted with a most serious responsibility. Are we at last going to respond to the more than three-quarters of the American people who have asked that we set a date certain for withdrawal? The answer must be "yes."

There is now pending in the other body a defense procurement authorization bill already passed by the House. Attached to that bill is the Mansfield amendment, which provides for a withdrawal from Vietnam by setting a date within 6 months of the date the bill is enacted into law. That bill will soon be going to conference.

It is incumbent upon us to instruct our conferees to accept the Mansfield amendment to the defense procurement bill.

It is incumbent upon us to make certain that the conference report comes back to us with a date certain in it.

I hope and expect that the leaders of this House will support this course of action, for I have been shocked at their continuing support for administration war policy.

Mr. Speaker, there is no longer any choice. We must set a date.

OUR U.S. NAVAL STATION AT CAYO HUESO

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the first U.S. naval station at Key West, Fla., was erected in 1823. Since that time the naval installation has been a center of naval operations for four major wars plus the Cuban missile crisis. In addition, it has survived the Navy's transition from sail to steam, coal to oil, and oil to nuclear power.

Don Groves, a U.S. Naval Reserve officer and professional staff member of the National Academy of Sciences—National Research Council in Materials Science and Engineering, has written a comprehensive history of the naval station at Key West. His article entitled "Our U.S. Naval Station at Cayo Hueso," appeared in the August 1971 Naval Engineers Journal.

As Mr. Groves points out, there has been a gradual reduction in forces at the Key West station during the past several years. This has occurred in spite of the growing evidence revealed in hearings before the Inter-American Affairs Subcommittee, which I chair, of increased Soviet activity in Cuba and the Caribbean.

During these hearings, Adm. E. P. Holmes, who at that time was commander in chief of the Atlantic Command, stated—

> The Southern flank of the U.S. is perhaps one of the most vulnerable. Missile capable naval units, either of the surface or submarine type, operating from bases directly and closely to the south of this flank, is a practical consideration that cannot be contemplated with equinimity .... I would like, in discharging my responsibilities, to be assured, in any case, that within not more than 24 hours I could operate out of, say, Boca Chica . . . I think it is absolutely essential to our security to have this capability . . . A reduction of military capability in this whole area in the face of [the Soviet presence] strikes me as folly.

Mr. Groves urges the continuation of military activity at Key West. I add my strong support not only for the continuation of military activity there, but for the strengthening of our defense capabilities at Key West, and call to the attention of our colleagues Mr. Groves' article:

OUR U.S. NAVAL STATION AT CAYO HUESO

(By Don Groves)

(NOTE.—The author was educated at Syracuse University (BS and MS degrees) and other Universities including the Universidad De Santo Domingo (Dominican Republic) where he spent a year while on a U.S. Government Fellowship award for Independent (Ph.D. level) Research. He is a U.S. Naval Reserve (Research) officer and served on active duty in various engineering billets during World War II and again on recall during the Korean conflict. His civilian employment experience has included work in both electrical and mechanical design, systems design in Ocean Engineering and, for the past 9 years, as a professional staff member of the National Academy of Sciences-National Research Council in Materials Science & Engineering. Groves is the author of a book on Ocean Science & Underseas Technology and has had over 100 articles of his published in various national and international technical journals and general magazines. Several of these articles have been reprinted in the U.S. Congressional Record and other publications. A member of several scientific and technical societies, i.e., The American Society of Naval Engineers, the International Oceanographic Foundation, and the U.S. Naval Institute—Don Groves is also a Fellow of the Washington Academy of Sciences, an honorary citizen of Key West, Florida, a listed member of the American Men of Science, Who's Who in the South and Southwest, U.S., Two Thousand Men of Achievement—1970, Community Leaders of America, the National Social Directory, and the Dictionary of International Biography.)

Breathes there a Navy man alive today with a soul so dead who never to himself has said, "I'd sure like a tour of duty at Key West before I retire."

And all things considered this is quite an understandable desire. For Key West, or Cayo Hueso, if you prefer to use the original Spanish name of the place, is a very unique speck of U.S. real estate. Key West is really only like Key West! Located at the sunwashed southernmost continental tip of our country and only some 90 miles from Havana, Cuba, it is one of the most interesting little cities on an island anywhere. Moreover, rich in its colorful history, Key West seems to have the ability of recreating more of the historic past of our Navy than any other area in the world. Today, such a "past is prologue" review may not be too inappropriate for all of us to reexamine.

Key West has been a front-ranking center of Naval operations for four major wars plus the Cuban crisis. Moreover, the Naval station there has witnessed, first hand, the Navy's transition from sail to steam, coal to oil, and oil to nuclear power. The station, too, has served as a localized private hunting center, a deciding factor in the outcome of our Civil War, a three-dimensional global warfare base, and a strategic Naval operational readiness base of today's most recent world. Hopefully, the Navy has learned much from all these times.

Certainly the past and present permanent residents of Key West, during the past 50 years especially, have had the opportunity to learn at least one kind of lesson along the way. They have also discovered, like some of the rest of us, that the extent of such Naval activities anywhere depends upon our national concepts of Seapower—an item that appears to be always destined to change. In Key West the implementation to our early ideas of Seapower was one of the main foundations for the very existence of the city. This kind of a crucial building block, and some others (which in most cities are immutable) have been also pulled out from under Key West several times. As a result Key West and its Naval station, perhaps, have changed more radically on many occasions than any other American city or U.S. Naval activity. They may again—like our seapower concepts—be revised still further in the near future.

But what are some highlights of this particular story?

Actually, the area was settled by men whose business it was to use our infant nation's Seapower to fight pirates. For, as early as Ponce de Leon's historic voyage along the Florida Keys in 1513, the good natural harbors of the Florida Keys had become a base for pirates. And, in 1818, when the United States negotiated a treaty with Spain for the purchase ($5,000,000) of Florida, these seagoing bandits, armed with fast and effective ships, were still, carrying on their operations from their favorite hunting grounds—the Florida Keys.

Three years after the U.S. purchase of Florida a man by the name of John Simonton paid Juan Pablo Solas a Spanish artillery officer, $3,000 for the island of Key West. Simonton, in turn, sold parts of his property to others and a small settlement was started in 1822. Most of these first settlers were merchants and tradesman—carpenters, coopers, sailmakers, blacksmiths—all of the type so necessary to the sailing ships of the day. That same year, 1822, Lt. M. C. Perry, skipper of the U.S. Navy schooner, *Shark*, received orders from Secretary of the Navy, Smith Thompson. These orders read—". . . should you find the Island (Key West) situated as it is described, and it shall be in your judgment necessary, you are authorized to take possession of it in the name of the United States . . ." On the 25th of March 1822 the Lieutenant did just that. In a ceremony witnessed by the owners and residents of the Island, he raised the U.S. flag over Key West proclaiming sovereignty "over this and all the adjacent islands." Moreover, Mr. Perry, it appears was not without some good 19th century "P.R." abilities, for he named the island "Thompson's Island" in honor of his boss. He also called the Harbor "Port Rodgers" after another boss of his—Commodore Rodgers, President of the Navy Board. A little over a year later, on 3 April 1823, Commodore David Sydney Porter was ordered to Key West by Secretary Thompson: ". . . you will establish at Thompson's Island, usually called Key West, a deposit, and land ordnance and Marines to protect the stores and provisions . . ."

Commodore Porter had already achieved considerable fame by his brilliant actions during the War of 1812 when he took the *Essex* into the Pacific to cripple the British whaling industry. Just prior to coming to Key West this colorful and remarkable man had been appointed head of the West Indian Squadron of the Navy "for the purpose of repressing piracy and to afford effectual protection to the citizens and commerce of the U.S.

Within two weeks from the time Porter arrived in Key West he wrote Secretary Thompson: ". . . we have built our storehouses on Thompson's Island for our stores . . ." Thus, in 1923, the first Naval station in Key West came into being.

Porter soon discovered that his deepwater ships just could not pursue the shallow draft pirate ships over the reefs and shallow flats of the Keys. So, in making up his own "task force," he first brought the *Sea Gull*, an old New York steam ferry boat, down to Key West to tow five twenty-oared barges he had built. Incidentally, the *Sea Gull* was the first steam-propelled vessel ever used in the U.S. for Naval purposes. Porter also detached his large useless frigates and replaced them with eight small light schooners.

Then, with this fleet at Key West, Porter relentessly pursued the pirates through the dangerous reefs where he finally captured or destroyed most of them during a rendezvous at the Isle of Pine in Cuba. Some escaped, however, and put in at the Spanish port at Fajardo, Puerto Rico. Unfortunately for Porter (a man whose foster son, David Glasgow Farragut, and his own son, David Dixon Porter, were to become, respectively the first and second admirals in the U.S. Navy,) his zealous pursuit of the pirates to another country's territorial waters, plus the effective punitive expedition he conducted ashore there, led to international complications. For, after Porter's decisive victories, Spain apologized and Porter (after being court martialed) resigned and entered the service of the Mexican Navy and, later, the Turkish Navy. Interestingly, while in this latter role, the U. S. appointed him a consular agent of the U. S. in Turkey where he died in 1843.

After Porter's virtual elimination of the pirate menace, Lieutenant William Farragut, in 1926, was put in charge of the disposal of the buildings on the Naval station and the dispersal of its personnel to Pensacola. With this move, both the civilian and military destiny of Key West, which had flourished with government patronage, became immediately unclear.

However, in 1828, the city of Key West (with from 300–500 inhabitants) was incorporated and, shortly thereafter, in 1830 a profitable industry of salt production was started. The city also soon became a growing seaport with commercial ties with New York, Charleston, Mobile, New Orleans, Cuba, Mexico, New Orleans, Cuba, Mexico, and Europe. This trade had a rather perverse kind of beneficial effect on the economy of Key West.

The dangerous reefs, uncharted waters and frequent storms were the cause of wreckage of many ships on the Florida Keys. Using this to advantage, the residents of Key West made their city a wrecking industry center for the sale of salvaged goods—laces, silks, wines, silverware, and everything else that the commerce of the world of that era afforded. Actually, the reclamation and auctions of such goods were held in Key West until steam replaced sail and until a system of reef lights was started in 1852. From that time, the industry greatly diminished.

Speaking of installations, Army fortifications and barracks were first constructed in the area in 1831. These proved valuable in the long and bloody Seminole Indian Wars that followed. Although, at one point during these conflicts, the USS *Constellation* was brought into Key West to augment the Army and the civilian militia forces organized to fight the Indians, there was no regularly established Naval station from 1826 to 1853. During these Indian wars several expeditions, however, were fitted out in Key West with seamen from the West Indian squadron, and the U.S. Schooner, *Flirt*, was provided there on a regular basis.

It was during this period, and specifically in 1844 and 1845, that the construction of Fort Zachary Taylor in the western part of Key West, and Fort Jefferson in the Tortugas was begun by the Army Corps of Engineers. Also, at the time, a contract was signed with John W. Simonton for the sale of more than three acres of land to be allocated for a Marine Hospital. Simonton agreed to build and furnish the hospital and the architect he employed was Robert Mills, a protege of Thomas Jefferson and the designer of the Washington Monument. This building remained as a hospital until 1943 when it was converted to quarters which are now being occupied by Naval officers and their families.

The first decade of work on Army and Navy installations in Key West brought a rapid increase to the population of the city. The 600 residents of 1840 increased to over 2,000 by 1850, with many of the newcomers being Yankee skippers from New England. There were also large migrations of people to Key West from the Bahamas who were called "Conchs."

In 1649 the English ancestors of these conchs formed in London a company known as the "Eleutheran Adventurers" and founded a colony on the island near the Bahamas which they named Eleuthera, where "every man might enjoy his own opinion without control or question."

With such residents of Key West, the first permanent Naval station building was begun there in 1852 when $20,000 was allotted for a warehouse and coaling station. The walls for the buildings were put up but construction was halted for lack of money until the beginning of the Civil War when the work was completed.

At the outbreak of the Civil War, Florida ceded from the Union (in January 1861). When this first happened, Federal forces immediately occupied the roofless Building I and other unfinished fortifications of the Naval station. Their possession and the subsequent strengthening of the station made Key West a Union stronghold throughout the war and demonstrated the importance of the city as a Naval base. Actually, Key West was the only Union-held port in the South during the Civil War, and during this time there were more vessels in this port than in any of the United States. Moreover, there were 299 captured blockade runners brought to Key West carrying thousands of tons of supplies for the beleagured South. This was a most deciding factor in the outcome of the war. In a word, but for Key West's occupancy by the Northern forces and its use as a Naval base, the result of the war might have been quite different.

Upon termination of the Civil War, the Naval station was essentially discontinued but still used as a coal depot and supply station. By 1864 there was only a machine shop force of 80 and Acting RAdm. Stribling was then ordered to send home all except 15 ships from Key West and to reduce expenses of every kind accordingly. In 1865 after Appomattox, these 15 vessels were also deployed to various other bases. But in 1873, when the capture of the *Virginia* threatened war with Spain, nearly every available ship in the Navy was hurried to Key West. After that transient crisis and right up to the time of the Spanish American War, the Navy always kept one or more ships in Key West. However, the Naval station, one of the then proven most important points in the whole defensive system of the U.S., was dormant for about 30 years after the Civil War as far as any construction progress—except for a time, in 1881, when a Naval wharf in the harbor was rebuilt. This work was headed by Lieutenant Robert E. Peary, the subsequent discoverer of the North Pole.

However, even without U.S. Government support, several interesting economic developments in Key West took place during this 30-year period. A telegraph line to Cuba was established shortly after the Civil War, and both public and private school systems were founded at the time. Moreover, the revolution that broke out in Cuba in 1863 caused thousands of Cubans to leave their homeland to come to Key West. The first cigar factory had been established in Key West years before and Cuban manufacturers continued to flock to the island. The industry developed rapidly until by 1890 it employed 10,000 workers with an output of something over one hundred million cigars. Although the majority of these Cuban emigrants were cigar makers, numbers of them also became engaged in commercial sponging and fishing. The sponge industry grew to such proportions that the Keys provided 98 percent of the United States catch, and Key West employed approximately 1,000 persons. The fishing industry supplied a large market in this country and also developed an extensive trade with Havana. A population that numbered about 2,500 in 1860 exceeded 10,000 by 1880, and a decade later was more than 18,000. Key West was then the foremost city in Florida.

At the time it was also a hotbed of sentiment for the cause of Cuban independence, and using it as a base for revolutionary movements, Cuban patriots organized revolutionary juntas, collected funds, and recruited armed expeditions. It was from such a spot that the battleship *Maine* sailed in January 1898 enroute to Havana. Here are some of the entries in the Key West Naval Station log as they concerned that voyage:

"Tuesday 18th, 1898: Fresh breezes and fair weather . . . Sent by lighter to the USS *Maine* 230 tons of anthracite coal at 8: a.m.

"Wednesday 19th: Fresh breezes and fair weather . . . delivered more coal to USS *Maine*.

"Sunday 23rd: USS *Maine, Detroit, Montgomery*, also Torpedo Boats *Dupont* and *Cushing* left port at 10:30 a.m."

The destination was Havana, via Fort Jefferson.

And so, from the station's log for February 16:

"At 2:45 a.m. telegram was received by Commandant (Commander, later Rear Admiral James McQueen Forsyth, USN) of the accident to USS *Maine* at Havana, Comdt. immediately sent Lighthouse Tender Mangrove to Havana at 3: a.m. and USS *Fern* at 5:15 a.m."

For the next two weeks, many of the *Maine's* victims, the injured, and the dead were brought to Key West. Sentiment in Key West and in the U.S. over the *Maine*, and what was thought to be Spain's part in the tragedy, culminated in a war between Spain and the United States. On April 23 of that year, the first shot of this Spanish-American War was fired in full view of spectators along Key West's shore. The USS *Nashville* fired a shot across the bow of the Spanish steamer *Buena Ventura*. Her captain, unaware of the newly declared war, raised the Spanish flag and was promptly taken prisoner, and his ship, the war's first prize, was brought into Key West. All during this Spanish-American War, which lasted but ninety days, Key West's importance as a military and Naval base became evident. Actually, it became the most important in the nation and, at one time during the conflict, our entire Atlantic Fleet was based here.

But, after the Spanish-American War, the Naval station again was for all practical purposes abandoned and for many years remained almost inoperable. Once again, the city of Key West rolled with the punches given to its Naval station. Fortunately, the sting of these economic blows was softened greatly by the actions of a man by the name of Henry M. Flagler. Flagler had a dream—a dream of connecting Key West to the mainland by railway—and, in 1905, he announced his intention of making that dream a reality. Seven years later the tremendous engineering feat was accomplished. The railroad brought very prosperous years to Key West. Tourists flocked to the city. Loaded freight cars were run onto ferry boats and thus shipped to Cuba. This means of rapid transportation swelled not only commerce but gave an added impetus to the fishing industry. Besides fish, carloads of tomatoes and limes were shipped to northern markets.

When World War I broke out in Europe in 1914, activity to reactivate and rehabilitate the Naval station started immediately. The building program was speeded up in 1917, and numerous buildings and shops were constructed and activated to enable the Naval station to support the destroyers, submarines, converted yachts, and many other vessels based here during the war. Ground was also broken for the first Air Station facility on July 13, 1917.

Certainly, World War I again added to Key West's claim to fame as a Naval base location, and during the war the economy of the island grew and flourished. In addition to the many surface ships, planes, dirigibles, and observation balloons that were stationed there to forestall enemy attempts at procuring oil from Mexico during the war, the Army Reservation hummed with activity, and a Coast Guard headquarters was established. But while some merchants and Key West citizens in general were still benefitting from Federal agencies right after the war, the cigar and sponge industries declined rapidly. Cigar factories moved to Tampa where they were offered concessions and a stable water supply. Moreover, the maritime trade of Key West—which had always depended considerably on its maritime trade not as a point of origin but as a stopover port for supplies and fuel—also began to suffer a serious setback soon after the war. Ships now had a greater operating radius and they no longer put in at Key West.

Finally, in 1920, the Federal money "honeymoon" was concluded. After 90 years of operation, the Army abandoned Key West as a regimental post leaving only a force of 40 men; the Coast Guard which had maintained a district headquarters in the city moved to St. Petersburg; and the Naval activities diminished rapidly till, in 1932, the Seventh Naval District Headquarters at Key West were moved to Charleston and the Naval station placed on the inactive list.

The only occupancy of the Naval station from 1932 to 1939 was a Navy Radio station with a complement of 17 men. Its commanding officer, a Lieutenant Commander, was senior officer of the station during those years when the station's maintenance and upkeep was done by WPA workers.

This loss of a military annual payroll of more than a million dollars, plus other economic factors in conjunction with the collapse of the Florida boom, and the world depression, really served to wreck Key West. Once the most prosperous city in Florida, enjoying a flourishing commercial and social life, it saw the number of its citizens decline in a few decades from 25,000 to 10,000. Faced with an overpopulation for which there was insufficient economic basis, a very serious suggestion was made to the Governor of Florida that the city be abandoned, left as a ghost town, and the remaining population moved to the Florida mainland.

Instead, Key West chose to ride out the financial storm, primarily with the help of the Florida Emergency Relief Administration. It literally also rode out another storm, a hurricane on Labor Day of 1935 which swept away a good deal of the railroad in the Upper Keys leaving the city isolated. However, somehow with the aid of the WPA, the FERA, and a little fishing industry, the city survived. This survival was aided greatly when, in 1938, an overseas highway was opened permitting automobile traffic to operate on the old roadbed of the destroyed railroad.

On September 11, 1939, the Naval station area was closed to all visitors, and on November 1, Cdr Granville B. Hoey arrived in Key West to reactivate the base. At that time there were 40 buildings standing on the station but hardly any worth saving.

During the war years, the Naval Base spent $31,384,538.00 on new construction alone. At times during World War II, there were as many as 15,000 Navy personnel on shore leave at one time and the Naval station provided the city with a weekly payroll of $75,000.

Actual work on an Air Station at Key West began in March of 1940. When the Naval Operating Base was re-established on September 25, 1941, the Naval Air Station was officially a part of it, remaining there until May 1942. That year NAS was removed from Naval Operating Base control and assigned to Chief of Naval Air Operational Training Command. In October 1943, NAS once more was an activity of NOB, for fleet use under the Commandant, Seventh Naval District. In February 1945, the Naval Air Auxiliary Air Station and Boca Chica were redesignated as the U.S. Naval Air Station, Boca Chica, and separated from the Naval Air Station, Key West Seaplane Base. In March all Air facilities were combined and designated as U.S. Naval Air Station, the present status. Incidentally, during the six years (1940–1946), much of the 350 acres acquired outside Key West became the Naval Air Station, plus additional acquisitions, which included the Seaplane Base (101.4 acres), Meacham Field, for lighter-than-air (362) acres, and Boca Chica Field of 1761.9 acres for land planes.

At the close of World War II, the NAS at Key West was not phased down as much as other Key West facilities. Instead, because of the perfect flying weather and isolation from dense air traffic, it was developed for training and experimental purposes. However, on April 1, 1946, the Naval Station was disestablished and in its stead the Naval Submarine Base was established. Again, on April 1, 1948, the Naval Submarine Base was disestablished and the Naval Base was established under Flag rank.

By 1958 the Naval Station itself had 48 officers, 232 enlisted men, and 1,250 civilian personnel in full-scale performance. By 1959 the count was almost the same with a decrease of civilian employees of only 50. During that year, three new barracks were built to house the Fleet Sonar School and the Naval Station personnel. This building program increased for the next three years and by 1962 some 500 Capehart housing units were constructed, 896 Wherry housing units renovated, a new Fleet sonar physical plant built, and the construction of a new Naval Station galley with facilities for feeding 1,000 men was begun. On November 26th of that year, President Kennedy and the Joint Chiefs of Staff met at the Naval Station to discuss and make decisions about the Cuban crisis. Some departments almost doubled and others trebled their work load. Adjacent waters swarmed with ships and the Army units were moved into the area, notably the Sixth Missile Battalion. There were tense days and, as so often happened before, Key West was cast in the role of "The Gibraltar of the Gulf."

In 1964 there was an increase of 147 civilian employees. The widening and deepening of the main ship channel and inner harbor were begun, and by December eighty-two percent of the project was dredged. Two new buildings for enlisted men's barracks were begun that year and a contract was let for a new group of piers. Other miscellaneous construction, installation and renovation programs for both the Naval Station and Air Station continued until 1967. At this point a total of 262 ships visited the area during the year (1966) and some 19 ships were homeported in Key West. At this point, there were some 1,350 civilians employed by the Navy in Key West.

Then, in 1967, things started to change—the commissioning of the Public Works Center was postponed indefinitely; the Naval Station power plant caught fire in March resulting in damage of $281,000; and the Board of Civil Service Examiners at the Naval Station, which had been established during World War II, was closed on May 1st and their functions transferred to Orlando. There was also a reduction in the number of civilian employees that year due to funding shortages and a revised ceiling plan.

On May 20, 1968, Ship Repair Department began its phasing-out process and was reduced to Dry Docking force of 54 civilian workers and total staffing of the Naval Station was considerably reduced. This was but a forerunner of things yet to come.

With the mission of the Naval Station "to provide as appropriate, logistic support for the operating forces of the Navy, and for dependent activities and other commands as assigned," on 1 January 1969, the Station had a total allowance of 1,130 civilian positions. This allowance was reduced to 833 by 1 January 1970 and some of the activities supported by the Station in 1970 were phased out and others transferred from the area. For example, the following activities were tenants of the Naval Station during the period of 1 January 1969 through 1 January 1970: Commander Naval Base; Submarine Squadron TWELVE; Underwater Swimmers School; Resident Officer in Charge of Construction; Navy Branch Publications and Printing Office; Naval Communications Station; Navy Finance Office; Marine Barracks; Key West Test and Evaluation Detachment; Fleet Sonar School; Field Electronics Engineering Office; Destroyer Division 601; Navy Commissary Store; Naval Ordnance Unit (disestablished 1 March 1970); Advance Undersea Weapons School (phased out and transferred to Orlando, Florida in December 1969); and the Navy Courier Service, Detachment ECHO.

The Naval Station at this time also provided logistic support for the following activities: General Services Administration: Department of the Interior (Miami); 6947th Air Force Security Squadron; 671st Radar Squadron; Detachment 3, 32nd Air Division (until phase-down in December 1969); Coast Guard Base; 3rd Army Headquarters; 3rd Army Recruiting District; Army Communications Service Group; and Naval Security Group, Homestead AFB, Florida.

In January 1971, the Secretary of Defense has been quoted as saying that it has been indicated that throughout the Navy it may be necessary to further reduce some installations and completely eliminate others. Of course, even though the current unofficial rumors are rife that Key West will no doubt be further reduced, or perhaps even eliminated, one should not speculate in any detail on such possibilities until a particular base closing or reductions are announced at the Cabinet level.

However, it is not at all irresponsible or in bad form to postulate at this time that Key West—our traditional "Gibraltar of the Gulf"—will and must be given a real hard planning look in conformance with our present and projected national economic policies and our future ideas of Seapower. Will the city whose resident population has recently decreased by over 3,000, and whose present business picture depends at least fifty percent on the military and dependent payroll and the civilian work force of the Naval Base, be able to survive if the cutbacks continue? Will we be able to effectively reactivate this next-to-Cuba Base in time when and if it is needed if we close it now? Answers to these and all the other various questions posed by the pending situation, which are so tied into our security, are being considered by the Congress and the Navy. We hope for the continuation of activity at this base, which is owed so very much by the American people, for its past contributions to our Navy.

ABOUT 180,000 WORKING WOMEN SUPPORT EQUAL RIGHTS AMENDMENT

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, since the House will be debating the equal rights amendment, House Joint Resolution 208 by Representative MARTHA GRIFFITHS, on Thursday, October 7, 1971, I would like to call to the attention of my colleagues a communication which I have received from Osta Underwood, the national president of the Business and Professional Women's Clubs, Inc.

As this correspondence indicates, at a recent convention 180,000 working women who belong to this organization in every State of the Union voted unanimously to support House Joint Resolution 208 in its original form and to oppose the "Wiggins Amendment."

In the belief that this letter will be of interest to my colleagues, I insert it in the RECORD at this point:

BUSINESS AND PROFESSIONAL
WOMEN'S CLUBS, INC.,
Washington, D.C., September 15, 1971.

DEAR CONGRESSMAN: As National President of The National Federation of Business and Professional Women's Clubs, Inc., I have been directed by our National Convention assembled in Cleveland, Ohio, on July 29, 1971, to request you to vote for the Equal Rights Amendment, H.J. Res. 208, without amendments.

The delegates to this convention, representing nearly 180,000 working women in every one of the 50 states plus the District of Columbia, Puerto Rico, and the Virgin Islands, were unanimous in their support of H.J. Res. 208 in its original form.

It is our sincere hope that you will see the Wiggins amendments to H.J. Res. 208 for what they are—an attempt to give women less than a full share in the rights and responsibilities now enjoyed by men under the U.S. Constitution. The amendments exempting women from the draft and providing for the "health and safety of the people" were offered under the guise of "protecting" women. In actual fact, they restrict women by denying them opportunities and benefits now available to men.

True equality under the law for all people, regardless of sex, is long overdue. We strongly urge that you do your part to make women first class citizens of the United States of

America by voting for H.J. Res. 208 without amendments.

Sincerely,

OSTA UNDERWOOD,
National President.

LIZ CARPENTER SEEKS PASSAGE OF EQUAL RIGHTS AMENDMENT WITHOUT WIGGINS AMENDMENT

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, since the debate on the equal rights amendment will be taking place next week, I would like to call to the attention of all my colleagues on both sides of the aisle a letter I have received from Liz Carpenter, Lady Bird Johnson's White House press secretary, who has been doing a great deal of traveling in connection with her bestselling book.

In urging passage of the equal rights amendment without the Wiggins amendment, Mrs. Carpenter stresses that women would prefer equal pay and equal rights to so-called protective laws, which actually discriminate against them.

I insert this letter in the RECORD, because I believe it will be of great interest to my colleagues:

WASHINGTON, D.C.,
September 23, 1971.

DEAR CONGRESSMAN: As you know, through the years women have been stepped upon, wept upon and slept upon. Still we find something in men to love—and I will be glad to say this again to every one of you after the Equal Rights Amendment is passed *without* crippling amendments.

As you know, this issue has been with us since 1920, when women were given the vote. It would have passed by now except for being fogged up by the phony issue of "protective" legislation for women.

It is high time men recognized that some "protective" laws treat women like idiots, and others keep women out of jobs where they'd lift no more than a three-year-old child does.

Don't be fooled by the bugaboos raised by the Amendment's opponents. Women will gladly trade protective laws for some equal pay and equal rights.

I hope very much that you will give this your real support. I have traveled 100,000 miles this past year, and one thing is clear—women are ready for it, the country is ready for it. Won't you be with it?

Sincerely,

LIZ CARPENTER.

UAW CHARGES WIGGINS AMENDMENT WOULD PERPETUATE DISCRIMINATION

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, since the House will soon be debating the equal rights amendment, House Joint Resolution 208 by Representative MARTHA GRIFFITHS, I would like to call to the attention of all of my colleagues on both sides of the aisle a communication which has been sent to the Members of the 92d Congress by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America.

This correspondence and an attached article from McCall's magazine discuss the discriminatory effects of the so-called State protection laws. Because it believes that the Wiggins amendment would "eviscerate the equal rights amendment" and give these discriminatory State laws an extended lease on life, the UAW urges that the equal rights amendment be passed without the crippling Wiggins amendment.

I insert this eloquent and thoughtful letter in the RECORD, because I believe it will be of great interest to my colleagues:

SEPTEMBER 20, 1971.

DEAR MEMBER OF CONGRESS: I write to call your attention to what we in the UAW believe is a serious degree of deliberately created confusion over the Equal Rights Amendment, particularly with respect to the effects its passage would have on what are called the state protective laws for women.

The confusion is twofold: one, there is the erroneous contention that the protective laws of the states are truly and unequivocally protective of women. On the contrary, those laws are discriminatory, either offering benefits to women which should be extended to men as well, or depriving women of rights which should be extended to women as well as men.

The second source of confusion is the erroneous implication, if not outright assertion, that the so-called "protective" laws are threatened not because they are discriminatory and outmoded, but because a small band of "militant" middle-class professional women are out to dismantle such legislation through passage of Joint Resolution H.J. Res. 208.

The truth is that upwards of 45 percent of the complaints brought under Title VII of the Civil Rights Act of 1964 have had to do with sex discrimination under state laws. Because the Equal Employment Opportunity Commission lacks strong enforcement powers, it took several years of litigation to produce a pattern of judicial decisions. Almost unanimously, the decisions have gone against the state laws, and have upheld the principle of equal treatment of the sexes, which is the whole point of ERA.

What is more, not professional, middle-class women but women who work for wages brought most of those suits, or had the most suits filed in their behalf.

The amendments advanced by Rep. Wiggins were floated and remain afloat on the confusions described. Those amendments would eviscerate the ERA, thereby giving the discriminatory state laws a somewhat longer lease on life. Failure to pass ERA without the crippling Wiggins amendments would sentence working women and the unions willing to support them to a long, expensive struggle in the courts; and in the end their success would be incomplete, because the reach of Title II does not by far extend to all employers.

My plea and that of the UAW to you and other members of the Congress is to set emotion aside and to make your judgment on a realistic appraisal (1) of the situation of working women, and (2) of the improvement of that situation that would be effected through passage of ERA without weakening amendments.

The day of the discriminatory state laws is ending. Judicial decisions in Title VII litigation leave no doubt on that score. General Motors, which is not managed by militant feminists, abandoned its adherence, effective May 1, 1970, to what it termed "the limitations and restrictions imposed by state 'protective' laws as they relate to the employment of female employees in its offices and factories." More recently, the North American Rockwell Corporation joined with the UAW in soliciting an arbitration award to the effect that it would be a violation of the collective bargaining agreement between company and union for the corporation to impose provisions of California law that have been declared to violate the provisions of Title VII of the Civil Rights Act of 1964. The arbitrator in that case joined the majority of arbitrators making awards under UAW agreements who hold that the Civil Rights Act of 1964 preempts and takes precedence over any state law which attempts to restrict the rights of employees on questions of race, sex and religion.

The UAW shares the view that our goal should be to humanize working conditions for all. Enactment of Joint Resolution H.J. Res. 208 without the crippling amendments proposed by Rep. Wiggins would open the way toward an orderly and vigorous pursuit of that goal. The two-year interval after its enactment before ERA would become effective, would provide ample opportunity not to scuttle the state legislation but honestly to separate the wheat from the chaff and to incorporate the positive values of the state laws in new legislation protective of all workers on an equal basis.

We earnestly hope you will see the wisdom of such an approach. Most of the stress and tension in our society stems not from radical or revolutionary initiatives, but from the tardy responses of our leadership and our institutions to clear instances of social neglect and inequity. The long neglect in giving women the equal protection of our laws is a case in point; further delay in this critical area will aggravate an already serious crisis of credibilty which is hurting all branches and levels of government.

Sincerely yours,

OLGA M. MADAR,
Vice President.

[From McCall's magazine, September 1971]

WHAT "BFOQ" MEANS TO YOU?

In 1964, Title VII of the Civil Rights Act outlawed employment discrimination based on race, religion, national origin, or sex. Yet today, in many states, women are still suffering discrimination on the job.

Some employers, unions, and employment agencies have sought to justify continued differential treatment of the sexes by claiming that state protective labor laws (presently applying to women only) makes sex a "bonafide occupational qualification," or "bfoq," in states that have them. (Title VII allows discrimination by religion, national origin, and sex if these factors can be shown to be "bona fide occupational qualification[s] reasonably necessary to the normal operation" of a business or enterprise.)

Such state protective labor laws often requires seats at work, regular rest periods, and minimum wages for women workers, but do not impose similar requirements for men workers. In some states, they prohibit employers from requiring or permitting women employees to work more than a designated number of hours per day or week, or to lift objects weighing more than a designated number of pounds.

The Equal Employment Opportunity Commission, which administers Title VII, has divided state protective laws into two categories: those that provide women with distinct benefits, such as minimum wage laws; and others, such as hours-limitations laws, that impose a burden on women either by depriving them of the right to earn overtime pay or by keeping them out of jobs requiring overtime work.

By now state and federal courts have decided more than a half dozen cases brought by women workers to challenge state hours-limitations laws. Almost unanimously, these courts have invalidated the state hours-limitations laws because they conflict with Title VII's prohibition against employment sex discrimination.

Should the United States Supreme Court uphold these decisions, they will represent important personal victories for the women complainants in the cases. Not only will they then be able to earn overtime pay on an equal basis with male coworkers, but their employers will no longer be able to invoke the state laws to deny them jobs requiring occasional overtime work.

Such a result, however, will cost woman workers the genuine protection provided by hours limitations laws. The technique of extending the benefit of such protective laws to men—which is feasible with respect to minimum wages, rest periods, and seats at work—does not appear to be practicable now, since many male workers have come to regard overtime work as a cherished benefit.

The time may be ripe for new state and federal legislation that would embody the principle of voluntary overtime for both sexes. Such new laws would permit both men and women to work a designated number of hours in excess of an established norm. At the same time, they would prohibit employers from discharging an employee for his or her refusal to work overtime.

The enactment of such voluntary overtime laws would extend to men the real benefit of the hours-limitations laws: the right *not* to work overtime. The principle of equal treatment in the law without regard to sex could thus be preserved without sacrificing hard-won social gains of the past.

RICHMOND, MAINE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on previous occasions I have inserted in the Record interesting information about the community of Richmond, Maine, established by my distinguished friend, Baron Vladimir Kuhn von Poushental for the benefit of Americans of Russian birth or descent who have fled from persecution of Communist Russia and have now developed a great colony in Maine. They retain their religious and cultural traditions of old Russia and at the same time are a progressive American community. Articles recently appearing in the Kennebec Journal tell of some of the religious and cultural activities of this community which I believe will be of interest to my colleagues. I include the following in the Record:

Feast of Transfiguration Celebrated at Richmond

Richmond.—The Feast of the Transfiguration was celebrated during a 90-minute service at St. Alexander Nevsky Greek Orthodox Church Thursday.

More than 70 people came to the church lighting candles and bearing baskets of fruit.

Before the service started two men alternated reading from the scriptures while the ladies lit the candles on each of three altars.

A men's choir sang a cappella under the direction of the grandson of Count Leo Nikolaevich Tolstoy, a Russian novelist and social reformer.

All the children received communion because children are sinless and need not go to confession before receiving the sacrament according to Prof. Zinaida Wlodkowski of Augusta.

The service ended when candles were lighted in each basket of fruit to be blessed and then sprinkled with holy water by the white-robed priest.

The service is in the ancient Greek language which is the original tongue of the greater part of the servicebooks used by the Russian Orthodox Greek-Catholic Church.

The priest was the Rev. Josef Grynkiewicz.

Instructor Does Russian Research

Richmond.—William Hall, a teacher of Russian language at Concord-Carlisle High School in Concord, Mass., visited Richmond last week to learn more about the Russian community here.

Hall has visited Richmond before and met with several members of the Russian families. On last week's trip, he met with Eugene Sherbakoff, a former actor, who tape-recorded sections of Dostoevsky's Crime and Punishment and Brothers Karamazov, N. Gogol, Inspektor General. Hall will use the recordings in his classes at Concord.

Archbishop Visitor at Richmond

Richmond.—St. Alexander Nevsky's Russian Orthodox Church was honored over the weekend by a visit by His Eminence Archbishop Nikon of Washington, D.C., and Florida, who brought with him an exact copy of the famous icon of Our Lady of Pochaev, which was displayed for veneration in the church Friday and Saturday.

Archbishop Nikon is the second highest ranking prelate of the Russian Orthodox Church abroad and has held the bishopric of Washington and Florida since 1950.

The Pochaev icon is closely connected with the great Monastery of the Lavra in Pochaev in the Western Ukraine, a great center of the Orthodox faith during the Middle Ages and afterwards when the area was overrun by Poland.

The Lavra, with its miraculous image of the Mother of God, was for almost a century the only source of Orthodox service books and literature in the western Ukraine and carried on an intense struggle in the face of religious persecution.

Interestingly enough, the monastery of Pochaev has regained this significance and has become an island of church life.

An exact copy of the ancient Pochaev icon was executed in the 1920's and sent to America with Archbishop Vitaly as a gift to the Orthodox Christians of this country. Usually kept in New York City, the icon was brought to Richmond by the archbishop so that it could be seen and venerated here. Reproductions of the icon are available at St. Alexander Nevsky's parish.

Saturday night there was a solemn night vigil service at 6 p.m. at which the archibshop officiated. There was a pontifical divine liturgy at 10 a.m. Sunday.

The archbishop was accompanied by Archdeacon Valentine Chmelev and by his personal secretary, John Shaw.

CRIME IN THE UNITED STATES

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on September 9, the Honorable John N. Mitchell, Attorney General of the United States, delivered a very able and significant address before the chiefs of police at the Attorney General's Conference on Crime Reduction in Washington. The Attorney General reviewed the problem of crime in the United States today and the effort being made by a concert of action on the part of the Federal, State, and local governments to curb crime. While the Attorney General is still disturbed, as we all are, about the rate of crime in the country, he found some encouragement in the latest reports of a decrease in the percentage of increase in crime.

The Attorney General clearly recognized the responsibility of the Government of the United States to play a major role in the prevention and curbing of crime in our land. And I am sure from the Attorney General's deep concern about this challenging problem that he will support an expanding effort on part of the Federal Government in the several different areas affecting crime, to bring about a more meaningful reduction in crime in the country.

I think all of us recognize that we must establish a closer concert of action among the Federal, State, and local governments to combat the menace of crime in the country today. That is one of the concerns of the House Select Committee on Crime, of which I have the honor to be chairman, to which we will be giving special consideration in the months ahead.

I commend the distinguished Attorney General's able address and include it in the Record following my remarks:

The War on Crime: The End of the Beginning

(Address of John N. Mitchell, Attorney General of the United States)

I want to add my welcome to those you have already received at the opening of this conference. I am indeed pleased with the fine attendance at this important meeting of law enforcement executives. I thank you for responding to my invitation, and I firmly believe that our labors here can produce new advances in the nation's war on crime.

I do not hesitate to use the term "war," for that is exactly what it is. There is nothing controversial about this war. There is the side of law, justice, honesty, and public safety. And there is the side of lawlessness, dishonesty, human exploitation, and violence. I consider our meeting here in Washington a strategy conference on our side—a conference among allied officers over the maps of tomorrow's battlefield.

To continue the analogy, we meet at a critical point in the war against crime. Through the decade of the 1960s the crime rate in the United States soared. It not only increased, but the increase kept increasing. In the 10 years from 1960 to 1970, serious crime as measured by the FBI Uniform Crime Index rose 176 percent. In some of our largest cities, including the capital of our nation, the streets in the heart of the business district were considered by many to be unsafe at night. There was no blinking the fact that we were beset by an alarming crime wave, and many Americans believed our society was beginning to crack at the seams.

I will not go into the reasons for this crime wave. Some said that fighting crime was a matter of social reform—if we had a better society free of social ills we would have less crime. In the long run they had a point, but that was small comfort to last night's victim of mugging on the city street. It was a little like sitting on a hill philosophizing about erosion control while a flash flood is carrying away your town.

In 1968 Richard Nixon called for decisive action against the crime wave in this country. He recognized that Federal jurisdiction is limited to Federal crimes, and that the first and main lines of defense against crime were the local and state peace officers. But he also knew that law enforcement across the nation desperately needed national leadership and national example. When he was elected President he instituted a comprehensive drive against crime—a many-faceted program that marshaled every Federal enforcement arm. He also asked for and won a sharp acceleration in Federal financial aid to state and local enforcement agencies. The nation suddenly found that it had leadership in the war on crime.

At the same time the local and state enforcement agencies across the country were directing renewed efforts in the same war. Many of them applied added funds for better equipment, more manpower, better training. More support has also come from the public and from private groups, such as the U.S. Chamber of Commerce, which has published educational booklets about crime and has helped in other ways.

Altogether, the nation renewed its attack on crime. There were few who were sitting on the hill philosophizing. There were more who were in town throwing sandbags into the breach.

Today we are seeing the first encouraging results of this monumental effort by the nation's peace officers. Fear is being swept from the streets of some—though not all—American cities. In the first quarter of 1971, as you know, 60 American cities showed an actual decrease in the number of crimes. And while serious crime continued to increase in the nation as a whole, the rate of increase is finally slowing down. Only last week the FBI's annual Uniform Crime Report for 1970 confirmed this trend. In 1968 crime had increased 17 percent over the previous year, 12 percent in 1969 and 11 percent in 1970. Moreover, in the great cities of the country—those with 250,000 or more people—serious crime increased by 18 percent in 1968, 9 percent in 1969 and 6 percent in 1970.

Now I don't wish to make too much out of these figures. We can take some encouragement, but not much comfort. We have the trend going in the right direction, but that trend is still too tentative to let us shout very loud. To go back to my analogy, the enemy's advance has been slowed, but he is not yet retreating. I'd like to think the situation can be described in Winston Churchill's cautious words when the Allies had stalled Nazi expansion and opened a new front in Africa in the fall of 1942.

"Now this is not the end," he said. "It is not even the beginning of the end. But it is, perhaps, the end of the beginning."

So this benchmark calls upon us to assess our strategy, to exchange our experiences in penetrating the enemy's vulnerable spots, to learn from each other's successes and failures. Here at this conference we can redirect our forces and mount an even stronger offensive against crime.

In doing so, I wish to emphasize that this conference is and must be a mutual exchange of ideas between all jurisdictions. The Federal Government is not here to dispense some higher wisdom, but to trade ideas with all the others on the firing line. We have anticipated sharing the experience, for example, of the police chiefs from the 60 cities showing a reduction in crime. Each of us has his contribution to make, and I for one would like to share with you some of the reasons why, from the Federal viewpoint, I am encouraged in this war on crime.

First, we have legislative weapons that were not available before. The Omnibus Crime Control and Safe Streets Act of 1968 provided for, among other things, court-authorized wiretapping. While the previous Administration did not see fit to use this weapon that Congress had given it, President Nixon sanctioned its use as one of his first acts of office. Since then it has proved to be an extremely effective method of obtaining evidence in organized crime cases where other methods are ineffective or too dangerous. In 1970, more than two out of every three messages intercepted by Federal investigators were incriminating, and for every Federal wiretap there was an average of between three and four arrests.

When President Nixon took office he called for other anti-crime legislation, and most of it was passed by Congress. This includes the Organized Crime Control Act of 1970, which provided better means of enforcing laws and securing evidence in organized crime cases. It included the Comprehensive Drug Abuse Prevention and Control Act of 1970, which provided stronger enforcement tools and penalties against drug traffickers. And it included the District of Columbia Court Reform and Criminal Procedure Act of 1970, which has provided the tools for further reducing crime in the one major urban area entirely within the Federal jurisdiction.

Without waiting for this legislation, President Nixon and his Administration took every step to escalate the war on crime. The President established the National Council on Organized Crime, which mobilized all appropriate Federal agency heads and the special expertise of their staffs. I am able to report that the number of organized crime and gambling figures convicted as a result of FBI investigations has risen sharply—from 281 in fiscal 1968 to 631 in fiscal 1971.

In the difficult area of narcotics control, the Federal Government provided national leadership. All appropriate Federal agencies have increased their arrests and confiscations. In perhaps the most significant breakthrough in this field, the Turkish Government has agreed to halt its opium-growing industry. We all know that narcotics control is a very persistent problem, but we also know that as we defeat it we will be defeating an important cause of crime.

The District of Columbia has been the scene of remarkable achievements. In fiscal 1971 the volume of crime in Washington, D.C. was 18.7 percent lower than in fiscal 1970. That is the first fiscal year in which crime dropped since such records have been kept beginning in 1956. Figures have just been published showing a further decrease of 10.6 percent for the month of July compared to the previous July, which in itself showed a decline over the same month in 1969.

These Administration actions that I have just described have been confined to the limited area of Federal jurisdiction. I turn now to the far broader area in which Federal support has had an impact on all jurisdictions, and with which you are more familiar. I refer to the Law Enforcement Assistance Administration, which was created by the Omnibus Crime Control and Safe Streets Act of 1968. At President Nixon's urging this agency's budget is now more than 10 times its original budget of three years ago. It grew from $63 million in fiscal 1969 to a fiscal 1972 appropriation of almost $700 million.

In the past three years, police programs have benefited either directly or indirectly from more than $370 million in LEAA funds.

There are thousands of police programs under way in the United States which would not have begun—could not have been created—without LEAA funds. Partly because of the LEAA program there are more policemen on the street, there are more patrol units, and better items of police equipment than there were three years ago.

Police communications are being improved partly because LEAA has provided more than $38 million to finance better local and state systems, control centers and much-needed equipment.

Police ability to deal with bombings is being improved because LEAA has committed well over $2 million for special training of local and state officers, for bomb disposal research, and for technical aid. Graduates of LEAA's bomb disposal course have paid it the supreme compliment, saying it has saved lives and prevented injuries.

A number of LEAA programs are helping to improve police safety—and provide better equipment. Among these efforts was the IACP's bomb data center, and the testing of different police armor vests by LEAA's new Law Enforcement Standards Laboratory.

Take any area of the country and we see LEAA funds at work in important programs. As you know, there have been and are key LEAA projects among those 60 cities which have recorded substantial crime decreases during the first quarter of this year.

One important activity, the Law Enforcement Educational Program, is very visible not only to you as police administrators, but to all members of police departments. To date, over 60,000 police officers have received educational benefits to help them in their professionalization.

All of this, coupled with the other avenues of Federal action that I mentioned, gives me a positive feeling about the national war on crime. Many of these innovations, such as the new enforcement weapons against organized crime and some of the significant LEAA projects, are young programs. We have only partially seen their effects. As they gather momentum I believe we will see more crippling blows against the enemy.

It is true that not all the results are going in our favor. The number of police killings each year is still on the increase. This abominable and shocking trend must be reversed. Although federal jurisdiction in this area is limited, President Nixon has directed the FBI to join in the investigation of a police killing when asked to do so by the local authority. Equally important, all federal investigative agencies are on notice to share immediately with state or local police any information they receive about possible police killings. In addition, the President has proposed legislation to Congress to assist the families of officers killed in the line of duty.

The number of police murders reminds us very forcibly that the war against crime is far from over. We have by no means reached the beginning of the end, but I believe we are at the end of the beginning. We have mobilized our resources. We have established communications and strategic links between our various commands. And in my opinion, most important of all, we have strong national leadership. We have a President who has gone on record in no uncertain terms in support of the law enforcer. Only a few weeks ago he summarized the situation when he told a gathering of local peace officers:

When you go home, tell your colleagues that the era of permissiveness with regard to law enforcement is at an end in the United States of America. Tell your colleagues that . . . in terms of support of the President of the United States and the Attorney General, we back law enforcement officials in their attempts to reestablish respect for law, in their attempts to enforce the law with justice.

Gentlemen, that statement sums up the present situation. The climate for decisive inroads against crime was never better. We have the resources, the capablities, the support of the public, the leadership of the President. Here at this conference we have the ability to marshal these assets even more effectively to assure the peace and safety of American society.

INTER-AMERICAN SOLIDARITY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is a privilege for me to call to the attention of my colleagues the following address of the distinguished Chief of the Foreign Service of Costa Rica, Dr. Carlos Castro Calzada. His address at the Florida Research Institute on August 14, 1971, makes a valuable contribution to our understanding of the relationships of the people of the Americas. I commend it to you and to our colleagues:

INTER-AMERICAN SOLIDARITY

Mr. President, Members of the Faculty, Ladies and Gentlemen, it is indeed a great pleasure and an honor to be here today. I appreciate this opportunity, as an individual and as a representative of my country, to address a few remarks to you on Inter-American Solidarity.

Inter-American cooperation is and has always been a prime concern to the Government of the United States. And, so has it been for the Government of Costa Rica. Both have always had and will always have a deep interest in working toward cooperative solutions to inter-American problems and in developing ways and means which can strengthen our common efforts and lead to accelerate development in all the Americas. Your country, my country and all the other nations of the Inter-American System face serious problems and large obstacles. Together we form a community of widely diverse people, our cultures are different, we have different perceptions of self-interest and reality, and different ways of relating to these perceptions. Our emotional reactions are often different. But may it always be that way. It would be a very dull world if we were all alike. Solidarity, mutuality, do not flow naturally. We all have to work at them. Practical and serious restraints frequently inhibit our efforts to meet the surging aspirations of our societies. But we are all working together on mutual problems and concerns, and are continuously suggesting to each other through our multinational organizations new ways to improve and restructure our Inter-American relationships.

Because of their proximity to each other, and other similarities of significance, the United States and Latin America have stood in a very special relationship one to the other. In that relationship we have moved from controversy and dispute to cooperation, alliance and now, under President Nixon, to partnership. For many years we have been linked together in the Organization of American States, and its predecessors, in joint request for a better future. Recently we have joined in a noble Alliance for Progress and now your President has suggested our goal for the seventies should be a decade of progress for the Americas. It is because of this special relationship and the leadership that your country has provided in this Hemisphere; that Solidarity, Mutuality, Cooperation necessarily suggest the Foreign Policy of the United States in Latin America. Two matters of recent and great significance in this area are:

First. The Alliance for Progress, which was a revolutionary document. It was suggested by the ideas of great Latin American spokesmen looking into the future of their people. Its policies and institutions began to take shape in the latter years of the Eisenhower Administration and were brought to full life and vigor by President Kennedy. The Alliance sought a peaceful revolution because it promoted economic and social transformation without violence. It sought to expand benefits for all the people rather than merely redistributing them. It is an Alliance against the "status quo", when the status quo meant illness, health, hunger, latifundia, one-crop economies, illiteracy and ignorance. It is an Alliance for land reform, jobs, new schools, roads, more electric power, more consumer cooperatives, improved irrigation and bountiful agricultural yields, and, above all, an equitable sharing of national financial burdens by all citizens. It is an Alliance which sought to promote regional economic cooperation and hemispheric integration. The Alliance for Progress fired the imagination of people in this country and in Latin America. And in spite of setbacks and disappointments, new beginnings were made in our alliance, solidarity and cooperation. It has helped our nations generate development "momentum" of our own. Now we must do all we can to sustain that momentum. Our hemisphere has reached the crucial stage when the material foundations of development can now begin to provide a better life for more than 200 million Latin American citizens. There is a surging spirit in our nations—determination to break the grip of outmoded structures, yet equally determined to avoid social disintegration. Freedom, justice, a chance for each of our people to live a better and more abundant life. Progress in our Hemisphere is not only a practical necessity but a moral imperative.

Second. In October of 1969, President Nixon, in his remarks to the Inter-American Press Association at Washington, D.C., announced a Partnership in the Americas. For many years, the United States has pursued the illusion that it alone could remake continents. Conscious of its wealth and technology, seized by the force of good intentions, driven by its natural impatience, remembering the dramatic successes of its Marshall Plan in the European post-war, it has been understood what was the best for every one else and that it could and should make it happen. The fantastic successes that have made your country the most powerful today and the greatest in history, have given it a habitual overwhelming confidence in the rightness of its own prescriptions. But, as President Nixon then pointed out: experience has taught better. It has taught that economic and social development is not the achievement of one nation's traditions. It has taught that aid that infringes pride is no favor to any nation. It has taught that each nation must be true to its own character.

So it was in this spirit that President Nixon proposed a Partnership in the Americas. It was an invitation by one partner for further interchange, for increased communication, and for new imagination in meeting our shared responsibilities. This, in the hope of achieving a more mature partnership in which voices are heard and none is predominant, a partnership guided by a healthy awareness that give-and-take is better than take-it-or-leave-it.

President Nixon offered action. His proposal represented a new approach, and it is based on five principles: First, a firm commitment to the Inter-American System, to the compacts which bind us in that system, as exemplified by the Organization of American States and by the principles so nobly set forth, in its charter. Second, respect for national identity and national dignity in a partnership in which rights and responsibilities are shared by a community of independent states. Third, a firm commitment to continue the United States assistance for hemispheric development. Fourth, a belief that the principal future pattern of this assistance must be the United States support for Latin American initiatives and that this can best be achieved on a multilateral basis within the Inter-American System, and finally, a dedication to improve the quality of life in this New World of ours—to make people the center of our concern and to help them meet their economic, social, and human needs. These proposals by your President were responsive to the voices he has heard from Latin America—voices of hope, voices of concern and some voices of frustration. These voices have told him that they wanted fewer promises and more action. They have told that the United States aid programs seemed to have helped the United States more than Latin America. They have told that the United States trade policies were insensitive to the needs of Latin American Nations. They told that if our Partnership is to thrive or even to survive, the United States must recognize that the nations of the Americas must go forward in their own way under their own leadership.

So with the passage of time it has become increasingly clear that the task of Latin American economic and social development is primarily a task for Latin Americans. We also recognize that the statistics of the economic growth rate of Latin America and the realities of social progress fall short of the needs of today and tomorrow, though most of yesterday's targets were largely accomplished. These are the same statistics that must prompt us to do better. We must find the ways and the means whereby we can move forward together in a more effective way. There are serious problems ahead that can only be solved through our mutual cooperation.

The rapidly expanding population and labor force in Latin America now requires a higher rate of economic growth than was formerly considered a reasonable target, if per capita well-being is to be maintained, let alone improved. We have become increasingly concerned with the problems posed for our societies by the relentless pressure of population on resources. These growing pressures to develop, modernize, and adapt to new challenges have led us all to reflect our interdependence and to thereby strengthen our solidarity.

We must all work vigorously and persistently toward a solution of our mutual problems, making people, with their human, social, and economic needs, the inspiration of our efforts.

Thank you very much.

HERE'S HELP, INC.

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am sure you know of my deep concern with the problem of drug abuse in our country. My experience as chairman of the House Select Committee on Crime has emphasized for me the great tragedy of so many young Americans who have become dependent upon or addicted to drugs.

I am proud, however, that there is in my area a great interest in doing something about this problem and I wish to call to the attention of my colleagues the following outline of the program of Here's Help, Inc., which is under the leadership of a very outstanding woman, Mrs. Marian Siegel, and which offers a model for drug abuse programs throughout the country:

NEEDS

State: 1, More adequate consultation and information services from the State Drug Abuse Program. Staffing should be made available on a regional basis, and in some cases, on a local basis.

Dade County should have a coordinator working with programs in the area. This could eliminate some of the confusion regarding funding. He could also be responsible for initiating studies to determine when and where duplication of services might be required, could see that individual programs have systems for adequate service reporting, could help programs to meet licensing standards, and could serve as a liaison person between programs and the various bureaucracies such as the Governor's Council on Criminal Justice (both local and state), the LEAA Regional Offices, the County Commission, and the Department of Health and Rehabilitative Services.

State: 2, A way to cut through the delays in the channeling of federal funding through Tallahassee and the various other echelons of government. Processing of applications for funding is already too complicated, and additional bodies continue to be added to the process.

State: 3, More adequate funding of drug abuse programs through H.R.S. Law enforcement money—although we don't want to look a gift horse in the mouth—does not really suggest itself as a stable basis for a long-range approach to what is essentially a medical and public health type problem.

Local: 4, Local funding must increase or there will occur, as matching-funds ratios increase, a shrinkage in services that are already pathetically inadequate. Local government, the United Fund, local business, and the public itself cannot afford to see these services curtailed because of a lack of funds. In the main the agencies providing these services are relatively new, they do not have endowment income to help finance their operations, and they do not have funds to staff sophisticated fund-raising departments.

SPECTRUM DATA

1. On August 6, 1971: (a) Clients in resident treatment, 120; (b) Clients receiving out-patient treatment, 41; (c) Parents receiving individual and group services, 60.

2. Averages of above for 6 months ended June 30, 1971: (a) Clients in resident treatment, 96; (b) Clients receiving out-patient treatment, 40; (c) Parents receiving individual and group services, 60.

3. Average costs for above, 6 months ended June 30, 1971: (a) Clients in resident treatment: 182.5 days (6 months) x $11 cost per day-2007.5 x 96 average number of clients $192,720, percent of total 73.7. (b) Outpatient: 26 weeks x $17.50 cost per week-$455, cost per client, 6 months x 40 average number of clients, $18,200 cost, 40 clients, 6 months, percent of total 6.9. (c) Parents: 26 weeks x $5.00 cost per parent per week-$130, x 60 average number of parents-$7,800 cost, 60 parents, 6 months, percent of total 3.0.

4. Estimated costs, 6 months, consultation with other agencies, program development in other areas, and training seminars-$7,000, percent of total 2.7.

5. Estimated costs, 6 months, administration, fund-raising, and other general overhead-$35,896, percent of total 13.7. Total $261,616, 100.0.

6. Income by category and by percent of cost:

	Percent of cost
Contractual income, $196,628	75.2
Program service fees $14,966	5.7
Contributions, $31,218	11.9
Total income, $242,812, operating deficit, $18,804	7.2
Total expenditures, $261,616	100.0

7. *Program Data:*

(a) For clients in resident treatment: (average 96)—i. Age range 15 to 44 years; ii. Average age 23.6 years; iii. Most common age 19 years. (b) During six months ended June 30, 1971: i. Group therapy sessions: monthly average, 99; total for period 593. ii. Informational seminars: monthly average, 138; total for period 830. iii. Visits to doctors and hospitals: monthly average, 30; total for period 536. iv. Urine surveillance: monthly average, 63 (analyses); total for period 1,138. v. Speaking engagements by residents, monthly average, 20; total for period 118. vi. Clean days, total for period 17,520. Cumulative total for resident programs to date: 33,895. vii. Other educational and treatment activities: Two radio programs on regular basis, Youth Hall group, Dade County jail group, Stockade group. (c) Of the 204 clients admitted to resident treatment from January 12, 1970 to June 11, 1971: 95 or 46.6 percent left prior to completion of the program[1], 103 or 50.5 percent were still in treatment June 11, 1971, 5 or 2.4 percent had graduated by June 11, 1971, 1 or 0.5 percent had been referred to another agency, totals 204 or 100 percent.

HERE'S HELP DATA

1. For 6 months ended July 31, 1971: (a) An average of 62 clients received day care type services through the regular treatment program. On an average 51.6 percent were female, 48.4 percent male. (b) One or both parent of an average of 50 percent of these clients were provided with individual and group services. (c) 124 junior high school students received group services through regular school programs staffed by the agency in two junior high schools. These students were served through a total of 12 group sessions per week.

2. Estimated expenditures for the above, 6 months ended July 31, 1971: 46 average parents receiving services ×5 dollar cost per week=230×26=$5,980. 124 junior high students receiving services ×2 dollar cost per week=248×26 weeks=$6,448. 62 clients receiving day care individual and group treatment services ×8 dollar cost per week=496×26 weeks=$12,896, 6 months estimated expenditures. Total, $25,324.

3. Estimated income for the 6 month period matched total estimated expenditures, and was raised entirely through voluntary contributions. No salaries were available for administrative or secretarial services, and funds were not even available for salaries for some of the program staff. Services offered included medical, psychological and psychiatric examination as required.

4. The average of clients in treatment was 17.

5. Services for the 6 month period included: (a) Group therapy sessions: Monthly average 39; Total for period 238. (b) Informational seminars: Monthly average 4: Total for period 24. (c) Group sessions in schools: monthly average, 22; Total for period, 132. (d) Parent groups: Monthly average, 4; Total for period, 24. (e) Social programs: 16 members enrolled in addition to the 62 regular clients reported above. (f) Applicants interviewed and referred to other services, 69. (g) Educational activities: I—Addresses to citizens meetings, 52; II—Appearances, radio and TV, 50; III—Addresses, civic clubs, 26; IV—Conferences with civic organization leaders, 48; V—Court appearances, 20; VI—Conferences with probation officials, 8; VII—Conferences with school officials, 32.

6. Four additional schools have asked Here's Help to initiate and staff school programs for the coming year. The agency is without funds to provide these services.

EXPLANATION IN BRIEF OF HERE'S HELP, INC.

Here's Help, Inc., was conceived by two housewives, Mrs. Marion Seigel and Mrs. Charlotte Paris, who became aware of an existing, growing problem within their community, and knew that something had to be done. With their help, John Kross and Steve Vescova, the two directors, both graduates of Topic House, a drug rehabilitation center in New York, and the board of directors made up of many prominent members of our community, Here's Help has grown to become the success that it is today.

Here's Help, help standing for Honest Education Leading to the Prevention of drug abuse, offers a social alternative to those people 13–21 who feel that because of their social environment and the pressures of their peers, they will soon be a part of the drug sub-culture. It offers a rehabilitative alternative to those who have already begun to experiment with drugs. Our theories are based on revisions of the early concepts of other drug rehabilitation programs such as Synanon and Daytop Village. We feel that drugs are just a symptom of another problem (which could range anywhere from common insecurities to other more intense problems). If a person has the need to continually escape reality, then there is a problem existing that he has to learn to face and cope with instead of rationalizing and escaping it.

Help is a one year, five stage program. When a person first comes to the Center, he is interviewed to see if our program is best suited to help him. If it is, he then becomes a prospective member (Stage I). During this stage, the person makes an investment into the center, usually in the way of time and work, to show his sincerity in wanting to become a member and to get help. He also attends groups every Monday, Wednesday and Friday afternoons to both motivate and prepare him for the next stage.

We feel that before a person can get to the real reason why he had the need to continually escape reality, there are certain barriers, defenses, that we have to breakdown and then start to rebuild. Basically these are negative behavior patterns and attitudes. In Stage II, we try to correct these negative symptoms and responses through peer group pressure. By relating with and accepting responsible constructive criticism from ones peers, he begins to take on responsibility, a feeling of self-worth and self-achievement which is reflected in his relationships and his own attitude and behavior.

In Stage III, each member has a chance to express his own thoughts and feelings with others and to realize that he is not abnormal. To help him to realize that most people his age experience the same or related fears and inner conflicts, and that they are not alone. The member may now begin to phase back into the community by tapering off his involvement with the program.

Stage V is graduating. In this stage the person either continues on as a paid staff member or he leaves the program. Before hand, he goes through a period of staff training, Stage IV, where he begins to run groups, go out into the community talking to and helping his peers.

The teenagers are not the only people who have a chance to take advantage of what Here's Help has to offer. The parents also have their group every Sunday night from 8–11. The parents, using mild reality confrontation, discuss problems that they are experiencing with their children or themselves . . . By listening to the other parents expressing views, or relating their own experiences, one learns how to either cope with, or approach each situation.

We function as a family with a unified purpose, that being to develop to our full potential emotionally and in life to learn honesty, sincerity and consistency in becoming more aware of ourselves and others. We come closer together through our interrelated activities such as our Saturday night socials and Sunday afternoon baseball games.

Our goals that we are striving for right now are 1, to thoroughly educate the community on the problems of drug abuse, 2, to prevent the further spreading of drug abuse on all levels, from kindergarten to Adulthood, 3, to rehabilitate every individual in need, to the point where he can phase back into the community with a responsible attitude, a better understanding of himself and the personal strength and fortification he needs to continue on in a positive direction and lastly, to research the problem of drug abuse, hoping that we will be able to find some answers which may help us to eventually cure the problem.

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[1] Of those who left prior to completion of the program, some are known to be continuing a drug-free style of life. A follow-up study is currently being undertaken.

Through the efforts of such community leaders as **Dr. Samuel Feldman, Ph. D.** and **Dr. Edward Jaffe**, Pediatrician, who donate their time and facilities to any emotional or physical problem that may arise . . . and Congressman **Claude Pepper**, our voice in Washington, Here's Help is given the chance to strive for, work and attain these goals. Through the support of the community, Help will have the opportunity to strive for, work and eventually one day, see these goals attained.

QUARTERLY REPORT

Statistical breakdown

	1	2	3	4
I. Membership analysis:				
Members of program adhering to rehabilitation program:[1]				
Male	19	19	23	24
Female	21	17	23	23
Total	40	36	46	47
New members placed in rehabilitation program:[2]				
Male	19	7	5	9
Female	21	7	8	4
Total	40	14	13	13
Members leaving rehabilitation program:[3]				
Male	0	0	0	1
Female	1	0	0	0
Male	0	1	0	0
Female	3	1	1	2
Male	2	6	6	1
Female	1	3	4	0
Total	7	11	11	4
Involuntary membership in rehabilitation program:[4]				
Male	5	4	1	1
Female	5	2	1	2
Total	10	6	2	3
Members of program attending social program only:[5]				
Male	14	6	6	5
Female	11	6	8	9
Total	25	12	14	14
II. Group Analysis:				
Cumulative attendance of voluntary seminar group sessions	NA	100	122	154
Number of seminar groups and data sessions[6]	NA	12	7	13
Cumulative attendance of involved parents	202	224	284	289
Number of involved parent groups[7]	6	12	12	12
Number of staff and board meetings[8]	36	45	39	39
Group sessions held as part of rehabilitation program[9]	52	90	118	97
Cumulative attendance of groups held as part of rehabilitation program	592	830	1051	1347
III. Analysis of interviews:				
Adolescents interviewed and placed in orientation program:[10]				
Male	NA	NA	11	14
Female	NA	NA	9	17
Total			20	31
Adolescents interviewed and recommended to outside services:				
Male	NA	NA	28	22
Female	NA	NA	38	26
Total	NA	NA	66	48
Adults interviewed for job placement within rehabilitation program:				
Male	NA	NA	NA	0
Female	NA	NA	NA	3
Total	NA	NA	NA	4
IV. Community involvement analysis:				
Number of concerned citizen meetings[11]	1	26	26	13
Number of radio and television appearances[12]	8	10	10	4
Number of civic speaking engagements[13]	20	14	16	39
Number of meetings with civic organization leaders[14]	NA	NA	NA	8
Number of times appeared before court representing adolescents	21	20	12	8
Number of meetings with legal officials and probation dept	NA	NA	6	11
V. School program:				
Number of schools involved in preventative and educational program	N/A	N/A	N/A	2
Number of meetings with school officials concerning school program	N/A	N/A	N/A	31
Number of adolescents joining orientation program as a result of school program:				
Male	N/A	N/A	N/A	2
Female	N/A	N/A	N/A	2
Total	N/A	N/A	N/A	4
Number of groups held as part of program	N/A	N/A	N/A	21
Cumulative attendance of school program	N/A	N/A	N/A	317
VI. Breakdown of members attending rehabilitation program by communities:				
North Miami	10	12	11	20
North Miami Beach	22	25	28	28
Miami Beach	2	3	2	2
South Miami	3	3	4	2
Carol City	10	8	1	1
Hialeah	0	1	0	1
VII. Total number of people to enter or visit facilities	N/A	3,000	3,450	4,175 10,625

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[1] The rehabilitation program of Here's Help is an outlay of therapeutic techniques developed at various centers around the country. Ours is an out-patient clinic that uses the best methods employed by these centers as its weapon. This is accomplished by the following procedures: Monday, Wednesday, and Friday, participants following this program would attend reality confrontation groups. Saturday, during the day they would participate in a group clean-up of the center and its grounds. That night they would attend our social function. Sunday they would attend our athletic functions for the day.

[2] 1st quarter statistic will be higher than the rest because of a waiting list of people that wished to join before the center actually opened its doors.

[3] These are rehabilitation participants who found the program not suited for their needs.

[4] A participant in the program is termed Involuntary when he is forced to come either by his parents or by the courts.

[5] Our social program consists of Saturday night and Sunday afternoon activities, as explained in footnote 1.

[6] Guest speakers such as doctors, lawyers, and man of the clergy, donate their time on Tuesday nights to speak to participants in the program.

[7] These groups are for concerned parents who wish a bette insight into the drug problem. They are held on Sunday nights.

[8] Staff meetings are held at least once a week by the directors and staff trainees to discuss matters concerning the center and participants in rehabilitative process.

[9] This figure represents groups held on Monday, Wednesday, and Friday. There are 3 or more sessions held each of these nights.

[10] Our orientation program consists of afternoon groups Monday, Wednesday, and Friday. These groups are designed to help the new person acquaint himself with the facilities. Some people drop out.

[11] These meetings are held at varied city halls in Dade County for people who wish to become acquainted with our program and people who wish to gain a little more insight into the drug problem.

[12] This figure does not include an advertisement that is shown on local TV approximately 14 times a week.

[13] Civic speaking is done when an organization calls us and arranges for us to appear before their group to present our "Awareness Program."

[14] Meetings with civic organization leaders were initiated either by our community relations department, or their boards for the purpose of organizing either financial or community involvement by their groups as a whole.

IMPORT PROBLEM IN A NEW LIGHT

(Mr. BETTS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, during the hearings before the Committee on Ways and Means, on which I am privileged to serve, one of the witnesses was O. R. Strackbein of the Nation-Wide Committee on Import-Export Policy.

I was impressed with his analysis of the import problem as it confronts American industry and the whole economy of this country in the present-day setting.

Mr. Strackbein sees the import problem as moving into a new dimension that requires a wholly new assessment if it is to be met successfully. Existing remedies such as adjustment assistance or even tariff increases would not go to the heart of the problem or resolve the structural difference that separates our economy from the competing economies of other industrial countries.

He bases his conclusion on the developments of the postwar years during which the other countries have outstripped our productivity increase while lagging in the compensation of workers. The gap that has thus developed in costs, he sees as upsetting and despoiling the very dynamism that led this country into mass production. Industry, particularly new industry, built around new products, was drawn by the rewards of a mass market made rich by greatly enhanced purchasing power derived from rising wages justified by mass production.

According to Mr. Strackbein the heyday of our world industrial leadership is now under a shadow and a sundering challenge from abroad because of the wide cost gap that has developed. This cost gap prevents the development of new industries or the opening of a wider mass market for established products, such as the automobile, by radical new technology that reduces production costs.

The potential market that greeted entrepreneurs in this country in the past is no longer ours. Foreign producers, including our own foreign branches, can beat our home-ground producers to the mass market, leaving them behind blinking in discouragement. The problem thus created will not respond to the old remedies.

Mr. Speaker, I offer the statement of Mr. Strackbein at this point in the Record and recommend its reading to every Member of this body. The statement follows:

STATEMENT OF O. R. STRACKBEIN, PRESIDENT, THE NATION-WIDE COMMITTEE ON IMPORT-EXPORT POLICY, BEFORE THE HOUSE COMMITTEE ON WAYS AND MEANS, SEPTEMBER 17, 1971

My name is O. R. Strackbein. I am president of The Nation-Wide Committee on Import-Export Policy. This organization is composed of industries, companies, associations, agricultural growers and some labor organizations that have in common the problem of import competition.

I wish to offer some commentary on two of the President's proposals that have been opened to hearings before this Committee. One is the tax credit of 10% on new machinery and equipment produced in the United States. known as the "job development tax credit." The other, adoption of a provision for domestic international sales corporations, to be known as DISCs.

It is not my purpose to go into detail about these proposals but rather to relate them to the underlying competitive position of this country in world markets and at home *vis a vis* imports, and to weigh them as remedies.

This will be a brief summary statement, and I offer for the record a statement in greater detail, designed to show the development of our economic system over the past hundred years, with special emphasis on our deteriorating competitive position in the world. This exposition, it is hoped, will make it possible to evaluate remedies of the kind proposed by the President, and to determine their value either as short-run or long term remedies.

Only the briefest outline is possible during the short time available at these hearings. The outline follows:

The American people because of inventive capacity, freedom, thriftiness and robust toil-willingness, created the foundation for an economic system that was unique in the world, beginning well after the Civil War. Our mechanical inventiveness brought forward the possibility of mass production.

However, before this new form of production could materialize certain quite definite conditions had first to be envisioned, their implications understood and then preparation made to conform to them.

There is no neat sequence implied here. Chicken-and-egg problems were intermingled but we made our way. One sure requirement was that monopoly be avoided, so that the lower cost benefits of greater productivity would be passed to the consumer. We began in 1890 with the Sherman Anti-trust Act. This was followed in the Wilson Administration with the Clayton and Federal Trade Commission Acts, and some twenty five years later, with the Robinson-Patman Act.

Certainly no less important was a sharp revision of the business world's attitude toward wages. Usually Henry Ford is credited with this insight, which was revolutionary. He introduced the $5 per day wage. Evidently it had become clear to him that it would do little good to produce hundreds of thousands of automobiles if the people lacked the purchasing power to buy them. He made the transition from the view that wages were a necessary evil to be kept as low as possible, to the view that wages were the principal element of the market. As wages and productivity advanced a mass market would take shape. Mass production needed a mass consumer purchasing power to have a future.

Probably not fully appreciated but nonetheless very important was the growing emphasis of production of *non*essential goods and even luxuries, thus veering from a drab economy to one of excitement, growth, and proliferation.

Here the dynamic ingredient was *elasticity of demand*. An elastic demand, if backed by income, grows as prices are reduced. Henry Ford had a product for which the demand was elastic. If he could bring down the price through improved methods of production and volume output he would soon tap a real mass market. He succeeded; and the automobile industry blazed the way for an endless array of goods produced on the same principle.

The automobile replaced the horse and buggy but in time came to provide many more jobs than had previously been employed in producing carriages, wagons, hacks or in raising the horses needed to pull them.

Once we had the secret, efforts were endless to find new products or radical modification of established products that would meet human desires or needs, by catering to comfort, convenience, ease, pride of possession or social distinction. Such products were found in a great variety. The motivation was clear: to strike the jackpot of a mass market. We needed no import competition to launch the automobile and to bring down its price, or to put a telephone or radio or bathtub into nearly every home, and more than one in many homes. Household appliances of all kinds, principally dedicated to lightening housework and liberating the housewives, made their way into millions of households because mass production reduced their cost, and because competition, but more particularly the vision of a mass market, brought down the prices within the reach of the growing mass pocketbook.

World War I threw the system out of balance and the Great Depression brought on much economic soul-searching. In a decade or two the free enterprise system of the past was replaced by a regulated and controlled economy that removed nearly all the flexibility from the cost factors. National policy called for full employment. A heavy orientation toward social welfare increased cost burdens, which were added to already high defense outlays.

Meantime we dismantled our tariff to low levels and helped the countries ravaged by World War II with voluminous infusions of capital. We extended a variety of technological help to them.

They were highly receptive after observing the industrial prowess of this country in the War.

The industrial countries adopted our system with one principal exception, namely high wages. Foreign wages did indeed rise quite sharply, but not as fast as the leap in productivity. Their competitive advantage over us naturally grew. The leading industrial countries, moreover, did not have our heavy defense burdens, and this fact added to their competitive advantage.

As our industries were confronted by a new competitive reality they themselves invested heavily abroad, thus spreading our technology and combining high productivity low wages. They found an outlet for machinery in their branch plants; and machinery became our principal export. However, the new production in the branch plants, which was much greater than the value of the American machinery installed, made job for foreign rather than American workers.

When a new product was developed in this country (eg. television, recording machines, etc.) it was possible to produce it abroad or to arrange for foreign production through patent licensing.

Unfortunately in this way we destroyed our accustomed reliance on new products and innovations of production techniques to provide new job opportunities. We no longer have such uncontested access to our own mass market. In a race to tap our mass pocketbook the foreign-produced product can easily win.

With such a negative market outlook the capital investment climate in this country has deteriorated. It is proper that such investment be encouraged by action of the kind proposed by the President and now the subject of these hearings.

However, today our factories are quite far below capacity operation as it is. New capacity can, of course, mean new machinery and probably more production per worker. That costs can be brought below those on imported goods, however, is more doubtful. Other countries too can introduce more modern machinery as they have shown. In that race we cannot really hope to prevail, and may end with a net loss in employment.

As for helping our exports through the DISC proposal, we face much the same difficulties.

The intent is to make export operations more attractive and thus reduce the advantage of investing abroad. This hope, however, appears rather dim. The proposal assumes a rather narrow margin of import profits above foreign costs. Therefore, it is reasoned, a little greater advantage in our direction would open export markets substantially.

This is a highly dubious assumption. In many imports the cost differential over us is greater in magnitude than seems to be assumed, and this fact means that foreign costs are low enough to resist our export efforts.

Actually the outflow of American capital is not objectionable. Unquestionably it has promoted the economic advancement of other countries, including the developing nations. Why reduce it in favor of exports when the possibility of exporting more without heavy subsidy appears unlikely in view of the import developments of the past decade? The factors that explain the import growth also prevent the equal growth of our exports. We should remind ourselves that in reality our export deficit is much greater than official trade statistics indicate.

Needed is a restoration of our market to the conditions that explained the development of our unique economy in the first place, ie., an assurance of a mass market for newly developed goods produced by workers here rather than early deliverance of this market to workers employed in other countries. Henry Ford did not deliver our mass market at the outset to foreign automobile manufacturers. Had he done so our economic history would have been very different. This example may be multiplied many times.

We must not forget that employee compensation *is* our market (certainly 80% of it). If we reduce this compensation our market shrinks. If foreign workers are hired abroad ahead of our own workers in this country in a race for our mass market we do not augment our employment and therefore cannot hope to reach "full employment." Unfortunately the greater "efficiency" we need in order to be competitive destroys jobs and consumer purchasing power; it does not, as in the past, generate them *under present conditions*. Ask the coal industry. The higher efficiency that made it competitive cost the jobs of 75% of all the coal miners in this country from 1950 to 1965. We cannot pursue this path in many directions without courting countrywide disaster.

While the President's proposals might help stem the tide, they would not, by far, meet the basic problem. *For this we need ceilings on imports limiting their inroads to a predetermined reasonable share of our market.* With such ceilings adjustable for flexibility, we could once more look to our economy to provide the self-propelled growth that brought us the high level of material consumption of the past fifty years. We have learned something about managing the domestic economy to counter the earlier proneness to periodic depression; but we left the seaward side open to a flanking movement that has us on the run. It is not the direct displacement of workers by imports that represents our major affliction. Rather it is the jobs that cannot be born that stagnates our employment—jobs that under former conditions would have sprung up. So long as imports are poised, ready to head us off in development of a mass market for goods of all kinds, we cannot hope to regain our earlier position.

What we face in our import problem is a structural difference alongside of other countries comparable to a geological fault that may generate tremors and earthquakes. It is not something negotiable. We ourselves must correct the fault. The proposed legislation has the merit of giving us a little more time; but it should in no sense be regarded as more than that.

With the establishment of ceilings on import-harrassed products we could remove other trade barriers, even the tariff, and thus overcome foreign objection to our insistence on preserving our system against destruction.

AMERICAN AGRICULTURAL TRADE RIGHTS WITH THE EUROPEAN COMMUNITY

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include statistical tables and extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, today 37 Members of Congress have joined together in sponsorship of a resolution urging the United States to press American agricultural trade rights with the European Economic Community.

It is important to American agriculture that we in Congress make known to the world our strong concern with the failure of the U.S. trade program to make use of America's productive capabilities. It is important that the President and the agencies of the executive branch understand that we as Representatives of farm and rural communities believe strongly that our constituents have not gotten full measure in the past from U.S. trade policy. It is important that all who read this resolution and its call for reform know that its views are shared by a sizable number of us. That is why I am pleased so many of my colleagues, including Messrs. ANDREWS, BEVILL, BRINKLEY, BROWN of Michigan, BROYHILL of North Carolina, BURLESON of Texas, CARTER, FINDLEY, HANSEN of Idaho, HARVEY, HUTCHINSON, LANDGREBE, MCCOLLISTER, MARTIN, MAYNE, MICHEL, MONTGOMERY, MYERS, NELSEN, NICHOLS, PERKINS, PRICE of Texas, QUIE, ROBINSON of Virginia, SCHERLE, SCOTT, SIKES, SHRIVER, SKUBITZ, TEAGUE of California, TERRY, THONE, VEYSEY, WAGGONNER, WINN, ZWACH joined me in introduction.

The EEC is the United States' largest market for agricultural exports. Last fiscal year our farmers, ranchers, and growers were able to sell over $1.7 billion worth of commodities to the six Common Market countries. Nevertheless, since 1965 American agricultural exports to the EEC have been declining. Last year was an exception due to unusually inclement weather in Europe.

Nineteen hundred sixty-five was a crucial year for at that time the adverse effects of the restrictive Common Agricultural Policy became fully apparent. This policy has since not only served to reduce the flow of American agricultural exports to the Common Market but to stifle their legitimate expansion as well.

CAP is a complex system of high internal support prices, tariff protection consisting of variable import levies and charges, export subsidies, and discrimination. It violates the spirit and probably the letter of the General Agreement on Tariffs and Trade—GATT—as well as the fundamental principles of a fair and equitable system of world trade.

The Common Agricultural Policy employs as one of its primary weapons the variable levy. Simply explained, this vicious tariff is the difference between prices artificially set—target price—and received by the European farmer, and the prices received by the world's most efficient producers. Thus even if the American farmers, rancher, or grower can produce a commodity at one-half, one-third, or one-fourth the price of his European counterpart, the American finds himself in an unfavorable competitive position; the more efficiently a commodity is produced, the higher the variable levy. (See table 2.) Grain, poultry, and rice are examples of U.S. products affected by this type of restriction.

Behind the variable levy and other charges, inefficient EEC production has flourished. Resulting surpluses must be disposed of, yet are noncompetitive on the world market. To solve this problem, the EEC uses heavy export subsidies (see table 3). Thus competition in third countries takes markets from American producers. But other nations also lose markets to the European subsidized product. These nations are then forced to seek other markets in competition with the United States—including our own domestic market. EEC subsidies apply to a wide range of products.

The CAP involves a third element, favoritism and discrimination. In effect, the EEC grants market preferences to specific nations of which the United States is not one. These favored nations receive tariff breaks for sales of certain commodities on the European market—the citrus preferences to Spain and Israel, and the tobacco preferences to Greece, Turkey, and certain African countries are noteworthy examples. As a result, in the commodities affected, the United States not only must overcome competition within the Six but favored competition outside.

While I have listed three major unfair trade practices engaged in by the EEC, they are by no means the sum. Several others exist, but each with the same effect—reduction of American agricultural exports.

Almost every agricultural commodity is affected. Those subject to the variable levy, for example, wheat, feed grains, rice, and poultry, are generally considered the most directly and seriously hurt, though such is not necessarily the case. CAP also has a large negative impact upon such nonvariable levy items as fruits and vegetables. Still others, for example, dairy, tobacco, and soybeans, face more potential or likely damage than is now being suffered.

Development of CAP arose partially through our own fault. GATT provides that in creation of a customs union, for example, EEC, the new trade barriers shall be no greater or more restrictive than those of the industrial countries forming the union. If this principle is not adhered to, there is just cause for complaint. In the mid-60's the EEC did create greater and more restrictive barriers, but the United States chose to ignore it. Instead of opting for the economic objective of assisting our own agriculture, a decision was made favoring the political objective—encouragement of European integration.

Prior to agreement on the CAP, the six argued: agriculture is essential to integration; since agreement has not yet been reached on the specific CAP programs, it would be inadvisable for the Americans to press for concessions; don't "rock the boat" before a united European front can be presented.

Once final agreement had been reached, however, the argument changed: policy is now fixed; it cannot be altered without destroying what has been built. To both positions, the United States acquiesced. Not even during the famous Kennedy round of trade negotiations were our farmers' interests protected.

Now we have a rare second opportunity to demand our agricultural trade rights. The current review of monetary and trade policy by the world's major trading nations offers the chance to obtain rectification of the CAP. We should seize it. While it cannot be expected and would not be desirable for these discussions to place the same value on our agricultural trade rights as must be placed on a new world monetary system, specific trade policies should be brought under review and the CAP must receive the highest priority.

It is expected that Denmark, Ireland, Norway, and the United Kingdom will shortly enter the EEC. This development while on the whole beneficial to Europe as well as the United States, will certainly aggravate our existing agricultural export problem unless the CAP is changed. Last year the United States sold almost $½ billion of commodities to the four applicants. Though the United Kingdom and the other three are not now completely free markets for American agricultural exports, their trade policy is considerably more open than that of the six. Once the applicants move behind CAP barriers, however, the situation will change.

A dramatic example on the effects of United Kingdom entry was recently published by a group at Michigan State University. Assuming that CAP would not be altered before 1980, and would apply to the United Kingdom, the group estimated that the United Kingdom, a net importer of 9 million metric tons of grains in 1970–71 would in 10 years become a net exporter of grains. While these figures are only estimates, they do not bode well for American agriculture.

When the four applicants enter the expanded Common Market, the GATT contracting parties must examine the terms of entry. In all likelihood such a meeting will occur in 1972. This event presents the United States with another golden opportunity to seek revision of CAP. Rather than pushing the issue aside as has been done in the past however, we must vigorously pursue our agricultural trade rights. If we do not, it would be impossible to estimate the damage that will be done to the American agricultural economy before a similar situation presents itself.

Mr. Speaker, the United States must demand that which is rightfully ours. No longer should the economic well-being of our farmers, ranchers, and growers be sacrificed in the name of European integration. There is no need for it. The EEC is doing very well for itself. It is not fragile or delicate. Why then should we continue to subsidize at our own great sacrifice that which will be achieved in any case?

American agricultural producers are among the world's most efficient; in a large number of commodities, they are the most efficient. Even during periods of inflation, their increases in productivity have far surpassed any small price rises achieved. Their efforts have made possible over $7 billion worth of foreign sales in the past fiscal year alone. Agriculture has been one of the few areas with a significant favorable balance of trade. It seems inconceivable, therefore, that an industry demonstrating such success should not receive the vigorous support of the American Government in trade negotiations.

Mr. Speaker, the CAP is an unfair policy adversely affecting our farmers, ranchers, and growers and our economy as a whole. It is time we demand rectification. I hope, as do the cosponsors of this resolution, that the President will pursue our objective with total commitment.

TABLE 1.—SELECTED U.S. AGRICULTURAL EXPORTS TO THE EEC—FISCAL YEARS 1961–71

[In thousands of dollars]

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Wheat and wheat products	120, 412	121, 450	41, 950	98, 934	40, 557	105, 423	99, 131	87, 854	86, 001	48, 303	88, 337
Feedgrains	196, 543	271, 590	274, 324	278, 161	377, 741	538, 016	368, 547	391, 693	268, 896	246, 948	348, 398
Rice	11, 369	17, 170	13, 022	15, 569	9, 817	14, 910	22, 255	25, 545	27, 554	32, 225	20, 802
Soybeans—cake and meal	132, 093	178, 426	212, 842	246, 578	295, 944	375, 201	438, 971	576, 678	437, 587	558, 952	707, 206
Tobacco—unmanufactured	86, 798	104, 529	103, 115	105, 702	104, 064	105, 000	153, 994	124, 095	147, 042	135, 282	160, 011
Cotton—excluding linters	265, 745	157, 093	86, 847	191, 148	127, 227	53, 721	84, 004	70, 177	29, 989	18, 179	35, 071
Poultry meat	29, 892	60, 846	27, 414	33, 370	29, 623	28, 785	23, 367	16, 639	11, 996	10, 618	10, 278
Fruits and vegetables	60, 444	80, 734	96, 017	88, 362	88, 234	99, 235	92, 468	64, 852	68, 508	91, 321	97, 165
Dairy	5, 078	3, 790	8, 601	42, 196	45, 044	19, 090	1, 683	1, 073	1, 015	1, 442	881
Total (all commodities)	1, 100, 767	1, 184, 016	1, 069, 605	1, 332, 907	1, 370, 947	1, 593, 589	1, 509, 935	1, 402, 883	1, 299, 938	1, 410, 810	1, 765, 869

Source: Department of Agriculture.

TABLE 1A.—SELECTED U.S. AGRICULTURAL EXPORTS TO THE 4 APPLICANTS (DENMARK, IRELAND, NORWAY, UNITED KINGDOM), FISCAL YEARS 1961–71

[In thousands of dollars]

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Wheat and wheat products	29, 999	36, 051	7, 677	39, 856	8, 024	53, 943	48, 278	20, 215	6, 051	37, 601	73, 724
Feed grains	121, 006	150, 797	124, 248	109, 493	114, 263	143, 483	107, 317	96, 970	68, 518	81, 925	82, 542
Rice	3, 397	6, 039	7, 403	7, 051	6, 347	6, 790	10, 457	10, 881	10, 705	11, 946	11, 349
Soybeans—cake and meal	38, 735	43, 760	68, 847	65, 000	78, 446	84, 385	85, 970	86, 784	66, 741	76, 178	120, 483
Tobacco, unmanufactured	165, 295	157, 089	132, 472	157, 748	143, 920	117, 535	194, 887	188, 240	158, 559	184, 814	155, 069
Cotton, excluding linters	64, 510	42, 734	22, 937	37, 320	26, 909	20, 328	21, 553	17, 955	7, 414	5, 190	13, 551
Poultry meat	1, 020	974	1, 116	1, 243	1, 491	2, 019	2, 090	1, 760	1, 389	1, 048	1, 247
Fruits and vegetables	49, 686	63, 524	66, 686	59, 231	71, 053	61, 477	62, 836	49, 527	44, 370	52, 390	40, 451
Dairy	599	625	1, 168	3, 849	7, 799	1, 518	2, 268	2, 073	1, 734	1, 674	3, 998
Total (selected exports)	474, 247	501, 592	432, 554	480, 791	458, 252	491, 478	535, 658	474, 415	365, 481	452, 766	502, 414

Source: Department of Agriculture.

TABLE 3.—EXPORT SUBSIDIES FOR EEC GRAINS PER METRIC TON FOR THE WEEK OF JUNE 13, 1968, RELATIVE TO THE BASIC TARGET PRICES

Kind of grain—Destination	Subsidy	Basic target price	Subsidy relative to basic target price (percent)
Soft wheat:[1]			
United Kingdom	$51. 45	$106. 25	48
Austria, Liechtenstein, and Switzerland	52. 50	106. 25	49
Other 3d countries	55. 00	106. 25	51
Durum Wheat: All 3d countries	57. 50	125. 00	46
Rye:[1] All 3d countries	36. 50	93. 75	38
Barley:			
Zones III B, IV C[2]	43. 00	91. 25	47
Zone V C[3]	44. 50	91. 25	48
Other 3d countries	41. 30	91. 25	45
Corn:[4]			
Austria, Liechtenstein, and Switzerland	37. 57	90. 63	42
Other 3d countries	39. 00	90. 63	43

[1] Not denatured.

[2] Zone III B is Romania, Bulgaria, and U.S.S.R. Black Sea ports. Zone IV C is South America.

[3] Zone V C is other countries and territories of Asia and Oceania, that is other than Zone V A which is the Arabian Peninsula, Iraq, Iran, Afghanistan, Pakistan, India, Nepal, Ceylon, Burma, and India Ocean Islands.

[4] Excluding seed.

Source: Grains and feed—Quarterly report, January–March 1968, American Embassy, Paris, AGR—90, June 18, 1968.

TABLE 2.—AVERAGE EEC LEVIES FOR SELECTED GRAINS JULY 1967–68

[Dollars per metric ton]

Commodity	Threshold price[1]	Adjusted c.i.f. price[2]	Levy[1]	Ad valorem equivalent[3] (percent)
Wheat	109. 13	57. 24	51. 89	91
Barley	92. 00	56. 63	35. 37	62
Corn	91. 38	55. 22	36. 16	65
Grain sorghum	88. 44	54. 95	33. 49	61

[1] Threshold prices and levies are unweighted averages for 13-month marketing year. Thus, they are only approximate but give an indication of their relative magnitude. Extra month in marketing year results from change from July-June period used previously to August-July period adopted in regulation for unified market.

[2] Calculated from Community data on average threshold prices and levies.

[3] Ad valorem equivalent calculated by dividing the levy by the adjusted c.i.f. price.

Source: Marches Agricole-Prix, Produits Vegetaux, No. 13, Sept. 10, 1968.

WHEAT

The present Six members of the EC bought $83.3 million of U.S. exports of wheat and wheat products in FY 1971. The four applicant countries bought another $73.7 million. Exports to these 10 countries are all dollar sales.

Our exports to the Six are subject to a variable import levy designed to prevent imports from undercutting the very high price support level in the EC. This levy is the difference between world prices and the high internal support price. The levy currently amounts to more than 90 percent of the value of wheat delivered to Rotterdam. High levies, high supports, and rising EC production of wheat helped cut U.S. exports by 53 percent from FY 1966 to FY 1970. In FY 1971 there was a partial recovery of our exports (to 19 percent below the FY 1966 level), as a result of a short crop in the EC. With a record crop in the EC this year, our exports will drop again. In addition, the United States has encountered increasing competition in third markets from heavy EC subsidies on their wheat exports and we can expect more of it.

The adoption of EC policies by the four applicants will mean further reduced access to those markets unless the present high levy, high support, high subsidy policy is changed.

FEEDGRAINS

The present Six members of the EC bought $395 million of U.S. exports of feedgrains and preparations in FY 1971. The four applicant countries bought another $84.4 million.

Our exports to the Six are subject to a variable import levy designed to prevent imports from undercutting the very high support price levels in the EC. This levy is the difference between the world price and the high internal support price. The levies currently amount to 50–90 percent of the value of the feedgrains delivered to Rotterdam. High imports levies, high supports, and rising EC production of feedgrains, together with the subsidies to move quantities of wheat into feed uses, helped cut U.S. exports by 54 percent from FY 1966 to FY 1970. In FY 1971 there was a partial recovery of our exports (to 26 percent below the FY 1966 level), as a result of a short crop in the EC. With a record grain crop in the EC this year, our exports will drop again. In addition, the United States has encountered increasing competition in third markets from heavy EC subsidies on their feedgrains exports.

The adoption of EC policies by the four applicants will generally mean a repetition of this pattern, including reduced consumption of feedgrains in favor of cheaper feeding materials, unless the present EC policy of high supports, high levies and high subsidies is changed.

RICE

The present Six members of the EC bought $20.8 million of U.S. rice exports in FY 1971. The four applicant countries bought another $11.4 million.

U.S. exports to the EC are subject to a variable import levy designed to protect EC produced rice. This levy is the difference between world price and the high internal support price. Under the revised EC regulation effective September 1, 1971, the levies have increased 14 percent on round grain and 9 percent on long grain varieties. Most U.S. exports are long grain. This increased levy for long grain amounts to 79 percent of the value of this rice delivered to Rotterdam. We are also losing third country markets as a result of EC export subsidies.

Upon entry in the EC, the U.K., Denmark, Norway, and Ireland will adopt the variable levy. Despite consumer preferences, we can expect a drop in our exports due to the increased price of U.S. rice unless this high levy, high support, high export subsidy policy is changed.

SOYBEANS

The present Six members of the EC bought 43 percent of U.S. exports of soybeans and soybean cake and meal in FY 1971. The four applicant countries bought another 7 percent.

Soybeans and meal now enter the EC without duties or other restrictions. This treatment favors the use of soybean products over high priced EC grains in feed and has led to an 86 percent increase in our exports to the EC from FY 1966 to FY 1971.

The EC, however, has been trying for years to impose duties, taxes, or other restrictions on soybeans and soybean products in part because of their effect on the EC market for grain and for dairy products. Unless the EC policies on grains and dairy are changed, we can expect increased pressures to cut back imports of these products from the United States.

TOBACCO

The present Six members of the EC bought 30 percent of U.S. exports of tobacco in FY 1971. The four applicant countries bought another 29 percent.

Our exports to the Six are subject to a fixed duty and rose 52 percent from FY 1966 to FY 1971. However in 1970, the EC introduced a new tobacco policy with high support prices and the elimination of controls on production. Since these support prices are well above the cost of imported tobacco, duty-paid, the EC pays a premium to EC manufacturers to use domestic tobacco. The premium makes the domestic tobacco up to 30 percent cheaper than in previous years. If surpluses should arise, export subsidies are available to dispose of them. Strong price incentives have thus been provided for increased production and for shift in use away from high quality, high priced, U.S. tobaccos. In addition, the EC grants duty-free entry to tobacco from a number of important African countries.

Continuation of this policy by an enlarged EC will cut deeply into our exports unless the present EC policy is changed.

POULTRY

The present Six members of the EC bought 18 percent of U.S. exports of poultry products in FY 1971. The four applicant countries bought another 2 percent.

Our exports to the Six of poultry meat are subject to variable levies. On broilers, for example, the levies currently amount to about 20 percent of the value of the broilers delivered to Rotterdam.

Our exports to the EC have declined ever since the levy was introduced in 1962, when our total amounted to $54.2 million. The figure in FY 1971 was about 75 percent lower. Our share of the EC market has declined from 36 percent to less than 10 percent. Intra-Community trade had already moved from 31 percent of the total in 1961 to 76 percent in 1967, with the trend leveling off since then.

The EC subsidizes exports of poultry to many markets and these subsidies have cost us sales in Switzerland, Greece, Austria, and other markets.

FRUITS AND VEGETABLES

The present Six members of the EC bought 17 percent of U.S. exports of fruits and vegetables in FY 1971. The four applicant countries bought another 7 percent.

Our exports to the Six are generally subject to fixed duties—more moderate on fresh products than on preparations where rates may be as high as 50 percent. Canned fruit and fruit juice, however, is subject to a variable levy on the added sugar contained in the product. In addition, the EC protects itself against unusually weak markets by extra taxes and by import licenses. Licensing has been applied against U.S. exports of fresh apples and tomato concentrates. In addition, U.S. exports of citrus fruit have been damaged by preferential duty reductions granted to Mediterranean countries.

Moreover, U.S. exports have been affected by subsidies on EC exports to third markets—apples in Scandinavia, tomato products in Canada.

Adoption of EC policies by the applicant countries will mean that U.S. exports will be faced with an expansion of arbitrary non-tariff barriers, increased damage from duty preferences, and possibly greater competition from export subsidies unless the current policies are changed.

H. Res. 634

Whereas the European Economic Community is the largest single market for American agricultural exports, thereby contributing to farm income, labor remuneration, and business enterprise in the United States; and

Whereas enlargement of the European Economic Community will create a greater potential market, offering opportunities for expanded benefits to accrue to American agriculture, labor and business; and

Whereas in spite of the aforestated facts, the Community Agricultural Policy of the European Economic Community has materially impaired United States' agricultural exports to the European Economic Community as well as encouraged Third Countries to redirect agricultural trade from traditional markets toward the United States; and

Whereas these impairments have contributed to the current monetary crisis, the present United States' balance of trade and payments position, and imposition of the United States' 10% surcharge; and

Whereas under condition of European Economic Community enlargement, the Community Agricultural Policy threatens to exacerbate the existing unfavorable balances of trade and payments as well as diminish the existing benefits accruing to American agriculture, labor, and business from agricultural exports; and

Whereas the Community Agricultural Policy is not in accord with the spirit of the General Agreement on Tariffs and Trade (GATT), and the basic principles of a fair and equitable system of world trade; and

Whereas considering the confluence of events, namely the current international review of the world monetary and trade situation, the resolution by year's end of the enlargement issue, and the 1972 Article XXIV GATT review of enlargement, the time is propitious to forthrightly approach these matters:

Now, therefore, be it resolved that

1. the President shall vigorously press for reform of the Community Agricultural Policy of the European Economic Community within context of the current international monetary and trade review,

2. the President shall ensure full exercise of the 1972 GATT review of the enlargement issue,

3. the President shall fully exercise United States trade rights in the years ahead to preclude a recurrence of the present trade and monetary situation, and,

4. the President shall file a report with the Speaker of the House of Representatives no later than 90 days after enactment of this resolution, outlining plans for implementation of Sections 1 through 3.

NERO, THE BUREAU OF MINES AND THE SAFETY CRISIS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, while we hear about the so-called energy crisis a serious safety crisis is still occurring underground among the men who mine coal. While coal miners suffer and die, the Nero-like Bureau of Mines continues to fiddle to the clarion call of more production. It is outrageous that the Bureau of Mines has collected less than one-fifth of the more than $6.4 million in fines levied against mine operators for violations of the mine health and safety laws.

I have written a letter to Director Elburt F. Osborn of the Bureau of Mines concerning the failure to enforce the law. The letter follows along with an article by Lawrence E. Taylor, which appeared in the September 23, 1971, issue of the St. Louis Post-Dispatch on this shocking situation.

The material follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 23, 1971.

Dr. ELBURT F. OSBORN,
Director, Bureau of Mines, Department of the Interior, Washington, D.C.

DEAR DR. OSBORN: I have become increasingly disturbed by the lack of progress of your Bureau in assessing and collecting civil penalties against violators of the Federal Coal Mine Health and Safety Act of 1969. Congress intended that these penalties would encourage coal mine operators to be more health and safety oriented in the production of coal with the end result that the coal miner would be safer and healthier. But if the Bureau continues its lackadaisical pace in assessing and collecting penalties, the coal operators will have little incentive to institute and enforce health and safety in the mines.

I understand that the Bureau has assessed over $6.4 million in penalties but still has a huge backlog of violations for which assessments are warranted. Moreover, I also understand that less than $900,000 of this total assessment has been collected.

One very significant reason for this lack of progress is that the Bureau has failed to hire sufficient personnel to do this job. I understand that only three people have been assigned by the Bureau regularly to this task of assessing and collecting civil penalties and that it was officially stated that at least 15 people are needed.

I cannot understand how the law can be enforced if these conditions persist. I would appreciate hearing from you soon as to what steps the Bureau will take to hire the necessary people for this task.

Sincerely,

KEN HECHLER.

FINES NOT COLLECTED BY BUREAU OF MINES

(By Lawrence E. Taylor)

WASHINGTON, Sept. 23.—The Federal Bureau of Mines has collected only 18 per cent of the more than $5,000,000 in fines levied against coal mine operators accused of violating mine health and safety laws, federal records show.

The poor collection performance apparently was caused by delays and bureaucratic fumbling that increased doubts about the bureau's enforcement of the laws designed to cut fatalities and accidents in underground coal mines.

In an investigation of the bureau's collection of fines, it was learned that:

(1) A five-month lapse occurred between the time some fines became due and the sending of collection letters to mine operators in July.

(2) The bureau's assessment division, which levies fines, sends out collection letters and prepares cases for legal action, has only three assessors. Bureau officials conceded that there should be 15 assessors to do the job.

(3) Bureau officials did not hire additional assessors early this year when it was apparent they were needed if enforcement of the laws was to proceed. The excuse for this was that new, untrained assessors would only get in the way.

(4) An involved collection procedure, with letters mailed to mine operators over a 90-day period, was being followed strictly, even though federal regulations said this much paperwork was unnecessary in cases where "further demand would be futile."

The mine safety law went into effect in April 1970, but because of a federal court injunction obtained by mine operators, the first fines were not imposed until February 1971.

Since February, the bureau has collected $880,000 out of a total of $5,076,000 in fines. The bureau had levied fines totaling $6,478,000, but these were reduced after operators complained that some were unfair or too high.

Whatever the case, there is $4,196,000 now in unpaid fines that the bureau has not taken court action to collect. Part of this amount was assessed recently, and processing has not begun.

The situation is better in Illinois than in the rest of the nation. Illinois mine operators have been fined a total of $156,825 and have paid $66,895 of that, or about 44 per cent. Initially, fines against Illinois mines amounted to $216,855, but some had been reduced. The fines were for failure to eliminate mine hazards.

Altogether, the three-man assessment team at the bureau has set fines for more than 48,000 law violations in 3300 cases. About 1300 cases remain to be processed by the assessors, with more coming in daily.

In addition to deciding how large fines should be for each violation, the assessors must also handle complaints, send out collection letters and prepare cases for legal action.

Everett Turner, the bureau's chief assessment officer, said that the volume of work was more than the staff could handle.

"A lot of the delay has been in my office because of a lack of qualified persons and assessors," he said. "It is kind of a losing battle."

Why were not more assessors hired? Edward D. Failor, an assistant to the bureau's director, said that he had made a judgment in priorities. When assessment finally began in February, the work had to be done quickly, he said.

"Hiring untrained persons to be assessors would have delayed things several months," he said. "Our judgment was that they would only get in the way. That was my judgment."

At the same time, the bureau was suffering from a lack of mine inspectors also. It used a different approach to the inspector problem, however, by hiring hundreds of men and putting them through crash training.

Failor said that no training program had been established for assessors, although one was being set up.

He said that a qualified assessor should be a lawyer with coal mine experience, a standard that admittedly would be almost impossible to meet.

Some other bureau officials, experienced in coal mine work, disputed this. They said that assessment regulations for health and safety violations had been drafted so that lawyers would not be needed to make the decisions.

Rather than lawyers, the officials said, what were needed were men with experience in coal mining. Any legal questions that arose could be answered by lawyers in the assessment office or in the Department of Interior's solicitor's office.

Failor, an Iowa lawyer and Republican fund-raiser before he came to work for the bureau less than a year ago, had no prior coal mine experience.

When questioned about his qualifications for the job in an interview last spring, he replied that a good lawyer should be able to absorb large amounts of information quickly and become familiar with the subject at hand.

He had no response when asked why this same principle could not have been applied to lawyers the bureau could have hired as penalty-assessors.

Failor said that the bureau should have 15 assessors, five times the number employed now. He said that some applicants had been interviewed but that bureaucratic delays and civil service requirements had held up their appointments.

While this has been going on, the bureau has fallen still further behind in enforcing the health and safety laws.

Assessor Turner said that when the first batch of violations and fine notices went out to mine operators in February, some made no response within the 15-day period required by regulations.

According to the regulations, the bureau should have sent out strongly worded letters to those offenders ordering them to pay the fines.

But because the assessors were swamped with setting fines on other violations, and because there apparently was some confusion among lawyers in the Department of the Interior, no letters went out until July.

Since then, the bureau has adhered closely to a federal regulation that calls for sending three collection letters in a 90-day period.

Robert Long, an associate solicitor for mine health and safety, said that the federal collection regulations had to be followed closely, otherwise there could be difficulties in collecting the fines in subsequent civil court actions.

Regulations however, contradict this. They call for three letters to be sent "unless a response to the first or second demand indicates that further demand would be futile."

The regulations written by the Department of Justice, said: "The failure of an agency to comply with any provisions of the chapter shall not be available as a defense to any debtor (in court)."

Currently, the bureau is plodding along, having recently sent the second series of collection letters. After an additional 30 days, there will be another letter and 30 days later the cases may be referred for court action.

In the meantime, many coal mines against which fines were assessed have not paid.

In addition to the cases in which mine operators have failed to pay, 400 cases have been referred to the bureau's board of hearing examiners. Of these, 36 have been ruled on and closed.

The others are in the process of being set for hearing.

The remainder of the 3300 cases—about 2400—are the subject of protests, negotiations or delays. Some have been paid. Officials said that small fines often were paid without objections.

It is large fines, involving the most flagrant violations, that often are delayed, they said, either because of lawyers' stalling tactics or because of the bureau's slow procedures.

Representative Ken Hechler (Dem.), West Virginia, told the Post-Dispatch that the failure to collect fines was "another example of the higher priority the Nixon Administration seems to place on the production and profits of the coal industry instead of the safety of the coal miners.

"Only when these fines are actually collected, as well as assessed, will it become more expensive for the coal operators to violate safety regulations."

Hechler, an outspoken mine safety advocate, said that the Administration "could certainly hire a few persons to collect these fines and protect the lives of the men who work in the coal mines."

STATE REGULATION OF STRIP MINING A MEANINGLESS JOKE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, in a total, blatant, outrageous disregard for the public interest, strip mine coal operators in Virginia have succeeded in gouging out two important provisions in the proposed revision of Virginia's strip mining law. The following article from the September 30 Washington Post by Hank Burchard gives the details of this sordid chapter, which points up the way the strip mine operators control State government at the expense of the public interest.

One provision would strip from the proposed revision the requirement that the public be informed of all applications for strip mine permits. The people certainly have the right to know in advance if a strip mine coal operator is going to move in and devastate the land. The second provision deleted would tax strip-mined coal to pay for the restoration of 24,900 acres of unreclaimed "orphaned land" mined before 1966 when strip mines were unregulated.

This flouting of the public interest by the Virginia strip mine coal operators shows the crying need for Federal regulation when an industry such as the coal industry gets too big for a State to control. The tail has been wagging the dog too long.

The article follows:

VIRGINIA STRIP MINE CONTROL

(By Hank Burchard)

After private meetings with strip mine operators, and prior to a scheduled public hearing, Virginia officials have deleted two major sections of a proposed revision of the state's strip mining law.

The sections would require public notice of all applications for strip mine permits and would tax strip-mined coal to pay for restoration of lands mined before 1966, when strip mines were unregulated.

Strip mining operations in Virginia, a major coal-producing state, are located in the southwest area of the state. Coal produced by strip mining is a minor, but increasing, part of all the coal mined in the state.

The two deleted sections were described as "very important features of the proposal" by Gerald L. Baliles, the assistant Attorney General who drafted the amendment at the request of the State Department of Conservation and Economic Development.

Baliles said his draft would have made Virginia's strip mine regulations similar to those recently adopted or under consideration in adjoining states.

Charles A. Christopherson, deputy director of the department, to whom all questions on the matter were referred, refused yesterday to make any comment.

Christopherson was quoted in yesterday's editions of The Richmond Times-Dispatch as conceding that requiring publication of strip mining permit applications would make it easier for the public to find out about pending mining operations.

He said he "questioned just how many people would be interested enough to wade through newspaper classified advertisements" for the notices.

Under the existing law, interested persons must apply for the information to the Division of Mined Land Reclamation, whose offices are located in Big Stone Gap in southwest Virginia.

Christopherson also acknowledged that unannounced conferences to discuss the amendments to the law had been held.

Attending were state officials and representatives of the Virginia Mining Association and the Virginia Surface Mining and Reclamation Association. Both associations are made up of coal mine owners and operators.

A public hearing on the amendments is set for Oct. 15 at Clinch Valley Community College near Wise.

Gerald P. McCarthy, executive director of the (Virginia) Governor's Council on the Environment, reported yesterday that the state has 24,900 acres of "orphan lands"—lands stripped before 1966 and not reclaimed.

Strip mining is a major and growing source of coal for the generation of electric power, the demand for which now doubles every 10 years.

McCarthy said the regulation of strip mining in the six Southwestern counties "is a major problem and is bound to present increasing problems of enforcement and reclamation. I would like to see as much public information and public debate as possible on all aspects of it."

Detailed comparison of the present proposed amendments with the official draft drawn up by Baliles has not been possible because the Conservation and Economic Development Department has refused to release Baliles' draft. Baliles said he himself could not do so because of his lawyer-client relationship to the department.

Baliles said his version, developed through research and on-the-spot observation, would have given the department broad powers to prevent spoilage of streams and to require restoration of stripped lands.

Besides publishing his intention to strip mine, the operator would have been required to submit a detailed plan of operations and stick to it.

Christopherson said the issue of public notice "is something we will have to get into in the hearing." It could be put back into the proposed law before a bill is submitted to the General Assembly.

The proposal must first be approved by the Board of Conservation and Economic Development, and also is subject to review by Gov. Linwood Holton.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KEE, for October 6, 7, 8, and 9, on account of official business.

Mr. LUJAN (at the request of Mr. GERALD R. FORD), on account of illness in family.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for today and the balance of the week on account of medically ordered recuperation.

Mr. WIDNALL (at the request of Mr. GERALD R. FORD), on account of official business.

Mr. STEIGER of Wisconsin (at the request of Mr. GERALD R. FORD), on account of official business.

Mr. BYRNE of Pennsylvania (at the request of Mr. NIX), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PEYSER), and to revise and extend their remarks and include extraneous matter:)

Mr. ROBISON of New York, for 10 minutes, today.

Mr. KYL, for 10 minutes, today.

Mr. VEYSEY, for 30 minutes, today.

Mr. HORTON, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY), and to revise and extend their remarks and include extraneous matter:)

Mr. ECKHARDT, for 60 minutes, today.

Mr. FRASER, for 10 minutes, today.

Mr. REUSS, for 60 minutes, today.

Mr. MELCHER, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FULTON of Tennessee, for 60 minutes, today.

Mr. RYAN, for 10 minutes, today.

Mr. ALEXANDER, for 30 minutes, on October 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

All members, at the request of Mr. BENNETT, to revise and extend their remarks on H.R. 10422.

Mr. RANDALL in two instances and to include extraneous matter.

Mr. THOMPSON of New Jersey in five instances and to include extraneous matter.

Mr. JONES of Alabama and to include three editorials.

Mr. JOHNSON of California, during consideration of H.R. 9890 under suspension of the rules today.

Mr. MCCLURE to revise and extend his remarks on H.R. 10203.

(The following Members (at the request of Mr. PEYSER) and to include extraneous matter:)

Mr. MCCLOSKEY.

Mr. BROYHILL of Virginia.

Mr. GUDE in three instances.

Mr. MCCLORY in three instances.

Mr. MYERS in two instances.

Mr. HOSMER in four instances.

Mr. CEDERBERG.

Mr. VEYSEY.

Mr. ESHLEMAN.

Mr. SCHERLE in 10 instances.

Mr. MICHEL in five instances.

Mr. BELL.

Mr. SPRINGER.

Mr. KING in five instances.

Mr. CARTER in five instances.

Mr. SCHWENGEL in four instances.

Mrs. HECKLER of Massachusetts in three instances.

Mr. DERWINSKI in two instances.

Mr. CHAMBERLAIN in two instances.

Mr. DAVIS of Wisconsin.

Mr. RIEGLE.

Mr. WYMAN in two instances.

Mr. ZWACH.

Mr. ROBINSON of Virginia.

Mr. ROBISON of New York.

Mr. MILLER of Ohio in two instances.

Mr. BUCHANAN.

Mr. SNYDER.

Mr. BAKER.

Mr. LANDGREBE.

Mr. MCCLURE in two instances.

(The following Members (at the request of Mr. MCKAY and to include extraneous material:)

Mr. MAHON in two instances.

Mr. ALBERT in two instances.

Mr. CAREY of New York.

Mr. BOLAND.

Mr. CELLER.

Mr. DRINAN in two instances.

Mr. REUSS.

Mr. FRASER in two instances.

Mr. MILLS of Arkansas in two instances.

Mr. ROSTENKOWSKI.

Mr. BURKE of Massachusetts in three instances.

Mr. CONYERS in 10 instances.

Mr. CORMAN in five instances.

Mr. RYAN in three instances.

Mr. COTTER.

Mr. FUQUA.

Mr. BROOKS.

Mr. RODINO.

Mr. GONZALEZ in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN in two instances.

Mr. BINGHAM in two instances.

Mr. RANGEL in two instances.

Mr. ROSENTHAL in two instances.

Mr. WALDIE in three instances.

Mr. EDWARDS of California in three instances.

Mr. RARICK in three instances.

Mr. EILBERG.

Mr. FISHER in three instances.

Mr. DULSKI in six instances.

Mr. JACOBS in two instances.

Mr. DAVIS of Georgia in five instances.

Mr. PICKLE in four instances.

Mr. ANDERSON of California in three instances.

Mr. HAMILTON in two instances.

Mr. BEGICH in five instances.

Mr. HARRINGTON.

Mrs. GRIFFITHS in two instances.

Mr. GREEN of Pennsylvania.

Mr. FASCELL in two instances.

Mr. HAGAN in three instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 157. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 1, 1971:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes.

On October 4, 1971:

H.R. 10538. An act to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 5, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1181. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize, with respect to certain officers of the Army or Air Force Reserve their employment as, and retention in, an active status beyond 28 or 30 years if they are, Army Reserve or Air Reserve technicians, and for other purposes; to the Committee on Armed Services.

1182. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination 72–4, authorizing the furnishing of various defense articles and services to a foreign country, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1183. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1184. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

1185. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1186. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in a certain case, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1187. A letter from the Secretary of the Treasury, transmitting a report on the bonding of officers and employees of Federal departments and establishments, covering fiscal year 1971, pursuant to 6 U.S.C. 14; to the Committee on Post Office and Civil Service.

RECEIVED FROM THE COMPTROLLER GENERAL

1188. A letter from the Comptroller General of the United States, transmitting comment on the report of the Director of the Office of Management and Budget and the Secretary of the Treasury on progress in the development and maintenance of standard classifications for programs, activities, receipts, and expenditures of Federal agencies and the development and maintenance of a standardized information and data processing system for budget and fiscal data, pursuant to title II of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

1189. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the leasing of Federal lands for agricultural purposes by the Corps of Engineers (Civil Functions), Department of the Army; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 11054. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to reservists serving in an inactive status before August 16, 1945, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 11055. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 11056. A bill to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the unique values of the Barataria region of Louisiana, and for other purposes, to be known as the Jean Lafitte National Cultural Park; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 11057. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 11058. A bill to gear the income tax more closely to an individual's ability to pay, to broaden the income tax base of individuals and corporations, and to otherwise reform the income and estate tax provisions; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 11059. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health, manpower, and facilities; to the Committee on Ways and Means.

By Mr. HAYS (for himself, Mr. THOMPSON of New Jersey, Mr. ABBITT, Mr. NEDZI, Mr. BRADEMAS, and Mr. BINGHAM):

H.R. 11060. A bill to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes; to the Committee on House Administration.

By Mr. HELSTOSKI:

H.R. 11061. A bill to establish a Uniformed Services University of the Health Sciences; to the Committee on Armed Services.

H.R. 11062. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

H.R. 11063. A bill to provide minimum standards in connection with certain Federal financial assistance with respect to correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 11064. A bill to amend title 10 of the United States Code in order to make the minimum age of enlistment in the Armed Forces the same for both male and female persons, and for other purposes; to the Committee on Armed Services.

By Mr. LONG OF MARYLAND:

H.R. 11065. A bill to amend the National Flood Insurance Act of 1968 to suspend until December 31, 1973, the provisions making flood insurance coverage a condition of Federal disaster assistance, to extend for 2 years the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage and the date as of which the existing authority for emergency Federal implementation of the program will expire, and to provide that coverage shall be available under the national flood insurance program for all residential properties; to the Committee on Banking and Currency.

By Mr. MACDONALD of Massachusetts (for himself and Mr. VAN DEERLIN, Mr. ROONEY of Pennsylvania, Mr. BROWN of Ohio, and Mr. FREY):

H.R. 11066. A bill to amend the Federal Power Act to establish procedures designed to balance reasonable power needs and reasonable environmental factors in planning and authorizing the construction and operation of bulk electric power facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 11067. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 11068. A bill to amend title 38, United States Code, to authorize the extension of nursing care benefits to veterans in the territory of Guam; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 11069. A bill to prohibit display of the flags of the Vietcong and the Government of North Vietnam; to the Committee on Judiciary.

By Mr. ASPIN:

H.R. 11070. A bill to amend title 10 of the United States Code to provide for the awarding of a clasp for the Asiatic-Pacific Campaign Medal to identify holders thereof who were on active duty at Pearl Harbor on December 7, 1941; to the Committee on Armed Services.

By Mr. ARCHER:

H.R. 11071. A bill relating to compensation in the case of disability or death of marine petroleum workers; to the Committee on Education and Labor.

By Mr. BLACKBURN:

H.R. 11072. A bill to amend the National Labor Relations Act with respect to the duty to bargain, and for other purposes; to the Committee on Education and Labor.

By Mr. BYRON:

H.R. 11073. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 11074. A bill to establish a Commission on Penal Reforms; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 11075. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. McCLURE:

H.R. 11076. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 11077. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. PRICE of Texas (for himself, Mr. Camp, Mr. Collins of Texas, Mr. Edmondson, Mr. Fisher, Mr. Passman, Mr. Rarick, Mr. Sebelius, Mr. Shriver, and Mr. Ware):

H.R. 11078. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. SHIPLEY:

H.R. 11079. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. ULLMAN (for himself, Mr. Aspinall, Mr. Johnson of California, and Mr. Don H. Clausen):

H.R. 11080. A bill relating to the income tax treatment of just compensation received from the United States with respect to property taken under the act of the Congress which established the Redwood National Park; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 11081. A bill to establish a Commission on Penal Reforms; to the Committee on the Judiciary.

By Mr. DAVIS of Wisconsin:

H.R. 11082. A bill to amend title IV of the Social Security Act to increase the amount of Federal reimbursement to States under the aid to families with dependent children program for the cost of locating and securing support from parents who have deserted or abandoned their children receiving aid under such program, and to provide that the State welfare agencies may utilize the services of private collection agencies and similar organizations and entities in locating such parents and securing support for such children; to the Committee on Ways and Means.

By Mr. CAMP (for himself and Mr. Broyhill of North Carolina, Mr. Meeds, Mrs. Dwyer, Mr. Passman, Mr. Schwengel, Mr. Skubitz, Mr. Wiggins, Mr. Edmondson, Mr. Belcher, Mr. Steed, Mr. Crane, and Mr. Jarman):

H.J. Res. 911. Joint resolution authorizing the President to proclaim the week of April 2 through 8 of 1972 as "National Future Business Leaders of America and Phi Lambda Week"; to the Committee on the Judiciary.

By Mr. POFF (for himself, Mr. Fountain, Mr. Abbitt, Mr. Broyhill of Virginia, Mr. Jonas, Mr. Lennon, Mr. Downing, Mr. Taylor, Mr. Henderson, Mr. Broyhill of North Carolina, Mr. Jones of North Carolina, Mr. Satterfield, Mr. Wampler, Mr. Galifianakis, Mr. Scott, Mr. Daniel of Virginia, Mr. Mizell, Mr. Preyer of North Carolina, Mr. Ruth, Mr. Whitehurst, and Mr. Robinson of Virginia:

H.J. Res. 912. Joint resolution granting the consent of Congress to an agreement between the States of North Carolina and Virginia establishing their lateral seaward boundary; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.J. Res. 913. Joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. RYAN:

H. Con. Res. 414. Concurrent resolution expressing the sense of Congress that any individual whose earnings are substandard or who is amongst the working poor or near poor should be exempt from any wage freeze under the Economic Stabilization Act of 1970, as amended, and amendments thereto and regulations issued thereunder pursuant to Executive Order 11615; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H. Res. 633. Resolution providing for the printing of additional copies of the committee print entitled "Review of SEC Records of the Demise of Selected Broker-Dealers"; to the Committee on House Administration.

By Mr. THOMSON of Wisconsin (for himself, Mr. Andrews of North Dakota, Mr. Bevill, Mr. Brinkley, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Burleson of Texas, Mr. Findley, Mr. Hansen of Idaho, Mr. Harvey, Mr. Hutchinson, Mr. Landgrebe, Mr. McCollister, Mr. Martin, Mr. Mayne, Mr. Michel, Mr. Montgomery, Mr. Myers, Mr. Nelsen, Mr. Nichols, Mr. Perkins, Mr. Price of Texas, Mr. Quie, Mr. Scherle, and Mr. Scott):

H. Res. 634. Resolution urging the President to press for U.S. agricultural trade rights with the European Economic Community; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin (for himself, Mr. Sikes, Mr. Shriver, Mr. Skubitz, Mr. Teague of California, Mr. Terry, Mr. Thone, Mr. Veysey, Mr. Waggonner, Mr. Winn, Mr. Zwach, Mr. Carter, and Mr. Robinson of Virginia):

H. Res. 635. Resolution urging the President to press for U.S. agricultural trade rights with the European Economic Community; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DAVIS of Wisconsin presented a bill (H.R. 11083) for the relief of the estate of William C. Kirsten, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

UNHOOKING ADDICTS

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, October 4, 1971

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a serious article written by Mr. Jerry Finkelstein, published as an editorial in the New York Law Journal, and reprinted as a column in The New York Times on September 11, 1971. There is no more vital a domestic problem facing the American society than that of drug addiction and drug abuse. Mr. Finkelstein's proposal calling for a "Manhattan Project" to end the drug menace is one that deserves serious attention, and I am delighted that this talented man is putting his energies and his mind to work addressing itself to that problem.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 11, 1971]

Unhooking Addicts

(By Jerry Finkelstein)

An astronaut, back from the moon, displays symptoms of an unknown disease. The disease spreads, killing many and permanently disabling most of those who contract it. What comes next?

Any science fiction fan knows that the President declares a national emergency and appoints a czar with plenary powers to meet the threat.

Men, money and materials would be coopted.

Red tape would dissolve.

All who could conceivably contribute to solving the problems would do so, willy-nilly.

The Manhattan Project, the New Deal and the space program would be dwarfed by comparison. And the finest minds, backed by the resources and power of our country, would solve the problems. The threat would be overcome.

That is fantasy. But is reality better? We have our own mutating Andromeda Strain in the opiates, barbiturates, amphetamines and hallucinogens. Cocaine has re-emerged and laboratories are inventing synthetics and derivatives faster than they can be outlawed. Instead of infection we have addiction.

Our present Andromeda Strain did not come from the moon or outer space. It comes from the poppy fields of Turkey via the laboratories of Marseilles, the hemp fields of Mexico, the chemical laboratories of great universities and from dozens of other sources. It is spread by human rats and lice rather than more primitive vectors. It does not kill quickly and cleanly nor disable neatly and tidily. It also degrades.

It is unnecessary to dwell on the scope of the drug crisis. Anyone who needs to be convinced that there is a drug epidemic must be a newly trained translator in Peking.

What do we actually have to meet the drug crisis? Piecemeal programs and minuscule financing. Temporizing statements and dangerous panaceas.

The lack of basic research is frightening. We know more about moon rocks than marijuana. Is it dangerous or not? Should we legalize it or class it with the hard drugs? Ironically, the only answer given as to why marijuana and other hallucinogens should not be legalized comes not from science but from history. Only two societies tolerated the widespread use of hallucinogens: the Arab, which then managed to turn the most fertile part of its world into a desert; and peyote-chewing tribes, whose noblest hour came as their hearts were ripped out as human sacrifices to foreign gods.

As to hard drugs, a current palliative is methadone, which, like heroin, is a derivative of opium. Even as a palliative, this is inadequate; and we must heed the nagging memory that the original use for heroin, as the authority Hindesmith notes, was "as a non-habit-forming substitute for opium or morphine or as a cure for drug addiction."

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace.

The United States has attacked many difficult problems and found solutions through massive injections of money and talent. Drug abuse should be approached in the same manner.

Why haven't the obvious steps been taken?

Cost should be no consideration. The Manhattan Project produced the atomic bomb—and radioactive isotopes are a mainstay of modern medicine.

The space program put men on the moon—and whole industries produce undreamt of products (including advanced prosthetics) as a result.

Can one conceive of the potential by-products of the war on addiction? Wholly apart from the heartbreak tragedies prevented, the crime and corruption uprooted, and the malaise of fear eliminated, we can predict priceless discoveries in biochemistry, psychology and many other fields.

Who would oppose any remotely reasonable steps taken?

Industrialists with billions lost annually from lowered productivity, absenteeism and theft?

Unions with their members fearful for their children?

Farmers with the infection now spreading to the most remote communities?

Churches?

Blacks?

Judges and lawyers?

Physicians?

Shopkeepers?

Liberals?

Conservatives?

Only organized crime would oppose a war on addiction.

How old are your daughters and granddaughters? I have two granddaughters and hope for more. I would revere any man who could wipe out addiction—and so would you.

Polio crippled, but it did not debase. Cancer kills, but it does not degrade.

We honored Drs. Salk and Sabin for conquering polio. A greater mantle awaits the conqueror of cancer.

Why has no one made a name for himself as Mr. Anti-Addiction? Is it because the job of making any serious impact is too great for anyone but the President of the United States?

The President has a unique opportunity. Already, with the freeze, he has established that he has the capacity for taking drastic action, together with the ability to accept ideas from others regardless of party. I pray that he will use his great powers against the common enemy of mankind and start to vanquish addiction now. We can't wait.

OPPOSITION TO WYLIE AMENDMENT, HOUSE JOINT RESOLUTION 191

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CORMAN. Mr. Speaker, in an effort to bring about a greater understanding of the dangers inherent in House Joint Resolution 191, I plan to submit statements daily in the CONGRESSIONAL RECORD by experts in the fields of religion, education, and constitutional law discussing their opposition to the Wylie amendment.

Today, I would like to direct the attention of my colleagues to a staff report from the Baptist Joint Committee on Public Affairs which was prepared for the Senate's consideration in 1967 when a similar amendment was being debated in the other body. I would like to commend this report to my colleagues' attention believing that the arguments it contains are applicable to the present House Joint Resolution 191, which is the current point of debate in the House.

The report follows:

THE 1967 PRAYER AMENDMENT—SENATE JOINT RESOLUTION 1

Senate Joint Resolution 1 of the 90th Congress is a proposed amendment to the federal constitution. Introduced by Senator Everett McKinley Dirksen (R., Ill.), it reads as follows:

"SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

This proposal is so different from the prayer amendment which the same Senator introduced into the 89th Congress that it needs special study, and the contrast between the two amendments helps point up the relationship between the two religion clauses of the First Amendment.

AN ARGUMENT THAT THE PROPOSAL IS MEANINGLESS

The prayer decisions of the Supreme Court can be used to make an argument that Senate Joint Resolution 1 is meaningless. These decisions can be summarized as follows: The Supreme Court held that public schools may not sponsor religious exercises regardless of their voluntary nature and regardless of whether the exercises include state-written, nonsectarian prayers or Scriptural prayer and Bible reading. This prohibition rests on the meaning of the establishment clause of the First Amendment. (See *Engel* v. *Vitale*, 370 U.S. 421, 1962; *Abington School District* v. *Schempp* and *Murray* v. *Curlett*, 374 U.S. 203, 1963.)

These decisions dealt with the *power of governments*, not the right of persons. They interpreted only the *establishment clause.*

In contrast, the proposed amendment deals with *the right of persons*. Thus, it must be considered an addition to, or an amplification of clarification of the First Amendment's *free exercise clause*.

In light of this difference of emphasis, a question arises: Can an amendment that touches the concerns of the free exercise clause produce a change in the meaning of the establishment clause? Obviously, there is a relationship between these two clauses both in law and fact. But the connection is subtle enough so that a good case can be developed against the utility of the proposed amendment by arguing that it does not affect the part of the Constitution that it is intended to affect.

Let us assume that the proposal were ratified as a part of the Constitution. Also, we will assume that some school board subsequently adopted a rule that its teachers begin each school day with a religious exercise for the pupils. We will make the exercise purely voluntary and nondenominational and assume that the teachers carry out the rule tactfully. Nevertheless, some persons take legal action calling the practice an unconstitutional establishment of religion.

Lawyers for the plaintiffs would cite the school board's rule and the school's practices. They would point out that in the 1962 and 1963 prayer cases the high court decided that governments had no power to engage in such practices.

Attorneys for the school board would cite the new prayer amendment. But what word or words, clause or clauses, in it could be said to give governments the powers the Supreme Court said they did not have in the prayer cases? Could not the lawyers for the plaintiff simply say the new amendment gives no new power to any government? The rulings of 1962 and 1963 stand.

Certainly that conclusion would be right if we consider only expressly granted power in the proposal. But does Senate Joint Resolution 1 imply a grant of power to government? Could not our hypothetical school board's attorneys argue as follows: The 1962 and 1963 prayer decisions were much criticized. The criticism centered in the idea that classroom prayer was both good and constitutionally proper. The criticism produced many proposed amendments including the one being discussed. That amendment must be interpreted in light of its history to imply a grant of power to government to conduct school prayers.

One can imagine that the Supreme Court could disagree or agree with that argument. It could disagree by saying that if those who proposed the amendment had wanted to add to government power, they would never have talked only about the right of persons. They would, rather, have used the sort of words used in the 1966 prayer amendment proposal which the Senate defeated. That amendment read in part as follows:

"Nothing in this Constitution shall prohibit the authority administering any school . . . or building supported . . . through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer."

Since that proposed amendment clearly gave governments power to provide and permit public school prayers, and since it was defeated, the Court might say that it could not assume that the newer amendment could be used to imply a grant of power which the Congress had rejected one year before.

The Court could buttress this line of reasoning by observing that it had taken up the relationship between the right of persons and power of government in connection with schoolroom prayer in the *Schlempp* case. It will be recalled that the sole dissenter in that case, Justice Potter Stewart, had attacked the majority opinion because, he said, it deprived children of the right of free exercise of religion through Bible reading and prayer. But the Court had replied:

". . . While the Free Exercise Clause clearly prohibits the use of State action to deny the rights of free exercise to *anyone*, it has never meant that a majority could use the machinery of the State to practice its beliefs. Such a contention was effectively answered by Mr. Justice Jackson for the Court in *West Virginia Board of Education* v. *Barnette* (319 U.S. 624, 638 (1943)):

" 'The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.' "

Could not the Court conclude that then as now forbidding governments the power to provide prayer does not deny the rights of free exercise to anyone?

The Court might well say that since its view on this issue had been public knowledge, any amendment passed to restore power to the machinery of the State to promote the practice of religious belief would necessarily have to say that it was doing precisely that thing.

Of course, if it took this line of argument, the Court would understand that its logic made the new amendment apparently meaningless. But this would not be novel. In a memorable decision of the past, the Supreme Court dispatched a supposedly crucial amendment as being only a repetition of what was already implied in the Constitution. It said that the Tenth Amendment "states but a truism that all is retained which has not been surrendered. There is nothing in the history of its adoption to suggest that it was more than declaratory of the relationship between the national and state governments as it had been established by the Constitution before the amendment." (*United States* v. *Darby Lumber Co.* 312 U.S. 100, 1941). Could it not argue that the new amendment similarly was only a reaffirmation of the religious liberty clause of the First Amendment?

However, if at some future date the Supreme Court's judges felt unsure about the wisdom of their past prayer decisions or if they wanted to avoid another "anti-prayer" decision for fear of a public relations storm, one can imagine that the judges could accept the argument that the attorneys of our hypothetical school board put forward. The acceptance would not be easy in light of the words used by the Court in the past and the words used in the proposed amendment, but men have ways with words that make the acceptance imaginable, at least.

WHY THE WORDS WERE CHOSEN

If the proposal is as uncertainly fitted to the purpose of undoing the 1962 and 1963 prayer decisions as we have just said, why is it worded as it is? Several answers suggest themselves:

First, it may be that the drafters did not understand the law and issues involved. This seems most unlikely. The Senator and his staff and the consultants on whom he can rely are very able and well informed.

Second, it could be viewed as an effort to get votes. Championing children's prayers and certain elements of our heritage is popular. Forcing opponents to appear to oppose children's prayers and cherished past practices is politically useful. Since the Constitution makes the amending process more or less a part of the regular political process of the nation, such political use of that process is inevitable.

Third, it could be viewed as a necessary compromise to get some prayer amendment proposal adopted even though the amendment was at best ambiguous. The 1964 Becker proposal which was expressly tied to the establishment clause and which clearly implied grants of power to governments in religious matters could not get out of the House committee. The 1966 Dirksen proposal mentioned above with its governmental power to provide for and to permit prayer was defeated on the Senate floor. From these defeats it might have been concluded that if any prayer amendment was to receive Congressional approval, an indirect device would have to be found. Making the "right of persons" the center of that device.

This explanation of the words, of course, implies that the drafters felt forced to gamble that the Court, if it ever interpreted the amendment, might possibly use these ambiguous words to defend the constitutionality of classroom prayer. That is, the proposers of the amendment had been defeated where their purpose was clear, so they had to try a vocabulary that made their purpose unclear. But this attempt necessarily made the constitutional meaning of their proposal uncertain.

FREE EXERCISE AND THE ESTABLISHMENT CLAUSE

This discussion highlights one of the relationships between the free exercise and the establishment clauses of the First Amendment. The freedom of religion the courts will support does not include the freedom to participate in government organized devotions like those formerly held in many public schools. This statement must be qualified, because inaugurations and patriotic ceremonies include "devotions." It must be qualified also by noting the acceptability of worship services conducted by the chaplaincies.

For persons who believe that their religion requires government devotional exercises like those once held in schools, the unwillingness of the courts to allow such practices can be called a diminution of liberty. The number of such persons in the United States must be very few indeed. Does their interest outweigh the interest of those who believe that the use of government authority and resources for classroom prayers violates the establishment clause? We think not. But we can imagine that a religion could develop so tied to American nationalism that it would require regular government sponsored prayers and the teaching of prayers by government officials. This would alarm us, for it would make freedom of religion and separation of church and state incompatible. As presently defined in American law they are happily compatible.

OTHER ISSUES FROM THE PROPOSAL'S WORDING

1. *The limitation of "public building"*: The proposal discusses the right of persons in any *public building* supported by public expenditures. Some past religious liberty cases have related to *public streets and parks*. (*Cox* v. *New Hampshire*, 312 U.S. 569, 1941; *Kung* v. *New York*, 340 U.S. 290, 1951; *Niemotko* v. *Maryland*, 340 U.S. 268, 1951; *Fowler* v. *Rhode Island*, 345 U.S. 136, 1953.) In these cases, the right of persons to use these facilities for religious expression has been clearly settled, though some state controls will be allowed.

Would the phrase, "in any public building, possibly erode the present rights in other public places? That is, does the inclusion of one thing mean the exclusion of another? For some legal purposes it does.

The answer to the question of the impact of "public buildings" depends on how the proposal, if adopted, were interpreted to relate to the First Amendment. If it were called a clarification of the First Amendment, then it could limit present rights because of the specification of location. If it were called an addition to the First Amendment, then it would not limit present rights. We assume it would be called an addition to the First Amendment, but the use of the limiting phrase is worrisome.

Since the prayer cases that produced this proposal related to schools, it must be remembered that "public buildings" include much more: court houses, office buildings, police stations, Pentagon, White House, etc. Certainly, the law which makes for the ordered use of these buildings would not be undone by the amendment, but it might be modified by it.

2. *The meaning of "lawfully assembled":* Several decisions in American law have had to relate lawful assembly in public places to free religious expression. The cases referred to in the previous paragraph are illustrations. In the decisions concerning streets and parks courts have noted that in democracies these places have historically been available for the ventilation of ideas. Lawful assembly on a *public street* or in a *park* may require a parade license or meeting permit, but the license and permit must be awarded in ways which give the awarding authority no discretion to limit free expression. We know of no cases which have related lawful assembly in *public buildings* to religious freedom, though at the state level of government some may exist. Certainly, a "pray-in" occasioned by the civil rights movement could raise the question.

The standards of lawful assembly in a public building must be somewhat more exacting than for lawful assembly in a public park or public street. Picketing can be barred from the former while it is permitted in the latter. We know that an unlawfully assembled group may be dispersed at the present time, even if it is saying prayers. Thus, the need for the phrase is not apparent.

Perhaps the phrase, "lawfully assembled," is only intended to quiet fears that the proposal might be used as a means to protect an unlawfully assembled group from expulsion from a public building. One can imagine that some groups would oscillate between causing trouble in a public building and praying when the time of their expulsion drew near. But, certainly, this can be handled under present law.

3. *The meaning of "non-denominational prayer":* Persons now have a right to pray under American law. No decisions limit their right to pray in public buildings. To be sure, one can assume that some limits circumscribe that right as they circumscribe all rights. If the prayer were public and if it contained obscene attacks on public officials in its language or if it interrupted a normal public function, a court might forbid it. In *Chaplinsky* v. *New Hampshire*, 315 U.S. 568, 1942, the Supreme Court refused to allow public swearing at an officer of the law as a right of free expression.

The proposed amendment ties the right of persons to "non-denominational" prayers only. Would this mean that if a group of Baptist students got together at lunch in a public school to pray, the location of their prayer would determine that it had to be "non-denominational"? That is, does the proposal limit present rights?

Since the proposal would, if adopted, stand alongside of the First Amendment, the answer to that question would depend on whether the courts viewed the newer amendment as explanation of what the First Amendment meant or as an addition to it. Just as in the case of the meaning of "public buildings," if the proposal explains the First Amendment, then the word "non-denominational" could be viewed as a limit. If it is an addition to the First Amendment, then the word would not seem important for that kind of prayer and denominational prayers, as well, are not forbidden now to private persons or voluntary groups.

In any case, the meaning of "non-denominational" must be treated as less than clear. Federal courts have not defined that term to our knowledge. State courts have treated property problems where the word "denominational" was an issue. These property cases would not be very helpful in determining what a "non-denominational" prayer was. Judges would be forced to sail on legally uncharted seas.

CONCLUSIONS

The staff of the Baptist Joint Committee on Public Affairs remains convinced of the adequacy in law of the First Amendment to maintain free religion. That amendment gives ample religious rights to persons. Since it has been interpreted in many cases, its meaning has been subject to legal interpretation known to all.

Senate Joint Resolution 1 is ambiguous at its core, for it tries to affect court decisions based on the establishment clause with words appropriate to the free exercise clause. The resolution could be easily interpreted out of existence if it were adopted. We think that amendments to the basic law charter of our liberties should be more clearly drawn to achieve their announced purposes, and then they should be the subject of extensive public discussion.

We further find that the proposal's wording touches on other matters, i.e., the meanings of "public buildings," "lawfully assembled," and "non-denominational," in ways that raise problems now not raised by the First Amendment as interpreted. This reinforces our resolve to maintain that the First Amendment is all we presently need to preserve our broad religious liberties.

HEAVY POWER TRANSMISSION EQUIPMENT INDUSTRY CONTINUES TO FACE UNFAIR FOREIGN COMPETITION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, October 4, 1971

Mr. SCHWEIKER. Mr. President, in October of 1970, I joined other Members of Congress in writing to the President about the serious situation which then faced the heavy power transmission equipment industry in this country. Regrettably, the situation has not improved; in fact, it has become even more serious.

The senior Senator from Pennsylvania, HUGH SCOTT, and I have just recently joined in again urging the President to take affirmative steps to end the unfair foreign discrimination against American products and to save the jobs of many American workers in this industry which are today in serious danger of being wiped out.

On March 11, 1970, or over 18 months ago, Westinghouse Electric Corp. requested that the Bureau of Customs investigate their complaint that foreign manufacturers of this kind of equipment were dumping their products on the American market. The Treasury Department is now attempting to complete such investigations within a period of 1 year, but in this case the investigation has taken considerably more than 1 year. I have strongly urged that the Treasury investigation be concluded at the earliest possible date. In addition, I am again recommending that the administration set a time limit on the period within which antidumping findings must be made.

Another factor in this matter is that Government-owned utilities such as the Tennessee Valley Authority, the Bonneville Power Administration, and the Bureau of Reclamation have been purchasing about 95 percent of their power transformers from foreign countries. I suggested in October of 1970, and again recommend, that such buying be stopped immediately. These utilities should adopt a moratorium on the purchase of foreign-source equipment pending the elimination of the inequities in foreign trade of these products.

Third, I recommend that the price differential between foreign and domestic bids under the Buy American Act be increased to a level which would exclude foreign suppliers from countries which now effectively prohibit American manufacturers from selling in their markets.

It is urgent that we come to grips with this serious problem as soon as possible. Further delay would only serve to weaken our domestic industry and further imperil the jobs of American workers.

INFORMATION FOR THE CONGRESS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BROOKS. Mr. Speaker, title II of the Legislative Reorganization Act of 1970 contains a key to vastly improved congressional access to policy-relevant information in the executive branch.

This title, in sections 201–2, calls for standardization of the Executive's budgetary and fiscal data systems in a manner that will meet requirements of all branches of the Federal Government.

The Office of Management and Budget and Department of the Treasury are directed to establish and maintain the standardized system in cooperation with the Comptroller General, acting as the agent of Congress. The close working relationship between the Executive and congressional agencies was designed to insure that development of the system moves forward as rapidly as is consistent with effective planning—and that it fully meets the needs of Congress for budgetary and fiscal information and data.

In short, the proper and efficient implementation of these sections of the act is vitally important to Congress. The work now under way on this project will affect future congressional capability to formulate new programs, to evaluate administration proposals, and to review existing programs and executive activities.

At present, executive branch study groups are developing standard classifications for Federal programs, activities, receipts, and expenditures. The Comptroller General's staff is surveying the fiscal and budgetary information requirements of congressional committees and individual Members of the House and Senate. The survey results will be conveyed to the executive study groups and will serve as the basis for reporting to the Congress—and assessing—standards proposed by OMB and the Treasury.

If the future budget and fiscal data system is to serve the policymaking and oversight functions of Congress and if the information it produced is to be accumulated and made available in support of congressional needs for adequate data and analysis, it is essential that Members and committees assist the Comptroller General in his effort to define congressional requirements.

Interviews with committee staff employees are being conducted now. The Comptroller General has advised me that individual Members or their staff employees may participate in the survey by calling Capitol extension 58038 and arranging for the GAO interviewers to meet with them.

The Joint Committee on Congressional Operations is following implementation of sections 201–2 of the 1970 act closely and will continue to do so. As chairman of the Joint Committee, it is my hope that all Members and committees will cooperate to the fullest extent possible with the staff of the Comptroller General so that he, in turn, will be prepared to express and defend congressional interests in the development and operation of this information system.

For the convenience of Members, I am inserting at this point in the RECORD a fact sheet on the standardized budget and fiscal system prepared by the General Accounting Office and a letter from the Comptroller General dated September 28, 1971, describing the latest developments in this program:

QUESTIONS AND ANSWERS REGARDING THE BUDGET AND FISCAL INFORMATION PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

WHY IS IT IMPORTANT TO THE CONGRESS?

The majority of congressional budgetary and fiscal information needs must be filled from the executive branch's information systems. If these systems are designed to provide the types of information the Congress wants, the Congress will be able to get timely, relevant, and reliable information in the forms desired. Last year the Congress directed that its needs be considered in the development of a standard system and standard classifications. The first step toward developing the standard system is to get everybody using the same language (standard classifications). The executive branch has formed task groups to develop the standard classifications. It is essential that the Congress define and communicate its requirements to these groups. The General Accounting Office is the action agency of the Congress for ensuring that the congressional needs are met.

WHAT DOES THE ACT REQUIRE?

Standardized information and data processing system for budgetary and fiscal data.

Standard classifications of Federal programs, activities, receipts, and expenditures.

The Legislative Reorganization Act of 1970 requires the development of a standardized information and data processing system for budget and fiscal data. To serve adequately the needs of decision makers and other users throughout Government, that system must have the ability to accumulate and compare data on Federal activities and programs within individual agencies and also those that cut across agency lines.

As recognized in the act, achievement of this desired goal will require the development and maintenance of standard classifications for programs, activities, receipts, and expenditures of Federal agencies. These classifications and the data processing system will have to be highly versatile so as to provide information needed by those concerned with all aspects of Government—program development and authorization; revenue estimation, legislation and collection; budgeting and appropriations; Government operations and program evaluation; and general economic and social analysis and evalution. The "initial classification" is to be established on or before December 31, 1971.

The Office of Management and Budget and the Department of the Treasury are required to develop and maintain the system "in cooperation with the Comptroller General." The Comptroller General's role, as the agent of Congress, is to ensure that the needs of the Congress for budget and fiscal data can be met by the system so developed.

WHAT ARE SOME OF THE PROBLEMS REGARDING BUDGETARY AND FISCAL DATA WHICH NEED SOLVING?

Data may not be obtainable.

Data often not compatible.

Data often coded differently in different agencies.

Those who use budgetary and fiscal information for decision making and program evaluation occasionally become frustrated over the inability to obtain, compare or correlate data from several sources.

Sometimes data on a function (such as oceanographics) in which more than one agency may be engaged is available from one agency, but not from another.

Sometimes the comparison or aggregation of data is meaningless because of the different definition or collection procedures used by the agencies. For example, the definition of a "poor family" used by one agency may be different from that used by another agency.

Sometimes data is available and useable except that each agency may have used different coding for classifying the information. For example, the number and location of hospital beds in Federal hospitals may be coded one way by one agency and another way by a different agency, thus complicating the comparison or combining of the two.

The development of the standard classifications and a standard data system is to be directed toward eliminating all three data problems. Thus, information needed by congressmen, administrators and evaluators will be available from all relevant sources and all sources will be using the same definitions and coding schemes.

WHAT IS GOING TO BE DONE?

The Comptroller General, as agent of the Congress, will undertake to determine the legislative branch needs and review proposed classifications and data system to ensure that they meet these needs.

The Office of Management and Budget and the Department of the Treasury are to develop and maintain the classifications and data system. They are studying current budgetary and fiscal classifications and determining the executive branch needs.

A General Accounting Office task group will meet with Members of Congress, their staffs, and committee staffs to (1) inform them of the actions taken by the Office of Management and Budget and the Department of the Treasury since the law was enacted and (2) explore the possible budgetary and fiscal data classifications in relation to each committee's operations and needs and desires for such data. If useful data is to be btained, it is very important that the technical people who will influence the nature of the classifications have a broad understanding of the interests of the information users. Interviews will be started early in September.

Along with the requirements determination, the present classification structures will be studied. Federal departments and agencies are furnishing copies of the various classifications they use. Executive branch task groups are to (1) sift this material to find out the extent of compatibility, (2) identify opportunities for making improvements, (3) define what classification can be developed by December 31, 1971, and (4) develop proposed standard classifications. The task groups will reconcile the needs of the various branches of the Government. Some of the factors that will have to be considered in reconciling the needs and formulating the standard classifications are: (1) the benefits to be derived from having the information, (2) the feasibility of obtaining the data, (3) the cost of collecting, storing, and processing the data, and (4) the flexibility to meet changing requirements.

HOW LONG WILL IT TAKE?

The intent is that the initial classifications due December 31, 1971, will show tangible progress and that substantial additional classifications will be completed prior to the September 1, 1972, report. Beyond September 1972, the classifications will continue to be revised and changed to meet new needs and better serve all users.

Development of the standardized information and data system will begin in 1972. It will take many years to complete the development and implementation throughout the Federal Government.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., September 28, 1971.

Hon. JACK BROOKS,
Chairman, Joint Committee on Congressional Operations, Congress of the United States.

DEAR MR. CHAIRMAN: This letter is in response to your request to be kept advised of our efforts to carry out our role in the implementation of Title II of the Legislative Reorganization Act of 1970.

We have begun the interview phase of our study of the congressional needs for budgetary and fiscal information under Title II of the Legislative Reorganization Act of 1970. We are following the basic plan mentioned in our August 13, 1971, letter to you.

On August 31, 1971, I wrote to all committee chairmen requesting interviews with their staffs. Enclosed is a sample of these letters. Interviews of the committee staffs are now under way.

Within the next few weeks we will be making arrangements for discussions with individual Members or their staffs regarding their needs for budgetary and fiscal data. They will be requested to contact my staff on Capitol extension 58038.

The results of these interviews will provide the basis for our initial recommendations to the executive branch on the congressional needs and the basis for our review and comments on the initial classifications required by the Act to be developed by December 31, 1971. Our efforts, of course, must be of a continuing nature since it may be several years before the ultimate goals can be attained.

We have prepared the enclosed questions and answers regarding our project in the hope that it will be helpful in communicating the importance of congressional involvement in the process.

On September 1, 1971, the Office of Management and Budget and the Department of the Treasury submitted their first annual report under Section 202(b) of the Legislative Reorganization Act of 1970. Enclosed is a copy of the annual report.

We shall continue to maintain close liaison regarding our efforts under the Act with you and the Joint Committee Staff. Cooperation among all elements of the Congress is essential for successful implementation of Title II of the Act.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

SENATOR HUMPHREY STRESSES IMPORTANCE OF WATER RESOURCES IN RURAL DEVELOPMENT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 4, 1971

Mr. RANDOLPH. Mr. President, in March 1970, the President's Task Force on Rural Development issued a report in which it asked the following rhetorical question:

> Do we need remind ourselves more forcefully that when people and industry are jammed together, it brings on the four plagues of compaction: pollution, transportation paralysis, housing blight, and a crime-infested fractured society?

It would seem, Mr. President, that the ills of compaction would by now be so obvious as to be almost a cliche. And yet, we as a nation have been extremely slow to adopt policies and programs which provide an alternative to these "four plagues of compaction."

The only real answer, in my strong opinion, is to achieve a better population balance between rural and urban areas. If we can end the compaction, we can go a long way toward ending the plagues of congestion, crime, transportation paralysis, and housing blight.

The Senate and the Nation are extremely fortunate, Mr. President, to have an articulate and energetic spokesman in this effort to achieve rural revitalization and population balance. As chairman of the Senate Agriculture Subcommittee on Rural Development, the distinguished junior Senator from Minnesota (Mr. HUMPHREY) has provided outstanding leadership. His subcommittee has already come forward with innovative new proposals to stimulate rural growth.

I have long advocated rural development, and as one who has long been associated with this Nation's water resources program, I know that water projects can and should be a major instrument in developing our rural areas. These programs have proven time and time again that they can form the base for economic and social development of less populated areas.

That is why I was extremely pleased to read the speech which the Senator from Minnesota (Mr. HUMPHREY) delivered to the recent joint annual meeting in St. Paul, Minn., of the National Waterways Conference, Inc., and the Upper Mississippi Waterway Association.

As the Senator so eloquently phrased it, Americans will never be able to enjoy the "good life" and overcome these plagues of compaction until we restore the "freedom of residence." That freedom does not exist today, because most people are forced to live in huge metropolitan areas for reasons of economics or short-sighted public policies.

We must, as the able Senator pointed out, provide jobs, opportunities, and a healthy environment in rural areas. We must give the people a choice as to where they want to live. I would hate to think that succeeding generations are doomed to live in urban areas without even the freedom to choose another place of residence.

As the Senator from Minnesota stressed in his speech, water resource programs and other public works projects "are uniquely suited for rural revitalization. With the exception of urban water supply and flood control, most water resource projects are located in Rural America."

The Senator also exploded another myth when he said:

> Public works projects can and do create jobs—that has been recognized for many decades. And they are not dead-end jobs, as some have claimed.

Once again, I congratulate the former Vice President for a far-sighted and meaningful expression of what I consider to be one of the Nation's most urgent needs. And as chairman of the Committee on Public Works, I pledge my efforts to work with the Senator to achieve this worthwhile and absolutely essential revitalization of rural America.

Mr. President, I ask unanimous consent that the speech by the Senator from Minnesota be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FREEDOM TO LIVE THE GOOD LIFE

(By Hon. HUBERT H. HUMPHREY)

If the average American were asked to list some of the freedoms he enjoys in this country, I'm sure he or she could come up with an impressive list: Freedom of press; freedom of speech; freedom of religion; freedom to vote and belong to the political party of your choice; and even freedom to protest against actions of the government.

All of these are cherished freedoms, and we constantly must be on guard against their erosion. We must remember that unless these freedoms are extended to all persons, they potentially can be denied to everyone. So our freedoms must be indivisible and universal in their application.

Today, however, I would like to talk with you about a growing list of freedoms that the average American is just beginning to articulate and demand. These new demands might be summed up as the Freedom to Live the Good Life. Just what do I mean by this expression?

Perhaps the most elementary aspect of the Good Life is the right of personal security and safety in your everyday activities. This is a freedom that most of us took for granted when we were growing up, and it has only been within the last few years that the freedom of personal safety has come under attack.

What kind of life is it to live in constant fear that your children may come under the influence of drugs? Yet, when we look at many of our big cities today, we see just that kind of fear stalking the streets. We read that apartment buildings, schools, and even private homes are becoming virtual armed fortresses.

We add more policemen, but the crime rates continue to go up. Raid after raid and arrest after arrest fails to stem the flow of drugs into our large urban centers, and our children become the victims.

Certainly our citizens cannot have the freedom to live the good life unless they can live in safety, but in recent years neither government nor society seems able to provide that guarantee of freedom.

A second "right" being demanded by our citizens is the freedom to enjoy a quality environment. They are tired of polluted rivers and streams; they are literally sick of polluted air; and they are fed up with noise, traffic jams, and the rush, rush, rush of everyday life. But how many of our major metropolitan areas can offer an environment free of noxious pollution? Not many, I can tell you.

In a great number of our cities—thank goodness Minneapolis and St. Paul are not yet among them—pollution has become a way of life. Americans in these cities do not wake up to the sunrise; they wake up to haze, fog, and smog. Those of us in Washington often experience days in which you can hardly see the dome of the Capitol because of pollution. Noise levels and traffic jams seem to be on the increase almost everywhere.

I don't think many people would include pollution, noise, and congestion as elements of the good life. Yet fewer and fewer Americans live in an environment free of such things.

Going hand in hand with the demands for a good physical environment is a desire for what might be called psychological freedoms. I have already mentioned the freedom from fear. But we would also like to have neighbors and be neighbors, in the true sense of the word. We would rather not be treated rudely on the streets or the sidewalks. We would rather not be crowded, congested and rushed all the time. We would like to live in an atmosphere of mutual trust and friendship.

But do you find this kind of atmosphere in our big cities? Not very often. People either don't have time to be friendly, or they are afraid that if they extend the hand of friendship they will be betrayed. It has reached the point that people have actually been murdered in broad daylight while passers-by stand around and watch—afraid to get involved. This kind of psychological fear and distrust breeds on itself and can eat away at the very fibre of the Nation.

So our citizens are demanding relief from those terrible psychological stresses and fears which prevents the freedom to live the good life.

More and more Americans are demanding the traditional—but often ignored—freedom of economic security which I suggest is directly tied to yet another freedom—namely—freedom of residence.

The current recession has reminded us once again that "unemployment" and "under employment" are not simply terms in the jargon of economists; they are very real facts of life for millions of our fellow citizens today.

Today's recession has merely compounded the already worsening situation of job opportunity dislocation in our Nation.

Welfare rolls in our big cities have grown to such an extent that welfare now consumes a major portion of the budgets of cities like New York, Washington, D.C., Atlanta, Los Angeles, Detroit, and Chicago. Many of those on these welfare rolls are rural migrants or children of rural migrants. Many of these people simply cannot find work in either their rural communities of their origin or in the big cities to which they have migrated.

Such movements of people have exacerbated the problems of crime; psychological stress and environmental pollution in our larger cities and have stripped our rural countryside of both its potential and its promise.

Add all of these things together and you have anything but the good life. You have something more akin to a life of trial and tribulation. So if we are going to restore the freedom to live the good life, how shall we go about it? Where do we start?

You have no doubt noticed the association I have made between the demands for a good life with what is popularly called the urban crisis. This is no accident, because in most cases the loss of those freedoms which contribute to the good life can be traced directly to the urban crisis.

Many of you here today, who like myself grew up in rural areas or small towns, can remember a time when people thought nothing of leaving their doors unlocked while running errands or going downtown. Some can probably even remember times when your family occassionally slept with the doors unlocked.

When I grew up in South Dakota a big crime was chicken stealing—not mugging. We knew all our neighbors and worked and played together. We helped each other out in times of trouble. We had our hardships, especially during the depression, but we never turned on each other. We remained good neighbors.

Life was not congested, crowded, nor forever rushed. And the word "pollution" was not even in our vocabulary. We experienced economic insecurity, but there were always friends and family to help out in times of need.

Perhaps some will think I am a romantic who dwells on the "good ole days." That is not my purpose. I am a realist; I know we cannot go back to the "good ole days." We cannot eliminate our cities, nor people's desire to live in them. We cannot indiscriminately close down factories that provide jobs, simply because they create some pollution. Nor can we eliminate crime and drugs merely by wishing they would go away.

No, my friends, these are real problems we are dealing with—and there are no "instant solutions" to them.

But being a realist, I also know there are alternatives to these huge megalopolises which are sprawning so many of the problems inimicable to the good life.

The alternative I want to talk about today is rural development and balanced national growth. Most everybody is familiar with the tremendous migration from our farms and smaller communities to our large cities which has taken place during the last three decades—30 million people in just 3 decades. Many of us in this room were part of those migrations. We have gone from a Nation in which 60 percent of all Americans lived and worked in rural areas at the turn of the century to a time when the rural population makes up less than 30 percent of the population.

Seventy percent of our population lives on less than 2 percent of the land. Demographers tell us this situation is likely to worsen due to projected natural population increases that are expected in our urban areas, plus continued inmigration and a continued migration of rural young people to our Nation's large cities.

If our huge metropolitan areas in 1971 no longer provide the freedoms necessary for the Good Life, what will they be like in the year 2000? I almost shudder to think of a situation in which all the job opportunities are limited and further concentrated in our huge metropolitan regions. When we reach that stage, the Good Life will be impossible.

The American people—who often seem to be ahead of the Government in realizing the cause of problems—are very much aware of the connection between overpopulated cities and the problems of crime, drugs, pollution, congestion and psychological stress. As long ago as 1968, a Gallup poll showed that 56 percent of all Americans would prefer to live in rural communities, with 18 percent preferring city life and 25 percent the suburbs.

In a recent poll taken in California, 29 percent of that State's population indicated they would like to leave that State. Of those people who have been there less than 8 years, almost half said they want to live elsewhere.

In the 1970 Agricultural Act and the 1970 Housing and Urban Development Act Congress stated that revitalization of our rural areas and pursuit of a balanced national growth strategy are "essential to the peace, prosperity and welfare of all our citizens" and that they must be given the "highest priority." President Nixon in his 1971 State of the Union Message made a commitment to a national growth policy that would "not only stem the migration to urban centers but reverse it."

So both the legislative and executive branches, and most importantly a majority of the American people, are on record as favoring a policy of rural development and balanced national growth.

This being the case, I think it is time we stopped giving lip-service and endorsements to these important pursuits and actually start to do something about them. Rhetoric comes cheap, but action is the true test of one's commitment.

To that end, the Senate Subcommittee on Rural Development has recently developed legislation that will provide some of the mechanisms through which we can begin to accomplish these stated objectives.

The Consolidated Farm and Rural Development Act which I have introduced—and which 50 other Senators have also co-sponsored—would do two things: 1) It would extend the authority of the Department of Agriculture to extend credit for farm and non-farm rural development programs; and 2) it would establish a system of regional rural development credit banks to provide addtional credit to private and public borrowers for rural development purposes.

The legislation states that one of the primary purposes for these loans would be "The conservation, use and control of water." This specifically includes water and sewer projects, water conservation projects, water transportation systems, and many other public works development projects—which are of great interest to the National Waterways Conference, Inc., and the Upper Mississippi Waterway Association.

I believe water resource programs can and should play a major role in the Nation's rural re-development. One factor that our Subcommittee has discovered is that water programs are uniquely suited for rural revitalization.

Water is an essential ingredient for every aspect of man's life: He depends upon it for life itself. It is older than the wheel, or even fire. It serves man in many different and wondrous ways.

Water serves as a primary source of energy.

Water serves as one of our oldest and most reliable conveyance of transportation.

Water nourishes our agricultural crops, livestock and aids in the processing and manufacturing of most non-agricultural products.

Water provides us with some of our most beautiful and scenic vistas.

Water provides us with some of our most enjoyable recreation opportunities.

It serves as our most important means to cleanliness and safety.

And, water, and waterways, have provided our nation with much, if not most of the stimulus for economic growth and development, including the development of our urban way of life.

Let us look for a minute at what our own public investments in waterway development have provided our nation.

Water supply projects constructed by the Corps of Engineers and Bureau of Reclamation provide water for over 19 million people today.

Water borne commerce has increased from 163 billion ton miles in 1950 to 265 billion ton miles in 1966—a 62% increase in 16 years.

Although total public expenditures for flood control to date has reached $6.8 billion, damage prevented by this program is estimated at $22 billion.

Hydroelectric power investments now generate over $1 billion annually in federal revenues in addition to the power they generate which has been essential to our nation's growth and development.

In 1965, 2.8 billion activity days of recreation were enjoyed by the American public on all our nation's waterways. The year 2000 waterborne recreation is expected to reach almost 8 billion activity days.

Waterborne tonnage is expected to increase about 6 times in the next 50 years within the U.S. In 1971 it is estimated that 300 billion ton miles of goods and cargo will move over U.S. waterways.

The 207 Bureau of Reclamation river projects provide water to irrigate almost 9 million acres of agricultural lands with a crop value of almost $2 billion. Federal income tax payments generated by these projects since 1940 estimated at almost 10 billion dollars—$2 billion more than all federal expenditures for reclamation since 1902!

These are the kind of public investments that have contributed so much to our nation's phenomenal growth and development. Therefore you can understand why I have so little time for those who talk of such public investments as "pork barrel" or too costly for government to underwrite. And we need to do more. Further development of our waterways and our other natural resources in a manner consistent with their protection and concern for our environment should always remain as an important national goal. And as far as money is concerned we must—as our forefathers did—be willing to think big. With a trillion dollar economy today, this means we must think in 10 and 100 billion dollar terms.

The existence of non-polluted water supplies will to a great degree determine what areas of rural America experience redevelopment. One thing is certain, you cannot develop an area without water.

Another factor which makes water programs attractive is that most water projects are located in rural areas. This is in stark contrast to so many Federal programs in which projects are located in and around major urban areas which are already overcrowded. This not only contributes to the congestion, but it also creates a "snowball" effect that draws in more and more people—continually compounding the problem.

I think the Federal government, if it believes what it says, must make a conscious effort to locate more of its projects and installations in less densely populated areas, which, I might add, is now required as a result of Title IX of the Agricultural Act of 1970.

That is the advantage of water programs. With the exception of urban water supply and flood control, most water resource projects are located in rural America. In fact, one noted political scientist (Professor Lynton K. Caldwell of Indiana University) testified before the Senate Commerce Committee that water programs are the only major Federal undertaking which tends to disperse rather than concentrate the population.

This is vividly borne out in a Tennessee Valley Authority study of industrial growth that occurred in the Tennessee Valley after its river development program. This study showed that 52 percent of all waterway-created jobs in the Tennessee Valley have been located in 133 rural counties with no major cities. Twenty-five percent were located in medium-sized counties, and only 23 percent in metropoltian counties.

On one of our Subcommittee field trips, we toured the Tennessee Valley and I was quite impressed with the City of Decatur, Alabama, which is a rapidly growing community of some 40,000. Before the Tennessee River improvement program, Decatur was just another struggling rural community. Now it is a vital, bustling regional growth center. Growth like this is taking place all along the Tennessee River—but not in major urban areas that are already crowded to capacity.

This leads me to yet another aspect of water resource programs. They can be quite instrumental in helping produce the economic base for rural growth and development. Certainly that has occurred in the Tennessee Valley. The same thing, I understand is happening along the McClellan-Kerr Arkansas River Navigation Project which we had an opportunity to fly over during one of our Rural Development field hearing trips to Oklahoma earlier this month. Relatively small communities like Muskogee, Oklahoma and Ft. Smith, Arkansas are becoming new growth centers as a result of this project.

Those of us who have grown up along the Mississippi River know what that river means to rural areas. It provides a transportation system that enables the Midwestern farmer to get his products to market cheaply so that he can compete in domestic and world markets.

Without low-cost water transportation, it is doubtful that Midwestern grain would retain its competitiveness and many of our farmers would end up migrating to the big cities.

In Minnesota we are doubly fortunate. We are at the head of navigation on the Mississippi River and we also have access to the Great Lakes-St. Lawrence Seaway System. To give you an idea of what this means to my State, I would cite the results of a study conducted by the Minnesota State Planning Agency in 1969 (Economic Significance and Outlook of Minnesota Waterborne Transportation).

This study concluded that port area incomes in Minnesota from water transportation and related port activities, including overland shipping within the State to and from ports, generates incomes "probably in the general neighborhood of $200 million per year." The agricultural economy is the benefactor.

Without the availability of low-cost water transportation on the Mississippi and the Great Lakes, Minnesota farmers could be at a severe disadvantage. Our state is located hundreds of miles from major domestic markets and a thousand miles from seaports along the coasts. Barges on the rivers and bulk carriers on the lakes help to keep our farm products competitive. We are able, therefore, to sell more, and our farmers get more for what they sell. As most of you probably know, savings in transportation costs mean more money in the farmer's pocket.

For these reasons I am quite skeptical of proposals for higher tolls on the St. Lawrence Seaway and the prospect of user charges on domestic water routes like the Mississippi. Such charges would not only curtail the agricultural economy; they would limit the ability of water projects to sustain industrial growth and job development.

I also believe the President was extremely short-sighted when he vetoed the public works acceleration program passed earlier this year by Congress. Public works projects can and do create jobs—that has been recognized for many decades. And they are not necessarily dead-end jobs, as some have claimed. There's nothing dead-end about the jobs associated with the Port of Saint Paul or the Port of Duluth, I can tell you that.

I would be remiss, however, if I did not admonish the Nation's water planners to make sure that their use of water resources does not result in the pollution of our rivers, lakes, and streams. In re-building rural America, I believe we can do it without making many of the mistakes that have been made in our urban centers. We can do a better job of planning; we can and must guard against all kinds of pollution; and we can produce orderly, uncongested growth patterns.

So I would encourage your two organizations to get behind and vigorously support rural development programs. I know that the Senate Subcommittee on Rural Development will welcome your suggestions and help when our bill comes up for hearings later this year. As I said, water programs have a major contribution to make in this area and we are counting on your support.

As I said in a recent Senate speech, rural revitalization is more than just a program for Rural America; it is a program for the entire country. It will help not only the farmers but also America's small towns, its villages, and its growing communities that can serve as centers of growth. And just as significantly, it is a program to help relieve the urban areas of over-congestion and its attendant problems of pollution, crime, and congestion.

And returning to my original theme—which is akin to the theme of this convention—rural renewal is a program that can help restore the "Freedom to Live the Good Life"—a freedom that should be the birthright of all Americans.

HON. JOHN A. VOLPE ADDRESSES THE CHRISTOPHER COLUMBUS DAY BANQUET IN LANSING, MICH.

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. CHAMBERLAIN. Mr. Speaker, last Saturday night our distinguished Secretary of Transportation, the Honorable John A. Volpe, addressed the Christopher Columbus Day Banquet given by the Italian-American Club of Lansing, Mich. In honoring the great explorer and discoverer of our country, the Secretary suggested we would do well to pause and reflect upon the legacy left us by this man of such faith and determination—a legacy which comes down to us in the high and unfaltering concepts of God, homeland, and family. I found the Secretary's call to renew these basic ideals underlying the strength of our Nation particularly inspiring and pertinent to the challenges of our time, and I would like to call them to the attention of my colleagues of the House as we celebrate the first national holiday in honor of Christopher Columbus, for his adventure has truly been a legacy that has formed the spirit of our land.

The address follows:

ADDRESS BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE

We are gathered this evening to honor a man who—479 years ago—set out across uncharted seas toward an unknown horizon. We gather to honor the memory of Christopher Columbus, the great Genoese navigator, the Admiral of Ocean Seas.

I am sure all of you here feel a great sense of satisfaction over our success in having Columbus Day made a national holiday. Now all America will have a chance to pay tribute to the courage and skill of the great Christoforo Colombo.

I think the words of President Nixon's Proclamation on Columbus best give the worth of the great hero. Our President has described Columbus as "An intrepid explorer, a supreme navigator, but above all a man of unshakeable faith and courage. This son of Italy sailed in the service of the Spanish crown on a mission that forever broadened man's hopes and horizons."

Only two national holidays have been set aside to honor individual men—one is George Washington—and the other is the discoverer of our land. This is a tremendous tribute to the man who—after weeks of hope, uncertainty, prayer and promise—saw first the islands of the new world through the haze of the Caribbean dawn.

The determination of this man—sailing where none had ventured before—is a legacy that serves us well in our own times.

I say the legacy of Columbus is reflected in organizations such as yours, the Italian-American Club of Lansing.

Columbus sailed westward with an unflagging faith in his Creator. He sailed with the heritage of his homeland. He sailed with the birthright of his forebears. And this legacy comes down to the present day—to the words "Dio", "patria", and "famiglia". God, homeland, and family.

We need a re-affirmation of these ideas today. We have today a greater need for rededication to these noble ideals than ever before.

Our President has called on all Americans to renew within ourselves the original spirit that made this Nation great—the spirit of challenging the unknown frontiers, the spirit of innovation, the spirit of responsible adventure.

And I know that the sons and daughters of Columbus—the ethnic descendants of the man who discovered our great continent—are more than prepared for such a re-dedication. We have, in our heritage, precisely the spirit and the determination that our President has called for.

Any renewal of national virtues must begin with a renewal of the strength of the family. Here we are fortunate. Strong family life is at the very core of our Italian heritage. It was as members of a family unit that we learned of the value of discipline, the virtue of sharing, the demands of loyalty, and the dignity of hard work.

And while the vast majority of young people in this Nation are fine people—youngsters we can and should be proud of—you know and I know that if those who do cause trouble had had the kind of family upbringing you and I had, there would be a lot less juvenile delinquency in this Nation today!

We need, too, a new appreciation of "patria"; a new appreciation of our homeland here in the Western hemisphere. We need a renewal of love of country, a re-birth of patriotism. At this Columbus Day celebration let us remember the hundreds of thousands of other "Columbuses"—brave young men and women who in the final decades of the last century and the first half of the 20th century had the courage to leave the villages and cities of Italy for the promise that was the adventure of the new world. They lived with hope, and God bless them, hope never deserted them. America was the dream—if not for them, then for their children after them. How many times were we reminded that to be born in the United States of America was one of the greatest fortunes a person could have!

Yes, we were born in the promised land, and the promise of America still lives! In what other nation could your speaker tonight have risen from humble origins to become Governor of his State, and then a member of the President's Cabinet? This could happen, only here in *our* Nation. Only here in the very great United States of America!

Then there is the third source of inspiration—our divine faith. The prayers that we learned as youngsters—in Latin, in Italian, in English—have guided all of us throughout the years. The faith that sustained Columbus is faith that can sustain us all. The faith that was instilled in us accompanies us in our daily lives—as Americans—as citizens of a Nation whose very coins bear the words "In God We Trust."

Let me read to you the words of the French writer Alexis De Tocqueville who visited America more than a hundred years ago.

"I sought for the greatness and genius of America in her commodius harbors and her ample rivers, and it was not there; in the fertile fields and boundless prairies and it was not there; in her rich mines and her vast world commerce, and it was not there. Not until I went into the churches of America and heard her pulpits aflame with righteousness, did I understand the secret of her genius and power. America is great because she is good, and if America ever ceases to be good, America will cease to be great."

My friends, let us here tonight reaffirm that America—discovered by the great man we honor on our new national holiday—shall never cease to have faith. With such re-affirmation we can rest confident that America will never cease to know glory.

Before concluding my remarks this evening, I'd like to say a few words about some of the critics of the President's new economic policy. I bring it up at this time because it seems as though not a day goes by without someone out on some campaign trail, far from Washington, leveling a blast at the President's economic policies.

In the first place it is my view, and I'm sure the President's as well, that the far-reaching measures he has proposed deserve the closest scrutiny and constructive analysis. Our system of government never meant for Congress nor the public to be mere rubber stamps of any President's programs. This is particularly true in the present instance where we find ourselves in a very difficult economic crisis brought about by the longest war in our history and its resulting strain on the economy. The goal of a full generation of peace, with prosperity and without inflation is a difficult one, entitled to the most careful and determined attention of all of us.

It is one thing to offer responsible criticism before the House Ways and Means Committee in Washington, which is currently considering the tax aspects of the new economic policy. But it is quite another to irresponsibly blast the President's program at political campaign fund raising parties far from Congressional committee hearing rooms.

Some people have delivered incessant criticism from everywhere but the halls of Congress. Such assaults are irresponsible because they are largely intended to produce generous campaign contributions and local publicity rather than constructive alternatives to the new economic policy. Such attacks have kept up, despite the fact that the President has called upon all Americans to sheathe the sword of partisanship until we get over the current economic crisis.

Most Americans have joined in supporting the President by adding political rhetoric to the list of items presently covered by the wage-price freeze. The enforcement of the freeze, contrary to the pessimistic predictions of many, has worked effectively, mainly due to the voluntary cooperation of the public. To say that some politicians are misjudging the sentiments of the American people is to understate the case. The revitalization of the American economy is too important a task for counter comment. Absentee criticism is wholly inappropriate to the situation at hand. To succeed, we need full participation in Congress—not on the road.

We will never achieve the great goal of a peaceful prosperity so long as the criticism of the President's programs is purely political. *Campaign-trail rhetoric* in opposition to the President's economic initiatives impedes thoughtful consideration of America's most serious problem. I ask you to join me in calling upon those who criticize and condemn, to do so responsibly and in the spirit of the national interest. The challenge is too great to permit anything less.

Let me conclude my remarks by telling you a story.

I was privileged to join with the Executive Committee of the Order of Sons of Italy in a visit to the White House one afternoon a little more than a year ago. The President's schedule called for a 10 to 15 minute courtesy call, and we were delighted that the time had been made available.

But President Nixon found himself with people he liked, people he understood, people who embodied the very virtues he hopes for in all Americans. These were men who love their country, men who are proud they are American citizens, men who are deeply concerned with keeping family life strong, men who know the strength of divine faith. These were the President's kind of people.

That so-called "courtesy call" wasn't limited to 10 or 15 minutes, my friends. The President kept the group for an hour and a quarter! Believe me, there are very few groups who are permitted that much time with the President! He listened and he learned. It was one of the most encouraging and yes—inspirational—moments of my life.

And so on this October evening—here in the heartland of a Nation that was wilderness unknown to civilized man in the year 1492—we celebrate the discovery of America and we renew our pledge to keep brightly lit the dream of Columbus the navigator.

On this—the first national celebration of Columbus Day—we do well to renew our dedication, our spirit, to God, to homeland, and to family.

May God bless you all, and may the spirit of this great holiday be expressed throughout our Nation with the enthusiasm and vigor you show here.

Thank you.

DEPENDENCE OF UNITED STATES UPON SOVIET UNION FOR CHROME ORE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 4, 1971

Mr. BYRD of Virginia. Mr. President, the Tucson, Ariz., Citizen of September 7 contains an excellent editorial on the dependence of the United States upon the Soviet Union for chrome ore.

The editorial rightly commends the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) for sponsoring legislation which would end our dependence upon Russia.

The present situation is dangerous to the United States and in addition creates a severe economic disadvantage for this country.

I ask unanimous consent that the editorial entitled "Russian Chrome," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RUSSIAN CHROME

Should the United States be dependent upon the Soviet Union for a material vital to our national defense?

Arizona Sens. Paul Fannin and Barry Goldwater think not, and they are right. That is why they are co-sponsoring with Sen. Harry F. Byrd, Jr., D–Va., legislation that would correct this undesirable situation.

The material in question is chrome ore, essential in jet aircraft, missiles and nuclear submarines. There is no domestic production of this strategic material and for many years the United States relied for its supply principally on Rhodesia.

Rhodesia hasn't run out of chrome but, following the lead of the United Nations, President Lyndon Johnson slapped an embargo on trade between the United States and Rhodesia.

We then turned to Russia, the next largest chrome ore producer. Since becoming our prime source, the Russians have raised the price per ton of this ore from $25 to $72.

The price increase is a disadvantage to the United States, but not nearly the disadvantage of having to depend in a time of national emergency on the Soviet Union for a critical defense material.

The Byrd-Fannin-Goldwater proposal to permit us to buy chrome ore from Rhodesia deserves favorable consideration by the Congress.

THE PENDULUM IS SWINGING

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. DAVIS of Wisconsin. Mr. Speaker, Richard G. Capen, Jr., vice president of Copely Newspapers, recently delivered a sense-making speech before the Rotary Club of San Francisco, in which he drew upon his experience as Assistant Secretary under Secretary of Defense Laird. Mr. Capen said some things that are worthy of our attention and our thoughts. I commend the reading of his remarks to my colleagues:

THE PENDULUM IS SWINGING

This is my first speech in the Bay Area since returning to California after serving two and a half years as an appointee in the Department of Defense.

Like my associates at the Pentagon, I was proud and honored to serve under the dynamic leadership of Secretary of Defense Melvin Laird. President Nixon could not have selected a better prepared, more dedicated or more effective leader for that demanding post.

It takes much more than computers to run the wide-spread Defense Department, as complex as it is. Secretary Laird inspired a teamwork approach and dedication to service unmatched in the Pentagon's history.

His understanding of key defense issues, his ability as a persuasive communicator, and his style of leadership have contributed significantly to improved understanding of critical national security issues—particularly those beyond Vietnam.

And, all this has been accomplished at a time when the Defense Department has been under constant criticism—some constructive, much of it irresponsible.

From the outset, the Nixon Administration made it clear that it would avoid debating whether the United States should have gone into Vietnam in the first place, or once doing so, whether our professional military leaders were given proper authority to execute that war as promptly and successfully as our capabilities would have permitted in the early 1960s.

President Nixon's goal was to conclude American presence in Southeast Asia. That objective is rapidly being met as we move toward a generation of peace.

I believe President Nixon and Secretary Laird have been imminently successful in terminating our country's involvement in Vietnam—given the rather sad circumstances they inherited in January 1969.

What were those circumstances? First, there was no plan for ending the war other than through negotiations. No one understood that reality better than the enemy, and the pathetic record in Paris is testimony to the other side's lack of incentive for serious negotiations.

By January 1969 we had cashed in a key military chip when President Johnson halted the bombing of North Vietnam—just four days before the 1968 Presidential election—with little in return from the enemy.

When President Nixon came into office, the American troop ceiling in Vietnam was 549,500, and increasing rapidly. As many as 500 Americans were dying each week and the war was costing in excess of $28 billion a year.

These were the sad realities in January 1969. The options to President Nixon were extremely limited, to say the least. But what has happened since that time?

First, we are getting out of Vietnam. By this fall, more than 365,000 Americans will have been withdrawn, a figure representing more than two-thirds of the American troop strength that existed when President Nixon took office.

At the same time, U.S. casualties have been cut from some 500 a week to less than 15 a week. Even one casualty is too many, but I believe this progress is significant.

With these substantial troop cuts the cost of the war has been reduced by 75 per cent thus permitting a reordering of priorities at home.

Today, national pools indicate that the war is fading rapidly as an issue in America. Unfortunately, those who have built their national reputations as obstructionists, linger on the sidelines, trying to keep the war issue alive for their own selfish goals. Tragically, their only result has been to give aid and comfort to the enemy.

Congressional critics meet with the other side in Paris, issue reports on alleged conditions for peace, only to have them immediately rejected by the enemy.

It is a simple matter to pass resolutions, to make sweeping pronouncements, or to write editorials calling for more rapid withdrawal rates and fixed deadlines.

Certainly, it is easier to demagogue national policy from the sidelines, but it takes real courage to face up to reality with constructive solutions that will contribute to lasting peace, not political expediency.

Time and again President Nixon and Secretary Laird have shown that courage.

How ironic it is that some of those who have led the criticism of President Nixon's Vietnamization program were the very policy makers who got us into the war, who did not have a program for ending it while they were in office, but who now expound all the answers from the privacy of their law offices or from some far-off campus.

In the early 1960s our country had the tools to win the war decisively. But our elected leadership was unwilling to generate the national will to do so.

We fought that war on a "business as usual" basis, building up huge deficits each year because our government was unwilling to establish national spending priorities. Many of today's economic problems are a direct result of that policy of the mid-1960s.

At this point history will judge those who got our country into Vietnam, just as that history will also judge whether the Nixon Administration took the responsible course to get us out.

In either instance, the ultimate responsibility must be assumed by our elected civilian leadership, not by our armed forces. Our military leaders implement national policy, not set it. For too long the man in uniform has been made the scapegoat for decisions made by civilians.

Our dedicated men and women in uniform provide the backbone of our national security and they deserve our respect.

Only through sufficient military strength can we hope to deter reckless acts by potential adversaries. They must clearly understand and respect that we have the will to win and the tools to do the job. It is pure folly to believe that once the last American has left Vietnam, our problems are over and further cuts in defense spending possible.

Despite what some suggest, we cannot legislate peace by unilaterally crippling our defense posture in Congress. Why? Because our adversaries are moving in exactly the opposite direction.

Today, the Soviets are moving ahead of us in virtually every category: missiles, aircraft, ships, military research and conventional forces.

While we were bogged down in Vietnam—at a total cost of $125 billion—the Soviets were able to sustain North Vietnam for something less than $12 billion. They did not use that ten to one difference, however, to fund domestic programs in Russia. All during the 1960s Soviet military budgets were roughly at the same level as defense spending in America which included the burden of Vietnam. Just look at the record.

The Soviets increased their submarine force by more than 400 percent. They have increased ICBM launchers by over 500 percent and are currently 45 percent ahead of the U.S. in total number of ICBM nuclear launchers.

They built a modern Navy that now shows the Soviet flag in the Mediterranean, the Indian Ocean, off our Atlantic and Pacific coasts, in and out of Cuba, and around Hawaii.

In the Mediterranean, for example, the Soviet Navy will steam some 18,000 ship days this year. In 1966 they were present a total of 750 days.

In military research and development, the Soviets are spending at about twice the rate as we in the United States. This trend should be of grave concern to all Americans because it measures the importance the Soviets place on reducing our technological lead within the next five to seven years.

Even while the Soviets push this military and political expansion policy, the U.S. moves to curtail its overseas commitments, partly as a result of our national weariness over a long and costly war.

The Nixon Administration is facing up to this disturbing Soviet military buildup by insisting on sufficient funding of defense programs while insisting that our allies contribute more to their own national security requirements. The latter philosophy is part of the Nixon Doctrine whose goal is a generation of peace through partnership, strength and a willingness to negotiate.

The United States can no longer serve as policeman of the world. Our needs at home are too high and the demand for our material resources too great.

Since the end of World War II we have operated on the philosophy that the United States could do more for its allies than they could do for themselves. We have literally rebuilt economies of the victorious and vanquished alike. We have given billions of dollars in foreign aid and have sent thousands of troops in scores of countries around the globe.

Through the Nixon Doctrine we have insisted that our allies assume more of these mutual security burdens, particularly in the area of military manpower.

As a result of this philosophy, more than 400,000 American troops have been withdrawn from overseas. The bulk, of course, have come from Vietnam. But, the Nixon Doctrine has been applied elsewhere as well.

In Korea, U.S. troop strength has been dropped by over 20,000 men. This is a reversal of a commitment to that country where we have maintained more than 60,000 Americans for some eighteen years.

Likewise, reductions in U.S. forces have been carried out in Japan, Thailand and the Philippines. In NATO the concept of burden sharing is being developed, again on the principle that our allies must assume a greater defense responsibility.

An important element of the Nixon Doctrine has been a willingness to negotiate, doing so from a position of sufficient strength. Again, the record of accomplishments has been impressive.

The United States is pursuing a delicate course of negotiation in the volatile Middle East crisis. We have negotiated the turnover to Japan of Okinawa, a most sensitive issue for the Japanese.

The President has proposed new treaty provisions to prohibit the placement of nuclear weapons on the ocean floor. He has carried the nuclear non-proliferation treaty through to ratification and he has renounced the use of biological weapons.

In addition, the Nixon Administration is vigorously pursuing a successful conclusion to the SALT talks. The goal of these important negotiations is to curtail the arms race which as I indicated earlier has been rapidly accelerated by the Soviet Union.

And most dramatically, in this spirit of negotiations, the President has moved forward to revive our country's relationships with Mainland China, an area involving one-fourth of the world's population.

Certainly we hope for success in these diplomatic efforts to limit the arms race and to improve relationships with our potential adversaries. That success will come, however, only if those who oppose us respect our national determination to remain strong militarily.

I believe most Americans not only support a strong U.S. defense posture but will insist upon it in the years ahead. However, our voices must be heard.

That is not to say the strength of the United States depends solely on its men in uniform or on its weapons, as important as those capabilities are. I believe the strength of our nation in the 1970s must be based also on the wisdom of our foreign policy, on the strength of our economy, and on the will of our people.

The day is past when we can hope to provide most of the defense for our allies. They must share in this burden.

The day is past when we can afford to assume the primary role in solving all of the problems of the Western World. That responsibility also must be shared more equally with our allies.

This does not suggest that we can afford to build a wall around our country, withdrawing from the competition and security needs of the world. Those who clamor to bring all American troops home forget that their very presence abroad has not caused war but rather has helped to maintain peace.

During my service in Washington, I was involved in some of the most complex, difficult problems faced by this country. But it was a source of inspiration to be surrounded by those who were confident in their course, and who respected a higher national priority extending beyond any temporary expediency.

The negative thinkers have had their day. They have marched in the streets. They have built false hopes. And they have comforted our detractors at home and adversaries abroad.

Those who have built their national image on such obstructionist attitudes are finding it difficult to shift away from the tired, divisive approach of the past.

Young people today cry out for constructive leadership in an atmosphere of optimism. They seek positive approaches and personal involvement in efforts to build a better America.

Like you and me, they resent the tarring of all America because of a few shortcomings. How ridiculous it is, for example, to charge—as one senator recently did—that all America is sick because our prisons are sick. We have had too much of that destructive approach in the past.

One of our greatest national strengths is our ability to face up to problems openly and candidly. We banner our shortcomings across our newspapers and TV sets for the whole world to see.

Our critics at home and abroad delight in exploiting these weaknesses as a symbol of a crumbling America.

What these critics forget, however, is that as we identify a problem, as we debate it publicly, we work to solve it—and succeed in doing so. As a result, we have built, on balance, the best and most successful way of life ever known to man.

We have been confident that our problems could be corrected; that dreams could be embodied in action, and that a better life would be achieved. But we have always known, as we do today, that we would have to work for it.

Over the years, we have been successful, not by thinking we would lose but rather by believing we would win. Too often we have sold our country short with an almost national guilt complex.

I have little tolerance for those who thrive on self pity or who drop out of society in protest against problems they say they did not create.

Dreams of self fulfillment cannot be found through heroin, in a commune or on a wrecking crew. Most young people know that.

Today's young generation no longer lives in an overwhelming atmosphere of war and violence. Our task is to capture their imagination and involvement in our endless search for a better America. There are new goals to set, new records to break, new problems to solve. A new day is dawning and America's optimism to meet those opportunities is building.

Yes, the pendulum is swinging.

THE GRADUATE SCHOOL OF THE DEPARTMENT OF AGRICULTURE

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, October 4, 1971

Mr. METCALF. Mr. President, an editorial writer for the Washington Daily News wrote recently that one of the best-kept secrets in Washington is the existence here of an institution of higher education which has—

> More students—19,000—than there are undergraduates at any of the City's major universities—George Washington, Georgetown, Howard, American, Catholic, or FCC.

The institution is the Graduate School of the U.S. Department of Agriculture, which is celebrating its 50th birthday anniversary this year.

The Graduate School opened its doors in September 1921, with nine courses, eight teachers, and 319 students, all employees of the Department of Agriculture. Today the Graduate School, supported entirely by its fees, annually enrolls more than 21,000 students, offers 600 courses, and has a faculty of 750.

In the 50 years since 1921, some 354,000 men and women have enrolled in the Graduate School. Thousands of others have shared the knowledge from its public lectures, publications, counseling services, television programs, and referral services. In 1969, it was my pleasure to join the distinguished junior Senator from Wyoming (Mr. HANSEN) and Mr. Robert Merriam, former Deputy Director of the Bureau of the Budget, in a panel discussion, a part of the Graduate School's lecture series, on the subject "Federalism Today."

Although a majority of today's students and teachers in the Graduate School are Federal employees, many of the students are not, and an increasing number of instructors come from business groups, universities, and foundations. The Graduate School does not confer degrees, but the Civil Service Commission accepts its credits for examination and qualification purposes on the same basis as those from accredited colleges and universities.

The name "Graduate School" was appropriate 50 years ago, when the primary purpose was to give graduate-level training. Since then, the words "a center for continuing education" have been added to the name. These latter emphasize the fact that the school now offers courses for everyone, regardless of his educational background.

Among those who have attended graduate school courses are congressional employees, who have signed up for the regular courses ranging from shorthand to photography, from mathematics to ecology. This past year 478 congressional employees were registered in evening classes at the graduate school.

They also have had courses tailored to their specific needs. For nearly 25 years, the graduate school curriculum has included a course in Administrative Operations for Congressional Assistants. It is what I would call a "nuts and bolts" course for congressional staff members—a once-over-lightly on such subjects as services and allowances, office routine, newsletters and news releases, the use of House and Senate documents, and the like. Since the spring semester of 1969, this course has been taught by my administrative assistant, Brit Englund. A few years ago, at the request of Representative ZABLOCKI, of Wisconsin, the graduate school set up a class in speed-reading for Senators and Representatives. There is also a course in congressional procedures, taught by Keith Edward Hall, legislative assistant to Representative QUIE, of Minnesota.

Mr. President, the Washington Daily News is not the only publication to join us in wishing a happy birthday to the U.S. Department of Agriculture Graduate School. Similar editorials were published also in the Washington Post, the Sunday Star, and the Federal Times. I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Sept. 1, 1971]

THE CAMPUS ON THE MALL

One of the best-kept secrets in Washington must be the existence here of a college with more students (19,000) than there are undergraduates at any of the city's major universities, including George Washington, Georgetown, Howard, American, Catholic, or FCC.

Give up?

It's the Graduate School, U.S. Department of Agriculture, a college of such becoming modesty that hardly anyone except its students, enrolled in 500 different courses taught by 750 part-time teachers in classrooms spread thru 50 buildings here, knows of its existence, let along the fact that it has been in operation for 50 years as of today—at no cost to the government. It pays for itself.

Most of the 19,000 "Graduate School" students are Federal employees or their wives and sometimes children. But, in practice, any "qualified" person is eligible, the criteria for eligibility being largely one's motivation which, in this remarkably relaxed and open-minded school, tends to run very high.

Tuition is pleasantly low: $22 for a semester hour.

Except for a relative handful taking courses by correspondence or enrolled in special field programs, the bulk of the student body goes to class at night in various downtown federal buildings, collectively known as the "Campus on the Mall."

Among the 500 courses offered are some 26 in math, 37 in foreign languages (including Swahili and Mandarin Chinese), 20 in office operation, 48 in automatic data processing, plus something in almost any field a reasonable man would want to explore—physics, chemistry, mushrooms, fungi, insects, birdlife, spelling, speaking, grammar, rhetoric, rocks, fossils, coniferous forests, modern drama, oceanography, official writing, practical English usage, etching, sculpture, pottery, African art, great books and the great outdoors.

That's for practical scholars. Dreamers can take Robert L. Birch's noncredit course in Poems, Puzzles, Puns and Paradoxes, of which the catalog says:

How to shape words to hook an idea into the mind to let it germinate and take root. Hooks: Czar Donyk paradox; isms and wasms. Do-it-yourself thinking kits. One-Tooth Rhee and 1–2–3. M. Zero Milestone's broth-er. Reverse English and Grin-ish. Logopollution and info-mudcat indexes and burro-cratic folklore. Pedro. Can a bee resting?

The idea of all this exciting academe is what is generally regarded to be the great bureaucratic wasteland of government is to improve the federal service by giving its employes a chance to improve themselves.

The Agriculture Department has always been in the teaching game. The statute which set it up in 1862 provided that it was to "disseminate agricultural information in the broadest sense of the word." It has simply picked up this challenge and run down the field with it.

The Graduate School's director for the past 13 years is John Holden, a mild-mannered man with the look of a small-town pharmacist until one realizes the magnitude of the experiment in Adult education he has undertaken here. And his success with it.

There is nothing fancy about Dr. Holden, just as there is nothing fancy about his "Campus on the Mall."

The school gives credits for courses taken, but it grants no degrees. "We'd rather be a first-class continuing education program than a fourth-class, degree-granting institution," Dr. Holden says. "Our students—most of them high school graduates, but there are exceptions to that—pay a little fee and work very hard. Our faculty members get little pay and work harder. Our full-time staff get a full salary, but they have to work even harder still. And everybody benefits."

The Washington Daily News takes particular pleasure in saluting a school which started the same year we did (we'll also be 50 this fall) and in lifting, a little, the bushel beneath which it hides its light.

[From the Washington Post, Sept. 6, 1971]

AT 50, STILL A UNIQUE SCHOOL

One of the most successful institutions of higher learning around town celebrated its 50th birthday last week—an impressive milestone for a school with more than 21,000 students but no endowment, no federal appropriation, no degrees and no campus. In fact, even its name is somewhat misleading, for the Graduate School of the U.S. Department of Agriculture is not really a graduate school, but a center of "continuing education" for all adults, and its main connection with U.S.D.A. is simply that the department provides office and classroom space.

The school isn't concerned with all the trappings of the degree-granting business, concentrating instead on offering interesting and useful courses—more than 600 classes in everything from Swahili to space science, urban economics, art, psychology and juvenile delinquency.

Though the school was originally established to train scientific workers at U.S.D.A., both its curriculum and student body have expanded to the point where agriculture employees make up only a fraction of the 3,300 student enrollment.

In saluting the Graduate School, U.S. Commissioner of Education S. P. Marland Jr. noted that rather than offering degrees, the institution offers fulfillment. "This seems to me to say you are more concerned with teaching and learning than with symbols or academic trimmings." Don Paarlberg, chairman of the school's general administration board and John B. Holden, director for the last 13 years, agree that education should be "a consumers good as well as a producers good . . . for pleasure as well as for sharpening of the intellect and for the earning of income."

Registration for the fall term will be conducted from September 11 to 18. Anyone interested in finding out more about courses may call the school at 388–2077.

HAPPY BIRTHDAY!

Educational success stories are so rare these days that any that crops up merits note. When the success occurs in our own backyard, so much the better. And when the public service performed is as valuable as that of the Graduate School, U.S. Department of Agriculture, which is celebrating its 50th anniversary this month, a heartfelt salute becomes a distinct pleasure.

This extraordinary enterprise was begun in 1921 mainly to help a handful of Agriculture Department scientists. By now it enrolls more than 20,000 students (many with no governmental connections) in more than 600 courses that range from the ecology of the Potomac River through Mandarin Chinese to the intricacies of budget accounting. The classes, mainly at night, are spread all over town. There is a faculty of 750, paid by enrollment fees. The goal, stated quite simply, is to advance any student as many steps up the ladder toward his objective as he wishes to go, whether the objective is professional achievement, economic advancement or personal fulfillment. And the most amazing thing of all is that a healthy segment of our population—to their positive detriment, it seems to us—are unaware that this great storehouse of educational resources even exists.

At a birthday dinner the other night, an official of the school summed up all this in a few lines worth repeating. The Graduate School, he said, "has no campus, no endowment, no football team. It receives no appropriated funds and it grants no degrees. Yet, over its 50 years, it has provided the increments of learning and enjoyment that have enriched the lives of more than a third of a million students."

Well said, well done, and best wishes for the future.

[From the Federal (D.C.) Times, Sept. 15, 1971]

ANNIVERSARY

Congratulations to the Graduate School of the Department of Agriculture on reaching the half-century mark.

The school draws its faculty and students from every branch of the federal government and virtually every agency within every branch.

In the past 50 years more than 300,000 government workers have received training through the program. Thousands of others have benefited from its public lectures, publications, and counseling services.

It took men of great vision in 1921 to foresee the need for providing a means by which government employees could be encouraged to further their education. The success of the program since that time shows how right they were.

In addition to serving as a communications link within the government family, the programs give employes a chance to raise their earning power, increase their efficiency, and improve the quality of their service.

HOSPITAL COSTS RISING FOR MEDICARE RECIPIENTS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, when the medicare program was conceived, it was hoped that the program would relieve many families and individuals of the anxiety and burdens that accompany the costs of required doctor and hospital services.

It is disconcerting then to take notice of the announcement this weekend by Secretary of Health, Education, and Welfare, Elliot Richardson, that effective January 1, 1972, medicare recipients who are hospitalized are responsible for the first $68 of their hospital bill, instead of the present $60. This announcement by Secretary Richardson at a time when the President has in effect a wage-price freeze runs counter to the administration's whole economic stabilization program. What particularly concerns me is the fact that Secretary Richardson on Saturday acknowledged the fact that hospital costs are rising substantially and we must—

> Put a brake on hospital cost escalation—it is of great concern to the Administration.

I am sure that the problem worries the administration. Therefore, what would be a more effective way of demonstrating this would be through, not only a cost control program for hospitals, in phase II of the administration economic game plan, but also for the consumer.

Aside from the immediate freeze on medicare deductible costs and also the upcoming review of the part B medicare premium rates, I strongly urge that the President recommend to the Congress a review of the present policy that dictates that the health cost increases be passed onto the consumer, in this case the elderly with fixed incomes.

The success or failure of the administration's price freeze program obviously rests in the end on public support and confidence. Like so much else about what makes an economy healthy or ill, psychological considerations must, of necessity, be a key consideration. Without the right psychological environment no administration economic program can possibly succeed. This is the aspect of Secretary Richardson's announcement that troubles me the most in terms of the consistency of the administration's program. If in the weeks ahead we have many more announcements like this about price increases for services once the price freeze is lifted, then whatever gains will have been scored by the program during the 90 days it is in effect, will be largely wiped out in a rush to raise prices.

The Federal Government should be giving the lead, setting an example to the rest of the economy. I think this is a poor example indeed. Looked at on a percentage wide basis this $8 increase is a 13⅓-percent increase in the cost of medical service. To someone living on social security benefits who is used to watching percentage increases in cost of living very carefully, this is a significant increase. A 13⅓-percent increase in services in one sector of the economy—the result of a Government announcement—is a bad example for the rest of the economy.

Quite apart from the real effect of this increase on the consumer and psychollogically on the success of the wage-price freeze program, there is the further symbolic impact of this announcement that we must consider. The elderly are getting a message from the President and I do not like the message. It is distressing to me to witness the ongoing cuts in the medicare program. Just recently we in the House Ways and Means Committee received the administration request to reduce from 60 to 15 days the period during which a medicare hospitalized beneficiary would receive cost-free hospitalization. This, of course, would place the burden of rising medical bills on the shoulders of those least able to pay—elderly patients with long- or medium-duration hospital stays. It is a test of logic to understand why medicare recipients are penalized by increasing their hospital costs in direct relation to their illness. In the end, the number of days covered was raised in H.R. 1 to 30 days, but this is still not sufficient. Current law makes no provision for payment until after the 60th day.

SENATOR BILL BROCK'S APPEAL TO PARENTS SETS TONE FOR OBSERVANCE OF DRUG ABUSE PREVENTION WEEK

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BAKER. Mr. Speaker, as we observe the second annual Drug Abuse Prevention Week, I feel it is important for all of us to realize the primary role we, as parents, play in effectively dealing with the menace of drugs in today's society.

Senator BILL BROCK has outlined the dimensions of the problem we face and the responsibility parents have in meeting it in his weekly news column, Outlook. His appeal to parents should be emphasized time and time again, not only during Drug Abuse Prevention Week, October 3–9, but throughout the months ahead as we eradicate this blight from the national scene.

Senator BROCK's Outlook column follows:

OUTLOOK

(By Senator BILL BROCK)

October 3, 1971, marks our second annual Drug Abuse Prevention Week, under Presidential proclamation.

Drug abuse has become a paramount problem, not only for Tennesseans (where heroin addiction has doubled in the past 10 years), but for our entire nation. It has always been easy to regard the tragedy of drug abuse as "someone else's problem." But in recent years we have seen this tragedy brought—often literally—to all Americans.

We have learned that "drug abuse" refers not only to the crime-prone heroin addict, with over 1,000 heroin fatalities annually in New York City, but also it refers to the suburban housewife dependent on tranquilizers or diet pills; to the truck driver over-reliant on pep pills; to the student leaning on amphetamines to help him cram for exams; even to preteens sniffing glue.

What does a nation with phenomenal technological advancement and material wealth gain when that same abundance would permit millions of its people to drift into a chemical modification of mind and mood at grave risk to their health?

What can a nation profit when even a portion of its members lose their God given freedoms to a drug dependence which controls the bodies and warps the minds of men, women, children, and even the unborn?

President Nixon has called upon officials of the Federal Government under the leadership of the new Special Action Office for Drug Abuse Prevention, to join with educators and the medical profession in intensifying programs to prevent and reduce drug abuse among the young and all Americans.

I would make a special appeal at this time to those of you who bear the special trust of parenthood—that we may rededicate ourselves responsibly to the well-being of America's youth; that we may so teach them, so guide them, so reach out to them in understanding and compassion, as to help them avoid the problems that arise from abuse of drugs and help them to attain the full promise of their maturity.

THE IDEOLOGICAL TURMOIL OF THE SIXTIES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. LANDGREBE. Mr. Speaker, this summer I was privileged to associate with 13 college students from Indiana, who worked as summer interns in my office here. I was greatly impressed by the intelligence, hard work, and mature judgment of all of these fine young men and women.

Recently, it came to my attention that one of these students, Robert H. Clark, a senior at Hanover College and a resident of Hanover, Ind., was awarded a fourth prize in an essay contest sponsored by Young Americans for Freedom. His essay, "The Ideological Turmoil of the Sixties," is one of the most eloquent treatises I have ever seen on the liberal-conservative debate.

Rather than engaging in abstract theorizing, Robert Clark has followed the pragmatic course of judging the merits of the two ideologies by their fruits. While the conservative-influenced 1950's were a decade of prosperity and tranquillity, the liberal-dominated 1960's brought this country to a grief for which we are still paying in the decade of the 1970's.

Mr. Speaker, I commend this excellent essay to the attention of my colleagues and to the world. I ask consent to insert the essay at this point in the RECORD.

The essay follows:

THE IDEOLOGICAL TURMOIL OF THE SIXTIES: HAVE THE EVENTS OF THE PAST 10 YEARS VERIFIED THE SUBSTANCE OF CONSERVATIVE THOUGHT?

If in retrospect, at least, the 1950s appear to have been relatively tranquil, so the recently concluded decade seems to have been anything but that. The "conservativism" and "apathy" of the Eisenhower years gave way, we are told, to the "bright idealism" of the New Frontiersmen. The victory of John Kennedy in the 1960 elections, we are told, heralded a new era of concern for getting the country moving again.

A brief glance at the story of the election returns tells something about the decade's ideological turmoil—Senator Barry Goldwater's defeat in 1964, the Republican resurrection in 1966, and Richard Nixon's election two years later. Liberalism won its greatest victory in 1964 (inadvertently, perhaps, since many considered Senator Goldwater a radical and Johnson a middle-of-the-road candidate). Since then, however, liberalism has faltered, not so much because of the fickle nature of the American electorate, but because of its own weight and legacy. Viewing his election as a mandate for liberalism, President Johnson initiated a "Great Society" which he felt confident would solve America's problems—and quickly.

Over ten years have passed since Kennedy's inauguration, and today we can look back with at least a measure of historical objectivity to analyze and evaluate the performance of liberalism and the promise of the conservative alternative.

Liberalism did indeed get the country moving again. It moved us to the Bay of Pigs and into Vietnam. It gave us a series of deficit budgets that increased inflation and ate away at the salaries and purchasing power of Americans. It initiated and expanded ill-conceived social projects that have led to disillusionment and disaffection in many quarters. Its unfulfilled promises sent many black citizens into the street in protest.

Liberalism contributed greatly to the increased bureaucratization and impersonalization that have alienated even many members of the so-called radical left. The radical left, however, has generally attributed the ills of the country to insufficient liberalism rather than too much of it. Their slogan "Power to the People," rather ironically, is the antithesis of liberalism, for what the liberal has done in the forty years that he has controlled our government is to take the power further and further away from the people. He has created agencies and bureaucracies that become caught up in their own paperwork and fail to fight the ills they were created to fight. Rather, they have become ills in themselves.

It has remained for President Nixon, in his 1971 State of the Union Message, to call for a genuine return of power to the people, in the form of sharing federally collected revenues with the States and communities. This is a first step in decentralizing the government. For conservatism, unlike liberalism, recognizes the fact that men are at best fallible beings, and that too much power in federal hands poses a threat to the liberty of all.

Liberty, in fact, is a quality quite neglected by the liberal who in his arrogance seeks to undermine individual freedom and the individual's right to his property in the name of an enforced economic and social equality. But, again ironically, the very programs that are meant to bring about this equality often do little more than expand the reach of the Washington octopus. The welfare system is a notorious scandal. Urban renewal is costly, slow, and wasteful—ghetto leaders even have coined the slogans "urban renewal is Negro removal." Minimum wage laws designed to help the least affluent members of our society have forced employers with limited means to fire many of the people the minimum standards were designed to help. And liberal Congresses refuse to modify these standards—instead, they say, higher minimum wages are the answer.

One of the great faults of liberals is their reluctance to admit their own errors. When their laws fail to solve the problems of poverty and racism they say not that their approach may have been wrong, but that their laws (in the face of "stodgy" conservative opposition) failed to go far enough. That is why the liberal calls for higher minimum wages, more money for urban renewal, and balks at reforming the welfare system.

The events of the past decade have thus in a negative fashion verified the substance of conservative thought by showing the moral (and financial) bankruptcy of liberal thought. But this negative verification is not, and should not be, enough. The overwhelming vote against the Democratic Presidential candidate in 1968 showed that the people of this country want a change. And after forty years of a modified New Deal they certainly deserve a change.

The challenge of conservatism is that of restoring to the forefront man as an individual, rather than man as a part of the collective mass of men; it is overcoming the trend against freedom that we Americans are today confronted with; it is defending this country from would-be destroyers of our liberties from both within and without.

It is true conservatism, I suggest, guided by the (conservative) Declaration of Independence and Constitution, that offers the best hope for the freedom of the individual and the survival of the nation.

URGENT NEED FOR EMERGENCY ASSISTANCE TO AVERT DECLINE IN QUALITY DUE TO COST OF DESEGREGATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mr. BELL. Mr. Speaker, H.R. 2266, the Emergency School Aid Act of 1971 is still languishing in the Education and Labor Committee while school districts are forced to search on their own to find the funds necessary to ease the transition process during school desegregation.

In case after case school districts find they must take funds from ordinary educational expenditures such as books and teaching equipment and divert resources into areas associated solely with the logistics of desegregation.

Mr. Speaker, if these school districts are going to be required by the Federal Government under the Constitution to incur the expenses of school desegregation, the Federal Government must also provide the resources to insure that desegregation will not result in diminished educational quality.

The Federal Government must insure that the quality of the education children receive after schools desegregate is sufficient to prevent the resegregation of those same schools.

Mr. Speaker, I recently received a letter from a school district which has attempted to comply with legal desegregation requirements as smoothly and effectively as possible. This letter from the Pasadena Unified School District indicates the urgent hope of the people of Pasadena for quick congressional action on H.R. 2266.

The letter follows:

PASADENA UNIFIED SCHOOL
DISTRICT EDUCATION CENTER,
Pasadena, Calif., August, 31, 1971.

Hon. Alphonzo Bell,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BELL: As one of the school districts required by court order to integrate its schools and as a district dedicated to carrying out the spirit as well as the letter of the law, we wish to commend you for the foresight and initiative you have expressed in preparing, submitting, and working in behalf of H.R. 2266.

It is with some dismay and concern that we witness the long delay in the final passage of this bill by Congress.

We wish you to know of our strong interest in your bill. Our hopes for successfully meeting the unusual conditions related to integration rest greatly on the prospects that substantial financial assistance would be forthcoming. Without this help, our task will indeed be burdensome.

Please let us know if there is any way we can assist you in conveying to pertinent committees and the Congress how vital and urgent the passage of this bill is to the general welfare of our students and our community.

Sincerely,

RAMON C. CORTINES,
Assistant Superintendent for
Secondary Education.

THE UNITED STATES IS WEALTHY, BUT NOT HEALTHY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1971

Mrs. GRIFFITHS. Mr. Speaker, the American Medical Association has for decades played the role of the antagonist in the quest of Americans for improved health care. The same argument is constantly employed: What the United States can do in the field of health care is far superior to that of any other nation. True, but what the United States is capable of doing and what it is indeed accomplishing with respect to providing adequate health care for its citizens are worlds apart.

For the benefit of my colleagues who yet accept the AMA's incorrect statement of "facts" regarding health care delivery, I provide for the RECORD today an article by Mr. Anthony Lewis, published in the Detroit Free Press on October 4, 1971, which compares the success and economy of the British National Health Service to the health care provided in the United States.

The article follows:

UNITED STATES IS WEALTHY, BUT NOT HEALTHY

(By Anthony Lewis)

LONDON.—Wesley Hall, M.D., the president of the American Medical Association, visited Britain last summer and went away distressed. He observed the National Health Service in a small mining town in Scotland and found it so bad that Americans would never tolerate it.

"The people over there don't know any better," Dr. Hall told the National Press Club in Washington on his return. "It is tragic."

Before Americans shed too many tears for the health of their British friends, it seemed wise to look at a statistic or two.

The result of this check shows that Hall is faithfully maintaining the AMA's well-known reputation for accuracy and fair-mindedness.

Infant mortality is one widely accepted test of a society's standard of health. In 1969, the rate in Britain per 1,000 live births was 18 infant deaths; in the United States 20.7.

Then there is the maternal death rate. In Britain the 1969 figure per 100,000 births was 19, the American 27.4.

Not only are those British figures significantly better today. They were achieved, over one generation, from a starting-point much worse than America's. In 1945 the infant mortality rate was 46 in Britain, 38 in the United States. The maternal death rate was an appalling 1,260 in Britain, 207 in the United States.

That generation is the one during which the British National Health Service, the system of tax-supported medicine for all, was created and grew up.

Of course that is not the only reason for the spectacular changes in the figures. But it is certainly not irrelevant that the British standard of infant and maternal survival caught up with America's and passed it precisely during the years of the Health Service's development.

Outside the maternal-infant area, Britain publishes death rates for men and women from a number of diseases. A table published in Social Trends, a statistical annual, uses the 1950–52 average as a base of 100. If the rate is up by 10 percent in a later year, for example, the table would show 110.

Seven leading causes of death were chosen completely at random for comparison with American trends: Respiratory tuberculosis, diabetes, arteriosclerotic heart disease including coronary, hypersensitive heart disease, influenza, pneumonia and bronchitis. With the same 1950–52 base as 100, these were the U.S. and British death rates for men in 1967, the last year available:

	U.S.	Britain
Tuberculosis	25	15
Diabetes	150	112
Arterio.	160	158
Hyperten.	55	40
Influenza	20	9
Pneumonia	135	118
Bronchitis	253	91

In every one of those randomly selected categories, then, the British figure is lower. The death rate has risen less since 1950–52 than the American, or fallen farther. A similar table for women shows exactly the same phenomenon, except that the British figures are comparatively even better.

Now there naturally may be many causes for the comparative death rate trends. American pollution could be growing worse faster, or family tensions increasing. But not even the sophists of the AMA could read those figures to prove that Britons get inferior medical care.

Hall should stop shedding tears for the British and start worrying about the real problem. That is the inadequate medical care provided in the richest nation on earth.

At its best, American medicine is superb, as British doctors often admiringly remark. But too few Americans get the best. That is why the United States is down farther than might be expected in world health tables, not only in comparison with Britain. In infant mortality, for example, a 1969 United Nations report showed 22 countries with a lower rate than ours.

The characteristic, generous answer to such evident national failings is to spend more money. But we know by now that in the medical field that alone is no solution. The United States spends about 6.9 percent of its Gross National Product on health and medical care, Britain only 4.9.

What needs to be changed is the system of delivering medical care to the individual American. It is, as a British medical writer put it, "a desperately inefficient as well as a heartless way of bringing the benefits of modern medicine to the population. Despite its wealth, the health of America is poor."

WESTVACO PLANT CARRIES FORWARD EXTENSIVE POLLUTION ABATEMENT PROGRAM—PEOPLE OF TWO STATES SHARE BENEFITS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 4, 1971

Mr. RANDOLPH. Mr. President, it is my practice to call attention to examples of significant progress by Government, citizens, and industry in our efforts to reduce pollution.

It is important to do this, I believe, to avoid giving a wrong impression through constant reference to unsatisfactory environmental situations. All segments of our society are making headway in reducing all types of pollution. This progress needs to be recognized for it contributes to the improvement of the quality of life available to the American people.

An important source of employment for people of two States is the paper mill operated by Westvaco at Luke, Md., just across the Potomac River from Piedmont, W. Va. This long-established plant provides employment for 2,200 persons, approximately 800 of them are West Virginians.

As a responsible industry and member of the community, the Westvaco plant has for 14 years been engaged in a continuous program to eliminate air and water pollution resulting from its operations. In the past 10 years, $24 million has been spent on the installation of facilities for environmental improvement. This has resulted in a 90-percent reduction in airborne fallout and other benefits.

At the present time the company is constructing a $8.5 million recovery furnace that will make even greater improvements in the air quality of the region. The huge facility is now about 45 percent finished and is scheduled for completion in mid-1972. When in operation it will reduce odor from the mill by 50 percent.

While Westvaco has already effected significant reductions in pollution, it has commitments to the State of Maryland to install even more abatement facilities.

The Westvaco plant at Luke demonstrates that an industry sincerely concerned with the environment can stop pollution and still remain economically viable. The experience of this plant should be an inspiration to business throughout the country.